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FIRST SESSION

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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, FIRST SESSION

# HOUSE OF REPRESENTATIVES—*Thursday, February 18, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are reminded in the scriptures of Amos that we should seek good, and not evil, so that we may faithfully live. We pray, righteous God, that we will indeed hate evil and love the good, and establish justice in our communities and in our world. May we never be content with only the gestures of friendship and concern for our neighbor, but sincerely seek to care for the needy and forgotten, to bind up the wounds of those who suffer and to protect the weak and those torn by strife or hatred. Give us the vision of that day when enmity is transformed by healing and strife and envy are put aside. This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 144, not voting 44, as follows:

[Roll No. 35]

YEAS—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—144

Allard
Armey
Bachus (AL)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (NJ)
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—44

Baker (CA)
Barton
Berman
Bishop
Blackwell
Brown (FL)
Chapman
Clay
Clayton
Coyne
Fields (TX)
Flake

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ford (TN)
Franks (CT)
Frost
Gallegly
Gibbons
Hastings
Hayes
Henry
Hilliard
Horn
Johnson, E. B.
Johnson, Sam
Knollenberg
Lloyd
McDade
Meek
Mfume
Owens
Rangel
Ridge
Rush
Scott
Slattery
Stark
Stokes
Thurman
Tucker
Washington
Waters
Whitten
Wilson
Young (FL)

☐ 1126

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from Florida [Mrs. FOWLER] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. FOWLER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 101. Joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week".

The message also announced that pursuant to Public Law 92-484, the Chair appoints Mr. DURENBERGER, as a member of the Technology Assessment Board, vice Mr. Stevens.

The message also announced that pursuant to sections 1928a-1928d, of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. ROTH, as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 103d Congress.

The message also announced that pursuant to Public Law 96-388 as amended by Public Law 97-84, the Chair, on behalf of the President pro tempore, appoints Mr. HATCH, vice Mr. Kasten, to the United States Holocaust Memorial Council.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished majority leader the program for the balance of this week and hopefully what we will be considering next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we will not be having further votes or business today. We will be filling committee assignments. There will be some perhaps unanimous-consent requests. There will obviously be special orders and 1-minute speeches.

The House will not meet tomorrow. We had talked earlier, and I had said, there might be a pro forma session, but that will apparently not be necessary, so there will not be the need of a session at all tomorrow.

On Monday, February 22, the House will meet at noon, but there will not be legislative business.

Tuesday, February 23, the House will meet at noon and consider a number of bills under suspension. One might be H.R. 20 Federal Employees' Political Activities Act of 1993.

On Wednesday, February 24, the House will meet at 2 p.m. to take up H.R. 920, the emergency unemployment compensation amendment of 1993, subject to a rule.

And on Thursday and Friday, the House will not have legislative business.

Mr. MICHEL. I thank the gentleman.

May I first inquire, if he would, we had scheduled, of course, today the rule and consideration of the family-planning legislation, and the gentleman and I talked earlier in the day, and obviously it is not on the program for next week. Is it just indefinitely postponed?

Mr. GEPHARDT. If the gentleman will yield further, that is correct. The bill has been indefinitely postponed.

☐ 1130

We will be, obviously, in communication with the minority about the bill and how it might be considered at a future time.

Mr. MICHEL. Might I assume, from that comment, that there may be a change of heart with respect to the nature of the rule to consider that piece of legislation?

Mr. GEPHARDT. That is a possibility.

Mr. MICHEL. I thank the distinguished gentleman.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, on the question of the Hatch Act, why would you want to bring up a controversial bill like that under suspension of the rules? I have a number of amendments. I have a number of Federal employees who live in my district. Most Federal employees do not support the legislation. But I have amendments with regard to it being inappropriate for people who work at the FEC to be involved in political campaigns.

If any Member was being audited by the FEC and the person who was auditing you worked for the FEC and was involved in working for your opponent, that would not be good.

If you are under investigation by the U.S. attorney and the U.S. attorney who was investigating you was working in your opponent's campaign, that would not necessarily be good. I have heard a number of Members from the other side who got up and spoke yesterday about Mr. FORD and the Justice Department, and I would hope that you would not bring this bill up under suspension but would give me the right to offer a series of amendments.

Mr. GEPHARDT. I thank the gentleman for his statement, and his views will be taken under advisement.

Mr. WOLF. If the gentleman would yield further, when would we know about that?

Mr. GEPHARDT. The earliest possible moment.

Mr. WOLF. Well, let me just say I would hope, I would hope that we would do that. I would say to the Members on my side, I have many Federal employees in my congressional district, as many as any district in the country, and I have worked as hard as any Member of this body, on either side, on Federal employee issues, from flexitime to flexiplace, job sharing, leave sharing. If they do not give us an open rule, I would ask every Member on my side to vote "no" on suspension.

You may be for the bill, you may be against the bill, but under no circumstances should the Republican side be gagged whereby we cannot offer an amendment.

So I would ask that, if it is not an open rule, that we vote down this bill on Tuesday.

I thank the gentleman for yielding.

Mr. MICHEL. If I might underscore what the gentleman from Virginia has just said, because we all know of the number of Federal employees he has in his district. Moreover, we know how he has always attempted to look out for their best interest, whether it was a pay or other emolument kind of situation, and, yes, the working conditions.

So I think the majority would do well to heed the words of the gentleman from Virginia because he speaks with a great deal of authority and many on our side, obviously, have to be guided by the kind of things he says that would be appropriate for this particular bill.

Mr. Speaker, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I would like to remind our good leader on the other side that myself and my good friend here signed a letter and sent it to our colleagues, urging our colleagues to vote for this legislation. But the gentleman from Virginia brings in a very good point.

I am going to urge my colleagues to vote against the rule, vote against the bill, and we will have to bring it back with the opportunity for him at least to offer his amendments. You do not have a conservative like myself urging people to vote for legislation stand and say, "Let's don't vote for it," but we need that open rule.

I am going to offer one bit of advice because I think the Republicans will stick with us on this side, urging those people who got that letter to vote with the gentleman from Virginia.

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I also serve on the Committee on Post Office and Civil Service. For years we have tried to work out our differences on this very difficult piece of legislation. I also cosigned this letter. But I think the manner by which you are bringing it to the floor is inappropriate. Even though I do support the legislation, I will join my colleague, and I think we can get enough to stop this legislation the first time around if it is brought to the floor under suspension. So I would urge the majority, the majority leader, to urge his colleagues to reconsider; bring it to the floor and let him have his amendments.

Mr. GEPHARDT. I thank the gentleman.

## ADJOURNMENT TO MONDAY, FEBRUARY 22, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## AUTHORIZING THE SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE AT OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Monday. February 22, 1993.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House today, the Chair, on behalf of the Speaker and without objection, appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday, to be held on Monday, February 22, 1993: Mrs. BYRNE of Virginia and Mr. GOODLATTE of Virginia.

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET AND REQUEST FOR REINSTATEMENT OF MEMBERSHIP ON COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following resignation as member of the Committee on the Budget and request for reinstatement of membership on Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 17, 1993.*

Hon. THOMAS S. FOLEY,
*House of Representatives, Committee on Steering and Policy, the Capitol, Washington, DC.*

DEAR MR. SPEAKER: I have decided to return to the Committee on Government Operations in order to chair the Subcommittee on Commerce, Consumer, and Monetary Affairs.

I am writing, therefore, to ask the Steering and Policy Committee to reinstate my membership on the Committee on Government Operations and to remove me from the Budget Committee.

Please advise me if I must take any other steps to effect this change of committees.

Respectfully,

JOHN M. SPRATT, Jr.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTION OF MEMBERS TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 91) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 91

*Resolved*, That the following named Members be, and they are hereby, elected to the Committee on Post Office and Civil Service: Mr. Petri of Wisconsin, Mr. Boehlert of New York, and Mr. Saxton of New Jersey.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, in light of the resignation, I offer a resolution (H. Res. 92) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

*Resolved*, That the following named Members be and are hereby elected to the following standing committees:

Committee on the District of Columbia: Alan Wheat of Missouri; Jim McDermott of Washington; Eleanor Holmes Norton of the District of Columbia; Sander M. Levin of Michigan; John Lewis of Georgia; William Jefferson of Louisiana.

Committee on Government Operations: John Spratt of South Carolina, to rank following Edolphus Towns of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, pursuant to precedent, as a representative of the majority leadership, I send to the desk a privileged resolution (H. Res. 93) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

*Resolved*, That the following named Member be and is hereby elected to the following standing committees:

Committee on Banking, Finance and Urban Affairs: Bernie Sanders of Vermont.

Committee on Government Operations: Bernie Sanders of Vermont.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## NOT "WHAT IS IN IT FOR ME," BUT "WHAT IS IN IT FOR US?"

(Mr. GEHPARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, last night the President of the United States addressed the Congress and the country with an invitation to consider his economic program from the perspective of selfless vested interests rather than selfish interests. He said the test of the program cannot be, "What is in it for me?" The question, he said, must be "What is in it for us?"

I hope that as we analyze and consider and study this plan, we will keep that admonition in mind. How can this plan and will this plan advance the national interest? How will it help all regions and all people of our country have a higher standard of living, better jobs, better incomes and a better future?

I thought the speech last night was excellent because he expressed his deepest feelings about the national interest and what must happen in these next few years.

□ 1140

We will not all agree on every detail, but I hope and pray we will come together, as we have often not, and pass this program for the good of our children and our grandchildren and the economic interests of this country.

## TAX US TODAY AND GET TO THE CUTS DOWN THE ROAD

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, the Washington Post said today that the Clinton campaign is an old style new Democrat who ended up looking like an old-fashioned Democrat.

Clinton's plan includes the biggest tax increase in history, sharp cuts in military spending, big increases in social and public works programs, and a return to more complicated taxes; but that is the best part of the story.

We just left the Budget Committee, where Mr. Panetta appeared, and do you know what we find out, Mr. Speaker? In the first year of this plan there is $36 billion in new taxes and only $2 billion in spending cuts.

Do you know what it is? Tax us today and we will get to the cut somewhere down the road in the year 3 or 4.

The American people are willing to sacrifice. They are willing to stand up at the plate, but when the American people find out that in year 1 there is a $36 billion tax increase and only $2 billion in deficit reduction, they will say, "We're willing to sacrifice, we're willing to put our bodies in front of this plan, because this is nothing but tax and spend, wrap it any way you want to."

I say to the Democrats, $36 billion in revenue the first year and only $2 billion in cuts, no way, folks. You better watch yourselves when you go home this weekend.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the visitors in the gallery that it is not appropriate for the gallery to show any reaction to what occurs on the floor.

## A LEADER WITH COURAGE AND WISDOM

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, last night, Bill Clinton gave us a fair and honest budget that will change the economic course of this Nation. He put away the mirrors and the only smoke you will see around here now is from the feet of the naysayers being held to the fire.

The President's budget will cut the burden of our huge debt on job and income growth by half in just 4 years.

Most exciting of all, we can afford it.

If you are a couple making less than $140,000 a year then you will not be asked to pay a dime more in income taxes.

If you do not pay any taxes on your Social Security taxes today you will not pay taxes on your benefits tomorrow. And Medicare benefits will not be cut.

Better still President Clinton has matched every new dollar in taxes with a dollar in spending cuts.

For those on the other side of the aisle who say "no" to even a dime of new taxes on the very rich it is time for you to come up with $253 billion more in spending cuts without wrecking defense, slashing Social Security, or virtually ending all other domestic spending.

Mr. Speaker, last night the country found out it has a leader with courage and wisdom.

I think the Nation is ready to follow.

## "IT'S THE SPENDING, STUPID"

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, today government at all levels consumes 43 percent of the Nation's income; 43 percent of the total income of this country goes to government. If you look at the cost of regulation, the cost that imposes on our goods and services that we buy, if you look at the cost of complying with government regulations, all of a sudden you realize that government is really taking 55 percent of the Nation's income.

And guess what? Our local schools are broke. Our local counties are broke. All 50 States are broke, and the Federal Government is more than broke, and yet 5 times in the last 10 years we have had a major tax increase in this Congress, all with the same promise, to reduce the Federal budget deficit.

And what has happened? It has gotten larger. We do not have a revenue problem. We have a spending problem.

It kind of reminds me of the saying on a little button that I saw last night, "Tax and spend again."

Oh, no. I think I have got that wrong. I think it was the other button, "It's spending, stupid."

## ISN'T THAT FAIR?

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last night President Clinton delivered his blueprint for the restoration of the economy.

In simple, direct terms the President outlined a combination of spending cuts and tax increases to achieve meaningful deficit reduction and create new jobs.

For every new revenue increase there will be an offsetting spending cut.

Isn't that fair?

During the Reagan-Bush years, the richest 10 percent paid $1,000 to $2,700 less in income and payroll taxes, while middle income Americans paid $186 more in income and payroll taxes.

Under the Clinton plan, 98.5 percent of all Americans will not pay more in income taxes. Only the top 1.5 percent will be asked to pay more.

Isn't that fair?

The American people have voted for change. They want the President and the Congress to work together.

If we do nothing the deficit will soar and our children's future will be mortgaged just to prop up the present.

Mr. Speaker, the special interest lobbyists and the status quo naysayers will try to pick apart this plan, bit by bit. But the American people will not bite.

When all is said and done, the Congress should approve the whole Clinton plan.

## THE DEVIL IS IN THE DETAILS

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, last night Ross Perot, while commenting on the President's address to the Nation, said he was generally pleased with what he had heard. "The devil is in the details," he said.

My third grade teacher used to say, "Tell the truth and shame the devil."

What are the details? The President said he had cut the White House staff by 25 percent, but he did not. He cut about 17 percent of the jobs, but he only cut out of a $200 million budget about $10 million. In reality, a 5-percent cut that will not even take effect until 1994.

Now, we in Congress cannot just stand here and criticize. We need to make cuts, too. The Republicans have proposed a true 25-percent cut in staff and payroll.

If we are asking the American public to sacrifice and pay for a record tax increase, we need to at least propose a record cut in Federal spending. Even the President and the Congress need to sacrifice.

## PUT UP OR SHUT UP

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, last night the American people witnessed something they have not seen in many, many years. A President came before the country and actually told the truth about the economy, about our stake in fixing it, and he challenged the Nation and us to join him in taking responsibility for the future.

Mr. Speaker, the American people elect a President to lead, and last night Bill Clinton made it clear that he will do just that—lead. It is now up to us.

Are there parts of the President's economic plan some people do not love? Absolutely. Would I do some things a little differently? Of course.

But the key issue, Mr. Speaker, is now how each of us would do it better, but the cost of doing nothing—more unemployment, more stagnation, the sun slowly but inexorably setting on this great country.

Mr. Speaker, there are naysayers today who will appeal to the cynical skepticism they helped create, hoping people will assume Bill Clinton is acting like they did for 12 years, but they will fail.

As we say on the streets of New York City, "Put up or shut up."

But because all they can do is complain, because they have no honest alternative, they indeed will fail.

The real bad news for the opposition, in conclusion, is simple. The American people get it. We are all in this together. We cannot afford to do nothing anymore.

□ 1150

## THE LARGEST TAX HIKE IN HISTORY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Clinton used a lot of smooth words last night and he made a lot of people feel good, but at what expense?

I had hoped to hear more about reinventing Government, something much discussed during the campaign. Instead we heard tax and spend, once again.

Americans want change but not the kind of change that means the largest tax hike in history, including income, Social Security, and energy taxes.

President Clinton proposed that everyone making more than $30,000 pay more taxes. Yet those same people already shoulder 94 percent of the taxes. That is enough.

President Clinton said we do not have a choice, but we do. We can cut Government spending far more before we raise taxes 1 cent.

Government spending was $230 billion in 1972. Today it is $1.4 trillion. That is a fivefold increase in 20 years.

There is an alternative to the largest tax hike in history. It's called: cut Government spending.

## PRESIDENT CLINTON HIT A HOME RUN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night, in the first inning, President Clinton stepped up to the plate and hit a long home run that is still rising. What matters though is who is ahead in the ninth inning. The President and the American people or the naysayers and the special interests.

Mr. Speaker, we are going to hear all kinds of criticism today, but let us remember the facts:

First, 98.5 percent of Americans will not pay higher income tax; second, the middle-class benefits from the earned income tax credit; third, if we do not pay tax on Social Security benefits today, we will tomorrow; and, lastly, the plan calls for $30 billion worth of investment creating 500,000 new jobs to put people back to work.

Mr. Speaker, last night the President stepped up to the plate, and, with our help, will keep this home run going throughout the entire ninth inning.

## THE ENGINE OF OUR ECONOMIC GROWTH

(Ms. DUNN asked and was given permission to address the House for 1 minute.)

Ms. DUNN. Mr. Speaker, President Clinton in his State of the Union Message last night said, "The real engine of economic growth in this country is the private sector." I could not agree more. That is something Republicans have been saying for a very long time.

But to make this engine work better, to help the private sector to provide more jobs to become more productive and to become more competitive, we, who are part of the Federal Government, must treat it right. Any mechanic would tell us that clogging the engine of our economic growth with more Federal mandates, and higher corporate taxes and more intrusive regulations is not the way to treat it right.

President Clinton talked in a very charming way last night and said some of the things that people like to hear. But his actions and the actions of the mandate-giving, tax-hiking Democrat Congress will speak louder than words. These are the actions that will stall the engine of our economic growth.

## TIME TO FOCUS ON THE NEXT GENERATION, NOT THE NEXT ELECTION

(Mr. MCHALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHALE. Mr. Speaker, last Monday I attended one of the congressional briefings at the White House during which President Clinton outlined the content of his speech last night. While waiting for the briefing to begin, I turned to the distinguished chairman of the Energy and Commerce Committee, our colleague JOHN DINGELL, and asked if he had ever visited the Roosevelt Room before. With a twinkle in his eye, he said yes and that his first visit had been in the late 1930's when he had come to the White House with his own father, then a Member of this body. Mr. DINGELL then spoke with a son's pride and and respect as he described the important role his father played in shaping the historic legislative agenda of the Roosevelt administration.

Mr. Speaker, that is the legacy I want to leave to my own children. Thirty years from now, I want my sons and daugher to say with pride and respect that their father had been a Member of the historic 103d Congress—a Congress that responded to the courageous leadership of a great President by enacting comprehensive and affordable health care for all Americans. Student loan repayment programs keeping the cost of college education within the reach of a middle-income family. Real deficit reduction. Investment tax credits and strong tax incentives successfully targeted at those economic activities which create decent paying jobs. Stringent campaign finance reform, decreasing the role of special interest groups and emphasizing the importance of each citizen.

Mr. Speaker, for the first time in 12 years we are about to consider a Presidential budget that focuses not upon the next election, but upon the next generation of Americans. It is a welcome change.

## A PRESCRIPTION FOR BUSINESS AS USUAL—TAX AND SPEND

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, the President last night outlined his economic plan. As advertised, it relies heavily on increasing the tax burden on working and retired Americans.

I want to cooperate with our President, because it is not in the best interest of the country to act as an obstructionist. But, from what we now know, this tax-and-spend plan is a prescription for business as usual—hardly what the voters had in mind on November 3.

What I heard last night was an outline of substantial tax increases and significant new spending priorities. Proposed spending reductions are not very impressive.

Taxpayers understand what is going on here. A tax increase from 31 to 36 percent is an effective increase of 16 percent in marginal rates. For those the President would penalize more severely with a 40-percent rate, the increase amounts to a 29-percent jump in tax rates.

Mr. Speaker, if you leave this money in the pockets of American taxpayers and let them spend it themselves, rather than send it to Washington to go down the black hole of entrenched Federal bureaucracy, our economy will grow on its own.

If the 1990 budget agreement debacle taught us anything, it was that tax increases do not spur economic development. To the contrary, the recession can reasonably be linked to the higher tax burden imposed by the 1990 budget. Let us not make this mistake again.

I will await the President's budget submittal with interest. I hope it will provide more detail, including deeper spending cuts than have been discussed so far.

## THIS IS THE MOMENT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, our President last night issued a compelling call to arms and an economic plan to reduce the deficit and get this economy back on track. Just as important, he told us why we must seize this moment. For, if we do nothing, we face an increasing burden of debt, disastrous health care costs, economic stagnation, and a declining standard of living.

Now this morning we see that the whining, the special pleading, the evasions have, unfortunately, already begun. There was a revealing exchange just now between Mr. Panetta and the ranking Republican on the Budget Committee. It was revealing because, when the ranking Republican was asked whether the wealthy ought to be paying their fair share, he stammered around and somehow found it impossible to say.

Mr. Speaker, if we allow petty partisan bickering to stand in the way of decisive action, history, indeed our children, will judge us harshly. This is the time, this is the moment, to bring our economy back, to do whatever it takes to get this deficit down, to invest in our future.

My colleagues, the responsibility is ours. We must seize this moment.

## AN ECONOMIC GROWTH PACKAGE OR A GOVERNMENT GROWTH PACKAGE?

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, here we go again. Just 1 month into the first Democratic administration in 12 years and Americans are facing the largest tax increase in the country's history.

The proposal we heard in this Chamber last night is not an economic growth package—it is a Government growth package.

Yes; we need to tackle the deficit. It should be our first priority. But our first step should not be to raise taxes on the American people.

The American taxpayer did not create the deficit, it was caused by excessive Government spending.

President Clinton talks about learning the hard lessons of the 1980's. The hard lesson for Democrats is that revenues to the Government increased 94 percent in the last 12 years.

And Congress managed to spend every dime—and then some.

Taxes were raised in 1982, 1984, 1987, and 1990—four times—and in every case the deficit rose the following year. The lesson to be learned is that higher taxes do not reduce the deficit.

Before we ask the American people to pay one more dime to the Federal Government, we should make a serious effort to send the money they give us more efficiently.

I look forward to seeing the specifics of the President's proposal, but the people of my district expect Congress to bear the initial brunt of reducing the deficit. They do not expect us to pass it along to them in the form of higher taxes.

□ 1200

## PRESIDENT'S PLAN PROMISES DEFICIT REDUCTION AND LONG-TERM ECONOMIC GROWTH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, the President last night kept his promise to the American people to come before them and the Congress of the United States to deliver a comprehensive plan to revitalize our economy and to improve the future of the children of this Nation. He presented us a plan to provide for increased economic growth, both in the short term and, more importantly, in the long term, he provided for a plan with real deficit reduction, something we have talked about in this House for 12 years but have not achieved, and he provided for a plan that gives fairness to all that he will ask to contribute to the imposition of this plan to strengthen our economy.

It is a program of fairness, he said, because those who benefited the most in the last decade and those who made the most money and achieved the most wealth will now have to start paying their fair share, and by doing that he was able to not impose new taxes on middle-income Americans.

But the central point the President made to America and to this body was that we are all in this together, that we cannot solve this problem by pointing fingers at one another and assessing blame, that we must contribute to the solution, and if we do that, we can in fact have a dynamic economy and a bright future for our children.

Yet already, less than 24 hours later, we see the special interests calling our offices, swarming the halls, and appearing before committees, saying that this cannot be done. We see Members of the Senate and the House saying they do not want to participate because they do not want to make the tough choices that the President has already made. The President has made those choices, the public supports him, and the Congress ought to pass them.

## WESTERN NORTH CAROLINA WILDERNESS PROTECTION ACT OF 1993

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Guess what, Mr. Speaker, no politics. I am reintroducing the Western North Carolina Wilderness Protection Act because it is important for the State of North Carolina, and for the Nation.

Lost Cove and Harper Creek would be a welcome addition to the small wilderness in North Carolina, easing the burden of use on the Linville Gorge wilderness area, also located in the Pisgah National Forest. The proposed wilderness area, spanning barely 13,000 acres, is less than 10 percent of the million acres of the Pisgah and Nantahala National Forests. It boasts 1,000-foot cliffs and numerous waterfalls. It is unique in that it contains black bear sanctuaries and native trout populations. Additionally, this beautiful wilderness is surrounded by Forest Service roads, making it easily accessible to tourists and residents who want to hunt, fish, camp, and hike.

Lost Cove and Harper Creek were identified and mapped as potential wilderness areas by the U.S. Forest Service in 1977. Later, in 1984, both areas were designated as wilderness study areas. In 1987, the Forest Service designated them recommended for wilderness. It is time that Congress enacted that recommendation into law.

If passed, this bill would be an example for future wilderness bills. It is carefully balanced between the need to protect treasured lands for generations to come, and to encourage and support the American timber industry.

This bill passed the House during the 102d Congress, but was not considered by the other body. I urge my colleagues to once again support and pass this bill.

## STOPPING GOP—GRIDLOCK ON PARADE

(Mr. DURBIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the President in his State of the Union Address last night asked several fundamental questions of America. The first question is this: Is America ready for change?

I think the answer to that is yes. It was seen in the last election, and it was seen in the votes not only cast for President Clinton but the votes cast for independent candidate Ross Perot. People want change. They are ready for Government leaders to talk straight, and Bill Clinton did that last night.

The next question is this: Is America ready for leadership? Are they ready for the kind of straight talk we heard in the State of the Nation Address?

We have heard a lot of happy talk over the last several years and we have seen the deficit mount up. We saw more business failures in America last year than any time since 1927. We are supposedly in a recovery. The people I represent want to know, where are the jobs? They want to see leadership that squares with them on the economic challenge facing America.

And the final question, the most important one, is this: Is America ready for fairness? Time and again my Republican friends take the well to bemoan the tax increases.

Mr. Speaker, make no mistake about it, they are standing and arguing there and defending those making over $140,000 a year. The fact is that 98.8 percent of the taxpayers in America will not see an income tax rate increase under the Clinton plan. The wealthy will, and they should.

Mr. Speaker, the question is whether the GOP comes to stand for gridlock on parade. Let us hope it does not. America needs better.

## STRAIGHT TALK ABOUT TAX INCREASES AND THE DEFICIT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, let us talk straight. The gentleman said that over 98 percent of the American people are not going to have their tax rates increased. Well, that is right, but what he did not tell us is that everybody's taxes are going up. Everybody's taxes are going up under the plan that was presented last night. So I say, do not be mislead, America. Everybody's taxes are going up to the tune of $328 billion, the largest tax increase in American history.

Let us also talk about the cuts, the budget cuts. President Clinton said they are going to cut over 5 years $494 billion, I say to my Democratic friends. We did an analysis in the Republican Study Committee last night. You take out the smoke and mirrors, you take out the cuts in defense, and what do we have after 5 years? A $25 billion increase in spending, not a cut, but an increase. We are going to raise the taxes $328 billion and increase spending. That is unconscionable with the deficit we have.

I am telling my colleagues that until we get control of spending we should not raise one dime of taxes, and I urge my colleagues all over this Chamber, and particularly my Republican friends, to sign a no-new-tax pledge. The No. 1 priority of this country is to get control of spending. It has gone up dramatically over the last 20 years, and we cannot do it with tax increases.

## CLINTON PLAN FOCUSES ON INVESTMENT FOR THE FUTURE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, last night, President Clinton offered this country an opportunity to revive the American dream. He offered us a chance to end the 12-year cycle of debt and decline and begin an era of renewed economic vitality and national growth.

The American economy suffers from major structural weaknesses—high unemployment, a low national savings rate, a rapidly growing budget deficit, an income deficit, and an investment deficit—in short, a deficit of responsibility on a national scale. As a new Member, I was not directly involved in creating these conditions, but all of us must nonetheless face the facts and, for the sake of our Nation's future, deal with the problem in a responsible fashion.

We can reverse this decline by investing in America, by building the finest high-technology economy in the world and a solid infrastructure to support it. President Clinton presented concrete proposals for major growth. We need to invest now with an eye on the future. We need to devote more funds to educate and inoculate our children, train our workers, and enhance the health of our population.

I note that many of the Members on the other side of the aisle sporting buttons deriding the President's program are the very people whose irresponsible attitude toward fiscal policy has created the huge budget deficit with which we are now burdened.

Mr. Speaker, we must heed the President's call and get our fiscal house in order. I am convinced that we will, but only if we have the courage to attack our problems at the source and only if all Americans work together to achieve that goal.

□ 1210

## WHY CONGRESS APPLAUDS THE CLINTON PROGRAM

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, President Clinton's speech was well received in this hall last night. More than 70 times he was interrupted by applause.

But why, I asked, why did Congress cheer the President? The answer, I believe, is this:

Congress is utterly, totally, pathologically drunk on spending. For every dollar in new taxes, Congress spends $1.59. And the cornerstone of Clintonomics is $300 billion plus in new taxes.

In other words, the bartender just told the drunk, here buddy, for your own good, you'd better have another drink.

To a drunk, there is no problem another drink cannot cure. To Congress, there is no problem another $100 billion in taxes cannot solve.

Mr. Speaker, I say to friends Congress does not need another drink or another shot of taxes. What Congress needs is the discipline to say "no" to new taxes.

## CLINTON'S ECONOMIC PLAN

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, last night the President proposed a bold and ambitious plan so that the children of our country can look to the future with hope. President Clinton's economic plan is tough, but fair. He spoke of opportunity, but, most importantly, he spoke of responsibility; his, ours, and the people's. He told the truth.

Mr. Speaker, now the responsibility rests upon us here in the Congress. We must now see to it that our children have a new direction and a new hope. This will be difficult as the special interests descend upon the Congress. We may even put our own jobs here on the line for the good of the country. I am prepared to do that, Mr. Speaker.

So let us do what the people of America sent us here to do. Let us be true leaders with the President, so that we are truly worthy of the people who sent us here.

Mr. Speaker, as the President said last night, we should not question what is in it for me, but rather what is in it for all of us.

### PRESIDENT'S PLAN PUTS THE FEDERAL GOVERNMENT FIRST

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, last night the American people found out that during the last election they were sold a bill of goods. They were victims of the old bait and switch technique. People of this country thought they were buying into a middle-class tax cut and tough budget restraint, only to find out that they are getting a huge tax increase on working families and vague pledges to cut spending. Taxes on energy, taxes on Social Security, taxes on gasoline, and taxes on almost anything that moves out there in our Nation's economy.

Mr. Speaker, I did not run for Congress to pass the largest tax increase in American history on working families in my district. I came to Congress to deal with the real problem that this country faces, out of control spending in Washington.

Mr. Speaker, last night the President did not ask for the line-item veto authority. Yet in almost every stump speech during last fall's election he campaigned for it. Mr. Speaker, how can he be serious about reducing our budget deficit and turn his back on that pledge?

Mr. Speaker, this plan does not put people first, it puts the Federal Government first, and asks that the people do once again pay for the same old approach that never seems to get the job done.

### A CALL FOR AMERICANS TO WORK IN THE NATIONAL INTEREST

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, last night, after waiting for years, Members of Congress and the American public heard a President speak honestly about the mammoth budget problems facing our country. Instead of presenting yet another status quo budget—the kind of budget that has quadrupled the national debt—President Clinton offered his plan for bold change—his vision for what the United States needs to lead and compete in a changed world.

First among those needs is reducing the deficit—the leech that sucks the lifeblood out of our economy. President Clinton's plan attacks the deficit parasite with one of the most aggressive reduction plans in our history—$700 billion over 5 years.

The mix of spending cuts and tax increases will not be to everyone's liking. My own inclination has always been to consider spending cuts before increasing taxes—like the $6 billion reduction in administrative costs proposed by the President last night. And cuts are especially difficult to accept when they impact interests we believe are important—like the reduction in rural electrification loan subsidies.

We must begin to work in the national interest, not the special interest. Let us accept the President's challenge to find more than the 150 real cuts he has already identified to reduce our deficit and invest in our people. As he said last night, there are no more sacred cows. And for someone who grew up on a dairy farm, that is a difficult thing to say.

### SHORTFALL IN PRESIDENTIAL DEFICIT-CUTTING GOAL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, this just in from the wire service out in the gallery right behind you here. Go out and get a copy of it if you want.

> Washington: New budget documents show President Clinton will fall almost $170 billion short of his deficit-cutting goal. The President said in his speech last night that his plan would cut the deficit by $493 billion over the next four years. But a detailed budget document released today shows the actual budget savings will be more like $325 billion. The reason is that Clinton's proposals for new spending and tax breaks will eat up more than two-thirds of the spending cuts he also wants. Clinton did not mention that factor in his speech. And the detailed documents weren't available to reporters until today.

Until 11:23 this morning, about an hour ago.

Mr. Speaker, $240 billion in new taxes on middle class America; $31.5 billion tax increase on Social Security recipients.

Congress has never in the history of this country enacted a tax increase and followed it up with spending cuts. Never. What makes you think Congress is going to change?

Mr. Speaker, I recall President Reagan and President Bush mentioning two words that would change all this, and you did not hear it coming out of Mr. Clinton's mouth last night: Term limitations. That is what will change it.

### GOOD PROGRAMS, SPENDING CUTS, AND REFORM OF CONGRESS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, last night President Clinton came up with five specific good ideas when he addressed this Chamber and the people of this country. First of all, he talked specifically about 150 spending cuts; second, he initiated new ideas, like national service for college education; third, he talked about cleaning up Washington, DC, with campaign finance reform and lobbying restrictions; fourth, he talked about programs to invest in our children, like full funding for Head Start and investing and building in our children, rather than borrowing from our children; and, fifth, he talked about limiting Government programs, like limiting welfare to 2 years.

Mr. Speaker, finally I would just say that the President used the analogy if we had our debt stacked with $1,000 bills it would reach 267 miles into space. That money should not prop up, for instance, a space station that does not work.

Mr. Speaker, I encourage the President to continue to look at spending cuts like the space station and reform of Congress.

### STOP PATTERN OF TAX AND SPENDING

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I was impressed by the delivery of President Clinton's speech right behind me here last night. I was impressed by a number of things that he said, such as when he called for a freeze in Federal salaries. I believe that is a first step toward turning the corner on this profligate Federal spending pattern that we have seen. I also was pleased that he said to those of us who would offer other cuts to be as specific as he has been.

Mr. Speaker, I think that in this 1-minute period I can be more specific than he was in his 1-hour speech last night. If we were to begin by bringing about a $6 billion cut by elimination of the Davis-Bacon Act, that could be a very positive step toward turning the corner on this spending problem. We could save $1.5 billion by eliminating the Economic Development Administration. We could save $3 billion by ending aid to Third World corrupt dictators. We could save $2 billion by ending the Service Contract Act.

There are many areas where we can bring about saving. It seems to me, as my friend the gentleman from Massachusetts [Mr. BLUTE] just said, the line-item veto was not mentioned in the President's speech here last night. It seems to me that we have little choice other than to pursue that.

So I hope very much that we are not going to see this pattern of tax and spend continuing on off into the future.

## A STRONG SIGNAL

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, President Clinton's State of the Union Address and his call to take urgent action to rebuild our economy has sent a strong signal to all Americans. His economic stimulus proposals, his commitment to health care reform, and the significant increases in many Federal human resources investment programs will be a boost to the Nation's economy and to Puerto Rico's as well.

□ 1220

His program calls for increased investment in the community development block grant that would put people back to work in areas suffering high unemployment rates. Many cities and towns in the Nation, including Puerto Rico, will benefit from this additional funding.

As United States citizens, we in Puerto Rico participate directly in Federal infrastructure programs in the areas of housing, wastewater treatment, highways, and mass transit. Although we are not yet equal partners in our participation in these Federal programs as our fellow citizens in the 50 States are, I want my colleagues to know that we will join in the journey to rebuild America, to put our people back to work, and to share, as we always have, in the defense of our country and in the steps that must be taken to put our economic house in order.

Mr. Speaker, President Clinton has offered us a new direction for all the people of this Nation. His inaugural address merits quoting: "This is our time. Let us embrace it."

## PRESIDENT CLINTON OFFERS NEW TAXES, NOT SPENDING CUTS

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, President Clinton yesterday promised to cut Federal spending without the smoke and mirrors of phony cuts, but he also promised last year not to raise taxes on the middle class. Let us look at part of what the President is describing as so-called spending cuts:

A $1 billion increase in FDA user fees he calls a spending cut;

Charging broadcasters $4 billion to use the airwaves he calls a spending cut;

Charging banks $1 billion to pay Federal bank inspectors he calls a spending cut;

And the big one, making more Social Security benefits taxable to the tune of $21 billion he calls a spending cut.

The President says these are not taxes but are cuts in Federal spending. That is about as true as saying that taxes are really only contributions. That is about as true as saying that he would not blow smoke, but he also told us that he did not inhale.

## BIPARTISANSHIP MEANS SUPPORT FOR PRESIDENT CLINTON'S PROGRAMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am a Democrat that does not agree with raising taxes. I am not a naysayer here today, but I am not a damned lemming, either. I want more specific details and I want to see an opportunity for all our ideas, both Democrats and Republicans, to be included in this investment tax credit type of programming.

Let me say this. I want to give President Clinton an awful lot of credit. President Clinton did not tell America last night what they wanted to hear. President Clinton told America what America needs to do. That is honest. He is a standup guy. His heart is in the right place.

Every Democrat in here, most of the leaders around here, gave Reagan and Bush every one of their legislative proposals in the early 1980's. Now is the time for Republicans to give President Bill Clinton a chance. Most of these Democrat leaders whom I disagree with voted for every damned bill Reagan and Bush brought to the floor. Now we will see if there is a bipartisanship in the Congress of the United States.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair, would remind the Member to avoid the use of certain language on the House floor, in order to maintain the decorum of the House.

## RUN GOVERNMENT LIKE A BUSINESS AND ELIMINATE PORK BARREL SPENDING PROGRAMS

(Mr. KIM asked and was given permission to address the House for 1 minute.)

Mr. KIM. Mr. Speaker, last night President Clinton cited over 150 instances where he was going to cut Federal spending, for a total of $140 billion. Yes, we must cut the Federal deficit, but not by higher taxes and more spending. Raising taxes will not reduce the deficit.

Over the last 12 years alone tax revenue increased 94 percent while Government spending increased 120 percent more. The President's proposed 60-percent spending cuts are not really cuts. These are $83 billion in tax increases, including billions of new taxes on Social Security recipients.

Government's problem is not that it taxes too little, it is that it spends too much. The American taxpayer is not to blame for the deficit. Excessive Government spending is the problem.

In private businesses when times get tough they do not raise prices, they cut spending. It is about time for our Government to be run like a business. Let us eliminate all these hundreds of pork barrel Government spending programs.

## SACRIFICE AT THE TOP: INTRODUCING A PAY FREEZE FOR MEMBERS OF CONGRESS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, yesterday, in a bold, inspiring statement, our President laid out a new direction for our Nation—a direction that emphasizes some sacrifice today for greater rewards tomorrow.

Our President realized that the shortsighted economic schemes of the past, economic schemes that have left us with a $400 billion deficit, don't work anymore.

And he realized that if we all work together, if we put aside short-term gratification, that we can improve our economy.

He even took the bold step of asking that every Federal employee accept a pay freeze.

Mr. Speaker, I know a lot of civil service employees who make $20,000, $25,000, or $30,000 per year. A pay freeze to them means another year with an old car that does not run very well, it means 1 more year without having enough for a down payment on a home, it means that their sons and daughters will have to struggle a little more to pay for college.

Mr. Speaker, I ask the Members, how can we be leaders if we stand by and do nothing while every other American is being asked to sacrifice?

We cannot.

That is why I will introduce legislation today to extend the freeze on Federal pay to Members of Congress.

Maybe it will not win me any friends here in this building. But it will win friends with the people who sent us here to lead.

We cannot wait. The challenges are too serious. I urge you to join me.

## TIME TO END THE LUXURY TAX ON BOATBUILDING

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, as the Members of this Chamber from both sides of the aisle come forward to comment on the proposals we heard last night as broadly outlined in a very eloquent speech made right here in this Chamber, I think it is very important for all of us to be very careful to read the fine print. In just a moment we are going to hear some of the fine print that is in some of the documents that were used, that I think will put a lot of the Democrats in shock who came forward to endorse this particular plan.

One word of caution in this whole process, trust but verify, trust but verify. That is tremendously important.

One of the things that was missing from the President's speech last night and has been missing from the documents that have been given out here today in the Capitol is the elimination of the luxury tax on boatbuilding. Boatbuilding in this country employs now more people than the steel industry, and yet this important industry, so important to our economy, which was already in a recession, has been thrown into a depression because of the luxury tax that has been put on the sale of boats in excess of $100,000.

I have filed a bill to eliminate this onerous tax. It now has over 110 cosponsors, and I might say many of them among the leadership on both sides of the aisle. It is time to put this tax to rest and reinvigorate the boatbuilding industry in this country.

## COMMENDING THE PRESIDENT FOR LEADERSHIP IN CUTTING THE DEFICIT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to commend the President for leading. I have been here for 10 years, and last night was the first time that I have seen a President of the United States really level with the American people about the dimension of the deficit and how serious it is to the future of this country. I give President Clinton great credit for stepping forward and leading. He set out very clearly where we were headed if we stay on course. He let it be known to the world that if we do nothing, we are heading for $500 billion to $600 billion a year annual deficits. That of course is absolutely unacceptable. And the President set forth a very clear plan as to how we can deal with this.

□ 1220

Now, sure, we are going to disagree with some of the provisions in this plan. But all of us in this institution have a fundamental responsibility this year to come up with the 218 votes that we need to change the course of this country.

Some people have decried the spending increases. But my friends, we are going to have to make some greater investments in our children, and in the health of our workers, and in the training of our workers if we want to be competitive in the next century.

Some have said we need more spending cuts. Yes, I believe we do. How about the super collider? Where will my friends from Texas be when we vote on the super collider? And can we find the 218 votes? I hope we can.

But in the final analysis, we have one simple question to answer: Are we at this time as Americans willing to forego a little bit of our present so that we can build a future that we want for our children and our grandchildren? I hope we are.

## TRUST, BUT VERIFY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the gentleman from Florida [Mr. SHAW] was absolutely right when you are dealing with this economic plan, that you had better trust, but verify. We have been in the process of verifying in the course of today.

What we find out is that the figures used for family income by the President last night are not what most Americans thought they heard. Most Americans thought they heard that only families over $100,000 are going to get touched by this program. But it turns out that the $100,000 figure involves more than simply your adjusted gross income. It also involves imputed rent on the house that you own. It also involves inside buildup on your pension. It also involves the employer-provided fringe benefits. And so if you are a family who is making $50,000 or $60,000 a year, the chances are that you are one of the $100,000 families that the President talked about last night. You are one of the group who is going to get your taxes raised massively by this program, because they are calculating income in a way different than we normally calculate income. We are not talking about your adjusted gross income here. We are talking about your income plus a whole bunch of other things.

Trust, but you better verify real carefully.

## AMERICANS STILL DO NOT TRUST CONGRESS

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, the gentleman from Pennsylvania talks about trust, and it is ironic because that is the subject of my remarks as well.

Mr. Speaker, like the other Members of this body, I have been on the radio talking to talk shows back home, I have been on television being interviewed by the television newscasters back home about the President's speech.

I have learned this morning that the people of America trust the President. They trust him to do what is right, and they believe that he told the truth last night. They are willing to sacrifice, they are even willing to pay taxes. They respect him for the spending cuts that he has specifically proposed.

But Mr. Speaker, I say this with a heavy heart. The people they do not trust is us. Every talk show I have been on this morning said we trust the President and we respect what he has put forward, but we do not trust the Congress to actually cut the spending. We do not trust the Congress to actually clean up our act on lobbying, and special interests, and campaign finance reform.

Mr. Speaker, I applaud our leaders for the cuts they have begun to make in this body so that we can send a message to the American people. But last night the President spoke about an across-the-board freeze in Federal Government salaries for all Federal Government employees. And just before me my friend from Illinois, Mr. GUTIERREZ, announced that he was submitting a bill to freeze our salaries as well for the same period of time. I am an original cosponsor of that bill. I believe it will send a strong message to people that they can indeed trust us, and I urge the support of my colleagues.

## THE REAL ISSUE IS HOW WE MAKE THE CHANGES

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, Vice President GORE this morning on one of the talk shows echoed the general selling theme of this economic plan and this deficit reduction plan President Clinton mentioned last night by saying we must not continue and cannot afford to continue to do business as usual, we need to change the way we have been doing things, and I happen to agree with that.

The implication in that statement though is that Republicans somehow do not think that things should be changed. We absolutely do. We just never had the votes to make the changes we wanted to make. And the real issues are what those changes are and how we are going to accomplish the deficit reduction. They have always been the issues.

Right now my colleagues on the other side of the aisle, the Democrats, have control of both the House, and the Senate, and the Presidency, and I suspect that they will pass most of what President Clinton asked for last night, because they have the votes, they have the power. It is all theirs at this point to do it their way.

But what I fear, what I fear is that we are about to proceed with a great leap back as the method of change, that we are going back to basically trying to spend and tax our way out of this. That is the implication. Much larger spending programs were announced last night, and very significant tax increases. I do not see the method that I want to use, and as a Republican I still deeply believe that the way we should be balancing this budget is only on the spending side. There is no need for one penny of tax increase to do it, and that is the kind of change I would like to see.

Let us balance the budget with spending cuts.

## SAIPAN'S LABOR AND LABELING PRACTICES

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, as President Clinton and the Congress work together at putting Americans back to work, it is important to recognize that American jobs are lost everyday through inconsistencies in U.S. trade policy.

Saipan, a protectorate located in the South Pacific, has been exploiting its status as a United States territory by exporting goods duty-free and tagged with the "made in USA" label while resident industries circumvent Federal labor standards.

According to the Commerce Department, apparel and textile shipments from Saipan were valued at $12 million in 1985 and $43 million in 1986. By 1991 the value soared to $253 million.

Saipan has experienced explosive growth in the past decade. But the workers fueling this growth are not residents of Saipan. They are foreign workers who are subjected to inhuman living conditions, 80-hour workweeks, and subminimum wages.

The 1990 census figures show that out of the total Saipan work force, 82 percent are nonresidents.

Today, I have introduced a bill that will address these problems. My legislation puts Saipan on notice that we will no longer tolerate its labor and labeling practice and its impact on American businesses and jobs.

I urge you to cosponsor this important legislation for American jobs.

## HOW WE CUT THE DEFICIT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I applaud the President's speech, but I am very worried about his plan.

Already, in only 14 hours, we have learned that there is a $170 billion bigger deficit in the plan rather than in the speech.

In only 14 hours we have learned that $21 billion in tax increases on Social Security retirees is counted as a spending cut.

In only 14 hours we have learned that the tax proposals count Social Security, health insurance, and imputed rent on owner-occupied housing as family income.

This plan will raise taxes on a lot of middle-class workers and retirees.

Frankly, there is a better solution than raising taxes. We could cut out pork barrel for politicians. The proposed $30 million for the District of Columbia city government would save 150,000 American families from a new energy tax. If you ask those 150,000 families if they want to "contribute $200 each to the District Columbia," they will say no, let us keep the money for our children and our families.

We could bring in expert downsizers from Ford, IBM, and other companies and shrink the Washington bureaucracy that is unnecessary so that we could pay the cost-of-living increases for vital workers such as AIDS researchers, cancer researchers, border guard patrolmen, and other people.

I think there are a lot better ways than the plan we are beginning to see 14 hours after the speech.

## THE UNREMUNERATED WORKER ACT OF 1993

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, the pillars of our economy are composed of an invisible work force of unwaged workers. We reap the fruits of their labor but ignore their very existence.

Mr. Speaker, I am talking about the women and men whose unpaid work in the home, the family business, and on the farm are their full-time occupation like the millions of homemakers that spend countless hours raising our families. I want the work of all these people recognized.

Today, I rise to introduce the Unremunerated Worker Act of 1993.

The gross national product [GNP] currently counts only those goods and services that are exchanged for money. Government statistics have ignored the mountain of time spent in unpaid work.

Our country should value all work, both waged and unwaged. As part of our efforts to improve the economy, we must shed light on the efforts of this invisible work force.

The Unremunerated Worker Act of 1993 would require the Bureau of Labor Statistics to calculate the value of unpaid labor in this country, and include this into a comprehensive gross national product.

If the value of housework were included in a comprehensive national product, the significance of these tasks would not be continuously debated and bills like the Family and Medical Leave Act, would not have taken so long to enact.

Mr. Speaker, we are on the road to recovery with a new agenda to protect and help the American worker. Let us continue in this spirit. Please join me in supporting this important piece of legislation.

□ 1240

## PRESIDENT CLINTON'S PLAN NEEDED TO END REPUBLICAN BORROW AND SPEND DISASTER

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. JEFFERSON. Mr. Speaker, for the past 2 days I have listened to my Republican colleagues bemoan what they call a return to Democratic tax-and-spend policies. Today, I rise to remind them that the Congress and our new President must consider increasing taxes and trimming Government services because of the ruinous Republican, borrow-and-spend policies of the past 12 years.

Figures speak for themselves—in 1980 President Reagan inherited a $59 billion operating deficit. In 1993, President Clinton inherited a $345 billion operating deficit.

In 1980, Reagan inherited a $1 trillion national debt—a debt that took 200 years to build, but 12 years of Republican borrow-and-spend budgets have quadrupled our total national debt to $4 trillion.

President Clinton's plan to bring America back to a pay-as-you-go economy is patriotic; for it looks to secure the future of our Nation. The record of borrow and spend and tax breaks for the rich should shame anyone in this Chamber from uttering the term tax and spend in criticism.

Mr. Speaker, the American public wants partisan bickering to end. They are willing to contribute their fair share if Congress is willing go change with new priorities, new economic policies, and a leaner Federal Government. Mr. Speaker, Democrats and Republicans should unite behind the President for the change our people so desperately need.

## TIME TO STOP BEING PENNY WISE AND POUND FOOLISH

(Mr. WATT asked and was given permission to address the House for 1 minute.)

Mr. WATT. Mr. Speaker, before I was elected to this body, time after time I saw the Federal Government do, what we used to call when I was growing up, be penny wise and pound foolish. We would spend thousands of dollars on treating kids who did not get immunized to save the $1 it cost to immunize a child against a disease. We would spend thousands of dollars to incarcerate people who, if they had gotten the benefit of Head Start, would not have had the obligation to go into the prison system.

It is about time that we start focusing on prevention and investment in our children, and I am happy to see that the President has done that in his address last evening.

I hope the Congress will join with him in making the investments and emphasizing prevention and quit being penny wise and pound foolish.

## A RARE DISPLAY OF POLITICAL COURAGE

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, we saw a rare display of political courage at that lectern last night when the President presented us with something that I do not think I have seen since I have been here, in the 4 years I have been here, and that is a specific program, 150 cuts in programs, specific revenues laid out on the table, that over a 6-year period will reduce the deficit in gross terms by $703 billion.

Now, that takes political courage to present it, and it is going to take political courage on our part to enact it.

The Federal Government in the last several years has been borrowing $1 out of every $4 that is spent. It has been raising $3 out of every $4 that are spent, and just like any household in America, we cannot sustain those kinds of borrowing and spending policies. It has crippled our attempts to invest in our country, to create good-paying jobs, to increase productivity and standards of living and to make life better for all Americans.

The President's ultimate goal is to do just that, to reduce the deficit, not for its own sake, but to improve the economy of our Nation.

I would urge those critics to present a thorough plan of their own if they are going to continue to criticize his program.

## NO MORE BUSINESS AS USUAL

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, no more business as usual.

In November, Americans voted for change. Last night our new President challenged us to break with the past, to pay our bills, and to move this country forward.

Change is never easy. Each of the 150 spending cuts proposed by President Clinton will offend some constituency and upset some legislator. It goes without saying that no one wants to pay more in taxes.

But President Clinton asked us to face the facts. You cannot eliminate the deficit without spending cuts or tax increases. He proposed both.

He is entitled to a vote, up or down, on his plan as soon as possible. Will it be easy? Certainly not. Will it work? Time will tell.

What we do know is that the status quo is not working, that public and political opposition to spending cuts and tax increases is what created this mountain of red ink.

We have a choice. We can continue with business as usual, or we, both political leaders and the American public, can finally face the facts.

## PRESIDENT DOES THE RIGHT THING

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, this morning's Wall Street Journal, under a headline in an article by the conservative writer, Kevin Phillips, entitled "Finally, a President Does the Right Thing," says as it opens:

> Last night, President Clinton took an important step toward turning America away from Third World-style polarization and easing the growing wave of class resentment noticed and deplored even by the editorialists of this paper.

Yes, he did, Mr. Speaker. He did it with 500,000 jobs for adults and 800,000 summer jobs for youth. He did it with full funding for Head Start and WIC. He did it with an expanded earned income tax credit for the working poor. He did it with an investment tax credit for the job creators, very small businesses, including minority businesses who need it most. He did it by restoring tax progressivity to our code. He did it with the largest deficit-reduction program in history.

And last night, Mr. Speaker, the President restored a small supplemental for a youth and crime initiative that President Bush forced out of last year's budget.

That, my colleagues, is classic investment.

Thank you, Mr. President.

## SPECIFIC CUTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, last night, President Clinton challenged Congress to be as specific as he has been regarding spending cuts. I accept that challenge, and while most of us on this side of the aisle have not had access to any specific spending cut proposals from the White House, here are some suggestions: First, prohibit direct Federal financial benefits and unemployment benefits for illegal aliens—5 year savings, $27 billion. Second, eliminate the tobacco price support program—5 year savings, $65 million. Third, cut civilian agency overhead by 1 percent for fiscal years 1994–98—5 year savings, $8.3 billion. Congress could also repeal the Davis-Bacon Act and save an additional $5.3 billion over 5 years. For each of these four specific areas to cut wasteful Federal spending, I could offer 100 more. I offer the President a copy of the Grace Commission report documenting over $400 billion in wasteful Government programs and the GAO study that documents over $180 billion in internal Government waste. So let us talk specifics.

I am ready, and so are the American people.

## TRIBUTE TO YOUTH GROUP FROM JAMAICA, NY

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, in our communities, urban communities, throughout this land, people are asking, "What can we do to drive down the problem of crime?"

Today we have with us a group from my district in Jamaica, NY, who have demonstrated by virtue of the creation of cultural programs and dance movement, under the direction of Mrs. Lucille Hill, programs that take young ladies and young men out of the streets and give them the possibility of being able to be acclimated to culture, acclimated to those things which are positive enough to help them as they try to grow and mature in a way that helps them to become contributors to our society.

□ 1250

It is good to have them here today, but more importantly it is good for us to understand that in those communities that many of us have already written off there are so many young people who, given the opportunities, if they had dedicated parents and persons like those who accompanied this group to work with them, we could make the difference, we could drive down the cost of the money that we are putting into jails and other crime-related programs. If we would put that money into cultural programs and try to reach out and touch our young people, I think we can have a better Nation.

I thank God they are here and hope we will all work harder, to do all of the things necessary to put the money where it will do the most good.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WYNN). The Chair would remind the gentleman not to address people in the gallery.

## MIDDLE-CLASS TAXPAYER AN ENDANGERED SPECIES?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last night, along with the rest of America I listened carefully to the words that the new President had to say, and there were many good things in the speech. I liked his idea on campaign finance reform, a tough crime bill, more jail space, 100,000 new police officers. I thought those were good ideas. Also, welfare reform.

I would like to work with the new President on these ideas. These are good ides, and I think they will find a lot of support from both parties in our Nation.

But I was, like many others, disturbed at the lack of serious spending cuts. During the campaign, he talked about cutting $3 for ever $1 in new taxes. As recently as December, our Budget Director Panetta talked about $2 in spending cuts for every $1 in tax cuts. Now the ratio is not even 1 for 1.

What is worse, all this falls on the backs of the good ole overworked, underrepresented, hardworking middle-class family. In combined income $40,000 means you will pay $200 a year in additional taxes, not to mention what this mysterious Btu tax is going to cost you, and all the other nickel-and-dime items that have yet to be revealed.

Mr. Speaker, let me say this: The Endangered Species Act is up for reauthorization this year. I submit to you that if this tax is passed, we will have to add the middle-class taxpayer as an endangered species.

## PRESIDENT CLINTON CHALLENGES AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have been here for several years. Among all the Presidents whom I have heard speak from this podium behind me, going back to President Nixon, I have never heard a more eloquent, a more uplifting and a more challenging speech than President Clinton delivered last night. He framed his challenge, I thought, very beautifully. He framed it in the first few moments of his speech by saying that he challenged all of us Americans to join him in a great national journey, not just to consume today's bounty but to invest in a greater tomorrow.

I cannot think of any better way to state the message: We need to accept pain today in order to have a greater tomorrow.

We had echoes in this Chamber of John Kennedy, when last night the President said the question is not, "What is in the plan for me," but "What is in it for us?"

I think that ought to be the driving influence of how Congress reacts to the Clinton proposal: What is in it for all of us in America?

There were two elements in the President's speech that were specifically pleasing and uplifting to me. One is, President Clinton said he would sign the Brady bill, a waiting period for handguns, if it reaches his desk. And, he came out for strong campaign finance reform because, until we have controlled campaign financing, we will get nothing really done. I salute the President, and I believe he is on the right track.

## ORDER OF BUSINESS

Mr. WALKER. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special and to replace it with a 5-minute special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## COMPARISON OF THE BUDGET PROPOSAL OF PRESIDENT CLINTON WITH PREVIOUS BUDGET PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I simply want to say that the budget proposal which the President submitted last night in my view is the first in more than a decade which was presented honestly, based on realistic economic assumptions. It represents an end to the hide-the-medicine approach of past administrations. Starting with Government itself, it provides for deficit reductions of $493 billion over 4 years and $703 billion over 5 years.

Under the President's plan, the deficit as a percentage of our national income will be cut in half over a 4-year period.

If you are a Social Security recipient who does not pay taxes on current benefits, you will not pay taxes under the President's plan. That means that 84 percent of all seniors will see no change in the tax treatment of benefits.

On the matter of taxes, no working American will experience an increase in income taxes under the President's plan unless they are in the top 2 percent of all Americans by income. Only couples with incomes of over $180,000 and individuals over $140,000 will see any change in their income taxes under the President's plan.

In the 1980's, the richest 1 percent of Americans experienced more income growth than 90 percent of Americans combined. That is why the President's package asks that persons with incomes of over $100,000 pay 70 percent of the total revenue increases derived from all sources.

For working-age families outside of the top 2 percent, the only significant increase in direct taxes will come from the new, broad-based energy tax. A family making $35,000 or $40,000 a year will pay less than $200 per year in increased direct energy costs, and some of that increase can be avoided by using energy more efficiently.

□ 1300

Now, I know that some on the minority side of the aisle are saying, for instance, that the dip in the stock market 2 days ago was a message that the policy is wrong. Well, I would say just the opposite is true.

As Kevin Phillips noted recently, the richest 1 percent of Americans own half of the privately held stock in America. What happened 2 days ago is that they simply had a temper tantrum because they finally realized they will be asked to pay their fair share.

The right comparison for any taxpayer, no matter what their income group, is not between the President's plan and nothing. It is between the cost of the President's plan compared to the cost of continuing the status quo. If we continue to follow the policies of the past decade, middle-income families will be treated as they have been treated for the past decade. Under the status quo, they can expect continued stagflation in real income, which has essentially been flat between 1977 and 1992 for families in the middle income of this country. They can expect continued struggles to afford to send their kids to college. They can expect continued problems finding and holding on to decent paying jobs.

People say, oh, this economy is now recovering, but the fact is if you compare this recovery with the average of the recovery under the seven previous recessions, you will see that we are falling 3 million jobs short of meeting the average from all past recession recoveries.

We can do better, and the President outlined last night how we can do better.

For families in the middle, they can be asked to do nothing and then they will get nothing, just as they have for the last decade, except for a continued squeeze downward on their real incomes, or they can be asked to make a modest contribution, tiny in comparison to that asked of the wealthy.

I am confident that so long as we are all in it together, the vast majority of Americans will gladly make a contribution to a program that they believe is finally real and is finally fair.

Now, I recognize that there are going to be those in this town who will use any number and any opportunity to attack the policy of a President who has been in office less than 3½ weeks. I recognize the way this town works; but I would hope for once in this Chamber and out that we can rise above that and recognize that we are not dealing with our own political futures, we are dealing with the future of each and every American. For the past 10 years, unless they have been at the very top, they have not been given a very square deal by this Government, and it is time that that changes.

## THE PRESIDENT'S ECONOMIC PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding to me.

I was trying to ask the previous gentleman a question. Apparently they have calculated the average cost to the average family of the Btu tax somewhere in the neighborhood of $200 a family. I was going to ask him how he calculated that, because my calculations show from information that was given to the Ways and Means Committee that the amount of the Btu tax will be somewhere in the neighborhood of $71 billion over the next 6 years, and if you calculate that down as it computes to a gallon of gas, it would be approximately 8 cents a gallon increase. If you compute that as to what it would amount to for a gallon of jet fuel, it would be around 7 cents a gallon.

I asked, and the gentleman from Kansas will understand this because he is active in aviation in this area, I asked the presidents of U.S. Air, Delta, and United at a hearing yesterday how that would affect them, and they said it would devastate the domestic airline industry, not that it is not already devastated.

So the cost is going to be tremendous.

Mr. Speaker, I thank the gentleman for yielding to me. I would like to have more time, but I will perhaps be able to get on someone else's time.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman for that useful information.

I also want to say I applaud President Clinton for his effort last night to tackle this very serious question of our economy, which we need to do. It is the foremost business of our Nation.

I think it is fair to say the President sent out a nationwide long-distance telephone call collect.

I would think it is true that he probably has reached out and touched everybody in our country.

Today we are in the process of sorting out the numbers here. We have already had information that there is $168 billion in savings that in fact are not going to be savings because we are going to need to spend that money to do the other programs that were called for in the plan, so the number has gone down dramatically of the benefits that we are going to see; but more alarming is this potential problem of shifting the definition of income, of redefining income for purposes of determining what tax bracket you are in.

I dare say there are a lot of people in the United States who feel they are comfortably in the lowest tax bracket because of their income suddenly are going to find other assets they have may well push them into a higher bracket and they are going to end up in a more difficult situation than they believed. I think that is going to be part of our work effort in this Congress to get that information and to share it with the people of America. I think they want to know and certainly we want to know.

Some will probably even find themselves in this Draconian surtax situation before we are through.

There are a couple other areas I am a little concerned about in the message last night. While I very much applaud President Clinton's approach and commitment to solving the health care problem to the extent even of giving us the First Lady to work on that program, I think it is absolutely essential that we understand that the program that was outlined last night is going to lead to rationing of doctors and hospital care, which is going to lead to higher costs of medical care, which is going to lead to cost shifting in greater amounts than we already know. The President said that was an interim solution, but it is a matter of great concern and we have got to get to a health care solution now even more urgently because the program last night does not solve the problem. In my view, it makes it worse.

We do not know what the impact on business is going to be of the program last night. Will it in truth be an incentive to business for investment, or will it be a disincentive, because there are so many new regulations, so many new programs to support and so many new tax burdens to take on.

I really do not know whether we are going to get these answers quickly or not, but I know we are asked to give these answers because the phones are certainly ringing in my office, and I suspect in every other Congressperson's office today.

We have got to determine the true facts and share them with the American people.

As my colleague, the gentleman from Oklahoma, has just suggested, we do not really understand what this energy tax is, except it is going to affect everybody somehow.

I think it is great that we are going to deal with violent crime.

I think it is wonderful that the President said he was going to adopt what in effect are the provisions of my COLA bill to keep the COLA's down, certainly Congress' COLA's beneath everybody else's and to control other COLA's, so they do not get out of control.

I applaud the workfare, but the biggest concern last night was the omission of controlling wasteful spending. Many, many have addressed that today, and we will hear much more conversation about it, because it is on the lips, in the hearts and on the minds of the people of America.

Congress is notorious for wasteful spending. How are we going to stop that? There was nothing in the program to address that last night, so that is going to be Congress' challenge.

## WORKING TOGETHER ON THE PRESIDENT'S PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, most of us have learned to type. Now, of course, typing is done on computers and data processing, but most people who learned to type in the old days remember that one of the first things you learned was this expression, "Now is the time for all good men to come to the aid of their country."

I think that perhaps the President's statement last night, coupled with the very serious problems that this country has, requires all of us, men and women, to come to the aid of our country, working together in as bipartisan a fashion as possible, without partisan carping, without nitpicking, trying to do what is best to set our country on a course that will produce jobs and will produce economic growth in the future.

Now, in my judgment, the President of the United States delivered a masterful speech setting forth a goal, a plan for this country and asking us in Congress and asking the American people to in fact come to the aid of their country, a country which is afflicted by very large budget deficits, a country which is afflicted by very large trade deficits, a country which is afflicted by job layoffs in the manufacturing sector. In my own community of Wichita, KS, just today the Boeing Co. announced several thousand people to be laid off, and in Seattle the same thing happened.

Mr. Speaker, the key in all of this, the key for the President, the key for us in Congress, is to convince the public that the budget plan, the deficit reduction plan, the investment plan, is fair, is honest and that it will help solve the deficit problem. The public is waiting, is hopeful and, in my judgment, is rooting for our President and rooting for us to be participants in the solution. The plan may not be perfect, but on balance it presents the only legitimate, credible plan to get the deficit down and get the economy moving.

Mr. Speaker, the speech was honest. The program was geared to reflect American investment in the future and to reduce the deficit. I think it clearly passes with flying colors on both counts.

Now what are the markets thinking about the President's plan? Well, I just went to the wire behind me, the Associated Press wire, and I pulled off a story. The story reads:

Treasury bond prices rose this morning as investors welcomed the prospects of smaller Federal deficits. The price of the Treasury's main 30-year bond was up, and its yield had fallen to nearly historic lows. Interest rates are falling rather drastically, and, if interest rates continue to fall, home owners in America will reap the benefits of much lower mortgage payments.

The bond market was encouraged that even a diluted version of President Clinton's plan for tax hikes and spending cuts would amount to a significant reduction in the Federal deficit.

So, Mr. Speaker, Wall Street is waking up and realizing that what we are doing here will help America as well.

Now my colleague, the gentlewoman from the District of Columbia [Ms. NORTON], referred to a column in this morning's Wall Street Journal by Kevin Phillips. Kevin Phillips is an economist, a political writer, but he wrote a piece this morning. He says, and it is titled, "Finally a President Does the Right Thing," and he says:

> Last night, President Clinton took an important step toward turning America away from Third World-style polarization and easing the growing wave of class resentment noticed and deplored even by the editorialists of this newspaper. But the new Democratic president faces an unprecedented task. He must overcome the crippling legacy of a 12-year GOP deficit buildup.

That is, of course, to some extent the responsibility of the people who controlled the White House for the last 12 years, and then he levies a charge against us Democrats, and he says he must also overcome the crippling legacy of the special interest-oriented Congress controlled by his own party. So, none of us gets off scot-free.

The article goes on and says that:

> Mr. Clinton is doing so, but as part of a larger pledge to target the rich and end the "soak the middle" tax policies of the past decade. In those years, Social Security taxes were raised enough to offset the ordinary family's much-touted income tax cuts and the Internal Revenue Service was urged to concentrate its enforcement efforts on the middle classes rather than on rich tax avoiders.

Mr. Clinton's plan turns that around. Now we are all in this business to try to do the right thing, and I do not ascribe bad motives on anybody. Our goal is to work together, to do what the typing test requires us to do, to come together to aid our country. We can all find problems where other people should share more than us.

And let me end with a little story, a story about an elderly man who is delivering a letter, and he goes up and he sees an old man sitting up on a porch with a mean-looking dog, and the mailman is upset thinking that, if he delivers the letter, the dog will bite him, the dog looks really mean. And so the mailman looks at the old man and says, "Sir, does your dog bite?"

The old man says, "Nope."

So, the mailman goes up to deliver the letter, and the dog tears the shreds out of the mailman. He is bleeding profusely, and he looks at the old man, very much disheveled, and he says, "I thought you said that your dog don't bite," and the old man says, "He don't. That ain't my dog."

And I think my point is that it is the end of the time when we say in America, "It ain't my dog, it ain't my problem." It is all our problems, and we must work together to solve the deficit problem, to rebuild America and make this country a better place for our children and grandchildren. The President's plan is a great beginning.

## REDEFINING FAMILY INCOME

The SPEAKER pro tempore (Mr. WYNN). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I want to say, first of all, that my bias begins against the plan that the President announced last night. I do not believe that you can tax your way to prosperity, and I do not believe you can tax your way to deficit reduction. We tried that in the budget deal of 1990. We raised the taxes and now have found out that Congress spent $2.37 extra for every dollar it raised in taxes, and so the fact is that what we are likely to end up with is huge new spending programs here and not deficit reduction.

In fact, Mr. Speaker, if my colleagues take a look at this plan, what they will find out is the whole system is front loaded for spending increases and back loaded for any spending reductions.

What I mean by that is the plan, as announced last night, is designed to have all the spending increases take place this year. As a matter of fact, maybe within a few days; certainly within a couple of weeks. And then the spending reductions that the President talked about are out in 1997. The bulk of them are after he has had to run for reelection.

Now my colleagues have got to forgive me. I do not have much trust in a system that suggests that we are going to spend the money now and save it later. I have seen too much of that in the Congress, and the money never gets saved.

But the real test of the President's plan is, as people have talked about it here today, is it fair and is it honest? Well, we have taken the last 12 to 14 hours since the President announced his plan and taken a look at some of the details, and I have to tell my colleagues that I am somewhat disturbed by what I find.

For example, Mr. Speaker, I went to the plan, the administration's plan out of OMB, and started to read, of all things, some of the details; for instance, the footnotes. What I found in the plan is that the administration has decided to redefine "family income." Do my colleagues know when the President talked about the fact that 70 percent of all the taxes are going to be paid by people making over $100,000? Well, guess what? A lot of people who sat at home and said, "Oh, fine, that's not me," well, they better read footnote No. 4 in the President's plan because it may well turn out to be them.

Why? Well, because they defined "income" a little bit differently than most Americans have been defining "income" for some time. It is not just the money that you take home. They have all new gimmicks for income to make up that $100,000.

Let us say, for instance, that you are a family where you have two earners in the family, and they are both making around $35,000 a year, or $70,000. One would say, "Well, the $100,000 is going to pay that 70 percent of the taxes; that isn't us because we're at $70,000." Well, they better add in a few things if they are going to make what the President is talking about last night.

For example, he has, as part of this proposal for your income, imputed rent. What does that mean? It means if you own your own home, what they are going to do is they are going to figure out how much your home would be worth if you are renting it each month, and then add to your income the amount of rent that would be otherwise charged on your house. So, if the rent on your house was a thousand dollars a month, you would have another $12,000 added to your incomes for purposes of figuring this program.

And then add in the fringe benefits which is easily your medical benefits and all of the things that you have, your parking at work, all of the things that are regarded as fringe benefits that could easily add up to $1,000 dollars a month, too. So, now $24,000 is being added to your income.

The pension buildup. If you have a pretty good pension plan, and the amount of money in the pension plan is building up, that is going to be counted as income now, and guess what? That could add up to $4,000 or $5,000 a year.

Tax exempt interest. If you bought some municipal bonds, and you are trying to escape taxes a little bit, that is now going to be included as part of your income.

Accrued capital gains. That means that all of the things that you own that are increasing in worth. Now they are going to include all of those things as your income on an annual basis, accrued capital gains, and, as it continues to build up, it will continue to get bigger for you. That could come to a couple of thousand dollars a year easily for even the most average of families.

And then, if your child goes out and has a summer job to earn some money, let us say he earns $1,500, your child's income is now going to be included as part of your income for purposes of determining this.

□ 1320

Mr. Speaker, what I am saying to the Members is that you can have here $30,000 or $35,000 of income added to you pretty quickly and that $75,000 family all of a sudden becomes a $100,000 family, and heaven help you if you are one of those families where your child goes to college and then comes home to live with you while they have a $20,000 job, because all of that income is now going to be added to you. So you can easily be up in the $120,000 and $125,000 range before you even realize what took place.

Mr. Speaker, that is what is happening in this program. It is not fair, and it is not honest.

## MRS. MAXINE BURKE DIES IN ALABAMA

The SPEAKER pro tempore (Mr. WYNN). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the news of the passing last month of Mrs. Maxine Husted Burke. She was the wife of retired U.S. Army Col. Lloyd L. (Scooter) Burke.

Some of you will recall that Colonel Burke is a Congressional Medal of Honor winner who served 3 years as Army liaison officer to the House of Representatives.

### BURKE, MAXINE HUSTED

FOLEY, AL.—Maxine Husted Burke died at Mercy Hospital on January 8, 1993 after a brief illness. She was a native of Louisiana and former resident of Arkadelphia, Arkansas, and Burke, Virginia, and has resided in Foley for the past three years.

Funeral services were held at the Foley United Methodist Church on January 13 with Rev. Wesley Wachob presiding, assisted by Rev. James Tiller and Rev. Ray Chamberlain of Richmond, Virginia. John Seski, a longtime friend from San Diego, California, gave the eulogy. Interment was in Pine Rest Memorial Park in Foley.

Mrs. Burke is survived by her husband, Col. Lloyd L. Burke, U.S. Army (Retired); sons, John Michael Hardin of West Helena, Ark.; Gary Lee Burke of Washington, DC; Lloyd Douglas Burke of Springfield, Va.; daughter, Pamela Hardin Check of Kingston, N.H.; and Leslie Ann Burke of Springfield, Va.; grandchildren, Shannon Burke, Lindsey Berkowitz, Amelia Burke, Chase Alan Burke, Virginia V. Burke and Amanda Copeland, all of Springfield, Va.; a brother, Harleth E. Husted of Magnolia, Ark.; and two sisters, Mary Lucille Fultz of Mobile, Ala. and Juanita H. Ellzey of Selma, Ala.

Memorials may be made to the Maxine Burke Memorial Fund, Foley United Methodist Church, Foley, Ala. 36535.

## REMARKS FOR THE RULE ON H.R. 920, THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 920, the Emergency Unemployment Compensation Amendments of 1993.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

## GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1993

Mr. STARK. Mr. Speaker, despite the numerous problems that organ transplants have faced and conquered over the years, a major problem still exists—an undersupply of available and suitable donor organs. It is our great pleasure to reintroduce the bill which I believe will not only honor the individual donors and their loved ones but will heighten the awareness of the organ shortage and ultimately result in more donors. Our bill is called the Gift of Life Congressional Medal Act of 1993.

### THE NEED

Currently, there are more than 26,400 individuals waiting for an organ transplant in the United States. A new name is added to the national patient waiting list approximately every 20 minutes. According to some researchers, approximately 1 out of every 3 individuals accepted for a transplant operation die while waiting for an organ. Last year alone, over 2,500 adults and children died while waiting for a transplantation.

Demand for organs will continue to grow with improvement of medical technologies, and it is doubtful that the current system of voluntary donation will provide enough organs to meet the growing demand. For many would-be organ recipients, the consequence of the shortage is death. Incentives, like the Congressional Gift of Life Medal, must be created to encourage voluntary donation.

### COST SAVINGS

The results of a recent study by Dr. Paul Eggers of the Health Care Financing Administration confirm the widely held belief that transplantation is, over time, a less costly alternative to kidney dialysis. For example, the initial cost of kidney transplantation is recovered in about 4.5 years with a savings of about $42,000 over a 10-year timeframe. To the extent that transplantation may result in superior patient survival rates and an improved quality of life for the recipient, transplantation is the preferred method of therapy from a medical as well as an economic perspective.

### POTENTIAL DONORS

A current estimate of the number of potential donors made by the Centers for Disease Control is that each year approximately 20,000 people die from causes that would make them suitable for organ donation. However, only a small number of the available donations are actually donated due to cultural, religious, and psychological barriers.

The organ shortage constitutes the most limiting factor in transplantation today. It is clear that expanded efforts are necessary to increase the supply of organ donors. According to some researchers, it may be possible to increase by 80 percent the number of donors available in the United States through incentive programs and public education. A congressional medal recognizing donors and their families is just one way to effectively encourage such donation.

### THE MEDAL

Our proposed Gift of Life Medal Program, effective 1994, will be administered by regional organ procurement organizations [OPO's] and managed by the Surgeon General's office. Once the very difficult decision to donate an organ is made, the donor or the family member of the donor will be asked by the regional OPO whether participation in the Gift of Life Medal Program is desired. The OPO will give each donor or family of a donor the option of receiving a gift of life medal, recognizing that some donors and families may not want to participate.

The medal may be presented to donors or families of donors who formally offered to donate by signing a letter of intent regardless of the success of the transplant. If the donor or family of a donor requests, a public presentation will be made to honor the donor or donor's family. A presentation by a local community leader or congressional Member will increase the awareness concerning the desperate need for organ donation.

The organization charged by the Surgeon General's Office to coordinate and analyze data concerning organ procurement and donation will raise all funds required for the medal program. The cost of the medal program is estimated at approximately $270,000 from the private sector for the first 5 years. There will be no cost to the U.S. Treasury for this initiative; all funds will be raised from the private sector.

It is my great pleasure to introduce this bill, which I believe will honor the individual donors and their loved ones whose lives were shared with others. The enormous courage and faith displayed by organ donors offers a second chance to strangers by providing the most precious gift imaginable.

## INTRODUCTION OF BILLS TO ASSIST HAWAII'S EFFORT IN COPING WITH THE DESTRUCTION CAUSED BY HURRICANE INIKI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, today I am introducing a series of five bills to assist our continuing effort in Hawaii to cope with the devastation caused by Hurricane Iniki.

The island of Kauai, which is in my congressional district, was most affected by this tragedy. The damage caused by Iniki is estimated to be over $1.5 billion, almost all of which was on the island of Kauai.

Isolated on an island that has been virtually devastated, the recovery process has been slow and difficult for the people of Kauai. Today, over 5 months after Iniki waged its destructive force over the island, families are still homeless, buildings and houses lay in ruins, people remain unemployed, and the economy continues to suffer from the loss of tourism.

The people are grateful for the Federal assistance provided by the Congress last year. Yet, as many have tried to tap into the disaster relief programs we have found glitches that have prevented certain individuals or businesses no less deserving than others from receiving certain types of aid, as well as federally imposed limitations that have affected the State and county's ability to provide assistance to the hurricane victims.

The bills I am introducing today will help fix some of these problems and give the victims of Hurricane Iniki greater access to disaster assistance.

To assist individuals who intend to buy a home on Kauai or those whose home construction has been delayed by the hurricane, I am introducing a bill to extend to 4 years the period for the rollover of a gain from the sale of a principal residence to a principal residence located, or to be located in qualified disaster areas designated subsequent to the sale of the taxpayer's old residence.

To help more small businesses qualify for the Small Business Administration's Injury Disaster Loan Program, I am introducing legislation to waive the current size standards of this loan program and allow media interest to qualify for this loan in the case of natural disasters. Current law prohibits SBA loans to media interests to avoid governmental interference, or the appearance of government interference, with the freedom of speech and of the press.

My bill to lift the monetary cap on annual grants to States from the U.S. Travel and Tourism Administration, which are now limited to a maximum of $1.2 million each fiscal year, will help our tourism industry recover.

The agriculture industry on Kauai suffered greatly, but under current restrictions of the agriculture disaster programs it is difficult for the types of crops grown in Hawaii to qualify for assistance. My bill would waive certain restrictions on disaster assistance for agricultural losses, including limitations on the Commodity Credit Corporation and Tree Assistance Program and the very low income limitations for loans and grants to repair rural dwellings. In addition the bill authorizes the Secretary of Agriculture to waive other limitations as appropriate to serve and assist those devastated by Hurricane Iniki.

Finally, I am introducing a bill to allow the State Health Insurance Program [SHIP] to receive reimbursement from funds appropriated to the public health and social service emergency fund. SHIP is a State-run health insurance program that is available for individuals who do not have health insurance through their jobs or do not qualify for Federal programs. For many victims of Hurricane Iniki this is the only health insurance that is available, or they can afford.

Mr. Speaker, these changes in the law are desperately needed so that the Federal programs that the Congress has put in place can better help the people of Kauai cope with this terrible disaster. I urge my colleagues to support the quick passage of these important measures.

## NEGATIVE ASPECTS OF THE CLINTON PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will be happy to yield to my colleague, the gentleman from Pennsylvania [Mr. WALKER], to conclude his remarks.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I was just handed a note here that is kind of interesting. We had a report here a few minutes ago that the Dow-Jones is responding positively to the overall President's program last night. Well, it is true that the Dow was up 30 points initially. Since noon it has dropped 45 points. So there is some question about how the stock market is reacting to what occurred last night.

But I do thank the gentleman for yielding because it does bring me to another point I want to make.

Mr. BURTON of Indiana. Mr. Speaker, if I may just interject one thing first, the gentleman just pointed out some very salient points on income that were not readily apparent last night, and I presume the people who are involved in investing in this country are probably starting to read the fine print, and it takes a little bit of time. But once you start reading the fine print, you start reevaluating your investments.

Mr. WALKER. Mr. Speaker, I do not think the President in his speech last night discussed footnote No. 4 of his plan. Footnote No. 4 is one of those ugly little details that needs to be understood when you start throwing out figures. It is fine to throw out figures, saying that only $100,000 families are going to be affected, but you have got to know what $100,000 families mean.

One-hundred-thousand-dollar families turn out to mean two-earner families making $50,000, $60,000, and $70,000 a year, who have never thought of themselves in their life as being $100,000 families. You do not get to that point or you do not get to the real honest presentation until you read the footnotes.

I thank the gentleman for his views, because that is exactly what is happening. People are now beginning to read the details. They are now beginning to read some of the things that are in the tax package.

We got some information off the wires just a couple of minutes ago as well indicating—and I will read directly from the wire story, because it says this:

> New budget documents show President Clinton will fall almost $170 billion short of his deficit-cutting goal. The President said in his speech last night that his plan would cut the deficit by $493 billion over the next 3 years, but a detailed budget document released today shows the actual budget savings will be more like $325 billion. The reason is that Clinton's proposals for new spending for tax breaks will eat up more that two-thirds of the spending cuts he also wants. Clinton did not mention that factor in his speech, and the detailed documents weren't available to reporters until today.

Well, they were not available to Wall Street until today and they were not available to some of us until today. When we get the detailed documents, they show something which is far different than what we heard the President say in his speech last night.

So the question becomes what some of these deficit-reducing targets really mean. For example, one of the things we have been told is that there is great honesty in this document, yet what we find is that some of the spending cuts turn out to be tax increases in disguise.

For example, in the document, when you read it, you find out that the tax increase for Social Security is disguised as a spending cut. It is not in there under tax increases; it is in there under spending cuts. The people who are going to pay the extra taxes are not going to think about that as a spending cut; to them it is going to be a tax increase. Yet it shows up in this document differently than that. It shows up as a $21 billion spending cut.

Mr. Speaker, I must say that I think most people will not consider that to be fair nor will they regard it as being honest when you start calling tax increases spending cuts.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to interject one thing. I am chairman of the Republican Study Committee, and along the same lines as what the gentleman is talking about, last night the Republican Study Committee did an analysis of the President's reduction proposal, the $493 billion, and when you take out things like what the gentleman just alluded to, the Social Security, the smoke and mirrors, over a 5-year period you take out the defense cuts which we are going to have anyhow, and you take out the smoke and mirrors like what the gentleman just alluded to, you end up not with a cut at all but with a $25 billion net increase in spending. That is something that people are not aware of.

Mr. WALKER. Wait a minute. In other words, that is when you take out the items the gentleman just talked about, the defense cuts and so on, which the gentleman pointed out this Congress is going to cut, that there would be a cut in defense regardless?

Mr. BURTON of Indiana. Right.

Mr. WALKER. I am convinced that with the world heated up, Congress would still be on a binge of cutting defense. So Congress is going to cut defense and you take out the things where spending cuts are made——

Mr. BURTON of Indiana. Yes, the cuts that are equated with tax increases.

Mr. WALKER. Yes, with spending cuts that are really tax increases. Then you end up with this plan that has a $25 billion increase in spending?

Mr. BURTON of Indiana. Yes. And we are having a release made up on it right now itemizing all the smoke and mirrors involved. So it is really not a deficit reduction package at all; it is a $25 billion increase in spending over a 5-year period.

Mr. WALKER. I think the gentleman heard earlier today that a lot of those spending increases are in the first year here. Evidently when they were over in the Budget Committee here quizzing Leon Panetta, the Director of the Office of Management and Budget, they essentially got an admission that in the first year there is $36 billion in additional spending and only $2 billion in savings, that the ratio of spending increases to actual savings is 18 to 1.

Mr. BURTON of Indiana. That is right, 18 to 1.

Mr. WALKER. In the first year of this plan?

Mr. BURTON of Indiana. Yes. And that is far different than what the President talked about during the campaign. He said there would be $3 in spending cuts to every $1 of new taxes.

Mr. WALKER. The gentleman is absolutely right. I think that if you told the American people that what you have is a plan before you, at least in the initial year when you really have the economic problems, that is going to end up being $18 of spending increases for every $1 of deficit reduction, my guess is that they would not be entirely enthusiastic about that as a balanced program.

Mr. BURTON of Indiana. The one thing I am interested in—and I appreciate this colloquy with my colleague, the gentleman from Pennsylvania—is that I know a lot of people who are watching and listening to what is going on, on the floor, are saying that we do not want gridlock, we want everybody to work together, we want one big happy family, and we want solutions to these problems, but it would be irresponsible for those of us in the minority to just go along to eliminate gridlock if we know that at the end of the road this kind of a plan is going to cause economic chaos, more unemployment, and bigger deficits. It would be totally irresponsible for us to do that, to go along with it. That is why many of us have come to the floor to talk about the shortcomings and fallacies in this proposal.

I remember when I first came to Congress, they said that we had to raise taxes at that time. We were bringing in $500 billion in tax revenues, and President Reagan, rather than going along with tax increases, decided to cut the top tax rate and reduce taxes, and because of his tax cuts, we created 21 million new jobs, and instead of that being a burden to the Treasury, we more than doubled the tax revenue.

Today we are bringing in $1.2 trillion in tax revenues, compared to about $500 billion just 10 years ago. So the problem is not that we are not bringing in enough money. The problem is that spending is out of control in this place.

So here we are today again coming back after the 1990 $185 increase and asking the American people to pay $328 billion more, and when you look at the spending side, over 5 years they are going to increase spending by about $25 billion. That is a recipe for economic disaster, and we would be irresponsible if we did not point that out.

I thought the President's speech last night was very good. Obviously, the American people did, too. They said 79 percent of the people approved, but when they start reading these footnotes, reading the fine print, realizing the deficit is not going to go down because of spending cuts and they are going to get hit by the largest tax increase in history, they are going to be a little appalled, and it is our responsibility as the minority to point that out.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. Mr. Speaker, let me just cover one more thing, and then I will be happy to yield.

My colleagues have come down today and they have talked about us as being naysayers and about how we are the authors of gridlock. The fact of the matter is that they have 259 members of this body and we have 176.

They have control of the other body as well. If they want to pass this program, they will pass it, regardless of what we say. What they are concerned about is they want us to just shut up and not say anything about the shortcomings of the plan, and that would be an irresponsible thing for us to do. We are the loyal opposition.

□ 1330

Mr. WALKER. I thank the gentleman for yielding, because I think the gentleman, like I, did stand and applaud for an awful lot of what the President had to say last night. The President had an awful lot of good applause lines in his speech. It was very well done. We in fact agree as Republicans with much of what was in there.

The question becomes when you take the applause lines and begin to factor them into policy, what do the policies mean that follow the applause lines? In this case the policies are much different than what you and I would agree with.

Now, I think the gentleman is right. The Democrats can pass anything they want to. They have got more than enough votes and so on. They are hoping that Republicans will keep quiet so that the country will not find out about footnote No. 4. They would like to get this passed before the American people really wake up and find out that the applause lines are exactly that, and that the policy is flawed.

We have a responsibility as the opposition not to stop them for doing whatever it is they are going to do, but to point out that what they are doing is flawed. It seems to me that that is a function that somebody had better perform or the American people are going to end up even more disillusioned.

Mr. BURTON of Indiana. The gentleman from Oklahoma who was here a few minutes ago pointed out that the cost of a gallon of gas is going to go up 8 cents a gallon according to his computation when this Btu tax is imposed. That is bad enough for the average family. That is going to hit everybody in the country, not just the upper middle income, but the people on welfare as well who drive a car.

But the thing that also is very interesting is that the airline industry in this country is having a terrible time. Many of the airline companies have gone into bankruptcy. They are trying to cut deals with European counterparts so they can actually survive. He said according to his computation, using that Btu formula, the cost of jet fuel is going to go up 7 cents a gallon. If you talk to the executives at these airlines, they will tell you that will put some of them out of business, thus costing higher fares for travel in this country and putting more people out of work.

Mr. WALKER. If I can give you another idea about the Btu tax that needs to be understood too, the gentleman will remember that we had kind of a bipartisan furor around here a couple of years ago when we passed a clean air bill. On both sides of the aisle people voted for the Clean Air Act.

We knew at the time we passed it that the Clean Air Act was going to add probably about 25 percent to all utility bills in the country. Because of the scrubbers they had to put on smokestacks, a lot of the items in there, it is going to be one of those things that is going to add a lot of money.

Most people have not seen that reflected yet in their utility bills. We are just in the process of getting regulations written pursuant to a bill passed a couple of years ago, so utilities are now beginning to be forced into the position of paying for things in the Clean Air Act.

What is going to happen here is you are going to have a massive increase in utility bills related to decisions made a couple of years ago in the Clean Air Act. Then in addition to that you are going to put the Btu tax on top.

Many families, many middle income and low income families in this country, could see their utility bills go up anywhere from 30 to 50 percent by the middle of the decade.

Mr. BURTON of Indiana. Let me just say one other thing too. When you add these costs to the cost of doing business, and, make no mistake about it, every production company in this country uses energy to produce their products, and we have added the government mandates and clean air costs and everything else to the cost of doing business. Now we are going to add this Btu tax.

One of the problems we have is keeping jobs here in America. You have seen people say we don't want jobs going to Mexico, we don't want jobs going to Taiwan, we don't want jobs going to Japan. We want to keep them here.

One of the reasons why these companies are taking their plants overseas is because there is so much in additional costs of doing business here and they have to add those costs to the cost of doing business. Each one of those costs are passed on to the consumer in the form of price increases.

Now, in a world trade situation you have to be competitive with those in Taipei and Japan and other places who do not have these kinds of additional costs. So what it means is the price of our product goes up, the price of their product goes down, and we lost market share. When we lose market share, that means we lose jobs here in this country, or the company decides they are going to leave this country because they cannot be competitive and if they want to stay in business they take their jobs overseas. Either way we have higher unemployment.

It is my opinion that if the plan that was proposed last night is passed, that we will lose hundreds of thousands of jobs because of the additional taxes that are being levied in this particular legislation. One of those taxes is this Btu tax.

Mr. WALKER. The gentleman makes an excellent point, and it is absolutely on target. When we start talking about jobs, there is another factor here too: you cannot do anything much more inflationary than passing an income tax. As the gentleman points out, every business uses energy. To move goods around the country takes energy. So building those energy costs into the cost of every good means that it raises inflation almost by definition.

So this is a plan to basically reinflate the economy and push inflation up. What does that mean in terms of cost to the Government? It means that all the programs that Government pays for are also inflated in price. So instead of reducing Government budgets we end up increasing Government budgets just to pay the cost of inflation.

When inflation goes up, interest goes up right behind it. One of the largest expenses of the Government right now is interest. All we have to do is push inflation up a couple of points, with interest rates going through the roof, and we will end up paying more in interest in 1 year than this program saves in all the years of the program.

Mr. BURTON of Indiana. Not only that, that is a major contributing factor to unemployment. I know everybody remembers the Carter years when we had double-digit inflation, we had 21.5 percent interest rates, and we had double-digit unemployment.

Now, the things that we are talking about here are the same things that led to the double-digit problems that we faced, in the malaise, the misery index that we saw in the Carter years. We have the same basic ingredients in this plan.

The thing that is distressing to me is that when many of us talk about these things, they say well, we are the naysayers, we are the doomsayers.

We do not want to be the doomsayers. I want to be a contributing partner to the President in solving the economic problems of this country. But solving these problems is not going to be accomplished by raising taxes, hurting business, and driving jobs out of the country. Solving these problems is going to be done by cutting the runaway cost of Government, and this simply does not do it.

As I said today, over 5 years this is really going to increase the cost of Government by another $25 billion.

Mr. WALKER. If the gentleman will yield, one of our problems, of course, is that we have large numbers of citizens in our country who are too young to remember the Carter years. There are a lot of young families out there who were kids and who were teenagers during the Carter years and do not really remember what happens when you raise interest rates and you reinflate the economy.

This was the Carter program. The Carter program looked much like this program. Gerry Ford had managed to wrench most of the inflation and the interest rate increases out of the economy by vetoing bill after bill. It was one of the things that defeated President Ford, the fact he vetoed so much legislation trying to hold down Government spending and getting inflation out of the economy.

The Carter program to reinvigorate the economy was to come in and reinflate the economy. We ended up with an economic disaster.

All you have to do is go back and read the magazines back in the early 1980's, and we had an economic disaster. There are a lot of young families though in this country who do not remember any of that. They were too young to go through it. So what we are seeing now is the kind of economic problems that we faced.

They are saying well, President Clinton sounds like he has a plan to solve some of the problems that we now face. Well, yes, he does, and his plan is to reinflate the economy.

If you go down through this plan, including things like the Btu tax, you find that is exactly what he intends to do. He intends to reinflate the economy and try to push things forward with more inflation. But the downside of that is that we could get right back to the situation we were in, in the Carter years, with massive inflation, massive interest rates, and the major problems that will then be very painful to try to get out of.

Mr. BURTON of Indiana. Let me just say I want to see this problem solved like the President does. But if we follow the course of action that he laid out last night, it is my firm belief that it will not be as bad as the Carter years, it will be worse in the long term. When Jimmy Carter was President, we were looking at deficits below $1 trillion. We are at $4 trillion now. Real deficits are running around $400 billion a year.

☐ 1340

If you extrapolate these things out to the year 2000, we are going to have an absolute minimum debt of around $7 to $8 trillion and more likely around $13 or $13.5 trillion. That means that we will see 30, 40, maybe as high as 50 percent of our total tax revenues going just to pay the interest on the debt, and that is a recipe for economic calamity. That is why I think this situation, if it is not corrected, if we continue on the path that was laid out last night, we will end up being far worse than what Mr. Carter talked about.

President Clinton said last night that we have to be concerned about the future generations. I agree with that 100 percent. We want the kids in the future to be able to go to college, to get an education, to have a job, to have the quality of life that we have had. But if we have what is called hyperinflation, not only will they not be able to have these things, but people who are older will not be able to survive.

If we have half of the money coming into the Treasury going to pay the interest on the debt, what will happen is the Federal Reserve Board will have to print money to pay off the debt. They have the right, by law, to do that without any action of the Congress of the United States. If they print $6 trillion to pay off a large hunk of the debt or, say, $3 trillion, that means they are inflating the money supply.

What you are going to have is milk, bread, and other products costing $15, $20, $30 apiece, $15 for a loaf of bread, $20 for a quart of milk. Can you imagine what that will do to people on fixed incomes? Can you imagine what that will do to everything in our society and the people who want to get a higher education, who want to buy a home, who want to buy a car are going to be experiencing inflation to such a degree that they will not be able to afford to buy it.

That is what happens when Government spending gets out of control. The No. 1 problem facing this Nation is not that we do not have enough money to spend. We have more than doubled the tax revenues from $500 billion to $1.2 trillion in the last 10 years. It is not that we do not have enough money. It is that we are spending too much.

We raised taxes in 1990, $185 billion. And here we come back 2 years later, 3 years later, not asking for just $185 billion but $328 billion more out of the people's pockets. And yet there is not a corresponding reduction in the debt, in the spending that is going on in this country.

It is just absolutely insane. We need to come down on the spending side and not raise taxes.

Mr. WALKER. Our Democratic colleagues rightfully say to us, "If you don't like the President's plan, do you have one of your own, be specific. What should we be able to do."

The fact is that we do have some plans of our own. I, for instance, am the sponsor of a concept called the 10-percent checkoff, which would allow the American people to check off of their tax form, off the money that they are paying in taxes, 10 percent of that money to go for one purpose and one purpose alone, to buy down the national debt.

Mr. BURTON of Indiana. That is off the taxes they are paying.

Mr. WALKER. It is off the taxes they are already paying. What they would do is, they would check off the money to buy down the national debt. Then for every dollar that was checked off for debt buydown, a dollar would have to be subtracted from spending, either with an automatic across-the-board spending reduction or Congress could prioritize the spending cuts, if they wanted to. But nevertheless, we would get a dollar of spending reduction for every dollar of debt increase.

Now the reason why this is important is because this speaks to the real issue of debt and deficit. The Congressional Budget Office and OMB have looked at this idea—the most recent figures I have are from the Office of Management and Budget—calculated against this year's baseline. And what we find is that program alone, if it works optimally, will balance the budget by 1999. We would get a totally balanced budget by 1999. More importantly, by the year 2008, it totally wipes out every penny of national debt, and the country is debt free by the year 2008.

Mr. BURTON of Indiana. That would be a stimulant to economic growth because there would not be any tax increases.

Mr. WALKER. Absolutely. What you would do is, you would get rid of hundreds of millions of billions of dollars that we are now paying in interest. All of those interest dollars would now be able to be used productively because there would be no more national debt.

The American people would have enforced it by themselves doing the checkoff. This is not something that is subject to Congress getting in the way of the spending cuts. The American people would enforce it. Every April 15, there would be a referendum by the Federal Government, and the American people would be permitted, every April 15, to assure both spending reductions and debt reduction.

Mr. BURTON of Indiana. I think that has a lot of merit because it forces Congress to make hard choices about priorities. It forces discipline on this body.

I think the gentleman has a great idea.

Mr. WALKER. What do you want to bet, though, that when we try to get it considered on the floor, that we will never get that to the floor, just like we have never been able to get balanced budgets to the floor or line-item veto or other kinds of things to really begin to clamp down on the process. The Democrats in Congress will not allow those kinds of things to be voted on on the House floor because they are real tools that result in real spending cuts.

What they prefer to do is offer plans that raise taxes and promise spending cuts 4 and 5 years down the pike that never arrive.

Mr. BURTON of Indiana. I would like to give my colleague and my colleagues who may be paying attention a little history lesson. You talked about 1990, when we raised the taxes $185 billion. I did not vote for it, and I know you did not either.

Since 1990, for every $1 in new taxes, we have spent $2.37. For the past 10 years for every dollar in new taxes, we have spent $1.70. If you go back all the way to 1958, you will find that we spent $1.48 for every dollar in new taxes.

That is the recipe for disaster that I talked about and that our President talked about very eloquently on the floor last night, and it is going to continue that trendline. We are going to be spending more than we take in in tax revenues, if we adopt this plan. It is going to create a huge deficit, more deficits.

Mr. WALKER. Maybe we ought to calculate it out for people. In other words, the President is saying that he is going to raise $250 billion in taxes. You and I would disagree and say it is even higher than that. But that is about what he says.

If we follow historic patterns, going back to, I think the gentleman said 1948, that means that that $250 billion of new taxes will not result in $250 billion of deficit reduction. What it will really result in is $375 billion in new spending.

Mr. BURTON of Indiana. Right. And that has been the history year in and year out, and I do not see any discipline in the proposal last night that is going to change that. And that is what we, as the loyal opposition, the Republicans, are very concerned about.

There has to be the spending cuts. We are getting the cart before the horse. If we are going to be talking about tax increases, in my opinion, what we ought to be doing first is taking the meat cleaver to the Government spending. Do that first and then, if you have to come back and raise taxes, we will talk about that.

But what they are talking about is raising this $328 billion in new taxes up front and having the spending cuts not exist except minimally at the beginning and over the 5-year period there really are not spending cuts.

Mr. WALKER. The gentleman from Indiana, in my opinion, is one of the great heroes in the Congress who has come to the floor consistently day after day, week after week with specific spending cuts that he urged upon the Congress when we were considering appropriations bills. How many of those amendments does the Congress willingly accept?

Mr. BURTON of Indiana. Out of about probably $4 or $5 billion in spending cuts that I proposed in different amendments, we probably have been successful in getting $400 or $500 million passed. We did get the Defense Department to go along with something that they could do on their own that we discussed, which was about $700 million.

But as far as actual spending cuts through our mandatory process here on the floor, we proposed probably $4 or $5 billion in cuts and only have been able to get one-tenth of that passed.

Mr. WALKER. So we have not seen very much enthusiasm in the House for making spending cuts of a real specific nature and yet there were lots of Members standing, applauding the President last night when he was talking about the spending cuts. I was somewhat astonished, in fact, when they were applauding like crazy. I had the copy of OMB's "150 Spending Cuts," the programs that they are going to cut. What they are going to do.

I went down through this, and I was stunned to find that many of these are the spending cuts that the gentleman has offered on the floor himself that the Office of Management and Budget, under the last two administrations, have sent up to the Hill on a consistent basis, things like cuts in the agricultural subsidies, cuts in the Medicare Program.

There are a whole bunch of these things in here that have been on the Hill day after day, time after time, and have been thoroughly rejected by Congress.

Mr. BURTON of Indiana. Were any of those cuts in West Virginia? The chairman of the other body's Appropriations Committee, are any of those cuts in there?

Mr. WALKER. I do not know that it breaks it down by State.

Mr. BURTON of Indiana. I can tell my colleague, and I think he already knows this, that the chairman of the Appropriations Committee in the other body and the chairman of the Appropriations Committee in this body worked very closely together to make sure that the pork-barrel projects that they really want passed by this body get passed, and they sometimes use some severe arm twisting to get it done.

□ 1350

Mr. BURTON of Indiana. Mr. Speaker, I would say that I will be very, very surprised if that behavior changes because of this proposal last night.

Mr. WALKER. The gentleman is absolutely right. As I say, what is even more amazing is that all the cheering and clapping and smiling about the cuts that they were going to be asked to make are exactly the cuts that they have rejected time after time when Republican administrations sent them to the Hill. I hope they mean it. I hope that they really mean that this time they are going to vote for these cuts.

I must say, given their past record, I have my doubts, but then maybe I am just cynical. Maybe they really have changed their hearts and, in addition to voting for all of these spending increases, they really are going to vote for the spending cuts. It would be awfully nice to see them both in the same bill, not the spending increases first and then the spending cuts 3 or 4 years from now.

Mr. BURTON of Indiana. I would say to the gentleman, let us say that the millenium comes and they do make all the cuts that are in the bill. We are still going to have $25 billion in spending increases while at the same time we are increasing taxes, let us give the benefit of the doubt to the President, while we are increasing taxes $250-some billion. That is a 10 to 1 ratio, taxes over spending. That is going to have a very debilitating impact on the economy of this county.

In the best case scenario, this is going to be bad for the country, because we are not addressing the spending cuts up front like we should be.

Mr. Speaker, I would ask the gentleman, does the gentleman have anything else he would like to say?

Mr. WALKER. No, Mr. Speaker, and I thank the gentleman for yielding to me.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to end saying that I saw the polling data last night. It showed that 79 percent of the people of this country were willing to make sacrifices and agreed with the President. For being able to muster that kind of support, President Clinton is to be commended. It shows that he does have great communicative skills. It shows that the American people want a change. They don't want gridlock any more, they want this deficit reduced and they are willing to sacrifice to get it.

The problem is, the program that the President laid out last night is a recipe for further economic problems, higher deficits, more unemployment, more trade going overseas, bigger trade deficits, and more problems for us and our kids in the future.

There is an old saying. It goes something like this: "The road to hell is paved with good intentions." I think that the President wants to do the right thing, but he needs to reevaluate the plan he talked about last night. I would say, if the President were here, to the Members and to the Speaker, reevaluate this situation. Let us go with the spending cuts first. That is what the American people want. They want to cut the red ink out of the Government spending.

Once we get through with taking a meat cleaver to the wasteful programs, start prioritizing spending around here, and if we need to come back and raise taxes, let us revisit that issue. I think the President will get much more of a positive response from the Republican side of the aisle if we cut out the waste, fraud, and abuse in Government first.

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## NUCLEAR TRIGGERS STING, COMMERCE BLUNDERS, AND CIA DECEPTION

The SPEAKER pro tempore (Mr. WYNN). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, Saddam Hussein's greatest ambition was undoubtedly to become the military master of the Middle East. He not only wanted to build a huge and well-equipped army; he wanted to build missiles, to obtain chemical weapons, and to build his own nuclear bombs. To deliver those chemical and nuclear superweapons, he wanted to build missiles of far greater range and accuracy than the old Scud types that he obtained from the Soviet Union. He was willing to try anything, including constructing artillery with unheard of power and range—the so-called supergun engineered by Gerald Bull, which I have discussed considerably in times past.

All of this sophisticated technology was of course beyond his own technological reach. But what he did not have, Saddam Hussein was willing to buy. He found willing sellers—Western sources supplied him with all he needed to build the chemical weapons that he later used against Iran, and against his own rebellious Kurdish minority. Western sources also supplied him with just about anything else he needed.

In fact, I had brought out that part of the dual political scheme which not only our country but others had since before 1981 to use Iraq as an offsetting in the grand geopolitical strategy, the mullahs and the fundamentalist power that had shaken everybody in Iran in the late 1970's.

We found evidence of the stimulus given Mr. Hussein since before the outbreak of the war with Iran. In fact, there is substantial evidence indicating that we were part of a group of nations that fostered and stimulated Mr. Hussein to take on Iran. Of course, tragically, as we have brought out, there were dire consequences when this tragic policy was continued after the end or the cessation of the hostilities between Iraq and Iran.

In part, Saddam Hussein could buy all of these things because of this what I would say simply is Western greed, nothing else. His success also owed a great deal to the Western fears of Iran's fundamentalist revolutionary government, as I just said. Iraq was a convenient counterweight against a dangerous Iran, and incidentally, it is happening all over again with Iran now reaching even beyond its scope of activities before the Iraq-Iran war. We find this strange unsettlement, and in fact, it may prove that history will show that our intervention further and permanently destabilized that whole area.

Iraq was a convenient counterweight, so the administration's policy, first President Reagan and then President Bush, initiated the policy to help Saddam Hussein build his military strength, to keep him going in his terrible, bloody wars that humanity has recorded.

There is no doubt that President Bush knew what Saddam Hussein's ambitions were. It is clear that he believed Iraq could be kept on a leash. He was willing to tolerate Iraqi efforts to buy extremely dangerous technology—believing that if things threatened to get out of hand, the leash could be pulled tight and Saddam Hussein stopped. However, as I will show today, there was a great deal of difference between assumption and reality. When it came to Iraq's efforts to build a nuclear weapon, the United States Government knew all about it, but while one arm tried to stop the shipment of critical parts, another agency arranged to have them sold anyway. The case of the nuclear trigger shows how deeply incompetent the Bush administration was, when it came to carrying out its policy of keeping Iraq on a leash.

In September 1988, just about the time the war had wound down between Iraq and Iran, the Bush administration learned that Iraq was attempting to buy electrical capacitors of a special design—a design that could only be used for triggering a nuclear device or perhaps for separating the stages of a multistage missile. This could not have been a case of mistaken identity; the U.S. firm that was asked to sell the devices knew what their likely use would be, and promptly contacted the Central Intelligence Agency.

Therefore it was with full knowledge of Iraq's sinister and extremely dangerous ambitions that President Bush 1 year later approved National Security Directive No. 26, which we have had placed in the RECORD in times past, mandating closer ties with Iraq.

This could only have been a pure gamble by President Bush that he could let Saddam Hussein have most of what he needed for his missiles and nuclear weapons, but keep him from getting everything he needed. Ultimately, of course, there were failures and blunders, followed by outright war.

□ 1400

In the case of the nuclear triggers, while the Customs Department acted to foil Iraq's purchase, the Commerce Department actually approved the sale of almost identical devices to Iraq. This same kind of absolute blunder occurred in another case, in which the State Department mounted a worldwide effort to stop Iraq from getting its hands on crucial glass fiber technology—only to have the Commerce Department approve the sale of a complete glass fiber plant, no questions asked.

### BACKGROUND ON IRAQI PROCUREMENT NETWORK AND EUROMAC

In previous reports I have provided a great deal of information on the Bush administration's knowledge and support of Iraq's ambitious postwar military industrialization program. The United States Government was well aware that Iraq was determined to build its own nuclear, chemical, and biological weapons and the means to deliver those weapons via long-range ballistic missiles. Despite the obvious risk the Bush administration continued to press for closer relations with Saddam Hussein.

During previous reports I provided particulars on the role played by Iraq's clandestine worldwide military technology procurement network. I have provided abundant details about BNL's, the Italian agency bank in Atlanta, role in financing network firms such as Matrix-Churchill which had operations in the United Kingdom and the United States. The United States Government had abundant knowledge of Iraq's activities. Let me refer as I have before to a 1989 CIA report which states:

> Baghdad uses aggressive covert techniques to acquire technology. The nuclear network—controlled by MIMI—

That is the military industrialization outfit in Baghdad—

> Uses Iraqi public sector enterprises, front companies, foreign agents and even civilian organizations to procure technology. Network methods—especially extensive use of covert techniques are similar to other nations attempting to develop nuclear weapons. We believe the covert nuclear procurement network is essential to Iraq's ability to produce a nuclear weapon.

Today I will focus on an Iraqi front company called Euromac. The United States Customs Service attempted to stop that company from shipping sophisticated technology to Iraq's nuclear weapons program. The Euromac investigation is a fascinating case study which illustrates the triumphs and failures associated with our poorly coordinated attempts to stop the export of sensitive U.S. technology.

As I have indicated in previous reports, one of the largest and most important Iraqi networks was the Al Arabi procurement network under the control of Iraq's Ministry of Industry and Military Industrialization [MIMI]. The Al Arabi holding company owned firms in Italy, France, Switzerland, Germany, the United Kingdom, and the United States.

The name of the Italian arm of the network was a firm called Euromac which is short for European Manufacturing Center. Euromac was staffed by two brothers called Hussein and Kassim Abbas. Euromac-Italy not only played a key role in gathering technology for Iraq's weapons programs, it also was instrumental in obtaining weapons for Iraq. In fact, the Abbas brothers were arrested in Italy in 1989 for illegally shipping Italian-made arms to Iraq. Some intelligence reports identify the Abbas brothers as Iraqi intelligence agents and certain CIA reports mention that Euromac was an integral part of Iraq's procurement network.

In early 1988 Euromac-Italy established an affiliate in London under the same name. Euromac-London was run by an Iraqi national named Ali Daghir. A British man named Michael Hand also played a major role in running Euromac-London.

An April 6, 1989, Customs Service memo quotes Euromac's Michael Hand as stating that Euromac was a semi-official purchasing agent of the Iraqi Government and that Iraq was Euromac's sole customer. Mr. Hand indicated Euromac was doing about $1 billion a month in business for the Iraqi Government in 1989, $1 billion a month. The memo also indicates Mr. Hand was aware that Euromac-London was involved in helping Iraq's military and he stated that Euromac had previously bought thousands of parts used in munitions from a United States firm.

Mr. Hand also revealed that Euromac had an office in New Jersey. The existence of Euromac's New Jersey office is shocking news because this is the first time it has been revealed that Iraq had an east coast front company operation.

I had suspected as much and still do. In fact, at one time in the past I mentioned that under our system, as it operates, mostly supposedly overseen by the Federal Reserve Board, it is possible even right now for Saddam Hussein to have his own bank funds in banks in the United States as long as they are held under certain conditions involving international banking and central bank banking. And this is the reason that we are leading to the main intention behind all of our efforts on the Banking Committee, and that is to at least, at least get the minimal legislation that we have needed all along in order to protect the national interests and the safety and soundness of our financial system as well as our own safety of our national interests from these penetrations because of the gaps that exist in our regulatory oversight and in the laws that are supposed to be governing.

Prior to today the known locations of Iraqi funds in the United States were limited to Cleveland, Pittsburgh, and Los Angeles. As I had brought out but also had insinuated I had good reason to believe, and in fact I will say this now, there is no telling how many real equivalents of B&L's and BCCI's are out there that just have not popped up yet, but could.

I will place documents in the RECORD today showing that Euromac's U.S. office in Paramus, NJ, was established as early as February 1988. These documents will also show that Euromac New Jersey often engaged in procurement activities under the name "Express Resources Corporation," a company with the exact same address and fax number as Euromac USA.

Express Resources is a member of the Express Group of Companies, which has offices in Athens, Bahrain, Beirut, Damman, Jeddah, Khartoum, London, New York, Paris, Riyadh, and Washington, DC. The committee has been unable to contact the Washington office, but the New Jersey office is still operational. The head of the New Jersey office of Express, Rene Malek, told the committee that Ali Daghir asked permission to use the same address and phone number etc., as Express so that Euromac could establish a U.S. address. The committee is still investigating to determine if any Iraqis had an ownership interest in any of the Express companies. But one thing is clear, Euromac New Jersey shared offices with and at times was interchangeable with Express Resources Corp.

The committee has uncovered evidence showing that the U.S. branch of Euromac, with the help of Express Resources, was engaged in procuring equipment for Iraq's nuclear weapons program just like Euromac-London. More importantly, I will show that U.S. intelligence agencies were fully aware of this activity.

In February and April of 1988, a Euromac/Express Resources representative from New Jersey contacted Cordin, a Utah firm that sells equipment to the U.S. nuclear weapons program.

☐ 1410

Cordin has been producing high-speed cameras for nuclear weapons research for decades. In fact, Cordin contributed this technology to the Manhattan project in the 1940's. Some of the company's high-speed cameras are capable of taking over 1 million pictures per second, a feature that makes the cameras very useful for filming a nuclear explosion.

When the Euromac/Express Resources representative told Cordin that he was interested in purchasing a certain type of high-speed camera for delivery to Iraq, Cordin knew immediately that this camera had nuclear applications. The company told Euromac/Express Resources that he would need a purchase order to apply for an export license and he also needed to know the name of the Iraqi end user.

The purchase order, which I will place in the RECORD here today, did not list Euromac as the purchasing agent—it listed Express Resources Corp. as the purchasing agent. To illustrate how the companies worked together, the invoice also instructed Cordin to send the shipment to Euromac.

I will also place in the RECORD a letter accompanying the purchase order which gives an additional clue about the firm's status as an at least sometime Iraqi agent. Express Resources instructed Cordin to issue a price quotation with a confidential 15-percent markup to be reserved for us. The use of markups was standard practice for Matrix-Churchill and other Iraqi firms in the procurement network, which we defined as kickbacks in the past.

The Iraqi end user identified by Express Resources is another familiar name: Al Kindi General Establishment. Al Kindi was Iraq's main weapons research complex and it was under the control of Iraq's Ministry of Industry and Military Industrialization. When we went to war with Iraq in 1991, American bombers targeted and destroyed a good portion of Al Kindi. According to Euromac, Al Kindi intended to use the cameras for general research and material testing.

Cordin contacted the Department of Energy about the proposed export. In reply, the Government said that there was no way Iraq would be allowed to purchase equipment so useful to a nuclear weapons program. Cordin conveyed this message to Euromac and was not contacted again.

But there is more to this. In 1988 Cordin informed United States intelligence agents about Iraq's attempt, through Express Resources, to purchase the cameras. Cordin clearly told United States intelligence that Iraq was seeking to purchase the unmistakably nuclear useful cameras.

The April 6 Customs Service memo also reveals that Euromac worked closely with other Al Arabi front companies including London-based Technology Development Group. The committee, the Banking Committee, has documents showing how the Iraqi front company Matrix-Churchill Corp., in Cleveland, OH, was involved in trying to obtain an entire capacitor-making factory for Iraq. Capacitors have numerous military applications ranging from helping to detonate a nuclear bomb to separating the stages of ballistic missiles. Needless to say, Iraq needed this technology and they went to great lengths to obtain it in the United States.

### BNL AND EUROMAC

The trail to Euromac began with a Federal Reserve Bank of New York memo, and as I have always said, at the bottom of it all is finance, money, or banking to Gerald Corrigan, head of the New York Federal Reserve Bank, dated April 5, 1990, which states:

> I followed up on your suggestion about a possible connection between BNL and the nuclear triggers that were seized in London. As you suspected, there is a connection. Apparently Paul Von Wedel (a former officer at BNL who is now cooperating with the government) says that one of the transactions done with Rafidain Bank at some point referenced nuclear detonators. According to Von Wedel, this reference scared BNL away from this particular transaction, but it is possible that the lesson the Iraqis learned was to be generic in preparing the credit documentation. Thus, it is entirely possible that BNL financed some of this material.

The Federal Reserve memo also illustrates why I have so painstakingly followed the BNL scandal. The BNL scandal shows the serious repercussions of allowing foreign banks to run out of control on U.S. soil—they could be helping other countries develop nuclear bombs. In the case of the BNL scandal, our worst nightmares came true. The bank regulators must be more diligent when inspecting foreign banks. The stakes are high. But so far it has been a hard struggle to not only develop and formulate the legislation, but much more to get it approved and passed on the part of the very Government agencies that I think should be at least trying to help us as much as possible.

### EUROMAC-CSI STING OPERATION

Now I will focus on the Customs Service's successful attempt at foiling Iraqi attempts to acquire nuclear weapons detonating devices. This effort would surely have failed had it not been for the efforts of a brave and determined Customs Service undercover agent named Dan Supnik. Mr. Supnik went undercover posing as a CSI employee in order to help foil the Iraqi attempt. The country owes Mr. Supnik a great debt for his courageous pursuit of the case.

Equally brave and persistent was CSI President Jerry Kowalsky who blew the whistle on Iraq's attempt to acquire dozens of electrical devices used in detonating a nuclear bomb. Mr. Kowalsky was instrumental in identifying the end-use of the electrical devices as well as informing the U.S. Customs Service about Euromac's attempt to purchase the device for Iraq's nuclear weapons research facility at the Al QaQa State Establishment near Baghdad.

Capacitors have numerous commercial and military uses as I have said. A capacitor to a certain extent is something like a battery—it has the ability to store electrical energy, and it has the ability to discharge all the energy it has stored in a matter of nanoseconds, as this word now coined as nanoseconds, meaning like I said a while ago, wherein, and I forget how many millionths of a second, a photograph could be taken. Accurate delivery of energy is crucial to creating a nuclear explosion. And let me explain briefly.

At the core of a nuclear bomb is a ball of fissionable material which is covered by a layer of high explosives, conventional explosives. A capacitor takes the energy stored in a battery and sends it over a series of wires that are embedded in the explosive material that covers the core of the bomb. When the electricity hits the explosive material, the ensuing explosion compresses the fissionable material in the core. The chain reaction resulting from the collapse of the fissionable material in the core is called a nuclear explosion. The explosion cannot take place unless the initial compression is extremely fast and evenly distributed around the core; the role of the capacitor makes it a critical part of a successful nuclear explosion.

The Iraqis were working on building their own indigenous capacitors, but procurement from outside sources was the easiest means of getting capacitors capable of initiating a nuclear explosion. CSI Technologies in San Diego, CA, is one of the few U.S. producers of these capacitors.

In early September 1988 an employee of Euromac London approached the U.K. representative of CSI to inquire about prices for capacitors that would be shipped to Iraq. On September 6, 1988, the U.K. representative of Euromac sent the specifications to Jerry Kowalsky, the president of CSI.

Mr. Kowalsky suspected that the particular capacitors requested by Euromac were for use in a nuclear device. Capacitors of the type requested by Euromac on the United States munitions list and their export to Iraq was prohibited by United States policy.

Mr. Kowalsky immediately contacted the CIA and the U.S. Customs Service and told them about his suspicions related to the Euromac order. The CIA was very interested in what Mr. Kowalsky had to say. Mr. Kowalsky was told by the CIA that he was not to let the U.S. Customs Service know that he was working with them on the case.

During the course of the Euromac investigations Mr. Kowalsky met with CIA agents in San Diego three to four times and they talked on the phone another half dozen or so times. Mr. Kowalsky told the Committee that over the course of the investigation the CIA asked for and was provided all important documents related to Euromac triggers case. Mr. Kowalsky was happy to help the CIA and felt it was his patriotic duty. He did think it was strange that he was told not to inform the Customs Service of his assistance to the CIA.

Mr. Kowalsky was no stranger to working with the U.S. Customs Service. In 1985 agents from both Iran and Iraq had approached CSI seeking what appeared to be nuclear weapons grade capacitors. The U.S. Customs Service was most interested in the Euromac case. Senior Special Agent Dan Supnik was assigned to the case and he told Mr. Kowalsky that he should carry on as if nothing had happened to learn more about Euromac and the Iraqi order. Later in the month the Customs Service told Mr. Kowalsky to ask the U.K. representative to let CSI handle the Euromac order. CSI's representative agreed and from that day forward CSI had direct contact with Euromac.

In early October 1988 Special Agent Supnik alertly wrote to the U.S. Government's nuclear weapons laboratory, the Sandia National Laboratory in New Mexico, asking if they could verify that the capacitor sought by Euromac was specifically designed for military use and whether or not a license was needed to sell the capacitor to a third country. Agent Supnik also contacted two other capacitor manufacturers to determine the likely end use of the capacitor.

In a November 10, 1988, letter the Sandia Laboratory informed Agent Supnik that the capacitors in question had no civilian uses and that it could be possible that a possible end use was to detonate nuclear bombs. The private companies he contacted also replied to the same effect.

In November 1989, Mr. Kowalsky traveled to London to meet with Euromac representative Mike Hand. Mr. Hand told Kowalsky that Euromac was a semi-official buying office whose only customer was Iraq and that during the Iran-Iraq war, Euromac processed $1 billion a month in business for various Iraqi Government agencies. Mr. Hand also stated that now that the war with Iran was over Euromac was doing about $1 billion a year in procurement for various Iraqi entities. Hand also stated that Euromac's business dealings helped Iraq's military programs. The meeting contained little discussion of capacitors.

In early January 1989, Mr. Kowalsky talked to Euromac and was informed that the Iraqi end user would like to order CSI capacitors. During negotiations over the next several months Agent Supnik continued to advise Mr. Kowalsky in his dealings with Euromac in an effort to obtain the identity of the Iraqi end user. If an Iraqi end user was identified, Agent Supnik proposed that he go undercover to investigate Iraq's nuclear procurement activities.

In May or June 1989 Euromac finally identified the Iraqi end user as the Al QaQa State Establishment. In July Al QaQa asked Euromac to order 100 capacitors from CSI. Upon learning the Iraqi end users name, Agent Supnik contacted Customs headquarters and asked them to contact the CIA for any information they had on the Al QaQa State Establishment. The CIA has plenty of information on Al QaQa. Reports dating back to the middle 1980's identified Al QaQa as Iraq's primary explosives factory.

Evidently the Customs Service had a hard time getting any information out of the CIA. Six months passed before Customs headquarters got back to Agent Supnik with only cursory CIA information on Al QaQa and even that information was already public matter.

In November 1989, the resourceful Agent Supnik took the initiative to talk to the Lawrence Livermore National Laboratory, the United States Government's expert in proliferation and he received details on the true identity of Euromac and Al QaQa and their role in Iraq's nuclear weapons program.

The CIA's poor cooperation with the Euromac investigation fits the all too familiar pattern of an agency that refuses to cooperate with law enforcement efforts. We have already seen in the BNL and Matrix-Churchill investigations that the CIA has not been forthcoming with law enforcement.

The CIA's failure to properly cooperate with the BNL, Matrix-Churchill and now the Euromac investigations raises serious questions about the motives of the CIA and whether or not their lack of cooperation was something that was accidental or not accidental. Surely they are not as unskilled in retrieving information as they claim to be—and if they are, why do we collect the information at all?

In the case of Euromac, the CIA's informant, Mr. Kowalsky, shared the same offices with the U.S. Customs agent, yet there was never a CIA offer to help. Maybe the Customs Service in San Diego should have asked Mr. Kowalsky to get information from the CIA.

On July 13, 1989, Euromac informed CSI that it had received a firm order for 100 of the CSI capacitors from Al QaQa, 40 of the capacitors were of the nuclear variety and the rest were for other military applications.

In August 1989, Agent Supnik was granted authority by Customs Headquarters to go underground and undercover to pose as an employee of CSI. In the memo requesting the undercover assignment, the operation was described as follows and I quote:

> The investigation * * * will be directed toward identifying and penetrating criminal organizations suspected of illegally attempting to acquire restricted and controlled U.S. technology for export and diversion to Iraq.

The investigation was given the code name Operation Quarry. Shortly after getting authorization to conduct the undercover operation, Agent Supnik and Mr. Kowalsky traveled to London for a September 11, 1989 meeting to discuss and finalize specifications for the capacitors.

When important topics were being discussed at the meeting the Iraqis spoke in Arabic so as to conceal their comments from Supnik and Kowalsky. However, the entire conversation was taped.

The total value of the 100 capacitors ordered by Al QaQa was only around $10,000. In order to entice CSI to provide the capacitors, the Iraqis offered future lucrative deals for the supply of more capacitors and other electrical components. The Iraqis even offered to have CSI build a capacitor factor in Iraq.

□ 1430

The meeting eventually produced more detailed specifications for the capacitors and the Iraqis made it clear that the capacitors were to be designed for military application. The topic of export licenses was raised at the meeting as was the idea of altering the shipping documents to mischaracterize the devices in order to avoid detection by Customs officials. The idea of putting the capacitors in Iraq's diplomatic pouch even came up during the meeting, as was the idea of altering the shipping documents to mischaracterize the devices in order to avoid detection by the Customs officials. The idea of putting capacitors in Iraq's diplomatic pouch even came up. This is a way, as I have explained before, that blueprints, for instance, for the .155 millimeter casing artillery was shipped to Baghdad through the Iraqi business ownership or stock ownership of Matrix-Churchill. Placing it in the diplomatic pouch, it is exempt from the usual examination processes of the government in question, in this case, our country.

The Iraqis requested that undercover Agent Supnik visit the Al QaQa facility to discuss Iraq's need for the construction of a capacitor manufacturing facility and requirements for high-speed electrical switches. Since one of the goals of the undercover operation was to gather new information, Supnik considered the offer a perfect opportunity.

The Customs Service headquarters in Washington eventually killed the idea as too risky. Agent Supnik believes that Euromac became suspicious of him after he had to refuse the invitation to visit Iraq.

In September 1989 Euromac's affiliate in Monza, Italy was raided for its alleged involvement in illegal export of Italian-made munitions to Iraq. Items sent to Iraq by Euromac-Monza were falsely labeled air conditioning equipment.

Shortly thereafter, Euromac's agent Ali Daghir informed CSI that Euromac-London was no longer in business and that future communications with him should be addressed to Atlas Equipment Limited.

Between September and December, Euromac employees discussed with CSI how to mislabel the capacitors for export purposes. Euromac instructed CSI to mislabel the capacitors as "computer room air conditioning units."

In February 1990, CSI received a false end user certificate from the Iraqis indicating that the end user would be the University of Technology Baghdad—School of Applied Sciences. The sole use of the capacitors was listed as "$CO_2$ laser system."

On March 19, 1990, CSI shipped the mislabeled capacitors to Atlas Equipment Co. in the United Kingdom. On March 23 a sealed indictment was filed by the U.S. attorney in San Diego implicating the entities and individuals involved in violating U.S. export control laws. Five days later, U.K. Customs officers confiscated the capacitors and arrested the Iraqis as they were attempting to place the capacitors on an Iraqi Airways flight to Iraq.

Several Euromac employees that were indicated in the U.K. were convicted of violating U.K. export control laws. The U.S. Justice Department has never sought the extradition of the Euromac employees charged with breaking U.S. laws.

One of the most astounding aspects of the Euromac case involves the Commerce Department. In late November 1989, CSI applied to the Commerce Department for a license to ship the capacitors in question to Euromac in England. A week later the Commerce Department decided that the capacitors did not need an export license to be shipped to Euromac.

Obviously, the Commerce Department did not realize the potential use of the capacitors nor the fact that the capacitors were on the State Department's munitions control list. In addition, the Commerce Department evidently did not know that Euromac was an integral part of Iraq's military technology procurement network.

This debacle also illustrates another serious problem that we have brought out—the ineffective relationship between the Commerce Department, and the CIA, and the State Department. At the time of CSI's application in November 1989, the CIA had abundant knowledge of Euromac's role in gathering nuclear bomb technology for Iraq, yet the Commerce Department apparently was not privy to that information.

I would hate to think Commerce approved the licenses despite knowing about Euromac. I just cannot believe it. However, in fact a similar incident occurred when the Commerce Department approved export licenses for Gerald Bull's Space Research Corporation shipment despite the CIA having oodles of information on the military activities of SRC. Was the Commerce Department privy to that information? If not, why not?

### MAXWELL SENDS SIMILAR DEVICES

The Iraqis may not have been frustrated in their attempt to purchase capacitors useful in exploding a nuclear device. In May 1988, a firm in San Diego called Maxwell Laboratories was approached by the Iraqis. Maxwell signed a contract to deliver capacitors to Iraq and the Commerce Department approved an export license to allow the shipment.

Some of the capacitors were very similar to the ones the Iraqis were attempting to procure from CSI. When agent Supnik found out about the Maxwell capacitor sales to Iraq, he told them to stop the order. Unfortunately, in early 1989 Maxwell had already shipped about 40 capacitors to Iraq. Maxwell was concerned enough to halt shipment of the second half of the capacitor order.

Thus, in both the CSI and Maxwell cases, the export licensing program stopped nothing—just as it failed to stop the shipment of other military goods destined for Iraq. One government foot was on the brakes, one was on the accelerator.

### STATE DEPARTMENT SLOW TO REACT

During the course of the Euromac investigation the Customs Service also had great difficulty in getting the State Department to cooperate in making a determination on the illegality of shipping the capacitors to Iraq. In fact, it took the State Department Office of Munitions Control [OMC] about a year to decide a determination that the triggers were on the munitions control list and that it was illegal to send them to Iraq without an export license. The whole case hinged on the State Department's determination that there had been a violation of the Arms Export Control Act. The determination was made only after the U.S. attorney's office in San Diego intervened by getting State Department General Counsel Abe Sofaer involved in the case.

From the start of the Euromac investigation in September 1988, United States and United Kingdom authorities worked closely together. Agent Supnik was told early on in the investigation that British Customs and Excise had an ongoing investigation of Euromac as an arm of Iraq's European procurement network.

Like the Matrix-Churchill case where British intelligence was feeding United States intelligence as early as December 1987, British intelligence was also well aware of the activities of Euromac and clearly shared that information with the United States. The sharing of information apparently went both ways. Mr. Kowalsky's CIA handlers led him to believe that information he provided to the CIA was passed on to the British intelligence.

The highest levels of the U.K. Government were also aware of the joint U.S.-U.K. Euromac undercover operation. An August 4, 1989 Customs Service memo states:

> The British authorities contacted by Customs-London have also added that their total support to the proposed operation and Customs San Diego was advised that the British Prime Minister was advised of the status of the investigation and is very much interested in its progress and successful outcome.

### BAZOFT EXECUTION

At one point in early 1990, U.K. Customs asked U.S. Customs if it were possible to speed up the Euromac sting. The reason for the request was that the British were grasping for any leverage they could get on Iraq so they could avoid the execution of the unfortunate U.K. journalist Farad Bazoft. On March 10, 1990, Bazoft was convicted of spying and sentenced to death after he was caught visiting the site of a huge explosion at the Al QaQa State Establishment outside Baghdad. Over great protestations from the British and American governments Bazoft was executed on March 15, 1990, less than 2 weeks before the Euromac bust.

The Bush administration clearly was well aware that Iraqi agents were in the United States gathering technology for Iraq's nuclear and missile programs. Despite full knowledge of Iraq's intentions, President Bush issued National Security Directive 26 in October 1989 which mandated closer ties to Saddam Hussein, even exchanging intelligence information.

□ 1440

The result was that during the same time frame that United States law enforcement and intelligence agencies were monitoring Iraq's nuclear related activities in the United States, other parts of the Bush administration provided Iraq with over $3 billion in credit and approved over 400 export licenses. This was stupidity on a grand scale.

To this day former President Bush and his top advisors refuse to admit this monumental blunder. But the facts cannot be denied. We had information and we failed to use it. We faced danger and ignored it. Our Government confused everyone, most of all itself, and let Iraq come very, very close to building nuclear weapons to go with its well-remembered missiles. What if they had succeeded? It is only a matter of luck that they did not, as I have shown today.

*Euromac (USA) Inc.*

| | |
|---|---|
| Dynafax model 370 streak camera: | |
| Includes: 300 rps drum with 1¼ hp motor drive. Model 2–70A daylight loading film cassette. 150mm objective lens, adjustable slit and 150 feet of 2498 RAR film. | $63,571.20 |
| Dynafax model 374 framing camera, includes: 200 rps drum with 1¼ hp motor drive. Model 2–70A daylight loading film cassette, 17.5–105mm objective lens and 150 feet of 2498 RAR film. | 74,377.60 |
| Napax model 377 framing camera, includes: 200 rps drum with 1¼ hp motor drive. Model 2–70A film daylight loading cassette. 17.5–105mm objective lens and 150 ft. of RAR 2498. Note: Vacuum pump (3.5 SCFM) required for operation | 92,544.10 |

Interchangeable faceplate assemblies:

The Super 70 Dynafax Cameras described above use the same identical motor, drum housing and are designed so that faceplate assemblies are interchangeable in the field. Thus you can have all three cameras—models 370, 374 and 377—by purchasing the one complete camera and the faceplate assemblies for the other two. (Note: Super 70 Dynafax Faceplate Assemblies are not interchangeable with Standard or Super Dynafax faceplate assemblies.)

| | |
|---|---|
| Model 370 streak camera faceplate assembly, includes: Model 2–70A daylight loading film cassette. 150mm f/2.8 objective lens and adjustable slit. | 35,740.10 |
| Model 374 framing camera faceplate assembly, includes: model 2–70A daylight loading film cassette. 17.5–105mm objective lens. 17.5–105mm objective lens. | 48,723.40 |
| Model 377 framing camera faceplate assembly, includes: Model 2–70A daylight loading film cassette. 17.5–105mm objective lens. | 64,714.10 |
| Dynafax model 370 streak camera, includes: 300 rps drum with 1¼ hp motor drive. Model 2–70A daylight loading film cassette. 150mm objective lens, adjustable slit and 150 feet of 2498 RAR film. | 57,792.00 |
| Dynafax model 374 framing camera, includes: 200 rps drum with 1¼ hp motor drive. Model 2–70A daylight loading film cassette. 17.5–105mm objective lens and 150 feet of 2498 RAR film. | 67,616.00 |
| Dynafax model 377 framing camera, includes: 200 rps drum with 1¼ hp motor drive. Model 2–70A film daylight loading cassette. 17.5–105mm objective lens and 150 ft. of RAR 2498. Note: Vacuum pump (3.5 SCFM) required for operation | 84,131.00 |

Interchangeable faceplate assemblies:

The Super 70 Dynafax Cameras described above use the same identical motor, drum housing and are designed so that faceplate assemblies are interchangeable in the field. Thus you can have all three cameras—Models 370, 374 and 377—by purchasing the one complete camera and the faceplate assemblies for the other two. (Note: Super 70 Dynafax Faceplate Assemblies are not interchangeable with Standard or Super Dynafax faceplate assemblies.)

| | |
|---|---|
| Model 370 streak camera faceplate assembly, includes: Model 2–70A daylight loading film cassette. 150mm f/2.8 objective lens and adjustable slit. | 32,491.00 |
| Model 374 framing camera faceplate assembly, includes: Model 2–70A daylight loading film cassette. 17.5–105mm objective lens. | 44,294.00 |
| Model 377 framing camera faceplate assembly, includes: Model 2–70A daylight loading film cassette. 17.5–105mm objective lens. | 58,831.00 |

EXPRESS RESOURCES CORP.,
*Paramus, NJ, April 20, 1988.*

CORDIN,
*Salt Lake City, UT.*
Attn: Mr. Nebecker.
Subj: Our P.O. IK/8208/SPL–COR.

DEAR MR. NEBECKER: Please find enclosed our subject P.O. as we agreed on the phone today.

Also enclosed is the information regarding the end user and their description of the use to which the camera will be put.

We trust this information will be sufficient to start the Export License process moving, if you need more data, we would be happy to obtain it.

I trust it is clear to Cordin that this is a preliminary P.O. for the purpose of obtaining the Export license. The final details and choice of accessories will be made at a later stage.

The prices shown on the P.O. are the ones including the confidential 15% as agreed and as detailed in our letter faxed to you on February 17, 1988 (copy attached).

Please keep me advised of developments, and good luck with the license.

Sincerely,

R. MALEK,
*Vice President.*

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CORDIN camera—Model 124.

End user: AL KINDY General Establishment, P.O. Box 11, Mosul, Iraq.

AL KINDY is a State run organization, affiliated to the Ministry of Industry. It was established to carry out Research and Development for government and private enterprises.

Camera use: The Camera will be used for general research and for material testing including crack propagation and investigation of materials and their behaviour under high rate of strain and impact loading.

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SHIPPING DOCUMENTS FROM EXPRESS RESOURCES CORP.

To: CORDIN, 2230 South 3270 West, Salt Lake City, UTAH 84119, Attn: Mr. Nebecker.
Ship to: To be advised.
Shipping marks: "EUROMAC."
Ship date: To be agreed.
Terms: To be agreed.

| | *Unit Price* |
|---|---|
| Model 124 Camera: Including Set of Entrance Aperture Stops | $97,727.00 |
| Model 470 camera control | 17,000.00 |
| Model 475/480 gas control | 5,187.00 |
| Mirror turbine assemblies—Model 1227, 10,000 RPS | 39,845.00 |
| Lenses: | |
| 135–600 mm Zoom Lens F/6.7 with matching field lens and lens board | 66,934.00 |
| 800 mm Zoom Lens F/5.6 with matching field lens and board | 10,346.00 |
| Control cabinet with casters and desk top shelf | 3,583.00 |
| Model 405 turbine speed control | 18,128.00 |

| | Unit Price |
|---|---|
| Model 460 6 channel coincidence control | 10,319.00 |
| Model 640 high energy pulser | 10,996.00 |
| Model 1516 image rotator | 7,208.00 |
| Model 607 adjustable duration light pulser | 26,837.00 |
| Total FOB factory | 309,110.00 |

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EXPRESS RESOURCES CORP.,
*Paramus, N.J.*

To: The Cordin Co., Salt Lake City, Utah.
Att: Mr. Nebecker.
Ref: High Speed Camera for Iraq.

DEAR MR. NEBECKER, I was indeed gratified by your interest in pursuing the subject sale through our company.

To confirm our conversation of February 16, 1988, this is how we wish to pursue this contract:

(1) Cordin will issue a quotation to Express Resources. The quotation to include a confidential 15% markup to be reserved for us. At a later stage, we may ask Cordin to issue the quotation directly to the Iraqi client, and Cordin will issue the same quote with the same 15% reserved for us. This arrangement to be kept confidential unless Cordin is instructed in writing by us to reveal it details.

(2) Cordin to coordinate its response to any enquiry from Iraq or for Iraq through ourselves, to determine if such an enquiry is coming from the same authorities to whom we have presented the information on Cordin. It should be noted that chances that more than one client could be interested in purchasing such cameras for Iraq at the same time are pretty slim.

Please confirm the above is:

(a) your understanding of our conversation and,

(b) is acceptable to Cordin.

Also, please proceed to quote for the Cordin model 119, as well as other models you deem appropriate to consider. Your comments on pros and cons on each choice would be appreciated by the client. Please include in each case any accessories you judge appropriate. Also if you need any information to help determine what system is best suited for the job, please include a detailed list of what you need to know.

Kindest regards,

RENE N. MALEK,
*Vice President.*

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U.S. GOVERNMENT,
*September 19, 1988.*

Reply to attn of: ———, SS/A, Sac, San Diego.
Subject: Request for License Determination.
To: ———, Munitions Branch, Strategic Division, Hqtrs—USCS.

This memorandum is being sent to you in response to our telephone conversation on September 16, 1988.

On September 14, 1988 I interviewed ——— President and Chief Operating Officer of CSI Technologies, Inc (CSI), 810 Rancheros Drive, San Marcos, CA. 92069-3009. This interview was initiated by ——— when he received a telefax from Ted Charlton, Walmore/Wave, London, England. (Ted Charlton, Walmore/Wave is CSI's England-based European buyer/representative.) (A copy of that telefax, dated September 6, 1988 is attached for your review and information.)

As background to this memorandum it should be noted that after being prosecuted for unrelated smuggling offenses, CSI agreed to cooperate with U.S. Customs as a result of plea negotiations. CSI is a manufacturer of electric capacitors. At the time of that company's cooperation (1985–1986) it was learned by U.S. Customs that CSI had been contacted by the Iranian and the Iraqi Atomic Energy Ministries through separate channels. Both of those Middle Eastern countries appeared to be interested in contracting with a manufacturer to produce large electric capacitors for their use and had contacted CSI in their attempt to negotiate such a contract to acquire those units. CSI furnished this information to USCS, SAC/San Diego and two investigations were initiated by this office in an attempt to identify any domestic-based agents of those two countries who may have been operating in the U.S. The investigations proved to be inconclusive when it was learned that the Iraqis and Iranians had probably contracted with a foreign-based capacitor manufacturer to obtain the units in which they were interested. At that time ——— opined that based on the configurations of the capacitor units the Iraqis and Iranians were seeking it seemed likely to him, although not conclusively so, that both countries were attempting to develop a nuclear weapon. ——— stated at that time (approximately July-September 1985) that the capacitor units sought by the Iraqis and Iranians had such a large electrical charge storage capability, it seemed unlikely that they would be used for any purpose other than nuclear (weapons) research. This opinion was somewhat supported by the political situation then existing between the two warring subject countries.

When on September 6, 1988 ——— received the above-cited telefax he contacted both this office and the CIA. Based on the specific configuration data provided to CSI by Walmore/Wave, ——— stated that the capacitors now sought by the Iraqis have three potential uses which are:

(1) Nuclear weapon triggering devices
(2) Conventional weapon trigger devices
(3) Military laser technology

——— stated that based on the technology now in use in the Middle East, and based on his experience, he believed that the capacitors currently sought by Iraq would be most likely used in nuclear weapon triggering devices. (The spec. sheet for the capacitors, also furnished by Walmore/Wave to CSI, is also hereto attached for your use and information).

——— noted that on the spec. sheet, item 14—"Repetition Rate: single shot," was a definite indicator of a military end-use function for capacitors with the given configurations as provided by Walmore/Wave.

(Please note that Part B of the spec. sheet which was received by CSI also indicates an inquiry on behalf of the Iraqis for switching devices which CSI does not manufacture. This office, through CSI's cooperation, is currently attempting to identify which U.S. company or companies may have received that request for quote from Walmore/Wave. This contact, once established, will be forwarded to the appropriate OE office for any required investigative follow-up by local USCS SAC/RAC personnel).

CSI and this office are currently working together to establish direct contact with the end-user/customer and if this is achieved, SAC/San Diego will initiate an active undercover case to pursue investigative leads as they develop.

It is requested that your office please expedite a license determination regarding the above-cited capacitors so that this office may respond accordingly and properly to the information currently being received from and developed by CSI under this office's direction.

If you require any further information, please contact me directly at FTS: 895-6850 or commercial (619) 557-6850.

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U.S. GOVERNMENT,
*April 6, 1989.*

Reply to attn of: ———, EUROMAC.
Subject: Memorandum of Interview
To: Case File.

On March 29, 1989, the reporting Special Agent interviewed ——— CEO, CSI Capacitors, Inc. at his office in San Marcos, CA regarding the on-going negotiations between his company and Euromac for the manufacture and purchase through Euromac of high energy capacitors on behalf of the government of Iraq.

Kowalsky stated that he had recently received some suggested modifications to the design of the capacitors sought by the Iraqis via Michael Hand, Director of Export and Sales for Euromac. Kowalsky stated that he had responded by telefax to Hand and was currently awaiting finalization of the order by Euromac. Kowalsky added that the further modification to the design of the capacitors by Iraq indicated to him with a greater degree of certainty that the capacitors were definitely for a military end-use (as always indicated) and specifically either for a nuclear explosive device or a ballistic missile igniting device. ——— added that to date Hand had not furnished an answer to his several previous inquiries regarding the specific end-use of the capacitors the Iraqis are currently seeking.

——— also provided the following information gathered by him during discussions with both Hand and Ted Charlton (CSI's U.K. representative) of Walmore/Wave, London, England. ——— stated that since the first inquiry for the capacitors came in to CSI from Charlton in September 1988, he had met with Hand once in person during a trip to the U.K.; that the meeting took place at Charlton's office at Walmore/Wave as per Hand's request; and that during that meeting Hand gave him a business card which described Hand as "Director of Export and Sales" for Euromac (European Manufacturer Center, Ltd), although Hand also described himself as a Vice President of that company.

——— stated that during that meeting Hand described Euromac as an official purchasing office for the government of Iraq and that Euromac's sole customer was the government of Iraq. ——— stated that Hand also stated that Euromac had two other offices located in Italy and New Jersey, USA and that the president of the Euromac London office was Ali Daghir. ——— further stated that Hand told him that there was also co-located with the office of Euromac another small company called "TDG" which was made up of Iraqi engineers who were Iraqi government employees.———also stated that HAND explained that when an Iraqi delegation visited London, they stated they needed the capacitors and presented the specs for the capacitors to him; and that he (HAND), in turn, passed on those specs to Ted CHARLTON at Walmore/Wave.———stated that HAND told him at that time that DAGHIR had subsequently taken CSI's proposal/response to Baghdad to be presented to the authorities there in Iraq.———stated he asked HAND at that time if business was slowing down due to the slowing down of the war between Iraq and Iran and that HAND responded, "On the contrary," that they were doing a billion dollars a month in business and that the principal source of material for Iraq was France.———added that the only identification of the Iraqi end-user for the capacitors he could determine was a state organization in Iraq called "SORG" or "SORQ".

———also stated that HAND told him that there were things DAGHIR was involved in with which he was not privy; that HAND stated he never knew what any of the parts were specifically to be used for, but indicated that he knew he was aiding in the Iraqi war effort and treated the business and his knowledge with "a wink of the eye".——— also stated that HAND told him that even though the Iraqis did have a small official technical delegation in London, England they would typically not use that resource but rather go through Euromac to obtain that technology, material and goods sought by that government (Iraq).

———added that HAND had mentioned to him one specific prior purchase he had made on behalf of Iraq through Euromac of a lot of explosion-proof switches (used in munitions) which were obtained from another U.S. manufacturer for export to Iraq.———also stated that HAND had mentioned that DAGHIR was also involved in the importation to England of frozen french fried potatoes from the U.S. as a side light to his other business dealings for Iraq; and that HAND mentioned that the food business had not been a profitable enterprise.

———stated that he met HAND during a meeting in England in November 1988 and had obtained the above information during that meeting (at which CHARLTON was also present).———stated that in further negotiations regarding the capacitors he learned that CHARLTON had met with an Iraqi delegation during February 1989 at the offices of Euromac which CHARLTON described as being located in "an old battered house".———stated that he heard CHARLTON had met with Michael HAND, Ali DAGHIR, two Iraqi engineers and what were described to him as two Iraqi "watchers" who just watched and said nothing during that meeting.———stated that he learned that no business cards were exchanged at that meeting and that the only other persons present in the building at the time of the meeting were a couple secretaries who appeared to be foreign (possibly Iraqis).

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DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
*July 22, 1989.*

Reply to ———, attn of: Special Agent in Charge, San Diego, California.

Subject: Threat Assessments for Operation QUARRY.

To: ———, Assistant Regional Commissioner (Enforcement), Pacific Region.

As discussed in the attached undercover proposal, the goal of this proposed operation is the penetration of groups of individuals and companies currently operating in both Europe and the United States which are attempting to obtain U.S. technology for diversion to Iraq. Negotiations have been under way involving undercover contacts between the subject group and a U.S. Customs undercover agent for approximately eight months and three months, respectively.

Negotiations are being conducted in response to an inquiry by a U.K.-based company for high-voltage electrical capacitors which have been identified as those used in a nuclear-related missile program. Continued contact and liaison with the Customs Attache-London, U.K. has developed information that ——— and are cooperating in this U/C investigation. The U.K.-based subject company has been identified as a procurement office for the Iraqi government and uses the cover of a frozen food import/manufacturing company. Information developed through this investigation indicated that munitions items have been acquired for Iraq by that company from the U.S. in the past. In light of the Condor project (joint Iraqi-Egyptian-Argentinean ICBM development program) this current investigation appears to be of a very significant nature. As of mid-July 1989, a firm order has been received for the manufacture of one hundred of the high voltage electric capacitors.

It is expected that the instant operation will identify major arms/munitions smuggling routes and organizations and will result in successful prosecutions.

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DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
*August 4, 1989.*

Reply to Assistant Regional Commissioner, attn of: (Enforcement)/Pacific Region.

Subject: Request for Foreign Travel—Operation QUARRY.

To: Assistant Commissioner (Enforcement).

Thru: Director, Special Investigations Division.

The following information relates to proposed travel of Senior Special Agent Daniel Supnick from San Diego, California to London, England as a function and in furtherance of Operation QUARRY.

In the course of initiating the above-cited Operation, a cooperating manufacturing business in the San Diego area has provided SS/A Supnick with cover within that company. SS A Supnick is currently posing as that manufacturer's manager for export and finance. A meeting has been requested by the * * * with the concurrence of CA/London and cooperating British authorities to take place between the cooperating company's Chief Executive Officer, the U/C agent, subjects in the U.K. and representatives of the end-user country, which has been identified as Iraq. ——— A firm date for that meeting should be forthcoming within the next three weeks. Due to the possible short notice between the actual meeting dates, this request is being submitted at this time to allow all authorizing officials the necessary time to review this request.

A. Name of Employee: ——— Senior Special Agent attached to the SAC/San Diego, California.

B. Necessity for Travel: A meeting is being brokered between the cooperating company (and U/C agent) and the subjects and end-users involved in the attempted acquisition and illegal export/diversion of controlled technology from the U.S. through the U.K. to Iraq for use in a nuclear-related missile program. ———. Prior to requesting that such a meeting be arranged, contact was made between the U/C agent and ———, CR, CA/London. After discussion between CR Rowley and cooperating British authorities, it was requested by CA/London that such a meeting be requested to take place at the U.K. subjects' place of business. The CI and SAC/San Diego are currently awaiting a response from the U.K. subject company to confirm the dates of that meeting. During the proposed meeting, negotiations will be conducted to further the business of the manufacturer of the hardware sought by Iraq. More importantly though, the U/C agent will elicit that conversation and develop the evidence necessary to: (1) fully identify all of the subjects of this investigation; (2) further and expand the investigation; (3) fully determine the extent of the subjects' involvement in this scheme, to successfully prosecute in the U.S. any violations of law in which the subjects are participating. For this initial meeting it is crucial (and has been included in the U/C operation proposal) that the CI be present to discuss technical matters relating to the technology being ordered by the subjects. After this trip the CI's involvement should be greatly reduced and subsequent negotiations will be handled by the U/C agent. U.K. authorities have already given their stamp of approval for this meeting and have authorized the electronic monitoring and recording of the U/C contacts in the U.K.

C. Case Synopsis: The SAC/San Diego requested authorization to initiate an undercover operation based in the San Diego, California area, with undercover contacts anticipated to be made in other parts of the United States, in Europe and possibly the Middle East. This operation is being conducted by the U.S. Customs Service with liaison and support provided through the U.S. Customs Attache—London, U.K. by H.M. Customs and Excise ———. The investigation is anticipated to last anywhere from six months to a year and will be directed toward identifying and penetrating criminal organizations suspected of illegally attempting to acquire restricted and controlled U.S. technology for export and diversion to Iraq. The operation will require the extensive use of at least one U.S. Customs undercover special agent and initially the participation of a cooperating individual whose ———. The undercover agent is assuming the role of an export/finance consultant for the cooperating corporation and is holding a title in that company, as well. The investigation has already begun with liaison having been established between SAC/San Diego, CA, the U.S. Customs Attache/London, England and H.M. Customs and Excise ——— offices strongly support this operation. It is anticipated that this U/C operation will continue for up to twelve (12) months.

The objectives of the undercover operation are as follows:

(1) Identify all individuals and businesses that are associated with the U.K.-based subject company both within and outside the U.K. who are involved in the illegal acquisition of military material for Iraq.

(2) To attempt to corroborate the association of persons and firms in the U.S. (previously identified) with the subject U.K.-based company.

(3) To enter into an agreement to provide the controlled technology to the subject U.K.-based company through a U.S.-based contact (individual or firm) and then either damage or substitute the goods and trace their route from the U.S. via England to Iraq.

(4) To expose and prosecute those persons and corporations involved in the illegal export/diversion of contraband technology from the U.S. to Iraq.

(5) To develop additional intelligence and information concerning the Iraqi nuclear missile program for purposes of initiating other spin-off and collateral investigations.

* * * * *

With the total cooperation of the British authorities and the local cooperating individual and company. SAC/San Diego has proposed to enter into continued negotiations through the use of an undercover agent highly experienced in these investigations, for the purpose of developing and obtaining that evidence necessary to prosecute the subjects of this investigation.

Any overt investigation has proven to be unsuccessful in the past and this opportunity should be seized to identify, expose and prosecute any violators of U.S. and British law as related to the illegal acquisition, export and diversion of U.S. technology to a proscribed country.

A local Assistant U.S. Attorney who is Chief of the Fraud Section, Southern District of California has endorsed the proposed undercover operation and has volunteered to monitor its progress and offered his support in guiding the operation towards a successful conclusion. The British authorities contacted by CA/London have also added their total support to his proposed operation and SAC/San Diego was advised recently that the British Prime Minister was advised of the status of this investigation and is very much interested in its progress and successful outcome.

In mid-July 1989 it was learned that the subject U.K. company had received a firm order for one hundred of the identified capacitors. The cooperating company was then notified by the subject firm and an inquiry was put to the cooperating company as to whether the order should be followed up by direct negotiations with the end-user in Iraq. After discussing this option with Customs Representative Susan Rowley, CA/London, it was agreed that it would be undesirable to have a meeting at this time to take place in Iraq. As a much more acceptable alternative it was agreed to request that a meeting be brokered by the subject company to take place between the CI and the U/C agent (representing the cooperating firm) and the end-user representatives at the offices of the subject firm in England, U.K. CR Rowley has advised that the British authorities have already agreed to such a U/C meeting and have authorized the electronic monitoring/recording of that meeting. As the CI has an unquestioned expertise in the area of the technology sought by the Iraqis and is known to the subjects, it would be a perfect setting for the introduction of the U/C agent who will be posing as the export/finance consultant/officer for the cooperating company. At this meting, all technical questions should be resolved and negotiations will be passed on (at that meeting) to be picked up and continued by the U/C agent. Negotiations will be carried on from that point with the primary goals in mind of identifying all persons and business entities involved in this scheme to obtain restricted munitions-related technology by Iraq and to obtain the evidence necessary to prosecute the subjects of this investigation.

D. Person(s) Visited: Ali Daghir, owner (subject), Jeanine Speckman, sales manager (subject), EUROMAC—a business in England, U.K. (subject), and others as yet unknown or unidentified.

E. Identity of Suspects (Identified to Date): (See "D" above).

F. Country to be Visited: England, U.K.

G. Proposed Travel Itinerary: Departure from San Diego, California on or about September 7, 1989. In London, England, from September 8, 1989 through September 15, 1989. Return to San Diego, California on September 16, 1989. (Above dates have not as yet been confirmed and are only approximate).

H. Proposed Travel Itinerary: Round trip from San Diego, California to London, England. Briefings with CA/London and British authorities participating in this investigation and U/C meeting(s) with suspects.

I. Estimated Costs:

Airfare Roundtrip for U/C and CI $900 2 = $1800.

Per Diem at $170/day 7 days 2 = 2380.

Miscellaneous travel expenses = 600.

Total cost for trip: $4780.

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U.S. CUSTOMS SERVICE MEMORANDUM,
*August 29, 1989.*

To: Assistant Commissioner, Office of Enforcement.

From: Assistant Regional Commissioner (Enforcement), Pacific Region.

Subject: Special Operation Proposal, "Operation Quarry."

Attached for your review is Operation Quarry, which is a Group I undercover operational proposal. The goal of this U/C operation is to identify individuals and companies operating in Europe and the United States that are attempting to obtain items necessary to explode nuclear devices. These individuals and companies are attempting to procure for Iraq.

This memorandum is a request for operational approval and certification. Funding will be done by this Region.

I have reviewed this proposal and concur with the Special Agent-in-Charge, that it has merit. Request the attached be reviewed by the Undercover Review Committee at their next scheduled meeting as this operation is currently continuing in the Group II category.

Please have the committee contact —— of my staff, to answer any questions. He can be reached at FTS 798-4692.

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U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

NOVEMBER 1988 GRAND JURY CRIMINAL CASE NO. 900211

United States of America, Plaintiff, versus Ali Ashour Daghir (1), Karim Dhaidas Omran (2), Wallid Issa Ahmad (3), Jeanine Speckman (4), Dafir Al-Azawi (5), Euromac (London) Limited (6), aka European Manufacturer Center, Ltd., Atlas Equipment (U.K.) Limited (7), Defendants.

Indictment: Title 18, U.S.C., Sec. 371, Title 22, U.S.C., Sec. 2778—and Title 18 U.S.C., Sec. 1956(a)(2)(A)—Conspiracy to Export Defense Articles and to Launder Money; Title 18, U.S.C., Sec. 1956(a)(2)(A)—Money Laundering; Title 18, U.S.C., Sec. 2—Aiding and Abetting.

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DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE MEMORANDUM,
*March 15, 1990.*

To: Director, Strategic Investigations Division Attention: ——

From: Special Agent in Charge, Office of Enforcement, San Diego, California.

Subject: Operation "Quarry" —— Eighteen-Month U. S. Customs Undercover Investigation Uncovers Iraqi Plot to Obtain Nuclear Missile Warhead Detonator Components from U. S. Manufacturer.

CHRONOLOGY

September 1988: SAC/San Diego—Senior Special Agent —— learns of inquiry by a British company "Euromac (London) Limited", aka European Manufacturer Center London, Ltd., 2 Western Green, Thames Ditton Green, Surrey, England, on behalf of Iraq for the purchase of custom-made, special order electrical (high voltage, low inductance) capacitors from CSI Technologies, Inc., San Marcos, California. CSI agrees to cooperate in the ensuing investigation. (Capacitors are electric energy storage cells, in this instance designed to dump 5000 volts of electricity into a trigger in order to detonate a nuclear missile warhead.) Investigation establishes that the capacitors sought by Euromac are U. S. munitions items regulated by the U. S. Munitions List and the U.S. Department of State's Office of Munitions Control for Export, and export to Iraq would be denied by U. S. policy. Further inquiries through Customs Attache, London, disclosed that British authorities had an investigative interest in Euromac as an arm and front for Iraqi government arms procurement network. Director of Euromac is identified as Ali Ashour Daghir, an Iraqi citizen residing in the U. K.; Euromac is registered as a company whose main business in import/export of foodstuffs to/from the U. K.

September 1988–March 1989: Negotiations conducted between Euromac and CSI regarding design and pricing for one hundred (100) capacitors to be manufactured for Euromac for ultimate use in Iraq. Through this period, a British citizen, Michael Brian Hand, is representing Euromac as its sales vice president and representative. At a meeting at Euromac with Iraqi representatives, the capacitor order is further discussed. Hand discloses that Euromac is an official purchasing office of the Iraqi government which had done millions of dollars of business in procuring military material for the Iraqi government during the Iran-Iraq conflict and had continued to do so through the present time. Hand also stated that although the Iraqi government has an official purchasing office/representative in the U. K., the Iraqi government would use Euromac to obtain/procure more sensitive/important items.

Late March/Early April 1989: Disclosure in British/United States press regarding Israeli government disclosure re: Iraqi government nuclear weapon development program.

Michael Hand leaves employ of Euromac but advises that according to Daghir, who had returned from trip to Iraq, capacitor order is still active. Hand is replaced by Jeanine Speckman at Euromac and negotiations continue regarding capacitor order.

April–September 1989: Negotiations continue between CSI and Euromac. Speckman identifies Iraqi end-user.

May 1989: End-user in Iraq is identified by Euromac as Al-Qaqaa State Establishment, Ministry of Industry in Iraq. (Subsequent investigation by SAC/San Diego Senior Special Agent —— indicates that Al-Qaqaa is a facility involved in the development of missiles/rockets and explosives research and development for the Iraqi government's "Ministry of Industry & Military Industrialization".)

September 1989: Order for one hundred (100) capacitors is placed with Euromac by Al-Qaqaa.

September 11, 1989: At the Cavendish Hotel in London, England, Ali Ashour Daghir and Jeanine Speckman as representatives of Euromac (London) Limited, and Atlas Equipment (U. K.) Limited; Karim Dhaidas Omran and Wallid Issa Armad, as representatives of Al-Qaqaa met with a representative of CSI Technologies, Inc. and Senior Special Agent —— of the U. S. Customs Service, who was posing in an undercover capacity as Daniel Saunders, CSI Technologies, Inc.'s Manager for Finance and Export, to discuss and to finalize the exact specifications and design requirements for the nuclear warhead detonation capacities sought for purchase by Euromac (London) Limited.

During that meeting in London, England, Omran and Ahmad made it a requirement that the nuclear warhead detonation and other military capacitors they sought to purchase from CSI Technologies, Inc. be made to military specifications and military standards. Omran and Ahmad, when initially asked for what specific end-use the nuclear warhead detonation capacitors they wanted to purchase were required, they stated that they were to be used for "laser applications"; however, when questioned further, they stated that those capacitors were actually intended to be used for an "aero-space" application. A discussion took place regarding the export of the nuclear warhead detonation capacitors from the United States, wherein Daghir asked Special Agent——if an export license would be required to export the nuclear warhead detonation capacitors from the United States and to which Special Agent——responded by advising him that an export license would be required and that an export license would probably not be approved or issued for those capacitors if the Republic of Iraq was designated as the end-user. Speckman stated that they would also have a similar problem in trying to export the nuclear warhead detonation capacitors from the U.K. to the Republic of Iraq.

During the meeting, Daghir and Speckman discussed with Special Agent——how to describe or misdescribe the nuclear warhead detonation capacitors so that, as Speckman said, "It wouldn't create any problems", and at which point, Daghir added, "We do the same thing like with the Scottish company * * *."

During the meeting, Daghir stated that the money intended to be used for the purchase of the nuclear warhead detonation capacitors had already been transferred to the Iraqi embassy in London and was immediately available and Daghir stated to the CSI Technologies, Inc. representative and Special Agent——"We don't want you to include a single dollar for us * * * we don't want anything" with regards to a commission on the sale of the nuclear warhead detonation and other military capacitors; Daghir further stated that, "Because I am an Iraqi * * * so I am like that * * * I am an English company, but I am Iraqi * * * if I profit my country, it is for me a profit * * * if my country will * * * use this one, and make use of it, it's for me a profit."

Also at that meeting, Iraqis requested that the undercover agent visit Iraq to discuss other needs of Iraqi end-user; requirement for the construction of a capacitor manufacturing facility in Iraq; requirement for high-speed electric switches also set for the by Karim Omran.

September 12, 1989: In a telephone conversation between Jeanine Speckman in Surrey, England and Special Agent ——, they discussed the misdescription of the capacitors for export purposes and Speckman suggested that the nuclear warhead detonation and other military capacitors be misdescribed as for use in "computer room air-conditioning units".

September 1989: A company operated by two (2) Iraqis in Italy, named "Euromac" is raided by Italian authorities for its alleged involvement in illegal export of munitions items from Italy to Iraq and misdescribing items as "air-conditioning equipment".

September–December 1989: Daghir advised undercover agent that Al-Qaqaa's representatives will attend test of capacitors in California at CSI's factory and advise of export route through a United States-based associate of theirs. Money for payment of capacitors is wire-transferred to CSI from British bank. Undercover agent is urged to visit end-user Al-Qaqaa in Baghdad and is promised millions of dollars in business with that and other Iraqi end-users. Al-Qaqaa invites undercover agent to be its guest in Baghdad.

Daghir also advises undercover agent that shipment to Euromac is not possible as Euromac (London) Limited is no longer in business or operating. Now doing business as "Atlas Equipment (U. K.) Limited".

January 1990: Daghir advises undercover agent that Al-Qaqaa representatives will not visit United States. Daghir directs undercover agent to shipment to "Atlas Air Conditioning Ltd." in England. Subsequently, Daghir directs undercover agent to rather ship capacitors to Euromac (London) Limited and misdescribe as "air-conditioning equipment".

February–March 1990: End-user certificate is received via Euromac (London) Limited, identifying end-user as "University of Technology, Baghdad—School of Applied Sciences—Department of Applied Physics" for sole use of capacitors as "$CO_2$ laser system".

March 1990: Directions given to undercover agent to ship capacitors to Euromac (London) Limited, attention: J. Ajini.

———.

CSI TECHNOLOGIES, INC.,
CAPACITOR DIVISION,
*March 19, 1990.*

To: Euromac London Ltd.
Attn: Mr. Ali Daghir, Ms. Jeanine Speckman.
From: Mgr. E&F, C/O CSI Technologies, Inc.
Ref: P.O. IK/20/3/1.

ALI/JEANINE, Good News!

Attached is a copy of the finalized invoice. We all agree that "air conditioning equipment" is the best description for all of us, as you suggested. If you so advise we will destroy/return end-user certificate previously furnished.

As the original terms were 25% advance, 75% upon shipment, they appear on the invoice. We agree it is now paid in full. Also, your original order specified CIF London.

Our freight forwarder has just notified us that shipment is enroute to you:

TWA Flight #760 Los Angeles to Heathrow.

Will arrive at Heathrow, London on Tues. 3/20/90.

Late morning-TWA Airway bill #015-74482192.

One wooden crate 97 pounds (weight).

Looking forward to future orders!

Best regards,

———.

SHIPPING DOCUMENTS FROM CAPACITORS

Shipped to: EUROMAC London Ltd., 2 Weston Rd., Weston Green, Thames Ditton, Surrey, KT7 OHN England.

QUANTITY ORDERED, PRODUCT NUMBER AND DESCRIPTION, CODE, AND QUANTITY SHIPPED

15, 4W039LNX 3uF, 3.5KV electrical capacitor, A, 15.

15, 5W151LNX 0.5uF, 5.0KV electrical capacitor, A, 15.

15, 4W1138LNX 1.0uF, 3.5KV electrical capacitor, A, 15.

40, 5W1139TX 1uF, 5KVDC electrical capacitor, A, 40.

All items electrical components for air conditioning equipment.

U.S. CUSTOMS SERVICE,
*London, England, April 2, 1990.*

From: Customs Attache, American Embassy, Box 52, FPO New York 09509.
To: SAC/SD Attn: ——
Subject: "Draft" copy of summary of U.K. arrests and follow-up. Details may be helpful.

IDENTIFYING INFORMATION

EUROMAC (London) Ltd., 2 Weston Road, Weston Green, Thames Ditton, Surrey, England, U.K.

Ali Ashoor Daghir Al-Saidei, DOB: 7/1/40, director of EUROMAC, 19 Drakes Close, Esher, Surrey, England, U.K., holds Iraqi and British passports.

Jeanine Celestine Speckman, DOB: 12/20/48, export executive of EUROMAC, 50 Bates Walk, Addlestone, French-born/now U.K. citizen by marriage to U.K. national, Surrey, England, U.K.

Toufic Fouad Amyuni, salesman/consultant of EUROMAC, DOB: 1/5/53, 6 Fawcett Court, Fawcett St., London, England, U.K., holds Lebanese and U.S. passports/U.S. passport #PO14013077 issued 14 August 1989 in Washington, DC, expires 13 August 1999.

Joseph Agini, secretary/accountant of EUROMAC, DOB: 11/8/29, 110 Barnhill Road, Wembley Park, Middlesex, England, U.K.

Omar Latif, DOB: 7/2/42, station manager for Iraqi Airways in London, Iraqi national—Deported from the U.K. on 3/31/90.

On the morning of March 28, 1990, H.M. Customs & Excise [HMCE], in close cooperation with the CA/London, culminated their code-named OPERATION ARGUS with the arrest of five individuals involved in the attempted export of electrical capacitors/nuclear detonators from Heathrow Airport in London aboard an Iraqi Airways 747 bound for Baghdad. The undercover investigation was worked exclusively by the SAC/San Diego and was, by far, the most significant case which contributed to the HMCE operation.

Arrested were four employees of EUROMAC including Ali Ashoor DAGHIR AL-SAIDEI, Director of EUROMAC, three other EUROMAC employees, and the Station Manager of Iraqi Airways in London. Search warrants were executed at Iraqi Airways offices at Heathrow Airport, downtown London, and also at the business premises of EUROMAC. It is alleged that EUROMAC, Iraqi Airways, and several companies are part of a sophisticated procurement network in the U.K. involved in the acquisition of highly sensitive nuclear-related technology for the Government of Iraq.

The following is a brief chronology of events in the final days and hours of the operation in the U.K.

3/26 P.M. EUROMAC solicits an unwitting representative of a small freight company based at Heathrow Airport to pick up the dummy shipment of capacitors from the TWA cargo shed. The capacitors were cleared for entry into the U.K. Freight company employee puts the package in the trunk of his car, and takes them to his private residence overnight.

3/27 A.M. Freight company employee delivers the package to EUROMAC business premises.

3/27 P.M. EUROMAC employees (including DAGHIR but minus SPECKMAN) work late preparing the package for re-export. EUROMAC employee AGINI departs EUROMAC with the dummy capacitors (now broken down into two smaller boxes which were inside the original crate). AGINI puts the two packages inside the trunk of his car and takes them to his residence overnight.

3/28 A.M., 0654 AGINI departs his residence with the two dummy packages of capacitors left inside his vehicle the previous night.

0752 AGINI arrives at Heathrow Airport Terminal 3, puts the two packages containing the capacitors on a trolley, and wheels them to the Iraqi Airways ticket counter. Agini is met at the Iraqi Airways ticket counter by Omar LATIF, Station Manager for Iraqi Airways in London, and EUROMAC employee Toufic Fouad AMYUNI, previously booked on the flight to Baghdad who arrived at the airport by taxi.

0915 Subsequent to check-in procedure for Amyuni, which included a first-class upgrade arranged for by Latif, at the last minute, LATIF directed an unidentified female Iraqi Airways employee to push the two packages containing the capacitors "airside" (meaning behind the counter in a secure area), HMCE investigators arrested Latif, Amyuni, and Agini as soon as the capacitors were airside.

1015 While Euromac employee Speckman had previously arrived at Euromac premises, the whereabouts of Euromac Director Daghir were unknown. Daghir finally arrived at Euromac and was arrested by HMCE along with Speckman. This triggered the execution of several search warrants including Iraqi Airways offices at Heathrow and in downtown London, and at EUROMAC. HMCE also executed two additional search warrants (one in North Wales and one in Scotland) not related to the EUROMAC case but also involving the illegal export of technology to Iraq using Iraqi Airways.

1120 HMCE advises the CA/London that deportation orders were previously issued for LATIF and DAGHIR who were alleged to be Iraqi citizens. The CA/London was told by HMCE this was ordered by the British Foreign Secretary and totally out of their control.

1348 CA/London was now advised DAGHIR was found to be in possession of a British passport, accordingly, the deportation for DAGHIR was withdrawn and he was re-arrested by HMCE and would be charged with Customs export violations with the other EUROMAC employees.

3/28 Late P.M. DAGHIR, SPECKMAN, and AMYUNI were formally charged by HMCE under section 68 of the Customs & Excise Management Act of 1979 dealing with the prohibition to export controlled goods. Subsequent to numerous interviews of AGINI, he was released and formally charged pending review of evidence gathered during the EUROMAC search warrant.

3/29 A.M. DAGHIR, SPECKMAN, and AMYUNI initial court appearance. DAGHIR and AMYUNI did not receive bail due to fear of flight from the U.K. SPECKMAN was released on bail due to her strong connections in the U.K.

Omar LATIF, Station Manager for Iraqi Airways in London, was not charged—deported from the U.K. on 3/31/90.

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OFFICE MEMORANDUM,
*April 5, 1990.*

To: Mr. Corrigan.
From: Thomas C. Baxter, Jr.
Subject: Lavoro.

I followed up on your suggestion about a possible connection between Banca Nazionale del Lavoro ("BNL") and the nuclear triggers that were seized in London. As you suspected, there is a connection. Apparently, Von Wedel (a former officer of BNL who is now cooperating with the government) says that one of the transactions done with Rafidain Bank at some point referenced nuclear detonators. According to Von Wedel, this reference scared BNL away from this particular transaction, but it is possible that the lesson the Iraqis learned was to be generic in preparing the credit documentation. Thus, it is entirely possible that BNL financed some of this material.

At any rate, I have been assured that those conducting the criminal investigation in Atlanta are looking into these connections, with a view to developing additional criminal charges. The resignation of the United States Attorney in Atlanta has led to a number of difficulties in that investigation. These difficulties have been compounded by what is perceived as interference from the Justice Department in Washington.

The press has also made a connection between BNL and the detonators. Attached you will find copies of two Financial Times articles doing just that.

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TELEGRAM, March 8, 1989

From Central Bank of Iraq Baghdad.
8.3.1989.
To Banca Nazionale del Lavore Atlanta, Georgia.
Test 15828 for no amount.

Att Mr. Christ Drougal and Mr. Paul Bee Von Wedel. Ref to MIL No. 3 D D 3., Dec 1988 we list hereunder the particulars of contract which we intend to open its l/c through your good bank suppliers Euromac-European. Manufavtuer centre CAPSOC 20-000-000-20052 Monza/MI/Italy TLX 351073 SURMAC-I buyers state establishment for heavy engineering equipment.

Products various tools.
Amount ITL 56,951,410/-
Contract No. 570/88 in 24.11.88.

Please inform us your agreement to finance under MTL 3 DIRCTLT or according to option B to cover the L/CS through other banks in order to enable us take the necessary action regards banking dept 3 our ref 5-B/243.

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Reporting office: Customs Attache, London, England.
Short title: Euromac/Daghir/Speckman—Nuclear Capacitors to Iraq.

NARRATIVE

After deliberation of almost two days, a jury at the Old Bailey (Central Criminal Court) in London, has returned unanimous guilty verdicts against Ali Daghir and Jeanine Speckman for conspiracy and the illegal diversion/attempted export of forty capacitors to Iraq, allegedly to be used in the firing set of a nuclear bomb. The undercover investigation, worked by the SAC/San Diego in conjunction with the CA/London and H.M. Customs & Excise (HMCE), culminated with the arrests of Daghir, Speckman and Amyuni (not a U.S. target who was acquitted) in March of 1990 as the capacitors, which were shipped under controlled circumstances from the U.S. to the U.K., were being loaded aboard an Iraqi Airways 747 bound for Baghdad.

The U.K. criminal trial, which lasted seven weeks, focused on two major issues, the "special design" of the capacitors (i.e. for military use only) and alleged entrapment by the U.S. undercover agent. The first issue was resolved through the testimony of numerous experts called by the prosecution and the defense from the U.S. and the U.K., the second by the judge who dismissed entrapment, and the unanimous jury verdict against both defendants.

In a strong and emotional appeal by Daghir's defense attorney for a light sentence, Daghir was subsequently sentenced to five years in prison (maximum was seven years) which is considered very strict in the U.K. for this type of offense. The judge stressed the seriousness of the offense in spite of no previous convictions, and the possible consequences not only for the Middle East but for the entire world if the capacitors were to end up in Iraq. Furthermore, the judge stated the sentence was to send a strong message to others involved in similar illegal activities. Daghir had no reaction and will appeal his conviction. Speckman will be sentenced on 6/13.

As a result of this conviction in the U.K., this case may have far-reaching implications on the use of covert techniques and electronic interception on export cases. HMCE is extremely pleased.

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OPERATION ARGUS

(These notes are unattributable and are for background use only. They may be drawn upon only in the event of convictions of the accused.—HM Customs and Excise, June 1991)

INTRODUCTION

1. This case involved the attempted illegal exportation of forty (40) electrical capacitors specially designed for military use as controlled by the Export of Goods (Control) Order 1989, to Iraq, in March 1990, contrary to the Customs and Excise Management Act 1979.

The company and personnel involved are:

A. EUROMAC (London) Ltd, European Manufacturer Centre, 2 Weston Green, Weston Road, Thames Ditton, Surrey KT7 OHN.

B. Ali Ashoor Daghir, 19 Drakes Close, Esher, Surrey KT10 8PQ. Managing Director of A; DOB: 01.07.40; Iraqi & British Passports.

C. Jeanine Celestine Speckman, 50 Bates Walk, Addlestone, Weybridge KT15 2DQ. Export Executive of A; DOB: 20.12.48; French & British Passports.

D. Toufic (TED) Fouad Amyuni, 6 Fawcett Court, Fawcett Street, London SW10 9HW. Sales Mgr/Consultant of A; DOB: 05.01.53; Lebanese & American Passports.

BACKGROUND

2. Euromac (London) Ltd, traded as a general sales company for goods, mainly heating and ventilation equipment, for export to Iraq. Managing Director Ali Daghir also ran other companies from the same premises, namely, Atlas (foods) Ltd—(fast food company, ceased trading), Atlas Equipment (UK) Ltd—(general sales to Iraq), Keencloud Ltd—(property management company). In addition to Daghir, Speckman and Amyuni the company employed a bookeeper/general driver, Joseph Agini, and a secretary.

3. In September 1988 an American company specialising in the design and manufacture of capacitors CSI Technologies Inc, San Marcos, California, received an enquiry from its UK representative regarding the purchase of capacitors. From the specifications quoted, the president of CSI (Jerry Kowalsky) suspected that the capacitors may have been for use in a nuclear device, and reported his suspicions to the US Customs Service.

4. On the instructions of US Customs, Kowalsky established that the initial enquiry had come from Euromac (London) Ltd, who were attempting to source the capacitors, for end-use in Iraq, and started to negotiate with Euromac directly.

INVESTIGATION

5. US Customs were kept aware of the negotiations on price and specifications, and in September 1989 a meeting was arranged in London between the manufacturer (CSI), Euromac, and the Iraqi end-user. Present at that meeting in the Cavendish Hotel on 11th September 1989 were Ali Daghir and Jeanine Speckman of Euromac, 2 Iraqi engineers from the Alqaqaa State Establishment, Jerry Kowalsky, President of CSI, and an undercover US Customs Officer, Daniel Supnick, acting as Dan Saunders the export finance manager of CSI. The meeting was tape recorded, and monitored by HM Customs and Excise Investigation Division Officers.

6. During the meeting the final specifications required for the capacitors were discussed. Problems with export licensing requirements both here and in the USA were discussed, and various ways of circumventing the requirements were mooted. Supnick told the meeting that he thought that the capacitors were for use in some kind of rocket. Altitude specifications were requested together with the requirement to withstand 25g vibration, and all specifications to meet military standards. One of the Iraqi engineers said that the use was to be "One Shot Aerospace Application". Daghir made it clear that Euromac were not going to receive a sales commission on the deal, ". . . if I

profit my country, it is for me a profit . . ." he said. A final order for the capacitors was agreed, endorsed with the shipping terms as FOB San Diego to Euromac (London) Ltd.

7. Subsequent communication with Euromac and Alqaqaa from CSI was all on the directions of US Customs. Telephone calls to Euromac by Supnick acting as the export finance manager of CSI were recorded by Supnick. Discussions concerned the manufacture, the testing of the capacitors to ensure the very low inductance needed, a possible visit by CSI to Iraq, the misdescription of the capacitors on export from the USA, and the preference by CSI for a domestic (US) delivery. Supnick told Daghir that CSI knew that the end application of the capacitors was for nuclear warheads. An end-user certificate was supplied to CSI via Euromac detailing the end-use application as $CO_2$ laser system, and the end-user as the University of Technology, Dept of Applied Physics, Baghdad.

8. Delivery instructions were finally given to CSI to ship the capacitors to the UK on 15th March 1990. The instructions from Speckman were that the goods should be consigned to Euromac (London) Ltd, for the attention of Joseph Agini, and that her name should not appear on anything. The final invoice described the capacitors for air conditioning equipment, as agreed.

9. On 20th March 1990 the 40 capacitors arrived in the UK packed with a further 45 capacitors ordered, at Heathrow airport on flight TW 760. The goods were packaged in 2 boxes bound together into 1 crate. On arrival the crate was secured by Officers of HM customs Investigation Division, and substituted by a similarly packaged crate containing inert, and inoperable capacitors.

10. Laser Airfreight Ltd, a Shipping and Forwarding Agent were directed to enter the capacitors for Home-Use by Speckman, and charges for duty and VAT amounting to £1346.59 were subsequently paid. Laser Airfreight queried the tariff description with Speckman who passed the query back to CSI asking if it would cause a problem with reexport.

### SURVEILLANCE AND ARRESTS

11. Surveillance was maintained on the crate as it was moved from the TWA freight shed to Laser Airfreight on 26th March 1990. Laser Airfreight to a driver's home address in Sunbury on 26th March. Sunbury to Euromac (London) Ltd, Thames Ditton on 27th March, where it was taken inside the premises later to re-emerge broken down into 2 boxes each tied with string to assist carrying, and put into Agini's car.

12. The 2 boxes were then taken home by Joseph Agini to Wembley Park where they remained overnight. Surveillance was maintained on the boxes the next morning as he took them to Heathrow Airport Terminal 3 and met Omar Latif, the Iraqi Airways Station Manager, that Toufic Amyuni, at the Iraqi Airways Check-in.

13. Latif put baggage labels onto the 2 boxes, and stuck the reclaim tags into Amyuni's flight ticket for that mornings Iraqi Airways flight direct to Baghdad. After all the other passengers and baggage had been checked-in Latif directed another Iraqi airways employee to take the boxes airside for loading. At this stage the boxes were intercepted and detained by officers of HM Customs Investigation Division. The words 'Saleh Air Conditioning Factory' had been written on top of each box. Amyuni was arrested by officers of HM Customs Investigation Division, and Latif (an Iraqi National) was arrested by officers of the Metropolitan Police Extradition Squad.

14. Daghir and Speckman were arrested at the business premises of Euromac (London) Ltd, which were searched under the authority of a Search Warrant. Daghir was initially taken to his home address which was also searched under the authority of a Search Warrant.

15. After interviews at Custom House, Lower Thames Street, London, Daghir, Speckman and Amyuni were jointly charged under Section 68(2) CEMA 1979 at Heathrow Police Station.

16. The original import consignment of capacitors was secured and seized on arrival in the UK. The value of the 40 detonation capacitors was US $8,000.00, and the value of the remaining capacitors packed with, was US $2,475.00.

### TRIAL

17. The specifications for the 40 electrical capacitors were examined by Nuclear Weapons experts from the UK and USA, who gave evidence at the trial held at the Central Criminal Court, Old Bailey.

18. The Department of Trade and Industry, Export Licensing Unit stated that capacitors specially designed for military use require an export license to all destinations, and that no export license applications have been received from, or licenses issued to Euromac (London) Ltd, European Manufacturer Centre, or Atlas Equipment (UK) Ltd, and confirmed that an export license would not be granted for capacitors specially designed for military use for Iraq.

19. The trial lasted from 22nd April 1991 for 7 weeks.

## REFORMING OUR RULES AND CAMPAIGNING DURING THE STATE OF THE UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I just wanted to take this opportunity to address very briefly two subjects. One is the subject of rules in the House and the way the House conducts its business.

Mr. Speaker, I had a recent experience with submitting an amendment to a bill that is to come before the House. It is a very germane amendment. It is an amendment that all of the Members of the House should have an opportunity to hear and to vote on. We have been denied that opportunity by the Committee on Rules. We think that this makes a travesty of the so-called democratic process here in the House, and we would urge that these rules be changed so that germane, important amendments can come to the floor where the democratic process can proceed as our forefathers envisioned it.

Mr. Speaker, I know that all of the freshmen; I suspect that just about 99.9 percent of all the freshmen who came here, campaigned on the same platform that I did, that they wanted to come here to reform this institution. They came here as watchdogs, and I will bet that a number of those Members who returned ran on that same platform also.

I would submit, and I would challenge, my colleagues on the Democrat side of the aisle who came here running on that platform, as I suspect many of them did, to be strong watchdogs, to please, please not become those obedient little puppies that follow their leadership along. We need to vote down these rules that prohibit the democratic process.

The other subject I wanted to talk about, just very briefly, was our President's very excellent campaign speech last night. But in case he has not noticed, the campaign is over, and he is now the President of the country. I think that most people expect a bit, maybe more than a bit, of political hyperbole in campaign speeches. They do not expect that of a responsible President who is giving a State of the Union Address.

Mr. Speaker, if his program is implemented by the Congress, it will be, in my view, a prescription for disaster. He has recommended the largest tax hike in history, and the second shoe will likely drop when we have the health care plan which is going to require, I suspect, new taxes. Never in our history, as I understand it, have we ever had a tax increase that has reduced the deficit or reduced the debt, and this time will be no different.

Milton Friedman says that Government will spend all of the money that we give it plus as much more as it can get away with. We now have a fragile recovery from a double-dip recession. My concern is that, if this plan, or any major portions of it, are implemented, that we will pull so much money out of the private sector that we will absorb our fragile recovery.

Mr. Speaker, I would urge Members of the House to cut spending, to not increase taxes, to promote the recovery rather than doing things that are going to abort this recovery.

## MESSAGE FROM THE PRESIDENT

A message in writing, from the President of the United States, was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## THE PRESIDENT SPEAKS THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 60 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, last night, in this Chamber, the Members of the Congress and the American people were treated to a rather unusual event, and that was a President of the United States coming before the Nation to tell the Nation the truth, and to explain to them in detail the means by which we can change the economic picture of this Nation from one of continuing to lag in world competition, continuing to lag in the support of the wages of American families, to changing this into a dynamic economy that not only will have skilled workers, but will have the infrastructure to allow us to compete in the future.

Mr. Speaker, when President Clinton came into this Chamber last night, he came to deliver an honest speech about the facts and about the situation that confronts this Nation, and he did that. He presented to us a balanced program and addressed a number of needs within the American economic system and within our society. He started by explaining that, while we are experiencing the beginning of what we hope is a long recovery, it is a recovery that is not creating jobs at the rate that we should be at this point in the recovery, nor is it creating jobs sufficient to lower the unemployment rates in this country so that American families can again have economic stability and vitality within their families.

As a result, Mr. Speaker, he has proposed a short-term stimulus package that would provide immediate jobs, improve the infrastructure by using vehicles that have already been legislated by this Congress, but not fully funded, dealing with the transportation infrastructure of the Nation, the infrastructure of our national parks, the Bureau of Indian Affairs, the many other agencies where there is a backlog of projects that are ready to go, urgently needed for the communities of our Nation, the opportunity to put people to work on an immediate basis. He also talked about providing the tax incentives to American corporations to create new jobs on a longer term basis.

That is the easy part of the package that the President presented to us, and he recognized that, and admitted that, and told the Congress that it would be very easy to vote for that part, but there was more to be done if, in fact, we are going to turn this Nation around, and help its people and provide an economy that has, in fact, a future for this country because the next part that he came and dealt with were the issues of deficit reduction, something that many, many millions of words have been spent on in this Chamber, and over the last 12 years two Presidents have come before this Congress and railed for a balanced budget and never presented one. Members of Congress have voted for a balanced budget amendment and never dealt with one, and time and again they have suggested to us that they would have the opportunity to balance the budget if you just follow the prescription of the Republican Party.

Mr. Speaker, we tried it their way for 12 years. Unfortunately, from my point of view, we tried it very often their way with Democratic support.

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What we have is the largest deficit in the history of this country and a debt that is threatening to swallow up all of the expenditures in the economic future of the country, a deficit that we have watched continue to grow as the Congress each year has told the American people that somehow we have the answer, just one more gimmick, one more grand scheme, and we will achieve deficit reduction. We have had budget summits, we have had Gramm-Rudman, we have had walls built between social spending and defense spending. We have put caps on spending. We have told people we would participate in across-the-board cuts. We have tried it all, and none of it worked.

Why did it not work? Because they were all designed to have the Congress avoid making the tough decisions that needed to be made. It was a political conspiracy to avoid going home and telling the people that we represent what it is that is necessary to reduce the deficit. We could avoid the discussion of raising taxes and we could avoid the discussions of honest deficit reduction within specific programs where the Government spends the taxpayers' money. As a result, the defict just continued to increase.

It got to the point in such a coverup and such a camouflage last year that no Republican would introduce the President's budget. These are the same people who stood in this well last night, who have talked to the press in the last 24 hours, and said that President Clinton has not offered enough cuts, that he is not tough enough, that they expect more deficit reduction. When they had their opportunities last year and the year before, they chose not to introduce their own President's budget because they knew it would have been laughed out of the Chambers and out of the country. It did not address the economic problems of the recession. It simply put us on auto pilot to lead to higher deficits.

So what are they doing now? They are suggesting that only if they were in charge they somehow could do it better. That is the claim they made before the election. They lost that bid with the American public. And what the American public got instead was a very serious President who understands the depths of the problem and the courage to come before the Congress and the American people and explain what it means to handle those problems and the consequences if we fail to do so.

The deficit is not just an academic discussion. It affects all of our lives. It affects the lives of each and every one of our constituents.

As a liberal Member of Congress I strongly support social spending, spending on behalf of women and children at risk, families at risk, the education of our children. But it is also very clear to me unless we do something about the deficit, money simply will not be available for those kinds of programs for the kinds of investments that we need to make in our children so we can have a brighter future.

The deficit affects our business community, it affects our home life, our ability to buy a home, our children's ability, because the deficit decides how much money will be left over for the rest of the American economy.

There is only so much savings in the United States of America. If the Federal deficit is going to soak up that savings for paying for things that we did not have the courage to pay for on a pay-as-you-go basis, but chose to use credit, then that means there is not going to be enough money left over for home building, for new business starts, for reinvestment by ongoing businesses, to pay for a college education, to pay for consumer consumption. The money that will be left over will in fact be more expensive.

That is why this deficit has to come down, not only because it threatens to become the greatest expenditure in our annual budget of the Federal Government, but because it threatens the economic underpinning of this country.

Fine, during the 1980's people apparently were convinced that we could continue to borrow money at no risk to the sovereignty of this Nation or to the economic well-being. Well, frankly now the American people are finding out that that economic theory proposed by President Reagan and President Bush carried out by the Republicans and Congress means that we now have to pay the bills. Those of us that are left standing after that activity must now pay the bills. If we fail to pay the bills, just like so many American corporations, we will in fact find ourselves insolvent.

We cannot do that, and President Clinton made that very clear last night. We cannot fail to pay those bills. We must engage in that deficit reduction.

We find that over the last several weeks in the Wall Street Journal and other newspapers the point has been made time and again that big deficit reduction could sharply reduce interest rates. We see the response of the bond market by President Clinton proposing the energy tax which sends a signal that if in fact the Congress was willing to impose an energy tax, the Congress must be serious about deficit reduction. And that is in fact true. Because you cannot get to deficit reduction without those kinds of revenues being generated.

If we are to do that, that means that we can continue to provide low interest rates for a continued economic recovery. The President has said time and again that the length and duration and the strength of this economic recovery will have to do with interest rates. If we are not serious in the next couple of months in enacting the President's program, interest rates will start to climb. That means that people will not be able to refinance their homes, the new home buyers will not be able to qualify for a home, that those who are seeking money for the education of their children will pay more for it. Those of you who charge on Visa and MasterCard, interest rates will continue to go up. And that there is no middle-income tax cut that we can provide that can make up for that increase in interest rates. In fact, the American people have had more money put into their pockets because of the decline in interest rates than anything that Congress could possibly do for them.

It is politically more popular to talk about a middle-income tax reduction, but the fact is if we went out, we would be borrowing the money to give it to you, which means that interest rates would go up and you would pay twice. You would pay once at the Government and once in the marketplace.

So I think when President Clinton took the time that he did last night and set the tone that he did, he was talking about a very serious matter, the economic future of this country.

Now, he understands that many people did better in the 1980's than others. We created many millionaires, and a record number of billionaires. We also understand that during that same time a very small percentage, 1 or 2 percent of the people in this country, were accumulating wealth at a record rate and were accumulating income at a record rate.

Their tax rates were going down. Their tax burden was being reduced. Yet families and middle-income families, lower middle-income families, their tax rates were going up, either because of income increases or in fact because of the withholding tax and Social Security.

So what is he suggesting? He is suggesting to the American people that yes, he is prepared to raise taxes, as he said he was during the campaign. But he thinks we ought to ask those people who did the best in the 1980's, those people who became the wealthiest and who did not pay their fair share, the time has come for them to belly up to the bar, to help us, to participate with the rest of us in this country that will be making sacrifices so that we can have a long-term economic future. He is asking that their tax rates be increased.

Their tax rates back in the late 1970's and the early 1980's were in the 70-percent bracket. Today they are in the 31-percent bracket or the 28-percent bracket. He is asking that they go to 36 percent so that they contribute to the all important deficit reduction. He is asking that they pay their fair share.

So we find out that the income tax increases will not affect 98 percent of the taxpayers in this country, because, unfortunately, they are not wealthy enough under the Clinton plan to be taxed.

□ 1500

He has asked that we create an energy tax. Why? Because it has multiple benefits to this Nation.

Time and again Members of Congress have come into this well and they have said how we have had to reduce our dependency on foreign oil, how we had to have independence for America, how we had to use energy in a better way, but the Congress has never responded to its own rhetoric. And as a result of that, we have wasted billions of barrels of oil in this country in inefficient uses.

We have paid a huge environmental price for the use of that energy. But more importantly, we have continued to be addicted to the whims of the foreign nations that produce that oil for our consumption. At the very time that the President is asking the American people to pay a very small broad-based energy tax that we think is oppressive, that the Republicans tell us they will not accept, we see that the oil ministers are meeting in Abu Dhabi and they are talking about just raising the price of oil $4 or $5 or restricting the flow of oil.

Do we want to take control of our own energy situation, or do we want to leave it to the oil ministers of the foreign nations of the world. I think we would do well to follow the Clinton proposal and get the benefits that this means for the American economy.

We know that this energy tax will also spur a new level of investment. It will spur new investment in energy efficiency. It will make American manufacturing more competitive. It will make it more efficient, and it will also increase the number of products that are available for American manufacturers to sell overseas. So the President has dealt with the issue of revenues in his package. He has dealt with them in the most progressive manner they have been dealt with, the fairest manner that they have been dealt with in over a decade, and he has also provided us the means of long-term investment through the energy tax.

He also recognizes in his speech that in the case of the Government, sacrifice must begin at home. And that is why he announced earlier in the week and again last night his reductions of White House staff and the cost of the executive branch.

His intention is, over the next 4 years, to continue to try and reduce personnel and the cost of the executive branch. And he announced that he expected the Congress to do the same. He expected, while we are asking the American people to pay a little bit more, that perhaps Federal workers will have to go without a cost-of-living increase. Members of Congress will have to go without a cost-of-living increase. But when we consider the sacrifice and the need and the problems that the American people have confronted, a rather small price but an important one, to send a signal that we must examine every part of the Federal Government for these kinds of savings.

Now, for those who have said, on the Republican side of the aisle and in the Senate, that the President has not done enough in deficit reduction, he has made 150 specific suggestions and recommendations for deficit reduction, very, very controversial, a great deal of emotion and a lot of heat.

The President has taken on many special interests. He has told many wealthy farmers that he is no longer going to ask the taxpayers to subsidize their water to the extent that they have in the past because those farmers can afford to pay more for the water. He has said to the mining companies, we are no longer going to subsidize your mining activity. We are no longer going to give you land at $2.50 an acre and let you develop millions of dollars off it and pay the Federal Government nothing.

He has also told the timber companies that we are not going to spend more money preparing the forests for timber sales than you pay us for the trees you take off it. The American people cannot take that any more. There can be no justification for those subsidies.

He has told wealthy ranchers they are not going to be able to continue to graze their cows at subsidized rates while those farmers and those ranchers who do not have access to Federal land have to pay the going market rate for land to graze their cattle, that the American people should not have to participate in those kinds of subsidies.

Those may sound very small to many of you around the Nation, but those are very important and powerful special interests, and our phones have already been ringing from the cattlemen and the timber companies and the irrigators and the coal miners and others who think they have a God-given right to continue to have their hand in Uncle Sam's pocket to engage in business activities in this Nation.

He has told the doctors, the hospitals, and the providers of health care, you are not just going to continue to have an unrestricted right to send the Federal Government a bill for Medicare. You have got to put your charges in line with the real costs of delivery of services. You've got to check the services you are delivering, so that you are not doing them for profit as opposed to health care. Those sacrifices will have to be made.

The hospitals are already gearing up. The administrators are planning their trips to Washington. The doctors are rallying around to prevent this from taking place.

Earlier this week he told the drug companies that they cannot continue to profiteer off the backs of people in America who are sick by charging prices that are higher than anywhere else in the world, that there has to be some reasonable connection between the profit you make on selling drugs to sick people and your costs. We cannot continue that kind of subsidy.

The drug companies are putting together their lobbyists. They are putting together the consortiums and they are getting ready to march on Washington to tell us that they cannot contribute. But the fact is, they can contribute. The fact is, they all must contribute, because all American families will contribute and all American businesses should contribute, because what is at risk is the future of our country.

If we cannot achieve this deficit reduction, if we cannot reduce the share of American savings that go to the Federal Government, then we will not be able to make the kinds of long-term investments in our Nation that are necessary for the future of our children and for the economic well-being of this country.

It has become clear that the Congress has stumbled each and every time in meeting its goal of deficit reduction. The Congress has reacted each and every time in a crisis and put on some elaborate scheme, but nevertheless failed to reach deficit reduction.

So what President Clinton has provided for the American people is a means of measuring the Congress of the United States to determine whether we kept faith with the President and the American people. Because his very specific suggestions for spending reductions, within each and every department of this Nation's Government, you will be able to measure whether or not Congress did it. As he admitted from this podium last night, he did not just attack the concerns of others, where he may not have shared the benefit.

From the White House to the rural electrification of this Nation, we continue to spend millions of dollars that can no longer be justified but heavily impact his State of Arkansas, he has recommended those reductions.

He is not saying, "I want deficit reduction, so I want Congress to reduce all spending 2 percent across the board," trying to escape the political liability of telling us where it should be done. He is, in fact, engaging in the political risk of naming each and every area where the Congress must make an effort to reduce Federal spending.

Not many Presidents are prepared to do that. It has been a long time since we have seen one.

He not only had the courage to come before the American people and talk to them about deficit reduction and the means by which he thought it could be achieved, but clearly, much to the surprise of many pundits who said that he did not have the courage, he was also here to tell you how he was going to need an additional contribution from wealthy people in income taxes and from essentially all Americans in an energy tax.

He stood here and outlined the benefits of that program, the costs of that program, to be honest with the American people, to be square with the American people, and to lay it out as no other President has done in this Chamber in over a decade.

□ 1510

The question that must now be resolved for this country is whether or not the American people—as they read his program and they see how progressive it is in terms of its fairness on raising revenues, they see how serious the deficit reduction is, and they see the long-term investment that he is prepared to make on behalf of America's children in the reform of our health care system, in the investment of new manufacturing capacity, in new industries to be competitive on a world market, as the American people look at that plan and they realize the benefits—will they insist that the Congress pass this package and not pick it apart and not succumb to the lobbyists and the special interests, but hold together President Clinton's package so that we can get back on the road to prosperity, we can get back on the road of long-term investment in the American economy, and in the American people, and American families?

If they, in fact, insist that each and every Member of Congress do that, then we have an opportunity for real change. Then we have an opportunity to put the ship of state onto a direction of long-term economic growth so that we can see America once again not being just the largest debtor nation—owing more money to other nations than anybody in the world, and imagine, that is what has happened to us in the 1980's; we acted like we were rich, but we were borrowing money from other nations—and our distinction now is that we are the largest debtor nation in the world. We used to loan countries more money. Now we are borrowing it.

Should we continue that path in the 1990's? No. If we follow the program laid out by the President of the United States, we need not do that. We can once again take control of our economy, our destiny, and our place in the world.

This is going to require the complete and total political involvement of the people of this Nation, who recognize, as we see in the overnight polls, some 74 percent and in some cases 79 percent of the people say they support the program. When asked if they are aware of how much taxes are in the program, are they aware that cuts are in the program, they say yes, they still support the program.

Sixty-three or sixty-four percent of the people, I think it is, said they would be willing to pay more taxes because they want the changes that are envisioned in the economic plan of President Clinton. They want the change in the future for their children.

We are tired as parents of watching our children as they go out into the job market, watching the insecurity that they feel; the discussions we have at the dinner table: "Am I going to be able to find a job in the area that I studied in college? Am I going to be able to find a job with the training that I have? How long will that job last? Will I need more training?"

My generation, for the most part, has not had to face those questions. Certainly my father's generation and my mother's generation did not. People went to work and 25 years later they retired, 30 years later they retired from the refineries in our hometown, from the telephone company, from the cities, from the county government.

Today that is not true. We launch our children today, and we know deep in our hearts that each of them will have to acquire skills throughout their lives. We have watched as our friends, and family, and our neighbors have had to bring their children back into their home after completion of college, after completion of high school, after acquiring job training, because the wages they are earning are not sufficient for them to maintain their own home. They are back home with us.

We watch as families struggle to not only provide a college education for their children but to take care of their parents. My generation, somebody said, was the sandwich generation; that I and my wife would be sandwiched between the responsibilities to our children and to our parents. I did not understand that when it was first told to me. I do now, and so do many other Americans.

That is why, when the President paused in the speech to explain emphatically the need for health care reform, America listened. They listened, because they understand that they now see health care no longer as the No. 1 benefit they have in participating in American society, but perhaps the greatest fear they have of living in American society, because they know that health care can foreclose their future. A catastrophic illness, a serious illness, a sick child, can bring about the loss of a child, can mean the loss of our retirement, can mean the loss of a home, because we are the only Western nation that has not figured out how to deliver health security to the American people.

When our children turn 23 and they are not in school, if we have insurance, they tell us they cannot be part of our family plan any more. If we go out and try to buy it, it damned near exceeds the wages our kids are earning.

If our wife is diagnosed with breast cancer, or a husband with cancer, they tell us they are going to cancel us. If they do not cancel us, they now tell us they are going to limit the benefits. They are only going to take care of some of our chemotherapy, they are going to only take care of some of our illnesses. They have deemed us too expensive for their health care plan.

If we go to change our job, they want to know if we were sick before. If we say yes, then they simply do not hire us because they do not want to take us on as a liability in their business. They do not want their premiums to go up. If we say our spouses were sick or our children have a disease or a serious illness, they may say, "We will hire you, but we will not cover your children in our insurance plan. We will not cover your spouse."

How can we pull this society together when we cannot even provide the basic, basic security for the health of our families? Every month, if we are lucky enough to have insurance, we are given a monthly reminder. They tell us that our premium is going to have a surcharge. They tell us if we go to the hospital without calling the 800 number on the back of our insurance card, it is going to cost us another $500; if we did not get the preapproval of some clerk sitting by an office phone telling us whether or not we can go to the hospital, it is going to cost us more money, or we may be liable for the whole bill.

They tell us that not only are our premiums going to go up, but unfortunately, they are going to cut back the benefits. So America understands what the President was talking about. America understands when he tries to convey to the Congress of the United States the urgency of health care reform, the urgency to America's families, and also when he tried to convey the urgency to the American economic system. This economic system will simply be unable to compete if we cannot get health care under control.

We have all heard the hundreds of dollars that are allocated to every car that Ford, General Motors, and Chrysler makes just to pay for health care, but it is not allocated to the cars that they make in Canada, that has a universal system. So when the President talks about the long-term well being, he is now going beyond deficit reduction, he is going beyond the tax increases, he is talking about the kind of country we want to be, and the long-term investments, and the lifetime training of our children, who, as he said last night, may have to change jobs seven times before they retire, and will need new skills for the new job or to hold onto the job they have. We have to have the ability to do that.

The serious and fundamental reform of our education systems are necessary so that our children will be able to get a first-class education, to get their first job, to participate as citizens in this country with an understanding of our democracy, our history, our culture, and the world's culture and history; that kind of long-term investment, the long-term health care investment and the long-term infrastructure investments under the leadership of Vice President GORE, talking about bringing technology to American companies that they now only discuss but should in fact be in place, that are available to lower the cost of doing business, to make business more efficient, and to provide new jobs for American citizens.

I think when the American people get an opportunity not just to listen to characterizations of the President's plan but to examine it, to examine it in terms of their income and the burden that he is asking them to bear, they will see that that burden is small compared to the long-term return for this country, for their families; that clearly we do have a choice. We are beginning a new century and ending an old one with a new President. We have an opportunity to change the direction of this country. We can do that if in fact the American people want it done.

Many in Congress and many in government try to portray the fact that you cannot fight city hall. The fact is you can, and the people do it every day. They do it in your community and they do it in my community, because when people get involved, they participate in the system, they go to meetings, they write the letters, they make the phone calls, and government in this country generally listens.

□ 1520

I would like to say that sometimes Members of Congress get 50 phone calls and they think they have a mass movement going on out there in their districts, and they want to know everything about those phone calls, who they came from, and can they talk and meet with them. That kind of democracy has got to be brought to the Clinton program, because if it is only going to be left to the special interests, if it is only going to be left to the lawyers and the lobbyists who represent those special interests to have input into the Congress of the United States, then we will fail. We will fail and this country will fail.

But if you insist, if you insist that this President be given a chance, if you insist that the Congress demonstrate the same kind of courage that the President demonstrated last night in coming before us and laying out a comprehensive plan, then in fact we have an opportunity. And if this plan can be put in place, we can then move on to the additional discussions of education reform, and health care reform, and create in fact a new agenda for a new society for a new economy in this country. That is the challenge.

It will not be answered in this Hall, it will not be answered in the Senate down the way, unless the American people insist upon it. And for those who suggest that this is not the plan they can support, challenge them to come up with their own deficit reduction, challenge them to replace those 100 specific recommendations with their own. I daresay there are not many politicians that want to do that. Challenge them to come up with the same level of deficit reduction over the next 4 years that President Clinton has challenged the Congress to, and challenge them most of all to do it without the political rhetoric, to do it without all of the what we call around here blue smoke and mirrors, to do it without the gimmicks, to do it the old-fashioned way, with honest numbers, and political courage. And if that is done, we will have success. We will have success on behalf of our Nation, on behalf of our families, and on behalf of our future, because clearly, as the President has so eloquently stated last night, that is the challenge of this program, that is the challenge of his administration.

He did not just come to Washington to reside in the White House. He came here to use the White House and the office of the Presidency to change the direction of this country, to make life a little bit uncomfortable for those of us who sit in these seats. He made a decision that he would challenge this political system. He made a decision that he put courage on the table and see whether or not the Congress could knock it off.

A couple of years ago that challenge was given to this country once before when the chairman of the Ways and Means Committee, DAN ROSTENKOWSKI, came forward with a plan to provide for this kind of economic retooling that engaged both in raising revenues and serious spending cuts. And he asked people to "write Rosty," and the people responded around the country as they never had before. But the Congress fell by the wayside because the special interests got here before the people, and we did not achieve the deficit reduction.

The challenge now is for the people to get here first, to get here often, and to understand that they have the greatest stake in the outcome. It is not whether or not after next November there will be more Democrats or more Republicans in this House, whether the President will be up in the polls or down in the polls. That is not what is at stake. That happens every 2 years throughout the history of this country. What is at stake is whether or not the economy will be on the move, whether people will have a chance at employment, whether young people will have a chance at education, and whether families will have health security. That is what is at stake with this proposal, and it is why we must support it, and that is why we must encourage the President, and that is why the people must encourage the Congress to have the same kind of courage he demonstrated.

## PRESIDENT CLINTON'S STATE OF THE UNION ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 60 minutes.

Mr. TUCKER. Mr. Speaker, I rise today to respond in the hours after the President's State of the Union Address to my constituents, and to this country and to all Americans.

Mr. Speaker, we have heard a lot in the past few hours since the comments by the President on the House floor here last night addressing both houses of Congress. We have heard some approval and, of course, we have heard some criticism. Mr. Speaker, I am here today to set the record straight, to clarify the picture for America.

We Americans, on February 18, 1993, are on a journey, and President Clinton made it clear last night that we are on a journey in a new direction. Imagine us all in a wonderfully big ship traveling together. We are all together in that ship, Mr. Speaker, whether we be Republicans or Democrats, because whether we voted for the President or not, we are all in the same boat now.

Yes, we have problems in this country, a spiraling deficit. But that problem is not a result of President Clinton. It is of course a matter that President Clinton inherited from prior administrations.

But it is not President Clinton's problem, it is America's problem, it is our problem. But it is not the only problem. We have a problem today, Mr. Speaker, on this ship to a new horizon with the baggage of unemployment, with the challenge of fighting the winds of change, with the challenge of finding a new course of hope for people who have been disenfranchised, disillusioned, left out, locked out, left behind, and who have lost a sense of what the American dream was really all about.

In this great ship, Mr. Speaker, are people of every kind, yeoman, a captain, a crew, all members of the ship, all trying to get to the same destination, a destination of high growth and productivity, a destination of a lower deficit, trying to find that elusive Utopia that we all believed in when we put our hands over our hearts and said we pledge allegiance to the flag.

Mr. Speaker, there is a tough course that we must take to find this utopia. The course is not only tough, but it is new. In fact, its newness makes it tough, because it is unexplored. We are in unexplored territory.

Mr. Speaker, it is interesting to know that America was founded by explorers traveling in unexplored territory. In fact, when they were traveling, Mr. Speaker, there were always those who said we could find it, and there were always those who said we will never get there. There were always those who said that the world is round and we will get there, and there were always those who said the world is flat, and we will surely fall off the edge and die.

□ 1530

This is an hour not for doomsdaysayers and not for naysayers, but for the hopeful, for the faithful, for the foresighted and the visionary. This is an hour, Mr. Speaker, for those who can see the possibilities of what a changing and a new, burgeoning America can be. This is an hour where we must grab the possibilities of the new direction of America. We must take the doubters and, if you will, put them in the brig and move forward and set the course for the new America.

The way we must do this is we must look and follow very closely a map called investment and a map called fairness.

It is interesting that the naysayers have said that investment is nothing more than a cute euphemism for taxation, and much of the commentary that we have had in the last few hours since the President's State of the Union Address has focused on, has harped on taxation, taxation, taxation. But it is interesting to note, Mr. Speaker, that the very persons who have criticized the President's plan, his very thorough and comprehensive plan focusing on and hinging on taxation, are the same ones who were around the same side of the aisle for the last 12 years who did not speak much about the taxation that we were incurred with at that time.

Mr. Speaker, taxation, unfortunately, is a necessary evil of all administrations, whether they be Democratic or Republican. The question is not whether or not we have taxation. The question is: What is the spirit behind the taxation, and what is the spirit behind the plan that includes that taxation?

Taxation for the sake of taxation is unfair. It is shortsighted. It is insensitive. But taxation, investment and spending in order to engender a new enfranchisement in America, to provide an inclusive environment, to bring those in who have been left out, to provide a means of empowerment for those who have been powerless, then that, Mr. Speaker, speaks for compassion and sensitivity.

For so long we have had an administration that has been going through the motions of administering, but there has been no heart in the thing. There has been no heart in the administration.

Taxation is a necessary evil, but at the end of that taxation, there must be liberation, there must be creation, and there must be a means of construction so that there are jobs and there is economic empowerment for this entire country.

We heard about the economic indicators that indicate that we are on the road to recovery. But all you have to do to find out what road we are now on and where we are along that road is to go out into America, go into Middle America, go out into urban America, go into rural America, and you will find that on the road are people who are crippled, who are maimed, who are blind, who are humbled by the prospects of making ends meet not only month to month but week to week, day to day, hour to hour. These are the people who are in this boat that we are traveling along on. These are the people, the poor and the huddled masses, who are trying to find the Utopia along with those whom we have elected to represent us here in these hallowed halls.

Mr. Speaker, we must begin to redefine and understand the term "investment" in this society. Investment necessarily means that implied within that term is a sense of faith and a sense of hope and belief that what we do today, the sacrifice, the cost of what we do today is nothing compared to the far greater weight of good that will come tomorrow. For if we do not believe that, then we should never tax. If we do not believe that, then we should never invest, and if we do not believe that, we should never sacrifice.

But I believe that President Clinton understands investment. I believe, Mr. Speaker, that he believes that what we do today will be for the betterment of America and not for the detriment of America, that what we do today in terms of cutting, spending, raising taxes and investing in programs to help human infrastructure, public infrastructure, job creation, Head Start, summer youth programs, changing our society from welfare to workfare, changing our society from an entitlement society to an empowerment society. I believe that he understands and knows that this is a beneficial exercise.

Mr. Speaker, now, we must ask those who do not agree and those who do not see to come on board, to come on board and to realize that it is all right to criticize taxation, but when you have taxation like we have had in the last 12 years, and the people who are out there in America are not getting any of the benefits of that taxation, then that is wrong, and it is heartless.

If we are going to have taxation, let us make sure the people in America, at least reap the benefits of that taxation, and then if we are going to have taxation, let us set the record straight about what that tax is and what the burden or the impact of that taxation is.

We have heard people say that the impact is that the middle class have to bear this taxation. That is not true, as the President pointed out last night: 98.8 percent of the middle class will be unaffected by this new tax. Yes, you could have talked about a gas tax; yes, you could have talked about a coal tax.

But what the President did is he took the tax least drastic and most fair for all Americans, and when you look at the statistics on that and put it into context, you realize Americans who do not make $30,000 a year will not suffer the effects of that, will not even have an impact, and those who make more money than that, an average family making $40,000 a year, might be affected to the tune of $150 extra a year in the energy tax.

Mr. Speaker, that is a small price to pay. It is a small price to pay for the recuperation and the rehabilitation of the homeless people that you and I see every day coming in and out of our Federal buildings. It is a small price to pay for the devastation that we see every day when we pick up the paper and we realize another youth has shot another youth in the head. It is a small price to pay when we look around and we see that day after day there is another carjacking, another robbery, another burglary. How is this tied, Mr. Speaker, into these problems? Because when we do not invest in our people, when we do not give them an opportunity to have some other viable means of livelihood, then they end up going to a life of crime. They end up living in a life of squalor and homelessness.

And then we want to know, and we want to find out what our Representatives are doing about it. What is the President doing about it? Mr. Speaker, what is anybody doing about it? What are we doing about it? We are not doing anything about it except criticizing and sitting back and picking apart a proactive plan instead of being a part of a ship that is sailing in the right direction.

We must understand that today is a new day, and we must make a change in courage and in faith for the betterment of all people in this society. We have heard rhetoric in the last few years from people who have said to us that we are going to help people out there, we are going to fully fund Head Start, but they did not do it.

Mr. Clinton has pledged himself to have real change, and real change incurs and requires and necessitates real commitment. If it means dollars to do it, then dollars we will have to have.

A meeting earlier this day on Capitol Hill in the Rayburn Building incensed me, Mr. Speaker. There were those who criticized Mr. Clinton's plan and said that there is too much money being spent on summer youth employment programs; those programs are no good; they do not do anything for the youth; they do not help the youth. "Why should we spend a billion dollars on youth summer programs?"

Mr. Speaker, I submit to you that anyone who has that kind of criticism needs to come with me back to Compton, CA, and needs to see the impact those programs have on young people. Someone who has that criticism, Mr. Speaker, needs to come to me and justify the value of life of one young person who is turned around by such a program.

It is easy when you have a job in corporate America, when you have a job in the upper middle class, to sit back and criticize what effect those programs have on someone in the ghetto.

But, Mr. Speaker, those programs are important programs. It is easy to put those programs against long-term job skills training programs, but, Mr. Speaker, the truth be known, as Mr. Clinton elucidated last night, it is not about putting one aspect of this plan against the other. It is about looking at the plan in toto and looking at the plan as an aggregate plan, to deal with the short- and long-term needs of our people out here who are suffering and who need help.

Yes, we need apprenticeship programs; yes, we need job training programs that will prepare our young people and adults for high-wage and high-skilled jobs.

But we also, Mr. Speaker, have some young people out here in America, rural and urban America, who are unskilled, unprepared, and who are totally ignorant of the mainstream of society. These young people become our worst nightmares out on the streets when we are going to unlock our cars at night in the parking lot. These young people become our worst nightmares when we wonder where our kids are on the weekends, and some innocent kid who is not in a gang ends up getting a bullet in the head. These kids become our worst nightmares when we find out that they have a wonderful life either in athletics or academics, and before they even find out what life is all about, they overdose on cocaine or heroin or crack.

□ 1540

These young people are the ones that we need to give an opportunity to, Mr. Speaker, because they are human beings just like we are. We must provide the avenues for them to understand what it is like to groom themselves, what it is like to speak correctly, what it is like for them to learn how to speak correctly, for them to understand what it is like to work in an office, or even in the U.S. Congress.

We have young people right here within the sound of my voice; somebody gave them an opportunity to be pages. It is a wonderful opportunity. But someone gave them that opportunity. We must give all of our American youth opportunities to find out what being an American is all about. Maybe then, Mr. Speaker, we will not have so many youths out in the streets of Los Angeles, in the streets of Chicago, in the streets of Philadelphia in the summertime, rioting and pillaging, and us sitting back in conference with all kinds of self-proclaimed pundits analyzing, and reanalyzing, and wondering why America is bent on destruction.

America, Mr. Speaker, is bent on destruction because destruction starts at the top and then it rolls down; destruction in terms of a moral base that says that we are going to do right by America, a moral fiber that says we have compassion.

Our leaders have to have compassion, and yet they have to govern with reasonableness and sobriety.

The President has proposed cuts, he has proposed investment and, yes, he has proposed taxes. All those things taken together, Mr. Speaker, set us right on the course where we must go. We must today embrace the vision, Mr. Speaker, a vision that cares, that not only sees but cares about all of our people.

Yes, those who are making over $200,000 or $250,000 will have to pay their share in order to fuel this vision. those of us who are receiving a surplus of our Social Security benefits will have to pay our fair share in order to continue to propel this vision.

But contrary to the criticisms that we have heard, Mr. Speaker, that say that this new plan is one rap on the back of the Social Security beneficiaries, that this new plan is a rap on the backs of the middle class, that this new plan is not fair to Americans in terms of a broad-based energy package, contrary to that, Mr. Speaker, we find out that that is untrue. When 98.8 percent of the middle class will have their taxes unchanged, we realize that is not true. When 80 percent of all recipients on Social Security will have their tax status unchanged, unharmed, we find out that that is not true.

We realize today more so than ever that we must invest in our infrastructure. When we have dropped to the level of being 52d in the world in our investment in public infrastructure in the last couple of decades, then we realize that we have not done what we should do in terms of creating jobs.

As the President indicated last night, Mr. Speaker, we have one of a few choices: We can invest to grow this economy, we can take the idea or the notion of the Republicans, that all we must do is merely cut spending, or we can simply do nothing. If we do nothing, then, my fellow Americans, in just a few short years, by the year 2000, the deficit that all of our Republican critics are concerned about will have risen to the spiraling figure of $650 billion, if we do nothing. If we do nothing, the hope of America, and particularly the future of this country, will be gone, summarily gone.

If we sit back and we just cut spending and believe that that is going to be the answer, then we are surely shortsighted, if not exercising a lack of compassion. We would be shortsighted because the deficit is spiraling and growing exponentially every year. Just cutting spending will not do it. Just cutting people out will not do it.

Yes, we have to cut. But in addition, we have to have the foresight, and we have to have the total picture, to know that in the long run, concomitant with cutting, we must be investing. This country, Mr. Speaker, is in need of major surgery, to wit, a heart transplant. We must cut out that old cold heart that does not care about people on welfare; we must cut out that old cold heart that does not present a plan to take people from welfare to workfare; we must cut out that old cold heart that did not care enough about Head Start to really fund it, but only to just talk about it; we must cut out that old cold heart that talked about America as the land of the free and the home of the brave, but did not care enough to break down the practice of redlining and to allow the people to get loans in their communities. America needs a new heart. It needs not only the wisdom that a President and his Cabinet and all of their statisticians and budget and financial counselors can wield, but it needs a new base that says we are going to, for the first time in a long time, and maybe for the first time, do right by America, do the right thing. Doing the right thing in this particular instance is taking a plan that considers every American—old and young, black and white, yellow, brown, red, male, female, urban, rural—an America that considers the future as well as the present. We must do right by America today. The way we do that, Mr. Speaker, is by transplanting a new heart in America because, based on the criticisms that I have heard of late, in these last few hours after the President's speech, it has appalled me to the extent that I now realize, more than ever, what the problem is in America. The problem is not that we do not have enough money, the problem is not that we do not have enough resources, the problem is not that we do not have enough potential. The problem is that we do not have enough vision, and we do not have enough compassion, and we do not have enough courage, and enough fairness and justice to do the right thing.

There are people who want to work. As the President said last night, the people who hate welfare the most are the ones who are on it. There are people who want to start small businesses, who want to pay their fair share of taxes, property taxes, income taxes, their fair share of taxes. But they do not even have the first place to go to. They need a chance, they need seed money, they need a beginning, not just a lifeboat or a push overboard without a lifejacket, because that is basically what we have been getting for the last 12 year, Mr. Speaker.

I ask for all of American people, search our souls and ask ourselves this question: If America needs a heart transplant, and if we are indeed Americans, could it possibly be that the heart transplant begins with us? Could it possibly be that we must first examine our own values and realize that we have an integral part to play in this new economic plan, which is not just an economic plan, it is a new life plan. It is a plan for a new way of life for America, a way of life that says I am my brother's keeper, that I will be my brother's brother. If his house is burning down, we had better be careful which way the wind blows, because yours might be next.

Every incident and every indicia of poverty, gang warfare, crime, drugs out of control, affects all of us whether we live in suburbia or right in the inner city; it affects all of us. What the President has done in good conscience is come up with a plan that is revolutionary, but it is also responsible.

Yes, the cuts are there, cuts in the military, cuts starting at the White House, and even yesterday, you heard from the House leadership, cuts to be coming in the Congress. Once again, there is no smoke and mirrows, no three-card folly, there are no tricks here you have heard from the last two administrations. This is an administration that has gone forward with a sober agenda, that is sobering on the Democratic side as well as on the Republican side. Each and every one of us should ask ourselves now where is our heart, where is our heart for America? An America not just for one American, but for all America. We are talking about the American who cannot afford to own his own business or start his own business, the American who has never had a job, an American who never had job training. How dare we push our brothers and sisters out of the boat without a lifejacket, not just a lifejacket but instructions on how to swim?

□ 1550

No, not a handout, but a hand up. We must provide the training and the preparation so that each of us, when we look at our work force in the year 2000, we can say, yes, we have qualified workers here, because we put the money in the investment to train them.

Let us never say, let us never come to the day when we have to say to someone, "Well, I'm sorry. We can't hire you because you are not qualified. You are not prepared. You are not trained," and have that person think, "Well, that is just an excuse for sexism, or racism, or ageism" or whatever other ism.

What we must do, we must prepare, and we must train, and we must have our work force ready in existing industries, and also in new industries, new technologies, telecommunications, and whatever else our leadership comes up with as the new direction for an industrial base in this country; but the time has come and the time is now.

We are on a journey, Mr. Speaker. It is a new journey and because it is new, it is going to be tough.

There is a guide, and that is the President, but there is also a driver's seat, and contrary to what people think, the one in the driver's seat is you, the American public. The American public is in the driver's seat because when you realize that after the President's speech some 60 to 70 percent of the people are saying that they approve of the plan. That is letting you know that democracy is still alive and well. It is letting you know that if there are some who do not agree and who do not come on board to make sure that the ship arrives at its providential destination, then the democratic process is such that the majority rules and those who are in the majority must make sure that we get to our destination.

So let us move on and let us complete this journey.

And let us please, Mr. Speaker, effectuate and complete the surgery that needs to happen in this case for the patient to be well. Nobody likes taxation and nobody likes surgery, but if your life depends on it you will go under the knife in order to cut out the cancer that might be killing you.

Mr. Speaker, it is time that we complete the healing in America and move forward to a final and prosperous destination.

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## PRESIDENT CLINTON IS FOLLOWING NEW JERSEY GOVERNOR FLORIO'S FAILED BUDGET BLUEPRINT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. FRANKS] is recognized for 10 minutes.

Mr. FRANKS of New Jersey. Mr. Speaker, last night I came to this Chamber with high hopes for both our country, and our new President. We had a new chief executive committed to ending gridlock and business as usual.

But after several minutes, there was something hauntingly familiar about the President's remarks. To fully explain my concerns over the President's message last night, I need to tell you why I felt I was revisiting a very tragic experiment.

Just 3 years ago, my home State of New Jersey had a new, energetic Governor—a Governor who campaigned on a commitment to bring fiscal stability to our State. He promised that every dollar the State spends would be carefully audited. The problem was not taxes, he said during the campaign. New Jersey taxpayers were already paying more than their fair share. The problem was the State was spending too much money and we needed to root out the waste and inefficiency and force government to look at new ways of conducting the public's business.

Jim Florio was elected Governor in 1989 because people were fed up with business as usual and wanted to see State government make the same kind of tough decisions that families and businesses throughout our State were being forced to make to adjust to tough economic times.

Then, suddenly, after being in office only a few weeks, Florio said he had uncovered some startling news—the State was in far worse shape than he ever imagined. We were headed for fiscal disaster and there was now a need for a new plan to rescue our economy. Due to the scope of the new emergency, he said everyone—even the already overburdened middle class—was going to have to make major sacrifices now to ensure a brighter tomorrow.

He claimed that the cure for New Jersey's ailing economy and the ballooning budget deficit was to impose $3 billion in new taxes. At that time, his economic prescription was the largest tax increase ever enacted by any State government in the history of our Nation.

In terms very similar to those used by the President last night, Florio said the overwhelming portion of his tax increase was aimed at the most wealthy. But as the details became known, every taxpayer was forced to pay more for essential goods and services. Florio talked vaguely about the need to cut spending, but he said that would have to come later.

Last night, President Clinton took a page from Jim Florio's budget blueprint.

Bill Clinton has now broken his campaign promise, just as Jim Florio did in New Jersey. The President said he had no choice, the deficit was worse than he thought. That's just what Jim Florio said.

Last night the President said that the wealthy could afford to carry a bigger share of the tax burden. That is just what New Jerseyans were told 3 years ago. But just as Governor Florio discovered that there were not enough so-called wealthy people to make real progress against the deficit, and therefore he needed to hike taxes on the middle class, Bill Clinton has asked for massive contributions from the same overburdened middle class. Echoing Governor Florio's theme, President Clinton told the Nation that a massive infusion of new taxes would lay the foundation for a more secure future.

There are a number of very disturbing parallels between what the 7.5 million people in New Jersey have experienced over the past 3 years and what now faces the American people. The most troubling feature is the President falling into the business as usual trap of taxing first and talking about cutting back on spending later. That point was underscored just this morning when Mr. Panetta admitted before our Budget Committee that in the first full year of the Clinton program, there will be $36 billion in higher taxes and a net spending reduction of only $2 billion. That is not fair—it is not balanced, and it simply will not work.

Before the Democrats in Congress agree to follow this perilous course, they should know that New Jersey has never recovered from Jim Florio's rush to raise taxes. Our economy only became weaker and more fragile. The new taxes simply led to more runaway spending and even bigger deficits. At the same time, New Jersey's unemployment rate soared way above the national average.

The investment Florio called for never paid off. The promised dividends has never been realized. The sacrifices were in vain.

Like Governor Florio, President Clinton is now offering a prescription for failure. Feeding the Government's addiction to spending with higher taxes will never lead to economic prosperity and new jobs for American workers.

The American people are prepared to make sacrifices and shoulder the burden of higher taxes—but only if all opportunities to reduce wasteful Government spending have been exhausted. After serving only 28 days in office, there is no way that President Clinton has had time to wring the waste and inefficiency out of the Federal bureaucracy. Until he does, he should not ask the hard-working people to turn over more of their hard-earned money to continue subsidizing a wasteful, bloated bureaucracy.

Until we bring spending in line with revenues by exhibiting the political will to make the tough decisions to reduce Government spending, we will not restore the trust and confidence of the American people in their own Government. Moreover, without several structural changes in the way we approach the Federal budget, any temporary progress we make will likely be short lived.

Those changes include a balanced budget amendment to the Federal constitution and line-item veto power for the President. These are common sense, long overdue reforms. Without them, we will never get America's fiscal house in order.

Mr. Speaker, President Clinton should look carefully at New Jersey's experience. Huge tax hikes actually slowed our economy. It led to increased unemployment, reduced personal income, and misery for millions of our families. I implore this house not to repeat the same mistake.

☐ 1600

## A VISION OF CHANGE FOR AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-49)

The SPEAKER pro tempore (Mr. WYNN) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Union Calendar and ordered to be printed:

*To the Congress of the United States:*

To accompany my address to the Joint Session of the Congress, I am submitting this report, entitled *A Vision of Change for America.* This report describes the comprehensive economic plan I am proposing for the Nation.

I am asking you to join with the American people in their call for change. My vision is one of fundamental change—to invest in people, to reward hard work and restore fairness, and to recognize our families and communities as the cornerstones of America's strength.

For more than a decade, our government has been caught in the grip of the failed policy of trickle-down economics. While the rich get richer, middle-class Americans pay more taxes to their government and get less in return. My plan will put an end to government that benefits the privileged few and mark the beginning of an economic strategy that puts people first.

My plan has three key elements: economic stimulus to create jobs now while laying the foundation for long-term economic growth; long-term public investments to increase the productivity of our people and businesses; and a serious, fair, and balanced deficit-reduction plan to stop the government from draining the private investments that generate jobs and increase incomes.

The change will not be easy, but the cost of not changing is far greater. We must ensure that our children's generation is not the first to do worse than their parents. We must restore the American dream.

We have already heard the clamor of the powerful special interests who oppose change because they profit from the status quo. But the American people have demanded change, and it is our responsibility to answer their call. With that in mind, I ask for your help and support to restore our economy and give our people hope.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 17, 1993.*

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## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 60 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. FRANKS of New Jersey, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mrs. MINK, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes, on February 18, 19, 22, 23, 24, 25, 26 and March 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31.

Mr. CONYERS, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on February 24 and 25.

Mr. BARTLETT of Maryland, for 5 minutes, today.

(The following Member (at the request of Mr. TUCKER to revise and extend her remarks and include extraneous material:)

Ms. LONG, for 60 minutes, on February 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANKS of New Jersey, for 10 minutes, today.

## EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. GINGRICH.
Mr. SANTORUM.
Mr. BEREUTER.
Mr. GILLMOR.
Mr. SOLOMON, in two instances.
Mr. HENRY.
Mr. GOODLING.
Mr. DORNAN.
Mr. MCCANDLESS.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. PENNY.
Mr. STARK.
Mr. MATSUI.
Mr. MILLER of California.
Mr. HUGHES.
Mr. DE LUGO.
Mr. JACOBS.

## ADJOURNMENT

Mr. FRANKS of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, February 22, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

739. A letter from the Principal Deputy, Production and Logistics, Department of Defense, transmitting notification that the Department's Environmental Compliance Report will be submitted when the President submits his budget, pursuant to 10 U.S.C. 2706(b); to the Committee on Armed Services.

740. A letter from the Chairman, Farm Credit Administration, transmitting the administration's 1993 salary range structures; to the Committee on Banking, Finance and Urban Affairs;

741. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-413, "Rehired Police Officer Annuitant Salary and Deployment Clarification Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

742. A letter from the Secretary of Education, transmitting the National Commission on Drug-Free Schools followup report; to the Committee on Education and Labor.

743. A letter from the Secretary, Department of Transportation, transmitting a copy of a study and survey of present and potential need and demand among class II and III railroads for Federal guarantees of obligations provided under 45 U.S.C. 831, pursuant to Public Law 101-322, section 9 (104 Stat. 297); to the Committee on Energy and Commerce.

744. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on each route on which the Corporation operated rail passenger service during fiscal year 1992, the 1993 Legislative Report, and Amtrak's 1992 Annual Report, pursuant to 45 U.S.C. 548(b), 644(1)(B); to the Committee on Energy and Commerce.

745. A letter from the Director, Defense Security Assistance Agency, transmitting the annual report containing an analysis and description of services performed by full-time USG employees during fiscal year 1992, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

746. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

747. A letter from the Comptroller General of the United States, transmitting a copy of his report for fiscal year 1992 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

748. A letter from the Mississippi River Commission, Executive Assistant, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

749. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for Fiscal Year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

750. A letter from the Chief Administrative Officer, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

751. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

752. A letter from the Deputy Director, National Science Foundation, transmitting the biennial report of the National Critical Technologies Panel, pursuant to Public Law 101-189, section 841(a) (103 Stat. 1512); to the Committee on Science, Space, and Technology.

753. A letter from the Chairman, Cultural Property Advisory Committee, U.S. Information Agency, transmitting the report of the Cultural Property Advisory Committee on the extension of the emergency import ban on antique textiles of the community of Coroma, Bolivia, pursuant to 19 U.S.C. 2601 et seq.; to the Committee on Ways and Means.

754. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102-229; jointly, to the Committee on Appropriations and Foreign Affairs.

755. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102-229; jointly, to the Committees on Appropriations and Foreign Affairs.

756. A letter from the Comptroller General of the United States, transmitting the sixth report on the assignment or detail of General Accounting Office employees to congressional committees as of January 11, 1993; jointly, to the Committees on Appropriations and Government Operations.

757. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on the nondisclosure of Safeguards Information for the quarter ending December 31, 1992; jointly, to the Committees on Energy and Commerce and Natural Resources.

758. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's Safety Research Program; jointly, to the Committees on Energy and Commerce and Natural Resources.

759. A letter from the Department of Energy, transmitting notification that the report required by section 2904 of Public Law 102-486 will be delayed; jointly, to the Committees on Energy and Commerce, Natural Resources, Foreign Affairs, and Merchant Marine and Fisheries.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. Kopetski, Mr. Sundquist, Mr. Smith of Oregon, Mr. Rowland, Mr. Clyburn, Mr. Swift, Mr. Wilson, Ms. Furse, Mr. Emerson, Mr. Baker of Louisiana, Mr. LaFalce, Mrs. Unsoeld, Mr. Montgomery, Mr. Herger, Mr. McCrery, Mr. Livingston, and Mr. Bevill):

H.R. 960. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Mr. KLUG (for himself, Mr. Hansen, Ms. Shepherd, and Mr. Penny):

H.R. 961. A bill to prohibit the expenditure of Federal funds for the National Aeronautics and Space Administration's advanced solid rocket motor program; to the Committee on Science, Space, and Technology.

By Mr. BEREUTER (for himself and Mr. Bacchus of Florida:

H.R. 962. A bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon safe, sound, and properly managed financial institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BOUCHER (for himself, Mr. Upton, Mr. Bonior, Mr. Tauzin, Mr. Slattery, Mr. Barton of Texas, Mr. Coleman, Ms. Norton, Mr. Sarpalius, Mr. Spratt, Mr. Sanders, and Mr. Gilchrest):

H.R. 963. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself, Mr. Brown of California, Mr. Walker, Mr. Boehlert, Mr. Valentine, Mr. Barcia, Ms. E.B. Johnson, and Mr. Minge):

H.R. 964. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, to enact a prohibition against antarctic mineral resource activities, and for other purposes; jointly, to the Committee on Science, Space, and Technology, Merchant Marine and Fisheries, Energy and Commerce, and Natural Resources.

By Mrs. COLLINS of Illinois:

H.R. 965. A bill to provide for toy safety and for other purposes; to the Committee on Energy and Commerce.

By Miss COLLINS of Michigan (for herself, Mr. Bonior, Mr. Fazio, Mrs. Kennelly, Mr. Richardson, Mr. Mfume, Mrs. Collins of Illinois, Mr. Hastings, Mr. Jefferson, Ms. E.B. Johnson of Texas, Mr. Conyers, Mr. Stokes, Mr. Dellums, Mr. Ford of Tennessee, Mr. Owens, Mr. Towns, Mr. Wheat, Mr. Flake, Mr. Lewis of Georgia, Mr. Payne of New Jersey, Mr. Washington, Ms. Norton, Ms. Waters, Mr. Blackwell, Mrs. Clayton, Ms. Brown of Florida, Mr. Clyburn, Mr. Fields of Louisiana, Mr. Hilliard, Ms. McKinney, Ms. Meek, Mr. Rush, Mr. Scott, Mr. Watt, Mr. Wynn, Ms. Slaughter, Mrs. Schroeder, Ms. Pelosi, Mrs. Unsoeld, Mrs. Lowey, Mrs. Mink, Ms. DeLauro, Ms. Cantwell, Ms. Eshoo, Mrs. Thurman, Ms. Velázquez, Ms. Woolsey, Mr. Peterson of Minnesota, Mr. Peterson of Florida, Mr. Sanders, Mr. Stupak, Mr. Cramer, Mr. Brewster, Mr. Serrano, Mr. Pastor, Mr. Murphy, Mr. Miller of California, Mr. Frank of Massachusetts, Ms. Kaptur, Mr. Bishop, and Mr. Bacchus of Florida):

H.R. 966. A bill to require the Commissioner of the Bureau of Labor Statistics to conduct time use surveys of unremunerated work performed in the United States and to calculate the monetary value of such work; to the Committee on Education and Labor.

By Mr. DE LA GARZA (for himself, Mr. Roberts, Mr. Stenholm, Mr. Smith of Oregon, Mr. Thomas of California, Mr. Rowland, Mr. Inslee, Mr. Kopetski, Mr. Lehman, Mr. Fazio, Mr. Dooley, and Mr. Condit):

H.R. 967. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use pesticides; to the Committee on Agriculture.

By Mr. DE LA GARZA (for himself, Mr. Roberts, Mr. Stenholm, and Mr. Smith of Oregon):

H.R. 968. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to the authorization for appropriations; to the Committee on Agriculture.

By Mr. DE LUGO (for himself, Mr. Miller of California, Mr. Underwood, Mr. Faleomavaega, Mr. Gallegly, and Mr. Murphy):

H.R. 969. A bill to amend title 10, United States Code, to provide for appointments to the military service academies by the Resident Representative to the United States for the Commonwealth of the Northern Mariana Islands; to the Committee on Armed Services.

By Mr. DELLUMS:

H.R. 970. A bill to provide for participation by the United States in a climate stabilization program; jointly, to the Committee on Agriculture, Education and Labor, Foreign Affairs, Energy and Commerce, Natural Resources, Merchant Marine and Fisheries, Rules, Science, Space, and Technology, and Ways and Means.

By Mr. ENGEL (for himself and Mr. Manton):

H.R. 971. A bill to require the Federal Communications Commission to initiate rulemaking proceedings to improve multilingual radio broadcasting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 972. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income that portion of a governmental pension which does not exceed the maximum benefits payable under title II of the Social Security Act which could have been excluded from income for the taxable year; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 973. A bill to amend the Federal Election Campaign Act of 1971 to strengthen provisions relating to disclosures in campaign advertisements; to the Committee on House Administration.

By Mr. GUTIERREZ (for himself, Ms. Shepherd, Mr. Gene Green, Mr. Fingerhut, Mr. Deal, Mr. Strickland, Mr. Baesler, and Ms. Woolsey:

H.R. 974. A bill to eliminate any salary adjustment for Members of Congress under section 601(a)(2) of the Legislative Reorganization Act of 1946, in fiscal year 1994; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. HUGHES (for himself, Mr. Boehlert, Mr. Abercrombie, Mr. DeFazio, Mr. Waxman, Mr. Studds, Mr. Matsui, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. McDermott, Mr. Blackwell, Mr. Berman, Mr. Hefner, Mr. Conyers, Mr. Stark, Mr. Evans, and Mr. Wyden):

H.R. 975. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure nondiscrimination in benefits provided under group health plans, and to provide for adequate notice of adoption of material coverage restrictions under group health plans and effective remedies for violations of such title with respect to such plans; to the Committee on Education and Labor.

By Mr. JACOBS:

H.R. 976. A bill to disregard cost-of-living adjustments in tier 1 railroad retirement benefits in determining eligibility for supplemental security income benefits under Medicaid; to the Committee on Energy and Commerce.

H.R. 977. A bill to make permanent the authority to transfer revenues attributable to the taxation of certain railroad retirement benefits to the Railroad Retirement Account; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. Bunning):

H.R. 978. A bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 979. A bill to amend title II of the Social Security Act to expand current restrictions on payment of benefits to prisoners to include payments to individuals confined to public institutions pursuant to court order based on a verdict that the individual is not guilty of a criminal offense by reason of insanity or a similar finding; to the Committee on Ways and Means.

H.R. 980. A bill to amend title II of the Social Security Act to require dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on the insured individual's wage record (and thereby reducing the benefits of the insured individual's natural children) if the stepchildren are being supported by a natural parent, and to provide for termination of an individual's child's insurance benefits, based on the work record of a stepparent, upon the remarriage of the child's natural parent after such natural parent's divorce from such stepparent; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 981. A bill to provide for the payment of retirement and survivor annuities to, and to improve access to health insurance for, certain ex-spouses of employees of the Central Intelligence Agency; to the Committee on Intelligence (Permanent Select).

By Mr. LaFALCE (for himself, Mr. Paxon, Mr. Quinn, Ms. Slaughter, and Mr. Houghton):

H.R. 982. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LIPINSKI (for himself, Mr. Dellums, Ms. Norton, and Mr. Blackwell):

H.R. 983. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide disaster assistance for costs of operation of a transit system during a major disaster; to the Committee on Public Works and Transportation.

By Mr. MACHTLEY:

H.R. 984. A bill to provide an 8-percent interim geographic pay increase for certain

Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCOLLUM (for himself, Mr. SOLOMON, Mrs. ROUKEMA, Mr. SMITH of Texas, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. HYDE, Mr. DELAY, Mr. DORNAN, Mr. GOODLING, Mr. COLLINS of Georgia, Mr. BUNNING, Mr. BUYER, Mr. RAMSTAD, Mr. SANTORUM, Mrs. MEYERS of Kansas, Mr. GOSS, Mr. YOUNG of Florida, Mr. LEWIS of Florida, Mr. STEARNS, Mr. CANADY, Mr. SHAW, Mr. BILIRAKIS, Mr. FIELDS of Texas, Mr. QUINN, Mr. ARCHER, Mrs. BENTLEY, Mr. KING, Mr. SAXTON, Mr. MCKEON, Mr. ROYCE, Mr. PETE GEREN of Texas, Mr. SENSENBRENNER, Mr. PACKARD, Mr. WELDON, Mr. CRANE, Mr. BEREUTER, Mr. KYL, Mr. SPENCE, Mr. FAWELL, Mr. THOMAS of Wyoming, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. STUMP, Mr. INGLIS, Mr. BALLENGER, Mr. DOOLITTLE, Mr. BARTON of Texas, Mr. HERGER, Mr. COBLE, Mr. COMBEST, Mr. INHOFE, Mr. MCDADE, Mr. ROTH, Mr. ALLARD, Mr. SUNDQUIST, Mr. MOORHEAD, Mr. GALLEGLY, Mr. OXLEY, Mr. LIVINGSTON, Mr. ROBERTS, Mr. SKEEN, and Mr. EVERETT):

H.R. 985. A bill to include infection with the agent for acquired immune deficiency syndrome as a communicable disease of public health significance for which an alien is excludable under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. MEEK (for herself, Mr. OWENS, Mr. HASTINGS, Mrs. CLAYTON, and Mr. TOWNS):

H.R. 986. A bill to provide for adjustment for status of certain Haitians; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Ms. NORTON, Mr. PETERSON of Florida, Mr. HALL of Ohio, and Mr. CARDIN):

H.R. 987. A bill to amend the Elementary and Secondary Education Act of 1965 to require each State, as a condition of receiving Federal assistance under such act, to implement a gun control program in its schools, and to establish a program of grants to local educational agencies for purposes of purchasing crime prevention equipment and training security personnel; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 988. A bill to waive certain limitations on assistance for losses resulting from Hurricane Andrew, Typhoon Omar, or Hurricane Iniki, and for other purposes; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, and Natural Resources.

H.R. 989. A bill to provide that the State Health Insurance Program of Hawaii is eligible for reimbursement from certain funds appropriated to the Public Health and Social Services Emergency Fund, and for other purposes; to the Committee on Energy and Commerce.

H.R. 990. A bill to provide that the Secretary of Commerce shall not set minimum or maximum amounts on grants made for the purpose of providing financial assistance to States whose tourism promotion needs have increased due to Hurricane Andrew, Hurricane Iniki, or other disasters; to the Committee on Energy and Commerce.

H.R. 991. A bill to waive certain requirements under the Small Business Act for disaster relief assistance; to the Committee on Small Business.

H.R. 992. A bill to provide that individuals who exhaust their rights to disaster unemployment benefits shall be entitled to emergency unemployment benefits; to the Committee on Ways and Means.

H.R. 993. A bill to amend the Internal Revenue Code of 1986 to extend the period for the rollover of gain from the sale of a principal residence located in a disaster area; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 994. A bill to direct the Secretary of the Army to conduct a review of the report of the Chief of Engineers on Staten Island from Ft. Wadsworth to Arthur Kill, NY, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. PENNY, Mr. SMITH of New Jersey, Mr. SLATTERY, Mr. CLYBURN, and Mr. QUINN):

H.R. 995. A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

By Mr. MONTGOMERY (for himself and Mr. SMITH of New Jersey):

H.R. 996. A bill to amend title 38, United States Code, to establish a veterans education certification and outreach program; to the Committee on Veterans' Affairs.

Mr. PAYNE of Virginia:

H.R. 997. A bill to amend general note 3(a)(iv) of the Harmonized Tariff Schedule of the United States to deny special tariff treatment to goods of the Commonwealth of the Northern Mariana Islands unless certain conditions are met, to require the Secretary of Labor to assign a full-time resident compliance officer to the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Mr. VISCLOSKY, Mr. WILSON, Mr. SPRATT, Mr. LANCASTER, Mr. OBERSTAR, Mr. MORAN, Mr. MAZZOLI, Mr. HUGHES, Mr. STENHOLM, and Mrs. UNSOELD):

H.R. 998. A bill to achieve a balanced Federal budget by fiscal year 1998 and each year thereafter, achieve significant deficit reduction in fiscal year 1994 and each year through 1998, establish a Board of Estimates, require the President's budget and the congressional budget process to meet specified deficit reduction and balance requirements, enforce those requirements through a multiyear congressional budget process and, if necessary, sequestration, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. RAMSTAD:

H.R. 999. A bill to require the Administrator of the National Aeronautics and Space Administration to terminate the advanced solid rocket motor program; to the Committee on Science, Space, and Technology.

By Mr. SCHUMER:

H.R. 1000. A bill to protect financial institutions from liability for damages caused by failure to remove asbestos from a residential or commercial building in which the financial institution holds a security interest if an accredited asbestos management planner has recommended in-place management of the asbestos, and for other purposes; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

H.R. 1001. A bill to authorize appropriations for the Reduced Enrichment Research and Test Reactors Program of the Department of Energy; to the Committee on Science, Space, and Technology.

By Mr. SHAYS (for himself, Mr. MFUME, and Mrs. JOHNSON of Connecticut):

H.R. 1002. A bill to amend the U.S. Housing Act of 1937 to revise the method of calculating the amounts paid by public housing agencies in lieu of State, city, county, and local taxes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHAYS (for himself and Mr. MFUME):

H.R. 1003. A bill to amend title I of the Housing and Community Development Act of 1974 to establish an economic development block grant program; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1004. A bill to establish a program of mandatory national service for young people in the United States; jointly, to the Committees on Education and Labor, Post Office and Civil Service, Ways and Means, Energy and Commerce, and Foreign Affairs.

By Mr. SHAYS (for himself, Mr. MFUME, and Mr. SANTORUM):

H.R. 1005. A bill to assist distressed cities with large, abandoned factories and hazardous waste sites; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SHAYS (for himself, Mr. MFUME, Mrs. JOHNSON of Connecticut, Mr. CLINGER, Mr. PETRI, Mr. GOODLING, Mrs. VUCANOVICH, Mr. ROHRABACHER, Ms. SNOWE, Mr. PAXON, Mr. FAWELL, and Mr. MCHUGH):

H.R. 1006. A bill to amend the Congressional Budget Act of 1974 to expand the requirement that legislation be accompanied by cost estimates of its impact on State and local governments; to the Committee on Rules.

By Mr. SHAYS (for himself and Mr. MFUME):

H.R. 1007. A bill to amend title IV of the Social Security Act to eliminate disincentives in the program of aid to families with dependent children that prevent recipients of such aid from working toward self-sufficiency; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 1008. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, targeted urban areas designated as targeted urban areas by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. SLATTERY (for himself, Mr. BOEHLERT, Mr. GLICKMAN, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. BEREUTER, Mr. VENTO, Mr. JOHNSTON of Florida, Mrs. COLLINS of Illinois, Mr. HEFLEY, Mr. SHAYS, Mr. LAFALCE, Mr. EVANS, Mr. STARK, Mr. KLECZKA, Mr. BALLENGER, Mr. POSHARD, Mr. PORTER, Mr. ANDREWS of Maine, Mr. KANJORSKI, Mr. VISCLOSKY, Mr. REED, Mr. DOOLEY, Mr. PAYNE of New Jersey, Mr. HERGER, and Mr. JOHNSON of Georgia):

H.R. 1009. A bill to terminate the obligation of funds by the United States for the superconducting super collider project; to the Committee on Science, Space, and Technology.

By Mr. SMITH of New Jersey:

H.R. 1010. A bill to authorize the Secretary of the Interior to acquire parcels of land commonly known as Fisherman's Cove and Gull Island for inclusion in the Edwin B. Forsythe National Wildlife Refuge in Monmouth County and Ocean County, NJ; to the Committee on Merchant Marine and Fisheries.

By Mr. SOLOMON:

H.R. 1011. A bill to establish a task force to recommend a uniform strategy to protect women against violent crime; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Applegate, Mr. Barcia, Mr. Bartlett, Mr. Blackwell, Mr. Bliley, Mr. Blute, Mr. Brewster, Ms. Byrne, Mr. Coble, Mrs. Collins of Illinois, Mr. Deutsch, Mr. Fazio, Mr. Filner, Mr. Fingerhut, Mr. Frost, Mr. Gutierrez, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Jacobs, Mr. Kleczka, Mr. Klink, Mr. Kreidler, Mr. Lewis of Florida, Ms. Norton, Mr. Payne of New Jersey, Mr. Poshard, Mr. Price of North Carolina, Mr. Wynn, and Mr. Walsh):

H.R. 1012. A bill to establish a congressional commemorative medal for organ donors and their families; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. Johnson of South Dakota, Mr. Payne of Virginia, Mr. Glickman, Mr. Penny, Mr. Armey, Mr. Andrews of Texas, Mr. Bacchus of Florida, Mr. Baesler, Mr. Ballenger, Mr. Bereuter, Mr. Bilbray, Mr. Boehlert, Mr. Browder, Mr. Bryant, Mr. Burton of Indiana, Mr. Buyer, Mr. Cardin, Mr. Clement, Mr. Clinger, Mr. Condit, Mr. Coppersmith, Mr. Cramer, Mr. Diaz-Balart, Mr. Dornan, Mr. Edwards of Texas, Mr. Fingerhut, Mr. Pete Geren of Texas, Mr. Gibbons, Mr. Gilchrest, Mr. Goss, Mr. Hall of Texas, Mr. Hamilton, Ms. Harman, Mr. Hayes, Mr. Herger, Mr. Hobson, Mr. Hughes, Mr. Inslee, Mrs. Johnson of Connecticut, Mr. Klink, Mr. Klug, Mr. LaRocco, Mr. Lancaster, Mr. Laughlin, Mr. Lehman, Mr. Mann, Mr. Mazzoli, Mrs. Meyers of Kansas, Mr. Minge, Mr. Montgomery, Mrs. Morella, Mr. Neal of North Carolina, Mr. Oxley, Mr. Parker, Mr. Peterson of Florida, Mr. Peterson of Minnesota, Mr. Petri, Mr. Pombo, Mr. Poshard, Mr. Ramstad, Mr. Roemer, Mr. Rohrabacher, Mr. Rowland, Mr. Shays, Mr. Skelton, Mr. Slattery, Mr. Smith of Texas, Mr. Spratt, Mr. Swett, Mr. Tanner, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Upton, Mr. Volkmer, Mr. Weldon, Mr. Wilson, Mr. Wolf, Mr. Wyden, and Mr. Zeliff).

H.R. 1013. A bill to amend the Congressional Budget Control and Impoundment Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. STOKES:

H.R. 1014. A bill to expand the State option to exclude service of election officials or workers from coverage under the Social Security System; to the Committee on Ways and Means.

By Mr. TORRES (for himself, Mr. Gonzalez, Mr. Kennedy, Mr. Schumer, Mr. Gutierrez, Mr. Rush, Ms. Roybal-Allard, Mr. Barrett of Wisconsin, Ms. Furse, Ms. Velázquez, Mr. Wynn, Mr. Watt, Mr. Hinchey, Mr. Flake, Ms. Waters, and Mrs. Maloney):

H.R. 1015. A bill to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the act, and to improve enforcement, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TRAFICANT:

H.R. 1016. A bill to amend the National Agricultural Weather Information System Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers; to the Committee on Agriculture.

H.R. 1017. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the U.S. Customs Service perform their border protection functions; to the Committee on Armed Services.

H.R. 1018. A bill to require the Administrator of the National Aeronautics and Space Administration, in meeting the needs of the National Aeronautics and Space Administration for additional facilities, to select abandoned and underutilized facilities in depressed communities; to the Committee on Science, Space, and Technology.

By Ms. WATERS (for herself, Mr. Martinez, Ms. Roybal-Allard, Mr. Torres, Mr. Edwards of California, Ms. Woolsey, Mr. Matsui, Ms. Eshoo, Ms. Pelosi, Ms. Velázquez, Mr. Tucker, Mr. Becerra, and Mr. Clyburn):

H.R. 1019. A bill to provide grants to cities to establish teen resource and education centers to provide education, employment, recreation, social, and cultural awareness assistance to at-risk youth; to the Committee on Education and Labor.

By Ms. WATERS:

H.R. 1020. A bill to amend the Job Training Partnership Act to establish a Job and Life Skills Improvement Program to provide comprehensive services to youth and young adults living in high poverty areas in cities and rural areas of the United States; to the Committee on Education and Labor.

H.R. 1021. A bill to provide employment opportunities to unemployed individual in high unemployment areas in programs to repair and renovate essential community facilities; to the Committee on Education and Labor.

H.R. 1022. A bill to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. GRAMS:

H.J. Res. 115. Joint resolution proposing a balanced budget and line-item veto amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.J. Res. 116. Joint resolution designating August 23, 1993, as "National Health Unit Coordinator Day"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING (for himself and Mr. Hyde):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress that medical examiners and coroners should make reasonable, goodfaith efforts to locate the next of kin of deceased individuals; to the Committee on Government Operations.

By Ms. MOLINARI (for herself, Mr. Gilman, Mr. Rohrabacher, Mr. Levy, Mr. Engel, Mr. Zeliff, Ms. Ros-Lehtinen, Mr. Gillmor, Mr. Wilson, Mr. King, Mr. Camp, Mrs. Meyers of Kansas, Mr. Towns, Mr. Boehlert, Mr. Smith of New Jersey, Mr. Torkildsen, Mr. Schiff, Mr. Smith of Oregon, Mr. Goss, Mr. Ewing, Mr. Crane, Mr. Pastor, Mr. Barrett of Nebraska, and Mr. Hunter):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress concerning rape and forced pregnancy of women and girls in the former Yugoslavia; to the Committee on Foreign Affairs.

By Mr. RICHARDSON:

H. Con. Res. 46. Concurrent resolution concerning the establishment of a Joint Commission for the United States-Mexico Border Region; jointly, to the Committees on Foreign Affairs, Energy and Commerce, and Public Works and Transportation.

By Mr. MICHEL:

H. Res. 91. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HOYER:

H. Res. 92. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

H. Res. 93. Resolution electing Representative Sanders of Vermont to the Committee on Banking, Finance, and Urban Affairs and to the Committee on Government Operations; considered and agreed to.

By Mr. BROOKS:

H. Res. 94. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself, Mr. Stump, Mr. Evans, Mr. Rowland, Mr. Slattery, and Mr. Sangmeister):

H. Res. 95. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans Affairs in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. ROSE:

H. Res. 96. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. SAXTON:

H. Res. 97. Resolution expressing the sense of the House of Representatives respecting curriculum to teach about the horrors of Nazism; to the Committee on Education and Labor.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

43. By the SPEAKER: Memorial of the Senate of the State of Kansas, relative to the issuance of a stamp honoring American Horology; to the Committee on Post Office and Civil Service.

44. Also, memorial of the House of Representatives of the State of Missouri, relative to "riders" or conditions attached to Federal funds earmarked for the States; to the Committee on Public Works and Transportation.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TAYLOR of Mississippi introduced a bill (H.R. 1023) to clear certain impediments to the licensing of the vessel *Play Pretty* for employment in the coastwise trade of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. LaFalce, Mr. Oberstar, Mr. Rangel, Mr. Blackwell, and Mr. Hilliard.

H.R. 20: Mr. Applegate, Mr. Wyden, Mr. Skelton, Mr. Zeliff, Mr. Slattery, Mr. Fingerhut, Ms. Slaughter, Mr. Thornton, Mr. Volkmer, Ms. Harman, Ms. DeLauro, Mr. Spratt, Mr. Payne of Virginia, Ms. Velázquez, Mr. Fish, Mr. Mfume, Mr. Grandy, Mr. Rowland, Mr. Pete Geren, Mr. Strickland, Mr. Coppersmith, Mr. Darden, Mr. Romero-Barceló, Mr. Carr, Mr. Kennedy, Mr. Barcia, Mr. Condit, Mr. Synar, Mr. Pastor, Mr. Obey, Mr. Lehman, Mrs. Mink, Mr. Taylor of Mississippi, Mr. Menendez, Mr. Tejeda, Mrs. Thurman, Ms. Roybal-Allard, Mr. Sharp, Ms. Margolies-Mezvinsky, Mr. Houghton, and Mr. Bryant.

H.R. 27: Mr. Gutierrez.

H.R. 59: Mr. LEWIS of Florida, Mr. BAKER of Louisiana, Mr. KLUG, Mr. COMBEST, Mr. DREIER, Mr. HAYES of Louisiana, Mr. MICHEL, Mr. BACHUS of Alabama, and Mr. POMBO.

H.R. 60: Mr. SAM JOHNSON.

H.R. 81: Mr. UPTON, Mr. HASTERT, and Ms. NORTON.

H.R. 94: Mr. SPRATT, Mr. RAVENEL, Mr. COBLE, Mr. BUNNING, Mr. DREIER, and Mr. WOLF.

H.R. 138: Mr. ROBERTS, Mr. EMERSON, Mr. BOEHNER, Mr. POMBO, Mr. DORNAN, Mr. BARTLETT, Mr. SARPALIUS, and Mr. BARRETT of Nebraska.

H.R. 140: Mr. HUTCHINSON, Mr. LEHMAN, Mr. CALVERT, and Mr. HILLIARD.

H.R. 159: Mr. HOEKSTRA.

H.R. 163: Mr. SKEEN.

H.R. 200: Mr. BLACKWELL and Mr. ROMERO-BARCELO.

H.R. 242: Mr. CLYBURN and Mrs. COLLINS of Illinois.

H.R. 381: Mr. BARTLETT.

H.R. 383: Mr. BARTLETT.

H.R. 388: Mr. LIPINSKI, Mr. BARTLETT, and Mr. MCCANDLESS.

H.R. 389: Mr. BARTLETT.

H.R. 390: Mr. BARTLETT.

H.R. 406: Mr. SCHUMER, Ms. WOOLSEY, Mr. HASTINGS, and Mr. MARTINEZ.

H.R. 409: Mrs. KENNELLY and Mr. LAFALCE.

H.R. 503: Mr. COLLINS of Georgia.

H.R. 512: Mr. ENGEL, Mr. DORNAN, Mr. EMERSON, and Mrs. MORELLA.

H.R. 526: Mr. BERMAN, Mr. BORSKI, Mr. RAHALL, Mr. SCHUMER, and Mr. TORRES.

H.R. 585: Mr. LEWIS of Florida and Mr. BEILENSON.

H.R. 636: Mrs. VUCANOVICH.

H.R. 660: Mr. DE LUGO, Mr. HUGHES, Mr. HINCHEY, Mr. WILSON, Mrs. CLAYTON, Mr. HASTINGS, and Mr. JEFFERSON.

H.R. 682: Ms. PELOSI, Mr. KING, Mr. WALSH, Mrs. BENTLEY, Mr. HUTTO, Mr. BLUTE, Mr. MOORHEAD, Mr. GINGRICH, Ms. SLAUGHTER, Mr. BEREUTER, Mr. LANCASTER, Mr. MCNULTY, Mr. LIPINSKI, Mr. GIBBONS, Mr. BURTON of Indiana, Mr. UPTON, Mrs. COLLINS of Michigan, Mr. STOKES, Mr. STUMP, Mr. MACHTLEY, Mr. BONIOR, Mrs. MEYERS of Kansas, Mr. FINGERHUT, Mr. SPENCE, Mr. GONZALEZ, Mr. PICKETT, Mr. SUNDQUIST, Mr. SOLOMON, Mr. HEFNER, Mr. MYERS of Indiana, Mr. PARKER, Mr. WASHINGTON, Mr. EVANS, Mr. ENGLISH of Oklahoma, Ms. BROWN of Florida, Mr. FILNER, Mr. GEJDENSON, Mr. OWENS, Mrs. MORELLA, and Mrs. UNSOELD.

H.R. 730: Mr. PORTER.

H.R. 760: Mr. DOOLEY.

H.R. 776: Mr. PARKER, Mr. SOLOMON, Mr. LEACH, Mr. TORKILDSEN, Mr. GUNDERSON, Mr. SMITH of Oregon, Mr. YOUNG of Florida, and Mr. CAMP.

H.R. 784: Mr. SHARP, Mr. KREIDLER, Mr. SWIFT, Mrs. KENNELLY, Ms. WOOLSEY, Mr. PETERSON of Minnesota, and Mr. BEILENSON.

H.R. 799: Mr. KOLBE, Mr. SPENCE, and Mr. KLUG.

H.R. 854: Mr. BAKER of Louisiana, Mr. BARTLETT, Mr. HYDE, Mr. SPENCE, and Mr. STEARNS.

H.R. 870: Ms. ROYBAL-ALLARD.

H.R. 875: Mr. BARTLETT, Mr. BALLENGER, Mr. FAWELL, and Mr. SPENCE.

H.R. 887: Mr. SPENCE, Mr. GOSS, Mrs. BENTLEY, Mr. WALSH, Mr. SHAW, and Mr. SENSENBRENNER.

H.J. Res. 22: Mr. SPENCE and Mr. SKEEN.

H.J. Res. 30: Mr. ZIMMER, Mr. GRAMS, Mr. ROYCE, Mr. BARTLETT of Maryland, and Mr. INHOFE.

H.J. Res. 71: Mr. WILSON.

H.J. Res. 76: Mr. BARRETT of Wisconsin.

H. Con. Res. 26: Mr. HANCOCK, Mr. BAKER of Louisiana, Mr. TORKILDSEN, Mr. UPTON, Mr. KOLBE, Mr. LIPINSKI, Mrs. LLOYD, Mr. KOPETSKI, Mr. SPRATT, Mr. BACHUS of Alabama, Mr. GENE GREEN, Mr. HINCHEY, Mr. WILSON, Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. SPENCE, Mr. BEILENSON, and Ms. BROWN of Florida.

H. Res. 40: Mr. KOPETSKI, Mr. NEAL of North Carolina, Mr. SABO, Mr. HUGHES, Mr. SWETT, Mr. RICHARDSON, Mr. WHEAT, and Mr. BOUCHER.

H. Res. 41: Mr. SKAGGS.

H. Res. 50: Mr. SMITH of Texas, Mr. GOODLATTE, Mrs. VUCANOVICH, Mr. MANZULLO, Mr. TORKILDSEN, Mr. LEVY, Mr. HOKE, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. ZELIFF, Mr. BARTLETT of Maryland, Mr. BOEHNER, and Mr. SKEEN.

H. Res. 53: Mr. JOHNSON of South Dakota, Mr. SMITH of Texas, Mr. ZIMMER, Mr. ZELIFF, Mr. TORKILDSEN, Mr. QUINN, Mr. DOOLITTLE, Mr. GRAMS, Mr. BARTLETT of Maryland, Mr. BALLENGER, and Mr. MCCANDLESS.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

15. The SPEAKER presented a petition of National Governors' Association, Washington, DC, relative to infrastructure investment for the 1990's; which was referred to the Committee on Public Works and Transportation.

# SENATE—*Thursday, February 18, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Seeking wisdom and guidance from the Creator of life and life eternal, the Senate will be led in prayer by the Senate Chaplain, Rev. Dr. Richard C. Halverson.

Doctor Halverson.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Your word declares, "* * * the powers that be are ordained of God." (Romans 13:1) Gathered on the Senate side of Capitol Hill are 100 of the most powerful people in the world. They are a chosen people. Not only have they chosen to be here; they have been chosen by the people, and they have been chosen by God.

Gracious Father, the magnitude of problems which converge upon this place and upon Your servants is imponderable. Tens of thousands of agendas meet here, and in the vortex of the storm are the Senators. Economic and social problems cry for attention, not to mention state and world affairs. Apart from divine intervention, their task is impossible.

Grant, dear Lord, midst this whirlwind of issues, that the Senators may recognize the availability of divine help and give them grace to call upon Thee.

In the name of Jesus, the way, the truth, and the life. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order previously entered, the leadership time will be reserved.

## TRIBUTE TO THE SENATE CHAPLAIN—RICHARD C. HALVERSON

Mr. NICKLES. Mr. President, before we begin today, I wish to pay tribute to the Chaplain of the Senate, Dr. Halverson, for not only his prayer this morning, but also for his service to this body for the last 12-plus years. He really has been an inspiration, not only to myself, but I think to all Members of this body and to countless others throughout the country.

I compliment him for his service, for his leadership, and for his compassion. I thank him for his prayers and for his pastorship of this institution. He certainly has been a remarkable leader and an inspiration, I think, to all of us.

I thank him again for his prayer today. As most of my colleagues are aware, his health is not good. But he has shown great courage and great conviction and leadership.

I compliment him for his service to this body.

## NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate on the two amendments to run concurrently with the time to be equally divided and controlled in the usual form.

The clerk will again report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Nickles Amendment No. 37, relating to the admission to the United States of aliens infected with the AIDS virus.

Kennedy Modified Amendment No. 38 (to Amendment No. 37), to provide that the current list of communicable diseases of public health significance remain in place for a 90-day period and to require that a careful review of potential costs to the United States health care system take place before any change in the list.

The PRESIDENT pro tempore. Under the previous order, the two amendments are withdrawn and must be reentered.

The NICKLES amendment No. 37 and KENNEDY modified amendment No. 38 to amendment No. 37 were withdrawn.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma.

### AMENDMENT NO. 39

Mr. NICKLES. On behalf of myself and Senator Kennedy, we have amendments at the desk. I ask for their immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOLE, Mrs. KASSEBAUM, Mr. HELMS, Mr. SHELBY, Mr. GRAMM, Mr. LOTT, Mr. COATS, Mr. MACK, Mr. CRAIG, Mr. BOND, Mr. COVERDELL, Mr. ROTH, Mr. MURKOWSKI, Mr. THURMOND, Mr. SMITH, Mr. SIMPSON, Mr. GREGG, and Mr. KEMPTHORNE, proposes an amendment numbered 39.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

**SECTION 1. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.**

(a) Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED—

The President shall submit a report by September 1, 1993 containing—

(1) an assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care programs, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to, HIV;

(4) the cost implications of refugees entering or likely to enter the United States, who carry the HIV virus; and

(5) a comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the costs attributable to the entry of aliens suffering from other health conditions.

(c) HIV TESTING—

Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of HHS, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993.

(d) WAIVER AUTHORITY—

Subsection (c) may be waived by the Attorney General, in consultation with the Secretary of HHS for non-immigrants who, except for the provisions of this act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of:

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION—

Nothing in this section shall be construed to limit the authority of the Secretary of HHS to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

AMENDMENT NO. 40

(Purpose: To provide that the current list of communicable diseases of public health significance remain in place for a 90-day period and to require that a careful review of potential costs to the United States health care system take place before any change in the list)

The PRESIDENT pro tempore. The clerk will report the second amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 40.

Mr. NICKLES. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. . STUDY OF THE COST IMPLICATIONS OF ALTERING THE PUBLIC HEALTH EXCLUSION LIST.**

(a) RETENTION OF EXCLUSION.—The current list of communicable diseases of public health significance as in effect on February 17, 1993, shall remain in effect for a period of at least 90 days after the date of enactment of this Act for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED.—If the Secretary of Health and Human Services alters the list described in subsection (a) after the expiration of the 90-day period described in that subsection, then the Secretary shall submit to Congress a report containing—

(1) an assessment of—

(A) the anticipated effect of such action on costs to United States public health care programs and entities, as well as to those operated by States and municipalities; and

(B) the anticipated costs to private insurance and health care providers of such action;

(2) any findings regarding current immigration law submitted by the Attorney General under subsection (c);

(3) a comparison of the anticipated health care costs associated with immigrants infected with HIV with the costs attributable to the entry of immigrants suffering from other serious health conditions which significantly impair the individual's ability to earn a living; and

(4) an estimate of the costs associated with retention of the list described in subsection (a).

(c) STUDY AND REPORT.—(1) The Attorney General shall conduct a study of the following:

(A) The effectiveness of current provisions of the Immigration and Nationality Act in guarding against entry into the United States of persons likely to become a public charge and in deporting, during a 5-year period after such entry, those immigrants who do become public charges.

(B) The ability of the Immigration and Naturalization Service to apply and enforce such Act with regard to immigrants infected with potentially costly health conditions including, but not limited to, HIV.

(2) The Attorney General shall submit to the President, the Secretary of Health and Human Services, and the Congress a report setting forth the findings of the study conducted under paragraph (1) and including such recommendations as the Attorney General determines may be necessary for revision of current immigration law to ensure that immigrants with costly health conditions who are likely to become public charges will be excluded.

Mr. NICKLES. Mr. President, we actually have two amendments pending, and we will vote on both. I thank Senator KENNEDY for arranging it so that we have up or down votes on both amendments.

The amendment that I offered yesterday and resubmitted this morning is offered on behalf of myself and Senator KASSEBAUM, Senator DOLE, Senator HELMS, and countless other Senators that I will name in just a moment.

Those are Senators SIMPSON, GRAMM, LOTT, THURMOND, SHELBY, COATS, MACK, CRAIG, BOND, ROTH, MURKOWSKI, COVERDELL, GREGG, and KEMPTHORNE.

Mr. President, the amendment that we offer this morning would prohibit permanent admission into this country of immigrants that are infected with the AIDS virus. We do this not because we want to. We do it because the administration has proposed changing the policy that basically has been in effect since 1987.

I am afraid that this change in policy is a very serious mistake that would cost lives. It is not all the time, in many of the issues that we debate on the floor of the Senate, that we are actually talking about a life and death issue. But there is no question that if we change this policy and we allow immigrants to come into the country that are HIV positive, if they do not change their social behavior, they will infect others and those others will die.

This is a deadly disease. It is a communicable disease. It is spread by sexual contact. It is spread by IV drug users. Those are facts. Frankly, if they come into this country, and they do not change their behavior, it will cost lives. It will also cost dollars, big dollars, because the cost of the programs are exploding. The cost of Medicaid—I mentioned this to the chairman of the Appropriations Committee, and he can recite more figures than almost anybody—but Medicaid alone, last year, compounded at 29 percent. The year before, it was 28 percent. The year before that, it was 18.8 percent. It is an exploding program. If we allow many others to come into this country that are HIV positive, they will ultimately, in many cases, end up on the rolls of Medicaid.

As a matter of fact, all refugees are Medicaid eligible. So if we allow not just the 217 Haitians that are HIV positive that are waiting to come into the country to come, but if we allow others, that will also add to an already overburdened, overtaxed, and overwhelmed health care system, which President Clinton addressed last night. He said we need to contain the cost. I will promise you, if we change this policy and allow countless HIV positive people to immigrate to this country, that health care costs will move higher and higher.

As to the cost per individual, I have estimates ranging from $100,000 to $200,000 to $250,000. It is enormous, and it is growing.

So I mention this today. This amendment is not gay bashing. This amendment is about trying to protect the health of Americans. We now restrict foodstuffs coming into this country that might be diseased. We do not even allow fruits and vegetables to come in from other countries because we think they might be diseased, or carry an insect.

Let us protect American health and lives, and let us protect the taxpayers.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDENT pro tempore. The Senator from California is recognized for 2 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I rise in opposition to the Nickles amendment and in support of the Kennedy second-degree amendment.

Mr. President, I have always believed that public health decisions belong in the hands of public health officials. I concur with the position of the American Medical Association, the World Health Organization, the Centers for Disease Control, the American Public Health Association, the former Secretary of Health and Human Services, Louis W. Sullivan, and the current Secretary Donna Shalala, all of whom agree that there is no public health purpose served by the immigration exclusion of people who are HIV positive.

I also concur with the reasoning offered by the distinguished Senator from Massachusetts that public health decisions are best made by the officials charged with protecting the public health, not by the legislative branch of Government. And the policy which is now under debate should not, in my opinion, be statutory.

Mr. President, for too long, politics have dominated the discussion around the AIDS epidemic. And while the debate has gone on, the public health has often suffered and lives have been lost. It is time to end the debate, and get on with the task at hand which, I maintain, is to protect the public health.

Mr. President, as a former mayor, I have some experience with this disease, and one thing I know for sure is that if you drive a disease like AIDS underground, you do not protect the public health, you endanger it. That is the position of virtually every public health official in the country. What is important is educating people with the real facts.

And the facts are, Mr. President, that hundreds of thousands of immigrants are permitted to enter this country, any of whom may suffer with terminal diseases, such as cancer or heart disease which cost just as much as AIDS to treat, but there is no discussion of those people becoming public charges. The facts are that the vast majority of the people subject to the exclusion under discussion qualify for immigrant status to be reunited with their families. And the facts are that most of the people who are subject to this exclusion are already in the country. If these people are driven underground, and not allowed to work or receive health insurance, they will not obtain the preventive health care they may need now. And eventually, they will very likely end up in the already overburdened emergency rooms of our county hospitals.

But let us be clear. Cost is not a factor in this debate. The law gives the Attorney General the authority to deport any immigrant, for up to 5 years, who becomes a public charge, and this authority exists irrespective of the immigrant's HIV status.

Mr. President, when I came to the U.S. Senate, I never believed that I would find myself, standing on the floor, debating a policy which would keep in existence a detention camp, where people, who would otherwise be free, are kept behind barbed wire, quarantined without adequate health care until they die, solely because they have an incurable disease, which is not casually transmitted. Mr. President, one of the darkest memories in my State's history is the memory of detention camps where innocent Americans of Japanese descent were interned during World War II, simply on the basis of their ethnic background.

Former Secretary Sullivan was right in communicating the opinion of the Centers for Disease Control to President Bush and recommending that this policy, which serves no public health benefit, be ended. And President Clinton is right to implement Secretary Sullivan's recommendation.

Mr. President, I hope that we can move beyond the fear, and deal with the facts around AIDS. Time is wasting. The virus which causes AIDS knows no boundaries. Our attention should be turned to the more than 1 million Americans who are already infected with HIV.

Apart from South Africa, the United States has been the only industrialized country to have such a ban, and this has caused us to be the subject of criticism around the world. It is time to join the family of nations and send a message to the world that discrimination against people with AIDS must not be tolerated.

The PRESIDENT pro tempore. The time has expired.

Mrs. FEINSTEIN. Thank you very much.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator is recognized for up to 5 minutes.

Mr. KENNEDY. Mr. President, I just want to clarify for the record exactly what are facts and what are not facts in terms of this debate and this discussion.

Fact No. 1: On issues of public health and entry into the United States, since 1961 under Republicans and Democrats alike, the decision has rested with the Public Health Service, and wisely so. Wisely so. This ensures that the decision will be made on a solid scientific and public health basis.

Fact No. 2: In 1987 the Senate of the United States put HIV on the list of communicable diseases that permitted the Immigration Service and consular officers to exclude individuals from coming to the United States if they had HIV infection. Public Health Service doctors recommended it at that time.

Fact No. 3: In 1990, with the support of the Republican administration and Public Health Service doctors, many of whom are Republicans—and not members of any special interest group—we voted to return to what has been national policy since 1961. And why? Because it was in the interest of protecting the American people that these decisions be made on a scientific basis by the Secretary of Health. That is what we did in 1990 with bipartisan support.

Now, legitimate questions have been raised on the issue of the cost burden to local communities, to States, and to municipalities if we have this alternation or change. We believe that cost concerns are an issue that should be addressed and, therefore, in our amendment we have provided for a freeze of the current list for 90 days so that we can collect the various facts on this issue and on other issues affecting immigrants that may come to the United States.

There have been examples where children—members of the family—have been excluded because consular officers thought they would be public wards of local public health services that we should deal with.

We are prepared, however, to leave in place the existing law, the existing condition in terms of HIV, until we find out what the costs are going to be and what effect the Attorney General has had and continues to have in exercising the power he or she has to exclude those individuals that are determined likely to become a public charge. That power to exclude public charges is there for the Attorney General to use not only at the time of an immigrant's entry into the United States, but also can be used to deport those who become public charges at any time during the 5 years after they enter. We are prepared to study all of this and leave HIV on the list until we have the reports required under our amendment.

Now, I believe that that is a fair way to proceed.

What does not make a lot of sense, Mr. President, is for us to go out of this Chamber and believe that by passing the Nickles amendment we have really done something about HIV infection when we know that three-quarters of the immigrants that come here legally are already in the United States at the time they apply for immigration. Out of 700,000 immigrant visas issued each year, hundreds of thousands are for people who are already here. Many of those have contracted HIV while they have been here in the United States. We say to them, when they come to claim their visas that they are going to be deported. What are they going to do? What they are going to do is go underground without treatment or education and risk the public health of the American people.

Second, we have all of those who come here on visitors visas. If you believe that HIV is a health risk, then they endanger the public health of the American people every bit as much as immigrants. The 300,000 to 400,000 that comes here illegally endanger the public health, too.

What we are saying is let us have a program which the Public Health Service believes can be the most effective in protecting the American people. That is what we are basically supporting. Under our amendment, we are giving time to address the issues of cost and enforcement.

Finally, Mr. President, this authority to determine which medical conditions exclude immigrants was granted in 1990 at a time when we had a Republican President and we see very little reason to deny that possibility or authority at a time when we have a Democratic President. The fact of the matter is the Public Health Service is made up of professionals and they ought to be charged with defining what is in the public health interest.

Mr. President, for that reason and other reasons, I would hope that we would support the amendment which I have introduced along with the majority leader, and others, that will address the issue of cost and the public health and give this body the information needed for making judgments and decisions on the basis of sound public health policy and not on ideology.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. How much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 7 minutes and 40 seconds.

Mr. NICKLES. Mr. President, just a couple of quick comments. In regards to Senator KENNEDY'S position on his amendment, his amendment calls for a 90-day delay in changing the policy. In that time we can have hearings or we can learn something about assessing the cost.

I agree we should assess the cost. Basically his amendment is just a 90-day postponement of President Clinton's change in policy.

He has already stated he is going to change this policy. His Secretary of Health and Human Services said we are going to change this policy without having the hearings. So it would postpone it, but it does not change it because the President has already said it is going to change.

I might tell my friend and colleague from Massachusetts that current policy says before people emigrate to this country they must have blood tests and they are not allowed in except under a waiver provision if they test positive for HIV. Under my proposal, that was also cosponsored by Senator KASSEBAUM—and we worked together in formulating this amendment—we allow a waiver so people can come to this country for health conferences, they can come to the country for medical treatment, or to visit family members, or to visit the country. They will not become permanent immigrants. So there is a big difference.

The amendment by Senator KENNEDY allows, basically, the Clinton administration to go forward with their policy regardless of what the facts are.

Let me just tell you a couple of facts. There are right now in this country over 1 million people who are HIV positive. They are going to die from this disease if they do not die from something else in the interim. It is a deadly disease. We do not have a cure for it. The difference, I might tell my friend and colleague from California, between this and cancer or this and heart disease, this is a communicable disease—it is spread. I do not know of a cancer that someone can give to somebody else, or a heart disease—I do not believe it is contagious. But this disease, if people have multiple sexual partners they are going to spread the disease. Or if they share needles they are going to spread the disease. They are going to kill people. This is a deadly disease.

That is the reason why our country for decades has had policies prohibiting people coming into this country carrying contagious infectious diseases.

That is the reason we agreed to this amendment in 1987. It made sense. We were trying to protect the health of the American people. That is what we are trying to do today.

So in the amendment I have offered that is cosponsored by countless Senators, Democrats and Republicans, it says yes, let us get the information. But let us not change the policy.

I will just tell my colleagues, if you have not been to your States, I had the opportunity last week to travel around my State and I had town meetings. I will tell you Americans will be outraged at this change in policy if it takes place. They are already bothered by the fact these deficits are so high, and President Clinton made a good speech last night talking about the need to get deficits down.

As the Presiding Officer in the Senate knows, deficits are exploding because entitlements are exploding and Medicaid is one entitlement program that is more than exploding. There was a 29 percent increase last year—those are the facts; 27 percent the year before; 18 percent the year before this. This is compounding at a rate that we cannot continue. If we change the policy as proposed under the Kennedy amendment or under President Clinton's proposed change, this figure can only grow because countless people will be coming into this country.

I might mention, somebody said we are just talking about a few hundred people per year who want to come into the United States who test HIV positive. If we change this policy, that figure will multiply many-fold.

Today we have blood tests before immigrants come into this country. If they test positive they come in, but on a short waiver, for a short period of time. If we change this policy we are going to have countless thousands of people who will want to emigrate to the United States, knowing we have quality health care and knowing we will take care of them. Uncle Sam will take care of them, the taxpayers will take care of them at enormous expense, in my opinion, to health care for countless thousands who do not have health insurance, countless people who are right now struggling to pay their health care bills. This will only overburden that system as well.

And maybe even more important than the cost side is the fact it threatens the health and safety of countless Americans. It might introduce the HIV-2 virus. This is a virus spreading through many underdeveloped countries today that is very prevalent in the heterosexual community. It is not really in the United States today. If that happens we will see the number of AIDS-infected people multiply significantly in this country. I hope and pray this will not happen.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains on each side?

The PRESIDENT pro tempore. The Senator from Massachusetts has 3½ minutes remaining.

Mr. KENNEDY. And how much remains on the other side?

The PRESIDENT pro tempore. Two minutes and 15 seconds remain to the opposition.

Mr. KENNEDY. I yield the remainder of the time to the majority leader.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I rise as a cosponsor of the amendment. I would like, if I might, to correct what I believe to be an inadvertent mischaracterization of this amendment by the Senator from Oklahoma. He twice said, "If we change this policy as proposed by the pending Kennedy-Mitchell amendment." Mr. President, the explicit purpose and the words of this amendment are to prevent the change in the policy. It freezes the policy in place for a 90-day period. It does not change the policy.

It is the amendment of the Senator from Oklahoma that seeks to change the existing policy. That is what this amendment does. This amendment says let us not do anything for 90 days. Let us keep in place what exists.

At issue here is a list of diseases of public health significance used to deny immigrants and nonimmigrants visas. In the 1990 Immigration and Nationality Act, Congress gave responsibility to the Secretary of Health and Human Services to review and revise the list of diseases used as grounds to deny immigrant and nonimmigrant visas. The determination was, pursuant to that law, to be based on scientific principles and current medical knowledge—not on political considerations.

This Senate has had far too much in the past decade of political considerations dominating medical factors.

The 1990 conference report stated that the "exclusion would apply only to those diseases for which admission of aliens with such diseases would pose a public health risk to the United States." And that is the proper standard.

The department undertook a review of the diseases and determined that HIV and AIDS should not be on the list. Organizations such as the American Public Health Association, the Association of State and Territorial Health Officials, the American Red Cross, and 85 of the Nation's leading public health experts concur with that finding. The Senate should not undermine the authority it recently gave to the Secretary of Health and Human Services.

The cost of HIV-infected aliens has been raised as an argument against removing HIV infection from the list. We have seen the specter presented here by the table. Provisions in the act require applicants for visas to prove that they will not require public assistance or become a "public charge." But the medical considerations portion of this provision have become even more stringent this year. In June of 1991, for example, the Public Health Service instructed physicians examining visa applicants to determine whether "the applicant is likely to require extensive medical care or institutionalization after arrival in the United States."

The Kennedy-Mitchell amendment addresses cost concerns, and at the same time leaves the public health decisions with the medical experts in the Department of Health and Human Services. The amendment prevents the administration from changing the list for 90 days.

The PRESIDENT pro tempore. The time of the majority leader has expired.

Mr. MITCHELL. Mr. President, I will use a portion of my leader time to complete my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. MITCHELL. It requires the Department of Health and Human Services and the Attorney General to review the cost to the health care system of changes to the list.

The Health and Human Services review would include the cost to U.S. public health programs and entities; the anticipated costs to private insurers and health care providers; and a comparison of the costs of HIV to other health conditions that immigrants may have.

The Attorney General would review the effectiveness of the public charge provisions of the Immigration Act and be required to make recommendations to ensure exclusion of immigrants that are likely to become public charges.

I repeat that: This amendment would require the Attorney General to make recommendations to ensure exclusion of immigrants likely to become public charges.

Mr. President, we have had over and over again in the past few years political considerations injected into the debate, the fear of 30-second ads being made: Oh, someone supports AIDS, someone supports certain types of sex practices. This is not what the Senate should be doing. This is a medical judgment. We have already given the authority to the Secretary of Health and Human Services. The medical community is in agreement on this, and we should stand by that earlier decision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to respond to the majority leader. I do see Senator KENNEDY's amendment as a change in policy. It may leave in effect the prohibition from immigrants coming in that are HIV positive for 90 days and then it says we are going to change it. The amendment may not say it, but President Clinton has said he is going to change it. Those are the facts. He is going to change the policy that we have had since 1987 that has prohibited permanent immigrants who are HIV positive from coming into this country. Senator KENNEDY's amendment would delay that for 90 days and have some studies, but then the change is going to happen.

The amendment that I am offering, along with Senator DOLE, Senator KASSEBAUM, Senator SHELBY, and many others, says no, we are going to keep the policy in effect that we have had for some time. We are not going to allow permanent immigrants to come into the country who are HIV positive, for a couple of reasons: Because it is an imminent threat to public health; because it is a communicable disease that will cost lives; because it will drive up the cost of health care.

My good friend, Senator MITCHELL, said we put in a provision that says the Attorney General can deny somebody access into a country if they are going to be a public charge. What about refugees? They are automatically eligible for Medicaid—automatically. The cost of Medicaid has exploded, as I have already shown. And yet they would just love to see this program grow even more and overburden an already overburdened health care system.

Mr. President, if we make this change, if the Kennedy amendment is adopted and if the Nickles amendment is not adopted, and President Clinton goes forward with his change in policy, Americans will lose their lives. This is a deadly disease. When somebody says this is political if it is political, it is because President Clinton made it political by making speeches in San Francisco and other areas making promises to certain special interest groups.

I am only offering this amendment to stop a change in policy that President Clinton has proposed. It was his timetable, his Secretary of Health and Human Services who said they want a change of policy. We are trying to stop this change. The only way we can stop that change is to pass the Nickles-Dole-Kassebaum amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. Mr. President, after a good deal of deliberation, weighing the merits of both alternatives, I have concluded that the amendment of the Senator from Oklahoma is the approach I must support.

To echo the words of our distinguished Republican leader, this is not a question of compassion. If it were, I do not think we would be having this debate today. It is a question of the need to evaluate properly the economic impact of immigration and AIDS.

This issue has been debated a number of times in this body. We have voted—and unanimously I might add—to add AIDS to the list the Immigration and Naturalization Service uses to determine communicable diseases of public health significance. And, we have voted to give HHS the discretion to decide what is on the list and what is not on the list.

HHS has advocated putting HIV on the list. And they have advocated removing it.

It is time we either resolve the matter, or get the information we need to resolve it. That is the intent of the Senator's amendment as I understand it.

We need to make certain that our hospitals and health care providers are not unfairly burdened by aliens with HIV who enter the country and become public charges.

I know that my colleague, the Senator from Massachusetts, is concerned about the potential this amendment sets up for Congress second-guessing the judgments of our medical experts. I appreciate his concerns, but I do not believe this is the real issue here.

I think we have to look at it in a larger context, that of the cost to our health care providers if aliens with HIV are allowed to become public charges. One thing that was not emphasized enough in previous year's debate is the possible cost of such a change to the U.S. health care system, and especially costs to States, municipalities, and health care providers.

As I read Senator NICKLE's amendment, it codifies the current situation and calls for a thorough review of the policy on admitting to the United States aliens infected with the HIV virus. There is no question about the need for such a review.

If, after assessing the effect of any changes, the President chooses to recommend changes in the current policy, Congress can then act on those changes. And I would hope that if there are any proposed changes, we give them all due consideration.

With this amendment, we will have a study of the effectiveness of current provisions of law. If there are loopholes in the current system, then we can look at recommendations for change. But we have all heard cases of the system allowing entry into the United States of persons with potentially costly health conditions, persons who are likely to become a public charge.

We just can't let that happen. It could bankrupt our providers.

One important feature of the Senator's amendment is that, for the first time, it allows the Attorney General to waive application of the immigration law to nonimmigrants who may be HIV positive and who wish to enter the country for 30 days or less. This could improve upon the current policy, since at present no one who is HIV positive may enter the country for any period of time.

Let me emphasize again and I think we should look at any future recommendations the administration chooses to make. But let us incorporate economic reality into that evaluation as well as the findings of the study that will be conducted.

Mr. MACK. Mr. President, I support the amendment offered by the Senator from Oklahoma. This amendment codifies the existing policy, which prohibits individuals who test HIV-positive from obtaining permanent immigration status in the United States, until a Presidential report can be completed in September.

I support this amendment because, if the current policy is changed, my home State of Florida will be forced to bear a disproportionate portion of the burden. Florida already has the third highest AIDS population in the United States. Florida hospitals, and specifically institutions in the greater Miami-Fort Lauderdale area, are already overburdened trying to care for Florida residents living with AIDS. They simply do not have the beds, doctors, nurses, facilities, and financial resources to care for a new wave of additional AIDS patients.

The Washington Times estimates that approximately 274 people who test HIV-positive are currently at Guantanamo Bay, Cuba, awaiting permanent resident status. Where will these people go once they achieve permanent resident status? According to the Congressional Research Service, some 64 percent of all Haitians who received permanent resident status in fiscal year 1991 expressed the intent to live in Florida.

And, once the new immigrants arrive in Florida, where will they go for health care? Many, if not most, will go to Jackson Memorial Hospital in Miami. I have been to Jackson Memorial several times. I know the financial and emotional strain under which the hospital is operating. In order to keep up with the ever-growing demands already being placed upon Jackson Memorial, Dade County residents recently passed a one-half percent sales tax just to keep the doors open.

Jackson Memorial Hospital already has among the highest intake of AIDS patients in the United States. It provides tens of millions of dollars of indigent care each year to people living with AIDS. It is picking up the patients who would normally utilize Homestead Air Force Base Hospital, which was destroyed by Hurricane Andrew. How can the Federal Government possibly ask Jackson Memorial to do more? And that is only one hospital in one Florida city. When Jackson Memorial fills, other hospitals around Florida will continue to pick up the overflow. Mr. President, it is simply not fair to ask the people of Florida to bear the brunt of what amounts to an unfunded Federal mandate.

Mr. President, the amendment before the Senate offers a commonsense approach to a very serious matter. It simply codifies the existing policy until the necessary research can be performed to evaluate the health and economic implications of changing the policy. It sets a definite time in which the research must be completed—September 1, 1993. I believe it is a reasonable approach to take, and urge my colleagues to support the amendment.

Mr. KOHL. Mr. President, I rise in strong support of the amendment to prohibit the administration from removing HIV from the list of immigrant conditions at this time.

The amendment before us does three important things.

First, it prohibits for 90 days the Secretary of Health and Human Services from removing HIV from the list of contagious diseases for which persons can be denied entry into the United States.

Second, it requires the Secretary of HHS to assess the impact that lifting the HIV ban would have on Federal, State, local and private insurance health care costs. More importantly, it also requests a comparison of the anticipated health care costs associated with entry of HIV-infected immigrants and those costs associated with immigrants suffering from other serious health conditions—diabetes, cancer, heart disease, end stage renal disease, and so forth.

Finally, it requires the Attorney General to evaluate and report to Congress the effectiveness and enforcement of existing laws which supposedly prevent persons who are likely to become public charges from entering or remaining in the United States.

I am not a public health expert, and I don't agree with some of my colleagues that Congress is the best place in which to decide epidemiology. That is best left to our public health officials and medical experts. Unanimously our public health experts—under Presidents Reagan, Bush and now President Clinton—have agreed that HIV does not belong on the list of contagious diseases. They have reached that conclusion because AIDS is significantly different than the other diseases on the list: unlike tuberculosis, for example, HIV is not transmitted casually through the air. Scientists are our best public health safeguards, not politicians.

Having said that, I believe that we are facing a different public health crisis. It is not about the contagiousness of a disease, how it is transmitted, nor who has it. Rather, this public health crisis is about our increasing inability to pay for the health care of ourselves, our families and our unemployed neighbors. The vast majority of constituents who have called this Senator have asked, "How can we possibly afford to pay for the care of these people, if we can't even pay for our own?" It is a legitimate and important question. The question is not, nor should not, be limited to persons who are HIV-infected. According to the Congressional Research Service, approximately 200 to 300 persons with HIV seek immigration to the United States each year. But hundreds, if not thousands, of people enter this country, with other expensive illnesses. To the best of my knowledge, we have never tested them for those illnesses, although certainly our medical scientists will tell us that they can calculate such risks. I believe we should look at those questions, calculate those costs, and debate the real issue here: do we want to let people into this country who have illnesses that are prohibitively costly to our health care system—whether covered by medical assistance programs, or employer provided insurance? We are struggling to provide long-term care for our older and disabled Americans, humane care and treatment of U.S. citizens who have AIDS, access for 37 million Americans, prenatal care to pregnant women and immunizations to young children. It is fair to ask these questions. The amendment before us will get us some of the answers, and foster a broader debate. We may be surprised with the conclusions that are reached as a result, but I certainly support having the debate.

Finally, this debate has spotlighted another concern—one that I hope will be addressed by hearings in the Senate Judiciary Committee. The Attorney General currently has the authority to not only exclude aliens seeking immigration who cannot cover their health care costs, but to also deport individuals who, within 5 years of immigration, become public charges. Is that law being enforced? Can it be enforced? Do we want it enforced? The amendment before us requires the Attorney General to look at that and to give us the answers.

So I commend my colleague for his amendment and I urge its adoption.

Mr. KENNEDY. Mr. President, parliamentary inquiry. What is the matter before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 9 o'clock having arrived, the Senate will vote on or in relation to the Kennedy amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Nickles amendment.

Mr. NICKLES. Mr. President, we ask for the yeas and nays on the Nickles amendment, too.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### VOTE ON AMENDMENT NO. 40

The PRESIDING OFFICER. The question is on agreeing to the Kennedy amendment, amendment No. 40. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—42

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Bumpers
Chafee
Daschle
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Glenn
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Robb
Sarbanes
Simon
Specter
Wellstone
Wofford

NAYS—56

Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Exon
Faircloth
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Johnston
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Riegle
Rockefeller

So the amendment (No. 40) was rejected.

### VOTE ON AMENDMENT NO. 39

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on or in relation to the Nickles amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE], is necessarily absent.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—76

Bennett
Biden
Bingaman
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Ford
Glenn
Gorton
Bond
Boren
Breaux
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Krueger
Levin
Lieberman
Lott
Lugar
Mack
Mathews
Brown
Bryan
Bumpers
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Rockefeller
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—23

Akaka
Baucus
Boxer
Bradley
Dodd
Feingold
Feinstein
Hatfield
Inouye
Kennedy
Lautenberg
Leahy
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Robb
Sarbanes
Simon
Wellstone
Wofford

NOT VOTING—1

Riegle

So, the amendment (No. 39) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, today the Senate voted to reclassify HIV as a communicable disease of public significance for purposes of retaining it as a medical exclusion to immigration.

I supported the Kennedy amendment which would have retained the current exclusion list for a period of 90 days and would have required that the Secretary of Health and Human Services file a report assessing the anticipated health costs associated with removing HIV from the excludable list. I supported this amendment because I felt the proper official to make this important health decision is our primary health officer, the Secretary of Health and Human Services.

As you know, our former Secretary of Health and Human Services, Louis Sullivan, made the decision in 1991 to remove HIV from the excludable list. Furthermore, Congress in 1990 gave the authority to the Secretary to make this decision in the Immigration and Nationality Act of 1990.

I voted to oppose the Nickles amendment today because I felt it attempted to make a medical decision for economic reasons. I do not believe Congress is the proper authority for making medically and scientifically based decisions of this nature. The current public charge exclusions more appropriately address the economic concerns and provide immigration officials with the basis for excluding those they believe will become public charges due to their medical conditions.

If Congress is truly concerned with the economic costs associated with new immigrants, I feel it would be more appropriate to take a closer look at the public charge exclusions, rather than making medical decisions for political reasons.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with the agreement that was made last night and also with the various negotiations that took place last evening, we are moving closer and closer to final disposition. Therefore, we are hopeful that those Members who have indicated that they may or may not offer amendments will come forward so that we can consider their various proposals, and there are only probably three or four Members. We will be contacting their officers, but I would hope very much that we will be able to move this legislation along.

### ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the first four hours of morning business be controlled as follows: The first hour under the control of the majority leader or his designee, the next 2 hours under the control of Senator SIMPSON or his designee, and the next hour under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

### AMENDMENT NO. 41

(Purpose: To provide for the conduct of a study concerning the use and production of radioisotopes in the United States)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 41.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . STUDY CONCERNING RADIOISOTOPES.**

(a) STUDY.—The Secretary of Health and Human Services in collaboration with the Secretary of Energy, shall, subject to the availability of funds, conduct a study concerning the use and availability of radioisotopes in the United States for medical (both diagnostic and therapeutic) uses in relationship to other uses.

(b) SUBJECT OF STUDY.—In carrying out the study under subsection (a), the Secretary shall

(A) analyze the domestic isotope availability and production in the United States as it relates to medical (both diagnostic and therapeutic) needs

(B) make recommendations concerning—

(i) isotope availability and production meet domestic demand

(ii) the need for additional production capacity.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the study conducted under this section together with the recommendations developed in such study.

Mr. CRAIG. Mr. President, I have offered an amendment to the NIH bill that I think deals with a most critical area in our Nation, especially as it relates to the use of radioisotopes for medical diagnostics and therapeutic treatment. This is an increasingly important component in American health care. Modern medicine is dependent on radioisotopes for research and development of clinical applications. Some astounding figures, Mr. President: 36,000 diagnostic procedures are conducted each day in this country, as well as approximately 50,000 therapies and 100 million laboratory tests each year.

What we are talking about are radioisotopes in the treatment of cancer. One of the great concerns I have is that there is now no domestic supply of this critical medical element. It is produced and supplied to us through a Canadian company and I am also told that there is a fledgling company beginning to gear up in Russia to supply this most important component.

So, in other words, we are dependent upon foreign suppliers for what is now a very important part of medical treatment in this country. Just a week and a half ago, in a subcommittee on which I serve in the Senate Agriculture Committee, we spoke to the issue of E. coli bacteria in meat. And one of the applications our new Secretary of Energy spoke to—and other scientists who were asked to testify—was the irradiation of food that would immediately kill that bacteria.

Last year the Department of Agriculture licensed irradiation for purposes of certain vegetable applications in the food chain, as food supply. And yet we are still dependent upon foreign suppliers of radioisotopes for this purpose. In fact, I am now being told that in the private sector of our country we are actually having to cut back on potential applications because there is not a reliable supply. Last year the reactor company in Canada for a time was on strike and the supply was in question.

So what I am asking in my amendment is that the Secretary of Health and Human Services in cooperation with the National Institutes of Health and the Secretary of Energy shall conduct a study to look at the use and the availability of radioisotopes in this country for the purposes I have just mentioned, including industrial use. I think it is very important that we understand what I believe is a quiet but potential problem in this country. I think we would hear immediately if the supply were not available or was discontinued for some reason that would be out of our control as a Nation.

Another application that is now coming to the forefront is the examination of the structural integrity of certain roads, bridges and other structures built in our country. Radioisotopes are used in the examination of these structures.

So I am proposing this amendment for the purpose of the conduct of a study that would then be reported back to us as it relates to production; to the availability, reliability of the supply.

I think it is very important that as this study goes forward, the three entities involved, the Health and Human Services Secretary, the National Institutes of Health, and the Department of Energy, speak to our universities and our private sector and develop a credible consultant approach, understanding that industry and academia have the real experience in the use of radioisotopes in the marketplace.

I hope with the acceptance of this amendment all of the entities involved would rely very heavily on the expertise that exists in the private sector to accommodate them in developing a critical report that we would have to look at, and a better understanding of what I believe to be a developing critical situation in this country.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the amendment of the Senator from Idaho is agreed to by both sides. I would like to say I think Senator CRAIG has brought forward a very important issue. I myself have learned just in the context of looking at this amendment about some of the concerns. I think raising that and requiring this study will be very beneficial and I would like to express my appreciation for this. There were some language difficulties that had to be worked out. I am appreciative of staff on all sides working that out.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Let me thank the ranking member of the committee and the chairman and the effort of the staffs working with us to correct the language to allow the amendment to be accepted.

I yield the remainder of my time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 41) was agreed to.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for a few minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NORMALIZATION OF UNITED STATES RELATIONS WITH VIETNAM

Mr. PRESSLER. Mr. President, I rise today to discuss United States policy toward Vietnam. I believe it is time to establish diplomatic relations with Vietnam. It is time that an American Ambassador be sent to Vietnam.

In March 1988 I traveled to Vietnam. It was a return visit. My first sojourn in 1967–68 was not as a Senator, but as a soldier, serving my country as an Army lieutenant. And like many of my fellow Vietnam veterans and Senators who have traveled to Indochina, my return trip was a very dramatic and emotional journey. The remains of 27 of my fallen comrades were returned to U.S. authorities during my visit, which was the largest number of American MIA remains released by the Hanoi government.

I returned home from my 1988 visit with a different view of American policy toward Vietnam. I concluded that the diplomatic and economic isolation pursued by our Government in the 13 years since the Saigon airlift had become outdated. Indeed, complete isolation had reached a point of diminishing returns for America's strategic, humanitarian, and international trade interests. Therefore, I called for a new and historic chapter in United States-Vietnam relations, one of regular official contacts, increased tourism, and growing economic and humanitarian cooperation.

That was 5 years ago. Since then, President Bush chipped away at isolationism, albeit cautiously. The President rightfully recognized that it's not easy to reverse 13 years of isolation with the stroke of a pen or handshake. This is particularly true given the emotional feelings millions of Americans have toward this remote region, whether they are veterans, family and friends of fallen or missing veterans, or refugees from Vietnam.

To his credit, President Bush made great strides in advancing United States-Vietnam relations. But the fact remains: there is still no regular American economic and diplomatic presence in Hanoi.

Last week, I had the opportunity to discuss current policies as a participant in a United States-Vietnam conference, which included official Vietnamese participants, businessmen, journalists and experts on Southeast Asia. These discussions of current events and their future implications once again have prompted me to reexamine American policy toward Vietnam.

It is time to usher in the next historic step in United States-Vietnam relations. We have had isolation. We have had a guarded transition. The time has come for normalization of relations. The time has come to send an American Ambassador to Vietnam.

Mr. President, let me briefly summarize the developments that have brought our Nation to the doorstep of normalization, and the more recent events that make it imperative for President Clinton to establish diplomatic and economic ties with Vietnam.

As my colleagues know, since our evacuation of South Vietnam in 1975, the United States consistently has maintained a policy of diplomatic and economic isolation of Vietnam. When viewed from the larger context of the cold war, this represented a textbook application of containment—to stop the spread of communism in economically volatile regions of the world. This policy escalated in 1978, when Vietnam invaded Cambodia, deposed the Chinese Communist-backed Khmer Rouge regime, and installed a Soviet-backed puppet regime.

Vietnam's alliance with the Soviets was evident when I visited Vietnam in 1988. Soviet personnel were stationed in facilities once used by the United States in Saigon and the harbor at Cam Ranh Bay. At that time, annual Soviet economic and military assistance exceeded $1.6 billion.

All this changed with the collapse of the Soviet Union in 1991. Like her sister states in the Soviet Empire, Vietnam is cut off from its once consistent supply of foreign aid. Yet, unlike Poland, Hungary, or East Germany, communism remains intact in Vietnam. The hard realities brought by the Soviet Union's demise and the effects of a United States-imposed trade embargo have compelled Vietnam to institute market-oriented economic reforms.

And indeed the Vietnamese do talk of privatization. However, I am not satisfied with the fact that there is still a Communist government in Hanoi.

Since 1978, United States policy toward Vietnam was simple: Normal relations would not occur until Vietnam withdrew its forces from Cambodia, and cooperated with the United States in obtaining the fullest possible accounting of the more than 2,200 United States personnel listed as prisoners of war or missing in action (POW/MIA's). The fall of the Soviet Union did not change this general policy. Instead, it heightened the prospects of success.

First, with respect to Cambodia, Vietnam has insisted that Vietnamese personnel were withdrawn as early as 1989. In October 1991, after 2 years of negotiations, the United States and Vietnam joined in a 17-nation peace settlement for Cambodia.

With the October 1991 peace agreement, the Bush administration announced the formal implementation of a plan to gradually tear down nearly 17 years of economic and political isolation. This plan, or roadmap as it is known, consisted of four phases toward normalization. Moving through each phase was contingent on continued Vietnamese cooperation in enforcing the terms of the Cambodian peace accords. However, the pace of this change would be dictated by Vietnamese cooperation on POW/MIA matters.

Again, the Vietnamese Government has taken action designed to hasten the pace toward normalization. Since 1987, Vietnam has returned hundreds of remains of United States MIA's. In 1991, Vietnam agreed to host a United States office in Hanoi to handle POW/MIA affairs.

In March 1992, a United States delegation headed by Assistant Secretary of State Richard Solomon visited Hanoi, and gained constructive breakthroughs on United States POW/MIA investigations, including agreements to: allow greater United States access to central records, archives, museums, and specific individuals with POW/MIA information; implement a rapid-response mechanism for live-sighting investigations; work on trilateral cooperation with Laotian and Cambodian authorities; and reaffirm Vietnam's intention to search for and rapidly repatriate remains of American MIA's.

Since then, Vietnam has demonstrated its intent to follow through on these goals. The Vietnamese have permitted short-notice investigations of alleged live-sightings. It provided a private researcher with more than 4,600 photographs of live American POW's and dead soldiers. In October 1992, U.S. officials obtained additional archives on U.S. MIA's, and gained expanded access to archival information.

Pursuant to the Bush roadmap, a number of reciprocal concessions have been granted to the Vietnamese Government. The United States pledged $4 million in humanitarian aid, mainly for prosthetics and aid to abandoned or orphaned children. Direct communications to Vietnam have been restored, and United States commercial sales now can be made to meet basic human needs in Vietnam.

Finally, with 1 month remaining in his administration, President Bush permitted United States business to open offices and sign contracts in Vietnam, but these contracts cannot be implemented unless the trade embargo is lifted. Today, the United States and Vietnam literally are on the doorstep of normalization.

President Clinton has inherited a policy in transition. He can opt for a continuation of the Bush roadmap, or chart a new course of his own. If he chooses the former, the trade embargo would not be lifted fully until a Cambodian settlement is well in place, and Hanoi has resolved the last of the known discrepancy cases and repatriated all United States remains. Full diplomatic recognition would not come until after a United Nations-certified free election takes place in Cambodia, and a Cambodian National Assembly is formed and writing a new constitution.

Though the roadmap has worked to achieve progress in United States-Vietnam relations, much has changed. First, recent instability in Cambodia makes prospects for a free and fair election there uncertain. That being the case, can the United States afford to postpone indefinitely diplomatic recognition of Vietnam?

Second, and most important, Vietnam is making the effort to privatize. I believe Vietnam will privatize, but not without help. Other Western nations already have committed millions of dollars in humanitarian and economic support to Vietnam. That being the case, can the United States afford to take a back seat or play a distant participant in the privatization and trade expansion now occurring in Vietnam?

The answer to both questions should be, "No."

When it was first devised in 1991, the premise behind the Bush roadmap of isolation to normalization represented the ultimate leverage to push Hanoi to make concessions on two key issues: POW/MIA's, and Cambodian autonomy. I believe we have made the most of the Bush roadmap. It's time to change course. Today, if the United States is to retain leverage over Vietnam and achieve United States policy goals, President Clinton must plot a new course on the roadmap, with the first steps being the lifting of the trade embargo, and diplomatic recognition.

Mr. President, as I've stated, the trade embargo has been used to punish and contain the Communists in Vietnam, and more recently, through the Bush roadmap, to extract concessions from Vietnam on Cambodia and the POW/MIA's. It's safe to say that the carrot-and-stick approach of the Bush roadmap has been a success. As a result, we've made progress in Cambodia, and we're moving toward the fullest accounting possible for POW/MIA's in Indochina. With these diplomatic gains, American business is poised for new markets and new opportunities in Vietnam.

However, we must not view the application and results of our policies in a vacuum. In recent weeks, Western nations have opted to invest heavily in Vietnam's adolescent economy. Taiwan, Hong Kong, Australia, Holland, and Britain have invested hundreds of millions of dollars in capital for Vietnam. Last week, the Japanese Federation of Economic Organizations held a joint conference with Vietnamese authorities, with representatives of more than 100 Japanese firms in attendance. And French President Francois Mitterand became the first Western leader to visit Communist Vietnam. With him was a guarantee of $65 million in aid and an entourage of 200 government ministers and leaders of business and finance.

Meanwhile, American business remains in the dugout, and off the playing field. As other nations seize the initiative to invest in Vietnam, the potential for strong United States involvement in economic reform and expansion declines. If President Clinton sticks to the Bush roadmap, the U.S. trade embargo loses its current value as a leveraging tool. More important, the embargo will reduce our future ability to influence Vietnam's economic, political, and human rights development.

For these and other reasons, I have written a letter to President Clinton, urging him to lift the trade embargo and establish diplomatic relations with the Vietnamese. An American Ambassador is needed to build diplomatic relations between the United States and Vietnam. American know-how is needed to privatize Vietnam, open markets for American exports, and lift the Vietnamese from the repressive weight of communism. More American tourists are needed to bridge our cultures and histories, which will enhance our cooperative diplomatic efforts.

Let me emphasize that I'm not advocating the abandonment of our progress in Cambodia or our gains with POW/MIA identification and repatriation. On the contrary, I am arguing that the best way to continue our progress in these areas is to exercise new tools of leverage as a full economic partner, not a potential one. We stand a better chance to further our gains, particularly with the POW/MIA issue, with a strong American presence in Vietnam. This American presence can come from many sources. It can come from our Ambassador in Hanoi, our businessmen, our tourists, our Peace Corps, or our fellow Americans who simply want answers from the Vietnamese Government on the status of loved ones who did not return from the Vietnam war. Together, this American presence applies a different kind of leverage, which I believe will yield positive results to further American interests on the POW/MIA issue, as well as regional peace, and human rights gains in Southeast Asia.

We must not lose sight of Vietnam's potential importance in international trade policy. At present, Japan is Vietnam's leading trade partner, with $1.2 billion in total volume in 1992. The continued absence of American investment affords more time for Japan to increase its economic and investment ties with Vietnam, enabling it to establish economic and political dominance in Southeast Asia.

Mr. President, the issue is timing. The economic, diplomatic, and political costs of delaying normalization will continue to mount. The United States is poised to establish normalized relations with Vietnam. The question is when to do it. I say the time is now. Now is the time to close the chapter on the Vietnam war, and start a new chapter of cooperation and participation. Now is the time to move past isolation and establish normal relations with Vietnam.

Opponents will argue that rushing to normalization sacrifices our ability to leverage Vietnam on long-term peace in Cambodia, accountability of POW/MIA data, and human rights guarantees for political dissidents.

I disagree. The carrot and stick of normalization is losing its value as a leveraging tool, and is hurting this Nation's ability to be a steady participant in Vietnam's growth toward privatization.

Further, normalization is not the last card in the U.S. diplomatic deck. The Vietnamese Government has called on the United States for direct foreign aid assistance, which I am not calling for here today. Vietnam and American business will want most-favored-nation trade status. Both issues will require further discussion and debate, providing plenty of real leverage for Washington to extract concessions in issues of concern to the United States, whether it be POW/MIA's, Cambodia, or human rights. And as I stated earlier, the steady presence of Americans in Vietnam, on the ground, from the trade official to the casual tourist will open new diplomatic and cultural doors.

Mr. President, in conclusion, let me say that I feel very strongly that it is time to normalize relations with Vietnam. As other countries go into Vietnam with business, they are taking away the strength of our trade embargo. If we are to find any POW/MIA's, if there are any left there, they would better be found by having tourists, businessmen, and others present. As I stated earlier, I had the pleasure of attending a conference in the state of the present presiding officer of the Senate and talked directly with several Vietnamese there. I found an eagerness on their part to privatize. They used the word privatize frequently in our meetings last week. They are looking for free enterprise. They want good relations with the United States. Therefore, I think the time has come to recognize Vietnam—to give full diplomatic recognition. I urge the President to pursue this course of action.

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## NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I shall just take a minute on the legislation pending. I ask unanimous consent to speak on the bill that is on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, in 1991 I held a hearing in Fargo, ND, on the subject of breast cancer, and recall a young woman named Danae who spoke of her struggle against this disease. There was hardly a dry eye in the hearing room at the end of her testimony.

I rise today to say that the bill pending on the floor before us does some important things to respond to the issue of breast cancer and related women's health issues. In North Dakota, for reasons that are unexplained, women have breast cancer at about 10 percent above the normal rate, and that is true of most of the Northern States in this country. We do not quite understand why, but there is about a 10-percent increase in the incidence of breast cancer in many of our Northern States.

One in nine women will suffer from breast cancer during her lifetime. It is an extraordinarily common form of cancer, and the interesting thing about it is we do not know what causes it, but we do know that early detection can lead to a cure for breast cancer. We have survival rates of about 90 percent after 5 years for women when there is early detection of breast cancer.

This piece of legislation before us finally starts to put all the spotlights on the same spot and provides some focus on some very important issues dealing with women's health and especially breast cancer. This legislation establishes an office of research on women's health.

It is interesting that much of the cancer research at the NIH has been conducted with men, even breast cancer research. Yet the statistics are as follows: In 1992, 46,000 women in this country died of breast cancer; 300 men died of breast cancer; and yet most of the previous research on even breast cancer has been done with men.

Well, we are changing a lot of that and this legislation moves in the direction of constructive change. It ensures increased participation by women in clinical studies. It requires the NIH to expand the number of women scientists at the National Institutes of Health. It provides for additional funding for research on breast cancer. But more than that it will fund research for ovarian cancer, cervical cancer, osteoporosis, and other areas of reproductive health, and it most importantly establishes a data system on women's health research to avoid the duplication of efforts and hopefully permit scientists to compare and combine research results.

The point of all of this, Mr. President, is that we are a country with an enormous problem in health care. We spend an enormous amount of money on a health care system that really does not work very well. If you have a lot of money, you can seek out the best care and the best care is very good. If you take a look at the amount of money we spend per capita on health care and measure the results, the results are not the best in the world, but we spend the most in the world.

The question is: How can we do better? One of the things we can do better in health care that relates, yes, to breast cancer and the other disease I have mentioned that especially affect women, one of the ways we can do better is to understand that early detection and the promotion of wellness and a whole series of steps like that which spend at the front end to save an enormous amount of money at the back end not only saves lives but helps us deal with skyrocketing costs in the health care business.

On this area of breast cancer, I specifically came today to talk about breast cancer and what we are doing in this bill that I want to laud and I want to commend the chairman and the committee. This business of breast cancer is a real frightening prospect to women in this country. One out of nine will suffer from breast cancer. Think of that. One in nine women in America will suffer from breast cancer and yet we know if you detect it early, and there are ways to detect it early, most women can be saved.

This bill moves down the road to finally providing focus and effort to accomplish for women what they should expect us to accomplish in helping conduct more research on the cause, more money for the diagnosis, and help save women's lives.

I simply came over today to commend the chairman of the committee, the entire committee, and the Senate for passing what I think is a constructive step in dealing with the frightening disease that affects women.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. Mr. President, may I just take the liberty to congratulate the Senator from North Dakota on those careful, factual, and hopeful comments. It is a joy to welcome him into our Chamber, and this is the first occasion I have had to hear extended remarks by him, someone of such experience, balance, and understanding of these matters.

That is a startling figure—one in nine. And the fact that there is a variation by region is something that scientists would just love to learn the reason.

There are many variations about North Dakota, as I am sure you know. In educational scores in the country if Minnesota is not the first, North Dakota is, and vice versa.

Last year, just for the pleasure of running correlations between ninth grade mathematics scores in our State and in our country, we found the distance of the State capital from the Canadian border was a major factor and we were able to show with some statistical force if you wanted to raise the math scores, move the State capital closer to Canada. But there are differences, and it is out of those differences that the clues on origins begin, and I think it is important what the Senator said, and I wish to congratulate the Senator for saying it.

Mr. DORGAN. I thank the Senator from New York and look forward to serving and working with him on these issues.

(Mr. ROBB assumed the chair.)

### DRUG ABUSE

Mr. MOYNIHAN. Mr. President, I would like to continue again briefly, and I know I cannot speak as eloquently as the Senator from North Dakota on the subject of health and variations in health-risk experience as between population groups.

And I do so with specific reference to the problem of drug abuse. This is a very old problem in our society, and it is at some level what doctors call iatrogenic in a sense that, with one reasonable dramatic exception, all the major drugs that have plagued American society for a century and a half began as medicines and were first prescribed by doctors.

I am standing on the floor with no great expectation that I will be heard outside this Chamber, but with some hope that I might be, to say to the medical profession that it has a problem dealing with drug abuse. I do not go so far to suggest that the problem is denial, but there is a pattern of avoidance which the profession really should look at.

At some level, you may be talking about as simple or complex, if you will, a matter as prestige in science. There is prestige in science. There is prestige in most activities in life—ranking. Some sports are more glamorous than other sports; some professions ought to be more important than others, occupations, and so forth.

The human Homo sapiens is a ranking organism. It is always making distinctions of one kind or another. And in science, there are subjects that have prestige and not in others.

Just now, for example, I think in physiology, the whole issue of the structure in chemistry, the brain is the most rapidly evolving and most prestigious area of scientific inquiry.

In medicine, the most urgent one is the general syndrome we call AIDS. And you may be sure that there is a cabinet full of Nobel Prize statues—I guess it would be a medal—in Stockholm awaiting the first team of physicians who break the AIDS virus code.

You may be equally sure, Mr. President, that there is no such medal awaiting anyone who learns anything about crack cocaine. It has no prestige in science. To the contrary, if I may use that term, the whole problem of drug abuse is, in one sense, iatrogenic, which is a term meaning an illness caused by doctors. And the whole of the 19th century was an effort to ease the extent to which patients suffered from physicians' care, but with the specific problem that drug use began as prescribed medicine.

This whole area could be put under the general heading of the impact of technology on society. With the advent of organic chemistry in German universities, in the main, in about the third decade—I do not want to be held to that—of the 19th century, you began to get events such as the development of morphine out of a natural product, opium.

About the same time, the hypodermic needle was developed. And during the American Civil War, morphine, applied through the hypodermic needle, was the most widely used. It was the first such battlefield treatment of wounded combatants, such that after the Civil War, morphine being an unrestricted drug, persons using it were said to have the "soldiers' disease," and I expect a lot of soldiers were accustomed to use—the word "addiction," I think, is a fuzzy word; typically, a fuzzy word the medical profession uses a lot.

The use of morphine in childbirth became widely prescribed by doctors. One of our great passages in American literature is Eugene O'Neill's play, "A Long Day's Journey Into Night," in which the mother in the drama became habituated to the use of morphine at birth and continued well into the maturity of her children.

The morphine was followed by a further extension from an opium base of heroin, Heroin being a trade name. It was the Bayer aspirin people that tested it on their employees, and it made them feel heroish—hence, heroin, as you can see as aspirin, the trade name. I have seen advertisements for heroin in the Yale Alumni Journals, from about 1910.

Then came cocaine, a derivative of the natural occurring coca leaf. Cocaine was widely used to treat morphine addiction. Sigmund Freud's first publication about cocaine, described—I do not want to be too specific—but it discussed the use of cocaine to treat other addictions, and, as I believe the case is, Freud came to think he had induced a psychosis by overuse of cocaine.

In any event, the society had to deal with this, and it decided to do in 1914 by prohibition. The legislation was not any better than it should have been. If I am not mistaken, it described Heroin as a stimulant when, to the contrary, it is a narcoleptic.

But we opted for a prohibition model. And when we did that, we knew pretty much, although not at the level of science inquiry, we knew that the incidence of narcotic abuse was not uniform. It was an imbalance by race, and there was an imbalance by gender—in this case males, much more than females.

We also thought that this would put an end to the problem. It did not, any more than prohibition of alcohol put an end to the problem. But it did do one thing. Our Nation has never understood this, I do not believe. Certainly the Senate has never dealt with it.

Just as with the decision to prohibit the manufacture and sale of alcohol, the same prohibition in drug use was a social exchange. We chose what we thought to be the lesser of two evils—not very consciously but not without some awareness. We could have a widespread, possibly low to medium level problem, of the use of these new forms of ingestible chemicals that organic chemistry produced—a lot of people use them—or, through prohibition, we would confine the use to certain populations—urban, minority, with whatever shifting uses of the term minority—and induce in the process very violent forms of crime—criminal organization and crime.

Not many people have written about this. I do not want to speak beyond my knowledge. But when you choose prohibition, you do choose crime. And then you will find yourself standing up on the floor of the U.S. Senate denouncing the crime you, in fact, have chosen and proposing to put an end to it by forms of severity that accomplish nothing. They do not change it. And you do expose the society to extraordinary episodes of violence and brutality.

For example, on February 14, 1929, in Chicago, in the period of Prohibition, Al Capone, as it is understood—I do not believe the matter was ever resolved—decided he would send a valentine to Bugs Moran. Whatever the case, four people arrived in Chicago in police uniforms, and they found seven men in a garage, and they suggested they were going through a routine police raid and no doubt take $100 when they left. It was just one of those normal events in Chicago at the time. And they asked these people to line up against the wall. And then instead of just frisking them and making their collection for the day, they machinegunned them to death. It was called the Saint Valentine's Day massacre. It has entered into the folk memory. There is scarcely a year goes by there is not a movie that portrays it in some way or another. It has two entries in the World Book Encyclopedia. It shocked the Nation and led in part, I argue, to the repeal-of-Prohibition amendment to the Constitution.

But the prohibition on drug use continued. And the actual use had phases. It went into a recessive phase in the twenties, thirties, and forties. It began to break out again in the fifties and became subepidemic in the 1960's. And crime, organized or unorganized, appeared with it.

Heroin was the first form in which it appeared in this subepidemic form. And by the late 1960's, Presidents had to respond to this. The Presidential responses took various forms, of which the first was to try to cut off the supply of drugs coming into the country.

This was a futile effort. It fell to me, as it happens, to commence the negotiations with Turkey and France that led to breaking up what was called the French connection, opium making its way from the Province of Afuin in Turkey—which is, incidentally, Turkic for opium—to Marseilles and thence to New York and down to Washington.

This disturbed the market, but the iron law that where there is a demand, there will be a supply, immediately went into effect. May I say, none of us involved at that time had any illusions that we were doing anything more than disturbing this market. But we did and it moved around to Mexico and places like that.

Then in the later 1970's cocaine appears once again. It appears in the manner of upper class use, which it always had somewhat, and then made its way down, an event that would have been familiar. Cocaine use was widespread at the beginning of the century.

Then in 1985 an event occurs. In the Bahamas at the Sandilands Rehabilitation Hospital, which is the one psychiatric hospital on the island, a patient appears—the chief psychiatrist, Dr. David F. Allen, records this—who the previous day had cut off his dog's head and drunk its blood and then stabbed his brother-in-law to death. You do not know what to make of it. I do not know how these clinical interviews go, but you can imagine Dr. Allen saying, "Well, now, does this happen often?" and the patient saying, "No," and then saying, "Well, is there anything happening, behavior you have had lately, that is different?"

And before the interview was over, or before this period was over, crack cocaine had appeared in the world—freebase cocaine. There are other forms as well, but this particular form was so—this was not a bearded German organic chemist; this was done in a kitchen in Freeport, perhaps.

Allen tried to warn us. He said there is an epidemic coming your way. His statement got into an Atlanta publication. But did anybody at the Centers for Disease Control, our epidemic center in Atlanta, hear that? No, Mr. President; evidently they did not. The medical profession just does not hear this subject very well.

I first learned of crack from Detective Charles J. Bennett, in the New York Police Department, who told me in the spring of 1986, as I recall, that people were standing around on street corners going like that (gesturing), which is a gesture, we later learned, like snapping or cracking a whip. This was announcing, in the street cries of the period, that you had crack for sale.

In no time it had become a ferociously costly and destructive experience. Apparently it is the strongest stimulant known to pharmacology, and it produces incredibly brutal behaviors.

In this morning's Washington Post, there is a column by Mr. Richard Cohen, the distinguished contributor to the op-ed page, called "The Valentine's Day Massacre." But it was referring not to Chicago in 1929 but to New York City in 1993 on Saint Valentine's Day.

On St. Valentine's Day in the Bronx, six persons were made to lie face down on a floor and were executed with one bullet in the back of the head of each, the exception being a young girl who apparently turned to see what was happening and she was shot through the eye.

This was so routine an event. It was 12 hours before the neighbors in this apartment building reported to the police there had been a lot of shooting. As Mr. Cohen, in a very able article states, this was reported on page A10 of our local, most distinguished journal—he uses a nice image—"which gave it all the prominence of a bus plunge in Bangladesh."

There is no way to avoid this, the events are so common. The New York Times that I saw put it on the first page, but well below the fold, as is said. It happens all the time.

The morning after the Democratic Convention, my wife was driving us back to upstate New York where we live. As I was going by this area, I found on page B12 of the Times another such execution. This had a curious twist, though, that made it newsworthy. There was an execution of an adult man, a woman and a teenager who were tied up with duct tape and executed. But the woman had a baby and, thinking that it might survive, stuffed it under a bed. A day later when the police arrived, they found the baby still alive. This was just enough of an event to make the execution newsworthy, but no one has ever found out who did it, no one ever will and the event is now forgotten.

The point is Mr. President, in the face of a brutal health emergency and one which goes over to have aspects of a social emergency as well, the medical profession has almost nothing to show by way of research or even of research intensity into this issue. My purpose in these perhaps overextended remarks is to say, does the medical profession understand that it has a problem here? Dr. Vincent Dole and Marie Nyswander developed the methadone treatment for heroin use in the 1950's and 1960's. It is openly understood that theirs was not a happy experience with their profession. It was suggested that they were creating addictions, substituting one for the other. This subject is avoided.

In 1988, this body produced a not inconsiderable piece of legislation, the Anti-Drug Abuse Act of 1988. Then majority leader, the beloved President pro tempore, Senator BYRD, asked that Senator NUNN and I be cochair of a group to work on this matter and, as a division of labor, Senator NUNN took the problem of interdiction of supply and I took the problem of demand reduction. We wrote a pretty good statute. No one was going to insist it would do any good to try to interdict drugs of this kind coming into the country. Maybe there would be a small change in price, but nothing of any consequence. Oh, there would be pictures of busts and statutes about hanging them and things like that, but it does not change. But we did do this. We said half of our effort should be allocated to demand. That never had happened before. We wrote into the statute that the purpose was "to increase to the greatest extent possible the availability and quality of treatment services so that treatment on request may be provided to all individuals desiring to rid themselves of their substance abuse problem."

I wrote that passage, Mr. President. I did not say treatment on demand, which seemed to be a little too imperious, but treatment on request. As a matter of fact, in the experience of drug use, after brief periods, as in the case of cocaine base, people will seek treatment. They want out of what they got into. It is a little longer period for heroin use, apparently. There are no old addicts. People phase out or die.

We created the Office of National Drug Control Policy, the so-called czar, an unhappy image. Why czardom is a symbol of someone who gets things done, I do not know, but such is the case. We created a deputy director for demand reduction and a deputy director for supply reduction. I will say this on the floor with all the immunity provided by the Constitution in the hope that no one will take offense. I learned that Dr. Herbert Kleber, then at the Yale Medical School, was a Republican. He being one of the few persons working in this field, we managed to recommend him to the White House and he was appointed deputy director for demand reduction. I cannot speak for him, but it cannot have been a happy experience because he left after a certain period and has gone to Columbia University where he has resumed his very creative work in this field, singular because there is so little of it.

What happened to the position of deputy director for demand reduction in the war on drugs? Nothing. It was left empty. The war on drugs is a symbolic statement that we do not like something. It does not represent an effort to deal with a medical problem, a problem that begins with the abuse of what was once medicine; in any event, a substance abuse problem. It was never filled.

We said we were going to have treatment on request. That assumed someone would develop treatment. If anyone at the National Institutes of Health has done so, they surely never told this Senator, and if there is any Senator on the floor who does know of such development, I would be happy to be interrupted.

It is 5 years since we passed that bill. In 5 years, with the exception of one effort I made, I have never heard a word from the National Institutes of Health about this subject. They do not think it will go away, but at some level it may be they do not want to get involved.

I can recall back in 1961, I published an article on organized crime in which I noted in the Reporter magazine, that the FBI had been singularly careful not ever to get involved with organized crime, which came out of prohibition, because it will corrupt you. They left it to the Treasury Department. J. Edgar Hoover knew very well his job was to look out for people in the Depression, stop bank robberies, catch car thieves, prevent communism, but do not go after organized crime.

This article annoyed Mr. Hoover a very great deal, I assure you, and he did his best to see I disappeared from Washington. Thanks to the great grace, courage, and incomparable integrity of Arthur Goldberg, I did not disappear. But the FBI stayed away from organized crime.

I wonder, does the National Institutes of Health stay away from drug abuse? There has to be an explanation, an organizational explanation. It was rational for the FBI to stay away from organized crime as long as nobody knew it. Then they did not get the problems that come if you involve yourself with such matters.

Nothing happened to treatment on request. The profession avoids this issue. If you were to ask what portion of the energies of the National Institutes of Health go to it, it would be trivial compared to the attention the subject has in our national politics, in our press. A St. Valentine's Day Massacre is a very big thing. I will guarantee you, sir, or I will be happy to learn, that after those six people were executed in New York on Sunday there was no meeting in Bethesda on Monday to say, "Now, we have to do something about this."

I am going to close now, as I do not want to seem angry; I am not. Disappointed, I am.

The bill before us is entitled "The National Institutes of Health Revitalization Act". Would it be possible, Mr. President, to hope that under the heading of "revitalization" someone at the National Institutes will form a professional committee, asking, "Do we have a problem addressing issues of drug use? Do we actually think that it is iatrogenic? Does our history as a profession want to make us stay away from the subject?"

Open up the question. There might be some remarkably productive answers to follow.

Mr. President, I would now then ask in closing that Mr. Cohen's remarkable essay in this morning's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 18, 1993]

### VALENTINE'S DAY MASSACRE

(By Richard Cohen)

NEW YORK.—On Feb. 14, 1929, several of Al Capone's gang, some of them disguised as cops, wheeled into the Chicago garage used as the headquarters of the rival Bugs Moran organization, simulated a police raid and gunned down seven men with sub-machine guns as they faced the wall waiting to be frisked. "I'm gonna send Moran a Valentine he will never forget," Capone had said. Never mind Moran, it was America that did not forget. The Saint Valentine's Day Massacre remains a staple of gangster lore.

But precisely 64 years later—on yet another Valentine's Day—six people in the Bronx, all Hispanics, were lined up face down on the floor and shot once in the head, execution style. Three of the dead were adults, three were teenagers. In a way, this most recent Saint Valentine's Day massacre was even more horrible than its Chicago predecessor. It appears that the motive was drugs. It appears also that only one of the victims was involved in the drug business. The others were innocent bystanders.

"They probably just didn't want to leave any witnesses," the brother of one victim told the New York Times.

Maybe my knowledge of American gangsters has been romanticized by Hollywood, but I doubt even Capone, a sociopath if there ever was one, would have killed five innocent bystanders, including the teenager girlfriend of one of the murder victims. Yet, this particular massacre was hardly New York's worst. In 1984, 10 people were slain in Brooklyn's East New York section. It was another holiday: Palm Sunday.

The repeal of Prohibition largely put an end to bootlegging and the inter-gang warfare for its profits—an estimated $50 million a year to Capone alone. Now, the lucrative contraband is drugs, and America has made the same mess of it that it once made of illegal alcohol—by treating it as mostly a criminal problem. If anything, though, the profits now are even greater, and the weaponry is both more lethal and more easily available. The consequences of such a policy are all around us: an incredible toll in lives lost and the corruption of our youth as they have become inured to violence.

From time to time, someone or some organization questions the logic of such a policy, and for a moment or two the nation discussed de-criminalizing what are now illegal drugs. Either that, or someone wonders if we are not placing too much emphasis on law enforcement and interdiction and not enough on rehabilitation. Almost always, though, the debate is brief, and the critics are dismissed as either kooks or cranks. But whether the proposed prescription is decriminalization (at least, say, of marijuana) or whether it's changing the funding mix so that education and rehabilitation get more money, the debate is always short-lived. By framing drug usage mostly in moral terms and invoking martial metaphors—War on Drugs, for instance—we have produced a debacle.

It's certainly not a success. The availability and usage of drugs fluctuate—and not, it seems, in relation to any government policy. Worse, the American system of justice has been corrupted by a national panic about drugs. Laws have been strengthened to the point where they do violence to the spirit of the Constitution; Draconian mandatory sentences are handed down for what, sometimes, are petty offenses; property is seized before trial, as if the guilt of the suspect was already determined, and politicians casually propose the death penalty for drug-related crimes—as if drug pushers were not already operating in an environment where capital punishment, unencumbered by lengthy appeals, is commonplace.

But maybe the most pernicious aspect of our national drug policy can be gleaned from two newspapers. The Times played the story of the Bronx massacre on the front page. But it was a local story and on a slow news day at that. The Washington Post, by contrast, gave it all the prominence of a bus plunge in Bangladesh, six paragraphs on page A10. The conclusion is inescapable: We have become so accustomed to a truly horrific level of violence—especially in the inner city—that we pay scant attention. (Imagine, though, if six white suburbanites had been massacred.)

In comparison, the Saint Valentine's Day Massacre outraged the nation. The federal government, spurred by President Hoover, ultimately got Capone on tax evasion charges, and shortly thereafter Prohibition was repealed. Since Prohibition, we have tolerated a substantial alcohol-abuse problem, however most of us see it as a health, not a moral or criminal, problem.

But the most recent Saint Valentine's Day massacre has stirred little interest and no real outrage—certainly no calls from politicians to reconsider our national drug policy or even to wonder whether it has contributed to the incredible violence of our inner cities. Instead, to the tune of about $12 billion a year, the federal government wages a so-called war on drugs in which, as the Bronx massacre shows, the victims too often are innocent bystanders and the greatest damage has been done to our capacity for indignation.

Mr. MOYNIHAN. I thank the Chair and I thank the Senate for its indulgence in what was a lengthy statement.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, Senator ROTH.

AMENDMENT NO. 42

(Purpose: To provide for the conduct of a study concerning health care technology)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. COCHRAN, proposes an amendment numbered 42.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . MEDICAL TECHNOLOGIES PRODUCTIVITY STUDY.**

(a) FINDINGS.—Congress finds that—

(1)(A) the Congressional Budget Office, the General Accounting Office, and the Office of Technology Assessment have cited health care technology as a primary source of medical inflation; and

(B) data from the Office of Technology Assessment suggest that no more than one quarter of the 12 to 13 percent annual increase in health care expenditures, or an estimated 3 percent increase in such expenditures, is attributable to health care technology;

(2)(A) the 3 percent increase represents the maximum increase in such expenditures, because the Office of Technology Assessment arrives at the estimate by exclusion; and

(B) the increase attributable to health care technology may nevertheless amount to a direct increase of as much as $27,000,000,000 in health care costs in 1993 and an even greater indirect increase in such health care costs;

(3) one reason for the high increase in health care costs attributable to health care technology is that few incentives exist in the national research institutes of the National Institutes of Health to encourage the development of technology that improves the productivity of health care delivery; and

(4) since the National Institutes of Health is a major engine determining the direction of medical technology as well as basic biomedical research, it is appropriate, in the process of directing the medical research and development resources of the National Institutes of Health, to provide incentives that encourage the development of technology to improve the productivity of health care delivery.

(b) STUDY.—The Secretary of Health and Human Services shall conduct a study concerning—

(1) methods by which to encourage the development of medical technologies that improve the productivity, and thereby reduce the cost, of health care delivery through changes in the scientific peer review process; and

(2) methods by which to reduce the costs of the production of new medical technologies and increase the availability of such technologies through changes in the scientific peer review process.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the study conducted under subsection (b). Such report shall contain the findings of the Secretary with respect to the study and the recommendations of the Secretary for the implementation of measures to encourage enhanced productivity of medical technologies and increase the availability of such technologies through changes in the scientific peer review process. Such report shall also contain the steps that the Secretary proposes to implement the recommendations.

Mr. ROTH. Mr. President, initially I had intended to offer an amendment to modify the National Institutes of Health peer review process so that NIH technology based on grants and contracts were also scrutinized on the basis of their effect on the cost of our national health care. I have modified my amendment, and I am pleased that the managers of the pending legislation have agreed to accept my modified amendment. The modified amendment I now offer requires that the NIH Director study the matter, making findings and recommendations and report back to Congress within 12 months.

Specifically, the Director would be charged with defining how to improve productivity, reduce the cost, and increase the availability of health care technology. After the Director's report is received by Congress, I have been assured by the bill managers that the Committee on Labor and Human Resources will hold hearings on the findings of the Director's report.

I rise today, Mr. President, with Senator COCHRAN to offer an amendment to S. 1, the National Institutes of Health Revitalization Act of 1993, which will alter the Federal Government's role in the Nation's medical arms race. Technology has been cited as a major contributor to health care cost increases in reports by the Office of Technology Assessment, the General Accounting Office, and the Congressional Budget Office. Research sponsored by the NIH has contributed to this arms race.

I believe technology is an often misunderstood aspect of the health care system. As the lead Federal agency for research and development of health care science and technology, the NIH plays a fundamental role in implementation of Federal spending directives. The health and welfare of millions of Americans have benefited from thousands of medical discoveries made over the years under NIH sponsored research projects. One of the NIH missions is to maintain the precompetitive base of knowledge needed to improve the health of the Nation. This role has many faces that range from basic research to large-scale clinical trials for the evaluation of developed technologies in both drugs and devices.

The NIH is unique in the world as the preeminent engine for technology-based improvements to health. Pertinent examples of NIH leadership in successful research and development to advance the state-of-the-art in health care technology in a way which favorably impacts the productivity of health care delivery are numerous. I will mention only a few such examples: screening to detect neonatal hypothyroidism; improved indications for medical management of uncomplicated angina pectoris; and laser photocoagulation in the treatment of diabetic retinopathy. Yet, I note that no review criterion to assess the potential impact of research proposals on the productivity of the health care system is included in the review process. Indeed, it may be appropriate for some basic research programs of the NIH to not take productivity into account when awarding funding for projects; yet, there are many grant and contract programs where such an evaluation could influence medical research and development which would ultimately materially improve the productivity of the health care system.

Let me diverge for a moment to clarify my intentions when speaking of improved productivity in this context: Productivity is an expression of health care outcome in terms of resources consumed. Health care should be subject to the same economic discipline as any other sector of the economy—namely, national goals require continuous quality improvement and this is mirrored by increased productivity. The aim is to achieve the same or better health care quality with less resource consumption—not simply to reduce cost by loss of service. This is an activity of continuous quality improvement, a major precept of managed competition, that has implications for the more general problem of health care system analysis.

Other sectors of the economy find that technology improves productivity and thereby reduces cost. In health care, however, the goal of improved productivity often appears to not be mediated by technological innovation. Part of this perception is founded in the unique nature of medical markets. In ordinary commodity markets, the commodity is fixed. The role of price in commodity markets is clear as a signpost to direct the flow of resources as supply and demand are mirrored by price. Medical markets are different to the extent that the commodity is not fixed. In medical markets, prices relate as much to changes in the commodity as to changes in supply or demand. This and other complexities have led some to suggest that market forces have failed in health care.

I offer three examples to illustrate that market forces still work in health care, but the result is often more a reflection of the regulatory environment and counterproductive financial incentives. The Health Insurance Experiment reported by the Rand Corp. over a decade ago found that subscribers with first-dollar coverage consumed 50 percent more resources than those with a large deductible. There was no reason to believe that the 50 percent greater utilization resulted in better health care; instead, demand increased as the apparent cost decreased.

Second, economists argued for many years that artificial constraints on the supply of physicians resulted in too few doctors thereby stimulating higher prices. In response to this analysis, the Federal Government instituted capitation grants to increase the number of medical students in existing medical schools and to encourage the construction of new medical schools. The result over the next 10 years was a 30-percent increase in the number of new medical schools and a 76-percent increase in the number of medical students. The consequence of that action is more doctors in practice, indeed the rate at which doctors are added to the economy has more than doubled the rate of growth of the economy. Health economists are now unhappy on the grounds that there may be too many physicians; thus, to drive demand for their own services.

Third, I would recall recent experience with the enactment and later repeal of the Medicare Catastrophic Coverage Act of 1988 where the elderly were required to pay a tax surcharge for duplicative benefits. The result was the greatest flood of constituent mail in opposition to a major health care public law in history. When the intended beneficiaries realized cost exceeded benefit from catastrophic insurance, the will of the people was loud and clear to repeal the law. Clearly, market forces are operative even in the web of regulation and contradiction that characterize the state of health care policy as it currently exists.

I believe the dynamism of market forces and technological innovation can have a positive influence on health care productivity just as in other market sectors. We must devise incentives to increase efficiency of health care by encouraging the development of technologies that increase productivity. This task is particularly suited for the NIH in its role to direct development of health care technology.

The incentive is at once simple and effective: Require the NIH to take a closer look at the ultimate effect the medical technology developed under each of the Institutes will have on the productivity and cost of our health care system. This amendment will charge the NIH Director to examine and perhaps broaden the current practice of evaluating and approving grant and contract proposals exclusively on the basis of present criteria such as scientific merit, investigator competence, suitability of facilities, requested budget, protection of research subjects, practical uses for the anticipated results of the research, and so forth. This amendment will study a new concept in the field of medical technology fostering a discussion of potential productivity enhancement over the present practice.

I envision that as cost and productivity of technology enters into the discussion of federally sponsored grants and contracts, that proposers will develop innovative ideas for health care productivity enhancement just as they now compete on scientific merit. As the funding priority improves in this case, it is predictable that more output from the medical R&D pipeline will be available to favorably impact the productivity of health care; thus, cost is reduced and quality is improved. In this way innovation from our biomedical R&D community will be applied to the pressing problem of productivity in the health care sector of our economy. The existing incentives often favor technological innovation without regard to its economic impact on health care.

In summary, Mr. President, I believe that this amendment to S. 1 will add an incentive to the medical research and development community to devote attention to the pressing national problem of health care cost escalation. Technology to enhance productivity will get the attention it deserves.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. DURENBERGER, is recognized.

Mr. DURENBERGER. Mr. President, in the absence of the ranking member, I have been asked to report that the original amendment by our colleague from Delaware has been modified, as he has indicated, and it is certainly more than acceptable on this side of the aisle.

I add a few comments of my own, briefly:

First, to compliment my colleague who serves with me on the Finance Committee for his commitment not only to productivity but to the issue of health care reform;

Second, this study could not be more timely or more appropriate in the context of health care reform. I hope that it is taken seriously. I know that the ranking member and the chairman of the committee take this study seriously.

Third, just to clarify the need for this study in the context of health care reform, not to confuse it in any way with some of the things we are doing in the NIH reauthorization which are critically important, it is pretty clear that the Nation wants—in terms of access to health care and health care reform—the Nation wants equal access for everybody in this country to high quality health care, through some kind of system of universal coverage, which means compared to what we have today, we all want more.

We have 36 to 37 million uninsured today. We have variable quality. If you want equal access to everybody for high quality care, we want a lot more than we have now. But our problem in getting to it is that everything costs too much, as the President indicated several times last night. So the bottom line is we all want more, but we cannot get it unless we are willing to pay less.

As the senior Senator from Delaware has pointed out to us, there is only one answer to getting everything you want and have it better, and pay less, and it is a one-word answer. It is called productivity. We do it everywhere else in America when we want more, better, and we want to pay less for it. We find a way to be more productive, except in medicine.

So I hope we keep in mind as we are talking about health care reform that only a sound market, only consumer choice, competition, and the things that go into productivity are going to get this to us.

So I think our colleague has put his finger on the right word. He put it in the right place. If you look at the one area where we try to deal with productivity in medicine, it is in the new Agency on Health Care Policy Analysis and Review. The reauthorization for that I think went through here at the end of last year.

But the problem is that we spend a pittance on the evaluation of the productivity of the practice of medicine and technology in America today, compared to what we are spending on original research.

So again, my colleague from Delaware has put his fingers on the pulse of the problem. We need to look at outcomes. We need to look at what all of this money is doing for us, and while we are spending billions and billions of dollars on research, my colleague is going to help us answer the question: Research on what? And what is the relationship between the benefit of all of this and the cost to our society in relationship to all the other things that we want in this society?

Mr. KENNEDY. Mr. President, I support this amendment as it has been revised. I think one of the important aspects of the development of our excellence in research, particularly in basic research, has been the peer review process. There are aspects of the peer review process that are of concern to many of us, but day in and day out it has been really the best process that has been devised.

This study will also give some opportunity to evaluate the increased emphasis on clinical research. I think that is a worthwhile review for the NIH to give some additional kind of attention to review.

As previously constructed, I had very, very strong reservations in terms of substituting the clinical aspects of research, as important as they are, and substituting that for the kind of peer review on basic research. If we had done that looking over the recent past, there are a number of breakthroughs, for example AZT, other very, very important medical developments that I doubt very much that would have been developed.

I think it is worthwhile having a study. I think this has been constructed in a positive way. I think it will be helpful to us and valuable to the Congress as we look down the road to the future. I think it is a useful and positive contribution to the legislation.

So I certainly urge my colleagues to support it.

Mr. DURENBERGER. Mr. President, I am led to understand that the commitment has also been made to the proponent of this amendment, that when the study is completed that there will be hearings conducted as well on that study. I know the ranking member has made that commitment to our colleague from Delaware.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 42) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, the Congress and the President are under great pressure to pass and sign into law a comprehensive health care program. During the campaign, Americans were told that health care reform ranks among the top three of the most important issues facing our country. Yet, Mr. President, when the distinguished majority and minority leaders introduced the top 10 bills of the 103d Congress, health care was not among them. Why? Not because of any lack of commitment, rather a lack of consensus on a solution in either party.

The facts are well-known. More than 37 million Americans lack access to health care, even more are under ensured. Health care costs are rising out of control as the President indicated in his State of the Union Message last night. Americans spent more than $800 million on health care in 1992, nearly 14 percent of the GNP.

In the meantime, States are struggling to provide health-care coverage for poor Americans through Medicaid. As State and Federal budgets continue to shrink, the number of individuals covered under Medicaid is quickly being reduced. So the States are moving forward to fill the health-care gap. Perhaps the seeds to the solution in health-care reform are found in the States.

The problem facing Clinton is determining how to balance the desire of States to move forward on their own reform proposals, and the desire of many Americans to see comprehensive reform occur only on the national level. It has been suggested that allowing States to implement their own plans will derail efforts toward a national reform plan. I disagree. Rather, it may bring us much closer to the answer in this complex arena.

It is my strong belief that we can only develop comprehensive national reform after we test our ideas in the States. We must build our national data base to determine what works and what does not work. This is the essence of federalism. Our Nation's health is too important to test unproven proposals on a nationwide basis. Our mistakes are costly.

Mr. President, without going through a complete history, we made this mistake in the very instance of initiating and legislating Medicare. We had what was the Kerr-Mills proposal out here in the Congress, passed the Congress. Oregon was one of the first States to start undertaking a data-base gathering activity. But, oh, no. The nationalists had to ram through the King-Anderson bill, before the first bill was ever really tested or the data base gathered.

And we were told at that time that Medicare would never cost more than $10 billion. That was the lack of data base. We should have stayed with the Kerr-Mills until we unscrambled that. We cannot unscramble the egg or the history. Our mistake is costly.

While we cannot continue to afford our rapidly rising health care bill—and do not get me wrong, comprehensive reform is necessary—we cannot afford to make the same mistake again.

To date, eight States, including my own State of Oregon, have passed comprehensive health-care reform legislation. More than 20 others have passed or are considering reform legislation to expand access to health care or to contain health-care costs.

During a recent meeting with members of the National Governors Association [NGA], President Clinton gave his assurances that States would be allowed the flexibility to proceed with their reform efforts. He promised to simplify the waiver application process to allow for the prompt consideration of Medicaid waivers. And, during the course of the NGA conference, our Nation's Governors unanimously passed a resolution supporting prompt approval of the Oregon Medicaid waiver.

I am pleased to come to the floor today, to commend Secretary Shalala for the commitment she made yesterday, to render a decision on the Oregon waiver application by March 19, 1993. It is reassuring to me, the members of the Oregon delegation, the Oregon Governor, members of the Oregon Legislature, and the people of Oregon to know that they can expect a quick decision, and one way or another move forward in addressing the health needs of Oregonians.

Her assurance to act by March 19 does not guarantee approval of the plan. It would not be appropriate for me at this time to require that she approve the plan.

I do believe, however, that it is appropriate for me to ask for a timeline for her decision—for Oregon has waited for a decision for over a year and a half.

Oregon submitted its original application to undertake a Medicaid demonstration project on August 16, 1991. Oregon's plan would provide basic health coverage to all Oregonians with an income level below the Federal poverty line. More than a year later, then-Secretary of HHS, Dr. Sullivan, asked Oregon to revise and resubmit its application. Concerns were raised over the legality of Oregon's prioritized ranking of conditions and treatments under the Americans With Disabilities Act. Upon the advice of HHS attorneys, the Oregon Health Services Commission met and revised the ranking list, removing all references to quality of life. A revised waiver application was submitted to the Secretary on November 13, 1992.

Mr. President, Oregon took a bold step and addressed a very difficult problem openly and with much consideration. I am not here to argue the merits of Oregon's approach. Rather, the plan that emerged and passed the Oregon Legislature after many years of hard work represents a broad consensus and I am here to support the will of my State—just as my colleagues would do if it was their State. From providers to consumers, public entities to employers, this plan has the support of Oregonians. It is laden with community values obtained from community meetings across the State of Oregon.

Mr. President, I ask unanimous consent that a copy of an article written by Barbara Coombs which appeared in Monday's Washington Post be included in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. This well-written article emphasizes the importance of community involvement in health care, and the courage Oregonians had to undertake this project for the best of their community and those without access to health care.

This approach is not guaranteed to work—no one can say that. What I am saying is that Oregon must be allowed the opportunity to try its plan.

Yes, it is controversial. Yes, it contains some things I do not like. Yes, there are problems that may need to be resolved later. But, is that not why we allow demonstration projects? How can we obtain the information we need, and the American people have come to expect, to move forward on national reform, if we fail to allow States to test different approaches?

Oregon is the only State with an application for comprehensive reform of the State's Medicaid system pending before HHS. But other States are formulating proposals and will be seeking waivers of their own. Florida, Vermont, Arizona, Minnesota, Colorado, and New Mexico—to name a few—are watching Oregon closely. For they, too, will be fighting this battle.

Timing is critical. Two years ago, the Oregon Legislature, upon passage of the Oregon plan, set aside the funds necessary out of general funds to implement the program. Now, our legislature is meeting again. Again, they will need to set aside additional funds. In a very difficult budget situation, the legislature will have to commit an additional $100 million in general funds. If the Clinton administration continues to delay in its consideration of the Oregon waiver, it will be impossible for the Oregon Legislature to justify this extra funding. Oregon must have an answer by March 19, 1993. An innovative State approach will go by the wayside due to a lack of courage on the Federal level to act.

Make no mistake, I am encouraged by the statements of the new administration in favor of the Oregon waiver and do not mean to be unjustly critical of their treatment of the waiver application. They have promised to act quickly.

Again, I am pleased by the commitments made to me by Secretary Shalala to act on the waiver by March 19, 1993. I have a great deal of respect for our new Secretary and wish her luck as she struggles with the difficult issues facing her. But, I feel strongly that Oregon needs an answer and we can't afford to wait any longer. Therefore, the sense of the Senate that I put forward today, reflects my strong feelings that the Congress should act to commend and concur with the Secretary's commitment, realizing the budgetary timeframe the Oregon Legislature faces.

### AMENDMENT NO. 43

(Purpose: To express the sense of the Congress that it concurs with the commitment of the Secretary of Health and Human Services to take action on a request made for certain waivers under the Medicaid Program, and for other purposes)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself, Mr. PACKWOOD, and Mr. MCCAIN, proposes an amendment numbered 43.

At the appropriate place in title XX, insert the following new section:

**SEC. . SENSE OF THE CONGRESS REGARDING ACTION ON A REQUEST FOR CERTAIN WAIVERS UNDER THE MEDICAID PROGRAM.**

It is the sense of the Congress that—

(1) the Secretary of Health and Human Services should be commended for her commitment to either approve or deny the application for waivers to conduct a demonstration project under section 1115(a) of the Social Security Act submitted by the Oregon Department of Human Services on November 13, 1992, (hereafter referred to in this section as the "application") by March 19, 1993, and

(2) because the application for waivers has been pending for one and a half years and the Oregon State legislature faces a biennium budget currently under consideration, a decision must be reached by March 19, 1993, in order for the legislature to appropriate the funds necessary to implement the Oregon plan.

Mr. HATFIELD. I believe this amendment has been cleared by both sides. I thank, at this time, the bill's managers, Senator KENNEDY and Senator KASSEBAUM, for their patience and assistance in securing this assurance for Oregon. I also want to thank Senator MOYNIHAN of New York and Senator PACKWOOD, my colleague, for their roles on the Finance Committee and for having incorporated this into the budget reconciliation resolution and given support today for this action.

### EXHIBIT 1

### COMMUNITY VALUES AND HEALTH CARE COSTS

(By Barbara J. Coombs)

PORTLAND, ORE.—During the campaign, both Bill Clinton and Al Gore invoked themes of community values. "We need more than new laws," Clinton declared. "We need a new sense of community." Al Gore asserted it was time for our rights as individual people to be justly balanced with our responsibilities as citizens. They talked about respect toward others and an attitude of restraint in human affairs.

One way they can put these ideas to work is by accepting the Oregon Plan for health care, a controversial proposal that was put aside by the Bush administration but is now back on the table. In the past Al Gore has called discussion of the Oregon Plan the single most important health care debate in the United States. It is important in part because it raises the question of what role community should play in individual health care decisions.

The Oregon plan stands for the infusion of community values into those decisions and into the processes of problem-solving and resource allocation. The new administration might look to Oregon to discover how the sense of community it seeks can guide the work of dedicated people to create health care solutions.

I submit that the Oregon Plan, and specifically its process of ranking health services, embodies the first cure for a profound imbalance in American thinking about individual choice and the utilization of resources. It is a call to inject a sense of community obligation into decisions we make in our private lives. It would have us examine how we use medical resources—and by extension all resources—in the larger context of society's needs and priorities. It is a courageous and intelligent effort to achieve a more just balance between the needs of the community and the rights of the individual.

The struggle to secure individual rights has been crucial to American democracy, but we now need new covenants between individuals and community to guide us in the '90s and beyond. The Oregon plan is one such covenant.

Voices across the political spectrum decry the diminished moral character of the country, but it is increasingly apparent that our social ills are much more malignant than platitudes about "family values" can describe. Writing in the New York Times, Cornel West, professor of religion at Princeton, lays blame for the Los Angeles riots on societal trends that have created a "rootless, dangling people with little links to the supportive networks—family, friends, school—that sustain some sense of purpose in life." He asserts that the collapse of communities has left us lacking the forces that have always helped a people face despair, disease and death and carried virtues such as dignity, decency and excellence across generations. One of his prescriptions for recovery is a focus on the common good to shape and sustain our national destiny.

Oregon's list of health services, with its setting of priorities, would be one step in this direction. Crafted from societal ethics revealed in community meetings throughout the state, it is based on the principle that effective treatment, offering the greatest good, should have the highest priority. It is the first open repudiation of the questionable assumption that all health care services are equally valuable and desirable and that no expense should be spared if there is any chance a particular service could enhance the wellbeing of a patient. It weighs the value of a service by the magnitude of the good it will likely do. Does the treatment actually make a significant difference in the course of recovery? Is the cost of the treatment proportional to its effectiveness?

The plan emphasizes services that are valued by Oregonians, such as health education and relief of suffering during the process of dying. It deems less important those services that neither cure disease nor relieve suffering, such as treatment for the common cold and other self-limiting illnesses. The plan embodies the obligation we all have—insured, uninsured, rich and poor—to avoid squandering resources on ineffective, futile and unnecessary treatments.

By setting priorities, the plan accepts the fact that no service delivery takes place in a vacuum, that each dollar spent on ineffective or unnecessary treatment is one less dollar for care that would strengthen the community, build hope, effect a cure or relieve suffering. Under the Oregon Plan, businesses, taxpayers and other purchasers are not asked to provide every imaginable medical service with any possible benefit, but rather a basic benefit package of essential services. The community has volunteered to extend services to those who are without access to care, and it would receive in return the assurance that pooled resources will be spent in a manner affecting the greatest good for the greatest number of people.

Resources are finite, everyone dies, and disease is not fair. Those fortunate enough to live in community can accept these truths with courage and grace. It is the compassion in a human face that comforts us, the toil of human hands that brings us hope, and the sound of human voices raised in prayer and song that bears witness to the spiritual peace we seek.

But in order for the community to do all these things, it must be nurtured and honored and its limits respected. We cannot doggedly pursue only our self-interest and expect a compassionate community to sustain us when sickness, sorrow and pain come to us.

I urge my colleagues to join in my support of this amendment, because many of their States will be following the pathways very shortly.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I urge the Senate to accept the sense-of-the-Senate resolution. I admire the perseverance and doggedness of my friend and colleague, Senator HATFIELD of Oregon, as well as Senator PACKWOOD, in pursuing this extremely important public policy issue and question.

I join in commending Secretary Shalala for her commitment to make a judgment decision. The issues are complex and involve a variety of different health policy issues.

I want to make it clear that our commendation of the Secretary is in here making her commitment to make a judgment on this issue, and we clearly do not want to commit our other colleagues to one of making a decision one way or another on this particular measure, but we do applaud the fact that the Secretary will give a clear signal, and the reasons for that signal, to the people of Oregon. I think that that is important for them and I think to commend the Secretary for her willingness to take a position on it is entirely appropriate for this body.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Oregon [Mr. PACKWOOD].

Mr. PACKWOOD. I thank the Chair.

Mr. President, let me put in further perspective what my good colleague from Oregon, Senator HATFIELD, said as to what Oregon is trying to do, because it is unique in this Nation.

Oregon, at the moment, under its Medicaid Program has an economic limitation of about 50 percent of the poverty level, but if you are above a percent of the poverty level in income you are ineligible for Medicaid. Other States have a similar threshold, some higher, some lower. I do not know of any State that treats 100 percent of the poverty level under Medicaid.

So indeed for the poor we are rationing care. If you are above a certain level, you do not get any public care, period.

In 1989, the Oregon Legislature passed three bills, not one.

The first relates to what is now called the Medicaid waiver. Oregon said, we will be willing to cover everybody to 100 percent of the poverty level. We will even cover people that Medicaid does not require us to cover, but in exchange, we cannot cover everybody up to 100 percent of the level with everything that we used to cover those up to 50 percent of the poverty level. We do not have enough money. So we said, we will cover everybody, but we will rank medical procedures from the most valuable to the least valuable, and there is going to be a cut off, and below a certain line we will not fund them.

We passed a second bill. The second bill was an employer mandate bill to require employers to require health coverage for employees, and the benefit level that had to be provided was the same level as Oregon would provide for Medicaid patients.

There was a third bill, basically an assigned risk pool. If people were not employed or self-employed, or for some reason were not covered either by Medicaid or employers, the State would have a risk pool to collect money and buy insurance themselves so everybody would be covered. The key was the Medicaid level, because the employer coverage does not go into effect until Oregon gets to try the Medicaid plan.

So this passes in 1989, and we have a citizens commission that met and held hearings all over the State with dozens and dozens of hearings getting input on how to rank the procedures.

Currently, there are 688 procedures ranked from the most valuable to the least valuable. The most valuable one at the top of the list is bacterial pneumonia. The reason it is at the top is that it is relatively easy to treat by antibiotics, and once treated, you are cured and not likely to die or ever again suffer from bacterial pneumonia. It is a high cost-benefit ratio.

Close to the bottom of the list is cosmetic surgery for purely cosmetic purposes. If you are injured in an accident that is a different matter. If you have lived for 45 or 50 years and do not like your face, we are not going to pay, at public expense, to change it. That is below the cutoff line.

Then the legislature came up with as much money as they could. They said below a certain level we will not cover.

We first asked the Federal Government to give us a waiver 1½ years ago because we are not going to cover some people that we would otherwise think we should cover. We are going to cover a lot more people than they require us to cover, but we are going to give everybody a basic level of medical care and some very expensive procedures that benefit only a very few people may get dropped. It is 1½ years later and we have not yet gotten the waiver.

Senator HATFIELD referred to other States asking for waivers. None of them have a plan like this, where for the first time in the history of this country we say eventually what the whole country will come to. We cannot afford to pay at public expense for the kind of medical care that a Henry Ford or John Rockefeller, if alive, could pay for themselves. We just cannot afford it. Eventually the U.S. Government and its Medicare and Medicaid Programs will come to that same conclusion—that there has to be some rational listing of benefits.

First, the Bush administration said there was a budget problem. I worked for some period of time with the Budget Director, Dick Darman, and got over the budget problem. Then the argument was there was an abortion problem. The laws of the Federal Government prohibit Medicaid funding of abortion except in very unusual cases, and the argument was Oregon would use this waiver to fund abortions.

The Secretary of Health and Human Services has the right to issue a waiver for certain things. You cannot waive Federal law. So, Oregon could not fund the abortions whether we got the waiver or not. We got over that hurdle.

The next hurdle was the Americans with Disabilities Act which was passed in midstream. This act was not in full effect when Oregon passed its bill and there was an argument that violated the Americans with Disabilities Act, and the Department of Justice had a problem with it.

I find the Department of Justice analysis without good foundation, but that is neither here nor there. That was their argument. We never got a waiver from the Bush administration.

When President Clinton was campaigning in Oregon, he said if he were President, he would grant no waiver. That was last May.

When I met with the Secretary of Health and Human Services, Donna Shalala in her courtesy calls, I asked her about this. She looked with favor upon it. She thought the administration looked with favor. That is not a promise of granting it, but it looks with favor.

Now we have a letter from the Secretary that by March 19 a decision will be reached. As Senator KENNEDY said, it is not a guarantee we will get the waiver but at least we get a decision.

The Oregon Legislature is now in session. They will meet for 6 or 7 months. They have to have an answer. The legislature needs to know how much money it has to come up with if it is not going to be granted.

I emphasize again in concluding what Oregon is trying to do. Oregon is saying we only have so much money to spend on health, on education, on highways, on environment, on airports. We only have so much money, and if we spend more on health, then we have to spend less on education, less on airports, or less on highways. And in terms of priorities, we think that some priorities are higher in nonhealth areas, some priorities are higher than very expensive health procedures that benefit very few people and especially for procedures that are not very likely to prolong your life very much more.

So that is what we are asking, and one day, this country will come to this and I will tell you why. The President last night said he wants to use Congressional Budget Office figures so I will use just one. In 10 years—these are Congressional Budget Office figures—69 percent of all of the money that the Federal Government spends will either be for retirement—this is Social Security, Federal, civilian, and military retirements, or health, public money, Medicare-Medicaid, Indian Health, Public Health Service, interest on the debt—those five, 69 percent.

If we do not restrain those, then everything else the Federal Government spends will have to be reduced and restricted unless we want to raise taxes to do it. So Oregon is trying to lead the way in saying in terms of priorities with a limited amount of money, how much do you want to spend on health, how much within health do you want to spend on certain procedures? We beg for the chance to try this.

I take my hat off to the Legislature of Oregon and those who pushed it. It took courage. We beg for the chance to try it. It is about the best pilot program the Federal Government can have, because the Federal Government is going to have to come to a similar conclusion sooner or later.

I thank the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the Hatfield-Packwood amendment.

Enough has been said about the waiver process and how burdensome it is, but enough has never been said about permitting States to operate as laboratories of experimentation. I think that is what the testimony here from both of the Members from Oregon has demonstrated to us.

The story of the efforts of the State of Oregon and its people to receive the waiver it needed to institute its Medicaid reform plan illustrates the fact that we have to change the waiver process if we are going to continue to allow the Oregonians of this world to give us the benefit of their willingness to change.

Oregon's approach was very controversial—as both our colleagues from that State have indicated—and I do not necessarily agree with all of the methodology that they employed. But I must tell my colleagues, I went out to Oregon in October 1991, and spent 3 days with Oregonians talking about this process, and came away with the feeling that has already been expressed better than I could by the Senators from that State.

The State has come in with a plan with extensive community involvement and debate. It is to be praised for having the courage and the commitment to wrestle with the very difficult issues of access to care, and costs of care, that many of the rest of the States have tried to avoid.

I do not know whether the ADA was really a major reason for the denial. I do not know how much partisan politics in an election year played a part in the denial. I think it would have been a lot better policy if the Bush administration had embraced the efforts of the State of Oregon and worked with them to improve the plan. But, as it now stands, Oregon has been denied the right to its bold experiment.

And Oregon is not alone. My own State of Minnesota, the States of Vermont, Florida, and others are subject to similar denials of their plans. I hope that the new Secretary's commitment to act promptly on Oregon means she is going to act equally promptly on the others.

Our newly-elected President served for 12 years as Governor of a State. He understands the burdens on States that are imposed by the waiver process. He has openly criticized the present situation and has promised flexible and rapid responses to State requests.

I believe that a rational waiver process is essential, and I believe we should move forward with all deliberate speed to attain it. However, my support for waivers does not mean that I think the States should allow the Federal Government to opt out of the process of health care reform.

I believe the problem highlights a deeper and more fundamental issue of intergovernmental relations. It is essential that we untangle the complex and interlocking web of Federal and State activities in health care, or we will never reform this system.

We need to return to the fundamentals of federalism—to determine what areas of reform should be a national responsibility. We need to decide what role the States should play to assure that the American people have an opportunity for good health.

My experience teaches me that States have much to offer in terms of creativity, innovation, and sensitivity to people's needs. The kind of things we cannot do nationally, Oregonians are willing to do in their State, and that is to test our values and our priorities for the first time in generations.

We can also test our sensitivity to cost. In my own State of Minnesota, 10 years ago, the prices for its health plans were 10 percent above the national average. Because Minnesotans were committed to reduce the cost of health care in the State of Minnesota, today the prices of health plans in our State are 18 percent below the national average. And in just a matter of a couple of years, with a little help from national policy change, we can be 30 percent below the national average.

Those are two things that States can do—cost containment and assessment of societal values.

It is also my experience that only a national government can guarantee the income security of all of its citizens. When a doctor's home visit cost $5, and a birth cost $20, medical care access was not an income security problem for this country. But at $350 to $500 a month for health insurance and an average per-capita expenditure of $3,500 per year in this State, this is a national income security challenge. It cannot be accomplished by States alone.

So I strongly support a waiver policy in which the States and the Federal Government are partners, not adversaries, in this effort, and strongly recommend the adoption of the amendment of our colleagues from Oregon.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCAIN. Mr. President, I rise as a cosponsor and strong supporter of the sense of the Senate resolution offered by my good friend and able colleague from the State of Oregon.

This resolution expresses the sense of the Senate that the Secretary of Health and Human Services should either approve or deny the Oregon Medicaid waivers by March 19, 1993.

Mr. President, for the past several years, the people of Oregon, like those of so many other States, have undertaken the very difficult task of developing a proposal to reform their health care delivery system.

Oregon, however, is the only State to have a systemwide demonstration project pending before HHS. While other States are working at models for comprehensive reform, Oregon is ready to move to the implementation phase. I, for one, believe that we ought to let them proceed.

Mr. President, we are just beginning the Federal debate over how best to reform our Nation's health care delivery system. While we are working on the broad outlines of health reform at the Federal level, we are not ready to act. There are many questions and issues that loom large in this debate.

One of these difficult questions is how to best prioritize the utilization of high-cost services and technology, so that all Americans have access to a basic level of care if America is to live under a global budget cap for health care. In spite of the public perception that all we have to do to control the level America spends on health care is eliminate fraud, waste, and abuse, or further limit payment to medical providers, the reality is it is going to require some very difficult choices.

Mr. President, the Oregon plan is largely about trying to address this very difficult question. While I am not prepared to impose this program on other States, I believe we will do ourselves a great disservice if we fail to let the people of Oregon test this question for our Nation.

Nearly 10 years ago, the Federal Government provided the State of Arizona with the necessary waivers to explore the application of managed care within the Medicaid environment—a significant question in the health reform debate at that time. The Arizona Health Care Cost Containment System, or AHCCCS, as it has come to be known, has been an enormous success.

It has demonstrated that managed care can be very effective in holding down costs and providing access to quality services for Medicaid beneficiaries. It would never have been possible to explore these questions if the Federal Government would have denied the State of Arizona the necessary waivers to conduct this demonstration program.

In my view, we should grant the State of Oregon the necessary waivers to begin exploring the important questions involved in their reform proposal.

Mr. President, the process of achieving comprehensive, systemic health reform is going to take years, not months. And, I believe at least initial reform at the Federal level will involve making macro changes and leave States with the flexibility to define many of the details. While we continue our work toward comprehensive, systemic reform, it is imperative that we let those States that are ready and willing to begin moving forward, to do so. Oregon is ready. In fact, it is the only State, to date, that has a comprehensive plan. And we should let them implement and test their plan.

Several weeks ago, President Clinton told the Governors that States were having to wait far too long for answers on their waiver requests—a situation which he would remedy. He was right, States need a prompt response to their waiver requests, and now is the time for his administration to act on the Oregon waiver package.

I, too, am encouraged at the fact that the Secretary has promised to act on the waiver request by March 19. This is far too important an issue to let it slide any further. It is my hope that the Secretary will end up approving the Oregon waivers.

To not allow the State of Oregon to move forward with this health reform demonstration would be a travesty, both to Oregonians and the American people. Accordingly, I hope that all of our colleagues will give this amendment their strong support.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I rise in support of the Hatfield-Packwood amendment.

As I contemplate the significance of the issue of health care reform and realize the magnitude of what some of these possible changes may bring about, I think it strongly suggests we should encourage innovation. I will not discuss the specifics of the Oregon Plan, however, I think the philosophy of allowing States to undertake pilot projects is an absolutely essential key component as this Nation finds solutions to its health care problems.

I have met with the Idaho Hospital Association and they have indicated that they are more than willing to test new concepts, if allowed—the key is "if allowed."

I believe that we need to encourage innovation. The lessons we will learn from these different states, as they undertake these significant approaches, will be invaluable to us, both in learning what does work, and also in learning what does not work. Those who try should be applauded. In those areas where they are not successful, they should not be in any way punished for taking that risk, but again applauded. We need to support those States that are willing to actively seek solutions.

Therefore, I believe pilot projects, as suggested in Oregon, are key, and I strongly support us moving in that direction.

Thank you, Mr. President.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, before the termination on this amendment, I would like to thank again the leadership of the committee. From the early beginnings of this issue, we have had the support of Senator KENNEDY and Senator KASSEBAUM, Senator DURENBERGER and others on the committee, for which we are very grateful. Senator PACKWOOD has labored long on this issue. Congressman WYDEN of the State of Oregon has certainly been the spearhead on the House side; again, a bipartisan effort of the Republican and Democratic Members of the House representing Oregon, our Democratic Governor, our Republican Speaker of the House, and our Democratic president of the State senate. It is a total, broad-based support.

And I want to thank Senator KEMPTHORNE this morning for his comments which were very helpful.

We are very grateful for this broad base of support in the Congress.

Mr. President, I ask for the vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 43) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, if I could ask the chairman of the committee, I have one other technical amendment, I believe. Could I offer that at this time?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Oregon.

### AMENDMENT NO. 44

Mr. HATFIELD. Mr. President, there is a little place in the southern part of my State in Jackson County, OR, situated on Little Butte Creek, called Brownsboro. Just a few weeks ago, a dramatic accident occurred in my home State which, in effect, resulted in the loss of the town of Brownsboro, OR. A truck driver fell asleep at the wheel of his vehicle and drove into the tavern/post office/store building which represents this small community near Medford, OR. The driver was critically injured; he is now recuperating in a Medford hospital. Fortunately, no one was in the building and no others were hurt as the truck came to rest in the tavern's dining room. The people of the area, the owners of the building and businesses are now talking about demolishing the building's remains and hopefully rebuilding.

Tragically, this episode illustrates the growing national need for public education and safety programs which could help reduce the anguish and expense incurred by a sleepy society. Sleep disorders are not unusual and sleep deprivation is all too common. In a very recent study, 87 percent of 156 commercial truck drivers were found to have sleep apnea and 46 percent suffered from the disorder at a moderate to severe level. The most frequently cited probable cause of mass transportation accidents was fatigue, accounting for nearly one-third of all fatal-to-the-driver heavy trucking accidents.

Mr. President, I applaud my colleague, Senator KENNEDY, for his leadership in sponsoring S. 1, the National Institutes of Health Revitalization Act of 1993. I would also like to commend Senator KENNEDY for including in this bill S. 104, legislation I introduced on the first day of the 103d Congress to establish a National Center for Sleep Disorders Research at the National Institutes of Health.

This is not another division in the broad sense of the constitution of the National Institutes of Health. This is a center.

The establishment of a National Center for Sleep Disorders Research will have a tremendous effect on the millions of Americans who suffer from the devastating effects of sleep disorders. The Commission on Sleep Disorders Research recently completed a 3-year study into the problem of sleep disorders in this country which found that 40 million Americans are chronically ill with a sleep disorder and that an additional 20 to 30 million experience intermittent sleep related problems.

In addition to this startling personal pain and suffering, the Commission found that sleep disorders are a tremendous drain on the productivity and safety of our country: falling asleep at the wheel is one of the most costly and devastating problems on American highways; accidents in the workplace due to sleep deprivation are commonplace and damaging to industry; and the annual cost to society is over $50 billion.

But just as damaging is society's complete lack of awareness of sleep disorders and their consequences. In addition to finding no component of society adequately aware of sleep disorders and the facts of sleep deprivation, the Commission found serious gaps in medical research and alarmingly few young investigators in the pipeline. It seems highly probable that this "reservoir of ignorance" is a major reason why 95 percent of all individuals afflicted with a sleep disorder remain undiagnosed.

In order to address these problems, the Commission recommended that the Federal Government undertake a series of initiatives. The centerpiece of these recommendations calls for the establishment of a National Center for Sleep Disorders Research within an existing institute of the National Institutes of Health. At a November 4 special hearing of the Senate Appropriations Committee in Oregon, I witnessed firsthand the positive effects a National Center for Sleep Disorders Research can bring to the millions of Americans suffering from sleep disorders. At this hearing patients, scientists, physicians, transportation experts, and government officials all expressed the necessity for the establishment of a National Center for Sleep Disorders Research.

Also supporting the establishment of a National Center for Sleep Disorders Research are a variety of medical, patient, and industry groups, including the American College of Chest Physicians, American Sleep Disorders Association, Sleep Research Society, American Narcolepsy Association, American Sleep Apnea Association, AWAKE Network, Better Sleep Council, Narcolepsy Network, and the National Sleep Foundation.

For these compelling reasons, I introduced S. 104, legislation establishing a National Center for Sleep Disorders Research within the National Institutes of Health. I commend my colleagues, Senators KENNEDY, SIMON, and CHAFEE for their cosponsorship of this historic legislation. I look forward to working with them and my other colleagues in the Senate in ensuring the success of the National Center for Sleep Disorders Research.

At this time, Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 44.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, after line 22, in section 503, insert before the end quotation marks the following:

"(f)(1) The Director of the Center, in cooperation with the Centers for Disease Control, is authorized to coordinate activities with the Department of Transportation, the Department of Defense, the Department of Education, the Department of Labor, and the Department of Commerce to collect data, conduct studies, and disseminate public information concerning the impact of sleep disorders and sleep deprivation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, the purpose of this amendment is to specify that the center has a role in coordinating its activities with those Federal agencies that have an interest in sleep deprivation and disorders. For instance, the Department of Transportation has, in the past, looked at sleep deprivation and its impacts on the transportation industry. Just this weekend, unfortunately, an accident occurred in Dunn, NC, which resulted in the loss of three lives, when the driver of a vehicle fell asleep at the wheel. I ask unanimous consent that an article from the News and Observer appear in the RECORD following my remarks.

Mr. President, this amendment has the support of Chairman KENNEDY and Senator KASSEBAUM and I ask for unanimous consent that the Senate adopt this amendment and that the text of the amendment be included in the RECORD.

I also ask unanimous consent that a letter supporting this legislation from the American Sleep Disorders Association, the only professional association exclusively dedicated to sleep disorders and sleep research, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### COLLISION KILLS 3, SPARKS INFERNO: CAR HITS TANKER HAULING 8,800 GALLONS OF GAS NEAR DUNN

(By Pamela Babcock)

DUNN.—Three people were killed and one injured Saturday when a gasoline tanker collided with a car and exploded on I-95 south of Dunn, sparking a raging inferno fueled by 8,800 gallons of gasoline.

"It was like a big ball of fire that lit up both sides of the road," said N.C. Highway Patrol Sgt. Jimmy Turbeville, one of the first on the scene. "One guy said it looked like the world was on fire."

Steve Blevins, 35, a truck driver from Wendell, was killed in the accident. Also killed were two occupants in the car that collided with the tanker: Josephine McIntyre Richardson, 63, and the driver, Mallory Adrian Rice, 28, of Fayetteville. Rice's mother, Mildred Rice, 60, a passenger in the car, was listed in stable condition Saturday night following surgery at Cape Fear Valley Hospital in Fayetteville.

Department of Transportation supervisor Tom Burchell, who lives two miles away, said he was thrown out of bed by a series of explosions. When he looked out into the morning darkness, the sky was aglow.

"It looked like an early sunrise," Burchell said. "It sounded like a war."

The 5:45 a.m. accident occurred about two miles north of N.C. 82 when Mallory Rice, who was driving a 1988 Dodge Shadow, apparently fell asleep crossing the median into the southbound lane and struck the tanker, troopers said.

The impact severed the front of the car, which was thrown airborne for 29 feet. The car then flipped over before ripping open and bursting into flames. Both vehicles were traveling about 65 miles per hour when they collided, Highway Patrol Trooper Clinton E. Butler said.

The accident stranded thousands of motorists for hours as the intense heat from the fire turned the roadway into a bubbling brew. Southbound traffic was blocked until about 1 p.m., when the fire was extinguished, while the northbound lane was closed to traffic for much of the day. Traffic was backed up to five miles at one point.

State transportation officials made temporary repairs and reopened the northbound lanes by late Saturday afternoon, but said that work to ensure that the roadbed is stable enough to support traffic will take much of the week.

Burchell, the DOT supervisor, said the fire sent mushroom clouds into the air.

"I've been doing this for 25 years, this was one of the wildest, one of the worst," he said. I've seen dozens of spills.

Witnesses reported hearing a series of explosions, possible up to six or seven. Several fire units responded, but efforts to clear the wreckage were hindered by the heat, and the fire was allowed to burn. The tops of towering pine trees near the accident were singed, indicating that the flames shot up to 75 feet.

The late 1980s model Mack truck Blevins was driving was unrecognizable. Its tires were completely burned off and the steel belts from the radials looked like thread wrapped around spools.

Blevins was employed by Coastal Transportation, a Goldsboro-based hauler of petroleum products. The truck was carrying three grades of fuel in three compartments. Blevins had just picked up a load of fuel in Selma, about 25 miles from the wreck, troopers said.

Tony Holland, a manager for Coastal Transportation, said Blevins was with the firm just over a year and was a good driver.

"He was just in the wrong place at the wrong time," Holland said. The impact apparently severed the front axle of the truck from the steering column, making it impossible for Blevins to control the truck, he said.

"From the looks of it, it damaged the front axles enough that he was just along for the ride," Holland said.

Bexley "B.J." Eatmon, the owner of B.J.'s at 3317 Rolesville Road in Wendell, said he knew Blevins for about six years. Blevins also had worked for Wendell Transport and Variety Wholesale, he said.

"We're going to miss him. You won't find a better person than Steve," Eatmon said. "He was just a good fellow."

Although Blevins enjoyed fishing, Eatmon said, he spent most of his free time with his wife, Carol. "He was everything to her. She will be devastated by it," Eatmon said.

Julia Opinski, a next door neighbor of the Blevinses said, "He was the kind of man who would have done anything for anybody in the world."

Blevins was a skilled woodworker who built furniture for his home and filled the backyard with homemade birdhouses, she said.

Trooper Butler said the passengers in the car were traveling to Washington to visit a relative. He said that because of the extent of damage, it was impossible to determine whether any of the dead or injured were wearing seat belts. Alcohol was not a factor, Butler said.

AMERICAN SLEEP
DISORDERS ASSOCIATION,
*Washington, DC, January 25, 1993.*

Hon. MARK O. HATFIELD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR HATFIELD: The American Sleep Disorders Association represents over 2,000 physicians and scientists who have dedicated their careers to the sleep medicine and research fields. We are the largest organization of this type in the world. Further, the ASDA is the only professional society whose mission includes improving medical care for patients with sleep disorders, enhancing sleep research and fostering public awareness about sleep and its disorders. Our organization includes physicians and scientists with many different specialties, including the neurological, psychological, pulmonary, psychiatric, otolaryngological and pediatric aspects of sleep. As the only professional association exclusively dedicated to sleep disorders and sleep research, we feel compelled to offer our views regarding the establishment of a National Center for Sleep Disorders Research.

First, the ASDA wholeheartedly endorses the establishment of a National Center for Sleep Disorders Research. We feel this to be a necessity if the concerns of the National Commission on Sleep Disorders Research are to be adequately addressed. The absence of a specific entity responsible for sleep disorders research and education within the federal biomedical structure has led to a lack of appropriate scientific program direction and major gaps in both basic and clinical research, despite a few excellent sleep-related programs in individual NIH and ADAMHA institutes.

Because of the multidisciplinary aspect of the sleep field, the American Sleep Disorders Association encourages that individuals from a variety of disciplines provide input during the development and ongoing operation of a National Center. Such diverse expertise is deemed essential to foster sleep-related research, education and training. The ASDA recommends that the national advisory board include basic and clinical sleep researchers, sleep medicine specialists and human chronobiologists. In this way, the mission of the Center will accurately represent the multidisciplinary nature of the field.

The ASDA considers the National Heart, Lung and Blood Institute (NHLBI) the optimal place in the NIH to house the National Center for Sleep Disorders Research. This assertion is based on several criteria. First, NHLBI's ongoing commitment and proven track record in establishing and supporting a sleep research program including specialized centers of research covering a wide spectrum of basic, clinical and population-based studies, and training and education activities related to sleep. Second, the NHLBI's demonstrated expertise in establishing national education programs in wide ranging areas such as hypertension, smoking, cholesterol and asthma, an area of significant unmet need that was raised by the National Commission.

Third, the NHLBI has demonstrated the most interest and enthusiasm about housing the Center. Several months before the release of the report of the National Commission on Sleep Disorders Research, leaders from our organization met with the directors of the five institutes supporting the majority of sleep disorders research in order to determine which NIH Institute was the most appropriate location for the establishment of a National Center. Representatives of the NHLBI demonstrated the greatest willingness to have the National Center for Sleep Disorders Research housed within their Institute. This willingness was further reinforced during a House Appropriations Committee hearing when NHLBI Director Dr. Claude Lenfent stated that:

"The NHLBI is not only appropriate; it is, in fact, the only Institute with the capability to provide leadership in establishing a National Center for Sleep Disorders Research. The Institute already has a major research program in this area * * * includ[ing] a full range of activities from basic, clinical and epidemiological research to training in * * * disorders of sleep, and that

Even though the main mission of the NHLBI program focuses on cardiopulmonary disorders of sleep, we are well aware that a comprehensive sleep disorders research program should include a spectrum of research covering the breadth of sleep disorders medicine."

It is based upon these meetings and the demonstrated willingness and commitment on the NHLBI that the ASDA believes that the establishment of a National Center for Sleep Disorders Research should be located within the National Heart, Lung and Blood Institute.

We thank you for your time and consideration. We will be pleased to provide any assistance in this matter.

Sincerely,

MARK MAHOWALD, M.D.,
*President.*
JAMES K. WALSH, PH.D,
*Chair, Government Affairs and Public Policy Committee.*

Mr. DURENBERGER. Mr. President, the amendment by our colleague Senator HATFIELD will allow the NIH in accordance with the CDC to coordinate sleep disorder activities among 5 different departments of the Federal Government. It is our hope such activities will ultimately prevent such problems related to sleep disorders and sleep deprivation. For instance, sleep disorders activities at the Department of Transportation may one day decrease traffic accidents involving individuals who fall asleep behind the wheel. For this reason we urge the adoption of the amendment.

Mr. KENNEDY. This is completely consistent with other provisions in the legislation that affect sleep disorders affecting 20 million Americans.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 44) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

### EN BLOC AMENDMENTS NO. 45, 46, 47

Mr. DURENBERGER. Mr. President, I send amendments to the desk on behalf of Senators JEFFORDS and GORTON. I ask unanimous consent the amendments be considered and agreed to en bloc and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . SENTINEL DISEASE CONCEPT STUDY.**

(a) IN GENERAL.—The Director of the National Institutes of Health, in cooperation with the Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, may design and implement a pilot sentinel disease surveillance and follow-up system.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to determine the applicability of and the difficulties associated with the implementation of the sentinel disease concept for identifying the relationship between the occupation of household members and the incidence of subsequent conditions or diseases in other members of the household.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

Mr. DURENBERGER. The first of these amendments, by Senator JEFFORDS, relates to the sentinel disease surveillance and followup system which this amendment creates, which will prevent future health problems for many Americans.

A good example of such a disease is lead poisoning. Once health providers identify a person with lead poisoning—the sentinel disease—public health officials then investigate the home or work environment to determine if other individuals also face the same health threat. If they do, the public health officials recommend changes in the environment which would prevent further illness and disability.

AMENDMENT NO. 46

At the end of title XX of the Committee amendment, add the following:

**SEC. . AUTHORIZATION OF APPROPRIATIONS.**

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in the first sentence of subsection (b), by striking "1993 and 1994" and inserting "1993, 1994, and 1995"; and

(2) in subsection (d), by striking "in each of the fiscal years 1993 and 1994" and inserting "for each of the fiscal years 1993, 1994, and 1995".

Mr. JEFFORDS. Mr. President, this amendment simply extends the Low Income Home Energy Assistance Program for one year, from 1994 to 1995. It makes no change in policy.

This simple extension is necessary because of an oversight when the Congress last reauthorized the program in 1990. At that time, subject to approval of the Budget Committee as required by budget rules, the program was put on a forward funded basis.

However, the authorization of the program did not reflect the forward funding. Thus, the authorization for the program expires next year, fiscal year 1994, but the forward funding provision anticipates funds being appropriated this year for fiscal year 1995. Thus, in order to avoid appropriating for an unauthorized program, the authorization needs to be extended for a year.

There was a compelling reason for forward funding the program. In the past, States and localities have begun the heating season before they knew what amount of appropriations for the program would be available. Given that appropriations would not be in place until late September or even mid-October, State and local programs would have little idea what resources would be at their disposal.

By providing forward funding for the program, States and localities will be able to plan ahead and make the best and most equitable use of their funds. This amendment simply corrects an oversight in the 1990 reauthorization, and makes no substantive changes in the program. It is supported by the administration and I know of no objection to it.

NIOSH has considerable expertise in this area, as does the ATSDR. I hope NIH, NIOSH, and ATSDR can work together to develop and implement a sentinel disease study and when completed, let us know if this concept truly represents a cost-saving and effective approach to protecting the American public.

It is my intent with this amendment that these agencies will implement such a study, not merely report on the hypothetical pros and cons. This is to be a case study of the concept in the real world. When completed, we will want to know what problems were encountered, was the concept successful, did it save money, etc. Health experts have told me such a pilot study should not cost more than $500,000 to implement, assuming a State with an existing disease reporting system is selected. I hope the agencies will work together to share the costs, as each will potentially benefit.

Again, Mr. President, I thank my colleagues for their assistance. I look forward to working with them as we move this bill through Congress and to the President.

Mr. DURENBERGER. Mr. President, the second amendment relates to the Low Income Home Energy Assistance Program. This amendment is also sponsored by myself and Senator COHEN, and adds an additional year of authorization to the LIHEAP Program. This change was inadvertently omitted from the reauthorization bill.

This amendment brings the reauthorization period into conformity with other provisions of that bill.

AMENDMENT NO. 47

On page 199, after line 18, add the following new section:

**SEC. 1910. CONGRESSIONAL APPROPRIATION OF FEDERALLY SUPPORTED DISEASE RESEARCH.**

(a) FINDINGS.—Congress finds that—

(1) it is in the public interest to support necessary and valuable biomedical research on diseases and conditions that harm or kill individuals and that threaten public health;

(2) it is in the public interest to allocate scarce Federal taxpayer money for research that is based on scientific merit and cost-effectiveness; and

(3) it is in the public interest for Members of Congress to have a criteria or methodologies to inform and assist them in the decision making process when allocating Federal taxpayer money for specific biomedical research.

(b) STUDY.—

(1) CONTRACT.—The Secretary of Health and Human Services shall, subject to the availability of appropriations and subject to paragraph (2), enter into a contract with a public or nonprofit private entity to develop criteria or methodologies which Members of Congress may use to assist and inform them during consideration of allocations for biomedical research.

(2) INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(3) ITEMS.—Items that may be considered in the development of the criteria of methodologies may include, but are not limited to, the following—

(A) the populations affected by, or potentially affected by diseases and conditions that are targets for research;

(B) the incidence and prevalence rates of disease and conditions;

(C) mortality rates of the diseases and conditions;

(D) rates of morbidity, impairment disability, and health status and functional outcomes of the diseases and conditions;

(E) the economic burden of the diseases and conditions including past and projected expenditures on diagnosis and treatment;

(F) other economic and social burdens; and

(G) potential for medical research on specific diseases to assist basic research efforts.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date on which the contract under subsection (b)(1) is signed, the Institutes of Medicine of the National Academy of Sciences shall prepare and submit to the Secretary of Health and Human Services and the appropriate committees of Congress, a report that includes the recommendations developed under subsection (b). Not later than 90 days after the receipt of such report, the Secretary of Health and Human Services shall submit comments on the recommendations to the appropriate committees of Congress.

(d) COSTS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 1994 and 1995.

Mr. GORTON. Mr. President, since I began working on the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, I have made the funding of biomedical research a top priority. That particular subcommittee serves a vital role in ensuring adequate funding for desperately needed research to find the answers to cancer, AIDS, Alzheimer's disease, diabetes, and a host of other tragic diseases which strike millions of Americans. Federally sponsored biomedical research is vital to institutions in my State of Washington which are recognized worldwide for their pioneering work. Much of the research performed at the Fred Hutchinson Cancer Research Center and the University of Washington in Seattle represents some of the finest investments that the Federal Government has made in fighting illnesses which threaten our communities and families.

While I consider my position on that subcommittee among the most important duties I have as a U.S. Senator, it is also among my most frustrating and difficult obligations. The reason for the frustration is based in the desirability of so many of the specific biomedical research funding proposals. To the victims and the families living with a chronic illness, the Federal Government cannot spend enough to prevent that disease. When I meet with constituents who are physically, emotionally, and economically devastated by diseases such as breast cancer, I too feel that we could never spend enough to stop their pain.

Unfortunately, there is a limit to how much we can spend. Those limitations, and the subsequent funding decisions, are an agonizing and difficult process for Members of Congress. Ultimately, we cannot base our decisions only on our desirability to end the suffering that a disease inflicts. We must make decisions based on the fairest and wisest utilization of the funds available. I am consistently impressed and amazed with Senator HARKIN and Senator SPECTER, chairman and ranking member of the Labor, Health and Human Services, and Education Subcommittee, and Chairman NATCHER in the House of Representatives, and their ability to make with great care and fairness many excruciating funding decisions. The responsibilities they graciously accept is as burdensome and as difficult as any on Capitol Hill.

Today, I have offered an amendment to the National Institutes of Health Revitalization Act which I hope will help make their task less difficult. Essentially, this amendment, which is the result of lengthy discussions and inquiries over the last year, will improve the process by providing the means for Members to make more informed and fair funding decisions. My amendment requests the Secretary of Health and Human Services to contract with the Institute of Medicine of the National Academy of Sciences to develop criteria or methodologies for Members to use during consideration of funding proposals for biomedical research. Those criteria or methodologies will be developed by an objective group of scientists who will make recommendations to Congress. Items which may be considered in the development of the criteria or methodologies include such factors as: The populations affected by the disease, the mortality rates of the disease, the economic burden of the disease, and potential for specific research to assist basic research efforts.

Those recommendations will not be binding in any way. Members will simply be able to use these criteria or methodologies when considering the difficult and complex issues before them. The criteria and methodologies will be welcome additions to the various factors which influence a Member.

Let me make it clear that in no way do I intend or expect Members to use the recommended criteria to the exclusion of their personal judgment. An objective method by which to measure and questions our priorities will enhance and improve our ultimate judgments and improve the decisionmaking process.

Funding for pediatric AIDS research provides an excellent example of how these objective criteria or methodologies may best serve the victims of pediatric AIDS, the scientific community, and the public good. One only needs to hold a fragile crack baby born HIV positive and clinging to life, to be moved to support any amount of biomedical research to end their suffering. When I am asked as a Member of Congress to support an enormous earmark for specific biomedical research on pediatric AIDS, the decision I must make must be based on more than my emotions and good intentions. I want to make the best possible decision, based on the best possible information, as well as my own desire to end suffering. The criteria or methodologies developed by the Institute of Medicine will help me ask the questions and make the decisions I must make as a representative of the people of Washington. Utilization of more objective standards will increase the confidence of the scientific community as well. Most importantly, the participants in federally sponsored biomedical research programs may benefit by more consistency in Federal support.

In short, Mr. President, this amendment is simply good public policy because it helps Members make more informed and fair decisions. I wish to thank Senator KENNEDY and Senator KASSEBAUM for recognizing that, and assisting me in this effort. Their suggestions were welcome improvements and I look forward to sharing the recommendations of the Institutes of Medicine with them and others. I should note as well that the Institute of Medicine does support this measure and has been especially helpful in assisting me. Finally, Mr. President, I look forward to working again with Senators HARKIN and SPECTER this year as we renew our efforts to support biomedical research.

Mr. DURENBERGER. Mr. President, the Gorton amendment authorizes a study by the Institute of Medicine to determine criteria which Members of Congress may use as they decide to allocate scarce Federal resources for specific biomedical research programs at NIH.

In general, I am troubled by the earmarking of funds for specific research programs at NIH by Members of this body. For instance, the NIH reauthorization bill we are considering today has many of these provisions. I believe Congress should let the biomedical research experts at NIH decide which specific research programs they wish to fund. In general, Members of this body should leave science—and the creation of a specific research agenda—in the hands of the NIH scientists. The intent of the Gorton amendment is to remind Members of Congress about this important issue.

Mr. KENNEDY. Mr. President, Senator DURENBERGER has appropriately described the substance of these matters. They are all worthwhile and valuable. We welcome their addition to the legislation. I express our appreciation to the Members working with us on particular language to ensure it was consistent with the other provisions of the legislation.

Mr. President, just to give the information to the membership, we have disposed of all amendments with the exception of an amendment to be offered by the Senator from North Carolina [Mr. HELMS], and a later technical amendment which will be offered by myself and Senator KASSEBAUM, dealing with the extension of the jurisdiction of the Federal courts to be able to consider vaccine challenges. At this time I know of no other amendments. We have notified the Senator from North Carolina that this is the situation.

I see the Senator from North Carolina is on his feet at the present time.

### AMENDMENT NO. 48

(Purpose: To eliminate requirement that President appoint an Ethics Advisory Board as a condition of withholding funding for research proposals)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 48.

Strike all beginning on page 7, line 25, through the last period on page 13, line 10.

Mr. HELMS. I thank the distinguished clerk.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I hope both managers of the bill will find the provision to which this amendment applies so I may ask questions about it.

Mr. President, I see the manager of the bill has arrived. I have just sent an amendment to the desk to strike a provision which I think is almost irrelevant. Perhaps you can persuade me to the contrary though.

Mr. President, section 101 of the pending bill creates what is called an Ethics Advisory Board, charged with passing judgment as to whether the President of the United States, by way of the Secretary of Health and Human Services, should be allowed to withhold taxpayer funds from human research, et cetera, et cetera, at the National Institutes of Health.

It seems to me this provision on its face is unconstitutional. As I said, perhaps the best that can be said for this provision is that it is irrelevant. It is certainly my belief, based on every constitutional scholar with whom I have consulted, an unconstitutional intrusion into a President's power to run the executive branch of Government. It matters not that the incumbent President is not of my party, and I do not agree with him, but it is the principle of the thing.

So, let me ask a few questions about the boards and commissions of the Federal Government, all of which cost money to operate, and maybe one or two somewhere along the line serve some useful purpose.

May I ask if either manager of the bill has any idea how many Federal advisory boards we already have?

Mrs. KASSEBAUM. Mr. President, in responding to the Senator from North Carolina, I do not know the total number of advisory boards authorized by Congress. But if I may just ask the Senator a question. Bringing me up to date, is he recommending that this Advisory Board be terminated?

Mr. HELMS. Until hearings are held on it.

Mrs. KASSEBAUM. Does the Senator know——

Mr. HELMS. Excuse me.

Mrs. KASSEBAUM. I was just going to review the history of this Board. It is my recollection that the Ethics Advisory Board provision was in last year's bill with the strong support of some of our own colleagues on this side of the aisle. This was something that the Republicans had strongly supported, I believe, last year and the provision was left in this year. I am not a strong supporter of unnecessary commissions, and if it would be the Senator's desire to eliminate the Commission, perhaps this is something we should discuss.

Mr. HELMS. I thank the Senator. We have established that there are at least 5,408 Federal commissions, most of which are of dubious worth.

I believe I am correct, am I not, that no hearings were held on authorizing this particular Advisory Board?

Mrs. KASSEBAUM. Not on that particular subject but was mentioned in the hearings on fetal tissue transplantation research. The Board was strongly supported by some Republican Senators when this legislation was originally introduced.

Mr. HELMS. Let me say that I have been in the Senate a good while. I know of no overture by anybody saying we ought to look at this. Maybe it is an oversight on my part. Maybe it happened last year or the year before last. The point is, that I believe it is fair to say that no hearings have been held.

Now for another question. Who will appoint the members of this Board?

Mrs. KASSEBAUM. The President.

Mr. HELMS. How many Board members will there be?

Mrs. KASSEBAUM. I do not have that number in front of me at this point. Does Senator KENNEDY know how many Board members?

Mr. KENNEDY. Yes. Mr. President, what was the question? I would like to respond generally to the amendment. Eleven members, 14 members, excuse me, 14 appointed.

Mr. HELMS. I believe the correct answer, according to the copy of the committee substitute I have before me, is 14 to 20 members. Now, is the President under this proposed provision obligated to appoint this Board?

Mr. KENNEDY. Yes.

Mr. HELMS. Is the President obligated to abide by the dictates of the Board?

Mr. KENNEDY. As prescribed in the legislation.

Mr. HELMS. The answer is yes, then.

Mr. KENNEDY. As prescribed in the legislation. There are conditions. If the Senator had made the amendment available earlier I would be able to identify at this moment the particular lines. There will be abiding conditions which are specified in the legislation.

Mr. HELMS. The answer is that the President will not be able to withhold funding unless a majority of this Board also agrees that the funding should be withheld. Will Congress have any oversight authority over this Board?

Mr. KENNEDY. No.

Mr. HELMS. So, is it fair to say that the Senator proposes in this bill to create an unselected Board with no oversight, and which has the authority to overrule the President of the United States, whomever he may be; is that correct?

Mr. KENNEDY. That is not the way I would interpret it.

Mr. HELMS. How would you characterize it?

Mr. KENNEDY. I would interpret it the way it is described in the legislation, not as the Senator described it.

Mr. HELMS. I can stand here and you may look at it.

Mr. KENNEDY. I can stand here and you can look at it.

Mr. HELMS. I have looked at it.

Mr. KENNEDY. I have looked at it.

Mr. HELMS. Tell me what you think about it.

Mr. KENNEDY. I think it is good.

Mr. HELMS. You do not want to answer my question.

Mr. KENNEDY. I am sorry if the Senator does not understand what this Board does and why it was developed.

Mr. HELMS. This Senator understands, no question about that. I am just trying to get you to say for the record what it does and where you stand on it.

Mr. KENNEDY. I am in strong support of the program for very justified reasons. When I have my own time on it, I will explain those reasons.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mrs. KASSEBAUM. Mr. President, I wonder if I might respond to the Senator from North Carolina.

Mr. HELMS. I yield for a question or comment by the Senator.

Mrs. KASSEBAUM. We were debating the Ethnics Advisory Board, am I correct?

Mr. HELMS. I am sorry.

Mrs. KASSEBAUM. We were debating the Ethics Advisory Board and whether it should be eliminated.

Mr. HELMS. Yes.

Mrs. KASSEBAUM. I understand that the Board was included last year in the bill, because of concerns about balancing the pursuit of science and the ethical issues involved—to make sure those ethical considerations are taken into account. Issues such as fetal tissue transplantation is very sensitive, as the Senator knows very well and has expressed his strong feelings. I am appreciative of that. But the very reasons there are such strong feelings on this issue, wanting to make sure that the safeguards are there for every ethical consideration that might come up, is the reason this Board was included in last year's bill. It has just been maintained in this year's bill.

I share the Senator's concern about additional commissions, but it does seem to me that there are some important ethical questions. I understand, Mr. President, the concerns of the Senator from North Carolina that the Commission may be stacked one way or the other. I personally do not believe that will be the case, and I think the Ethics Board is a safeguard that may answer everyone's concerns regarding ethical questions, and the sensitivity of this issue.

Mr. HELMS. Let me say as politely and affectionately as I can to my dear friend from Kansas, and I think she knows how much I admire her, but it is sophistry, it seems to me, for anyone to suggest that the President of the United States—having been obliged to appoint members to the Commission and being obliged once they are appointed to be dedicated to by them—is highly unlikely to have had any notion of putting people on such a Commission who might possibly disagree with him. Is that a fair statement?

Mrs. KASSEBAUM. Mr. President, I will just respond to the Senator from North Carolina that I have greater faith in the desire to make sure that there are thoughtful people serving on this Board. Members who will bring to the Board a broad sensitivity to the issue. I do not think it will be dictated by one President or another.

We have to assume good faith in some instances, and I guess I would in this instance.

Mr. HELMS. Where does it say—and please do not let me appear disparaging.

Mrs. KASSEBAUM. I understand.

Mr. HELMS. If I appear to be, correct me on it. But where does it say anywhere in this provision that the President's appointees shall have some sense of ideological or political balance? It does not say anything about Republican or Democrat, conservative or liberal or anything else. It is whomever he wants to appoint.

It is whomever he wants to appoint, and a President would be out of his mind, under this proposed legislation, to appoint anyone likely to oppose him on something of importance to him. Is that not a fair statement?

Mrs. KASSEBAUM. In response to the Senator from North Carolina, no I do not really believe that is a fair statement. Whether a Republican or Democrat President makes appointments to the Ethics Advisory Board. The selection will be broad-based. For instance, the bill requires the appointment of individuals with specific expertise who are ethicists, theologians, scientists with substantial accomplishments in bioresearch, and lawyers. Obviously, if the President feels one way or the other, that is going to be of some influence, but I do not think predominantly so. I guess I do not share the Senator's worry that it would be unnecessarily slanted one way or the other. But I am sensitive to his concerns. That is what this board was, as a matter of fact, supposed to be serving.

Mr. HELMS. I thank the Senator.

As I mentioned earlier, Mr. President, there are currently 5,408 Federal advisory boards—at a minimum. There are probably 1,000 more than that, but that is all I currently know about.

I wonder if anybody—Senator KENNEDY, Senator KASSEBAUM, or anybody else—knows how much these advisory boards cost the taxpayers every year. I doubt it. I do not know myself. But I do know that when you pay the travel expenses, the per diem, and all the rest of it for 5,408 advisory boards—this one would make it 5,409—you have a pile of money that the taxpayers have to pay for people to come to Washington and perhaps serve some useful purpose, or maybe just carry out some perfunctory duty.

Whichever it is, it is costing the taxpayers a bundle. I do not know any of these boards which actually perform any substantial or absolutely necessary service. And here we are about to add yet another one to the list.

Let me inquire further of one of the managers of the bill. I read a statement by an individual not long ago who said: "It is time for government to demonstrate, in the condition we are in, that we can be as frugal as any household in America." Is that statement familiar to anybody? It was the President of the United States. And he said it just last night.

Yet this bill, the very next day, sets out to create yet another government commission. I just wonder.

But, cutting wasteful government spending was one of the things I agreed with the President about last night. I thought his address in the main was eloquent. It was a mile wide and an inch thick, but it was quite an eloquent presentation.

Now, are the managers saying that they are not willing to have a hearing on this thing and offer it as a separate piece of legislation after some of us have had an opportunity to testify?

Mrs. KASSEBAUM. Mr. President, if I may just respond for a moment to the Senator from North Carolina. Going back in the history of this again for a moment, in 1988 President Reagan appointed a fetal tissue transplantation panel, which did not make the recommendations that President Reagan would have proposed. Again going back to my own observation, I think the President is not necessarily going to find that any commission he appoints is going to be dictated to by his own desires. He will pick people that he believes will serve well on that commission, but he cannot predetermine their findings. For example, the commission appointed by President Reagan made a recommendation that was overwhelmingly to lift any ban on fetal tissue transplantation.

Let me just also add, the Ethics Advisory Board is only a one-time appointment; it will not require ongoing funding. It seems to me the Advisory Board concept has been around for some time. I guess I am not sure that a hearing would help us resolve the question of whether a President is or is not going to appoint members to the commission with the necessary—expertise is not the word—the necessary bent—that the Senator from North Carolina would like to have. I do not know that any of us can prejudge what direction the panel is going to go.

It would be our desire that any members of an advisory board or commission—I am sure the Senator from North Carolina would agree—whether it is the National Endowment for the Arts or any of the other commissions and boards we have, would be appointed and serve at the discretion of the President to the greatest of their ability to exercise judgment based on their expertise. We hope that will be the case with the advisory panel authorized in the bill before us.

Mr. HELMS. I wish I could have debated the Senator from Massachusetts. I would feel more comfortable. But when the Senator from Kansas smiles at me——

Mr. KENNEDY. The Senator is delighted to enter into the debate when he has an opportunity to respond to the amendment. Then I would be glad to respond to any kind of questions.

Mr. HELMS. Let me turn up my hearing aid.

Mr. KENNEDY. You can turn it up if you would like to.

Mr. HELMS. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President; I would like to take a few moments to review the merits of ethic advisory boards. But I am delighted to have an opportunity to debate why I hope this amendment should not be accepted.

The idea of looking into biomedical ethical issues is something that has been before this body over a very considerable period of time. It developed as the result of the sterilization of some young women on public assistance some 45 years ago. Sterilization was a required condition for governmental assistance in order for individuals to qualify for welfare.

Then we witnessed the use of diprovera in Tennessee prisons that was used to make women infertile with lack of medical supervision. Serious ethical issues were raised there.

We saw the Public Health Service conduct a study on Tuskegee syphilisic on unsuspecting individuals for 35 years. None of the participants were provided with informal consent options, nor the dangers of the progression of the disease nor was the option of antibiotic treatment made available to those individuals so that they could be free from the disease.

We have warned of the testing of psychedelic drugs by the Central Intelligence Agency on their own agents unbeknownst to those individuals, and the tragic result is that one of those individuals felt that he had betrayed secrets and threw himself off a building and killed himself.

It was in the wake of these outrageous incidents that prompted congressional action and a bioethics commission was created about 20 years ago. The bioethics commission reviewed the activities of various governmental agencies. It had no enforcement authorities. All they could do was make a review of their various policies, rules, and regulations which were published in the Federal Register. Upon review of those rules and regulations, it was revealed that there was no consistency among the various agencies.

The bioethics commission was abandoned in the 1980's because the Reagan administration politicized scientific investigation by catering to the right to life.

Other ethical issues have come up over the period of time. And the past administration placed a moratorium on Federal funding of fetal tissue transplantation research and invitro fertilization research. They were always reluctant to refer the cases to the bioethics Commission. The way we had proceeded over a period of time that had not been contested.

After the decision was made to ban Federal funding of fetal transplantation, the NIH decided to establish a panel to review the ethical issues associated with fetal tissue transplantation. The NIH Fetal Tissue Transplantation Research Panel was appointed by President Reagan. By a vote of 18 to 3, the panel concluded that the use of human fetal tissue for transplantation research is acceptable public policy. The panel's report and recommendations were accepted by unanimous vote of the advisory committee who recommended lifting the ban.

Nonetheless, the recommendations of that panel were abandoned and we saw the imposition of a ban of any research on fetal tissue transplantation. There are millions of Americans whose lives have been diminished, because of the ban on this research. People with Parkinson's disease, Alzheimer's disease, diabetes, and in many other illnesses, have lost the opportunity for improvement in their health because their disease was progressed during the moratorium.

We now have a President of the United States who has lifted that ban. We have now supported fetal tissue transplant research and ensured that protection as recommended by the NIH Task Force is in place to prevent any potential abuses of the research.

Continued progress in health research is seriously threatened if we allow administrative action that undermines the peer review process. Unreasonable prohibitions have been imposed in an arbitrary manner on exceptional and promising research that had received approval by NIH's vigorous scientific and ethical review system. An ethic advisory board, appointed like the Reagan board, would ensure that meritorious research projects would be fairly evaluated and not rejected because of politics.

This concept of the establishment of this bioethics panel is consistent with what was done by the previous administration. I know my friend and colleague has complaints about 5,000 various advisory committees. Many of them were established during Republican administrations. I wonder what Senator in here wants to abolish advisory committees that are made up of the distinguished Nobel laureates that advise the Cancer Institute. Maybe the Senator from North Carolina does. Or the Advisory Council to National Heart, Lung and Blood Institute. Maybe the Senator from North Carolina does. Or whether we want to abolish peer review panels which have approved funding to over 90 Nobel laureates. Maybe the Senator from North Carolina wants to abolish peer review.

Maybe not all advisory committees are perfect, but we defend the process and procedure which was used to consider bioethical issues and questions.

The ethics advisory board will be composed of experts including bioethicists, theologians, lawyers, scientists, and members of the general public, all appointed by the President.

So now we have the circumstance where there is, on the basis of scientific and peer review, a finding and justification that a particular program ought to be investigated. Now, on the basis of ethical issues, the Secretary or the President decides they will not go ahead on that basis, on the basis of the science, not in terms of funding, but on the basis of the science.

Then what happens? This particular panel is established, appointed by the President of the United States. The panel has to make a judgment on the basis of whether the action that has been taken by the Secretary acting in behalf of the President has been reasonable or unreasonable. If they find that it is unreasonable, then the scientific basis research should go forward. If they find otherwise, then it will not. The Secretary has the right to overrule the board recommendations if there is a reasonable basis for rejecting the board's finding.

Effectively, what we are trying to do is avoid ideology and avoid the politicization of ethical and scientific issues and questions and to try to utilize a procedure which has been successfully used at other times in terms of protecting the American public's interest in bioethical issues.

Now, I know that is not acceptable to the Senator from North Carolina. But it did seem to me to be important to put into some kind of historical perspective the reasons for the development, how the basic membership of these panels has been included and recommended, and how the panel itself would proceed.

I would be glad to respond to any of the questions of the Senator from North Carolina, having made those comments.

Mr. HELMS. Well, I think I am more confused—Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. KENNEDY. Mr. President, if the Senator had questions he wanted to ask me on my time, then I am quite prepared to yield to him on that basis. If he does not, I think that clears up any confusion there might have been earlier during the debate.

Not having been asked to address any of the questions, then I would yield the floor and expect to respond to any other questions when I am able to regain the floor in my own right.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not believe I want to ask the Senator another question because I am more confused than I was before.

The fact remains that this legislation contains a provision on which there has been not 1 minute of hearings. Second, Congress will have no oversight on it. The President alone will appoint the members of this board.

I cannot believe anybody is naive enough to assume that under the proposed scenario, any President would appoint someone to the board that he was not reasonably satisfied would support the President's own viewpoint, because this unelected and politically insulated board will be able to overrule the President of the United States—no question about it.

And no one can answer the question about how much this provision will cost. I guess the cost of things does not amount to anything. But I heard the President last night say we had to tighten our belts and we had to do this, that, and the other to reduce the deficit.

I just think that this board should not be created until there have been hearings by the relevant committee, and then, if the resulting piece of legislation gains the approval of the committee, let it be reported out as a freestanding piece of legislation. Then we will all have had our say.

The previous administration, contrary to what the Senator from Massachusetts has indicated, was not compelled to appoint a board, as is the case with the provision proposed in this bill.

Now, as far as Ronald Reagan is concerned, I think I was the first sitting Senator to endorse Ronald Reagan for President. But I am not predisposed to say that he was right in every decision he made.

He may have made a decision on this or that I do not know anything about, that I would not have agreed with. But what he did is not relevant at all. I doubt that he came up and asked anyone in Congress to please give him a commission that would have to approve every decision he made. The Ronald Reagan that I know; or, for that matter, the George Bush that I know, would have resented being second-guessed or overruled by some Government advisory board in making executive branch decisions.

So this is something new. This proposed board can overrule the President of the United States. It is unelected and unaccountable to the people.

Mr. President, it is an undeniable fact that we have too many Government boards already. I have here at my desk a book from the Library of Congress identifying how many Federal boards and commissions we have already. Unfortunately, it does not tell how much it costs to operate these 5,408 Government boards.

Mr. President, I am also perfectly willing to acknowledge that everybody listed in this book is distinguished, as my friend from Massachusetts says. But the fact remains that we have a bunch of superfluous Government commissions, boards, or whatever, and they cost a lot of money each and every year to operate. And I certainly agree with President Clinton that we ought to crack down and stop wasting the taxpayers' money.

So, Mr. President, I feel obliged to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I want to address the issues and the questions, but not so much the advisory committees. I think all of us can find areas of advisory committees which have been wasteful, but certainly a number have been enormously valuable. These advisory committees advise our 21 great institutes and centers of research, and they also do the peer review evaluations of the research.

It is true, Mr. President, that matters of basic scientific merit have been overruled on the basis of ideology in the NIH in recent times.

What we are trying to achieve in this legislation is to recognize the importance of science and scientific research that is consistent with bioethical standards. If it is going to be consistent with bioethical standards, and it has scientific merit, and a decision has been made by peer review groups that it ought to be funded, we do not think that because it violates someone's political agenda, that scientific opportunity ought to be denied and that the health of the children, or disabled, or the elderly be threatened, because of some politically correct viewpoint or standard.

If the Senate has a different view on what is correct, then they will be able to make a judgment and they will not hesitate to do so. But that is the question: Are we going to hold hostage the opportunity for meaningful breakthroughs in a whole range of different areas affecting the quality of health of Americans because we have a politically correct position?

This legislation states that if the particular application merits, on the basis of science, funding, and support and conforms with basic bioethical issues, it will be funded. If a Secretary is going to say, "No. I do not like the direction of this particular project", we say, "all right, in that case, you are working for the President." The President will set up the commission, including ethicists, theologians, medical personnel, and they will make a judgment. If the judgment again affirms the scientific value and it conforms with bioethics, that program will go forward. If the action of the Secretary is judged arbitrary and capricious, then the panel will let the research go forward. That is the judgment, Mr. President, that we have to make a decision on.

We must move forward. The delays have caused many missed opportunities and the delays have been years. The delays have been years. Legislation which permitted biomedical progress to go forward was filibustered in this body, and tens of thousands of families have been affected by that action.

So, Mr. President, the issue is, if the Senator from North Carolina wants to join that issue, we will make a judgment and decision. This is not just about how many advisory panels there are going to be. Everyone in this body understands that this is about fetal tissue transplantation. That is the issue. And as I pointed out earlier in the debate, in the discussions, the protections which have been included in this legislation to ensure that the recommendations the NIH task force and what others have recommended have been so included. There are those who just are so opposed to fetal transplantation that they just do not want that opportunity for progress to go forward. I hope that we will recognize the importance of good science in the areas of research that can make such an important difference and not permit the NIH to be politicized any more than it has been.

Mr. BIDEN. Mr. President, it is the responsibility of the Congress to debate priorities and establish funding levels for the entire range of Government programs and activities—including the biomedical research priorities at the National Institutes of Health. But, in the area of medical research, once those priorities are set, the political process has spoken, the political decision has been made, and the political games should stop.

Once Congress has set the priorities of the NIH, the decision on which specific research projects to undertake should in general be left to those who are capable and qualified of making such decisions—based on what is medically and scientifically appropriate. In general, decisions about medical research—and what research the Federal Government helps to fund—should be made for medical and scientific reasons, not for political purposes. That is the philosophy behind the existing peer review efforts at the NIH.

But, medical and scientific criteria do not address and cannot resolve ethical considerations. Ethical dilemmas in medical science abound, and I have occasionally raised some ethical questions of my own. These questions should and must be addressed. Therefore, separate review of ethical issues is important before proceeding with some medical research efforts. That is the basis for the creation of the ethics advisory board process in this bill. And, that is why I will vote against the Helms amendment, which would strike the ethics board provision of the legislation.

But, Mr. President, while I will vote against the amendment, I do so cautiously and with some concern. The problem arises not with the board itself but with the authority the board will have. Although it is called an ethics advisory board, it is not really advisory at all. The truth is that the decision of any ethics panel would be final and mandatory.

Under the legislation, if a medical research project is approved for funding for an NIH scientific peer review panel, and if the President of the United States—through the Secretary of Health and Human Services—wants to stop it on ethical grounds, a specially convened ethics panel must first review the matter. So far, so good: Before a final decision is made, ethical review is appropriate. But, according to the bill, if the ethics board disagrees with the President, it is the appointed ethics board—not the elected President—that prevails. Thus, the ethics panel will not advise the President and the Secretary of HHS—the panel will dictate. This sort of precedent gives me great concern.

During the previous two administrations, several controversies erupted regarding medical research activities funded by the NIH. Those projects were canceled—even in one case where an ethical review panel approved the research. The decisions were often based on politics, not medical priorities or ethical evaluation. And, that's unfortunate. I just hope it is not equally unfortunate to remove the decisionmaking authority from the President altogether.

So, I will vote against the Helms amendment because philosophically I believe that these decisions generally ought not to be political. But, I raise these reservations because as a practical matter they often are.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

### UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate vote, without any intervening action or debate, on or in relation to the Helms amendment at 2 p.m.; that upon the disposition of the Senator HELM'S amendment, Senator KENNEDY be recognized to offer an amendment, on behalf of himself and Senator KASSEBAUM, dealing with vaccines; that there be a time limitation for debate on that amendment of 5 minutes, equally divided in the usual form, on the Kennedy-Kassebaum amendment, with no amendments in order thereto; that upon the disposition of that amendment, the Senate vote on the adoption of the committee substitute amendment, as amended, to be followed by a vote on final passage of the bill with the foregoing occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Hearing none, it is so ordered.

## RECESS UNTIL 2 P.M.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 1:23 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LIEBERMAN).

The PRESIDING OFFICER. Under the previous order, the question occurs on or in relation to the amendment offered by the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Missouri [Mr. DANFORTH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, **nays 74, as follows:**

[Rollcall Vote No. 14 Leg.]

YEAS—23

Bennett
Brown
Burns
Coats
Cochran
Coverdell
Craig
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Kempthorne
Lott
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Smith
Wallop

NAYS—74

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—3

Bond
Danforth
Riegle

So, the amendment (No. 48) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized.

### AMENDMENT NO. 49

(Purpose: To permit the U.S. Claims Court to continue to receive, and forward, petitions for compensation for a vaccine-related injury)

Mr. KENNEDY. Mr. President, in behalf of Senator KASSEBAUM and myself, we send an amendment to the desk which extends the authority for the claims court to consider vaccine-related cases which are the result of non-negligent action by various drug companies.

This is really an extension of an existing provision that has worked remarkably well. Although we have seen increases recently in the cost of various vaccines, liability concerns have not been the cause of this. Without the Vaccine Injury Compensation Program most believe that the costs would even be higher. This amendment is basically a technical matter, because it just indicates an extension of the U.S. court of Federal claims ability to receive new petitions.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] (for himself, Mrs. KASSEBAUM, and Mr. HATCH) proposes an amendment numbered 49.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title XX, insert the following new section:

**SEC. 20 VACCINE INJURY COMPENSATION PROGRAM.**

Section 2111(a) of the Public Health Service Act (42 U.S.C. 300aa-11(a)) is amended by adding at the end thereof the following new paragraph:

"(10) The Clerk of the United States Claims Court is authorized to continue to receive, and forward, petitions for compensation for a vaccine-related injury or death associated with the administration of a vaccine on or after October 1, 1992.".

Mr. KENNEDY. Mr. President, I offered the amendment in behalf of Senators KASSEBAUM, HATCH, and myself. I know of no objections. It is an enormously important measure.

Mr. President, this amendment sends a clear signal that Congress is committed to maintaining the integrity of the Vaccine Injury Compensation Program. It would continue the authority of the U.S. Court of Federal Claims to receive and forward petitions under the Vaccine Injury Compensation Program filed on or after October 1, 1992.

The Vaccine Injury Compensation Program has worked well since its inception. This new no-fault system established by the Congress has met the goals of stabilizing concerns about liability associated with vaccine administration and the effects of this on vaccine prices. The vaccine injury trust fund is currently secure with a balance of $600 million. Last year, the Congress passed legislation to extend the excise tax which funds the trust fund in H.R. 11. This provision expired following the President's veto. There is clear bipartisan support in both the Senate and the House to reinstate this excise tax at the earliest possible opportunity. Until this can be accomplished, it is the intention of the Congress to ensure that petitions will continue to be received by the court.

Mr. President, I am pleased that we are able to address this important issue today. We have worked on this closely with Senator KASSEBAUM and Senator HATCH, and they have been strongly committed to maintaining the successful operation of the Vaccine Injury Compensation Program. This amendment sends a clear signal to eliminate any ambiguity that new petitions should be received until legislation extending the excise tax is enacted.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would just like to commend the chairman for raising this. I think it is an important addition. I also would like to pay particular regards to the former ranking member of the committee, Senator HATCH, the Senator from Utah, who has been a real pioneer in this issue regarding vaccinations.

Mr. KENNEDY. I join in commending our colleague, Senator HATCH, as well, who was a real leader in the development of this particular provision.

The PRESIDING OFFICER. Is there further debate?

The majority leader is recognized.

Mr. MITCHELL. Mr. President, I have been in consultation with the Republican leader regarding the schedule for the next several days, and I am awaiting response to be in a position to make an announcement with respect to that schedule prior to this vote. I think it would be ultimately in the interest of all Senators if we wait for just a moment until I get that response.

Therefore, I am going to momentarily suggest the absence of a quorum for just a brief period to permit the Republican leader to engage in consultations with his colleagues. I will have an announcement prior to this vote. I hope not to inconvenience any Senator, but I think it will in the long run enable us to complete our business more expeditiously.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR WEDNESDAY, FEBRUARY 24

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Wednesday, February 24, at 12 noon, the Senate proceed to the consideration of an original resolution regarding committee funding reported by the Rules Committee on February 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The Senate continued with consideration of the bill.

Mr. MITCHELL. Mr. President, following this vote there will be no rollcall votes prior to next Wednesday noon. The Senate will proceed to consideration of the committee funding resolution at noon on next Wednesday. There will be no further votes between now and then. Any sessions will be pro forma or solely for the purpose of hearing the Presidents' Day address on Wednesday morning.

I yield the floor.

### AMENDMENT NO. 49

Mr. HATCH. Mr. President, the Kennedy-Kassebaum-Hatch amendment on childhood vaccines is necessary to send an important signal to parents, manufacturers, the courts, and the public health community at large that Congress still stands behind the Childhood Vaccine Injury Compensation Program and intends for it to remain in place.

As my colleagues are aware, many have been concerned that the future stability of the program could be jeopardized since its very foundation—authority to collect the excise tax which funds the program—expired last year. Authority to expend from the trust fund expired as well.

Although an extension was contained in H.R. 11 last year, the bill did not become law.

Now, in the absence of continuation of the excise tax, the system has been subject to great uncertainty. Pediatricians are fearful of administering childhood vaccines, since without the protections of the compensation system they may face liability for problems that might occur.

The Centers for Disease Control is also in an awkward position, since they are required by statute to distribute pamphlets on DPT, measles, mumps, pertussis, rubella, and other vaccines to providers who must give those pamphlets to parents of children being vaccinated. These informational pamphlets are required by the compensation law.

And even more disturbing, we have had reports that some purchasers of childhood vaccines are returning shipments that have been taxed and then repurchasing new lots which are temporarily untaxed. The manufacturers have no choice but to destroy the returned vaccines.

Clearly, we do not need this disorder in the system. Our amendment simply clarifies our intent that the clerk of the U.S. Court of Claims has authority to continue to receive petitions while we work on the tax problem.

This is an indication that we intend to continue the program, that there is no question Congress stands behind the law. We owe that much to parents and children.

Mr. President, I have been working with the Senator from Massachusetts and the Senator from Kansas to try to craft a solution to the excise tax problem. We have been engaged in serious discussions with our colleagues on the House side—from Ways and Means and Energy and Commerce—as well as with the Finance Committee here.

Unfortunately, a total solution is not possible on this bill, since, under the Constitution, any revenue measures must originate in the House.

We will keep working to see that the program is continued. In the interim, I hope adoption of this amendment will send appropriate assurances to all that we are aware of the technical problems that preclude continuation of the fund and that we intend to correct them.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

The amendment (No. 49) was agreed to.

Mr. REID. Mr. President, I rise today in support of S. 1, the National Institutes of Health Reauthorization Act of 1993. The National Institutes of Health is the premiere medical research institute in the world, demonstrating this excellence for more than a century.

There have been numerous and exciting advances in biomedical research at NIH during the last decade. However, tight funding constraints have limited the National Institutes of Health from adequately pursuing many of these important initiatives. The reauthorization bill before us targets our limited resources in areas needed the most.

General concern exists about the ability of the NIH to attract and retain scientists. When one considers the amount of debt amassed by both medical doctors and Ph.D.'s during their training, it comes as no surprise that recent graduates cannot accept lower paying jobs offered by the NIH. About 80 percent of all medical students borrow money to finance their education, with many owing well over $50,000. Not surprisingly, debt levels for minority students were even higher than other students.

A highly successful program currently exists at NIH to attract qualified scientists to the facility to conduct research in the area of AIDS, where our research efforts must be strengthened. The AIDS Loan Repayment Program permits the NIH to attract researchers to work in the area of AIDS by repaying each year of service to NIH a predetermined amount of the educational debt incurred.

During the last Congress, I introduced the "CURE" bill to strengthen medical research in the United States. The "Cost Underwriting for Research Expansion" [CURE] bill expands the AIDS Loan Repayment Program to provide for partial repayment of student loans for in-need biomedical and clinical researchers at the National Institutes of Health. I am pleased and excited that S. 1 includes the "CURE" approach. I extend my appreciation to Senator KENNEDY and the committee staff for including the CURE provision in this bill. It is critical to the Nation's health that NIH attract qualified scientists in other areas where shortages of researchers exist, such as in the area of Alzheimer's disease, cancer, and heart disease.

For years, I have pointed out the inequities inherent in our health care system—a system that recognizes the health problems of men but not those of women. Traditionally, men have decided, and still do, to a lesser degree, what types of medical research get funded and at what levels they get funding. Men are in the majority in the Congress. Men are in the majority in medical research. This means and has meant for many years past that the needs of women are overlooked. Mr. President, this is not speculation; this is a fact.

The bill we are considering today expands and intensifies research programs on diseases that affect women. The NIH reauthorization bill provides permanent authority for an Office of Research on Women's Health to oversee that mandated research across the Institutes includes women. The bill also authorizes additional funds to address conditions that uniquely affect women. S. 1 takes a significant step forward toward placing women's health on a par with men's. I urge my colleagues to support the reauthorization of these important programs of the National Institutes of Health.

Mr. GRASSLEY. Mr. President, I rise today to speak on the NIH reauthorization bill, which the Senate is expected to pass very shortly. I supported this bill during its consideration in the last Congress and I intend to support its passage today. There are a number of very important provisions in this bill, most notably the women's health provisions, which have garnered much deserved attention.

Recently, there has been growing attention toward women's health issues. This discussion has focused on such issues as the increasing risk of breast cancer, the inclusion of women in clinical trials, domestic violence, and the diseases that primarily afflict women, such as osteoporosis. The provisions included in the NIH reauthorization bill will put into action a comprehensive women's health initiative.

I have long been involved in the area of osteoporosis, and I am proud that many of the provisions of my own legislation on osteoporosis are included in this bill. Osteoporosis is a crippling, debilitating disease that results in thin, weak, and brittle bones that make a person highly susceptible to bone fractures. These fractures occur in the spine, wrists and hip and often lead to lost mobility, increased institutionalization and even death. According to the National Osteoporosis Foundation, 20 percent of those with hip fractures will not survive more than 1 year after the fracture.

Despite the prevalence of this disease and its consequences, there are many unanswered questions, and that is why I introduced my legislation. We know that the female hormone estrogen contributes to the retention of bone mass. However, postmenopausal women face a dilemma. For them, estrogen replacement therapy [ERT] prevents postmenopausal bone loss, but there are risks associated with ERT, specifically an increased risk for uterine and breast cancer. We need to study ERT further and learn more about its consequences. In terms of building bone mass, we now know that critical bone mass reaches its peak between the ages of 25 and 35. Weight-bearing exercise can lead to a high bone mass, but it must be done while a women is young. Unfortunately, many young women are not aware of the importance of building bone mass. The public needs to learn more about this disease and what they can do to protect themselves. Furthermore, this information must be provided to women by their physicians.

The provisions included in the NIH reauthorization bill address these issues by establishing an extended research program on osteoporosis and other bone diseases. The bill also establishes an information clearinghouse to facilitate and enhance the understanding of osteoporosis by health professionals and the public. These efforts will assist us in preventing this disease for future generations.

Osteoporosis is just one of the many diseases addressed by this legislation. The bill expands and intensifies research activities regarding breast cancer and cancers of the reproductive system. A woman's risk of developing breast cancer has grown to an alarming rate of 1 in 9. Although we have enhanced education efforts and screening methods, we still don't know what places a woman at risk for breast cancer. Nor are we close to finding a cure. This bill will provide additional funding for breast cancer research, prevention, detection, and education.

The bill also intensifies efforts toward other cancers that affect women by directing more than $75 million toward cancers that afflict the reproductive system. Women suffer tragically from ovarian cancer. It is difficult to diagnose because it mimics other disorders. Once the cancer is discovered, it is often in its most advanced stage.

Unlike ovarian cancer, we are able to screen women for cervical cancer. The advent of the Pap Smear, which recently celebrated its 50th anniversary, greatly contributes to the progress in successfully treating women with cervical cancer. This landmark test allows for early detection of cervical cancer. However, despite the ability to detect and treat women with cervical cancer, it continues to be a threat to many American women. Many elderly and minority women are not routinely screened, thus putting them at risk. Other factors, such as sexually transmitted diseases and smoking, appear to be placing women at greater risk for developing cervical cancer. Research and prevention efforts need to be enhanced for both these tragic diseases. The provisions included in this bill are important steps forward.

Broader issues concerning women's health are also addressed by this bill. Historically, clinical research on a wide variety of diseases has not included women. This exclusion has resulted in gaps in knowledge regarding the physiological differences between men and women and the effects these differences have on the course of disease and subsequent treatment. The bill directs the NIH to include women, as well as minorities, in medical research and clinical trials. These studies must be designed to permit a valid analysis of the gender-based differences resulting from the variables used in the study.

The bill also creates a permanent Office of Research on Women's Health. This office will oversee NIH activities regarding women's health, as well as all research activities to guarantee the fair treatment of women. These steps are important steps forward in addressing the important health needs of women.

Although much attention has been paid to the women's health initiatives contained in the bill, other important provisions are included in the bill which focus on such issues as AIDS, juvenile arthritis, other cancers, notably prostate cancer, and scientific integrity. The work of the National Institutes of Health is something that we as a nation should be immensely proud of, and the passage of this bill will enhance its work even further.

### THE OFFICE OF AIDS RESEARCH

Mr. HATFIELD. Mr. President, let me take a moment to comment on the reorganization of the Office of AIDS Research and the reasons why I have reservations about aspects of this section of the bill. First let me state, I am sympathetic with the objectives which supporters of this provision are seeking to achieve. As chairman of the Senate Appropriations Committee throughout much of the decade of the 1980's and, subsequently, as the ranking minority member, I have strongly supported funding for AIDS research. With the leadership of Senators WEICKER, CHILES, HARKIN, and SPECTER, the Appropriations Committee has increased funding for AIDS research from $5.5 million in fiscal year 1992 to over $1 billion for fiscal year 1993.

I concur in the need to have greater coordination of the over $1 billion in AIDS research funds and I strongly support the development of a strategic plan and greater accountability for the research program. However, I question the wisdom of removing the funding and decisionmaking authority from the program experts in each of the institutes and centralizing it in the one office. How will this affect the quality and diversity of AIDS research? What will it mean for the ongoing research portfolio and program staff at each institute, particularly those research projects up for renewal? Will the additional administrative layer and the Director's discretionary authority speed up or slow down the planning and execution of new initiatives? These questions remain unanswered at this time. There have not been hearings in the Senate to address these issues.

I also fear, Mr. President, that granting funding authority of this nature to the Director will set a dangerous precedent. How will the Congress respond when other groups, frustrated with the pace and coordination of research in their disease areas, request the centralization of funding decisionmaking? Will we adopt a similar approach toward research which spans several institutes? Will we substantially change the method of determining the research agenda conducted and supported by the NIH institutes through further centralizing planning and funding authority in a single office?

Again, I raise these questions not to quarrel with the goals of coordination and strategic planning in AIDS research, but to voice some concerns regarding the means of achieving these goals. These concerns were echoed in a letter I received recently from Dean John Benson, dean of the school of medicine of the Oregon Health Sciences University and I ask unanimous consent, Mr. President, that the letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OREGON HEALTH
SCIENCES UNIVERSITY,
*February 2, 1993.*

Re S.B. 1 NIH Revitalization Amendments of 1993.

Hon. MARK O. HATFIELD,
*322 Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR HATFIELD: I concur with the caution expressed by the Association of American Medical Colleges that hasty acceptance of this legislation could damage important organizational and budget practices at the NIH presumably in order to speed AIDS research. Careful review and comment by the Senate and the scientific community not yet accorded by its proposers can be accomplished quickly enough to permit the desirable enhancements of both the NIH and AIDS research in this oft revised bill.

S.B. 1 is not merely the bill President Bush vetoed last fall. The office for AIDS Research at the NIH does not deserve the autonomy the bill affords, however awful the disease it seeks to control. Even the Clinton administration has its "reservations".

Most respectfully.

JOHN A. BENSON, JR., M.D.

Mr. HATFIELD. It is my hope that there will be opportunities to examine these issues, and make changes where necessary, as S. 1 works its way through the legislative process of the Congress.

### BUDGET BYPASS

Mr. BYRD. Some have raised concerns about the bypass budget proposed in this legislation for the newly enhanced Office of AIDS Research at the NIH. Could the Chairman please explain how he intends for this bypass budget to work?

Mr. KENNEDY. I thank my friend, the distinguished chairman of the Appropriations Committee, for his steadfast support of our efforts through the Committee on Labor and Human Resources, and I would be pleased to explain the committee's intent. I want to take this opportunity to ensure my friend this is in no way an effort to make an end run around the NIH Director, the Public Health Service, Secretary of Health and Human Services, or OMB. In fact, we have modeled this approach after the bypass budget which has been in effect for the National Cancer Institute [NCI] since 1972 (Public Law 92-218, 1971).

The bypass budget is most useful as a planning tool which currently enables the NCI to prioritize among competing program needs, to highlight emerging scientific issues, to justify their growth under the most optimistic budgetary assumptions, and to develop an ongoing implementation strategy. The NCI bypass budget provides the President and the Congress with the opportunity to review a scientifically justified professional judgment budget. It is our intent that the Office of AIDS Research be given the same opportunity.

However, it is our intent that this budget be subject to the annual review process at the NIH, PHS, HHS, and OMB levels, just as all other NIH institute budgets, including the NCI are. The real point of the bypass budget is not to circumvent departmental and budgetary constraints, but to enhance strategic planning.

Mr. BYRD. I thank my friend from Massachusetts.

### ALZHEIMER'S DISEASE FUNDING AUTHORIZATION IN S. 1

Mr. HATFIELD. Mr. President, as a son of an Alzheimer's disease patient, I know firsthand how difficult, scary and lonely, is the helplessness of watching this debilitating disease take its toll on its victims and their families. I also know of the tremendous financial drain this costly disorder is on families, caregivers and governments.

There currently are 4 million Americans with Alzheimer's disease with the estimated cost of care totaling $90 billion annually. As the elderly population of this country continues to increase in the years ahead, so too will the number of people afflicted. Unless effective therapies are developed to prevent, treat or delay the onset of this disease, it is expected that as many as 14 million older Americans will become victims of Alzheimer's disease by the middle of the next century.

Appropriations for research on Alzheimer's disease rose from $12.9 million in fiscal year 1980 to $130.3 million at the end of the decade. Subsequent funding recommendations by the Appropriations Committees have more than doubled appropriations for Alzheimer's disease research, bringing the total at the NIH for fiscal year 1993 estimated at $290 million. This success has provided a measures of hope to the millions of individuals who now are struggling to cope with this devastating disease and to the millions of persons who fear for their future.

Still there is much work to be done. Appropriations for Alzheimer's research fall well below the $550 million recommended by the congressionally established Advisory Panel on Alzheimer's Disease. It is my view, that funding for Alzheimer's research should join the ranks of the big three—AIDS, cancer, and heart disease—whose annual funding levels exceed $500 million.

As we consider S. 1 today, I am concerned about potential limitations that section 803, which authorizes appropriations of $500 million in fiscal year 1994 for the National Institute on Aging, places on funding for Alzheimer's disease research and I would like to pose a few questions to the chairman of the committee to clarify the committee's intent.

As you know, currently about 70 percent, or $204 million, of the approximately $290 million for Alzheimer's research is appropriated to the National Institute on Aging [NIA]. This comprises about one-half of the Institute's funding which totals $401.2 million for fiscal year 1993. To reach the $500 million mark for Alzheimer's disease research in fiscal year 1994 would take another $210 million, about $150 million of which would go to the NIA. While I recognize that fiscal constraints will make it difficult to achieve this goal in fiscal year 1994, I am concerned that section 803 would constrain the Appropriations Committee from reaching this mark should the funding be available. Would this be the case?

Mr. KENNEDY. Let me respond to the senior Senator from Oregon by saying that I appreciate the Senator raising this matter at this time. We both share the goal of providing sufficient Federal support to conquer this difficult and debilitating disease. It is not the committee's intent to constrain the Appropriations Committee's goal of doubling funding for research on Alzheimer's disease over the near term. Should funds be available, the Appropriations Committee would have sufficient latitude within the authority of the Public Health Service Act, particularly within section 301, to appropriate the necessary funds.

Mr. HATFIELD. I thank the chairman for his time and for clarifying this matter. His leadership on medical research issues has been exemplary, and has fostered the tremendous progress in understanding human health, treating disease and preventing ill health.

### THE ETHICS OF BIOTECHNOLOGY

Mr. HATFIELD. Mr. President, many in this body may have missed news stories that ran in the Washington Post on December 30, 1992, and in the New York Times on February 3, 1993. The headlines read respectively, "U.S. Patents Are Granted for 3 Laboratory Mice," and "U.S. Resumes Granting Patents on Genetically Altered Animals." I ask unanimous consent that these articles appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. My colleagues are aware of my deep concern in this area which is particularly heightened now that the United States has again returned to the patenting of animal life. In each session of Congress since 1987, I have introduced legislation to place a moratorium on allowing the Patent and Trademark Office to issue patents on such living organisms, until such time as Congress has fully assessed, considered and responded to the economic, environmental, and ethical issues raised by the patenting of life forms. Until very recently, the first and only such patent was the patent issued to Harvard University for the so-called Harvard mouse.

As these articles indicate, however, the Patent Office has ended their unofficial moratorium. In my view, they have done so because they can realistically wait no longer for ethical guidance from Congress. Dr. Philip Leder of Harvard University is again a recipient of a patent on a mouse related to prostate gland research. Joining Harvard University as recipients of patents on laboratory mice is Ohio State University and GenPharm International, both with mice genetically altered to aid in important immune system research. Mr. President, my concerns in this area have been often misunderstood. I am not here to object to the research that is being conducted using these creatures. No Senator is more committed to the advancement of scientific research than is this one. Nor have I come to the floor to attack the motives of the Patent and Trademark Office. I am aware of the legal basis for the decision of the Patent Office to issue these patents, primarily the 1980 Supreme Court decision of Diamond against Chakrabarty.

Let me make my position clear. Despite the legal issues that swirl outside the walls of this great building, Congress has a solemn duty to ensure that the serious ethical issues related to the patenting of living creatures is raised and dealt with. The idea of issuing patents for living creatures that have been altered in minor ways by man raises many profound ethical questions in my mind that I believe should be carefully explored.

Those who have followed the rapidly advancing field of biotechnology know that ethical parameters are very difficult to formulate. The stakes were raised last year when the National Institutes of Health applied for patents on over 2,000 human DNA gene sequences. These gene sequences bear an intimate relationship to the fine research being conducted by the human genome project at NIH.

Again, I do not quarrel with the merits of the underlying research. In fact, I strongly support the Human Genome project and believe that the work being done may offer the best hope for answers to a host of human afflictions. I do, however, wonder if there is an ethical line here somewhere.

If no such ethical line is visible in this murky area, do not those of us elected to this body bear a large part of the responsibility for seeing that a line is drawn?

I raise these questions with the knowledge that it is easier to draw an ethical line before, rather than after the line has been passed. And with the understanding that many in the policy arena have difficulty drawing ethical lines for the rest of the Nation.

Our Nation's churches have been struggling with the "line" in this issue for many years. In 1984, the General Conference of the United States Methodist Church declared genes to be a part of the common heritage of all peoples and went on to say that patenting of genes was tinkering with "God's ownership of life."

Further, the World Council of Churches recently stated that animal life forms should not be patented and called for further study of the profound moral and social implications of patenting life forms.

Maybe an ethical problem is not presented by the patenting of an animal genetically altered by man in some minor but scientifically useful way. Maybe an ethical problem is not presented by issuing a patent on a human DNA gene sequence, also altered by man. What about the genes themselves? If we are ethically comfortable with that, how about cells or tissue or limbs? Perhaps there is a reasonable distinction between an altered animal and the process by which an animal can be altered—maybe the latter is patentable but the former is not. The line approaches.

As technology advances—as it so rapidly does—we are steadily nudging toward ethical lines as yet undrawn. It is my hope that we will not be required to lean over backwards to draw them. The responsibility lies with Congress to ensure that lines are drawn and that issues are raised and grappled with. If not ourselves, then through ethicists trained to balance the advancement of society with the common good.

To initiate constructive action in this area, I have joined with Senators KENNEDY and DECONCINI in calling for two reports by the Office of Technology Assessment. The first report, due out later this spring, will provide a review of the different governmental approaches to issues of bioethics, including the so-called President's Commission and the defunct Biomedical Ethics Review Board. Preparation for this report included an OTA-sponsored symposium held in December. I attended this symposium and listened to a panel of nationally- and internationally-known experts. The second OTA report will offer a detailed review of the ethical, privacy, environmental and policy issues involved in different areas of biotechnology.

In addition, both Senators KENNEDY and DECONCINI agreed to hold hearings on this topic when I raised the issue as part of the consideration of the NIH reauthorization bill in the 102d Congress. Senator DECONCINI presided over a hearing held September 22, 1992 by the Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks. I was pleased to testify before Senator DECONCINI's subcommittee and believe that the subcommittee's endeavors in this area have been very constructive.

Hearings before the Senate Labor Committee will take place in the spring, as a result of our earlier agreement.

I look forward to working with Senators KENNEDY and DECONCINI again this year. It is my sincere hope that these manifold efforts will result in legislation to create a permanent and independent body possessing the expertise and authority to make recommendations to Congress on a host of bioethical policy issues.

In continuing efforts to work with the administration on this issue, I recently sent a letter to our new Secretary of Commerce, Ron Brown, outlining congressional activity on this front. I ask unanimous consent that this letter appear in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

### ON GENETIC ENGINEERING

Mr. HATFIELD. While I am not offering an amendment today, I continue to have the same concerns that I stated last year during consideration of the NIH reauthorization bill. At that time Senator KENNEDY and I agreed to request the Office of Technology Assessment to analyze some of the ethical and legal issues associated with new technologies for genetic patenting. This OTA study will be available soon, and I am looking forward to discussing its findings at a hearing of the Labor and Human Resources Committee.

Mr. KENNEDY. I am pleased that the OTA will issue its report—Biomedical Ethics in U.S. Public Policy—within the next 2 months, and I look forward to holding a hearing to explore these important public policy questions. I am anxious to have Senator HATFIELD's participation at that hearing. In addition, I would like to point out that the NIH reauthorization bill earmarks 5 percent of the National Center for Genome Research funds for consideration of the ethical and legal issues associated with gene patenting.

Mr. HATFIELD. I believe that all of these actions are helpful to a more thorough understanding of the implications of new genetic technologies. However, I continue to believe that we in Congress must play an important role in overseeing developments in this area. The studies and hearings that have been planned will help to determine whether or not congressional action addressing the patenting of transgenic animals is warranted.

Mr. KENNEDY. While Senator HATFIELD and I may differ on these issues, we both agree that congressional monitoring of these critical scientific and legal issues is appropriate. In addition, it is important to elicit the opinions of leading scientists, ethicists and theologians to provide advice in this area. These issues are enormously complex and they demand our attention.

Mr. HATFIELD. I thank the Senator from Massachusetts and look forward to appearing before the Labor Committee to discuss these matters further.

Finally, I am today introducing legislation, [S. 387] proposing a 2-year moratorium on the granting of patents on animals and humans until a suitable structure for evaluating the ethical, environmental, and economic considerations of such patents can be found. I do so on my own accord, and in no way to minimize the assistance and encouraging efforts of Senators DECONCINI and KENNEDY in working toward a solution. I continue to believe, however, that a proposed moratorium serves to define the parameters under which we can find compromise.

I would now like to take this opportunity, Mr. President, to set the record straight on a variety of fronts. I have unfortunately found, through my involvement in this issue, vast manipulation of the facts by those on opposite sides.

To begin, as of today, the United States is still the only country in the world to have granted full-fledged patents on animals. The European Patent Office granted patent approval to the Harvard mouse, subject to a 9-month comment period in which opposition could be registered, which just concluded last week. Last Thursday, however, February 11, 1993, the European Parliament voted 178–19—with 27 abstentions—to instruct the European Patent Office to revoke the patent and stop any further animal patents until the legal uncertainties have been clarified. The Parliament went on to find that the patent contravenes the European Patent Convention, which in article 53 prohibits the patenting of plant and animal varieties, as well as inventions which are contrary to public order and morality. It is, as yet, unclear as to the legal effect of the European Parliament's action, but their action is an impressive addition to the chorus of voices concerned about the ethical implications of the Harvard mouse patent.

Second, I want to bring to the attention of my colleagues highly questionable tactics used by the Association of Biotechnology Companies [ABC] and the Industrial Biotechnology Association [IBA] in their lobbying on this issue. On February 8, 1993, these organizations, which will merge later this year, sent a joint letter to all Members of the Senate asking for opposition to an amendment they believed I would be offering on S. 1 related to patenting issues, although they had not confirmed the facts with my office. In addition, the organizations sent "Action Alerts" to their constituencies asking for immediate contact with the Hill.

Since I had no intention of offering an amendment on patenting to S. 1, particularly because of the ongoing commitment Senators KENNEDY and DECONCINI and I have regarding the resolution of the issue, my staff informed the organizations that their information was incorrect. Later that day, both organizations communicated with their constituencies and in ABC's case to the press, that as a direct result of swift action by their members and an outpouring of biotech industry opposition, I had decided not to pursue my amendment. Thus, both organizations claimed victory, justified their existence and quite possibly, enhanced their membership, all on false pretenses. If an amendment had actually been in the offing, then perhaps this blatant overreach could be tolerated. Since no amendment was planned or pursued and my office had no opportunity to comment, I consider this approach to be, quite simply, dishonest. I raise this unfortunate episode on the floor today to set the record straight.

I ask unanimous consent that the following items appear in the RECORD following my remarks: First, February 8, 1993, letter from IBA and ABC to Members of the Senate, second, ABC Alert titled "Urgent Action Needed: Call Your U.S. Senators Immediately," third, ABC Alert titled "Senator Hatfield Drops Amendment Restricting Patenting," fourth, IBA Action Alert titled "Hatfield Agrees to Drop Amendment Restricting Patenting: Responds to Industry Opposition," fifth, February 11, 1993, article from Biotech Daily, and sixth, February 12, 1993, letter from IBA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDUSTRIAL BIOTECHNOLOGY ASSOCIATION,
*Washington, DC, February 8, 1993.*

Subject: Hatfield amendment to NIH reauthorization bill (S. 1) (Floor action scheduled on Tuesday, February 16).

Hon. MARK O. HATFIELD
*U.S. Senate, Hart Senate Office Bldg., Washington, DC.*

DEAR SENATOR HATFIELD: We want to bring to your immediate attention the biotechnology industry's strong opposition to an amendment that we understand Senator Hatfield is planning to offer to the NIH reauthorization bill (S. 1).

Last year, Senator Hatfield offered, and then withdrew, an amendment to the NIH reauthorization bill that would have prohibited the U.S. Patent and Trademark Office from issuing patents on a wide range of genetic engineering inventions. It is not yet clear whether Senator Hatfield will offer an identical amendment or one limited to prohibiting the patenting of genetically engineered animals. In either case, we urge you to oppose it.

If Senator Hatfield's amendment is enacted, it could bring to a sudden and dramatic halt fifteen years of remarkable growth experienced by our industry. The U.S.'s world leadership position in biotechnology depends on patent protection and would evaporate if Congress enacts legislation that impedes or prohibits patent protection for genetic engineering inventions. Other countries—including Japan and Europe—will continue to patent inventions that would become unpatentable in the U.S.

Research will not reach commercialization without strong intellectual property protection. No company will invest hundreds of millions of dollars to develop a technology that a competitor can pirate without penalty. Enactment of this amendment would thus halt ongoing research to develop breakthrough drugs for dozens of diseases for which no adequate therapy currently exists.

Even an amendment limited to a moratorium on animal patents would stifle research that is leading to new therapeutic approaches to such intractable diseases as cancer, AIDS, and cystic fibrosis. We have enclosed for your information further details about the use of genetically engineered animals to develop medical breakthroughs.

Your staff is invited to call us, or contact the Labor Committee and/or Patent Subcommittee staff for more information on this issue.

Very truly yours,
RICHARD D. GODOWN,
*Industrial Biotechnology Association.*
WILLIAM SMALL,
*Association of Biotechnology Companies.*

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URGENT ACTION NEEDED: CALL YOUR U.S. SENATORS IMMEDIATELY!

Senator Mark Hatfield (R-OR) is seriously considering offering an amendment placing a 5 year moratorium on patenting genetically engineered animals and/or other genetically engineered organisms. The amendment will be attached to the National Institutes of Health Reauthorization Bill, S. 1 (scheduled for floor action February 16).

As you may know, Sen. Hatfield offered an amendment last year, that was subsequently withdrawn, prohibiting the U.S. Patent and Trademark Office from issuing patents on a wide range of genetically engineered inventions. The help of ABC members was crucial last year in blocking Hatfield and is needed again, act immediately.

Action: ABC members should write their U.S. Senators and urge opposition to a patenting moratorium.

Urge your senators to oppose a patenting moratorium because:

Not allowing patents on animals will stifle the development of important new agricultural products, human and animal drugs and animal models for better understanding of human diseases, like AIDS and cancer.

A moratorium will cause companies to rely upon trade secrecy to protect their R&D investments. This prevents the public disclosure of new knowledge that occurs when inventions are patented. Other companies and scientists will not be able to build upon the new knowledge.

A moratorium could bring a sudden and dramatic halt to fifteen incredible years of growth by the biotechnology industry. The United States' leadership in the biotechnology industry depends on adequate patent protection; a moratorium would erode proper patent protection and current U.S. leadership.

Patent law is not the appropriate place to address regulatory concerns, e.g., any health and safety, environmental, or other concerns relating to genetically engineered animals.

### SENATOR HATFIELD DROPS AMENDMENT RESTRICTING PATENTING

ABC is happy to inform you that Sen. Mark Hatfield has decided to drop his proposed amendment to S. 1, the NIH Reauthorization Bill, placing a ban on the patenting of genetic inventions. Sen. Hatfield still plans to deliver a floor speech on February 16 stating his opposition.

Sen. Hatfield's decision is a direct result of swift action on behalf of ABC and its membership.

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### HATFIELD AGREES TO DROP AMENDMENT RESTRICTING PATENTING; RESPONDS TO INDUSTRY OPPOSITION

We are pleased to inform you that Senator Mark Hatfield has now agreed to drop his proposed amendment to the NIH reauthorization bill (S. 1). He still intends to express his opposition to patents on transgenic animals and human genes in a speech on the Senate floor next Tuesday.

Senator Hatfield's office informed us of his decision following an outpouring of biotech industry opposition. Over 100 letters were faxed by IBA member companies to their senators. In addition, IBA staff made contact with every Senate office and with three Clinton Administration departments to express our opposition.

If you would like to receive a transcript of Senator Hatfield's remarks after they are published in the CONGRESSIONAL RECORD, please call Laura Hanen at IBA at 202/857-0244. We expect to have a transcript by next Friday.

We are extremely grateful for your prompt and effective response to our earlier action alert. Thank you and congratulations!

[From the Biotech Daily, Feb. 11, 1993]

### HATFIELD AIDES SAY ABC WINS FALSE VICTORY ON MORATORIUM

(By Mick Rood)

Worried that Sen. Mark O. Hatfield would propose a 5-year moratorium on patenting genetically engineered animals and possibly other biotech organisms, the Assn. of Biotechnology Companies sounded the alarm Tuesday.

In faxes to member companies headlined "ALERT" in letters almost 1 inch high, ABC warned the Oregon Republican was "seriously considering" offering the amendment next week (Feb. 16) when the National Institutes of Health reauthorization bill is scheduled to come up on the Senate floor.

By early evening Tuesday, the trade group declared victory by fax. ABC Government Affairs Assistant Charles Butler told nervous companies that Hatfield had decided to drop his patent ban. The Senator still planned to deliver a speech opposing genetically engineered animals on Feb. 16, ABC said.

"Sen. Hatfield's decision is a direct result of swift action on behalf of ABC and its membership," ABC said, implying that grassroots lobbying had borne fruit.

Not so, Sen. Hatfield's office said on Wednesday.

"Nobody came and talked to us. They jumped the gun. They said he withdrew the amendment and he never did (plan to offer it)," a Hatfield spokesman said Wednesday afternoon.

Hatfield's Legislative Director Suzanne C. Hildick did not want to be quoted on the trade group's tactics, but she did outline what she said was Hatfield's longstanding view on the moratorium, based on a compromise reached last year.

The Senator had threatened a moratorium amendment, but agreed to hold off if the Senate would hold hearings on the subject and await results of an Office of Technology Assessment (OTA) study. Hildick said Hatfield was holding to that agreement this year.

She said Hatfield had no plans to offer such an amendment next week because the OTA study is not due out until the end of March. After that, Hatfield expects hearings to be held based on the study's results.

Hildick said a legislative response to the situation would then be devised. She and others stressed Hatfield is not opposed to biotechnology, but may have doubts about some of its applications. A Senate aide close to the situation called the ABC lobbying blitz "hysteria, ridiculous."

"I know why they did it, so they could declare victory. It's damaging to the issue," the aide said.

ABC argues the moratorium would stifle new agricultural products and block understanding of serious human diseases such as AIDS and cancer. The ban would further jeopardize the U.S. dominance in the biotech industry, ABC says.

The trade group has argued further that biotech companies would rely upon trade secrecy to protect their R&D investments in the face of a moratorium. This would prevent public disclosure of new knowledge that occurs when inventions are patented, ABC says. Eventually, such a moratorium would erode U.S. patent protection.

Finally, ABC says patent law legislation is not the "appropriate" place to address health, safety and environmental regulatory concerns.

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INDUSTRIAL BIOTECHNOLOGY ASSOCIATION,
*Washington, DC, February 12, 1993.*

Hon. MARK HATFIELD,
*U.S. Senate, Hart Senate Office Bldg., Washington, DC.*

DEAR SENATOR HATFIELD: Last week, IBA was informed by various Senate offices that you might offer a floor amendment to the NIH reauthorization bill (S. 1) placing a moratorium on the patenting of genetically engineered animals. We attempted to confirm this information with your office without success.

Since enactment of such an amendment would cause irreparable harm to medical research on a wide range of incurable diseases (as well as to the companies that are doing this research), we felt it was appropriate to proceed on the assumption that the information was correct and that you intended to offer an amendment similar to the one you discussed at length during last year's NIH reauthorization bill debate (Congressional Record, April 2, 1992, pages S-4719 through 4724).

In the absence of direct confirmation from your staff, we notified Senators that we "understood" that you would be offering such an amendment. If this was not the case, we regret the misunderstanding and apologize for any inconvenience we may have caused.

Very truly yours,

RICHARD D. GODOWN.

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EXHIBIT 1

### U.S. PATENTS ARE GRANTED FOR 3 LABORATORY MICE—AWARDS CRUCIAL FOR BIOTECHNOLOGY RESEARCH

The federal government issued patents for three laboratory mice yesterday. The patents, the first since 1988 to recognize ownership of a genetically altered animal species, are regarded by researchers as critical for biotechnology research.

The U.S. Patent and Trademark Office (PTO) gave notice in its Official Gazette that it was granting patents for laboratory mice strains to Harvard University, to GenPharm International of Mountain View, Calif., and to Ohio University.

For Philip Leder, a Howard Hughes researcher at Harvard, the patent is the second species ownership he has been granted. Leder and colleagues developed the first patented animal, the so-called Harvard mouse, in 1988.

Leder's new patent is for a mouse strain whose males naturally develop enlarged prostate glands, a condition that mimics a serious disorder in human males.

GenPharm was given a patent for a mouse strain that has been altered so it naturally fails to develop a fully functional immune system.

The Ohio University patent is for a mouse that was engineered to contain a human gene that constantly produces a low level of beta interferon, a protein that attacks virus and helps prevent infection in the mouse.

All of the mice were altered genetically through a technique in which genes are changed in fertilized eggs that are allowed to gestate within a mother mouse. The resulting pups have a genetic pattern different from either parent. When the pups mature and mate, some of their offspring carry the desired combination of new genes. The changed animal is called a transgenic mouse.

Lisa Raines, vice president for government affairs at the Industrial Biotechnology Association, said in a statement that the new animal patents are significant for the industry.

"Since Harvard University received the first transgenic animal patent in 1988, there has been continued debate about whether or not additional animal patents would be granted," said the Raines statement. "This PTO decision marks a positive step forward for protecting important U.S. research."

Leder said the prostate mouse, which he said may be called "Harvard II," will be important in research on the enlargement of the prostate in older men. The prostate, a gland that produces seminal fluid, is located below the bladder and around the tube that drains urine from the bladder. The gland grows larger as men age and often can retard or block urinary flow. Surgical correction of enlarged prostates is one of the most common operations on men.

With a mouse that mimics the condition, Leder said, researchers will be able to test drugs that correct or control the problem without surgery.

The GenPharm mouse was genetically altered by addition of a gene that prevents the rodent from developing fully mature lymphocytes, a type of blood cell vital to the immune system.

Jonathan MacQuitty, chief operations officer of GenPharm, said the new mouse will be used in the study of immune-system diseases, such as AIDS, or in research on autoimmune diseases such as arthritis and diabetes.

Ohio University announced its patent last week. Thomas Wagner, co-developer of the new mouse strain, said his patented animal was genetically altered so that it continuously produces a low level of interferon, a protein that the body uses to attack invading viruses.

Wagner said the laboratory mice will be protected from viral infections, enabling scientists to use an animal in research that is less susceptible to disease.

### U.S. RESUMES GRANTING PATENTS ON GENETICALLY ALTERED ANIMALS—EMPHASIS IS NOW ON MEDICINE RATHER THAN FOOD

(By Edmund L. Andrews)

WASHINGTON.—The Government has ended a self-imposed moratorium and has again begun approving animal patents, nearly five years after Harvard University made history by patenting a genetically engineered mouse.

The United States Patent and Trademark Office issued patents in late December to three organizations covering "transgenic" mice specially suited to research in human medicine. These were the first new animal patents since Harvard received approval in April 1988 for a genetically altered research mouse that was predisposed to getting cancer.

The Harvard mouse prompted a backlash from animal-rights groups and some environmentalists, but with the latest approvals industry experts expect a surge of new patents covering mice, pigs and even cows. The trend should make the filing and approval of animal patents much more routine and make it much easier for biotechnology companies to raise money.

#### SWITCH IN EMPHASIS

More than 180 applications for animal patents are awaiting Government action, many of them having been pending for years. And while much of the earlier emphasis in so-called bioengineering was on breeding superior farm animals—cows that give more milk, for instance, or pigs with leaner meat—the current push seems to be in manipulating animal genes for the benefit of human health.

Near term, scientists expect to see such developments as laboratory mice made genetically suited for research on AIDS and other human diseases; genetically altered pigs that produce human hemoglobin for use in blood substitutes, and bioengineered cows that produce milk with the proteins found in human mother's milk.

The most ambitious and very likely the most controversial of these efforts is in "xenografts"—developing animals that can supply organs like hearts, livers or kidneys for human transplant recipients. The DNX Corporation, a biotechnology company in Princeton, N.J., is working to develop pigs with genes that mask the immunological markers of "pigness," which normally provoke a human immune system to wage all-out war against an alien body part.

#### TIMETABLE FOR TRANSPLANTS

Officials at DNX, which in 1991 developed a pig that produces human hemoglobin, said the first swine-to-human transplants could take place by the late 1990's.

"My understanding is that these first few are just the beginning," James McCamant, publisher of the Ag-biotech Stock Letter in Berkeley, Calif., said of the recently issued patents. "To me, the most important impact is that it will allow us to find out who's got a strong patent position. Over the next 12 months, we should have a lot clearer idea of what's going on."

The approval of new animal patents, while good for the United States biotechnology industry, is almost certain to reignite political opposition in Congress from animal-rights groups and some farmers. In 1989, the House of Representatives passed a bill that would exempt farmers from paying royalties on the offspring of genetically engineered livestock, but the measure never advanced very far in the Senate.

But much has changed in the last five years. Industry executives say their shift away from farm animals had little to do with the political controversy. Rather, most say the decision stemmed from technical issues and a concern that farm animals simply would not procure big profits.

"The science wasn't ready yet to make it economically feasible," said James Sherblum, president of the TSI Corporation in Worcester, Mass. TSI dropped efforts to develop a "super pig" whose meat would have less cholesterol, largely because of persistent problems with the animal's immune system.

#### MOVE INTO DRUG TESTING

Hoping for more immediate profits, TSI put most of its money into developing mice that could be used as laboratory models and is using them to carve out a position in the drug-testing market. During the last three years, the company bought eight drug-testing laboratories and plans to introduce genetically engineered mice in the next 18 months that develop Alzheimer's disease and AIDS.

"The animals give our scientists a distinct advantage because we can understand better how the human drug will work in humans," Mr. Sherblum said.

Most of the other biotechnology companies that were interested in farm animals have also changed course. The Granada Corporation, a cattle breeder in Houston, virtually shut down a unit that was working on fast-growing, genetically engineered cattle. DNX shelved its work on fast-growing pigs, bought two testing laboratories and is planning to introduce a mouse that develops insulin-resistant diabetes.

Central to such efforts, however, is breaking the logjam on patents, which give a company the right to stop anyone else from using or selling its invention for 17 years. The Supreme Court ruled in 1980 that novel living organisms can be patented, and thus far the Federal courts have not objected to applying that doctrine to novel animals produced through gene-splicing.

#### AN ARGUMENT FOR PROTECTION

Companies involved in "transgenic" animals say patent protection is crucial, because otherwise they have no way to prevent customers from simply buying more animals and breeding as many others as they like.

But the Patent Office, which was besieged by controversy when it issued the first animal patent to Philip Leder and Timothy Stewart, two Harvard researchers, apparently got cold feet. Though dozens of other applications had been filed, and the number multiplied quickly, no new patents were issued until five weeks ago.

Now a new round of attacks is likely, particularly from farmers and animal-rights organizations. Such groups say that splicing genes into animals will hurt family farmers, have cruel effects on many animals and could endanger many species of animals.

"We believe the gene pool should be maintained as an open commons, and should not be the private preserve of multinational companies," said Jeremy Rifkin, head of the Foundation on Economic Trends, a nonprofit organization in Washington. Mr. Rifkin, who has lobbied for legislation to block animal patents, said he was organizing a new political coalition in response to the latest patents.

"This is Government giving its imprimatur to the idea that there is no difference between a living thing and any inert object," Mr. Rifkin said. "It's the final assault of the sacred meaning of life and life process."

An animal patent covers animals with particular gene sequences that do not exist in any natural animal species and which give the animal identifiable, unique characteristics. The patent allows a company to prohibit anyone else from using or selling such animals without its permission for 17 years, and may also cover the pharmaceutical proteins or antibodies the animals might produce.

The patents also cover the offspring of such animals, even though the chromosomes of offspring are always different from those of parents. To enforce the patent, however, a company would have to show that a pig or a mouse still has the transplanted genes and possesses the characteristics described in the patent, like the capability of producing human growth hormone.

So far, the gene patents have moved much more slowly than applications for other types of inventions. While the average application now takes 18 months to reach a final decision, the three mice patents that were issued Dec. 29 had all been pending for about four years.

Patent Office officials said they did not impose a formal moratorium on transgenic animals. "These things just take a long time to work through," Oscar Mastin, a spokesman for the agency, said. "They have been working on these applications the whole time."

#### POSSIBLE REASONS FOR DELAYS

In the absence of a fuller explanation, some industry experts believe that a fear of possible Congressional restrictions had a chilling effect on the Patent Office. But others see the delay as a result of the agency's attempt to carefully define and limit the patents to specific animals with particular genetic characteristics.

Steven Holtzman, executive vice president of DNX, said the new patents are crafted much more narrowly than the one covering the Harvard mouse. That patent actually covers any animal with a particular gene that predisposes it to develop cancer.

The three new patents are restricted to genetically engineered mice, and each is restricted to a particular set of transplanted genes. Dr. Leder, the Harvard scientist who obtained the original mouse patent, has won a second one with a colleague, William J. Muller. This patent is for a mouse that develops an enlarged prostate, a common problem of older men.

Also, researchers at Genpharm International in Mountain View, Calif., patented a mouse without a working immune system, developed for use in AIDS research. And researchers at Ohio University patented a virus-resistant mouse, for use in developing agricultural livestock less vulnerable to disease.

"The Patent Office is being very tight," Mr. Holtzman said. "They are saying that a patent is only being given with the limits of the example you provided in your disclosure. Simply writing a paper disclosure doesn't carry the day."

Information made public by the European Patent Office shows that universities and companies are developing an expanding army of small animals that are genetically programmed to suffer. Several European companies have applied for patents covering mice that are prone to get AIDS, tumors, leukemia and something akin to Alzheimers.

Except for the United States, no country has approved an animal patent. Indeed, in December, the European Parliament recommended that the European Community reject such patent applications.

The animal-rights critics notwithstanding, most experts believe a big waive of animal patents is imminent in the United States. "I think we're going to see an increase in the pace," said Eugene Moroz, a patent attorney as the law firm of Morgan & Finnegan in New York who specializes in biotechnology issues.

Several companies appear to be placing their biggest bets on molecular "pharming," the technique of using genetically engineered animals to produce valuable drugs. Companies have applied for patents on animals that produce drugs like human growth hormone, the heart-attack prevention drug TPA and insulin.

Genpharm International is seeking patents for a transgenic bull it has developed in the Netherlands. The bull sires cows whose milk contains lactoferin, a protein unique to human mother's milk that inhibits bacteria growth and helps a baby retain iron. David Winter, president of Genpharm, said the protein could be sold as an additive to infant formula or the milk itself could be developed as an approximation of human milk.

Genpharm is also developing mice with human immune cells that could develop antibodies to dangerous human illnesses and could even attack tumors. At the moment, humans develop severe allergic reactions to antibodies made in other animals, and the hope is that antibodies made with human immune cells will avoid that problem. "Most people don't think it can be done," Mr. Winter said. "But we know it can."

EXHIBIT 2

U.S. SENATE,
*Washington, DC, February 18, 1993.*

Hon. RONALD H. BROWN,
*Secretary, U.S. Department of Commerce, Herbert Clark Hoover Building, Washington, DC.*

DEAR MR. SECRETARY: I am writing to comment on the U.S. Patent and Trademark Office's (PTO) issuance of patents on transgenic animals. On December 29, 1992 the PTO issued three patents for transgenic mice. These patents marked the first transgenic patents since the landmark 1988 "Harvard Mouse" which had a genetic predisposition to cancer. On February 2, 1993 the first non-mouse patent was issued for a transgenic rabbit for AIDS research.

I recognize that the decision to grant utility patents for genetically engineered animals was based on the U.S. Supreme Court's 1980 ruling in the *Chakrabarty* case, which held that a genetically engineered organism that meets the statutory standards of patentability does not become unpatentable merely because it is a living invention. I further note that *Chakrabarty* does not permit the patenting of animals, plants, microorganisms, or genes that are unaltered by human intervention.

As you know, there is controversy over the propriety of patenting transgenic animals. Many ethical and legal questions surrounding the emerging biotech industry and the proper role of the Patent Office have been raised. While several of my colleagues in the Senate have differing views on these issues, we all agree that these important ethical and legal questions deserve Congressional review and oversight as the biotechnology industry continues to grow.

I have introduced legislation in the past which proposed limitations on the Patent Office's authority to issue patents to genetically altered organisms. In April, 1992 I considered offering an amendment to the NIH reauthorization bill which would have placed a three year moratorium on the patenting of all human tissues, fluids, cells, genes, gene sequences, and animals. The amendment was not offered after assurances by Senators Kennedy and DeConcini that hearings would be held in the Senate Labor and Human Resources and the Senate Judiciary Committee, and that an Office of Technology Assessment (OTA) study would be prepared to analyze and make recommendations about the ethical and legal issues raised by the Genome Patent Working Group and NIH Advisory Committee.

Congress is currently on track to fulfill these assurances, as many of those involved believe that these ethical concerns should continue to be scrutinized. An informative and productive hearing was held in the Patent Subcommittee of the Senate Judiciary Committee that past September. We are awaiting a report entitled "Biomedical Ethics in U.S. Public Policy" to be issued by the OTA in March. A hearing is scheduled to be held by the Senate Labor and Human Resources Committee soon after the release of the report. These studies and hearings will help to determine whether Congressional action addressing the patenting of transgenic animals is warranted.

During consideration of the NIH reauthorization bill this week, Senator Kennedy and I exchanged views on the Senate floor regarding upcoming congressional action in this matter. I have enclosed a copy of this exchange for your information. Furthermore, I introduced legislation this week calling for a two-year moratorium on patenting in this area, primarily as a means of defining the debate subsequent to recent animal patenting decisions made by PTO.

As you may be aware, last week the European Parliament adopted a resolution calling upon the European Patent Office to revoke the first European patent granted for a genetically engineered animal. While the European Parliament's resolution has no legal effect on the validity of the patent, formal oppositions to the patent have been filed, and the validity of the patent will be determined in accordance with the terms of the European Patent Convention.

In light of these recent developments in Europe, our past negotiations with the European Community on a Patent Harmonization treaty and ongoing Congressional interest in this issue, I would like to be informed of the Clinton Administration's position regarding the patenting of transgenic animals.

Sincerely,

MARK O. HATFIELD,
*U.S. Senator.*

Mr. HARKIN. Mr. President, I rise to express my strong support for S. 1, the National Institute of Health Reauthorization Act. As chairman of the subcommittee that funds NIH, I am pleased to be a cosponsor of this important legislation and to have worked with Senator KENNEDY and others to bring it to the form which is before us today.

Mr. President, this is a timely bill, because last night the President appeared before the Congress to deliver his State of the Union Message. If we hope to get this country back on track, we have to get control of our health care system. I don't think many people in this body would disagree with that. Mr. President, this bill is the first shot of this new Congress in the war against disease and disability.

I have taken this floor many times to say that we don't have a health care system in this country, we have a sick care system. We spend nearly $1 trillion a year to treat people once they get sick, but we spend relatively few dollars to keep people healthy in the first place. If we can prevent disease and disability from happening in the first place, or treat it early, we can save billions of dollars and millions of lives.

If prevention is the cornerstone of health care, then biomedical research is certainly one of the cornerstones of prevention, and there is clearly a need for it. Just look at the statistics: Half a million people are expected to die of cancer this year. Half a million people are expected to die of coronary heart disease this year. Every year, 600,000 new cases of skin cancer are found. Twelve million Americans suffer from asthma, and that number is increasing. Every 3 minutes a woman is diagnosed with breast cancer, and every 12 minutes breast cancer takes another life.

And this is most alarming: Since we began keeping records on AIDS cases, 250,000 people have been diagnosed with the disease—total. Yet, the Centers for Disease Control projects that this year alone there will be between 95,000 and 118,000 new cases reported. This is a public health burden that's only going to get worse.

This is clearly a national priority. But has our commitment to NIH kept pace? Not even close. Consider this: In 1992, of all the research projects deemed worthy of funding at NIH, 71 percent were turned down. This year, that number will increase to 77 percent. That means we will say "no" to more than three out of every four research projects deemed worthy of funding at the NIH.

The truth is, we spend just one-half of 1 percent of the Federal budget on medical research. But here's the real kicker: We have spent more on military research and development the last 27 months than we have on all biomedical research since the turn of the century. This bill is long overdue. If anything, I wish this bill would go even further than it does, because I believe biomedical research is a critical national investment.

I would remind my colleagues that this isn't just about saving lives. It's also an issue of economic competitiveness. The returns on medical research are greater than the investment. Measles vaccines, for example, have saved $10 for every $1 invested in research. What's more, as a result of our investments in NIH and SAMSHA, the Department of Commerce estimates that the biotech industry is a $4 billion industry now and will be a $50 billion industry by the year 2000. That's an investment worth making.

This bill will help bring us into new territories. Among other things, it expands our research to find a cure for osteoporosis, and a cure for cancer, and a cure for AIDS. It puts in statute an end to the ban on fetal tissue research, giving new hope to millions suffering from Parkinson's disease and childhood diabetes. And once again, I applaud the swift and direct action of President Clinton to lift the ban.

This bill also confronts traumatic brain injuries, which is the leading disabler and killer of children and young adults. It calls for a new commitment to our Nation's aging research, and devastating diseases like Alzheimers. Above all, this bill says that women's health research no longer has to take a seat in the back of the bus. And I say it's about time.

This bill addresses many concerns that have plagued women's health research. It addresses the number of women and minorities in NIH-sponsored clinical trials, the number of research projects and clinical programs focused on women's health issues, and the number of women in higher level positions at the NIH. It also authorizes $75 million for research on ovarian, cervical, uterine, and other cancers of women's reproductive system. And I want to commend our colleague, Senator BARBARA MIKULSKI, for her leadership in this area.

I'm also happy to see a greater commitment to breast cancer research. This terrible disease has struck all of us in one way or another—I lost my only two sisters to breast cancer. Last year, I was proud to author an amendment that added a record $210 million from the Department of Defense for breast cancer research. I'm proud to say that the money is on track and should be well spent. This bill will authorize $325 million in fiscal year 1994 to continue vital research in this area. Overall, the National Cancer Institute's budget will rise to $2.2 billion. These new moneys have already brought a real sense of excitement and possibility to millions of women and researchers.

Mr. President, I'm pleased that S. 1 also contains several initiatives I have worked on for a long time. First, the bill before us today includes the provisions of S. 93, the National Institute for Nursing Research Act of 1993, legislation I reintroduced last month along with my colleagues, Senators KENNEDY, INOUYE, DASCHLE, and CONRAD. This proposal would appropriately elevate the status of the successful National Center for Nursing Research [NCNR] at the National Institutes of Health to that of an Institute—the National Institute for Nursing Research.

This is long overdue. For too long, America's 2 million nurses have been denied the recognition and status they deserve within our health care system. And the same goes for research. In its short history, the NCNR has produced critical research findings that are already resulting in more affordable, higher quality health care for many Americans. For example, through a grant from NCNR, nurse researchers at the University of Iowa are developing cost-effective ways of reducing the incidence of falls among older Americans. Their findings are reducing the incidence of broken hips, which is the leading cause of nursing home admissions.

Yet, despite these accomplishments that put it on par with other Institutes within the NIH, the NCNR has not been awarded Institute status. This bill will cure that inequity and gives nurses the recognition they deserve.

Second, this bill includes S. 95, the Contraceptive and Infertility Research Centers Act of 1993, which I reintroduced in January. This bipartisan initiative would provide authorization for the establishment of three research centers—one focused on developing improved methods of contraception and two research centers focused on improving our ability to diagnose and treat infertility. To address the shortage of qualified researchers in these areas, the bill authorizes a loan repayment program for graduate students and health professionals who agree to conduct research on contraception and infertility.

Mr. President, contraception and fertility are central concerns to millions of Americans of child-bearing age. Nearly 2½ million couples desiring to have children struggle with the heartbreak and frustration of infertility. And each year about 3 million American women become pregnant who do not wish to do so. Their anguish is great.

Yet, when it comes to these family planning issues, we lag well behind other industrialized countries in research. All of these individuals can benefit from intensified research on these basic family planning issues.

Let me give you an example. We can all agree that abortion is no one's first choice for avoiding unintended pregnancies. Yet, of the 3 million women who become pregnant unintentionally this year, about half will terminate their pregnancies. It's even more tragic when you learn that nearly half of all pregnancies result from contraception that has failed. We need more research to find better contraceptive devices so we can reduce the number of unintended pregnancies and, thus, abortions. That's a result we can all embrace.

We must also explore ways in which sexually transmitted diseases, such as AIDS, gonorrhea, and syphilis can be prevented. These research centers will explore new methods to prevent the transmission of these sexually transmitted diseases through the development of safe, effective, and low-cost contraception methods.

Finally, we must also find ways to help those who want to be parents to find safe and effective methods to help them conceive and bear children. The causes of infertility are not always easy to diagnose, nor are they uniformly treatable. Treatments are often expensive—Americans spent nearly $1 billion in 1987. While spending was high, the success rate was generally low. Clearly, more research is needed into the causes of and treatment for infertility in both men and women.

Mr. President, this bill is about changing priorities and putting prevention first. I hope we move quickly to approve this important legislation, because the American people want action in this area. This legislation provides them significant advances that are long overdue.

Mr. President, I yield the floor.

### WOMEN'S HEALTH RESEARCH

Mr. BINGAMAN. Mr. President, I want to commend the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, for his tireless efforts in the development of S. 1, the National Institutes of Health Revitalization Act. I also commend Senator KASSEBAUM and Senator HATCH for their important contributions in advancing this critical piece of legislation. S. 1 represents a major bipartisan effort to improve the health of all Americans.

Among its provisions, S. 1 contains several that are of special interest to women. Perhaps the most notable of these will permanently establish the Office of Research on Women's Health at the National Institutes of Health. The mandate for this office addresses problems that for too long have gone unattended, namely the identification of women's health research projects that should receive support, the inclusion of women in clinical trials, and the monitoring of the status of women physicians and scientists at NIH and NIH-funded institutions. A data bank and clearinghouse will also be established to collect and disseminate information on women's health research.

Improving the health of American women is a goal we all share and one to which I am committed. The legislation before us today is an important step in closing the startling gaps that exist in our knowledge about treating the diseases that specifically affect women or affect women differently from men.

The No. 1 killer of women in the United States is heart disease; and yet women typically receive less aggressive treatment for this condition than men. I am told that the incidence of breast cancer has inexplicably increased over the last three decades so that now one in nine American women can expect to develop this disease in her lifetime. A major cause of illness in older women is osteoporosis, a particularly painful and debilitating condition. One-third to one-half of all postmenopausal women and nearly half of all people older than 75 will be affected by this disorder. Together, cardiovascular disease, cancer, and osteoporosis are the most common causes of death, disability, and impaired quality of life in women.

Most biomedical research into the causes, treatment, and prevention of disease has historically centered on men, with the results subsequently applied to women. Regrettably, this approach assumes no gender differences between men and women in the way diseases manifest themselves or in the way diseases should be treated. S. 1 seeks to remedy these incorrect assumptions and approaches by assuring the increased participation of women in clinical studies and providing additional funding for research on breast cancer, ovarian and cervical cancer, osteoporosis, and reproductive health.

In conclusion, Mr. President, the future health and welfare of all American women depends on a greater understanding of women's health and the disorders that affect them. This legislation represents an important step in assuring that women's health research becomes and remains an integral part of our Nation's health agenda.

Mr. KENNEDY. Mr. President, I put forward an amendment on behalf of Senators KASSEBAUM, HATCH, and myself to send a clear signal that Congress is committed to maintaining the integrity of the Vaccine Injury Compensation Program. This amendment would continue the authority of the U.S. Court of Federal Claims to receive and forward petitions under the Vaccine Injury Compensation Program filed on or after October 1, 1992.

The Vaccine Injury Compensation Program has worked well since inception. This new no-fault system established by the Congress has met the goals of stabilizing concerns about liability associated with vaccine administration and the effects of this on vaccine prices. The Vaccine Injury Trust Fund is currently secure with a balance of $600 million. Last year, the Congress passed legislation to extend the excise tax which funds the trust fund in H.R. 11. This provision expired following the President's veto. There is clear bipartisan support in both the Senate and the House to reinstate this excise tax at the earliest possible opportunity. Until this can be accomplished, it is the intention of the Congress to ensure that petitions will continue to be received by the court.

Mr. President, I am pleased that we are able to address this important issue today. We have worked on this closely with Senator KASSEBAUM and Senator HATCH, and they have been strongly committed to maintaining the successful operation of the Vaccine Injury Compensation Program. This amendment sends a clear signal to eliminate any ambiguity that new petitions should be received until legislation extending the excise tax is enacted.

EXPLANATION OF AMENDMENT

This amendment would continue the authority of the U.S. Court of Federal Claims to receive and forward petitions under the Vaccine Compensation Injury Program. It is a signal that the Congress intends to maintain the integrity of this program. The extension for the excise tax on vaccines was vetoed in H.R. 11, and there is clear bipartisan commitment in the Senate and the House to reinstate this excise tax this year. In the interim, no ambiguity should remain for courts as to congressional intent to maintain the program.

Mr. LAUTENBERG. Mr. President, S. 1, the NIH Revitalization bill before us addresses deadly diseases in the United States including breast cancer, AIDS, Parkinson's disease among others. I am an original cosponsor of this legislation and I strongly support its swift enactment.

It was my hope to offer an amendment to address another deadly disease which is almost completely preventable. My amendment would have been based on S. 261, the Preventing Our Kids from Inhaling Deadly Smoke or PRO-KIDS Act of 1993. This measure would prohibit smoking in federally funded programs which serve children under the age of 18, including elementary and secondary schools and daycare centers.

Mr. President, on January 7, 1993, the EPA released a final report which confirmed what we had suspected: secondhand smoke kills. The EPA found that secondhand smoke was a class A carcinogen, like asbestos, benzene, and arsenic. The EPA concluded at least 3,000 lung cancer deaths were associated with nonsmokers inhaling secondhand smoke. The EPA also found significant evidence that secondhand smoke causes a wide variety of respiratory illnesses or exacerbates them and concluded that children suffer the most from breathing secondhand smoke. That is why I introduced PRO-KIDS.

The urgency for this legislation was highlighted last week, when the Centers for Disease Control released a survey which estimated that 752,000 children in the United States were at risk of significant exposure to secondhand smoke in our Nation's day-care centers.

Because of the conclusiveness of these findings, I hoped to offer PRO-KIDS as an amendment to the NIH bill this week. However, I am fully aware that offering this amendment could well cause the type of insurmountable delay in enacting this legislation that has gone on in the Senate when it considered previous smoking-related amendments. As I stated previously, I think that the NIH bill before us should be passed immediately.

Therefore, I will not offer PRO-KIDS to the NIH bill. But we must act and we must act soon. Therefore, I would like to ask the distinguished Senator from Massachusetts, the chairman of the committee which has jurisdiction over PRO-KIDS, and a leader in the fight against addiction to tobacco by our young people, if the Labor and Human Resources Committee will soon hold a hearing on this issue and will consider my bill for action after that hearing?

Mr. KENNEDY. I would like to assure the Senator from New Jersey that it is my intention to hold a hearing on the adverse health effects of tobacco use, including secondhand smoke, in the near future and I expect that the committee will take action regarding your legislation sometime after that happens.

Mr. LAUTENBERG. I appreciate the distinguished chairman's assurances and I look forward to working with him on enacting this legislation. Our children are at risk, we must act soon.

Mr. MCCAIN. Mr. President, I rise today to express my support for passage of the National Institutes of Health Revitalization Act of 1993.

Since their creation, the National Institutes of Health have helped to make America the world leader in biomedical research.

Research carried on at the National Institutes of Health has helped us a great deal in coming to understand more about our health and so many of the diseases that afflict us. I am, as is every American, grateful for the terrific work that is done at the National Institutes of Health—work from which we all benefit.

This legislation reauthorizes funding for the critical activities being carried on at the National Institutes of Health, and increases the authorization level for all of the Institutes. It expands the National Library of Medicine, the funding for AIDS research, and provides funding for badly needed biomedical and behavioral research facilities. In addition, it increases funding for research into prostate cancer and diseases that affect children.

In sum, this legislation is an investment in our future, as biomedical research is the key to unlocking the doors of the future to better health for the American public.

I would like to focus for a moment on a number of provisions to promote better understanding of the diseases that afflict women. The understanding that will be gained from these activities will result in better health for our Nation's women. Unfortunately, past biomedical research efforts have not always adequately addressed the needs of women in our society.

Women comprise more than half of our Nation's population. While they are certainly affected by diseases such as heart disease, Alzheimer's, arthritis, diabetes, and cancer, the bulk of the research being conducted at the National Institutes of Health focuses almost exclusively on these diseases as they affect men.

What's more, diseases affecting only women—such as ovarian, cervical, and breast cancers, are given too little, if any, attention.

Mr. President, it is critical that women be included in the biomedical research being conducted at our Nation's premier Federal research institution. I am pleased that this legislation will do just that.

The legislation we are considering today will not only significantly increase the resources available for research into women's specific diseases, it will also include women in the research that is being conducted into diseases that affect men and women alike.

Specifically, this legislation would do a number of things to include women in the biomedical research being conducted at the National Institutes of Health.

First, it would require the Director of NIH to include women and members of minority groups in all NIH sponsored projects.

Second, it requires greater inclusion of women in aging research. It requires the Director of NIH to conduct research into the aging process of women, including studies on the effects of menopause.

Third, it establishes an Office of Women's Health.

Fourth, it authorizes $225 million in fiscal year 1994 for research concerning breast cancer. This portion of the bill is similar to that included in legislation I previously sponsored with Senator MIKULSKI. In addition, the legislation authorizes $100 million in fiscal year 1994 for other activities related to breast cancer—research, prevention, detection, and education.

And, fifth, this legislation requires more extensive research on osteoporosis, Padget's disease, and related bone disorders.

Mr. President, before I conclude my remarks on this very important legislation, I would like to address the provision in this legislation on the lifting of the ban against fetal tissue research.

The vote I am casting today in favor of this legislation, which includes the provision to lift the ban against fetal tissue research, is one I have thought about very, very carefully. In my years as a representative of Arizona in both the House and Senate, I have consistently supported the rights of the unborn. I have cast approximately 70 votes to protect the rights of the unborn. I have always acted, and will continue to act, to protect the sanctity of life. I do not believe that abortion is an acceptable form of birth control, nor do I believe that it should be funded by the American taxpayer.

Nevertheless, I say in all candor that I have been torn by the issue of the use of fetal tissue for the purposes of medical research. The use of fetal tissue has shown great promise for the treatment of those who suffer from such insidious diseases as Parkinson's disease and juvenile diabetes.

The victims of these diseases, and their families, have prayed for a breakthrough such as may be achieved through research using fetal tissue. Since induced abortions are legal in this country, they ask why the tissue resulting from those abortions cannot be used in an effort to save countless numbers of lives.

I have lost sleep struggling with this very question. The strength of my opposition to the practice of abortion is matched by my anguish for the suffering of the victims of debilitating diseases. In considering alternatives to an outright lifting of the ban on the use of fetal tissue for research in federally-funded facilities, I had hoped that the use of tissue resulting from ectopic pregnancies and miscarriages would be considered by my colleagues to be sufficient.

Unfortunately, the amendment offered last year by Senator HATCH to establish a private bank for this type of tissue failed. The majority of my colleagues did not consider it a viable compromise. I had hoped otherwise. Nonetheless, I feel that Congress must act affirmatively to support research to save lives, using tissue obtained through a practice which is currently legal in this country. For that reason, lacking another alternative, I support lifting the ban on the use of fetal tissue for research by the National Institutes of Health.

I strongly believe that the safeguards in this legislation remove any incentives for inducing abortions—either for direct donation to an ailing relative or monetary gain. I would never support lifting the ban if I thought it would result in the creation of a market for fetal tissue. The idea of such a market is barbaric, and, in fact, safeguards have been placed in this legislation to prevent this from occurring. Only my strong belief that these safeguards are sufficient permit me to vote in favor of lifting this ban.

In reaching this decision, I must emphasize that I remain committed to protecting the rights of the unborn and upholding the sanctity of life. I have never wavered from this position, nor do I believe that this action constitutes a wavering from this commitment.

Mr. MACK. Mr. President, I support S. 1, to revise and extend the programs of the National Institutes of Health.

This legislation will provide the research funding necessary to help unlock the mysteries of cancer, Alzheimers' disease, osteoporosis, juvenile arthritis, AIDS, and other tragic illnesses.

I am extremely pleased that this bill focuses on the vital work being performed at the National Cancer Institute. This important legislation brings the authorization levels for the National Cancer Institute very close to the bypass budget request. One need only look at the grim statistics to see that cancer research must be a priority.

According to the American Cancer Society, approximately 85 million Americans now living will eventually develop cancer. More than 8 million Americans alive today have a history of cancer, more than half of which were diagnosed 5 or more years ago. More than 1.1 million Americans will develop cancer in 1992 alone. This year, more than half a million of our citizens will die from cancer, about 1,400 people per day. One in five deaths in the United States is cancer-related.

Like many American families, my family has been touched by cancer. In 1979, my brother, Michael, died from a malignant melanoma. I am a cancer survivor, having been successfully treated for a malignant melanoma. My wife, Priscilla underwent a mastectomy and 6 months of chemotherapy following breast cancer. Our daughter is a survivor of cervical cancer, and my mother is a survivor of breast cancer.

The bill designates that special attention is paid to cancer control activities in the areas of breast, cervical and prostate cancer. Breast cancer is one area in which we are actually losing ground. In 1992, the American Cancer Society estimated that 1 in 10 American women would develop breast cancer. This year, it is one in nine.

Last year, three of our colleagues bravely came forward to announce they have undergone treatment for prostate cancer. This is one of the most preventable and treatable forms of cancer. Estimates show that the 5-year survival rate for prostate cancer is 88 percent.

While these earmarks bring attention to needed research with regard to these specific forms of cancer, I am concerned that the National Cancer Institute may be forced to reprogram funds from general cancer research in order to meet all the required research mandated in this bill. The end result could mean that less research is performed on gene therapy, lung cancer in women, or clinical trials of potentially lifesaving vaccines.

In addition, the legislation mandates the establishment of a National Center for Sleep Disorders within the National Heart, Lung, and Blood Institute. I have little doubt that there are many benefits in establishing this center. However, this unfunded mandate will force officials at that institute to reprogram needed research dollars to meet this requirement. I hope the Senate would address the issue of unfunded, congressionally mandated research during the appropriations process.

I am also extremely concerned with the establishment of an Ethics Review

Panel, which will have the unprecedented authority to overrule the awarding of medical research grants which the Secretary of Health and Human Services deems unethical. Last year, the Department of Justice issued a statement indicating it believes this provision is unconstitutional under the appointments clause. That is reason enough to oppose the establishment of this panel.

From a practical standpoint, I simply oppose the concept. The Secretary of Health and Human Services is our Nation's medical authority. We entrust in her the authority to make medical decisions each day. If we permit this panel to overrule her on research grants, where will it stop? I am very concerned that the panel may be highly political in nature and accountable to no one.

On balance, however, this legislation will go a long way in helping in America's fight against cancer and other diseases. With the concerns I have outlined, I will support passage of this legislation.

Mr. DOLE. Mr. President, being told you have cancer can be a very frightening experience. The so-called C-word is one of the most dreaded in the English language. But, when it comes to cancer of the prostate, that fear can be tempered by the knowledge that your problem can be detected early, thus greatly increasing your chances of recovery.

That is what happened to me a little over a year ago when I was told I had prostate cancer. I think I can speak for the distinguished Senator from Delaware, Senator ROTH. We both had that experience. It is the same diagnosis that about 132,000 men will have to face this year. As our population ages, more men will learn that they, too, are among the 1-in-11 men that has contracted the disease.

Prostate cancer is the most common malignancy among American men and the second biggest cancer killer, second only to lung cancer. It claims the lives of about 34,000 men each year in the United States.

But, despite these numbers, we still know relatively little about the causes of prostate cancer—or the possibility of preventing prostate cancer—or the effects of lifestyle, or behavior, or family history on the incidence of prostate cancer.

And, Mr. President, we still do not have definitive information about the beneficial effects of early treatment.

Common sense would say, find it early and treat it early. But, medical science cannot say this yet, because there has not been enough research.

Mr. President, that is why I was pleased to see an additional $72 million authorized for fiscal year 1994 in this bill for prostate cancer research.

Contrary to popular belief, prostate cancer is not an old man's disease. Although it is much more common with age, men even in their 30's can have prostate cancer—and often not know it.

Because prostate cancer often presents no symptoms until its advanced stages, it is sometimes referred to as the "silent killer." At least 40 percent of men with prostate cancer have metastatic disease—disease that spreads outside the prostate gland—disease that is not easy to treat—and disease that will claim lives.

Mr. President, it is my hope that by providing additional funding to prostate cancer research, more information will become available to the health providers, to the victims, and the potential victims of this disease. Prostate cancer is curable. I am convinced that this action today—increasing our funds for prostate cancer research—will bring us one step closer to saving lives.

Mr. SPECTER. Mr. President, I believe that the biomedical and behavioral research conducted and supported by the National Institutes of Health [NIH] offers the promise of acquiring new knowledge and better understanding for more effective treatment, cure, and prevention of illness and disease.

As the ranking Republican member of the Labor, Health and Human Services, and Education Subcommittee that funds the NIH, I support the important Institutes, centers, and research initiatives authorized in this bill. In fact, many of these programs and research initiatives have already begun at the subcommittee's initiative. In the position of ranking member, I know all too well that enacting the authorization amount is not enough. Each year I meet with people from Pennsylvania and other States, that explain the need for greater funding in a variety of areas of biomedical research. Because of this need, I have long been urging for a greater allocation for this subcommittee to adequately meet the challenges identified in this bill.

I believe that it is our job in Congress to balance reducing the deficit and investing the Nation's dollars wisely. There are many programs under the Labor, Health and Human Services and Education Subcommittee's jurisdiction that deserve greater attention and support. I look forward to working with President Clinton, and the appropriations and authorizations committees in bringing to fruition the goals and programs outlined in this bill and I welcome the support of my colleagues as the appropriations process begins this year.

The United States continues to be recognized as the world leader in medical research. The past decade has brought many exciting scientific advances, some of which have opened whole new fields of investigation. In my travels throughout Pennsylvania, I have become familiar with biomedical research projects in my home State and strongly appreciate the importance of such work being conducted within Pennsylvania's biomedical research community as well as the work that has begun at the subcommittee's initiative.

Such research includes an exciting pediatric research initiative first funded by the subcommittee in fiscal year 1990 when, at our urging, child health research centers were created to foster bench-to-bedside research. The purposes of these centers was to hasten the application of laboratory research to the treatment of diseases and conditions that affect our Nation's children. The centers, each of which focuses on a single theme or area of scientific inquiry, have quickly become leaders in the practical application of new scientific knowledge. Children's Hospital of Pittsburgh and the Children's Hospital of Philadelphia are 2 of the 19 institutions that have successfully competed for these grants.

S. 1 provides statutory authority for the Child Health Research Centers Program within the National Institute of Child Health and Human Development and I urge my colleagues to support this authorization.

S. 1 also authorizes new centers for the study of the prevention, diagnosis, and treatment of cardiovascular disease among children. Cardiovascular disease is among the leading causes of morbidity and mortality among children, and the proposed centers offer the prospect of a focused, multidisciplinary approach to the study of such disease, including molecular biology, biochemistry, bioengineering, and genetics. The proposed centers would study such subjects as congenital and acquired heart disease, arrhythmias, preventive cardiology, and the intrauterine environment.

Such centers will take advantage of this approach to develop new methods for treating cardiovascular disease among children. Pennsylvania's leading pediatric research institutions are well positioned to compete for this new centers program. At the direction of the subcommittee, these centers will be under way this fiscal year.

In 1989, the National Center for Human Genome Research was established administratively within the NIH to support and coordinate our national research in the mapping of the human genome and the sequencing of human DNA. At the heart of this endeavor is an international effort to map the entire genetic blueprint of the human body.

One of the most important participants in the human genome project is the Children's Hospital in Philadelphia, which was awarded a 5-year, $10 million grant to map chromosome 22, commonly known as the Philadelphia chromosome. Chromosome 22 is associated with at least eight forms of pediatric cancer and three often-fatal developmental disorders. The Children's

Hospital of Philadelphia is one of just seven institutions in the United States to participate in the latest phase of this project, and the only pediatric hospital, or hospital of any kind, to do so. The hospital's partners in this research are the University of Pennsylvania Medical Center, the Fox Chase Cancer Center, and DuPont Merck.

The study of the human gene offers extraordinary promise for unparalleled breakthroughs in understanding, diagnosing, and treating genetic diseases. Genome research on chromosome 22, for example, has broad application to pediatric investigations into childhood leukemia, cancer, heart disease, and some forms of mental retardation. This bill encourages the NIH to give priority to research and research training programs that facilitate the transfer of basic knowledge gained from mapping and sequencing individual genes into new scientific techniques that will be useful in clinical settings, in research on specific diseases, and in diagnostic laboratories. S. 1 would provide statutory authority for the National Center for Human Genome Research, which oversees this extraordinary work, and I urge my colleagues to support this legislation for this reason as well.

Another important aspect of the NIH revitalization bill is its special attention to the health of women. The 1985 Public Health Service Task Force on Women's Health Issues urged us to pay greater attention to women's health needs. S. 1 demonstrates our commitment to this goal. It establishes a women's health clinical research advisory committee; creates a data bank for women's health research; calls for additional research on aging among women; and provides for research programs on osteoporosis and other bone disorders. It also recommends $400 million for research on breast cancer and other cancers of women's reproductive systems.

The Labor, Health and Human Services and Education Subcommittee has given high priority to expanding funding for research on cancers affecting women. This past fiscal year the subcommittee's funding for breast cancer research represents a 48-percent increase over last fiscal year.

One of this country's leaders in research on women's health is Magee-Women's Hospital in Pittsburgh. One of the relatively few institutions in the United States devoted exclusively to the health needs of women, Magee-Women's Hospital has worked for over 80 years in a sphere of endeavor in which we, as a Government, are relative newcomers. Magee-Women's Hospital's comprehensive breast care system is a national model, and it is institutions such as Magee that will lead us as we attempt to redress our years of neglect of the health care problems unique to the majority of our population.

Approval of S. 1 is an important step in that redress because it provides statutory authority for the Office of Research on Women's Health, which has been established administratively within NIH. Started in 1990, I have fully supported funding of this important office in recognition of the important and long neglected initiative that it provides. In fact, since 1990, funding for the Office of Women's Health has increased by approximately 244 percent.

Finally, I wish to call my colleagues' attention to a provision in S. 1 that redesignates the National Center for Nursing Research as an institute within the National Institutes of Health. It was just 7 years ago that we belatedly acknowledged that nursing research was part of the mainstream of biomedical research by creating the national center. Now we wish to accord nursing research still further recognition of its status by making it an institute of the NIH. This recognition is richly deserved.

I am particularly pleased to support this change because of the many fine nursing schools in Pennsylvania. Among them is the University of Pennsylvania's School of Nursing, which is invariably included in any listing of the best nursing schools in America. I can think of no better way to acknowledge its role, and that of the nursing profession, than by according institute status to nursing research.

In conclusion, I wish to reiterate my support for S. 1. The biomedical research performed under the NIH's auspices has enabled us to cure many diseases and to find better ways to treat those that we cannot yet cure. Our support for this legislation will greatly enhance the progress of biomedical research in our country today and will impact all of our lives as biomedical research continues to yield many new discoveries of great potential value to us all.

### THE NEED FOR GREATER EMPHASIS ON WOMEN'S HEALTH NEEDS

Mr. GORTON. Mr. President, today I rise to address a topic of great importance to America—women's health issues. What are women's health issues? The Public Health Service Action Plan for Women's Health has defined them as: Diseases, or conditions unique to women, more prevalent in women, more serious among women, or having different risk factors or interventions in women. In other words, Mr. President, there are the sicknesses which cause death and disabilities in our wives, our mothers, and our daughters. Medical research had paid little attention to diseases and illness as it specifically affects women. It is only as of late that women's health research has come to the forefront as a field that demands increased attention. For years, women have been excluded from studies, because researchers have contended that pregnancy and fluctuating hormone levels would alter their findings. It is exactly because of these conditions that women should have been included. We know today that inattention to women's health issues has been a grave oversight.

The Society for the Advancement of Women's Health Research has identified several areas of women's health research in which we need to improve. These areas include:

The alarming lack of information of a variety of diseases which primarily afflict women.

The failure to include women in research study populations; and when women are included in research the lack of analysis by gender, age, race and socio-economic factors.

The failure to consider modulating factors such as endogenous or exogenous sex hormones, different life stages, life styles, or psychosocial issues when designing treatment regimens.

The dearth of knowledge about the effects of many drugs in women and the impact of age and hormonal status on drug metabolism.

The underrepresentation of women professionals in senior positions across the medical specialties.

The importance of understanding the changes which occur in women through different life stages.

We now have an historic opportunity to rectify these problems. Today, this body will pass the National Institutes of Health Revitalization Act. Included in this act are several provisions which will advance our knowledge about women's health. In the last few years, the NIH, under the guidance of the Director, Dr. Bernadine Healy, have made significant movements toward advancing women's health research. This bill will compliment those efforts.

In 1991, Dr. Healy began the most aggressive initiative in the world to further women's health. Titled the Women's Health Initiative, it is a $625 million, 15-year project that will redefine health research at NIH and around the Nation. The main component of the initiative is a 15-year study of 160,000 women and the effects of heart disease, stroke, cancer—most notably breast, lung and cervical cancers—and osteoporosis. These maladies are the major causes of death, disability, and frailty in women. The goals of the initiative are to expand our knowledge about how these diseases affect women, further prevention of these diseases and to evaluate the effectiveness of approaches for motivating women to adopt healthy behaviors. This initiative will provide practical information to women and their physicians on therapies and lifestyle patterns. More significantly, it will provide a base for more extensive research in the future.

I am especially proud that the Fred Hutchinson Cancer Research Center in

Seattle, WA, will be the coordinating institution for the Women's Health Initiative; and, the University of Washington will be a major subcontractor. Dr. Maureen Henderson, the head of the Hutchinson Center's Cancer Prevention Research Program, is the co-principal investigator along with Dr. Ross Prentice, the director of Public Health Sciences. As the clinical coordinating center, the center will be at the heart of the Women's Health Initiative's activities and will oversee the network of 45 clinical centers involved in the initiative.

In addition to the Women's Health Initiative, Dr. Healy has begun an aggressive recruitment and retention program for women scientists and researchers at the NIH. To coordinate these programs the NIH has established the Office of Research of Women's Health. The mandate of this office is to ensure that women are included in clinical trials, are recruited and encouraged to enter the field of medical research, and to coordinate NIH research into maladies which particularly affect women. S. 1 will establish this office as a permanent part of the NIH.

Dr. Healy deserves great praise for her aggressiveness in tackling the complex problem of women's health. Her efforts over the last 2 years will leave a lasting impression on the NIH and the Nation. I hope that President Clinton recognizes her skills and accomplishments and allows Dr. Healy to continue with her work at the NIH for several more years.

The National Institutes of Health Revitalization Act will codify and enhance much of Dr. Healy's efforts at NIH. Specifically, S. 1 requires the inclusion of women and minorities in clinical research trials. The need to include more women in health research was made poignantly clear by Pamela Douglas, a Harvard Medical school professor and director of the echocardiography laboratory at Boston's Beth Israel Hospital. She stated:

> There are significant differences epidemiologically between men and women. Somewhere on a molecular or cellular or organ level, there should be explanations for those differences, and when we learn those, we will not only understand the clinical disease better, but the treatment will be better for everybody.

Examples of areas where women have been excluded include heart research. In the development of several different clot-dissolving drugs on the market, women were excluded from the trials. Also, women were excluded from the research that found aspirin to be effective in prevention of heart attacks. The most egregious example of exclusion, were the first studies of the connection between estrogen and heart disease. These studies were only done on men; no women were included. The result was that estrogen was found to be harmful to men, and the researchers concluded that estrogen would also be harmful for women. Recent studies indicate the exact opposite is true—estrogen may be essential to prevention efforts for women. As a result, we really have no idea how many drugs and treatments will affect women. We do not know how certain drugs react to changing hormonal levels in women. The requirement that women be included in clinical trials will rectify this situation. As Dr. Douglas stated, learning how drugs react to the varying physical changes which occur in women will help us to develop treatments and refine drugs to help both men and women.

This act also includes provisions for enhancing research on diseases which are particular to women, specifically: $225 million for breast cancer, including the development of six multidisciplinary breast cancer research centers; $75 million for other gynecological cancers, including ovarian and other reproductive cancers; and establishment of a clinical research program in obstetrics and gynecology.

While we talk about doing more research on women, it is important that we also do more research with women. S. 1 requires the Secretary to administer the National Research Service Awards Program in such a manner that will ensure the recruitment of women. It also calls on the Secretary to support other various programs to help increase the number of women in biomedical research—not just at entry levels, but also at administrative and policy development levels. By recruiting more people like Dr. Bernadine Healy, we ensure that these programs will be effectively implemented.

Mr. President, the women's health provisions of the National Institutes of Health Revitalization Act are desperately overdue. The statistics speak for themselves—women's health care has been carelessly and conspicuously neglected. Increased attention to women's health issues is vital and necessary to save the lives and protect the futures of millions of women across the globe. As a father, a grandfather, and a husband, I am personally affected by how these oversights, and eventual improvements, may change the lives of the women in my life. Mr. President, we owe women an enormous apology for the historical oversights made in women's health care, and I lend my most heartfelt support to the continued support and enforcement of the provisions in S. 1 which will help to rectify many of these injustices.

Mr. GLENN. Mr. President, I rise today to express my support for S. 1, the National Institutes of Health Revitalization Act of 1993. This legislation strengthens our Nation's commitment to excellence in biomedical research—an area I believe should receive high priority for Federal funding even as we seek ways to reduce our Federal deficit. Our investment in research aimed at preventing and better treating diseases such as cancer, heart, alzheimer's, osteoporosis, AIDS and others is both humane and a way to reduce future health care spending. I commend Senator KENNEDY and Senator KASSEBAUM for their efforts in bringing this bipartisan measure before us today, and I look forward to its speedy passage and enactment into law by the President.

Since taking office, President Clinton has taken an important step toward research excellence by outlawing the previous administration's ban on fetal tissue transplantation research. S. 1 authorizes the Secretary of Health and Human Services to support research on the transplantation of human fetal tissue for therapeutic purposes. Medical researchers believe that millions of Americans who are suffering from Alzheimer's, Parkinson's, diabetes and other diseases could be treated or cured through fetal tissue transplatation. I support NIH funding for this important research, along with the safeguards contained in S. 1 to ensure that it does not encourage abortion.

I am very pleased that major provisions of two bills I cosponsored in the last Congress—the Women's Health Equity Act, and the Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act—are included in the NIH reauthorization bill we are considering today. For too long, women's health issues have not been given as much attention as they deserve, and most research on diseases affecting both women and men is done only on men.

The bill we are considering today expands our commitment to improving the health of women by:

Requiring the inclusion of women and minorities as subjects in clinical research conducted or supported by NIH;

Providing statutory authority for the Office of Research on Women's Health;

Providing for a women's health clinical research advisory committee and a data bank on women's health research;

Directing the National Institute on Aging to conduct research into the aging processes of women;

Establishing a research program on breast cancer and cancers of the reproductive system of women with increased funding, in addition to research already being conducted by the National Cancer Institute;

Creating a program to support five centers for research and training on contraception and infertility; and

Establishing a research program on osteoporosis, Paget's disease, and related bone disorders.

I would like to briefly highlight osteoporosis which is the most common bone disease affecting older Americans, particularly older women.

Osteoporosis is characterized by a gradual and initially painless decrease in the amount of bone tissue. As osteoporosis progresses, the bones become weaker and more porous, which makes them increasingly susceptible to fractures. The condition can affect any bone in the body, but the most common fracture sites are the hip, spine and wrist.

The number of people afflicted with osteoporosis is overwhelming. Today, at least 24 million Americans have some degree of osteoporosis. At least 1.3 million fractures a year—including 250,000 hip fractures—are attributable to this condition. Beyond the tremendous emotional and physical toll, osteoporosis has greatly increased our health care bill, costing over $10 billion annually in health care services and lost income. Osteoporosis, with its associated fractures, is an enormous public health problem; and there is no doubt that the emotional, physical and financial costs related to osteoporosis will continue to increase as our population ages.

In 1991, Senator GRASSLEY and I introduced legislation to authorize an additional $62.5 million for further research into the diagnosis, prevention and treatment of osteoporosis. The NIH bill we are considering today authorizes an addition $40 million for expanding and intensifying research on osteoporosis, Paget's disease, and related bone disorders. Combating osteoporosis—through expanded research, broad dissemination of information about osteoporosis, and providing Medicare coverage of bone mass measurements to identify and treat individuals at greatest risk of fractures due to osteoporosis—will continue to be a high priority for me.

Finally, I would like to express my support for the provisions of S. 1 which are intended to streamline our fight against AIDS and HIV infection. The growing number of HIV-infected Americans, including women and children, is a national tragedy. We must strengthen our effort on all fronts to combat the spread of HIV infection and to improve treatment for HIV and the related diseases prevalent in persons who are infected with this deadly virus.

I commend Senator KENNEDY, chairman of the Labor and Human Resources Committee, for bringing forth this comprehensive legislation to strengthen our Nation's commitment to basic medical research, and to ensuring that the results of this research are available to benefit all Americans. I urge my colleagues to join me in passing S. 1, the National Institutes of Health Revitalization Act of 1993.

Mr. JOHNSTON. Mr. President, I rise today to express my continued support for the legislation pending before the Senate. The National Institutes of Health deserve every resource that we are able to provide.

I have already spoken at length of my support for the women's health and cancer research provisions in this bill. Today I want to focus on an issue of equal importance and urgency—HIV infection and AIDS.

Not only does this measure increase the authorization for AIDS research undertaken by NIH by $600 million, but it ensures that the funds will be used in the most efficient and expeditious manner. Currently, all 21 Institutes at NIH are involved in AIDS research. This legislation will direct the office of AIDS Research to develop a strategic plan to attack the spectrum of HIV/AIDS related diseases and infirmities.

The provision is analogous to the enhanced mission of the Office of Research on Women's Health which is also authorized in this bill. In my view, such coordinated research efforts must be supported and encouraged not only because of humanitarian urgency, but also of the reality of the changing Federal fiscal climate. We must demand a greater degree of accountability in all phases of Government expenditure.

By focusing our strategic planning in OAR, I believe that we will have the ability to simultaneously focus and diversify our biomedical research efforts. For example, coordinated research will help to determine relationships between AIDS and opportunistic infections and cancers. This will not only help HIV/AIDS patients, but the tertiary effect will benefit those with other diseases. NIH must continue to remain the world's preeminent biomedical research institution, and basic research must be supported to continue this mission.

Finally, it is my hope that our new coordinated effort and increased authorization will afford the National Institute for Allergy and Infectious Diseases to reconsider its decision to close the Tulane/LSU Clinical Trial Unit in New Orleans, which is the most important clinical trial unit on the gulf coast. Basic research can only be effective if all phases of such research can be tested and studied in the field. We must move quickly and efficiently to give hope not only to those infected with HIV and AIDS, but to the entire Nation.

To underscore my concerns, I ask unanimous consent that my letter to Secretary Shalala requesting her support to restore funding for the Tulane/LSU AIDS Clinical Trial Unit be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, February 18, 1993.*

Hon. DONNA SHALALA,
*Secretary, Health and Human Services, Hubert H. Humphrey Building, Washington, DC.*

DEAR MADAME SECRETARY: I was very pleased to learn of your testimony before the Senate Finance Committee during the confirmation hearing process regarding your strong commitment to both AIDS research and addressing medical conditions affecting women, a position affirmed in the FY 1994 budget proposal for HHS which includes an additional $1.3 billion for funding HIV/AIDS; women's health; and other priority research and preventive care initiatives. I am particularly interested in how these additional funds will be allocated because of a critical situation facing the adult ACTU in New Orleans.

As you may know, NIAID established adult and pediatric AIDS Clinical Trials Units at the Tulane University School of Medicine in 1987. The Louisiana State University School of Medicine is also a full partner in this important program, commonly referred to as the Tulane/LSU ACTU. Regrettably, the adult unit did not receive funding for FY 1993 and is currently scheduled to be closed by the end of this year.

For the past 6 years, the Tulane/LSU ACTU has been a vital part of the overall clinical trials network through its research and testing of the efficacy of potential drugs and drug combinations for treatment of HIV infection and HIV-associated illness. It provides a vital service to the Gulf South region, drawing patients from Louisiana, Mississippi, southern Alabama, and the Florida panhandle. This center has consistently received high scientific merit scores from NIH, and ranked 15th among 32 units nationwide in patient enrollment.

Further, Louisiana ranks ninth in incidence of AIDS, with an estimated 30,000 HIV-positive individuals and nearly 2,000 reported cases of AIDS in the New Orleans area alone. New Orleans ranks 12th in total number of cases among American cities and has 51 cases/100,000. The rate of the spread of this epidemic in our area is alarming. The Centers for Disease Control reports an increase of 4.1% in the number of HIV-infected individuals in the Gulf South and a sharp rise in AIDS infection among minorities and women in the region.

Given that the enrollment of women and people of color into adult clinical trials requires continued vigilance, the high enrollment of these groups in the Tulane/LSU center cannot be ignored. I point out to you for emphasis that the New Orleans Center has enrolled African Americans into clinical trials at twice the average rate of enrollment in other units (22% vs. 12%). We cannot ignore these statistics. Clearly, there is a very real need for this vital service in the Gulf South Region.

Termination of funding for the Tulane/LSU ACTU signifies that an important treatment need of HIV-infected individuals in the Gulf South will go unmet, the general public health in our region will be underserved, and the highly skilled doctors, nurses and other health care professionals who have participated in this project will be lost to the AIDS research effort.

During the debate on the Labor, HHS, Education Appropriations Bill, FY 1993, I discussed this matter on the Senate floor with Senator Tom Harkin. I have enclosed a copy of my remarks as printed in the Congressional Record.

It is my strong hope that you will review the needs of the AIDS Clinical Trials Group and budget accordingly to provide appropriate funds for the continuation of the Tulane/LSU ACTU beyond this year.

With kindest regards, I am

Sincerely,

J. BENNETT JOHNSTON,
*United States Senator.*

Mr. D'AMATO. Mr. President, I rise today in support of the NIH Reauthorization bill, S. 1.

Biomedical research sponsored and supported by the National Institutes of Health has, over the years, contributed to dramatic advances in our ability to prevent, treat, and cure a host of illnesses once considered untreatable. Research currently underway at NIH represents hope for countless Americans afflicted with such difficult and debilitating conditions are cystic fibrosis, cancer, Alzheimer's disease, and AIDS. I support this bill not only because it will reauthorize funding for the many Institutes that make this vital research possible, but also because it contains a number of targeted initiatives that will make the Institutes more responsive to the health concerns of women and children, improve the efficiency and productivity of our AIDS research program, and provide safeguards against scientific fraud and misconduct.

While I have always felt that the majority of the programs in this bill are extremely worthwhile and should be reauthorized, I have also had deep reservations about provisions in past versions of this bill that would allow for the use of fetal tissue from induced abortions in medical research, and I still do. But, as my good friend Senator HATCH stated earlier in the debate on S. 1, because of the President's Executive order lifting the moratorium of fetal tissue research, the issue is now moot.

I believe it is vital that Congress and the NIH remain vigilant to ensure that safeguards preventing abuse regarding fetal tissue research are strictly adhered to. I support this legislation because of the important initiatives that it will fund, but, it continues to be the responsibility of Congress to monitor the use of fetal tissue in medical research to make sure that abuse does not occur and, if need be, address any such abuse through legislation. Toward that end, Congress should remain committed.

Mr. DURENBERGER. Mr. President, I am pleased to join with my distinguished colleague from Massachusetts as an original cosponsor of S. 1, the reauthorization of the National Institutes of Health.

This bill has had an uneasy birth. It was rejected by President Bush twice over. Now, as the second piece of legislation introduced in this body in the 103d Congress, with some work, it has reached final passage this time around.

The talented people, and state-of-the-art facilities of NIH, enrich the lives of millions of Americans. In Minnesota alone, NIH supports AIDS research, research on the relationship between cholesterol and heart disease, and breakthroughs in transplantation research.

S. 1 contains many important provisions that reinforce initiatives that NIH has already begun, and carries them into new areas as well. The Office for Women's Health Research, with its strong commitment to research on diseases that afflict women, and a renewed commitment to tackling the devastating and elusive AIDS virus are two cases in point.

I am an original cosponsor of S. 1, and I support the provision which would reorganize the Office of AIDS Research. This particular provision was the product of some careful work by my colleagues on the Labor Committee. I am, however, open to hearing the opinions of expert scientists who disagree with some aspects of the structural changes in the office. Therefore, when the time comes to confer with the House Members on this legislation, I will join with my distinguished colleague and our new ranking member, NANCY LANDON KASSEBAUM, to reexamine the issue.

While I am pleased to see this bill on the floor, and urge my colleagues to support it, I also want to admonish them. My admonishment encompasses but goes beyond the NIH to all our involvement in health.

I hope this year we do more than blindly reauthorize all the programs we have created in the past, and all the myriad institutions we have designed to implement these programs. And I hope we don't use our imaginations to crank out new specific categorical grant programs.

Despite all our best intentions, the programs we have created and the Government bureaucracy that administers them, simply doesn't work.

Just look at the numbers.

HHS is now a $590 billion bureaucracy. Like Topsy, it has "just growed." From its beginnings as the Social Security Administration, established in the 1930's, to the 1950's when SSA was transferred to the new Department of HEW, then expanded to include the new consolidated Public Health Service. When HHS emerged in 1979, it was already loaded down with grant programs. From 1960 to 1980, grant programs almost tripled, up to about 500. By 1981, HHS administered over 160 separate programs for health.

Despite all this money, and all this bureaucracy (HHS employs 134,000 people!), the Health of Americans is eroding.

We've heard all the numbers, but they are worth repeating. Homicide is now the second leading cause of death among 15–24 year olds. 20,000 Americans die each year from violent assaults. In 1991, 280,000 pregnant women were engaged in substance abuse. We face spreading health problems stemming from poverty, poor education, and lack of access to care that would prevent tuberculosis, the spread of AIDs, and other dreadful scourges.

Our old models are failing us. We rank 22d in the world in infant mortality. Throwing money at the problems doesn't solve them. In the District of Columbia, our Medicaid spending per capita ranks highest in the Nation, we have the highest number of primary care doctors per capita, and the highest amount of Government spending on health per capita. The result: We rank at the very bottom of all States in the adequacy of prenatal care, and at the bottom of access to primary care.

With constrained budgets and growing problems, we simply cannot go on in this Chamber with business as usual. We need to change the way we think about health problems.

We need to examine the goals of our health programs, and revise the way we have designed them. We must find coherent institutional structures that will meet the needs of people not the needs of politicians or interest groups across the political spectrum.

The NIH is only one part of this complicated Federal health bureaucracy. Hats off to the present director, Dr. Bernadine Healy, who has developed a strategic plan. Dr. Healy has tried to raise the consciousness of research scientists about how they fit in the totality of the health of America. I agree with Dr. Healy that we need a technology policy that is relevant to America's health.

I have asked NIH to study the infrastructure for biomedical engineering research in order to learn how this area of science fares in both the public and private sectors. This is a small piece of a broader technology policy.

NIH should not stand isolated from the health problems of America. Nor should any other Government agency. We have conflicting policies, overlapping jurisdictions, and severe lack of coordination. In a report I recently issued, "Designing an Infrastructure for Health Reform," I have outlined a strategy for reform of Federal Government institutions. I ask unanimous consent that this report be printed in the RECORD.

Mr. President, we cannot afford business as usual in our approaches to America's health. To use a popular phrase these days, we need to reinvent Government. This will only happen if Congress can reinvent the way it thinks about its role in health policy.

And so, as I cast my vote for S. 1, I urge my colleagues to do so with my admonition in mind. Let us be bold. Let us be creative. Let us put the health of America first.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### DESIGNING AN INFRASTRUCTURE FOR HEALTH REFORM

(By Senator Dave Durenberger)

#### FEDERAL FUNCTIONS

In order to lead the way in facilitating health care reform, we must restructure the federal bureaucracy. It must reflect the appropriate role of government and be adaptable to an emerging new health care system.

The first step is to raise the visibility and streamline the functions of government by creating a new Department of Health. The Department of Health will be a cabinet level Department within the Executive Branch, administered by the Secretary of Health. The Department will consolidate all components of health and medical care that contribute to the implementation of health care reform.

The structure of the Department will be based on an academic "campus" model with five centers which are policy hubs for critical aspects of the health care system. This model will require interaction across centers, each of which will be responsible for research, evaluation, and policy development. It will also be designed to enhance public-private collaboration.

In order to facilitate decision making and effective reform, the Department will be advised by an independent Health Reform Board. This Board will also advise the President and the Congress on all aspects of health reform.

### HEALTH REFORM BOARD

Cost containment strategies can be expected to become an integral part of any health care reform proposal. However, cost containment efforts to date have fallen far short of establishing and meeting specific goals.

In order to provide an independent group of experts to establish policies on cost containment strategies, a Health Reform Board will be established as an independent advisor to the Secretary of Health, the President and the Congress.

Although what I am proposing appears radical, I believe it is necessary to break the deadlock on health care reform and move forward. Cost containment will be a critical part of any reform plan, but the strategy must be based on consensus development and sound information. We cannot afford to spin our wheels arguing around the margins. We know what we have to do and we must move ahead. I believe the model proposed here will be an effective vehicle for defining our cost containment goals and designing an effective strategy that all sectors of the health care marketplace can embrace.

I believe that we should establish a group based on the successful model of the Commission on Base Realignment and Closure created by Congress in 1988 and modified in 1990. Congress created the Commission after several legislative efforts failed to close major military bases. The Commission was directed to make recommendations to Congress and the Secretary of Defense on base closures and realignments.

The federal government will face the same types of political and policy opposition to critical cost containment strategies as we faced in base closures. In order to create a dynamic, effective mechanism for establishing cost control principles, a Health Reform Board will be necessary to provide the Secretary, the President, and Congress with innovative, effective cost control strategies independent of politics.

Similar to the Base Closure model, the Health Reform Board will be composed of members appointed by the President, with the advice and consent of the Senate. Based upon the successful models of the Physician Payment and the Prospective Payment Commissions, the membership of the Board will include individuals with national recognition for their expertise in health economics, hospital reimbursement, hospital financial management, medical effectiveness, and other related fields. They will be appointed on the basis of their talents, not solely by affiliation with an interest group.

The Board will develop an annual agenda of cost containment issues and will make this agenda available to the Secretary of Health, the President and the Congress. The Department of Health will be responsible for generating information to address the cost containment agenda, but it will be up to the Board to develop annual recommendations to meet health care cost containment goals.

The Board will hold hearings on the findings and conclusions of the Department and will prepare a report to the President on them. The President will transmit to the Congress a report containing the President's approval or disapproval of the Board's recommendations. The Secretary of Health will be obligated to implement the final recommendations unless Congress disapproves them within 45 days of receipt of the report from the President.

I believe this approach will allow us to receive sound advice on effective cost containment strategies that reflect the views of the public and private sector. It will allow the Department of Health, the President, and the Congress to review annually the proposals for cost containment, but it will expedite decision making so we can stop spinning our wheels. There will be some bitter pills to swallow, but at least we can help the medicine go down smoothly through this type of approach.

### CENTERS

The new Department will be based on those functions that government does best, and be structured to promote information generation and policy formulation. The new Department of Health will consist of five centers: Biomedical Research, Medical Evaluation, Health Resources, Income Security, and Market Reform.

Each center will be administered by a Director, appointed by the President, and confirmed by the Senate. Each center will include an Office of Policy to advise the Director and to provide internal oversight, and will act as the principal liaison with the other centers.

Center for Biomedical Research: The federal government has a proven record in biomedical research and this function should continue to be supported in the new Department of Health. Under this new structure, we will create a continuum of information generation through basic and applied research, and link this to information dissemination.

To accomplish these goals, the Center for Biomedical Research (CBR) will support biomedical research and training, health information, and other programs with respect to the prevention, diagnosis, and treatment of diseases that affect human health.

The Center will assume the responsibilities of the National Institutes of Health, as well as the research programs of CDC. The Center will be responsible for basic, applied and developmental research and training through intramural and extramural activities. The Center will also retain responsibility for information dissemination about research findings.

In order to form a continuum leading from research to effective medical practice, the Center will forge a close linkage with the Center for Medical Evaluation (CME). An annual agenda for medical effectiveness information will be developed jointly by CBR and CME to effectively link new biomedical research information with medical practice. Large scale clinical trials, for example, could be supported on new or existing technologies jointly by CBR and CME.

Center for Medical Evaluation: I believe we must make an investment in medical evaluation commensurate with our investment in biomedical research and medical care delivery. We must also break down the artificial barriers between research, development, regulation and evaluation. We must also get better at using medical evaluation to support our health care reform and cost containment strategies.

The Center for Medical Evaluation (CME) will support research and evaluation on medical effectiveness through technology assessment, consensus development, outcomes research, practice guidelines and other appropriate activities. The Center will also support research and evaluation and will develop policy guidance on coverage for medical care services, long term care and chronic care, medical liability and on cost containment strategies.

The Center will assume the responsibilities of the Agency for Health Care Policy and Research (AHCPR), the Drug, Device, and Biotechnology Regulation (formally FDA, with food regulation consolidated in the Department of Agriculture), the National Center for Health Statistics (NCHS), the Office of Medical Applications of Research (OMAR), and the HCFA Office of Research and Demonstrations (ORD).

The goal of this center is to help develop a health care system that is based upon the best knowledge available on the effectiveness of health care services. This information will be critical to defining and updating a minimum benefit package, for example. It will also be important for developing effective cost containment strategies based on knowledge about appropriate utilization of medical services.

Center for Health Resources: Although my swap proposal would transfer public health infrastructure functions to the states, there will continue to be a federal role in manpower development and disease surveillance. There will also be a critical need to establish a strong liaison with states to facilitate their capabilities in public health.

The Center for Health Resources (CHR) will implement the new public health swap in partnership with the states. Functions previously supported by HRSA, CDC, and ADAMHA will be included in the Center. Although the majority of the health service delivery system will be managed by the states, the Center will be responsible for conducting demonstrations of innovative delivery systems, or demonstrations of services to special populations. CHR will also coordinate with state governments to help set public health goals and insure that the goals are met.

The Center will also assume responsibility for health manpower development through grants, stipends, and payment policies. The Center will work closely with health professions schools and health care providers to reduce disincentives to primary care through school curricula, payment policy and financial assistance. The Center will maintain a data base on health professions to assure an appropriate supply and distribution of providers and will develop targets for primary care and specialty training.

Center for Income Security: Any form of health care reform will have to tackle our entitlement programs, including Medicare and Medicaid. Although the final form of these programs is still to evolve, it is clear that the federal government should no longer be in the business of micromanaging the delivery of care to low income and elderly persons. The federal government will pay the premiums to the qualified health plans, either directly or through states.

Clearly the first step is the reform of Medicaid to a capitated national system run by states. We must also begin the transition to restructuring Medicare to create a program that allows elderly individuals to buy the same medical care insurance at 65 as they did at 64. We must also create stronger incentives to support cost-effective managed care.

To set the stage for entitlement reform, the Center for Income Security (CIS) will have the responsibility for providing financial assistance to eligible individuals including those with low income, the elderly, and American Indians. The Center will be responsible for determining the appropriate levels of financial assistance and will make periodic payments to eligible individuals.

The Center for Income Security will assume the responsibility for HCFA activities including payment to eligible beneficiaries. The Center will be responsible for making appropriate payments to states for low income health benefits, and will continue to process Medicare claims until that program is modified to a vouchered or capitated system.

Center for Market Reform: As I have tried to emphasize throughout this paper, the government must concentrate on what it does best, and then serve as a facilitator to allow the market to do what it does best. Small market reform is the best example, to date, of moving in this direction.

The Center for Market Reform (CMR) will provide guidance to and oversight of State Health Insurance Purchasing Cooperative governing boards. The Center will establish a uniform data system that will assist in designating qualified Health Insurance Purchasing Cooperatives and will implement a system for the collection of relevant health outcomes data that will be used by the Center for Medical Evaluation.

The Center will also act as the principal liaison with the private market, so that policies can be developed that facilitate market reform. The Center will coordinate the broad range of issues that impact the marketplace, including tax policies, ERISA, and competition.

The Center will be the focal point for federal-state relations and managed competition. It will provide policy direction to guide both state interactions and private market changes. CMR will analyze productivity data from other countries as well.

### NICKLES AMENDMENT NO. 39

Mr. DURENBERGER. Mr. President, I rise today in support of the Nickles amendment on the admission of HIV-infected aliens to the United States.

This amendment would retain the policy excluding HIV-positive aliens for a period of 6 months. During that time, the Secretary of HHS would work with the Attorney General to examine the critical cost issues involved in granting immigrant status to HIV-infected aliens. And the conclusion of that 6-month review, the Secretary of HHS and the Attorney General will make a full report to Congress on the cost implications of lifting the exclusion.

We need to know the answer to this specific question: Is the public charge provision in today's immigration law sufficient to protect against added costs to the United States?

Mr. President, I think that this amendment is a reasonable compromise. I voted earlier for the Kennedy amendment which would have permitted the HHS Secretary to lift the ban without congressional approval after 60 days—I think 60 days would have been enough time to compile the necessary information for a full report.

But the Kennedy amendment not having been agreed to, I think the Nickles amendment is an acceptable substitute. It lays out a series of steps toward a final decision on this important issue—and will give the process more than enough time to address all relevant concerns.

I reach this conclusion on the Nickles amendment without prejudice to the decision we will be called upon to make in 6 months' time. I know, for example, that all the public health authorities are unanimous in believing that AIDS/HIV should come off the immigration list of communicable diseases.

I also know that according to all the scientific evidence, AIDS is not transmitted by casual contact. That's why our last HHS Secretary, Dr. Louis Sullivan, and his Department had already signed off on a rule eliminating the classification of HIV-positive individuals in immigration law.

So there is a great deal of evidence tilting us in the direction of repealing this exclusion. That is why it is especially important for us to have some time in which to consider the objections. Dr. Robert Windom, the former Assistant Secretary of HHS, believes that there are serious cost considerations involved in allowing the entry of HIV-infected aliens.

Anyone who has HIV now may become sicker. Even if immigrants enter the country capable of paying their own way, in 10 or 15 years their health may have deteriorated enough to make them a public charge.

Let us get to the bottom of these questions before we set in stone a policy we may end up regretting. Let us create a reasonable process for review of this question—and get on with some of the more pressing tasks facing Congress.

The PRESIDING OFFICER. The question now is on agreeing to the committee substitute, as amended and modified.

The committee substitute, as amended and modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read the third time.

The bill was read a third time.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Missouri [Mr. DANFORTH], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Faircloth
Helms
Smith
Wallop

NOT VOTING—3

Bond
Danforth
Riegle

So, the bill (S. 1), as amended, was passed, as follows:

S. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.

Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Scientific Integrity

Sec. 161. Establishment of Office of Scientific Integrity.
Sec. 162. Commission on Scientific Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.
Sec. 202. Programs for increased support regarding certain States and researchers.
Sec. 203. Children's vaccine initiative.
Sec. 204. Plan for use of animals in research.
Sec. 205. Increased participation of women and members of underrepresented minorities in fields of biomedical and behavioral research.
Sec. 206. Requirements regarding surveys of sexual behavior.
Sec. 207. Discretionary fund of Director of National Institutes of Health.
Sec. 208. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.
Sec. 302. Program of research on osteoporosis, Paget's disease, and related bone disorders.
Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.
Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders Research.
Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health.

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical and health services research on eye care and diabetes.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.
Sec. 1602. Service payback requirements.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

Sec. 1631. Establishment of programs for National Institutes of Health.
Sec. 1632. Funding.

Subtitle E—Funding

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. National Foundation for Biomedical Research.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Sec. 1801. Revision and extension of various programs.

TITLE XIX—STUDIES

Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Report concerning leading causes of death.
Sec. 1908. Relationship between the consumption of legal and illegal drugs.
Sec. 1909. Cost of care in last 6 months of life.
Sec. 1910. Reducing administrative health care costs.
Sec. 1911. Study concerning radioisotopes.
Sec. 1912. Medical technologies productivity study.
Sec. 1913. Sentinel disease concept study.
Sec. 1914. Congressional appropriation of federally supported disease research.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio O. Conte, and limitation on number of members.
Sec. 2002. Technical corrections.
Sec. 2003. Technical corrections with respect to the Agency for Health Care Policy and Research.
Sec. 2004. Technical corrections with respect to the Health Professions Education Extension Amendments of 1992.
Sec. 2005. Biennial report on carcinogens.

Sec. 2006. Master plan for physical infrastructure for research.
Sec. 2007. Transfer of provisions of title XXVII.
Sec. 2008. Certain authorization of appropriations.
Sec. 2009. Prohibition against SHARP adult sex survey and the American teenage sex survey.
Sec. 2010. Support for bioengineering research.
Sec. 2011. Admission to the United States of aliens infected with the AIDS virus.
Sec. 2012. Sense of the Congress regarding action on a request for certain waivers under the medicaid program.
Sec. 2013. Authorization of appropriations.
Sec. 2014. Vaccine injury compensation program.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

## TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

### Subtitle A—Research Freedom

### PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

**SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.**

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B)(i) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research; or

"(ii) the majority of such board recommends that the Secretary not withhold funds for the research on ethical grounds, but the Secretary finds, on the basis of the report submitted under paragraph (4)(B)(ii), that there is a reasonable basis for overruling the board's recommendations.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding such funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The President shall consider such recommendations in making appointments to the board.

"(C) The President may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The President shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the President for neglect of duty or malfeasance or for other good cause shown.

"(F) The President shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such reasonable staff and assistance as may be necessary to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

### PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

**SEC. 111. ESTABLISHMENT OF AUTHORITIES.**

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(1), (b)(2), and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

### SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(e).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

### SEC. 113. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

## PART III—MISCELLANEOUS REPEALS

### SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN REGULATION.—The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

## Subtitle B—Clinical Research Equity Regarding Women and Minorities

## PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

### SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which such projects are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the cost of including women and minorities in clinical research is a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(4) For fiscal year 1994 and subsequent fiscal years, the Director of NIH may not provide funding for any project of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the project specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a).".

### SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposed project (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposed project regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposed project for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

### SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

## PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

### SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

### "SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors) and other appropriate entities.

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2)(A) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(B) Members of the Advisory Committee shall receive compensation for each day engaged in carrying out the duties of the Committee, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

### "SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

### "SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

## PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

### SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 403A. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

## Subtitle C—Scientific Integrity

### SEC. 161. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF SCIENTIFIC INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF SCIENTIFIC MISCONDUCT.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

### SEC. 162. COMMISSION ON SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission shall receive compensation for each day engaged in carrying out the duties of the Commission, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

(e) REPORT.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

### SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

### SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

### SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

## TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

### SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

### SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

### SEC. 203. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 204. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 880) is repealed.

### SEC. 205. INCREASED PARTICIPATION OF WOMEN AND MEMBERS OF UNDERREPRESENTED MINORITIES IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and members of underrepresented minority groups in the fields of biomedical and behavioral research.".

### SEC. 206. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

### SEC. 207. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 208. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) Day Care Regarding Children of Employees.—Section 402 of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements.".

## TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

### SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) Establishment of General Authority Regarding Direct Funding.—

(1) In general.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) Conforming amendment.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) Appointment and Duration of Technical and Scientific Peer Review Groups.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

### SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"Sec. 410. (a) Establishment.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Diseases, and the National Institute of Dental Research, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) Coordination.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) Information Clearinghouse.—

"(1) In general.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) Establishment through grant or contract.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) In General.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

"PART E—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

### "SEC. 1251. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

(b) Plan for Program.—

"(1) In general.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) Submission to congress.—Not later than one year after the date of enactment of this section, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) Participating Agencies; Coordination and Collaboration.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) Certain Activities of Program.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) Mechanisms of Support.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) Resources.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) Coordinating Committee.—

"(1) In general.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) Duties.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) Composition.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) Definitions.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) Conforming Amendment.—Section 402 of the Public Health Service Act, as amended by section 208(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

## TITLE IV—NATIONAL CANCER INSTITUTE

### SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

### SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

### SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to sucn purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute is authorized to make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m–6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

## TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

### SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b–3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

### SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b–4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

### SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS RESEARCH

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders Research (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is—

"(1) the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders, including biological and circadian rhythm research, basic understanding of sleep, chronobiological and other sleep related research; and

"(2) to coordinate the activities of the Center with similar activities of other Federal agencies, including the other agencies of the National Institutes of Health, and similar activities of other public entities and nonprofit entities.

"(c)(1) The Director of the National Institutes of Health shall establish a committee to be known as the Sleep Disorders Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the directors of the National Institutes of Health, the National Institute on Aging, the National Institute of Child Health and Human Development, the National Heart, Lung and Blood Institute, the National Institute of Neurological Disorders and Stroke, the National Institute of Mental Health, and of such other national research institutes as the Director of the National Institutes of Health determines to be appropriate, and shall include representation from other Federal departments and agencies whose programs involve sleep disorders.

"(3) The Director of the National Health, Lung, and Blood Institute shall serve as the chairperson of the Coordinating Committee.

"(4) The Coordinating Committee shall make recommendations to the Director of the National Institutes of Health and the Director of the Center with respect to the content of the plan required in subsection (e), with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health, and with respect to the activities of the Center that are carried out in conjunction with other agencies of the Federal Government.

"(d)(1) The Director of the National Institutes of Health shall establish a board to be known as the Sleep Disorders Research Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(2) The Advisory Board shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health, through the Director of the Institute, and the Director of the Center concerning matters relating to the scientific activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in subsection (c).

"(3)(A) The Director of the National Institutes of Health shall appoint to the Advisory Board 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, eight shall be representatives of health and scientific disciplines with respect to sleep disorders and four shall be individuals representing the interests of individuals with or undergoing treatment for sleep disorders.

"(B) The following officials shall serve as ex officio members of the Advisory Board:

"(i) The Director of the National Institutes of Health.

"(ii) The Director of the Center.

"(iii) The Director of the National Heart, Lung and Blood Institute.

"(iv) The Director of the National Institute of Mental Health.

"(v) The Director of the National Institute on Aging.

"(vi) The Director of the National Institute of Child Health and Human Development.

"(vii) The Director of the National Institute of Neurological Disorders and Stroke.

"(viii) The Assistant Secretary for Health.

"(ix) The Assistant Secretary of Defense (Health Affairs).

"(x) The Chief Medical Director of the Veterans' Administration.

"(4) The members of the Advisory Board shall, from among the members of the Advisory Board, designate an individual to serve as the chairperson of the Advisory Board.

"(5) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory board established under this section in the same manner as such provisions apply to any advisory council established under such section.

"(e)(1) After consultation with the Director of the Center, the advisory board established under subsection (d), and the coordinating committee established under subsection (c), the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of sleep disorders research.

"(2) The plan developed under paragraph (1) shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(3) The Director of the National Institutes of Health (after consultation with the Director of the Center, the advisory board established under subsection (d), and the coordinating committee established under subsection (c)) shall revise the plan developed under paragraph (1) as appropriate.

"(f) The Director of the Center, in cooperation with the Centers for Disease Control, is authorized to coordinate activities with the Department of Transportation, the Department of Defense, the Department of Education, the Department of Labor, and the Department of Commerce to collect data, conduct studies, and disseminate public information concerning the impact of sleep disorders and sleep deprivation.".

### SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute is authorized to make available not less than 10 percent for carrying out community-based prevention and control activities that include clinical investigations, clinical trials, epidemiologic studies, and prevention demonstration and education projects.".

## TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

### SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

## TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

### SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d-7(a)) is amended by inserting after "Arthritis" the first place such term appears the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d-7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

## TITLE VIII—NATIONAL INSTITUTE ON AGING

### SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99-158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

### SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

### SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section

802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

**SEC. 804. CONFORMING AMENDMENT.**

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

## TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

**SEC. 901. TROPICAL DISEASES.**

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

**SEC. 902. CHRONIC FATIGUE SYNDROME.**

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

## TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

### Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

**SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.**

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

**SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.**

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

### Subtitle B—Program Regarding Obstetrics and Gynecology

**SEC. 1011. ESTABLISHMENT OF PROGRAM.**

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

### Subtitle C—Child Health Research Centers

**SEC. 1021. ESTABLISHMENT OF CENTERS.**

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

### Subtitle D—Study Regarding Adolescent Health

**SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.**

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than November 1, 1993, the Director of the Institute shall initiate a 3-year study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

## TITLE XI—NATIONAL EYE INSTITUTE

### SEC. 1101. CLINICAL AND HEALTH SERVICES RESEARCH ON EYE CARE AND DIABETES.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award research grants to one or more Diabetes Eye Research Institutions for the support of programs in clinical or health services aimed at—

"(1) providing comprehensive eye care services for people with diabetes, including a full complement of preventive, diagnostic and treatment procedures;

"(2) developing new and improved techniques of patient care through basic and clinical research;

"(3) assisting in translation of the latest research advances into clinical practice; and

"(4) expanding the knowledge of the eye and diabetes through further research.

"(b) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used for the following:

"(1) Establishing the biochemical, cellular, and genetic mechanisms associated with diabetic eye disease and the earlier detection of pending eye abnormalities. The focus of work under this paragraph shall require that ophthalmologists have training in the most up-to-date molecular and cell biological methods.

"(2) Establishing new frontiers in technology, such as video-based diagnostic and research resources, to—

"(A) provide improved patient care;

"(B) provide for the evaluation of retinal physiology and its affect on diabetes; and

"(C) provide for the assessment of risks for the development and progression of diabetic eye disease and a more immediate evaluation of various therapies aimed at preventing diabetic eye disease.

Such technologies shall be designed to permit evaluations to be performed both in humans and in animal models.

"(3) The translation of the results of vision research into the improved care of patients with diabetic eye disease. Such translation shall require the application of institutional resources that encompass patient care, clinical research and basic laboratory research.

"(4) The conduct of research concerning the outcomes of eye care treatments and eye health education programs as they relate to patients with diabetic eye disease, including the evaluation of regional approaches to such research.

"(c) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

## TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

### SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

## TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

### SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 2851) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 2851) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

## TITLE XIV—NATIONAL LIBRARY OF MEDICINE

### Subtitle A—General Provisions

### SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

### SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

### Subtitle B—Financial Assistance

### SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

### Subtitle C—National Information Center on Health Services Research and Health Care Technology

**SEC. 1421. ESTABLISHMENT OF CENTER.**

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

**SEC. 1422. CONFORMING PROVISIONS.**

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102-410 (106 Stat. 2094), is amended to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102-410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102-410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

## TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

### Subtitle A—Division of Research Resources

**SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.**

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

**SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.**

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if—

"(i) the Board has under paragraph (2) recommended the application for approval; or

"(ii) the Director makes a written determination (setting forth in detail the Director's reasons for rejecting the recommendations of the Board) to approve a grant despite the adverse recommendation of the Board.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of not more than 9 members appointed by the Secretary, acting through the Director of the National Institutes of Health, and ex officio members as the Director of the Center may determine.

"(B) Not more than 2 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Secretary shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Secretary shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Secretary when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and "(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of board who are not officers or employees of the United States shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 481B, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

**SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.**

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) The Director of the National Institutes of Health, acting through the Director of the National Center for Research Resources, may award grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.

"(c) The Secretary may reserve not more than $7,000,000 of the amounts appropriated under section 481A(i) for each fiscal year to carry out this section.".

### Subtitle B—National Center for Nursing Research

#### SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) In General.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "Center" and inserting "Institute"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) Conforming Amendments.—

(1) Organization of National Institute of Health.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) Transfer of statutory provisions.—Sections 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464V through 464Y of such part; and

(C) are inserted, in the appropriate sequence, at the end of such part.

(3) Heading for new subpart.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) Cross-references.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

#### SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) In General.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research and in collaboration with the Division of Nursing of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) National Academy of Sciences.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) Definitions.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) Reports.—The Secretary shall ensure that, not later than 18 months after the date of enactment of this Act, an interim report describing the preliminary findings of the study conducted under this section will be issued, and not later than 3 years after such date of enactment, a final report shall be issued. Such reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

### Subtitle C—National Center for Human Genome Research

#### SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by sections 141(a)(1) and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"Sec. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center is authorized to make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical and legal issues, including the issuing of patents, associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

"(3) In carrying out the provisions of paragraph (1), the Director of the Center shall consider proposals from qualified public and nonprofit academic or research facilities.".

## TITLE XVI—AWARDS AND TRAINING

### Subtitle A—National Research Service Awards

#### SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and members from underrepresented minority groups, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

#### SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Paragraph (2) of section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)(2)) is amended to read as follows:

"(2)(A) For the initial year for which an individual receives a National Research Service Award for the conduct of postdoctoral training or research, such individual shall engage in one year of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or complete a second year of training or research under such Award.

"(B) Service obligations for National Research Service Awards that are less than 12 months may be satisfied—

"(i) by the conduct of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment for a period of time equal to the amount of time under the Award; or

"(ii) by reimbursing the Federal Government for the amounts provided to such individual under the Award.".

### Subtitle B—Acquired Immune Deficiency Syndrome

#### SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"Sec. 487A. (a) In General.—

"(1) Authority for program.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year.".

## Subtitle C—Loan Repayment for Research Generally

### SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

## Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

### SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from minority groups that are underrepresented in the fields of biomedical or behavioral research.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

**SEC. 1632. FUNDING.**

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

## Subtitle E—Funding

**SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.**

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786" and inserting "747, 748, or 749".

## TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

**SEC. 1701. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.**

Section 499 of the Public Health Service Act, as redesignated by section 121(b), is amended—

(1) in subsection (a), by striking ", except for" and all that follows through "Transfer Act";

(2) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (f), (g), (h), (i), (j), and (m), respectively;

(3) by striking subsection (b) and inserting in lieu thereof the following new subsections:

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support the National Institutes of Health in its mission, and to advance collaboration with biomedical researchers from universities, industry, and nonprofit organizations.

"(c) CERTAIN ACTIVITIES OF FOUNDATION.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of the following activities with respect to the purpose described in such subsection:

"(A) A program to provide and administer endowed positions that are associated with the research program of the National Institutes of Health. Such endowments may be expended for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the endowed positions.

"(B) A program to provide and administer fellowships and grants to research personnel in order to work and study in association with the National Institutes of Health. Such fellowships and grants may include stipends, travel, health insurance benefits and other appropriate expenses. The recipients of fellowships shall be selected by the donors and the Foundation upon the recommendation of the National Institutes of Health employees in the laboratory where the fellow would serve, and shall be subject to the agreement of the Director of the National Institutes of Health and the Executive Director of the Foundation.

"(C) Supplementary programs to provide for—

"(i) scientists of other countries to serve in research capacities in the United States in association with the National Institutes of Health or elsewhere, or opportunities for employees of the National Institutes of Health or other public health officials in the United States to serve in such capacities in other countries, or both;

"(ii) the conduct and support of studies, projects, and research, which may include stipends, travel and other support for personnel in collaboration with national and international non-profit and for-profit organizations;

"(iii) the conduct and support of forums, meetings, conferences, courses, and training workshops that may include undergraduate, graduate, post-graduate, and post-doctoral accredited courses and the maintenance of accreditation of such courses by the Foundation at the State and national level for college or continuing education credits or for degrees;

"(iv) programs to support and encourage teachers and students of science at all levels of education and programs for the general public which promote the understanding of science;

"(v) programs for writing, editing, printing, publishing, and vending of books and other materials; and

"(vi) the conduct of other activities to carry out and support the purpose described in subsection (b).

"(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

"(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.";

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "members of the Foundation" in subparagraph (A) and inserting "appointed members of the Board";

(ii) by striking "Council" in subparagraph (B) and inserting "Board";

(iii) by striking "Council" in subparagraph (C) and inserting "Board"; and

(iv) by adding at the end thereof the following new subparagraphs:

"(D)(i) Not later than 30 days after the date of enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the National Institutes of Health shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

"(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

"(G) The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be greater than the number specified in subparagraph (C).";

(B) in paragraph (2)—

(i) by inserting "(A)" before "The ex";

(ii) by striking "an appointed member of the Board to serve as the Chair" and inserting "an individual to serve as the initial Chairperson"; and

(iii) by adding at the end thereof the following new subparagraph:

"(B) Upon the termination of the term of service of the initial Chairperson of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chairperson of the Board.";

(C) in paragraph (3)(A), by striking "(2)(C)" and inserting "(1)(C)"; and

(D) by adding at the end thereof the following new paragraphs:

"(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

"(6) CERTAIN BYLAWS.—

"(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

"(iii) Policies for the conduct of the general operations of the Foundation.

"(iv) Policies for writing, editing, printing, publishing, and vending of books and other materials.

"(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation or the National Institutes of Health to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.";

(5) in subsection (i) (as so redesignated)—

(A) by inserting ", and define the duties of the officers and employees" before the semicolon in paragraph (4);

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (14), as paragraphs (5) through (13), respectively;

(D) by striking paragraph (8) (as so redesignated), and inserting the following new paragraph:

"(8) establish a process for the selection of candidates for positions under subsection (c);"

(E) by inserting "solicit" after the paragraph designation in paragraph (11) (as so redesignated);

(F) by striking "Executive" in paragraph (12) (as so redesignated);

(G) by striking "and" at the end of paragraph (13) (as so redesignate); and

(H) by inserting after paragraph (13) (as so redesignated), the following new paragraph:

"(14) enter into such other contracts, leases, cooperative agreements, and other transactions as the Director considers appropriate to conduct the activities of the Foundation; and";

(6) by inserting after subsection (j) (as so redesignated), the following new subsections:

"(k) GENERAL PROVISIONS.—

"(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(2)(B)(i)(II)), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

"(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(2)(B)(i)(II)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

"(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for annual audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(4) REPORTS.—

"(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

"(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

"(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, merge with, acquire, or use the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation, such as the Foundation for Advanced Education in the Sciences.

"(7) INTELLECTUAL PROPERTY RIGHTS.—The Board shall adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

"(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101-613) and the amendments made by such Act, shall not be nullified by the enactment of this section.

"(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to work in collaboration with the research programs of the National Institutes of Health. The Foundation may not undertake activities (such as the operation of independent laboratories or competing for Federal research funds) that are independent of those of the National Institutes of Health research programs.

"(l) DUTIES OF THE DIRECTOR.—

"(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of the National Institutes of Health, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of the National Institutes of Health determines is appropriate.

"(2) SUPPORT SERVICES.—The Director of the National Institutes of Health may provide facilities, utilities and support services to the Foundation if it is determined by the Director to be advantageous to the research programs of the National Institutes of Health.";

(7) in subsection (m) (as so redesignated)—

(A) by striking "$200,000" each place that such appears and inserting "$500,000"; and

(B) by striking "1995" in paragraph (1) and inserting "1996"; and

(8) by adding at the end thereof the following new subsections:

"(n) LIMITATION.—The Secretary shall ensure that no extramural funds made available by the National Institutes of Health are provided to the Foundation or for activities provided for under subparagraphs (A) and (B) of subsection (c)(1).

"(o) REPORT ON ADEQUACY OF COMPLIANCE.—

"(1) IN GENERAL.—With respect to the mission and function of the Foundation, the Comptroller General of the United States shall conduct an audit to determine—

"(A) whether the Foundation is in compliance with the guidelines established under this section; and

"(B) whether the procedures utilized under this section are adequate to prevent conflicts of interest involving the Foundation, the employees of the Foundation or members of the Board of the Foundation.

"(2) REPORT.—Not later than 18 months after the date on which the Foundation is incorporated, the Comptroller General of the United States shall complete the audit required under paragraph (1) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings made with respect to such audit.".

## TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

### SEC. 1801. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

(a) AMENDMENTS.—Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(3) in section 2315(a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in the part heading for part D, by striking "DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH" and inserting "OFFICE OF AIDS RESEARCH";

(7) in section 2351—

(A) by redesignating subsections (a), (b) and (c) as subsections (c), (d) and (e), respectively;

(B) by inserting after the section heading the following new subsections:

"(a) IN GENERAL.—In carrying out research with respect to acquired immune deficiency syndrome, the Secretary, acting through the Director of the National Institutes of Health—

"(1) shall establish an office to be known as the Office of AIDS Research, which Office shall be headed by a Director who shall—

"(A) be appointed by the Secretary;

"(B) be determined by the Secretary to be an individual who is an outstanding scientist and a highly skilled administrator;

"(C) report directly to the Director of the National Institutes of Health; and

"(D) be the primary Federal official responsible for the conduct of AIDS-related research at the National Institutes of Health; and

"(2) shall provide administrative support and support services to the Director of such Office and shall ensure that such support takes maximum advantage of existing administrative structures at the institutes, centers and divisions of the National Institutes of Health to the fullest extent practicable.

"(b) ACTIVITIES OF THE OFFICE OF AIDS RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the director of the Office of AIDS Research, shall ensure that AIDS research activities are coordinated across and throughout the institutes, centers, and divisions of the National Institutes of Health.

"(2) GENERAL DUTIES.—The Director of the Office of AIDS Research shall, based upon a strategic plan as defined in paragraph (3), develop and oversee the implementation of a scientifically justified budget for AIDS-related research at the National Institutes of Health and coordinate all AIDS-related research activities conducted at the institutes, centers, and divisions of the National Institutes of Health, and conduct evaluations on all such programs.

"(3) STRATEGIC PLAN.—

"(A) DEVELOPMENT.—The Director of the Office of AIDS Research shall, based on the advice of the directors of the institutes, centers, and divisions of the National Institutes of Health, and in consultation with the advisory council established in paragraph (5) and the coordinating groups established in subparagraph (B), develop and oversee the implementation of a comprehensive, long-range plan for the conduct and support of such research by the institutes, centers and divisions of the National Institutes of Health. Such plan shall be updated annually, and shall—

"(i) determine the appropriate overall balance between basic and applied research and between intramural and extramural research;

"(ii) determine and prioritize among critical scientific AIDS-related questions;

"(iii) based upon such determinations, specify the broad short and long range objectives to be achieved, and provide an estimate of the resources needed to achieve such objectives;

"(iv) evaluate the sufficiency of existing AIDS research programs to meet such objectives, and establish evaluation criteria, timelines and objectives for future program evaluation activities; and

"(v) make recommendations for changes and necessary resource allocation in and among such programs.

"(B) COORDINATING GROUPS.—The Director of the Office of AIDS Research shall establish AIDS coordinating groups for each research discipline within the AIDS research program, composed of representatives of relevant agencies of the National Institutes of Health and qualified extramural scientists, to evaluate and assess the efforts of the AIDS Research Program at the National Institutes of Health, to advise on the development of the strategic plan described in subparagraph (A), and to determine the extent to which such efforts are in accordance with such strategic plan.

"(4) COORDINATION.—The Director of the Office of AIDS Research shall act as the primary Federal official with responsibility for overseeing all AIDS-related research efforts undertaken by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS-related research and the clinical treatment of AIDS and its related conditions, between these various agencies for dissemination to affected communities and health care providers.

"(5) ADVISORY COUNCIL.—

"(A) ESTABLISHMENT.—The Secretary shall, consistent with section 406, establish an advisory council to be known as the Office of AIDS Research Advisory Council (hereafter referred to as the 'Council'), which shall serve to replace the AIDS Program Advisory Committee which is operating on the date of enactment of this subsection.

"(B) COMPOSITION.—The Council shall be composed of biomedical, behavioral, and social scientists, and representatives of diverse HIV affected communities, and shall be appointed by the Secretary.

"(C) AUTHORITY.—The Council shall—

"(i) advise the Director of the Office of AIDS Research and make recommendations concerning the development of the AIDS-related research budget, and the development and implementation of the strategic plan for AIDS-related research at the National Institutes of Health;

"(ii) provide the second level of peer review for awards made directly from the Office of AIDS Research from the discretionary fund described in paragraph (7); and

"(iii) carry out such other activities determined appropriate by the Director of the Office of AIDS Research.

"(6) BUDGETARY AUTHORITY.—The Director of the Office of AIDS Research shall—

"(A) in accordance with the strategic plan established under paragraph (3), in consultation with the Council, and based on budget requests and additional advice from the directors of the institutes, centers and divisions of the National Institutes of Health, prepare and submit directly to the President for review and transmittal to Congress, an annual, scientifically justified budget estimate for AIDS-related research conducted within the agencies of the National Institutes of Health, after reasonable opportunity for comment (but without change) by the Secretary and the Director of the National Institutes of Health, which shall include the amount of funds required (as requested by the directors of such institutes, centers and divisions) for—

"(i) the continued funding of the commitment base (ongoing program initiatives) at the sole discretion of the directors of such institutes, centers and divisions; and

"(ii) the funding of new and competing program initiatives through such institutes, centers and divisions, at the discretion of the Director of the Office of AIDS Research;

"(B) receive from the President and the Office of Management and Budget directly all AIDS-related research funds appropriated by Congress for transfer to, and obligation and expenditure by, the institutes, centers and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A); and

"(C) distribute AIDS research funding to the various institutes, centers, and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A).

The provisions of this paragraph shall become effective in the fiscal year following the submission of the consolidated AIDS budget.

"(7) DISCRETIONARY FUND.—

"(A) AVAILABILITY OF FUNDS.—The Secretary shall ensure that not to exceed 25 percent of the funds available in excess of the amount of baseline AIDS research spending during the previous fiscal year, be made available to the Director of the Office of AIDS Research for the establishment of an AIDS research discretionary fund.

"(B) USE.—The Director of the Office of AIDS Research, in consultation with the advisory council established under paragraph (5), shall use amounts in the AIDS research discretionary fund, either through the institutes, centers and divisions of the National Institutes of Health or grants made directly by the Office of AIDS Research, to—

"(i) fund emergency AIDS research programs;

"(ii) fund programs for the conduct of research aimed at filling gaps that exist in existing research programs;

"(iii) conduct conferences, convene committees, hold meetings or carry out other activities determined appropriate by the Director.

"(C) REDUCTION IN ADMINISTRATIVE IMPEDIMENTS.—Notwithstanding any other provision of law relating to the number of individuals who may be employed as full-time equivalent individuals, with respect to the number of full-time equivalent individuals so employed, the Director of the Office of AIDS Research shall be permitted to authorize the employment of such full-time equivalent individuals to perform AIDS-related research through the institutes, centers and divisions of the National Institutes of Health as described in clauses (i) and (ii) of subparagraph (B) and subject to appropriations.";

(C) in subsection (c) (as so redesignated)—

(i) by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

"(c) OTHER DUTIES.—The director of the office—";

(ii) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(iii) by striking "for the appropriate national research institute of the National Institutes of Health" in paragraph (4) (as so redesignated); and

(iv) by inserting "cannot reasonably be accomplished within the United States and" after "if such research" in paragraph (4)(A) (as so redesignated); and

(D) by adding at the end thereof the following new subsection:

"(f) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the AIDS research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this section has eliminated the duplication of administrative resources among such institutes, centers and divisions; and

"(C) provide recommendations concerning future alterations with respect to this section.

"(2) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of such evaluation.";

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes cancers, opportunistic infections, and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(9) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(10) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(11) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

## TITLE XIX—STUDIES

### SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(d) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enaotment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

### SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

### SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

### SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

### SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

### SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

### SEC. 1907. REPORT CONCERNING LEADING CAUSES OF DEATH.

(a) REPORT.—The Secretary of Health and Human Services shall, not later than October 1, 1993, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

### SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the

Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

### SEC. 1909. COST OF CARE IN LAST 6 MONTHS OF LIFE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the Health Care Financing Administration, shall conduct a study, using the most recent National Medical Expenditure Survey database, to estimate the average amount of health care expenditures incurred during the last 6 months of life and during the last 3 months of life by—

(A) the population of individuals who are 65 years of age and older; and

(B) the total population, broken down based on noninstitutionalized and institutionalized populations.

(2) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall—

(A) be designed in a manner that will produce estimates of health care costs expended for health care provided to individuals during the last 3 and 6 months of life;

(B) be designed to produce estimates of such costs for the populations identified in subparagraphs (A) and (B) of paragraph (1);

(C) include a calculation of the estimated amount of total health care expenditures during such periods of time; and

(D) include a calculation of the estimate described in subparagraph (C)—

(i) as a percentage of the total national health care expenditures; and

(ii) for those age 65 years and over, as a percentage of the total Medicare expenditures for those age 65 years and over.

(b) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings resulting from the study described in subsection (a).

(c) 1996 NATIONAL MEDICAL EXPENDITURE SURVEY.—

(1) IN GENERAL.—The Secretary, acting through the Agency for Health Care Policy and Research, shall ensure that the 1996 National Medical Expenditure Survey is designed in a manner that will produce an estimate of the amount expended for health care provided to individuals during the last 3 and 6 months of life.

(2) POPULATIONS.—In designing the Survey under paragraph (1), the Secretary shall ensure that such Survey produces the data required under such paragraph for the population of individuals who are 65 years of age or older, broken down based on noninstitutionalized and institutionalized populations.

(d) EXPENDITURE STUDY.—

(1) IN GENERAL.—Not later than 6 months after that date of enactment of this section, the Secretary, acting through the Agency for Health Care Policy and Research, shall design a study to produce estimates of expenditures for health care provided to children who are less than 1 year of age during the last 3 and 6 months of life, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning such design. The Secretary shall ensure that such study is carried out not later than 2 years after the date on which such study is designed.

(2) REPORT.—Not later than 30 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the study described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

### SEC. 1910. REDUCING ADMINISTRATIVE HEALTH CARE COSTS.

The Secretary of Health and Human Services, acting through the Agency for Health Care Policy and Research and, to the extent possible, in consultation with the Health Care Financing Administration, may fund research to develop a text-based standardized billing process, through the utilization of text-based information retrieval and natural language processing techniques applied to automatic coding and analysis of textual patient discharge summaries and other text-based electronic medical records, within a parallel general purpose (shared memory) high performance computing environment. The Secretary shall determine whether such a standardized approach to medical billing, through the utilization of the text-based hospital discharge summary as well as electronic patient records can reduce the administrative billing costs of health care delivery.

### SEC. 1911. STUDY CONCERNING RADIOISOTOPES.

(a) STUDY.—The Secretary of Health and Human Services, in collaboration with the Secretary of Energy, shall, subject to the availability of funds, conduct a study concerning the use and availability of radioisotopes in the United States for medical (both diagnostic and therapeutic) uses in relationship to other uses.

(b) SUBJECT OF STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) analyze the domestic isotope availability and production in the United States as it relates to medical (both diagnostic and therapeutic) needs;

(2) make recommendations concerning—

(A) isotope availability and production to meet domestic demand; and

(B) the need for additional production capacity.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the study conducted under this section together with the recommendations developed in such study.

### SEC. 1912. MEDICAL TECHNOLOGIES PRODUCTIVITY STUDY.

(a) FINDINGS.—Congress finds that—

(1)(A) the Congressional Budget Office, the General Accounting Office, and the Office of Technology Assessment have cited health care technology as a primary source of medical inflation; and

(B) data from the Office of Technology Assessment suggest that no more than one quarter of the 12 to 13 percent annual increase in health care expenditures, or an estimated 3 percent increase in such expenditures, is attributable to health care technology;

(2)(A) the 3 percent increase represents the maximum increase in such expenditures, because the Office of Technology Assessment arrives at the estimate by exclusion; and

(B) the increase attributable to health care technology may nevertheless amount to a direct increase of as much as $27,000,000,000 in health care costs in 1993 and an even greater indirect increase in such health care costs;

(3) one reason for the high increase in health care costs attributable to health care technology is that few incentives exist in the national research institutes of the National Institutes of Health to encourage the development of technology that improves the productivity of health care delivery; and

(4) since the National Institutes of Health is a major engine determining the direction of medical technology as well as basic biomedical research, it is appropriate, in the process of directing the medical research and development resources of the National Institutes of Health, to provide incentives that encourage the development of technology to improve the productivity of health care delivery.

(b) STUDY.—The Secretary of Health and Human Services shall conduct a study concerning—

(1) methods by which to encourage the development of medical technologies that improve the productivity, and thereby reduce the cost, of health care delivery through changes in the scientific peer review process; and

(2) methods by which to reduce the costs of the production of new medical technologies and increase the availability of such technologies through changes in the scientific peer review process.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the study conducted under subsection (b). Such report shall contain the findings of the Secretary with respect to the study and the recommendations of the Secretary for the implementation of measures to encourage enhanced productivity of medical technologies and increase the availability of such technologies through changes in the scientific peer review process. Such report shall also contain the steps that the Secretary proposes to implement the recommendations.

### SEC. 1913. SENTINEL DISEASE CONCEPT STUDY.

(a) IN GENERAL.—The Director of the National Institutes of Health, in cooperation with the Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, may design and implement a pilot sentinel disease surveillance and follow-up system.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to determine the applicability of and the difficulties associated with the implementation of the sentinel disease concept for identifying the relationship between the occupation of household members and the incidence of subsequent conditions or diseases in other members of the household.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

### SEC. 1914. CONGRESSIONAL APPROPRIATION OF FEDERALLY SUPPORTED DISEASE RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) it is in the public interest to support necessary and valuable biomedical research on diseases and conditions that harm or kill individuals and that threaten public health;

(2) it is in the public interest to allocate scarce Federal taxpayer money for research that is based on scientific merit and cost-effectiveness; and

(3) it is in the public interest for Members of Congress to have a criteria or methodologies to inform and assist them in the decision making process when allocating Federal taxpayer money for specific biomedical research.

(b) STUDY.—

(1) CONTRACT.—The Secretary of Health and Human Services shall, subject to the availability of appropriations and subject to paragraph (2), enter into a contract with a public or nonprofit private entity to develop criteria or methodologies which Members of Congress may use to assist and inform them during consideration of allocations for biomedical research.

(2) INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(3) ITEMS.—Items that may be considered in the development of the criteria of methodologies may include, but are not limited to, the following—

(A) the populations affected by, or potentially affected by diseases and conditions that are targets for research;

(B) the incidence and prevalence rates of disease and conditions;

(C) mortality rates of the diseases and conditions;

(D) rates of morbidity, impairment disability, and health status and functional outcomes of the diseases and conditions;

(E) the economic burden of the diseases and conditions including past and projected expenditures on diagnosis and treatment;

(F) other economic and social burdens; and

(G) potential for medical research on specific diseases to assist basic research efforts.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date on which the contract under subsection (b)(1) is signed, the Institutes of Medicine of the National Academy of Sciences shall prepare and submit to the Secretary of Health and Human Services, and the appropriate committees of Congress, a report that includes the recommendations developed under subsection (b). Not later than 90 days after the receipt of such report, the Secretary of Health and Human Services shall submit comments on the recommendations to the appropriate committees of Congress.

(d) COSTS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 1994 and 1995.

## TITLE XX—MISCELLANEOUS PROVISIONS

### SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 350 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

### SEC. 2002. TECHNICAL CORRECTIONS.

(a) TITLE III.—Subsection (c) of section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is repealed.

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102-321 (106 Stat. 362)), by striking "Administration" and inserting "Institute";

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(c) TITLE XV.—Title XV of the Public Health Service Act is amended—

(1) in section 1501(b) (42 U.S.C. 300k(b)), by striking "nonprofit"; and

(2) in section 1505(3) (42 U.S.C. 300n-1(3)), by striking "nonprivate" and inserting "private".

(d) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(e) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(f) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(g) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(2) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(h) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

### SEC. 2003. TECHNICAL CORRECTIONS WITH RESPECT TO THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act is amended—

(1) in section 904(d) (42 U.S.C. 299a-2(d))—

(A) by striking "IN GENERAL" in paragraph (1) and inserting "ADDITIONAL ASSESSMENTS";

(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively;

(C) by inserting after the subsection designation the following new paragraphs:

"(1) RECOMMENDATIONS WITH RESPECT TO HEALTH CARE TECHNOLOGY.—The Administrator shall make recommendations to the Secretary with respect to whether specific health care technologies should be reimbursable under federally financed health programs, including recommendations with respect to any conditions and requirements under which any such reimbursements should be made.

"(2) CONSIDERATIONS OF CERTAIN FACTORS.—In making recommendations respecting health care technologies, the Administrator shall consider the safety, efficacy, and effectiveness, and, as appropriate, the appropriate uses of such technologies. The Administrator shall also consider the cost effectiveness of such technologies where cost information is available and reliable."; and

(D) by adding at the end thereof the following new paragraph:

"(5) CONSULTATIONS.—In carrying out this subsection, the Administrator shall cooperate and consult with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency."; and

(2) in section 914(a)(2)(C), by striking "904(c)(2)" and inserting "904(d)(2)".

### SEC. 2004. TECHNICAL CORRECTIONS WITH RESPECT TO THE HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992.

(a) ASSISTANCE IN COLLECTION OF LOANS.—Subpart I of part A of title VII of the Public Health Service Act is amended—

(1) in section 705(a)(2)—

(A) by inserting "and" after the semicolon at the end of subparagraph (G);

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(2) by adding at the end of section 707 the following new subsection:

"(j) SCHOOL COLLECTION ASSISTANCE.—An institution or postgraduate training program attended by a borrower may assist in the collection of any loan of that borrower made under this subpart which becomes delinquent. The institution or postgraduate training program will not be subject to section 809 of the Fair Debt Collection Practices Act for purposes of assisting in the collection of any such loan.".

(b) FINANCIAL NEED REQUIREMENT.—Subsection (b) of section 722 is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) CENTERS OF EXCELLENCE.—Section 739(i)(2)(C) is amended by adding after the period the following new sentence: "Health professional schools described in paragraph (2) of subsection (c) are eligible for funding under this subsection.".

(d) TRAINEESHIPS FOR ADVANCED NURSE EDUCATION.—Subsection (a) of section 830 of the Public Health Service Act is amended to read as follows:

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities to meet the cost of—

"(1) traineeships for individuals in advanced-degree programs in order to educate the individuals to serve as nurse practitioners, nurse midwives, nurse educators, or public health nurses, or in other clinical nursing specialities determined by the Secretary to require advanced education; and

"(2) traineeships for nurses in certificate nurse midwifery programs which conform to guidelines established by the Secretary under section 822(b), to educate the nurses to serve as nurse midwives.".

(e) CERTAIN GENERALLY APPLICABLE PROVISIONS.—Subsection (d) of section 860 of the Public Health Service Act is amended by striking "821, 822, 830, and 831" and inserting in lieu thereof "821, 822, and 827".

### SEC. 2005. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

### SEC. 2006. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than June 1, 1994, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

### SEC. 2007. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

### SEC. 2008. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)), as added by Public Law 102-515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

### SEC. 2009. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1993 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective on the date of enactment of this Act.

### SEC. 2010. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering, including biomaterials sciences, cellular bioprocessing, tissue and rehabilitation engineering;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies;

(3) evaluating the role of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering; and

(4) evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

### SEC. 2011. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.

(a) ADMISSION.—Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED.—The President shall submit a report by September 1, 1993, containing—

(1) an assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care pro-

grams, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to HIV;

(4) the cost implications of refugees entering or likely to enter the United States, who carry the HIV virus;

(5) a comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the costs attributable to the entry of aliens suffering from other health conditions.

(c) HIV TESTING.—Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993.

(d) WAIVER AUTHORITY.—Subsection (c) may be waived by the Attorney General, in consultation with the Secretary of Health and Human Services for non-immigrants who, except for the provisions of this Act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of—

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of HHS to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

**SEC. 2012. SENSE OF THE CONGRESS REGARDING ACTION ON A REQUEST FOR CERTAIN WAIVERS UNDER THE MEDICAID PROGRAM.**

It is the sense of the Congress that—

(1) the Secretary of Health and Human Services should be commended for her commitment to either approve or deny the application for waivers to conduct a demonstration project under section 1115(a) of the Social Security Act submitted by the Oregon Department of Human Services on November 13, 1992, (hereafter referred to in this section as the "application") by March 19, 1993, and

(2) because the application for waivers has been pending for one and a half years and the Oregon State legislature faces a biennium budget currently under consideration, a decision must be reached by March 19, 1993, in order for the legislature to appropriate the funds necessary to implement the Oregon plan.

**SEC. 2013. AUTHORIZATION OF APPROPRIATIONS.**

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in the first sentence of subsection (b), by striking "1993 and 1994" and inserting "1993, 1994, and 1995"; and

(2) in subsection (d), by striking "in each of the fiscal years 1993 and 1994" and inserting "for each of the fiscal years 1993, 1994, and 1995".

**SEC. 2014. VACCINE INJURY COMPENSATION PROGRAM.**

Section 2111(a) of the Public Health Service Act (42 U.S.C. 300aa-11(a)) is amended by adding at the end thereof the following new paragraph:

"(10) The Clerk of the United States Claims Court is authorized to continue to receive, and forward, petitions for compensation for a vaccine-related injury or death associated with the administration of a vaccine on or after October 1, 1992.".

## TITLE XXI—EFFECTIVE DATES

**SEC. 2101. EFFECTIVE DATES.**

Subject to section 155, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that material pertaining to AIDS research be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMFAR,
*Washington, DC, February 16, 1993.*

DEAR SENATOR: As AIDS researchers, we are writing to strongly support the AIDS research reforms included in S.1, the NIH Revitalization Act of 1993. These reforms were developed by Senators Kennedy, Kassebaum and Hatch, and received the unanimous approval of the Senate Committee on Labor & Human Resources.

HHS Secretary Shalala testified before the House of Representatives that these reforms "provide an important framework for the improved planning and coordination of AIDS research." We hope that the Senate will swiftly enact S. 1 legislation that will significantly strengthen our national AIDS research effort. Specifically, we enthusiastically endorse the Title XVIII provisions which will:

Strengthen the NIH Office of AIDS Research (OAR) by providing it with the resources, staff and authority to develop and implement, in conjunction with the NIH institutes, a long-term strategic plan for AIDS research throughout the NIH.

Consolidate the NIH AIDS research budget into a single line item, to be appropriated to OAR and distributed by OAR to the institutes in accordance with the strategic plan' and give the OAR Director authority to submit a bypass (professional judgment) budget, similar to that of the National Cancer Institute, directly to the President; and the authority to distribute the NIH AIDS research budget in accordance with the strategic plan.

Strengthen the Office of AIDS Research by making its Director a full-time Presidential appointee who is an outstanding scientist and an experienced administrator, and give OAR an expert, diverse advisory committee, the OAR Advisory Committee (OARAC).

Create a discretionary fund for the Office of AIDS Research to be used for emergency research projects, fast-track research initiatives, or programs targeting gaps in current research.

We stand in bipartisan majority in Congress, and with the new Administration, in supporting this worthwhile legislation.

We all have a truly precious opportunity to accelerate AIDS research—and the quest for effective treatments and a vaccine.

This research has the potential to improve and lengthen the lives of over 1.5 million Americans. In addition, according to the OTA, because so much of AIDS research is basic science, this research has far-reaching implications for all Americans.

We are writing in the name of the many prominent AIDS researchers from around the country who join in this appeal.

The NIH Revitalization Act of 1993 with its AIDS research reforms is an essential step forward. We urge you to support its immediate passage without amendment.

Yours truly,

MATHILDE KRIM, PH.D.
*Founding Co.-Chair, American Foundation for AIDS Research (AmFAR), Adjunct Professor of Public Health, Columbia University.*

ARTHUR J. AMMANN, M.D., PH.D,
*Chairman, Health Advisory Board, Pediatric AIDS Foundation (PAF), Director, the Ariel Project for Prevention of HIV Transmission from Mother to Infant.*

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SCIENTISTS SUPPORTING AIDS PROVISIONS IN S. 1/H.R. 4

[Affiliations for Identification Purposes Only]

[List in Formation]

Donald I. Abrams, M.D., Assistant Director, AIDS Activities, S.F. General Hospital Professor of Clinical Medicine, UC San Francisco.

Naffees Ahmand, Ph.D., Assistant Member, Virology Division, James N. Gamble Institute of Medical Research.

Lisa Al-Hashimi, M.S.M., R.N., Director, Wisconsin Community Based Research Consortium.

David Amato, Ph.D., Director, Statistics & Data Analysis Center, Harvard School of Public Health.

Arthur J. Ammann, M.D., Ph.D., Chairman, Health Advisory Board, Pediatric AIDS Foundation (PAF), Member, IOM AIDS Roundtable.

Rajiv Anand, M.D., Assistant Professor, U. Texas Southwest Medical Center.

Michael T. Anderson, Ph.D., Department of Genetics, Stanford University School of Medicine.

John G. Bartlett, M.D., Professor of Microbiology & Infectious Diseases, Johns Hopkins University School of Medicine.

Debajit K. Biswas, Ph.D., Dana-Farber Cancer Institute.

Benjamin Bonavida, Ph.D., Professor of Microbiology & Immunology, UCLA School of Medicine.

William Borkowsky, M.D., Associate Professor of Pediatrics, NYU Medical Center.

Carole A. Brosgart, M.D., Chairman, Scientific Advisory Committee, Community Consortium, San Francisco, CA.

Yvonne J. Bryson, M.D., Professor of Pediatrics, UCLA AIDS Clinical Trials Unit.

Susan Buchbinder, M.D., Chief, Clinical Studies Research Branch, S.F. AIDS Office.

Bruce C. Byrne, Ph.D., Adjunct Professor of Medicine, Cooper Hospital University Medical Center.

Carol A. Carter, Ph.D., Associate Professor of Microbiology, SUNY Stonybrook, NY.

David D. Cenantano, Sc.D., Professor of Behavioral Sciences, Johns Hopkins University.

Terrence G. Chew, M.D., Medical Director, HIV Care, St. Francis Memorial Hospital.

James Chin, M.D., M.P.H., Professor of Epidemiology, UC Berkeley School of Public Health.

Francis Paine Conant, Ph.D., Professor, Hunter College AIDS Task Force.

Ellen C. Cooper, M.D., M.P.H., Director of Infectious Diseases, Syntex Research.

Victor DeGruttola, Ph.D., Associate Professor of Biostatistics, Harvard School of Public Health.

Roger Detels, M.D., M.S., Professor of Epidemiology, UCLA School of Public Health.

Gail Dinter-Gottlieb, Ph.D., Department of Bioscience & Biotechnology, Drexel University.

Donald T. Dubin, M.D., Professor of Molecular Genetics & Microbiology, UMDNJ/Robert Wood Johnson Medical School.

Lorna S. Ehrlich, Ph.D., Department of Microbiology, SUNY Stonybrook, NY.

Leon Epstein, M.D., Professor of Pediatric Neurology, U. Rochester Medical Center.

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Harvey V. Fineberg, M.D., M.P.H., Dean, Harvard School of Public Health, Harvard University.

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Matthias von Herrath, Ph.D., Division of Virology, Scripps Research Institute, La Jolla, CA.

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Leonore A. Herzenberg, Ph.D., Professor, Stanford University School of Medicine.

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Sandra R. Hernandez, M.D., County Health Officer/Deputy Director, S.F. Dept. Public Health.

Gary N. Holland, M.D., Associate Professor of Ophthalmology, UC Los Angeles.

S.A. Houff, M.D., Associate Professor of Neurology, Georgetown U. Sch. Med.

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Mathilde Krim, Ph.D., Founding Co-Chair, American Foundation for AIDS Research (AmFAR), Adjunct Professor of Public Health, Columbia University.

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Thomas C. Merigan, Jr., M.D., Professor of Medicine; Director, Center for AIDS Research, Stanford University School of Medicine.

Charles D. Mitchell, M.D., Associate Professor, Dept. of Pediatrics, University of Miami.

John P. Moore, Ph.D., Aaron Diamond AIDS Research Center; Associate Professor of Microbiology, New York University School of Medicine.

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Robert G. Newman, M.D., President, Beth Israel Medical Center, New York, NY.

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Leonard Simpson, M.D., Chairman, Social Policy Committee, Community Consortium, San Francisco, CA.

Edward E. Telzak, M.D., Chief, Division of Infectious Diseases, Bronx-Lebanon Hospital.

Fred Valentine, M.D., Professor of Immunology, New York University Medical Center.

Gwen vanServellen, R.N., Ph.D., F.A.A.N., Professor and Vice Chair, Psychiatric-Mental Health & Nursing Administration, UCLA School of Nursing.

Bruce Voeller, Ph.D., President, Mariposa Education & Research Foundation.

Steven S. Witkin, Ph.D., Associate Professor; Director, Immunology Division, The New York Hospital-Cornell Medical Center.

Richard Young, Ph.D., Associate Professor, Massachusetts Institute of Technology, Whitehead Institute for Biomedical Research.

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THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
*Washington, DC, January 28, 1993.*

Hon. ALBERT GORE, Jr.,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: We wish to offer our views on S. 1, the National Institutes of Health Revitalization Act of 1993, as reported by the Labor and Human Resources Committee. It is our understanding that this bill is scheduled for a floor vote on Tuesday, February 2.

In summary, we support the bill.

We fully support extending specific authorities for selected NIH activities. NIH's important functions are vital to the health of Americans and help enhance the competitiveness of this Nation through strengthening our science and biomedical research base.

We have some reservations about the detailed research and administrative directives and other overly specific requirements in the bill. However, we understand Congress's decision to move in this direction given the history of this bill and the disagreements over it between Congress and the past Administration.

We are particularly supportive of provisions in S. 1 which are aimed at improving the health of women. It is important that we all ensure that resources are devoted to conditions which uniquely affect women and expand efforts to include women in clinical trials.

Finally, the Clinton Administration supports strengthening AIDS research programs. We believe the bill provides a framework for directing AIDS research in an effective manner.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and that enactment of S. 1 would be in accord with the program of the President.

Sincerely,

DONNA E. SHALALA.

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[From the National Commission on Acquired Immune Deficiency Syndrome, Jan. 28, 1993]

### STATEMENT ON NATIONAL COMMISSION ON AIDS

Congress should strengthen the NIH Office of AIDS Research in the upcoming reauthorization of the National Institutes of Health legislation.

The role of the NIH Office of AIDS Research (OAR) should be to promote, develop, coordinate, prioritize, and integrate research on HIV/AIDS throughout all relevant Institutes at the NIH. It should have responsibility for articulating an NIH-wide cross-Institute AIDS research plan, and the budget authority to set priorities. Additionally, the Director should have the authority to make awards rapidly throughout the Institutes from a discretionary fund (initially at a minimum of $100 million) for projects responding to emerging opportunities of high priority. The OAR and its director should be independent of the individual Institutes, yet have coordinating responsibility over their AIDS-related activities. The workload of such an office, particularly in light of the additional responsibility to monitor and guide NIAAA, NIDA, and NIMH HIV/AIDS related research is now such that a full-time director is needed. The director should coordinate closely with the Institute Directors, the Director of NIH, the Secretary of HHS, and the Presidentially-appointed AIDS coordinator. The director of this office should serve as the government's leading authority on matters pertaining to HIV/AIDS biomedical, basic, clinical and behavioral research. Staffing the Office should be increased so that coordination across all Institutes in the various subject areas of concern can be adequately undertaken.

The Office should immediately develop a coordinated NIH-wide plan for research on behavioral HIV/STD risk reduction and the behavioral aspects of drug and vaccine use, as a component of the overall NIH HIV/AIDS research plan. The NIH AIDS Program Advisory Committee should also be strengthened through the addition of at least two members with experience in behavioral research.

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PEDIATRIC AIDS FOUNDATION,
*Santa Monica, CA, February 15, 1993.*

DEAR SENATOR: I have AIDS, I have lost my daughter to AIDS, my eight year old son is infected with HIV. I want you to know that this amendment is our hope for the future.

I have known for a long time that the government can do better, not just with money but with better and coordinated organization. However, there seemed little hope of anything really changing. Now there is a chance, a window of opportunity for so many. By strengthening the office of AIDS research we will speed up, not slow down research. As a country we will be able to strategize prioritize and move quickly to action. How can we settle for less?

My family, myself and millions of others need this chance. Those uninfected need a vaccine. We are in a fight for our life, I am fighting hard, meet me half way and pass this bill.

Most seriously,

ELIZABETH GLASER.

P.S. As chair of PAF we have funded over 10 million dollars in basic research. I feel qualified to evaluate this as a professional as well as a mother.

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THE ARIEL PROJECT,
*Novato, CA, January 15, 1993.*

To: Mike Iskowitz, U.S. Senate
From: Art Ammann

I received your comments on NIH reform, attached are comments reviewed by Elizabeth Glaser, Susan DeLauratnis and myself.

COMMENTS ON THE NIH AIDS PROGRAMS

The NIH plays a critical and essential role in supporting and directing research for life threatening illnesses. It needs to be recognized however that the NIH is not an integrated institution necessarily capable of responding rapidly (or correctly) to new or established research directions, as was evidenced in its delayed response to AIDS. Now that HIV infection has been thoroughly integrated into the to extramural and intramural programs of the NIH for over a decade, there is a significant risk that this "institutionalization of HIV" will result in priority issues not being addressed. The basic mechanism of NIH is to view research as being generated by individual investigators. Both the extramural and intramural programs are in reality composed of individual researchers with emphases that fall under specific institutes. Communication is not necessarily present between institutes or investigators and individuals or institutes are not required to avoid duplication or to meet research deadlines. However, since the present NIH mechanism has been partially successful in making major discoveries, the question is how to preserve critical individual research and still meet national priorities.

Fture effective NIH sponsored research in HIV infection will only be successful to its fullest extent if (1) evaluation of the current program occurs, (2) critical areas of research are identified, (3) priorities are established, (4) integration of research occurs, (5) mechanisms are defined as to how the research can best be accomplished and, (6) greater individual and institute accountability is required.

The Office of AIDS Research should be preserved. The head of the OAR should be an individual who is knowledgeable in basic and clinical research (does not have to be in AIDS directly) and who will be empowered to make decisions across institutes and in both intramural and extramural programs. The director of OAR must not have any conflict of interest. That is, there should be no direct or indirect gain to the individual. Of necessity, it should not be a person directly or indirectly involved in AIDS research. The basic task of OAR is to address the questions of what research needs to be done in the interest of national health, who should do it, and what are the priorities? At the same time OAR should review current research for duplication and productivity. In matters of national health, grants should not be awarded without a mechanism to evaluate output. The current peer review system lends itself to abuse a perpetuation of "like minded thinking". Investigators should be required to answer to a stricter level of accountability.

OAR should determine whether research is best accomplished for a specific area by extramural research, intramural research, contracts, RFAs, industry or a combination of these. In this regard, the question is, how can the work be accomplished most rapidly?

The director of OAR should have an advisory group which represents the major research areas—biomedical research, treatment and care and behavioral research. In each of these areas there should be a representative of each NIH institution and an outside representative from the community industry, ACT-Up, academics. Although diverse representation is essential, the group should not be larger than 20 since this would impede rapid decisions. This group, along with the OAR director would establish priorities. They should determine what work is being done and whether there is duplication of effort or, no work at all. The director would then report to the Interdepartmental Task Force on AIDS headed by the special assistant to the president.

Tough questions must be asked. For example. Why is this work being duplicated? Why is it taking so long? Why is this work being done by both NIH and the CDC or by two different NIH institutes? Who could do it faster? Why has this question been giving such a low priority? And, one of the more difficult question—should this program be discontinued?

Attention needs to be given to programs which might need to be strengthened. Because the budget will not have enough money to support all the research, some redistribution will be required. In spite of the new administrations support of AIDS there will be increasing competition for research dollars. The AIDS community should insist that the current AIDS research agenda be evaluated thoroughly if it wishes to remain credible when asking for more research money. This should be done carefully with the message being, "We will evaluate ongoing research to be certain that priorities are correct while we seek additional funding to perform the research of critical national health importance".

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JOHNS HOPKINS MEDICINE,
DIVISION OF INFECTIOUS DISEASES,
*Baltimore, MD, January 20, 1993.*

Senator EDWARD KENNEDY, Chair,
Senator NANCY LANDON KASSEBAUM, Ranking Member,
*Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND KASSEBAUM: From my perspective as a former key staff member in the National Institute of Allergy and Infectious Disease AIDS effort and more recently as a university-based AIDS researcher, I am writing to strongly support provisions in the NIH Reauthorization Bill (S.1) that would strengthen efforts to coordinate AID Research at the National Institutes of Health. These provisions are necessary to provide NIH with the ability to carry out much-needed strategic planning and coordination of AIDS research. Currently this important work is being done piecemeal by myriad institutes without truly effective long-range planning, integration and coordination.

Specifically, I strongly urge the inclusion of the following provisions:

Provide the NIH Office of AIDS Research (OAR) with the resources, staff and authority to develop and implement a long-term strategic plan for AIDS research throughout the NIH, including budgetary authority to move resources among institutes to ensure that the strategic plan is carried out. Fiscal authority is the key to ensuring effective use of research resources.

Give the OAR Director authority to submit a bypass (professional judgment) budget similar to that of the National Cancer Institute, directly to the President, and authority to distribute the NIH AIDS research budget to the Institutes in accordance with the annually-revised strategic plan.

Enhance the position of Director of the Office of AIDS Research to become a full-time, presidential appointee who will; (1) report directly to the Director of the NIH, (2) sit on relevant executive branch AIDS task forces, and (3) coordinate research efforts within NIH, other research institutions and industry.

Establish the Office of AIDS Research Advisory Council (OARAC) to advise the OAR director.

Create a discretionary fund within the Office of AIDS Research, exempt from routine procurement rules and civil service restrictions, to be used for (1) emergency research projects, (2) fast track research initiatives, or (3) directed programs to address gaps in current research.

Together Congress, the new Administration, and researchers around the country have a truly precious opportunity to accelerate the search for effective treatments and vaccines for AIDS and HIV infection.

Yours truly,

JUDITH FEINBERG,
*Assistant Professor of Medicine and Infectious Diseases.*

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January 20, 1993.

Senator EDWARD KENNEDY,
*Chair,*
Senator NANCY LANDON KASSEBAUM,
*Ranking Member,*
*Senate Committee on Labor & Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND KASSEBAUM: I urge you to support new provisions in the NIH Reauthorization Bill (S.1) that are intended to increase the authority of the Office of AIDS Research at NIH. As the founding director of the Division of Antiviral Drug Products at the FDA, which is responsible for regulating and approving new AIDS drugs, I had the opportunity to observe firsthand the inefficiencies that result from an uncoordinated and inadequately managed national AIDS research effort. After leaving government a little over a year ago, I have also had the opportunity to experience it from the other side, as a director of clinical research at a mid-sized pharmaceutical company seeking to work with the government in the development of new therapies for AIDS and other life-threatening diseases.

Although many important new discoveries have been made during the last decade as a result of government funding for AIDS research, it remains a lethal disease, with no near term prospect of a cure or preventive vaccine. In addition to the heart rending personal tragedies for the infected individuals and their families, our society is losing too many of its most talented citizens, and it has already begun to experience the unprecedented impact this epidemic will have on the health care system and drug development establishment in this country. As the epidemic continues to grow, we must be cognizant of the tremendous political and social upheaval that this disease is likely to cause worldwide. For all of these reasons, it is critical that the preeminent medical research entity in the world, the NIH, provide a model for inspired leadership and broad-based strategic planning in the ongoing war on this devastating disease.

Thus, a redoubling of support for the AIDS research effort in this country is as vital to our national interest as it is to our collective well-being. A substantial part of this effort must come from public funds, where bottom line business factors are not a driving consideration, and the potential for broadly-based, strategic planning exists. It is important that one office be given the responsibility and authority to guide and coordinate the complex, interdisciplinary research that this disease demands, and to hold accountable the various institutes at NIH that play a critical role in carrying out and overseeing various pieces of the research effort. To be effective, this office must be relatively independent of entrenched interests, reporting to the Director of the NIH. It must be adequately staffed with competent scientist managers, and headed by a full-time director who has the experience and clout to provide the scientific and social leadership that this challenge requires. It must also be given the authority to control and disperse the funds that NIH receives for AIDS research, both through existing institutes and through a discretionary research fund. Finally, this office and its director must be advised, both formally and informally, by broadly representative groups of experts from all important areas impacted by AIDS research efforts, for it is as important that the work of this office be influenced and supported by those outside government as by those within.

As leaders of a powerful Senate committee, your support for these changes is crucial. As a result, I look forward, from both a professional and personal perspective, to a new era in AIDS research, where government funds are prudently invested in accordance with a carefully constructed, broadly vetted strategic plan that is revised periodically as new information and research needs come to light.

Sincerely yours,

ELLEN C. COOPER, *M.D., M.P.H.*

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THE ARIEL PROJECT,
*Novato, CA, January 18, 1993.*

To MIKE ISKOWITZ.

DEAR MIKE: I previously faxed to you some recommendations from the Pediatric AIDS Foundation concerning NIH AIDS Program reorganization. It is important for members of congress to understand that the majority of the recommendations submitted by us and by TAG reflect the opinion of the AIDS community as a whole. Although I cannot speak for each person at the Institute of Medicine meeting on Friday, January 15th (to which your office had faxed the TAG recommendations for that committee's response) there was consensus that the recommendations were appropriate and would result in a more appropriate priority driven AIDS program, which would result in more rapid solutions. Attached is a list of the members attending the Institute of Medicine meeting.

Sincerely,

ART AMMANN, M.D.

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AMFAR,
*Washington, DC, January 15, 1993.*

SENATOR EDWARD KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Bldg., Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the Public Policy Committee of the American Foundation for AIDS Research (AmFAR), we write to formally endorse the document "Reforming the NIH AIDS Research Program", dated December 16, 1992, that has become known as the Treatment Action Group (TAG) proposal.

This proposal concerns the AIDS research program of the National Institutes of Health. We, like many others in the public health and AIDS communities, believe that coordination of AIDS efforts across all agencies of the federal government is critical to managing and ultimately controlling the human immunodeficiency virus (HIV) epidemic. Strong coordination within the agencies is equally important, particularly at the NIH, which is entrusted with the bulk of federal funds available for laboratory and clinical research on AIDS. We believe that the principles listed in the TAG document should be included in the upcoming NIH reauthorization legislation.

We urge you to review this proposal carefully and encourage you to seek its inclusion in the NIH reauthorization legislation.

Sincerely,

MATHILDE KRIM, Ph.D.,
*Founding Co-chair and Chairman of the Board, American Foundation for AIDS Research, Adjunct Professor of Public Health, Columbia University.**

MERVYN F. SILVERMAN,
M.D., M.P.H,
*President, American Foundation for AIDS Research; Adjunct Professor, University of California San Francisco.**

HARVEY V. FINEBERG,
M.D., Ph.D.,
*Chair, Public Policy Committee, American Foundation for AIDS Research, Dean, Harvard School of Public Health.**

*Affiliation for identification purposes only.

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[From the Treatment Action Group, New York, NY, Dec. 16, 1992.]

## REFORMING THE NIH AIDS RESEARCH PROGRAM

[*"I have called for increases in funding for both AIDS-specific and general biomedical research, and have pledged to reinvest every dollar cut from defense R&D into civilian research* . . ."—Bill Clinton, Science, 10.16.92, p. 492]

Current AIDS research efforts supported by the National Institutes of Health (NIH) have enormous productive potential locked inside an inefficient structure. The AIDS caseload climbs to over 50,000 new cases per year, yet the research budget is falling.[1] Congress appropriated $1.077 billion for AIDS in FY 1993, yet the funds are to be spent by 21 separate institutes with little central coordination. The distribution of AIDS research among many institutes has its benefits, since AIDS demands a multidisciplinary response, but the current NIH structure fails to provide AIDS research with the coordinating and planning functions carried out for other major diseases at their own disease-specific institutes. Consolidating all AIDS research into a single institute would cause yet more disruption and delay. How, then, can the strengths of the current AIDS research program be preserved while increasing its efficiency? What new efforts are needed?

These recommendations are distilled from reports by the Institute of Medicine in 1991 and the Treatment Action Group (TAG) in 1992.[2]

Revitalizing the NIH AIDS research effort requires: (1) Restructuring: strengthening the NIH Office of AIDS Research (OAR); and (II) Resources: increasing the NIH AIDS research budget.

### I. RESTRUCTURING

The following changes [#1–7] should be authorized in the NIH Reauthorization Bill (S. 1 and its House counterpart). The NIH Office of AIDS Research (OAR) was authorized by Congress in 1988 (P.L. 100–607). This authorization ran out in 1991 and should be renewed. OAR currently serves in an advisory capacity only. It cannot fulfill its mission without additional resources, staff and authority.

1. Strengthening the OAR. When it is reauthorized, the OAR should be directed to develop a meaningful long-range strategic plan for AIDS research at NIH. OAR should also be given the budgetary authority to implement the plan by distributing the NIH AIDS research budget among the 21 institutes now carrying out AIDS-related programs.

2. OAR Director. The OAR Director should be a Presidential appointee [as the NCI Director has been since 1972]. The OAR Director, in consultation with the new OAR Advisory Council (OARAC; see #3) should be the lead executive overseeing the entire NIH AIDS research effort, and should sit on relevant Executive Branch AIDS task forces. The OAR Director should be an outstanding scientist and a highly skilled administrator. The OAR Director should report directly to the NIH Director. The OAR Director, in consultation with OARAC, should develop the NIH AIDS budget, implement the strategic plan, and distribute resources among the institutes. Directing the OAR should be a full-time job. Institutes should continue to develop and administer AIDS research programs under their jurisdiction.

3. Advisory Committees. OAR's new role necessitates an expanded advisory committee. The current AIDS Program Advisory Committee (APAC) should be replaced with an OAR Advisory Council (OARAC) of biomedical, behavioral and social scientists along with representatives of the diverse HIV affected communities. OARAC will oversee the NIH AIDS budget, the strategic plan, periodic program evaluations [#5], and awards made from the OAR discretionary fund [#6]. OAR will continue to chair the

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[1] NIH AIDS spending for FY 1993 is rising by 2.65%, non-AIDS spending by 3.05% [NIH]; the biomedical research and development price index (BRDPI) inflation rate is 5.1% [Commerce Department].

[2] The AIDS Research Program of the National Institute of Health. Report of a Study by a Committee of the Institute of Medicine (IOM), National Academy Press, Washington, D.C., 1991; Gregg Gonsalves + Mark Harrington for TAG, New York, NY USA. AIDS Research at the NIH: A Critical Review. VIII International Conference on AIDS, July 1992.

NIH AIDS Executive Committee (NAEC: institute directors and AIDS coordinators), and should convene a community advisory committee.

4. Strategic Planning. The OAR should prepare an NIH Strategic Plan for AIDS Research which must prioritize among critical scientific issues, evaluate current AIDS programs, suggest changes, and recommend necessary resource reallocation or new programs. The Strategic Plan should include critical questions, goals, timelines, obstacles, resource needs, and evaluation criteria. Annual budget priorities should reflect the strategic plan.

5. Program Evaluation. The OAR should conduct program evaluation of AIDS research across institute lines. OAR should establish and staff NIH AIDS coordinating groups (representative of relevant institutes) to cover pathogenesis, natural history and epidemiology, drug development and clinical trials, vaccine development, and behavioral research. OAR should assess existing efforts, target gaps and redundancies, and identify new opportunities for collaboration.

6. Discretionary Fund. At least $150 million should be made available to the OAR, acting in consultation with OARAC, as a discretionary fund. This fund should be used to fund a) emergency projects (such as tuberculosis), b) fast track research initiatives, or c) programs to fill the gaps in current research. OAR could distribute the funds through institutes or directly as OARAC-approved awards. The discretionary fund should be exempt from routine procurement rules on use of equipment, facilities and civil service restrictions on personnel. The discretionary fund could be used to pilot directed research projects, such as immune reconstitution.

7. Streamlining Bureaucracy. The accelerated review cycle for AIDS awards should be renewed. Travel-related restrictions on NIH employees should be removed. Arbitrary caps or ceilings on the number of research-related full-time equivalents (FTEs) should be abolished. The OAR Director should be able to authorize the hiring of necessary AIDS-related FTEs at the institutes, the Division of Research Grants (DRG), and OAR itself. Restrictions imposed by the NIH Office of Protection from Research Risks (OPRR) on basic research materials should be scaled back.

II. RESOURCES

While new resources for AIDS research are desperately needed, they will be most useful if they are secured in the context of the structural reforms listed above, enabling them to be spent most efficiently on the highest priority research questions. Consolidating budgetary authority at OAR is the key to assuring that existing and new AIDS research monies are well spent.

President Bush and Congress cut over $350 million from the NIH's original AIDS research request for FY 1993. The cuts impacted on every program area, from basic research to drug discovery, vaccine development and prevention-oriented behavioral research. [At the same time, an artificial boost was injected into the apparent NIH AIDS budget due to the addition of NIMH, NIDA and NIAAA, which brought $250 million in ongoing AIDS programs to the new FY 1993 NIH total.]

8. AIDS Research Budget Consolidation. All NIH AIDS research programs should be consolidated into a single, separate line item in the federal budget, which shall be appropriated to the OAR. This budget should be a bypass budget, like that of the NCI. OAR should distribute the NIH AIDS research budget in accordance with the strategic plan, which will be binding on institute AIDS research programs.

9. Supplemental FY 1993 Budget/Revised FY 1994 Budget. OAR should develop a new supplemental budget for FY 1993 and a revised budget for FY 1994. New scientific opportunities justify an increase of 60% in support for AIDS research. This would add $600 million to the current $1.077 billion AIDS research budget; $350 million cut from the original NIH request, $100 million for new behavioral research, and $150 million for the OAR discretionary fund.

10. NIH-Wide Growth. We support an eventual doubling of overall NIH support, with the lion's share going to life-threatening diseases. Many problems afflicting AIDS research affect other areas too. Decaying research facilities, inadequate training programs, and the lack of long-range strategic planning characterize biomedical research in general, though their effects are most apparent in acute crises such as AIDS.

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UNIVERSITY OF CALIFORNIA,
*La Jolla, CA, January 22, 1993.*

Senator EDWARD KENNEDY,
*Chair,*
Senator NANCY LANDON KASSEBAUM,
*Ranking Member,*
*Senate Committee on Labor & Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND KASSEBAUM: As an investigator in the chemotherapy and pathogenesis of AIDS, I am distressed that budgetary support for quality and peer reviewed research has significantly diminished and that governmental interference and lack of support have undermined constructive efforts to address the important problems facing us in AIDS. Administrative changes need to be made and additional well directed funding needs to be identified.

As an AIDS researcher, I am writing also to support provisions in the NIH Reauthorization Bill (S. 1) which would strengthen efforts to coordinate AIDS research at the National Institutes of Health. These provisions will provide NIH with the critical ability to carry out strategic planning and coordination to AIDS research throughout NIH.

Specifically, I strongly urge the inclusion of the following provisions:

Provide the NIH Office of AIDS Research (OAR) with the resources, staff and authority to develop and implement a long-term strategic plan for AIDS research throughout the NIH, including budgetary authority to move resources among Institutes to ensure that the strategic plan is carried out.

Give the OAR Director authority to submit a bypass (professional judgment) budget similar to that of the National Cancer Institute, directly to the President, and authority to distribute the NIH AIDS research budget to the Institutes in accordance with the annually-revised strategic plan.

Enhance the position of Director of the Office of AIDS Research to become a full-time, presidential appointee who will: (1) report directly to the Director of the NIH, (2) sit on relevant executive branch AIDS task forces, and (3) coordinate research efforts between NIH Institutes, other research institutes and industry.

Establish the Office of AIDS Research Advisory Council (OARAC) to advise the OAR Director.

Create a discretionary fund within the Office of AIDS Research, exempt from routine procurement rules and civil service restrictions, to be sued for (1) emergency research projects, (2) fast track research initiatives, or (3) directed programs to address gaps in current research.

Together the Congress, the new Administration, and researchers around the country have a truly precious opportunity to accelerate the search for effective treatments and vaccines for AIDS and HIV infection.

Yours sincerely,

DOUGLAS D. RICHMAN, M.D.,
*Professor of Pathology and Medicine.*

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MEMORIAL HOSPITAL, OF RHODE ISLAND, DEPARTMENT OF MEDICINE, BROWN UNIVERSITY, SCHOOL OF MEDICINE,
*January 21, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: As as active AIDS/HIV clinical researcher, I am writing to offer my strong support for the NIH Reauthorization Bill (S. 1), including the provisions to reform the NIH AIDS research program. These provisions will at last provide AIDS research with the leadership, strategic planning and coordination that are so essential to research into other life-threatening diseases. Specifically, I support the provisions to:

Authorize the Office of AIDS Research to develop and implement a strategic plan and bypass (professional judgment) budget for AIDS research at the NIH, including planning and budget authority across institute lines;

Enhance the position of Director of the Office of AIDS Research to become a full-time, presidential appointee who will: (1) report directly to the Director of the NIH, (2) sit on relevant executive branch AIDS task forces, and (3) hold no other government posts.

Establish the Office of AIDS Research Advisory Council (OARAC) to advise the Director.

Create a discretionary fund within the Office of AIDS Research, exempt from routine procurement rules and civil service restrictions, to be used for (1) emergency research projects, (2) fast track research initiatives, or (3) programs to address gaps in current research.

With these provisions, Senator Kennedy, you hold the opportunity to put AIDS research on track at last. I strongly support their inclusion in the NIH Reauthorization bill, and urge its swift passage. Thank you for your leadership.

Sincerely,

KENNETH H. MAYER, M.D.
*Chief, Infectious Disease Division, Memorial Hospital of Rhode Island.*

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UAB SCHOOL OF MEDICINE, DEPARTMENT OF MEDICINE, DIVISION OF INFECTIOUS DISEASES,
*January 20, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: I am writing to endorse the recommendations prepared by the Treatment Action Group (TAG) regarding the NIH Office of AIDS Research (OAR). As an AIDS researcher and a member of the American Foundation for AIDS Research Scientific Advisory Board, I feel it is critical that we consolidate our research efforts in a more structured fashion, especially with regard to long-range planning. The change in administration of the Executive Branch should help dramatically in creating a comprehensive, logical, and pro-active approach to dealing with HIV prevention and treatment. At the core of this approach is a coordinated research plan in basic, clinical, and social science. I certainly encourage you to carefully review the recommendations as put forth by the Treatment Action Group. We have a wonderful opportunity to get the AIDS research effort back onto an efficient track.

Please feel free to contact me if you have any specific questions or comments.

With best regards,

MICHAEL S. SAAG, M.D.,
*Associate Professor of Medicine, Director, UAB AIDS Outpatient Clinic, Associate Director for Clinical Care and Therapeutics, UAB AIDS Center.*

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UNIVERSITY OF CALIFORNIA,
SCHOOL OF MEDICINE,
*San Francisco, January 20, 1993.*

Senator EDWARD KENNEDY, Chair,
Senator NANCY LANDON KASSEBAUM, Ranking Member,
*Senate Committee on Labor & Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND KASSEBAUM: I am writing you on this first day of a new era to strongly support provisions in the NIH Reauthorization Bill (S.1) which would strengthen efforts to coordinate AIDS research at the National Institutes of Health. I have been involved in AIDS care and research since the beginning of the epidemic in 1981. I have a close affiliation with the NIH through their Division of AIDS in the National Institute of Allergy and Infectious Disease. I believe that the provisions in this bill will provide the NIH with the critical ability to conduct strategic planning and coordination of AIDS research throughout the Institute.

I believe to be most effective that the following provisions should be included in the bill:

The NIH Office of AIDS Research (OAR) should be provided with the resources, staff and authority to develop and implement a long-term strategic plan for AIDS research throughout the NIH, including budgetary authority to move resources among Institutes to ensure that the strategic plan can be carried out.

The Office of AIDS Research Director should be given the authority to submit a bypass budget similar to that of the National Cancer Institute, directly to the President, as well authority to distribute NIH AIDS research budget to the Institutes in accordance with the annually revised strategic plan.

The position of Director of the Office of AIDS Research should become a full-time presidential appointee who will report directly to the Director of the NIH, sit on relevant Executive Branch AIDS task forces, and coordinate research efforts between the NIH Institutes, other research institutions and industry.

An Office of AIDS Research Advisory Council should be established to advise the Office of AIDS Research Director.

Finally, a discretionary fund should be created within the Office of AIDS Research, exempt from routine procurement rules and civil service restrictions to be used for (1) emergency research projects, (2) fast track research initiatives, and (3) directed programs to address gaps in current research.

As we stand at the brink of a new era, the new administration, the Congress, and AIDS researchers around the country have a truly unique opportunity to accelerate the search for effective therapies and vaccines for AIDS and HIV infection. I urge you to strongly support the provisions in the NIH Reauthorization Bill.

Thanking you for your cooperation.

Sincerely,

DONALD I. ABRAMS,
*Assistant Director, AIDS Activities, San Francisco General Hospital.*

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LONG ISLAND JEWISH MEDICAL CENTER,
*New Hyde Park, NY, January 15, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: I want you to know that I support the statement of the AIDS Treatment Action Group entitled "Reforming the NIH AIDS Research Program," dated 16 December 1992. I am a clinical immunologist who has worked in the area of immunodeficiency diseases since 1970 and on AIDS since 1979. I care for a large group of people with HIV related problems on suburban Long Island, and conduct research on basic immunology and clinical issues relating to HIV vaccines and drug therapy. I am a member of an NIH Study Section and of the Scientific Advisory Committee of AmFAR.

To me, the set of recommendations put forth by TAG are reasonable and would better serve both those affected by this plague and the AIDS research community than the morass that currently exists.

Perhaps most important to our entire society is the last paragraph of the TAG recommendations. General support for biomedical research, and for trainees to continue our current ability to carry out such research in the future, is crucial. This seems now to be critical especially in the area of infectious diseases, as I said in my testimony before the late Ted Weiss' subcommittee of the Committee on Governmental Operations in 1983.

Thank you for your continued leadership on health issues.

Sincerely yours,

FREDERICK P. SIEGAL,
*Professor of Medicine, Albert Einstein College of Medicine.*

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UNIVERSITY OF MEDICINE & DENTISTRY OF NEW JERSEY, ROBERT WOOD JOHNSON MEDICAL SCHOOL,
*Piscataway, NJ, January 15, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: I have been engaged in research on AIDS for six years, primarily as an NIH grantee in an ACTU. Our work, and that of our Clinical Trials Unit as a whole, has been significantly hampered by shortages of funds.

I write this letter in support of the document of December 16, "Reforming the NIH AIDS Research Program," sent to the Clinton Transition Team. The restructuring and strengthening of the NIH Office of AIDS Research, as proposed in the document, will certainly help to optimize the use of funds available. Even more important is the recommendation to substantially increase those funds, so as to intensify the needed multifaceted attack on this major threat to our nation and the world.

Sincerely,

DONALD T. DUBIN, M.D.,
*Professor of Molecular Genetics and Microbiology.*

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THE NEW YORK HOSPITAL-CORNELL MEDICAL CENTER, DEPARTMENT OF OBSTETRICS AND GYNECOLOGY,
*New York, NY, January 15, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: As a member of the scientific community, I urge you to support the recently proposed reforms for the NIH AIDS Research Program. Specifically, the NIH Office of AIDS Research (OAR) must be restructured and strengthened. The OAR Director should be a Presidential appointee who will oversee the entire NIH AIDS research effort. In addition, all NIH AIDS research programs should be consolidated into a single, separate line item in the federal budget, and should be appropriated to the OAR.

Thank you for your continued support of basic biomedical research.

Sincerely,

STEVEN S. WITKIN, PH.D.,
*Associate Professor, Director, Immunology Division.*

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UNIVERSITY OF CALIFORNIA,
*Los Angeles, January 20, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: I am an Associate Professor of Ophthalmology at the UCLA Jules Stein Eye Institute, and am actively involved in AIDS research. I am writing to express my support for the enclosed document prepared by the Treatment Action Group (TAG) and hope that it will be incorporated into the National Institutes of Health (NIH) Reauthorization Bill which will be reintroduced in Congress on January 21, 1993. I strongly support the Treatment Action Group's recommendations and feel that the proposed changes would be beneficial to AIDS research.

Sincerely,

GARY N. HOLLAND, M.D.,
*Associate Professor of Ophthalmology, Jules Stein Eye Institute.*

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UNIVERSITY OF CALIFORNIA,
LOS ANGELES, SCHOOL OF NURSING,
*January 20, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Bldg., Washington, DC.*

DEAR SENATOR KENNEDY: I am writing to support the changes proposed in the TAG report entitled "Reforming the NIH AIDS Research Programs" dated 12/16/92. As an AIDS researcher I am aware of a wide variety of problems with respect to the care and treatment of those infected with HIV and those who have full-blown AIDS. I fully support those measures of reform outlined in the statements put forth in this report.

Additionally, as a health care provider and educator I submit that any measures aimed at improving federal research spending is just one step closer to promising those infected, their families and communities a window of hope.

Thank you for your time and attention to this important matter.

Sincerely,

GWEN VANSERVELLEN,
R.N., Ph.D.,
*Professor and Vice Chair Psychiatric—Mental Health and Nursing Administration.*

CITY AND COUNTY OF SAN FRANCISCO, DEPARTMENT OF PUBLIC HEALTH,
*January 19, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: I am writing to urge your support of the specific recommendations submitted by the Treatment Action Group [TAG] for incorporation into the National Institutes of Health [NIH] reauthorization bill which will be reintroduced in Congress on January 21.

These recommendations outline restructuring and allocation of resources for AIDS research, which, if implemented, will greatly enhance the quality of AIDS research. The Public Policy Committee of AmFAR and other interested organizations have also endorsed these recommendations.

I urge your full support of these changes recommended by TAG in the NIH Reauthorization Bill (S.1).

Sincerely,

SUSAN BUCHBINDER, M.D.,
*Chief, Clinical Studies, Research Branch, San Francisco AIDS Office.*

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JOHNS HOPKINS, NEUROLOGY,
*Baltimore, MD, January 20, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources,*
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY. As a neurologist involved both in clinical care and research AIDS, I, like many others, have become frustrated by the lack of central coordination of AIDS funding at the National Institutes of Health. I would like to endorse and support the recommendations of the Institute of Medicine and the Treatment Action Group to renew and strengthen the NIH Office of AIDS Research. I fell strongly that the Office of AIDS Research should be given appropriate resources and authority to coordinate and direct the entire NIH AIDS research effort. I feel that with a strengthened central planning and coordinating office, collaborations among the Institutes will be facilitated and duplication of research effort avoided. A central planning office would also allow for appropriate resources to be quickly used to respond to crises, such as the emergence of multi-drug resistent tuberculosis or to fund pilot studies in new areas of AIDS research.

Sincerely,

JUSTIN C. MCARTHUR,
*Associate Professor of Neurology, Associate Professor of Epidemiology.*

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UAB SCHOOL OF MEDICINE,
DEPARTMENT OF MEDICINE, DIVISION OF INFECTIOUS DISEASES,
*Birmingham, AL, January 20, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building Washington, D.C.*

DEAR SENATOR KENNEDY: I am writing to endorse the recommendations prepared by the Treatment Action Group (TAG) regarding the NIH Office of AIDS Research (OAR). As an AIDS researcher and a member of the American Foundation for AIDS Research Scientific Advisory Board, I feel it is critical that we consolidate our research efforts in a more structured fashion, especially with regard to long range planning. The change in administration of the Executive Branch should help dramatically in creating a comprehensive, local, and pro-active approach to dealing with HIV prevention and treatment. At the core of this approach is a coordinated research plan in basic, clinical, and social science. I certainly encourage you to carefully review the recommendations as put forth by the Treatment Action Group. We have a wonderful opportunity to get the AIDS research effort back onto an efficient tract.

Please feel free to contact me if you have any specific questions or comments.

With best regards,

MICHAEL S. SAAG, M.D.,
*Associate Professor of Medicine, Director, UAB AIDS Outpatient Clinic, Associate Director for Clinical Care and Therapeutics, UAB AIDS Center.*

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UNIVERSITY OF CALIFORNIA, LOS ANGELES,
DEPARTMENT OF EPIDEMIOLOGY,
*Los Angeles, CA, January 19, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: I would like to endorse the proposal put forward by the AIDS Action Treatment Group and others proposing the restructuring of the Office of AIDS Research within the NIH as an independent office responsible in association with an Advisory Council for administering the HIV/AIDS budget and reporting directly to the Director of NIH. I would also like to endorse their proposal for a supplement to the FY 1993 budget and Revision of the FY 1994 budget calling for an increase of 60% in support for AIDS research.

Sincerely,

ROGER DETELS, M.D. M.S.
*Professor.*

AN AIDS AGENDA FOR THE CLINTON ADMINISTRATION AND THE 103D CONGRESS

This bill should become the vehicle for strengthening the structure of the NIH's AIDS research effort. Among the key issues that have been identified is the need for a strengthened coordinating function for the AIDS research conducted at the various institutes and centers. This need is highlighted by the integration into NIH of the National Institute on Alcoholism and Alcohol Abuse, the National Institute on Drug Abuse, and the National Institute of Mental Health. Also of concern is a vehicle for assuring that the real budgetary needs of these agencies are properly communicated throughout the decision-making process and the need for more explicit planning of the AIDS research effort. The NIH Reauthorization bill can address these needs by authorizing and strengthening the authority of the NIH Office for AIDS Research by giving it administrative and budgetary authority across institute and center lines. The OAR should be mandated to adopt and implement an AIDS research plan with clearly stated biomedical and behavioral research goals and objectives with resource needs attached to those objectives. The OAR should be given budget authority to identify and advocate for NIH AIDS funding needs based on the priorities set in its plan.

Current research activities have failed to include sufficient representation of minorities and women. The importance of addressing women-specific research needs, including the natural history of HIV in women, the transmission of HIV to women (including HIV barrier methods that women control) HIV treatment needs of women (including but not limited to treatments of women-specific opportunistic infections), and successful prevention strategies for women. Research designed specifically to determine any differences in natural history, treatment needs, or drug reactions in minority populations should be initiated.

There is significant concern regarding the appropriate balance in the NIH portfolio between behavioral, social, and biomedical research needs. Structures must be set in place to address the need for equity between biomedical and behavioral research throughout the budgeting, goal-setting, and administrative structures of the OAR. In addition, restrictions on sexual behavior research represent enormous obstacles to AIDS prevention and epidemiology and should be removed.

The following NORA members have endorsed this document as of Nov. 16, 1992:

AIDS Action Council.
American Association for Marriage and Family Therapy.
American Association of Mental Retardation.
American Association of Public Schools.
American Counseling Association.
American Foundation for AIDS Research.
American Medical Student Association.
American Nurse's Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Association of Schools of Public Health.
Center for Population Options.
Coalition for the Homeless.
Committee for Children.
Consortium of Social Science Associations.
Corporate Health Management Consultants, Inc.
Council of Jewish Federations.
Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Legal Action Center.
National AIDS Health Network.
National Association of Children's Hospitals and Related Institutions.
National Association of Community Health Centers, Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Catholic AIDS Network.
National Community AIDS Partnership.
National Council of Jewish Women.
National Gay and Lesbian Task Force.
National Health Care for the Homeless Council.
National Minority AIDS Council.
National Native American AIDS Prevention Center.
National Women's Health Network.
Northwest AIDS Foundation.
Rainbow Lobby.
Synagogue Council of America.
Therapeutic Communities of America.
Union of American Hebrew Congregations.

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AIDS ACTION COUNCIL,
*Washington, DC, January 21, 1993.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Relations, U.S. Senate, Washington, DC.*

DEAR SENATOR: We, the undersigned organizations, are writing to offer our strong support for the NIH Reauthorization Bill (S.1), including the provisions to reform the NIH AIDS research program. These provisions will at last provide for AIDS research the leadership, strategic planning and coordination that are so essential to research into other life-threatening diseases. Specifically, we support the provisions to:

Authorize the Office of AIDS Research to develop and implement a strategic plan and bypass (professional judgment) budget for AIDS research at the NIH, including planning and budget authority across institute lines.

Enhance the position of Director of the Office of AIDS Research to become a full-time, presidential appointee who will: (1) report directly to the Director of the NIH, (2) sit on relevant executive branch AIDS task forces, and (3) hold no other government posts.

Establish the Office of AIDS Research Advisory Council (OARAC) to advise the Director.

Create a discretionary fund within the Office of AIDS Research, exempt from routine procurement rules and civil service restrictions, to be used for (1) emergency research projects, (2) fast track research initiatives, or (3) programs to address gaps in current research.

With these reforms, Senator, you hold the opportunity to put AIDS research on track at last. We strongly support their inclusion in the NIH Reauthorization bill, and urge its swift passage. Thank you for your leadership.

Sincerely,

AIDS Action Baltimore.

ATOM (AIDS Trust of Maryland), Baltimore.

AIDS Medicine and Miracles, 303–447–8777.

Project AIDS Lafayette, Lafayette, Indiana.

AIDS Volunteers of Lexington, Lexington, KY.

AIDS Commission of Greater Cleveland, Ohio.

Women and AIDS Resource Center (WARN).

HERO Baltimore, MD.

Statewide Health Council, Tallahasee, FL.

Black Hills AIDS Project, Rapid City, SD.

Maine AIDS Alliance, Portland.

AIDS Mental Health Project, New York.

Gay and Lesbian Resource Center, New York.

Iowa Dignity and Equality Advocates.

PEPS, Washington, DC.

Foundation of Children with AIDS, Boston.

Vermont AIDS Council.

Continuum HIV Day Services, San Francisco.

AIDS Alliance of Martha's Vineyard, Inc., Boston

18th Street Services, Mike Shriver, San Francisco.

National Lawyers Guild Network, San Francisco.

From All Walks of Life, Philadelphia, PA.

So. Carolina AIDS Education Network.

ACT UP Golden Gate, San Francisco, CA.

Early Advocacy and Care for HIV Program, San Francisco, CA.

State Representative Glen Maxey, Austin, TX.

Vermont Cares, Burlington, VT.

Homeless Health Care, Los Angeles.

National Health Care for the Homeless Council, Nashville, TN.

National Rural AIDS Network, New Mexico.

American Indian AIDS Institure, San Francisco, CA.

Regional AIDS Interfaith Network, New Orleans, LA.

Ground Zero, San Broomall, Colorado Springs, CO.

American Association of Physicians for Human Rights, San Francisco.

Dallas Tibido Community Clinic for AIDS Resource Center.

Dizinger Foundation, Houston, TX.

Women and AIDS Committee, Detroit.

Collier AIDS Resource and Education Services (CARES), Naples, FL.

St. Joseph's Mercy Care, Atlanta, GA.

Connecticut AIDS Residency Program.

AIDS Supportive Housing Newsletter, New Haven, CT.

Tampa AIDS Network.

Palmetto AIDS Life, Columbia, SC.

DC Prisoners Legal Services Project, Inc., Washington, DC.

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## AIDS RESEARCH AT THE NIH: A CRITICAL REVIEW

(By Gregg Gonsalves and Mark Harrington)

### PART 1: SUMMARY

### *Acknowledgments*

First thanks go to Derek Link, who originally proposed this project and worked on it in its early stages. We also thank Derek, Chris DeBlasio, and Garance Franke-Ruta for helping us with the final agonizing edit. David Gold and Rich Lynn offered helpful suggestions and comments on work in progress. We are grateful to Derek Hodel and the PWA Health Group for the use of their computers. At the NIH, warmest thanks go to Linda Reck and Stan Katzman of the Office of AIDS Research, and their colleagues, Wendy Wertheimer and Jack Whitescarver, who provided much of the source material for this document. Each of the institutes' AIDS coordinators also deserve special mention for sending us additional information on their programs: Judith Karp, NCI; Jim Hill and Deborah Katz, NIAID; Elaine Sloand, NHLBI; Carl Leventhal, NINDS; Marvin Cassman, NIGMS; Joan Welentz, NIDR; Judith Fradkin, NIDDK; Richard Mowery, NEI; Kenneth Bridord, FIC; Janet Guthrie, NIEHS; Martha Ann Carey, NCNR; Stanley Pillemer, NIAMS; Samuel Korper, NIA; Henry Kissman, NLM; James Snow and Pat Sparks, NIDCD.

### *TAG's mission statement*

The Treatment Action Group (TAG) fights to find a curer for AIDS and to ensure that all people living with HIV receive the necessary treatment, care, and information they need to save their lives. TAG focuses on the AIDS research effort, both private and public, the drug development process, and our nation's health care delivery systems. We meet with researchers, pharmaceutical companies, and government officials, and resort when necessary to acts of civil disobedience. We strive to develop the scientific and political expertise needed to transform policy. TAG is committed to working for and with all communities affected by HIV.

"President Bush and HHS [the Department of Health] have failed to meet fully their responsibilities in leading the national response to the monumental human suffering and economic loss from the HIV/AIDS epidemic."—US National Commission on AIDS, 25 June 1992[1]

"A lot of research is like shining a flashlight on a dark street corner. We feel good because we're looking where the light is. But who knows how big the darkness is?"—Dan Hoth, MD, Director, Division of AIDS (DAIDS), NIAID, NIH[2]

"I don't think that we have a mechanism within the executive branch that looks at science priorities."—Bernadine Healy, MD, Director, NIH[3]

### ABSTRACT

Our goal was to obtain a comprehensive picture of the AIDS programs administered by the US National Institutes of Health (NIH) in order to recommend changes to expedite a cure. We reviewed the $800M NIH AIDS program from fiscal year (FY) 1991, including 2,625 extramural grants and contracts and hundreds of intramural projects. We read abstracts of these projects generated by the NIH Office of AIDS Research (OAR) AIDS Research Information System (ARIS) database. We reviewed the NIH "Annual Report to Congress" on AIDS achievements for FY 1991, the quarterly "Institute AIDS Science Reports," and the list of new programs requested by NIH for AIDS in FY 1993, which cannot be funded due to President Bush's budget cuts. Finally, we compared a draft of "The NIH Strategic Plan for HIV-Related Research," the Institute of Medicine's 1991 report on the AIDS program, and the recommendations of the National Commission on AIDS to the government.

NIH spent $800M on AIDS in FY 1991, 9.7% of its total budget. Each of the NIH's 18 Institutes, Centers, and Divisions administers AIDS programs, all of which remain uncoordinated and underfunded. 73% of the programs are administered by two instituted, NIAID (53%) and NCI (20%). Under the President's FY93 Budget Request, AIDS programs will increase only 3.8%, or less than scientific inflation. This is a cut of $456M from the institute directors original requests. Over a hundred new initiatives and expansions of existing programs cannot be funded. When new initiatives are mandated by Congress or the Executive Branch, existing programs are cannibalized. For instance, the NIAID pool of basic AIDS research grants shrank by half in 1992 to pay for the ACTG Recompetition and Congressionally-mandated pediatrics research.

We conclude that the entire NIH budget should be doubled, to $16 billion a year. The AIDS budget should rise to $1.6 billion. The rate at which AIDS basic research grants are funded should be restored to 40%. The NIH Associate Director for AIDS Research should be given authority to allocate resources and programs across institute boundaries. Pathogenesis research should be emphasized. Developmental clinical immunology programs should be expanded. The six institutes conducting clinical trials (NIAID, NCI, NICHD, NEI, NINDS, NHLBI) should mandate collaboration among their research networks. Orphan research areas such as wasting, neurology, and immune-based therapies should receive special support. NIH should develop a large scale screening program to search for cytokine inhibitors and synthetic immune modulators. Clinical trials should be analyzed and published faster. Community activists should participate in the oversight of basic research programs.

Dear Fellow Warrior in the Fight Against this Plague of AIDS, this is one of the most important documents about the AIDS plague and our present moment in this crisis that you will ever be asked to read. I not only urge you to read it as quickly as possible, I implore you to read it as thoroughly as you can. While it may appear, on the surface, to be dry and fact-filled, every figure, every statistic, clothes a scandal or a tragedy or both. Never before has there been such a look at all the AIDS programs at all the institutes that comprise the National Institutes of Health. Even the report issued by the Institute of Medicine only dealt with broad structural issues, deferring the idea of looking at the programs themselves in detail to some future unspecified moment in far-off time.

Why is this report so important for you to read?

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Footnotes at end of article.

Because, for the first time, eighteen institutes, each with its own programs, each with its own goals, each with many strengths and many weaknesses, each completely unable to criticize itself, comes under a long-needed scrutiny.

What does this report conclude?

The AIDS plague is utterly and completely devoid of leadership. At the NIH, no one is at the center, nothing is coordinated, no one is asking the life-saving (and money-saving) questions: what is missing from our efforts, what is being duplicated, why are we being forced into competition with our own fellow institutes, right here on our own campus, when budgets are shrinking and shrinking?

In the middle of this tragically sad situation, as the figures of the newly infected and the newly dead mount and mount to heights once thought inconceivable, sits the Presidents' Point Man for AIDS, Dr. Anthony Fauci, who some of us would like to see removed and many of us prefer to see as helpless, rendered powerless in a quagmire—forced as he is to bow to the brainless whims of a heartless President, a Congress which claims compassion and a desire to increase the budget but an inability actually to do so, and an inept Secretary of Health and Human Services whose every utterance in defense of his boss is so lie-filled as to make it hard to accept that the man is a Christian much less a doctor.

Is it, at this late stage of this plague, intemperate or rude to ask what kind of country (or world) is this where a plague can be allowed to rage out of control, where its supposedly premiere scientific research establishment can be allowed to present such a second-rate face to the realities and sufferings it was founded and funded to alleviate?

Is it, at this stage of this plague, intemperate or rude to suggest that this present state of AIDS affairs leads us even more to the fact that the only out that has not been tried, that still must be tried, is a Manhattan- or Apollo-type project, wherein the leading experts in all areas are granted emergency powers and sent off into the seclusion necessary to produce the cure that must be there if our civilization is to survive?

I salute this incredible amount of work and energy and insight and perseverance and heartfelt need that gave birth to this report and sustained its creators to its completion. May bureaucrats learn from this report and gain courage to speak out at last. May activists learn from this report and renew their commitment, now so understandably wounded from discouragement. With this information, may we all enter a new stage of holding our system—now so dreadfully and woefully off-course—accountable.

Whoever you are, whatever you do in fighting this plague, you must know this information and respond to it. Do not, as so many have before us, go quiet into the night.—Larry Kramer

## INTRODUCTION

Since 1987, the activist critique of AIDS research has worked its way back: from drug approval at the regulatory level of the US Food and Drug Administration (FDA), to expanded access for drugs still under study (Parallel Track), to the design and conduct of the controlled clinical trials themselves by the National Institutes of Health (NIH), pharmaceutical companies and, community-based clinical trial centers. While this work has generated some useful reforms in an inefficient system (and expanded access and expedited approval for several useful therapies), it often seems that all these accomplishments go for naught. HIV keeps spreading, AIDS keeps striking people down, and researchers appear to have little confidence in the rapid development of a therapeutic cure or an effective vaccine.

Against a background of deepening political reaction, declining research subsidies, and pervasive pessimism about the prospects for a scientific breakthrough, some activists have grown unsure of the continued value of engaging the scientific infrastructure. What is the point of streamlining access and approval when the result is merely to replace AZT with other mediocre, toxic, expensive nucleoside analogues? What is the point of developing prophylaxis and better treatment for opportunistic infections when these measures simply allow someone to survive long enough to develop lymphoma, visceral Kaposi's sarcoma, wasting syndrome or neuropathology?

If the reforms won by activists are not to become mere stratagems for craven pharmaceutical companies swiftly to develop and market a whole series of additional nucleoside analogues (d4T, FLT, 3TC, etc.), activists must become more involved in the basic research process itself, forcing academic and industrial researchers to turn their attention to novel treatment approaches of HIV-induced immune suppression, including immune based therapy, cytokine inhibition, and active immunotherapy, with the ultimate goals of elucidating the pathogenesis of AIDS, stopping its progression, and reversing its damage.

The task requires that activists become as familiar with the $800 million AIDS program of the NIH as they have with its major clinical component, the AIDS Clinical Trials Group (ACTG).

This report is a preliminary effort to map the NIH AIDS Program, evaluate it, suggest useful reforms, and highlight the gruesome cost of the Bush administration's refusal to adjust AIDS research funding to even the rate of inflation, to say nothing of the adjustment appropriate to the opportunities now within reach. These opportunities are graphically documented in the institute directors' "Wish List" for fiscal year 1993, which contains hundreds of urgent new programs, few or none of which may be funded.

As a consequence of Administration policy, new initiatives are being smothered in the cradle to pay for large ongoing programs. Prevention competes with care for limited funds. Basic research competes with clinical trials. Immunology competes with virology. Treatment research competes with vaccine research. Adult clinical trials compete with pediatric ones. Entire areas such as oncology, gynecology, wasting, and neurology go begging for funds.

Just as the precondition for access to therapies for all who need it is single-payor national health care, so the prerequisite for a rational national biomedical research policy is the immediate doubling of the NIH budget to $16 billion a year, with high-priority, high-mortality areas like AIDS, cancer and Alzheimer's disease given the lion's share of the newly released funds.

In order to justify such new public investment, the NIH must take steps to incorporate community views in its work across the board—not just in the ACTG or in AIDS—but for all the other diseases against which its efforts are directed.

If AIDS activists ever leave any legacy other than their own bodies, it will be, among other things, a movement for national health care and the democratization of research.

The pattern of Federal AIDS research funding from 1981 through 93 is:

NIH AIDS BUDGET BY YEAR

[With rate of increase from previous year]

| | Amount | Percent |
|---|---|---|
| Year: | | |
| 1982 | $3,355,000 | |
| 1983 | 21,668,000 | 5115 |
| 1984 | 44,121,000 | 103 |
| 1985 | 63,737,000 | 44 |
| 1986 | 134,667,000 | 111 |
| 1987 | 260,907,000 | 94 |
| 1988 | 473,285,000 | 81 |
| 1989 | 601,316,000 | 27 |
| 1990 | 743,532,000 | 24 |
| 1991 | 799,821,000 | 7.6 |
| 1992 | 841,417,000 | 5.2 |
| 1993 | 873,377,000 | 3.8 |

After several years (in the mid 1980s) of program growth, the NIH AIDS budget is now falling relative to inflation (a 3.8% increase for AIDS research next year, while inflation is predicted to reach 5.1%, according to the Biomedical Research and Development Price Index computed by the Commerce Department). From 1982 to 1989, Congress always appropriated much more for AIDS than the Administration requested. That pattern has now been reversed. In 1991, Congress authorized $3 million less than the President requested for AIDS research. For several years, Congress has imposed new demands on the NIH AIDS program without authorizing new funds with which to carry them out. For example, in 1990 the Congress earmarked $40M for research on children with AIDS, especially for clinical trials. Since there was no new money appropriated for this purpose, the funds came directly from the adult AIDS Clinical Trials Group (ACTG). The result is that now, in 1992, the US Government is spending $105.00 for research on every child with AIDS in America, compared with just $1.00 for each adult. The Pediatric ACTG is now as large as the adult ACTG, which has been cut to make ends meet.

When it comes to research policy, Congress is often like a bull in a china shop, dropping in to make a mess and then storming out again. For example, also in 1991, Congress imposed new restrictions on the right of NIH personnel to travel for work. This was ostensibly because some Congressmen feared that junketeering NIH employees would litter the streets of Florence swilling cappucino rather than negotiating with drug companies and attending seminars. The result of this mini-scandal was a $10-million reduction in the overall NIH AIDS budget and severe, ongoing restrictions on NIH travel. This makes it even more humiliating to work for the government. For the last two years, activist groups have sent more members to the international AIDS conferences than has the NIAID Division of AIDS, the lead agency charged with conducting Federal AIDS research. NIH can still spend other funds sending extramural experts to Bethesda for meetings, but its own employees are virtual prisoner on the campus.

While Congress is careless and capricious, the Administration, from the White House down to the Secretary of Health + Human Services [HHS], has adopted an AIDS strategy of "malign neglect," apparently hoping the problem will solve itself. Recently, the US National Commission on AIDS, a third of whose members were named by the President, condemned the Administration for its inadequate, inconsistent, and heavily politicized AIDS policy.[4] Barring a change in administration, it would be foolish to expect leadership from the White House or HHS on AIDS anytime soon. This creates a conundrum; officials relatively low within the Executive Branch are delegated leadership on AIDS policy more or less by default.

At the NIH level, de facto AIDS policy decisions are made by Associate NIH Director for AIDS Research Anthony S. Fauci, who is Director of the Office of AIDS Research (OAR), Director of the National Institute of Allergy + Infectious Diseases (NIAID), and Chief of the Laboratory of Immunoregulation. Extraordinary responsibilities rest by default on a man who turned down the chance to become NIH Director in order to stay more in contact with AIDS research, yet who wears so many hats which demand very different skills and decisions.

In addition, there is a dizzying array of advisory committees which advise every level of NIH, from the overall AIDS effort to specific Institute and Division councils. Every major new program initiative must be approved by an external advisory council, yet these decisions are often simply an elaborately choreographed rubber stamp.

The NIH is actually a collection of fiercely autonomous fiefdoms (designated Institutes, Centers, or Divisions, known as ICDs) loosely administered under an NIH Director. Each ICD Director develops and administers his or her own budget, and there is little the NIH Director can do to allocate resources across institutes (although she now has her own $20M "emergency fund"). Some ICDs, such as the National Cancer Institute (NCI), have worked out special privileges within the Executive Branch—the NCI "Bypass Budget" skips the desks of Assistant Secretary for Health Mason, Health and Human Services Secretary Sullivan, and Office of Management and Budget Director Darman, and goes straight to the President's desk. (This didn't stop the President from slashing the 1993 NCI request just as much as he slashed those of every other ICD.) OAR Director Fauci, who is supposed to coordinate AIDS research across ICDs, has little real say in the half he does not directly control as NIAID Director. Thus, there is no truly centralized planning and execution of AIDS research, and no adequate oversight from either Congress or the Administration. Neither is there enough systematic, comprehensive information about existing NIH AIDS programs. Since 1990, activists, the Congress, and the Institute of Medicine (IOM) have all encouraged the NIH to develop a comprehensive plan for its AIDS efforts, and NIH has been working for the last year on a "Strategic Plan for HIV-Related Research."

## MATERIALS AND METHODS

This report is based on the following sources:

NIH budget information from 1982–1993;

"The NIH Strategic Plan for HIV-Related Research," DRAFT of 11.8.91;

"The NIH Five-Year Plan for HIV-Related Research," a similar DRAFT of 4.29.92;

"The AIDS Research Program of the NIH" by the Institute of Medicine, NAS, 1991;

The NIH's "Annual Report to Congress" for 1991;

The Office of AIDS Research's "Institute AIDS Science Reports", which periodically chronicle AIDS work done by the various ICDs every three (now 6) months;

Abstracts of 2,625 extramural NIH AIDS awards in Fiscal Year (FY) 1991 obtained from the OAR AIDS Research Information System (ARIS) database, which obtained them from the DRG (Division of Research Grants) CRISP database;

Abstracts of the intramural Z01 projects from CRISP;

A list by institute of all 2,624 extramural AIDS awards in FY 1991 obtained from ARIS [this list was not identical to the abstracts from CRISP];

Letters, budget information and plans from staff at each Institute, Center or Division;

A list of the original AIDS budget requests for FY 1993 from each ICD Director, and the subsequent budget history.

The uses and weaknesses of these sources are discussed below.

### Office of AIDS Research (OAR)

Since OAR is supposed to coordinate NIH AIDS research, we began this project at OAR. OAR coordinates the AIDS budget request for the 18 Institutes, Centers and Divisions. OAR also coordinates the NIH presence at the twice-monthly meetings of the PHS AIDS Leadership Committee (a "small, free-wheeling, leak-free forum") composed of Agency Directors (or their deputies) and AIDS Coordinators. This is where the PHS agencies duked out the CDC's proposed health-care worker guidelines. Sometimes CDC Director Roper appears on closed circuit TV from Atlanta. There is also a PHS Executive Task Force on AIDS (ETFA) coordinated by National AIDS Program Office (under the Assistant Secretary for Health), which chairs it. The ETFA meets monthly. It's a forum for information dissemination among agencies.

### OAR and the NIH AIDS Budget Cycle

Every winter, NIH Building One (the Office of the Director) sends out guidelines for budget preparation. Program priorities are issued for "New Areas" and "Significant Expansions" within existing areas. Institutes, Centers and Divisions (ICDs) are asked to be "realistic." The ICD Directors' requests specify the amount of new funds requested, the project to be funded, its mechanism (grant, contract, intra- or extramural, etc.), and how many (if any) new full-time equivalents (e.g., staff) are needed to administer (if extramural) or conduct (if intramural) the research. Planning starts 18 months in advance. When we were at OAR in February, 1992, the Fiscal Year 1994 (October 1, 1993 to September 30, 1994) budget requests were coming in from the Institute Directors, and the President's Budget for Fiscal Year 1993 was being dismantled on Capitol Hill.

### A Sample Year: The Gutting of FY 1993's AIDS Budget

For FY 1993, the institute directors requested $1,329,359,000 for AIDS research. In spring 1991 OAR Director Fauci made the first cut (to $1.195 billion) and sent it on to NIH Director Healy, who changed nothing. Apparently Healy wants AIDS to grow at the same rate as non-AIDS, though the President apparently disagrees. The last level where specific programs are considered is the office of the Assistant Secretary for Health Mason, who coördinates the entire PHS budget and sends it on to superiors at the Department of Health & Human Services. For FY 1993, Mason cut the request by about $200M, to $1,009,561,000. By the time Sullivan's flunkeys finished with it, the FY 1993 request was down another $120 million to $893,116,000. Sometimes Mason appeals the Secretary's cuts; he did so successfully with vaccine funds for FY 93. The Office of Management & Budget gratuitously cut another $20M and sent it to the President, who must have been in a good mood—he restored $2.1M, bringing his NIH AIDS research budget request to $873,377,000—a whopping 3.8% increase over FY 1992. The result is a net loss for AIDS: No new programs without slashing old ones.[5] By the time the President's Budget Request is submitted to Congress, various committees receive copies of the ICD Directors' "Wishlist" to determine how much was cut from the budget by OAR/OD, OASH (PHS), HHS, OMB and the President.

### An Elaborate Charade?

OAR has no power to force the ICDs to do what they say they will; if they refuse to fund an AIDS program, OAR is helpless. Similarly, the putative coordinating bodies such as the PHS AIDS Leadership Committee (ALC), the PHS Executive Task Force on AIDS (ETFA), or the AIDS Program Advisory Committee (APAC) lack information and power to coordinate the NIH's balkanized research projects. Fauci can doodle around by taking non-AIDS programs and calling them "AIDS"; the AIDS budget thus incorporates certain basic immunology, virology and structural chemistry programs into "basic research," and can categorize research on non-HIV vaccines and certain malignancies as "AIDS" also. NCI has its own streamlined "Budget Bypass" process. The NLM and the NCNR refused to follow OAR suggestions for AIDS allocations. The OAR AIDS figures are "guided targets." OAR guesses that when the "AIDS actuals" for FY 1993 come in two years hence, they'll be smaller than what the ICDs promised. ICDs didn't have that leeway when AIDS was a separate earmark by Congress, but for the last two years AIDS hasn't had its own budget line anymore. Every institute has its own budget line.

NIH AIDS research should have its own line item in the Federal budget.

OAR/OD should have the power to reallocate AIDS resources across institute lines.

Congress should fund the full $1.3 billion requested for AIDS research projects by the ICD directors for FY 1993.

### Institute AIDS Science Report (IASR)

Every half year the ICDs tell OAR what they've done[6], but the quality and quantity of reporting varies between institutes. NIAID lists the ACTG trials (in development, pending, open, closed, completed, deferred, withdrawn) for sources of pages ad nauseam without signifying which ones matter, how much they cost, or how they contribute to the standard of care. Other ICDs report small initiatives as though they were major contributions to the filed. OAR lacks a clear picture of NIH's intramural AIDS research.

### Mason Categories

In 1988, Assistant Secretary for Health James Mason demanded that PHS set up an accounting system to track its AIDS dollars, to ensure they were only counted once, and to assess which program areas were being funded. This resulted in the "Mason Categories," activity codes which define an award (or intramural activity) as basic, clinical, epidemiological, training, virology, immunology, etc. Awards are placed arbitrarily in one category when others might do. For example, if a foreign post-doctoral student were being trained to assess the cytokine response of macrophages to SIV in the vertically-infected pigtailed macaque model, this could be categorized as IA2 "Immunology," IA4 "Animal Models," IA5 "Training", or IIB2e "Transmission: perinatal." The Mason Categories and their code abbreviations are listed in Section III. They should be thought of as a range or approximation rather than as exact figures.

### AIDS Research Information System (ARIS)

In order to track the dollars, OAR set up a database whose inputs include the Division of Research Grants CRISP system, which tracks most NIH extramural awards. This ARIS database, unlike CRISP, must be complete on extramural AIDS awards by the end of the fiscal year, so OAR can report back to PHS and Congress about NIH AIDS activities. Thus, while CRISP includes perhaps 75% of the AIDS awards, ARIS must have them all: PI, site, title, amount, abstract. The ARIS system is new, and still has some bugs to be worked out, but it is fantastically useful, and its staff have been extraordinarily helpful to us during this project.

### Types of Awards

There are many types of NIH research awards. Each has a code. Basically, grants (R01s and other R-codes) are investigator-initiated and have few strings attached. Come back in five years if you find something. Your basic scientist working in glorious obscurity at his lab bench is sustained by R01 grants. Contracts (N01s) give the funding institute more power to direct the work, and sometimes to revoke the contract if the recipient is remiss. Data analysis for large clinical cohorts (SDAC, EMMES, CAMACS) is usually funded by contracts, as is the CPCRA. Cooperative agreements (U01s) are intermediate between grants and contracts. They give lip service to "investigator initiation" and provide some control for NIH. The ACTU sites are funded by U01s. P01s and P30s are program project grants, which are large, long-term, multidisciplinary projects. The NIAID-funded CFARs (Centers for AIDS Research) are P30s. F-awards are fellowships; T-awards are training grants. S-awards are "special" small instrumentation grants (SIG), small business grants, minority training grants, etc. Y01s are interagency agreements between NIH and another PHS agency. Some awards are institute-specific. Only NCRR awards M01s, which are General Clinical Research Center (GCRC) grants. Five mechanisms account for most (>90%) of the NIH extramural AIDS awards: M01s, N01s, P01s/P30s. R01s and U01s. Another special category is intramural research projects. These are sometimes available through CRISP as "Z01" projects, which do not have a budget dollar figure. Some institutes (e.g., NIAID), publish annual directories of their intramural research and tabulate the work of the various laboratories in "man [sic] years" rather than dollars. It's innovative, but they should call them "person years." The final category of NIH spending is on inhouse staff who administer extramural awards. This is known as "research management and support."

### The Grant Cycle

Grant proposals are solicited with RFPs (Requests for Proposal); contract bids with RFAs (Requests for Application). RFPs and RFAs use the same form. Researchers file applications with the NIH Division of Research Grants (DRG), which refers grants to the appropriate institute and to a suitable Study Section (peer review committee). The Study Section is chaired by a Scientific Review Administrator (SRA). Institutes submit names of qualified potential reviewers. The SRA assigns a primary and secondary reviewer for each application from the Study Section. Reviewers have 6 weeks to review the applications. AIDS-related grants are considered in a separate, expedited 6-month review process. This was mandated by Congress, and NIH is pretty good at meeting the 6-month limit. Study Sections allow for 1–3 days to review up to 100 applications. There are 12–18 members per Study Section. ICD staff attend the review, looking at the primary reviewer's comments to that they may informally discuss the result with the applicant. In addition, formal responses are contained in the Pink Sheet, or summary statement, of the Study Section's decision. Study Section members award each application a rating of outstanding, average, etc. Numbers are then assigned to each score, with 100 being the best and 500 the worst. Grants are funded down to the line at which funds run out. Applicants whose final score is close to payline are encouraged to rewrite and resubmit their application for the next grant cycle. The Study Section does not consider overall research needs, but rather reviews each proposal solely in terms of its scientific merit. Funded grantees file annual progress reports. While basic research on AIDS primarily utilizes grants, treatment research uses mainly contracts and cooperative agreements. Under the "select pay" mechanism, a grant close to but under the funding line may be selected for special review and award if it concerns a priority area. The select pay process is invoked in case there are outstanding projects worthy of funding which didn't make the cut. Select pay allows discretionary funding of grants for program-related reasons.

As can be seen, OAR has a heavy workload. Tracking the money is hard enough, tracking the science (in its entirety) virtually impossible. This therefore, became our task.

### Why Fiscal Year 1991?

For our unit of analysis, we selected FY 1991. This was the most recent year for which complete budgetary information and reasonably complete award information was available. Looking at programs halfway through an ongoing year might provide a distorted picture. Therefore, we had ARIS send us a 750-page list of the 2,625 extramural awards by institute, and two boxes of abstracts from CRISP. The two systems did not entirely match, and ticking them off manually was tedious. We reviewed these materials and solicited additional information from AIDS coordinators at the various institutes. Most responded with alacrity, though some failed to provide all the information requested.

### The OAR DRAFT "NIH Strategic Plan for HIV-Related Research."

The Congress and the Institute of Medicine (IOM)[8] have pressured NIH to adopt a more coherent long-range strategy for its AIDS programs. Strategic plans are becoming all the rage in scientific circles. Healy is working on one for NIH (it's controversial). Even the ACTG Executive Committee wants one.[9] In response to the IOM's request, OAR began developing a "Strategic Plan" in late 1991. A draft was sent to the AIDS Research Advisory Committee (ARAC) in November. Changes were incorporated, a new version printed (its main innovation being a new title: in place of "Strategic Plan," it's now called the "Five year Plan." That has a nice ring, doesn't it?). Now it's out at the various institutes, under review by directors, AIDS coordinators and senior scientists. Yet another draft will be reviewed over the summer, and perhaps the final version will come out in the fall. Originally we intended to structure our report along the lines of the "Strategic Plan." Close reading, however, revealed the much-vaunted Plan to be simply a statement of ongoing programs. Some tiny programs—such as the NIDDK effort on wasting—were covered at length, while larger ones—such as the multi-institute opportunistic infections effort—were disposed of in a sentence or two. There was no sense of limited resources, of how to prioritize among all the programs promised. The 40 objectives of the Strategic Plan are listed in Section III. Our analysis focused on the institute programs and on their wish list for FY 1993, which was a much more pointed and specific set of goals. Wish list priorities are listed by institute in Section II.

### Limitations of our Approach

Our material is incomplete (yet overwhelming), our review preliminary, our conclusions subject to change. Like the NIH itself, we have no completely "objective" means by which to evaluate its programs. Many look good on paper (if they hadn't, they wouldn't have been funded), but as anyone who's ever been to an ACTG meeting (or tracked its accrual, or read its protocols, or sat on its conference calls, or marched in its halls to reform it) knows, the rhetoric and the reality are poles apart. Just as it took several years for activists to infiltrate, activate and transform the ACTG. Therefore, this report about the entire NIH effort can only be regarded as a first step. Programs must be experienced to be known and improved. Scientific culture must sometimes be disrupted to allow research constituents to play a role. NIH itself must centralize and monitor its AIDS program with more rigor than it now does. In particular, the ultimate outcomes of funded research—whether published clinical trials, changes in standard of care, peer-reviewed basic research articles, enrollment quotas met, experiments carried out successfully, or, ultimately, progress made in keeping people alive through understanding and then interfering with their disease—should somehow be scored.

Activist strategies which worked for clinical research will have to be adapted if we are to affect basic research. Activists' claim to expertise in clinical trials came out of lived experience. Most of us cannot claim the same for basic biomedical research. We can, however, only hope to serve as catalysts for better and more coordinated work within the research realm, and as agitators with Congress and the Administration for enhanced resources in the public realm. We hope that by documenting what is being done we can depict the threat posed by the Administration's budget cuts, and that by showing what more needs to be done we can mobilize the NIH to redouble its efforts and the Congress to fund them.

### FINDINGS AND RECOMMENDATIONS

Of the approximately $800M spent on AIDS research in 1991, $660M (82 percent) went for basic biomedical research, including laboratory research (25.8 percent), neurology (3 percent), behavioral research (0.3 percent), drug development and trials (42.3 percent) and vaccine development (9.4 percent). $133.5M (16.6%) was spent on epidemiology, transmission and natural history studies, and $10.5M (1.3%) on nurse training and facilities construction. Laboratory virology, immunology and animal model studies are relatively underfunded at 25.8 percent ($207M) of the total. Drug and vaccine development (preclinical and clinical) make up $416M, or 51.7% of the total budget. While substantial and important work is ongoing, it remains uncoordinated, unevaluated, and jeopardized by the Administration and the Congress and their careless posturing with the budget.

### STRATEGIC PLANNING

Attempts at strategic planning have thus far been ineffective. Several steps can resolve this:

### *A. President and Congress*

Double the NIH Budget: It is time to put an end to pitting people with life-threatening diseases against each other. The US spends but a pittance on biomedical research of all kinds. Sending the space shuttle to rescue the $105M Intelsat satellite cost the US government more in 1991 than its entire NIH AIDS research program. The only stable long-term footing for biomedical research equity is a commitment to enlarging the entire biomedical research pie.

Restore the Institute Directors $450 million, making the AIDS research budget $1.3 billion for FY 1993: When the item above occurs, AIDS research can resume at 10% of the NIH total, or about $1.6 billion. AIDS research is being cut to the bone in FY 1993. While we found many inadequate programs, their inadequacy was directly due to the funding shortage.

AIDS research should have its own line item in the Federal budget for the NIH: Currently, the NIH AIDS budget is an elaborate, meaningless charade. A line item is the only way to hold institutes to their promises.

Congress and the Executive Branch Must Stop Legislating Research Programs without Appropriating Specific Additional Funds to Support Them: Broad research priorities are legislated or advocated by Congress and the executive branch (e.g. pediatrics, opportunistic infections, vaccines) or by crises that can no longer be ignored (e.g. tuberculosis). New initiatives without additional funding drain funds from existing programs. The funding rate for R01 applications should be restored to 40%.

### *B. NIH Director and Office of AIDS Research [OAR]*

OAR/OD should have the power to reallocates AIDS resources across institute lines: See above. Currently, OAR has no ability to force the rival fiefdoms of NIH—the Institutes themselves, whose budget autonomy is virtually complete—to collaborate, eliminate redundancy and cover all areas of complex fields like AIDS. OAR needs the power to fulfill its responsibilities. Although budget drafts pass through OAR, the institutes retain control over appropriations when the money actually is disbursed.

If the items above are implemented, the OAR Director should no longer be an Institute Director: The current system actually benefits from having the director of NIAID as OAR Director, because at least he controls half the overall AIDS budget (the NIAID half). If the OAR Director were to obtain cross-institute AIDS budget authority, however, this would become a problem, since it would be unfair for one institute director to be able to take resources from another. Therefore, when OAR achieves budget autonomy, its directorship should be severed from the NIAID position.

NIH's Draft "5 year Plan for HIV-Related Research" needs Priorities, Timelines, Evaluation Criteria, and a Strategy for Implementation: The current draft simply catalogues NIH's current efforts with no analysis of how the program can be improved, where resources need to be increased, where new initiatives are necessary, etc.

Advisory committees need to stop being rubber stamps: They could take a more hands-on role in setting research priorities. Although OAR coordinates several advisory committees, none conduct detailed, ongoing evaluations of existing programs. In addition, they need more diverse representation from the many communities affected by AIDS.

NIH should develop performance scores for AIDS grantees, contractors, and intramural researchers, using objective criteria including peer-reviewed publications, study accrual rates, program efficiency, and relevance to clinical care.

OAR should put out an annual "Guide to NIH AIDS Programs" which includes all awards arranged coherently under the institute, division, branch which administers them, and with subtopics or keywords accessible by an index or a computer disk.

### BASIC RESEARCH AND IMMUNOPATHOGENESIS

Basic research on AIDS at the NIH stresses the molecular biology of HIV, its structure, and its life cycle. This work has expanded our knowledge about the virus and provides a strong foundation for the development of new antiretroviral therapies and vaccines. However, there is not a commensurate allocation of resources for the study of the basic immunology of the disease.

The central questions of AIDS pathogenesis remain far from resolution after over a decade of research. The lack of attention to the immunopathogenesis of the disease, and the response of the host, reflect a larger problem in basic AIDS research: a general disregard for the physiological in basic research on the disease and a need to bridge the gap between basic and clinical research.[10] While this may be heresy to some, pathogenesis research should look to the body for its future course; it needs a physiological and not simply an in vitro virology-driven foundation. We propose the following:

Establish an Immunopathogenesis Task Force: NIH needs a central office to evaluate and guide efforts to elucidate the pathogenesis of AIDS. Such an ITF would evaluate the state of NIH research in the area; assess new work by U.S. and foreign scientists; determine how NIH should follow up, confirm or extend compelling work; foster cooperation and collaboration between research teams intramurally, extramurally, and internationally; maintain an annual list of unanswered questions on the pathogenesis of the disease; and promote research on these topics through intramural research or the issuing of RFAs. The task force would include prominent immunologists, both those working in AIDS and immunologists from outside the field, to provide a "basic" perspective.

Increase Support for Basic Research on Wasting Syndrome: NIH needs to increase its financial support and stop giving lip service to basic research on wasting and other metabolic and GI conditions.

Increase Support for Basic Research on Neurology: Increase support for studies on the mechanisms of HIV-associated and drug-induced neuropathology. Interactions between the nervous, endocrine and immune systems are a virtually ignored area of research.

### DRUG DISCOVERY

Coordinate Drug Discovery Efforts: Closer cooperation and more formal ties between various drug development programs at NIH (NIAID's DTB and NCI's DTP, for example) is necessary. The drug development work at the smaller institutes, which focuses on specific conditions such as wasting or dementia, needs to be connected with the bigger programs run by NIAID and NCI.

Institute a Large-Scale Off-the-Shelf Screen for Cytokine Inhibitors: NCI and NIAID should establish a program to screen for immune-based therapies for HIV infection and other immunologically-mediated disorders. This program would include screens for cytokine inhibitors (for TNF, IL-6, acid-labile IFN-alpha, IL-10, etc.), compounds and modalities that selectively boost the immune system (e.g. TH1 upregulators, CTL enhancing agents), compounds and modalities to depress deleterious immune responses (e.g. treatments for autoimmune phenomena or hyperimmune activity, such as hypergammaglobulinemia), compounds or modalities that block the indirect destructive effects of HIV proteins on cells of the immune and nervous systems.

Expand Neuro Drug Development: NIH needs a development program specifically for novel treatments for the neurological complications of HIV, including dementia, neuropathy, myopathy, and OI's affecting the nervous system, such as PML. This should include a screen for inhibitors of cytokines and neurotoxins (e.g. quinolinic acid and other kynurenine pathway metabolites) and agents to protect CNS cells from damage (e.g. NMDA receptor antagonists).

### CLINICAL TRIALS

Maintain AIDS Infrastructure Adequately: The US clinical research infrastructure, especially that for AIDS, is shrinking and aging (see NCRR), and needs renewal.

Coordinate Clinical Research Networks: NIH supports several massive clinical research networks, all of which should be envisioned as a single entity. Clinical research overlaps sometimes, but more often leaves major gaps. The networks operate independently with either token contact or none at all. In times of shrinking funding, they must develop a mechanism to divide and conquer the entire field of clinical complications of AIDS. OAR should set up a clinical trials network committee, forcing the program officers for each network to interact and develop a plan. The ACTG Oncology Committee and the NCI AIDS Lymphoma Network together should devise a plan for clinical research on the malignant complications of HIV infection. The NEI SOCA system should sit down with the ACTG's CMV Pathogen Study Group. The Neurology Committee of the ACTG should (and actually is going to) open a dialogue with NINDS. The Immunology Committee of the ACTG needs to formally work with the Biological Response Modifiers Program at NCI. Somebody at the ACTG should sit down with NIDDK about wasting. NICHD and the ACTG have to talk about pediatric work. DATRI could do small proof of concept pathogenesis studies for all networks.

Study Orphan Diseases: Several complications of HIV disease are traditionally ignored: research on wasting, dementia, neuropathy, enteric pathogens, PML, endocarditis, cardiomyopathy, pelvic inflammatory disease, and malignancies. NIAID should either study these through the ACTG or negotiate with other ICDs to ensure coverage.

Develop New Clinical Trial Methodologies: New, more efficient methodologies could generate more powerful answers faster than current designs. The successful use of large simple trials in cardiovascular disease may make this type of trial a candidate for use in HIV research.

Simplify Data Collection: Most data gathered in ACTG protocols is never used. Forms could be simplified and research nurses' time liberated by excising unnecessary data.

Track Survival: After ten years of AIDS and five years of AZT, we still don't know for sure whether it, or its cousins ddI or ddC, actually extend survival. No mechanism is in place (as it is in cancer) to assess long-term survival rates. To capture rare toxicity and long-term survival data, and to register interested persons in cohorts for future clinical studies, NIAID and NCI should develop a simple, lean long-term follow-up mechanism for participants in the most important AIDS trials.

Let Industry Pay: NIH still pays through the nose for the privilege of letting drug companies develop their drugs at public expense. We concur with the IOM that industry should pay for and conduct post-marketing studies and assist the NIH with site support for NIH-sponsored trials, especially now that it can generate revenue earlier due to accelerated approval.

Establish a Clinical Immunology Initiative: Immunology is poor stepsister of NIH's clinical trials effort. Primary infection and OIs have received enormous support within the networks (the latter after vociferous hounding by activists) while immunology languishes, running around conducting flow cytometry for its haughty siblings. The NIH must make a commitment to greater funding for immunological studies within its clinical trials programs for several reasons: first, to generate new and more powerful surrogate markers, which will allow for smaller, faster studies to evaluate antiretroviral agents; second, to increase our knowledge of the immunopathogenesis and progression of the disease; and third, to develop biological response modifiers which will complement antiviral therapies in the treatment of HIV infection.

Design Appropriate Trials for HIV and Children and Their Families: HIV-infected children must be seen in a real-world context—as members of HIV-infected families. NICHD and the pediatric clinical trials networks at NIH should support research studies of the mothers of HIV + children and other seropositive members of the family.

### VACCINE DEVELOPMENT

Appropriate New Funds for Vaccine Development: The government must allocate new funds for vaccine development rather than taking them from treatment research. Work on vaccines is going to cannibalize the NIH budget as money is drawn away from existing programs to fund the mandate from Congress and the Executive Branch. For instance, the FIC and NIAID are being asked to prepare the infrastructure for the vaccine trials in the developing world, but are getting no new money for this. The risk prevention programs which they have been developing in conjunction with countries in Africa, Asia, Latin America and the Caribbean will probably have to surrender some financial support for the new initiatives. NIH must go to Capitol Hill to fight for new money.

Address Ethical Issues in Vaccine Development: The seronegative vaccine trials raise unprecedented ethical issues which need to be dealt with early on by the NIH with active and demographically diverse community representation. The NIH must devise ways to:

Separate the educational/prevention aspects from scientific research. The two are obviously in conflict; the greater the success of the educational and prevention programs in the study, the smaller the rate of seroconversion and statistical power of the trial.

Involve communities of color, which will be a target study population in the US, because of their increasing rate of HIV infection, in the decision-making process for the trials and the NIH program as a whole.

Deal with the "false" seroconversions which will occur when the immunogen is administered. Seropositivity can involve all kinds of discrimination in insurance, employment etc.

Assure the participation of diverse communities in these trials.

### EPIDEMIOLOGY AND NATURAL HISTORY

Coordinate Epidemiological Studies: NIH should streamline and integrate its epidemiological cohorts, as it should its clinical networks. NIAID runs the largest collection of studies, including the MACS, SFMHS, WITS, HATS etc. NCI sponsors several US and international cohorts through is Environmental Epidemiology Branch (EEB). NINDS supports a neurology cohort; NHLBI studies pulmonary and cardiac complications of AIDS; NICHD follows children; NCI tracks lymphomas and Kaposi's sarcoma. The balkanized NIH fragments AIDS research.

Diversify Epidemiology Initiatives. NIH epidemiology cohorts should continue to expand to include the diverse communities affected by AIDS. NIH's epidemiology was first concentrated in urban, gay, white men. Recent efforts have only begun to reach out to the diverse groups now affected by AIDS, including women, people of color and IVDUs.

Undertake Long-Term Survivor Studies: Intensive case-controlled studies of long-term HIV survivors should be piloted within the MACS/SFMHS and then expanded elsewhere in order to elucidate the reasons for delayed (or thwarted) progression.

### INFORMATION DISSEMINATION

Accelerate Analysis and Dissemination of Results: NIH should establish a mechanism to optimize the standard of care by disseminating the results of clinical trials to physicians and other health care professionals. In addition to prompt publication of trial results, an educational and outreach program to doctors, hospitals and clinics should be set up.

Develop a PCP Prophylaxis Campaign: NHLBI's Office of Prevention, Education and Control should develop a nationwide education and outreach campaign on PCP prophylaxis to high-risk groups who may not be aware that PCP is preventable.

Evaluate the Productivity of Research: The NLM should track the productivity of NIH AIDS grantees. This could be accomplished, for instance, by cross-referencing researchers with their recent publications in the peer-reviewed literature and the Scientific Citation Index.

Expand Access to and Improve the AIDS Research Information System: ARIS is new and can be improved. Mason categories incompletely categorize NIH programs for research policy review. Additional criteria, such as keywords or programmatic subtitles, could help to classify work by specific topic. OAR should devise a more rigorous, specific classification system with NLM. ARIS should also be available on-line to computer systems nationwide.

### COMMUNITY ACCESS AND INVOLVEMENT

In 1990, ACT UP/New gained access to the thrice-yearly meetings of the AIDS Clinical Trials Group (ACTG). This access was won not just for ACT UP, but for all interested persons—people with HIV, activists, journalists and others. Shortly thereafter, the ACTG established a Community Constituency Group (CCG). The CCG members are a diverse coalition representing gay men, women, African-, Hispanic-, and Asian-Americans, people with hemophilia, and parents of infected children. CCG members have educated themselves about clinical trial methodology and the clinical and basic science behind the treatment of HIV infection and its opportunistic sequelae, and now sit on every committee of the ACTG, where they are valuable participants in the design and conduct of clinical research.

Yet the ACTG is but one eighth of the NIH AIDS program. A cure will never be tested by the ACTG unless it's discovered somewhere else first. In this report we have turned our critical focus on the whole of NIH's AIDS research effort. This is our first venture into a labyrinthine world. We largely followed a paper trail of abstracts of extramural and intramural grants, budgetary documents and program descriptions in order to get a picture of what's going on and offer some preliminary recommendations. The next step for us and other AIDS treatment activists is to fan out and get a closer look at the undiscovered country of basic AIDS research at NIH and at NIH-funded institutions around the country.

This is a new paradigm for AIDS activists. We have to familiarize ourselves with a wide range of disciplines. For the institutes at NIH (other than NIAID, NCI and NINDS, who have a working relationship with members of TAG and other AIDS treatment advocacy organizations) the first activist to come knocking at their door is likely to come as a shock. Some pointers for both parties to ease the pain: For activists, be willing to take the time to learn about the institute and its research, and the scientific fields with which they are concerned. For the institutes, the establishment of community constituency groups for clinical trials networks is a necessary prerequisite to community involvement in your programs. The manner in which activists and advocates for people with AIDS can be involved in basic research policy is going to have to develop on its own. We have already made significant contributions to clinical research. Be willing to work with us and take our concerns into consideration. As NIAID has learned, if you can't beat them, bring them in. Both sides will learn and profit from the experience.

Part II of this report, "The NIH: A User's Guide," includes full descriptions of each institute's AIDS program, with additional commentary and recommendations. If you would like to receive a copy, please send your request and five dollars to The Treatment Action Group, 147 Second Avenue, Suite 601, NY, NY 10003 or call 212-260-0300.

### FOOTNOTES

[1] S Rudavsky. "AIDS Panel Faults Bush Administration Leadership." Washington Post, 6.26.92, p. A3.

[2] M Chase. "Multiple Mutating HIV Strains Stymie Researchers Seeking a Vaccine for AIDS." Wall Street Journal, 5.26.92, B1.

[3] J Mervis. "Healy attacks US budgeting system." Nature 356, 16 April 1992, 555.

[4] National Commission on Acquired Immune Deficiency Syndrome. "Commission Cites Tragic Insufficiency of Administration's AIDS Efforts." Press release, 25 June 1992.

[5] Similar atrocities happened in the FY 1992 budget. Originally $851 million was earmarked for AIDS in the NIH's $8 billion budget. However, after absorbing mandated senior scientist salary increases, the cut in indirect costs (university overhead) and the HHS-mandated cut in travel budgets (travel funds were cut 24 percent and conference travel 42 percent), the effective NIH AIDS budget fell to $841M.

[6] In the "Annual Report to Congress" mandated by the HOPE act of 1990.

[7] US Congress, H.R. 2507, "NIH Revitalization Amendments of 1991"; House Committee on Government Operations, "Obstacles to Drug Development for HIV-Related Opportunistic Infections," House Report 102-410, 2 Dec. 1991.

[8] IOM. "The AIDS Research Program of the NIH." 1991, p. 3.

[9] John Phair, Chair, ACTG Executive Committee, memo "Re: Research Agenda + June Retreat" 1 May 1992.

[10] GG, Notes from a meeting with David Ho, MD, Spring 1991.

## THE AIDS RESEARCH PROGRAM OF THE NATIONAL INSTITUTES OF HEALTH

Committee to Study the AIDS Research Program of the National Institutes of Health

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### SUMMARY

### *AIDS: The research challenge*

In the 1980s the National Institutes of Health (NIH) faced an unprecedented challenge in responding to the epidemic of human immunodeficiency virus (HIV) infection and the acquired immune deficiency syndrome (AIDS), modern biology's first pandemic of a new, deadly infectious disease. Once the magnitude of the epidemic became clear—especially once HIV was identified as the causal agent—NIH was given the mandate and resources to develop a large, multifaceted AIDS research program to understand the virus's pathogenesis, discover and test therapies, and develop prevention strategies and a vaccine. Research supported and conducted by NIH has led to rapid increases in basic knowledge about HIV and its replication, the molecular and behavioral aspects of transmission, the human immune response to HIV infection, and the clinical course of AIDS. Researchers have discovered and developed some partially effective therapies, and recent advances in vaccine research have convinced many scientists that an effective vaccine may someday be available. Meanwhile, however, the epidemic continues to grow and spread to new areas and populations, trends that argue for a well-planned, well-organized, long-term research program leading to the control and eventual eradication of the disease.

The committee concludes that NIH should continue to give AIDS research high priority because HIV infection and AIDS constitute a major health threat and because they provide substantial opportunities for greater scientific understanding of the human immune system and of other viral diseases. The size and long-term nature of the threat call for an institutionalized response by NIH.

Recommendation 1.1: NIH should complete its building of the AIDS research program as a comprehensive, long-term effort. The shaping and implementation of such a program will require a series of steps that are described in the remainder of this report.

These steps should have several positive results: strengthened management structures and processes for planning, coordinating, evaluating, and reallocating the AIDS research activities supported by the various NIH components and for ensuring their quality and cost-effectiveness; fuller development of some promising research areas; an increased overall level of support for AIDS research; and increased personnel and facilities resources to enable NIH to conduct and manage an effective, efficient AIDS research program.

Although the committee was not asked to address health care issues, it could not avoid the finding that NIH-sponsored research on HIV infection and AIDS has been hampered by inadequate participation in clinical trials of some high-incidence groups whose members are not insured for and are unable to pay for treatment or associated medical care. This lack of coverage of some high-incidence populations is part of the larger problem of health care delivery and financing for persons with AIDS, a problem that looms ever larger as more and more individuals acquire the disease in the near future. The committee believes that NIH's mandate is to facilitate the discovery and clinical evaluation of therapeutic, diagnostic, and preventive agents and not to assure health care. This problem must be addressed at more appropriate levels of the federal health policymaking establishment.

Recommendation 1.2: The Health Care Financing Administration (HCFA) should make its reimbursement policies consistent with NIH assessments of promising treatments so that when treatments have moved beyond phase 1 testing, their associated medical care costs (and the costs of the treatment if the sponsor is unable to provide it free of charge) are covered for Medicare and Medicaid beneficiaries.

Changing HCFA policies to cover treatment and other medical care costs associated with research is only part of the solution to the problem of caring for HIV-infected persons. A more comprehensive approach to financing such care will be needed to eliminate barriers to participation in AIDS/HIV clinical research and to ensure that the improved therapies that emerge from federally supported research are available to those who need them.

Recommendation 1.3: The administration and Congress should immediately address and resolve financial barriers to the receipt of appropriate medical care by persons with HIV infection.

### *Managing the NIH AIDS Research Program*

HIV and AIDS are not solely challenges faced by physicians and scientists. The management of NIH has also been presented with an unprecedented task in developing, implementing, coordinating, and evaluating a rapidly growing, complex set of AIDS research activities that now involve every NIH institute, center, and division.

AIDS research at NIH is unusual in that it is not organized under an institute as are, for example, cancer research, vision research, and research on cardiovascular diseases. Instead, NIH is managing the AIDS research program as an "institute without walls," operating the AIDS program from the Office of the NIH Director but using organizational elements analogous to those of the institutes. These elements include a director (the associate director for AIDS research), a national advisory council (the AIDS Program Advisory Committee), an executive committee of senior program officials (the NIH AIDS Executive Committee), and an executive office for staff support (the Office of AIDS Research, or OAR). The committee believes these organizational arrangements and associated administrative processes for managing AIDS research should be strengthened, as an alternative to creation of a separate AIDS institute, and institutionalized as a major long-term program at NIH.

### Strengthening Planning and Evaluation

### Planning

Because of the large size and organizational complexity of NIH's AIDS research enterprise, the committee believes program management as well as program effectiveness would be improved by the development of an overall long-range research plan. The plan should set out the program's goals and assign priorities. It should define the resources required and the mechanisms to be used and identify the results that are expected over specific time periods. The plan also should be flexible to allow prompt adaptation to unanticipated events that alter prior assumptions. Consequently, it should be subject to periodic review and should be revised annually through a formal decision process.

Recommendation 2.1: NIH should develop a five-year plan to identify AIDS-related research needs and opportunities, set priorities, assess program balance, identify research areas that need stimulation, determine the resources required to carry out the program, and evaluate progress. The plan should be developed under the auspices of the AIDS Program Advisory Committee (after the committee is expanded and oriented as recommended below), with the input of outside experts as well as OAR staff, and it should be reviewed and updated annually. The annual plan review should occur in time to guide the preparation of the regular annual budget so that responsibilities and resources can be shifted if appropriate.

### Evaluation

Until recently the rapid budgetary growth of the AIDS program has driven the planning process, rather than the reverse. Most of NIH's AIDS research activities were hurriedly launched by limited staff in the mid-1980s, years of substantial budget increase. As the program matures, however, attention is turning appropriately to the relevance, effectiveness, and efficiency of ongoing activities. Until now, NIH has relied on its time-honored method of evaluation and quality control: peer review of research applications by study sections of independent experts. Many AIDS grants, however, involve large, multidisciplinary projects, centers, and cooperative groups that are closely related to an institute's categorical mission. Scientific review of these projects is essential, but insufficient, because administratively they pose quite different questions of efficiency, effectiveness, and productivity than projects involving an individual investigator in a lab. The situation calls not only for stronger program planning but for stronger evaluation efforts and close linking of planning and evaluation results to the budget allocation process.

Recommendation 2.2: AIDS program evaluation processes should be strengthened and linked closely to planning and budgeting processes to ensure that, first, questions of the highest priority are addressed adequately at all times; second, all studies being supported are still relevant and are as productive and efficient as possible; and third, resources are redeployed, sometimes across institutes, in response to research advances and breakthroughs or as time and experience indicate that some programs are more and some less successful than others in achieving their goals. The Office of AIDS Research should work closely with the Division of Planning and Evaluation in the NIH Director's Office to coordinate evaluations of AIDS research programs in the various institutes. In turn, evaluation results should be considered in program planning and budgeting.

### Strengthening External Advisory Processes

One of NIH's strengths is its ability to incorporate external advice from scientists and the public in its planning and operations. As in its other research programs, NIH has established advisory groups at every level of the AIDS research program; many of these groups include patient advocates and members of the general public as well as scientists and researchers. The associate director for AIDS research should routinely reevaluate the need for such committees as the AIDS research program is institutionalized as a long-term activity over the next several years. Not in question is the need for a high-level advisory function, and the committee urges NIH to strengthen its processes for external advice on overall issues of level of effort, balance among research areas and mechanisms, and research opportunities and needs in the AIDS research program. This high-level advisory function, which national advisory councils fulfill in relation to the institutes, should be the role of the AIDS Program Advisory Committee (APAC). APAC has a critical role to play in providing broad advice and overall program oversight; it should also oversee development of the long-term AIDS research plan and ensure extensive external input.

Recommendation 2.3: The AIDS Program Advisory Committee should take a larger role in providing broad policy advice and program oversight and should include among its activities the development of the five-year AIDS research plan and annual updates. It should also conduct an annual review of the programs and budgets developed to implement the plan. This expanded role will require additional staff support and a larger committee to ensure that all AIDS-related areas of expertise are represented, including the behavioral and social sciences and public health authorities. It may also require the establishment of additional subsidiary committees and the recruitment of additional outside experts to review the various research areas (e.g., basic, behavioral, epidemiological).

### Strengthening Staff Support

The expanded roles of the associate director for AIDS research and the AIDS Program Advisory Committee in planning, evaluation, and budgeting will require some additional staff support by the Office of AIDS Research and related units in the Office of the NIH Director. In most areas of the AIDS research program, the associate director for AIDS research and the OAR will coordinate activities that are actually carried out by the institutes, centers, and divisions; in other areas—planning, implementing, and evaluating certain cross-cutting functions such as training and construction programs—they should play a larger role. In addition, as recommended later, OAR should review and approve (in accordance with assigned priorities in the overall plan for research) AIDS-related requests for applications (RFA) and requests for proposals (RFP) initiated by the individual institutes.

Recommendation 2.4: The capacity of the Office of AIDS Research should be increased so that it can function adequately as the staff arm of the associate director for AIDS research in his or her role as leader and coordinator of the AIDS program. In particular, OAR will need some additional planning and evaluation staff, including several senior-level scientists who can assist the associate director for AIDS research and the AIDS Program Advisory Committee in monitoring the AIDS research agenda, assessing progress, identifying scientific gaps that need to be addressed, and coordinating the review of institute research initiatives.

### Strengthening Executive Authority and Flexibility

The AIDS program is the first major research program to be managed by the Office of the NIH Director rather than by a single institute. The committee considered and rejected the option of creating a separate National Institute of AIDS Research because it believes that the involvement of multiple institutes in addressing the complexities of AIDS will speed specific progress. Most, if not all, of the advantages of putting the program under one institute—improved communication, management, priority setting, and accountability—can be achieved by the adoption of the strengthened management system, based in the Office of the Director, that is recommended in this report. Thus, in addition to comprehensive, long-range planning and evaluation of AIDS research, the capacity of the NIH Director's Office to implement and coordinate AIDS research activities should be augmented.

Recommendation 2.5: The director of NIH should be given an adequate annually renewed discretionary fund of at least $20 million along with additional authority to transfer up to 1 percent of each NIH appropriation account to increase the agency's flexibility in responding to future emergencies or research opportunities. These resources could be used to exploit important scientific breakthroughs arising in AIDS or non-AIDS research that could not be anticipated in the regular budget process or to address major epidemics or other public health problems that suddenly emerge.

The committee is convinced that an important component of the current strength and success of the NIH AIDS research program is the unique leadership provided by Anthony Fauci, associate director of NIH for AIDS research and director of the National Institute of Allergy and Infectious Diseases (NIAID). Having the same person as director of NIAID, which receives nearly half the NIH AIDS budget, and associate director for AIDS research is administratively unorthodox, because it poses potential conflict of interest problems when questions of interinstitute coordination, budget allocation, and program jurisdiction arise. Each of the positions is also extremely demanding, an aspect that, in the case of the position of associate director for AIDS research, will only intensify if the AIDS program structure is strengthened and institutionalized, as recommended in this report. In this instance the arrangement has worked well because of the energy, knowledge, even-handedness, and prestige of the incumbent.

Recommendation 2.6: The current arrangement of the same person holding the positions of both associate director for AIDS research and director of NIAID is working well. Nevertheless, because of the already substantial and still growing workload of each position, and the potential for bias in mediating conflicts among institutes, the committee believes that the joining of these positions should be reconsidered at such time as the current incumbent steps down.

### *Elements of the NIH AIDS Research Program*

In Chapter 2, the committee's main concern was to review the structures and processes for managing the NIH AIDS research program—how it is planned, implemented, coordinated, and evaluated—to ensure that all high-priority scientific questions are being addressed without gaps or overlaps, that programs are well designed and effective and efficient in achieving their goals, and that administrative support by NIH is adequate. The committee believes these questions are especially pertinent at this time, as the program shifts to a long-term managerial mode in response to the size, complexity, and endurance of the HIV/AIDS epidemic, the large size and complexity of the NIH AIDS program itself, and the overall constraints on the federal budget. In Chapter 3, the committee reviews the components of the NIH AIDS research program in light of the shift to an institutionalized, long-term research effort. Where appropriate in the following sections, it also offers specific conclusions and recommendations regarding the mission, design, size, and management of each component.

### Basic Research

The 1980s have seen several major advances in research on AIDS—for example, identification of the causal agent, HIV; development of diagnostic tests for HIV infection; and progress in vaccine and drug development. Such advances have been, and will continue to be, based on fundamental knowledge and methods derived from basic, undifferentiated research that predates the advent of the AIDS pandemic. The committee believes that a strong basic research program is critical in supporting such applied activities as drug and vaccine development. Basic research on HIV and the diseases it causes will in turn produce new knowledge and methods that may contribute to progress against other diseases.

Recommendation 3.1: Greater investments should be made in basic research in such areas as immunology, virology, and molecular biology as part of NIH's long-term research program on AIDS. These basic research advances are critical not only to progress against AIDS but also as a contribution to the base of fundamental knowledge that will be needed to deal with other diseases of the present and future.

### Vaccines

Recent advances in HIV vaccine research give considerable cause for optimism about prospects for an HIV vaccine, although many scientific obstacles remain to be overcome. This progress, given the enormous benefit of a successful vaccine for prevention of HIV infection, warrants vigorous expansion of the HIV vaccine program. In order to pursue as many promising research avenues as possible, including those not fully explored by the individual investigator-initiated mechanism, strong support of RFAs and RFPs is appropriate.

Recommendation 3.2: HIH should expand its vaccine research program and furnish strong support for agents that show promise of efficacy and for RFAs ad RFPs that target the essential unanswered immunological questions.

The committee considered and rejected recommending a centralized approach to vaccine research because it is premature to focus on a particular approach. The many remaining scientific obstacles to an AIDS vaccine argue for support of diverse research efforts such as those currently being pursued by the various institutes within NIH, together with a mechanism to preclude the inefficient use of resources.

Recommendation 3.3: NIH should create an agencywide vaccine research advisory panel of top extramural scientists to identify research needs, establish priorities, and determine the resources and facilities required for a successful program. In addition, the panel should perform an oversight function to ensure that institutes supporting diverse lines of simian immunodeficiency virus (SIV) and HIV research use resources effectively and in a complementary manner. The committee further recommends that this advisory panel outline a mission for NIH's AIDS vaccine research that complements vaccine research being conducted by the pharmaceutical industry.

If an when attractive candidates for vaccines emerge, the clinical trials that must be conducted to establish their efficacy will be logistically difficult, requiring considerable planning. Problems include liability concerns, developing criteria for placing an HIV vaccine candidate into phase 3 efficacy trials, and selecting trial participants.

Recommendation 3.4: NIH should begin immediately to plan the trials (especially phase 3) that eventually will be required to test a viable vaccine candidate. This process should include the development of criteria for entering a vaccine candidate into human efficacy trials. The committee further recommends that NIH work with Congress to evaluate plans to provide liability coverage for the development of vaccines that pharmaceutical companies otherwise may hesitate to evaluate.

Other major barriers to producing a viable candidate vaccine are a shortage of animal models (especially nonhuman primates), a lack of suitable containment facilities (i.e., facilities rated at biosafety levels 2 and 3) for housing animals and conducting HIV or SIV vaccine research, and a lack of reagents. Recent studies demonstrating protection against infection with the SIV model are cause for optimism regarding an HIV vaccine and warrant increased support for further animal-model studies (see recommendations 3.28 and 3.29). The long lead time necessary for breeding animals highlights the urgent need to plan ahead for adequate resources so that when a candidate vaccine is ready for preclinical testing, scientific progress will not be hindered by inadequate supplies of animals or by substandard facilities or unavailable reagents.

Recommendation 3.5: NIH should provide the support needed to ensure an adequate supply of nonhuman primates, especially chimpanzees and rhesus monkeys, for preclinical development and testing of HIV and SIV vaccine candidates. NIH should also pursue the development of other animal models that might be cheaper and easier to use in vaccine development. Finally, through the associate director for AIDS research, NIH should coordinate the research plans of the various categorical NIH institutes investing in vaccine development with the long-term plans of the National Center for Research Resources for developing and supporting animal models.

NIH officials and extramural researchers were unanimous in asserting that poor access by investigators to high-quality reagents had hindered HIV vaccine research. They also said that investigators do not always provide other scientists with access to reagents developed with NIH support.

Recommendation 3.6: NIH should strongly support a full-scale reagent repository and implement the recommendation from "Confronting AIDS: Update 1988" that "all investigators receiving NIH funds must make their AIDS-related reagents available to a distribution center, and thereby to all qualified investigators, after publication of their research." NIH should enforce this policy by making further funding contingent on cooperation with a reagent pooling program.

### Epidemiology

NIH conducts and supports a number of epidemiological studies that in the past have provided invaluable knowledge about the natural history, transmission, clinical markers, and cofactors of HIV infection and the advent and course of AIDS. Information from these studies provided the foundation for a range of NIH AIDS research efforts, including the design and conduct of clinical trials of therapeutic agents against HIV and associated opportunistic infections (OI) and cancers. In the future, epidemiological studies will be especially important in identifying populations suitable for large-scale vaccine efficacy trials. Yet as the disease changes (e.g., in the appearance of opportunistic infections, in the groups affected) and responds to new treatments, the additional insights to be gained from existing cohorts may not justify the costs of data collection and analysis. NIH's epidemiological AIDS research component should be routinely evaluated for continued relevance and adjusted to the changing course of the epidemic as, for example, more and more members of older cohorts progress to AIDS, members of younger cohorts become infected, and new risk groups are identified.

Recommendation 3.7: NIH should reassess its epidemiological research priorities; evaluate ongoing research, discontinuing less productive or redundant studies and expanding studies in groups experiencing higher rates of HIV infection; and reassess the size of the total NIH epidemiology program in light of fiscal constraints and other emerging research needs. This reassessment should involve external advice.

To maximize the use of resources and prevent the initiation of cohorts of insufficient size to enable meaningful statistical analysis, NIH should also identify opportunities for collaboration, both among institutes and with other Public Health Service (PHS) agencies involved in epidemiological research (the Centers for Disease Control [CDC] and the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]).

Recommendation 3.8: NIH should pursue collaborative efforts among its institutes and with other PHS agencies sponsoring epidemiological research to address all first-priority epidemiological issues, avoid duplication, and ensure adequate sample and cohort sizes.

### Behavioral Research

The HIV/AIDS epidemic is both a biological and a behavioral phenomenon, and efforts to contain its spread must look to both biomedical and behavioral sciences for interventions. The committee believes NIH has neglected AIDS-related behavioral research. Lack of knowledge regarding patterns and determinants of sexual and drug-using behaviors in the general public, as well as in groups at particular risk for HIV infection, has hampered public health efforts to develop health education interventions for the prevention of AIDS. The committee considers increased attention and funding to be warranted, given the lack of scientific data on behaviors related to HIV infection, the seriousness of the HIV/AIDS epidemic, available research opportunities in the field, and the potential public health benefits such research could realize.

Recommendation 3.9: The NIH AIDS program should increase its support for behavioral research, especially for basic behavioral research (e.g., research designed to understand the etiology or underlying causes of behaviors and evaluate the effectiveness of interventions to modify particular health-related behaviors) on behaviors relevant to the transmission of HIV, including but not limited to human sexual development and practices and (in coordination with ADAMHA) drug addiction and abuse.

The AIDS epidemic has highlighted the need for up-to-date data that are representative of the general population and that can provide a sound basis for designing, implementing, and evaluating education and intervention programs to stop the spread of HIV. In an effort to expand this data base, the National Institute of Child Health and Human Development (NICHD) has proposed a national survey of health behaviors and AIDS risk prevalence, but plans for the survey have not been approved by the Department of Health and Human Services because of concerns about the survey's scope and content.

Recommendation 3.10: The pretest questionnaire for NICHD's National Survey of Health and AIDS Risk Prevalence should be finalized and released, and the study should be allowed to proceed immediately.

### Nursing Research

The committee believes that high-quality care of persons with AIDS, and management of the side effects of AIDS therapeutics, will be essential to ensure a reasonable quality of life for persons who are living with HIV infection. The committee also believes that the knowledge base in this area must be improved if adequate care is to be provided to the thousands of HIV-infected persons who will be flooding the health care system by the mid-1990s.

Recommendation 3.11: Support should be substantially increased for nursing research on the care of people with HIV-related illness.

### Preclinical Drug Development

Preclinical drug development of anti-HIV agents and agents for related opportunistic infections is supported by both NIH and the pharmaceutical industry. The different groups that have shown interest in developing anti-HIV drugs possess varying levels of resources for conducting the critical studies required by the Food and Drug Administration (FDA) for an investigational new drug (IND) application to permit use of the drug on a broad scale. The National Cancer Institute's (NCI) long experience in developing therapies in collaboration with drug companies and academic health centers has provided valuable lessons for organizing the development and clinical testing of new AIDS drugs. The committee believes NIH should focus its AIDS-related drug development resources on promising drugs that would not otherwise be developed by the pharmaceutical industry, and on assistance for drug sponsors that do not possess adequate resources to complete the studies required for submission of an IND application.

Recommendation 3.12: The optimal role for NIH's preclinical drug development program should be to facilitate drug development by all sectors-governmental, academic, and private-and to develop drugs whose development is not likely to be supported by the pharmaceutical industry.

Both biochemical and cell-based drug screens are necessary to identify agents with differing mechanisms of action against HIV as well as agents active against discrete components of the HIV life cycle. NIH support for mechanism-of-action studies is particularly important because such studies are unlikely to be conducted by industry.

Recommendation 3.13: NIH should develop and support a range of screening tests for anti-HIV drugs. In addition, NIAID and its Division of AIDS should establish contract-based screening capabilities, and NIH should expand its intramural or dedicated extramural resources for mechanism-of-action studies for anti-HIV agents.

An underdeveloped basic science knowledge base and lack of suitable animal models for many of the OIs that commonly occur in people with AIDS have hindered drug development efforts. Support by the pharmaceutical industry for basic science and animal model studies related to OIs is unlikely. The committee concludes that NIH should have the capacity to conduct this research and all critical path studies required by the FDA for submission of an IND application for drugs for opportunistic infections.

Recommendation 3.14: NIH should increase its support for basic and applied research in the area of opportunistic infections. NIH should also facilitate the development of promising drugs for opportunistic infections through all the steps necessary to secure the IND application.

### Clinical Trials

Once the federal government recognized the urgent nature of the AIDS epidemic, and the enormous challenge the disease presented, it began to increase substantially its support of AIDS-related research, the NIH therapeutics programs, and especially the NIAID clinical trials program. NIH was charged with developing the organization for a new, comprehensive drug evaluation program at the same time it was enrolling thousands of patients in clinical trials. Despite these formidable tasks, the short history of the NIH clinical trials program records several notable accomplishments: determination of the efficacy of zidovudine (AZT) in the treatment of children with AIDS; establishment of a national clinical trials program capable of testing new anti-HIV and anti-OI therapeutic agents; recruitment of many talented investigators into AIDS clinical research; extension of the use of AZT for persons with early and asymptomatic infection and a better understanding of the drug's most effective and safe dosage ranges; and initiation of dozens of important clinical trials that promise to provide essential information about treatment with a wide array of antiviral and anti-OI drugs.

### Mission

The committee strongly believes that the rapid growth of the NIH clinical trials program, and its undertaking of a much larger number of trials than were originally envisioned, involving thousands of patients, necessitate a reevaluation of the NIH clinical trials system to ensure that it functions both efficiently and cost-effectively. To begin with, NIH must define the AIDS Clinical Trials Group's (ACTG) mission more clearly with a realistic statement of its scientific goals.

Recommendation 3.15: The ACTG should focus its mission more narrowly and tailor the number of trials it conducts to that new mission, to currently available staff, and to the capacities of the local AIDS clinical trial units.

In redefining the ACTG's primary mission, NIH must distinguish the tasks to which it is best suited and the tasks that are better left to the pharmaceutical industry, the other major resource for AIDS clinical trials in this country.

Recommendation 3.16: The ACTG should assume primary responsibility for trials that are important to the public health and that are unlikely to be conducted by the pharmaceutical industry. These include trials of drugs in combination, trails that compare drugs made by different companies, trials of drugs for small patient populations such as those with particular opportunistic infections or AIDS-related cancers, and, in rare instances, phase 4 or postmarketing trials that may not otherwise be conducted. However, the pharmaceutical companies should be encouraged to take responsibility for phase 4 trials of their products, especially those that expand the indications for already approved drugs.

Interviews with many NIH officials and representatives of the pharmaceutical industry indicated that the ACTG and the industry have not yet established a consistently constructive, complementary relationship. Given that the supply of trial participants and qualified researchers is finite, it is essential that the two primary vehicles for conducting trials (i.e., the pharmaceutical industry and NIH) clearly define their missions and roles and meet regularly to resolve conflicts. The committee believes that NIH-industry collaborations are appropriate and can benefit the development of anti-HIV and anti-OI drugs.

Recommendation 3.17: NIH should ensure maximum coordination of its clinical trials with the pharmaceutical industry by meeting regularly to resolve conflicts over rights to data ownership and access to patients and investigators at AIDS clinical trials unit (ACTU) sites. NIH should also negotiate with pharmaceutical companies for supplemental financing of NIH-conducted trials (e.g., postmarketing studies) that clearly benefit the industry sponsor.

### Efficiency Within the ACTG

NIH's initial goals of erecting a clinical trials system and enrolling patients as quickly as possible is giving way to a new stage in which the ACTG evaluates its performance and reassesses its administrative procedures and clinical goals. The committee recognizes and endorses the ongoing effort at the Clinical Research Management Branch of NIAID's Division of AIDS to develop a mechanism and criteria for evaluating individual ACTUs as a basis for planning future trials and for ACTU refunding in 1991 and 1992.

Recommendation 3.18: NIH should conduct an annual, systematic evaluation of each ACTU. The results of these evaluations should be reviewed by an extramural group authorized to advise corrective action and recommend defunding of sites that do not meet expected performance standards.

At present, the ACTG develops protocols by a multistep consensus process in which ACTU investigators develop a concept and send it through multiple ACTG committees and the Division of AIDS program office for revisions and approval. The committee believes that the large number of ACTG trials has combined with the multiple revisions and steps required in its protocol development process to overload the ACTG system and slow the opening of important new trials.

Recommendation 3.19: NIH should simplify the ACTG protocol development process while retaining incentives for individual investigator contributions. Small groups of ACTG investigators should assume the decisive role in designing protocols, and NIH should establish a mechanism by which they can receive frequent informal comments and advice from an active, participatory FDA on the data needed for regulatory approval. If the ACTG Executive Committee rejects a protocol that has been so designed, a simple appeals process should be available to resolve the dispute.

To address and resolve the many problems involved with protocol design, the ACTG established a protocol evaluation subcommittee.

Recommendation 3.20: The committee strongly endorses the work of the ACTG's protocol evaluation subcommittee and recommends that its guidelines on optimal protocol design be made available to all ACTG investigators and used as part of NIH's evaluation of proposed protocols.

### Accrual

The committee considers it essential that NIH improve its recruitment of minority populations, women, children, and intravenous drug users for clinical trials. The committee recognizes NIH's efforts to engage health professionals in outreach activities among populations that are currently underrepresented in the trials (with the goal of hastening trial accrual) and encourages further measures, such as less stringent entry criteria, that might speed trial accrual among all infected populations.

Recommendation 3.21: The committee believes NIH should increase participation of currently underrepresented populations (i.e., minorities, current and former users of intravenous drugs, women, and children) in AIDS drug trials. To achieve this goal, NIH should (1) examine entry criteria for clinical trials and, where appropriate, make them less stringent, and (2) improve outreach and the provision of ancillary services to underrepresented populations.

### Coordination

Interinstitute sponsorship of clinical trials can bring a wide variety of expertise and resources to bear on difficult scientific questions. However, the interinstitute conflict that frequently accompanies such sponsorship may hinder NIH's ability to maximize its resources. Instances of unresolved conflicts surrounding the sponsorship and funding of trials highlight NIH's need for a stronger mechanism to resolve interinstitute disputes and implement necessary changes, as recommended in Chapter 2. In the case of interinstitute coordination of pediatric AIDS clinical trials, the committee believes unresolved conflicts have prevented a fully operational merger of NIAID's and NICHD's pediatric trial systems.

Recommendation 3.22: NIH should complete the merger of the NICHD and NIAID pediatric trials systems to unify their management and funding and ensure maximal use of the two institutes' resources. The merger should include sufficient funding to allow enrollment of NICHD's large pool of patients.

The committee believes that the intramural clinical trials programs at NCI and NIAID possess excellent researchers and resources that have allowed them to achieve important advances in the development of new AIDS therapies. Moreover, the close proximity of intramural laboratories to clinical programs at the NIH clinical center promotes rapid in vivo testing of in vitro results.

Recommendation 3.23: NIH should continue to provide strong financial support for AIDS research efforts of the intramural clinical trials programs.

The committee is concerned, however, that NIH does not have a clear track for bringing a drug through all stages of clinical testing and has not sufficiently capitalized on its intramural program for the execution of certain trials.

Recommendation 3.24: NIH should establish a mechanism for better coordination of extramural and intramural clinical trials and consider shifting more responsibility for phase 1 studies to the intramural program.

### Information Dissemination

The extreme sense of urgency surrounding the results of AIDS clinical trials has placed great pressure on the agency to obtain and release usable trial data rapidly. The committee believes NIH has an obligation to publish all such results, whether the trial has a positive, negative, or indeterminate conclusion, because the publication process is the primary means for expanding the knowledge base. The committee strongly endorses the use of expeditious peer review and publication as the best method of information dissemination but recognizes that alternative, faster means may be needed for certain clinically relevant trials.

Recommendation 3.25: The ACTG should institute a comprehensive policy requiring submission of trial data to a peer-reviewed journal within a specified time after completion of the trial or a major protocol change, and timely submission of results should be linked to ACTU evaluations. In addition, NIH should develop a mechanism for public reporting of data with clinical urgency soon after trial completion and prior to journal publication.

Some concerns have been raised that the early release of trial results might lessen the imperative felt by investigators to publish full scientific papers in peer-reviewed publications. An interim publication in no way lessens NIH's responsibility and that of its investigators to publish their data in full.

Recommendation 3.26: The ACTG should establish a working relationship with scientific journals to ensure rapid interim and full publication of high-priority trial results.

### Research Resources

Research resources, a public "good" for which federal support is especially suited, are investments in the infrastructure of biomedical science that help researchers do their work quickly and economically. The importance of such resources increases as the AIDS research program becomes a long-term effort.

### Training

Research training is an integral part of NIH's multi-institute AIDS research program. Planning and implementation of training activities should be administered centrally by the associate director for AIDS research with staff assistance from the OAR.

Recommendation 3.27: Support should be increased for pre- and postdoctoral training—to a level (about 3 percent of the budget) comparable to other training programs within NIH—in a wide range of AIDS—related disciplines: for example, molecular biology, virology, cel biology, immunology, epidemiology, behavioral sciences, infectious diseases, and clinical medicine. Increases should also be made in the number of predoctoral slots supported by the National Institute of General Medical Sciences (NIGMS) and the postdoctoral training grants supported by NIAID.

### Animal Models

The lack of a single good animal model of HIV infection and disease progression is still a major impediment to research on AIDS pathogenesis, treatment, and prevention. NIH is currently underwriting development of several promising models including HIV in transgenic and severely immunodeficient mice, SIV in macaque monkeys, and HIV in chimpanzees. For example, as discussed earlier, recent demonstrations of prophylactic and post infection protection from disease in the SIV-macaque model hold considerable promise for the development of an effective vaccine against HIV. An expanded effort to exploit the SIV model, however, requires better understanding of the immune system of rhesus monkeys and a larger supply of them for future vaccine research. NIH should also support the development of other animal models.

Recommendation 3.28: NIH should develop a plan that addresses animal resource needs for future research, especially vaccine research. For example, the rhesus monkey population available for research should be increased to the level required to support the expanded program of studies on SIV. This should include not only an expanded breeding program but also a larger program of research on the biology of rhesus monkeys and the construction of additional biocontainment facilities.

### Facilities

Inadequate facilities will hinder scientific efforts and could pose unnecessary dangers for AIDS researchers. In the committee's view, support for upgraded facilities and equipment is an appropriate element in a balanced, long-term AIDS research program, especially during initial expansion years.

Recommendation 3.29: The associate director of NIH for AIDS research should plan and oversee the implementation of a program for developing an adequate physical infrastructure for AIDS research. The actual administration of the program could be delegated to the National Center for Research Resources or to other NIH operational units.

### Communication of Research Results

In addition to the dissemination of trial results, NIH supports an extensive AIDS communication program for scientists, health providers, patients, and the general public. (Research advances with implications for prevention, diagnosis, and treatment are raising new and urgent questions about early disseminations, which were addressed in the section on clinical trials [recommendations 3.25 and 3.26].) The committee commends this work but encourages NIH to solicit input from the public and the scientific community on its efforts and periodically to review its programs in this area.

### *Supporting the NIH AIDS Research Program*

The success of the NIH AIDS research program depends critically on adequate, high-quality resources to support the program's efforts. These resources include funds for the research itself, in the form of grants, contracts, and intramural projects, and for research infrastructure—research training programs and facilities and equipment grants. Research resources also include NIH's apparatus for reviewing research grant and contract applications and proposals for technical merit and program need, as well as the agency's own staffing and facilities.

### Funding of AIDS Research

The committee reviewed carefully the size and composition of the NIH AIDS budget, aware of a general perception that the epidemic is receding and that the current level of effort is adequate. The committee finds, however, that the epidemic of HIV infection and AIDS remains a severe global public health emergency that is causing a growing burden of illness and death and placing severe stresses on the nation's health care system. At present there is no cure for the disease and no vaccine. Containment, therefore, must be a high national priority, and more effective interventions are urgently needed.

As a comprehensive, long-term effort, the NIH AIDS program must respond in a balanced way to knowledge gaps, emerging scientific opportunities, changes in the epidemic, and other, unforeseen contingencies. The question of program balance is thus an evolving one that should be addressed through the planning and priority-setting process recommended in this report. For example, promising scientific developments in vaccine research urge additional studies, which will require more funds for grants and research resources. In addition, a balanced, long-range program should invest more in undirected individual investigator-initiated research, given the lack of basic knowledge about HIV infection and AIDS. The benefits to be derived from such research often go well beyond those applicable strictly to HIV/AIDS. Scientific advances in AIDS research also will continue to have important spinoffs that contribute to progress against other diseases and provide a base of knowledge that will be useful in dealing with epidemics of the future.

The committee concluded that other areas of AIDS-related research are relatively underdeveloped and should be expanded; these include behavioral research, nursing research, development and testing of therapies for AIDS-related OIs and cancers, and research training. On the other hand, greater efficiency may be possible in some of the large-scale programs that have been running for several years or more, such as epidemiology and clinical trials. In the opinion of the committee, increased management efforts and program activity in a number of areas would not be adequately accommodated within the present level of effort. The net effect of the committee's recommendations could increase costs on an order of magnitude of 25 percent, a rough estimate that might be lowered (if there were significant savings in existing activities) or raised (if there were major breakthroughs that required exploiting).

The committee is aware that many people consider the NIH budget as a whole to be inadequate and that there is an immediate crisis in funding a sufficient number of competing grants this fiscal year and next to maintain the nation's biomedical research momentum. The committee is also aware that advances in containing and controlling AIDS rest on the overall strength of the NIH units. Taking resources from other parts of the agency to expand the AIDS research program would impede overall progress in biomedical research and the AIDS program itself, which is an integral part of and dependent on a wide range of NIH activities.

Recommendation 4.1: Implementing the long-term AIDS research program recommended by this committee will require a larger budget to ensure that the most promising basic science opportunities are supported, that underdeveloped areas of research are expanded, and that research resources are adequate to support the planned level of research effort. These opportunities and needs could justify an immediate increase of as much as 25 percent in NIH's budget for AIDS research; the exact timing of the increase should be an integral part of the long-range plan recommended by the committee. It is essential that any such budget increases be new funds and that they not be derived at the expense of ongoing NIH programs.

In the past, NIH defined AIDS research narrowly to encourage well-establish researchers to leave research in other areas for studies on AIDS. This goal has now been achieved, and the artificial distinction between AIDS research and AIDS-related basic research has outlived its usefulness.

Recommendation 4.2: NIH should adopt NIAID's recent redefinition of AIDS research (to include closely related basic research in immunology, virology, molecular biology, cellular biology, and other related areas) for use throughout its institutes.

### Grants Policy and Administration

The committee has carefully examined NIH's organizational and procedural arrangements for reviewing and awarding AIDS-related research grants and concludes that currently they are adequate. AIDS research project grant applications and awards have increased in number and improved in quality, as measured by peer-review scores. The share of the AIDS budget going to research project grants has increased to about 40 percent, and the proportion of those solicited by RFAs has decreased. The committee recognizes the need for solicited research and directive mechanisms in building a fast response to a public health emergency but believes that a long-range AIDS research program warrants greater reliance on grants, especially individual investigator-initiated grants.

Recommendation 4.3: NIH should continue to increase its use of research grants, especially traditional individual investigator-initiated and related grant mechanisms, to carry out the expanded research effort recommended by the committee, in particular, the increased effort in basic research.

RFAs and RFPs at NIH are usually initiated by program staff who identify gaps in research and propose mechanisms for soliciting grant applications to address those gaps. After approval at the institute and advisory council levels, proposed RFAs and RFPs receive an administrative review in the Office of the NIH Director and are circulated to the other institutes for comment and to minimize duplication of effort. The committee believes that central review of RFAs and RFPs should be coordinated with the research planning effort recommended in Chapter 2 of the report to identify and remedy gaps in AIDS research.

Recommendation 4.4: The NIH associate director for AIDS research and the AIDS Program Advisory Committee should review all RFAs and RFPs for AIDS research to ensure coordination and avoid duplication. They should also have the authority to recommend RFAs and RFPs in the case of gaps in the NIH AIDS research program that are not being addressed by individual institutes.

### Administrative Support

The effectiveness and success of the NIH AIDS extramural and intramural research programs depend in part on the adequacy of the administrative support they receive in the form of staffing and facilities.

### Staffing

Until recently, NIH operations were hampered by arbitrary personnel ceilings imposed by the Office of Management and Budget (OMB). These ceilings had a significant effect on the AIDS research program because the number of scientists and science administrators could not increase as quickly as the scientific opportunities for intramural AIDS studies or the amount of funding for extramural AIDS grants and programs. Chronic understaffing thus has constrained NIH's ability to conduct AIDS research and adequately plan, administer, and evaluate its extramural AIDS programs. Now, however, OMB and the Department of Health and Human Services (DHHS) have delegated increased authority to PHS agencies to set personnel levels. NIH in turn must determine appropriate program staffing and develop a plan to achieve it.

Recommendation 4.5: The committee strongly opposes arbitrary restrictions on NIH staffing levels that are established without regard to program requirements because they hamper effective, efficient management. Personnel ceilings should be abandoned permanently, and future staffing decisions should be part of the strengthened program planning and budgeting processes recommended in Chapter 2 and coordinated by the Office of the NIH Director. Adjustments in staffing levels should be made carefully over several years to achieve appropriate balances between AIDS and non-AIDS and non-AIDS programs, between the elimination of past deficits and the needs of new initiatives, and between the budgets for extramural grants and contracts and for staff to administer those grants and contracts.

The committee also supports efforts to maintain NIH staff excellence by addressing broader personnel problems, both those relating to compensation and those stemming from inflexible or sluggish policies and procedures of government personnel systems. The committee endorses as well special efforts to solve problems specific to the AIDS program, such as recruitment and retention of medical officers in the NIH AIDS treatment research (clinical trials) program.

### Facilities

NIH-wide space limitations and inadequacies have affected the AIDS research program disproportionately because it is a relatively new and fast-growing set of activities. Congress's appropriations over the past several years for buildings and facilities have greatly reduced the backlog of needs of adequate, appropriate space and equipment for AIDS research, but much of this capacity is in off-campus sites. The committee believes that the scattered locations of AIDS activities hamper communication and collaboration between AIDS basic and clinical researchers and between AIDS and non-AIDS researchers involved in related studies; they also impede administrative coordination of extramural AIDS and AIDS-related research programs in the different institutes, centers, and divisions.

Recommendation 4.6: As part of its long-range building and facilities program, NIH should consolidate AIDS research and research administration on the NIH campus. This consolidation will facilitate communication between the intramural and extramural programs and coordination of the multiple institutes, centers, and divisions involved in AIDS research activities. The committee endorses NIH's effort to take a systematic, sustained approach to upgrading and maintaining the campus infrastructure, which will benefit the AIDS program as well as non-AIDS research.

Mr. KENNEDY. Mr. President, I will just take a few moments. The matters are important.

First of all, I want to express my very warm appreciation to Senator KASSEBAUM for her help and assistance and guidance during the debate on these issues. The vote was overwhelming, but that does not mean that we have not faced many different issues during the course of the consideration of the legislation. We have worked closely together on this measure, as we did on the family and medical leave bill a little over a week ago, even though there were differences. I think all of us on the committee, no matter what side of the aisle, are very much grateful for her continued involvement, knowledge, and understanding of so many of the issues that come before our committee. I say that very sincerely.

I want to express our appreciation to Senator MIKULSKI. There are others, but it was Senator MIKULSKI who, more than anyone, really brought the issue about the importance of women's health research to the attention of the Nation, certainly to the Senate. As a matter of public debate, public policy, and really as a result of her efforts, she was able to persuade the previous administration to make important steps, not as significant as what has been included in this legislation, but very important steps in terms of ensuring that there is going to be attention given to a wide range of different illnesses and diseases that affect women in our society—breast cancer, ovarian cancer, osteoporosis, lupus, cardiovascular disease. It is a matter of enormous importance to the Nation and of enormous importance to women that their health concerns are fully addressed and they benefit equally from the scientific advances developed with NIH funds.

We must continue our efforts to ensure that research on women's health issues remains a top priority at the NIH and we recruit, train, and promote an increasing number of women scientists.

Also, I am enormously grateful to so many on our committee and off our committee for their assistance in developing a national AIDS research program. After a decade of an epidemic far from under control, now we have a comprehensive plan for AIDS research and long-range strategy for its implementation. We create a consolidated AIDS budget to ensure the cooperation needed to maximize the resources spread among the 21 Institutes and Centers involved in the NIH AIDS effort. Rather than create a new institute, we brought together the various research programs in the different research Institutes to review them in totality and to take advantage, after review, of the new opportunities for further progress. These changes generated a great deal of discussion and debate with NIH, the researcher community, and with others on our committee in terms of micromanagement and directed research.

We really spent a good deal of time in addressing those concerns. The final result has been a very constructive and strengthened effort in the area of AIDS research. We are very grateful to all of those who have been part of this effort, particularly to Derek Hodel of the AIDS Action Council; Mike Harrington; Greg Gonsalves; Dr. Matilde Krim, a long-time friend and a person who has given about as much focus and attention to the public policy issues involving the HIV question as any person alive; Elizabeth Glaser; Dr. Art Ammann of the Pediatric AIDS Foundation; Dr. June Osborn and Carlton Lee of the National Commission on AIDS; Terry Beswick, and countless others on their efforts in behalf of the AIDS provisions in this bill.

Mr. President, the legislation takes steps to improve the health of our children. Preventing heart disease in children, finding a cure for juvenile arthritis, improving vaccine development, and ensuring the rapid transfer of basic science finding to the bedside are all major provisions in this bill.

Finally, there is concern over increasing number of cases of scientific misconduct and conflicts of interests. We have been able to address this issue in a way that protects the public interest, insures research, integrity and prevent retaliation against whistleblowers.

I thank all those who have been involved in this process. I thank the leader for scheduling this legislation. He was there with us, and the Republican leader as well. But Senator MITCHELL during the course of the consideration of this bill in the waning hours of the last session, he indicated that this measure would be given the S. 1 designation as an indication of the high priority that he and others gave to the research. I think it is a clear indication of the high priority that we place on the research issues. We would not be able to pass this bill if we had not had strong bipartisan support in our committee.

I want to give a special thanks to Ann Udall, Joan Samuelson, Rev. Guy Waldon and the members of the Coalition for Research Freedom for heroic efforts in educating the Members of Congress about the importance of fetal tissue transplantation research. In a very personal way, I, along with a number of others in this body, consider Mo Udall a longstanding friend. We have followed his enormous personal courage in dealing with Parkinson's disease. We are enormously grateful to Ann Udall, Joe Samuelson and Guy Waldon. They have been absolutely tireless in taking time to visit with Members and educating the country about the potential benefits of fetal tissue transplantation research.

I can say quite frankly, when we were considering NIH reauthorization 5 years ago, we could not have gotten 35 votes in the U.S. Senate. In order to avoid filibusters, we had to strike references to that provision. Over the period of the last 3 years, we have gained strong bipartisan support and it really is a tribute to those individuals and the Coalition on Research Freedom. It really has been an enormous, I think, indication of the power of local, grassroots commitment of people who really want to change policy.

I think many times Americans really wonder whether they can change policy. I will tell you, this is class No. 1, because they have and have done it in a very short period of time. They were speaking truth to power. They were bringing facts and scientific information to those in responsible positions. I just cannot express my appreciation to them enough.

I also want to thank our colleague Senator BROCK ADAMS who was a member of our committee. He chaired our hearing on fetal tissue transplantation research. He co-authored the research freedom provisions of this bill. I know as we look at the progress we have made, we also want to recognize those who have been ahead on this issue, and Senator ADAMS was a real leader.

Finally, I want to thank the committee staff for their many contributions: Marty Sieg-Ross, Andrew Patzman, Kimberly Barnes-O'Connor, and Anne LaBelle of the minority staff, Bill Baird from the legislative counsel office, Robyn Lipner, and Phyllis Albritton.

I also want to give thanks to my staff, to Ken Nussbaum, Michael Nelson, Nick Littlefield, Michael Iskowitz, Van Dunn, Niall Finegan, Michael Myers, Deborah von Zinkernagel, and many others.

I, for one, am always glad to compliment the members of our staffs. We depend on them. We are out here discussing these matters and they assemble the material and help prepare the arguments. Their participation in the process makes this body work in a more informed and intelligent way and I personally am enormously grateful to each and every one of them for their assistance.

I thank all of our colleagues for their patience during the debate and discussion, for their attention to these public policy questions. Whether they have agreed or differed, I think we have a very important bill which I look forward to becoming law in the very near future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I agree with the comments of the chairman of the Labor and Human Resources Committee. Senator KENNEDY has provided strong leadership during the 2-year debate to pass the National Institutes of Health reauthorization bill into law. With this reauthorization, the National Institutes of Health will continue to be the preeminent research institution of the world. And, as it continues to be in the forefront of research, it is not only providing leadership to us in the United States, but around the world.

I know, as Senator KENNEDY has noted, that there have been many hurdles to overcome and many who have provided leadership to do this. Many of these individuals have been named by Senator KENNEDY, and I will not reiterate those names. Passing this bill has taken bipartisan cooperation. I am very appreciative of the leadership that Senator KENNEDY has given through the years. Health care issues have been a preeminent concern of Senator KENNEDY, and it is with real dedication that he has devoted himself in a special way to this reauthorization.

I also want to recognize staff of the Committee on Labor and Human Resources who worked on this legislation. In Senator KENNEDY's office, I note the efforts of Dr. Van Dunn, Michael Iskowitz, Deborah Von Zinkernagel, and Dr. Ken Nesbaum. On my own staff, I appreciate the work of Dr. Marty Sieg-Ross, Andrew Patzman, Kimberly Barnes-O'Connor, Jane Williams, Susan Hattan, Annie Brown, and Margaret Harned. I also note Senator HATCH'S staff, in particular Anne Labelle, who worked on this bill over the past 2 years. Finally, I wish to thank Betsy Tower of Senator DURENBERGER'S staff.

## MORNING BUSINESS

## PRESIDENT CLINTON'S STATE OF THE UNION ADDRESS

The PRESIDING OFFICER (Mr. METZENBAUM). The regular order is to proceed into morning business with time controlled by the majority leader or his designee. The Chair's understanding is that Senator DASCHLE is the majority leader's designee.

Mr. DASCHLE. That is correct, Mr. President.

I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

### THE CLINTON ADMINISTRATION EDUCATION PROPOSALS

Mr. PELL. Mr. President, I wish to express my strong and enthusiastic support for the education proposals set forth in the State of the Union Message. In one dramatic, challenging, and daring address, our President has demonstrated clearly that he intends to be the education President our Nation so desperately needs. I, for one, intend to give him the chance to make this long unmet dream come true.

As one of the early proponents of national service, and more particularly of linking service to student aid, I applaud the direction in which the Clinton administration is moving. This will, of course, require major changes in the loan program as we know it. And, while we should be careful as we proceed, we should not duck the hard choices simply because they may be difficult to make. Change does not always come easy, and we must be prepared to bring about change in a deliberate manner that does not disrupt the availability and flow of student aid for students and families who rely upon the Federal Government to help them pay for a college education.

There will be tradeoffs. I have believed that accessing private capital and utilizing the private sector for student loans is preferable to Government financing. However, that should not stand in the way of developing and financing a strong, coherent program of national service. The President has proposed to phase in a new loan program, which to my mind is precisely the prudent and deliberate manner in which we should proceed. All aspects of the administration's proposal should be given careful and thoughtful consideration. That is my commitment, and I am sure it is the administration's, as well.

I am encouraged by the President's commitment to the Pell Grant Program, which underpins all our Federal student aid efforts. Clearly, national service will supplement, and not replace, this critically important endeavor.

For over a decade the Pell Grant Program has languished. The $2 billion shortfall is a microcosm of our national debt. It is really a deficit within a deficit. In one dramatic step, President Clinton seeks to erase this deficit, and place the Pell Grant Program on sound footing. His proposal deserves our strong support and swift enactment.

In early childhood, elementary and secondary education, the President has again demonstrated his mettle. Additional funding for the highly effective Head Start Program is more than a step in the right direction. It is the right thing to do at the right time.

Additional funding for the chapter 1 program of compensatory education for children from poor families is equally important. It will provide crucial help to States that did not benefit in the census, but which continue to feel the full weight of the recession and the ongoing need to meet the needs of poor children in a program that, today, reaches only 40 percent of those who are eligible to participate.

The additional $500 million in funds for summer chapter 1 programs will help secure the educational gains that are made in the school year. I also hope it will give new strength to my longheld view that we ought to be moving to a longer school year if we are to keep our Nation on the cutting edge of leadership in the world economy.

The proposed changes in the Impact Aid Program should, in reality, involve a shift of responsibility. Yesterday, I proposed that responsibility for paying for the education of military children come from the Defense Department, which is where the responsibility belongs. I intend to pursue this objective and to work with the Clinton administration in attempting to bring it about.

The President's commitment to education reform is most heartening. Clearly, he intends to bring his commitment of action and results from the Governor's chair to the Oval Office. I look forward to working with him and Secretary Riley in bringing about needed reforms, in reaching the national goals then-Governor Clinton helped to set, and in establishing a set of standards that will make excellence the by-word of American education.

To use an old defense term, this is an impressive first strike to improve education in our country. It contains bold and imaginative elements. We may differ on some specifics, but we will work with the administration to make changes and adjustments where we believe they are necessary. Our goal is a common one: to make our educational system second to none.

How refreshing it is to have a President who is not afraid to sail with the winds of change, and to chart a course that will bring new vitality and strength to American education. I relish the opportunity to be a part of the crew and help stay the course.

I yield the floor.

Mr. DASCHLE. I thank the distinguished chairman for his eloquent remarks and appreciate his contribution this afternoon.

Mr. President, I yield 8 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my colleague from South Dakota.

Mr. President, I have had the honor, the pleasure, the opportunity to hear our President give many speeches over the now 22 years in which I have known him, but I have never heard him give a better speech than he gave to the American people last night, and in my opinion it was probably the most important speech that he has ever given in his career. This was a moment of testing for him personally and for his administration, a moment to see whether he understood why he was elected by the American people, whether he was ready to seize the moment and lead our country. He passed every test, and he did it superbly. He showed us with the force and confidence of his presentation as well as with the creativity and substance of his program that he knows that the American people have turned to him at this special hour of our history to do one thing particularly, and that is to get this economy moving again.

Mr. President, last night President Clinton signaled nothing less than the dawning of a new economic era for our country.

I want to speak for a moment or two today about what I think is at the heart of the President's plan; that is, a dramatic shift in Government spending, not only away from unrestrained spending, unrestrained growth in Government spending, but in many ways as significant a shift from consumption to investment.

That change—it is a real change—offers the most genuine promise for longterm economic growth, creation of new, high-skilled, high-wage jobs, and an America that is as powerful on the global economic front as it is on the global military front.

Mr. President, one of the most important sentences for me in President Clinton's speech last night was this one. He said:

> There's no recovery worth its salt that doesn't put the American people back to work.

That is the heart of the message, and the heart of the hopes of the American people. And President Clinton showed with the program that he presented that he understands that message.

The investment portion of the President's plan does exactly that. It will put the American people back to work, not with short-term, quick-fix, makework jobs, but with tax incentives and brand new Government/business partnerships that will create solid jobs that will last on into our high-tech manufacturing future.

The President outlined a seven-point technology investment program that I believe will fulfill his promise to create economic growth and more jobs. As the President said, our great hope for jobs is in the private sector, not the public sector.

And in his technology investment program, he has created a bold new partnership between Government and business, a partnership whose aim is to make sure that American manufacturing is kept alive and grows, and that American products are dominating markets throughout the world; that we will not again see situations which have been so painful for us in our recent past, where it is American brainpower that has the insights and creates the breakthroughs that others in the world take and commercialize.

It was American research that developed the technology that the Japanese commercialized for the fax and the VCR. The program that President Clinton presented to the Nation last night will make sure that that does not happen again. Ideas that are born here in America will be commercialized here in America, and products will be produced here in America with jobs that are filled by Americans.

The seven-point technology program consists of: Investing in 21st century infrastructure, full funding for high-performance computing programs; education and training programs for a high-skilled work force, investments in new learning technologies and expanding computer networks to reach more schools and libraries across the Nation; investments in technology programs which will empower America's small businesses; refocusing Federal R&D programs on critical technologies that will enhance industrial performance; focusing America's R&D investment through our national lab technology programs; creating a world class business environment for private-sector investment and innovation by making the R&D tax credit permanent and by establishing a new enterprise tax credit; and finally, guaranteeing that we will maintain U.S. leadership in basic research by restoring funding for the National Science Foundation.

This is not a series of commitments or a program of rhetoric. The President has put some dollars on the table, $17 billion from fiscal year 1994 through fiscal year 1998. I say to you, Mr. President, that we are going to look back and say that those $17 billion are some of the best invested dollars that we have ever had in the United States of America. They are smart dollars that will pay us back many times over by spurring American high-technology manufacturers to make new investments and new products and create new jobs.

In conjunction with the President's seven point investment plan is a commitment to lifelong learning. That is an important facet of any plan to lift our economy, because without highly educated and trained workers, we cannot hope to compete effectively on a global scale. The President wisely proposes a $37.8 billion investment through fiscal year 1998 to educate and train Americans from early childhood through adulthood. Among the programs are $10.5 billion for worker training, including $1.2 billion for a Youth Apprenticeship Program.

The President has not forgotten in his program his commitment to America's inner cities and impoverished rural areas and those communities that have been hard hit by defense cutbacks. He has budgeted an increase of over $3 billion in new investments in the next 5 years on such programs as the Economic Development Administration, which provides money for defense industry reinvestment and transition, and enterprise zones to bring businesses and jobs back to our inner cities and poorer rural areas.

Along with these important investments and direct support by Government in America's economic future, President Clinton outlined a series of targeted tax cuts for businesses which will leverage investment from the private sector with a special emphasis on small business. These tax cuts will help fire the engines of job creation since, as all of us know, it is in small business that most of the jobs in this country are created.

The President recommended a targeted capital gains tax reduction that will be a tremendous boost to a new generation of American entrepreneurs who have a bright idea they dream will make them rich, but need the capital to develop. The small business investment tax credit and the incremental investment tax credit are other clear indications of President Clinton's desire to use the power of Government to help the business community grow and create jobs.

In this progrowth, probusiness plan, our President has recognized the truth of what one of the great labor leaders of American history, Samuel Gompers, once said:

> The worst crime against working people is a company which fails to operate at a profit.

The tax incentives President Clinton outlined in his speech last night will help thousands of American companies make profits, and that means they will be creating and protecting jobs for American workers.

Mr. President, may I say finally that some of us in this Chamber took a bit of personal pride from aspects of the President's investment and incentive plan which he announced last night. Many portions of the President's program were included in the national economic leadership strategy, which was developed by members of the Senate Democratic Policy Committee, members of the Senate Democratic Circle, and outlined by our distinguished Senate majority leader last July.

On that day, candidate Bill Clinton announced his support for our plan last July, and as President last night he has now brought this support to reality.

Now it is our turn, Republicans and Democrats alike, to take this program—progrowth, probusiness, projobs—and realize the hopes of the American people by passing it and giving them a better, brighter economic future.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Let me compliment the Senator from Connecticut for his eloquent statement. As someone who has worked in the trenches as long as he has, who has rolled up his sleeves and has done his homework and participated in this process so aggressively for so long, he speaks with authority and credibility. I appreciate very much his contribution this afternoon.

Mr. President, I yield 10 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank the Senator from South Dakota for yielding.

Mr. President, the President is engaged in a very high-stakes gamble, and indeed a great risk in trying to salvage this Nation. It is a prodigious act of courage on his part because cynicism has been rising in this country as never before.

People have given up hope. They have given up hope economically. They have given up hope of actually dealing with all of the problems we understand all too well, problems which have grown to such an extent that the very political system of this Nation, which is supposed to be the envy of the rest of the world, is in danger.

There are some people, such as George Kennan, whom I admire very much, and who has just written a book called "Around the Cragged Hill", in which he essentially concludes—and he will probably cringe at my characterization of it—but he says that there is a good possibility that our political system simply cannot deal with the situation as it exists today.

And then there is a great philosopher with an 8th grade education whom I always admired, Eric Hoffer, the famous stevedore philosopher from San Francisco, who one time said, "Strong governments and free societies do not mix." In the history of this country, the people have never allowed, tolerated, or even wanted a strong government, except in unbelievable crises. Abraham Lincoln, when the War had to be fought, was accorded total support by the country and the Congress. Woodrow Wilson—to a lesser extent, in World War I—said, "We must make the world safe for democracy," and everybody said, "Mr. President, take it and go with it."

Franklin Roosevelt, on two occasions. No. 1, during the Great Depression, when Congress threw up its hands and said, "Mr. President, whatever you want, send it to us, we will rubber stamp it." Thirty-five percent of the people in this country were unemployed, hungry, and in the streets with food riots, a social upheaval threatening the very social fabric of the Nation. And then World War II, the lend lease bill was the first shot across the bow saying, "Mr. President, these dictators are loose in the world. Our safety is threatened. You have to do something."

In my limited knowledge of history, Mr. President, those are essentially the times when this country has allowed a strong government. President Clinton's very bold effort to salvage this Nation is a high-stakes gamble, because never before in this kind of an environment, where most people are employed and despite the problems of crime, education, and health care, and the deficit being out of control, the unemployment rate is a little over 7 percent, most people, while cynical about government in their personal lives, are reasonably fat and happy.

So to suggest that they are going to allow this President a program which is perhaps one of the boldest programs ever proposed by any President in peacetime, and at a time when we were not facing an economic apocalypse, if they permit him to do this, it will be a remarkable, therapeutic, and very healthy thing.

I thought after 18 years here—particularly after the last 12—that I would never live to hear a State of the Union Address like I heard last night. I do not say this as a fellow Arkansan, or because President Clinton and I have been good friends all of these years; I say it because he captured the imagination of this Nation last night, and the reason is because he offered them hope.

When Ronald Reagan came to power and told the American people, "Call your Senator and urge him to vote for these tax cuts," well, you do not have to lobby people to vote for a tax cut. Who does not want to support a tax cut? Well, it just so happened that that particular tax cut was one of the most profligate, unbelievable, irresponsible acts ever perpetrated on the American public by Congress or the President. We were told then—and it resonated across the coffee shops of America—there is no such thing as a free lunch. I remember, Mr. President, the night Ronald Reagan spoke on television in September of 1980 when he was candidate Reagan, and he said, "Jimmy Carter, if you cannot balance the budget, move over and let me in, because I can." That is essentially why the American people gravitated to him in overwhelming numbers.

Well, it turns out that there is no such thing as a free lunch. But after having been told that, we were offered a free lunch in the form of unbelievable tax cuts and prodigious spending on defense. Would you like to know, Mr. President, what those supply-side tax cuts add up to as of this moment—$2.550 trillion. That represents about 80 percent of the deficit increases from January of 1981 until today—$2.550 trillion is what the supply-side tax cuts of 1981 have cost the U.S. Treasury.

So it is certainly no mystery as to why we have a $4 trillion debt. To the credit of some Republican Members of this body—and I applaud them, but I will not call their names, and this is secondhand information—but by 1982 when it became apparent that the thing was going to run completely out of control, they went to the White House and said, "Mr. President, we have overdone this thing." So we had a tax increase in 1982. We had Social Security taxes in 1983. And, in short, Mr. President, from 1981 to 1992, we had roughly 14 tax increases. But even when you subtract those tax increases, including the 1983 Social Security tax, the supply-side tax cut still has contributed 50 percent—50 percent—to the $3 trillion additional debt we have incurred since 1991. So then when it became so apparent that the thing was out of control, the President began to say, "I cannot spend any money that Congress does not appropriate. Do not blame me." He could not spend a dime he did not put his name on either. And then they said, "Let us fix it with Gramm-Rudman-Hollings." Nothing happened. So then the President said, "Just give me the line-item veto," and, "If I only had a constitutional amendment."

Mr. President, the thing that was so exhilarating to me about last night's speech was that the only thing we ever needed was a President with enough courage to put his trust in the common sense of the American people. For the first time in recent memory, last night we saw a President say to the American people one of the greatest lines ever uttered: "We can no longer deny the reality of our condition." And what is the reality of our condition? It is precisely what George Kennan said. This political system, this economic system, everything we cherish is going right down the tube, if we do not put our confidence in the American people and ask them to accept basically what the President said last night. It is not perfect. Some of the proposed cuts he made are not specific. I do not understand them myself. And the people who are calling me say, "Senator, I will support this on one condition: that you couple the tax increases with the spending cuts. Make sure we do not get the tax increases and then the spending cuts disappear."

I am going to do my very best not only to keep faith with him but one up the President. I am going after the super collider, the space station, and SDI and all the same things I went after last year, because there are still billions left on the table.

I hope to be able to speak a little bit later this afternoon with a chart I have here on a whole host of amendments I hope to offer.

The reason the President's speech resonated so well across America last night is they know when the President says I am going to raise your taxes he is not trying to curry your favor; he is trying to tell you the truth.

So he concluded last night: Summon up your courage, men and women of the U.S. Congress. We have nothing more to lose than our country.

I told the President—I am always wary of people saying what I told the President. Incidentally, it was unsolicited. He did not ask me. I said:

> Mr. President, I do not want to burden you. You already know it. I just want you to know there are other people who know it, too. You are not just this country's last best hope; you are this country's last hope.

I do not think anybody understands that better than Bill Clinton does. That speech last night was a summation of it.

Sum up your courage, men and women of the U.S. Congress, and keep faith in the American people. Implement this program or one that will do as much or more than he requested.

I thank the Senator for yielding.

Mr. DASCHLE. I thank the distinguished Senator from Arkansas. He is known as an eloquent speaker and friend of the President. His common sense and wisdom are known as well. The remarks this afternoon certainly demonstrate that.

Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Illinois.

Mr. SIMON. Mr. President, I thank you.

I simply want to join my distinguished colleague from Arkansas and the Senator from South Dakota in saying I think the President of the United States last night did an absolutely super job.

For the first time we are facing three fundamental problems. One is the deficit and that is a horrendous thing.

I saw Hobart Rowan's column the other day in the Washington Post when he said the deficit is worse than we thought. Let me tell you it is worse than even his column reflects.

The second area is the area of education which the Presiding Officer, Senator BINGAMAN, here from New Mexico has done so much on.

And the third area is health care.

Let me just talk about the deficit for a moment.

If you take a look at the report of the New York Federal Reserve Board, the decade of the eighties, because of our lack of savings cost us 5 percent in growth in GNP, almost all of that because of the Federal deficit. One percent, according to CBO, is 650,000 jobs. That means the deficit in the last decade cost us 3½ million jobs. I cannot tell you how many of those jobs were in Illinois or in New Mexico or in South Dakota or in Oklahoma, or in Arkansas or in Louisiana. But they are there in each of our States.

We have to get hold of things. And let me just add without this package, and I know it is not pleasant, but we are facing up to some reality, without this package, according to CBO in the latest figures that just came out 2 days ago, without this package in fiscal year 1993, assuming rates do not go up, which is a pretty major assumption, we face a deficit of $639 billion.

Now the bad news is even with what we are doing, the reality is this just has to be the first step and it is why frankly we need the constitutional amendment requiring a balanced budget which I am pleased the Senator from New Mexico and the Senator from South Dakota are supporting.

With this package that $639 billion for the year, if I may have the attention of my colleagues back here, with that package, it drops down in fiscal year 2003 to $422 billion. Assuming you have health reform that $422 billion drops down to $322 billion. What it means is even with this package, we are just barely standing still.

Mr. BUMPERS. Yes.

Mr. SIMON. This package has to be the first step, but it is a gigantic step. It is a reversal of what we have been doing.

My colleagues have heard me talk about the deficit. I remember going into the office of Senator DALE BUMPERS trying to convince him to be for a balanced budget amendment, which think is essential to force us to do what we need to do. But if you take a look at those figures, and then you take a look at the GAO report which says if we continue down the present trend we are going to have a continuing decline in the standard of living of our people, but if by the year 2001, which they pick, we balance the budget then by the year 2020 in real terms, that is in inflation-adjusted terms, we will have an increase in standard of living of 30 percent per capita in our country.

What Bill Clinton is asking us to do is to build for our future so that these fine pages here whose average age is what—15, 16; they are nodding—whatever it is—15 or 16 years old, so they have a bright future and so that my 3-year-old granddaughter has a bright future.

Frankly, it is just essential that we face this.

And then in the area of health care, he spelled it out. We have to do better.

In the field of education we have to do what he has suggested, and let me just add we are going to be facing powerful voices against this and a good illustration is the direct loan program which I am pleased they have endorsed which I have been trying to fight for as some of my colleagues know, but the banks who make more money on the student loans then they do on car loans in this country—believe it or not—the banks are opposed to this and an organization we created, the Student Loan Marketing Association, Sallie Mae, is out opposed to it. Why should this group that is supposed to help students be opposed to it?

Mr. President, do you know what the salary of the chief executive officer of Sallie Mae was 2 years ago? I do not know the figures for last year. My colleague from Oklahoma will be interested in this, too. The 1991 salary of the CEO of Sallie Mae was $2.1 million. The No. 5 executive in that organization made $547,000. The President of the United States makes $200,000. And this is for guaranteed bonds. I can take almost any one of these pages here and make them CEO and they can make money when you have guaranteed bonds. You have a no-lose situation.

So when you hear Sallie Mae lobbying against this, just keep in mind they are interested in their own very, very smug financial shop, and the President of the United States has had the courage to say we are going to have to break up that little shop and do what we should for the students of this Nation and I applaud him for it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, let me say about the distinguished Senator from Illinois that no one knows the deficit and unemployment issue more than he does. He speaks with eloquence, and I am grateful for his participation this afternoon.

Mr. President, I yield 8 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 8 minutes.

Mr. BOREN. Mr. President, I thank the colleague from South Dakota and the colleague from Illinois for the remarks which he has just made, very insightful remarks, and I associate myself with those remarks.

Mr. President, I was elated to hear the President of the United States last night speak to the joint session. This is the 15th year that I have been privileged to go to the House Chamber for such a joint session at the time of the State of the Union Message, and in my opinion that was the best message given by a President of the United States in any of those 15 years that I have been attending those events.

It was the best message, because the President of the United States spoke directly and honestly to the American people. He did not fudge. He did not use political rhetoric. He stepped up to the truth and he told the American people the plain truth, that if we do not get the budget deficits under control they will destroy the future of this country. They will destroy the leadership role of this country.

How can a nation lead the world or have an influence beyond its borders, or even within its borders, for the good of its own people if we allow our debt to become so large that we are soon consuming almost half of the entire Federal budget to pay the interest on that debt?

The President said last night that by the end of this decade, if we have a continued increase in the rate of the debt that we have had for the past decade, we will be over 20 percent of all our national budget just to pay interest by the end of the decade and within 20 years we will be above 40 percent, approaching half.

Mr. President, this is no way that a country any more than a family can live that way. By living beyond our means we steal from our children and our grandchildren. We are diminishing their heritage. We are diminishing their opportunity.

I have been now in this Senate for 15 years, and I ran for office because I wanted to make a difference for the people of this country and the people that sent me here. I did not come here to preside over the decline of the United States of America, and that is exactly what we have seen year by year by year with acceleration for the past of 15 years.

We have seen our productivity decline. We have seen the available capital for American businesses to create jobs zapped by our own Government's insatiable appetite to take more and more of the capital markets to pay the interest on the debt we piled up.

In 1980, this country had a $1 trillion national debt. Today, we have a $4 trillion national debt, just 12 years later, equal to virtually half of the entire gross domestic product of this entire country.

Mr. President, the President of the United States has told the American people the truth. They understand it. They heard him. And that is why the people have responded as favorably as they have.

And, Mr. President, he challenged us in that address. He said: "I am willing to take responsibility—I do not care who gets the credit—I am willing to take responsibility to step up to ask for sacrifice from all of our people to get these budget deficits under control."

And I say to my colleagues, it is time for us to utter the same words. We must take responsibility with the President to get the job done. This is not time for partisan bickering.

During the time that I have served here, I have gone out of my way, I have extended myself to support President Reagan and President Bush when I thought they were right, even though they happen to be of the other political party. Sometimes I have even been criticized in my own party because I tried to reach out in a bipartisan way.

I hope that my colleagues on the other side of the aisle, when we have a President who has come before us and told us the truth and told the American people what they know to be the truth: "That there is no way to balance the budget when you are in deficit unless you get your income up and your spending down, and through a combination of the two you get the job done. And that it is not painless."

We have had enough political pablum and false rhetoric. It is time for the truth, and it is not time for partisanship. It is time for those on the other side of the aisle to join those of us on this side of the aisle and all of us together to have the courage to meet our responsibilities as Members of this Congress.

I along with others undoubtedly will suggest some changes in the course of the legislative process in this package. I would be the first to say it is not absolutely perfect.

But I think I, as a individual Senator, and all of my other 99 colleagues have a responsibility that if we make changes in this package, we make them in a way that it will still allow us to meet those deficit reduction targets. If I want to take away a little revenue here, I need to put a little back somewhere else. If I want to cut a little less in this area, I have to be able to cut a little more in another area, so we can still reduce the deficit by $500 billion over the next 5 years as the President has suggested.

We must measure up. The time has come. We do not have any time left to wait if we care about what we are going to hand on to our children and our grandchildren.

I have waited for 15 long years to have a President of the United States tell the American people the truth, to have enough confidence in our own people, in their patriotism, in their willingness to sacrifice, in their desire to get back to their country to tell people the truth; that sacrifice is required; that you cannot have something for nothing; that if we love our country enough and our children enough, we ought to be willing to do something about it.

We have that chance. We heard that message. We must not miss this opportunity.

Mr. President, I would have but one piece of advice for our President. There were some discussions as to whether or not we will be first asked to vote on a stimulus package of new programs to stimulate the economy and to create jobs. I am not opposed to that program. There are many elements in that program that I think have great merit.

But I would put up this warning flag. If we vote on the new programs and the new spending—which will be very popular first—and save the deficit reduction package for later, we will greatly diminish the chances of that deficit reduction package ever passing.

It is like saying we are going to separate the package into two spoonfuls—a spoonful of sugar and a spoonful of medicine—and we going to let the people take the sugar first.

Any parent knows that you do not say to the child you can eat your dessert now and your spinach later. You say, eat your spinach and there is a chance of getting the dessert.

I wish that I could say that the Congress of the United States is so responsible and so mature that we do not need to be treated that way. The record speaks otherwise.

Go back to the early 1980's. We rapidly passed those popular tax cuts, but we never got around to passing the spending cuts, so the deficit went out of control.

And so, Mr. President, it would be a mistake to allow the Congress to have the opportunity to vote for popular new spending programs first and put off until later what we need to do in terms of sacrifice to get the budget deficits under control.

Yes, there is a legitimate need for more jobs and a stimulus to our economy. But the greatest emergency facing this country is that the budget deficits are going to destroy our future. That is the emergency. That is what, we must need to act upon. The real emergency is what the budget deficits are doing to this country. Let us act on that now.

Every week, every month that we wait to pass meaningful legislation, a package to reduce the budget deficits of this country, will decrease the chances of its passage. Every week, every month that we wait, we give the special interest groups and the lobbyists and others a chance to organize and to appeal to the self-interest, the selfish instincts of their various constituencies.

Instead, let us act boldly. Let us follow the President's challenge of appealing to the best instincts of Americans—their love of country, their concern for the next generation, the rebuilding of the economic strength of this country.

You can use the budget resolution as a mechanism and simply speed up, earlier in the year, the adoption of a reconciliation bill and include the stimulus package in the reconciliation bill.

Let us do it all and let us do it all by late spring. It is not going to be easier to pass deficit reduction in September or October or November than it will be in April or May.

Let us do our work. Let us stay here long hours, if it is necessary. Let us cancel our recesses. Let us do away with leaving on Friday mornings and not coming back until Tuesday mornings. Let us just stay here and do the work. And let us show the American people we have the responsibility to live up to that challenge that the President has so wisely and courageously given us last night.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Oklahoma. He speaks with conviction. I appreciate his strong statement. He talks to all of us about the tougher decisions we must face. And he does so with the knowledge that many of us agree wholeheartedly with his comments about the need for bipartisanship, and about facing these decisions, not as Republicans or Democrats, but as Senators challenged with the responsibility that we must face.

I thank him for his contribution.

I yield 8 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 8 minutes.

Mr. LEVIN. First, let me add my commendation to my old friend from Oklahoma. I agree with his points. His eloquence I cannot match, but at least I can agree with his points.

Let me just say that some of them, I hope, will have great appeal across this aisle: His appeal to bipartisanship, his appeal to patriotism, his appeal to those of us that might seek to improve this package to put in some spending cuts for every spending cut that we seek to remove. Force those of us who oppose the package to offer alternatives.

As always, the Senator from Oklahoma is eloquent and powerful. And he surpassed himself here today.

## WE MUST GET OUT OF THE DEFICIT DITCH

Mr. LEVIN. The President last night gave us a road map. He gave us an outline. It was an eloquent statement of what we must do.

For 12 years, we have dug ourselves into a deficit ditch. The question is not who dug us into that ditch. This is not the time to figure out whether it was mainly the majority of the Congress that went along with two Presidents, or whether it was mainly two Presidents who did not lead.

What we know is, we are in a deficit ditch and there is plenty of blame to go around and we have to get ourselves out of that deficit ditch.

So this is not the time to write the history of the last 12 years. It is the time to make history for the next decade and into the next century.

There are few realists that I know of who believe that we can address this deficit just by cutting spending without increasing revenues at the same time. There are some who say it, but I know of few people, who are realistic and pragmatic, who have given us specific proposals for reducing this deficit significantly only by spending cuts without any revenues.

The reality is that we have to do both, and none of it is painless. But the President captured the feeling of the public last night in many of his statements. But perhaps best in this statement when he said, "The time has come for the blame to end. I did not seek this office to place blame. I come here to accept responsibility. And I want you to accept responsibility with me. And if we do right by this country, I do not care who gets the credit for it."

That is what the public wanted to hear from our President and that is what the public wants to see in us, that we can rise to that responsibility and to that occasion.

As I said, the cuts in the spending programs which the President proposed, or cuts in programs that we cut as a substitute for the ones that he proposed, are not going to be painless cuts. They are not painless, they are just necessary.

On the revenue side, the increases in taxes are not going to be painless. They are just going to be necessary. The President fairly and appropriately says that most of the new revenue must come from the group, and the only group among us, that did well in the eighties, that increased its after-tax income in real terms—after taxes and after inflation. Only the top 10 percent of America increased their real income during the 1980's. So it is fair, and it is appropriate, and it is just that same group bear the major responsibility on the revenue side. And the President has placed it there.

There are going to be arguments as to whether the breaking points are $180,000 or more on the income tax and whether or not on the energy tax it is $30,000 or $50,000, and we should and we must analyze that for the American people. But however it comes out, it seems clear from this outline last night that the majority of the revenue increases are coming from upper-income people. And that is as it should be because that is a group, again, that got the lion's share of the benefits during the last decade.

The President called upon us to worry, not just about me, but about us; and to worry about our kids. Frankly, I slept better last night because I felt the future for our children—my children and yours—was a little better assured because we have a President who is looking reality in the face and telling Americans he will accept responsibility, he will take the cards that have been dealt him and he will do the best he can with them—to energize this economy, to invest in our future. And that requires the significant deficit reduction that so many of us in this Chamber have been talking about.

He did it one other way. He not only gave us the substance, the road map, he gave us a process which is honest. Every one of us is sick of the baloney in these annual budgets. Putting aside who put it there, who kept it there, who acquiesced in it, who allowed it to stay there—I think all of us, Republicans and Democrats, are sick of the phony figures that have permeated these annual budgets; that have allowed us to get through the year to meet budget law requirements, but then after the toll was taken at the end of the year, we knew the deficits were far, far higher than the ones we had projected.

So I am glad we had some honesty in budgeting last night as well. I commend either this program, or an alternative to this program, but in the same real deficit cutting terms, to my colleagues. I commend the President and I commend his program for our consideration.

I thank the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Let me thank the distinguished Senator from Michigan. No one in this body enjoys greater respect from all of his colleagues for his thoughtful approach. His remarks this afternoon are very deeply appreciated. I thank him.

Mr. President, how much time remains in the first hour allotted?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. DASCHLE. I thank the President.

Mr. President, I yield whatever time remaining to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for the remaining 7 minutes and 47 seconds.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from South Dakota.

I would like to make a couple of comments in the time remaining.

I feel that last night, for the first time in several decades, a President challenged the Congress of the United States and the American people to confront the truth about our economic problems and the budget deficit. Instead of being told the state of the Union is absolutely rosy, the President told us what the state of the Union actually is. We have to be courageous to answer the challenge to confront those problems.

Not since the days of Franklin Roosevelt has the Nation faced such economic challenges. The President acknowledged those challenges last night. He laid out an aggressive plan to rescue our children and grandchildren from the borrow-and-spend policies of the 1980's.

For over a decade now we have lived for the day. Last night the President asked us to seize the day; to leave behind the special-interest-blame-game politics that have crippled our ability to act as our economy has atrophied.

We face an economic battle on several fronts: The recent recession and the painfully slow recovery, the long-term stagnation in economics and productivity growth, and the colossal deficit. The President has offered us a tough but fair program to attack this crisis.

The Clinton agenda offers hope. For years I have worked so all children who qualify have access to Head Start; so poor pregnant women and their children have access to the WIC Program. The Clinton program calls for wholly funding these programs and I applaud him for it.

This program calls for rebuilding America, especially rural America, where thousands of jobs will be created to help the small towns left behind by the 1980's. It completes much of my own rural jobs bill and I applaud him for that.

President Clinton has spoken for serious reform. For 100,000 job cuts in the Federal bureaucracy. For a crackdown on the waste and inefficiency at the Department of Agriculture. For long overdue means testing for farm program benefits, a streamlining of the USDA, and a reform in the crop insurance policy.

We are going to hear the naysayers and special interest lobbyists crying foul. The fact is, while we have been in a technical recovery for a year and a half, the jobs have not returned. Ask Vermonters who are unemployed, or only partially employed, if they really see a recovery taking place yet. The Clinton stimulus package creates jobs now by investing in programs that will enhance our future productivity and growth.

The taxes the President has asked us to pay are fair. Those who benefited from the tax cuts that added over $1 trillion to our Federal debt in the 1980's will pay the lion's share. The middle-income will also chip in, mainly through energy taxes. Some call it tax-and-spend. I call it pay-as-you-go. It is certainly better than borrow-and-spend.

The Clinton plan makes long-overdue cuts in nuclear programs and in foreign aid. It strengthens child support enforcement. It demands that those who profit from the use of public lands pay their fair share. It calls for restraint on Medicare cost increases.

I look forward to working with the administration on these cuts, and look for additional cuts. Let us cut the spending on the superconducting super collider. I understand public works programs, even useless public works programs, but even by Texas standards this one is a bit too large.

Let us also cut the space station. Maybe we need the space station because it is the only place high enough up to look at the size of the deficit.

Interestingly enough, Mr. President, I come from a State that has only voted twice in its history for a Democrat for the Presidency. It has only elected one person to the U.S. Senate from the Democratic Party. The calls coming into my office have been overwhelmingly supportive of the President's package. We Vermonters are a fiscally responsible people. We realize the challenges that lie before us in our slow-growth economy. We Vermonters understand the logic of the Clinton plan.

Frankly, the people who called my office today from the State of Vermont tell me they appreciate hearing the truth from their President. Many of the things they wish they would never have to hear, but they know they were hearing the truth, and that gives them hope. And if the Congress can put aside the gridlock that can be blamed on both parties, we might be able to use the truth we heard last night to solve the problems we face. Not just for us, Mr. President, but for our children and our children's children.

Many times I have said on the floor of this body that my children will live most of their lives in the next century. What we are planning for is not a century that sees the demise of our great country, but a century that recognizes the enormous potential that we still have as a nation.

The President had the courage to tell Congress and the American people what must be done. We ought to sweep aside the howls we will hear from the special interests on the left and the right. We know what we have to do. The American people especially know what we have to do. It is now time to get to work.

Mr. President, let me say one further thing. There will be debate on this package, between Democrats and Republicans, between Democrats and Democrats, between Republicans and Republicans. That is as it ought to be. I hope all Americans understand that. It is the way it should be, it is the way it always has been, it is what makes us great as a democracy.

I thank the Chair, and I yield the floor.

Ms. MIKULSKI. Mr. President, I congratulate President Clinton for his address last night. He has given us a plan to generate jobs, generate opportunity, and lower the deficit.

President Clinton and I were elected last fall to bring about change, not defend the status quo. His proposals provide us with an opportunity to change the course of our Government, change our economy, and change America.

President Clinton has given us straight talk and truth in numbers. He has squarely faced the challenges that confront our Nation, and he has given us a plan for action.

He has enlisted us all in the fight for America's future.

And he was given us a plan to reduce the deficit, which relies upon four tools: Economic growth, health insurance and health care reform, spending cuts and revenue increases.

If we oppose any piece of the package, we have a duty to suggest a responsible alternative.

I know that for my Federal employee constituents, the pay reductions proposed by President Clinton are tough tonic, and I want to look for alternatives. Federal employees are middle-class, hard-working Americans, too.

And as the Chair of the Subcommittee on Aging, I will carefully review the entire package for its effect upon America's seniors, including changes to Social Security, Medicare and the impact of an energy tax.

But this Senator will not be a roadblock to progress. I will not defend the status quo. I am ready to roll up my sleeves and work for change.

President Clinton has proposed to create jobs today and jobs tomorrow, to rebuild our infrastructure, and provide "good guy bonus" tax credits for businesses who invest in the future.

He has proposed to help business get access to the latest technologies, and train our workers for the jobs of tomorrow.

He is determined to reform health insurance and health care, so American families do not have to choose between paying the rent and paying for life-saving treatment.

He has issued a call for America's young people to sign up for national service, to provide help to those who practice self-help. This means a young engineer at the Goddard Space Flight Center can work off her student debts by tutoring middle-schoolers on Saturdays. In this way our next generation of scientists and engineers can inspire and be inspired.

He wants to immunize every American child against infectious diseases before they strike.

And he has called for welfare reform, to make sure our Government helps those who practice self-help so that welfare is not a way of life, but a way to a better life.

So today I say to my colleagues, it is time to end the gridlock and the deadlock.

For the first time in 12 years, we have a plan to create jobs and opportunity to reduce the deficit that is honest, specific, realistic and realizable.

This plan is consistent with the values of our people. It will reward hard work and give the middle class a chance for upward mobility.

And there will be some pain. But the President has worked to see that those who can best afford it will bear the biggest burden.

He has started by cutting his own staff at the White House. And we in Congress will follow his lead and cut our own staff, our own perks, and the franked mail we use.

We will attack waste in Government, eliminate frivolous boards and commissions and get tough on contractor fraud and abuse.

We will go after foreign corporations that have not played fair when it comes to paying taxes on the profits they make in this country.

We will take away tax incentives for companies to move American jobs offshore, and the deduction that pays for the Gucci shoe crowd that lobbies us here on Capitol Hill.

It is time for us now to rise to President Clinton's challenge.

Our constituents believe that when all is said and done in Congress, a lot more gets said than gets done. It is time for us now to act, to restore their faith and trust in their institutions of government.

The days of drift and decline are over. We have an opportunity to create a bright future for our country, if we act.

And when we do, we will have kept faith with the people at home who voted for change.

Mr. President, a new milennium is on its way. A new era is about to be born. And when that new century begins, only 7 years from now, I want to be able to look back and know that we in this Congress acted to ensure a strong and growing economy, a Federal debt that is under control, health care that is accessible and affordable for all our citizens, and an opportunity to recreate the ethic of service in our neighborhoods and communities, where young Americans give back something for what they get.

When that day comes, we will know that we have done the job we were elected to do.

I congratulate the President and I challenge my colleagues. Let us work together and get the job done.

I yield the floor.

## PRESIDENT CLINTON'S DEFICIT REDUCTION SPENDING CUTS

Mr. FEINGOLD. Mr. President, there are many elements of President Clinton's economic plan that I can and will strongly support. He has proposed the largest deficit reduction package in history, and has given us the long-awaited leadership needed to get this economy moving again and to restore its economic strength. The President has done an excellent job of putting together an economic plan that begins to deal seriously with the Federal deficit.

I do think that Congress should find and advance even further spending cuts. I accept President Clinton's challenge last night that those who think there should be further cuts in Federal spending should be specific, as he has been, about where those cuts should be made.

I have developed an 82-point plan to reduce the Federal deficit and I was delighted to see that many of the elements of my plan were included in President Clinton's spending reduction list.

I am not sure whether the White House actually had a copy of my 82-point plan when they developed the administration's package, but it was gratifying to see that so many of the items that I had targeted for spending reductions were included in the administration's proposals.

I may be offering additional spending cuts from my list, but I think he has made an excellent start. In the next few days, I will highlight the numerous spending cuts that the President has proposed that were also included in my 82-point deficit reduction plan.

There is one item in the President's package that I do want to focus on today: consolidation of our overseas broadcasting services and termination of a radio transmitter project in the Negev Desert in Israel.

On January 21, the first bill that I introduced as a Member of the U.S. Senate was S. 51, the Overseas Broadcasting Consolidation and Deficit Reduction Act. This bill proposed consolidation of several overlapping overseas broadcasting services and termination of other projects, including the radio transmitter in Israel, which can not be justified in our current economic crisis.

I was, therefore, very pleased to see both of these items included in President Clinton's economic proposal.

Mr. President, earlier this week, joined by the chairman of the Senate Foreign Relations Committee, the senior Senator from Rhode Island, Senator PELL, I urged President Clinton to include termination of the Israel transmitter in his economic plan.

I ask unanimous consent that a copy of our letter to President Clinton be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, termination of this project is exactly the kind of fiscal restraint that we must demonstrate if we are serious about cutting back on Government spending. This project was conceptualized in 1985 as a relay station to overcome Soviet jamming of the Voice of America and Radio Free Europe/Radio Liberty broadcasts to the Eastern bloc. With the end of the cold war, airways in the Soviet Union and Eastern Europe are no longer being jammed. Although Congress has appropriated a total of more than $250 million for the program, construction has not yet begun and only $60.6 million has actually been spent. If we terminate the project now, the hundreds of millions of dollars that will be spent to construct, operate, and maintain the transmitter can be saved. Additionally, an alternative site has subsequently been developed in Kuwait that can deliver radio transmissions more effectively than the Israeli site.

Moreover, beyond the cost to the U.S. taxpayers to sustain a project that is no longer justifiable, there are serious ecological drawbacks to proceeding with the project. Israeli, American, and international environmental organizations have all predicted that the transmitter, located on one of the world's most important migratory bird flyways, could cause irreparable environmental damage. It will also take up valuable and limited desert space in the Negev and may pose dangers to the residents' health.

Mr. President, it should be stressed that a majority of the Israeli Knesset have gone on record opposing the project. The transmitter is not only unnecessary and costly, but poses severe environmental risks to Israel. I understand that the Bush administration was on the verge of recommending terminating the project as well. I applaud President Clinton for his willingness to say that this project should be halted.

The second provision in my legislation which has been included in the President's economic package involves consolidation of overseas broadcasting services and phasing out of those services, Radio Free Europe and Radio Liberty, administered by the Board for Independent Broadcasting. My legislation proposes termination of the Board for International Broadcasting and transfer of its functions to the Bureau of Broadcasting within USIA during the phase-down period.

Mr. President, Radio Free Europe and Radio Liberty were established more than 30 years ago to broadcast behind the Iron Curtain in addition to the Voice of America. They played a tremendous role in bringing news and information to people in Communist countries and helped set in motion the forces that brought an end to the cold war. But the cold war is over. It is difficult to justify the American taxpayers continuing to spend well over $200 million a year to operate these radio services in Europe in addition to the services provided by the Voice of America and another $2 million for the administrative costs of maintaining the Board for International Broadcasting, an Agency whose sole function appears to be to administer funding for these two radio services. Neither my proposal nor the President's calls for termination of Radio Free Europe or Radio Liberty overnight. But they do provide for an orderly consolidation of services over the next several years. If the situation in Eastern Europe changes, the Voice of America, which also broadcasts in the same areas, is available for increased broadcasting.

My legislation was based upon proposals presented by the Congressional Budget Office in its report last year on options for reducing the Federal deficit. Several of the provisions in S. 51 have also been recommended by various nonpartisan commissions which have called for revamping and consolidating overseas broadcasting services.

Mr. President, the consolidation of overseas broadcasting programs was highlighted in the documents released by the Clinton administration as an example of "programs that don't work or are no longer needed." The administration's economic proposal stated,

> Making Government work for the next century means ending funding in programs that don't work and updating policies and programs that were designed to meet the needs of an earlier era.

These are precisely the reasons why I identified this area in my deficit reduction plan and introduced the Overseas Broadcasting Consolidation and Deficit Reduction Act as my very first bill in the U.S. Senate.

This is precisely the kind of fiscal discipline that we must impose upon the Federal Government if we are to deal seriously with the Federal deficit and win the confidence of the American people. Yet, even a proposal as modest as the Overseas Broadcasting Consolidation and Deficit Reduction Act is already drawing opposition from individuals and organizations who have a vested interest in maintaining the status quo. I am delighted that the Clinton administration will be joining in attempting to achieve these changes, but I fully recognize that the battle is not over. I intend to work very hard with the Clinton administration to get these proposals enacted.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, February 12, 1993.*

President WILLIAM CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: We are writing to you to express our opposition to the construction of a Board for International Broadcasting (BIB) radio transmitter in the Negev Desert in Israel. This transmitter, a relic of the Cold War era, is not only unnecessary and costly, but also poses severe environmental risks to Israel. For these reasons, the majority of members of the Israeli Knesset oppose the project as well.

The project was conceptualized in 1985 as a relay station to overcome Soviet jamming of Voice of America and Radio Free Europe/Radio Liberty broadcasts to the Eastern Bloc. After several other states in the region refused the station because of its political sensitivity, Israel accepted the American request for assistance. Though Congress has appropriated a total of $255.4 million for the program, construction has not yet begun: in fact, only $60.6 million has been spent. Further expenditures are subject to Congressional approval pursuant to section 806 of the Freedom Support Act of 1992. We urge you to terminate the entire project now, before more money is spent, and needless damage is done.

With the end of the Cold War, airwaves in the Soviet Union and Eastern Europe are no longer blocked. The hundreds of millions of dollars that will be spent to construct, operate, and maintain the transmitter are no longer justified. The project is also obsolete considering that, as the U.S. Advisory Commission on Public Diplomacy noted in its August 1992 report, VOA has developed a site in Kuwait which can deliver more clearly both shortwave and AM broadcasts to Africa and the former Soviet Union than the site in Israel could. In these times of enormous budget imbalance, this money clearly could be better spent elsewhere.

Beyond the cost to the U.S. taxpayer to sustain this project, there are serious ecological concerns as well. Israeli, American, and international environmental organizations have all predicted that the transmitter could cause irreparable damage to the fragile desert environment, as well as to bird migratory patterns between Africa and Europe. In addition, the potential hazards of electromagnetic radiation to people living in proximity to the station have not yet been adequately studied. Finally, construction of the transmitter will necessitate the Israeli Air Force to relocate in the desert, further impinging upon the limited open space—now a nature preserve—of the Negev. The Air Force is also uncertain about how the transmitter's radiowaves will affect its exercises. For these reasons, the Israeli Supreme Court has ordered a series of Environmental Impact Studies before construction could commence.

The next Israeli Environmental Impact Study could be issued as soon as this month. It will then be reviewed by the Planning and Building Council, which could authorize construction in the Negev to begin shortly thereafter. Given that the rationale for this project has diminished, and that the environmental impact could be disastrous, there are no compelling reasons why this project should proceed.

We agree with the Congressional Budget Office, the majority of Israeli legislators, and international environmental groups that this project should be canceled immediately. We thank you for your immediate attention to this matter.

Sincerely,

CLAIBORNE PELL.
RUSSELL FEINGOLD.

Mr. MATHEWS. Mr. President, I rise today to express my support for the economic package set forth by President Clinton in his address last night.

Mr. President, last night was a proud moment for me, as a new Senator from Tennessee, to hear the President address a joint session of Congress and the American people.

President Clinton has laid out a plan of bold change for the Nation—his vision for America's future.

It is a plan to put this country on the road to economic recovery.

I applaud his leadership in being willing to make some very difficult choices toward revitalizing the country, investing in its future, and tackling the ever-growing budget deficit.

I came to Washington with the goal of assisting the President in restoring fiscal discipline and sound budget management to the Government of this country. Now, with the President's proposals, that goal can become a reality.

Key to the elements of the President's package is the plan to reduce the deficit by approximately $400 billion over the next 5 years. His plan calls for a $2 reduction in the deficit for every $1 in new revenues.

It is obvious that the plan couples meaningful spending cuts with new revenues to restore fiscal integrity at the Federal level.

His plan is tempered with a sense of fairness, in which all of us are called upon to share responsibility and contribute to our Nation's economic strength and future growth.

Mr. President, we participated last evening in an introspective view of a changing America. Just as IBM, General Motors, Sears, and Pan Am have choked on their largesse, we face the same destiny unless we act forcefully.

We are at a crossroads where we must choose the lesser of a number of evils.

The President has laid his proposal on the table with a frankness and directness which reflects his commitment to ensuring a better quality of life for all Americans today, and for our future generations.

I know, after reviewing aspects of this package, that I will be faced with decisions which may be unpopular in my home State of Tennessee. However, as the President said last evening, we must be willing to accept some short-term sacrifices in order to ensure the long-term stability of the country and the future prosperity of this Nation. I believe Tennesseans will choose to support this plan as long as the difficult choices are distributed equitably among the people and among the States.

Mr. President, now, I look forward to working with my colleagues toward accomplishing these goals and initiatives.

The PRESIDING OFFICER. Under the previous order, the Republican leader is recognized.

Mr. DOLE. Mr. President, as I understand, there are now 2 hours for Members on this side. I ask that I use my leader's time. Was leader's time reserved?

The PRESIDING OFFICER. That is correct. The Senator may proceed on leader's time.

## A LESSON IN CLINTONOMICS

Mr. DOLE. Mr. President, on the issue of the President's speech last night, first let me say I think he made a good speech. I think he touched on a lot of areas that are of great concern to the American people, and I believe that in many of those areas there will be strong bipartisan cooperation.

But I think until we know precisely what the economic package is, until we know precisely what the mix is, it is a little early to pass judgment because we have not seen the details of the plan. And the fine print may not be available, we are told, until sometime in March. But we have picked up a few things just overnight.

First, the President and the proponents of his plan have redefined several words, giving them troubling new meanings. "Investments" now means more Government spending. "Sacrifice" now means higher taxes, bigger Government, and more mandates. "Contribution" now means higher taxes, and "patriotism" is now defined by whether or not an individual supports the President's program.

I said the President said a lot of good things, but there are some things the President did not say. He said his plan struck a balance between more revenues and tough spending cuts. He claims that his budget contains 150 proposals to cut Government spending, but he did not say where they were. The President did not tell the American people the whole story about the tax increases in his plan, but from my count, if you add all the tax increases together, the total comes to $361 billion. That is $361 billion by 1998.

He claimed that the plan was fair and would create jobs, but he did not tell you that the new 36-percent tax bracket hits American small businesses, the ones who create 60 percent of all new jobs, square in the teeth. He did not tell us that the top tax bracket would increase from 31 percent to 46 percent and he did not tell us that higher corporate taxes would be passed on to middle-class consumers through higher prices for all kind of products.

The President did tell us unless we act now to reduce the bloated Federal deficit, in 10 years paying off the interest on the debt will become the most costly Government program. I think everybody in this Chamber agrees that responsible deficit reduction will bring about lower interest rates for home buyers, consumers, and businesses; it improves our global economic competitiveness; it could create millions of jobs and increase the American standard of living and allow us to pass on the American dream to our children.

But the President failed to convince us that a tax-heavy package that fails to make the tough choices on spending controls can accomplish this goal.

Mr. President, I will just take a couple of minutes to talk about honest budgeting. The President claims his numbers are real, but the truth is that he is playing high-stakes games with the numbers.

Game No. 1 is called inflating the baseline deficit. The game has two parts. The first is pessimistic economic assumptions. Everyone agrees that deficits go up when the economy slows down. That is one reason why keeping the economy moving is critical to getting the deficit under control. President Clinton appears to be using the most pessimistic economic forecast he can find—lower than his own Council of Economic Advisors; lower than the consensus private blue-chip forecasters—to calculate what is called the baseline deficit. Painting a bleak economic picture enables the President to inflate future deficit projections and then measure his progress in cutting the deficit against that artificially high baseline.

The second part of the baseline game is the disappearing spending caps. The caps on discretionary spending will remain in place through 1995. That is the law. But the President's budget appears to assume that these caps will disappear in 1994 and that discretionary spending will grow at the rate of inflation. More spending means higher deficits.

Based on Congressional Budget Office figures, removing the caps in 1994 will increase spending by $123 billion by 1998.

Game No. 2—the President's 4-year deficit reduction goal. The President blames his inability to follow through on his promise to cut the deficit in half in 4 years on higher than expected deficits, $50 billion per year. But everyone knew back in August, in fact late July, that the deficit picture was getting worse.

His new goal is to cut $140 billion from the deficit. Not only has he given up on cutting the deficit in half, it has now been stretched from a 4-year goal to a 5-year goal. It was 4 years; now it is 5 years.

Game No. 3 is double-counting the Bush defense cuts. Defense provides the lion's share of the President's proposed spending cuts. The defense spending cuts approved by President Bush and Congress last year will produce $74.8 billion in savings by 1998.

A closer look at President Clinton's numbers suggest that his plan includes the defense cuts already approved last year by President Bush and by Congress. President Clinton should not count these savings as part of his own package. That is double counting. He cannot do that.

And, finally, game No. 4 is called understating the tax increase. When is a tax increase a spending cut? President Clinton tried to tell us last night. The President supports higher taxes on middle-income Social Security beneficiaries but his plan appears to count this $32 billion tax increase as a spending cut. Secretary Bentsen and deputy OMB Director Alice Rivlin admitted as much this morning. Tell that to America's seniors when they fill out their tax returns after this change goes into effect. It is not a spending cut. It is a tax increase, and they said it was a tax increase this morning before the Senate Budget Committee.

This plan also appears to include $6 billion in user-fee increases as spending cuts. That is taxes. That is more taxes. User fees are taxes.

So I just suggest that we do not have a balance here. What we have are more than $360 billion in taxes, in higher taxes by 1998, the biggest tax increase ever.

Now, we remember during the confirmation hearings of our good friend and former Senator from Texas, Senator Bentsen, now the Treasury Secretary, and Leon Panetta, another friend and House Member of ours, who is now the Director of the Office of Management and Budget, that they thought any deficit reduction package should include $2 in spending cuts for every dollar in new taxes.

The Governors, the 50 Governors, who were here 2 weeks ago, 30 Democrats, I think, and 20 Republicans—I am not certain of the mix—adopted a resolution stating that deficit reduction should contain $2.75 in spending cuts for every dollar in new taxes.

The President's plan fails the balance test. The President claimed last night that his economic plan cut spending by $246 billion, but his numbers do not add up.

Count the Social Security tax hike as a tax increase, not a spending cut, remove the Bush defense cuts, balance them against the spending increases for stimulus and investment, and you end up with a total of $123.2 billion in spending cuts by 1998. I am not a budget technician, but that is not balance.

But even if you include the tax cuts in the President's plan, using his own numbers, the net tax increase stands at $276.9 billion by 1998. Compared to $123.2 billion in spending cuts, that is 44 cents in spending cuts for every dollar in higher taxes. I think it may be even worse than that. You clear away the smoke and mirrors and the picture gets even worse. Before it is all over the so-called balanced package may end up raising $3, $4, or $5 in new taxes—$3, $4, or $5 in new taxes—for every dollar in real spending cuts.

Let us be clear about it. Republicans support efforts to keep the economy moving, to create millions of good, new, lasting jobs, and to cut the deficit in half in 4 years. We want to help the President on the spending side.

But, before the President asks Congress to approve a plan that will force the farmer, the nurse, the factory worker, the shopkeeper, the truck driver, or our senior citizens to send one more dime to Washington, we should work to ensure that every outdated program, every bloated agency, and every item in the Federal budget takes the hit it deserves.

Mr. President, we have a lot to do on this package, and just in case somebody might suggest that I am a Republican and may have somehow distorted anything, there is a wire story out this afternoon by Associated Press—they are not known to be Republicans, not known to cover us very often, but in any event they talk about the big shortfall in what the deficit reduction really is. They said;

> President Clinton's budget plan, trumpeted a day ago as achieving $493 billion in deficit reduction over 4 years, falls well short of that.

They now say it is around $325 billion.

I ask unanimous consent to include this Associated Press release in the RECORD. The figures are a bit different than mine. They use 4- and 5-year numbers, and I have used 6-year numbers, but I include it in the RECORD to indicate that the press has taken a look at the President's numbers and they know they are not accurate. And when you count in all the tax breaks and increased spending, it really changes the picture as presented by President Clinton last night.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### DEFICIT PLAN FALLS SHORT OF GOALS

(By Martin Crutsinger)

WASHINGTON.—President Clinton's budget plan, trumpeted a day ago as achieving $493 billion in deficit reduction over four years, falls well short of that based on new figures released by the White House today.

The new documents show that instead of reducing the deficit by almost a half-trillion dollars over the next four years, the actual deficit reductions will amount to a smaller $325 billion.

The reason for the difference is that the budget documents released with Clinton's speech failed to take account of the impact his spending programs and tax breaks would have on the federal deficit over the next four years.

A more detailed budget document released today showed that while Clinton is proposing spending cuts of $247 billion over the next four years, 68 percent of those savings are eaten up by the $169 billion in increased spending and tax cuts in Clinton's program.

Once those deficit-widening proposals are taken into account, the $493 billion in deficit cuts Clinton proclaimed to have achieved are whittled down to $325 billion over four years.

Reporters were not given the full 145-page book explaining Clinton's program on Wednesday. The explanation given by the White House was that decisions were being made right up until the last minute and the full budget document could not be produced in time for Clinton's joint address to Congress.

Instead, the full book with the bottom line deficit figures was provided today.

The more detailed presentation showed that over the next four years, Clinton is proposing $246 billion in tax increases, but this figure was to be balanced against $60 billion in tax breaks that the President is proposing for the same time period.

In addition, while Clinton's program includes $247 billion in spending cuts over the four-year period, this must be balanced against $109 billion in spending increases Clinton is proposing over the same time period.

When Clinton's proposed tax cuts are balanced against his proposed tax increases and his proposed spending cuts are balanced against his spending increases, Clinton's four-year deficit reduction total falls from $493 billion down to $325 billion.

For the five-year period from 1994 through 1998, the deficit savings of $703 billion proclaimed by the administration on Wednesday shrink to $473 billion.

> The new budget document shows that Clinton's short-term stimulus package would inflate this year's deficit to $332 billion, up from an estimate of $319 billion without Clinton's economic program.
>
> Both figures would be a record, topping the old mark of $290 billion set in the fiscal year that ended Sept. 30. The deficit increase for this year would reflect the impact of the short-term stimulus package of increased public works spending and tax breaks Clinton has proposed to Congress.
>
> For later years, the administration is projecting better deficit figures. The deficit would drop to $262 billion in the 1994 budget year, fall to $242 billion in 1995, to $205 billion in 1996. It would then begin rising to $206 billion in 1997 and $241 billion in 1997, reflecting in part rising health care costs.
>
> The president has promised to produce a plan in May that will address the health care crisis and get this part of the budget under control, perhaps by proposing additional taxes to pay for his program to provide universal health care coverage.

Mr. DOLE. Mr. President, I yield the floor.

Under our time agreement, I yield 12 minutes to the Senator from Delaware [Mr. ROTH].

The PRESIDING OFFICER. The Senator from Delaware is recognized.

### STATE OF THE UNION RESPONSE

Mr. ROTH. Mr. President, it is true what they say: "It is getting more and more difficult to support the Government in a style to which it has become accustomed." And last night Americans saw why—Bill Clinton really believes the Government can spend the taxpayers' money better than the taxpayer can. After campaigning on the promise of tax relief and job creation for Americans as well as spending restraints for the Government, what he is calling for now is the largest tax increase in history—some $250 billion in new taxes. What he is offering is a program that does little, if anything, to check runaway Government spending, and a program that will stifle job growth and private sector initiative.

While Bill Clinton has proposed some meaningful reductions in entitlement spending, he also proposes $145 billion in new spending. And this $145 billion is on top of the near $20 billion spending stimulus he is proposing this year. It also comes on top of the inflation-adjusted increases these programs are already set to receive. Putting aside the reductions in defense, this new spending wipes out the majority of his budget reductions.

Talk about "read my lips." The tax increases that resulted from President Bush's willingness to compromise with congressional Democrats in 1990 pales when compared to the program President Clinton unveiled last night. And let me be clear about this: I did not support the 1990 compromise to raise taxes, and I certainly do not support this attempt. I have said it before, and I will say it again: You cannot tax America into prosperity. Like the 1990 budget agreement, the package Bill Clinton proposed last night is long on taxes and short on controlling Government spending.

The fundamental economic issue we must address right now is creating the right kinds of incentives for growth—growth that equals real jobs in the private sector—and jobs that equal security for our families, our communities, our States and Nation. That economic growth does not come from the Government. The Government has never created wealth. Rather, it comes from Americans—hard-working, risk-taking men and women who have reason and incentive to get ahead. Take away their means to get ahead and you take away their incentive. And this is exactly what Bill Clinton has proposed.

The package he presented last night is one that will hit every American family with an income over $30,000. This will be done through direct increases in income tax rates or through an energy tax. Aside from the direct tax on energy use, this one revenue raiser alone will directly increase the cost of goods and services across the board. From eggs, to bread, to the cost of buying a car and commuting to work on mass transit, this proposed energy tax will increase everybody's cost of living. What is more, this energy tax opens up a completely new source of revenue for Federal spending. And we all know what Congress does to new revenue sources; these new taxes never go away but just keep getting bigger, like the increase in the gasoline tax that was set to expire at the end of 1995.

Mr. President, what concerns me most is that many of the taxes affecting the majority of Americans are structured in a way that makes them appear less aggressive than they really are. For example, the broad-based energy tax—Bill Clinton's attempt to increase taxes on Btu's—British thermal units—does not seem so taxing until you realize that the average American family consumes 250 million Btu's every year.

Likewise, his proposal to increase from 50 to 85 percent the portion of Social Security benefits that will be subject to taxation, might not appear difficult to younger Americans, but it will affect some 25 percent of our retirees—men and women who are generally on fixed incomes. And since the base amount at which this tax kicks in is not indexed, the numbers of people affected will rapidly increase in the years to come.

And I don't even need to go into the fact that his intention to extend the gasoline tax will dramatically alter American commerce and family travel, especially in those parts of our country that are most dependent on transportation.

What I find ironic with this package of more than two dozen major tax increases is that it flies in the face of what we have learned from history. And beyond that, it comes at a time when America's economy is beginning to show signs of strength. Let me quote the first paragraph from the prestigious, and rather objective, British news magazine, the Economist. In an article entitled "No Need for a Boost," the magazine maintains:

> When George Bush lost his presidency three months ago, the American economy was growing at a pace that would mightily have impressed most voters—had they known about it. Now the facts are out, and it seems that only Bill Clinton and some of his senior advisers are prepared to ignore their significance.

The article goes on to explain that our gross domestic product expanded at an annual rate of 3.4 percent in the July-September quarter, and 3.8 percent in October-December. Our business investment is strong, expanding at an annual rate of 8 percent in the second half of last year. Consumer spending is growing. Inflation is low. And the future appears bright. In fact, even without tax increases, the Congressional Budget Office estimates that new revenues into the Treasury will amount to some $70 billion more next year. These positive indicators do not mean that all is well. There certainly are challenges to create jobs, encourage savings and investment, increase productivity, and strengthen markets.

But, Mr. President, what Bill Clinton has proposed is analogous to putting leeches on a recovering patient. The intended cure is far more dangerous to the patient than the symptoms. And frankly, raising taxes to stimulate the economy is nothing short of economic quackery.

America knows—our history shows—what promotes economic growth. Likewise, we know what undermines it. I find it ironic that President Clinton, who has spoken so warmly of John Kennedy, has failed to grasp the significance of President Kennedy's economic successes. Kennedy's across-the-board tax cuts, dropping the top rate some 20 percentage points, resulted in one of the healthiest economies in the postwar period.

In fact, that success story was not repeated until 1981, when President Reagan modeled his tax cuts after Kennedy's. And we all know what happened. Let me show you a graph that clearly demonstrates. Between 1980 and 1990, revenues into the Treasury went from $517 billion to over $1 trillion. What resulted was the longest peacetime economic expansion in U.S. history. More than 18 million new jobs were created.

The economy grew by nearly one-third in inflation adjusted terms. After inflation, middle-class income increased by 13 percent. And this improvement occurred, unlike most recoveries, simultaneous with a collapse in inflation.

The problem, as this graph shows, is that during this record-setting recovery, Congress failed to bring Government spending under control. The red on this chart demonstrates how each and every year, Congress spends more than the Treasury took in. The green represents revenue; the red Federal spending. What is interesting, Mr. President, is that even under the plan Bill Clinton is proposing—even using his own figures—the Federal deficit will not go below $200 billion a year throughout his 4-year term.

What is even more interesting is that, according to his figures, the deficit actually increases by an additional $35 billion in the fifth year of his program, totaling $246 billion. These figures, of course, are best-case projections that do not take into account the adverse impact his tax increases will have on our economy.

Clearly, bringing Government spending under control is what Bill Clinton's program fails to do. What we saw emerge last night is more of the same old worn tax and spend policies that led to the malaise that gripped America prior to the Reagan recovery. For all its faults, the 1990 budget agreement purported to cut Federal spending $2 for every $1 it raised taxes. We all know what happened: Spending continued to outpace revenues. Federal spending grew by $130 billion between 1990 and 1992. What worries me is that the plan announced last night—a plan designed by many of the same Washington insiders as the 1990 budget agreement, and now embraced by Bill Clinton—does not even purport to cut spending $2 for every $1 raised in taxes. In fact, if one examines the details, it does not even offer $1 in Federal spending cuts for every $1 it taxes.

Clearly, the tax increases are once again taking precedence over spending cuts. And this is no way to create economic growth and opportunity, especially within our private sector.

I have long advocated getting spending under control, before turning to deficit spending and tax increases. Last night, Bill Clinton challenged us to come up with spending cuts, if we were not satisfied with his attempt. In the midst of the 1990 budget negotiations, I proposed a series of real and lasting budget cuts. I am pleased that Bill Clinton has embraced some of these—including Medicare secondary payer reform—but he has not gone nearly far enough toward bringing the budget under control. I intend to continue to promote my spending reductions, while at the same time calling for greater responsibility in controlling new spending.

History has shown that for ever $1 raised in taxes, Federal spending increases by $1.59. We cannot afford this. It is no way to cut the deficit. No wonder Bill Clinton has backed away from his campaign pledge of halving the deficit by 1996, just as he has backed away from his pledge to lower taxes on the middle class. After only 20 days in office, we have seen his tax increases progressively hit more and more Americans. First he was only going to raise taxes on those making more than $200,000 a year. Then he lowered that to $170,000. Then a $140,000. Now, it is all the way down to $30,000. Frankly, it makes one wonder what he will do with the remaining 1,431 days he has left.

I ask unanimous consent that an essay by William Safire and a column by former President Ronald Reagan be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 18, 1993]

### GREAT LEAP BACKWARD

(By William Safire)

Washington.—That squishy sound you heard throughout President Clinton's economic address—the weakness at the core of his proposals—is a refusal to deal with the explosion of Federal spending.

A decade ago, Speaker Tip O'Neill snookered President Reagan in a deficit reduction deal: For one dollar in tax increase, promised the Democrat, Congress would cut three dollars in spending. Never happened; Democrats claim there never was a deal.

Three years ago, George Bush made the "deficit reduction deal" with Democrats that helped torpedo his Presidency: For every dollar in new taxes, two dollars were to be cut in spending. But taxes were front-loaded and spending cuts back-loaded; the deficit soared.

Now we have similar snake oil from Mr. Clinton. Only weeks ago, we heard from his budget chief that for every dollar in new taxes, two dollars would be cut out of the spending stream. Now even that ephemeral goal has been abandoned: it's to be "in rough balance"—a dollar cut for a dollar taxed.

Even if that were true, contrary to all recent experience, such "balance" would mean that the debt would continue to grow because each year's deficit compounds itself.

In the storm of projections, keep in mind a few bedrock principles:

Economic stimulus—jargon for "government spending"—adds to the deficit, the interest on which is killing us. Accept no Clintonite protestations that this is just for now, and next year, boyoboy will they become deficit-cutters. Never happens.

Higher taxes do not help, and could abort, a recovery. We're on the way back up to brisk growth, with productivity increasing; **now is not the time to snatch money out the** pockets of people able to spend it.

A true fair sharing of the pain would be to reduce our debt by slowing the growth of government services, not to take more tax money for more services. No wonder we have seen so little of Lloyd Bentsen in the prespeech hype: Clinton's plan, rather than "growing the economy," grows the Government.

Cutting the deficit is not an excuse for raising taxes when you are not really cutting the deficit.

Now we are at the heart of the matter. Mr. Clinton, after selling himself as "a different kind of Democrat," is the same kind of Democrat on economics: he is answering the Reagan revolution with a plan for a Clinton counter-revolution. His promised change is a reversion to 1979.

How to sell this Great Leap Backward? In 1971 Richard Nixon told his aides, "We've got to have a villain." We tried to make inflation the villain, which led to the misbegotten wage-prize freeze, but not until anti-war demonstrations engulfed the Democrats did a villain emerge that guaranteed Nixon's reelection.

In his post-election campaign, Clinton has selected no fewer than four villains to be the anvil on which he hammers counter-revolution.

The first is "the rich," the definition of which has widened to all those not poor. He takes this sanctimonious appeal to class warfare from F.D.R.'s blast at "economic royalists."

Second is the "special interests," Truman's villain, now defined as those lobbyists and lawyers outside the Clinton Cabinet who oppose proposals to raise taxes, slash defense or treat Social Security as welfare.

Villain number three is the pharmaceutical industry, for the sin of conspicuous success. Price controls on children's vaccines have populist appeal, but if advertising is penalized and price controls on new drugs result in shortages, black markets and cutbacks in medical research, this villain will be quickly de-demonized.

The fourth villain is the one most despised: that ol' debbil deficit. Its puissance was exploited by Ross Perot, who could rightly claim that the debt began by Democrats was tripled under Republican Presidents.

The deficit is most frequently cited by Clinton as the reason for his flipflop on a middle-class tax cut. His excuse is that deficit projections leaped after this election, but that stretches a wild guess about 1997 from the Democratic Congressional Budget Office. The high projection justifies tax-hike plans he concealed from the electorate in 1992, and makes it easier to come under in the 1996 campaign.

In his "call to arms" (hardly an apt figure of speech for this President), Bill Clinton is raising taxes, raising deficits and raising doubts. Who knew he would turn out to be a liberal reactionary?

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[From the New York Times, Feb. 18, 1993]

### THERE THEY GO AGAIN

(By Ronald Reagan)

Los Angeles.—Less than one month ago, our nation showed the world the strength of our democratic system with the peaceful transfer of Presidential power from one elected citizen to another and, incidentally, from one political party to another. While it is no secret that I would have preferred a different scenario that day, I have great respect for our constitutional system and would like to support our new President.

I had every intention of holding back any comments on the new Administration until it was well in place and its policies became clear. Unfortunately, the policies are already becoming alarmingly clear. With campaign promises dropping like autumn leaves, I can't refrain any longer.

"First, we're going to raise the taxes on the people that did well in the 1980's," the Clinton Administration says. Did I hear that right? I'm afraid so! Do they really believe that those who have worked hard and been successful should somehow be punished for it? Is success in the 1980's, or any time for that matter, supposed to be something we as Americans are to be embarrassed about?

I hate to confuse their economic thinking with a few facts, but if they were to look at the 1980's, they would find that America experienced its longest period of peacetime economic expansion in our history. They would find that America led the world out of a global economic recession and that our economy was the envy of virtually every other nation. They would see that we created nearly 19 million new jobs for Americans of all income levels. And it may shock the Clinton Administration to discover that most of the economic gains of the 1980's were made by low- and middle-income citizens, not the wealthiest Americans.

Earlier this week, President Clinton said, "I know we have learned the hard lessons of the 1980's." I didn't realize they were so hard to learn. The fundamental lesson of the 1980's was that when you cut taxes for everyone, people have the incentive to work harder and invest, to make a better life for themselves and their families.

If the new Administration doesn't want to look back as far as the 1980's, maybe it will at least look back at the summer of 1992. Candidate Bill Clinton was promising that, if elected, he would provide a *tax cut* for the middle class. Now, in less than one month of his Presidency, that promise of a tax cut has not only been broken but it has been reversed into a *tax increase* for middle-income workers.

During the campaign, Bill Clinton said he would tax only the very rich. Last week, he defined this category as those making $200,000 a year. On Monday, the definition came down to $100,000 and now the "very rich" seems to be anyone making $30,000 a year.

Somehow, as the Administration raises everyone's taxes, it wants us to take comfort in knowing that others are getting theirs raised even more. Unfortunately, that kind of "comfort" doesn't put food on the table of the hard-working middle class, buy new shoes for the kids or make it easier to pay the mortgage, let alone put some money aside for savings. The fact is, every dollar the politicians take back to Washington means less spending power for average Americans and more opportunity for the Federal bureaucracy to waste money.

We must also listen for the sound of the other shoe to drop: the Clintons' health program. This will almost certainly involve proposals for another round of taxes later this year, and you can bet those won't be levied on a handful of millionaires.

In the Middle Ages, it was believed that alchemists could turn base metals into gold. Now it appears that alchemists in President Clinton's Administration hope to turn a huge tax increase into economic growth. Alchemy didn't work then and it won't work now. Taxes have never succeeded in promoting economic growth. More often that not, they have led to greater economic downturns.

In his campaign, candidate Clinton described himself as a "new Democrat," implying that there would be no more tax-and-spend dogma, no social engineering, no class warfare pitting one group against another. This week, however, he has begun to sound like an "old Democrat." That's the kind who does not understand one simple fact: the problem is not that the people are taxed too little; the problem is that the Government spends too much.

Until President Clinton and the liberals in Congress accept that principle and act accordingly, I'm afraid we are headed for a repeat of the late 1970's. And that is something we can all live without.

No one can dispute that the enormous budget deficit is a major threat to the economic security of our country. But let us remember that deficits are caused by spending. By the very terms of our Constitution, only Congress has the power to spend.

For more than four decades, one party, the Democratic Party, has controlled the House of Representatives. The solution to the deficit problem is not to ask heavily taxed working Americans to "sacrifice" even more.

It's the big-spending liberals controlling the Congress who need to show some restraint and "sacrifice" a few of the pork-barrel measures they've been slipping past the taxpayers for far too long. Only when the Clinton Administration and Congress summon the will to put the brakes on Federal spending will they get the deficit under control.

While I'm flattered that President Clinton admits to taking a page out of my communications plan, I wish he'd use it to sell an economic program of growth and expansion, not the failed liberal policies of the past.

Just as positive signs of economic recovery are appearing, Mr. President, please don't blow it. Although it goes back well before the 1980's, may I offer you the advice of the 14th century Arab historian Ibn Khaldun, who said: "At the beginning of the empire, the tax rates were low and the revenues were high. At the end of the empire, the tax rates were high and the revenues were low."

And, no, I did not personally know Ibn Khaldun, although we may have had some friends in common!

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I thank the Chair.

Mr. President, I want to place three tables in the RECORD at the start of my speech and then I am going to use them to speak from. I only have one copy. So they will go in at the start. Later on I will use them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL, STATE/LOCAL, AND TOTAL GOVERNMENT TAXES AND SPENDING AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT: 1950–92

| | Federal | | State/local[1] | | Total | |
|---|---|---|---|---|---|---|
| | Tax | Spend | Tax | Spend | Tax | Spend |
| Year: | | | | | | |
| 1950 | 15 | 16 | 17 | 7 | 21 | 23 |
| 1955 | 17 | 18 | 7 | 7 | 24 | 25 |
| 1960 | 18 | 18 | 8 | 8 | 26 | 26 |
| 1965 | 17 | 18 | 9 | 9 | 26 | 26 |
| 1970 | 20 | 20 | 10 | 10 | 30 | 30 |
| 1975 | 19 | 22 | 11 | 10 | 29 | 32 |
| 1980 | 20 | 23 | 10 | 9 | 30 | 31 |
| 1985 | 19 | 24 | 11 | 9 | 29 | 33 |
| 1990 | 19 | 22 | 11 | 10 | 30 | 33 |
| 1991 | 19 | 24 | 11 | 11 | 30 | 34 |
| 1992 | 19 | 24 | 11 | 11 | 30 | 34 |

[1] This column does not include the receipt or spending of grant-in-aid from the Federal Government, which are counted as Federal expenditures.

Note.—Totals may not add due to rounding.

Source: "Budget Baselines, Historical Data, and Alternatives for the Future, Office of Management and Budget, Jan. 1993.

TOTAL GOVERNMENT TAXES AND SPENDING FOR SELECTED ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) COUNTRIES AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT, 1965–90

| | 1965 | | 1970 | | 1980 | | 1985 | | 1990 | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tax | Spend | Tax | Spend | Tax | Spend | Tax | Spend | Tax | Spend |
| Switzerland | 23 | 20 | 27 | 21 | 33 | 29 | 34 | 31 | 34 | 31 |
| Japan | 20 | 20 | 21 | 19 | 28 | 33 | 31 | 32 | 35 | 32 |
| United States | 27 | 28 | 29 | 32 | 31 | 34 | 31 | 37 | [1] 32 | [1] 36 |
| United Kingdom | 33 | 36 | 40 | 39 | 40 | 45 | 42 | 46 | 40 | 42 |
| Germany | 36 | 37 | 38 | 39 | 45 | 48 | 46 | 48 | 43 | 46 |
| Canada | 28 | 29 | 34 | 35 | 36 | 41 | 39 | 47 | 42 | 47 |
| France | 38 | 38 | 39 | 39 | 46 | 46 | 48 | 52 | 47 | 50 |
| Italy | 30 | 34 | 30 | 34 | 33 | 42 | 38 | 51 | 42 | 53 |
| Norway | 37 | 34 | 44 | 41 | 54 | 51 | 55 | 46 | 56 | 55 |
| Netherlands | 37 | 39 | 42 | 44 | 53 | 58 | 54 | 60 | 50 | 56 |
| Denmark | 31 | 30 | 42 | 40 | 52 | 57 | 57 | 59 | 56 | 58 |
| Sweden | 40 | 36 | 47 | 43 | 57 | 62 | 60 | 65 | 64 | 61 |

[1] 1989 data.

Note.—The percentages in this chart are compiled by the Organization for Economic Cooperation and development, an association of the major industrialized countries of the world. The OECD uses a different method of calculating government expenditures and revenues than the standard budget accounting method the U.S. government uses. Therefore, while the figures in this table give an accurate comparison of the spending and revenue trends of our major competitors, these figures should not be compared directly to other data.

Source: Prepared by Greg Esenwein of the Library of Congress from Organization for Economic Cooperation and Development data, June 1991, updated January 1993.

PROJECTED CONGRESSIONAL BUDGET OFFICE REVENUES, OUTLAYS, AND DEFICITS: 1993–2003

[In billions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Revenues | 1,143 | 1,215 | 1,291 | 1,356 | 1,414 | 1,482 | 1,540 | 1,600 | 1,664 | 1,733 | 1,804 |
| Selected spending: | | | | | | | | | | | |
| Social Security | 302 | 319 | 335 | 351 | 368 | 385 | 403 | 420 | 439 | 459 | 480 |
| Medicare | 146 | 167 | 188 | 211 | 234 | 259 | 286 | 316 | 350 | 389 | 432 |
| Medicaid | 80 | 92 | 105 | 118 | 131 | 146 | 162 | 179 | 198 | 219 | 240 |
| Other retirement | 61 | 64 | 67 | 71 | 75 | 79 | 82 | 85 | 89 | 93 | 97 |

PROJECTED CONGRESSIONAL BUDGET OFFICE REVENUES, OUTLAYS, AND DEFICITS: 1993–2003—Continued

[In billions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Net interest | 198 | 211 | 231 | 250 | 270 | 292 | 314 | 339 | 368 | 400 | 437 |
| Total selected spending | 788 | 852 | 926 | 1,000 | 1,078 | 1,161 | 1,251 | 1,340 | 1,444 | 1,560 | 1,686 |
| Total spending | 1,453 | 1,507 | 1,575 | 1,643 | 1,733 | 1,839 | 1,943 | 2,055 | 2,178 | 2,312 | 2,458 |
| Selected spending as a percent of total spending | 54 | 57 | 59 | 61 | 62 | 63 | 64 | 65 | 66 | 68 | 69 |
| Deficit | 310 | 291 | 284 | 287 | 319 | 357 | 404 | 455 | 513 | 579 | 653 |

Source: "The Economic and Budget Outlook," Congressional Budget Office, January 1993.

Mr. PACKWOOD. The first table is called Federal and State and Local and Total Government Taxes and Spending as a Percentage of Our Gross Domestic Product, 1950–92.

Because we so often in Washington use terms, acronyms, let me say what the gross domestic product is. It is everything. It is all of the wages, profits, the sum total of all products in this country. It is all of the wealth of the country for the year. It is called gross domestic product.

The history of taxes and spending in the United States from 1950 onward, that is as far back as these charts go, demonstrates that taxes go up, and spending goes up as a percentage of our gross domestic product.

In 1950, all of the governments of the United States, the Federal Government, State governments, local governments, school districts, water districts, taxed at 21 percent of the gross domestic product, about $1 in $5.

In 1950, we spent about 23 percent, all of us collectively. So we had a deficit. In 1992, all of these same governments taxed 30 percent of the gross domestic product. Not 21, but 30. And we spent 34 percent of it. Not 23 percent, but 34 percent.

So in 1950, taxes were here, spending was here. In 1992, taxes are here, spending is here. The interesting difference is that when you break out the Federal column from the State and local column, State and local taxes have gone up and spending has gone up, but they match. And I think that is probably because most State and local governments have to balance their budgets. So the fact that they have to has not restrained the increase, but at least they have to pay for their spending. We do not. We can borrow it. You might say, well, the United States is unique, but it really is not.

The next table I have is Total Government Taxes and Spending for Selected Organization for Economic Cooperation and Development, OECD, Countries as a Percentage of Gross Domestic Product. The Organization for Economic Cooperation and Development is simply a fact-gathering, statistical-gathering organization supported by the major industrialized countries of the world. They use a slightly different method of computation than the way we figure our percentages, but do not worry about the slight difference. The trend is what is important, and the trend, interestingly, is not unique to the United States.

Every major industrialized country in the world—and these statistics go back to 1965—have seen their taxes go up, their spending go up. The difference is—with two exceptions, Japan and Switzerland—they all started 25 years ago, at a higher taxing level and a higher spending level than we did, so they are still way ahead of us.

I will give you some examples:

In 1965, Denmark spent 30 percent of its gross domestic product; 25 years later, Denmark is spending not 30 percent, but 58 percent of its gross domestic product. Sweden is spending 61 percent. Netherlands is spending 56 percent Norway is spending 55 percent. They were all down in the thirties, but that was 25 years ago. They have gone up just as we have gone up.

I think the question we ought to be asking ourselves is not are we going to narrow the deficit by trimming $500 million out of education, or a billion dollars out of highways, or something moderate out of Medicare. The real question is: In 25 years, do we want to look like Denmark or Sweden? Very comfortable countries. I will put this in the question. You can have free education, free health care, free baby care, probably free funerals, for all I know, if you do not mind that the government takes from you 50 to 60 percent of all of the money in the country. We can look like that, if we are not careful, because you do not get there consciously thinking to yourself: I want to look like Denmark. You get there by adding a program that costs $5 billion for 5 years, and it turns out to cost $7 billion, and over 10 or 20 years, it costs $20 or $30 billion. You add them incrementally. It is not unlike boiling a frog and turning up the heat just enough that the frog never realizes it is being boiled, until it expires. One day you are there, and when you get there, you become a less efficient country. When you get there, you are not as competitive in the world as a country that taxes on a significantly lower basis.

So my first question is: Do we want to have the kind of social welfare state predominant in Scandinavia, but much more, not as predominant in Scandinavia, but in the Germanys, Italys, and Frances, much more of a social welfare, socialist, call it what you want, state, than ours. There are perfectly honest people in this country that think we should. I do not agree with them. There are people that will say the problem with this country is we do not tax ourselves like Denmark and spend like Sweden, and if we did, we would be a happier country. I do not agree, but that is the philosophy that ought to be debated.

Let us get to the President's budget, because I fear his budget is going to get us to Denmark, or start us down that road. We will not make it in his first term, and if by chance he is elected in 1996, we will not quite make it then, but we will be on our way.

Today, we had a hearing in the Finance Committee on extending the emergency unemployment benefits. The first question is: How should this be paid? I am quoting from the statement of the Secretary of Labor this afternoon:

> The administration's proposal designates expenses for continuing the emergency unemployment compensation as emergency spending, exempt from the pay-as-you-go requirements of the Budget Enforcement Act.

Pop, like a champagne cork, and the lid is off. We are going to borrow this, not pay for it. About $5.8 billion over a couple of years; $5.8 billion in a trillion-and-a-half budget is not much, but it is something. The President has apparently lifted the limitation the last administration had on a Medicaid scam that the States were involved in by taxing their hospitals. Thereby, the hospitals had greater expenses. Medicaid reimburses some expenses. The State gets the money from taxing the hospitals, and the Federal Government, because it has to pay a specific percentage under Medicaid, has to pay out more money. The States break even, the hospitals break even, and we pay more money. The President lifted that lid and is going to let that scam go on.

These are little things added together. Mr. President, I want to come to what I think is the greatest difficulty. Last night, the President said:

> My fellow Americans, the test of this plan cannot be what is in it for me; it has got to be what is in it for us.

Now I am going to say something very unpopular, and I do not claim to be speaking for my party on this. But over the years, we are going to face a dilemma that if we do not face honestly, it will make narrowing the deficit impossible by spending restraints—I do not say cuts, but by spending restraints—and there is no history that if we ever raise taxes, we narrow the deficit. We will spend that. Do not worry about that. Short of a constitutional amendment, we will spend it.

The problem falls in four programs: Social Security, Medicare, Medicaid, and then what I call other retirement, mainly military or Federal civilian retirement.

These four programs, plus interest—which I suppose is the ultimate entitlement program, and I have to be careful in using the words. "Entitlement" means it is a program that goes on and on without further enactment of legislation. Interest on the debt, I think, is the ultimate entitlement program. People have bought bonds, and we said we can pay 7 or 8 percent interest; and I think they can sue us if we do not pay that. If you take Social Security, Medicare, Medicaid, and other retirement and interest, it is currently about 54 percent of the budget. In fiscal year 1994, it will be 57 percent.

I am going to give you Congressional Budget Office figures on this, because the President said last night he wanted to use Congressional Budget Office figures. So the Congressional Budget Office says that for 1994 those four programs, plus interest, are 57 percent of all the money we spend.

Now look at the increase. Those same four programs, that is all, plus interest. In 1995, 59 percent of the entire budget. In 1996, 61 percent. In 1997, 62 percent. In 1998, 63 percent. In 1999, 64 percent. And in the year 2000, 65 percent. In the year 2001, 66 percent. In 2002, 68 percent. In 2003, 69 percent.

Mr. President, this is before the baby boom has started to retire.

Those people born from 1945 to 1965 will start to retire in about the year 2010, and this reaches 69 percent of our budget, 69 percent for health, and retirement, plus interest in 10 years. And we do not, in essence, touch those programs in the President's budget.

We do not touch retirement at all. He said Social Security is off limits and it would not be fair in my mind to touch military retirement and civilian retirement. If Social Security is off limits, that is all off limits. We are not going to touch that. We say we are going to limit Medicare and Medicaid.

Here is the problem. Over the next 5 years we will spend under current law about $1.650 trillion on Medicare and Medicaid in 5 years, just those two programs. If the President gets his proposed cuts—and I want to emphasize how wrong that word is used. "Cut" in my mind means if you were spending $100 this year you are going to spend less than $100 next year. I find that many people who deal with Government programs think if you are spending $100 this year and thought you were going to spend $120 next year and you only spent $110, they call it a cut. It is a $10 increase. They call it a cut.

We will spend $1.650 trillion on Medicare and Medicaid over the next 5 years. The President proposes that cutting that, if you want to call it that, $62 billion, it is a 4-percent cut. It is not a cut. It is a modest restraint of two programs that are otherwise going up 10, 12, 13, 15 percent a year.

It is next to no cut at all in terms of the magnitude of the entire program. If we were to adopt every Medicare and every Medicaid cut that he has, do nothing about the retirement programs, and there is not much we can do about interest—it is going up or down as interest rates go up or down, all spending in the Federal budget for all other programs—education, environment, Forest Service, Bureau of Land Management, airports—will all have to go down, down from where we are now. I do not mean held even; I mean down, if we do nothing about retirement and health.

They will have to go down. That is unless we increase the taxes to pay for them. But if we increase the taxes to pay for them, then we are not going to narrow the deficit.

At some stage, Mr. President, we have to make a decision in this country about, first, how much of our entire gross domestic product do we want all of the governments of the United States to take—25 percent, 30 percent, 35 percent, 40 percent, 45 percent, 50 percent? How much are we willing to shell out to the governments to have them take care of us? And I do not mean that in a critical sense. I do not think the Government takes care of us as well as we take care of ourselves. But that is to have the Government make us feel comfortable, not worry. Pick your term.

I assure you of this: It does not matter what figure we set. We said 50 percent. If we spent 50 percent, there would be a demand to spend 55 percent. It would not end. There would be people saying we are not spending enough. The first question we ask is, How much of all of the money, assets, and production of the country do you want the governments to spend?

Second, assuming you can reach some rational decision that you want them to take no more than 25 or 30 or 35 or 40 percent, pick your number, how much of it do you want to allocate to airports, to railroads, to harbors, to highways, to health, to education, to retirement?

I tell you, Mr. President, if we do not restrain—I am not saying cut—restrain the increased spending on health and retirement that is taking an ever-increasing portion of our total spending, then we will have no choice but to cut all other spending, and I do not mean just defense. We are going to cut defense anyway. I mean all other spending. Or we will have to increase taxes dramatically to pay for it and do nothing on the deficit.

So I think the President's program should be held to this, and I want to help him help this country. I do not say this in malice. But as the history of this country and every other Western industrialized country, including Japan—it is not a Western country but the same pattern holds in Japan—every time taxes go up, spending goes up. We are not unique.

If we do not want that, then at a minimum on the President's program we have to have some irrevocable guarantee, unassailable, written into law—I wish it were a constitutional amendment—that we are going to have spending restraints—again I will not use the word "cuts," it seems to frighten people—but spending restraints that are as enforceable as a law can make them, and we have not got a constitutional amendment, but as enforceable as a law can make them before we agree to increase taxes. And then even the next Congress can undo that. I understand the problem.

But we should not fall into the trap we have fallen into before of increasing the taxes and thinking we are going to narrow the deficit. That will not happen. Nor should we fall into the trap of increasing the taxes and saying the spending cuts will come later. That has not happened.

So, in conclusion, Mr. President, I wish President Clinton well. I bear him no ill will. I want to help him fulfill what he said about "It cannot be what is in it for me; it has got to be what is in it for us." But for all of us collectively, all of us, there is nothing in it for us if what we get is a program that increases taxes, increases spending, and does nothing on the deficit.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I stand and join my colleagues this afternoon expressing our observations and concerns as it relates to the President's economic message last evening to the Nation.

I think all of us went to the joint session with the great hope that we would hear a message that could unify this country in its single greatest cause, and that is—in my opinion and I think in the opinion of most Americans—to reduce the Federal deficit and to begin to control what most of us would agree is runaway Federal spending and, therefore, begin to see economic resurgence in this country and a reduction in debt and deficit that we could look to our children and our children's children and say, "We are beginning to plot for you a future that will reward you with at least as great an economic opportunity as we have had as you should have in your future."

Now, I think last night that is what most of us went to hear, hoping we would hear that. I must say that I have to join with my colleagues today in expressing frustration in the fact that we probably did not hear that, nor do I believe Americans heard what they thought they heard, or were going to hear.

So, for a brief moment this afternoon I thought I would help analyze what I believe our President said and what I believe its impact will be based on historic and current operations of this body, the Congress, and the Government itself and the tremendous inability that we have had over the last two decades to demonstrate any kind of fiscal responsibility in staying within the limits that we constantly chart for ourselves in public policy. And by that I mean limits in taxation, limits in spending and, therefore, some kind of fiscal constraint that holds us within the parameters that we proposed, whether it was in 1984, or 1987, or the budget agreement of 1990.

The President last night said in his speech that real economic growth comes from the private sector. That is what the speech said. And yet today, as we analyze the plan, the plan raises one-third of a trillion dollars, 330-plus billions of dollars in new taxes over 5 years, including taxes on jobs, taxes on inputs, and taxes on earnings.

Now, remember, real growth occurs in the private sector, and yet the President by his own admission reaches out and pulls from the private sector the very energy and the dynamics that creates the real growth that he was talking about. The speech said last night that the debt and interest costs resulting from Federal borrowing is crowding out all other activities like home buying, like worker training, like the kinds of things that all of us would hope could and would occur in the natural unfettered private economy.

The plan diverts one-third of a trillion to the Government, away from these kinds of activities, the very kinds of things that generated 1.2 million new jobs in 1992.

So I am distressed in trying to understand what appears to be an outflowing of contradictions. One statement in the speech, one statement in the public performance, and clearly another statement in a document that my office and other offices just received a few hours ago and we are now beginning to analyze.

The speech said that job creation and economic growth are priorities and that the Government can be as frugal as a household in this country. That is the speech.

Now the plan promises to create 500,000 new jobs—some full-year jobs, some part-year jobs—through $30 billion of a stimulus package at a cost of nearly $60,000 every time the Government supposedly creates one job.

Let me suggest that the Government in no way can operate as frugally as the economy of the private sector operates in the jobs it created in 1992 compared to the jobs that we say could be created, or the President says could be created, if this stimulus package is allowed to go through.

Again, the speech and the rhetoric versus the reality of the plan and the implementation of the plan, its application.

The speech said $500 billion in deficit reduction over 5 years, evenly divided in spending cuts and taxing increases.

Mr. President, that is the speech. You and I heard it last night—$500 billion in deficit reduction in 5-plus years, equally divided.

The plan: Again, the fine print says—and now it is not so fine, because most all agree that there will be about $3.06 in new revenue for every $1 of program spending cuts in the policy. Again, the speech versus the plan. Tremendous disparities. I am amazed that the President thought he could stand before the American people and say one thing and then send forth for all of us to analyze what appears to be somewhat, if not entirely, of a different kind of an approach.

I think domestic spending cuts, as we all know, are not really cuts. We have known that for some time. We have heard it. We have seen it. The 1990 budget agreement promised in a bipartisan way that we were going to do all these things and yet it just did not occur.

You have just heard my colleague from Oregon saying that without structural reform to stop this Congress, this Senate, this very body from the phenomenal appetite that it has demonstrated over time, that for every new dollar of taxes raised, it got spent immediately, usually spend 1½ to 2 times more than was collected; that, without some kind of change in the way we do business, the very reality of the speech would become the reality of the plan.

And I do not think our President wants that, although his figures now show it. I certainly know the American people do not want it. And, in good will, the American people said yesterday and today that they hoped the President could succeed, as all of us do. We want to work with the President, but we know the reality of the environment in which we work.

I, and others, for a good number of years, have stood for that structural change, that environmental change that would allow us to do things differently. More importantly, it would force us to do things differently: A balanced budget amendment; a line-item veto.

Last Friday, in a town meeting, the President said, no, balanced budget amendments do not work. How does he know? He ought to know one thing: That the kind of budget agreements that this body puts together, in cooperation with the other body, will not work. We have proved it time and time again. Now, that we know is reality.

If we know that what we are proposing will not work, why are we not willing to try something new? The President speaks of change and yet the rhetoric and the plan are really in all regards business as usual.

Mr. President, speak to change. Speak to changing the way this Congress does its business. Speak to changing the environment, to force us to work with the people of this country, the taxpayers of this country, to create a situation that will bring about this kind of deficit reduction, bring about the kind of economic vitality that would result from that kind of activity.

Let me give a quick analysis of what all of this might mean to my State of Idaho.

My State of Idaho is a rural State. It is a Western State. It is a public lands State. It is a State that derives its economy largely from the resources of its land. And 64 percent of that land is owned and managed by the taxpayers of this country. It is Federal land.

Our President said last night that to graze those Federal lands, he was going to ask the cattlemen of the west for a 400-percent increase in grazing fees. He said he was going to ask our miners to pay an 8-percent royalty—an industry that is largely on its knees today.

He said he was going to ask the loggers to forgo stands of timber that were not, argumentatively, economically viable, even though it might be good health practices to go in and log a stand of timber, and change the species, and change the growth pattern.

He said no research and development on new nuclear reactors. He said, I do not want to talk about the present, I want to talk about the future. Let us look to the future.

And yet, he just said, I will not talk about future energy supplies. No more research and development for nuclear reactors, safe reactors, new reactors that do not produce waste, the kind of research that is going on all over the country today.

And then he said, and I want to raise taxes off of Btu measurements of energy. For Idaho, that is about $140 per capita or $144 million coming from 1,030,000 people in my very sparsely populated State of Idaho.

Mr. President, if you want Idaho to keep working, do not do this to us. Cut the Budget. Slow Government down. But do not come at our producers. Do not come at the very people that generate jobs and say, "give me your resources and let me generate the jobs and out of that will come an improved economy."

In closing, Mr. President, 2 weeks ago, as a member of the Joint Economic Committee, I asked Chairman Alan Greenspan of the Federal Reserve: "If the Congress of the United States and the President work together"—and we must work together—"create an economic program similar to the 1990 program, new taxes, new revenue, and alleged or at least legislated spending cuts"—two to one, I think, was the ratio in 1990.

Well, we raised that money, some $150 billion, spread over 5 years, and the spending cuts turned around and became major spending increases and went through the roof.

I said, "Anyway, if we create that kind of program"—and I believe that is the kind of program that was recommended last night, although a heck of a lot less cuts and a heck of a lot more money—"Mr. Greenspan, what will happen? What will happen in our economy?"

He said, "Probably it will turn down, because the economy is no longer convinced, nor does it have any confidence in the Congress of the United States." He said, "Unless you go in and fix those spending reductions"—the very thing my colleague from Oregon said—"well in advance of the taxes, go in there and lock in place those spending cuts and guarantee to the economy, to the American people that Congress is going to be fiscally responsible, if you do that, then maybe the impact of the taxes on the private sector will not be as great, nor would the economy react as much over the confidence that the Government was going to, for the first time, be fiscally responsible."

Now, that is one man's opinion.

But, as he is a gentleman who looks every day at the economy of this country and attempts to evaluate with a whole cadre of economists what we may or may not be doing, I happen to believe he is right. Yet that is not where our President is going. At this moment he is not even suggesting that approach.

As you, Mr. President, travel across the country in the next few days, talk about spending cuts, talk about controlling the Government's appetite, talk about putting in place a balanced budget amendment, talk about working with us to produce a line-item veto so we can turn to the American people and say we have the tools in hand with which to control the appetite for spending of our Government. As we do that we are then going to be willing to turn to you, the citizenry, the taxpayer, the generator of the wealth in this country, and ask you to participate just a little more in helping us slow and control the fiscal crisis that our Government and therefore our country is now in. That is the challenge. Help us do it. Become a leader in demanding a change in the way we do business.

Mr. President, I ask unanimous consent an analysis of the President's budget plan be printed in the RECORD and I yield the remainder of my time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BUDGET PLAN DESCRIBED IN THE PRESIDENT'S SPEECH IS NOT THE BUDGET PLAN HIS OMB HAS PUT ON PAPER

The Speech said the only real economic growth comes from the private sector.

The Plan raises ⅓ of $1 trillion in new taxes over 5 years, including taxes on jobs, taxes on inputs, and taxes on earnings.

The Speech said that debt and interest costs resulting from federal borrowing is crowding out other activities, like home-buying and worker training.

The Plan would divert ⅓ of $1 trillion in taxes to the government and away from other activities, like home-buying and worker training.

The Speech said that job-creation and economic growth are priorities, and that the government "can be as frugal as any household in America."

The Plan promises to create 500,000 new jobs—some full-year and some part-year—through a $30 billion "stimulus" package; i.e., it costs $60,000 every time the government "creates" one job.

The Speech said $500 billion in deficit reduction over 5 years would be evenly divided between spending cuts and tax increases.

The Plan would raise taxes by $3.06 for every $1 of program spending cut by policy changes. All net program cuts are in Defense. Domestic program spending actually would increase. (All figures in billions of dollars over 5 years):

| | |
|---|---|
| Savings in mandatory spending | −$77.8 |
| Non-defense discretionary savings | −70.9 |
| Short-term "stimulus" spending | +17.7 |
| Long-term "investment" spending | +144.3 |
| Net domestic spending increase | +13.3 |
| Defense cuts in addition to cuts proposed by Bush | −111.8 |
| Net program spending savings from policy changes | −98.5 |
| Tax increases | −360.3 |
| Offsetting receipts (fees, taxes) counted as spending cuts by OMB | −24.5 |
| Total tax/receipt increases | −384.8 |
| Tax cuts | +83.4 |
| Net increases in taxes/receipts | −301.4 |
| Total interest savings assumed | −62.3 |

NOTE.—Offsetting receipts (fees, taxes) counted as spending cuts by OMB, 24.5.

Figures based on Senate Budget Committee Minority Staff analysis and OMB materials.

And remember, the domestic spending cuts are not really cuts: All figures shown here are compared with a current-policy "baseline". If Congress adopts no policy changes (the President's or anyone else's), total federal spending is already projected (by CBO) to increase by $1.032 trillion over 5 years, compared with freezing spending at the current (FY 1993) level. (Virtually all growth is in domestic programs and interest; defense is expected to remain flat or decline.)

No wonder the overnight polls show support for the budget plan—most Americans heard the sales pitch but haven't seen the product.

Mr. COCHRAN. Mr. President, I think we all resolved as we returned to Washington to convene the 103d Congress that we all had a big challenge ahead of us, a challenge to help in a constructive way to strengthen our Nation's economy. We could do that by reducing our accumulating Federal debt, by helping to create a better environment for business and industry to expand, and providing jobs for a growing and more sophisticated labor force. We have come a long way, in terms of economic growth, in developing a competitive edge so that we can do better in the international marketplace in competition with our friends around the world.

Today, America's economy is the strongest economy in the world. If you compare, for example, our gross domestic product with that of other industrialized nations you see the value of the goods and services produced in the United States this year will exceed the combined economic product of Japan, Germany, France, Canada, and Italy. That is a tremendous engine of productivity, the U.S. economy.

One thing that concerns me about the President's proposal that we heard last night, with all of the new taxes and the increases in existing taxes, is whether or not we are going to inhibit growth in the future, so we end up losing the ability as an economy to continue to produce more jobs. Last year our economy produced 1.3 million new jobs. Our growth rate in just the last quarter of last year was 3.8 percent. If you look at the economies in Western Europe or elsewhere, in the Pacific Rim, you will not find an economy that is that robust and is growing with that kind of strength.

In Europe they think our economy is in the pink. But if you follow the Clinton plan, you are going to push us deeper in the red. The fact of the matter is the new spending that is being requested and being called an investment is going to add to our Federal debt. That is going to have adverse effects on our economic future. Rather than to stimulate growth, that is going to inhibit growth.

The new taxes concern me in that they are going to have an adverse effect as well. If you look at the size of the tax increase that is being suggested, and here in the clear light of day we can have an opportunity to analyze the proposals that were made last night—and I must say that the proposal last night to soak the rich in the clear light of today means that all of the middle class is going to end up getting wet. The taxes are going to fall on everyone, and our entire economy is going to have to sustain the burden of paying more taxes under the proposal that has been made.

One of the facts that came to light today is contained in a Backgrounder report, issued by the Heritage Foundation. "New taxes and increases in existing taxes account for 72 percent of the total package" proposed by the President, "a net increase of $243 billion over the next 4 years."

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a copy of this report from the Heritage Foundation, "Clinton's Budget: Higher Taxes and More Spending," be printed in the RECORD.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. President, I hope we will renew our commitment to work together, to work with the President, to sustain the challenge of strengthening our economy and reducing the budget deficit. Those are important goals. They were outlined by the President. We share those goals with him.

I hope we can do our part to restore confidence in our Government and strengthen our economy by making sound economic policy decisions in the months ahead.

### EXHIBIT 1

### CLINTON'S BUDGET: HIGHER TAXES AND MORE SPENDING

(By Daniel J. Mitchell and John M. Olin Fellow)

### INTRODUCTION

President Bill Clinton last night proposed the biggest tax increase in American history as part of what he claimed is a balanced $493 billion deficit reduction package. Stripped of rhetoric, however, the package is neither balanced nor would it generate the level of budget savings Clinton implied. Once proposed spending increases are included, the actual level of deficit reduction falls to $339 billion over four years.

Most disappointing, not one penny of the proposed deficit savings comes from net reductions in the most rapidly growing portion of the budget—domestic spending. Indeed, the Clinton proposal calls for domestic spending programs to receive a net increase of $10 billion over the next four years. That increase, incidentally, would be above the $245.5 billion of additional domestic spending already included in the baseline budget projections against which the Clinton budget measures its tax increases and pending "cuts."

Clinton's package relies almost completely on tax increase. New taxes and increases in existing taxes account for 72 percent of the total package, a net increase of $243 billion over the next four years. Projected defense cuts generate 22 percent of the savings, $75.5 billion over four years. Assumed reductions in federal interest payments, meanwhile, are projected to equal about 430 billion, or 9 percent of the total. (The percentages total 103 percent due to the fact that higher domestic spending lowers the aggregate level of deficit reduction by 3 percent.)

### CARTERNOMICS, PART II

The Clinton package marks a stark return to the failed tax-and-spend policies of the Carter administration. The revenue portion of the package includes at least 53 separate tax increases, 27 of which the Administration dishonestly counts as spending cuts. The tax increases include a new 36 percent tax rate which would be imposed on families making more than $140,000, rather than on those at the $200,000 level, as Clinton promised during the campaign. The Clinton plan further unravels the 1986 Tax Reform Act by creating an additional "millionaires'" surtax that would impose a 40 percent marginal tax rate on income over $250,000.

Incentives to work, save, and invest will be further diminished by proposals to impose a 2.9 percent Medicare tax on incomes above $135,000 and to increase the corporate tax rate from 34 percent to 36 percent. The middle class would be particularly hard hit by a proposed tax on the heat content of energy sources. This tax, estimated to raise more than $71 billion over the next five years, will add 7.5 cents to the cost of a gallon of gasoline, boost home heating oil by 8.25 cents per gallon, and increase the average consumer's electric bill by $27 per year. The $71 billion cost to consumers does not count, moreover, the unavoidable increase in the price of every good and service produced in the American economy.

Hidden Tax Hikes. Notwithstanding Administration talking points heralding "a new era of integrity . . . in the budget process," the Clinton budget deliberately attempted to understate the size of the proposed tax increase by falsely classifying at least 27 tax increases as spending cuts. Among these tax increases were the proposed increase, from 50 percent to 85 percent, in the share of Social Security benefits subjected to taxation. This proposal, which is projected to raise $21.4 billion of new revenue over the next four years, will discourage senior citizens from continuing to engage in productive economic activity after retirement. Other tax increases Clinton counts as spending cuts include the monthly Medicare tax paid by senior citizens, as well as taxes on banks, pharmaceutical companies, importers, and stockbrokers.

Budget Gimmicks. The Clinton plan also contains a startling number of accounting tricks and phony assumptions to generate savings. The budget magically assumes $1 billion of savings through better management of Veterans Administration hospitals. "Other administrative savings" supposedly will generate $7.7 billion of deficit reduction, while "Streamlining Government" allegedly will reduce spending by $7.9 billion. The Administration proposes to save $11.5 billion by exchanging longer-term government debt for shorter-term debt. If, however, interest rates happen to rise—they are now at twenty-year lows—this proposal will increase spending. Improved IRS tax compliance efforts (needed to guarantee more of what the President euphemistically calls "contributions") are somehow assumed to raise almost $1 billion.

These gimmicks are joined by proposals which save money, but only by pushing the spending into future years. Included in this category are proposals to move Medicare payments to hospitals onto a calendar year basis. This proposal, which does not change the federal government's liabilities, is counted as a $4.6 billion spending cut. Another $5.1 billion is "saved" by ending the lump-sum benefit for federal retirees. Once again, however, the proposal simply shifts spending into future years. All told, at least $38.7 billion of Clinton's budget package comes from budget gimmicks which are counted as reductions in domestic spending.

More Domestic Spending. In an effort to portray the package as balanced, Clinton referred to 150 "specific" spending cuts. He did not tell the American people, however, that many of these "cuts" were really tax increases and budget gimmicks. Even more troubling, Clinton did not point out that his supposed domestic cuts are offset by more than 131 proposals to increase domestic spending by a total of $123.7 billion.

All told, proposed increases in domestic spending outweigh the proposed "cuts" by about $10 billion over the next four years. If the $38.7 billion of budget gimmicks and phony cuts are excluded from the calculation, however, the net increase in domestic spending climbs to almost $50 billion (Reminder: baseline projections already include $245.5 billion of higher domestic spending between 1993 and 1997).

Bigger Deficits Predicted. Even if all of the White House's assumptions are accurate, the Clinton budget signifies a significant increase in the size and cost of the federal government. If a dose of reality is allowed, however, a terrible package becomes even more frightening. A Joint Economic Committee report found that every dollar of higher taxes since 1947 has resulted in $1.59 of higher spending. This statistical survey is supported by recent history. Tax increases in 1982, 1984, 1987, and 1990 all were enacted for the alleged purpose of deficit reduction. In every case, however, the deficit rose the following year because lawmakers could not resist the temptation to spend the expected new revenues. Nowhere in the Clinton plan are there any proposals or mechanisms to counter this propensity of higher taxes to trigger more spending and higher deficits.

The Clinton plan also relies on static models to generate revenue estimates. All of the tax increases, including the increases in marginal income tax rates, are assumed to have no impact on the behavior of taxpayers. In the real world, however, individuals and businesses already have been adjusting their behavior to protect their earnings and lighten the expected burden of higher taxes. As a result, even though the Clinton proposal contains a very steep increase in the nation's tax burden, the actual amount of money the government collects may fall if enough workers lose their jobs and the taxable incomes of individuals and businesses decline. One does not have to travel very far back in time to find an example of a tax increase that lost money. The 1990 budget deal was supposed to raise about $175 billion of new revenue over the 1991–1995 period. Instead, tax revenues fell by more than $3 for every $1 the ill-fated deal was supposed to raise.

### CONCLUSION

Higher taxes did not work for Herbert Hoover, Lyndon Johnson, Jimmy Carter, or George Bush, and there is no reason to think they will work for Bill Clinton. If enacted, the Clinton tax hike will fuel more federal spending, destroy jobs, undermine America's international competitiveness, reduce economic growth, and increase the budget deficit.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, on behalf of our leader, let me say where we are with this special order. We have, I believe—what is the remaining time?

The PRESIDING OFFICER. The Senator has 69 minutes left.

Mr. SIMPSON. There are 69 minutes left, and we have, perhaps, if all of them were attentive to their duties, we would have probably 11 Senators who may wish to have further remarks. So I hope that we would accommodate each other from that aspect. Some had indicated they wished 5 minutes; some had indicated they wished 10; some extended the time to 15 or 20. But to accommodate our Members, it will be necessary for everyone to be attentive to time restraint. I thank my colleagues for trying to observe that and yield to Senator SMITH, my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I thank the Senator from Wyoming.

I feel, as the American people listen to the debate and they see all of us here as Republicans taking on the President, it will be construed as strictly partisan but not really looking into the facts as the facts themselves dictate they need looking into. The problem is, we cannot afford to be wrong. If the President is wrong with what he is doing, America could very well be bankrupt in the very near future. And I just want to state for the record that when a Republican President a little over 2 years ago proposed a tax increase, I opposed him. Because tax increases will not work. They will slow the economy down.

The American people heard quite a speech last night. As the headline in the Washington Post noted this morning, President Clinton asked Americans to "face facts." The President told the American people the facts as he sees them, and I would like to take this opportunity this afternoon to talk about the facts as this Senator sees them.

Candidate Clinton promised a tax cut for the middle class. That is a fact. Last night, President Clinton promised a tax increase on those same families making more than $30,000.

Candidate Clinton pledged that he would cut the deficit in half by the year 1996. That is a fact. Last night, President Clinton presented a plan that will, when all is said and done, I believe, increase the deficit and increase it dramatically.

Candidate Clinton said that he was an agent of change and last night President Clinton sounded more like an IRS agent out to shortchange the American taxpayer and leave him with nothing more than change in his pockets.

Regrettably, the President proposed the largest tax increase in American history. It included higher income taxes, new energy taxes, additional taxes on Social Security benefits, surtaxes on some incomes, and an increase in the corporate income tax. Under this plan, any individual, young or old, male or female, who makes more than $30,000, will be asked to pay more taxes. That is a fact.

Mr. President, there are two very simple economic facts that were left out of the President's speech that every concerned American who is concerned about his or her country needs to know.

Fact No. 1, higher taxes destroy jobs. Fact No. 2, higher taxes will increase, not decrease, the deficit. This is not conjecture.

Let us talk for a minute about job creation. I have never in the 8½ years that I have had the privilege of representing the citizens of New Hampshire in the U.S. Congress, never received a call from a New Hampshire corporation that says: "Senator SMITH, if you could raise the corporate income tax just a little bit, I'd really have an incentive to add some new jobs." I have not heard that. Maybe some of my colleagues have.

I have never received a call from a New Hampshire small business person in which they said: "Senator SMITH, if you can see fit just maybe to increase the cost of energy a little bit, I'd gladly hire a few more employees." No, I have not had that either. It does not work that way in the real world. In the real world, thousands of people are out of work because 2 years ago we decided "to make the wealthy pay their fair share" with a luxury tax, and what happened? They cut down on the purchase of boats; they cut down on the purchase of aircraft; and they cut down on the purchase of cars. And the people who made those cars, planes and boats lost their jobs. That is a fact.

In the real world, I read headlines in New Hampshire papers and here is what they say: "Experts Fear Energy Tax Will Hurt State's Businesses." That is a fact. I agree. Let us face facts. These taxes are not being proposed to create jobs in the economy. The truth is, new taxes have and always will be used to feed an insatiable congressional appetite for higher spending, whether that spending be entitlements, pork, defense, you name it; the insatiable desire to spend more if you can get your hands on it. That is history; that is a fact.

That brings me to the second economic fact: Higher taxes will increase the deficit. Some say, why? If we raise the taxes, we put them on the deficit, pure and simple. According to a study done by the Joint Economic Committee, history shows every dollar in new tax revenue has resulted in $1.59 in new spending. That is a fact. Last night President Clinton proposed more than $250 billion in new taxes and that is just a conservative estimate. That means the American people can expect on the basis of $250 billion that another $400 billion of Federal dollars will be spent. Why can we not learn from history? Why do we have to continue to make the same mistakes over and over again? Republicans just did not make up the tax-and-spend label for fun. It happens to be true. We have not had a chance to govern with a Congress, a Senate and a President to allow our theories to have the opportunity to work or fail.

I believe it happens to fit the President quite well. He likes to call it sacrifice and investment. But the message is identical. He asked for sacrifice, not from the Government, but from the taxpayer. Taxpayers are always asked to sacrifice but, it is they who are being sacrificed on the altar of spending. In short, President Clinton believes that the Government knows best. He believes that the Federal Government should decide when, where and how the hard-earned income of the American taxpayers should be spent.

Mr. President, the taxpayers of New Hampshire respectfully disagree. My constituents are tight with their tax dollars and rightfully so. The New Hampshire Government balances its budget every year. "Live free or die" is a way of life in the Granite State. The people of New Hampshire are not unpatriotic. Their opposition to taxes is not un-American. They just have a better handle on the situation than the many experts I talk to around Washington. They want to see an attack on runaway spending before Uncle Sam attacks their wallet.

The Federal Government is projected to spend $6.3 trillion over the next 4 years. Last night President Clinton promised to cut spending by $250 billion over 4 years. I looked at the list this morning and many of those items are identical to the cuts proposed by Reagan and Bush that we have been telling the American people for years ought to be cut and we have been telling those on the other side of the aisle ought to be cut and they should have been. Those cuts were called gimmicks when we talked about it.

Let us give them the benefit of the doubt. Even if Congress approved all the cuts, which would be unprecedented in the history of America, it would represent a 4-percent reduction, and that does not include increases in spending, which are called investments. We heard about more spending for infrastructure for community development. We heard about a new domestic Peace Corps for education where everybody is going to get a college education and be able to work it off. How much is that going to cost?

It is a worthy goal to have everybody have an education, but who pays? Where are the cuts here? We should face facts, Mr. President, we do not have any money to invest. Interest payments alone consume 61 percent of all personal taxes. Do you know what that means? Think about it. If you as a person working had to pay 61 cents of every dollar you earned in salary to interest on your credit card, interest on your mortgage, interest on your car and had 39 cents for everything else, that is the equivalent of where we are.

Mr. President, this Nation is on the verge of financial disaster. Every man, woman and child in America is $16,000 in debt. This plan has a little bit of everything in it. It has tax increases; it has tax incentives; it has spending cuts; it has spending increases. There are so many different numbers floating around it is difficult to know exactly what the plan would do and, frankly, I do not know how anybody could possibly know what it would do or what the impact would be.

The ultimate measure of success or failure of this plan will be measured by one thing and one thing only: Deficit reduction. If it is a success, it will reduce the deficit. If it is a failure, it will increase the deficit. That is the bottom line.

We have already tried raising taxes to solve the problem. It did not work in the past. It will not work in the future. Again, we have not learned from history. During the campaign candidate Clinton said that the Federal Government is too big and it costs too much and he was exactly right. Unfortunately, the American people heard from President Clinton, not candidate Clinton last night. And that, Mr. President, is the saddest fact of all.

Mr. President, we are headed for disaster. The numbers in this plan do not add up. If Mr. Clinton is wrong, we could lose America. That is how bad it is. If this deficit is not reduced and continues and this debt continues to consume us, and the American people, if it continues to consume a greater and greater proportion of the income we take in, we are headed on the fast track for bankruptcy.

I urge my colleagues to examine very carefully this plan, and I urge the American people to examine it very carefully, weigh carefully, look for the spending cuts. We have to get these spending cuts through the Congress and it is easier said than done.

What you might see in the overview here is that there is an attempt to spell them out, but when push comes to shove and we have to make these cuts, will the Senate, will the Congress have the guts to make the cuts? You may wind up with the Senate and the House having the courage and the President to increase your taxes, but will they cut spending? And that was the fatal flaw in the speech last night. If President Clinton had come out and said I have 150 cuts and they total $150 billion, $250 billion, whatever billion dollars, and I would like you to approve them, and when you approve them, we will move on, then he would have had a good speech and a good program, but that is not what we got.

Thank you, Mr. President. I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, do I need to ask consent to proceed as in morning business, or is that the ruling?

The PRESIDING OFFICER. The Senator has a right to speak on time controlled by the Senator from Wyoming. The Senator from Wyoming controls 56 minutes, 38 seconds.

Mr. DOMENICI. I yield myself as much time as I might need, but I would like the Chair to remind me when I have used 10 minutes, if you would, please.

### DEFICIT REDUCTION

Mr. DOMENICI. Mr. President, first I want to thank the President of the United States. Last night in his speech to the Congress, he indicated that there was a willingness that we have a bipartisan involvement in this budget reduction exercise. I was not too sure that is what anybody wanted in the White House, but when I hear it from the President, I believe it. I think it is a little late, but I do believe we have some constructive things to offer.

I would like today, since so many numbers have been used even by some of us, because it is very difficult to get all of the facts, I would like to do my best today to lay before the Senate what I think this package of deficit reduction really is with reference to taxes and spending cuts.

Before I do that, I want to congratulate Budget Director Leon Panetta for a statement he made this morning substantially correcting many news stories that indicate that the size of the deficit reduction was $500 billion.

Many of us looked at these numbers, and we said "That cannot be true," and we began to decide it was not true. And the Budget Director today said it is not 500. So let us make sure we understand. Using our Budget Director, Leon Panetta's numbers, he now says it is 325—not 500 billion, 325. The reason is pretty obvious. This package has within it a very large increase in spending. And that was not taken against the deficit reduction.

Then there are some tax incentives that were not counted, and they reduce the deficit application of tax revenues. So essentially the $500 billion that is in many newspapers across the land for the size of the reduction is off by $175 billion according to our OMB Director.

I congratulate him, when the mistake was found, for stating it rather quickly. I regret that many people might be thinking that we have a very large deficit reduction package when as a matter of fact it is much, much different from the early stories and from what the President told us last night in the joint session.

I thank the Republican leader one more time for his statement on the floor. He also urged bipartisan support, and I believe he gave 6 or 7 items that are right out of this budget that put up some questions for Senators and the American people to understand and to look at before we move too quickly with this package.

Having said that, I want to make just an overview for our people and for the Senators based on this premise. We have had three major deficit reduction packages that I am aware of, and each time we asked the American people to pay a substantial amount of new taxes. Each time we were convinced that the deficit was going to come down, and each time we were wrong; the deficit went up.

Now, actually, we are being told this is different.

Mr. President, I am not at all certain it is different. Let me share this with you. When we closed out 1992, the deficit was $292 billion. Now, when we are finished, Mr. President, with this very large reduction, the deficit will be $241 billion. So for all of these new taxes—and they are clearly in excess of $360 billion gross, $279 billion net new taxes, and the alleged cuts in domestic spending, entitlements and otherwise, and cuts in defense—the deficit will be $241 billion 4 years from now. That is the numbers of the OMB Director of the United States. So before we really think this package is getting the deficit under control, I hope everybody understands that we are going to actually reduce this deficit as compared with 1992 by about $50 billion. So I hope everybody understands after we vote for all this, if we are going to, and if the public says let us do it, we will reduce the deficit by about $50 billion.

Now, you should also know that these are not my numbers. I think they are low. But I will use them anyway. After we have done all of this, Mr. President, the deficit in the year 2002—10 years—will be up. It will be up to $400 billion or more. So I think it is very important everyone understand that we are going through an exercise that allegedly says we are getting the deficit under control, sacrifice, and pay a lot more in taxes because it is really going to fix the deficit, and when we are all finished the deficit will be going up again in the fifth year after we started this very big undertaking.

Now, Mr. President, I am not going to go into a lot of detail, but I want to set out for this record what I believe we are cutting in this budget and how much we are raising taxes.

Everyone should understand that the President spoke the truth last night when he used well over half of his speech to tell us all the new things the Government was going to do for us. I hope nobody thought that was going to be free, because, Mr. President, the new growth in this budget for additions by way of expenditures on the domestic side is in excess of $129 billion, I say to my friend, Senator GORTON. So while we are all encapsulated with the vision of cutting the budget, and we are concerned about it, reducing the budget by cutting expenditures, the reason OMB Director Panetta was off is he forgot to put in the new expenditures, and over the budget cycle of 4 years that is $129 billion in new additional expenditures.

Now, somebody says that is your plan for reducing the deficit? Well, I would say to my friend maybe we could start by saying let us not increase the expenditures. Let us see what that will do. If you pull that out you are getting close to a real package.

So everybody should understand, in the name of deficit cutting, there is a huge new series of expenditures, and then we should know that we are going to be asked right quick, so we do not have a lot of time to waste here, to declare a national emergency under the Budget Act, which we have not done in the 3 years it has been in existence, so that we can pass an emergency spending package in excess of $14 billion. And I will put in the RECORD a list of what that is because we are engaged in a very serious undertaking. We are being told that what we used to call spending, when it is proposed now, it is not spending. It is an investment. I really am not sure that the American taxpayer, who is going to be asked to pay $360 billion in new taxes, understands the difference between their money going to the Government so we can spend it on a Government investment. I think both are spending. In fact, I have difficulty today telling you what is not an investment in the Federal budget.

I just do not know what they are because one of the best investments around is the National Institutes of Health. We have not increased them any.

I yield myself 5 more minutes.

Mr. GORTON. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. GORTON. He is addressing some of his remarks partly in my direction. I also heard his excellent presentation at the other committee this morning. I would like maybe two or three figures so that other Senators and the people of the country can understand all of this.

Do I understand the Senator from New Mexico as having said the total of the new taxes before any of the tax cuts included in this program is $360 billion over the course of the next 4 or 5 years?

Mr. DOMENICI. The Senator is correct. I am using a figure of speech when I say "gross." Let me not do that. Let me say new taxes are going to be imposed $360 billion by their plan.

Mr. GORTON. Do I understand that the Senator from New Mexico says that there is almost $130 billion during the same period of time of new spending programs?

Mr. DOMENICI. The Senator is absolutely correct.

Mr. GORTON. Do I also understand—I think the implication, but I want the Senator to be specific on this—that that is only new spending programs? That is not the normal increase in all of the existing spending programs.

Mr. DOMENICI. Good question. That is new spending over the baseline which was the baseline of Government. Some are in brand new programs that we do not have yet. Much of it is just adding to existing programs, like community development block grants. We used to think that was spending. But it is increased in the first year by $3 billion and it is called an investment. We have a myriad of those equaling $129 billion in new spending.

Mr. GORTON. Could the Senator from New Mexico tell me how much of the reductions in spending about which we are talking comes exclusively out of national security and national defense?

Mr. DOMENICI. I would like very much to make sure that at least my interpretation is spread on this record. I think it is right.

President Bush in response to the 5-year agreement already had in place $74—let us round it—$75 billion in additional defense cuts that have to take place. The new cuts on top of that are $112 billion over 5 years, not $60 billion as somebody told us—$112 billion. So that when you add them up, defense is taking $186.8 billion in cuts that are built into this package as part of the deficit reduction.

Mr. GORTON. As against that $186 billion solely out of national defense, and rather dangerous and unsettling times in the world, how much is the total, the comparable total of all domestic spending cuts?

Mr. DOMENICI. Let us use this one. The reductions in nondefense is $70.9 billion. Shall we call it $71 billion?

I regret to tell you the add-ons are $144 billion. So there are no cuts in domestic programs, domestic discretionary programs, even though we talk about individual cuts. The programs in total will go up $73.5 billion. So there is no reduction. It is an increase of $73.5 billion.

Mr. GORTON. Will the Senator from New Mexico tell me, in a sense with an illustration, what some of these so-called domestic cuts are? I picked up this morning's newspaper for example. I see one of the larger so-called cuts calling itself an increase in Food and Drug Administration user fees.

So now if I get it straight, are we counting as cuts no reduction in Federal services or Federal employees but just the fact that many business enterprises get charged more money called fees rather than taxes?

Mr. DOMENICI. My good friend always asks wonderful questions. Frankly, I do not choose to call it user fees; increased charges to the public of America for services that America is rendering, increased charges, I think more like taxes. They are revenues to the Government.

So I did not even include them in this. Right here is the number, $224.5 billion in new revenues from user fees. That is on top of all of this that I have been telling you about.

Mr. GORTON. Would the Senator from New Mexico agree with the Senator from Washington that essentially whether we call it user fees or taxes, that these are going to get paid by the American people because the business enterprises that pay them are going to have to add them to their prices?

Mr. DOMENICI. There is no question about that. Aviation user fees, tonnage duty fees, SEC registration, grazing fees, a new hard rock mining fee, those are listed in the budget of the President as cuts because they are offsetting receipts. I list them as taxes.

Mr. GORTON. May I just ask one set of final questions?

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from New Mexico has finished using his 5 minutes.

Mr. DOMENICI. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. This will be my last set of questions.

I would like to sort of summarize all of this. I believe the Senator from New Mexico has told me that there are $360 billion over this period of time in new taxes. He has also told me that there is this huge cut in the defense budget of more than $180 billion but that by the time we have totaled up the modest reductions in domestic spending, and the huge new spending programs, at the end of this 4-year period we will only have reduced the deficit by $50 billion or about one-sixth of what it is right now. Is that correct?

Mr. DOMENICI. The answer is yes. I want to be sure we are absolutely fair. The deficit I built that off of is the end of 1992, and the reason I do that is that is the only one we really know. The next one is guesswork. It is 1992. It will go down by $50 billion over the period of this budget after we have gone through all of these things including the enormous defense cuts.

Mr. GORTON. We will continue to pay all of these new taxes, as I understand it, but soon after that year, after the $50 billion deficit decreases have taken place, that deficit goes back up and in just a very few years after that, it is higher than it was in 1992 in spite of all of these new taxes?

Mr. DOMENICI. I used the number that the Budget Director provided us, I have no reason to doubt them. They go up to $400 billion rather than coming down.

Mr. GORTON. All these new taxes and the net result a few years down the road is a higher deficit than we have now.

Mr. DOMENICI. That is correct.

Mr. GORTON. I thank the Senator.

Mr. MACK. I wonder if the Senator will yield for one additional question. I certainly appreciate the information that has been shared here this afternoon.

One of the things that we heard President Clinton say a number of times last evening, and which certainly has been repeated a number of times today, is that he is cutting 150 different programs. In looking at the Senator's material, defense is cut $112 billion more than what President Bush had suggested. I think the Senator suggested that was around $74 billion.

Mr. DOMENICI. That is right.

Mr. MACK. Then we look at the nondefense areas. We see there is a net increase in nondefense expenditures of almost $73.5 billion.

That then leads me to raise this question: Does the Senator believe that the 150 different programs President Clinton proposes cutting are primarily being cut in defense.

Mr. DOMENICI. No. I say to my friend that they are coming out of domestic programs. See, it is reduced $70 billion here. The only problem is, it goes up much more. You have a lot of little programs getting cut, administrative costs being saved—all of which we praise, right—and freezes here and there. We say we ought to be doing that. We have user fees counted as domestic cuts, so it is not defense on that. Defense is encapsulated in 112 plus 74. There is plenty to go around on the defense side. We do not know the details of that yet, so we cannot share very much with you.

Let me make one last point. I say to fellow Senators and to the American people that might hear me, wherever, I am speaking from, that giving every benefit of every doubt to this program, it is a taxing program, not a spending cut program.

I want to go through this and show you what I come up with. My ratio that I have arrived at is $1 in taxes for 44 cents in reductions, and that really—I am giving every benefit of the doubt to the way they presented their case; it is actually less, but I am saying that—that comes about because their defense cuts are only $112 billion. To take credit for the Bush cuts is to take double credit for the previously agreed upon cuts.

The nondefense is up, not down. These entitlement programs, when you look at them and you finally get them in place, it is $60 billion. And we are not quite sure exactly how that is going to be done, but a big part of that is Medicare. I think I heard the President say we were not going to reduce services and we were not going to charge anybody any more than they are paying. So there is going to be some kind of freezes and caps and things to get that.

But that is about where you get all of the savings. So it is $1 in new taxes, and we have netted that tax out to 44 cents in budget reductions.

(Mr. WOFFORD assumed the chair.)

Mr. MACK. Mr. President, if the Senator will yield for another question in the area of entitlements, and he mentioned Medicare a moment ago, we did hear, leading up to the speech, that roughly $35 billion over a 5-year period has been projected for savings in Medicare. Those, I think, are going to be basically directed at providers, hospitals, and physicians?

Mr. DOMENICI. That is correct.

Mr. MACK. In the numbers that the Senator has seen, have the additional Federal budget costs as a result of the decision the President made that affects Medicaid payments to the States been taken into consideration?

Mr. DOMENICI. Well, I think in these nondefense add-ons, we would have taken that into consideration—no, I think not. I think they are an additional item. The President of the United States said that the Bush rule which said you will not compensate, by way of matched dollars, States for Medicaid if they are taxing the providers to raise internal money and then ask you to match it. It all goes to Medicaid anyway. The President has said the Governors want that very much because it yields a lot of new revenues by way of Medicaid reimbursement. That is somewhere between $1 billion and $2 billion.

Mr. MACK. Annually. That would be an additional $30 billion in additional spending that is not accounted for in your chart?

Mr. DOMENICI. Yes. I would think so.

Mr. MACK. I thank the Senator.

Mr. DOMENICI. Mr. President, I think everybody knows that is annual, and it is not going to stop. When and if we get reform, it is supposed to all be changed. So being honest, maybe it is not going to go for 5 years. But unless and until you have that reform that delivers the service much cheaper, it is going to do that.

Mr. MACK. But if you are going to be counting the savings of $35 billion in Medicare because of the treatment of hospitals and physicians, then it seems to me it might be fair to include in your discussion the fact that there really is an offset that could be as high as $30 billion over that 5-year period which basically could almost entirely wipe out the proposed savings in the health care area.

Mr. DOMENICI. I close by saying that there is no question that the deficit is ravaging America. There is no question that we ought to do something about it. I merely submit that there is a lot of question about a program that is supposed to bring jobs and prosperity, both short-term and long-term, that is this heavy on taxes and this light on real savings, other than defense.

I submit that the defense cuts are so large that in the short-term, there are going to be more jobs on the street, job seekers on the street, because of these big, big defense cuts than we are going to get in the so-called new Government jobs, by the expenditures that we are being asked to add to our current expenditures. I really believe that short term.

Yet, I am not suggesting that we have to keep defense at its current level. I am merely trying to point out a few anomalies in a so-called jobs production package that is built around new expenditures of the Federal Government and new taxes, with a few incentives built in here and there that are supposed to be the stimulus.

I wish it would work. I mean, if we do it, I hope it blossoms. But I really think it will not. It is for that reason, as I have done many times, that I share as honestly as I can with the Senate both the numbers, the background, and my conclusions. They are no better than my understanding and what people tell me, but I believe that we are on the wrong track with this much in new taxes and this little in actual real cuts, other than defense.

I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. NICKLES. We still have several Senators wishing to speak. I ask unanimous consent that we extend the period of morning business for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I will try to be brief because I know several of my colleagues wish to speak. I compliment the Senator from New Mexico for his outstanding statement, as well as the statement that was made earlier today by Senator DOLE.

I hope the press will take a look at the facts and figures that are now coming out about the President's speech that was made last night.

I begin by stating one of the speech's lines I applauded, and I think all of our colleagues were excited about. The President said:

> Let's not place blame.

He said:

> There is plenty of blame to go around in both branches of Government in both parties. The time has come for the blame to end.

He said:

> I do not seek this office to place blame. I come here to accept responsibility, and I want you to accept responsibility with me. And if we do right by this country, I do not care who gets the credit for it.

I think that's fantastic. But I must say, I was kind of disappointed when I began reading "A Vision for Change for America," in which he states on page 5:

> Twelve years of neglect have left the American economy suffering from stagnant growth and declining incomes. The average American family * * *

And on and on.

> They have left a mountain of debt.

He continues to say, "they—they—they!" I assume that means the last administration, or the last couple of administrations.

You can't tell from the speech last night that 118 million Americans are employed. In 1982, we had 99 million people employed. That's a growth of 19 million—new jobs. That's real job growth.

I don't know that you can tell from the comments last night, or the comments made earlier today, that last year alone the economy created 1.5 million new jobs. I heard the President talk about how he is gong to create

500,000 jobs in 1993 and 1994. I say: Wait a minute. Maybe people don't realize this, but last year we added 1.5 million new jobs without any Government spending for stimulus.

The increase in gross domestic product last quarter was 3.8 percent. The quarter before that it was 3.4 percent. We have an economy that is growing. I'm excited about that. That's good news. That means the deficit should be coming down, because most projections believed the economy would be fairly stagnant and the deficit would be larger.

I make these comments, because I think it is important to look at facts. All I am talking about today are facts.

Last night we heard about the need to make contributions to reduce the deficit. I agree we need to get the deficit down. We heard a lot of comments in support of raising taxes. But as I look at this chart, taxes as a percent of GDP have been pretty constant.

The problem with our deficit is that spending has been growing. If you look at the past several years, spending has increased dramatically. The problem is not that revenues are not high enough. The problem is we are spending too much.

Then, Mr. President, we heard time and time again last night about a program of spending cuts and tax increases to get the deficit down. Unfortunately, one major piece of the equation was left out. The President forgot to mention that he has a lot of new spending in his program.

I think the American people would probably agree with some tax increases if there were real spending cuts to go along with them to bring the deficit down. That would be shared responsibility. That would mean we're going to get the deficit down. But what the President really did not enunciate last night, with all his tax increases and with all his big spending cuts, the deficit will go up in 1993 by $13 billion. He also not tell you that he moved the baseline up so really the deficit will grow by $22 billion. Senator DOLE alluded to this fact—the moving baseline, because under the President's budget they moved the baseline and they moved it significantly.

Mr. President, I will ask unanimous consent to print in the RECORD at this point a table that shows the growing baseline that the President has created.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE CLINTON BUDGET PLAN—HONEST BUDGETING OR PHONY BASELINES? TAKING CREDIT FOR PREVIOUSLY ENACTED DEFICIT REDUCTION

Deficit reduction plans are most frequently judged on the amount they cut from the current-law deficit "baseline". When President Clinton presented his budget plan, he utilized a phony "uncapped" baseline created by CBO. The Clinton uncapped baseline assumes that the discretionary spending caps, enacted in 1990 and the law of the land until FY 1997, no longer exist. Why would President Clinton choose to use a baseline which doesn't reflect current law?

If you compare the Clinton uncapped baseline with CBO's current-law January 1993 baseline, you will see that President Clinton is trying to claim credit for $101 billion in spending reductions already locked in by the 1990 Budget Agreement.

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1993–98 |
|---|---|---|---|---|---|---|---|
| Clinton "uncapped" deficit baseline | $319 | $301 | $296 | $297 | $346 | $390 | $1,949 |
| CBO January 1993 deficit baseline | 310 | 291 | 284 | 287 | 319 | 357 | 1,848 |
| Deficit reduction locked in by the 1990 budget agreement | (9) | (10) | (12) | (10) | (27) | (33) | (101) |
| Deficit reduction claimed by the Clinton budget plan | 13 | (39) | (54) | (92) | (140) | (148) | (460) |
| Deficit reduction realized by the Clinton budget plan | 22 | (29) | (42) | (82) | (113) | (115) | (359) |

Prepared by the Office of U.S. Senator Don Nickles on 18–Feb–93.

Mr. NICKLES. Mr. President, I would also like to mention the new taxes, yes, which incidentally break the President's pledge. He said: "I'm not going to tax the middle class," but he certainly is. He also says there are spending cuts in his plan but those cuts are pale in comparison to the spending increases.

Let me just read off a few of the spending increases the President has promised which have every single group out there, including the members of Congress, applauding. The big spenders in Congress got excited last night when the President said he was going to spend more money. Every time he said it he was applauded.

The increases include: Federal highways over 4-years, $8.4 billion; Community Development Block Grants, $2.5 billion; mass transit, $1.2 billion; clean water funds for the States, $2.7 billion; the WIC Program, women, infants and children, $2.6 billion; Head Start, $9.3 billion; dislocated worker assistance, $4.6 billion; unemployment compensation, $2.4 billion; AIDS initiatives, $8.2 billion; food stamps, $9 billion, crime initiative, $2.3 billion; summer youth jobs, $2 billion; national Service, $6 billion; education reform, $6.2 billion, and I have to stop, Mr. President, because I ran out of room. I will submit a full list for the record at a later point after we have time to really analyze this program.

So the President is proposing an explosive spending program paid for with a lot of new taxes. I do not know if my colleagues realize this, but this is the largest tax increase ever proposed in American history.

Let me give you the facts. The facts are that the tax increase is not $246 billion. It's $360 billion, and if you add $36 billion in the user fees and other receipts gross tax increases are $396 billion. The President also proposed tax cuts of $83 billion, so the net tax increase over the next 5 years is $313 billion.

Fifty-nine percent of the President's so-called deficit reduction package is in the form of tax increases.

With regard to the President's spending cuts my chart shows a domestic cut of $71 billion and entitlement cut of $78 billion, but also new domestic spending of $144 billion and new entitlement spending of $18 billion, for a total of $162 billion of new additional spending.

The President's program, in short, is massive new taxes and massive new spending. It will not decrease the deficit. These tax increases on corporations, the middle class, and energy will put people out of work.

One example: The Btu tax. The cost of the Btu tax on the airline industry alone is $1½ billion. The airline industry is already losing money. They are a big employer in my State, and this is a heavy hit. The automobile industry is also losing money. This tax will be a dramatic increase for the automobile industry. I'm not sure they can pass it on. This tax increase will cost jobs. It's very similar to the tax package we had in 1990 and that package cost jobs. I hope we won't make that mistake again.

Mr. President, I ask unanimous consent to print this chart in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE CLINTON BUDGET PLAN: NEW TAXES AND PHANTOM SAVINGS

| Deficit reduction category | Fiscal years 1993 to 1998 | As a percentage of total |
|---|---|---|
| New taxes[1] | $360 | 68 |
| User fees and other receipts | 36 | 7 |
| Tax cuts | (83) | −16 |
| Net new revenues | 313 | 59 |
| Defense cuts | 187 | 35 |
| Domestic cuts | 71 | 13 |
| Entitlement cuts | 78 | 15 |
| New domestic spending | (144) | −27 |
| New entitlement spending | (18) | −3 |
| Net new domestic spending | (13) | −2 |
| Debt service savings | 46 | 9 |
| Total deficit reduction | 533 | 100 |

[1] Includes increased taxes on Social Security.

Items represent change from CBO's uncapped baseline.

Items which increase the deficit are shown in (parenthesis).

Data provided by Senate Budget Committee minority staff, and compiled by the Office of U.S. Senator Don Nickles.

Mr. NICKLES. I yield the floor knowing I have several colleagues who wish to speak.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I too want to address this issue of the President's economic plan. Mr. President, the economic plan being floated by the new administration I feel represents broken promises, false advertising, and very definitely the wrong remedy for a frail economy. In my view, America should insist that it be returned to the drawing board.

The package reflects an about-face from the promises made to the American people. We expected to see a more effective Government with fewer dollars. Instead, Government will continue to grow as we tax and spend as we always have. This very day, before the Budget Committee, and I am a member of that committee, Deputy OMB Director Alice Rivlin admitted that one way to look at this package is that we are raising taxes to spend more.

Quite frankly that is a very candid comment, and I congratulate Dr. Rivlin for being very candid and open about it, how philosophically this package is put together, and in that statement there is no camouflage. But I am not sure that that is the way this package is being reflected by other people in the administration. I think it would be a great public service for us in Congress to disrobe this plan and be as candid about it as Dr. Rivlin is—to strip away its false advertising—so we can see the plain, naked truth, that what we are ending up with here is higher taxes for higher spending. Already just this very day we have seen part of this disrobing going on. Less deficit reduction than was originally advertised. Just in 24 hours, we lost nearly $200 billion in deficit reduction. Just some calculations that have gone on in the last 24 hours that this thing has been out to the public.

There are some fundamental reasons why this plan cannot and will not work.

Most fundamental is the fact that America was promised change, but America is not getting change. This is a business-as-usual budget cloaked in false advertising. It is a used masquerading as brand new. As soon as America test-drives this lemon, it will be back to the drawing board for those who engineered it.

Those who support the plan suggest we look at the whole package, not just bits and pieces. Well, OK, I would like to take you up on that option of looking at the whole package. First, as I mentioned yesterday, we did not get $2 of spending cuts for $1 in tax increases that originally Director Panetta has said was going to be part of the plan. In fact, we did not even get $1 in cuts. Instead we are getting 44 cents in cuts for each $1 of tax increases. That again is an example of false advertising. That is more than 2 to 1 in the opposite direction, $2 in tax increases for each $1 cut from spending.

What that means is that spending is not a problem in Washington like we are ignoring it as a problem. Spending has not caused the deficit. The solution? Tax and spend, of course.

This is not change, Mr. President. The only change here is that a Republican President would have demanded $2 or more in spending cuts for every $1 in tax increases. That is because we believe Government is too big and spends too much. The American people believe that, as well. What we are getting here, though, is an old-fashioned, liberal Democrat tax-and-spend package represented as bitter-but-necessary medicine for our country. And, in the final analysis, it is really snake oil.

Let us look at the spending side of this plan. As I mentioned yesterday, Mr. President, much of the savings on the spending side is the result of an inflated baseline. Those are phantom spending cuts. It is money that Congress had already saved. The administration wants to claim it again as savings, just like Senator DOMENICI said about defense. They are claiming 60 percent savings that have already been saved by this Congress in the 1990 budget resolution.

So this is kind of like if you were to walk into the store to buy a sweater. It is marked 50 percent off. That sounds like a good buy. So you think it is a good deal and you buy it. But what you did not know is that the owner of the store doubled the price before marking it 50 percent off. Did you really save money? Of course not. That is false advertising. Yet that is what this plan does. It inflates the spending baseline by $123 billion, then cuts it and claims a savings of $123 billion. Abracadabra. Presto.

This plan also calls tax increases spending cuts. The tax on Social Security is labeled a spending cut. That logic works only in an Orwellian novel. This is how the proponents of the plan are able to claim, though falsely, that it is a 1 to 1 ratio. Also counted as spending cuts are the amount of interest we will avoid paying with a supposed lower deficit. In the real world, that is no spending cut, Mr. President. Again, it is false advertising.

A second fundamental reason to oppose this economic plan is because it makes no economic sense. The President has correctly diagnosed the illness—spiralling debt, a growing structural deficit, and a limping economy. Right on, Mr. President. He has articulated the problem as well as anyone. The problem is not with his definition of the problem. It is with his prescription. Since when does it make sense to enact the largest tax increase in history while coming out of a recession? In medical terms, this would be called malpractice. Not even John Maynard Keynes would have fallen for that one. Perhaps for the first time ever, both Keynes and Adam Smith are turning over in their graves simultaneously. I feel confident that neither of these two great economists would have prescribed this 2-by-4 remedy for this recovering economy: The patient is just getting out of bed, and we are gonna hit him with a 2-by-4 and say get better.

The final fundamental reason to oppose this approach, Mr. President, is that it will be a step backward from how we changed the Tax Code in 1986. To illustrate this concern, I would like to quote liberally from an op-ed in yesterday's Washington Post by economist Robert J. Samuelson, who does great justice to the argument.

Mr. Samuelson says this distraction in the President's budget from the 1986 sound tax reform package is very bad policy. Let me quote from the op-ed piece:

> Every so often, the president and congress do the right thing. They did just that when they passed the 1986 tax reform. The idea was that government should stop dispensing tax breaks as political favors and economic "incentives." President Clinton is about to gut the reform.
>
> Clinton wants Congress to pass new tax incentives.
>
> Rhetorically, Clinton's programs sounds fine. But this formula is precisely the expansive tax philosophy that was rejected—correctly—in 1986, because it is presumptuous in theory and corrupt in practice.
>
> It is naive to think Clinton's proposals, if enacted, would constitute only a limited unraveling of the 1986 reform. By embracing high rates and selective preferences, he sanctions a new quest for tax breaks. The process is corrupt, because one person's justifiable incentive is another person's ugly loophole. The more some groups get breaks, the more all groups want them. Tax breaks spread, creating pressure to raise top tax rates. All this feeds cynicism and unproductive work: tax avoidance and lobbying for new breaks. It's a boon for lawyers, accountants and lobbyists.

Mr. President, the American people want to contribute to reducing the deficit. But there are two pre-conditions. One, they want us to cut spending first. And two, they want to make sure their contribution will be used for deficit reduction, not spending.

These criteria cannot be met under this plan, Mr. President. America will not buy a 44 cents-to-$1 ratio. And they will not allow us to spend their taxes any longer—as we would under this plan, and as Congress historically always has.

There is a lesson that nobody has learned yet. You just cannot raise taxes high enough to satisfy the appetite of Congress to spend money.

Mr. President, if I had a gong right here on this floor, I would use it. Instead, I would merely suggest humbly that this uneconomic plan be returned to the drawing board and hope that the next time they get it right.

Thank you, and I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment our colleague, Senator GRASSLEY, for an outstanding statement.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, President Clinton was elected on his core commitment to help the economy and he will be judged by his ability to keep the campaign promises he made to the American people. That certainly is appropriate.

He should be given credit for pursuing some Republican proposals, like enterprise zones and workfare, but overall, as an economic agenda, the plan does not live up to his pledges.

The President made tax relief for middle-class working men and women a central theme of his campaign—then told them in his State of the Union Message that they would have to sacrifice and accept bigger taxes.

In the campaign, he said a gas tax would be "backbreaking" on the middle class. But now he says he wants a Btu tax which would effectively raise the price of gas by over 7 cents a gallon.

He reminded us that the private sector is the key to jobs growth, but outlined more restrictions and higher taxes on businesses that create jobs.

The President promised us spending cuts, then told us how Government needs to do more with all kinds of new programs, offering few details and certainly no price tags.

In the campaign, Bill Clinton said he would fight for the line-item veto "to eliminate pork-barrel projects and cut government waste". But that idea was nowhere to be found in his message. Have the Democrat bosses in Congress already told him no?

Quite simply, the Clinton economic plan will create more taxes, more spending, more Government, more unemployment, more debt and less freedom to restore the American spirit of innovation and competition.

Raising taxes is an open invitation to a spend happy Congress to simply squander the money. Ross Perot is right. Congress needs outside spending limitations that only a balanced budget amendment can provide.

I call on the leadership of the Congress to place a balanced budget amendment to a vote immediately to show American taxpayers that we are serious about spending their money wisely. Ross Perot and the American people understand all too well that a balanced budget amendment would give Congress the spending discipline it lacks. Without a balanced budget amendment, Americans have every right not to trust Congress.

When it comes to producing jobs, the economy needs incentives to boost growth, not more taxes and more Government to burden it. We cannot tax ourselves into prosperity. We should be implementing innovative ideas to create opportunities, not dusting off failed policies to punish success.

President Clinton must understand that higher taxes have never helped the economy and never will. Higher taxes have never produced jobs and never will.

In 1990, Congress passed a $500 billion deficit reduction plan of higher taxes and spending cuts. We were told then that the plan of sacrifice would hit wealthy Americans the hardest without harming the economy.

It didn't.

Talk of taxing the wealthy led to the luxury tax on boats which cost hundreds of jobs in Florida's boat-building industry. When the luxury tax was passed, middle-class workers lost their jobs because people quit buying boats. The rich were supposed to get soaked, but the middle-class workers and small businesses dependent on the industry got drenched.

That 1990 budget deal, with all its talk of sacrifice and budget cuts, left us with more taxes, more unemployment, and more debt. My fear is that the Clinton economic plan is, as Yogi Berra says, deja vu all over again. It is a lesson we must not repeat.

But President Clinton has not learned that lesson. In his package, he has not even eliminated the 1990 luxury taxes that have caused so much misery.

In order for jobs to grow and prosper, the economy need freedom from taxation and overregulation.

I applaud his desire to reduce capital gains taxes on those who invest in start-up businesses. It is certainly a step in the right direction. But with all of the other tax increases in his program, this is one step forward and a dozen steps backward.

President Clinton should take a page from President Kennedy's economic plan and significantly cut capital gains taxes across the board to boost investment in jobs.

In 1963, President Kennedy said:

> The tax on capital gains directly affects investment decisions, the mobility and flow of risk capital from static to more dynamic situations, the ease or difficulty experienced by new ventures in obtaining capital and thereby the strength and potential for growth of the economy.

A significant reduction in capital gains taxes would not only encourage investment in new, small ventures, but aid homeowners and benefit senior Americans who have prepared for retirement through investments.

Jobs are created because people are willing to take risks that they just might succeed. But tax policies that are burdensome, discourage investment in new jobs and small businesses. More Government regulations cause small business owners to worry more about complying with every minuscule rule than marketing their products.

As I said, there were some areas of agreement in the State of the Union Message. The President should be given credit for encouraging enterprise zones and workfare. Senate Republicans are eager to work with him on those proposals. In the past, however, Congressional majority Democrats have been reluctant to implement these programs. We hope the President is prepared to fight for these ideas.

In the end, we all want America to move forward and prosper. Senate Republicans have outlined areas of agreement with the President. We are willing to work with him. But at a time when the economy needs a boost to revitalize the American spirit, higher taxes simply would do more harm.

I yield the floor, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 402 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I rise today to address one of the proposals made by President Clinton last night which I find just a little bit disturbing. I enjoyed very much both the President's comments on health care reform and in particular the enthusiastic response in the Chamber and across the country for his plea for health care reform. But it was the proposals the President made in changes in the Medicaid and Medicare Programs which I think total in the neighborhood of $38 billion that bothered me a great deal.

I have been at this business of Medicare and Medicaid changes since I came to the Senate in 1978. The proposals I heard last night I heard before or I would not have the temerity to stand here today and comment on them. I must make these comments because I think they will not only cause serious harm to the quality of health in this country, but ultimately they will fail the President in his objective of cost containment in health care.

We have been down this road, Mr. President. We have repeatedly enacted price caps on health care providers, and the results have always been a counterproductive disaster. There is no reason to believe this proposal is going to be any different. It looks a lot like its forebearers, the most famous one being the 1984 doctor and hospital freeze. Subsequent to that, it was COBRA's and the OBRA's of the late 1980's. But a policy failure of this magnitude would be even more heartbreaking at a time when we are within striking distance of fundamental health care reform.

Make no mistake: Far from being an effective stopgap, as the President claimed last night, his proposal would actually impede our efforts to reform health care. Just look at its timetable. The Medicare freeze is supposed to go into effect at the conclusion of the fiscal year 1994 budget process; in other words, close to the end of this year. But on May 1 of this year, the President will be submitting his detailed health care reform proposals.

My question, Mr. President, is simply this: Why at the very time we are trying to overhaul the system, should we freeze in a payment schedule that rewards inefficiency? And that is exactly what this proposal would do.

Look at what specifically we would be freezing in: A system under which health premiums in Los Angeles cost 78 percent more per person that the national average, and health premiums in Minneapolis cost 15 percent less than the national average.

Mr. President, behind this is doctor bills and hospital bills that look about the same; freeze in 78 percent higher in one State and 15 lower in another State. If the President is looking for a way to reap cost savings, this is not the way to go. Rather, it is a way to reward the bureaucratic inefficiency that he so eloquently denounced in his address last evening. What we do need to reward is cost efficiency. As an example that many will understand, I offer these sort of real life examples.

If you look at this chart, you see one of America's most famous health care delivery systems, the Mayo Clinic in Rochester, MN. The Mayo Clinic is a multispecialty clinic to which people go from all over the world for highly specialized medical care. The Mayo Clinic is delivering superior quality care while keeping costs 20 percent below the national average. This first line is the growth in national health care spending per capita, 9.6 percent across this current period of time from 1988 to 1992.

Here is the Mayo Clinic, 4.7 percent on the average year after year, virtually half the rate of growth across this Nation.

It is even well below the 6.5 percent which is the medical care CPI for the Minneapolis-St. Paul market which is itself substantially below the national average.

That is the kind of excellence and this is the kind of low-cost direction in the delivery of health care that we ought to be rewarding in this country rather than penalizing.

We need to look for ways to improve quality and create a sound market that can serve as a springboard for universal access, not just universal coverage. Judged by this standard, the President's proposal is a step backward.

The history of Medicare policy proves that when you cap costs, even though you say you are putting the limits on the doctors and the hospitals, when you cap the costs, the result is cost shifting not cost containment. The reimbursement process is a shell game with billings and classifications being manipulated so expertly that never do you get the cost savings that you estimated. If you push out prices in one area, they rise up in another. When we clamped down on part A of Medicare, the inpatient services, in 1983, spending increased almost double in part B of the outpatient services. When Medicare rates fall too low, providers raise their rates on private-pay patients. When there is no place else to go to raise rates, providers make up the shortfall by increasing the volume of services they provide or curtailing access to certain procedures.

But, Mr. President, that is in communities with lots of people and lots of health insurance. Communities like suburbia, not communities like South Dakota or rural Minnesota. In rural America, a somewhat worse situation exists because in rural areas, physicians cannot cost shift. When prices fall below their costs, they leave the area. And when they leave, the hospitals leave, and that is what has happened in the past when we enacted proposals like the ones that President Clinton offered just last night.

So to assert, as the President did, that capping provider payments will cut costs without cutting any current Medicare benefits is disingenuous. It will not cut costs and it will entrench a health care delivery system that results in inefficient rate-driven care to patients. Is this the system we want to lock in when the American people are demanding fundamental change? We have to do a lot better than that.

Current projections tell us part A of Medicare is going to be insolvent in another 12 years. We have no time to waste on expensive and counterproductive stopgaps like the one President Clinton proposed last night. Cost containment without comprehensive health reform will fail, not because of some mean spirited special interest, but because it will not meet the basic needs of the beneficiaries, especially in rural America. That is why I strongly urge the President to reconsider this unwise proposal and to lead America toward the basic changes that we need. I and all Americans stand ready to help him in this vitally important task.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

### THE PRESIDENT'S PROPOSAL

Mr. MURKOWSKI. Mr. President, I urge that my colleagues reflect on some of the promises of our new President, specifically his promise to bring about change during the first 100 days. It has been 107 days since the election. Some 140 days ago, some of you may recall candidate Clinton referred to President Bush as: "Shameless, baseless and desperate" after President Bush warned people earning $36,000 that Mr. Clinton would raise their taxes.

One wonders if the candidate of change has since changed his opinion of George Bush as well.

Mr. President, much has been said today about the fact that President Clinton has presented the American people with a tax-and-spend proposal. New taxes in the plan total $360 billion; user fees, which are another form of taxes, total $36 billion; with only $83 billion in tax cuts, leaving new taxes totaling a net $313 billion. Where are the cuts? The cuts are in defense—$187 billion. Yet the world is a very dangerous place. One only has to look at Russia today to recognize that.

Domestic cuts and entitlement cuts total $149 billion, but new domestic spending and new entitlement spending total $162 billion. So the net is only $13 billion in spending reduction, and that is simply unacceptable. If one looks at the rate of growth of entitlements, one can clearly see that the President avoids the cuts necessary to address the rate of growth of Federal spending. This rate simply must be reduced.

The President proposed a total deficit reduction of $533 billion with most of that coming from new taxes.

I am going to take one phase of that tax increase and talk a little bit about it, and that is the Btu tax, because it is a tax that is regressive, and it is a tax that is not very well understood.

The effect of a Btu tax on my State of Alaska would be unbearable. It is not fair to compare States like mine that have cold climatic conditions with the Southern States. The President talks about fairness. This is clearly not a fair proposal. One study indicates that a resident in Alaska would be assessed the second highest per capita tax as a result of the proposed Btu tax some $275 for every man, woman, and child in my State of Alaska. That is on an average of $1,000 per family.

In Alaska, a bush family in the rural area spends up to 25 percent of his or her total living expenses on energy costs. Under the Clinton plan they are going to even pay more. This is truly a regressive tax on the hard-working people of my State.

Alaskans must travel great distances by boat, by car, by airplane, because the state is one-fifth the size of the continental United States. Because there is little manufacturing or agriculture in our State almost everything Alaskans consume has to be transported up from the Pacific Northwest. So we are looking at an increased cost of living as a consequence of increased transported costs, which is a consequence of the increase in the Btu tax, for the people of Alaska. It will raise the cost of fuel for our fishing fleets, for our timber industry, for our mines and for remote villages which rely on diesel fuel for power.

Mr. President, one wonders at the merits of such a tax when the tremendous resources of Alaska; its oil and its gas reserves could provide jobs for this Nation and independence from imported oil.

And the President's plan would tax Alaskans in other ways. One looks at the proposed 12.5-percent royalty on hard rock mineral. A royalty of 12.5 percent, Mr. President, will shut down virtually every mine in my State of Alaska, and I would say most of the mines in the United States.

A few days ago the largest world-class silver mine in North America located in my State of Alaska at Greens Creek, was shut down. That shutdown will become effective in April. Some 200 workers lost their jobs and another 200 who work in fields dependent on green creek mine stand to lose their jobs as well. This is a new mine, built within the last 4 years at a cost of $180 million but, because of world mineral prices, is no longer economical.

President Clinton also proposed eliminating below-cost timber sales. Cutting below-cost timber sales sounds good, but when the cost of environmental appeals to a sale is attributed to or charged against the sale, the value of the sale is artificially skewed. By this process persistent appeals by environmental activists could stop timber sales. For instance, expenses for timber sales in the Tongass has hiked costs as high as 25 percent under current Forest Service figures.

Finally Mr. President, we are facing a situation where this new tax proposal, particularly the Btu tax, but also including the royalty proposals, are making it harder for our people to live in our State. Prices of gas, heat, transportation, and food will rise. Job opportunities in mining and forestry will be lost, businesses will be put in jeopardy.

And what about cuts? Mr. President, as we reflect on the cuts in our military, where most of the cuts are occurring, we are told that some 200,000 additional troop cuts will have to be made by 1997, yet there is no assessment available to this body as of the security implications of such a cut in light of the world that we live in, and the difficulties that we see in both Europe and other parts of the world.

So, Mr. President, I think it is time that this body examine thoroughly the proposal of our new President and recognize it for what it is, a tremendous increase in taxes and an inadequate response to the rate of growth of Federal spending.

I thank the Chair, and I yield the floor.

Mr. McCAIN. Mr. President, last night, President Clinton finally unveiled his long anticipated economic plan. Let me say at the outset, and give credit where credit is due, that the President did an excellent job. He articulately and forcefully described the budgetary crisis that is confronting our country, and struck a chord with many people. I am concerned, however, that the rhetorical flourishes do not always square with reality, especially in views of the President's track record.

For example, this past summer, candidate Bill Clinton made a number of promises to the American people. He promised to cut the deficit in half by 1997. He promised a middle-class cut. He promised to create 8 million jobs over the next 4 years. He promised enactment of a line-item veto. It was on the basis of these promises that he was elected as President, and he will be judged by his ability to keep these promises.

This past fall, President-elect Clinton promised to reduce the deficit—not by half, but by some $145 billion by 1997—38 percent—and his designated budget chief said that there would be $2 of spending cuts for every $1 of additional spending.

During his inaugural address, President Clinton said we have to face hard truths and make tough choices.

At each step of the way, I pledged, as did my Republican colleagues, to work closely with the President to craft a credible bipartisan plan to eliminate this country's enormous budget deficit, formulate a plan for long-term business and job growth, and place our country on a sound financial footing so that we do not mortgage our children's future.

Sadly, the plan unveiled by the President last night does not chart a new course for America's future, but rather leaves a trail of broken promises. The winds of change sweeping Washington have turned out to be so much hot air and bloated rhetoric. While I believe that there are some constructive elements to the President's plan, particularly with respect to some of his spending cuts, on balance, it is simply unworkable, unfair, and intellectually dishonest.

Mr. President, I have a few very fundamental problems with the President's plan.

First, rather than offering a bold and credible plan for deficit reduction, the President offers the largest tax increase in history—$360 billion—and enormous new spending increases—$190 billion. These proposals are eerily reminiscent of the Carter economic program which led to 20 percent interest rates and 14 percent inflation.

Candidate Clinton told you he would not raise taxes on the middle class to pay for new programs. President Clinton has told you that the enormous tax increases he announced last night are necessary. Both statements were false. The bulk of the tax increases are not being used for deficit reduction, they are being used for new Government spending programs. Although we have not been given any specifics, I am willing to work with the President on his proposed spending cuts. It is likely that we could then forego any tax and spending increases.

Second, the President wants to play the old game of "pass the new spending first, and we'll worry about the cuts later." I know, and the American people know, that they will never materialize. This is an unacceptable course of action.

Third, the President's plan contains no mechanisms for ensuring spending cuts and maintaining budget discipline. In every past agreement to cut spending, increase taxes and reduce the deficit, the deficit has actually risen. As Ross Perot said this morning, "if you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it." Ross is exactly right. And that's exactly why it is imperative that the President support the line-item veto and that Congress pass a balanced budget amendment.

Fourth, although he certainly looks and sounds sincere, the President is not being honest with the American people. As I noted earlier, the American people should understand that the new taxes that they are being asked to pay are supporting new spending programs. In addition, they should also be told that this is not the end of the tax game. As disclosed in the Wall Street Journal this week, the President will seek to increase taxes by up to an additional $90 billion later this year to pay for health care reforms. Moreover, the President has given no indication of how he will pay for the programs which he alluded to in last night's address, but which will not be forthcoming until later in the year.

Instead of requiring Congress to sacrifice and control its profligate spending habits, the President is asking the middle class and the elderly to make sacrifices to support new pork barrel projects and spending for special interest groups.

What the Clinton plan does is—

Increase the tax burden on the middle class;

Increase the tax burden on the elderly;

Gut America's national security apparatus;

Increase Government spending on wasteful pork-barrel projects;

Increase inflationary pressures and raise long-term interest rates; and

Cause the loss of jobs.

What the Clinton plan does not do is—

Reduce the deficit by half as promised;

Cut $2 in spending for every $1 in tax increases as promised;

Cut taxes on the middle class as promised; and

Contain a line-item veto.

In offering this plan of action, the President has wrapped himself in the American flag and told us that it is our patriotic duty to embrace his proposals. I frankly resent Bill Clinton telling me what it takes to be a patriot. I do not have to impose new taxes or lower the standard of living for the middle class and the elderly to prove my patriotism to Bill Clinton.

I suspect the President is right on one count though—the American people are willing to make sacrifices in order to balance the budget. However, according to recent polls, and what Arizonans are telling me, they are understandably skeptical that any sacrifice on their part will be responsibly used by Congress to reduce the deficit. Of course, they are right. History has demonstrated compellingly that tax increases merely support increased spending. In fact, in every instance since 1960 in which Congress passed a significant tax increase, the budget deficit also increased.

President Clinton says this time is different. But should the American people believe a President who has already discarded many of his most ardent campaign promises? Who, according to a Wall Street Journal story, is already planning up to $90 billion in new tax increases later in the year to pay for health care reforms? Should the American people believe a Congress which so clearly lacks the discipline and fortitude to control it's own wasteful spending habits?

Maybe some taxes will have to be increased to completely eliminate the budget deficit. However, the American public should not be asked to commit one thin dime in additional taxes until Congress and the President have actually demonstrated a commitment to curbing their voracious appetite for spending.

We should not even consider an increase in taxes until Congress has enacted meaningful spending cuts.

We should not even consider an increase in taxes until Congress has given the President the line-item veto.

We should not even consider an increase in taxes until we have passed a balanced budget amendment to the Constitution.

If the President is serious about deficit reduction, then he should be mobilizing his favorite constituencies to support these vital reforms to the budget process. Since Congress is not able to make the necessary hard choices, institutional reforms are necessary to instill a little backbone.

Mr. President, the American people, and my constituents in Arizona, understand that the enormous budget deficit is a cancer in the economy, burdening the present, threatening our future, and slowly eating away at our standard of living.

Arizonans are a tough breed. The frontier spirit that led to Arizona's settlement still burns around the Grand Canyon State. These Arizonans, as well as most Americans across the economic and political spectrum, possess the intestinal fortitude to make sacrifices and swallow the bitter pill of medicine necessary to reduce the budget deficit.

However, they will not, and should not, tolerate placebos and feel good solutions, or spoonfuls of sugar being doled out to special interest groups.

They don't trust the Congress to prescribe the right treatment and, after getting a good look at the operation President Clinton is planning for them, they will understand that much of it is unnecessary surgery and that he is engaging in major medical malpractice.

An examination of the various elements of the President's plan demonstrates quite clearly why it is unfair, unworkable and intellectually dishonest.

### AN ECONOMIC STIMULUS PACKAGE—OR PORK BARREL POLITICS?

One element of the President's plan is a $31 billion so-called stimulus package. No self-respecting economist believes that a stimulus of this magnitude will affect a $6 trillion economy—it's simply a gnat on an elephant.

Cast in its best light, this tax and spend package is simply an excuse to dole out several billion dollars to favored interest groups. At worst, it is a crass political attempt to be able to take credit for the economic recovery which was promised by President Bush, and which is now well underway—incidentally, a recovery which candidate Bill Clinton said would not take place without a $60 billion stimulus package.

The stimulus package proposed by President Clinton is unnecessary because our economy has steadily strengthened over the course of the past year. Since June, the average annual growth rate has been 3.6 percent—far better than the German and Japanese economies the President wants to emulate. Economists generally believe that growth on the magnitude of 3 percent will continue for the foreseeable future. In addition, productivity has increased and inflation and interest rates continue to be at historic lows. I will be willing to bet my bottom dollar, however, that the Clinton administration will soon be claiming credit for the economic recovery.

While job growth has lagged overall economic performance, the unemployment rate has fallen from 7.9 percent in June to 7.1 percent today and claims for jobless benefits continue to decline. Moreover, as I will more fully discuss in a moment, the Clinton plan potentially will result in a net loss of jobs, rather than create the hundreds of thousands promised.

When one takes a close look at the composition of the stimulus package, it becomes clear that it simply is meant to appease special interest groups. Included are funds for Pell grants, Head Start, AIDS research, immunization programs, enhanced natural resources, and waste water grants, among others.

Some of these are actually worthwhile programs, ones that I have supported and will continue to support, as long as they are funded by current revenues. Many of them are worthless, wasteful pork barrel projects. The point is, however, that they will do nothing to stimulate the economy.

The most obvious point to make about the stimulus package, however, is that it simply increases the deficit. Why in the world does someone who says he is serious about deficit reduction want to first increase the deficit by $31 billion? As economist Robert Samuelson has noted, if a bigger deficit for 1993 is OK for 1993, why not for 1994 or 1995? The economy is already experiencing a $300 billion plus stimulus—how much more is needed?

### MORE TAXES AND MORE SPENDING

President Clinton is proposing to increase taxes by $360 billion over the next 5 years, the biggest tax increase in the history of this country. These new taxes will strike at families all across the economic spectrum. While candidate Clinton told the American public that he would not balance the budget on the backs of the middle class, that only families who made more than $200,000 would be subjected to higher taxes, President Clinton now proposes raising taxes on families which make as little as $30,000. He is also imposing new taxes on elderly individuals who make as little as $25,000 or couples who make as little as $32,000. When President Bush told middle-class America to watch its wallet, he obviously knew what he was talking about.

Apart from the question of fairness and broken promises, the fundamental point to be made is that revenues are not the problem, spending is. The budget deficit is not the result of lower tax receipts—it is solely the result of increased governmental spending. While revenues relative to gross domestic product have averaged 19 percent over the past 30 years, spending has steadily increased to 24 percent of GDP.

Moreover, increasing taxes will not reduce the deficit. As I noted earlier, after each of the significant tax increases imposed since 1960, a higher deficit followed. More recently, the 1990 budget summit, which resulted in increased taxes and a purported agreement to eliminate the budget deficit, actually led to a much greater deficit. In fact, on average, since 1947, for every dollar of higher taxes, spending has increased by $1.59.

### WHERE ARE THE JOBS?

President Clinton has said that he is the jobs President and intends to create 8 million jobs over the next 4 years. It is surprising then that his economic plan shows such callous disregard for the working men and women of this country. In addition to burdening middle-class families with higher taxes and freezing the pay of more than 2 million Federal workers, President Clinton's plan will cause significant job losses in many industries.

For example, President Clinton has proposed gutting the defense budget well below that which was proposed by President Bush and now by the Joint Chiefs of Staff. These cuts could result in the loss of 400,000 service jobs over the next 4 years, as well as hundreds of thousands of civilian layoffs. In fact, my home State is still reeling from previous defense cutbacks. Now the President is proposing draconian cuts that may leave deep wounds in Arizona's economy.

Furthermore, tax increases, especially of the magnitude contemplated by the President will inevitably lead to additional job losses in the affected industries. When Congress imposed a new luxury tax on boats in 1990 because they were used by the rich, it simply served to result in job losses for ordinary Americans in the boat manufacturing industry.

Finally, any jobs that might be created as a result of additional spending on infrastructure projects such as those proposed by President Clinton are really only short-term make work jobs. My Republican colleagues and I are committed to working with the President to foster structural job formation, such as occurred during the 1980's when 19 million new jobs were created.

### A PLAN OF ACTION

Mr. President, a credible and comprehensive deficit reduction and economic growth plan requires that we take coordinated actions on several fronts. I am committed to just such a program, as are my Republican colleagues.

First, we must cut Government spending, and do so before even considering the possibility of any tax increases or revenue raisers.

Second, we must reform the budget process to ensure that spending cuts are actually made and that Congress adheres to deficit reduction targets. Therefore, the President must support the line-item veto and Congress must enact a balanced budget amendment.

Third, we need to have in place policies that promote free and open trade with our trading partners. It is vital that President Clinton demonstrate commitment to free trade principles by actions, not words. He can do so in short order by instructing his trade team to work toward rapid completion of the current round of the GATT talks and to act swiftly on the North American Free Trade Agreement.

Administration officials have estimated that a new GATT Agreement alone could add $1.1 trillion to America's GNP over 10 years, saving the average family $16,800 by cutting the price of goods, and by creating more than 2 million new jobs. The failure of the GATT round, on the other hand, could fuel protectionist sentiments here and abroad, and quash hopes for global economic growth.

Similarly, the NAFTA could result in the creation of 316,000 new jobs in this country, as well as tens of thousands of jobs in my home State of Arizona, in addition to adding considerably to overall economic output in Arizona, the United States and Mexico. President Clinton says that we must have safeguards to protect our workers and the environment. I agree that it is important that we negotiate these side agreements, but they should not forestall moving forward on the underlying agreement.

Fourth, we must also take steps to reduce or eliminate artificial barriers to capital formation that result from unnecessary or unduly burdensome regulations and governmental mandates. Business, especially the small businesses and entrepreneurs which are the backbone of our Nation's and Arizona's economy, and which create the vast majority of new jobs, must have ready access to low cost capital in order to be able to grow and prosper in an increasingly competitive global economy.

Banks ability to lend to business has been severely impacted by recent laws enacted by Congress, and by new rules imposed by the banking regulators. The American Bankers Association has estimated that these laws cost the banking industry $11 billion per year; funds which could be used to make $86 billion in new loans.

While many small companies rely on banks for their financing needs, others look to the capital markets to raise seed capital from investors. The capital markets are also the primary source of funding for larger companies. Unfortunately, our Federal and State securities laws are increasingly imposing significant costs on market participants. According to some commentators, a quarter or more of the proceeds of a public offering of securities by a small company goes to legal or administrative costs. Again, these are funds which could be used for additional investment in new plant or equipment.

Fifth, we need to reform our Nation's civil justice system. This may seem to be unrelated to an overall economic growth program, but it is actually a vital component. For example, as President Clinton has correctly noted, the cost of health care has soared in this country in recent years. What he fails to understand is one of the principal reasons that costs have soared so dramatically is that liability costs have skyrocketed. Our civil justice system encourages litigation—expensive, time-consuming and wasteful litigation that rarely benefits the persons who may be harmed by wrongful conduct, but always benefits the lawyers involved.

Liability concerns impact not only the medical industry, but virtually every sector of the business community. Proponents of the existing litigation system believe that it is necessary to protect consumers and punish corporate wrongdoers. Unfortunately, the cost of our litigiousness is ultimately passed on to, and born by, consumers. Unless we reform our civil justice system, we will not be able to significantly lower health care costs and our businesses will have difficulty competing effectively in global markets.

Mr. President, if we are, indeed, to embark on a bold new course to improve our standard of living and ensure our children's future, then we must discard the tired rhetoric and failed policies of the past. We cannot tax our way to prosperity. We cannot spend our way to prosperity.

The people of Arizona, and all Americans, are willing to do their fair share to ensure prosperity for our children. But, Mr. President, I refuse to ask these individuals to give more unless we, Congress, do more first. We must cut Government spending, eliminate waste and pork barrel politics, impose budget discipline through a balanced budget amendment and a line-item veto.

We must also work together to foster an economic environment which will encourage investment and savings, promote free and open trade, and allow businesses to grow and prosper to create new high-paying jobs for all Americans.

If we are to ask Americans to make sacrifices, we must ensure that there are commensurate rewards. Ultimately that is the price that they will require. The real test of any plan is not how the rhetoric sells inside the beltway, but in places such as Tucson, Freedonia, Prescott and Mesa, that really matters.

### THE PRESIDENT'S ECONOMIC PROGRAM

Mr. SIMPSON. Mr. President, I rise to offer some of my thoughts regarding our country's economic situation and the President's program for confronting it.

Mr. President, I want to begin my remarks by saying that I am not speaking out of a spirit of partisanship, but rather on the basis of my firmly held beliefs regarding the challenges facing our country, and the measures that must be taken to address them.

I believe I can truly say that I have resisted all temptation to take pure, old, partisan potshots at our new President. Like all Americans, I feel a stake in his success, particularly on the issue of the Federal deficit. I have told him, and I have told others, that if the President comes before this Congress and asks us to cast some tough votes to control runaway Government spending, I am ready to swallow hard and to do that.

I have always been of the belief that some broken promises by the new President were inevitable. When President Clinton was still candidate Clinton, I reviewed his budget plans, and I knew then—and said then—that the numbers would not add up to real deficit reduction. Some unpopular shifts would have to be made after he became President. I certainly did not feel an immediate interest in clubbing the President with that reality, if the only result was to deter him from pursuing the measures that needed to be taken.

But I do wish to share with my colleagues some of the facts regarding the Federal budget. I think we are all aware of most of them. Last year entitlement spending went up by a whopping 24 percent. Some of that was in temporary increases—such as unemployment compensation. Most of that, though, was in the form of systematic increases that stand to continue unabated unless we reform the way that the Government spends money.

That is so important to understand. It is not a problem of insufficient taxation. No matter how you measure it, Federal taxation is at a historic high—whether measured in constant dollars or as a percentage of GDP—we're approaching 20 percent of GDP. If your entitlement spending goes up 24 percent per year, then without spending reforms, tax increases only buy you a couple of years before you have to raise taxes again. And that is what we have been doing now for decades.

Some in this Chamber will argue that individuals who are not willing to vote for huge tax hikes are not serious about deficit reduction. That is simply not the case. I held my nose and voted for the unpopular 1990 budget agreement—and that one had more taxes than I was comfortable with. I would have liked to see more spending cuts, and fewer tax increases, but I took the political heat and I voted for that one.

Now I am confronted with a package which relies even more heavily on tax increases—$330 billion over 6 years—than the 1990 budget agreement did.

Mr. President, I would suggest to you that this is no longer, if it ever was, a question of political philosophy. It is a question of simple math. There is no tax rate that will keep up with the mandatory spending increases that are already built into the law. That is true regardless of your own beliefs regarding appropriate levels of Federal taxation. Tax hikes in the absence of the type of spending reform that we need, not only pose all of the problems for the economy that we are aware of, but are effectively irrelevant to the long-term problem of eliminating the budget deficit.

Mr. President, I am strongly with the President when he calls for sacrifice—shared sacrifice. But my colleague from Texas, Senator PHIL GRAMM, has said it best—we've asked for enough sacrifice from those taxpayers who are pulling the wagon—it's time we ask for more sacrifice from those riding in it—like wealthy Americans who are enjoying the benefits of nonmeans tested entitlement programs. Currently, 80 percent of entitlement spending is not in any way means tested.

That is the issue.

That is what drives the deficit.

Mr. President, we do not lack for political courage on this side of the aisle. But I would say to this Chamber that true political courage lies in confronting the real structural causes of our national deficit.

That is the sort of change that Americans are telling us that they want, and which I am willing to cast the tough votes to help them get.

In the absence of that kind of restructuring, however, I am unwilling to support sticking the public with a new tax bill of $330 billion. That will only hurt the economy, and it will ultimately not even help with the deficit. We can do better than that, and it is my hope that together we will. We surely must.

Mr. PRESSLER. Mr. President, I rise to offer my initial response to the comprehensive plan offered by the President last evening.

We all agree that we must plant the seeds of long-term economic growth. We must embark on a path of long term deficit reduction. Achieving both simultaneously will be difficult. President Clinton, to his credit, has offered some ideas worth looking at—putting a lid on the growth of the Federal bureaucracy, immunizing every young child, just to name a few.

South Dakotans are willing to do their fair share to reduce the budget deficit, and put our economy on the track of long-term growth. Is the President asking too much from South Dakotans? I think so. In fact, I believe the impact of the President's plan will be devastating for South Dakota.

Mr. President, we all know small business is an important part of this Nation's economy. Nationally, 92.8 percent of all businesses are small businesses. The Small Business Administration reports that from June 1991 to June 1992, small businesses created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for two out of every three new jobs from 1982 to 1990. These companies employed 57.3 percent of all private, nonfarm workers in 1990.

The bottom line is simple: If you hamper small business development, you hobble our country's economy. I am concerned that President Clinton's proposals to increase income tax rates would do just that.

Eight out of ten small businesses pay taxes as individuals rather than as corporations. Thus, raising taxes on individuals means raising taxes on the vast majority of small businesses. Indeed, 21 million small businesses nationwide and some 15,000 in my home State of South Dakota could see their income tax burden increase.

President Clinton proposes to raise the top individual income tax rate to 39.6 percent. He also intends to increase the corporate income tax rate to 36 percent. Just think of it—not only will small businesses see their income tax bills increase, some could end up paying more in taxes than our Nation's major corporations. A mom and pop shop could end up paying proportionately more tax than IBM and General Motors.

President Clinton calls this only a tax on the rich. A tax increase only on the wealthy? Think again. According to U.S. Treasury Department figures, 67 percent of the revenue paid by the top 2 percent of taxpayers is paid by small businesses and family farms, many of which file as individuals under subchapter S of the Internal Revenue Code.

Speaking of taxes, I have some initial thoughts on the proposed energy tax. This levy would impose taxes on most fuels, according to the heat content of the fuel measured in British thermal units. Included are coal, natural gas, nuclear energy, and oil. Hydroelectricity also would be taxed using a different formula.

This tax also hits South Dakotans hard, especially farmers and ranchers. Farmers, ranchers, and small businesses in my State and other smaller States consume more fuel in producing and marketing their products. They must drive farther than anyone else in conducting their business. And an unusual amount of energy is consumed in processing agricultural products, all of which adds to their cost.

Added to that, the cold winter weather in Northern States like South Dakota require the use of more energy in heating homes, apartments, and places of business. How will the elderly, retired couple pay for it? Obviously, at first glance, this is an unfair tax which should not be thrust on the people of South Dakota and other farm States.

Mr. President, I ask unanimous consent that an article from the Huron, South Dakota, Plainsman on the proposed energy tax be placed in the RECORD following the conclusion of my remarks.

Unfortunately, South Dakota farmers face more than just higher fuel taxes. Again, rural America is ready to do its share in reducing the Nation's budget. The key is a fair share. Yet, when you analyze the President's proposal, and begin to add the cumulative effect of that proposal on rural America, the results are staggering.

Take for example the proposed changes in the Rural Electric Administration [REA] loan program. The REA plays a vital role in providing electricity to South Dakota's farm and ranch families. The President's proposal will raise the electric rates of South Dakota REA users 15 to 20 percent. The proposal also likely will halt all new construction; forgo needed upgrades; result in less reliable service; and hamper the ability of REAs to respond to disasters such as tornadoes, ice storms, and fires.

The President's proposal to phase out certain timber sales will mean job losses and tighter lumber supplies in the Black Hills area of my State. Tight timber supplies arising from costly appeals of timber sales from our national forests already have cost many South Dakotans their jobs. This proposal will cost more families their livelihood and put some mills in the Black Hills in jeopardy of closing down.

Furthermore, the President's elimination of the honey program would wreak economic havoc on South Dakota. For those who do not know, South Dakota is the third largest honey-producing State in the Nation—a $12.3 million industry in South Dakota. Nationally, the $9.7 billion benefit to agriculture from bee pollination would be diminished. President Clinton stated last night we should subsidize those programs that work. Well, according to the Congressional Budget Office, the honey program will save the federal government $3 million in fiscal year 1996 and $2 million in 1997. Mr. President, the honey program works just fine.

The proposal to reduce payments under the wool and mohair program will reduce the incomes of 4,000 wool and mohair producers in South Dakota. Grazing on public lands is an essential component to the survival of countless western communities. Bankers in South Dakota have warned that without grazing on public lands, many small towns in western South Dakota are going to go by the wayside.

For South Dakota timber suppliers, farmers and ranchers, the President is offering them economic extinction, not economic stimulus.

Mr. President, in developing a deficit reduction plan, the Government should take a page from the lesson books of small business. Cash flow is often the most critical problem facing the small entrepreneur. When this happens, the small business owners goes to his local banker for help. The business person and the banker have a well established relationship—the bank has already loaned money to the business on a number of occasions.

As a prudent business person himself, the banker tells the business owners that he will lend additional money to the business on one condition: the business owner must demonstrate a willingness to reduce expenses.

The owners must get the business' economic house in order first. Words and promises are not enough. The business owner must produce a firm plan for reforming the business and reducing expenses. Do that, says the banker, and then we can talk about providing you with more money to fix other problems you may have, or to expand into other areas.

Mr. President, the Federal Government is like a business with a severe cash flow problem. Its new CEO, President Clinton, has gone to the bank—the American taxpayers—to ask for an additional loan. Before that loan is given—before new taxes are approved—this Government should get its financial house in order. We should be looking for ways to reform programs, and reduce wasteful spending. Only when we can do no more on that front, should we consider asking the American people to provide more money to this enterprise we call the United States Government.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ENERGY TAX COULD SOCK FARMERS, RANCHERS

(By Robert Pore)

South Dakota farmers could be hit hard by a broad-based energy tax that President Bill Clinton is expected to propose tonight in his State of the Union address, spokesmen for the state's two largest farm organizations said Tuesday.

"The big concern first is to see what the president's proposal will be," said Chuck Groth of the South Dakota Farmers Union. "It would be unfortunate if agriculture has to assume a disproportionate burden of any energy tax without some sort of exemption."

Farmers and ranchers now can write off taxes they pay on fuel used in the field. Farmers are exempted from paying taxes at the time of sale for diesel and propane.

President Clinton will speak to a joint session of Congress tonight to outline his economic proposals to reduce the nation's $300 billion budget deficit. Clinton is expected to recommend a tax on the heating content of all types of energy.

Mike Held, administrative director for the South Dakota Farm Bureau, said an energy tax would burden farmers more than other parts of society.

"Agriculture would pay a larger part of the bill with an energy tax," he said. "It would be a double whammy for South Dakota. Because we are a rural state, we drive a lot of miles to get where we are going. Also, because we live in a northern climate, we use a lot of energy in heating our homes."

He said South Dakota is the most agricultural-oriented state in the nation, and that an energy tax would ripple through the entire state economy.

"Agriculture is a very energy-dependent from the fuel, fertilizer and chemicals farmers use to produce their crops to transportation to processing," Held said. "It would also have an inflationary effect as those higher energy costs are passed along to the consumer."

Groth said farmers can't absorb higher energy costs at a time when input costs are up but commodity prices are flat.

"It seems like that for the last 15 years farmers have either been in a recession or depression or teetering on the edge of both" Groth said. "This could have a devastating affect, but we won't know until we see all the details."

He said he believes farmers are sympathetic to reducing the deficit.

"But agriculture has been assuming too much of the pain and sacrifice as this nation continues to pursue a cheap food policy," Groth said.

Held said Farm Bureau research shows that farmers could see their income decline as much as 4 percent if an energy tax raises more than $10 billion.

Groth said farmers can't afford to lose any more income with commodity prices below their cost of production.

"Farmers can't pass along their cost when they sell their commodities, they just have to absorb it" Groth said.

"Energy, whether it's fuel, fertilizer or chemicals, is a large part of those input costs."

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## PRESIDENT CLINTON'S STATE OF THE UNION ADDRESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is now recognized.

Mr. ROCKEFELLER. I thank the distinguished Presiding Officer.

Mr. President, for about 25 years I have, to the best of my ability, served the people of my home State of West Virginia as an elected official. I have worked very hard to bring economic development to a rural State. We are not, as in the case of Arkansas, necessarily a wealthy State. I have fought to make health care available and affordable to as many people of my State as possible, for our working families, for our seniors, and for our children. I have battled to ensure a good education for West Virginia's children, to see that their parents obtained the training that they need to hold down a job, to attract new businesses as best as I possibly could, and to put our people to work.

As I moved from the State office to the Senate, I have tried to broaden the battle, fighting for economic growth and health care reform for all Americans and at the same time, ever since I arrived in the Senate, the burden of these battles has grown heavier every single day. The deficit has grown. Two Presidents in a row ignored the needs of working American families. Health care costs spiraled completely out of control while an entire administration claims that there was not anything in the world they could do about it, and, indeed, they did nothing about it. The greatest economic engine in the world, Mr. President, slowed down almost to the point of standstill.

Mr. President, last night we were given the chance to lift that burden. I felt the possibility of renewing the strength and the vitality that we as Americans have when we are at our very best, and that is to unite and to pursue, as Americans—Republicans and Democrats—a common goal. And to be honest, I felt, to paraphrase President

Kennedy, who in a sense influenced me into public office in the first place, that after years of self-absorption, of just a concern about ourselves, and a very short-term vision, we are really finally ready to ask what we can do for our country.

President Clinton has called upon that which is great within all of us, within all of us who are Americans, our patriotism, our commitment to our children and to our future. I hope that we will respond with the same fire and the same commitment that have always marked our Nation's greatest moments.

Far too many years obstructionists and allies of an unfair status quo have stymied the move toward, for example, health care reform, middle-class investment, real deficit reduction, and the development of a competitive dynamic self-sustaining national economy.

Mr. President, those people's days have passed. Those critics do not count anymore. With his speech last night, President Clinton embraced the working families of West Virginia who elected me to this body, and my job is now to work with the President to see that these families receive the benefits the passage of the economic program will bring to them—jobs and training; a chance for their children to earn a college education; and the security of knowing that when they are sick, yes, they will be able to see a doctor.

Mr. President, as a soldier in the battle for health care reform, I hope that all Americans heard the President's passionate and steadfast commitment to changing our course. I had the feeling in fact that he was ad libbing, not reading from the teleprompter, but ad libbing particularly that health care portion of the speech because he felt so strongly about it that the words were not enough for him on the page. He had to reach inside himself and speak out more strongly and he did. It came through so clearly.

No single aspect of the President's package is more important to our economy and to our people than his commitment to reform our health care system. Uncontrolled health care costs will dwarf any efforts that we make to balance the budget, and continue to drive companies out of business and threaten every single family in America with ruin.

I say it is time to slay the beast. But much more important, the President of the United States said last night that it is time to slay that beast.

President Clinton has asked some sacrifice of almost everyone, and there is frustration over the thought of spending more in tough times. But I say this: To older Americans, if you are angry at the idea of doing a little bit more, turn your anger toward those who made this taxation necessary. To the businesses angered at perhaps an energy tax, be angry at those who built the deficits that demand this kind of action. And to working families, battered and neglected for so long, transform whatever frustration you are feeling into an energy that we need to get this program of economic recovery and deficit reduction passed, and take the unfair burden, once and for all, off the shoulders of working Americans.

Much has been made of the President's deficit reduction plan, especially by the people who created this multibillion-dollar drag on our economy. They did it back in the 1980's. Then they pledged to cut taxes by a few dimes a week for middle-class Americans, but forgot to mention the hundreds of billions of dollars in deficits that they were running up year after year after year. Now invoking the needs of that same middle class they have pledged "not a dime's worth" of revenue increases unless the spending is cut. Of course we are still paying for the last dime they saved us, so to speak, in the 1980's.

Where were these defenders of dimes when billions were being spent on missiles without a mission, tax cuts for the very wealthy, for the top 1 percent, and the S&L? Where were they then?

We are not going to be fooled again? None of us are. Their priorities are getting reelected, protecting privilege, and defending their particular special interests, the same special interests who got us into this mess in the first place. Ours are getting the budget balanced—something they have talked about and something that we are going to do—and investing in the middle class who have suffered during this whole process.

The key to the Clinton proposal is not blind slashes of the bureaucracy. But the President knows that cuts must be made and they must start at the top. He has already cut the White House staff by 25 percent and then directed his Cabinet Secretaries to cut administrative costs in the agencies by $9 billion. He has challenged Congress to match his cuts, and I pledge, as one Senator, to meet that challenge.

The President's plan also includes 150 specific budget cuts, some of which are painful, some of which would be hard to make, but all of which are made because he understands and has convinced me among others that a deficit budget is now a real cancer, stopping the great potential of our future in America.

The contributions that working Americans make to economic revitalization, in other words, are not going to be wasted, because we are going to be efficient and prudent about the way we do Government.

Maybe they will say it is the first time a Democrat ever was that way. Maybe it will be. But that is the way President Clinton is, and that is the way he is going to be. Every new dime the President has asked for will pay back $1, or a job, or a healthy child, or a better education. While ineffective and unresponsive programs are cut back, the President has asked us to invest in transportation, to create jobs, and streamline our economy. In environmental cleanup, to make our world better for our children. In energy research, so we never have to go to war for oil like we did very recently. And a massive investment in the technology development policies that will keep us the most competitive, the most creative, the most imaginative, and the best-trained work force on the globe.

The fact is, Mr. President, more Government spending is not better. Less Government spending is not better. Better Government spending is better.

The time for talk has, in the judgment of this junior Senator, entirely passed. The American people demand action. Our President has shown the way. We cannot allow tawdry partisanship or the failed policies of a very different era to zap our resolve. Our work in the coming months will determine how America enters the 21st century with strength.

We can be a proud and competitive Nation again, healthy and free of debt, dedicated to the working people who have made us what we are today. Or, we can be a tottering giant shackled by our obligations, unmet and unfulfilled, and governed for the benefit of the lucky few, which has been the history of the last 12 years.

Mr. President, the speech that I heard last night by the President of the United States is the best political speech that I have ever heard. But much more importantly, it was the best blueprint for the future of America that I have ever heard come out of a politician's mouth, much less a President's mouth.

I have faith in our future because of his leadership. We can and we must in this body work with President Clinton and the American people, and we must keep this country great.

I believe we are going to do that.

I thank the Presiding Officer. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the time now allotted to Senators is available upon recognition, and I recognize the Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

Mr. President, this afternoon I was listening to the ranking Republican member of the Budget Committee, Senator DOMENICI, and he said something that was very disturbing that I certainly had not heard at that time. He said Leon Panetta, President Clinton's new Director of the Office of Management and Budget, had announced this morning that apparently he was off on his projections on how much deficit spending was going to be reduced. We have been told, and the President said in his speech, that this program, if enacted, would save $500 billion.

The Senator from New Mexico said that Mr. Panetta apologized for that, or maybe he just announced, that the correct figure was $325 billion. I immediately began to check this out, and, as best I can find out, the New York Times said the figure did not add up, and they used the $325 billion figure; but it was a 4-year figure, rather than the President's 5-year figure. So the President's figure of $476 billion is still the operative figure. That is how much deficit reduction we are going to have over the next 5 years.

The Senator from New Mexico went on to say that he thought the President's package was a pretty good package, if it were not for the $30 billion stimulus. I must say that the stimulus is a problem for me. But I will tell you the reason I come down on the side of going ahead with the stimulus. No. 1, the President correctly pointed out last evening that even though the economy has been improving, the growth rate has been up, interest rates are down, the economic recovery is not reflected in the unemployment rate. There are still about 8 million to 9 million people in this country who are unemployed.

So you have a phenomenon here that is rather rare, unique, and different than in the past recessions. You have a recovery that looks like it is on its way, but it is not reflected in putting people back to work. So the President said last night: "Let us have a recovery that will put America back to work." And everybody in the Chamber sprang to their feet and applauded. Then he said the way to do this is to do the stimulus program. The Senator from New Mexico says that is not needed, and why should we do it? I say we need it because we need to get the unemployment rate well below 7.1 percent, and you cannot do it in this recovery without a stimulus.

No. 2, when the Defense Department comes out with its new spending cuts, it is going to mean a lot of lost jobs. What we need to do, then, is to go ahead with the stimulus, start building highways, start building more airports, all of those things we know we have to do, and create jobs, so that when the defense industry starts laying off, we have something in place to help. Southern California, incidentally, has lost 800,000 jobs in the last 2 years, defense related jobs, and they are going to lose a lot more. So let us start getting people back to work to cushion what we know is to come—more dislocation because of Defense cuts.

If we do not do that, if you do not have a stimulus, and you cut the kind of figures the President is saying we should cut, you are going to have a lot of unemployment, and the unemployment rate is likely to go well above 7.1 percent, and the recovery is over. I think it is very dangerous not to do the stimulus.

Finally, Mr. President, the people of this country elected Bill Clinton President, and he told them repeatedly that is what he was going to do. Now the press criticizes him because he has broken promises. Here is one he wants to keep, and they want to criticize him for that. It is tough to be President and keep everybody happy. He is doing precisely what he said he would do, and I intend to help him with that.

He also said something else last night. He said two "somethings" that were very important to me. For 12 long years—and you can put any kind of a twist you want to on it—we were told that we Democrats were the "taxers and spenders," and all the time we were being told we were the taxers and spenders, they were borrowing and spending. Which do you think is worse, going out into the markets and going further in debt, borrowing from the future, borrowing from our children and grandchildren, in order to satisfy ourselves now, and at every whim and caprice, stand up and rhetorically, day after day after day, pretend that somehow we can keep doing it?

Mr. President, the proof is in the pudding. The day Ronald Reagan held up his hand and said "I will," the debt was $980 billion. Today, it is over $4 trillion, quadrupling in 12 years. As I said earlier, it was the most profligate, irresponsible economic policy in the history of the world. You are looking at a Senator that did not vote for any of it. I want that put on my epitaph. A country lawyer from Charleston, AR, had enough horseback common sense to know that you could not cut taxes by $2.5 trillion over a 12-year period, squander an additional $1 trillion on defense, and balance the budget. When you look back on it, you think about it, the sheer craziness, the zaniness of such a proposal, but it swept across this body and so here we are—what to do.

So the President said last night, "Those of you who disagree with this or who want to cut more, be my guest. You just tell me where you want to cut." Chairman ROSTENKOWSKI of the Ways and Means Committee in the House said to the Republicans, "If you want more cuts, send them to me. We will have hearings on them. We will hear you out." And that is what the President said last night. If you want to cut more, do like I have, be specific and send me your cuts; send them to your floor and to the chairmen of your committees and consider them.

I am going to tell you something. If there is anything about this program I do not like, it is that it does not cut enough. There are some things I am going to have a terrible time cutting, but there are a lot of things that are not in there I want to cut.

Last year, Senator SASSER and I stood on this floor until we both almost collapsed, saying to our colleagues: Here is the chance to save $250 billion over the next 35 years on programs that have absolutely no economic or socially redeeming value, and no military value. Yesterday morning, I got on the elevator, and one of my good Republican friends—and they are all my friends, I like to believe—one had a button on that said, "it's spending, stupid." A take off on "it's the economy, stupid." I took one and put it in my pocket. I like to keep souvenirs like that. I certainly did not keep it because I thought it made that much sense.

But I can tell you I agree with my Republican colleagues on spending cuts. I would like to think they are serious when they say you can do this with spending cuts. I am going to help them, and I hope they will help me. But they are going to have to improve, because they did not help last year. They are going to have to rethink their positions if they are really serious about spending cuts, because I will tell you what happened last year. I was specific last year, and I intend to be specific again this year.

Last night, I started off trying to torpedo the superconducting super collider down in Texas. Like all projects around here, it started at $4 billion. Everything starts at $4 billion. The first thing you know, it is up to $5.9. The next thing you know, it is up to $8.2, and every time you pick up the paper, you see where the cost overruns are out of sight. It is the biggest slab of pork ever invented, next to the space station.

The super collider is designed to determine the origin of matter. I am not a physicist. I would not know it if I found it. Senator BYRD says you can find it in First Genesis. If that is true, we ought not to spend $20 billion over the next 25 years.

You know if I were a physicist, I would be curious about the origin of matter and I would want to know the origin of matter. But I am not a physicist so I am not that curious. But I tell you something else, Mr. President, you know why I do not have a condominium in Aspen is because I cannot afford it. I might like one, but I cannot afford it. I do not have an oceanfront home in Florida because I cannot afford it. And the U.S. Government has no business embarking on a program like that that is going to cost $20 billion over the next 35 years because we cannot afford it.

But my Republican colleagues after I show them should join me now and let us torpedo this super collider and let us be serious about cuts. You can save over $500 million this year, in 1993. The total direct savings over the life of that project is $22 billion. Add interest at 4½ percent for 35 years, and the reason I use 4½ percent is because the figure ought to be 7½ percent but I am taking inflation off. The real interest rate is 4½ percent. You add that and that will give the U.S. Senate an opportunity over the next 35 years to save $41 billion.

You know why I lost? Jobs. Louisiana, Texas, they all say it is going to cost a lot of jobs in my State and there is the vote. I lost. Senator SASSER and I lost 62 to 31.

But, Mr. President, that was our high watermark on Republican votes. How many Republican votes do you think we got to save $41 billion? There it is, eight. Eight Republican votes. That was on August 3.

September 9, after we came back from recess, we take after the space station, Senator SASSER and I, and we said to this entire body you can save $1.6 billion and terminate it, have enough to terminate the cost and still save $607 million in 1993 alone and over the life of the project, 35 years, direct savings of $111 billion and when you add interest, $275 billion.

This figure is a very conservative estimate. A lot of people say that figure ought to be $200 billion, and if it is, this one probably ought to be over $400 billion. So we said to you Republicans who want to save money you want to cut. We "ain't" talking about $500,000 to restore Lawrence Welk's home; we are talking about real money.

We improved a little bit. We only got beat 63 to 34 on that one and from the Republicans we got 4 votes, 4 Republican votes from the fiscal conservatives who want to cut.

So then, Mr. President, we turned to SDI, Strategic Defense Initiative, to protect us against the Soviet Union which does not exist anymore. The President had asked for $5.4 billion; the committee came out with $4.3 billion. Senator SASSER and I wanted to cut a billion off that and let it go to $3.3 billion and save a billion dollars. And we debated that for a day or two and, lo and behold, Senator NUNN moved to table our amendment. And guess what? It was not tabled. I never saw so many shocked people in my life.

I assumed when Senator NUNN moved to table, it was all over. But you know the Senate had a sudden spate of sanity. I have not seen the Senate break out with sanity many times, but it did on August 7, and we won 49 to 43. Not only did we only get five Republican votes, the leader put in a quorum call and virtually held the quorum call until we went on recess in August and they could twist arms out of their sockets out of the 30-day period. They did and when we came back here guess what? We lost 48 to 50.

There were a lot of sore arms, and a lot of new elbow replacements had to take place after that. And that was with all the big fiscal conservatives and cutters. There it is, Mr. President, five votes. Of the 48 votes Senator SASSER and I got just trying to cut a paltry $1 billion out of SDI, we got five Republican votes.

So this time it was all over. We lost 50 to 48. And we ultimately were able to save $500 million on it. The figure turned up to $3.8 billion for 10 days of hard work by Senator SASSER and me. We cut the budget $500 million, one-half of $1 billion. And here is what we could have saved, $1 billion this year, $72 billion in direct savings over the life of SDI, $166 billion over a 35-year period. We got five Republican votes.

And, finally, Mr. President, we went after the intelligence budget. Everybody knows what the New York Times and the Washington Post reported the intelligence budget to be. I am not supposed to say anything. I am absolutely convinced the intelligence figures are kept secret so you cannot get up out here and tell the American people the truth about how outrageous it is. But in any event, we tried to save $1 billion—I will not belabor this. We lost. You want to know how many Republicans we got trying to cut $1 billion, and I can tell you it is a paltry sum compared to what the Intelligence Committee saves. I promise you CNN will give you free today what we have been spending many billions for. But nobody wants to cut even though the Soviet Union does not exist anymore. We said please join us in $1 billion, $1 billion savings on the intelligence. No, they could not do it. We could save $35 billion in direct expenditures over the next 35 years, $81 billion when you compute the interest on it.

Mr. President, by this time we got down to the Trident II missile. It is hard to believe we almost had enough Trident II missiles. The day we debated stopping the production of that missile, we had almost enough warheads for all the warheads we were allowed under the START II Treaty, and they wanted to build more.

I tried, but I was going to get my brains knocked out. They settled for a study. The Pentagon came back with their own study. And what did they say? Exactly what I said on the floor last year. Save $13 billion over 35 years and $45 billion, and here is the proof, Mr. President, about what great budget cutters our friends are on the other side of the aisle.

We had a chance to save $5 billion in 1992, $253 billion over the next 35 years in direct expenditures, and over the next 35 years counting the interest we have to pay, because we had to borrow every dime of it, $608 billion.

And our high watermark was eight Republican votes.

Mr. President, on this one right here on intelligence, where we tried to cut $1 billion on intelligence, you know how many Republican votes we got on that? Zip, zero, not one. So it rings a little below.

So this year, Senator SASSER and I will be back at this desk and that desk right over there. We are going to be offering all these great budget cutters yet another opportunity to prove their mettle.

And finally, Mr. President, the argument is incessantly made in this body: You cannot cut the space station. It costs too many jobs in Maryland and Texas and Louisiana, and you name it. You cannot cut here. It is going to cost jobs.

Do you know how many jobs we create in the space station for each billion dollars we spend? Ten thousand. We have about 25,000 people working and we are paying $2½ billion for it. That is 10,000 people per billion, or $100,000 for each job.

Do you know how much we get when we build highways for a billion dollars? Fifty-thousand jobs; five times as many.

You could cut the space station out, put half of the $2 billion on the deficit, the other billion building highways, and create over twice as many jobs as it is creating right now.

Mr. President, that is my sermonette. That is the reason I intend to support the President on what he is trying to do, because time is running out. We do not have any choices anymore. We may think we do, but we do not.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair.

Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for a very brief period of time for the purpose of introducing a piece of legislation and then I wish to make some comments on the matter that is before the body.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 412 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

### THE CRISIS THAT CONFRONTS US

Mr. EXON. Mr. President, I have listened to some of the speeches today on the matter of the crisis situation that faces the United States of America today with regard to the correction of the crash course toward total bankruptcy of the United States and all that this great country stands for.

It is not an overstatement to say that last night, in the joint session between the House and the Senate, our new, young, vigorous President alerted, I think for the first time, all of the country to the critical lack of fiscal discipline that has been rampant in these United States for the last several years, and alerted, probably for the first time, all Americans, or most Americans at least, to the crisis that confronts us.

Mr. President, I just listened with great interest to my good friend and colleague from the State of Arkansas. And the RECORD will show that this Senator was with him on many of the votes that failed. Most of those votes should not have failed because, had we accepted those, we would be at least somewhat further down the road to financial sanity or some type of order that has been lacking for a long, long time.

I heard my friend from Arkansas say that he was one of those that did not vote for the Reagan tax cut package in the early 1980's. I wish that I could make that statement on the floor of the United States Senate tonight, but I cannot. The fact of the matter is that that was early in my time in the U.S. Senate and I cast a vote in support of the President at that time; I must admit, though, with some reservations.

It is clear to me that that vote that was cast, over the objection of a very few people in the Senate, including my learned friend from Arkansas, was the beginning of the absolute fiscal crisis that faces the United States today, so well explained by the President last evening.

That was the time, though, you remember, Mr. President, when President Reagan came into office and—I must say, probably with all good intentions and honesty—promised to balanced the budget of the United States of America in 4 years. Now, many people have forgotten about that, but the fact is that it was made.

I simply say that that first 4 years of the Reagan administration was when we went on this binge of not taxing and spending, but of borrowing and borrowing and borrowing and spending.

I recall the last year of the Jimmy Carter administration—and it came up this morning in the Budget Committee deliberations—when we had before the Budget Committee our former distinguished colleague, now Secretary of the Treasury, and his assistant, Dr. Alice Rivlin. At that time, Dr. Rivlin, I believe, was the Director of the Office of Management and Budget.

I asked her if she remembered, I believe it was, in 1979—she said she thought I was correct—the Budget Committee being called to the White House by the President because it was discovered that the latest projections had indicated that we were going to have the astounding figure of an $80 billion deficit in the budget for that fiscal year.

She said, "Yes, I do remember that very well."

I said, "Wasn't it true at that time that we were under a trillion dollars in the national debt?"

And she said, "That is correct."

Let me deviate for just a moment, if I might, and emphasize something that I think is critically important and that many people of the United States are coming to realize and understand. But I have found that there is a great lack of understanding of the difference between the deficit and the national debt. We throw these big figures around and many Americans, I think, become somewhat confused by the difference between the deficit and the national debt.

As most people now are finally coming to understand—but I want to repeat it once again—the deficit that we hear so much about, that has been hovering at about $300 billion a year, in that area for some time now, is the difference between what we take in and what we expend in a fiscal year. In other words, we have a total budget of the Federal Government of about $1.5 trillion. But we have been taking in, in receipts, about $1.2 trillion. The difference, then, at the end of each fiscal year, is the deficit that we have for allowing expenditures to exceed receipts.

Of course, we have a very happy and ingenious system taking care of that. At the end of each fiscal year we just transfer money to the national debt. Whether it is $80 billion, like we had back in 1979, or the $300 billion, approximately, we had last year and will have again this year, we magically do away with that by transferring it to the national debt. So that each and every year, at the end of the fiscal year and the beginning of the new fiscal year on October 1, we just do away with our terrible spending ways and start all over, clean.

On the first day of the fiscal year, lo and behold, we are in balance for a day. Then the second day it all starts to catch up with us once again.

I only deviated to compare that period in 1979 with today. Jimmy Carter was President of the United States. He was liberally referred to as another one of those tax-and-tax and spend-and-spend Democrats. Some big spender; he had an $80 billion deficit. And the total national debt of the United States was under $1 trillion.

What has been the situation since that time? In the last 12 years, we have never even come close to the meager—I use the term advisedly—$80 billion deficit we had under Jimmy Carter. Our deficit has skyrocketed now to the $300 billion range.

But even more devastating, lest we forget, is the fact that the national debt of the United States—long term, money that is owed—is going to have to be paid back. And the interest on that national debt is eating us alive. It is by far the largest percentage increase in the last few years, and will be in the years immediately to come, the interest that the coupon clippers receive, many of them foreigners—the interest they receive for loaning us money to put over temporarily to another day our wasteful spending habits.

When Jimmy Carter left office it was under $1 trillion. In 12 years, because of our wasteful spending habits we did not tax and tax and spend and spend. We borrowed and borrowed and borrowed and borrowed and borrowed and spent, to the point where we are now not just over the $1 trillion figure, but past that into the $2 trillion figure; and past that into the $3 trillion figure; and past that, now, to over $4 trillion in debt.

The famed budget summit and agreement that was entered into at Andrews Air Force Base last year guaranteed—and I have said this before—that the Federal debt would go over $5 trillion. It was very clear, even when we looked at anybody's proposal, Democrats' or Republicans', that that debt is going to continue to go up as far as we can see into the future, probably to $6 trillion or $7 trillion.

That is why it is critically important that we respond to the outstanding courage that I think it took for our young President to talk to the people on Monday night and outline his programs to the joint session of the Congress last evening. It is time that America wake up, and it is interesting to note that the wake up call that the President gave to the public last night has evidently been well received. We have heard today of two or three different and separate polls that indicate 70 percent of the people polled—and these are reputable polling firms that did these polls, national news organizations—70 percent of the people said they support the President of the United States.

Yet we have the detractors. Last night on my way home, after hearing the President of the United States, I was skating across the dial and I came upon one of these hate talk shows. I was absolutely astonished to hear this hate peddler telling about how this President is ruining America. This President is selling America down the river. This President is a very dangerous man. And he, this learned talk show host, said: I am starting tonight a movement to impeach—impeach—the President of the United States, basically for what he told the people last night.

Yet, this morning we found out, according to the polls, that 70 percent of the people thought the President was saying the right thing. I think it is time we try to place not only our fiscal house in order, Mr. President, but I think it is time we place our passion, our illogical statements, and some of the rabble rousers that have prominent, well paid positions today, in proper perspective as only people who are speaking one person's opinion.

With regard to what has gone on on the floor of the Senate today, and some of the statements that were made in the Budget Committee this morning, I would simply say that I salute the President for what he has done. He has sent the wake up call.

Mr. President, this Senator is not totally happy with all of the proposals that were made by the President last evening. I am not totally sold on all of the tax increases. In am not totally sold on all of the budget cuts. I am not totally sold on the package that is generally referred to as the $30 billion package to stimulate the economy.

But that is what our Government is all about. I, for one, will not give a blank check to the President of the United States on this or any other matter. The House and the Senate will work their will. There will be some changes made in the President's program, I am sure. And if I were called to vote tonight up or down on the President's package, without any amendment, I doubt very much if I would vote to support it.

Yet, on the other hand, I am here to say the President has laid out a plan, a specific plan, a plan with a lot of pain, a plan that most of us thought would cause great political pain if it went through.

I am concerned, since I have had some experience in budget matters. As Governor of my State of Nebraska for 8 years, I balanced the budget of that State each and every year for 8 years—because I wanted to. But even more importantly, maybe, was the factor that I knew that the Constitution said I had to, as Governor of the State of Nebraska.

I have been here, and I have been amazed at what has happened over the years. I said earlier that one of the great mistakes that I made was that first big vote, in voting for the Reagan tax-cut package that put us on this road to ruin as far as sound fiscal policies were concerned.

So I was part of that, and I take that responsibility. On the other hand, Mr. President, I have never voted for—I have never voted for—an increase in the debt ceiling when it went above $1 trillion. And I do not intend to vote for further borrowings or further increase in the debt ceiling unless I can become convinced that we have agreed upon a plan that will get us on a glide path to a balanced budget. I will not vote for a debt ceiling increase.

One of the problems that I think we have had, especially these last 12 years, in going from under $1 trillion to $4 trillion in national debt was in the end we always found it most convenient of all, after the failure of Gramm-Rudman, Gramm-Rudman 2, son of Gramm-Rudman, the famed budget summit at Andrews Air Force Base last year where the President, then President Bush, went back on his read my lips tax pledge, all of those have been well-intentioned and well-meaning. But, Mr. President, I want to say that I did not vote for any of them because I was convinced that despite their good intentions, despite the fact they were going to be enforced by caps, they were going to be enforced by sequesters, we were going to face the bullet. We never faced the bullet. In the end for one reason or another, we never met the bogy or the goal that was outlined.

If there is one shortcoming that I see as a possibility in the President's new plan, it is the fact that without a better enforcement mechanism that is currently outlined, we could find ourselves right back in the soup once again. In this case the best laid plans put forward forthrightly by a new President would fall by the way side.

I have been very much disturbed by the talk in the Budget Committee this morning and the talk from the floor today about why do we not cut the budget more? I would like to cut the budget more. I think that is a great idea, but as Senator BUMPERS so well said, and others probably said it today that I have not heard, those people who are saying cut the budget, cut the budget, cut the budget, the new President of the United States has outlined specifically where he would cut the budget and he has taken the political heat and will take the political heat as a result thereof.

So I simply say that those who criticize his plan and want to cut more, if they are sincere, have an obligation to not just give a Chamber of Commerce speech, or a Rotary speech about cutting the budget. I think they have a responsibility to come forth and say, "and here is where we would cut." But I have not heard that today from that side of the aisle. I heard Senator BUMPERS on this side of the aisle come forth with a plan for cutting the budget, most of which I have supported in the past.

I simply say and hope that the message that the President said last night I am afraid has been fractured by the debate and statements that I have heard today that let us stop looking backward, let us look to the future, let us stop trying to find fault and recognize that whose ever fault it was—and it was everybody's fault to some extent—this is the time to get together for a workable plan.

So I will be working with the President, with my colleagues on that side of the aisle and on this side of the aisle to take the President's plan as a framework, to make some changes that we will make in it, I believe, in our deliberations, including hearings. I am on the Budget Committee and I will have some input there.

I simply say that I wish that everybody who had talked for or against this plan today would have come out forthrightly and said what I firmly believe: At least we owe a debt of gratitude that we have an elected President today who has told the American people the truth, the whole truth, and nothing but the truth, and that is something new. I am not saying maybe everything he proposes is right, but because of that action, maybe—just maybe, Mr. President—we will have a coming together in the U.S. Senate and in the House of Representatives to come up with a plan that would do what President Clinton said we should do and to what extent and how far we should go in that particular area. The crisis is here. We should salute the President for bringing it to our attention.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. EXON). The Senator from South Dakota is recognized.

### IT IS TIME TO STEP UP TO THE PLATE

Mr. DASCHLE. Mr. President, let me commend the Senator from Nebraska for his comments just stated. Given his long experience in the Senate, he speaks with a good deal of credibility on the many budget questions he so eloquently addressed tonight. I appreciate his contribution and his colloquy this evening, as I do the participation of so many of our colleagues who have come forth all day long and contributed to what I think has been a very successful discussion of the intent and the determination expressed so well by the President last night.

I think it is fair to say that all our Democratic colleagues share the enthusiasm, the determination, the idealism and the great fervor that the President so eloquently expressed last night. In talking with my colleagues today and last night, I was amazed at the number of people who concluded, as I did, that it was perhaps the single best speech given by a President to a joint session of Congress in the time we have been here. I certainly felt that way. I felt that way for two reasons: First, for what it asked and, second, for the courage it showed. His message was clear and straightforward: It is time to step up to the plate. That is what the President said last night. He reminded us that this is a defining moment, and how we respond, all of us—Republicans and Democrats, the Congress, the executive branch—how we address the problems that he laid out last night will chart our greatness or our decline in the next generation.

I am pleased, as the Senator from Nebraska pointed out, with the overnight reaction of the American people. I am pleased, frankly, but not really surprised. The American people said all along, last year and during the beginning of this year, that they want the truth. They do not want to be told what we think they want to hear. They do not want to be lied to. They do not want politics as usual. Last night they got what they have been asking for. They got the truth, warts and all.

Bill Clinton did not just ask us to get into the batter's box and swing at some very tough pitches by ourselves. What he said last night is that he will be there, too. He got into the batter's box himself last night, big time. He used honest numbers for the first time in a dozen years. He did not assume our economy will grow like magic, as has been assumed for so long now. He did not give us a bunch of baloney about eating our cake and having it, too. He used conservative, almost pessimistic, projections about our economy. And he made his budget come out anyway.

He did not lie. He put spending cuts and tax increases that he was asking for right out there, up front, for everybody to see. He even asked us, the privileged ones inside the beltway, to cut our spending, too—100,000 fewer Government jobs, cuts in the way we do business here in the Congress, and pain for Government employees as we freeze their pay.

The President challenged us to hit three of the toughest pitches there are. But they are the ones that matter the most to our American future. We recognize that. Privately, we know what he was telling us last night is the truth. Privately, we acknowledge that these are very tough choices. But those are the tough pitches.

The first tough pitch is to reduce the deficit, to really reduce the deficit with spending cuts and fair taxes. We have been told now for the last 12 years that all we have to do is use discretionary spending reductions alone as a method by which to reduce the deficit. Well, the Senator from Nebraska laid it out very well. Using that technique, we started with $800 billion in 1979, and now in 1993 we are at over $4 trillion.

The President proposes a tax of 36 percent on people in the highest income bracket—less than 2 percent of all taxpayers. I recall so vividly President Reagan in 1981 making a similar proposed tax on the highest income brackets. His was not 36 percent; it was 35.

And the President said last night that he was going to take the advice of many experts in the tax and energy fields in coming forth with a new proposal, a Btu tax, a tax which, as you analyze it, may be the most fair of all the energy consumption taxes to be considered, a tax which amounts to about $10 to $15 for families with incomes of less than $40,000 a year.

Perhaps most dramatically of all, the President came forth last night with cuts or the elimination of Federal spending in 150 programs. That is not easy, and that is the honest, real pain that we have needed for so long.

Second, the President reminded us of the urgency of thinking about tomorrow, of investing in tomorrow, investing in our people first and foremost, with the Women, Infants, and Children Program, with Head Start, with education, with health care, recognizing if our people are not doing well, our economy and our country cannot do well. He proposed last night that we invest again in our businesses, in new tax tools and capital gains reductions, and in the investment tax credit. And he proposed that we invest in infrastructure.

The third pitch was to put people back to work, not just with any jobs—slaves have jobs—but with good jobs, jobs with honor and jobs with dignity, jobs with meaning, jobs that allow the American people to hold their head high and proclaim honestly their belief in their future and that of their children.

These are tough pitches, Mr. President. We know that. If they were easy, the President's predecessors would have come up with them over the last 12 years, but they did not. And the alternative, as he said so well last night—to do nothing—is even tougher. To do nothing would leave us with debt out of control, a $600 billion deficit by 1997, a second-rate economy, and the loss of all trust in the Government for perhaps a generation. No one should be misled about the consequences of failure, not just for the economy, not just for the deficit, but for the institution of Government itself.

I know we hate to admit it; as we talk among ourselves, we recognize the difficulty of facing reality when it comes to the low perception that people have of Government today. We lament it; we worry about it; and sometimes we even blame others for it.

But the time for excuses is over. The Nation now needs action. We have a President willing to lead the charge, to step into the batter's box. He is asking us to join that team. The tough choices are there, and some of us might rightfully ask: Are the tough choices bad politics? Well, maybe. But tough choices are good government, and I have always felt that good government is good politics.

For most of 200 years, in the best of American history, at that time when our country needed it the most, during the Civil War, during World War I, during the Great Depression, during World War II, during civil rights unrest, our leaders challenged the American people to think of their future, to think of us as a country, not just as individuals, to think of we, not me. When we did so, when our leaders convinced us to do that during those difficult times, our country moved forward, making it much better for those who followed.

This is our time. Will it be we or me? Let us hope the answer to that question is clear. With leadership, with the courage that the President showed last night, we can succeed. We can look back on this time as a shining moment in American history when we did what was right, when we responded to the call as only we can.

## EXECUTIVE SESSION

### DEPARTMENT OF EDUCATION

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to executive session to consider the following nomination reported today by the Committee on Labor and Human Resources; that the Senate proceed to the immediate consideration of Madeleine Kunin, to be Deputy Secretary of Education.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## MEASURE PLACED ON CALENDAR

Mr. DASCHLE. I ask unanimous consent that H.R. 750, an act to temporarily extend the Export Administration Act, received from the House be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STATEMENT ON THE NOMINATION OF BEVERLY BYRON

Ms. MIKULSKI. Mr. President, I would like to rise today to support the nomination of Beverly Byron to the Defense Base Closure and Realignment Commission. I, as well as other Members of the Senate, can readily attest to her many fine personal and professional qualities. I have known Beverly over the years from our service with Maryland's congressional delegation, and can think of no one better qualified than her for her new responsibilities. I can strongly attest to her dedication, impeccable record of public service, fairness, sound judgment, and compassion. As a past Chair of the House Armed Services Subcommittee on Military Personnel and Compensation she has been on the cutting edge, dealing with the tough issues that face our military and that impact on the decisions of base closure.

Those of us who call her friend realize the challenges that face Beverly as a Commission member. However, we also know that the Commission is getting our very best at a time when our country needs her the most. I can say with pride that Beverly Byron will get the job done with fairness and dedication.

## TRIBUTE TO BILL WISECARVER

Mr. DOLE. Mr. President, I rise to thank Bill Wisecarver of my staff for his over 3 years of loyal and dedicated service to me and to the U.S. Senate. During his tenure, a lot has happened in the world, and some would say that Bill has had pretty good seats. The Berlin Wall, long the symbol of slavery and oppression collapsed before our eyes. The people of Eastern Europe and the old Soviet Union took their first long awaited breaths of freedom. Saddam Hussein rose to seize the worlds oil supplies and brutalized the tiny emirate to the south. America took to arms and dramatically crushed the vaunted republican guard freeing Kuwait. Coups and historic arms control agreements, dramatic shifts in the balance of power, peaceful transitions and bloody conflict. It has been an interesting time. And through it all, Bill has not been a spectator. He has been an active participant.

Every veterans group in America knows Bill Wisecarver as a friend. He has served the veterans community with compassion and understanding. A 10-year veteran of active duty in the Marine Corps himself, Bill understands the needs of our military personnel and has served them well. And through it all, Bill completed his studies at Georgetown Law School, and passed the bar last summer. Bill could give moonlighting a good name.

Like many of my colleagues in the Senate, I have relied on his good counsel, his tireless research, and his unyielding commitment to the causes of justice and freedom. Bill Wisecarver has earned the respect of everyone who has had the privilege of working with him. He is, in every sense, a patriot.

I am pleased to note, that Bill is not lost to the Senate. As he takes his new post, as minority counsel for the Senate Armed Services Committee, I wish him all the best—and I look forward to working with him in his new position. For now, though, let me say thank you Bill, and well done.

## COMMENDING HEIDI HIXON

Mr. DOLE. Mr. President, I want to taken this opportunity to thank Heidi Hixon of my staff for her outstanding service to me, and to the U.S. Senate.

Heidi is departing my office to assist Congressman PAT ROBERTS of Kansas with the Rural Health Care Coalition he is organizing in the House. She will be deeply missed, but this is important work that will make a real difference to the people of Kansas and rural communities all across America.

Heidi is a team player. She has a special enthusiasm and deep commitment to public service. Congressman ROBERTS and the Rural Health Care Coalition will be well served by the good work I know Heidi will do. Wakeeny, KS has sent Washington a very special person. I wish Heidi all the best in her new position, and I thank her for her loyal service to me, to Kansas, and to the Senate.

## SALUTE TO JIM McMILLAN

Mr. DOLE. Mr. President, I have often joked that my wife and I are the only two lawyers in Washington, DC that trust each other. I want to amend that statement today by adding the name of Jim McMillan to the list of lawyers I trust.

Jim has served as my legal counsel for the past 3 years, and he is returning next week to private practice.

A graduate of Harvard Law School, Jim provided me—and many other Republican Senators—with guidance on a wide variety of issues, including parental leave, banking, extension of unemployment benefits, striker replacement, job training, and ethics.

Many of these issues were time sensitive ones that have been on the front lines of public debate throughout Jim's tenure, meaning lots of late nights and hard work. I am just glad that Jim was not charging by the hour.

I am especially grateful for Jim's work in exposing Lawrence Walsh's Iran-Contra investigation for the politically motivated travesty of justice and monumental waste of tax dollars it truly is.

I would venture to say that Mr. Walsh has not accomplished as much in 6 years as Jim usually does in 1 week.

Mr. President, my entire staff joins with me in wishing Jim luck, and in thanking him for 3 outstanding years of public service.

## IMPLEMENTATION OF THE STRATEGIC ARMS REDUCTION TREATY II

Mr. DASCHLE. Mr. President, when the Senate considered the Strategic Arms Reduction Treaty [START] late last year, I argued that its ratification was paramount to future arms control efforts including the joint understanding signed by former President George Bush and Russian President Boris Yeltsin on June 17, 1992. In a statement on September 30, 1992, I commended former President Bush and President Yeltsin for reaching this initial agreement that laid the groundwork for START II.

On January 17, 1993, former President Bush and President Yeltsin achieved yet another notable success by signing START II. The concessions they each made in order to sign the treaty in the last days of the Bush administration is a testament to their dedication to reducing the nuclear threat. Again, I would like to take this opportunity to offer my sincere congratulations to them.

The agreement reached calls for the United States and Russia to reduce their strategic nuclear weapons by roughly two-thirds. Specifically, START II would limit each side to a level of 3,000 to 3,500 by the year 2003 or possibly by the end of the decade. The treaty also rolls back another controversial milestone in the nuclear arms race by eliminating all multiple-warhead—MIRV'd—land-based missiles that are considered to be the most dangerous and most destabilizing nuclear weapons. Under the agreement, Russia is required to destroy all of its large 10-warhead SS–18 missiles, and the United States must dismantle or modify its 10-warhead MX missiles.

In my earlier statement, I urged the administration to implement the nuclear reductions outlined in the joint understanding on an accelerated time schedule. As I mentioned then, the destruction and bloodshed that have plagued Yugoslavia unfortunately prove that regional conflicts can erupt anywhere in the world, and the instability that exists in some of the former Soviet republics has the potential to develop into similar destructiveness. As a result, time is still of the essence with respect to reducing nuclear weapons.

Ivo Daalder, director of the Project on Rethinking Arms Control at the University of Maryland's Center for International and Security Studies, also recommends that the United States move swiftly to implement START II. In an editorial that appeared in the Washington Post on January 27, Daalder suggests that the administration reduce our forces to START II levels by the end of 1993. Mr. Daalder urges the Clinton administration to "take some 3,600 warheads off land- and sea-based missiles, converting up to 100 bombers to perform conventional missions only and removing all MX missiles from their silos." Although Mr. Daalder suggests that President Clinton should consider taking these steps unilaterally, I would emphasize his point that it is necessary for President Clinton to work with President Yeltsin to achieve Russian reductions during the same timeframe.

I realize that it would be difficult for the United States and Russia to reduce their forces to START II levels by the end of 1993. Nonetheless, I believe that Mr. Daalder's proposal to implement START II on an accelerated time schedule merits consideration. Under his proposal, the United States could save countless defense dollars otherwise required to keep these nuclear forces active for another decade. Perhaps more importantly, such a move by the United States would likely strengthen President Yeltsin's ability to get START II approved by the Russian parliament. Finally, this action would provide the United States and Russia with the opportunity to proceed rapidly to additional arms control efforts. It is essential to the security interests of the United States, Russia, and the world community that we implement the nuclear reductions outlined in START II so we can concentrate on the next step toward eliminating the nuclear threat that confronts us all.

Mr. President, I ask that the aforementioned article by Mr. Ivo Daalder be printed at the close of these remarks and commend this article to my colleagues' attention.

The article follows:

[From the Washington Post, Jan. 27, 1993]

### SETTING A START II EXAMPLE

(By Ivo H. Daalder)

It used to be that negotiating arms control agreements with the Soviet Union was the hard part. Once an agreement was reached, it was sure to be ratified and implemented. But one of the inevitable consequences of the recent changes in Russia is that neither ratification nor implementation of the just-completed START II treaty can be ensured. It will be up to President Clinton to help Boris Yeltsin save the treaty.

Ever since Presidents Bush and Yeltsin agreed to the basic framework of START II in June 1992, the agreement has been in troubled Moscow. Opposition to the agreement has centered on the requirement for large-scale reductions in Russia's land-based missiles, including the elimination of the large SS–18 missiles, which have been the backbone of its strategic arsenal.

During the final days of negotiation, the Bush administration made significant concessions to help Yeltsin in countering his hard-line opposition. The United States agreed to allow Russia to convert rather than destroy 90 SS–18 silos for use of the smaller SS–25 missile. Moscow will also be permitted to retain 105 SS–19 missiles by removing five of their six warheads. Most significant, the United States acceded to Russia's request to inspect American B–2 bombers, a right Washington had successfully denied the Soviet Union in earlier START negotiations.

These American concessions were sufficient to clinch the deal Bush and Yeltsin signed in Moscow Jan. 3. The question remains whether they are also sufficient to persuade the sizable political opposition in the Russian parliament to vote in favor of the treaty's ratification.

The Clinton administration can help Yeltsin by moving swiftly to implement the START II treaty. Specifically, Clinton should announce that the United States will reduce its forces to START II levels by taking some 3,600 warheads off land- and sea-based missiles, converting up to 100 strategic bombers to perform conventional missions only and removing all MX missiles from their silos.

These steps could be achieved within a year, so that by the end of 1993 only the 3,500 warheads allowed under START II would remain deployed. In addition, the United States should declare its intention to destroy all warheads and missiles removed from service and invite Russia to verify this commitment through co-site inspections.

While making clear that the United States will undertake these steps unilaterally and unconditionally, Clinton should urge Yeltsin to match the initiative within the same time frame.

A unilateral initiative along these lines offers many gains at little cost. As Gen. Colin Powell told Congress last July, "With a U.S. force structure of about 3,500 weapons, we have the capability to deter any actor in the other capital no matter what he has at his disposal." This being the case, the United States can safely go down to START II levels even if Russia does not immediately follow suit.

But Yeltsin is likely to reciprocate. In moving unilaterally, the United States would clearly demonstrate that it is not trying to exploit Russian weaknesses but merely to reduce the nuclear danger common to all. The forces of reform would be strengthened, nullifying the suspicions of the old guard and arguments in favor of the status quo.

A Russian commitment to match this initiative would ensure that START II reductions were fully implemented within a year and that those weapons withdrawn from service would in fact be destroyed. An agreement to verify these steps through reciprocal on-site inspections would reassure both sides that commitments were being implemented.

The time to implement START II is now. The United States can lead the way with bold and decisive action. This would provide Yeltsin with the incentive he needs to counter his hard-line opposition, thus ensuring not just the ratification but the full implementation of this historic agreement.

## A VISION OF CHANGE FOR AMERICA—MESSAGE FROM THE PRESIDENT—PM 5

The PRESIDING OFFICER laid before the Senate the following message with accompanying report from the President of the United States; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

*To the Congress of the United States:*

To accompany my address to the Joint Session of the Congress, I am submitting this report, entitled *A Vision of Change for America.* This report describes the comprehensive economic plan I am proposing for the Nation.

I am asking you to join with the American people in their call for change. My vision is one of fundamental change—to invest in people, to reward hard work and restore fairness, and to recognize our families and communities as the cornerstones of America's strength.

For more than a decade, our government has been caught in the grip of the failed policy of trickle-down economics. While the rich get richer, middle-class Americans pay more taxes to their government and get less in return. My plan will put an end to government that benefits the privileged few and mark the beginning of an economic strategy that puts people first.

My plan has three key elements: economic stimulus to create jobs now while laying the foundation for long-term economic growth; long-term public investments to increase the productivity of our people and businesses; and a serious, fair, and balanced deficit-reduction plan to stop the government from draining the private investments that generate jobs and increase incomes.

The change will not be easy, but the cost of not changing is far greater. We must ensure that our children's generation is not the first to do worse than their parents. We must restore the American dream.

We have already heard the clamor of the powerful special interests who oppose change because they profit from the status quo. But the American people have demanded change, and it is our responsibility to answer their call. With that in mind, I ask for your help and support to restore our economy and give our people hope.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 17, 1993.*

## MESSAGE FROM THE HOUSE

### ENROLLED JOINT RESOLUTION SIGNED

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.J.Res. 101. A joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

## MEASURES PLACED ON THE CALENDAR

The following bill, received yesterday from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under the Act for fiscal years 1993 and 1994.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 71. An original resolution authorizing financial expenditures by the committees of the Senate (Rept. No. 103–5).

S. Res. 72. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive report of committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Madeleine Kunin, of Vermont, to be Deputy Secretary of Education.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 386. A bill to authorize a certificate of documentation for the vessel *Pandacea*; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. 387. A bill to amend title 35, United States Code, to impose a 2-year moratorium on the patenting of certain human tissues and organs, on human gene cells and on animal organisms, in order to provide time for Congress to fully assess, consider and respond to the economic, environmental and ethical issues raised by the patenting of such entities, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 388. A bill to protect individuals engaged in a lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE:

S. 389. A bill to amend the Solid Waste Disposal Act to regulate above-ground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MACK:

S. 390. A bill to extend the existing suspension of duty on metal oxide varistors; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. Campbell):

S. 391. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

By Mr. DURENBERGER:

S. 392. A bill to extend until January 1, 1995, the existing suspension of duty on certain piston engines; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to provide incentives for urban and rural enterprise zones, and for other purposes; to the Committee on Finance.

S. 394. A bill to amend the Internal Revenue Code of 1986 to allow a credit for payments or contributions to certain cooperative research organizations, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. Pryor):

S. 395. A bill to provide for a program for the diversification of the activities of certain Federal laboratories; to the Committee on Armed Services.

By Mr. LIEBERMAN (for himself, Mr. Stevens, and Mr. Dodd):

S. 396. A bill to establish the Small Business Capital Access Program to enhance the availability of financing for small business concerns; to the Committee on Small Business.

By Mr. GRASSLEY:

S. 397. A bill to amend the Harmonized Tariff Schedule of the United States to temporarily suspend the duty on mercuric oxide; to the Committee on Finance.

S. 398. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free status for hosiery knitting machines and parts thereof, and for hosiery knitting needles; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 399. A bill to provide for the conveyance of lands to certain individuals in Butte County, California; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. Campbell):

S. 400. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S. 401. A bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt motorcycle helmet safety programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER (for himself and Mr. Thurmond):

S. 402. A bill to amend the Social Security Act to increase the domestic service wage exclusion, and for other purposes; to the Committee on Finance.

By Mr. BREAUX:

S. 403. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

By Mr. GLENN (for himself and Ms. Mikulski):

S. 404. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself and Mr. Lautenberg):

S. 405. A bill to create an environmental innovation research program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WOFFORD:

S. 406. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain mixtures of caseinate; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. Cochran):

S. 407. A bill to create a National Commission on School Finance To Meet the National Education Goals; to the Committee on Governmental Affairs.

By Mr. CHAFEE:

S. 408. A bill to promote small business lending to small business concerns in States in which there is a declining number of federally-insured financial institutions; to the Committee on Small Business.

By Mr. GLENN (for himself and Mr. Hatch):

S. 409. A bill to extend the terms of various patents, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. Inouye, Mr. McCain, Mr. Cochran, Mr. Simon, and Mr. DeConcini):

S. 410. A bill to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. D'AMATO:

S. 411. A bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. EXON (for himself, Mr. Kerrey, Mr. Pressler, Mrs. Kassebaum, Mr. Danforth, Mr. Hatch, Mr. Dorgan, Mr. Bond, Mr. Pryor, Mr. Burns, Mr. Gorton, Mr. Lott, and Mr. Packwood):

S. 412. A bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S.J. Res. 49. A joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 71. An original resolution authorizing financial expenditures by the committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 72. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate; from the Committee on Rules and Administration; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 386. A bill to authorize a certificate of documentation for the vessel *Pandacea*; to the Committee on Commerce, Science, and Transportation.

### DOCUMENTATION FOR THE VESSEL "PANDACEA"

• Mr. GORTON. Mr. President, today I am introducing legislation to provide for the necessary documentation for the vessel *Pandacea*. The *Pandacea* is a 38-foot sailboat—CG #665892. The vessel is owned by Judy and Donald Padgett of Seattle, WA. The vessel was built in 1984 in Taiwan. The first owners were U.S. citizens, as are the Padgetts. The Padgetts have owned the sailboat, a Panda 38, since 1986.

The Padgett's plan to take an offshore cruise that could last several months. They plan to travel along the coast of Mexico and in the Caribbean. As Mr. Padgett possesses a U.S. Coast Guard masters license he would like to charter the boat to supplement his income while cruising. Mr. Padgett anticipates that his charters would be of short duration intended primarily for sightseeing and occasionally for fishing. As the vessel was constructed in Taiwan, Mr. Padgett needs a Jones Act waiver to obtain coastwise and fisheries privileges.●

By Mr. HATCH:

S. 388. A bill to protect individuals engaged in a lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Environment and Public Works.

### SPORTING HUNTING SAFETY AND PRESERVATION ACT OF 1993

Mr. HATCH. Mr. President, I am pleased to introduce today the Sporting Hunting Safety and Preservation Act of 1993. Sports hunting is a venerable tradition in our country and in my State and provides recreation for millions of our citizens. But, it is more than just a sport; sports hunting, when carried out pursuant to law, is a necessary and beneficial element in the proper conservation and management of healthy, abundant, and biologically diverse wildlife resources.

The bill I am introducing today would make it unlawful to interfere with, or obstruct lawful hunting or fishing on Federal lands. In addition, this bill would permit State agencies with wildlife management jurisdiction, the Justice Department, and private parties to obtain injunctive relief to enjoin obstruction of, or interference with, lawful hunting. Finally, this bill would permit private parties to bring a civil action for damages for obstructing or interfering with a lawful hunt on Federal lands. Persons found guilty of violating its provisions would be subject to civil penalties.

Mr. President, I urge speedy passage of this measure.

By Mr. DASCHLE:

S. 389. A bill to amend the Solid Waste Disposal Act to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

### ABOVEGROUND STORAGE TANKS ACT OF 1993

Mr. DASCHLE. Mr. President, I rise to introduce legislation to correct the glaring oversight in Federal law that leaves the environment and the public vulnerable to hazardous substance and petroleum leaks from aboveground storage tanks.

This is the third consecutive Congress I have introduced this legislation, and I anticipate it will be the last. With a new environmentally conscious administration in place and RCRA reauthorization high on the list of Congress' legislative priorities, this is the year I believe we will finally take action to prevent and control aboveground tank spills.

It is not a minute too soon, Mr. President. It is an appalling fact that no single Federal statute, or combination of statutes, adequately addresses the prevention and cleanup of spills from many aboveground storage tanks. The EPA has no authority to protect ground water from spills from these facilities. While the Federal Government has moved to tighten regulation of higher profile tanker spills at sea or in harbors, leaks from aboveground tank farms go largely unnoticed outside the communities affected by them.

It may be difficult to picture dangerous transparent vapors or contaminated ground water. But that does not make such spills any less dangerous to the people who live near them. And no one knows that fact better than the residents of Sioux Falls, SD.

In 1987, a slow leak of at least 20,000 gallons of gasoline from an aboveground storage tank facility in my State's largest city went undetected until the underground water source was completely contaminated and gasoline fumes had infiltrated an elementary school to the point where schoolchildren had to be evacuated. Today, 6 years later, the ground water remains contaminated, the Hayward Elementary School has been torn down, local residents continue to live with the fear that the aquifer below their homes contains gasoline, and, most disturbing of all, there is no national program in place to prevent a similar spill from occuring again.

A proper detection system would have identified this Sioux Falls leak well before it reached the crisis stage. It would have precluded the evacuation and condemnation of the Hayward Elementary School building. It would have prevented any harm to drinking water and the astronomical cost of cleanup.

The Sioux Falls spill is not an isolated incident. There were over 110 known petroleum spills from aboveground storage tanks from 1987 to 1991 in South Dakota alone, and this does not include hazardous substances leaked from tanks or spills from piping. In the absence of comprehensive Federal legislation, my State has forged ahead to develop prevention, detection and cleanup rules, which are currently being implemented. However, effective State regulation remains the exception rather than the rule nationwide.

And make no mistake about it; nationwide, we do have a serious problem with aboveground storage tank leaks.

EPA's rough estimates for known releases during the 3-year period from 1988 to 1990 show an average of 6,000 spills nationally that released an average of 14 million gallons of petroleum or some other regulated substance. In 1991, a General Accounting Office report decried the absence of an effective Federal program to prevent pollution from petroleum facilities. And it has been reported that an EPA official involved in the cleanup of a recent aboveground storage tank spill declared that he could "go to every [tank farm] in the country and find a problem."

It has been demonstrated that the absence of regulation of many aboveground storage tanks has set stage for future disasters waiting to happen. Furthermore, there is no way of knowing how many aboveground storage tank leaks do occur, or what potential leaks lurk ahead, because no comprehensive data collection system for assessing the state of these facilities exists.

Few areas are exempt from this potential threat. I urge my colleagues to examine their own backyards.

In fact, consider a recent incident in our backyard here in Washington. I refer to the spill that occurred in the summer of 1991 just across the Potomac River in Fairfax, VA, when an estimated 250,000 gallons of diesel oil, jet fuel, and gasoline leaked from a tank farm and spread about 1,000 feet. Potential leaks into basements, wells, and streams now threaten the area. Risks of fire and explosions also exist.

While Virginia State law sets penalties on the industry for spills, it has no provision for prevention. State officials have already begun working to fill that gap.

Mr. President, the legislation I am introducing today will establish a comprehensive approach for dealing with the problem of inadequate regulation of aboveground storage tanks. The bill addresses this problem by amending the Solid Waste Disposal Act to establish regulations designed to prevent, detect, control and clean up spills from these facilities. It will not duplicate any existing law. Its emphasis is on the prevention of future spills through the establishment of standards for construction, corrosion protection, compatibility, and integrity of new and rebuilt tanks. These standards will ensure that quality tanks are constructed and maintained properly.

The bill will also require release detection systems, periodic inspections, and secondary containment. These safeguards should prevent leaks such as those that occurred in Sioux Falls and Fairfax.

To address spills that do occur, the bill will authorize the development of corrective action plans, allow for shutting down faulty tanks, and establish financial responsibility for cleanup.

Finally, the bill will establish a notification system to identify existing tanks, tanks not in operation, and future tanks. It will provide us with more accurate aggregate numbers and facilitate monitoring of the tanks.

Each one of us who investigates this problem in our home States will find that our constituents potentially face enormous problems from leaking aboveground storage tanks. It is time to take action to minimize the potential for future aboveground leaks and give EPA the authority to ensure that cleanup of spills is conducted quickly and correctly.

It is extremely fortunate that, as far as we know, no one in South Dakota became seriously ill from inhaling gasoline fumes or from drinking contaminated water as a result of the 1987 spill. If we fail to act with a sense of urgency, future Americans may not be so fortunate.

It is time we realize that whether a leak comes from underground or aboveground tanks, whether it is released into surface water or into the ground, the effect is equally dangerous and should be managed in an equally conscientious and effective manner. I urge my colleagues to join the effort to prevent the degradation of our environment and the endangerment of our people from aboveground storage tank spills by supporting effective Federal oversight of these facilities.

Finally, I'd like to praise the excellent work of my good friends from Virginia, Senator ROBB and Congressman MORAN. Senator ROBB is an original cosponsor of this legislation, and both he and Congressman MORAN are working very hard on similar legislation that will be introduced in the near future. I look forward to working with these respected legislators and other affected parties to negotiate the final details of the program. If we are successful in enacting a program during this Congress, and I believe we will be, it will be in large part because of Senator ROBB and Congressman MORAN's dedication and legislative skill, as well as the leadership of the able Senate Environment and Public Works Committee Chairman MAX BAUCUS.

Mr. President, I ask unanimous consent that a summary of the legislation I am introducing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## ABOVEGROUND STORAGE TANK REGULATION ACT

### SEC. 10001. DEFINITIONS AND EXEMPTIONS

The initial section identifies the types of tanks that are regulated and those that are not; the substances to be regulated; and the responsible parties.

### SEC. 10002. NOTIFICATION

It will require the reporting of existing tanks; those taken out of operation; and future tanks. It also identifies those who share in the responsibility of reporting.

Each state will develop two inventories—one for petroleum and one for all other regulated substances defined in CERCLA.

### SEC. 10003. RELEASE DETECTION, PREVENTION AND CORRECTION REGULATIONS

Promulgation of regulations.—The Administrator will issue regulations that will take effect no later than 30 months after enactment for petroleum tanks and no later than 36 months for other regulated substances.

Distinctions in the Regulations.—The Administrator may distinguish aboveground tanks by type, class, or age. Some of the factors the Administrator may consider in making these distinctions include the following: location of the tanks, soil and climate conditions, age of the tank, current industry recommended practices, national consensus codes, national fire protection codes, water table, size of the tanks, and the compatibility of the regulated substances and the materials of which the tank is fabricated.

Regulation requirements.—The regulations issued will include the following requirements: maintaining a leak detection system; maintaining records of any monitoring or leak detection system; prevention requirements (including certified inspection, secondary containment); reporting or releases; corrective action plan; closure of the tank; and maintaining evidence of financial responsibility.

Financial responsibility.—The requirements for demonstrating financial responsibility include: the methods; those liable; the minimum liability and listing of waivers to that amount; and conditions for suspension of financial responsibility.

Performance Standards.—The Administrator will issue performance standards for new and rebuilt tank standards to take effect no later than 30 months after enactment for petroleum tanks and no later than 36 months for other regulated substances. Interim prohibition is established during the period that is more than 180 days after the date of enactment and before the issuance of the standards. Installation may be considered during this time if the tank meets specific standards.

EPA Response Program.—The EPA or a State approved program will undertake corrective action under specific conditions both before regulations are issued and after. It stipulates how priority order for corrective action will be assigned and the means for recovering cost.

### SEC. 10004. STATE PROGRAMS

The Act will allow States to conduct the program if the State includes all requirements and standards of the Federal law and provides adequate enforcement of compliance.

The EPA will provide technical assistance to States to assist in compliance.

States considering this option will undergo a review and approval process.

States have the authority to set standards or requirements that are more stringent than those that are listed.

### SEC. 10005. ACCESS TO INFORMATION

The owner or operator of an aboveground storage tank will, upon the request of EPA, State, or designated representative: furnish information relating to tanks, associated equipment and contents; conduct monitoring or testing; or have access for corrective action. This information will be subject to public access with some confidentiality exceptions.

### SEC. 10006. FEDERAL ENFORCEMENT

The Administrator can issue an order of compliance and order prohibiting the use or operation of any or all of the facility. Includes the procedures, contents of order and civil penalties associated with such order.

### SEC. 10007. FEDERAL FACILITIES

All executive, legislative and judicial branches must follow the requirements of this section.

The President may exempt an aboveground storage tank of a department, agency or instrumentality in the Executive branch from compliance with a requirement if the President determines it to be in the interest of the United States to do so.

### SEC. 10008. STUDY OF ABOVEGROUND TANKS

The Administrator will conduct two studies. One will be completed in 12 months and address petroleum. The second will be done within 36 months and address all other aboveground storage tanks. Elements of the study are defined.

A third study is required of the Administrator which addresses farm and heating oil tanks. The elements are different from those of the first two. It will include the number and location of tanks and analysis of potential releases. A report with recommendation of necessity to regulate these tanks will be prepared.

### SEC. 10009. AUTHORIZATION OF APPROPRIATION

This Act authorizes the appropriation of such funds necessary to comply with the program.

By Mr. MACK:

S. 390. A bill to extend the existing suspension of duty on metal oxide varistors; to the Committee on Finance.

### METAL OXIDE VARISTORS DUTY ACT OF 1993

• Mr. MACK. Mr. President, today I am introducing legislation to extend the duty suspension on metal oxide varistors which was first enacted into law in 1990. This legislation is very similar to S. 2243, which I introduced during the 102d Congress, to continue the duty suspension on this product for an additional 5 years, and to legislation I introduced in 1989 to place a duty suspension on this product.

Prior to 1989, when duties were set under the Tariff Schedules of the United States, metal oxide varistors entered the United States duty free under a tariff heading devoted to diodes, transistors, and other similar semiconductor devices. When the United States converted to the harmonized tariff system in 1989, metal oxide varistors were reclassified under a nonsemiconductor, dutiable heading. Action taken by Congress in 1990 suspended the duty on this product in response to a view by American industry that the reclassification under HTS incorrectly removed metal oxide varistors from the zero duty category accorded other semiconductor devices.

The legislation I am introducing today will extend the duty suspension which has been in place for metal oxide varistors since 1990, and is identical to S. 2243 except that it incorporates a change suggested by the International Trade Commission. This change limits the scope of this legislation to small scale metal oxide varistors weighing less than 2.5 kilograms, a change which will clearly distinguish them from large scale arrestors. This modification will also alleviate any potential concerns of the domestic suppliers of large scale arrestors who have indicated that they face closed foreign markets for their products.

In 1990, and again in 1992, the U.S. Department of Commerce's International Trade Administration had no opposition to congressional passage of this legislation. The Department's position was based upon the fact that no adverse effect on domestic industry from the duty-free treatment of metal oxide varistors was expected, since the products had entered duty-free previously with no adverse effect.

Passage of this legislation is vital to several segments of America's electronics industry since the duty in effect for the past few years expired at the end of 1992. Therefore, I encourage the Committee on Finance to move expeditiously on this measure to minimize the financial disruption likely to result from resumption of the duty.•

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By Mr. MCCAIN (for himself and Mr. CAMPBELL):

S. 391. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

### INDIAN TRIBAL GOVERNMENT UNEMPLOYMENT COMPENSATION ACT AMENDMENTS OF 1993

• Mr. MCCAIN. Mr. President, I rise today on behalf of myself and Senator CAMPBELL to introduce a bill that would correct a serious oversight in the way the Internal Revenue Code treats Indian tribal governments for unemployment tax purposes.

The Federal Unemployment Tax Act, or FUTA, involves a joint Federal-State taxation system that levies two taxes on most employers: A 0.8 percent unemployment tax and a State unemployment tax ranging up to more than 9.0 percent of the portion of an employer's payroll. Since its enactment in 1935, FUTA has treated foreign, Federal, State, and local government employers differently from private commercial business employers. It exempts all foreign, Federal, State, and local government employers from the 0.8 percent Federal FUTA tax. It exempts foreign and Federal Government employers from State unemployment programs and allows State and local government employers to pay lower State unemployment taxes. FUTA also treats income tax-exempt charitable organizations the same as State and local governments. All other private sector employers pay both the Federal and State FUTA tax rates. The FUTA statute does not expressly include tribal government employers within the definition of governmental employers.

In recent years, tribal governments have been subject to differing interpretations over whether and how they are covered under FUTA. The interpretations of FUTA made by State governments, the U.S. Internal Revenue Service, and the U.S. Department of Labor have varied from region to region and State to State, resulting in differing treatment of Indian tribal governments in different periods of time.

As one might expect, this has led to considerable confusion among tribal governments about the amount they are supposed to pay. Some tribes have paid the Federal FUTA tax and then successfully obtained tax refunds because they were deemed exempt. Some tribes have not paid, assuming they were exempt, and then have been investigated by the IRS for nonpayment of hundreds of thousands of dollars in unemployment taxes, plus penalties and interest. Some tribes have paid taxes; other tribes have not had to pay. In each case, the tribes are identically situated but are treated differently simply because they are located within differing IRS regions or have been scrutinized by different IRS agents. This inconsistency of interpretation has also resulted in many former tribal government employees being denied eligibility to receive unemployment benefits.

This problem recently surfaced again in Minnesota, where one of the latest tribal governments to get caught in the middle of these conflicting interpretations of FUTA is the Red Lake Band of Chippewa Indians. The Red Lake tribal government is the main employer on its reservation in northern Minnesota. For years the tribal government has operated under the assumption, guided by conflicting IRS pronouncements and conduct, that it is treated under FUTA as if it is a Federal, State or local unit of government. As a result, most of the Red Lake tribal government's employer subdivisions have not paid into the State unemployment compensation fund, and those former tribal government employees who are otherwise eligible have been denied unemployment benefits by the State because they worked for an exempt employer. In recent months the IRS has made it plain that it intends to levy a large assessment against the Red Lake tribal government for unpaid unemployment taxes, an assessment which could reach hundreds of thousands of dollars per year.

All the more troubling is the fact that under FUTA's unique enforcement mechanisms, none of the assessed funds collected would return to former employees of the Red Lake tribal government in the form of unemployment benefits, nor would such funds return to the State of Minnesota. Instead, the FUTA enforcement mechanism requires the Federal IRS to collect the highest possible State and Federal unemployment taxes and place all of these funds, not into the State's unemployment compensation fund, but instead directly into the U.S. Treasury without credit or benefit to any workers, Indian or otherwise, in Minnesota. The result is that these funds, forcibly collected from a relatively impoverished Indian tribal government's non-Federal accounts, end up as general payments into the U.S. Treasury. No one can reasonably argue that it is fair to impose this kind of taxation without benefit on the meager funds of an Indian tribal government simply because it has followed an interpretation of FUTA that some regional offices of the IRS and the States previously followed but now have abandoned.

According to a study made by the Congressional Research Service several years ago, some States have interpreted FUTA to not permit tribal governments to contribute into a State unemployment fund. Other States, such as Minnesota, have permitted but not required tribal governments to participate so long as they pay into the State fund as if they were a private, commercial for-profit business and not a governmental entity. It appears that this is a nationwide problem.

Unless this problem is resolved, many former tribal government employees will continue to be denied benefits by State unemployment funds. Indian and non-Indian workers who are separated from tribal governmental employment should be included within our Nation's comprehensive unemployment benefit system.

The bill I am introducing today would permanently resolve this matter across the Nation for every Indian tribal government. For unemployment tax purposes, it would require the Federal and State Governments to treat federally recognized Indian tribal government employers, and the same way they treat Federal, State, and local government employers, and the same way they treat other tax-exempt organizations. It would also remove an unemployment tax liability of tribal governments who did not pay unemployment compensation taxes in the past in the belief that they were exempt, provided that no benefits were paid to their former employer.

I have requested a revenue estimate from the Joint Committee on Taxation. I believe, however, that the bill is essentially revenue neutral. The bill would require States to pay benefits to otherwise eligible former tribal government employees. It would require tribal governments to contribute into State unemployment funds as do State and local units of government and other income tax exempt organizations. This means tribes would either pay a State's unemployment tax or reimburse the State's Unemployment fund for those amounts paid out in benefits to former tribal employees. As a matter of fairness, the bill clarifies that tribal governments are exempt, just as are foreign, Federal, State, and local governments, from paying the Federal 0.8 percent tax on each tribal employee's first $7,000 in annual gross compensation, annually this amounts to a maximum of $56 per employee.

Mr. President, I believe this bill is a matter of simple justice. The bill gives tribal governments no unfair competitive advantage. Operations carried out by tribal governments are in many ways similar to those carried out by Federal, State, and local units of government. Moreover, tribal governments are also income tax exempt organizations, with combined governmental and business purposes uniquely designed under Federal Indian law to support self-government and self-sufficiency in Indian communities and reservations.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of the bill's provisions be inserted into the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 391

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Tribal Government Unemployment Compensation Act Amendments of 1993".

**SEC. 2. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.**

(a) IN GENERAL.—Section 3306(c)(7) of the Internal Revenue Code of 1986 (defining employment) is amended—

(1) by inserting "or in the employ of an Indian tribe," after "service performed in the employ of a State, or any political subdivision thereof,"; and

(2) by inserting "or Indian tribes" after "wholly owned by one or more States or political subdivisions".

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2) by inserting ", including an Indian tribe," after "the State law shall provide that a governmental entity";

(2) in subsection (b)(3)(B) by inserting ", or of an Indian tribe" after "of a State or political subdivision thereof";

(3) in subsection (b)(3)(E) by inserting "or the tribe's" after "the State"; and

(4) in subsection (b)(5) by inserting "or of an Indian tribe" after "an agency of a State or political subdivision thereof".

(c) STATE LAW COVERAGE.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following new subsection:

"(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may elect to make contributions for employment as if the employment is within the meaning of section 3306 of the Internal Revenue Code of 1986 or to make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise chartered and wholly owned by such Indian tribe."

(d) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(t) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise chartered and wholly owned by such an Indian tribe."

(e) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(t) of the Internal Revenue Code of 1986 (as added by this Act)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(1) it is service which is performed before the date of enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid, and

(2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

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### SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

### SECTION 2. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT

Subsection (a). In General.—This subsection (a) amends section 3306(c)(7) of the Internal Revenue Code. Section 3306(c)(7) provides an exemption from the 0.8% federal unemployment tax for employment for a state, any of its political subdivisions, or any of its wholly owned instrumentalities. This subsection of the bill would make employment for a tribal government or any political subdivision or wholly tribally owned subsidiary thereof likewise exempt from the 0.8% federal unemployment tax.

Subsection (b). Payments in Lieu of Contributions.—This subsection amends several provisions of section 3309 of the Internal Revenue Code.

Section 3309(a)(2) of the Internal Revenue Code now requires a state unemployment fund to offer coverage and benefits to employees of a state government, its political subdivisions and wholly owned instrumentalities, and to employees of a religious, charitable, educational or other income tax exempt organization described in Section 501(c)(3) of the Internal Revenue Code. These employers may then elect to either pay a flat tax rate as do private, for-profit commercial businesses, or to make contributions, on a reimbursable basis, for all benefits paid out to their former employees. Subsection (b)(1) of the bill would provide the same options to a tribal government or any political subdivision or wholly tribally owned subsidiary thereof.

Section 3309(b)(3)(B) of the Internal Revenue Code now exempts from all unemployment taxes service performed by members of a State or political subdivision legislative body or judiciary. Subsection (b)(2) of the bill would provide the same exemption to a tribal government's legislative body or judiciary.

Section 3309(b)(3)(E) of the Internal Revenue Code now exempts from all unemployment taxes service designated by State law to be a major nontenured policymaking or advisory position or a policymaking or advisory position that ordinarily does not require more than 8 hours per week. Subsection (b)(3) of the bill would provide the same exemption to the same service so designated by tribal law.

Section 3309(b)(5) of the Internal Revenue Code now exempts from all unemployment taxes service that is part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal or state agency. Subsection (b)(4) of the bill would provide the same exemption to the same service assisted or financed in whole or in part by a tribal government.

Subsection (c). State Law Coverage.—This subsection adds a new subsection to section 3309 of the Internal Revenue Code. Section 3309 contains provisions relating to State law coverage of services performed for nonprofit organizations or governmental entities. Subsection (e) of the bill extends to tribal governments and their subsidiaries certain flexibilities now extended to other governments and to charitable organizations. The new subsection provides that a state must permit a tribe to choose to pay the comparable tax rate paid by commercial businesses under the Act, or to choose to reimburse, like other governments and charitable organizations, the State fund in lieu of such contributions with amounts equal to the compensation attributable under State law to such service. The new subsection also provides that a tribe may make separate elections for itself and one or more of its enterprises, subsidiaries, or subdivisions.

Subsection (d). Definitions.—This subsection amends section 3306 of the Internal Revenue Code. Section 3306 contains definitions relating to the Federal Unemployment Tax Act provisions. Subsection (c) of the bill would add a definition of an "Indian tribe" to mean for these purposes a federally recognized Indian tribal government, adopting the same definition of a tribe as that used in 25 U.S.C. 450b(e), the Indian Self-Determination Act. The bill clarifies that, just as the subdivisions of a state government are included within the definition of a state, and consistent with federal Indian law provisions recognizing the unique nature of tribal government, included within the bill's definition of a tribe are its subdivisions, subsidiaries and enterprises wholly owned by the tribal government.

Subsection (e). Transition Rule.—This subsection of the bill provides tax relief to those tribal governments who in good faith did not pay federal or state unemployment taxes deemed due by the U.S. Internal Revenue Service under the Federal Unemployment Tax Act. It ceases all federal assessment and collection actions aimed at extracting nonfederal funds from tribal governments who have not paid unemployment taxes provided they reimburse a state fund for all benefits paid to otherwise eligible former tribal employees during this period of non-payment. This relief is available only for periods prior to the date of enactment of this bill. The bill does not authorize refund actions for taxes already paid nor relief from a tribe's obligation to reimburse a state unemployment fund for benefits paid to former tribal employees.•

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## By Mr. DURENBERGER:

S. 392. A bill to extend until January 1, 1995, the existing suspension of duty on certain piston engines; to the Committee on Finance.

### PISTON ENGINE DUTY ACT OF 1993

• Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend the duties on certain piston engines used in all-terrain vehicles [ATV], snowmobiles, and burden carriers. This legislation would be retroactive to January 1, 1993.

Polaris Industries L.P., a Minnesota-based company, produces snowmobiles, ATV's and burden carriers for the U.S. market—as well as for export. Polaris, like other domestic manufacturers of these vehicles, must foreign source all engines for these vehicles since no domestic manufacturer currently produces ATV or snowmobile engines.

Under the TSUS, these engines entered duty-free; under the Harmonized System of Tariffs, these engines are classified in categories which carry a 3.1-percent duty rate. When Congress converted to the Harmonized System, it was intended to enhance the competitiveness of the United States. In reality, Polaris must raise the prices of its products to compensate for the added expense of the duty. This places Polaris at a competitive disadvantage domestically and internationally at a time when we continue to be under the intense competitive pressure from large Japanese companies.

Mr. President, this bill would extend the temporary duty suspension for piston-type engines, with a cylinder capacity greater than 50 cubic centimeters but not to exceed 1,000 cubic centimeters—provided for in subheadings 8407.32.20, 8407.32.90. 8407.33.20, 8407.90—to be installed in vehicles specifically designed for traveling on the snow, golf carts, nonamphibious all-terrain vehicles and burden carriers—provided for in subheadings 8703.10.00, 8704.31.00, 8703.21.00 or 8709. This is not difficult provision to administer, as only a small number of companies import the subject engines which all come from one country and enter primarily through two ports.•

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By Mr. LIEBERMAN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to provide incentives for urban and rural enterprise zones, and for other purposes; to the Committee on Finance.

### ENTERPRISE ZONE TAX ACT OF 1993

• Mr. LIEBERMAN. Mr. President, I rise today to introduce the Enterprise Zone Tax Act of 1993.

Mr. President, as we attempt to craft a solution to the economic problems faced in America's inner cities I believe it is necessary to first identify some of the causes. On the economic side they are really no great mystery. Manufacturing and industry, which used to be the centerpiece of economic activity and employment in our inner cities, have largely disappeared. With the loss of manufacturing went—in this order—good jobs, wholesale trade, retail businesses, and a large source of local tax revenue. At the same time we saw a rise in poverty, crime, drug use, homelessness, and illiteracy. With a shrinking tax base, cities needed to provide more services with less revenue. As a result, cities were forced to raise revenue from sources such as residential property taxes, which added to the outward migration of many middle-class residents and homeowners. Finally, infrastructure continued to decline, and crime rates rose, making cities even less attractive to businesses and residents.

Mr. President, if we conclude that the decline of business activity in urban America is one of the major causes of our present crisis, than it is clear that a program to attract business back to our cities must be a part of the solution. I believe enterprise zones will help convince businesses to build and grow in poor neighborhoods. They will create jobs and stimulate entrepreneurship. And, perhaps most importantly, they will help restore the tax base to communities that have been forced to provide increasing social services with decreasing sources of revenue.

The objective of the enterprise zone program is to use tax policy, targeted spending, and other forms of public policy to direct investment and employment opportunities to distressed urban and rural areas that would otherwise not occur. The increased investment and employment, spurred by the package of incentives should begin to counter the inner-city cycle of decay.

This program recognizes that the economic problems affecting many of our cities cannot be solved by Federal handouts alone. Instead, we must form a partnership between governments, businesses and communities to develop a strategy that will attack chronic poverty and urban decay over the long term.

The program also recognizes that small businesses have been and will continue to be the primary source of job creation and economic growth in this country. The program focuses specifically on small business capital formation which is perhaps the largest barrier facing today's entrepreneur.

We have now had more than 10 years worth of experience with enterprise zones and we know they work. At the State level, 36 States plus the District of Columbia have adopted enterprise zone programs. I am proud to say that the State of Connecticut led the Nation in establishing enterprise zones in 1982, offering a wide range of State and local incentives, as well as administrative support to help develop distressed urban areas.

In total, according to the 37 State economic development offices, enterprise zones have created more than 250,000 jobs and have attracted more than $28 billion in capital investments. This has all been obtained without Federal incentives, which are critical to the maximum possible enterprise zone success. It is true that some zones have not been as effective as others, but overall there is a very strong pattern of success.

According to statistics from the Connecticut Department of Economic Development, Connecticut's 11 zones have attracted over $450 million in new investment, and created or retained more than 17,000 jobs, without the benefit of accompanying Federal incentives. By providing such Federal incentives, we can expect to see much greater investment and job creation in these regions.

Among many others, enterprise zones have been endorsed by the National Governors Association, the National Council of State Legislators, the Council of Black State Legislators, the Conference of Mayors, and the Conference of Black Mayors. These organizations have called for the adoption of enterprise zones across the country.

Mr. President, our former colleague and current Secretary of the Treasury Bentsen has been—and will continue to be—an important proponent of the enterprise zone concept. Indeed, last year the Senate under his able leadership passed an enterprise zone initiative in the tax bill. Unfortunately, that tax bill was vetoed by President Bush. It is the Senate passed version, authored by Secretary Bentsen, which I am proud to reintroduce today.

This initiative incorporates the best ideas from many proposals. It puts forth a program for economic growth and urban redevelopment which, I believe, begins to facilitate the rebuilding of some of America's most distressed urban and rural communities and is one very promising solution to the plight of our decaying local economies.

I am convinced that, if adopted, this program will bring hope to areas with little hope; offer jobs to those stricken by incessant unemployment; and promote economic growth in areas that have for too long experienced only economic decline.

What happened in Los Angeles should be taken as a signal that things are not well in our cities. Enterprise zones are not the whole cure for the social and economic ills plaguing our inner cities, but they are clearly a big step in the right direction.

Winston Churchill once said that "some see private enterprise as a predatory target to be shot, others as a cow to be milked, but few are those who see it as a sturdy horse pulling the wagon." The most appealing feature of enterprise zones is their attempt to involve and utilize private enterprise in doing something substantial on a national scale about urban decay and chronic poverty. Poverty and decay that not only encompasses whole sections of every one of our inner cities but also, in too many cases, spans generations. It is a cloud over our Nation's future. The unemployed and the poverty stricken, whether they are in the South Bronx, East St. Louis, New Orleans, Minneapolis, Liberty City, or Bridgeport are in need of our help. I believe enterprise zones can offer help to many inner cities in a long-term, meaningful way. Their adoption is long overdue.●

By Mr. LIEBERMAN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to allow a credit for payments or contributions to certain cooperative research organizations, and for other purposes; to the Committee on Finance.

### COOPERATIVE RESEARCH AND DEVELOPMENT ACT OF 1993

● Mr. LIEBERMAN. Mr. President, I rise today to introduce the Cooperative Research and Development Act of 1993. This bill would provide extra incentive for R&D consortia to work together on developing cutting edge technology.

From 1989 to 1990 R&D spending went up 2.2 percent, the smallest annual increase since the 1970's. To make matters worse, the OECD, which adjusts its figures for inflation, indicated that U.S. corporate R&D spending may have actually declined by 1.6 percent in 1990. If we intend to get our economy moving again, to create new jobs, and to reestablish ourselves as the world's leading manufacturing nation, then we must invest more in research and development.

We must act to correct this situation by giving American firms more incentives to undertake R&D. While I advocate making the credit permanent, another way to encourage U.S. companies would be to offer an enhanced credit for collaborative research and development. Under collaborative R&D, companies can share their costs and make their own product development decisions based on research findings.

The legislation I am introducing would establish such a credit, enabling American companies to leverage their R&D spending. This, in turn, would help them to compete more effectively against foreign firms that spend considerably more on product research and development.

If we want to build a better computer or a more efficient car, we will have to spend money on research and development. Unfortunately, with the escalating cost of doing business in a global economy, spending on such activity can often be prohibitive. A tax credit for consortia will make R&D efforts more affordable.

This bill will promote cooperation in all phases of R&D, reducing duplicative efforts, and will let the collaborators in the effort decide which findings can be commercialized. As competition for American companies increasingly comes from overseas, it makes sense that U.S. firms work together on basic research efforts in order to compete more effectively.

Under this bill, companies would receive a 50-percent flat credit, determined in a nonincremental bases, for certain qualified cooperative research expenditure to qualified research consortia. Qualified cooperative research consortia are organizations which have five or more contributors and are registered under the National Cooperative Research Act of 1984.

Qualified cooperative research expenditures include cash, in-kind contributions, or the licensing or lease of real, personal, or intangible property to qualified cooperative research consortium.

With this credit, we are not only attempting to make certain R&D efforts more affordable but also to encourage new research efforts. Further, by putting in place such a credit, we are only offering American companies the same advantage afforded to their foreign competitors.

Last September, I entered into a colloquy with several of my colleagues and with the chairman of the Finance Committee on this issue. At that time, the chairman indicated that he looked forward "to examining all tax proposals designed to encourage collaborative research ventures." I look forward to working with the new chairman of the committee, Mr. MOYNIHAN, on this legislation and this issue.

I ask unanimous consent that a copy of the bill be placed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CREDIT FOR PAYMENTS OR CONTRIBUTIONS TO CERTAIN COOPERATIVE RESEARCH ORGANIZATIONS.**

(a) ALLOWANCE OF RESEARCH CREDIT.—Section 41(a) of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 50 percent of the qualified cooperative research expenditures (as defined in subsection (h)) for the taxable year.

(b) QUALIFIED COOPERATIVE RESEARCH EXPENDITURES DEFINED.—Section 41 of such Code is amended by redesignating subsection (h) as subsection (i) and by adding after subsection (g) the following new subsection:

"(h) QUALIFIED COOPERATIVE RESEARCH EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified cooperative research expenditures' means the aggregate amount of qualified contributions to qualified cooperative research consortia for qualified research.

"(2) QUALIFIED CONTRIBUTIONS.—For purposes of this subsection—

"(A) IN GENERAL.—Subject to the limitations of subparagraphs (B), (C), and (D), the term 'qualified contributions' means all contributions to qualified cooperative research consortia for qualified research with respect to which the taxpayer elects to have this subsection apply.

"(B) PRIVATE SOURCE FUNDING LIMITATION.—

"(i) IN GENERAL.—Qualified contributions of a taxpayer shall not exceed the amount which bears the same ratio to qualified contributions (determined without regard to this subparagraph) as the private source funding ratio.

"(ii) PRIVATE SOURCE FUNDING RATIO.—For purposes of clause (i), the private source funding ratio is the sum of—

"(I) 50 percent of the ratio which the gross receipts of the organization (not including the amount of any governmental support) for the preceding taxable year bears to the total gross receipts of the organization for such taxable year, plus

"(II) 30 percent of such ratio for the second preceding taxable year, plus

"(III) 20 percent of such ratio for the third preceding taxable year.

"(C) LIMITATIONS.—For purposes of this subsection, the following shall not be taken into account in determining qualified contributions:

"(i) Contributions other than cash contributions to the extent they exceed cash contributions.

"(ii) Contributions representing overhead allocated to services performed by a taxpayer's employees to the extent such overhead exceeds 25 percent of the salary and benefit amounts allocated to such services.

"(iii) Contributions by a taxpayer to a qualified cooperative research consortium to the extent they exceed one-third of the consortium's total nongovernmental support for the consortium's taxable year with or within which the taxpayer's taxable year ends.

"(D) CONSORTIUM WITH FEWER THAN 5 PARTICIPANTS.—If a qualified cooperative research consortium has less than 5 persons making nongovernmental contributions, the qualified contributions of each such person (determined without regard to this subparagraph or subparagraph (B)) shall be reduced—

"(i) by 20 percent if there are 4 such persons, or

"(ii) by 40 percent if there are 3 such persons.

"(3) QUALIFIED COOPERATIVE RESEARCH CONSORTIUM.—The term 'qualified cooperative research consortium' means any organization—

"(A) which is registered under the National Cooperative Research Act of 1984, but only if such registration has been published (and is in effect) on the last day of the organization's taxable year with or within which the taxpayer's taxable year ends, and

"(B) which during such taxable year—

"(i) had at least 5 contributors, but only if—

"(I) no 3 members contributed more than 80 percent of total nongovernmental contributions, and

"(II) no single member contributed more than 50 percent of total nongovernmental contributions, or

"(ii) had either 3 or 4 contributors, but only if—

"(I) no single member contributed more than 50 percent (and no 2 members contributed more than 85 percent) of the total nongovernmental contributions, and

"(II) the contributors are engaged in the same trade or business.

"(4) SPECIAL RULES.—For purposes of this subsection—

"(A) NONCASH CONTRIBUTIONS.—Qualified contributions other than cash (including services provided by a taxpayer's employees) shall be taken into account at their cost (or such other basis determined under regulations).

"(B) OVERHEAD.—The cost of services provided by a taxpayer's employees shall include overhead properly allocable to such services.

"(5) NO DOUBLE BENEFIT.—Amounts taken into account under this subsection in computing qualified cooperative research expenditures shall not be taken into account under subsection (a) (1) or (2).

"(6) PREPAID AMOUNTS.—If any contributions paid or incurred during the taxable year to qualified cooperative research consortia are attributable to qualified research to be conducted after the close of the taxable year, such amount shall be treated as paid or incurred during the period which the qualified research is conducted.

"(7) REPORTS.—Each qualified cooperative research consortium shall provide to the Secretary a report containing—

"(A) its certification as such an organization,

"(B) its private source funding ratio, and

"(C) such other information as the Secretary may require.

Each consortium shall provide a copy of the report to each contributor."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.•

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By Mr. LIEBERMAN (for himself and Mr. PRYOR):

S. 395. A bill to provide for a program for the diversification of the activities of certain Federal laboratories; to the Committee on Armed Services.

## DEFENSE LABORATORY DIVERSIFICATION PROGRAM ACT OF 1993

• Mr. LIEBERMAN. Mr. President, Senator PRYOR and I are introducing a bill today that would encourage diversification of defense laboratories and greater cooperation in research and production activities with the private sector. This bill, very similar to one that we introduced last year, as well as to an amendment we introduced to last year's Defense authorization bill, encourages greater cooperation between Department of Defense research and production facilities and United States industry in order to enhance their mutual technological and productive achievements. Under this bill, the Secretary of Defense would establish a Federal Defense Laboratory Diversification Program to facilitate the diversification of Federal defense labs. In conjunction with this process, the Director of Defense Research and Engineering in cooperation with each Defense lab and in consultation with private industry, is required to develop benchmarks for a number of categories of diversification activities. The benchmarks will include such things as the budget resources, manpower, and facilities to be used by each lab and the dollar value of patent, royalty, and license agreements labs should pursue.

Defense labs will also be required to establish an industry and academic advisory panel to promote cooperation between the labs and the private sector. These panels will oversee the development of the lab's research plans and the implementation of the overall DOD program. Annual reports will be submitted to Congress by the Director of Research and Engineering at DOD on a survey of the nature of research being done by the labs under the program, along with recommendations on how the labs can better achieve the goals of the program.

The Director of the Office of Technology Assessment will work with industry to provide an assessment of the program from the point of view of the business community. The Director of Research and Engineering will then use the results of the OTA-Industry report in improving the implementation of the program.

I am pleased to report that the process of cooperation between Defense labs and industry has already begun. Federal labs have expertise that can be of great use to American companies trying to keep up in an increasingly competitive global marketplace. There are any number of examples of cooperative efforts already underway. For instance, Lawrence Livermore National Laboratory [LLNL], is working with the State of California Department of Transportation to help develop an intelligent highway system that would help alleviate traffic congestion. Work is also taking place on image enhancing and processing techniques that would help locate cancerous tumors. Los Alamos Federal Laboratory is working with General Motors to develop a fuel cell power system that could be used for transportation purposes. Caterpillar has been working with LLNL since 1988 to develop sophisticated earthmoving equipment in order to compete against foreign manufacturers like Japan's Komatsu Ltd.

All the major weapons labs—including LLNL, Los Alamos, and Sandia—are poised to make a contribution to civilian R&D. This bill would assist with that process by developing a plan to share research and the development of products that have a commercial purpose.

The end of the cold war has made defense cuts possible. But it is important that in the process of making these cuts we do not allow the expertise found in our defense labs to be cast aside. We must, literally, develop a comprehensive approach for turning our swords into plowshares. This bill would help to achieve that goal by having DOD establish a permanent program for cooperation between industry and Federal labs.

This legislation is an important step toward making certain that as we downsize the military-industrial complex, we do so in a way that it is both cost effective and will help make American industry more competitive.

We must begin the process of building a constructive partnership between business and government. This includes helping business to take advantage of government resources like the Federal Labs Program. If we are to be successful in our efforts to strengthen the American economy, we must support programs such as the one that Senator PRYOR and I are introducing today.

I ask unanimous consent that a copy of the bill be placed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 395

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to encourage greater cooperation between Department of Defense research and production facilities and United States industry in order to enhance their mutual technological and productive achievements.

(b) FINDINGS.—The Congress finds the following:

(1) Department of Defense research and production facilities possess valuable technological resources that could greatly enhance the innovation and productivity of United States industries.

(2) As leadership in the development of advanced technology increasingly shifts away from the defense sector of the United States economy to the commercial sector, the Department of Defense will have to draw on private sector technical expertise to satisfy defense needs.

(3) Private industry and the Department of Defense have independently identified many of the same technologies as critical for their respective purposes, thereby creating opportunities for the cooperative development and production of dual-use technologies.

(4) Department of Defense production and research facilities currently lack adequate incentives to carry out cooperative development activities with private industry and adequate means of measuring progress toward the goal of developing and producing more dual-use technologies.

(5) Private industry must have more opportunities to provide input into Department of Defense research and production facilities in order for such facilities to undertake more research, development, and production relating to dual-use technologies.

### SEC. 2. FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) The Secretary of Defense shall, as soon as practicable after the date of the enactment of this Act, establish a program to be known as the Federal Defense Laboratory Diversification Program (in this Act referred to as the "Program") for the diversification of Federal defense laboratories.

(2) The laboratories covered by the Program shall include all Department of Defense (including its services and agencies) owned or operated laboratories and Department of Defense federally funded research and development centers that undertake more than $5,000,000 in research (in this Act referred to as the "Defense laboratories").

(3) The Program shall be managed by the Director of Defense Research and Engineering.

(b) NATURE OF DIVERSIFICATION PROGRAM GOALS.—The Program shall undertake cooperation between Defense laboratories and private industry in order to—

(1) promote the development and application of dual-use manufacturing technologies to improve quality and efficiency in manufacture of both civilian and defense-oriented products;

(2) promote the development and commercialization of dual-use product technologies;

(3) promote the transfer of defense or dual-use technologies from laboratories to the private sector for the purpose of commercialization, through patent, royalty, and license agreements, cooperative research and development agreements, and other cooperative agreements and through symposia, meetings, and other mechanisms; and

(4) promote the efficient adoption and adaptation of civilian manufacturing product and process technologies to defense needs in sectors critical to maintaining defense preparedness.

(c) Development of Benchmarks for Program.—(1) The Director of Research and Engineering, in cooperation with each Defense laboratory and in consultation with private industry, shall develop benchmarks for each category of diversification activity described in subsection (b) for each Defense laboratory covered by this Act. The benchmarks established shall cover fiscal years 1993 through 1995 and include for each such fiscal year—

(A) the budget resources, manpower, and facilities to be utilized by each laboratory; and

(B) the dollar value of patents, royalties, and licenses broken down by product or SIC code to be sought and pursued by each laboratory, in implementing the Program.

(2) In establishing the benchmark under paragraph (1)(A) for all Defense laboratories covered by the Program, the Director shall establish benchmarks concerning the number and value of cooperative research and development agreements and other cooperative agreements to be established and undertaken, allocating, as appropriate, a minimum of two to five percent of budget to such cooperative work within two years of the establishment of the Program.

(3) Program benchmarks shall be established not later than 180 days after the date of the enactment of this Act. Upon establishment of the benchmarks, each Defense laboratory shall promptly proceed to implement same within its overall budget and utilizing other funds that may be available for implementation of this Act.

(4) Benchmarks shall be updated each fiscal year on an ongoing basis.

(d) Industry Cooperation Mechanisms.—Each Defense laboratory participating in the Program shall establish an industry and academic advisory panel to promote cooperation between the laboratory and the private sector in carrying out the Program. Each laboratory shall utilize its panel to oversee the development of each year's research plan and the implementation of the Program and its benchmarks and to provide advice on how to enhance the dual-use properties of the laboratory's research work on a project-by-project basis.

(e) Reports by Director.—(1) Not later than September 30, 1993, the Director of Research and Engineering shall submit to Congress a report on—

(A) the results of a survey undertaken by the Director delineating the nature of the research being undertaken at each laboratory included in the Program, evaluating the potential of each laboratory included in the Program to achieve the elements specified in subsection (b); and

(B) recommendations on how each such laboratory might become better oriented to achieving such Program elements.

(2) Not later than each of September 30 of 1994, 1995, and 1996, the Director shall submit to Congress a report on—

(1) the extent to which each laboratory participating in the Program has effectively implemented the benchmarks established by the Program;

(2) the accomplishments under the Program in achieving the elements described in subsection (b); and

(3) the steps the Director believes necessary to improve the effectiveness of the Program.

### SEC. 3. INDUSTRY EVALUATION.

(a) In General.—The Director of the Office of Technology Assessment shall, subject to the approval of the Technology Assessment Board, undertake, in close consultation with industrial firms that have cooperated and worked with Federal laboratories, an evaluation of practices and procedures that have proven effective in promoting the elements of the Program set forth in section 1(b), both in laboratories covered by the Program and elsewhere.

(b) Additional Evaluation.—In addition to the evaluation under subsection (a), the Director shall—

(1) evaluate the effectiveness of the Program in achieving optimal cooperation with private industry in meeting the elements set forth in section 1(b); and

(2) make recommendations for any improvements in practices and procedures for cooperating with industry that should be implemented.

(c) Submittal Date.—The evaluations required under this section shall be submitted not later than 24 months after the date of the enactment of this Act.

(d) Utilization of Report Information.—The Director of Research and Engineering shall utilize the recommendations and results of such study in ongoing implementation of the Program.●

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By Mr. LIEBERMAN (for himself, Mr. Stevens, and Mr. Dodd):

S. 396. A bill to establish the Small Business Capital Access Program to enhance the availability of financing for small business concerns; to the Committee on Small Business.

### SMALL BUSINESS CAPITAL ACCESS PROGRAM ACT OF 1993

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Small Business Capital Access Program, a bill designed to bridge the credit gap and make bank financing available to the countless number of small businesses and entrepreneurs presently unable to secure financing with conventional lending institutions.

Mr. President, a recent survey by the Connecticut Business and Industry Association found that 60.4 percent of all businesses responding reported credit availability problems within their industries.

The Small Business Capital Access Program is designed to bridge the credit gap and make bank financing available to the countless number of small businesses and entrepreneurs currently unable to secure bank loans at any cost.

This program represents a new and innovative market-based approach to small business lending. It will enable banks to extend credit to firms which have previously been unable to obtain commercial financing. It will do so with a minimum of regulatory oversight and without sacrificing safety, soundness, or conventional credit analysis. It will focus on small loans from a diverse assortment of companies. And, the program will accomplish all this with a negligible amount of government resources and with no hidden governmental liability.

The Small Business Capital Access Program is based on a portfolio insurance concept rather than the traditional loan-by-loan guarantee process. In other words, as opposed to current programs where government provides a guarantee for each individual loan, this program provides a reserve or guarantee on a portfolio of loans. This will enable banks to evaluate risk on a pooled or shared basis and apply an actuarial approach to small business credit analysis. The result will be banks making far more small business loans with far fewer Federal dollars.

In 1986, the State of Michigan, under the leadership of former Governor Blanchard, implemented a similar program which has provided loans to approximately 950 firms, for a total of $48.5 million in financing, and has resulted in a leverage ratio— that is total government obligation to total lending—of more than 20:1.

Here's how it works:

For each bank participating in the program, a special reserve fund would be established to cover future losses from a portfolio of loans which the bank makes under the program. The reserve fund would be owned and controlled by State government, but earmarked in each participant bank's name. Thus each bank participating in the program would have its own separate earmarked loss reserve.

Payments would be made into a bank's earmarked reserve each time the bank makes a loan under the program. The borrower would make a premium payment of between 1½ to 3½ percent of the loan amount and the financial institution would match the payment. The Federal and State Government would then, either directly or through a guarantee agreement, match the payment. Under this four part matching system, a bank could have anywhere from a 6 percent to a 14 percent loan loss reserve on the portfolio.

If a bank makes a portfolio of loans under the program, it might have a reserve equal to, for example, 10 percent of the total amount of that portfolio. In such a situation, the bank could sustain a loss rate of up to 10 percent on that portfolio and still be completely covered against loss. This gives the bank the ability to absorb a higher loss rate—perhaps 5, 6, or 7 percent—than it could tolerate on its conventional loans—usually 1 or 2 percent. Since this arrangement offers the bank a higher degree of coverage against loss than normally available, the institution may be able to offer more favorable interest rates and terms to small businesses.

The bank, however, must still be prudent in making loans under this program since it is completely at risk for any losses that exceed the coverage provided by the reserve. Because of this incentive for prudence, there will be little need for strict regulatory supervision. This bank would decide whether or not and under what terms and conditions to make a loan.

The limited need for regulatory oversight is a critical component in the implementation of this program. Unlike other government loan programs which require strict oversight due to the government's large hidden liability which is inherent in any guarantee program, the Capital Enhancement Program has a limited government liability—at most, 3½ percent of a loan or a portfolio of loans. This compares to traditional SBA programs where the government exposure is 85 percent of the loan amount.

Also worth noting is the program's built-in bias for small loans. Because this concept is based on insuring a portfolio of loans as opposed to one loan, there is a structural incentive to build a large portfolio of diverse and smaller loans.

Thus, through this arrangement of shared risk, the Small Business Capital Enhancement Program would encourage banks that have been cutting back on commercial lending to extend credit to those small firms most affected by the credit crunch.

Mr. President, the credit crunch is strangling our economy and impeding economic recovery. Credit is the fuel of economic growth. Without credit, businesses cannot grow; without business growth, jobs can not be created; and without job creation this economy will not recover. It's as simple as that. The Small Business Capital Access Program will significantly expand lending to small businesses which will, in turn, create jobs and help put us back on the road to recovery.

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By Mrs. FEINSTEIN:

S. 399. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; to the Committee on Energy and Natural Resources.

### BUTTE COUNTY, CA, CONVEYANCE ACT OF 1993

Mrs. FEINSTEIN. Mr. President, I introduce for appropriate reference a bill to provide for the conveyance of lands to certain individuals in Butte County, CA. The bill is identical to H.R. 457 introduced in the House by Congressman WALLY HERGER.

Mr. President, the legislation is necessary to resolve boundary and title problems between land owners in the Stephens Ridge area of Butte County, CA, and the Federal Government. The problems stem from 1961 when the Forest Service accepted what now appears to be an erroneous survey of the Plumas National Forest boundary. The surveyor could not locate the original survey corner established in 1869 so he established a new corner. Since then, private landowners used the 1961 corner to establish boundaries and build improvements. Now the Forest Service has concluded that the 1961 survey is in error and 13 parties are occupying property was within the boundaries of the Plumas National Forest. The property owners relied upon earlier erroneous surveys which they believed to be accurate and have occupied and improved their property in good faith. I am not aware of any Federal interest in this property and believe the property owners should be granted relief.

The bill provides relief. It authorizes and directs the Secretary of Agriculture to convey without consideration all right, title, and interest in the Federal lands, consisting of less than 20 acres, to the 13 claimants. The bill describes the property in question and the claimants who are entitled to relief. The bill also describes the process to be followed and assigns to the Federal Government the responsibility to provide for a survey to monument and mark the lands to be conveyed.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Act to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

**SEC. 2. DEFINITIONS.**

For the purpose of this Act—

(1) the term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 west, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in subsection (a), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys; and

(3) the term "Secretary" means the Secretary of Agriculture.

**SEC. 3. CONVEYANCE OF LANDS.**

Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in section 2(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 4.

**SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.**

(a) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Act, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after the date such deed is issued.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appointed such sums as necessary to carry out the purposes of this Act.

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By Mr. JEFFORDS (for himself and Mr. CAMPBELL):

S. 400. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation; to the Committee on Labor and Human Resources.

### PENSION BENEFIT GUARANTY CORPORATION LEASE SETTLEMENTS ACT OF 1993

• Mr. JEFFORDS. Mr. President, I rise today to introduce a bill to amend the Employee Retirement Income Security Act [ERISA]. I am pleased to say that I am joined by my distinguished colleague Senator CAMPBELL. It will solidify a recent important settlement made by the Government agency that insures pensions, the Pension Benefit Guaranty Corporation [PBGC] and Continental Airlines. This settlement will provide the PBGC with financial security in its effort to collect nearly $700 million in unpaid pension contributions. In October 1990, Eastern Airlines terminated its pension plans which were $700 million underfunded. Under ERISA, Continental Airlines, as a member of the controlled group, is liable for the pension money owed by Eastern Airlines.

Last October, Continental Airlines and the PBGC came to a settlement concerning these pension liabilities. This agreement has been approved by the court as well as the other creditors involved. However, due to the novelty of the arrangement, some legal questions remain outstanding. My bill would resolve this issue by specifically permitting in law what has already been agreed to by the parties involved. It clarifies that the PBGC, which obtained 15 planes in the settlement, will be protected in the event of a future Continental Airlines bankruptcy.

This will enable the PBGC to obtain the maximum amount it can from Continental Airlines. The more money the PBGC can obtain for Eastern's pension debt, the less money that will have to be obtained through raising the PBGC premiums paid by other plan sponsors. PBGC premiums have already risen 700 percent over the last 10 years.

Last October, the Senate unanimously passed this bill. However, the House was unable to complete action due to it being late in the session. This year, I urge my colleagues to act quickly in passing the legislation so that we can be sure the agreement remains intact. This will bolster the retirement security of 60,000 Eastern Airlines pensioners as well as protect the integrity of the defined benefit plan pension system that over 40 million Americans depend on.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 400

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pension Benefit Guaranty Corporation Lease Settlements Act of 1993".

**SEC. 2. TREATMENT OF SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.**

Section 4062 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF LEASES.—In the case of any settlement for liability under title IV of this Act entered into by the corporation and one or more other parties, if—

"(1) such settlement was entered into before the date of the enactment of the Pension Benefit Guaranty Corporation Lease Settlements Act of 1993,

"(2) one party to such settlement was a debtor under title 11, United States Code, and

"(3) the corporation is a party-in-interest to an agreement being entered into as part of such settlement, which agreement provided that it is to be treated as a lease,

then, for purposes of such title 11, such agreement shall be treated as a lease for purposes of section 1110 of such title 11.".•

• Mr. CAMPBELL. Mr. President, I rise today to join Senator JEFFORDS in the introduction of legislation that will reinforce a recent settlement made by the Pension Benefit Guaranty Corporation [PBGC] and Continental Airlines.

As my colleagues might remember, the Senate unanimously passed identical legislation last year, S. 3367. Though similar language had also been considered by the House, circumstances beyond our control kept the bill from passing during the last days of the 102d Congress.

Continental, which has only recently begun emerging from bankruptcy court protection, has experienced difficulties in dealing with PBGC, difficulties stemming from ambiguities in current law. One of the largest claims against Continental was filed by the PBGC. Continental, as a member of the controlled group of companies which included Eastern Airlines, was being held responsible for the pension shortfall the PBGC assumed when Eastern terminated its pension plans.

Because Continental could not make a large up-front cash payment, the PBGC insisted on receiving assurances that it would receive substantial future payments. Under the terms of the agreement, Continental agreed to transfer its ownership interest in 15 jet aircraft to the PBGC and lease them back. In addition, Continental agreed to guarantee the amount that PBGC would receive upon the future disposition of the planes. Because the equity interest in the planes is being transferred to the PBGC, the agreement requires Continental to restructure the arrangements it now has with the plane's existing debt holders.

The legislation that Senator JEFFORDS and I are introducing would clarify the fact that this arrangement should be considered as a lease in the event of a future bankruptcy filing. Unless the arrangement is treated as a lease, the important protections would be lost and the PBGC and the existing debt holders could lose rental payments and the ability to foreclose on the planes should Continental seek bankruptcy protection in the future.•

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By Mr. CAMPBELL:

S. 401. A bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes; to the Committee on Environment and Public Works.

### MOTORCYCLE SAFETY PROGRAM ACT OF 1993

• Mr. CAMPBELL. Mr. President, I rise today to introduce legislation to protect the States from unfair penalties included in the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. Senators who have been following this issue will know that our colleague, Senator DURENBERGER, recently introduced legislation to repeal the penalty section of ISTEA. As a cosponsor of this legislation, I am extremely supportive of his efforts. The bill I am introducing today should be viewed as a companion bill—not as an alternative to the best possible solution of repeal, but rather as a fallback position should repeal be unattainable.

As my colleagues may know, ISTEA included provisions requiring States to have mandated safety belt and motorcycle helmet laws. While I understand and sympathize with the motivation of those supporting these mandates, I believe their efforts are misguided.

Under ISTEA, Public Law 102-240, each State is required to have both seat belt and motorcycle helmet laws in effect before October 1, 1993. If a State does not have both in effect by this deadline the State will be required, beginning October 1, 1994, to shift 1.5 percent of its Federal highways funds in three programs, the National Highway System [NHS], the Surface Transportation Program [STP], and the Congestion Mitigation and Air Quality Improvement Program [CMAQ], to section 402 safety programs. If by September 30, 1994, a State has not enacted both seat belt and helmet laws the State will be required to shift 3 percent of its Federal highway funds in the NHS, the STP and the CMAQ to safety programs.

Mr. President, the bill I am introducing today would postpone the deadline from October 1, 1993, to October 1, 1995. While my fellow Senators might disagree with me on the merits of mandating helmet use, they must agree that we ought to let States have ample opportunity to debate this issue. I am concerned with the deadline quickly approaching, individual States will not have the opportunity to carefully consider the ramifications of this issue.

In closing, I would urge my fellow Senators to carefully consider this legislation and to discuss the issue with motorcycle riders in their States. I think that if my colleagues review the facts, they will find that mandating helmet use makes little practical sense.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 401

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.**

Section 153(h) of title 23, United States Code, is amended—

(1) in the heading of paragraph (1), by striking "1994" and inserting "1996";

(2) by striking "1995" in paragraph (1) and inserting "1997"; and

(3) by striking "1994" each place it appears in paragraphs (1) and (2) and inserting "1996".●

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By Mr. DURENBERGER (for himself and Mr. THURMOND):

S. 402. A bill to amend the Social Security Act to increase the domestic service wage exclusion, and for other purposes; to the Committee on Finance.

## OCCASIONAL EMPLOYMENT EQUITY

Mr. DURENBERGER. Mr. President, I rise today to introduce S. 402, the occasional employment equity bill. The cloud over the nomination of Zoe Baird to the Office of Attorney General has left in its wake at least one silver lining. It has focused America's attention on an issue of vital concern to anyone who hires what is considered to be a "household employee."

The category of household employees includes, among others, babysitters, nannies, housekeepers, and the kids who shovel your sidewalk and mow your lawn.

The question that is raised here is the following: At what pay level is it right to require the individuals employing these workers to file for withholding of Social Security?

Under current law, an employer must withhold Social Security for a household employee who earns more than $50 per quarter. This threshold was established in 1954—and not once has it even been adjusted for inflation. The $50 is ridiculously out of date. Anyone who has a lawn to be mowed or a walk to be shoveled in snowy weather knows that the neighborhood entrepreneurs would scoff at such wages.

As we all know, $50 went a lot further in 1954 than it does today. In 1954 a babysitter making 20 cents an hour would earn $1 per night for a long night of work. A total payment of $50 would allow the employer to go out 50 nights per quarter—or 200 times per year—without having to worry about filing withholding forms.

How far will that same $50 go today? Where I come from, not more than two or three nights' worth of babysitting.

So the wage paid to babysitters has kept up with the increasing cost of living—but the laws affecting their employers have failed to reflect these changes. The Congressional Budget Office estimates that $50 in 1954 is worth about $250 in 1993 dollars—and the bill I am introducing will bring our tax law in line with this fact.

The bill would increase the threshold for withholding to $250 per quarter and, to prevent this problem from recurring, it would provide for automatic inflation adjustments in the future.

At the new threshold of $250 per quarter, an employer would be able to use a single babysitter at $3 per hour for 6 hours per week—every week—without having to withhold Social Security. Any number of different babysitters could be employed to increase the average number of hours on the whole. For example, if parents knew of three babysitters who were available, they could all work an average of 6 hours per week every week without bumping up against the ceiling.

This bill will help reduce the reporting burden on ordinary Americans—whether it's a parent who hires an occasional babysitter, or a senior citizen who needs some help in shoveling the sidewalk or running errands. I think it is unconscionable to ask the employers of these occasional household workers to contend with the inconvenience of Federal paperwork for such a relatively insignificant amount of money.

I ask my colleagues to note carefully that this modified provision will not encompass full-time nannies or full-time housekeepers. Those who work in a full-time capacity deserve to have their long-term income security provided for by having their employer withhold Social Security.

Independent contractors—such as professional housecleaning services and professional lawn services—do not currently fall under these requirements, and my bill does not affect their exemption.

I invite my colleagues to join me in my effort to implement this change for the sake of the numerous people who have voiced their concern over this inequitable situation. There is currently very little compliance with this rule, and this bill would offer substantial clarification in an area that desperately needs it.

In fact, I believe that this bill will result in greater compliance and will increase revenue rather than lower it. Many people were unaware of this requirement prior to the Attorney General nominations, and creating a threshold which is reasonable by current standards, and fair to those who need occasional help in their daily lives, will lay the groundwork for increased awareness, understanding and compliance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 402

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the "Occasional Employment Equity Act".

**SEC. 2. INCREASE IN DOMESTIC SERVICE WAGE EXCLUSION.**

(a) IN GENERAL.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking "$50" and inserting "$250 for 1993 (or, in the case of any succeeding calendar year, the dollar amount for the preceding calendar year increased by the applicable adjustment determined under section 202(f)(8)(B) for such succeeding calendar year)".

(b) CONFORMING AMENDMENT.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking "$50" and inserting "$250 for 1993 (or, in the case of any succeeding calendar year, the dollar amount for the preceding calendar year increased by the applicable adjustment determined under section 202(f)(8)(B) of the Social Security Act for such succeeding calendar year)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service performed in calendar quarters beginning after the date of the enactment of this Act.

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By Mr. BREAUX:

S. 403. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

## DOMESTIC ENERGY SECURITY ACT OF 1993

Mr. BREAUX. Mr. President, I rise today to introduce the Frontier Offshore Production and Economic Enhancement Act. The bill would provide a $5 a barrel credit for oil produced from deep water production—defined as 400 meters or more. This legislation is vitally needed to reduce our reliance on foreign oil, reduce the trade deficit, maintain a vital infrastructure, create jobs, and minimize the risk of oil spills.

Mr. President, this country continues to import an ever-increasing share of oil and petroleum products from abroad. In 1990, we spent $65 billion on oil imports, which amounted to 64 percent of our total trade deficit.

We also spent billions and risked the lives of thousands of young Americans defending our interest in the Persian Gulf. A large part of that interest is the oil and gas that lies below the desert sands.

The domestic energy industry continues to decline. Thousands of oil industry workers have been laid off and it looks like many more may become unemployed in the near future. Over 400,000 jobs have been lost in the oil and gas industry in the last 10 years; by some estimates, 40,000 to 50,000 may have been lost in 1992 alone.

Our national security depends on access to dependable domestic energy reserves. Unfortunately, our domestic oil and gas industry cannot turn on a dime. There is no magic spigot that can be turned on when the need for secure domestic oil reserves becomes acute. The expertise needed to develop oil and gas is highly skilled and trained, particularly now that the remaining domestic reserves are increasingly more difficult to recover.

Unless we take steps today to help preserve a viable domestic industry, the next energy crisis may be chronic and very damaging to our economy. Unless we act to preserve a core of talent and capital in the United States, the domestic industry may not be able to deploy the necessary capital investment and trained labor necessary to quickly add large increments to our overall domestic supply of oil and petroleum products.

Finally, the most recent data obtained from the minerals management survey shows that only 2 percent of the world's oil spills are the result from Outer Continental Shelf [OCS] development. In contrast, 45 percent of the world's oil spills come from transportation related, or tanker spills. The more we import, the higher risk there is of large oil spills.

An important part of our strategy to assure the availability of domestic supply is the development of the Outer Continental Shelf [OCS], in particular areas in the deep water, well over 1,200 feet. The OCS contains almost one quarter of all estimated remaining domestic oil and gas reserves; much of the reserves are in deep water. According to the Department of the Interior estimates, there are 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. The costs of finding and producing oil and gas in deep water areas is astronomical; for example, a state-of-the-art rig in deep water, over 3,000 feet can cost more than $1 billion, as opposed to $300 million for a conventional fixed leg platform in 800 feet of water.

Based on similar large-scale projects, the development of the deep water of the Gulf of Mexico would create tens of thousands of jobs in the oil industry and a multiple of that in the general economy. The investment required to find, develop, and produce 5–10 billion barrels of oil could range from $50–$100 billion. Since various studies have estimated that every billion dollars' worth of investment could create 20,000 jobs; a large scale effort could ultimately create up to one million jobs.

Under current economic conditions, most oil and gas potential in the deepwater Gulf of Mexico will not attract investment, due to the high cost of finding and producing hydrocarbons in a hostile deep-water environment. Therefore, I am introducing legislation to provide a $5-per-barrel credit for production of qualified fuels, defined as domestic crude and natural gas produced from property located under at least 400 meters of water. Unlike the general business credit, the deep-water credit cannot be carried back 3 years. Unused credits can be carried forward for 15 years. Unused credits can be carried forward for 15 years. The credit could be used to offset the corporate alternative minimum tax since many companies in the oil production and services industries are subject to the minimum tax.

Mr. President, I must emphasize that I have designed the credit to minimize revenue loss to the Government. Since there is typically 5 to 8 years between discovery and production of oil and gas in commercial quantities, there will not be a negative near-term impact on tax revenues. In fact, in the first few years, the deep water credit could raise revenue. During this interim time period, significant investments will be made to assure that the oil and gas will be brought to market. Suppliers, contractors, and employees will pay taxes on the additional income generated by these development activities. Their increased spending will increase the earnings and stimulate employment in many industries throughout the United States.

I urge my colleagues to join me in supporting this important legislation.

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By Mr. GLENN (for himself and Ms. MIKULSKI):

S. 404. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE FAIRNESS ACT OF 1993

Mr. GLENN. Mr. President, today, I am introducing legislation which is designed to drastically overhaul the Equal Employment Opportunities complaint system. If ever a system cries out for change, the present EEO system does.

Joining me in this effort are Senators STEVENS, MIKULSKI, SIMON, DECONCINI, WOFFORD, AKAKA, FEINGOLD, CONRAD, MCCAIN, MOSELEY-BRAUN, LIEBERMAN, and LEVIN. I ask unanimous consent that they be listed as cosponsors of the bill.

Although the Federal Government has made progress in the area of equal employment opportunity, more should be done and it is important that the Federal Government should take the lead in shattering the glass ceiling.

Providing for equality of opportunity simply makes good business sense. When we restrict opportunity, either in government or industry, we hurt ourselves and diminish our economic potential.

At our Governmental Affairs Committee hearing on the glass ceiling in the Federal agencies, witnesses testified that the EEO complaint process itself is a barrier to the advancement of women and minorities. The EEO complaint process is designed to ferret out illegal barriers to employment and promotion. Therefore, if the complaint process is flawed, the barriers can become permanent roadblocks to career advancement.

As chairman of the Governmental Affairs Committee, I ordered the first Governmentwide study of why women and minorities in the Federal workforce can't seem to rise above the so-called glass ceiling that keeps them out of top Government jobs.

During the last session of Congress the committee held hearings on the EEO complaint system. We heard compelling testimony from several witnesses who shared their first-hand accounts of the flaws in the EEO system.

The committee heard from Donald Rochon, a former FBI agent, who gave an eloquent account of the 4½ years he spent trying to get the system to respond to his request for relief from the racist situation confronting him in the FBI. To say the system failed him would be a gross understatement. In fact, the person charged with deciding his fate was also named in his complaint. So, he was in effect required to ask for relief from the very people who were implicated in the complaint. The FBI in investigating itself, held itself blameless. That is the outcome of most of the cases not only in the FBI, but in many other Federal agencies.

Virginia Delgado testified that she ran into much the same problem. She was an EEO counselor in the Department of the Navy, and the system again failed when she tried to seek some sort of redress from the environment that she considered to be hostile and sexist. Five years after she filed the suit, the U.S. District Court agreed with her. However, in retaliation for her complaint she was fired. Her supervisor was found by a Federal district judge to have illegally created a hostile environment, but the Navy later promoted him and he became one of their top experts on sexual harassment. The level of retaliation illustrated in the case of Mrs. Delgado is an example of what Federal employees may face who file EEO complaints.

In a program aired in January of this year by CBS's "Sixty Minutes," several female agents of the Bureau of Alcohol, Tobacco and Firearms [ATF] spoke out on sexual harassment and the resulting retaliation they suffered because they filed a complaint. According to many of the employees interviewed by my staff, the retaliation was often worse than the original complaint.

Ms. Penny Patterson, an ATF inspector, who testified at the Governmental Affairs Committee's hearings in October 1991 described the same kind of "good ole boy" network that the Washington Post reporter Lynne Duke described in an article which appeared in the Washington Post on January 27, 1993.

I believe this legislation will move us toward a system that will be fair and responsive to the individual employee, instead of favoring the agency, which is now the case. Federal agencies are playing fast and loose with the rules because they make up the rules. According to one Federal enforcement agent, "common criminals are entitled to more due process than a Federal employee who files a complaint."

Mr. President, that is a sad commentary on the present EEO system.

The Federal Employee Fairness Act will provide the statutory base for revising procedures that govern the process of EEO claims, a process which has not been revised since 1972.

First of all this legislation would take agencies out of the business of judging themselves. It would transfer the authority for determining the merits of EEO claims from the agencies against which the claims have been filed to the EEOC, an independent agency with expertise in investigating and evaluating employment discrimination claims.

Mr. President, the staff of the Governmental Affairs Committee has received many items of mail detailing case after case of agencies conducting their own investigations with predictable results 99 percent of the time; the agency finds itself not guilty.

Second, this legislation would eliminate duplication in the processing of EEO claims. The bill would eliminate the duplication that currently occurs when more than 120 different agencies each investigate claims and attempt to keep their EEO staff trained in the latest legal developments by transferring to the EEOC the authority for ensuring that claims are properly investigated and adjudicated. The agencies would still retain critical responsibilities for counseling complainants, attempting to resolve the claims and gathering relevant records. But, the bill would greatly increase the accountability for managing the processing of EEO claims by placing principal responsibility in one agency, not many agencies.

In fact in a report issued by the GAO entitled "Agencies Estimated Costs for Counseling and Processing Discrimination Complaints" we would actually save money by consolidating the complaint process in a single agency. In fact, the CBO estimates that savings could be as much as $25 million yearly, once provisions of the legislation are fully operational.

Further, Mr. President, the bill would impose strict time limitations on the complainants, on the Federal agencies against which claims have been filed and the EEOC which would adjudicate the claims.

The EEOC made a long-awaited change in its regulation when section 1613 went into effect in October 1992. Our legislation will statutorily reduce the excessive delays currently confronting the parties to Federal sector EEO claims. The average time to fully adjudicate EEO claims in the Federal sector was 338 days in fiscal year 1990 rather than the recommended 180 days, the most recent year for which figures are available. Some agencies process the claims much more slowly, such as the Department of Justice which averaged 841 days, over 2 years and the Department of State which averaged 1,134 days.

Under existing law, the complainant must file his or her EEO claim within 30 days. Often, this stringent time limit does not allow the Federal employee to determine if a claim should be filed. The Federal Employee Fairness Act would extend the time within which EEO claims can be filed from 30 days, at present, to 180 days which is currently available in the private sector, affording Federal employees time to think before they act.

The bill would provide Federal employees who eventually prevail in the system with interest on their awards of back pay to compensate for delay, just as employees in the private sector have recovered for years.

Another feature of the bill is that it ensures that hearings will be based on a complete and fair record. The bill would provide the parties with the right to conduct limited discovery of each other's position and authorize the administrative judges to ensure that the record is complete. Hearings would be based largely on a record compiled by the parties, with assistance from the judges where a party needs assistance and not, as is the current practice, on a record largely prepared from investigations that the agencies conduct of themselves.

The legislation further provides these same procedural improvements to victims of age discrimination. The bill would amend the Age Discrimination in Employment Act to adopt the same procedural improvements that would be made to title VII. In addition, the bill would allow employees to file within the same 2-year period that is available to employees in the private sector. And finally, it simplifies and streamlines the processing of mixed cases where civil service and employment discrimination claims are mixed together, rather than the current system that requires separate consideration.

Mr. President, the U.S. Comptroller General, Charles Bowsher, testified before the Governmental Affairs Committee on January 8, 1993, concerning the GAO transition series and critical issues facing the Federal Government. He told us that investment in human resources for Government operations is one of those critical issues. And GAO found that "the President and the Congress need to emphasize to agency heads that they must have programs in place and hold their senior managers accountable for achieving a representative work force, particularly at higher grade levels."

According to census figures and the Department of Labor's Workforce 2000 report, our Federal work force will be different in 7 years. It will be more diverse; it will contain more women; it will contain more minorities; and it will require more technological expertise. We must ensure that the work force is well-trained and efficient. And we must ensure that Federal employees are secure in the knowledge that they will be treated fairly in the workplace, and that talent and performance will be rewarded.

Mr. President, the Federal Employee Fairness Act will help to remove the obstacles now experienced in the current EEO complaint process and restore employee confidence in the system.

That is the very least we must do.

I ask unanimous consent that a copy of the legislation and the Washington Post article of Lynn Duke be printed in the RECORD immediately after my remarks.

Additionally, I ask unanimous consent that the statement of Senator BARBARA MIKULSKI of Maryland be printed in the RECORD immediately following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 404

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Employee Fairness Act of 1993".

**SEC. 2. AMENDMENTS RELATING TO ADMINISTRATIVE DETERMINATION OF FEDERAL EMPLOYEE DISCRIMINATION CLAIMS.**

(a) DEFINITIONS.—Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended—

(1) in paragraph (f) by striking "The term" and inserting "Except when it appears as part of the term 'Federal employee', the term"; and

(2) by adding at the end the following:

"(o) The term 'Commission' means the Equal Employment Opportunity Commission.

"(p) The term 'entity of the Federal Government' means an entity to which section 717(a) applies, except that such term does not include the Library of Congress.

"(q) The term 'Federal employee' means an individual employed by, or who applies for employment with, an entity of the Federal Government.

"(r) The term 'Federal employment' means employment by an entity of the Federal Government.

"(s) The terms 'government', 'government agency', and 'political subdivision' do not include an entity of the Federal Government.".

(b) EEOC DETERMINATION OF FEDERAL EMPLOYMENT DISCRIMINATION CLAIMS.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended—

(1) in subsection (b)—

(A) in the second sentence, by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) in the fourth sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) by designating the first through fifth sentences as paragraphs (1), (2), (4), (5), and (6), respectively, and indenting accordingly;

(D) in paragraph (2) (as designated by subparagraph (C) of this paragraph)—

(i) in subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) by striking "and" at the end;

(ii) in subparagraph (C) (as redesignated by subparagraph (A) of this paragraph) by striking the period and inserting "; and"; and

(iii) by adding after subparagraph (C) the following:

"(D) require each entity of the Federal Government—

"(i)(I) to make counseling available to a Federal employee who chooses to notify such entity that the employee believes such entity has discriminated against the employee in violation of subsection (a), for the purpose of trying to resolve the matters with respect to which such discrimination is alleged;

"(II) to assist such employee in identifying the respondent required by subsection (c)(1) to be named in a complaint alleging such violation;

"(III) to inform such employee individually of the procedures and deadlines that apply under this section to a claim alleging such discrimination; and

"(IV) to make such counseling available throughout the administrative process;

"(ii) to establish a voluntary alternative dispute resolution process, as described in subsection (e)(1), to resolve complaints;

"(iii) not to discourage Federal employees from filing complaints on any matter relating to discrimination in violation of this section; and

"(iv) not to require Federal employees to participate in such counseling or dispute resolution process."; and

(E) by inserting after paragraph (2) (as designated by subparagraph (C) of this paragraph) the following:

"(3) The decision of a Federal employee to forgo such counseling or dispute resolution process shall not affect the rights of such employee under this title.";

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking "(k)" and inserting "(j)";

(B) by striking "brought hereunder" and inserting "commenced under this section"; and

(C) by striking ", and the same" and all that follows and inserting a period and the following: "The head of the department, agency, or other entity of the Federal Government in which discrimination in violation of subsection (a) is alleged to have occurred shall be the defendant in a civil action alleging such violation. In any action or proceeding under this section, the court, in the discretion of the court, may allow the prevailing party (other than an entity of the Federal Government) a reasonable attorney's fee (including expert fees and other litigation expenses), costs, and the same interest to compensate for delay in payment as a court has authority to award under section 706(k).";

(4) by redesignating subsections (d) and (e) as subsections (m) and (n), respectively;

(5) by inserting after subsection (b) the following:

"(c)(1)(A) Except as provided in subparagraph (B), a complaint filed by or on behalf of a Federal employee or a class of Federal employees and alleging a claim of discrimination arising under subsection (a) or paragraph (4) shall—

"(i) name as the respondent the head of the department, agency, or other entity of the Federal Government in which such discrimination is alleged to have occurred (referred to in this section as the 'respondent'); and

"(ii) be filed with the respondent, or with the Commission, not later than 180 days after the alleged discrimination occurs.

"(B) A complaint described in subparagraph (A) shall be considered to be filed in compliance with subparagraph (A), if not later than 180 days after the alleged discrimination occurs, the complaint is filed—

"(i) with such department, agency, or entity; or

"(ii) if the complaint does not arise out of a dispute with an agency within the intelligence community, as defined by Executive order, with any other entity of the Federal Government, regardless of the respondent named.

"(2) If the complaint is filed with an entity of the Federal Government other than the department, agency, or entity in which such discrimination is alleged to have occurred—

"(A) the entity (other than the Commission) with whom the complaint is filed shall transmit the complaint to the Commission, not later than 15 days after receiving the complaint; and

"(B) the Commission shall transmit a copy of the complaint, not later than 10 days after receiving the complaint, to the respondent.

"(3)(A) Not later than 3 days after the respondent receives the complaint from a source other than the Commission, the respondent shall notify the Commission that the respondent has received the complaint and shall inform the Commission of the identity of the Federal employee aggrieved by the discrimination alleged in the complaint.

"(B) Not later than 10 days after the respondent or the Merit Systems Protection Board receives the complaint from a source other than the Commission, the respondent or the Board shall transmit to the Commission a copy of the complaint.

"(4)(A) No person shall, by reason of the fact that a Federal employee or an authorized representative of Federal employees has filed, instituted, or caused to be filed or instituted any proceeding under this section, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this section—

"(i) discharge the employee or representative;

"(ii) discriminate against the employee or representative in administering a performance-rating plan under chapter 43 of title 5, United States Code;

"(iii) in any other way discriminate against the employee or representative; or

"(iv) cause another person to take an action described in clause (i), (ii), or (iii).

"(B) Any Federal employee or representative of Federal employees who believes that the employee or representative has been discharged or otherwise discriminated against by any person in violation of subparagraph (A), may file a complaint in accordance with paragraph (1).

"(d)(1) Throughout the period beginning on the date the respondent receives the complaint and ending on the latest date by which all administrative and judicial proceedings available under this section have been concluded with respect to such claim, the respondent shall collect and preserve documents and information (including the complaint) that are relevant to such claim, including not less than the documents and information that comply with rules issued by the Commission.

"(2) If the complaint alleges that a person has—

"(A) participated in the discrimination that is the basis for the complaint; or

"(B) at the time of the discrimination—

"(i) was a supervisor of the Federal employee subject to the discrimination;

"(ii) was aware of the discrimination; and

"(iii) failed to make reasonable efforts to curtail or mitigate the discrimination,

the respondent shall ensure that the person shall not be designated to carry out the requirements of paragraph (1), or to conduct any investigation related to the complaint.

"(e)(1)(A) The respondent shall make reasonable efforts to conciliate each claim alleged in the complaint through alternative dispute resolution procedures during—

"(i) the 30-day period; or

"(ii) with the written consent of the aggrieved Federal employee, the 60-day period, beginning on the date the respondent receives the complaint.

"(B) Alternative dispute resolution under this paragraph may include a conciliator described in subparagraph (C), the respondent, and the aggrieved Federal employee in a process involving meetings with the parties separately or jointly for the purposes of resolving the dispute between the parties.

"(C) A conciliator shall be appointed by the Commission to consider each complaint filed under this section. The Commission shall appoint a conciliator after considering any candidate who is recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters.

"(2) Before the expiration of the applicable period specified in paragraph (1)(A) and with respect to such claim, the respondent shall—

"(A) enter into a settlement agreement with such Federal employee; or

"(B) give formal written notice to such Federal employee that such Federal employee may, before the expiration of the 90-day period beginning on the date such Federal employee receives such notice, either—

"(i) file with the Commission—

"(I) a written request for a determination of such claim under subsection (f) by an administrative judge of the Commission;

"(II) if such claim alleges an action appealable to the Merit System Protection Board, a written request electing that a determination of such claim be made under the procedures specified in either subparagraph (A) or (B) of section 7702(a)(2) of title 5, United States Code; or

"(III) if such claim alleges a grievance that is subject to section 7121 of title 5, United States Code but not appealable to the Merit Systems Protection Board, a written request to raise such claim under the administrative and judicial procedures provided in such section 7121; or

"(ii) commence a civil action in an appropriate district court of the United States for de novo review of such claim.

"(3) Such Federal employee may file a written request described in paragraph (2)(B)(i), or commence a civil action described in paragraph (2)(B)(ii), at any time—

"(A) after the expiration of the applicable period specified in paragraph (1)(A); and

"(B) before the expiration of the 90-day period specified in paragraph (2).

"(f)(1)(A) If such Federal employee files a written request under subsection (e)(2)(B)(i)(I) and in accordance with subsection (e)(3) with the Commission for a determination under this subsection of the claim described in subsection (a), the Commission shall transmit a copy of such request to the respondent and shall appoint an administrative judge of the Commission to determine such claim.

"(B) If such Federal employee files a written request under subclause (II) or (III) of subsection (e)(2)(B)(i) and in accordance with section (e)(3), the Commission shall transmit, not later than 10 days after receipt of such request, the request to the appropriate agency for determination.

"(2) Immediately after receiving a copy of a request under subsection (e)(2)(B)(i), the respondent shall transmit a copy of all documents and information collected by the respondent under subsection (d) with respect to such claim—

"(A) to the Commission if such request is for a determination under this subsection; or

"(B) to the Merit Systems Protection Board if such request is for a determination under the procedures specified in section 7702(a)(2)(A) of title 5, United States Code.

"(3)(A)(i) If the administrative judge determines there are reasonable grounds to believe that to carry out the purposes of this section it is necessary to stay a personnel action by the respondent against the aggrieved Federal employee, the administrative judge may request any member of the Commission to issue a stay against such personnel action for 15 calendar days.

"(ii) A stay requested under clause (i) shall take effect on the earlier of—

"(I) the order of such member; and

"(II) the fourth calendar day (excluding Saturday, Sunday, and any legal public holiday) following the date on which such stay is requested.

"(B) The administrative judge may request any member of the Commission to extend, for a period not to exceed 30 calendar days, a stay issued under subparagraph (A).

"(C) The administrative judge may request the Commission to extend such stay for any period the Commission considers to be appropriate beyond the period in effect under subparagraph (A) or (B).

"(D) Members of the Commission shall have authority to issue and extend a stay for the periods referred to in subparagraphs (A) and (B), respectively. The Commission shall have authority to extend a stay in accordance with subparagraph (C) for any period.

"(E) The respondent shall comply with a stay in effect under this paragraph.

"(4)(A) The administrative judge shall determine whether the documents and information received under paragraph (2) comply with subsection (d) and are complete and accurate.

"(B) If the administrative judge finds that the respondent has failed to produce the documents and information necessary to comply with such subsection, the administrative judge shall, in the absence of good cause shown by the respondent, impose any of the sanctions specified in paragraph (6)(C) and shall require the respondent—

"(i) to obtain any additional documents and information necessary to comply with such subsection; and

"(ii) to correct any inaccuracy in the documents and information so received.

"(5)(A) After examining the documents and information received under paragraph (4), the administrative judge shall issue an order dismissing—

"(i) any frivolous claim alleged in the complaint; and

"(ii) the complaint if it fails to state a nonfrivolous claim for which relief may be granted under this section.

"(B)(i) If a claim or the complaint is dismissed under subparagraph (A), the administrative judge shall give formal written notice to the aggrieved Federal employee that such Federal employee may, before the expiration of the 90-day period beginning on the date such Federal employee receives such notice—

"(I) file with the Commission a written request for review of such order; or

"(II) commence a civil action in an appropriate district court of the United States for de novo review of such claim or such complaint.

"(ii) Such Federal employee may commence such civil action in the 90-day period specified in clause (i).

"(6)(A)(i) If the complaint is not dismissed under paragraph (5)(A), the administrative judge shall make a determination, after an opportunity for a hearing, on the merits of each claim that is not dismissed under such paragraph. The administrative judge shall make a determination on the merits of any other nonfrivolous claim under this section, and on any action such Federal employee may appeal to the Merit Systems Protection Board, reasonably expected to arise from the facts on which the complaint is based.

"(ii) In making the determination required by clause (i), the administrative judge shall—

"(I) decide whether the aggrieved Federal employee was the subject of unlawful intentional discrimination in a department, agency, or other entity of the Federal Government under this title, section 102 of the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, section 4 of the Age Discrimination in Employment Act of 1967, or the Equal Pay Act of 1963;

"(II) if the employee was the subject of such discrimination, contemporaneously identify the person who engaged in such discrimination; and

"(III) notify the person identified in subclause (II) of the complaint and the allegations raised in the complaint.

"(iii) As soon as practicable, the administrative judge shall—

"(I) determine whether the administrative proceeding with respect to such claim may be maintained as a class proceeding; and

"(II) if the administrative proceeding may be so maintained, describe persons whom the administrative judge finds to be members of such class.

"(B) With respect to such claim, a party may conduct discovery by such means as may be available in a civil action to the extent determined to be appropriate by the administrative judge.

"(C) If the aggrieved Federal employee or the respondent fails without good cause to respond fully and in a timely fashion to a request made or approved by the administrative judge for information or the attendance of a witness, and if such information or such witness is solely in the control of the party who fails to respond, the administrative judge may, in appropriate circumstances—

"(i) draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party who fails to respond;

"(ii) consider the matters to which such information or such testimony pertains to be established in favor of the opposing party;

"(iii) exclude other evidence offered by the party who fails to respond;

"(iv) grant full or partial relief to the aggrieved Federal employee; or

"(v) take such other action as the administrative judge considers to be appropriate.

"(D) In a hearing on a claim, the administrative judge shall—

"(i) limit attendance to persons who have a direct connection with such claim;

"(ii) bring out pertinent facts and relevant employment practices and policies, but—

"(I) exclude irrelevant or unduly repetitious information; and

"(II) not apply the Federal Rules of Evidence strictly;

"(iii) permit all parties to examine and cross-examine witnesses;

"(iv) require that testimony be given under oath or affirmation; and

"(v) permit the person notified in subparagraph (A)(ii)(III) to appear at the hearing—

"(I) in person; or

"(II) by or with counsel or another duly qualified representative.

"(E) At the request of any party or the administrative judge, a transcript of all or part of such hearing shall be provided in a timely manner and simultaneously to the parties and the Commission. The respondent shall bear the cost of providing such transcript.

"(F) The administrative judge shall have authority—

"(i) to administer oaths and affirmation;

"(ii) to regulate the course of hearings;

"(iii) to rule on offers of proof and receive evidence;

"(iv) to issue subpoenas to compel—

"(I) the production of documents or information by the entity of the Federal Government in which discrimination is alleged to have occurred; and

"(II) the attendance of witnesses who are Federal officers or employees of such entity;

"(v) to request the Commission to issue subpoenas to compel the production of documents or information by any other entity of the Federal Government and the attendance of other witnesses, except that any witness who is not an officer or employee of an entity of the Federal Government—

"(I) may be compelled only to attend any place—

"(aa) less than 100 miles from the place where such witness resides, is employed, transacts business in person, or is served; or

"(bb) at such other convenient place as is fixed by the administrative judge; and

"(II) shall be paid fees and allowances, by the party that requests the subpoena, to the same extent that fees and allowances are paid to witnesses under chapter 119 of title 28, United States Code;

"(vi) to exclude witnesses whose testimony would be unduly repetitious;

"(vii) to exclude any person from a hearing for contumacious conduct, or for misbehavior, that obstructs such hearing; and

"(viii) to grant any and all relief of a kind described in subsections (g) and (k) of section 706.

"(G) The administrative judge and Commission shall have authority to award a reasonable attorney's fee (including expert fees and other litigation expenses), costs, and the same interest to compensate for delay in payment as a court has authority to award under section 706(k).

"(H) The Commission shall have authority to issue subpoenas described in subparagraph (F)(v).

"(I) In the case of contumacy or failure to obey a subpoena issued under subparagraph (F), the United States district court for the judicial district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

"(7)(A)(i) The administrative judge shall issue a written order making the determination required by paragraph (6)(A), and granting or denying relief.

"(ii) The order shall not be reviewable by the respondent, and the respondent shall have no authority to modify or vacate the order.

"(iii) Except as provided in clause (iv) or subparagraph (B), the administrative judge shall issue the order not later than—

"(I) 210 days after the complaint containing such claim is filed on behalf of a Federal employee; or

"(II) 270 days after the complaint containing such claim is filed on behalf of a class of Federal employees.

"(iv) The time periods described in clause (i) shall not begin running until 30 days after the administrative judge is assigned to the case if the administrative judge certifies, in writing, that such 30-day period is needed to secure additional documents or information from the respondent to have a complete administrative record.

"(B) The administrative judge shall issue such order not later than 30 days after the applicable period specified in subparagraph (A) if the administrative judge certifies in writing, before the expiration of such applicable period—

"(i) that such 30-day period is necessary to make such determination; and

"(ii) the particular and unusual circumstances that prevent the administrative judge from complying with the applicable period specified in subparagraph (A).

"(C) The administrative judge may apply to the Commission to extend any period applicable under subparagraph (A) or (B) if manifest injustice would occur in the absence of such an extension.

"(D) If the aggrieved Federal employee shows that such extension would prejudice a claim of, or otherwise harm, such Federal employee, the Commission—

"(i) may not grant such extension; or

"(ii) shall terminate such extension.

"(E) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in paragraph (6)(A)(ii), such order shall include formal written notice to each party that before the expiration of the 90-day period beginning on the date such party receives such order—

"(i) the aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued; and

"(ii) unless a civil action is commenced in such 90-day period under clause (i) with respect to such claim, any party may file with the Commission a written request for review of the determination made, and relief granted or denied, in such order with respect to such claim.

"(F) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A) or (B); and

"(ii) before the expiration of the 90-day period beginning on the date such Federal employee receives an order described in subparagraph (A).

"(G) The determination made, and relief granted, in such order with respect to a particular claim shall be enforceable immediately, if such order applies to more than one claim and if such employee does not—

"(i) commence a civil action in accordance with subparagraph (E)(i) with respect to the claim; or

"(ii) request review in accordance with subparagraph (E)(ii) with respect to the claim.

"(g)(1) If a party timely files a written request in accordance with subsection (f)(5)(B)(i) or (f)(7)(E)(ii) with the Commission for review of the determination made, and relief granted or denied, with respect to a claim in such order, then the Commission shall immediately transmit a copy of such request to the other parties involved and to the administrative judge who issued such order.

"(2) Not later than 7 days after receiving a copy of such request, the administrative judge shall transmit to the Commission the record of the proceeding on which such order is based, including all documents and information collected by the respondent under subsection (d).

"(3)(A) After allowing the parties to file briefs with respect to such determination, the Commission shall issue an order applicable with respect to such claim affirming, reversing, or modifying the applicable provisions of the order of the administrative judge not later than—

"(i) 150 days after receiving such request; or

"(ii) 30 days after such 150-day period if the Commission certifies in writing, before the expiration of such 150-day period—

"(I) that such 30-day period is necessary to review such claim; and

"(II) the particular and unusual circumstances that prevent the Commission from complying with clause (i).

"(B) The Commission shall affirm the determination made, and relief granted or denied, by the administrative judge with respect to such claim if such determination and such relief are supported by substantial evidence in the record taken as a whole. The findings of fact of the administrative judge shall be conclusive unless the Commission determines that they are clearly erroneous.

"(C) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in subsection (f)(6)(A)(ii), the Commission shall include in the order of the Commission formal written notice to the aggrieved Federal employee that, before the expiration of the 90-day period beginning on the date such Federal employee receives such order, such Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued.

"(D) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A); and

"(ii) before the expiration of the 90-day period specified in subparagraph (C).

"(h)(1) In addition to the periods authorized by subsections (f)(7)(F) and (g)(3)(D), an aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim—

"(A) during the period beginning 300 days after the Federal employee timely requests an administrative determination under subsection (f) with respect to such claim and ending on the date the administrative judge issues an order under such subsection with respect to such claim; and

"(B) during the period beginning 180 days after such Federal employee timely requests review under subsection (g) of such determination with respect to such claim and ending on the date the Commission issues an order under such subsection with respect to such claim.

"(2) Whenever a civil action is commenced timely and otherwise in accordance with this section to determine the merits of a claim arising under this section, the jurisdiction of the administrative judge or the Commission (as the case may be) to determine the merits of such claim shall terminate.

"(i) A Federal employee who prevails on a claim arising under this section, or the Commission, may bring a civil action in an appropriate district court of the United States to enforce—

"(1) the provisions of a settlement agreement applicable to such claim;

"(2) the provisions of an order issued by an administrative judge under subsection (f)(7)(A) applicable to such claim if—

"(A) a request is not timely filed of such claim under subsection (g)(1) for review of such claim by the Commission; and

"(B) a civil action is not timely commenced under subsection (f)(7)(F) for de novo review of such claim; or

"(3) the provisions of an order issued by the Commission under subsection (g)(3)(A) applicable to such claim if a civil action is not commenced timely under subsection (g)(3)(D) for de novo review of such claim.

"(j) Any amount awarded under this section (including fees, costs, and interest awarded under subsection (f)(6)(G)), or under title 28, United States Code, with respect to a violation of subsection (a), shall be paid by the entity of the Federal Government that violated such subsection from any funds made available to such entity by appropriation or otherwise.

"(k)(1) An entity of the Federal Government against which a claim of discrimination or retaliation is alleged under this section shall grant the aggrieved Federal employee a reasonable amount of official time, in accordance with regulations issued by the Commission, to prepare an administrative complaint based on such allegation and to participate in administrative proceedings relating to such claim.

"(2) An entity of the Federal Government against which a claim of discrimination is alleged in a complaint filed in a civil action under this section shall grant the aggrieved Federal employee paid leave for time reasonably expended to prepare for, and participate in, such civil action. Such leave shall be granted in accordance with regulations issued by the Commission, except that such leave shall include reasonable time for—

"(A) attendance at depositions;

"(B) meetings with counsel;

"(C) other ordinary and legitimate undertakings in such civil action, that require the presence of such Federal employee; and

"(D) attendance at such civil action.

"(3) If the administrative judge or the Commission (as the case may be), makes or affirms a determination of intentional unlawful discrimination as described in subsection (f)(6)(A), the administrative judge or Commission, respectively, shall, not later than 30 days after issuing the order described in subsection (f)(7) or (g)(3), as appropriate, submit to the Special Counsel the order and a copy of the record compiled at any hearing on which the order is based.

"(4)(A) On receipt of the submission described in paragraph (3), the Special Counsel shall conduct an investigation in accordance with section 1214 of title 5, United States Code, and may initiate disciplinary proceedings against any person identified in a determination described in subsection (f)(6)(A)(ii)(II), if the Special Counsel finds that the requirements of section 1215 of title 5, United States Code, have been satisfied.

"(B) The Special Counsel shall conduct such proceedings in accordance with such section, and shall accord to the person described in subparagraph (A) the rights available to the person under such section, including applicable due process rights.

"(C) The Special Counsel shall impose appropriate sanctions on such person.

"(l) This section, as in effect immediately before the effective date of the Federal Employee Fairness Act of 1993, shall apply with respect to employment in the Library of Congress."; and

(6) by adding at the end the following new subsections:

"(o)(1) Each respondent that is the subject of a complaint that has not been resolved under this section, or that has been resolved under this section within the most recent calendar year, shall prepare a report. The report shall contain information regarding the complaint, including the resolution of the complaint if applicable, and the measures taken by the respondent to lower the average number of days necessary to resolve such complaints.

"(2) Not later than October 1 of each year, the respondent shall submit to the Commission the report described in paragraph (1).

"(3) Not later than December 1 of each year, the Commission shall submit to the appropriate committees of the House of Representatives and of the Senate a report summarizing the information contained in the reports submitted in accordance with paragraph (2).

"(p)(1) The Commission, in consultation with the Director of Central Intelligence, the Secretary of Defense, and the Director of the Information Security Oversight Office of the General Services Administration, shall promulgate regulations to ensure the protection of classified information and national security information in administrative proceedings under this section. Such regulations shall provide, among other things, that complaints under this section that bear upon classified information shall be handled only by such administrative judges, Commission personnel, and conciliators as have been granted appropriate security clearances.

"(2) For the purposes of paragraph (1), the term 'classified information' has the meaning given the term in section 606(1) of the National Security Act of 1947 (50 U.S.C. 426(1)).".

### SEC. 3. AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT.

(a) ENFORCEMENT BY EEOC.—Section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) is amended—

(1) by striking subsections (c) and (d); and

(2) by inserting after subsection (b) the following:

"(c)(1) Any individual aggrieved by a violation of subsection (a) may file a complaint with the Equal Employment Opportunity Commission in accordance with subsections (c) through (m), and subsections (o) and (p), of section 717 of the Civil Rights Act of 1964.

"(2) Except as provided in subsection (d) and paragraph (3), such subsections of section 717 shall apply to a violation alleged in a complaint filed under paragraph (1) in the same manner as such section applies to a claim arising under section 717 of such Act.

"(3) The Equal Employment Opportunity Commission, and the administrative judges of the Commission, shall have authority to award such legal or equitable relief as will effectuate the purposes of this Act to an individual described in paragraph (1) with respect to a complaint filed under this subsection.

"(d)(1) If an individual aggrieved by a violation of this section does not file a complaint under subsection (c)(1), such individual may commence a civil action in an appropriate district court of the United States for de novo review of such violation—

"(A) not less than 30 days after filing with the Equal Employment Opportunity Commission a notice of intent to commence such action; and

"(B) not more than 2 years after the alleged violation of this section occurs.

"(2) On receiving such notice, the Equal Employment Opportunity Commission shall—

"(A) promptly notify all persons named in such notice as prospective defendants in such action; and

"(B) take any appropriate action to ensure the elimination of any unlawful practice.

"(3) Except as provided in paragraph (4), section 717(m) of the Civil Rights Act of 1964 (as redesignated by section 2 of the Federal Employee Fairness Act of 1993) shall apply to civil actions commenced under this subsection in the same manner as such section applies to civil actions commenced under section 717 of the Civil Rights Act of 1964.

"(4) The court described in paragraph (1) shall have authority to award such legal or equitable relief as will effectuate the purposes of this Act to an individual described in paragraph (1) in an action commenced under this subsection.".

(b) OPPORTUNITY TO COMMENCE CIVIL ACTION.—If a complaint filed under section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) with the Equal Employment Opportunity Commission is pending in the period beginning on the date of the enactment of this Act and ending on December 31, 1993, the individual who filed such complaint may commence a civil action under such section not later than June 30, 1994.

### SEC. 4. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) GRIEVANCE PROCEDURES.—Section 7121 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting "administrative" after "exclusive"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)";

(B) in the first and second sentences by striking "An" and inserting "Except as provided in paragraph (2), an"; and

(C) in the last sentence by striking "Selection" and all that follows through "any other" and inserting the following:

"(3) An employee may commence, not later than 120 days after a final decision, a civil action in an appropriate district court of the United States for de novo review of a"; and

(D) by inserting after the second sentence the following:

"(2) Matters covered under section 7702 of this title, or under a law administered by the Equal Employment Opportunity Commission, may be raised under the negotiated grievance procedure in accordance with this section only if an employee elects under subclause (II) or (III) of section 717(e)(2)(B)(i) of the Civil Rights Act of 1964 to proceed under this section.".

(b) ACTIONS INVOLVING DISCRIMINATION.—Section 7702 of title 5, United States Code, is amended to read as follows:

**"§ 7702. Actions involving discrimination**

"(a)(1) Notwithstanding any other provision of law, in the case of any employee or applicant for employment who—

"(A) is affected by an action which the employee or applicant may appeal to the Merit System Protection Board; and

"(B) alleges that a basis for the action was discrimination prohibited by—

"(i) section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

"(ii) section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));

"(iii) section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791);

"(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631 and 633a); or

"(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv) of this subparagraph,

the employee or applicant may raise the action as provided in paragraph (2).

"(2) For purposes of paragraph (1), the employee shall raise the action by filing a complaint with the Equal Employment Opportunity Commission in accordance with section 717 of the Civil Rights Act of 1964 and shall make a request under section 717(e)(2)(B)(i) selecting the procedures specified in one of the following subparagraphs:

"(A) The administrative and judicial procedures provided under sections 7701 and 7703.

"(B) The administrative and judicial procedures provided under section 7121.

"(C) The administrative and judicial procedures provided under section 717 of the Civil Rights Act of 1964.

"(3) The agency (including the Board and the Equal Employment Opportunity Commission) that carries out such procedures shall apply the substantive law that is applied by the agency that administers the particular law referred to in subsection (a)(1) that prohibits the conduct alleged to be the basis of the action referred to in subsection (a)(1)(A).

"(b)(1) Except as provided in paragraph (2), the employee shall have 90 days in which to raise the action under the procedures specified in subparagraph (A) or (B) of subsection (a)(2), if—

"(A) an employee elects the procedures specified in subsection (a)(2)(C); and

"(B) the Equal Employment Opportunity Commission dismisses under section 717(f)(5)(A) of the Civil Rights Act of 1964 a claim that is based on the action raised by the employee.

"(2) No allegation of a kind described in subsection (a)(1)(B) may be raised under this subsection.

"(c) If at any time after the 120th day following an election made under section 717(e)(2)(B)(i) of the Civil Rights Act of 1964 to raise an action under the procedures specified in subsection (a)(2)(A) of this section there is no judicially reviewable action, an employee shall be entitled to file, not later than 240 days after making such election, a civil action in an appropriate district court of the United States for de novo review of the action raised under subsection (a).

"(d) Nothing in this section shall be construed to affect the right to trial de novo under any provision of law described in subsection (a)(1) after a judicially reviewable action.".

### SEC. 5. ISSUANCE OF PROCEDURAL GUIDELINES AND NOTICE RULES.

Not later than 1 year after the date of the enactment of this Act, the Equal Employment Opportunity Commission shall issue—

(1) rules to assist entities of the Federal Government in complying with section 717(d) of the Civil Rights Act of 1964, as added by section 2 of this Act, and

(2) rules establishing—

(A) a uniform written official notice to be used to comply with section 717 of such Act, as added by section 2 of this Act; and

(B) requirements applicable to collecting and preserving documents and information under section 717(d), as added by section 2 of this Act.

### SEC. 6. TECHNICAL AMENDMENTS.

(a) CIVIL RIGHTS ACT OF 1964.—Subsections (b) and (c) of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16 (b) and (c)) are amended by striking "Civil Service Commission'' each place it appears and inserting ''Commission''.

(b) CIVIL RIGHTS ACT OF 1991.—The second sentence of section 307(h) of the Civil Rights Act of 1991 (2 U.S.C. 1207(h)) is amended by striking ''section 15(c)'' and all that follows and inserting ''section 15(d)(4) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(d)(4)).''.

### SEC. 7. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on January 1, 1994.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act (other than sections 3 and 4) shall apply only with respect to complaints filed under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) on or after the effective date of this Act.

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[From the Washington Post, Jan. 27, 1993]

## ATF Faces Bias, Harassment Charges: Women, Minorities Confront Treasury Agency's White, Male Traditions

(By Lynne Duke)

In the Oklahoma City office of the federal Bureau of Alcohol, Tobacco and Firearms two years ago, white colleagues of black special-agent-in-training Constance Barron routinely used the word ''nigger'' in her presence, agency documents show. A white agent once called her a ''black bitch.'' And on an office wall where Barron worked, a card read, ''State of Oklahoma Nigger Hunting License.''

In Chicago last fall, after she said she had endured for two years a higher ranking male agent's habit of pawing her, forcibly kissing her and propositioning her for sex, rookie ATF agent Sandra Hernandez told supervisors she was so stressed out she had become anorexic.

And in Atlanta last year, veteran black agent Larry D. Stewart said he applied for promotion 11 times only to see the jobs go to white agents. When he filed an equal opportunity complaint over the matter, Stewart said, he was investigated by ATF's internal affairs office and warned by a white supervisor to ''stop trying to be Martin Luther King.''

Harassment and discrimination charges such as these frequently can be suppressed within the culture of conformity and silence that exists in the nation's elite law enforcement agencies.

This month, however, several blacks and women went public with complaints about ATF, saying they have no faith in the agency's commitment to equal opportunity or its ability to ferret out internal law-breakers.

The charges, detailed in court papers and internal agency documents, mirror the problems experienced by women and minorities in several other agencies, such as the FBI and Drug Enforcement Administration, both of which have been successfully sued in recent years because of systemic discrimination against black and Latino agents. Yesterday, the FBI agreed to allow a federal judge to supervise its employment practices for five years as part of a settlement in a class action complaint brought by more than 300 black agents.

The clashes within federal law enforcement agencies, say lawyers who have handled such cases, suggest a turbulent transition from the exclusionary and white male-dominated ranks' of the past to the new realities of racial and gender inclusion.

Faced with allegations that top ATF management has turned a blind eye to sexual harassment and race discrimination, ATF Director Stephen E. Higgins earlier this month appointed an outside task force to study the agency's equal opportunity policies. ATF, an agency of the Treasury Department, collects federal excise taxes on alcohol, tobacco and firearms and enforces federal laws on firearms explosives and arson.

Higgins also has asked the Treasury Department's inspector general to investigate the cases of Hernandez and two other women whose claims of sexual harassment were aired on the CBS News program ''60 Minutes.'' After an internal investigation verified Hernandez's claim, ATF recommended the firing of a male agent whom Hernandez accused as her harasser, an official said.

As the agency grappled with the sexual harassment charges, new life was breathed into a three-year-old federal class action complaint against the agency on behalf of 180 black agents. When the complaint originally was filed in federal court here three years ago, two agents were named as complainants. Now, there are 15. Atlanta agent Stewart leads the list in the expanded complaint filed on Jan. 15.

Stewart and the other agents claim that ATF places blacks on career tracks from which high profile assignments and career development often are out of reach. They also allege that blacks too often are denied promotions, and that agents who complain through the agency's internal equal opportunity process are targeted for retaliation.

Stewart, 38, an agent since 1978 and a supervisor in the Atlanta division, accused senior ATF officials of practicing ''management by fear.''

''The minute you file a complaint, you retroactively become incompetent,'' said Stewart. He claims that the agency launched an internal affairs investigation against him after the class action lawsuit was filed. The agency briefly suspended and reprimanded him for attending evening law classes without first seeking permission, according to court records.

Higgins, the ATF director, said in an interview earlier this month that to his knowledge no black agents have been targeted for retaliation. He also said that he tried to improve the agency's assignment and promotion process for black agents after a 1984 meeting in which the agents expressed their concerns. Rather than settle the dispute internally, Higgins said, the agents chose to go to court.

''I don't think there's so many of them [complaints] that you can say it's institutionalized,'' he said, adding, ''I'm worried about all these cases. I worry about even one of them.''

One case that indeed seemed to worry the agency was Barron's. The agency, without admitting any violation of civil rights laws, quietly settled her internal equal opportunity case in late 1991. The agency paid her attorney's fees, purged from her record two job performance evaluations that Barron said were unduly harsh as retaliation for her complaints; transferred her to the Dallas office; provided sensitivity training for all its Oklahoma City employees; issued a memo from Higgins reiterating the agency's anti-discrimination policy; and ensured that Barron ''will not be subjected to racial/sexual harassment in the future.''

Barron, 27, said her feelings toward the agency changed dramatically ''the first time I heard 'nigger.' I kept thinking, 'This is a federal agency. We're supposed to be upholding the law.' To me, they were breaking the law.''

The resident agent in charge of Barron's office at the time of the incidents was to be transferred as discipline, but is fighting in court to remain in Oklahoma City.

The ATF has about 22 districts. About 11 percent are women, 10 percent are black and 7 percent are Latino. Among supervisory agents, women, blacks and Latinos each account for about 5 percent.

Complaints of harassment or discrimination are handled internally through an informal process in which they either are resolved or made formal through a written complaint. There have been seven formal sexual harrassment complaints since 1987, according to agency figures.

Formal racial or national origin discrimination complaints have increased from six filed in 1988 to 28 filed last year, with a total of 74 in that five-year period, agency statistics show.

If those who file complaints are not satisfied with the results of internal review, they may appeal to the Equal Employment Opportunity Commission. EEOC officials said it is impossible to determine the number of appeals received from the ATF because such cases are mixed in with those of other Treasury agencies.

Higgins explained that the agency is evolving. Until the early 1970s, he said, ''You did have basically a 'good-old-boy' network in federal law enforcement.'' He said there are people in the agency who ''weren't used to working with anybody who wasn't a mirror image of themselves.''

But, he said, ''all of our managers are trying to, and I would say we are, doing a good job of trying to develop a more diverse work force and to make such that the people who work here feel it's an environment where they can do the best work they can.''

Higgins, who acknowledged that ''maybe I am a little too detached,'' as critics have claimed, said he has elevated the agency's top equal opportunity official, Marjorie Kornegay, so that she will report directly to him.

Higgins said it is true that some agents may indeed have been passed over for promotions. But it happens to agents of all kinds, he said. ''That's not a black thing.''

Fiscal 1992 statistics on promotions to the first level of supervisory agent show that 19 black male agents submitted a total of 84 applications that resulted in seven promotions—or one promotion for every 12 applications. In that same period; 217 white male agents submitted a total of 469 applications that resulted in 108 promotions—or one promotion for every four applications.

Black agents also have complained that they are disproportionately represented among the agents hired as ''Schedule A'' employees—those taken on to fill a special agency need, but who are exempted from civil service protections against undue discipline or firing. Higgins said that Schedule A allows the agency to bring in more blacks than might otherwise get in through the normal civil service testing route.

In many instances, the agency uses Schedule A for black hires because it needs black agents to do undercover work in cases in which a white agent ''would not be credible,'' said Higgins. Special Agent Mark Jones, a black agent named in the suit, said, ''They claim that only African Americans can buy from African Americans, and that's not true.''

According to Jack Killorin, an ATF spokesman, 54 percent of the agency's 100 Schedule A agents are black, and 55 percent are women.

"What we're asking for is not to have black agents treated better than white agents," said David J. Shaffer, the attorney representing the black agents. "We're asking that everybody be treated fairly."

"It's a system that does not prevent racism * * * and there's no attempt by management and no policy from management to stop it," Shaffer said.

The ATF is not the only federal law enforcement agency hit with allegations of widespread harassment and discrimination in recent years.

In November, 19 black agents of the Immigration and Naturalization Service filed a discrimination complaint alleging they were denied promotions and given less important assignments than whites.

In addition to the complaint of black agents, a judge ruled in 1988 that the FBI had discriminated against 310 Latino agents. Just last month, the Drug Enforcement Administration reached final settlement in a 1985 suit by 300 Latino agents.

For Stewart of the ATF, the case in which he is involved has become a matter of honor. He said the agency has tried to tell him in innumerable ways that his behavior, his advocacy, even his education—a PhD in management—are inappropriate.

Stewart also claims the agency slighted him by not recognizing his role in the arrest and 1991 conviction of Walter Leroy Moody, who killed a Savannah, Ga., city councilman and a federal judge in Alabama with pipe and letter bombs. Stewart, an arson and explosives expert, supervised one of the lead ATF groups investigating the case.

Tom Stokes, special agent in charge of the Atlanta office, said he recommended several agents below Stewart for ATF monetary awards. Stokes himself received an award from headquarters. But Stokes said he recommended no supervisory agents for awards. Stewart feels he was wronged.

"ATF decided that my role was so minimal that I did not deserve any recognition," he said wryly.

"I refuse to allow this agency to put me down and tell me it's all been for nothing," he said. "It's gonna take a federal judge to tell me that what I have done is wrong."

Ms. MIKULSKI. Mr. President, I rise again this year with my colleague, Senator GLENN, to reintroduce this very important piece of legislation, the Federal Employee Fairness Act of 1993. I believe that this year we'll get it done. On the issue of sexual harassment, Senator GLENN has shown that he certainly has the right stuff to deal with this most pressing issue. I only wish we could have passed this bill last year. But my colleague, Senator GLENN and I are back again this year to make sure that we improve the procedure for handling sexual harassment complaints filed by federal employees.

Last October marked the first anniversary of the Clarence Thomas-Anita Hill hearings. Those hearings have left an indelible mark on the psyche of the American people.

Mr. President, as we enter into this debate once again, I must say that I do not like the term "sexual harassment" because I do not believe that it gives the full impact of what it means to a person who must endure this type of abuse. Sexual harassment is really a form of sexual humiliation. It is a form of degradation. For those people who endure this type of abuse, this legislation is crucial.

Mr. President, during the Clarence Thomas Hearings, we heard a lot of talk across this United States of America on the issue of sexual humiliation. Now it is time to take that talk and put it into action. Time has passed and the American people certainly have not forgotten. It is critical that we correct the complaint system at the EEOC and that we do it now. There is a revolt going on within the United States of America on the issue of sexual harassment. Americans want their complaints to be treated seriously and in a timely way.

If you talk to the victims of sexual harassment the way I have, they will often tell you they were victimized by both the actual event in which they were abused * * * and then subsequently abused by the very system that they turned to for help.

This bill is an important step in the right direction. It will give agency heads the right to impose sanctions against persons who have engaged in sexual harassment, whether they be managers, supervisors, or coworkers.

This bill will address systematic problems and problems within the EEOC complaint system itself. And it will establish timetables for agencies to respond to complaints. No longer will the harasser be able to put it under the rug or hope the complainant will go away.

This legislation eliminates the risk faced by the complainant—it's risky because very often when you follow up on a complaint you stay in the same situation with the same boss whom you are accusing. It is like being locked in a back alley with someone who is about to mug you and being told to wait until your trial comes up.

We cannot tolerate this.

This bill will allow employees more time to file their complaints. When you are a victim of sexual battery, you need time to deal with your own feelings and to gather the courage to undergo the ordeal of filing the complaint itself. but there is another very important feature about this bill—it saves money.

When these changes are fully implemented and the department is up and running, the Federal Government will save up to $25 million a year. That's fantastic because we know we cannot afford to waste time and waste money.

Mr. President, the United States of America went through a very important lesson on sexual harassment in the last year and a half. If we do not pass this legislation, the Senate will once again flunk the course. Victims who have the courage to stand up and say, "No, this is not right," should not be treated as if they themselves were villains.

Mr. President, during the Thomas-Hill hearings, my phones were flooded by phone calls from women who suffered similar experiences, and underwent great trauma. The problem of sexual harassment was presented then with no solution.

This bill will not solve the problem of sexual harassment itself, but it sure will help the victims of sexual harassment by making the administrative process much more fair.

Mr. President, if I can help it, with this legislation, I will see that the process is changed so that people feel that the system works for them and not against them.

Anything we can do to change the law, to empower the injured person, to give them an opportunity to present their complaint, and to make sure they are not treated as the victim.

I feel very strongly about this, and I want to conclude by saying that we have an opportunity to send a message to victims everywhere and to those who work in Federal service that on the issue of sexual harassment, the United States of America wants to ensure that the silence on sexual harassment is broken and that this legislation will provide them with a fair and equitable process that begins to correct the wrongs of the very system itself.

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By Mr. LIEBERMAN (for himself and Mr. LAUTENBERG):

S. 405. A bill to create an environmental innovation research program, and for other purposes; to the Committee on Environment and Public Works.

## ENVIRONMENTAL INNOVATION RESEARCH ACT OF 1993

• Mr. LIEBERMAN. Mr. President, today I am introducing the Environmental Innovation Research Act of 1993. The bill seeks to harness environmental research, development and cleanup efforts in Federal agencies to assist environmental technology development and product creation. Senator MIKULSKI has been one of the leaders in the area of environmental technology and I appreciate the advice and cooperation that Senator MIKULSKI and her staff have extended to me and my staff in the preparation of this legislation and I look forward to continuing to work with her on this issue. I also have drawn from the work of the World Resources Institute in its report, "Backs to the Future: U.S. Government Policy Toward Environmentally Critical Technology" and I commend WRI's excellent work.

Mr. President, the new administration is committed to making the United States a leader not only in environmental protection, but also in the development and commercialization of clean technologies. Both President Clinton, and our former colleague, Vice President GORE, strongly believe that there is no conflict between strong environmental protection and economic competitiveness and that, indeed, developing clean technologies will play an important part in ensuring that we are economically competitive. This legislation should take us a long way toward meeting these goals of the new administration.

The program established by this legislation is specifically modeled on the highly successful Small Business Innovation and Research [SBIR] program which focuses on moving new general technologies into commercial development and production. This legislation applies the SBIR set-aside concept to the field of innovative environmental technology.

My legislation requires each Federal agency with a budget for research and development and/or environmental cleanup in excess of $50 million to expend no less than 1.25 percent of those funds on a program related to critical environmental technology. The term "critical environmental technology" is defined broadly to include innovations that can be used to reduce risks to human health, welfare, or the environment.

The legislation establishes a new office within the Environmental Protection Agency [EPA] to coordinate the activities of the environmental research programs established by Federal agencies. This new office will carry out EPA's environmental research program; monitor other Federal agency programs; provide technical assistance to private business concerns; and help ensure the availability of an initial market for the technology, among other responsibilities. The Director of this Office, working with a task force comprised of members of industry and Federal agencies, shall compile a list of critical environmental technologies and cooperate on program implementation.

Mr. President, the Earth Summit in Rio last summer made clear that if American industries are to compete in the global economy, they must integrate the goals of environmental protection and economic growth. The last administration's short-sighted policies took us back 20 years to an artificial conflict between environmental protection and economic growth. As one computer industry executive explained to me, in his highly competitive industry, production of waste and pollutant byproducts is actually a cost, a sign of production inefficiency. If America is going to succeed in international competition, it is going to have to accelerate its productivity rate, and environmentally sound production is crucial to that process. A recent study by the nonprofit group INFORM of pollution prevention activities at 27 companies found that average product yield per pollution prevention activity at those companies increased by 7 percent. This translates into greater international competitiveness.

The fact is that we cannot have a healthy economy without a healthy environment. Most businesses are beginning to believe that. They also know that the market for environmentally sensitive products is expanding at the speed of sound.

The Organization for Economic Cooperation and Development has reported that environmental goods and services is now a $200 billion industry that will experience a 5½-percent growth on an annual basis.

The Congressional Office of Technology Assessment estimates that global environmental goods and services will grow to a $300 billion industry by the year 2000.

A recent study conducted for EPA estimates that if the Clean Air Act of 1990 is fully implemented, revenues in the air pollution control industry will increase by $4 to $6 billion annually. Cumulatively, that will represent a $50 to $70 billion increase in revenues by the year 2000. EPA officials estimate that tens of thousands of jobs will be created by the year 2000. These positions include construction workers, engineers, and manufacturing jobs.

The development of clean technologies can also save businesses money by reducing costs associated with waste treatment and disposal, chemical accidents, and other potential long-term liabilities. Polaroid Corp., for example, streamlined production of its photographic chemical plants, cutting waste generation by 31 percent and disposal costs by $250,000 per year. Among Polaroid's initiatives was the first high-quality diagnostic medical imaging system to use a dry developing process and new dyes which use 30 percent less solvents per unit of production. These new processes do good two ways at once: they are good for the environment, and they help make American industry more competitive.

While other nations, notably Japan and Germany, have fostered the development of new environmental technologies through active involvement with all stages of research, development, and commercialization, the United States does not have a coherent national policy to encourage the development of environmental technology.

The absence of such a policy threatens to leave America behind in the emerging worldwide industry. According to Harvard Business School Professor Michael Porter, almost 70 percent of the air pollution control technology sold in the United States is now foreign-made. Some of this technology, including some now imported from Japan, was invented in the United States. But lack of an early domestic market led some patent holders to sell their patents abroad. We cannot let environmental technology go the way of the VCR.

I have seen directly what the lack of U.S. Government commitment to clean environmental technologies can mean. Connecticut is home to two of the Nation's fuel cell manufacturers. Fuel cells are essentially large-scale batteries that use a range of fuels, hydrocarbon fuel, without combustion, to produce electricity. They are superlative energy producers, reaching efficiencies of over 80 percent if heat is recovered, compared to about 30 percent for traditional power plants. They are virtually pollution-free and because of their great efficiency, emit far less carbon dioxide per unit of energy produced than traditional power-generating devices.

OTA, the National Critical Technologies Panel and World Resources issued a recent report, "Backs to the Future: U.S. Government Policy Toward Environmentally Critical Technology," which lists fuel cells as one of the critical environmental technologies. But fuel cell manufacturers in this country are struggling because they lack the Federal support that prudent energy and economic policy would dictate. Fuel cells are on the brink of commercialization, but our Government is not acting to foster that commercialization here in cooperation with the private sector. Even as they struggle in this country, however, fuel cells and other alternative energy industries are forming the basis of an aggressive energy and economic policy in Japan—including support of the commercialization process. That should come as no surprise to us, but it should serve as a warning.

Mr. President, this legislation seeks to address some of the obstacles faced by private business concerns seeking to develop and commercialize critical environmental technologies. I have noted that this bill is modeled after provisions in the Small Business Innovation Research Act. That program, which is funded by a required set-aside for research and development money at Federal agencies, is designed to promote technological innovation and the ability of small businesses to transform research and development results into new products.

The three-phase structure for environmental innovation programs in this legislation is based on the phases set forth in SBIR. The first phase is designed to determine the scientific and technical merit and feasibility of a proposed idea. The second phase is designed to further develop the idea. The third phase includes not only Federal but private sector funds, and is designed to promote the commercial application of this research.

According to a March 1992 General Accounting Office report, the SBIR program is successful even though many projects have not yet had sufficient time to achieve their full commercial potential. The GAO study concluded that 27 percent of the SBIR projects reach commercialization within 6 years. As of July 1991, the program had generated approximately $1.1 billion in sales and additional funding for technical development—two key indicators of the program's commercial success, with an additional $3 billion expected by the end of 1993. The majority of this activity occurred in the private sector.

Mr. President, I look forward to working with the new administration and Senator MIKULSKI to make certain that the United States is a key player in the environmental technologies of the next decade and century. The Federal Government needs to be a partner with the private sector in stimulating research and development of these new technologies and products. Given the enormous size of the Government's own cleanup requirements, the Government itself will be a primary beneficiary. A recent EPA report examining innovative cleanup technologies states, "A primary reason for developing new technologies is to provide more cost-effective alternatives to existing technologies." EPA's analysis of cleanups at eight hazardous waste sites which used innovative technologies identified an overall cost savings of over $160 million or an average cost reduction of about 66 percent because an innovative technology was chosen over a conventional method. The magnitude of cleanup at Department of Energy and Department of Defense sites is enormously complex. An extensive study by the Congressional Office of Technology Assessment concluded that it may be impossible with current technology to remove contaminants from certain groundwater plumes and deeply buried soil. New technologies are needed to address these serious contamination problems in a more timely and cost-effective manner, with the potential for enormous savings to the Government.

Mr. President, this is not old-fashioned industrial policy. It is not centralized government planning; it is not command and control from Washington; and, finally, it is not a bailout for failing industries. It is government working as a catalyst with the private sector, to make sure that the strong new environmentally clean technologies of tomorrow are being created right here in America today, with American workers reaping what we have sown.

I ask unanimous consent that the full text of this legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 405

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Environmental Innovation Research Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the creation of an environmentally sound economy is among the urgent public policy challenges of the United States, on both a domestic and international level;

(2) rather than constraining technology and technological progress, the resolution of environmental problems presents new strategic business opportunities;

(3) new critical environmental technology offers both effective solutions to environmental problems and a viable long-term basis for continued economic growth and competitiveness;

(4) while substantial relevant basic environmental research and development is being conducted in research institutes, universities, and industries, more work is needed to commercialize advances in basic research and explicit support for research is needed; and

(5) to better compete in the world economy, environmental issues must become a more explicit focus within Federal agencies that conduct programs related to environmental cleanup and the development or application of technologies, and more environmental applications of technologies must be encouraged through Federal funding.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish an environmental innovation research program;

(2) stimulate the development of critical environmental technology;

(3) emphasize the goal of the program of increasing private sector commercialization of technology developed through Federal research and development;

(4) increase the role of businesses engaging in environmental innovation research in the establishment of Federal research and development priorities; and

(5) establish the United States as the lead producer and exporter of innovative environmental technology.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COVERED FEDERAL AGENCY.—The term "covered Federal agency" means a Federal agency, with respect to which, for a fiscal year, an amount greater than $50,000,000 is made available for environmental research and development or environmental cleanup or for both.

(3) CRITICAL ENVIRONMENTAL TECHNOLOGY.—The term "critical environmental technology" means a significant technological innovation that—

(A) can be used to reduce risks to human health, welfare, or the environment;

(B) enables a wide range of related technical and economic advances; and

(C)(i) confers societal benefits in addition to private returns;

(ii) either—

(I) confers an economic advantage on United States industries developing or using the technology; or

(II) has the potential of becoming a dominant technology with respect to the future application of the technology; and

(iii) as appropriate, is generically applicable at the precompetitive stage.

(4) DIRECTOR.—The term "Director" means the Director of the Office for the Development of Critical Environmental Technology established under section 4.

(5) ENVIRONMENTAL INNOVATION RESEARCH.—The term "environmental innovation research" means research related to the development, application, or commercialization of critical environmental technology.

(6) FUNDING AGREEMENT.—The term "funding agreement" means a contract, cooperative agreement, grant agreement, patent agreement, royalty agreement, license agreement, equity agreement, or other appropriate legal agreement between the head of a covered Federal agency and a private business concern to provide funding and support to carry out environmental innovation research.

(7) OFFICE.—The term "Office" means the Office for the Development of Critical Environmental Technology established by section 4.

(8) TASK FORCE.—The term "Task Force" means the Critical Environmental Technology Task Force established under section 7.

**SEC. 4. ESTABLISHMENT OF OFFICE.**

(a) IN GENERAL.—There is established within the Environmental Protection Agency an Office for the Development of Critical Environmental Technology. The Office shall be headed by a Director, who shall be appointed by the Administrator.

(b) CRITICAL ENVIRONMENTAL TECHNOLOGY RESEARCH PROGRAM.—The Administrator, acting through the Director, shall carry out a critical environmental technology research program. In carrying out the program, the Administrator, acting through the Director, shall—

(1) coordinate communication between the heads of covered Federal agencies and private industry regarding the development of critical environmental technology;

(2) conduct an environmental innovation research program pursuant to section 5;

(3) provide information, in cooperation with the head of each other covered Federal agency, to private business concerns that carry out environmental innovation research projects under section 5 regarding contracts with Federal agencies for research and development concerning critical environmental technology;

(4) provide technical assistance to private business concerns, including information concerning the research and development of critical environmental technology under other federally-sponsored research programs;

(5) to the extent allowable by law, in cooperation with the head of any other Federal agency that the Administrator determines to be appropriate, ensure the availability of an initial market for the critical environmental technology;

(6) develop and maintain a clearinghouse to provide information to private business concerns that develop or apply critical environmental technology;

(7) coordinate the activities of, and independently survey and monitor the operation of, environmental innovation research programs established by covered Federal agencies pursuant to section 5(b); and

(8) conduct sufficient outreach activities to ensure that, to the extent that funds are available, private business concerns qualified to carry out an environmental innovation research project have an opportunity to participate in the program established under this subsection.

**SEC. 5. ENVIRONMENTAL INNOVATION TECHNOLOGY RESEARCH PROJECTS.**

(a) CRITICAL ENVIRONMENTAL TECHNOLOGY RESEARCH PROGRAM OF THE ENVIRONMENTAL PROTECTION AGENCY.—As part of the critical environmental technology program referred to in section 4(b), the Administrator, acting through the Director, shall conduct an environmental innovation research program pursuant to subsection (b). The Administrator, acting through the Director and in cooperation with the heads of covered Federal agencies, shall ensure the effective coordination of the activities of environmental innovation research programs conducted by the heads of covered Federal agencies under subsection (b) with the environmental innovation research program conducted by the Administrator, acting through the Director, under this subsection.

(b) ENVIRONMENTAL INNOVATION RESEARCH PROGRAMS OF COVERED FEDERAL AGENCIES.—

(1) IN GENERAL.—In addition to the establishment of an environmental innovation research program by the Administrator under subsection (a), the head of each covered Federal agency shall establish an environmental innovation research program for the development and commercialization of critical environmental technology to—

(A) further the progress of cleanup and pollution prevention activities of the agency; and

(B) avoid future pollution and cleanup problems.

(2) FUNDING.—The head of each covered Federal agency shall—

(A) on an annual basis, set aside not less than 1.25 percent of the sum of—

(i) funds appropriated to the agency for environmental research and development (if any); and

(ii) funds appropriated to the agency for environmental cleanup (if any),

to fund an environmental innovation research program that meets the requirements of this Act; and

(B) on an ongoing basis, consult with the Task Force concerning the expenditure of the funds set aside pursuant to subparagraph (A).

Nothing in this Act shall limit the amount of funds a covered Federal agency may spend on the development and commercialization of critical environmental technology, or any other environmental technology activity.

(3) DUTIES OF HEADS OF COVERED FEDERAL AGENCIES.—

(A) IN GENERAL.—In carrying out an environmental innovation research program established under this subsection, the head of each covered Federal agency shall, in accordance with the requirements of this subsection—

(i) determine categories of projects to be included in the environmental innovation research program;

(ii) issue environmental innovation research solicitations;

(iii) receive and evaluate proposals resulting from environmental innovation research proposals;

(iv) select awardees for the environmental innovation research funding agreements of the covered Federal agency;

(v) administer the environmental innovation research funding agreements of the covered agency (or delegate the administration to another agency); and

(vi) make payments to recipients of environmental innovation research funding agreements on the basis of progress toward or completion of the funding agreement requirements.

(B) COOPERATIVE AGREEMENTS WITH OTHER FEDERAL AGENCIES.—The head of each covered Federal agency may enter into a cooperative agreement with the head of another Federal agency for the provision of technical assistance and other appropriate assistance to the business concern conducting an approved project.

(4) PHASES OF ENVIRONMENTAL INNOVATION RESEARCH PROGRAM.—

(A) IN GENERAL.—The head of each covered agency shall carry out an environmental innovation research program consisting of the following three phases:

(i) A first phase (with respect to which the head of the covered Federal agency may enter into funding agreements with private business concerns, each of which shall be in an amount not to exceed $100,000) for determining, to the extent practicable, the scientific and technical merit and feasibility of ideas submitted pursuant to environmental innovation research program solicitations that appear to have commercial potential.

(ii) A second phase (with respect to which the head of the covered Federal agency may enter into funding agreements with private business concerns, each of which shall be in an amount not to exceed $750,000) to further develop proposals that meet particular program needs, and with respect to which awards shall be made on the basis of the scientific and technical merit and feasibility of each proposal, as determined by the first phase (as described in clause (i)). The head of the covered Federal agency shall take into consideration, along with other attributes of each proposal, the commercial potential of each proposal, as evidenced by—

(I) the record of the private business concern of successfully commercializing environmental innovation research or other research;

(II) the existence of funding commitments from private sector or nonenvironmental innovation research funding sources to fund the second phase;

(III) the existence of follow-on commitments for the third phase carried out under clause (iii) for research conducted pursuant to this clause; and

(IV) the presence of other indicators of the commercial potential of the proposal.

(iii) If appropriate, a third phase, with respect to which the head of the covered Federal agency may provide assistance or enter into funding agreements with private business concerns—

(I) that—

(aa) have performed commercial applications research funded under an environmental innovative research program or research and development program; and

(bb) are partially funded by non-Federal sources of capital;

(II) for products or services intended for use by the Federal Government, by federally-funded follow-on research and development that is not funded under an environmental innovation research program under this Act; or

(III) for which awards from Federal sources other than funding for environmental innovation research under this Act are used for the continuation of research or research and development that has been competitively selected using peer review or scientific review criteria.

(B) OTHER ASSISTANCE.—With respect to the assistance provided pursuant to subparagraph (A)(iii), the covered Federal agency may, in addition to providing other assistance, assist the private business concern in pursuing funding or procurement from other Federal research and development or cleanup programs.

### SEC. 6. ANNOTATED LIST OF CRITICAL ENVIRONMENTAL TECHNOLOGIES.

The Director, in consultation with the members of the Task Force established under section 7, shall compile an annotated list of critical environmental technologies and provide for the periodic updating of the list. The annotations to the list shall include, with respect to each listed technology—

(1) a statement by the Director and each member of the Task Force who represents the interests of a Federal agency concerning the listed technology that would be useful to the Federal agency that the member represents for carrying out environmental cleanup or research and development programs of the agency; and

(2) descriptions from appropriate representatives of private business concerns concerning existing research activities related to the listed technology, and other research that could be conducted to develop the technology for both domestic and international markets.

### SEC. 7. CRITICAL ENVIRONMENTAL TECHNOLOGY TASK FORCE.

(a) IN GENERAL.—The Administrator shall establish a task force to be known as the "Critical Environmental Technology Task Force". The Task Force shall consist of the following members to be appointed by the Administrator:

(1) The Deputy Assistant Secretary of Defense for Environment, and an Assistant Secretary responsible for environmental quality, science, or technology research and development (as determined by the Secretary of Defense) from each of the following departments:

(A) The Department of the Army.

(B) The Department of the Navy.

(C) The Department of the Air Force.

(2) The Assistant Secretary for Conservation and Renewable Energy of the Department of Energy, or the designee of the Assistant Secretary.

(3) The Director of the National Institute of Standards and Technology, or the designee of the Director.

(4) The Administrator, or the designee of the Administrator.

(5) The Director.

(6) Five individuals representing private industry, appointed by the Administrator—

(A) at least one member shall be a representative of a leading consortium of an advanced manufacturing and technology firm.

(B) at least one member shall be a representative of small business concerns.

(7) The head of each environmental innovation research program carried out by a covered Federal agency who is not among those individuals described in paragraphs (1) through (6).

(b) CHAIRPERSON.—The Director shall serve as the chairperson of the Task Force.

(c) ACTIVITIES.—The Task Force shall—

(1) assist the Director in ensuring the effective implementation of the proposed environmental innovation research of covered Federal agencies;

(2) oversee the coordination and development of the collection and distribution of critical environmental technology and data associated with the technology;

(3) review research proposals submitted to the Administrator and the heads of covered Federal agencies for environmental innovation research projects;

(4) on the basis of the reviews referred to in paragraph (3), make recommendations to the Administrator and the Director and the head of each covered Federal agency regarding the merits of the distribution of funds under proposed funding agreements to fund proposed projects under the programs established under this Act;

(5) ensure complementary research efforts and avoid duplicative research efforts under this Act; and

(6) promote the effective dissemination of research information and results among Federal agencies and the private sector, as appropriate.

### SEC. 8. REPORTS TO THE DIRECTOR.

(a) IN GENERAL.—On an annual basis, the head of each covered Federal agency shall submit to the Director a report that includes:

(1) A listing of funding agreements under the environmental innovation technology program of the agency that provide for funding in an amount greater than or equal to $10,000.

(2) The aggregate amount of assistance under the funding agreements described in paragraph (1).

(3) A comparison of the number of funding agreements and aggregate amount of funding under agreements described in paragraph (1) made with private business concerns that are environmental technology concerns (as defined by the Administrator) with the number of funding agreements and aggregate amount of funding agreements made with other private business concerns.

(4) The percentage of successful commercialization efforts in critical environmental technology resulting from the environmental innovation technology program.

(b) COORDINATION OF REPORTS.—In the reports required under section 10, the Director shall include a summary of results delineated in the reports submitted under subsection (a).

### SEC. 9. GUIDELINES AND REGULATIONS.

The Administrator shall, not later than 120 days after the date of enactment of this Act, promulgate guidelines for environmental innovation research programs conducted by the Administrator and other covered Federal agencies under this Act. The head of each covered Federal agency shall, on the basis of the guidelines, promulgate such regulations as are necessary to ensure that the environmental innovation research program of the covered agency meets the requirements of the guidelines. The guidelines promulgated by the Administrator under this section shall provide for—

(1) simplified, standardized, and timely solicitations of project proposals;

(2) a simplified, standardized funding process that provides for—

(A) the timely receipt and review of proposals;

(B) at a minimum, outside peer review for project proposals under the phase described in section 5(b)(4)(A)(ii), in any case in which the review is appropriate;

(C) the protection of proprietary information provided in project proposals;

(D) the selection of environmental innovation research projects;

(E) the retention of rights by the private business concern in data generated in the performance of a contract by the private business concern under the environmental innovation research project;

(F) to the extent allowable by law, the transfer of title to property provided by a Federal agency to the private business concern conducting a environmental innovation research project, if the transfer would be more cost effective than recovery of the property by the Federal agency;

(G) cost sharing; and

(H) cost principles and payment schedules;

(3) exemptions from the requirements of paragraph (2) in any case where national security or intelligence functions would be jeopardized; and

(4) minimizing the regulatory burden of each private business concern that participates in an environmental innovation research project in order to improve the cost-effectiveness of the critical environmental technology research and development conducted under the program.

### SEC. 10. MONITORING AND REPORT.

To the extent allowable by law, the Administrator shall—

(1) independently survey and monitor all phases of the implementation and operation of the environmental innovation research program of each covered agency (including compliance with requirements relating to the expenditures of funds); and

(2) not less frequently than annually, and at such other times as the Administrator, in consultation with the Director, considers to be appropriate, submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that includes—

(A) information concerning—

(i) each phase of the implementation and operation of the environmental innovation technology research programs administered by the Administrator and the heads of covered Federal agencies under this Act; and

(ii) other related activities of the Administrator; and

(B) such recommendations for program improvements as the Administrator, in consultation with the Director, considers to be appropriate.

### SEC. 11. REPORT BY THE COMPTROLLER GENERAL.

The Comptroller General of the United States shall, not later than 5 years after the date of enactment of this Act, transmit a report concerning the implementation of the programs established under this Act, including a description of the research conducted under the programs, to the Committee on Environment and Public Works of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

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By Mr. WOFFORD:

S. 406. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain mixtures of caseinate; to the Committee on Finance.

### HARMONIZED TARIFF AMENDMENT ACT OF 1993

• Mr. WOFFORD. Mr. President, I rise today to introduce legislation to restore the duty rate on Tru-Pro 224 of 0.2 cents per pound, which was in the Tariff Schedules of the United States [TSUS]—the old tariff schedule—retroactive to January 1, 1989, when the Harmonized Tariff Schedule [HTS]—the new tariff schedule—came into force.

For 4 years, from 1985 to 1988, all imports of Tru-Pro 224 were consistently and properly classified by the U.S. Customs Service as a mixture in chief value of casein under item 493.17 of the TSUS. When the United States began planning to replace the TSUS with HTS, it was internationally agreed that an article that was classified under a given provision of the TSUS would be classified under the equivalent provision of the HTS. This was designed to assure, in particular, that the rate applicable to the product would not change. In the case of Tru-Pro 224, the equivalent provision was HTS subheading 3501.90.50, which covers casein derivative, at a rate of .44 cents per kilogram.

In spite of the international agreement, Customs reclassified Tru-Pro 224 under HTS subheading 1901.90.40, which covers various food preparations with dairy ingredients, at a rate of 16 percent. That translates into a duty of about 14 cents per pound, since the dutiable value of Tru-Pro 224 is today about 88.5 cents per pound. In other words, the 16-percent rate is about 70 times the 0.2 cents per pound rate.

The attached letter, dated June 28, 1990, to the Australian Government from the United States Trade Representative acknowledges the obligation of the United States Government to seek congressional approval of the restoration of the TSUS rate of 0.2 cents per pound.

Mr. President, I believe it is clear that the United States is obligated to restore the 0.2 cents per pound rate for Tru-Pro 224. It is equally clear that the restoration should be retroactive to January 1, 1989, when the HTS came into force. The application of the 16-percent rate has been unjustified since that date.

Mr. President, I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
*Washington, DC, June 28, 1990.*

Hon. NEAL BLEWETT,
*Minister for Trade Negotiations,*
*Parliament House, Canberra*

DEAR DR. BLEWETT: I have the honor to refer to the discussions which have taken place between officials of our two countries to resolve certain concerns Australia has with the introduction of the Harmonized Tariff Schedule of the United States (HTSUS). Pursuant to those discussions, this letter sets forth the understandings of our two governments of certain actions the United States will take with respect to its schedule, and of Australia's undertaking that it will lift its reservation on the United States GATT schedule XX as converted to the Harmonized System.

Australia's reservations concern three products:

a. Mixtures of non-fat dry milk and anhydrous butterfat containing over 5.5 percent but not over 45 percent by weight of butterfat, which prior to January 1, 1989 were classified to TSUS item 182.92 but which are not classified to HTSUS subheading 1901.90.30;

b. Dried mixtures containing less than 31 percent by weight of butterfat and consisting of not less than 17.5 percent by weight each of sodium caseinate, butterfat, whey solids containing over 5.5 percent by weight of butterfat, and dried whole milk, but not containing dried milk, dried whey, or dried buttermilk any of which contains 5.5 percent or less by weight of butterfat. Prior to January 1, 1989 these mixtures were classified to TSUS item 493.17 but are not classified to HTSUS subheading 1901.90.40;

c. Woven tapestry and woven upholstery fabrics of wool valued over $2 per pound, which prior to January 1, 1989 were classified to TSUS item 357.15 but which are now classified to HTSUS subheadings, 5112.20.00 or 5112.30.00.

Under the Tariff Schedules of the United States (TSUS), the products described in paragraph (a) above, imported from Australia, were subject to a section 22 quota of 1,016,046 kilograms and a tariff rate of 16 percent ad valorem. Under the Harmonized Tariff Schedule of the United States (HTSUS) these products have been classified as articles of milk or cream, subject to a section 22 quota of 2,721 kilograms and a tariff rate of 17.5 percent ad valorem.

Under the TSUS, the products described in paragraph (b) above, imported from Australia, were free of any quota and subject to a tariff rate of 0.44 cents per kilogram. Under the HTSUS these products have been classified as edible preparations containing over 5.5 percent butterfat, subject to a section 22 quota of 1,016,046 kilograms and a tariff rate of 16 percent ad valorem.

Under the TSUS, the products described in paragraph (c) above, imported from Australia, were subject to a tariff rate of 7 percent ad valorem. Under the HTSUS these products have been classified as woven fabrics of combed wool containing less than 85 percent by weight of wool mixed mainly or solely with man-made filaments or man-made staple fibers, subject to a tariff rate of 48.5 cents per kilogram plus 38 percent ad valorem.

Section 1211 (c) of the Omnibus Trade and Competitiveness Act of 1988 provides authority to modify the coverage of the section 22 quotas to restore the previous treatment in effect under the TSUS. This authority expires on June 30, 1990.

There is no executive authority to reduce tariffs on these products by more than certain specified proportions and amounts. Any tariff reductions greater than those specified proportions and amounts would require approval by the Congress of the United States.

It is understood that the Government of the United States will use the section 1211 (c) authority to restore the pre-existing treatment with regard to quotas for products described in (a) and (b) above and will not oppose legislation to restore the preexisting duty treatment of products described in (a), (b) and (c) above. Further, the Executive Branch of the U.S. Government will enter into an agreement, in the context of the Uruguay Round of multilateral trade negotiations, to restore tariff rates on products described in (a) and (b) to the levels applying immediately prior to 1 January 1989, and thereafter will seek Congressional approval of such restoration.

In these circumstances, Australia will not take any retaliatory measures, request any compensation, or take any measures in pursuit of any right it might have under Article XXVIII of the GATT, including recourse to Article XXIII, with respect to the products described in (a) or (b), on the understanding that action will be taken by the United States to restore pre-existing tariff and quota treatment to products described in (a) and (b) above by the time the United States formally notifies the GATT of its acceptance of the agreements associated with the Uruguay Round of multilateral trade negotiations. However, Australia will retain its GATT rights in relation to these products until such restoration has occurred.

It is further understood that:

A. Australia will immediately withdraw its reservation on the United States GATT Schedule XX as converted to the Harmonized System in all respects except with regard to products (a) and (b) above and initially negotiated rights not fully shown in the Schedule,

B. Australia will notify the GATT to that effect,

C. Australia will lift its reservation with respect to each of the products (a) and (b) above when the respective duty rates and the quota treatment on each is restored to the level applicable under the TSUS, and once all agreed initially negotiated rights accorded to Australia are shown in the United States GATT Schedule XX as converted to the Harmonized System, and

D. The United States will immediately withdraw its reservation on Australia's GATT Schedule I as converted to the Harmonized System.

I have the honor to propose that, if the foregoing is acceptable to the Government of Australia, this letter and your confirmatory reply constitute the understandings of our two governments as of the date of your reply.

Sincerely,

CARLA A. HILLS.•

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By Mr. BINGAMAN (for himself and Mr. COCHRAN):

S. 407. A bill to create a National Commission on School Finance To Meet the National Education Goals; to the Committee on Governmental Affairs.

### EDUCATION LEGISLATION

• Mr. BINGAMAN. Mr. President, today I rise to introduce the National Commission on School Finance Act which will evaluate the current school finance structure in the context of the current emphasis on high standards, school reform and, in particular, achieving the national education goals.

School districts across the United States already strapped for resources are now faced with the new challenge of the national education goals. The current system for financing the primary and secondary education system, which is the principal responsibility of the States, is heavily decentralized with variations from school to school, district to district, and State to State.

While individual States have been grappling with school finance disparities among their localities, there are important differences in the States' ability and willingness to devote resources to education among the States. With more than 15,000 school districts in the United States that vary widely in nature, authority, and responsibilities, it is a daunting task for a district looking for a model for reform of finance policies to meet the National Education Goals.

The national education goals represent the emergence of a Federal role in the American educational system. Traditionally, local education agencies have had the major responsibility in the kindergarten through 12th grade system, but burgeoning enrollment along with changing demographics have pushed the system to the brink.

While enrollment has increased, funding has stagnated, and in some cases has been reduced. School finance remains a prominent issue. While the Federal share of education finance for kindergarten through 12th grade is only approximately 6 to 7 percent, some States utilize up to half, or more, of their budgets on education.

As this Congress moves to adopt the national education goals there must be an examination of education finance policies and procedures. The promise of national goals by the year 2000 is hollow if we do not realistically address the need to finance the programs to accomplish the goals. Many local school districts, barely able to provide basic school supplies, may not be able to afford the new resources or educational technology necessary to meet the national goals.

This bill would create a National Commission on School Finance to meet the national education goals to study ways in which current finance methods can be improved, or if the situation warrants, replaced by alternate finance methods. School finance policies must be efficient in increasingly tight economic times. It has been 20 years since the last comprehensive and objective study of school finance policies and practices was completed. Current education finance trends and policies must be re-examined with a national scope.

Issues such as finance policy inequity, the impact of Federal education assistance programs, and the cost-effectiveness of specific educational resources must be addressed.

The inequity of finance policies is a contentious issue more and more often settled in the already over-burdened court system. Recently, States such as Texas, Kentucky, and New Jersey have been ordered by the judiciary to alter their school finance formulas. A national analysis of these court cases, and the implications of their rulings, would be highly useful to State and national policymakers.

The cost-effectiveness of educational resources and methods and their relationships to costs and outcomes are poorly understood. Efficiency in addressing major educational concerns will be a key to allowing the American educational system to compete on a global scale, as increasingly it must. The bottom line is that we need to know what works and what does not, especially for those students who are in disadvantaged school districts, where every dollar is at a premium.

The Commission is vital to understanding the effectiveness of our primary and secondary education systems compared to our trading partners, and competitors, such as Japan and the European Community. This bill would require the commission to study the expenditure levels and intergovernmental financial responsibilities of other industrialized nations. As adults, today's primary and secondary students in New Mexico will not only be competing for jobs against students in Texas and Rhode Island, but also against students in Berlin and Osaka.

A national challenge requires a national response. The National Commission on School Finance to meet the national education goals will allow those who are attempting to meet the challenges of the national education goals to draw upon the resources of the Federal Government. Finally, the commission will issue a report recommending, the appropriate role of the Federal Government in supporting school and State finance reform.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 407

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on School Finance To Meet the National Education Goals Act".

### SEC. 2. FINDINGS.

The Congress finds—

(1) State governments have for a long time played the principal role in financing America's education system and historically such role has involved heavy reliance upon locally administered property taxes in conjunction with State prescribed per pupil spending minima, while the Federal Government has been a junior partner in such role, contributing approximately 7 or 8 percent of the amount spent on kindergarten through twelfth grade schooling;

(2) the State and local role described in paragraph (1) has traditionally been decentralized;

(3) the rapid evolution of an unusually competitive international economy is altering national education needs and the new strategic resource for nations has become the trained intellect of its citizens;

(4) the United States is attempting to respond to the challenge described in paragraph (3) by debating and implementing education reform alternatives and setting national education goals;

(5) education reforms may have little chance of sustained success and universal achievement of the national education goals may be jeopardized when such reforms are part of a disparate means by which our Nation finances its schools;

(6) the means by which United States schools are financed result in—

(A) spending inequality from school-to-school, district-to-district and State-to-State;

(B) neglected effectiveness such as finance systems paying little heed to outcomes, accountability, or performance, and seldom is an education attainment target posed regarding desired outcomes or performance incentives;

(C) organizational rigidity in which school finance systems are rooted in operational units such as small rural schools, as exemplified by school districts having consolidated in mammoth agencies with cumbersome bureaucratic structures sometimes distant geographically and organizationally from the schools such districts purport to direct; and

(D) confusion caused by school finance system accretion and as a consequence intolerable complexity;

(7) the entire context in which United States education now operates has been altered in the last 2 decades and expectations for education are higher, and on crucial dimensions, the capacity of schools to respond is lower; and

(8) in the absence of alternative school finance mechanisms with adequate and adequately structured resources, the hope of national education goals, national assessments, and a host of other reform alternatives are in jeopardy of foundering on good intentions and rhetoric.

### SEC. 3. COMMISSION ESTABLISHED.

(a) ESTABLISHMENT OF THE COMMISSION.—There is established as an independent agency in the executive branch a commission to be known as the National Commission on School Finance To Meet the National Education Goals (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 12 members, of which—

(A) 2 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives;

(C) 3 shall be appointed by the Minority Leader of the House of Representatives;

(D) 2 shall be appointed by the Majority Leader of the Senate; and

(E) 3 shall be appointed by the Minority Leader of the Senate.

(2) SPECIAL RULE.—The membership of the Commission shall provide the Commission with expertise and experience in the provision and financing of elementary and secondary education, including expertise in elementary and secondary school administration, teaching, State legislation, education economics research, and development of standards and assessments.

### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall study what has been learned from the research on innovations in practice that will help further understanding of what will be necessary and what the cost implications are for achieving the national education goals and shall investigate the extent to which—

(1) Federal laws demonstrate a consistent and coherent Federal policy regarding educational access and equity with respect to resources;

(2) Federal education laws and regulations promote the stated Federal education policy;

(3) there are alternatives to current school finance mechanisms; and

(4) schools and States have the capacity to respond financially to the reform demands implied in the national education goals and the consequent objectives.

(b) SPECIFIC REQUIREMENTS.—In carrying out its responsibilities under this section, the Commission shall synthesize and evaluate existing information in the following areas:

(1) FISCAL CAPACITY.—The fiscal capacity of States and local educational agencies to provide access to high quality education to all students, including synthesizing and evaluating information regarding—

(A) the costs of different ways of providing educational services and the factors that impact student achievement;

(B) the impact of socioeconomic status and student-to-teacher ratios, and the effect of such status and ratios on student achievement;

(C) all revenue expended in the United States on elementary and secondary education, including revenue from Federal, State, local and private sources;

(D) international comparisons of expenditure levels, and intergovernmental financial responsibilities, for public elementary and secondary education;

(E) population sparsity and density factors with respect to educational needs and costs;

(F) revenue available to all local educational agencies in the United States with respect to property taxes, sales taxes, personal income taxes and lotteries;

(G) differences in the costs of providing elementary and secondary education by State, and by local educational agencies within States;

(H) the capacity of State school finance systems to provide the resources necessary to achieve the national education goals; and

(I) the role of educational technologies in improving cost-effectiveness, program quality and equity.

(2) FISCAL EFFORT.—The fiscal effort State and local educational agencies make to provide access to high quality education to all students, including synthesizing and evaluating information regarding—

(A) the variables associated with the willingness of communities to tax themselves to raise education revenues;

(B) different teaching compensation policies; and

(C) school districts with much higher than average per pupil expenditures and school districts with much lower than average per pupil expenditures both before and after the implementation of equalization measures.

(3) POLICY.—The impact of Federal, State, and local programs and policies on equalizing access to educational opportunity, including synthesizing and evaluating information regarding—

(A) the relationship between the amount of—

(i) Federal education assistance; and

(ii) tax expenditures for equalization of school finance;

(B) the costs of Federal or State laws that are not fully funded by the level of government that established such laws;

(C) the effect of financial incentives on school performance;

(D) the consistency and coherency among—

(i) Federal, State, and local educational equity policies; and

(ii) Federal, State, and local laws, regulations and resources; and

(E) the effect of Federal education assistance programs and Federal, State, or local tax expenditures on equalization of school finance resources.

(4) SCHOOL FINANCE LEGISLATION.—The trends in State school finance legislation and judicial actions.

(c) REPORTS AND RECOMMENDATIONS.—The Commission shall prepare and submit to the Congress an interim report within 12 months of the date of enactment of this Act and a final report within 18 months of such date. Such reports shall—

(1) summarize the appropriate findings of the Commission;

(2) provide to the Congress a comprehensive analysis of the extent to which a consensus exists regarding the appropriate roles of Federal, State and local government in supporting school and State finance reform;

(3) provide an analysis of the resources that will be needed at the school, district and State level to achieve the national education goals; and

(4) provide an analysis of the capacity of State school finance systems to provide the resources necessary to meet the national education goals.

### SEC. 5. ADMINISTRATION OF THE COMMISSION.

(a) RATE OF PAY.—Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the rate specified at the time of such service for level IV of the Executive Schedule as authorized by section 5315 of title 5, United States Code, for each day, or any part of a day, they are engaged in actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in government service employed intermittently.

(b) TEMPORARY EXEMPTION.—Subject to such rules as may be adopted by the Commission, the Chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(1) appoint a Director or Executive Director who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule; and

(2) appoint and fix the compensation of such other personnel as the Chairperson considers necessary at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission is authorized to enter into contracts or interagency agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(d) SOURCE OF ADMINISTRATIVE SUPPORT.—Financial and administrative support services (including those related to budget and accounting, financial reporting, payroll, and personnel) shall be provided to the Commission by the General Services Administration (or other appropriate organization) for which payment shall be made in advance or by reimbursement from funds of the Commission, in such amounts as may be agreed by the Chairperson of the Commission and the Administrator of General Services.

(e) AUTHORITY TO HIRE EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule. Experts and consultants may be employed without compensation if they agree to do so in advance.

(f) AUTHORITY FOR DETAIL OF EMPLOYEES.—Upon request of the Commission, the head of any Federal department or agency is authorized to detail on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section.

**SEC. 6. TERMINATION.**

The Commission shall terminate 3 years after the first meeting of its members.

**SEC. 7. DEFINITIONS.**

For the purpose of this Act—

(1) the term "elementary school" has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "national education goals" means the national education goals established pursuant to the education summit held in Charlottesville, Virginia in 1989;

(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(5) the term "State" has the same meaning given to such term by section 1471(22) of the Elementary and Secondary Education Act of 1965.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $5,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out this Act.

By Mr. CHAFEE:

S. 408. A bill to promote small business lending to small business concerns in States in which there is a declining number of federally insured financial institutions; to the Committee on Small Business.

SMALL BUSINESS LENDING AND CREDIT AVAILABILITY ACT

• Mr. CHAFEE. Mr. President, I am introducing legislation today to increase lending to small businesses. My bill, the Small Business Lending and Credit Availability Act, would modify section 7 of the Small Business Act—the loan guarantee program—making it easier for banks to lend to creditworthy small businesses.

Now, Mr. President, while our economy is overshadowed by a daunting Federal deficit and a host of other woes, why is it important to tinker with a relatively innocuous Small Business Administration program?

Small business has been, and continues to be, the backbone of the Nation's economy. These entrepreneurial businessowners lead the way in developing new technologies, improving productivity, and, most important, creating jobs. In Rhode Island, there are nearly 25,000 small businesses, employing more than 300,000 workers. Perhaps more meaningful, 90 percent of the new jobs in our Nation will be created by small businesses. Small businesses are important because they create the jobs that drive our economy.

In the past 2 years, however, small businesses have been hit hard by the recession. Small business incorporations declined by more than 5 percent nationwide, while business failures increased nearly 50 percent according to the latest SBA data. In 1991 there were 344 small business bankruptcies in Rhode Island—a whopping 215 percent increase from 1990. Figures are not yet complete for 1992, but estimates suggest that another 300 Rhode Island small businesses filed for bankruptcy in 1992.

Although evidence is largely anecdotal, there seems to be a consensus that a severe credit crunch is hampering the attempts of creditworthy small business customers to borrow from banks and other lenders. A December 1992 study commissioned by the National Federation of Independent Businesses [NFIB] entitled "The Small Business Credit Crunch" reveals that businesses with 40 or fewer employees have encountered considerable problems obtaining credit. The study also said that "New England was the most troublesome region for small business borrowing" between 1990 and 1992. Recent Federal Reserve studies confirm these findings.

But studies, reports, and newspaper articles only tell part of the story. I have recently hosted four public hearings throughout my State to learn more about our economic troubles. Nearly every small business owner told me that credit was all but impossible to come by. Let me share a few examples with you:

Pam Crandall is the president of Ashway Line and Twine, a family-owned business in southern Rhode Island. Her company has been producing strings used in sports racquets and surgical materials for a century and a half. Her business is profitable. It has a fine reputation, and 30 percent of its business is exports. Still, Pam Crandall tells me that even her business has trouble finding credit in today's restrictive lending environment.

An entrepreneur in Newport, RI, Pamela Kelley, operates Rue de France, a successful mail-order company that sells French lace and other decorating products. Rue de France is a small business; it employs several dozen workers during peak periods of the year. Her business has been profitable. But despite her success, banks in Rhode Island have refused her requests to borrow additional funding to expand her business—and create new jobs in the process.

John Maguire runs American Shipyard in Newport, RI. His company started with 6 workers and now employs over 150. He, too, tells me that he cannot secure credit in Rhode Island.

I could go on and on with tales of woe from small business owners in Rhode Island. But, there is a constant theme to their stories—the credit crunch is denying small businesses the capital they need to invest, to grow, and to create new jobs. These same problems are occurring throughout the country—in Massachusetts, Connecticut, New York, New Hampshire, and in California.

It is not likely that the credit crunch will end soon. The Federal Deposit Insurance Corporation Improvement Act has now been implemented, so many lenders are focusing more on raising capital then on lending. Provisions in the new law are forcing banks to be even more cautious about new lending. Many lenders will simply not be able to meet the higher capital requirements called for in the new law and will be forced to close. In fact, the FDIC expects to shut down more than 120 banks this year; and the Office of Thrift Supervision plans to close another 80 thrifts in 1993.

Already Rhode Island has seen two financial institution closings since late last year. In December, the State's fifth largest bank, Eastland Savings with $550 million in assets, was seized by the FDIC. Just 2 weeks ago, the State's fourth largest financial institution, Old Stone Bank with $1.9 billion in assets, was closed. It is now being operated by the Resolution Trust Corporation [RTC].

These closings were a jolt to Rhode Island's 1.1. million citizens. Rhode Islanders are still coming to grips with the January 1991 collapse of the Rhode Island Share and Deposit Indemnity Corporation [RISDIC] that forced the closing of 45 privately insured credit unions. The RISDIC debacle plunged the State into its worst financial crisis since the Great Depression.

The Eastland and Old Stone failures sent new worries throughout our State. Eastland and Old Stone had branch networks throughout the State—from Woonsocket to Newport to Providence. Eastland has been doing business in Rhode Island for 150 years; Old Stone first opened its doors back in 1819. These two banks were more than just financial institutions—they were Rhode Island institutions. Many in our State have been left to wonder, if these two large banks could fail, what bank is next?

The closing of banks, thrifts, credit unions, and other lenders has a devastating impact on business. Individuals who operate companies, especially small businesses, have fewer places to seek credit. There are fewer institutions available to make loans to small businesses for expansion or upkeep. When banks are not lending money to small businesses, those small businesses are not hiring new employees. As a result, job creation stagnates.

How do we begin to address these problems?

We can start by enacting the Small Business Lending and Credit Availability Act, which I am introducing today. This bill will help increase lending to small businesses located in States where there have been increasing numbers of financial institution failures. In Rhode Island, for example, this bill would help offset the credit void that was created by the recent collapses of Eastland Bank and Old Stone.

Let me briefly describe the bill:

Section 7 of the SBA Act, the loan guarantee program, would be expanded in States where at least one large financial institution—assets above $100 million—has failed in the past year, or where at least two institutions with combined assets exceeding $150 million have collapsed.

States meeting these qualifications would be eligible for the following expanded section 7a loan guarantees:

Those 7a loans below $200,000 would be guaranteed at 95 percent, a change from the current law that guarantees loans below $155,000 at 90 percent.

Those 7a loans between $200,000 and $500,000 would be guaranteed at 90 percent, a change from current law that guarantees loans above $155,000 at between 70 and 85 percent.

A waiver of the two-point guarantee fee would be granted for the first 2 years of this program, and a one-point guarantee fee would be included in the final 3 years.

Any reasonable doubts concerning loans under this section will be resolved in favor of the applicant. This language is similar to current law providing leniency to other special groups.

Provisions established under this act shall terminate 5 years after enactment.

From my discussions with small business operators in Rhode Island, I am convinced that a key to ending the credit crunch is a plan that includes a major contribution from the Small Business Administration. My plan would involve the SBA to help create new liquidity for banks to lend to small businesses.

The SBA has been doing herculean work in the past few years as the majority of the Nation's lending community has been in retrenchment. It launched the New England Lending and Recovery program last year to spur lending to small businesses in our recession-ravaged region. This year, demand on the popular and successful section 7a loan guarantee program—the heart of SBA lending to small businesses—is far outpacing supply. It seems certain that absent a supplemental appropriation, the program's $3.2 billion fiscal year 1993 appropriation will not meet the growing 7a loan guarantee demand.

SBA activity in Rhode Island mirrors the increase in demand nationwide:

In 1991, SBA guaranteed 45 loans totaling $9 million;

In 1992, SBA guaranteed 136 loans totaling $32.7 million; and

In 1993, SBA expects to guarantee more than 200 loans totaling $60 million.

The SBA has the resources, the contacts with local lenders, and the stature in the small business community to spearhead this effort. When I joined the Senate Committee on Small Business in January, I did so because I was confident that small business is the engine that will lead both Rhode Island and the Nation into recovery.

In conclusion, Mr. President, the biggest problem besetting small businesses today is the lack of available credit. I believe that the SBA, local banks, and other lenders should be in the business of investing in people and communities, and that Federal policies should promote the flow of capital to small business community.

I hope this legislation will help ease the credit crunch and increase lending to the small businesses, that will then use that capital to create jobs and get our economy moving again. I urge my colleagues to take a good look at this legislation, and I welcome their cosponsorship.•

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By Mr. GLENN (for himself and Mr. HATCH):

S. 409. A bill to extend the terms of various patents, and for other purposes; to the Committee on Finance.

### EXTENSION OF OLESTRA PATENTS

• Mr. GLENN. Mr. President, I rise to introduce a bill to extend certain patents, including a limited extension for three key patents on olestra, a zero calorie fat replacement made by Procter & Gamble; the patent for the insignia of the United Daughters of the Confederacy; and the patent terms of the badges of the American Legion, the American Legion Women's Auxiliary and the Sons of the American Legion.

This bill is really unfinished business from the 102d Congress. The provisions of this bill were included in H.R. 5475, which were passed by the House by an overwhelming margin on August 4, 1992, and the provisions related to olestra were included in S. 1506, which was passed by the Senate on October 8, 1992, by voice vote.

Procter & Gamble invented olestra in the 1960's, and began working with the FDA in 1971. More than two decades later, olestra has still not been approved. P&G has already invested $200 million in olestra, and would need to invest many more millions to construct manufacturing facilities to produce this substance.

The problem arises because American patents by law are for 17 years. Regulatory reviews by FDA to ensure safety of new food additives by necessity are open ended. Olestra is unique, virtually unprecedented as a new food type because of its likely impact on the American diet, and because it is a nonabsorbable. noncaloric fat replacement. While most food additives constitute, at most, a fraction of 1 percent of the human diet, olestra could eventually replace as much as 10 percent or more of the human diet. Accordingly, the FDA has approached this unprecedented food additive with appropriate prudence, and P&G has been required to invent new protocols to test olestra's safety for human consumption, because olestra did not fit the existing regulatory mold.

The primary olestra patent expired in 1988 and the other three—which are the subject of this legislation—will expire in late 1993—about the same time that FDA at the earliest could approve the use of olestra. Should this occur, Procter & Gamble, the innovator, will lose all proprietary rights to its invention. For the record, the terms of patent numbers 4,005,196, re. 33,885 (original patent No. 4,034,083) and re. 33,996 (original patent No. 4,005,195) and any reissues are extended. Additionally, Procter & Gamble has agreed to undertake postmarket studies to provide data regarding the influence of olestra-containing products upon the overall dietary intake of fats, which will be submitted to the FDA for review.

Federal policies should encourage innovation in American industry. The manufacturer who merely waits for the patent of an innovator to expire should not be rewarded. Our patent system is designed to facilitate innovations such as olestra. At the same time, our regulatory system is intended to ensure safety prior to market. In most instances these two functions work in harmony and serve the public well. In rare instances, however, the length of the review process can consume much, or all, of the 17 years of exclusivity granted an inventor under patent law. Congress in these extraordinary instances has extended patents to maintain balance. Olestra is one of these extraordinary cases.

The provisions of this amendment were not only approved by bipartisan majorities of both Houses during the 102d Congress, but also subject to rigorous scrutiny. The process began with hearings in the relevant subcommittees of the Judiciary Committees of both Houses late in 1991. When the hearings suggested that the requests for patent extensions involved factually complicated issues, the respective chairmen of those subcommittees, our colleague Senator DECONCINI of Arizona and Representative HUGHES of New Jersey, requested that the General Accounting Office study the merits of these cases. The GAO found that P&G had been consistently diligent in testing olestra. Later, bipartisan majorities in the relevant subcommittees, both the House and Senate Judiciary Committees, and finally in the House of Representatives and the Senate—felt that fairness warranted a limited extension.

I believe that we must make a commitment to the future by investing in research and development. In this case, the necessity of the regulatory review process have virtually denied any patent protection. Without an extension, I believe that investment in research and development will be discouraged.

I appreciate the support of the Senator from Utah, Senator HATCH, who joins me as a sponsor of this legislation.

I ask my colleagues to join me, in support of this bill.●

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By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. COCHRAN, Mr. SIMON, and Mr. DECONCINI):

S. 410. A bill to establish within the Bureau of Indian Affairs a program to improve the management of rangeland's and farmlands and the production of agricultural resources on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

### INDIAN AGRICULTURAL RESOURCES MANAGEMENT ACT

Mr. DASCHLE. Mr. President, today I am pleased to introduce the Indian Agricultural Resources Management Act of 1993. I am introducing this bill on behalf of Senators INOUYE, MCCAIN, COCHRAN, SIMON, DECONCINI, and myself.

The purpose of this legislation is not to establish new program responsibilities in agriculture for the Secretary of the Interior. It is to streamline and make more efficient the administration of the programs the Secretary now administers, and to empower Indian tribes to assume a greater role in the management of these programs.

This legislation provides for the establishment of a viable system for the management or administration of Indian-owned lands and enhances the capability of Indian ranchers and farmers to produce crops and products from such lands. It provides greater authority to the Indian tribes in the management and regulation of Indian agricultural lands and enhances the educational opportunities for Indian students in the management of Indian natural resources.

While this bill's focus is on the Department of Interior and the Bureau of Indian Affairs, it follows on the heels of legislative progress with FmHA and the U.S. Department of Agriculture.

Throughout the early 1980's, the Select Committee on Indian Affairs was constantly approached by Indian farmers and ranchers urging some form of intervention to save the Indian agricultural economy. The select committee working with the Intertribal Agriculture Council and the Agriculture Committee did indeed have some successes and was able to make some USDA programs more accessible to individual Indian farmers, as well as the tribes.

With the entire agricultural economy in crisis, it was not possible in Congress to single out the Indian sector for special treatment. The breakthrough finally came in 1987, when Congress enacted the Farm Credit Act Amendments of 1987. There were a number of Indian provisions in this act, but the most important in terms of gaining visibility for Indian concerns were the amendments dealing with the handling of Indian trust lands foreclosed upon by FmHA. After a difficult fight on the Senate floor and a battle in conference, Congress enacted amendments to this act that required the Secretary of Agriculture to turn over to the Interior Department lands that were held in trust at the time of their foreclosure if the original Indian owner was not able to buy or lease the lands back.

One of the most important results from this legislative effort was the realization that there were unique and difficult problems for Indians within reservations, or utilizing Indian trust or restricted lands, that did not fit within all of the general legislation and programs of the Department of Agriculture. It was clear that review and modernization of the agriculture and natural resources programs administered by the Department of the Interior through the Bureau of Indian Affairs was required.

Mr. President, I ask unanimous consent that this bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 410

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Indian Agricultural Resources Management Act of 1993".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—RANGELAND AND FARMLAND ENHANCEMENT

Sec. 201. Management of Indian rangelands and farmlands.
Sec. 202. Indian participation in land management activities.
Sec. 203. Comparative analysis of Indian rangeland and farmland management programs.
Sec. 204. Leasing of Indian rangelands and farmlands.

TITLE III—EDUCATION IN AGRICULTURE AND NATURAL RESOURCE MANAGEMENT

Sec. 301. Establishment of Indian and Alaska Native agriculture and natural resources management education assistance program.
Sec. 302. Postgraduation recruitment, education and training programs.
Sec. 303. Cooperative agreement between the Department of the Interior and Indian tribes.
Sec. 304. Obligated service; breach of contract.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorizations.

TITLE V—MISCELLANEOUS

Sec. 501. Regulations.
Sec. 502. Severability.
Sec. 503. Trust responsibility.
Sec. 504. Miscellaneous.

## TITLE I—GENERAL PROVISIONS

### SEC. 101. FINDINGS.

(a) FINDINGS.—The Congress finds and declares that—

(1) Indian rangelands and farmlands are renewable and manageable natural resources that are among the most valuable Indian assets and are vital to the economic and social welfare of individual Indians and Indian tribes.

(2) Increased development and intensive management of Indian rangelands and farmlands will produce increased economic re-

turns, enhance Indian self-determination, promote employment opportunities, and improve the social and economic well-being of Indian and surrounding communities.

(3) The United States has a trust responsibility to protect, conserve and enhance Indian rangelands and farmlands consistent with its fiduciary obligation and its unique relationship with Indian tribes and extends to all Federal agencies.

(4) Existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian rangelands and farmlands.

(5) The Federal investment in, and the management of Indian rangelands and farmlands is significantly below the level of investment in, and management of, rangelands and farmlands under the administration of the Bureau of Lands Management, Bureau of Reclamation, the National Forest Service, and private landowners.

(6) The beneficial use of Indian rangelands and farmlands by Indians is in serious decline throughout Indian country.

(7) Despite the Federal policy of Indian self-determination, Federal laws and policies have limited the authority and ability of tribal governments and Indian communities to develop land-based programs on the basis of local priorities.

### SEC. 102. PURPOSES.

The purposes of this Act are to:

(1) Promote and increase and enable the opportunities for Indian use of their own resources so as to use Indian natural and human resources to achieve tribal goals, to decrease idle or underutilized land, reverse the damaging long-term losses in productivity and land values, and increase local employment opportunities, community income, and social stability.

(2) Safeguard the investments made in Indian rangelands and farmlands and agricultural enterprises and provide adequate, stable, and secure authority for the protection, conservation, utilization, and enhancement of Indian rangeland and farmland resources.

(3) Support and improve tribal self-determination by authorizing and facilitating the active tribal participation in the management decisionmaking processes on the allocation and use of local natural resources.

(4) Improve Indian access to Federal agriculture, rural development and related programs which are available to the American society at large through the various departments of the Federal Government.

(5) Provide for the development and management of Indian rangelands and farmlands at a level at least commensurate with the level of development and management afforded to federally owned or controlled lands.

(6) Meet the trust responsibility of the United States and promote self-determination of Indian tribes by managing Indian rangelands and farmlands and related renewable resources in a manner consistent with identified tribal goals and priorities, and nationally adopted multiple use and sustained yield principles.

(7) Increase the educational and training opportunities available to Indian people and communities in the practical, technical and professional aspects of agriculture, natural resources, and land management to improve local expertise and technical abilities and create a cadre of professional Indian agriculture resource managers who can provide leadership to the tribal, Federal and private sectors on Indian land and resource management issues.

### SEC. 103. DEFINITIONS.

For the purposes of this Act:

(1) The term "agricultural land" means Indian land, excluding Indian forest land, that is used for the production of agricultural products, and lands occupied by industries that support the agricultural community, regardless of whether a formal inspection and land classification has been taken.

(2) The term "agricultural resource" means—

(A) all the primary means of production, including the land, soil, water, air, plant communities, watersheds, climate, human resources, natural physical attributes and man-made developments which together comprise the agricultural community; and

(B) all the benefits derived from agricultural land and enterprises, including cultivated and gathered food products, fibers, horticultural products, dyes, cultural or religious condiments, medicines, water, cultivated fisheries, wildlife, recreation, aesthetic and other traditional values of agriculture and rangelands.

(3) The term "agricultural product" means—

(A) crops grown under cultivated conditions whether used for personal consumption, subsistence, or sold for commercial benefit;

(B) domestic livestock including cattle, sheep, goats, horses, buffalo, swine, Alaska reindeer, fowl, cultivated fish, or other animals specifically raised and utilized for food, fiber, or as a beast of burden;

(C) forage, hay, fodder, feed grains, crop residues and other items grown or harvested for the feeding and care of livestock, sold for commercial profit, or used for other purposes;

(D) naturally occurring noncultivated plants and animals gathered for commercial sale, personal use, cultural or religious activities or for other purposes such as use in teas, medicines, as herbs or spices, for decoration, or for traditional purposes; and

(E) other marketable or traditionally used materials authorized for removal from agricultural lands.

(4) The term "land management activity" means all activities, accomplished in support of the management of Indian agricultural land, including but not limited to—

(A) preparation of inventories and management plans;

(B) agricultural land and infrastructure development, and the application of accepted soil or range management techniques to improve or restore the productive capacity of the land;

(C) protection against agricultural pests, including development, implementation, and evaluation of integrated pest management programs to control noxious weeds, undesirable vegetation, vertebrate or invertebrate agricultural pests;

(D) administration and supervision of agricultural leasing and permitting activities, including determination of proper land use and proper stocking rates of livestock, appraisal, advertisement, negotiation, contract preparation, collecting, recording, and distributing lease rental receipts;

(E) technical assistance to individuals and tribes engaged in agricultural production or agribusiness; and

(F) educational assistance in agriculture, natural resources, land management and related fields of study including direct assistance to community, tribal and land grant colleges in developing and implementing curriculum for vocational, technical and professional course work.

(5) The term "farmland" means Indian land, excluding Indian forest land, that is used for production of food, feed, fiber, forage and oil seed crops, or other agricultural products, and may be either dryland or irrigated.

(6) The term "rangeland" means Indian land, excluding Indian forest land, on which the native vegetation is predominantly grasses, grass-like plants, forbs or shrubs suitable for grazing or browsing use, and includes lands revegetated naturally or artificially to provide a forage cover that is managed like native vegetation. Rangelands include natural grasslands, savannahs, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows.

(7) The term "forest land" means Indian forest land as defined in section 304(3) of Public Law 101-630.

(8) The term "Indian" means a Native American or Alaska Native who is a member of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) The term "Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, or other organized dependent Indian group or community, including any Alaska Native village or regional or village corporation as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) The term "Indian land" means land that is—

(A) held in trust by the United States for an Indian or Indian tribe;

(B) owned by an Indian or Indian tribe and is subject to restrictions against alienation; or

(C) dependent Indian communities.

(11) The term "landowner" means the Indian or Indian tribe that—

(A) owns such land, or

(B) is the beneficiary of the trust under which such land is held by the United States.

(12) The term "Secretary" means the Secretary of the Interior, except where otherwise specifically designated.

(13) The term "Indian enterprise" means an enterprise—

(A) which—

(i) is engaged in construction (within the meaning of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)), and is entirely owned by Indians, or Indian tribes, that receive 100 percent of the profits of the enterprise; and

(ii) is engaged in any business other than construction and at least 51 percent of the enterprise is owned by Indians, or Indian tribes, that receive not less than 51 percent of the profits of the enterprise; or

(B) which—

(i) is entirely owned by an Indian tribe; or

(ii) has an Indian owner who—

(I) acts as the chief executive officer of the enterprise; and

(II) has the experience and training to manage, and does in fact manage, day-to-day activities of the enterprise.

## TITLE II—RANGELAND AND FARMLAND ENHANCEMENT

### SEC. 201. MANAGEMENT OF INDIAN RANGELANDS AND FARMLANDS.

(a) MANAGEMENT ACTIVITIES.—Pursuant to existing law,

the Secretary shall manage Indian rangelands and farmlands, either directly or through cooperative agreements, self-determination contracts, compacts and grants under the Indian Self-Determination and Education Assistance Act (Act of January 4, 1975; Public Law 93-638; 88 Stat. 2204; 25 U.S.C. 450b), or such other legal mechanisms as are appropriate.

(b) MANAGEMENT OBJECTIVES.—Indian rangeland and farmland management activities shall be designed to achieve the following objectives—

(1) to protect, conserve, utilize, and enhance rangelands and farmlands in a perpetually productive state through the application of sound agronomic and economic principles to the planning, development, inventorying, classification, and management of agricultural resources;

(2) to increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of Indians and Alaska Natives, through the development of agricultural resources;

(3) to manage agricultural resources to protect and enhance other values such as wildlife, fisheries, cultural resources, recreation, and regulate water runoff and minimize soil erosion;

(4) to enable farmers and ranchers to maximize the potential benefits available to them through their land by providing technical assistance, training and education in conservation practices, management and economics of agribusiness, sources and use of credit, marketing of agricultural products, and other applicable subject areas;

(5) to develop Indian rangelands and farmlands and associated value-added industries of Indians and Indian tribes to promote self-sustaining communities, and so that Indians may receive from their trust lands not only lease value, but also the benefit of the labor and profit that such land is capable of producing; and

(6) to assist trust and restricted landowners in leasing their farmland and rangeland for a reasonable annual return, consistent with prudent management and conservation practices, and community goals as expressed in the tribal management plans and appropriate tribal ordinances.

(c) MANAGEMENT PLANS.—To achieve the objectives set forth in subsections (a) and (b), the Secretary, with full and active consultation with, and policy direction from, the tribe or tribes to be served and consistent with his trust responsibility, shall immediately embark on a reservation-by-reservation agricultural land resource management planning program encompassing or reflecting the following:

(1) A closed-term three-year effort conducted at the local tribe and agency level working through the governments of the tribes and in public meetings to determine and document the specific agriculture and land resource goals and desires of the local tribe and community.

(2) The defined goals as the basis in creating a ten-year agriculture program and land management plans to attain the goals defined for community lands and reservations by using public meetings, existing surveys, reports, local knowledge of the land and resources available from Federal agencies, tribal community colleges, and land grant institutions.

(3) A mechanism for assuring that the result of this three-year program will be specific, documented agriculture and land management programs, created and approved by the effected tribe or tribes, which address specific community concerns for land use and development. The individual reservation or tribal agricultural management planning documents will provide the direction to the Bureau of Indian Affairs and the tribes in the management and administration of the Indian owned agricultural trust resources. These program documents will also provide the basis for the application of Indian self-determination contracting of Agriculture and Natural Resource Programs under the Indian Self-Determination and Education Assistance Act.

(4) The contract and grant provisions of the Indian Self-Determination and Education Assistance Act shall be applicable to the development of these management plans.

### SEC. 202. INDIAN PARTICIPATION IN LAND MANAGEMENT ACTIVITIES.

(a) TRIBAL RECOGNITION.—The Secretary shall recognize tribal governments as the governmental entities with the authority to enact and enforce, for lands under their jurisdiction, land use planning, zoning, and other land use ordinances and shall conduct all land management activities in accordance with tribal goals and objectives as set forth in the land management plans and tribal laws and ordinances.

(b) TRIBAL LAWS.—Unless otherwise prohibited by Federal law, the Secretary shall comply with tribal laws pertaining to Indian agricultural lands, including zoning and land use laws, and laws regulating the environment or historic or cultural preservation, and shall cooperate with the enforcement of such laws on Indian agricultural lands. Such cooperation shall include—

(1) assistance in the enforcement of such laws;

(2) provision of notice of such laws to persons or entities undertaking activities on Indian agricultural lands; and

(3) upon request of an Indian tribe, an appearance in tribal forums.

(c) WAIVER OF REGULATIONS.—In any case in which a regulation or administrative policy of the Department of the Interior conflicts with or impedes—

(1) meeting the objectives of the management plan provided for in section 201; or

(2) conflicts with a tribal law,

the Secretary shall waive the application of such regulation or administrative policy unless such waiver would constitute a violation of a Federal statute or judicial decision, or would conflict with his general trust responsibility under Federal law.

(d) This section does not constitute a waiver of the sovereign immunity of the United States. Moreover, this section does not authorize tribal courts to review actions of the Secretary.

### SEC. 203. COMPARATIVE ANALYSIS OF INDIAN RANGELAND AND FARMLAND MANAGEMENT PROGRAMS.

(a) COMPARATIVE ANALYSIS.—Within 90 days after the date of enactment of this Act, the Secretary shall assemble a Task Force consisting of appropriate officials of Indian tribal governments, the Bureau of Indian Affairs, the Bureau of Land Management, the United States Park Service, the Inter-Tribal Agriculture Council, the Southwest Inter-Tribal Agriculture Council, and such other nongovernmental persons or entities as the Secretary may deem appropriate to develop a comparative analysis of Federal investment and management efforts for Indian agricultural trust lands as compared to federally owned lands managed by other Federal agencies or instrumentalities. The Secretary shall request the Secretary of Agriculture to make available on a nonreimbursable basis appropriate personnel from the Department of Agriculture to assist in the development of such analysis.

(b) PURPOSES.—The purposes of the comparative analysis and the Survey Instrument shall be—

(1) to establish a comprehensive assessment of the needs for management improvement, funding, and development needs for each reservation with Indian rangeland and farmland;

(2) to establish a comparison of management and funding provided to comparable lands owned or managed by the Federal Government through Federal agencies other than the Bureau of Indian Affairs;

(3) to identify and to recommend mitigation measures for any obstacles to Indian access to Federal or private programs relating to agriculture or related rural development programs available to the American public at large; and

(4) to provide guidance in the development of the management plans required under the provisions of section 201 of this Act.

(c) IMPLEMENTATION.—Within six months from the date of enactment of this Act, the Secretary shall provide the Committee on Interior and Insular Affairs of the House of Representatives and the Select Committee on Indian Affairs of the Senate with a status report on the development of the comparative analysis required by this section, and shall file a final report with the Congress not more than nine months from the date of enactment of this Act.

### SEC. 204. LEASING OF INDIAN RANGELANDS AND FARMLANDS.

(a) AUTHORITY OF THE SECRETARY.—The Secretary—

(1) is authorized to approve any agricultural lease or permit with a tenure up to ten years, or a tenure longer than ten years but not to exceed 25 years unless authorized by other Federal law, when, in the opinion of the Secretary, such lease or permit requires substantial investment in development of the lands and/or crops by the lessee and such longer tenure is determined by the Secretary to be in the best interest of the landowners;

(2) is authorized to lease or permit agricultural lands at rates less than the Federal appraisal when such action would be in the best interest of the landowner, and in such instances, when such land has been satisfactorily advertised for lease, the highest responsible bid shall be accepted; and

(3) is authorized to waive or modify the requirement that a lessee post a surety or performance bond on agricultural leases and permits issued by the Secretary.

(b) AUTHORITY OF THE TRIBE.—When authorized by an appropriate tribal resolution establishing a general policy for leasing of Indian agricultural lands, the Secretary—

(1) shall provide a preference to Indian operators in the issuance and renewal of agriculture leases and permits, so long as the lessor receives fair market value for his property;

(2) shall waive or modify the requirement that a lessee post a surety or performance bond on agricultural leases and permits issued by the Secretary, provided that nothing in this paragraph shall be construed to restrict the discretion currently vested in the Secretary to waive or modify the bond requirements in the absence of a tribal resolution to the contrary; and

(3) when such tribal resolution sets forth a tribal definition of what constitutes "highly fractionated undivided heirship lands" and adopts an alternative plan for providing notice to owners, the Secretary is authorized to waive or modify the general notice provisions and negotiate and lease or permit such highly fractionated undivided interest heirship lands in order to prevent waste, reduce idle land acreage and ensure income.

(c) RIGHTS OF INDIVIDUAL LAND OWNERS.—(1) Nothing in this section shall be construed as limiting or altering the authority or right of an individual allotee in the use of his or her own land or to enter into an agricultural lease of the surface interest of his or her allotment under any other provision of law.

(2) The owners of a majority interest in any trust or restricted land (meaning an interest greater than 50 percent of the legal or beneficial title) are authorized to enter into an agricultural lease of the surface interest of a trust or restricted allotment, and such lease shall be binding upon the owners of the minority interests in such land, provided that the terms of the lease provide such minority interests with not less than fair market value for such land.

(3) The provisions of subsection (b) shall not be applicable to any parcel of trust or restricted land if the owners of 50 percent of the legal or beneficial interest in such land file with the Secretary a written objection to the application of all or any part of such tribal rules to the leasing of such parcel of land.

## TITLE III—EDUCATION IN AGRICULTURE AND NATURAL RESOURCE MANAGEMENT

### SEC. 301. ESTABLISHMENT OF INDIAN AND ALASKA NATIVE AGRICULTURE AND NATURAL RESOURCES MANAGEMENT EDUCATION ASSISTANCE PROGRAM.

(a) NATURAL RESOURCES INTERN PROGRAM.—(1) Notwithstanding the provisions of title 5 of the United States Code governing appointments in the competitive service, the Secretary shall establish and maintain in the Bureau of Indian Affairs or other appropriate office or bureau within the Department of the Interior at least 20 natural resources intern positions in addition to the forestry intern positions authorized in section 314(a) of Public Law 101-630 for Indian and Alaska Native students enrolled in an agriculture or natural resources study program.

(2) For purposes of this subsection, the term—

(A) "natural resources intern" means an Indian or Alaska Native who—

(i) is attending an approved postsecondary school in a full-time agriculture or natural resource related field; and

(ii) is appointed to one of the natural resources intern positions established under paragraph (1);

(B) "natural resources intern program" means positions established pursuant to paragraph (1) for natural resources interns; and

(C) "agriculture or natural resources study program" includes, but is not limited to, agricultural engineering, agricultural economics, animal husbandry, animal science, biological sciences, fishery management, geographic information systems, horticulture, range management, soil science, veterinary science, and wildlife biology.

(3) The Secretary shall pay, by reimbursement or otherwise, all costs for tuition, books, fees and living expenses incurred by a natural resources intern while attending an approved postsecondary or graduate school in a full-time natural resources study program.

(4) A natural resources intern shall be required to enter into an obligated service agreement to serve as an employee in a professional natural resources position with the Department of the Interior or other Federal agency, an Indian tribe, or a tribal natural resource related enterprise for one year for each year of education for which the Secretary pays the intern's educational costs under paragraph (3) of this subsection.

(5) A natural resources intern shall be required to report for service with the Bureau of Indian Affairs or other bureau or agency sponsoring his internship, or to a designated work site, during any break in attendance at school of more than three weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement under paragraph (4).

(b) COOPERATIVE EDUCATION PROGRAM.—(1) The Secretary shall maintain, through the Bureau of Indian Affairs, a cooperative education program for the purpose, among other things, of recruiting Indian and Alaska Native students who are enrolled in secondary schools, tribally controlled community colleges, and other postsecondary or graduate schools, for employment in professional natural resource related positions with the Bureau of Indian Affairs or other Federal agency providing Indian natural resource related services, Indian tribal governments, or tribal natural resource related enterprises.

(2) The cooperative educational program under paragraph (1) shall be modeled after, and shall have essentially the same features as, the program in effect on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual of the Office of Personnel Management.

(3) The cooperative educational program shall include, among others, the following:

(A) The Secretary shall continue the established specific programs in agriculture and natural resources education at Southwestern Indian Polytechnic Institute (SIPI) and at Haskell Indian Junior College.

(B) The Secretary shall work with tribally controlled community colleges to develop and maintain specific programs in agriculture and natural resources education, including the provision of direct technical assistance to establish such programs.

(C) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement an informational and educational program to provide practical training and assistance in creating or maintaining a successful agricultural enterprise, assessing sources of commercial credit, developing markets and other subjects of interest to the rural community.

(D) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement research activities to improve the basis for determining appropriate management measures to apply to Indian resource management.

(4) Under the cooperative agreement program under paragraph (1), the Secretary shall pay all costs for tuition, books, and fees of an Indian or Alaska Native student who—

(A) is enrolled in a course of study at an education institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau of Indian Affairs, an Indian tribe or a tribal enterprise in the management of Indian rangelands, farmlands, or other natural resource assets.

(5) Financial need shall not be a requirement to receive assistance under the cooperative agreement program that is to be maintained under this subsection.

(6) A recipient of assistance under the cooperative education program under this subsection shall be required to enter into an obligated service agreement with the Secretary to serve as a professional in a natural resource related activity with the Bureau of Indian Affairs, or other Federal agency providing natural resource related services to Indians or Indian tribes, an Indian tribe, or a tribal natural resource related enterprise, for one year for each year for which the Secretary pays the recipients educational costs pursuant to paragraph (3).

(c) SCHOLARSHIP PROGRAM.—(1) The Secretary is authorized to grant scholarships to Indians and Alaska Natives enrolled in accredited natural resource related programs for postsecondary and graduate programs of study as full-time students.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment for one year for each year the recipient received a scholarship, following completion of the recipient's course of study, with—

(A) the Bureau of Indian Affairs or other agency of the Federal Government providing natural resource related services to Indians or Indian tribes;

(B) a natural resource program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act;

(C) an Indian enterprise engaged in a natural resource related business; or

(D) an Indian tribe's natural resource related program.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited postsecondary or graduate institution.

(d) EDUCATIONAL OUTREACH.—The Secretary shall conduct, through the Bureau of Indian Affairs, and in consultation with other appropriate local, State and Federal agencies, and in consultation and coordination with Indian tribes, a natural resource education outreach program for Indian and Alaska Native youth to explain and stimulate interest in all aspects of management and careers in Indian natural resources.

(e) ADEQUACY OF PROGRAMS.—The Secretary shall administer the programs described in this section until a sufficient number of Indians and Alaska Natives are trained to ensure that there is an adequate number of qualified, professional Indian natural resource managers to manage the Bureau of Indian Affairs natural resource programs and programs maintained by or for Indian tribes.

### SEC. 302. POSTGRADUATION RECRUITMENT, EDUCATION AND TRAINING PROGRAMS.

(a) ASSUMPTION OF LOANS.—The Secretary shall establish and maintain a program to attract Indian and Alaska Native professional natural resource technicians who are graduates of a course of postsecondary or graduate education for employment in either the Bureau of Indian Affairs natural resource programs or, subject to the approval of the tribe, in tribal natural resource programs. According to such regulations as the Secretary may prescribe, such program shall provide for the employment of Indian and Alaska Native professional natural resource technicians in exchange for the Secretary's assumption of the employee's outstanding student loans. The period of employment shall be determined by the amount of the loan that is assumed.

(b) POSTGRADUATE INTERGOVERNMENTAL INTERNSHIPS.—For the purposes of training, skill development and orientation of Indian, Alaska Native, and Federal natural resource management personnel, and the enhancement of tribal and Bureau of Indian Affairs natural resource programs, the Secretary shall establish and actively conduct a program for the cooperative internship of Federal, Indian and Alaska Native natural resource personnel. Such program shall—

(1) for agencies within the Department of the Interior—

(A) provide for the internship of Bureau of Indian Affairs, Alaska Native, and Indian natural resource employees in the natural resource related programs of other agencies of the Department of the Interior; and

(B) provide for the internship of natural resource personnel from the other Department of the Interior agencies within the Bureau of Indian Affairs, and, with the consent of the tribe, within tribal natural resource programs;

(2) for agencies not within the Department of the Interior, provide, pursuant to an interagency agreement, internships within the Bureau of Indian Affairs and, with the consent of the tribe, within a tribal natural resource program of other natural resource personnel of such agencies who are above their sixth year of Federal service;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for salaries and benefits of participating Indian and Alaska Native natural resource employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

(c) CONTINUING EDUCATION AND TRAINING.—The Secretary shall maintain a program within the Trust Services Division of the Bureau of Indian Affairs for the ongoing education and training of Bureau of Indian Affairs, Alaska Native, and Indian natural resource personnel. Such program shall provide for—

(1) orientation training for Bureau of Indian Affairs natural resource personnel in tribal-Federal relations and responsibilities;

(2) continuing technical natural resource education for Bureau of Indian Affairs, Alaska Native, and Indian natural resource personnel; and

(3) development training of Indian and Alaska Native personnel in natural resource based enterprises and marketing.

**SEC. 303. COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR AND INDIAN TRIBES.**

(a) COOPERATIVE AGREEMENTS.—

(1) To facilitate the administration of the programs and activities of the Department of the Interior, the Secretary is authorized to negotiate and enter into cooperative agreements with Indian tribes to—

(A) engage in cooperative manpower and job training;

(B) develop and publish cooperative environmental education and natural resource planning materials; and

(C) perform land and facility improvements, and other activities related to land and natural resource management and development.

The Secretary may enter into such agreements when the Secretary determines the interest of Indians and Indian tribes will be benefited.

(2) In such cooperative agreements, the Secretary is authorized to advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities or equipment without regard to the provisions of section 3324, title 31, United States Code, relating to the advance of public moneys.

(b) SUPERVISION.—In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of section 2671 through 2680 of title 28, United States Code, and section 8101 through 8193 of title 5, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this Act shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

**SEC. 304. OBLIGATED SERVICE; BREACH OF CONTRACT.**

(a) OBLIGATED SERVICE.—Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this title, the Secretary shall adopt such regulations as are necessary to provide for the offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

(b) BREACH OF CONTRACT; REPAYMENT.—Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, pro rated for the amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

## TITLE IV—AUTHORIZATION OF APPROPRIATIONS

**SEC. 401. AUTHORIZATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

## TITLE V—MISCELLANEOUS

**SEC. 501. REGULATIONS.**

Except as otherwise provided by this Act, the Secretary is directed to promulgate final regulations for the implementation of this Act within eighteen months from the date of enactment of this Act. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the participation of the affected Indian tribes.

**SEC. 502. SEVERABILITY.**

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this Act shall not be affected thereby.

**SEC. 503. TRUST RESPONSIBILITY.**

Nothing in this Act shall be construed to diminish or expand the trust responsibility of the United States toward Indian trust lands or natural resources, or any legal obligation or remedy resulting therefrom.

**SEC. 504. MISCELLANEOUS.**

(a) DISCLAIMER.—Nothing in this Act shall be construed to supersede or limit the authority of other Federal, State or local agencies otherwise authorized by law to provide services to Indian landowners.

(b) DISCLAIMER.—Nothing in this Act shall be construed as vesting the governing body of an Indian tribe with any authority which is not authorized by the constitution and bylaws or other organizational document of such tribe.

By Mr. D'AMATO:

S. 411. A bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

DOMESTIC DISCRETIONARY SPENDING FREEZE

• Mr. D'AMATO. Mr. President, under the Clinton plan, the middle class will have to work harder for less. Last night I heard a lot about specific tax increases and very little about specific spending cuts. Bill Clinton promised the American people change. I do not believe that more taxes and more spending represents change. The people did not elect Bill Clinton to carry on the same old liberal Democratic policies.

Two days ago the press received a background document that said the deficit would be cut by 493 billion over 5 years. Today, we learned that the deficit will be reduced under this plan by only $325 billion. Apparently, in calculating the $493 billion figure, the White House neglected to take into account the $168 billion cost of its own new spending program. Whoops. The numbers are shaking already.

The American people expect more and we can deliver more. Today, I am introducing the Domestic Spending Freeze Act of 1993. This legislation freezes domestic discretionary spending for 2 years. It saves $56 billion over 5 years. We can not continue to allow tax increases to act as a substitute for spending cuts. We must show fiscal restraint and responsibility.

Last year, I introduced this legislation on April Fools' Day. I made the point that the American people were not laughing and were not fools when it comes to our deficit problems. More than ever before, the American people are paying attention. They are impressed with Clinton's presentation but they will soon find out the devil is in the details. Preliminary estimates of Clinton's plan show that he raises taxes by $360 billion over 5 years and though he makes token spending cuts, net spending actually increases an estimated $13 billion. Two words describe this plan: First, tax, and second, spend.

We can do more than just freeze Government spending to address our enlarging deficits. The President can collect the billions of dollars owed to us in unpaid taxes. In 1988, the most recent data available, foreign controlled corporations operating here in the United States were estimated to be avoiding $30 billion annually in taxes. President Clinton estimated that $45 billion could be collected over 4 years. In addition, the IRS estimates that unpaid Federal taxes and loans rose to $112 billion in 1991 with $30 billion estimated to be collectible in 1 year. These initiatives would bring in a minimum of $113 billion in deficit reduction. We do not need to raise taxes on hard working middle-class families. The Clinton tax plan would hit exactly the people it should not hit—those who already pay their taxes. We need to get our spending house in order.

In the fall of 1990, I strongly opposed efforts by the Democrat-controlled Congress to sell one of the largest tax-increase bills in history as a deficit reduction package. This plan did not cut spending at all. In fact, it increased spending by $380 billion over 5 years and increased taxes by $158 billion over the same period. Those taxes did not go to deficit reduction. They went to increased spending. In fact, history shows that for every $1 in tax increases, Congress spends $1.59.

Last night President Clinton said, "we can do better, the government must do more." I believe the Government can do more by doing less. Government should spend less and tax less and let the private sector do more.

Mr. President, I ask my colleagues to support my proposal to securitize small business loans which will stimulate the economy and create jobs. Yesterday, I introduced S. 384, the Small Business Loan Securitization and Secondary Market Enhancement Act which now has 25 cosponsors. The best way to restore the health of the economy is to provide for a strong infusion of credit to the small businesses that are the engine of economic growth. If President Clinton wants to improve the economy, I suggest that we build a bridge that links Wall Street with Main Street. Freezing Federal spending and leveraging more private investment will begin to move our economy in the right direction.●

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By Mr. EXON (for himself, Mr. KERREY, Mr. PRESSLER, Mrs. KASSEBAUM, Mr. DANFORTH, Mr. HATCH, Mr. DORGAN, Mr. BOND, Mr. PRYOR, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mr. PACKWOOD):

S. 412. A bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### UNDERCHARGE EQUITY ACT

Mr. EXON. Mr. President, I rise to introduce the Undercharge Equity Act. A great deal of work and negotiations have gone into this important legislation. This very legislation unanimously passed the Senate last year.

For those who are not familiar with the current undercharge crisis, I will briefly summarize this little discussed, but very dark cloud which hangs over thousands of America's businesses.

In the heyday of the Reagan-Bush era of trucking deregulation, the Interstate Commerce Commission did a less than vigorous job enforcing the requirement that trucking companies file their tariffs.

At the same time, competition in trucking heated up. Discounts and low rates were rampant. Often new rates were not filed with the ICC.

Throughout the 1980's trucking firms both small and large went out of business. Trustees of those bankrupt firms then went searching for ways to enlarge bankrupt estates. The trustees came upon an intriguing legal theory and attempted to collect from the former customers of these bankrupt trucking firms the difference between the amount that was billed and paid and the amount of the last tariff that was on file with the ICC. These claims became known as undercharges.

It is as if you flew from Washington, DC, to Lincoln for $200 and 3 years later, after you paid your bill, you received another bill for $100 when the airline you flew went bankrupt.

In 1990, in a somewhat surprising decision, known as the Maislin case, the U.S. Supreme Court ruled that the trustees could seek such reimbursement. The Court, however, sent a very clear message to the Congress to legislatively address the equities of this situation.

Soon after the Supreme Court case, the Surface Transportation Subcommittee which I chair held hearings and, not long after, I proposed legislation to virtually wipe out all undercharge claims. That legislation was stopped in the closing days of the 101st Congress.

In the last Congress I again introduced legislation in the subcommittee and with my colleagues on the Commerce Committee attempted to find an equitable solution to this problem. After extensive discussions with all interested parties, the Senate Commerce Committee approved the Undercharge Equity Act which, rather than dismiss all claims, sought to craft an equitable settlement.

Simply put, the legislation offered shippers two choices to settle undercharge claims. They can take their case to the Interstate Commerce Commission for a determination of rate reasonableness or they can elect to utilize an expedited settlement procedure based on a percentage proscribed in the bill.

Following the committee action, I conducted another extended negotiation with Senators who were concerned about the potential creditors in undercharge cases. As a result of these discussions, a consensus bill was crafted and unanimously passed by the U.S. Senate.

Unfortunately, the House of Representatives did not take up this consensus legislation and adjourned without acting on much needed undercharge legislation.

The legislation I introduce today is identical to the bill which unanimously passed the Senate last year. This legislation should be familiar to the Senate and should be noncontroversial.

Under the consensus settlement formula, small businesses would be relieved of undercharge liability. Large truckload shippers would be given the option of settling for 10 percent of the applicable undercharge and charge less than truck load shippers would be given the option of settling for 20 percent of the applicable undercharge.

Those who choose not to settle could litigate their liabilities through a rate reasonableness determination by the Interstate Commerce Commission.

This compromise is fair and just.

The alternative to this legislation is to let the status quo stand which is untenable for all concerned. For shippers, and more importantly, the Nation's economy, a dark cloud of billions of dollars of undercharge liabilities hangs over thousands of businesses. For creditors, especially workers owed back wages and pension funds, any meaningful recovery is rapidly being eaten away by legal, accounting, auditing, lobbying, collection and even public relations expenses. The unemployed workers and their families will not likely yield any benefit if undercharge cases are not addressed by the Congress. The current situation only enriches the middlemen. Only the pockets of lawyers, accountants and lobbyists will be filled to overflowing.

The undercharge equity bill is the best hope for all involved. For shippers it offers an opportunity to put the undercharge crisis behind them and for creditors it offers a certain settlement with minimal overhead expense.

Mr. President, many former customers of these bankrupt trucking companies will themselves soon face bankruptcy. Others are ironically choosing large financially sound nonunion trucking firms to move goods in an attempt to minimize future undercharge exposure.

I encourage the 103d Congress to rally around this legislation which offers compromise, reason and good faith.

I send to the desk the bill that I have talked about. This bill is cosponsored by Mr. KERREY, Mr. PRESSLER, Mrs. KASSEBAUM, Mr. DANFORTH, Mr. HATCH, Mr. DORGAN, Mr. BOND, Mr. PRYOR, Mr. BURNS, Mr. GORTON, Mr. LOTT, and Mr. PACKWOOD.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Undercharge Equity Act of 1992".

**SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.**

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B)(i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarders legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraphs (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

**SEC. 3. STATUTE OF LIMITATIONS.**

(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

**SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.**

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

**"§ 11712. Tariff reconciliation rules for motor common carriers of property**

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"§ 11712. Tariff reconciliation rules for motor common carriers of property.".

**SEC. 5. EFFECTIVE DATE; APPLICABILITY.**

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. GORTON. Mr. President, it is almost incomprehensible to me that Congress is struggling over the passage of the Negotiated Rates Equity Act which will resolve the longstanding dispute between bankrupt trucking companies and their former customers. If ever there was a need for Congress to step in and right a wrong imposed by government, this is it.

The world of trucking tariffs and the Interstate Commerce Commission is not a world most of us are familiar with. The average person does not know that a crisis that is estimated to cost $32 billion is affecting thousands of businesses across the country. The average person would not even believe that the situation could be true if it was explained to him. Let me make an analogy. Suppose a consumer goes to a car dealer, negotiates the price of his new car, purchases it, drives it for 5 years, and then receives a notice that he owes an additional $10,000 because the car dealer didn't file the right paperwork or gave him too good a deal. It's not too hard to predict that the car owner would think that this was an outrageous situation. But it is that exact situation that thousands of shippers across the United States are now facing.

For many years, discounts offered by truckers were never filed with the Interstate Commerce Commission. Now, because of a Supreme Court decision in 1990, estates of bankrupt trucking companies have been attempting to collect payments for the shipments on the grounds that the shippers were undercharged. Some of these claims have been enormous and placed shippers, who had every reason to believe that their bills had been fully paid years ago, in difficult financial situations.

Last year, the Senate unanimously passed a bill identical to that which is being introduced today. It would allow the estates of the bankrupt trucking company either to pursue an appeal through the Interstate Commerce Commission or to accept an expedited settlement process for a percentage of the alleged undercharges. Unfortunately, the measure died in the House. I urge my colleagues to make passage of this bill a top priority and right a wrong that is facing thousands of businesses today.

## ADDITIONAL COSPONSORS

### S. 27

At the request of Mr. SARBANES, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

### S. 30

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

### S. 104

At the request of Mr. HATFIELD, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 104, a bill to establish a National Center for Sleep Disorders Research within the National Heart, Lung and Blood Institute, to coordinate sleep disorders research within the National Institutes of Health, to further facilitate the study of sleep disorders, and to establish a mechanism for education and training in sleep disorders, and for other purposes.

### S. 187

At the request of Mr. BURNS, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

### S. 236

At the request of Mr. MCCAIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 253

At the request of Mr. CRAIG, the names of the Senator from Washington [Mr. GORTON], the Senator from North Dakota [Mr. CONRAD], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

### S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

### S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

### S. 297

At the request of Mr. STEVENS, the names of the Senator from Florida [Mr. MACK], the Senator from North Dakota [Mr. DORGAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

### S. 366

At the request of Mr. EXON, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

### S. 368

At the request of Mr. BUMPERS, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Washington [Mrs. MURRAY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

### SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

### SENATE JOINT RESOLUTION 43

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. REID], the Senator from Arkansas [Mr. BUMPERS], the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Virginia [Mr. WARNER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. AKAKA], the Senator from Louisiana [Mr. BREAUX], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. MCCAIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. GLENN], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. CRAIG], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. DORGAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. COATS], the Senator from Florida [Mr. GRAHAM], the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], the Senator from Oregon [Mr. PACKWOOD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. ROTH], the Senator from California [Mrs. FEINSTEIN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating the week beginning June 6, 1993, and June 5, 1994, as "Lyme Disease Awareness Week."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MITCHELL, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

## SENATE RESOLUTION 71—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

### S. RES. 71

*Resolved*, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1993 and 1994".

### AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1993, through September 30, 1994, in the aggregate of $55,696,935 and for the period March 1, 1994, through February 28, 1995, in the aggregate of $56,428,119, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Joint Committee on the Operation of the Congress.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1994, and February 28, 1995, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1993, through September 30, 1994, and March 1, 1994, through February 28, 1995, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,932,632, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,973,136, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $4,861,162, of which amount (1) not to exceed $160,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $4,961,810, of which amount (1) not to exceed $160,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $2,819,419, of which amount (1) not to exceed $24,300, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $2,880,344, of which amount (1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $3,153,964, of which amount (1) not to exceed $1,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $3,220,767, of which amount (1) not to exceed $1,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $3,424,833, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $3,499,838, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $3,809,967, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $3,890,947, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $2,756,636.

(c) For the period of March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $2,815,535.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $2,687,023, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $2,744,197, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $3,349,255, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $3,419,382, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $2,749,434 of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $2,808,864, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $5,104,467, of which amount (1) not to exceed $548,678, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $5,213,729, of which amount (1) not to exceed $49,326, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1993, through February 28, 1995, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 62 of the One Hundred Second Congress, second session, are authorized to continue.

### COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $4,906,405, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $5,013,474, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $5,146,224, of which amount not to exceed $30,900, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $5,257,570, of which amount not to exceed $30,900, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

### COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,478,578, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,511,163, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,134,791, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,156,079, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,171,401, of which amount not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,196,647, of which amount not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

### SPECIAL COMMITTEE ON AGING

Sec. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,184,439.

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,209,141.

### SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $2,381,615, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $2,433,624, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

### SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1993, through February 28, 1995, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through September 30, 1994, under this section shall not exceed $1,197,940, of which amount (1) not to exceed $4,846, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1994, through February 28, 1995, expenses of the committee under this section shall not exceed $1,221,872, of which amount (1) not to exceed $4,846, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

### JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Sec. 22. (a) In carrying out the duties and functions imposed by H. Con. Res. 192, agreed to July 30, 1992 (102d Congress), and in exercising the authority conferred on it by such resolution, the Joint Committee on the Organization of Congress is authorized from March 1, 1993, through December 31, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and, (3) with the prior consent of the Government department or agency concerned, and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the Joint Committee for the period March 1, 1993, through December 31, 1993, under this section shall not exceed $446,750, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946).

(c) As required by H. Con. Res. 192, the Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable to the Senate at the earliest practical date, but not later than December 31, 1993.

### SPECIAL RESERVES

Sec. 23. (a) Of the funds authorized for the Senate committees listed in clause (2) of this subsection by Senate Resolution 62, agreed to February 28, 1991 (102d Congress), for the funding period ending on the last day of February 1993, any unexpended balance of any such committee remaining after such last day shall be transferred to a special reserve for such committee, and shall be available to each committee in an amount equal to the lesser of (1) 50 percent of any such unexpended balance of the committee, or (2) the following amounts for the following committees:

Appropriations ($0)
Armed Services ($243,032)
Banking, Housing and Urban Affairs ($19,250)
Budget ($292,179)
Commerce, Science and Transportation ($390,024)
Energy and Natural Resources ($150,000)
Environment and Public Works ($137,500)
Finance ($127,619)
Foreign Relations ($266,009)
Judiciary ($122,500)
Labor and Human Resources ($61,514)
Rules and Administration ($57,868)
Small Business ($64,272)
Veterans' Affairs ($22,000)
Aging (Special) ($70,000)
Indian Affairs (Select) ($20,008)

(b) Of the funds authorized for the Senate committees listed in clause (2) of this subsection by Senate Resolution 62, agreed to February 28, 1991, for the funding period ending on the last day of February 1993, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, and shall be available to each of the committees in an amount equal to the lesser of (1) 100 percent of any such unexpended balance, or (2) the following amounts for the following committees:

Agriculture, Nutrition and Forestry ($190,000)
Governmental Affairs ($602,300)
Intelligence (Select) ($500,000)

(c) The reserves established in subsections (a) and (b) shall be available to each committee for the period commencing March 1, 1993, and ending with the close of September 30, 1993, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1993, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1993.

(d) Any unexpended balances remaining for Senate committees referred to in subsection (a) or (b) not allocated under subsection (a) or (b) shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in clauses (1) and (2) of subsection (c).

## SENATE RESOLUTION 72—ORIGINAL RESOLUTION REPORTED TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was considered and agreed to:

S. Res. 72

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

## AMENDMENTS SUBMITTED

## NATIONAL INSTITUTES OF HEALTH REVITILIZATION ACT OF 1993

### NICKLES (AND OTHERS) AMENDMENT NO. 39

Mr. Nickles (for himself, Mr. Dole, Mrs. Kassebaum, Mr. Helms, Mr. Shelby, Mr. Gramm, Mr. Lott, Mr. Coats, Mr. Mack, Mr. Craig, Mr. Bond, Mr.

COVERDELL, Mr. ROTH, Mr. MURKOWSKI, Mr. THURMOND, Mr. SMITH, Mr. SIMPSON and Mr. KEMPTHORNE) proposed an amendment to the bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, as follows:

**SECTION 1. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.**

(a) Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration of Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED.—The President shall submit a report by September 1, 1993 containing—

(1) an assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care programs, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to HIV;

(4) The cost implications of refugees entering or likely to enter the United States, who carry the HIV virus;

(5) A comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the costs attributable to the entry of aliens suffering from other health conditions;

(c) HIV TESTING.—Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of HHS, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993;

(d) WAIVER AUTHORITY.—Subsection (c) may be waived by the Attorney General, in consultation with the Secretary of HHS for non-immigrants who, except for the provisions of this act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of:

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of HHS to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

## KENNEDY (AND MITCHELL) AMENDMENT NO. 40

Mr. KENNEDY (for himself and Mr. MITCHELL) proposed an amendment to the bill S. 1, supra, as follows:

At the appropriate place in the bill, insert the following:

**SEC. . STUDY OF THE COST IMPLICATIONS OF ALTERING THE PUBLIC HEALTH EXCLUSION LIST.**

(a) RETENTION OF EXCLUSION.—The current list of communicable diseases of public health significance as in effect on February 17, 1993, shall remain in effect for a period of at least 90 days after the date of enactment of this Act for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED.—If the Secretary of Health and Human Services alters the list described in subsection (a) after the expiration of the 90-day period described in that subsection, then the Secretary shall submit to Congress a report containing—

(1) an assessment of—

(A) the anticipated effect of such action on costs to United States public health care programs and entities, as well as to those operated by States and municipalities; and

(B) the anticipated costs to private insurers and health care providers of such action;

(2) any findings regarding current immigration law submitted by the Attorney General under subsection (c);

(3) a comparison of the anticipated health care costs associated with immigrants infected with HIV with the costs attributable to the entry of immigrants suffering from other serious health conditions which significantly impair the individual's ability to earn a living; and

(4) an estimate of the costs associated with retention of the list described in subsection (a).

(c) STUDY AND REPORT.—(1) The Attorney General shall conduct a study of the following:

(A) The effectiveness of current provisions of the Immigration and Nationality Act in guarding against entry into the United States of persons likely to become a public charge and in deporting, during a 5-year period after such entry, those immigrants who do become public charges.

(B) The ability of the Immigration and Naturalization Service to apply and enforce such Act with regard to immigrants infected with potentially costly health conditions including, but not limited to, HIV.

(2) The Attorney General shall submit to the President, the Secretary of Health and Human Services, and the Congress a report setting forth the findings of the study conducted under paragraph (1) and including such recommendations as the Attorney General determines may be necessary for revision of current immigration law to ensure that immigrants with costly health conditions who are likely to become public charges will be excluded.

## CRAIG AMENDMENT NO. 41

Mr. CRAIG proposed an amendment to the bill S. 1, supra, as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . STUDY CONCERNING RADIOISOTOPES.**

(a) STUDY.—The Secretary of Health and Human Services in collaboration with the Secretary of Energy, shall, subject to the availability of funds, conduct a study concerning the use and availability of radioisotopes in the United States for medical (both diagnostic and therapeutic) uses in relationship to other uses.

(b) SUBJECT OF STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(A) analyze the domestic isotope availability and production in the United States as it relates to medical (both diagnostic and therapeutic) needs.

(B) make recommendations concerning—

(i) isotope availability and production that meet domestic demand; and

(ii) the need for additional production capacity.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the study conducted under this section together with the recommendations developed in such study.

## ROTH (AND COCHRAN) AMENDMENT NO. 42

Mr. ROTH (for himself and Mr. COCHRAN) proposed an amendment to the bill S. 1, supra, as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . MEDICAL TECHNOLOGIES PRODUCTIVITY STUDY.**

(a) FINDINGS.—Congress finds that—

(1)(A) the Congressional Budget Office, the General Accounting Office, and the Office of Technology Assessment have cited health care technology as a primary source of medical inflation; and

(B) data from the Office of Technology Assessment suggest that no more than one quarter of the 12 to 13 percent annual increase in health care expenditures, or an estimated 3 percent increase in such expenditures, is attributable to health care technology;

(2)(A) the 3 percent increase represents the maximum increase in such expenditures, because the Office of Technology Assessment arrives at the estimate by exclusion; and

(B) the increase attributable to health care technology may nevertheless amount to a direct increase of as much as $27,000,000,000 in health care costs in 1993 and an even greater indirect increase in such health care costs;

(3) one reason for the high increase in health care costs attributable to health care technology is that few incentives exist in the national research institutes of the National Institutes of Health to encourage the development of technology that improves the productivity of health care delivery; and

(4) since the National Institutes of Health is a major engine determining the direction of medical technology as well as basic biomedical research, it is appropriate, in the process of directing the medical research and development resources of the National Institutes of Health, to provide incentives that encourage the development of technology to improve the productivity of health care delivery.

(b) STUDY.—The Secretary of Health and Human Services shall conduct a study concerning—

(1) methods by which to encourage the development of medical technologies that improve the productivity, and thereby reduce the cost, of health care delivery through changes in the scientific peer review process; and

(2) methods by which to reduce the costs of the production of new medical technologies and increase the availability of such technologies through changes in the scientific peer review process.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the study conducted under subsection (b). Such report shall contain the findings of the Secretary with respect to the study and the recommendations of the Secretary for the implementation of measures to encourage enhanced productivity of medical technologies and increase the availability of such technologies through changes in the scientific peer review process. Such report shall also contain the steps that the Secretary proposes to implement the recommendations.

### HATFIELD (AND OTHERS) AMENDMENT NO. 43

Mr. HATFIELD (for himself, Mr. PACKWOOD, and Mr. MCCAIN) proposed an amendment to the bill S. 1, supra; as follows:

At the appropriate place in title XX, insert the following new section:

**SEC. . SENSE OF THE CONGRESS REGARDING ACTION ON A REQUEST FOR CERTAIN WAIVERS UNDER THE MEDICAID PROGRAM.**

It is the sense of the Congress that—

(1) the Secretary of Health and Human Services should be commended for her commitment to either approve or deny the application for waivers to conduct a demonstration project under section 1115(a) of the Social Security Act submitted by the Oregon Department of Human Services on November 13, 1992, (hereafter referred to in this section as the "application") by March 19, 1993, and

(2) because the application for waivers has been pending for one and a half years and the Oregon State legislature faces a biennium budget currently under consideration, a decision must be reached by March 19, 1993, in order for the legislature to appropriate the funds necessary to implement the Oregon plan.

### HATFIELD AMENDMENT NO. 44

Mr. HATFIELD proposed an amendment to the bill S. 1, supra, as follows:

On page 85, after line 22, in Section 503, insert before the end quotation marks the following:

"(f)(1) The Director of the Center, in cooperation with the Centers for Disease Control, is authorized to coordinate activities with the Department of Transportation, the Department of Defense, the Department of Education, the Department of Labor, and the Department of Commerce to collect data, conduct studies, and disseminate public information concerning the impact of sleep disorders and sleep deprivation."

### JEFFORDS AMENDMENT NO. 45

Mr. DURENBERGER (for Mr. JEFFORDS) proposed an amendment to the bill S. 1, supra, as follows:

At the appropriate place in title XIX, insert the following new section:

**SEC. 19 . SENTINEL DISEASE CONCEPT STUDY.**

(a) IN GENERAL.—The Director of the National Institutes of Health, in cooperation with the Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, may design and implement a pilot sentinel disease surveillance and follow-up system.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to determine the applicability of and the difficulties associated with the implementation of the sentinel disease concept for identifying the relationship between the occupation of household members and the incidence of subsequent conditions or diseases in other members of the household.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

### JEFFORDS (AND OTHERS) AMENDMENT NO. 46

Mr. DURENBERGER (for Mr. JEFFORDS, for himself, Mr. COHEN, and Mr. DURENBERGER) proposed an amendment to the bill S. 1, supra, as follows:

At the end of title XX of the Committee amendment, add the following:

**SEC. . AUTHORIZATION OF APPROPRIATIONS.**

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in the first sentence of subsection (b), by striking "1993 and 1994" and inserting "1993, 1994, and 1995"; and

(2) in subsection (d), by striking "in each of the fiscal years 1993 and 1994" and inserting "for each of the fiscal years 1993, 1994, and 1995".

### GORTON AMENDMENT NO. 47

Mr. DURENBERGER (for Mr. GORTON) proposed an amendment to the bill S. 1, supra, as follows:

On page 199, after line 18, add the following new section:

**SEC. 1910. CONGRESSIONAL APPROPRIATION OF FEDERALLY SUPPORTED DISEASE RESEARCH.**

(a) FINDINGS.—Congress finds that—

(1) it is in the public interest to support necessary and valuable biomedical research on diseases and conditions that harm or kill individuals and that threaten public health;

(2) it is in the public interest to allocate scarce Federal taxpayer money for research that is based on scientific merit and cost-effectiveness; and

(3) it is in the public interest for Members of Congress to have a criteria or methodologies to inform and assist them in the decision making process when allocating Federal taxpayer money for specific biomedical research.

(b) STUDY.—

(1) CONTRACT.—The Secretary of Health and Human Services shall, subject to the availability of appropriations and subject to paragraph (2), enter into a contract with a public or nonprofit private entity to develop criteria or methodologies which Members of Congress may use to assist and inform them during consideration of allocations for biomedical research.

(2) INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(3) ITEMS.—Items that may be considered in the development of the criteria of methodologies may include, but are not limited to, the following—

(A) the populations affected by, or potentially affected by diseases and conditions that are targets for research;

(B) the incidence and prevalence rates of disease and conditions;

(C) mortality rates of the diseases and conditions;

(D) rates of morbidity, impairment disability, and health status and functional outcomes of the diseases and conditions;

(E) the economic burden of the diseases and conditions including past and projected expenditures on diagnosis and treatment;

(F) other economic and social burdens; and

(G) potential for medical research on specific diseases to assist basic research efforts.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date on which the contract under subsection (b)(1) is signed, the Institutes of Medicine of the National Academy of Sciences shall prepare and submit to the Secretary of Health and Human Services, and the appropriate committees of Congress, a report that includes the recommendations developed under subsection (b). Not later than 90 days after the receipt of such report, the Secretary of Health and Human Services shall submit comments on the recommendations to the appropriate committees of Congress.

(d) COSTS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 1994 and 1995.

### HELMS AMENDMENT NO. 48

Mr. HELMS proposed an amendment to the bill S. 1, supra, as follows:

Strike all beginning on page 7, line 25, through the last period on page 13, line 10.

### KENNEDY, KASSEBAUM, HATCH AMENDMENT NO. 49

Mr. KENNEDY (for himself, Mrs. KASSEBAUM, and Mr. HATCH) proposed an amendment to the bill S. 1, supra, as follows:

At the appropriate place in title XX, insert the following new section:

**SEC. 20___. VACCINE INJURY COMPENSATION PROGRAM.**

Section 2111(a) of the Public Health Service Act (42 U.S.C. 300aa-11(a)) is amended by adding at the end thereof the following new paragraph:

"(10) The Clerk of the United States Claims Court is authorized to continue to receive, and forward, petitions for compensation for a vaccine-related injury or death associated with the administration of a vaccine on or after October 1, 1992.".

## NOTICES OF HEARINGS

### SMALL BUSINESS COMMITTEE

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee oversight hearing on the Small Business Administration's Microloan Demonstration Program.

The hearing will take place on Thursday, February 25, 1993, at 10 a.m. in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 18, 1993, at 9:30 a.m., to hold a markup. The committee will consider the following: an original resolution authorizing expenditures by committees of the Senate for 1993 and 1994; an original bill to establish national voter registration procedures for Federal elections, and for other purposes; and an original resolution authorizing the printing of a collection of the rules of the committees of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, February 18, at 9:30 a.m. for a hearing on the legislation, S. 171, the 1993 Environmental Protection Agency legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 18, at 10:30 a.m. to hold a hearing on American policy on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 18, at 2 p.m. to hold a hearing on American policy on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate Thursday, February 18, 1993, at 2 p.m. to conduct a hearing on the extension of unemployment compensation benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### THE 80TH BIRTHDAY OF MEL ALLEN

• Mr. LIEBERMAN. Mr. President, I rise today to offer a tribute on the occasion of the 80th birthday anniversary of a member of the Baseball Hall of Fame. This gentleman made his way to Cooperstown not with his bat or his glove or his throwing arm, but with one of the finest voices ever to call a major league game. I am of course talking about a resident of Greenwich, CT—the legendary Mel Allen.

As a youngster growing up in New Haven in the 1940's and 1950's, I was, and still am, an avid fan of the New York Yankees. Listening to the flawless delivery of Mel Allen, the "voice of the Yankees," made those games come alive for me. His delivery of the athletic exploits of players like DiMaggio, Mantle, Berra, Ford, Rizzuto, Howard, Maris and others too numerous to mention made the games as much fun as being there in person.

A native of Birmingham, AL, Mel Allen went to the University of Alabama at the age of 15, where he earned a bachelor's degree as well as a law degree. By 1936, at the age of 23, Allen was in New York where he won a CBS Radio audition to announce baseball games. By 1940, Allen was the lead announcer for the Yankees—a position he held until the end of the 1964 season.

Known for his trademark call "how about that," Allen became the only sportscaster to announce baseball games in seven decades. Among the numerous awards and honors received by Allen are induction into the Baseball Hall of Fame and the Halls of Fame of the National Sportswriters and Broadcasters Association and the American Sportscasters Association.

All the people of his home State of Connecticut join together with all the baseball fans of our country, and that accounts for nearly everybody, in wishing Mel Allen a happy, happy birthday, and many thanks for all fun and excitement he provided over the years.•

### RULES OF THE SPECIAL COMMITTEE ON AGING

• Mr. PRYOR. Mr. President, I ask unanimous consent that the rules of the Special Committee on Aging, as approved by the Members of that panel on January 28, 1993, be printed in the Congressional Record.

The rules of the Special Committee on Aging follow:

### Rules of the U.S. Senate Special Committee on Aging

#### I. CONVENING OF MEETING AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the chairman.

2. Special meetings. The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. Notice and agenda.

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

#### II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2. Witness request. Any Witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed session subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: 1) national security; 2) Committee staff personnel or internal staff management or procedure; 3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; 4) Committee investigations; 5) other matters enumerated in Senate Rule IIVI (5)(b).

4. Confidential matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceeding of a closed session, shall be made public, in whole or in part by way of summary, unless specifically authorized by the Chairman and ranking minority member.

5. Broadcasting.

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, or grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

#### III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is

present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling.

(a) Subjects. The Committee may poll 1) internal Committee matters including those concerning the Committee's staff, records, and budget; 2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule II.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for investigations. All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings of recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and ranking Minority member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. Counsel.

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule of such request.

6. Impugned persons. Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may;

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions or them, shall be put to the other witness by a member or by staff.

7. Minority witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of witnesses, counsel and members of the audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSION

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or be a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex-officio members of all subcommittees.

2. Jurisdiction. Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee membership, and for hearings shall be one member.

### VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

### IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceeded by at least 3 days notice of the amendments or revisions proposed.•

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## CONDEMNING THE PRESENCE OF THE HAMAS TERRORIST GROUP IN THE UNITED STATES

• Mr. D'AMATO. Mr. President, I rise today to condemn the actions of the Iranian-supported terrorist group, Hamas, and its branches and agents in the United States. In recent weeks, much has been written of Hamas' murderous actions against Israel and moderate Arabs, yet we are only now learning of Hamas' vast international network, part of which is located in our own backyard.

This radical Islamic fundamentalist group is based in the Gaza Strip but also operates in Judea and Samaria. Its covenant declares that Israel must be destroyed and that Islamic fundamentalism must be adopted and spread violently, if necessary, by all Arab States. Its bloody rise to prominence has been built upon its sadistic torture killings of both Israelis and those Palestinians charged as collaborators with Israel.

Within our midst, this expansive network is aiding Hamas in its terror and murder in Israel. Acting in the guise of simple fundraising, groups in northern Virginia, Dallas, Detroit, Chicago, Tucson, and in my State of New York, are channeling large amounts of money back to Hamas in the Gaza Strip, freeing up Iranian-supplied funds to use to kill Israeli soldiers and civilians.

Reportedly, the United States is home to at least a dozen Hamas leaders who hold clandestine titles within the Hamas organization. Although it is unclear to what extent they are operating in the United States, the New York Times has reported that at least one Palestinian recently arrested in Israel while visiting from Chicago actively worked on behalf of Hamas, bringing over $650,000 to Israel to hand over to Hamas officials. If this charge proves to be true, we must expand our investigation and observation in order to eliminate this radical terrorist element from our Nation. We cannot allow an overseas branch of a foreign-sponsored terrorist group to set up shop in the United States.

If we allow this situation to fester, we will pay a very dear price, both at home and abroad. We cannot be assured that the members of these branches will not turn to terrorism on our shores, just as they have in the Middle East. It is my hope that our Government will vigorously see to it that the Hamas terror Israel faces never comes to the United States.•

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## THE NEW TRANSATLANTIC BARGAIN: THE NEED FOR EUROPEAN RESPONSIBILITY

Mr. McCAIN. Mr. President, the cold war is over. The Warsaw Pact and the Soviet Union no longer exist. The United States and Russia have moved forward toward a new era in which they are eliminating the risk of strategic nuclear war. East and West have virtually eliminated the risk of any theater-wide conflict in the central region or either flank. The long shadows that darkened Europe's future from 1945 to 1990 have largely cleared.

We have every reason to celebrate these changes. They do not eliminate the need for our Atlantic ties, nor do they bring security in Europe. They have unleashed old tensions and created new ones, and it may be decades before we see Central Europe and the former States of the Soviet Union evolve a fully stable relationship based on democracy capitalism, and regard for human and ethnic rights.

### THE NEED FOR A NEW TRANSATLANTIC BARGAIN

At the same time, these changes cap a process of change that has been going on ever since the Marshall plan, and are a symbol of the need for a new transatlantic bargain. Today's Europe is not a crippled and threatened mix of nations devastated by World War. It is an economic bloc whose wealth is larger than that of the United States. It has a larger population, and cumulatively, it has larger military forces.

In contrast, the United States faces economic and social problems which are to some extent the result of the burdens it has borne ever since the end of the World War II. For nearly half a century it has paid far more than its share of the cost of Western security. At the same time, the United States is now the only Western power that has global commitments to peacekeeping and maintaining the security of allies outside Europe. While Britain and France do play an important role in such missions, the United States has been thrust into the role of securing the West's supply of oil, of defending northeast Asia, and of handling the vast majority of the crises which take place outside of Europe and NATO.

The time has come for both the United States and Europe to recognize that these changes must be reflected in a fundamental shift in roles and missions within the Atlantic alliance. The United States must stay in NATO, it must remain deeply involved in European security, and it must both deploy forces in Europe and maintain reinforcements for Europe in the United States.

However, the United States must steadily reduce its role in leading the European part of the Atlantic alliance, it must sharply reduce its forces for NATO, and it must concentrate on the broader mission of maintaining Western security outside Europe. Its new role and mission, and contribution to the new transatlantic bargain, must be to focus on the gulf, on Asia, and on the problems in global security that are as important to the West as a whole as the defense of Europe.

Europe's new role and mission is different. It is not out-of-area missions, but rather to deal with the problems created by the breakup of the Warsaw Pact and the Soviet Union. It is to help Central Europe move smoothly to democracy and a level of wealth that can underpin its stability and security. It is to help Russia and other members of the CIS move along the same path. It is to play a vital role in expanding the Atlantic alliance will cover the distance to the Urals and then sweep from Europe through Asia to Japan.

As part of that process of change, Europe must be ready to provide three tangible contributions to the new transatlantic bargain. The first is to use its wealth to give Central Europe and the former CIS States the equivalent of a new Marshall plan. The second is to contribute the bulk of NATO's European forces, reducing the United States contribution to a small share of NATO's total strength which can perform power projection missions outside the NATO area. Finally, Europe must be ready to perform peacemaking missions in Europe, and deal with problems like the ones in Bosnia and the rest of the former Yugoslavia.

This requires new attitudes on both sides of the Atlantic. It requires the United States to accept the fact that Europe is not only a full partner in the Atlantic alliance but should now take the lead in NATO and European affairs. It requires U.S. military planners to move toward a European SACEUR, total U.S. forces in Europe of 70,000–80,000 men, and concentrate on restructuring forces in the United States for power projection missions anywhere in the world—ending the assigning and earmarking of forces primarily for the reinforcement of Europe.

In the case of Europe, it means accepting very real financial sacrifices to aid Central Europe, and Russia and the other States of the CIS, that involve far more than integrating East Germany into Germany and paying Russia to leave. It means accepting the fact that European forces and force goals should be based on the premise that the U.S. contribution should be no more than 25 percent of the total NATO forces in the central region. In the case of Bosnia, it means preparing for the near certain failure of the Vance-Owens agreement, and intervention that will actively defend Bosnia's Moslems and deter any further atrocities and ethnic cleansing.

Ironically, none of this will happen without American leadership. Britain and France are rightfully afraid of having to act alone. Germany is hiding behind a dubious interpretation of article 24 of its constitution. Europe's smaller nations tend to follow in the path of Sweden and Switzerland—to take the high moral ground and hide there in safety.

What is clearly needed is an American declaration that the time has come for a new transatlantic bargain, and that Europe must immediately assume responsibility for European crises like the one in Yugoslavia. What is needed is immediate leadership by President Clinton to break out of the trap of futile negotiations and demand that Europe act. If President Clinton fails to exert such leadership, he may well have failed in his Presidency before the end of his first year in office.

## THE AMERICAN PART OF THE NEW TRANSATLANTIC BARGAIN

The need for urgent action is illustrated by the need for a new U.S. force plan to underpin the fiscal year 1994 Defense budget, a budget request that is now already overdue. The OMB data provided as background to President Clinton's State of the Union Address shows that Secretary Aspin is planning for a Defense budget level of around $264 billion. It projects a spending level for fiscal year 1994 to fiscal year 1998 that is likely to be nearly 20 percent lower than the funding level necessary to sustain the base force concept that President Bush proposed in August 1990.

What both our European allies and U.S. policy planners need to understand is that there is no faster way for the United States to become ineffective as a world power than to try to stretch its declining resources to meeting open-ended commitments throughout the world. Even if a Democrat-controlled Congress makes no cuts in President Clinton's initial Defense budget request, and even if Secretary Aspin's budget plans survive competition within the Clinton Cabinet, we favor an absolute need to make hard tradeoffs.

The goal of maintaining 150,000 U.S. forces in Europe and for Europe is an unobtainable fantasy. Barring some total reversal in Russia's political direction and military actions, the United States simply must shift resources to other regions in the world. It cannot afford a robust corps of two combat ready divisions in Europe. It cannot afford to keep more than three fighter wings. It cannot afford to dedicate a carrier battle group unless it can also be used for swing missions in the Middle East and the gulf.

It may be possible to maintain two active brigades in Europe, and preposition most of the heavy equipment for two divisions if Europe will pay for most of the costs of pre-positioning as part of the NATO infrastructure plan. It may be possible to deploy a force close to two fighter wing equivalents—if one wing can include the air units the United States deploys in the gulf and both wings are dual capable for power projection missiles. It may be possible to keep a smaller carrier battle group—provided that NATO accepts that it will be employed in out-of-area missions most of the time.

This, however, is the maximum force we can maintain and much of it may have to be dual based in the United States for a substantial period. It serves no purpose to promise more, because even this force will be impossible to sustain unless our economic recovery removes many of the current pressures on the defense budget.

Similarly, our current crisis response and reconstitution forces for the Atlantic forces part of the base force are little more than a fantasy. We do need power projection forces that can be used both in Europe and elsewhere in the world. Today, however, we cannot deploy a single heavy division rapidly from the United States to any part of the world. We lack the prepositioning, the strategic sealift, and the strategic airlift.

The idea that we can both maintain a five-division contingency force for global power projection, and a mix of three active roundout and six reserve divisions for NATO is a dangerous illusion. We cannot provide the manpower, the readiness, the sustainability, or the strategic lift. Long before our currently planned defense budget cuts have their full impact, we already have an expensive hollow force structure.

What we need is to make the five divisions in the contingency force package five real globally deployable and sustainable divisions. We need to be able to deploy at least two heavy divisions anywhere in the world in less than 30 days.

We need to restructure our active and reserve mix in the United States to end all earmarking and assignment to NATO, to eliminate all active formations we cannot deploy in less than 90 days, and to create more flexible reserves that can ensure that we have a cost-effective mobilization pool that can allow us to build up for at least one high intensity conflict in no more than 6 months. This is reality, and every additional dollar we spend on an unsustainable force posture is a dollar taken away from the forces we can actually use.

The same realities affect our air reinforcement component for Europe. The present crisis response package for Europe calls for 2 active and 10-plus fighter wing equivalents in the United States. We need to focus our resources on air forces, long-range conventional missile forces, and rapidly deployable high technology firepower. At the same time, we cannot dedicate these assets to Europe, or afford to structure our air units in the United States in a way where they cannot serve flexible power projection missions. This will be particularly true if Secretary Aspin goes ahead with plans that could cut us from the 26-wing Air Force requested by President Bush to anywhere from 18 to 22 wings by 1996.

We need to keep our carrier and amphibious forces as strong as possible in an era when power projection is the primary mission of our military forces. There is no way, however, that we can assign or earmark four carrier battle groups and an entire Marine Expeditionary Force [MEF] to NATO. We need these forces, but primarily for global emergencies outside NATO. They are forces that may be based on the east coast of the United States, but they cannot be forces simply for the Atlantic.

As for our reconstitution forces, it makes no sense to keep two Army cadre divisions and an unstated number of naval frigates to deal with the risk that a new threat will emerge in Europe that could lead us to theaterwide or general war. These forces would be meaningless in such a contingency, and are too expensive to maintain as an exercise in tokenism.

The United States must reshape all its military forces to focus on new priorities, most of which involve low to medium intensity conflict in which the United States will be a coalition partner, and not the leader of a formal alliance. It must concentrate its diminishing Defense budget and pool of forces on power projection missions. It must seek to limit its contribution to most European contingencies to air and naval forces, reduce its ground forces as much as possible, and give all its forces normally deployed in Europe a dual mission in out of area contingencies.

The Congress recognized these realities last year when it set the future manpower ceiling for U.S. forces in Europe at 100,000 men, rather than the 150,000 men that the Pentagon requested in its base force. I gather that still further economies may be possible, and that the U.S. Army—as distinguished from SHAPE and the JCS—is examining force levels of around 70,000 as a means of concentrating its resources for higher priority tasks outside Europe. We need to reflect these realities in both our fiscal year 1994 defense budget and our fiscal year 1994 through fiscal year 1999 future year defense program.

### REDEFINING AMERICAN ATLANTICISM

None of these changes means the United States should adopt neo-isolationism or abandon Atlanticism. Quite the contrary, they reflect the reality that Western security interests now effectively include the gulf, Japan, and the other developed nations of Asia. They reflect the growing economic interdependence of the world's economy and political systems.

The United States must continue to take the lead in working with Russia to eliminate the risk of nuclear conflict, and to reduce nuclear weapons to a secure minimum. It must work with Europe to develop a broader European security concept that includes Central Europe, Russia, Belarus, Ukraine, and the Baltic Republics.

We may or may not to able to expand NATO to fill this role, but we can only finally heal the split between East and West if we work together to encourage the East's move toward democracy and capitalism.

### REDEFINING EUROPE'S ROLE IN ATLANTICISM

This process of change will be more traumatic for Europe that for the United States. For nearly a half century, Europe has depended on American leadership and a disproportionate American military contribution. It must now learn to accept American partnership and limited American military support.

There are many in both the United States and Europe who will oppose that process of change, regardless of the changing strategic realities affecting Western security policies, the changes that have taken place in Europe, and the cuts the United States must make in its forces.

The fact remains, however, that change is coming. There is nothing to be gained by continuing the myth of American military leadership in Europe for a few more years, and there is a great deal to be lost. In the name of a now outdated concept of Atlanticism, we risk delaying European recognition of the fact that Europe must now be responsible for European security. We risk ongoing European force cuts that ignore the fact that Europe must shape its future forces to take account of a major shift in the relative weight and size of American forces.

We risk undercutting European efforts at creating largely European security alternatives, such as the efforts with the WEU. We risk encouraging European nations to expect American intervention in European crises, we delay Europe's understanding that it must now deal with local crises, and we contribute to the European failure to assume military responsibility for peace making and crisis intervention.

### THE CRISIS IN YUGOSLAVIA AND BOSNIA

The last year has exposed a critical weakness in European security. Although Britain, France, and Canada have played a growing military role in trying to halt the ongoing atrocities in Bosnia, and prevent the crisis in that State from exploding into a broader conflict in the Balkans, there has been no Europe when a Europe was needed most.

The WEU and EEC have failed to provide an alternative European security concept that would provide the combination of military force, and the willingness to actually use the force, needed to end the horrors in Bosnia. NATO has pursued the illusion of rapid deployment forces that no member nation really seems prepared to fund, while drafting studies that examine military options to deal with the situation in the former State of Yugoslavia that amount to little more than the sum of the fears of the military planners of 14 different nations.

The bitter truth is that more than 60 years after the bitter lessons of Spain, Ethiopia, and genocide against Europe's Jews, and in an era where there is no major military power to prevent peacemaking operations, Europe's collective reaction to Bosnia amounts to military impotence and moral cowardice.

### REACHING AGREEMENT ON THE NEW TRANSATLANTIC BARGAIN

We cannot afford to sit back, and hope that history will drive us in the direction we must go. We face a turning point in Western history where we must choose between an effort to restructure our entire security concept toward power projection and a broad new partnership of nations, or see our past security concept disintegrate.

We also face a more immediate challenge. We are already straining our capacity as the world's policeman in the gulf and Somalia. We cannot, and should not, use United States ground forces to intervene in Yugoslavia. We may have to contribute the kind of high-technology air and naval forces that Europe lacks, but we simply should not have to put more than limited U.S. forces on the ground. We should not have to confront Russia, with its long ties to the Serbs, with a crisis over American intervention in Bosnia as the only answer to genocide.

The only way we can deal with this situation is to openly make it clear to our allies that the time for change has come, and we cannot wait. We need to present realistic new force plans to NATO. We need to openly encourage European security alternatives. We need to make it clear that we will continue to focus on European security, but only if Europe assumes leadership and develops security concepts where we can be a partner, rather than a leader. We need to move immediately toward a European SACEUR, and make massive cuts—perhaps as much as 50 percent—in the role of U.S. personnel in NATO headquarters and planning staffs.

We need to disengage from American led diplomatic efforts in dealing with the break up of Yugoslavia, and force the issue of peacemaking on Europe. We need to demand that Europe finds the courage to act, and put forthright and firm pressure on our allies to halt mass murder, and the hideous spectacle of Christians murdering Moslem's centuries after the time that civilization should have matured beyond that point forever.

We face a new era, and that era requires new solutions to shaping our security, our strategy, and our forces. We cannot maintain the status quo and we cannot afford to simply cut our forces or defense budgets for the sake of short term savings that mortgage our future. We need a new approach to Europe, to the Middle East and the gulf, and the Pacific, and creating a new transatlantic bargain is a critical first step in this process of change.

I will return to these issues again, and in more depth in the weeks to come. I do, however, wish to call my colleagues attention to a report that will help you understand this complex situation that was prepared for me by the Congressional Research Service.

This report is entitled "Military Trends: Atlantic to the Urals," and is CRS 92-949F. It is the first unclassified net assessment of the new security situation in Europe, and describes both the new military balance in Europe and the trends within each member country. I urge you to review it as an important indication of the changes we must make within the Atlantic alliance.

Mr. President, I respectfully request that the summary of this CRS report be entered into the RECORD at the conclusion of my remarks.

The summary follows:

[From a CRS Report for Congress, Dec. 9, 1992]

### MILITARY TRENDS: ATLANTIC TO THE URALS

### OVERVIEW

The dissolution of the Warsaw Pact and the division of the former Soviet Union have radically reduced the threat of catastrophic military conflict in Europe. Concurrently, after some initial uncertainty, international arms control agreements have reinforced the reduction in international tensions. Even before the collapse of Communist Europe, most NATO countries were moving to contain defense spending in response to an improving arms control environment and domestic economic concerns. In the past year, this trend has rapidly accelerated and shows signs of continuing. These radical developments have precipitated or accelerated processes directly affecting military establishments and security organizations across Europe and the Atlantic.

NATO, its member nations, and the Warsaw Pact successor states are all undertaking extensive revisions of their military doctrines. NATO and many of its members have shifted from a focus on high intensity, possibly nuclear, conflict with the Warsaw Pact to rapid military response to lesser regional threats. All former Warsaw Pact countries have publicly eschewed the Pact's offensive doctrine and are emphasizing only the defense of national borders. These states are also seeking to replace their earlier alliance relationships with integration into Western security systems. Though broad principles have been enumerated, the details of practical application have yet to be worked out.

The collapse of the post World War II order has also led to widespread change in the relationships, structure, and relative importance of European security organizations. Few aspects remain untouched. Purpose, responsibilities, capabilities, and membership all are undergoing review and reshaping.

Relieved of the tensions of NATO-Warsaw Pact confrontation, Europe and the United States must now contend with a range of active regional conflicts. As Soviet suzerainty was retracted in Europe, latent religious and ethnic hatreds have sparked armed conflicts and fueled political tensions from the Adriatic Sea to the Ural mountains. International organizations and individual governments that have grown accustomed to planning for potential continental-scale conflict between superpowers now face the challenge of how best to deal with regional low-intensity conflicts.

These changes in the European security landscape have consequences that will continue to develop through the rest of the decade. Massive active duty military personnel reductions are underway in most countries of Eurasia, with the practical problem of reintroducing thousands into the civilian workforce often being the only restraining factor.

Both alliances and individual nations are undertaking radical changes in military force structure in response to changed threat perceptions, the evolution of new political-military entities, and shortages of funds. NATO has streamlined its command structure, while the West European Union seeks to develop one. Both organizations are forming new multinational combat units. At the same time, the European Community is striving for a greater military and political voice, and the United States is under significant domestic pressure to reduce its military presence in Europe. Many nations are restructuring their armed forces around smaller units, placing less emphasis on the division-sized units designed for theater-wide warfare. In Eastern Europe, and to a lesser extent in the West, major troop redeployments are underway as nations stand down from old Cold War battle lines.

As nations revise unit structures and scale back or terminate equipment modernization programs, ground, air, and naval forces are all feeling the effect. For East European countries, modernization efforts are further complicated by the desire to incorporate advanced Western technology that is often prohibitively expensive.

When countries on both sides of the former Iron Curtain curtail defense investment, they face the consequences of shrinking defense production and rising unemployment as defense workers are laid off—a situation politically volatile for some governments. In addition, from the United States to the Commonwealth of Independent States, there is the concern that national defense industry capabilities could atrophy to the point where timely reconstitution for a major conflict would be impossible.

Seemingly, the current proliferation of armed conflicts in Eurasia has not slowed the decline in most governments' military spending. Their nature—regionally-contained, sporadic, and decidedly "low-tech"—and their location on the geographical fringes have prevented their generating the public concern necessary for high-levels of defensive investment. These regional conflicts, most notably in the former Yugoslavia, have nevertheless seized the attention of several national military establishments, and every organization concerned with international security. Though the United States has had extensive post-World War experience with armed conflicts overseas, most European nations have not. With the occasion of the Persian Gulf War and the proliferation of regional conflicts from Sarajevo to Tblisi, so-called out-of-area operations and force projection are now the subject of much discussion by U.S. and European political and military leaders.[1]

Regional conflicts have received a great deal of media coverage and largely diverted public attention from perhaps the most significant consequence of the East-West denouement—the reduction of reliance on nuclear weapons. To be sure, nuclear weapons remain in the arsenals of the United States, the United Kingdom, France and the former Soviet Union's successor states.[2] However, under the START agreement the dismantlement of a range of ICBMs is about to begin. Strategic nuclear programs in the U.S., Russia, and France have been scaled back or terminated. All short-range or tactical nuclear weapons are being withdrawn from Europe. International pressure to cease nuclear testing is increasing. For most, the concern is no longer a superpower conflict, but the specter of nuclear weapons becoming a factor in regional conflicts.

Simultaneously, the Conventional Armed Forces in Europe Convention (CFE) has limited conventional military equipment from the Atlantic to the Urals. Signed in November 1990 by all NATO and former Warsaw Pact members, CFE places national and regional limits on tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters. Negotiations continue within the Conference on Security and Cooperation in Europe (CSCE) to establish ceilings on military personnel also.

### DEFENSE BUDGETS[3]

In the West, the United States initiated the trend of budget reductions with defense spending declining, after inflation, each year since 1986. The Department of Defense's 1993 request showed a real dollar decline of 4.6% from the previous year, with a cumulative decline of about 25% projected through 1997. The United Kingdom now plans a 5.5% decline from 1992-1995, though domestic economic pressure could well steepen the rate of decline. The French defense budget declined 2.3% in 1992, and the government plans to freeze military procurement spending at current levels through 1994. Germany has projected a similar cap on all defense spending through 1995. Among the other Western nations, the Netherlands plans a 2% per annum reduction through 1994, followed by a freeze on spending levels from 1995 to 2001. Belgium projects a 10% decline through 1995. Spain's defense budget dropped 17% in 1992 alone. Bucking the tend are Greece and Turkey, which show modest increases, though much of this will be eroded by inflation.

In the East, the information on defense spending is fragmentary, and fluctuating currency values complicate the picture. There is no question that defense spending is dropping. Russian Federation officials have estimated that 1992 defense expenditures will be only 33% of 1990 spending levels, falling from 17% to 4.5% of GNP. East European countries are not registering such precipitous declines, showing defense spending reductions of 8% to 15% through 1997. The sole exception is Hungary with an 8% increase, reflecting higher personnel salaries.

### *Active duty personnel reduction*

Military personnel reductions are underway throughout Europe. The United States had started to reduce its 300,000+ personnel in Europe before the Persian Gulf War. Congress has now mandated a 100,000 ceiling, effective 1995. Some have suggested that as few as 50,000 troops in Europe would be adequate. Pentagon officials failed in their arguments for a minimum of 150,000, and still warn of a weakened U.S. influence in the NATO command structure if U.S. European deployment becomes merely "symbolic."

Among NATO allies, announced personnel reductions through the next three to four years include: United Kingdom 20%, Germany 31%, France 15%, Italy 25%. Personnel reductions are also severe among former Warsaw Pact members. Russia, Belarus, and Ukraine have initiated an accord within the framework of the CSCE, which limits their forces to 1.45 million, 100 thousand, and 450 thousand respectively.[4] This compares to the Soviet military personnel total in 1985 of 4.5 million troops. The Czech and Slovak Republic has projected a 33% cut by 1997. The Polish press reports a 30% drop in active military personnel over the last two years.

### *Decline of military modernization programs*

Most military establishments on the Eurasian continent have scaled back equipment modernization and procurement programs. On the nuclear front, Russia and France have terminated or reduced procurement of land and sea-based ICBMs and medium-range missiles, as has the United States. The United States has terminated development of advanced cruise missiles and nuclear tactical air to surface missiles. Both the United States and France have scaled back their nuclear submarine programs.

The European Fighter Aircraft (EFA) consortium is close to dissolution, with Germany arguing for a cheaper, less sophisticated aircraft, and Britain holding to the original plans for a "next generation" aircraft. France has canceled the land-based version of the new Rafale fighter aircraft. The United States, United Kingdom, France, and Germany have terminated or radically reduced main battle tank procurement.

Among former Warsaw Pact members, political decisions, economic constraints, and arms control agreements have brought most modernization programs to a standstill. While some military production continues, particularly in Poland and Czechoslovakia, must of it is intended for foreign markets to gain hard currency. Most East European countries are weighing the option of procuring more sophisticated Western equipment. High costs remain the major obstacle; however, in the future, licensing and co-production arrangements may overcome this. Russian military production has also fallen substantially. In 1992, the Director of the Defense Intelligence Agency testified before Congress that Russian 1991 procurement outlays fell 20% from the previous year, and were estimated to fall an additional 80% for the first quarter of 1992. Soviet officials have reported that in 1991 ICBM production fell 40% while tank and aircraft production fell 66% and 50% respectively. Navy Commander-in-Chief Chernavin has reported that naval construction has come almost to a standstill.

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[1] The term "out-of-area" specifically means outside the national territories of NATO members. Seeking to ensure its defensive nature, and to avoid military involvement in the overseas territories of its members, NATO has traditionally interpreted its charter as prohibiting "out-of-area" operations. The term "force projection" denotes the ability to carry on significant military operations outside a nation's own territory.

[2] Soviet successor states with strategic nuclear weapons on their territory are: Russia, Ukraine, Belarus, and Kazakhstan.

[3] Assessing or comparing national defense budgets over time presents a number of difficulties. Types of expenditures included vary from country to country. Public information is often sketchy and inconsistent in format. The value of national currencies can fluctuate significantly, and inflation can negate what appears to be increased defense spending. The problem of currency conversion particularly applies to the new democracies of Eastern Europe and the Commonwealth of Independent States. Projected defensive expenditures, with some exceptions, are even more problematic. Many governments are in the midst of extensive reviews of their defense planning, and consequently budget estimates are very much in flux.

[4] Ukrainian and Belorussian leaders believe their armed forces will stabilize well below these ceilings, as soon as jobs and housing can be found for demobilized troops.

These sweeping reductions in military production while applauded almost universally, have brought with them two major concerns: unemployment and loss of defense production bases. With development programs canceled and production lines shutting down or scaling back, hundreds of thousands of jobs in NATO and former Warsaw Pact nations will disappear over the next several years. For the United States and Western Europe, this presents a challenge for political leaders, and could exacerbate economic slowdowns in the short term. Indeed, it can be argued that some defense programs have been continued more for economic, than purely military, considerations. In Eastern Europe and the Soviet Union, however, the problem is far greater. These countries are already struggling with the unprecedented transition to a free market economy. For many of these countries, and Russia in particular, military production occupied a much greater proportion of domestic industry than in the West. Consequently, political leaders must balance long-term benefits of reduced military production against the immediate political instability large industrial layoffs could incite. Further complicating the issue, for Russia and some East European countries (e.g., Czechoslovakia and Romania) military equipment is one of the few commodities they can export for hard currency. In some cases, notably Czechoslovakia's proposed tank sales to Syria, the United States has applied direct pressure to prevent arms transfers and offered assistance in converting defense industries to civilian production. The Russian sale of submarines to Iran and rockets to India have also alarmed those concerned with weapons proliferation.

The conversion of military industries is attracting much attention on both sides of the former Iron Curtain; it is, however, proving difficult to implement. Nevertheless, the desire to continue the easing of military tensions and domestic economic considerations probably will keep industrial conversion high on most political agendas.

As military investment dwindles and industrial conversion gains support, some observers are troubled by the potential loss of national defense production bases. They argue that if research lags and production lines close down, it will be impossible to reconstitute them in a timely manner if a military conflict should break out. They believe that the complexity of modern weaponry would preclude the kind of dramatic conversion to war production the United States achieved in the 1940's. Others argue that any major conflict would provide sufficient long-term warnings to allow resumption of production, particularly if research and development continue and key production facilities are mothballed.

With the imminent probability of shrinking national defense industries and the new emphasis on multinational military units, some have suggested that NATO should stress greater coordination, and perhaps specialization, of defense industry capabilities. This is, however, an area in which NATO has historically given lip service to the ideal, but largely accepted the dominance of individual national policies.

REVISION OF MILITARY DOCTRINE

National and alliance doctrines are under revision from the Atlantic to the Urals. With Cold War battle lines no longer relevant and the prospect of a global war between superpowers fading, military establishments must now reconsider their missions and the means to achieve them. The West is undertaking this in the face of public opinion demanding greater resources for domestic concerns, and East Europe in the midst of severe economic dislocation during the transition to market economics.

U.S. military planners are faced with a unique set of circumstances. The United States is arguably the only remaining superpower, and the only nation seeking to maintain a strong position of global influence. Nevertheless, there is great domestic pressure to reduce force structure, curtail overseas deployments, and restrain equipment costs. Simultaneously, the nuclear element of U.S. military doctrine has become less relevant as regional conflicts have assumed center stage. The most salient elements of the emerging U.S. military doctrine are the emphasis on rapid force projection and force reconstitution in the event of protracted conflict. Force projection (transporting and sustaining combat units at great distance from their home bases, is intended to compensate for a reduced number of troops stationed overseas.) Force reconstitution (the creation of units to augment existing forces) is intended to mitigate the shortcomings of smaller active duty forces in the event of a large scale conflict. All three armed services are currently engaged in developing the substantive details of these doctrinal revisions, a process expected to take at least another year.

The United Kingdom completed a defense policy review in July 1992. The "Options for Change" report stressed adequate forces for the defense of the British Isles, continued nuclear weapons modernization, and British participation in multinational activities, such as the leadership of NATO's Rapid Reaction Force and military assistance to U.N.-sponsored operations. The Major government also echoed the U.S. desire for rapidly responsive forces.

The French government has seen the post-Cold War environment as an opportunity to increase its influence in European military affairs. Though a member of NATO, France withdrew its armed forces from NATO's integrated military command structure in 1966. This has allowed France a more independent defense policy, but also limited its influence in NATO-dominated military planning and organization. With the dissolution of the Warsaw Pact, France has sought to reduce European reliance upon NATO, which it believes is too often governed by U.S. interests. France's efforts to foster the growth of a Eurocentric military establishment has led it to adopt what appears to be a more collaborative approach to defense planning with its European allies—particularly Germany. French support for the rejuvenation of the moribund West European Union (WEU), its cooperative efforts with Germany to create a multi-national rapid reaction "Eurocorps", and public indications it may be willing to reconsider its highly independent nuclear weapons doctrine, are all hallmarks of a evolving defense policy. This evolution, however, has taken place assuming the greater European political integration through the European Community (EC). This assumption is no longer certain. In France itself, the national referendum on the EC treaty reflected a remarkable ambivalence towards the European union. Should progress on EC integration stall, it could erode the foundation of France's new collaborative attitude.

In Germany, the most salient military policy debate is to what extent the German armed forces can or should participate in military operations outside the NATO area. (For a detailed discussion, see Germany's Military Role in the World, CRS Report 92-670 S). The Kohl government has chosen to interpret the German constitution, or Basic Law, as permitting armed forces participation in NATO and possibly U.N. sponsored military operations. The emphasis here has been on "peace-keeping" efforts, but as recent events in Bosnia have demonstrated, the fine distinction between "peace-keeping" and the more active military role of "peace-making" can blur. This has raised strong objections from opposition political parties and created dissension within Kohl's own coalition. Germany must now reconcile the international pressure to expand its role in collective military actions and the domestic aversion to all but purely defensive military operations. Less controversial, but no less significant for NATO's future, is Germany's continuing active cooperation with France in strengthening the "European identity" in security affairs.

Among other NATO members, regional concerns are playing a large role in military planning. For Spain, Portugal, Italy, and France, political and religious unrest in North Africa is of importance. Spain's recent reorganization of its air force into regional commands and its bolstering of air force assets of its Southern Command are indicative of this concern. For Italy, Yugoslavia's disintegration has revived an historical interest in Balkan affairs, now reinforced by Italy's coordination of both NATO and WEU naval activities in the Adriatic Sea.

Further east, against the background of their ongoing rivalry, Greece and Turkey are also now challenged by a new security environment. The Greek-Turkish dispute over Cyprus continues to simmer, as do altercations between the two NATO allies over AEgean airspace and maritime territorial limits. More immediately, however, Macedonia's declaration of independence on its northern border has alarmed Greece and caused military conscription reform to be put on hold. Turkey, NATO's only predominantly Muslim nation, has ended its centuries old adversarial posture with Bulgaria, with mutual troop withdrawal along the common border. It is now turning its attention to the twin challenges of the nascent Turkish moslem republics in former Soviet Central Asia and the regional tensions generated by Iran and Iraq. In addition, Turkish military leaders are grappling with a paradox of sponsoring U.N. assistance to Kurdish refugees from Iraq while simultaneously battling to suppress its own Kurdish separatist guerrillas. Turkish military leaders are also concentrating on completing a multi-year modernization effort to enhance their armed forces' mobility and small unit operations.

In Eastern Europe, military leaderships have been eager to discard the responsibilities of the Warsaw Pact's offensive doctrine. Public statements have unequivocally stressed the defense of national borders as the cornerstone of new military doctrines. Defensively-oriented troop redeployments and greater emphasis on defensive weapons systems (e.g. air defense missiles/radars) have corroborated the public posture. As noted above, Bulgaria has withdrawn troops from the Turkish border. Czech and Slovak Republics and Poland have drawn down forces from their borders with Germany. The negotiated withdrawal of Soviet troops is completed in the Czech and Slovak Republics and Hungary, and continuing apace in Poland.[5]

*Reduction of nuclear reliance for European security*

Perhaps the single most important consequence of the last few years is the reduced reliance on nuclear weapons. The United States and Soviet Union signed the Strategic Arms Reduction Treaty (START) in July 1991. Elaborating an agreement with the CIS successor states delayed the ratification process, but now Russia, Belarus, Ukraine, and Kazakhstan have signed a protocol governing START implementation. U.S. programs canceled as a result of START or unilaterally include: the small "midgetman" ICBM, mobile launchers for MX and midgetman, SRAM II and SRAM-T air launched missiles. In July 1992, the United States completed withdrawal of land-based tactical nuclear weapons from Europe. The United States is also withdrawing 50% of its aircraft-borne nuclear weapons. The United Kingdom is following suit, withdrawing its tactical missiles and nuclear artillery from the Continent. France has canceled its S-45 mobile ICBM and medium-range Hades missile programs. For its part, Russia announced in May 1992 that all former Soviet nuclear weapons had been withdrawn to its territory.

These events mark the end of NATO's "Flexible Response" doctrine, and now make nuclear weapons the "weapon of last resort." This is a position somewhat closer to that long-held by France and may allow closer cooperation on nuclear issues. As EC unity has grown, France has come under pressure to define the role of its nuclear forces within a common EC security policy. France has consequently offered to consult with the UK on future nuclear policy.

Today, as the probability of East-West nuclear confrontation wanes, the focus is on orderly compliance with the START treaty, the possibility of further strategic reductions, and efforts to stem nuclear proliferation in the Third World.

*Out-of-Area Operations and Force Projection*

The Persian Gulf War, the on-going Yugoslav crisis, and other smoldering regional conflicts have caused military establishments to focus upon out-of-area operations and force projection capabilities. For the United States, these are not new concerns. In the 20th century, indeed, all major U.S. military operations have been conducted at significant distance from national borders. The United Kingdom, as demonstrated in the Falkland Islands and the Persian Gulf War, has traditionally maintained some force projection capability. France provided forces in the Persian Gulf, and has carried out small unit military operations, primarily in Francophone Africa, on many occasions. But, for the most part, West European (particularly NATO) military force structure, planning, and equipment have been designed for a NATO-Warsaw Pact conflict. The almost simultaneous collapse of the Warsaw Pact and the outbreak of war in the Persian Gulf has now engendered a whole new range of military scenarios.

Seeking to maintain its viability and influence, and to focus on realistic security concerns, some NATO members have sought to redefine the alliance's purely defensive mission to include the option of out-of-area operations, particularly peace-keeping efforts. While military planning and force restructuring is underway, the political elements of this transformation still present problems. NATO can employ its military resources only on consensus—the agreement of all members. When its primary mission was to react to Warsaw Pact attack, the threshold and scope of action remained relatively clear. In dealing with lower-intensity conflicts, e.g. the Yugoslav civil war, that clarity is lost. The timing and nature of response is subject to greater political debate. Further complicating the situation, France and Italy have opposed extending NATO's mandate to out-of-area operations, and Germany is in the midst of a constitutional debate over the use of its forces for purposes other than the defense of its national borders. Even if Germany resolves the constitutional issue in favor of permitting foreign deployments, it may choose to act in these cases only under United Nations, CSCE, or WEU auspices, rather than NATO's.

Some, particularly France, prefer the WEU as the means to handle out-of-area operations. However, the WEU is a fledgling organization, and cannot equal NATO capabilities. Most notably, the WEU allies, lacking U.S. membership, are severely limited in long-range air and sea transport.

In the Yugoslav crisis, both NATO and the WEU have chosen to defer their authority for action to the United Nations, allowing that body visible authority to decide the timing and scope of operations. Today, several thousand troops from NATO member nations are on the ground as U.N. military observers, while NATO and WEU member naval units monitor the Adriatic. Some have argued that more decisive military action should be undertaken—particularly in defense of Bosnia-Herzegovina—while others believe that NATO's and the WEU's caution is wise in the face of the ethnic and geopolitical complexity involved.

The Yugoslav crisis has also raised the question of how well trained European forces are for low-intensity warfare or peace-keeping missions. It has also introduced the concept of "peace-making", i.e. forcing warring factions to the peace table through military intervention. "Peace-making" has so far proven a mission to which no nation or organization has been willing to dedicate forces.

Independent of the question of political will, military capabilities will be a limiting factor for almost all European countries (and NATO and the WEU) for some time to come. Air/sealift, logistical support, naval air support, and C3I are examples of existing equipment shortfalls. Therefore, out-of-area operations present new procurement requirements at a time of radically shrinking defense budgets. Although political rhetoric has committed NATO and WEU members to the out-of-area mission, it appears that actual employment of forces, in all but minimal roles, may remain problematic for some time to come.

*Force structure reorganization*

As threat assessments, doctrine, and manpower levels change, NATO nations are reorganizing their force structures. Former Warsaw Pact nations are widely discussing force structure reform, but undertaking little—aside from some reduction of army unit size.

NATO has changed both its force structure concept and its command structure. NATO forces will be divided into three categories: Rapid Reaction Forces (10%), Main Defense Forces (60%) and Augmentation Forces (30%). Major operational commands will be Allied Command Europe and Allied Command Atlantic, with three subordinate regional commands: Allied Forces South (Mediterranean area); Allied Forces Central (Central Europe); and Allied Forces Northwest (United Kingdom, Norway, North Sea).

The hallmark of NATO's new force command structure is multinationality. Previously, NATO corps and divisions were based on primarily national forces. Now, all corps will be multinational and each regional command will have at least one multinational division. This arrangement will permit nations to provide smaller units and perhaps allow greater specialization in the types of units provided. It will, however, demand such greater attention to interoperability of equipment, joint logistics, and multinational manuever unit training. Some have argued these reforms will undermine NATO's organizational strength, severely complicate command and control, and require a level of interoperability NATO has never been able to achieve. These critics fear that NATO's organization has been driven more by political concerns than those of military effectiveness. Those supporting the reorganization argue that it is a rational response to the collapse of the Warsaw Pact and the reduction of military forces across the Continent.

Among the more interesting of NATO's force structure innovations is the creation of the Rapid Reaction Forces (RRF). Conceptually, these forces will replace the "frontline troops" once deployed along the Warsaw Pact border. Now, their number is much smaller and their mission is crisis management. They are to be kept at high readiness, able to deploy at full strength in a few days, and be capable of a wide variety of missions. The RRF will be under British command and will comprise: one British armor and one British motorized division, one multinational airmobile division with British, Dutch, German, Belgian brigades; and one division with Italian, Spanish, Greek, and Turkish brigades. One Germany-based U.S. division and aviation brigade may also be included in the RRF, only if 2 U.S. divisions remain in Europe. NATO's Standing Naval Forces in the Atlantic, Mediterranean, and English Channel will provide the RRF maritime component. An RRF air staff is currently planning the air component's composition.

The Main Defense Forces will have seven multinational corps with a total of 13–15 divisions, which will include both active duty and reserve elements. The United States is slated to command one corps, with one or two U.S. divisions remaining in Europe augmented by a German division. The third element is Augmentation Forces, about 30% of the total, which will be North America-based U.S. and Canadian units, possibly complemented by Spanish and Portuguese troops. Again, both active and reserve forces are included. Today, NATO is in the staffing and planning phase of this reorganization. Full operational capability for the new structure is not expected until the mid-nineties.

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[5] The largest Soviet force in Eastern Europe (ca. 300,000) was located in East Germany. These troops are withdrawing to Russia in accordance with a negotiated timetable. Their isolation and declining morale have deeply eroded their military capability.

Outside NATO, France is leading an effort to have the existing Franco-German brigade and corps serve as the nucleus of a multinational WEU "Eurocorps." The UK, Netherlands, Belgium, Spain, and Portugal have, with distinctly varying levels of enthusiasm, expressed interest in participating. It appears likely that the units designated for "Eurocorps" will be those already assigned to NATO's RRF. This, coupled with French reluctance to clarify how the Eurocorps would coordinate with the NATO command structure, has raised concerns, particularly among U.S. policy makers. Again, the essential question is whether the WEU effort is to complement NATO or compete with it.

*International security organizations realigned*

With the Warsaw Pact's and the Soviet Union's dissolution, the primary justification for NATO evaporated. Defense against a potential continent-wide invasion led by the Soviet Army is no longer the preeminent military concern for Western Europe or the United States. Consequently, NATO leaders, such as Secretary-General Manfred Woerner, have sought to redefine the alliance's purpose and reorganize its command and force structure in order to maintain its role as the preeminent military security organization in Europe. At the same time, new international forces have been created and other existing ones are striving to play more active roles—the West European Union (WEU), the North Atlantic Cooperation Council (NACC), the Conference on Security and Cooperation in Europe (CSCE). The result is a collage of acronyms representing organizations with overlapping memberships, complementary or redundant objectives, and often blurred lines of responsibilities. Adding to the complexity, the United Nations has assumed a much more active leadership role in international military activities. Each organization is occupied today with finding the means and methods to fulfill the goals outlined by political leaders. And, for most, concrete accomplishment has fallen short of rhetoric.

The cornerstone of NATO's uniqueness and strength in European affairs is its direct link with U.S. conventional and nuclear armed forces. This linkage, though still seen by many in Europe as critical, has lost some of its importance with the collapse of the Soviet Union. Greater numbers on both sides of the Atlantic now believe that U.S. influence and participation in European security affairs can or should be lessened. This belief is grounded in the assumption that European military capabilities are adequate to meet anticipated threats. Others are more hesitant to discard what they consider a proven formula for transatlantic cooperation.

Indicative of the challenge to NATO's primacy are the Franco-German efforts to rejuvenate the West European Union. Largely moribund since its inception in 1954, the WEU is a military alliance among nine members of the European Community (EC).[6] As the EC attempts to move towards a common political and foreign policy, endowing the WEU with an active command structure and designated military units appears a logical course to many. Supporters of a more active WEU characterize it as no threat to NATO's primacy, but rather a strengthening of NATO's "European pillar." They also believe the WEU could be a means for collective out-of-area military operations which NATO's charter has traditionally been interpreted to preclude.

In an effort to avoid an image which one observer likened to Prandello's "Six Characters in Search of an Author," NATO's leadership has argued for expanding its responsibilities to include support for Conference on Security and Cooperation in Europe and U.N. military initiatives and peace-keeping operations whether out of area or not. As agreed at the NATO meeting in Oslo September 1992, this would be on a "case by case" basis and only with members' full consensus. France, with limited success, has opposed expansion or evolution of NATO responsibilities, reasoning that would allow the United States to continue too dominant an influence on European security affairs. It has argued for the WEU to take the lead. Some U.S. and NATO policy makers fear that rhetoric to the contrary aside, the WEU's more vociferous supporters, particularly France and (to a lesser extent) Germany are seeking to establish a rival or successor to NATO—not a complementary organization. They argue that the focus on the WEU will serve to complicate political decision-making and confuse existing mechanisms for military coordination. For them, a fully capable WEU is at best duplicative, and at worst adversarial. They believe that in a period of shrinking defense budgets, resources dedicated to activating the WEU will reduce those available to NATO. WEU supporters argue that military units could or will be "double-hatted", i.e. available to either organization depending upon the contingency. Nevertheless, NATO remains the only European security organization with functioning military assets and command structure.

Response to the conflict in Yugoslavia has provided an illustration of the currently competitive, yet curiously interdependent NATO/WEU relationship. During the CSCE summit in July 1992, the WEU foreign ministers organized the dispatch of a naval flotilla to monitor maritime traffic in the Adriatic off the coast of Yugoslavia. This action, reportedly a "surprise" to NATO leadership, evoked within hours an announcement that NATO, too, would send naval forces.[7] Today, these two naval forces patrol opposite edges of the Adriatic Sea, with ships from the same nations under separate NATO and WEU command, and coordination achieved by having the Italian navy lead both flotillas. One the land, the WEU again led the way, contributing 5,000 troops to the U.N. peacekeeping forces in Yugoslavia. NATO followed suit in September with a contingent of about 2,000. However, those nations who had already contributed to the WEU force are counting those 5,000 troops also as their NATO contribution, making the only actual NATO addition a 1,200-man Canadian contingent. This places troops from seven European nations theoretically under the simultaneous leadership of NATO, WEU, and United Nations, in addition to their own national command authorities. It is not all clear how these various command structures intend to coordinate their efforts.

Both the WEU and NATO have been criticized by some for failure to take more decisive action to end the fighting in Yugoslavia. The critics argue that Yugoslavia provides both institutions the opportunity to demonstrate their effectiveness in a post-cold war crisis. WEU leaders respond that the U.N. must take the lead role, and NATO officers complain that they have been unable to take any action until NATO's WEU members have reached consensus within that organization.

A number of factors, (e.g., the political progress of the EC, the ultimate performances in Yugoslavia) will determine the future status of the WEU. However, if it continues to grow in responsibility, it seems that the relationship with NATO requires clearer political definition and a clearer military structure. It is now open for U.S. policymakers to determine how active a role they wish to play in the evolution of European security organizations.

Both NATOS and the WEU have sought to become more inclusive as the Cold War divisions have melted away. For its part, NATO has created the North Atlantic Coordinating Council (NACC) as a forum for consultation between NATO and former Warsaw Pact members. The NACC, meeting monthly at the ambassadorial level, confers on issues such as crisis management, conversion of defense industries, civilian command of the military and the revision of military doctrines. It has also facilitated the exchange of officers and NATO training missions to the new democratic governments of Eastern Europe. The NACC has served as a means to extend NATO's influence among former Warsaw Pact members, and at least an interim response to those (particularly Czechoslovakia, Poland, and Hungary) that have broached the subject of NATO membership. The WEU has not established an equivalent institution, but has created associate memberships for Greece and Turkey. Czechoslovakia, Poland, Hungary, Bulgaria, and Romania have attended the WEU council meetings and may be extended associate membership in the near future.

The most inclusive security organization in Europe is the Conference on Security and Cooperation in Europe (CSCE). With 52 members, the CSCE encompasses all European nations, all of the former Soviet Union, the United States, and Canada. It is the only European forum in which all nations on the continent stand as equal members. An organization predating the Conference on Disarmament in Europe, the CSCE gained prominence as a human rights forum, and will now oversee further Conventional Armed Forces in Europe negotiations (CFE1A/CFE2). The CSCE remains essentially a deliberative body. Its reliance upon full consensus for action handicaps its crisis management role, but the size of its membership ensures it will continue as an important forum for security issues that affect all of Eurasia.

PROLIFERATION OF REGIONAL CONFLICTS

With dissolution of the old political framework in Eastern Europe and the subsequent relaxation of superpower tension, regional conflicts began to proliferate. The most intense was the Persian Gulf War—a conflict that arguably would not have taken place in an atmosphere of U.S.-Soviet tension. Most, however, have been on a much smaller scale, as political, ethnic, and religious groups rekindle old disputes. These have included: the Yugoslav civil war, the Armenian-Azeri conflict in Ngorno-Karabakh, armed clashes in Georgia between political and ethnic factions, civil war in Tajikistan, Kurdish insurrection in Iraq and Turkey, and the conflict in Moldova between Rumanian and Russian factions.

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[6] Five NATO members are not WEU members—United States, Canada, Denmark, Iceland, and Norway. Greece and Turkey have been granted associate non-voting WEU membership. Denmark and Iceland are in the European Community, but not WEU members.

[7] AN 12/7/92.

These conflicts reflect centuries-old animosities, deeply rooted in ethnic and religious differences, and are not easily subject to political resolution. Although (the Persian Gulf War excepted) military intervention has been minimal, these conflicts have absorbed the attention of international security organizations and national military establishments alike. The security organizations today struggle to decide when, if, and what type of military intervention would be effective. National military leaders must determine what capabilities they may have to provide to fulfill political expectations.

### ISSUES FOR CONSIDERATION

#### *Future United States role in European military affairs*

There appears little doubt that, if current trends continue, the U.S. influence in European military affairs will diminish during the 1990's. With the Warsaw Pact gone, and the former Soviet republics maintaining a conciliatory posture, U.S. nuclear deterrence has lost importance for many Europeans and Americans. While the United States is withdrawing the bulk of its conventional forces deployed in Europe, NATO, the primary medium of U.S. military influence in Europe, now faces the emergency of the WEU as an instrument of policy. The first major post-Cold War European military crisis—Yugoslavia—has seen minimal U.S. participation outside the political realm; a situation some believe presages an increasing U.S. disengagement.

The most tangible element of U.S. military influence in Europe has been the 300,000 personnel stationed there. As withdrawals continue, the debate continues over how many troops will remain and what will be the effect on the U.S. role in Europe. In 1991, the Bush Administration, as part of its Base Force proposal, put the figure at 150,000. This was considered sufficient to maintain two divisions, and support units for augmenting forces that would be brought from the United States, if required. Congress, however, considered 150,000 personnel excessive. The FY 1993 Department of Defense Authorization Act stipulates a 100,000 troop ceiling, effective 1996. The Act specifies that reductions should be proportional to each service's current deployment, leaving 60,000 Army, 30,000 Air Force, and 10,000 Navy. This limit would permit one Army division, and an austere logistical infrastructure. Supporters of this ceiling believe it provides adequate forward presence for any rapidly developing crisis, and a sufficient infrastructure to permit deployment of augmenting forces. Those who consider a higher troop ceiling appropriate fear the United States will be left with a token operational force in Europe, and that U.S. influence even within NATO could suffer both politically and in the command structure. Proponents of greater residual troop limits also point out that forces can often be deployed more rapidly to other troublespots (e.g. Middle East, Southwest Asia) from Europe than from the United States.

The 100,000 ceiling has also come under fire from those who suggest an even smaller troop presence (e.g. 50,000). They contend that the United States' position as the only remaining nuclear superpower will permit it to exercise sufficient influence in European military affairs. For many who support lower troop levels, the issue is closely tied to that of burdensharing—requiring our allies to take on a larger share of joint security responsibilities. They question the extent to which the United States should become involved in smaller regional crises, and believe that our unique range of military capabilities (and current European deficiencies) will ensure the United States adequate influence or participation, if desired, in any major crisis.

The debate over the extent of the U.S. role in European security affairs in general, and troop levels in particular, is not finished and will most probably be re-visited in the 103rd Congress.

#### *New defense goals and military capabilities*

For many NATO members, the question of whether military capabilities are consonant with new defense goals remains open. Defense goals have been articulated at the political level—generally in terms of smaller, better-trained, better-equipped, and more mobile forces, capable of rapid reaction and extensively augmented by reserves—but implementation is widely expected to take the better part of the decade. While revisions of doctrine, restructuring of forces, and re-evaluations of mission have just started, defense budget cuts and personnel reductions are well underway. Many Western military leaders are concerned that budget and manpower cuts are being driven primarily by domestic political demands that may leave military capabilities inadequate for the missions expected.

In Britain, France, and the Netherlands, military leaders have objected to the pace and extent of army manpower reductions, anticipating "hollow" combat units. In France, the Iberian nations, and Belgium, military leaders have objected to reducing conscription and/or the length of conscripted service, citing adverse effects on training and readiness. They have also criticized some procurement program cancellations or modifications (e.g., a second French aircraft carrier, the multinational European Fighter Aircraft) as hampering force projection capabilities.

An area of particular concern, for both the United States and its European allies is sea and airlift. Though the United States has by far the greatest strategic lift capability in the world, distances to probable trouble spots are great, and U.S. forces are very "equipment-heavy". The lessons of the Persian Gulf War and the reductions of forward-based troops have put an emphasis on strategic transport. Nevertheless, continued cost overruns and tighter defense budgeting are slowing programs like the C-17 transport and fast sealift vessels. NATO allies, though advocating more mobile forces—both tactically and strategically—have very limited capabilities. It is yet to be seen if future procurement programs will be adjusted to address this.

With reduced active duty personnel strengths, more reliance will be placed upon reserve forces of all types, particularly in the event of a major conflict. However, it is not clear if additional resources will be available to improve reserve training and equipment. Current trends in the United States and Europe show reductions in reserve personnel and overall reserve funding.

Among newly independent East European members, consistency of defense goals and capabilities does not present as many challenges. In discarding the offensively oriented Warsaw Pact doctrine, and emphasizing only defense of national borders, these nations have reduced the demands upon their armed forces. Political instability and economic dislocation have precluded consideration of new challenges, such as out-of-area operations. For the most part, defense goals have been restricted to maintaining an adequate professional military cadre, carrying out very limited equipment modernization, and maintaining internal security.

#### *Roles of International Security Organizations*

With 1992 drawing to a close, much remains unsettled about the roles of Europe's international security organizations. For the last two years, the actions of NATO, the WEU, CSCE, and the United Nations have been reactive, characterized by ad hoc coordination. They have not been able to play a deterrent role in regional crises. Organizational competition has often underlain the rhetoric of cooperation. U.S. policymakers now face the formative period of a totally new European security alignment. They must balance a desire for reduced overseas presence against the desire to participate in Europe's new security structures. The future roles and relationships of these organizations will, to a significant extent, define the parameters of U.S. participation and influence in European military affairs.•

## TRIBUTE TO FLORIDA LAW RELATED EDUCATION ASSOCIATION

• Mr. GRAHAM. Mr. President, we are a diverse nation. Indeed, diversity is part of our richness.

As Americans, we came from many places featuring many cultures. My family was from Scotland. One of our foundations for unity amidst diversity is our Constitution.

In this era of swirling change, the importance of understanding our history and our Constitution is more vital than ever.

We in the United States, as founders of the world's most enduring constitutional democracy, have a special responsibility to hold high the standards of freedom.

What better time to impress on our own young people the cherished values first written in the Declaration of Independence and embodied in our Constitution? By instilling in our youth an appreciation for liberty, we assure liberty for generations to come.

In this spirit, I am pleased to recognize a group of State and district coordinators who have demonstrated—through the "We The People" Bicentennial programs on the Constitution and the Bill of Rights—exemplary efforts to enhance our student's civic education.

The individuals are: Theresa Bryant, Eugene Cain, Suzanne Prior, Steve Kovacs, George Jeandheur, John Doyle, Paul Hanson, James Elliott, Charles Fleming, Connie Hankins, Sheila Keller, Patricia Segrest, Karen Cloud, Christa Lira, Bill Massolio, Judy Nugent, Steve Byrne, Dr. James Moore, Annette Boyd Pitts, Louie Roos, Clinton Rouse, Cynthia Ryan, Patricia Segrest, Kathy Steiner, Warren Tracy, and Dr. Theron Trimble.

These people coordinate the "We The People * * * Bicentennial Competition," its noncompetitive companion program, Congress and the Constitution and the National Historical Pictorial Map Contest.

Through the dedicated and voluntary efforts of these people, thousands of upper elementary, middle, and high school students are able to participate in this program. This curriculum, based on the Principles of the Declaration of Independence, introduces students to the philosophical ideas of our founding fathers, the historical background of the Philadelphia Convention and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Most importantly, students learn the responsibilities that accompany the rights of citizenship in the democracy.

Preserving the tradition of debate of fundamental issues is our pledge to the world that freedom and justice will prevail.

These programs also help teach our youth the responsibilities that accompany the rights of citizenship in a democracy. I am honored to express admiration and gratitude to these coordinators for their contributions to the development of competent and responsible citizenship.•

## TRIBUTE TO AFRICAN-AMERICAN CONGRESSIONAL PIONEERS

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to some very special people who have made many great contributions to our great country, the African-American congressional pioneers. For it is on Friday, February 26, that NOBLE [National Organization of Black Law Enforcement Executives] and the Bowling Green Association will honor the first African-Americans to enter the U.S. Congress with a festive awards ceremony. This special night of honor is being held at Federal Hall National Monument in New York and will highlight the distinguished careers of Hiram Rhodes Revels, Joseph H. Rainey, and Blanche K. Bruce.

Hiram Rhodes Revels of Mississippi became the first African-American Member of Congress on February 25, 1870. He served in the Senate in the 41st Congress. He has the distinction of being the first African-American Member of the Senate and the first African-American Member of Congress from Mississippi. Joseph H. Rainey of South Carolina served in the 41st Congress beginning December 12, 1870, and was the first African-American Member of the House of Representatives as well as the first African-American Member of Congress from South Carolina. Blanche K. Bruce was the first African-American elected to the U.S. Senate from Mississippi; elected as a Republican to the 44th through the 46th Congresses.

I would like each of us to remember the many contributions that have been made by these individuals and pay tribute their combined years of dedication and fine leadership. Their outstanding qualities of enlightened leadership and exceptional dedication brought them to Washington where they became instrumental in crafting our Nation's laws. They served our country with great distinction; A grateful Nation remembers and will commemorate Hiram Rhodes Revels, Joseph H. Rainey, Blanche K. Bruce, and the many other African-Americans who have served in Congress; they have sought to accomplish great things and they have left a monumental legacy.

It is only right that this celebration go forth and that a special Revels-Rainey NOBLE Leadership Award be presented as a way of remembering a rich heritage in Congress. I ask my colleagues to join me in remembering this important date in history this year and in the years to come.•

## TRIBUTE TO MARK BREWER

• Mr. SARBANES. Mr. President, I rise today to recognize and pay tribute to the manager of Salisbury-Wicomico County Regional Airport, Mark Brewer, for his years of meritorious service to Wicomico County and the Eastern Shore of Maryland. Mark is moving on to a new airport management position outside of Maryland and I, and many others in our State, are sorry to see him go.

For over 7 years, Mark has been a forceful and effective advocate for Salisbury-Wicomico Regional Airport—the second largest airport in Maryland and the busiest airport on the Delmarva Peninsula. Under his leadership, the airport has become one of the fastest growing commuter airports in our State, handling more than 125,000 passengers annually and serving an area of more than 1,000 square miles. It is not only a vital link in the region's transportation network, but also a leading element in the Eastern Shore's strategy to attract new business and tourism.

During his tenure at SBY, as the airport is known, Mark managed and implemented a major airport modernization and expansion program, the centerpiece of which was the development of a new airline terminal complex, completed in 1990. Mark worked hard to ensure the highest possible level of safety and services at the airport, and it was through his efforts that we have been able to keep the flight service station operating. His dedication to aviation is evident not only in his career, but in his community and professional activities as well. Mark has been actively involved in an innovative program called Opportunity Skyway which is targeted toward educating and encouraging inner-city high school students to pursue careers in aviation. He worked closely with the University of Maryland Eastern Shore Aviation Science Program and was the immediate past present of the northeast chapter of the American Association of Airport Executives.

Mark Brewer managed and represented the airport skillfully and with great success. He leaves behind an airport that has been modernized and improved due to his efforts, and many friends who are appreciative of his leadership. I know he will be successful in his new endeavors. I ask my colleagues to join me in wishing him and his family the best of luck.•

## MONTANA STATE UNIVERSITY AND THE UNIVERSITY OF MONTANA CELEBRATE THEIR CENTENNIALS

• Mr. BURNS. Mr. President, I would like to extend my congratulations to two fine institutions in my State of Montana as they celebrate their centennials. Montana State University turned 100 years old yesterday, and the University of Montana celebrates the same milestone today.

Both Montana State University and the University of Montana are land grant universities. In my opinion, the creation of land grant institutions under the Morrill Act was one of our Government's finest accomplishments. President Abraham Lincoln, 131 years ago, signed the act into law.

Lincoln, Jefferson, and other forward-thinking individuals knew that education and quality of life are closely related. Their vision is at the heart of land grant universities: practical education, open to all. Under this idea, every citizen of every State—regardless of their financial resources—shall have access to a higher education.

Just as importantly, land grant universities are the center of research and extension services, which benefit all of those who live in the State.

The people in my State have been well-served by Montana State University and the University of Montana. Not only do these institutions provide important research in biotechnology and agriculture—they also count several Rhodes scholars, a Nobel Prize recipient, an astronaut, and former Senator Mike Mansfield among their graduates. Keely, my daughter, will be graduating from MSU as well.

Just as importantly, though, are the thousands of graduates who have gone on to contribute to society as scientists, teachers, businesspeople, and nurses. Without land grant universities, many of these folks would not have had the opportunity to further their education.

As those of us at the Federal, and State level determine the priorities for public funds, we must not forget the basic premise that, of all the services demanded by our constituents, education should be our highest priority. The very basis of a free society and the success behind self government is an educated mind.

Again, let me extend my congratulations to Montana State University and the University of Montana for a job well done. The past 100 years have been productive, and I know the next 100 will be even more exciting.•

## TRIBUTE TO MARC LANDON STEIN

• Mr. SASSER. Mr. President, I rise today to pay tribute to Marc Landon Stein, a senior at Beech High School in Hendersonville, TN. Marc has been named a regional recipient of the AAU/Mars Milky Way High School All-American Award. Marc is one of eight students chosen from a group of 13,000 who were nominated for this award. This award is given in recognition of his numerous achievements in school and his community.

Marc has distinguished himself academically, athletically and through community service. He is a member of the National Honor Society and is a National Merit Scholarship Commended Student. Marc has also been honored as a U.S. Achievement Academy All-American for the past 3 years and was selected to attend the Tennessee Governor's School for the Sciences.

In addition to his rigorous academic schedule, Marc has been on the Beech High School varsity soccer team for the past 4 years. He also participated in football and cross-country, and he was awarded the Student Athlete Award of Merit for his success in these three sports.

Marc also finds the time to volunteer in his community. During the summer, he participated in the Appalachian service project to repair buildings in the region, and this year he is acting as chairperson for the ASP planning committee. He also helps with the Meals-on-Wheels Program and the Beautiful Henderson Recycling Center.

Marc's concern for those around him was evidenced by his selfless effort to help an elderly woman who was injured in a car accident. He was awarded the Mayor's Certificate of Recognition for Heroic Rescue of Accident Victim and the Woodsman of the World Lifesaving Commendation as a result.

Mr. President, I commend Marc Stein on his award and the exemplary record he has made for himself. He is an extraordinary young man with a bright future ahead of him, and I join his family and friends in extending my congratulations.•

## SOCIAL SECURITY EARNINGS LIMIT UNFAIR

• Mr. GORTON. Mr. President, I am pleased to add my name as a cosponsor to the legislation introduced by my distinguished colleague from Arizona to repeal the Social Security earnings test for seniors between the ages of 65 and 69.

This bill is identical to that adopted by the Senate last year as an amendment to the Older Americans Act reauthorization bill. Because some in Congress objected, however, the provision had to be dropped from the final version of the bill.

So while some progress was made with the passage of the bill in the Senate, more work needs to be done to bring about fair treatment for seniors. That is why I am continuing the fight. I am again cosponsoring the legislation to repeal the earnings test. I will again ask for help from the seniors of my State to convince Congress to repeal this law. I will again press for passage of this bill and its signing into law to rectify, at long last, this unfair and discriminatory situation.

I say it is unfair and discriminatory, Mr. President, because one tenet with which I believe most Americans agree is that people should be paid fairly according to their abilities. But that is not the case with our working seniors. They are penalized only because they receive Social Security, and only because they are over 65 years old.

The current Social Security earnings test mandates benefit reductions for those seniors who choose to remain productive and contribute to our society. For seniors ages 65 to 69, the current regulations will cause a $1 reduction in benefits for every $3 earned over the ceiling of $10,560. This 33⅓ percent tax is placed on top of all the other taxes seniors must pay on earned income. How is it fair to burden seniors with extraordinarily high taxes and penalize them for contributing to our economy?

It is an abomination to discourage the productive behavior of Americans, especially Americans who are among our most highly trained and motivated workers. Every study I have seen shows that millions of seniors want to work. And I have heard from countless seniors from the State of Washington who express outrage at being penalized by their government for continuing to work past age 65.

Not only is continued productivity an endeavor which adds to our economy, it also promotes a positive sense of well-being and importance in our seniors. It connects them with their communities. We should not lock out or penalize seniors who get satisfaction and fulfillment from working.

I look forward to the day when our seniors can easily decide whether continued or additional work makes sense for them without having to calculate the deduction in Social Security. Extra initiative, Mr. President, should be rewarded, not penalized, by the Government.

The Social Security earnings test should be repealed.•

## HISPANIC WOMEN LEADERS GATHER FOR FIRST NATIONAL HISPANIC WOMEN'S SUMMIT

• Mr. GRAHAM. Mr. President, on February 6, 1993, a group of Hispanic women leaders from across the United States gathered in Washington, DC, to convene the first National Women's Hispanic Summit. They discussed an array of challenging situations facing Hispanic women of today.

The National Hispanic Women's summit was sponsored by the Vista Institute for Hispanic Studies, and was chaired by Hispanic activist, Maria Elena Torano, president and CEO of Miami-based Maria Elena Torano and Associates, [META], a national management consulting firm.

The purpose of this summit was to assure, assist, and promote the expansion and inclusion of able Hispanic women at the highest levels of American society. By identifying unique problems and suggesting appropriate strategies to be replicated, women who want to succeed in business, government, academia, and other professions are learning of their options, and how to access them.

These professional women corroborated and analyzed many of their experiences. The result—a series of recommendations to promote opportunities for their future. The results of the summit will be published by Vista in March.

The 46 women from across the United States who were selected to be participants are all proven leaders in their communities. Many of them are Hispanic leaders who are corporate executives, entrepreneurs, scholars, members of the media, and elected and appointed officials.

I would like to commend these leaders for their impressive efforts to promote greater awareness toward eliminating barriers and promoting a positive attitude toward women in the work environment.

Deborah Aguiar-Velez, Linda Alvarez, Gigi Anders, Patricia Asip, Annie Betancourt, Blandina Cardenas, Alicia Casanova, Raquel Cohen, Cynthia Cruz, Miriam Cruz, Patricia Diaz-Dennis, and Rita DiMartino.

Dorita deLemos Down, Carmen Delgado Votaw, Beverly Vigil Ellerman, Ana Fontana, Nely Galan, Juliet Garcia, Elsa Gomez, Josie Goytisolo, Ana M. Guzman, Luz Hopewell, Wanda Hopkins, and Bobbi Ibarra.

Ada R. Pena, Anita Perez Ferguson, Leticia Quezada, Rosemary Ravinal, Gloria Rodriguez, Lula Rodriguez, Margarita Roque, Miriam Santos, Yvonne Soler, Maria Elena Torano, Ivette Torres, Teresa McBride, Elvira Valenzuela Crocker, and Angela Zavala.

I ask you to join me in congratulating these inspiring women leaders on a successful summit.•

## THE I688+ ATTACK SUBMARINE

• **Mr. D'AMATO.** Mr. President, since proposing an I688+ attack submarine, the most frequent question I have been asked is, what does the Navy think about your proposal? For those who missed my last two statements, by I688+, I mean a baseline I688-class sub with the inclusion, on a case-by-case basis, of new technologies, Seawolf-derivative or not, that are more affordable than those currently fielded by the I688-class, offer identical or improved capabilities, and match or better both the weight and space footprints and the power and cooling requirements of the systems or components being replaced.

To date, I have received no reaction from the Navy. Frankly, with the budget in limbo, I would expect none. However, my proposal did not emerge out of a vacuum. To be fair, the genesis of my proposal was a report entitled "Report on Preservation of U.S. Nuclear Submarine Capability" prepared by Adm. Bruce DeMars, Director, Naval Nuclear Propulsion, for then-Assistant Secretary of the Navy—Research, Development, and Acquisition—Gerald Cann. Admiral DeMars strongly advocated reopening the improved 688 class line. In a forceful and eloquent discussion of the problems facing the submarine community, the admiral made it clear that "prompt commitment to a one-a-year SSN 688I multiyear procurement was essential to bridge the gap to Centurion and to provide focus for industry and Government downsizing efforts."

I agree.

So, in effect, the question is less one of what the Navy thinks of my idea, and more one of what I think of the Navy's idea. I believe that restarting the I688 line, and at the same time challenging industry to come up with creative options that enhance the affordability of the baseline design, is the only way to put a submarine in this year's Defense authorization and appropriations bills. I look to my colleagues, and industry itself, for support as we move through the budget cycle.•

## WASHINGTON'S FAREWELL ADDRESS

**Mr. DASCHLE.** I ask unanimous consent that the reading of Washington's Farewell Address by the junior Senator from Idaho, Senator KEMPTHORNE, previously ordered to occur on Tuesday, February 23, occur on Wednesday, February 24 at 10 a.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

## AUTHORIZATION FOR THE PRINTING OF CERTAIN RULES

**Mr. DASCHLE.** I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 72 reported earlier today by the Senate Rules Committee, the resolution to authorize the printing of a collection of the rules of the committees of the Senate; that the resolution be agreed to, and a motion to reconsider be laid upon the table.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The resolution (S. Res. 72) was agreed to, as follows:

### S. RES. 72

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

## ORDERS FOR MONDAY, FEBRUARY 22, 1993

**Mr. DASCHLE.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Monday, February 22, for a pro forma session only; that upon the conclusion of the pro forma session, the Senate stand in recess until 10 a.m., Wednesday, February 24; that on Wednesday, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that Senator KEMPTHORNE then be recognized to read Washington's Farewell Address, pursuant to the previous unanimous consent agreement; that upon the conclusion of the reading of the Farewell Address, there be a period for the transaction of routine morning business not to extend beyond 12 noon, with Senators permitted to speak therein for not to exceed 10 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

## RECESS UNTIL MONDAY, FEBRUARY 22, 1993 AT 10 A.M.

**Mr. DASCHLE.** If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess until 10 a.m., Monday, February 22, 1993.

There being no objection, the Senate, at 7:50 p.m., recessed until Monday, February, 22, 1993, at 10 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate February 18, 1993:

### DEPARTMENT OF EDUCATION

MADELEINE KUNIN, OF VERMONT, TO BE DEPUTY SECRETARY OF EDUCATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## CANADIAN HEALTH CARE

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## HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. COX. Recently, one of my constituents—a medical doctor—provided me with the following analysis of the Canadian health care system. The failures in that system are detailed for the RECORD.

### WHY THE CANADIAN MEDICAL SYSTEM DOESN'T WORK

In these days when just about everyone has a "solution" to the real or imagined medical care crisis, it is popular among some politicians and some self-proclaimed medical "thinkers" to espouse a system in the United States similar to the one that's been in place in Canada for over 25 years.

These people fall into two categories—those who are grossly uninformed, or those who know the truth, but suppress it in order to push their own agendas. It is important to realize that there are a lot of people in this world who absolutely know what's good for the rest of us, and who do not let facts get in their way. These people are often loud, forceful, and argumentative in presenting their point of view. There is nothing so scary in this world as a social zealot, determined to show the rest of us the true way to social, economic, or health care salvation. To combat their ignorance, we must have the facts.

### SOME DEMOGRAPHICS

Let's look closely at Canada and its health care system. First, in case you've forgotten, or never paid attention during geography class, you must know that Canada is slightly larger in size than the United States, although its population of about 25 million is only one-tenth of ours. Of course, much of Canada lies above the Arctic Circle, and is inhabited by a few Eskimos, but mainly by moose and other wildlife.

The first fact that jumps out of the literature is that in all this vast land, there are only 13 MRI units. Even eliminating the northern regions, that's quite a few units spread out over quite a bit of land. By comparison, in the United States, there are 1,300. A little simple arithmetic indicates that for one-tenth the people, Canada has one one-hundredth of the MRI units. This means it has one tenth as many MRIs per person as we do. If MRIs are an indication of other medical equipment, and they are, the conclusion is obvious—in Canada, state of the art diagnostic equipment is in short supply.

The reason for this relates to the political football type of funding of the Canadian Health system. This year's budget is based on last year's expenditures, with a small increase for inflation and cost of living sometimes thrown in. The problem is that medical technology increases at a rate of 12 percent per year, and there is no allocation for that. Worse yet, the government's solution to many fiscal problems is often to simply cut expenditures and reduce fees. You can see how much this leaves for all the new, expensive technology.

The good things about the Canadian system are that it is free to all Canadians who register for the program, and the citizenry seem to like it, with certain exceptions we will discuss below. But the Canadians do have access to care. At least, they get in the door.

The program is advertised as a single payor system, but in reality there is a system for each of the ten provinces, although they are all very similar. The good part for the doctors is that they have only one bill to submit to one payor. The bad part is that when you have only one boss, you are really dependent on him. According to our sources, a family practitioner who's willing to grind out a high volume practice mill, running patients through as fast as possible, can earn a reasonable living.

What most of the Canadians don't realize is that they are paying dearly for their health care system, with a much higher tax rate than we have here. Their maximum is about 60 percent, compared to about 40 percent in this country. Put another way, an American works each year until May 10th to pay his taxes. The rest of the year he works for himself. A Canadian works until July 14—two months longer, and more than half the year—to satisfy his annual tax burden.

### THERE IS NOTHING LIKE A GOOD MYTH

There are certain myths about the Canadian system that are commonly used to show how superior it is. One is that it costs less. Accordingly to our sources, that depends on how you do your bookkeeping. American figures on health care spending include long term nursing home care. The Canadian figures do not, because that kind of care is outside the medical system. It is covered, instead, by the general welfare expenditures, and how much it really costs is unknown. Some people, who are no doubt cynics, think that if the same bookkeeping system were used on both sides of the border, the costs would come out about the same.

The second myth is that Canadians live longer, and therefore their system must be better. As we all remember from school, this is the old "A is true and B is true"—but are they related as to cause and effect? The advocates of the Canadian system blithely assume that they are, because that's what they want to believe. Or want us to believe.

The fact is that the Canadians are a little younger than we are. They have less people, proportionately, over 65 years of age, and anyone who has studied mortality statistics knows that death rates begin to escalate rapidly with old age. Hell, old people are likely to die—they knew that a thousand years ago, without benefit of statistics.

Another facet is that the Canadian population, with the exception of the Indians and the Eskimos, is much more homogeneous than ours. In fact, every time you hear about the wonderful mortality statistics in some other country—Canada, Germany, Sweden—compare that country's population mix with ours.

In America, we're almost like a third world country, with the huge influx of Central Americans, Asiatics, and Europeans. (It's probably safe to assume that we don't get the richest, healthiest Europeans, Vietnamese, and Mexicans emigrating to our shores.) This is not a matter of racial bias. It's just a geo-political-medical fact. Diseases thought to be dead in this country, like tuberculosis, are having a renaissance.

Consider also our murder rates, which are astounding, and their effect on overall mortality. Every 18 year old gunned down in gang warfare has a negative influence on life expectancy statistics.

One other thing. The benefits of the Canadian system seem to have escaped their native Indian and Eskimo populations—the mortality rates of those unfortunates are equal to those of third world countries.

### CONTROLLING COSTS

Since the health care budget is decided by the legislature, it follows that it is subject to yearly, politically motivated battles over how much to spend, and for what. Canada's recession has been at least as severe as ours, and faced with a lack of money, it is all too popular to blame the doctors, or to claim that there is too much waste in the system, and therefore to cut the budget for it. (Does this sound like President-elect Clinton, claiming there is waste in the system, and if we could just wiring it out, we'd solve the health care crisis?)

In 1987, The Ontario Liberal Party got elected to power by acknowledging that 4,400 new hospital beds were needed, and by pledging $850 million for the project. In 1989, the program was quietly cancelled, with only 80 new beds having been put into service.

Another method the Canadian provinces use to control costs is to put a cap on doctors' incomes. This is a cap on gross receipts, not on net income. The only solution for the hapless Canadian doctor has been to simply close his office towards the end of the year. It's that or work for nothing. (Yes, this does sound like the global budgets and expenditure caps that some people propose for the United States.)

The Canadian government's counter to this maneuver is to make it a monthly cap. That's typical politician thinking—a non-solution. So the doctors simply close for a few days every month, or regulate their practices by seeing less patients on a daily basis.

And who suffers for this? The patients, of course. They get to wait days and weeks for their appointments. We are reliably informed that for cataract surgery in one province, there is a six-month wait just to see the doctor, followed by a two to three year wait for the surgery. The docs almost never schedule the second eye, because the patients don't live long enough. (Does this sound as terribly cruel to you readers as it does to this writer?)

### THE CANADIAN SAFETY VALVE

These unconscionable delays occur in other types of surgery, too, like hernias and coronary bypasses. Hernias are not so urgent, of course, but one solution the Canadians have used is to contract with U.S. facilities to do the work. The University of Washington, in Seattle, as a result of such a deal, has repaired an awful lot of hernias. But then, the Canadian citizens had to travel 100 miles or more for a simple, basic operation that

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

**Matter set in** this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

should have been readily available to them at home.

Coronary bypasses, of course, are often urgently needed. When the backlog got too long a few years ago, and patients died while waiting for surgery, a private citizens' group in Ontario contracted out the surgery to nearby Detroit area facilities. A waiting period of three to six months, just for the angiography, and another six to nine months for the surgery, is not uncommon for people who need coronary bypass. All the patient has to do is stay alive until he gets his turn to be treated.

Since there is no private practice outside the system permitted in Canada, one has to wonder, what do the rich do when they need care? To no one's surprise, they head south to the United States. The rich always find a way to get what they want or need. But imagine if the U.S. had a system like the Canadian one. Where then would the U.S. and Canadian patients urgently in need of coronary bypass, or radiation treatment of their cancers, go?

In other words, we are a safety valve for the inefficient Canadian system. But if we were the same as them, there would be no place to which desperate patients or doctors could flee. Except maybe to Tijuana. Now there's a chilling thought.

MORE CHILLING THOUGHTS

Here are a few more to curdle your blood. In Quebec, city docs get 80 percent for the same service for which rural docs get 115 percent. Well, that's not too bad. At least the doctor has a choice.

But in British Columbia, a physician must practice his specialty in a location specified by the Minister of Health, in order to be paid by the plan. Since there is no other way of getting paid, that takes care of the free choice option.

In 1989 in Ontario, all hospital staffs were frozen for two years, while the government assessed the fiscal impact of letting more physicians hold privileges. (And good luck to you, new doctor, with no place to practice.)

A survey in Ontario that same year indicated that only two percent of Canadian physicians were satisfied with their relationship with the government. Of course, we all know that many Canadian doctors have migrated south to the United States. We personally don't know of any U.S. docs who have migrated to Canada. Apparently, in health care, the geese only fly one way.

In 1989, the Princess Margaret hospital, short on technical staff, simply closed its facilities for four months to new patients in need of radiation oncology. How many patients did poorly from the lack of necessary care is not known, but eventually the government found the money to pay the technical help a decent wage.

Canadian fee scales are set unilaterally by the provinces, although with a token input from physicians, and are about at Medicaid levels. And remember, after the low fees and the income caps, the doctor still has to deal with the 60 percent tax rate.

And here's the worst of all—When one large Ottawa chronic care hospital found on analysis that CPR was not cost-effective, it adopted a uniform no resuscitation policy for all patients.

CANADIAN PRIORITIES

In summary, it appears that the Canadian system offers bare bones, "yes you can see the doctor anytime, but you may not get the treatment you need" care. On deeper analysis, even this superficial impression does not sustain. In Canada, it's obvious, the dollar comes first, the patient second, and the doctor last.

We are tempted to call it "Gestapo medicine." The only surprise is that there are not guards armed with AK-47s posed in every doctor's office. The system tells the doctor where to practice, limits his ability to take care of the patients, and then grossly underpays him.

From time to time in Canada, there have been doctor work slowdowns and stoppages. The first of these occurred in 1962, when a Socialist government in Saskatchewan promised universal health care. Many doctors left the province then, and the doctors essentially won the battle, being allowed to balance bill above what the government plan paid.

But a process was set in motion where the doctors were propagandized as being opposed to the public interest, instead of being the defenders of a high level of medical care. In retrospect, of course, the doctors were so right. This process still prevails today, with politicians getting themselves elected by attacking doctors, and with individual doctors even slandered on the floor of the legislatures.

Another strike occurred in 1986, and the government's response to that one was to jail non-compliant physicians. The doctors capitulated. (It is hard to believe that this extreme action could ever occur here, with all the writs, motions, and injunctions that are available to individuals in our courts.)

And just last summer, British Columbia ran out of money and stopped paying the doctors. The response to that was a rotating series of "study sessions," which most doctors attended, leaving medical care available to the public only in hospital emergency rooms. This maneuver seems to have succeeded. Very interesting. We'll discuss in some future issue the logistics of a strike, if we ever need to resort to one.

THE BOTTOM LINE

The ultimate problem, of course, is that the Canadian system is like the British system. Both are run by politicians, whose agenda is never the health of the patients. With all the delays in diagnosis and treatment that occur, it is obvious that these governments do not really care anything about the quality of life or survival of there voters.

It's "give them something that looks good," and keep the expenses down. If a few patients die along the way who maybe shouldn't have, that just saves more money. Whatever sugar-coated name they give it, it's rationing.

And in the absence of money for research and new equipment, it in inevitable that Canada will fall father and father behind the United States in medical care. It is also obvious that if a similar system was adopted in this country or even a system that incorporated many of the Canadian features, the ultimate result would be to set medical practice back about 50 years.

Governments are cumbersome and slow to react to changing circumstances. It's like pulling a sled along the ground on runners, instead of using wheels. A parallel to this would be the recently deceased Soviet Union. All economic decisions were centralized and state made, allegedly by the best brains available, and for the good of all of society. But in practice, it took too long to get anything done, and the Soviets fell farther and farther behind the free world in technology and economic progress, until the system collapsed.

It is doubtful that Americans would ever buy the concept of a Canadian system of medicine, but it could occur if they were sufficiently deceived, and if there was no counter intelligence to all the propaganda being put out. It's up to all of us to make sure that this does not happen.

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## INTRODUCTION OF THE ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1993

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BOUCHER. Mr. Speaker, today I have introduced a bill to implement the Protocol on Environmental Protection to the Antarctic Treaty. The protocol was signed by the United States in October 1991 and was submitted last year to the Senate, where it is awaiting ratification. The State Department has determined that the protocol is not self-executing and, therefore, requires legislation to ensure that all provisions of the protocol are applied to U.S. activities in Antarctica.

The protocol establishes specific principles and rules for protection of the Antarctic environment from the effects of human activities. It deals with protection of fauna and flora, imposes strict limitations on discharge of pollutants, and requires environmental impact assessment of planned governmental and nongovernmental activities. The protocol also prohibits all activities relating to Antarctic mineral resources, except for scientific research, and provides that this prohibition cannot be amended by less than unanimous agreement for at least 50 years.

A particularly important aspect of the protocol is its reinforcement of the status of Antarctica as a natural reserve devoted to peace and science. This is entirely appropriate because Antarctica is a unique scientific laboratory of enormous value to the international community.

The upper atmosphere over the pole is a screen for viewing the results of interactions of solar plasmas and the Earth's magnetic field, and for detecting evidence of space physics processes. The extremely stable, clean, and dry atmosphere enables astronomers and astrophysicists to probe the universe with unprecedented precision from a ground-based site.

It is an ideal biological laboratory for studying such effects as adaptation of organisms under extremes of light, temperature, and moisture, where, for example, a fish has developed natural antifreeze.

Antarctica's extreme climate, which can induce social, psychological, and physiological stresses, provides an appropriate location to study human health and performance. NASA will use this natural lab form, Antarctica is also a major part of the global heat engine that determines world climate. The vast Antarctic ice sheet interacts with oceanic and atmospheric circulation to modulate global climate. Accordingly, the behavior of the ocean/atmosphere system in Antarctica is expected to provide an early warning of climate change.

The 2-mile thick ice sheet covering the pole is a repository of the past climate record of great benefit to climatologists and other scientists.

Many naturally occurring global events are greatly magnified in the Antarctic environment, with the result that changes such as ozone layer depletion and climate change are detected there first.

In sum, Antarctica is one of the world's most valuable scientific research platforms, and it is essential to ensure its continued availability for a broad range of research.

The value and importance of Antarctic research are well understood. Unfortunately, the United States and other nations which maintain permanent Antarctic research facilities have been less careful about their environmental protection practices than can be either justified or accepted. At the same time, it is recognized that research activity itself will cause some environmental disturbance in this pristine region, where traces of human activity are preserved virtually forever. The goal must be to weigh the environmental effects against the value of the science and develop workable approaches to minimize adverse effects.

I believe this overall goal will be achieved by the comprehensive provisions of the environmental protocol and its five annexes. Therefore, I have introduced legislation to ensure that the protocol is fully implemented with regard to all a activities sponsored under the U.S. Antarctic Program, administered by the National Science Foundation, and with regard to all other activities of U.S. citizens while in Antarctica. The legislation amends the Antarctic Conservation Act—Public Law 95-541—and replaces the Antarctic Protection Act of 1990—Public Law 101-594—with restrictions on minerals activities which conform to the protocol.

The responsibilities of Federal agencies under the provisions of the bill are consistent with their past roles and areas of expertise and with their responsibilities under the Antarctic Conservation Act. The National Science Foundation is responsible for issuing implementing regulations for protection of fauna and flora, for control of discharge of pollutants, and for entry into specially protected areas. The Department of State is charged with implementing the emergency response provisions of the Protocol with respect to nongovernmental activities in Antarctica. The Department of State, in conjunction with the Council on Environmental Quality, is responsible for issuing regulations for implementing the environmental impact assessment provisions of the protocol with respect to nongovernmental activities in Antarctica. A more complete summary of the provisions of the bill follows this statement.

Mr. Speaker, the Antarctic Environmental Protection Act of 1992 represents a comprehensive implementation of the provisions of the environmental protocol and its five annexes. It will allow for the continuation of a vigorous U.S. research program in Antarctica, while ensuring that the pristine environment of the continent is preserved for future generations.

SUMMARY OF THE ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1993

The Antarctic Environmental Protection Act of 1993 amends the Antarctic Conservation Act of 1978 (ACA), Public Law 95-541, to bring the provisions of that Act into conformity with the Protocol on Environmental Protection to the Antarctic Treaty and annexes.

The bill amends the ACA to require environmental impact assessments of U.S. government activities and to establish a more comprehensive statutory scheme for the conservation of Antarctic fauna and flora as set forth in the Protocol. Existing authority of the Director of the National Science Foundation (NSF) to promulgate regulations to control waste disposal in Antarctica and to protect and manage designated areas with great environmental sensitivity or scientific value is also revised consistent with the Protocol. In addition, the bill expressly extends the NSF Director's current general authority to promulgate regulations to carry out any provision of the ACA, to cover any provision of the Protocol. This provision ensures that regulatory power will exist to address any environmental issues under the Protocol that may arise.

The bill implements Article 7 of the Protocol, which states: "Any activity relating to mineral resources, other than scientific research, shall be prohibited." The bill repeals the Antarctic Protection Act of 1990, which was intended as an interim measure pending entry into force of an international agreement providing an indefinite ban on Antarctic mineral resource activities. Article 7, which has no termination date and is not reviewable for fifty years following entry into force of the Protocol, constitutes such as indefinite ban.

Antarctic mineral resource activities are prohibited by persons subject to the jurisdiction of the United States. The prohibition covers prospecting, exploration and development activities, as well as collecting, removing or transporting such resources. Activities exempted from the prohibition are those directly related to scientific research, construction, operation and maintenance of facilities, and provision of mineral resource specimens for museums and similar institutions.

Among other provisions, the bill provides for the Secretary of State to prescribe regulations to implement the environmental impact assessment provisions of the Protocol with respect to non-governmental activities, including tourism, in Antarctica, and in conjunction with NSF and the Coast Guard, to require private persons to comply with the provisions of the Protocol related to emergency response action. These tasks can be carried out by the Department as part of its current responsibilities for gathering and circulating information about non-governmental activities in Antarctica. Provisions of the Protocol dealing with emergency response requirements for the U.S. Antarctic Program are not addressed since these provisions can be implemented through existing legislative, executive and regulatory authority already applicable to Antarctica.

Finally, the bill strengthens civil and criminal penalties under the ACA to increase the deterrent effect of the legislation.

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# CLINTON MAKES TASK HARDER WITH RHETORIC OF CLASS WAR

## HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 17, 1993, edition of the Omaha World-Herald.

[From the Omaha World-Herald, Feb. 17, 1993]

CLINTON MAKES TASK HARDER WITH RHETORIC OF CLASS WAR

President Clinton should avoid misleading statements and flawed history as he tries to earn support for his program of economic sacrifice.

Clinton, during his televised talk Monday evening, made this statement: "Seventy percent of the new taxes I'll propose—70 percent—will be paid by those who make more than $100,000 a year. And for the first time in more than a decade, we're all in this together."

That statement included two assertions that are misleading. Moreover, when Clinton targeted the over $100,000 bracket, it constituted a major departure from a promise he made during the campaign. He said then that he would raise taxes only on incomes above $200,000. (Or course, he also said he would reduce taxes on the middle class, and now he says everyone with an income above $30,000 will pay more.)

Clinton made an appalling mistake when he referred to 70 percent of the new taxes. Those words have one meaning only—that 70 percent of the additional burden would be shouldered by taxpayers earning more than $100,000. Then the White House issued a clarification. Clinton, an administration official said, meant that seven of every 10 of his new taxes would affect taxpayer who make more than $100,000.

One can only hope he knows the difference—and that he isn't one of those Democrats who can't seem to understand that the top 1 percent of the earners (those who make more than $200,000) don't make enough money to wipe out the deficit even if everything they earned were taxed.

Clinton's other misleading assertion came when he suggested that Americans of the 1980s weren't "all in this together." The statement sounded like something straight from the text of historical revisionists who claimed that President Ronald Reagan soaked the poor and the middle class in order to benefit the wealthy.

The revisionists are wrong. Everybody's income-tax rates were cut in the 1980s, not just those of the wealthy. Moreover, the percentage of total revenues that came from the highest-earning taxpayers increased dramatically. The reason: Many of them lost deductions and exemptions with which they had been able to shield a portion of their income from taxation. At the other end of the spectrum, the Tax Reform Act of 1986 removed 6 million low-income taxpayers from the tax rolls.

What made so many low- and middle-income taxpayers forget the tax savings they received in the 1980s? Why have so many politicians continued to stir up resentment against taxpayers in the upper brackets?

The reason may have nothing to do with the income-tax policies of the Reagan administration. Congress in the 1970s had approved generous increases in Social Security benefits. But no provision was made to pay for the new benefits, which went mostly to low- and middle-income taxpayers. By 1983, it was apparent that Social Security was on a path to bankruptcy.

Congress and the White House raised the payroll taxes, saving the program. Unfortunately, the higher Social Security taxes offset savings from the Reagan tax cuts. Democratic politicians have been demagoguing the issue ever since—even though their party helped approve the tax cuts and the Social Security funding bill, and even though the higher Social Security withholding rates would have been necessary even if Jimmy Carter and Fritz Mondale had controlled the White House through the 1980s.

It's sad that Clinton would use such rhetoric, whether or not he believes it. The president needs a broadly shared spirit of sacrifice by people of all income levels to help him cut the deficit. We hope he succeeds. But his use of the rhetoric of class warfare is hardly the way to build a broad base of support.

## MONMOUTH COUNTY NURSES HELP COMMUNITY RECOVER FROM DEVASTATING STORM

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. PALLONE. Mr. Speaker, on December 11 of last year, parts of my district, as well as the rest of the Jersey shore and much of the east coast, were devastated by a fierce coastal storm, known as a Nor'easter. Many of the residents of the area have seen their lives altered permanently by this disaster, and the region as a whole will be recovering for some time to come. For public officials and other community leaders, the task of bringing about a recovery is ongoing. But nothing can describe the fear and terror that faced residents of our area on that terrible day when the storm hit. And there is no sufficient way to praise the wonderful people on the frontlines who helped the people get through that terrible day.

Beginning at dawn on the day of the storm, some 46 community health nurses from MCOSS Nursing Services of Red Bank, NJ, were part of a communitywide effort to provide relief services. They joined Monmouth County Red Cross nurses and other Red Cross personnel, local police, emergency management officials, first-aid squads, fire departments, clergy, and volunteers to bring aid to those forced to flee their homes when the flood waters hit. This on-the-spot disaster assistance continued through the night of December 11 and into the following 2 days. The deployment of MCOSS nurses was coordinated by Jo Ann Farina and Ann Dimaira, agency clinical nursing supervisors at MCOSS's Thompson Health Center in Red Bank, who were on call for 72 straight hours. Nurses who participated were from three MCOSS health centers—Bodman Health Center, Tinton Falls, NJ, and Harding Health Center, Manasquan, NJ, as well as Thompson Health Center.

It should be pointed out that many of these talented and dedicated health care professionals were themselves flood victims, and continued to work and serve others while putting aside their own personal anxiety about the effects of the storm on their homes and families. In addition to nursing assessments, the nurses provided wound care, monitored blood pressures, conducted medication reviews, and administered medication when it was available. They arranged for hospitalization of the more seriously ill, attended to the mentally ill and offered comfort to devastated families.

Mr. Speaker, communities are never fully prepared to cope with a natural disaster of the magnitude of the December coastal storm. This storm certainly caught us off-guard on the Jersey shore, and we are now working hard to apply many of the lessons learned the hard way to better prepare for future storms. But the key to the effective functioning of a disaster response will always be the efforts of the people on the frontlines, acting effectively and professionally in the most adverse conditions imaginable. As hundreds of people streamed into shelters on the day of the storm, scared, cold, and wet, children or senior citizens with special health care needs, the community nurses of MCOSS were there to help the victims survive this storm and begin the process of rebuilding their lives. I cannot imagine what it would have been like without them. They deserve the full respect and gratitude of their community.

A reception honoring these 46 courageous nurses will be held on Thursday, February 25, in Red Bank, NJ. It is an honor for me to pay tribute to the nurses of MCOSS before the Members of this House and in the pages of the CONGRESSIONAL RECORD.

## THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION DECENTRALIZATION ACT OF 1993

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. TRAFICANT. Mr. Speaker, I introduced legislation today entitled the National Aeronautics and Space Administration [NASA] Decentralization Act of 1993. My legislation requires the Administrator of NASA, in meeting the needs of NASA for additional facilities, to select abandoned and underutilized buildings, grounds, and facilities that can be converted to NASA facilities at a reasonable cost.

Last year, I had similar language included in the NASA authorization measure, Public Law 102–588. However, the language is not as strongly worded as in my newly introduced legislation. Last year's law requires the Administrator to investigate the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to NASA facilities in meeting NASA's needs for additional facilities. My new legislation takes that requirement a step further by requiring the Administrator to actually select among facilities in depressed communities when planning to expand to additional facilities.

Depressed communities are defined as both rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor. The Administrator shall use that criteria when making a selection. This is the criteria, more or less, that is used to determine eligibility for Federal enterprise zones and urban development action grants.

Mr. Speaker and my fellow colleagues, the Pentagon has such widespread support because it has decentralized and, therefore, communities across America depend on it for their livelihood. When cuts are proposed in the Department of Defense budget, Americans express opposition to the loss of jobs. NASA is America's baby—the darling of the media. I believe that NASA was once perceived by Americans as a luxury—a lofty luxury America could afford.

However, high deficits, a recession, explosions of certain spacecraft, and faulty construction of space vehicles and satellites has transported NASA from the skies to the Earth. Americans no longer believe that NASA is affordable or invincible. That is because NASA business centers around a few select areas. NASA never decentralized. We need to broaden NASA's base so that Americans will fight to hold onto NASA as they fight to hold onto the Pentagon.

Times are tough and the honeymoon with NASA is over. The American people can no longer be wined and dined by pictures taken in the sky. NASA needs to expand into areas that are distressed. To keep costs low, NASA should utilize abandoned and underutilized facilities that already exist. My legislation will make NASA a priority of the American people.

If you believe that space programs are as important to the future of this Nation as I do, you should cosponsor this legislation. It will ensure the survival of NASA programs and, at the same time, revive America's depressed communities and put some Americans back to work.

## THE CHILD SAFETY PROTECTION ACT

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mrs. COLLINS of Illinois. Mr. Speaker, today, I have introduced the Child Safety Protection Act. This act requires the Consumer Product Safety Commission [CPSC] to take specific action to make toys safe and bicycle helmets effective for our children. The safety provisions in this bill were included in H.R. 4706, the Child Safety Protection and Consumer Product Safety Commission Improvement Act, which passed the House by voice vote in the last Congress.

Every year, too many young children choke to death on small toys and small parts of toys. According to the CPSC, in 1990 alone, 23 deaths and an estimated 164,500 injuries were associated with toys. In many cases, parents receive no effective warning that tells them a toy may end up choking and killing their child. Currently:

There are no nationally required warning labels to alert parents to the choking hazards of small toys and toys with small parts that are marketed to children over 3, but still pose a hazard to the younger children.

There are no nationally required warning labels to warn parents of the hazards of some innocent looking, but potentially dangerous toys: balloons, marbles, and games of skill that have small balls.

Some toy companies voluntarily use labels; however, in many cases, age warning labels are so blandly written that parents may believe them more related to educational development than safety. The Child Safety Protection Act rectifies this problem by requiring specific warning labels on certain toys which pose a hazard to young children.

In addition, children under the age of 3 routinely explore their world by putting objects in their mouths. Right now, it is legal to market balls that are small enough to choke children under the age of three to that age group. The Child Safety Protection Act alleviates this hazard by requiring minimum choke proof size requirements for balls intended for children under age 3.

For most kids, their bicycle is their most prized possession and bicycling has long been an American family pastime. Over the course of the last few years, bicycle helmets have become as common as bicycles. Parents are buying helmets for themselves and their children to protect against head injuries.

It's a good thing, too, because according to the CPSC, each year there are approximately 1,200 bicycle-related deaths. Head trauma is responsible for 70 percent of the deaths. In addition, each year, over half a million injuries related to bicycles are treated in hospital emergency rooms. Approximately 30 percent of these injuries involve the face or head.

Currently, helmets sold in the United States that meet voluntary standards conform to either the American National Standards Institute or the Snell Memorial Foundation bicycle helmet standards. The American Society for Testing and Materials [ASTM] is in the process of developing a third voluntary standard.

This bill will make sure that all helmets are designed to protect kids and their families from bicycle related head injuries. Under this bill, the CPSC must develop a new Federal standard based on the existing voluntary standards, and include requirements to protect against the risk of helmets rolling off of the heads of riders, requirements for children's helmets, and any other appropriate requirements. While the CPSC is working on the new standard, the bill requires all helmets made after a certain date to meet at least one of the voluntary standards.

On February 24, 1993, the Subcommittee on Commerce, Consumer Protection and Competitiveness will hold a hearing on the legislation and proceed directly to a markup.

I urge the support of my colleagues.

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## RESCISSION ACT

## HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. PENNY. Mr. Speaker, today I joined our colleagues CHARLIE STENHOLM, TIM JOHNSON, L.F. PAYNE, and others in introducing the Expedited Consideration of Rescission Act, which passed the House by a wide bipartisan margin in the closing days of the 102d Congress.

The measure we introduce today would amend the 1974 Budget Act to establish a process to expeditiously consider Presidential rescissions. After signing an appropriations bill into law, the President would have 3 calendar days to submit to the House a rescission message containing all rescissions proposed related to the bill just signed. Under the terms of the bill, the President is authorized to rescind up to 100 percent of unauthorized appropriations and up to 25 percent of authorized appropriations. If a majority of the House votes to approve the resolution, it is sent to the Senate, where a process begins similar to that followed by the House. This year, a process is established in the bill to allow a separate vote on any individual rescission contained in the President's rescission package if 50 Members in the House or 15 Members of the Senate requested such a vote.

The important point is that we will finally face votes on rescissions. The authors of special interest provisions tucked away in spending bills will have to defend their actions and if a project or projects survive a vote, only then would it go forward. I firmly believe that more times than not, unauthorized and wasteful spending will not survive the light of day and a vote by the Congress.

This measure, Mr. Speaker and colleagues, is a very modest attempt to put in place a workable process to handle Presidential rescissions. This might be described as line-item veto subject to a majority override in Congress. Frankly, I would support broader line-item veto authority for the President. But this measure is a good start and it deserves the support of every member concerned about the runaway national debt and our children's future. I urge my colleagues to again cosponsor and support this bill.

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## PHASE OUT EXPORTS OF BOMB-GRADE URANIUM BY DEVELOPING SUBSTITUTE FUELS

## HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SCHUMER. Mr. Speaker, as part of the continuing fight against nuclear-weapons proliferation, today I am introducing the Bomb-Grade Uranium Export Substitution Act.

Bomb-grade uranium was the missing ingredient in Saddam Hussein's quest for a nuclear weapon. According to U.N. investigators, Iraq could have constructed a bomb as soon as it produced sufficient bomb-grade uranium.

In Iraq, we were lucky. The next Saddam may forego a production capability and instead try to steal bomb-grade uranium or buy it on the black market. To reduce that risk, President Bush last year signed into law the Bomb-Grade Uranium Export Restriction Act as part of the comprehensive energy bill Public Law 102–486. This new law requires the United States to phase out exports of bomb-grade uranium.

Such bomb-grade exports still go to a handful of foreign nuclear research reactors that depend on the United States for fuel. If we simply cut the reactors off cold-turkey, however, they may look to alternate suppliers, which could actually worsen the proliferation situation. It would be preferable to develop alternate, non-weapons-usable, uranium fuel to replace the bomb-grade exports.

The good news is there already is a program at Argonne National Laboratory, known as Reduced Enrichment for Research and Test Reactors [RERTR], that can develop alternate fuel to substitute for these bomb-grade exports within 5 years. The bad news is that funding for fuel development was halted in 1990.

The bill I am introducing today would reauthorize the RERTR program for 5 years, by which time all remaining bomb-grade exports could be replaced by safer fuels. The total cost would be no more than $30 million, a small price to help keep nuclear weapons out of the hands of terrorists and radical nations.

Mr. Speaker, in this post-cold war era, proliferation looms as one of the greatest threats to United States and global security. Developing alternatives to exports of bomb-grade uranium is one small piece of a comprehensive strategy to reduce this threat. I urge my colleagues to support this legislation.

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## MEXICO AND ITS WALL

## HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. RICHARDSON. Mr. Speaker, 2 years ago, on February 21, 1991, I entered into the CONGRESSIONAL RECORD a thoughtful article titled, "Mexico and Its Wall" on Mexican-American relations by the well-known expert on Mexico, C. Allen Ellis. Mr. Ellis eloquently explained some of the political reasons why the North American Free-Trade Agreement is needed.

Today, I would like to share with my colleagues chapter two of Mr. Ellis' thoughts on NAFTA and the challenges faced by Presidents Salinas and Clinton.

### MEXICO AND ITS WALL

(By C. Allen Ellis)

On January 9, 1993 President-elect William Clinton joined President Carlos Salinas de Gortari in Austin, Texas, the only foreign head-of-state with whom he met prior to becoming the 42nd President of the United States. This auspicious beginning for United States-Mexico relations in the new administration had been initiated by President Salinas to begin the important process for his nation and administration of describing Mexico's views and policies. However, his most important objective was to persuade the President-elect of the importance of the successful conclusion of the earlier negotiated and signed North American Free-Trade Agreement (NAFTA).

It is unlikely that President Salinas dwelled on the contribution of an early NAFTA to his own extraordinary presidency and to the ability of his successor to continue the political and economic policies begun in 1982 by his predecessor, Migual de la Madrid, and upon which he, in turn, has so ably built. In the historical context of the United States-Mexico relationship these policies had represented a fundamental change from centuries of mutual distrust and the vast cultural divide between the United States and Mexico.

The Salinas Presidency has been characterized by the realistic reassessment of

Mexico's often nationalistic domestic and international policies and the courage to embark on dramatic changes in these, even when politically sacrosanct, to further Mexico's modernization. Among the many major policy departures have been the successful privatization of many public sector enterprises, opening the "ejido" system of communal rural land tenure to private ownership, curbing the power of corrupt union and political leaders, and the redefinition of church-state relations.

The economic achievements of the Salinas Administration have been equally impressive. Rigorous and sound policies, along with stringent budgetary austerity, have brought public finances into surplus from deep deficits, reduced annual inflation to a 14 percent level in 1992, and permitted stabilization of the foreign exchange rate. The result has been a dramatic increase in two-way trade between our two nations which reached approximately $75 billion in 1992, with United States exports to Mexico exceeding $40 billion. Furthermore, reflecting increase confidence in Mexico's economic performance and in its continuation by NAFTA, foreign institutional and Mexican investors have increased their holdings of Mexican short-term debt to a level of at least $10 billion with portfolio investments at least several times greater.

In spite of the remarkable achievements to date of President Salinas, he is now confronted by a cruel dilemma inherent in the very leadership he has provided to the NAFTA process. If NAFTA is successfully concluded in coming months it will be the pre-eminent achievement of his administration. However, if it is not, his own presidential authority will be eroded. Of particular importance is the effect a long-delayed NAFTA would have on his own ability to assure the continuity of the above policies in the selection of his successor in Mexico's single six year presidential term system.

The perception within Mexico is that Republican administrations have traditionally been more knowledgeable of Mexico than Democratic, and earlier to appreciate the importance of the multifaceted and complex nature of United States relations with Mexico. It indeed would be unfortunate if this perception is confirmed anew, by unnecessary delays in addressing the concerns expressed by Candidate Clinton in his October 4 address at North Carolina State University.

It appears that special interests vehemently opposed to NAFTA are joining forces with other disparate voices that do not appreciate the transformation of Mexico which has occurred and the continuing opportunity for both nations represented by a responsibly-led and modern Mexico. Only by the personal leadership in coming months of President William Clinton will these inward looking views be overcome by recognition of the historic opportunity represented by NAFTA for the common prosperity of the United States, Mexico and Canada.

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## THE POWER OF LOCAL INVOLVEMENT

## HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BEREUTER. Mr. Speaker, too often the Federal Government is turned to as a first resort when it comes to funding a project or initiating a program. Such an attitude over the years not only has contributed to the ever-expanding Federal budget deficit, it also has created an unrealistic reliance on the Federal Government for matters which are out of its domain.

There is, however, some reason for hope. This Member is pleased to bring to the attention of his colleagues an outstanding example of a small community organizing its resources and tackling a project on its own. Battle Creek, NE, a community of less than 1,000 people in this Member's district, has demonstrated that it is possible to accomplish a great deal without government funding.

For the past several years, the Battle Creek community has contributed money and countless volunteer hours to create a 55-acre park and arboretum to accommodate the various needs of young children, sports team, nature lovers, fitness enthusiasts, and senior citizens. The residents point out with well-deserved pride that this impressive project was accomplished without a penny of tax money.

This example also points out the benefits of enacting a line-item veto as a weapon against unnecessary items which have been placed into a large appropriations bill. By removing certain projects from the Federal budget, it would not necessarily kill them. Rather it would send the message that some things are better left to individual communities. Such an approach also has the advantage of giving the citizens a larger stake in the project and a gratifying sense of involvement in the community.

This Member commends the citizens of Battle Creek, NE, for their initiative and hard work which ensured the success of the park project. It should serve as a model for communities and individuals throughout the country.

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## MODIFIED LINE-ITEM VETO BILL

## HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. STENHOLM. Mr. Speaker, last night, President Clinton outlined an ambitious plan to confront our massive Federal debt. Today, I am introducing legislation on behalf of 80 of my colleagues to provide him with one of the tools he asked for to help him in his effort to reduce the deficit—modified line-item veto authority. The bill I am introducing is essentially the same bill sponsored by our former colleague Tom Carper for the last several Congresses that passed the House last year with overwhelming bipartisan support.

This bill would allow the President to send down a rescission package within 3 days of signing an appropriations bill. Congress would be required to vote up or down on the package under an expedited procedure. The rescissions will take effect if a majority of Congress approves the rescission package. If the rescission bill is defeated in either House the funds for any proposed rescission would be spent. Fifty Members of the House or 15 Senators may request a separate vote on an individual rescission. The bill would provide this new authority for a 2-year test period so that we can see how it works in practice.

In the next few months we will face many tough choices and tough votes. It is important that as we make these tough votes that we be able to assure our constituents that we will eliminate wasteful spending and increase the accountability in the spending of tax dollars. By forcing many programs to stand or fall on their individual merits, this modified line-item veto bill will go a long way toward eliminating the irresponsible spending that the public is justifiably fed up with.

This proposal preserves the power of congressional majorities to control spending decisions. The President may single out individual programs, but he must convince a majority of Congress to agree with him before the spending is cut. This bill will not change the balance of powers between the branches, but it will increase the accountability of both branches in the budget process.

I urge my colleagues to support this small, reasonable reform of the spending process.

### SUMMARY OF EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to set in place the following supplemental procedure for rescissions for a two-year trial period.

After signing an appropriations bill into law, the president would have three days to submit to the House a rescission message that includes all proposed rescissions for the Appropriations bill just signed and a draft bill that would enact the proposed rescissions.

The president could propose to rescind 100 percent of unauthorized programs and up to 25 percent of specifically authorized programs or projects.

The resolution would be introduced in the House at the earliest opportunity by the majority and minority leaders. The bill would be referred to the Appropriations Committee, which must report it out without substantive amendment within seven days.

Within ten legislative days of introduction, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission from the rescission bill.

If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual rescission.

If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation.

If a rescission bill is approved by the House and Senate, it would be sent to the President for his signature.

The change to the 1974 Budget Act would be effective throughout the 103rd Congress, at which time Congress may elect to extend it, revise it, or let it expire.

## THE LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BOUCHER. Mr. Speaker, the Local Government Interstate Waste Control Act, which I am introducing today along with 11 of our colleagues, offers a solution to the contentious issue of the interstate transportation and disposal of municipal solid waste. I am particularly pleased that the gentlemen from Michigan, Mr. UPTON and Mr. BONIOR, are principal cosponsors of the measure.

Last year, approximately 15 million tons of garbage was shipped out-of-state for disposal. All too often, this garbage has been dumped in unwanted private landfills in rural communities that were unable to halt the importation.

Many rural communities lack comprehensive zoning designating specified land uses, including the operation of private landfills. Therefore, some private landfill operators import urban garbage, notwithstanding the opposition of local residents.

In these circumstances, local governments have found themselves powerless to halt garbage importation. State law prohibits retroactive zoning, and Federal law prohibits the discrimination by any State against the commerce, including garbage, of another State. Accordingly, as long as the landfill operator complies with basic environmental requirements, neither the locality nor the State can prevent garbage importation from out of state.

This inability of localities to control their own destiny has spawned a powerful national effort to give localities a voice in deciding whether a private landfill should be permitted to accept out-of-state garbage. The Local Government Interstate Waste Control Act is a response to this clear need.

The bill grants local governments the authority to approve or disapprove the importation of out-of-state waste into private landfills. It would insure that in the future no facilities import waste over local opposition. Nothing in the legislation allows local governments to act beyond the bounds of State law. Indeed, the bill merely allows local governments to decide one issue: whether a waste disposal facility, otherwise permissible under State law, should be authorized to accept out-of-state waste.

The legislation is not intended to put an end to interstate garbage movements, and it would not have that effect. A large number of private landfills receiving out-of-state garbage are operated today with the blessing of local governments. Companies such as Waste Management, Inc., Browning-Ferris Industries, Chambers Development Corp. and Laidlaw, Inc. operate under the principle that no new landfill will be sited without local government approval. Under these practices, the terms and conditions of locating and operating the landfill are negotiated with the proper local government authorities. In the typical case, localities view these operations as another business investment providing economic opportunities. In sum, there will be private landfill space available for municipal garbage exports. This legislation would simply insure that the landfills are not operated over the opposition of the citizens of the affected locality.

The legislation has been constructed in consultation with the National Association of Counties which has endorsed its passage. It also enjoys the support of the major companies involved in the interstate transportation of solid waste. A substantially similar measure I introduced in the last Congress was approved overwhelming by the House Energy and Commerce Committee. I look forward once again to working closely with the gentleman from Washington, Mr. SWIFT, and the other members of the Subcommittee on Transportation and Hazardous Materials of the Energy and Commerce Committee to enact legislation which resolves this difficult issue.

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## CONGRESSIONAL REFORM

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DREIER. Mr. Speaker, earlier this week, the Joint Committee on the Organization of Congress concluded its first round of hearings on proposals to reform this institution. Over the course of five hearings, the joint committee has taken testimony from the House and Senate leadership, former and current Members, and outside experts. So far, the joint committee has received constructive testimony and suggestions from nearly 60 Members of Congress, from the leadership to Members of the freshman class in the House. We will hear from many more.

The testimony of the witnesses, no matter whether they disagree on specific prescriptions for reform, reflect widespread concern within this institution about its organization, its direction, and its role in governance.

Yet, the conventional wisdom asserts that, with the majority in control of both ends of Pennsylvania Avenue, legislative gridlock is a relic, and that congressional reform is unnecessary. Frankly, the public has a different view. The public understands that the structure of the institution and the process by which legislation is considered shapes the result. The public also understands what we know to be the case—that the legislative process is needlessly complicated and dangerously dated.

In weighing the options for change, I believe the joint committee must have a high standard for congressional reform. The editorial boards of two of the Nation's most important newspapers, the Los Angeles Times and the New York Times have come to the same conclusion. Their recent editorials, dated January 31 and February 10, 1993, respectively, are an example of the standards and expectations the public holds for the work of the joint committee.

I urge my colleagues to continue to work with the Members of the joint committee in fashioning a comprehensive and long overdue reform of the Congress. For the good of the institution and the country, we can do no less.

[From the Los Angeles Times, Jan. 31, 1993]

THE COMMITTEE TO REDUCE COMMITTEES

CAN CONGRESS ACTUALLY REFORM ITSELF? STAY TUNED

Congress, acknowledging its systemic inefficiencies and nervously aware of just how low its prestige has sunk, has taken a first step toward adopting what many members hope will be some of the most sweeping reforms in its 204-year history.

The institution that tries to conduct and oversee the nation's business through a staggering network of 300 committees and subcommittees—and 38,500 staff members—has ventured into the territory of reform by, naturally, setting up a committee to hold hearings and propose ideas for streamlining operations and reducing costs. The Joint Committee on the Organization of Congress, composed of a dozen-each Democrats and Republicans, is to present its recommendations next fall. No one expects consensus-building in the committee to be easy.

The joint committee nonetheless represents an effort to address specific maladies that, collectively and left largely untreated, have fueled growing public dissatisfaction with a branch of government that, if never revered, has at least been respected for much of its existence.

Last fall's political campaign and election gave dramatic emphasis to popular discontent with Congress. The familiar litany of complaints—gridlocked government due to an inability of Congress to work with the White House or even to get its own act together, uncertain fidelity to ethical standards, a congressional bureaucracy that had grown both overly large and overly powerful—helped produce something of a political earthquake. A significant number of veterans were discouraged from seeking reelection or were ousted at the polls. The message sent to those who survived was do better, or else.

There are plenty of opportunities for doing better; a revolutionary overhaul of the committee system would be the best place to start. At last count the Senate had 16 standing committees, three select committees, one special. The House had 21 standing committees and five select, and there were four joint committees. But in the shadow of each of these committees subcommittees tend to proliferate, hundreds of them, like mushrooms in a cellar. Each committee and subcommittee has a chairperson and a staff and a budget. Each draws the close attention of specialized lobbyists. Worthwhile work, of course, is sometimes done. But the gross expansion of committees also reflects and encourages political self-promotion along with influence peddling. Some in Congress have been daring enough to suggest that committees and subcommittees could be cut to no more than 50, with staffs reduced by 25%. Those are attractive numbers. It will be interesting to see what the joint committee in fact proposes—and even more interesting to see what Congress approves.

[From the New York Times, Feb. 10, 1993]

CONGRESS, UNTIE YOURSELF

It's no secret that the U.S. Congress is inefficient: The real mystery is how it gets anything done at all. Thirty committees and—count 'em—77 subcommittees picked at pieces of last year's defense budget. Forty committees and subcommittees demand a say in energy legislation. The original Clean Air Act covered a page and a half; the latest renewal filled 313 pages.

Checked, balanced and featherbedded to the point of stasis. Congress must reform not only its dubious campaign fund-raising practices but the way it works—or doesn't. And Congress senses it. Seared by the hot breath of public contempt, the Senate and House have done what comes naturally. They have formed yet another committee.

At least this joint committee on Congressional reform has Democratic co-chairmen, Senator David Boren and Representative Lee Hamilton, who offer themselves as earnest reformers. But there will be no real change unless the leaders of both parties, in both houses, give the effort real muscle. They need a wake-up call. Here's a good start:

Redefine turf. There hasn't been a basic realignment of committees since 1946. Splintered oversight of energy policy is just one example of the need to adjust committee responsibilities to modern times. Turf protectors will protest, but the public interest demands that laws not be burdened by insertions from 40 fiefs.

When that's done, shrink the jurisdiction of committees that are overloaded, such as House Ways and Means, which sprawls beyond revenue matters into all manner of programs affecting health, welfare and foreign trade.

Cut committees and staff. All told, there are 300 full committees and subcommittees. To justify their existence, they generate ideas for legislation. In the 101st Congress, 6,973 bills were introduced; barely 200 became law. This year's newly elected members, bringing a fresh eye to old procedures, are already grumbling about too many hearings and too little time for floor debate.

Speed the budget process. Congress votes at least twice, and often four or five times, on every dollar it appropriates—in the annual budget resolution, in the authorizing legislation, and finally in appropriating the money. It would be hard to dislodge any committees that figure in this process, but efficiency and logic would both be served by eliminating one of those three steps.

Stop micromanaging the Government. As the billowing Clean Air Act demonstrates, laws have become endlessly detailed. Sometimes Democratic legislators wrote those details to make sure Republican Presidents followed the law's intent, but the habit has spread generally. Over-provisioned bills are often so cumbersome that only their chief sponsors know what's in them; other members are left to vote in the dark.

Give the minority more space. Republicans get short shrift on committee slots, staffing and opportunities to shape legislation, especially in the House. Speaker Thomas Foley contends that the Democrats need two-thirds of the seats on the powerful Rules Committee, but that's only for tight control of the agenda. In the Senate, excessive filibustering by Republicans abuses their right to be heard; the rules need tightening, while preserving the minority's right to object and even obstruct.

The House has already started trimming subcommittees, but arbitrarily. It also began last week to wipe out four special committees that have no legislative authority but serve to focus attention on four profound concerns—narcotics, hunger, the aging, and children and families. The need for these committees is proper grist for the reform committee; they shouldn't be axed just to satisfy an impulse to cut something.

Congress is under the gun to shape up. By last November, voters in 14 states were so tired of political gridlock that they imposed term limits on their senators and representatives. It's too facile to say that the gridlock was ended by electing a Democratic President. That will, of course, remove some of the contention that has roiled the legislative process since 1980. But Congress is still Congress, not the President's lapdog. If the Senate and House are now to play their proper constitutional role, they must first clear up the clutter.

## SUPPORT SPACE EXPLORATION—SUPPORT SPACE STATION FREEDOM

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DORNAN. Mr. Speaker, I rise today on behalf of my constituents in Orange County, CA specifically the city of Garden Grove, to offer my support for full funding for space station *Freedom.*

Last year, we celebrated the 500th anniversary of perhaps the greatest human exploration to date—the voyage of Christopher Columbus to the New World, now known as America. Today, over five centuries later, we are in danger of sacrificing our future voyages of exploration by canceling or severely cutting funding for a permanently manned orbiting laboratory known as space station *Freedom.*

The city of Garden Grove, under the leadership of Mayor Frank Kessler, has adopted a resolution expressing support for full funding for space station *Freedom.* Included in this resolution is a statement I find especially appropriate regarding the importance of this program. According to the Garden Grove resolution:

> A vibrant space program, especially in the human exploration of space, is one of our most effective tools for spurring students' interest in math, science, and engineering, all fields vital to our global economic competitiveness.

Space station *Freedom* represents more than a space program. It represents the hopes and dreams of today's and future generations. Please Mr. President, please keep our dreams alive and fully fund space station *Freedom.*

I would like to include for the RECORD the entire resolution by the city council of Garden Grove supporting full funding for space station *Freedom.*

RESOLUTION NO. 7539-93

Whereas, Southern California has been and will continue to be significantly involved in manned space programs; and

Whereas, Space Station Freedom is a program that expands and ensures our nation's ability to remain the leader in manned space exploration by studying the effects on the human body and mind of long-term exposure to zero gravity and the space environment; and

Whereas, in times of economic uncertainty we must remember that the space industry has historically proven to be economically productive; and

Whereas, the Space Station Freedom project currently employs more than 30,000 people directly, many who reside in Garden Grove, and 75,000 to 100,000 people indirectly, not only in the state of California but in states across the nation; and

Whereas, a vibrant space program, especially in the human exploration of space, is one of our most effective tools for spurring students' interest in math, science and engineering, all fields vital to our global economic competitiveness; and

Whereas, the program has progressed to hardware production in preparation for the launch of the first elements of Space Station Freedom in three years. Now, therefore, be it,

*Resolved,* That the City of Garden Grove strongly endorses full funding and support for Space Station Freedom, and urges the President and Congress of the United States to provide this funding.

Adopted this 16th day of February, 1993.

FRANK KESSLER,
*Mayor.*

## ARMENIA IS FAST DETERIORATING

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. HUGHES. Mr. Speaker, all around the world there is instability and need. The unspeakable horrors in the former Yugoslavia, and the ravaging hunger in Somalia warrant strong responses from the United States and the international community. The situation in Armenia is equally critical.

The 4-year blockade by neighboring Azerbaijan has destroyed any semblance of normal life in the newly independent and democratic Armenia. Armenia is now almost entirely deprived of electricity, telephone services, transportation and running water. Its citizens have resorted to cutting down public trees to use them for firewood. Many hospitals are closed, children are unable to attend school, and almost no Armenians can work. Food is in pitifully short supply. As the cruel winter temperatures plummet, the last fuel line into Armenia was recently destroyed. Armenia is fast deteriorating into a primitive state.

The urgent humanitarian need is clear. I ask my colleagues to respond to the Armenian Government's appeal for food and medicine. The United States must work with the international community in providing Armenia with the aid it so critically needs.

The United Nations recently passed a resolution calling upon bordering countries of Armenia to allow for the immediate passage of relief supplies into Armenia. I urge my colleagues to support this measure in every possible way in order to alleviate the terrible suffering of the people of Armenia.

## ALLEGED WHITE HOUSE STAFF CUTS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SOLOMON. Mr. Speaker, add President Clinton's elaborate announcement of a 25 percent staff cut at the White House to his long list of broken campaign promises.

Through creative accounting, the Clinton White House has hoodwinked the American public. On the very same day the alleged cuts were announced White House aides confirmed they were considering asking the Congress for a supplemental budget increase for fiscal year 1993. Maybe I have not caught on to Arkansas logic, but would a staff that has been cut need more money? Such a request does not seem strange at all when I hear there are people sitting on the floor and working at desks in the hallways in White House office buildings.

Fascinating accounting methods. I have always considered OMB and the U.S. Trade Representative as part of the White House staff. And the detailees leaving the Clinton White House will return to their home agencies. Estimated savings to the U.S. taxpayer here—zero. The senior staff faces no actual pay cut, as they merely eliminated the COLA increase for positions that received an adjustment in January. The limousine service got a substantial slashing—beltway style, 108–104. Are we really to believe that Hillary Rodham Clinton has 25 percent less staff than Mrs. Bush, taking into account Mrs. Clinton's influence in policy and her additional office space? I think the operation and staffing of Mrs. Clinton's Health Care Task Force deserves further investigation. Who is serving on this panel and to whom are they accountable?

The announcement demonstrated that the drug crisis will be a low priority under Clinton as the only office where real cuts were made was the drug czar's. John Walters, a Bush official who held on as Acting Director, resigned in disgust. Reducing the staff of this office from 146 to 25 prompted Senator DENNIS DECONCINI to write, "I am worried that rather than streamlining the office, you are effectively gutting it."

Mr. Speaker, the Joint Committee on the Organization of Congress, of which I am a member, is studying all aspects of Capitol Hill staffing and will probably recommend a real cut to help restore the integrity of this institution. In the long run, then, Mr. Clinton's cuts will be seen by the American people as a smoke-and-mirrors trick.

## THE DANGERS OF OVER-REGULATING THE PRACTICE OF MEDICINE

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. COX. Mr. Speaker, recently, two of my constituents sent me the following letter from their doctor. Because it reflects so well the dangers of over-regulating the practice of medicine, I set it forth for the RECORD:

WILLIAM D. DIXON, M.D., INC.,
*Orange, CA, December 7, 1992.*

TO ALL OF MY PATIENTS: It is with mixed feelings that I announce the closing of my practice, effective 15 January 1993—mixed, because I am truly sad to be ending a relationship with a truly unique group of people, those patients who have blessed me with the opportunity of providing them with Orthopaedic care; yet I am happy and excited to be beginning a new phase of life for myself and my family.

Government, Federal and State, have become extremely intrusive into medical practice, as have the ADA, OSHA, CAL-OSHA, IPA's, PPO's, HMO's, and any other set of initials you can think of. New rules—recently enacted, and more to come in the near future—are making it difficult, if not impossible, for a small business such as a solo medical practice to achieve a reasonable return. As a result, it has become economically impossible to give the kind of medical care which you deserve. Great changes are in store for Medicine. I feel that medical practice, such as I have striven to accomplish, is doomed. Rather than compromise my treatment and the level of service which I can provide to you, I have decided to give up private practice completely.

I am truly honored to have been chosen by you to provide you with medical care. I hope that the care which I have rendered has met with your expectations, and that my office staff and I have succeeded in our attempts to treat you all with respect, kindness, and dignity.

I will miss you all.

Sincerely yours,

WILLIAM D. DIXON

## FREE SHOTS FOR ALL CHILDREN ISN'T WAY TO SOLVE PROBLEM

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues an editorial which appeared in the Omaha World Herald on February 16, 1993. This editorial takes a courageous stand regarding President Clinton's proposed childhood vaccination plan. Mr. Speaker, it is tough to take a stand against a plan to immunize children, but before enacting such an initiative, Congress must ensure that this Federal expenditure is really appropriate to finance vaccinations for all American children:

FREE SHOTS FOR ALL CHILDREN ISN'T WAY TO SOLVE PROBLEM

President Clinton appears to be on the verge of a classic overreaction as he considers the subject of childhood immunizations.

White House sources indicated that Clinton may propose an expanded immunization program as part of his proposals to reduce the deficit and create economic growth.

By one account, Clinton wants the government to buy the nation's children's vaccines and distribute them free.

Certainly his concern about the health of children is appropriate. About half the American kids under age 2 haven't received all their shots. Disease such as measles, which not long ago were thought to be nearly extinct, are reappearing. Child mortality continues to be intolerably high among segments of the U.S. population where preventive measures are typically neglected.

However, a free-shots-for-everyone approach isn't the way to solve the problem.

For one thing, that approach is based on a debatable assumption, namely that the cost of the shots is the main reason many children haven't received them. Such as assumption would follow the Children's Defense Fund line that the government isn't spending nearly enough tax money on the health, education and welfare of children.

Dr. C. Everett Koop, who was surgeon general in the Reagan administration, has a much different view of why so many kids are going unprotected.

Writing recently in The Washington Post, Dr. Koop noted that 11 states have already done what Clinton may be about to propose for the nation—they provide free immunizations to every child.

If high costs were the main reason for the appallingly low rate of immunization, it would follow that nearly every child in those free-immunization states would have the shots. But those states' immunization rate is 63 percent. Dr. Koop said—only five points above the nation as a whole.

Instead of cost, he suggested, the main problem is ignorance—a distressingly high number of parents either don't know or don't care that providing protection against childhood diseases is part of their responsibilities as a parent. Another problem, he said, may be that the clinics that provide free shots to low-income families are inconvenient to use.

Rather than spending up to $500 million to provide free shots for people from all income groups, Dr. Koop would have society do more to be sure all parents know their responsibilities. He also advocates making the delivery system more convenient for the shots that are available. For people to whom cost might be a problem, he said, tax incentives could be used to encourage insurance companies to cover immunizations and to reimburse parents who aren't insured.

A Clinton policy of free shots for everyone would require taxpayers to finance a service that three-fifths of the intended beneficiaries are already providing for themselves. That isn't a proper function of government. Neither is the assumption of a responsibility that millions of people are faithfully discharging as part of their obligations as parents.

An expanded entitlement program would be an odd component of a Clinton deficit-reduction package. One of the reasons the deficit needs reducing is that the government has taken over too many functions that responsible people once handled for themselves. Adding yet another can only make a solution more difficult.

## REINVENTING GOVERNMENT: REDUCE ASBESTOS THREAT THROUGH INCENTIVES, NOT REGULATION

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SCHUMER. Mr. Speaker, in keeping with President Clinton's theme of reinventing Government—achieving policy goals via market mechanisms rather than burdensome Government regulation—today I am introducing the Asbestos Management Incentive Act.

This bill was drafted in response to recent scientific studies and guidelines—by the American Medical Association, the Environmental Protection Agency, and the Health Effects Institute—which indicate that management-in-place rather than removal is the optimum method to reduce the threat of asbestos. While such reports have been trickling out for several years, the United States still spends more than $3.5 billion annually on asbestos removal, much of which is an unnecessary burden on economic growth.

The problem is as follows: Due to the explosion of asbestos-related litigation, banks have become extremely hesitant to make loans—for example for refinancing or renovation—to owners of buildings that contain asbestos. Many banks insist owners remove all asbestos from a building before making a loan. This has severe consequences.

Owners who comply, by removing all asbestos, may actually increase health hazards while incurring massive expenses.

Owners who cannot afford to remove all asbestos rarely adopt a management plan that would reduce asbestos health hazards. In addition, denial of loans exacerbates the credit crunch in the real estate market and the recession in the construction industry.

The ordinary Government solution, issuing regulations, is not the answer here. It would take years, would be burdensome, and would not solve the credit problem.

Instead, the bill I am introducing today would provide a financial incentive for both lenders and owners to do the right thing. Lenders would be given immunity from potential third-party liability, but only if owners instated a formal asbestos management plan. In this way, lenders would be freed to make more real estate loans, and owners would be motivated to manage asbestos in the safest, most cost-effective manner.

This legislation was drafted over the course of 2 years, in consultation with labor, environmental, banking, and real estate interests. Not every group agrees with every detail, but all sides concur that the bill's enactment would be an improvement over the current situation. I urge my colleagues to support this important legislation.

## LEGISLATION TO ASSIGN DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST WITH BORDER PATROL FUNCTIONS

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. TRAFICANT. Mr. Speaker, today I have reintroduced legislation to authorize the Secretary of Defense to assign up to 10,000 full-time Department of Defense [DOD] personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service perform their border protection functions.

The border patrol has the strength of only 3,800, yet its mission is to guard the two longest borders of one of the largest countries of the world. Reports indicate that, at any given time, only 800 patrolmen are available to protect our 2,000-mile southern border.

Congress has failed to provide funding necessary to enlarge the border patrol. Until Congress can find the money, this military option is the best short-term way to address this shortage of border patrol personnel. Until our borders are fully protected, illegal immigrants, drug traffickers and possible terrorists will have an open invitation to cross into the United States undetected.

DOD personnel are already involved in some border protection work. Yet, in terms of numbers, their involvement is virtually insignificant. My new bill would permit the Secretary of Defense to beef up the border with DOD personnel so that our borders are fully protected.

I realize that many Americans are concerned with militarizing the border. Yet, my legislation in no way violates existing laws that guard against searches, seizures and arrests by military personnel. Military personnel would simply assist the border patrol and Customs Service in their border protection work.

We have hundreds of thousands of United States troops deployed throughout the world protecting European, Asian, and Latin American nations. At the same time, we have approximately 3 million illegal aliens crossing our border annually, carrying drugs into our Nation and taking jobs away from Americans that need them. If the DOD can bestow hundreds of thousands of U.S. troops on foreign nations for their defense, it should be able to spare about 10,000 military personnel to protect our Nation.

I urge my colleagues to cosponsor this important legislation.

## INTRODUCTION OF LEGISLATION TO REFORM THE FAIR CREDIT REPORTING ACT OF 1970

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. TORRES. Mr. Speaker, today I am introducing legislation to modernize and reform the Fair Credit Reporting Act of 1970—a law that has not been substantially updated in more than 20 years. The FCRA was enacted to ensure that the Nation's credit reporting system functioned fairly, accurately and without undue intrusion into the consumer's privacy.

But our country has changed dramatically over the past two decades, and so too has the technology that facilitates the credit reporting system. Credit reports are no longer filed in manilla envelopes and stored in metal cabinets. Today, reports are stored, manipulated and relayed by the most sophisticated computers in the world. When the FCRA was passed in 1970, the largest credit bureau had but 27 million files on consumers. Today, each of the three largest bureaus keeps files on 150 to 170 million consumers.

The present state of computer technology and the volume of credit transactions that fuel the American economy have rendered the FCRA dangerously ill-equipped to meet the needs of today's consumers.

The FCRA sought to achieve a balance between the legitimate business need to obtain accurate consumer credit information and the right of consumers to protect the privacy of their personal and financial records. But that delicate balance has been lost.

Today, consumers lives are an open book. Sensitive personal and financial data is bought and sold with little or no regard for the privacy of the consumer. Workers are denied employment or even blackballed because of erroneous information in their files. And inaccurate credit information is difficult if not impossible to correct. Clearly, it is time to regain the balance to protect American consumers against the abuses of the credit reporting industry.

Credit reports play a vital role in the lives of virtually every adult in America. Whenever you apply for a loan, rent an apartment, buy a house, purchase insurance coverage or even apply for a job, your credit report is likely examined to determine eligibility. As the former chairman of the Subcommittee on Consumer Affairs and Coinage, I spent the past 2 years examining the credit reporting industry. After extensive hearings and a thorough investigation, the subcommittee found an industry desperately in need of major reform.

The most serious problem uncovered by the subcommittee was the number of errors contained in credit reports. In 1991 alone, 10,000 consumers complained to the Federal Trade Commission about inaccurate credit reports. Recent studies have found that almost half of all credit reports contain errors and that one of every four reports has serious errors that could result in the denial of credit, insurance or even the loss of a job.

These studies have also found that consumers spend an average of 6 months getting credit bureaus to correct errors in their reports, and that even if mistakes are corrected, they often show up as errors in subsequent reports.

The human consequences of these errors can be devastating. The subcommittee heard from a cable company executive who was fired from his job after he was mistakenly identified on his credit report as a convicted drug dealer. A homeowner who had paid off his mortgage and never missed a payment was refused credit from banks and retailers for close to a year because his credit report incorrectly listed a tax lien on property that he did not own, located in a State where he had never lived. Almost 1,500 taxpayers in Norwich, VT were erroneously recorded as deadbeats because of an error by TRW, one of the Nation's three largest credit bureaus. The residents of south Middlesex County, MA suffered the same nightmarish fate a few months later. And the horror stories go on, and on, and on.

The bill I am introducing today will help put an end to the pain and suffering the credit reporting industry is causing thousands of decent and responsible Americans. It will increase the accuracy of credit reports and better protect the privacy of those reports.

The Consumer Reporting Reform Act gives consumers greater access to their credit histories and makes it easier to correct mistakes. It holds banks and merchants accountable for the quality of the information they turn over to credit bureaus. And it increases privacy by requiring employers to get permission before they can check a worker's credit report. The bill offers greatly needed reforms.

## JUSTICE FOR HAITIANS

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mrs. MEEK. Mr. Speaker, today I am introducing legislation to help Haitians who are here in the United States and whose suffering has brought sympathy from many Americans. My congressional district, the 17th district in Florida, has the largest number of Haitians in Florida and in the United States. Many Haitians who are here in the United States are here because they have a legitimate fear of persecution in Haiti. This is especially true of Haitians who fled the military coup. While it is true that the only real solution to the Haitian refugee crisis in south Florida is long-term Democratic government in Haiti, we in the United States still have a human problem that should not be ignored. Our communities are pained to see human suffering when desperate Haitians have risked their lives at sea and those who have made it to Florida are incarcerated for weeks and months awaiting processing.

Many of the Haitians who arrived in the United States before and after the military coup did so based on a credible fear of persecution and continue to be justified in their reticence to return to the areas from where they fled. Many are facing imminent deportation and there is not yet a viable system of protection in place should they find themselves back in Haiti. Many Haitians who have been here in the United States prior to January 20, 1993, when President Clinton took office, have filed asylum claims. It is difficult, however, for some people who have a credible fear of persecution to actually provide documentation satisfactory to INS. They may nevertheless have a strong but unverifiable case.

My bill would give Haitians immigration treatment similar to that given to Cubans, who are automatically given the benefit of the doubt. But unlike Cubans, who may receive adjustment to permanent residency status even if they arrive in the future, my bill would provide adjustment to permanent residency status only for those Haitians who can prove their arrival in the United States prior to January 20, 1993. They would be able to apply for such adjustment within 2 years after the date of enactment of this legislation. This would be a one-time adjustment and would extend a humanitarian hand to Haitians who are here and who can become productive citizens.

I would like to invite my colleagues to join with me in helping Haitians who are already here in the United States to successfully resettle in the community and to make their contribution to our society in the same way so many of our own parents and grandparents have done.

Mr. Speaker, a copy of this legislation follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADJUSTMENT OF STATUS OF CERTAIN HAITIANS.**

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), (6)(B), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply and the Attorney General may, in his discretion, waive the ground for exclusion specified in paragraph (6)(C) of such section;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 20, 1993.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who is a national of Haiti,

(2) who arrived in the United States before January 20, 1993, and

(3) who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 20, 1993) was not admitted to the United States as a nonimmigrant.

(c) NO AFFECT ON FASCELL-STONE BENEFITS.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96–422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 20, 1993.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 20, 1993.

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

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## BEST PLACES TO WORK

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. FRANK of Massachusetts. Mr. Speaker, recently a book was published in which Robert Levering and Milton Moskowitz published the results of their research on the best companies to work for from the standpoint of employees. These journalists published a similar volume in 1984, and it is good to note that they report that there is a substantial increase in the number of good companies. And I was particularly pleased to note that 1 of the top 10 companies listed in the entire Nation was the Beth Israel Hospital in Boston.

I congratulate Dr. Mitchell Rabkin, the director of the hospital, and all of those who work with him for this well earned honor. I can say as a former patient of Beth Israel that I share the high evaluation which it received in this report. To be listed as 1 of the 10 best places to work in the entire country—not just 1 of the 10 best hospitals but 1 of the best 10 best work places of any sort—is a genuine accomplishment of which Dr. Rabkin and his staff should be extremely proud. Of course Beth Israel accomplishes this while also providing to people first rate medical care, and the leadership of this hospital has been extremely helpful to those of us trying to formulate a better health care policy for America.

I also note that the Lotus Development Corp. and the Polaroid Corp. received high marks as well in this survey and I congratulate the people who run these companies as well. Lotus and Polaroid were listed among the top 100, which is also an extremely impressive accomplishment given that we are dealing with all work places in the entire Nation. All three of these companies demonstrate that providing excellent service is completely consistent with dealing fairly with one's employees. They are models that I hope will be emulated.

[From the Boston Globe, Jan. 23, 1993]

BEST PLACES TO WORK

(By Mary Sit)

Talk to any employee of America's 100 best companies to work for and the conversation quickly begins to sound touchy-feely. Empowerment. Flexibility. Trust. Respect.

But the people who work at these companies are sincere when they enthuse about their workplaces. Their accounts have been chronicled in a book released yesterday called "The 100 Best Companies to Work for in America," published by Currency/Doubleday.

Three Massachusetts companies made the list: Beth Israel Hospital of Boston, which was ranked among the Top 10; Lotus Development Corp. and Polaroid Corp., both in Cambridge.

Almost a decade after writing their 1984 book on the 100 best companies, business journalists Robert Levering and Milton Moskowitz said this time it was difficult to winnow through and choose only 100. A decade ago, it was hard to come up with 100 good companies.

What's triggered the turn-around?

"Some of it is more enlightened management. You can get things done better through better employee relations—honey versus the stick," said Levering, adding that they were not inundated with great workplaces to research. "I don't think most workplaces are great. The trend, however, is good. The best of the best is getting better."

Take, for example, Beth Israel Hospital. The 510-bed hospital associated with Harvard Medical School employs 5,100 people. Judy H. Silva, 38, is a nurse manager who has worked there 18 years. "You have a lot of autonomy, and you're treated as a responsible person to make those kinds of decisions to balance your personal and professional life," explained Silva, who is also a wife and mother of three children. "The hospital runs itself on general guidelines that reflect the values of the organization. So people are encouraged to make independent decisions. There isn't a book of rules."

Levering and Moskowitz asked thousands of workers—usually non-supervisory ones or first-level supervisors—to rate the companies through the eyes of the employees. They used six factors to evaluate the firms and awarded up to five stars per category: pay/benefits; opportunities; job security; pride in work/company; openness/fairness; camaraderie/friendliness.

Polaroid stood out for its employee democracy. After a takeover threat, the instant photography company is now 20 percent employee-owned and several employees actually sit on the board of directors. Lotus, a software developer, made the list because it was "a company with a heart," said Levering. Its focus on diversity made it one of the first companies to offer full health benefits to gay couples.

Although the book's best 100 companies may be great places to work, job security isn't guaranteed. Several of the companies have had huge layoffs, including International Business Machines Corp., Cummins Engine Corp. and Xerox Corp.

Polaroid is currently offering its employees an early retirement program and a voluntary severance program. Lotus shed 10 percent of its workers a year ago. The key factor to consider with layoffs, said Levering, was how the company treated employees when the firm suffered tough times.

Did the firm still respect the individual? Apple Computer Inc. failed to make the list because employees heard about layoffs through the media before it heard from management, said Levering.

## INTRODUCTION OF THE SOCIAL SECURITY MISLEADING MAILINGS AND COMMUNICATIONS ACT

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. JACOBS. Mr. Speaker, today my colleague JIM BUNNING and I are introducing the Social Security Misleading Mailings and Communications Act. The purpose of the bill is to strengthen penalties for organizations which send mailings to senior citizens that convey the false impression that the organization is endorsed by or affiliated with a Federal Government agency.

A Subcommittee on Social Security staff summary of the proposal follows.

In 1988, Congress enacted a provision prohibiting the misuse of words, letters, symbols and emblems of the Social Security Administration [SSA] and the Health Care Financing Administration [HCFA]. The law permits the Secretary of Health and Human Services [HHS] to impose civil monetary penalties not to exceed $5,000 per violation or, in the case of a broadcast or telecast, $25,000 per violation. The total amount of penalties which may be imposed is limited to $100,000 per year.

In May 1992, the Subcommittee on Social Security and the Subcommittee on Oversight held a joint hearing to examine the effectiveness of the 1988 law designed to prevent fraud through deceptive advertising and solicitation practices. Of particular interest to members of the Subcommittees was the adequacy of section 1140 of the Social Security Act which prohibits the misuse of names, symbols and emblems of SSA and HCFA.

The subcommittees heard testimony from the Commissioner of the Social Security Administration, Gwendolyn King, representatives from the Office of Inspector General, Department of Health and Human Services and United States Postal Inspector as well as State attorney's general and State aging agencies.

Numerous witnesses testified that limiting the total amount of penalties that can be levied against individuals for violations of section 1140 to $100,000 per year did not serve as an adequate deterrent to groups who can take in millions of dollars each year by engaging in deceptive practices. The proposal would eliminate the provision in section 1140 which provides for an annual cap on penalties, to allow the Secretary to set fines at a reasonable level which would provide a strong deterrent to organizations and individuals against violations of section 1140.

The bill would define a violation with regard to mailings as each individual piece of mail in a mass mailing. Regulations promulgated by the HHS Inspector General treat each piece of mail addressed to specific individuals as a violation while an entire mass mailing addressed to resident is considered only one violation. This would strengthen the deterrent against deceptive mailings by making each piece of mail a violation.

Section 1140 would be amended to include the use of names, letters, symbols or emblems of the Department of Health and Human Services as protected items.

The proposal would amend the provision in current law which prevents a person from using names and symbols in a manner which such person "knows or should know would convey a false impression" of a relationship with SSA, HCFA, or HHS to provide an alternate standard. The proposal would add language to current law to prohibit the name or symbol from being used in a manner which "reasonably could be interpreted or misconstrued as conveying" a relationship to SSA, HCFA, or HHS.

In response to numerous complaints from the public generally and concerns expressed by hearing witnesses regarding organizations that offer to provide individuals with Social Security forms for a fee, the proposal would require groups to receive approval from SSA in order to engage in these activities. The proposal would stipulate that no person may reproduce, reprint, or distribute for a fee any form, application, or other publication of the Social Security Administration unless it has obtained specific written authorization for such activity in accordance with regulations prescribed by the Secretary.

The bill would provide that any disclaimer of section 1140 would not be a defense against an action for violation. Many consumers do not read, or cannot read, disclaimers on mass mailings. Similarly, disclaimers in other forms of media may not be heard or understood by the consumer. Thus, the proposal would provide that any determination of whether there is a violation of section 1140 shall be done without regard to a disclaimer.

The proposal would require the HHS Secretary to report annually to the Committee on Ways and Means detailing the number of complaints of deceptive practices received by SSA and the HHS IG, the number of cases in which a letter of complaint was sent by SSA requesting that an individual cease misleading activities, the number of cases referred by SSA to the HHS IG, the number of investigations undertaken by the HHS IG, the number of civil monetary penalties formally proposed by the HHS IG in a demand letter, and the number of judgments obtained.

For the purpose of providing every individual due process under the law, the Secretary would be required to report to the Committee on Ways and Means the number of hearings requested by the respondents and the disposition of these hearings.

Finally, the bill would stipulate that the provisions of section 1140 would continue to be enforced by the Office of Inspector General of the Department of Health and Human Services.

## THE BALANCED BUDGET ENFORCEMENT ACT OF 1993

### HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. PENNY. Mr. Speaker, today I am introducing the Balanced Budget Enforcement Act [BBEA] of 1993, which was introduced in the 102d Congress by our former colleague Leon Panetta. This legislation would put in place tough new measures to reform the budget process and eliminate the Federal budget deficit. As our former colleague frequently said: "There is no free lunch. Balancing the budget will require tough medicine." And no one knows better than Leon who in his new role as Director of the Office of Management and Budget [OMB] will be playing a lead role in instituting a deficit reduction plan for the Clinton administration. The BBEA will equip the budget process with the tools necessary to make these tough choices.

Specifically, the bill:

First, establishes deficit reduction targets. The bill provides gradually escalating targets through FY98 for total deficit reduction over $800 billion.

Second, board of estimates. Under the legislation, the President would appoint a five member board of estimates, made up of the Chairman of the Federal Reserve and one citizen member from separate lists of the House Speaker and minority leader and the majority and minority leaders of the Senate. The board would select in their entirety the economic assumptions provided by either the OMB or CBO. This would encourage honest budgeting. Budget projections would be based on the assumptions chosen by the Board.

Third, requirement of President and Congress to follow targets. The President's budget would be required to meet the annual targets, as would the budget resolutions agreed to by the Congress.

#### ENFORCEMENT

Fourth, the bill establishes an annual cap on discretionary appropriations to achieve over

$160 billion in savings above the savings in the 1990 budget agreement. If the cap were violated, across-the-board spending reductions would be enforced in all programs.

In the area of revenues and entitlements, the BBEA establishes annual deficit reduction targets, that produce over $400 billion in deficit reduction over the next 5 years. Budget resolutions would include reconciliation instructions to individual committees to achieve specific savings each year in programs or revenues under their jurisdiction.

A budget priorities bill based on the budget resolution would be sent to the President for his signature. Whether he signs it or not will determine the sequestration process used. If the President signs the so-called spinoff bill, sequestration is based on rewarding those committees that meet their reconciliation targets. Sequestration would take place in programs under the jurisdiction of committees that don't meet their targets. If revenues do not meet the revenue target, a personal and corporate surtax would be imposed.

If the President and the Congress fail to agree on the process for meeting the reconciliation targets, there would occur an across-the-board freeze of all entitlements spending and revenue to a level necessary to meet the target. For revenues, a freeze would apply to income tax indexing and would be accompanied by a rate increase for those with incomes above $250,000.

Of course, selected increases in spending could be enacted, but they would have to be paid for by corresponding spending cuts or revenue increases.

Reducing the budget deficit was a demand of the voters. As the President has indicated in his budget message, now is the time to earnestly attack the deficit with an honest approach. The BBEA provides the honest structure and process for balancing the budget. I urge my colleagues to join me and the other original sponsors of this bill in support of this measure.

## JUDGE'S LENIENT SENTENCES DON'T FIT MASSIVE SWINDLE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the February 2, 1993, Omaha World Herald, concerning the sentences imposed on two "white collar" criminals by U.S. District Judge Dean Whipple. It is a noteworthy commentary. Willie A. Schonacher and James R. Wining were found guilty of conspiring to defraud the Mutual of Omaha company out of an estimated $408 million, $20 million of which was pocketed by Messrs. Schonacher and Wining. As the commentary makes clear, Judge Whipple's leniency in sentencing one man to 2 years in prison, and the other to 5 years probation, seems appalling.

JUDGE'S LENIENT SENTENCES DON'T FIT MASSIVE SWINDLE

Willie A. Schonacher and James R. Wining got off too easy. Much too easy.

The two Kansas City men pleaded guilty in federal court to charges of pocketing more than $20 million in a fraudulent scheme that victimized Mutual of Omaha Co. Evidence showed that they had created a network of phony reinsurance carriers and obligated Mutual to pay millions of dollars in claims for which the Omaha-based insurer received no premiums.

The swindle cost Mutual an estimated $408 million, of which only $74 million has been recovered.

Federal law provides a maximum sentence of 10 years for the crimes of which Schonacher and Wining were convicted. That would be a light sentence, but the judge gave them far less.

U.S. District Judge Dean Whipple ordered Schonacher to serve two years, which amounts to a minimum of 21 months in a federal prison. Wining got off even easier. The judge, noting that Wining has a mentally disabled son who requires constant care, ordered the con man to spend five years on probation.

Judge Whipple's leniency is appalling. It's no wonder some people have lost confidence in the justice system. An unemployed breadwinner could go to jail for writing bad checks to feed his kids. So could an uneducated kid who tries to earn money for child support by running street drugs.

But a James R. Wining can work several years setting up a scheme to rip off a major insurance company, paying himself $450,000 a year in money he had no right to lay his hands on. He and his partner can break the bonds of trust that are one of the strengths of American business. Then, when the law catches up with him, he avoids jail time by reminding the court of the obligations of parenthood.

These weren't small-time con men. They persuaded people who worked with them that they had millions of dollars in backing that they didn't have. Wining told a Mutual of Omaha subsidiary that he was a former deputy to the chairman of Lloyd's of London, which wasn't true. He and Schonacher diverted millions of dollars to new companies that they created in the Caribbean. In 1984, when Mutual grew suspicious and told them to stop accepting new business, they agreed to stop. But that was a lie, too. They continued to write new business.

Twenty-one months in prison for one of them. Five years on probation for the other. Whatever became of the idea that the punishment should fit the crime?

## PREVENTING DISCRIMINATION IN GROUP HEALTH PLANS

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. HUGHES. Mr. Speaker, today I am introducing legislation along with fifteen of my colleagues, to reverse the fifth circuit decision Greenberg versus H&H Music. In essence, the court ruled that an employer could amend or terminate a health plan at any time leaving employees at the risk of loosing health coverage when they are sick and most vulnerable. The Supreme Court's denial of certiorari on November 4, 1992 requires this body to act swiftly. Individuals must have confidence in our private health system and the Group Health Plan Nondiscrimination Act of 1993 will reaffirm the safeguards the drafters incorporated into ERISA 18 years ago.

According to the fifth circuit, ERISA currently allows for the retroactive reduction of benefits to take place. How tenuous has employer-provided health coverage become? Through creative plan design employers now place dollar caps or completely exclude certain diseases from coverage. By simply changing insurance carriers employees are dropped from coverage because of preexisting conditions. We understand employers' concerns about spiraling health care costs and the burden that places on the employer sponsored system but, we do not believe that ERISA was ever intended to sanction employers from reneging on promises made to their employees.

This legislation is very similar to H.R. 6147, a bill which I introduced in the 102d Congress. The new version has taken into account the many thoughtful opinions submitted from interested parties. I believe the changes that have been made have enhanced the clarity of the bill's intent.

This bill addresses the specific situation Dr. Frank Greenberg brought to my attention at a hearing of the Select Committee on Aging. He poignantly illustrated the discriminatory actions taken against Jack McGann, an employee of H&H Music Co. Mr. McGann was covered by a generous group health insurance plan. He, like most of us, felt protected by his employer's plan. Yet when Mr. McGann was diagnosed with AIDS and began submitting medical reimbursement forms for his treatment, his company reduced the lifetime coverage for AIDS-related disorders from $1 million to a mere $5,000.

The bill restores the intent that section 510 of ERISA applies to an individual's right for either pension or health benefits. By adding subsection (b) to 510 we have made explicitly clear that it is unlawful to discriminate based on benefit claims under group health plans. The triggering event, establishing an employers intent to discriminate, is a change in a plan that takes away coverage when an employee is being treated for a disease or medical condition previously covered by the plan. Changes made to eliminate or significantly reduce benefits for an individual who has become ill is prohibited under this section. The legislation continues to allow for prospective changes in benefit levels and incorporates clear notice requirements to employees concerning these material plan changes.

In addition, section 516 has been added to ERISA since no section adequately dealt with an employer's right to discriminate against certain diseases in designing health plans. This new section makes it unlawful to discriminate among lifetime benefit levels within a health plan and directly addresses the reduction in benefits Mr. McGann was forced to accept because he contracted AIDS. Public policy must dictate that plan sponsors should not offer more to their employees then they intend to deliver. Employees when accepting an offer of employment take into consideration not only the salary but also the health benefit package offered. Employers must take a realistic look upfront at what level of health benefits they can afford to offer and then stand by their promises.

This legislation should not be mistaken for our response to health care reform. But we cannot stand by and permit employers to pull the health care carpet from under the feet of their employees at the time they are most vulnerable and have nowhere else to turn. As we work with our new President to make health care available to all Americans we must not allow the unjust results of our current system to proliferate. Most people rely on ERISA to protect their basic civil right against discriminatory actions and their right to due process. We must work together to ensure that the promises made to American workers in ERISA are kept.

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Group Health Plan Nondiscrimination Act of 1993".

**SEC. 2. PROTECTION FROM INTERFERENCE WITH RIGHTS.**

Section 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1140) is amended—

(1) by inserting "(a) In General.—" after "Sec. 510."; and

(2) by adding at the end the following new subsection:

"(b) Discrimination Based on Benefit Claims under Group Health Plans.—

"(1) In general.—It shall be unlawful discrimination for purposes of subsection (a) to take any action to cancel or reduce a benefit of a participant or beneficiary under a group health plan (by plan amendment or plan termination, change in insured status of the plan, change of insurer under the plan, or any other means), if—

"(A) such action is specifically related to one or more particular diseases or medical conditions,

"(B) such participant or beneficiary is undergoing, at the time such action is taken, a course of treatment related to any such disease or medical condition, and

"(C) a valid claim under the plan reasonably related to such course of treatment has been submitted to the plan by or on behalf of such participant or beneficiary prior to the taking of such action.

"(2) Definitions.—For purposes of this subsection—

"(A) Group health plan.—The term 'group health plan' has the meaning provided in section 607(1).

"(B) Change in insured status.—The term 'change in insured status' of a plan means a change to self-insured status or a change in the extent to which benefits provided under the plan are provided under a contract or policy of insurance issued by an insurer under the plan.

"(C) Insurer.—The term 'insurer' under a plan means a person licensed by a State to engage in the business of insurance who provides benefits under the plan under a contract or policy of insurance issued by such person.

"(D) Valid claim.—The term 'valid claim' under a group health plan means a claim which, at the time of its submission by or on behalf of a participant or beneficiary, would have entitled the participant or beneficiary to benefits under the plan.".

**SEC. 3. NONDISCRIMINATION IN LIFETIME BENEFIT COVERAGE UNDER A GROUP HEALTH PLAN.**

(a) In General.—Part 5 of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

"NONDISCRIMINATION IN LIFETIME BENEFIT COVERAGE UNDER A GROUP HEALTH PLAN

"Sec. 516. (a) In General.—It shall be unlawful for a group health plan to discriminate among diseases or medical conditions with respect to levels of lifetime benefit coverage provided to similarly situated participants and beneficiaries under the plan. For purposes of this section, the term 'lifetime benefit coverage' provided to any participant or beneficiary under a plan means the maximum benefit available under the plan in the aggregate to such participant or beneficiary.

"(b) Limitation.—Subsections (a) shall not apply with respect to participants and their beneficiaries under a group health plan if the requirements of paragraph (1) or (2) are met as follows:

"(1) Collective bargaining.—The requirements of this paragraph are met if—

"(A) the participants consist of employees covered by a collective bargaining agreement between employee representatives and one or more employers,

"(B) there is evidence that benefits provided under the group health plan established or maintained pursuant to such collective bargaining agreement between such employee representatives and such employer or employers, and

"(C) the discrimination consists of a lack of uniformity based solely on—

"(i) variations in the required terms of the collective bargaining agreement as applied to separate geographically located facilities of the same employer, or

"(ii) different levels of contributions to such plan negotiated between such employee representatives and more than 1 employer, as set forth in applicable collective bargaining agreements.

"(2) Exemption procedure.—The requirements of this paragraph are met if the sponsor of such group health plan demonstrates to the Secretary by a preponderance of the evidence that such sponsor will be unable to continue such plan unless granted relief from the applicable requirements of subsection (a), pursuant to an exemption procedure which—

"(A) shall be established by the Secretary by regulation for purposes of this subsection, and

"(B) shall be subject to standards and procedures similar to those applicable under section 408(a) with respect to exemptions granted thereunder.".

"(b) Clerical Amendment.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.

"Sec. 516. Discrimination in lifetime benefit coverage under group health plan.".

**SEC. 4. REPORTING AND DISCLOSURE REQUIREMENTS.**

(a) Notice of Modifications and Changes.—Section 104(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)) is amended by adding at the end the following: "In the case of a group health plan (as defined in section 607(1)), the adoption of any material coverage restriction which constitutes such a modification in the terms of the plan (including the termination of the plan), or which is represented by any such change in the information required under section 102(b), may not take effect until 60 days after such a summary description of such modification or change is furnished to each participant and to each spouse thereof who is a beneficiary under the plan in language calculated to be easily understood by the typical participant or beneficiary. For purposes of the preceding sentence, the term 'material coverage restriction' means any change in the terms of a group health plan that results in elimination of, or increased restrictions on, any form of benefit coverage which was provided by the plan prior to the change, including, but not limited to, the establishment of, or increases in the amount of, deductibles or coinsurance payments required of participants and beneficiaries under the plan, except that the Secretary may by regulation exclude from such term any such change of a type which the Secretary finds to be de minimis.".

(b) Special Requirements for Self-Insured Plans.—Section 102(b) of such Act (29 U.S.C. 1022(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In the case of a self-insured group health plan, the plan description and summary plan description shall also contain a statement—

"(i) indicating that the plan is a self-insured group health plan and is not a policy of insurance,

"(ii) identifying the person who is responsible for claim determinations and processing, and

"(iii) indicating that the plan is not subject to State guarantee fund protection and that, if the plan does not pay all benefits for which participants or beneficiaries are eligible under the plan, responsibility for payment for medical care may to some extent remain with the participant or beneficiary.

"(B) For purposes of this paragraph—

"(i) The term 'group health plan' has the meaning provided in section 607(1).

"(ii) A group health plan is 'self-insured' unless all benefits provided under the plan are provided under a contract or policy of insurance issued by a person licensed by a State to engage in the business of insurance.".

**SEC. 5. LEGAL RELIEF FROM DAMAGES FOR INTERFERENCE WITH RIGHTS UNDER PLAN.**

(a) Damages.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following new paragraph:

"(4)(A) Any person who violates section 510 or 516 with respect to any participant or beneficiary under a group health plan shall be liable to such participant or beneficiary for actual damages. Subject to subparagraph (B), damages for such violation shall not include punitive damages.

"(B) In any case in which the violation constitutes willful, fraudulent, or malicious conduct, bad faith, or gross negligence, each person liable under subparagraph (A) may, in the court's discretion, be liable to such participant or beneficiary for exemplary damages equal to not more than the greater of—

"(i) 200 percent of the amount of actual damages awarded, or

"(ii) $10,000.

Any such exemplary damages shall be in addition to any actual damages under subparagraph (A).

"(C) For purposes of this paragraph, the term 'group health plan' has the meaning provided in section 607(1).".

(b) Attorney's Fees.—Section 502(g) of such Act (29 U.S.C. 1132(g)) is amended by adding at the end the following new paragraph:

"(3) In any action for damages under subsection (c)(4) in which the plaintiff prevails or substantially prevails, the court shall award the plaintiff reasonable attorney's fees and other costs of the action, including reasonable expert witness fees and costs, to be paid by the defendant. Fees awarded under this paragraph shall be at generally prevailing hourly rates.".

**SEC. 6. EFFECTIVE DATE.**

The amendments made by this Act shall apply with respect to changes in group health plan coverage adopted on or after February 4, 1993.

## TRIBUTE TO RALPH AND BARBARA VOORHEES

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. PALLONE. Mr. Speaker, on Thursday, February 25, 1993, the State Theatre in New Brunswick, NJ, will be the site for a concert gala in honor of Ralph and Barbara Voorhees. Mr. and Mrs. Voorhees are two of the most active and generous volunteers in the Middlesex County, NJ, community, devoting tremendous time, talent and boundless energy to the enrichment of the area. It is hard to imagine anyone in our community more deserving of this tribute than Mr. and Mrs. Voorhees.

Mr. Ralph Voorhees is a member of one of New Jersey's most distinguished families. He is a 1948 Phi Beta Kappa graduate of Rutgers University and the senior vice president for investments at Paine Webber. Currently, he serves the community as a member of the executive committee of the Rutgers University Foundation Board of Overseers, the University's Board of Trustees, the board of overseers of the Jane Voorhees Zimmerli Museum, Chairman of the New Brunswick Cultural Center and executive committee member of the Robert Woods Johnson University Hospital Foundation. He has also served as the chair of the Governors, Trustees and Overseers Gifts Committee for the Campaign for Rutgers, having exceeded his $5 million goal by almost 100 percent.

For the past 30 years, Mr. Voorhees has led numerous organizations—financial, cultural, political and social—giving fully of his time, energy and resources. He served as a councilman in Highland Park, NJ, his lifelong home town, and as chairman of the Highland Park democratic committee. He served as president of both the Middlesex County Family Counseling Service and United Community Service of Central Jersey, the parent organization of the United Fund.

As chairman of the New Brunswick Cultural Center, Inc., he helped that organization raise more than $2 million to renovate the old YMCA building to become the permanent home of the George Street Playhouse, and $5 million to purchase and refurbish the historic State Theatre as the centerpiece of a new center for the performing arts in downtown New Brunswick. He has been the recipient of numerous awards, including the Torch of Liberty Award from the Central New Jersey Society of Fellows of the Anti-Defamation League of B'nai B'rith, and the Presidential Recognition Award for Volunteerism, where he was one of the first 12 people honored by President Reagan.

Barbara Voorhees has also been extremely active in the community. She was a member of the board of trustees of the George Street Playhouse from 1977 to 1985, serving for 3 years as the theater's first board president. Along with her husband, she is a patron member of the Friends of the Zimmerli, a group of volunteers and art lovers who enhance the Jane Voorhees Museum by providing thought-provoking, stimulation and entertaining programs and special events for its members and the public, and to help with fundraising. As a member of the Friends, Mrs. Voorhees has served as a member of the board and was treasurer for 3 years. She has also been active with the YWCA in New Brunswick. In addition, she serves as a Special Assistant to the Honorable John Lynch, the Minority Leader of the New Jersey senate.

Ralph and Barbara Voorhees have four grown children.

Mr. Speaker, it is an honor and a privilege for me to pay tribute to these two distinguished members of the community in Central New Jersey.

## TRIBUTE TO ROBERT HAGER

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. CRAMER. Mr. Speaker, I rise today to pay a special tribute to Robert W. (Bob) Hager, a most distinguished citizen of Huntsville, AL, who is retiring as vice president-general manager of the Missiles & Space Division at the Boeing Co.

Responsible for all missile and space programs within the Boeing Co., Bob has worked on both strategic and tactical missile programs such as Minuteman, the Air Launched Cruise Missile [ALCM], Avenger, and the Non-Line Of Sight-Combined Arms [N–LOS/CA] weapon. His division is a key contractor for the Nation's Strategic Defense Initiative [SDI] programs, including the Lightweight Exo-Atmospheric Projectile [LEAP] program, Airborne Surveillance Testbed, and Free Electron Laser.

Bob has supervised Boeing's work as prime contractor for the man-rated elements of NASA's Space Station Freedom program, space transportation activities including the Boeing role in the National Launch System and the U.S. Air Force Inertial Upper Stage [IUS] program, and advanced design and development work in both the military and civil space arenas. Leading a diverse work force with major facilities in Huntsville, AL, and Kent, WA, he has served defense and space customers across the Nation. He was also responsible for Boeing petroleum reserve for the Department of Energy and supervised the Boeing Commercial Space Development Co.

Bob has made and will continue to make many contributions to business, education, and the quality of life in Huntsville and in the State of Alabama. He has served on the University of Alabama in Huntsville's Foundation Board of Trustees and on Oakwood College's President's Roundtable. He has served as chairman of the Definition Team for the Alabama Commission on Aerospace, Science and Industry, the Technical and Business Exhibition/Symposium [TABES], the Huntsville Alliance for Science Project [HASP], and the Business Council of Alabama. He has served on the Huntsville/Madison County Chamber of Commerce Board of Directors and Foundation Board, the city of Huntsville's Education Summit Committee and Vision 2000 Policy Board, the Huntsville Hospital Foundation's Board of Directors, the Botanical Gardens Advisory Council, and the U.S. Space and Rocket Center's Exhibits Committee.

Mr. Speaker, I commend Bob Hager for almost 40 years of dedicated service to the Boeing Co. and for his many contributions to our country's space program and to our community. He has been a good friend to me and to the Fifth District of Alabama. I am thankful that he and his wife, Peggy, will continue to call Huntsville home.

## LEGISLATION TO IMPROVE THE DISSEMINATION OF WEATHER AND CLIMATE INFORMATION TO AGRICULTURAL PRODUCERS

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. TRAFICANT. Mr. Speaker, I have introduced legislation today amend the National Agricultural Weather Information System Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers. I urge my colleagues to cosponsor this important legislation.

The 1990 farm bill established the National Agricultural Weather Information System under the U.S. Department of Agriculture aimed at meeting the weather and climate information needs to agricultural producers. I believe that the program is a good one because it allows for the collection and organization of weather information from universities, State programs, Federal agencies and the private weather consulting sector. Moreover, it provides funding for weather research programs.

However, it provides for the establishment of only 10 State agricultural weather information systems that are responsible for disseminating information to agricultural producers in those States. That leaves a large portion of this Nation's agricultural producers without any assistance.

My legislation fills in the gaps of the present law by requiring the Secretary of Agriculture to enter into an agreement with Secretary of Commerce to use Weather Service offices and distribute information aimed at meeting the short-term and long-term weather and climate information needs of agricultural producers. Each field office of the National Weather Service will be responsible for collecting and organizing information that will impact the region that it covers.

My legislation, then, specifically calls for the dissemination of information to agricultural producers in the region in the form of: First, a weekly publication containing weather forecasts and other information regarding anticipated temperatures and precipitation levels; second, toll-free and local telephone numbers that agricultural producers can call to obtain immediate information to assist with specific day-to-day production activities; and third, such other methods as the Secretaries consider to be appropriate to distribute weather and climate information in a timely manner.

My legislation, therefore, ensures that agricultural producers throughout the Nation are receiving comprehensive and timely information.

Not later than 1 year after the date of enactment, the legislation requires the Secretary of Agriculture and the Secretary of Commerce to jointly submit a report to Congress analyzing the effectiveness of the program in providing relevant weather and climate information to agricultural producers. The report shall include a description of the number of agricultural producers who obtained weather information through the project and an estimate of whether the project improved farm profitability for participating producers.

Weather information is central to agricultural producers across the Nation because variations in weather conditions cause huge losses in production. My legislation will increase farm profitability. Once again, I urge you to co-sponsor this important legislation.

## BAN ON AIDS INFECTED ALIENS IS APPROPRIATE

## HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. BEREUTER. Mr. Speaker, the AIDS virus has caused enormous devastation both in the United States and around the world. In Africa, in the Caribbean, and elsewhere, AIDS is devastating entire populations. It is a tragedy, and it is entirely appropriate that we have made combating the AIDS virus a priority of our foreign aid program. But permitting HIV-infected individuals to enter the United States as refugees is quite a different matter.

When President Clinton announced his intention to reverse the ban on AIDs victims entering the United States, while it is motivated by an understandable desire to alleviate the suffering of the 300 Haitians at Guantanamo Bay who are infected with HIV, will inevitably put additional Americans at risk. It will place additional strains on a health care system that is already terribly overburdened with American citizens suffering from HIV.

Mr. Speaker, an editorial in the February 14, 1993 edition of the Omaha World Herald correctly expressed concern over the policy implications of reversing the ban on HIV-infected aliens. This Member would urge his colleagues to carefully consider this insightful editorial.

DON'T LIFT BAN ON AIDS IMMIGRANTS

President Clinton seems determined to keep a campaign pledge he never should have made. He says he will lift the ban against AIDS-infected foreigners entering the United States.

Clinton is under pressure to take that action to help about 300 Haitian refugees, whom the U.S. government has determined to be in danger of political persecution if returned to Haiti. Most of them have AIDS or are infected with the HIV virus. They are currently waiting at the U.S. naval base at Guantanamo Bay, Cuba, caught between fear of reprisals in their own country and the U.S. government's ban on AIDS-infected immigrants.

Their plight is heart-rending. But it shouldn't be the basis for throwing open the door to everyone who might want to bring a case of AIDS to this country. The precedent of stopping carriers of infectious diseases at the border is well established. If that weren't sufficient reason to maintain the ban, America also has an obligation to its citizens and taxpayers to prevent exploitation of its welfare and Medicaid system.

Indeed, that is the same system that Clinton says is failing to provide a safety net for millions of Americans. Why, then, would he put it under increased stress? Why would he increase the pool of potential carriers?

## BOB MICHEL'S WORDS OF WISDOM

## HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SOLOMON. Mr. Speaker, on Wednesday night, February 17, Republican leader BOB MICHEL made the official Republican response to President Clinton's address to a joint session of Congress. I believe that our colleagues on both sides of the aisle should get the chance to read these wise and incisive remarks. At this point I wish to insert in the RECORD BOB MICHEL's speech:

Good evening, tonight you and I witnessed a colorful ritual—a new president of the United States addressing a joint session of Congress for the first time. The great Chamber of the House rang out with cheers for the President. It was, as always, a thrilling spectacle. But now the last echo of the final cheer has faded away. The ceremony is over. It's time to put aside the pomp and circumstance.

It's time to get to work for America. That's what I'd like to briefly visit with you about: how your government can work better for you. Don't worry: I have no props, no flipcharts, no pointer, no electronic gimmicks. I don't even have a 1-800 number for you to call. I'd just like to talk with you as though we were having a cup of coffee back in my hometown of Peoria. It is a chance to ask some questions about where our Nation is heading, the kinds of questions you might ask if you were here.

We Americans are a questioning people; it is part of our national character. In fact we may be the only Nation whose national anthem begins and ends with a question. So, in questioning the direction of the administration, we are acting in a great American tradition. All of us—Democrats, Republicans, Perot supporters, Independents—want our new president to succeed. We want to help him do the right thing. But the only way we can help him is by candidly letting him know how we feel about his announced policies.

Our new President has an excellent chance to be successful. Because of the leadership of Presidents Reagan and Bush, our Nation does not face a nuclear threat. President Bush handed over to the President an economy that is growing, not shrinking, and a rate of worker productivity that is rising, not falling. As a matter of fact, the past 12 years of Republican leadership have built a strong foundation for progress. We agree with the President that we have to put more people to work, but remember: 80% to 85% of the new jobs in this country are created by small business.

So the climate for starting and expanding businesses must be enhanced with tax incentives and deregulation, rather than imposing higher taxes and more governmental mandates. The President speaks of the half-million new jobs that will be created by his economic stimulus program. But, there are estimates that doing it his way will cost taxpayers some $55 thousand per job. It should be noted that last year alone the private sector created a million-and-a-half new jobs on its own. We have to make certain that government action helps, not hinders, the growing economy.

After listening to the President tonight, do you know what the President's long-range economic strategy is? I don't—and, I must say, I wonder if he does. All we are certain of is that the administration is engaged in a media blitz to "sell" his program. The President offers us what he calls a "New Direction". But where he seems to be going is "Back to the Future"—back to the failed Big government schemes of a generation ago. That is not the direction we should be going. The Clinton spin-doctors have even given us a new political vocabulary:

"Investment" now means Big Government spending your tax dollars. "Change" now means reviving old, discredited Big Government tax-and-spend schemes. "Patriotism" now means agreeing with the Clinton program. The powerful, evocative word, "sacrifice" has been reduced to the level of a bumper sticker slogan. And, my favorite—"contribution"—is now the new word for "taxes". On April 15, just try telling the Internal Revenue Service you don't feel like "contributing" this year.

The administration is about to launch the biggest propaganda campaign in recent political history. The White House is even now becoming one big partisan political megaphone. But public relations campaigns are no substitute for sound public policy. Tonight the President mentioned a number of new programs that inevitably will cost considerable sums of money. Laudable as they might be, how do we pay for them? The President's answer is: more taxes on everyone. In 1992, candidate Clinton said: tax only the super-rich.

In 1993, President Clinton now says: if you earn more than $30,000, your taxes are going up. So much for not taxing the middle class. The American people would do well to remember: when you hear a Democrat call for taxes, do not ask for whom the tax rises—it will rise for you. There are those who say some taxes are a necessary evil. The difference is that Democrats stress the word "necessary" and Republicans stress the word "evil".

The President was short on specifics again tonight—probably because he keeps juggling the figures. He offers no bench-marks, no coherent economic principles by which to judge what it is he is hoping to achieve. These fragmented, ad-hoc proposals are the kind of thing that might be excused in the heat of a campaign. But, Mr. President, the campaign is over. You won. The time has come to park the bus and start the hard work of governing.

And one of the hardest parts of that work is the vital question of health care reform.

Will there be rationing of care? Will there be job-destroying mandates on employers? Republicans believe in: Your right to select the doctor of your choice. Your right to immediate care without long waiting lines. And preserving the best of what our health care system has to offer.

Does the administration share these principles? As I said, these are some of the questions we have to ask. The answers we get will determine the kind of future we will have. And we Republicans are here to ask the tough questions, cut through the rhetoric, and get the job done. But we do need your help. My father, a French immigrant, used to tell me: that it's better to listen 90% of the time—for that leaves you only 10% for talking.

Throughout my life in public service, I've tried to take his advice. And I know my party is listening to your voice, because we share your basic principles. Our Republican governors, our state legislators, our local elected officials, and of course, those of us in the United States House and Senate are all part of the same team. We owe it to you to make clear the ideas at the heart of our policies. And here are a few: We Republicans, and I think it's fair to say a great body of Perot supporters, insist on cutting spending as the best way to real deficit reduction. We'd like to support the President on an honest line-item veto that applies not only to pork barrel spending but to special interests tax loopholes. We will continue to press for a balanced budget amendment.

We want to help President Clinton in his efforts to spur savings and investments. We hope he will strive to maintain the current low rates of interest and inflation he inherited from George Bush. And let's not forget we still live in a tough and often brutal world.

Our national destiny is linked to our ability to compete in a global economy and to defend our interests and our values around the world. That's why we need to maintain a strong defense and stay on the cutting edge of high technology. I'd like to address a few closing comments directly to the President. Mr. President, we wish you well. President Reagan and President Bush have given you a solid foundation of peace and a growing economy on which to build. You have a wonderful opportunity to succeed.

When your domestic programs and policies are based on sound economic principles, common sense, and traditional American values, we Republicans will be with you. When your foreign policy is based on defending American interests and American values first and foremost, we will be with you. But when those great values are missing from your proposals, we Republicans will be there to ask the tough questions and to provide effective answers. To all of you. Thanks for listening.

As the "designated Republican questioner" tonight, I know I speak for all elected Republicans, among our governors, within the state legislatures and in the U.S. House and Senate, when I say: In the months ahead we will be visiting with you—whether the issue is health care, crime, education or the economy. We will be listening and ready to react to your concerns. Make your voice count—You can make a difference. Thank you * * * and have a good evening.

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## THE HIGH PRICE OF PRESCRIPTION DRUGS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. STARK. Mr. Speaker, the pharmaceutical industry exists amid a world of secrecy and false truths. The following experts from the Philadelphia Inquirer series on prescription drugs highlight the pharmaceutical industry's practice of disinformation.

[From the Philadelphia Inquirer, Dec. 13, 1992]

PHARMACEUTICALS HUSHED ABOUT R&D EXPENDITURES; FIFTY PERCENT OF DRUG COSTS REFLECT WHAT INVESTORS COULD HAVE MADE SOMEWHERE ELSE!

Drug company executives don't talk much about how they arrive at a price of a drug. * * *

Time and again, government researchers have tried to find out.

The General Accounting Office ran into a wall of silence this year when it undertook a study of drug-price inflation. * * *

The Office of Technology Assessment also had to do without specific R&D costs in its preparation of a massive study on pharmaceutical R&D to be released soon. A draft of the agency's report said drug companies "have demonstrated a willingness to actively resist providing access to congressional agencies to this proprietary data."

One of the few breakdowns of drug costs by an independent researcher was done three years ago by [Dr. Steve] Schondelmeyer, the University of Minnesota economist who is an expert in the drug industry and a pharmacist. He says that about 22 percent of a drug's cost goes for marketing and about 16 percent for R&D.

As for the $231 million research figure, it not only includes direct development costs but also the cost of money—money the investor could expect to earn elsewhere during the time it takes to develop a drug. That amounts to $117 million—a little more than half the total.

[From the Philadelphia Inquirer, Dec. 15, 1992]

PHARMACEUTICAL MANUFACTURERS PROFIT FROM SECRET DEALS

The buyer of prescription drugs has few ways to comparison shop, unlike the case with most consumer products.

Drug firms often require big customers to sign confidential agreements not to divulge the price, said John Coster, a staff member of the senate special Committee on Aging.

It's not just the legal threat that keeps customers quiet, Schondelmeyer said, but also the concern they could lose their favored prices.

Secrecy makes it that much harder for large and small buyers to ferret out the best deal.

"If more people knew how inexpensively these medications could be made and how cheaply they are sold to other segments of the market or other parts of the world, they would be up in arms," said Tom Snedden, director of Pennsylvania's prescription drug program for low-income older people.

Manufacturers' agreements deter their customers from talking about their prices, Schondelmeyer said.

"The industry will go to all extremes to protect this uncompetitive side of the market," Coster said at a health-care conference in February organized by the Wharton School of the University of Pennsylvania. "They do not want any semblance of competition from breaking down the insulated market structures [they have] created in the retail marketplace.

"This is the side of the market in which competition must be stimulated if we are to have any hope of controlling the cost of pharmaceuticals. But history shows that it will be difficult to do without some form of government intervention."

[From the Philadelphia Inquirer, Dec. 14, 1992]

UNACCEPTABLE DRUG ADVERTISING

As a senior regulatory review officer for the U.S. Food and Drug Administration, David Banks bird-dogged drug companies—poring over advertisements, screening television spots and ferreting our underhanded promotional tactics.

He helped uncover misleading information distributed by a company suggesting that an arthritis medicine might also prevent joint degeneration. He stopped another company from distributing promotional material disguised as a medical publication.

"The pharmaceutical industry undertakes many, many drug promotional activities that appear to be anything but drug promotion," Banks said.

The disguises are many, he said:

A drug company may write an article about a medicine, find a physician willing to accept authorship and find a medical journal to publish it.

A drug company may subsidize a doctor who lectures at medical conferences through an 'educational grant.' The physician is chosen because he or she is known to favor a particular drug.

A drug company may pay physicians to test a new medicine on patients. It is called a post-marketing drug study but serves as an incentive for the doctor to prescribe the medicine.

As for the reliability of print advertising, 60 percent of drug ads in medical journals reviewed were rated 'poor or unacceptable' in a 1992 study prepared for the Inspector General's office of the U.S. Department of Health and Human Services.

Banks said the entangled relationship between the industry and medical community leads to misleading information.

Drug company financial relationships with the research and physician communities have become so widespread, and drug company control over public discussions of drug therapy so pervasive, that literally any public discussion of drugs should be considered potentially subject to drug company bias, [Banks] said.

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## THEODORE YOUNGBLOOD—PATRIOT AND LEADER

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. PICKLE. Mr. Speaker, I rise today in order to honor an old and cherished friend, Mr. Theodore Roosevelt Youngblood. Mr. Youngblood was a friend and confidant of President Lyndon Baines Johnson and many of our State political and business leaders.

Mr. Youngblood was born on January 8, 1903, to the late James Edward and Willie

Youngblood in Coolidge, TX, near Mexia. He and his twin brother, Booker T., became the 6th and 7th children in a family of 12.

He received his Bachelor of Arts degree in history from Samuel Huston College in 1927. Following his graduation he was married to Miss Jewel Deems, who preceded him in death. Two sons were born of this union, Dr. Theodore R. Youngblood Jr., and Alvin Lee Youngblood.

On May 7, 1948, Mr. Youngblood was married to Miss Latatlion Richard, a relationship that lasted for 44 years and 9 months.

Mr. Youngblood was employed for many years as Maitre d' of the historic Austin and Driskill Hotels. It was here that I first met this upstanding gentleman. Mr. Youngblood had a strong sense of duty to his customers and had a way of instilling pride in everyone who was associated with him. I remember the way that he used to bring in boys and make them gentlemen. He constantly stressed perfection in both dress and manner. Mr. Youngblood received several awards and honors for the quality of his work and his commitment to community service. During his life he was honored by Phi Beta Sigma Fraternity, Wesley United Methodist Church, National Conference of Christians and Jews, Metropolitan A.M.E. Church, Sunshine Benevolent Club, and Top Ladies of Distinction, Inc.

He was a leader in the Austin community and a valuable asset to its people. While remaining devoted to his work, he also found the time to take part in numerous community service organizations. As a charter member of Phi Beta Sigma Fraternity he served as its president on several occasions. He has also been chairman of the local United Negro College Fund drive, treasurer of the Salina Senior Citizens Board, and a member for over 20 years on the Austin City Planning Commission.

Last Monday an overflowing crowd of friends and neighbors paid their final respects at the Wesley United Methodist Church. The Reverend Freddie B. Dixon, Dr. Charles Akins, Mrs. Hazel Coffman, Mr. George Purnell, Dr. E. Marie Gilbert, Mrs. Vivien C. Richard, Reverend Raphael Smith, Dr. Marvin C. Griffin, and Dr. James D. Foy and Congressman JAKE PICKLE paid heartfelt tributes to Mr. Youngblood.

Mr. Speaker, it is the people like Theodore Youngblood and all the countless millions of other hard-working, dedicated Americans who make this Nation great. They go about their day-to-day lives with quiet dignity and determination; and, by both direct action and example, they bring America closer to the ideal of true unity.

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## THE MINOR CROP PROTECTION ASSISTANCE ACT OF 1993

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DE LA GARZA. Mr. Speaker, today I am introducing two measures intended to provide the means for revising the Nation's food safety laws to ensure that all Americans can continue to have the safe, affordable, and healthful food supply which they have come to expect from American farmers.

#### REAUTHORIZATION OF FIFRA

The first bill would simply reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]—the law which governs the registration and use of pesticides in the United States. I am joined in introducing this measure by the Honorable PAT ROBERTS, the ranking member of the Committee on Agriculture, and by the Honorable CHARLES STENHOLM and the Honorable ROBERT SMITH, the chairman and ranking member, respectively, of the Agriculture Subcommittee that will be dealing with pesticide and food safety issues this Congress.

The authorization for appropriations for FIFRA expired at the end of fiscal year 1991. However, the Committee on Appropriations has seen fit to continue funding the activities and programs under FIFRA for each of the fiscal years since.

Reauthorization of FIFRA is important. But, so too, are improvements in the food safety laws—both FIFRA and the Federal Food, Drug, and Cosmetic Act [FFDCA]—that govern the safety of our food supply.

We are introducing this measure simply to provide the framework for making improvements in FIFRA. Food safety and pesticides have been the subject of extensive hearings and debate in recent years. The Committee on Agriculture began the process of developing amendments to FIFRA last year to make changes in the way in which pesticides are registered and used. However, we were unsuccessful in completing action on this measure prior to adjournment of the Congress.

This year, using the simple reauthorization bill we are introducing today, we hope to begin again the process of revising FIFRA to make needed improvements. This bill will serve as the vehicle for constructing a package of amendments to FIFRA that will help to reaffirm the public's confidence in the safety of America's food supply.

#### MINOR CROP PROTECTION ASSISTANCE ACT

One of the changes that is needed in current pesticide programs and law is the manner in which so-called minor crops are dealt with by EPA and USDA.

Minor crops are fruits, vegetables and other crops which are produced on less than 300,000 acres each a year. While these crops account for less than 2 percent of all the acreage planted in the United States annually, minor crops are not insignificant. So-called minor crops are a major contributor to the agricultural economy of many States and, more importantly, they are a major and vital part of the human diet.

Developing and registering pesticides for crop protection can be expensive. A complete data set—the information on the safety of the product, and its possible effect on consumers, workers, and the environment—can cost millions of dollars to prepare. Residue data alone for a crop can cost more than $100,000.

Pesticide manufacturers are shying away from investing in the research and development of products that are intended for use on minor crops because of their limited market.

Nor is this problem always limited to the minor crops. It is also happening to some pesticides intended for use on major crops—such as wheat, corn, soybeans, and cotton—where a pest problem is not widespread and the potential market for the product is relatively small.

Reregistering a product that is currently registered for use on minor crops is also costly. The 1988 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] required EPA to initiate a process to update the registrations of pesticides that had been registered prior to November 1, 1984. As a result of this process, registrants must update the data supporting their registrations, and, where this information is lacking, perform new studies, or gather new data to fill the data gaps.

When companies weigh the costs of developing this new data versus the potential profits from minor crop pesticide sales, some are deciding to voluntarily cancel the registration rather than seek renewal.

Mr. Speaker, minor crop pesticides are important to agricultural production in all 50 States. These pest management tools are particularly vital to the continued production of fruits and vegetables. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems currently in place to control agricultural pests in an environmentally prudent manner.

Today, I am joined by several of my House colleagues in introducing the Minor Crop Protection Assistance Act, to help maintain minor use pesticide registrations. The bill is intended to maintain minor use registrations in a way that does not compromise the health and safety standards for farmworkers, consumers, and the environment currently in place under FIFRA. As a result of discussions with agricultural interests and representatives of consumer and environmental groups, the bill has been modified to ensure that it will not significantly disrupt the schedule for registering pesticides as required by the 1988 amendments to FIFRA.

Our proposal is designed to provide a number of options to EPA for registering existing pesticides and promoting new minor use registrations. These options include: Waive certain data requirements if the pesticide's use does not present an unreasonable risk to human health or the environment; grant extensions for developing data in certain cases; require the expedited review of applications for registration for minor uses, and permit the use of data from an identical or substantially similar pesticide whose registration has been allowed to lapse for economic reasons.

In no instance would these mechanisms be used if EPA's Administrator has determined that the pesticide poses an unreasonable adverse risk to human health or the environment, or where the missing data are essential for making such a determination.

Members of the House should be aware that the Committee on Agriculture is preparing to grapple with the difficult issues associated with pesticide regulation and use. Our Subcommittee on Department Operations and Nutrition, under the able leadership of Subcommittee Chairman CHARLIE STENHOLM, will be holding extensive hearings on food safety and pesticide issues in preparation for subcommittee markup later this year.

The Minor Crop Protection Assistance Act addresses an important issue in this debate. However, I recognize that other improvements in the regulation and use of pesticides, particularly for minor crops, are needed.

According to the findings of a GAO study I requested, the management of the Department's IR–4 Program needs improvement. IR–4 can be a useful tool in securing and maintaining pesticide registrations for minor crop uses. Unfortunately, the IR–4 Program has suffered from a lack of resources and leadership to date.

USDA also needs to establish a more effective system for providing advance warning to producers of changes in the availability of pest control chemicals due to registration decisions by EPA and pesticide registrants. In addition, USDA has been slow to investigate and identify alternative pest control strategies which place less reliance on chemical approaches such as IPM strategies. This situation must change.

I look forward to working with Mr. STENHOLM and the other members of the committee in addressing these and other pesticide issues this year.

Mr. Speaker, I want to thank the Minor Crop Farmers Alliance and their many members from the ranks of individual agricultural producers, their commodity organizations, and other farm groups for their help and support in drafting this important legislation.

### SECTION BY SECTION SUMMARY: MINOR CROP PROTECTION ASSISTANCE ACT OF 1993

#### SECTION 1

Short Title.

#### SECTION 2(A). DEFINITIONS OF MINOR USE

Defines the term "minor use" as the use of a pesticide on a animal, on a commercial agricultural crop or site or for the protection of public health where the use does not provide sufficient economic incentive to support the initial registration or continuing registration, and if the use has not been determined to pose an unreasonable risk to human health or the environment.

#### SECTION 2(B). EXCLUSIVE DATE USE

Provides 190 years of protection for registration data submitted after the date of enactment of this bill that relates solely to the registration of a minor use.

#### SECTION 2(C). TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA

Requires the Administrator to extend the deadlines by 2 years for the submission of residue chemistry data to support a minor use registration if adequate data has been or is being submitted to support other uses of the pesticide, if the registrant submits a satisfactory data production schedule and if the Administrator has determined that the extension will not significantly delay RED schedule. However, the Administrator is prohibited from extending the deadline if the Administrator determines that the minor use may pose unreasonable adverse effects during the extension period or that available data is insufficient to determine the risk associated with such minor use.

#### SECTION 2(D). MINOR USE WAIVER

Allows the EPA Administrator to waive certain data requirements for a minor use only if the Administrator determines that the absence of such data will not prevent the Administrator from determining the incremental risk presented by the minor use of the pesticide, and that such risk, if any, would not be an unreasonable adverse effect on the environment.

#### SECTION 2(E). EXPEDITING MINOR USE REGISTRATIONS

Requires the Administrator to complete the review of applications for registrations of certain minor uses within 6 months. Also, preserves the full time period for submitting data if a data waiver that is submitted in good faith is denied.

#### SECTION 2 (F) AND (G). CONDITIONAL REGISTRATION FOR MINOR USE

Directs the Administrator to provide conditional amendments to pesticide registrations and conditional registrations to permit additional minor uses of certain pesticides, provided such uses do not significantly increase any risks associated with the pesticide.

#### SECTION 2(H). TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES

Temporarily prohibits the Administrator from taking any action with regard to suspending or cancelling an unsupported minor use of a pesticide for failure to submit data until the final deadline for submitting data with respect to other uses of the pesticide that the registrant is supporting (and providing data for).

#### SECTION 2(I). UTILIZATION OF DATA FOR VOLUNTARILY CANCELLED CHEMICALS

Allows EPA to utilize data from an identical or substantially similar pesticide that has been voluntarily cancelled for economic reasons within 2 years to support the registration of an identical or substantially similar minor use.

#### SECTION 2(J). ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM

Directs EPA to establish a minor use program within the Office of Pesticide Programs to coordinate minor use issues.

#### SECTION 2(K). DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM

Directs USDA to coordinate its responsibility by establishing a minor use program. Also, authorizes the establishment of a minor use matching fund to help ensure the continued availability of minor use chemicals.

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## INTRODUCTION OF LEGISLATION REGARDING SURVIVOR ANNUITIES

## HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to provide for the payment of retirement and survivor annuities to, and improve access to health insurance for, certain ex-spouses of employees of the Central Intelligence Agency. This bill recognizes the contributions made by these individuals to the Central Intelligence Agency and provides much needed retirement security. Except for updating and technical drafting changes, this bill is identical to title I of H.R. 5651, a bill I introduced last year which was included in the vetoed Revenue Act of 1992.

Throughout the 1980's, Congress enacted a series of legislation to provide greater retirement equity for the spouses of Federal Government employees. The CIA Spouses' Retirement Equity Act of 1982 provided that qualified former spouses of CIA officers would presumptively receive upon divorce a pro rata share of the officer's retirement benefits, up to 50 percent, based on the length of the marriage during the period of Agency service prior to divorce. The qualified former spouse would also be awarded a similar share of the officer's survivorship benefits. These presumptive amounts could be adjusted by court order or spousal agreement.

This right, which is substantially the same as that provided to similarly situated former spouses of foreign service officers, has been extremely important for the financial security of older women facing divorce from clandestine officers of the CIA. We are all now well aware of how difficult it has been for most women to secure an equitable division of marital assets upon divorce, and the financial deprivation that usually results. These difficulties were compounded for CIA spouses who were unable to reveal in open court the basic details of their personal circumstances.

Under the 1982 law, unfortunately, in order to qualify as a CIA "former spouse," an individual not only had to have been married to a CIA employee during at least 10 years of the employee's creditable service, but 5 years had to have been spent outside the United States by both marriage partners.

The Subcommittee on Legislation of the Permanent Select Committee on Intelligence, which I chaired in the last Congress, became aware that the 5-year overseas rule for the non-CIA spouse disqualified from retirement and survivorship benefits many former spouses whose sacrifices for family and country were as great as those of the former spouses who met the requirement of the rule. These women also provided great support to their husbands and to the Agency by maintaining cover, accepting frequent transfers, and participating in service-related activities. They bore all family responsibilities stateside alone while the officer served overseas and agreed to the extra demands on family income of maintaining two households. Like other CIA spouses, they found employment opportunities, when not precluded by the nature of the officer's work, to be very limited, and they too experienced the stress of living with secrecy and the fear for the physical safety of their partners. The subcommittee found that these women were in some cases prevented from meeting the 5 years' overseas rule by days because they were not allowed by the Agency to accompany the officers to war zone assignments or because they needed to bring a sick child back to the United States for medical care.

Congress in 1991 repealed the 5-year overseas rule for former spouses divorced after December 4, 1991. My bill today addresses the plight of a relatively small number of individuals divorced before the repeal. It enables them to receive on a prospective basis retirement and survivor benefits equivalent to the amount they would have presumptively been awarded, provided they meet the other former spouse requirements. In addition, these individuals will be allowed to purchase Federal health insurance benefits on the same terms available to other CIA former spouses.

Mr. Speaker, the tales of some of the women who will benefit from this legislation have been shared with me, and they are heartrending. We are talking about people who were—and are—every bit as dedicated to the highest ideals of the Central Intelligence Agency as anyone employed there, but who have paid great costs financially and emotionally for their service.

As chair of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence in the 102d Congress, I was frustrated by our inability to extend former spouse legislation to spouses who had not met the 5-year overseas rule, even though the concept itself was not objected to by the Central Intelligence Agency or by the leadership of the Intelligence Committee. In fact, since the enactment of the Central Intelligence Agency Former Spouses' Retirement Equity Act of 1982, the Congress on three occasions has enacted legislation to address the needs of qualified former spouses where divorce or retirement had taken place prior to the effective date of the act.

I made it clear during my tenure on the Intelligence Committee that I would continue to work to extend former spouse legislation. Although my tenure on the committee is over, I look forward to working with the members of that panel to see that this legislation is enacted this year.

## SEVENTH ANNUAL BLACK ENGINEERS OF THE YEAR AWARDS

## HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. MFUME. Mr. Speaker, today I rise to pay tribute to the Seventh Annual Black Engineer of the Year Awards. On February 20, 1993, the Black Engineers of the Year Awards Conference will take place in Baltimore, MD. The conference is held in order to recognize significant contributions that black engineers have made to this ever-challenging profession.

The conference is held during Black History Month and the annual awards will recognize, as well as document, the contributions of blacks in education, science, engineering, and technology. Such recognition can also inspire and direct more students toward a career in the exciting field of engineering.

Mr. Speaker, Career Communications Group, Inc. and its president and chief executive officer [CEO], Tyrone Taborn, should be commended for their steadfast support of America's black engineers and for its fine publishing of U.S. Black Engineer magazine.

Career Communications Group along with Mobil Corp., the Council of Engineering Deans of Historically Black Colleges and Universities, and the 1993 selection committee are proud to announce this year's conference award honorees of 1993:

Black engineer of the year, Dr. James Mitchell, outstanding technical achievement-industry, Jonathan Abrokwah, professional achievement, Carserio Doyle, professional achievement, Wilbert Copeland, affirmative action, Christine Stubbs, outstanding business support, Daniel Gill, community service, Mark Thomas, most promising engineer, Stephanie Cole. Most promising engineer, Dr. Peter J. Delfyett, student leadership, Shawn Emerson, lifetime achievement, Dr. Robert Shumey, dean's award, Dr. Paul T. Bailey, president's award, Doris Hollingsworth-Gray, outstanding achievement government, Arthur Willoughby, outstanding achievement government, Cmdr. William Bundy, education, Dr. Melvin Ramey.

I congratulate the 1993 awardees and the conference hosts for what promises to be another successful event.

## LEGISLATION REGARDING NOTIFICATION OF NEXT OF KIN

## HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. GOODLING. Mr. Speaker, I regret to say there is no consistent policy regarding the notification of next of kin in cases of death. Unfortunately, there exist some local officials who do not succeed in locating a deceased person's next of kin for one reason or another. As you can imagine, this is very unpleasant for a family in this situation.

The issue was brought to my attention by a family who lives in my district. A family had a son who had run off on his own from their home in York, PA, and finally resided in another State. The son died later of natural cause, and although the local medical examiner's office attempted to locate an uncle, whom he had listed as next of kin, it was not successful in locating the uncle and made no attempt to locate the family. After searching on their own, the parents finally found out 3 years later their son had died. This is clearly a tragic situation which no family should have to endure.

Today, I introduced a resolution expressing the sense of Congress that medical examiners and coroners should make reasonable, good faith efforts to locate the next of kin of deceased individuals, and that States should develop such procedures.

Such guidelines might include:

At the place of death and current residence—house, nursing home, and so forth—check for personal papers, phonelists, letters, and so forth.

Check for a will or insurance policies;

Check for hospitals for previous admissions;

Check telephone directories;

Check city directories;

Check with police agencies;

Contact banks, and financial institutions for possible accounts with beneficiary.

Contact veterans assistance;

Contact Social Security Administration;

Contact neighbors;

Place notice in newspapers and electronic media;

Contact FBI for fingerprints;

Contact place of employment;

Check with registrar for deaths of same name;

If place of birth is known, check with local registrar, police, hospitals;

Use police telenetwork; and

Check with secretary of States office.

Federal agencies and departments, such as the Social Security Administration and the Department of Veterans Affairs, should cooperate with local officials in these efforts.

I am very pleased that my legislation has been endorsed by the Pennsylvania State Coroner's Association. Through our efforts, I hope these guidelines will assist local medical examiners and coroners in locating the next of kin of deceased individuals in a timely manner so that no families will have to endure the trial and heartache of one family in my district. I would urge my colleagues to cosponsor this resolution.

## TRIBUTE TO EDWARD E. COBB

## HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. CRAMER. Mr. Speaker, I rise today to pay a special tribute to Edward E. Cobb who is retiring as chief executive officer of Huntsville Utilities after 28 years of service.

Faced with the challenge of providing service to the seventh-fastest growing city in the United States, Mr. Cobb has maintained a financially stable utility with no major rate increases. Boasting some of the lowest rates in the country, Huntsville Utilities under Mr. Cobb's management has aided in attracting the industry responsible for Huntsville's booming growth. With 40,000 customers when Mr. Cobb began managing the utility in 1964, Huntsville Utilities has grown to serve more than 106,000 customers today.

Customer satisfaction and confidence in Huntsville Utilities has prevailed throughout Mr. Cobb's tenure due to his commitment to keep the public informed on changes taking place in the utility industry. During the energy crisis of the late 1970's, Mr. Cobb responded by implementing an energy conservation program, including home energy audits, low-interest loans for customer weatherization work, public hearings, and media appearances to discuss issues and listen to concerns.

Throughout his administration, Mr. Cobb has frequently attended Huntsville City Council and Madison County Commission meetings to address public officials' and customers' concerns. He has worked with the Tennessee Valley Authority on mutual problem areas such as rates, environmental regulations, energy conservation, and nuclear generation. He has testified to the Senate Public Works Committee in Washington on behalf of the power distributors in the Tennessee Valley.

Edward Cobb has been deeply committed to continuing educational programs for employees, streamlining departments to better serve the customer, and constant upgrading of equipment. The community especially appreciated that commitment to premium service when, hit by a devastating tornado in November 1989, power was restored quickly due to the utility's new SCADA [supervisory control and data acquisition] system and dedicated, well-trained employees.

Mr. Speaker, I rise today out of a great respect for Edward Cobb, a definite driving force in the utility industry. He has been a priceless asset to Huntsville Utilities and will continue to be a valuable citizen of the Fifth District of

Alabama. I congratulate him for an incredible career spanning 40 years. His accomplishments have not only refurbished the utility industry, but have helped transform Huntsville, AL, into the community it is today.

## WHAT A DIFFERENCE A FEW MONTHS MAKE

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. GALLO. Mr. Speaker, what a difference a few months make. Before becoming President, Bill Clinton made two basic promises to the American people: deficit reduction and a middle-class tax cut.

Instead of delivering on these promises, President Clinton is proposing to tax everyone and to continue to allow the majority in Congress to spend more than we have.

If President Clinton's proposal is enacted, we are looking at the largest tax increase this country has every seen—$328 billion in new taxes—at a time when the recovery is just getting under way.

Candidate Clinton said he would tax only the rich. But, just as New Jersey Gov. Jim Florio did 3 years ago, President Clinton keeps changing the definition of who he considers to be rich. He started out talking about millionaires. Then he drew the line at $200,000 in income per family. Now he has dropped that to a family earning $100,000.

New Jersey is still recovering from the largest tax increase in our State's history.

Among the broad range of new taxes being proposed by President Clinton is an energy tax that will cost New Jersey residents and businesses more than $2.5 billion over the next 5 years. The minimum cost of the energy tax to the average New Jersey family will be $240 in the coming year.

President Clinton proposes $21 billion in new taxes on senior citizens collecting Social Security and $55 billion of cuts in Medicare which will cost New Jersey residents $500 million a year.

All of these tax proposals will have a disproportionate, negative impact on New Jersey. To raise Federal taxes at this stage of the recovery is a very dangerous move.

Economic recovery in 1993 means putting Americans back to work, and I have never known a tax increase that creates jobs. First and foremost, I want to hear what the President plans to do about creating real, private sector jobs. Not temporary or make work government jobs.

Before he was elected, he talked about creating investment incentives for the private sector. Now he is talking about higher business taxes and bigger government programs.

In addition to proposing record tax increases, the very first piece of legislation that Congress will consider as a result of President Clinton's speech will be $31 billion in new spending at a time when we should be cutting spending and reducing the deficit.

I don't have to look very far to see the parallels between what President Clinton is proposing and what Governor Florio did during his first year in office.

If the President does for America what our Governor has done for New Jersey, we are in for a very rough time.

Mr. Speaker, I believe the American people are willing to contribute to our national recovery over the long haul, but not when they feel they will be shouldering an unfair portion of the burden.

In spite of the President's assurances, I am very fearful that we are headed in the wrong direction.

## TRIBUTE TO LOCKHEED CREW MEMBERS

### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DARDEN. Mr. Speaker, Lockheed Aeronautical Systems Co., one of our Nation's leading defense contractors, has experienced a terrible tragedy at its home base in Marietta, GA.

On February 3, the company's high technology test bed aircraft crashed at Dobbins Air Reserve Base in Marietta during engineering tests, killing all seven Lockheed crew members aboard. I rise today to honor their memory.

While finding comfort in tragedy is always difficult, it is important to know that these individuals were of the finest in their field and dedicated to advancing and improving aviation technology.

The experimental aircraft had been used by Lockheed as an engineering test platform for aeronautical research since 1984. The results of the tests being performed on the plane were to be applied to research being done on aircraft of the future with advanced systems such as engines, avionics, and flight controls.

Lockheed is renowned for its commitment to excellence in manufacturing quality aircraft. On April 23, 1991, Lockheed was awarded the Department of Defense contract to build the F-22 advanced tactical fighter, the next generation air superiority fighter, and engineering and manufacturing development work currently is under way on this project. Production work continues on the C-130 aircraft, the workhorse of our Armed Forces airlift fleet. Lockheed also is responsible for giving us the C-5A, C-5B, and C-141 aircraft which performed so magnificently in the Persian Gulf war.

Each member of the crew of the high technology test bed aircraft had made significant contributions to the advancement of aviation technology at Lockheed. I am certain they will be missed personally and professionally. At this time, I would like to share with my colleagues a brief account of each individual's career and family.

Olin L. "Oakie" Bankhead, Jr., 49, was born in Hamlet, NC. He received a bachelor's degree in education from North Carolina State University in 1966 and served in the U.S. Air Force as a tactical airlift pilot for 20 years. He flew C-130's during his Air Force career and served in Vietnam. He was hired at Lockheed in August 1986 to work in flying operations where he was a senior pilot.

Mr. Bankhead's survivors include his wife, Jeannie; daughter, Kelly; and son, Olin. He lived in Marietta.

Troy Cleveland Castona, 33, was born in Marietta. He received a bachelor's degree in mechanical engineering from Southern College of Technology in 1983. A flight test engineer, he was originally hired at Lockheed in 1980 as an engineering co-op student. A bachelor, he lived in Smyrna, GA.

Malcolm Jesse Davis, 59, was born in Columbia, MS. He attended Mississippi State University and served in the U.S. Air Force for 4 years as a flight engineer. He joined Lockheed in 1956 and was a flight engineer.

Mr. Davis' survivors include his wife, Margie; two daughters, Deborah Thorman and Diane Norton; and grandson, Jesse Norton. He lived in Marietta.

Alan J. McLeroy, 35, was born in Gadsden, AL. In 1980, he received a bachelor's degree in electrical and computer engineering from Clemson University and also a bachelor's degree in physics from Presbyterian College. He was hired at Lockheed in 1980 and was a specialist engineer.

Mr. McLeroy's survivors include his wife, Terri; son, Cory; and daughter, Collettee. He lived in Marietta.

George Dennis Mitchell, 42, was born in Bremerton, WA. He received a bachelor's degree in aeronautical engineering from the University of Washington in 1972. He served in the U.S. Air Force for 6 years and was hired at Lockheed in 1980. He was an engineering test pilot.

Mr. Mitchell's survivors include his wife, Marlene; son, Lee; and daughter, Hannah. He lived in Marietta.

Veda Ruiz, 46, was born in Saginaw, MI. He served in the U.S. Navy and was a master sergeant in the U.S. Air Force Reserve where he was a flight engineer on C-130 and C-5 aircraft. He received an associate degree in flight engineering from the Community College of the Air Force in 1984. He joined Lockheed in 1986 and was a flight engineer.

Mr. Ruiz's survivors include his wife, Gloria; son, Veda, Jr.; and daughters, America and Catherine. He lived in Kennesaw, GA.

William Boyd Southerland, 49, was born in Dalton, GA. He attended the Georgia Institute of Technology and joined Lockheed in 1964. He was a specialist engineer.

Mr. Southerland's survivors include his wife, Betty; and two sons, William Gary and Douglas. He lived in Smyrna.

As we mourn the passing of these dedicated and talented individuals, it is important to remember that their many valuable and lasting contributions to aviation will long be remembered at Lockheed and throughout the aeronautical research field. We also pray that time will heal the pain the family members of these men are now experiencing. They are in our thoughts and prayers.

## FOREST MYPTEN JOHNSTON: "IRON HAT JOHNSTON"—A REAL AMERICAN PIONEER

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DELLUMS. Mr. Speaker, our Nation will be forever grateful to the aviation pioneers who challenged nature's unforgiving elements and tested their own mortality to prove that man is a child of nature and an extension of a greater intelligence beyond this Earth. These gallant men and women raced the stars across the heavens and pushed their creative genius beyond the threshold of time and space. They broke the bounds of freedom to leap beyond Earth's dominance first in rag and stick aircraft, and then, with awestruck technology, approached God's heavenly domain by leaving the imprint of our species on the Moon.

Forest Mypten Johnston, professionally known as "Iron Hat" Johnston, is such a man of daring who left us in awe of his prowess as a pilot, and as a man of spirited character and energetic talents. He is a 1920's barnstormer, flying daredevil, test pilot, U.S. Olympic games representative, flying comic, a retired Navy pilot—a man who has met the challenge of his profession and exceeded the limits of his own daring exploits. He is also a living symbol of a patriotism and pride that is characteristic of our American heritage; a man who faced the dangers of war, and on several occasions, saved the lives of his passengers and his aircraft. And now, at the age of 89, he is a man who faces his mortality with a grace and fortitude that forever pits man against the elements of time, his environment, and most of all, himself.

His achievements are legend, and his remarkable exploits have been shared by legendary aviators such as Jimmie Doolittle, Amelia Earhart, Roscoe Turner, Charles Lindberg, Edwin Musick, and Fred Noonan of Pan American's China Clipper fame, and a host of aviation pioneers who lived in the romantic era of the gutsy seat-of-the-pants flying. Never without his familiar trademark, his derby hat, he is the only pilot to have ever landed in Lake Merritt in Oakland, CA, in his beloved Aeronca C–2, aptly dubbed the "Flying Bathtub." His firsts in aviation include taking off from the top of an old Packard to simulate catapulting from an aircraft carrier in an old Paramount movie newsreel, refueling while in the air, and picking up a mail sack from a man running along the landing strip at the old San Francisco Airdrome. He has the distinction of piloting no less than 110 different types of aircraft including lighter-than-air blimps.

This pilot, who earlier in his youth followed the footsteps of his friend and mentor, Jimmie Doolittle, deservedly achieved aviation's highest form of recognition by being elected a member of the CX–5, Aviation Pioneers Hall of Fame in 1988. "Iron Hat's" first flying ticket is signed by none other than Orville Wright, the man, who with his brother Wilbur, opened the exciting era of the flying machine in America.

"Iron Hat" Johnston is a remarkable, entertaining gentleman who grew up to excite the hearts of aviation buffs the world over. He captured numerous world aviation records in the early 1930's, and after serving his country both in the Army Airforce and the U.S. Navy Flying Service, he became personal pilot and fishing partner of former President Herbert Hoover.

Modesty has kept much of "Iron Hat's" history on hold and only through careful urging has he parceled out bits and pieces of his exciting, romantic aerial exploits. He is a man who brought new dimensions to flying, not so much as an innovation to airline technology, but to a testimony of the courage, free spirit, and leadership that men and women of his caliber brought to the growth of air power. One can see that his life has been a romance with the elements, a challenge of time and physical endurance, and a freedom to emulate the winged creatures that so fascinated him as a young boy. Forest Mypten Johnston's life gives substance to the words Robert F. Kennedy spoke so eloquently not too many years ago: "Some men see things as they are and ask why. I dream things that never were and ask, why not."

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## TRIBUTE TO MR. EARL H. LEBRASSEUR

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Earl H. LeBrasseur of Manistique, MI, a city located in the First Congressional District, which I represent. A selfless individual and leader in his community, Mr. LeBrasseur is being honored in Michigan on February 18, 1993 for his many years of outstanding service to Schoolcraft County.

Mr. LeBrasseur was born in Nahma, MI on March 23, 1908. He was educated in Nahma and Manistique public schools and took classes sponsored by the Mead Corp. in foremanship and production standards. Upon entering the work force, Mr. LeBrasseur got a job at Manistique Pulp and Paper. He started as a broke-hustler and worked his way up to shift supervisor. During World War II, he worked at Manistique Tool and Die dedicating himself to the war effort at home. He has been serving his community, his county, and his State ever since.

For 20 years, Mr. LeBrasseur served as chairman of the local Democratic party. For 29 years he served on the board of education. He gained a seat on the Schoolcraft County Mental Health Board at its inception in 1976, and has served diligently ever since.

Perhaps the only thing more impressive than Earl's commitment to public service is his dedication to his family. As the youngest of 16 children, Mr. LeBrasseur now finds himself in perhaps the unfamiliar position of lauded patriarch. Along with his wife of 56 years, Katherine, Earl enjoys the company of his 6 children, 18 granchildren, and 4 great-grandchildren. I know Earl feels fortunate to be surrounded by so many people who love and admire him, but it is really the people of Manistique and Schoolcraft County who are blessed to have known Earl as a friend, a family member, or a colleague.

Mr. Speaker, I rise today to pay tribute to a man who has given everything to his family and his community. It is only fitting that he be honored in his hometown as well as in the U.S. House of Representatives. I wish Earl LeBrasseur nothing but continued happiness and thank him for his many years of service.

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## THE PRESIDENT'S ECONOMIC PLAN

### HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. McCANDLESS. Mr. Speaker, when I was the owner of a business, I learned a lot of practical things about what sells and what doesn't and why. One of the basic rules is that the more you tax something, the less you have of it. The holds true with everything, whether it's potato chips, or cars—or the middle class.

With potato chips and cars, for instance, the manufacturer slows production when taxes go up, simply because the consumer buys less, since the tax is passed along and prices go up. That means that, at best, no new workers are hired, and at worst, and this is what usually happens, workers are eventually laid off.

Since unemployed people buy less, manufacturing production falls off even more. And the downward cycle continues. This is one of the reasons the stock market fell more than 70 points yesterday. Wall Street understands that taxes are regressive. Taxes are punitive. And without corresponding spending reductions—well, taxes are the shortest line from recovery to disaster.

Which brings me to the economic workhorse in this country—the great middle class. Not only will that class of Americans not get the tax break it was promised, it will get income tax increases. Add those taxes to increased consumption taxes, and *voila!* A certain percentage of our middle class will slide closer to the poverty line, and then we'll get less of the middle class, too.

While I'm willing to work with the new President for the sake of the country, I'm very disappointed in what I've seen so far in his economic recovery package.

Everyone seems to agree that the deficit is the biggest problem with our economy. Foreign investment in T-bills has essentially stopped. That means every dollar the Government borrows is one less dollar than American financial institutions will be able to loan to average citizens. Anyone who has been turned down for a loan in the last few years shouldn't blame the economy, but the staggering Federal debt which is swallowing up the available capital in the banks and savings and loans.

It is this private capital that builds houses, finances corporate reinvestment, and in the end, creates jobs. But when the Federal Government takes all the available money to feed its appetite for spending, the job creating side of our economy is left to starve.

President Clinton needs to pay attention to the deficit-increasing portions of his proposal that are hiding under the guise of economic growth. These meager efforts put forward by the President will take effect too late to help the recovery and cause too much damage to the deficit to do any good.

The other side of his proposal is raising taxes on the rich. During his campaign, President Clinton defined the rich as anyone making over $200,000. Then the figure dropped to $175,000. Then down to $100,000. Now they say anyone making over $30,000 will pay increased taxes, and that's not taking into consideration the energy tax which hurts everyone, rich or poor.

These tax increases never go to deficit reduction. History has proved this time and time again. In 1982, we raised taxes with the promise that for every dollar in new revenue, we would cut three dollars in spending. In reality, for every $1.00 raised,we spent $1.14.

In the 1990 budget summit, Congress promised once again to raise taxes and cut spending. But for every dollar in new taxes in that bill, we have seen $2.37 in new spending. In fact, since 1947, for every dollar raised in new taxes, the Government has spent $1.59. Forty years of proof should show the President that tax and spend is not the way to cut deficits.

We need a bolder proposal, one worthy of a person elected to change things. Capital gains cuts, line-item veto power, and tax changes to spur on business, not tempt increased Federal spending. I'm still willing to work with the new President, but I need proof that he has new ideas, not just the same old worn-out, won't work tax and spend programs that failed in the past.

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## THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. MATSUI. Mr. Speaker, I am pleased to join Ways and Means Committee Chairman ROSTENKOWSKI and Majority Leader GEPHARDT today to introduce President's the Emergency Unemployment Compensation Amendments of 1993. This very modest package will extend emergency unemployment benefits for an additional 7 months for those unemployed workers most in need.

While the unemployment rate has dropped somewhat since we last extended the emergency benefits program, the national unemployment rate still remains higher than it was when the recession began in July 1990. For some States, such as California whose unemployment rate was 9.5 percent last month, the end of the recession is nowhere in sight.

This recession has been different from those in the past, when layoffs were temporary and unemployed workers found reemployment in a fairly expeditious manner. This time, however, workers who have been laid off are being permanently let go because their jobs have been eliminated. This country's economy is undergoing a significant restructuring, and as a result the unemployed of this recession are unemployed for longer than their previous counterparts. The bill we have introduced today takes a step toward helping States identify these long-term unemployed workers and develop appropriate relocation and retraining services.

While fewer people are losing their jobs and applying for unemployment compensation, those who are unemployed stay unemployed for longer. The number of workers who have exhausted their benefits and still remain unemployed continues to be about 300,000 per month, and has yet to show any indication of dropping off. Many unemployed workers still have a long road to follow before they will see any relief.

The current unemployment crisis is far from over. Although last session Congress allowed States the option of triggering additional weeks of benefits for their long-term unemployed, no States have chosen to do so. In California the legislature passed a measure to do so and to provide some additional relief to unemployed workers, but the Governor, citing huge State budget deficits, vetoed the bill. California is not alone in its concern about the cost of triggering these additional benefits.

It is my hope that at a later date the President and Congress can take a closer look at the long-term health of the unemployment insurance program. We must takes steps to strengthen the unemployment system so that in times of emergency the system works for those who need it.

The Emergency Unemployment Compensation Amendments of 1993 proposed by President Clinton is a step in the right direction to helping the Nation's long-term uninsured. I urge my colleagues to join me in supporting this very important legislation.

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## TRIBUTE TO MRS. ALMA WALTERS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. TOWNS. Mr. Speaker, I rise today to salute Mrs. Alma Walters, one of my constituents who has lived in my district in East New York for the past 30 years at 399 Miller Avenue. On February 22, Mrs. Walters will celebrate her 90th birthday. Her life exemplifies service to others.

Mrs. Walters' lifetime achievements include service as a former employee of Community Hospital where she worked as a nurses aide, and distinguished herself as a tireless member of Local 1199. In her retirement she continues to serve 1199 by participating in the senior citizens program.

As a mother, grandmother and great-grandmother, she has passed on her wisdom and experience by serving as a member of the Christian Mothers Society at St. Michael's Catholic Church.

It is my honor and privilege to have a constituent like Mrs. Walters. Her lifetime is a shining example of dedication to family and community service. I am pleased to introduce my colleagues and the Nation to Mrs. Alma Walters as she and her family prepare to celebrate her 90th birthday. May your future be as bountiful as your past.

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## U.S. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. DE LUGO. Mr. Speaker; I am introducing a bill today which would authorize the elected Resident Representative of the Commonwealth of the Northern Mariana Islands to nominate a candidate to each U.S. military academy after consulting with the Governor of the Northern Mariana Islands.

The bill would also require, by way of a technical correction to existing law, that the Delegate from American Samoa, along with the Resident Representative of the Commonwealth, be notified of vacancies in any of the military academies, as is done with Members of Congress, Delegates, and the Resident Commissioner from Puerto Rico.

As you know, the Commonwealth of the Northern Mariana Islands became the newest member of our American political family in 1978 pursuant to Public Law 94–241, the Covenant to Establish a Commonwealth of the Northern Mariana Islands in political union with the United States.

The people of the Commonwealth have been U.S. citizens since 1986 and are eligible for appointment to any of our military academies. Because of the special position of the Commonwealth's Representative to the United States in Washington, DC, however, they alone among U.S. citizens do not have a locally elected official authorized to nominate them.

Those interested in attending the academy have and continue to depend on the Delegate from Guam, its neighbor in the South, to nominate them.

This bill would enable a Commonwealth official to participate in the nomination process.

Let me also say that this proposal is not a new one. The Northern Mariana Islands' Commission on Federal Laws, a presidential panel and special representatives of the President of the United States and the Governor of the islands in consultations—required by the Covenant—urged the enactment of this legislation. Last Congress, I cosponsored an omnibus bill, H.R. 2575, which included this proposal, and held a hearing on it. H.R. 2575, which was intended to implement recommendations made by the special representatives to the 902 talks, was, however, not reported out of the Subcommittee on Insular and International Affairs partly because it was referred to four other committees and would have impacted other insular areas. Since then, Commonwealth officials have urged the Congress to enact this nomination proposal on its own.

Please join me and other members of the subcommittee that I am privileged to Chair in supporting this proposal.

## THE BARNUM MUSEUM CELEBRATES ITS 100TH ANNIVERSARY

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SHAYS. Mr. Speaker, today I am pleased to congratulate the Barnum Museum as it celebrates 100 years of exemplary service and dedication to the community. For a century, the Barnum Museum has been preserving the heritage of Bridgeport, CT and its extraordinary citizen, P.T. Barnum; an entrepreneur, politician, journalist, impresario and showman.

The Barnum Museum is housed in a Victorian structure that was placed on the National Register of Historic Places in 1972. It showcases the life and times of P.T. Barnum; tells the story of Barnum's most famous creation, the circus; and chronicles the growth of the city of Bridgeport.

One of the museum's more extraordinary displays is a 1,000 square foot multi-media presentation of a five-ring circus with 3,000 miniatures, including everything from the Big Top to the small tents where the troupe ate its meals.

The museum is planning two major exhibits for the Centennial. One will explore a century of advertising in America, citing the ingenious contributions of P.T. Barnum, one of the greatest promoters of all time. The other exhibit, The Kid's Bridge, will explore multiculturalism.

I am proud of the Barnum Museum's commitment toward preserving a significant segment of American culture. The people of Bridgeport and neighboring communities are fortunate to be able to enjoy all the Barnum Museum has to offer. I wish the museum great success on its anniversary today and throughout the next century as well.

## THE GUN-FREE SCHOOLS ACT OF 1993

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. MILLER of California. Mr. Speaker, today, one of the most dangerous things we ask schoolchildren to do is to go to school. Our Nation's schools have fallen victim to increasing gun violence, and thousands of schoolchildren, teachers, and school personnel are too often the innocent victims.

According to a 1990 survey by the National Center for Disease Control [CDC], one in five high school students carries a weapon at least once a month for self-protection or for use in a fight. U.S. Justice Department statistics from 1991 show that approximately 100,000 of the Nation's 45 million students bring guns to school daily.

The Center to Prevent Handgun Violence compiled the following statistics for academic years 1986–90 in its recent report, "Caught in the Crossfire: A Report on Gun Violence In Our Nation's Schools."

At least 71 people—65 students and 6 school employees—were killed with guns at schools during the 4-year period reviewed in the study; another 201 were severely wounded; and 242 individuals were held hostage at gunpoint;

Shootings or hostage situations in schools have occurred in at least 35 States and the District of Columbia;

Males were most frequently the offenders, 93 percent as well as the victims 76 percent; and

Schoolchildren ages 14–17 are most at risk of gun violence at school.

We can no longer stand idly by while our schools and our schoolchildren are under siege. If, as a Nation, we are committed to school reform and in meeting the education goals by the year 2000, we must be equally committed to providing students and teachers who want to learn with safe schools.

While I am a strong supporter of violence prevention programs, I believe that we also must take stringent measures to protect students and teachers in our schools. We must send a clear message to our communities, to students, and to families that we will not tolerate guns and weapons in our schools. Students who bring them to school should not be permitted to remain in the schools, endangering the lives of students and teachers trying to further their education. Schools must once again become safe havens, free of violence.

Today, I am introducing the Gun-Free Schools Act of 1993 which will require schools, in order to receive Elementary and Secondary Education Act [ESEA] funds, to expel for 1 calendar year any student caught bringing a gun or weapon into the school.

My bill also creates a $100 million competitive grant program to be administered by the U.S. Department of Education for schools to purchase metal detectors and provide training for school security personnel.

Students in my district and across the country say they are afraid to go to school. Just as we learned with hunger, children cannot learn properly if they are afraid. Teachers cannot perform their jobs if they constantly fear for their safety. No parent, no adult, can simply let that fear go unanswered.

My legislation will make schools a safe place again for our children. I hope that my colleagues will support me in this important endeavor.

## TRIBUTE TO MR. ARTHUR J. D'ANNIBALLE

### HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to one of my exceptional constituents, Arthur J. D'Anniballe, who retired from the board of trustees of Jefferson Technical College on August 31, 1992.

Mr. D'Anniballe devoted 26 years of service to the board of trustees, including 15 years as the chairman of the board. During his tenure at Jefferson Technical College, he was instrumental in expanding the college's annual budget from $1 million to $7 million due to his expertise as an accountant. Also, Mr. D'Anniballe guided the school through two accreditation periods and was instrumental in increasing student enrollment. Therefore, Jefferson Technical College has recognized his excellent work by designating him a trustee emeritus.

In addition to exemplary efforts on the board of trustee's, Mr. D'Anniballe has been a well-respected member of the community in Steubenville, OH. He has served on the boards for the Steubenville Housing Authority, the Steubenville Area Chamber of Commerce, J.C. Williams Charitable Foundation, and Miners and Mechanics Bank.

Mr. Speaker, it is with pride that I rise to recognize Mr. Arthur J. D'Anniballe, and I ask my colleagues to join me in saluting him for his outstanding contributions to Jefferson Technical College and the community of Steubenville, OH.

## TRIBUTE TO WADE BLANK

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mrs. SCHROEDER. Mr. Speaker, today I wish to pay tribute to the man many Americans acknowledge as the father of disabled rights, Wade Blank.

Wade Blank's distinguished career placed emphasis on civil rights for those people with disabilities. Wade recognized a need to focus light on a community that had long been ignored in social, political, and economic circles.

In 1975 Wade cofounded the Atlantis Community in Denver that served as the resource center for people with disabilities. The Atlantis Community also taught those without disabilities the importance of judging people not by their physical capabilities but by their character.

Wade fought countless battles. I stood beside Wade in many of these battles to erase injustice and ignorance. I recall back in the late 1970's when Wade led the effort to have wheelchair lifts installed in buses throughout Denver. Wade and company surrounded two city buses at a busy intersection in downtown Denver to make their point. I attended this rally in support of Wade's effort. We won that battle. Today wheelchair lifts are a reality.

Wade Blank, a man with many dreams and visions, made Denver, CO, and the United States a better place to live. He will be greatly missed.

## SALUTING BELLEVUE HOSPITAL

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to an outstanding hospital in my district, a hospital that has just completed an ambitious renovation project that will benefit many of my constituents.

For more than three-quarters of a century, Bellevue Hospital has provided quality health care with a tradition of compassion, service, and competence. Since 1914, the people of Bellevue Hospital have not only met the community's need to care for the sick, but they have also continually strived to do better, to do more, to touch the lives of as many people as possible when age or illness makes them vulnerable.

In reading about Bellevue Hospital while preparing this statement, I came across a quote by Dr. J.C. Morrow that really says it all: "The Bellevue Hospital recognizes neither creed, color, nor station of life. Its mission on earth is to care for the sick and injured."

Mr. Speaker, it is this sense of purpose and decency that I salute today. On Sunday, February 21, Bellevue Hospital will have a grand opening celebration to commemorate the completion of a $3.7 million construction project that includes the following: First, a major surgery addition, and second, a new hospital wing to house an intensive care/coronary care unit and other hospital departments.

I know that these improvements will allow Bellevue Hospital to continue to labor in its fine tradition. I know my colleagues here in the House of Representatives join me in saluting the people of Bellevue Hospital for all of the fine work that they do every day.

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## GOOD LUCK, CHARLIE BECK

### HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. MYERS of Indiana. Mr. Speaker, I want to acknowledge a member of the community in Terre Haute, IN, who has become a familiar figure around that city in his quest to find clovers; that is four, five, and other multiple-leaf clovers. Charlie Beck began his rapidly growing hobby over 2 years ago after finding a five-leaf clover by accident. He has developed his own preservation strategy and now hundreds of clovers are displayed beautifully in frames. At any given time he has close to a thousand clovers in his collection. He is trying to find out from the Guinness Book of World Records what the record is for a collection of multiple-leaf clovers. As he says, "If I didn't give so many away, I'd have thousands more."

And so Charlie also passes on good luck. As Charlie says, "Maybe the clover does not have anything to do with it, but they believe it does." He gave a four-leaf clover to a woman on a Monday and the following Friday she won $3,500 in a lottery game. With that kind of luck, a lot of people are going to want to be seeing Charlie. "Maybe a lot of people would not have taken the time to speak with me if it hadn't been for the clovers," Charlie has remarked. Everything is coming up clovers for Charlie Beck. Good luck, Charlie.

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## ST. PATRICK'S HIGH SCHOOL WINS MICHIGAN CLASS D FOOTBALL CHAMPIONSHIP

### HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. HENRY. Mr. Speaker, on November 27, 1992, the small city of Portland, MI was brought statewide attention when St. Patrick's High School's varsity football team, the Shamrocks, captured the Class D State Championship title on the Astroturf of the Pontiac, MI Silverdome.

This small-town America story of victory stunned not only the defending State champions from Frankfort, but the entire State. The Shamrocks started out trying to close the gap between them and the Frankfort team, who were named State champions after defeating the Shamrocks last year. And close the gap they did. To quote newspaper reporter Bob Gross, who wrote in the Lansing State Journal the day following St. Patrick's victory, "You learn to appreciate what goes into the making of a State champion when you watch the guys from the little town go to the big city and play their hearts out." And as coach Chris Schrauben added in the same article, "Today was the day to celebrate for our team, our community and our league."

The St. Patrick's team has consistently shown tremendous zeal and fortitude. They have a 2-year record of 25–1, making them the school with the best record over the last two seasons. The Shamrocks' 13 straight wins also ties the State's longest current winning streak.

Mr. Speaker, each and every member of the team contributed in a special way to this victory. It gives me great pleasure to honor each of the following players, fine coaching staff, team managers, and their trainer: Tom Thelen, Burt Brown, Dave Fox, Aaron Schneider, Andy Carr, Ryan Channell, Jerry Simon, Matt Meyers, Brent Goodman, Jason Schrauben, Nick Weller, Dan Thelen, Jim Lansdell, Nathan Pung, Kyle Pline, Sam Fedewa, Matt Kahn, Andy Beech, Josh Meyers, Andy Trimmer, Travis Bennett, Justin Pung, Ken Gensterblum, Ben Cross, Jeff Simon, Eric Krieger, and Brad Russman; head coach Chris Schrauben; assistant coaches George Heckman, Dan Weller, Tony Kolarik, Dwayne Nickelson, Al Schrauben, and Mike Coyne; managers Jesse Weller, Mark Krieger and Kurt Pline, and trainer Russ Willemin.

Winning the State championship takes hard work, determination, spirit, and ability, but most importantly, a cooperative team effort. Putting forth their highest level of effort, the St. Patirck's Shamrocks succeeded in reaching the pinnacle.

Mr. Speaker and colleagues, please join with me in expressing heartiest congratulations to the 1992 Michigan Class D State Champions—the St. Patrick's Shamrocks.

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## TRIBUTE TO DAVID M. ZELDES

### HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. COPPERSMITH. Mr. Speaker, I wish to enter remarks in the RECORD to honor the memory and work of a recently deceased colleague and friend, David M. Zeldes. In 1985, David led a group of young Arizona lawyers, under the auspices of the State Bar of Arizona's young lawyers division, who formed a nonprofit corporation to provide pro bono legal services, at no charge, to community groups and economic development organizations in Arizona.

That organization, now known as Arizona Community Legal Assistance [ACLA], matches lawyers willing to provide tax, real estate, and business law expertise to qualifying organizations. ACLA helps train new attorneys through seminars, recruits experienced attorney's, and links volunteer attorneys with community-based groups which need legal assistance. ACLA helps attorneys fulfill their pro bono professional obligations while assisting groups that provide community and economic development services. ACLA has won awards from the American Bar Association for its efforts. It is not the first such program—others served as models—but it is one of the best.

David Zeldes stood at the heart of ACLA's extraordinary achievements. He served as a president, as a member of the board of directors, and as head of ACLA's Phoenix screening and referral committee. David led by example. For years he performed the unglamorous but necessary work that made ACLA function: reviewing application forms, ensuring proper monitoring and follow-up, and complying with the organizational duties. I served as a director and officer of ACLA and also worked as a participating attorney, assisting pro bono clients matched with me through the program. I know personally how ACLA's considerable success depended on the dedication, intelligence, and skill of David Zeldes.

In addition to his work with ACLA, David also served with other community groups. He helped establish a charity golf tournament, and received the Maricopa County Bar Association's Member of the Year Award in recognition of his efforts.

On December 11, 1992, David Zeldes died suddenly. He was 42 years old. During his life, he accomplished much for himself, his family, and his community. As his colleague and his friend, I mourn his passing and salute his achievements.

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## THE ORDER OF ALHAMBRA CELEBRATES ITS 89TH ANNIVERSARY

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. MURTHA. Mr. Speaker, I'd like to take a moment to recognize the celebration of the 89th anniversary of the founding of the Order of Alhambra, which will take place this year on

February 28. In this era when it sometimes seems we hear nothing but news of destruction, greed, and unhappiness, it's a pleasure to salute an organization performing the critical work of the Order of Alhambra.

The Order of Alhambra works to assist physically and mentally challenged individuals in their efforts to overcome their disabilities. By participating in the Special Olympics and raising funds for the purchase of equipment such as wheelchairs and braces, the Order of Alhambra has improved the lives of countless physically and mentally challenged people.

I'd like to pay special recognition to Vigo Caravan No. 151 of Johnstown, PA, a part of the Order of Alhambra which has been providing these good services in the Johnstown community for the past 30 years. Their efforts on behalf of disabled individuals make our community a better place to live.

Congratulations to the members of the Order of Alhambra on your 89th anniversary. I wish you many more years of unselfish service to the physically and mentally challenged of our Nation.

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## SALUTE TO MEL STEELY

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. GINGRICH. Mr. Speaker, I rise today to recognize the years of dedication shown by Mel Steely. Mel and I served together on the faculty at West Georgia College in Carrollton, GA, and through the years, Mel has served as a valuable friend, on both a personal and professional level.

His academic background brought a special perspective to his work for the residents of the sixth district, and his years of service will always be remembered by his family and friends.

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## IN RECOGNITION OF CAPT. NEWL D. JUDD, USNR

### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. SANTORUM. Mr. Speaker, I would like to take this opportunity to recognize Capt. Newl D. Judd of the U.S. Navy Reserve.

During a span of over 30 years of active and reserve duty in the U.S. Navy, Captain Judd has served his country and his community with the highest sense of duty and professionalism.

Captain Judd entered the Navy during World War II and his career spanned both the Korean and Vietnam conflicts. But his sense of obligation to the institution did not stop when he retired.

Upon retirement in 1975, Captain Judd began to volunteer his time and services to work as director, retired affairs at the Naval and Marine Corps Training Center in Pittsburgh on a daily basis. In this capacity, he has continuously served for 17 years without pay or benefits from the Government. He conducts all seminars on retired benefits and acts as liaison for any Marine separating from the corps. These liaison duties include helping Marines receive the latest information on benefits.

Captain Judd continues to volunteer his time and effort in serving as commanding officer of the Pittsburgh Sea Cadet Program, a U.S. Navy league youth organization. Since 1967 he has acted in this capacity without fail.

Captain Judd provides assistance, advice and a point of contact for all retirees, medically discharged veterans and any veteran from every branch of service requiring assistance on any military problem. This is an enormous job as Captain Judd is the only person providing this service for all of western Pennsylvania, West Virginia, and Ohio. Significantly, his extensive file system has resulted in numerous veterans being awarded benefits they were entitled to, but never offered.

Clearly, Captain Judd has demonstrated the highest qualities of duty, honor, and service. Countless servicemen and veterans, and indeed the American people are indebted and grateful.

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## TRIBUTE TO MR. WILLIAM FRANKLIN MARSHALL

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 18, 1993*

Mr. HALL of Texas. Mr. Speaker, I rise today to announce the unfortunate death of a dear man, William Franklin Marshall of Bonham, TX.

William (Bill) Marshall was born in Bonham on September 18, 1923, and celebrated his 69th birthday while touring Europe with his wife, visiting World War II battlegrounds and memorials. During the war, he served as a member of the 146th Engineer Combat Battalion, which was one of the first units to land on Omaha Beach in the D-Day invasion of France. He was cited for gallantry and received two Purple Hearts, E.A.M.E. Campaign Medal with five Bronze Stars, Good Conduct Medal, Distinguished Unit Badge, World War II Victory Medal, and Bronze Service Arrowhead with one Oak Leaf Cluster. It was a twist of ironic injustice that he died in Blois, France on September 22, 1992, while visiting the areas where he served his country 50 years ago during World War II.

He was the son of the late Bacon Saunders and Mary Cariker Marshall of Bonham, and the beloved husband of Nina Vansickle whom he married on December 19, 1945. The 55-year resident of Bonham and member of Boyd Baptist Church worked for the General Cable Co. for 23½ years before retiring in 1988.

Family and friends will remember him as a hard worker who always took time to share himself, his knowledge, and his experience with others. His favorite pastimes were gardening and attending events involving his children and grandchildren.

He is survived by his wife of 46 years, Nina; daughters and sons-in-law, Linda and Larry Scott of Sherman, Joy and Joe Reiner of San Antonio, Mary Ann and Terry Cody of Bonham, and Billie Gail and Charles Ratcliff of Greenville. He was the proud PaPa of three granddaughters, Lori Scott, Kelly Anderson, and Kilee Cody, and seven grandsons, Jimmy Reiner, Jerald Reiner, Kyle Anderson, Joshua Ratcliff, Daniel Ratcliff, Adam Ratcliff, and Elias Ratcliff. Also surviving are a sister, Juanita Toliver of Hugo, OK; a brother, L.B. Marshall of Bonham; several cousins and many nieces and nephews. A sister preceded him in death.

Services were at Cooper-Sorrells Funeral Home Chapel in Bonham on Saturday, October 3, at 11 a.m. with the Rev. Bill Beasley and the Rev. Morris Robbins officiating. Serving as pall bearers were his sons-in-law and grandsons. Memorials were made to the Bonham Council of Camp Fire and to the Fannin County Sports Hall of Fame in Bonham.

The death of this special man, William F. Marshall, is a great loss and may God be with his family and friends at this time of need.

Mr. Speaker, as we adjourn today, let us do so in memory of this great man who fought for his country and then came home to live for his family and friends.

# SENATE—*Monday, February 22, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

**The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.**

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

**The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].**

**The assistant legislative clerk read the following letter:**

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC., February 22, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

**Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.**

## RECESS UNTIL 10 A.M., WEDNESDAY, FEBRUARY 24, 1993

**The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 10 o'clock a.m., on Wednesday, February 24, 1993.**

**Thereupon, at 10 o'clock and 24 seconds a.m., the Senate recessed, under the order of Thursday, February 18, 1993, until Wednesday, February 24, 1993, at 10 a.m.**

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

# HOUSE OF REPRESENTATIVES—*Monday, February 22, 1993*

The House met at noon and was called to order by the Speaker pro tempore [Mr. BONIOR].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 19, 1993.*

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on Monday, February 22, 1993.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we seek to live our lives in dignity we offer our thanks, Almighty God, for the gifts of remembrance and tradition and the heritage of our faith. We are grateful that we have had the instruction of parents and colleagues, of friends and teachers, who have shared wisdom from their time and place. As we remember what we have been given and as we celebrate our legacy of ideas and our birthright of spiritual values, may our hearts be full of thanksgiving and our attitudes full of grace. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] please lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, February 18, 1993:

H.J. Res. 101. Joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT,
*Washington, DC, February 17, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to inform you pursuant to rule L (50) of the rules of the House that the Committee on Standards of Official Conduct has been served with a subpoena issued by the U.S. District Court for the District of Massachusetts.

Sincerely,

JIM MCDERMOTT,
*Chairman.*

## JUDGE DAVID L. BAZELON

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. EDWARDS of California. Mr. Speaker, last Friday here in Washington, the Nation lost one of its greatest judges, David L. Bazelon, who passed on after a long illness.

For more than three decades Judge Bazelon was the Nation's leader in insisting that our criminal laws be enforced in accordance with the Constitution's intentions, with every defendant guaranteed his or her rights to a really fair trial.

Judge Bazelon rendered many history making decisions, each of which brought our society closer to civility and fairness. He emphasized that the root causes of crime were inadequate housing, education, and job opportunities, and that removing these hurdles was essential.

Mr. Speaker, on behalf of all of Judge Bazelon's many friends and admirers in Congress, I send our condolences to Mickey Bazelon, Judge Bazelon's widow, to his sons, James and Richard, and to all the members of his loving family.

Mr. Speaker, I insert in the RECORD today's Washington Post's editorial and Sunday's New York Times' obituary written by Marilyn Berger.

I also include the eloquent remarks of Chief Judge Abner J. Mikva and those of Judge Patricia Wald, both of the U.S. Court of Appeals for the District of Columbia Circuit, delivered at Judge Bazelon's funeral yesterday.

[From the Washington Post, Feb. 22, 1993]

### DAVID L. BAZELON

Friday two of the most famous and revered members of the federal judiciary here died. David Bazelon was the youngest man ever to sit on a federal appellate bench when he was appointed to the U.S. Court of Appeals here in 1949. Judge Bazelon, who was 83 years old when he died, had grown up poor in Chicago and struggled to put himself through college and law school. In his career as a lawyer and judge, he demonstrated special concern for those who came from backgrounds of deprivation and, for whatever reason, had not succeeded as he had. Throughout his career he argued that the absence of adequate housing, education and job opportunities was the root causes of crime and that changing these factors was the crucial step in reducing criminal conduct.

A federal prosecutor, private practitioner and head of the Justice Department's Lands Division before he went on the bench, Judge Bazelon was fascinated by the psychological and social aspects of the legal matters that came before him. He wrote extensively and had a national reputation as an innovative thinker, constantly urging his colleagues to consider disciplines outside the law and incorporate what was useful and progressive into their decision making. He was perhaps best known—and in time most controversial—because of his rulings in the area of mental illness and criminal responsibility. As a member of what most lawyers consider to be the second most important court in the country, and as its chief judge for 16 years, he also won a reputation as an authority on government regulation and a champion of civil rights and civil liberties.

Judge Bazelon was a national figure who was also an important and influential member of this community. He was as interested in bettering local schools as he was in federal legislation and psychiatric theory. His brilliant career was cut short by Alzheimer's disease, and his retirement seven years ago deprived the court and this city of his influence and his intellect. His writings, his innovative approach to the law and his example of service and scholarship endure.

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[From the New York Times, Feb. 21, 1993]

### D.L. BAZELON, 83, DIES; POWERFUL JURIST

(By Marilyn Berger)

David L. Bazelon, who as a Federal appeals court judge for three decades wrote landmark opinions extending the rights of the individual and expanding the rights of criminal defendants, died on Friday at his home in Washington. He was 83.

Judge Bazelon stepped down from the United States Court of Appeals for the District of Columbia in 1985, saying he was having prob-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lems with his memory. In his last years, he suffered from what was believed to be Alzhemier's and Parkinson's diseases, his family said.

As Chief Judge of the appeals court from 1962 to 1978, Judge Bazelon presided as the court was breaking ground in criminal law and on issues as diverse as Presidential power and nuclear power, broadcasting and the use of the powerful insecticide DDT.

His court's broad reach resulted from its jurisdiction over Federal regulatory agencies and its role as the appellate court for the nation's capital. As the Federal Government grew, so did the influence of Judge Bazelon's court. Next to the Surpreme Court, his was considered the most influential court in the country. As its Chief Judge, he was one of the most influential jurists in the land. He was also the focus of sharp debate among admirers and detractors.

### PURSUIT OF FAIRNESS

In a career spanning eight Presidential administrations, Judge Bazelon (pronounced BAA-zeh-lawn) became a familiar figure in Washington society, a welcome guest with a warm sense of humor, who stayed trim by jogging regularly.

He was a handsome, white-haired man, given to peering down from the bench over his half-glasses, often to ask a penetrating question. Rather than follow precedent set in a simpler time, he questioned the status quo and sought to apply new findings in the social sciences and psychiatry to issues the court faced.

In an interview as he stepped down as Chief Judge, he said: "In this job, you have to ask the questions that tend toward greater fairness. Without the right questions, you'll never get the facts that will lead you to better answers."

Judge Bazelon, who believed that the judiciary should reach beyond the bench and speak out on social issues, was assailed by conservatives as being soft on crime and by some legal scholars for bringing the judiciary into the regulatory process.

There was a spirited and bitter antagonism between Judge Bazelon and Chief Justice Warren E. Burger, who had served with him on the appellate court.

### "JUDICIAL INTERVENTION RUN RIOT"

In a scathing Supreme Court opinion in 1978, Justice William H. Rehnquist, reflecting the views of the Burger Court, accused the Bazelon court of "judicial intervention run riot." In the 7-to-0 opinion, with two Justices not voting, the Supreme Court overturned a decision by Judge Bazelon's court to block the operation of nuclear reactors at the Vermont Yankee power plant. The lower court took the action even though the Nuclear Regulatory Commission had issued an operating license for the plant.

The Justices declared that the lower court, which had based its decision mainly on environmental grounds, had no business imposing its own "notion of which procedures are best or most likely to further some vague, undefined public good."

But Judge Bazelon was a heroic figure to many liberals. Joseph L. Rauh Jr., the Washington lawyer who served as a clerk to Justices Benjamin Cardozo and Felix Frankfurter, wrote to Judge Bazelon in 1979, "I have worked for great judges and have known many more great judges, but I believe you have had the most socially useful judicial career in my lifetime."

Former Justice William J. Brennan, Jr. of the Supreme Court, long a close friend of Judge Bazelon, said his major contribution was in extending the Bill of Rights to restrict state power. Justice Brennan said in an interview in 1989 that Judge Bazelon was particularly instrumental in expanding the right of defendants in criminal cases to be represented in court and in extending to the states, through a series of rulings during his years on the appellate court, the right to prohibit evidence that was improperly acquired.

It was not enough, in Judge Bazelon's view for a defendant to have legal representation. He believed that the Constitution required the court to look at the quality of that representation. When he saw a lawyer who did not put enough effort into a case, he would often point at the lawyer and say, "There goes a walking violation of the Sixth Amendment."

### REDEFINING CRIMINAL INSANITY

In 1954, applying modern psychiatric theories, Judge Bazelon established a new definition of insanity as a defense in criminal cases. Previously, for almost a century, the test was whether the defendant knew right from wrong. Judge Bazelon wrote in his decision in Durham v. United States that "an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect."

In 1972 Judge Bazelon concurred in his three-judge court's decision to establish a more restrictive test, but his opinion in the Durham case generated new consideration of the insanity rule.

Much of his activity on and off the bench was aimed at removing the causes of criminal behavior, making prisons less brutal and assuring greater fairness in sentencing. He vigorously opposed mandated prison sentences that did not give a judge flexibility to set the term. He also urged that society deal with injustices that he believed bred crime: poverty, broken families, racial discrimination and lack of educational opportunity.

In an article in The New York Times in 1977, Judge Bazelon wrote: "It is always easy to concede the inevitability of social injustice and find the serenity to accept it. The far harder task is to feel its intolerability and seek the strength to change it."

### COMPASSION FOR UNDERDOG

As the youngest of nine children, David Lionel Bazelon once said he came by his feelings for the underdog almost as a birthright. He was born in Superior, Wis., on Sept. 3, 1909, to Israel and Lena Bazelon. His father, who ran a general store, died when David was 2 years old.

The family, virtually penniless, moved to Chicago, where the future judge attended public schools. He attended the University of Illinois but transferred to Northwestern University, graduating in 1931 with a law degree. All the while he worked as a store clerk or movie usher to pay his way.

He entered private law practice in Chicago and became active in Democratic politics. In 1935 he was appointed an assistant United States attorney for the Northern District of Illinois.

In 1936 he married Miriam M. Kellner. Besides his wife, his survivors include two sons, Richard of Philadelphia and James of San Diego; a brother, Gordon of Palm Springs, Calif.; a sister, Anne Safer of Milwaukee, and four granddaughters.

### CALLED UPON BY TRUMAN

In 1940, he returned to private practice. But six years later he went back into Government service after President Harry S. Truman named him an assistant Attorney General. He was put in charge of the lands division of the Justice Department. In 1947 he became administrator of the Justice Department's Office of Alien Property.

J. Edgar Hoover, Director of the Federal Bureau of Investigation, was an early friend and patron, despite differences in political views. It was Hoover who urged Mr. Bazelon to take the job in the Justice Department and who supported him for the judiciary.

In 1949, Mr. Bazelon was named to the appeals court in Washington, becoming the youngest judge in the court's history. He became Chief Judge in 1962 and was the leader of the court's liberal majority before he stepped down in 1978. In 1979 he accepted senior status on the court and continued to hear occasional cases and write opinions until 1985.

Judge Bazelon wrote a series of opinions affecting the major issues of his time, from McCarthyism to the Watergate scandals. In the early 1950's, when Senator Joseph R. McCarthy of Wisconsin held his highly publicized hearings on supposed Communist influence in government, Judge Bazelon upheld the rights of individuals to refuse to answer Congressional committees' questions that were not shown to be pertinent to the authorized inquiry.

In October 1973, he ruled that President Richard M. Nixon was required to hand over certain tape recordings sought by the Watergate grand jury and that claims of executive privilege were invalid. Three years later, he supported the dissemination and sale of recordings of Presidential tapes that were used as evidence in the Watergate trials. The possible embarrassment of Mr. Nixon, he wrote, "is largely that which results whenever misconduct or questionable conduct is exposed."

### OTHER MAJOR DECISIONS

Among his other opinions were these:

A 1963 reversal of the conviction of the Communist Party for failing to register under the Internal Security Act. He wrote that under the Fifth Amendment, no one can be forced to declare an association with a party that has been labeled criminal.

A 1966 ruling that patients in public mental institutions were entitled to treatment. He wrote that "indefinite confinement without treatment may be so inhumane as to be 'cruel and unusual punishment.'"

A 1971 order directing the Environmental Protection Agency to cancel all uses of DDT.

A 1977 ruling barring newspapers from owning radio or television stations in the same city.

A 1979 finding in which he overturned a year-old order that prevented an anti-war group from making public information about spying by the Central Intelligence Agency.

Judge Bazelon watched America become a litigious society and he welcomed it.

"For nearly 200 years of this nation's history, few blacks, Hispanics or Asian-Americans, to name only a few of the victims of oppression, would have thought of taking their claims to court," he said in 1983. "If the so-called litigation crisis is due in any significant part to the increase in social expectations of the disadvantaged and to society's growing sensitivity to these issues, then in my opinion the increase in litigation is a healthy one."

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### EULOGY FOR DAVID L. BAZELON

(By Abner J. Mikva, Washington Hebrew Congregation, February 21, 1993)

When I was appointed to the United States Court of Appeals for the District of Columbia Circuit in 1979, the Court was known as Bazelon's Court. It had been known as such for many, many years before that. It is still known as such in many, many circles. It was not just that he had served as a judge of that Court for almost 40 years, and as its chief judge for almost 16 years. It was Bazelon's court because he made it into his powerful forum for challenging the inadequate status quo. He refused to accept the notion that in a country that had become a pioneer in psychiatric medicine, we should continue to apply a century-old definition of legal insanity that did not make sense even when it was first adopted. He could not understand how our legal system, that was the envy of the world, remained inaccessible to so many poor people who needed to use it. He could not understand why judges were so chary in applying those noble guarantees of freedom inscribed in our Constitution's Bill of Rights. Some judges squirmed at being described as controversial. Not David Bazelon. He could not understand why judges should aspire to be anything else. Judges were supposed to distribute justice. By definition, that is controversial. You did not do that lying down with one arm tied behind your back. You did not do that seeking to win popularity contests with prosecutors or the Congress, or even your colleagues. He chafed at some of the jurisprudential doctrines, like standing and ripeness and abstention which were often used to slow him down in his pursuit of justice. He was a passionate judge about those freedoms and rights, and he was prepared to joust with anybody who resisted their application—academics, colleagues, the Supreme Court, Congress. And because he cared so deeply, he won many more of those jousts than he lost.

Bazelon's Court. He beamed when I told him the story of a mutual Chicago friend who asked about me. When I told him that I was a judge on the Court of Appeals in Washington, the friend replied, "That's Bazelon's Court. What do you do?" David liked the story because it did not embarrass him at all to be perceived as a strong and forceful judge. He could not understand why anybody would want to be a judge, have the forum that he had, and not use it to promote and distribute justice. He used his opinions, his speeches, his legal articles, his magazine pieces. He expected to be a role model to his clerks and others whose lives he touched, and he took it seriously—to make sure that they too were imbued with a mission for justice. That's wrong. David Bazelon didn't touch lives; he impacted them. Nobody could come away from an encounter with Judge Bazelon, friendly or otherwise, and not know that they had met a man determined to make a difference. To this day, some of my more senior colleagues come up to me after judges' meetings and say "The meeting would have been a lot shorter if Bazelon were still Chief Judge." At a conference with some Russian judges a few years ago, I was impressed with this very forceful Russian judge, who seemed to speak only Russian—and often. During a recess, he came up to me and asked—in English—"You know Bazelon? He strong judge."

One of the greatest friendships that I ever have observed is the one between Justice William Brennan, who is here today, and David Bazelon. I use the present tense because that friendship will never die. Their dialogues will live on in the minds of all who were privy to them. Who better, then, to quote about Judge Bazelon's restless intellect than Justice Brennan. I quote from an introduction that the Justice wrote to Justice Bazelon's book: "He never refuses to ask a question merely because it has never been asked. Nor does he shy away from proposing an answer merely because it has never been proposed. David L. Bazelon is among the great judges in American history." Justice Brennan, I have always followed your opinions.

We lowered the flag to half-mast at Bazelon's Court yesterday. It was to honor the memory of David Bazelon. But it was also a signal to the rest of us that a giant of a judge had passed among us, and that his match will not soon be found. Tzedek, Tzedek, Tirdof, it is written in Deuteronomy, (Chapter 16, Verse 20)—Justice, Justice shall you pursue. David Bazelon, no one pursued it better.

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### REMARKS AT MEMORIAL SERVICE FOR JUDGE DAVID BAZELON BY JUDGE PATRICIA WALD, FEBRUARY 21, 1993

David Bazelon played a larger than life role in the lives he touched. I first met him in the early 1960s when I was struggling to reenter the legal world I had left 10 years earlier. Because of our shared interest in children—especially those from society's sorry underside—we came together often. I found myself a member of a network of what I suppose the press today would call "FODs" (Friends of Dave) that David—sometimes outrageously, sometimes coquettishly—would call on for assistance with his outpouring of speeches and articles—a coterie that transcended race, gender, age, religion and not infrequently, familiarity with the subject at hand.

It is part of David's lore that he was a hard taskmaster with his clerks, but he was also forever generous in his patronage; he made sure there was room at his table for women and little-knowns like myself; for irreverent young Turks and for anyone spunky enough to shake up the status quo. His sponsorship opened professional doors for us. He encouraged us to take on social/legal problems that in that optimistic time we were sure could be solved with imagination and energy and dedication and good will. He became our good friend * * * he and Mickey who over time would nourish and sustain him with her immense strength and devotion.

David was a warrior, not always easy in manner or mein, a kind of George Patton of the bench, never at rest, prodding everyone around him to keep it up, to fight and to fight back. But he was also a schmoozer who loved and was fiercely loyal to his friends, who revelled in the conviviality of his clerk reunions and the camaraderie at Milton Kronheim's Warehouse where he shared the day's lunch special with Bill Brennan, Barrington Parker, Ab Mikva and an unlikely assortment of Senators, Congressmen, newspaper reporters, academics, law clerks and just plain folks he liked.

David knew that the law must evolve to survive. That meant difficult issues squarely faced—by judges when no one else would—the contours of the insanity defense, the rights of the criminally accused, the duties of appointed defense counsel, the plight of uncounselled juveniles, the dilemma of institutionalized mental patients denied treatment. David was a proudly activist judge, not in the least reticent to raise those issues, no matter the discomfort they produced for colleagues within and bureaucrats without. Many of the stunning advances in the legal rights and access to the courts for disadvantaged groups had their origins in David's opinions in cases that are now as familiar to first year law students as Blackstone's and Story's treatises. He did more—he sent beacons of light to soulmates in other circuits—to the Charlie Wyzanskis, Frank Johnsons, Wayne Justices, and George Edwards' whom he invited to sit on our circuit bench. For young D.C. lawyers like myself, that was a Golden Age and the D.C. Circuit a constellation of superstars.

But action produces reaction and predictably when the law becomes a battleground for ideals, the attacking vanguard is often repelled. Change in the courts is uneven, often ragged, and settles, only to become unsettled again. And so David suffered losses as well as wins; the 1970 Court Reorganization Act removed the court's jurisdiction over local crimes, juvenile matters, and most of the poverty and mental health law which he had dominated. Indeed, it is an interesting historical question whether that separation of local and federal courts in D.C. would have been launched from the Nixon Justice Department if the Bazelon court had not provoked it to reaction.

On his own court, David fought the good but not always victorious fight. His ever-controversial *Durham* opinion in 1954 establishing the rule that a defendant was not criminally responsible for acts that were the product of a mental disease or defect was abandoned 18 years later in favor of a modified test focusing on the defendant's capacity to appreciate the wrongfulness of his conduct and to conform to the law. He retreated with grace: though he still believed that *Durham* had been, in his words, "designed to throw open the windows of the defense and ventilate a musty doctrine with all of the information acquired during a century's study of the intricacies of human behavior," he joined the majority in adopting its replacement.

When the circuit shifted sharply in the 1970s from crime and poverty to the arcane realms of administrative law, David became an important player in a different game. Yet to him, the stakes were much the same: keeping, as he said, "the big guys in charge honest," insuring that they did not get away with glib jargon, and deferential bows to professed expertise. With the emergence of the public interest bar, there came new environmental challenges, consumer actions, novel demands for judicial intervention and relief. Congress passed a surge of complex regulatory laws on clean air and water, energy efficiency standards, hazardous and nuclear waste disposal, and to fill the vacuum left by the loss of local jurisdiction, gave our circuit primary responsibilities for reviewing their enforcement by a myriad of agencies. David worried that the administrators would not make careful or searching enough inquiries into all the relevant evidence, that they would continue slipshod old ways and let the real decisions be made in the agency corridors between the regulators and the lobbyists, that they would operate in the shadows obscuring why they did what they did. So he demanded rigorous procedures for agency recordkeeping, for examining data and expert witnesses, for requiring that the agencies justify their decisions in terms of evidence and rational analysis. Ironically for a judge who had probed so deeply into the mysteries of psychiatry in order to demystify its hold over judges, he now counselled "technically illiterate" judges to stay out of the scientific depths, stating in one dissent:

"Socrates said that wisdom is the recognition of how much one does not know. I may be wise if that is wisdom, because I recognize that I do not know enough about dynamometer extrapolations, deterioration factor adjustments, and the like to decide whether or not the government's approach to these matters was * * * valid."

But he did know enough to contribute mightily to the reformation of administrative law led by the D.C. Circuit in the seventies and into the eighties, fleshing out the requirements of scores of laws governing the quality of the air we breathe, the water we drink, the ground our children play on, the drugs we take, and the vehicles we drive.

He was to the last up for a fight—win or lose—I still remember his good nature about that. He wryly admitted that in his heyday, perhaps he had—sometimes—been as cocksure, even arrogant, as they were today. I would like to think that somehow in these last few months he sensed that the pendulum had swung again.

Forty years on the court was too short to accomplish the transformation of American justice David Bazelon envisioned. But he started down the road and an army followed. At times the terrain was rough and the ranks thinned, but his journey never faltered.

And, today there may be a generation of fresh recruits ready to take up the march—women, disadvantaged minorities, defenders of abused children, alcoholics and addicts, the homeless, advocates for the mentally ill, victims of overzealous prosecutors, environmentalists, consumers, honorable public officials, the idealistic young—the great array of people and causes David Bazelon's law embraced.

They, and we, salute you, David, and will not forget you.

## COUNTRY NEEDS STRONG DOSE OF BILATERAL CREDIBILITY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the President and his advisers as well as Members of Congress need to come to recognize the time for campaigning is over. The time for flowery statements about our problems and little specifics on solutions has passed. Some are willing to forgive broken promises from the campaign and accept the overstatements and hyperbole—but this is a time very different from a campaign. Now is the time to govern.

The President cannot expect the Congress to accept his plan on faith alone—there is no basis for him to expect us to accept "trust me." There are tons of reasons for lack of trust—a $150 billion overstatement on the amount of spending reductions, continuing self-congratulations on reducing the cost of the White House with no evidence of real cuts—scoring tax hikes in Social Security as cuts, or hikes in the grazing fee as cuts. This is not the kind of performance which generates enough credibility for us to take his plan on faith.

Certainly the effort to suggest that it is the President's plan or nothing is a hollow threat. There are all kinds of alternative approaches—one might even be so radical as to suggest no new spending or at least more spending cuts. We will be specific and from my perspective it will be a test of the President's credibility to act on these specific cuts. Mr. Speaker, the only way to make some changes to strengthen this country is to be honest with the Congress and the people and with ourselves—what is most needed to move forward is a good strong dose of bilateral credibility.

## LET'S GIVE THE PRESIDENT THE CAMPAIGN FINANCE REFORM BILL HE HAS REQUESTED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there was much to applaud last Wednesday when the President of the United States stood at that podium and gave us the State of the Union.

One aspect which I very much applauded was his saying that he would sign the Brady bill when it reached his desk, and this afternoon many of us will refile that bill.

I was also extremely pleased to hear the President talk favorably about campaign finance reform, and in fact say that we, the Congress, should pass that bill this year. There are many reasons that we should support drastic campaign finance reform. Among them is that $500 million, one-half of a billion dollars, was spent during the 1992 campaign cycle for congressional seats on both sides of the Capitol. That is $100 million more than in the 1990 cycle. That kind of spending is obscene and cannot continue.

Second, this year's entering class of 110 Members is probably the most talented class that ever has entered this body. It is sad to report that 95 of the 110 entered Congress in debt, which means that they have to step upon that treadmill of raising money to prepare for the next campaign and pay off the old campaign debt—that is not the way things ought to be.

Last but not least, Mr. Speaker, there is another great need to have campaign finance reform. As the President said from that podium, we must scale the walls of the people's skepticism. He says we the people are skeptical, and he is correct, the people are skeptical about his plan, and all plans, and we have to prove to them that we are going to do the people's business. One way to make that scaling of skepticism possible is to pass substantial campaign finance reform.

## A SALUTE TO THE LONG BEACH NAVAL SHIPYARD ON ITS 50TH ANNIVERSARY

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, I rise today to salute the Long Beach Naval Shipyard on its 50th anniversary. This proud shipyard, the employer of over 4,000 men and women, began its service to this Nation in 1943 as part of America's effort to stop the forces of fascism and repression in the Second World War. We still have one of the world's largest floating cranes, affectionately known as Herman the German, to remind us of that time. The Long Beach Naval Shipyard has stood as a keystone of the Navy and our commitment to democracy ever since, through Korea and Vietnam and a host of lesser conflicts. The shipyard now serves in a time of what we hope will prove to be peace.

The shipyard is an integral part of the greater Long Beach and South Bay community. Its workers, the lifeblood of any institution, but especially this one, live in parts of five different counties. They represent nearly every race, ethnicity, background, and conviction there is—truly a melting pot of America. The one word that should be used to describe these thousands of men and women is quality. We have a reservoir of skills and crafts unmatched at any other location. And as the Navy's 1991 Meritorious Unit Commendation Award recognizes, the Long Beach Naval Shipyard is the best at putting those skills to use. Long Beach is the most cost-effective and efficient naval shipyard in the Nation, bar none—a claim that improves each and every year. Each time I have had the opportunity to visit the shipyard, I have walked away with one overriding impression—that of commitment and dedication, those very principles that so many claim America has lost. Mr. Speaker, if the criers of decline need a lesson in reality—the reality of American greatness, all they need to do is to take a tour of the various shops and buildings of the Long Beach yard. I did that again this last weekend during Family Day on February 20. This facility was 50 years old last week, but the shipyard's great achievement is the enduring tradition of fine workmanship, high productivity, and low cost, year after year. It is a true tradition of national service.

The shipyard was built on land willingly given to the Navy by the city of Long Beach. And while a half century, and much ebb and flow in the Nation's defense effort, have intervened since that time, the shipyard's efforts to provide the Navy the best workers and workmanship have never abated. I know that I speak for the city of Long Beach when I say that we want the shipyard to continue its proud tradition of service to the Nation.

While a 50th anniversary should be an exclusively happy occasion, Long Beach and the surrounding counties and cities know that we face difficult times and a troubled future. The threat of closure can never be far away from our thoughts as we await March 15 and the Secretary of Defense's recommendations of bases for possible closure. This is a threat that we have faced before, but maybe never so seriously. We are a community which cherishes a time of peace as much as any other. And we have faith that we will see through this time as we have seen through others.

Hopefully, this shipyard and its skilled workforce will still be here ready to serve. When our Nation is no longer spending $1.5 billion on ship repairs in Japan which it has been doing for the last 4 years.

So today, Mr. Speaker, I focus not on any worry, but only on the positive. I salute this great shipyard. I salute the men and women, their employee associations, their unions, and their management: All those who have worked together to make it such a vibrant, productive, and vital installation in our Nation's defense.

□ 1210

## INTRODUCTION OF THE BRADY BILL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, last week President Clinton opened the door. He said pass the Brady bill and I will sign it. We here in Congress will take up that challenge when I, along with 98 cosponsors, introduce this bill, the Brady bill, today.

At last we have a partner in the White House who is ready to work with us on arms control, arms control here at home. It is just as important to disarm the gun-toting criminals on our streets, as it is to disarm the gun-toting criminals on the streets of Mogadishu.

America has been waiting 6 years for us to pass Brady. While we bickered over its merits. While we gave in to political pressure tactics from the NRA. While we did nothing for the past 6 years, since Brady was first introduced, nearly 50,000 Americans have been murdered with a handgun. We cannot wait any longer. We cannot sit by as mothers and fathers across this Nation sacrifice their children to the gangs of armed thugs who rule our streets.

To paraphrase our President, what is wrong with America can be overcome by what is good about America. Brady is a good, commonsense piece of legislation. The families of those murdered with handguns are telling us that. Are we listening? The cops are telling us that. Are we listening?

Is a 5-day waiting period to purchase a gun too much to ask? We give the cop on the beat a gun, a bullet-proof vest; why are we still denying him another crucial piece of his arsenal? A 5-day waiting period would give our cops a fighting change to keep weapons of death out of the hands of criminals and the mentally unstable.

It is time to end the carnage; it is time to end the fear of parents, parents staying up late at night wondering if the knock on the door is their son or daughter returning home from work, or a detective asking them to come downtown to identify a body.

It is time for a change; it is time for Brady.

## IN SUPPORT OF THE BRADY BILL

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I rise to strongly support today's introduction of the Brady bill. Five years ago, a man named Larry Dale walked into Mercer's Discount Foods in Tulsa, OK, and opened fire on an unsuspecting crowd of shoppers. Dale's rampage killed one person and severely wounded another. Many Oklahomans were outraged to learn that Dale, a convicted felon with a history of mental illness, had walked into a gun store the day before his crime, filled out a single form, and walked out with his instrument of death.

The tragedy is that 5 years after Larry Dale proved how flawed the system is, the Brady bill is not the law of the land. With more than 639,000 violent crimes a year involving handguns, we cannot further delay the passage of legislation that helps erase this terrible statistic.

The good news is that most Americans, most Members of Congress and the President want to see the Brady bill enacted. In poll after poll an overwhelming majority of Americans support a federally mandated waiting period. Not surprisingly, organizations representing more than 400,000 rank and file police officers support the Brady bill. Additionally, during past Congresses, both the House and the Senate have voted for passage of the Brady legislation. And most importantly, just last week, President Clinton told Congress in his State of the Union speech, "If you pass the Brady bill, I'll sign it."

The time for debating the Brady bill is over. The majority of the country agrees that the Brady bill is a common sense approach to ending violence by denying guns to criminals. Let us pass this bill and get on with the business of saving lives.

## WHAT CAN YOU DO FOR YOUR COUNTRY?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, our Nation is in deep trouble. If we do nothing, we will continue to slip into an economic abyss.

President Clinton has proposed some very tough and bitter medicine. If we do not take it, we could die.

We have got to have faith in the American people to be able to band together. If we are attacked by a foreign nation, we rally together and we fight that enemy, just as we did in World War II.

Well, we are under attack right now from within. The old formulas of the perpetrators of greed, abuse, and waste must be cast out, and it is up to you. It is your country, and only you can fix it.

I think we all remember when John Kennedy made his great inaugural address in 1961, and in it he asked of us what you can do for your country, what you can do for your country. Now is the time to ask, now is the time to do.

## NORTH AMERICAN FREE-TRADE AND FINANCE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to begin what I am sure will extend at least a couple of times into the future with respect to something that is probably going to happen. It is maybe just a little less than imminent, right soon, but it is so-called, actually miscalled, misdescribed, the North American Free-Trade Agreement.

The truth of the matter is that the full title of that proposed agreement is North American Free-Trade and Finance Agreement, and therein lies the rub. It has been adroitly cloaked over so that any person reading a discussion of it or hearing about it would think that it was strictly adhering to some agreement between Canada, the United States, and the Republic of Mexico with respect to trade.

The truth is that that is the caboose, and the engine driving that so-called trade agreement is the finance or the banking. Remember that at the bottom of everything is banking, everything. It always has been, it is now, and it always will be.

But what always exercises me is how the efforts are made to deceive the American people.

Now, in a free country such as ours which, up to now, miraculously has maintained the essential institutional forms of this democratic, representative, republican form of government, and which implies that the people, in order to be informed, must make sure that their representatives are agents for the while, and in this case, the U.S. House of Representatives which, from the beginning, has been intended to be that prime constitutional office that is closest to the people as any kind of political office could be constructed.

Every 2 years the House has to renew itself totally. It is not a continuing body. The only way any of my colleagues or myself can get here is to be elected. We cannot be appointed.

□ 1220

And there is very good reason for that. And the reason why our system imperils, and has for a couple or three decades, like seldom before in its history, so many times it is the perception or misperception, as in fact I think it is, and particularly in today's world where, though we might have instantaneous electronic communication, the communication between neighbor and neighbor, man and man, woman and woman, citizen and citizen, much less between country and countries, is really less than what used to be the case.

In fact, let us begin here to illustrate the point I want to make with ourselves. When I was growing up—and that is a lot of years ago—it was another world. I would not be able to evoke it if I spent a year on the House floor, and no way could you evoke those lost worlds. No way, some aspects of them. What I want to evoke, but there are some that I think we should transmit.

One of those was that I still remember the names of the chief of police, the street commissioner, the part commissioner, certainly the mayor, whereas today every time—and I try to go often—I go to visit a school in the district, I will ask teachers and students, "Can you give me the names of the members of the city council?" They cannot. "Can you give me the names of your county commissioners?" They cannot. "Can you give me the names of our State representatives to the State legislature?" What is that?

So that I can remember when the cities, of course which were a lot smaller, and I am not trying to compare them, but today we do not have the neighbor-to-neighbor, the citizen-to-citizen relationship that I recall existed at that time even in a strictly segregated environment of that day and time.

You still had a human-to-human connection and a knowledge of how that other third or fourth lived than what is the case today.

Who, for instance, in this area, is aware of the terrible farm—so-called—farm labor conditions just 1 hour and 20 minutes' drive from Washington? The Eastern Shore, where the three States of Virginia, Maryland, and Delaware meet. When I first took the subcommittee, after becoming chairman of the Subcommittee on Housing and Community Development in 1981, everybody who went was astounded. And I myself, as I reported, had not seen those conditions since the Depression in the rural areas in Texas in the middle 1930's. Let me tell you that was pretty bad.

So, who knows about that? We live in a frenzied world, so that we become accustomed to accepting what is known as the electronic description of things, the television image.

Well, of course, you have got to be for fair trade, free fair trade between countries. Why, who is against that? It is like, "Are you for sin or against sin?"

But what exactly is it we are talking about? We are not talking about a concept, we are not talking about some agreement that, after some deliberation between respective representatives, was arrived at sometime last year and then classified and secreted. We could not get a copy of that for about more than a month, or more than that. And even today it is unexamined.

I am bringing out that section that has to do, and it has everything to do, with banking and financial things that have already begun to happen, as I will attempt to describe.

First, I think it is significant that you hear no mention of the true description of this proposed legislation. Free trade and finance: Why is there such a concerted effort made to just abbreviate and drop off finance? It does not say "banking," which is what it really is.

In the meanwhile, things have been happening in our country, south of the border, that there is no perception of up here. In fact, when I had not one but four releases a little better than a month ago, no newspaper, either in Texas or in my area or up here, would pick them up, or did. So it went unreported.

And this is one additional reason why I feel I owe it to myself, as chairman of the Committee on Banking, Finance and Urban Affairs, to which committee this legislation has never been referred.

Now, why? Why has that occurred? Every other type, with one exception, the so-called guaranteed agreement with certain countries, they have not been referred to the Committee on Banking, Finance and Urban Affairs. But this one never had, never has been.

So, when I saw the full title of that, I became interested, and finally, when I was able to get a copy of it—I tried to get staff, but we are limited, we have limited staff on the committee. So this I have done mostly with some help from some of the legal staff, but mostly from my own reading, my own research, and the help of, in my opinion, the best, most competent legislative director anybody in Congress could hope to have.

This young lady happens to be in my district office. My legislative director is not here; she is down in my district office. So that any citizen who wants to know about legislation does not have to hire a lobbyist or have connections with organizations that have lobbyists up here.

With that tremendous help and mind of hers, she being an attorney as well, I have been able to piece together enough to report to my colleagues and to charge you with the knowledge. There shall not be any reason for anybody to act in the blind from here on out, no matter what the excuse or the pressures are.

Unfortunately, to compound the error, and also, I believe it was last year—it could have been the year before; in fact I think it was before the year before—in a rushing fashion the Congress approved what was known as a fast-track resolution.

Now, what we said, since I found myself in politically elected office in government and particularly the legislative, that fast government is often dangerous government. And in fact I would say, more often than not has been dangerous government on every level I have had the privilege to serve on, the local legislative level, the State legislative level, and in the State senate and here in the Congress for 32 years.

Now, why would the Congress, on such a monumental proposal, say we are going to delegate to the President to enter into any kind of agreement he wants to enter with any of about 159 countries, but specifically at this time with Mexico and Canada, sight unseen, and no matter what he agrees, when he agrees, and brings it back to us we shall not amend? We cannot offer any amendments or changes; all we can do is vote it up or vote it down.

□ 1230

In the meanwhile, the regime south of the border was beginning to say politically, "We will live or not depending on the outcome of this agreement."

That is interesting. Why? Well, first, let me recite a few things that have happened here in the recent past that have everything to do with us as well, the United States, together with what I have been reporting on an international general level, and it has to do with the value of the dollar and its consistent sustained loss of value since 1985, which incidentally was the same year that we became a debtor Nation for the first time since 1914.

In the first place, there is more involved than just trade agreements that are supposed to bring about an equitable, or fair is the word, accommodation between the economic activities of the countries involved. That is the concept.

There is more involved than just banking and finance, because you have in the train of that things that have happened just before the advent of the so-called North American Free-Trade and Finance Agreement proposal, and that is the so-called maquiladora process, whereby Mexico and the United States allowed certain things to happen that brought over 3,000 corporations from the United States, mostly labor-intensive manufacturing concerns or assemblies along the border from Matamoros to Colexico that now represents about—I forget how many hundred thousand jobs.

Last year I took the subcommittee and the full committee, the Subcommittee on Housing and Community Development of the Committee on Banking beginning on January 6 throughout the country. We started out in Connecticut at Bridgeport where you have total stagnation, a very, very sorry spectacle of one of the principal manufacturing entities in our country just a few decades ago.

Then we went down to Spartansburg, SC, on the border of South Carolina and North Carolina, where believe it or not, it may be the Sun Belt, but they sure have their problems.

Then we went to Cleveland. There we discovered that Cleveland has lost in less than a decade 33 percent or more of its manufacturing production capability. The overwhelming majority of that has gone to Mexico across the border.

Now, where are we on that one? Well, you had very little reporting of it up here, but today, for instance, I want to bring out how such things as the taxes paid by these corporations, these are huge entities like the huge banking interests that are behind the North American Free-Trade and Finance Agreement.

Now, we do not expect them to be for the public interest. We know they are what—oh, private enterprise and, of course, we have prostrated and hallowed that name, not free enterprise, private enterprise and what I have always reminded since before I came to the Congress, Hitler and Mussolini had private enterprise until the day they died. They did not have free, but they had private enterprise. In fact, most of those corporate entities that were cartels when that word was used before the transnationals and the conglomerates and all that in that period of time, they are still around. They are doing pretty well in fact. So are the bankers.

All during World War II when President Roosevelt announced, and I remember the day right before the entrance into the war and we had the first-time peace draft and then Franklin Roosevelt said we have got to prepare our defense, and then he announced right on the verge of the war that the intention was to produce 50,000 warplanes.

Well, there was not a thing he could do about starting even 10 unless we could get the magnesium required, and that had to be released by the cartel out of Germany through the bankers in Switzerland known as the Bank for International Settlements, which incidentally is still in control today.

How many of my American bankers realize that the recent increase on their reserve requirements, though they themselves are not involved in these highfalutin international transactions, like some of say our top 20, they still have to pay because it was an agreement imposed on the United States through the so-called Basel, Switzerland, where BIS, the Bank of International Settlements is located.

The United States is not a voting member of BIS. Oh, a couple decades ago or so it became an observer, but not a voting member.

They are the ones that said in the name of convergence, which is a fancy word for capital standards, that is, those European bankers were going to make American bankers come down, when they got into competition with them on securities or what today is rocking the whole unstable international currency markets, the so-called mechanisms and the value thereof the currencies, the so-called derivatives are speculative, if you please.

Well, all this now is being translated into activities south of the border where one of the hottest speculative giant casino operations has begun and which is impacting America because it involves American bank credit and American investors, corporate and otherwise, money and nobody wants to report on this. Why? I do not know. I do not think it is a cabal. I do not think it is a conspiracy. I think it is the good old American tendency since the end of the war not to focus in on anything that goes beyond the immediate crisis and then instead of preparing and anticipating, we sit until we are wallowing in crisis and we have for 40 years pushed aside the emerging issues which now have developed to the point where you are not going to have a push-button solution no matter how much our new President wants or anybody. It is going to take time if at all.

I am just reporting on one aspect that I think with knowledge we should avoid the worst consequences, but we are not up to now.

So let us go into some details. First, let me touch on the maquiladora which I discussed just a minute ago. These are operations that have gone to Mexico mostly because they have abandoned American labor. American labor has been sold out. It has been traded off as if it had been on a slave market auction since the sixties and the development of multinational operations of American-based corporations going over into other countries and have benefited from the cheap labor standards.

Where has that gotten us?

□ 1240

Where the average American wage earner in the United States, in the highest level of pay, the manufacturing, such as is left, earns considerably less than the German worker, the Japanese worker, the French worker, and the British worker.

Who wants to accept that, my colleagues? Yet I defy anybody to rebut that categorical fact.

That is the end result of what?

Thirty years of abandonment and betrayal of American production and American labor.

Mr. Speaker, just since Reagan we have lost over a million, several million, prime manufacturing jobs, never to come back, lost, gone, and we have turned from a net exporting country to a net importing country, which then makes the critical, crucial issue, which in vain I have been trying to discuss since 1979, not only with my colleagues on the Committee on Banking, Finance and Urban Affairs, or at least some of them that seem to be interested, but with the leading monetary and financial directors of our country and, on a couple of occasions when I have that opportunity, with a couple of pretty big international bankers.

And that is the danger, that the United States for the first time in its history will have to be paying back the monumental debt, both on the private, you and I, as well as the corporate, and especially the governmental, debt in somebody else's currency.

What does that mean? It means everything.

But how do we translate down to the perception that would enable us to penetrate the level of consciousness of the average governor in our system, both legislative as well as executive branch? I do not know. All I know is that I feel it is a responsibility, particularly on those of us who are charged with knowledge by merely being Members, as a privilege of a committee and in a position of leadership in that committee, of not having an excuse for not being charged with knowledge.

After all, Mr. Speaker, I have been on this committee since I came to the Congress 32 years ago, and I should have picked up something. I do not claim to be an expert, but let me tell my colleagues, "Don't ever mention experts to me because I have learned that unexamined experts are no more expert than the nonexpert."

We cannot continue to endanger the country as it is now, clear and present, because the United States has been the only country in history that has been able and unable to pay its debts in its own currency. But if the dollar has lost 60 percent plus of its value since 1985, how can we keep from having our currency debauched, if it is not already? And just time, events, and circumstances, which evidently today are happening very fast, not as a separate, intermittent, but a cavalcade of events? Have we learned nothing from what has happened just since 1989 and its obvious implications?

So, subtracting from that and focussing on this, let me tell my colleagues about the maquiladoras because that means like in the case of if that part of the so-called economic or trade agreement that I have seen actually came about, it will mean a tremendous loss of jobs in that area in which we need them more than ever; that is, on the level of the unskilled, but still necessary, if we have production and manufacturing. But remember that has fled our country.

Now the big argument I had in private with those that first began to push this 2 years ago was, "Henry, look. You may be right. But there's the choice. These jobs are going over to Hong Kong, Korea. Wouldn't you rather have them here across the border?"

I said, "No. I would rather have them here in the United States where they ought to be and only in those cases where there is reason why. But there isn't legitimate reasons."

Let me tell my colleagues why. The maquiladoras, for instance, and the corporations that have gone there have the best of all possible worlds. They get the best benefits of our tax bills, tax laws, and rules and regulations, so they are able to whip our country on every level indiscriminately. Nobody says, "Boo."

Why? Because we have got to do something about a fair-trade agreement and help these corporations of ours operate in a competitive fashion. That is a lot of malarkey.

Let me tell my colleagues plain and simple. I want to place at this time in the RECORD a very, very fairly comprehensive article that appeared in the St. Mary's University Law School Journal, Law Journal, volume 23, beginning on page 721, entitled: "Federal Income Tax Issues in the Organization, Financing and Operation of Maquiladoras." Talk about tax give-aways, subsidies and reductions or elimination. It is hard to beat this. And this is just a little glimmer of a sort of look-into.

So, we are not talking about just a fact that we want to help. Of course we want to help. But I have always said, and I have said this for years, that one does not have to give the family jewels away to prove they are a good neighbor, and that is exactly what seems to be going on.

So, Mr. Speaker, I ask my colleagues to take a look at this analysis of the Federal income tax issues in the organization, the financing and operation of maquiladoras. It is by a Mr. William R. Layton and T. Richard Sealey III. It is very illustrative, and I have offered it for the RECORD.

Now what about this agreement? What does it do for banks? Well, I will tell my colleagues what it is pure and simple in plain language. It is a back-door scheme for our biggest American banks to get what they have not been able to get directly from Congress or through the processes of such things as interstate banking, such things as high-risk investments, without the consequent reserves which anyway the biggest ones pretty much have now, as I have been bringing out and the reason why the whole house is shaking.

Let me just explain that by way of parentheses. Through the years I have heard, as I have said before and repeat, the outstanding witnesses we can get from the economist world, and there we have an interesting profession. It is a quarrelsome profession. They do not agree among themselves or anything, but it is very interesting.

Then I read the President's economic message each year, the one that was just released by President Bush. I have analyzed it. It is very interesting reading, very well done.

□ 1250

It is very well done. You cannot quarrel with the economic advisers and their jargon, their tenets, and whatnot. But I was here when on August 15, 1971, while the Congress was out of session, President Nixon took us off the so-called gold exchange system and simultaneously devalued the dollar by 10 percent. Interestingly enough, there was not one American publication that reported it that way, none at all. The European press did. Incidentally, I go back to that release I said I had made about 6 weeks ago that nobody picked up here, but the international press did. It was written up in the European press and in the Japanese press. So the international press knew what I was talking about there. They reported it. And so it was that way then.

Then right after we came back, after Labor Day in 1971, lo and behold, the Banking Committee was asked to pass, without changing a comma, the Economic Stabilization Act of 1971. Economic stabilization? That sounds great. That means they want to stabilize things. But what it translated to in plain American English was wage and price controls.

Now, it was assumed that the liberals, whoever they may be, were supposed to be in favor of economic stabilization and controls. It was assumed that the conservatives were against that, however they may be today, because we have had such a debauchery in language as well as in currency, that it is difficult to talk with any degree of rationality on the way words are supposed to be, meaningful and true.

So who comes before the committee? The Secretary of the Treasury, John Connolly, my fellow Texan. President Nixon said that "This has got to be passed because we are now confronting 5-percent inflation." At the first hearing it was an awesome presentation. There at the table was Secretary of the Treasury John Connolly, the President of the AFL-CIO, George Meany, the head of the Automobile Workers Union at that time, the chairman of the board of General Foods, the chairman of the board of General Motors, and one or two others that I do not recall. And they all said the same thing; "You've got to pass this. Don't change a comma." Every one of them said that.

The first thing that hit my mind was the memory of what I had read about Germany. When Germany was in the throes right at the time, Hitler was beginning to come on the horizon, and the Germans, in their style, created the Grand Chamber of German Economics, and, of course, it floundered and was flustered just like the Weimar Republic. And, incidentally, there are awesome parallels between Weimar and the United States since World War II. It is very disturbing to somebody like me who for years and years, going back to when I was 15 years old, observed such things as the rise of Hitler and the rise of Mussolini and what that atmosphere was then. This was before TV and even radio, because radio was a relative newcomer then by the time the 1930's came around.

But I can tell you this: I can recall as if it were today in 1938 and 1939 hearing that crackling transatlantic radio voice of Adolf Hitler—"Ein Deutschland"—and then hearing him say in German, "We are being encircled. We will not allow it. We are being encircled by the British and the French, but we will break out."

And I wondered about it. And then those sonorous voices—"Sieg Heil" coming from the Nuremberg Sport Plaza.

Then I heard Winston Churchill later in a magnificent address, also coming over that crackling radio—"We shall fight," "We shall fight from every street," and so forth, and, "blood, sweat, tears." I heard that. We do not hear that today.

Do we hear the voices of Saddam Hussein speaking over this tremendous network of radio and TV in the Arab Moslem word covering all over that area? No, we do not. Do we even hear a translation? No, we do not.

Do we hear Slobodan Milosevic, the Serbian leader? No, we do not. Do we hear about the treaty that Herr Kohl, the German leader, and the Russian leader, Gorbachev, entered into November 1990, whereby Germany agreed to offer up to 87 billion deutsche marks of help to the then still Soviet or Russian Union? There were certain understandings, one, that in exchange Germany would also contribute 8 billion deutsche marks for housing for the Russian troops that were going to leave East Germany and go to Russia? And in exchange for that there were certain understandings. One was that Germany would not have more than a 300,000 standing army. That never was reported in the American press. I read that in the German press and in the European press, but not in the American press. Now, what has that got to do with this? Everything, because, I ask, where is that agreement? How much of that money is there, and in effect what are the conditions of its repayment now that we have the loose Confederation of States, with no reports? But that is the reason why Germany is being blamed. Maybe to some extent it is true, and maybe there are some other factors responsible for last September 16's tremendous shakeup of the so-called exchange rate mechanism between the currencies in the European Union which led to Great Britain withdrawing the pound and floating it in its devastated condition like the dollar, and also France and Spain and Italy, and Ireland even, in this great convulsion.

But let us go back to 1971. When I read the bill, I could not believe it.

□ 1300

I said gentlemen, this reminds me of the German period when these German industrialists came before the German Government and said, "You have got to have this control." I said if we pass this without any kind of accountability, what we are doing is delegating to President Nixon greater powers over American business, industry, and the economy, than were given to Franklin Roosevelt at the height of World War II.

Well, who wanted to listen? They looked upon me askance. I was down the row at that time in the committee. So all I had was 5 minutes to ask a question.

All I did was make a statement. I said this is an awesome spectacle. It reminds me of that period of German history.

Well, what happened? They came in, the chairman, who was my fellow Texan, a great man, Chairman Pepper, called me in and said, "Henry, you have been kind of engaged in dilatory tactics. You got together with a member of the minority."

I did. I teamed up with a member of the minority who was supposed to be a conservative, I am supposed to be a liberal, and we began to kind of start a little guerrilla activity. I wanted an amendment.

So I said, "Mr. Chairman, I can't understand why anybody that is interested in the greatest interest of the greatest number, what is wrong with an amendment that says, Mr. President, OK, so you are going to have this power; but you come back to the Congress every 90 days and report to us the progress or lack of progress."

He said, "Well, we can't do that. We want to help John Connally."

I said, "Well I will leave you." So between my friend on the minority and myself we had sort of many filibusters. Finally, after the third week, the chairman got angry with me and said, "I am not going to recognize you any longer," and they wooped it out. It was supposed to have been passed the first week of October 1971. It was not passed until about October 30, 1971. When it got out of committee I voted against it. There were only five of us. But I placed in the RECORD a dissenting view. I ask any one of my colleagues that is interested to look it up.

I wish I had been wrong in what I said. As it turned out, fatefully, its consequences we are still feeling. Whether any big economist agrees with it or not, I say that, and I will say why, and that is the reason I am bringing in this present activity now. It is correlated.

First, they passed the so-called wage and price controls. But they assented, naturally. Remember that I was there during the war when we had wage and price controls. I remember that even with the spirit of unity that existed, we had evasions of the wage and price commodity control.

You had rationing of sugar, beets, and so forth, but there were some black marketeers that were able to evade it.

I quoted Cohen's law, which goes to the effect that for every control erected, there will be a way found to evade it and avoid it.

Well, here we were in 1971, supposed to be in peacetime, and you were going to impose this on the highly pluralistic, complicated economy that the United States is?

So I then said all right, there is another point. And this was proved. It proved the wisdom of that era's leaders, like Franklin Roosevelt, and great economists, and not only economists, but wise leaders and their wisdom. There were fellows like Leon Keyserling, who really was the architect of the Basic Housing Act, and then the amendments, in 1947, but above all knew the U.S. economy like no man I have ever heard or had the great opportunity of being a friend of.

What he said and what he told me for years later until his death just a few years ago has been preeminently correct.

So we went to the House floor and there again it went through. There was another handful, and I was one of those that voted no.

Now, some were confused. They said, "Well, we thought you were a liberal."

I said, "Well, it all depends on how you would describe one." I don't like labels. Life, particularly when you are trying to be in the public arena, is not that conveniently compartmentalized. That is not life.

Second, if you are going to be true to your oath of office, above all, for whom are you supposed to be working on behalf of? Industry? Business? Banks? S&Ls? Or the people? Everybody forgets that. The way you hear some people still talking, you would think the Committee on Banking, Finance and Urban Affairs is there for the aid and convenience of the bankers.

Well, all you have to do is just remember where you come from and sit back and say wait a while. What is the greatest interest and the greatest good of the greatest number? Then you will act accordingly.

So we got the controls. I said we need one addendum. I said look, so you have imposed them. But you better start spending as much time as to how you are going to lift them, because therein is going to be the key critical factor.

Well, what happened? They did not work because of the exemptions. The first administrator, Dunlop, from Harvard, came in within a month and had to request an amendment, that I had anticipated, because I knew back home that if you exempted the cattle raiser and the grain producer, but did not exempt the packer, and particularly the big institution that began Mexican food here, Gerhardt's chili con carne, which put it in the can. I said when Gerhardt buys that meat from the meatpacker he has to pay the processing and then go. It is based on no control over that cattle raiser. Of course, the pound per hoof went up, but Gerhardt chili con carne, once it was put in the can and put it on the shelf, was controlled.

The baker had to pay that much more for the grain, process it, and once he put it in the loaf of bread and put it on that grocery shelf, was controlled.

Naturally I raised that issue. Mr. Dunlop came in within a month of his appointment and said, "Well, we have got to do something about it. We have to do this, do that, and do the other." It did not work.

So less than 2 years later they were going to phase it out. They had phase 1, because they did not know exactly how they were going to phase it out. Then they had phase 2, then phase 2½, and then phase 3.

But in the meanwhile, you began to hear the phrase "stagflation." Why is it that for the first time you have stagflation here in the economy, but inflation over here?

That is the reason. It never did recuperate. That has been my contention all along.

But you do not hear the big economists, because after that first group I described a while ago we had all of the leading national and international economists, the experts, the know-it-alls, or as they say in German, besserwissers, know-it-alls. Not a one of them predicted anything, that I know of, including what would happen to the dollar and the consternation. Because when we got off the gold exchange standard, which was at least some peg of reference, we went into the floating, which is for now in Europe in a great deal of flux.

All through mankind's history, finance, money, is an enemy of instability or fear.

We were the country that escaped the ravages of war. I am afraid we may not in the future. I hope I am dead wrong there, but we have done certain things just within the last 5 years that will ensure retaliation.

Can any of my colleagues say that we can go out, even worse than Hitler, and bomb a defenseless laborer's housing made of flimsy wood built in 1908 when we brought the laborers from Jamaica to build the Panama Canal, bomb them with Stealth bombers and incinerate several thousand human beings?

□ 1310

We cannot do that with impunity. There is a higher power of accountability. Can we go out like we did, with a great ado, and kill over 200,000 men, women, children, 15-year-old conscripts, Arab Moslems, like we did in the so-called Persian Gulf war, which, incidentally, the only heroes that have come out of that have been generals. This was the first war that the only heroes have been generals.

But we have over 200,000 that died human beings. They may be Moslem. They may be Arabs, but they are human beings. We have stirred up into a rebellion that I call "the world rebellion of the Moslem" from Pakistan to Arabia. And we seem to be blithely unaware.

How does that dovetail in with what is happening in Europe, in what the Germans have called the greater Germany or Mitteleuropa? Everything. Because you now reach the point of no return there, which it will be difficult with this horrible, horrible savergy. Twentieth century? What a way, the bloodiest century in the history of mankind about to end on that note, too.

America certainly has stood for the very opposite, but what has become of us in our judgment and our counsel? I say those are events that have just barely started. When we were tooting and hollering and yelling that the Persian Gulf war had ended, I said it is the beginning. God only knows where. We are seeing now, why, because in that eastern section there of Europe, once you start affecting Albania and you have two or three of the other countries there that as of last year a treaty with Turkey, and Turkey was the favored trading partner of Iraq and is once again having dreams of an Ottoman power structure. One flows into the other, and we blithely ignore history, even of Europe.

So here we are in our backyard or front porch, whatever you want to look at it, anyway it is what the law calls "contiguous" country. And, therefore, that triggers not only in tax law but in trade law certain things that are drawing corporations that are necessarily pro bono, our giant banking and financial institutions, that certainly are not pro bono, are taking advantage of to sneak through the things.

For instance, I would like to put in the RECORD one of the most, up to now, perceptive articles entitled "Mexico's bank privatization gamble," by Scott B. MacDonald, which has charts and all, I am going to quote, "This reflects Salinas' willingness to bet that the newly recreated financial groups will not embark upon a speculative frenzy."

It has already. Why? As of January 1 and down along my line, down in the border, we had a little glimmering about the so-called new peso, which in Mexico is the big discussion. The Mexican Government, as of January 1, though they enacted it last year, getting ready for this, what I call giant casino speculation that is going to suck in a lot, it has already started, announced that it was going to have a new peso.

So what they did, instead of the thousand peso bill, they printed a 1-peso bill. So Mexican citizens in Mexico were telling me, "Well, we don't know what this is all about. It makes no difference. We still have to ante up the same amount of money when we want to buy things."

I said, "Well, that is true, because it has relevancy in Mexico, if you want to buy things."

But what it did was devalue the dollar and enhanced the peso, when it comes to international or Mexico-United States transactions. That means that the American purchaser of all of these dire goods we must buy, natural goods, you will have to pay 3 times more. But what it means in this situation, because in correlating these very complicated statutory references, in this section of the trade agreement known as finance, you find that what it really does is give Mexican banks certain powers among which they can do business in the United States, but also American banks.

And in this case the principal ones.

Mr. Speaker, I include for the RECORD the documents to which I referred.

## FEDERAL INCOME TAX ISSUES IN THE ORGANIZATION, FINANCING, AND OPERATION OF MAQUILADORAS

(By William R. Leighton* and T. Richard Sealy III**)

### I. INTRODUCTION

Begun in 1966 in response to the United States' elimination of its Bracero Program,[1] Mexico's Maquiladora Program, created to encourage U.S. and other non-Mexican enterprises to establish manufacturing facilities in Mexico, has become that nation's most successful means of attracting foreign investment, and has spawned a domestic industry whose economic output is second only to that of Mexico's national oil industry.[2] In the decade of the 1980s, the maquiladora industry experienced explosive growth from six hundred and twenty plants in 1980 to more than two thousand currently which employ approximately five hundred thousand workers earning an average wage of five dollars per day plus a free lunch.[3]

Maquiladoras are also important to the United States' economy. U.S.-Mexico bilateral trade hit a record $59 billion in 1990, making Mexico the United States' third largest trading partner.[4] Total U.S. exports to Mexico tripled between 1986 and 1990 from $12.4 billion to $28.4 billion.[5] Maquiladoras account for a substantial share of this trade. The University of Texas estimates that U.S. sales to maquiladoras were worth approximately $8 billion in 1989. This estimate is corroborated by both the Bank of Mexico, which states that goods imported from all countries in 1988 for use in the maquiladora sector amounted to $7.8 billion, and by U.S. production-sharing statistics, which show that U.S.-origin value incorporated in maquiladora imports from Mexico during 1989 was worth $6 billion.[6] Mexico tends to "buy American"—the United States supplies seventy percent of Mexico's imports.[7] The maquiladora trade dominates U.S. imports from Mexico, accounting for forty-four percent in 1989. Absent the agricultural, petrochemical, and steel sectors, to which foreign assembly provisions do not apply, Maquiladoras goods accounted for seventy-eight percent of total imports.[8] Also, 1989 U.S. imports from Mexico contained fifty-one percent U.S.-origin content compared with thirty-three percent for imports from Canada, and thirteen percent for the rest of the world.[9] Maquiladoras purchase the overwhelming majority of their components and supplies from U.S. sources.[10] In 1990, U.S. exports to Mexico were related to 538,000 U.S. jobs, half of them created in recent years.[11] Obviously, the United States has a direct economic interest in the continued viability of the maquiladora industry.

While no particular form of organization is required by Mexican law to qualify for maquiladora status,[12] the preferred form of operation seems to be the "Sociedad Anonimá de Capital Variable" (S.A. de C.V.), which is essentially the Mexican counterpart of a corporation in the United States.[13] Unless otherwise specifically stated, the maquiladora business scenarios in this article assume a United States parent corporation conducting a maquiladora operation through a wholly-owned S.A. de C.V. subsidiary, or a United States corporation and a Mexican S.A. de C.V. enjoying a brother-sister relationship.[14] This article principally considers various United States federal income tax issues in the formation, financing, and operation of maquiladoras. The first section discusses "debt/equity swaps," which have frequently been used to provide the initial funding for maquiladoras. The following sections then consider the income tax effect of the operations of maquiladoras, including transfer pricing, intercompany services, intercompany expenses, intercompany use of tangible and intangible assets, and intercompany receivables under I.R.C. §482, the impact of I.R.C. §1059A on correlative adjustments under I.R.C. §482, and the "contiguous country" election of I.R.C. §1504(d).

### II. DEBT/EQUITY SWAPS

#### *A. General Background*

Due to economic conditions in Latin American and other developing countries, and the problems encountered in servicing their worldwide debt, the governments of such countries have been willing to enter into so-called "debt/equity swaps" with foreign businesses. Due to lack of creditworthiness, these developing nations' foreign public-sector debt can be purchased on the international market at substantial discounts from face value. A typical market purchase price would be sixty-five percent of face value, i.e., a market discount of thirty-five percent. In order to encourage foreign investment and to ease the debt burden, the governments of these countries will repurchase (retire) this debt with government funds for eighty-five to one hundred percent of face value. The funds used to repurchase the debt must, however, be invested in the debtor country, typically through corporations organized under the laws of the debtor country. Thus, United States parent corporations are able to obtain foreign debt on the international market for a cost of sixty-five percent of face value, plus a one to two percent commission to the investment banker (or other broker), and exchange it for foreign currency worth eighty-five to one hundred percent of the face value, which must be used for capital investment in the nation which issue the debt. A debt/equity swap permits an enterprise to acquire far more local currently (thus, buying power) than it could by simply purchasing currency at the prevailing market exchange rate.[15] Mexico, Chile, Argentina, Brazil, and the Philippines are among the nations with such programs.[16]

### *E. Mexico's Debt/Equity Swap Program*

The government agencies responsible for conducting the Mexican debt/equity conversion program are the Secretaría de Hacienda y Crédito Público (Ministry of the Treasury and Public Credit or SHCP), and the Comisión Nacional de Inversiones Extranjeras (National Commission on Foreign Investments or CNIE).[17] Prior to the actual transaction, the U.S. parent corporation (investor) conducts extensive negotiations with these agencies concerning the intended use of the proceeds of the swap, i.e., the type of investment to be made in the Mexican economy.[18] There are no limitations on these transactions, although the Mexican government has established criteria to rank them according to their perceived benefit to the economy. For example, purchase of stock in public enterprises which the government is privatizing (e.g., Aeronaves de Mexico), projects which will export most of their production (or which will effect import substitution, i.e., will produce goods in Mexico which it is currently importing), projects involving the transfer to Mexico of advanced technology, and projects which will be situated away from Mexico City receive high-priority.[19] The basic aim of the program is to avoid the outflow of the peso proceeds of the swaps, so that proposals involving the purchase of machinery and equipment from abroad, the repayment of debt to foreign (i.e., non-Mexican) lenders, or increases in working capital not specifically related to a priority use are not considered.[20] The government also prefers to grant equity injections to enterprises which are already totally owned by non-Mexican interests.[21] After all, the program is designed to attract new foreign investment, rather than simply to reshuffle pre-existing domestic investment.

There are, however, specific limitations on the form which the new investment must take. Under section 5.11(a) of the New Restructuring Agreement of the Mexican Foreign Public Sector Debt of August 29, 1985,[22] the investment must take the form of "qualified capital stock." Section 5.11(b) of the agreement defines "qualified capital stock" as capital stock of any Mexican public sector entity or private sector company which is:

(1) issued in registered, certificated form in the name of the foreign bank holding the Mexican foreign debt, or in the name of a person (in the case of this article, the U.S. parent company wishing to participate in the debt/equity substitution program) which the Bank designates and which is not a "Mexican entity" (any individual who is a resident of Mexico, and any non-individual entity with its principal place of business in Mexico);

(2) not transferable to any Mexican entity before January 1, 1998, and the certificate of which bears a legend to this effect;

(3) not by its terms subject to redemption on a basis more favorable to the bank or the designated person than the amortization of the debt for which it is issued in exchange (i.e., the stock cannot be redeemed prior to, or in amounts greater than, payments due under the Mexican foreign debt instrument for which the stock is issued in exchange);

(4) not entitled to guaranteed dividends payable irrespective of earnings and profits; and

(5) not convertible into any instrument or security other than qualified capital stock.

Once the CNIE and SHCP have approved the proposed investment and authorized the swap, the U.S. parent will purchase Mexican foreign debt from a foreign bank for a deep discount, for example, sixty cents for each one dollar of face value. The debt will then be cancelled by the SHCP. The SHCP will then crate and fund an account in the Mexican treasury (Tesoreria de la Federacion) for the Mexican subsidiary with an amount of pesos calculated by multiplying the face amount of the cancelled debt (always denominated in dollars) by the current pesos per dollar exchange rate, less a discount determined in advance by the government agencies, which varies inversely with the determined priority of the investment. For example, assume that the U.S. parent acquires one million dollars face amount of Mexican debt on the international market for six hundred thousand dollars, that the free-market rate of exchange on the date of funding is three thousand pesos/dollar, and that the priority discount is ten percent. The subsidiary's account will be credited with three billion pesos (one million dollars face amount of debt x three thousand pesos/dollar exchange rate), less a discount of three hundred million pesos (ten percent of the three billion pesos), for a total of two billion, seven hundred million pesos. The subsidiary will then issue qualified capital stock, with a par value equal to the peso proceeds, to the U.S. parent. Thus, in our example, for six hundred thousand dollars plus transaction costs, the U.S. parent acquires one hundred percent ownership of a Mexican subsidiary with a bank account worth nine hundred thousand dollars[23] which must be used for the authorized investment in Mexico.

### *C. Revenue Ruling 87–124*

Revenue Ruling 87–124[24] sets forth the position of the Internal Revenue Service on debt/equity swaps. The ruling provides, in Situation 1, a typical debt/equity swap scenario. X is a U.S. bank which holds a dollar-denominated debt (the obligation) of foreign country FC, evidencing a loan of one hundred dollars which X made to FC's central bank. X's adjusted basis in the obligation is one hundred dollars. Y is a U.S. domestic corporation, and FX is a corporation organized under the laws of FC. FX engages in business in FC but not in the U.S. The local currency of FC is the LC. The free-market exchange rate on July 1, 1987 was ten LCs per dollar.

FC has a program under which a holder of FC's dollar-denominated debt can negotiate with the central bank of FC to receive LCs if the holder agrees to invest the LCs in the stock of an FC corporation or otherwise use the LCs in FC in a manner approved in advance by the government of FC. The program controls the LCs by either remitting the LCs to, or crediting them to the account of, an FC corporation that issues capital stock to the holder, or by otherwise channeling the LCs to a designated use in FC. In the case of a stock investment, the stock cannot be sold or otherwise transferred to other FC entities. The amount of LCs which the central bank will give the holder in exchange for the debt varies according to how the LCs are used.

In accordance with a prearranged plan pursuant to the FC program, on July 1, 1987, Y purchased the obligation from X for sixty dollars, which was the fair market value of similar FC debt in the secondary international markets. X, on behalf of Y, delivered the obligation to the central bank, which credited the account of FX with nine hundred LCs. FX then issued all of its capital stock to Y.

According to ruling 87–124, under I.R.C. §1001(a), X realizes a loss of the sale of the obligation to Y in the amount of the excess of its adjusted basis in the obligation (one hundred dollars) over the amount realized on the sale (sixty dollars). Y's adjusted basis in the obligation is sixty dollars. Y is considered to have received the nine hundred LCs from the central bank in exchange for the obligation, and then to have contributed the LCs to FX in exchange for the FX stock. Y realizes a gain on the exchange of the obligation for the nine hundred LCs to the extent that the fair market value of the nine hundred LCs exceeds sixty dollars, Y's adjusted basis in the Obligation. The fair market value of the nine hundred LCs is determined by taking into account all of the facts and circumstances of the exchange. The limitation on Y's use of the nine hundred LCs will generally reduce their fair market value below the free-market exchange rate of ninety dollars. Y's basis in the nine hundred LCs is sixty dollars plus the gain recognized on the exchange. The fair market value of the FX stock is presumed equal to that of the nine hundred LCs, and is Y's basis in the FX stock.

Situation 1 of the ruling is clearly patterned upon a program very similar to, if not identical with, the Mexican program. Thus, under the ruling, the U.S. parent, which in the Mexican program example purchased three billion pesos debt for six hundred thousand dollars, would realize a gain on the debt/equity swap equal to the excess of the fair market value of the two billion, seven hundred million pesos, as restricted by the Mexican government, over six hundred thousand dollars, which is the U.S. parent's adjusted basis in the Mexican debt exchanged for the pesos.

Many U.S. parent companies who utilize debt/equity swaps do not agree with Revenue Ruling 87–124's conclusion that they are not taxable events which result in realized and recognized gain. The following portions of the article consider the major arguments advanced against the ruling.

### *D. The Step Transaction Doctrine*

Taxpayers have attacked the ruling under the "step transaction doctrine." This section of the article considers the doctrine, its application to debt/equity swaps, arguments which have been advanced under the doctrine against the ruling, and possible counter-arguments.

#### 1. Does the Doctrine Apply to Debt/Equity Swaps, Assuming That the Taxpayer Can Assert It?

The step transaction doctrine is a rule of substance over form[25] that "treats a series of formally separate 'steps' as a single transaction if such steps are focused toward a particular result."[26] The Tax Court has described the doctrine as follows:

> The step transaction doctrine generally applies in cases where a taxpayer seeks to get from point A to point D and does so stopping in between at points B and C. The whole pur-

pose of the unnecessary stops is to achieve tax consequences differing from those which a direct path from A to D would have produced. In such a situation, courts are not bound by the twisted path taken by the taxpayer, and the intervening stops may be disregarded or rearranged.[27]

The existence of an overall plan does not require that the steps comprising it be disregarded. The step transaction doctrine combines a series of individually meaningless steps into a single transaction.[28] Thus, the party seeking to invoke the doctrine[29] must show that the steps are individually meaningless or unnecessary, i.e., that they lack independent economic significance.[30]

It has been argued that, under this doctrine, the steps of a debt/equity swap should be collapsed into a contribution of capital by the U.S. parent to its Mexican subsidiary in exchange for its stock, thus escaping taxation under I.R.C. §351. Under this scenario, the purchase of the Mexican debt, its transfer to the Mexican government, and the deposit of the pesos to a bank account for the subsidiary, would be disregarded.[31]

On the other hand, it can be argued that each step in a debt/equity swap has independent economic significance and is undertaken for valid business purposes. The investor (U.S. parent) purchases the Mexican foreign debt from an unrelated holder in the international market at a bargained-for, arm's length price. This transaction is, arguably, economically significant because the holder parts with foreign public-sector debt, with uncertain prospects for repayment, and receives money (dollars, a stable international currency) in exchange. The investor parts with that same money and receives the debt, thereby assuming the position of the original holder. The real economic positions of these parties have changed.

In the next step, the investor transfers the discounted debt to the Mexican government, and receives in exchange (through its subsidiary) money, this time in the form of pesos, an international currency with less stability than the dollar, but with a more certain value than the debt. The Mexican government is relieved of a portion of its debt burden, which includes future debt-service costs in the form of out-flows of foreign exchange, as well as the time and effort which it might spend in future restructuring negotiations, in return for simply issuing more of its own currency, which carries no risk, except perhaps added inflationary pressures.[32]

In the last step, the currency is expended to create a facility which produces goods at a much lower cost than would be possible in the United States, benefitting the investor, and which expands Mexico's capital stock, creating jobs for its citizens and providing new technology to its industry.

Each "step" may thus constitute a legitimate business transaction with economic substance. Further, it may be suggested that all of them are necessary to accomplish the objectives of both the Mexican government and of the investor. The mere fact that, together, they form the "overall plan" of the debt/equity swap may not deprive them of their independent significance.

#### 2. May the Taxpayer Successfully Assert the Doctrine?

Assuming that the taxpayer invokes the doctrine, thereby attacking the form in which he has voluntarily chosen to cast the transaction, the general rule is that "while a taxpayer is free to organize his affairs as he chooses, nevertheless, once having done so, he must accept the tax consequences of his choice, whether contemplated or not, and may not enjoy the benefit of some other route he might have chosen to follow but did not."[33]

By contrast, "the Government may not be required to acquiesce in the taxpayer's election of that form. . . . The Government may look at actualities and, upon determination that the form employed . . . is unreal or a sham, may sustain or disregard the effect of the fiction as best serves the purpose of the tax statute."[34]

Thus, there may be some question as to whether a taxpayer may successfully invoke the step-transaction doctrine and contend that the substance of the transaction differs from the form in which he chose to place it.[35]

### *E. Presumed Equivalency In Value Argument*

Taxpayers have also argued that Revenue Ruling 87-124 is incorrect by asserting that, even if the debt/equity swap's steps are to be viewed separately, and that the Mexican debt is in fact exchanged for Mexican currency in a taxable event, the currency received should be presumed to be equivalent in value to the debt exchanged for it, allegedly because the currency is incapable of being valued.[36] On the other hand, there exists a ready international market for pesos; daily quotes are available for peso/dollar exchange rates. The restrictions on the use of the pesos must also be taken into account. However, it should also be remembered that the pesos are used for a purpose desired by the investor.

### *F. Capital Contribution Under I.R.C. §118*

The final argument against application of the ruling and taxation of the debt/equity swap which this article considers is that the excess of the value of the Mexican currency over the cost of the debt exchanged for it represents a contribution to the Mexican subsidiary's capital by the Mexican government, and is exempt from taxation under I.R.C. §118.[37] That section provides that, "in the case of a corporation, gross income does not include any contribution to the capital of the taxpayer."[38] The regulations under the section state that it applies to contributions to capital made by persons other than shareholders, and gives as an example the value of land or other property contributed to a corporation by a governmental unit "for the purpose of inducing the corporation to locate its business in a particular community," or to enable it to expand its facilities.[39]

Thus, the argument goes, the excess of the value of the pesos over the cost of the debt represents "property" "contributed" by the Mexican government to the subsidiary or the investor to induce them to build the facility in Mexico. A potential problem with this argument, however, is that the pesos are not an outright grant, but are paid in exchange for the cancellation of the debt, which benefits the government. The regulations provide that "the exclusion does not apply to any money or property transferred to the corporation in consideration for goods or services rendered."[40] The Mexican government makes its payment of currency in exchange for the direct benefit of the repayment of a portion of its debt with its own currency, rather than foreign exchange, and the concomitant reduced future debt service costs and associated activities.[41]

The foregoing discussion involves issues relating to the formation and financing of maquiladoras. The remainder of the article addresses some tax aspects of a maquiladora's operations.

## III. I.R.C. §482 ALLOCATIONS INVOLVING MAQUILADORAS

### *A. General Background*

As the maquiladora industry typically involves two or more closely related entities, there exists a great potential for the shifting of income and expenses between the related entities. As a result, many issues can arise in the maquiladora industry with respect to allocations under I.R.C. §482. Section 482 provides that

"In any case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the United States, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the Secretary [of the Treasury] may distribute, apportion, or allocate gross income, deductions, credits, or allowances between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses."

The purpose of I.R.C. §482 is to place a controlled taxpayer on a tax parity with an uncontrolled, unrelated taxpayer.[42] Moreover, an intent to evade tax is not a prerequisite to an I.R.C. §482 allocation.[43]

A necessary concomitant of I.R.C. §482's broad grant of authority to allocate the specified items is that any such allocation must be sustained absent a showing that the Internal Revenue Service has abused its discretion.[44]

The regulations promulgated pursuant to I.R.C. §482 provide that if the secretary makes an adjustment to the income of one member of a group of controlled taxpayers, he shall also make appropriate correlative adjustments to the income of any other member of the group involved in the allocation.[45]

Section 482 issues may arise in the maquiladora context in several ways. The most common problems, which will be discussed below, are transfer pricing, intercompany services, payment of intercompany expenses, intercompany use of tangible assets, and transfer of intangibles. Although a discussion of transfer pricing is included, transfer pricing issues generally arise in the context of attempting to shift the income from an entity in a higher tax country to a related entity in a lower tax jurisdiction. Maquiladoras, however, typically involve Mexican corporations formed to provide labor intensive services at reduced cost to American parents. The Mexican maquiladoras are generally not profit centers, but are more in the nature of cost centers. Thus, most of the I.R.C. §482 issues which will arise with respect to maquiladoras will involve the American entity incurring costs on behalf of its maquiladora.

### *B. Transfer Pricing*

Although it will not be common, transfer pricing issues could arise with respect to sales of products from the Mexican maquiladora to its related American entity. The regulations under I.R.C. §482 provide that where one member of a group of related entities sells tangible property to another member of the group at other than an arm's length price, the Internal Revenue Service may make appropriate allocations between the buyer and the seller to reflect an arm's length price.[46] If this issue were to arise with respect to a maquiladora, it would involve a Mexican entity inflating the cost of items sold to the related American entity in an effort to increase the American entity's cost of goods sold, which in turn would reduce its net income. As stated above, most Mexican maquiladoras are cost centers rather than profit centers; thus, there is little attempt to shift income to the Mexican entity.

If a transfer pricing issue does arise, the required analysis focuses on a determination of the arm's length price.[47] The regulations prescribe three methods of determining an arm's length price and the standards for applying each method.[48] The three methods are the comparable uncontrolled price method, the resale price method, and the cost-plus method. The regulations further provide that the three methods should be used in the order stated; thus, resort to the second method should only be had if there are no comparable uncontrolled sales, and the third method should only be used if neither the first nor the second method is available.[49]

The comparable uncontrolled price method requires that the arm's length price of a controlled sale be equal to the price paid in comparable uncontrolled sales, subject to certain ascertainable adjustments for the "quality of the product, terms of sale, intangible property associated with the sale, time of the sale," and the market in which the sale takes place.[50] If such adjustments are not ascertainable, this method can not be used.[51] "Uncontrolled sales are sales in which the seller and the buyer are not members of the same controlled group," and include "(a) sales made by a member of the controlled group to an unrelated party, (b) sales made to a member of the controlled group by an unrelated party, and (c) sales made in which the parties are not related to each other."[52]

If the comparable uncontrolled price method is not appropriate, the resale price method must be considered. The theory behind the resale price method is to determine the buyer's (reseller's) gross profit percentage (markup) on resales of similar property purchased from an unrelated entity.[53] The resale price method is generally not appropriate if the buyer (reseller) has "added more than an insubstantial amount of value to the property by physically altering the property before resale."[54] Additionally, the following factors should be considered when determining whether similar purchases and resales are comparable—

(a) the type of property involved in the sale; (b) the functions performed by the buyer with respect to each product; (c) the effect on price of any intangible property utilized by the reseller in connection with the property resold; and (d) the geographic market in which the functions are performed by the buyer.[55]

Although maquiladoras almost always involve labor intensive work, including processing and assembling which, by their very nature, add more than an insubstantial value to the property, the resale price method could be appropriate if the maquiladora sells its products to its parent which resells them on the United States market without further processing, i.e., in effect acting merely as a distributor. The focus would be on the first uncontrolled sale outside of the controlled group. From this sales price would be subtracted an appropriate markup (determined from the parent's resales of products purchased from unrelated entities, or from information from other persons selling comparable products) to determine an appropriate transfer price between the maquiladora and the parent.

If neither the comparable uncontrolled price method nor the resale price method is available, however, the regulations direct the consideration of the use of the cost plus method. Under this method, "the arm's length price of a controlled sale of property shall be computed by adding to the cost of producing such property, an amount which is equal to such cost multiplied by the appropriate gross profit percentage, plus minus the appropriate adjustments."[56] Thus, the method determines the appropriate gross profit percentage for the related party sales by determining the seller's cost of production and adding to such cost the gross profit percentage earned on similar sales to unrelated parties, or earned by other persons selling comparable products. The same types of factors considered in determining comparability of sales for the resale price method should be considered with respect to comparability of sales for the resale price method should be considered with respect to comparability of sales for the cost plus method.[57]

The regulations further provide that if none of the three methods outlined above is appropriate, then some other appropriate method, or variation of such methods, may be used.[58] Of course, no guidance with respect to other methods or variations of the above methods is provided.

Given the nature of the maquiladora industry, the Mexican company will probably be providing all of its products to its United States parent. Thus, the ability to rely on the comparable uncontrolled price method would depend upon whether the United States parent purchased comparable products from unrelated entities, or whether there were comparable sales involving totally unrelated entities. If the comparable uncontrolled price method is unavailable, then the resale price method may be used to determine the appropriate transfer price, if the parent sells the the product without further processing. Otherwise, the government would be forced to relay on the cost plus method.

### *C. Intercompany Services*

As a general rule, "when one member of a group of controlled entities performs marketing, managerial, administrative, technical, or other services for the benefit of, or on behalf of another member of the group without charge," or at less than an arm's length charge, the Internal Revenue Service may make appropriate allocations to reflect an arm's length charge.[59] Given the close relationship between most American entities and their Mexican maquiladoras, and that most maquiladoras are operated as cost centers, it is very common for American companies to provide administrative and managerial services to their maquiladoras. In such situations, the Internal Revenue Service may attempt to allocate an arm's length charge for the services provided by the American company to its maquiladora.

The regulations provide that "an arm's length charge for services rendered shall be the amount which was charged or would have been charged for the same or similar services in independent transactions with or between unrelated parties under similar circumstances."[60] The regulations further provide that, "except in the case of services which are an integral part of the business activity of either" of the parties involved, "the arm's length charge is deemed to be the amount of the costs or deductions incurred with respect to such services, unless the taxpayer establishes a more appropriate charge."[61] Services are considered to be an "integral part of the business activity" if either the provider or the recipient "is engaged in the trade or business of rendering similar services to one or more unrelated parties,"[62] or if the provider "renders services to one or more related parties as one of its principal activities."[63] When the "amount of an arm's length charge for services is determined with reference to the costs or deductions incurred with respect to such services," all direct and indirect costs associated with such services must be taken into account.[64] If the taxpayer has "allocated and apportioned costs or deductions to reflect arm's length charges . . . in a consistent and reasonable manner which is in accord with sound accounting practices," such method will be allowed.[65]

Allocations for services may also be made with respect to services performed for the "joint benefit of the members of a group of controlled entities."[66] In such a case, the allocation should be made in accordance with the "relative benefits intended from the services," without the aid of hindsight.[67] However, no allocation is to be made if the expected benefits to the other members of the group were so remote that "unrelated entities would not have charged for such services."[68] Furthermore, the regulations provide that an allocation will generally not be necessary if the service is merely a duplication of a service which the related party has independently performed or is performing for itself.[69]

The Internal Revenue Service may also disallow expenses for services paid by the United States parent which are for the direct benefit of the Mexican subsidiary under the general principles of I.R.C. §162. For example, assume that a United States corporation pays the salary of a manager who is employed by, and spends all of his time providing management services to, the corporation's wholly owned Mexican maquiladora. It would be difficult to argue that incurring expenses for the benefit of another entity is either ordinary or necessary for the American company, as required for deductibility under section 162.[70] This issue will be addressed further below in the context of the I.R.C. §1059A discussion.

### *D. Payment of Intercompany Expenses*

Intercompany services are not the only expenses which may be incurred by the domestic entity on behalf of foreign related entities. Given the nature of the maquiladora industry and the assumptions relied upon herein, the domestic entity will control, for the most part, both the resources and the decision-making of its maquiladora. Inevitably, the domestic entity will incur and deduct traditional operating expenses, such as professional services, insurance, travel, supplies, maintenance, and utilities, which benefit the Mexican company.

Expenses incurred by a domestic company on behalf of its maquiladora may be challenged by the Internal Revenue Service under either I.R.C. §482 or §162. As stated above, the theory behind section 482 is to determine what the income and expenses of members of controlled groups of taxpayers would have been had such members dealt with each other at arm's length. At arm's length, taxpayers simply do not pay the expenses of other taxpayers. Under section 482, the Internal Revenue Service could either allocate the deduction to the entity who benefited from it, or impute income to the entity who erroneously deducted it, with a corresponding allocation of the deduction to the other party.[71]

As stated with respect to intercompany services, the Internal Revenue Service may choose to disallow the deductions under I.R.C. §162. Business expenses must be both ordinary and necessary to be deductible. The payment of someone else's debt is simply not an "ordinary" expense.[72]

*E. Intercompany Use of Tangible Assets*

Problems can arise with respect to the transfer of equipment and other tangible assets from the domestic entity to its controlled Mexican company. If the domestic company owns equipment and allows the Mexican company to use it either at less than fair market value or at no charge, the Internal Revenue Service may use section 482 to impute lease income to the domestic company at an arm's length rate.[73]

Additional problems can arise if domestic companies claim depreciation with respect to assets purchased by them, but used by their Mexican controlled corporation. I.R.C. §167 allows a deduction for the reasonable allowance for the exhaustion, wear and tear of property used in a trade or business or of property held for the production of income. In a maquiladora context, the first hurdle in establishing an entitlement to a depreciation deduction is proving that the assets are used in the American company's trade or business. If the assets are only being used by the Mexican subsidiary in its trade or business, then there should be no depreciation deduction for the American company.

If it can be established that the assets are used in the American company's trade or business, but are still located abroad, the depreciation deduction may be limited by I.R.C. §168(g). Section 168(g) provides, in pertinent part, that the depreciation deduction allowed by section 167 for property used predominantly outside the United States during the taxable year is subject to the alternative depreciation system set forth in section 168(g)(2), which would generally call for straight line depreciation over a twelve-year period.

*F. Intercompany Receivables*

The transfer and sale of goods and services between related entities often creates receivables between such related entities. The maquiladora industry is no exception. Any time there are receivables or loans between two or more related entities, issues can arise with respect to imputed interest on such receivables and loans. The section 482 regulations provide that where one member of a group of related entities "makes a loan or advance directly or indirectly to, or otherwise becomes a creditor of, another member of the group and either charges no interest or charges interest at a rate which is" below an arm's length rate, the Internal Revenue Service may make appropriate allocations to reflect an arm's length rate of interest.[74] The regulations provide that the Internal Revenue Service may impute an appropriate rate of interest with respect to loans or advances of money, and with respect to "indebtedness arising in the ordinary course of business from sales, leases, or the rendition of services by or between members of the group."[75]

The regulations generally provide that interest should be imputed from the day after the indebtedness arises until the day it is satisfied.[76] However, with respect to intercompany trade receivables involving a foreign debtor, "interest is not required to be charged until the first day of the [fourth month] following the month in which the receivable arises."[77] The regulations also provide that if it is an industry practice to allow longer periods to run before charging interest on similar transactions, then such longer period will be allowed.[78] The regulations also provide a safe harbor rate between the "applicable federal rate" (determined under I.R.C. §1274(d)) and 130% of the applicable federal rate.[79]

Thus, assuming there are no advances or other typical loans between the domestic entity and its related maquiladora, which are typically avoided in the maquiladora industry because of Mexican withholding requirements, imputed interest on intercompany trade receivables can be avoided by repaying such receivables in less than four months.

*G. Transfer of Intangibles*

The Tax Reform Act of 1986 amended, I.R.C. §482 by adding the following sentence, "In the case of any transfer (or license) of intangible property (within the meaning of section 936(h)(3)(B)), the income with respect to such transfer or license shall be commensurate with the income attributable to the intangible."[80] Prior to the amendment of section 482, the Internal Revenue Service relied on the principles espoused in the section 482 regulations.[81]

The regulations provide that where intangible property or an interest therein is transferred, sold, assigned, loaned, or otherwise made available by one member to another member of a controlled group of corporations for other than an arm's length consideration, the Internal Revenue Service may make necessary allocations to reflect an arm's length consideration.[82] The regulations generally provide that the standard to be applied in determining the amount of an arm's length consideration is the amount that would have been paid by an unrelated party for the same intangible property under the same circumstances.[83] If there is no comparable transaction involving an unrelated taxpayer, then the regulations provide specific factors to be considered in arriving at the amount of an arm's length consideration.[84]

The standard set forth in section 482 looks to the income to be derived from the transfer of the intangible as indicative of arm's length consideration. Prior case law focused on the amount that an unrelated buyer would have paid for the same rights in the intangible without sufficient consideration of all of the terms and conditions surrounding the transfer. Although there are no current regulations interpreting the amendment to section 482, the legislative history provides meaningful insight. The Ways and Means Committee report explaining the House version of the bill provides that one of the factors to be considered in determining the profit potential of the intangible transferred is that "extent to which the transferee bears real risks with respect to it ability to make a profit from the intangible, or, instead, sells products produced with the intangible largely to related parties . . . and has a market essentially dependent on, or assured by, such related parties' marketing efforts."[85] Additionally, the committee report explains that the most important factor is the "profit or income stream generated by or associated with intangible property."[86] Another important change is that hindsight will now be an appropriate factor in the analysis.[87] In other words, the new law is intended to cause the parties to analyze the payments being made over time, requiring appropriate adjustments for changes in the income attributable to the intangible. The inquiry is no longer limited to the facts in existence at the time of the transfer.

Unfortunately, there are no current guidelines to comply with the amendment to section 482. Furthermore, given the large number of U.S. companies which have shifted their manufacturing and processing operations to Mexico and other foreign countries, and the degree to which technology plays a part in such manufacturing and processing, it is impossible to forecast the impact of this amendment to section 482. Congress clearly believed there was a problem in the way the section 482 regulations handled the transfer of intangibles, and enacted the amendment to section 482 to tighten the rules. It will be left to the courts to provide the final analysis.

IV. CORRELATIVE ADJUSTMENTS UNDER I.R.C. §482 AND I.R.C. §1059A

*A. Correlative Adjustments*

As stated above, whenever the Internal Revenue Service makes a section 482 adjustment to the income of one member of a group of controlled taxpayers, it must also make appropriate correlative adjustments to any other members of the group related to the allocation.[88] The regulations provide that the correlative adjustment shall actually be made if the U.S. income tax liability of the other member(s) of the group would be affected for any pending taxable year. A pending taxable year is defined as "any taxable year with respect to which the U.S. income tax return of the other member has been filed by the time the allocation is made, and with respect to which a credit or refund is not barred by the operation of law."[89] Even "if a correlative adjustment is not actually made," it shall "be deemed to have been made for the purpose of determining" that member's "U.S. income tax liability in a later year, or for the purposes of determining the U.S. tax liability of any other person for any taxable year."[90]

The regulations also provide that the correlative adjustment is not to be made until there is some degree of finality with respect to the primary section 482 adjustment. Under the regulations, the correlative adjustment should not be made until the earliest of the following events involving the primary adjustment:

(a) the date of assessment of the tax following execution by the taxpayer of a Form 870 (Waiver of Restriction on Assessment and Collection of Deficiency in Tax and Acceptance of Overassessment) with respect to the adjustment;

(b) acceptance of a Form 870-AD (Offer of Waiver of Restriction on Assessment and Collection of Deficiency in Tax And Acceptance of Overassessment);

(c) payment of the deficiency;

(d) stipulation in the Tax Court of the United States; or

(e) final determination of tax liability by offer in compromise, closing agreement, or court action.[91]

*B. I.R.C. §1059A*

Section 1059A was enacted as part of the Tax Reform Act of 1986 to limit an importer's basis in inventory to the value of the imported goods claimed for customs purposes.[92] Section 1059A provides that where property is imported into the United States in a transaction (directly or indirectly) between related persons (within the meaning of section 482), the amount of any costs taken into account in determining basis or inventory costs by the purchaser which are also taken into account in computing the customs value of such property, shall not exceed such customs value. "Customs value" is defined as the value taken into account for purposes of determining the amount of any duties imposed on the importation of property.[93] "Import" is defined as the entering or withdrawal from a warehouse for consumption, except as otherwise provided in the regulations.[94]

The regulations provide that section 1059A does not apply to items or portions of items which are not subject to duty.[95] Likewise, section 1059A is inapplicable if the customs duty on property is not based on value; thus, this section is inapplicable if the customs duty is based on volume or if there is a per item duty.[96] The regulations also make it clear that section 1059A has no application if the customs value is greater than the inventory cost; section 1059A is not a two way street.

The regulations recognize that there may be certain costs which are properly included in the cost of inventory which are not included in the customs value. These include costs for freight, insurance, expenses incurred after importation (such as construction, erection, assembly or technical assistance), and any other costs properly included in inventory cost under I.R.C. §§471 and 263A.[97]

The regulations expressly state that neither section 1059A nor the section 1059A regulations limit in any way the authority of the Internal Revenue Service to make adjustments to inventory costs under section 482 or any other section of the code.[98] A more difficult question, which is not specifically answered in the regulations, is whether the Internal Revenue Service can use section 1059A to limit the benefit of a correlative adjustment. For example, assume that, under section 482, the Internal Revenue Service allocates deductions for salaries which a parent corporation paid to an employee of its Mexican subsidiary from the parent to the subsidiary and, as a correlative adjustment, treats the subsidiary as having paid or incurred those salaries. The subsidiary, a maquiladora, operates on a cost plus basis, i.e., the amount which the parent pays the maquiladora for processing its widgets is equal to the maquiladora's total costs plus a certain percentage of those costs. Therefore, any excess costs which it would incur would normally be passed up to the parent corporation in the price the parent paid for the processing of widgets.

Without the limitations of section 1059A, the utilization of section 482 and the correlative adjustment should create a wash, and possibly a benefit, with respect to the domestic parent's U.S. tax liability, because any decrease in salaries expense will be offset, through the correlative adjustment and the cost-plus arrangement, by an increased cost the parent is paying its subsidiary for the widgets. Thus, salaries expense may decrease, but the cost of goods sold will increase, presumably by that amount plus the cost-plus arrangement. The question is whether section 1059A will limit the ability of the domestic parent to utilize the benefit of the correlative adjustment.

The section 1059A regulations provide that a taxpayer is bound by the finally determined customs value and by every final determination made by the United States Customs Service, including the determination of dutiable value.[99] The customs value is considered to be finally determined, and all United States Customs Service determinations are considered final, when liquidation of the entry becomes final.[100] Liquidation generally occurs ninety days after notice of liquidation to the importer, unless a protest is filed. If a protest is filed, the customs value is considered to be finally determined either when a decision by the Customs Service with respect to the protest is not contested or when a decision of the Court of International Trade becomes final.[101]

The Internal Revenue Service may argue that the finality of the customs value precludes adjustment of the inventory cost resulting from a section 482 correlative adjustment. By the time a correlative adjustment would be required, the customs value would likely be final, and the regulations under section 1059A are explicit that the finally determined customs value controls.

The taxpayer may counter-argue that with a maquiladora, where the Mexican corporation is passing along all of its costs to its domestic counterpart, no section 482 adjustment should be made in the first instance because there is no attempt to evade taxes and the adjustment is not needed to clearly reflect income. Although the statute appears to require either an attempt to evade taxes or the necessity for an adjustment to clearly reflect income, the regulations expressly do not.[102] The courts have followed the regulations.[103] Transactions involving related entities will be closely scrutinized, and the aim of section 482 is to prevent the shifting of net incomes of controlled taxpayers by placing them on a parity with uncontrolled taxpayers.

Questions may arise concerning the potential interplay between section 482 correlative adjustments and the section 1059A limitations with respect to deductions disallowed under I.R.C. §162. As discussed above, expenses must be both ordinary and necessary to be deductible under I.R.C. §162, and the service may successfully argue that it is not ordinary for one taxpayer to pay the expenses of another. Although no correlative adjustment is required with respect to deductions disallowed under I.R.C. §162, the domestic parent may argue that it should be able to recharacterize the disallowed expenses as part of its cost of purchasing inventory from the maquiladora, or of having the maquiladora assemble or manufacture the inventory. Consequently, the parent would contend that its cost of goods sold should be increased by the amount of the disallowed deductions. The service might respond as follows:

(1) The expenses cannot be recharacterized as part of the parent's cost of goods sold because they were not paid as such. They are at most contributions to the maquiladora's capital, which would at most increase the basis of its stock in the parent's hands; and

(2) Even if the expenses could be so recharacterized, I.R.C. §1059A would prohibit the parent from taking them into account in calculating its cost of goods sold if they were not included in the declared dutiable value of the inventory imported from the maquiladora.

Thus, I.R.C. §1059A may apply to an adjustment under I.R.C. §162.

The potential conflict between I.R.C. §§482 and 1059A will be unavoidable, however, with respect to transfer pricing allocations or any imputations of income under section 482. Although the service will likely rely on I.R.C. §1059A to limit the use of the correlative adjustment, the issue has yet to be decided by any court.

### V. I.R.C. §1504(D) ELECTION

Generally, a foreign corporation may not be included in an affiliated group of corporations for the purpose of filing a consolidated return.[104] However, a domestic corporation may elect to include a wholly owned subsidiary incorporated in a contiguous country (Mexico or Canada) in the consolidated return group if such wholly owned subsidiary is "maintained solely for the purpose of complying with the laws of such country as to title and operation of property."[105] Including a Mexican subsidiary in a consolidated return group could be beneficial if it would allow the affiliated group to offset its income by the Mexican subsidiary's start-up losses. The I.R.C. §1503(d) limitation on dual consolidated losses must, however, be considered.[106]

Whether a Mexican subsidiary formed as part of the maquiladora industry is maintained solely for the purpose of complying with the laws of Mexico as to title and operation of property was considered by the Internal Revenue Service in General Counsel Memorandum 38,119 (October 1, 1979) and Private Letter Ruling 81-25-143 (March 27, 1981) which answered that question in the negative. General Counsel Memorandum 38,119 involved a U.S. corporation, Corp P, establishing a wholly-owned Mexican corporation, Corp S, to participate in the Mexican Border Industrialization Program under Mexican law near the U.S. border. According to the memorandum, Corp S was established partly to comply with the laws of Mexico as to title of property and partly to receive the benefits as maquiladora. The memorandum stated that the "maintained solely" requirement in section 1504(d) required the taxpayer to establish that foreign incorporation would not have been maintained "but for" the need to comply with the laws of Mexico or Canada as to title or operation of property. General Counsel Memorandum 38,119, relying on Revenue Ruling 71-523,[107] concluded that Corp S was not qualified to make a section 1504(d) election because it was formed partially to gain benefits under the Mexican Border Industrialized Program, and not solely for the purpose required by the statute.

Likewise, in Private Letter Ruling 81-25-143, the Internal Revenue Service determined that the Mexican subsidiary involved therein did not qualify for the section 1504(d) election because it was maintained partly for its status as a maquiladora. The private letter ruling also relied upon Revenue Ruling 71-523, which involved a Canadian corporation incorporated to apply for a grant under the Canadian Program for Advancement of Industrial technology. Under Canadian law, the grant was only available to Canadian corporations. The revenue ruling concluded that since the Canadian corporation was not formed solely to comply with Canadian laws as to title and operation of property, the corporation was not eligible to make the section 1504(d) election.

Thus, the Internal Revenue Service has expressly taken the position that corporations formed to benefit from the maquiladora program are not eligible for the section 1504(d) election. Whether a Mexican maquiladora may avail itself of the section 1504 election has, however, been somewhat clouded, in *U.S. Padding Corp. v. Commissioner*,[108] the issue was whether a Canadian corporation, formed to facilitate the purchase by a U.S. corporation of the assets of a Canadian manufacturing concern, qualified for the section 1504(d) election. Although there was no law which required the formation of a Canadian corporation to purchase the assets, the U.S. company was advised that incorporation of the Canadian company was essential to avoid delaying agency recommendation for approval of the acquisition, and the government offered no evidence to challenge such fact. The United States Tax Court, relying on treasury regulations applicable to years prior to 1966 and the legislative history of section 1504(d), concluded that the term:

"Laws of such country . . . include[s] not only explicit constitutional or statutory provisions and explicit rules and regulations prescribed by controlling authorities, but also any existing practice or policy of such foreign country which results in a domestic corporation finding it necessary to maintain its foreign business and properties as a foreign corporation in order to operate in that country."[109]

On appeal, the Commissioner of Internal Revenue conceded that existing practice or policy could be incorporated into the term "laws of such country." The Sixth Circuit, after noting that because of the government's concession of the legal issue, the issue on appeal was purely factual, affirmed the Tax Court's decision, holding that "there is ample evidence to show that 'but for' incorporation, Trans Canada would not have been allowed to operate in Canada."[110]

In a maquiladora case, however, the disposition of this issue would focus on the reasons for forming or acquiring the Mexican corporation. If the Mexican corporation was formed or acquired to qualify for the maquiladora and/or debt substitution programs, then the section 1504(d) election should fail because the Mexican corporation would not have been formed solely to comply with Mexican laws as to title and operation of property. The issue raised in *U.S. Padding Corp.* (i.e., whether an administrative practice or procedure can qualify as a "law") should be irrelevant to this determination.

### VI. CONCLUSION

This article has provided a discussion of the tax issues associated with debt/equity swaps as well as many of the United States income tax issues associated with the operation of maquiladoras, including I.R.C. §482 concerns involving transfer pricing, intercompany services, intercompany expenses, intercompany receivables, and the intercompany use of tangible and intangible assets, the impact of I.R.C. §1059A on correlative adjustments under I.R.C. §482, and the I.R.C. §1504(d) contiguous country election. There are clearly other United States tax issues which could surface in the formation and operation of maquiladoras, which have not been addressed in this article.[111]

### FOOTNOTES

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The views and opinions expressed in this article are solely those of the authors. They do not necessarily represent the positions or policies of the Internal Revenue Service, of the Office of Chief Counsel, or of the Austin District Counsel.

[1] Matilde K. Stephenson, *Mexico's Maquiladora Program: Challenges and Prospects*, 22 St. Mary's L.J. 589, 590 (1991).

[2] KPMG Peat Marwick, Maquiladora Industry Development Incentives (November 1, 1990) (unpublished manuscript on file with the *St. Mary's Law Journal*).

[3] Internal Revenue Service, Maquiladora 9 (June 1989) (on file with the *St. Mary's Law Journal*); Matilde K. Stephenson, *Mexico's Maquiladora Program: Challenges and Prospects*, 22 St. Mary's L.J. 589, 590–91, 594–95 (1991).

[4] U.S. Dep't of Commerce, North American Free Trade Agreement: Generating Jobs for Americans 3, 7, 8 (May 1991).

[5] *Id.* at 5.

[6] *Id.* at 49–50.

[7] *Id.* at 50.

[8] U.S. Dep't of Commerce, North American Free Trade Agreement: Generating Jobs for Americans 50 (May 1991).

[9] *Id.* at 50–51.

[10] *Id.* at 51, 53 n.3. One estimate is that maquila plants purchase ninety-seven percent of their production raw materials, supplies, and components from U.S. sources. Matilde K. Stephenson, *Mexico's Maquiladora Program: Challenges and Prospects*, 22 St. Mary's L.J. 589, 592 (1991).

[11] U.S. Dep't of Commerce, North American Free Trade Agreement: Generating Jobs for Americans 50 (May 1991).

[12] Angelo C. Falcone, *Mexico's In-Bond Manufacturing Program U.S. Tax Considerations After the 1986 Tax Act*, 65 Taxes 211, 212 (1987).

[13] KMPG Peat Marwick, KPMG Peat Marwick Guide to Mexico's Maquila Program 27 (1989) (unpublished manuscript, on file with the *St. Mary's Law Journal*); Douglas Alexander, Legal Aspects of Foreign Investment in Mexico 5 (1988) (unpublished manuscript, on file with the *St. Mary's Law Journal*).

[14] Maquiladoras also operate through "Shelter Plans." In a shelter arrangement, the U.S. corporation contracts with an independently (usually Mexican) owned maquiladora operation for the assembly or manufacturing labor. The U.S. corporation generally provides the production technology and equipment; the maquiladora operation provides the labor and factory space. This article does not consider arrangements of this type, although they present federal income tax considerations of their own.

[15] *See* Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers?*, 8 Va. Tax Rev. 143, 143 (1988).

[16] *Id.* at 144 n.5, 153 n.34.

[17] Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers?*, Va. Tax Rev. 143, 164 (1988); Bufete Sepulveda, S.C., Memorandum on Capitalization of Credits of the United Mexican States 3 (October 1986) (on file with the *St. Mary's Law Journal*).

[18] Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers? 8* Va. Tax Rev. 143, 164 (1988); Angulo, Calvo, Enriquez y Gonzalez, S.C., Mexican Public Foreign Debt-Equity Conversion Program 2, 4, 5 (undated memorandum, on file with the *St. Mary's Law Journal*); Bufete Sepulveda, S.C., Memorandum on Capitalization of Credits of the United Mexican States 6–8, 11–12, (October 1986) (on file with the *St. Mary's Law Journal*).

[19] Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers?*, Va. Tax Rev. 143, 159 n.51 (1988); Bufete Sepulveda, S.C., Memorandum on Capitalization of Credits of the United Mexican States 6–7 (October 1986) (on file with the *St. Mary's Law Journal*).

[20] Operating Manual for the Capitalization of Liabilities and Replacement of Public Debt With Investment 20 (trans., Ritch, Rovzar y Heather, S.C., 1986) (on file with the *St. Mary's Law Journal*); Bufete Sepulveda, S.C., Memorandum on Capitalization of Credits of the United Mexican States 10 (October 1986) (on file with the *St. Mary's Law Journal*); Angulo, Calvo, Enriquez y Gonzalez, S.C., Mexican Public Foreign Debt-Equity Conversion Program 4 (undated memorandum, on file with the *St. Mary's Law Journal*).

[21] Operating Manual for the Capitalization of Liabilities and Replacement of Public Debt With Investment 4 (trans., Ritch, Rovzar y Heather, S.C., 1986) (on file with the *St. Mary's Law Journal*).

[22] *Id.* exhibit A.

[23] These funds accrue interest at the treasury certificate (CETES) rate while in the account, being thereby protected from currency inflation.

[24] Rev. Rul. 87–124, 1987–2 C.B. 205.

[25] *See generally* Gregory v. Helvering, 293 U.S. 465, 469 (1935).

[26] Penrod v. Commissioner, 88 T.C. 1415, 1428 (1987).

[27] Smith v. Commissioner, 78 T.C. 350, 389 (1982).

[28] Esmark, Inc. v. Commissioner, 90 T.C. 171, 195 (1988), *aff'd*, 886 F.2d 1318 (7th Cir. 1989).

[29] It would appear somewhat oxymoronic for the taxpayer to rely on the doctrine and thereby argue that the form of his own transaction does not correspond to its substance. Whether the taxpayer can successfully do so is discussed in the next section.

[30] *Esmark*, at 195, 198; Rev. Rul. 83–142, 1983–2 C.B. 68 (doctrine inapplicable where "each step demonstrates independent economic significance, is not subject to attack as a sham, and was undertaken for valid business purposes").

[31] *See* Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers?*, 8 Va. Tax Rev. 143, 160–71 (1988).

[32] The annual rate of inflation in Mexico has fallen from 160 percent in 1987 to 30 percent in 1990. U.S. Dep't of Commerce, North American Free Trade Agreement: Generating Jobs for Americans 5 (May 1991).

[33] Commissioner v. National Alfalfa Dehydrating & Milling Co., 417 U.S. 134, 149 (1974)(citations omitted).

[34] Higgins v. Smith, 308 U.S. 473, 477 (1940).

[35] *E.g.*, FNMA v. Commissioner, 90 T.C. 405, 417–21, 426–27 (1988), *aff'd on other grounds*, 896 F.2d 580 (D.C. Cir. 1990), *cert. denied*, —U.S. —, 111 S.Ct. 1619, 113 L.Ed.2d 717 (1991). The taxpayer argued that transactions which in form were the origination of new mortgages and the payoff of old mortgages pursuant to resales of the mortgaged property, or to refinancings of the old mortgages, in substance constituted exchanges of the old for the new mortgages, upon which gain or loss should be recognized. The court refused to allow the taxpayer to "attack the form of [the] transactions," and "recharacterize them by hindsight, and after it conceived that a tax advantage could be obtained." *Id.* at 426–27.

[36] *See* Christopher Gottscho, Note, *Debt-Equity Swap Financing of Third World Investments—Will the I.R.S. Hinder U.S. Swappers?*, 8 Va. Tax Rev. 143, 171–74, 173 n.122.

[37] *See id.* at 174–76.

[38] I.R.C. §118(a).

[39] Treas. Reg. §1.118–1 (1956).

[40] *Id.* For example, in *White, Inc. v. Commissioner*, 55 T.C. 729 (1971), *aff'd*, 458 F.2d 989 (3d Cir. 1972), *cert. denied*, 409 U.S. 876 (1972), the Tax Court held that a contribution made by the Ford Motor Company to induce a dealer to relocate was not a capital contribution within the meaning of I.R.C. §118 because Ford made the payment in order to increase the sales of its product, and to enhance its image by having the dealership located in a better neighborhood and in a more attractive and better-equipped building. *See also* United States v. Chicago, Burlington & Quincy R.R. Co., 412 U.S. 401, 413 (1973) (property "may not be compensation, such as direct payment for a specific, quantifiable service provided for the transferor by the transferee").

[41] The above discussion assumes a contribution by a nonshareholder, i.e., the Mexican government. The argument could be made, however, that the contribution is in reality from the parent to the maquiladora, i.e., a shareholder contribution, which Treas. Reg. §1.118–1 makes *per se* untaxable to the maquiladora, and I.R.C. §351 makes untaxable to the parent. I.R.C. §367 would apply, however, to an I.R.C. §351 exchange in which a United States person transfers property to a foreign corporation, so that the foreign corporation would not be considered a corporation for purposes of determining the extent to which gain is recognized on the transfer. I.R.C. §367 does provide a number of exceptions, however, which may apply in specific situations.

[42] Commissioner v. First Security Bank, 405 U.S. 394, 400 (1972); Treas. Reg. §1.482–1(b)(1) (as amended in 1968).

[43] Fitzgerald Motor Co. v. Commissioner, 508 F.2d 1096, 1102 (5th Cir. 1975), *aff'g* 60 T.C. 957 (1973).

[44] Phillips Bros. Chem., Inc. v. Commissioner, 435 F.2d 53, 57 (2d Cir. 1970), *aff'g* 52 T.C. 240 (1969); Ach v. Commissioner, 42 T.C. 114, 125 (1964), *aff'd*, 358 F.2d 342 (6th Cir. 1966).

[45] Treas. Reg. §1.482–1(d)(2) (as amended in 1968).

[46] Treas. Reg. §1.482–2(e)(1)(i) (as amended in 1988). An arm's length price is defined as the price that an unrelated party would have paid under the same circumstances for the property involved in the sale. *Id.*

[47] Given the limited applicability of transfer pricing issues to maquiladoras, the discussion of transfer pricing is limited to an overview of the regulations. A complete discussion of transfer pricing must, however, include a review and analysis of the relevant case law.

[48] Treas. Reg. §1.482–2(e)(i)(ii) (as amended in 1988).

[49] *Id.*

[50] Treas. Reg. §1.482–2(e)(2)(ii) (as amended in 1988).

[51] *Id.*

[52] *Id.*

[53] Treas. Reg. §1.482–2(e)(3)(i) (as amended in 1988).

[54] Treas. Reg. §1.482–2(e)(3)(ii)(c) (as amended in 1988).

[55] Treas. Reg. §1.482–2(e)(3)(vi) (as amended in 1988).

[56] Treas. Reg. §1.482–2(e)(4)(i) (as amended in 1988).

[57] Treas. Reg. §1.482–2(e)(4)(iii) (as amended in 1988).

[58] Treas. Reg. §1.482–2(e)(1)(iii) (as amended in 1988).

[59] Treas. Reg. §1.482–2(b)(1) (as amended in 1988).

[60] Treas. Reg. §1.482–2(b)(3) (as amended in 1988).

[61] *Id.*

[62] Treas. Reg. §1.482–2(b)(7)(i) (as amended in 1988).

[63] Treas. Reg. §1.482–2(b)(7)(ii)(a) (as amended in 1988). The regulations provide further guidance with respect to determining whether services are an inte-

gral part of a business. *See* Treas. Reg. §1.482-2(b)(7)(ii)-(iv) (as amended in 1988).

[64] Treas. Reg. §1.482-2(b)(4)(i) (as amended in 1988).

[65] Treas. Reg. §1.482-2(b)(6)(i) (as amended in 1988).

[66] Treas. Reg. §1.482-2(b)(2)(i) (as amended in 1988).

[67] *Id.*

[68] *Id.*

[69] Treas. Reg. §1.482-2(b)(2)(ii) (as amended in 1988).

[70] Interstate Transit Lines v. Commissioner, 319 U.S. 590 (1943); *see also* Young & Rubicam, Inc. v. United States, 410 F.2d 1233 (Cl. Ct. 1969) (court disallowed under section 162 deductions by a United States parent for salaries paid to its employees for periods of time when they were detailed to foreign subsidiary corporations). It should be noted that there are no correlative adjustments with respect to expenses disallowed under I.R.C. §162. An I.R.C. §482 allocation may be necessary, however, when an individual who is employed and paid by the parent spends all or a substantial portion of his time providing services to the maquiladora. In this situation, the service may not disallow the parent's deduction for the employee's compensation, but may allocate fee income to the parent, and a correlative deduction to the maquiladora, in the amount of the portion of the employee's compensation attributable to the performance of services for the latter.

[71] *See* Treas. Reg. §1.482-1(d)(2) (as amended in 1968).

[72] Welch v. Helvering, 290 U.S. 111, 114 (1933).

[73] Treas. Reg. §1.482-2(c) (as amended in 1988).

[74] Treas. Reg. §1.482-2(a)(1)(i) (as amended in 1988).

[75] Treas. Reg. §1.482-2(a)(1)(ii) (as amended in 1988). Indebtedness arising in the ordinary course of business from sales, leases or the rendition of services by or between members of the group are referred to as intercompany receivables.

[76] Treas. Reg. §1.482-2(a)(1)(iii)(A) (as amended in 1988).

[77] Treas. Reg. §1.482-2(a)(1)(iii)(C) (as amended in 1988).

[78] Treas. Reg. §1.482-2(a)(1)(iii)(D) (as amended in 1988).

[79] Treas. Reg. §1.482-2(a)(2)(iii)(B) (as amended in 1988).

[80] Tax Reform Act of 1986, Pub. L. No. 99-514, §1231(e)(1), 100 Stat. 2085, 2562-63 (codified at 26 U.S.C. §482). Section 1231(g)(2)(B) provides that the amendments made by Act §123(e) apply to taxable years beginning after December 31, 1986, with respect to transfers after November 16, 1985 or licenses granted after that date.

[81] Treas. Reg. §1.482-2(d) (as amended in 1988).

[82] Treas. Reg. §1.482-2(d)(1)(i) (as amended in 1988).

[83] Treas. Reg. §1.482-2(d)(2)(ii) (as amended in 1988).

[84] Treas. Reg. §1.482-2(d)(2)(iii) (as amended in 1988).

[85] H.R. Rep. No. 426, 99th Cong., 2d Sess., at 426 (1986).

[86] *Id.*

[87] *Id.* at 425.

[88] Treas. Reg. §1.482-1(d)(2) (as amended in 1968).

[89] *Id.*

[90] *Id.*

[91] *Id.*

[92] Tax Reform Act of 1986, Pub. L. No. 99-514, §1248(c), 100 Stat. 2085, 2584.

[93] I.R.C. §1059A(b)(1) (codified at 26 U.S.C. §1059A).

[94] I.R.C. §1059A(b)(2).

[95] Treas. Reg. §1.1059A-1(c)(1) (1989).

[96] *Id.*

[97] Treas. Reg. §1.1059A-1(c)(2) (1989).

[98] Treas. Reg. §1.1059A-1(c)(7) (1989).

[99] Treas. Reg. §1.1059A-1(d) (1989).

[100] *Id.*

[101] *Id.*

[102] Treas. Reg. §1.482-1(c) (as amended in 1968).

[103] *See, e.g.*, Fitzgerald Motor Co. v. Commissioner, 508 F.2d 1096, 1102 (5th Cir. 1975) *aff'g* 60 T.C. 957 (1973); Asiatic Petroleum Co. v. Commissioner, 79 F.2d 234, 236 (2d Cir. 1985), *cert. denied*, 296 U.S. 645 (1935); Foster v. Commissioner, 80 T.C. 34, 138 (1983), *aff'd*, 756 F.2d 1430 (9th Cir. 1985).

[104] I.R.C. §1504(b)(3).

[105] I.R.C. §1504(d).

[106] I.R.C. §1503(d). Internal Revenue Code section 1503(d) generally provides that, subject to certain exceptions, a dual consolidated loss of a domestic corporation (including a foreign corporation treated as a domestic corporation under section 1504(d)), incurred after 1986, cannot be allowed to reduce the taxable income of any other member of the consolidated group for that or any other taxable year. *Id.* A dual consolidated loss is a net operating loss of a domestic corporation incurred in a year in which the corporation is a dual resident corporation. *Id.* A domestic corporation is a dual resident corporation if the worldwide income of such corporation is subject to tax in a foreign country, or such corporation is subject to the income tax of a foreign country on a residence basis. *Id.*

[107] Rev. Rul. 71-523, 1971-2 C.B. 326.

[108] 88 T.C. 177 (1987), *aff'd*, 865 F.2d 750 (6th Cir. 1989).

[109] *Id.* at 187-88.

[110] *U.S. Padding Corp.*, 865 F.2d at 751.

[111] Issues under I.R.C. §263A, referred to as the "uniform capitalization rules," could surface if a United States company claims depreciation with respect to equipment used by its maquiladora, or if a United States company pays expenses of its maquiladora which are either directly or indirectly associated with the manufacturing or processing of property for sale. I.R.C. §263A generally requires the capitalization as a part of inventory of all direct and indirect costs incurred with respect to the manufacturing or production of products for sale or resale.

Finally, the operation of a maquiladora could trigger subpart F (I.R.C. §§951 through 964) issues. Subpart F was designed primarily to prevent United States taxpayers from using related entities in tax haven countries to defer or avoid United States income taxes. As Mexico is not a tax haven country and as most maquiladoras do not involve the attempt to shift income to the maquiladora, most of the subpart F issues should be avoided, although certain issues may arise with respect to debt/equity swaps. I.R.C. §956, however, which creates deemed dividends to shareholders of controlled foreign corporations with respect to the increases in the foreign corporation's investment of its earnings in the United States, may be a trap for the unwary.

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## MEXICO'S BANK PRIVATIZATION GAMBLE

(By Scott B. MacDonald)

A frenzied group of buyers, powerful rival groups competing for the same prizes, and a run-up in the Mexican stock exchange constituted some of the excitement over the privatization of Mexico's 18 banks. The process rolled to an end in July 1992, when the Mexican government sold its last majority ownership in a bank. Although shares in three banks have been kept by the government, the period of state control over the banking sector that commenced with the nationalization in 1982 is over.

The price tag for the transformation from state to private ownership was a surprising US$12 billion, well beyond initial expectations of US$6 to $8 billion. But it would be wrong to think that the excitement is over concerning Mexico's banking sector. The newly privatized banks now face a challenging future that includes the trials and tribulations of universal banking, the need to upgrade services, and the prospect of eventually being thrown into the deep water of competition with Canadian and U.S. banks when a North American Free Trade Agreement (NAFTA) is finally ratified by the respective legislative bodies.

The Salinas administration's bank privatization program is part of a major gamble in the country's march from developing-country status to membership in the Organization of Economic Cooperation and Development (OECD)—often referred to as the industrialized countries' club. Mexico has already indicated a strong interest in joining the OECD. Membership implies a greater degree of liberalization of the economy, including the financial sector. While Mexico is moving rapidly in this direction, it has yet to attain the levels found in most OECD countries. This implies the need for further changes—which carry potential risks as well as rewards.

This risk-versus-reward schema is evident in the dynamics of the Mexican political economy. While under state control, the Mexican banks were more easily manipulated for the purposes of monetary policy. The threat of failure was not a serious consideration as it was expected that the state would intervene in propping up a troubled institution. Privatization opens the door to competition, and with that comes greater pressure for loan-making and other related problems. Mexico's bank regulators, economic policymakers and the public now face a new range of questions: Will the Mexican government be willing to prop up a private institution? When are Mexican banks regarded as too big to fail? Will the intermixture of commerce and banking found in the conglomerate nature of Mexican finance lead to the possibility of one sector's pulling another sector down if the economy hits another recessionary track? At the same time, foreign competition is needed to enhance local market efficiency with an eye to improving services to the consumer. Are Mexican banks up to foreign competition? In gambling on Mexican bank privatization, the Salinas administration hopes to repudiate developing-nation status and thereby fend off the criticisms of those who think that such an action is converting Mexico into a "casino economy" (an economy based on speculation).

Prior to 1982 Mexico's banks were usually owned by large industrial groups or conglomerates. The banks usually enjoyed considerable influence in the economy (especially through relations with the Central Bank and Treasury Ministry) and played a critical role as the nation's payments system and allocator of capital. With the exception of Citibank, which gained access to the local market in 1929, Mexico's banks had little foreign competition and liked it that way. The powerful position of Mexico's bankers, however, drew criticism from the national-populist wing of the ruling Institutional Revolutionary Party (PRI).

The Mexican economy in the early 1980s was hit by falling oil prices and rising interest rates which, by August 1982, caused external debt payment problems. At the same time, addressing the evolving economic crisis had resulted in banking speculation and explosive capital outflows. For the national-poplists, who had the ear of President José López Portillo (1976-1982), strong measures were required to rein in the bankers and bring the situation under control. Moreover, the national-populists were concerned with the growing inequalities in Mexican society which they perceived as partially the fault of the bankers. It was felt that the bankers had a tendency to facilitate capital outflow, which in turn meant less capital for local investment.

The Mexican economy's drastic slippage led López Portillo to nationalize the country's banking sector in September 1982 and to impose foreign exchange controls for the first time in history. The major exception to this was Citibank's operations in Mexico, which were left untouched.

Nationalization of Mexico's banks was to prove ephemeral. When López Portillo handed the presidential sash over to Miguel de la Madrid in 1982, an unsuspecting Mexico was on the edge of a period of far reaching and still-unfinished economic restructuring. De la Madrid soon opened up Mexico's trade regime by reducing tariffs and joining GATT, augmenting public sector income through tax reform and higher prices for public sector goods and services, and reorganizing the public administration to enhance efficiency. Additionally, from 1983 to 1987, the Mexican government sold, liquidated or transferred to private hands 130 state-owned firms and liberalized laws concerning majority ownership for foreign investment in pharmaceuticals, tourism, hydrocarbon technology, computers and technology.

Privatization of the banking sector, however, remained a sensitive political issue and had to wait until the Salinas administration (1988–1994). By 1989, the Mexican government was ready for financial sector reform. This was because the impetus toward a North American free-trade area with Canada and the United States demanded a more competitive banking sector. Additionally, pro-market reformers were clearly in command of the government policymaking; the reform process, although not irreversible at this stage, had momentum.

A number of legislative initiatives to restructure Mexico's financial system were passed in the Mexican Congress in December 1989 and 1990 that set the stage for the privatization of the country's banks. Other new regulations enacted limited individual ownership of a holding company to 10 percent, institutional investors to a maximum of 15 percent, and aggregate foreign ownership to 30 percent.

A crucial element of the new legislation was a provision allowing the formation of private financial groups. Private financial groups can be formed, and they have option to own various types of financial intermediaries and provide integrated financial services. Mexican banks could not function in this capacity as universal banks, which allowed them to offer a wide menu of financial services ranging from insurance and securities trading to deposit taking. Mexico's adoption of the universal banking model made this sector more akin to the overwhelming majority of OECD countries (including Canada) than that of the United States.This model makes clear distinctions about non-bank owners being prohibited from owning a bank and in general does not allow banks to sell securities or insurance.

The Mexican privatization process moved forward in September 1990 when a Bank Divestiture Committee was formed to estimate the value of the banks. This was followed in February 1991 by the publication of the privatization rules. The privatization process entailed five steps. First the Bank Divestiture Committee examined the proposals of interested bidders. This was followed by interviews with prospective buyers, followed by interviews with prospective buyers, followed by the compilation of a list of definitive candidates to participate in the bank securities auction. In the fourth stage the approval participants submitted bids. The fifth and final stage was the culmination of the process in which the government announced the new owners of the bank.

The highest bidder was the winner except in those cases where two or more bids were within 5 percent of each other. At that stage the government would make the determination based on both the amount bid as well as the quality of the prospective management and their business plan. One last stipulation was that to guarantee the bidding process' confidentiality and the intent of interested parties to buy the bank, a down payment of 30 billion pesos (roughly US$10 million) was required as a sign of good faith. Payment was made in the form of 28-day treasury bills at the Nacional Financiera. Foreigners were excluded from the process. Despite the Salines administrations' efforts to liberalize the Mexican economy, the political sensitivity of allowing the banking sector to be bought by foreigners remained.

In June 1991, the first of the 18 banks was sold to the Mexican private sector. In little over a year, in early July 1992, with the sale of a controlling 66.3 percent stake in Banco del Centro for US$280 million completed, the government announced that the privatization of the banking sector was over.

The process had not been entirely smooth. The intense bidding for the banks and the sealed-bid nature of the operational side complicated matters as exemplified by the sale of Banco Mexicano Somex in March 1992. The fierce competition for bank ownership led to a situation in which a group of investors supported both in winning and second-place bid. The victorious group won with a bid of US$845 million, which was close to 29 times the medium-sized bank's 1991 earnings. A number of investors then withdrew, claiming that the price was too high. The runner-up bid then was accepted with some of the same investors in the first bid. At the same time, the investors in the first group, led by Eduardo Creel Cobian, forfeited a US$16 million deposit. This naturally resulted in cries of foul play. Despite that incident, it was widely agreed that the privatization process was free of corruption and string-pulling evidence in other developing country programs.

The Mexican government has not entirely divested its ownership of the banking sector as of mid-1992; it retains an 8.8 percent stake in the banking system by holding shares of Bancomer, Banco Serfin and Banco Internacional. These shares are expected to eventually be sold.

The privatization of banks was highly lucrative for the Mexican government. CS First Boston, one of the privatization advisers, projected that earnings would be around US$8 billion; other firms such as Barings' predicted US$6 billion. The amount raised was instead US$12 billion as the Mexican private sector demonstrated a strong appetite for regaining formal control over the nation's banks.

IMPLICATIONS OF BANK PRIVATIZATION

The privatization of Mexico's bank was a bold, yet necessary act on the part of the Salinas government. At the same time, the action implies a number of concerns for Mexican bankers, their holding company owners, government bank regulators, the central bank (El Banco de Mexico) and foreign investors. Mexican banks currently have high operating costs and overemployment due to recent government control, and they are weak in technology and strategic planning. A number of bank analysts question whether the newly privatized institutions will have the necessary capital to proceed with plans to improve communications and computerization critical for future competitiveness. The potential shortage of capital is derived from the usually inflated prices paid by the new owners. This was evident when the buyers of Mexico's largest bank, Bancomer, had difficulty raising the US$2.55 billion they paid for controlling interests.

Another implication of Mexico's bank privatization was its impact on the stock market. Mexico's bank privatization captured the attention of international investors looking for high-yield investments in developing countries. The unexpected windfall from the banks reinforced confidence in the Mexican economy and helped stimulate a boom in the Mexican stock exchange that lasted until June 1992 when negative comments about NAFTA by then-not-declared U.S. presidential candidate Ross Perot triggered a 15 percent fall in the stock index. While bank stocks rose on the basis of their privatizations, foreign investors examined other sectors for opportunities or put their money into Mexican companies traded on the New York Stock Exchange, such as Vitro and TELMEX.

The future of Mexican banking will be determined by the sector's ability to become more competitive in an internationalized local market. In a sense, by opting to privatize, the Salinas administration let the financial genie out of the bottle. It will be difficult to put the genie back into the bottle of state ownership and a protected market.

The internationalization of the Mexican banking sector is already in motion. In July 1992, as part of a push to complete the free-trade agreement with Canada and the United States, it was agreed that Mexico would open the banking, insurance and securities industries to companies from those two countries. Mexican banks already are active in the U.S. market and have branches there. But with the exception of Citibank, foreign banks have been largely precluded from doing business in Mexico. The deal would gradually eliminate protective barriers for the Mexican banking sector by January 1, 2000, allowing U.S. and Canadian banks to own insurance, banking and securities firms.

Mexico's initial stance in the NAFTA talks was for a phase-out of 20 to 30 years. This clashed with the position taken by U.S. financial firms that wanted a one-year phase-out. The compromise is a reflection by the Mexican government of the need to upgrade its financial sector, but it also plays to nationalist concerns that the country's banks, insurance and securities companies could all eventually be owned by U.S. and, to a lesser extent, Canadian interests. An additional caveat is that if U.S. and Canadian businesses purchase sizeable market shares between the years 2000 and 2004, a three-year moratorium can be applied and the Mexican government will have the authority to reject bids by foreign companies to acquire Mexico's largest banks. This deal, however, hinges on the passage of the entire NAFTA agreement.

Mexico is also under pressure to open its banking system to non-North American countries. Spanish banks, in particular *Banco Santander*, are strongly interested in participating in the Mexican market. In July 1992 the issue of providing access to Spanish banks was discussed between officials of the two countries at the Ibero-American summit in Madrid.

Because of the greater pressure to develop a more internationalized and competitive banking sector, Mexican banks can expect a round of mergers and acquisitions. Guillermo Ortiz, head of the Mexican government's Bank Divestiture Committee, commented in July 1992: "I don't think it's been indispensable that there exist a great number of banks in order for there to be healthy competition. For example, in Canada there are a reduced number of banks." Canada's banking system is dominated by six large institutions and several smaller banks. Along these lines, there have been rumors of Mexican regional banks exploring the possibility of merging to pool their resources to compete with the local industry giants; Bancomer, Banamex and Banca Serfin and, eventually, foreign banks.

The merger and acquisition process is not likely to occur in the short term in Mexico. Mexican authorities are still waiting to let some of the dust settle from the major round of privatizations. Moreover, they still have plans to sell off their remaining shares. It would make little sense to trigger doubts in the market with mergers and acquisitions which could push prices down. Another factor is that mergers and acquisitions have a potentially ugly side—enhanced efficiency often means personnel cuts. Unemployment remains a sensitive political issue and could be used by opponents of the economic reform process.

### WILL THE GAMBLE PAY OFF?

The way forward for Mexican banking post-privatization is perilous. Mexico's banks have been protected by government-erected barriers and have room for improvement in terms of offerings to the Mexican consumer. At the same time, Mexico's top banks are highly competitive, possess cadres of experienced financiers, and are capable of surviving in an internationalized market. Nor are Mexico's banks alone in having to compete in a marketplace less defined by international borders—their counterparts in the United States, Canada, Asia and Europe are confronting many of the same challenges.

The Mexican government is, therefore, gambling that the privatization of the banking sector will advance the process of the country's transformation from developing country status to OECD membership, reinforcing the reform process. In finance, it would force Mexican banks to meet the higher Bank of International Settlements (BIS) capital adequacy standards and international accounting standards. This would provide a safer and sounder banking system for the Mexican consumer and offer a better investment environment for both local and foreign investors.

The return of a privately owned banking sector also has political implications. The Salinas government has sought to democratize the nation's capital and avoid too great a concentration of financial clout in a few hands, a problem which factored in the 1982 nationalization. The banks are now beyond the government's direct control. This reflects Salinas' willingness to bet that the newly recreated financial groups will not embark upon a speculative frenzy and push Mexico along the path of a casino economy characterized by wheeling and dealing of the few to the disadvantage of the many. Complaints are already being made that some of the families that dominated the system prior to 1982 have returned and that some of Mexico's most powerful businessmen sit on bank boards. Sensitive to questions about the government's stated goal of distributing the nation's financial power more democratically, Guillermo Ortiz countered in July 1992: "In 1982, we talked about how the total number of investors in banking was on the order of 8,000 people. Now it is considerably more, 80,000." The government has also been quick to point out that bank employees have also been offered opportunities to share in ownership.

Mexico now stands at a critical crossroads on its economic development. One path leads to OECD membership and the other offers a loss of momentum and developing-country status quo. The OECD path presents a difficult, but not impossible, challenge. It does imply a willingness to adopt measures such as privatization of the banking sector and eventually an opening to foreign competition that are likely to cause dislocation in the short term.

The way forward for Mexico is going to be difficult and problematic. The potential for slippage exists in areas such as controlling the current account balance of payments, reducing inflation and rooting out corruption. The timing of reforms is also critical—too rapid a pace could create a negative political backlash; too slow could cause the process to mire down in bureaucratic politics and personal, fractional and party rivalries, and induce foreign and local investors to turn elsewhere. In this light, the privatization of banks was a step forward, but the slow pace of opening up a foreign competition is likely to prove a hindrance to the goals of creating a more efficient and prudent banking system. Further reforms are required so that Salinas can achieve his often-stated goal of exporting more goods than people.

(Scott B. MacDonald is an official of the Office of the Comptroller of the Currency. The views expressed here are solely his own and do not necessarily reflect those of that agency or any part of the U.S. government.)

### MEXICO'S LARGEST BANKS AND STANDING IN THE WORLD'S TOP 500 BY ASSET SIZE WITH A COMPARISON TO SELECTED BANKS

[In billions of U.S. dollars as of Dec. 31, 1991]

| Bank | Rank | Asset size |
|---|---|---|
| Dai-Ichi Kangyo Bank (Japan) | 1 | 446.2 |
| Citibank | 29 | 161.1 |
| Royal Bank of Canada | 44 | 111.4 |
| Banco do Brasil | 75 | 70.0 |
| National Bank of Greece | 148 | 39.2 |
| Banco Nacional de México | 154 | 30.5 |
| Bancomer | 158 | 29.8 |
| Banca Serfin | 199 | 20.0 |
| Banco do Estado de São Paulo | 306 | 13.5 |
| Turkiye Commhurtyeti Ziraat Bankasi (Turkey) | 371 | 10.5 |
| Banco de la Nacion Argentina | 378 | 10.3 |
| Banco Bradesco (Brazil) | 393 | 9.7 |
| Commercial Bank of Greece | 423 | 8.8 |
| Banco Itaú (Brazil) | 461 | 8.0 |
| Multibanco Comermex | 463 | 7.9 |

Source: American Banker: July 27, 1992. Annual Survey of the World's Top 500 Banks. Excludes holding companies.

## FUND TO MOVE COMPANIES TO MEXICO

(By Keith Bradsher)

WASHINGTON, February 16.—In a development that has inflamed opposition to the North American Free Trade Agreement, entrepreneurs in New York and Mexico have established in investment fund whose announced purpose is to buy small American manufacturing companies and move them to Mexico to take advantage of lower wages there.

The Mexican Government's largest industrial development bank is a "significant investor" in the venture, according to a prospectus distributed today by Richard A. Gephardt, the House Majority leader, a leading opponent of the trade pact.

"Funds such as this should not be allowed to operate," Mr. Gephardt said in a letter to President Carlos Salinas de Gortari of Mexico. "But even more objectionable is the official participation of entities controlled by your Government in stealing American jobs."

### POWERFUL OBSTACLE

Likely job losses to Mexico are already the most potent political obstacle to Congressional approval of the the trade agreement, which would eliminate most barriers to trade and investment among Canada, Mexico and the United States. President Clinton has endorsed the agreement, pending negotiation of side agreements on labor, the environment and surges in imports as tariffs are reduced.

A senior American trade official said this evening that Mickey Kantor, the United States trade representative, would discuss the fund on Wednesday morning as his first meeting with Jaime Serra Puche, Mexico's trade minister. "Any Government-subsidized program to steal American jobs would not be tolerated by this Administration," the official said.

The Mexican Embassy had no comment on the prospectus last night.

Even without the Nafta, Mexicans may already buy American companies in many industries and legally move them to Mexico, while Americans can buy Mexican companies in some industries and move them here.

The Mexican Government's involvement in the fund, known as the AmeriMex Maquiladora Fund L.P., is particularly awkward for the Clinton Administration. In his election campaign, President Clinton strongly criticized a foreign aid program that provided financial incentives for American companies to move to Central America.

The prospectus said the fund's organizers are trying to raise $50 million they would use to buy 9 to 13 companies. But critics of the free trade pact cited the prospectus as evidence for their contention that many American companies would move south if the trade pact is approved.

Pat Choate, the director of the Manufacturing Policy Project, a Washington group that is seeking more protection from imports for ailing manufacturing industries, said that the fund could be the first in a wave of cross-border financial transactions to rival the leveraged-buyout boom during the 1980's, and that "hundreds of thousands" of American jobs would be lost.

The Mexican Government's involvement in the fund, "couldn't possibly be a worse move," said Representative Charles E. Schumer, a Brooklyn Democrat. "I hope the Mexican Government is better at economics than they are at American politics."

The fund "is wonderfully revealing of the attitudes behind the enthusiasm for the Nafta," said Tom Donohue, the secretary-treasurer of the AFL-CIO, which opposes the pact.

But most academic studies have predicted that the pact would create more American jobs than it would destroy or send to Mexico because jobs added in Mexico would ultimately mean more demand for American goods. More than two thirds of Mexico's imports come from the United States.

Lynn Martin, who was then the Labor Secretary, testified before the Senate Finance Committee in September that the pact could cost 150,000 American jobs, but she predicted that these losses would be more than offset by additional jobs in factories shipping extra goods to Mexico.

The prospectus estimated that manufacturing companies now paying $7 to $10 an hour to their workers, in the United States can pay Mexican workers just $1.15 to $1.50 an hour. By moving to Mexico, the companies would save $10,000 to $17,000 per employee each year, excluding relocation costs, the prospectus said.

The fund would buy companies with annual sales of $10 million to $100 million, move them to Mexico within a year and a half, and then resell the company after three to eight years.

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## CLINTON FACES HURDLES ON NAFTA

(By Harry Bernstein)

Maybe Ross Perot didn't derail the "fast-tracked" North American Free Trade Agreement, but it was hit a telling blow when he succinctly warned there would be a "giant sucking sound of jobs being pulled out of this country" into Mexico if NAFTA is not killed by Congress.

Perot's catchy, widely quoted phrase used during the presidential debates neatly summarized the problem. Many fear that the proposed agreement between the United States, Mexico and Canada will mean the transfer to Mexico of hundreds of thousands of jobs we and the Canadians badly need.

However, a few clever lines won't kill the agreement that President Clinton says he wants if it can be adequately modified to cut our own job losses and somehow ease the pain those losses will surely cause.

Clinton has some intriguing plans to try to get approval of the treaty by modifying its effect, but they may fail since our continuing high unemployment is increasing opposition.

Going for him are powerful corporate and political forces in the United States, Canada and Mexico that are waging a propaganda war against what they damn as "protectionism." They want to get congressional approval of the treaty with few changes. As it stands, it amounts to a favor to corporations. The treaty would reduce tariffs, and that sounds fine, but it would also encourage U.S. companies to speed the shift of jobs to Mexico.

Fighting that is an impressive array of opponents to the treaty that was signed Dec. 17 by the heads of the governments of the United States, Mexico and Canada. Its "fast-track" status means Congress can dump it but not simply amend it to make it more palatable.

Clinton could win approval of the treaty by weakening the opposition if he can get side agreements with Mexico and "implementing legislation" from Congress. He and his aids are trying several tactics to do just that.

One is to take advantage of the furious political battles in Mexico. Clinton aides are sure that Mexico's President Carlos Salinas de Gortari will make significant side-agreement concessions to help the treaty win congressional approval.

Salinas' term is up next year, and he is said to be almost desperate to have the treaty in effect before then so his conservative party that has won every presidential election for more than 60 years can prevail again.

If NAFTA passes, Salinas figures that it will mean a burst of new jobs from the United States and Canada and a flurry of new economic investment that will boost the Mexican stock market.

That good news for Mexico may help Salinas' party defeat a key opponent, the progressive Cuauhtemoc Cardenas, who strongly opposes the agreement and claims only a fraudulent election gave Salinas a victory in the last election.

So Clinton is expected to push Salinas to raise slightly Mexico's minimum wage of about 65 cents an hour and to at least promise to enforce that country's anti-pollution and worker-protection laws, which, while as good or better than our own, are generally ignored.

Those concessions by Salinas might, only in theory, reduce Mexico as a magnet attracting U.S. companies and thus reduce opposition to the treaty here.

Next, Clinton wants Congress to pass implementing legislation to ease the pain U.S. workers will suffer unless NAFTA is drastically altered. That could involve such obvious measures as more job retraining and extended unemployment benefits.

It could also include laws such as one giving U.S. workers the right to take legal action to force U.S. companies doing business in Mexico to abide by what Clinton believes will be Mexico's strengthened labor and environmental laws.

Another part of his strategy is said to be, in effect, an effort to "buy off" NAFTA opponents, as one critic put it. For instance, he is already pushing his plan to let Vice President Al Gore lead a vigorous campaign to toughen our own environmental rules to at least mollify powerful congressional critics such as House Majority Leader Richard Gephardt, who sees Mexico pulling down our environmental standards.

Then Clinton hopes to reduce labor's vehement opposition to the treaty by pressing Congress to help unions reach several of their goals.

He has already promised to push for a law to ban the permanent replacement of strikers. He probably will advocate mild labor law reforms to take away some of the tremendous advantages management now has in fighting for a "union-free" environment.

Also, Clinton is expected to appoint government agency administrators who will reverse the anti-union policies of the Reagan-Bush years and strengthen enforcement of health and safety laws.

Make no mistake about it, U.S. companies are ready to shift more jobs to Mexico. In a recent Wall Street Journal survey, more than 40% of 455 U.S. business executives said they are likely to shift some production to Mexico if NAFTA is ratified. A quarter of them said they plan to use the threat of a Mexico move as a bargaining chip to get concessions from unions.

Many U.S. labor leaders believe that Clinton will push Congress for NAFTA approval with or without their support. They believe that their best course is to negotiate with him as an ally to get, as one put it, "the best deal we can through the compromise the President wants."

But others, such as William Bywater, head of the International Union of Electrical Workers, are scornful of compromises they believe will not stem the flow of jobs to Mexico.

He says many unions and their allies are planning massive demonstrations across the country against NAFTA.

If opponents of the treaty do put pressure on Clinton with massive public demonstrations and get help from leaders such as Gerhardt and Perot, they could derail the treaty former President Bush and his aides concocted to help corporate America, regardless of the harm it does to workers.

MEMORANDUM, FEBRUARY 5, 1993

This is an interesting article on Banks in Mexico.

The North South Center at the University of Miami that puts this magazine out is conservative in its political perspective. The guy that wrote the article also works for the Comptroller of the Currency.

The article includes some interesting information though on the privatization of banks in Mexico and on the North American Free Trade Agreement:

Maybe the most interesting is the July 1992 agreement as part of NAFTA that will give foreign banks operating in Mexico the ability to own insurance and securities firms as well as banking firms. Will this mean that the restrictions in the U.S. that keep banks here out of insurance and securities industries will be "barriers to trade" and have to be lifted? The specter of this sort of back-door de-regulation through such trade agreements, specifically NAFTA, has also been raised regarding health standards, environmental controls, and labor protections.

Another concern that the privatization of banks in Mexico raises is the possibility of increased speculation, turning the Mexican economy into a high-risk "casino-economy".

Newly privatized Mexican banks are also running into operational problems, because they were sold for much more than they were worth, leaving them short on capital.

Bank mergers also seem to be a real possibility in Mexico, which would run into the same problems as here in the U.S., namely concentration of control and loss of jobs.

There is also the danger that privatization will only lend toward a further concentration of wealth in Mexico, exacerbating social inequity.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*February 22, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Massachusetts.

After consultation with my General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## PERMISSION TO PRINT PROGRAM AND REMARKS OF MEMBERS AT WREATH-LAYING CEREMONY FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the proceedings and the remarks of the two Members representing the House of Representatives, the gentlewoman from Virginia [Mrs. BYRNE] and the gentleman from Virginia [Mr. GOODLATTE], at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday held today be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the program and speeches are as follows:

WREATH-LAYING CEREMONY TO CELEBRATE PRESIDENT GEORGE WASHINGTON'S 261ST BIRTHDAY ANNIVERSARY, FEBRUARY 22, 1993

Opening: Arnold Goldstein, Superintendent, National Capital Parks-Central, National Park Service.

Presentation of the Colors: Joint Armed Services Color Guard, Military District of Washington.

"The National Anthem": United States Navy Band, Chief Mark Cochran, Director.

Welcome: Robert G. Stanton, Regional Director, National Capital Region, National Park Service.

Remarks: Honorable James W. Symington, Vice President, Washington National Monument Society.

Remarks: Honorable Jack Evans, D.C. City Council, Ward 2.

Remarks: Honorable Herbert S. Cables, Jr., Acting Director, National Park Service.

Remarks: Honorable Robert W. Goodlatte, U.S. House of Representatives, 6th District, Virginia.

Remarks: Honorable Leslie L. Byrne, U.S. House of Representatives, 11th District, Virginia.

Musical Selection: Stevens Elementary School Glee Club and Bell Ringing Choir, Sharon L. Strange, Director, Shunda Yates, Soloist.

### PRESENTATION OF WREATHS

Wreath of the House of Representatives: Honorable Robert W. Goodlatte; Honorable Leslie L. Byrne; and Escorted by Arnold Goldstein, Superintendent.

Wreath of the Washington National Monument Society: Honorable James W. Symington; Escorted by Kevin Hawkins; Student Representative Junior Citizens Corps, Inc.

Wreath of the National Park Service: Acting Director Herbert S. Cables, Jr.; Escorted by Arnold Goldstein.

Taps and Retiring of the Colors: Joint Armed Services Color Guard.

Conclusion: Arnold Goldstein.

### REMARKS BY HON. BOB GOODLATTE

As a representative of the Commonwealth of Virginia, I'm deeply honored to have the opportunity to pay homage to our greatest native son, George Washington.

George Washington touched the life of every American of his time and continues to do so today. The Father of our Country is known for his military leadership in our struggle for independence and of his strong support for the creation of our democratic institutions and, of course, for the leadership of those institutions as our first president. But we should also acknowledge some other, simpler ways that his legacy still touches us and about which we pay less heed. For example in my congressional district he left his mark on education and the environment.

In 1798 after leaving office as President he bestowed economic security upon Liberty Hall, a struggling college in Lexington, Virginia by granting the school the largest gift up to that time in the history of American education—securities valued at $50,000, an enormous sum in those days. That school, now known as Washington and Lee University still derives income from that gift. Students at the oldest American university off the Atlantic seaboard still benefit from Washington's farsighted commitment to education.

In Washington's own youth we find his love of the outdoors and his commitment to preservation. As a surveyor who explored much of southwest Virginia he recorded the natural beauty of the area and left his mark at Natural Bridge in Rockbridge County, one of the natural wonders of the world.

Volumes have been written, and rightly so, about Mr. Washington's achievements. Clearly, he was a man of wisdom, intelligence, and administrative ability. He was an innovative farmer, great diplomat, great general and a great President. Yet I believe the key to Washington's successes were the personal qualities he brought to each new challenge.

He was a great general, not because of his strategic or tactical genius, but because of his dogged determination, raw courage, and inspiring leadership. He took a ragtag, unpaid Continental Army with old equipment, no formal training, and small numbers and defeated a British Army which was the envy of the world.

It was Washington's courage which led the way across the icy Delaware River to victory at Trenton. It was Washington's willingness to sacrifice with his men and their love and respect for their commander which held the army together during the endless winters at Valley Forge and Morristown. It was his unquestioned integrity and wisdom which led to Washington's unanimous selection to be our first President.

This notion owes much to his simple, yet powerful and enduring beliefs about government. "Let the reins of government be braced and held with a steady hand and every violation of the Constitution be reprehended," he said.

Today after this ceremony, we will tour the Washington Monument. My memory of this impressive monument is intensely personal. As a young child, I remember coming to Washington on a family vacation, listening to my dad tell me about our nation's great heritage and about the greatest American, George Washington, after whom our capital city was named. I'm sure many of you here this morning have similar memories of a family vacation to our capital.

The monument, as grand as it is, does not alone capture the real memory and meaning of George Washington. For this we must look to the values and truths that guide our nation. Washington is synonymous with freedom, democracy, and with a country called the United States of America which for over 200 years has provided the world with, to use Mr. Washington's own words, "* * * The fairest prospect of happiness and prosperity that ever was presented to men."

May each of us always strive to keep it that way because by preserving this great country, we honor George Washington's memory more than any ceremony can ever do.

### REMARKS OF HON. LESLIE BYRNE

I am greatly honored to be here today, to represent my colleagues in the United States House of Representatives, as we pay homage to the nation's first president.

A colleague suggested when he heard I had been chosen for this honor that General Washington would turn over in his grave, to have a Virginia woman as a member of Congress, honoring him today. I don't believe that!

George Washington was a revolutionary. Whether designing a new plow or a new government, he was unwilling to accept the status quo. I believe he would see my standing here today, as the first congresswoman from Virginia, as the natural evolution of the revolution he began.

We have just participated in an election where a major issue was whether government could be a positive force, or whether government is inherently part of the problem.

Please remember George Washington was now what we call a career politician. He believed that government could and should make a positive difference. From his time in the Virginia House of Burgesses until his retirement from the presidency he dedicated his life to making country, government, and the people's lives better.

I believe today he would be pleased that the government he helped create, defended, and led, continues to grow and change and work for the American people. The people in turn believe and hope our government can do better than in the past.

George Washington not only fomented the revolution, he led the revolution; and when he saw the failure of the Confederation he helped lead the creation of the Constitution. The very same Constitution, honored over 200 years later as one of the greatest documents in history. Having created the government, he rejected a crown and led as an elected sovereign. He might have succumbed to the allure of power and stayed in office, but he rejected government by an individual for responsible government of the people. He believed in democratic government.

As a Virginian, I am proud to stand here today at the base of a monument dedicated to Virginia's best. I realize, however, that this farmer, surveyor, soldier, politician, and leader belongs to the whole country. I hope you will appreciate him as we do in Virginia.

Think of him not as a Gilbert Stuart portrait or as a marble statue. Rather think of him as an innovative farmer with dirt on his hands, looking from his beloved Mount Vernon to the flowing Potomac. As a popular story-telling member of the House of Burgesses, cracking walnuts between his powerful fingers in a tavern in Williamsburg. Or as a frightened young man leading his troops back from Braddock's debacle.

Then remember this grown man honored by his nation, preserving his new government be providing the first peaceful transition of power in the history of the world, whose every action was a precedent for how we conduct our nation's government. It is no wonder that, then as today, George Washington is first in peace, first in war, and first in the hearts of his countrymen.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 60 minutes each day, today and on February 23, 24, and 25.

Mr. WATERS, for 60 minutes each day, on March 3, 10, 17, 24, and 31.

Ms. ENGLISH, for 5 minutes, on February 23.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous material:)

Mr. LEWIS of California.

Mr. KOLBE.

(The following Members (at the request of Mr. GONZALEZ and to include extraneous material:)

Mr. NATCHER.

Mr. KLECZKA.

Mr. DIXON.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. CLEMENT.

## ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were therefrom signed by the Speaker:

H.J. Res. 101. Joint resolution to designate February 21 through February 27, 1993, as

"National FFA Organization Awareness Week."

## ADJOURNMENT

**Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.**

**The motion was agreed to; accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 23, 1993, at noon.**

## EXECUTIVE COMMUNICATIONS, ETC.

**Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:**

760. A communication from the President of the United States, transmitting notification that a report pursuant to section 507 of Public Law 102–377 will be forthcoming; to the Committee on Armed Services.

761. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Hong Kong, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

762. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Malaysia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

763. A letter from the President, Chesapeake and Potomac Telephone Co., transmitting the C&P Telephone Co. statement of receipts and expenditures for the year 1992, pursuant to the act of April 27, 1904, ch. 1628 (33 Stat. 374, 375); to the Committee on the District of Columbia.

764. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

765. A letter from the Director, Office of Financial Management, General Accounting Office, transmitting the fiscal year 1992 annual report of the Comptrollers General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

766. A letter from the Acting Director, Peace Corps, transmitting notification of the removal of the Inspector General and the Deputy Inspector General, pursuant to Public Law 95–452, section 8E(e) (102 Stat. 2524; to the Committee on Government Operations.

767. A letter from the Comptroller General of the United States, transmitting notification with respect to a request by Independent Counsel Walsh's for a waiver of erroneous overpayments; to the Committee on the Judiciary.

768. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the monetary policy report, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

769. A letter from the Assistant Secretary (Civil Rights), Department of Education, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413(b)(1); jointly to the Committees on Education and Labor and the Judiciary.

770. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to extend the emergency unemployment compensation program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 20. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (Rept. 103–16). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. ANDREWS of Texas (for himself and Mr. Brewster):

H.R. 1024. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic oil and natural gas exploration and production, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. Sensenbrenner, Mr. Synar, Mr. Mazzoli, Mr. Gibbons, Mr. Glickman, Mr. Bryant, Mr. Sawyer, Mr. Stark, Mr. Fazio, Mr. Studds, Mr. Reynolds, Mr. McDermott, Mr. Jacobs, Mr. Manton, Ms. Pelosi, Mr. Porter, Mr. Towns, Mr. Berman, Mr. Borski, Mr. Bacchus of Florida, Mrs. Schroeder, Mr. Moran, Ms. Slaughter, Mr. Filner, Mr. Boehlert, Mr. Hall of Ohio, Mr. Barrett of Wisconsin, Mr. Shays, Mr. Skaggs, Mrs. Roukema, Mr. Klein, Mr. Evans, Mr. Mineta, Mr. Derrick, Mr. Lipinski, Mr. Klug, Mr. Andrews of Maine, Mr. Deutsch, Mr. Edwards of California, Mr. Conyers, Mr. Yates, Mr. Torricelli, Mr. Wheat, Mr. Tucker, Mr. Roemer, Ms. Furse, Ms. Molinari, Ms. Byrne, Mrs. Bentley, Mrs. Maloney, Mr. Cardin, Mr. Gejdenson, Mr. Meehan, Mr. Fingerhut, Mr. Sangmeister, Mr. Nadler, Mr. Markey, Mr. Hughes, Mr. Dellums, Mr. Owens, Ms. Waters, Mr. de Lugo, Mr. Hyde, Mr. Stokes, Mr. Waxman, Mr. Durbin, Mr. Ackerman, Mr. Bonior, Mr. Serrano, Mr. Coyne, Mr. Lantos, Mr. Mfume, Mrs. Morella, Ms. DeLauro, Mr. Andrews of New Jersey, Ms. Norton, Mr. Faleomavaega, Mr. Hoagland, Mr. Miller of California, Mr. Reed, Mr. Hoyer, Mr. Hochbrueckner, Mr. Johnston of Florida, Mr. Sabo, Mr. Brown of California, Mr. Lewis of Georgia, Mr. Foglietta, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Goss, Mrs. Kennelly, Mr. Beilenson, Ms. Kaptur, Mrs. Mink, Mr. Matsui, Mr. Flake, Ms. Velázquez, Mrs. Lowey, and Mr. Wynn):

H.R. 1025. A bill to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm; to the Committee on the Judiciary.

By Mr. INGLIS:

H.R. 1026. A bill to repeal the first section of Public Law 93–462 to limit departing Members' purchases of office equipment and office furnishings from their district offices; to the Committee on House Administration.

By Ms. WATERS:

H.R. 1027. A bill to amend the Internal Revenue Code of 1986 to provide an incremental investment tax credit to assist defense contractors in converting to nondefense operations; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 20: Ms. Brown of Florida, Mr. Clinger, Miss Collins of Michigan, Mr. Edwards of Texas, Ms. English of Arizona, Mr. Flake, Mr. Glickman, Mr. Inslee, Ms. E.B. Johnson, Mr. Laughlin, Mr. Pickett, Mr. Serrano, Mr. Tauzin, Mr. Wilson, Mr. Ford of Tennessee, and Mr. Hilliard.

H.R. 145: Mr. Burton of Indiana, Mr. Crapo, Mr. Hunter, Mr. Lewis of Florida, Mrs. Vucanovich, Mr. Hancock, Mr. DeFazio, and Mr. Hayes of Louisiana.

H.R. 157: Mr. Gingrich.

H.R. 163: Mr. Kolbe and Mr. Gingrich.

H.R. 349: Mr. Buyer and Mr. Lewis of Florida.

H.R. 360: Mr. Cramer, Mr. McHugh, Ms. Norton, Mr. Machtley, Mr. Vento, Ms. E.B. Johnson, Mr. McCloskey, Mr. Zeliff, Mr. Spratt, Mr. Hochbrueckner, Mr. Upton, and Mrs. Unsoeld.

H.R. 515: Mr. McDade, Mr. Sensenbrenner, Mr. Solomon, Mr. McMillan, Mr. Royce, Mr. Oxley, Mr. Baker of California, Mr. Livingston, Mr. Ewing, Mr. Doolittle, Mr. Evans, Mr. Zeliff, Mr. Bereuter, Ms. Molinari, Mr. de Lugo, and Mr. Wynn.

H.R. 723: Mr. Bateman and Mr. Hastings.

H.R. 778: Mr. Peterson of Minnesota, Mr. Derrick, Mr. Spratt, Mr. Skeen, Mr. Gordon, Ms. Woolsey, Mr. Baker of Louisiana, Mr. English of Oklahoma, Mr. Peterson of Florida, Mr. Neal of North Carolina, Mr. Hobson, Mr. Lightfoot, Mr. Oxley, Mr. Bereuter, Mr. Burton of Indiana, Mr. Penny, Mr. Evans, Ms. Danner, and Mr. Gillmor.

H.R. 887: Mr. DeLay, Mr. Emerson, Mr. Canady, Mr. Young of Alaska, Mr. Gingrich, and Mr. King.

H.J. Res. 58: Mr. Coble.

H. Res. 16: Mr. Rohrabacher.

H. Res. 32: Ms. Norton, Mr. Peterson of Florida, Mr. Hall of Ohio, Mr. Cardin, and Mr. Lewis of Georgia.

H. Res. 40: Mr. Torres, Mr. Pastor, and Mr. Serrano.

H. Res. 41: Mrs. Meyers of Kansas.

# EXTENSIONS OF REMARKS

## TRIBUTE TO DELAINE NELSON

### HON. GERALD D. KLECZKA

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
*Monday, February 22, 1993*

Mr. KLECZKA. Mr. Speaker, I am pleased to recognize the accomplishments of Delaine Nelson, a constituent of mine and Wisconsin's own renaissance woman. For the past year, Delaine has served as president of the National Utility Contractors Association [NUCA], an organization representing the construction contractors and suppliers who provide the manpower and materials necessary for the construction of water, sewer, and other underground utility systems. In this capacity, she has shown the leadership and dedication that Wisconsin has been the beneficiary of for over 17 years. It is time that her accomplishments be known above ground.

Much of the work of Ms. Nelson, and the many men and women she represents, remains hidden from public view. Yet, well-built, well-maintained sewer systems and wastewater treatment facilities are necessary to ensure the public health and safety. Delaine Nelson has dedicated her career to this task.

As chairman of the Board of MRM, Inc., a New Berlin; WI, company, Ms. Nelson is known for her efforts on behalf of worker safety. In 1988, she was the first woman appointed to the Occupational Health and Safety Administration's advisory committee on safety and health. Indeed, in an industry that has traditionally been dominated by men, Ms. Nelson has paved the way for other women to succeed and excel.

Beyond all this, she has found time to be active in a local program to feed and clothe the homeless, teach Sunday school and vacation Bible school, and participate in a long list of hobbies. Delaine is a mother of four and a grandmother of nine.

If the past is any indication, Delaine Nelson's service to the industry, and to her community, will not end with the completion of her presidential term at NUCA. Certainly, Wisconsin will be the better for it.

The following article which appeared in the National Utility Contractor in May of 1992 illustrates why Delaine Nelson is one of Wisconsin's most accomplished leaders.

### 1991 NUCA PRESIDENT DELAINE NELSON: A DRIVEN AND ACCOMPLISHED LEADER

(By Anne Beall)

"The construction industry is ever growing and ever changing. That's why I'm here," 1992 NUCA president Delaine Nelson said when asked why she chose to pursue a career in construction. "It constantly presents challenges, and I love a challenge."

When talking to Delaine, it quickly becomes clear that she thrives on accomplishment. As she sits behind her desk, in an office filled with unique Southwestern prints and collectibles, she radiates confidence. Pictures of Delaine with members of OSHA's Advisory Committee and previous Secretaries of Labor Anne McLaughlin and Elizabeth Dole reinforce her reputation as totally committed to safety. A closer look around the office illustrates how her confidence and commitment have paid off—dozens of awards blanket the walls.

After 17 years of days filled with all the good jobs that moms do—girl scout leader, room mother, fill-in coach for dad's little league team—Delaine decided to begin working part-time. "My youngest son was thirteen years old, and I was ready to find more to do," she said. "I started out working just three days a week, but before I knew it, I had given up bowling and was working full-time. I was hooked."

Delaine was no stranger to construction. Her husband, Chuck, a chiropractor by profession, had been part owner and an executive of Mueller Pipeliners since 1954. "I really liked working again," Delaine recalls. "I liked the industry, and I liked the excitement. I knew that I would face skepticism as a woman and that it would be a challenge to pursue a career in construction. That's partly what made it so enticing for me," she said.

Seventeen years later, it's apparent that her hard work and dedication have paid off. Today, she sits as an owner and administrative vice president of MRM, Inc., where she directs safety and training.

#### A CINDERELLA STORY?

How did this mother of four break down the barriers facing a woman in a traditionally male industry? Persistence. "I encountered the most skepticism from the guys in the field," Delaine remembers. "They weren't very comfortable with me dictating safety to them. But I didn't let myself get turned off by it. Initially, I accepted it as part of the industry."

Determined to overcome the obstacles and learn the ins and outs of the industry, Delaine read everything she could get her hands on, talked to everyone in the field, listened carefully to everything she heard, watched closely what was happening at the jobsites, and asked question after question after question. And she learned. "I knew I had to be able to talk their jargon and understand the details on the jobsites. The guys in the field had a lot of good ideas," she said. "I began taking their ideas back to the office and giving them recognition if we implemented their ideas. I think they appreciated that. It helped them recognize that I was on their side." It didn't take long for Delaine to gain the respect of the company's management and employees.

#### A PARADOXICAL RELATIONSHIP

"Probably the most discouraging, yet rewarding, experience that I have had with the industry was my involvement with the OSHA Advisory Committee," Delaine said. In 1988, then Secretary of Labor Ann McLaughlin appointed Delaine to OSHA's Advisory Committee on Safety and Health. Delaine was the first representative of the underground utility construction industry to serve on the committee.

The committee is comprised of 15 members (five representing employers, five representing labor, and five representing the public sector) and is responsible for advising the Secretary of Labor on issues pertaining to safety and health in the construction industry. "The first year that I sat on the committee had its frustrations. I was the first woman ever appointed to the committee, and it took some time for the members to accept my ideas," she said. "It's like anything else—as a woman, I had to prove myself."

As the committee moved into its second year, committee members really began working well together, Delaine said. When OSHA proposed revisions to Subpart P, the group came together to develop commonsense ideas on how OSHA should proceed. "Fortunately, labor supported our issues, so we were able to work without antagonizing each other," she remembers. "I advised the committee that 60 days was not nearly enough time for contractors to develop training materials and conduct training seminars, and the committee agreed." OSHA delayed enforcement of the standard for an additional 60 days, based on the unanimous recommendation of the advisory committee.

"It was extremely fulfilling to see that I was able to be part of a policy decision that directly affected our industry. My only regret is that all of this happened at the end of my two-year term and that I was unable to continue," she said. "I felt like the group was gaining momentum and was sorry that the group would have to start over again." Participation on the advisory committee was a wonderful learning and growing experience for Delaine. "To sit at the table with the leaders of all sectors of the industry and to be involved in substantive debate was extremely rewarding. I'd do it all over again at a moment's notice," she said.

#### AN AWARD WINNING COMMITMENT TO IMPROVED JOBSITE SAFETY

Safety and Delaine Nelson go hand-in-hand. Her reputation for innovative safety ideas and her company's impeccable safety record are well known across the industry.

When Delaine became active in the industry 17 years ago, industry safety programs were in their infancy. "Back in 1975, OSHA had only been in existence for five years, and there wasn't broad-based recognition of worker safety. Employees were given protective gear and an occasional tool-box talk, and that was the extent of it," Delaine explained.

Over the years, as safety awareness has increased, Delaine Nelson and MRM have been in the forefront—and in many ways, they have set the standard. "We knew that jobsite safety was going to become a major issue for us, so we started developing programs early," Delaine said. Delaine developed the company's first safety guide and began conducting regular self-inspections in the field. While in the field, she talked to the inspectors and the employees in an effort to better understand the company's safety needs. She then took it one step further and visited several equipment manufacturers to see how the equipment was manufactured and tested.

What began several years ago as a standard company safety program has evolved into one of the most comprehensive safety programs in the country. Since 1981, the com-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pany has been the recipient of at least one safety award each year, including the highest safety award from NUCA and the Wisconsin Underground Contractors' Association. And Delaine can take most of the credit for that—although she is hesitant to.

"All I've done is put the systems into place. Our employees have made our safety program what it is today," she said. And the program is impressive. Under Delaine's watchful eye, the company holds a week-long safety school each year for the company's foremen and superintendents. The company brings in the state's best safety experts to discuss myriad safety issues, including defensive driving, natural gas safety, jobsite protection, trenching, and traffic control. The company also holds an eight-hour winter safety seminar for all of its employees and has implemented an extensive safety recognition and awards program. Safety newsletters, a trench safety program, company tool-box talks, and safety workshops are other major elements of their safety program.

The company's safety program was greatly expanded in 1989, when Delaine brought Jim Kurth, a 20-year foreman, into the main office to assist her with the safety field work. "As our safety manager, Jim has been instrumental in the recent growth of our safety program," Delaine said.

During the company's upcoming annual banquet, MRM will honor several employees that have been with the organization for 30 years. In addition, the company will present awards of thanks to 20-year and 10-year employees. That fact, alone, speaks volumes about the company—employees love to work for MRM.

Harold Mueller, chairman of the board of MRM, believes that the safety program that Delaine has developed for the company has been a major factor in the company's exceptionally low employee-turnover rate. "By having a strong safety program, employees know and understand that their employers are concerned about them," he said. "It makes them happy, and it makes them more productive, which, in turn, makes the company as a whole run and perform better."

### GIVING BACK TO THE INDUSTRY

Delaine's safety skills do not stop with her company. As an active member of the Wisconsin Underground Contractors' Association (WUCA), Delaine has been instrumental in the association's establishment of a safety task force. The task force, comprised of safety directors from member companies, meets regularly to review safety standards, plan safety seminars, and compose and distribute safety-related letters to state legislators and agency officials. Currently, the task force is developing a statewide safety guide for underground utility contractors. "Delaine's leadership and advice throughout the years have helped to make our association one of the most informative on safety issues in the area," said Dick Wanta, WUCA executive director. "Her company's safety efforts have done a lot to raise safety awareness among our members and across the state."

Delaine's safety consciousness was also a primary reason that she became involved in NUCA. In January 1982, she attended NUCA's educational seminar in Puerto Rico. A few months later, she attended NUCA's national convention in Phoenix, Ariz. "Our company had belonged to several organizations, but once we became involved with NUCA, nothing compared," Delaine said. "We quickly learned that NUCA is a unique organization. You're an individual at NUCA, and members care about you as a person."

It wasn't long after the company joined the NUCA that Delaine became an active part of the committees. "Loretta Simmons and Vic DiGeronimo were strong influences in my becoming involved with NUCA so quickly," Delaine said. "Loretta wanted me on NUCA's safety committee, and Vic asked me to head a special task force. They were both so supportive, and I found that I really loved working with NUCA members."

Soon after her introduction to NUCA committees, Delaine moved into leadership roles—finance committee chairman, region V vice president, treasurer, president elect, and finally president.

### A FULL PLATE FOR 1992

Looking ahead to what she will bring to her presidency, Delaine is focused and clear. "We will pick up where 1991 president Ron Pacella left off," Delaine said of her legislative goals for 1992. "Ron laid a strong foundation for securing adequate construction funding under the Clear Water Act. We will accomplish this goal during 1992. We really have no other choice."

Also at the top of Delaine's legislative laundry list is the defeat of H.R. 3160, the so-called OSHA reform legislation now pending in Congress. "Our industry has documented dedication to workplace safety, but we cannot support a bill that holds our management personally liable for workplace safety but does not take employee responsibility into account. Nor can we support a bill that sets one model and does not provide for employer flexibility in developing a safety program," she said. Although Delaine concedes that it is unlikely that we will be able to defeat the entire bill, she does believe we can influence the final version to make it more workable for contractors.

The investment tax credit will be a major focus of Delaine's presidency as well. By working closely with major manufacturers and talking with key lawmakers. Delaine believes that NUCA can make a difference and convince Congress that reinstatement of tax incentives would and should relieve the struggling economy.

Outside the legislative arena, Delaine will continue to give a high priority to NUCA's safety programs. During 1992, NUCA will hold another series of competent-person instructor training courses, as well as begin a new safety training series on confined-space entry. In addition, NUCA's safety committee is currently conducting a comprehensive revision of the NUCA Safety Manual, which will be completed by mid-1992.

Delaine also hopes to make major strides in membership development and retention. "I would like to see our membership grow and become more solid," Delaine said. "Our chapters could be the core of this effort. With NUCA's assistance, our chapters will grow and become stronger, and in turn, with the assistance and commitment of our chapters, NUCA will grow stronger. If we help each other, we will become more solid."

### A BRIGHT FUTURE

When asked what's in store for the future of underground utility construction, Delaine is extremely positive. "Members often hear me say that overburdensome regulations are killing American business. But not all the regulation and legislation has been bad. A lot of laws and regulations have been forced upon the industry, but there is a flip side to this. Some good has come out of it. Tighter restrictions have significantly increased contractor awareness and have prompted many contractors to become more involved in the process, which has resulted in a stronger collective voice. I believe that the industry will be on solid ground for the next few years. There's a lot of work out there, we just have to shake the money loose," she said.

"That's why we belong to NUCA and why I chose to become so active. NUCA actively seeks to effect change and help the industry to grow, and I would like to be part of that process," she said.

### MORE THAN MEETS THE EYE

Behind her trademark pink hard hat, clipboard, and safety seminars lurks another very different, yet similar individual. Delaine's dedication and commitment to helping others carries over to her life outside of the construction industry. As an active member of her church, where she taught Sunday school and vacation Bible school, Delaine is active in a program to feed and clothe the homeless. "I really enjoy my work with the homeless. I love to give to others, and they are so appreciative."

Delaine's life is filled with her family. She beams with pride as she talks about life as a mom of four and a grandma of nine. Her daughter Kathy owns a travel agency and has three children. Sharon, another daughter, has three children and designs and publishes the company's tool-box talks and newsletters from her home. Her sons, Charles, who has two children, and Richard, who has one child, own a metal polishing and deburring business. "My husband, Chuck, as well as my children have been very supportive of my decision to take on the NUCA presidency. They have just been great," she said.

With a life filled with so much activity and family, it's hard to imagine how Delaine finds time for the many other activities that she regularly undertakes—travelling, golfing, scuba diving, downhill skiing, and growing roses.

### IT SAYS "VROOMM"

As I took one last glance back at the offices of MRM before I returned from the interview with Delaine, my eye caught the license plate of the sparkling blue Mercedes that she drives around Milwaukee. It reads "VROOMM." The plate is indicative of the type of woman who recently took over the NUCA presidency—an energetic, intelligent, and driven leader. How else would you describe a women who beat the odds to climb to the top of her profession. NUCA will be in good hands in 1992.

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## HOUSE CONCURRENT RESOLUTION 46, THE JOINT COMMISSION FOR THE UNITED STATES-MEXICO BORDER REGION

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. RICHARDSON. Mr. Speaker, on Thursday February 18, 1993, I introduced legislation to create a joint commission for the United States-Mexico border region. The creation of such a commission is long overdue. It is needed to address the escalation of environmental and public health problems in the region, and I believe both the United States and Mexico should agree to the terms of such a joint commission before the implementation of the North American Free-Trade Agreement [NAFTA].

House Concurrent Resolution 46 does not offer a specific solution to every single environmental concern raised by the NAFTA, but it does contain a broad array of elements that address significant environmental problems and offers an outline as to how the United States and Mexico can work bilaterally to solve them.

The people who live along the United States-Mexico border are on the frontline of the two countries' environmental and public health problems. Air pollution, contamination of ground water and surface water supplies, and explosive levels of population and poverty over the past decade have degraded the border environment and left the region's environmental infrastructure substandard, at best, and, in far too many cases, simply nonexistent. The U. S. Environmental Protection Agency [EPA] has put a $5 to $7 billion price tag on the region's problems.

United States-Mexico border residents recognize that not all the region's problems will go away overnight, but they do need and should expect from their central governments better coordination of existing resources and new financial strategies to allow border area cities and towns to help themselves. My proposed joint commission for the United States-Mexico border region is aimed at accomplishing those goals. House Concurrent Resolution 46 would: First, improve coordination of environmental protection activities between the United States and Mexico along the border and on a nationwide basis; second, provide small border communities access to international capital markets for financing environmental infrastructure projects; third, provide United States technical expertise to Mexico in such areas as regulatory development, environmental impact assessment, hazardous waste management, pollution prevention, and conservation; fourth, require all companies with operations in the United States-Mexico border to comply with reporting procedures similar to those under the Emergency Planning and Community Right-to-Know Act; fifth, promote voluntary service and increased corporate philanthropy in the border area; and sixth, facilitate greater public participation through the establishment of regional border offices and a bilateral consultative process, which may include the holding of public hearings and the appointment of investigatory environmental boards.

This commission does not seek to duplicate the functions of the International Boundary and Water Commission [IBWC] or those to be carried out under the United States-Mexico Integrated Border Plan. Both the IBWC and EPA's Integrated Border Plan play an instrumental role in providing the border region with resources and funding for a small number of very large projects. For example, EPA has already committed a total of $146 million in fiscal year 1993 for environmental projects on the United States side of the border. Similarly, Mexico has committed $460 million over 3 years to carry out commitments under the border plan. While the border plan represents a historic undertaking for both countries, I would emphasize that this bilateral initiative deals primarily with a small number of large environmental infrastructure projects such as the $350 million Tijuana River wastewater treatment facility and similar facilities in Nogales and Laredo/Nuevo Laredo border communities.

That leaves dozens of small border communities without sufficient resources to finance their long-term environmental infrastructure needs, and so far the United States and Mexico have not figured out a financing strategy to assist these communities. To address this problem, the joint commission will establish and oversee a Border Environmental Guaranty Fund [BEGF], the purpose of which is to provide financial guaranties for the repayment of debt instruments that are issued by private and public financial organizations. The proceeds from such debt instruments will be used by border area communities to create, replace, or improve environmental infrastructure facilities. And it will be the residents of these border area communities who make payments on these debt instruments through a system of user fee charges established by the local environmental facility.

I want to emphasize to my colleagues that the BEGF does not finance environmental projects. Rather the BEGF will be capitalized by the United States and Mexico at no less than $200 million, an amount that will allow for well over $2 billion in private funds to be raised in capital markets by local border area governments that use the guaranty of the fund. The $2 billion in private funds is the revenue used for construction of environmental facilities, and the $200 million stays in the fund as collateral against all bonds issued by local border area governments.

The function of the BEGF therefore is twofold. First, it will upgrade the investment grade rating given to such bonds as water and wastewater system bonds from noninvestment grade [NIG]—essentially junk bonds—to investment grade rating and thereby lower the cost of constructing environmental facilities considerably. Second, the BEGF will act as a guarantor for bondholders of environmental facilities in those instances when a facility is delinquent on its bond payments. Let me use an example to illustrate this point. If a local government in the border area issues a bond to construct a wastewater treatment facility and a revenue shortfall experienced by the facility prevents it from making its full payment to bondholders, then the BEGF steps in to make the facility's payments in full and on a timely basis. Once the wastewater treatment facility resumes payments, it will make up the missed payments to the fund.

The U.S. experience with water and wastewater bonds demonstrates that delinquency on payments—not outright default—is the most significant problem for small water and wastewater systems. It should be expected, therefore, that the BEGF will use its funds to pay for delinquent payments, but the BEGF will also have those expended funds replenished. In other words, the BEGF will use its funds, but it will also get them back. Since outright default on small water and wastewater bonds is exceedingly low, this is how the BEGF is expected to operate.

While the BEGF will be established in a way that allows for the joint participation of Mexico, it can operate solely as a domestic fund to assist United States border communities in securing financing for environmental infrastructure projects in their region. It will be Mexico's decision to put capital into the fund, but in doing so, Mexico will obviously have to establish a public securities market for environmental projects and create a system where water and sewer bonds are paid off with user fees charged to the environmental facility's users.

The establishment of the BEGF will be consistent with the way capital improvement projects are financed in the United States. U.S. local governments—not the Federal Government—usually pays for the cost for the construction of environmental infrastructure projects such as wastewater treatment facilities, drinking water hookups, and solid and hazardous waste landfills. The creation of the Border Environmental Guaranty Fund recognizes the primary role of local governments and is established with the purpose of allowing these border communities to continue paying the cost of constructing these facilities.

What the guaranty fund will allow is local border communities to raise money for environmental infrastructure at a cost that is comparable to that of similar facilities in large cities. The total annualized local government cost to implement major environmental regulations continues to rise well beyond the rate of inflation. These increased costs have hit small border communities especially hard. Per capita, smaller border communities are paying more for environmental protection than those Americans living in larger urban centers. For many border communities, the costs have become prohibitive, leaving many border residents without drinking water and adequate wastewater facilities.

It is clear that Washington and Mexico City will never have the adequate financial resources to assist all of these communities. That is why it is imperative for the United States and Mexico to establish a credit enhancement mechanism, such as the BEGF, to supplement existing bilateral commitments under the border plan, so as to allow communities greater self-reliance in financing locally needed environmental infrastructure projects over the long term.

The technical cooperation program outlined in this legislation will expand efforts already underway between the United States and Mexico to improve Mexico's environmental quality of life by helping Mexico to capacity build at the Government level. The reason is simple. At the present time, there are only a limited number of trained Government personnel in areas such as environmental protection, conservation, and pesticide regulation for the agricultural industry. To broaden Mexico's capacity in these and other areas, the technical cooperation program will provide assistance, offering the country temporary personnel exchanges from a variety of United States agencies in the areas of the environment and public health.

House Concurrent Resolution 46 also requires companies with operations in the United States-Mexico border region to comply with reporting requirements similar to those under the Emergency Planning and Community Right-To-Know Act. This provision seeks to have both the United States and Mexico reach agreement on a formalized process to abide by community right-to-know principles and to facilitate public access to this information. The establishment of regional border offices by the commission will provide the border area communities with more outreach and oversight of environmental issues impacting their communities.

This legislation seeks to promote voluntary service and increased corporate philanthropy in the border region. Presently, the U.S. Small Business Association administers the Senior Corps of Retired Executives [SCORE], a Government-sponsored program that recruits retired professionals in a variety of business disciplines to provide their expertise, to small businesses across the country. Through a broad-based SCORE program, professionals in public health, civil engineering, environmental sciences, urban planning, and architecture would be sought to provide voluntary service to local governments, nonprofit organizations, and small businesses on both sides of the United States-Mexico border. As for the companies with operations in the border region, their record of corporate giving to their communities is horrible. One of the activities of the commission should be to promote more involvement and philanthropy among corporations operating in the border area.

Mr. Speaker, the United States and Mexico not only need each other to prosper economically but also to strengthen environmental protection along its shared border and in both countries. In the coming months the United States and Mexico will be negotiating side agreements to the NAFTA to address many of the concerns about the environment. It is my hope that House Concurrent Resolution 46 gives negotiators from both countries an accurate outline of the elements that must be a part of any environmental side agreement. Mr. Speaker, I ask that the text of House Concurrent Resolution 46 be printed in the RECORD after this statement.

H. CON. RES. 46

Whereas the North American Free Trade Agreement (NAFTA) will increase the flow of commerce and trade between the United States and Mexico;

Whereas the lack of environmental facilities, enforcement, and economic growth in the United States-Mexico border region has caused widespread public health problems and environmental problems, including serious degradation of air quality, quality and availability of transboundary ground water and surface water supplies, and soil quality;

Whereas increased levels of commerce, trade, and economic development under NAFTA will exacerbate the existing public health problems and environment problems in such border region;

Whereas, although economic growth under NAFTA will also create more resources to protect the environment in such border region, such resources will not make an immediate or significant reduction in the border region's public health problems and environmental problems;

Whereas such health and environmental problems will necessitate expanding the level of bilateral environmental cooperation between the United States and Mexico;

Whereas one method of bilateral environmental cooperation would be to establish a joint commission aimed at complimenting the activities of the International Boundary and Water Commission, alleviating public health problems and environmental problems in the United States-Mexico border region, and expanding bilateral environmental cooperation on a nationwide basis;

Whereas there has been great concern expressed both in the United States and in Mexico that insufficient financial resources exist at the Federal levels in both nations to deal with the public health problems and environmental problems in such border region;

Whereas the best alternative to Federal funding for projects to alleviate public health problems and environmental problems in such border region is to establish access to the international capital markets for public and private financial organizations with the power to incur and issue debt;

Whereas the establishment of access to the international capital markets for public and private financial organizations would initially require a form of credit enhancement for any debt instruments issued by such organizations;

Whereas the debt instruments issued by such organizations would be used to fund projects to create, replace, or improve the environmental infrastructure facilities in the United States-Mexico border region;

Whereas the users of environmental infrastructure facilities in both the United States and Mexico would be the revenue base for the repayment on such instruments issued by such organizations;

Whereas currently no means of credit enhancement exist to guarantee the debt of such organizations;

Whereas there is mutual agreement between the United States and Mexico to increase technical assistance provided between the two nations relating to environmental issues;

Whereas there is a need to promote greater public participation and public disclosure relating to public health issues and environmental issues in the United States-Mexico border region, including requiring businesses located in the Mexican part of such border region to comply with reporting requirements similar to the hazardous substances reporting requirements under United States Federal law; and

Whereas there is a need to promote greater voluntary service and corporate philantrophy in such border region: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. SHORT TITLE.**

This concurrent resolution may be cited as the "Joint Commission for the United States-Mexico Border Region Resolution".

**SEC. 2. ESTABLISHMENT OF BILATERAL COMMISSION.**

(a) IN GENERAL.—The Congress urges the President to reach an agreement with Mexico on the establishment of a joint commission (in this concurrent resolution referred to as the "Commission") between the United States and Mexico to help alleviate public health problems and environmental problems in the United States-Mexico border region caused by the lack of environmental infrastructure capacity in such border region, the growing shortages of ground and surface water resources shared by both nations, and by the increased levels of commerce, trade, and economic development under the North American Free Trade Agreement (in this concurrent resolution referred to as "NAFTA").

(b) TIME LIMIT.—The agreement described in subsection (a) should be reached not later than the effective date of the legislation implementing NAFTA.

**SEC. 3. COMPOSITION.**

The Commission should be composed of 12 members, 6 of whom should represent the United States and 6 of whom should represent Mexico. Of the 6 members representing the United States, the President should appoint—

(1) the Administrator of the Environmental Protection Agency as the head of the United States delegation;

(2) the Commissioner of the United States section of the International Boundary and Water Commission; and

(3) one representative from—

(A) the Department of Health and Human Services;

(B) the Department of the Interior;

(C) the Department of Housing and Urban Development; and

(D) the Department of Agriculture.

**SEC. 4. DUTIES.**

(a) BORDER ENVIRONMENTAL GUARANTY FUND.—The Commission should establish and oversee a Border Environmental Guaranty Fund (in this concurrent resolution referred to as the "Fund") to provide financial guarantees for the repayment of debt instruments issued by public and private financial organizations, the proceeds of which are used to fund projects to create, replace, or improve the environmental infrastructure in the United States-Mexico border region. The Fund should meet the following requirements:

(1) The United States and Mexico should each contribute not less than $100,000,000 to the Fund.

(2) The obligations of the Fund should not have any guaranty, express or implied, of the United States Government.

(3) The guaranty of the Fund should confer on underlying debt instruments issued by public and private financial organizations the lowest investment grade ratings from independent and internationally recognized securities rating organizations for the purpose of leveraging the Fund to the maximum extent possible so that the greatest possible ratio exists between the amount of debt guaranteed by the Fund and the amount of capital in the Fund.

(4) The Fund should have a board of directors to provide financial management of the Fund and management of projects guaranteed by the Fund. The board should be composed of 10 members, 5 of whom should represent the United States and 5 of whom should represent Mexico.

(5) Members of the board should be reimbursed for reasonable expenses incurred in carrying out their duties, and such expenses should be paid for equally by both the United States and Mexico.

(6) The board should be provided with an independent staff in order to carry out its duties in a prudent and timely manner.

(b) TECHNICAL COOPERATION PROGRAM.—The Commission should establish a program to provide for technical assistance and the exchange of personnel for environmental coordination activities between the United States and Mexico including the provision of technical assistance to Mexico from representatives of the Environmental Protection Agency and other relevant Federal agencies), including training in activities such as environmental impact assessment, the development of environmental standards, enforcement of such standards, pollution prevention and control, the control of the use of pesticides, waste management, response to chemical emergencies, toxic emissions reporting, marine pollution, conservation activities, and urban planning and infrastructure development.

(c) PROCEDURES TO PROMOTE INCREASED PUBLIC PARTICIPATION AND PUBLIC DISCLOSURE RELATING TO PUBLIC HEALTH AND ENVIRONMENTAL ISSUES.—The Commission should establish procedures to promote increased public participation and public disclosure relating to public health issues and environmental issues in the United States-Mexico border region. In establishing such procedures, the Commission should meet the following requirements:

(1) The Commission should establish no fewer than 2 regional border offices to foster community outreach, public participation, and border volunteer initiatives in the United States-Mexico border region.

(2) The Commission should be given the authority to require businesses located in the Mexican part of the United States-Mexico border region to comply with reporting requirements similar to those described in the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 note).

(3) The Commission should consult with the Border Environmental Public Advisory Committee of the Environmental Protection Agency so that expertise from the private and public sectors is readily available to the Commission in the areas of public health, agriculture, housing and urban development, conservation, and public voluntary service.

(d) UNITED STATES-MEXICO BORDER REGION VOLUNTEER SERVICE.—The Commission should, in conjunction with the Commission on National and Community Service, establish a United States-Mexico Border Volunteer Service, which—

(1) in cooperation with the Small Business Administration, should work to expand the activities of the Senior Corps of Retired Executives (SCORE) in the fields of public health, civil engineering, environmental sciences, urban planning, and architecture;

(2) should provide assistance and advice to border area not-for-profit organizations on projects aimed at addressing the array of environmental health, housing, and social service needs of the United States-Mexico border region; and

(3) should promote initiatives aimed at increasing the level of corporate philanthropy among businesses in the United States-Mexico border region for the purpose of alleviating public health problems and environmental problems in such border region.

**SEC. 5. POWERS.**

(a) HEARINGS AND SESSIONS.—The Commission should, for the purpose of carrying out its duties under section 4, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate, including holding hearings on all matters and issues under the jurisdiction of the International Boundary and Water Commission. All such hearings should be open to the public.

(b) APPOINTMENT OF INVESTIGATORY BOARDS.—The Commission should appoint 1 or more boards composed of qualified individuals to conduct on the behalf of the Commission investigations and studies which the Commission determines necessary to provide oversight of the Fund described in section 4(a) and the technical cooperation program described in section 4(b).

**SEC. 6. REPORTS.**

The Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the current year.

**SEC. 7. UNITED STATES-MEXICO BORDER REGION DEFINED.**

For purposes of this concurrent resolution, the term "United States-Mexico border region" means the area located in the United States and Mexico within approximately 65 miles of the border between the United States and Mexico.

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# AMERICAN AND UNITED NATIONS TROOPS SHOULD BE PLACED IN MACEDONIA

## HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. LANTOS. Mr. Speaker, the United States faces serious limitations on what we are able to do to bring an end to the bloodshed and violence in Bosnia. On the one hand, we want to see stronger action, tougher action, to punish the Serbian aggressors who have engaged in ethnic cleansing, systematic rape of girls and women, and blockades to starve out Bosnian Moslems. At the same time, however, we have been unwilling to send American ground forces into Bosnia to lift the siege of Sarajevo or break the blockade against other encircled Bosnian enclaves.

Last Thursday, Dr. Zbigniew Brzezinski appeared before a joint hearing of the Foreign Affairs Subcommittee on Europe and the Middle East and the Subcommittee on International Security, International Organizations and Human Rights. Dr. Brzezinski gave an excellent presentation regarding the limitations and opportunities for collective security in this post-cold war-era. In his excellent discussion of the lessons of Bosnia, Dr. Brzezinski noted that one concrete step the United States can and should take is the stationing of United Nations peacekeeping troops—including United States troops—in the former Yugoslav republic of Macedonia and possibly in Kosovo.

Mr. Speaker, today's New York Times published an op-ed by Walter Russell Mead, a senior counselor at the World Policy Institute, in which he considered the issue of placing American troops in the former Yugoslav republic of Macedonia. I ask that Mr. Mead's article be placed in the CONGRESSIONAL RECORD. He presents clearly and convincingly the arguments in favor of placing American troops as part of a United Nations contingent in Macedonia, and it is an issue to which our colleagues in the Congress should give serious and thoughtful consideration. It represents an important and effective step that the United States can take, but at the same time it is one that involves limited risks.

### PUT AMERICAN TROOPS IN MACEDONIA

(By Walter Russell Mead)

NEW ORLEANS.—So far, Washington's Balkan policy has been built on principles of bluster and bluff. Speak loudly, but leave the stick at home.

The Serbian leaders, says the U.S., are war criminals who should all be brought to trial. The Vance-Owen peace plan, which brings those same Serbs to the negotiating table, was derided by Americans eager to take a stronger stand. The Europeans who backed it were pusillanimous, we said. The Vance-Owen plan rewarded aggression, we said.

It was all very exhilarating and all very true. But it was all empty bombast as well. When push came to shove, the U.S. had no alternative to Vance-Owen and fell humbly, humiliatingly in line with the spineless Europeans and their appeasement of war criminals.

The double-minded man is unstable in all his ways, warns the Bible. It would be hard to find a better description of American policy in the former Yugoslavia. The U.S. has two paramount goals: it wants to stop ethnic cleansing, and it wants to stay out of the war. These goals are moral, they are prudent and, if achieved, they advance the national interest. They are also incompatible, and the contradiction between these irreconcilable and but non-negotiable objectives has plunged the Balkan policy of the last two Administrations into sordid and wretched chaos.

If this were the end of the story, we could live with it. There have been bad peace treaties before, and harsh bargains with evil leaders—worse proposals than Vance-Owen. And there have been bigger diplomatic blunders than the fiasco launched under the Bush Administration by Lawrence Eagleburger and continued by Secretary of State Warren Christopher.

Unfortunately, the Balkan tragedy has two or three more acts to come, and American braggadocio—the mixture of bluster and cowardice that still guides our policy—is the policy most likely to widen the war.

Even as Washington caved in by accepting the basic outline of the peace plan, the U.S. was preparing for new crises down the road. Some peace plan! Mr. Christopher's statement on the Vance-Owen proposal included not only a surrender on Bosnia by ratifying Serbian territorial conquests but new threats to Serbia, lest it move into the neighboring republic of Macedonia and into the Serbian province of Kosovo, where restive ethnic Albanians are likely targets for a new round of brutal ethnic cleansing.

The combination of brave words and craven deeds is unlikely to impress the Serbian warlords in whose bloody hands the chances for peace now rest. The West talked big but did little over Croatia. It huffed and puffed over Bosnia but did nothing. Now it is on its high horse over Kosovo. The U.S. looks imposing but like a scarecrow it never moves, and the Serbs have figured that out.

It all seems sadly ridiculous, but it's worse than that. The U.S. has interests in the Balkans important enough to fight for and that will, if challenged, drag a reluctant nation into a new and nasty not-so-little war. Ethnic cleansing in Kosovo is likely to provoke war with Albania and destabilization in Macedonia, where there are also large and restless Serb and Albanian communities. Neither Bulgaria nor Greece could easily stay neutral if the war spreads to Macedonia, and, in a worst-case scenario, Turkey could find itself drawn in as well.

The U.S. could not finesse this situation. A war that puts Greece and Turkey on opposite sides would break up NATO and seriously strain the U.S.-European relationship and the already-frayed European Community. The U.S. and Germany would almost certainly tilt toward Turkey; Britain and France would probably support the Greeks—and so might the Russians.

The prevention of this wider Balkan war is the vital interest that should shape American policy. The U.S. needs to stop the Serbs where they are, but it does not need to roll them back. To do that, we must convince them that further attacks would mean war. This won't be easy after so many false warnings.

Sending peacekeeping troops to Bosnia is the most likely form of U.S. military intervention at this stage. Unfortunately, it is the least satisfactory approach. American peacekeeping troops there would become hostages to events in Kosovo and Macedonia. Just as Britain and France opposed the enforcement of the "no fly" zone over Bosnia because of the risk to their peacekeeping troops, the U.S. would have to take the safety of its Bosnian peacekeepers into account when responding to Serbian aggression in neighboring republics.

The best solution—radical-sounding but on balance the most prudent course—would put American troops where they might still preserve the peace: Macedonia. With or without formal recognition of the ex-Yugoslav republic, a temporary dispatch of at least 50,000 troops—preferably multinational but in any case including a large proportion of well-equipped Americans—would send a tough message to Serbia without provoking war.

Unlike peacekeepers in Bosnia, these troops would not come under hostile fire; they would defend the independence and territorial integrity of a country that the U.S. very much needs to preserve. The multilateral force would also be authorized to protect the Albanian majority in Kosovo from Serbian attack. Without firing a shot, these troops would significantly reduce the chance that the Yugoslav war would widen, and they would introduce a new note of realism into Serbia's distracted councils.

But even if fighting spreads to Macedonia, the multilateral presence will help avoid the worst: splitting our most important alliance and straining our relationships with every important country in Europe and the Middle East.

This military policy needs a diplomatic strategy to succeed. The U.S. should win British, French and Greek support for the peacekeeping mission. Washington should also develop with the Russians a peace program that the Serbs can accept. At the same time the signal to Serbia should be softer.

Instead of talking about Nazi-type war trials, which the U.N. Security Council is expected to vote for this week, the United Nations and Washington should be talking about regional reconstruction and the benefits of cooperation. It may go against the grain to let criminals go unpunished, but no major country has any intention of dismantling the Serbian Government by force and arresting its leaders. Nor, realistically, is the world ready for a prolonged boycott of Serbia that would destabilize the region even further and prevent any change for future prosperity.

Our Balkan policy is too important to be based on illusions. No lasting peace is possible without Serbian participation, and as long as the Serbs do not widen the war, the U.S. has nothing to gain and much to lose from a prolonged quarrel with Belgrade.

Clear thinking and decisive action—for a change—represent the only hope for a relatively safe path through the minefield. Otherwise, we are likely to be bloodied and humiliated by the most dangerous European crisis in 50 years.

## GAYS, BUT NOT GAY BEHAVIOR

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. FRANK of Massachusetts. Mr. Speaker, one of the things of which we have too little in our public debates is an effort to make policy according to consistent principles, even when those principles might lead one to a result which one's political allies oppose.

The lead editorial in the Boston Herald for Monday, February 1, is an example of the way in which people ought to reach conclusions on significant public policy questions. I disagree with some aspects of the editorial, in its comments on President Clinton and more emphatically in its comments about homosexuality. But its main point articulates in a clear, compelling, and persuasive fashion what the policy of the U.S. Government ought to be with regard to gay men and lesbians serving in the military.

The final three paragraphs of this editorial state the appropriate principle—that individuals in the armed services should be judged on their behavior, and not on any basic characteristic—and also demonstrate how this ought to be applied, by making the clear cut distinction between activity on base, on duty, or in uniform and conduct which takes place off base, off duty, and out of uniform.

Mr. Speaker, I am impressed with this conclusion precisely because it comes from someone with whom I do disagree about some aspects of the question of homosexuality in general, and I applaud the intellectual integrity of the Herald's editorial board. The two sentences which conclude this editorial—"gays and lesbians can, and do, make superb soldiers. But their private sex lives, like all of ours, should remain, private"—sum up precisely what gay men and lesbians should be asking for. I am very pleased that the Boston Herald has made this significant contribution to this debate.

GAYS, BUT NOT GAY BEHAVIOR

It was inevitable that President Clinton's promise to lift the ban on gays in the armed forces would generate a firestorm of controversy. That is not an argument for or against it. But people may reasonably wonder why this issue had to be raised during Clinton's first week in office.

It's the economy, stupid—remember? "I am going to focus like a laser beam on this economy," said Clinton one day after the election. In his inaugural address, he described the economy as "weakened by . . . deep divisions among our own people." Does he think forcing into place a drastic new policy on a subject so explosive is going to heal those divisions?

In his first few days of piloting the ship of state, our 43-percent president has come in for heavy weather. His nomination of Zoe Baird came apart in his hands. His rash of abortion announcements last Friday galvanized pro-life enmity. His first pronouncements on nuts-and-bolts economic policy replaced a campaign promise of tax relief with a new threat of tax severity.

The nation does not need a wrenching debate over gays in the military right now. This could have waited.

But Pandora's box having been thrown wide open, the issue needs to be settled.

Three principles are relevant here.

First, the function of the military is to defend the national security of the United States. Unit cohesiveness is critical to that function. Any policy on military personnel must be judged, at least in part, by its effect on such cohesiveness.

Second, disapproval of homosexuality is not simply blind bigotry. The gay lifestyle is repudiated by every major religion. It is manifestly not normative. Basic decency requires each of us to regard homosexuals with tolerance and with an awareness that few people choose their sexual orientation. But neither decency nor wisdom requires that governments confer legitimacy on same-sex relationships, or treat them as a sort of co-equal alternative to the bonds between men and women.

Third, there is a fundamental difference between *being* and *doing*. Your nature, your orientation, your thoughts, your urges—those must be irrelevant in the eyes of the law. Thus, you cannot be discharged from the Armed Forces for having a rebellious nature; it is only when you act rebelliously that you may be disciplined.

The best policy for the military is one that melds these principles. In effect, that is what U.S. District Judge Terry Hatter of the Central California district ordered last Thursday. Hatter struck down the ban on homosexuals and prohibited the military from discharging gays "in the absence of sexual conduct which interferes with the military mission."

The key decision Clinton announced Friday—ordering recruiters to stop asking applicants about their sexual preference—is the right one. It must remain quite clear, though, that any homosexual activity while on base, on duty, or in uniform continues to be forbidden. Gays and lesbians can, and do, make superb soldiers. But their private sex lives, like all of ours, should remain—private.

## IN HONOR OF BILLY AND EMELYN KIRBY, CELEBRATING THEIR 50TH ANNIVERSARY ON JANUARY 30, 1993

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. EDWARDS of Texas. Mr. Speaker, I rise today in honor of Billy and Emelyn Kirby who celebrated their 50th wedding anniversary on January 30, 1993.

It is indeed a special honor for me, Mr. Speaker, for I have known the Kirbys since my college days at Texas A&M. I owe a great debt of personal gratitude to Billy for teaching me the ways of Washington when I was a young college graduate working for the chairman of the House Veterans' Affairs Committee nearly two decades ago. Then, as now, Billy was acknowledged as one of America's leading authorities on veterans' programs and health care.

The first pages of this uniquely American love story between Billy and Miss Em were written just before World War II in the town of Clifton, a village known throughout Bosque County and central Texas for its strong work ethic and rigid moral standards befitting the town's Norwegian founders. The Norwegian influence in Clifton was so strong that even after Billy and Miss Em had been dating for quite some time, Miss Em's father, a devout Lutheran minister, still referred to Billy as that American boy.

That American boy began his military career in 1940 as a member of Company K, 143d Infantry Regiment, 36th Division, of the Texas National Guard. Just before he was shipped overseas, he and Miss Em married and honeymooned on Cape Cod. During the Rapido River Battle in Italy, Billy sustained gunshot wounds to his right shoulder and arm on January 21, 1944. Following his discharge from military service 2 years later, the former staff sergeant and his young bride returned to Dallas to begin a new life.

Billy then joined the Disabled American Veterans [DAV] as a life member of Chapter 32 in Dallas and dedicated his life to his fellow veterans. Shortly thereafter, Billy entered American University in Washington, DC, to study in the DAV National Service Officer [NSO] training program. He worked as a DAV NSO in Dallas and Waco until 1962 when he joined the staff on the House Veterans' Affairs Committee. In Washington, Billy worked with such giants in the world of veteran's affairs as long-time committee chairman Olin E. Tiger Teague and former committee staff director Oliver E. Meadows.

Following his retirement from the Hill in 1977, Billy and Miss Em became extremely active in the DAV on the local and national level. His immense contributions to the DAV were fully recognized when, after having served 2 years as an elected vice commander, Billy was elected national commander of the million-member DAV in 1988–89.

Billy and Miss Em's civic involvement has also been extensive. In 1986, Billy was appointed to serve on the Texas Veterans' Commission and has held leadership positions in several veterans, civic and political organizations in Bosque County. He and Miss Em have also been extremely active members of Trinity Lutheran Church in Clifton and have devoted considerable time and effort to improve medical care in the Clifton area.

But I'm sure Billy and Miss Em would agree that their greatest accomplishment has been raising two wonderful children, Larry and Phyllis, and keeping an ever watchful eye on their four beautiful grandchildren.

From a personal standpoint, I proudly consider Billy Kirby a mentor and trusted advisor. As a couple, I consider Billy and Miss Em to be among my dearest friends. I can also say unequivocally that no one in the 11th District of Texas, which has one of our Nation's largest concentrations of veterans and veterans' facilities, has done more to assist veterans than Billy Kirby. In short, Mr. Speaker, Billy Kirby is truly a veteran's veteran and a man that I respect above all others. He is one of those rare persons whose life has been totally devoted to helping others without any interest in personal recognition.

Mr. Speaker, I ask my colleagues to join me now in congratulating Billy and Emelyn Kirby on their 50th wedding anniversary. Very few people are able to experience the kind of love and commitment that Billy and Miss Em have shared for these many years. Their dedication to each other, to their family, to their community, and to America's veterans is truly extraordinary. It is my sincere hope that they will share many more years of happiness together.

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## NATIONAL FFA WEEK

## HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. NATCHER. Mr. Speaker, I am pleased to join with the members of the National FFA Organization as they celebrate National FFA Week this week. Through the FFA, students enrolled in agricultural classes in public high schools and vocational centers not only provide community services and increase their knowledge of agriculture, but also gain valuable leadership skills. For this reason, FFA—The Spirit of Leadership is an appropriate theme for this year's National FFA Week.

In my home State of Kentucky, over 1,000 FFA members and teachers attended 1 week of leadership training at the Kentucky FFA Leadership Training Center in order to better guide their local FFA chapters. The dedication and ability of these people can be seen in the results of regional, State, and national competitions.

From the Second Congressional District of Kentucky, the district I represent, winners at the State FFA convention last June were: Frank Nolan, Jr., of Spencer County in agricultural electrification, Jeremy Hinton of LaRue County in forage crop production, William C. Dobson of Adair County in nursery operations, Eric Butler of Adair County in outdoor recreation, Scotty Clan of Hardin County in placement of agricultural production, Kevin Thomas of Hardin County in sheep production, Bobby Wooldridge of Spencer County in soil and water management, Joey Shine of Metcalfe County in specialty crop productions, the Spencer County FFA Chapter for the Building Our Communities Program, Ginilin Barlow of Barren County in the AIC contest—first place, David Tucker of Taylor County in the AIC contest—second place, Jason Ferguson of Hardin County in the AIC contest—third place, the Central Hardin Chapter in chapter meeting, Melodie Stull of Breckinridge County in impromptu speaking beef, the Breckinridge County Chapter in farm business management, the Warren East Chapter in the record keeping contest, the Central Hardin Chapter in FFA commodity marketing, and Jeff Wathen of Marion County in creed speaking.

I am also proud to have regional Star State FFA members in production and Star State Agribusinessmen from the district I represent. Gayle Aubrey of Breckinridge County, Angie Montgomery of Spencer County, and Kirby Hancock of Adair County were all recognized as regional Star State FFA members in production at the State FFA convention. Andrew D. Koostra of Warren County was recognized as the Star State Agribusinessman and Kevin Whitworth of Breckinridge County and Paul Smothers of Taylor County were both recognized as regional Start State Argribusinessman.

Several chapters from the Second Congressional District of Kentucky were recognized for chapter safety. The Spencer County Chapter won second place in the State and the Daviess County, Barren County, Edmonson County, Metcalfe County, Breckinridge County, Central Hardin, Bullitt Central, Spencer County, and Taylor County chapters were all recognized as regional superior chapters.

Students are not the only ones recognized for hard work and leadership through the National FFA Organization. This past year, two teachers from the State of Kentucky received the Honorary American FFA Degree at the national FFA Convention in Kansas City, MO. One of these individuals, Lloyd Horne, is an agriculture teacher at Central Hardin High School in Kentucky's Second Congressional District.

All down through the years, the National FFA Organization has helped young people achieve their goals in the field of agriculture and at this time, I would like to commend all of those associated with the FFA throughout Kentucky and across the Nation for their many accomplishments. I wish them continued success in the future.

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## THE 90TH ANNIVERSARY OF THE SALT RIVER PROJECT

## HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. STUMP. Mr. Speaker, I rise today to salute the Salt River project, an institution that this month celebrates its 90th anniversary as the Nation's oldest multipurpose reclamation project.

The company, headquartered in Tempe, AZ, is the State's largest water supplier and the third largest public power utility in the Nation. It serves more than 550,000 customers in the greater metropolitan Phoenix area, operates six major dams and reservoirs, and has transmission links throughout the Southwest. It owns and participates in coal mines and generating stations in Arizona, California, Nevada, New Mexico, and Colorado. And, it counts among its customers some of the Nation's foremost computer and electronic manufacturers, aviation industries, mines, and agricultural enterprises. From an Arizona vantage, from Washington, DC, to the bond markets of New York, the name of Salt River project [SRP] has set a standard for high value, low-cost water and power, and for financial reliability and stability.

At the core of SRP's reputation is a corporate history that is tied deeply to the history and development of Arizona. Born out of a drought that parched the West in the late 19th century, SRP was formed in 1903—9 years before Arizona became a State. The company's original purpose was to provide early settlers with a reliable source of water for farming. To accomplish this, SRP's founders mortgaged their lands to the Federal Government as loan collateral for the construction of Theodore Roosevelt Dam—one of the first, great projects of the U.S. Bureau of Reclamation. When the dam was completed in 1911 in the Salt River Canyon east of Phoenix, it stood as one of the engineering triumphs of its time. Dependable water supplies were achieved. Agriculture flourished. As the Phoenix area prospered, construction of five other dams followed. Hydroelectric capabilities were developed and, in 1937, special action by the State legislature formally put SRP into the power business. The rapid growth of the Phoenix area after World War II and its transformation into the commercial hub of the Southwest came about in part through SRP's progressive efforts, economic development programs, and commitment to community partnerships.

Today, SRP and Arizona stand together at the threshold of a new era and at the crossroads of a global market connecting to Latin America and the Pacific rim. With advanced programs in energy conservation, electric vehicles, alternative fuels, and environmentally affordable ways to supply water and power, SRP is ready to help its customers assume even stronger economic leadership in the 21st century. SRP's vision has helped shape the West for 90 years. Its vision clearly will continue to shape Arizona's future.

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## A TRIBUTE TO DUKE AND EVELYN HILL

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and inspired leadership of Edward Gould Hill, Jr. ("Duke") and Evelyn Hill who have taken leadership roles in fostering music for the cultural benefit of California's Inland Empire. The Hill's will be recognized for their long-time commitment to the Inland Empire Symphony later this week as they are presented with the 1993 Golden Baton Award in San Bernardino, CA.

The Inland Empire Symphony Orchestra is a 31-year-old organization which offers a diverse musical program each year. The 72-member orchestra, which serves 6 performing arts groups, also has a strong student music appreciation program which brings members of the orchestra to local schools.

Duke's father was concert pianist and music teacher in the Chicago area, and his mother operated Hill's Music and Book Store before the family moved to California some years later. Evelyn is a fifth generation San Bernardino resident, a descendant of Jerusha Gurnsey Bemis who settled in San Bernardino with the Mormon train in 1854. Duke and Evelyn met at San Bernardino Valley College and were married in 1951. Since that time, they have been blessed with three children, Edward, Claudia, and Alison.

In 1970, Duke became the sole proprietor of his real estate appraisal, public acquisition, and private investment business. In addition, he has taught real estate courses at San Bernardino Valley College and the University of California at Riverside. He is also a member of the Inland Empire Symphony Executive Board. Evelyn has served as president and a 19-year board member of the Assistance League of San Bernardino and president of the San Bernardino National Charity League. In addition, she was the founding president of the Inland Empire Symphony Guild, has served as the public relations chairman of the Inland Empire Symphony Orchestra for 4 years, and has served as a docent for the "Music in the Schools" Program since its inception. She has also served on the benefit committee and chaired or cochaired numerous event since first becoming involved with the Inland Empire Symphony Orchestra.

Mr. Speaker, I ask that you join me, our colleagues and friends in honoring Duke and Evelyn for all they have done to revitalize the Inland Empire Symphony which has become a solid part of San Bernardino's cultural heritage. Their dedicated and selfless service to our community is certainly worthy of recognition by the House today.

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## IN HONOR OF YOLANDA RUIZ ON HER RETIREMENT

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. DIXON. Mr. Speaker, I rise today to pay a special tribute to Yolanda O. Ruiz, who is retiring after 20 years of devoted service to the county of Los Angeles. The southern California congressional delegation also joins me in saluting Ms. Ruiz who has effectively served as the county of Los Angeles' legislative liaison in Washington, DC.

Over the years, Yolanda has represented the views and concerns of the county of Los Angeles Board of Supervisors. She has clearly earned the respect and admiration of those of us in Congress who have had the pleasure of working with her.

Ms. Ruiz is a versatile, competent, and well-respected individual who overcame enormous social odds. She was born in El Paso, TX, and grew up in the barrios of east Los Angeles, with three brothers and three sisters. Her mother was a seamstress in a sweat shop in the garment industry in Los Angeles and her father barely earned minimum wages as a laborer on the railroad.

Yolanda held numerous jobs to pay for her college education. She married Carlos Ruiz and together they raised seven sons—Daniel, Donald, Carols, Richard, Anthony, Michael, and Nicholas. In 1971, Ms. Ruiz began an illustrious career with the county of Los Angeles when she, her husband, and their children moved to Washington, DC.

In addition to working for the county and raising her family, Yolanda has been actively involved in the PTA, Little League, the Red Cross, her homeowners association, voter registration drives, community assistance for Spanish-speaking persons, and a variety of civic and social organizations. Most of us are familiar with Yolanda's unfailing support of the California State Society as a past president, vice president, and presently, the society's treasurer. In an age when our young men and women are desperately seeking role models to help guide and direct their lives, individuals like Yolanda Ruiz stand out as a living testimony that hard work and dedicated service reaps a positive goal.

Mr. Speaker, we will miss Yolanda as she retires from the county of Los Angeles. However, we are pleased that we had the pleasure of knowing and working with such a gracious, dedicated individual. She has completed a remarkable career in public service. My colleagues and I wish her continued success in her future endeavors.

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## NASHVILLE-BASED NORTHERN TELECOM RECEIVES IRS AWARD

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. CLEMENT. Mr. Speaker, it is my pleasure to pay tribute to a fine corporate constituent which has helped to dispel the perception of a traditional adversarial relationship between business and government.

Northern Telecom, Inc., which is based in Nashville, TN, recently received the Nation's first Joint IRS Taxpayer Quality Improvement Initiative Award for extraordinary commitment toward improving tax administration. In presenting the award to Martin Mand, executive vice president and chief financial officer for the company, IRS district director Glenn Cagle said,

> The Northern Telecom-IRS team represents the first time in the Nation, or possibly anywhere, that representatives from a company under audit have worked side by side with the examiners to improve key aspects of the audit process.

He added that the nationwide application of what the IRS and Northern Telecom achieved in Nashville can save untold hours and tax dollars in similar examinations.

The award recognizes the fruits of a year-long project that has led to substantial improvements in communications and information flow between the two organizations and is part of the IRS' quality improvement process [QIP], a formal program begun in 1987 to improve internal systems. New operations implemented as a result of the alliance have led to a 59-percent reduction in the average processing time for tax information requests at Northern Telecom. Other benefits include a more current examination procedure, reduced auditing burden, and the establishment of a foundation for further joint quality initiatives.

The project focused primarily on factors hindering information delivery, such as resource management, quantity of information requested, and the clarity of requests. The partnership has been so successful that the IRS Nashville district intends to use the project's process as a model for other districts.

Northern Telecom is a leading supplier of digital switching systems to the U.S. telephone industry, digital communications systems to the U.S. military, and is a major exporter of telecommunications equipment. It is the leading global supplier of fully digital telecommunications systems, with over 58,000 employees worldwide and annual revenues of $8.4 billion. In the United States, there are over 22,000 employees, including about 800 at NTI's Nashville headquarters, involved in design, manufacturing, and sale of telecommunications products.

I extend my heartfelt congratulations to all of the employees and executives at Northern Telecom on their receipt of this award.

## IN RECOGNITION OF THE 90TH ANNIVERSARY OF THE SALT RIVER PROJECT

### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. KOLBE. Mr. Speaker, one of the more inspired city names in this great country is that of Phoenix, AZ. The phoenix, a bird of ancient Egyptian mythology, is said to have burned itself to ashes on a pyre, only to rise from those ashes to live again. Like the legendary bird, its urban namesake came to prosper only after death and resurrection. A principal agent of the city's rebirth was the Salt River project, the Nation's oldest multipurpose reclamation project. I rise to pay tribute to SRP, which proudly celebrates its 90th anniversary this month.

The site of present-day Phoenix was first inhabited by the Hohokam Indians, who disappeared from the Salt River Valley in central Arizona during the late 15th century. They left behind many artifacts to remind us of their presence but few clues to explain their sudden disappearance. One theory holds that the Hohokam, an agrarian society, was victimized by the uncontrollable drought-flood cycles that characterize many desert communities.

It was not until the late 19th century that hearty pioneers attempted to resettle the desert reaches of the Salt River Valley. Recognizing that effective settlement would be impossible without a reliable supply of water, a group of far-sighted and courageous individuals began planning a system of dams and canals to bring water—and life—to the Valley of the Sun. Such a system would be capable of distributing water in times of drought and conserving it in times of plenty.

Under the terms of the Reclamation Act of 1902, the Salt River Valley Water Users Association was incorporated on February 9, 1903. Guided by the spirit of risk which led them to Arizona in the first place, the incorporators pledged their lands as collateral for the construction of a Federal dam and water delivery system to store and distribute waters of the temperamental Salt River. Roosevelt Dam, which upon its completion in 1911, was the highest masonry dam in the world, was built at a cost of 30 lives and $10.3 million. When President Teddy Roosevelt traveled west to dedicate the dam that was to bear his name, the dream of reclamation was becoming a reality for the intrepid pioneers of the Salt River Valley.

From its modest beginnings, the Salt River project—which now includes the Salt River Valley Water Users Association and the Salt River Agricultural and Improvement District—has matured into an extensive and multifaceted enterprise. As the third-largest public power company in the Nation, and the largest water supplier in the State of Arizona, SRP currently serves more than 560,000 business and residential customers in central Arizona. It has established itself as the low-cost provider of quality water and power services in the Salt River Valley and has been a national leader in the development of energy efficiency and water conservation technologies.

Mr. Speaker, I am proud to salute the men and women of the Salt River project on the occasion of the project's 90th anniversary. I wish them every continued success as they continue to chart the course for a bright and promising future in the Valley of the Sun.

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## THE CLOSE-UP FOUNDATION'S HONORING OF BILL GRETZINGER AND MIKE McCAULEY

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 22, 1993*

Mr. FORD of Michigan. Mr. Speaker, I rise today to commend two dedicated teachers, Bill Gretzinger who teaches at Plymouth Salem High School in Salem, MI and Mike McCauley, who teaches at Plymouth-Canton High School in Canton, MI. They have both won the Close-Up Foundation's Linda Myers Chosen Award for Teaching Excellence in Civic Education.

The Close-Up Foundation provides students across the Nation the opportunity to learn about their Government first hand. Close-Up brings civics students to Washington to learn about Government, to meet with Government officials, and with Members of Congress and our staffs. I, along with many of my colleagues, have met with students on the Close-Up program. We have helped teach students about the Congress and the Federal Government; the students have helped us learn the concerns of the young people in our districts. To the new Members of Congress, I highly recommend active participation with the Close-Up Foundation.

The Close-Up Foundation chose Mr. Gretzinger and Mr. McCauley because they demonstrated outstanding leadership, innovation, and commitment to the Close-Up Foundation's citizenship education mission. Teaching citizens, young and old, about their Government and about their civic rights and responsibilities is a valuable mission.

Both teachers have worked hard to accomplish this mission. Their two schools are the two largest participants in the Close-Up program. Besides bringing over 1,500 students to Washington through the Close-Up Foundation, they have worked on the Classroom on Wheels, a program to teach students about city, county, and State government. By teaching active participation in their governments and getting students involved in the political process, they have taught students how to work to better their own future.

Students learn in many different ways. Textbooks and lectures are only two ways. Mr. Gretzinger and Mr. McCauley worked hard to expand their students' learning experience both in and outside of the classroom. They have given their students an unrivaled learning experience. Their students have learned through experience the workings of democracy.

Mr. Gretzinger and Mr. McCauley know that one learns best by doing. Thus, they inspired their students to actively participate in their own community. Students have started voter registration drives, assisted senior citizens, and have helped clean up the Rouge River.

I have worked with both teachers in Washington and in Michigan. I know of no higher praise than to say that their students are better off for having had them as teachers and that their communities are better off for having them teach there.

I have long been proud of Michigan's education community. Mr. Gretzinger's and Mr. McCauley's inspirational work for their students reminds me why.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 23, 1993, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

FEBRUARY 24

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 4, to promote the industrial competitiveness and economic growth of the U.S. by strengthening and expanding the civilian technology programs of the Department of Commerce.

SR-253

Energy and Natural Resources

To hold oversight hearings on energy tax options.

SH-216

Governmental Affairs

To hold hearings to examine proliferation threats of the 1990's.

SD-342

Special on Aging

To hold hearings to examine the Federal Government's role in the research and development of new pharmaceutical products in the U.S., focusing on AIDS and cancer drug treatments.

SD-G50

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Legislative Branch, focusing on the Capitol Police Board and the Architect of the Capitol.

SD-116

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of State, Department of Defense, U.S. Customs Service, General Accounting Office, Drug Enforcement Administration, and the U.S. Border Patrol.

SD–192

Banking, Housing, and Urban Affairs

To hold hearings to examine mortgage and other lending discrimination.

SD–562

Budget

To resume hearings to examine the President's economic plan.

SD–608

Labor and Human Resources

To hold hearings to examine American education standards and goals for the future.

SD–430

2:00 p.m.

Armed Services

To hold hearings on the status of United States Government assistance to the former Soviet Union.

SR–222

### FEBRUARY 25

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 338, to revise the Petroleum Marketing Practices Act to clarify the Federal standards governing the termination and nonrenewal of franchises and franchise relationships for the sale of motor fuel.

SD–366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans, and the Retired Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Legislative Branch, focusing on the Library of Congress and the Government Printing Office.

SD–116

Finance

To hold hearings on U.S. trade policy issues.

Room to be announced

Governmental Affairs

Business meeting, to consider pending calendar business.

SD–342

Small Business

To hold oversight hearings on the Small Business Administration's microloan demonstration program.

SR–428A

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on procedures for enforcing ethical standards.

S–5, Capitol

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 206, to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and S. 341, to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado.

SD–366

### FEBRUARY 26

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Legislative Branch, focusing on the Joint Committee on Printing and the General Accounting Office.

SD–116

### MARCH 2

9:30 a.m.

Governmental Affairs

To hold hearings on S. 185, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Judiciary.

S–146, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings to examine issues and solutions for reforming foreign aid.

SD–192

### MARCH 3

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Rules and Administration

To hold hearings on S. 3, S. 7, S. 62, S. 87, and S. 94, Congressional election campaign finance reform proposals.

SR–301

### MARCH 4

9:30 a.m.

Rules and Administration

To continue hearings on S. 3, S. 7, S. 62, S. 87, and S. 94, Congressional election campaign finance reform proposals.

SR–301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (AMTRAK), focusing on high-speed rail.

SD–192

### MARCH 5

10:30 a.m.

Veterans' Affairs

To hold oversight hearings on the present and future role of veterans' health care system.

SR–418

### MARCH 9

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on reforming the Agency for International Development's structure and goals.

SD–192

### MARCH 11

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Transit Administration, and the General Accounting Office, focusing on transit needs.

SD–138

### MARCH 16

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine the purposes of foreign aid in the post-cold war era.

SD–138

### MARCH 17

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.

SD–192

### MARCH 18

9:00 a.m.

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR–301

### MARCH 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD–192

### MARCH 24

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD–116

### MARCH 30

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.

SD–138

### MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD-116

APRIL 20

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD-138

APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of Motor Carriers (FHWA), the Office of Research and Special Programs, and the Office of Inspector General, focusing on truck safety and hazardous materials.

SD-192

APRIL 27

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign aid transnational issues, focusing on population, environment, health, and narcotics.

SD-138

MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic interests.

SD-138

MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD-138

MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD-138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

# HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1993*

The House met at 12 noon.

The Reverend James R. Wagner, national chaplain, the American Legion, Forest, MS, offered the following prayer:

Lord our God, may all those who enter these hallowed Halls remember: "* * * God is the King of all the earth * * *. God sitteth upon the throne of His holiness." (Psalms 47:7–8)

We come, O Lord, asking Your gracious blessing upon those who labor here. May they be filled with that humility which depends upon the wisdom and strength which only You can give. May the deliberations of this body always be guided by the principles of justice and freedom.

Thank You, Lord, for that providential care that marks our national heritage. By Your grace, keep us ever as "one nation under God." Amen.

## THE JOURNAL

**The SPEAKER.** The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**Mr. TRAFICANT.** Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

**The SPEAKER.** The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

**Mr. TRAFICANT.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

**The SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 147, not voting 52, as follows:

[Roll No. 36]

YEAS—231

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
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Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Rahall
Rangel
Ravenel
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Woolsey
Wyden
Wynn

NAYS—147

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Porter
Pryce (OH)
Quillen
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—52

Ackerman
Andrews (NJ)
Barton
Bevill
Brown (CA)
Bunning
Calvert
Cox
Coyne
Crane
Dellums
Deutsch
Dooley
Engel
Evans
Ewing
Fields (TX)
Ford (TN)
Gephardt
Gibbons
Hamburg
Harman
Henry
Hoke
Jefferson
Johnson (GA)
Kleczka
Lipinski
McDade
McMillan
Owens
Oxley
Peterson (MN)
Petri
Price (NC)
Quinn
Reed
Sabo
Sanders
Schaefer
Shaw
Solomon
Torricelli
Towns
Tucker
Unsoeld
Valentine
Washington
Williams
Wise
Yates
Young (FL)

□ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, due to the delay of my flight I was unable to vote on House rollcall vote No. 36. Had I been present, I would have voted "aye."

## PLEDGE OF ALLEGIANCE

**The SPEAKER pro tempore** (Mr. MFUME). The Chair recognizes the gentleman from California [Mr. POMBO] to lead the House in the Pledge of Allegiance.

**Mr. POMBO** led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## TRIBUTE TO REV. JAMES R. (JIM) WAGNER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am honored to introduce the guest chaplain today. He is Rev. James R. (Jim) Wagner, pastor of the Forest Presbyterian Church in Forest, MS. He is also serving a 1-year term as the national chaplain of the American Legion.

Reverend Wagner is a Korean war veteran, having served 4 years in the Navy as a hospital corpsman. He is a graduate of Belhaven College in Jackson, MS, and the Westminster Theological Seminary in Philadelphia, PA. He was ordained in January 1965 and previously served churches in Mississippi and Central America before becoming pastor of the Forest Presbyterian Church in 1979.

Reverend Wagner is a life member of both the American Legion and VFW and has been the Mississippi State chaplain of the American Legion for 11 years. He has also been very active in civic and community affairs in Forest and Scott County, MS, over the past 14 years.

I know all my colleagues join me in welcoming the chaplain of the day, Rev. Jim Wagner.

## MEMBERS URGED TO DEFEAT H.R. 20

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to express my disappointment at the placing of H.R. 20, the Federal Employees' Political Activities Act of 1993, on the Suspension Calendar.

This legislation, which would allow Federal employees, including IRS and FEC auditors, U.S. attorneys, and FBI agents, to hold office in political parties, work on campaigns, and even to run for elective public office—is clearly controversial.

If my colleague, the gentleman from Virginia [Mr. WOLF] who represents one of the largest constituencies of Federal employees, is wary of potential abuses to our country's civil service that could result from passage of this bill, then it is this Member's opinion that there is reason for caution. Caution like this, Mr. Speaker, is reason enough to give this measure the full and thorough deliberation, guaranteed by an open debate and amendment process, in the full House.

I urge my colleagues on both sides of the aisle, to vote "no" today on H.R. 20. Let us defeat this bill under suspension, so that we can bring this important and controversial issue up under a rule for free and open debate—the kind of consideration it deserves.

## PRESIDENT CLINTON'S ECONOMIC PLAN

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, I rise today to call for Congress to move swiftly on President Clinton's economic plan.

Already there are those who are more interested in picking this package apart piece by piece, rather than seeing each piece in the context of the plan as a whole.

However, Mr. Speaker, the American people recognize this as a bold, comprehensive plan that must be viewed in its entirety, not as individual disconnected parts.

When I was in my district this past weekend, there was no talk of how one particular part harmed this special interest or that special interest. Over and over again, I was told what a courageous and bold package the President had put forth. Over and over again, I was asked would the Congress have the courage to pass this package as a whole or would we tear it apart bit by bit and destroy its effectiveness.

Mr. Speaker, the American people overwhelmingly recognize this plan as our best hope to move this Nation forward. But they will not wait patiently as we, in Congress, endlessly debate the merits and demerits of every item. The American people demand quick action on the President's plan. They demand passage of a plan that generates more and better jobs for million of Americans, invests in people, increases real incomes for all Americans and cuts wasteful Government spending.

It is time we listened to what the people want and move quickly on the President's plan.

## SOUTH CAROLINIANS SUPPORT PRESIDENT CLINTON'S ECONOMIC PROGRAM

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last week President Clinton delivered his economic blueprint to put our fiscal house in order and to energize the recovery.

We know Bill Clinton is the plan's architect.

But the American people have volunteered as masons and carpenters to make sure the plan's economic foundation is poured and its walls are secured.

Yesterday I met with my constituents in South Carolina. They told me to support the plan. "We don't support everything in it," they said, "but we approve of President Clinton and we back his program."

My constituents are fed up with business as usual. Most of all, they want the Congress to pull together and to pass this package.

The people of South Carolina and those in other States are asking, "If not now, then when?" "If not Clinton, then who?"

My constituents want the President and the Congress to effect real change. They want an economic package that cuts spending and puts the economy back on the right track.

If we do nothing the deficit will soar and our children's future will be mortgaged just to prop up the present.

Mr. Speaker, the people of South Carolina have a tradition of banding together to restore old buildings.

They have told me that they are willing to roll up their sleeves to support President Clinton's plan to put our economic house in order.

## A BLIZZARD IN WASHINGTON

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS Mr. Speaker, it has been snowing in Washington, literally and figuratively. The cold white stuff is melting outside now, but in here people are still snowed in by a blizzard of conflicting numbers released by the Clinton administration. I recently read a disturbing commentary in the paper about the strategy used by the majority. A Democratic staffer stated: "Throwing numbers out 'til nobody can have faith in numbers, and then political considerations will win; that's how we do it every time."

Perhaps that is why the President announced $493 billion in deficit cuts—apparently ignoring the $170 billion of new spending and downplaying about $250 billion in new taxes. Maybe that is why $21 billion in higher Social Security taxes are being figured as budget savings. And maybe that explains the confusion over who really is rich in the eyes of our new administration. Americans demand honesty in Government. We should begin by helping people dig out from under the snowdrift of contradictory numbers.

## IN SUPPORT OF THE PRESIDENT'S ECONOMIC PACKAGE

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, yesterday the President of the United States visited the other Washington to talk about his economic plan and to meet with thousands of workers from the Boeing Co. in Everett where the problems of the aerospace industry are very directly related to our problems in the economy. It is these hard-working middle income Americans who stand to benefit from his economic plan, and just like the economic plan, they realize that there are no quick fixes for the problems of the aerospace industry.

The President clearly called for spending cuts before we have spending increases. He talked about a vision for a growing dynamic economy and creating not just good jobs, but good wages, and the fact that we need to build an education and retraining system second to none, and we need to get a high-technology policy off the ground.

Mr. Speaker, the residents of the Northwest clearly applaud the President's call for quick action, not only in solving our economic problems in the large scale, but the airline industry directly.

### REGULATORY BURDEN REDUCTION FOR BANKS WITHOUT COMPROMISING SAFETY AND SOUNDNESS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, on last Thursday, February 18, this Member and his colleague, Mr. BACCHUS of Florida, introduced H.R. 962 to reduce the number of bank regulations and examinations which are redundant, unduly costly, or overly intrusive—and do it without jeopardizing financial institution safety and soundness.

H.R. 962, would provide relief only for safe, sound, and properly managed depository institutions. It does not in any way hamper consumer protection or alter necessary supervisory provisions, such as:

Risk-based insurance premiums for banks;

Continued annual supervisory examinations for troubled institutions;

Strong capital requirements;

Continued annual audits for institutions subject to the requirement;

Additional authority to close or restrict the activities of troubled institutions; and

The 1991 bank bill's [FDICIA] strong supervisory sanctions.

Mr. Speaker, this legislation is supported by the following groups:

American Bankers Association;

Independent Bankers Association of America;

Savings and Community Bankers of America;

Association of Bank Holding Companies;

National Association of Homebuilders; and

U.S. Chamber of Commerce.

### PRESIDENT CLINTON'S ECONOMIC PLAN

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, last week President Clinton presented to America an economic stimulus package that is going to get America moving again. He has asked Americans everywhere, including those in this Congress, to help him "write the next great chapter in the history of the greatest country the world has ever known."

Judging from the response he has been getting around the country and from the enthusiasm and support I heard from constituents when I went back home to my district last weekend, I would say that America is not only willing, but ready to help our country flourish economically and become full partners with him as he unfolds this new chapter of affluence.

Now, some of my colleagues on the other side of the aisle seem to be more interested in poking holes in the President's comprehensive and far-reaching plan; but two-thirds of America voted to end the last 12 years of crippling, grinding, weakening, economically struggling chapter of this country's history.

The good, solid, concerned American citizens I spoke to last weekend and those who have been calling my offices every day in large numbers are overwhelmingly in agreement. They do not want to continue to wonder if they are going to lose their jobs, or whether they can afford health insurance or whether there will be a better life for their children. They support the President's bold and honest plan for the future, and all of us should do the same.

### HOT LINE CALLERS: CLINTON'S PLAN PERPLEXING

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, on the front page of today's USA Today, this headline sums it up. "Hot Line Callers: Clinton's Plan Perplexing."

President Clinton's economic plan is confusing.

The President said this plan will spur economic growth. But higher taxes have always slowed economic growth. As a matter of fact, no nation has ever taxed itself into prosperity.

The President says his plan will create more jobs. But most experts conclude that this package has a real antijobs bias.

The President says his plan will reduce the deficit. But the plan includes more spending that will only increase the deficit.

Mr. Speaker, I see now why most people are perplexed by President Clinton's plan.

Frankly, it just does not make any sense.

### THE PRESIDENT'S ECONOMIC PLAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, New Mexico is a barometer State in terms of the Presidential election. It has accurately predicted the last four Presidential elections.

This past weekend I held eight town meetings in my State on the President's program. By a 65-percent margin, my constituents feel that President Clinton is on the right track. They want to make sure, however, that spending cuts are a priority in this package.

Their biggest message is, "Cut the waste." They want to make sure that sacrifice across the board is even. They think that the stimulus package is tremendously important.

The numbers show that the recovery we are supposedly experiencing is not creating jobs at the usual rate.

□ 1240

Mr. Speaker, the American people are behind the President and understand that we must all pull together to get back on track. I heard it at home this weekend: We have to put our country back to work, we have to get our fiscal crisis back in order, and the President's plan is a major step in that direction.

### WHAT THE CLINTON PLAN REALLY DOES IS HURT AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, my colleague, the gentleman from New Mexico [Mr. RICHARDSON] who just spoke, said that his constituents think President Clinton is on the right track. Well, Mr. Speaker, when they find out what is in his package, the wheels are going to come off. The wheels are going to come off.

Mr. Speaker, the fact of the matter is, according to the Republican Study Committee who did a weekend analysis of his program, instead of cutting spending, domestic spending is going to go up $46 billion over the next 5 years. The only real spending cuts are going to come in the area of defense, and we were going to do that anyhow, and I say, "When you take into consideration the taxes he's talking about, plus hidden taxes you don't know about yet, America, it is going to be $305 billion in new taxes with no domestic spending cuts; in fact, there's going to be a spending increase."

I would just like to say to my colleague and anyone else who might be paying attention in America that tonight I will be taking the Republican Study Committee analysis and going through it line by line to show the American people what we are really up against, what the Clinton budget really does. It is not going to help America, it is going to hurt America, and let me just say in ending that the Wall Street Journal said that next year we are going to lose 250,000 jobs if this passes. That is not positive.

## PRESIDENT'S ECONOMIC PROGRAM MAKES GOOD ECONOMIC SENSE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the American people have responded positively to President Clinton's economic program to lower the budget deficit and rebuild our economy.

That is because the President's program makes good sense economically.

It makes sense to make vaccines available for babies who need them. Every $1 spent on immunizations will save $10 down the road.

It makes sense to invest in our communities' physical infrastructure.

The President's Rebuild America Program will mean better highways and better housing, cleaner water, and a cleaner environment.

These are laudable goals in their own right.

But they make good economic sense. Ask the local development directors in my district in northeast Ohio.

It is much easier to build a local company when you have a clean environment and a sound transportation system.

Yes, the President's program will achieve the important goal of deficit reduction.

But it will also make an investment in, and lay the groundwork for, a better economic future for our families and for our young people.

## SUPPORT THE BRADY BILL

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, in many States a convicted felon can walk into a gun shop today and purchase a handgun. Yesterday the gentleman from New York [Mr. SCHUMER] and I reintroduced the Brady bill to stop this.

Since the Brady bill was first introduced in 1987, more than 50,000 people have been murdered with firearms. The Brady bill will help stop this senseless loss of life.

The Brady bill establishes a waiting period of 5 business days before a prospective gun buyer can possess a handgun. This gives law enforcement officials time to conduct a background check and only prevents purchases for those who legally cannot own a handgun. This waiting period will end once the national instant check hotline—established by the bill—becomes operational.

Mr. Speaker, in my home State of Wisconsin, during a 9-month period in 1992, our waiting period and background check system successfully blocked gun sales to 200 people with prior felony convictions or histories of mental illness.

The Brady bill will work and has the overwhelming support of the American public and law enforcement agencies. I urge my colleagues to take this important step toward safer streets.

## WE NEED MORE LARRY'S

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, in the Second District of Minnesota and throughout America there is broad support for President Clinton's call for action to solve our Nation's economic problems. The time has come to cut the Federal deficit. Americans recognize that it will take shared sacrifice for all. We need to downsize the Federal Government just like IBM, Sears, General Motors have been downsizing, but we need to work together.

Mr. Speaker, if Members of this body are not happy with the President's agenda, they should learn from Larry Villella. Larry Villella is a 14-year-old boy from Fargo, ND. He recognized the problem. He came up with his own solution. He sent the White House $1,000 of his own hard-earned money to reduce the deficit.

We need more Larrys, individuals who are committed to solving problems, not unimaginative naysayers who, for political reasons, want to continue Federal gridlock.

## UNPLUG THE SPENDING MACHINE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, nearly everyone recognizes that the Federal deficit threatens the Nation's economic growth. Deficits occur when the Government spends more than it collects.

So who is responsible for the excessive spending and who therefore bears primary responsibility for stopping it?

According to the Constitution, only Congress has the power to spend. And one party has controlled Congress for almost 40 years. During that time, Federal spending has increased 2,000 percent from $71 billion in 1954 to $1.5 trillion in 1993.

President Clinton, who promised to reinvent government, instead has proposed more of the same—more taxes and more spending.

In fact, one-half of the new taxes the President has proposed will go to pay for new spending programs.

The President's party should propose more spending cuts, starting with the $160 billion in new spending for new programs.

For decades, the living has been easy in Congress. Now it is time to unplug the spending machine and live within our means.

## SUPPORT URGED FOR PRESIDENT CLINTON'S ECONOMIC PLAN

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend remarks.)

Mrs. MINK. Mr. Speaker, I am pleased to report that many people are calling my office to urge support for President Clinton's economic plan. They recognize that this is not the time for equivocation. We must find a way to enact all of the pieces of this carefully balanced plan as quickly as possible.

There are $250 billion in real cuts. At least $60 billion in the defense budget. Cuts in the number of troops stationed overseas, cuts in the SDI Program reducing the total Federal work force by 100,000 persons over the next 4 years, and freezing pay raises for Federal employees and cuts in future raises to save over $8 billion in payroll alone.

These cuts together with the revenues raised by tax increases will help to restructure our priorities toward full funding of Head Start, full funding of the WIC Program for infants, increased funding for education and job training, summer jobs for our youth, financial help to go to college, and many more programs all designed to invest in the underdeveloped human resource of our Nation. If we lag behind our international competition, it is because we have failed to realize that we need to invest in assuring that our businesses have highly skilled and technically trained people.

Investment in our children and in their future is the brightest spot in the Clinton plan. If we must cut in other areas of Government spending, if we must increases taxes, then I say let us do it to build a future for our children. Through education we create new potential for them or for our country as a whole.

## HEALTH CARE REFORM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, everyone is interested in holding down medical costs. President Clinton has assigned his chief adviser "the Mrs." to study and prepare the administration plan.

In the meantime, the President has blasted the drug industry and proposed spending $300 million on vaccinations—great idea, does that mean the Government accepts the liability for use of the vaccines. A large part of the high cost of vaccine is caused by a plethora of trial lawyers and our tort system.

Back to health care. It has been estimated that 40 percent of medical costs are caused by the practice of defensive medicine which is caused by liability suits, which are created by the same trial lawyers.

In all the administration's discussions on cost control for health care—it's freeze this and cut that—but no mention is made of changing the tort system. Do you think that having a lawyer as President and another attorney as chief adviser is preventing the task force from looking at our outlandish tort liability system—one of the major reasons for an increase in medical costs?

□ 1250

## GOVERNMENT GETTING DOWN TO BUSINESS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today to inform my colleagues of the message I received so clearly from the people I represent at home in New Jersey's 13th District. I believe this is a message that many of us have received just as plainly.

While visiting with my constituents at home and discussing with them the bold course our President has set for the Nation, it became plain to me that America is ready to get down to business. Americans are ready to take on this tremendous national debt, to put an end to budget deficits, and to scale back Government spending. The people at home had suggestions for us; objections here and there—but one common concern: Will this plan create the jobs we need? Will we here in New Jersey, and all over the country, be able to find good jobs at good wages to provide for our families?

Mr. Speaker, I cannot tell you how proud I was to be able to tell them "Yes." The President's plan has offered us the chance to make the recovery real for every family in every district. And I must tell you, those people are ready now to do their part in fueling this recovery because they know that this time, the Government will be responsive to them. This time the Government is looking out for them. This time, this President is willing to put himself on the line of them—the middle and working class people in my district—and in yours. And if we have the courage to go forward and meet the President's challenge, they will have a story to tell their grandchildren; about the day the Government woke up and got down to business.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MFUME). The Chair wishes to announce to Members on this side of the aisle that we have completed the order of the message board, and would urge Members to line up in the order in which they would like to seek recognition.

## LIGHTENING THE LOAD FOR SMALL ENTERPRISES: THE OMNIBUS SMALL BUSINESS PROMOTION AND PROTECTION ACT

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, on rural roads and city streets, in all parts of America, our Nation's small enterprises risk everything, everyday, to discover new marvels of technology; to create new services to match a changing world; to offer new jobs, opportunities, and challenges to millions of our fellow citizens.

In exchange for these great risks and accomplishments, America's entrepreneurs ask only that their Government let them get the job done.

Most often, though, their Government ignores this simple plea, and rewards performance with still more responsibilities—collecting our taxes; filing stampedes of Government forms; fulfilling the promises politicians make, but the Government can no longer afford.

Mr. Speaker, we must back this appalling habit.

To help in this new effort, I will introduce today the Omnibus Small Business Promotion and Protection Act to offer 12 straightforward, reasonable steps we can take now to help small enterprises help America.

Mr. Speaker, if we are to provide the jobs workers deserve, the products and services our country needs, and the competitive edge the new world economy demands, we in Congress must work to help small businesses, not hinder them; to lighten their load, not add more to it.

I urge my colleagues to support small businesses by supporting the bill.

## CIA OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the CIA is telling America that a madman killed two CIA officials in Langley, VA. That is very interesting, because there were no weapons found, there were no tracks, there were no traces. Very unusual.

In fact, the shooter got into America on a fast track, got a work permit in a New York minute and, guess what? He is from Pakistan. And the CIA is telling us it just so happens to be that this shooter from Pakistan, whom they believe is a madman, happened to only kill two CIA officials who were covert operators near Pakistan.

Now, if you believe the CIA, I think we have got some used cars around here, folks. I think it is time to get a grip on the CIA.

Mr. Speaker, I say since the assassination of JFK there has been a subconscious element in America that does not trust Washington, DC, and Congress should exert some grip and influence on the CIA, which has been out of control.

## TAX, SPEND, AND CUT

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, I rise today to bring to the attention of my colleagues a Newsweek cover. I asked my staff to provide to me a one-page outline of the President's new plan. This cover simply states, "Tax, Spend, Cut."

Mr. Speaker, for those Members who cannot see it, that is tax, spend, cut (indicating).

## THE SALT RIVER PROJECT CELEBRATES 90 YEARS OF SERVICE

(Ms. ENGLISH of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ENGLISH of Arizona. Mr. Speaker, I rise today to pay tribute to an Arizona institution that this month celebrates its 90th birthday as the oldest multipurpose reclamation project in the United States. That institution is the Salt River project, a not-for-profit, publicly controlled utility that has become Arizona's largest water provider and a leading producer of electricity in the Southwest.

Founded in 1903, SRP was born out of the pioneering needs to secure a dependable water supply for the farm communities that had grown up in the Salt River Valley in central Arizona. Drought, dust storms, and gun duels over water claims plagued the area in the late 19th century, destroying crops, ruining families, and taking lives.

In response to these problems, settlers and business leaders of the day pursued a dream of building a great dam to control and store the waters of the unruly and erratic Salt River. Arizona then was still raw territory—a long, hard train ride from the Nation's Capital.

After persistent lobbying, the area's settlers won Federal backing for construction of the Theodore Roosevelt Dam on the Salt River 90 miles upstream from Phoenix. The dam, completed in 1911 and dedicated by President Roosevelt, was one of the Nation's first reclamation projects and helped Arizona's efforts to enter the Union.

But SRP's vision did not end with completion of the Roosevelt Dam. Through joint efforts with the U.S. Bureau of Reclamation and local communities, SRP presided over the construction of five other water storage dams on the Salt and Verde Rivers. The company's success with early hydroelectric generation prompted the State government to expand SRP's mission in 1937 to include regional generation and transmission services. New powerplants were built. And as the State's economy shifted from agricultural to urban predominance, SRP helped facilitate the development of the Phoenix metropolitan area.

The Phoenix area now ranks as the ninth largest metropolitan region in the country, with a population of nearly 2 million. Arizona's overall population is expected to grow over the next 30 years to more than 7 million, and SRP will continue to be as important to the State's future as it has been to its past.

Today, SRP electric rates are among the lowest in the Southwest. The company is a national leader in the applications of new energy technologies and energy conservation programs. Under its Delta-10 Program, SRP has committed itself to increase its electric system capacity by 10 percent and save $50 million over the next 5 years through advancements in energy efficiency and conservation.

Other programs include underground water recharge projects as an alternative to surface impoundments, promotion of electric vehicles, and pilot projects utilizing fuel cells, photovoltaics, clean coal, and solar technologies.

Mr. Speaker, 90 years is a long time to stay in business while maintaining a steadfast commitment to a vision of public service, public responsibility and community partnership. This is an impressive achievement. On its 90th birthday, the Salt River project deserves our thanks for a job well done. Arizonans know the SRP will be there as we head into the 21st century.

## CUT SPENDING FIRST

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the tax increases proposed by the President come out to over $1,000 per person.

Anyone who thinks most of this will be paid by the wealthy is living in a dream world.

The rich will buy tax-free bonds and find other ways to shelter their income.

They will have their companies raise prices.

On Saturday, the CBS radio national news reported that a family making $40,000 per year, will pay only $204 in higher taxes.

This is so misleading, it is pathetic.

The higher corporate taxes will lead to higher prices and layoffs of less-skilled workers.

Corporations have never paid taxes. They just pass them on.

It was reported on Sunday that the average family will pay $120 in higher energy taxes, but almost twice that much in indirect costs.

Prices will slowly go up on everything, and many people will not realize that it is these proposed tax increases that are doing it.

The average taxpayer today already pays 47.2 percent of his or her income in taxes of all types—income, property, sales, gas, Social Security, et cetera.

This is not only enough, it is too much.

My constituents say, "Cut spending first."

## RIGHTS OF PATIENTS IN LONG-TERM CARE FACILITIES

(Mrs. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRNE. Mr. Speaker, I rise today to introduce a bill to establish and enforce standards governing the rights of patients in long-term care facilities. As we grow older, we should retain our rights to health care and treatment provided with humanity and consideration. Patients in long-term care facilities deserve to be actively involved in the care that they receive, in the cost of that care, and in the administration of that care. Treatment should be guaranteed confidential and effective.

When older Americans find themselves in frightening situations, as their bodies age and become infirm they must, in many cases, move to long-term care facilities. These patients have come to a point in their lives when they are no longer self-reliant. They need help. This bill of rights will give them back a feeling of control. Empowerment is important in all phases of life.

I ask my colleagues to give due consideration to this legislation as it will affect all of us one day.

## GENERAL AVIATION INDUSTRY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, President Clinton campaigned on his promise to improve the economy by providing more jobs to Americans. One industry which he and Congress can look to for investment, expansion, and employment is the general aviation industry. This industry, which at one time was one of the largest contributors to a positive balance of trade, puts over $50 billion annually into our Nation's economy.

There are three main areas in which Congress can enact legislation to revitalize this industry. The first action should be to provide an investment tax credit. The second should be to repeal the luxury tax on new aircraft purchases. This tax only serves to decrease overall sales. In 1991, in fact, this tax was supposed to increase revenue. It did not. Only one-tenth of the revenue was received by the Federal Government.

Congress should also act quickly to enact reasonable tort liability reform, which is recognized by the industry as an important element to the recovery of the industry.

Let's use the general aviation industry to aid in the economic recovery of this Nation. The benefits that will be derived can no longer be ignored.

☐ 1300

## A CALL FOR PASSAGE OF THE BRADY BILL

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, 6 days ago President Clinton told this body that he would sign the Brady bill, if we would pass it through Congress.

The fact is that in 1991, we could have gotten that Brady bill passed through the Congress but for the entrenched opposition of the National Rifle Association.

Mr. Speaker, since that bill was debated on this floor in 1991, 23,000 people have lost their lives because of gun murders. Many of those people, we know, had we had a 5-day waiting period, police departments could determine whether the person had a felony conviction or had a history of mental illness. We know many of those deaths would have been prevented.

Since 1987, when Jim and Sarah Brady launched their campaign after the tragic shooting of Jim Brady by someone that never could have gotten a pistol, had he been able to be checked by a police department for a history of mental illness, over 60,000 people have been murdered. This is wrong, my colleagues.

Twenty-two people in Great Britain, 68 people in Canada are murdered in a year, when 11,000 people in the United States are murdered. Mr. Speaker, something is wrong. It has to be changed.

Let us pass the Brady bill.

## CRITICAL U.S. MANAGERS LOSING JOBS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, we now are beginning to read stories about unemployed men and women, who once were midlevel bosses in America's private sector. They are losing their jobs without hope of any employment at that level.

This is a tragic loss of talent and know-how for America and Americans. Unfortunately, Government policymakers and trade negotiators are not exhibiting much awareness or concern over these middle class managers.

The Wall Street Journal recently reported that the All-American executive suite is vanishing as companies become more global-minded.

Last year American corporations employed foreigners for between 7 to 10 percent of their high-level assignments. Foreign hiring, coupled with frozen managerial openings, is a serious problem.

Investor's Business Daily's briefing on CEO's reported that from 1984 to 1989, managerial jobs expanded an average of 5.6 percent a year. Since 1989, that growth in managerial hiring not only has stopped but we have lost 1.2 million management positions.

Because of the importance of this talent, Mr. Speaker, to the industrial base of our country, companies should be urged to look at home instead of abroad for hiring.

## AMERICAN VETERANS AND DEFICIT REDUCTION

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, I wish that all Americans could have heard today the inspirational testimony of Mr. Joseph Zengerle, the national commander of Disabled American Veterans.

In part, these were his words:

> At home we face a crisis that can no longer be ignored. As we struggle to emerge from a devastating recession, we must put our fiscal house in order. We as a Nation can no longer continue to spend beyond our income. Priorities have to be set and painful, unpopular decisions have to be made.

He went on to say this:

> The veterans of this country have every right to expect that their benefit programs shall be required to assume a fair share of deficit reduction that is in direct proportion to the contribution to deficit causation.

Mr. Speaker, no group in America has a greater right to say their budget should not be cut than those Americans who were injured in military service to our country. Yet, once again, our Nation's veterans have stood up for future generations, set a high standard of unselfishness and shown us what true patriotism is all about.

## MARK PRICE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, long-range planning, sharply focused targeting, farsighted vision—all qualities in very short supply in this God-forsaken city—but in ample supply in Cleveland, OH, in the personage of one exceptional young man. And to whom do I refer? To Mark Price—point guard for the Cleveland Cavaliers, NBA All-Star, and on Saturday night, the 1993 winner of the NBA's long distance shoot-out—demonstrating the discipline, targeting, and long-range planning of a real visionary.

## PASS SAFE SCHOOLS ACT AND BRADY BILL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the carnage in our schools continues unabated.

Yesterday in New York, on the first day back to school after the Presidents Day recess, four young people were shot, stabbed or slashed.

All the children involved, both victims and assailants, were teenagers.

And at a Los Angeles high school yesterday for the second time in a month one teenage student shot and killed another.

Mr. Speaker, how long are we going to continue to watch the slaughter of our children in and near our schools?

How many of our sons and daughters must die because elected officials are paralyzed by the culture of violence that grips too many of our schools?

Yesterday, Mr. Speaker, we introduced the Brady bill that calls for a mandatory waiting period for the purchase of hand guns.

I urge Members to join nearly a hundred of us in supporting this important legislation.

I also urge you to join me in sponsoring the Safe Schools Act, which has passed this House twice in recent years, only to die of neglect and hostility at the hands of an administration captured by the national gun violence protection lobby—the NRA.

It is a new day, Mr. Speaker, because we have a President who shares our belief that our children have a right to go to school without fearing for their lives.

It is time to stop the killing.

Support the Safe Schools Act. Support the Brady bill.

## THE FACTS ON THE PRESIDENT'S PLAN MUST COME TO LIGHT

(Mr. McCRERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCRERY. Mr. Speaker, I come to the well of the House today with no notes and no prepared speech, but I am concerned about the level of information that is forming the context of the debate over the President's deficit reduction plan. Not enough information has been put out there to the general public for us to come to the well and say, "I've been overwhelmed by calls and letters from my constituents saying, 'Support the President's program.'"

I want my colleagues in the House, the American people and the news media to dig deeper, find out what is in that plan before they form their conclusions. When they do, they will find that the level of tax increases to spending cuts are not as being advertised.

They will find that spending cuts, such as an increase in Social Security taxes, are in there. A spending cut that is a rise in Part B Medicare premiums, spending cuts that are really fee increases. And when they pull all those out, put them in the proper column, they find that they are going to have about 300 billion dollars' worth of tax increases over the next 5 years, and only about $100 billion of spending cuts over the next 5 years.

And guess what? There is $112 billion of spending cuts in defense alone over the next 5 years. That means we are going to have a net increase of $312 billion in spending for every other category. Not a good deal. Look at it.

## IN SUPPORT OF PRESIDENT CLINTON'S PROGRAM FOR ECONOMIC RECOVERY

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, last week the President presented a bold and imaginative program for economic recovery in America. His plan, which includes some increased income taxes, new energy taxes, higher taxes for corporate America, a series of 150 spending cuts and some new spending has been well received and widely accepted by the American people. In fact, more than half of those polled recently support the President.

In announcing his proposed economic stimulus and deficit reduction package, the President concurrently launched a program to investigate ways of dealing with the spiraling costs of health care in America, demonstrating his clear understanding that we really cannot discuss deficit reduction without discussing those costs. I believe his use of the First Lady as the point person on that issue is wise management.

The President, like no other President over the past three decades, has made an appeal for the Nation to unite to solve our economic problems. He has asked those of us in Congress to put aside party and politics, and to work to save America. Yet, despite the support of the American people and despite the President's appeal, there are apparently many in the Congress who are unwilling to cast aside partisan agendas.

Mr. Speaker, since 1980, income has shifted from the hands of the many to the hands of the few. We have more millionaires in America, but we also have hunger, poverty, and more homelessness. Perhaps, there are those who believe that America means it is alright to work and be required to stand in soup lines and sleep in subway stations in order to stretch your income. Perhaps there are those who believe that America means it is alright to be sick and not have access to medical care because such care cannot be afforded.

But, if our deeds are to meet our words, if America is truly one nation, under God, then I urge our colleagues of whatever party to stand with us and the President in solving our budget problems, rather than standing in the way while the problems deepen. We are all in this together. Our children deserve better.

□ 1310

## WHAT PRESIDENT CLINTON SAYS REALLY MEANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, when I first ran for office my most effective phraseology, my most effective slogan was, "Vote for Dana. At least he's not a lawyer."

I am a former journalist by profession, and I am deeply concerned by the words that are being used by President Clinton to describe his economic program. He continues to use the word "contribution" instead of the word "tax." He continues to use the word, as do other members of the administration, "investment" instead of "Federal spending."

At first this tactic rubbed me the wrong way, and now it seems like a slap in the face every time I hear it. I do not know if other citizens feel this way as well. This could lead people to play other games.

For example, I was astounded to find out that the $32 billion tax increase on senior citizens earning $25,000 or more in President Clinton's plan has been labeled a spending cut and not a tax increase. And then I find out that under President Clinton's plan that really spending cuts are reductions in the projected increase to various programs, and not really spending cuts at all, no spending cuts.

I hope the American people do not feel as insulted as I do, and I hope President Clinton starts watching his words. His credibility might be damaged.

## PRESIDENT CLINTON'S STATE OF THE UNION SPEECH

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise in support of our President's economic plan. It seems that all our Republican colleagues heard from the President was that he is raising taxes.

But what they didn't hear, Mr. Speaker, was what I heard this weekend as I walked through the neighborhoods of Carson, Compton, Watts, Wilmington and Long Beach, CA, talking with the people of the 37th Congressional District. They understand and support the reasons for President Clinton's plan. They have made it clear that they have a desire to invest in the future of our economy and to improve the lives of all Americans across this country.

Mr. Speaker, the people who sent me to Congress said that they want youth programs now in order to prevent spending $35,000 to incarcerate them later. They said they want youth programs now to avoid the need for gang diversion programs in the future. They want this Congress to stop finding every excuse in the book to do nothing and to start finding a reason to do something.

## SPECIFIC SUGGESTIONS FOR PRESIDENT CLINTON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listened to my California colleague, Mr. TUCKER, raise the importance of support for this plan, I am proud to stand here and say that I want to support President Clinton's plan. Last Thursday following his address to the joint session of Congress I stood here in the well and met President Clinton's challenge. President Clinton said he did not want any more hot air, he wanted us to be specific.

What I want to do in supporting President Clinton's plan, Mr. Speaker, is to provide a litany of proposed spending cuts so that we do not have to impose tax increases which will clearly exacerbate the recession.

When a family enrolls a child in the National School Lunch Program, there are no mechanisms to verify that the family is in poverty. As a result, 20 percent of the children in that program come from families with incomes of $50,000 and above. Eliminating these subsidies could save $3 billion.

If we were to look at the fact that HUD spends $78,000 to build, and $1,300 a year to maintain one unit of crime- and roach-infested public housing, getting the Government out of the public housing business could save $7.1 billion.

Eliminating the Economic Development Administration could save $1.3 billion.

We could save $1 billion if the Medicare Program did not pay for prospective doctors to get educated.

And if we kept 50 percent from the National Endowment for the Arts and Humanities, we could save $2.8 billion.

These are some of the recommendations I have for you, Mr. President.

## SUPPORT FOR THE BRADY BILL

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, I rise to join my colleague, the gentleman from New York [Mr. SCHUMER] and the gentleman from Virginia [Mr. MORAN] in support of the Brady bill which the gentleman from New York [Mr. SCHUMER] has reintroduced today.

Mr. Speaker, despite the sound and the fury that this proposal will no doubt generate, it is really a very modest proposal. We believe that if we give the police and law enforcement officers around this country 5 days to check the records of those who seek to buy a gun that we may keep some guns out of the hands of some criminals and save some lives. We believe that if we give 5 days for a cooling-off period for someone who buys a gun in the heat of passion, we may save them from taking somebody else's life, or from the ultimate tragedy, taking their own life.

But this modest proposal has come to symbolize much more. Mr. Speaker, it has come to symbolize the inability of Congress to overcome pressure groups and to adopt a proposal that is favored by the overwhelming majority of the American people year after year. It has come to symbolize the paralysis we have faced in this body in the face of the violence in our streets, in our schools, and in our homes. And every tragedy when a child is shot by a handgun increases the sense of our paralysis.

Mr. Speaker, let us show that the change we have brought to Congress in this 103d Congress extends to sensible measures like the Brady bill. Let us pass the Brady bill.

## CONTROLLING THE GROWTH OF GOVERNMENT SPENDING

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS of South Carolina. Mr. Speaker, yesterday I was in my favorite place in my district, Jean's Fine Food in Union, SC. And across the counter, a woman behind there working said to me, "Don't let President Clinton raise our taxes."

That woman knows that the best way to control our deficit is to control the growth of Federal spending. Here is where we start, right in this House.

This morning Members received in their offices a "Dear Colleague" from me, asking their cosponsorship of a bill that I have introduced to end the practice of allowing Members of Congress who are leaving this House to buy furniture out of one of their district offices at bargain basement prices. It is a small item in the context of a $4 trillion debt, but it is where we start. Then we eliminate four select committees, and then we cut committee staffs in half.

After that we go after useless programs, pork barrel spending, and we control the growth of entitlement spending.

But spending cuts start here in this House.

## AMERICANS ARE ALREADY EXPERIENCING THE PAYOFF FROM PRESIDENT CLINTON'S ECONOMIC PROGRAM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, as so many of our colleagues did, I went home this weekend and I talked to a lot of people and I had a town hall meeting about the President's plan. I found that virtually all of the people are taken by the challenge of that program, the daring of it, the boldness of it, the fact that it charts brand new waters. That is what the people want.

They did tell me they would prefer perhaps different ways, or different mixes of the taxes, investments, and the cuts, and perhaps spending changes. But basically the people are very much in support of the idea of the program so long as there is a payoff.

I was happy to see that we are already experiencing the payoff of the program, and it has not yet become law. Thirty-year Treasury bonds are now carrying 6.93 percent interest, the lowest in 16 years. Fixed rate 30-year mortgages are at 7.25 percent, the lowest in 20 years. Lower interest rates translate into stronger economic activity.

Mr. Speaker, I think there will be a payoff from the Clinton plan, and we are seeing that payoff even today.

□ 1320

## DEFEAT HATCH ACT REFORM BILL

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, last month, the House of Representatives virtually guaranteed that illegal aliens would be registered to vote in Federal elections by passing the Motor Voter Registration Act of 1993. Evidently, some of my colleagues are not satisfied with the degree to which they have already violated the integrity of our elections process.

Today, the House will consider H.R. 20, the Hatch Act reform bill, which would in effect politicize the Federal bureaucracy. Mr. Speaker, this is an ill-conceived bill. It would not only deny the right of the American people to a politically neutral government, but it would grant unlimited opportunity for union bosses to discriminate against employees who do not agree with their political agenda. Research shows that, in fact, a vast majority of Federal employees value this protection and oppose any change in the Hatch Act.

To quote the only current Democratic appointee on the Supreme Court, Justice Byron White, "it is in the best interest of the country, indeed essential, that * * * the political influence of Federal employees on others and on the political process should be limited."

Now that the Democrats have mandated the registration of illegal aliens, welfare recipients, and the unemployed, they are now attempting to organize them into one large Democratic voting block through a politicized Federal Government.

To add insult to injury, the majority party has again subverted the democratic process by approving a rule that denies any meaningful debate to take place or any amendments to be offered. A bill that makes fundamental changes to a law that has been upheld by the Supreme Court on three separate occasions requires more consideration than that which is accorded under suspension of the rules. I urge my colleagues to defeat this rule so that we may have an open and honest debate on this bill.

## WILL CONGRESS MARCH AT THE HEAD OF THE PARADE?

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, 3 hours ago, I was in my home district, where people I met were eager to talk about the President's economic plan.

Many people told me that they believe this plan signals an end to business as usual for the Federal Government.

And people were telling me that they are willing to sacrifice, if they see results.

And people were telling me that they are willing to sacrifice, if it is fair, and if they are not alone.

And, my friends, the people of the 4th Congressional District told me they are waiting, they are watching, and they are asking who will be joining them to pitch in today for a better tomorrow for our children and grandchildren.

They want to know, when it comes to every American doing their share for a better future, will the Members of U.S. Congress march at the head of the parade, or will we trail quietly behind?

We can take one small step, one simple step to the front of this parade by eliminating our cost of living increase for 1994.

The President, and the American people know we stand at a critical turning point. A turning point of shared commitment. A turning point where we can go forward by working together or we can fall behind by coming apart.

I urge my colleagues to say "no" to business as usual, and to stand together with the American people by joining in cosponsoring and working to pass H.R. 974, a 1-year pay freeze for Members of Congress.

## SUPPORT THE V-22 OSPREY TILT-ROTOR

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I rise today in strong support of the revolutionary tilt-rotor concept, a defense system, that, in the form of the V-22 Osprey, has incredible civilian applications.

It became a political football during the campaign. But now, I hope, in calm reflection, we will assign the search-and-rescue role in all of our services to this incredible system.

It is expensive. But it is tough to put a price tag on the lives of our young men and women in the service.

Thirty-three years ago this very day, I was about as far from Congress as you can get. I had to bail out of an Air Force F-86H jet into the Pacific Ocean. Obviously it was wintertime, and there were heavy swells and white caps. I had no Mae West, no life raft, and within minutes I was drowning. I want to put in a newspaper clipping that says I was treading water, but 12 minutes with your boots still on, all your equipment and no Mae West, and you basically are dead. I gave up hope.

Then, a Navy helicopter, an old Piasecki HUP–1, came out and found me just at random. I could not get my helmet off, but that is all the pilot saw, a 2½-inch white stripe on my red helmet. So then they plucked me out.

Today, tilt-rotor like the V–22 would have been out there in minutes, and I would not have come as close to drowning as I did, not to mention its ability to penetrate deep into jungles or deserts or behind enemy lines to pluck out our men that are down in combat, awaiting torture or execution.

Please, support the V–22.

[From the Los Angeles Examiner, Feb. 23, 1960]

### THOUGHT OF FAMILY SAVES JET PILOT IN SEA

Actor Robert Dornan, an Air National Guard flyer, told yesterday how it feels to spend a dozen lonesome minutes in the ocean after bailing out of a jet plane.

Dornan experienced such a situation Tuesday when he was forced to eject from an F-86 jet fighter on a routine flight near Oxnard.

"It was awful cold in the water," Dornan said, "and as I treaded water I kept wondering how much a man can take before he gives up.

"And then I thought of my wife and kids and I decided I couldn't afford to give up."

Dornan, 26, who lives with his wife, Sally, 24, and their four children at 11730 Chenault st., Brentwood, was rescued 12 minutes later by a Navy helicopter.

"I was 35,000 feet over Riverside when I notice a rough engine and decided to turn back to Van Nuys. Then, over Van Nuys, the engine went dead and I decided to jettison the wing tanks over the ocean. Then I had to get out."

This was Dornan's third experience with danger.

Dornan, with five years of active Air Force duty behind him, was forced to bail out of a crippled plane in Arizona three years ago, and two years ago he crashlanded a jet near Muroc dry lake.

## THE CLINTON ECONOMIC PLAN

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, 6 days ago, the President gave a very brave speech in front of the joint session of the House and Senate. In that speech he laid out exactly what he thought needed to be done for this country when we approach a very dramatic crossroads in our history.

He talked about what he wanted to do regardless of the political consequences. There was a lot in the Clinton plan that my friends on the Republican side of the aisle can support, and we ask them to focus on some of that.

The Clinton plan, for example, will create over 8 million new jobs in the next 4 years. Surely those on the minority side of the aisle could support new jobs.

The Clinton economic plan provides for a permanent tax credit for small businesses that invest in equipment. That sounds like something the Republicans, again, can support.

In addition, the Clinton plan provides for a 50-percent capital gains tax exclusion for investors in small businesses, and the Clinton plan contains a temporary marginal investment tax credit for all businesses.

The Clinton plan also calls for enactment of enterprise-zone legislation.

I think that we found a lot of areas in the President's speech that we can all grasp, and I ask that people on both sides of the aisle join me in looking forward to leading beyond where the President is taking us and looking to find further cuts. I hope we can be specific with that.

## SCHOOLKIDS AND THE DEFICIT

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, the President challenged our Republican friends to come up with specifics in regard to having a substitute for taking care of the budget, and we heard it on this floor today.

It is all those schoolkids in the cafeteria. They are the ones that are the cause of the deficit. I did not know that until today. "Get those schoolkids in the cafeteria. Let us get the deficit police out there. Maybe there is a little spare change in their pockets. Maybe we can get that."

And the National Endowment for the Arts, why they have field trips for these kids. They can actually go and hear a symphony, go to an art museum. "Get those kids back into those rooms. Lock them in the rooms. Maybe you can have a little slit down there, and you can feed them the hamburger through a little slit in the door."

Yes, we have got specifics today. But I think it is just great. Maybe we ought to finish up with an energy tax. I understand they heat those school cafeterias, too. Let us cut that back. "OK, you kids, we know how to get this deficit handled." Nail those schoolkids in the cafeteria.

Thanks for the information, gang.

## CLINTON'S ECONOMIC PLAN

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I want to urge my colleagues to hold fast and move the country forward with the President's economic plan.

Like many of you, I have received calls and letters complaining of new taxes.

The fact is, most Americans and certainly the vast majority of the people in my district will not experience a significant increase in new taxes. The working poor will experience an increase in income through the refundable earned income tax credit. Their hard work will be rewarded.

Does anyone work harder than the men and women who labor behind the scenes in mailrooms, loading docks, in the basements of office buildings, in low wage jobs across our land? These people work for their families and for their own dignity. They may ride the bus before dawn or carpool at midnight.

We will not receive many faxes from the laborers and waitresses and minimum wage workers who stand to benefit from the provisions of the President's plan. We may not receive any long distance phone calls from the rural unemployed folks who voted for a change.

The working people were heard from last November. President Clinton and I ran as a team. The people voted for a Democratic approach to revitalizing the economy and reducing the deficit. The President has given the American people what they voted for in November. I support it.

U.S. News & World Report conducted an analysis of the Clinton plan. The model projected that the economy will continue to grow, the deficit will be reduced, relative to GNP and, most importantly an additional one-half million jobs will be created than would have been created without the plan and the unemployment rate will fall to 5.4 percent.

## THE CLINTON PLAN DESERVES BIPARTISAN SUPPORT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am intrigued by opponents of the Clinton budget who assert the deficit is the fault of Democrats.

After all, the last time a Democrat was in the White House, the deficit was about $70 billion. Since 1980, under two Republican administrations, the national debt has quadrupled—to $4 trillion.

Republicans blame the Democratic Congress although Republicans controlled the Senate for three-quarters of the Reagan Presidency. They say we spent like crazy although congressional spending was virtually identical to the levels proposed by Presidents Reagan and Bush.

But what is most laughable is the charge that Republicans were shut out of the budgeting process, over the past 12 years allowing Democrats to run amok.

Over the past 4 years, there have been nine substitute budgets offered to the House by Republican budget leaders. Each of them failed.

And in all but two cases, Republicans voted against their own party leaders' budgets, often by overwhelming margins.

In fact, Democrats often had to demand that the President's budget be brought before the House because no Republican Member was willing to introduce his own party's budget plan. One year, the Bush budget was proposed by the majority leader.

If they truly oppose raising taxes or cutting entitlements like Social Security, then our Republican friends need to find $500 billion in cuts to match Bill Clinton. And what they are offering up is hot air, not hard numbers.

Check out the Clinton plan: real cuts, real change, real savings. I am waiting for the critics to come up with their half-trillion dollar substitute, and I am watching to see if anyone on their side of the aisle has the courage to vote for it.

□ 1330

## DISABLED AMERICAN VETERANS SHOULD RECEIVE SPECIAL ATTENTION

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, this morning Comdr. Joseph Zengerle, who is the national commander of the Disabled American Veterans, testified before a joint committee of the Veterans' Committees here in the Congress.

Keep in mind that the Disabled American Veterans are those Americans who are carrying a disability with them that they sustained in combat defending this country, and if there is one group in this Nation that maybe needs special attention, it is the Disabled American Veterans.

Let us look at what Mr. Zengerle said this morning in response to the $3.6 billion cut that is contained in the President's budget. That is a real cut, by the way. He said:

> We disabled veterans in this room, and our millions of comrades all across the United States, are the classic examples of the ordinary people who followed the rules—and paid a price for doing so. We understand that a new patriotism is being sought, and we are glad to step up to the task at hand. But we also know that the new direction is one designed to be built on old values. For us, the old patriotism is a good starting point. As we put aside our differences for the common good, let us also remember the honored heritage of that ancient rule called patriotic service, and the national obligation that attends those who followed it.

Mr. Speaker, it is that attitude that I believe all Americans must bring to the task that lies before us.

## AN ODE TO BUDGET OBSTRUCTIONISTS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, I was at the Budget Committee this morning listening to my Republican colleagues insist that we should not increase taxes on the wealthy and we should also bring down the deficit. That, of course, requires that there be alternative cuts. And we asked what their specific cuts were. Many of them were quite offended and said it was not their job to come up with specific cuts.

In fact, that is consistent with their policy last year of not even offering a budget, and it became very clear to me that the Republicans have a theme song, which I will recite, and it has to do with the budget deficit and their insistence on tens of billions of dollars of cuts which they will not mention:

Yes, we have no specifics,
We have no specifics today.

We will attack your plan,
And do everything we can
To bring gridlock back into play.

But we'll offer no detail.
We want only to derail
Your train, and create disarray.

We will propose no cuts.
That's politically nuts.
We have nothing concrete to say.

Yes, we have no specifics,
We have no specifics today.

## FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1993

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 20

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Employees Political Activities Act of 1993".

**SEC. 2. POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

**"§ 7321. Political participation**

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of our Nation.

**"§ 7322. Definitions**

"For the purpose of this subchapter—

"(1) the term 'employee' means any individual—

"(A) employed or holding office in an Executive agency, other than the General Accounting Office; or

"(B) employed in a position within the competitive service which is not in an Executive agency;

but does not include the President or the Vice President, or a member of the uniformed services;

"(2) the term 'candidate' means any individual who seeks nomination for election, or election, to any elective office, whether or not the individual is elected, and, for the purpose of this paragraph, an individual shall be considered to seek nomination for election, or election, to an elective office, if the individual has—

"(A) taken the action required to qualify for nomination for election, or election, to that office; or

"(B) received any political contribution (other than any personal services described in paragraph (3)(C)) or made any expenditure, or has given consent for any other person to receive any political contribution (other than any such personal services) or make any expenditure, with a view to bringing about the individual's nomination for election, or election, to that office;

"(3) the term 'political contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose, and includes—

"(A) any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(B) any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(C) the provision of personal services for any political purpose;

"(4) the term 'superior' means any employee who exercises supervision of, or control or administrative direction over, another employee;

"(5) the term 'elective office' means any elective public office and any elective office of any political party or affiliated organization;

"(6) the term 'person' includes any individual, corporation, trust, association, State, local, or foreign government, territory or possession of the United States, or agency or instrumentality of any of the foregoing; and

"(7) the term 'Special Counsel' means the Special Counsel appointed under section 1211(b).

**"§ 7323. Use of official influence or official information; prohibition**

"(a) An employee may not directly or indirectly use or attempt to use the official authority or influence of the employee for the purpose of—

"(1) interfering with or affecting the result of any election; or

"(2) intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence—

"(A) any individual for the purpose of interfering with the right of any individual to vote as the individual may choose, or of causing any individual to vote, or not to vote, for any candidate or measure in any election;

"(B) any person to give or withhold any political contribution; or

"(C) any person to engage, or not to engage, in any form of political activity.

"(b) An employee may not directly or indirectly use or attempt to use, or permit the use of, any official information obtained through or in connection with such employee's employment for any political purpose, unless the official information is available to the general public.

"(c) For the purpose of subsection (a), 'use of official authority or influence' includes—

"(1) promising to confer or conferring any benefit (such as any compensation, grant, contract, license, or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license, or ruling); or

"(2) taking, directing others to take, recommending, processing, or approving any personnel action.

"(d) Nothing in this section shall be considered to apply with respect to any actions if, or to the extent that, such actions are taken in order to carry out the duties and responsibilities of one's position.

**"§ 7324. Solicitation; prohibition**

"(a) An employee may not—

"(1) give or offer to give a political contribution to any individual either to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(2) solicit, accept, or receive a political contribution to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(3) knowingly give or hand over a political contribution to a superior of the employee; or

"(4) knowingly solicit, accept, or receive, or be in any manner concerned with soliciting, accepting, or receiving, a political contribution—

"(A) from another employee (or a member of another employee's immediate family) with respect to whom the employee is a superior; or

"(B) in any room or building occupied in the discharge of official duties by—

"(i) an individual employed or holding office in the Government of the United States; or

"(ii) an individual receiving any salary or compensation for services from money derived from the Treasury of the United States.

"(b)(1) In addition to the prohibitions of subsection (a), an employee may not knowingly solicit, accept, or receive a political contribution from, or give a political contribution to, any person who—

"(A) has, or is seeking to obtain, contractual or other business or financial relations with the agency in which the employee is employed;

"(B) conducts operations or activities which are regulated by that agency; or

"(C) has interests which may be substantially affected by the performance or nonperformance of the employee's official duties.

"(2) The Special Counsel shall prescribe regulations which exempt an employee from the application of paragraph (1) with respect to any political contribution to or from an individual who has a familial or personal relationship with the employee if the employee complies with such requirements as the Special Counsel shall so prescribe which relate to the disqualification of the employee from engaging in any official activity involving the individual.

"(3) The Special Counsel shall prescribe regulations under which paragraph (1) shall not apply with respect to any political contribution from a person in situations in which the facts and circumstances indicate there would not be any adverse effect on the integrity of the Government or the public's confidence in the integrity of the Government.

**"§ 7325. Political activities on duty, etc.; prohibition**

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) paid from an appropriation for the Executive Office of the President; or

"(ii) appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

**"§ 7326. Candidates for elective office; leave**

"(a) Except as provided in subsection (c), an employee who is a candidate shall, upon the request of the employee, be granted leave without pay for the purpose of allowing the employee to engage in activities relating to that candidacy.

"(b) Notwithstanding section 6302(d), and except as provided in subsection (c), an employee who is a candidate shall, upon the request of the employee, be granted accrued annual leave for the purpose of allowing the employee to engage in activities relating to that candidacy. Leave under this subsection shall be in addition to leave without pay to which the employee may be entitled under subsection (a).

"(c) A request for leave submitted under subsection (a) or (b) may be denied if the exigencies of the public business so require. Any such denial shall be in writing and shall be accompanied by a statement of the reasons why the request is being denied.

"(d) An employee may not be required to take leave without pay under subsection (a), or accrued annual leave under subsection (b), in order to be a candidate, unless the activities relating to the candidacy interfere with the employee's performance of the duties of the position.

**"§ 7327. Regulations**

"The Special Counsel shall prescribe any rules and regulations necessary to carry out this subchapter.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 3302(2) of title 5, United States Code, is amended by striking "7203, 7321, and 7322" and inserting "and 7203".

(2)(A) Sections 8332(k)(1), 8706(c), and 8906(e)(2) of title 5, United States Code, are each amended by inserting immediately after "who enters on" the following: "leave without pay granted under section 7326(a) of this title, or who enters on".

(B) Section 8411(e) of title 5, United States Code, is amended by inserting immediately before "approved leave without pay" the following: "leave without pay granted under section 7326(a) of this title, or".

(3) The section analysis for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Use of official influence or official information; prohibition.
"7324. Solicitation; prohibition.
"7325. Political activities on duty, etc.; prohibition.
"7326. Candidates for elective office; leave.
"7327. Regulations.".

(4) Section 1216(c) of title 5, United States Code is amended—

(A) by striking paragraph (1); and

(B) in paragraph (2), by striking "(2) If" and inserting "If".

(5) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(c) AMENDMENTS TO TITLE 18.—(1) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(A) by inserting "(a)" before "It";

(B) by striking all that follows "Treasury of the United States" and inserting a semicolon and the following:

"to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both."; and

(C) by adding at the end the following:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of that title.".

(2) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7324 of that title.".

(d) AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.—Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

(e) APPLICABILITY TO POSTAL OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The amendments made by this section, and any regulations thereunder, shall apply with respect to officers and employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

(2) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—The Special Counsel (appointed under section 1211(b) of title 5, United States Code) may conduct investigations and seek disciplinary action with respect to any officer or employee referred to in paragraph (1) in accordance with applicable provisions of chapter 12 of such title.

**SEC. 3. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7327 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) PENALTIES NOT AFFECTED.—Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability imposed under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) PENDING PROCEEDINGS NOT AFFECTED.—No provision of this Act shall affect any judicial or administrative proceeding commenced on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. WOLF], who is opposed to the motion, will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 20, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation has a long history. I first introduced Hatch Act reform legislation in 1974. The House of Representatives has passed legislation to reform the Hatch Act in four previous Congresses. The bill we are considering today, is the same bipartisan compromise I developed in 1987 with GENE TAYLOR the former ranking Republican on the Post Office and Civil Service Committee. The House of Representatives passed this legislation in the 100th Congress by a vote of 305 to 112. The House of Representatives passed this bill in the 101st Congress by a vote of 297 to 90.

The extension of the right to vote is among our finest chapters in American history. Originally limited to white, male, property holders, now every citizen, with the glaring exception of Federal and postal workers, has a right to organize with like-minded citizens and to persuade other Americans of the wisdom of their views regarding the political future of the Nation.

The Hatch Act denies 3 million American citizens the right to engage in partisan political activity. They can vote, they simply cannot do anything else. Citizens in the old Soviet Union had the same right to vote, but no one pretends that right was meaningful.

Political freedom is more than being able to vote. it is the right to host political events in your own home for your friends and neighbors. It is the right to distribute leaflets and brochures on behalf of causes and candidates you feel are important. It is the right to stuff envelopes, work a telephone bank, and drive voters to the polls. It is the right to speak and vote at local, regional, State, and national caucuses and conventions. In short, it is the right to organize with others for the purpose of persuading others of the soundness and importance of your own political views. That is the essence of democracy. It is the substantive meaning of the right of free speech, the right to assemble, and the right to petition the Government for redress of grievances.

Beyond abridging basic rights, the Hatch Act has failed to deter those who would abuse their official position, and has been used by previous administrations to intimidate and coerce 3 million Federal and postal employees from exercising the limited rights they possess. H.R. 20 ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the political process. It provides stronger protection than current law against coercion and intimidation intended to force political involvement.

The right to exercise a meaningful voice in the selection of one's Government is the foundation of our Republic. That right is no less important to Federal and postal employees than it is to women, blacks, or any other group of American citizens. I urge you to vote for H.R. 20.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill and would tell Members of Congress that I have as good a record, and perhaps better than most Members of this House, on Federal employee issues. I have taken the lead on flexitime, flexiplace, job sharing, leave sharing, telecommuting, and through my amendments, there are now 91 childcare centers operating in the Federal Government.

My concern about this bill is as follows: One, it is brought up under a gag rule, and there is absolutely no chance to amend it.

Second, we have the finest civil service in the world. I am concerned that this will politicize the Federal Government insofar as what is permitted will be expected.

I might say that most Federal employees do not support this bill. Most Federal employees favor the protection that they currently have. I think Members should know that the Federal Election Commission, which monitors the political contributions made to the Members of this body and their opponents, sent a letter February 18 where they said:

> The members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for employees of the Federal Election Commission in any legislation.

They go on to say, Mr. Speaker:

> Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a nonpartisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.
>
> We ask your assistance so that our agency will be able to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

This rule which the leadership has brought up does not permit an amendment to be offered.

Third, the Members should know that Common Cause has said they oppose the bill because it opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service.

□ 1340

Right now there is an investigation of potential corruption of this act in the District of Columbia.

I predict if this bill passes, without any amendments, there will be corruption in the Federal Government because you will find political people who will put pressure on Federal employees to make political contributions, to participate in shopping center literature drops, to get involved in the political process, when they do not want it.

Last week I heard a number of Members from the other side, Mr. Speaker, express deep concern with what was taking place down in Memphis, with the office of the U.S. attorney.

I will tell you, Mr. Speaker, that no one with any common sense, no one in this body or outside this body, believes that U.S. attorneys should be involved in a political process whereby they are prosecuting people and then out working against those people in political campaigns.

I will tell the gentleman from Missouri [Mr. CLAY] that it is a disgrace that this bill comes before this body, whereby we cannot even offer amendments to exempt the Federal Election Commission and U.S. attorneys.

This is a shameful act and I condemn it.

Why do we need a gag rule at this time in this session?

In closing, the comment was made, do you want an IRS agent who is also auditing you, not meaning any harm, to then come by your house 2 or 3 weeks later, by chance, not on purpose, and say, "Hello. I'm the local Republican precinct chairman or Democratic precinct chairman. Will you put a sign in your yard or would you make a contribution?"

What are you going to say?

Mr. Speaker, the bill is flawed. Some Members may be for the bill, and I respect that, and I respect the position of the gentleman for the bill. Other Members are opposed to the bill.

But under no circumstances, Mr. Speaker, should we bring this bill up without having the right to offer amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 20, a bill which would repeal the Hatch Act of 1939. I am particularly opposed to bringing this controversial, major reform legislation before this body under suspension of the rules. I have several perfecting amendments to offer to this bill which will protect both Federal employees and the general public from the detrimental effects of political coercion. I understand that other Members of the House have similar amendments, but, like me, they are prevented from voicing their concerns as duly elected Representatives because of the manner in which we consider this controversial legislation today.

There is absolutely no reason to bring any legislation up under suspension of the rules. With only one piece of legislation scheduled to be considered this week, the House is certainly not under any pressure to complete its work, and end of session tactics so early in the Congress are unwarranted. We have all the time in the world to debate and amend this legislation and will still have plenty of time for more 1-minute speeches and special orders, and then make it home in plenty of time to be with our families. I can only surmise, that, by bringing this legislation up under suspension, the majority fears honest, open, and democratic debate because it has something to hide from the American people.

Every one of my constituents in the 10th Congressional District of Virginia, which has one of the largest Federal employee populations in the country, should know that I have amendments to offer, concerns to express, and ideas to discuss. However, because of the manner in which this bill has been brought up, I am precluded from representing the interests of my constituents today. Because we operate today under a gag order, their voices, and the voices of every other American who has concerns about the repeal of the Hatch Act, will not be heard. I urge my colleagues to vote "no" on the motion to suspend the rules and consider H.R. 20. I challenge all of the freshman Members who campaigned on a platform of reform and who promised their constituents that they would fight business-as-usual in Congress, to vote today for fairness, openness, and democracy. Careful, thoughtful, and deliberate consideration of the pending question is the only way to guarantee the best possible legislation will pass.

My desire here is not to be an obstructionist, nor is it to be dilatory. My intention is not to frustrate the will of the majority. I am here because I wish to express my concern that, by vacating the Hatch Act, we may unintentionally expose the honorable men and women who work as civil servants to unwanted political coercion; thereby diminishing the integrity and effectiveness of Federal employees and their mission. My unwavering commitment to protecting the interests of the Federal employee is the motivation for my concern.

This Congress has the daunting responsibility of ensuring that Federal employees are encouraged to carry out the public's business fairly, faithfully, and impartially. This is what current law effectively provides and is what the American people deserve.

This Nation's taxpayers enjoy the finest civil service work force in the world and I have the highest respect and admiration for Federal employees. As I have already mentioned, I have one of the largest constituencies of Federal employees of any Member in the House. I am a strong supporter of legislation that rewards the sacrifices made by Federal civil servants. I have worked hard to lift the pay cap on Federal salaries. It was my legislation that established relocation services for Federal workers, reformed the merit pay system, and set up over 90 child care centers in Government facilities. I have encouraged such family friendly policies such as leave sharing, flexitime, and flexiplace—programs that enhance the quality of life for Federal employees and their families. I am sensitive to their needs and have listened to their concerns about a variety of issues of concern to them, including H.R. 20.

It is because of my continuing interest in the welfare of our civil service that I am supporting a more deliberative analysis of this bill.

The Federal employee must be free of both actual and perceived political coercion and protected from involuntary partisan activities, thereby maintaining the public's faith in our governmental institutions. Without sufficient protection from the maligning influence of partisanship, democracy suffers, and public trust erodes. Public confidence in the administrative institutions and processes of Government could be dangerously undermined should H.R. 20 become law. The public's confidence in the integrity of its civil service must be absolute and that is what current law provides.

Since the beginning of this great Republic, political activity by those entrusted to conduct the public's work has been an issue of tremendous concern. Thomas Jefferson, shortly after he was inaugurated, issued an Executive order which called on Federal officers to refrain from attempting to influence the votes of others and from participating in electioneering. Jefferson believed electioneering by Federal employees was "inconsistent with the Constitution and his duties to it." Ten J. Richardson, Messages and Papers of the Presidents 98 (1989) cited in *United States Civil Service Commission* v. *National Association of Letter Carriers*, 413 U.S. 548, 557 (1973). Likewise, President Hayes issued an Executive order in 1877 which stated that Federal employees should neither be required nor permitted to participate in political management.

After President Garfield was assassinated by a disgruntled office seeker, the Civil Service Act of 1883 (Pendleton Act) was passed to forbid coercion of Federal employees for political funds and service and use of official authority or influence to coerce the political action of any person or body.

On June 3, 1907, President Theodore Roosevelt promulgated Executive Order 642 which expanded the prohibitions enacted in the Civil Service Act of 1883 to also ban Federal employees from taking an active part in the political management of campaigns. I have included the order in the RECORD:

[Executive Order]

AMENDMENT TO CIVIL SERVICE RULE I

Rule I of the Civil Service Rules is hereby amended to read as follows:

No person in the Executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 3, 1907*.

The Hatch Act of 1939, which was originally enacted to remedy a century of patronage abuses resulting from the "spoils system," was the culmination of a long history of concern about political corruption and the unfair coercion levied by heavyhanded managers on Federal employees. Federal programs born from President Roosevelt's desire to aid the poor and the dispossessed were often perverted for political purposes. Representative Guyer described the coercion of the day.

In every city in the United States the corrupt political boss employed his power over those on relief to bolster his waning political regime and win elections for his party. Venal political scavengers organized so-called political clubs composed largely of those on relief who regularly as pay day came were forced to contribute to these corrupt political vultures either to promote political campaigns or enrich their own coffers from the pittance which the Government provided presumably to feed hungry children and men and women made destitute by the bungling experiments of the New Deal in Government. No such shameful depravity was ever before exhibited in the political history of this country or any other. Cong. Rec. 9600 (July 20, 1983).

The Hatch Act has worked very well over the past 54 years in protecting Federal employees, the public at large, and politicians from the abuses which, as history has proved, would have been the inevitable result.

Mr. Speaker, that is how we got to this point, but now where are we going. Who favors this legislation—labor union bosses? I have not heard any clamor to be "unhatched" from my Federal constituents. What I understand from those pushing this measure is that this so-called reform is an effort to balance the countervailing desire to allow all members of the Federal community to express their political beliefs and at the same time protect those same members from the destructive pressures that result from a politicized work force. So we are today considering a bill to repeal a measure that, by and large, has been extremely effective for 54 years.

H.R. 20 would severely undermine the positive working conditions that now exist as a result of the Hatch Act, conditions which I believe most Federal workers want to continue. Former Attorney General Dick Thornburgh, in a letter to Senator WILLIAM V. ROTH, Jr., succinctly captured the purpose, spirit, and success of the Hatch Act when he wrote:

> The Hatch Act seeks to guarantee the integrity of the federal service by assuring that federal employees are hired and promoted based upon their qualifications and not their political loyalties. It also assures that federal programs are administered on the basis of need, not politics. The Act's ban on active partisan campaigning by federal employees protects them from coercion and patronage abuse. Those protections remain essential to assure the integrity of the federal work force and the administration of federal programs. They also are critical to the public perception and the confidence in the impartial, even-handed conduct of government business.—136 Cong. Rec. S 5746 (daily ed. May 7, 1990)

H.R. 20 would scuttle a policy that has been in place since Thomas Jefferson was President, namely that partisan politicking by Federal workers should be discouraged in order to maintain the integrity and accountability of a Federal work force. H.R. 20 would allow Federal employees to run for and hold public office, solicit campaign contributions from the public as well as coworkers, and engage in unbridled political activity, which would inevitably result in a politicized public administration.

In his letter to Senator ROTH, Dick Thornburgh warned of the effect repeal of the Hatch Act would have on Federal employees.

> Rank-and-file civil servants would not make federal criminal cases out of supervisors' requests for political contributions or for their off-duty time in support of a candidate. They would find it less costly to be victimized rather than incur the job-related risks that would surely result from a complaint to law enforcement authorities. Moreover, the difficulties inherent in proving even the most patent abuses would render the protection of the justice system illusory. Thinly veiled exploitation and extortion would flourish because the politicized atmosphere of the workplace would make criminal conviction virtually impossible. The resulting impact on federal programs would undermine the public's confidence in the impartial administration of public business.—136 Cong. Rec. S 5746 (daily ed. May 7, 1990)

The subtle and indirect coercion that will take place that Mr. Thornburgh described is akin to sexual harassment in the workplace. Only the most blatant offenses will be prosecuted. All the other subtle, implied, and indirect advances that make one miserable are not overt enough to prosecute, and the victim either bears the costs of remaining in a difficult situation or opts out because of the terrific pressure that is applied. I fear this will be the result if H.R. 20 is enacted, and it is not the type of place many would be inclined to work. It is difficult enough to attract and retain hard-working, qualified people to Federal service. We don't want to discourage people from joining the ranks because they face serious potential political harassment.

Mr. Speaker, George Santayana said, "those who cannot remember the past are condemned to repeat it." If H.R. 20 becomes law, this House will one day be preoccupied by the same issues that faced this Congress in 1939. Let's not return to a government that favors the spoils system over the merit system and party loyalty over public integrity. Employment and advancement in the Government service should not depend on political performance, and employees should be free from express or tacit political coercion which results from the politicization of the Federal work force.

Mr. Speaker, considering the current political climate, and the pressure many Members are feeling from special interests to pass this bill, I am realistic enough to know that some form or another of this legislation will reach the President's desk, and he is sure to sign it. As I stated earlier, I have some amendments which I think most Members will agree will improve the bill by applying current Hatch Act standards to certain Federal employees that hold sensitive Government positions, administer the laws and regulations regarding undue political influence in the Government, and those most sensitive to the pressures of political appointees. It is paramount that these employees of the executive branch that hold sensitive positions administer the law in accordance with the will of Congress, rather than in accordance with their own will or the will of a political party.

Because we are considering H.R. 20 under suspension of the rules, I cannot offer amendments; however, I think it important that Members know exactly what they are being precluded from voting on which would have improved this legislation.

One amendment that I would have liked to offer is an amendment that would provide current limitations on the political activities of employees of the Federal Election Commission [FEC]. I think the reason for this amendment is obvious. The FEC administers and enforces Federal election laws. It is very tenable that an FEC official would be working for one candidate and auditing his opponent's FEC reports. This raises serious concerns about conflicts of interest and the denial of due process. This amendment must pass to preserve the sanctity and safeguard the integrity of democratic elections. The following letter from Mr. Scott E. Thomas, Chairman of the FEC, explains the necessity for applying current law to employees of the SEC.

FEDERAL ELECTION COMMISSION,
*Washington, DC, February 18, 1993.*

Hon. FRANK WOLF,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: This is in response to your recent telephone inquiry to Tina VanBrakle, Congressional Affairs Officer of the Federal Election Commission, regarding upcoming deliberations with respect to amendments of the Hatch Act. The members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for employees of the Federal Election Commission in any legislation intended to liberalize or relax the rules prohibiting federal employees' participation in political campaigns outside the workplace.

Congress established the Commission as a bipartisan body to administer and enforce federal election laws free of partisan or political considerations. Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a nonpartisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.

The members of the Commission certainly have no objections to those provisions of the act meant to strengthen restrictions upon "on the job" behavior related to political activity. In fact, the FEC's own rules and regulations regarding political activity on the job go beyond those currently imposed by the Hatch Act. Furthermore, we wish to express no opinion as to the appropriateness of the proposed legislation as it may be applied to and impact upon the federal workforce generally.

We hope, however, you will appreciate our strong reservations about those aspects of the legislation that would, absent a special exception, lift the restrictions upon political activity "off the job" by employees of the Commission. We ask your assistance so that our agency will be able to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

Sincerely,

SCOTT E. THOMAS,
*Chairman.*

Another amendment which I am prepared to offer would keep current limitations on the political activity of Federal employees in the Senior Executive Service [SES]. SES employees are high level career Government executives that work directly with schedule C political appointees. Because SES employees make crucial policy decisions on a daily basis, they would be a likely target of unwanted political pressure. Also, because they work directly for and with political appointees, senior executives are exposed to partisan politics almost daily. Remaining "hatched" gives senior executives an easy excuse to avoid the entanglements of partisan politics. It provides a shield from the coercion that would otherwise become part of their daily lives. I have spoken with numerous SES level people throughout my tenure as a Congressman. Senior executives always tell me, "don't unhatch us." To be "unhatched" would make the lives of these dedicated civil servants unbearable because of the pressure of their jobs and the pressure of the politics. They don't need or want either.

Mr. Speaker, I also have a concern about repealing the Hatch Act with regard to law enforcement and intelligence employees. I suggest that we keep current Hatch Act restrictions on employees of the Department of Justice, Central Intelligence Agency, National Security Council, National Security Agency, Customs Service, Secret Service, IRS, and the Bureau of Alcohol, Tobacco and Firearms.

Few would be content knowing an employee of the IRS was president or the chairman of the county Democratic or Republican committee at night, and auditing county residents' tax returns by day.

Would it be appropriate for an assistant U.S. attorney, who is preparing a case against a prominent political figure for corruption, to be permitted to work on the campaign of that politician's opponent?

If publicly partisan FBI agents were investigating alleged bribery charges, or better yet, conducting a sting operation of a politician the agent publicly opposed, would the investigation, regardless of how forthrightly, professionally, and carefully conducted, be questioned as to the integrity of the investigation.

Politicians frequently charge U.S. attorneys with conducting political which hunts. If the agents of law enforcement and intelligence, both of which deal in sensitive information not for public consumption, are allowed to engage in partisan politics, the mere impression that Federal activity is improper, colors our entire administrative process.

It is not only important that the Government and its employees in fact avoid practicing political justice, but it is also critical that they appear to the public to be avoiding it, thereby maintaining confidence in the integrity of our federal system.

Also, active involvement in partisan political activity will significantly increase the potential for abuse of privileged and private information about American citizens, not to mention the potential for injecting political considerations into staff promotions and other advancement-related issues. For these reasons, I support an amendment to restrict the political activities of these employees.

I urge my colleagues to vote "no" on the motion to suspend the rules and pass this misguided legislation. Only fair and open debate will ensure that we make laws that are the best for the people of America.

Mr. Speaker, I include the following material which further supports my position:

COMMON CAUSE,
*Washington, DC, February 19, 1993.*

DEAR REPRESENTATIVE: The House of Representatives is scheduled next week to consider legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose this legislation.

H.R. 20, which seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opens the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

H.R. 20 will repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to actively participate in partisan political activity. It would permit federal workers to run as candidates in partisan elections, to serve as officers of a political party, to raise partisan campaign contributions, manage campaigns, and to administer political action committees [PACs]. The only restraint is that the partisan activity would have to occur in off-hours.

Repeal of the Hatch Act's basic protections, as proposed in H.R. 20, will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in certain political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal workers' ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the House to instead explore this possibility.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service."

Common Cause strongly believes this important integrity-in-government measure should not be repealed. We urge you to oppose H.R. 20 and other proposals that would repeal necessary prohibitions on partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
*President.*

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NATIONAL TAXPAYERS UNION,
*Washington, DC, February 22, 1993.*

DEAR REPRESENTATIVE: The National Taxpayers Union, on behalf of its 200,000 members, opposes H.R. 20, the "Federal Employees Political Activities Act of 1993," and urges you to vote against it on the floor of the House. NTU believes this proposal, if approved, would destabilize existing Hatch Act checks and prohibitions and harm our impartial civil service system.

Currently, the American public has confidence in the impartiality of federal workers. This confidence is largely due to the current Hatch Act rules that ban certain partisan, highly visible group-connected political activity by those who have made a choice to pursue a government career. This system has worked to the advantage of the taxpayer—and federal employees—by preventing the politicization of government workers.

H.R. 20 could destroy the impartial public image of federal workers. In particular, federal workers and citizens may fear:

Government contracts being awarded for political reasons rather than cost and quality considerations;

Promotions being granted for partisan purposes rather than merit;

Government time being used for political projects;

Workers being pressured to support political rather than public ends; and

A greatly increased potential for corruption.

Our most fundamental reason for opposing Hatch Act revisions is that the proposed changes would increase the pressure for growth in the Federal government. Government workers already have a phenomenal power to enlarge their bureaucracies, their programs, their pay and their pensions. The proposed Hatch Act revisions would simply skew an already lopsided influence further.

For these and other reasons, NTU encourages you to leave the Hatch Act intact and to vote against revisions proposed by H.R. 20.

Sincerely,

JAMES D. DAVIDSON,
*Chairman.*

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[From the Wall Street Journal, Feb. 19, 1993]

HATCH NOT HACKS

One of President Clinton's few real spending cuts is his pledge to reduce the federal work force through attrition by 100,000 over four years. But he is unlikely to accomplish that if he goes along with an effort by Congress to destroy the Hatch Act which limits the political activity of federal workers. Such a move would dramatically increase the power of public employee unions and make it less likely that Congress would ever vote to streamline or reform the bureaucracy.

The Hatch Act, named after Democratic Senator Carl Hatch of New Mexico, was passed in 1939 to tighten longstanding protections against a politicized federal work force. A Pulitzer Prize-winning series had documented how New Deal workers in Kentucky and other states had been coerced into supporting political incumbents.

Since its enactment, Hatch has been challenged three times before the Supreme Court on the grounds it infringers on the rights of workers. Each time it has been upheld. In 1973, Justice Byron White, the only Democratic appointee now on the court, wrote in an opinion that "it is in the best interest of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Frustrated by the courts, federal employee unions have time and again tried to modify the Hatch Act. Joe Vacca, the president of the National Association of Letters Carriers, has said that federal employees will never win the right to strike until Hatch is changed. In 1975, President Ford vetoed a Hatch Act repeal. In 1990, President Bush did the same thing and the Senate narrowly upheld his veto.

Last year, Bill Clinton said he would support some changes in the Hatch Act but stopped short of calling for its repeal. Public employee unions are betting he will be unwilling to veto whatever bill passes Congress. A bill to gut the Hatch Act is moving through Congress at warp speed and has already been voted out of committee. It may reach the House floor as early as next Tuesday.

Ironically, there is precious little evidence that federal workers themselves want changes in the Hatch Act. A 1989 survey of federal employees by the Merit Systems Protection Board found that only 32% wanted the act weakened. There are sound reasons for this attitude. "When a civil servant says, 'I'm Hatched,' he is not complaining," says historian Marjorie Fribourg. "He is protecting himself from political arm-twisting." Indeed, one federal employee union official groused in 1990 that "some federal employees really hide behind the Hatch Act as a way to get out of participating" in politics.

Groups such as Common Cause oppose curbing the Hatch Act, because they recognize it is the only way to avoid turning federal unions into fullfledged partisan political machines. Three union presidents were suspended from their federal jobs for 60 days under Hatch for openly backing Walter Mondale in 1984.

This country replaced the spoils system with a civil service more than 100 years ago. That system certainly has its problems, but at least its employees don't openly play politics. Bill Clinton would be foolish to allow the civil service to become a giant lobby for its own self-interest. But should he cave in and sign a bill gutting the Hatch Act, he should have the honesty to rename it the Hack Act, because that is the direction a politicized civil service will inevitably take.

Mr. CLAY. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, what I get from the gentleman's remarks is that he does not trust American citizens who work for the U.S. Government. He does not trust IRS agents to obey the law. This is the law of the land if it passes.

I think there are upright honest people and citizens who will obey the law and they will not use their positions in order to intimidate other people. If they do, this law will take care of them in a proper manner. It will discipline them as they ought to be disciplined.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise in strong support of the Federal Employees Political Activities Act of 1993.

The Hatch Act was first enacted in 1939 to protect Federal workers from political coercion. It was intended to correct alleged abuses of the merit system that arose with the growth of the Federal Government. Today, there is a panoply of protection against this type of abuse.

I strongly believe that we should restore to Federal and postal employees the political rights guaranteed by the First amendment of the Constitution, by allowing them to participate in political activities during their nonworking hours.

Over the years, these employees have been easy targets of deficit reduction measures. The public's perception of the Government's professional career service often translates into undeserved animosity toward a nameless Federal bureaucracy. Add to that the Hatch Act restrictions—and Federal and postal employees start to look like second-class citizens. No. Let me be exactly correct. In fact, they actually became second-class citizens.

That may be correct, but it is not right. It is not right at all.

And the truth is there is no good reason for it. The Constitution was written to protect all Americans, including Federal and postal employees. It is time to restore their constitutional right to participate fully in the democratic electoral process.

H.R. 20 does not allow Federal and postal employees to engage in partisan activities during working hours. It contains specific provisions to protect them from political coercion. By clarifying acceptable and unacceptable practices, the bill will eliminate the confusion caused by the lack of clarity in the original Hatch Act.

Finally, Mr. Speaker, I want to commend Congressman BILL CLAY, chairman of the Committee on Post Office and Civil Service, for bringing this bill to the floor expeditiously. My good friend, the gentleman from Missouri, has worked tirelessly over the years to bring Federal and postal employees the freedom to exercise their political rights away from the workplace. This time, it looks like he will succeed.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in opposition to consideration of the bill under suspension of the rules.

Mr. Speaker, today we are considering a familiar bill under suspension of the rules. While many of us may be well acquainted with the provisions of the Hatch Act, this fact does not demean its importance or automatically require that this bill be considered under suspension. In the past, I have supported H.R. 20. I feel that our many civilian Federal employees have a right to participate in the political process of this Nation. As a former Federal employee in the field of intelligence, I was resentful of the Hatch Act as it applied to me at the time. Nonetheless, I am concerned that an easing of the restrictions on Federal employees could lead to increased pressures from outside organizations. I do not want to see Federal employees become unwilling pawns in the hands of union leaders intent on furthering their own agendas. Penalties for union coercion have been built into H.R. 20, but the legislation is not perfect—no legislation ever is. Several of my colleagues have raised important issues—the need for a Federal election worker exemption, to name one example—and these issues deserve discussion and consideration. The manner in which this bill will be considered today does not do the issue justice.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, today, we have the opportunity to reform a law which was passed in 1939 to ensure nonpartisanship in the U.S. civil service. Much has changed since 1939, and I believe that the U.S. Congress and the President ought to act now to pass and sign meaningful reform of a law which served a proper role for several decades, but which is today no longer as relevant.

The Hatch Act, which was signed into law by President Franklin D. Roosevelt, prohibits most Federal employees from taking an active part in partisan political activities. While the Hatch Act does not restrict a Federal employee's right to vote, assist in voter registration drives, express opinions about candidates and issues, contribute money to candidates, join political parties, or wear a political button, it does prohibit a Federal employee from running for public office in partisan elections, actively campaigning for or against a candidate in a partisan campaign, distributing literature on behalf of a candidate, or holding an office in a political party.

There is strong support today in the country to make fundamental changes in the law governing Federal employees and political activities. H.R. 20, the Federal Employees' Political Activities Act, is designed to restore to Federal employees the right to participate voluntarily, as private citizens, in the political processes of the Nation. The bill would, however, prohibit employees from engaging in political activities, including political fundraising, while at work or in a Federal building. It would also prohibit an employee from directly or indirectly using their official authority or influence to interfere with another employee's right to privately exercise their political rights. Aside from these and other prohibitions, H.R. 20 would permit a Federal employee to run for political office, campaign for other candidates, participate in political fundraising, and hold positions in political parties.

Today's civil service is markedly different from the civil service of the 1930's. Today's Federal employees deserve the chance to fully participate in America's political process, while at the same time, work in a Government office free from political coercion. H.R. 20 would guarantee these rights and privileges for all Federal employees, and would continue to guarantee an efficient and responsive Federal civil service. I encourage all members to vote in favor of H.R. 20, the Federal Employees' Political Activities Act.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, this afternoon I am here on behalf of forest rangers, scientists, secretaries, researchers, health care personnel, agricultural extension agents, and FBI agents. I am here on behalf of Federal employees.

We are talking about the Hatch Act and we really ought to be talking about the Freedom of Speech for Government Employees Act.

It is ironic that today Federal employees cannot serve as an officer of a political club, cannot promote a political fundraiser, cannot run for local office, cannot work for polls, and cannot hand out literature.

The gentleman from Virginia suggests that somehow these are ominous activities. I think they are democratic activities.

The Hatch Act dates back to 1939 at a time when we feared political corruption and influence. Things have changed. Today 3 out of 4 Federal employees compete for Federal-system jobs under a merit system.

Today, Mr. Speaker, we are asking Federal employees to take on a double burden, a pay freeze and a possible tax hike. I think they are willing to step up to the plate, but it seems ironic that at this point in time we are not willing to extend to them the full rights to participate in our democratic process.

We promote participatory democracy worldwide. Mr. Speaker, I think it is time we promote it for our own employees.

Mr. WOLF. Mr. Speaker, I yield myself 30 seconds.

Let me just say to the gentleman from Maryland, if I can get his attention, this bill is a new bill. There were no hearings held. There were absolutely no hearings held.

Second, there were three Republican vacancies on the committee when the bill was reported.

Third, there are 110 new Members of this body and, frankly, they have not had the opportunity to look at this bill.

So for those reasons, this bill should have had hearings and it should come up under an open rule whereby we can offer amendments.

Mr. WYNN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Certainly, I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Speaker, I would just point out to the gentleman that it is my understanding that this is the identical bill that has been passed by this House before and that hearings were held previously.

Mr. WOLF. Is the gentleman aware of the fact that the Federal Election Commission has asked they be exempted from the bill, is the gentleman aware of that?

Mr. CLAY. There are many individuals——

Mr. WOLF. Mr. Speaker, if I can ask the gentleman from Maryland [Mr. WYNN] if he is aware of that.

Mr. CLAY. Mr. Speaker, let me respond.

Mr. WOLF. Mr. Speaker, is the gentleman aware that Common Cause is opposed to this bill?

Mr. WYNN. Mr. Speaker, will the gentleman from Virginia let me respond?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. WYNN. First of all, Mr. Speaker, the nature of our democracy is such that if the members of the Federal Election Commission do not want to participate, they do not have to participate.

As to the fact that Common Cause chose not to support the bill, I am sure there are others, but they are overwhelming numbers of people who do support the bill, people who are in politics, Government employees, Government employee organizations.

Mr. WOLF. Mr. Speaker, I take back my time.

Mr. WYNN. I represent the largest number of Federal employees——

Mr. WOLF. Mr. Speaker, I take back my time. The gentleman can get his own time.

The SPEAKER pro tempore (Mr. MFUME). The time is controlled by the gentleman from Virginia [Mr. WOLF]. Does the gentleman from Virginia wish to reclaim his time?

Mr. WOLF. I reclaim my time, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, enacted in 1939 to protect Federal employees from political coercion, the Hatch Act has become at its best—restrictive, and at its worst—punitive. It confounds and disenfranchises the very group it was meant to protect.

Times have changed and existing circumstances make the law archaic and abusive. The Hatch Act imposes over 3,000 administrative rulings.

□ 1350

These complex regulations allow Federal employees to speak publicly on political subjects, but not at a political gathering; they may attend a political convention but not serve as a delegate; they may sign a nominating petition, but not circulate it; they can place a bumper sticker on their car, but they cannot give a bumper sticker to a friend—and the inconsistencies go on and on and on.

Because the law is confusing, it is often overly enforced, resulting in a chilling affect which discourages even the limited participation now allowed under the law.

The line that separates the do's and don'ts Federal employees must follow under the current system is thin and contorted. The only thing evident about the Hatch Act is that it must be reformed.

Federal employees, just as everyone else in the workplace, should be able to participate freely in the political process. And we can make that happen. As citizens of this country, it is the Federal employees' first amendment right.

Mr. WOLF. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman's statement is an example of why we should have had hearings. There are not 3,000 regulations. The regulations are on 5 CFR 733, and the erroneous information about 3,000 regulations from the gentleman, a freshman Member, is an indication that there should have been hearings. There are 110 new Members in this body, and I do not believe that it is appropriate to bring us a bill as controversial as this under a gag rule whereby there can be no amendments.

Mr. CLYBURN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from South Carolina.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Virginia [Mr. WOLF] for yielding to me.

Mr. Speaker, I think the gentleman misquotes me. I said there are over 3,000 administrative rulings. I did not say regulations.

Mr. WOLF. They are all in 5 CFR 733, and they boil down to 13 do's and 16 don'ts.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, today I rise in support of H.R. 20, which allows Federal employees for the first time since 1939 to participate in partisan political activities. Mr. Speaker, who are we in the Halls of Congress to deny Federal employees a fundamental right that virtually every other citizen enjoys? Are we afraid that they might generate a greater interest in the election process? I say for shame. Mr. Speaker, opponents of H.R. 20 argue that this bill does not adequately protect the public from a politicized Federal work force. I disagree. Mr. Speaker, this bill specifically prohibits Federal employees from engaging in any political activity while on duty, while in uniform, while in a Federal facility, or while using any vehicle owned or leased by the Federal Government. Further, Mr. Speaker, this bill expressly forbids the use of one's official position to influence an election. Mr. Speaker, the time has come for us to take the handcuffs off our Federal employees and prove that precious constitutional rights are for all Americans to enjoy.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 20, the Federal Employees Political Activities Act of 1993, otherwise known as the Hatch Act reform bill.

Fifty-four years ago, the Congress approved the Hatch Act to bar Federal employees from participating in the democratic process. But, times have changed. As a result of the Hatch Act, today over 4 million Americans are restricted from participating in the democratic process on their own time.

Clearly, we must ensure that Federal employees will not utilize their positions to unfairly sway voters, either through threats or promises. However, we must also make certain that this significant segment of our population is allowed to participate fully in our political process.

It is my firm belief that under the provisions of H.R. 20, Federal employees will continue to carry out their official responsibilities with impartiality, while having the ability to exercise their political rights on their own time. The measure we are considering today contains both penalties for coercion and protections for employees. Additionally, a factor not present half a century ago but available today is the broad application of the merit system, which protects over three quarters of Federal workers and guarantees open competition and merit-based promotion.

Accordingly, I urge my colleagues to support this measure, and allow 4 million Americans to fully exercise their political rights.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Mr. BROWN of Florida. Mr. Speaker, today, in America, there are 3 million of our fellow citizens who do not have the same political rights as the rest of us. These Americans cannot freely participate in the political process and the determination of their Government. Who are these Americans? They are the men and women of the U.S. Government.

It is on behalf on these Americans, Federal and postal employees, that I rise in support of H.R. 20, the Federal Employees Political Rights Act of 1993.

One of the reasons why people from all over the world want to come to America is because of the importance we place on political freedom and rights, such as the right to organize with like-minded people for the purpose of persuading others of the soundness and importance of your own political views. These political freedoms also include the right of free speech, their right to assemble, and the right to petition the government for the redress of grievances.

H.R. 20 ensures that Federal and postal employees will be able to freely choose, without fear of intimidation, whether they wish to participate, on their own time, in the politics of their country, be it local, State, or national. At the same time, this bill will protect these employees from improper political solicitation.

Let us pass H.R. 20 and reform the Hatch Act to protect free speech by Federal and postal workers while maintaining the public's right to neutral and impartial government.

Let us pass the Hatch Act.

Mr. WOLF. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, every group of Federal employees that has ever sat in my office over all the years we have considered this issue has asked for, first and foremost, the right to serve on their local board of education, the right to run for selectmen in their local town, and in the State of Connecticut most of the people who work for the Veterans' Administration in Hartford, for the Department of Commerce office in Hartford, and so on and so forth, live in small towns surrounding Hartford. They are people of public mind. They are dedicated to public service, and they want the right to serve their little small town as an elected official.

Mr. Speaker, that is my measure of Hatch Act reform, whether it accomplishes that single goal.

Now let me remind my colleagues what happened here last year because it is about to happen again. We passed essentially this bill in the House. It went to conference. The Senate stripped out any right to hold partisan office, and in Connecticut there are no nonpartisan elections, so the Senate stripped out any right to hold partisan office but allowed them all to run for partisan office. So, a Federal employee could be the State chairman of the Democratic Party in Connecticut but not run for his local school board.

Mr. Speaker, that meant that I had to vote "no" on the conference committee report, but, when I explained to my Federal employees why I voted no, they were absolutely on my side.

Now we will fail them if we let that happen again, so I urge Members to vote no on this bill now. Let it come back after amendment. Let us narrow it down some so that, when we go to conference, we can make a far more hard-hitting, targeted argument to give Federal employees the right to serve at local levels. If that works, we can come back and give them the opportunity to run at the State and Federal levels, but the issue of exploitation, intimidation, pressure, all of those issues that led to the founding of the original Hatch Act, are far more serious issues when it comes to running for Federal office to raising money for a national campaign than they are as they pertain to local office, particularly when one is running for local office that is not in the town where someone and their coworkers work.

So, Mr. Speaker, I really regret the committee's decision to bring to the floor essentially the same bill that we had last year which, at that time, I voted for but had some concerns about, the level of protection in national campaigns. But, particularly in view of our experience with the other body, I think we should vote no on this now, and come back and try to have a far more targetted approach, because, if there is one thing our Federal employees deserve, it is the right to run for their local school board, and last time they did not get it, and I think we owe them a far better shot this time.

So, I urge that we oppose this on the Suspension Calendar.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I am pleased to rise in support of H.R. 20, the Federal Employees' Political Activities Act.

Mr. Speaker, I have been in public life for some 17 years. From the very first day that I was involved in public life as a legislator in the State of Georgia, Federal employees came to me time and time again decrying their inability to fully participate in our electoral process. They were very, very upset that people, 3 million of whom are in this country, more than in several States, are unable to have the full participation of our electoral process.

Mr. Speaker, that is wrong. We have an opportunity today to correct that gross error. I urge the Members of this body to please support H.R. 20. It is the right thing to do. It will extend political enfranchisement to so many who have been disenfranchised for so long.

Mr. Speaker, I urge Members to do something for our Federal employees, for our postal employees, and for our democracy, because participation is the bedrock of our democracy and we should not have a segment of our population that by law is disenfranchised by an act such as the Hatch Act.

Mr. Speaker, safeguards are built in and protections are built in from coercion. Because of those safeguards, I think that the time has come for us to correct this gross error.

The SPEAKER pro tempore. The Chair would advise that the gentleman from Virginia [Mr. WOLF] has 7½ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 9½ minutes remaining.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I stand in the well today saying that this bill is not perfect and that maybe those in the other body will be able to take some action to, in fact, put in some meaningful changes, some of the things that the gentleman from Virginia [Mr. WOLF] has talked about, to deny the FEC and the IRS from participating in this reform.

Mr. Speaker, but that is what this bill is; it is reform. It is not repealing the Hatch Act. Campaign work on the job is prohibited. Not even a campaign button is allowed, and I think that is fine.

But off the job, I think it is appropriate that Federal workers, many of them United States citizens, should have the same right as what other countries have, whether they be Poland or Nicaragua, and have fought for, and what our Nation stands for; freedom and democracy for all.

Under current law, Federal workers who are married to folks running for partisan office are banned from helping out. It that fair? No, that is ridiculous.

Mr. Speaker, I have heard of a case of an individual that was running for the school board, and they were not even allowed to have their spouse appear in the same campaign brochure. It that pro-family? Is that fair? Is that right? Good grief. It is not.

Mr. Speaker, it is time for change. It is time for reform of this long overdue act. Unfortunately, although it is not perfect, let us hope that our friends in the other body will be able to make some appropriate changes to make it even stronger.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. Norton].

Ms. NORTON. Mr. Speaker, H.R. 20 makes honest people of Federal employees who want to obey the law. Without this reform, Federal workers need to carry lawyers on a leash to help them thread their way through regulations that make technical distinctions more appropriate to a Tax Code.

Mr. Speaker, this bill makes available rights so mundane in the American democracy that most Americans simply assume them. Not so for District residents, however, the application of the Hatch Act to District employees is a throwback to the prehome rule days when the District had no rights the Congress was bound to respect. The District has few enough of those rights today. But H.R. 20 at least makes the 62,000 Federal employees who reside in the District and the 41,000 District of Columbia government employees—half of whom live in the District—equal to their counterparts.

Mr. Speaker, I strongly urge support of H.R. 20 in the name of the democracy for which this body stands.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just hope that people will stop and think about some of the history that led up to the Hatch Act in the first place. I will share one little bit of that history.

Many years ago, in the late 1960's, I was serving in the Oklahoma State Legislature. At that time it was common practice for all of the employees in some departments, and some employees in many other departments, not only to be forced to work in campaigns, but also give substantial amounts of money to the person who was the elected official at the top of that particular bureaucracy.

Mr. Speaker, I recognize there are some safeguards built in this and this is not as bad as it would have been. It would not allow those abuses. But the fact is we are going back to that time in history when people really did not have the right to exercise their own opinion because they had to exercise their efforts, their money, and their opinion for that individual who was over the bureaucracy for which they worked.

Mr. Speaker, I see this as a step in the wrong direction, and I rise in opposition to it.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, for more than 50 years, Federal employees have been treated differently than all other Americans. They have been treated differently because in 1939, some managers of Federal agencies used their positions to intimidate and coerce Federal employees into participating in partisan politics.

Those days are gone. Then, there were less than a million Federal employees. Now, there are more than 3 million. Then, about 3 out of every 10 Federal employees were hired under a merit system. Now, almost 8 out of 10 are career employees under a well-considered merit personnel system. Then the spoils system dictated entry and progress in the Federal system. Now, open competition and promotion based on merit and seniority determines who gets in and who rises in the Federal system.

Mr. Speaker, there was a time when African-Americans could not fully participate in the electoral process. We changed that. There was a time when women could not vote. We changed that. There was a time when young people could go to war, but they could not go to the polls. And, we changed that. Is it fair in 1993, to say to Federal workers, you are the same as all other Americans insofar as the burdens of citizenship go, but you are different than all others on one of the most important benefits of citizenship?

We don't say that to congressional employees. Forty-one States that have enacted laws similar to H.R. 20 don't tell State government employees that they are different, that they cannot participate. This bill continues the strict prohibition of participation in politics while on the job, while in a Federal Government building, while in uniform and while using a vehicle owned or leased by the Federal Government. We passed this bill overwhelmingly in 1989. It deserves our support once again.

Mr. Speaker, I am most pleased that H.R. 20 enjoys bipartisan support. The chairman of the House Post Office and Civil Service Committee, Mr. CLAY, the ranking minority member, Mr. MYERS, and the other committee members are to be commended for the bipartisan spirit and support this bill enjoys. President Clinton has called upon this Nation to unite to solve our many problems. Let's begin by treating the Federal work force the same as we treat everyone else. The right to participate in the electoral process is a basic right.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I guess I rise more in sadness than anything else at this point. This is a bill which has a lot of support and is a worthy topic for the House to decide, but it is a bill which has not had hearings, and which is the perfect example of how not to do business in a legislative body.

Mr. Speaker, there is no reason this bill has to go through on suspension. Suspension is a technique designed to allow the House, as it says, to suspend the rules and pass something, and is usually used for a very noncontroversial item. It was my hope that this particular bill could either have been marked up in committee and protected people from the Internal Revenue Service, from the Federal Bureau of Investigation, from the Drug Enforcement Agency, from the Border Control, from the Immigration Service, a whole range of areas of legitimate enforcement concern that the gentleman from Virginia [Mr. WOLF] has been working on, none of which have been addressed in this bill correctly; or, in a worse case scenario, that the bill would come to the floor with a rule which would have allowed the House to look at some amendments in order to not have raw enforcement and Internal Revenue Service people in a mixed position where they might well be auditing you at lunch, and then visiting your house in the evening asking for your vote or asking for a political contribution.

I think the bill in its current form is flawed. I think it will come back to haunt us. I think it is a mistake. I just do not understand why it has to be rushed through with 20 minutes debate on each side and with no amendments.

Mr. Speaker, I think this is a terribly bad procedure. I think that it is the worst example of the legislative body working as a petty dictatorship, rather than as a genuine opportunity for all Members to work together. I would urge every Member who wants to change Washington to vote no on this procedure. Even if you are for the Hatch Act, vote no, to allow one of your colleagues to have a chance to offer amendments.

It is truly tragic that in the name of protecting the rights of Federal employees we are going to run over the rights of a Member of this House.

Mr. Speaker, I commend the gentlemen from Virginia [Mr. WOLF] who has done yeoman's work on this and represent probably as many Federal employees as any other single Member of Congress. The gentleman has stood up for a much better bill. I am just very sad to see this procedure.

Mr. Speaker, vote no on suspension, even if you are willing to vote yes on final passage after amendment.

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Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I rise to express my wholehearted support for H.R. 20, to allow increased participation by Federal and postal employees in the electoral process.

I would hope also that we pass this today with a strong majority approximating that of last session. Particularly, I would strongly advise against any developments down the road that would see the need to exclude employees of the DIA, the IRS, or other Federal agencies from basic political participation and civil rights. I think they can be trusted as much as any other Federal employees.

The original Hatch Act was passed over 50 years ago as a remedy to abuses which occurred in the system. Currently, the rules governing Federal and postal employees' participation in political campaigns are complicated, restrictive, and inconsistent. The Hatch Act is long overdue for revision because Federal hiring has changed substantially and most Federal employees are brought into the service through the merit system. The Hatch Act has deprived Federal and postal workers of basic democratic rights.

H.R. 20 is identical to the bill passed by the House in 1989. It is a reasonable and responsible approach to reinstate the basic rights which have been denied Federal and postal employees. H.R. 20 allows Federal and postal employees to participate in political activities during their own free time. No political activities are allowed while on duty or on the job. This bill also contains mechanisms to guard against political coercion. It strengthens the penalties to protect Government employees from intimidation and coercive behavior.

I believe this bill provides a proper balance of restoring basic political rights and ample protection against abuse. I want to commend Chairman CLAY for his leadership and perseverance on behalf of the Federal and postal work force on this important issue. H.R. 20 is vital to Federal and postal employees and I urge my colleagues to support it.

The SPEAKER pro tempore (Mr. MFUME). The Chair wishes to advise Members controlling the debate that the gentleman from Virginia [Mr. WOLF] has 3½ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 5 minutes remaining and reserves the right to close debate.

Mr. WOLF. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the American people should know this is a disgrace.

Your side has corrupted the process by violating the rights of the minority. This is a flawed bill. This bill will cause the politicizing of the Federal work force.

The FEC wants to be exempt. U.S. attorneys ought to be exempt.

The rule of thumb would be whatever is permitted will be what is expected. Federal employees will lose their jobs because of this. Federal employees will lose their promotions.

I want to express my disappointment, but I think perhaps I am talking to a stone wall.

Let me turn to this side, the Republican Members of this House.

If we do not stick together as Republicans, then we will not have any self-respect. Believe me, the Democrat leadership will not respect you for voting for this bill. They will do nothing for us with regard to this bill.

There were three Republican vacancies on the committee when the bill was reported out. They did not care. There were no hearings when the bill was reported out. They did not care. Most Federal employees are opposed to this bill, but they do not care.

The FEC wants to be exempt from the bill, but they do not care. U.S. attorneys should not be permitted to be involved in the political process, but they do not care.

We have had a Hatch Act in effect through Executive order from the days of Thomas Jefferson, but they do not care. We will either hang together or we will hang separately.

So let me say, I am going to forget that side right now. We are going to just forget them. But I say to every Republican Member, if you do not have the courage, and I know there are some of you that are for it and I know that some of you are against it, but if you do not have the courage to vote to defeat this bill whereby a member of the minority can have an opportunity to offer an amendment, then I want to tell you something, we are always going to be in the minority because we will never, never stick together.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I just want to support the gentleman.

Mr. Speaker, today we again find ourselves in the unenviable position of voting on legislation which fixes something that isn't broken. H.R. 20 would reform the 54-year-old Hatch Act, governing political activities on the part of Federal workers, even though there is no real constituency for reform among the workers themselves. The true agitators for reform are the highly partisan Federal employee unions—hardly defenders of political freedom.

The Hatch Act currently protects Federal workers from the type of arm-twisting that was so common in the heyday of the Democrat Party, the 1930's. In the days of President Franklin Roosevelt, when schemes such as packing the Supreme Court were not beneath elected officials, Federal workers were neither immune to political coercion from their superiors, nor below intimidation for similar purposes. For this reason, the Hatch Act prohibits partisan activities among the civil service on behalf of political candidates, without restricting the legitimate rights of Federal workers to contribute to, and privately support political parties, and vote for the candidate of their own choosing.

You might ask, Mr. Speaker, why would anyone wish to change such a fair attempt to cultivate a nonpartisan, and freethinking Federal work force? A look at who supports Hatch Act reform gives us a good idea. Curiously enough, just as with H.R. 2, the motor-voter bill—which I attacked on the floor of this House as an open invitation to fraud in our electoral system—the primary beneficiaries of Hatch reform would be likely supporters of Democrat politics. Taken together with the aims of H.R. 2, some outsider observers of Congress suggest that this hints at an unstated, yet not-too-subtle agenda on the part of the Democrats. This might seem a humorous proposal if it were not such a serious matter.

The Federal employee unions have openly indicated that the key to gaining the right to strike lies in reforming the Hatch Act. Yet they have been frustrated in their attempts over the years by two Republican Presidents and the Supreme Court on three occasions. In 1973, the only Democrat appointee now on the Court, Justice Byron White, wrote in his opinion, "it is in the best interest of the country, indeed essential, that * * * the political influence of Federal employees on others and on the political process should be limited."

The Wall Street Journal recently pointed out that civil servants do not want the Hatch Act weakened. In fact, the restrictions it places on them actually are cited as protections from political arm-twisting, not limitations on their legitimate political activities. Surely the desires of those this bill would affect should be weighed heavily in deciding this issue.

But true to form, Mr. Speaker, we will not have a full and fair consideration of Hatch reform today. The leadership has placed H.R. 20 on the Suspension Calendar, and thus limited our ability to debate or amend any reform proposal. Surely this is too important an issue with which to play politics. I urge my colleagues to defeat H.R. 20 today. If we are willing to reform the Hatch Act for any purpose, we should do so in full consultation with both sides of the aisle, allowing Members to vote on competing perfecting amendments. Mr. Speaker, let us defeat this badly thought-out reform proposal.

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of H.R. 20, the Federal Employees Political Activities Act. This legislation simply clarifies the original Hatch Act to ensure that citizens, regardless of their place of employment, have a fair chance to participate in the democratic process.

For decades, and especially since 1985, the Hatch Act of 1939 has had a chilling effect on the political involvement of the millions of Americans who are Federal and post office employees. I agree that these employees must not use their offices for partisan political purposes. This bill sets forth rigorous guidelines governing precisely what activities Federal employees many engage in, reinforcing the intent of the 1939 act, while allowing them to be reasonably politically active on their own time away from the office. Such a balance is vitally important to achieve if this country is to encourage true and active participation in government.

Mr. Speaker, this is a fair bill; one which passed the House last Congress with the support of over two-thirds of the Members. I urge my colleagues to vote in favor of immediate passage and finally put this issue to rest.

Mr. FORD of Michigan. Mr. Speaker, I rise to support H.R. 20, long overdue legislation that would return to Federal and postal employees the right to participate in the Nation's political process.

This bill is virtually identical to the not coincidentally designated H.R. 20 passed by the 101st Congress nearly 4 years ago. That bill was vetoed by President Bush, and the veto of the bill that emerged from Congress was overridden by the House but narrowly sustained by the Senate. We look forward to sending its successor to President Clinton for his signature.

This bill was reported from the Post Office and Civil Service Committee on a voice vote, with overwhelming support. It enjoyed a similar level of support when I had the honor to chair that committee in 1989. Then, the House passed it on suspension with 297 votes in favor.

For far too long, Federal employees have suffered under the yoke of the Hatch Act, which was written for a different time and under far different circumstances. No longer should those who serve their Federal Government be denied basic rights enjoyed by other Americans.

It is important to understand that H.R. 20 has been developed over succeeding Congresses, mostly under Republican Presidents and now under a Democratic President. It is the product of bipartisan compromise, as I hope this vote will show.

This bill would give Federal workers the right to participate fully in the political process—off the job. They would be able to manage campaigns, solicit contributions, work on phone banks, and run for office. But employees would continue to be prohibited from engaging in partisan political activity while on duty. The bill would not turn the Federal workplace into a political arena. This is a system that has worked well for many States and even for foreign governments.

The bill contains strong, clear, criminal prohibitions of abuses of official influence. It would prohibit employees from intimidating, threatening, commanding, or coercing any Federal employee to engage or not engage in any political activity—voting, making political contributions, working for candidates, or refusing to engage in these activities. It would forbid employees from giving political contributions to their superiors, and forbid superiors from soliciting contributions. In the process, it would sweep away the quilt of 3,000 rulings on the Hatch Act that have been handed down over the years, replacing it with a simple distinction: Activities on and off the job.

I want to emphasize that the bill would establish criminal penalties. Violators would be subject to fines of up to $5,000 or 3 years in prison, or both. The bill also authorizes civil penalties including firing, reduction in grade, debarment from Federal employment for up to 5 years, and fines of up to $1,000.

It is vital in a democracy to have citizen participation. And that should include all citizens, without exception for those who happen to work for Federal agencies. As our democracy does not compel political participation by any group, neither should it forbid it.

Since it was passed in 1939, our country has paid dearly for the Hatch Act. We have denied ourselves the benefit of hearing from thousands of our best informed citizens on issues that come before us.

Opponents of the bill point to the conditions that led to passage of the Hatch Act as a chief reason for continuing its prohibitions. They choose to ignore the changes in Government and the political environment since then.

As lawmakers, it is our duty to ensure that Federal laws fit the times. The Hatch Act was enacted during a period of rapid expansion of the Federal Government, at the end of the Great Depression.

There was justifiable fear that Federal workers could be manipulated by those to whom they felt they owed their jobs. The Hatch Act was created to protect Federal workers from the political system and the system from Federal workers.

Mr. Speaker, this law no longer fits the times. Today, we have a firmly established merit system that protects both employees and the public from political abuses that might result from employee political activities. In 1939, less than a third of the Federal work force was under the merit system. Now the proportion is more than three-fourths.

H.R. 20 has as its primary proposition the belief that Federal employees should be free to engage in any political activity off the job. I am proud to support that proposition and this bill.

Mr. GILCHREST. Mr. Speaker, I rise today in opposition to suspension of the rules and pass H.R. 20, the Federal Employees Political Activities Act of 1993.

Mr. Speaker, my opposition to this is rooted in procedural grounds, not substantive grounds. While I support the merits and intentions of Hatch Act reform, I do not agree with the manner in which it is being considered. Our colleagues, Democrats or Republicans, who wish to debate and amend this significant piece of legislation should be afforded the opportunity to do so, and I believe that the majority of the American people would agree.

I am supportive of this bill's efforts to provide our Federal employees more freedom to participate in our Nation's great political process. Many of the restrictions that are presently placed on them now as a result of this half-century old legislation are vague, unnecessary, and contradictory. Reform is indeed necessary and I believe that this legislation is successful in addressing the need to update this law. This legislation does so without sacrificing the important restrictions that are designed to protect our Federal employees from the realities of political coercion. it is truly unfortunate, however, that we will not be able to give this bill the full consideration that a bill of this magnitude warrants.

This bill will affect a great many of our citizens and I think we owe it to them to fully and freely consider this legislation. It is our responsibility as Congressmen to see that the complete views of our constituencies are represented. To bring this bill to the House floor under suspension of the rules is somewhat complacent of us, I feel, during an otherwise mild legislative week. Consequently, I do not believe that the means by which we are considering the Hatch Act reform bill today is the fairest and most equitable way to treat this worthy legislation. We owe the American people better. We owe the merits of this bill better.

Mr. Speaker, I find it ironic that legislation designed to enhance the democratic process is being considered under a rule designed to restrict the democratic process. I urge my colleagues to vote this down under suspension and reconsider it under a rule which allows full consideration of this legislation.

Mr. LIGHTFOOT. Mr. Speaker, I rise today to express my support for reforming the Hatch Act for Federal employees. This law unfairly restricts certain U.S. citizens from exercising their rights of free speech and free assembly granted under the Constitution. The Hatch Act is contradictory, vague, and outdated.

However, I cannot support H.R. 20 as currently offered, under suspension of the rules. Free and open debate and the offering of amendments in the House of Representatives must be allowed on such an important piece of legislation.

In addition, the Hatch Act must remain in place for employees of the Federal Election Commission, the Internal Revenue Service, and those Federal employees who work for regulatory and enforcement agencies. Imagine having someone appear at your door asking for a political contribution and then finding out shortly thereafter that that person is an IRS official auditing your tax returns. Federal employees in the regulatory and enforcement agencies are able to exert influence over private citizens which other Federal employees simply cannot.

I had been a long time opponent of reforming the Hatch Act. I had been concerned that Federal employees could not be adequately protected against coercion by their bosses and I still believe we must be vigilant about such pressures. However, after speaking to a number of constituents who are Federal employees, I believe their right not to participate will be protected. It is imperative and necessary that Federal employees in the regulatory and enforcement agencies be exempted from this reform.

I believe proper reform of the Hatch Act will allow Federal employees in agencies not involved in regulations or enforcement to actively engage in the political process, to exercise their rights as American citizens while maintaining the integrity and public trust of the civil service.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 20, the Federal Employees Political Activities Act. While we will hear many arguments for and against this bill, I believe the issue before us is very straightforward. Will the U.S. Congress today, extend to a small group of American citizens, the same rights and privileges to participate in the political process that it provides to the rest of the country, and that it demands from other nations throughout the world?

H.R. 20 finally gives Federal employees their full rights as American citizens, while at the same time protecting them and the American public from political coercion. In 1939, when the Hatch Act was first passed, there may have been very good reasons to deny Federal employees full participation in the political process. However, our country and our Federal work force have changed considerably since that time, and there is now no reason to disenfranchise this group of Americans from engaging fully in their constitutional rights.

In fact, this bill is just as notable for the rights it brings to Federal employees, as it is for the prohibitions it places on them. Under H.R. 20, Federal employees may not intimidate, threaten, command, or coerce any other employee in the work force for political purposes. The bill also prohibits the use of official information toward that end, and would impose fines, reductions in grade, suspension, and ultimately removal from the Federal work force for anyone violating this law. H.R. 20 is a tough bill which ensures the impartiality of our Federal work force.

On a personal note, let me also add, that during 26 years of public service in the State of Maryland, I have never heard one complaint from any Maryland State employee about the rights they have to participate fully in the political process. So let us take a step today to guarantee Federal employees the same rights we demand for the rest of our country, and the same rights accorded State employees from States like Maryland and Virginia. The House has overwhelmingly passed this bill on four other occasions, let us settle this issue now.

Mr. LEHMAN. Mr. Speaker, I rise today to express my strong support for H.R. 20, the Federal Employees Political Activities Act. As a cosponsor of this legislation, I believe that Federal employees should be able to enjoy the same rights as all citizens, and be able, if they choose, to freely participate in the political process.

This legislation is long overdue. For over 50 years Federal employees have been prohibited from participating in political activities. The 1939 Hatch Act, well intended as it may have been, is outdated and in need of reform. Times have changed dramatically since 1939. Currently, 78.6 percent of all Federal employees are covered under a merit system that protects them from coercion and political solicitation. This act not only infringes on Federal workers first amendment rights of free speech and association, but it also shuts them out of the political process through which decisions affecting their lives are made. Giving Federal workers the right to participate in partisan politics does not mean the Federal work force will become politicized. It simply means that they will have a voice.

H.R. 20 would restore Federal employees' rights to participate voluntarily, as private citizens, in the political process of this Nation. This legislation would allow Federal workers to run for any elective public office, or work on a campaign, as long as it does not interfere with their job performance and is not on official time. This legislation also protects against any Federal employee using their position for political purposes. H.R. 20 ensures that Federal employees are able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country.

Mr. Speaker, democracy is the principle this country was founded upon. To deny an individual the right of free speech, the right to assemble, and the right to petition the Government for a redress of grievances is to deny an individual his or her most basic fundamental right as a U.S. citizen.

I urge my colleagues to join me today in supporting this critically needed legislation.

Mr. ABERCROMBIE. Mr. Speaker, I rise today on behalf of democracy, and in full support of H.R. 20, the Federal Employees' Political Activities Act of 1993. It is time to stop treating career Federal employees as second class citizens and allow them to fully participate in the political process.

The Hatch Act was passed in 1939 when less than 32 percent of the nearly 1 million Federal employees were protected by the classified merit system. The act was passed to protect the average Federal worker from being coerced into participating in political activities by their political superiors to whom they owe their jobs.

We have come a long way since 1939. Today's Federal work force has nearly 3 million Federal and Postal employees, almost 78 percent of whom are career civil servants and enjoy merit service protection. These career civil servants should be allowed to participate fully in the political process.

Mr. Speaker, the Hatch Act has been in force for over 50 years and is as confusing as it is outdated. H.R. 20 does not repeal the Hatch Act. It does offer sensible reforms which add fairness to the law covering Federal employees. H.R. 20 retains the most essential component of the original Hatch Act—no on the job political activity—while letting our Federal workers participate in political activities on their own time.

Mr. Speaker, the proposition that Federal employees must sit on their hands and not be able to fully participate in the political process like every other American is discriminatory and no longer a legitimate concern. It is time to refine the Hatch Act and I urge the support of H.R. 20.

Mr. VENTO. Mr. Speaker, I rise to express my strong support for the millions of Federal and Postal Service employees who have been denied the full rights of American citizenship. We are long overdue in bringing to an end the discriminatory policy inherent in the Hatch Act, which prevents U.S. Government employees from participating in our Nation's democratic process. Mr. Speaker, we should surely support the Federal Employees' Political Activities Act of 1993, H.R. 20.

While the Hatch Act may originally have served to ensure against abuses in a merit system burdened with growing pains, the political environment we find ourselves in today is dramatically different. Public employees historically needed protection from a political spoils system and harassment, but now we have strong civil service laws and public employee unions which serve to counter the political intrusion that was once so prevalent in Federal employment. There now exists a separate system of merit protection which further shields employees from political pressure of reprisal. Clearly, the Hatch Act has outlived its purpose—and in turn, it has become the instrument of the repression that excludes political participation and the proper exercise of civil rights. The numerous and complex statutes are inappropriate for today. They generate an ambiguous environment for Federal workers, who, as a result, are often intimidated and unable to participate in the political process due to an uncertainty about what is permissible and what is not.

Mr. Speaker, it is essential that we correct this situation. By supporting the legislation before us, we will allow Federal and Postal Service employees full citizenship, to become involved in a supportive role of the political process, as well as permit them to run for elected office or to hold party roles. As we, in Congress, debate how to open up the political process and to involve more qualified candidates, one clear approach is to unlock the door for the millions of Americans currently denied the opportunity to exercise their constitutionally assured political rights. I could not support this approach if I were not convinced that sufficient safeguards do, in fact, exist to guarantee a nonpoliticized Federal work force. Public workers should not arbitrarily be prevented today from taking part in the self-governance of our Nation. We need their talents and insights that have special value in today's political environment.

Mr. Speaker, H.R. 20 is the proper vehicle to bring our current law up to date. The wisdom of this legislation has been substantiated in the past, when similar bills were passed by substantial majorities but vetoed by a President more concerned with the political tilt than safeguarding the legitimate rights of the national work force. Fortunately, we have another opportunity today to make a positive difference. The legislation before us deserves all of our support. It is essential that we who represent the final product of America's democratic political process recognize not only the need, but the essential right and obligation of all citizens to participate in that process. I urge my colleagues to vote for passage of H.R. 20.

Mr. HILLIARD. Mr. Speaker, I rise today in support of H.R. 20, the Federal Employees Political Activities Act of 1993. This bill will amend title 5 of the United States Code to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation. H.R. 20 would overturn the Hatch Act of 1939, which prohibits employees of the executive branch and the U.S. Postal Service from engaging in partisan political activity on their own time. Specifically, these employees would be permitted to run for partisan political office, without taking a leave of absence, provided it does not interfere with the performance of their duties. Employees would also be able to manage political campaigns and raise campaign funds during off-duty hours.

The Hatch Act as we know it, is a relic of the past and serves only to keep Americans from freely participating in the political process. We as Representatives, should take the initiative to remove all barriers that prohibit citizens from involvement in the electoral process.

Again, I ask that you join me, along with 260 of my colleagues in the expeditious passage of this most important legislation.

Mr. KOPETSKI. Mr. Speaker, I rise today to voice my strong support for H.R. 20, legislation amending the Hatch Act to allow Federal employees the right to participate in political activity on their own time.

Mr. Speaker, one of the most troubling aspects of American politics today, is the low level of involvement by our citizens in the political process. We recently passed a motor-voter bill to improve voter registration. I am very pleased that we are taking another step in this direction by passing H.R. 20.

Mr. Speaker, Federal employees have been unjustly restricted in their activities under the Hatch Act. I do not believe that civil servants should be forced to give up political activity, on their own time, merely because they work for the Federal Government. We need to encourage both political activity and public service; hampering political involvement by those who work for the public is clearly going in the wrong direction.

Mr. Speaker, there are good reasons why the Hatch Act was passed. The bill before us today, does not lose sight of these reasons. It contains numerous provisions to ensure that political abuse of public office does not happen. I support these provisions as well, as they are a very important safeguard. We are not considering Hatch Act repeal, we are considering Hatch Act reform.

Mr. Speaker, this bill was voted on twice before I got here. I wish it had been enacted then, but I will settle for now. I urge my colleagues to join me in voting to give full political rights to Federal employees by voting for H.R. 20.

Mr. FAZIO. Mr. Speaker, I rise today in strong support of H.R. 20, the Federal Employees' Political Activities Act. This issue has been debated repeatedly over the past several years, but the bottom line is simply this: it is time for us to stop treating our Federal employees like second-class citizens.

As everyone in this Chamber knows, Federal employees are currently denied certain rights that every other citizen of the United States enjoys—namely, the right to participate fully in our electoral process. H.R. 20 would lift prohibitions on Federal employees' political participation that were imposed over 50 years ago with enactment of the Hatch Act. The bill restores their rights to partake voluntarily, without fear or coercion, as private citizens in the political process of this Nation.

However, at the same time, this legislation fully recognizes the need to maintain a professional, nonpartisan Federal work force. H.R. 20 strictly prohibits Federal employees from undertaking political activities while on the job. Moreover, this bill would impose fines and prison sentences on supervisors and coworkers who attempt to coerce an employee into making political contributions or performing political activities. The fines would be up to a maximum of $5,000 and the prison term could be as much as 3 years.

Mr. Speaker, we now have the opportunity to right the fundamental wrongs imposed by the Hatch Act. I have been proud to be a longtime supporter of Hatch Act reform legislation and I am proud to cast my vote today to correct this injustice. I urge my colleagues to join me in restoring full-fledged citizenship status to our Nation's Federal employees.

Mr. LAZIO. Mr. Speaker, I cannot in good conscience support H.R. 20, the Federal Employees' Political Activities Act of 1993. While I agree in principle with the spirit of Hatch Act reform, I must vote to preserve the integrity of our democratic processes.

If this were a perfect world, Federal employees would be accorded the political privileges belonging to the rest of society. However, the nature of certain Federal jobs in the real world and the lessons of history demand such privileges be balanced with the personal rights of coworkers and others.

Our political process cannot afford the presence, inferred or actual, of the undue influence that comes with Federal jobs having significant investigatory powers. The very character of these valuable and important careers necessarily precludes their direct participation in campaigns and elections. A coworker or neighbor must never fear the use of information available to Federal officials as barter for their political allegiance.

Furthermore, we should take a cue from opponents directly affected by this legislation. Employees of the Federal Elections Commission have asked to be exempted from this legislation recognizing for themselves the potential and damaging conflicts of interest which might arise were the Hatch Act summarily repealed.

But, perhaps, what is most disturbing in the consideration of H.R. 20 is the imposition of a closed rule which, in this case, prevents the House from working its will in the best democratic fashion. The majority's refusal to allow the consideration of amendments to H.R. 20 impedes our ability to secure political privileges for the greatest possible number of citizens.

Mr. SMITH of New Jersey. Mr. Speaker, as you may be aware, I have been an early and consistent supporter of Hatch Act reform. Since 1981, I have cosponsored several bills and voted in favor of liberating Federal employees from outdated regulations barring them from participating in our political process.

H.R. 20, in my view, is a fair approach to balancing the rights of the 3 million Americans currently working for the Federal Government and the need for all Americans to be served by a Federal Government that is nonpartisan and impartial. Provisions in the legislation safeguard against any political coercion and continue the prohibition against political activity while an employee is on duty.

For these reasons, I was proud to lend my name as a cosponsor to H.R. 20 when it was introduced earlier this year.

It is regrettable then, Mr. Speaker, that today the leadership is trying to use this meritorious piece of legislation to justify perverting the democratic process and bringing the bill up under suspension of the rules. Legislation, Mr. Speaker, should not be brought before this Chamber without permitting discussion, debate and deliberation. Free and fair debate is the democratic way. It is what the people rightfully expect from their Congress.

The amendments that were disallowed with regards to this particular bill deserve to be heard. For example, Mr. Speaker, one amendment which would exclude employees of the Federal Election Commission—the agency which polices nationwide elections—from Hatch Act reform deserves enactment. Here is a clear case of conflict of interest and the leadership will not even let the case be heard. This amendment, and others that I may not support, should be argued on their merits, and the full House should decide which amendments to enact and which to discard.

And I am not referring solely to this legislation, Mr. Speaker. During the past few Congresses, open rules have become increasingly more rare. Free and open debate in the "People's Chamber" is needed and expected. Whether one supports, as I do, or opposes Hatch Act reform, it is imperative that debate occur.

Mr. Speaker, anyone who has followed this issue knows that I am not voting against Hatch Act reform. My record shows that I have consistently supported Federal employees on issues of fairness. H.R. 20 would allow Federal employees to fully and fairly participate in the political process. Let us allow the House of Representatives to fully participate in the democratic process. Bring this bill back under an open rule.

Mr. EVANS. Mr. Speaker, I want to take this opportunity to indicate my full support for H.R. 20, the Federal Employees' Political Activities Act. Unfortunately, I was unable to register my vote on the bill due to illness. If I had been able to attend today's session, I would have voted for the bill.

I have long supported the legislation's goal of ensuring that political employees enjoy their rights guaranteed under the first amendment. The Hatch Act was originally enacted to prevent the abuse of Federal employment to attain political power. Unfortunately, it has more often than not restricted legitimate political activities that Federal employees should enjoy as citizens.

The Federal Employees' Political Activities Act will go far in reestablishing these basic rights for our Nation's 3 million postal and Federal employees. I am proud to be a sponsor of the legislation and look forward to its enactment.

Mr. STOKES. Mr. Speaker, I rise today in strong support of H.R. 20, the Federal Employees' Political Activities Act. As a cosponsor of H.R. 20, I strongly urge all my colleagues to support this bipartisan bill, which will restore to 3 million Americans one of the most basic rights of an American citizen; the right to participate in the political process. I also want to take this opportunity to express my thanks to my good friend, the gentleman from Missouri, BILL CLAY, who has fought for many years to enact this legislation.

The Hatch Act of 1939 bars most Federal executive branch employees and U.S. Postal Service employees from taking an active part in partisan political activities. Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act. These rulings are extremely complex and confusing. Government employees are permitted to participate in voter registration drives, for example, but only if they are nonpartisan. Government employees may attend political conventions. However, they are not permitted to speak at the convention. The list of confusing dictates and rulings under the Hatch Act goes on and on. The Hatch Act even regulates the size of a political sign a Government employee may put in their front yard.

The Hatch Act is in dire need of revision and clarification. H.R. 20 will strengthen the protections against abuse of official authority, establish clearer guidelines for Federal employee conduct, and most importantly, allows Federal employees the same rights of any other American to participate in any lawful political activity off-duty, and on their own time. H.R. 20 imposes stronger enforcement provisions on illegal political activity than under current law, including criminal penalties of 3 years in prison, a fine of up to $5,000, or both, for knowingly attempting to coerce any Federal employee to engage in, or not to engage in, any political activity.

The Federal Employees Political Activities Act ensures that Federal and postal employees shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or National. It better protects Federal and postal employees from coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. I urge all my colleagues, both Democratic and Republican, to join in passing this legislation, and allow 3 million Americans the freedom to participate in politics as any other American citizen.

Mrs. VUCANOVICH. Mr. Speaker, last week we voted on a very important measure to reform the Hatch Act. Unfortunately, even though I support Hatch Act reform, I was forced to vote against the measure because of shenanigans played by the House Rules Committee.

Amazing as it seems, this bill was brought to the floor without any discussion this year and no chance to amend the bill. While this legislation has passed on the noncontroversial suspension calendar in prior years, this year we have 110 new Members who have not had a chance to discuss the provisions of the legislation or even offer suggestions to improve the bill.

By a strong vote by the House, this bill was not approved on the suspension calendar. I am hopeful that the bill will be brought back to the floor soon for full discussion on possible amendments to improve the bill.

Indeed, there are improvements to be made to the bill. We must strengthen provisions in the bill to protect our Federal workers from possible coercion and we must protect the integrity of Federal agencies and their goals. I am supportive of changing the Hatch Act to return to Federal employees their right to free speech and association and offer them a chance to change their own lives through participation in the electoral process. I look forward to supporting the Hatch Act Reform Act when it returns to the House floor for a full and fair discussion.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in support of this legislation. I am proud to be a cosponsor of this legislation with my friend, the gentleman from St. Louis, MO, BILL CLAY, and I want to commend him and others on the committee who have worked so long to make this change in the law, which is long overdue.

I believe the bill strikes a balance between political freedom for individual Federal employees and a Federal workplace which is free of political coercion.

I want to say to Members that substantially this bill was presented to the House November 17, 1987, and was voted up by the Members of this House by a vote of 305 to 112. The same bill was voted on again on April 17, 1989, and again was passed by a vote of 297 to 90.

I think maybe the only difference today is that there is a Democratic President. And if the bill is finally passed, it will be signed. And, therefore, I think we should think of this bill in terms of its longtime work that has gone on by the committees and by the House to put this bill together and to put its safeguards together.

The Hatch Act treats Federal employees as if they are second-class citizens. The Hatch Act discourages Federal employees from engaging in lawful political activity. And it strengthens protection against the abuse of official authority. It imposes stronger restrictions on the abuse of official authority than current law. It sets out specifically prohibitions against misuse of offical authority, misuse of official information, political payoffs, contributions to superiors, solicitations from Government contractors, regulated industries, and anyone else who has business with an employee's agency.

Any on-the-job political activities are prohibited. It prohibits any use of taxpayer money for partisan political purposes. It establishes clearer guidelines than we have today on what Federal employees may and may not do. But it extends to Federal employees the most basic right of American citizenship, and that is the right to be involved in political activity.

It is a long overdue reform. It is something this House has worked on for years. We have had other votes, as I said, where it passed by 305 votes on one occasion, 297 votes on another occasion.

I think it is time, finally, to make this reform. I think it stands in the clearest tradition of our country and our Constitution, and I urge Members to vote for this legislation and to finally make this part of the law of the United States of America.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, would the majority leader tell me if what I heard is true, that his side will roll this vote and we will not vote on this bill today?

Mr. GEPHARDT. Mr. Speaker, that may be a decision that will be made.

Mr. WOLF. Mr. Speaker, if the gentleman will continue to yield, why would the majority leader do that? The Members who have taken time to come here to participate in this debate, is it because the gentleman does not have the votes? Why would he roll the bill?

Mr. GEPHARDT. Mr. Speaker, that is a decision that may be made. It is something that perhaps should be done.

We have a number of Members, as the gentleman knows, who are unable to get here today because of weather conditions and who would like to be recorded on this vote. Many of them may vote the way the gentleman would like them to vote, and it may be to his advantage that we wait for them. But we felt it might be more important to have them come.

□1420

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 20, as amended.

The question was taken; and on a division (demanded by Mr. WOLF) there were—ayes 10, noes 16.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair annouces that pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until tomorrow.

The point of no quorum is withdrawn.

### PARLIAMENTARY INQUIRY

Mr. WOLF. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WOLF. I would ask the Chair if he could tell me why the vote was postponed.

The SPEAKER pro tempore. The Chair reserves the right to postpone the vote and has made a determination to do so.

Mr. WOLF. I thank the Chair.

## MOTION TO ADJOURN

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. WALKER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 143, nays 254, not voting 33, as follows:

[Roll No. 37]

YEAS—143

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter

Bilirakis
Bliley
Blute
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stump
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—254

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Grams
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Quillen
Ravenel
Reed
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—33

Ackerman
Barton
Bevill
Clyburn
Evans
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Gutierrez
Henry
Hilliard
Jefferson
LaFalce
Long
McDade
Olver
Owens
Price (NC)
Rahall
Rangel
Reynolds
Richardson
Schroeder
Schumer
Solomon
Towns
Valentine
Velazquez
Waters
Whitten
Yates
Young (FL)

□ 1443

Messrs. WYDEN, KLEIN, BILBRAY, STARK, and SUNDQUIST changed their vote from "yea" to "nay."

Mr. GILCHREST changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## EXTENSIONS OF REMARKS

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the following Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks":

Mr. LANTOS.
Mr. MCNULTY.
Mr. PENNY.
Mr. BEILENSON.
Mr. TORRES.
Mr. JACOBS.
Mr. MANTON.
Mr. FOGLIETTA in three instances.
Ms. DANNER.
Mr. TOWNS in six instances.
Mr. WAXMAN in two instances.
Mr. TORRICELLI.
Mr. MONTGOMERY.
Mr. VENTO.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so in order to make an inquiry of the Chair.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WALKER. Mr. Speaker, my understanding of the rule that was used to postpone the vote on the bill previous was that that particular announcement is to be made prior to the consideration of the bill and is not to come later rather than earlier.

In this particular case, the minority was not informed of that particular decision until just before the Chair ruled.

Is it not true that the normal process in the House is to announce when votes are going to be rolled at the beginning of the suspension day rather than just prior to the vote?

The SPEAKER pro tempore. The gentleman will be advised that advance announcement is only a courtesy by the Chair, but that the Chair reserves the right under the rule to make that ruling on the motion at any time once the question is put.

Mr. WALKER. The question here is one of courtesy, not of rules?

The SPEAKER pro tempore. The gentleman is correct in part. It has been, and will continue to be at times, a courtesy of the Chair to do that, but the courtesy is not mandatory. The Chair reserves the right under the rule to make that ruling.

Mr. WALKER. In this particular instance, the courtesy was not extended to the minority to brief them in advance?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I missed rollcall No. 37, motion to adjourn. Had I been present, I would have voted "nay."

## HOUSE SHOULD BE PERMITTED TO AMEND FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have probably as many Federal employees in my congressional district as perhaps anybody in Congress and have a record of a being a strong champion for Federal employees.

I personally believe that this bill will politicize the Federal work force. What is permitted will be expected. But aside from that, some may be for the bill and some may be against the bill, but you ought at least to let it come up whereby we can offer amendments.

The Members, particularly the new Members, should take a look at the letter from the FEC that asks to be exempted. The FEC said:

The members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by Federal workers. We would respectfully request that an exception be drawn.

This does not permit that to take place.

Also, U.S. attorneys who investigate people are not to be permitted to be involved in the political process.

Mr. Speaker, you may be for the bill, you may be against the bill, but you certainly ought to vote "no" whereby we could offer amendments when the bill comes up later today, so I strongly ask that we vote "no" when the bill comes up later today.

Mr. Speaker, I include the letter from the Federal Election Commission, and from Common Cause, as follows:

FEDERAL ELECTION COMMISSION,
*Washington, DC, February 18, 1993.*
Hon. FRANK WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: This is in response to your recent telephone inquiry to Tina VanBrakle, Congressional Affairs Officer of the Federal Election Commission, regarding upcoming deliberations with respect to amendments of the Hatch Act. The members of the Federal Election Commission wish to express to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for employees of the Federal Election Commission in any legislation intended to liberalize or relax the rules prohibiting federal employees' participation in political campaigns outside the workplace.

Congress established the Commission as a bipartisan body to administer and enforce federal election laws free of partisan or political considerations. Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a nonpartisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.

The members of the Commission certainly have no objections to those provisions of the act meant to strengthen restrictions upon "on the job" behavior related to political activity. In fact, the FEC's own rules and regulations regarding political activity on the job go beyond those currently imposed by the Hatch Act. Furthermore, we wish to express no opinion as to the appropriateness of the proposed legislation as it may be applied to and impact upon the federal workforce generally.

We hope, however, you will appreciate our strong reservations about those aspects of the legislation that would, absent a special exception, lift the restrictions upon political activity "off the job" by employees of the Commission. We ask your assistance so that our agency will be able to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

Sincerely,
SCOTT E. THOMAS,
*Chairman.*

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COMMON CAUSE,
*Washington, DC, February 19, 1993.*

DEAR REPRESENTATIVE: The House of Representatives is scheduled next week to consider legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose this legislation.

H.R. 20, which seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opens the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

H.R. 20 will repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to actively participate in partisan political activity. It would permit federal workers to run as candidates in partisan elections, to serve as officers of a political party, to raise partisan campaign contributions, manage campaigns, and to administer political action committees (PACs). The only restraint is that the partisan activity would have to occur in off-hours.

Repeal of the Hatch Act's basic protections, as proposed in H.R. 20, will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in certain political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the House to instead explore this possibility.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service."

Common Cause strongly believes this important integrity-in-government measure should not be repealed. We urge you to oppose H.R. 20 and other proposals that would repeal necessary prohibitions on partisan political activity by federal employees.

Sincerely,
FRED WERTHEIMER,
*President.*

□ 1450

## NAS MERIDIAN HELPING LOCAL LAW ENFORCEMENT COMBAT DRUG INTERDICTION PROBLEM IN GULF STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the news of a cooperative effort between the U.S. Navy and the Mississippi National Guard that is already reaping benefits in efforts to combat the flow of illegal drugs into the States along the Gulf of Mexico.

As part of the Gulf States Initiative, a regional counterdrug training center was created to serve local law enforcement officials in Mississippi, Louisiana, and Alabama. The school is located at Meridian's Naval Air Station in my congressional district. NAS Meridian has provided the facilities for this school and housing for law enforcement personnel from within the three-State area who attend the training center.

The school is run by the Mississippi National Guard and offers a program of instruction on new investigative procedures, sharing of information about drug-related activities in the region as well as a look at new technology being developed to fight the drug war.

The program is certainly providing a boost to law enforcement officials in the three-State region. It also provides NAS Meridian with another important mission. This partnership is already a success and we expect even greater things in the future. It could develop into a very valuable tool in our combined military-civilian efforts to disrupt and reduce the flow of illegal drugs into the Southern United States.

NAS Meridian and the Mississippi National Guard deserve credit for working so closely together to get the project off to such a good start.

## BUDGET PROPOSALS ARE FULL OF SMOKE AND MIRRORS AND TAX INCREASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, earlier today, during a 1 minute, I mentioned that the Clinton budget proposals were full of smoke and mirrors and a lot of tax increases, and that is not yet readily apparent. I also said, in answer to one of my colleagues who said that the Clinton agenda was on track, that when the American people find out what is in his proposal and really understand them, they not only will not be on track, all the tires will go flat.

Let me just give you some figures that the American people ought to be aware of but they are not; but they will be because my colleagues are working with the Republican study committee to make it our primary objective to illuminate this issue.

President Clinton said that he was not going to tax the middle class, during his campaign. Yet we now find out that he is taxing down to the $30,000 level.

He said that the taxes would not be levied on the people in the middle-income group and he was going to only raise taxes on those making above $200,000 and he was going to use that money to reduce taxes on the middle class because he thought that the wealthiest people in this country ought to do more and pay their fair share.

Well, now that he is elected, we have found out that the taxes are going to be levied on everybody, everybody. There is going to be approximately an 8-cent-per-gallon tax increase on gasoline, plus 2½ cents gas tax that we currently had that was supposed to expire this year, and is going to be extended. So that means that every family, every family in this country who drives a car is going to be paying about 10½ cents more per gallon than they anticipated.

There is also this Btu tax that is going to hit everybody in this country. That Btu tax, according to Mr. Schlesinger, who worked in the Carter administration on energy, is going to hit every family in this country to the tune of about $500. That is a $500 tax increase on everybody whether they are low income, middle income, or upper income.

In addition to that, we have industries that are going to be hit very hard with this Btu tax.

You talk to the trucking industry, you talk to any industry that transport goods across this country, and you will find that their costs are going to go up. Now, if the trucking industry costs go up 8 cents per gallon on their fuel, you can bet that the products they haul are going to go up as well. That means that is going to be passed on to the consumer in the form of higher prices.

We have talked to airline executives who tell us that the Btu tax is going to amount to 7-cents-per-gallon increase on jet fuel. That means that all of those companies that have airplanes that are traveling around this country, particularly the commercial airlines on which we all rely, are going to have an enormous increase in the cost of jet fuel. Many of them told us that they might go bankrupt. They are operating right on the margin right now, and it is going to cost a lot of jobs.

This tax increase, according to the Wall Street Journal this week, will amount to a loss of 250,000 jobs next year, and yet he tells us that it is going to be a positive, it is going to help get the country moving in the right direction.

One of the things that needs to be pointed out, and I pointed it out with my colleague, the gentleman from Pennsylvania [Mr. WALKER] last week, is that in footnote No. 4 in the budget that he is going to submit, in the State of the Union Speech that he talked about footnote No. 4, will put people into higher income categories, not for taxing purposes but for the purpose of letting the people of this country know what income levels are being hit the hardest.

The way they are doing that is they are going to, for informational purposes and actuarial purposes, they are adding things such as rental value of your house to your income, when you park your car, the parking fees added to your income, the amount that you might be accruing in a retirement plan to your income on an hourly basis.

Let us say that a person who is now making $28,000 a year, for actuarial purposes, according to these tax figures that the President is putting out, for actuarial figures they may be in the $35,000 income bracket. They are going to be taxed, their income is going to be taxed, not at the higher rate, but their taxes are going to be in that higher bracket. They are going to be taxed, even though he says that anybody below $30,000 is not going to be taxed. When you add these other things in for actuarial purposes, they will be in that upper-income bracket.

You talk about the people that will not be taxed until they have income over $100,000. According to footnote No. 4, you will be adding in the rental value of their house, increased parking, not to be taxed—those benefits will not be taxed—but that will, actuarially, put them into a higher income tax level.

And so when they say that they are below the $100,000, they may be making only $95,000, look out, because you may be getting hit harder in taxes than you anticipate.

Now, that is not all.

Let me get into some specifics that the Republican study committee studied over the weekend. I had some of my people who are on the study committee who worked Friday, Saturday, Sunday, and last night to get these figures for the American people and for my colleagues.

The tax increases are $325 billion, the largest tax increase in American history. The largest before was around $182 billion, $183 billion, and that was with the 1992 budget summit agreement, and that put this country into a steep economic recession.

You can imagine what a $325 billion tax increase is going to do. But President Clinton says that that is going to be offset by spending cuts, there are going to be substantial spending cuts. But according to the figures that we have come up with, if you take out defense cuts, which were going to occur anyhow, you end up with an increase, not a decrease in spending, but an increase in nondefense spending of $46 billion.

So we are going to have a tax increase of $325 billion, and we are not going to get the domestic spending cuts he is talking about, because when you take out the other things that he is calling spending cuts that are really smoke and mirrors, we end up with a $46 billion spending increase.

Let me give you some figures here that I think you will find very interesting. There are going to be 70 discretionary program changes over the next 5 years, and in that 70 discretionary program figure there are 9 additional user fees or tax increases, totaling over $3.9 billion over 5 years. There is going to be an increase in interest rates on REA loans, a new agriculture user fee, meat and poultry inspection fees, decommissioning and decontamination fees—whatever that is—an FDA user fee, a Bureau of Alcohol, Tobacco and Firearms fee, a Securities and Exchange registration fee increase.

They are going to require 25- to 30-percent State-matched programs that they did not have before. They are going to increase private sector fundings for Superfund.

□ 1500

All of these are additional costs that are going to be added on to the backs of the taxpayers over the next 5 years that were not enumerated in the President's budget speech when he spoke to the Nation.

Now, we also have what is called smoke and mirrors. These are slight-of-hand tricks, in our opinion, that really are not spending cuts, but you cut here and you add here and you end up with no cut or reduction whatsoever. It is a reduction in one area and an increase someplace else, so it looks like you are cutting spending when in fact you are not.

Here are a few of the smoke and mirrors. The waste water treatment grants. They are cutting that down and they are putting it someplace else in the budget.

The freeze on the Appalachian Regulatory Committee.

The reforms on the crime initiative.

They are going to terminate the TVA Fertilizer Community Development Program, but that is going to be put back in another area.

They are going to eliminate the cooperative State research grants, but it will be put back in another area.

They are going to cut the White House staff and I guess the staff of the drug czar. That will be reinserted someplace else.

They said they are going to cut 100,000 Federal employees, but many of those Federal employees were assignees who are going to be sent back to their agencies, so there really will not be that major of a cut.

There are additional other administrative savings that they are taking out of the administration and putting it into another fund.

Streamlining government. That is a very nebulous thing. They are taking money that they say they are going to use to streamline government and inserting it into another area of the budget.

Now, here are some of the new taxes that we are talking about. These are mandatory taxes that they are talking about.

Now, we define a tax increase if it is not a spending cut, it is an increase in taxes or revenues or a user fee or some other collection, but the bottom line is that it is being taken out of the pockets of the American people.

They are going to reform the PMA. This is a fee increase.

The waterway user fee is being increased.

The grazing fees are being increased in two or three different areas.

The water surcharge fee is being increased.

Recreation fees are being increased in the Corps of Engineers, in Interior, and Agriculture.

Mining fees are being increased.

Mining royalty fees are being increased.

Harbor fees are being increased.

Mineral receipts fees are being increased.

There is an increase in the assessment on nonprogram crops in the Agriculture Department.

They are going to assess an additional FDIC fee.

CFTC fees are being increased.

SEC, Securities and Exchange Commission fees are being increased.

Patent and trademark fees are being increased.

Aviation and regulation fees are being increased.

Tonnage fees are being increased.

Postal liability and FEHB fees are being increased.

State SSI fees are being increased.

Customs fees are being increased.

Auction FSCC Spectrum is being increased.

Postal retirement COLA liabilities.

The State's share of default cost, whatever that is, is being increased.

Restore the GI bill 1.9-percent contribution ratio, that is going up.

Implement housing down payments.

Set the housing fees at 2 percent. That is higher than they are now. I think it is 1 percent.

Medical cost recovery is going up.

Extend the drug charge copayment, that is increasing.

Then I notice another smoke and mirror I left out is shortening the debt maturity and putting hospitals on a calendar year. That does not do anything, but on paper it looks like they are cutting spending.

Another tax increase is increasing the IRS enforcement. What that means simply is that they are going to have more IRS officers going out trying to collect taxes that are not currently at least being collected, or at least they do not think are being collected, and that is a very nebulous thing. They may or may not get the funds that they anticipate getting, but nevertheless that is an increase.

They are going to tighten the Medicaid estate rules.

Medicare secondary payer reform is an increase.

Extend secondary payer for the disabled. That is an increase.

Extend MPS for in-stage renal, that is an increase.

Enhance third-party liability, that is an increase.

Medicare part B premiums up, that is an increase.

Medicaid matching rates for welfare, that is going up.

Social Security benefits tax, that is going up.

Strengthen the child support enforcement, that is going up and matching the rate for welfare.

These are a very few of the increases that all of us are going to have to deal with, and yet we are told that there is going to be a dramatic cut in spending.

Let me give you some figures to end up with that I think are extremely important. First of all, there are going to be tax increases totaling $325 billion. The tax cuts they talked about originally were about, oh, I cannot remember how many billions it was, but well over $100 billion. Now it is down to $53 billion, so the net tax increases will be about $272 billion; but then you add in the hidden taxes that I just talked about and you are talking about another $74 billion.

Add those together, that is $323 billion in new taxes, and the net spending cuts that we are talking about are about $31 billion, including defense, and defense is being cut by $112 billion.

So you see there is going to be a dramatic increase in spending at a time when they tell us they are cutting spending and that they are doing that because they are raising taxes, they can cut spending and get the budget well on the way to being balanced.

When Ronald Reagan in 1982 talked about tax increases, they talked about $3 in spending cuts for every $1 dollar in new taxes.

In 1990 in the budget Senate agreement when George Bush signed on to the Democrat proposal, he said there would be $2 in spending cuts for every $1 in new taxes. According to our figures, there is going to be about $10 in spending increases, or $10 in new taxes for every $1 in spending cuts and all of those spending cuts are coming out of the defense budget cuts that were going to take place anyhow.

Mr. Speaker, this economic package as proposed by President Clinton is a recipe for economic disaster. I know across the country the polling that we saw on television right after the President spoke was very positive, and I want to tell you, I have to give him credit. It was one of the best presented speeches I have ever heard on the floor of the House. He is a great speaker and he speaks in such a way as to convince the American people that we are all in this together and we have to be concerned about what it does to all of us and not just what it does to me. Those are great platitudes and great things to say in a speech, but the fact of the matter is once you start analyzing this, you see major tax increases and almost no spending cuts. In fact, outside of defense spending cuts, there is actually a spending increase, as I said, to the tune of $46 billion. That is not going to solve our economic problems.

We right now have a $4 trillion national debt. The deficit has been running, depending on who you talk to, between $350 and $400 billion a year. That debt if we continue on the plane we are on will lead to a minimum, an obsolute minimum national debt by the year 1998, 1999, and the year 2000 of about $8 trillion. Many people believe that the national debt by the year 2000 will be about $13½ trillion.

Now get this. The interest alone on a $13½ trillion debt will be approximately $1.2 trillion.

Do you know how much we brought in in taxes this year? It was $1.1 trillion.

The interest alone on the debt if we continue spending like we are and we do not cut the spending side will be so high that we will not even be able to pay the interest on the debt, let alone take care of Social Security, defense, the infrastructure of this country, and other things.

So what we have to be doing as a government is attacking the spending side of government.

Last week many of us were wearing buttons around this Chamber that said, "It's the spending, stupid."

It is not tax increases we need. It is getting control of the growth of government.

Let me give you another figure or two that might boggle your mind. Ten years ago we brought in $500 billion in tax revenues. Today we bring in about $1.1 trillion in tax revenues, well more than double, and yet the deficit continue to grow at about a $350 or $400 billion a year rate.

Why is that? We have more than double the tax revenues in the last 10 years. Why are we still going into the red $450 billion a year?

The reason is we keep adding spending program after spending program. We do not contain or limit the growth in our entitlements. We add pork barrel project after pork barrel project.

And so what do they do? Well, in 1990 in the budget summit agreement they went to you, my colleagues, and all the American taxpayers and said, "Look, the way to solve the deficit problem is to increase your taxes by $182 billion, and if we do that we will really get control of this deficit."

So what happened? We raised your taxes by $182 billion. We put the country into a recession, increased unemployment, and for each 1 percent of unemployment it costs a $42 billion drain on the Treasury. And what happened? We did not reduce the deficit.

So what is the answer this time?

□ 1510

Cut spending like you think we ought to? Most people would say, "Go in there and start cutting spending."

I say, "In your budget at home, if you spend more than you take in, and you don't get an increase in your wages, what do you do? You have to pare back, but what are we doing again, ladies and gentlemen? We're coming back to you this year, and we're not going to raise your taxes by $182 billion. We're going to raise your taxes by $323 billion, almost 75 percent higher than the largest tax increase in U.S. history, and yet they tell you that's the answer to getting control of the deficit."

I submit to my colleagues that I cannot in good conscience, and I do not believe that most of my colleagues on the Republican side in good conscience, can vote for a massive tax increase without corresponding spending cuts, and these spending cuts, as I mentioned a moment ago, are primarily smoke and mirrors. They are not really spending cuts. In fact, as I said again, "You take out defense spending cuts, which were going to happen anyhow, and you end up with a $46 billion increase in domestic spending." That is not going to solve our economic problems. It is only going to exacerbate the situation.

And I will make a prediction here and now. If the Clinton package is passed as presented by the President, we will see a loss of hundreds and thousands of jobs. The Wall Street Journal again said today that his program next year will probably cost 250,000 jobs. That is just a beginning. We are going to go into a deeper recession, and it is going to cause severe economic problems.

But that ain't all, folks. Al Jolson used to get down on one knee after he brought the house down, and he would say, "You ain't seen nothing yet." Later this year they are going to come back, around May or June, and they are going to ask for a major tax increase for health problems, for a new health care system, and the minimum estimate is another $90 billion tax increase on top of the $320-some billion I am talking about right now.

And then the President the other night on television started talking about a national sales tax or a consumption tax. He said, "Well, that's something that we've been talking about."

So, we got this tax, the largest in history by almost double, and we have got another $90 billion minimum coming back on health insurance, and I see some people who smile when I say this because they cannot believe it, but I am going to tell my colleagues that they better believe it because that is going to happen unless we, the American people, start writing our Congressmen and Senators and telling them:

"We don't want more taxes. We want you to get down to business in cutting the growth of government and cutting spending, and it can be done."

If we cut the growth of spending to no more than 1 percent, we would make a big dent. If we froze spending at current levels, we would make a bigger dent. And that is not making cuts. Sure, we would all feel a pinch. The President said we are all in this thing together, and we have got to feel the pinch together, and the Americans believe that we have got to feel the pinch together, but the pinch does not mean they have to take more money out of our collective pockets. What it means, in my view, is that we can cut spending and some of the programs that we have have a little toe-pinching.

We need a lot of things. We need welfare reform, we need to cut some defense spending, we need to consolidate in procurement, some things, but we simply do not need more taxes. If we take $323 billion now out of your pockets, business, industry, and individuals across this country, and remember everybody is going to get hit from the welfare recipient to the millionaire, we are all going to get hit with a tax increase; if we in this country are willing to take a little pain with these programs, we can do it without these tax increases.

I cannot remember the growth rate, the rate of decline from the last tax increase; I lost my train of thought there for just a minute, so my colleagues have to forgive me. The bottom line is, my colleagues, that we should scrutinize the Clinton proposals very, very closely because the future of our children is at risk. I say to my colleagues, "You know you and I have had a pretty good life because we grew up in a free enterprise system where you could start with virtually nothing and make something out of yourself, and that was because we had a system where you could start with nothing, except maybe a good education, and a lot of incentive and a never-give-up attitude of making something out of yourself, but, if we saddle the next generation with the kind of economic problems that I believe we're going to saddle them with, they won't be able to achieve the things that we're talking about. You can have hyperinflation in this country with a very little amount of effort."

If the debt goes to $8 or $13½ trillion in a worse-case scenario and we have to spend so much money on interest—let us say 50 percent or 70 percent or 75 percent of our tax revenues on the interest alone, what will happen is the Federal Reserve Board will have to monetize a large part of the debt. Now they can do that without the Congress of the United States being involved. They already have that right. What monetizing the debt means is simply that they can print money to pay off the debt. Now, if they get to the point where 75 percent of all tax revenues is going to pay the interest on the debt, they will have no alternative but to default, which would cause chaos, not only here, but around the world, or they will have to print the money and pay off a large segment of the debt so they will not have to pay interest on that.

Now what does that do to the young people, the people on fixed incomes, the welfare recipients, the senior citizens and others? If they print $6 trillion in money to pay off that much of the debt, think of what that will do to the money supply. We will have more and more dollars chasing fewer and fewer goods, and we will have what is known as hyperinflation.

A lot of people say it cannot happen here. It has happened in Germany, it has happened in Brazil, it has happened in Angola, it has happened in Zaire. It has happened all over the world at various times. It happened in Nicaragua, and it could happen in the United States of America if we do not get our fiscal house in order, and the people who will be hit the hardest are the people on fixed incomes, as I said a moment ago, senior citizens and welfare recipients who get their welfare check or get their Social Security check. If bread goes to $30 a loaf or milk goes to $30 a quart, what will that do to their buying power? And then you look at the civil government side of the issue, the law and order issues, and say, "If that happens, will we have more Los Angeles type situations? Will we have more riots in places like Chicago, and New York, and elsewhere?" Because people's money will not go very far, and they are going to demand something for the money they are getting, and, if we have hyperinflation, that will not work.

And I think the President even alluded to that. He said, "You may not even recognize this Government in 10 years unless we get control of the deficit," and I agree with that statement, but the way to get control of the deficit is not by humongous tax increases. That will only put the country into an economic downturn and cost hundreds of thousands of jobs.

Let me go back and say one more time the way to address this issue is to cut spending, freeze spending at current levels, 1-percent growth, 2-percent growth, make sure that we cap entitlements at a reasonable growth rate, cut out the fat, the pork barrel projects, trim the Defense Department where we can, and we can get this country back on the right track. That is the answer, and the American people, I believe when they really get all the facts, are going to say that is the way we ought to solve this problem.

We continue to give Government more, and more, and more, and more. We are giving Government today $600 billion more than we did 10 years ago, and yet we are still $400 billion in debt, and now they are telling us they want another $323 billion now, another $90 billion later, and maybe a sales tax on top of that. Where is it going to end?

I say, "If you took all of your taxes, average Americans, and you added them together, you're probably paying over 50 percent of all your income in taxes of one kind or another: sales tax in your hometown, property taxes, income taxes in your State, income taxes in your city, wheel taxes, Federal income taxes, Social Security taxes. Someday sit down and just put a pencil to the amount of taxes you're paying, and you'll find that you're paying close to 50 percent of your income in taxes. We lob this tax on you, another $323 billion plus $90 billion for the health insurance minimum, and then we come back with a sales tax. What is that going to do to your buying power?"

If people cannot buy products, then they do not make products, and if they do not make products, then they start laying people off, and we have an exacerbation of the unemployment problem. Why are we having problems by losing trade to Japan, and Taiwan, and Germany, and to other countries? It is because we are loading so much on the backs of American industry and American taxpayers that we cannot compete like we used to, not to mention the regulations that keep being added on one after another, after another, that cost the business person more money. So, many of them are relocating out of the country, taking jobs with them, and many companies overseas are taking our market share, more Japanese cars coming in here, more German cars, more other products from overseas because they do not have the same kind of requirements or the same kind of tax structure we have.

□ 1520

If we are going to survive economically as a nation, if we are going to move ahead in the 21st century and be the leader in the world, both economically as well as militarily, if we are going to be a superpower militarily as well as economically, then we have to do things that will stimulate economic growth, and large tax increases, huge tax increases, are exactly the opposite and the wrong thing to do.

If we want to stimulate economic growth, we need to do things like cut taxes, put more buying power in the pockets of the American people, trim the size of Government, and give tax incentives to business to produce more and to stay in this country. Those are the things that will get the country moving, not more and more taxes.

Now, what I, and the members of the Republican Study Committee, plan to do over the next weeks and months, is to go into more and more and more specifics about the Clinton tax proposals and the Clinton budget.

Lincoln said let the people know the facts and the country will be saved. I believe that is just as true today as it was when Lincoln said it. The problem is we have to get the national media to pay attention to these figures.

Mr. Clinton is masterful with the media. I saw him on TV this week, in the White House, with a bunch of children. It was a great media event, and I think he handled himself extraordinarily well. I have seen him going around the country trying to set his program without getting into specifics. He talks in generalities, but he is very effective and very adept on his feet.

So what we have to do is try to get the American media to pay attention to the specifics in the plan. Toward that end, we will be trying to contact the media and giving them specifics and letting them do with them as they will.

But the American people need to know all the facts about this. They are willing to sacrifice. I believe America is willing to sacrifice, as long as it is fair and equitable. But if we do not have the spending cuts they are talking about, if we are just loading more taxes on the backs of the American people, then in my opinion they are going to rise up and say "Enough is enough. I am paying over 50 cents out of every dollar in taxes right now, and I don't want to add to that burden, unless I know it is really going to help solve the problem."

I submit to you, ladies and gentleman, it will not solve the problem. Remember, my colleagues and anybody else who is paying attention, that the tax increases are going to total at least $323 billion, plus $90 billion minimum more when we get into the health area, plus they may come back with a sales tax. But we know for a fact, right now, they are at least proposing $323 billion in new taxes now, the largest in history.

We also know that if you take out the smoke and mirrors in the defense cuts, they are adding spending, new spending, to the tune of $46 billion, and that the spending in the defense area, the defense spending cuts, are $112 billion. If you take out the spending increases they are coming up with, the net decrease in spending is only $31 billion, as opposed to $321 billion in new taxes. That is a 10 to 1 ratio. It is an economically untenable program and it will not work.

I would just like to say if the President might be paying attention to this, Mr. President, please reevaluate this situation. I would also like to say you have said, time and again, you want specifics from the Republican Party and anybody else that has an idea on how to get control of this budget deficit.

My answer is this: Freeze the entitlements at a reasonable rate of growth. Last year food stamps went up about 20-some percent in the agriculture bill, a 20-percent increase in food stamps in 1 year. That is an untenable situation. That is not going to work. We need to freeze all spending at current levels plus no more than 1 or 2 percent.

You say that is not specific enough? If the American people knew you were going to cut defense and freeze spending across the board so everybody got hit the same, I think they would buy it. The problem is, we have got to have the guts to go out and present that kind of a program to them. Not smoke and mirrors, not $323 billion in new taxes that is going to put the economy into a tailspin, but real meaningful spending cuts. If we do that, we will get this economy moving in the right direction and have a very bright 21st century.

## REVITALIZING AMERICA

The SPEAKER pro tempore (Mr. KLINK). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I would like to take some time to dissent from most of what was just said by the preceding speaker. I want to point out a few simple facts of life about the President's new economic package.

The fact is, first of all, that with respect to the alleged increased spending levels which President Clinton's stimulus package is supposed to contain, the fact is, that that stimulus package being asked for by President Clinton, does not spend one dime in additional money above the spending level, already approved by this Congress, in the 1990 budget summit for this fiscal year. All the President's proposals do is to take money, which under the old regime, would have been spent on military spending and move it instead to high priority domestic programs here at home, including unemployment compensation.

Much is made of the so-called ratio between tax increases and spending cuts in the President's budget. Well, I would say, when I am home in Wisconsin talking to my people on Main Street, I do not have many people grabbing me saying, "Boy, I hope you get the ratio right." What I get is people coming up to me, as Mr. Perot said in the last campaign, and they simply say, "Fix it." And they do not much care about what the formula is, so long as it is effective, so long as it is fair.

I would point out that, with respect to the taxes in question, we know what the distribution table would be if it were in the hands of the minority party, because we have been in the hands of the minority party for the last 12 years, because they have controlled the White House, and they have essentially, since 1980, won virtually every major economic debate that we have had.

I would simply point out that we know what their record is. We know that in the 1990's, under the Reagan and Bush budgets, the wealthiest 1 percent of people in this country had more of the income growth than 90 percent of American taxpayers combined. I did not say 19, I said 90. The richest 1 percent had more of the total income growth during the 1980's than 90 percent of American families combined.

I would also point out, that that is why the President has determined that no American of working age will be paying more income taxes unless they are in the highest 2 percent by income in this country, those with effective incomes of about $180,000 per person.

I would say that the distribution of the tax burden, under President Clinton's package, is far more equitable than the distribution of the burden and the benefits have been in the 1980's under Presidents Reagan and Bush.

I would also like to comment, just a moment, on the gentleman's suggestion that the way out of this mess is to freeze all spending.

Well, the problem with that is that it assumes that all spending is equally sensible, and it is not. The fact is that there are a lot of dollars in our budget which do not make sense, and therefore the programs in those areas ought to be squeezed. There are also some areas of our budget which have gotten substantially less attention than they should the last 10 years, and they ought to get more.

I think a freeze is what you do when you do not think. A freeze is what you do when you do not analyze what are our weaknesses and our strengths. A freeze is what you talk about when you do not want to go through a specific list of programs and tell the American people what that so-called freeze will mean to each individual program in the budget. You do not want to tell people what it will mean to education, you do not want to quantify what it will mean in terms of health, you do not want to quantify what it will mean in terms of job training.

Does anybody in this country think that we are doing a good enough job training workers right now? I doubt it.

□ 1530

Anybody think we are devoting a large enough share of our budget to it? I doubt it. So it just seems to me that while the gentleman's prescription sounds benign, in fact, it is simply a continuation of what we have been asked to do for the past 12 years by his party. And I think that the country has indicated it does not want to do that anymore.

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## THE FACTS ABOUT PRESIDENT CLINTON'S ECONOMIC PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, the other night the President said that he did not come to assign blame for the economy or for what has happened wrong in the economy, that there was plenty of blame to pass around and that we needed to find answers to our problems. And I thoroughly support his view.

It does not do us a lot of good to try to assign blame for what happened, but it is important to understand what the facts are that we are trying to work with and trying to talk about and hopefully put in place this overall economic program.

The first thing that President Clinton did that I think was very good was to get rid of the issue of whose numbers are right. He, in essence, said, we are not going to fight about numbers. We are going to fight about priorities. We are going to fight about what to do and how to do it. But we are not going to have silly arguments about whose forecast for the future is right. We are going to use the most conservative numbers, year after year, which are numbers put together by an office that is called the Congressional Budget Office that has an objective staff that works to put together their projections. And they have always been the most conservative numbers around. So we can all agree on that. I do not think anybody is going to want to disagree about the numbers.

Second, he put in place a program that asks everybody to do something, whether you are a Social Security recipient, you are an average middle-income taxpayer, you are somebody who has done very well, whatever your station in life, everybody is going to be part of the program.

Finally, he has focused all of us on what I think is the goal. And that is, what to do about an economy that has not been rising or where standards of living, incomes for families have not been rising in the way that we used to remember they would go up, especially in the period after World War II, when the country was coming back from the war and really beginning to boom and move.

I believe that that is the problem. We are in a recession. We have got high unemployment. We want it to go down. Hopefully, this program will address that, but it also has to address the question of standard of living.

To me, it is the central question. It is the reason I get concerned when people say, "Why do we need this program? We are coming out of the recession. Unemployment is going down. Jobs are being created."

Well, they may be. I have not seen it yet in my community. We still have got plants closing, General Motors, McDonnell-Douglas. People are still being laid off, pink slips are being handed out. But I am willing to accept the statistics that say that there is some kind of a recovery. But it still is not the kind of long-term recovery that our economy desperately needs.

And so this program, in all of its parts, it is not just budget deficit reduction, short-term stimulus, long-term deficit reduction, long-term investment strategy and health care cost containment reform, when taken together is designed to get this economy up and moving, not just in terms of unemployment reduction but in terms of rising tide, rising standard of living that will pick up all the boats, those that are on top of the water, those that are stuck at the bottom, and move everybody up to a better situation.

The reason this is important is this is the most diverse country in the history of the world. Ethnic conflicts would make your mind spin compared to other countries. Eighty-two languages spoken in the Los Angeles public school system.

I talked to people who were on the scene of the Los Angeles riot, and they said part of the problem, the largest part of the problem was the hopelessness on the part of the people who were involved. When they see workers at General Motors losing their jobs, when they see workers at Boeing and McDonnell-Douglas losing their jobs, people who have never had jobs or certainly never had good jobs give up. And it is that sense of hopelessness that we have got to solve.

The gentleman from Wisconsin [Mr. OBEY] and the Joint Economic Committee have produced a series of charts that I would like to present tonight that I think give us the basic facts that we have got to deal with as we think about this program.

The first chart illustrates the Federal deficit problem.

Before the 1980's, the largest deficit in our Nation's history was $74 billion in 1976. I think all of us who were here at the time remember a series of meetings in 1980 in the office of Senator ROBERT BYRD, where we were trying to find places to cut the budget.

Paul Volcker, then Chairman of the Federal Reserve Bank, told us that if we did not eliminate $16 billion from the budget deficit that was projected, we would be in real difficulty and trouble. So we made $16 billion in cuts, but the deficit did not decline in that year because the economy weakened.

If my colleagues look here, they can see between 1980 and 1990 how deficits mushroomed in that period. To be truthful, a large part of the problem was caused because of the economy's weakness. The lack of growth, the lack of higher incomes, we were constantly underestimating the amount of tax revenue that would come in because the economy never performed to the level that we thought it should perform.

The second chart has to do with the budget that we presented by President Reagan that cut taxes and increased military spending. At the time the administration told us that the economy would grow so fast that the deficit would be reduced to zero by 1984.

Well, as this chart shows, instead the deficit exploded from $79 billion in 1981 to $208 billion just 2 years later.

In other words, in part because the economy was weak, in part because of the policy decisions that were made, we had, instead of deficits going to zero, we had deficits ballooning up by 1983 to $208 billion. And frankly, they have never come back since that time.

And an even more meaningful measure of the financial burden of the Federal budget deficit is the ratio of the debt of the Government to the gross domestic product, the total output of our economy. At the end of World War II, the debt actually exceeded the gross domestic product. In other words, our debt was larger than all of the production of our economy.

It gradually fell to about 25 percent of gross domestic product by 1974. It stayed at about 25 percent until 1980.

□ 1540

Since the first Reagan budget in 1980 it has steadily risen, almost doubling to 51 percent of our national income by 1992. This chart shows what happened between 1980 and 1990. We had a huge deficit problem back in 1945. It came steadily down until 1980 relative to gross domestic product, and now it has been quickly marching up to the point where it is back to 50 percent of gross domestic product.

The same thing happened to private debt. When we include the debt of American businesses and households and the Government, we see that total debt as a percentage of gross domestic product held steady for 1955 through 1980 and then it began to soar until it is at 200 percent of nominal gross domestic product.

What does this mean? What does it mean when we have a debt of this magnitude? It simply means that there is a crowding out of savings. There is only so much savings that American business and individuals can put away every year. If the Government is soaking up the majority of that savings, it simply means the cost of renting money for the rest of us, for individuals and businesses, is too high. That is why long-term interest rates have been so much higher than short rates, because of the anticipation of the markets that the Government was going to continue to suck up so much of the net private savings, so the rental cost of borrowing long-term money for a house or for your business has been at 9 and 10 percent, when it really should be at a more reasonable level, 4 or 5 percent.

We also went into debt to the rest of the world. We were the world's biggest creditor Nation, but during the 1980's we began borrowing from the rest of the world. By the late 1980's we have become the world's biggest debtor Nation in history. This chart I think plainly illustrates that before 1980 we were a great creditor. We had a large surplus against the rest of the world. Beginning in about 1985, those lines crossed and today we are the largest debtor. We now have a debt of approaching $1 trillion, and this short reversal and the incredible mountain of debt pose an enormous challenge to all of us, but they are not the only problems we have to solve to get the economy back on track.

There is another deficit. There is not just a budget deficit and a trade deficit, but the next chart will show an investment deficit, which is our failure to invest adequately in our people and in our engines of growth.

During the 1980's the investment portion of the Federal budget which covers both physical investment and investment in human capital went from 16 percent of total outlays to 9 percent, a decline of almost 40 percent. At the same time, investment in infrastructure—roads, bridges, ports—fell by half during the last 30 years.

If we look at this pie chart, the important red piece of pie, which is the investment by Government in the future of the economy, shrinks almost in half from 16 to 9 percent in a very short period of time. In 10 years we began to invest half of what we used to invest in education, in training, in technology research, and in the infrastructure of our country.

I may note at the same time that our major competitors were investing much more in infrastructure, in training, and in education, so the Government invested less and, as the next chart will show, so did the private sector.

Net investment—that is, the portion of total investment above depreciation that actually expands our national stock of capital—averaged about 8 percent of net national products per year until the 1980's, when it fell to about 2 percent per year. So this is real net investment as a percentage of our gross national product, and we can easily see that beginning in 1980 the green line goes down, and investment sharply begins to go down. Again, that is both public and private investment.

Our investment in nondefense research and development is far below that of our major competitors, Japan and West Germany, and again is a fraction of their gross national product, giving them an edge, the important edge, in the development of new technologies.

As we can see, Japan is leading way up here. West Germany, the blue line, is down here. The United States is much lower, and has been much lower for that entire period, and remains far below what our competitors are doing in terms of nondefense research and development. That is the kind of R&D that goes into making the new products that can be sold: The Sony Walkmen; the new cars that have the new technology; new televisions, like high-definition television, that will be the new wave of buying in the information industry. We are being outspent in terms of research, and the result from that will be obvious.

That failure to invest for the future has drained our economy's energy and left us with yet another deficit, and that is the gross deficit that I talked about earlier. The growth of the economy during the past 4 years was the lowest of any 4-year Presidential term in the postwar period. This chart, which arranges Presidents' 4-year terms in descending order of economic growth, demonstrates this fact clearly.

I talked a minute ago about the growth after World War II. That is Truman's second term. Twenty-five percent real growth in that 4-year term. The next best, Kennedy and Johnson, 20 percent growth during their terms in the 1960's; Johnson, 19 percent growth.

Then we go to Reagan, and we have 14 percent growth; Nixon, the first term, 12 percent; Carter, 11 percent; Reagan, the first term, 10 percent; Eisenhower, 9 percent; Nixon and Ford, 7 percent; Eisenhower, the second term, 7 percent, the Bush period, 4.5 percent, so these last 4 years have been the worst since World War II in terms of real growth, and again, real growth is what we have got to think about and talk and worry about, because it is real growth that lifts everybody's income up, lifts the boats off the bottom, lifts the boats that are on their way up further up, and incidentally, lifts boats at the top further up.

Everybody does better. There is real growth in the economy, and everybody does worse, except maybe the very wealthy, if they get big tax breaks, if there is no growth in this economy.

There are signs the economy is starting to improve. Initial estimates are that the economy grew to an annual rate of 3.8 percent in the fourth quarter of last year, but this is not, as I said before, the kind of robust recovery that we need. The 98-pound weakling economy has simply turned into the 102-pound weakling economy. It is not strong enough yet to have real net job growth, to have real economic recovery. We are still in a jobs recession.

In the 22 months of this recovery job growth has been about one-tenth of the typical postwar economic recovery. The unemployment rate in January was higher, in fact, than it was at the bottom of the recession in March 1991, and again, arranging the President's terms in descending order of job growth, this chart shows that in the last 4 years job growth was at the lowest of any postwar Presidential term.

Again, Carter is at the top with 11 percent; Reagan, too, almost 10 percent; Johnson, 2.9, and then at the bottom Bush, and we can see the performance we have had in the last 4 years was way below.

The next chart shows the average job growth in all other postwar recessions. As we can see, 30 months after the recession began, total employment has always been above the level when it started, but today we still have 1 million fewer jobs than when the recession began. So whether we are looking at job growth, whether we are looking at income growth, this has been a paltry performance in the last 3 years.

Finally and next, there is another deficit that the new administration has to address and we have to address, one that every American family feels, and I have talked about it often tonight, and that is the income deficit. Real compensation for all workers, and this includes earnings and fringe benefits, rose constantly until 1973, and since then it has been stalled.

□ 1550

If you look at this chart it starts in 1960, 1958 really, and you can see the increase in real hourly compensation. And you can see how it has leveled off since 1970, went down even further in 1980, and now it has been going nowhere. So everybody is running in place. Families feel at the end of the month they have less money to spend. There is a simple reason for it, they do have less money to spend, no real increase in income.

The next chart simply amplifies the same point. For all workers in society who are not managers, when you subtract fringe benefits like health care, real average hourly earnings have declined deeply, and you can see that by this chart. Beginning in 1958 real average hourly earnings went down sharply.

But the squeeze on workers has not been even. The poor and the middle class have seen their share of income go down. But only the well-off have seen their share of national income go up. And the top 1 percent has enjoyed incredible income growth, and that is why President Clinton has asked the wealthiest people in our society to make the most sacrifices. And rightly he should.

If you look at this chart, you can see the people over here who are the bottom 20 percent, whose earnings are about $8,000 a year, they have had a 10-percent reduction in their incomes. People in the mid-20 percent, people earning about $25,000 a year, have seen a 4-percent loss of income between 1977 and 1992. But the top 1 percent, the people who are at the very top of the income pyramid in that 1977 to 1992 period have seen a 105-percent increase in income. And I might add that those are the same people that had their taxes cut the most over that period of time.

So we and President Clinton and all of us are wrestling with real tough economic problems. We have tough economic choices because none of these deficits will go away automatically. There is no smoke and mirrors. There is no magic potion, no magic solution to make these problems turn around. But we have to be able to do it.

This chart shows contributions to deficit reduction, change in 1994 after-tax income, and you can see the people again at the top have made the least contribution to deficit reduction. There are no easy answers. I do not come here today to offer easy answers. Bill Clinton was in this Chamber the other night. He had no easy, quick fixes to the problem.

But I will tell you this: We have to solve these problems. If the charts I have shown continue unabated, if the status quo continues, this will be a very unhappy country in which to live and do business in the future. This will not be the America that I grew up in, and most of us have grown up in. It will be a place of diminishing expectations and diminished opportunity. It will not be a rising tide; it will be a continuing lowered tide.

This plan I think is balanced, it makes sense, and it is designed to attack all of the problems that face us. There are things in it I do not like. There are changes that I would prefer to have seen made. But I am here to tell you we have to get behind this plan. We have to enact this plan. We have to move this country in a new and in a different direction. And I hope that working with my colleagues, some of whom are here tonight, that we can make these changes, we can turn this economy in a new direction, we can unit behind this plan, and we can put it in place and begin marching our country in a new and a better direction.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to my friend, the gentleman from Wisconsin, who I might say did the work in putting these charts together and bringing them to our attention.

Mr. OBEY. Mr. Speaker, let me simply thank the gentleman for making the remarks he has made tonight. I think that what we need to add is that none of these numbers mean anything unless you translate them into what they mean to working people. That is what I think the President's package tries to do; it tries to take action that will translate into a better living standard for every working American. And if you doubt the need, for instance, for the stimulus package which the President is proposing, I think we need to understand that the job growth that we have had since this recession technically ended, the job growth has only been about one-tenth of that of past recessions, creating about 400,000 to 500,000 jobs since the end of the recession rather than the 4 million jobs that have normally been created this far out of the technical end of a recession.

So I just think that what the gentleman has pointed out is a clear picture of what has been happening to this country. I think the President's package has spelled out what we need to do to try to attack the basics. And frankly, I do not know why it is considered in some quarters to be partisan, because the fact is that these economic troubles really began to show up clearly in 1973. This has been a 20-year problem that we are facing.

It is certainly true that the problem was made much worse by the decisions that were made in the 1980's. But this is a long-term problem that transcends even those mistakes. And I think the gentleman in the well has clearly pointed out that fact, and I think the President has clearly pointed out what we have to do if we are going to correct the problem.

Mr. GEPHARDT. I thank the gentleman.

I would finally state that I went to St. Louis, my hometown, with President Clinton on Thursday, and he gave a presentation in our Union Station to 15,000 to 20,000 people who had come to hear him talk about this plan. Afterward, I ran into people that I have known, many of them my whole life, some who are very conversant with a lot of the issues, who have followed the budget deliberations and other things here in the House. I was surprised and pleased, and I am sure the gentleman has had the same thing happen to him at home since the President's plan has been announced, that they came up to me and said, "I sure hope Congress will get behind the President's plan and pass it," the spending cuts, the taxes even, some of them said to me, the health care reform which they feel so strongly about, the short-term stimulus which they think is needed in a town where GM plants are still closing, and the like. But their point was that they did not want Congress to unravel this package.

One of them said to me, "Give the President a chance." This is what was said in 1981 when President Reagan had been elected and people said give him a chance, give the program a chance. And I might say that both Democrats and Republicans, I did not happen to be one of them, but many Democrats joined with the Republicans and passed that program, and it has had its chance, as the charts well indicate.

Now I think all we are saying is we have a new President, we have a new Congress. He has come forward with a plan. It is not perfect in every respect from anybody's viewpoint, but if we all tear it apart, there is not going to be any plan. And I agree with my constituents. I think we ought to give it a chance, give him a chance, put it in place, give it 4 years. Let us see what it does. And I think that is the spirit that I hope and the momentum that can be continued in the days ahead, that we will get through the nitpicking and the naysaying and we will give this plan a chance, and let us see what it can do for America.

Mr. OBEY. I certainly agree with that, if the gentleman will yield. But I would simply like to make another point.

For those who are attacking and saying, oh, my goodness, this is going to cost us something, this is going to cost too much to do, the fact is that I think that the proper way to evaluate this package is to compare the cost of this package against the cost of continuing the status quo, because we have seen in the 1980's what the cost of continuing the status quo is.

□ 1600

It is much larger deficits, it is a much weaker economy, it is much lower family growth. I wish people understood that if we had simply had the same amount of productivity growth in this economy since 1973 that we had up to 1973 that each and every American family today would have $12,000 more in income than they do now. You could do a lot of things with that $12,000 income.

The cost in comparison to the cost of doing nothing, the cost of this package is tiny. The economy under the President's plan is projected to grow by the cumulative amount of economic growth that will be created under the plan which is expected to exceed $5 trillion between now and 1998, and the President's program asks in additional contributions only about 6 percent of that amount.

So I think that puts in perspective what the cost will be, that 6-percent cost, in order to create that $5 trillion-plus in economic growth, and it is hard to imagine what that number means, but in plain language, it simply means added dollars in families' pockets all over this country if we can get the economy moving again at anywhere near an acceptable and sustained rate.

Mr. GEPHARDT. I totally agree. If you just look at one fact, and that is what has happened to long-term interest rates and what can happen to long-term interest rates, I think you can get an adequate understanding of what just that one result, not even talking about the other results we are trying to get, but just that one result could give us.

I saw today that long-term interest rates on a 30-year, fixed mortgage note went to below 8 percent for the first time since, I guess, they have been selling long-term Treasury notes, since the 1970's, the first time it has broken below 8 percent. What that means is that thousands and perhaps millions of middle-income families, young families, can go now and get a mortgage to buy a house who could not do that a few months ago, a few years ago. When they buy the house, they are going to buy furniture and appliances to go in the house. It is going to excite economic growth throughout our entire economy, just that one fact, if we can continue it and sustain it with the passage of this program, and making the cuts and putting the different changes in place can keep those long-term interest rates coming down. I remember when I was a kid we had interest rates, long-term interest rates, of 3 percent. My dad had a 3-percent note on our little bungalow in St. Louis. There is no reason we cannot do that again, but we have got to put a long-term serious program in place like this one is.

Mr. OBEY. If the gentleman will yield further, I think that is critically important. I remember the first home that my wife and I bought when I graduated from college. We took 900 dollars' worth of savings, which my wife had accumulated in her teacher retirement program, and that was our total savings in the world, and we bought a little house. We paid 4 percent interest, 4 percent interest. You compare the ease with which we were able to buy a home in those days versus the difficulty faced by any young family today trying to, first of all, accumulate enough money for a down payment, and then, second, to look at the payment tables and say, "Gee whiz, can we afford to make those payments or not?"

If you get the kind of interest-rate reductions that we have already seen begin to take place, you can give hope to an entire generation of young Americans, that they will have the same opportunity that they had in our generation or in the previous generation at the end of World War II, and that is what this is about. This is about opportunity.

The other thing that I think is so good about the President's budget, and anybody can find individual items they have concern about, but the fact is that we have had a distinction that separates us from other industrial countries that, frankly, has not made me very proud, because our country has been just about the only major industrialized power in which if you played by the rules, worked 40 hours a week, and had kids at home, you could still wind up being in poverty.

Under the President's plan, because of what he does with the earned-income tax credit, he is going to see to it that if you are that same worker, working 40 hours a week, kids at home, you will not be in poverty because of the changes that he makes in that program.

So it just seems to me that this package passes two tests. It passes the test of whether it is fair, and it passes the test of whether or not it is likely to work.

We have already seen just since its announcement that it has certainly been working in the financial markets, and I think when people understand that there is more payoff ahead if we can keep the package together, if we can keep people on board even though they are not pleased with every little jot and tittle, I think every working family will be much better off in 4 years than they are today.

Mr. GEPHARDT. I thank the gentleman for his addition.

I also thank him for developing this factual information that I think was very important in bringing forth, and I look forward to working with him and others in the House in understanding this package and supporting it and explaining it, communicating it to our constituents and to the American people. This may be the most important time since we have been in the Congress in having an actual opportunity to really change this country and move it in a positive direction. I am happy to be a small part of that.

Mr. OBEY. So am I. And I would just say that I do not know if the gentleman saw the President when he was talking with the children last Saturday.

Mr. GEPHARDT. I did.

Mr. OBEY. I had just gotten off my stair step, and I was reading my paper on Saturday. I turned the TV set on. I watched him. It was an amazing experience, because every single one of those children had a story; they either had a problem to talk about or they had a story to tell, and as I watched that program and as I watched the President very carefully listen to each and every one of those kids, I felt the tears start to roll down my cheeks.

I walked into the kitchen, and my wife was watching on a TV set in the kitchen, and the same thing was happening to her. And I said, "You know, I do not really understand why this is getting to me that much." What she said was, "I think I do." She said, "It is because for the last decade the major emotion that so many people have felt is anger, because they have felt that the Government, as FDR said, was frozen in the ice of its own indifference, and because government was ignoring the human results from government inaction or wrongheaded government policies, and I think the inspiring thing about that Clinton 2 hours, or the 2 hours that President Clinton spent with those children, was that it conveyed to the country the very real purpose behind what he is trying to do to improve the lot in life for every one of those children and their families, and that, after all, is what we were sent here to do.

Mr. GEPHARDT. I thank the gentleman.

## HELP FOR OUR HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 60 minutes.

Mr. GOSS. Mr. Speaker, I am very happy to have this time, and I am going to have some of my colleagues here. I see one from Alabama, the distinguished gentleman, who is here, and another, I hope, from Massachusetts is going to be here.

I am going to make some opening remarks, and then I will yield, if I may.

The purpose of taking this time is to draw some attention to a very special problem that is almost a success story, and the reason we are taking the time this evening is to make sure that it, in fact, does become a full success story and that it is well understood. Because there are still some individuals in this country who do not realize what heroes they are and what help they are entitled to.

These are people who have suffered under testing procedures that were secret and, in fact, unwittingly brought upon them by our military services at the time of the Second World War because of needs to know more about the impacts of mustard gas and lewisite gases and nerve gases and what the impact would be on individuals who were exposed to these agents.

□ 1610

And as it turned out, we had a situation in this country in the Second World War which may have seemed like a good idea at the time and may have in fact even been partially justified at the time because of the necessities and the urgency of the war and the justification of protecting other troops, to conduct tests such as this. I do not think so. I do not think it would ever be proper to use human beings as guinea pigs for this type of testing. But in fact that happened. But what really makes it inexcusable and removes all the debate, all the potential debate about whether we should or should not use human guinea pigs for the testing is the fact that these individuals did not know.

They were enticed into this program with promises of things like, "Well, you will just be testing summer clothing. You will just be testing a new uniform. We don't think there will be much to it. And there is a great reward for you. That is, you get an extra weekend pass," or something like that.

And if you were a new member of the service and patriotic and wanted to help your country out and you also wanted your weekend pass, that may have seemed like a good idea.

We ended up with a great number of Americans unwittingly being involved in extremely dangerous tests that in fact, tragically in many cases, left many of these individuals with serious health problems which to this day have not been corrected and which to this day we do not know enough about.

Let me go back to the beginning if I may: For me, I think that the beginning was when I started my run for Congress. In the process in 1988, an individual who had been a victim came forward to me and said, "If you wish to be a Member of Congress, would you, in that position, be able to help those of us who were involved in secret mustard gas tests in World War II?"

I said, "I have never heard of such a thing, and I have a hard time believing such a thing ever happened."

And it turned out that indeed that when I did come to Washington and started making inquiries on behalf of this individual, I discovered there were other individuals who also claimed to be victims of this process. And I was astonished to find out that they were sworn to secrecy, that they were not allowed to tell anybody, including their doctors.

They had terrible symptoms and terrible health problems back in the 1940's, after these tests, and they were not allowed to tell their doctors the whole truth or, in fact, any of what had gone on at these test areas.

They were told the option would be time in Leavenworth. I think that was a sufficiently scary prospect for them. So, they kept their mouths shut.

That went on and on through the years. It was not until back, I guess, in 1984 when the secrecy expired on some of those records that we really began to learn what was going on.

Just over a year and a half ago, on June 12, 1991, the Washington Post ran a front-page story with the headline said, "Troops Used in Gas Tests Win Benefits. U.S.N.'s Fight Over 1940 Experiments."

If only that were the whole truth.

Today we have made fabulous progress in recognizing who these people are, in providing health care for them and in requiring our line agencies in the executive branch to go out and find out who the others were that were involved so that they can have attention too.

Remember, these are secrets that have been kept for 50 years, and many people do not realize that there has been progress made to let the sunshine in on this situation. I think it is very important that we recognize that these individuals did, whether they knew it or not, provide a special service for our country; they exhibited special kinds of loyalty. And I think it is true to say that they made a sacrifice that most Americans did not make so that other Americans would have a better time of it on the battlefield and while they were in harm's way, because everybody knows that these mustard gases and lewisite gases and nerve gases were part of the battlefront scene in our World Wars.

Today, my colleagues and I who are here and who will join me—I think others will come in this evening—have cosponsored some legislation that directs our Secretary of Defense to issue a commendation to every member of the Armed Forces who was involved in these tests.

Sadly, many of them are no longer here to receive the commendation. But those who are should understand how grateful and appreciative we are as a nation and how now we definitely need to make amends.

We have taken steps to do that, as I say, and we are going to be talking about those in the balance of this hour.

Mr. Speaker, I yield to the distinguished colleague from Alabama, Mr. GLEN BROWDER, who would like to talk on this subject.

Mr. BROWDER. I appreciate my colleague from Florida yielding to me. I think it would be proper at this moment for me to express my appreciation and the appreciation of my colleagues to Mr. GOSS, because it was his pioneering work, his relentless pursuit of this before I become a Member of this body, that really brought this to the surface on behalf of those veterans who were part of this testing.

I remember when I came in in 1989, we were working with one of my constituents who claimed also to have been a subject of these tests, and we did not know what to say. He had been trying to get help from the Veterans' Administration for years before I became a Member of Congress, and we really did not know how to take his claims.

But one day I was watching television, and I saw Mr. GOSS, and it was one of those network investigative reporting shows, I believe, that broke the lid on this publicly. So I was pretty shocked.

I said that could be my constituent. So, we went back and got together with him, and we discovered that, yes, it was him.

Mr. Speaker, these documented revelations of abuse of our own soldiers have tarnished the value, the significant value, of that wartime research program.

But the most disturbing part, the most outrageous part, the really sad part of this is that our own Government's subsequent denial of the 1940's program has subjected countless veterans to almost a half-century of silent suffering.

We cannot undo what happened during World War II or the decades of official denial and neglect, but we do need to do more than just adjusting the disability claims bureaucracy and approaching this as business as usual. I hope that our discussion today will mark another chapter in that progress, and I will ask my colleague from Florida to allow me to make a few remarks later after he has had a chance to go further on with this, and to say that in addition to the legislation that he has brought forth I have written to President Bill Clinton and today I received a letter from him which I would like to share with you sometime later in our discussion. I thank the gentleman from Florida.

Mr. GOSS. Mr. Speaker, reclaiming my time, I thank the gentleman for his kind remarks, and I am delighted to hear that we have a communication from the White House, from the President.

We also have communicated with line agencies that are appropriately involved in this, and we recognized they are just getting up to speed, and I am sure that we are going to continue to get working cooperation because really that is where the issue lies now.

I think the policy questions have been resolved, the understanding that the commitments are there, are out there, and I think to have the highest level of attention from the White House, the Clinton administration, is obviously a very strong plus and extremely welcome news.

I also wanted to point out that our colleague from Massachusetts [Mr. FRANK], has been a very strong player in this, and I know he intended to be here and has been delayed in other committee business at this time, and I hope he will be able to make it. But I wanted to share a little bit of the colloquy that we have had on this as it has unfolded. I owe my colleague from Massachusetts a great debt of gratitude because he was really the first to pick it up, as a relatively new Member in the House, talking about something that seemed to him to strike a chord, and it was an area he had some knowledge and expertise in, and he went out of his way to offer the opportunity to this gentleman to have a say on what this was about.

□ 1620

Had it not been for that, I am not sure we would have the success we would have had today.

So I guess I will go back perhaps to what my colleague from Massachusetts did, the way it started. The initial question I guess from him was how did we get into this? What makes you think there is anything in this? Is this just one or two people wandering around who have not been able to get attention from the Veterans' Administration and have dreamed up some kind of story here which sounds very sensational, perhaps a little incredible in fact, in order that you can get put in some kind of special legislation to get relief?

I said I really do not think so, because when you sit down and talk to these people you will discover that their scars are real, that their health problems are very real and that now there is certainly a great deal of record and testimony that would indicate that the things they have told us which we found incredible before the records were released in 1984 now seem to be in fact extremely incredible.

It turned out that some of these individuals who underwent testing suffered burns all over their bodies because this protective equipment and clothing that they were testing in fact did not work at all in some cases.

In some cases they were told purposely to expose certain areas of their skin so they can see how different doses of these gases affected their arms and how much the burn would be. We know of instances where some of our human guinea pigs actually passed out in these test chambers; nevertheless they were told not to get medical attention outside of whatever was made available to them by the services under those circumstances, and that under no circumstances were they ever to reveal this.

Some of these folks went on their way from the test areas into other endeavors or into other service. It turns out that they have recurring problems from these tests, but when they went to see their doctors, they went to the medical people, the medical people said, "Well, how did you get those scars on your arms or those burns on your body?"

They made up a fabrication, rather than reveal the true nature of it.

It turned out here that in fact there was some real effort to cover up the truth.

Now, as I say, in time of war at a different time with different urgencies and different needs, perhaps there could have been a debate about that back in the forties. There can be no such debate today.

Certainly, it is without question that today when we find these things out, we have certainly to find out exactly what happened and reveal what happened, and then make their amends. That is part of this process. It is making sure that people who were victimized, who have health problems, who have all of the attendant residual effects that are causing them extreme discomfort to in some cases immobility, that they get the best possible medical attention that our country can afford to give them. That just seems to me to be a question of fair play.

Here again we then come to the next question that my colleague, the gentleman from Massachusetts [Mr. FRANK] and I have discussed.

He said, "You think even now we have turned back the cover on this and shined the light on it, that the Veterans' Administration is doing everything it can now to compensate these victims?"

Unfortunately, the answer was not a clear yes at all. The problem was back at the beginning of the 102d Congress that the Veterans' Administration still was not convinced that all this was real. At the time the gentleman from Massachusetts, I believe, was the chairman of the Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee. He called a public hearing and at the public hearing, to the great credit of the Veterans' Administration, Mr. Anthony Principi, came as a witness and listened and heard. He made a commitment. He said, "If this is true, we will do something about it."

It turned out the records were not clear. Lots had been lost apparently in the fire in St. Louis. Whatever had happened over the past 50 years had become sort of lost in the shadows of history, and there we are trying to justify whether or not somebody who had a medical problem, who is now much older, obviously, could really be traced back to these tests.

Mr. Principi said he would at least try to help out, and I honor the man for the commitment that he brought the Veterans' Administration into on this.

Unfortunately, it turned out the test for eligibility for any kind of medical relief for the victims was so narrow and so inconclusive that you really would be very hard-pressed to rule in their favor unless you went a little bit overboard. The burden was very much on the victims to say, "Well, I have these problems and I firmly believe they came from this testing that took place 50 years ago."

Well, as it turned out, we needed to broaden the test. We needed to understand more about what really are the consequences of exposure to mustard gas the lewisites. Unfortunately, there are no such tests. They have never been done.

So we are now in a catch-22 situation. These people who are victims have a burden. They have a burden to prove something against a standard which does not exist.

The Veterans' Administration is in the position of saying, "Well, we don't know really what the symptoms would be, because nobody knows, but you are telling us you have these problems and this is where they came from. We don't know whether to believe you or not."

That seemed to me to be extremely unacceptable and was not providing the kind of relief we wanted.

Again to the credit of the Veterans' Administration, they took the cases that had come forward to this gentleman and they agreed to work with him one on one. In that process they provided relief. There were involved perhaps half a dozen individuals.

Then there were other individuals, because our phones started to ring. It turned out that one of those documentary television programs indeed picked up the subject at prime time and ran it and our phones started to ring, as my colleague, the gentleman from Alabama, has testified this evening to his experience with that. Others called, others of our colleagues, other people who had been subjected to these tests would in fact whisper on the phone, afraid they were revealing some secret that they would go to Leavenworth if they talked to somebody about it.

So we have created the process of opening this up more, but we still have got the burden at this point on individuals who can prove that their maladies came from this testing.

At that point, we determined that we needed a broader test base and we needed to know more and we needed to take the burden off these individuals. We needed to take pro-active steps by our Government to recognize a terrible wrong had been done that needed to be righted and the burden was now on the U.S. Government to find these people, alert them to the possibility and provide ways to take care of some of their health costs and at least to ease some of their suffering.

That process resulted in a study by the National Academy of Sciences which began in October of 1991. Again we need to compliment the Veterans' Administration for moving forward on this.

A lot of water has passed over the dam as we have gone through this process. The long and the short of it is that we have tremendous good news, because on January 6 of 1993 the Institute of Medicine, the National Academy of Sciences, released a study that was commissioned by the Department of Veterans' Affairs, which is entitled, "Veterans at Risk; the Health Effects of Mustard Gas and Lewisite." This is now going to be the document that is going to provide the relief and the guidance for the Veterans' Administration to provide the final success of this story, I hope.

It has to be done. We have got the work to do. We have to notify them. That is why we have corresponded with the Department of Defense urging them to go through their records and notify people, tell them what possible things may be done to help them out.

I think also that we have notified the Department of Veterans Affairs for their role in dealing with the veterans that will be developed through this process.

I think it is worth noting just briefly some of the conclusions of this National Academy of Sciences study at the Institute of Medicine, because this to me is an extraordinary statement. I think everybody in America needs to hear this.

First of all, and I will summarize these briefly, the Department of Veterans Affairs needs to institute a program to identify each human subject to the World War II testing programs so that these individuals can be notified of their exposures and the likely health risks. That is our challenge and that was the conclusion of this report.

☐ 1630

The second conclusion was that all of the subjects were so notified, and part of this testing needed to be medically evaluated, and their health status has to be followed because remember that has not happened. These individuals needed to be treated by the Veterans' Administration for any exposure-related health problems discovered, and morbidity and mortality studies needed to be performed in order to resolve some remaining questions, and there are still some. We still do not know all of the symptoms of poisoning and impact from these gases. A special task force of experts in stress disorders and risk perception in the VA in the establishment of comprehensive guidelines for handling these cases needs to be formed. The Department of Defense should use all means at its disposal to identify former chemical warfare production workers; that is, both military and civilian, and for those Members who have factories or bases that produce these types of agents and reagents in their districts. This is a very important point. Those need to be identified now and evaluated medically, that the Department of Defense turn over records of former military personnel to the VA for notification, inclusion, and morbidity and mortality studies in health status evaluations. In other words, we are going to get Defense talking to Department of Veterans Affairs, pulling together in what, I hope, will be a streamlined effort so that both agencies are doing their job, and, as I say, we have asked for the cooperation of both agencies, and I am sure we will receive it once the new administration gets settled into its daily working routine.

That the Department of Defense use records of the former civilian personnel to advise them as to their health risk and options for seeking appropriate compensation for any illnesses resulting from their exposures. It turns out we are learning from the victims who have come forward things we did not know that we should have known, experiences that they have had which are of benefit to the medical community, too, and benefit to other people who are suffering, are experiences that should be shared that have not always been; in fact have not been, generally, and that now we need to do that.

These are corrective things. They are very simple. They sound very bureaucratic:

Notify some people, have them come in, take care of them. But this is a giant step. Before it was these people knocking at the door saying, "We are victims, we want help," and nobody answering the door. So, we have made a giant stride to get to this point, and now we have to get over the goal line, and I believe we can do it.

I think that there are a number of other things that are happening right now on this front that are equally good news. As I say, we have introduced legislation, the gentleman from Alabama, the gentleman from Massachusetts, myself, and the gentleman from Florida [Mr. BILIRAKIS] today, to make sure these notifications take place, and to make sure, in fact, that the Department of Defense, Department of Veterans Affairs treat these victims with special attention and special accommodation for what they have done.

So, I hope when we get through with this effort, soon, in the near future, we will be able to say we found a wrong, we righted it, we are sorry, and we are grateful.

I yield to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I appreciate the gentleman yielding again.

You know, Mr. Speaker, it is more than 60,000 soldiers who participated in the secret research. The report that my colleague just mentioned, "Veterans at Risk," that report indicates that many thousands of civilian personnel at defense installations at Maryland, Arkansas, Colorado, and Alabama may have been exposed to dangerous chemicals. In 1943 alone 28,000 civilians were employed by the Chemical Warfare Service in the production and handling of chemical weapons, and the report cites a dismal safety record with a quite high number of injuries for the CWS.

The thousands of soldiers and civilians include many Americans who have been tested or exposed in my home State. Gas chamber tests were conducted at Camp Sibert, a Chemical Warfare Service installation near Gadsden, AL, and in fact soldiers stopped volunteering for the experiments at their officers' suggestions because when they came back to their units their debilitated condition affected morale in those units.

My colleague has talked about the stories of tragedy recounted in this book. If he will bear with me for just a minute, I would like to share just a few examples of people who have come forward to me in Alabama alone who have said, "We did not know about this study," but they wanted to share with me what has happened or what their experience was with that program. I will cite just a few examples.

For example, a Scottsboro, AL, man said his father worked with mustard gas at Huntsville Arsenal and developed asthma so bad he had to quit his job in the summer of 1945. "I remember seeing him breathing, burning sulfur through a funnel to get his breathing under control, and he died from leukemia in 1970."

A Huntsville, AL, man's mother was burned with mustard gas at Huntsville Arsenal where she worked and died of liver cancer in 1974. The Labor Department told him there was no evidence mustard gas caused her cancer. He said his mother lived a guarded life for her last 29 years.

A Graysville, AL, man underwent testing at Camp Sibert for mustard gas, lewisite, and chlorine gas. He once refused to enter the gas chamber in his regular clothing and was punished with a half hour of calisthenics. By the 1950's he was suffering pain in his back, shoulders, and hips. He was diagnosed with cancer of his left eye in 1973, and his eye was removed. He subsequently had to quit his barbering job.

A Scottsboro woman's grandfather cleaned pipelines at Redstone, was never instructed to wear protective clothing, was exposed to the mustard gas while disconnecting a sump pump causing severe burns to his upper body. He became permanently disabled, and he had to quit work and was never compensated.

I have a letter from a gentleman in Eufaula, AL, and I would just like to read a few comments from his letter:

> We had to wear impregnated clothing 24 hours a day, 7 days a week. The uniform we wore during this time consisted of chemically treated combat pants and jacket, long-john bottoms, and long-sleeved shirt and knee-length socks. At the end of this training we were offensive smelling between our legs and in the pit of our underarms; around our waist, we were literally raw. That blood would just continue to ooze out. We wore this uniform for 6 weeks in June, July, and August. I spent a total of 22 hours in the gas chamber test the Army was conducting. According to the Army, they say we volunteered for these tests. The only reason we did was due to the fact that we were told we would be punished and court martialed if we refused to partake in these experiments.

Of course these are incidents recounted by these veterans, and I offer them, not to try to replicate what has already been presented to the Institute of Medicine. I present them here today to tell that these are just from my area, my one State alone, but were not included in the study, and to make our colleagues who have not been able to read the details of the study, to make them note that these are not just discomforts that people have experienced. These are serious problems.

As I mentioned a few minutes ago, I had written to President Clinton upon his assuming office after sharing findings with my colleague from Florida, and reviewing his research and studying this report, and I have received a response from the President that I would just like to read very briefly here.

□ 1640

Mr. Speaker, this is a letter from the President.

> I can assure you that the Department of Veterans Affairs [VA] is diligently attempting to identify veterans who may have been affected in mustard gas experiments during World War II. They are in the process of expanding the list of recognized long-term effects of mustard gas exposure and have relaxed requirements for evaluating mustard gas-related compensation claims. VA has established a toll free number (800-827-1000) that veterans or survivors of veterans who may have been exposed can use to contact the Department.
>
> As you are aware, VA contracted with the National Academy of Science for the study that resulted in the report that you cited in your letter. Since that report was issued, VA has requested the Department of Defense [DOD] to cooperate and assist in its effort to locate and provide benefits to affected veterans by providing the names, service numbers, type of test and the type of agent used during these experiments. They have also asked DOD to release the affected personnel from their oath of secrecy so that they are free to come forward and file a claim. Further, the Secretary of Veterans Affairs, Jesse Brown, has expressed his personal commitment to insure that the service men and women included in these experiments are identified and receive the care that they deserve.
>
> I am informed that the House Veterans Affairs Subcommittee on Compensation, Pension, and Insurance will hold a hearing on March 10, 1993, at which both the Departments of Defense and Veterans Affairs will testify about plans for resolving this unfortunate period in our military history.

Mr. Speaker, if I may break from the letter for just a second, we have discussed this with Chairman SONNY MONTGOMERY of Mississippi and JIM SLATTERY of Kansas. They are planning on holding this hearing, and they have assured us that they will cover this very thoroughly to try to resolve this issue.

Mr. Speaker, let me close by reciting the last paragraph from the President's letter. My colleague from Florida [Mr. GOSS] I think will probably agree with me that hopefully this is reaching another chapter in making sure that we acknowledge this program and the sacrifices of these people, and that we get the attention and the respect which they deserve. I close with the President's last paragraph.

> Be assured this will not be treated as business as usual. I have directed both Secretaries to expedite the process of locating, treating and providing other benefits that these loyal citizens have earned.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Alabama. That is outstanding good news. I have not seen that letter and I would very much like to have a copy of it. I know that it will be excellent news for all those who are interested in this.

Mr. Speaker, I want to point out and underscore the gentleman's remarks that are exactly on target that we are no longer just talking about 1 person or 4 people who have come forward for relief, or even 22 people who actually testified at the Institute of Medicine hearings back last April. But we are now talking about possibly hundreds, perhaps even a few thousand people, who were victimized in this process, who now are beginning to understand that they can come forward. I think with the positive commitment that we have just heard from the President of the United States on this matter, that we indeed will get to this final important chapter which will spell total success for these efforts.

I want to emphasize something that happened in this process that does not happen very often. I am going to read a statement that is a summation of what the feelings were in the committee from the National Academy of Sciences who did this study, that is basically now going to be the guideline to deal with the victims of lewisite and mustard gas poisoning. After they had done this study, commissioned by the Department of Veterans Affairs, they came to brief me in my office of the results. They expressed amazement at the extent of the testing that went on back in those days. They were appalled at the lack of followup and the lies and the half-truths that characterized the official reports.

That is extremely troubling at any time that you run across it when you are dealing with actions of any government, and I think that we are well on our way to correcting that problem. The purpose is not only in this case to correct it for the hundreds or the thousands of victims, and, as we have heard from our colleague from Alabama [Mr. BROWDER], that we are not talking about mere discomfort, that we are talking about major medical problems that have created painful, serious, debilitating impairments, a total ruination of the quality of life as most of us enjoy it. These are things that need to be corrected to the best we are able to today.

But that is not the only point. The other point in doing this is so we can say, and mean it, never again. Never again may a government inflict this kind of suffering for any cause on the people it serves.

MUSTARD GAS CHRONOLOGY

January 23, 1990—Private bill introduced for the relief of Bill Stuck, Glenn Jenkins, Charles Cavell, Alto Bowdoin, Jr. and Nat Schnurman. Bill numbered H.R. 3877, no action taken.

January 3, 1991—Private bill introduced for the relief of Bill Stuck, Glenn Jenkins, Charles Cavell and Nat Schnurman. Bill numbered H.R. 456.

February 12, 1991—H.R. 456 referred to Administrative Law and Governmental Relations Subcommittee chaired by Congressman Barney Frank.

March 7, 1991—H.R. 456 hearing before Chairman Frank's subcommittee—Deputy Secretary Anthony Principi testifies.

March 1991—Department of Veterans Affairs establishes a "blue ribbon" panel on the long-term effects of mustard gas. This panel was composed of experts who were to advise the Office of Environmental Medicine and the Chief Medical Director.

June 11, 1991—Veterans' Administration press release stating intent to give "the benefit of the doubt to those veterans who were involved in these tests" and intent to propose rule.

June 12, 1991—Washington Post publishes article by Bill McAllister, "Troops Used in Gas Tests Win Benefits—U.S. Ends Fight Over 1940's Experiments."

June 16, 1991—"60 Minutes" Program airs.

October 1991—The VA awards a $600,000 contract to the Institute of Medicine to survey the health effects of mustard gas and lewisite.

January 15, 1992—Proposed rule recognizing 7 diseases (laryngitis, bronchitis, emphysema, asthma, conjunctivitis, keratitis, and corneal opacities) as having a service connection to mustard gas exposure is published in Federal Register.

April 14, 1992—Twenty-two mustard gas victims testify at Institute of Medicine hearing held at National Academy of Sciences.

July 31, 1992—Final regulations recognizing the first seven diseases are published in the Federal Register.

January 5, 1993—The Institute of Medicine's Mustard Gas Committee chair, Dr. David Rall, members of his committee and Institute of Medicine staff hold a private briefing for Congressman Goss on the Institute's study entitled "Veterans at Risk."

January 6, 1993—The study, "Veterans At Risk" is released to the public at a press conference at the National Academy of Sciences.

January 6, 1993—The Veterans' Administration announces its intent to expand the list of service connected illnesses.

January 1993—Chairman Jim Slattery of the Subcommittee on Compensation, Pension and Insurance schedules an oversight hearing regarding the Defense Department's testing of mustard gas, lewisite, and other substances on service members for March 10, 1993.

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## DEBATE ON PRESIDENT'S PROPOSED ECONOMIC PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. SCHIFF] is recognized for 60 minutes.

Mr. SCHIFF. Mr. Speaker, I have not very often in the past come forward to offer a special order. I have to say in the past couple of times I have done so, inevitably I will receive letters from around the country which say, "Why do you Members of the House of Representatives give these speeches in special orders? It is obvious that nobody is listening."

Well, that is not so obvious. The people who wrote the letters to us are obviously listening. And that really goes to what is the real purpose of these special orders. The real purpose of the special orders is not to participate in the direct debate on a bill, we do that in debate time, but to participate in the national debate on important issues, where the public can follow us, live, if they so choose, and where our remarks are recorded into the CONGRESSIONAL RECORD so that when individuals study these issues, they can hear and see our various viewpoints. And that is what I propose to do with the time here today.

I would like to participate in the important national debate which has started around the proposed economic plan by the President of the United States, Mr. Clinton.

I think that the President deserves great credit, not only for giving what I thought was technically a good speech, but for focusing on an important issue like the budget deficit.

I think that he has made in the State of the Union Address—and in various public appearances around the country which have been carried on the news media—a very major impact on this debate, because he has stressed what I think has not been stressed enough in the past, and that is what is the ultimate effect of the continuing annual budget deficits which have led now to a national debt which I believe exceeds $4 trillion?

Well, that effect is real. It may not be felt today or tomorrow. Our economy, even in slow times, is still the strongest economy in the world. It can tolerate a lot. But sooner or later the deficit is going to cause us enormous problems.

In the first place, paying the interest on the national debt takes over 20 percent of the expenditures of the U.S. Congress. We, like every family and every business, pay interest off the top. So we pay interest on the loans we have already accrued over the years, and that goes out the window. That does not buy more military equipment, that does not go to health care, that does not go to more domestic spending. Obviously it is not returned to the taxpayers. It is just gone, to the people and institutions who have lent us money that we have borrowed over the years.

□ 1650

Further, this annual expenditure of interest not only keeps up year after year, but the principal, the underlying principal keeps getting larger and someday that has to be paid back by someone. And obviously, if we do not do something in the near term, it will be the responsibility of our children and our grandchildren to pay back this huge national debt. And that is fundamentally unfair. After all, they did not create the debt. Why should they be required to pay it back?

So therefore, I think that the President of the United States did a very good job in focusing our attention. The President suggested, in fact, that it was our patriotic duty to address the budget deficit at this time, and I agree with the President about that. I think for the reasons I have stated and the reason the President has stated we do have to take serious action and we have to take it now.

However, the President has gone on and, particularly in public addresses around the country by himself and his Cabinet members, to suggest that patriotic duty includes endorsing this particular plan. The debate has been framed in an us versus them way. The good guys versus the bad guys, and the good guys think that President Clinton's specific plan is the way to approach this problem. And it has been suggested that if you do not agree with that, you are a bad guy. You are one of the special interests and so on and so forth.

I quarrel with that concept. I quarrel with the idea that the need to address the deficit, in fact, means that we in the Congress, regardless of our political party, are supposed to accept the President's plan exactly as has been set out.

In fact, I would say what has happened—what has happened since the election—in a mere 3½ months to engender such confidence in the administration's figures, not in the good faith of the President, but in the fact that all these figures, as outlined to us in the State of the Union Address, will in fact, do what it has been suggested to us they will do?

I would point out, as has been pointed out, that for an entire year of a campaign, then-candidate for President, William Clinton, campaigned on completely difference economic ideas that everyone recalls. There would be no tax increase on the middle class. In fact, there would be a tax break for the middle class. And he did not support higher energy taxes, gasoline taxes. He did not support changes in Social Security laws.

He even wrote a book, which he referred to during the campaign, which I have purchased a copy of "Putting People First," in which he outlined his plan. And that plan has been literally thrown out the window. And in its place we got the plan outlined in the State of the Union Address.

I think it is fair comment to say, "Mr. President, if you didn't have it right the first time, why should we necessarily believe certainly at face value that regardless of your intentions that you have it right this time?"

I think we can examine it. Now, the President has responded and said to critics, "If you have a better idea than what I have proposed in the State of the Union Address, let's hear it. What do you have to say? You have heard the outline of my plan, whether it is the same as my campaign or not, put your ideas out there."

Well, I think we can do that, but I would propose that we could reverse that, too. If this plan, as outlined in the State of the Union Address, is so well thought out and, indeed, it will accomplish all of its goals, why do we not vote on it tomorrow?

The President declared, given the fact that his party is majority in the House and majority in the other body, that gridlock is over. Nothing prevents, certainly our party does not prevent a vote on the House floor and a vote on the other body's floor immediately, a straight up or down vote, yes or no on the President's plan. So I would suggest that a program that is indeed that perfect should be voted upon immediately.

But I would propose, I would have to tell my colleagues that I would approach the subject differently. But since, as the President said, we have to play the hand we are dealt, let me say that given the President's speech, State of the Union speech, my first proposal would be to cut down substantially—or eliminate but certainly cut down substantially—all of the new spending proposals contained in the President's program.

In fact, it is incongruous to hear the President say we have to do something about the budget deficit and then in the same breath say, "Here is all the new spending I want to do, new programs or increases in current programs."

In fact, this very new spending caused the White House, the Office of Management and Budget, to have to revise its figures that it gave following the President's address. The very next day the Office of Management and Budget, which, of course, is the White House's administrative arm, said, "We didn't mean to suggest that the budget deficit reduction over 4 years would be about," I believe it was, "$409 billion."

They said, "We meant to say it would be about $325 billion over the next 4-year period. Why? Because we forgot to count the increased spending."

So obviously, the increased spending has an effect on all of this. And I again come back to the question, with all the prominence the President has given to the budget deficit problem, why on Earth is he proposing new spending?

The answer to that is, if one looks carefully at the President's plan, the President does not have one goal. The President has three goals.

The President says he wishes to address the budget deficit. The President says that he wishes to further stimulate the economy. The President says that he wants to achieve certain social goals.

Now, I want to say that I share each of the three goals with the President. As he discussed and as I have discussed, deficit reduction has to be a priority. We are either going to face it now or we are going to face it later, when it will still be a lot worse.

I agree with the President that the economy, the economic recovery—though I believe it is here—I believe we should try to make it faster, stronger in the future. And I agree, to a great extent, with a number of the President's social goals.

I have to confess that a number of my colleagues appear to view with horror and alarm any proposal for Government spending no matter what it is. I do not share that view entirely. I do not think that the Federal Government should take over those areas where individuals and private enterprise can do a better job, but I would have to agree that there are a number of unmet social needs. And we could list them for the balance of my time and then some.

Just the area that the President cited of childhood immunizations, it would be nice if every parent, parents, all parents made sure that their children were immunized. It does not happen, whether that is through dysfunctional families or poverty or ignorance, probably a host of reasons. But it is an identifiable problem, and it is a problem that I do not think will be solved by the mainstream action. I think there is room for public action here.

And I think one could list a number of these areas where basically individuals have fallen outside of the mainstream so that improvements in basic free enterprise may not solve the specific problem and some kind of Government assistance is necessary, if they are ever going to be solved.

But the problem here is that we cannot examine the President's proposal on a one-on-one basis. In other words, what I mean, Mr. Speaker, is we can say that we have to address the deficit and we can say that we want to stimulate the economy and we can say that there are certain social needs for which we would like the Government to assist, where individuals are having trouble assisting themselves. But this is not a one-on-one situation.

I believe that the flaw in the President's plan is the failure to take into consideration how these different aspects of his plan affects each of these goals adversely. In other words, how a proposal to address the deficit in a certain way may inhibit economic growth, how proposals to address certain social problems will, in fact, inhibit our addressing the deficit problem.

And I would like to explain in several different ways how I think that this is the case. Let us talk about the middle class.

There was a great deal of discussion of the middle class during the election by all the Presidential candidates. There has been a great deal of discussion of the middle class since the election here in Congress, at the beginning of the 103d Congress.

I would say, first of all, that it does not further our social goals, remember one of the goals here is to solve certain social problems, by raising the burden on the middle class.

□ 1700

One of the things the President alluded to was the high cost of medical care. He told us that he will prepare a separate program in the near future. Yet the President proposes to raise the income tax on Social Security for middle-class Social Security recipients. The taxes would be increased for a single person earning a total income of $25,000 a year, or a couple earning $32,000 a year, which of course is $16,000 a person.

Individuals have to pay medical bills. How are we helping achieve our social goals on the one hand by taking money away from people who need it to achieve those social goals for themselves?

I will give a second example. The President has emphasized our need to further the ability of individuals to go to college, get a higher education. Yet he has proposed in the package to eliminate the cost-of-living increase, which has been present over the last number of years, to Federal employees and to reduce by 1 percent below the cost-of-living index with further cost-of-living increases to these employees over the next 3 years after that.

Federal employees have sons and daughters for whom they wish to obtain a college education. How do we help further college education if we reduce the ability of the middle-class people to pay college tuition? That is just an example of what I am talking about, that I think these different parts of the program contradict other parts of the program.

More particularly, I would like to discuss the middle class with respect to the proposed energy tax. I have seen, and I assume you have all seen, a debate in the media between experts on how much will the middle class pay in increased energy taxes. Whatever that amount is, I would submit double it, double it, because after the individuals have paid their own higher taxes, whether it is on heating their homes or gasoline for their cars or whatever else they might purchase in the way of energy, they will pay the energy tax again in the form of higher prices, because when this tax goes to business it is an increased cost of doing business. Business, to stay in business, must pass these costs on to consumers, so every time somebody buys goods they will pay the increased cost to transport those goods, they will pay for the increased costs to operate a business, to operate a store, which all have to pay higher energy bills.

The energy tax is double what it appears to be, therefore. When you see a figure, I submit that that figure is what will the tax cost. It does not include what will the increased prices cost. I think that is a direct result of the increase in the energy tax.

It goes on from here. I believe in the State of the Union Address the President stated that an energy tax was a good tax to select to increase, because a higher energy tax will encourage conservation; that is, with higher energy taxes, individuals will try to avoid the costs so they will try to use less energy.

I think that it is right, but I still think that it could be a problem. Why is that a problem? Why is energy conservation a problem? Because the context for it being given here is totally economic. The President did not base his State of the Union Message on the situation of conservation of energy, though of course that is an important subject. His address was based upon the economy. If there is conservation, that means there will be less usage of energy, so when individuals use less energy that means they are going to pay less tax.

It is inaccurate, and I think the administration is doing it, to compute the tax the Government will receive, the revenues that the Government will receive from increasing this energy tax based upon the current consumption of energy. I think the President is correct, I think people will try to use less energy, which again is a conservation goal, but the revenue will not be there. The revenue the administration says they will get from the energy tax will not happen.

What will the administration do then? They are going to have to either go back to the middle class with some other kind of tax or they are not going to be able to meet their deficit targets. This is even doubly so with business, because as business tries to reduce its costs it not only will generate less revenues than it would generate today on the same amount of usage, but industry may well cut down the number of jobs.

A key goal the President stated in his speech was, "We need more jobs," that the economic recovery has not reduced the unemployment rate to the extent to which we would like to see it reduced.

Third, I share the goal of the President in reducing the unemployment rate further, but to increase the cost of doing business means less jobs in the economy, so that means not only less revenue from the energy tax, it means more unemployed, which is exactly the opposite of what the President hopes to achieve.

Mr. Speaker, I would like to talk about taxes on the wealthy. When we talk about proposed taxes on the wealthy, I say, with respect, that anyone looking at that better get the definition of wealthy, because it seems to change.

The proposed millionaires tax which was going to be an extra 10-percent surtax on the incomes of those with $1 million or more in income, that is what was talked about during the campaign, has become the quarter of a millionaires tax; in other words, families, and I think this is families, not individuals, families earning over $250,000 a year will now have the millionaires tax.

Admittedly, a quarter of a million dollars a year is still a high income. It is still obviously well above the average. I am sure it is in the top 1 percent, even less than 1 percent. I am raising the point that the definition of millionaire changed from millionaire to a quarter of a millionaire, to point out that that happens throughout the package; that the President, I believe, said that 70 percent of the new taxes would be paid by families earning $100,000 a year or more.

Now, wait a minute. We are coming down pretty far from $250,000 a year, and very far from $1 million a year. Further, I believe, and I have seen various statistics on this, but I believe that when the administration uses these figures, when the administration says, "Families earning $100,000 a year or more will pay 70 percent of these taxes," they are not counting just cash income, which is how most people would use a figure like that. It is my understanding that they are counting a variety of other imputed income to individuals: The cash value of benefits on the job they might receive.

I believe it might even include, for those who own their own home and have paid their mortgage, an imputed value of the rent they would pay if they were paying rent on those premises instead of having paid off their home.

I would submit that even if not, even if those families making $100,000 a year pay the burden of taxes, that is a husband and wife each earning $50,000 a year, an above-average income, again, yes; wealthy? I don't think so.

Nevertheless, I submit once again that the administration will not achieve the revenue goals that they have projected. Let me go back again to the energy tax. The recognition by the President that when energy taxes go up, people will conserve, meaning people will try to avoid taxes; well, that is true whenever taxes go up. Those who are being taxed look for ways to avoid paying those taxes.

How can they do that? First let us talk about how did those who earned more money in the 1980's actually earn that money. The constant refrain has been stated that there is a group of individuals who did not pay their fair share. The implication of that, is that there are a group of individuals who paid less in taxes than they paid before.

I have seen many different figures, and figures can be computed many different ways, virtually to prove any fact, but as well as I am able to sort out these figures it appears to me that those we define as wealthy either in terms of the amount of cash they pay to the Federal Treasury or as a percentage of the total Federal taxes that are paid to the Treasury or both pay at least as much, if not more, than they have always paid to the Federal Treasury.

Where, then, is a group that did well in the 1980's? The answer is not to look at what was paid in taxes, but to look at who made the most net income. In other words, what I think can be shown is that with the lower tax rates on individuals in the 1980's, those individuals with the best ability, the best education and so forth, to earn money went out and worked because they could keep more of their income after taxes.

This does not mean that these individuals paid less taxes, but it means that they paid less taxes than they would have paid under a higher tax rate, and they looked at that and they said, "It is worth it for us to go to work because we will be able to keep and we will be able to bring home to our families more of what we earned every day."

I think there is a possibility that if the tax rates start getting so high, that if tax increases are coupled with surcharges and so on and so forth, that at least a portion of those individuals will say, "This is not worth it anymore."

They will say, "I am working 6½ days a week and because I have decided it is worth it to me to work that hard, because after I pay my current taxes, which go into the Treasury, I have an amount left over for my family that I think makes it worth it for me to work this hard."

☐ 1710

There is a possibility that a number of individuals will say it is not worth it anymore. By the time I have worked 6½ days a week, the Government is taking so much of my income I will not do it, I will reduce work to 5½ days a week or 5 days a week.

Does that help anyone, does that put more money in the pockets of the poor or even the middle class? Of course it does not. It just means a reduction in revenues to the Government, because those who were producing say, "I'm not going to produce anymore. Why should I? It isn't worth it."

But even for those who elect to continue to earn the incomes that they are earning today, they will try to avoid paying the taxes just as those who pay the energy tax will look toward conservation.

Now how can you do that? Well there are many different ways. Just picking two, there are still tax-free income sources in this country. I believe that various municipal bonds still fall into this area where one can invest in these sources of income and receive an income back that is exempt from Federal taxes. Indeed, I saw a program recently on public television which suggested that the municipalities were looking forward to higher taxes because people would invest in their municipal bonds.

I also saw a news program on the regular media that said charities were looking forward to the increased taxes, because individuals would give more to charity. If given a choice between I am going to give the money to the Federal Government in the form of taxes, or I am going to give it to my place of worship, or I am going to give it to my favorite charity, a number of individuals would say I would rather pick where it goes to than to send it to the Federal Treasury.

Now obviously this is good for municipal bonds and other tax-free investments, and this is good for charity. I have no quarrel with any of those institutions. But the point is the more money that goes to tax-free or tax-exempt or tax-writeoff entities, the less money goes to the Federal Treasury. That means that the revenue projections which are being made today on the assumption that people earning what they are earning today will do nothing to offset those taxes, which they have already acknowledged is not true over in the income tax, the revenues will go down, and if the wealthy use tax-exempt or even charitable donations to offset their income, the administration will have no choice but to come back to the middle class and say we need more taxes from you. Or they will have to let the deficit continue to go up and not meet their target.

Now, Mr. Speaker, I think the heart of the administration's proposal comes in the idea of how they say, despite all of these things, that they will in fact meet the deficit reduction goals. Remember, deficit reduction is the primary purpose of all of this. The President says that he will propose reductions in spending, and that the reductions in spending, when coupled with the new taxes, will achieve the deficit reduction goals.

First of all, I would point out again, as I did at the beginning of this address, that the President's first proposals are for new spending, and some of it I question. For example, the stimulus package appears to look more like a pork barrel package. This is not 1933. We do not have to have a vast public works program for the purpose of rendering employment. What we need to do is to keep the recovery that is going in the private sector going through private investment and through the creation of private jobs.

But that is really beside the point. New spending is new spending, whether we agree that it is the right program or whether we do not agree it is the right program. But new spending means you do not reduce the deficit. It is that simple.

The suggestion that has been made by the administration, even with our new spending, is that we will reduce spending in other areas. I suggest that that is more illusory than reality.

Just one example which I think spells out everything. The proposed increase in tax on Social Security income is listed by the administration in this program as a spending reduction. A proposed tax is called a spending reduction. I think that is the best example I can give as to what we can expect in the way of reducing spending.

The theory, by the way, is that since Social Security comes from the Government, the Social Security trust fund, if the Government taxes it it is the same as if the Government never spent it in the first place. While that is a little bit like saying higher taxes on corporate income is a spending reduction because we will pay corporate contractors who do Government work less money because we are going to get it back in taxes. And with all due respect, I do not think that that is a very accurate way of accounting.

A tax is a tax, and an increase in a tax is not a decrease in spending. So I seriously suggest that there will never be this massive spending decrease which will make up for the spending increase, and which will lead to deficit reduction.

Mr. Speaker, I have to come back, however, in conclusion to compliment the President. I know I have taken issue with a number of the specific proposals because I feel a number of the proposals will adversely affect various goals that the administration has. But I take no quarrel with the goals, I take no quarrel with the emphasis on deficit reduction. And I think the President of the United States, Mr. Clinton, is entitled to great credit for having stimulated the debate along these lines. Whether individuals in this Congress and across the Nation agree with the President or not, there is no doubt that the President has started the debate going, and I think that that was a tremendously successful use of his office in the State of the Union Address.

But I again come back to the fact that there is nothing sacred about this plan. And I would invite the administration to consult carefully with Congress. I know speaking for myself, and I think speaking for all of the Members on both sides of the aisle, we do share the goals, we do recognize the problems and we are ready to work together.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1754

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KLINK] at 5 o'clock and 54 minutes p.m.

## HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 920, EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–18) on the resolution (H. Res. 103) providing for the consideration of the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## A NEW DAY FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, last year a woman in my district contacted me, a very sad story. She had worked for 18 years at a local car dealership. She had no vacation, no compensatory time, no sick leave, and of course, as regretful as it is, but how it so often happens with those people who are treated that way in the work force, she had a terrible tragedy that befell her family. Suddenly she learned her mother was diagnosed with colon cancer. She had to take her mother to the doctor once a month for chemotherapy, and I cannot imagine anyone who does not know, by now, how grueling those treatments are, and how much you need to have a loved one by your side, if possible, to get through them.

After a few months though, her boss told her that this was unacceptable. She could not be with her mother through this very difficult time. She had to choose between taking care of her mother or losing her job. Well, she chose her mother. She quit and took care of her mother until she passed away last fall.

That incident has stuck in my mind, and I was thinking of it early this month when Congress sent to the President the family and medical leave bill.

Of course, we had sent a bill to the White House in previous Congresses that I have served in, but it has been vetoed. But this was a new President. It was a new day for America. And when Bill Clinton walked into the Rose Garden and signed the family and medical leave bill, it was a sign for hundreds of people who had worked on that bill for 7 years, and the millions who it would affect across this country, that we had not only changed Presidents but that there would be some real changes in store for America.

Today, I want to talk a little bit about why America needs that change, and what exactly it is going to mean for us when it happens, and it will happen. It is no secret that our economy is still in terrible shape. There is some optimism out there, and, because of the optimism, we are seeing some positive things happening in our economy. But the overall shape of it, because of what has transpired over the last 4 years especially, and perhaps the last 12 years, is still not good. We have millions of Americans out of work, people who have played by the rules all their lives, who stayed in school, who punched the clock, but cannot make ends meet.

And speaking of people out of work, we are going to have a bill tomorrow, to extend unemployment compensation for those people who have had that compensation run out, those who need that bridge, or that bridge investment, to get by until we can get this economic plan in place, until we can get the country and the economy moving again.

Mr. Speaker, Americans do not expect the Moon, but we have some very basic needs which we cannot neglect, that when we get sick, we can afford a doctor. People expect that, that if we save, that at some point along the way we will be able to afford a home, or send our kids to college. But over the last 4 years we have had an administration so preoccupied with events around the world, not that they did not need attention, but the preoccupation was so focused and concentrated, that they really could not focus on the problems of people right around the corner.

The Secretary of the Treasury said about the recession that we have been going through, that it was no big deal. Well, all of us know that it is a big deal, and we know of the pain and suffering of the American public as a result of what is going on in our economy over the last, especially the last, 4 years.

□ 1800

So is the deficit a big deal. The national debt now is so large that just to pay the interest, just to pay the interest on it, costs as much as the combined budgets of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Transportation, Veterans Affairs, NASA, the Environmental Protection Agency, the Army Corps of Engineers, and the Small Business Administration. You combine all of those budgets together and the cost of running the Federal Government at each of those levels is equal to the interest on the debt.

Let me put it another way. Think of a high school senior that is graduating this year, say from high school in, let us say, from my district, from Southlake or from Isanhoe or from Roseville or Port Huron. Over his or her lifetime, that senior will have to pay $90,000 more in taxes just to pay the interest, a lot of it to investors from other countries.

If we do nothing for another 10 years, that will more than double. I would rather my kids be able to use that $90,000 or $180,000, if we do nothing, $180,000 on their education or their children's education or on buying a home, not paying for the mistakes that we make. And I will bet they feel the same way.

Now, it is not enough to get the deficit down. The deficit number, just by itself, is not important. But what really is important is that we create jobs and that we create growth, because by doing that, the deficit with prudent reductions in spending, and we will make them, will take care of itself. And that starts with those reductions, with the spending cuts that we have talked about.

And that is one reason I like the President's plan, because that is where the President begins. He cut his own staff by 25 percent. He reduced the Federal Government or will be reducing it by 100,000 positions through attrition, a savings with administrative costs of $9 billion.

That is a cut, by the way, that Congress will match, in addition to last year's 6.5-percent cut in congressional budget, we will slice 13,000 positions and match the executive branch cut in administrative costs over the next 4 years.

The fact is, the President's plan will shrink Government through 150 specific budget cuts. He used conservative numbers, and has not used the budget gimmicks that have been the staple of budget decisions for the past 12 years in this institution. The cuts are real, and they are not just in defense either. They are in foreign aid, phase out below cost for timber sales, cuts in rural electrification subsidies that the President mentioned just last week, when he spoke before us.

He eliminates those subsidies for companies relocating overseas, eliminates all that unnecessary nuclear reactor research and development.

Are some of these programs good? Of course, they are. I wish we did have money to fund all the water projects that everybody wants, but we do not. I wish we had the money to provide crop insurance to all our farmers, but we do not.

The cuts affect people. We will cut the waste and we will cut more. Government will have to work, and will have to work in a smarter way and a leaner way and in a much tougher way.

Now, this plan does a lot more than cut and reduce the deficit. This is going to generate more and better jobs for our children and for us. Five hundred thousand new jobs alone this year.

Second, it is going to increase incomes for all Americans. It will provide long-term investment in the people of this country. It will provide long-term investment in infrastructure and technology, so that we will have a brighter future.

Finally, it does this in a way that I think is fair to our people. The people who did very well in the 1980's, who were the beneficiaries of the tax policies of the 1980's, will be asked to carry the bulk of the load.

There are a bunch of myths about this plan that I want to dispel this evening. First, the myth that this plan raises taxes a lot more than it cuts. False.

Over the next 4 years, the ratio is 1 to 1. I pledge this: If the lobbyists and the special interests get to this package, and the final package does not have as much cuts as revenues, I will not vote for it as the whip of my party.

Second, the myth that the middle-income people will see their income taxes go up. False.

The fact is that 98.5 percent of Americans will not see that increase by 1 cent. The only way you will pay more of income taxes is if you are single and making over $140,000 a year or part of a household that makes over $180,000 a year.

Third, the myth that the President is soaking the middle class with energy taxes. I do not want to minimize the increases that we will all have to pay in energy taxes. It is going to be difficult for some families. Even at $17 a month, that is going to take a toll on a lot of budgets around America, and that is serious.

But the legacy of the last 12 years has been a disaster. We all have to pitch in, if we want to turn this country around.

The fourth myth, everybody will pay a lot more in Social Security taxes. The facts, the top 20 percent of the population drawing on Social Security will pay a little bit more. The remaining 80 percent will not pay a cent more. The 80 percent will not pay a cent more in Social Security taxes. If you do not pay taxes on Social Security now, you will not pay 1 cent under this new plan. And no Medicare beneficiaries will lose benefits either.

Let me repeat that so it is clear. If you do not pay taxes on Social Security now, and 80 percent of those recipients do not, you will not pay 1 cent under the President's plan. And no Medicare beneficiaries will lose benefits either.

In other words, the President's plan has reversed the direction of the 1980's. When it came to asking for help, putting our country on a new track, he went first to Government. Next he went to corporations and special interests, raising the corporate tax. Next he went to the rich, and over 70 percent of the new revenues in the plan will come from the wealthy and by raising the top rate and with the surtax on the very, very extremely wealthy in our country.

And only after exhausting those resources did he turn to the rest of us.

What do we get for this investment and this sacrifice in revenues and program cuts that the country will be making? The plan has three basic components.

First, it jump-starts the economy with an economic investment package. There are those who say we do not need improvements, that we are coming out of this recession naturally. Well, I heard that for 2 years, the last 2 years. All the economists and all the editorial writers, well, not all of them but a good number of them were saying, "We don't need to be doing this, we don't need to be doing that. We are making it. We are moving right out of the recession."

To them, I want to point out one thing: There are still 3 million more people out of work in America than before the recession started, 3 million more, and if you take the unemployment figures, although they are coming down, you still have 9 million folks out of work in this country, another 6 million who cannot find full-time work that want full-time work and probably a million to a million and a half that have dropped between the cracks and are not counted because they have given up.

It is a lot of folks. This plan creates jobs, not just the 500,000 full-time jobs that I talk about that will be generated through the infrastructure, roads, bridges, highways, sewers, other needed things for our communities that will jumb-start, hopefully, sectors of our economy, sections of our economy, but also it will create 683,000 new summer jobs for our youth across this Nation.

□ 1810

Second, this is an ambitious plan for long-term investment beyond the summer, beyond the jump-start of accelerated public works, beyond the vaccinations that we have talked about, the funding of Head Start and WIC. This is a plan that deals in the long term. It invests in private sector job creation, it has tax incentives for small business, it invests in education and training, including defense conversion.

Defense conversion has been woefully neglected for so many years. We need to pay more attention and devote more of our resources and time and know-how and energy and imagination to making that very difficult transition in California and many other places that have suffered because of the defense transition that we are going through today.

We did it after the Second World War, and we did it after other conflicts we were engaged in. We can do it now. The plan also expands the earned income tax credit. This is important. The President, as I watched him last week speak from the podium here, you could tell the passion with which he felt this when he said "No parent who works full time will be forced to watch his or her family live in poverty. No parent who works 40 hours a week or 50 hours a week will have to watch that anymore with the earned income tax credit, because every job has dignity, every job has worth in this country. If we are all in this together, we will all understand that."

It also invests in children, as I mentioned, in making sure all eligible children can attend Head Start. It phases us into that, and no child in America will go without vaccination against the ravaging diseases of childhood; vaccinations, incidentally, that save us $10 for every $1 we invest.

Above all, it is a serious plan for deficit reduction. The Republicans will tell us the cuts do not go far enough. It is time to put up or be quiet. For 12 years two Republican Presidents submitted budgets to the Congress. Not one was balanced, not one of them was balanced. In fact, we always wound up cutting more than what President Reagan or President Bush wanted us to cut.

Their budgets were so woefully inadequate that during the last couple of Congresses the Republicans on this side of the aisle voted against President Bush's own budget that he sent up here.

I want to tell them that we welcome their suggestions, but as an editorial writer, as editorial writers all around America have pointed out, we want to know which spending do they want to cut. We are prepared to go deeper, but we want to know where they want to make it.

There was a Washington Post editorial last week that was particularly cogent on that point. "Do the Republicans want to cut Social Security," the Post asked. That is 20 percent of the budget. Do they want to do that? Do they want to cut Medicare and Medicaid additionally beyond what has been suggested? That is 15 percent of the budget.

President Clinton has already begun tightening cost controls. He will save $35 billion that way. Do they have a better way? We want to hear it. How about defense, which is 19 percent of the budget? We have made cuts in defense in the budget that the President has. Republicans have traditionally fought cost cuts in defense. Have they changed their tune now?

Social Security, defense, Medicare, Medicaid, interest on the debt. That is two-thirds of the budget. If Republicans want to cut in those areas, I would love to see them tell us where.

Maybe they want us to cut from the rest of the budget. Where? From veterans benefits? From highways? From college scholarships? Where? I would like to hear it.

Let me read a paragraph from the Washington Post editorial discussing this issue:

> The Republicans complain about tax and spend Democrats. They gave the country 12 years of borrow and spend instead, and it was worse. In two administrations they quadrupled the national debt such that interest payments are now one-seventh of the budget, crowding out much else. What the Republicans now deplore is their own handiwork.
>
> If the Republicans don't like his—

The President's—

> list of specific proposals to solve the problems they did so much to help create, perhaps they will finally publish their list. After so many years of evasion that doesn't seem too much to ask.

I could not agree more. Recently we had a show of bravado about how additional cuts could be put forward by the administration. I won't mention the gentleman's name, but he is a Member of the other body, and in a hearing he pulled out a list. I think he had said he had an additional 200 or some cuts in his pocket and he pulled it out. Then when he was asked publicly to display the list so that the committee, the media, the country could see it, he put it back in his pocket. We want to see the list, because it may contain something worth salvaging, including something in the package that we are talking about.

Recently I heard Matt McLarty, the President's Chief of Staff, and I am still not used to thinking of the Chief of Staff as the ally, but I heard him tell a story about an admiral on a battleship steaming along a dark sea when he sees lights dead ahead.

The admiral says "Signal him to alter his course." The signalman sends out the signal and back comes the message "You alter your course." The admiral says "Tell him he is under orders to alter his course. I am an admiral." Back comes the message "I am a seaman first class. You alter your course."

The admiral is now getting upset, mad. He says "Tell that pipsqueak he had better move or we will blow him out of the water. This is a fully armed Navy destroyer." The message comes back "You move. This is a lighthouse."

America has been heading straight for that lighthouse: $600 billion deficits, a health care system out of control, factories closing up and moving to Mexico or Taiwan. It is time to alter course, and not just on economics either.

One of the reasons I was so happy to see the family and medical leave bill passed was that we now have a President who cares about supporting families. There is a cultural change, a change of values, and that is very exciting. We have also got to move on the health care front.

The President has said many times that even this bold new economic plan will not get America moving again unless we fix the health care mess, and he is right on target, not just for the 37 million Americans who have no insurance, or the rest who have insurance who are unable to afford the accelerating cost, which is increasing at an alarming rate, but because to get this budget deficit we are going to need to tighten up on health care, which is eating away at our budget in Medicare and in Medicaid and in VA benefits and in all the other health-related programs that we operate. It is the fastest growing part of our budget.

We have to create a new health care system because it is bankrupting businesses and bankrupting the American family. We have to create a health care system where you can walk into a doctor's office without being scared about whether you have enough money to pay the bill or whether you have enough money to go to the drugstore to pay for the medicine that you need. That is a big item. We have been working on this item diligently in this body now for many, many years.

□ 1820

I have watched closely how people are beginning to come together on a solution. There was a time you could not get the AMA, the American Medical Association to the table, you could not get certain business community people to even talk about it. You could not get a unified position from organized labor or from physicians. But slowly it is starting to come together, the insurance industry understanding the need to sit down and deal with this.

So we will be dealing with that very important issue, and we will be dealing with it as the President mentioned the other night, this year.

I am going to fight to help pass the President's plan for America and for our communities. For over a decade we have had gridlock in this town, in Washington. Now we have a chance to move ahead. And when I think of that woman who had to choose between her job and her family, I am happy that we have people who will stand up for working people in the Congress and in the White House, people in both of these institutions who understand what working folks have gone through, that working people will now have a friend on their side, that we are able and willing and anxious to take on those special interests out there who want to scuttle what was talked about here about a week ago by the President of the United States. Things are better for people in the position of that woman I mentioned today.

It is now time to make things better for the people all over this country of ours. For 45 years America has fed and clothed much of the world, and now we can start taking care of the folks here at home the way we should have taken care of them. I want to help get that job done. I hope each and every one of my colleagues will join in.

Let us get America to alter its course, and let us make sure that we do not hit that lighthouse. Let us get America moving again.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of death in the family.

Mr. MCDADE (at the request of Mr. MICHEL), for today and February 24, on account of medical reasons.

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mr. EVANS of Illinois (at the request of Mr. GEPHARDT), for today and February 24, on account of illness.

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TORKILDSEN) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 60 minutes, today.

Mr. BUYER, for 60 minutes, on February 24.

Mr. WALKER, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on May 3, 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 20, 24, 25, 26, 27, June 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, and 30.

(The following Members (at the request of Mr. WYNN) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

(The following Member (at the request of Mr. GOSS) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on February 24.

Mr. CONYERS, for 5 minutes, today.

Mr. KOPETSKI, for 60 minutes, on February 24.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. GOODLING.

Mr. MICHEL in two instances.

Mr. KYL.

Mr. LIGHTFOOT in two instances.

Mr. KING.

Mr. SUNDQUIST.

Mr. HUNTER.

Mr. FRANKS of New Jersey.

Mr. OXLEY.

Mr. LEWIS of Florida.

Mr. BATEMAN.

(The following Members (at the request of Mr. WYNN) and to include extraneous matter:)

Mr. LANTOS.

Mr. MCNULTY.

Mr. PENNY.

Mr. BEILENSON.

Mr. TORRES.

Mr. JACOBS.

Mr. MANTON.

Mr. FOGLIETTA in three instances.

Ms. DANNER.

Mr. TOWNS in six instances.

Mr. WAXMAN in two instances.

Mr. TORRICELLI.

Mr. MONTGOMERY.

Mr. VENTO.

## ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 24, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

771. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting his request for emergency fiscal year 1993 supplemental appropriations, pursuant to 31 U.S.C. 1107 (H. Doc. 103-50), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 920. A bill to extend the emergency unemployment compensation program, and for other purposes; with an amendment (Rept. 103-17). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 103. Resolution providing for the consideration of the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes (Rept. 103-18). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TORRES:

H.R. 1028. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BEILENSON:

H.R. 1029. A bill to provide for an increase in personnel of the Border Patrol, and for other purposes; to the Committee on the Judiciary.

H.R. 1030. A bill to provide for the separate administration of the Border Patrol and the Immigration and Naturalization Service; to the Committee on the Judiciary.

H.R. 1031. A bill to provide for the improved enforcement of the employer sanctions law, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. Stump, Mr. Edwards of California, Mr. Smith of New Jersey, Mr. Applegate, Mr. Bilirakis, Mr. Evans, Mr. Quinn, Mr. Penny, Mr. Rowland, Mr. Slattery, Mr. Kennedy, Mr. Sangmeister, Ms. Long, Mr. Edwards of Texas, Mr. Clement, Mr. Filner, Mr. Gutierrez, Mr. Baesler, Mr. Bishop, Mr. Clyburn, Mr. Kreidler, Ms. Brown of Florida, Mr. Hefner, Mr. Richardson, Mr. Stenholm, Mr. Payne of Virginia, Mr. Parker, and Mr. Olver):

H.R. 1032. A bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HAYES of Louisiana:

H.R. 1033. A bill to amend the Federal Water Pollution Control Act to establish a grant program for construction of publicly owned treatment works in economically distressed rural communities; to the Committee on Public Works and Transportation.

By Mr. SWIFT (for himself, Mr. Baker of Louisiana, Mr. Hochbrueckner, Mr. Inslee, Mr. Kreidler, Mr. Lipinski, Mr. McCollum, Mr. McDermott, Mr. Manton, Mrs. Meyers of Kansas, Mr. Oberstar, Mr. Ortiz, Mr. Paxon, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Rangel, and Mrs. Unsoeld):

H.R. 1034. A bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself, Mr. Shays, Mr. Hochbrueckner, Mr. Gejdenson, Mrs. Lowey, Mr. Engel, Ms. DeLauro, Mrs. Kennelly, Mr. King, Mr. Manton, Mr. Schumer, and Mr. Towns):

H.R. 1035. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the States of New York and Connecticut for the purpose of demonstrating methods of improving water quality in Long Island Sound; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. BERMAN (for himself, Mr. Ford of Michigan, Mr. Williams, Mr. Gunderson, Mr. Miller of California, and Mr. Shays):

H.R. 1036. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws; to the Committee on Education and Labor.

By Mr. BORSKI:

H.R. 1037. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain mixtures of caseinate; to the Committee on Ways and Means.

By Ms. BYRNE:

H.R. 1038. A bill to direct the Secretary of Health and Human Services to provide Federal minimum standards for health insurance for the elderly, and to amend title XVIII of the Social Security Act for the purpose of directing the Secretary to study methods of further improving the regulation of health insurance for the elderly and to evaluate methods by which the Medicare Program could more fully meet the health insurance needs of the elderly; to the Committee on Energy and Commerce.

H.R. 1039. A bill to amend title 5, United States Code, to ensure that whistleblowers are protected from having to submit, without just cause, to psychological or psychiatric evaluations or counseling; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY:

H.R. 1040. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the Reserve components, and for other purposes; to the Committee on Armed Services.

By Ms. BYRNE:

H.R. 1041. A bill to amend title 39, United States Code, to permit essential civilians supporting military operations, in an overseas area designated by the President, to mail at no cost letters or recorded communications of a personal nature; to the Committee on Post Office and Civil Service.

H.R. 1042. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to require individuals conducting weapon screenings of passengers in air transportation to notify law enforcement officers of discoveries of controlled substances and/or sums of money in excess of $10,000 in accordance with applicable Federal guidelines; to the Committee on Public Works and Transportation.

H.R. 1043. A bill to prohibit the expenditure of Federal funds for constructing, positioning, or modifying highway signs that are expressed in metric system measurements; to the Committee on Public Works and Transportation.

H.R. 1044. A bill to amend title XVIII of the Social Security Act to provide for the enforcement of standards relating to the rights of patients in certain medical facilities; jointly, to the Committee on Ways and Means and Energy and Commerce.

H.R. 1045. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have coverage under both systems to obtain maximum benefits based on their combined service; jointly, to the Committees and Ways and Means and Post Office and Civil Service.

H.R. 1046. A bill to provide a private cause of action for the recovery of damages for economic loss caused by the dumping of foreign merchandise into U.S. makets, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

H.R. 1047. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitan; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CLEMENT (for himself, Mr. Cooper, Mr. Gordon, Mr. LaFalce, Mr. Faleomavaega, and Mr. Romero-Barceló):

H.R. 1048. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Energy and Commerce.

By Mr. CLINGER (for himself, Mr. Horn, Mr. Zeliff, Mr. Machtley, Mr. Thomas of Wyoming, Mr. Wise, and Mr. Hastert):

H.R. 1049. A bill to establish the Commission on the Presentation of the Budget of the United States; to the Committee on Government Operations.

H.R. 1050. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between Federal funds and trust funds, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. COX:

H.R. 1051. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of turbo enterprise zones to assist areas of high unemployment and severe economic blight; to the Committee on Ways and Means.

By Ms. DANNER (for herself, Mr. Lewis of Florida, and Mr. Wyden):

H.R. 1052. A bill to authorize States to regulate the treatment, disposal, and other disposition of solid waste; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 1053. A bill to amend title 39, United States Code, to provide free insurance up to the value of $100 on mail items; to the Committee on Post Office and Civil Service.

H.R. 1054. A bill to eliminate the provision that prevents temporary Federal employees from qualifying for the same benefits as are available to Federal employees generally under the Family and Medical Leave Act of 1993; to the Committee on Post Office and Civil Service.

By Mr. GOSS (for himself, Mr. Frank of Massachusetts, Mr. Browder, and Mr. Bilirakis):

H.R. 1055. A bill to direct the Secretary of Defense to issue a commendation to each individual exposed to mustard agents during World War II, and for other purposes; to the Committee on Armed Services.

By Mr. LEWIS of Florida (for himself, Mr. Bilirakis, Mr. Young of Florida, Ms. Thurman, Mr. Goss, Mr. Hastings, Mr. Allard, and Mr. Gene Green):

H.R. 1056. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the U.S. Government; jointly, to the Committee on Post Office and Civil Service and Government Operations.

By Mrs. MEYERS of Kansas:

H.R. 1057. A bill to protect and promote small business concerns; jointly, to the Committees on Ways and Means, Small Business, the Judiciary, Rules, and Education and Labor.

By Mr. MONTGOMERY:

H.R. 1058. A bill to amend title 10, United States Code, to allow members of the Selected Reserve to use educational assistance for graduate programs; to the Committee on Armed Services.

By Mr. OXLEY:

H.R. 1059. A bill to amend the Federal Election Campaign Act of 1971 to provide for increased fairness and competition in elections for Federal office; to the Committee on House Administration.

By Mr. REED:

H.R. 1060. A bill to amend the Internal Revenue Code of 1986 to extend the period for the rollover of gain on the sale of a principal residence for the period the taxpayer has substantial frozen deposits in a financial institution; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 1061. A bill to extend until January 1, 1995, the existing suspension of duty on thiothiamine hydrochloride, and for other purposes; to the Committee on Ways and Means.

By Mr. SANTORUM (for himself and Mr. INGLIS):

H.R. 1062. A bill to impose certain restrictions on franked mass mailings by any Member of the House of Representatives who is a candidate for such office; to the Committee on House Administration.

By Mr. SHARP:

H.R. 1063. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal year 1994 through fiscal year 1999; to the Committee on Government Operations.

By Mr. STEARNS (for himself, Mr. COX, MR. CRANE, and Mr. HENRY):

H.R. 1064. A bill to require the Congress and the President to use the spending levels for the current fiscal year (without adjustment for inflation) in the preparation of the budget for each new fiscal year in order to clearly identify spending increases from one fiscal year to the next fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. STEARNS:

H.R. 1065. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability and some or all of their income tax refunds, and to contribute additional amounts, for purposes of rehabilitation and treatment in combating the war on drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STUDDS:

H.R. 1066. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Science, Space, and Technology, and Foreign Affairs.

By Mr. THOMAS of California:

H.R. 1067. A bill to amend the Immigration and Nationality Act to require a report by the Federal Bureau of Investigation on the criminal record for aliens who are residing in the United States and who apply to immigrate to the United States; to the Committee on the Judiciary.

By Mr. TORKILDSEN:

H.R. 1068. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on the Judiciary.

By Mr. TORKILDSEN (for himself, Mr. MOAKLEY, Mr. MARKEY, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. BLUTE, and Mr. MEEHAN):

H.R. 1069. A bill to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources; to the Committee on Natural Resources.

By Mr. TORRICELLI:

H.R. 1070. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1071. A bill to extend until January 1, 1995, the suspension of duties on certain chemicals; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1072. A bill to amend the Internal Revenue Code of 1986 to reinstate a 10-percent domestic investment tax credit, to provide a credit for the purchase of domestic durable goods, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WALKER:

H.R. 1073. A bill to amend the Occupational Safety and Health Act of 1970 to exempt from coverage under that act individuals who are members of the Old Order Amish; to the Committee on Education and Labor.

H.R. 1074. A bill to suspend until January 1, 1997, the duty on mounted closed circuit television lenses; to the Committee on Ways and Means.

H.R. 1075. A bill to allow an item veto in appropriation acts for fiscal years 1994, 1995, 1996, 1997, and 1998 by the President to reduce spending to levels necessary to achieve a balanced budget by fiscal year 1998, and to establish select committees on congressional budget and appropriation process reform in the House of Representatives and in the Senate; jointly, to the Committees on Government Operations and Rules.

By Mr. WYDEN (for himself, Mr. BEREUTER, Mr. HAMILTON, Mr. KOPETSKI, Mr. WISE, Mr. KANJORSKI, Mr. MURPHY, Mr. MCCLOSKEY, Mr. FINGERHUT, Mrs. LLOYD, Ms. DANNER, Mr. JOHNSON of South Dakota, and Mr. BUYER):

H.R. 1076. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETE GEREN (for himself, Mr. CLINGER, Mr. EMERSON, Mr. HASTERT, and Mr. PARKER):

H.R. 1077. A bill to amend title 49, United States Code, relating to deregulation of intrastate trucking; to the Committee on Public Works and Transportation.

By Mr. BEILENSON:

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with a legal resident mother or father; to the Committee on the Judiciary.

By Mr. BONIOR:

H.J. Res. 118. Joint resolution designating the last week of September 1993, and the last week of each September thereafter, as "National Senior Softball Week"; to the Committee on Post Office and Civil Service.

H.J. Res. 119. Joint resolution to designate the weeks beginning May 2, 1993, and May 1, 1994, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

H. Con. Res. 47. Concurrent resolution concerning criminal aliens; to the Committee on the Judiciary.

By Mr. GOODLING (for himself, Mr. SHAYS, Mr. LEWIS of Florida, Mr. MCDADE, Mr. BATEMAN, Mr. HEFLEY, Mr. ZELIFF, Mr. ENGLISH of Oklahoma, Mrs. LLOYD, Mr. PORTER, Mr. LAFALCE, Mr. INHOFE, Mr. SANTORUM, Mr. FALEOMAVAEGA, and Mr. CLINGER):

H. Con. Res. 48. Concurrent resolution expressing the sense of the Congress in favor of the more equitable and more uniform treatment of federally funded and federally administered retirement programs for purposes of any deficit-reduction measures; to the Committee on Government Operations.

By Mr. KENNEDY:

H. Con. Res. 49. Concurrent resolution concerning the appointment of a special envoy to Northern Ireland; to the Committee on Foreign Affairs.

By Mr. SKELTON (for himself and Mr. EMERSON):

H. Con. Res. 50. Concurrent resolution to provide for the display of the flag commemorating the 50th anniversary of World War II in the rotunda of the Capitol; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 98. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. INGLIS, Mr. GOSS, Mr. ZELIFF, and Mr. BALLENGER):

H. Res. 99. Resolution providing for motor vehicle leasing for the House of Representatives to be conducted through the General Services Administration; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. INGLIS, and Mr. BALLENGER):

H. Res. 100. Resolution limiting the mileage allowance rates for Members, officers, and employees of the House of Representatives to the rates generally applicable to Government employees; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. INGLIS, Mr. DOOLITTLE, Mr. KLUG, Mr. BOEHNER, and Mr. TAYLOR of North Carolina):

H. Res. 101. Resolution providing for an annual independent financial and performance audit of the accounts and operations of the House of Representatives; to the Committee on House Administration.

By Mr. STEARNS:

H. Res. 102. Resolution providing for the consideration of the joint resolution (H.J. Res. 22) proposing an amendment to the Constitution of the United States relating to voluntary prayer in the schools; to the Committee on Rules.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 15: Mr. UPTON, Mr. SUNDQUIST, Mr. STUDDS, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. KILDEE, Mr. WALSH, Mrs. COLLINS of Michigan, Mr. FILNER, Ms. MALONEY, Mr. WYNN, Mr. FROST, Mr. RUSH, Mr. SCOTT, Mrs. KENNELLY, and Ms. MEEK.

H.R. 94: Mr. LEWIS of Florida, Mr. TAYLOR of North Carolina, Mr. BARRETT of Wisconsin, Mr. MACHTLEY, and Mr. HUGHES.

H.R. 103: Mr. SOLOMON, Mr. WOLF, and Mr. UPTON.

H.R. 123: Mr. GEKAS, Mr. HUTTO, Mr. DUNCAN, Mr. PAXON, and Mrs. JOHNSON of Connecticut.

H.R. 156: Mr. FROST, Mr. DIAZ-BALART, Mr. BLACKWELL, Ms. FURSE, Mr. FILNER, and Mr. FALEOMAVAEGA.

H.R. 159: Mr. INHOFE.

H.R. 178: Mr. DORNAN and Mr. MAZZOLI.

H.R. 214: Mr. EMERSON and Mr. PAXON.

H.R. 229: Mr. RICHARDSON, Mr. KOPETSKI, Mr. ABERCROMBIE, Mrs. UNSOELD, and Mr. ORTON.

H.R. 286: Mr. HENRY, Mr. SKEEN, Mr. GILLMOR, and Mr. MACHTLEY.

H.R. 335: Mr. SOLOMON, Mr. LEACH, Mr. MORAN, Mr. ARMEY, Mr. INHOFE, Mr. HOEKSTRA, Mr. LANCASTER, Mr. SENSENBRENNER, Mr. SAM JOHNSON, Mr. ZELIFF, Mr. GRAMS, Mr. ZIMMER, Mr. MANZULLO, Mr. SAXTON, and Mr. BARTLETT.

H.R. 349: Mr. SCHAEFER and Mr. POMBO.

H.R. 411: Mr. BURTON of Indiana and Mr. WALSH.

H.R. 412: Mr. EVERETT, Mr. LIGHTFOOT, Mr. LEWIS of Florida, Mr. BARTLETT, and Mr. MCKEON.

H.R. 420: Ms. BYRNE, Mr. SHAYS, Mr. MENENDEZ, Mr. BLACKWELL, Mr. HASTINGS, and Mr. GLICKMAN.

H.R. 421: Miss COLLINS of Michigan, Mr. MORAN, Mr. BLACKWELL, Ms. PELOSI, Ms. KAPTUR, Mr. COLEMAN, Mr. EVANS, Mr. SHAYS, and Mr. PICKETT.

H.R. 429: Mr. BARTLETT, Mr. MCCANDLESS, Mr. ROYCE, and Mr. GILLMOR.

H.R. 439: Mr. SMITH of New Jersey.

H.R. 440: Mr. SMITH of New Jersey.

H.R. 462: Mr. KING, Mr. WATT, Mr. TOWNS, Mr. TRAFICANT, Mr. CONYERS, Ms. LOWEY, Mr. HUGHES, Mr. HILLIARD, Mr. HINCHEY, Mr. TORKILDSEN, Mr. MARTINEZ, Mr. COLEMAN, Mr. REED, Mr. EVANS, Mr. CLYBURN, Mr. GRAMS, Miss COLLINS of Michigan, Mr. BACHUS of Alabama, Mr. JEFFERSON, Mr. YOUNG of Florida, Mr. SKELTON, Mr. PAYNE of Virginia, Mr. ANDREWS of New Jersey, and Ms. DELAURO.

H.R. 476: Mr. RIDGE.

H.R. 493: Mr. LEACH, Mr. ZIMMER, Mr. HOKE, Mr. GUNDERSON, Mr. EMERSON, Mr. SHAYS, and Mr. BARTLETT.

H.R. 509: Mr. SCHAEFER and Mr. GINGRICH.

H.R. 522: Ms. WOOLSEY, Mr. LAFALCE, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. HOCHBRUECKNER, and Mrs. SCHROEDER.

H.R. 526: Mr. GLICKMAN, Mr. OWENS, Mrs. UNSOELD, and Mr. YATES.

H.R. 538: Mr. ANDREWS of New Jersey, Mr. BLACKWELL, Mr. EVANS, Mr. FINGERHUT, Mr. HILLIARD, Mr. RUSH, Ms. VELÁZQUEZ, and Mr. WYNN.

H.R. 549: Mr. GILCHREST, Mr. BALLENGER, Mr. COX, Mr. HOBSON, Mr. GOSS, Mr. ROEMER, Mr. DOOLITTLE, Mr. BARTLETT, Mr. OXLEY, Ms. MOLINARI, and Mr. HENRY.

H.R. 567: Mr. FIELDS of Texas.

H.R. 577: Mrs. VUCANOVICH.

H.R. 591: Mr. MINGE

H.R. 673: Mr. HINCHEY, AND MR. BARTLETT.

H.R. 725: Mr. HASTINGS.

H.R. 726: Mr. LAFALCE.

H.R. 730: Mr. HUGHES.

H.R. 749: Mr. MACHTLEY, AND MR. CRAMER.

H.R. 751: Ms. ROS-LEHTINEN, AND MR. CANADY.

H.R. 752: Ms. ROS-LEHTINEN, AND MR. CANADY.

H.R. 753: Ms. ROS-LEHTINEN, AND MR. CANADY.

H.R. 754: Ms. ROS-LEHTINEN, AND MR. CANADY.

H.R. 755: Ms. ROS-LEHTINEN, AND MR. CANADY.

H.R. 756: Ms. ROS-LEHTINEN and Mr. CANADY.

H.R. 757: Ms. ROS-LEHTINEN and Mr. CANADY.

H.R. 760: Mr. GLICKMAN.

H.R. 765: Mr. SMITH of Oregon.

H.R. 772: Mr. BALLENGER, Mr. LIGHTFOOT, and Mr. WALSH.

H.R. 822: Ms. WOOLSEY, Mr. GUTIERREZ, Mr. SCOTT, Mr. COLEMAN, Ms. NORTON, Mr. ROHRABACHER, and Mr. MCHUGH.

H.R. 870: Mr. FINGERHUT and Mr. INHOFE.

H.R. 882: Mr. HASTINGS.

H.R. 890: Mr. ACKERMAN, Mr. HINCHEY, Mr. LAFALCE, Mr. NEAL of Massachusetts, Mr. GEJDENSON Mr. STUDDS, Mr. OLVER, Mr. MORAN, and Mr. TORKILDSEN.

H.R. 894: Mr. LIGHTFOOT.

H.R. 924: Mr. COBLE, Mr. FINGERHUT, and Mr. NEAL of North Carolina.

H.R. 929: Mr. MOORHEAD and Mr. ROHRABACHER.

H.R. 940: Mr. BERMAN, Mr. MORAN, Ms. NORTON, Mr. PAYNE of Virginia, and Mr. GONZALEZ.

H.R. 963: Mr. COOPER, Mr. HENRY, Mr. ZELIFF, and Mr. HOBSON.

H.R. 969: Mr. PAYNE of Virginia.

H.J. Res. 10: Mr. GREENWOOD, Mr. SWETT, Mr. HOBSON, Mr. TAYLOR of North Carolina, Mr. CONDIT, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. YATES, Mr. WILSON, Mr. GEJDENSON, Mr. MENENDEZ, Mr. KLUG, Mr. THOMAS of California, Mr. NADLER, Mr. ENGEL, Mr. STOKES, Mrs. MINK, Mr. WASHINGTON, Mr. ARCHER, Mr. COLEMAN, Mrs. MEEK, Mr. BERMAN, Mr. CONYERS, Mr. GINGRICH, Mr. HYDE, Mr. HOYER, and Mr. RICHARDSON.

H.J. Res. 22: Mr. MCCANDLESS, Mr. FALEOMAVAEGA, and Mr. INHOFE.

H.J. Res. 26: Mr. OBERSTAR.

H.J. Res. 32: Mr. HINCHEY.

H.J. Res. 67: Mr. DOOLEY and Mr. HASTINGS.

H.J. Res. 76: Mr. DEAL.

H.J. Res. 88: Ms. PELOSI, Mrs. MALONEY, Mrs. MORELLA, Mr. BLACKWELL, Mr. ZIMMER, Mr. HINCHEY, and Ms. E.B. JOHNSON of Texas.

H.J. Res. 92: Mr. SHAYS, Mrs. MORELLA, Mr. CLEMENT, Mr. GALLO, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. DE LUGO, Ms. NORTON, Mr. QUILLEN, Mr. LAFALCE, Mr. WALSH, Mr. RANGEL, Mrs. LOWEY, Mr. ROSE, Mrs. ROUKEMA, Mr. SCHUMER, Mr. KASICH, Mr. PALLONE, Mr. HORN, Mr. HYDE, Mr. BEVILL, Mr. DE LA GARZA, Mr. VENTO, Ms. PELOSI, Mr. GEJDENSON, Mr. ANDREWS of Maine, Mr. CLINGER, Mr. GILMAN, Mr. HUGHES, and Mr. PICKETT.

H.J. Res. 94: Mr. COLEMAN, Mr. HASTINGS, Mr. BARCIA, Mr. MCDADE, and Mr. BAKER of Louisiana.

H. Con. Res. 15: Mr. BERMAN, Mr. SKAGGS, Mr. HOCHBRUECKNER, Mr. FORD of Tennessee, Mr. ROMERO-BARCELO, and Mr. YATES.

H. Con. Res. 18: Mrs. LLOYD, Mr. WALSH, Mr. LEWIS of Florida, Mr. OXLEY, Mr. STEARNS, and Mr. GINGRICH.

H. Con. Res. 20: Ms. WOOLSEY, Mr. HASTINGS, Mr. LIPINSKI, Mr. ABERCROMBIE, Mrs. SCHROEDER, and Mrs. MEYERS of Kansas.

H. Res. 36: Mr. CRAPO and Mr. FIELDS of Texas.

H. Res. 53: Mr. KOLBE.

H. Res. 83: Mr. STEARNS, Mr. GENE GREEN of Texas, and Mr. GILMAN.

## REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

**The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.**

## REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

**PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:**

**"PRELIMINARY" REPORT** ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

**"QUARTERLY" REPORT:** To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

# REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| | (Mark one square only) | | | |

Is this an Amendment? ☐ YES ☐ NO

## IDENTIFICATION NUMBER

**NOTE on ITEM "A".**—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

## A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

**NOTE on ITEM "B".**—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

**B. EMPLOYER** —State name, address, and nature of business. If there is no employer, write "None."

**NOTE on ITEM "C".**—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

## C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

| Organization or Individual Filing | Employer/Client |
|---|---|
| Richard M. Aborn, 1225 Eye Street, NW Washington, DC 20005 | Handgun Control, Inc |
| Advocacy Group, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004 | Sam Houston State University |
| Samuel J. Agger, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036 | DGA International, Inc (For:Zenith Data Systems) |
| Stephen Ahnen, 50 F Street, NW, Suite 1100 Washington, DC 20001 | American Hospital Assn |
| Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | Hunter Industrial Facilities, Inc |
| James J. Albertine, 1250 24th Street, NW, #300 Washington, DC 20037 | Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc) |
| John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036 | Albertine Enterprises, Inc (For:ARCTICO, Inc) |
| Do | Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc) |
| Albertine Enterprises, Inc, 1250 247th St.,NW, Suite 300 Washington, DC 20037 | ARCTICO, Inc |
| Do | Council for Superfund Fairness, Inc |
| Dale L. Alberts, 401 East E Street Casper, WY 82601 | Rio Algom Mining Corp |
| Nicholas W. Allard, 750 17th Street, NW, #1100 Washington, DC 20006 | Wireless Cable Assn, Inc |
| American Financial Services Assn, 919 18th Street, NW Washington, DC 20006 | |
| Americas National Coalition, Inc, P.O. Box 4307 Timber Circle McCall, ID 83638 | |
| Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005 | Socity of the Plastics Industry, Inc |
| Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202 | Alliant Techsystems, Inc |
| Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599 | American Council of Life Insurance |
| Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036 | Building and Construction Trade Department, AFL-CIO |
| Gene Ashlock, 1617 Timber Circle McCall, ID 83638 | Americas National Coalition, Inc |
| Theodore Austell III, 701 Pennsylvania Avenue, NW, Suite 610 Washington, DC 20004 | Tenneco, Inc |
| Automotive Engine Rebuilders Assn, 330 Lexington Drive Buffalo Grove, IL 60089-6998 | |
| Automotive Transmission Rebuilders Assn, 2472 Eastman Avenue, Suite 23 Ventura, CA 93003 | |
| Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036 | Canadian Sugar Institute |
| Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004 | Oregon Partnership for Metals Research |
| Eugene M. Barr, P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute |
| Charles E. Baxter, P.O. Box 1682 Austin, TX 78767 | Blue Cross Blue Shield of Texas |
| Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201 | Teledyne Industries, Inc |
| Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007 | Alyeska Pipeline Service Company |
| Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005 | Beer Institute |
| Mary C. Bennett, 815 Connecticut Avenue, NW Washington, DC 20006-4078 | Baker & McKenzie (For:Continental European Insurance Coalition) |
| Everett E. Bierman, 555 13th Stret, NW, Suite 1290 East Washington, DC 20004 | Loeffler & Leath, Inc |
| Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036 | Weyerhaeuser Company |
| Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036 | AEA Industiral Technology |
| Do | British Ministry of Defense |
| Do | Rolls Royce, Inc |
| Do | Vickers Shipbuilding and Engineering, Ltd |
| William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201 | Institute of Internal Auditors |
| Mark E. Bitterman, 12500 Fair Lakes Circle, Suite 350 Fairfax, VA 22033 | Orbital Sciences Corp |
| Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231 | |
| Thomas W. Boneneberger, 1615 M Street, NW #200 Washington, DC 20036 | Amoco Corp |
| Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005 | American Society of Anesthesiologists |
| Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003 | Kansas City Southern Industries, Inc |
| Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036 | American Assn for Marriage & Family Therapy |
| Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001 | National Assn of Independent Colleges and Universities |
| George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004 | Reinsurance Assn of America |
| Brickfield Burchette & Ritts, 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007 | East Texas Electric Cooperative |
| Do | Northeast Texas Electric Cooperative |
| Do | Sabine River Authority |
| Do | Tex-LA Electric Cooperative of Texas, Inc |
| J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205 | American College of Mohs Micrographic |
| Michael R. Bushman, Quaker Oats Company 321 North Clark Street Chicago, IL 60610 | Quaker Oats Company |
| Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004 | CRISIS |
| Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006 | National Council of Maubere Resistance |
| Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003 | National Electrical Manufacturers Assn |
| William Canary Jr, 2200 Mill Road Alexandria, VA 22314 | American Trucking Associations, Inc |
| Shawn Cantrell, 218 D Street, SE Washington, DC 20003 | Friends of the Earth |
| Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203 | Coalition for Transit Opportunities |
| Do | Tranyst Canada, Inc |
| Gerald P. Carmen, 1667 K St., NW, #777 Washington, DC 20006 | Carmen & Muss (For:841 Associates, LP) |
| Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037 | 841 Associates, LP |
| Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005 | Armenian Assembly of America/Armenian Gen Benevolent Union |
| Do | California Community Colleges |
| Do | Genetic Design |
| Do | Providence & Worcester Railroad Company |
| Do | Sacred Heart Hospital |
| Penelope C. Cate, Quaker Oats Company 321 North Clark Street Chicago, IL 60610 | Quaker Oats Company |
| Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006 | PCS Health Systems (For:McKesson Corp) |
| Child Protection Lobby, Inc, Box 3232 Merrifield, VA 22116-3232 | |
| Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001 | American Israel Public Affairs Committee |
| Chwat & Company, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004 | American Home Sewing and Craft Assn |
| Do | American Radio Relay League |
| Do | National Licensed Beverage Assn |
| Do | National Weather Service Employees Organization |
| James W. Clark, 6445 Luzon Avenue #S11 Washington, DC 20012 | |
| Wayne Clarke and Associates, Inc, 2957 Sunset Lane Suitland, MD 20746 | |
| Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401 | American Petroleum Institute |
| Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206 | St. Bernard Port, Harbor & Terminal District |
| Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001 | EG & G/Dynatrend |
| Jon R. Comola, P.O. Box 1682 Austin, TX 78767 | Blue Cross Blue Shield of Texas |
| Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036 | Automotive Engine Rebuilders Assn |
| Do | Automotive Transmission Rebuilders Assn |
| Do | Production Engine Remanufacturers Assn |
| Continental European Insurance Coalition, 815 Connecticut Ave., NW, Suite 900 Washington, DC 20006-4078 | |
| James F. Conway Jr., 701 Pennsylvania Avenue, NW Washington, DC 20004 | Siemens Corp |
| Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003 | National Electrical Manufacturers Assn |
| William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corp |
| Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505 | National Committee to Preserve Social Security and Medicare |
| Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006 | Sterling Winthrop, Inc |
| Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006 | Thompson Publishing Group |
| Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608 | (For:Mobile Bar Pilots Assn) |
| J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005 | Chevron Companies |
| Lucia DiVenere, 925 15th St., NW Washington, DC 20005 | National Assn for Home Care |
| Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003 | Child Care Support Council |
| Earnest Lee Easton, 3634 West Washington Street South Bend, IN 46619 | South Bend Community School Corp |
| Bradley Eckart, 600 Maryland Avenue,SW Washington, DC 20024 | American Farm Bureau Federation |
| Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376 | St. Charles County |
| Edward M. Emmett, 1700 North Moore Street, S-1900 Arlington, VA 22209-1904 | National Industrial Transportation League |
| Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701 | Panhandle 2000 |
| Dawn Erlandson, 218 D Street, SE Washington, DC 20003 | Friends of the Earth |
| Catherine Evans, 2200 Mill Road Alexandria, VA 22314 | American Trucking Associations, Inc |
| Faegre & Benson, 1140 Connecticut Ave, NW, #500 Washington, DC 20036 | American Water Development, Inc. |
| Do | Multifoods |
| Do | National Car Rental |
| Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204 | American Petroleum Institute |
| Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002 | Friant Water Authority |
| Walter L. Fields Jr., 105 East 22nd Street New York, NY 10010 | Community Service Society |
| Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859 | Pyrocap International Corp, Inc |
| Paul Forlenza, 1301 K Street, NW Washington, DC 20005 | IBM |
| Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006 | National Coalition for Cancer Survivorship |
| David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005 | American Consulting Engineers Council |
| Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036 | United Air Lines, Inc |
| Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004 | Alco International Group, Inc |
| Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700 | Rochester Telephone Corp |
| Edwin C. Graves, 2001 M Street, NW Washington, DC 20036 | Ed Graves & Associates (For:Brickfield Burchette & Ritts) |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Adrienne A. Gray, 1301 K Street, NW Washington, DC 20005 | IBM |
| Stanley C. Green, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | Hamilton Standard |
| W.M. Griffin, 1825 K Stret, NW, Suite 303 Washington, DC 20006 | Texas Utilities Services, Inc |
| Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006 | Maxus Energy Corp |
| Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403 | Morrow Realty Co., Inc |
| GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815 | Council on Accreditation of Services for Families & Children |
| James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001 | American League for Exports and Security Assistance (ALESA) |
| Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009 | National Council of Maubere Resistance |
| Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001 | Blue Cross Blue Shield of North Dakota |
| Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601 | Teledyne Industries, Inc |
| Jace Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006 | Occidental Chemical Corp |
| Paula Hawkins, P.O. Box 193 Winter Park, FL 32790 | Pharmaceutical Manufacturers Assn |
| Health Policy & Strategy Associates, Inc, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036 | Alliance of American Insurers |
| Do | Blue Cross & Blue Shield of Massachusetts |
| Do | Guardian Life Insurance Company |
| Do | Liberty Mutual Insurance Group |
| Do | Northwestern National Life Insurance Co |
| Do | Washington National Life Insurance Co |
| Do | Wausau Insurance Companies |
| Timothy P. Hecht, 499 South Capitol Street, SW Washington, DC 20003 | Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp) |
| Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817 | Senior Army Reserve Commanders Assn |
| James E. Henry, P.O. Box 8000 Bradford, PA 16701-0980 | |
| Kevin S. Hensley, 2300 N Street, NW, Suite 600 Washington, DC 20037 | American Consulting Engineers Council |
| Andrea Hillman, 2012 Massachusetts Avenue, NW Washington, DC 20036 | National Federation of Business & Professional Women/USA |
| John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006 | J.R. Brooks & Son, Inc |
| Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109 | Grocery Manufacturers of America, Inc |
| Do | Marysville Forest Products, Inc |
| Do | New York State Health Facilities Assn, Inc |
| Philip A. Hutchinson, 1001 19th Street North #1200 Arlington, VA 22209 | Assn of International Automobile Manufacturers, Inc |
| P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036 | Mississippi Power Company |
| Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005 | Bell Atlantic |
| Do | Chicago HMO |
| Do | Children's Health System |
| Do | First Hospital Corp |
| Do | FHP, Inc |
| Do | Health Plus, Inc |
| Do | Healthsource, Inc |
| Do | HIP |
| Do | (For:Keystone Health Plan East, Inc) |
| Do | Physicians Health Services of Connecticut |
| Do | Tidewater Health Care |
| Do | Western Ohio Health Care Corp |
| Hugh Jewett, 3025 South Parker Road Aurora, CO 80014 | TeleCheck Services, Inc |
| Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088 | Massachusetts Mutual Life Insurance Company |
| Glenn F. Kelly, 2000 M Street, NW, Suite 550 Washington, DC 20036 | North American Telecommunications Assn |
| Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314 | International Assn of Chiefs of Police |
| Robert P. Koch, 1575 Eye Street, NW, Suite 325 Washington, DC 20005 | Wine Institute |
| Gawain Kripke, 218 D Street, SE Washington C, DC 20003 | Friends of the Earth |
| Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005 | Wright & Talisman, PC (For:Cabot Energy Corp) |
| Do | Wright & Talisman, PC (For:Equitable Resources Exploration) |
| Do | Wright & Talisman, P.C. (For:Occidental Chemical Corporation) |
| Do | Wright & Talisman, PC (For:Potlatch Corp) |
| Do | Wright & Talisman, PC (For:Solite Corp) |
| Do | Wright & Talisman (For:Sun Company) |
| Do | Wright & Talisman (For:Virginia Oil and Gas Assn) |
| Robert D. Landis, 777 14th St., NW Washington, DC 20005 | NAIOP, Assn for Commercial Real Estate |
| Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815 | School of Visual Arts |
| Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001 | Blue Cross Blue Shield of North Dakota |
| William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036 | Paul Werth Associates, Inc (For:American Business Council of the Gulf Countries (ABCGC)) |
| Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235 | University of Pittsburgh |
| Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007 | Leonard Ralston Stanton & Danks (For:Council of Prison Locals) |
| Do | Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn) |
| Do | Krueger, Inc |
| Do | Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc) |
| Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009 | National Council of Maubere Resistance |
| Margie Lisnich, 1912 Sunderland Place, NW Washington, DC 20036-1806 | Croation American Assn |
| Thomas G. Loeffler, Suite 1290 East 555 - 13th Street, NW Washington, DC 20004 | Loeffler & Leath, Inc (For:Central South West Corp) |
| Do | Loeffler & Leath, Inc (For:Citicorp) |
| Do | Loeffler & Leath, Inc (For:Electronic Data Systems Corp) |
| Do | Loeffler & Leath, Inc (For:Hong Kong Trade Development Council) |
| Do | Loeffler & Leath (For:National Assn of Broadcasters) |
| Do | Loeffler & Leath, Inc (For:Sematech) |
| Do | Loeffler & Leath, Inc (For:United Services Automobile Assn) |
| Loeffler & Leath,Inc, Suite 1290 East 555 13th Street, NW Washington, DC 20004 | Central South West Corp |
| Do | Citicorp |
| Do | City of Philadelphia |
| Do | Electronic Data Systems Corp |
| Do | Hong Kong Trade Development Council |
| Do | International Hardwood Products Assn, Inc |
| Do | National Assn of Broadcasters |
| Do | Sematech |
| Do | South West Florida Enterprises, Inc |
| Do | United Services Automobile Assn |
| Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005 | American Consulting Engineers Council |
| Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815 | Houston Independent School District |
| Timothy P. Lynch, 2200 Mill Road Alexandria, VA 22314 | American Trucking Associations, Inc |
| Eaton Lynn, 1735 North Lynn Street, Suite 950 Arlington, VA 22209 | National Staff Leasing Assn |
| James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002 | James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.) |
| Scott E. Malan, P.O. Box 8600 Harrisburg, PA 17105-8600 | Hospital Assn of PA |
| Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314 | International Council of Shopping Centers |
| McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005 | Creative Discovery Museum |
| Do | Food 4 Less |
| Do | HealthInfusion, Inc |
| Do | Tucker Flyer & Lewis |
| Do | Viacom International |
| Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003 | Trust for Public Land |
| Marianne McGettigan, 45 Memorial Circle Augusta, ME 04032-0957 | Major League Baseball Players Assn |
| Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094 | System Resources Corp |
| McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005 | American Kennel Club |
| Robert E. McKew, 929 18th Street, NW Washington, DC 20006 | American Financial Services Assn |
| C. A. 'Mack' McKinney, 909 North Washington Street, Suite 300 Alexandria, VA 22314 | Military Coalition |
| McKittrick Jackson DeMarco & Peckenpaugh, 4 Park Plaza, 16th Floor Irvine, CA 92713 | ABS Partnership |
| Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005 | Rowan & Blewitt (For:Monsanto Company) |
| Victor McMahan, 218 D Street, SE Washington, DC 20003 | Friends of the Earth |
| P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002 | AAI |
| Do | Litton Data Systems |
| Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306 | Nevada Resort Assn |
| Mehl & Pickens Associates, Inc, 230 East Capitol Street, NE Washington, DC 20003 | Bogan Aerotech, Inc |
| Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004 | Loeffler & Leath, Inc (For:Central South West Corp) |
| Do | Loeffler & Leath, Inc (For:Citicorp) |
| Do | Loeffler & Leath, Inc (For:Electronic Data Systems Corp) |
| Do | Loeffler & Leath, Inc (For:Hong Kong Trade Development Council) |
| Do | Loeffler & Leath, Inc (For:International Hardwood Products Assn, Inc) |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Do | Loeffler & Leath, Inc (For:National Assn of Broadcasters) |
| Do | Loeffler & Leath, Inc (For:Sematech) |
| Do | Loefler & Leath, Inc (For:South West Florida Enterprises, Inc) |
| Do | Loeffler & Leath, Inc (For:United Services Automobile Assn) |
| Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036 | DGA International, Inc (For:Zenith Data Systems) |
| Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850 | |
| G. Daniel Miller, 1140 Connecticut Ave., NW, #500 Washington, DC 20036 | Faegre & Benson (For:American Water Development, Inc.) |
| Do | Faegre & Benson (For:Multifoods) |
| Do | Faegre & Benson (For:National Car Rental) |
| Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn |
| Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701 | American Craft Council |
| Do | Dun & Bradstreet Corp |
| Do | Humane Society of the US |
| Peter J. Moran, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists |
| Philip D. Morrison, 815 Connecticut Avenue NW, #900 Washington, DC 20006-4078 | Baker & McKenzie (For:Continental European Insurance Coalition) |
| Morrow Realty Co., Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887 | |
| Mt. Carmel Health, 793 West State Street Columbus, OH 43222 | |
| William T. Murphy Jr., 1250 24th Street, NW, #600 Washington, DC 20037 | Southern California Gas Company |
| Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036 | Von Roll, Inc |
| Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036 | Health Insurance of America |
| Do | National Assn of Chain Drug Stores |
| Do | Provident Life & Accident Insurance Co |
| Do | Washington National Insurance Company |
| Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109 | Royal Seafoods, Inc |
| Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009 | Women's Legal Defense Fund |
| Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | Chamber of Commerce of the US |
| O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602 | Klukwan, Inc |
| O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036 | JM Family Enterprises, Inc |
| John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036 | Sears Mortgage Corp |
| Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005 | IBM Corp |
| Sydney Olson, 10801 Rockville Pike Rockville, MD 20852 | American-Speech-Language-Hearing Assn |
| Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005 | Jefferson Group,Inc (For:Inter-American University of Puerto Rico) |
| Do | Lab Owners Association of Puerto Rico |
| Do | Jefferson Group, Inc (For:Municipality of Barceloneta) |
| Do | Jefferson Group, Inc (For:Municipality of Trujillo Alto) |
| Do | Jefferson Group, Inc (For:Puerto Rico College of Medical Technologists) |
| David E. Ortman, 218 D Street, SE Washington, DC 20003 | Friends of the Earth |
| John Palafoutas, 111 14th Street, NW, Suite 1001 Washington, DC 20005 | AMP Inc |
| Jong H. Park, 5819 Cove Landing Road, #304 Burke, VA 22015 | |
| James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030 | Seniors Coalition |
| Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626 | |
| Patton Boggs & Blow, 250 West Pratt Street, Suite 1100 Baltimore, MD 21201 | Christopher Columbus Center Development, Inc |
| Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036 | Morehouse College |
| Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036 | Computer Sciences Corp |
| Thomas c. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006 | Paramount Communications, Inc |
| Joe Polich, 415 West Golf Road, Suite 43 Arlington Heights, IL 60005-3923 | Production Engine Remanufacturers Assn |
| Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006 | Printing Industries of America |
| Sydney Probst, 12 Fourth Street, SE Washington, DC 20003 | Kansas City Southern Industries, Inc |
| Production Engine Remanufacturers Assn, 415 West Golf Road, Suite 43 Arlington Heights, IL 60005-3923 | |
| Susan Putnam, 1301 K Street, NW Washington, DC 20005 | IBM |
| Quaker Oats Company, 321 North Clark Street Chicago, IL 60610 | |
| Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel | Rafael Armament Development Authority |
| Do | Soltam LTD |
| Do | TAAS, Israeli Industries LTD (IMI) |
| Do | Urdan Industries LTD |
| Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Republic of Guyana |
| Jack L. Roberts, 4513 Duck Lake Point Tallahassee, FL 32303 | Southern States Police Benevolent Assn |
| Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078 | Baker & McKenzie (For:Continental European Insurance Coalition) |
| Do | R. Duffy Wall & Associates, Inc |
| Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006 | Air Courier Conference of America |
| Peggy Rouchette, 1825 Samuel Morse Drive Reston, VA 22090 | National Grocers Assn |
| Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006 | Erie Countu Industrial Development Agency |
| Ernie Satterwhite, 1301 K Street, NW Washington, DC 20005 | IBM |
| Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314 | National Association of Truck Stop Operators |
| Robert Wayne Sayer, 1742 N Street, NW Washington, DC 20036 | R. Wayne Sayer & Associates (For:Applied Materials) |
| Do | R. Wayne Sayer & Associates (For:Coalition for Intelligent Manufacturing Systems (CIMS)) |
| Do | R. Wayne Sayer & Associates (For:IPC) |
| Candace K. Schaller, 1129 20th Street,NW, #600 Washington, DC 20036 | Group Health Assn of America, Inc |
| Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036 | Weyerhaeuser Company |
| Dennis P. Sharon, 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202 | McDonnell Douglas Corp |
| Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037 | Edlow International Company |
| Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005 | International Franchise Assn |
| Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036 | Synthetic Organic Chemical Manufacturing Assn |
| Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036 | MWW Strategic Communications (For:Environmental Compliance Services) |
| Do | MWW Strategic Communications (For:Farmland Dairies) |
| Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036 | Lane County, Oregon |
| Lisa Sockett, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce |
| Barry Soltz, 330 Lexington Drive Buffalo Grove, IL 60089-6998 | Automotive Engine Rebuilders Assn |
| Stanley L. Sommer, 700 New Hampshire Avenue, #305 Washington, DC 20037 | Brunswick Corp |
| Jo Stephens, 139 Blue Ridge Acres Harpers Ferry, WV 25425 | Farm Sanctuary |
| Michael Stern, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute |
| Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729 | Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl |
| Heather Beeth Stilwell, 150 Oak Ridge Place, #4-0 Greenville, SC 29615 | United We Stand |
| Szlavik Hogan & Miller, Inc, 1747 Pennsylvania Ave., NW, Suite 1150 Washington, DC 20006 | |
| Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006 | American Financial Services Assn |
| Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101 | American Petroleum Institute |
| Leonard B. Terr, 815 Connecticut Ave, NW, Suite 900 Washington, DC 20006-4078 | Baker & McKenzie (For:Continental European Insurance Coalition) |
| James L. Thompson, Red Hook Plaza, Suite 237 St. Thomas, VI 00802 | |
| Barbara Timmer, 1600 M Street, NW Washington, DC 20036 | ITT Corp |
| Michael L. Tiner, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005 | McDonald's Corp |
| Do | Systech Environmental Corp |
| Fran Tracy, 10455 Mill Run Circle Owings Mills, MD 21117 | Blue Cross & Blue Shield of Maryland, Inc |
| Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006 | Chubb Corporation |
| Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007 | Bar-S Foods Company |
| Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326 | Blue Cross and Blue Shield of Georgia |
| Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans |
| John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006 | Heublein, Inc |
| Ingrid A. Voorhees, 1250 Eye Street, NW, #200 Washington, DC 20005 | Arter & Hadden (For:Nintendo of America) |
| Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036 | American Environmental Company |
| Herbert R. Waite, 2 Skipper Way Glousester, MA 01930 | J.P. Morgan/Morgan Guaranty Bank |
| Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036 | DGA International, Inc (For:Zenith Data Systems) |
| Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036 | Texaco, Inc |
| Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005 | City of Miami |
| Do | San Francisco Public Utilities Commission |
| Johnny E. Webb J, P.O. Box 2072 Washington, DC 20013 | Johnny E. Webb |
| Jack Weber, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | |
| Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004 | J.P. Morgan & Co, Inc |
| Do | Johnson & Johnson |
| Do | Science Applications International Corp |
| Jeff White, 919 18th Street, NW, Suite 450 Washington, DC 20006 | Alliance Against Carbon Tax |
| Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006 | United Student Aid Funds |
| Williams & Connolly, 725 12th Street, NW Washington, DC 20005 | JM Family Enterprises, Inc |
| Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420 | Swiss Bankers Assn |

| Organization or Individual Filing | Employer/Client |
|---|---|
| Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036 | Smith Corona |
| Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036 | American Assn of Airport Executives |
| Jonathan P. Yates, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036 | Health Insurance Assn of America, Inc |
| Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006 | Illinois Power |
| W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216 | Nationwide Insurance Companies |

## QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

**PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:**

**"PRELIMINARY" REPORT** ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

**"QUARTERLY" REPORT:** To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

# REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| | | | | |
| (Mark one square only) | | | | |

Is this an Amendment?
☐ YES ☐ NO

## IDENTIFICATION NUMBER

**NOTE on ITEM "A".**—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

## A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

**NOTE on ITEM "B".**—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

**B. EMPLOYER** —State name, address, and nature of business. If there is no employer, write "None."

**NOTE on ITEM "C".**—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

## C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) description, (b) quantity distributed, (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

**NOTE on ITEM "D."**—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

*(b)* IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

*(c)* IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

## D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

*Receipts* (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

*Loans Received*—"The term 'contribution' includes a . . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

*Contributors of $500 or More (from Jan. 1 through this Quarter)*

13. Have there been such contributors?
    Please answer "yes" or "no": ..............

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

| *Amount* | *Name and Address of Contributor* |
|---|---|
| | *("Period"* from Jan. 1 through............................., 19.......) |
| $1,500.00 | John Doe, 1621 Blank Bldg., New York, N.Y. |
| $1,785.00 | The Roe Corporation, 2511 Doe Bldg., Chicago, Ill. |
| $3,285.00 | TOTAL |

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**NOTE on ITEM "E".**—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

*(b)* IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

## E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

*Expenditures* (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

*Loans Made to Others*—"The term 'expenditure' includes a . . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

| *Amount* | *Date or Dates—Name and Address of Recipient—Purpose* |
|---|---|
| $1,750.00 | 7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill." |
| $2,400.00 | 7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month. |
| $4,150.00 | TOTAL |

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| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036 | American Land Title Assn | 3,725.00 | |
| Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421 | U.S. Chamber of Commerce | | |
| Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031 | International Brotherhood of Boilermakers... | 340.55 | |
| Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005 | American Bakers Assn | | |
| Richard M. Aborn, 1225 Eye Street, NW Washington, DC 20005 | Handgun Control, Inc | 21,276.00 | |
| Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007 | National Stone Assn | 4,000.00 | 500.00 |
| Christopher Barclay Abukari, 2224 First St. NW Washington, DC 20001 | Rainbow Lobby, Inc | | |
| Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880 | Oryx Energy Company | | |
| Elaine Acevedo, 666 Pennsylvania Ave., SE #403 Washington, DC 20003 | Florist's Transworld Delivery Assn | 2,000.00 | |
| Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000 | CNG Producing Company | 350.00 | 338.09 |
| Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037 | American Public Power Assn | 2,000.00 | |
| John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006 | Ethyl Corporation | | |
| Do | Hunton & Williams (For:Vepco) | | |
| John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314 | Retired Enlisted Assn | 1,675.00 | 1,404.00 |
| Wayne W. Adams, 501 Park Avenue Belleair, FL 34616 | | | |
| Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036 | Cohn & Marks (For:Association of American Publishers, Inc) | 500.00 | |
| Do | Cohn and Marks (For:Direct Marketing Assn) | | |
| Do | Cohn and Marks (For:Maclean Hunter Cable TV) | | |
| Do | Cohn & Marks (For:USA Network) | | |
| Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004 | Southern California Edison Co | 5,940.00 | 5,400.00 |
| Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007 | | | |
| Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108 | | 6,843.00 | 6,843.00 |
| Advocacy Group, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004 | American Chiropractic Association | | |
| Do | Arizona State University | | |
| Do | Border Trade Alliance | | |
| Do | Brown & Root, Inc. | | |
| Do | City of Tempe | | |
| Do | Georgia Southern University | | |
| Do | New Mexico State University | | |
| Do | Port of Brownsville, Texas | | |
| Do | University of Utah | | |
| Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002 | | | 16,402.17 |
| Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005 | | 9,595.70 | 9,595.70 |
| Samuel J. Agger, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036 | DGA International, Inc (For:Zenith Data Systems) | | 351.43 |
| Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036 | Weyerhaeuser Company | | 26.00 |
| Catherine W. Ahmad, 516 First Street, SE Washington, DC 20003 | Gryphon International | 7,245.00 | |
| David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter | 2,000.00 | 280.00 |
| Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006 | Pinnacle West Capital Corp | 15,000.00 | 1,651.19 |
| Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036 | Sandoz Corp | | 210.00 |
| Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203 | | | |
| Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036 | | 1,300.00 | 1,300.00 |
| Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201 | | 2,706.18 | 2,706.18 |
| Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701 | | 164,958.00 | 125,521.00 |
| Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 3,400.00 | 54.00 |
| Airport Operators Council International, 1220 19th Street, NW, #200 Washington, DC 20036 | | | 20,196.32 |
| Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | A.E. Staley Manufacturing | 165.00 | |
| Do | Amerada Hess Corp | | |
| Do | American Airlines, Inc | 10,365.00 | 190.00 |
| Do | American Share Insurance Corporation | | |
| Do | American Telephone & Telegraph Co | 220.00 | |
| Do | Bank of Nova Scotia | | |
| Do | Bolt Beranek & Newman, Inc | 100.00 | |
| Do | Burger King Corp | | |
| Do | Cambridge Information Group | | |
| Do | Clark/Bardes Organization, Inc | | |
| Do | Colombia Government Trade Bureau (PROEXPO) | | |
| Do | Consumers Power Company | 370.00 | |
| Do | Cotton Bowl Athletic Assn | 181.00 | |
| Do | Dow Jones & Co | 550.00 | |
| Do | Enron Corporation | 130.00 | |
| Do | Fujitsu America, Inc | | |
| Do | Government of Norway | 200.00 | |
| Do | W. R. Grace & Co | | |
| Do | Guardian Industries | | |
| Do | Hunter Industrial Facilities, Inc | 325.00 | |
| Do | International Bank of Commerce | 100.00 | |
| Do | International Specialty Products, Inc | | |
| Do | Peter Kiewit Son's, Inc | | |
| Do | Levi Strauss & Co | | |
| Do | Loral Corp | | |
| Do | MacAndrews & Forbes Holdings, Inc | 320.00 | |
| Do | Mazda (North America), Inc | 995.00 | 19.00 |
| Do | Medical Protective Company | | |
| Do | Mesa Petroleum Co | | |
| Do | Metropolitan Transit Authority of Harris County | 350.00 | |
| Do | Miller Brewing Company | 1,330.00 | 19.00 |
| Do | Morgan Stanley & Co, Inc | 980.00 | 19.00 |
| Do | Motion Picture Assn of America, Inc | 2,500.00 | 38.00 |
| Do | MCA, Inc | | |
| Do | National Football League | 265.00 | |
| Do | Natural Gas Vehicle Coalition | 5,000.00 | 95.00 |
| Do | New York Public Library | | |
| Do | Ongard Systems, Inc | | |
| Do | Pharmaceutical Manufacturers Assn | | |
| Do | Public Services of Indiana, Inc | 370.00 | 19.00 |
| Do | Riggs National Corp | 100.00 | |
| Do | Ryder System, Inc | | |
| Do | RJR Nabisco, Inc | 525.00 | |
| Do | Southern California Edison Co | 2,475.00 | 38.00 |
| Do | Texas National Research Laboratory Commission | | |
| Do | Time-Warner | 1,600.00 | 19.00 |
| Do | Upjohn Company | 4,060.00 | 76.00 |
| Do | Warner-Lambert Co | 170.00 | |
| Do | Westinghouse Electric Corp | 1,040.00 | 19.00 |
| Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207 | Albers & Company (For:May Department Stores Co) | | |
| David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | 1,548.88 | |
| James J. Albertine, 1250 24th Street, NW, #300 Washington, DC 20037 | Albertine Enterprises, Inc (For:American Business Conference, Inc) | | |
| Do | Albertine Enterprises, Inc (For:ARCTICO, Inc) | 638.75 | 26.25 |
| Do | Albertine Enterprises, Inc (For:AST Research, Inc) | | |
| Do | Albertine Enterprises, Inc (For:Beckman Instruments, Inc) | | |
| Do | Albertine Enterprises (For:Business Executives for National Security) | 2,100.00 | 70.00 |
| Do | Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc) | | |
| Do | Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc) | 2,345.00 | 595.00 |
| Do | Albertine Enterprises, Inc (For:Exide Electronics) | 6,300.00 | 550.00 |
| Do | Albertine Enterprises (For:Fruit of the Loom, Inc) | 10,500.00 | 2,275.00 |
| Do | Albertine Enterprises, Inc (For:Great Lakes Transmission Company) | 577.50 | 87.50 |
| Do | Albertine Enterprises, Inc (For:Itron and Amrplus Partners) | 2,257.50 | 192.50 |
| Do | Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc) | | |
| Do | Albertine Enterprises, Inc (For:Millipore Corp) | 700.00 | 218.75 |
| Do | Albertine Enterprises, Inc (For:Polaris Industries, LP) | 6,274.10 | 227.50 |
| Do | Albertine Enterprises, Inc (For:Rogerson Aircraft Corp) | 15,969.50 | 157.50 |
| Do | Albertine Enterprises, Inc (For:SMS Corp) | 5,250.00 | 910.00 |
| Do | Albertine Enterprises, Inc (For:West Point Pepperell, Inc) | 7,000.00 | 1,120.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Albertine Enterprises (For:Western Digital, Inc) | | |
| John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036 | Albertine Enterprises, Inc (For:American Business Conference, Inc) | | |
| Do | Albertine Enterprises, Inc (For:ARCTICO, Inc) | 1,186.25 | 48.75 |
| Do | Albertine Enterprises, Inc (For:AST Research, Inc) | | |
| Do | Albertine Enterprises, Inc (For:Beckman Instruments, Inc) | | |
| Do | Albertine Enterprises (For:Business Executives for National Security) | 1,885.00 | 130.00 |
| Do | Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp) | | |
| Do | Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc) | 4,355.00 | 1,105.00 |
| Do | Albertine Enterprises, Inc (For:Exide Electronics) | 11,700.00 | 2,015.00 |
| Do | Albertine Enterprises, Inc (For:Fruit of the Loom, Inc) | 19,500.00 | 4,225.00 |
| Do | Albertine Enterprises, Inc (For:Great Lakes Transmission Company) | 1,072.50 | 162.50 |
| Do | Albertine Enterprises, Inc (For:Itron and Amrplus Partners) | 4,192.50 | 357.50 |
| Do | Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc) | | |
| Do | Albertine Enterprises, Inc (For:Millipore Corp) | 1,950.00 | 406.25 |
| Do | Albertine Enterprises, Inc (For:Polaris Industries, LP) | 11,653.85 | |
| Do | Albertine Enterprises, Inc (For:Rogerson Aircraft Corp) | 2,965.63 | 1,040.00 |
| Do | Albertine Enterprises, Inc (For:SMS Corp) | 9,750.00 | 1,690.00 |
| Do | Albertine Enterprises, Inc (For:West Point Pepperell, Inc) | 21,000.00 | 2,080.00 |
| Do | Albertine Enterprises, Inc (For:Western Digital Corp) | | |
| Albertine Enterprises, Inc, 1250 247th St.,NW, Suite 300 Washington, DC 20037 | American Business Conference, Inc | | |
| Do | ARCTICO, Inc | 1,825.00 | 75.00 |
| Do | AST Research, Inc | | |
| Do | Beckman Instruments, Inc | | |
| Do | Business Executives for National Security | 6,000.00 | 200.00 |
| Do | Castle Harlan, Inc | | |
| Do | Council for Superfund Fairness, Inc | 6,700.00 | 1,700.00 |
| Do | Exide Electronics | 18,000.00 | 3,100.00 |
| Do | Fruit of the Loom, Inc | 30,000.00 | 6,500.00 |
| Do | Great Lakes Transmission Co | 1,650.00 | 250.00 |
| Do | Materials Research Corp of Sony USA, Inc | | |
| Do | Millipore Corp | 2,000.00 | 625.00 |
| Do | Polaris Industries, LP | 17,926.00 | 650.00 |
| Do | Rogerson Aircraft Corp | 4,562.50 | 1,600.00 |
| Do | SMS Corp | 15,000.00 | 2,600.00 |
| Do | West Point Pepperell, Inc | 20,000.00 | 3,200.00 |
| Do | Western Digital Corp | | |
| Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201 | Alliance for Responsible CFC Policy | 15,000.00 | |
| Do | Alliance for Sound Atmospheric Policy | 3,000.00 | |
| Do | Cargill Fertilizer, Inc | 7,500.00 | |
| Do | Center for Applied Engineering | 3,750.00 | |
| Do | City of Las Vegas | 8,000.00 | |
| Do | City of Virginia Beach | 15,000.00 | |
| Do | Concrete Technology Corp | 3,000.00 | |
| Do | Consolidated Freightways | 12,750.00 | |
| Do | Jack Eckerd Corp | 3,000.00 | |
| Do | Eli Lilly | | |
| Do | EMSA Limited Partnership | 22,500.00 | |
| Do | Hillsborough County | 7,500.00 | |
| Do | Home Shopping Network | 27,000.00 | |
| Do | International Council of Cruise Lines | 31,500.00 | |
| Do | Jacksonville Chamber of Commerce | 6,000.00 | |
| Do | Jim Walter Corp | 3,000.00 | |
| Do | Marin County | 6,750.00 | |
| Do | Metropolitan Dade County - Seaport Department | 6,750.00 | |
| Do | National Refrigerants, Inc | 7,500.00 | |
| Do | Port of Jacksonville | 6,600.00 | |
| Do | Regular Common Carrier Conference | 7,500.00 | |
| Do | (For:Society of Automotive Vehicle Emissions Reduction, Inc) | 3,000.00 | |
| Do | Tampa Electric Co | 6,000.00 | |
| Do | Tampa Port Authority | 6,000.00 | |
| Do | Towers Financial Corp | 7,500.00 | |
| Do | Walter Industries | 5,312.50 | |
| Do | Washington Workshops | 4,500.00 | |
| Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036 | Japan Economic Institute of America | 500.00 | |
| Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036 | Cadwalader Wickersham & Taft (For:Air Transport Assn of America) | | |
| Do | Cadwalader Wickersham & Taft (For:American Financial Corp) | | |
| Do | Cadwalader Wickersham & Taft (For:Association of Finance & Insurance Professionals). | | |
| Do | Cadwalader Wickersham & Taft (For:Bechtel Group, Inc) | | |
| Do | Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc) | | |
| Do | Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc) | | |
| Do | Cadwalader Wickersham & Taft (For:Disabled American Veterans) | 29.33 | |
| Do | Cadwalader Wickersham & Taft (For:Ladies Professional Golf Assn) | | |
| Do | Cadwalader Wickersham & Taft (For:Management Compensation Group) | | |
| Do | Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp) | | |
| Do | Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co) | 29.33 | |
| Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron)) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America) | 410.00 | |
| Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822 | Matsushita Electric Corp of America | 300.00 | 59.48 |
| Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 14,983.00 | 909.13 |
| Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001 | National Assn of Mutual Insurance Companies | 371.00 | 143.39 |
| Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001 | | 37,500.00 | 170.00 |
| Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036 | | | 47,289.51 |
| Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009 | | 4,120.82 | 9,241.97 |
| Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 1,000.00 | |
| Victoria Almquist, 1616 P Street, NW, #320 Washington, DC 20036 | Professionals' Coalition for Nuclear Arms Control | 3,239.12 | 4,753.45 |
| Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830 | | | |
| Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004 | National Retail Federation | 500.00 | |
| Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016 | | | 5,000.00 |
| Quinn R. Amaro, #45771-098 P.O. Box 1000 Highway 66 West El Reno, OK 73036 | | | |
| John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | 128.26 | |
| American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114 | | 31,708.07 | 31,708.07 |
| American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229 | | 41,421.00 | 41,421.29 |
| American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302 | | | 43,942.70 |
| American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749 | | 5,000.00 | 5,000.00 |
| American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022 | | 1,574.40 | 50.00 |
| American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024 | | | |
| American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202 | | 38,250.00 | 38,250.00 |
| American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036 | | 164,190.22 | 164,190.22 |
| American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041 | | | |
| American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006 | | 4,972.00 | 2,156.00 |
| American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004 | | 27,784.00 | 27,784.00 |
| American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044 | | 6,171.17 | 1,067.58 |
| American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068 | | 169,541.00 | 150,005.00 |
| American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006 | | | 233,152.35 |
| American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209 | | 4,440.00 | 4,440.00 |
| American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036 | | | |
| American Financial Services Assn, 919 18th Street, NW Washington, DC 20006 | | | 1,000.00 |
| American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102 | | 11,500.00 | 11,500.00 |
| American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036 | | | 5,681.50 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005 | | 23,085.73 | 14,264.78 |
| American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036 | | | 3,409.50 |
| American Insurance Assn, 1130 Connecticut Avenue, NW, #l000 Washington, DC 20036 | | 6,726.00 | 6,726.00 |
| American International Group, Inc, 70 Pine Street New York, NY 10270 | | | 50,821.30 |
| American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001 | | 226,245.00 | 212,386.56 |
| American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036 | | | 4,015.00 |
| American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001 | | 130,000.00 | 10,808.68 |
| American Life League, Inc, Box 1350 Stafford, VA 22555 | | 25,000.00 | 15,425.89 |
| American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202 | | 5,458.50 | 3,355.06 |
| American Meat Institute, 1700 N. Moore Street Arlington, VA 22209 | | 292,833.14 | 7,486.67 |
| American Medical Association, 515 North State Street Chicago, IL 60610 | | | 62,959.86 |
| American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006 | | 5,500.00 | 13,553.00 |
| American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081 | | 24,348.43 | 24,348.43 |
| American Movers Conference, 1611 Duke Street Alexandria, VA 22314 | | | 6,100.00 |
| American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003 | | 40,182.85 | 95,268.45 |
| American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571 | | 49,708.80 | 49,708.80 |
| American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314 | | | |
| American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885 | | 3,000.00 | 38,255.00 |
| American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016 | | | 288.00 |
| American Petroleum Institute, 1220 L St., NW Washington, DC 20005 | | 337,436.43 | 314,618.40 |
| American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314 | | 11,495.59 | 11,495.59 |
| American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621 | | | 23,981.17 |
| American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005 | | 49,728.00 | 49,728.00 |
| American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005 | | | |
| American Radio Relay League, Inc, 225 Main St. Newington, CT 06111 | | | 15,332.00 |
| American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233 | | 100.00 | 100.00 |
| American Soc for Medical Technology, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814 | | | 13,489.55 |
| American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005 | | | 22,153.68 |
| American State of the Art Prosthetic Assn, 955 26th Street, NW, #208 Washington, DC 20037 | | | |
| American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006 | | 38,275.63 | 53,588.06 |
| American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314 | | 10,290.06 | 68,146.25 |
| American Veterinary Medical Assn, 1101 Vermont Avenue, NW #710 Washington, DC 20005 | | 11,000.00 | 11,930.00 |
| American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | | 458,905.00 | 1,503.38 |
| American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002 | | 47,700.00 | 78,476.61 |
| Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206 | | 26,466.92 | 22,787.95 |
| Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002 | | 12,915.60 | 12,915.60 |
| Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702 | | 3,608.00 | 3,608.00 |
| Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 1,000.00 | |
| Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150 | League to Save Lake Tahoe | 556.32 | |
| Amie Amiot, 10801 Rockville Pike Rockville, MD 20815 | American Speech Language Hearing Assn | | |
| Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001 | Northrop Corp | 6,000.00 | |
| Do | Rand Eye Institute | 10,000.00 | |
| Do | Thompson Medical Co | 4,000.00 | |
| Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330 | | | |
| Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501 | | 55,500.00 | 15,418.55 |
| Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 75.00 |
| Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003 | Pearson & Pipkin, Inc (For:Physicians Who Care) | | |
| Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505 | New York Life Insurance Company | | |
| Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004 | Knights of Columbus | 950.00 | |
| Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607 | Enron Corp | 3,000.00 | |
| David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088 | KeyCorp | 1,384.61 | 717.82 |
| Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Frederick M. Anderson, P.O. Box 8000-02777052 Bradford, PA 16701-0980 | | | |
| John A. Anderson, 1333 H St., NW, #300 Washington, DC 20005 | Electricity Consumers Resource Council (ELCON) | | |
| Kenneth William Anderson, 1629 K Street, NW, #503 Washington, DC 20006 | Evergreen International Aviation, Inc | | 222.00 |
| Richard F. Anderson, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | | |
| Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102 | American Frozen Food Institute | 6,600.00 | |
| Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005 | National Independent Energy Producers | 4,293.40 | |
| Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599 | National Assn of Life Companies | | |
| William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202 | Rockwell International Corp | 3,000.00 | 1,924.98 |
| Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006 | American General Life Insurance Co. of Texas | | |
| Do | Association of Battery Recyclers | 1,941.50 | 1,941.50 |
| Do | Coalition for Habitat Conservation | 4,047.00 | |
| Do | GNB, Inc | | |
| Do | (For:Institute of Makers of Explosives) | | |
| Do | International Alliance for Habitat Conservation | | |
| Do | RSR Corporation | | |
| Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037 | Ares-Serono, Inc | | |
| Do | Association of Trial Lawyers of America | | |
| Do | California Dairy Institute | | |
| Do | Interstate Natural Gas Assn of America (INGAA) | 17,500.00 | 1,092.12 |
| Do | Mars, Inc | | |
| Do | Safeguard America's Family Enterprises | | |
| Do | Thomson U.S., Inc | | |
| Bill Angelo, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334 | Michigan National Corp | | |
| Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202 | Frost & Jacobs (For:Comprehensive Medical, Inc) | 315.60 | |
| Do | Frost & Jacobs (For:Louisville Imaging Services, Inc) | | |
| Do | Frost & Jacobs (For:Western Hills Imaging Center, Inc) | | |
| Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036 | | | |
| Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314 | Retired Officers Assn | 8,347.50 | |
| John Archer, 500 E Street, SW, #950 Washington, DC 20024 | American Automobile Assn | | |
| William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000 | U.S. Chamber of Commerce | 25.00 | |
| R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006 | Occidental Chemical Corp | | |
| Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005 | American Public Transit Assn | 1,600.00 | |
| Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339 | American Assn of Bioanalysts | 25,028.85 | 3,784.87 |
| Do | American Assn of Occupational Health Nurses | 9,322.28 | 339.45 |
| Do | Aram Mardirosian | | |
| Do | Jean-Bertrand Aristide | 12,000.00 | 1,065.88 |
| Do | Association of Professional Flight Attendants | 25,000.00 | 370.00 |
| Do | Central States SE & SW Areas Health Welfare & Pension Funds | 96,088.15 | 679.91 |
| Do | Children With Attention Deficit Disorder (CHADD) | | 150.00 |
| Do | City of San Diego | 40,000.00 | 94.94 |
| Do | Federal National Mortgage Assn | | |
| Do | Guardian Life Insurance Co of America | 42,528.76 | 167.52 |
| Do | Independent Federation of Flight Attendants | 5,000.00 | 90.00 |
| Do | International Society for Clinical Laboratory Technology | 3,002.92 | 5.35 |
| Do | Mercy Hospital of Des Moines, Iowa | 4,507.50 | 2,121.41 |
| Do | National Field Selling Assn | | |
| Do | National Parking Association | | 246.18 |
| Do | Navajo Nation | 67,439.00 | 2,371.06 |
| Do | Republic Of Chile | | 13.00 |
| Do | SO-PAK-CO, Inc | | 9.14 |
| Do | Toyota Motor Corporation | | |
| Do | Video Software Dealers Assn | | 313.98 |
| John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036 | American Insurance Assn | 425.00 | 600.00 |
| Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001 | | 10,594.00 | 10,594.00 |
| Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006 | Portland Cement Assn | | |
| Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004 | American Council of Life Insurance | 800.00 | |
| Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106 | American Iron & Steel Institute | 480.00 | |
| Do | Ashland Oil Co | 600.00 | |
| Do | Corporate Property Investors | 1,000.00 | |
| Do | Goodyear Tire & Rubber Co | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036 | American Institute of Certified Public Accountants | | |
| Do | American Red Cross | | |
| Do | Antonelli Unsecured Creditor's Committee | 845.00 | |
| Do | Avatar Utilities, Inc | | |
| Do | Avis, Inc | | |
| Do | ACPC | | |
| Do | AFL-CIO | | |
| Do | Bank of Montreal | | |
| Do | Building and Construction Trade Department, AFL-CIO | | |
| Do | Business Roundtable | | |
| Do | Caribbean International News Corporation | 1,140.00 | |
| Do | Commissioner, Dept of Telecommunications City of New York | 1,412.00 | |
| Do | Computer Sciences Corp | | |
| Do | Continental Corporation | | |
| Do | Federated Investors | 71.25 | |
| Do | Fujisawa USA, Inc | | |
| Do | General Conference of Seventh-day Adventists | 1,598.75 | 31.27 |
| Do | Hoffmann-La Roche, Inc | | |
| Do | Hopi Indian Tribe | | |
| Do | Michigan National Corp (for: Beverly Hills Fed Savings Bank) | 1,852.50 | |
| Do | Montefiore Medical Center | 5,147.50 | 239.80 |
| Do | National Assn of Telecommunications Officers & Advisors | 2,778.75 | |
| Do | National Coordinating Comm for Multiemployer Plans | 8,750.50 | 285.79 |
| Do | NaPro BioTherapeutics, Inc | | |
| Do | Penn Central Industries Group | | |
| Do | Philip Morris, Inc | 1,284.02 | 52.85 |
| Do | Recording Industry Assn of America, Inc | 445.50 | |
| Do | Republic of Venezuela | 2,225.00 | 56.00 |
| Do | Sacramento Municipal Utility District | | |
| Do | Stanford University | | |
| Do | State Farm Mutual Automobile Insurance Co | 3,400.00 | 115.52 |
| Do | Survival Technology, Inc | | |
| Do | Unilever United States, Inc | | |
| L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037 | American Logistics Infrastructure Improvement Construction | 3,000.00 | 1.31 |
| Do | FMC Corp | 10,000.00 | 263.63 |
| Do | Guam Airport Authority | 12,000.00 | 305.06 |
| Do | Technology for Communications, International | | |
| Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006 | IBM Corp | 53.70 | 8.00 |
| Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571 | American Nurses Assn | 395.00 | 251.74 |
| Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005 | | 2,500.00 | |
| Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005 | | 1,500.00 | |
| Associated General Contractors of America, 1957 E St., NW Washington, DC 20006 | | | 16,500.00 |
| Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148 | | 18,079.00 | 18,079.00 |
| Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001 | | 86,266.41 | 86,266.41 |
| Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | | | |
| Association of Certified Trucking Schools, 3050 K Street, NW, 4th Floor Washington, DC 20007 | | | |
| Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036 | | | |
| Association of State and Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002 | | | 3,000.00 |
| George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202 | United Airlines, Inc | 500.00 | |
| Richard C. Atchison, 1377 Camino Teresa Solana Beach, CA 92101 | American Tunaboat Assn | | 1,000.00 |
| Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071 | | | 925.00 |
| Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,500.00 | 70.42 |
| Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209 | American Meat Institute | 12,750.00 | 572.73 |
| Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 3,401.00 | 200.00 |
| John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022 | American Assn of Meat Processors | | |
| Judith Auerbach, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assn | | 12.10 |
| Frank W. Ault, 2009 North 14th Street, #101 Arlington, VA 22201 | American Retirees Assn | 2,500.00 | 4,436.00 |
| Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036 | Overseas Education Assn, Inc | 1,120.60 | |
| John S. Autry, 1146 19th Street, NW Washington, DC 20036 | Susan Davis Companies | 12,000.00 | 2,370.25 |
| Avon Products, Inc, 9 West 57th St. New York, NY 10019 | | | |
| Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7 | Mil Davie Inc | | |
| Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005 | National Independent Energy Producers | 6,429.38 | |
| ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073 | | | 584.35 |
| Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202 | Western-Southern Life Insurance Co | | |
| Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Contact Lens Institute | | |
| Do | Genentech | | |
| Do | MacAndrews & Forbes Holding, Inc | | |
| Do | Municipal Finance Industry Assn | | |
| Do | John Nuveen & Co, Inc | | |
| Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006 | NANA Regional Corp, Inc | | |
| Do | Shee Atika, Inc | | |
| Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314 | International Hardwood Products Assn (IHPA) | 4,550.00 | 540.61 |
| Charlotte M. Bahin, 1709 New York Avenue, NW, 8th Floor Washington, DC 20006 | Savings and Community Bankers of America | | |
| George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104 | CSX Transportation | | |
| William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036 | Bailey & Robinson (For:American Imaging Assn) | | |
| Do | Bailey & Robinson (For:Blue Cross of Western Pennsylvania) | | |
| Do | Bailey & Robinson (For:Case Management Society of America) | | |
| Do | Bailey & Robinson (For:Human Factors Applications, Inc) | | |
| Do | Bailey & Robinson (For:Investment Company Institute) | | |
| Do | Bailey & Robinson (For:Natural Gas Vehicles Coalition) | | |
| Do | Bailey & Robinson (For:Upjohn Corp) | | |
| Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036 | American Imaging Assn | | |
| Do | Blue Cross of Western Pennsylvania | 22,500.00 | |
| Do | Case Management Society of America | 18,000.00 | |
| Do | Human Factors Applications, Inc | | |
| Do | Investment Company Institute | | |
| Do | National Assn of Broadcasters | 19,000.00 | |
| Do | Natural Gas Vehicles Coalition | 16,500.00 | |
| Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 6,000.00 | 640.88 |
| James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 2,932.50 | 138.73 |
| John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 7,458.00 | |
| R. Garrity Baker, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | | |
| Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036 | Cominco, Ltd | | |
| Do | Mitsui & Co (U.S.A.), Inc | | |
| Do | Mitsui Plastics, Inc | | |
| H. R. Balikov, 333 Thornall St. Edison, NJ 08818 | J. M. Huber Corp | | |
| Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005 | Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)) | | |
| William L. Ball III, 1101 16th Street, NW Washington, DC 20036 | National Soft Drink Assn | | |
| William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036 | General Motors Corp | 3,000.00 | 6,147.08 |
| Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004 | ARCO | 75.00 | 116.08 |
| Do | City of Bellevue (Washington) | 7,747.35 | 313.40 |
| Do | City of Portland, OR | 20,456.27 | 2,477.23 |
| Do | City University | 31,492.50 | 7,793.13 |
| Do | Clackamas County | 18,372.50 | 1,798.76 |
| Do | Greenbrier Leasing, Inc | 44,484.00 | 6,107.84 |
| Do | Gunderson, Inc | | |
| Do | Harsch Investment Corporation | 8,712.50 | 1,432.13 |
| Do | Mt. Hood Meadows Oregon, Ltd | 777.00 | 65.36 |
| Do | Northwest Industrial Gas Users | 2,272.50 | 789.32 |
| Do | Northwest Marine Iron Works | 1,485.00 | 813.95 |
| Do | Northwest Woodland Owners Council | 9,000.00 | 2,318.52 |
| Do | Oregon Department of State Lands | 14,000.00 | 1,894.52 |
| Do | Oregon Department of Transportation | 23,100.00 | 1,976.97 |
| Do | Oregon Graduate Institute of Science & Technology | 4,368.00 | 314.15 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Oregon Museum of Science and Industry | 298.00 | 31.75 |
| Do | PacifiCorp Leasing | 1,590.00 | 56.77 |
| Do | Schnitzer Steel Industries | 3,492.50 | 385.05 |
| Jack L. Ballard, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004 | Central & South West Services, Inc | | |
| Robert H. Ballard, 2 North 9th Street Allentown, PA 18101 | Pennsylvania Power & Light Co | | |
| Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006 | International Dairy Foods Association | | |
| Bank of Boston Corporation, 100 Federal St. Boston, MA 02110 | | | |
| Bank Leumi le-Israel, BM, 562 Fifth Avenue New York, NY 10017 | | | 1,808.67 |
| Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314 | Hoffmann-La Roche, Inc | | |
| M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006 | Bannerman & Associates, Inc (For:Arab Republic of Egypt) | 3,000.00 | 402.14 |
| Do | Bannerman and Associates, Inc (For:Beirut University College) | 1,000.00 | 60.00 |
| Do | Bannerman & Associates, Inc (For:Government of the United Arab Emirates) | 2,500.00 | 55.00 |
| Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568 | NAC Re Corp | | 50.00 |
| Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004 | General Electric Company | 1,540.00 | |
| James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 997.50 | |
| Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036 | Financial Services Council | 4,750.00 | |
| Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209 | Boeing Company | 1,310.37 | 402.22 |
| John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749 | American Assn of Blood Banks | 2,500.00 | |
| Haley R. Barbour, 600 New Hampshire Av., N.W. #1010 Washington, DC 20037 | American Maritime Congress | 30,000.00 | 412.16 |
| Do | American Rice, Inc | 15,000.00 | 223.35 |
| Do | CBS, Inc | 7,500.00 | 79.70 |
| Do | Priamerica Financial Services | 16,000.02 | 900.36 |
| Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005 | Public Securities Assn | 12,500.00 | 207.41 |
| M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006 | Southwestern Bell Corp, Inc | | 860.41 |
| Robert H. Barker, 1150 17th Street, NW Washington, DC 20036 | American Fiber Manufacturers Assn, Inc | | |
| G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006 | Warner-Lambert Company | | |
| William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036 | Sprint Corporation | 7,000.00 | 771.67 |
| Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408 | Florida Power & Light Co | | |
| Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068 | Potomac Electric Power Company | | |
| Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036 | Citibank, NA | 3,300.00 | 190.00 |
| Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746 | Marathon Oil Co | 9,000.00 | 2,782.20 |
| Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Dorothea Barr, 1010 North Fairfax Street Alexandria, VA 22314 | National Society of Public Accountants | | |
| James C. Barr, 1840 Wilson Blvd Arlington, VA 22201 | National Milk Producers Federation | 3,150.00 | |
| Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | | |
| David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005 | National Grain & Feed Assn | 1,000.00 | |
| Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | | |
| Robert E. Barrow, 1616 H Street, NW Washington, DC 20006 | National Grange | 5,000.00 | |
| Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101 | Pennsylvania Power & Light Co | 62.50 | |
| Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036 | Conference of State Bank Supervisors | 987.00 | |
| Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005 | Kraft General Foods, Inc | 750.00 | 402.40 |
| Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007 | National Stone Assn | 4,000.00 | 500.00 |
| Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036 | Direct Marketing Assn | 4,500.00 | 13,450.13 |
| Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036 | Cellular Telecommunications Industry Assn | 7,500.00 | 2,281.71 |
| Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005 | American Public Transit Assn | 1,350.00 | |
| Diane Bateman, 501 2nd Street, NE Washington, DC 20002 | Fertilizer Institute | 9,000.00 | 1,091.37 |
| Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Motor and Equipment Manufacturers Association | 1,750.00 | 18.00 |
| Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599 | American Council of Life Insurance, Inc | 1,800.00 | |
| Richard M. Bates, 1101 17th St. NW, #501 Washington, DC 20036 | Disney Worldwide Services, Inc | 45,000.00 | 1,881.58 |
| Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036 | Planned Parenthood Federation of America | 345.87 | 13.06 |
| Lana R. Batts, 2200 Mill Road Alexandria, VA 22314 | American Financial Services Assn | 250.00 | |
| Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005 | Family Research Council | 568.00 | |
| Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006 | Bannerman & Associates, Inc (For:Beirut University College) | | |
| Do | Bannerman & Associates, Inc (For:Government of the United Arab Emirates) | | |
| Do | Bannerman & Associates, Inc (For:Government of Egypt) | 500.00 | 395.89 |
| Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006 | Warner-Lambert Company | 3,000.00 | |
| Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006 | Kansas City Power & Light Company, et al. | 17,724.00 | 7,349.00 |
| Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027 | National Pest Control Assn | | |
| Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005 | Pennzoil Company | 200.00 | |
| Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 5,001.00 | |
| Bayh Connaughton Fensterheim & Malone, PC, 1575 Eye Street, NW, Suite 1025 Washington, DC 20005 | ALC Communications Corp | | |
| Do | Cook Group | 8,121.50 | 325.00 |
| Do | Joseph E. Seagram & Sons | 2,500.00 | 200.00 |
| Do | Merrill Lynch & Company | | |
| Do | Milk Industry Foundation | | |
| Do | National Basketball Assn | 8,420.00 | 2,100.00 |
| Do | National Soft Drink Assn | 2,257.73 | 300.00 |
| Do | Pennsylvania Savings Assn Insurance Corp | | |
| Do | Real Estate Cappital Recovery Assn | 2,600.00 | 325.00 |
| Do | SPI | | |
| Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207 | Credit Union National Assn, Inc | 7,000.00 | |
| Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134 | Catholic Health Assn of the United States | | |
| Hubert Beatty, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Brenda Larsen Becker, 655 15th Street, NW, #350 Washington, DC 20005 | Blue Cross & Blue Shield Assn | 761.00 | 498.94 |
| Steven M. Beckman, 1757 N Street, NW Washington, DC 20036 | Int'l Union, United Auto Aerospace & Agric Implement Workers | 9,467.59 | 50.00 |
| William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006 | Caterpillar, Inc | 3,000.00 | 546.24 |
| Howard Bedlin, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 726.52 | 394.59 |
| Beer Drinkers of America, 150 Paularino Avenue, #190 Costa Mesa, CA 92626 | | | |
| Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005 | | | |
| William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209 | Magnavox Electronics Systems Corp | 4,000.00 | 1,121.23 |
| Mark Belanger, 805 Third Avenue New York, NY 10022 | Major League Baseball Players Assn | | |
| Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126 | | | |
| Trina Bellak-Bronfman, 1325 G Street, NW, #1000 Washington, DC 20005 | Institute of Scrap Recycling Industries, Inc | 1,500.00 | 54.88 |
| Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037 | National Telephone Cooperative Assn | 5,000.00 | 648.58 |
| Joseph M. Bellino, 444 North Capitol Street, NW, #845 Washington, DC 20001 | National Air Traffic Controllers Assn | 507.10 | |
| James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006 | Association of National Advertisers, Inc | | 88.78 |
| Keith B. Belton, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn | 600.00 | 43.00 |
| Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036 | Recording Industry Assn of America, Inc | 4,000.00 | |
| Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004 | Pfizer, Inc | 3,000.00 | 1,940.68 |
| Mary C. Bennett, 815 Connecticut Avenue, NW Washington, DC 20006-4078 | Baker & McKenzie (For:Horsham Corporation) | | |
| William M. Bennett, 1420 King Street Alexandria, VA 22314-2715 | National Society of Professional Engineers | 1,250.00 | |
| John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992 | American Soc of Travel Agents | 8,500.00 | |
| Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 3,593.75 | 200.00 |
| James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914 | American Motorcyclist Assn | 14,499.72 | 793.71 |
| Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036 | Weyerhaeuser Company | | 505.64 |
| James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608 | American Petroleum Institute | 65.00 | |
| Todd P. Bentsen, 1627 Lamont Street, NW Washington, DC 20010 | Rainbow Lobby, Inc | | |
| Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108 | Advertising Mail Marketing Assn | 3,139.00 | |
| Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036 | National Rural Electric Cooperative Assn | | |
| Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314 | National Private Truck Council | | |
| Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623 | Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries) | | |
| Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004 | Bergson & Company (For:Halon Research Institute) | | |
| Do | Smokeless Tobacco Council | 1,000.00 | |
| Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036 | Consumers Power Co | 3,448.00 | 6,998.00 |
| Jessica Berk, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | 216.30 | 244.95 |
| Dayle Berke, 519 C Street, NE Washington, DC 20002 | National Assn for Home Care | 109.59 | |
| Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013 | | | |
| Nathan R. Berkley, 1611 Duke Street Alexandria, VA 22314 | American Movers Conference | 500.00 | |
| Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036 | Consumer Energy Council of America | | |
| Richard B. Berman, 607 14th Street, NW, #1100 Washington, DC 20005 | Burger King Corp | | |
| Do | FICA Fairness Coalition | | |
| Do | S&A Restaurant Corporation, Inc | | |
| William R. Berman, 500 E Street, SW, #950 Washington, DC 20024 | American Automobile Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037 | BASF Corp | 553.00 | 70.00 |
| Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005 | Wine & Spirits Wholesalers of America, Inc | | 211.61 |
| Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036 | Federal Law Enforcement Officers Assn | 6,261.00 | 805.82 |
| Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036 | National Assn of Police Organizations | 24,000.00 | 8,117.62 |
| Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 1,950.00 | 436.77 |
| Michael J. Bertelsen, Beneficial Management Corp. 453 New Jersey Ave., SE Washington, DC 20005 | Beneficial Management Corp | | |
| Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Maria L. Berthoud, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | New England Council, Inc | | |
| Ann Beser, 2000 K Street, NW, Suite 800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 6,300.00 | |
| Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143 | FBI Agents Assn | 13,500.00 | 386.31 |
| Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005 | Robert Betz Associates, Inc (For:Alabama Hospital Association) | 3,100.00 | 597.63 |
| Do | American Assn of Eye & Ear Hospitals | 2,250.00 | |
| Do | AmeriNet | 500.00 | |
| Do | Health Industry Group Purchasing Assn | 3,500.00 | 274.51 |
| Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005 | Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc). | | |
| Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005 | Foundation for Environmental & Economic Progress, Inc | 3,470.00 | 3,054.00 |
| Janice Bezanson, 601 Westlake Drive Austin, TX 78746 | Texas Committee on Natural Resources | 96.47 | 197.86 |
| Everett E. Bierman, 555 13th Stret, NW, Suite 1290 East Washington, DC 20004 | McCamish Martin & Loeffler | | |
| Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036 | Weyerhaeuser Company | | 555.22 |
| James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006 | Arter & Hadden (For:Nintendo of America, Inc) | | |
| Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005 | American Public Power Association | | |
| Do | South Coast Air Quality Management District | 25,588.62 | |
| Do | Sterling Forest Corporation | 11,550.00 | |
| Do | Waste Management, Inc | 25,921.87 | |
| Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036 | Southern Company Services, Inc | 2,593.18 | 5,103.74 |
| David Billy, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Fire Fighters | 10,177.00 | |
| Stuart Binstock, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002 | Turner Broadcasting System, Inc | 2,329.00 | |
| Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036 | Arkansas Electric Energy Consumers | 1,000.00 | 1,018.00 |
| Do | Calista Corp | 700.00 | 700.00 |
| Do | Chugach Alaska Corp | 300.00 | 300.00 |
| Do | City of St. George | 2,100.00 | 2,100.00 |
| Do | North Slope Borough | 4,900.00 | 4,900.00 |
| Do | Old Harbor Corp | 450.00 | 450.00 |
| Do | Ryan Air | 2,100.00 | 2,100.00 |
| Do | Sealaska Corp | 900.00 | 900.00 |
| Do | Tanadgusix Corporation | 1,400.00 | 1,400.00 |
| Do | Wildlife Legislative Fund of America | 2,000.00 | 2,000.00 |
| Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 8,493.72 | |
| McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006 | Association of National Advertisers, Inc | | 128.65 |
| William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201 | Institute of Internal Auditors | | |
| Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971 | | 63,673.00 | 87,099.85 |
| Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006 | B.F. Goodrich Co | 100.00 | |
| Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314 | International Council of Shopping Centers | 250.00 | |
| Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001 | INDA, Assn of the Nonwoven Fabrics Industry | | |
| Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018 | Aetna Life & Casualty | | |
| Do | Health Images, Inc | | |
| Do | Midland Risk Insurance Company | | |
| Do | Nascar, Inc | | |
| Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314 | Aetna Life & Casualty | 7,000.00 | 299.26 |
| Do | Allied-Signal Corp | 22,500.00 | 76.37 |
| Do | American Airlines | 15,000.00 | |
| Do | Bethlehem Steel Corp | 22,500.00 | |
| Do | Casino Association of New Jersey | 7,500.00 | |
| Do | Chrysler Corp | 15,000.00 | 290.35 |
| Do | Clark Construction Group | 9,000.00 | |
| Do | Cooper Hospital/University Medical Center | 36,000.00 | |
| Do | Delaware North Companies | 9,000.00 | |
| Do | First National Bank of Chicago | 22,500.00 | 393.97 |
| Do | Gas Safety Action Council | 9,000.00 | |
| Do | Government of Nigeria | 12,500.00 | |
| Do | GTech Corp | 10,000.00 | |
| Do | D. George Harris & Associates | 4,500.00 | |
| Do | Johnson & Johnson, Inc | 30,000.00 | 261.81 |
| Do | Kashmiri American Foundation | 35,000.00 | 91.04 |
| Do | Katun Corp | 11,250.00 | 48.09 |
| Do | MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc | 45,000.00 | 333.63 |
| Do | Military Audits of Market Information, Inc | 3,000.00 | |
| Do | Mortgage Insurance Companies of America | 3,125.00 | |
| Do | NOVA University | 15,000.00 | |
| Do | Puerto Rico Federal Affairs Administration | 9,000.00 | |
| Do | Republic of Kenya | 66,000.00 | 118.19 |
| Do | Software Productivity Consortium | 22,500.00 | |
| Do | South Carolina Economic Development Board | 2,000.00 | |
| Do | Textron | 3,750.00 | |
| Do | Tobacco Institute | 22,500.00 | |
| Do | Trump Organization | 18,000.00 | 249.01 |
| Do | Union Pacific Corp | 15,000.00 | |
| Do | Usarin Land Development Corp | | |
| Do | UNITA | 75,000.00 | |
| Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | |
| Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036 | Ebasco Services, Inc | 3,645.00 | 5,116.08 |
| Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036 | Exxon Corporation | | |
| Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002 | Career College Assn, Inc | 250.00 | |
| Roy Blake, 900 University Dr. Nacogdoches, TX 75961 | Philip Morris, Inc | 3,000.00 | 672.33 |
| Helen Blank, 25 E Street, NW Washington, DC 20001 | Children's Defense Fund | 2,878.55 | |
| Ernest Blazar, 122 C Street NW Washington, DC 20001 | American League for Exports & Security Assistance (ALESA) | 2,100.00 | |
| David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006 | Illinois Power | 5,250.00 | 862.73 |
| Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036 | Owens-Illinois, Inc | 5,000.00 | 150.00 |
| Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001 | Mellon Bank N.A. | 2,500.00 | |
| Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007 | Amax, Inc | 600.00 | 29.54 |
| Do | Barrett Refining Corp | 1,987.50 | 135.08 |
| Do | Figgie International, Inc | 1,375.00 | 78.07 |
| Do | Hunter Industrial Facilities, Inc | 1,000.00 | 86.09 |
| Do | National Paint & Coatings Assn, Inc | 1,237.50 | 55.71 |
| Do | National Spa & Pool Institute | 400.00 | 22.15 |
| Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501 | Akhiok-Kaguyak, Inc | 1,239.34 | |
| John R. Block, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 3,000.00 | |
| L. Thomas Block, 270 Park Avenue New York, NY 10017 | Chemical Bank | 5,000.00 | 600.00 |
| Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018 | American Pacific Enterprises | 550.00 | |
| Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 9,300.00 | |
| Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 1,000.00 | |
| Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 8.80 |
| Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006 | American Council for Capital Formation | 852.00 | |
| Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037 | National Telephone Cooperative Assn | 12,000.00 | 1,528.60 |
| Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494 | National Beer Wholesaler's Assn | 3,500.00 | |
| Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005 | International Advisory Services Group, Ltd (For:Steel Service Center Institute) | | |
| Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036 | Planned Parenthood Fed of America, Inc | 4,263.66 | 255.00 |
| Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005 | American Dietetic Assn | 1,000.00 | 246.88 |
| Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133 | Employers Council on Flexible Compensation | 200.00 | |
| Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304 | | 110,000.00 | 110,000.00 |
| Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036 | Mitsubishi Motors America, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004 | Edison Electric Institute | 5,128.78 | 588.45 |
| Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 165.00 |
| Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 600.00 | |
| John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314 | National Assisted Housing Management Assn | 500.00 | |
| John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004 | Texas Instruments | 1,500.00 | |
| Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 125.00 | |
| Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003 | Oralco Management Services, Inc (For:Ormet Corp) | | |
| M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793 | Dechert Price & Rhoads (For:Monell Chemical Senses Center) | 396.00 | 26.23 |
| Naila Bolus, 305 7th Street, SE Washington, DC 20003 | Womens Action for Nuclear Disarmament, Inc, et al. | 4,300.00 | |
| Judith Bonderman, 1225 Eye Street, NW Washington, DC 20005 | Handgun Control, Inc | 1,046.00 | |
| John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Allied-Signal, Inc | 225.00 | 150.00 |
| Robert Bonnie, 216 7th Street, SE Washington, DC 20003 | Scenic America | | |
| Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036 | Travel Industry Assn of America | 4,588.00 | |
| Gaylon B. Booker, P.O. Box 12285 1928 North Parkway Memphis, TN 38182 | National Cotton Council of America | 1,080.50 | 9.61 |
| John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006 | American Council of Life Insurance, Inc | | |
| Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037 | International Advisers, Inc (For:Embassy of Turkey) | 3,500.00 | 293.46 |
| Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003 | Kansas City Southern Industries, Inc | 2,000.00 | |
| Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 2,681.25 | |
| Carroll Bostic, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801 | Eastman Kodak Company (Imaging Group) | 180.00 | |
| G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201 | American Apparel Manufacturers Assn, Inc | | |
| Stephen Bosworth, 19 Silvermine Road New Canaan, CT 06840 | Massachusetts Mutual Life Insurance Company | 450.00 | |
| Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036 | Evergreen International Aviation, et al. | 1,000.00 | |
| John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612 | Philip Morris, Inc | 2,500.00 | |
| Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 400.00 | 156.00 |
| Laura L. Bourne, 1750 K Street, NW Washington, DC 20006 | Food Marketing Institute | 100.00 | |
| Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | 1,320.00 | |
| Joseph Bow, 1901 N. Moore Street Arlington, VA 22209 | Foodservice & Packaging Institute | | |
| John Bowers Jr., 815 16th Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 18,018.00 | 4,620.44 |
| M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004 | Pfizer, Inc | 3,000.00 | 1,337.90 |
| J. Laing Bowles, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 453.75 | |
| Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 175.00 | |
| Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314 | Truck Trailer Manufacturers Assn | 1,000.00 | |
| Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005 | Phelps Dodge Corp | 150.00 | |
| John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005 | International Business Machines Corp | 262.00 | 16.00 |
| Richard K. Boyd, 299 Park Ave. New York, NY 10171 | Westvaco Corporation | | |
| Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003 | Federal Kemper Life Assurance Co | | |
| Do | Kemper Corp | | |
| Do | Kemper Financial Services, Inc | | |
| Do | Kemper Investors Life Insurance Company | | |
| Do | Kemper Reinsurance Company | | |
| Do | Kemper Corporation (For:Kemper Securities Group, Inc) | | |
| Philip B. Boyer, 421 Aviation Way Frederick, MD 21701 | Aircraft Owners & Pilots Assn | 2,500.00 | |
| J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209 | American Meat Institute | 2,187.50 | |
| Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Gordley Associates (For:National Sunflower Assn) | 65.00 | |
| Do | Gordley Associates (For:U.S. Canola Assn) | 65.00 | |
| Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006 | American Methanol Institute | | |
| Do | Browning-Ferris Industries, Inc | | |
| Do | Caribbean Marine, Inc | | |
| Do | Centex Corp | | |
| Do | Chemical Manufacturers Assn, Inc | | |
| Do | Edison Electric Institute | | |
| Do | Enron Corp | 500.00 | 300.00 |
| Do | Enterprise Products Co | | |
| Do | Genentech, Inc | | |
| Do | Graham Resources, Inc | | |
| Do | Higman Barge Lines, Inc | | |
| Do | Hunt Oil Company | | |
| Do | Louisiana Land & Exploration Co | | |
| Do | Lyondell Petrochemical Co | | |
| Do | MEPC American Properties | | |
| Do | National Cable Television Assn, Inc | | |
| Do | Pennsylvania Natural Gas Assn | | |
| Do | Rohm & Hass Co | | |
| Do | Joseph E. Seagram & Sons, Inc | | |
| Do | Southdown/Pelto Oil Company | | |
| Do | Sterling Chemicals, Inc | | |
| Do | Texas Ophthalmological Assn | | |
| Do | Torch Energy Advisors, Inc | | |
| Do | Valero Energy Corporation | | |
| Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005 | American Society for Bone & Mineral Research | 6,000.00 | 115.00 |
| Do | Arkla, Inc | 7,000.00 | 255.00 |
| Do | City of Klamath Falls | 7,000.00 | 105.00 |
| Do | City of Tucson | 7,000.00 | 120.00 |
| Do | Coin Coalition | 15,000.00 | 180.00 |
| Do | County of Winnebago | 2,000.00 | 60.00 |
| Do | Daishowa America Company, Ltd | 5,000.00 | 135.00 |
| Do | Energy Absorption Systems, Inc | 8,000.00 | 125.00 |
| Do | Greater Rockford Airport Authority | 5,000.00 | 120.00 |
| Do | St. Louis Airport Authority | 4,000.00 | 120.00 |
| Do | United Technologies Corp | 4,000.00 | 75.00 |
| Do | Western Fuels Association, Inc | 2,000.00 | 85.00 |
| George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 22,369.00 | |
| Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004 | Edison Electric Institute | | |
| Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005 | Principal Financial Group | | |
| Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 449.74 | |
| Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005 | Hewlett-Packard Co | 967.50 | 7.00 |
| Do | National Assn for Home Care | | |
| Do | National Assn of Professional Baseball Leagues, Inc | 542.50 | |
| Do | NCube | 176.00 | |
| Do | Oracle Corp | | |
| Do | Seafarers International Union | | |
| Do | Unisys | 715.00 | |
| Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036 | Citizen Action Fund | 2,490.00 | 260.00 |
| Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036 | Institute of Electrical & Electronics Engineers | 750.00 | 725.00 |
| Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 125.00 | |
| Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| George W. Breece, P.O. Box 2801 Fayetteville, NC 28302 | American State of the Art Prosthetic Assn | | |
| Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036 | National Education Assn | 3,978.55 | |
| Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 4,050.67 |
| Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Bridge Struct & Ornamental Iron Wkrs | 10,800.00 | 351.03 |
| Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134 | Catholic Health Assn of the United States | 3,000.54 | |
| Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005 | Chevron Companies | 6,000.00 | 110.00 |
| William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | 250.00 | 192.00 |
| F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006 | Chemical Specialties Manufacturers Assn, Inc | 1,020.00 | 223.42 |
| Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202 | ESCO Electronics Corp | | 296.12 |
| Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corp | | |
| John R. Brigance, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 2,000.00 | |
| Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 4,800.00 | |
| Craig S. Brightup, 206 E Street, NE Washington, DC 20002 | National Roofing Contractors Assn | 5,250.00 | 943.04 |
| Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006 | National Legal Aid & Defender Assn | 1,500.00 | 20.50 |
| William M. Brodhead, 900 Marquette Building Detroit, MI 48226 | Plunkett & Cooney (For:NBD Bancorp, Inc) | 5,500.00 | 791.66 |
| Do | Plunkett & Cooney (for City of Detroit, Michigan) | 8,848.12 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Plunkett & Cooney (for Michigan Consolidated Gas Co) | 9,600.00 | 858.38 |
| David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036 | American Fiber Manufacturers Assn, Inc | | |
| Do | Anti-Defamation League of B'nai B'rith | | |
| Do | BASF Corp | 700.00 | |
| Do | Corn Coalition | | |
| Do | Corning, Inc | 700.00 | |
| Do | Telecommunications Industry Assn | | |
| Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | American Veterinary Medical Assn | 100.00 | |
| Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102 | Paramax Systems Corporation | 1,000.00 | 47.13 |
| Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036 | Federation of American Health Systems | 4,500.00 | |
| Dale E. Brooks, 1401 I St., NW #1200 Washington, DC 20005 | Chevron Companies | | |
| E. R. Brooks, P.O. Box 660164 Dallas, TX 75266 | Central & South West Corp | | |
| Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875 | | | 11,429.37 |
| Edward J. Brothers, 1487 Weber Dr., Suite A Indianapolis, IN 46227 | | | |
| Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006 | Eastman Kodak Company | | |
| Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007 | American College of Surgeons | | |
| Cynthia L. Brown, 4301 N. Fairfax Drive, #330 Arlington, VA 22203 | Shipbuilders Council of America | 15,000.00 | |
| Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006 | MCI Communications Corp | 4,000.00 | 2,324.07 |
| Felicien J. Brown, 601 E Street, NW Washington, DC 20049 | American Association of Retired Persons | 713.46 | 58.00 |
| John J. Brown, 50 E Street, SE Washington, DC 20003 | Clark S. Herman Associates, Inc | 500.00 | 200.00 |
| Do | Govt Affairs Policy Council of the Reg Bell Operating Co | 1,000.00 | 400.00 |
| Do | John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute). | 1,000.00 | 400.00 |
| Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301 | Klein & Saks (for: Gold Institute) | | |
| Do | Klein & Saks (For:Silver Institute) | | |
| Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Davis Wright Tremaine (For:Hazardous Waste Action Coalition) | | |
| Do | Davis Wright Tremaine (For:Lockheed Engineering & Sciences Co) | 22,816.00 | 476.00 |
| Paul S. Brown, 205 East 42nd Street New York, NY 10017 | Risk & Insurance Management Society, Inc | | |
| Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102 | M.O.A.A.I.O.A. & Subs, Inc | | |
| Robert Craig Brown, P.O.Box 12285 Memphis, TN 38182 | National Cotton Council of America | | |
| Steven J. Brown, 421 Aviation Way Frederick, MD 21701 | Aircraft Owners & Pilots Assn | 2,000.00 | |
| Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509 | American Petroleum Institute | 500.00 | |
| Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207 | Albers & Company (For:May Department Stores Co) | | |
| William E. Brown, 1667 K Street, NW #420 Washington, DC 20006 | Mead Corporation | | |
| William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036 | Waste Management, Inc | 1,675.00 | |
| Thomas H. Brownell, GE Aerospace 1331 Pennslyvania Ave., NW, #890 Washington, DC 20004 | General Electric Co | 511.00 | 117.00 |
| Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202 | Crystal Creek Homeowners Assn | 58.50 | |
| Do | Lake Catamount Joint Venture | 252.00 | 745.00 |
| Do | New Valley Corporation | 12,325.00 | 3,146.15 |
| Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005 | New York City Housing Development Corp | | |
| Do | New York State Mortgage Loan Enforcement & Admin Corp | | |
| Do | Schochet Associates | | |
| Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202 | Aurora Health Care | 4,781.26 | 956.44 |
| Do | Blood Center of Southeastern Wisconsin | 100.00 | |
| Do | Children's Hospital of Wisconsin | 5,568.75 | 1,176.47 |
| Do | EDS Corp | 1,797.50 | 221.23 |
| Do | Meehan Seaway | 100.00 | |
| Do | Menominee Indian Tribe of Wisconsin | 100.00 | 2.69 |
| Do | Milwaukee Metropolitan Sewerage District | 4,667.50 | 185.16 |
| Do | Oneida Nation | 47,721.25 | 1,807.00 |
| Do | Plumbers Local #75 | 445.00 | 20.19 |
| Do | PrimeCare Health Plan | 1,468.75 | 654.17 |
| Do | Waste Management, Inc | 6,050.00 | 980.04 |
| Do | Watertown Memorial Hospital | 100.00 | |
| Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077 | Federal Home Loan Mortgage Corp | | |
| David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036 | Association of America's Public Television Stations | | |
| William K. Brunette, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 732.59 | |
| J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Allstate Insurance Cos | 1,120.00 | 542.75 |
| Hayden B. Bryan, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182 | Professional Services Council | | |
| Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005 | PHP Healthcare Corp | | |
| Bryant Miller & Olive, P.A., 201 South Monroe Street, Suite 500 Tallahassee, FL 32301 | Fernandina Cruise Lines, Inc | 45,000.00 | |
| Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006 | International Dairy Foods Assn | | |
| Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006 | Sheet Metal Workers International Assn | 18,327.00 | |
| PerryAnne Buchanan, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203 | National Water Resources | 12,000.00 | |
| Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assn | | 2.00 |
| Roy C. Buckner, 1101 pennsylvania avenue, nw - #400 Washington, DC 20004 | Textron, Inc | 600.00 | 150.00 |
| J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205 | American College of Mohs Micrographic | | |
| Do | | | |
| Do | J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn) | | |
| Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 1,500.00 | |
| Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | 1,000.00 | |
| Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102 | American Petroleum Institute | 2,300.00 | 72.57 |
| David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036 | Hearst Corporation | 1,000.00 | |
| Do | Parcel Shippers Assn | 2,000.00 | |
| William D. Bunnell, 4660 Kenmore Ave., #1018 Alexandria, VA 22304 | Cummins Engine Co, Inc | 188.20 | |
| David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703 | Amoco Corporation | | |
| James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005 | Motorola, Inc | 6,500.00 | |
| Bruce W. Burgess, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | | |
| Tonio Burgos, 909 Third Avenue, l7th Floor New York, NY 10028 | NYPROCOA, Inc (For:Puerto Rican Federal Affairs Administration) | | 2,042.00 |
| April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001 | Association of Independent Research Institutes (AIRI) | 600.00 | |
| Do | California Institute of Technology | 3,000.00 | |
| Do | Lewis-Burke Associates (For:National Assn for the Superconducting Super Collider). | | |
| Do | Lewis-Burke Associates (For:University of Cincinnati) | 1,000.00 | |
| Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904 | International Air Leases, Inc | | |
| Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005 | American Bakers Assn | | |
| Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036 | | 82,468.75 | 2,575.00 |
| Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182 | National Cotton Council of America | | |
| Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005 | Phelps Dodge Corp | 1,200.00 | |
| Kevin R. Burns, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Timothy F. Burns, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 4,000.00 | 36.50 |
| Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036 | Matsushita Electric Corp of America | 100.00 | 59.48 |
| Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036 | Alliant Techsystems, Inc | 4,000.00 | |
| Do | Degussa AG | 2,000.00 | |
| Do | Eli Lilly & Company | | |
| Do | Ethyl Corporation | | |
| Do | Healthcare Leadership Council | | |
| Do | Korea Iron & Steel Assn | | |
| Do | McDonnell Douglas | | |
| Do | MAPCO | | |
| Do | Republic of Indonesia | 5,000.00 | |
| Do | Thomson-CSF, Inc | | |
| Do | Warner-Lambert Co | | |
| William Burton, 180 Maiden Lane New York, NY 10038 | Continental Insurance Company | | |
| Mark R. Burtschi, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 3,325.00 | 1,123.64 |
| James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218 | Scana Corp | | 30,264.89 |
| Barbara L. Bush, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207 | American Petroleum Institute | | |
| Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411 | | | |
| Jeffrey Butzke, 2 Suydam Lane Bayport, NY 11705 | Golden Rule Insurance Company | 266.67 | 581.47 |
| John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 6,000.00 | |
| C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209 | Kansas Gas & Electric Co, Inc | 15,000.00 | 143.29 |
| Do | MacAndrews & Forbes Holdings, Inc | 15,000.00 | 116.47 |
| Edward S. Cabot, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,885.28 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Christopher G. Caine, 1301 K St., NW, 11th Floor Washington, DC 20005 | IBM Corp | 104.88 | 14.00 |
| Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002 | Career College Assn, In | 585.00 | |
| Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 2,450.00 | |
| Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005 | Public Securities Assn | 12,500.00 | 739.24 |
| Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | 2,800.00 | |
| Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | | | |
| Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206 | Alliston Transmission | 600.00 | |
| Do | Eastern Technologies, Inc | 750.00 | |
| Do | FMC Corporation | 500.00 | |
| Do | General Dynamics Land Systems | 1,000.00 | |
| Do | McDonnell Douglas Helicopter Company | 600.00 | |
| Do | Oshkosh Trucks Corp | 300.00 | |
| Do | Stewart & Stevenson Services, Inc | 600.00 | |
| Do | Textron Lycoming | 800.00 | |
| Do | Varo, Inc | | |
| Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005 | International Union of Police Assns, AFL-CIO | 3,394.00 | |
| Do | Lukens General Industries, Inc | 2,250.00 | |
| Do | National Greyhound Assn | 4,590.00 | |
| Do | Potters Industries, Inc | 1,500.00 | |
| Do | Safetran Systems Corporation | 4,125.00 | |
| Do | Stimsonite Corporation | 1,500.00 | |
| Do | 3M Company | 4,223.00 | |
| Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006 | Embassy of Mozambique | | 913.00 |
| Do | Embassy of Nicaragua | 10,500.00 | 1,826.00 |
| Do | National Council of Maubere Resistance | 4,000.00 | 858.00 |
| Timothy Neil Cameron, 710 North 20th Street Birmingham, AL 35203 | City of Birmingham, AL | | |
| Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006 | Government of Barbardos | 38,610.00 | 67,192.75 |
| Do | McDermott Bonenberger McDermott & Gallaway | 2,266.25 | 8,296.21 |
| Paul A. Cammer, 1025 Connecticut Avenue, NW, #712 Washington, DC 20036 | Cammer & Associates (For:Business Council on Indoor Air) | | |
| Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036 | Exxon Corp | | |
| Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037 | Anglo American Auto Auctions, Inc | 5,580.00 | |
| Do | BellSouth Corp | | |
| Do | California Pipe Trades Council | | |
| Do | Chemical Manufacturers Assn, Inc | 250.00 | |
| Do | Columbia Gas Systems, Inc | | |
| Do | Committee for Equitable Compensation | | |
| Do | Grupo de Economistas y Asociados | | |
| Do | Mobil Oil Corp | | |
| Do | Natural Gas Supply Assn | | |
| Do | Pennzoil Co | | |
| Do | PGA Tour | | |
| Do | Sheet Metal Workers' International Assn | | |
| Do | Shell Oil Co | | |
| Do | Texaco, Inc | | |
| Do | Union Pacific Resources, Inc | | |
| Carolann Campana, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors | 2,500.00 | |
| C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036 | GTE Corporation | | |
| C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006 | DowElanco | 500.00 | 6,261.00 |
| Carl C. Campbell, 1521 New Hampshire Ave., NW Washington, DC 20036 | National Cotton Council of America | | |
| Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715 | National Society of Professional Engineers | 2,000.00 | |
| David Campbell, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | | |
| Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003 | Algonquin Gas Transmission | | |
| Do | American Assn of Advertising Agencies | | |
| Do | American Fiber Manufacturing Assn | | |
| Do | American Nuclear Energy Council | | |
| Do | AMT-Assn for Manufacturing Technology | | |
| Do | Chubb Corp | | |
| Do | Invest to Compete Alliance | | |
| Do | Securities Industry Assn | | |
| Do | Stone & Webster Engineering Corp | | |
| Do | Westinghouse Electric Corp | | |
| Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402 | Tennessee Valley Public Power Assn | | |
| John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015 | John G. Campbell, Inc (For:ARCO Power Technologies, Inc) | | |
| Do | John G. Campbell, Inc (For:BDM International, Inc) | | |
| Do | John G. Campbell, Inc (For:Ebasco) | | |
| Do | John G. Campbell, Inc (For:General Electric Co) | | |
| Do | John G. Campbell, Inc (For:Hughes Aircraft Company) | | |
| Do | John G. Campbell, Inc (For:Loral Corp) | | |
| Do | ManTech International Corp | | |
| Do | John G. Campbell, Inc (For:Sierra Nevada Corp) | | |
| Do | John G. Campbell, Inc (For:3M Company) | | |
| Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002 | David Turch & Asso | 1,000.00 | |
| Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314 | Cyprus Minerals Co | 5,000.00 | 10,408.10 |
| John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202 | Thiokol Corp | | 43,468.00 |
| Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703 | National Assn of Manufacturers | 186.80 | |
| James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910 | Stewart and Stewart (For:Smith Corona Corp) | 2,235.18 | |
| Do | Stewart & Stewart (For:Timken Co) | | |
| Do | Stewart & Stewart (For:Torrington Company) | | |
| Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | | |
| Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006 | MCI Communications Corp | 4,000.00 | 1,608.65 |
| Gary Capistrant, 1200 15th Street, NW Washington, DC 20005 | US Strategies Corp | | |
| Capital Consultants, 1122 Colorado, #307 Austin, TX 78701 | Advanced Telecommunications Corp | 7,378.89 | 1,228.89 |
| Do | Madison Public...(for Leadhership Council of Advertising...) | | |
| Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203 | American Guideway Corporation | | |
| Do | ATC Management Corporation | 19,630.00 | 6,769.00 |
| Do | Hansen Engine Corp | | |
| Do | International Taxicab and Livery Association | | |
| Do | North Metro Mayors Coalition | 10,000.00 | 1,500.00 |
| Do | RADAR | 19,380.00 | 2,973.00 |
| Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002 | American Academy of Allergy & Immunology | 500.00 | |
| Do | American Assn of Cancer Research | 300.00 | |
| Do | American Health Foundation | 800.00 | |
| Do | American Soc of Nephrology | 4,800.00 | |
| Do | American Soc of Tropical Medicine and Hygiene | 600.00 | |
| Do | Arthritis Foundation | 1,000.00 | |
| Do | Association for Practitioners in Infectious Control | 200.00 | |
| Do | Carnation Co | 3,500.00 | |
| Do | Citizens Comm for Medical Research & Health Education | 300.00 | |
| Do | Collagen Corp | 400.00 | |
| Do | Cystic Fibrosis Foundation | 1,200.00 | |
| Do | Fred Hutchinson Cancer Research Center | 1,800.00 | |
| Do | FDA Council | 10,500.00 | |
| Do | Illinois Collaboration on Youth | 100.00 | |
| Do | Joint Council of Allergy & Immunology | 500.00 | |
| Do | Lipomatrix | 200.00 | |
| Do | Massachusetts General Hospital | 2,400.00 | |
| Do | National Assn of Addiction Treatment Providers | 800.00 | |
| Do | National Assn of Pediatric Nurse Associates & Practitioners | 1,200.00 | |
| Do | National Coalition for Cancer Research | 400.00 | |
| Do | Nestle Foods | 3,500.00 | |
| Do | Ringling Brothers | 1,500.00 | |
| Do | U.S. Healthcare, Inc | 800.00 | |
| Do | U.S. Surgical Corp | 2,000.00 | |
| Do | Wellman Laboratory | 1,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Capitol Strategies, Suite 875 1747 Pennsylvania Ave., NW Washington, DC 20006 | Coldwell Banker | 700.00 | 490.05 |
| Do | Equitable Capital Management Corp | | |
| Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036 | Professional Lawn Care Assn of America | | |
| Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005 | American Methanol Institute (AMI) | 1,920.00 | |
| Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701 | Food Marketing Institute | 100.00 | |
| Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 7,737.00 | |
| Denise A. Cardman, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Career College Assn, Inc, 750 First Street, NE,Suite 900 Washington, DC 20002 | | 3,450.00 | 3,450.00 |
| Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036 | Metropolitan Life Insurance Cos | | |
| Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036 | General Atomics | 19,685.00 | 1,280.99 |
| Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403 | Central Power & Light Company | | |
| Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036 | McClure Trotter & Mentz (For:Commodities Corp) | | |
| Do | McClure Trotter & Mentz (For:Government of Puerto Rico) | | |
| Do | McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc) | | |
| Do | McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education). | | |
| Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | 37,440.00 | |
| Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071 | Gruma Management corp | 14,170.41 | 14,170.41 |
| Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006 | Nissan North America, Inc | 8,750.00 | |
| Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036 | National Wildlife Federation | | |
| Gerald P. Carmen, 1667 K St., NW, #777 Washington, DC 20006 | Carmen & Muss (For:841 Associates, LP) | 3,750.00 | |
| Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037 | Richard Cohen | 2,693.25 | 33.68 |
| Do | 841 Associates, LP | 7,500.00 | 3,808.63 |
| Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037 | Carter Footwear | 1,000.00 | 2,951.80 |
| Do | Kennametal, Inc | | |
| George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036 | Group Health Assn of America, Inc | | |
| William Carney, 217 3rd St., SE Washington, DC 20003 | American Nuclear Energy Council | 20,000.00 | |
| Do | Edison Electric Institute | 15,000.00 | |
| Sandra W. Carney-Talley, 1250 Eye Street, NW Washington, DC 20005 | Aerospace Industries Assn of America, Inc | 771.40 | |
| Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009 | American Fisheries Coalition | 990.44 | |
| Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702 | Americans for Nonsmokers' Rights | | |
| Michael C. Carozza, 655 15th Street, NW Washington, DC 20005 | Bristol-Myers Squibb Co | 1,500.00 | |
| Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002 | Turner Broadcasting System, Inc | 8,190.00 | |
| Kenneth A. Carpi, 407 C Street, #306 San Diego, CA 92101 | San Diego County Water Authority | 6,000.00 | 5,490.62 |
| Terry M. Carr, 1101 Vermont Avenue, NW, #604 Washington, DC 20005 | College of American Pathologists | 5,865.00 | |
| James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | 2,120.00 | 1,002.07 |
| John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621 | American Podiatric Medical Assn | 18,000.00 | |
| R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022 | Appalachian Power Company | | |
| Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005 | Northwest Airlines, Inc | 5,250.00 | 150.00 |
| Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564 | Association of American Railroads | 1,057.70 | 430.38 |
| Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005 | Liberty Media Corp | 739.25 | |
| Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Northern Telecom, Inc | 1,250.00 | |
| James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703 | National Assn of Manufacturers | 500.00 | |
| Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036 | Bio Gro Systems, Inc | 6,450.00 | 32.09 |
| Do | Council on Education Development and Research | 300.00 | 30.50 |
| Do | Federal Intermediate Credit Bank of Jackson | 4,500.00 | 38.95 |
| Do | United Foods, Inc | | |
| Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004 | American Council of Life Insurance, Inc | 800.00 | |
| Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005 | Advanced Physics Corp | | |
| Do | African American Panoramic Experience (APEX) | | 16.00 |
| Do | Albion College | 150.00 | |
| Do | Alexander Graham Bell Assn for the Deaf | | |
| Do | American Assn of Colleges of Podiatric Medicine | | |
| Do | American Dredging Co | 750.00 | |
| Do | American Hospital in Shanghai Foundation | | |
| Do | American Petroleum Institute | | |
| Do | American Science and Engineering, Inc | | |
| Do | American Water Development | | |
| Do | AmeriBrom, Inc | 1,800.00 | 6.00 |
| Do | Anatolia College Board of Trustees | | |
| Do | Armenian Assembly of America/Armenian Gen Benevolent Union | | |
| Do | Atlantic Drydock Corp | | |
| Do | AMFAC/JMB Hawaii, Inc | | |
| Do | AT&T | 3,900.00 | |
| Do | Babson College | 525.00 | |
| Do | Barry University | | |
| Do | Bay County Chamber of Commerce | | |
| Do | Bean Dredging Company | 750.00 | |
| Do | Best Buddies of America, Inc | | |
| Do | Bishop Museum | 225.00 | |
| Do | Boston Carmen's Union | | |
| Do | Boston College | | |
| Do | Boston University | 3,675.00 | 6.00 |
| Do | Bryant College | 600.00 | |
| Do | Buena Vista College | 887.40 | 24.90 |
| Do | California Community Colleges | 1,950.00 | |
| Do | California Pacific Medical Center | 150.00 | |
| Do | Capitol American Life Insurance Co | | |
| Do | Catholic University of America | | |
| Do | Center for Health Technologies, Inc | 1,500.00 | |
| Do | CenterPort International | | |
| Do | Centex Communications, Inc | | |
| Do | CertainTeed Corp | | |
| Do | Challenger Center | | |
| Do | Charlotte-Mecklenberg Hospital Authority Foundation | | |
| Do | Children's Hospital and Health Center of San Diego | 700.00 | |
| Do | Children's Hospital in Michigan | | |
| Do | Children's Hospital of Pittsburgh | | |
| Do | Children's National Medical Center | 25.00 | |
| Do | Cities In Schools, Inc | | |
| Do | Clark-Atlanta University | | |
| Do | Columbia University | 225.00 | |
| Do | Community College Assn for Technology Transfer | 450.00 | |
| Do | Comprehensive Care Corp | | |
| Do | Connecticut Health System, Inc | 1,200.00 | |
| Do | Critical Languages & Area Studies Consortium, Inc | 600.00 | |
| Do | Cryotech, Inc | | |
| Do | CSO Partnerships | | |
| Do | Delaware State Dept of Transportation | 300.00 | |
| Do | Enichem Elastomers Americas, Inc | | |
| Do | Epcint | | |
| Do | Experiment in International Living | | |
| Do | Fairleigh Dickinson University | 1,200.00 | 6.00 |
| Do | Federal League of Americans Around the Globe | | |
| Do | Florida Institute of Technology | 200.00 | |
| Do | Florida Regional Emergency Services, Inc | 2,550.00 | |
| Do | Foundation for James Madison's Montpelier | | |
| Do | Franklin Institute | 1,400.00 | 26.10 |
| Do | Fudan Foundation | 1,200.00 | |
| Do | Garden Isle Cablevision, L.P. | | |
| Do | General Dynamics Corp | 1,200.00 | 32.00 |
| Do | Genetic Design | 150.00 | |
| Do | Glaxo, Inc | 600.00 | |
| Do | Gonzaga University | 400.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Governor of Hawaii, Executive Office on Aging | | |
| Do | Great Lakes Dredge & Dock Company | 750.00 | |
| Do | Hahnemann University Hospital | 450.00 | |
| Do | Hebrew Vocational Institute | 825.00 | |
| Do | Illinois Eastern Community Colleges | | |
| Do | Illinois Institute of Technology | 375.00 | |
| Do | Infirmary Health Systems, Inc | | |
| Do | Insituform of North America, Inc | 300.00 | |
| Do | Intercontinental Energy Group | 2,475.00 | |
| Do | International Data Group | | |
| Do | International Deafness Outreach, Inc | | |
| Do | T.L. James & Company | 750.00 | |
| Do | Jones Intercable, Inc | 450.00 | |
| Do | Kauai CableVision, L.P. | | |
| Do | Kendall Square Research Corp | | |
| Do | Kimberly Quality Care | | |
| Do | LaSalle University | 975.00 | |
| Do | Lehigh University | 300.00 | |
| Do | Lewis and Clark College | | |
| Do | Loma Linda University Medical Center, Inc | 600.00 | |
| Do | Loyola Marymount University | 100.00 | |
| Do | Maersk, Inc | | |
| Do | Marquette University | 300.00 | |
| Do | Mary Washington Hospital Foundation | | |
| Do | Massachusetts League of Banks | | |
| Do | Massachusetts Municipal Wholesale Electric Company | | |
| Do | Medical Center of Central Massachusetts | 375.00 | 5.50 |
| Do | Miami-Dade Community College | 1,800.00 | |
| Do | Michigan Biotechnology Institute | 150.00 | |
| Do | Ministry of Forestry of Indonesia | | |
| Do | Monterey Institute of International Studies | 125.00 | |
| Do | Mt. Sinai Medical Center of Greater Miami | 1,200.00 | |
| Do | Multinational Business Development | | |
| Do | MOOG, Inc | 900.00 | 7.50 |
| Do | National Assn of Dredging Contractors | 1,050.00 | |
| Do | National Assn of Proton Therapy | | |
| Do | National Cable Television Assn, Inc | | |
| Do | National Jewish Center for Immunology & Respiratory Medicine | 225.00 | |
| Do | NeoRx Corporation | | |
| Do | New England Deaconess Hospital Corporation | 150.00 | |
| Do | New Jersey Instutute of Technology | 150.00 | |
| Do | New York Medical College | 375.00 | |
| Do | North Natomas Landowners Assn | 600.00 | |
| Do | Northwestern University | | |
| Do | Ocean Spray Cranberries, Inc | 150.00 | 84.35 |
| Do | Pacific Marine | | |
| Do | Pennsylvania Turnpike Commission | | |
| Do | Piaggio Aviation, Inc | | |
| Do | Pine Bluff Sand & Gravel | 750.00 | |
| Do | Pirelli Cable Co | | |
| Do | Polaroid Corp | 1,500.00 | |
| Do | Polytechnic University | 375.00 | |
| Do | Providence & Worcester Railroad Company | 300.00 | |
| Do | PHH Corp | | |
| Do | Rehabilition Hospital of the Pacific | | |
| Do | Rhode Island Hospital | 450.00 | |
| Do | Rochester Institute of Technology | 375.00 | |
| Do | Ryland Group | | |
| Do | Sacred Heart Hospital | | |
| Do | Saint Joseph's University | 450.00 | |
| Do | Savings Bank and Life Insurance Company of MA | 6,225.00 | |
| Do | Scott County Highway Department | | |
| Do | Sidney Frank Importing Company, Inc | | |
| Do | Societa Cavi Pirelli S.p.A. | | |
| Do | Southwest Marine, Inc | | |
| Do | Sports Museum of New England | | |
| Do | St. Norberts College | 450.00 | |
| Do | St. Xavier College | 1,500.00 | |
| Do | State of Indiana, Office of the Governor | 300.00 | |
| Do | State of Rhode Island Office of Economic Development | | |
| Do | Stephens Engineering company, Inc | | |
| Do | Suffolk University | 150.00 | |
| Do | Sutter Bay Associates | 900.00 | 37.60 |
| Do | Teach for America | | |
| Do | Tougaloo College | | |
| Do | Tri-State University | | |
| Do | Tufts University | | |
| Do | U.S. Surgical Corp | | |
| Do | Ukranian Federation of Greater Philadelphia | | |
| Do | Union Memorial Hospital | 850.00 | |
| Do | Union Switch & Signal | | |
| Do | United Brotherhood of Carpenters National Health & Sfty Fund | 1,950.00 | |
| Do | University of the Arts | | |
| Do | University of Detroit Mercy | | |
| Do | University of Hawaii | | |
| Do | University of Limerick Foundation | | |
| Do | University of Pennsylvania | 150.00 | |
| Do | University of San Francisco | | |
| Do | University of Southern Mississippi | | |
| Do | University of St. Thomas | 300.00 | |
| Do | University of Utah | | |
| Do | University of Vermont | | |
| Do | Waterman Health Care System (Lake Care) | 2,400.00 | |
| Do | Watsonville Community Hospital | 300.00 | 7.50 |
| Do | Western Townships Utilities Authority | 600.00 | 12.00 |
| Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 912.50 | |
| Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134 | | 9,368.85 | 4,878.14 |
| Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109 | Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities) | 23,402.76 | 1,033.65 |
| Do | Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc) | 145.00 | |
| Do | Reno Cavanaugh & Hornig (For:National American Indian Housing Council) | | |
| Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005 | Chevron Companies | 4,200.00 | 200.00 |
| Red Cavaney, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Richard Celeste F., 240 N 5th Street, #380 Columbus, OH 43215 | C&S International, Inc | | |
| David Certner, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 781.60 | 279.28 |
| Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006 | American Postal Workers Union, AFL-CIO | | |
| Do | Belk Stores Services, Inc | | |
| Do | Coalition of Publicly Traded Limited Partnerships | | |
| Do | Columbia Falls Aluminum Company | | |
| Do | Council of Infrastructure Financing Authorities | 895.00 | |
| Do | Lead Industries Assn | | |
| Do | Manville Corporation | 2,500.00 | |
| Do | National Comm to Preserve Social Security & Medicare | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Newhall Land and Farming Company | | |
| Ed Chandler, 7901 Westpark Drive McLean, VA 22102 | AMT - The Assn for Manufacturing Technology | 15,400.00 | 500.00 |
| John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895 | York International | 500.00 | 61.16 |
| Pete Chaney, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711 | Pima County Board of Supervisors | 5,833.00 | 908.93 |
| Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005 | Biscuit & Cracker Manufacturers Assn | | |
| Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024 | Aircraft Owners & Pilots Assn | 14,191.00 | 825.36 |
| Byron Charlton, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 20,134.65 | 158.01 |
| Charter Medical Corp, 577 Mulberry Street Macon, GA 31298 | | | |
| Patricia A. Cheaure, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801 | Eastman Kodak Company | 95.00 | 500.00 |
| Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037 | | | 44,220.00 |
| Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006 | | | 1,443.42 |
| William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005 | International Franchise Assn | 5,000.00 | 98.17 |
| Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006 | PCS Health Systems (For:McKesson Corp) | 2,000.00 | 370.00 |
| Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute, Inc | 1,525.00 | |
| John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202 | Litton Industries | 1,000.00 | 1,246.39 |
| Children's Television Workshop, One Lincoln Plaza New York, NY 10023 | | | |
| Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165 | Housing Roundtable | | 250.00 |
| Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602 | American Petroleum Institute | 340.00 | 48.88 |
| Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005 | Chevron Companies | | |
| Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001 | American Israel Public Affairs Committee | 11,562.48 | 233.85 |
| Christian Action Network, P.O. BOx 606 Forest, VA 24551 | | 5,076.50 | 10,282.36 |
| Chubb Corporation, 15 Mountain View Road Warren, NJ 07061 | | | 45,883.24 |
| James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304 | | | |
| Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878 | Sundstrand Corporation | 2,210.00 | 463.94 |
| Chwat/Weigend Associates, 400 North Capitol Street, NW, #855 Washington, DC 20001 | American Home Sewing & Craft Assn | 795.00 | 795.00 |
| Do | American Radio Relay League, Inc | 4,500.00 | 4,500.00 |
| Do | Associated Locksmiths of America | 3,452.00 | 3,452.00 |
| Do | National Licensed Beverage Assn | 5,400.00 | 5,400.00 |
| Do | National Weather Service Employees Organization | 480.00 | 480.00 |
| Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104 | | | |
| Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036 | | 9,500.00 | 14,912.00 |
| Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611 | | 4,187.50 | 97.50 |
| Donald A. Clarey, 1001 G St., NW 7th Floor East Washington, DC 20001 | Strategic Management Associates (For:American Paper Institute) | | |
| Do | Strategic Management Associates (For:Care Visions Corporation) | | |
| Do | Strategic Management Associates, Inc (For:Greater New York Hospital Asn) | 14,500.00 | 1,225.00 |
| Do | Strategic Management Associates (For:Healthcom International) | | |
| Do | Strategic Management Associates (For:Hospital for Special Surgery) | | |
| Do | Strategic Management Associates (For:Lenox Hill Hospital) | | |
| Do | Strategic Management Associates (For:Maimonides Medical Center) | | |
| Do | Strategic Management Associates, Inc (For:MicroGeneSys, Inc) | 24,500.00 | 175.00 |
| Do | Strategic Management Associates (For:Montefiore Medical Center) | | |
| Do | Strategic Management Associates (For:Mount Sinai Medical Center) | | |
| Do | Strategic Management Associates (For:New York Hospital-Cornell Medical Center). | | |
| Do | Strategic Management Associates (For:Teradata Corporation) | | |
| Julie Clark, 1625 K St., NW, #800 Washington, DC 20006 | National Legal Aid & Defenders Assn | 16,500.00 | |
| Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604 | Kansas Electric Cooperatives, Inc (KEC) | 3,246.00 | |
| Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006 | Federal Agricultural Mortgage Corp | | |
| Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347 | Vern Clark & Associates (For:Coalition for Property Rights) | 69,000.00 | |
| Do | Vern Clark & Associates (For:Fox Television Stations, Inc) | 22,500.00 | |
| Do | Vern Clark & Associates (For:Metromedia Communications) | | |
| Do | Vern Clark & Associates (For:Metromedia Company) | 30,000.00 | |
| Do | Vern Clark & Associates (For:RJR-Nabisco Washington, Inc) | 52,500.00 | |
| Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347 | Coalition for Property Rights | 69,000.00 | |
| Do | Fox Television Stations, Inc | 22,500.00 | |
| Do | Metromedia Communications | | |
| Do | Metromedia Company | 30,000.00 | |
| Do | RJR-Nabisco Washington, Inc | 52,500.00 | |
| Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004 | Merck & Co, Inc | 1,000.00 | 400.00 |
| Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036 | Public Citizen, Inc | 1,500.00 | |
| Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036 | American Bankers Assn | 3,175.00 | |
| Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036 | Copolymer Rubber & Chemcal Corp | | |
| Do | Crompton & Knowles Corp | | |
| Do | Day-Glo Color Corp | | |
| Do | Fleet/Norstar Financial Group, Inc | | |
| Do | Government Representatives Cmte Securities Industry Assn | 3,138.58 | 14.04 |
| Do | Harry Frank Guggenheim Foundation | | |
| Do | Ministry of Finance & Public Credit of the United Mexican St | | |
| Do | Salomon Brothers, Inc | | |
| Do | U.S. Bancorp | | |
| Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004 | Edison Electric Institute | 7,965.36 | 954.43 |
| Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589 | | | |
| William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151 | American Dispatchers Assn | 844.40 | |
| Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115 | Carbon Fuels Corporation | | |
| Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005 | America's Public Television Stations | 325.00 | |
| Do | Coalition of Higher Education Assistance Organizations | 525.00 | |
| Do | Consumer Bankers Assn | 1,385.00 | |
| Do | Student Loan Funding Corp of Ohio | 1,208.00 | |
| Do | Very Special Arts | 450.00 | |
| Stephen J. Cloud, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 400.00 | |
| Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209 | American Feed Industry Assn | 1,200.00 | |
| W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314 | National Assn of Truck Stop Operators, Inc | | |
| Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006 | | 81,200.00 | 42,857.81 |
| Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006 | | 18,000.00 | 520.00 |
| Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North c/o Morgan Lewis & Bockius Washington, DC 20036. | | | |
| Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037 | | 2,000.00 | 2,000.00 |
| Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036 | | | |
| Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036 | Grane Associates | 256.80 | |
| Do | State Street Development Co of Boston | 1,816.10 | |
| Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008 | | 8,128.00 | 5,502.34 |
| Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005 | Petroleum Marketers Assn of America | 8,500.00 | 4,536.06 |
| Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923 | American Petroleum Institute | | |
| Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401 | American Petroleum Institute | | |
| Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202 | Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp) | | |
| Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Cablevision | | |
| Do | Comdisco, Inc | | |
| Do | Metropolitan Mutual Life Insurance Company | | |
| Do | MWW/Strategic Comm (for: Puerto Ricans in Civic Action) | | |
| Do | Smokeless Tobacco Council, Inc | | |
| Do | Sunshine Makers, Inc | | |
| Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005 | American Public Transit Assn | 2,500.00 | |
| Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | 19,437.50 | 816.19 |
| David Cohen, 1616 P St., NW, #320 Washington, DC 20036 | Professionals' Coalition for Nuclear Arms Control | 7,651.50 | |
| John Cohen, 1331 Penn Ave., NW, #I500-North Washington, DC 20004-1703 | National Assn of Manufacturers | 190.00 | |
| Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001 | Massachusetts Mutual Life Insurance Company | 1,260.00 | 1,474.92 |
| Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036 | Direct Marketing Assn | 6,131.88 | 490.12 |
| Do | Maclean Hunter Cable TV | 87.50 | 32.57 |
| Do | USA Network | 2,537.50 | 3.50 |
| Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Co of California | | 156.69 |
| Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202 | General Dynamics | 1,000.00 | 518.07 |
| Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 3,150.00 | |
| Eleanor Cole, 820 First Street, NE, #400 Washington, DC 20002 | UBA, Inc | 1,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005 | Government of France | | |
| Do | Matsushita Electric Corp of America, et al. | | |
| Walter C. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036 | Regional Airline Association | 1,000.00 | |
| Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206 | Cambridge International, Inc | | |
| Do | Coalition for Employment Opportunities | 2,000.00 | |
| Do | Invacare | | |
| Do | MMW/Strategic Communications, Inc | 2,250.00 | |
| Do | National Rehabilitation Hospital | 2,500.00 | |
| Do | Orleans Levee District | | |
| Do | RGDC Inc | | |
| Do | St. Bernard Port, Harbor & Terminal District | | |
| Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505 | New York Life Insurance Company | | |
| Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180 | American Watch Assn | | |
| Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007 | Grocery Manufacturers of America, Inc | 17.00 | |
| Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007 | Alliance for British & Australian Tax Equity (ABATE) | | |
| Do | American Car Rental Assn | 1,380.00 | 1,380.00 |
| Do | American Couplings Coalition | | |
| Do | American International Group | 2,850.00 | 2,850.00 |
| Do | American Iron & Steel Institute | | |
| Do | American Meat Institute | | |
| Do | American Textile Machinery Assn | | |
| Do | Association of Certified Trucking Schools | | |
| Do | Australian Wheat Board | 630.00 | 630.00 |
| Do | Bicycle Manufacturers Assn of America | 790.00 | 790.00 |
| Do | Coalition for Safe Ceramicware | 330.00 | 330.00 |
| Do | Committee of American Ammunition Manufacturers | | |
| Do | Crop Insurance Research Bureau | 2,100.00 | 2,100.00 |
| Do | COMPACT | | |
| Do | CSR Limited - Sugar Division | | |
| Do | Food Marketing Institute | | |
| Do | Footwear Industries of America | 510.00 | 510.00 |
| Do | Gerry Baby Products Co | | |
| Do | Golden Gate Petroleum International | | |
| Do | Hyster | | |
| Do | Independent Lubricant Manufacturers Assn | 380.00 | 380.00 |
| Do | Inland Steel Corp | 260.00 | 260.00 |
| Do | International Crystal Federation | 330.00 | 330.00 |
| Do | Leather Industries of America | | |
| Do | Lykes Brothers, Inc | | |
| Do | Municipal Castings Fair Trade Council | | |
| Do | National Assn of Convenience Stores | 4,120.00 | 4,120.00 |
| Do | National Cosmetology Assn, Inc | | |
| Do | National Juice Products Assn | | |
| Do | National Pasta Assn | | |
| Do | Oneida Ltd | | |
| Do | Outdoor Power Equipment Institute | | |
| Do | Petroleos de Venezuela, S.A. | 1,060.00 | 1,060.00 |
| Do | PetroJam, Ltd | | |
| Do | Pittsburgh Corning Corporation | | |
| Do | Restor Industries, Inc | | |
| Do | Scotsman Industries, Inc | 1,830.00 | 1,830.00 |
| Do | Shipbuilders Council of America | | |
| Do | Society of Independent Gasoline Marketers of America | 5,260.00 | 5,260.00 |
| Do | Specialty Steel Industry of the United States | | |
| Do | Steel Manufacturers Assn | | |
| John Collins, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assn, Inc | 11,000.00 | |
| Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705 | United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry | 6,000.00 | 430.21 |
| Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036 | Armstrong World Industries, Inc | | |
| Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | 16,500.00 | 339.11 |
| Geri Colombaro, 1301 K Street, NW, #1200 Washington, DC 20005 | IBM | 22.95 | |
| Mary Colville, 1155 15th St., NW Washington, DC 20005 | National Broiler Council | 1,375.00 | |
| Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219 | American Petroleum Institute | | |
| Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207 | CF Industries, Inc | 500.00 | 334.24 |
| Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201 | Gold Fields Operating Company-Mesquite | | |
| Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036 | | 444.00 | 20,350.18 |
| Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933. | | | |
| Committee: ACT, 5455 South 90 Street Omaha, NE 68127 | | 16,477.25 | 2,598.29 |
| Common Cause, 2030 M St., NW Washington, DC 20036 | | 2,928,240.00 | 473,629.22 |
| Common Sense, Inc, 188-A Onville Road Stafford, VA 22554 | | 4,283.00 | |
| Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005 | | 20,000.00 | 59,075.00 |
| Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202 | | | |
| Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003 | | 279,750.00 | |
| Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102 | | 8,100.00 | 8,100.00 |
| Bert M. Concklin, 1500 PRC Drive McLean, VA 22102 | Professional Services Council | 1,500.00 | |
| Do | PRC, Inc | | |
| Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004 | Forest City Ratner Companies | 25,000.00 | 25,000.00 |
| Do | Kinetic Concepts | 3,000.00 | |
| Do | Maglev USA | 12,900.00 | 12,900.00 |
| Do | National Assn of Industrial & Office Parks | 3,000.00 | |
| Do | Southern Company Services, Inc | 3,000.00 | |
| Do | Texas TGV | 30,000.00 | 30,000.00 |
| Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics | 1,000.00 | 203.00 |
| Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036 | | | 1,381.00 |
| Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018 | Covia Partnership | | |
| John L. Conley, 2200 Mill Road Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | 100.00 |
| Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004 | Association of University Programs in Occupational Safety... | 7,500.00 | 2,968.75 |
| Do | International Assn of Fire Fighters | 15,000.00 | 2,968.75 |
| Do | International Chemical Workers Union | 2,500.00 | 2,968.75 |
| Do | Laborers Employers Cooperative & Education Trust | 13,117.50 | 2,968.75 |
| Do | Laborers National Health & Safety Fund | 17,655.00 | 2,968.75 |
| Do | Laborers/AGC Education & Training Fund | 20,295.00 | 2,968.75 |
| Do | Metal Trades Department, AFL-CIO | 4,000.00 | 2,968.75 |
| Do | National Coordinating Comm for Multiemployer Plans | | 2,968.75 |
| Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109 | Parsons Brinckerhoff Quade & Douglas, Inc | | |
| Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | 8,500.00 | 22.00 |
| David Conover, 655 15th Street, NW, #444 Washington, DC 20005 | CH2M Hill | 1,000.00 | |
| David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 2,444.22 | |
| Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093 | | | |
| Consortium for Int'l Earth Science Information Network, P.O. Box 134003 Ann Arbor, MI 48113 | | 11,784.75 | 11,784.75 |
| Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005 | | 6,000.00 | 3,104.73 |
| Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036 | | | |
| Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009 | | | 17,370.00 |
| John J. Contney, Suite B 1130 East Hallandale Beach Boulevard Hallandale, FL 33009 | Textile Rental Services Assn of America | | |
| Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001 | Chubb Corporation | 10,000.00 | 754.87 |
| Harry N. Cook, 1130 17th St., NW Washington, DC 20036 | National Waterways Conference, Inc | | |
| Michael Cook, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007 | American Medical Directors Assn | | |
| Do | Saginaw Community Hospital | | |
| Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607 | AT&T | 2,000.00 | 574.77 |
| Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608 | | | 53,512.01 |
| Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004 | Southern California Edison Co | 6,750.00 | 5,400.00 |
| Ted Coombes, 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 2,000.00 | |
| Bente E. Cooney, 2000 K Street, NW, Suite 800 Washington, DC 20006 | National Comm to Preserve Social Security | 3,326.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314 | Printing Industries of America, Inc | 12,500.00 | |
| Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801 | Eastman Kodak Company (Imaging Group) | 210.00 | 20.00 |
| Josephine S. Cooper, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036 | Rubber & Plastic Footwear Manufacturers Assn | 31,000.00 | |
| Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207 | Hospital Association of New York State | 932.61 | 3,650.42 |
| Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 2,000.00 | 422.00 |
| Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005 | Bay Area Rapid Transit District | 9,961.20 | |
| Do | County of Alameda | 12,800.00 | |
| Do | County of Merced | 6,750.00 | |
| Do | CALSTART | 1,972.48 | |
| Do | Hazardous Waste Action Committee | 6,374.17 | |
| Do | International Bottled Water Assn | 11,577.35 | |
| Do | ICF International | 12,227.73 | |
| Do | Monarch Wine Company | 3,034.00 | |
| Do | Pacific Mutual Life Insurance Company | 4,000.00 | |
| Heidi S. Coppola, 425 Park Avenue New York, NY 10043 | Citibank N.A. | 1,423.92 | |
| Michael J. Copps, 1700 North Moore Street Arlington, VA 22209 | American Meat Institute | 6,312.00 | 2,057.56 |
| James T. Corcoran, 2000 K Street, NW, #203 Washington, DC 20006 | Dial Corp | | |
| John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005 | Norfolk Southern Corp | 1,000.00 | |
| Gordon R. Corey, 2511 Park Place Evanston, IL 60201 | Commonwealth Edison Co | | |
| Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036 | | 7,094.00 | 4,029.00 |
| Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036 | American Institute of Merchant Shipping | 3,349.50 | 60.00 |
| Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | | |
| Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005 | CH2M Hill | 2,500.00 | |
| Marty Corry, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 982.69 | 353.95 |
| Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193 | National Taxpayers Union | 6,814.00 | |
| Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004 | Corning, Inc | 600.00 | |
| Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037 | Mobil Corp | 1,500.00 | |
| Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 1,500.00 | |
| Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance | | |
| Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204 | Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp) | | 20.00 |
| Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036 | | 3,085.00 | 3,085.00 |
| Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036 | Panhandle Eastern Corp | | 41.00 |
| Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036 | | 2,000.00 | 2,000.00 |
| Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015 | | | |
| Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036 | | | |
| Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001 | | 4,400.00 | |
| Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036 | Recording Industry Assn of America, Inc | | |
| Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044 | American Assn of Oral & Maxillofacial Surgeons | | 52.00 |
| Do | American Movers Conference | 21,494.64 | 127.14 |
| Do | American PCS, L.P. | 23,655.00 | |
| Do | American Watch Assn | 8,291.31 | 39.40 |
| Do | Association of Maximum Service Television, Inc. | | |
| Do | Attorneys Liability Assurance Society, Inc | 5,090.00 | 9.00 |
| Do | Brown Brothers Harriman & Co | | |
| Do | Coalition to Preserve the Integrity of American Trademarks | | |
| Do | Commonwealth of Puerto Rico | | |
| Do | Consolidated Natural Gas Company | 1,350.00 | |
| Do | Council of American Survey Research Organizations (CASRO) | | |
| Do | CBS Television Network Affiliates Assn | | |
| Do | Erisa Industry Committee | | |
| Do | International Business Machines Corp | | |
| Do | Investment Company Institute | | |
| Do | John E. Simon Trust | | 9.00 |
| Do | Jones Financial Companies | 18,331.39 | 286.39 |
| Do | Lin Broadcasting Corp | | |
| Do | Lutheran Brotherhood | | |
| Do | Midwest Television, Inc | | |
| Do | National Football League | 2,192.50 | |
| Do | NationsBank Corp | | |
| Do | Private Benefits Alliance | 2,550.00 | 8.00 |
| Do | Public Broadcasting Service | | |
| Do | State of Alabama, Dept of Human Resources Legal Office | | |
| Do | State of California, Dept of Health Services | | |
| Do | State of California, Dept of Social Services | | |
| Do | State of Florida, Dept of Health & Rehabilitative Services | | |
| Do | State of Georgia, Division of Family & Children's Services | | |
| Do | State of Idaho, Dept of Health & Welfare | | |
| Do | State of Illinois, Department of Public Aid | | |
| Do | State of Illinois, Dept of Public Aid | | |
| Do | State of Indiana | | |
| Do | State of Kentucky, Dept of Social Insurance | 1,250.00 | |
| Do | State of Louisiana (Medicaid/QC) | | |
| Do | State of Louisiana, Food Stamp Director | | |
| Do | State of Maryland, Dept of Health Services | | |
| Do | State of Missouri, Dept of Social Services | | |
| Do | State of Nebraska, Dept of Social Services | 3,125.00 | |
| Do | State of New York Bureau of Deferrals & Disallowances | 11,625.00 | |
| Do | State of New York, Dept of Social Services | 61,125.00 | |
| Do | State of Ohio, Dept of Human Services | | |
| Do | State of Oklahoma (Food Stamp/QC) | | |
| Do | State of Oklahoma (Medicaid/QC) | | |
| Do | State of Washington Office of Analysis & Medical Review | | |
| Do | State of West Virginia, Bureau of Human Resources | 5,000.00 | |
| Do | State of West Virginia, Office of Medical Services | 5,000.00 | |
| Do | Sun Life Assurance Co of Canada (U.S.) | | |
| Do | UniGroup, Inc | 7,170.67 | 258.17 |
| Do | Washington Post Company (for: Media Group) | | |
| Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015 | Capital Cities/ABC, Inc | | |
| Archibald Cox, 2030 M St., NW Washington, DC 20036 | Common Cause | | |
| C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500 | Belk Stores Services, Inc | | |
| Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| Eric Cox, 713 D Street, SE Washington, DC 20003 | Campaign for U.N. Reform-Political Education Committee | 5,919.84 | 97.80 |
| Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005 | Continental Airlines Holdings, Inc | 2,250.00 | 1,599.00 |
| William J. Cox, 1776 K St., Washington, DC 20006 | Catholic Health Association of the United States | | |
| Gary D. Coxon, 1015 15th Street, NW, #700 Washington, DC 20005 | Bechtel Group, Inc | | |
| Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036 | Burley & Dark Leaf Tobacco Assn | 1,875.00 | |
| W. Bruce Crain, 1709 New York Avenue, 8th Floor Washington, DC 20006 | Savings and Community Bankers of America | 5,800.00 | |
| James P. Cramer, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | | |
| Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003 | Algonquin Gas Transmission Company | | |
| Do | American Assn of Advertising Agencies | | |
| Do | American Fiber Manufactures Association | | |
| Do | American Nuclear Energy Council | | |
| Do | Association for Manufacturing Technology | | |
| Do | Chubb Corporation | | |
| Do | Invest to Compete Alliance | | |
| Do | Securities Industry Association | | |
| Do | Stone and Webster Engineering Corporation | | |
| Do | Westinghouse Electric Corporation | | |
| Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006 | W. R. Grace & Co /World Headquarters | 1,000.00 | |
| Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024 | District 2, MEBA-AMO | | 1,445.39 |
| Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004 | Adolph Coors Co | 5,000.00 | 98.00 |
| Robin Crawford, Box M Allentown, PA 18105-5000 | Mack Trucks, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701 | Food Marketing Institute | 100.00 | |
| Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207 | | 30,500.00 | 75.00 |
| Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006 | Caterpillar, Inc | 3,000.00 | 165.69 |
| Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005 | National Assn of Margarine Manufacturers | | |
| Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006 | Portland Cement Assn | | |
| Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | | |
| Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004 | U.S. Independent Microwave Television Assn | | |
| Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210 | | | |
| Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714 | Industrial Telecommunications Assn, Inc | | |
| Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001 | Armenian Assembly of America | 4,434.00 | |
| Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595 | American Forest Resource Alliance | 2,818.75 | 31.00 |
| Do | Asarco, Inc | | |
| Do | Associated Gas Distributors | | |
| Do | Avon Products, Inc | | |
| Do | Brooklyn Union Gas Co | | |
| Do | Canyon Resources Corp | | |
| Do | City of North Miami | | |
| Do | Communications Satellite Corp | | |
| Do | Cook Inlet Region, Inc | | |
| Do | Eagle-Picher Industries, Inc | | |
| Do | Eli Lilly & Company | 437.50 | 10.00 |
| Do | Environmental Research Information, Inc | | |
| Do | Helicopter Assn International | | |
| Do | Independence Mining Company, Inc | | |
| Do | ICF International, Inc & Subsidiaries | | |
| Do | Lehn & Fink Products Group | | |
| Do | Meridian Minerals Co | | |
| Do | Minnesota Mining & Manufacturing Co | | |
| Do | National Assn of Wholesaler-Distributors | 700.00 | 10.00 |
| Do | National Risk Retention Assn | | |
| Do | Regional Airline Association | | |
| Do | Rocking K Development | | |
| Do | Tiffany & Co | | |
| Do | Trust for Public Lands | | |
| Do | United Cities Gas Co | | |
| Do | Western Governors' Assn | | |
| Do | Wyatt Company | | |
| James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209 | Hughes Aircraft Company | | |
| John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202 | ESCO Electronics Corp | | 1,617.78 |
| Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041 | | | |
| Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004 | McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute) | 44,928.00 | |
| Do | McCutchen Doyle Brown & Enersen (For:Arco) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company) | 2,288.00 | |
| Do | McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc) | 728.00 | |
| Do | McCutchen Doyle Brown & Enersen (For:General Electric Co) | 11,726.00 | |
| Do | McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc) | | |
| Do | McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments). | 1,560.00 | |
| Do | McCutchen Doyle Brown & Enerson (For:USS Technical Center) | | |
| Do | McCutchen Doyle Brown & Enersen (For:3M) | 520.00 | |
| Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #408-E Washington, DC 20005 | Songwriters Guild of America | 6,875.00 | 9.00 |
| William J. Cunningham, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 20,719.65 | 1,079.70 |
| F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814 | Treasury Management Assn | | 1,210.00 |
| Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006 | Food Marketing Institute | 500.00 | |
| Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036 | Greater Washington Board of Trade | 2,500.00 | |
| CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047 | | | 1,000.00 |
| CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833 | | 500.00 | |
| William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006 | Central Union of Agricultural Cooperatives (ZENCHU) | | |
| Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006 | National Comm to Preserve Social Security | 18,601.00 | 3,611.15 |
| Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202 | Quarles & Brady (For:General Motors Corp) | | |
| Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028 | | 16,000.00 | 17,611.81 |
| James G. Dalton, 1420 King St. Alexandria, VA 22314-2715 | National Society of Professional Engineers | 2,500.00 | |
| Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209 | Grumman Corp | 625.00 | 466.37 |
| David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024 | Farmers Educational and Co-Operative Union of America | 6,581.97 | |
| Linda Daschle, 4212 King Street Alexandria, VA 22302 | American Assn of Airport Executives | 8,100.00 | |
| Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235 | | | |
| Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036 | American Bankers Assn | 3,420.00 | |
| D. Drew Davis, 3M Center St. Paul, MN 55144-1000 | Minnesota Mining and Manufacturing Company (3M) | 3,500.00 | |
| Drew M. Davis, 1101 16th St., NW Washington, DC 20036 | National Soft Drink Assn | | |
| Edward M. Davis, 410 First St., SE Washington, DC 20003 | American Nuclear Energy Council | 3,626.70 | 811.32 |
| Edwin H. Davis, 2030 M St., NW Washington, DC 20036 | Common Cause | 11,046.00 | |
| Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004 | Edison Electric Institute | 2,438.31 | 731.99 |
| Gregory L. Davis, 1411 K Street, NW, #500 Washington, DC 20005 | District of Columbia Chamber of Commerce | | |
| Kenneth E. Davis, 1667 K Street, NW, #210 Washington, DC 20006 | Rohm & Haas Co | 3,500.00 | 500.00 |
| Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105 | American Malting Barley Assn, Inc | 1,850.00 | |
| Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134 | Catholic Health Assn of the United States | | |
| Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | | |
| Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004 | Ad Hoc Comm of Life Insurance Companies | 1,175.00 | |
| Do | Alcoma Packing Company, Inc | 600.00 | |
| Do | American Automotive Leasing Assn | 3,000.00 | 449.47 |
| Do | American General Life Insurance Co | 990.00 | 83.33 |
| Do | American Horse Council | 1,080.00 | |
| Do | American Insurance Assn | 3,000.00 | 130.63 |
| Do | American Integrity Insurance Company | 832.50 | 43.50 |
| Do | American Investors Life Insurance | 1,200.00 | 60.41 |
| Do | Armco Steel Co | 2,700.00 | 86.33 |
| Do | Bethlehem Steel Corp | 2,700.00 | 86.33 |
| Do | Chicago Board of Trade | 8,500.32 | 198.75 |
| Do | Committee of Annuity Insurers | | |
| Do | Dresser Industries, Inc | | |
| Do | First Penn-Pacific Life Insurance Co | 368.00 | |
| Do | Florida Power & Light | 200.00 | 83.33 |
| Do | Florida Sugar Cane League, Inc | 1,200.00 | 83.33 |
| Do | General Aviation Manufacturers Association | 4,500.00 | 62.32 |
| Do | Hughes & Luce | | |
| Do | James Graham Brown Foundation | | |
| Do | Lincoln National Life Insurance Co | 144.50 | 52.13 |
| Do | National Assn of Life Companies | | |
| Do | National Business Aircraft Assn | 1,500.00 | 113.03 |
| Do | National Cattlemen's Assn | 900.00 | 83.33 |
| Do | National Council of Farmer Cooperatives | 1,800.00 | |
| Do | Retired Lives Reserve Group | 190.00 | |
| Do | Stock Information Group | | |
| Do | U.S. Sugar Corp | 1,200.00 | |
| Do | Underwriters of Lloyd's London | 6,750.00 | |
| Do | Worldspan | 1,187.50 | 50.73 |
| Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005 | Kohlberg Kravis Roberts & Co | | |
| Do | LTV Corp | | |
| Do | Morgan Guaranty Trust Co | | |
| Do | Morgan Stanley & Co, Inc | | |
| Do | Norwest Corporation | | |
| Davis Wright & Tremaine, 707 17th St., Suite 2919 Denver, CO 80202 | American Honda Motor Co, Inc | 1,100.00 | 351.06 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | American Tunaboat Assn | 11,653.92 | |
| Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 1,200.00 | 620.00 |
| Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | | |
| Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036 | Chrysler Corporation | 6,249.00 | 620.00 |
| Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314 | Hoffmann-La Roche, Inc | | |
| Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | 1,000.00 | |
| John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004 | Auto Internacional Assn | 33.00 | 41.30 |
| Do | Coalition of Automotive Assns | 150.00 | 69.20 |
| Do | Specialty Equipment Market Assn | 606.00 | 357.71 |
| Debevoise & Plimpton, 555 - 13th Street, NW, #1100 East Washington, DC 20004 | International Assn of Broadcast Monitors | | |
| Do | Sony Corp of America, et al. | | |
| Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Brian Deery, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101 | George K. Degnon Associates | | |
| Tom Dehner, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,375.04 | 1,084.36 |
| William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036 | Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers) | | |
| Do | Palumbo & Cerrell, Inc (For:Atlantic Richfield Co) | 82.50 | |
| Do | California Forestry Association | | |
| Do | New Jersey Turnpike Authority | 1,567.50 | 125.41 |
| Do | Palumbo & Cerrell (For:Proctor & Gamble Mfg Co) | | |
| Do | Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District) | 1,845.00 | 32.00 |
| Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108 | Advertising Mail Marketing Assn | 1,733.00 | |
| Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006 | Association of Outplacement Consulting Firms, Inc | | |
| Do | National Assn of Independent Insurers | 18,000.00 | 929.75 |
| Do | National Council of Business Advisors | | |
| Jonathan W. Delano, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037 | Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp) | 1,350.00 | |
| Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219 | Alabama School of Mathematics & Science | | |
| Do | Bishop State Community College | | |
| Do | City of Huntsville | | |
| Do | City of Mobile | | |
| Do | Madison County Commission | | |
| Do | Spring Hill College | | |
| Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347 | Federal Home Loan Mortgage Corp | | |
| Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505 | Bank Commissioner, State of Delaware | | |
| George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016 | Amex International, Inc | | |
| Do | Edison Electric Institute | | |
| Do | General Atomics | | |
| Do | (For:Government of Sierra Leone) | | |
| Do | Westinghouse Electric Corp | | |
| John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101 | American Petroleum Institute | | |
| Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 8,005.95 | |
| Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004 | Southern California Edison Co | 8,416.00 | 5,400.00 |
| Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009 | Alliance of Nonprofit Mailers | 2,328.00 | 28.78 |
| Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006 | Sterling Winthrop, Inc | | |
| Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Association of Flight Attendants, AFL-CIO | 4,250.00 | |
| Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005 | Mobil Corp | 1,000.00 | 51.20 |
| Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 15.38 | |
| Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006 | Sealaska Corp | | |
| Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101 | Philadelphia Electric Company | | |
| Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004 | Tenneco Gas | | |
| James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Ebasco Services, Inc | 4,012.50 | 516.57 |
| Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036 | Embassy of Japan | 5,000.00 | |
| Debra DeLee, 1201 16th Street, NW Washington, DC 20036 | National Education Assn | 4,921.60 | |
| Rodney DeLoach, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,250.00 | 1,678.62 |
| Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | | |
| Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314 | United Way of America | 3,662.00 | 131.75 |
| Martin L. DePoy, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 2,191.00 |
| William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007 | Merrill Lynch & Co, Inc | 1,000.00 | |
| Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571 | American Nurses' Assn | 1,868.00 | 85.95 |
| Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850 | CNA Insurance Co | | |
| Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304 | Boat Owners Assn of the U.S. | 7,000.00 | |
| Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037 | Advance Publications | | |
| Do | American Greyhound Track Operators Assn | 4,568.00 | |
| Do | Apple Computer Corp | | |
| Do | Avondale Industries, Inc | | |
| Do | ABD Securities Corp | | |
| Do | Bear Stearns & Co | | |
| Do | Cordova District Fishermen United, Inc | 5,500.00 | |
| Do | Electric Generation Assn | | |
| Do | Federal National Mortgage Assn | 3,650.00 | |
| Do | Federated Cash Management Systems | 3,000.00 | |
| Do | Harbour Group Ltd | | |
| Do | Home Box Office, Inc | | |
| Do | Illinois Dept of Children & Family Services | | |
| Do | Iroquois Gas, Inc | 1,922.50 | |
| Do | Magma Copper Company | | |
| Do | Malaysian Palm Oil Promotion Council | | |
| Do | Medtronic, Inc | 698.50 | |
| Do | National Assn of Chain Drug Stores | | |
| Do | National Fed of Societies for Clinical Social Work | 2,050.00 | |
| Do | Newport Group | | |
| Do | North Carolina Dept of Natural Resources & Community Develop | | |
| Do | Ocean State Power | | |
| Do | Paulucci Enterprises | 20,303.75 | |
| Do | State of Connecticut | | |
| Do | States of Arkansas, et al. | | |
| Do | Tobacco Institute | 500.00 | |
| Do | U.S. Generating Company | 1,000.00 | |
| Rick Diegel, 1125 15th Street, NW Washington, DC 20005 | International Brotherhood of Electrical Workers, AFL-CIO-CLC | 2,281.25 | 150.00 |
| Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728 | Hyundai Motor America | | |
| Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634 | Frito-Lay, Inc | 1,400.00 | 2,751.00 |
| Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | 28,850.00 | 4,336.59 |
| Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003 | Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co) | | |
| Do | Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company) | | |
| Do | Lumbermens Mutual Casualty Company | 2,100.00 | 1,081.80 |
| Direct Selling Association, 1776 K Street, NW Washington, DC 20006 | | | |
| Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002 | Health & Medicine Counsel of Washington | | |
| Mary Ann Dirzis, 9 West 57th Street New York, NY 10019 | Avon Products, Inc | | |
| Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076 | | 133,386.17 | 133,386.17 |
| Patsy B. Dix, 1201 16th St., NW Washington, DC 20036 | National Education Assn | 3,978.55 | |
| Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,290.00 | 619.29 |
| Charles J. DiBona, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | 5,000.00 | |
| Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614 | DiMarco Riley & Bulger (For:Tom Gosnell) | 3,460.00 | 480.00 |
| J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156 | Southwestern Electric Power Co | 970.00 | |
| Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209 | Boeing Company | 48.00 | 197.64 |
| Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| J. Jon Doggett, 300 Maryland Avenue,SW Washington, DC 20024 | American Farm Bureau Federation | 6,525.00 | 294.00 |
| James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036 | Group Health Assn of America, Inc | | |
| Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201 | Brooklyn Union Gas Co | 123.00 | 25.00 |
| Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201 | Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters) | | |
| Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005 | American Pulpwood Assn | | |
| Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 3,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 371.53 | |
| Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036 | Newmont Mining Corp | | |
| Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203 | National Water Resources Assn | 11,000.00 | |
| Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005 | Kraft General Foods, Inc | 3,541.67 | 79.51 |
| Winfield L. Donoho, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 5,000.00 | |
| Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005 | Rosapepe and Spanos, Inc (For:H&R Block, Inc) | 1,000.00 | 20.45 |
| Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260 | J. P. Morgan and Co., Incorporated (parent company) | | |
| Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 11,000.00 | |
| Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004 | NSK Corporation | | |
| David L. Donovan, 1200 18th Street, NW Washington, DC 20036 | Association of Independent Television Stations, Inc | 1,500.00 | |
| Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036 | Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers) | | |
| Do | Palumbo & Cerrell, Inc (For:Atlantic Richfield Co) | | |
| Do | Palumbo & Cerrell, Inc (For:California Forestry Association) | | |
| Do | Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn) | 2,527.50 | 1,008.54 |
| Do | New Jersey Turnpike Authority | | |
| Do | Proctor & Gamble Mfg Co | | |
| Do | Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District) | | |
| Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601 | Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust) | 2,790.00 | 98.16 |
| Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222 | Peoples Natural Gas Company | 5,000.00 | 388.76 |
| Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036 | Association of International Automobile Manufacturers, Inc | 3,847.50 | |
| Do | City of St. Paul | 2,137.50 | |
| Do | Deluxe Corp | 112.50 | |
| Do | Guam Commission on Self Determination | | |
| Do | National Computer Systems | | |
| Do | Regional Transit Board | 1,305.00 | |
| Do | United HealthCare Corp | 1,890.00 | |
| Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006 | Deere & Company | 646.00 | |
| Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036 | National Council of Chain Restaurants | | |
| W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | Goldman Sachs & Co | 500.00 | |
| Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037 | Smokeless Tobacco Council, Inc | | |
| Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204 | Southland Corp | | 1,621.23 |
| Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314 | American Movers Conference | 1,000.00 | |
| M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006 | Mutual of Omaha Co | | |
| Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 19,617.60 | 85.66 |
| David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006 | Ciba-Geigy Corp | 8,000.00 | 66.77 |
| James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 5,272.00 | |
| John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397 | Fredrikson & Byron (For:City of New Brighton) | | |
| Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 10,259.00 | 44.00 |
| Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036 | General Dynamics Corp | 250.00 | |
| Do | Qual-Med, Inc | 250.00 | |
| Do | Science Applications Int'l Corp | 250.00 | |
| Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919 | Sun Coal Company | 1,000.00 | 6,000.00 |
| William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202 | Texas Instruments, Inc | 28.00 | 220.46 |
| Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003 | Leucadia National Corp | 8,833.08 | |
| Do | PHLCORP | 18,000.00 | 77.67 |
| Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Pamela J. Driver, 1250 Connecticut Ave., NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036 | National Forest Products Assn | | |
| Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037 | Aetna Life & Casualty | 2,250.00 | |
| Do | Anheuser-Busch Companies, Inc | 1,600.00 | |
| Do | Communications Satellite Corp | 750.00 | |
| Do | CompTel | 750.00 | |
| Do | Consolidated Rail Corporation | | |
| Do | Dow Corning Corporation | | |
| Do | Federal National Mortgage Assn | 6,000.00 | |
| Do | General Motors Corp | 4,800.00 | |
| Do | Goldman Sachs & Co | 800.00 | |
| Do | Monsanto Company | 1,600.00 | |
| Do | National Cable Television Assn, Inc | 10,400.00 | |
| Do | Nevada Resort Assn | | |
| Do | Shell Oil Company | 4,500.00 | |
| Do | United Air Lines, Inc | 1,533.00 | |
| Do | Warner Communications, Inc | 8,750.00 | |
| Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Evelyn Dubrow, 1710 Broadway New York, NY 10019 | International Ladies' Garment Workers Union | 17,995.68 | 354.00 |
| G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005 | Marine Spill Response Corporation | 3,000.00 | |
| Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005 | Distilled Spirits Council of the U.S., Inc | 2,000.00 | |
| Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006 | Whiteford Taylor & Preston (For:Giddings & Lewis, Inc) | 2,250.00 | 23.93 |
| Do | Whiteford Taylor & Preston (For:National Constructors Assn) | 4,000.00 | 146.55 |
| Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036 | Crown Controls Corporation | | |
| Do | Industrial Truck Assn | | |
| Do | Lord Corporation | | |
| Do | Walbro Corp | | |
| Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036 | National Assn of Bond Lawyers | 22,500.00 | |
| Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006 | Phillips Petroleum Co | 5,000.00 | 20.00 |
| Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036 | Lake Andes-Wagner Water Systems, Inc | | |
| Do | Mid-West Electric Consumers Assn, Inc | | |
| Do | National Assn of State Energy Officials | | |
| Do | State of Hawaii, Dept of Business & Economic Development | | |
| Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006 | Times Mirror Company | | |
| Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305 | American Council for Capital Formation | | |
| Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024 | Farmers' Educational & Co-Operative Union of America | 16,252.87 | 534.26 |
| John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 3,725.00 | 1,240.00 |
| Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814 | Clean Fuels Development Coalition | 6,000.00 | |
| Daniel T. Durham, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 753.85 | 13.00 |
| Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001 | United Brotherhood of Carpenters & Joiners of America | 770.00 | |
| Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 19,788.00 | 815.99 |
| Ernest DuBester, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 21,067.65 | 724.41 |
| Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801 | Lincoln National Corp | 900.00 | 520.00 |
| Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | | |
| Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037 | Air Transport Assn of America | 4,000.00 | |
| Do | American Lithotripsy Society | | |
| Do | Apex Marine Corp | | |
| Do | Atlantic Richfield Company | 83,684.48 | 445.11 |
| Do | ARCO Transportation Company | 7,936.25 | 20.13 |
| Do | Bay Area Renal Stone Center | | 211.79 |
| Do | Bender Shipbuilding & Repair Co, Inc | 11,935.32 | 21.99 |
| Do | Chemical Bank | 114,607.08 | 2,854.08 |
| Do | East Asiatic Company, et al. | 31,051.21 | 10,284.61 |
| Do | Greek Shipping Cooperation Committee | 27,450.00 | 1,060.70 |
| Do | Healthcare 2000, Inc | | |
| Do | International Air Transport Assn (IATA) | 16,358.16 | 508.42 |
| Do | Isolyser Company | | |
| Do | Liberty Maritime Corporation | 67,412.80 | 1,195.88 |
| Do | Medical Care International, Inc | | |
| Do | National Steel & Shipbuilding Co | 18,210.15 | 43.00 |
| Do | Naviera Del Pacifico CA | 4,897.99 | 2.40 |
| Do | Northstar Shipping, Inc | 6,481.00 | 30.60 |
| Do | Ocean Cruise Lines, Inc | | |
| Do | Radiation Care, Inc | 22,375.79 | 234.87 |
| Do | Sulzer Brothers, Inc | | |
| Do | Surgical Care Affiliates, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | T/2 Medical, Inc | 51,653.73 | 363.52 |
| Do | U.S. Naval Institute | | 25.33 |
| Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933 | Committee on U.S. Business Canadian Life & Health Ins. Assn | | |
| Do | Discovery Cruises, Inc | | |
| Do | Ferris State University | | |
| Do | Magic Line, Inc | | |
| Do | Military Boot Manufacturers Assn | | |
| Do | Systems Control, Inc | | |
| Do | Total Petroleum, Inc | 480.00 | |
| Do | University of Michigan Medical Center | 640.00 | |
| Do | Wayne State University | | |
| Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 500.00 | |
| DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036 | Dir Intl Aff of the Gen Del for Armements | | |
| Do | Societe Nationale D'Etude et de Const de Moteurs D'Aviation | 2,592.00 | 433.77 |
| Do | Sofreavia | 322.50 | 127.32 |
| Do | Zenith Data Systems | 2,070.00 | 351.43 |
| Jeffrey P. Eagleson, 1001 Connecticut Ave., #1001 Washington, DC 20036 | Lanxide Corporation | | |
| Matthew C. Eames, P.O.Box 70 Boise, ID 83707 | Idaho Power Company | | |
| Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113 | Quarles & Brady (For:Medical College of Wisconsin) | | |
| Do | Quarles & Brady (For:Wisconsin Electric Power Co) | | |
| Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815 | Eaton Associates, Inc | | |
| Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815 | | | |
| Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001 | Freeport-McMoRan D.C., Inc | 2,750.00 | 21.50 |
| Kevin James Echols, P.O. Box 2952 Washington, DC 20002 | | | 10.00 |
| Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134 | Catholic Health Assn of the US | | |
| Ed Graves & Associates, 2001 M Street, NW, 4th Floor Wasington, DC 20036 | Correctional Education Consultants, Inc | | |
| Do | Emerald Resources Inc | | |
| Do | Jorden Schulte & Burchette | | |
| Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004 | | | 83,778.97 |
| Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122 | Central California Legislative Consortium | 5,000.00 | 2,227.45 |
| Do | Long Beach Unified School District | 3,750.00 | 2,095.93 |
| Do | Oakland Unified School District | 7,500.00 | 4,184.24 |
| Do | San Diego Unified School District | 5,001.00 | 2,793.80 |
| Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Dean Witter Financial Services Group | | |
| Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003 | Public Citizen | 9,000.00 | |
| J. Rodney Edwards, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601 | Societe Nationale d'Etude et de Const de Moteurs d'Aviation | 16.67 | |
| Do | Teledyne Industries, Inc | | |
| Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036 | National Education Assn | 4,410.30 | 41.00 |
| Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702 | Synthetic Organic Chemical Manufacturing Assn | 500.00 | |
| Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005 | Community Antenna Television Assn, Inc | 15,000.00 | 30.00 |
| Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007 | Vietnam Veterans of America, Inc | 13,587.00 | 278.66 |
| William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577 | PepsiCo, Inc | | 146.50 |
| Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702 | Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn) | | |
| Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 16,419.00 | |
| Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 16,750.00 | 80.03 |
| Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314 | National Private Truck Council | | |
| Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430 | Caterpillar, Inc | 125.00 | 547.00 |
| Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003 | | | 9,991.00 |
| Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102 | | | 6,491.34 |
| J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703 | American Petroleum Institute | | |
| John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678 | Alliance of Government Managers | | |
| Mark G. Ellis, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004 | Belz Investment Company, Inc | | |
| Charles Ellstein, 645 W. St. Joseph Way Lansing, MI 48917 | Michigan Hospital Assn | | |
| Dorothy A. Ellsworth-Gannon, 9000 Machinists Place Upper Marlboro,, MD 20772 | International Assn of Machinists & Aerospace Workers | 17,473.83 | 547.19 |
| Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376 | City of St. Peters | 16,504.99 | 48.95 |
| Do | St. Charles County Economic Development Council | 6,000.00 | 1,079.58 |
| Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037 | BASF Corp | 276.92 | |
| Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036 | | 208,592.59 | 147,667.81 |
| JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | 1,500.00 | 990.00 |
| Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136 | | | 1,604.63 |
| John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Michael J. Emig, 1125 15th St., NW Washington, DC 20005 | International Brotherhood of Electrical Workers | 18,832.00 | 26.00 |
| Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109 | Southwestern Public Service Co | 1,563.75 | 138.99 |
| Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005 | | | |
| Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006 | American Business Conference, Inc | 929.00 | |
| Gary D. Engebretson, 1200 G St. NW #750 Washington, DC 20005 | Contract Services Assn | | 253.00 |
| Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006 | Chemical Specialties Manufacturers Assn, Inc | 184.00 | 16.00 |
| Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006 | Intel Corp | 15,000.00 | 3,456.90 |
| English First, 8001 Forbes Place, #102 Springfield, VA 22151 | | 279,450.74 | 250,144.53 |
| Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025 | Federation of American Consumers & Travelers (FACT) | 2,500.00 | |
| Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037 | MFJ Task Force | 67,500.00 | |
| Do | Southern California Edison Co | 12,000.00 | |
| Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209 | | | |
| Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005 | National Grain Trade Council | | |
| Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005 | | | 5,844.53 |
| Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004 | Knights of Columbus | 7,750.00 | |
| James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006 | Kaman Diversified Technologies Corp | 9,249.09 | 249.09 |
| Do | Lister Bolt & Chain, Ltd | 6,019.19 | 19.19 |
| Do | Martin Marietta Corp | 17,094.07 | 843.07 |
| Do | MIP Instandsetzungstriebe GmbH | 37,213.13 | 10,213.13 |
| Do | Northrop Corp | | |
| Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | 13,746.00 | 954.29 |
| Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 2,000.00 | 342.35 |
| Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201 | National Milk Producers Federation | 11,250.00 | |
| Mary Jo Eustice, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 6,000.00 | |
| Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036 | National Forest Products Assn | | |
| Cleve Evans, P.O. Box 841 Abilene, TX 79604 | West Texas Utilities Company | | |
| Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | | |
| Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036 | Hallmark Cards, Inc | | |
| Robert D. Evans, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007 | Boston Financial Group | 4,000.00 | |
| Do | Matlack Systems, Inc | | |
| Do | National Independent Automobile Dealers Assn | 6,200.00 | 190.00 |
| Do | Republic of Cyprus | 16,000.00 | |
| Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776 | American Bankers Assn | | |
| Do | Eversole Associates (For:North Dakota Agricultural Products Utilization Commission). | 10,332.57 | 57.31 |
| Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute | | |
| Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600 | Hospital Assn of Pennsylvania | 5,000.00 | 600.05 |
| EDON Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037 | Coca-Cola Foods | 10,500.00 | 316.87 |
| Do | Consolidated Seafood | | |
| Do | Kansas Department of Commerce | | |
| Do | Pinnacle Data Corporation | 7,500.00 | 161.50 |
| Do | Stephens Inc | | |
| ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136 | | | 1,913.90 |
| F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006 | American Bus Assn | | |
| Do | Employee Relocation Council | | |
| Do | National Cable Television Assn, Inc | 500.00 | |
| Do | Northrop Corp | | |
| Do | Wiley Rein & Fielding (For: Utilicorp United, Inc) | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005 | Chevron Companies | 2,200.00 | |
| Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005 | Americans for Democratic Action | 5,267.52 | |
| Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005 | National Association of Arab Americans | 7,500.00 | 30.00 |
| Dale W. Fallat, P.O. Box 119 Maumee, OH 43537 | Andersons | | |
| Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005 | | 6,486.00 | 2,860.00 |
| Thomas B. Farley II, 1220 L St., NW Washington, DC 20005 | American Petroleum Institute | | |
| David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036 | Alliance of American Insurers | 20,000.00 | |
| Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789 | Barnett Banks, Inc | 26,125.00 | 5,554.41 |
| Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024 | | 187,844.00 | 101,831.97 |
| Dagmar T. Farr, 1750 K Street, N.W. Washington, DC 20006 | Food Marketing Institute | 300.00 | |
| Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005 | Syntex (USA) Inc | 4,125.00 | 24,911.07 |
| Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002 | Central Utah Water Conservancy District | 27,656.25 | 2,231.35 |
| Do | Clark County Nevada | 15,997.50 | 232.02 |
| Do | Clark County Nevada-McCarran International Airport | 16,181.25 | 316.92 |
| Do | Geneva Steel | | |
| Do | Kirton McConkie & Poelman | 75.00 | |
| Do | Las Vegas Valley Water District | 29,741.25 | 601.97 |
| Do | Public Service Co of New Mexico | 7,500.00 | 183.86 |
| Do | Sierra Pacific Power Co | 23,937.50 | 331.33 |
| Do | State of Montana Dept of Natural Resources & Conservation | 7,843.75 | 24.05 |
| Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604 | Procter & Gamble Manufacturing Co | 42.35 | |
| William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209 | Product Liability Coordinating Committee | 11,500.00 | 1,469.33 |
| Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768 | | 6,047.24 | 24,764.74 |
| Federation of American Controlled Shipping, 50 Broadway New York, NY 10004 | | 872.84 | 872.84 |
| Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036 | | 9,000.00 | 9,000.00 |
| Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002 | | 60,301.50 | 1,750.44 |
| John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202 | Alliant Techsystems, Inc | 2,784.00 | 220.93 |
| Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761 | Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy) | 497.99 | 497.99 |
| Donald M. Fehr, 805 Third Ave. New York, NY 10022 | Major League Baseball Players Assn | | 1,873.56 |
| Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | 70.01 | |
| Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037 | International Advisers Inc (For:Embassy of Turkey) | 1,660.00 | |
| Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 2,736.00 | 140.06 |
| Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037 | International Advisers, Inc (For:Embassy of Turkey) | 1,660.00 | |
| Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 3,635.00 | |
| Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005 | Employers Council on Flexible Compensation | 200.00 | |
| Laura Fennell, 1901 N. Moore Street Arlington, VA 22209 | Foodservice & Packaging Institute | | |
| George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036 | American Mining Congress | 105.00 | |
| Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006 | Eastman Kodak Co | 1,000.00 | 150.00 |
| James H. Ferguson, 2310 Trott Avenue Reston, VA 22181 | Institute of Electrical & Electronics Engineers | 7,500.00 | |
| Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002 | Dillingham Construction Group | 6,468.75 | 748.52 |
| Do | Friant Water Authority | 2,500.00 | |
| Do | Global Marine, Inc | 3,750.00 | 711.84 |
| Do | Haida Corporation | 1,250.00 | 672.28 |
| Do | Klukwan, Inc | 11,250.00 | 724.63 |
| Do | Northern Air Cargo | 3,750.00 | 717.65 |
| Do | U.S. Borax & Chemical Corp | 7,500.00 | 682.50 |
| DeDe Ferrell, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 3,000.00 | 639.25 |
| Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024 | National Pork Producers Council | 1,200.00 | 232.96 |
| Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266 | National Wildlife Federation | | |
| Ferris State University, c/o Steven E. Stanley 901 South State Street Big Rapids, MI 49307-2295 | | | |
| John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Committee | 12,975.00 | 129.55 |
| Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006 | | | 351.00 |
| Donald L. Fierce, Fierce and Associates 600 New Hampshire Ave., NW #1010 Washington, DC 20037 | AB Hagglund & Soner | 10,675.00 | 330.97 |
| Do | Bollinger Machine Shop & Shipyard, Inc | 22,200.00 | 1,596.33 |
| Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037 | Spar Aerospace, Ltd | 22,500.00 | 675.47 |
| Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006 | W. R. Grace & Co /World Headquarters | 7,000.00 | 135.00 |
| Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198 | Alabama Farmers Federation | 1,775.00 | 834.89 |
| Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006 | National Assn for Biomedical Research | 72.00 | |
| Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938 | | | |
| Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036 | | 12,740.00 | 1,435.00 |
| Linda D. Findlay, 1015 15th Street, NW, #909 Washington, DC 20005 | Phelps Dodge Corp | 1,200.00 | |
| Hyman Fine, 1515 Jefferson Davis Highway, #1515 Arlington, VA 22202 | United Technologies Corp | | |
| Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004 | National Assn of Manufacturers | 125.00 | |
| Matthew P. Fink, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852 | National Council of Community Mental Health Centers | 504.00 | 41.00 |
| Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119 | Emerald Seafoods, Inc | | 5,371.64 |
| Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004 | Praxair, Inc | | |
| M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904 | National Industrial Transportation League | 10,000.00 | 35.00 |
| First National Bank of Boston, 100 Federal St. Boston, MA 02110 | | | |
| Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106 | American Collectors Assn | 1,000.00 | |
| H. David Fish, 5855 Stadium St. San Diego, CA 92122 | Education Legislative Services, Inc (For:Central California Legislative Consortium). | 1,158.60 | 19.31 |
| Do | Education Legislative Services, Inc (For:Long Beach Unified School District) | 1,090.20 | 18.17 |
| Do | Education Legislative Services, Inc (For:Oakland Unified School District) | 2,298.00 | 38.30 |
| Do | Education Legislative Services, Inc (For:San Diego Unified School District) | 1,453.20 | 24.22 |
| Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006 | Chevron Companies | 4,800.00 | |
| William P. Fisher, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | | |
| Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125 | International Communications Assn | | |
| Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO | | |
| John Fitzgerald, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 440.47 | |
| Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036 | Secura Group | 15,000.00 | 2,385.35 |
| Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106 | American Petroleum Institute | | |
| Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227 | Ohio River Co | 1,500.00 | 36.00 |
| Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124 | Chemical Manufacturers Assn, Inc | 750.00 | 325.80 |
| John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005 | Distilled Spirits Council of the US | 2,000.00 | |
| Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036 | American Ambulance Assn | 28,500.00 | 103.49 |
| Do | American Optometric Assn | 15,000.00 | |
| Do | Anheuser-Busch Companies, Inc | | |
| Do | Association of American Railroads | 24,999.00 | |
| Do | Centel Federal Systems | | |
| Do | Certified Auctioneers Assn/National Auctioneers Assn | 22,500.00 | 538.44 |
| Do | Chickasaw Nation | | |
| Do | Children's Hospital Medical Center of Northern California | 30,000.00 | 71.15 |
| Do | Chiropractic Physicians Initiative Fund | | |
| Do | Clark Oil and Refinery Corporation | | |
| Do | Farmers Mutual Fire Insurance Co of Okarche | | |
| Do | John Hoeven | 13,500.00 | |
| Do | Institute of Scrap Recycling Industries | 12,000.00 | |
| Do | Jason Pharmaceuticals | | |
| Do | LaGere Walking Stick Foundation | 3,000.00 | |
| Do | Litton Computer Services | 5,000.00 | 84.00 |
| Do | Marazul Charters | 45,000.00 | 746.27 |
| Do | Mastercard International | 24,000.00 | 741.80 |
| Do | McDonnell Douglas | | |
| Do | National Collegiate Athletic Assn (NCAA) | 7,000.00 | 100.77 |
| Do | National Spiritual Assembly of the Baha'is of the U.S. | 24,000.00 | 2,225.00 |
| Do | Nintendo of America, Inc | 18,270.00 | 758.18 |
| Do | Oklahoma Natural Gas | 1,500.00 | |
| Do | Oklahoma State Chamber of Commerce | | |
| Do | Pathology Practice Assn | | |
| Do | Private Practice Section | 5,000.00 | |
| Do | Public Broadcasting Service | 15,000.00 | |
| Do | Safe Tire Disposal Corporation | 24,000.00 | 212.98 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Sandoz | 16,875.00 | 230.00 |
| Do | Sony Corp of America | 60,000.00 | 119.25 |
| Do | St. Louis NFL Partnership | | |
| Do | Superstar Connection | | |
| Do | Syva Company | 37,500.00 | |
| Do | Third District Industrial Development Initiative Fund | 7,500.00 | |
| Do | Wackenhut Educational Services | 27,000.00 | 233.65 |
| Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209 | American Assn of Equipment Lessors | | |
| Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215 | American Petroleum Institute | | |
| Lynne M. Fletcher, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Du Pont Merck Pharmaceutical Company | 5,000.00 | |
| Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004 | R.G. Flippo & Associates, Inc (For:Alabama Power Co) | 2,100.00 | |
| Do | R.G. Flippo & Associates, Inc (For:AmSouth Bank) | 1,200.00 | |
| Do | R.G. Flippo & Associates, Inc (For:Colsa, Inc) | 450.00 | |
| Do | R.G. Flippo & Associates, Inc (For:Edison Electric Institute) | 3,500.00 | |
| Do | R.G. Flippo & Associates, Inc (For:Federal Express Corp) | 650.00 | |
| Do | R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co) | 3,000.00 | |
| Do | R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp) | 1,575.00 | |
| Do | R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington) | 2,850.00 | |
| Do | R.G. Flippo & Associates, Inc (For:South Central Bell) | 1,800.00 | |
| Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006 | Control Data Corporation | | |
| Do | Cray Research, Inc | 30,925.15 | |
| Do | Museum of the Rockies | | |
| Do | MEDCO Containment | 6,000.00 | |
| Do | State University System | 20,832.00 | |
| Do | University of Alaska | 18,338.01 | |
| Do | University of Nevada-Las Vegas | 15,328.24 | |
| Do | University of New Mexico | 12,378.66 | |
| Do | Westinghouse Electric Corp | 11,200.89 | |
| Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009 | Environmental Defense Fund | | |
| Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680 | Aurora Health Care, Inc, et al. | | |
| Do | Coldwell Banker Real Estate Group | | |
| Do | Council of Community Blood Centers | | |
| Do | Global Technology Systems, Inc | | |
| R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004 | R. Duffy Wall & Associates | 1,250.00 | |
| Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006 | | 16,285.00 | 16,285.00 |
| Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006 | | | 4,150.00 |
| Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209 | | | |
| Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207 | Albers & Company (For:May Department Stores Co) | | |
| James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036 | Atlantic Richfield Co | | |
| Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347 | | | 5,024.51 |
| Paul Forlenza, 1301 K Street, NW Washington, DC 20005 | IBM | 750.00 | 100.00 |
| James R. Forrester, P.O. Box 94661 Cleveland, OH 44101 | Centerior Energy Corp, et al. | 1,643.00 | 2,206.97 |
| Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | National Assn of Mutual Insurance Cos | | |
| Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187 | Association Francaise des Banques | | |
| Do | Bremer Vulkan Aktiengesellschaft | | |
| Do | Commerzbank Aktiengesellschaft | | |
| Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250 | Chem-Nuclear Systems, Inc | 693.75 | 601.90 |
| Do | Delaware Container Corporation | | |
| Do | Giant Cement Company | | |
| Do | Greenwood Development Corp | 8,085.00 | 2,646.03 |
| Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077 | Federal Home Loan Mortgage Corp | 10,000.00 | 1,191.62 |
| Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072 | National Instutute on Deafness & Other Communication Disord. | | 112.80 |
| Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402 | Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al. | | |
| John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082 | National Presto Industries, Inc | 1,634.00 | 1.84 |
| Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006 | Kerr-McGee Corp | 2,500.00 | |
| Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220 | Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group) | | |
| Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065 | Church of Scientology | 1,500.00 | 332.47 |
| Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621 | American Podiatric Medical Assn | 4,000.00 | |
| Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036 | Silver Users Assn, Inc | 1,080.00 | 175.00 |
| Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| James R. Franklin, One Highwoods Rd. St. James, NY 11780 | Parkdale Mills, Inc, et al. | 18,750.00 | 7,000.00 |
| Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005 | American Resort Development Assn | 1,500.00 | |
| Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005 | | | |
| John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568 | | | |
| Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008 | National Campaign for a Peace Tax Fund | 1,528.08 | 464.40 |
| Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006 | American Business Conference, Inc | 148.00 | |
| Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209 | American Gas Assn | 2,000.00 | 25.00 |
| Robert M. Frederick, 1616 H St., NW Washington, DC 20006 | National Grange | 6,000.00 | |
| Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005 | General Electric Co | 373.00 | |
| Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007 | Amstar Corp | | |
| Do | Dairymen, Inc | 10,780.00 | 561.65 |
| Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004 | French & Company (For:International Electronics Mfgrs & Consumers of America, Inc). | 600.00 | |
| Do | French & Company (For:Montgomery Ward & Co, Inc) | 175.00 | |
| French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004 | International Electronics Mfgrs & Consumers of America, Inc | 1,800.00 | |
| Do | Montgomery Ward & Co, Inc | 235.00 | |
| John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006 | Alaska Department of Environmental Conservation | | |
| Do | Anheuser-Busch Companies, Inc | 18,000.00 | 460.61 |
| Do | Gulf Coast Waste Disposal Authority | 5,413.00 | 1,475.27 |
| Do | Los Angeles County Sanitation District | 8,418.00 | 1,686.00 |
| Do | James M. Montgomery Consulting Engineers Inc | 22,872.00 | 362.32 |
| Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co, (3M) | 1,000.00 | |
| Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016 | Federal National Mortgage Assn (Fannie Mae) | | |
| G. William Frick, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | | |
| Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505 | G & K Management Company, Inc | 9,169.00 | 34.40 |
| Do | General Electric Co | 4,770.00 | 71.55 |
| Do | Lonza, Inc | 4,337.00 | 633.58 |
| Do | Virgin Islands Rum Industries, Ltd | | 27.30 |
| F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063 | Clouse Pagano & Friedman (For:Chem Service, Inc) | | |
| James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114 | Centerior Energy Corp | | |
| Do | Summit Energy Storage, Inc | 1,743.75 | |
| Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072 | | | 5,879.82 |
| Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852 | National Coal Assn | 9,000.00 | |
| Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209 | American Gas Association | 2,000.00 | 383.22 |
| Edward O. Fritts, 1771 N Street Washington, DC 20036 | National Assn of Broadcasters | 2,500.00 | |
| Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 400.00 | 920.00 |
| Alan Front, 666 Pennsylvania Ave., SE, #4 Washington, DC 20003 | Trust for Public Land | 3,341.00 | 3,380.00 |
| Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,588.08 | 7.00 |
| Gordon H. Fry, 900 19th St., NW Washington, DC 20006 | Aluminum Assn, Inc | 25.00 | |
| Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004 | Barrett Resources Corp | 7,083.00 | 93.90 |
| Pattison Fulton, 601 Pennsylvania Ave., NW, #900 Washington, DC 20004 | CH2M Hill | | |
| Do | McDermott Will & Emery (for: California Energy Commission) | | |
| Do | Orrick Herrington & Sutcliffe | | |
| Don Fuqua, 1250 Eye Street, NW Washington, DC 20005 | Aerospace Industries Assn of America, Inc | 3,750.00 | |
| Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006 | Basic Management, Inc | | |
| Do | Central Basin Municipal Water District | 7,500.00 | 658.67 |
| Do | Central Utah Water Conservancy District | 24,837.50 | 1,525.83 |
| Do | Kamm & Associtės, Ltd | 19,000.00 | 793.35 |
| Do | Neumiller & Beardslee (for San Joaquin County, CA), et al. | 3,500.00 | |
| Do | Odyssey International, Inc | | |
| Do | Riverside Resort Hotel & Casino | | |
| Do | South Dade Land Corp | 6,000.00 | 512.50 |
| Do | Upper San Gabriel Municipal | 15,000.00 | 705.84 |
| Do | West Basin Municipal Water District | | 959.73 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005 | G.D. Searle & Co |  | 525.00 |
| FICA Fairness Coalition, P.O. Box 28258 Washington, DC 20038-8258 |  |  |  |
| Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036 | March of Dimes | 2,700.00 |  |
| James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005 | American Hotel & Motel Assn | 3,114.69 |  |
| Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103 | International Dairy Foods Assn |  |  |
| Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006 | American Textile Manufacturers Institute |  |  |
| Karl Gallant, 8001 Braddock Road Springfield, VA 22160 | National Right to Work Committee | 4,620.00 | 28.80 |
| Kathleene E. Gallegos, 1925 North Lynn Street, #502 Arlington, VA 22209 | American Restoration Corp (For:Hercules Aerospace Company) |  |  |
| Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 5,793.00 | 94.00 |
| Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036 | National Education Assn | 3,540.85 |  |
| Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202 | Rockwell International Corp | 3,000.00 |  |
| Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America |  |  |
| James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924 | Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)). |  |  |
| Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924 | Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)). |  |  |
| Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc |  |  |
| Gardner Carton & Douglas, 1301 K Street, NW Washington, DC 20005 | Adventist Health System/Sunbelt Hospital System | 1,764.00 | 9.85 |
| Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 25.00 |  |
| Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn |  |  |
| Anthony Garrett, 150 Andover San Francisco, CA 94110 | Citizens for Reliable and Safe Highways (CRASH) | 97.50 |  |
| Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 2,100.00 |  |
| Theodore J. Garrish, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 6,600.00 | 343.30 |
| Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749 | National Council Social Security Management Assn, Inc | 13,050.00 | 812.69 |
| John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002 | Amway Corp | 8,250.00 |  |
| Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007 | Canadian Embassy | 4,823.00 |  |
| Do | City of Aberdeen |  |  |
| Do | Early Winters Resorts, Inc |  |  |
| Do | George Gabriel |  |  |
| Do | Interocean Management Company |  |  |
| Do | Ministry of the Environment |  |  |
| Do | Space Industries, Inc |  |  |
| Do | Tacoma Public Utilities | 7,415.00 |  |
| Do | Totem Ocean Trailer Express, Inc | 7,839.00 |  |
| Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209 |  |  |  |
| Philip Gasteyer, 900 19th Street,NW Washington, DC 20006 | Savings and Community Bankers of America | 972.00 |  |
| Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn |  |  |
| Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313 | National Assn of Chain Drug Stores | 500.00 |  |
| Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004 | Electronic Data Systems Corp | 64.00 | 107.84 |
| Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005 | American Sugarbeet Growers Assn |  |  |
| Deanna Gelak, 606 North Washington Street Alexandria, VA 22314 | Society for Human Resource Management | 15,000.00 |  |
| Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) |  |  |
| Do | Kellen Company (For:Infant Formula Council) |  |  |
| Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110 | First National Bank of Boston |  |  |
| Elise Gemeinhardt, 1620 L Street, NW, #800 Washington, DC 20036 | Metropolitan Life Insurance Company |  |  |
| General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005 |  |  | 2,561.00 |
| General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602 |  | 1,500.00 | 18.53 |
| Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703 | National Assn of Manufacturers |  |  |
| Cheryl K. Genevie, 7746 Donnybrook Court, #106 Annandale, VA 22003 | Edison Electric Institute | 17,030.00 | 159.48 |
| John Gentille, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America |  |  |
| Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005 | Enron Corp |  |  |
| Do | Natural Gas Alliance for the Generation of Electricity |  |  |
| Do | Sun Company, Inc |  |  |
| Do | Transco, Inc |  |  |
| Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006 | American Furniture Manufacturers Assn | 1,500.00 | 1,957.84 |
| Louis Gerber, 501 Third Street, NW Washington, DC 20001 | Communications Workers of America | 7,282.00 | 18.00 |
| Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001 | United Brotherhood of Carpenters & Joiners of America | 3,850.00 | 401.91 |
| Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024 | Honda North America, Inc | 50.00 | 116.20 |
| Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233 |  |  |  |
| Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,350.00 | 664.21 |
| Kenneth Gersten, 1116-C West Street Annapolis, MD 21401 | Sierra Club |  |  |
| John J. Gersuk, 3444 Valewood Dr. Oakton, VA 22124 | Bechtel Group, Inc |  |  |
| Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036 | Renewable Fuels Assn | 3,400.00 |  |
| Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198 | Nalco Chemical Company | 1,389.54 | 734.62 |
| Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102 | Association for Regulatory Reform | 8,000.00 | 393.13 |
| Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314 | Retired Officers Assn | 3,496.50 |  |
| Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604 | Mid-Continent Oil & Gas Assn | 12,000.00 | 126.00 |
| David Wesley Gibbons, 1600 Rhode Island Ave. NW, Washington D.C., DC 20036 | National Rifle Assn of America | 2,728.50 | 378.17 |
| Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036 | Laidlaw Transportation Management, Inc | 2,500.00 |  |
| Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036 | Chris-Craft Broadcasting, Inc |  |  |
| Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005 | American Bakers Assn |  |  |
| Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | 1,500.00 | 990.00 |
| Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004 | Pacific Telesis Group | 12,500.00 |  |
| Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003 | Public Citizen | 9,075.00 |  |
| Richard Gilbert, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 1,222.00 |  |
| James E. Gilchrist, 1920 N Street, NW Washington, DC 20036 | American Mining Congress |  |  |
| Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002 | Advocates for Highway & Auto Safety | 4,903.86 | 133.57 |
| Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036 | Exxon Corporation | 1,000.00 | 112.60 |
| Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006 | American Cotton Shippers Assn | 37,500.00 | 1,656.42 |
| Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005 | IBM Corp | 50.00 | 5.00 |
| David Gillette, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | 15,450.00 | 460.49 |
| William A. Gillon, P.O. Box 12285 Memphis, TN 38182 | National Cotton Council of America | 200.00 |  |
| Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22701 | Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank) |  |  |
| Do | All Alaskan Seafoods. Inc |  |  |
| Do | Robertson Monagle & Eastaugh (For:City of Kodiak) |  |  |
| Do | Robertson Monagle & Eastaugh (For:Crowley Maritime Corp) | 750.00 |  |
| Do | Robertson Monagle & Eastaugh (For:Kodiak Island Borough) |  |  |
| Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006 | American Factory Trawler Assn | 18,750.00 | 5,612.35 |
| Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920 | Brother Industries (USA), Inc |  |  |
| Do | Brother International Corporation |  | 537.85 |
| Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314 | Allied Signal Aerospace Co |  |  |
| Do | Equifax |  |  |
| Do | Firearms Training Systems, Inc | 2,000.00 | 114.00 |
| Do | Lockheed Corporation |  |  |
| Do | Oglethorpe Power Corp |  |  |
| Do | Swedish Ordnance |  |  |
| Do | Turner Broadcasting System, Inc | 3,000.00 | 171.00 |
| Do | U.S. Cane Sugar Refiners' Assn |  |  |
| Do | Watkins Associated Industries, Inc |  |  |
| Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377 | American Assn of Pastoral Counselors |  |  |
| Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377 | American Assn of Pastoral Counselors |  |  |
| Gerard Giovaniello, 777 14th St., NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 693.84 |
| Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702 |  |  | 2,543.20 |
| Earl E. Gjelde, 11240 Waples Mill Road, Suite 101 Fairfax, VA 22030 | RUST International, Inc. |  | 288.00 |
| Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334 | Michigan National Corp | 125.00 | 3.40 |
| Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036 | ITT Corporation | 810.00 | 83.98 |
| Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006 |  |  | 2,750.00 |
| Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314 | US Strategies Corp |  |  |
| Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004 | International Longshoremen's Assn, AFL-CIO |  |  |
| Robert E. Gleason, 815 16th Street, NW Washington, DC 20006 | International Longshoremen's Assn, AFL-CIO |  |  |
| Gary R. Glenn, One Woodward Avenue, #2400 Detroit, MI 48226 | Jaffe Raitt Heuer & Weiss (For:Metropolitan Realty Corp) |  |  |
| Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206 | Humane Society of the U.S. | 10,624.98 | 444.93 |
| Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001 | Mobil Corp | 1,125.00 |  |
| Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005 | American Veterinary Medical Assn |  |  |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201 | American Apparel Manufacturers Assn, Inc | 1,000.00 | 50.00 |
| James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006 | Phillips Petroleum Co | 1,395.00 | 16.16 |
| Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314 | American Assn of Port Authorities | 18,125.00 | 2,000.00 |
| Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702 | Americans for Nonsmokers' Rights | 471.00 | |
| Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036 | National Assn of Retired Federal Employees | | |
| Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Committee | 8,736.87 | |
| Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027 | National Pest Control Assn | | |
| Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004 | Alco International Group, Inc | 4,000.00 | 2,191.00 |
| Do | Amercan College of Cardiology | 4,500.00 | 2,591.00 |
| Do | American Academy of Dermatology | 12,000.00 | 2,591.00 |
| Do | American Academy of Ophthalmology | 10,509.00 | 2,591.00 |
| Do | Beretta U.S.A. Corp | 7,500.00 | 2,591.00 |
| Do | Camp Barsh Bates & Tate | | 2,191.00 |
| Do | Caremark, Inc | 20,000.00 | 2,591.00 |
| Do | Chemical Manufacturers Assn, Inc | 375.00 | 2,359.00 |
| Do | Coca Cola Company | 9,600.00 | 2,591.00 |
| Do | College of American Pathologists | 6,000.00 | 2,591.00 |
| Do | County of Fairfax, Board of Supervisors | | 2,191.00 |
| Do | Coxson Penello Fogleman & Cowen | | 2,191.00 |
| Do | Electronic Data Systems Corp | 5,250.00 | 2,591.00 |
| Do | Equitable Life Assurance Society of the U.S. | 43,063.00 | 2,591.00 |
| Do | Eye Bank Assn of America | 5,625.00 | 2,591.00 |
| Do | Federated Investors, Inc | 15,000.00 | 2,591.00 |
| Do | Fiat, U.S.A., Inc | 15,380.00 | 2,591.00 |
| Do | Ford Motor Co | | 2,191.00 |
| Do | Genentech, Inc | 38,800.00 | 2,591.00 |
| Do | Hopi Tribe | 43,200.00 | 2,191.00 |
| Do | Investment Company Institute | 3,000.00 | 2,591.00 |
| Do | Korea Iron and Steel Assn | | 2,191.00 |
| Do | LEGI-SLATE | | 2,191.00 |
| Do | Mutual Of Omaha | 6,000.00 | 2,591.00 |
| Do | MCI Communications Corp | 16,000.00 | 2,591.00 |
| Do | National Football League | 27,990.00 | 2,591.00 |
| Do | National Restaurant Assn | 39,000.00 | 2,591.00 |
| Do | National School Transportation Assn | 6,750.00 | 2,591.00 |
| Do | Nestle USA, INC | 2,400.00 | 2,591.00 |
| Do | Pacific Enterprises | 15,000.00 | 2,591.00 |
| Do | Pennzoil Co | 4,000.00 | 2,591.00 |
| Do | Philip Morris Co | 45,000.00 | 2,591.00 |
| Do | Regional Transportation District | 6,000.00 | 2,191.00 |
| Do | Salomon Brothers, Inc | 3,773.00 | 2,591.00 |
| Do | Thomson-CSF, Inc | 9,083.00 | 2,591.00 |
| Do | Thunder Child Veterans Administration Hospital | 1,500.00 | 2,491.00 |
| Do | Times Mirror Co | 2,640.00 | 2,591.00 |
| Do | Washington Metropolitan Area Transit Authority | 11,000.00 | 2,191.00 |
| Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227 | | | |
| Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036 | National Solid Waste Management Assn | 500.00 | |
| Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036 | Alpha Lyracom d/b/a Pan American Satellite | | |
| Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036 | Telocator | 2,075.00 | |
| Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | 500.00 | 100.00 |
| Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | | | 1,550.00 |
| Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210 | Americans for Immigration Control, Inc | 10,500.00 | |
| Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037 | Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit). | | |
| Judith E. Golub, 1156 15th St., NW #1201 Washington, DC 20005 | American Jewish Committee | 14,000.00 | 1,500.00 |
| John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202 | Rockwell International Corp | 5,000.00 | 5,370.14 |
| Larry I. Good, 2001 M Street, NW Washington, DC 20036 | Milliman & Robertson, Inc | 880.00 | |
| Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036 | Browning-Ferris Industries, Inc | 3,125.00 | 325.00 |
| Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 1,277.50 | 2,912.10 |
| Linda Goold, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,750.00 | |
| John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036 | Export Processors Industry Coalition (EPIC) | 3,000.00 | 2,299.87 |
| Do | Iowa Pork Producers Assn | 2,250.00 | 1,018.28 |
| Do | National Sunflower Assn | 7,500.00 | 4,250.88 |
| Do | U.S. Canola Association | 9,000.00 | 3,287.40 |
| Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corp | 625.00 | 285.75 |
| Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Northern Telecom, Inc | 1,250.00 | |
| Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005 | National Grain & Feed Assn | | |
| David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 16,780.80 | 158.03 |
| Edward J., III Gorman, 101 Constitution Avenue, NW Washington, DC 20001 | United Brotherhood of Carpenters & Joiners of America | 2,058.00 | |
| Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036 | Dow Corning Corp | 5,000.00 | |
| Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | 1,500.00 | 990.00 |
| Ann M. Gosier, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001 | Massachusetts Mutual Life Insurance Co | | |
| Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223 | Campo Band of Mission Indians | 5,116.50 | |
| Do | Colorado River Indian Housing Authority | | |
| Do | Crow Tribal Housing Authority | | |
| Do | First Mesa Consolidated Villages | | |
| Do | Mescalero Apache Housing Authority | | |
| Do | Minnesota Chippewa Tribe | | |
| Do | Navajo Area School Board Assn | | |
| Do | Pueblo of Laguna Housing Authority | | |
| Do | Pueblo of Pojoaque | 4,531.00 | |
| Do | Pueblo of Tesuque | | |
| Do | Pueblo of Zuni | | |
| Do | Santa Clara Indian Pueblo | | |
| Do | Shoshone Tribe | 5,083.00 | |
| Do | Tonono O'odham Nation | | |
| Do | Wind River Tax Commission | | |
| Do | Zuni Housing Authority | | |
| Edmund Graber, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 2,000.00 | 500.00 |
| John R. Graff, 1448 Duke Street Alexandria, VA 22314 | International Assn of Amusement Parks & Attractions | 120.00 | 1,246.00 |
| Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | 1,500.00 | 990.00 |
| Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102 | Chocolate Manufacturers Assn of the USA | | |
| Do | National Confectioners Association | | |
| Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314 | National Assn of Medical Equipment Suppliers | 5,500.00 | 583.07 |
| Graham & James, 2000 M Street, NW, #700 Washington, DC 20036 | Contact Lens Manufacturers Assn | | |
| Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036 | Panhandle Eastern Corp | | 803.19 |
| Nancy Granese, c/o P.O. Box 27414 Washington, DC 20038 | FICA Fairness Coalition | | |
| Do | Partnership on Health Care & Employment | | |
| Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206 | | | |
| James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005 | Norfolk Southern Corp | 1,000.00 | |
| Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048 | Security Traders Assn, Inc | 2,625.00 | |
| Clifford S. Graul, 7481 Huntsman Blvd., #400 Springfield, VA 22153 | Creative Strategies Group | 5,000.00 | |
| Edwin C. Graves, 2001 M Street, NW Washington, DC 20036 | Furman Group | | |
| Do | McAuliffe, Kelly & Raffaelli | | |
| Do | McGuiness & Williams | | |
| Do | Capitoline International Grouo, Ltd (For:MCI Communications Corp) | | |
| Do | Capitoline International Group, Ltd (For:Professional Lawn Care Assn of America). | | |
| Adrienne A. Gray, 1301 K Street, NW Washington, DC 20005 | IBM | | |
| Barbara Gray, P.O. Box 3958 Missoula, MT 59806 | Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc) | 11,300.00 | 1,664.46 |
| Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036 | Securities Industry Assn | 2,075.00 | |
| Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp/Citibank | 800.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036 | Federation of American Health Systems | 1,500.00 | |
| Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706 | | 250.00 | 500.00 |
| Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013 | | | |
| Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006 | Hoechst Celanese Corp | 4,500.00 | 218.02 |
| Deborah Green, 610 W. 110th Street New York, NY 10025 | Rainbow Lobby, Inc | 4,500.00 | |
| Edward M. Green, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Gary L. Green, 1010 North Fairfax Street Alexandria, VA 22314 | National Society of Public Accountants | | |
| George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701 | Food Marketing Institute | 450.00 | |
| James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036 | Mobil Corp | 2,500.00 | 295.30 |
| Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005 | Public Securities Assn | 12,500.00 | 110.29 |
| Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207 | Boys & Girls Clubs of America | 6,000.00 | 1,683.00 |
| Do | National Center for Missing & Exploited Children | 9,000.00 | 2,585.00 |
| Stanley C. Green, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | Hamilton Standard | 2,400.00 | 28.06 |
| William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004 | MacAndrews & Forbes Holdings, Inc | 3,000.00 | |
| Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037 | Premier Hospitals Alliance, Inc | 500.00 | 500.00 |
| Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041 | Denny Miller Associates | 2,500.00 | |
| H. Thomas Greene, 412 1st St., SE Washington, DC 20003 | National Automobile Dealers Assn | 15,000.00 | |
| Jennifer Greene, 666 Pennsylvania Ave., SE, #4 Washington, DC 20003 | Trust for Public Land | 1,800.00 | |
| Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036 | Common Cause | 7,220.04 | 773.53 |
| Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | | |
| John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005 | Miller Balis & O'Neil, P.C. | | |
| Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter | | |
| Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005 | Erisa Industry Committee | 1,562.00 | |
| Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001 | Lake Preservation Coalition | 1,500.00 | 17.92 |
| David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business (NFIB) | 3,401.00 | 200.00 |
| John Wesley Griffin, #00311-158 P.O. Box 905 Genesee Unit Ray Brook, NY 12977-0900 | | | |
| Mary Griffin, 2001 S Street, NW, Suite 520 Washington, DC 20009 | Consumers Union | 4,000.00 | |
| Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035 | Chrysler Corporation | 3,000.00 | 305.00 |
| Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036 | Air Transport Assn of America | 500.00 | 12.00 |
| Do | American Nuclear Energy Council | 15,000.00 | 432.00 |
| Do | American Petroleum Institute | 3,000.00 | 72.00 |
| Do | American Psychological Assn | 7,250.00 | 174.00 |
| Do | Appalachian Coalbed Methane Assn | 5,500.00 | 132.00 |
| Do | Arthur Andersen & Co | 14,500.00 | 348.00 |
| Do | Blue Cross & Blue Shield Assn | 1,000.00 | 24.00 |
| Do | Central and South West Services, Inc | 8,000.00 | 192.00 |
| Do | City of Broomfield, CO | 1,000.00 | 24.00 |
| Do | Coal Industry Health Protection Coalition | 20,000.00 | 504.00 |
| Do | Coalition for Transit Opportunities '92 | | |
| Do | Covia Partnership | 2,750.00 | 66.00 |
| Do | CBS, Inc | 35,000.00 | 840.00 |
| Do | COMSAT Corp | | |
| Do | Fireman's Fund Insurance Cos | 8,750.00 | 210.00 |
| Do | General Atomics | 1,750.00 | 42.00 |
| Do | Grumman Corporation | | |
| Do | Halliburton NUS Environmental Corporation | 12,500.00 | 300.00 |
| Do | Martin-Marietta | 9,000.00 | 360.00 |
| Do | McCaw Cellular Communications, Inc | 3,750.00 | 90.00 |
| Do | Merck & Co, Inc | 500.00 | 12.00 |
| Do | Mortgage Bankers Assn of America | | |
| Do | Motorcycle Industry Council, Inc | | |
| Do | National Association of Realtors | | |
| Do | National Football League | 750.00 | 18.00 |
| Do | National Independent Energy Producers | 8,000.00 | 192.00 |
| Do | National Music Publishers Assn, Inc | 500.00 | 12.00 |
| Do | Primerica Corp | 5,000.00 | 120.00 |
| Do | Tobacco Institute | 1,500.00 | 36.00 |
| Do | Waste Management, Inc | 7,500.00 | 180.00 |
| Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073 | ARCO Chemical Co | | 584.35 |
| Gary W. Griffith, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 540.00 | 99.58 |
| Randy Griggs, 1052 Highway 431 North Dothan, AL 36303 | Alabama Farmers Federation | 600.00 | 834.00 |
| Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001 | Matson Navigation Company, Inc | | |
| Craig N. Grimm, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036 | Japan Economic Instutute of America | 500.00 | |
| Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904 | AAA Potomac | | |
| Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 30.00 |
| Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007 | | | 210.32 |
| Stephanie J. Grogan, National Wildlife Federation 1400 16th Street, NW Washington, DC 20036 | National Wildlife Federation | 322.57 | |
| James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006 | Ad Hoc MGA Group | | |
| Do | Ad Hoc PFIC Group | | |
| Do | American Petroleum Institute | | |
| Do | Amoco Corporation | | |
| Do | Cargill, Inc | | |
| Do | Chevron Corp | 65.00 | 10.00 |
| Do | Eli Lilly & Company | | |
| Do | Maxus Energy Corp | 150.00 | 20.00 |
| Do | Murphy Oil USA, Inc | | |
| Do | Nebraska Public Power District | | |
| Do | New York City Teachers Retirement System | | |
| Do | Phillips Petroleum Co | | |
| Do | Physicians Mutual Insurance Co | 100.00 | |
| Do | Principal Financial Group | | |
| Do | Prudential Insurance Co of America | 50.00 | 10.00 |
| Do | Prudential-Bache Securities, Inc | | |
| Do | Puerto Rico, USA Foundation | | |
| Do | Retired Lives Reserve Group | | |
| Do | Southern California Edison Co | | |
| Do | Sunflower Electric Power Corp | | |
| Do | Union Texas Petroleum Corp | | |
| Do | Westinghouse Electric Corp | | |
| George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036 | Magazine Publishers of America, Inc | 5,000.00 | |
| Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | 1,000.00 | |
| Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | 1,250.00 | |
| Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | DocuSource | 36,700.00 | |
| Do | Morris Communications | 5,300.00 | |
| Do | O'Connor & Hannan | 15,500.00 | |
| Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002 | Fertilizer Institute | 3,000.00 | 310.45 |
| Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501 | Motion Picture Assn of America, Inc | | |
| James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036 | BASF Corp | 1,000.00 | 25.00 |
| Do | McDermott, Inc | 1,500.00 | 200.00 |
| Do | Walk-Haydel & Associates, Inc | 500.00 | 50.00 |
| Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110 | Capital Cities/ABC, Inc | | |
| Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151 | | 220,496.24 | 195,794.88 |
| Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402 | First Bank System | 14,499.00 | 1,794.59 |
| Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036 | Lockheed Information Management Services Company, Inc | | |
| Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314 | American Fed of Musicians | 5,740.00 | 2,600.44 |
| Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209 | National Fisheries Institute | 6,000.00 | |
| GLB, Inc, 1507 West 6th Street Austin, TX 78703 | Jones Motor Co, Inc | | |
| Do | MPPAA Solvency Coalition | | |
| Do | Schneider National, Inc | | |
| Do | Walsh Trucking Service, Inc | | |
| GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016 | | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090 | National Wholesale Druggists' Assn | | |
| William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122 | L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn). | | |
| Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204 | American Petroleum Institute | | |
| Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701 | Central & South West Services, Inc | 639.10 | 1,106.74 |
| Barry Hager, 1701 K St., NW, #900 Washington, DC 20006 | Fund for Private Assistance in Internat'l Development (Paid) | 5,000.00 | 30.00 |
| John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024 | American Automobile Assn | | |
| Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003 | American Cancer Society | 2,433.00 | |
| Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 102.94 | |
| Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Co of California | | |
| Alma P. Hale, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | 20.00 | |
| Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004 | National Assn of Manufacturers | | |
| Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Micron Technology, Inc | 1,050.00 | |
| Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 7,500.00 | 1,240.20 |
| Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036 | Magazine Publishers of America | 2,000.00 | |
| John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005 | Johnson & Johnson | 106.50 | |
| Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230 | Harris Corporation | 1,475.00 | 1,626.86 |
| Robert P. Hall, 701 Pennsylvania Ave., NW Washington, DC 20004 | National Retail Federation | 3,000.00 | 369.74 |
| Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003 | San Diego Gas & Electric | 1,993.50 | 2,662.24 |
| Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036 | Sandoz Corp | | 85.00 |
| Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 6,250.00 | 560.77 |
| Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009 | Bruce P. Cameron (for Embassy of Mozambique) | 817.00 | |
| Do | Bruce P. Cameron (for: Embassy of Nicaragua) | 1,633.00 | |
| Do | National Council of Maubere Resistance | 408.00 | |
| Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507 | Northern Illinois Gas Company | | |
| Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Motor and Equipment Manufacturers Association | 3,000.00 | 8.00 |
| Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002 | C-TEC Corporation | | |
| Do | Westinghouse Electric Corporation | | |
| Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | 240.00 | |
| Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 8,748.00 | |
| David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 6,551.70 | |
| J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703 | National Assn of Manufacturers | 281.00 | |
| Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046 | National-American Wholesale Grocers' Assn | 3,000.00 | |
| Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083 | McCaw Cellular Communications, Inc | | |
| William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036 | Planned Parenthood Fed of America, Inc | | |
| Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037 | Sweetener Users Assn | | |
| Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804 | Morris, John L. | | |
| Do | Silver Dollar City, Inc | 10,000.00 | 348.00 |
| Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005 | Mobil Corp | 2,500.00 | |
| Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701 | Kinetic Concepts, Inc | 9,000.00 | |
| Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031 | Oil Chemical & Atomic Workers International Union | 7,044.12 | |
| Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601 | General Electric Co | 16.67 | |
| Do | Hazardous Waste Action Coalition | 1,312.50 | |
| Do | Ingalls Shipbuilding | 1,028.35 | |
| Do | Northrop Corp | 1,750.00 | |
| Do | Teledyne Industries, Inc | 574.98 | |
| Do | Waste Management, Inc | 222.08 | |
| Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005 | Population-Environment Balance | | |
| Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202 | American Automobile Manuacturers Assn | | |
| Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856 | United States Surgical Corp | 1,000.00 | |
| P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006 | W. R. Grace & Co /World Headquarters | 300.00 | |
| Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040 | Salt Institute | | |
| Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209 | Boeing Company | 1,570.88 | 453.90 |
| Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036 | Group Health Assn of America, Inc | | |
| Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030 | Seniors Coalition | 8,206.97 | 328.44 |
| Eric R. Hanson, 1055 N. Fairfax Stsreet, #201 Alexandria, VA 22314 | U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands) | | |
| Do | U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp) | | |
| Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314 | U.S. Strategies Corp | | |
| William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp Washington, Inc | | |
| Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209 | Hughes Aircraft Company | | |
| Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978 | El Paso Natural Gas Co | 2,000.00 | 98.77 |
| G. Todd Hardy, 8251 Greensboro Drive, Suite 1100 McLean, VA 22102 | | | |
| Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015 | International Bottled Water Assn | 2,113.87 | 2,113.87 |
| Charles A. Harkey, 919 18th Street, NW Washington, DC 20006 | American Financial Services Assn | 250.00 | |
| Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003 | San Diego Gas & Electric | 1,286.00 | 2,711.53 |
| Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314 | National Assn of Medical Equipment Suppliers | 7,500.00 | |
| Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209 | Grumman Corporation | 625.00 | 317.10 |
| Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024 | Honda North America, Inc | 150.00 | 80.11 |
| A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006 | CIGNA Corp | 4,938.00 | 329.77 |
| James W. Harris, 1709 New York Avenue, NW Washington, DC 20006 | Savings and Community Bankers of America | 6,000.00 | 750.00 |
| Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | | |
| Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037 | American Railway Car Institute | | |
| Do | Association of Food Industries, Inc | | |
| Do | Cheese Importers Assn of America, Inc | | |
| Do | Coalition of Food Importers Assn | | |
| Do | Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs | | |
| Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301 | American Petroleum Institute | | |
| Jill Harrison, P.O. Box 1005 Fairfax, VA 22030-1005 | Community Antenna Television Assn | 4,375.00 | 283.00 |
| Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314 | American Movers Conference | 2,000.00 | |
| L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036 | Southern Company Services, Inc | 160.00 | 4,795.19 |
| Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007 | National Club Assn | 3,000.00 | 45.00 |
| Jayne A. Hart, 1101 Vermont Avenue, NW, #604 Washington, DC 20005 | College of American Pathologists | 2,300.00 | |
| Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036 | Federation of American Health Systems | 3,000.00 | |
| William R. Hart, 201 North Washington Street Alexandria, VA 22314 | Retired Officers Assn | 3,496.50 | |
| Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115 | | | 29,040.00 |
| Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 5,769.24 | |
| Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | 150.00 |
| Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036 | Hershey Foods Corp | | |
| Jace Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006 | Grocery Manufacturers of America, Inc | | |
| Do | Occidental Chemical Corp | | 79.63 |
| James N. Haug, 55 E. Erie Street Chicago, IL 60611 | American College of Surgeons | | |
| Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Co of California | | 1,654.11 |
| Todd J. Hauptli, 4212 King Street Alexandria, VA 22302 | American Assn of Airport Executives | 4,700.00 | |
| Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036 | Leboeuf Lamb Leiby & MacRae | | |
| Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006 | Barclays Bank, PLC | 1,000.00 | |
| Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006 | Mead Corporation | | |
| Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Paula Hawkins, P.O. Box 193 Winter Park, FL 32790 | Genentech, Inc | 38,500.00 | 8,421.18 |
| Do | Pharmaceutical Manufacturers Assn | 21,000.00 | |
| F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp/Citibank | | |
| John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005 | Chevron Companies | | |
| David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004 | Latham & Watkins (For:Ad Hoc Electronics Coalition) | 2,500.00 | 13.68 |
| Do | Latham & Watkins (For:American Electronics Assn) | 2,227.45 | 47.84 |
| Do | Latham & Watkins (Fo:Semiconductor Industry Assocation) | 4,661.20 | 141.42 |
| Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002 | American Association of Nurse Anesthetists | 5,000.00 | 17.61 |
| Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 913.00 | |
| Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006 | Fluor Corporation | 5,000.00 | 644.26 |
| Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112 | Harsco Corporation | 28,373.00 | 1,315.07 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036 | Association of America's Public Television Stations | 112.38 | 48.10 |
| Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042 | International Disarmament Corp | 550.00 | |
| Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036 | | | 581.69 |
| Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005 | American Public Transit Assn | 4,250.00 | 1,392.00 |
| Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 200.00 | |
| David E. Hebert, 1922 F Street, NW Washington, DC 20006 | National Assn of Life Underwriters | 5,000.00 | 160.00 |
| William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003 | Hecht Spencer & Associates, Inc (For:Bixby Ranch Co) | | |
| Do | Hecht Spencer & Associates, Inc (For:Boy Scouts of America) | | |
| Do | Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp) | | |
| Do | Hecht Spencer & Associates (For:Colton Communities, Inc) | | |
| Do | Hecht Spencer & Associates, Inc (For:Los Angeles Raiders) | | |
| Do | Hecht Spencer & Associates (For:Mars, Inc) | | |
| Do | Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc) | | |
| Do | Hecht Spencer & Associates (For:MCI Telecommunications) | | |
| Do | Hecht Spencer & Associates (For:National Automatic Merchandising Assn) | | |
| Do | Hecht Spencer & Associates (For:Charles E. Smith Management, Inc) | | |
| Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003 | Bixby Ranch Co | 1,000.00 | |
| Do | Boy Scouts of America | 1,000.00 | |
| Do | Brown & Williamson Tobacco Corp | 2,500.00 | |
| Do | Colton Communities, Inc | 1,000.00 | |
| Do | General Atomics | | |
| Do | Los Angeles Raiders | | |
| Do | Mars, Inc | | |
| Do | Mid-American Waste Systems, Inc | 3,000.00 | |
| Do | MCI Telecommmunications | 1,000.00 | |
| Do | National Automatic Merchandising Assn | | |
| Do | Charles E. Smith Management, Inc | 3,000.00 | |
| James B. Hedlund, 1200 18th St., NW Washington, DC 20036 | Association of Independent Television Stations, Inc | 1,500.00 | |
| Jay Hedlund, 2030 M St., NW Washington, DC 20036 | Common Cause | 13,390.26 | 10.00 |
| John Heffner, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| John F. Heilman, 807 Maine Ave., SW Washington, DC 20024 | Disabled American Veterans | 21,350.40 | 606.68 |
| Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105 | American Malting Barley Assn, Inc | 1,000.00 | |
| Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314 | | | 22,863.00 |
| Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202 | Smiths Industries | 3,000.00 | 3,495.00 |
| DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017 | Association of National Advertisers, Inc | | |
| Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209 | Northrop Corp | 3,000.00 | |
| Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001 | Alliance for Acid Rain Control | 82.00 | |
| Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601 | American Petroleum Institute | | |
| Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005 | Handgun Control, Inc | 4,017.00 | |
| Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | | |
| George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | 507.00 | |
| John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006 | McDermott, Inc | 10,000.00 | 2,909.82 |
| LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 1,500.00 | 105.06 |
| Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037 | American Pharmaceutical Assn | 1,000.00 | 421.29 |
| Catherine L. Heron, 1600 M St., NW Washington, DC 20036 | Investment Company Institute | | |
| John A. Heslip, P.O. Box 781 Herndon, VA 22070 | National Concrete Masonry Assn | | 6,086.38 |
| William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corporation | 625.00 | 285.75 |
| Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388 | | 17,250.00 | 2,997.20 |
| David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006 | Eastman Kodak Co | 200.00 | 181.00 |
| Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152 | National Military Family Assn, Inc | 2,160.00 | |
| William D. Hickman, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Guy M. Hicks, 1000 Wilson Boulevard, #2407 Arlington, VA 22209 | Northrop Corp | | |
| Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908 | American Petroleum Institute | | |
| Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036 | National Soft Drink Assn | 43.26 | 51.23 |
| Hal D. Hiemstra, 216 7th Street, SE Washington, DC 20003 | Scenic America | | |
| John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806 | Louisiana-Pacific Corp | 7,125.00 | 831.00 |
| Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701 | Consumers Union of U.S., Inc | 1,000.00 | |
| Frederick Wells Hill, 1801 K Street, NW, #800 Washington, DC 20006-1378 | Westinghouse Electric Corp | 13,000.00 | 2,500.00 |
| Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350 | Amoco Corporation | | |
| J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002 | UBA, Inc | 2,000.00 | |
| Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Robert B. Hill, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 750.00 | 19.00 |
| Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502 | Pacific Gas & Electric Co | 906.60 | |
| Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007 | American Public Transit Association | 22.50 | |
| Do | Blue Cross Blue Shield of Florida | | |
| Do | Broward County | 875.00 | |
| Do | Colorado State University | | |
| Do | Fujisawa/Lyphomed | | |
| Do | | | |
| Do | Mazda, Inc | | |
| Do | McAndrews & Forbes Holding | | |
| Do | Phillips Petroleum Company | | |
| Do | Port Everglades | 350.00 | |
| Do | Republic of Turkey | | |
| Do | Sallie Mae | | |
| Do | Shaklee Corp | 1,225.00 | |
| Do | Stelco, Inc | | |
| Do | Tera Computer Company | | |
| Do | Thomson Consumer Electronics | | |
| Do | Universal Card Services | | |
| Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006 | Enron Corp | 7,500.00 | |
| John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132 | Sundstrand Corporation | | |
| Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006 | City of Orlando | | |
| Do | Florida Fruit & Vegetable Assn | 3,000.00 | |
| Do | Florida Tomato Exchange | 1,500.00 | |
| Do | J.R. Brooks & Son, Inc | | |
| Maureen K. Hinkle, 666 Pennsylvania Avenue, SE Washington, DC 20003 | National Audubon Society | | 425.00 |
| Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003 | New York State Conference of Blue Cross & Blue Shield Plans | 10,064.50 | 3,499.06 |
| Evan Hirsche, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | | |
| Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037 | American Stock Exchange, Inc | | |
| Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037 | American Public Power Assn | 500.00 | |
| Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301 | Mineral Policy Center | | 893.50 |
| Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601 | Investment Company Institute | 15,013.02 | |
| Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024 | Aircraft Owners & Pilots Assn | 8,904.00 | 203.63 |
| A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 958.38 | 437.91 |
| Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance | | |
| Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036 | Securities Industry Assn | 1,254.00 | |
| Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036 | Froedtert Malt Corp | 3,000.00 | 1,148.75 |
| Do | National Barley Growers Assn | 14,500.00 | 4,595.04 |
| William L. Hoffman, 516 First Street, SE Washington, DC 20003 | American University of Beirut | 11,856.00 | 11,712.48 |
| Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006 | MCI Communications Corp | 4,000.00 | 413.97 |
| Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109 | Alabama Construction Contractors | 1,690.00 | 427.95 |
| Do | American Academy of Pediatrics | 420.00 | 7.00 |
| Do | American Coke & Chemicals Institute | | |
| Do | American College of Osteopathic Surgeons | | |
| Do | American Frozen Food Institute | | |
| Do | American Insurance Assn | | |
| Do | American Physical Therapy Assn | | |
| Do | American Registry of Pathology | | |
| Do | Amgen, Inc | 15,787.50 | 375.07 |
| Do | Ansell | 119,331.25 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Auburn University | 8,000.00 | 1,476.09 |
| Do | Berg Steel Pipe Corp | 412.50 | |
| Do | Blount, Inc | | |
| Do | Brother International Corp | | |
| Do | BE&K Construction | | |
| Do | California State Teachers Retirement System | 1,155.00 | |
| Do | Computer & Business Equipment Manufacturers Assn | 3,187.50 | 17.50 |
| Do | Damon Corp | | |
| Do | Drummond Company, Inc | 40,530.00 | 2,388.90 |
| Do | Ductile Iron Pipe Research Assn | 10,000.00 | 664.55 |
| Do | Fluor Corporation | | |
| Do | Freightliner Corp | | |
| Do | General Electric Co | 4,785.00 | 466.30 |
| Do | Glaxo, Inc | 120.00 | |
| Do | Group Hospitalization and Medical Services, Inc | 131,767.74 | 34,555.17 |
| Do | Harbert Corp | | |
| Do | Hardie-Tynes Mfg. Company | | |
| Do | Humane Society of the United States | 3,978.40 | 36.50 |
| Do | Infectious Diseases Society of America, Inc | | |
| Do | Intergraph Corp | 787.50 | |
| Do | May Department Stores Co | 302.50 | 8.00 |
| Do | Mercedes-Benz of North America, Inc | | |
| Do | Michelin Tire Company | 41,496.25 | 2,114.76 |
| Do | Michigan Consolidated Gas Co | 15,036.90 | 604.97 |
| Do | Mortgage Insurance Companies of America | 15,000.00 | 657.70 |
| Do | Mutual Life Insurance Co of New York | | |
| Do | National Action Council for Minorities in Engineering, Inc | | |
| Do | National Apparel | 5,555.45 | 362.38 |
| Do | National Broiler Council | | |
| Do | National Child Care Assn | 6,000.00 | 473.54 |
| Do | National Consumers Bankruptcy Coalition | 21,000.00 | 791.23 |
| Do | National Hospice Organization | 7,040.07 | |
| Do | National Structured Settlements Trade Assn | | |
| Do | National Tissue Bank Council | | |
| Do | Nuexco Trading Corp, et al. | | |
| Do | Ontario Ministry of Industry, Trade & Technology | | |
| Do | Payload Systems, Inc | | |
| Do | Polyisocyanierate Insulation Manufacturers Assn (PIMA) | 47,782.50 | 2,050.55 |
| Do | Private Child Care Providers | 20,000.03 | 1,452.32 |
| Do | Product Liability Coordination Committee | 45,000.00 | 2,968.14 |
| Do | Rust Engineering | 22,500.00 | 3,221.61 |
| Do | Society of Critical Care Medicine | | |
| Do | Southern Company Services | 30,000.00 | 2,619.39 |
| Do | Storage Technology Corp | | |
| Do | Tektronix, Inc | 76.50 | 4.50 |
| Do | Timex Corporation | | |
| Do | Toyota Motor Sales, USA, Inc | 19,650.00 | 40.00 |
| Do | Vulcan Materials Company | 19,999.60 | 2,236.39 |
| Do | Jim Walter Corp | 61,421.84 | 1,634.50 |
| Do | Williams Telecommunications | 15,182.50 | 148.60 |
| Do | XXSYS Technologies,Inc | | 19.23 |
| Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703 | National Assn of Manufacturers | 150.00 | |
| Philip A. Hogue, 2230 Gallows Rd., #200 Dunn Loring, VA 22027 | International Technical Expertise Ltd | | |
| Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314 | Dime Savings Bank of New York | 2,500.00 | 25.50 |
| Do | Savings & Community Bankers of America | 4,000.00 | 97.25 |
| Do | Stuzin & Camner | 2,500.00 | 71.20 |
| William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036 | International Assn of Machinists & Aerospace Workers | | |
| Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001 | McGuiness & Holch (For:Arch) | | |
| Do | McGuiness & Holch (For:National Horse Show Commission) | | |
| Do | Oneida Indian Nation | | |
| Do | RJR Nabisco | | |
| Holden Kidwell Hahn & Crapo, P.O. Box 129 Idaho Falls, ID 83402 | Teton County Wyoming, et al. | | |
| Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 9.31 |
| Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004 | Coalition for Economic Recovery | | |
| Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006 | Florida Celery Exchange | | |
| Do | Florida International Bankers Association (FIBA), Inc | 210.00 | |
| Do | Pan American Satellite Corp | | |
| Do | Spaceport Florida Authority | | |
| Do | VITAS HealthCare, Corp of Florida | 1,470.00 | |
| Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 4,864.80 | 2,647.25 |
| Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201 | Holly Corp | | |
| Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036 | National Education Assn | 3,978.55 | |
| John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608 | American Petroleum Institute | | |
| Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033 | | 30,500.00 | 30,002.29 |
| Homeport Information Task Force, 130 Bay Street Staten Island, NY 10301 | | | |
| Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:Enserch Corp) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:John Hancock Mutual Life Insurance Co) | 15,000.00 | |
| Do | Hooper Hooper & Owen (For:National Assn of Royalty Owners) | 3,000.00 | |
| Do | Hooper Hooper & Owen (For:Ultramar, Inc) | 9,000.00 | |
| Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036 | National Trust for Historic Preservation | 857.40 | |
| Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:ENSERCH Exploration) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:Fluor Corporation) | | |
| Do | Hooper Hooper & Owen (For:Hallmark Cards) | 4,688.00 | |
| Do | Hooper Hooper & Owen (For:Herzog Heing Gedold, Inc) | | |
| Do | Hooper Hooper & Owen (For:Ifint, S.A.) | 3,000.00 | |
| Do | Hooper Hooper & Owen (For:Kansas City Southern Industries) | 7,500.00 | |
| Do | Hooper Hooper & Owen (For:Pameko Holdings, Inc) | | |
| Do | Hooper Hooper & Owen (For:Phlcorp) | 15,000.00 | |
| Do | Hooper Hooper & Owen (For:United Asset Management) | | |
| Do | Hooper Hooper & Owen (For:UtiliCorp United, Inc) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:Western Resources Council) | 3,000.00 | |
| Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp Washington, Inc | 1,000.00 | |
| Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201 | Campbell & Hopkins (For:Wald Manufacturing Company, Inc) | | |
| Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006 | Airports Assn Council International - North America | | |
| Do | Department of Aviation, City of Chicago | | |
| Do | Estate of Helen Wodell Halbach | | |
| Do | Grand Trunk Corp | | 61.93 |
| Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002 | American Assn of Nurse Anesthetists | 5,000.00 | 27.06 |
| Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004 | GPU Service Corporation | 10,247.00 | 255.21 |
| Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 14,211.00 | |
| John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901 | Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology) | 1,000.00 | |
| Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207 | | 5,046.86 | 5,046.86 |
| Charles H. Hossack, 50 South First aVenue Coatesville, PA 19320 | Lukens, Inc | | 70.00 |
| M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151 | American Collectors Assn, Inc | 2,000.00 | 232.50 |
| Do | Armour Pharmaceutical Company | 15,000.00 | |
| Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314 | National Assn of Truck Stop Operators, Inc | | |
| John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005 | Society of American Value Engineers | | |
| Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005 | American Film Marketing Assn | 1,200.00 | 44.16 |
| Do | Eagle-Picher Industries, Inc | 16,000.00 | 2,277.69 |
| Do | Western-Southern Life Insurance Co | 4,200.00 | 131.70 |
| Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 2,372.70 | 1,293.05 |
| Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802 | Burlington Northern Railroad Co | | |
| Susan Howe, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006 | Association of Bituminous Contractors | | |
| Do | Industrial Diamond Assn | | |
| Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202 | Texas Instruments, Inc | 200.00 | |
| James P. Howell, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | 1,818.70 | |
| Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004 | Textron, Inc | 1,500.00 | 280.00 |
| Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | 5,000.00 | |
| Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 4,000.00 | |
| Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710 | MCI Telecommunications | | |
| Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024 | National Fed of Independent Business | 3,401.00 | 300.00 |
| Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 3,473.86 | |
| Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821 | Coastal Corporation | | |
| Do | Hunter Industrial Facilities, Inc | | |
| Do | Louisiana State University Foundation | | |
| Do | Philip Morris, USA | | |
| Do | Seneca Resources, Inc | | |
| Do | United Gas Pipe Line Co | | |
| Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005 | Electricity Consumers Resource Council (ELCON) | | |
| Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109 | Pacific Science Center | 1,890.00 | 31.50 |
| Robert (Bob) Hughes, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308 | Georgia Power Co | 18,483.28 | 5,882.79 |
| Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006 | National Council of Agricultural Employers | 2,900.00 | 420.00 |
| Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201 | Mrs. H. E. Butt | | |
| Do | Holly Corp | | |
| Do | Sammons Enterprises, Inc | | |
| William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655 | National Assn of Federal Veterinarians | 27.50 | |
| Robert L. Hulkill, 7013 Krick Road Bedford, OH 44146 | Hulkill Chemical Corp (For:Cement Kiln Recycling Coalition) | | |
| Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209 | TRW, Inc | 67.88 | 978.40 |
| Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703 | Sierra Club | 275.38 | |
| Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422 | Adoptive Families of America | 9,133.00 | 873.04 |
| Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 23,857.38 | 76.00 |
| Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036 | Koteen & Naftalin (For:Alascom, Inc) | | |
| Do | Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.) | 3,465.00 | |
| John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 1,925.00 | 2,337.55 |
| Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036 | National Wildlife Federation | 771.94 | |
| Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006 | Dow Chemical Co | 500.00 | 6,436.00 |
| Harriet Hunt-Burgess, 44 Montgomery Street, #4165 San Francisco, CA 94104 | American Land Conservancy (ALC) | | |
| Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | 11,155.26 | |
| Daniel J. Hunter, 1521 new hampshire ave., nw Washington, DC 20036 | National Cotton Council of America | 7,500.00 | 986.32 |
| Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| Milton F. Huntington, 65 Ridgewood Drive Augusta, ME 04330 | | | |
| Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036 | Edison Electric Institute | 1,800.00 | |
| Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007 | National Club Association | | |
| Robert Hurley, 1317 F Street, NW Washington, DC 20004 | Wall & Associates, R. Duffy | 1,250.00 | |
| Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036 | Citizen Action Fund | 8,701.00 | 308.00 |
| Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006 | Rohm & Haas Co | 2,300.00 | 263.48 |
| Michael Hussey, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | 2,421.49 |
| Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005 | Mortgage Insurance Companies of America | 7,375.00 | 669.23 |
| Randy Huwa, 2030 M St., NW Washington, DC 20036 | Common Cause | 11,868.57 | |
| Kimberly Hyatt, 800 Connecticut Avenue, NW Washington, DC 20006 | Food Marketing Institute | 100.00 | |
| Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015 | American Osteopathic Hospital Assn | 4,500.00 | 198.21 |
| J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Company of California | | 1,019.43 |
| Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201 | Ericsson Corporation | 2,000.00 | |
| Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044. | | 5,248.00 | 5,248.00 |
| Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314 | | | 380.00 |
| Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006 | | | |
| Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342 | | | |
| Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | 10,240.00 | 240.91 |
| Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006 | Hawaiian Electric Industries, Inc | | |
| Do | Kamehameha Schools/Estate of Bernice P. Bishop | | |
| Do | U.S. Windpower, Inc | | |
| Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | 2,209.11 | |
| Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036 | | | |
| Institute of International Bankers, 299 Park Avenue New York, NY 10171 | | | 49,104.02 |
| Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214. | | 122,107.68 | 122,107.68 |
| International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036 | Embassy of Turkey | 150,000.00 | 24,356.72 |
| International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005 | Steel Service Center Institute | | |
| International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006 | | 21,915.35 | 32,715.35 |
| International Assn of Machinists & Aerospace Workers, 9000 Machinists Plaee Upper Marlboro, MD 20772 | | | 43,466.14 |
| International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001 | | | 82,050.56 |
| International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006 | Hercules, Inc | 10,140.00 | |
| Do | Procter & Gamble | 450.00 | |
| Do | Totes, Inc | 1,462.50 | |
| Do | Uniroyal Chemical Company, Inc | 2,250.00 | |
| Do | USR Optonix, Inc | 862.50 | |
| Do | Wine Institute | 13,162.50 | |
| Do | Xerox Corp | 11,737.50 | 228.59 |
| International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022 | | 2,806.32 | 2,806.32 |
| International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004 | | | 117,076.02 |
| International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895 | | | |
| International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005 | | | 6,115.52 |
| Investment Company Institute, 1600 M St., NW Washington, DC 20036 | | | 23,106.88 |
| Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 2,400.00 | 1,507.43 |
| Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537 | Andersons | | |
| Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101 | | 4,220.24 | 12,429.54 |
| William Robert Irvin, 1400 16th Street, NW Washington, DC 20036 | National Wildlife Federation | 3,125.39 | |
| Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006 | Nissan North America, Inc | 8,875.00 | |
| Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006 | Americans for Democratic Action | 13,387.50 | |
| Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors | 2,500.00 | |
| Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004 | French & Company (For:International Electronics Manufacturers & Consumers of Amer.). | 450.00 | |
| William A. Isokait, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Russel Iuculano, 1620 L Street, #800 Washington, DC 20036 | Metropolitan Life Insurance Co | 600.00 | 90.00 |
| Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092 | Lubrizol Corp | | |
| Eva Jack, 888 17th Street, NW #800 Washington, DC 20006 | Intel Corp | 6,000.00 | 3,333.68 |
| Dennis J. Jackman, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Du Pont Merck Pharmaceutical Company | 7,000.00 | 60.76 |
| Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005 | General Aviation Manufacturers Assn | 2,561.00 | |
| Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 9,300.00 | 27,386.88 |
| Cindy S. Jackson, 1615 Q Street, NW, #201 Washington, DC 20009 | Evergreen Associates, Ltd. (For:Suffolk County New York) | | |
| Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006 | Williams Companies, Inc | 100.00 | |
| Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006 | Times Mirror Co | | |
| Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209 | Suppliers of Advanced Composite Materials Assn | 175.50 | 1,319.20 |
| Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024 | National Federation of Independent Business | 3,401.00 | 200.00 |
| Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005 | Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc). | 1,569.00 | |
| Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 1,200.00 | |
| Stephen Jacobs, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 10,000.00 | 496.19 |
| Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006 | Association of National Advertisers, Inc | | 829.25 |
| Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036 | ISP Management Company, Inc | | |
| Do | Primary Glass Manufacturers Council | | |
| Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005 | National Assn of Arab Americans | 4,500.00 | 535.00 |
| Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209 | TRW, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 3,401.00 | 200.00 |
| Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759 | ATC/LDDS Communications | | |
| Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102 | National Glass Assn (NGA) | | |
| Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615 | Old Harbor Native Corp | 34,195.00 | 9,256.89 |
| Jay Janis, 9800 South Sepulveda Boulevard,Suite 500 Los Angeles, CA 90045 | California League of Savings Institutions | | |
| Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036 | | 1,651.00 | 1,651.00 |
| Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201 | Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters) | | |
| Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704 | Disney Worldwide Services, Inc | 5,000.00 | |
| Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401 | UNC, Inc | | |
| John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036 | American Insurance Assn | 6,000.00 | |
| Do | Computer Sciences Corp | 6,000.00 | |
| Do | Labor-Management Committee for the Timber Industry | 11,250.00 | |
| Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703 | National Assn of Manufacturers | 2,000.00 | |
| Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 5,710.00 | |
| Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002 | Aerojet-General Corp | 75.00 | |
| Do | Litton Data Systems | | |
| Do | Rotary Power International, Inc | 50.00 | |
| Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005 | ASARCO, Inc | 132,090.00 | 26,740.00 |
| Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036 | Abbott Laboratories | 10,000.00 | |
| David M. Jennings, 115 West College Drive Marshall, MN 56258 | Schwan's Sales Enterprises, Inc | | |
| Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002 | American Wind Energy Assn | 6,992.13 | 215.04 |
| Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004 | Hiram Walker & Sons, Inc | | |
| Valerie Jewett, 727 North Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 3,625.00 | 400.00 |
| Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 20,719.65 | 1,237.07 |
| Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102 | Compressed Gas Assn/Helium Advisory Council | | |
| James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005 | U.S. Beat Sugar Assn | | |
| Joel L. Johnson, 1250 Eye Street, NW Washington, DC 20005 | Aerospace Industries Assn of America, Inc | 1,473.50 | |
| John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106 | American Collectors Assn | 1,000.00 | |
| Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036 | March of Dimes Birth Defects Foundation | 925.00 | |
| Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006 | Maersk, Inc | 2,500.00 | |
| Michael S. Johnson, Suite 1290 East 555 13th Street, NW Washington, DC 20004 | McCamish Martin & Loeffler (For:Central & South West Corp) | | |
| Do | McCamish Martin & Loeffler (For:Citicorp) | | |
| Do | McCamish Martin & Loeffler (For:Electronic Data Systems Corp) | | |
| Do | McCamish Martin & Loeffler (For:Hong Kong Trade Development Trade Council) | | |
| Do | McCamish Martin & Loeffler (For:National Assn of Broadcasters) | 351.00 | |
| Do | McCamish Martin & Loeffler (For:Sematech) | | |
| Do | McCamish Martin & Loeffler (For:United Services Automobile Assn) | | |
| Myrna Johnson, 2025 M Street, NW Washington, DC 20036 | National Public Radio | 12,220.38 | 93.52 |
| Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038 | Amoco Corporation | | |
| Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 8,541.00 | 126.00 |
| Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Coldwell Banker Real Estate Group | 1,500.00 | 58.14 |
| Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768 | Associated General Contractors of Texas | | |
| Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307 | Caltex Petroleum Corp | 13,750.00 | |
| Do | Centex Corp | 14,875.00 | |
| Do | Permanente Medical Group, Inc | 4,637.50 | |
| David A. Johnston, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | 2,000.00 | |
| James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036 | General Motors Corp | 3,600.00 | 9,515.61 |
| Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423 | Herman Miller, Inc | | 10,548.45 |
| Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 1,530.00 | 167.59 |
| Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817 | Owens-Corning Fiberglas Corporation | 225.00 | |
| Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | |
| Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Wallace and Edwards (For:American Soc of Farm Managers and Rural Appraisers). | | |
| Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036 | Dresser Industries, Inc | | |
| Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005 | National Assn of Margarine Manufacturers | | |
| Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206 | Philip Morris, Inc | 1,500.00 | |
| Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | 3,000.00 | |
| Suzanne Jones, 1400 16th Street, NW Washington, DC 20036 | National Wildlife Federation | 108.71 | |
| T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006 | Marsh & McLennan Cos, Inc | | |
| Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006 | Southern Pacific Transportation Company | 1,000.00 | 500.00 |
| Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006 | General Atomics | | |
| Do | International Shipholding Corp | 325.00 | |
| Do | Jefferson Parish Council | | |
| Do | Montana Sulphur & Chemical Company | | |
| Do | Port of New Orleans | | |
| Do | Tulane University | | |
| Do | Turner Broadcasting System, Inc | 175.00 | |
| James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006 | Consortium for International Earth Science Info. Network | 9,000.00 | 11,784.75 |
| Do | Polytechnic University | 1,000.00 | 1,115.56 |
| Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007 | East Texas Electric Cooperative | | |
| Do | Federal Agricultural Mortgage Corp | | |
| Do | Northeast Texas Electric Cooperative | | |
| Do | Sabine River Authority | | |
| Do | Tex-la Electric Cooperative of Texas, Inc | | |
| David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004 | Citicorp Washington, Inc | 2,500.00 | |
| Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036 | National Public Radio | 31,437.25 | |
| John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001 | International Brotherhood of Teamsters | 3,000.00 | |
| Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036 | Dresser Industries, Inc | | |
| John Steven Judge, 1850 M Street, NW Washington, DC 20036 | Securities Industry Assn | 2,730.00 | |
| Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance | | |
| Walter Kallaur, 801 Pennsylvania Ave.,NW, Suite 700 Washington, DC 20004 | Northern Telecom, Inc | 1,250.00 | |
| John F. Kamp, 1899 L Street, NW Washington, DC 20036 | American Assn of Advertising Agencies | 1,250.00 | |
| John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | 2,000.00 | |
| Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corp | 625.00 | 285.75 |
| Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402 | Cook Group, Inc | | |
| Gerald Kaplan, 51 Madison Avenue New York, NY 10010 | New York Life Insurance Company | | |
| Lucille R. Kaplan, 19064 Highstream Drive Germantown, MD 20874 | Committee for Humane Legislation | 6,923.10 | 230.80 |
| Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202 | Rockwell International | 3,000.00 | 1,898.38 |
| Shelley Karliner, 1830 L Street, NW, #704 Washington, DC 20009 | Rainbow Lobby, Inc | 4,721.00 | |
| Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003 | U.S. Public Interest Research Group | 8,307.72 | |
| Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006 | International Assn of Fire Fighters | 10,177.00 | |
| Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797 | National Truck Equipment Assn | 3,750.00 | 188.40 |
| Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004 | Texas Instruments | 500.00 | |
| Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037 | Committee for Equitable Compensation | | |
| Do | Dean Witter Financial Services Group | | |
| Do | NationsBank, Inc | | |
| Do | Trans Union Corp | | |
| Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007 | American Medical Directors Assn | | |
| Do | Amersham | | |
| Do | Associated Aviation Underwriters | | |
| Do | Baxter Healthcare Corporation | | |
| Do | Consolidated Natural Gas Service Co, Inc | | |
| Do | Electric Generation Association | | |
| Do | Fujisawa USA, Inc | | |
| Do | Intercargo Insurance Co | 1,950.00 | 686.30 |
| Do | National Assn of Independent Colleges & Universities | 1,950.00 | 686.30 |
| Do | Natural Gas Vehicle Coalition | 5,850.00 | 2,058.90 |
| Do | Northwestern Memorial Hospital | | |
| Do | NutraSweet Co | 975.00 | 343.15 |
| Do | Saginaw Community Hospital | | |
| Do | G.D. Searle | 975.00 | 343.15 |
| Paul C. Katz, 900 19th Street, NW Washington, DC 20006 | Savings and Community Bankers of America | 3,889.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302 | Colorado State University | 3,000.00 | |
| Everett E. Kavanaugh, 1101 - 17th Street, NW, #300 Washington, DC 20005 | Cosmetic Toiletry & Fragrance Assn, Inc | 600.00 | 15.00 |
| Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,727.78 |
| Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Kay Associates | 17,500.00 | |
| Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005 | Jonsson Communications Corporation | | |
| Do | Texaco, Inc | | |
| Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005 | Marine Spill Response Corp | 910.00 | |
| J. Michael Keeling, ESOP Association 1100 17th Steet, NW, #1207 Washington, DC 20036 | ESOP Association of America | | |
| John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024 | American Farm Bureau Federation | 7,196.00 | 79.00 |
| Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 12.50 | |
| Jane M. Keffer, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Wallace & Edwards | | |
| Beth Keifer, 750 First Street, NE, #900 Washington, DC 20002 | Career College Assn, Inc | 500.00 | |
| Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 25.00 | |
| Heather Anne Keith, 3050 K Street, NW, #330 Washington, DC 20007 | National Club Association | | |
| Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005 | National Grain & Feed Assn | 1,000.00 | |
| William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007 | National Stone Assn | 4,000.00 | 500.00 |
| Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342 | Robert H. Kellen Co (For:Calorie Control Council) | | |
| Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001 | Specialty Advertising Assn Int'l | | |
| John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006 | Food Marketing Institute | 500.00 | |
| Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037 | Coalition to Preserve the Low Income Housing Tax Credit | 2,000.00 | |
| Do | Council for Rural Housing & Development | 2,000.00 | |
| Do | Federal Legislative Associates, Inc | | |
| Do | Institute for Responsible Housing Preservation | 2,000.00 | |
| Do | Kamine Development Corp | 55.00 | |
| Do | National Leased Housing Assn | 2,000.00 | |
| Do | Shaw Pittman et al (For: Institute of International Bankers) | | |
| Joseph T. Kelliher, 410 First St., SE Washington, DC 20003 | Public Service Electric and Gas Company | | |
| Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006 | Chemical Specialties Manufacturers Assn, Inc | | |
| Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Association | 25.00 | |
| Burnett S. Kelly, 1800 M Street, NW, #325 South Washington, DC 20036 | Dow Corning Corp | 5,000.00 | |
| Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036 | Metopolitan Life Insurance Companies | 250.00 | 250.00 |
| Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749 | American Assn of Blood Banks | 2,500.00 | |
| Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp | 346.16 | 316.93 |
| Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647 | Republic Engineered Steels, Inc | | |
| John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007 | BMW of North America, Inc | 11,000.00 | |
| Do | Perdue Farms Inc | 14,000.00 | |
| John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007 | Merrill Lynch & Co, Inc | 1,000.00 | |
| Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005 | Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)) | | |
| Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 8,442.00 | |
| Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,501.09 |
| Todd E, Kemp, 1201 New York Avenie, NW Washington, DC 20005 | National Grain & Feed Assn | 2,970.00 | |
| Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202 | Diagnostic/Retrieval Systems, Inc | 6,000.00 | |
| Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049 | | | |
| Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603 | | | |
| Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015 | | | |
| Kemper Securities, Inc, Chicago, IL 60601 | | | |
| Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202 | Diagnostic/Retrieval Systems, Inc | | |
| Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003 | ALC Communications Corp | | |
| Do | Manville Corporation | | |
| Do | Toyota Motor Sales, USA, Inc | 1,500.00 | |
| John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209 | Grumman Corporation | 625.00 | 1,026.39 |
| Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024 | Volkswagen of America, Inc | 650.00 | 60.00 |
| Art Kennedy, P.O. Box 200576 Anchorage, AK 99520 | Koniag, Inc | 8,862.00 | 6,561.00 |
| David Kennedy, 500 E Street, SW, #920 Washington, DC 20024 | Aircraft Owners & Pilots Assn | 6,250.00 | 313.68 |
| Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007 | General Atomics | 1,575.00 | 75.30 |
| Do | Pemco Aeroplex | | |
| Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201 | National Milk Producers Federation | 718.10 | |
| Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036 | Air Line Pilots Assn | 5,050.00 | 640.88 |
| Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006 | American Petroleum Institute | | |
| J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006 | Kent & O'Connor, Inc (For:Adria Laboratories) | 848.00 | 809.85 |
| Do | Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgery) | | |
| Do | Kent & O'Connor, Inc (For:American Supply Association) | | |
| Do | Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores) | 5,618.75 | 3,852.90 |
| Do | Kent & O'Connor, Inc (For:Liz Claiborne, Inc) | | |
| Do | Kent & O'Connor, Inc (For:MBI, Inc) | 381.74 | 347.08 |
| Do | Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America). | 1,900.00 | 1,735.44 |
| Do | Kent & O'Connor, Inc (For:Sigallo, Ltd) | | |
| Do | Transportation Lawyers Assn | | |
| Do | Kent & O'Connor, Inc (For:Vista Chemical Company) | 4,516.25 | 4,054.37 |
| William Kenworthy, 410 First Street SE, Washington, DC 20003 | American Nuclear Energy Council | 7,249.99 | 922.65 |
| Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corp | 625.00 | 285.75 |
| John P. Kerekes, P.O. Box 10070 Lansing, MI 48901 | American Petroleum Institute | 1,050.00 | 347.60 |
| Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004 | Auto International Assn | 30.00 | 31.13 |
| Do | Coalition of Automotive Associations | 140.00 | 61.14 |
| Do | Specialty Equipment Market Assn | 561.00 | 237.48 |
| G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Keystone International, Inc, 1650 University Blvd. NE #408 Albuquerque, NM 87102 | International Disarmament Corp | | |
| Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036 | Toyota Motor Sales, USA | | |
| Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 1,031.25 | |
| Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,536.40 |
| Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314 | Retired Officers Assn | 1,323.35 | |
| Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036 | Sprint | 8,000.00 | 532.79 |
| John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004 | Textron, Inc | 600.00 | 150.00 |
| Richard H. Kimberly, 700 11th Street, NW, #660 Washington, DC 20001 | Kimberly-Clark Corp | 1,464.92 | 181.50 |
| Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931 | | | 1,900.14 |
| James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Paul E. Kindinger, 1250 I Street, NW, #801 Washington, DC 20005 | Kahn Soares & Conway (For:Central Soya/Novamont) | 14,000.00 | 18.00 |
| Do | Kahn Soares & Conway (For:Friant Water Users Authority) | 250.00 | |
| Do | Kahn Soares & Conway (For:Mid-Valley Water Authority) | | |
| Do | Kahn Soares & Conway (For:National Argricultural Chemicals Assn) | 650.00 | |
| Do | Kahn Soares & Conway (For:Westlake Farms) | | |
| Lewis O. King, P.O. Box 10045 Austin, TX 78766 | National Guard Assn of Texas | 7,000.00 | 88.63 |
| W. Russell King, 50 F St., NW, #1050 Washington, DC 20001 | Freeport McMoran D.C., Inc | 25,000.00 | 190.50 |
| King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Alliance for Small Issue Bonds, Inc | | |
| Do | Atlanta Committee for the Olympic Games (ACOG) | 2,682.50 | 39.00 |
| Do | Banca Nazionale del Lavoro | | |
| Do | Charter Medical Corp | 738.00 | |
| Do | Citibank | | |
| Do | Fleet North Star Financial Group | | |
| Do | General Motors Corp | | |
| Do | Generic Pharmaceutical Industry Assn | | |
| Do | Geowaste Incorporated | | |
| Do | GPIA-Animal Drug Alliance | | |
| Do | Martin-Marietta | | |
| Do | National Pharmaceutical Alliance | | |
| Do | Union Camp | | |
| Do | Woodruff Foundation | | |
| Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002 | Ferroalloys Association | | |
| Do | Macalloy Corporation | | |
| Do | Nuclear Metals, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | South Carolina Research Authority | 2,700.00 | 145.50 |
| Kathleen N. Kingscott, 1301 K Street, NW, #1100 Washington, DC 20005 | IBM Corp | | |
| Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209 | National Venture Capital Association | | |
| Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005 | Distilled Spirits Council of the United States | 2,000.00 | |
| Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006 | Schering-Plough Corp | 11,000.00 | 368.00 |
| Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931 | American Hotel & Motel Association | 1,108.80 | |
| Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005 | American Foundrymens Society, Inc | 1,050.00 | 10.00 |
| Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005 | Sierra Club Legal Defense Fund | 3,097.00 | 767.51 |
| John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110 | First National Bank of Boston | | |
| Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277 | Banc One Corp | 11,563.00 | 5,567.01 |
| Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | | |
| Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006 | American Automobile Manufacturers Assn | | |
| Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575 | Kito, Inc (For:Sealaska Corporation) | 26,337.50 | 13,413.90 |
| Do | Kito, Inc (For:Southeast Alaska Landless Native Coalition) | 10,000.00 | 519.69 |
| Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005 | Maritime Institute for Research & Industrial Development | 3,787.50 | |
| Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068 | American Farm Bureau Federation | 4,226.00 | |
| Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009 | Association of American Publishers | 3,000.00 | |
| David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719 | New Jersey Natural Gas Co | | |
| Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070 | | | |
| James E. Kneale, 2335 South Meade St. Arlington, VA 22202 | Lockheed Corporation | 4,000.00 | 671.74 |
| John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036 | American Mining Congress | | |
| Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005 | Erisa Industry Committee | 866.00 | |
| Theresa Knieriemen, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404 | | | 11,616.82 |
| Keith R. Knoblock, 1920 N St., NW Washington, DC 20036 | American Mining Congress | | |
| Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109 | Sun Co, Inc | 2,000.00 | 1,540.64 |
| Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036 | American Textile Manufacturers Institute, Inc | | |
| Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314 | National Assisted Housing Management Assn | 500.00 | |
| David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | 8,675.00 | |
| James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001 | United Brotherhood of Carpenters and Joiners of America | 9,423.12 | 273.83 |
| Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002 | Sheet Metal & Air Conditioning Contractors National Assn | | 168.57 |
| Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036 | National Women's Law Center | | 39.00 |
| Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036 | American Airlines, Inc | 3,000.00 | 309.05 |
| Stephen Koplan, 1401 Eye Street, NW, Suite 1220 Washington, DC 20004-2204 | Joseph E. Seagram & Sons, Inc | 2,000.00 | |
| Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209 | American Feed Industry Assn | 3,240.00 | |
| Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402 | Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company) | | |
| Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900 | AAA Potomac | | |
| Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco Inc | 250.00 | |
| Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007 | LTV Corp | 1,575.00 | 150.00 |
| Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006 | MCI Communications Corp | | |
| Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006 | International Dairy Foods Assn | | |
| Malcolm A. Kram, 1101 Vermont Avenue, #710 Washington, DC 20005 | American Veterinary Medical Assn | 130.00 | |
| Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006 | National Assn of Wholesaler-Distributors | | |
| Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001 | National Air Traffic Controllers Assn | 421.28 | |
| Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904 | AAA Potomac | | 75.00 |
| Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006 | American Automobile Manufacturers Association | 260.00 | |
| Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036 | Cosmetic Toiletry & Fragrance Assn | 1,000.00 | 40.00 |
| Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036 | U S West Communications | 4,200.00 | 1,426.50 |
| Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214 | Criminal Justice Oversight Committee | | |
| James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | | |
| Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703 | DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses). | | |
| M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411 | Northwest Independent Forest Manufacturers | 500.00 | 176.00 |
| Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015 | Coordinadora de Organizaciones Empresariales de Comercio Ext | 9,583.35 | 419.78 |
| Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001 | American Israel Public Affairs Comm | 30,945.96 | 414.40 |
| John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004 | New England Council, Inc | | |
| James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005 | | | |
| Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005 | | 1,003.25 | 1,003.25 |
| Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006 | Manville Corporation | 500.00 | |
| Marc E. Lackritz, 1850 M Street, NW Washington, DC 20036 | Securities Industry Assn | 7,788.00 | |
| Robert A. Ladig, Scott Plaza Philadelphia, PA 19113 | Scott Paper Co | 1,700.00 | 522.73 |
| Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005 | Outdoor Advertising Assn of America, Inc | | |
| Betsy Laird, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors | 2,500.00 | |
| Nick L. Laird, 1050 17th Street, NW, #302 Washington, DC 20036 | Electric Reliability Coalition | | |
| David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005 | Marine Spill Response Corporation | 5,528.00 | |
| Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005 | Wright & Talisman, PC (For:Cabot Energy Corp) | | |
| Do | Wright & Talisman, P.C. (For:Columbia Natural Resources) | 5,000.00 | |
| Do | Wright & Talisman, PC (For:Equitable Resources Exploration) | 5,000.00 | |
| Do | Wright & Talisman, P.C. (For:Occidental Chemical Corporation) | | |
| Do | Wright & Talisman, PC (For:Potlatch Corp) | 5,000.00 | |
| Do | Wright & Talisman, PC (For:Solite Corp) | 5,000.00 | |
| Do | Wright & Talisman (For:Sun Company) | | |
| Do | Wright & Talisman (For:Virginia Oil and Gas Assn) | | |
| David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313 | National Assn of Chain Drug Stores | 500.00 | |
| David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036 | Highway Users Federation for Safety & Mobility | | 25.00 |
| Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202 | McDonnell Douglas Corp | | |
| Jennifer Lamson, 2030 M Street, NW Washington, DC 20036 | Common Cause | 7,250.04 | 654.38 |
| Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912 | National Taxpayers Union | 6,461.00 | |
| Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102 | American Frozen Food Institute | 500.00 | |
| L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728 | Leboeuf Lamb Leiby & MacRae | | |
| David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036 | Abbott Laboratories | 5,000.00 | |
| Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037 | B.A.L. Co | | |
| Do | Cryogenic Vacuum Technology Co | | |
| Do | FAA-Congress Watch | | |
| Do | | | |
| Scott H. Lane, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 7,500.00 | |
| William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460 | Caterpillar, Inc | 250.00 | 854.74 |
| Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005 | American Soc of Anesthesiologists | 15,000.00 | |
| Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209 | Boeing Company | 3,105.00 | 536.70 |
| Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005 | Society of the Plastics Industry, Inc | | |
| Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036 | ITT Corporation | | |
| Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815 | Association of Proprietary Colleges | 7,500.00 | 1,081.75 |
| Do | New York City Partnership, Inc | 6,000.00 | 1,539.20 |
| Do | School of Visual Arts | 7,849.50 | 459.60 |
| Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006 | Food Marketing Institute | 200.00 | |
| Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 865.00 | |
| Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036 | Air Conditioning Contractors of America | 1,300.00 | |
| Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160 | National Right to Work Committee | | |
| K.P. Lau, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 6,625.01 | 506.26 |
| Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics Corp | 1,000.00 | 632.39 |
| Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001 | Keefe Company (For:Dallas Area Rapid Transit) | 500.00 | |
| Lorraine Lavet, 1615 H St., NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 16,000.00 | 108.44 |
| Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417 | National Assn of Chain Drug Stores, Inc | 500.00 | |
| Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005 | Family Research Council | 982.00 | |
| Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005 | National Council of Senior Citizens | 5,000.00 | |
| M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022 | Appalachian Power Company | 39.09 | 85.64 |
| Keith Lawson, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Richard C. Lawson, 1300 I Street, NW, Suite 250 West Washington, DC 20005 | Hoffman-La Roche, Inc | | |
| Richard L. Lawson, 1130 17th St., NW Washington, DC 20036 | National Coal Assn | 3,750.00 | |
| Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004 | Bodie Consolidated Mining Company | 1,100.00 | |
| Do | Lamb-Weston, Inc | 2,100.00 | |
| Do | Mesa, Inc | 2,000.00 | |
| Do | Milliken & Company | 2,560.00 | |
| Do | Motion Picture Assn of America, Inc | 1,500.00 | |
| Do | Natural Gas Vehicle Coalition | 2,560.00 | |
| Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004 | Burlington Northern Railroad | 2,000.00 | |
| Do | CSX Corporation | 7,500.00 | |
| Do | Generic Pharmaceutical Industry Assn, et al. | 5,000.00 | |
| Do | Harvey's Resort Hotel/Casino | 2,000.00 | |
| Do | Home Finance Coalition | 5,000.00 | |
| Do | Martin Marietta Corp | 2,000.00 | |
| Do | Milliken & Company | 2,500.00 | |
| Do | Standard Federal Savings Bank | 5,000.00 | |
| Do | Transcontinental Properties, Inc | 2,000.00 | |
| Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203 | Entergy Services, Inc | 3,360.96 | |
| Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036 | Paul Werth Associates, Inc (For:American Business Council of the Gulf Countries (ABCGC)). | 2,500.00 | |
| Do | Battelle Memorial Institute | | |
| Do | Coordination Council for North American Affairs | 5,000.00 | |
| Do | Paul Werth Associates, Inc (For:Grocery Manufacturers Assn) | | |
| Do | Paul Werth Associates, Inc (For:Hoechst Celanese Corporation) | 2,500.00 | |
| Do | Paul Werth Associates, Inc (For:Labor Policy Assn) | | |
| Do | Paul Werth Associates, Inc (For:Mississippi Band of Choctaw Indians) | 7,612.50 | 44.20 |
| Do | Paul Werth Associates, Inc (For:United South and Eastern Tribes Gaming Assn) | 19,999.34 | 1,690.22 |
| Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 3,570.00 | 2,000.00 |
| Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #860-N Washington, DC 20004 | General Electric Co | 1,850.00 | |
| Joan H. LaVor, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| League of American Investors, 23 W. Easy Street, Bldg. 201 Simi Valley, CA 93065-1698 | | | |
| League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150 | | 1,000.00 | 683.78 |
| Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109 | Business Roundtable | | |
| Marvin Leath, One Massachusetts Ave, #330 Washington, DC 20001 | FMC Corp | 3,000.00 | |
| Do | General Dynamics Corp | 3,000.00 | |
| Do | Martin Marietta Corp | 3,000.00 | |
| Do | National Guard Assn | 2,000.00 | |
| Do | National Soft Drink Assn | 3,000.00 | |
| Do | Textron, Inc | 3,000.00 | |
| Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business (NFIB) | 3,401.00 | 100.00 |
| Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209 | National Staff Leasing Assn | 2,000.00 | 275.00 |
| Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601 | Scenic Hudson, Inc | | |
| Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077 | Federal Home Loan Mortgage Corp | 8,125.00 | 1,947.00 |
| Jane Leeson, 900 - 17th Street, NW Washington, DC 20006-2596 | Wilderness Society | | |
| Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036 | Fireman's Fund Insurance Cos | 4,500.00 | 649.16 |
| Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024 | RJR Nabisco | 1,400.00 | 89.59 |
| Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036 | Synthetic Organic Chemical Manufacturers Assn, Inc | 500.00 | 8.50 |
| J. Mark Leggett, NationsBank Corporation One NationsBank Plaza (T22-1) Charlotte, NC 28255 | NationsBank Corporation | | 1,368.59 |
| Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005 | American Immigration Lawyers Assn | 5,253.00 | |
| G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314 | National Assn of Truck Stop Operators, Inc | | |
| Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009 | Simpson Investment Co | | |
| Lynette Lenard, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036 | Browning-Ferris Industries | 3,000.00 | 300.00 |
| David J. Lennett, P.O. Box 71 Litchfield, ME 04350 | Environmental Defense Fund | | |
| Do | National Audubon Society | | |
| Ann Leonard, 1436 U Street, NW Washington, DC 20009 | Greenpeace | | |
| Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 3,525.00 | 1,710.03 |
| Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | 678.00 | 563.54 |
| Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007 | Leonard Ralston Stanton & Danks (For:Council of Prison Locals) | | |
| Do | Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn) | | |
| Do | Leonard Ralston Stanton & Danks (For:Krueger, Inc) | 20,734.35 | |
| Do | Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc) | 15,015.95 | |
| Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036 | Chilean Exporters' Assn | | |
| Do | Scandinavian Airlines System | | |
| Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360 | Procter & Gamble Co | 228.76 | |
| Richard L. Lesher, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028 | Lesher & Russell, Inc | | |
| William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security | 4,852.00 | |
| Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036 | Semmes Bowen & Semmes (For:Graco, Inc) | 2,786.00 | |
| Dale Lestina, 1201 16th St., NW Washington, DC 20036 | National Education Assn | 3,978.55 | 268.00 |
| Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204 | Joseph E. Seagram & Sons, Inc | 1,000.00 | |
| Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036 | Direct Marketing Assn | 1,000.00 | 1,000.00 |
| Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036 | AFL-CIO Maritime Committee | | |
| Morris J. Levin, 1050 17th St., NW Washington, DC 20036 | Persis Corporation | 1,000.00 | |
| Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 634.50 | |
| Peter Levine, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,400.00 | 17.00 |
| Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301 | Travelers Companies | 4,000.00 | |
| Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | 2,000.00 | 100.00 |
| Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006 | American Methanol Institute | 3,000.00 | 239.00 |
| Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005 | American Pulpwood Assn | | |
| Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute | 1,475.00 | |
| William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036 | U.S. Gypsum Co | 1,000.00 | 50.00 |
| John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006 | Public Employee Department, AFL-CIO | 6,047.02 | |
| LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009 | Federal Employees Tax Group | | |
| Do | Feibel-Garek Realtors/Environmental Standard Group | | |
| Do | Groom & Nordberg (for: Chevron) | | |
| Do | Mirage Resorts, Inc | | |
| Do | National Assn of Chemical Recyclers (NACR) | | |
| Do | Underwriters at Lloyd's London | | |
| Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099 | Westvaco Corporation | | |
| Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004 | Edison Electric Institute | 1,282.02 | 279.25 |
| Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004 | American Council of Life Insurance, Inc | 5,000.00 | |
| William J. Lhota, One Riverside Plaza Columbus, OH 43215 | American Electric Power Service Corp | | |
| Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp Washington, Inc | | |
| Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005 | Sea Containers America, Inc | | |
| Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007 | American College of Surgeons | | |
| Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005 | American Veterinary Medical Assn | | |
| Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801 | | | 3,006.63 |
| Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728 | Center for Science in the Public Interest | 200.00 | |
| Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009 | National Council of Maubere Resistance | 401.00 | |
| Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103 | Thrifty Rent-A-Car System, Inc | | |
| Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 2,160.00 | |
| Charles B. Little, 820 First St., NE, #400 Washington, DC 20002 | UBA, Inc | 1,000.00 | |
| William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007 | Ford Motor Co | 520.00 | 620.10 |
| Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608 | | | 615.94 |
| Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716 | American Retreaders' Assn | 100.00 | |
| Do | Greater Washington/Maryland Service Station Assn | 250.00 | |
| David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036 | Kennecott Corporation | 250.00 | 398.00 |
| E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | | |
| Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006 | Schering-Plough | 7,260.00 | 2,245.41 |
| Wingate Lloyd, 1600 M Street, NW Washington, DC 20036 | ITT Corp | 250.00 | 25.00 |
| Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036 | Atlantic Richfield Co | 50.00 | |
| Paul Locigno, 2001 M Street NW Washington, DC 20036 | Capitoline International Group Ltd (For:City of America) | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003 | Hecht Spencer & Associates (For:Bixby Ranch Co) | | |
| Do | Hecht Spencer & Associates (For:Boy Scouts of America) | | |
| Do | Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp) | | |
| Do | Hecht Spencer & Associates (For:Colton Communities, Inc) | | |
| Do | Hecht Spencer & Associates (For:Mars, Inc) | | |
| Do | Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc) | | |
| Do | Hecht Spencer & Associates (For:MCI Telecommunications) | | |
| Do | Hecht Spencer & Associates (For:National Automatic Merchandising Assn) | | |
| Do | Hecht Spencer & Associates (For:Charles E. Smith Management, Inc) | | |
| Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Company | 720.10 | |
| Lockheed Information Management Services Company, Inc, 300 Frank W. Burr Boulevatd Teaneck, NJ 07666 | | | |
| Thomas G. Loeffler, Suite 1290 East 555 - 13th Street, NW Washington, DC 20004 | McCamish Martin Brown & Loeffler (For:Central & South West Corp) | 500.00 | |
| Do | McCamish Martin Brown & Loeffler (For:Citicorp) | | |
| Do | McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp) | | |
| Do | McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council) | 2,750.00 | |
| Do | McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters) | 3,000.00 | |
| Do | McCamish Martin Brown & Loeffler (For:Sematech) | | |
| Do | McCamish Martin Brown & Loeffler (For:United Services Automobile Assn) | | |
| London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005 | Jewelers of America | 6,000.00 | |
| Do | National Home Furnishings Assn | 6,000.00 | |
| Do | Small Business Legislative Council | 6,000.00 | |
| Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703 | National Assn of Manufacturers | 390.00 | |
| Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701 | American Telephone and Telegraph | 15,000.00 | 55.57 |
| Robert S. Long, 1130 17th Street, NW Washington, DC 20036 | National Coal Assn | 8,300.00 | 1,102.05 |
| Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809 | Employee Stock Ownership Assn | | |
| Do | Greater New York Hospital Assn | | |
| Do | Island Creek Corp | | |
| Do | Medical Infusion Management, Inc | | 33.18 |
| Do | Metropolitan Life Insurance Co | | |
| Do | MicroGeneSys, Inc | | 26.53 |
| Do | Milliken & Co | | |
| Do | Natural Gas Vehicle Coalition | | 33.18 |
| Do | United Companies Financial Corp | | |
| Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044 | Central Power & Light Co | | |
| Ann Looper, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 5,000.00 | |
| Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005 | Hoffmann-La Roche, Inc | | |
| Philip J. Loree, 50 Broadway New York, NY 10004 | Federation of American Controlled Shipping | 400.00 | |
| Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009 | American Dredging Co, et al. | 12,729.00 | 4,462.69 |
| Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203 | Shipbuilders Council of America | 1,000.00 | |
| Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348 | Scientific-Atlanta | 300.00 | |
| Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302 | Denny Miller Associates | 5,000.00 | |
| Darrcy A. Loveland, 3 Rockledge Road Laguna Beach, CA 92651 | American Art Therapy Assn | 587.25 | 64.97 |
| Do | American Dance Therapy Assn | | 64.97 |
| Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005 | Norfolk Southern Corp | 1,000.00 | |
| Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 500.00 | |
| Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701 | Food Marketing Institute | 100.00 | |
| P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006 | Warner-Lambert Company | 5,000.00 | |
| Joe L. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036 | Exxon Corp | | |
| Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006 | Public Employee Department, AFL-CIO | 13,354.32 | |
| William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 20.00 |
| Gene A. Lucero, 633 West 5th Street, #3500 Los Angeles, CA 90071 | Commercial Finance Assn (CFA) | | |
| Do | Sidley & Austin (For:General Electric Capital Corp) | | |
| Michael S. Lucy, One Bowdoin Square Boston, MA 02114 | J. Makowski Associates, Inc | | |
| Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006 | Bannerman & Associates, Inc (For:Beirut University College) | | |
| Do | Bannerman & Associates, Inc (For:Government of the United Arab Emirates) | | |
| Do | Bannerman & Associates, Inc (For:Government of Egypt) | 9,000.00 | 499.65 |
| Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005 | Chevron USA, Inc | 380.00 | 90.00 |
| Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 3,750.00 | |
| David R. Lukens, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815 | Brevard County | 9,000.00 | |
| Do | City of Miami | 15,000.00 | |
| Do | City of Miami Beach | 18,333.00 | |
| Do | City of Palm Springs | 6,000.00 | |
| Do | Dade County, Florida | 23,124.00 | |
| Do | Florida Medical Center | 15,000.00 | |
| Do | Houston Independent School District | | |
| Do | School Board of Dade County, Florida | 8,600.00 | |
| Lumbermens Mutual Casualty Company, Long Grove, IL 60049 | | | 4,135.78 |
| Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006 | Pennsylvania Mines Corporation | 639.00 | 56.33 |
| Do | Pennsylvania Power & Light Co | 2,160.00 | 212.38 |
| Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004 | National Assn of Manufacturers | 3,000.00 | |
| R. J. Lyerly, 1667 K Street, NW, #300 Washington, DC 20006 | Amdahl Corp | 1,000.00 | |
| Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 1,053.00 | |
| Marshall L. Lynam, 101 D Street SE Washington, DC 20003 | Dallas/Ft. Worth International Airport | 20,000.00 | |
| Do | Tandy Corp | 10,500.00 | |
| LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006 | | | |
| M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102 | | | |
| Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | Cablevision | | |
| Do | Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc) | | |
| Do | Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co) | | |
| Do | MMW Strategic Communications (For:Puerto Ricans in Civic Action) | | |
| Do | Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc) | | |
| James H. Mack, 7901 Westpark Dr. Mclean, VA 22102 | AMT - The Assn for Manufacturing Technology | 26,895.00 | 500.00 |
| Robb S. Mackie II, 1957 E Street NW, Washington D.C. | Associated General Contractors of America | 3,000.00 | 500.00 |
| Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220 | American Petroleum Institute | 1,158.00 | |
| Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015 | Capital Cities/ABC, Inc | 238.20 | |
| Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006 | Nissan North America, Inc | 15,000.00 | |
| Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004 | Public Lands Council | 1,000.00 | |
| Gordan D. MacKay, 501 Boylston Street Boston, MA 02117 | New England Mutual Life Insurance Co, ('The New England') | 2,125.00 | 1,355.51 |
| Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036 | General Electric Government Services | 643.25 | 20.12 |
| Do | General Public Utilities | 2,000.00 | 69.11 |
| Do | Kraft General Foods | 3,150.00 | 55.17 |
| Do | National Power | | |
| Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 2,000.00 | |
| Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999 | | | |
| Paul Magliocchetti Associates, Inc, 9527 Wallingford Drive Burke, VA 22015 | American Ship Building Company | | |
| Do | Bath Iron Works Corp | | |
| Do | Chamberlain Manufacturing Corp | | |
| Do | Diagonstic Retrieval Systems, Inc | | |
| Do | Dynamics Research Corp | | |
| Do | Electronic Warfare Associates, Inc | | |
| Do | Era Aviation Services | | |
| Do | Foundation Health Corp | | |
| Do | Grumman Corporation | | |
| Do | Hughes Aircraft Company | | |
| Do | Laurel Technologies, Inc | | |
| Do | Medco Containment Services, Inc | | |
| Do | MIC Industries, Inc | | |
| Do | Orange Shipbuilding Co, Inc | | |
| Do | Schat-Watercraft | | |
| Do | Schweizer Aircraft Corp | | |
| Do | Short Brothers (USA), Inc | | |
| Do | Sunquest Information Systems, Inc | | |
| Do | Technology Applications and Service Co | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Textron, Inc | | |
| Do | Trinity Marine Group | | |
| James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002 | James J. Magner & Associates, Inc. (For:ASARCO, Inc) | 9,925.96 | 300.04 |
| Do | James J. Magner & Associates, Inc (For:Canyoneers) | | |
| Do | James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.) | 7,417.79 | 45.06 |
| Do | James J. Magner & Associates (For:Kaibab Forest Products Company) | 3,628.84 | 107.75 |
| Do | James J. Magner & Associates, Inc (For:Manhole Adjusting Contractors, Inc) | 14,888.94 | 151.09 |
| Do | James J. Magner & Associates, Inc (For:Northern Arizona University Foundation) | 17,450.48 | 121.36 |
| James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002 | Asarco, Inc | 10,676.25 | 16,067.95 |
| Do | Canyoneers | | |
| Do | Inter-Mountain Forest Industries Assoc. | 7,965.00 | 11,827.85 |
| Do | Kaibab Forest Products Company | 3,915.00 | 5,871.99 |
| Do | Manhole Adjusting Contractors, Inc | 15,997.50 | 23,801.24 |
| Do | Northern Arizona University Foundation | 18,750.00 | 27,841.00 |
| A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205 | National Cotton Council of America | 21,000.00 | 1,829.90 |
| David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036 | DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation). | | |
| Do | DGA International, Inc (For:Sofreavia) | | |
| Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 5,067.00 | |
| Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815 | Turner Broadcasting System, Inc | 550.00 | |
| Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006 | Intel Corporation | 23,800.00 | 3,511.98 |
| Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022 | | | 17,299.27 |
| Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314 | National Rifle Assn of America | | |
| Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003 | Beneficial Management Corp | | |
| Claudia Malloy, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,375.04 | 74.90 |
| Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016 | Fannie Mae | 2,500.00 | |
| Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036 | American Bankers Assn | 400.00 | |
| Do | Appraisal Institute | 245.00 | |
| Do | Barr Laboratories | 430.00 | 234.20 |
| Do | Bowling Proprietors Assn of America | | |
| Do | California League of Savings Institutions | 1,875.00 | |
| Do | Chemical Bank | 206.25 | |
| Do | City of Hope | | |
| Do | Coalition for Continued Correctional Education | | |
| Do | EDU-DYNE Systems, Inc | | |
| Do | Federal Express Corp | 929.75 | |
| Do | General Electric, et al. | | |
| Do | L.A. Gear, Inc | | |
| Do | Money Store | 962.50 | 63.95 |
| Do | National Cable Television Assn, Inc | 7,875.00 | 287.38 |
| Do | NEC Corporation | 376.25 | |
| Do | Phillip Morris, Inc | 8,507.50 | 190.19 |
| Do | Santa Fe Railroad | | |
| Do | Thomas Cook, et al. | | |
| Do | United Airlines, Inc | | |
| Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036 | Dresser Industries, Inc | | |
| Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036 | Common Cause | 15,271.26 | 123.05 |
| Ted Maness, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 9,875.00 | 260.87 |
| Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006 | Warner-Lambert Company | 3,000.00 | |
| Julie E. Mann, 918 16th Street, NW, Suite 402 Washington, DC 20006 | American Furniture Manufacturers Assn | | |
| Mary Jo Manning, 901 31st Street, NW Washington, DC 20007 | Hill & Knowlton, Inc (For:Television Operators Caucus) | | |
| Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004 | GPU Service Corporation | 21,605.45 | 228.78 |
| Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | | | 17,427.00 |
| Albert Manville II, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | | |
| Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| William G. Margaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006 | Occidental Chemical Corp | | |
| Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258 | | | |
| Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005 | | | 9,438.00 |
| Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005 | | | 24,035.63 |
| Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005 | United Distribution Companies | 1,137.75 | |
| Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843 | Alaska Electric Light & Power Company | | |
| Do | Copper Valley Electric Assn | | |
| Do | INN Electric Cooperative | | |
| Do | Kotzbue Electric Association | 3,600.00 | |
| Marc L. Marks, 1227 25th Street, NW Washington, DC 20037 | Westinghouse Electric Corp | | |
| Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005 | American Sugarbeet Growers Assn | | |
| Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041 | Children's Television Workshop | | |
| Julie Marsh, 2030 M Street, NW Washington, DC 20036 | Common Cause | 4,040.02 | |
| Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036 | Capitoline International Group, Ltd. (For:Professional Lawn Care Assn of America). | | |
| Do | Capitoline International Group, Ltd (For:Scott Paper Company) | | |
| Lynn Martenstein, 1250 Connecticut Avenue, NW Washinhton, DC 20036 | American Paper Institute, Inc | | |
| Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202 | Diagnostic Retrieval Systems, Inc | 5,000.00 | |
| David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209 | CM Services, Inc | 500.00 | |
| Katherine E. Martin, 50 F Street, NW Washington, DC 20001 | Association of American Railroads | 752.74 | 287.23 |
| Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201 | American Apparel Manufacturers Assn, Inc | 2,600.00 | 75.00 |
| Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005 | Rhone-Poulenc, Inc | | |
| Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002 | American Wind Energy Assn | 30,823.57 | 469.49 |
| Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202 | | | |
| Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615 | Chubb & Son, Inc | | |
| Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors | 987.00 | |
| Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 8,037.00 | 119.00 |
| Glen David Mason, 1101 Vermont Ave., NW, #604 Washington, DC 20005 | College of American Pathologists | 4,484.00 | |
| Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171 | Westvaco Corporation | | |
| Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406 | Centerior Energy Corp | 6,037.50 | 1,647.62 |
| James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004 | R. Duffy Wall & Associates | 1,250.00 | |
| Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006 | Eastman Kodak Company | | |
| Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 790.30 | |
| Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036 | Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co) | 5,000.00 | |
| Do | United Parcel Service | 3,000.00 | |
| Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036 | Massachusetts Mutual Life Insurance Co | 5,000.00 | |
| Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314 | Railway Progress Institute | 1,348.63 | |
| Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209 | Gas Appliance Manufacturers Assn, Inc | | |
| Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164 | Central & South West Corporation | | |
| William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006 | Mutual of Omaha Cos | 125.00 | |
| Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036 | Olsson Frank & Weeda (For:American Commodity Distribution Program) | 1,500.00 | |
| Do | American School Food Service Assn | 9,000.00 | |
| Do | Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn) | 3,000.00 | |
| Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005 | C.V. & R.V Maudlin (For:Southern Company Services, Inc) | | |
| Michael Mawby, 2030 M Street, NW Washington, DC 20036 | Common Cause | 14,322.54 | 321.13 |
| James C. May, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 30,000.00 | |
| Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001 | Keller and Heckman (For:INDA (Association of the Nonwuven Fabrics Industry)) | | |
| Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202 | Rockwell International Corp | 18,135.00 | 2,943.52 |
| Marion R. Mayer, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 794.23 | 352.87 |
| Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006 | Accountants' Liability Assurance Co, Ltd | | |
| Do | Arthur Andersen & Co, et al. | | |
| Do | Attorneys' Liability Assurance Society Ltd | | |
| Do | Black & Decker Corporation | | |
| Do | Brunswick Corp | | |
| Do | Cabot Partners Limited Partnership | | |
| Do | Comdisco, Inc | | |
| Do | Continental Bank, N.A. | 450.00 | 838.80 |
| Do | East-West Innovations, Inc | | |
| Do | FMC Corporation | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | GATX Corporation | | |
| Do | Household Commercial Financial Services, Inc | | |
| Do | Inland Steel Corp | | |
| Do | JMB Realty Corp | | |
| Do | LaSalle Partners, Inc | | |
| Do | Lehndorff & Babson Real Estate Counsel | | |
| Do | Mayer Brown & Platt Sentencing Commission Coalition | | |
| Do | Merrill Lynch Capital Markets | | |
| Do | Morton International | | |
| Do | Nalco Chemical Co | | |
| Do | NICOR, Inc | | |
| Do | Outboard Marine Corporation | | |
| Do | Quaker Oats Company | | |
| Do | RJR Nabisco, Inc | | |
| Do | Santa Fe Pacific Corp | | |
| Do | Sara Lee Corporation | | |
| Do | Sears Roebuck & Co | | |
| Do | Solid Waste Agency of Northern Cook County | | |
| Do | Tele-Communications, Inc | | |
| Do | Vulcan Materials Company, Midwest Division | | |
| Martin Mayfield, 8001 Braddock Road Springfield, VA 22160 | National Right to Work Committee | 998.00 | 147.79 |
| Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314 | American Optometric Assn | | |
| H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005 | J. G. Boswell Co | 3,000.00 | |
| Do | New York Cotton Exchange | 2,000.00 | |
| Do | Supima Association of America | 2,000.00 | |
| Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005 | Public Securities Assn | 3,500.00 | |
| McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005 | Bluff Furnace of Chattanooga, Inc | | |
| Do | Buena Vista Golf & Country Club | 200.00 | |
| Do | Chabot Observatory & Science Center | 600.00 | |
| Do | City of Chattanooga | 1,200.00 | |
| Do | Council of American Overseas Research Centers | 100.00 | |
| Do | Electronic Data Systems Corp | | |
| Do | Franklin Square Hospital | 200.00 | |
| Do | Johnson Controls, Inc | 800.00 | |
| Do | Kamm & Associates, Ltd | 800.00 | |
| Do | Lutheran General HealthSystem | | |
| Do | Medi-Vu, Inc | 200.00 | |
| Do | Niall Enterprises, Inc | 100.00 | |
| Ann McBride, 2030 M St., NW Washington, DC 20036 | Common Cause | 16,995.54 | 75.00 |
| Susan P. McCaffrey, 3901 N. Meridian Suite 25 Indianapolis, IN 46208 | Community Service Council of Central IN, Inc | | |
| John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | 237.30 | |
| McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004 | Central South West Corp | 1,840.00 | 2,149.00 |
| Do | Citicorp | | |
| Do | City of Philadelphia | 250.00 | 252.50 |
| Do | Electronic Data Systems Corp | | |
| Do | Hong Kong Trade Development Council | 5,500.00 | 4,812.50 |
| Do | International Hardwood Products Assn, Inc | | |
| Do | National Assn of Broadcasters | 9,735.00 | 9,461.25 |
| Do | Sematech | 125.00 | 126.75 |
| Do | South West Florida Enterprises, Inc | | |
| Do | United Services Automobile Assn | | |
| Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 2,566.00 | |
| Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004 | Enseco, Inc | 9,000.00 | 300.00 |
| Do | MetPath, Inc | 30,000.00 | 1,000.00 |
| John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | American Veterinary Medical Assn | | |
| Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001 | United Assn of Journeymen & Apprentices of the P. & P.F.I. | 6,000.00 | 1,460.00 |
| Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043 | Pennsylvania Assn of Home Health Agencies | 9,325.00 | 391.52 |
| McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604 | America Mining Congress | | |
| Do | Asarco, Inc | | |
| Do | Barrick Resources (USA, Inc) | | |
| Do | Brush Wellman, Inc | | |
| Do | Coeur d'Alene Mines Corp | | |
| Do | Cray Research, Inc | | |
| Do | Crown Butte Mines, Inc | | |
| Do | Echo Bay Mines | | |
| Do | Electric Reliability Coalition | | |
| Do | FMC Corp | | |
| Do | General Atomics | | |
| Do | Hecla Mining Co | | |
| Do | Ida-West Energy Company | | |
| Do | Idaho Power Company | | |
| Do | ICF International, Inc | | |
| Do | Lockheed Corp | | |
| Do | National Rifle Assn | | |
| Do | Pacific Gas Transmission Gas Company | | |
| Do | Phelps Dodge Corp | | |
| Do | Potlatch Corp | | |
| Do | World Cup USA 1994, Inc | | |
| McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036 | Coca-Cola Company | 1,356.75 | 44.96 |
| Do | Motion Picture Assn America, Inc | 536.73 | 39.29 |
| Do | Paramount Communications, Inc | 1,080.38 | 69.04 |
| Do | Perpetual Corp | 515.72 | 42.54 |
| Do | Rank Video Services America | 2,118.88 | 134.74 |
| Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005 | Alzheimer's Assn | 3,500.00 | 50.00 |
| Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 70.20 | |
| John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 4,253.00 | |
| Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 11,460.00 | 69.49 |
| McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006 | Alaska Seafood Marketing Institute | | |
| Do | American Meat Institute | | |
| Do | Association of American Vintners | | |
| Do | California Avocado Commission | 8,880.00 | 217.00 |
| Do | California Canning Peach Assn | | |
| Do | California Energy Commission | 1,203.00 | |
| Do | California Raisin Advisory Board | 2,590.00 | 202.00 |
| Do | Good Sam Club | 463.00 | |
| Do | Dorothy Holt Estate | | |
| Do | Minor Crop Farmer Alliance | 2,960.00 | 52.00 |
| Do | National Grocers Assn | | |
| Do | National Potato Council | | 144.00 |
| Do | Peter Plocki | | |
| Do | Public Employees Retirement Assn of Colorado | | |
| Do | Tropicana | | |
| Do | U.S. Mink Export Development Council | 2,405.00 | 170.00 |
| Do | Welch Foods, Inc | 648.00 | 72.00 |
| Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030 | VPSI, Inc | 1,680.00 | 276.00 |
| Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301 | Dow Corning Corp | 3,500.00 | 18.00 |
| Do | Outboard Marine Corp | 7,500.00 | 24.00 |
| James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003 | American Nuclear Energy Council (ANEC) | 1,337.50 | 189.22 |
| Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036 | National Business Aircraft Assn | 1,000.00 | 50.00 |
| Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115 | Mt Carmel Health | | 1,280.00 |
| John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772 | O'Malley & Miles (For:National Hockey League) | 911.20 | |
| Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004 | Pacific Telesis Group | 7,725.00 | |
| Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036 | Regional Airline Assn | 1,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | 4,080.00 | |
| Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036 | Burlington Industries, Inc | | |
| Kate McGee, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036 | Oracle Corporation | | 1,000.00 |
| Meredith McGehee, 2030 M St., NW Washington, DC 20036 | Common Cause | 11,425.02 | 44.00 |
| Marianne McGettigan, 45 Memorial Circle Augusta, ME 04032-0957 | Major League Baseball Players Assn | 14,308.00 | 1,117.71 |
| Patricia McGill, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571 | American Nurses' Assn | | |
| Robert M. McGlotten, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 24,612.45 | 2,149.84 |
| Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute | 250.00 | |
| Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094 | Aircraft Owners & Pilots Assn | | |
| Do | AT&T Federal Systems | | |
| Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209 | Northrop Corp | 700.00 | |
| Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006 | American Financial Services Assn | 250.00 | |
| Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001 | McGuiness & Holch (For:American Assembly of Collegiate Schools of Business) | 1,350.00 | |
| Do | McGuiness & Holch (For:Arch Mineral) | 900.00 | |
| Do | McGuiness & Holch (For:Barr Laboratories) | 2,700.00 | |
| Do | McGuiness & Holch (For:Conrail) | 675.00 | |
| Do | McGuiness & Holch (For:PepsiCo) | 450.00 | |
| Do | McGuiness & Holch (For:RJR Nabisco) | 675.00 | |
| McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005 | American Sod Producers Assn | | |
| Do | Workers Compensation Integrity Stability & Equity (WISE) | 14,736.00 | 281.75 |
| Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203 | Air Conditioning & Refrigeration Institute | | |
| Phillip McGuire, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | | |
| Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207 | American Petroleum Institute | | |
| McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114 | | | |
| John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005 | Credit Union National Assn, Inc | 2,500.00 | |
| Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corporation | 625.00 | 285.75 |
| McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005 | Fertilizer Institute | | |
| Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004 | Edison Electric Institute | 2,987.01 | 419.15 |
| F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202 | LTV Aerospace & Defense Company | 2,500.00 | 125.00 |
| William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112 | American Pulpwood Assn | | |
| McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036 | Kelly Services, Inc | 6,600.00 | 526.83 |
| Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 5,000.00 | |
| C. A. 'Mack' McKinney, 909 North Washington Street, Suite 300 Alexandria, VA 22314 | Non Commissioned Officers Assn of the USA | 11,500.00 | 256.00 |
| Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877 | National Soft Drink Assn | | |
| Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036 | United Automobile Aerospace & Agricultural Implement Workers | 19,725.65 | 138.28 |
| Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 3,193.00 | |
| Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005 | Rowan & Blewitt, Inc (For:American Assn of Blood Banks) | | |
| Do | Rowan & Blewitt, Inc (For:C.R. Bard, Inc) | | |
| Do | Rowan & Blewitt, Inc (For:Bristol-Myers Squibb Company) | | |
| Do | Rowan & Blewitt Inc (For:Medtronic, Inc) | | |
| Do | Rowan & Blewitt (For:Monsanto Company) | 3,000.00 | |
| Do | Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc) | 4,125.00 | |
| Do | Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer) | 3,250.00 | |
| Do | Rowan & Blewitt, Inc (For:Upjohn Company) | 13,187.50 | |
| James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 1,500.00 | |
| Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120 | National Assn of Postal Supervisors | 13,050.00 | |
| Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164 | West Publishing Company | | |
| Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209 | TRW, Inc | 5,705.00 | 122.00 |
| Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278 | Golden Rule Insurance Company | | 768.40 |
| P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002 | Hydroacoustics, Inc | 50.00 | |
| Do | McDonnell Douglas Corp | 100.00 | |
| James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036 | Exxon Corporation | 500.00 | 54.25 |
| Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006 | Babcock & Wilcox | 4,000.00 | 1,407.62 |
| Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016 | Fannie Mae | 2,500.00 | |
| McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005 | Allied-Signal, Inc | | |
| Do | American University of the Caribbean | | |
| Do | Association of Banks in Insurance (ABI) | | |
| Do | Coalition for Auto Repair Equality | | |
| Do | Georgia-Pacific Corp | | |
| Do | International Assn for Financial Planning | 1,267.50 | 20.00 |
| Do | New York State Bankers Assn | | |
| Do | Norfolk Southern Corp | | |
| Do | Phillips Petroleum Co | | |
| Do | South Carolina Research Authority | | |
| Do | SCANA Corp | 450.00 | |
| Do | W.R. Grace & Company | 500.00 | |
| Do | Westinghouse Electric Corp | | |
| Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036 | Lockheed Information Management Services Company, Inc | | |
| Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004 | Dean Witter Reynolds, Inc | 120.00 | 90.00 |
| Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209 | TRW, Inc | 7,616.00 | 510.00 |
| Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037 | International Advisers, Inc (For:Embassy of Turkey) | 7,488.00 | 35.75 |
| Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314 | National Assn of Small Business Investment Cos | 3,000.00 | |
| John P. McNerney, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102 | Unisys Corp | 2,500.00 | 2,190.17 |
| Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873 | American Assn of Homes for the Aging | | 15.38 |
| Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | | |
| Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209 | TRW, Inc | 6,757.00 | 265.00 |
| Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006 | National Comm to Preserve Social Security | 18,232.00 | |
| Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017 | New York State Bankers Assn | 900.00 | 580.30 |
| George G. Mead, 1908 Ednor Road Silver Spring, MD 20905 | National Beer Wholesalers Assn | 1,500.00 | |
| Do | Norfolk Southern Corp | 1,500.00 | |
| Do | North American Van Lines, Inc | 1,500.00 | |
| Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | 63.00 | |
| John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:Chevron) | | |
| Do | Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group). | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc) | | |
| Do | Leboeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)) | | |
| James Gregory Means, 6252 15th Place Arlington, VA 22205 | BP America, Inc | 4,500.00 | |
| Do | Centerior Energy Corp | 2,000.00 | |
| Do | Systech Environmental Corporation | | |
| Paul N. Means, P.O. Box 551 Little Rock, AR 72203 | Arkansas Power & Light Company | | |
| William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036 | ICI Americas, Inc | 5,000.00 | |
| Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 620.00 | |
| Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306 | Nevada Resort Assn | 5,000.00 | 4,221.10 |
| Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 1,000.00 | |
| Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031 | ICF International, Inc | 1,125.00 | 140.00 |
| Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314 | Society for Human Resource Management | 15,000.00 | |
| Tucker L. Melancon, P.O. Box 211 Marksville, LA 71351 | Melancon & Rabalais (For:American Psychological Association) | | |
| John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002 | American Veterinary Medical Assn | 10,500.00 | 9,188.00 |
| Do | Casa, Inc | 4,000.00 | 1,633.00 |
| Do | Chicago Mercantile Exchange | 11,250.00 | 9,188.00 |
| Do | National Rural Cooperative Bus. Center | 3,000.00 | 408.00 |
| Do | Society for Animal Protective Legislation | | |
| Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036 | National Education Assn | 5,374.95 | |
| Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 1,095.44 | |
| Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006 | Sterling Winthrop, Inc | | |
| Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Cablevision | | |
| Do | Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc) | | |
| Do | MWW/Strategic Comm (for: Puerto Ricans in Civic Action) | | |
| Do | Sunshine Makers, Incev | | |
| Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004 | McCamish Martin & Loefler (For:Central South West Corp) | 224.00 | |
| Do | McCamish Martin & Loefler (For:Citicorp) | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | McCamish Martin & Loefler (For:Electronic Data Systems Corp) | | |
| Do | McCamish Martin & Loefler (For:Hong Kong Trade Development Council) | | |
| Do | McCamish Martin & Loeffler, P.C. (For:International Hardwood Products Assn, Inc). | | |
| Do | McCamish Martin & Loefler (For:National Assn of Broadcasters) | 236.00 | |
| Do | McCamish Martin & Loefler (For:Sematech) | | |
| Do | McCamish Martin & Loefler (For:South West Florida Enterprises, Inc) | | |
| Do | McCamish Martin & Loefler (For:United Services Automobile Assn) | | |
| David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036 | Consumers Power Company | 6,000.00 | 6,998.00 |
| William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005 | Rhone-Poulenc, Inc | 540.00 | 169.58 |
| Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | National Assn of Federal Veterinarians | 115.25 | |
| J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036 | McClure Trotter & Mentz (For:Citibank) | | |
| Do | McClure Trotter & Mentz (For:Coca-Cola Company) | | |
| Do | McClure Trotter & Mentz (For:Commodities Corp (USA)) | | |
| Do | McClure Trotter & Mentz (For:Government of Puerto Rico) | | |
| Do | McClure Trotter & Mentz (For:GAF Corp) | 293.13 | |
| Do | McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc) | | |
| Do | McClure Trotter & Mentz (For:Motion Picture Assn of America, Inc) | | |
| Do | McClure Trotter & Mentz (For:Princeton University Investment Co, et al.) | | |
| Jane Mentzinger, 2030 M Street, NW Washington, DC 20036 | Common Cause | 5,258.76 | 279.00 |
| Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571 | American Nurses Assn | 5,413.00 | 158.41 |
| Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036 | DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements) | | |
| Do | DGA International, Inc. (For:Sofreavia) | | 127.32 |
| Do | DGA International, Inc. (For:SNECMA) | | 254.84 |
| Do | DGA International, Inc (For:Zenith Data Systems) | | |
| Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005 | American Medical Assn | 3,750.00 | |
| Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036 | March of Dimes Birth Defects Foundation | | |
| Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007 | | | 27,386.00 |
| Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209 | Hughes Aircraft Company | | |
| Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | American International Group, Inc | 5,000.00 | 421.30 |
| Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004 | General Electric Co | 800.00 | 91.96 |
| Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004 | Dean Witter Reynolds, Inc | 1,000.00 | 29.00 |
| Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 625.00 | |
| Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006 | OXY USA, Inc | 72.10 | |
| Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006 | Food & Allied Service Trades Dept (FAST) | 2,434.00 | |
| Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660 | American Family Corp | | |
| Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606 | | | |
| Jeremy Metz, 260 Madison Avenue New York, NY 10016 | American Paper Institute, Inc | | |
| David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036 | Davis Graham & Stubbs | | |
| Ferd. C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164 | Central & South West Corp | | |
| M. Barry Meyer, 900 19th Street, NW Washington, DC 20006 | Aluminum Assn, Inc | 25.00 | |
| John B. Meyers, P.O. Box 4067 Louisville, KY 40204 | | | |
| Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | 3,000.00 | |
| David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301 | American Petroleum Institute | 42.08 | |
| Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036 | Direct Marketing Association, Inc | 4,000.00 | 400.00 |
| Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603 | Corn Coalition | | |
| Do | DePaul University | 1,500.00 | |
| Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315 | | | |
| Richard P. Michalski, 900 Machinists Place Upper Marlboro, MD 20772 | International Assn of Machinists & Aerospace Workers | 9,610.60 | |
| Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626 | Landsdale Company | | |
| Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002 | American Assn of Nurse Anesthetists | 5,000.00 | |
| Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604 | | 1,946.56 | 20,013.72 |
| Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202 | | | |
| Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203 | MNC Financial, Inc | | |
| Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 6,436.80 | |
| Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009 | | | |
| Leslie K. Miles, 1101 4th Street, NW, 5th Floor Washington, DC 20005 | National Abortion Rigths Action League, Inc | 8,480.76 | |
| Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222 | | | |
| Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Dale Miller, 4000 Reno Road, NW Washington, DC 20008 | Texasgulf, Inc | | |
| Denny Miller, 2343 South Meade Street Arlington, VA 22202 | Denny Miller Associates | 7,500.00 | |
| Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599 | American Council of Life Insurance, Inc | 1,000.00 | |
| Edward K. Miller, P.O. Box 2349 Hagerstown, MD 21741-2349 | Mirek Research Services | | |
| Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735 | Air Force Sergeants Assn, Inc | | |
| Sandra Miller, 2343 South Meade Street Arlington, VA 22202 | Denny Miller Associates | 1,250.00 | |
| Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 300.00 | |
| William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005 | Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)) | | |
| Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036 | City of Dubuque | 90.00 | |
| Do | City of Jamestown | 2,007.75 | |
| Do | City of Laredo | | |
| Do | City of St. Louis | | |
| Do | Dectec International, Inc | | |
| Do | Kenton-Boone Cable Television Board | | |
| Do | Lincoln Broadcasting Company | | |
| Do | Montgomery County Government | | |
| Do | PRO-NAFTA | | |
| Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001 | Ace Novelty Company | 1,000.00 | 862.00 |
| Do | Alaska Air Group, Inc | 1,500.00 | 1,230.00 |
| Do | Boeing Company | 3,000.00 | 2,460.00 |
| Do | Comprehensive Health Education Foundation | 1,875.00 | 1,530.00 |
| Do | Gamma-Metrics | 1,500.00 | 1,235.00 |
| Do | Makah Tribal Council | 300.00 | 245.00 |
| Do | Marine Engineers' Beneficial Assn | | |
| Do | Momentum 92 | 1,875.00 | 1,530.00 |
| Do | Montana Technology Center | 300.00 | 245.00 |
| Do | Muckleshoot Indian Tribe | 300.00 | 245.00 |
| Do | Olin Corporation | 3,000.00 | 2,460.00 |
| Do | Pacific Nuclear Systems, Inc | 1,062.50 | 862.00 |
| Do | Port of Tacoma | 1,125.00 | 928.00 |
| Do | State of Washington, Dept of Transportation | 1,500.00 | 1,235.00 |
| Do | Troutlodge, Inc | 1,000.33 | 833.33 |
| Do | Waste Management Environmental Services, Inc | 1,500.00 | 1,230.00 |
| Amy J. Millman, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | |
| Harold W. Mills Jr., 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801 | Eastman Kodak Company | | |
| Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303 | Helicopter Assn International | 7,500.00 | 700.00 |
| Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| William Miner, 888 16th Street, NW Washington, DC 20006 | Bannerman & Associates, Inc (For:Beirut University College) | | |
| Do | Bannerman & Associates, Inc (For:Government of the U.A.E.) | 2,000.00 | 75.00 |
| Do | Bannerman & Associates, Inc (For:Government of Egypt) | 9,000.00 | 110.00 |
| Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052 | Prudential Insurance Co of America | 11,186.29 | 1,184.29 |
| Ray Allen Minnick, P.O. Box 1000-05221 Leavenworth, KS 66048 | | | |
| Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | Houghton Mifflin Company | 5,022.00 | |
| Do | National Cable Television Assn, Inc | 7,500.00 | 95.95 |
| Do | Newspaper Assn of America | 15,000.00 | 187.79 |
| Douglas P. Miskew, 500 E. Street, SW, #920 Washington, DC 20024 | Aircraft Owners & Pilots Assn | 8,250.00 | 689.36 |
| Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068 | Potomac Electric Power Co | | |
| Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005 | Acxiom Corp | | 450.00 |
| Do | Entergy | 4,162.50 | 450.00 |
| Do | Network Systems | | |
| David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | 360.00 | |
| Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 2,798.00 | |
| Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037 | Fisher Wayland Cooper & Leader (For:International Communications Assn) | | |
| Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005 | Union Carbide Corp | 6,062.50 | |
| Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004 | General Electric Co | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| John V. Moller, 1707 L Street NW, #725 Washington, DC 20036 | Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd) | | |
| Do | Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.) | | |
| Do | Policy Consulting Services, Inc (For:Nissan North America, Inc) | | |
| Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | 5,000.00 | 235.00 |
| C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | 91.00 | |
| Christopher Monek, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005 | Joseph E. Seagram & Sons, Inc | 1,125.00 | |
| Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006 | Evergreen International Aviation, Inc | | 248.00 |
| Peter Montgomery, 2030 M Street, NW Washington, DC 20036 | Common Cause | 8,000.04 | 487.12 |
| Catherine L. Monzel, 1667 K Street, NW, #800 Washington, DC 20006 | Williams Companies, Inc | 250.00 | 85.00 |
| Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006 | Atchison Topeka & Santa Fe Railway Co | 1,000.00 | |
| Albert W. Moore, 7901 Westpark Drive McLean, VA 22102 | AMT-Association for the Manufacturing Technology | 1,345.00 | 25.00 |
| Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314 | United Fresh Fruit & Vegetable Assn | 1,781.25 | 300.00 |
| Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | 90.00 | 14.00 |
| Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521 | Waste Management, Inc | 5,000.00 | 1,735.31 |
| Michael D. Moore, 700 13th Street, NW, Suite 525 Washington, DC 20005 | El Paso Natural Gas Co | 1,000.00 | |
| Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036 | Agusta Group | | |
| Do | Equifax Corp | | |
| Do | Independent Video Retailers Assn | | |
| Do | Lockheed Corporation | | |
| Do | National Association of Broadcasters | 11,000.00 | |
| Do | DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation). | | |
| Do | STD Research Corp | | |
| Do | U.S. Cane Sugar Refiners Assn of America | | |
| Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036 | Burlington Northern Railroad Corp | 3,000.00 | 923.74 |
| Do | Harvest States Cooperative | 7,500.00 | 2,282.18 |
| Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202 | Rockwell International Corp | 20,000.00 | 1,541.76 |
| Peter J. Moran, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209 | Boeing Company | 28.00 | 14.75 |
| J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 1,500.00 | 1,240.20 |
| Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,000.00 | 100.67 |
| Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041 | American Cemetery Assn | | |
| Suzanne Morgan, 1850 M Street, NW Washington, DC 20036 | Securities Industry Assn | 940.00 | |
| Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036 | Association of American Railroads | | |
| Do | Coalition for an Undercharge Relief Bill | 520.00 | |
| Do | Coalition of Supporters of the Shipping Act | | |
| Do | Consolidated Natural Gas Co | | |
| Do | Hazardous Waste Action Coalition | | |
| Do | Scotch Whisky Assn | | |
| Do | United Distribution Companies | | |
| William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | 45.00 | |
| James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036 | Scott Paper Co | 10,000.00 | 87.03 |
| Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 20,346.12 | 220.00 |
| Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005 | National Assn of Margarine Manufacturers | | |
| Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006 | Phillips Petroleum Co | 1,800.00 | 28.50 |
| James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006 | ARA Services, Inc | | |
| Do | Morrison Associates (For:Blue Cross & Blue Shield Assn) | 33,204.45 | 343.10 |
| John W. Morrison, 5535 Hempstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 931.22 | |
| Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002 | | 22,900.00 | |
| Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202 | Lockheed Corp | 2,000.00 | 389.58 |
| William C. Morrison, 2001 North Adams St. Arlington, VA 22201 | Meat Importers Council of America, Inc | | |
| Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006 | California Bankers Clearing House Assn | | |
| Do | City and County of San Francisco | 885.00 | |
| Do | Consolidated Freightways | | |
| Do | Mastercard International, Inc, et al. | 12,843.75 | 72.00 |
| Do | National Electrical Manufacturers Assn | | |
| Do | Valent U.S.A. Corp | | |
| Morrow Realty Co., Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887 | | | |
| Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036 | Synthetic Organic Chemical Manufacturers Assn | 500.00 | |
| Evelyn M. Morton, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 699.47 | 335.31 |
| Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203 | American Boiler Manufacturers Assn, Inc | 150.00 | 100.00 |
| Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 25.00 | |
| Peyton H. Moss, 1050 17th Street, NW, #350 Washington, DC 20036 | AFL-CIO Maritime Committee | | |
| Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037 | Association of Bank Holding Cos | 540.00 | |
| Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 1,000.00 | |
| Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006 | | 15,268.92 | 15,268.92 |
| John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024 | National Fed of Independent Business | 9,570.00 | 300.00 |
| Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004 | | | 26.00 |
| Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202 | | | |
| Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004 | Pacific Telesis Group | 20,000.00 | |
| Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 303.27 | |
| Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036 | City of Fergus Falls | | |
| Do | Delaware & Hudson Railroad | 2,500.00 | |
| Do | Florida East Coast Railway Co | 1,000.00 | |
| Do | North American Equipment Dealers Assn | 2,500.00 | |
| Do | Soo Line Corporation | 10,000.00 | |
| Do | TACA International Airlines | | |
| John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006 | FMC Corporation | 2,400.00 | 89.50 |
| Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004 | National Retail Federation | 2,500.00 | 35.00 |
| Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 2,499.00 | 2,809.09 |
| James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005 | Hoffmann-La Roche, Inc | | |
| Edward L. Murphy, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn Inc | 3,000.00 | |
| Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005 | Credit Union National Assn, Inc | 7,000.00 | |
| Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | 1,000.00 | |
| Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036 | American President Companies, Ltd, et al. | 9,300.00 | |
| Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261 | Caltex Petroleum Corp | | |
| Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314 | Yellow Freight System, Inc of Delaware | 33,000.00 | |
| Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 8,890.00 | 53.00 |
| James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005 | Union Carbide Corp | | |
| Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227 | USAir, Inc | | |
| Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007 | American Assn of Dental Schools | 600.00 | 30.00 |
| Do | Atochem, N.A. | | |
| Do | City of Philadelphia | | |
| Do | Cleveland Cliffs Iron Co | 400.00 | 10.00 |
| Do | Connecticut Mutual Life Insurance Co | 500.00 | 15.00 |
| Do | Delaware River Port Authority | 1,500.00 | 35.00 |
| Do | Independence Blue Cross | 200.00 | 10.00 |
| Do | Independent Laboratory Consortium | | |
| Do | Industry Council for Tangible Assets | 150.00 | 10.00 |
| Do | Iron Ore Assn | 250.00 | 20.00 |
| Do | LTV Corporation | 400.00 | 20.00 |
| Do | National Council of Coal Lessors | 300.00 | 25.00 |
| Do | New England Mutual Life Insurance Co | 500.00 | 25.00 |
| Do | North American Philips Corp | | |
| Do | Pacific Mutual Life Insurance Co | 500.00 | 25.00 |
| Do | Penn Mutual Life Insurance Co | 450.00 | 25.00 |
| Do | Philadelphia Regional Port Authority | 1,500.00 | 35.00 |
| Do | Players Club International | | |
| Do | Qualimetrics, Inc | 500.00 | 15.00 |
| Do | Shubert Organization, Inc | 500.00 | 30.00 |
| Do | Swaziland Sugar Assn | 500.00 | 30.00 |
| Do | Sweetener Users Assn | 100.00 | |
| Do | Technology Development & Education Corp | 600.00 | 25.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Temple University | 1,000.00 | 15.00 |
| Do | Wisconsin Central Transportation Corporation | 450.00 | 30.00 |
| Robert J. Muth, 180 Maiden Ln. New York, NY 10038 | Asarco, Inc | | |
| Mutual Life Insurance Co Tax Committee, 1111 Durham Avenue South Plainfield, NJ 07080-2398 | | | |
| Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036 | Communications Satellite Corp (Comsat) | | |
| Do | Transworld Insurance Brokers | | |
| Do | Von Roll America | 60,000.00 | |
| Gary D. Myers, 501 2nd Street, NE Washington, DC 20002 | Fertilizer Institute | 4,500.00 | 107.44 |
| Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004 | Electronic Data Systems Corp | 160.00 | 248.76 |
| Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036 | Koteen & Naftalin (For:Alascom, Inc) | | |
| Do | Koteen & Naftalin (For:Telephone & Data Systems, Inc) | | |
| Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005 | Johnson & Johnson HMI | | |
| Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005 | Beer Institute | | |
| National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036 | | | |
| National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001 | | 23,487.21 | 3,178.01 |
| National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006 | | 151,125.00 | 13,735.68 |
| National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151 | | 895.03 | 11,004.62 |
| National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705 | | | 8,196.04 |
| National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036 | | 217,788.78 | 217,788.78 |
| National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313 | | | |
| National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | | | 142.74 |
| National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001 | | 563,660.00 | 78,729.00 |
| National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004 | | | |
| National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703 | | 220,414.25 | 220,414.25 |
| National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005 | | | |
| National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | | 496.00 | 639.39 |
| National Assn of Realtors, 777 14th St., NW Washington, DC 20005 | | | 97,922.50 |
| National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314 | | | |
| National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494 | | 2,355,845.48 | 13,526.49 |
| National Broiler Council, 1155 15th St., NW Washington, DC 20005 | | 3,025.00 | 3,025.00 |
| National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598 | | | 33,337.50 |
| National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007 | | | 5,165.00 |
| National Comm of Cities and States for Air Service, Transportation Building Room 417 St. Paul, MN 55156 | | 2.83 | |
| National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006 | | 1,940,070.00 | 6,527,531.00 |
| National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037 | | 90,758.23 | 48,477.00 |
| National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182 | | 51,076.63 | 51,076.63 |
| National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002 | | 27,457.00 | 28,104.27 |
| National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006 | | 2,900.00 | 4,350.00 |
| National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001 | | 9,485.70 | 7,975.90 |
| National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005 | | | 5,328.00 |
| National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037 | | 775.26 | 775.26 |
| National Employment Lawyers Assn, 535 Pacific Avenue San Francisco, CA 94133 | | | |
| National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102 | | 3,500.00 | 7,000.00 |
| National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917 | | | 4,970.00 |
| National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005 | | | |
| National Grange, 1616 H St., NW Washington, DC 20006 | | 15,875.00 | 15,875.00 |
| National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090 | | 3,000.00 | 1,000.00 |
| National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001 | | 16,997.15 | 33,114.27 |
| National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299 | | | 9,190.00 |
| National Independent Energy Producers, 601 13th STreet, NW, #320 South Washington, DC 20005 | | 75,000.00 | 10,887.86 |
| National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904 | | 26,000.00 | 13,310.00 |
| National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037 | | 2,000.00 | 2,000.00 |
| National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201 | | 15,118.10 | 15,118.10 |
| National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027 | | | |
| National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091 | | | |
| National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004 | | | 17,939.93 |
| National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160 | | 8,426.74 | 8,426.74 |
| National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036 | | | 1,773.50 |
| National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314 | | 11,100.00 | 11,100.00 |
| National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036 | | | 94.49 |
| National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314 | | 12,000.00 | 6,500.00 |
| National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007 | | | |
| National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006 | American International Group | 41,951.56 | 638.02 |
| Do | Columbia Communications Corp | 1,641.84 | 1,114.57 |
| Do | Consumer News & Business Channel | 2,950.00 | 1.18 |
| Do | Ferrell Gas | 6,731.25 | 101.91 |
| Do | Mothers & Others for a Livable World | | |
| Do | Reuters North America, Inc | 2,433.40 | 10.12 |
| Do | Mrs. Roger Stevens | | |
| Do | Trian Group, L.P. | 30.93 | 3.22 |
| National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037 | | 27,000.00 | 3,624.10 |
| National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152 | | 22,626.19 | 5,948.40 |
| National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209 | | | 35,451.91 |
| National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001 | | | 24,163.77 |
| National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046 | | 9,000.00 | 9,000.00 |
| Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502 | Allied-Signal, Inc | | |
| Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119 | Mapco, Inc | 5,250.00 | |
| Janet E. Neigh, 519 C Street, NE Washington, DC 20002 | Hospice Assn of America/National Assn for Home Care | | |
| Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110 | | | 15,967.00 |
| Frederick W. Neill, 600 5th Street Aurora, IL 60505 | | | |
| Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006 | American Methanol Institute | 10,000.00 | 77.71 |
| Do | Community Services Society | 18,000.00 | 129.89 |
| Do | Embassy of the Republic of Korea | 30,000.00 | 1,126.12 |
| Do | General Electric Industrial and Power Systems | 36,000.00 | 567.35 |
| Do | Government of Jamaica | 55,000.00 | 3,594.84 |
| Do | Government of Trinidad and Tobago | 100,000.00 | 2,630.10 |
| Do | Islamic Republic of Pakistan | 90,000.00 | 5,301.53 |
| Do | Joint Diseases North General Hospital | 21,000.00 | 176.94 |
| Do | Kingdom of Morocco | | 3,103.84 |
| Do | Pasminco, Inc | 15,168.75 | 574.44 |
| Do | Puerto Rico Economic Development Administration | | 6.96 |
| Do | Republic of Cameroon | 102,800.00 | 2,391.53 |
| Do | Republic of Cote d'Ivoire | 40,000.00 | 4,238.51 |
| Do | Republic of Guinea | 100,000.00 | 34,292.84 |
| Do | Republic of Kenya | | 6,241.61 |
| Do | Republic of Tunisia | 90,000.00 | 6,656.68 |
| Do | Schomburg Center for Research In Black Culture | 14,000.00 | 12.24 |
| Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006 | SEMATECH, Inc | 5,313.00 | 1,668.75 |
| Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 90.00 |
| Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006 | International Assn of Fire Fighters | 16,331.00 | |
| Alexander Netchvolodoff, 1301 Connecticut Ave., #200 Washington, DC 20036 | Cox Enterprises, Inc | | 734.02 |
| Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002 | Career College Assn | 335.00 | |
| Network, 806 Rhode Island Ave., NE Washington, DC 20018 | | 64,697.00 | 85,895.00 |
| E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036 | Southern Company Services, Inc | 4,291.21 | 7,277.75 |
| New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017 | | | 493.22 |
| Peter E. Newbould, 1200 17th Street, NW Washington, DC 20036 | American Psychological Assn (APA) | 905.25 | 100.00 |
| Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024 | American Farm Bureau Federation | 13,851.00 | 30.00 |
| Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | 1,998.49 | |
| Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003 | Public Citizen | 7,575.00 | |
| E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006 | Barclays Bank PLC | 4,000.00 | 405.18 |
| William W. Nickerson, 1919 Pennsylvania Avenue, NW, Suite 850 Washington, DC 20006 | Esstar | 17,228.75 | |
| Nickerson & Stiner, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006-3404 | Esstar Corp | 17,228.75 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Ellen Nissenbaum, 777 North Capitol Street, NE, #705 Washington, DC 20002-4239 | Center on Budget & Policy Priorities | 913.52 | 10.50 |
| Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203 | Wisconsin Electric Power Co. | 128.25 | |
| Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005 | American Free Trade Assn | | |
| Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213 | | | |
| Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024 | Honda North America, Inc | 100.00 | 93.32 |
| Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004 | Edison Electric Institute | 12,310.60 | 530.45 |
| Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024 | American Farm Bureau Federation | 8,163.00 | 161.00 |
| David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005 | Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware). | 250.00 | |
| Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036 | Ameritas Life Insurance Corp | 1,050.00 | 3,050.00 |
| Do | Golden Rule Insurance Company | | |
| Do | Health Insurance of America | 500.00 | |
| Do | Lincoln National Life Insurance Company | 500.00 | |
| Do | Mutual of Omaha | 2,100.00 | 4,450.00 |
| Do | National Assn of Chain Drug Stores | 500.00 | |
| North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036 | | | |
| J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822 | Matsushita Electric Corp of America | 1,000.00 | 59.48 |
| Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109 | Royal Seafoods, Inc | 960.00 | |
| Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005 | Hoffman-LaRoche, Inc | | |
| Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | Chamber of Commerce of the US | 350.00 | 140.06 |
| Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109 | Parsons Brinkerhoff Quade & Douglas, Inc | | |
| Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036 | Public Citizen | 200.00 | |
| Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005 | American Soc of Composers Authors & Publishers | 1,000.00 | |
| Do | National Football League Players Assn | 6,000.00 | |
| Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| NAIOP, Association for Commercial Real Estate, 1215 Jefferson Davis Highway Suite 100 Arlington, VA 22202 | | | |
| Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001 | Association of American Railroads | 825.37 | 109.47 |
| O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004 | Coalition for Tax Simplification | | |
| Do | ICI Americas, Inc | | |
| Do | Kellogg Company | | |
| Do | Mutual Life Insurance Co of New York | | |
| Do | Pacific Architects and Engineers, Inc | 3,000.00 | |
| Do | Polyisocyanurate Insulation Manufactuters Assn (PIMA) | 3,000.00 | |
| Do | Prince of Fundy Cruises, Ltd | 5,000.00 | |
| Do | TECO Energy, Inc | 15,000.00 | |
| Do | Underwriters at Lloyd's London | | |
| Do | Jim Walter Corp | 5,000.00 | |
| David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037 | Harley-Davidson, Inc | 5,000.00 | 136.10 |
| Do | Primerica Financial Services | 15,999.00 | 454.40 |
| Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036 | ITT Corporation | | |
| Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207 | CF Industries, Inc | 500.00 | 22.07 |
| Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400 | Apache Corporation | | |
| David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015 | American Assn of Limited Partners | 100.00 | |
| David O'Connor, 1129 20th Street, NW, #600 Washington, DC 20036 | Group Health Assn of America, Inc | | |
| James E. O'Connor, 900 19th Street, NW Washington, DC 20006 | Savings and Community Bankers of America | 6,500.00 | 30.76 |
| K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 400.00 | |
| Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003 | Florists' Transworld Delivery Assn | 2,000.00 | |
| Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036 | Albers & Company (For:May Department Stores Co) | | |
| Do | Albers & Company (For:Profit Recovery Group) | | |
| Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006 | Kent & O'Connor, Inc (For:American College of Occupational Medicine) | | |
| Do | Kent & O'Connor, Inc (For:American Supply Association) | | |
| Do | American Warehousemen's Association | | |
| Do | Kent & O'Connor, Inc (For:National Assn of Fleet Administrators) | | |
| Do | Kent & O'Connor, Inc (For:Transportation Lawyers Assn) | | |
| O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | Alliance of Marine Parks and Aquariums | | |
| Do | American Clinical Laboratory Assn | 1,500.00 | |
| Do | American Family Life Assurance Co | 3,816.00 | |
| Do | Bobby Berosini LTD | | |
| Do | Center for Marine Conservation, Inc | | |
| Do | Coca-Cola Company | 10,777.95 | |
| Do | Colt's Manufacturing Company, Inc | 21,221.21 | |
| Do | CNA Insurance Co | 8,044.00 | |
| Do | Distilled Spirits Council of the U.S., Inc | 1,000.00 | |
| Do | Eastern Michigan University | 486.00 | |
| Do | Ecomarine USA | | |
| Do | Glass Packaging Institute | | |
| Do | Golden Nugget, Inc | 3,000.00 | |
| Do | Government of Israel Supply Mission | | |
| Do | Government of Netherlands Antilles | 15,980.50 | |
| Do | Government of Peru | 75,000.00 | |
| Do | Health Images, Inc | 700.00 | |
| Do | J.C. Penney Company, Inc | | |
| Do | Kellogg Company | 500.00 | |
| Do | Liquidity Fund Management, Inc | | |
| Do | Mercedes-Benz of North America, Inc | 4,750.00 | |
| Do | Mexican Fishing Association | | |
| Do | Minnesota Mutual Life Insurance Co | | |
| Do | Mullendore & Watt | | |
| Do | National Assn of Optometrists and Opticians, Inc | 3,000.00 | |
| Do | National Assn of Portable X-Ray Providers | 500.00 | |
| Do | Pacific Seafood Processors Assn | | |
| Do | Joseph E. Seagram & Sons, Inc | 180.00 | |
| Do | Soka University Los Angeles | 6,641.00 | |
| Do | Solid Waste Agency of Northern Cook County | | |
| Do | State of Alaska | | |
| Do | U.S. Wild Horse & Burro Foundation | | |
| Do | Wards Cove Packing Company | | |
| Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036 | American Fiber Manufacturers Assn, Inc | | |
| Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036 | Alliance of American Insurers | 2,400.00 | |
| Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015 | Cable Television Assn of MD, DE & DC | 23,750.00 | |
| Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | | |
| Jane O'Grady, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 21,402.15 | 255.23 |
| Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036 | National Rifle Assn of America | 1,402.50 | 424.67 |
| Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992 | American Soc of Travel Agents | 75.00 | |
| Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101 | Pennsylvania Power & Light Company | | |
| Dean O'Hare, 15 Mountain View Road Warren, NJ 07061 | Chubb Corporation | | |
| O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602 | Klukwan, Inc | 10,000.00 | 1,486.00 |
| Do | Mutual of America | 108,229.77 | 11,696.24 |
| Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571 | American Nurses' Assn | 6,050.00 | 133.54 |
| Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004 | National Rural Telecom Assn | 150.00 | |
| John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036 | Federal Home Loan Mortgage Corp | | 13.73 |
| Do | Sears Mortgage Corp | | |
| Do | Securities Industry Assn | 587.00 | 43.20 |
| Do | Telecommunications Industries Assn | | |
| Do | The Limited, Inc | 2,000.00 | 58.20 |
| John J. O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001 | Strategic Management Associates, Inc (For:American Paper Institute) | | |
| Do | Strategic Management Associates, Inc (For:Care Visions Corporation) | | |
| Do | Greater New York Hospital Assn | 14,500.00 | 1,225.00 |
| Do | Strategic Management Associates, Inc (For:Healthcom International) | | |
| Do | Strategic Management Associates, Inc (For:Hospital for Special Surgery) | | |
| Do | Strategic Management Associates, Inc (For:Lenox Hill Hospital) | | |
| Do | Strategic Management Associates, Inc (For:Maimonides Medical Center) | | |
| Do | Strategic Management Associates, Inc (For:MicroGeneSys, Inc) | 24,500.00 | 175.00 |
| Do | Strategic Management Associates, Inc (For:Montefiore Medical Center) | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Strategic Management Associates, Inc (For:Mount Sinai Medical Center) | | |
| Do | Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center). | | |
| Do | Strategic Management Associates, Inc (For:Teredata Corporation) | | |
| M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209 | Northrop Corp | 1,400.00 | 311.53 |
| Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,310.26 |
| Paul C. Oakley, 50 F Street, NW Washington, DC 20001 | Association of American Railroads | 78.51 | |
| Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | 366.40 | |
| Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006 | Direct Selling Association | | |
| Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 2,500.00 | |
| Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 4,000.00 | |
| Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314 | International Council of Shopping Centers | 300.00 | |
| R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601 | Merck & Co, Inc | 3,000.00 | 500.00 |
| Austin P. Olney, 1875 Connecticut Ave., NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)) | | |
| Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314 | National Assn of Professional Insurance Agents | | |
| Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006 | U.S. Beet Sugar Assn | | |
| Erik Olson, 1350 New York Avenue, NW Washington, DC 20005 | Natural Resources Defense Council, Inc | 5,200.00 | |
| Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091 | DynCorp | | |
| Sydney Olson, 10801 Rockville Pike Rockville, MD 20852 | American-Speech-Language-Hearing Assn | | |
| Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220 | Beef Products, Inc | | |
| Do | Duramed Pharmaceuticals, Inc | | |
| Do | Gentrac, Inc | | |
| Do | Milk Industry Foundation | | |
| Do | National American Wholesale Grocers Assn | | |
| Do | National Assn of Margarine Manufacturers | | |
| Do | National Food Processors Assn | 500.00 | |
| Do | National Frozen Pizza Instutute | | |
| Do | Pillsbury Company | | |
| Do | San Tomo Group | | |
| Do | Schwan's Sales Enterprises, Inc | | |
| Do | U.S. Surgical Corporation | | |
| Do | Vicam | | |
| Do | Western States Meat Assn | | |
| Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034 | Los Angeles-Long Beach Harbor Repair Council | | |
| Do | Mar Inc | | |
| Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820 | International Communications Assn | | |
| Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001 | National Wildlife Federation | 647.64 | |
| Sima Osdoby, 305 7th Street, SE Washington, DC 20003 | Women's Action for New Directions, et al. | 4,300.00 | |
| Kaz Oshiki, 5600 Broad Branch Rd. Washington, DC 20015 | Go for Broke National Veterans Assn | 750.00 | |
| David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202 | Lockheed Corporation | 6,000.00 | |
| J. F. Otero, 815 16th Street, NW Washington, DC 20006 | Transportation Communications Union | 1,000.00 | |
| Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 5,000.00 | |
| Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn | 6,509.00 | 254.00 |
| Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 25.00 | |
| Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036 | | 500.00 | 1,166.76 |
| Jack C. Overstreet, 1745 Jefferson Davis Highway Suite 1000 Arlington, VA 22202 | General Dynamics | 1,000.00 | 105.00 |
| Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:Arkla, Inc) | 7,500.00 | |
| Do | Hooper Hooper & Owen (For:BP America, Inc) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:CSX Corp/Yukon Pacific Corp) | 3,600.00 | |
| Do | Hooper Hooper & Owen (For:Ebasco Services, Inc) | 5,400.00 | |
| Do | Hooper Hooper & Owen (For:Entergy Corp) | 7,500.00 | |
| Do | Hooper, Hooper & Owen (For:Integrated Resources Group, Inc) | 1,750.00 | |
| Do | Hooper Hooper & Owen (For:Lockheed Environmental Sciences & Technology) | 7,500.00 | |
| Do | Hooper Hooper & Owen (For:Panhandle Eastern Corp) | 15,000.00 | |
| Do | Hooper Hooper & Owen (For:Science Applications, Inc) | 11,250.00 | |
| Do | Hooper Hooper & Owen (For:Water Island Civic Association) | 4,500.00 | |
| Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006 | Savings and Community Bankers of America | 5,800.00 | 239.03 |
| Stephen F. Owen Jr., 2600 Virgina Ave. NW, #840 Washington, DC 20037-1905 | Classroom Publishers Assn | | |
| Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006 | AFL-CIO Dept of Legislation | 17,622.00 | 637.58 |
| William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202 | Manufactured Housing Institute | | |
| Joel Packer, 1201 16th Street, NW Washington, DC 20036 | National Education Assn | 3,978.55 | 37.50 |
| Lee W. Paden, P.O. Box 201 Tulsa, OK 74102 | Public Service Co of Oklahoma | | |
| Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006 | Transportation Communications Union | 3,000.00 | 166.38 |
| Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121 | Westland Development Co., Inc | | |
| John Palafoutas, 111 14th Street, NW, Suite 1001 Washington, DC 20005 | AMP Inc | 2,000.00 | |
| Michael C. Palmer, 1101 Vermont Ave., NW, #604 Washington, DC 20005 | College of American Pathologists | 1,168.00 | |
| Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036 | Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers) | 6,150.00 | 309.25 |
| Do | Palumbo & Cerrell, Inc (For:Atlantic Richfield Co) | 825.00 | 7.50 |
| Do | California Forestry Association | 762.50 | 13.00 |
| Do | Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn) | 225.00 | 6.00 |
| Do | New Jersey Turnpike Authority | 362.00 | |
| Do | Proctor & Gamble Mfg Co | 5,900.00 | 161.50 |
| Do | Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District) | 425.00 | |
| Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036 | American Soc of Composers Authors & Publishers | 48,750.00 | 18,767.66 |
| Do | Atlantic Richfield Co | 36,000.00 | 4,459.02 |
| Do | California Forestry Association | 13,050.00 | 5,335.95 |
| Do | Government Employees Hospital Assn | 18,000.00 | 5,786.06 |
| Do | New Jersey Turnpike Authority | 31,999.00 | 4,773.77 |
| Do | Proctor & Gamble Mfg Co | 37,500.00 | 12,585.12 |
| Do | Southern California Rapid Transit District | 42,175.04 | 4,066.55 |
| Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036 | Securities Industry Assn | 3,704.00 | |
| Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114 | American Petroleum Institute | | |
| Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006 | Dow Chemical USA | | 6,136.00 |
| Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Sears Roebuck & Co | 15,000.00 | 92.51 |
| James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030 | Seniors Coalition | 799.60 | 52.00 |
| Jack C. Parnell, 1250 I Street, NW, #801 Washington, DC 20005 | Kahn Soares & Conway (For:Central Soya/Novamont) | 1,000.00 | |
| Do | Kahn Soares & Conway (For:Friant Water Users Authority) | 9,850.00 | 70.00 |
| Do | Kahn Soares & Conway (For:National Agricultural Chemicals Association) | 9,850.00 | 589.37 |
| Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603 | Air Force Sergeants Assn, Inc | | |
| Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102 | Tandy Corporation | 12,596.45 | 2,128.07 |
| William E. Parshall, 230 South Broad Street Philadelphia, PA 19102 | | | |
| Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 6,178.00 | |
| Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038 | | | |
| Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 5,224.64 | |
| Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302 | Burns & McDonnell | | |
| Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024 | National Pork Producers Council | 10,000.00 | 647.82 |
| Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314 | US Strategies Corp | | |
| Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626 | City of Alhambra | | |
| Do | City of Bell & Bell Community Redevelopment Agency | 6,638.00 | 350.37 |
| Do | Burke Williams & Sorensen (For:City of Santa Ana) | | |
| Do | Burke Williams & Sorensen (For:City of Santa Clarita) | | |
| Do | City of Temecula | | |
| Do | | 3,188.50 | |
| Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006 | Dow Chemical Co | 500.00 | 6,336.00 |
| Sally Patterson, 810 Seventh Ave. New York, NY 10019 | Planned Parenthood Federation of America | | |
| C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005 | Maritime Institute for Research & Industrial Development | 12,047.90 | |
| Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037 | Ad Hoc Coalition for FPI Reform | | |
| Do | Ad Hoc Coalition for Intermarket Coordination | | |
| Do | Ad Hoc Coalition Administration for Native Americans | | |
| Do | Air Products & Chemicals, Inc | 345.00 | 50.00 |
| Do | Aiwa America, Inc | | |
| Do | Akai America, Ltd | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Alabama Power Co | | |
| Do | Amenco | | |
| Do | American Congress on Surveying & Mapping | | |
| Do | American International Automobile Dealers Assn | | |
| Do | American International Group | | |
| Do | American Soc of Plastic & Reconstructive Surgeons | | |
| Do | American Stock Exchange, Inc | | |
| Do | Ares-Serono, Inc | 563.75 | 30.00 |
| Do | Armco, Inc | 345.00 | 20.00 |
| Do | Association of Trial Lawyers of America | | |
| Do | Bankers Trust Company | | |
| Do | Bath Iron Works Corp | | |
| Do | Beauty & Barber Supply Institute | | |
| Do | Bic Corporation | | |
| Do | Blair Corporation | | |
| Do | Bluebonnet Savings Bank FSB | | |
| Do | Board of Mississippi Levee Commissioners | | |
| Do | Bristol Myers/Squibb Corp | 310.00 | |
| Do | Casio | | |
| Do | Castle & Cooke, Inc | | |
| Do | Center for Molecular Medicine & Immunology | | |
| Do | Center for Strategic Tax Reform (CSTR) | 3,450.00 | 100.00 |
| Do | Center City-Inner Harbor Management, Inc | | |
| Do | Chemfix Technologies, Inc | | |
| Do | Cherokee Nation of Oklahoma | 297.50 | 51.33 |
| Do | Cherokee Nation Industries, Inc | | |
| Do | Chicago Board Options Exchange | 580.00 | 30.00 |
| Do | Christopher Columbus Center Development, Inc | 1,000.00 | |
| Do | Chrysler Corporation | | |
| Do | City & County of Denver | 230.00 | |
| Do | City of Baltimore | | |
| Do | Climate Council | | |
| Do | Coalition for Fair Allocation of Interest | 345.00 | 100.00 |
| Do | Coalition on State Use Taxes | | |
| Do | College Savings Bank | 770.00 | 10.00 |
| Do | Columbia, Inc | | |
| Do | Corridor Broadcasting Corp | | |
| Do | Council of Community Blood Centers | | |
| Do | CUC International | | |
| Do | Dairy Institute of California | | |
| Do | Dealer Action Association | | |
| Do | Denver Colorado Planning Department | | |
| Do | Discovery Channel | | |
| Do | Dole Fresh Fruit Co | | |
| Do | Doyon Corporation | | |
| Do | Duty Free Shoppers Group, Ltd | | |
| Do | Edison Electric Institute | 870.00 | 20.00 |
| Do | Electric Reliability Coalition | 1,140.00 | |
| Do | Encore Computer Corp | | |
| Do | Falconwood Corp | | |
| Do | Federation Against Inequitable & Progressive Taxation | | |
| Do | Fiart Cantieri Italiani, S.P.A. | | |
| Do | Flexi-Van Leasing, Inc | 290.00 | 12.00 |
| Do | Florida State Assn of Supervisors of Elections, Inc | | |
| Do | Freedom to Advertise Coalition | | |
| Do | Fuji Photo Film USA, Inc | | |
| Do | Gana-A'Yoo, Limited | | |
| Do | General Electric Co | | |
| Do | Genstar Container Corp | 290.00 | 12.00 |
| Do | George Mason University Foundation, Inc | 1,600.00 | |
| Do | Greater Baltimore Committee Foundation | 500.00 | |
| Do | Charles Heilbronn, et al. | | |
| Do | Hillenbrand Industries | | |
| Do | Hitachi Sales Corp of America | | |
| Do | Home Owners Warranty Corp | | |
| Do | Institute of Scrap Recycling Industries | | |
| Do | International Fabricare Institute | | |
| Do | International Swaps Dealers Assn, Inc | | |
| Do | Itel Containers International Corp | | |
| Do | J.P. Morgan & Co, Inc | | |
| Do | Jena Band of Choctau | 210.00 | 10.00 |
| Do | Johnson Controls World Services, Inc | | |
| Do | Kaiser Aluminum & Chemical Corp | | |
| Do | Kenwood USA Corporation | | |
| Do | KAO Infosystems | | |
| Do | Landauer, Inc | | |
| Do | Local Governments Coalition on Wetlands Protection | 110.00 | 20.00 |
| Do | Loop, Inc | | |
| Do | Loyola University | | |
| Do | Manhole Adjusting, Inc | | |
| Do | Marathon Oil Co | 205.00 | |
| Do | Mars, Inc | 110.00 | |
| Do | Mass Mutual | 155.00 | 10.00 |
| Do | Matson Navigation Co | | |
| Do | Matsushita Electric Corp of America | | |
| Do | Maxell Corp of America | | |
| Do | Metropolitan Life | | |
| Do | Mitsubishi Electric Sales of America, Inc | | |
| Do | Mutual Legislative Committee | | |
| Do | MCI Telecommunications, Inc | 110.00 | |
| Do | Nakajima USA | | |
| Do | Nakamichi USA | | |
| Do | National Assn for the Superconducting Super Collider (SSC) | | |
| Do | National Assn of Life Underwriters | | |
| Do | National Assn of Retail Druggists | | |
| Do | National Automatic Merchandising Assn | 465.00 | 20.00 |
| Do | National Cable Television Assn, Inc | | |
| Do | National Marine Manufacturers Assn | | |
| Do | National Propane Gas Assn | 3,000.00 | |
| Do | National Retail Federation (RITAC) | | |
| Do | National Soft Drink Assn | | |
| Do | New York Life Insurance Company | | |
| Do | Newspaper Association of America | 485.00 | |
| Do | Northwestern Mutual Life Insurance Co | | |
| Do | Nutri/Systems, Inc | | |
| Do | NCNB Texas National Bank | | |
| Do | NEC Electronics (USA) Inc | | |
| Do | NMTBA-National Machine Tool Builder's Assn | 345.00 | 20.00 |
| Do | Onkyo USA Corp | | |
| Do | Options Clearing Corp | | |
| Do | OSG Bulk Ships, Inc | | |
| Do | Pioneer Electronics (USA), Inc | | |
| Do | PNC Financial Corp | | |
| Do | Reader's Digest Assn, Inc | 1,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Donald Rector | | |
| Do | Reinsurance Assn of America | | |
| Do | Reliance Group Holdings, Inc | 290.00 | 12.00 |
| Do | Republic of Guatemala | | |
| Do | Royal Trustco Ltd | | |
| Do | Sansui Electronics Corp | | |
| Do | Sanyo Electronics, Inc | | |
| Do | Raymond F. Schoenke Jr. | | |
| Do | Sedgwick James, Inc | | |
| Do | Sharp Electronics Corp | | |
| Do | Charles E. Smith Companies | | |
| Do | Smokeless Tobacco Council, Inc | 3,640.00 | 60.00 |
| Do | Sony Corp of America | | |
| Do | Sprat Bay Corp | | |
| Do | Standard Federal Savings Bank | | |
| Do | State of Louisiana, Department of Conservation | | |
| Do | Sultantate of Oman | 1,250.00 | |
| Do | Sybron Corp | | |
| Do | STS Hydropower, LTD | | |
| Do | Thomson US, Inc | | |
| Do | Toshiba America, Inc | | |
| Do | Trans Ocean Ltd | 290.00 | 12.00 |
| Do | Triton Container | 290.00 | 12.00 |
| Do | TDK USA Corp | | |
| Do | TEAC Corp of America | | |
| Do | U.S. Tobacco Company | | |
| Do | University of Arizona Foundation | 6,000.00 | |
| Do | US JVC Corporation | | |
| Do | USX Corporation | 345.00 | 20.00 |
| Do | Waste Management, Inc | | |
| Do | Wayne County Michigan | 61.25 | |
| Do | Westinghouse Electric Corp | | |
| Do | Yamaha Electronics Corp, USA | | |
| Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036 | Allegheny Power System Inc, et al. | 14,212.50 | 180.21 |
| Do | Amdahl Corp | | |
| Do | American College of Neuropsychopharmacology | 90.00 | |
| Do | American Trucking Assns, Inc | 3,277.50 | |
| Do | Business Council on Indoor Air | | |
| Do | Government Affairs Policy Council of Reg Bell Operating Co's | 6,768.75 | 46.06 |
| Do | Kawasaki Motors Corp, USA | 570.00 | |
| Do | Morehouse College | | |
| Do | Norfolk Southern Corp | | |
| Do | Novo-Nordisk Pharmaceuticals, Inc | 2,125.00 | 59.41 |
| Do | Roadway Services, Inc | | |
| Do | Siskiyou Co Board of Supervisors & Office of Education | 87.50 | |
| Do | Tobacco Institute | 2,066.25 | |
| Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036 | HNSX Supercomputers, Inc | | |
| Do | National Music Publishers Assn, Inc | | |
| Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002 | Congressional Consultants (For:American Assn of Retired Persons) | | |
| Do | Dialysis Clinic, Inc | | |
| Do | Kinetic Concepts, Inc | 1,000.00 | |
| Do | Congressional Consultants (For:National Renal Administrators Assn) | 2,000.00 | 20.00 |
| Do | Victims of Insurance Company Errors (Voice) | 1,000.00 | 20.00 |
| Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 639.00 | |
| Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 2,900.00 | 300.85 |
| Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024 | Aircraft Owners & Pilots Assn | 5,000.00 | 852.88 |
| Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003 | Pearson & Pipkin (For:Physicians Who Care) | | |
| Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003 | Physicians Who Care | 1,500.00 | |
| Robert Peck, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | | |
| Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | | |
| Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005 | National Agricultural Chemicals Assn | | |
| Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 2,200.00 | 455.00 |
| Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406 | National Concrete Masonry Assn | 5,416.00 | 670.38 |
| James C. Pennington, 5535 Hempstead Way Springfield, VA 22151 | National Assn for Uniformed Services | 3,406.27 | |
| Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931 | | | 695.33 |
| Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101 | | | 2,434.88 |
| People for America, Inc, 4404 Fairfax Hill Plano, TX 75024 | | | 5,900.01 |
| Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006 | Warner-Lambert Company | 3,000.00 | |
| Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011 | American Coke & Coal Chemicals Institute | | |
| Do | Boeing Company | | |
| Do | Burlington Resources | 3,125.00 | 2,500.00 |
| Do | Cook Inlet Region, Inc | 2,500.00 | 2,500.00 |
| Do | General Electric Co | | |
| Do | James River II, Inc | 12,500.00 | 4,375.00 |
| Do | Puget Sound Power & Light Company | | |
| Do | Wood Heating Alliance | | |
| Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003 | Beneficial Management Corp | | |
| Jeffry L. Perlman, 1400 K St., NW Washington, DC 20005 | American Advertising Federation | 750.00 | 232.49 |
| Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853 | National Rehabilitation Counseling Assn | | |
| Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004 | National Association of Private Psychiatric Hospitals | 500.00 | |
| Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068 | Potomac Electric Power Company | | |
| Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005 | IBM Corp | | |
| Susan Perry, 1015 15th Street, NW Washington, DC 20005 | American Bus Assn | 2,687.50 | 75.00 |
| John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308 | Georgia Power Co | 9,893.06 | 1,940.74 |
| Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702 | Americans for Nonsmokers' Rights | 773.00 | |
| John W. Pestle, 171 Monroe Ave., #800 Grand Rapids, MI 49503 | Michigan Municipal Cooperative Group | 49,396.00 | 7,740.00 |
| Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431 | General Electric Co | 100.00 | |
| Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201 | Juvenile Products Manufacturers Assn | 8,290.00 | 1,078.66 |
| Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005 | National Grain Trade Council | | |
| Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005 | Minnesota Mining & Manufacturing Co | 2,500.00 | |
| J. Scott Peterson, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 943.75 | 33.80 |
| Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612 | American Petroleum Institute | | |
| Joseph P. Petito, 1800 M Street, NW Washington, DC 20036 | Coopers & Lybrand | 2,200.00 | 20.00 |
| Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006 | Manville Corporation | 500.00 | |
| Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036 | Cosmetic Toiletry & Fragrance Assn, Inc | 1,500.00 | 30.00 |
| Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005 | | 20,000.00 | 18,194.17 |
| Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 20.00 | |
| Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006 | Dow Chemical Co | 500.00 | 6,236.00 |
| Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 16.08 |
| C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036 | Southwestern Bell Corp-Washington, Inc | 27,000.00 | |
| Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036 | International Assn of Drilling Contractors | | |
| Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004 | National Retail Federation | 3,000.00 | 41.69 |
| Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005 | | 37,553.50 | 37,553.50 |
| Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106 | Southwestern Public Service Co | 6,710.40 | 485.11 |
| Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036 | Pacific Seafood Processors Assn | 22,500.00 | 450.00 |
| Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036 | Union Oil Co of California | | |
| William C. Phelps, 2929 Allen Parkway Houston, TX 77019 | American General Corporation | 1,760.00 | 4,480.40 |
| William W. Phelps, P.O. Box 2159 Dallas, TX 75221 | FINA, Inc | 30,000.19 | 3,313.51 |
| James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209 | Magnavox Electronic Systems Co | 4,857.55 | 2,318.44 |
| Deirdre B. Phillips, 100 Federal Street Boston, MA 02110 | Bank of Boston Corporation | | |
| Do | First National Bank of Boston | | |
| Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 1,377.00 | 125.61 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006 | National Committee to Preserve Social Security & Medicare | 2,315.00 | |
| Dan Phythyon, 1771 N St., NW Washington, DC 20036 | National Assn of Broadcasters | 4,500.00 | 1,078.85 |
| Lisa Piccione, 1220 19th Street, NW, #200 Washington, DC 20036 | Airports Assn Council International | 12,600.00 | |
| Lori J. Pickford, 2301 M Street, NW Washington, DC 20037 | American Public Power Assn | 2,000.00 | |
| Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004 | Baltimore Gas & Electric Co | 190.08 | |
| Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 3,750.00 | 426.70 |
| Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007 | Mauritius Sugar Syndicate | | |
| Do | Oklahoma Natural Gas Company | | |
| Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance | 1,000.00 | |
| Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | | |
| Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024 | American Automobile Assn | | |
| Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006 | City of Portsmouth, New Hampshire | 3,250.00 | |
| Do | Latin American Management Assn | 2,250.00 | |
| Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036 | American Assn of Pharmaceutical Distributors | | 2,100.00 |
| Do | Biotechnology Software Manufacturers Assn | | 2,100.00 |
| Do | Direct Marketing Assn | | 4,100.00 |
| Do | Edison Electric Institute | | |
| Do | Information Industry Assn | | 2,100.00 |
| Do | Journal of Commerce, Inc | | 2,100.00 |
| Do | Mead Data Central, Inc | | 10,200.00 |
| William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006 | Amdahl Corp | 1,000.00 | |
| Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414 | | | |
| Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036 | | 7,423.31 | 7,423.31 |
| Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045 | Nerco, Inc | 6,799.00 | 1,269.41 |
| Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005 | American Petroleum Institute | 8,850.00 | 193.45 |
| Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004 | McCamish Martin & Loeffler (For:Central South West Corp) | | |
| Do | McCamish Martin & Loeffler (For:Citicorp) | | |
| Do | McCamish Martin & Loeffler (For:City of Philadelphia) | 65.00 | |
| Do | McCamish Martin & Loeffler (For:Electronic Data Systems Corp) | | |
| Do | McCamish Martin & Loeffler (For:National Assn of Broadcasters) | 390.00 | |
| Do | McCamish Martin & Loeffler (For:Sematech) | 33.00 | |
| Do | McCamish Martin & Loeffler (For:United Services Automobile Assn) | | |
| Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036 | Brown & Root, Inc | | |
| Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037 | Police Executive Research Forum | 1,433.93 | |
| Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450 | CNG Transmission Corp | 500.00 | 304.54 |
| Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160 | | | |
| Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036 | Nissan Motor Company, Ltd | | |
| Do | Nissan Motor Manufacturing Corp, U.S.A. | | |
| Do | Nissan North America, Inc | | |
| Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836 | NAC Re Corp | | 50.00 |
| Pollack & Greene, 201 North Fairfax Street, Suite 22 Alexandria, VA 22314 | National Coalition of Abortion Providers | 30,028.00 | 7,352.85 |
| Michele Pollak, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 202.30 | |
| Alfred M. Pollard, 900 19th Street NW Washington, DC 20006 | Savings & Commmunity Bankers of America | 2,794.52 | 14.00 |
| Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202 | Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp) | | 1,546.98 |
| William B. Pomeroy, 1255 23rd Street, NW, #800 Washington, DC 20037 | International Communications Assn | | |
| John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003 | Ashley, Inc | | |
| James J. Popham, 1200 18th Street, NW Washington, DC 20036 | Association of Independent Television Stations, Inc | 1,500.00 | |
| Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209 | Roadway Services, Inc | | |
| Port of Seattle, P.O. Box 1209 Seattle, WA 98111 | | | |
| J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006 | McDermott Will & Emery | | |
| Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036 | Wallace & Edwards | | |
| John J. Power, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 21,067.65 | 138.25 |
| Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001 | United Brotherhood of Carpenters and Joiners of America | 9,423.12 | 406.54 |
| David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | 850.00 | 120.00 |
| Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005 | American Immigration Lawyers Assn | 5,677.87 | 40.00 |
| Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006 | American Fisheries Coalition | 2,625.00 | |
| Do | American President Lines | 15,520.00 | |
| Do | ASARCO, Inc | 2,982.00 | |
| Do | Bay Ship Management | | |
| Do | Bellingham Cold Storage | | |
| Do | Brown Forman Corp | | |
| Do | Browning Kaleczyc Berry & Hoven | 1,258.00 | |
| Do | Burlington Northern Railroad Co | | |
| Do | Calista Corp | | |
| Do | Chambers Development Co, Inc | 937.50 | |
| Do | Computer Systems Policy Project | | |
| Do | Council on Research & Technology | | |
| Do | Data General Corp | | |
| Do | Delta Queen Steamboat Company | 3,975.50 | |
| Do | Earthquake Project | 1,162.50 | |
| Do | ENVIROTIRE, Inc | | |
| Do | Georgia Pacific Corp | | |
| Do | Hewlett-Packard Co | | |
| Do | Intelsat | | |
| Do | Intermodal Association of North America | 184.00 | |
| Do | Kraft General Foods | | |
| Do | Kyokuyo Co, Ltd | | |
| Do | Microsoft Corp | | |
| Do | Montana Tavern Association | | |
| Do | Mormac Marine Group, Inc/Mormac Marine Transport, Inc | | |
| Do | National Council on Compensation Insurance | | |
| Do | National Hydropower Assn | | |
| Do | Nichiro Corp | | |
| Do | Nissui Shipping Corp | | |
| Do | OMI Corp | 3,020.50 | |
| Do | Pacific Medical Center | | |
| Do | Pitney Bowes | | |
| Do | Port of Seattle | 120.00 | |
| Do | Printing Industries of America | | |
| Do | Rokuchu Marine Corp | | |
| Do | Software Pubishers Association | | |
| Do | Sunmar Shipping, Inc | | |
| Do | Taiyo Gyogyo Kabushiki Kaisha | | |
| Do | Tele-Communications, Inc | 5,713.00 | |
| Do | Transportation Institute | | |
| Do | Tri-City Industrial Development Council | | |
| Do | University of Washington | | |
| Do | Westinghouse Electric Company | | |
| Do | Weyerhaeuser Co | | |
| Harold Price, 1533 New Hampshire Ave., NW Washington, DC 20036 | National Assn of Retired Federal Employees | | |
| Michael Allen Price, 11166 Main Street, Suite 302 Fairfax, VA 22030 | Seniors Coalition | 1,237.50 | 65.85 |
| Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006 | Chrysler Corporation | | |
| Do | General Electric Co | | |
| Do | Investment Company Institute | | |
| Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036 | National Solid Waste Management Assn | 500.00 | |
| Sydney Probst, 12 Fourth Street, SE Washington, DC 20003 | Kansas City Southern Industries, Inc | 2,000.00 | |
| Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219 | | | |
| Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606 | | | |
| Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206 | | | |
| Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036 | American President Companies, Ltd | 11,874.00 | |
| James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 450.00 | |
| George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corporation | | |
| Nicolette P. Psyllas, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202 | National Assn of Accredeted Cosmetology Schools | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036 | | 35,625.00 | 40,515.00 |
| Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006 | | 79,396.88 | 27,368.10 |
| Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101 | | | 357.50 |
| Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701 | Sammons Enterprises, Inc | 18,750.00 | 30.59 |
| Do | Southwest Airlines Co | 16,400.00 | 6,407.38 |
| Do | Texas Motor Transportation Association | | 4.52 |
| David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006 | Manville Corporation | 500.00 | |
| Brenda Pulley, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)) | | |
| Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314 | Printing Industries of America, Inc | 2,500.00 | |
| Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733 | Florida Power Corp | 3,025.00 | 1,128.43 |
| Do | Florida Progress Corp | 754.00 | 282.11 |
| Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016 | Amalgamated Transit Union, AFL-CIO | | |
| Susan Putnam, 1301 K Street, NW Washington, DC 20005 | IBM | 109.50 | |
| Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036 | Houston Industries, Inc | 8,000.00 | |
| Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007 | Elkem Metals Company | 4,250.00 | |
| Do | Independent Bakers Assn | 3,000.00 | |
| Do | Stratcor | 3,000.00 | |
| Do | Welch Foods, Inc | 3,750.00 | |
| PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005 | | | |
| Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036 | National Coal Assn | 9,000.00 | 20.00 |
| John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108 | American Petroleum Institute | 2,000.00 | |
| Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | | |
| Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004 | Merck & Co, Inc | 1,500.00 | 500.00 |
| Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036 | Tennessee Valley Public Power Assn | 750.00 | |
| Do | Radin & Associates Inc (For:Washington Public Power Supply System) | | |
| Do | Radin & Associates, Inc. (For:Washington Public Utility Districts Assn) | 656.25 | |
| Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278 | | | 348.50 |
| Tanya A. Rahall, 2550 M Street, NW, 305 Washington, DC 20037 | American Task Force for Lebanon | 15,000.00 | |
| Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314 | | | |
| Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036 | | 29,165.13 | 29,165.13 |
| John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201 | Lindsay Hart Neil & Weigler (For:Business Computer Training Institute) | 11,000.00 | 1,152.79 |
| Do | Lindsay Hart Neil & Weigler (For:Moex Corp) | 18,000.00 | 1,107.72 |
| Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 1,000.00 | |
| Donald A. Randall, 321 D Street, NE Washington, DC 20002 | National Independent Dairy-Foods Assn | 137.92 | |
| D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072 | Salt River Project | 1,680.00 | 5,826.25 |
| Larry Rasky, One Beacon Street Boston, MA 02138 | Rasky & Company (For:National Cable Television Assn, Inc) | 15,000.00 | |
| Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191 | Norfolk Southern Corp | | |
| John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037 | American Paper Institute, Inc | | |
| Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036 | American Paper Institute, Inc | | |
| G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824 | American Boiler Manufacturers Assn, Inc | 50.00 | 40.00 |
| Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002 | ABB Traction, Inc | 4,040.70 | |
| Do | Bayley Seton Hospital | 12,926.64 | |
| Do | Cumberland Packing Company | 5,523.02 | |
| Do | Lutheran Medical Center | 8,314.38 | |
| John K. Rayburn, 1801 K Street, NW Washington, DC 20006 | Westinghouse Electric Corp | 235.00 | 30.00 |
| David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Ebasco Services, Inc | 3,379.00 | 436.50 |
| Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005 | International Union of Bricklayers & Allied Craftsmen | 3,000.00 | 115.52 |
| John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314 | National Assn of Retail Druggists | 700.00 | 150.00 |
| Donald L. Redfoot, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 707.43 | 251.34 |
| Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006 | Rohm & Haas Company | | |
| Jo Reed, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 869.03 | 98.90 |
| Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024 | National Fed of Independent Business (NFIB) | 3,189.00 | 200.00 |
| Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 75.00 |
| Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715 | National Society of Professional Engineers | 1,250.00 | |
| Reese Communications Companies,Inc., 3050 K St., NW., Suite 200 Washington, DC 20007 | Philip Morris, USA | | |
| J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227 | U.S. Air, Inc | 2,000.00 | 131.25 |
| Martin A. Regalia, 900 19th Street NW Washington, DC 20006 | Savings and Community Bankers of America | | |
| R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006 | Southwestern Bell Corp | | 258.85 |
| John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005 | | | |
| Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036 | | 6,660.00 | 2,150.00 |
| David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494 | National Beer Wholesalers Assn | 3,500.00 | 269.58 |
| Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Interim Government of National Unity of Liberia | 37,500.00 | 937.30 |
| Do | National Coalition Government of the Union of Burma | | 689.83 |
| Do | People's Progressive Party | | 1,865.44 |
| Do | Republic of Guyana | | 3,754.09 |
| Do | Saharawi Arab Democratic Republic | | 9.00 |
| Do | Supreme Court of Justice of the Republic of Guatemala | | 18.83 |
| Do | United Coconut Assn of the Philippines | 11,068.37 | 1,113.32 |
| Do | United Front for Multiparty Democracy (Malawi) | | 55.92 |
| Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004 | CIAC Group | | |
| Do | Edison Electric Institute | | |
| Do | Kabi Pharmacia, Inc | 4,942.00 | 152.68 |
| Do | Nishika Corp | 16,370.50 | 977.47 |
| Do | Pride Refining, Inc | 47,930.25 | 1,437.39 |
| Do | Utility Decommissioning Tax Group | | |
| Burke G. Reilly, 1350 I Street, NW Washington, DC 20005 | Ford Motor Co | 2,500.00 | 620.10 |
| Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004 | | | |
| Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036 | Synthetic Organic Chemical Manufaturers Assn | 500.00 | |
| Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005 | Institute of Scrap Recycling Industries, Inc | 11,000.00 | 392.54 |
| Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002 | | 768,908.31 | 267,024.72 |
| Julia Renjilian, 729 15th Street, NW Washington, DC 20005 | Associated Builders and Contractors | 2,500.00 | |
| Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009 | Association of American Publishers | 6,500.00 | 619.65 |
| Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001 | Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp) | | |
| Do | Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc) | 145.00 | |
| Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | 1,500.00 | |
| Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Galen J. Reser, Pepsico, Inc Purchase, NY 10577 | Pepsico, Inc | | |
| Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006 | Coca-Cola Company | 250.00 | 448.50 |
| Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314 | | 99,834.60 | 71,333.80 |
| Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036 | Metropolitan Life Insurance Cos | | |
| Alan V. Reuther, 1757 N Street, NW Washington, DC 20036 | Int'l Union, United Autc Aerospace & Agric Implement Workers | 25,937.67 | 239.00 |
| Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213 | KFC Corp | | 497.53 |
| Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006 | American Institute of Architects | | |
| James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004 | Merck & Co, Inc | 1,500.00 | 500.00 |
| Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024 | American Farm Bureau Federation | 9,467.00 | 203.00 |
| Michael T. Richard, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 493.75 | 661.89 |
| Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007 | General Dynamics | 1,000.00 | |
| Do | Hughes Aircraft Company | | |
| Do | Pratt & Whitney | 2,000.00 | |
| Do | Sunrider International | 2,000.00 | |
| Alan H. Richardson, 2301 M St., NW Washington, DC 20037 | American Public Power Assn | 750.00 | |
| Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571 | American Nurses' Assn | 6,698.00 | |
| John C. Richardson, 101 Park Avenue New York, NY 10178 | Morgan Lewis & Bockius (For:Underwriters at Lloyd's London) | | |
| John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036 | Southern Company Services, Inc | 437.50 | 5,154.91 |
| K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006 | Transportation - Communications Union | 3,000.00 | 57.67 |
| Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004 | Corning, Inc | 200.00 | |
| Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 31,662.00 | 64.62 |
| Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502 | American Petroleum Institute | | |
| E. Philip Riggin, 1608 K St., NW Washington, DC 20006 | American Legion | 16,800.00 | 96.42 |
| Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005 | Alzheimer's Assn | 6,500.00 | 44.50 |
| Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036 | Burley & Dark Leaf Tobacco Assn | 700.00 | |
| Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266 | National Wildlife Federation | 9.28 | |
| Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006 | Mutual of Omaha Insurance Co | 300.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Joan D. Ringel, 511 Sixteenth Street, Suite 210 Denver, CO 80202-4227 | | | 150.00 |
| Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148 | Association of American Publishers | 2,000.00 | |
| Mark R. Riso, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004 | Edison Electric Institute | | |
| William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 4,308.00 | |
| Ivette E. Rivera, 412 First Street, SE Washington, DC 20003 | National Automobile Dealers Assn | 5,000.00 | |
| Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004 | Edison Electric Institute | 210.23 | 272.13 |
| Michelle Robbins, 1725 Jefferson Davis Highway Arlington, VA 22202 | Lockheed Corporation | 2,000.00 | 557.74 |
| Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 5,001.00 | |
| Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005 | Travelers Companies | 2,600.00 | |
| David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601 | Carolina Power & Light Company | 763.00 | 5,067.00 |
| Glenn Roberts, 1620 I Street, NW Washington, DC 20006 | American Spice and Trade Association | | |
| Do | Certified Color Manufacturers Assn | | |
| Do | Flavor and Extract Manufacturers Assn | | |
| Do | Fragrance Materials Assn | | |
| Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136 | Emerson Electric Co | | 1,604.63 |
| Richard R. Roberts, P.O. Box 809 North Beach, MD 20714 | American Council of Highway Advertisers | 13,866.00 | 1,841.66 |
| Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001 | Chubb Corporation | 5,000.00 | 905.88 |
| Steve A. Robertson, 1608 K Street, NW Washington, DC 20006 | American Legion | 10,779.00 | 115.19 |
| Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006 | Crystal Cruises, Inc | | |
| Do | International Group of P&I Clubs | 3,300.00 | 50.00 |
| Do | Polaris Industries | 736.00 | 18.27 |
| Do | | | |
| Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek) | | |
| H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | 100.00 | |
| Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036 | Bailey & Robinson (For:American Imaging Assn) | | |
| Do | Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania) | | |
| Do | Bailey & Robinson (For:Case Management Society) | | |
| Do | Bailey Morris & Robinson (For:Human Factors Applications, Inc) | | |
| Do | Bailey & Robinson (For:Investment Company Institute) | | |
| Do | Bailey & Robinson (For:National Assn of Broadcasters) | | |
| Do | Bailey & Robinson (For:Natural Gas Vehicles Coalition) | | |
| Do | Bailey & Robinson (For:Upjohn Co) | | |
| Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006 | American International Group, Inc | 6,000.00 | |
| Do | Atari Games Corp | | |
| Do | Central Valley Project Water Association | 1,000.00 | |
| Do | Commission on Self-Determination | | |
| Do | CALCOT, Ltd | | |
| Do | Ingersoll-Rand | | |
| Do | Kimberly Quality Care | | |
| Do | Mesa Limited Partnership | | |
| Do | Minolta Corp | | |
| Do | Napa Flood Control and Water Conservation District | | |
| Do | National Venture Capital Association | | |
| Do | Natural Gas Vehicle Coalition | | |
| Do | New York Mercantile Exchange (NYMEX) | | |
| Do | Sun-Diamond Growers of California | | |
| Do | United States Banknote Corp | | |
| Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001 | Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)). | 1,000.00 | |
| Do | Robison International, Inc (For:FMC Corp) | 1,000.00 | |
| Do | Robison International, Inc (For:General Atomics Technologies) | 1,000.00 | |
| Do | Robison International, Inc (For:McDonnell Douglas Corp) | 1,000.00 | |
| Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001 | Allied-Signal Aerospace Companyy | 2,770.90 | 2,920.32 |
| Do | British Aerospace, Inc (Government Programs Office) | 5,595.29 | 5,899.85 |
| Do | FMC Corporation | 1,200.00 | 1,262.84 |
| Do | General Atomics Technologies | 4,501.64 | 4,735.68 |
| Do | Heckler & Koch, Inc | 4,000.00 | 4,202.91 |
| Do | Mas-Hamilton Group | 6,906.54 | 7,162.70 |
| Do | McDonnell Douglas Corp | 3,879.00 | 4,086.63 |
| Do | Oshkosh Truck Corp | 750.80 | 789.29 |
| Do | Solid Waste Composting Council | | 3,157.12 |
| Do | SOFEC, Inc | 3,150.00 | 3,314.99 |
| James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036 | Montana Power Co, et al. | 2,500.00 | 712.89 |
| James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004 | American Resort & Residential Development Assn | 3,000.00 | |
| Do | Coalition for Fair Taxation of Real Estate | 3,000.00 | |
| Daniel Rode, 1050 17th Street, NW, #510 Washington, DC 20036 | Healthcare Financial Management Assn | | 581.69 |
| Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 23.25 |
| Quincy Rodgers, 181 West Madison Street, Suite 4900 Chicago, IL 60602 | General Instrument Corporation | 1,500.00 | 18.53 |
| Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960 | El Paso Electric Co | | |
| Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116 | Washington Citizens for World Trade | 24,675.00 | 2,907.08 |
| Kyle Rogers, 818 Connecticut Ave., NW, #200 Washington, DC 20006 | U.S. English | | |
| Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006 | Dow Chemical Co | | 6,336.00 |
| Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078 | Baker & McKenzie (For:Horsham Corporation) | 972.00 | 919.91 |
| Do | Baker & McKenzie (For:Levi Strauss & Company) | 6,669.00 | 2,430.02 |
| Do | R. Duffy Wall & Associates, Inc | | |
| Do | Baker & McKenzie (For:Tandy Corp) | 6,507.00 | 464.45 |
| Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036 | Boise Cascade Corp | 34,200.00 | |
| Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314 | Retired Officers Assn | 3,310.12 | |
| Stephen F. Rohrkemper, 2230 Gallows Road, #200 Dunn Loring, VA 22027 | International Technical Expertise Ltd | | |
| Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801 | Lincoln National Corp | 900.00 | 520.00 |
| Jackie Rollins, 1201 16th Street, NW Washington, DC 20036 | Overseas Education Assn, Inc | | |
| George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419 | CIBA-GEIGY Corp | 4,533.00 | 2,825.79 |
| Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038 | Asarco, Inc | 1,600.00 | |
| Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209 | Grumman Corp | 625.00 | 285.75 |
| W. T. Rooker Jr., 1301 K Street, NW, #1200 Washington, DC 20005-3307 | IBM Corp | | |
| Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005 | Biscuit & Cracker Mfgrs Assn | | |
| J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278 | Golden Rule Insurance Company | | 1,228.92 |
| James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005 | Rosapepe & Spanos, Inc (For:H&R Block, Inc) | 1,200.00 | 43.50 |
| Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005 | H&R Block, Inc | 9,000.00 | 3,112.59 |
| Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004 | Goldman Sachs & Co | 500.00 | |
| Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005 | Ad Hoc Coalition on Fuel Cells for Transportation | 5,000.00 | |
| Do | Johnson Matthey, Inc | | |
| Burt E. Rosen, 1020 19th Street, NW, Suite 420 Washington, DC 20036 | Bristol-Myers Squibb Co | 1,000.00 | |
| Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036 | Recording Industry Assn of America | 1,000.00 | |
| Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902 | Miles, Inc | | |
| Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027 | National Pest Control Assn | | |
| Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009 | Jewish War Veterans of the USA | 16,153.83 | 16.50 |
| Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009 | Migrant Legal Action Program, Inc | | |
| Joe Ross, 111 Main Street Little Rock, AR 72201 | | | |
| John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728 | | | |
| Nancy Ross, 1830 17th Street, NW, #704 Washington, DC 20009 | Rainbow Lobby | 4,500.00 | |
| William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8 | American Petroleum Institute | | |
| Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001 | National Assn of Independent Colleges & Universities | 2,424.00 | |
| Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | |
| John C. Rother, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 1,850.96 | |
| Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036 | Int'l Union of Electronic, Electrical, Salaried, Machine... | 12,862.24 | 67.13 |
| Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904 | Marconi Electronics, Inc | 3,000.00 | 1,004.10 |
| Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036 | Citizen Action Fund | 500.00 | 238.00 |
| Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708 | Central Florida Commuter Rail Authority | | |
| Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501 | American Petroleum Institute | | |
| Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024 | National Fed of Independent Business | | |
| Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 10.00 |
| Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036 | Enserch Corp | 3,031.00 | 5,730.90 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202 | | | |
| Natalie Roy, 34 North Highland Street Arlington, VA 22201 | Glass Packaging Institute | | 2,750.00 |
| P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938 | Financial Executives Institute | | 500.00 |
| Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Brunswick Bank & Trust Company | | |
| Do | Citizens Savings Bank | | |
| Do | Financial Security Assurance | | |
| Do | International Futures Exchange | | |
| Do | Intex Holdings (Bermuda) Ltd | | |
| Do | Long Island Savings Bank | | |
| Do | MacAndrews & Forbes Holdings, Inc | | |
| Do | Michigan Trade Exchange | | |
| Do | Municipal Finance Industry Assn | | |
| Do | National Health Labs, Inc | | |
| Do | Philip J. Scutieri | | |
| Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006 | Municipal Finance Industry Assn | | |
| Do | John Nuveen & Co, Inc | | |
| T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713 | American Road & Transportation Builders Assn | 5,000.00 | 500.00 |
| N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037 | American Pharmaceutical Assn | 500.00 | 25.35 |
| Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016 | Central Arizona Project Assn | | |
| Frank S. Ruddy, 5600 Western Avenue Chevy Chase, MD 20815 | Edison Electric Institute | | |
| Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817 | Mortgage Insurance Companies of America | 4,500.00 | 486.62 |
| Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002 | American Soc of Travel Agents | | |
| Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036 | Institute of Electrical & Electronics Engineers | 2,500.00 | 1,100.00 |
| Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 5,000.00 | |
| Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006 | Ares-Serono, Inc | 1,000.00 | 225.00 |
| Terry Cornwell Rumsey, 7900 Westpark Drive #A-400 McLean, VA 22102 | Xerox Corp | | 67.60 |
| John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314 | Printing Industries of America, Inc | 1,000.00 | |
| Robert Rusis, 15 Mountain View Road Warren, NJ 07061 | Chubb Corporation | | |
| Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006 | CIBA-GEIGY Corp | 4,375.00 | 26.02 |
| Barry Russell, 1101 16th St., NW Washington, DC 20036 | Independent Petroleum Assn of America | | 30.00 |
| Christine Anne Russell, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 9,875.00 | |
| Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | 100.00 | |
| Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028 | Lesher & Russell, Inc | | |
| Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036 | Ashland Oil, Inc | 2,000.00 | |
| William Russell & Associates, Inc, 117 S. Columbus Street Alexandria, VA 22314-3003 | Golbal Broadcasting System | 2,000.00 | 67.42 |
| Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002 | American Civil Liberties Union | 1,000.00 | |
| Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 125.00 | |
| Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119 | | | |
| John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005 | Bristol-Myers Squibb Co | 1,000.00 | |
| Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006 | Nissan North America, Inc | 7,375.00 | |
| RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019 | | | 33,071.79 |
| Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005 | Rowland & Sellery (For:GE Plastics) | 1,000.00 | 25.00 |
| Do | Rowland & Sellery (For:National Check Cashers Assn, Inc) | 1,500.00 | 25.00 |
| Do | Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)). | 1,004.00 | 25.00 |
| Ronald K. Sable, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202 | McDonnell Douglas Corp | | |
| G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 3,821.00 | 355.94 |
| Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 5,000.00 | 676.61 |
| Safe Streets Alliance, 1146 19th Street, NW, Suite 700 Washington, DC 20036 | | | |
| Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006 | Ebasco Services Inc | 6,000.00 | 12.76 |
| Lee Becker Salamone, 1111 14th St., NW Washington, DC 20005 | American Bakers Assn | | |
| Stephen Sale, 910 16th Street, NW Washington, DC 20006 | Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc) | | |
| R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036 | McCaw Cellular Communications, Inc | 10,000.00 | 11,607.00 |
| Frank Max Salinger, 919 18th Stret, NW Washington, DC 20006 | American Financial Services Assn | 250.00 | |
| Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005 | Johnson & Johnson | 400.00 | 200.00 |
| David M. Saltz, 815 16th Street, NW Washington, DC 20006 | AFL-CIO | 15,853.05 | 579.10 |
| Joel Saltzman, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 1,300.00 | 102.58 |
| Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201 | | | |
| Wendy B. Samuel, 900 19th Street NW Washington, DC 20006 | Savings and Community Bankers of America | | |
| William Samuel, 900 15th Street, NW Washington, DC 20005 | United Mine Workers of America | 13,249.98 | 238.34 |
| Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007 | American Methanol Institute | 2,000.00 | 159.00 |
| Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036 | National Business Aircraft Assn | 500.00 | |
| Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 900.00 | 87.24 |
| Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036 | American Mining Congress | | |
| Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 4,000.00 | 500.00 |
| Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016 | American Telemarketing Assn | 1,500.00 | 385.02 |
| Charles E. Sandler, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 6,000.00 | |
| Arthur R. Sando, 950 L'Enfant Plaza, SW Washington, DC 20024 | Communications Satellite Corp (COMSAT) | 2,500.00 | |
| Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102 | American Frozen Food Institute | 4,400.00 | |
| Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041 | National Beer Wholesalers Assn | 500.00 | |
| Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501 | Philip Morris, Inc | 1,500.00 | |
| Ernie Satterwhite, 1301 K Street, NW Washington, DC 20005 | IBM | | |
| Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601 | Scenic Hudson, Inc | | |
| Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | |
| Mary Jane Saunders, 1300 N. 17th Street, #300 Arlington, VA 22209 | Arter & Hadden (For:Nintendo of America, Inc) | | |
| Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314 | National Association of Truck Stop Operators | | |
| Save Our Children National Alliance, Inc, P.O. Box 535 Livingston, TX 77351-0535 | | 85.00 | 129.50 |
| Savings and Community Bankers of America, 1709 New York Avenue Washington, DC 20006 | | 6,292,020.00 | 39,856.31 |
| Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005 | | 72,705.00 | 5,800.00 |
| Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036 | Atlantic Richfield Co | | |
| Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004 | Sharp Manufacturing Company of America | 350.00 | |
| Hermine Scates, 7042 S. Chappel, #3-E Chicago, IL 60604 | | 750.00 | 9,120.00 |
| Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006 | Kansas City Power & Light, et al. | 4,593.75 | 4,819.69 |
| Amy Schaffer, 1250 Connecticut Ave., NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036 | Council for Citizens Against Government Waste | 3,433.00 | 21.65 |
| Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502 | Pacific Gas & Electric Company | 67.40 | |
| Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403 | Central Power & Light Company | | |
| G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901 | Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms) | 275.00 | |
| Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036 | Texaco, Inc | | |
| Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209 | TRW, Inc | 1,558.00 | 2,037.48 |
| Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006 | Electronic Industries Assn | 625.00 | 39.07 |
| James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305 | Johnson & Johnson | 1,350.00 | 133.00 |
| Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 52.88 | |
| Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 400.00 | |
| Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036 | Association of American Publishers | 250.00 | |
| Do | Career College Assn, Inc | 425.00 | |
| Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106 | American Assn of Classified School Employees | | |
| Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912 | Geo. A. Hormel & Company | | |
| Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314 | Non Commissioned Officers Assn | 4,000.00 | |
| Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036 | Kelly Services, Inc | 4,500.00 | 80.00 |
| Do | PepsiCo, Inc | 6,865.75 | 40.25 |
| Frank Schneller, 1957 E St., NW Washington, DC 20006 | Associated General Contractors of America | | |
| Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210 | | | 71.38 |
| Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005 | Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation) | 6,250.00 | |
| Do | Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States) | 10,000.00 | |
| Do | Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp) | 2,500.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Assn of Water Companies) | 3,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:Tulane University) | 6,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:University of Alabama System) | 6,750.00 | |
| Paul A. Schosberg, 900 19th Street NW Washington, DC 20006 | Savings & Community Bankers of America | | |
| Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001 | National Guard Assn of the U.S. | 8,005.00 | 252.71 |
| N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401 | American Petroleum Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Judy Schub, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 896.38 | 244.46 |
| Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Leslie Schultz, 888 16th Street, NW Washington, DC 20006 | International Dairy Foods Assn | | |
| Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024 | Disabled American Veterans | 15,792.00 | 238.70 |
| Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036 | Arco Chemical Company | | |
| Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036 | National Rural Electric Cooperative Association | 40.00 | |
| Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715 | National Society of Professional Engineers | 1,000.00 | |
| Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204 | California State Lands Commission | | |
| Do | Washington State Department of Natural Resources | 2,493.75 | 57.84 |
| Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077 | Federal Home Loan Mortgage Corp | 12,000.00 | 926.66 |
| Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304 | Boat Owners Assn of the U.S. | 15,000.00 | |
| Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003 | Tides Foundation | 109.60 | 2,668.91 |
| Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004 | American Council of Life Insurance, Inc | 3,975.00 | |
| Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938 | Financial Executives Institute | | 500.00 |
| Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348 | | | 300.00 |
| Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304 | Boat Owners Assn of the U.S. | 20,000.00 | |
| William L. Scogland, One IBM Plaza Chicago, IL 60611 | Jenner & Block (For:Heatherton Staff Leasing, Ltd) | 740.00 | 12.25 |
| David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005 | Mobil Corporation | 2,000.00 | 222.21 |
| Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006 | Sheet Metal Workers International Assn | 8,750.00 | |
| James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001 | American Healthcare Institute | 11,125.00 | 271.56 |
| John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 3,750.00 | |
| R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001 | United Brotherhood of Carpenters & Joiners of America | 770.00 | |
| Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006 | CNA Financial Corp | | |
| Do | Provident Life & Accident Insurance Co | | |
| Do | Security Life of Denver Insurance Co | | |
| Do | Transamerica Corporation | | |
| Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036 | Enserch Corporation | 5,313.00 | 6,031.40 |
| Anne Scully, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,725.00 | 2,195.98 |
| Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001 | International Brotherhood of Teamsters | 18,416.89 | |
| Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006 | Amdahl Corp | 1,000.00 | |
| John Morton Sebree, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 1,300.00 | 1,008.54 |
| Securities Industry Assn, 1850 M Street, NW Washington, DC 20036 | | | 286,040.00 |
| Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048 | | | 9,628.00 |
| Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036 | International Council of Cruise Lines | | 125.00 |
| Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005 | USAA | | 29,175.00 |
| Frances Seghers, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | | |
| Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036 | American President Companies, Ltd. | 1,000.00 | |
| George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108 | American Petroleum Institute | | |
| Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005 | Northwest Airlines, Inc | 2,500.00 | 25.00 |
| Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 110.00 |
| Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 3,750.00 | |
| Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| Gary B. Sellers, American Bar Assn 1800 M Street, NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016 | Federal National Mortgage Assn | 2,500.00 | 126.25 |
| Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030 | | 932,435.88 | 323,538.29 |
| W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036 | NYNEX Government Affairs Company | 8,250.00 | 1,352.01 |
| Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001 | American Israel Public Affairs Comm | | 220.91 |
| Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202 | Alliant Techsystems, Inc | 2,730.00 | 612.67 |
| Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338 | Heublein, Inc | 17,250.00 | 2,997.20 |
| Tess Serranti, 350 River Road South, C-1 New Hope, PA 18938 | Enichem America, Inc | | |
| J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604 | Florida Power & Light Co | | 3,580.00 |
| Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006 | American Soc of Pension Actuaries | 15,000.00 | 48.75 |
| Kenneth W. Shaff, 10263 Whispering Forest Drive, #1015 Jacksonville, FL 32257-0000 | KWS Legal Research & Consultants, Inc | | |
| Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 6,000.00 | |
| Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006 | Price Waterhouse (For:Investment Co Institute) | | |
| Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817 | Guam Office (For:Joseph George Bamba) | 6,000.00 | 865.87 |
| Dennis P. Sharon, 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202 | McDonnell Douglas Corp | | |
| Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822 | Matsushita Electric Corp of America | 100.00 | 59.48 |
| Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036 | Cigar Assn of America, Inc | | |
| Do | Pipe Tobacco Council | | |
| Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036 | Bunge Corp | | |
| Do | Schoeller Technical Paper, Inc | | |
| Do | Toy Manufacturers of America | | |
| Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004 | R. Duffy Wall & Associates, Inc | 1,250.00 | |
| Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006 | PHH Group | 3,000.00 | 122.00 |
| Do | Senior Executives Assn | 10,000.00 | 1,775.00 |
| Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037 | Atlas Corp | 16,548.50 | 382.71 |
| Do | Bank Leumi le-Israel, BM | 1,718.25 | 90.42 |
| Do | Edlow International Company | 5,000.00 | 500.00 |
| Do | Embraer Aircraft Corporation | | |
| Do | Emerson Electric Co | | |
| Do | ESCO Electronics Corp | | |
| Do | Gross Pointes-Harper Woods Study Comm for Detroit City Air.. | 1,828.38 | 71.36 |
| Do | Institute of International Bankers | 15,986.50 | 43,401.64 |
| Do | Lockheed Air Terminal, Inc | | |
| Do | National Automobile Dealers Assn | | |
| Do | National Marine Manufacturers Assn | 6,254.13 | 178.13 |
| Do | Nuclear Fuel Services, Inc | 1,612.00 | 101.23 |
| Do | Presbyterian University Hospital | | |
| Do | Robinson Terminal | 2,703.00 | 49.84 |
| Do | RJR Nabisco | 8,535.19 | 412.01 |
| Do | University of Pittsburgh Medical Center | | |
| Do | Utility Nuclear Waste and Transportation Program | | |
| Do | Vulcan Materials Co | 6,044.97 | 93.82 |
| Do | Waste Management, Inc | 606.20 | 14.67 |
| Do | Workplace Health and Safety Council | | |
| Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036 | American Mining Congress | 800.00 | 100.00 |
| Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036 | Societe Generale de Surveillance, S.A. | | |
| James V. Sheahan, P.O. Box 89000 Atlanta, GA 30356-9000 | Siemens Corporation | | |
| Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 4,000.00 | |
| P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006 | Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn) | | |
| Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604 | Frost & Sullivan, Inc | 3,729.60 | |
| Do | Secretariat of Commerce & Ind. Development of Mexico(SECOFI) | 789,241.18 | |
| John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006 | United Steelworkers of America | 16,198.91 | |
| Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006 | Tribune Broadcasting Co | 3,000.00 | 2,503.31 |
| C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301 | American Petroleum Institute | | |
| Andrea Sheldon, 139 C Street, SE Washington, DC 20003 | Traditional Values Coalition | | |
| Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805 | Traditional Values Coalition | | |
| John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036 | Hartford Fire Insurance | 10,000.00 | 1,040.00 |
| Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 1,850.00 | |
| Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036 | Association for Maximum Service Television, Inc | | |
| Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001 | American Fed of Teachers | 16,792.92 | 128.00 |
| T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164 | Central & South West Corp | | |
| Harold A. Shoup, 1899 L Street, NW Washington, DC 20036 | American Assn of Advertising Agencies | 2,500.00 | |
| Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20077 | Federal Home Loan Mortgage Corp | 3,208.92 | 1,665.99 |
| A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009 | | | |
| Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131 | Centerior Energy Corp | | |
| Walter Shur, 51 Madison Ave. New York, NY 10010 | New York Life Insurance Company | | |
| William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006 | Southwestern Bell Corp | | 2,993.11 |
| Linda S. Sickels, 806 Canal Street Irving, TX 75063 | Trinity Industries | 1,000.00 | 2,151.85 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006 | Commonwealth Edison Co | | |
| Do | Donrey, Inc | | |
| Do | W. K. Kellogg Foundation | | |
| Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | 1,000.00 |
| Jill Sigal, Jill Sigal Associates 1225 Eye Street, WN, #500 Washington, DC 20005 | | 2,500.00 | 662.71 |
| Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 3,000.00 | |
| Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009 | Consumers Union of U.S., Inc | 4,000.00 | 20.00 |
| Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005 | Miller Balis & O'Neil (For:American Public Gas Association (APGA)) | | |
| Hilary Sills, 2001 M Street, NW Washington, DC 20036 | OHM Corp | 1,950.00 | |
| Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assns | | |
| Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201 | Robertson Monagle & Eastaugh (For:Alaska Loggers Assn) | 2,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:Anchorage School District) | 3,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:BP America, Inc) | 3,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:City of Craig) | 2,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:City of Kotzebue) | 3,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:City of Silverton) | 2,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:Echo Bay Mining Company) | 6,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:Goldbelt) | 4,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:Kennecott Corp) | 6,000.00 | |
| Do | Robertson Monagle & Eastaugh (For:Municipality of Anchorage) | 3,000.00 | |
| Daniel Silverman, 215 Pennsyhlvania Ave., SE Washington, DC 20003 | U.S. Public Interest Research Group | 913.45 | |
| Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006 | Bannerman & Associates, Inc (For:Arab Republic of Egypt) | 500.00 | 173.64 |
| Do | Bannerman and Associates, Inc (For:Beirut University College) | | |
| Do | Bannerman & Associates, Inc (For:Government of the United Arab Emirates) | 1,500.00 | 173.43 |
| Reuben Silvers, 2030 M Street, NW Washington, DC 20036 | Common Cause | 6,000.00 | 168.50 |
| Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006 | IEEE | 9,000.00 | |
| Do | Life College | 3,500.00 | |
| Do | Majestic Realty Co | | |
| Do | Monrovia Nursery Company | | |
| Do | National Structured Settlements Trade Assn | 3,500.00 | |
| Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401 | Caltex Petroleum Corp | 350.00 | 400.00 |
| Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036 | American Water Works Assn | 10,200.00 | 4,910.24 |
| Do | Elkhart, IN | 5,941.24 | 6,345.06 |
| Do | Gary, Indiana | 8,082.45 | 5,453.29 |
| Do | National Easter Seal Society | 7,546.81 | 4,955.05 |
| Do | Newark, CA | 4,939.58 | 5,231.42 |
| Do | San Bernardino, CA | 5,516.59 | 5,411.09 |
| Do | San Leandro, CA | 4,956.81 | 5,597.75 |
| Do | Tacoma Public Utilities | 1,777.55 | 5,187.79 |
| Do | Tacoma, WA | 4,171.26 | 5,958.50 |
| Do | Urban Redevelopment Authority of Pittsburgh | 7,122.73 | 6,032.07 |
| Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314 | Railway Progress Institute | 729.06 | |
| William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005 | Entergy Services, Inc (Mississippi Power & Light Co) | 2,000.00 | |
| Do | First Mississippi Corp | 2,000.00 | |
| Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004 | Pfizer, Inc | 1,500.00 | 699.69 |
| James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | |
| Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036 | Mitsubishi Motors America, Inc | | |
| Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | 2,125.00 | |
| Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006 | La Radida Childrens Hospital & Research Center, et al. | | |
| Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005 | Mobil Corp | 2,500.00 | |
| Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005 | Bristol-Myers Squibb Company | 1,500.00 | |
| Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036 | Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers) | 4,935.00 | 90.00 |
| Do | Palumbo & Cerrell, Inc (For:Atlantic Richfield Co) | 412.50 | |
| Do | California Forestry Association | 2,790.00 | |
| Do | New Jersey Turnpike Authority | 30.00 | |
| Do | Proctor & Gamble Mfg Co | 2,992.50 | 48.75 |
| Do | Southern California Rapid Transit District | | |
| Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556 | U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands) | | |
| Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | National Assn of Mutual Insurance Cos | 125.00 | |
| Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036 | MWW Strategic Communications (For:Cuban American Foundation, Inc) | 9,000.00 | 176.25 |
| Do | MWW Strategic Communications (For:Environmental Compliance Services) | 10,000.00 | 167.00 |
| Do | MWW Strategic Communications (For:Farmland Dairies) | 18,750.00 | 124.50 |
| Do | MWw Strategic Communications (For:GAF Corp) | 47,000.00 | 143.30 |
| Do | MWW Strategic Communications (For:Hadassah Medical Organization) | 12,000.00 | 113.20 |
| Do | MMW Strategic Communications (For:Puerto Ricans for Civic Action) | 23,312.50 | 169.50 |
| Do | MMW Strategic Communications (For:Ross University) | 8,018.75 | 131.50 |
| Do | MMW Strategic Communications (For:Universidad Central del Este) | | |
| Do | MWW Strategic Communications (For:Mark Vogel) | 17,000.00 | 80.00 |
| Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036 | Amoco Corporation | 1,500.00 | |
| Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036 | Chrysler Corporation | 4,998.00 | 723.33 |
| Ronald J. Slinn, 260 Madison Avenue New York, NY 10016 | American Paper Institute, Inc | | |
| Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006 | LDDS Communications, Inc | | |
| Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 685.17 | 18.00 |
| David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter | | |
| Slover & Loftus, 1224 17th St., NW Washington, DC 20036 | Western Coal Traffic League | | |
| Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904 | | 36,822.54 | 25,354.74 |
| Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036 | Pennzoil Co | 6,000.00 | |
| Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036 | Chlorine Institute, Inc | | |
| Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036 | Exxon Corporation | | |
| C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | | |
| Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006 | Amalgamated Clothing & Textile Workers Union | 6,669.00 | 116.72 |
| Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314 | US Strategies Corp | | |
| Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202 | Colonial Companies, Inc | | |
| Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036 | West Mexico Vegetable Distributors Assn | 300.00 | |
| Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291 | Alabama Power Co | 34,879.42 | 3,874.14 |
| Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004 | French & Company (For:International Electronics Manufacturers) | 750.00 | |
| Do | French & Company (For:Montgomery Ward & Co, Inc) | 60.00 | |
| Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | | |
| Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101 | Cleveland Electric Illuminating Co | | |
| Michael P. Smith, 485 Lexington Ave. New York, NY 10017 | New York State Bankers Assn | 1,000.00 | 188.00 |
| Patricia Smith, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 883.91 | 428.45 |
| Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004 | Textron, Inc | 600.00 | 150.00 |
| Rob Smith, 516 E. Portland Street Phoenix, AZ 85006 | Sierra Club | 1,375.00 | 1,718.02 |
| Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006 | Olin Corporation | 6,800.00 | 1,975.00 |
| Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004 | Pacific Telesis Group | 9,937.50 | |
| Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036 | Southern Company Services, Inc | 216.00 | 4,452.14 |
| Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102 | Chocolate Manufacturers Assn of the USA | 300.00 | 161.58 |
| Tim Smith, 410 1st St., SE Washington, DC 20003 | American Nuclear Energy Council | 5,250.00 | 1,617.27 |
| W. Glenn Smith, National City Bank 101 West Washington Street Indianapolis, IN 46255 | Merchants National Bank & Trust Co | | |
| Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036 | City of Eugene, Oregon | 10,500.00 | |
| Do | City of Springfield, Oregon | 3,000.00 | |
| Do | Composite Technology Transfer Consortium | 30,000.00 | |
| Do | CRASH | 6,300.00 | 137.42 |
| Do | Haarmann & Reimer Corp | 6,000.00 | 20.00 |
| Do | Kansas City Transit Authority | 6,666.66 | |
| Do | Lane County, Oregon | 4,666.66 | |
| Do | N.Y. Metropolitan Transportation Agency | 14,166.66 | 80.00 |
| Do | National Assn of Foreign Trade Zones | 5,100.00 | 110.00 |
| Do | Port of San Francisco | 6,663.32 | |
| Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005 | Private Benefits Alliance | 2,035.00 | 18.00 |
| David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309 | American Petroleum Institute | | |
| Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037 | | 25,950.00 | 25,950.00 |
| William Snape, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 404.15 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007 | Katten Muchin Zavis & Dombroff (For:American Medical Directors Assn) | | |
| Do | Katten Muchin Zavis & Dombroff (For:Amersham) | | |
| Do | Katten Muchin Davis & Dombroff (For:Baxter Healthcare Corporation) | | |
| Do | Katten Muchin Zavis & Dombroff (For:Fujisawa USA, Inc) | | |
| Do | Katten Muchin Zavis & Dombroff (For:Intercargo Insurance Co) | 650.00 | |
| Do | Katten Muchin Zavis & Dombroff (For:National Assn of Independent Colleges & Universities). | 650.00 | |
| Do | Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition) | 1,950.00 | |
| Do | Katten Muchin Zavis & Dombroff (For:Northwestern Memorial Hospital) | | |
| Do | Katten Muchin Zavin & Dombroff (For:NutraSweet Co) | 325.00 | |
| Do | Katten Muchin Zavis & Dombroff (For:Saginaw Community Hospital) | | |
| Do | Katten Muchin Zavis & Dombroff (For:G.G. Searle) | 325.00 | |
| Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004 | Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:Massachusetts Education Loan Authority). | | |
| Do | Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:National Truck Weight Advisory Council). | | |
| Do | Mintz Levin Cohn Ferris Glovsky & Popeo (For:New England Education Loan Marketing Corp). | | |
| David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202 | Abraham Lincoln Foundation for Public Policy Research | 500.00 | |
| Do | Citizens Comm for the Right to Keep & Bear Arms | 16,000.00 | |
| Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003 | General Motors Corp | 35.00 | 651.45 |
| Do | Puget Sound Naval Bases Assn, Inc (PSNBA) | | |
| Do | Service Engineering Company | | |
| Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007 | | 7,478.21 | 17,716.64 |
| Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314 | | | 30,000.00 |
| Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005 | American Veterinary Medical Assn | | |
| Regina Solomon, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Patricia F. Soltys, 1776 Eye Street, NW, #1050 Washington, DC 20006 | Eastman Kodak Company | | |
| Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | 3,000.00 | |
| Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004 | Goldman Sachs & Co | 500.00 | |
| James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005 | Alaska Native Health Board | | |
| Do | American Association of Acupuncture and Oriental Medicine | | |
| Do | Assiniboine and Sioux Tribes | | |
| Do | Class of Native Alaskan Plaintiffs | | |
| Do | Great Lakes Indian Fish & Wildlife Commission | | |
| Do | Hatteras Tuscarora Tribal Foundation | | |
| Do | Houlton Band of Maliseet Indians of Maine | | |
| Do | Lac du Flambeau Band of Lake Superior Chippewa Indians | | |
| Do | Multi-Housing Laundry Assn, Inc | | |
| Do | Pueblo of Jemez | | |
| Do | Seneca Nation of Indians | | |
| Do | Shakopee Mdewakanton Sioux Community of Minnesota | | |
| Do | Shoshone-Bannock Tribes of the Fort Hall Indian Reservation | | |
| Do | Standing Rock Sioux Tribe | | |
| Do | Yukon-Kuskokwim Health Corp | | |
| Tasha Soudah, 888 16th Street, NW Washington, DC 20006 | Bannerman and Associates, Inc (For:Beirut University College) | | |
| Do | Bannerman and Associates, Inc (For:Government of Egypt) | 500.00 | 64.00 |
| Do | Bannerman and Associates, Inc (For:Government of U.A.E.) | 100.00 | 25.00 |
| Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611 | | | 16,723.00 |
| Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360 | | | |
| Space Industries, Inc, 101 Courageous Drive League City, TX 77573 | | | |
| Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006 | National Volunteer Fire Council | | |
| John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004 | Baltimore Gas & Electric Co | 388.20 | |
| Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004 | Merck & Co, Inc | 1,000.00 | 250.00 |
| Specialty Vehicle Institute of America, Inc, 1235 Jefferson Davis Hwy, Suite 600 Arlington, VA 22202 | | | |
| Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005 | McAuliffe Kelly & Raffaelli (For:Desert Research Institute) | 800.00 | |
| Do | North American Interstate Weather Modification Council | 100.00 | |
| William B. Spencer, 729 15th Street, NW Washington, DC 20005 | Associated Builders & Contractors, Inc | 2,500.00 | |
| Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007 | Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc) | | |
| Do | Katten Muchin Zavis & Dombroff (For:Electric Generation Association) | | |
| Do | Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition) | | |
| Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715 | National Society of Professional Engineers | 1,000.00 | |
| William M. Spodak, 1801 K St., NW Washington, DC 20006 | Westinghouse Electric Corp | 2,500.00 | 75.00 |
| Richard Spotts, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 5,087.60 | 70.46 |
| Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | 2,500.00 | |
| David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005 | Gardner Carton & Douglas (For:American Telephone & Telegraph) | 22,500.00 | 1,119.94 |
| Do | Gardner Carton & Douglas (For:Equity Strategies Fund, Inc) | | |
| Do | Gardner Carton & Douglas (For:National Cable Television Assn, Inc) | 18,750.00 | 346.88 |
| Do | Gardner Carton & Douglas (For:Perrigo Company) | | |
| Do | Gardner Carton & Douglas (For:Telecommunications Industry Assn) | | |
| Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203 | Air Conditioning & Refrigeration Institute | | |
| Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044 | American Chamber of Commerce in Germany | | |
| Do | American Soc of Anesthesiologists | | |
| Do | Independent Data Communications Manufacturers Assn | 160.00 | 8.00 |
| Do | Information Technology Association of America | | |
| Do | National Collegiate Athletic Assn | 5,202.50 | |
| Do | Public Securities Assn | | |
| Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036 | Financial Services | 2,150.00 | |
| Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910 | Stewart & Stewart (For:Libbey Glass) | | |
| Do | Stewart & Stewart (For:Novus International, Inc) | | |
| Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corp | | |
| Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036 | Planned Parenthood Fed of America, Inc | | |
| Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301 | Coca-Cola Company | 450.00 | 1,599.50 |
| Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006 | Alyeska Pipeline Service Co | 3,000.00 | 3,200.00 |
| David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010 | McDermott, Inc | 7,714.71 | |
| Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005 | Public Securities Assn | 7,500.00 | 1,052.07 |
| Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006 | American Automobile Manufacturers Assn | 2,610.00 | |
| Stanton & Associates, 1310 19th Street, NW Washington, DC 20036 | Gateway Economic Development Corp of Greater Cleveland | | |
| Do | Philip Morris | | |
| Do | University Hospitals of Cleveland | | |
| Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634 | Frito-Lay, Inc | 3,000.00 | 3,873.00 |
| Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202 | Manufactured Housing Institute | 8,125.00 | |
| James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601 | Air Force Sergeants Assn, Inc | | |
| Robert E. Staton, P.O. Box 1365 Columbia, SC 29202 | Colonial Companies, Inc | 9,000.00 | 889.74 |
| H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics Corp | 1,000.00 | 430.95 |
| Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005 | American Dietetic Assn | 1,000.00 | 183.81 |
| Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Company | 205.00 | |
| Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696 | Edison Electric Institute | 2,955.89 | 1,092.62 |
| Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109 | American Health Care Association | 3,502.50 | 5,362.50 |
| Do | American Soc for Plastic & Reconstructive Surgery | | |
| Do | AEtna Life & Casualty | 5,650.00 | 9,559.00 |
| Do | Humana, Inc | 4,170.00 | 892.50 |
| Do | Johnson & Johnson | 3,927.50 | 6,731.50 |
| Do | Lockheed Corp | 749.50 | 2,116.50 |
| Do | Lockheed Information Management Systems Company | | |
| Do | National Assn for the Support of Long Term Care | 6,094.50 | 6,640.00 |
| Do | National Health Labs, Inc | 3,752.50 | 5,246.50 |
| Do | Pfizer, Inc | 6,090.00 | 7,459.00 |
| Do | Pharmaceutical Manufacturers Assn | 5,610.00 | 6,141.50 |
| Do | Private Benefits Alliance | 2,512.50 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | XOMA Corporation | 2,855.00 | 6,257.50 |
| Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036 | Association of Private Pension & Welfare Plans, Inc | 1,561.25 | 161.82 |
| Do | Bear Stearns & Co | | |
| Do | Citizens Savings & Financial Corp | | |
| Do | Co-Operative Central Bank | | |
| Do | Coalition to Promote America's Trade | | |
| Do | CSO Company | | |
| Do | Del Webb Corp | 250.00 | 122.00 |
| Do | Isolyser Company, Inc | 7,849.60 | |
| Do | Mutual Life Insurance Company Tax Committee | | |
| Do | Western Financial | | |
| Do | Yavapai-Prescott Indian Tribe | | |
| Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001 | American Civil Liberties Union | 4,000.00 | 50.00 |
| Michael Stern, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |
| Do | R. Duffy Wall & Associates | 1,250.00 | |
| Seymour Sternberg, 51 Madison Avenue New York, NY 10010 | New York Life Insurance Co | | |
| Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729 | Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl | 3,000.00 | |
| Do | Touro Law Center | 3,750.00 | |
| Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036 | Greater Washington Board of Trade | 3,937.00 | 393.44 |
| Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036 | Puget Sound Power & Light Co | 390.00 | 340.08 |
| Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910 | Floral Trade Council | | |
| Do | Monsanto Co | | |
| Do | Timken Co | | |
| Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910 | Floral Trade Council | | |
| Do | Stewart & Stewart (For:Hudson Industries Corp) | | |
| Do | Stewart & Stewart (For:Libbey Glass) | | |
| Do | Monsanto Co | | |
| Do | Novus International, Inc | | |
| Do | PPG Industries, Inc | | |
| Do | Smith Corona Corp | 10,218.42 | 3,341.81 |
| Do | Stewart and Stewart | | 474.70 |
| Do | Timken Co | | |
| Do | Torrington Company | | |
| Elizabeth Still, 1850 M Street, NW, #550 Washington, DC 20036 | Securities Industry Assn | 1,548.00 | |
| Don Stillman, 1757 N Street, NW Washington, DC 20036 | Int'l Union, United Auto Aerospace & Agric Implement Workers | 2,409.21 | 25.00 |
| Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 750.00 | |
| Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309 | National Vietnam Verterns Coalition | 5,446.68 | 717.75 |
| Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006 | Baxter | | |
| John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006 | American Electronics Assn | 3,050.00 | |
| Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314 | American Trucking Assns, Inc | 9,000.00 | |
| John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585 | Litton Industries | 2,000.00 | 1,854.82 |
| Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | 2,000.00 | 500.00 |
| John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203 | Shipbuilders Council of America | 3,300.00 | |
| Stockholders of America, Inc, 3133 Connecticut Avenue, NW, Suite #7 Washington, DC 20008 | | 2,175.00 | 201.93 |
| Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004 | Manville Corporation | 3,600.00 | |
| Do | National Assn of Business PACs | | |
| Do | Springs Industries, Inc | | |
| Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007 | American College of Surgeons | | |
| Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002 | Advocates for Highway & Auto Safety | 1,776.96 | |
| Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036 | American Bankers Assn | 6,500.00 | |
| Sam E. Story Jr., 1700 N. Moore Street Arlington, VA 22209 | American Meat Institute | 12,750.00 | 2,208.73 |
| Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102 | BDM International, Inc | | |
| Anna Stout, 122 C Street, NW, #740 Washington, DC 20001 | American League for Exports & Security Assistance, Inc | 5,500.00 | 18.68 |
| Susan M. Stout, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | 45.00 | |
| William P. Stout, P.O. Box 1475 Nashville, TN 37202 | United Paperworkers International Union | | |
| William M. Stover, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 1,000.00 | |
| John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006 | PSI Energy | 18,750.00 | 11,821.88 |
| Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004 | Sonat, Inc | | 250.00 |
| Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Northern Telecom, Inc | 1,250.00 | |
| Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001 | American Paper Institute | | |
| Do | Care Visions Corporation | | |
| Do | Greater New York Hospital Assn | 14,500.00 | 1,225.00 |
| Do | Healthcom International | | |
| Do | Hospital for Special Surgery | | |
| Do | Lenox Hill Hospital | | |
| Do | Maimonides Medical Center | | |
| Do | MicroGeneSys, Inc | 24,500.00 | 175.00 |
| Do | Montefiore Medical Center | | |
| Do | Mount Sinai Medical Center | | |
| Do | New York Hospital-Cornell Medical Center | | |
| Do | Teradata Corporation | | |
| Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004 | USX Corporation | 250.00 | 25.00 |
| Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219 | National Wholesale Druggists' Assn | | |
| Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002 | Advocates for Highway & Auto Safety | 8,238.48 | 47.50 |
| Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701 | Advanced Telecommunications Corp | | |
| Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036 | J. Aron & Co, Inc | | |
| Do | Dreyfus Corporation | | |
| Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511 | American Honey Producers Association | | |
| Heather P. Stroup, 750 First Street, NW Washington, DC 20002-4242 | American Psychological Assn (APA) | 765.00 | 100.00 |
| Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260 | J.P. Morgan & Company, Inc | 859.63 | 1,286.81 |
| Janet R. Studley, 888 17th Street, NW,#900 Washington, DC 20006 | American Life Resources Corp | 500.00 | |
| Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001 | National Wildlife Federation | 1,257.12 | |
| Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440 | General Mills, Inc | | |
| Charles S. Sullivan, P.O. Box 2310 11 - 15th Street, NE, #6 Washington, DC 20002 | Citizens United for Rehabilitation of Errants | 6,247.32 | 4,560.00 |
| Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301 | Frank Sullivan Associates (For:Ingalls Shipbuilders) | 32.00 | |
| Do | Frank Sullivan Associates (For:ITT Defense Corporation) | 27.00 | |
| Do | Frank Sullivan Associates (For:Textron, Inc) | 31.00 | |
| Do | Frank Sullivan Associates (For:Waste Management Inc) | 49.00 | |
| Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007 | LTV Corporation | 2,344.00 | 755.40 |
| Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701 | Food Marketing Institute | 600.00 | |
| Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #7 Washington, DC 20008 | Stockholders of America, Inc | | |
| Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310 | Citizens United for Rehabilitation of Errants | 900.00 | |
| Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314 | International Council of Shopping Centers | 500.00 | |
| Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006 | Housatonic Railroad Company | 500.00 | |
| Do | Massachusetts Bay Transportation Authority (MBTA) | | |
| Do | Massachusetts Port Authority (MASSPORT) | 500.00 | |
| Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036 | Marion Laboratories, Inc | 7,500.00 | |
| Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006 | Eastman Kodak Company | 825.00 | 461.00 |
| Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170 | Heckler & Koch, Inc | 225.00 | |
| Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006 | Korea Foreign Trade Assn | 750.00 | 700.00 |
| Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004 | CompuServe, Inc | 200.00 | 60.00 |
| Do | Federation for American Immigration Reform | 2,246.25 | |
| Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209 | Grumman Corporation | 625.00 | 638.29 |
| Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036 | Luggage & Leather Goods Manufacturers of America, Inc | 500.00 | |
| Do | Neckwear Assn of America, Inc | 500.00 | |
| David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001 | International Brotherhood of Teamsters | 25,645.50 | |
| Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202 | Northwestern Mutual Life Insurance Co | | |
| Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251 | Farmers' Educational & Co-Operative Union of America | 12,187.50 | 435.55 |
| Robert D. Swezey Jr., 1801 Pennsylvania Avenue, NW Washington, DC 20006 | MCI Communications Corp | | |
| Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007 | National Council of Community Hospitals | | |
| Philip E. Swink, Pepsi-Cola Company Somers, NY 10589 | Pepsi-Cola Company | | 183.20 |
| Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036 | General Motors Corp | 3,000.00 | 7,459.76 |
| David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791 | American Petroleum Institute | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101 | Garrison Diversion Conservancy District | 820.00 | 202.38 |
| Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002 | American Civil Liberties Union | | |
| Systems Control, Inc, l0240 Old Columbia Road Columbia, MD 21046 | | | |
| Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 3,750.00 | 148.17 |
| SEC Donohue, 11240 Waples Hill Road, #100 Fairfax, VA 22030 | | 937.50 | |
| SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036 | Coordinadora de Organizaciones Empresariales de Comercio Ext | | |
| Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004 | Taft Stettinius & Hollister (For:Dosimeter Corp of North America) | | |
| Do | Taft Stettinius & Hollister (For:Great American Broadcasting Co) | | |
| Do | Taft Stettinius & Hollister (For:Kings Entertainment Co) | | |
| Do | Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc) | | |
| Do | Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc) | | |
| George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002 | Federal Express Corp | 6,000.00 | |
| Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005 | Association of American Railroads | | |
| Do | M&M/Mars | | |
| Do | Marion Merrell Dow, Inc | | |
| Do | National Agricultural Chemicals Assn | | |
| Do | Telephone & Data Systems, Inc | | |
| Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002 | American Civil Liberties Union | 1,000.00 | |
| Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002 | National Pork Producers Council | 2,000.00 | 589.14 |
| Susan Tannenbaum, 2030 M St., NW Washington, DC 20036 | Common Cause | 7,185.00 | 34.00 |
| Eula M. Tate, 1757 N Street, NW Washington, DC 20036 | United Auto. Aerospace & Agricultural Implement Wks of Amer. | 19,271.36 | 127.00 |
| Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005 | Aerospace Industries Assn of America, Inc | 3,600.00 | |
| Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165 | | | 90.00 |
| Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036 | Association of Maximum Service Telecasters, Inc | | |
| Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003 | National Assn of Independent Insurers | 1,500.00 | |
| Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003 | Gene Taylor Associates, Inc (For:Empire District Electric Company) | 15,000.00 | |
| Do | Gene Taylor Associates, Inc (For:FAG Bearings Corporation) | 15,000.00 | |
| Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005 | Safe Buildings Alliance | | |
| Larry D. Taylor, P.O.Box 70 Boise, ID 83707 | Idaho Power Company | | |
| Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006 | BF Goodrich Co | 100.00 | |
| Patricia Taylor, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728 | Center for Science in the Public Interest | 6,000.00 | |
| Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202 | NAIOP, Assn for Commercial Real Estate | | |
| Peggy Taylor, 815 16th St., NW Washington, DC 20006 | American Fed of Labor & Congress of Industrial Organizations | 22,253.70 | 971.22 |
| Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036 | ICI Americas, Inc | 25,000.00 | 43.06 |
| Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005 | Medical Group Management Association | | |
| Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345 | Central Maine Power Co, et al. | | |
| Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 6,000.00 | |
| Cheryl Terio, 1957 E Steet, NW Washington, DC 20006 | Associated General Contractors of America | | |
| Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036 | Scott Paper Co | 6,000.00 | 453.77 |
| John H. Terry, P.O. Box 4878 Syracuse, NY 13221 | Hiscock & Barclay (For:Niagara Mohawk Power Corp) | 3,306.00 | 286.91 |
| Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502 | Pacific Gas & Electric Co | 107.90 | |
| James G. Tetirick, 807 Brazos, #601 Austin, TX 78701 | J. C. Penney Co, Inc | | |
| Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230 | | 243.59 | 243.59 |
| Textron, Inc, 40 Westminster St. Providence, RI 02903 | | 3,900.00 | 880.00 |
| Laura I. Thevenot, 1350 I Street, NW, Suite 1030 Washington, DC 20005-3305 | Principal Financial Group | | |
| Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007 | Merrill Lynch & Co, Inc | 750.00 | |
| Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006 | W.R. Grace & Co | 500.00 | |
| Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037 | BASF Corp | 450.00 | 8.00 |
| Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004 | Textron, Inc | 600.00 | 150.00 |
| John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322 | Visual Information Technologies, Inc | | |
| Rich Thomas, 2030 M Street, NW Washington, DC 20036 | Common Cause | 4,500.00 | 162.00 |
| Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | 125.00 | |
| Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007 | Merrill Lynch & Co, Inc | 3,750.00 | |
| Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002 | Sheet Metal & Air Conditioning Contractors National Assn | | |
| Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005 | International Franchise Assn | | |
| Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036 | BellSouth Corp | | 1,000.00 |
| Do | Business Executives for National Security, Inc | 2,000.00 | 1,000.00 |
| Do | Council for Superfund Fairness, Inc | 3,333.33 | 1,000.00 |
| Do | Duke Power Co | 18,000.00 | 1,000.00 |
| Do | Great Lakes Gas Transmission Company | 5,000.00 | 2,000.00 |
| Do | Itron and AMRplus Partners | 32,000.00 | 15,573.34 |
| Do | National Funeral Directors Assn | 1,647.87 | 1,000.00 |
| Do | Polaris Industries | 5,308.38 | |
| Do | Potomac Capital Investment Corp | 15,000.00 | 4,333.32 |
| Do | West Point Pepperell, Inc | 12,366.42 | 1,000.00 |
| Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219 | Central States SE & SW Areas Health Welfare & Pension Funds | 3,000.00 | |
| Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005 | Bristol-Myers Squibb Co | 1,500.00 | |
| Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715 | Springs Industries, Inc | | 1,226.08 |
| W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | | |
| Thompson & Hutson, 1455 Pennsylvania Ave., NW., Suite #1160 Washington, DC 20004 | Fluor-Daniel, Inc | 700.00 | 15.15 |
| Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005 | Cold Finished Steel Bar Institute | 493.00 | |
| Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007 | Grocery Manufacturers of America, Inc | | |
| Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607 | New York State Electric & Gas Corp | 15,250.00 | 12,478.07 |
| James L. Thorne, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004 | Tenneco Gas | | |
| Jill Thorne, 222 NW Davis, #309 Portland, OR 97209 | Oregon Trail Coordination Council | 750.00 | |
| Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006 | American Council for Capital Formation | 208.00 | |
| John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001 | National Air Traffic Controllers Assn | 1,562.00 | |
| Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036 | General Atomics | 1,250.00 | 679.63 |
| Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036 | Millicom, Inc | | |
| Gil Thurm, 777 14th St., NW Washington, DC 20005 | International Franchise Assn | 10,000.00 | 117.79 |
| Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | 500.00 | |
| Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004 | Northern Telecom, Inc | 1,250.00 | |
| John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036 | America West Airlines, Inc | 10,000.00 | 5,215.00 |
| Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006 | Air Transport Assn of America | 137.50 | |
| Do | American Factory Trawler Assn | 580.00 | |
| Do | American Petroleum Institute | 725.00 | |
| Do | Amoco Corporation | 1,377.50 | |
| Do | Anheuser-Busch Companies, Inc | 1,812.50 | |
| Do | Association of Trial Lawyers of America | 240.00 | |
| Do | Capital Cities/ABC, Inc | 1,015.00 | |
| Do | Chrysler Corporation | 870.00 | |
| Do | General American Life Insurance Co | 688.75 | |
| Do | H.J. Heinz Co | 1,232.50 | |
| Do | Major League Baseball | 2,247.50 | |
| Do | Morgan Stanley & Co, Inc | 725.00 | |
| Do | National Rifle Assn of America | 870.00 | |
| Do | Northern Telecom, Inc | 1,015.00 | |
| Do | Northrop Corp | 725.03 | |
| Do | NutraSweet Co | 724.98 | |
| Do | Phoenix Mutual Life Insurance Company | 688.75 | |
| Do | G. D. Searle & Co | 1,377.50 | |
| Do | SCEcorp and Subsidiaries | 725.00 | |
| Do | Union Pacific Corp | 580.00 | |
| Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004 | Adolph Coors Co | 12,109.50 | 62.58 |
| Michael L. Tiner, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005 | Electric Reliability Coalition | | |
| Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009 | Genentech, Inc | 500.00 | |
| Do | Parry & Romani Associates | | |
| Do | Joseph E. Seagram & Sons, Inc | 500.00 | |
| G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202 | LTV Aerospace & Defense Co | 2,500.00 | 125.00 |
| Constance E. Tipton, 888 16th Street, NW Washington, DC 20006 | International Dairy Foods Association | | |
| Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108 | American Petroleum Institute | 1,500.00 | |
| Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006 | | | 4,170.18 |
| James S. Todd, 515 North State Street Chicago, IL 60610 | American Medical Assn | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007 | LTV Corporation | 9,000.00 | 100.00 |
| David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036 | Public Service Co of Colorado | | |
| Frank Toohey, 1850 M Street, NW Washington, DC 20036 | Wall & Associates, R. Duffy | 1,250.00 | |
| William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068 | Potomac Electric Power Co | | |
| Mary C. Toups, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 537.50 | 762.72 |
| James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037 | Gulf States Utilities Company | 4,300.00 | 4,211.00 |
| Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003 | Hecht Spencer & Associates (For:Bixby Ranch Co) | | |
| Do | Hecht Spencer & Associates (For:Boy Scouts of America) | | |
| Do | Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp) | | |
| Do | Hecht Spencer & Associates (For:General Atomics) | | |
| Do | Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc) | | |
| Do | Hecht Spencer & Associates (For:MCI Telecommunications) | | |
| Do | Hecht Spencer & Associates (For:National Automatic Merchandising Assn) | | |
| Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852 | National Council of Community Mental Health Centers | | |
| Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010 | | | |
| Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805 | | | |
| Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006 | | 7,000.00 | 8,224.05 |
| Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036 | | | 9,103.00 |
| S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006 | Deere & Company | | |
| Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006 | Phillips Petroleum Co | 1,000.00 | |
| Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005 | Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies) | 9,375.00 | |
| Do | Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp) | 3,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents) | 1,250.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise) | 5,625.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Assn of Water Companies) | 3,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Realty Committee) | 6,250.00 | |
| Do | Van Scoyoc Associates, Inc (For:USF&G Insurance) | 7,500.00 | |
| Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301 | Alamo Rent-A-Car, Inc | | 1,515.78 |
| Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134 | Catholic Health Assn of the United States | | |
| Michael G. Troop, 900 19th Street NW Washington, DC 20006 | Savings and Community Bankers of America | 7,067.00 | |
| Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006 | PSI Energy, Inc | 5,000.00 | 2,250.89 |
| Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611 | Navistar International Transportation Corp | 1,000.00 | |
| Rowland V. Tucker, Box 133 Darby, PA 19023 | Amtrack Conrail Pennsylvania Railroad Retirees | 350.00 | 118.50 |
| Tucker & Associates, 1350 Eye Street, NW, #870 Washington, DC 20005 | Regional Transportation District | 3,000.00 | |
| Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601 | National Realty Committee | | |
| Alfred Tudino Jr., 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | | |
| Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036 | National Restaurant Assn | 1,500.00 | 990.00 |
| Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001 | Pubic Service Electric and Gas Company | 357.50 | |
| David Turch & Associates, 517 2nd Street, NE Washington, DC 20002 | City of Rialto | 4,800.00 | 3,326.34 |
| Do | Recovery Engineering | 6,000.00 | 2,184.00 |
| Jerry D. Turner, 1217 Tennessee Building Chattanooga, TN 37402-4883 | Bell Turner Murphy Wilson & Hobbs (For:Sunbright Utility District) | 14,406.25 | 54.63 |
| John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | 3,200.00 | |
| Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002 | | 14,824.00 | 14,824.00 |
| Max Turnipseed, 451 Florida Street Ethyl Tower, Room 927 Baton Rogue, LA 70801 | Ethyl Corporation | 750.00 | 12.50 |
| Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007 | Blue Diamond Growers | 1,756.25 | 91.69 |
| Do | Sunkist Growers, Inc | 30,131.25 | 2,082.94 |
| Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182 | PRC | 15,588.99 | 19,590.13 |
| John R. Tydings, 1129 20th Street, NW Washington, DC 20036 | Greater Washington Board of Trade | 8,700.00 | |
| Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006 | Anderson Kill Olick & Oshinsky (For:Population Crisis Committee) | | |
| Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042 | American Textile Machinery Assn | | |
| Craig Tyle, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |
| George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 35.00 | |
| U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037 | | | |
| U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003 | | 74,879.75 | 84,542.43 |
| U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314 | American Day Treatment Centers, Inc | | |
| Do | Continental Medical Systems | | |
| Do | Healthsouth Rehabilitation Corp | | |
| Do | Integrated Health Services, Inc | | |
| U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036 | | 4,965.79 | 4,965.79 |
| Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 1,080.00 | |
| Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005 | Erisa Industry Committee | 2,063.00 | |
| John R. Ulrich, 1776 Eye Street, NW Suite 575 Washington, DC 20006 | Dow Chemical Company | | 6,136.00 |
| Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006 | Hoechst Celanese Corp | 3,000.00 | 493.07 |
| United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001 | | | 27,376.52 |
| United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006 | | 5,077.00 | 6,600.00 |
| University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109 | | | 1,862.40 |
| Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001 | American Fed of Teachers, AFL/CIO | 12,976.14 | 100.00 |
| Francis J. Vacca, 100 North Carolina Ave., SE Washington, DC 20003 | Mid-America Dairymen, Inc | 39,000.00 | |
| Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036 | American Insurance Assn | | |
| Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006 | American Insurance Assn | | |
| Do | Valanzano & Associates (For:American International Group) | 1,200.00 | 50.30 |
| Do | Chubb Corporation | 2,000.00 | 326.12 |
| Do | Colonial Life & Accident Insurance Co | 10,000.00 | 1,105.33 |
| Do | Valanzano & Assocs. (For:Earthquake Project National Comm on Property Insurance). | 9,000.00 | |
| Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,925.00 | |
| Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308 | Montana Technology Companies, Inc | 250.00 | |
| Do | Orbital Sciences Corporation | 500.00 | |
| Do | Pharmaceutical Manufacturers Assn | 500.00 | |
| Do | SPACEHAB | 500.00 | |
| R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001 | National Council of Farmer Cooperatives | | |
| William R. Van Dresser, 1101 Vermont Avenue, NW, #710 Washington, DC 20005 | American Veterinary Medical Assn | 100.00 | |
| Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037 | American Gas Assn | | |
| Do | Pharmaceutical Manufacturers Assn | | |
| Julie Van Fleet, P.O. Box 85608 San Diego, CA 92186-9784 | General Atomics | | |
| Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003 | NCube | 7,500.00 | 713.37 |
| Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036 | American Paper Institute, Inc | | |
| Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006 | Anheuser-Busch Companies, Inc | | |
| Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007 | Alaska Eskimo Whaling Commission | | |
| Do | Arctic Slope Regional Corp | 480.00 | |
| Do | Bar-S Foods Company | 150.00 | |
| Do | Barron Collier Co | | |
| Do | Bio Resources, Ltd | | |
| Do | Blackfeet Tribe | | |
| Do | Bumble Bee Seafoods, Inc | | |
| Do | Clean Coal Technology Coalition | | |
| Do | Consumers United for Rail Equity (C.U.R.E.) | 360.00 | |
| Do | Doyon, Ltd | | |
| Do | Electric Transportation Coalition | 144.00 | |
| Do | Geothermal Resources Assn | 216.00 | |
| Do | Intertribal Agricultural Council | 80.00 | |
| Do | Jicarilla Apache Tribe | 800.00 | |
| Do | Kenai Natives Assn | | |
| Do | Koncor Forest Products Company | | |
| Do | Large Public Power Council (LPPC) | 1,680.00 | |
| Do | Lower Colorado River Authority | | |
| Do | Mack Trucks, Inc | 1,920.00 | |
| Do | McKesson Corp | | |
| Do | National Association of Energy Service Companies | | |
| Do | National Endangered Species Act Reform Coalition | 240.00 | |
| Do | National Nutritional Foods Assn | 480.00 | |
| Do | National Wetlands Coalition | 1,425.00 | |
| Do | Natural Gas Supply Assn | 840.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Navajo Nation | | |
| Do | Price Waterhouse | | |
| Do | Sacramento Municipal Utility District | 216.00 | |
| Do | Seneca Resources, Inc | | |
| Do | SCE Corp | 600.00 | |
| Do | Toyota Motor Corporate Services of North America, Inc | 1,012.50 | |
| Do | Toyota Motor Sales, USA, Inc | | |
| Do | Uranium Producers of America | | |
| H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005 | Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation) | 6,250.00 | |
| Do | Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc) | 9,375.00 | |
| Do | Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp) | 3,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents) | 1,250.00 | |
| Do | Van Scoyoc Associates (For:Champion International Corp) | 2,500.00 | |
| Do | Van Scoyoc Associates (For:Coalition of EPSCoR States) | 10,000.00 | |
| Do | Van Scoyoc Associates, Inc (For:Dresser Industries, Inc) | 2,500.00 | |
| Do | Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.) | 2,500.00 | |
| Do | Van Scoyoc Associates (For:International Paper) | 2,500.00 | |
| Do | Van Scoyoc Associates, Inc (For:Microelectronics & Computer Technology Corp) | 2,500.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Assn of Water Companies) | 3,750.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Association of Private Enterprise) | 5,625.00 | |
| Do | Van Scoyoc Associates, Inc (For:National Realty Committee) | 6,250.00 | |
| Do | Van Scoyoc Associates (For:Quanex) | 4,012.50 | |
| Do | Van Scoyoc Associates, Inc (For:Tulane University) | 6,750.00 | |
| Do | Van Scoyoc Associates (For:University of Alabama System) | 6,750.00 | |
| Do | Van Scoyoc Associates (For:USF&G Insurance) | 7,500.00 | |
| Do | Van Scoyoc Associates (For:Weyerhaeuser) | 2,500.00 | |
| John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502 | Pacific Gas & Electric Co | 1,242.00 | |
| Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571 | American Nurses' Assn | 8,310.00 | 258.23 |
| Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301 | American Petroleum Institute | | |
| Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044 | Capital Cities/ABC, Inc | 232.12 | |
| Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489 | Yankee Gas Services Company | | |
| Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005 | Syntex (U.S.A.), Inc | 1,200.00 | 4,783.54 |
| Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000 | New York Mercantile Exchange (NYMEX) | | |
| Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001 | Armenian Assembly of America | 1,478.00 | |
| Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017 | Risk & Insurance Management Society, Inc | | |
| Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006 | Flour Corp | 5,000.00 | |
| Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053 | | | |
| Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009 | Association of American Publishers | 4,000.00 | |
| Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005 | United Video, Inc | 3,200.00 | 220.00 |
| Carol Verby, 7361 Calhoun Place Rockville, MD 20850 | CNA Insurance Co | | |
| Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Co | 1,084.50 | |
| Lee L. Verstandig, 901 31st Street, NW Washington, DC 20007 | Anheuser-Busch Companies, Inc | | |
| Sara Vickerman, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | 118.28 | |
| Linda Vickers, 1706 23rd St., South Arlington, VA 22202 | Communicating for Agriculture, Inc | | |
| Do | National Assn of Crop Insurance Agents | | |
| David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314 | American Assn of Classified School Employees | 728.75 | |
| Do | California Department of Insurance | 5,337.50 | |
| Do | California Franchise Tax Board | 4,875.00 | |
| Do | California Public Employees' Retirement System | 14,277.50 | |
| Do | Pacific Stock Exchange, Inc | 35.00 | |
| Do | State Board of Equalization (Calif) | 787.50 | |
| Mary Vihstadt, 2000 K Street, NW, Suite 203 Washington, DC 20006 | Dial Corp | | |
| Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006 | Tobacco Institute | 1,000.00 | 91.07 |
| Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007 | Attorney's Liability Assurance Society Ltd | 5,577.50 | |
| Do | Bank Tax Group | 9,355.68 | |
| Do | Browning-Ferris Industries | 1,681.28 | |
| Do | BMC Software, Inc | | |
| Do | Caterpillar Financial Services Corp | | |
| Do | Citicorp Washington, Inc | | |
| Do | Destec Energy, Inc | 1,681.28 | |
| Do | E. M. Warburg Pincus & Co, Inc | | |
| Do | Federal Express Corp | 11,555.00 | |
| Do | Goldman Sachs & Co | 4,200.00 | |
| Do | Guadalupe Valley Electric Cooperative | 945.00 | |
| Do | Merrill Lynch & Co, Inc | 1,700.00 | |
| Do | National Rural Letter Carriers Assn | 2,700.00 | |
| Do | Panhandle Eastern Corp | 27,878.43 | |
| Do | Pennsylvania Engineering Company | 24,748.80 | |
| Do | Teco Energy | 1,681.28 | |
| Do | Texas Veterans Land Board | | |
| Do | Time-Warner, Inc | | |
| Do | United Savings Assn of Texas FSB | 810.00 | |
| Do | Utilicorp United, Inc | 2,752.00 | |
| Do | Waste Management, Inc | 1,681.28 | |
| Do | YWCA Retirement Fund | 270.00 | |
| Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004 | Continental Insurance Companies | 525.00 | |
| Do | National Fraternal Congress of America | 750.00 | |
| Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207 | | | 0.58 |
| George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024 | American Automobile Assn | | |
| Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006 | American Automobile Manufacturers Assn | 14,419.00 | |
| David Vladeck, 2000 P Street, NW Washington, DC 20036 | Public Citizen | 1,200.00 | |
| Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258 | AT&T | | |
| Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024 | | | 650.00 |
| Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006 | Paralyzed Veterans of America | 18,086.23 | |
| Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036 | Career College Assn, Inc | 425.00 | |
| Do | Cohn and Marks (For:Direct Marketing Assn) | | |
| Do | Cohn & Marks (For:Maclean Hunter Cable TV) | | |
| Do | Cohn & Marks (For:USA Network) | | |
| John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006 | Heublein, Inc | 6,562.50 | 79.00 |
| Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006 | Equipment Leasing Assn of America | | |
| Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036 | Girl Scouts of the U.S.A. | | 2,543.20 |
| Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Bridge Struct & Ornamental Iron Wkrs | 21,915.35 | 4,337.13 |
| John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219 | Procompetitive Rail Steering Committee | | |
| Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037 | National Telephone Cooperative Assn | 5,000.00 | 770.31 |
| Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209 | Northrop Corp | 1,400.00 | |
| Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | | |
| Robert Waffle, 1735 New York Ave., NW Washington, DC 20006 | International Hardwood Products Assn(IHPA) | 2,100.00 | 540.61 |
| Joan Wages, 601 24th Street, NW #904 Washington, DC 20037 | Association of Professional Flight Attendants | 9,000.00 | 734.00 |
| Do | Independent Federation of Flight Attendants | 4,125.00 | 790.00 |
| Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608 | National Utility Contractors Assn | 7,400.00 | 56.48 |
| Andrew F. Wahlquist, 1350 I Street, NW, #870 Washington, DC 20005-3305 | McDonnell Douglas Corp | 15,000.00 | 3,900.00 |
| Herbert R. Waite, 2 Skipper Way Glousester, MA 01930 | J.P. Morgan/Morgan Guaranty Bank | 5,500.00 | 1,971.95 |
| Donna Waks, 4500 Connecticut Avenue, NW, #408 Washington, DC 20008 | Rainbow Lobby | 3,408.44 | |
| Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602 | American Petroleum Institute | | |
| John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005 | Family Research Council | 936.00 | |
| Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004 | Central and South West Services, Inc | 3,875.00 | 4,200.36 |
| Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006 | American Telephone & Telegraph Co | 7,500.00 | |
| Do | Anheuser-Busch Companies, Inc | | |
| Do | Broadcast Music, Inc | 7,500.00 | |
| Do | Coalition for Competitive Capital | 2,500.00 | |
| Do | CSX Corporation | 3,000.00 | |
| Do | Federal Home Loan Mortgage Corp | 2,700.00 | |
| Do | General Dymanics Corp | | |
| Do | Honeywell, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Marine Drilling Companies | 3,750.00 | |
| Do | Mexican Department of Commerce & Industrial Development | 10,700.00 | |
| Do | Mid Continent Oil and Gas Assn | 1,500.00 | |
| Do | MBNA America Bank NA | 3,000.00 | |
| Do | National Business Aircraft Assn | | |
| Do | National Stone Assn | | |
| Do | Northville Industries Corp | 750.00 | |
| Do | Northwestern Mutual Life Insurance Co | 1,875.00 | |
| Do | Sony Music Entertainment, Inc | 8,750.00 | |
| Do | Sony Pictures Entertainment, Inc | 8,750.00 | |
| Do | Southern Company Services, Inc | 2,500.00 | |
| R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004 | Ad Hoc Comm on Coal Taxation | 1,000.00 | |
| Do | American Paper Institute, Inc | 1,250.00 | |
| Do | Audobon Institute | 500.00 | |
| Do | Bell Atlantic Corp | 1,500.00 | |
| Do | Chambers Development Co, Inc | 1,250.00 | |
| Do | Cominco, Ltd | 2,000.00 | |
| Do | Committee on Radioisotopes and Radiopharmaceuticals | 2,000.00 | |
| Do | Eli Lilly & Company | 2,500.00 | |
| Do | Environmental Transportation Assn | | |
| Do | Ernst & Young | 3,000.00 | |
| Do | ENERCO & Affiliates | 500.00 | |
| Do | Footwear Distributors and Retailers of America | 1,000.00 | |
| Do | Graham Resources | 2,000.00 | |
| Do | Hazelden Foundation | | |
| Do | Hong Kong Trade Development Council | 2,500.00 | |
| Do | Jackson National Life Insurance Co | 1,500.00 | |
| Do | Kimberly-Clark | 1,000.00 | |
| Do | National Agricultural Chemicals Assn | 1,000.00 | |
| Do | National Coal Assn | 1,000.00 | |
| Do | Peabody Holding Co, Inc | 500.00 | |
| Do | Pennsylvania Engineering | | |
| Do | Pharmaceutical Manufacturers Assn | 1,500.00 | |
| Do | Pittston Group | 1,000.00 | |
| Do | Sandoz Corporation Protection Corp. | 1,000.00 | |
| Do | Securities Industry Assn | 1,000.00 | |
| Do | State of California | 500.00 | |
| Do | Torchmark Corporation | 1,000.00 | |
| Do | United Company | 500.00 | |
| Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131 | Peter Kiewit Sons, Inc | 7,750.00 | 7,750.00 |
| Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036 | Alabama Farmers Federation | 3,500.00 | 53.60 |
| Do | Alaska Pulp Corp | | |
| Do | American Soc of Farm Managers and Rural Appraisers | 7,500.00 | 26.89 |
| Do | American Sugar Cane League | 19,375.00 | 22.10 |
| Do | Calgene, Inc | 3,750.00 | 7.88 |
| Do | Cash America | 5,000.00 | |
| Do | Cotton Warehouse Assn of America | 10,750.00 | |
| Do | Domino Sugar Corp | 7,500.00 | 12.91 |
| Do | Flue-Cured Tobacco Cooperative Stabilization Corp | 5,000.00 | |
| Do | Friant Water Users Authority | | |
| Do | Service Corporation International | 7,500.00 | |
| Do | St. Louis Ship Holdings | | |
| Do | U.S. Canola Association | 5,000.00 | 199.21 |
| Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003 | Public Citizen | 7,075.00 | |
| Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330 | General Mills Restaurants, Inc | 1,062.50 | 70.71 |
| John C. Walton, 1402 North Oak Street, #302 Arlington, VA 22209 | John E. Chance & Associates, Inc | 15,000.00 | |
| Do | General Dynamics Corp | 15,000.00 | |
| Do | Grumman Corporation | 12,499.98 | 234.92 |
| Do | National Assn of Dredging Contractors | 10,500.00 | |
| Do | National Rifle Assn of America | 35,000.00 | 804.55 |
| Do | Textron, Inc | 13,749.99 | 601.88 |
| Do | Thiokol Corp | 10,500.00 | 72.00 |
| Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001 | Kimberly-Clark Corp | | |
| Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219 | American Petroleum Institute | 25.00 | |
| Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036 | International Union United Auto Aerospace & Ag. W of A(UAW) | 20,936.77 | 319.76 |
| Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004 | Public Employees Retirement Assn of Colorado | | |
| Michael A. Waring, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 1,000.00 | 653.53 |
| Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036 | DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements) | | |
| Do | DGA International, Inc (For:Sofreavia) | | |
| Do | DGA International, Inc (For:SNECMA) | | 178.93 |
| Do | DGA International, Inc (For:Zenith Data Systems) | | |
| James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | | |
| David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005 | Bristol-Myers Squibb Company | 1,000.00 | |
| B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347 | Forest Farmers Assn | | |
| Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036 | National Assn of Broadcasters | 6,500.00 | 511.46 |
| Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036 | General Motors Corp | 3,000.00 | 2,722.32 |
| Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036 | Texaco, Inc | | |
| Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005 | City of Cleveland | 3,809.25 | 172.64 |
| Do | City of Oakland | 1,500.00 | 360.52 |
| Do | Coca-Cola Company | 1,828.34 | 15.55 |
| Do | Electronic Data Systems, Inc | | |
| Do | Government of the People's Republic of Angola | | |
| Do | Government of Antigua | | |
| Do | Greater Cleveland Regional Transit Authority | 1,127.98 | 11.90 |
| Washington Public Affairs Group, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016 | National Union for the Total Independence of Angola (Unita) | | |
| Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005 | Government of the Federal Republic of Nigeria | | |
| Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417 | National Association of Chain Drug Stores | 500.00 | |
| Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202 | GEC-Marconi Electronic Systems Corp | 1,300.00 | 1,423.98 |
| John L. Watson III, One World Trade Center, #4511 New York, NY 10048 | Security Traders Assn. Inc | 7,003.00 | |
| Leroy Watson, 1616 H Street, NW Washington, DC 20006 | National Grange | 4,875.00 | |
| James B. Watt, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors | | |
| Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036 | National Rural Electric Cooperative Assn | 35.00 | |
| George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005 | National Broiler Council | 1,650.00 | |
| Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036 | National Coal Assn | 9,800.00 | 300.02 |
| Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008 | Boehringer Ingelheim Pharmaceuticals, Inc | 14,675.00 | 1,765.01 |
| William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602 | American Petroleum Institute | | |
| David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005 | Handgun Control, Inc | 6,474.00 | |
| Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024 | Farmers Educational and Co-Operative Union of America | 8,142.41 | 208.33 |
| Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036 | Brown & Root Services Corp | | |
| Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016 | Federal National Mortgage Assn (Fannie Mae) | 2,500.00 | 475.00 |
| Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006 | Commercial Law League of America | | |
| Do | International Taxicab and Livery Assn | | |
| Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209 | National Fisheries Institute | 4,000.00 | 60.00 |
| Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036 | The Centennial Co | | |
| Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005 | Battery Council International | | |
| Do | National Assn for Plastic Container Recovery (NAPCOR) | | |
| Do | Portable Rechargeable Battery Association | | |
| Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006 | Unilever U.S., Inc | 100.00 | 17.00 |
| Deborah Feldman Weiner, 11004 Petersborough Drive Rockville, MD 20852 | American Soc for the Prevention of Cruelty to Animals | 2,000.00 | 640.00 |
| Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715 | National Society of Professional Engineers | 1,500.00 | |
| Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601 | Prodigy Services Company | | 200.00 |
| Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 14.87 |
| Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036 | American Foreign Service Assn | 5,400.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005 | Safe Buildings Alliance | | |
| Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001 | National Assn of Independent Colleges and Universities | 13,752.00 | |
| Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006 | Southwestern Bell Corp | | 2,795.24 |
| Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004 | Citicorp Washington, Inc | | |
| Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004 | Central & South West Services, Inc | 3,920.00 | 3,143.10 |
| Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090 | National Grocers Assn | 500.00 | |
| William H. Wenzel, 214 North Henry Street, Suite 203 Madison, WI 53703 | Sierra Club | 530.77 | |
| Fred Wertheimer, 2030 M St., NW Washington, DC 20036 | Common Cause | 17,655.78 | 498.00 |
| James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036 | Dow Corning Corp | 5,000.00 | |
| Charles M. West, 205 Daingerfield Road Alexandria, VA 22314 | National Assn of Retail Druggists | 1,500.00 | 300.00 |
| Ford B. West, 501 Second Street, NE Washington, DC 20002 | Fertilizer Institute | 25,000.00 | 884.08 |
| William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036 | National Business Aircraft Assn | 3,000.00 | 3,167.50 |
| West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621 | | | |
| Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036 | | | |
| Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121 | | | |
| Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036 | National Trust for Historic Preservation | 233.89 | |
| John F. Wetzel Jr., 50 F St., NW Washington, DC 20001 | Association of American Railroads | 255.99 | 382.50 |
| Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004 | Allied-Signal, Inc | | |
| Do | American Airlines, Inc | 600.00 | |
| Do | American Institute for Foreign Study Scholarship Foundation | | |
| Do | American Public Transit Assn | | |
| Do | Anheuser-Busch Companies, Inc. | 1,558.00 | 5.45 |
| Do | ARCO | 1,250.00 | |
| Do | Catholic Health Association of the United States | | |
| Do | Century Council | | 11.15 |
| Do | City of Petoskey, MI | | |
| Do | Columbia Hospital for Women Medical Center | | |
| Do | Comcast Corporation | 600.00 | 287.75 |
| Do | Consortium of State Maritime Schools | | |
| Do | Coopers & Lybrand | 200.00 | |
| Do | Defense Rations Manufacturers Assn | | |
| Do | Foothills Pipe Lines (Yukon) Ltd | | |
| Do | FHP | 1,050.00 | |
| Do | General Motors Corp | | |
| Do | Hallmark Cards, Inc | | |
| Do | Intermountain Rural Electric Assn | | |
| Do | John I Haas, Inc | 3,900.00 | |
| Do | Joslin Diabetes Center | | |
| Do | Lamont-Doherty Geological Observatory | | |
| Do | Massachusetts Maritime Academy | | |
| Do | Motion Picture Assn of America, Inc | | |
| Do | National Association for Music Therapy | | 7.75 |
| Do | National Association of Community Health Centers | | |
| Do | National Foundation of Women Business Owners | | |
| Do | National Gypsum Co | 4,261.00 | 6.50 |
| Do | New England Aquarium | | |
| Do | Oceanic Institute | | |
| Do | Ohio Edison | 2,500.00 | 67.50 |
| Do | South Fork Broadcasting Corporation | | |
| Do | U.S. Bioscience | 450.00 | 55.75 |
| Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611 | Navistar International Transportation Corp | 4,000.00 | 1,495.71 |
| Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209 | American Waterways Operators, Inc | 5,000.00 | 1,503.38 |
| Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006 | Equitable Life Assurance Society of the U.S. | | |
| Do | Toyota Motor Sales, USA, Inc | | |
| Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209 | Hughes Aircraft Company | 395.00 | |
| Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 3,130.00 | |
| Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036 | Cellular Telecommunications Industry Association | | |
| John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004 | Tenneco Gas | | |
| Joyce White, 222 NW Davis, #309 Portland, OR 97209 | Oregon Trail Coordinating Council | 562.50 | |
| Larry White, 601 E Street, NW Washington, DC 20049 | American Assn of Retired Persons | 740.57 | |
| Leland J. White, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 84.15 | 84.15 |
| Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036 | Association of Maximum Service Telecasters, Inc | | |
| Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041 | Harris Corporation | 3,500.00 | 1,821.75 |
| Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006 | Tobacco Institute | 600.00 | 51.06 |
| Sam White, 1155 15th Street, NW, #900 Washington, DC 20005 | National Agricultural Chemicals Assn | | |
| Steven C. White, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202 | Texas Instruments, Inc | 375.00 | 147.87 |
| Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314 | County of Los Angeles | 22,500.00 | 1,098.78 |
| White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005 | Association of Regionally Accred Priv Coll & Univ | 15,000.00 | |
| Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006 | Giddings & Lewis, Inc | 13,423.00 | 2,494.28 |
| Do | National Constructors Association | 9,999.99 | 4,558.68 |
| Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002 | Marcus G. Faust, PC (For:Central Utah Water Conservancy District) | 1,607.00 | 15.04 |
| Do | Marcus G. Faust, PC (For:Clark County Nevada) | 1,607.00 | |
| Do | Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport) | 1,607.00 | 40.25 |
| Do | Marcus G. Faust, P.C. (For:Geneva Steel) | | |
| Do | Marcus G. Faust, PC (For:Las Vegas Valley Water District) | 1,607.00 | 15.04 |
| Do | Marcus G. Faust, PC (For:Public Service Co of New Mexico) | 1,607.00 | |
| Do | Marcus G. Faust, PC (For:Sierra Pacific Power Co) | 1,607.00 | 15.04 |
| Do | Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation). | 1,607.00 | |
| Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024 | American Farm Bureau Federation | 8,277.00 | 897.00 |
| James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313 | National Assn of Chain Drug Stores, Inc | | |
| Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics Corp | 1,000.00 | 352.24 |
| William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419 | Oryx Energy Company | 142.00 | 16.00 |
| Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207 | Pizza Hut, Inc | | |
| Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036 | J. I. Gray & Associates | | |
| Do | Arnold J. Lande MD. | | |
| Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004 | Bodie Consolidated Mining Company | 5,000.00 | |
| Do | Mesa, Inc | 3,000.00 | |
| Do | Natural Gas Vehicle Coalition | 4,000.00 | |
| Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005 | Ford Motor Co | 3,382.80 | 3,009.84 |
| Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203 | Alabama Power Co | 25,231.21 | 5,588.96 |
| Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202 | Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado) | 1,866.02 | 966.02 |
| Do | Kogovsek & Associates (For:United Ski Industries, Inc) | 31,559.44 | 5,659.44 |
| Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832 | Villa Banfi, U.S.A. | | |
| Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036 | Airport Association Council International | 5,725.00 | |
| W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005 | American Medical Assn | 3,975.00 | |
| Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837 | American Assn of Homes for the Aging | | 16.16 |
| Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001 | National Assn of Independent Colleges and Universities | 9,210.00 | |
| Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005 | Wine & Spirits Wholesalers of America, Inc | | 784.27 |
| Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003 | Hecht Spencer & Associates (For:Boy Scouts of America) | | |
| Do | Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp) | | |
| Do | Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc) | | |
| Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066 | Environmental Research Institute of Michigan | 15,750.00 | |
| Do | Industrial Technology Institute | 4,999.99 | |
| Do | MERRA | 3,333.33 | |
| Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006 | Aeronautical Radio, Inc | | |
| Do | Allied Marketing Group | | |
| Do | Association for Public TV (APTV) | | |
| Do | Association of Telemessaging Services, International | | |
| Do | CBS, Inc | 248.00 | |
| Do | Firemen's Fund Insurance Cos | | |
| Do | Marine Mammal Coalition | | |
| Do | Merchants National Bank | 306.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | National Assn for Information Services | | |
| Do | National Health Care Anti-Fraud Assn | | |
| Do | Newspaper Assn of America (NAA) | 372.00 | 52.00 |
| Do | Olan Mills, Inc | | |
| Do | Prodigy Services Company | | |
| Do | United Parcel Service | 344.00 | 26.88 |
| Do | W.F. Young, Inc | 585.00 | 41.64 |
| Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036 | Exxon Corporation | | |
| Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance, Inc | | |
| Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002 | National Roofing Contractors Assn | 3,243.75 | 874.00 |
| Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006 | Fleet/Norstar Financial Group | 29,294.34 | 2,986.31 |
| Do | Hobbs Straus Dean & Wilder | | |
| Do | Northwest Hydroelectric Assn | 3,000.00 | 40.00 |
| Do | Solano Water Authority | 2,455.00 | 72.75 |
| Do | Summit Energy Storage, Inc | | |
| Do | Suntrust Banks, Inc | 1,044.61 | 95.93 |
| Do | Turlock Irrigation District | 14,500.00 | 640.00 |
| Do | VISA USA, Inc | 2,412.00 | 61.31 |
| Do | Wachovia Bank and Trust | 1,534.61 | 159.10 |
| Do | Wells Fargo & Company | 1,227.38 | 38.98 |
| Clark Williams, 666 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 6,000.00 | 625.00 |
| Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037 | New York Life Insurance Company | 135.00 | |
| Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003 | Aegon USA, Inc | 1,450.00 | 300.00 |
| Do | Ark-Best Co | 1,450.00 | 250.00 |
| Do | Arkansas Louisiana Gas Co (ARKLA) | 1,250.00 | 300.00 |
| Do | Electro Com Automation, Inc | 1,550.00 | 350.00 |
| Do | Integon | 1,400.00 | 250.00 |
| Do | Riceland Foods, Inc | 1,400.00 | 350.00 |
| Do | Tyson Foods, Inc | 1,400.00 | 350.00 |
| Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corporation | 50.00 | 167.24 |
| Lucinda L. Williams, 733 15th Street, NW, #700 Washington, DC 20005 | National Medical Enterprises, Inc | 4,980.00 | |
| Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048 | | | |
| Merrill Williams, 4501 Connecticut Ave., NW, #113 Washington, DC 20008 | Freshwater Press, Inc | | |
| Do | Galactical Biochemical | | |
| Do | National Credit Improvement Group | | |
| Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266 | National Wildlife Federation | | |
| Patrick H. Williams, 1801 Pennsylvania Avenue, NW Washington, DC 20006 | MCI Communications Corp | 4,000.00 | 1,926.05 |
| Perry F. Williams, 225 Main St. Newington, CT 06111 | American Radio Relay League, Inc | 3,533.00 | 2,799.00 |
| Richard T. Williams, 2501 M Street, NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 2,000.00 | |
| Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006 | Rohm & Haas Co | 500.00 | |
| Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801 | Eastman Kodak Company (Imaging Group) | | |
| Alan R. Willis, Box 3529 Portland, OR 97208 | Port of Portland | 12,055.00 | |
| Roy W. Willis, 1101 16th Street, NW Washington, DC 20036 | Independent Petroleum Assn of America | | 295.00 |
| Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036 | General Atomics | 862.89 | 50.00 |
| Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036 | American Nuclear Energy Council (ANEC) | | |
| Do | Association of International Auto Manufacturers | | |
| Do | Browning-Ferris Industries, Inc | 1,325.00 | 34.43 |
| Do | Morgan Guaranty Trust Co | 715.00 | 175.81 |
| Do | National Assn of Independent Fee Appraisers | | |
| Do | Standard Commercial Tobacco Co | | |
| Do | Time Warner | 468.75 | |
| Do | Westinghouse Electric Corp | 1,195.00 | 44.60 |
| Do | Yamaha Motor Co, Ltd, et al. | | |
| Do | Yamaha Motor Manufacturing Corp of America | 112.50 | |
| Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420 | American Cyanamid Co | 187.50 | |
| Do | American Honda Motor Co, Inc | | |
| Do | Business Roundtable | | |
| Do | Capital Cities/ABC, Inc | 455.00 | |
| Do | Citibank, N.A. | | |
| Do | Computer Systems Policy Project | | |
| Do | Cook Inlet Communications, L.P. | | |
| Do | Federal Home Loan Bank of San Francisco | | |
| Do | G-IV Family Coalition, Inc | | |
| Do | Handgun Control, Inc | | |
| Do | Intellectual Property Committee | | |
| Do | International Metals Reclamation Company, Inc | | |
| Do | Long Island Savings Bank | | |
| Do | Pepsico, Inc | | |
| Ann Wilson, 1611 Duke Street Alexandria, VA 22314 | American Movers Conference | 2,500.00 | |
| David I Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006 | Arter & Hadden (For:Nintendo of America, Inc) | | |
| Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004 | National Cattlemen's Assn | 1,000.00 | |
| Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006 | Amalgamated Clothing & Textile Workers Union | 4,375.00 | 89.25 |
| Patricia M. Wilson, 1101Pennsylvania Ave, NW, #510 Washington, DC 20004 | USX Corporation | | |
| Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272 | PPG Industries, Inc | | |
| Scott A. Wilson, 888 16th Street, NW Washington, DC 20006 | American Airlines, Inc | 1,281.25 | 436.71 |
| Do | Glaxo Australia Pty, Ltd | | |
| Do | Trading & Investment Corp | | |
| William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201 | Wisconsin Electric Power Co | | |
| John P. Winburn, 50 E Street, SE Washington, DC 20003 | Winburn Associates, Inc (For:American Assn of Equipment Lessors) | 22,500.00 | |
| Do | Winburn VanScoyoc & Hooper (For:American Insurance Assn) | 45,000.00 | |
| Do | Winburn Associates, Inc (For:American Paper Institute) | | |
| Do | Winburn Associates, Inc (For:Bell Atlantic Capital Corp) | 5,000.00 | |
| Do | Winburn Associates, Inc (For:Bradford Exchange) | 15,000.00 | |
| Do | Winburn Associates, Inc (For:Burlington Northern Railroad Co) | 15,000.00 | |
| Do | Winburn Associates, Inc (For:Burlington Northern Services, Inc) | 15,000.00 | |
| Do | Winburn Associates, Inc (For:Fluor Corp) | 5,000.00 | |
| Do | Winburn Associates, Inc (For:Hartford (The)) | 45,000.00 | |
| Do | Winburn Associates, Inc (For:Health Net) | 7,500.00 | |
| Do | Winburn Associates, Inc (For:Leggett & Platt) | 6,000.00 | |
| Do | Winburn Associates, Inc (For:National Assn of County Office Employees) | 3,000.00 | |
| Do | Winburn Associates, Inc (For:Pennzoil) | 6,000.00 | |
| Do | Winburn Associates, Inc (For:Philip Morris) | 81,000.00 | |
| Do | Winburn Associates, Inc (For:1st Nationwide Bank) | 20,000.00 | |
| Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C. | Shearson Lehman Brothers, Inc | | |
| Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005 | Maritime Institute for Research & Industrial Development | 7,218.19 | |
| Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036 | National Solid Wastes Management Assn | 500.00 | |
| Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037 | Chemical Manufacturers Assn, Inc | 600.00 | 252.62 |
| David A. Winston, 1922 F Street, NW Washington, DC 20006 | National Assn of Life Underwriters | 887.50 | 65.00 |
| Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502 | Bedminster Bioconversion Corp | | |
| Do | Carus Chemical Company | 5,912.50 | 33.00 |
| Do | Harpo, Inc | 10,435.00 | 476.78 |
| Do | Illinios State Medical Society | | |
| Do | International Council of Shopping Centers | | |
| Do | National Private Cable Assn | | |
| Do | Regional Transit Authority | | |
| Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266 | National Wildlife Federation | 91.01 | |
| Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036 | America West Airlines, Inc | | |
| Do | Amoco Performance Products, Inc | | |
| Do | Bristol-Myers Squibb | | |
| Do | BASF Corp | | |
| Do | BASF Structural Materials, Inc | | |
| Do | Coalition for Responsible Waste Incineration (CRWI) | 2,000.00 | 22.00 |
| Do | Fiberite Corp | | |
| Do | Goldman Sachs | 660.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Hercules Aerospace Co | | |
| Do | Lower Elwha Klallam Tribe | 24,861.25 | |
| Do | Macrovision, Inc | | |
| Do | MCI Communications Corp | | |
| Do | MTN Coalition | 320.00 | |
| Do | National Assn of Demolition Contractors | | |
| Do | National Vehicle Leasing Assn | | |
| Do | Navajo Nation | 35,652.50 | |
| Do | North American Chemical Company | | |
| Do | Organization for International Investment (OFII) | 387.50 | |
| Do | Refractory Ceramics Fiber Coalition | | |
| Do | RAT Coalition | 771.03 | |
| Do | Sabreliner Corp | | |
| Do | Saloman Brothers, Inc | | |
| Do | Securities Industry Assn | 2,700.00 | |
| Do | Smith Corona | | |
| Do | Snappy Car Rental | | |
| Do | St. Thomas & St. John Chamber of Commerce | 1,920.00 | 37.09 |
| Do | Thrifty Rent-A-Car System, Inc | | |
| Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005 | Credit Union National Assn, Inc | 2,000.00 | |
| Melanie Wisniewski, P.O. Box 520783, GMF Miami, FL 33152 | Burger King Corp | | |
| S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102 | Albert Einstein Medical Center | 12,000.00 | 1,699.71 |
| Do | Centennial Health Services, Inc | 1,500.00 | 1,018.08 |
| Do | Certained Corporation | 18,000.00 | 700.90 |
| Do | Children's Hospital of Philadelphia | 54,750.00 | 3,057.93 |
| Do | Children's Hospital of Pittsburgh | 15,750.00 | 2,215.75 |
| Do | Crozer-Keystone Health System | 3,750.00 | 1,018.08 |
| Do | Drexel University | 7,500.00 | 55.84 |
| Do | Episcopal Hospital | 3,750.00 | 1,018.08 |
| Do | Healthcare Management Alternatives, Inc | 9,000.00 | 652.24 |
| Do | Hill Group | 15,000.00 | 1,254.99 |
| Do | Hospital of the Philadelphia College of Osteopathic Medicine | 3,750.00 | 1,018.08 |
| Do | Magee-Womens Hospital | 12,750.00 | 1,637.27 |
| Do | Mercy Health Corporation | 16,500.00 | 1,889.41 |
| Do | Mercy Health Plan | 7,500.00 | 852.09 |
| Do | National Down Syndrome Society | 9,000.00 | 888.71 |
| Do | North Philadelphia Health System | 3,750.00 | 1,018.08 |
| Do | Presbyterian University Hospital | 3,750.00 | 1,018.88 |
| Do | Public Financial Management | 18,000.00 | 1,204.06 |
| Do | Systems Control, Inc | 25,100.00 | 736.00 |
| Do | Thomas Jefferson University Hospital | 3,750.00 | 1,018.88 |
| Do | University of Pennsylvania | 15,000.00 | 1,409.57 |
| Do | Virginia Commonwealth University | | |
| Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510 | Norfolk Southern Corp | | |
| James E. Wolf, 2020 14th St., North Arlington, VA 22201 | American Standard, Inc | 2,000.00 | |
| J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006 | Institute of Scrap Recycling Industries | 5,750.00 | 75.69 |
| Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | (For:American Insurance Assn) | 371.30 | |
| Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004 | American Council of Life Insurance | 1,000.00 | |
| Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036 | Amoco Corporation | 1,200.00 | |
| Don Womack, Suite 303 1825 K St., NW Washington, DC 20006 | Texas Utilities Services, Inc | 3,500.00 | 62.57 |
| Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604 | Procter & Gamble Co | 223.64 | |
| Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 2,325.00 | |
| S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599 | National Assn of Life Companies | | |
| Mark E. Woodbridge, 1825 K Street, NW, #1107 Washington, DC 20006 | National U.S. Arab Chamber of Commerce | | |
| James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618 | Teco Energy, Inc | 16,750.00 | 571.43 |
| Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901 | Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms) | | |
| Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521 | National Assn of Air Traffic Specialists | 7,200.00 | 1,027.35 |
| Do | Woods Research Associates, Inc | | 220.00 |
| Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002 | American Civil Liberties Union | 2,315.00 | |
| Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209 | Northrop Corp | 1,400.00 | 60.00 |
| Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036 | LeBoeuf Lamb Leiby & MacRae | | |
| James M. Wootton, 1146 19th Street, NW, Suite 700 Washington, DC 20036 | Northeast Apple Council | 28,763.50 | 28,763.50 |
| Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300 | | 13,500.00 | 26,175.00 |
| Willard A. Workman, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037 | | | |
| W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522 | Southern Company Services, Inc | | |
| Worthington Associates, 2132 Southbay Lane Reston, VA 22091 | HRM | | |
| Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314 | National Assn of Professional Insurance Agents | | |
| David L. Wray, 20 North Wacker Drive Chicago, IL 60606 | Profit Sharing Council of America | | |
| Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405 | Centerior Energy Corp, et al. | 15,000.00 | 2,237.03 |
| Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036 | American Insurance Assn | 475.65 | 110.00 |
| David L. Wright, Anderson Hill Rd. Purchase, NY 10577 | Pepsico, Inc | | |
| Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004 | Texas Instruments | 2,000.00 | 40.00 |
| Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036 | American Assn of Airport Executives | | |
| Do | American Bus Assn | 4,581.06 | 176.20 |
| Do | American Iron & Steel Institute | 4,326.72 | 133.84 |
| Do | American Orthotic & Prosthetic Assn | 5,415.63 | 75.58 |
| Do | American President Companies | 3,000.00 | |
| Do | American Soc of Assn Executives | 5,269.77 | 811.76 |
| Do | Ares-Serono, Inc | 4,749.45 | 29.19 |
| Do | Ashland Oil Company | 4,914.74 | 2,579.76 |
| Do | Association of American Railroads | 1,249.95 | 52.35 |
| Do | Avis Rent A Car System, Inc | 6,750.00 | 143.51 |
| Do | BellSouth Corp | | |
| Do | Bituminous Coal Operators Assn | 44,000.00 | 322.39 |
| Do | Browning-Ferris Industries | | |
| Do | Circuit City Stores, Inc | | |
| Do | Committee Against Revising Staggers | 352.50 | 200.43 |
| Do | Connaught Laboratories, Inc | 5,149.37 | 379.87 |
| Do | Cosmetic Toiletry & Fragrance Assn, Inc | | |
| Do | Council of Industrial Boiler Owners | 7,208.51 | 462.70 |
| Do | Crescent Cities Jaycees Foundation, Inc | 3,925.25 | 27.51 |
| Do | CSX Corporation | 3,000.00 | |
| Do | Electronic Industries Assn | 8,345.00 | 359.55 |
| Do | General Motors Corp | 7,312.50 | 203.60 |
| Do | Grand Metropolitan/Pillsbury | 2,591.04 | 6.13 |
| Do | Grand Metropolitan, Inc | 883.30 | 36.60 |
| Do | HDTV 1125/60 Group | 2,250.00 | 287.97 |
| Do | Industrial Oil Consumers Group | | |
| Do | Intermarine USA | 2,400.00 | 271.62 |
| Do | Investment Company Institute | 2,000.00 | 41.61 |
| Do | Kelly Assisted Living/Kelly Services | 500.00 | 24.90 |
| Do | Lonesome Dove Petroleum Company | | |
| Do | Manville Corporation | 20,958.00 | 333.26 |
| Do | Martin Marietta | 6,666.66 | 2.20 |
| Do | Maxxam | | |
| Do | McDonnell Douglas | 3,516.40 | 106.83 |
| Do | Metropolitan Life Insurance Co | | |
| Do | Montana Department of Transportation | 510.00 | |
| Do | Mylan Laboratories, Inc | 1,612.80 | 1,047.28 |
| Do | MCI Communications Corp | 6,600.00 | 1.20 |
| Do | National Assn of Temporary Services | | |
| Do | National Cable Television Assn, Inc | 1,249.95 | 37.89 |
| Do | National Funeral Directors Assn | 7,780.54 | 720.17 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | National Liquor Stores Assn. | 2,500.00 | 135.69 |
| Do | National Retail Hardware Assn | 2,371.50 | 305.88 |
| Do | North American Phillips Corp | 2,385.00 | 564.72 |
| Do | Northwestern Mutual Life Insurance Co | | |
| Do | NESEA | 1,072.50 | 0.18 |
| Do | NYNEX Corp | 6,000.00 | 27.63 |
| Do | Polaris Industries | | |
| Do | Process Gas Consumers Group | 11,180.00 | 1,141.86 |
| Do | Public Securities Assn | | |
| Do | QVC Network, Inc | 3,250.00 | |
| Do | Refiners' Coalition for Competitive Markets | 2,387.24 | 12.75 |
| Do | Shell Oil Company | 2,672.85 | 27.14 |
| Do | SmithKline Beecham | 3,000.00 | 231.61 |
| Do | Sony Corp of America | 9,175.00 | 292.22 |
| Do | South Dakota Dept of Transportation | 510.00 | |
| Do | Squibb Corporation | | |
| Do | Stanford University | | |
| Do | Tobacco Industry Labor Management Committee | 2,281.50 | 41.47 |
| Do | U.S. Telephone Assn | | |
| Do | Westinghouse Airship Industries | 6,100.00 | 443.99 |
| Do | Westinghouse Electric Corp | 1,000.00 | 13.47 |
| Tracy Wurzel, 600 Maryland Ave, #700 Washington, DC 20024 | National Fed of Independent Business | 4,875.00 | 400.00 |
| James Wyerman, 1244 19th Street, NW Washington, DC 20036 | Defenders of Wildlife | | |
| Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109 | Sun Co, Inc | 1,519.00 | 29.06 |
| Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001 | Transportation Trades Department, AFL-CIO | 1,675.00 | |
| Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036 | American Paper Institute, Inc | 288.00 | |
| Nick Yaksich, 1957 E Street, NW Washington, DC 20006 | Associated General Contractors of America | | |
| T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036 | Toyota Motor Sales, USA, Inc | 500.00 | |
| Do | West Mexico Vegetable Distributors Assn | 500.00 | |
| Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006 | Food Marketing Institute | 400.00 | |
| Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450 | | | |
| Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006 | National Comm to Preserve Social Security | 4,479.00 | |
| Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475 | Edison Electric Institute | 1,556.60 | 445.09 |
| Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036 | American Bankers Assn | 10,000.00 | 482.31 |
| John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024 | Yodice Associates (For:Aircraft Owners & Pilots Assn) | | |
| Andrew Yood, 1220 L Street, NW Washington, DC 20005 | American Petroleum Institute | 200.00 | |
| Penny L. Young, 7101 Wisconsin Avenue Bethesda, MD 20814 | National Burglar and Fire Alarm Assn | | |
| Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931 | American Hotel & Motel Assn | 2,345.54 | |
| Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005 | American Petroleum Institute | 8,000.00 | 124.53 |
| Eugene A. Yourch, 50 Broadway New York, NY 10004 | Federation of American Controlled Shipping | 200.00 | |
| Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036 | National Cotton Council of America | 9,975.00 | 232.28 |
| Jerry Zanelli, 1127 11th Street Sacramento, CA 95814 | County of Placer | 8,063.19 | |
| Do | San Joaquin Partnership | 41.67 | |
| John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005 | American Medical Assn | 4,900.00 | |
| Janice Zarro, 1726 M Street, NW, Suite 701 Mallinckrodt Medical, Inc. Washington, DC 20036 | Mallinckrodt Medical, Inc | | |
| Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090 | National Grocers Assn | 500.00 | |
| Renee E. Zavoico, 555 13th Street, NW, #1010 East Washington, DC 20004-1109 | Sun Company, Inc | 2,000.00 | 656.01 |
| Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036 | General Motors Corp | 3,000.00 | 366.21 |
| Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697 | Building & Construction Trades Dept, AFL-CIO | | |
| Do | New York Telephone | | |
| Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005 | American Business Conference, Inc | | |
| Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102 | AMT - The Assn for Manufacturing Technology | 3,300.00 | 250.00 |
| Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036 | Amoco Corporation | 1,850.00 | 119.01 |
| Steven L. Zeller, Box 3005 Columbus, IN 47202-3005 | Cummins Engine Company, Inc | | |
| Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313 | National Assn of Chain Drug Stores, Inc | 1,000.00 | |
| Arlene Zielke, 3724 West 107th Street Chicago, IL 60655 | National Congress of Parents & Teachers | | 2,476.57 |
| Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006 | Illinois Power | | |
| Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005 | Mortgage Insurance Companies of America | 6,474.97 | 281.59 |
| Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002 | Fertilizer Insititue | 9,000.00 | 978.78 |
| Zimmerman/Edelson, Inc, 51 Middle Neck Road Great Neck, NY 11021 | New York Coca Cola Distributors Association | 9,000.00 | 1,893.09 |
| W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216 | Nationwide Insurance Companies | 1,000.00 | 1,050.00 |
| Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121 | Fallon Paiute-Shoshone Tribes | | |
| Do | Makah Indian Tribe | | |
| Do | Northern Arapho Indian Tribe | | |
| Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494 | National Beer Wholesalers Assn | 2,000.00 | 756.91 |
| Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| Nancy B. Zucker, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004 | National Retail Federation | | |
| Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005 | Credit Union National Assn, Inc | 12,000.00 | 75.00 |
| 965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002 | General Electric Co | 25.00 | |
| Do | Kaman Diversified Technologies | 50.00 | |
| Do | Newport News Shipbuilding | 30.00 | |
| Do | Woods Hole Oceanographic Institution | 100.00 | |

## QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1992 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

**PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515**

**PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510**

**PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:**

**"PRELIMINARY" REPORT** ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

**"QUARTERLY" REPORT:** To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

# REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

| P | QUARTER | | | |
|---|---|---|---|---|
| | 1st | 2d | 3d | 4th |
| | | | | |
| (Mark one square only) | | | | |

Is this an Amendment?
☐ YES ☐ NO

## IDENTIFICATION NUMBER

**NOTE on ITEM "A".**—(*a*) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

## A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

**NOTE on ITEM "B".**—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

**B. EMPLOYER** —State name, address, and nature of business. If there is no employer, write "None."

**NOTE on ITEM "C".**—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

## C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

**NOTE on ITEM "D."**—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

*(b)* IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

*(c)* IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

## D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

*Receipts* (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

*Loans Received*—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

*Contributors of $500 or More (from Jan. 1 through this Quarter)*

13. Have there been such contributors?
    Please answer "yes" or "no": ..............◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

| *Amount* | *Name and Address of Contributor*<br>(*"Period"* from Jan. 1 through.............................., 19.......) |
|---|---|
| $1,500.00 | John Doe, 1621 Blank Bldg., New York, N.Y. |
| $1,785.00 | The Roe Corporation, 2511 Doe Bldg., Chicago, Ill. |
| $3,285.00 | TOTAL |

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**NOTE on ITEM "E".**—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

*(b)* IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

## E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

*Expenditures* (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

*Loans Made to Others*—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*__________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

| *Amount* | *Date or Dates—Name and Address of Recipient—Purpose* |
|---|---|
| $1,750.00 | 7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill." |
| $2,400.00 | 7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month. |
| $4,150.00 | TOTAL |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421 | U.S. Chamber of Commerce | | |
| Gordon Alan Achilles, 5010 Cathedral Avenue, NW Washington, DC 20016 | Thomson CSF | | 1,000.00 |
| Kenneth R. Adams, 2211 Congress Street Portland, ME 04122 | UNUM Life Insurance Co | | |
| Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 3,114.00 | |
| L. Wayne Addison, 5404 55th Place Riverdale, MD 20737 | | | |
| Richard L. Adee, P.O. Box 368 Bruce, SD 57220 | American Honey Producers Assn | | |
| David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854 | Association for Gerontology in Higher Education | 750.00 | |
| Catherine W. Ahmad, 516 First Street, SE Washington, DC 20003 | Gryphon International | 7,245.00 | |
| Air Transport Assn of America, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | | 196,750.72 | 196,750.72 |
| Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004 | Digital Equipment Corp | 23,500.00 | |
| Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036 | Government of Norway | 750.00 | |
| Do | Hunter Industrial Facilities, Inc | 3,145.00 | 60.00 |
| Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002 | | 8,398.00 | 4,356.00 |
| Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009 | LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron)) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)) | | |
| Do | LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America) | 410.00 | |
| Nicholas W. Allard, 750 17th Street, NW, #1100 Washington, DC 20006 | Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc) | 12,000.00 | |
| Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 11,209.28 | 723.75 |
| William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005 | American Dental Assn | 925.00 | |
| Laura L. Allendorf, 2011 Pennsylvania Ave., NW, #800 Washington, DC 20006 | American Soc of Internal Medicine | 1,250.00 | 325.55 |
| Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001 | | 27,500.00 | 1,436.00 |
| Alliance to Save Energy, 1725 K Street, NW, #914 Washington, DC 20006 | | | |
| Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036 | National Coal Assn | 13,800.00 | 193.00 |
| Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Montclair, VA 22026 | Associated Universities | 11,250.00 | 9,010.41 |
| American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201 | | | 5,750.22 |
| American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302 | | | 44,854.00 |
| American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036 | | | |
| American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062 | | | |
| American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005 | | 17,405.00 | 2,097.49 |
| American Assn of University Women, 1111 16th Street, NW Washington, DC 20036 | | | 268.67 |
| American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005 | | 42,465.56 | 40,090.81 |
| American Consulting Engineers Council, 1015 15th Street, NW, #802 Washington, DC 20005 | | 6,750.00 | |
| American Counseling Association, 5999 Stevenson Ave. Alexandria, VA 22304 | | 89,315.00 | 28,014.00 |
| American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044 | | 1,983.00 | 194.25 |
| American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611 | | | 34,820.24 |
| American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036 | | | 123,684.51 |
| American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209 | | 4,440.00 | 4,440.00 |
| American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036 | | | 454.84 |
| American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209 | | 32,358.00 | 32,358.00 |
| American Health Care Assn, 1201 L Street, NW Washington, DC 20005 | | 364,400.00 | 107,906.80 |
| American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006 | | | |
| American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001 | | 156,850.82 | 156,850.82 |
| American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037 | | | 2,400.00 |
| American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002 | | | |
| American Newspaper Publishers Assn, 11600 Sunrise Valley Drive Reston, VA 22091 | | 373,265.36 | 373,265.36 |
| American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003 | | 35,981.70 | 156,746.22 |
| American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314 | | | |
| American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005 | | 118,941.04 | 134,791.22 |
| American Radio Relay League, Inc, 225 Main St. Newington, CT 06111 | | | 17,574.00 |
| American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003 | | | 1,014.00 |
| American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | | 463,950.00 | 1,572.17 |
| Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501 | | 55,500.00 | 12,255.11 |
| Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005 | Pharmaceutical Manufacturers Assn | 4,000.00 | 30.00 |
| Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003 | Pearson & Pipkin, Inc (For:Physicians Who Care) | | |
| Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037 | Eckert Seamans Cherin & Mellott (For:Community Transportation Assn of America). | | |
| Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036 | KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp) | | |
| Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Frederick M. Anderson, P.O. Box 8000-02777052 Bradford, PA 16701-0980 | | | |
| J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310 | Temple-Inland | | |
| James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006 | National Assn of Wholesaler-Distributors | | |
| John A. Anderson, 1333 H St., NW, #300 Washington, DC 20005 | Electricity Consumers Resource Council (ELCON) | | |
| John B. Anderson, 418 7th Street, SE Washington, DC 20003 | World Federalist Assn | 1,250.01 | |
| Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009 | Alamo Rent-A-Car, Inc | 6,800.50 | 586.10 |
| Do | Bay Area Rapid Transit District | | |
| Do | Evans Company | 11,023.61 | 561.74 |
| Do | Japan Machine Tool Builders Assn | | |
| Do | Liquidity Fund Management, Inc | 2,150.00 | 27.23 |
| Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599 | National Assn of Life Companies | | |
| Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 9,750.00 | |
| Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202 | Frost & Jacobs (For:Comprehensive Medical, Inc) | | |
| Do | Frost & Jacobs (For:Louisville Imaging Services, Inc) | | |
| Do | Frost & Jacobs (For:Western Hills Imaging Center, Inc) | | |
| Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036 | | | |
| Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339 | Central States SE & SW Areas Health Welfare & Pension Funds | 52,601.10 | 1,617.18 |
| Do | Guardian Life Insurance Co of America | 19,922.41 | 556.34 |
| Do | Motor and Equipment Manufacturers Association | | |
| Do | Toyota Motor Corporation | 17,201.15 | 32.50 |
| Do | Video Software Dealers Assn | | 1,694.21 |
| Susan Armsby, 2000 M Street, NW #400 Washington, DC 20036 | People for the American Way Fund | 2,669.00 | 143.97 |
| John A. Armstrong, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005 | Dofasco, Inc | | |
| Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009 | Alliance for Justice | 101.06 | |
| Karen McGill Arrington, 2027 Massachusetts Ave., NW Washington, DC 20036 | Leadership Conference on Civil Rights | 3,284.75 | 8.00 |
| Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009 | Coalition on Smoking or Health | 7,350.00 | 7,662.27 |
| Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006 | | | 3,750.00 |
| Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036 | Agriculture Ocean Transportation Coalition | | 125.04 |
| Do | Alliance for Competitive Transportation (ACT) | 13,421.71 | 1,439.26 |
| Do | Maritime Fire and Safety Assn | 7,524.25 | 370.03 |
| Do | Oregon Economic Development Dept, Marine Div | 11,363.50 | 583.95 |
| Do | Pacific Coast Council | 8,953.50 | 2,006.54 |
| Do | Port of Portland | 11,250.00 | 1,775.62 |
| Do | Port of Redwood City | 6,046.00 | 361.49 |
| Do | Reebok International Ltd | 17,721.00 | 5,260.74 |
| John McElroy Atkisson, 1000 Connecticut Avenue, NW, Suite 610 Washington, DC 20036 | Home Shopping Network | 4,500.00 | 54.68 |
| Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 3,000.00 | 435.14 |
| Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001 | Farm Credit Council | 300.00 | 960.00 |
| Judith Auerbach, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assn | | 25.95 |
| Automotive Engine Rebuilders Assn, 330 Lexington Drive Buffalo Grove, IL 60089-6998 | | 508.44 | 508.44 |
| Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814 | | | |
| Automotive Transmission Rebuilders Assn, 2472 Eastman Avenue, Suite 23 Ventura, CA 93003 | | 408.43 | 408.43 |
| Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7 | Mil Davie Inc | | |
| AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009 | | | 4,055.89 |
| APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036 | American Maritime Congress | | |
| Do | American Red Cross | | |
| Do | City Utilities of Springfield | | |
| Do | Colorado River Energy Distributors | | |
| Do | Fujisawa USA, Inc | 120.00 | |
| Do | Gerber Products Company | 1,350.00 | |
| Do | Heart of America Northwest | 2,140.00 | 8.10 |
| Do | Hoffmann-La Roche Inc | | |
| Do | Missouri Joint Municipal Electric Utility Commission | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Philip Morris Companies, Inc | | |
| Do | Sacramento Area Flood Control Agency | | 46.70 |
| Do | Sacramento Municipal Utility District | | 304.09 |
| Do | Southern California Public Power Authority | | |
| Do | State Farm Mutual Automobile Insurance Co | 112.50 | |
| Do | Tennessee Valley Public Power Assn | | |
| ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073 | | | 225.00 |
| Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006 | NANA Regional Corp, Inc | | |
| Do | Shee Atika, Inc | | |
| Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314 | International Hardwood Products Assn (IHPA) | 4,550.00 | 459.50 |
| Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004 | Association for Manufacturing Technology | 1,179.00 | 5.25 |
| Do | Computer & Business Equipment Manufacturers Assn | | |
| Do | Greater Houston Partnership | 11,275.00 | 2.80 |
| Do | Martini & Rossi Corporation | | |
| Do | (For:Mickey Leland National Urban Air Toxics Research Center) | | 55.71 |
| Do | Middle East Airlines Airliban, SAL | | |
| Do | Ministry of Foreign Affairs of the Republic of Yemen | | 43.98 |
| Do | Rhone-Poulenc, Inc | | |
| Do | Rite Aid Corp | | 0.25 |
| Do | Zinc Corporation of America | | |
| Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036 | Soap and Detergent Association | 715.00 | |
| Thomas L. Balkema, 1401 I Street, NW, #1200 Washington, DC 20005 | Chevron Companies | | |
| Helen M. Ball, 1150 Connecticut Ave., NW, #205 Washington, DC 20036 | Halliburton Co | 2,981.25 | 65.89 |
| Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | 24,721.14 | 27.65 |
| Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004 | General Electric Company | 1,540.00 | |
| Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003 | College Football Association | | |
| Do | Football Bowl Assn | | |
| Do | National Assn of Collegiate Directors of Athletics | | |
| Do | National Basketball Assn | 2,315.00 | |
| Do | National Hockey League | 2,105.00 | |
| Leslie A. Barhyte, 11600 Sunrise Valley Drive Reston, VA 22091 | American Newspaper Publishers Assn | 5,000.00 | 334.02 |
| David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036 | American Assn of Bank Directors | | |
| Robert H. Barker, 1150 17th Street, NW Washington, DC 20036 | American Fiber Manufacturers Assn, Inc | | 454.84 |
| William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036 | Sprint Corporation | 7,000.00 | 743.98 |
| Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006 | American Tartaric Products, Inc | 2,192.78 | 29.12 |
| Do | American Xyrofin, Inc | 1,978.06 | 7.63 |
| Do | Cummins Engine Company, Inc | 7,407.02 | |
| Do | Department 56, Inc | 5,156.06 | 330.54 |
| Do | J.G. Durand International | 1,479.50 | 1.15 |
| Do | Florida Citrus Mutual | | |
| Do | Industrial Fastener Equity Committee | | 71.00 |
| Do | Marion Merrell Dow, Inc | 2,539.03 | 110.10 |
| Do | Miles, Inc | 1,159.94 | 80.99 |
| Do | Omni USA, Inc | 4,000.00 | 19.86 |
| Do | Polaroid Corp | 11,739.82 | 277.29 |
| Do | Schering-Plough Products, Inc | | 9.29 |
| Larry P. Barnett, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | Air Transport Assn of America | 17,424.34 | |
| Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005 | Sugar Assn, Inc | 356.00 | 10.00 |
| James C. Barr, 1840 Wilson Blvd Arlington, VA 22201 | National Milk Producers Federation | 3,150.00 | |
| David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005 | National Grain & Feed Assn | 5,000.00 | |
| David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037 | Fleetwood Enterprises, Inc | | |
| Do | Southeastern Pennsylvania Transportation Authority | | |
| Kenneth R. Barrett, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Albert P. Barry, 2011 Crystal Drive, #606 Arlington, VA 22202 | AAI Corp | 5,837.50 | |
| Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036 | Conference of State Bank Supervisors | 987.00 | |
| Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005 | Georgia Institute of Technology | | |
| James E. Bartley, 1700 North Moore Street, #1900 Arlington, VA 22209-1904 | National Industrial Transportation League | | |
| Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036 | Direct Marketing Assn | 4,500.00 | 12,873.94 |
| Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000 | U.S. Chamber of Commerce | 2,500.00 | |
| Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009 | Breast Cancer Coalition | 11,100.00 | 263.29 |
| Do | Family Violence Prevention Fund | 2,950.00 | 62.71 |
| Do | Society for the Advancement of Women's Health Research | 200.00 | |
| Do | Women's Legal Defense Fund | 1,150.00 | 35.78 |
| Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604 | Burlington Northern Railroad Co | | 165.88 |
| John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006 | Armco, Inc | 1,400.00 | 1,181.06 |
| James R. Baxter, 3517 Launcelot Way Annadale, VA 22003 | Associated Specialty Contractors | 2,000.00 | 2,000.00 |
| Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005 | Pennzoil Company | 200.00 | |
| Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007 | Alyeska Pipeline Service Company | 1,000.00 | 22.00 |
| Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036 | Smith Helms Mulliss & Moore | 14,583.33 | 228.41 |
| Stacey Beckhardt, 750 17th Street, NW, #1100 Washington, DC 20006 | American Soc of Clinical Oncology | 36.20 | 20.00 |
| Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005 | National Assn of Realtors | 2,500.00 | |
| Mike Benner, 1300 L St., NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 3,311.18 | |
| Bruce Bennett, 25 E Street, NW Washington, DC 20001 | Children's Defense Fund | 934.80 | |
| Mary C. Bennett, 815 Connecticut Avenue, NW Washington, DC 20006-4078 | Baker & McKenzie (For:Horsham Corporation) | 3,616.50 | |
| William Berger, 4 World Trade Center New York, NY 10048 | New York Mercantile Exchange | | |
| Peter A. A. Berle, 950 Third Avenue New York, NY 10022 | National Audubon Society | 1,000.00 | |
| Willard M. Berry, 1101 15th Street,,#500 Washington, DC 20005 | FCIA Management Company, Inc | 8,100.00 | |
| Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007 | Murphy & Demory, Ltd (For:Advanced Network Systems) | | |
| Do | Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc) | | |
| Do | Murphy & Demory, Ltd (For:Prodigy Services Corporation) | | |
| Do | Murphy & Demory, Ltd (For:U.S. Telephone Assn) | | |
| Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005 | Robert Betz Associates, Inc (For:Alabama Hospital Association) | 3,100.00 | 516.96 |
| Do | American Assn of Eye & Ear Hospitals | 2,250.00 | |
| Do | AmeriNet | 500.00 | 42.72 |
| Do | Health Industry Group Purchasing Assn | 3,500.00 | 501.42 |
| Everett E. Bierman, 555 13th Stret, NW, Suite 1290 East Washington, DC 20004 | McCamish Martin & Loeffler | | |
| Moe Biller, 1300 L St., NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 13,733.53 | |
| David R. Bird, P.O. Box 11898 201 South Main Street Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201 | Institute of Internal Auditors | | |
| Cathleen Black, Box 17407 Dullas Airport Washington, DC 20041 | Newspaper Assn of America | 6,000.00 | 125.75 |
| Brent Blackwelder, 218 D St., SE Washington, DC 20003 | Friends of the Earth | 687.17 | |
| Helen Blank, 25 E Street, NW Washington, DC 20001 | Children's Defense Fund | 1,817.13 | |
| David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006 | Illinois Power | 5,250.00 | 479.89 |
| Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036 | Owens-Illinois, Inc | 5,000.00 | 150.00 |
| Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018 | American Pacific Enterprises | 550.00 | |
| Sara Block, 1625 K Street, NW, #900 Washington, DC 20006 | Sporting Goods Manufacturers Assn (SGMA) | | |
| Douglas M. Bloomfield, 13712 Wagon Way Silver Spring,, MD 20906 | Gadot Petrochemical Industries, Ltd | | |
| Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005 | International Advisory Services Group, Ltd (For:Steel Service Center Institute) | | |
| Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133 | Employers Council on Flexible Compensation | 200.00 | |
| Seth M. Bodner, 386 Park Avenue South New York, NY 10016 | National Knitwear & Sportswear Assn | 1,875.00 | |
| Bogle and Gates, 601 Thirteenth St., NW #370S Washington, DC 20005 | American Dehydrated Onion & Garlic Assn | 3,000.00 | |
| Do | United Sport Fishermen | 1,500.00 | |
| Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002 | American Osteopathic Association | 2,563.00 | |
| John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314 | National Assisted Housing Management Assn | 500.00 | |
| John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Allied-Signal, Inc | 375.00 | 220.00 |
| Bonneville Associates, Inc, 185 Sourth State Street, Suite 930 Salt Lake City, UT 84111 | Western Regional Council | 4,320.00 | 687.03 |
| Stephen Bosworth, 19 Silvermine Road New Canaan, CT 06840 | Massachusetts Mutual Life Insurance Company | 540.00 | |
| Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005 | Daimler-Benz Washington, Inc | 7,500.00 | 180.00 |
| Betty Hudson Bowers, 800 Connecticut Avenue, NW, #800 Washington, DC 20006 | Fluor Corporation | 15,000.00 | 167.02 |
| Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503 | Namen Howell Smith & Lee (for Temple Junior College) | | |
| Charles H. Bowser, 1511 K Street, NW, Suite 431 Washington, DC 20005 | | | |
| Richard K. Boyd, 299 Park Ave. New York, NY 10171 | Westvaco Corporation | | 2,128.04 |
| Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036 | Health Insurance Assn of America, Inc | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041 | Newspaper Assn of America | 7,000.00 | 83.23 |
| Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006 | American Methanol Institute | | |
| Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119 | Entergy Services, Inc | 9,600.00 | |
| Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 10,364.26 | 442.50 |
| Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230 | Sheet Metal & Air Conditioning Contractors' Nat'l Assn | | |
| Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851 | National Turkey Federation | 13,125.00 | 51.22 |
| David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036 | National Assn of Real Estate Investment Trusts, Inc | | |
| Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036 | Citizen Action Fund | 2,490.00 | 890.00 |
| Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036 | Institute of Electrical & Electronics Engineers | 750.00 | 725.00 |
| Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703 | National Assn of Manufacturers | 125.00 | |
| Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Bridge Struct & Ornamental Iron Wkrs | 10,800.00 | 410.98 |
| Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091 | Newspaper Assn of America | 4,000.00 | |
| Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006 | National Legal Aid & Defender Assn | 1,500.00 | 137.21 |
| Mary E. Brooks, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 8,358.98 | |
| Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133 | | | 9,320.10 |
| Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875 | | | 26,985.56 |
| Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814 | Crowley Maritime Corp | | |
| Do | Summa Corporation | | |
| Lori D. Brown, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 949.00 | 70.00 |
| S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006 | Entergy Services, Inc | 7,358.00 | 386.56 |
| William R. Brown Jr., 122 C Street, NW, #330 Washington, DC 20001 | National Rural Letter Carriers Assn | 40,523.00 | |
| Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006 | International Paper Co | 24,000.00 | 574.73 |
| Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005 | New York City Housing Development Corp | 7,617.75 | |
| Do | New York State Mortgage Loan Enforcement & Admin Corp | | |
| Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118 | Fabian & Clendenin (For:Wasatch County) | 6,000.00 | 1,500.00 |
| Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E.I. du Pont de Nemours & Co, Inc | | |
| Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | | |
| John Buchanan, 2000 M Street, NW, #400 Washington, DC 20036 | People for the American Way Action Fund | 7,500.00 | |
| John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301 | New England Fuel Institute | 500.00 | |
| Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assn | | 26.00 |
| David T. Buente Jr., 1722 Eye Street, NW Washington, DC 20006 | Sidley & Austin (For:AT&T Capital Corp) | 687.50 | |
| Do | Sidley & Austin (For:General Electric Capital Corp) | 875.00 | |
| Betsy Buffington, 23 North Scott #27 Sheridan, WY 82801 | Sierra Club | 240.00 | 6.99 |
| J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205 | J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn) | | |
| Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036 | Association for Commuter Transportation | 7,000.00 | 47.13 |
| Do | County of Fairfax | 22,300.00 | 15.65 |
| Do | County of San Mateo | 15,000.00 | 53.02 |
| Do | Metropolitan Transportation Commission | 26,749.98 | 35.86 |
| Do | Oakland County | 9,116.75 | 51.94 |
| Do | Robinson Town Center | 9,000.00 | 43.05 |
| Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028 | NYPROCOA, Inc (For:Puerto Rican Federal Affairs Administration) | | 2,710.00 |
| Diane B. Burke, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 15,168.24 | 480.00 |
| Jerry Burkot, 5353 Columbia Pike, #705 Arlington, VA 22204 | | | |
| Kevin R. Burns, 1920 N Street, NW Washington, DC 20036 | American Mining Congress | | |
| Melinda Burrell, 418 7th Street, SE Washington, DC 20003 | World Federalist Assn | 5,090.20 | |
| Mark R. Burtschi, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 3,325.00 | 897.14 |
| James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004 | Federal Home Loan Bank of Boston | | |
| Do | Savings Bank of the Finger Lakes | 1,500.00 | |
| Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004 | Anchor Savings Bank | 2,000.00 | |
| Do | ADVANTA Corporation | 3,000.00 | |
| Do | Dime Savings Bank of New York | 1,500.00 | |
| Do | Drayton Company | | |
| Do | Edison Electric Institute | | |
| Do | Euro-Nevada Mining Corp, Inc | 7,000.00 | |
| Do | Federal National Mortgage Assn | 3,000.00 | |
| Do | Federation for American Immigration Reform | 1,000.00 | |
| Do | Franco-Nevada Mining Corp, Inc | 3,000.00 | |
| Do | Household International | 8,000.00 | |
| Do | NVR Savings Bank | 3,000.00 | |
| Do | Peoples Bank | 1,000.00 | |
| Do | River Bank America | 1,500.00 | |
| Do | Rochester Community Savings Bank | 1,500.00 | |
| Do | Savings Banks Assn of New York State | 2,000.00 | |
| Do | Savings Banks Life Insurance Fund | 1,500.00 | |
| Do | Superior Bank, FSB | 7,000.00 | |
| Do | Texas Savings & Loan League | 3,000.00 | |
| Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037 | United States Independent Microwave Television Assn (USIMTA) | | |
| BBA, Inc, 1000 Potomac Street, NW, #301 Washington, DC 20007 | Career College Assn | | 80.41 |
| BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006 | | | 4,720.00 |
| C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209 | EG&G/Dynatrend, Inc | 7,500.00 | |
| Do | Kansas Gas & Electric Co, Inc | 15,000.00 | 190.57 |
| Do | MacAndrews & Forbes Holdings, Inc | 15,000.00 | 13.25 |
| Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509 | Steel Service Center Institute | | |
| Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004 | Medtronic, Inc | | |
| David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006 | Electronic Industries Assn | 750.00 | 21.09 |
| Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan | | | |
| Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006 | Embassy of Mozambique | 60,000.00 | 702.00 |
| Do | Embassy of Nicaragua | 10,500.00 | 2,106.00 |
| Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003 | | 1,085.11 | 10,029.99 |
| Shawn Cantrell, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | 63.87 | |
| Denise A. Cardman, 1800 M St., NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036 | General Atomics | 24,731.00 | 641.06 |
| Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006 | Bethleham Steel Corp | 310.00 | |
| William Carney, 217 3rd St., SE Washington, DC 20003 | American Nuclear Energy Council | 15,000.00 | |
| Do | Edison Electric Institute | 15,000.00 | |
| Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009 | American Fisheries Coalition | 612.26 | |
| Terry M. Carr, 1101 Vermont Avenue, NW, #604 Washington, DC 20005 | College of American Pathologists | 5,865.00 | |
| Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002 | National Assn of Wheat Growers | 1,500.00 | |
| Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006 | National Assn of Stevedores | 650.00 | |
| Mary Carroll, 555 West 57th Street New York, NY 10019 | Greater New York Hospital Assn | 977.00 | |
| Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005 | American Health Care Assn | 11,000.00 | 1,060.59 |
| William E. Casselman II, 1300 I Street, NW, #500-East Washington, DC 20005 | Popham Haik Schnobrich & Kaufman, (For:Peter S. Baldonado) | | |
| Do | Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership) | | |
| Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005 | Armenian Assembly of America/Armenian Gen Benevolent Union | 300.00 | 12.00 |
| Do | Massachusetts Municipal Wholesale Electric Company | 5,700.00 | 65.10 |
| Rita L. Castle, 100 NE Adams Street Peoria, IL 61629 | Caterpillar, Inc | 4,500.00 | 2,340.00 |
| Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109 | Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities) | 23,334.00 | 1,153.00 |
| Do | Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc) | 384.25 | |
| Do | Reno Cavanaugh & Horning (For:Housing Opportunities Commission of Montgomery County). | 561.50 | 6.58 |
| Do | Reno Cavanaugh & Hornig (For:National American Indian Housing Council) | | |
| Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005 | | | |
| Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005 | American Paper Institute, Inc | 9,219.00 | 50.00 |
| Do | AES Corporation | 7,488.00 | |
| Do | Biomass Energy Partners | 15,366.38 | 219.27 |
| Do | BTR, Inc | | |
| Do | Cogentrix, Inc | | |
| Do | Diamond Energy, Inc | | |
| Do | Napp Chemicals, Inc | | |
| Do | OESI Power Corp | | |
| Do | Purdue Frederick Company | | |
| Do | Ruan Transportation Management Systems | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006 | American Postal Workers Union, AFL-CIO | 2,560.00 | |
| Do | Belk Stores Services, Inc | 3,040.00 | |
| Do | Coalition of Publicly Traded Limited Partnerships | 500.00 | |
| Do | Columbia Falls Aluminum Company | | |
| Do | Council of Infrastructure Financing Authorities | 250.00 | |
| Do | Lead Industries Assn | | |
| Do | Manville Corporation | 2,250.00 | |
| Do | National Comm to Preserve Social Security & Medicare | 1,500.00 | |
| Do | Newhall Land and Farming Company | | |
| Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004 | Consolidated Edison Company of New York | 23,250.00 | 2,067.86 |
| William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036 | National Parks & Conservation Association | 4,875.00 | 131.75 |
| Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923 | County Administrative Office County of Santa Cruz | 13,500.00 | 5,013.32 |
| Christopher Chiames, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | Air Transport Assn of America | 13,238.34 | |
| Linda E. Christenson, 700 13th Street, NW, #950 Washington, DC 20005 | Landfill Solutions Group | 27,500.00 | 7,190.00 |
| Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009 | | 9,294.74 | 7,835.76 |
| Chwat/Weigend Associates, 400 North Capitol Street, NW, #855 Washington, DC 20001 | American Home Sewing & Craft Assn | 795.00 | 795.00 |
| Do | American Radio Relay League, Inc | 4,500.00 | 4,500.00 |
| Do | Associated Locksmiths of America | 3,452.00 | 3,452.00 |
| Do | National Licensed Beverage Assn | 5,400.00 | 5,400.00 |
| Do | National Weather Service Employees Organization | 480.00 | 480.00 |
| Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104 | | | |
| Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036 | | 12,190.00 | 18,325.00 |
| Citizens for Civil Justice Reform, 1747 Pennsylvania Ave., NW, #850 Washington, DC 20006 | | 2,000.00 | |
| Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032 | | | |
| Jayne Clancy, 901 E Street, NW, #600 Washington, DC 20004 | National Treasury Employees Union | 13,500.00 | 579.50 |
| Donald A. Clarey, 1001 G St., NW 7th Floor East Washington, DC 20001 | Strategic Management Associates (For:Care Visions Corporation) | | |
| Do | Strategic Management Associates (For:Healthcom International) | | |
| Do | Strategic Management Associates (For:Hospital for Special Surgery) | | |
| Do | Strategic Management Associates (For:Lenox Hill Hospital) | | |
| Do | Strategic Management Associates (For:Maimonides Medical Center) | | |
| Do | Strategic Management Associates (For:Montefiore Medical Center) | | |
| Do | Strategic Management Associates (For:New York Hospital-Cornell Medical Center). | | |
| Do | Strategic Management Associates (For:Teradata Corporation) | | |
| Lynn C. Clark, 1301 Pennsylvania Avenue, NW, #309 Washington, DC 20004 | District of Columbia Chamber of Commerce | 1,075.00 | |
| Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910 | Brown & Associates (for Bi-State Development Agency) | 9,000.00 | |
| Do | Federation of Postal Police Officers | 2,600.00 | |
| Do | National Assn of Minority Automobile Dealers | 7,500.00 | |
| Cleary Gottlieb Steen & Hamilton, One Liberty Plaza New York, NY 10006 | Government Representatives Cmte Securities Industry Assn | | |
| Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | Air Transport Assn of America | 16,193.94 | |
| Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209 | American Feed Industry Assn | 1,200.00 | |
| Coalition for Vehicle Choice, 1440 New York Ave., NW, #320 Washington, DC 20005 | | 1,277,500.00 | 21,464.68 |
| Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408 | | | |
| Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036 | Grane Associates | 557.70 | 4.00 |
| Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008 | | 6,145.00 | 3,427.09 |
| Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091 | American Newspaper Publishers Assn | 180.00 | 13.21 |
| Edmund S. Cohen, c/o Coudert Brothers 200 Park Avenue New York, NY 10166 | Coudert Brothers | 4,000.00 | |
| Sharon Cohen, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 2,445.00 | 905.22 |
| Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004 | Allied-Signal, Inc | | |
| Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007 | CSR Limited - Sugar Division | | |
| Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 7,428.54 | |
| Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705 | United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry | 6,000.00 | 203.33 |
| Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | 11,726.00 | 45.00 |
| Stephen J. Collins, 1620 Eye Street, NW, #1000 Washington, DC 20006 | Motor Vehicle Manufacturers Assn of the U.S., Inc | | 2,000.00 |
| Kent W. Colton, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320 | | | |
| Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202 | | | 34.19 |
| Competitive Telecommunications Assn, 1140 Connecticut Avenue, NE Washington, DC 20002 | | | |
| Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024 | | 39,587.33 | 39,587.33 |
| Bert M. Concklin, 1500 PRC Drive McLean, VA 22102 | | | |
| Do | PRC, Inc | | |
| Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036 | | | 1,381.00 |
| John L. Conley, 2200 Mill Road Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | 100.00 |
| Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036 | Automotive Engine Rebuilders Assn | | |
| Do | Automotive Refrigeration Products Institute | | |
| Do | Automotive Transmission Rebuilders Assn | 408.43 | |
| Do | Production Engine Remanufacturers Assn | 408.44 | |
| Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001 | National Assn of Letter Carriers | 5,967.58 | |
| David Conover, 655 15th Street, NW, #444 Washington, DC 20005 | CH2M Hill | 1,000.00 | |
| Consortium for Int'l Earth Science Information Network, P.O. Box 134003 Ann Arbor, MI 48113 | | 10,697.80 | 10,697.80 |
| Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005 | | 47,748.75 | 4,889.06 |
| Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036 | | 92,362.00 | 88,050.00 |
| John J. Contney, Suite B 1130 East Hallandale Beach Boulevard Hallandale, FL 33009 | Textile Rental Services Assn of America | | |
| Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004 | Electronic Data Systems Corp | 616.00 | 672.25 |
| Liz Cook, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | | |
| Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007 | American Institute of Certified Public Accountants | 10,000.00 | 1,194.90 |
| Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the United States | | |
| Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036 | Consumer Federation of America | 300.00 | |
| Richard M. Cooper, The Edward Bennett Williams Bldg. 725 12th Street, NW Washington, DC 20005 | Williams & Connolly (For:Par Pharmaceutical, Inc) | | |
| Do | Williams & Connolly (For:Unilever United States, Inc) | 47,122.50 | 168.95 |
| Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207 | Hospital Association of New York State | 875.01 | 6,212.87 |
| Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230 | Sheet Metal & Air Conditioning Contractors' National Assn | | |
| James T. Corcoran, 2000 K Street, NW, #203 Washington, DC 20006 | Dial Corp | 2,000.00 | |
| Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404 | Wallace Associates Corp | | |
| Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005 | CH2M Hill | 2,500.00 | |
| Coudert Brothers, 1627 I Street, NW Washington, DC 20006 | British Columbia Stena Line Ltd | | |
| Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001 | National Assn of Letter Carriers | 10,805.43 | |
| Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036 | | 4,746.51 | 3,095.50 |
| Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036 | | 2,000.00 | 2,000.00 |
| Cheryl Countess, 1820 Harvard Street, NW, #302 Washington, DC 20009 | Washington Office on Africa | 7,999.98 | |
| Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036 | Coursen Group (For:American Hispanic Owned Radio Assn) | | |
| Do | Coursen Group (For:Community Antenna Television Assn) | 500.00 | |
| Do | Continental Cablevision, Inc | | |
| Do | Cuban American Foundation | | |
| Do | MetroVision Broadcasting Company, Inc | | |
| Do | Ten-Ten General Partnership | | |
| Do | Coursen Group (For:Viv America Media Group) | | |
| Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| John F. Cove, 1114 Fallsmead Way Rockville, MD 20854 | Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers) | | |
| Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044 | Association of Maximum Service Television, Inc. | | |
| Mark D. Cowan, 1341 G Street, NW, #1100 Washington, DC 20005 | Mission Energy Company | | |
| Sharon Cowan, 1828 K Street, NW, #905 Washington, DC 20006 | American Soc of Mechanical Engineers | | |
| John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744 | National Tooling & Machining Assn | 18,770.92 | 1,430.86 |
| Gary D. Coxon, 1015 15th Street, NW, #700 Washington, DC 20005 | Bechtel Group, Inc | | |
| Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425 | National Parks & Conservation Association | 5,800.00 | 176.50 |
| Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 3,563.00 | 381.46 |
| James P. Cramer, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | | |
| Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036 | | | |
| Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005 | American Cement Alliance, Inc | 14,953.83 | 69.88 |
| Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247 | Mary Kay Cosmetics, Inc | | |
| Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004 | U.S. Independent Microwave Television Assn | | |
| Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714 | Industrial Telecommunications Assn, Inc | | |
| Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122 | | 25,000.00 | 25,438.15 |
| Charles V. Cunningham, 1155 15th Street, NW, Suite 900 Washington, DC 20006 | American Textile Manufacturers Institute, Inc | 1,500.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Dunavant Enterprises, Inc | 3,000.00 | |
| Do | Hohenberg Bros. Company | 1,500.00 | |
| John T. Curran, 905 16th St., NW Washington, DC 20006 | Laborers' Intl Union of North America, AFL-CIO | 21,000.00 | 471.50 |
| Do | National Coordinating Comm for Multiemployer Plans | | |
| Jay B. Cutler, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 8,518.00 | 947.96 |
| Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036 | Gulf Power Company | 5,018.00 | 4,595.04 |
| Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | | |
| Sharon M. Daly, 25 E Street, NW Washington, DC 20001 | Children's Defense Fund | | |
| Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812 | National Assn of State Farm Agents | | |
| David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| Linda Daschle, 4212 King Street Alexandria, VA 22302 | American Assn of Airport Executives | 8,100.00 | |
| Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235 | | | |
| Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 4,368.75 | 58.30 |
| Edward M. Davis, 410 First St., SE Washington, DC 20003 | American Nuclear Energy Council | 3,626.70 | 445.62 |
| Kenneth E. Davis, 1667 K Street, NW, #210 Washington, DC 20006 | Rohm & Haas Co | 3,500.00 | 500.00 |
| Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036 | Leo S. Daly Compnany | 2,000.00 | |
| Do | Michael Gaughan | | |
| Do | Opticians Assn of America | | |
| Do | St. Thomas-St. John Chamber of Commerce, Inc | | |
| Do | Virgin Islands Gift & Fashion Shop Assn | | |
| Do | Virgin Islands Merchants Assn | | |
| Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2 | Blue Cross of California | | |
| Ralph De Gennaro, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | 1,306.02 | |
| Derek De Korte, c/o Rogers and Wells 1737 H Street NW Washington, DC 20006 | Algoma Steel Corporation, Ltd | | |
| Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036 | National Assn of Real Estate Investment Trusts, Inc | | |
| George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101 | George K. Degnon Associates | | |
| Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006 | Association of Outplacement Consulting Firms, Inc | | |
| Do | National Assn of Independent Insurers | 18,000.00 | 2,043.03 |
| Do | National Council of Business Advisors | | |
| Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505 | Bank Commissioner, State of Delaware | | |
| Do | National Pacific Mortgage Company | 36,587.00 | |
| Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 1,400.39 | 83.76 |
| Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007 | Murphy & Demory, Ltd (For:Advanced Network Systems) | | |
| Do | Murphy & Demory, Ltd. (For:American Mobile Satellite Consortium) | | |
| Do | Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc) | | |
| Do | Murphy & Demory, Ltd (For:California Energy Co, Inc) | | |
| Do | Murphy & Demory, Ltd. (For:Prodigy Services Company) | | |
| Do | Murphy & Demory Ltd (For:U.S. Telephone Assn) | | |
| Daniel B. Denning, 1331 Pennsylvania Ave., NW, #930 Washington, DC 20004 | General Electric Co | 2,368.00 | |
| Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006 | Ciba-Geigy Corp | | |
| Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006 | Bell Atlantic Corp | | |
| Do | Beneficial Corporation | | |
| Do | Catholic Health Assn of the U.S. | | |
| Do | Cellular Telecommunications Industry Assn | | |
| Do | Federal National Mortgage Assn | | |
| Do | Federation of American Health Systems | | |
| Do | General Electric Co | | |
| Do | General Electric Pension Trust | | |
| Do | Hanschell Inniss, Ltd | | |
| Do | Health Insurance Assn of America, Inc | | |
| Do | Household International | | |
| Do | McCormack Baron & Associates | | |
| Do | Morgan Stanley Co, Inc | | |
| Do | Motion Picture Assn of America | | |
| Do | National Assn of Wholesaler-Distributors | | |
| Do | NYNEX Corp | | |
| Do | PacifiCorp Financial Services | 3,750.00 | |
| Do | Piedmont Environmental Services | | |
| Do | Potomac Capital Investment Corp | 18,750.00 | |
| Do | Primerica, Inc | | |
| Do | Sealaska Corp | | |
| Do | SEMATECH | 731.25 | |
| Do | Teachers Insurance & Annuity Assn of America | | |
| Do | U.S. Golf Association | 1,875.00 | |
| Do | Union Pacific Corp | 3,750.00 | |
| Do | United States Surgical Corporation | | |
| Do | Walt Disney Co | | |
| Do | West Indies Rum & Spirits Producers Assn | | |
| Do | Xerox Corp | | |
| Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608 | MacMillan Bloedel, Inc | | |
| Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005 | Detroit Edison Company | 480.00 | 20.00 |
| Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001 | Brotherhood of Maintenance of Way Employes | 12,500.00 | |
| Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | | |
| Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314 | United Way of America | 3,662.00 | 101.57 |
| Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109 | National Family Planning & Reproductive Health Assn, Inc | 138.00 | |
| Angel Diaz, 510 High Street Delano, CA 93215 | Delano High School | | |
| Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324 | Orkin Exterminating Co, Inc | | 110.15 |
| Rick Diegel, 1125 15th Street, NW Washington, DC 20005 | International Brotherhood of Electrical Workers, AFL-CIO-CLC | 2,281.25 | 150.00 |
| Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728 | Hyundai Motor America | | |
| Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007 | American Institute of Certified Public Accountants | 5,000.00 | 345.13 |
| Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005 | American Soc of Civil Engineers | 4,025.00 | 4,025.00 |
| Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583 | Albanian American Civic League | | |
| Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 1,290.00 | 905.51 |
| Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006 | National Industrial Transportation League | 1,750.00 | 18.00 |
| Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | 6,750.00 | |
| Daniel Dooley, 1250 I Street, NW, Suite 801 Washington, DC 20005 | Kahn, Soares & Company (For:Mid-Valley Water Authority) | 8,929.25 | 94.57 |
| Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036 | National Council of Chain Restaurants | | |
| Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204 | Southland Corp | | 2,553.49 |
| Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037 | Center for Employment Training | 153.00 | |
| Do | Cox Enterprises, Inc, et al. | | |
| Do | Directors Guild of America | | |
| Do | Home Shopping Network, Inc | 1,741.50 | 9.00 |
| Do | Profit Sharing Council of America | 142.80 | |
| Lorraine Driscoll, 1120 - 19th Street, NW, #630 Washington, DC 20036 | Citizen Action Fund | | |
| Elliott N. Dritch, 1828 L Street, NW, #802 Washington, DC 20036 | American Foundation for AIDS Research (AMFAR) | 1,000.00 | 210.00 |
| Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036 | American Lung Assn | 2,890.00 | 10,985.00 |
| Evelyn Dubrow, 1710 Broadway New York, NY 10019 | International Ladies' Garment Workers Union | 17,800.56 | 350.00 |
| John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| William C. Dunning, P.O. Box 619500 Dallas, TX 75261 | Caltex Petroleum Corp | | |
| Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814 | Clean Fuels Development Coalition | 6,000.00 | |
| Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465 | National Rural Letter Carriers Assn | 5,358.00 | |
| Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003 | American Plastics Society | 110,356.00 | 5,616.36 |
| Do | Association of Oil Pipe Lines | 15,000.00 | 48.90 |
| Do | Chickasha Cotton Oil Co | 4,000.00 | 72.80 |
| Do | Child Care Support Council | | 495.76 |
| Do | Citgo Petroleum Corp | 24,500.00 | 6,998.78 |
| Do | Communications Satellite Corp | 15,000.00 | 615.56 |
| Do | Creditors Alliance for Freight Undercharge Assets | 51,000.00 | 954.17 |
| Do | CILCORP, Inc | 15,000.00 | 216.63 |
| Do | CYCLEAN, Inc | 15,000.00 | 63.12 |
| Do | Domestic Priorities Leadership Council | | 58.87 |
| Do | DSC Communications Corp | 19,503.75 | 5,590.87 |
| Do | Earth Observation Satellite Co | 30,000.00 | 4,015.57 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Haldor-Topsoe, Inc | 40,000.00 | |
| Do | Hart-Culp International | | |
| Do | International Arid Lands Consortium | | |
| Do | International Telecharge, Inc | 45,000.00 | 178.73 |
| Do | Jewish National Fund | 15,000.00 | 1,556.52 |
| Do | National Accrediting Comm of Cosmetology Arts & Sciences | 30,000.00 | 975.82 |
| Do | National Cellular Resellers Assn | 26,666.64 | 357.78 |
| Do | PacifiCare Health Systems | 45,000.00 | 2,075.44 |
| Do | Polyisocyanurate Insulation Manufacturers Assn (PIMA) | 12,000.00 | 239.62 |
| Do | PBX Users Anti-Fraud Coalition | 6,500.00 | |
| Do | Rmax, Inc | 2,800.00 | |
| Do | Satellite Broadcasting & Communications Assn | 15,000.00 | 304.60 |
| Do | SICPA Industries of America, Inc | 30,000.00 | 144.46 |
| Stuart S. Dye, 2000 M Street, NW Washington, DC 20036 | Graham & James (For:National Assn of Dredging Contractors) | 9,400.00 | |
| Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006 | National Assn of Stevedores | 650.00 | |
| Pam Eaton, 900 17th St., NW Washington, DC 20006 | Wilderness Society | 2,788.35 | |
| Robert Eaves, 2214 Paddock Way, #900 Grand Prairie, TX 75050 | Allied Pilots Association | | 372.07 |
| John D. Echeverria, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003 | National Audubon Society | | |
| Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005 | Safety-Kleen | 12,122.50 | 3,174.00 |
| Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999 | Oregon Graduate Institute of Science & Technology | 8,842.72 | 355.42 |
| Robert Edgell, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 3,671.00 | |
| Christopher Edley Jr., Harvard Law School Cambridge, MA 02138 | Covington & Burling | | |
| Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007 | Vietnam Veterans of America, Inc | 13,587.00 | 466.98 |
| Harry William Eicher, P.O. Box 19175 Houston, TX 77024 | Catholic Truth International | 450.00 | 450.00 |
| Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703 | National Assn of Manufacturers | 250.00 | |
| Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102 | | | 6,405.13 |
| George E. Ellis, 1155 Connecticut Ave., NW Washington, DC 20036 | Waste Management, Inc | | |
| Gary Elmestad, P.O. Box 3153 St Peters, MO 63376 | City of St. Peters | | |
| Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| End Notch Discrimination, P.O. Box 3630 59 West La Sierra Drive Arcadia, CA 91006-3630 | | | 450.00 |
| J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103 | Associated Wire Rope Fabricators | | 3,461.53 |
| Dawn Erlandson, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | 596.59 | |
| Dennis L. Erpelding, 1901 L Street, NW, Suite 705 Washington, DC 20036 | Eli Lilly & Company | 3,000.00 | 97.00 |
| Sandra Bromberg Eskin, 5609 Jordan Road Bethesda, MD 20816 | | 90.00 | |
| Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201 | National Milk Producers Federation | 11,250.00 | |
| Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036 | B.L. Evans & Associates (For:Great Western Financial Corp) | | |
| Do | Alcalde Rousselot & Fay (For:Home Shopping Network) | | |
| Do | B.L. Evans & Associates (For:Paul Revere Life Insurance Company) | | |
| Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | 2,290.00 | |
| Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036 | Hallmark Cards, Inc | | |
| B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036 | Great Western Financial Corp | 5,000.00 | |
| Do | Paul Revere Life Insurance Company | 2,500.00 | |
| Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600 | Hospital Assn of Pennsylvania | 5,000.00 | 630.22 |
| EDON Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037 | Consolidated Seafood | | |
| Do | Stephens Inc | | |
| Faegre & Benson, 1140 Connecticut Ave, NW, #500 Washington, DC 20036 | American Water Development, Inc. | 2,580.00 | 1,060.67 |
| Do | Church Alliance | 5,062.50 | 1,188.36 |
| Do | Multifoods | 4,440.00 | 948.67 |
| Do | National Car Rental | 720.00 | 165.60 |
| Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890 | | | |
| Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001 | | 900.00 | 2,880.00 |
| Elizabeth Fayad, 1033 Union Church Rd. McLean, VA 22102 | National Parks & Conservation Association | 3,075.00 | 25.50 |
| Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768 | | 6,951.66 | 26,843.04 |
| Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002 | | 3,862.50 | 3,824.10 |
| Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005 | American College of Nurse-Midwives | | |
| Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | 15,336.00 | 1,003.48 |
| Stephen L. Ferguson, P.O. Box 1608 Fountain Square, #300 Bloomington, IN 47402-1608 | Cook Group, Inc | | |
| Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002 | American Ski Federation | 3,750.00 | 124.10 |
| Do | Dillingham Construction Group | 5,687.50 | 742.14 |
| Do | Global Marine, Inc | 3,750.00 | 737.15 |
| Do | Haida Corporation | 8,062.50 | 751.78 |
| Do | Northern Air Cargo | 3,750.00 | 691.05 |
| Do | U.S. Borax & Chemical Corp | 7,500.00 | 682.50 |
| Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172 | Wichita Tribe | 210.00 | |
| Sharon R. Fine, 1776 K Street, NW Washington, DC 20006 | Washington Citizens for World Trade | 1,875.00 | 304.68 |
| James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852 | National Council of Community Mental Health Centers | 1,242.00 | 75.00 |
| James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401 | Northeast Utilities Service Co | 1,817.97 | 947.84 |
| M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904 | National Industrial Transportation League | 10,000.00 | 121.50 |
| Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036 | Consumer Federation of America | 8,017.00 | |
| J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| Wendy S. Fishman, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | | |
| John H. Fitch Jr., 1421 Prince St., #400 Alexandria, VA 22314 | Federal Legislative Associates (For:Hughes Network Systems) | | |
| Do | Federal Legislative Associates (For:Limited, Inc) | 1,000.00 | |
| Do | Federal Legislative Associates (For:Native American Cotton Producers) | | |
| Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102 | Burlington Northern Railroad Co | 25,000.00 | |
| Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037 | Hyjek & Fix, Inc (For:Canadair Challenger, Inc) | 1,500.00 | 351.22 |
| Do | Hyjek & Fix, Inc (For:Learjet, Inc) | 300.00 | |
| Do | Hyjek & Fix, Inc (For:MSI Defence Systems) | 975.00 | 250.00 |
| Do | Hyjek & Fix, Inc (For:Piaggio Aviation, Inc) | | |
| Do | Hyjek & Fix, Inc (For:Research & Development Labs) | 750.00 | 520.37 |
| Do | Hyjek & Fix, Inc (For:Short Brothers (USA), Inc) | 750.00 | |
| Do | Hyjek & Fix, Inc (For:Thompson Defence Projects) | 2,125.00 | 3,213.17 |
| Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209 | Flanagan Group, Inc (For:Dominion Resources, Inc) | 18,000.00 | 2,566.82 |
| Do | ENVIPCO Management Services, Inc | | |
| Do | Virginia Power | | |
| Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209 | Dominion Resources, Inc | 18,000.00 | 2,566.82 |
| Do | ENVIPCO Management Services, Inc | | |
| Do | Virginia Power | | |
| Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036 | Levi Strauss & Company | 32,635.00 | 133.50 |
| Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596 | Brotherhood of Maintenance of Way Employes | | |
| Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310 | Brunswick Corp | 3,850.00 | 300.13 |
| R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004 | Glaxo, Inc | | |
| John P. Ford, One Kellogg Square Battle Creek, MI 49016 | Kellogg Co | 2,000.00 | 283.00 |
| Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036 | United Food & Commercial Workers Int'l Union | 1,546.50 | 151.72 |
| Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | National Assn of Mutual Insurance Cos | | |
| Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187 | Association Francaise des Banques | 230.00 | 10.00 |
| Do | Bremer Vulkan Aktiengesellschaft | | |
| Do | Commerzbank Aktiengesellschaft | | |
| Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006 | Association of Financial Services Companies | 3,750.00 | |
| Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202 | Rockwell International | 19,900.00 | 701.30 |
| Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006 | National Industrial Transportation League | 1,937.50 | 18.00 |
| Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006 | National Assn for Biomedical Research | 219.23 | |
| Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005 | Hazardous Waste Treatment Council | 750.00 | 375.00 |
| Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107 | American Soybean Assn | | |
| Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006 | American Soc of Clinical Oncology | | |
| Do | Bristol-Myers Squibb Co | | 261.25 |
| Do | Fisons Corp | | |
| Do | Healthcare Management Alternatives, Inc | | |
| Do | Hoffmann-La Roche, Inc | | |
| Do | Johnson & Johnson | | |
| Do | Lederle-Praxis Biologicals | | |
| Do | Memorial Sloan-Kettering Cancer Center | | |
| Do | National Coalition for Cancer Research | | |
| Do | National Coalition for Cancer Survivorship | | 35.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Pickens County Medical Center | | |
| Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402 | Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al. | | |
| Mary E. Fox-Grimm, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001 | McLeod Watkinson & Miller (For:First South Production Credit Assn) | 2,346.00 | |
| George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599 | Kellogg Company | 1,500.00 | 150.00 |
| James R. Franklin, One Highwoods Rd. St. James, NY 11780 | Parkdale Mills, Inc, et al. | 18,750.00 | 7,000.00 |
| Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005 | American Resort Development Assn | 1,500.00 | |
| Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005 | | | |
| Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008 | National Campaign for a Peace Tax Fund | 2,315.28 | 532.40 |
| Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005 | | 3,850.00 | 100.00 |
| Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005 | Society of the Plastics Industry, Inc | | |
| Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005 | General Electric Co | 369.00 | |
| Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505 | G & K Management Company, Inc | | |
| Blaine P. Friedlander, 2341 Dale Drive Falls Church, VA 22043 | Korean War Veterns | | |
| Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | | |
| Friends of the Columbia Gorge, 319 SW Washington, #301 Portland, OR 97202 | | | |
| Nancy R. Fulco, 1615 H St., NW Washington, DC 20062 | U.S. Chamber of Commerce | 2,500.00 | |
| Pattison Fulton, 601 Pennsylvania Ave., NW, #900 Washington, DC 20004 | Northern California Power Agency | 2,635.75 | 329.28 |
| Do | Sacramento Area Flood Control Agency | 8,539.00 | 13,510.02 |
| Do | Sacramento Regional Transit District | 192.00 | 204.84 |
| Do | Solano Water Authority | 474.37 | 159.04 |
| Do | Standord University | 1,194.00 | 289.66 |
| Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005 | G.D. Searle & Co | | 525.00 |
| Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007 | Composite Fabrication Assn | | |
| Do | Mobile Industrial Caterers Assn | | |
| Do | National Assn of Theatre Owners | | |
| Do | Textile Rental Services Assn of America | | |
| Bruce Gamble, 1802 T Street, NW Washington, DC 20009 | National Bankers Assn | | |
| Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006 | National Comm to Preserve Social Security & Medicare | 4,918.00 | 137.20 |
| Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202 | Rockwell International Corp | 3,000.00 | |
| Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| Theodore J. Garrish, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 18,632.30 | 209.39 |
| Patrick J. Garver, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| W. Mark Gavre, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84111 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004 | Electronic Data Systems Corp | 112.00 | 30.47 |
| Karen M. Geers, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024 | Concerned Women for America | | |
| Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005 | American Sugarbeet Growers Assn | | |
| Deanna Gelak, 606 North Washington Street Alexandria, VA 22314 | Society for Human Resource Management | 15,000.00 | |
| Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233 | | | 1,250.00 |
| Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 5,400.00 | 969.57 |
| John J. Gersuk, 3444 Valewood Dr. Oakton, VA 22124 | Bechtel Group, Inc | | |
| Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198 | Nalco Chemical Company | | |
| Michelle Gibson, 1212 New York Ave. NW Suite 500 Washington, DC 20005 | Cement Kiln Recycling Coalition | | |
| Richard Gilbert, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 1,222.00 | |
| Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036 | Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp) | 2,000.00 | |
| Do | Lepon McCarthy Jutkowitz & Holworth (For:CFC, Inc) | 1,500.00 | |
| Do | Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp) | | |
| Do | Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp) | | |
| Do | Lepon McCarthy Jutkowitz & Holzworth (For:Veda, Inc) | | |
| Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |
| Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004 | National Treasury Employees Union | 20,500.00 | 393.24 |
| Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006 | American Factory Trawler Assn | 18,750.00 | 5,094.92 |
| Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920 | Brother Industries (USA), Inc | | |
| Do | Brother International Corporation | | 5,633.85 |
| Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036 | U.S. Telephone Assn | | |
| Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006 | | | 5,310.00 |
| Donna Siss Gleason, 1146 19th Street, NW Suite 700 Washington, DC 20036 | Susan Davis Companies | 1,000.00 | |
| Katherine Gleeson, 1400 Sixteenth Street, NW, #320 Washington, DC 20036 | Zero Population Growth, Inc | 69.00 | |
| Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037 | All Nippon Airways Co, Ltd | | |
| Do | Convex Computer Corp | 112.74 | |
| Do | Fanuc, Ltd | | |
| Do | Hitachi, Ltd | | |
| Do | Hyundai Motor America | 120.19 | |
| Do | Japan Fed of Construction Contractors, Inc | 40.86 | |
| Do | Komatsu Ltd | | |
| Do | Kyocera Corporation | 168.26 | |
| Do | Mazak Corporation | 54.08 | |
| Do | Murata Machinery, Ltd | | |
| Do | Sage Alerting Systems, Inc | | |
| Do | South Louisiana Port Commission | 151.44 | |
| Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006 | Godfrey Associates, Inc | | |
| Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850 | | | |
| Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314 | American Assn of Port Authorities | 18,125.00 | 2,000.00 |
| Andrew Goldfarb, c/o Leadership Conference on Civil Right 2027 Massachusetts Avenue, NW Washington, DC 20036 | Leadership Conference on Civil Rights | 876.00 | 39.75 |
| Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001 | American Hospital Assn | 9,029.25 | 420.73 |
| Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005 | Detroit Edison Company | 750.00 | 75.00 |
| Judith E. Golub, 1156 15th St., NW #1201 Washington, DC 20005 | American Jewish Committee | 14,000.00 | 1,500.00 |
| Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005 | National Grain & Feed Assn | 2,108.00 | |
| Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036 | Direct Marketing Assn | | |
| George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 13,627.25 | 5,161.17 |
| Graham & James, 2000 M Street, NW, #700 Washington, DC 20036 | Contact Lens Manufacturers Assn | | |
| Kevin Grant, 1627 K Street, NW, Suite 400 Washington, DC 20006 | National Newspaper Assn | | |
| Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 10,070.15 | 133.00 |
| Thomas V. Grasso, 1616 P Street, NW, Suite 310 Washington, DC 20036 | Union of Concerned Scientists | 3,375.00 | |
| Robert K. Gray, 901 31st Street, NW Washington, DC 20007 | Hill & Knowlton (For:AMR Corp) | | |
| Do | Hill & Knowlton, Inc (For:Shaklee Corporation) | | |
| Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019 | | | 56,716.00 |
| Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037 | Premier Hospitals Alliance, Inc | 1,000.00 | 1,000.00 |
| Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 3,586.00 | 1,206.74 |
| Robert Greenstein, 777 North Capitol Street, NE, #750 Washington, DC 20002 | Center on Budget & Policy Priorities | 653.92 | 21.50 |
| Janet R. Gregor, 1331 H Street, NW, #300 Washington, DC 20005 | Rosapepe & Spanos, Inc (For:H&R Block, Inc) | | |
| Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362 | | | 20,200.00 |
| Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073 | ARCO Chemical Co | | |
| Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006 | Ad Hoc MGA Group | | |
| Do | Ad Hoc PFIC Group | | |
| Do | American Petroleum Institute | | |
| Do | Amoco Corporation | | |
| Do | Cargill, Inc | | |
| Do | Chevron Corp | 300.00 | 110.00 |
| Do | Eli Lilly & Company | | |
| Do | Maxus Energy Corp | 350.00 | 105.00 |
| Do | Murphy Oil USA, Inc | | |
| Do | Nebraska Public Power District | | |
| Do | New York City Teachers Retirement System | | |
| Do | Phillips Petroleum Co | | |
| Do | Physicians Mutual Insurance Co | | |
| Do | Principal Financial Group | | |
| Do | Prudential Insurance Co of America | 600.00 | 140.00 |
| Do | Prudential-Bache Securities, Inc | | |
| Do | Puerto Rico, USA Foundation | | |
| Do | Retired Lives Reserve Group | | |
| Do | Southern California Edison Co | | |
| Do | Sunflower Electric Power Corp | | |
| Do | Union Texas Petroleum Corp | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Westinghouse Electric Corp | | |
| Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | 1,000.00 | |
| Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711 | Blue Cross of Northeastern Pennsylvania | | |
| Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005 | Independent Bankers Assn of America | 50,500.00 | |
| Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | DocuSource | 4,000.00 | |
| Do | Morris Communications | 3,700.00 | |
| Do | O'Connor & Hannan | 7,000.00 | |
| Frederick M. Guldan, 5205 Leesburg Pike, #1600 Falls Church, VA 22041 | National Beer Wholesalers Assn | | |
| Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036 | Lockheed Information Management Services Company, Inc | | |
| Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036 | Towing & Recovery Assn of America, Inc | 600.00 | |
| Jocelyn A. Guyer, 1350 New York Ave., NW Washington, DC 20005 | Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE)) | 12,090.00 | 2,491.64 |
| GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815 | American Dietetic Association | 2,593.00 | |
| Do | American Health Information Management Assn | 5,000.00 | |
| Do | Baxter Healthcare Corp-General Healthcare Division | | |
| Do | Baxter Healthcare Corp-Renal Division | 2,300.00 | |
| Do | Council on Accreditation of Services for Families & Children | | 122.98 |
| Do | Manor Healthcare, Inc | 11,250.00 | |
| Do | Midwest Organ Bank, Inc | 7,125.00 | |
| Do | National Assn of Medical Directors of Respiratory Care | 7,000.00 | |
| Do | Puritan Group-Puritan Bennett Corp | 700.00 | |
| Barry Hager, 1701 K St., NW, #900 Washington, DC 20006 | Fund for Private Assistance in Internat'l Development (Paid) | 5,000.00 | 75.00 |
| Angelynn Hall, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | Air Transport Assn of America | 15,727.40 | |
| Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009 | Bruce P. Cameron (for Embassy of Mozambique) | 2,333.34 | |
| Do | Bruce P. Cameron (for: Embassy of Nicaragua) | 2,333.34 | |
| Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036 | Graham & James (For:American Hawaii Cruises) | | |
| Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002 | American Civil Liberties Union | 16,000.00 | 100.00 |
| Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036 | American Soc of Mechanical Engineers | | |
| Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031 | Oil Chemical & Atomic Workers International Union | 7,044.12 | |
| Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005 | | 1,277,695.00 | 527,008.00 |
| M. Arnita Hannon, 1726 M Street, NW, #902 Washington, DC 20036-4502 | American Lung Assn | | |
| Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209 | Boeing Company | 3,534.48 | 712.05 |
| Christopher Harris, 1101 Pennsylvania Ave., NW Washington, DC 20004 | McCutchen Doyle Brown & Enersen (For:National Oil Recyclers Assn) | 384.00 | |
| Do | McCutchen Doyle Brown & Enersen (For:3M) | 602.00 | |
| Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024 | American Road & Transportation Builders Assn | | 5,107.63 |
| Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301 | American Petroleum Institute | | |
| Anne Harrison-Clark, 1828 L Street, NW, #802 Washington, DC 20036 | American Foundation for AIDS Research | 4,500.00 | 88.16 |
| Jayne A. Hart, 1101 Vermont Avenue, NW, #604 Washington, DC 20005 | College of American Pathologists | 2,600.00 | |
| Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314 | National Tank Truck Carriers, Inc | | 150.00 |
| Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| Paula Hawkins, P.O. Box 193 Winter Park, FL 32790 | Genentech, Inc | 30,000.00 | 11,397.80 |
| John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209 | Boeing Company | 375.00 | |
| Robert G. Hayes, Bogle and Gates 601 13th St., NW #370S Washington, DC 20005 | American Fishing Tackle Manufacturers Assn | 2,000.00 | |
| Do | Coastal Conservation Assn | 6,000.00 | |
| Do | Natural Resources United | 9,000.00 | |
| Do | Pacific Northwest Utility Conference Committee | 15,000.00 | |
| Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006 | Fluor Corporation | 5,000.00 | 622.00 |
| Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036 | Association of America's Public Television Stations | | |
| Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036 | | | 60.96 |
| Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003 | General Atomics | | |
| Do | Los Angeles Raiders | | |
| Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | 145.15 | 35.78 |
| Barbara Alison Helfrich, 3510 Thornapple Street Chevy Chase, MD 20815 | | | |
| Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314 | | | 21,615.00 |
| Don Hellmann, 900 17th Street, NW Washington, DC 20006 | Wilderness Society | 5,346.24 | |
| Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817 | Associated Public Safety Communications Officers | 5,600.00 | |
| Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001 | Alliance for Acid Rain Control | 713.00 | 11.00 |
| Donald E. Henderson, 225 South East Street Indianapolis, IN 46202 | Indiana Farm Bureau, Inc | 6,000.00 | 352.37 |
| Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502 | American Lung Assn | 1,010.62 | 5,069.35 |
| Margaret C. Henry, 1410 Q Street, NW Washington, DC 20009 | Hamiliton Securities Group, Inc | | |
| LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004 | RJR Nabisco, Inc | 1,500.00 | 121.63 |
| Vern F. Highley, 1426 Duke Street Alexandria, VA 22314 | National Watermelon Association | 3,000.00 | |
| Do | Whitefly Management Comm. of the Imperial Co. CO River Basin | 12,495.00 | 2,350.00 |
| Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007 | American College of Surgeons | | 90.08 |
| Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350 | Amoco Corporation | | |
| Arthur William Hillman, 4301 N. Fairfax Drive, #360 Arlington, VA 22203-1608 | National Utility Contractors Assn | 9,000.00 | 104.90 |
| Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004 | Digital Equipment Corp | 25,000.00 | |
| James W. Hiney, 6538 Bay Tree Court Falls Church, VA 22041 | Noise Cancellation Technologies, Inc | | 203.30 |
| Maureen K. Hinkle, 666 Pennsylvania Avenue, SE Washington, DC 20003 | National Audubon Society | 1,000.00 | 425.00 |
| Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036 | Zero Population Growth | 24.00 | |
| Alex Hittle, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | | |
| Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| Sheila E. Hixson, 750 First Street, NE, Washington, DC 20002-4242 | American Psychological Assn (APA) | | |
| Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006 | Alamo Navajo School Board | 377.00 | |
| Do | Aroostook Band of Micmacs | 30.00 | |
| Do | Association of Navajo Community-Controlled School Boards | 55.00 | |
| Do | Black Mesa Community School Board | | |
| Do | Bristol Bay Area Health Corp | 160.00 | |
| Do | Evergreen Legal Services | | |
| Do | Maniilaq Assn | | |
| Do | Menominee Indian Tribe | 500.00 | |
| Do | Metlakatla Indian Community | 220.00 | 8.25 |
| Do | Mississippi Band Choctaw Indians | 300.00 | 17.90 |
| Do | Narragansett Indian Tribe | 104.50 | |
| Do | National Asian American Telecommunications Assn | 54.00 | |
| Do | National Indian Education Assn | 63.00 | |
| Do | Navajo Nation | | |
| Do | Norton Sound Health Corp | 180.00 | 8.75 |
| Do | Oglala Sioux Tribal Public Safety Commission | | |
| Do | Pinon Community School Board | | |
| Do | Pueblo de Cochiti | 3,100.00 | |
| Do | Ramah Navajo School Board | | |
| Do | Rock Point Community School Board | | |
| Do | Rough Rock Community School Board | | |
| Do | Seminole Tribe of Florida | | |
| Do | Shiprock Alternative Schools, Inc | | |
| Do | Spokane Legal Services Center | | |
| Do | Yakima Indian Nation | 1,200.00 | |
| Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301 | Mineral Policy Center | | 59.50 |
| Irvin A. Hoff, 18 Meadowlark Lane Hilton Head Island, SC 29926 | U.S. Cane Sugar Refiners' Assn | | |
| Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109 | American Academy of Pediatrics | 120.00 | |
| Do | American College of Osteopathic Surgeons | 840.00 | 12.00 |
| Do | B.P. America, Inc | 18,690.00 | 192.36 |
| Do | Damon Corp | | |
| Do | Farm Credit Bank of Texas | 160,486.25 | 13,155.46 |
| Do | Gulf Citrus Growers Assn | 12,499.98 | 1,418.24 |
| Do | Infectious Diseases Society of America, Inc | 70.00 | |
| Do | Marysville Forest Products, Inc | 5,000.00 | 548.35 |
| Do | May Department Stores Co | 6,757.50 | 9.00 |
| Do | National Tissue Bank Council | 840.00 | 7.00 |
| Do | Pepsi Co | 5,071.25 | 146.30 |
| Do | Pizza Hut, Inc | | |
| Do | Soap & Detergent Assn | 8,599.75 | 417.38 |
| Do | Society of Critical Care Medicine | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Timex Corporation | | |
| Do | Toyota Motor Sales, USA, Inc | 15,702.50 | 166.68 |
| Do | Unites States Sugar Corp | 9,738.75 | 1,428.19 |
| Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314 | Dime Savings Bank of New York | 2,500.00 | 54.80 |
| Do | Savings & Community Bankers of America | 4,000.00 | 78.50 |
| Do | Stuzin & Camner | 2,500.00 | 78.50 |
| Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005 | Kraft General Foods, Inc | 3,000.00 | |
| Holme Roberts & Owen, 1700 Lincoln, #4100 Denver, CO 80203 | U.S. West | 10,000.00 | |
| Diane S. Holmes, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 889.00 | 132.86 |
| Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022 | National Assn of Mortgage Brokers | 3,210.70 | 3,210.70 |
| Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:Enserch Corp) | 4,000.00 | |
| Do | Hooper Hooper & Owen (For:John Hancock Mutual Life Insurance Co) | 15,000.00 | |
| Do | Hooper Hooper & Owen (For:National Assn of Royalty Owners) | 3,000.00 | |
| Do | Hooper Hooper & Owen (For:Ultramar, Inc) | 7,500.00 | |
| Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:ENSERCH Exploration) | 3,000.00 | |
| Do | Hooper Hooper & Owen (For:Fluor Corporation) | 10,000.00 | |
| Do | Hooper Hooper & Owen (For:Hallmark Cards) | 3,125.00 | |
| Do | Hooper Hooper & Owen (For:Herzog Heing Gedold, Inc) | | |
| Do | Hooper Hooper & Owen (For:Ifint, S.A.) | 3,000.00 | |
| Do | Hooper Hooper & Owen (For:Kansas City Southern Industries) | 7,500.00 | |
| Do | Hooper Hooper & Owen (For:Pameko Holdings, Inc) | | |
| Do | Hooper Hooper & Owen (For:Phlcorp) | 15,000.00 | |
| Do | Hooper Hooper & Owen (For:Rhone-Poulenc Rorer, Inc) | | |
| Do | Hooper Hooper & Owen (For:United Asset Management) | | |
| Do | Hooper Hooper & Owen (For:UtiliCorp United, Inc) | 6,750.00 | |
| Do | Hooper Hooper & Owen (For:Western Resources Council) | 9,000.00 | |
| Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006 | Alliance to Save Energy | | |
| Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006 | Alaska Joint Venture Seafoods, Inc | | |
| Do | Cook Inlet Land Exchange, Inc | | |
| Do | Estate of Helen Wodell Halbach | | |
| Do | Geonex Corp | | 2,640.00 |
| Do | Louisiana Pacific Corp | | 5,640.00 |
| Do | Rogers American Cable Systems, Inc | | |
| Do | United Video | | |
| Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109 | National Family Planning & Reproductive Health Assn, Inc | 1,609.00 | |
| Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808 | Detroit Edison Company | 1,320.00 | 75.00 |
| Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207 | | 7,526.65 | 7,526.65 |
| John Howard, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802 | Burlington Northern Railroad Co | | |
| Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006 | Association of Bituminous Contractors | | |
| Do | Industrial Diamond Assn | | |
| Do | National Assn of Bankruptcy Trustees | 1,000.00 | 1,000.00 |
| Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006 | International Paper | 9,000.00 | |
| Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036 | Consolidated Natural Gas Co, Inc | 1,500.00 | 1,611.60 |
| Susan Howland, 20 Black Oak Mews Newtown, PA 18940 | Susan Howland & Associates | | |
| Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006 | Georgia-Pacific Corp | 5,000.00 | |
| David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005 | American Cement Alliance, Inc | 6,230.78 | 105.30 |
| J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015 | National Assn of Surety Bond Producers | | |
| Gerry B. Hudson, 607 14th Street NW, Washington, DC 20005 | Algoma Steel Corporation, Ltd | | |
| John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005 | Electricity Consumers Resource Council (ELCON) | 40.00 | |
| Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006 | National Council of Agricultural Employers | 2,900.00 | 311.00 |
| B. Jeanine Hull, 1667 K Street, NW, #585 Washington, DC 20006-1605 | LG&E Power Systems, Inc | | |
| Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209 | TRW, Inc | 200.00 | 765.10 |
| Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703 | Sierra Club | 550.77 | |
| Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 23,857.00 | 56.00 |
| John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005 | United Technologies Corp | 1,925.00 | 2,228.42 |
| Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036 | American Nuclear Energy Council | | |
| Do | Long Island Lighting Co | 1,000.00 | |
| Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036 | Citizen Action Fund | 9,420.00 | 280.00 |
| Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006 | Rohm & Haas Co | 2,300.00 | 323.00 |
| Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009 | Women's Legal Defense Fund | 2,549.00 | 1,193.00 |
| Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792 | National Assn of Convenience Stores | | |
| Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037 | Hyjek & Fix, Inc (For:Canadair Challenger, Inc) | 1,500.00 | 1,000.00 |
| Do | Hyjek & Fix, Inc (For:Learjet, Inc) | 600.00 | 299.77 |
| Do | Hyjek & Fix, Inc (For:MSI Defence Systems) | 975.00 | 205.69 |
| Do | Hyjek & Fix, Inc (For:Piaggio Aviation, Inc) | | |
| Do | Hyjek & Fix, Inc (For:Research & Development Labs) | 750.00 | |
| Do | Hyjek & Fix, Inc (For:Short Brothers (USA), Inc) | 1,800.00 | 7,069.84 |
| Do | Hyjek & Fix, Inc (For:Thompson Defence Projects) | 2,125.00 | |
| Gary Hymel, 901 31st Street, NW Washington, DC 20007 | Hill & Knowlton, Inc (For:Ferruzzi Group) | | |
| Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005 | Agricultural Producers | | |
| Do | American Council on International Personnel (ACIP) | | |
| Do | Circuses, et al | | |
| Do | Citicorp/Citibank | | |
| Do | Fragomen Del Rey & Bernsen, PC (for National Hockey League) | | |
| Do | Fragomen Del Rey & Bersen, P.C. (for IBM) | | |
| Do | Information Technology Assn of America (ITAA) | | |
| Do | Irish Immigration Reform Movement (IIRM) | | |
| Do | McDonald's Corp | | |
| Do | Professionals for Spouse Reunification | 2,532.50 | |
| Do | Search Group, Inc | | |
| Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006 | | 19,951.25 | 19,951.25 |
| Amie Ingber, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | 122.50 | |
| Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214. | | 184,323.98 | 184,323.98 |
| International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005 | Steel Service Center Institute | | |
| Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005 | | | |
| Richard Munroe Irby III, 1515 Wilson Boulevard Arlington, VA 22209 | American Gas Assn | 4,000.00 | |
| Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 2,456.00 | 630.86 |
| Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006 | Americans for Democratic Action | 13,387.50 | |
| Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006 | Family Holding Company Advocacy Group | | |
| Do | Grand Metropolitan, Inc | | |
| Do | Miles, Inc | | |
| Do | Pechiney Corporation | | |
| Do | Rochester Tax Council | | |
| Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001 | National Assn of Letter Carriers | 12,216.75 | 83.21 |
| Beverly Roberson Jackson, 3707 Ingomar Street, NW Washignton, DC 20015 | National Center for Clinical Infant Programs | 1,400.00 | 422.00 |
| Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 1,200.00 | |
| E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005 | University of Kansas | 3,750.00 | 3,129.19 |
| Valerie J. James, 1401 New York Avenue,NW, Suite 1100 Washington, DC 20005 | National Cooperative Business Assn | 3,630.00 | |
| Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401 | UNC, Inc | | |
| John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036 | American Insurance Assn | 6,000.00 | |
| Do | Computer Sciences Corp | 6,000.00 | |
| Do | Labor-Management Committee for the Timber Industry | 11,250.00 | |
| Judy Jaussi, 1201 L Street, NW Washington, DC 20005 | American Health Care Assn | 12,000.00 | 1,489.56 |
| Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 17,260.06 | 643.53 |
| Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002 | John Deere Technology Int'l, Inc | | |
| Do | Raytheon Corp | | |
| Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005 | ASARCO, Inc | 145,130.00 | 15,502.00 |
| Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| Jenner & Block, 601 Thirtenth Street, NW, 12th Floor Washington, DC 20006 | American Land Title Assn | 115.50 | |
| Do | Independent Insurance Agents of America, Inc | 429.00 | |
| Do | National Assn of Casualty & Surety Agents | 214.50 | |
| Do | National Assn of Life Underwriters | 198.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | National Assn of Professional Insurance Agents | 198.00 | |
| Do | National Assn of Surety Bond Producers | | |
| Do | Northfield Laboratories, Inc | | |
| Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910 | American Academy of Nurse Practitioners | 6,000.00 | 300.00 |
| Dallin W. Jensen, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Jewish Peace Lobby, 8604 Second Ave., #317 Silver Spring, MD 20910 | | 31,217.50 | 1,884.82 |
| Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005 | Columbia Gas System Service Corp | 175.00 | 450.24 |
| Nancie Schalk Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | 180.00 | |
| Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004 | Coldwell Banker Real Estate Group | 2,000.00 | 129.51 |
| Barbara W. Johnston, 1225 I Street, NW, Suite 500 Washington, DC 20005 | BHP Minerals | | |
| Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036 | Consolidated Natural Gas Co | 1,500.00 | 694.74 |
| Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206 | Philip Morris, Inc | 1,500.00 | |
| Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896 | BellSouth Telecommunications, Inc | | |
| Do | United Companies Financial Corporation | | |
| James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006 | Diagnostic Instrumentation & Analysis Lab at Mississippi St | 1,200.00 | 1,200.00 |
| Justice Fellowship Advocates, P.O. Box 17500 Washington, DC 20041-0500 | | | |
| Jan L. Kahn, 1250 'I' Street, NW, #801 Washington, DC 20005 | Kahn Soares & Conway (For:Friant Water Users Authority) | 2,087.50 | |
| Kahn Soares & Conway, 1250 'I' Street, NW, #801 Washington, DC 20005 | Central Soya/Novamont | 15,000.00 | 5,999.62 |
| Do | Friant Water Users Authority | 30,000.00 | 8,497.48 |
| Do | Mid-Valley Water Authority | 8,929.25 | 7,727.32 |
| Do | National Agricultural Chemicals Assn | 10,500.00 | 4,036.23 |
| Charles K. Kamasaki, 810 First Stret, NE, Suite 400 Washington, DC 20002 | National Council of La Raza | 16,662.19 | 16,662.19 |
| Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | 12,938.00 | 60.85 |
| Linda Heller Kamm, 1875 Connecticut Ave., NW, #710 Washington, DC 20009 | Women's Legal Defense Fund | | 389.00 |
| James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101 | | | |
| Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006 | Laborers' Intl Union of North America, AFL-CIO | 17,199.00 | 664.00 |
| Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | American Insurance Assn | | |
| Do | Humane Society of the U.S., et al. | | 4,531.51 |
| Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402 | Cook Group, Inc | | |
| Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175 | Duncan & Allen | 1,905.25 | 38.58 |
| Do | Missouri Basin Municipal Power Agency | 7,843.75 | 319.39 |
| Do | Public Power Council | 15,000.00 | 479.42 |
| James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209 | Boeing Company | 10,941.00 | 1,755.90 |
| S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036 | Karalekas & McCahill (For:American Retirees Assn) | 5,000.00 | 67.20 |
| Do | Karalekas & McCahill (For:Gates Rubber Company, et al.) | 1,200.00 | |
| David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003 | American Soc of Cataract & Refractive Surgery | 1,014.00 | |
| Shelley Karliner, 1830 L Street, NW, #704 Washington, DC 20009 | Rainbow Lobby, Inc | | |
| George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009 | Alliance for Justice | 791.66 | |
| Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037 | Committee for Equitable Compensation | 200.00 | |
| Do | Dean Witter Financial Services Group | | |
| Do | NationsBank, Inc | | |
| Do | Trans Union Corp | 400.00 | |
| David L. Keating, 3415 Shepherd Chevy Chase, MD 20815 | National Taxpayers Union | 4,038.00 | |
| Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005 | Arkansas Oklahoma Gas Company | | |
| Do | Arkansas Western Gas Company | | |
| Do | Arkla, Inc | | |
| Do | Williams Companies | | |
| Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314 | American Freedom Coalition | 7,500.00 | |
| Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005 | National Grain & Feed Assn | | |
| Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004 | U-Haul Intl, Inc | 7,500.00 | |
| Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037 | Great Western Financial Corp | 780.00 | |
| Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647 | Republic Engineered Steels, Inc | | |
| John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007 | BMW of North America, Inc | 6,000.00 | |
| Do | Perdue Farms Inc | 14,000.00 | |
| Todd E, Kemp, 1201 New York Avenie, NW Washington, DC 20005 | National Grain & Feed Assn | 2,970.00 | |
| Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003 | State of Delaware | | |
| Art Kennedy, P.O. Box 200576 Anchorage, AK 99520 | Koniag, Inc | 14,398.00 | 10,076.00 |
| John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009 | Kennedy & Dolan | | |
| Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822 | LG&E Development Corp | | |
| Do | National Wood Energy Assn, Inc | | |
| Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201 | National Milk Producers Federation | 718.10 | |
| Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003 | General Motors Corp | | |
| William Kenworthy, 410 First Street SE, Washington, DC 20003 | American Nuclear Energy Council | 3,522.76 | 56.07 |
| T. Michael Kerr, 1625 L St., NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 15,808.70 | 173.15 |
| Keystone International, Inc, 1650 University Blvd. NE #408 Albuquerque, NM 87102 | International Disarmament Corp | 250.00 | |
| Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166 | Business Roundtable | | |
| Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036 | Sprint | 8,000.00 | 335.43 |
| Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036 | Physicians for Social Responsibility | 2,123.01 | |
| Richard H. Kimberly, 700 11th Street, NW, #660 Washington, DC 20001 | Kimberly-Clark Corp | 3,173.99 | 905.00 |
| Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931 | | | 42,204.71 |
| Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036 | Consumer Federation of America | 10,082.00 | |
| King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006 | Carolina Power & Light Company | | |
| Do | General Electric Capital Corp | | |
| Do | General Motors Corp | | |
| King & Spaulding, 1730 Pennsylvania Ave., NW Washington, DC 20006 | Montgomery County, MD/ Office of Economic Development | | |
| Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209 | National Venture Capital Association | | |
| Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309 | Wilderness Society | | |
| Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005 | General Motors Corp | 9,191.25 | |
| Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036 | Center for Civic Education | 4,334.33 | 554.81 |
| Do | Constitutional Rights Foundation | 4,334.33 | 554.81 |
| Do | Equifax, Inc | 749.30 | 303.24 |
| Do | National Institute for Citizens Education in the Law | 4,334.33 | 554.81 |
| Do | Search Group, Inc | 6,888.00 | 764.32 |
| Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 26,804.40 | 895.59 |
| William J. (Bill) Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006 | Industrial Union Department (AFL-CIO) | 9,115.85 | |
| David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719 | New Jersey Natural Gas Co | | |
| Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001 | Greyhound Lines, Inc | 20,000.00 | |
| Do | Mid-Atlantic Medical Services, Inc | 6,000.00 | |
| Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002 | National Assn of Wheat Growers | 1,000.00 | |
| Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596 | Wilderness Society | 539.04 | |
| Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314 | National Assisted Housing Management Assn | 500.00 | |
| Kirk Koepsel, 23 North Scott Sherican, WY 82801 | Sierra Club | 1,175.63 | 244.81 |
| Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202 | Colorado Water Congress | 10,000.00 | 2,873.87 |
| Do | Conejos Water Conservancy District | | 848.10 |
| Do | Dolores Water Conservancy District | | |
| Do | Greater Denver Corporation | | |
| Do | Rio Grande Water Conservation District | 4,500.00 | 2,118.57 |
| Do | Rocky Mountain Health Care Corp | 10,335.00 | 2,381.51 |
| Do | San Juan Water Commission | | |
| Do | Southern Ute Indian Tribe | 12,500.00 | 8,416.53 |
| Do | Southwestern Water Conservation District, Durango County | | 8,797.37 |
| Do | Ute Mountain Ute Tribe | 20,333.00 | |
| Gary J. Kohn, One Thomas Circle, NW, #950 Washington, DC 20005 | Independent Bankers Assn of America | 18,450.00 | 621.08 |
| Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002 | Sheet Metal & Air Conditioning Contractors National Assn | | 301.75 |
| Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036 | American Airlines, Inc | 3,000.00 | 405.57 |
| Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503 | | | 126,198.80 |
| George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037 | Global USA, Inc (For:Earth Observation Satellite Co) | 461.53 | |
| Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209 | American Feed Industry Assn | 3,240.00 | |
| Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402 | Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company) | | |
| Gawain Kripke, 218 D Street, SE Washington C, DC 20003 | Friends of the Earth | 376.75 | |
| Donald J. Kroes, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | | |
| Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | | |
| Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202 | McDonnell Douglas Corp | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Gerald F. Kuester, 2000 P Street, NW Washington, DC 20036 | Public Citizen Health Research Group | 12.30 | |
| Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 11,106.98 | 261.25 |
| James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615 | Dow Chemical USA | | |
| Kutak Rock, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036 | Education Resources Institute | 4,000.00 | 1,141.56 |
| Do | First National Bank of Omaha | 5,327.50 | 1,117.72 |
| Do | Louisiana Public Facilities | 49,212.76 | 25,933.06 |
| Do | Municipal Bond Investors Assurance Corp | 21,148.75 | 1,129.44 |
| Do | Smith Barney Harris Upham & Co | 12,697.84 | 154.61 |
| Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007 | Allsup, Inc | | |
| Do | Kyros Associates (For:American Soc for Cell Biology, et al) | | |
| Do | Association of Administrative Law Judges, Inc | | |
| Do | Board of Veterans Appeals Professional Assn | | |
| Do | Cooperative of American Physicians, Inc | | |
| Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006 | | | 39,334.50 |
| Janice R. Lachance, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 3,676.00 | |
| John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004 | EDS Corporation | 24.00 | |
| Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005 | Motorola, Inc | | |
| Katherine D. Ladd, 1500 K Street, NW, #650 Washington, DC 20005 | Glaxo, Inc | | |
| Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005 | Wright & Talisman, PC (For:Cabot Energy Corp) | 5,000.00 | |
| Do | Wright & Talisman, P.C. (For:Columbia Natural Resources) | 5,000.00 | |
| Do | Wright & Talisman, PC (For:Equitable Resources Exploration) | 5,000.00 | |
| Do | Wright & Talisman, P.C. (For:Occidental Chemical Corporation) | | |
| Do | Wright & Talisman, PC (For:Solite Corp) | 5,000.00 | |
| Do | Wright & Talisman (For:Sun Company) | | |
| Do | Wright & Talisman (For:Virginia Oil and Gas Assn) | | |
| David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Stephen K. Lambright, One Busch Place St. Louis, MO 63118 | Anheuser-Busch Companies, Inc | | |
| Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036 | Highway Users Federation for Safety & Mobility | | 25.00 |
| Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004-2505 | Alexander & Alexander Services, Inc | | |
| Do | Continental Airlines, Official Cmte of Unsecured Creditors | 12,631.00 | |
| Do | EUA Cogenex Corp | 5,400.00 | |
| Do | Manville Corp | | |
| Do | Marie Ringrose and Ilda McGinness | 13,237.26 | |
| Do | National Independent Energy Producers | 9,000.00 | |
| Do | Sithe Energies USA, Inc | | |
| K.P. Lau, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 6,625.01 | 697.18 |
| Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036 | League of Women Voters of the U.S. | 6,583.32 | 12.75 |
| John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036 | Assn of America's Public TV Stations | 3,750.00 | 157.97 |
| Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20035 | Battelle Memorial Institute | | |
| Do | Coordination Council for North American Affairs | | |
| Do | Paul Werth Associates, Inc (For:Grocery Manufacturers Assn) | | 250.22 |
| Do | Paul Werth Associates, Inc (For:Hoechst Celanese Corporation) | 11,825.00 | 107.32 |
| Do | Paul Werth Associates, Inc (For:Labor Policy Assn) | 5,900.00 | 30.96 |
| Do | Paul Werth Associates, Inc (For:Mississippi Band of Choctaw Indians) | 6,275.00 | 836.78 |
| Do | Paul Werth Associates, Inc (For:Von Roll America, Inc) | 10,303.75 | 1,030.39 |
| Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036 | National Rifle Assn of America | 3,570.00 | 2,000.00 |
| Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036 | | 22,455.18 | 49,871.49 |
| League of American Investors, 23 W. Easy Street, Bldg. 201 Simi Valley, CA 93065-1698 | | | |
| League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036 | | 48,925.84 | 48,925.84 |
| Cynthia Lebrun-Yaffe, P.O. Box 42469 Washington, DC 20015-0516 | Council for Compassionate Governance (NEAVS) | 5,525.01 | |
| Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209 | National Staff Leasing Assn | 2,000.00 | 250.00 |
| James B. Lee, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Kristen Lee, 126 10th Street, NE, #1 Washington, DC 20002 | Washington Office on Africa | 5,250.00 | |
| Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957 | AutoZone, Inc | | |
| Do | Harnischfeger Industries | | |
| Do | MapPower Corporation | | |
| Do | Midas, International | | |
| Do | Pet, Inc | | |
| L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785 | Public Resource Assn | 650.00 | 25.00 |
| Jane Leeson, 900 - 17th Street, NW Washington, DC 20006-2596 | Wilderness Society | | |
| Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009 | Women's Legal Defense Fund | 3,090.00 | 1,346.00 |
| Ann Leonard, 1436 U Street, NW Washington, DC 20009 | Greenpeace | 1,562.00 | 40.00 |
| Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007 | Leonard Ralston Stanton & Danks (For:Krueger, Inc) | 29,940.03 | |
| Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036 | Direct Marketing Assn | 1,000.00 | 1,000.00 |
| Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 634.50 | |
| Herbert J. Levy, 1614 King St. Alexandria, VA 22314 | National Assn of Housing Cooperatives | | |
| Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903 | Harris Corporation | 405.00 | 13.00 |
| Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006 | First Interstate Bancorp | 600.00 | |
| Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099 | Westvaco Corporation | | |
| Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111 | Sierra Club | 1,192.63 | 1,343.52 |
| Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036 | Chrysler Corporation | 6,252.00 | 378.00 |
| Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544 | | | |
| Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009 | Women's Legal Defense Fund | 4,377.00 | 1,880.00 |
| David W. Liddle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209 | Northrop Corp | | |
| Lawrence R. Liebesman, 10480 Little Patuxent Parkway, Suite 950 Columbia, MD 21044 | Palisades Development, Inc, et al. | | |
| Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728 | Center for Science in the Public Interest | 3,000.00 | 50.00 |
| Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005 | Colorado School of Mines Foundation | 15,280.80 | |
| Do | Michigan Dept of Transportation | 13,736.58 | |
| Do | Northern States Power Company | | |
| Do | State of Colorado, Dept of Highways | 10,849.50 | |
| Do | State of IL, Dept of Transportation, Div of Water Resources | 3,646.49 | |
| Do | Water Reclamation District of Greater Chicago | 32,569.30 | |
| Do | Wisconsin Electric Power Co | | |
| Do | Wisconsin Power & Light Co | 7,725.00 | |
| Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036 | Chambers Development Co, Inc | 15,000.00 | 61.00 |
| Do | Federal Record Service Corp | | |
| Do | Health Trust, Inc | 1,500.00 | 37.00 |
| Do | McDonald's Corp | 3,000.00 | 102.00 |
| Do | National Rural Letter Carriers Assn | 1,000.00 | |
| Do | Pioneer Seed Co, Inc | | |
| Do | Rolls Royce, Inc | 10,000.00 | 90.00 |
| Do | RJR Nabisco Washington, Inc | 2,000.00 | 47.00 |
| Do | Westinghouse Electric Corp | | |
| Thomas R. Litjen, 444 North Capitol Street, Suite 336 Washington, DC 20001 | | 21,800.00 | |
| Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744 | National Tooling & Machining Assn | 9,894.22 | 755.83 |
| Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Company | 720.10 | |
| Lockheed Information Management Services Company, Inc, 300 Frank W. Burr Boulevatd Teaneck, NJ 07666 | | | |
| Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112 | Entergy Services, Inc | 1,075.53 | 107.23 |
| Elizabeth Long, 1828 L Street, NW, #802 Washington, DC 20036 | American Foundation for AIDS Research | 1,000.00 | 31.90 |
| Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701 | American Telephone and Telegraph | 15,000.00 | 1,094.55 |
| Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213 | National Parks & Conservation Association | 138.00 | |
| Joe L. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036 | Exxon Corp | | |
| Gene A. Lucero, 633 West 5th Street, #3500 Los Angeles, CA 90071 | Commercial Finance Assn (CFA) | | |
| Do | Sidley & Austin (For:General Electric Capital Corp) | | |
| Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 2,217.19 | |
| J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005 | National Assn of Personnel Consultants | | |
| Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247 | Mary Kay Cosmetics, Inc | | |
| James S. Lyon, 410 North Lincoln Street Arlington, VA 22201 | Mineral Policy Center | | 192.00 |
| Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006 | Ciba-Geigy Corp | 3,810.00 | 71.31 |
| William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006 | Ciba-Geigy Corp | 8,188.00 | 6,106.00 |
| Robert E. Mackin, 122 South Swan Street Albany, NY 12210 | National Conference of Insurance Legislators | 11,250.00 | |
| Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004 | Public Lands Council | 1,000.00 | |
| Cliff Madison Government Relations, Inc., 1611 Landfall Drive Wilmington, NC 28403 | Burbank-Glendale-Pasadena Airport Authority | 7,500.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Federal Express Corp | 13,000.00 | |
| Do | Los Angeles County Transportation Commission | 24,999.00 | |
| Do | Mark Air, Inc | | |
| Do | Sarasota-Bradenton Airport | 6,000.00 | |
| Do | Ventura Port District | 9,000.00 | |
| James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002 | James J. Magner & Associates, Inc. (For:ASARCO, Inc) | 8,525.64 | 922.16 |
| Do | James J. Magner & Associates, Inc (For:Canyoneers) | 8,525.64 | 86.74 |
| Do | James J. Magner & Associates (For:Kaibab Forest Products Company) | 8,525.64 | 1,063.73 |
| Do | James J. Magner & Associates, Inc (For:Manhole Adjusting Contractors, Inc) | 8,525.64 | 80.25 |
| Do | James J. Magner & Associates, Inc (For:Northern Arizona University Foundation) | 8,525.64 | 137.55 |
| James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002 | Asarco, Inc | 24,313.00 | 19,011.47 |
| Do | Canyoneers | 8,220.00 | 10,176.05 |
| Do | Kaibab Forest Products Company | 22,980.00 | 11,153.04 |
| Do | Manhole Adjusting Contractors, Inc | 8,550.00 | 10,169.56 |
| Do | Northern Arizona University Foundation | 5,000.00 | 10,226.86 |
| Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004 | National Broadcasting Co, Inc | 500.00 | |
| Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314 | National Rifle Assn of America | | |
| K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | 374.00 | 27.00 |
| Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001 | Brotherhood of Maintenance of Way Employes | 14,922.46 | |
| Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187 | Vulcan Materials Co | | |
| John V. Maraney, 324 East Capitol St., NE Washington, DC 20003 | National Star Route Mail Contractors Assn | | |
| Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258 | | | |
| Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005 | United Distribution Companies | 11,100.00 | 54.00 |
| Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005 | American Sugarbeet Growers Assn | | |
| Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006 | American Public Gas Assn | 4,625.00 | 129.00 |
| Do | City of Venice, Florida | 1,650.00 | 8.00 |
| Do | Town of Longboat Key | 1,075.00 | 10.00 |
| Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041 | Children's Television Workshop | | |
| Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia | | | |
| Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005 | Rhone-Poulenc, Inc | | |
| Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202 | | | |
| Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors | 394.00 | |
| Glen David Mason, 1101 Vermont Ave., NW, #604 Washington, DC 20005 | College of American Pathologists | 4,484.00 | |
| Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171 | Westvaco Corporation | | |
| Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910 | Information Security, Inc | 10.00 | |
| Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036 | Pan American World Airways, Inc | | |
| William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202 | General Dynamics Corp | 1,000.00 | 1,028.10 |
| William A. Maxwell, 1250 Eye Street, NW #2000 Washington, DC 20005 | Computer & Business Equipment Manufacturers Assn | 8,000.00 | 153.46 |
| Arnold Mayer, 4609 30th Street, NW Washington, DC 20008 | Oil Chemical & Atomic Workers International Union | 7,500.00 | 865.00 |
| Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314 | American Optometric Assn | | |
| McAdam Group, Inc, 1029 Vermont Ave., NW, #800 Washington, DC 20005 | National Computer Systems | 9,000.00 | |
| Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006 | BP America, Inc | | |
| H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005 | J. G. Boswell Co | 3,000.00 | |
| Do | New York Cotton Exchange | 2,000.00 | |
| Do | Supima Association of America | 2,000.00 | |
| Timothy McAnarney, 413 West Edwards Springfield, IL 62704 | Philip Morris, Inc | 2,250.00 | |
| McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005 | Associacion de Hospitales de Puerto Rico | 1,000.00 | |
| Do | Association of Progressive Rental Organizations | 1,000.00 | |
| Do | Cigna Corp | 1,000.00 | |
| Do | CAPX Corp | 500.00 | |
| Do | COSTEP | 1,000.00 | |
| Do | Dallas/Ft. Worth Railtran System | | |
| Do | Dean Witter Realty, Inc | 3,000.00 | |
| Do | DeMarco Enterprises | 1,000.00 | |
| Do | Ft. Worth Transportation Authority | 3,000.00 | |
| Do | MASSPORT/Commonwealth of Massachusetts | 15,000.00 | |
| Do | National Medical Care | 15,000.00 | |
| Do | Nevada Power | 7,500.00 | |
| Do | Nevada Resort Assn | 1,000.00 | |
| Do | Puerto Rico Federal Affairs Administration | 1,000.00 | |
| Do | St. Michael Hospital | 1,000.00 | |
| Do | University of Nevada/Las Vegas/Research Center | 3,500.00 | |
| Do | University of Nevada, Reno | 6,000.00 | |
| Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036 | American Nuclear Energy Council | 1,500.00 | 298.72 |
| Do | Carolina Power & Light Co | 450.00 | |
| Do | Commonwealth Edison Co | 450.00 | |
| Do | Consolidated Edison Co of New York, Inc | 1,200.00 | |
| Do | General Atomics | 1,400.00 | 220.20 |
| Do | Louisiana Energy Services | 600.00 | 50.91 |
| Do | Naitonal Assn for the Superconducting Super Collider | 4,000.00 | 252.79 |
| Do | Oxford Energy Co | 850.00 | 13.53 |
| Do | Sealaska Corp | 900.00 | 99.38 |
| Do | Turlock Irrigation District | 160.00 | 59.28 |
| Do | Westinghouse Electric Corp | 1,760.00 | 1,120.24 |
| Do | Yukon Pacific Corp | 1,200.00 | 129.93 |
| Susan P. McCaffrey, 3901 N. Meridian Suite 25 Indianapolis, IN 46208 | Community Service Council of Central IN, Inc | 10.70 | |
| Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005 | American Public Health Assn | 2,566.00 | |
| James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314 | Snack Food Assn | | |
| Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001 | United Assn of Journeymen & Apprentices of the P. & P.F.I. | 6,000.00 | 1,310.00 |
| Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005 | Alzheimer's Assn | 3,500.00 | 50.00 |
| Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007 | American Institute of Certified Public Accountants | 5,000.00 | 1,793.10 |
| Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006 | Hopkins & Sutter (For:Association Management Corp) | | |
| Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005 | Resources for Group Management, Inc (For:Greeting Card Assn) | | |
| McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006 | Association of American Vintners | 10,000.00 | |
| Do | Kmart Corporation | | |
| Do | Olin Corporation | | |
| James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003 | American Nuclear Energy Council (ANEC) | 2,675.00 | 1,390.18 |
| Christine W. McEntee, 50 F Street, NW, #II00 Washington, DC 20001 | American Hospital Assn | | |
| Kate McGee, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036 | Oracle Corporation | | 1,000.00 |
| Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001 | McGuiness & Holch (For:Conrail) | 900.00 | |
| Robert McIntyre, 1313 L St., NW Washington, DC 20005 | Citizens for Tax Justice | 12,692.28 | |
| McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114 | | | |
| Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005 | Rowan & Blewitt, Inc (For:American Assn of Blood Banks) | 875.00 | |
| Do | Rowan & Blewitt, Inc (For:C.R. Bard, Inc) | 937.50 | |
| Do | Rowan & Blewitt, Inc (For:Bristol-Myers Squibb Company) | | |
| Do | Rowan & Blewitt, Inc (For:Centocor, Inc) | | |
| Do | Rowan & Blewitt Inc (For:Medtronic, Inc) | 3,375.00 | |
| Do | Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc) | 1,375.00 | |
| Do | Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer) | 1,437.50 | |
| Do | Rowan & Blewitt, Inc (For:Upjohn Company) | 6,812.50 | |
| Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120 | National Assn of Postal Supervisors | 13,050.00 | 45.24 |
| Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431 | McLeod Watkinson & Miller (For:American Assn of Crop Insurers) | 6,249.00 | |
| Do | McLeod Watkinson & Miller (For:American Mushroom Institute) | | |
| Do | McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc) | 2,338.00 | |
| Do | McLeod Watkinson & Miller (For:Chicago Board of Trade) | 4,687.50 | |
| Do | McLeod Watkinson & Miller (For:State of Florida Department of Citrus) | 1,739.00 | |
| Do | McLeod Watkinson & Miller (For:United Egg Producers) | 3,244.25 | |
| Nancy L. McLernon, 816 Connecticut Avenue, NW, 7th Floor Washington, DC 20006 | Organization for International Investment (OFII) | | 1,677.14 |
| Victor McMahan, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | 172.57 | |
| Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036 | Lockheed Information Management Services Company, Inc | | |
| James Meadows, 600 Congress Ave., #1360 Austin, TX 78701 | Capital Network System, Inc | 1,200.00 | |
| Robert A. Mechan, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 2,482.00 | |
| Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432 | | | 106.00 |
| Mehl & Pickens Associates, Inc, 230 East Capitol Street, NE Washington, DC 20003 | Bogan Aerotech, Inc | 5,000.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801 | Sierra Club | 3,022.50 | 508.31 |
| Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314 | Society for Human Resource Management | 15,000.00 | |
| Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036 | Hall Estill et al (For:Cherokee Nation) | 28,840.50 | 568.08 |
| Do | Hall Estill et al. (For:Hoopa Valley Tribe) | 10,395.00 | 589.96 |
| Do | Wichita Tribe | 120.00 | 17.31 |
| Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000 | 3M | 750.00 | |
| Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815 | Central Gulf Lines, Inc | 9,337.50 | 130.80 |
| Do | Merrill Lynch & Company, Inc | 3,250.00 | 64.02 |
| Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | 5,850.00 | 170.00 |
| John Metzel, 1200 Dominion Court Maclean, VA 22102 | Washington Office on Africa | 6,282.98 | |
| David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003 | Van Fleet Associates | 13,749.99 | |
| Alden M. Meyer, I6I6 P Street, NW Washington, DC 20036 | Union of Concerned Scientists | 2,781.00 | 13,057.41 |
| Nicholas Meyers, 1400 K Street, NW Washington, DC 20005 | American Psychiatric Assn | 3,097.00 | 779.96 |
| Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315 | | | |
| Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850 | | | 8,000.00 |
| Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041 | Newspaper Assn of America | 6,000.00 | |
| Nelson L. Milder, 1828 K Street, NW, #906 Washington, DC 20036 | American Soc of Mechanical Engineers | | |
| Fred Millar, 218 D St., SE Washington, DC 20003 | Friends of the Earth | | |
| Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528 | National Council for Improved Health | 3,000.00 | 4,462.55 |
| David H. Miller, 1421 Prince Street, #400 Alexandria, VA 22314 | Federal Legislative Associates (For:Hughes Network Systems) | | |
| Do | Federal Legislative Associates (For:Limited, Inc) | 1,000.00 | |
| Do | Federal Legislative Associates (For:Native American Cotton Products, Inc) | | |
| Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| G. Daniel Miller, 1140 Connecticut Ave., NW, #500 Washington, DC 20036 | Faegre & Benson (For:American Water Development, Inc.) | 795.00 | |
| Do | Faegre & Benson (For:Church Alliance) | 550.00 | |
| Do | Faegre & Benson (For:Multifoods) | 450.00 | |
| Do | Faegre & Benson (For:National Car Rental) | 75.00 | |
| Howard Miller, 115 West College Drive Marshall, MN 56258 | Schwan's Sales Enterprises, Inc | | |
| Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017 | Lead Industries Association, Inc | 350.00 | 396.00 |
| Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006 | Volunteer Trustees of Not-For-Profit Hospitals | | |
| Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036 | Consumer Federation of America | 8,051.00 | |
| Richard G. Miller, 1201 L Street, NW Washington, DC 20005 | American Health Care Assn | 16,000.00 | 2,186.57 |
| Robert L. Miller, 5601 Seminary Road, #2213-N Falls Church, VA 22041-3515 | Sparton Corp | 2,338.00 | 55.00 |
| Miller & Associates, Harris N., 1212 New York Avenue, NW, #850 Washington D.C. | Home Insurance | | |
| Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701 | American Nuclear Energy Council | | |
| Do | Association of Financial Services Holding Companies | 2,900.00 | |
| Do | Blue Cross of California | 7,500.00 | |
| Do | Chevy Chase Savings Bank, FSB | | |
| Do | Range Rover of North America, Inc | 600.00 | |
| Do | SABIC Marketing Americas, Inc | 1,100.00 | |
| C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490 | American Telephone & Telegraph Co | 1,361.66 | 503.50 |
| Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303 | Helicopter Assn International | 7,000.00 | 1,415.00 |
| Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036 | People for the American Way Action Fund | 1,525.00 | 172.00 |
| Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004 | Biogen, Inc | 4,465.00 | |
| Do | Communications Industries Assn of Japan | 15,000.00 | |
| Do | Derek Craighead, et al. | 8,640.00 | |
| Do | Iwerks Entertainment | 5,670.00 | |
| Do | National Cable Television Assn, Inc | 7,500.00 | 190.41 |
| Do | Newspaper Assn of America | 15,000.00 | 296.51 |
| Do | Siemens Corp | 2,900.00 | |
| Do | Turner Broadcasting System, Inc | | |
| Luka Misetic, 1912 Sunderland Place, NW Washington, DC 20036 | Croatian-American Association | 3,750.00 | 3,296.23 |
| Mitchell Williams Selig Gates & Woodyard, 320 W. Capitol Avenue, #1000 Little Rock, AR 72201-3525 | Loral Corp | 4,160.00 | 4,172.52 |
| W. Kirk Monroe, 1615 M Street, NW, #220 Washington, DC 20036 | Washington Communications Group/Ruder Finn, Inc (For:Government of Greece) | | |
| James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 18,385.00 | |
| Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207 | National Council on Teacher Retirement | 350.00 | |
| Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521 | Waste Management, Inc | 5,000.00 | 693.00 |
| Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005 | North American Philips Corp | 4,000.00 | 1,030.00 |
| Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | 16,450.00 | |
| John Morgan, 501 3rd Street, NW Washington, DC 20001 | Communications Workers of America | | 15.00 |
| Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001 | American Fed of Teachers | 20,346.00 | 200.00 |
| J. Wilson Morris, 5155 Macomb Street, NW Washington, DC 20016 | Bailey Morris & Robinson (For:Upjohn Co) | 16,500.00 | |
| Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006 | Phillips Petroleum Co | 1,800.00 | 175.40 |
| William C. Morrison, 2001 North Adams St. Arlington, VA 22201 | Meat Importers Council of America, Inc | | |
| Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006 | Consolidated Freightways | | |
| Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036 | American Express Co | 13,212.00 | |
| Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006 | Florida Sugar Cane League, Inc | | |
| Do | Rio Grande Valley Sugar Growers | | |
| Beth Moten, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 1,268.00 | 8,502.48 |
| Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006 | | 44,886.22 | 44,886.22 |
| Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016 | Manufacturers Life Insurance Co | 37,461.00 | 1,836.54 |
| James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006 | American Academy of Actuaries | | |
| Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314 | Society of American Florists | 1,000.00 | |
| Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261 | Caltex Petroleum Corp | | |
| Robert Musil, 1000 16th Street, NW, Suite 810 Washington, DC 20036 | Physicians for Social Responsibility | 4,039.21 | |
| Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004 | Electronic Data Systems Corp | 248.00 | 187.34 |
| National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005 | | | 55,891.23 |
| National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005 | | 150.00 | 174.00 |
| National Assn for the Self-Employed (NASE), 575 Ritchie Road Capitol Heights, MD 20743 | | 79,000.00 | 57,021.96 |
| National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116 | | | |
| National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005 | | 60,798.98 | 129,358.09 |
| National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001 | | 6,273,805.03 | 176,945.67 |
| National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004 | | 2,000.00 | 2,007.00 |
| National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | | 185.50 | 231.97 |
| National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036 | | | |
| National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006 | | 3,300.00 | 4,200.00 |
| National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002 | | 2,500.00 | 10,075.00 |
| National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102 | | | 25,325.00 |
| National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036 | | 135,600.52 | 135,600.52 |
| National Coal Assn, 1130 17th Street, NW Washington, DC 20036 | | 1,619,816.00 | 18,329.16 |
| National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405 | | 19,864.35 | 30,794.90 |
| National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036 | | 86,839.97 | |
| National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006 | | 5,500.00 | 2,502.00 |
| National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005 | | | 5,070.00 |
| National Education Assn, 1201 16th St., NW Washington, DC 20036 | | 16,604.87 | 16,604.87 |
| National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001 | | 103,219.00 | 4,106.00 |
| National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214 | | | 46,104.00 |
| National Federation of Business & Professional Women/USA, 2012 Massachusetts Ave., NW Washington, DC 20036 | Business & Professional Women/USA | | 21,756.00 |
| National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917 | | | 10,078.00 |
| National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314 | Coalition for Auto Repair Equality | 800.00 | 1,008.05 |
| National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904 | | 26,000.00 | 13,616.50 |
| National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016 | | | 2,865.53 |
| National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314 | | | 43,024.00 |
| National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201 | | 15,118.10 | 15,118.10 |
| National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529 | | 5,000.00 | 5,000.00 |
| National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074 | | 109,813.00 | 139,549.00 |
| National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036 | | 14,020.00 | 14,020.00 |
| National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036 | | 193,883.43 | 413,014.52 |
| National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20001 | | 500.00 | 1,078.00 |
| National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465 | | 38,209.00 | 38,847.00 |
| National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003 | | 12,091.00 | 22,929.00 |
| National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005 | | 6,576.00 | 6,576.00 |
| National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508 | | 52,531.00 | 52,531.00 |
| National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209 | | | 14,381.63 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036 | | 72,870.00 | 132,718.62 |
| Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502 | Allied-Signal, Inc | | |
| Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036 | Leadership Conference on Civil Rights | 24,219.23 | 85.25 |
| Susan Neely, 1667 K Street, NW, Suite 430 Washington, DC 20006 | CMF & Z Public Relations (For:Iowa Electric) | | 3,000.00 |
| Do | CMF & Z Public Relations (For:Iowa Methodist Medical Center) | | 3,000.00 |
| Do | CMF & Z Public Relations (For:IBP, Inc) | | 3,000.00 |
| Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431 | McLeod Watkinson & Miller (For:United Egg Assn) | 1,820.50 | 552.32 |
| Do | McLeod Watkinson & Miller (For:United Egg Producers) | 3,244.25 | 412.86 |
| Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036 | E. I. du Pont de Nemours & Co | | |
| Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | | |
| Barry New, 1530 Wilson Boulevard, Suite 270 Arlington, VA 22209 | Rolls-Royce, Inc | 1,200.00 | 439.82 |
| William B. Newman Jr., P.O. Box 23451 Washington, DC 20026 | Consolidated Rail Corporation | 5,500.00 | |
| Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036 | Cleveland Clinic Foundation | | |
| Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001 | American Hospital Assn | 6,325.34 | 334.92 |
| Ellen Nissenbaum, 777 North Capitol Street, NE, #705 Washington, DC 20002-4239 | Center on Budget & Policy Priorities | 2,538.80 | 18.50 |
| William A. Nitze, 1725 K Street, NW, #914 Washington, DC 20006 | Alliance to Save Energy | | |
| Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213 | | | |
| James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036 | Karalekas & McCahill (For:American Retirees Assn) | 3,000.00 | 18.00 |
| Do | Karalekas & McCahill (For:Gates Rubber Company, et al.) | 1,200.00 | 15.00 |
| Northeast Utilities Service Co, Selden St. Berlin, CT 06037 | | | 14,182.41 |
| Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009 | Women's Legal Defense Fund | 11,220.00 | 481.00 |
| James Norton, 900 17th Street, NW Washington, DC 20006 | Wilderness Society | 778.83 | 492.14 |
| Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102 | Honeywell, Inc | 3,500.00 | 32.00 |
| Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | | |
| Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Quinn O'Connell, 5009 Sangamore Road Bethesda, MD 20816 | | | |
| Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006 | Steel Tank Institute | | |
| O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006 | AFL-CIO Maritime Committee | | |
| Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036 | American Fiber Manufacturers Assn, Inc | | |
| John R. O'Donnell, 1620 Eye Street, NW, #300 Washington, DC 20006 | City of San Diego | 16,668.00 | 30.65 |
| Do | Oxnard Harbor District | 8,550.00 | 35.17 |
| Do | Oxnard Redevelopment Agency | 6,250.00 | 23.46 |
| O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602 | Klukwan, Inc | 50,000.00 | 6,371.39 |
| Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004 | National Rural Telecom Assn | 9,850.00 | |
| O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036 | Southeast Toyota Distributors, Inc | | |
| John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036 | Federal Home Loan Mortgage Corp | | |
| Do | Securities Industry Assn | 587.00 | |
| Do | Telecommunications Industries Assn | 400.00 | |
| Do | The Limited, Inc | | |
| John J. O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001 | Strategic Management Associates, Inc (For:American Paper Institute) | | |
| Do | Strategic Management Associates, Inc (For:Care Visions Corporation) | | |
| Do | Strategic Management Associates, Inc (For:Healthcom International) | | |
| Do | Strategic Management Associates, Inc (For:Lenox Hill Hospital) | | |
| Do | Strategic Management Associates, Inc (For:MicroGeneSys, Inc) | 7,500.00 | 240.00 |
| Do | Strategic Management Associates, Inc (For:Montefiore Medical Center) | | |
| Do | Strategic Management Associates, Inc (For:Teredata Corporation) | | |
| Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006 | Entergy Services, Inc | 4,199.00 | 209.89 |
| Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | 1,832.00 | |
| Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091 | DynCorp | | |
| Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036 | | 6,950.00 | 7,210.00 |
| Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604 | | | 22,352.29 |
| Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250 | | 2,289.05 | 1,039.14 |
| Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005 | Jefferson Group,Inc (For:Inter-American University of Puerto Rico) | | 147.21 |
| David E. Ortman, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | | |
| Karl Ottosen, 208 G Street, NE Washington, DC 20002 | NL Industries/Baroid Corp | 11,250.00 | |
| Do | U.S. Federation of Small Businesses, Inc | 1,500.00 | |
| Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026 | Consolidated Rail Corporation | 2,667.00 | |
| Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004 | Hooper Hooper & Owen (For:Arkla, Inc) | 7,500.00 | |
| Do | Hooper Hooper & Owen (For:BP America, Inc) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:CSX Corp/Yukon Pacific Corp) | 3,600.00 | |
| Do | Hooper Hooper & Owen (For:Ebasco Services, Inc) | 4,500.00 | |
| Do | Hooper Hooper & Owen (For:Entergy Corp) | 7,500.00 | |
| Do | Hooper, Hooper & Owen (For:Integrated Resources Group, Inc) | 3,500.00 | |
| Do | Hooper Hooper & Owen (For:Lockheed Environmental Sciences & Technology) | 8,750.00 | |
| Do | Hooper Hooper & Owen (For:Panhandle Eastern Corp) | 11,250.00 | |
| Do | Hooper Hooper & Owen (For:Science Applications, Inc) | 11,250.00 | |
| Do | Hooper Hooper & Owen (For:Water Island Civic Association) | 4,500.00 | |
| James C. Owens, 10 Schindler Court Silver Spring, MD 20903 | Western Ancient Forest Campaign | 12,000.00 | 1,013.74 |
| Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084 | Cox & Hodgman (For:Aetna Health Plans) | | 200.00 |
| Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005 | Air Products & Chemicals, Inc | 9,000.00 | 69.19 |
| Do | Americans for National Dividend Act, Inc | 48,000.00 | |
| Do | Association of High Medicare Hospitals | 19,225.00 | 42.97 |
| Do | Burroughs Wellcome Co | 19,925.00 | 137.61 |
| Do | Children's Hospital | 4,500.00 | |
| Do | Dow Chemical USA | 13,500.00 | 102.61 |
| Do | Government of the Republic of Transkei | 37,500.00 | |
| Do | Holiday Inn Corp | 60,256.25 | 174.27 |
| Do | National Assn of Children's Hospitals & Related Institutes | 21,450.00 | 14.74 |
| Do | National League for Nursing | 11,250.00 | 18.53 |
| Do | Nord Resources Corp | 6,000.00 | |
| Do | Peoples Republic of the Sudan | 95,059.82 | |
| Do | Rowland Company | 1,000.00 | |
| Do | Tennessee Primary Care Network | 21,650.00 | |
| Do | Tunisian Association for Freedom | 104,342.11 | |
| Michael C. Palmer, 1101 Vermont Ave., NW, #604 Washington, DC 20005 | College of American Pathologists | 1,168.00 | |
| Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465 | National Rural Letter Carriers Assn | 20,328.00 | 894.00 |
| Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002 | American Chiropractic Assn | 1,650.00 | |
| Do | C.R. Eggs | 1,600.00 | |
| Do | Cessna Aircraft Compnay | 1,000.00 | |
| Do | Columbia Laboratories, Inc | 6,000.00 | |
| Do | Eli Lilly & Company | | |
| Do | Federal Judges Association | 500.00 | |
| Do | Genentech | 2,100.00 | |
| Do | Generic Pharmaceutical Industry Assn | 1,000.00 | |
| Do | Herbalife International of America, Inc | 750.00 | |
| Do | International Assn of Broadcast Monitors | 1,800.00 | |
| Do | Lockheed Aeronautical Systems Co | 1,650.00 | |
| Do | Motion Picture Assn of America, Inc | 3,600.00 | |
| Do | National Assn of Independent Insurers | 750.00 | |
| Do | National Food Processors Assn | 800.00 | |
| Do | Nonprescription Drug Manufacturers Assn | 2,800.00 | |
| Do | Office of the Immigration Judges | 450.00 | |
| Do | Opperman Heins & Paquin | 700.00 | |
| Do | Pfizer, Inc | 1,800.00 | |
| Do | Recording Industry Assn of America | 1,200.00 | |
| Do | Research Corp Technology, Inc | 1,800.00 | |
| Do | Richard V. Allen Co (for MBB Co of Pennsylvania) | 1,400.00 | |
| Do | Syntex USA, Inc | 1,200.00 | |
| Do | Systech Environmental Corp | 2,200.00 | |
| Do | TCOM, L.P. | 3,000.00 | |
| Do | Unilever | 2,100.00 | |
| Do | Upjohn Company | 1,400.00 | |
| Do | Utah Natural Products Alliance | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302 | Burns & McDonnell | | |
| Kevin Patrick, 1110 North Glebe Rd., #200 Arlington, VA 22201 | International Association of Chiefs of Police | 10,656.80 | 4,885.78 |
| Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005 | North American Philips Corp | 5,000.00 | 35,878.02 |
| Patton Boggs & Blow, 250 West Pratt Street, #1100 Baltimore, MD 21201 | Center City-Inner Harbor Management, Inc | 1,500.00 | |
| Do | George Mason University Foundation, Inc | 1,600.00 | |
| Do | Greater Baltimore Committee Foundation | 500.00 | |
| Do | National Propane Gas Assn | 3,000.00 | |
| Do | University of Arizona Foundation | 6,000.00 | |
| Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036 | National Music Publishers Assn, Inc | 15,900.50 | |
| Paul Werth Associates Inc, 1150 Connecticut Ave, NW Suite 900 Washington, DC 20036 | Coalition for Vehicle Choice | 3,334.00 | |
| Joann Payne, 622 North Tazewell Street Arlington, VA 22203 | National Women Business Enterprise Associates | | |
| Do | PK Contracting, Inc | | |
| Richard A. Paysor, 6 Knob Hill Rd. Mooresville, NC 28115 | First Capitol Associates - Gateway, Inc | | |
| J. Leon Peace, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the United States | | |
| Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003 | Pearson & Pipkin (For:Physicians Who Care) | | |
| Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005 | J. C. Penney Co, Inc | | |
| Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003 | Physicians Who Care | 1,500.00 | |
| Frank Pecquex, 815 16th Street NW, #510 Washington D.C. | Maritime Trades Department, AFL-CIO | 5,000.00 | 30.85 |
| Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 2,200.00 | 455.00 |
| Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209 | American Assn of School Administrators | 9,135.15 | |
| Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 4,276.57 | |
| Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036 | Association for Governmental Leasing & Finance | 1,020.00 | 8.89 |
| Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853 | National Rehabilitation Counseling Assn | | |
| Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004 | National Association of Private Psychiatric Hospitals | 500.00 | |
| Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314 | American Optometric Assn | | |
| J. Scott Peterson, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 1,833.61 | 77.41 |
| Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036 | Southwestern Bell Corp-Washington, Inc | 27,000.00 | |
| Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005 | City of Philadelphia | | |
| Do | MacAndrews & Forbes Holdings, Inc | 6,250.00 | |
| Do | Medical College of Ohio | 7,500.00 | |
| Do | Metro | 16,000.00 | |
| Do | Morton International | 30,000.00 | |
| Do | Mothers Against Drunk Driving (MADD) | 8,333.32 | |
| Do | New York State Thruway Authority | 22,500.00 | |
| Do | Southeastern Pennsylvania Transit Authority | | |
| Do | Toledo-Lucas Port Authority | 7,500.00 | |
| Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431 | McLeod Watkinson & Miller (For:American Assn of Crop Insurers) | 5,833.00 | 276.85 |
| Do | McLeod Watkinson & Miller (For:American Mushroom Institute) | 10,462.25 | |
| Do | McLeod Watkinson & Miller (For:General Mills) | | |
| Pamela Phillips, 1201 L Street, NW Washington, DC 20005 | American Health Care Assn | 14,000.00 | 388.75 |
| Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036 | | 14,311.28 | 16,530.84 |
| Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005 | Motorola, Inc | 4,500.00 | |
| Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015 | National Assn of Surety Bond Producers | | |
| Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006 | Ad Hoc Comm of Mutual Fund Managers | | |
| Do | City of Portsmouth, New Hampshire | 3,000.00 | |
| Do | Latin American Mcnagement Assn | 4,750.00 | |
| Do | Villa Banfi, U.S.A | | |
| Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 2,237.00 | 53.28 |
| Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045 | Nerco, Inc | 2,335.00 | 1,540.00 |
| Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004 | McCamish Martin & Loeffler (For:United Services Automobile Assn) | 60.00 | |
| Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002 | Airport Operators Council International | | |
| Do | Allied-Signal, Inc | 716.25 | 148.77 |
| Do | American Assn of Airport Executives | | |
| Do | American Newspaper Publishers Assn | 27,009.00 | 973.29 |
| Do | Committee for America's Copyright Community | 7,500.00 | 527.09 |
| Do | Computer & Business Equipment Manufacturers Assn | 5,000.00 | 271.21 |
| Do | Digital Equipment Corp | 1,000.00 | 78.56 |
| Do | Eidak | 1,000.00 | 48.64 |
| Do | Electronic Frontier Foundation | | 942.29 |
| Do | Genentech, Inc | 8,000.00 | 486.67 |
| Do | National Artists Equity Assn | | |
| Do | National Assn of Broadcasters | 7,500.00 | 87.46 |
| Do | National Conference of Bankruptcy Judges | 4,200.00 | 209.20 |
| Do | Research Coporation Technologies | 5,000.00 | 64.37 |
| Do | Times Mirror | 2,000.00 | 178.43 |
| Do | Unilever United States, Inc | 12,000.00 | 1,648.69 |
| Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160 | | | |
| Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002 | Solar Energy Industries Assn | 1,610.68 | 1,391.43 |
| Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 2,901.45 | 626.47 |
| Joe Polich, 415 West Golf Road, Suite 43 Arlington Heights, IL 60005-3923 | Production Engine Remanufacturers Assn | 100.00 | |
| Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001 | American Hospital Assn | 5,178.45 | 127.56 |
| Pollack & Greene, 201 North Fairfax Street, Suite 22 Alexandria, VA 22314 | National Coalition of Abortion Providers | 34,417.47 | 4,224.42 |
| Karen Pollitz, 2021 Massachusetts Ave., NW Washington, DC 20036 | American Academy of Family Physicians | 3,125.00 | 113.18 |
| Porter Wright Morris & Arthur, 1233 20th Street, NW Washington, DC 20036 | Rassini International, Inc | 276.75 | 44.62 |
| J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006 | McDermott Will & Emery | | |
| Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036 | Banker's Assn for Foreign Trade | 11,000.00 | 75.25 |
| Do | Government of Rheinland-Pfalz | 30,181.61 | 1,051.22 |
| Do | Preussag AG | | 44.69 |
| Robert L. Pratt, PRAXIS, Inc 300 Third Avenue Waltham, MA 02154 | Thermo Electron Corp/Thermedics, Inc | 2,500.00 | 711.00 |
| Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006 | Entergy, Inc | 580.66 | |
| Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006 | Ecolocorp, Inc | | |
| George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202 | Rockwell International Corp | 1,875.00 | 131.34 |
| Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070 | | 1,292.25 | 991.76 |
| Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090 | National Turkey Federation | | |
| Production Engine Remanufacturers Assn, 415 West Golf Road, Suite 43 Arlington Heights, IL 60005-3923 | | 508.44 | 508.44 |
| Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006 | FMC Corporation | 2,250.00 | |
| Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006 | | | 1,935.00 |
| Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006 | Bethlehem Steel Corp | 250.00 | |
| Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733 | Florida Power Corp | 3,025.00 | 2,467.00 |
| Do | Florida Progress Corp | 754.00 | 617.00 |
| Todd Quisenberry, 1212 New York Ave.NW Suite 500 Washington, DC 20005 | Cement Kiln Recycling Coalition | | |
| George Gregory Raab, 555 13th Street, NW, #1260 East Washington, DC 20004 | Medtronic, Inc | | 6.00 |
| Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036 | | 2,500.00 | |
| Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005 | American Bureau of Shipping | 5,000.00 | 170.77 |
| Do | American Ship Building Co | 5,000.00 | 78.35 |
| Do | Bell Atlantic Network Services, Inc | 33,750.00 | |
| Do | Childrens Television Workshop | | |
| Do | Klukwan, Inc | 20,000.00 | |
| Do | National Bulk Carriers, Inc | 4,500.00 | |
| Do | R.J. Reynolds Nabisco, Inc | 21,000.00 | |
| Do | Savings & Community Bankers of America | 26,250.00 | |
| Do | Sea-Land Service, Inc | 20,000.00 | 147.34 |
| Do | Stimson Lumber Co & Miller Redwood Co | | |
| Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036 | Graham & James (For:Ameritech, et al.) | 3,070.00 | |
| Do | Graham & James (For:R. R. Donnelley & Sons Company) | | |
| Do | Graham & James (For:Federal Judges Association) | 150.00 | |
| Do | Graham & James (For:Federal Magistrate Judges' Assn) | 75.00 | |
| Do | Graham & James (For:Illinois Health Facilities Authority) | | |
| Do | Graham & James (For:Milk Specialties Co) | | |
| John Vernon Rainbolt II, 655 15th Street, NW, Suite 300 Washington, DC 20005 | Chicago Mercantile Exchange | 6,000.00 | 485.76 |
| Do | Rainbolt Law Office (For:National Futures Assn) | 11,900.00 | 190.84 |
| Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001 | Association for Health Services Research | 693.00 | 45.11 |
| Do | Center for Community Self Help | 8.00 | |
| Do | Coastal Enterprises, Inc | 8.00 | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | Community Resources Group | 105.00 | |
| Do | Community Transportation Assn of America | 385.00 | |
| Do | Corporation for Enterprise Development/AEO | 154.00 | |
| Do | Great Lakes Rural Network/WSOS | 105.00 | |
| Do | Impact Seven, Inc | 8.00 | |
| Do | Local Initiatives Support Corp | 385.00 | |
| Do | Midwest Assistance Program | 105.00 | |
| Do | National Congress for Community Economic Development | 774.00 | |
| Do | National Council of La Raza | 8.00 | |
| Do | National Rural Housing Coalition | 1,078.00 | |
| Do | Northern Community Investment Corp | 8.00 | |
| Do | Ridgecrest Enterprises | 8.00 | |
| Do | Rural Community Assistance Corp | 105.00 | |
| Do | Rural Housing Improvement | 105.00 | |
| Do | Rural Opportunities, Inc | 8.00 | |
| Do | Southern Development Bancorporation | 8.00 | |
| Do | Trust for Community Development | 462.00 | |
| Do | Virginia Water Project/SE RCAP | 105.00 | |
| Do | YouthBuild, USA | 385.00 | |
| Kenneth E. Raske, 555 West 57th Street New York, NY 10019 | Greater New York Hospital Assn | 2,792.00 | |
| John K. Rayburn, 1801 K Street, NW Washington, DC 20006 | Westinghouse Electric Corp | 235.00 | 30.00 |
| Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | 6,264.00 | 526.50 |
| Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102 | Hellring Lindeman Goldstein & Siegal (For:GAF Corporation) | 625.00 | 25.00 |
| Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703 | Sierra Club | 2,638.40 | 222.00 |
| Fred J. Redeker, 1999 Bryan, #1500 Dallas, TX 75201-6882 | Houston Bankers Association | | |
| Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006 | Rohm & Haas Company | | |
| Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004 | Corning, Inc | 8,000.00 | 345.13 |
| Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701 | | 21,876.69 | 18,803.28 |
| Michael W. Reid, 1300 L Street, NW Washington, DC 20005 | American Postal Workers Union, AFL-CIO | 1,605.86 | |
| Reid & Priest, c/o Mr. Michael W. Faber 701 Pennsylvania Avenue, NW Washington, DC 20004 | Committee of Corporate Telecommunications Users | | |
| Do | CIAC Group | | |
| Do | State of New Jersey | | |
| Do | Utility Decommissioning Tax Group | | |
| Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004 | | | |
| Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002 | | 599,632.01 | 275,750.98 |
| Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001 | Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp) | | |
| Do | Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc) | 261.00 | |
| Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002 | | 3,882.00 | 18,571.00 |
| Allan R. Rexinger, 717 A Street, SE Washington, DC 20003 | Nonprescription Drug Manufacturers Assn | 1,950.00 | |
| Michael S. Reynolds, 900 Threadneedle Houston, TX 77079 | Vista Chemical Company | | |
| William F. Rhatican, 1615 M Street, NW, #220 Washington, DC 20036 | Washington Communications Group/Ruder Finn, Inc (For:Government of Greece) | | |
| Jeffrey K. Richard, 1620 I Street, NW Suite 300 Washington, DC 20006 | J. Richard Government Strategies (For:City of Fort Worth Center for Municipal Development). | 21,250.00 | 21,250.00 |
| Michael T. Richard, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 1,000.00 | 450.73 |
| Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036 | National Cable Television Assn, Inc | 3,056.00 | 129.78 |
| E. Philip Riggin, 1608 K St., NW Washington, DC 20006 | American Legion | 16,800.00 | 676.72 |
| Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005 | Alzheimer's Assn | 6,600.00 | 10.50 |
| Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713 | American Road & Transportation Builders Assn | 5,000.00 | 500.00 |
| Richard R. Roberts, P.O. Box 809 North Beach, MD 20714 | American Council of Highway Advertisers | 13,866.00 | 1,244.90 |
| Steve A. Robertson, 1608 K Street, NW Washington, DC 20006 | American Legion | 10,779.00 | 345.92 |
| Robinson Bradshaw & Hinson, P.A., 1900 Independence Center 101 North Tyron Street Charlotte, NC 28246 | John Motley Morehead Foundation | | |
| Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | 7,622.68 | 1,281.79 |
| Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718 | | | |
| Phillip Roeder, 1667 K Street, NW, Suite 430 Washington, DC 20006 | CMF & Z Public Relations (For:Iowa Electric) | | 3,000.00 |
| Do | CMF & Z Public Relations (For:Iowa Methodist Medical Center) | | 3,000.00 |
| Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116 | Washington Citizens for World Trade | 31,020.00 | 702.84 |
| Kyle Rogers, 818 Connecticut Ave., NW, #200 Washington, DC 20006 | U.S. English | | |
| Lawrence Rogers, 1600 M Street, NW Washington, DC 20036 | Investment Company Institute | | |
| Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078 | Baker & McKenzie (For:Horsham Corporation) | 19,953.00 | 2,760.98 |
| Do | Baker & McKenzie (For:Levi Strauss & Company) | 29,064.00 | 8,128.78 |
| Do | Baker & McKenzie (For:Tandy Corp) | 22,194.00 | 4,089.01 |
| Rogers & Wells, 607 14th Street, NW Washington, DC 20005 | Algoma Steel Corporation, Ltd | | |
| Do | Canadian Pulp and Paper Association | 670.00 | |
| Do | Dofasco, Inc | | 540.71 |
| Do | Italian Trade Commission | 2,090.00 | |
| Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122 | Cuban American Foundation, Inc | 5,435.64 | |
| John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005 | Hawaiian Sugar Planters' Assn | | |
| Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036 | Consumer Federation of America | 2,769.00 | |
| Frederic B. Rose, 399 Park Avenue New York, NY 10022 | Inductotherm Industries, Inc | | 3,110.88 |
| Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902 | Miles, Inc | 3,000.00 | |
| Richard Rosen, 6707 Old Dominion Drive, #210 McLean, VA 22101 | | | |
| Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003 | Allwaste, Inc | 3,000.00 | |
| John C. Rother, 1909 K Street, NW Washington, DC 20049 | American Assn of Retired Persons | 1,850.96 | |
| Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036 | Citizen Action Fund | 600.00 | 194.00 |
| Karen Rotterman, 1110 Navaho Drive, Suite 601 Raleigh, NC 27609 | Rotterman & Associates (For:Genentech) | 2,812.30 | 390.00 |
| Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708 | Central Florida Commuter Rail Authority | | |
| J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005 | Rowland & Sellery (For:GE Plastics) | 1,000.00 | 25.00 |
| Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202 | | | |
| Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006 | Brunswick Bank & Trust Company | | |
| Do | Philip J. Scutieri | | |
| Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005 | BR Services, Inc | 500.00 | 152.01 |
| Tonda F. Rush, 1627 K Street, NW, #400 Washington, DC 20006-1790 | National Newspaper Association | | |
| Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119 | | | |
| Kermit W. Ryman, 1401 I Street, NW, 1200 Washington, DC 20005 | Chevron USA, Inc | | |
| Safe Streets Alliance, 1146 19th Street, NW, Suite 700 Washington, DC 20036 | | | |
| Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006 | Ebasco Services Inc | 6,000.00 | 55.22 |
| Do | Flash Technology Corporation of America | 7,800.00 | 166.48 |
| Do | Indiana Electric Assn | 25,260.00 | 1,482.02 |
| Do | Indiana University | 10,800.00 | 223.09 |
| Do | MSE Corp | 2,440.00 | 48.84 |
| Do | United Student Aid Funds | | |
| Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005 | Computer & Business Manufacturers Assn | 4,000.00 | 527.74 |
| C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713 | American Road & Transportation Builders Assn | 500.00 | |
| Patricia Kopf Sanner, 1227 25th Street, NW, #610 Washington, DC 20037 | American Managed Care & Review Assn | | |
| James D. Santini, 1101 King Street, #350 Alexandria, VA 22314 | Conference of National Park Concessioners | 6,000.00 | 114.43 |
| Do | National Tour Assn, Inc | 31,413.00 | 7,207.32 |
| Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036 | California Assn of Sanitation Agencies | 1,530.00 | 2,740.41 |
| Do | ENS Resources, Inc (For:East Bay MUD) | 3,231.63 | 1,724.94 |
| Do | Western Research Institute | 2,061.00 | 1,556.31 |
| Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington,, DC 20036 | Ebasco Services, Inc | 2,865.00 | 1,087.38 |
| Save Our Security, 1331 F Street NW Washington, DC 20004-1171 | | 19,875.01 | 19,334.12 |
| Robert Wayne Sayer, 1742 N Street, NW Washington, DC 20036 | Hampshire Instruments | | |
| Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007 | Benchmarks, Inc (for Int'l Racquet & Sports Club Assn) | 9,000.00 | 417.90 |
| Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814 | California Rural Legal Assistance, Inc | 1,802.24 | 783.00 |
| Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036 | Council for Citizens Against Government Waste | 3,433.00 | 23.60 |
| Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037 | Guam Urunao Resort Corp | 6,000.00 | 2,450.00 |
| Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006 | Electronic Industries Assn | 625.00 | |
| Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036 | Health Insurance Assn of America, Inc | | 60.96 |
| Daniel J. Schulder, 925 15th Street, NW Washington, DC 20005 | National Council of Senior Citizens | 17,318.43 | 200.50 |
| Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036 | Arco Chemical Company | | 225.00 |
| Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037 | Public Generating Pool | 6,837.95 | 356.40 |
| Do | Solid Waste Assn of Morth America | 288.93 | 12.69 |
| Do | Tri-Met | 12,524.27 | 1,182.33 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002 | National Assn of Wheat Growers | 2,875.00 | |
| Jerome M. Segal, 8604 Second Avenue, #317 Silver Spring, MD 20910 | Jewish Peace Lobby | 554.00 | 75.00 |
| Frances Seghers, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | | |
| John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006 | UST Public Affairs, Inc | 9,000.00 | 5,000.00 |
| George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255 | Giant Industries, Inc | | |
| M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001 | American Hospital Assn | | 35.10 |
| Gary B. Sellers, American Bar Assn 1800 M Street, NW Washington, DC 20036 | American Bar Assn | 400.00 | 50.00 |
| Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030 | | 1,294,073.82 | 480,267.36 |
| Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759 | | | 105.00 |
| Kenneth W. Shaff, 10263 Whispering Forest Drive, #1015 Jacksonville, FL 32257-0000 | KWS Legal Research & Consultants, Inc | | |
| Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036 | Abbott Laboratories | 1,500.00 | |
| James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004 | Reinsurance Assn of America | | |
| Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006 | Electronic Industries Assn | 625.00 | |
| Joshua Sharfstein, 2000 P Street, NW Washington, DC 20036 | Public Citizen Health Research Group | 197.32 | |
| Ritu R. Sharma, 1400 Sixteenth Street, NW, Suite 320 Washington, DC 20203-6 | Zero Population Growth, Inc | 657.00 | |
| John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036 | Natural Gas Supply Assn | 20,550.00 | 5,077.56 |
| Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890 | Small Business for Advertising Choice | 1,750.00 | 190.25 |
| Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |
| Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202 | National Treasury Employees Union | 15,472.00 | 85.06 |
| Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006 | National Newspaper Association | 5,000.00 | |
| Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005 | National Cooperative Business Assn | 3,000.00 | 48.20 |
| Andrea Sheldon, 139 C Street, SE Washington, DC 20003 | Traditional Values Coalition | 3,150.00 | |
| Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805 | Traditional Values Coalition | | |
| Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004 | General Electric Co | 3,700.00 | |
| Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005 | Western Southern Life Insurance | 3,000.00 | 375.00 |
| William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001 | Farm Credit Council | 300.00 | 960.00 |
| Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001 | American Fed of Teachers | 16,792.00 | 140.00 |
| Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036 | National Forest Products Assn | 2,475.00 | |
| Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | | |
| Sierra Club, 730 Polk Street San Francisco, CA 94109 | | 389,988.23 | 389,988.23 |
| William A. Signer, 444 North Capitol St., NW, #711 Washington, DC 20001 | Keefe Company (For:Alarm Industry Communications Committee) | 19,210.64 | |
| Do | Keefe Company (For:Committee for Employment Opportunities) | | |
| Do | Keefe Company (For:Greater New York Hospital Assn) | 18,584.00 | |
| Do | Keefe Company (For:Management Insights, Inc) | 6,000.00 | |
| Do | Keefe Company (For:MCI Communications) | 3,000.00 | |
| Do | Keefe Company (For:National Council of Chain Restaurants) | 20,199.75 | |
| Do | Keefe Company (For:New York Hospital) | 24,025.98 | |
| Do | Keefe Company (For:Targeted Management Consultants) | | |
| Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005 | Consortium of Social Science Assns | | 8.00 |
| Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006 | C & M Services, Inc | 400.00 | |
| Do | Fulcrum Venture Capital Corp | 1,716.66 | |
| Do | Majestic Realty Co | | |
| Do | Monrovia Nursery Company | | |
| Do | Opportunity Capital Corp | 1,716.66 | |
| Do | Rutgers Minority Investment Company | 1,716.66 | |
| Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401 | Caltex Petroleum Corp | 250.00 | 400.00 |
| David J. Simon, 3017 South Hill Street Arlington, VA 22202 | National Parks & Conservation Association | 4,950.00 | 158.00 |
| Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004 | Morrison Knudsen Corp | | |
| William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005 | Entergy Services, Inc (Mississippi Power & Light Co) | 2,000.00 | |
| Do | First Mississippi Corp | 2,000.00 | |
| Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006 | American Hellenic Institute Public Affairs Committee, Inc | | |
| Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005 | American Electronics Assn | | |
| Do | Computer & Business Equipment Manufacturers Assn | | |
| Do | Council on Research & Technology | | |
| William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852 | U.S. Pharmaceopeial Convention, Inc | 147.48 | |
| Scott Sklar, 777 N. Capitol St. NE #805 Washington, DC 20002 | Solar Energy Industries Assn | 5,775.00 | 10,112.55 |
| Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524 | Honeywell, Inc | 2,657.00 | 1,585.00 |
| Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036 | California Forestry Association | 787.50 | 34.50 |
| Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268 | National Assn of Mutual Insurance Cos | | |
| Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036 | MWW Strategic Communications (For:Associated Landscape Contractors of America). | 5,666.75 | 145.00 |
| Do | MWW Strategic Communications (For:Cuban American Foundation, Inc) | 9,000.00 | 165.00 |
| Do | MWW Strategic Communications (For:Environmental Compliance Services) | 30,000.00 | 156.00 |
| Do | MWW Strategic Communications (For:Farmland Dairies) | 18,750.00 | |
| Do | MWW Strategic Communications (For:Hadassah Medical Organization) | 9,000.00 | 155.00 |
| Do | MMW Strategic Communications (For:Puerto Ricans for Civic Action) | 20,237.50 | 125.00 |
| Do | MMW Strategic Communications (For:Ross University) | 5,492.00 | 145.00 |
| Do | MMW Strategic Communications (For:Universidad Central del Este) | 7,500.00 | |
| William T. Slider, 15th & M Streets, NW Washington, DC 20005 | National Assn of Home Builders of the U.S. | | |
| Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001 | Peabody Holding Company, Inc | | |
| Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036 | Pennzoil Co | 6,000.00 | |
| Douglas Allen Smith, #40223-080 P.O.Box 4200 Three Rivers, TX 78071-4200 | | 273.80 | 83.05 |
| Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209 | American Waterways Operators, Inc | 1,000.00 | 1,000.00 |
| Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036 | U S West, Inc | 1,374.00 | |
| Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202 | | | |
| Rob Smith, 516 E. Portland Street Phoenix, AZ 85006 | Sierra Club | 3,875.00 | 5,191.56 |
| Tim Smith, 410 1st St., SE Washington, DC 20003 | American Nuclear Energy Council | 10,499.99 | 699.08 |
| Velma Smith, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | 1,694.00 | |
| Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036 | City of Eugene, Oregon | 10,500.00 | |
| Do | City of Springfield, Oregon | 1,500.00 | |
| Do | Composite Technology Transfer Consortium | 10,000.00 | |
| Do | CRASH | 6,906.25 | 133.93 |
| Do | Haarmann & Reimer Corp | 2,000.00 | 25.00 |
| Do | Kansas City Transit Authority | 6,666.66 | |
| Do | N.Y. Metropolitan Transportation Agency | 14,166.66 | 203.79 |
| Do | National Assn of Foreign Trade Zones | 2,200.00 | 475.00 |
| Do | Port of San Francisco | 6,663.32 | |
| Do | San Francisco Public Utilities Commission | | |
| Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 2,950.00 | 1,055.00 |
| Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003 | Alloy Surfaces Co, Inc | | |
| Do | General Motors Corp | 87.50 | 269.85 |
| Do | Puget Sound Naval Bases Assn, Inc (PSNBA) | | |
| Do | Service Engineering Company | | |
| Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314 | | | 30,000.00 |
| Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230 | Sheet Metal & Air Conditioning Contractors' Nat'l Assn | | |
| Barry Soltz, 330 Lexington Drive Buffalo Grove, IL 60089-6998 | Automotive Engine Rebuilders Assn | 100.00 | |
| Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001 | National Assn of Letter Carriers | 6,699.58 | |
| Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006 | American Institute of Architects | 3,000.00 | |
| Stanley L. Sommer, 700 New Hampshire Avenue, #305 Washington, DC 20037 | Brunswick Corp | 500.00 | 411.12 |
| SL Sommer & Associates, Inc, 700 New Hampshire Ave., #305 Washington, DC 20037 | Brunswick Corp, Defense Division | | |
| James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910 | International Fed of Professional & Technical Engineers | | |
| William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036 | Smith Bucklin & Associates (For:National Assn of Metal Finishers) | | |
| Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW Washington, DC 20005 | Mackenzie Turnipseed | | |
| Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028 | Western Pioneer, Inc | | |
| Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000 | U.S. Chamber of Commerce | | |
| Southeast Toyota Distributors, Inc, 100 Northwest 12th Avenue P.O. Box 1160 Deerfield Beach, FL 33443 | | | 2,681.25 |
| Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360 | | | |
| Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314 | | | |
| Spencer Fane Britt & Browne, 1133 Connecticut Avenue, NW, Suite 1000 Washington DC 20036 | City of Siloam Springs | 7,200.00 | |
| Do | National Association of Demolition Contractors | 3,200.00 | |
| Do | Twentieth Century Mutual Funds | 3,000.00 | |
| Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006 | | | |
| Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005 | American Consulting Engineers Council | | |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044 | Public Securities Assn | | |
| Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006 | New York Stock Exchange, Inc | | |
| John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230 | Sheet Metal & Air Conditioning Contractors' Nat'l Assn | | |
| Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202 | Motorcycle Industry Council, Inc | | |
| Do | Specialty Vehicle Institute of America | | |
| Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006 | Public Resource Associates | 1,375.00 | |
| Arlan Stangeland, 305 C Street, NE Washington, DC 20002 | American International Group | 15,000.00 | |
| Do | Edison Chouest Offshore | 9,000.00 | |
| Thomas J. Stanton Jr., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007 | Leonard Ralston Keyes & Danks (For:Krueger, Inc) | 29,940.03 | |
| Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037 | Eckert Seamans Cherin & Mellott (For:Ormet Corp) | 285.00 | |
| Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024 | American Road & Transportation Builders Assn | 500.00 | |
| Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Company | 205.00 | |
| William N. Steele, 1700 North Moore St., 21st Floor Arlington, VA 22209 | Boeing Company | 3,789.99 | 3,052.59 |
| Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036 | Kmart Corp | | |
| Henry J. Steenstra Jr., 10001 19th Street, #800 Arlington, VA 22209 | TRW, Inc | 2,028.00 | |
| Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037 | American Managed Care & Review Assn | | |
| Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036 | Association of Private Pension & Welfare Plans, Inc | 1,875.00 | 291.10 |
| Do | Christie's | | |
| Do | Forest Industries Committee on Timber Valuation & Taxation | | |
| Do | National Antique & Art Dealers Assn of America | | |
| Do | Sotheby's, Inc | | |
| Ruth L. Stern, 122 C Street, NW, Suite 380 Washington, DC 20001-2109 | National Family Planning and Reproductive Health Assn, Inc | 1,143.00 | |
| Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729 | Touro Law Center | 3,758.00 | |
| Lawrence E. Stevens, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Earl Stevenson, 1977 N. Olden Ave., Ext. Suite 222 Ewing Township, NJ 08628 | | | |
| H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069 | | | |
| Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036 | Consumer Federation of America | 4,615.00 | 69.00 |
| Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |
| Dena G. Stoner, 1201 16th Street, NW Washington, DC 20036 | Council for Educational Development & Research | 1,162.50 | 203.47 |
| Ellen Stovall, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910 | National Coalition for Cancer Survivorship | 12.50 | 10.00 |
| Strategic Directions, Inc, P.O.Box 6011 Springfield, VA 22150-6011 | ICI Explosives Environmental | 26,800.00 | |
| Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001 | American Paper Institute | | |
| Do | Care Visions Corporation | | |
| Do | Healthcom International | | |
| Do | Hospital for Special Surgery | | |
| Do | Lenox Hill Hospital | | |
| Do | Maimonides Medical Center | | |
| Do | MicroGeneSys, Inc | 7,500.00 | 240.00 |
| Do | Montefiore Medical Center | | |
| Do | Mount Sinai Medical Center | | |
| Do | Teradata Corporation | | |
| John N. Sturdivant, 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 7,348.48 | 11,999.61 |
| John F. Sturm, 529 14th Street, NW, #400 Washington D.C. | American Newspaper Publishers Assn | 15,000.00 | 783.91 |
| Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301 | Frank Sullivan Associates (For:Ingalls Shipbuilders) | 76.00 | |
| Do | Frank Sullivan Associates (For:ITT Defense Corporation) | 63.00 | |
| Do | Frank Sullivan Associates (For:Textron, Inc) | 71.00 | |
| Do | Frank Sullivan Associates (For:Waste Management Inc) | 114.00 | |
| Judy M. Sullivan, 1614 King Street Alexandria, VA 22314 | National Assn of Housing Cooperatives | | |
| Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006 | American International Group, Inc | | |
| Do | Securities Industry Assn | | 234.00 |
| Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004 | Federation for American Immigration Reform | 3,256.88 | 95.74 |
| Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007 | Chrysler | 10,633.25 | |
| Do | General Electric Corporation | 1,275.00 | |
| Do | Motor Vehicle Manufacturers Assn | 967.50 | |
| Do | New England Power | | |
| Byron Swift, 1400 16th Street, NW Washington, DC 20036 | (For:IUCN-US) | | 120.00 |
| Ivan Swift, P.O. Box 607 Arlington, VA 22216 | New England Anti-Vivisection Society | 4,000.00 | 972.00 |
| Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006 | UST Public Affairs, Inc | | |
| Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101 | Garrison Diversion Conservancy District | 1,040.00 | 182.16 |
| SEC Donohue, 11240 Waples Hill Road, #100 Fairfax, VA 22030 | | 937.50 | |
| Janis Tabor, 1828 K Street, NW, #906 Washington, DC 20006 | American Soc of Mechanical Engineers | | |
| Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005 | Animal Health Institute | | |
| Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002 | National Pork Producers Council | 10,000.00 | 483.50 |
| Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006 | National Assn of Wholesaler-Distributors | | |
| Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005 | BR Services, Inc | 1,750.00 | |
| Richard Taylor, CNG Tower 625 Liberty Avenue 21st Floor Pittsburgh, PA 15222-3319 | Consolidated Natural Gas Co | 500.00 | |
| Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314 | Association of Personnel Test Publishers | | |
| Do | CTB MacMillan/McGraw-Hill | 393.75 | |
| Do | Jones Motor Co, Inc | | |
| Do | MPPAA Solvency Coalition | | |
| Do | National Assn of Convenience Stores | | |
| Do | Schneider National, Inc | | |
| Do | Walsh Trucking Service, Inc | | |
| James M. Temenak, P.O. Box 16614 Arlington, VA 22215 | National Steel & Shipbuilding Co | 5,596.80 | 1,617.90 |
| Richard L. Templeton, P.O. Box 17500 Washington, DC 20041-0500 | Justice Fellowship | | |
| Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005 | Tendler, Goldberg, Biggins, Geltzer and Asher (For:American Licensed Practical Nurses Assn). | | |
| Do | Tendler, Goldberg, Biggins, Geltzer and Asher (For:Mears International Sales Co). | | |
| Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005 | Burroughs Wellcome Co | 28,000.00 | 2,112.00 |
| W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006 | International Paper Co | 4,000.00 | |
| Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002 | Sheet Metal & Air Conditioning Contractors National Assn | | |
| Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852 | American Speech-Language-Hearing Assn | | |
| Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250 | Organization of Professional Employees of USDA | 673.84 | |
| Timothy B. Tierney, 4600 East West Highway Bethesda, MD 20814 | Automotive Refrigeration Products Institute | | |
| Danielle Tinman, 2012 Massachusetts Avenue, NW Washington, DC 20036 | National Fed of Business & Professional Women/USA | | |
| Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036 | Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp) | | |
| Marijke Torfs, 218 D Street, SE Washington, DC 20003 | Friends of the Earth | | |
| Mary C. Toups, 410 First Street, SE Washington, DC 20003 | American Nuclear Energy Council | 1,500.00 | 1,059.58 |
| Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036 | Dun & Bradstreet | | |
| Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003 | Hecht Spencer & Associates (For:Charles E. Smith Management, Inc) | | |
| Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852 | National Council of Community Mental Health Centers | 242.89 | 3.00 |
| Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 3,000.00 | 66.51 |
| Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004 | National Assn of Private Psychiatric Hospitals | 500.00 | |
| Fran Tracy, 10455 Mill Run Circle Owings Mills, MD 21117 | Blue Cross & Blue Shield of Maryland, Inc | | |
| Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805 | | | 5,377.00 |
| Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007 | Hill & Knowlton (For:Astra Pharmaceuticals) | | |
| Do | Hill & Knowlton, Inc (For:Port Everglades) | | |
| Do | Hill & Knowlton (For:Republic of Turkey) | | |
| Do | Hill & Knowlton (For:Stelco, Inc) | | |
| Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411 | Stern Bros, Inc | | |
| Jack F. Trope, Sant Angelo & Trope, P.C. 32 Division Street P.O. Box 609 Somerville, NJ 08876 | Association on American Indian Affairs, Inc | 5,077.50 | 6,936.89 |
| Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109 | American Insurance Assn | | |
| Do | Humane Society of the U.S., et al. | | |
| Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601 | National Realty Committee | 990.00 | |
| Brian Turner, 815 16th Street, NW Washington, DC 20006 | Industrial Union Department, AFL-CIO | 9,535.40 | |
| Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036 | National Forest Products Assn | 1,200.00 | |
| Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036 | National Cable Television Assn, Inc | 7,714.00 | 303.86 |
| Max Turnipseed, 451 Florida Street Ethyl Tower, Room 927 Baton Rogue, LA 70801 | Ethyl Corporation | 630.00 | 21.50 |
| Larry Tuttle, 900 17th Street, NW Washington, DC 20006 | Wilderness Society | | |
| Peter Tyler, 1000 16th Street, Suite 810 Washington, DC 20036 | Physicians for Social Responsibility | 1,918.26 | |
| TV 14, Inc, Television Station WTLK-TV 200 North Cobb Parkway, Suite 114 Marietta, GA 30062 | | | 6,255.00 |
| U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037 | | | 2,971.25 |
| U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036 | | 15,935.75 | 15,935.75 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501 | Claimants Under Proposed Radiation Exposure Compensation Act | 125,000.00 | |
| Anne I. Urban, 1250 Eye Street, NW, #200 Washington, DC 20005 | Computer & Business Equipment Manufacturers Assn | 6,000.00 | 481.28 |
| Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006 | EG&G, Inc | 50.00 | 15.00 |
| Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001 | American Fed of Teachers, AFL/CIO | 12,289.00 | 80.00 |
| Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006 | Motion Picture Assn of America, Inc | 8,900.00 | 285.00 |
| Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600 | National Assn of Postmasters of the U.S. | 19,609.82 | |
| Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707 | Air Transport Assn of America | 11,751.96 | |
| Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003 | Cadillac Gage Textron | 6,000.00 | 61.57 |
| Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003 | Diagnostic/Retrieval Systems, Inc | 8,000.00 | 665.36 |
| Do | Electrospace Corporation | 10,500.00 | 43.31 |
| Do | FLIR Systems, Inc | 10,800.00 | 460.23 |
| Do | General Instrument Corp/Litton Applied Technologies | 21,000.00 | 3,775.71 |
| Do | Librascope | | |
| Do | Magnavox Government & Industrial Relations Co | 21,450.00 | |
| Do | Miltope Corp | 7,500.00 | 2.16 |
| Do | NCube | 7,500.00 | 579.59 |
| Do | Sea Beam Instruments, Inc | 8,000.00 | 665.36 |
| Do | Thermo Electron Technologies | 7,500.00 | 31.87 |
| Todd Van Hoose, 50 F Street, NW, #900 Washington, DC 20001 | Farm Credit Council | 300.00 | 960.00 |
| Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005 | Dofasco, Inc | | |
| Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000 | New York Mercantile Exchange (NYMEX) | | |
| Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006 | Flour Corp | 5,000.00 | 419.29 |
| Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053 | | | |
| Stephen J. Verdier, One Thomas Circle, NW, #950 Washington, DC 20005-5802 | Independent Bankers Assn of America | 23,800.00 | 569.97 |
| Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301 | American Museum of Natural History | | |
| Do | Ameritech | 525.00 | |
| Do | Association of American Railroads | 3,045.00 | |
| Do | Bell Atlantic Corp | 19,704.00 | |
| Do | Brown & Root, Inc | 4,362.50 | |
| Do | Burlington Northern, Inc | | |
| Do | Central Gulf | 4,262.50 | |
| Do | Embry-Riddle Aeronautical University | 825.00 | |
| Do | General Dynamics Corp | 2,525.00 | |
| Do | GenCorp | 28,100.00 | |
| Do | Guardian Industries | 5,362.50 | |
| Do | Hughes Communications, Inc | 33,104.50 | |
| Do | Hughes Network Systems, Inc | 550.00 | |
| Do | Investment Company Institute | 7,882.50 | |
| Do | K Mart Corp | 310.00 | |
| Do | Kellogg | | |
| Do | Large Public Power Cos | 3,422.50 | |
| Do | Manville Corp | 8,400.50 | |
| Do | Mars, Inc | 7,590.00 | |
| Do | McDonnell Douglas Corp | 16,747.50 | |
| Do | Merrill Lynch & Co, Inc | 3,000.00 | |
| Do | New Progressive Party | | |
| Do | Northwest Airlines | 8,570.00 | |
| Do | NBC | 26,637.50 | |
| Do | NYNEX Corp | 28,187.50 | |
| Do | Puget Sound Power & Light Company | | |
| Do | Rubber Manufacturers Assn | 2,903.00 | |
| Do | Savings Coalition of America | 6,850.00 | |
| Do | Travelers Companies | 4,000.00 | |
| Do | TRW, Inc | 820.00 | |
| Do | Uniroyal Chemical Company, Inc | | |
| Do | Upjohn Co | 421.50 | |
| Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005 | Pennzoil Co | 1,084.50 | |
| Melanne Verveer, 2000 M STreet, NW, #400 Washington, DC 20036 | People for the American Way | 4,448.00 | 217.75 |
| Mary Vihstadt, 2000 K Street, NW, Suite 203 Washington, DC 20006 | Dial Corp | 1,000.00 | |
| Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006 | | 25,000.00 | 11,491.00 |
| Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138 | Kids Project | 750.00 | |
| Ingrid A. Voorhees, 1250 Eye Street, NW, #200 Washington, DC 20005 | Computer & Business Equipment Manufacturers Assn | 125.00 | 100.00 |
| Kurt Vorndran, 1331 F Street, NW Washington, DC 20004-1171 | National Council of Senior Citizens | 12,291.24 | 393.50 |
| Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006 | International Assn of Bridge Struct & Ornamental Iron Wkrs | 19,040.83 | 1,935.40 |
| Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005 | National Agricultural Chemicals Assn | 150.00 | 174.00 |
| Robert Waffle, 1735 New York Ave., NW Washington, DC 20006 | International Hardwood Products Assn(IHPA) | 2,100.00 | 560.80 |
| Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608 | National Utility Contractors Assn | 7,400.00 | 98.58 |
| Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608 | National Utility Contractors Assn | 1,250.00 | |
| Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404 | Ackerman & Bishop (For:American Wire Producers Assn) | | |
| Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003 | Public Citizen, Inc | 2,779.00 | |
| Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131 | Peter Kiewit Sons, Inc | 1,500.00 | 1,500.00 |
| Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016 | American Paper Institute, Inc | | |
| Anne Marie Walsh, 1025 Connecticut Ave, NW, NW Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 1,875.00 | 980.00 |
| John C. Walton, 1402 North Oak Street, #302 Arlington, VA 22209 | John E. Chance & Associates, Inc | 15,000.00 | |
| Do | General Dynamics Corp | 15,000.00 | |
| Do | Grumman Corporation | 12,499.98 | 1,236.79 |
| Do | National Assn of Dredging Contractors | 10,500.00 | |
| Do | National Rifle Assn of America | 35,000.00 | 462.19 |
| Do | Textron, Inc | 13,749.99 | 773.57 |
| Do | Thiokol Corp | 10,500.00 | 1,014.64 |
| Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036 | Baker & Hostetler (For:Soap & Detergent Assn) | | |
| Washington Communications Group/Ruder Finn, Inc, 1615 M Street, NW, #220 Washington, DC 20036 | Government of Greece | | |
| Washington Office on Africa, 110 Maryland Ave., NE, #112 Washington, DC 20002 | | 38,329.56 | 50,119.87 |
| Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005 | Farmland Industries, Inc | 10,000.00 | 483.77 |
| James B. Watt, 1015 18th Street, NW Washington, DC 20036 | Conference of State Bank Supervisors | | |
| Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036 | Tele-Communications, Inc | 3,750.00 | |
| Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002 | American Medical Peer Review Assn | | |
| Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036 | Zero Population Growth, Inc | 19.00 | |
| Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036 | U.S. Overseas Cooperative Development Committee | 2,000.00 | |
| Deborah Feldman Weiner, 11004 Petersborough Drive Rockville, MD 20852 | American Soc for the Prevention of Cruelty to Amimals | 2,000.00 | |
| Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036 | American Foreign Service Assn | 5,400.00 | |
| William H. Wenzel, 214 North Henry Street, Suite 203 Madison, WI 53703 | Sierra Club | 1,199.90 | 428.25 |
| J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005 | City of Detroit | 39,810.70 | 11,840.25 |
| William H. Westhoff, 11240 Waples Mill Rd. Fairfax, VA 22030 | Environmental Products Corp | 10,000.00 | 200.00 |
| Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006 | E. I. du Pont de Nemours & Co | | |
| Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036 | Health Insurance Assn of America, Inc | | |
| Porter K. Wheeler, 1341 G Street, NW, #1100 Washington, DC 20005 | Jefferson Group (For:National Investment Consultants, Inc) | 11,007.50 | |
| George E. White Jr., 706 Lowerline St New Orleans, LA 70118 | Avondale Industries, Inc | 21,250.00 | 7,604.22 |
| Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036 | J. I. Gray & Associates | | |
| Do | Arnold J. Lande MD. | | |
| Pamela J. Whitted, 1401 Eye Street, NW, #200 Washington, DC 20005 | Pacific Resources, Inc | 500.00 | |
| William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006 | Bethlehem Steel Corp | 200.00 | |
| Wickham & Associates, 1090 Vermont Avenue, NW, #800 Washington, DC 20005 | Times Square Center Associates | | 1,658.29 |
| Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202 | Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado) | 3,254.43 | 1,304.43 |
| Do | Kogovsek & Associates (For:United Ski Industries, Inc) | 15,996.90 | 2,096.90 |
| Do | Kogovsek & Associates, Inc (For:Western Land Group) | 15,067.84 | 967.44 |
| Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036 | Smith Bucklin & Associates (For:Amusement & Music Operators Assn) | 6,000.00 | |
| Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006 | National Assn of Stevedores | 2,250.00 | |
| Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006 | Chaparral Steel Co | | |
| Do | Club Car, Inc | 273.00 | |
| Do | Georgetown Industries | 117.00 | 129.41 |
| Do | Raritan River Steel Co | 1,092.00 | |
| Do | Ruddy Institute for Maritime Communications | 4,094.00 | 25.00 |

| Organization or Individual Filing | Employer/Client | Receipts | Expenditures |
|---|---|---|---|
| Do | UtiliCorp United | 5,899.00 | 9.88 |
| Do | Washington Citizens for World Trade | 24,850.00 | 507.36 |
| David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004 | General Electric Co | 1,050.00 | |
| E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036 | Vulcan Materials Co | 1,700.00 | 540.00 |
| Daniel Will, 2620 Red Coat Drive, #1-B Alexandria, VA 22303 | National Taxpayers Union | 2,538.00 | |
| Clark Williams, 666 Pennsylvania Ave., SE Washington, DC 20003 | National Audubon Society | 6,000.00 | 625.00 |
| Perry F. Williams, 225 Main St. Newington, CT 06111 | American Radio Relay League, Inc | 4,937.00 | 3,637.00 |
| Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006 | Rohm & Haas Co | 500.00 | 232.86 |
| Williams & Connolly, 725 12th Street, NW Washington, DC 20005 | Air Transport Assn of America | 16,213.75 | 382.13 |
| Do | National Comm to Preserve Social Security | | |
| Do | Southeast Toyota Distributors, Inc | 2,681.25 | |
| Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004 | American International Group, Inc | | |
| Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420 | Educational Testing Service | | |
| Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001 | American Fed of Government Employees | 1,300.00 | 78.00 |
| Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005 | National Tire Dealers & Retreaders Assn | 1,157.00 | 18.00 |
| Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006 | Amalgamated Clothing & Textile Workers Union | 4,375.00 | 13.00 |
| Scott A. Wilson, 888 16th Street, NW Washington, DC 20006 | American Airlines, Inc | | 8.00 |
| Do | Glaxo Australia Pty, Ltd | | 36.22 |
| Do | Mobil Corp | | 8.25 |
| Do | Trading & Investment Corp | | 490.41 |
| Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062 | Chamber of Commerce of the U.S. | 14,000.00 | 182.97 |
| Wilson Sonsini Goodrich & Rosati, Two Palo Alto Square Palo Alto, CA 94306 | United Microelectronics Corp (UMC) | | |
| Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502 | American Honey Producers Assn | 3,455.00 | 8.00 |
| Do | Barr Laboratories, Inc | 15,931.25 | 9,457.00 |
| Do | Cooper Tire & Rubber Company | 376.25 | |
| Do | CSR, Ltd | 5,172.00 | 50.00 |
| Do | Data Transformation Corp | 1,000.00 | 1,000.00 |
| Do | Federal Intermediate Credit Bank of Jackson | 32,637.50 | 460.42 |
| Do | Mississippi Department of Economic & Community Development | | |
| Do | National Bulk Vendors Assn | 2,362.50 | 2,362.50 |
| Do | Port of Pascagoula (Jackson County, MS) | | |
| Do | Pyropower Corp | 2,500.00 | 2,500.00 |
| Do | U.S. Rice Producers Legislative Group | 5,000.00 | 65.59 |
| Do | Waggoner Engineering, Inc | 4,931.25 | 91.42 |
| Do | Western Peanut Growers Assn | 578.00 | 7.00 |
| Jim Wise Associates, 104 North West St. Alexandria, VA 22314 | Kern County, CA | 7,500.00 | 440.00 |
| Do | Matthews Foundation for Prostate Cancer Research | 3,000.00 | 120.00 |
| Do | National Assn of Credit Management | 12,000.00 | 760.00 |
| Do | San Francisco Bar Pilots Assn | 6,000.00 | 300.00 |
| Shirley McVay Wiseman, 337 11th Street, SE Washington, DC 20003 | | | |
| Cynthia D. Witkin, 1101 17th Street, NW, #600 Washington, DC 20036 | American Airlines | 4,500.00 | 754.60 |
| S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102 | Philadelphia Electric Company | | |
| James Wolf, 1725 K St., NW, #914 Washington, DC 20006 | Alliance to Save Energy | | |
| Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036 | Public Citizen Health Research Group | 138.00 | |
| Harris S. Wood, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036 | Arco Oil & Gas Co | | |
| S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599 | National Assn of Life Companies | 2,000.00 | 7.00 |
| James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618 | Teco Energy, Inc | 16,750.00 | 3,827.81 |
| James M. Wootton, 1146 19th Street, NW, Suite 700 Washington, DC 20036 | Northeast Apple Council | 8,174.00 | 8,174.00 |
| Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300 | | 12,500.00 | 40,465.00 |
| Willard A. Workman, 1615 H Street, NW Washington, DC 20062 | U.S. Chamber of Commerce | | |
| World Federalist Association, 418 7th Street, SE Washington, DC 20003 | | | 6,542.06 |
| World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006 | Greater Buffalo Athletic Corp | 37,500.00 | 1,161.66 |
| W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522 | Southern Company Services, Inc | 2,060.00 | 1,430.00 |
| Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036 | American Insurance Assn | | |
| Do | Browning-Ferris Industries | 10,635.00 | 71.64 |
| Do | Circuit City Stores, Inc | 2,500.00 | |
| Do | Cosmetic Toiletry & Fragrance Assn, Inc | | |
| Do | Hook-SupeRx, Inc | | |
| Do | Intermarine SpA | | |
| Do | Keramont Corp | | |
| Do | Marriott Corp | | |
| Do | National Assn of Temporary Services | | |
| Do | Nutri-System, Inc | | |
| Do | Outdoor Advertising Assn of America Inc | | |
| Do | Trailer Train Co | | |
| Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852 | National Council of Community Mental Health Centers | 16.83 | 253.33 |
| John W. Yago, 5101 River Rd. Bethesda, MD 20816 | American Road & Transportation Builders Assn | 12,195.42 | |
| Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | 8,863.00 | 45.00 |
| Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006 | Florida Sugar Cane League, Inc | | |
| Do | Rio Grande Valley Sugar Growers | | |
| Bruce Yarwood, 1201 L Street, NW Washington, DC 20005 | American Health Care Assn | 23,000.00 | 2,184.03 |
| Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910 | Americans United for Separation of Church and State | 12,201.56 | 79.80 |
| Caryl Yontz, 1625 L Street, NW Washington, DC 20036 | American Fed of State County & Municipal Employees | 11,273.78 | 465.85 |
| Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043 | Brown & Associates | 4,500.00 | |
| Steven L. Zeller, Box 3005 Columbus, IN 47202-3005 | Cummins Engine Company, Inc | | |
| Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036 | | 2,040.00 | 2,909.00 |
| Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703 | Sierra Club | 692.31 | 176.60 |
| David W. Zimmerman, P.O. Box 11898 201 South Main Street, Suite 1800 Salt Lake City, UT 84147-0898 | Parsons Behle & Latimer (For:Energy Fuels) | | |
| Mary Beth Zimmerman, 1725 K Street, NW, #914 Washington, DC 20006 | Alliance to Save Energy | | |
| Zimmerman/Edelson, Inc, 51 Middle Neck Road Great Neck, NY 11021 | New York Coca Cola Distributors Association | 9,000.00 | 5,782.00 |
| W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216 | Nationwide Insurance Companies | 1,000.00 | 1,050.00 |
| Ben Zingman, 1301 Connecticut Avenue, NW Washington, DC 20036 | Brother Industries (USA), Inc | 1,657.50 | 75.00 |
| Do | Brother International Corporation | 1,657.50 | 75.00 |
| Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036 | American Express Co | 6,188.00 | 102.25 |
| Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006 | Westinghouse Electric Corp | 1,200.00 | |

# EXTENSIONS OF REMARKS

## THE GRAND CANYON ILLUSION

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## HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. LIGHTFOOT. Mr. Speaker, I would like to offer the following article on one of our Nation's natural wonders: the Grand Canyon. I hope it will provide food for thought for all Members.

### ENVIRONMENTAL FOCUS: THE GRAND CANYON ILLUSION

(By Joel Rausch)

Could it be possible that the controversies concerning the Grand Canyon have for years been viewed in reverse imagery? Has black been white and white been black in the glass through which we've assessed the merits of the issues?

If you are familiar with the issues and have taken a position, perhaps you might yet see another perspective.

If you are unfamiliar or vaguely so, this writing illustrates yet another example of the power wielded by special interest lobbies * * * the "power of persuasion" that compromises the process intended to benefit the common interest.

America's tourism industry has historically played a supportive role in the nations economy. It is a well worn, reliable path for foreign currency to enter our marketplace. It, like all other endeavors, is simply the timeless practice of man putting his environment to use in order to survive. It is sustenance.

With this in mind, it is time to put the Grand Canyon's environmental issues into perspective by examining the various uses and users, how they are managed by custodial or regulatory agencies, and what, if any, impact they actually have on the Grand Canyon.

For more than the past decade, the Grand Canyon air tour industry has offered but faint resistance to criticism, accusations, and attacks that have proliferated from one of Americas newest industries: "environmental activism."

In an overall ailing economy, this nations aviation industry has suffered continual setbacks, and has precious few bright spots in the predictable future. Not coincidentally, one of these bright spots is tourism in Arizona, at the Grand Canyon.

Recently, "environmental" extremists have renewed their campaign to cripple this industry. Although their numbers are minuscule in the scheme of Canyon visitation and regional population, they are enough in number and possess the proper degree of extremism to be cultivated by organized special interest groups. Groups with powerful Washington lobbies.

Who are the "foot soldiers" in this eco-army? They are a minority of the "area" residents, who comprise less than ⅒ of the 1% of Canyon visitors. They are the individuals, who, on more than a regular basis, hike the back country and raft the river. They are the Grand Canyon "users."

Postured as guardians of the Canyon, their main issues are the elimination of aircraft sound (restoration of natural quiet) within the Canyon, and halting the erosion of the Colorado River beaches. They selfishly regard the Canyon as their personal and exclusive recreational area. Ironically, they are the people whose presence in the Canyon most defiles it.

Like the burro and mule, they are exotic intruders. They physically impact and modify the Canyon's ecological balance. For years they have hypocritically vilified the Air tour industry as a destructive force.

Let's for a turn, examine their use of the canyon. The Colorado River's beaches are being lost to erosion. The Glen Canyon Dam is partly responsible for this. Shouldering the remainder of the blame is the river running industry, whose 165,000 user days result in approximately 20,000 beach withering landings a year. Conservative calculations show 40,000 lbs of sand kicked and shoved into the river each year as relentless side hikes assault flora, fauna, and sensitive archaeological sites. It is estimated that 30–40% of the river trips human bodily waste (which are required to be carried out) is deposited in the delicate side canyons as a result of these hikes.

We should also examine the "back country" hikers. These individuals are compelled to "get away from it all" by descending the canyons remotest trails, drainages, and rivulets. The NPS instructs these users to bury their feces at least 6″ deep, which they do, 30,000 times a year. As a result, the Canyon's ground water systems are steeped with fecal coliform bacteria and the wildlife is disrupted by the lingering repugnancy of the intruder's scent.

The river and trail guide industry is almost non regulated. Guides are not required to hold Federal (USCG/DOT) licenses, and thus are largely immune to meaningful government sanctions against misconduct. They are not required to undergo substance abuse screening and the criteria for alcohol consumption is loosely defined. These users require extensive monitoring and policing by the NPS and in turn are charged a "user fee."

Opposite the "users" in this controversy are the "NON users": America's aviation industry, i.e. the Grand Canyon's air tour industry.

The term "user" implies impact (in this case) on the Canyon, it's ecosystem, the Park, and it's infrastructure. The air tour industry is above all this. They are a "NON user", and as such, answer to the Federal Aviation Administration (FAA). The canyon air tour industry thrives under the most intense, comprehensive regulatory system in place today. Certification for the air tour companies and their personnel is a very strict, exacting, and lengthy process. Pilots and mechanics invest heavily to obtain their federal licenses. They are screened for drug use before and during their employment, randomly, periodically, and for cause. Misconduct or regulatory infractions can result in heavy fines, license revocations, or both. Newly hired pilots with thousands of hours and decades of experience are nonetheless still required to undergo 40–50 hours of ground school and flight training. Thereafter, they are recertified annually with more training and testing. The industry is responsible, accountable, and professional.

It is no coincidence that aircraft are the environmentally preferred means of providing logistical support over, in, and around fragile ecosystems *and* that an exhaustive study by the U.S. Forest Service has conclusively proven that aircraft overflights do not impact wildlife. The concept of "look but don't touch" continues to prove itself in today's environmentally conscious society. The clean, fuel efficient movement of large numbers of people makes a positive contribution to the Park and the overall environment. In spite of this fact, our government bureaucracy listens to unfounded, disproved accusations made against this industry.

Why does the controversy between the users and non-users still exist? There are two reasons: First, there are those who will not compromise, under any circumstances, their call for a total ban on canyon overflights. These are the "user" extremists: the minority of the minority. The people, who in previous public forums on the issue, have appeared dressed as owls, bears, or bobcats, and who have showered attendees with shrapnel as they bludgeoned toy aircraft with hammers. The eccentrics who have taken their position at the podium with live snakes draped around their necks, ultimately having to be escorted from the proceedings as their rancor approached the threat of physical violence. They are devoted disciples of militant environmental author Edward Abbey who condone eco-terrorism and environmental sabotage. These people must be taken at face value.

Secondly, although Special Federal Aviation Regulation 50–2 has reduced aircraft noise in the Canyon by establishing "Flight Free" zones, the regulation might be reexamined.

The inner canyon "users," the air tour industry and most importantly, the Canyon itself, might benefit from a reevaluation of the structure, size and location of "Flight Free" and "Flight Permitted" zones.

Under the present systems, "Flight Free" and "Flight Permitted" zones are adjacent, separated only by a boundary line. The net result is that aircraft operated close to the boundary generate noise well into the "Flight Free" zone. In addition, the "Flight Free" zones are broken up into smaller, less effective units by "Flight Corridors" running through our adjacent to them.

Are there any solutions? One possibility is Simplification. The Canyon is 217 miles long. Divide it into four sections alternating the "Flight Free" and "Flight Permitted" zones. Separate them by non occupancy "buffer" zones instead of imaginary lines.

How can we benefit the canyon in this process? By simply giving the Canyon an opportunity to speak for itself.

Close the back country and limit the use of the rivers beaches in the areas designated for aircraft use. Protect at least a portion of the Canyon from the ravages of human intrusion. In time the canyon will thank us with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pristine groundwater, undisturbed wildlife and vegetation, and most importantly, the standard by which to measure it's overall health.

The Park Service over accommodates the inner canyon user, but leaves the rim visitor short. The primary responsibility of the Grand Canyon National Park Service is to provide "stewardship" for the Grand Canyon. The task has devoured them. Park visitation has steadily increased, doubling in the past decade, yet little in the Park has changed concerning the inadequate visitors facilities and services. Ten years of planning finds them farther behind than when they started. Tens of millions of dollars, master plans, and studies have left the Park visitors locked in traffic unable to park their cars, find a restroom, determine where they are, or how to get where they want to go.

The current annual visitation of 4.3 million translates to over 12,000 visitors per day on average. Some days less, other days more, perhaps three times this number. Regrettably, the latest touted NPS solution to facilitate visitation is to have obsolete steam locomotives make a 55 minute, 17 mile crawl from Tusayan to the Parks train depot, eight times per day. They now want to direct the FAA in managing aviation policy.

The Canyon's role of provider must continue for all concerned. The river, trail, and aviation services have all rightfully come to depend on it. The river running/trail guiding industry is a 35 million dollar a year business with a 10 million dollar payroll. Within this industry, there are dedicated, professional, hard working people. Their continuing prosperity is testimony to the fact, they provide a much in demand quality service. The impact of their activities on the Canyon's ecosystem is tolerable when weighed against the social and economic benefits produced. The Canyon air tour industry produces a 70 million dollar gross income, 52 million of which contributes to offset America's negative foreign trade balance. It provides 1200 regional employees with the spending power of twenty one million dollars. So viable is this industry, that 5 million tax dollars have been spent reworking the Grand Canyon Airport infrastructure as an investment in the continued generation of tax revenues.

The air tour industry is not an environmental problem, but rather part of the environmental solution.

The "mandate" of the NPS describes succinctly the modus operandi: the very essence of the air tour industry. It states that the purpose of each park: "is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The entire air tour controversy is rooted between two methods of park visitation: looking and touching. Those who look, quite simply, annoy those who touch.

As Americans and as stewards of the planet, we must waste no time establishing our environmental priorities. There are too many "corporations" in the "environmental activism" industry whose narrow focus detracts from concerted efforts at broader environmental issues. We must keep watch on an industry, whose misguided purpose is to pamper the furnishings of a house that is on the verge of structural collapse, and whose most significant impact is that of dissolving jobs and employment for thousands of Americans in the process.

Let's act to strengthen the American economy instead of debilitating it. A healthy economy will provide us with the resources to deal with the incipient perils that threaten our planet's air, water, and rainforests.

## A TRIBUTE TO DOROTHY F. ANDERSON

## HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mrs. Dorothy F. Anderson, the newly elected president of the American Legion Auxiliary, Department of Pennsylvania.

Dorothy's association with the American Legion began with her deceased husband, Bernard W. Gorski, Sr., who served in the Army Medical Corps during World War II. It continued with her two sons serving their country in the Vietnam conflict, one of whom unfortunately did not return home.

Dorothy has been a life member of her American Legion unit since 1973. She has held every office in her unit, including president, council president, and many of the chairmanships in council. In 1971, she received the prestigious Chaplain of Four Chaplains Award.

Mrs. Anderson has also generously donated her time and energies to the Philadelphia community. She was the president of the Philadelphia Chapter of Gold Star Mothers, and past master artisan of Philadelphia Assembly No. 1. She has served her church, St. Mary's on the parish council and the finance committee. For the past 3 years she has even served as the assistant grand marshal in the Pulaski Day Parade in Philadelphia.

Mrs. Anderson is a true example of a patriot and model citizen that all Philadelphians can admire. For this reason, I join with the members of the American Legion Auxiliary in saluting Mrs. Dorothy R. Anderson for her dedicated service to the auxiliary and the people of Philadelphia.

## TRIBUTE TO HELEN LIBRETTI

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Libretti, a member of my womens caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of "Women Who Dare To Be Different."

A lifelong resident of the East New York section of Brooklyn, Mrs. Helen Libretti has dedicated the better part of her life toward improving her community.

Despite her roles as wife, mother, and business owner, Mrs. Libretti has always taken an active role in her community when there was a need to help others. Over the past 20 years, Mrs. Libretti has taken on roles that would best enable her to serve the needy in her community. She has been a volunteer for the past 10 years at the St. John Newman School where she served as a librarian's aide and as president of the Home School Association. She has dedicated tireless hours contributing to the campaigns of Assemblyman Darryl Towns and Councilman Martin Dilan, in addition to serving as an elections inspector for many years. As a community activist, Mrs. Libretti has fought a variety of safety and environmental issues.

Currently, Mrs. Libretti is a member of several civic and religious organizations which are community oriented. Mrs. Libretti holds the position of marshall in the Democratic Club of Brooklyn. She is cocaptain of the St. Michael's Church usher board in which she holds the distinction of being its first female member. In addition, during the past 16 years she has been a concerned member of the Reindeer's Organization, which has helped to assist in a variety of social services and housing needs for the elderly in East New York.

Today, Mrs. Libretti takes pride in helping to raise her grandson, Manual, as well as continuing to provide vital services in our community.

## THE MEDIA AND THE PRESIDENCY: A VIEW FROM JERRY MORIARITY

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of Members an article that first appeared in the Arizona Republic on February 5, 1993, regarding Jerry Moriarity, a longtime friend of mine, and an expert on relations between the executive branch and the media.

### MEDIA OFTEN HOUND PRESIDENTS, RETIRED NEWS EXEC SAYS

(By Bruce Ellison)

SUN CITY.—Arrogant second-guessing by the press has made the work of the nation's last several presidents extremely tough, according to a longtime newspaper executive.

Jerry Moriarity, who made news himself in the mid-1970s when he wrote a widely reprinted editorial defending Richard Nixon in the midst of the Watergate scandal, covered 10 presidents during his career, and interviewed and photographed nine of them, he said Monday.

"Sometimes I think the laws give the press more power than the president," Moriarity told about 60 people at the Lifetime Learning Center of Arizona State University.

"Presidents in 'good wars' fare much better with the public and the press," Moriarity said. "A lot is swept under the rug" in those administrations, he said.

But president in peace time, or during unpopular wars, are subject to much more scrutiny, and have a much tougher time governing as a result, he said.

"The things that are said or done (by such a president), or left unsaid or undone, are subject to arrogant second-guessing" by the media, Moriarity said.

"I'm not sure how any president survives that scrutiny and keeps from going off the deep end."

As examples, he cited Lyndon Johnson, a Democrat whose power grabs went unchallenged, while almost every move of the Nixon administration was scrutinized.

It was Johnson who got the United States mired in Vietnam, Moriarity said, and Nixon who got the nation out—yet Nixon caught all the flak.

For a more recent example, said the retired publisher, who worked at medium-size daily papers in Wisconsin, Illinois, Minnesota and Iowa, "consider how the media have treated Lloyd Bentsen, the new treasury secretary.

"When Bentsen ran for vice president along with (Michael) Dukakis four years ago, he gave up all his memberships in country clubs that didn't accept racial minorities," Moriarity said.

"But what hasn't been reported is that after he lost and went back to being a senator, he quietly rejoined several of those clubs, and when he was nominated for treasury secretary, nobody even mentioned it."

Moriarity suggested that nobody mentioned it because Bentsen is a Democrat, and most media reporters and front-line editors lean favorably toward Democrats, even though editorial writers tend to favor Republicans.

In fact, Bentsen was approved for the post by a Senate committee vote taken before he even appeared and testified, according to news reports.

Drawing on his four decades of experience with presidents, Moriarity drew brief portraits of them for his audience.

The ideal president, he said, should be feisty, popular, charismatic and powerful, yet retain a proper sense of decency, astuteness, ethics and vision.

He should also have good intuition, Moriarity said, although sincerity isn't really necessary.

"As for Bill Clinton, it's a little early to judge," the retired news official said. "He must coalesce the disparate elements in his party and he's already in trouble with that.

"He's developed an enemies list, he's ignored Senator (Patrick) Moynihan (a New York Democrat and head of the Finance Committee) and he's been downgrading his vice president, Al Gore."

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MORIARITY'S VIEW OF 9 PRESIDENTS HE'S MET

(By Bruce Ellison)

To Jerry Moriarity, a retired newspaper executive who has interviewed the nine presidents before Clinton, each had different strong points.

Here's how Moriarity sized them up at a lecture in Sun City:

Harry S. Truman: "Feisty decisiveness and directness, plus colorful language in his speeches made him one of the more remarkable presidents."

Dwight D. Eisenhower: A man of great dignity, highly popular, and, despite press criticism that he accomplished little, a man of activism. "It was he who sent the troops to Little Rock, and he who developed the interstate highway system."

John F. Kennedy: "His commanding presence brought humor and grace to the White House. He had charm and youth and vigor, and was inspirational and charismatic, though somewhat ineffectual," as the Bay of Pigs invasion showed.

Lyndon B. Johnson: "One word describes this man—power." He had power and knew how to use it, "but he was such a crude individual . . . a coarse and crass arm-twister."

Richard M. Nixon: "Highly astute in foreign affairs. He hurt himself more than he hurt the nation when he got involved in Watergate." History may judge him differently in a few decades.

Gerald Ford: "Decent. In a no-win situation, he did the best he could."

Jimmy Carter: "Highly ethical and well-intentioned, he was intelligent but insecure and he soon became a victim of his own anti-Washington platform."

Ronald Reagan: "Highly intuitive, capable of making judgments based on his gut instincts and being right. A finely honed communicator, and friendly; few could dislike him personally."

George Bush: "His dream was a kinder and gentler America, and they called him a wimp. But this 'wimp' rallied the nation and the world in the gulf war and in Somalia, used the U.N. well, and forged strong new alliances."

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## TRIBUTE TO NORMAN PELL

## HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. WAXMAN. Mr. Speaker, I ask you and my colleagues to join me in saluting Norman Pell, who will be honored on March 24 by the Federation of Jewish Men's Clubs and the Men's Club of Sinai Temple of Los Angeles.

Norman Pell, a graduate of the college of the city of New York and a veteran of the Air Force, is being honored for his years of service as a member of the board of directors of Sinai Temple and its executive committee. He is also being recognized for his stalwart support of the temple's daily prayer services in which he frequently participates as the Baal Koreh, chanter of the prescribed Scriptural reading.

Mr. Pell and his wife, Marilyn, will soon celebrate their 50th wedding anniversary. They are the proud parents of Sandra and Barbara and the proud grandparents of three grandchildren.

Norman Pell has always found time for synagogue and community activities. He has enjoyed a long and successful business career, primarily as an executive with Litton Industries. I ask my colleagues to join me in recognizing Mr. Pell for his dedication and commitment, and in wishing him good health and happiness in the years to come.

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## DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION ACT

## HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MONTGOMERY. Mr. Speaker, I am today introducing H.R. 1032 the Department of Veterans Affairs Employment Discrimination Act, legislation which will reform and significantly improve the procedures used by the Department of Veterans Affairs to resolve complaints of unlawful employment discrimination, including informal and formal complaints of sexual harassment in the VA workplace.

As a result of an important hearing conducted last September by our Subcommittee on Oversight and Investigations, which examined sexual harassment in the VA workplace, the Veterans' Affairs Committee learned that real and potential conflicts-of-interest exist at every level of the process used today by VA to resolve complaints of unlawful employment discrimination.

The reforms provided in the legislation which I and 28 of my colleagues are introducing today are intended to eliminate these conflicts-of-interest and provide fairness, objectivity and impartiality in the procedures used by the Department of Veterans Affairs to resolve employment discrimination complaints.

Since the procedures used by other Federal agencies are not within the jurisdiction of the Committee on Veterans' Affairs, the legislation we are introducing addresses only the procedures used by VA to resolve employment discrimination complaints. The committee has not attempted to determine if the problems which undermine the EEO process in VA today, which include lack of employee confidence in the process and real and perceived conflicts of interest, also exist in other agencies.

Under current procedures, a VA employee or an applicant for VA employment who believes she or he has been subject to unlawful employment discrimination is required to seek out and consult with a VA equal employment opportunity counselor within prescribed time limits prior to filing a formal complaint of discrimination. After being contacted, the VA equal employment opportunity counselor is expected to inquire into the facts of the matter and attempt to foster an informal resolution of the perceived discrimination. In theory, through this process, acts of alleged employment discrimination may be brought for the first time to the attention of local facility managers who can aid in the informal resolution of alleged incidents of employment discrimination, including sexual harassment.

In VA, equal employment opportunity counselors are appointed by and serve at the pleasure of the local facility director, who also serves as the principal equal employment opportunity officer of the facility. In VA the responsibilities associated with being an equal employment opportunity counselor are collateral duties; they are in addition to the primary job responsibilities of the employee/counselor who is ordinarily a full-time VA employee.

Unfortunately, according to the testimony presented to the committee by VA employees who were victims of sexual harassment in the VA workplace and information subsequently provided by the VA Office of Inspector General, at some facilities VA equal employment opportunity counselors—who are the initial point of contact for the persons who have experienced unlawful employment discrimination—have not been available to provide necessary counseling to discrimination victims, have not attempted to informally resolve alleged acts of discrimination, have discouraged employees from making a formal complaint of employment discrimination, and have not received adequate training in equal employment opportunity counseling.

By virtue of being appointed by and serving at the pleasure of local management, counselors are perceived by some employees as lacking objectivity, impartiality and needed independence. As a result of this perception and employee fear of subtle or pronounced retaliation or reprisal by management if an informal or formal complaint of discrimination is made, the committee believes employees who may have experienced employment discrimination, including sexual harassment, have failed to contact an EEO counselor and report the alleged discrimination. Unfortunately, because employees have been scared silent in some cases and have taken no action to stop or prevent the unlawful employment discrimination which they experienced, other VA employees have subsequently been sexually harassed by the same offender.

While VA officials note that relatively few formal complaints of sexual harassment are made annually by employees, testimony given before the Veterans' Affairs Committee strongly suggests a serious problem which may be substantially underreported and underrecorded. In fact, VA today does not systematically maintain information on informal complaints of sexual harassment and recordkeeping on informal complaints is haphazard at best.

When a complaint of unlawful employment discrimination cannot be resolved to the satisfaction of the complainant, a formal complaint may be made to the Department. Again, in theory, formal complaints are expected to be rigorously and fairly investigated and the facts of the matter determined. But like VA EEO counselors, VA equal employment opportunity investigators, according to information presented to the committee, have not received adequate training in the conduct of equal employment opportunity investigations, may not have acted with independence, objectivity, and impartiality, and may have discouraged complainants from continuing to pursue resolution of alleged employment discrimination.

Sexual harassment can be extremely costly to both the employee victim and the employer. Sexual harassment creates a hostile work environment and results in increased absenteeism, lower productivity, and higher employee turnover. As a direct result of sexual harassment, conscientious, highly skilled, committed, and capable employees can become fearful of the workplace and unable to perform their customary duties, and in some cases, may become unable to work at all.

In the strongest possible terms, I want to encourage the new leadership of the Department of Veterans Affairs to undertake a comprehensive program of employee education and awareness so that all VA employees are fully informed of the Department's standards of conduct, the unacceptability of behavior which constitutes sexual harassment and the consequences of this type of discrimination.

In addition, all VA employees must be made aware of the opportunity to report and seek resolution of perceived unlawful employment discrimination. Only when employees are made fully aware of the opportunity for recourse and have confidence that fair, objective, and impartial resolution is available to them, will they make full use of these procedures.

Sexual harassment must not be tolerated in the VA or any other department or agency of the Federal Government. With 260,000 employees, 57 percent of whom are women, VA is the Federal Government's second largest employer. It should be a model for other agencies and departments to emulate.

The goal of this legislation is to restore employee confidence in the integrity of the process used in VA to resolve complaints of unlawful employment discrimination. In my opinion, this is the needed medicine to effectively treat what appears to be a serious illness in the American workplace.

A summary of the bill is attached:

SUMMARY

The bill would:

Establish an independent office in the Department of Veterans Affairs to handle all complaints of discrimination, including complaints of sexual harassment.

Assign a permanent staff of trained EEO counselors to the new Office of Employment Discrimination Complaints Resolution (OEDCR) to assist in impartial and speedy resolution of informal complaints.

Assign a permanent staff of trained investigators to OEDCR to investigate and prepare reports in cases where formal discrimination complaints are brought against the VA.

Assign independent and unbiased administrative law judges to determine whether a complaint should be investigated, review the adequacy of investigations, conduct hearings, and make final decisions on complaints.

Allow a review of the administrative law judge's final decision by the EEOC's Office of Federal Operations or, in the case of a decision adverse to an employee, by an appropriate federal district court.

Effect of changes made by the bill:

Allows the key person in the informal complaints resolution procedure, the EEO counselor, to be an "honest broker" between aggrieved employees and managers.

Gives the EEO counselor independence from local managers.

Requires that the EEO counselor be trained prior to assignment.

Better supervision of counselors would help to remedy some of the shortcomings in record-keeping identified in a recent Inspector General review of EEO counselor performance.

Assignments of EEO counselors would be based on needs of employees at a particular facility.

Provides that investigators will investigate formal complaints to which they are assigned as their sole function.

Current practice is to train employees to investigate complaints on an intermittent or "as needed" basis. These are employees assigned to regular duties in the VA who must take administrative leave from their current jobs to conduct investigations.

A cadre of full-time employees who are trained professionals should make the process fairer and more efficient.

Assigns the Secretary's responsibility for agency decisionmaking to impartial administrative law judges.

Administrative law judges (ALJs) are widely used throughout the Federal government as impartial factfinders.

They would be required to have the same substantive expertise in employment discrimination law as agency attorneys who now prepare the Secretary's final decision.

ALJs are protected from pressure from agency officials by statutory provisions administered by OPM concerning their hiring, salary, and tenure.

With one exception, works with existing laws and regulations governing the handling of complaints of discrimination by government employees.

The exception is a change to the current procedure whereby an employee who files a formal discrimination complaint has a right to request a hearing by an administrative law judge assigned by the EEOC. The bill requires the mandatory use of agency ALJs throughout the decision-making process, including all hearings. This is intended to assure agency impartiality and also to increase agency responsibility for the entire discrimination complaint resolution process, which is often delayed to the detriment of complainants and management officials.

## TRIBUTE TO REV. DR. CORNELIUS F. RANGE III

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to pay tribute to Rev. Dr. Cornelius F. Range III, a newly elected vice chief justice of the First Judiciary Board of the Church of God in Christ. The Reverend Dr. Range is a minister, a husband, a father, and a leader. He has served his church for 60 years as a humble servant of God, and a devoted pastor of 3 churches in Boston, MA, Newark, NJ, and most recently, in Chester, PA, at the Range Temple.

Reverend Range is the son of the late Bishop Cornelius Range II, former overseer of the jurisdiction of the New England States for the Church of God in Christ. His mother, the late Lovie E. Range, was the Eastern States supervisor of women. Reverend Range is married to Sandra Lee Rupert Range. They are the proud parents of two children, and four grandchildren.

The Reverend Dr. Range began preaching at the age of 4, and was ordained to the eldership of the Church of God in Christ on May 21, 1946. Dr. Range is a church historian, theologian, and scholar. He is the writer and editor-in-chief of the Church of God in Christ Official Manual, containing the churches official doctrine and discipline.

The Reverend Dr. Range has touched the lives of many through his faithful service of God. His dedication to helping those who are poor, sick, without hope, or addicted to drugs and alcohol has earned him the respect and admiration of his church and his community. I join many in saluting Dr. Range as he moves forward to further serve God.

## TRIBUTE TO PHYLIUS A. BURKS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Phylius A. Burks, a member of my women's caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of "Women Who Dare To Be Different."

Ms. Burks is a native Virginian who has resided in the Bedford-Stuyvesant community for 32 years. Ms. Burks is a graduate of Brooklyn College with a master's degree in public administration. She is a precinct administrative supervisor for the New York City Police Department, and has been employed by that agency for 18 years. A member of Berean Missionary Baptist Church, Ms. Burks' other affiliations include membership in the Coalition for Community Empowerment, 100 Women for Congressman MAJOR OWENS, the Guardian Association, and the Simmons Collection African Arts Museum.

Ms. Burks was elected from my congressional district as an alternate delegate for Jesse Jackson at the 1984 Democratic National Convention. For the next 4 years Ms. Burks was president of V.I.D.A. She presided over a visionary membership which created a junior, organization with the purpose of educating and mentoring young people so that they may be fully prepared to participate in government.

## SALUTE TO ELIZABETH P. WRIGHT

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. POSHARD. Mr. Speaker, I rise to offer a fond farewell to ElizaBeth P. Wright my administrative assistant of 4 years who is leaving my office at the end of February to bring a new child into this world.

There is no way to overstate the contribution she has made to my office and to my life both personally and professionally. I have had the pleasure to know Beth since she was a child attending the First Baptist Church in Carterville, IL, where her father Joe Bob Pierce was my pastor. She comes from one of the finest families I have ever had the privilege of knowing. Their love for Beth and the support they have given her have helped her earn great distinction as a public servant for the people of Illinois and this country, in the Illinois State Legislature, U.S. Senate, and U.S. House of Representatives.

When I came to Congress in 1989, quite frankly, I needed help. I needed someone with an understanding of the way Congress works, but someone who also shared my love for the people, customs, and landscape of southern Illinois. I needed someone who could organize a new office and get a project in an appropriations bill, but also someone who knows what a Saluki is and how to really pronounce Vienna. I needed someone who could put in the 14-hour days and leave at the end of the day with not just a smile on her face but a real sense of satisfaction about having accomplished something on behalf of the people we are privileged to serve. Beth was the only person who could take on that responsibility.

In the course of her time in my office, we have faced a lot of challenges, and Beth has helped me face each and every one with trusted advice and wisdom. Whether developing the project list for the 1991 Highway bill or surviving the tumultuous redistricting process, Beth has always maintained her poise and performed with grace under pressure.

She and her husband Kevin, whom I have also come to know and care for very much, will soon share the joy of the arrival of their first child. It is probably the only circumstance under which I would allow Beth to leave, but knowing what wonderful parents she and Kevin will be, our office has no choice but to look past our loss and thrill in the expectation of what is yet to come.

Beth, take with you our thanks and gratitude for a job well done, our best wishes for a full and happy life, and the security that you can always call upon us friends and consider this office your own.

## TRIBUTE TO MR. RICHARD KUMPF

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the wonderful work of one of my constituents, Richard Kumpf.

In 1987, Mr. Kumpf completed 25 well regarded years with the Internal Revenue Service. Additionally, his service to the community, both before and after his retirement, is exemplary, and deserves to be commended.

At this time, I would like to insert into the RECORD an article by Pat Pearson of the Peoria Journal Star entitled "He was a tax man who was not abrasive," which describes the outstanding work of Richard Kumpf.

PEKIN.—Agents for the Internal Revenue Service are subject to negative public opinion. In his 25 years with the agency, Richard O. Kumpf avoided most of that.

"Some agents are very abrasive, but I never thought that was the way to go," said the philosophic former tax man. "I never got any threats."

He did get two complaints that he recalls. A doctor addressed one against him to President John F. Kennedy. It was returned.

An aggravated lady wrote to her senator. Kumpf's assessment of her expected tax bill led her to withdraw savings to cover it. She blamed Kumpf because she then spent that money before the actual bill arrived.

Service was his role for 17 of his IRS years. He was the only agent between Chicago and St. Louis to monitor tax-exempt (nonprofit) organizations including farm co-ops and pension plans.

Activities of those organizations may not compete with a private business. For instance, selling a cookbook as a onetime fundraiser is allowed. He had to help one group see that selling cookbooks year-round in a bookstore requires filling out a 990-T (tax) form instead of their usual 990 informational form.

Every year since his retirement in 1987, Kumpf has been employed during late winter and early spring. He does tax and accounting work in the office of Faye A. Childress, Certified Public Accountant, 403 S. Eighth St., Pekin.

Kumpf prepared for his role with numbers by majoring in accounting at the University of Illinois. He was the first man to receive a master's degree in business administration from the University of Colorado at Boulder.

Pekin has been Kump's home except for college years and some time spent working in San Francisco. He was stationed in Texas and Oklahoma for three of his years in the Air Force. He enlisted in 1953 during the Korean war.

His first year in service was on the five-mile-long and three-mile-wide island of Iwo Jima. Getting there required his first plane trip. Everyone on board exited safely down emergency chutes just before the plane caught on fire. He still looked forward to traveling.

Retirement from the IRS at age 56 has given Kumpf leisure time to visit Europe four times and make trips all over the U.S.

"I do love traveling because of the people you meet. It's part of my philosophy that no matter the color of skin or the language you speak, we're all the same. Until you meet them, you don't realize it. You'd be surprised how many people from other countries you meet visiting the U.S.," said Kumpf.

"You should always be learning as long as you live" is another part of Kumpf's philosophy of life. His next travel plan is an elder hostel program in Arizona. Such programs are for people over age 60 to gain more knowledge and exposure to the world by attending short seminars and classes on college campuses. Reasonable fees include room and food.

Kumpf will himself be a leader for a discussion group relating to American classic musicals. Illinois Central College is to be a site for that and other special interest topics developed by the U.S. Council on Aging. The starting date has not been announced.

One of his regrets is that he has so many interests that he could never live long enough to follow through on all of them. He enjoys time with his mother and two married sisters who live in Pekin.

Music of all kinds, except hard rock, is a listening pleasure for him. Country is a favorite that leads him to Branson, Mo. frequently. But he maintains a subscription to Rolling Stone magazine.

Reading is his special interest. His usual pattern is to alternate fiction such as mysteries with non-fiction such as history and politics. Instead of building his personal library, he donates most to Pekin Public Library.

Pekin YWCA Student/Tutor Adult Reading was a natural outreach for a man interested in people, learning and reading. He has had four years as a volunteer tutor and is now helping train new tutors.

"I have been tremendously gratified by the response of the people I have tutored over these four years. They appreciate what we do. This program has brought home how important being able to read is. (Reading) is one of the basic tools in our society," said Kumpf.

STAR was not Kumpf's first teaching effort. Since 1968, he has taught Sunday school classes for children as young as age 3 and numerous ones for fifth grade through junior high. Now the lifelong bachelor teaches one for ladies of middle age and up.

St. Paul United Church of Christ has also had Kumpf's services as Sunday school superintendent and treasurer of various groups. He is treasurer for Sunday school and the daycare program, St. Paul Wonderland.

"I am a religious man, and I do a lot for my church," said Kumpf, who lives out his spiritual convictions. "You cannot get through this life without an anchor. Reason alone will not solve all your problems."

He is president of the Central Illinois Chapter of the American Lupus Society. People he knows face the daily challenges of the illness.

Lupus is a disease of the immune system that can mimic symptoms of various diseases, making diagnosis and treatment difficult. Cause and cure are not yet known. The annual tag day fundraiser is over, but donations can be mailed to the local chapter at P.O. Box 791, Pekin.

Richard O. Kumpf says, "I am a happy person, a lifelong devotee of Mr. Norman Vincent Peale's 'Power of Positive Thinking' and how it can give you a happy outlook on life, an inner contentment. It's not that I don't realize the problems in the world, but I do have a positive outlook.'

## TRIBUTE TO SIDNEY BURKE OF CALIFORNIA

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. WAXMAN. Mr. Speaker, I ask you and my colleagues to join me in saluting Sidney Burke, who will be honored on March 24 by the Federation of Jewish Men's Clubs and the Men's Club of Sinai Temple of Los Angeles.

Sidney Burke, a native of New York, enjoyed both a classical Judaic education and a secular education. A member of Sinai Temple since 1977, he has long served the community as a member of the temple board of directors and as a gabbi, liturgical coordinator.

Sidney Burke and his wife, Ruth, are the proud parents of Larry, a teacher, and Nan, a law student, and the proud grandparents of two grandchildren. The Burkes are all active in various philanthropies of the Jewish community and the larger society.

Sidney Burke exemplifies the values of American democracy and the emphasis on community involvement stressed in Jewish tradition. I want to express my gratitude to him for his devotion to our community and to wish him good health and happiness in the future.

## TRIBUTE TO MARIE E. PURNELL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to salute Marie E. Purnell, a member of my women's caucus who will be honored this year as exemplifying our theme, Women Who Dare To Be Different.

Ms. Purnell has demonstrated that with vision and determination you can achieve your personnel ambitions. She has worked in the banking industry. While employed by Chase Manhattan Bank of New York, Marie successfully completed several courses at the American Institute of Banking which aided her in achieving positions of ever-increasing responsibility at the bank. At the time of her retirement, in 1968, she was assistant treasurer. This progress up through the ranks serves as testimony to her dedication to hard work and perseverance. She was in charge of the special events department of the bank, a position that required her to schedule conferences for the bank's clients from all over the world.

Ms. Purnell's greatest community achievements began in 1976 when she accepted the position of building representative with the Starrett City Tenants Association. Currently, Ms. Purnell is the president of the tenants association at Starrett at Spring Creek, representing over 5,000 families; second vice president of the Starrett City, Spring Creek Lions Club; executive member of Basic Black, an organization which was established to encourage and support African-American cultural awareness; a member of the Pool Club Advisory Board at Starrett; and a member of Community Planning Board—District 5, Brooklyn.

It is with great pride that I salute this tireless worker for the betterment of humanity: Marie E. Purnell.

## TRIBUTE TO THE FIRST AFRICAN BAPTIST CHURCH IN SHARON HILL, PA

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to pay to pay tribute to the First African Baptist Church as it celebrates its 90th year of service to the community. The First African Baptist Church was founded in 1902 with eight members, and has grown to become one of the largest black Baptist churches in the area.

The church is to be commended for becoming a bastion of Christian values and a model of outreach activities such as the sponsorship of Camp Hope and the Boy Scout programs. The church has additionally served its community by establishing the first and only Federal Credit Union in the area.

The First African Baptist Church has taken on a leadership role in education as well by establishing the very successful B.W. Watkins Scholarship fund. Seeing deficiencies in some programs of the southeast Delaware County school district, the church, through the leadership of the Pastor Richard A. Dent and other officers and members, began the process of establishing a continuing tutorial program to keep its students on the path to educational excellence. In further efforts to emphasize its commitment to the education and well being of youth, the church also instituted a Headstart Program.

I join many people in paying tribute to the First African Baptist Church as a vital and inspiring presence in the community, and offer best wishes for the perpetuation of its service to God and humanity in the years to come.

## DISABLED AMERICAN VETERANS EXTEND CHALLENGE TO ALL SPECIAL INTERESTS: STEP UP TO THE TASK AT HAND

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MONTGOMERY. Mr. Speaker, as chairman of the Veterans' Affairs Committee, I have been granted a wonderful privilege to serve a select group of our citizens, those who have done the most to make our Nation strong and free. Today, I was eloquently reminded why my job is such an honor, and I have never been prouder of the special constituency I serve.

Members of the House and Senate Veterans' Affairs Committees gathered in the Cannon Caucus Room this morning to receive the legislative priorities of the Disabled American Veterans for the 1st session of the 103d Congress. I have never heard a more moving or persuasive statement presented to the joint committees.

The presentation was made by the National Commander of the Disabled American Veterans, Joseph C. Zengerle of Bethesda, MD. Joe is a disabled Vietnam veteran. Following his graduation from West Point, he was commissioned in the infantry where he qualified as an airborne ranger. In Vietnam, he served as special assistant to the United States commander, General Westmoreland, and as a unit commander in I Corps, during which he received the Bronze Star. Joe served as assistant secretary of the Air Force from 1979 to 1981. For the past several years, he has been a very successful attorney with a distinguished international law firm here in Washington.

While stressing that our veterans' programs are not at the root of the deficit, Commander Zengerle expressed veterans' willingness to assume their fair share of the deficit reduction burden. After all our veterans have done on and off the battlefield, after all the sacrifices they have made and the wounds and disabilities they have suffered, they are willing to do more to help their country.

I urge each of my colleagues to read and contemplate Commander Zengerle's statement. His words exemplify why we owe so much to those who have answered the call to arms, and especially to those who have sustained disabilities in service to America. Quite simply, Mr. Speaker, if every special interest group in the country were to take the unselfish position that DAV and other veterans' organizations have assumed, America's economic problems would soon be resolved.

STATEMENT OF JOSEPH C. ZENGERLE, NATIONAL COMMANDER, DISABLED AMERICAN VETERANS

Mr. Chairman and members of the Veterans Affairs Committees: On behalf of the over 1.4 million members of the Disabled American Veterans (DAV) and its Women's Auxiliary, I am honored and privileged to appear before you today to discuss issues concerning the best interests of our nation's wartime-disabled veterans and their families.

To those of you who are returning to service on the Veterans Affairs Committees, and to those who are embarking on such service, we in the DAV greet you at the eventful outset of this, the 103rd Congress of the United States. In the words of Maya Angelou: "On the pulse of this new day we say, very simply, with hope: Good morning."

Mr. Chairman, I am acutely aware of the heavy responsibility to act as a spokesman for veterans at such a time in our nation's history, and informed tribunals should know the bias of their witness. In that respect, I am grateful to have had an opportunity to have known and admired Chairman Montgomery for many years, and to have had several recent occasions which have made me "look up" to Chairman Rockefeller, too.

Our family—and I am glad that my wife Lynda and our younger son Tucker are with me today—are ordinary people who have enjoyed the unique benefits of American citizenship. My father was a sergeant in the Army during World War II; I went to West Point. Lynda's father, who was born in Russia, remembers Cossacks chasing him on horseback; Lynda wanted to be a lawyer. After I returned from Vietnam, we went to law school together, and graduated with the help of the VA's vocational rehabilitation program.

Today, Lynda is an immigration lawyer, and is touched daily by persons who seek to enjoy the freedoms of our great country. For my part, over 15 years ago, on the way to becoming a Washington lawyer, I found identity as a veteran. I was outraged by the treatment accorded the young men and women who served in Vietnam in altruistic defense of those freedoms for others. My advocacy for veterans, in volunteer work and as a lawyer, has, if anything, grown over the years. I have been deeply enriched by the opportunity to try to convey the concerns and aspirations of my fellow veterans to officials whose decisions will affect their lives.

Our nation stands in the midst of dramatic change and challenge, both at home and abroad. We must be led in a direction that carries the potential for progress and hope for us, and for our children.

Abroad, we have seen the demise of a communist philosophy that has been the antithesis of the institutions and ideals cherished by Americans. But, while this threat to our country's security has been largely removed, it has left in its wake an emerging array of long-suppressed ethnic hatreds, regional divisions and economic chaos * * * a series of challenges that, in some respects like nuclear proliferation, may even rival those of the Cold War era.

Nevertheless, and particularly for those of us before you today, the unifying principle of a generation—our steadfast opposition to our major adversary in a bipolar world—is gone. Now, in a multipolar world in which our foreign orientation is less clear, we seek a new direction, one which has become increasingly clear.

At home, we face a crisis that can no longer be ignored. As we struggle to emerge from a devastating recession, we must put our fiscal house in order. In plain language that every head of household in this country can understand, we as a nation, can no longer continue to spend beyond our income.

Priorities have to be set and painful, unpopular decisions have to be made. All of us who occupy positions of leadership for various constituencies—in my case, veterans disabled in military service—must face the inescapable conclusion that parochial concerns, though vigorously pursued and advocated, cannot be controlling as we address the related questions of our economic health and the federal deficit.

Indeed, if there was one resounding message sent to decision-makers here in Washington last November, it was: no more gridlock. All leaders are being asked to act with candor, courage and fairness.

Mr. Chairman, I hope my remarks reflect that message this morning.

I speak on behalf of a segment of our population—disabled veterans—to whom our country owes an unquestioned obligation. I shall call for fair treatment and I will demonstrate that while our system of veterans' benefits and services certainly depends upon the support of the American taxpayer, it should not be regarded as a rising expenditure that has fueled the budget crisis we face. And I will do so in a context that clearly indicates disabled veterans continue to be willing to sacrifice for their country, just as they did when they served under our flag in uniform.

Initially, I would elaborate on the principle of fair treatment, of equitably sharing the responsibility to brighten our future.

Mr. Chairman, last spring the Washington Post published a revealing chart, compiled by the Congressional Research Service (CRS). Entitled "Social Welfare Programs," it displayed federal outlays in constant 1991 dollars for six major categories of domestic spending over the past 26 years. I have attached a copy of that chart to my statement, as I did in my statements before the Democratic and Republican Platform Committees last year.

To us, the conclusion revealed by the chart is dramatic.

During a time when expenditures for other federal programs were increasing at an extraordinary pace, the cost of veterans' benefits was held to a virtual straight line.

For over a quarter of a century, while meeting the needs of aging veterans from World War I, World War II and Korea, and new veterans coming out of Vietnam—our country's longest and most costly war—the Department of Veterans Affairs (VA) and all of its programs were continually required to do more with less. Certainly by comparison, federal expenditures for veterans cannot be viewed as anything but a model of fiscal restraint.

Other data drive this reality home. For example:

In 1975, at the end of the Vietnam War, the cost of VA benefits represented 5 cents of each tax dollar. Today that figure stands at 2.4 cents.

Of the estimated $939 billion that will be spent on health care in this country in 1993, the VA will spend $14 billion * * * less than 1.5 percent of the total.

In 1992, federal spending for entitlements totalled $717 billion. The $16.5 billion spent for VA disability compensation and pensions for needy veterans represents 2.3 percent of that figure. And, according to the CRS, spending for these same benefits will still be $16.5 billion in 1996 due to attrition by death.

Mr. Chairman, in underscoring the fact that veterans' programs have not fueled our deficit problems, my purpose is not to introduce a basis for claiming "sacred-cow" status, even though advocates for other federal beneficiaries have done so with, in our opinion, far less justification. But I do wish to emphasize our view that VA expenditures do not deserve to be included among these entitlements at the root of the deficit. The veterans of this country have every right to expect that their benefit programs shall be required to assume a fair share of deficit reduction that is in direct proportion to the contribution to deficit causation—but no more.

Proceeding from that fundamental premise let me first state that moving forward on one of the premier issues facing the VA today—reform of its health-care system—is not only essential to the interest of veterans, but also inexorably linked to our national effort to control health-care costs while providing coverage to all Americans.

The health-care imperatives for the VA—the delivery of accessible, high-quality care at affordable costs—mirror our national objectives. Furthermore, we in the veterans' community are now in a position to move forward on health-care reform and create a bow wave that is entirely compatible with the national goal.

Much of the groundwork has already been laid.

The VA's Commission on the Future Structure of VA Health Care, after a two-year effort, produced a series of recommendations aimed at simplifying and improving access to care, encouraging sound practices, and, most importantly, authorizing new VA-Department of Defense (DOD) sharing and reimbursement mechanisms.

New leadership in the VA, under White House guidance, has made veterans' health-care reform a priority. At this point, let me not fail to acknowledge the new Secretary for Veterans Affairs, Jesse Brown. We in the DAV have great confidence in the new Secretary given his previous career of more than twenty years as one of DAV's executives. That is not to say that we expect always to agree with Jesse, or that he will agree with us, but we know we will always share a dedication to veterans service.

At least the same preparation for decisions can be said to exist here in the Congress. Your Committees are ahead of the curve on this issue given your years of study and oversight, and your commitment and leadership are unquestioned.

Finally, for the first time a consensus has been achieved among the major veterans' service organizations. The American Legion, the Veterans of Foreign Wars and our own organization, in an unprecedented, cooperative effort, have reached agreement on critical elements that we believe are essential to health-care reform and consistent not only with the needs of the VA and veterans, but also with those of all Americans.

In general, these critical elements are:

Access to care, envisioning a core-entitled group consisting of all service-connected disabled and low-income veterans, and a general eligibility group consisting of all other veterans;

Scope of care, envisioning the provision of services provided to each group with a heavy emphasis on a full continuum and new modalities of care; and

Funding of care, envisioning Congressional appropriations for the core group and other federal and nonfederal reimbursements such as Medicare, CHAMPUS, private insurance and VA buy-in benefits for those outside the core group.

These elements are both innovative and controversial. But innovation is required if we are to fashion a system that is at once stable but flexible, to meet ongoing as well as changing needs. And controversy, while certainly not required, seems unavoidable. There will be those, for example, who resist the idea of greater sharing between the VA and DOD health-care systems. The same is true of reimbursement for the VA treatment of Medicare-eligible veterans.

As to controversy, the potential for economies of scale in VA-DOD sharing, and for less expensive federal expenditures in reimbursements, in our view, far outweigh the objections. Adherence to familiar procedures and prerogatives cannot stand as obstacles when, in fact, resistance to change has been a major factor underlying legislative gridlock.

Mr. Chairman, I call upon your Committees to lead the way for veterans' health-care reform. We have the opportunity to propel the VA system forward in a cost-effective fashion that will ensure its continued independence and help lead the way to the development of a sound national health-care policy for all Americans. We stand ready to assist you, as we may be able.

In addition to health care, the other major concern of our veteran population in today's atmosphere of fiscal constraint and deficit reduction is the fate of their entitlement programs. As I have indicated, VA entitlements pale in comparison to the total outlays for all such programs.

Further demonstration that VA entitlements do not contribute to the deficit's rate of growth is embodied in our offer that America's disabled veterans would gladly accept a uniform freeze of all entitlement-program spending at fiscal year 1993 levels. Since the attrition rate affecting the disability compensation rolls far exceeds the number of new recipients, the compensation program was able to absorb the most recent three-percent cost-of-living adjustment (COLA) authorized without a rise in overall program expenditures. If all other programs could make this same claim, our deficit dilemma would be significantly less. Despite this fact, and notwithstanding the special claim of service-connected entitlements, the veterans of this country do not expect, much less demand, that they be exempted from deficit-reduction efforts. What they do expect, and what they have every right to demand, is simply this:

If—and this is a big if—exceptions are to be made, then programs for service-connected disabled veterans have every right to be among them. However, if every category of entitlement spending—including Social Security benefits—is to share a portion of the burden, then our nation's veterans are willing to assume their fair share.

Mr. Chairman, the economic package revealed to the nation last Wednesday by President Clinton would require a $3.6 billion reduction in certain VA discretionary and entitlement spending over the next four years. We have yet to receive detailed information on some of these proposed reductions and their impact on veterans, and therefore, must reserve final judgement on them.

However, I can state to your committees that, in principle, the DAV does not object to VA's inclusion in the President's deficit-reduction effort. Nor do we find the total dollar amount—$3.6 billion over a four-year period—to be unachievable.

For the benefit of those members new to your committees and/or the Congress, let me also state, as DAV has for the last decade, that we are prepared to accept a delay, reduction or denial of a COLA, so long as it is uniformly applied to all federal entitlement programs. This, of course, is in addition to our stated willingness to accept a freeze at this year's level of spending. Speaking candidly, such a willingness would still permit authorization of a COLA.

Mr. Chairman, disabled veterans know the meaning of the word sacrifice. We understood it when we volunteered or answered our country's call for service. We are once again prepared to answer that call.

In summation, Mr. Chairman, my purpose this morning has been threefold:

First, to set forth for the record that as our government moves forward to address our economic problems, the extent of VA benefits and services as part of those problems must be accurately assessed. President Clinton has said that those who most enjoyed the economic benefits of the eighties must now be prepared to bear a heavy responsibility for deficit reduction. We are certainly willing to subscribe to that standard.

Second, I have attempted to explain how addressing the foremost challenge facing veterans today, reform of their health-care system, is entirely compatible with our national objectives in this regard. The VA system must be a full partner in structuring these reforms and has the potential to be on their leading edge.

Finally, I hope I have demonstrated that America's veterans, rather than acting as "defenders of decline" in our country's economic revitalization, stand ready to be actively and unselfishly involved as "architects of the future." We in the veterans' community extend a challenge to all other special interests and concerns to make a similar commitment.

We disabled veterans in this room, and our millions of comrades all across the United States, are the classic examples of ordinary people who followed the rules—and paid a price for doing so. We understand that a new patriotism is being sought, and we are glad to step up to the task at hand. But we also know that the new direction is one designed to be built on old values. For us, the old patriotism is a good starting point. As we put aside our differences for the common good, let us also remember the honored heritage of that ancient rule called patriotic service, and the national obligation that attends those who followed it.

Mr. Chairman, this completes my testimony. I trust you will accept it as the offering of one who cares deeply for the future well-being of his fellow veterans and our nation. On behalf of the DAV and Auxiliary memberships, I deeply appreciate your extending me the opportunity to address you here this morning. May power beyond our individual support guide your important efforts in the days ahead. Thank you.

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[From the Washington Post, May 6, 1992]

SOCIAL WELFARE PROGRAMS—FEDERAL OUTLAYS IN BILLIONS OF CONSTANT 1991 DOLLARS

(By Spencer Rich)

The programs created in the broadly defined Great Society era, spanning the presidency of Lyndon B. Johnson and the early White House years of Richard M. Nixon, represented the greatest expansion of welfare and social services since the 1935 Social Security Act.

One of the first major Great Society bills was the Economic Opportunity Act of 1964, the cornerstone of Johnson's so-called War on Poverty. The act had 10 major components. Among them, it authorized creation of the Job Corps to help train young people for work in both rural and urban training centers; work-study programs for students from low-income families; VISTA (Volunteers in Service to America, a sort of domestic Peace Corps); additional work training programs; and the community action program, which funded community organizations and non-profit groups' local development programs.

Total spending on these initial War on Poverty programs was not very great—about $1 billion was authorized the first year. Funding for these programs was then dwarfed by funding for housing, medical and Social Security programs that usually are considered part of the Great Society legacy.

Ironically, the program often most sharply criticized as harming the poor by discouraging them from working—welfare for low-income families with children (Aid to Families with Dependent Children)—was created in the 1935 Social Security Act. Its expansion was not radically broadened by federal legislation.

The Johnson era also saw the expansion of the pilot food stamp program (1964) into a general benefit program. It was enlarged substantially during the Nixon presidency. Other Johnson initiatives included a 1965 housing program that provided rent supplements for the poor and two 1965 education programs: aid to elementary and secondary schools targeted at improving instruction for disadvantaged children, now called Chapter 1; and the Higher Education Act, which provided federal scholarships for needy children and authorized low-interest guaranteed loans for middle-income college students.

Fiscally, the most significant social welfare expansion involved Social Security and the creation of Medicare and Medicaid in 1965. There were seven Social Security raises between 1965 and 1975, plus the addition of an automatic cost-of-living feature in 1972. Of the $689 billion in total social welfare spending shown below for 1991, Medicare for the elderly accounts for $104.4 billion, federal Medicaid outlays for the poor (most of which are matched by the states) total $52.5 billion and Social Security as a whole is $269 billion.

In a broad sense, some of the social welfare expansions now attributed to the Great Society occurred during the Nixon administration starting in 1969. These include the 1972 authorizations of automatic cost-of-living increases in Social Security and the Supplemental Security Income program for the needy aged, blind and disabled, a major expansion of food stamps, and passage of the Comprehensive Employment and Training Act in 1973.

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## MONTGOMERY GI BILL—EARNED OPPORTUNITIES

### HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. PENNY. Mr. Speaker, one of the primary purposes of the Montgomery GI bill, which Congress established in 1984, is to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education. The following letter from Mr. Charles R. Porth II to Chairman MONTGOMERY clearly demonstrates that the GI bill is accomplishing that purpose. I would like to share Mr. Porth's letter with my colleagues. For those who were here in 1984 when we approved the legislation creating the newest GI bill, you can be proud of the work you did on this measure. For our new Members, this will serve to introduce you to one of the Nation's most successful programs.

MORGAN CITY, LA,
*December 20, 1992.*

Congressman MONTGOMERY,
*U.S. Congress,*
*Washington, DC.*

DEAR CONGRESSMAN MONTGOMERY: I am writing to thank you for your wisdom in creating the G.I. Bill. Back in 1985 I enlisted into the U.S. Army because the money that my mother had saved for me to go to college just wasn't going to be enough to make it through the next year. What I got out of my service to my country was a lot more than the ability to continue my education. I gained knowledge about different cultures other than just America. I gained discipline and a sense of duty. I gained self-confidence and self-esteem. I wish to take this time to commend you for your innovation in creating the G.I. Bill. I am enclosing a copy of my degree to show you and any of your colleagues that the money invested into this program is well spent. Not only does the ability of our armed forces greatly increase because of the higher caliber of its recruits, but our economy will benefit because of a well educated working force and one with a sense of duty, honor, and dedication to our country. You must be a wise man to create such a Bill. I would one day like to thank you in person. Thank you Mr. Montgomery for doing your job.

Sincerely,

CHARLES RICHARD PORTH II.

## WE MUST ENFORCE OUR IMMIGRATION LAWS

## HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. BEILENSON. Mr. Speaker, today I am introducing a series of measures aimed at addressing one of the fastest growing problems facing the Nation, and one of the issues most ignored by the Federal Government: illegal immigration.

The United States has by far the most generous legal immigration system in the world: we allow more people—nearly 1 million a year—to immigrate here than do all other countries combined, and more newcomers are settling here legally every day than at any other time in our history. The vast majority of Americans, including myself, take tremendous pride in this tradition of welcoming and openness. It is uniquely American. It is a major part of what makes us special.

That said, I believe we all also know that our capacity to accept immigrants is not unlimited, and that our inability, or unwillingness, to control illegal immigration effectively will surely threaten our ability to continue to welcome legal immigrants in the not-too-distant future. Illegal immigration is already having a major effect on public services and labor markets in certain areas of the country. It will soon have an enormous effect.

While the Federal Government has sole responsibility for controlling our borders, the burden of illegal immigration—providing education, health services, welfare, housing, and jobs for hundreds of thousands of these newcomers and their families each year—falls almost entirely on local governments. Yet the Federal Government, while barring illegal aliens from participating in virtually any federally supported public assistance programs—thereby increasing this burden on local communities—has failed miserably in its effort to stem the influx of illegals over the border. The Border Patrol, which is woefully undermanned, estimates that for every one individual apprehended at the border, at least three cross undetected. The employer sanctions law, established under the Immigration Reform and Control Act of 1986 [IRCA], is widely misunderstood and inadequately enforced and, worse, has resulted in discrimination against legal residents and citizens who may appear to be foreign to prospective employers.

We must ask ourselves: Do we believe that immigration to the United States should be unlimited? Or do we believe that we should continue our current policy of admitting large numbers of legal immigrants, but of not admitting everyone in the world who can physically reach our shores? If controlling immigration is necessary, and I believe it is, we should get serious about enforcing our immigration laws.

We will have to deal with this problem eventually. The sooner we do, the better off we will be, and the more likely it will be that we will find solutions which are not only decent and humane, but which fit our traditional national values about openness and ethnic diversity. As it stands now, we are not being fair to anyone—our citizens, legal immigrants, or illegal immigrants. I urge my colleagues to work with me and begin now to address this serious problem.

Following is a summary of the measures I am introducing today:

### SUMMARY OF LEGISLATION TO ADDRESS ILLEGAL IMMIGRATION

An independent, stronger Border Patrol: The Immigration and Naturalization Service's (INS) dual missions of providing necessary services to legal immigrants and policing the border are inherently contradictory. As the law enforcement agency charged with closing the border to drug traffickers and smugglers as well as illegal aliens, the Border Patrol requires a substantial increase in manpower, as well as independence from the INS, in order to adequately meet its responsibilities without having to compete with other immigration services for the resources to do so. I am introducing two bills to help address this problem:

The first would authorize an increase in the number of Border Patrol agents from approximately 4,000 to 6,600. The second would establish the Border Patrol as an independent agency within the Department of Justice.

A tamper-proof social security card for every American to prove work eligibility: Under the employer sanctions law established under IRCA, 29 different documents may be presented by job applicants to prove work eligibility. This system has not only given rise to a vast multi-million dollar underground industry in forged documents, but has also created considerable confusion among employers and, as documented by the General Accounting Office, has resulted in widespread discrimination against American citizens and legal residents who may appear foreign. Until we simplify the law and establish a single acceptable tamper-proof work authorization document, employer sanctions will remain unenforceable and discrimination will continue. I am introducing legislation which would direct the Social Security Administration to begin developing a counterfeit-proof social security card to be used by all eligible workers to prove that they are eligible to work in the U.S.

Restrict automatic citizenship to U.S.-born children of legal residents and citizens: The Fourteenth Amendment to the Constitution, in order to confer citizenship on newly freed slaves after the Civil War, guaranteed citizenship to all people born in the United States. Since the U.S. did not limit immigration in 1868 (the year the Amendment was approved), and the question of citizenship for children of illegal immigrants was therefore never addressed, the language has had the inadvertent effect of conferring citizenship on U.S.-born children of illegal immigrants. This policy is blatantly unfair to the thousands of individuals who have petitioned for legal entry into the U.S.; it is illogical; and it provides an added incentive for entering the country illegally. Moreover, it creates an illogical situation in which the parents of a child who is an American citizen by virtue of birth cannot legally provide for that child because they are prohibited from holding a job here; it is no surprise, therefore, that such children are disproportionately dependent on government welfare programs, such as AFDC and Medicaid. I am introducing an amendment to the Constitution which would clarify that automatic citizenship is reserved for children of legal residents and citizens of the United States.

Address the growing problem of criminal aliens in state and local systems: While states and local governments have no jurisdiction over immigration law, and have no authority to deport aliens who are convicted of crimes, they are forced to incarcerate these criminals without any reimbursement from the federal government. Worse, although the majority of these criminal aliens are eligible for immediate deportation upon release from prison, the Immigration and Naturalization Service rarely takes action against them, and many eventually re-enter the criminal justice system as repeat offenders—thereby increasing the drain on state resources to pay for construction and upkeep of prisons and jails, clerks, district attorneys' offices, public defenders, and parole officers.

This growing problem has caused several states to take desperate steps to force the federal government to assume greater responsibility for the criminal alien population: New York State filed suit against the federal government last April, demanding that it take custody of thousands of illegal aliens housed in its prisons; California's Governor Pete Wilson has asked for $250 million from the federal government to pay for illegal immigrants who are confined in California prisons. The Immigration Reform and Control Act of 1986 directed the Attorney General to reimburse states for costs incurred for the imprisonment of illegal aliens, yet such reimbursement has never been allocated.

I am introducing a concurrent resolution expressing the sense of Congress resolution regarding the federal government's failure to enforce our immigration laws, and urging greater attention to the burden that the criminal alien population places on state and local government criminal justice systems.

## GAYS HAVE A RIGHT TO SERVE THEIR COUNTRY

## HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. STOKES. Mr. Speaker, recently much attention has been focused on President Clinton's plan to issue an Executive order overturning the ban on homosexuals in the Armed Forces. As debate on this issue intensifies, I want to share with my colleagues a very insightful commentary by Congressman BILL CLAY. The commentary appeared in the St. Louis Post-Dispatch, February 14, 1993.

[From the St. Louis Post-Dispatch, Feb. 14, 1993]

### GAYS HAVE A RIGHT TO SERVE THEIR COUNTRY

(By William L. Clay)

Those who argue that there is no similarity between the visceral opposition to lifting the ban against gays in the military and the struggle to integrate the armed services either are unfamiliar with history or deliberately attempt to ignore it.

The same tirades, diatribes and hysterical incantations uttered about President Bill Clinton's intention to ban discrimination against gays in the military today are reminiscent of those shouted by the "defense establishment" and its civilian supporters when President Harry S. Truman ordered racial integration of the troops in 1948.

On July 27, 1948, Truman issued an executive order banning racial discrimination in the military. Amazingly, Truman's approach to the issue parallels that of Clinton. Truman had pledged as early as February to desegregate the armed forces, but had taken no further action because of opposition by some of the Democrats in Congress and by leaders of the military. Delaying the issuance of the executive order brought criticism from some of the liberal members of the Democratic Party.

Clinton has set July 15 as the deadline for drafting an order allowing gays to serve in the military. This interim period allows time for Congress, the military and senior defense officials to set up plans that would carry out the new policy.

Cries from the top military brass were as ludicrous in 1948 as they are today. Without Truman's executive order, in all probability our armed services still would be segregated.

Gen. Douglas MacArthur, of four-star rank and commanding general of our Pacific forces, said then that he "didn't find the Negroes qualified" and when he found them qualified they would be integrated.

Lt. Gen. Willard Paul, director of personnel, said that the army might find it necessary to furlough a "number" of new draftees (black) as soon as they are inducted because housing and training facilities would not be available. This sounded very much like military officials and politicians decrying the fact that gays will be trained and housed alongside heterosexuals.

Gen. Omar Bradley, then-army chief of staff, held a news conference one day after Truman issued the order and said in effect that the Army was not out to make any social reforms and that the Army would put men of different races in different companies. He further indicated that the policy of racial integration would change when the nation as a whole changed it.

According to Clark Clifford, counsel to Truman, Bradley recognized the error of his ways and immediately dispatched a note to Truman stating that he had "no intention of embarrassing" him. However, Bradley never retracted the statement.

In September 1991, Christopher John, assistant secretary of Defense for force management and personnel, defended the policy of banning homosexuals in the armed services more forcefully than his boss, Secretary of Defense Richard Cheney.

He said, "The fundamental thing I think everybody needs to understand is that the military is a conservative organization * * * and what people are asking now is that the military become some sort of social science laboratory, and very frankly, our first and foremost job is not to advance social causes, however meritorious they may be."

It is one thing for civilians and elected officials to disagree publicly with the president and even to question his motives, but for military personnel to question openly or defy the commander in chief is a matter of another stripe even if it has been done before.

Our government is structured on the time-honored principle that civilians will decide the questions of war and peace and will determine the policy involving national defense. This principle clearly distinguishes our country from an assortment of banana republics.

Those military officials not disposed to follow orders from the commander in chief should, as Gen. Colin Powell indicated in a recent address to midshipmen at the Naval Academy in Annapolis, "resign their commission."

To this observer, gays in the military is not the issue, as gays have served and are serving in the armed forces with distinction. Sexual orientation or status is not the issue as every citizen has a right to serve the country to the best of his or her ability without being subjected to discriminating practices.

Behavior is the issue as it encompasses an element of fairness and is the criterion upon which performances may be objectively evaluated.

The exaggerated fear some express regarding the prospect of taking showers or sleeping in close quarters with gays is homophobia at its worst. Family members, sports teams, physical education classes and college students in dormitories, to mention a few, do this all the time. So what else is new?

If statistics regarding the percentage of the population that is gay or bisexual are to be believed, then the Super Bowl champions, the Dallas Cowboys, likely have some gay or bisexual members on their team. This obviously did not prevent them from working together to achieve their objective.

Race-baiting and gay-bashing have no place in America, and Clinton is to be applauded for efforts to rid our country of this disease.

Maya Angelou, in her Inaugural poem on Jan. 20, aptly put this matter in perspective when she said, "History, despite its wrenching pain, cannot be unlived and if faced with courage, need not be lived again."

## TRIBUTE TO DOROTHY M. ALLEN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Ms. Dorothy M. Allen, a member of my women's caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of "Women Who Dare To Be Different."

Her tireless efforts and commitment to the stabilization and improvement of her community has led her to become actively involved in her community. As a member of Community Board No. 5 and the East New York Neighborhood Family Care Center's advisory board, she continues to strive to improve the health and social service needs of our community. She is involved with the Share Program, a nonprofit organization which supplies nutritional food to the needy at a low cost. As president of the Vermont Street Playstreet Program, she provides both educational and recreational programs to community youths. She is also a member of DC37 Women's Committee.

She retired from the city of New York police headquarters after 20 years of service. She is actively involved in her church, St. Michaels. Ms. Allen is the proud mother of one child, Beatrice, and equally proud of her grandson, Adrein. She is extremely blessed to have a mother who at 89 years old continues to be her inspiration.

## LIFE AND WORK OF PHILIP BELZ SALUTED

### HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. SUNDQUIST. Mr. Speaker, in a few days I will have the pleasure of joining friends from the Baron Hirsch Congregation in Memphis to celebrate the 90th birthday of a remarkable man, Philip Belz.

Philip Belz has been a force for good in the Memphis community. He is a generous man, a keen businessman, a man of deep and abiding faith who has been a leader in the Memphis Jewish community.

Dr. Selma Lewis has captured the essence of this remarkable man and chronicled his life and contributions in an article titled: "Philip Belz * * * Businessman, Leader, Musician, Philanthropist—Changing the Face of Memphis." I ask that it be reprinted in its entirety in the CONGRESSIONAL RECORD and that my colleagues join me in offering congratulations and warm greetings to a most deserving man and wonderful friend to so many.

PHILIP BELZ: BUSINESSMAN, LEADER, MUSICIAN, PHILANTHROPIST; CHANGING THE FACE OF MEMPHIS

(By Dr. Selma Lewis)

Every day, except Shabbos, Philip Belz has a music lesson either on the flute or the piano. A lifelong musician and singer, at the age of 90, he finally has the leisure time to indulge in one of his greatest talents and interests. In a small way, the study of music helps fill the great gap left by the recent death of his beloved wife, Sarah.

Belz is endowed with a combination of talents. In addition to considerable musical gifts, he is devoted to the practice of Orthodox Judaism, he is a brilliant businessman and is possessed with personal charm and benevolence. He is kind and unassuming, retaining an appealing modesty in spite of his notable achievements. He has never met a stranger.

The circumstances of Belz's early life were typical of the lives of many Eastern European immigrants. In 1904, when Philip was 10 months old, his father left the little town of Lancut in Galacia, a province of Austria-Hungary to avoid serving in an army, which would require him to violate principles of Judaism, such as the prayer requirements and dietary laws. His father immigrated to Memphis to join his brother and the two lived together over The Grand Leader, a store on Beale Street.

Philip's father peddled for five years until 1910 when he earned enough money to send for his wife and six-and-a-half year old Philip. In the beginning, the family lived in a four-bedroom apartment building located near Mosby at 310 Hill Street, an area where other Jewish immigrants had settled. The Belz family rented the living room to a peddler named Glassberg who played the flute. In exchange for a reduction in rent, Glassberg taught young Philip to play the flute. The instrument was purchased by Philip's father in 1910 for $50 and paid for at the rate of one dollar per week. Philip still has the flute today. At the age of 12, Belz played in the Tennessee Regimental Band. Later, at 14, he played second or third flute with the Memphis Symphony Orchestra.

In 1912, Philip's father took the money he had saved and borrowed a little more to build some shelves in a small store on the corner of Utah and Pioneer Streets. He was the owner of his first grocery store, which he managed for three years before he was able to buy a store on Trigg and Louisiana Streets in 1914. At the end of World War I, a severe influenze epidemic affected both of Philip's parents. He was in the tenth grade at Central High School, but had to quit school to run the business. He never went back to school.

When he first arrived in Memphis Philip attended Cheder (Hebrew School) where Cantor Benjamin Feibish of the Baron Hirsch Synagogue heard him sing. Philip became soloist of Baron Hirsch's choir in 1912 and continues to sing solos with the choir to this day. After skipping his famous solo, U-Na-Sana Tokef during the High Holy Days of 1991, Philip, in 1992, at age 89, thrilled Baron Hirsch congregants with his heart rendering solo. Each year his beautiful voice in the synagogue brings memories of the past along with tears to the eyes of many at Baron Hirsch who look forward to this special moment in their holiday prayers.

He later studied voice with Cantor Feibish's daughter, Madame Valentina Tumanskaya, former diva of the Moscow Imperial Opera. During the Russian Revolution, she escaped to China and later came to Memphis and opened a studio above Johnson's Flower Shop on Madison Avenue. After much hard work with Tumanskaya, Belz won a scholarship in 1932, affording him the opportunity to study with Emelio Roxas, the coach of opera singers Giovanni Martinelli and Jan Peerce. Knowing that he couldn't be away from his business for the full year, Belz confined his studies to an intense period of two months, two hours a day, five days a week, completing the full year's program.

In 1933, Belz's cousin Sam Belz returned to Memphis from Chicago. Together, Philip and Sam opened a furniture factory on the corner of Main and Auction. Having had some experience in building, Philip also decided to buy a block of real estate across from his grocery store on Thomas Street in 1935. His father-in-law, an apartment builder, assisted him in building apartments at Thomas and Firestone and a group of stores on the corner. At the same time this venture was materializing, the federal government was looking for inexpensive housing for the poor. Thus, Belz and the government joined forces and built "Thomas and Belz Courts." Each apartment had three rooms including kitchen, bedroom and bathroom. The apartments rented for $15 a month. With this venture, what has become one of the South's largest multifaceted real estate and development companies was founded.

Other projects followed in rapid succession, including building a group of stores carved out of the North Memphis Driving Park, a surrey driving park on Thomas Street, then constructing a factory.

In 1937, a serious flood caused damage to the latter venture but Philip was still able to complete it. Five years later, his tenant, the Marty Frye Roofing Company, supplier of all the roofing for Sears Roebuck Company, bought the factory. Belz said, at this point, "he was on his way." He later bought the Union Realty Company in 1943.

Included in the property Belz bought as part of the driving company's property, was a fine residential area on Bel Air Drive. Belz decided to build his home there and to pay the mortgage on his new home, he bought 15 houses in North Memphis for $300 each, later selling them for $500 to $600.

By this time, Belz owned a liquor store on Main and Madison, a furniture factory on Carolina Street and a grocery store on Thomas Street, and he sang five or six times a week on the radio. He sang arias and lyrical classical songs in English, Italian, Hebrew and Yiddish and was a "Radio Star" in Memphis. Overwhelmed by the many demands of all his occupations, he sold the store on Thomas Street to his brother-in-law.

One of Belz's primary concerns has always been the practice of his religion. He has been active in the advancement, support, organization and development of the Baron Hirsch Congregation for many years, serving on its Board of Directors as Vice President and as President over a period of eight years. He has made significant donations to the Synagogue building on Vollentine as well as to the new location on Winter Oak, in the eastern part of the city. Belz also donated the money needed to build the Belz Synagogue in the B'nai B'rth Home for the Aged. He has participated in many other Jewish organizations in the city, contributing time and financial support to them and to the state of Israel. Belz was awarded the title "Man of the Decade" by the State of Israel in 1958, recognizing him for his contributions.

On December 11, 1983, Mr. Belz received an honorary doctorate degree from Yeshiva University in New York. In honor of Philip and his late wife, Sarah, the Music and Cantorial school was renamed The Philip and Sarah Belz School of Music. Thus, his great love of music, especially cantorial music, will be continued into the future.

After Belz's son Jack was graduated from the Massachusetts Institute of Technology in 1948, Belz Enterprises began to grow at an even faster pace. (Belz's two other sons, Leslie and Paul, who were also in the family business, were tragically killed in a small plane crash while on a business trip). The company has continued to remain a family-owned business, with the third generation firmly in place.

Belz Enterprises has changed the face of Memphis and altered aspects of other cities as a result of its developments. Philip Belz believes in owning land and in "having the land at the right place where somebody wants it." He says, "you have to have innovative ideas, along with a little Mazel (luck) too, to go with it." A "little mazel" hardly seems sufficient to explain the phenamenal personal and business success of a remarkable man, Philip Belz.

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## ASKING THE ELDERLY FOR MORE SACRIFICE

### HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MYERS of Indiana. Mr. Speaker, Benjamin R. Cole, retired head of the Washington bureau of the Indianapolis Star, captured the concerns of a large number of my constituents in this recent column which I share with you today.

ASKING THE ELDERLY FOR MORE SACRIFICE

(By Benjamin R. Cole)

WASHINGTON.—The new Clinton administration is talking seriously about "shared sacrifice"—especially about imposing a full share on the elderly.

The elderly know all about sacrifice.

Their youth was filled with it. The upbringing of their children was continuous sacrifice. It was the normal way of life in their day, and they never complained. In those days there was no Aid to Families With Dependent Children. There was only private charity that was viewed by most as disgraceful to accept—or public orphans' asylums or poor farms.

The elderly are men and women whose childhood ended with the Great Depression. They saw their parents' jobs, homes and savings swept away. They shared sacrifice with their jobless fathers. Most families of the Depression were loath to accept public help, in those days limited almost entirely to township poor relief. They toughed it out.

President Clinton, whose life has involved minimal sacrifice, tosses the word sacrifice around with unbecoming adroitness. He was successful in avoiding bearing arms for his country. He attended the best schools and enjoyed an elite Rhodes scholarship.

SACRIFICE OF THEIR PARENTS

Today's elderly include nearly a whole generation of Americans who marched off to make the world safe for liberals in World War II. They include Americans whose lives and careers were interrupted while they fought in Korea. For a large part of their young adulthood they lived under prospective call by the Selective Service System.

Today's elderly are the men and women whose educations were paid for not by government grants but by the sacrifice of their parents. Often, they were called upon to suspend their education because parents had too little money or their children had too many obligations to permit them to go on. These elderly are men and women who built careers despite their educational disadvantages. They built their own lives even as they helped to improve their nation.

They became the mothers and fathers who, in their turn, proudly and gladly made sacrifices to educate their own children with their own resources. They are the parents who struggled to pay medical bills even before private group insurance was invented. They are the mothers and fathers who, even while they are rearing their own families, shared their income with aging parents whose security disappeared in the Depression.

Today's "old people" were the young couples who struggled into Depression era marriages living in one-room apartments with orange crate furniture. Today they are the Moms and Pops who routinely put up the down payment on homes for newly wed children. They are the fountainhead of the family values that are now threatened by incessant attacks on the religious faith that sustained them.

The elderly are the Americans who uncomplainingly paid high taxes to create the social programs that today's liberals take for granted.

They bore the tax burden, they paid out billions in foreign aid to rebuild Europe through the Marshall Plan. The money withheld from their paychecks financed foreign assistance on every continent. Above all, they taxed themselves mercilessly to maintain a great and powerful defense establishment that eventually brought the downfall of the Evil Empire. Their sacrifices have brought freedom for other people all around the globe.

Despite the worst that befell them, they bore their own burdens. They never lost faith in America. They dreamed, they believed, they worked.

AN EXERCISE FOR LIBERALS

Calling on elderly Americans for sacrifice is becoming a trendy little exercise for passionate liberals. They made their sacrifices well in advance. Most likely they will now have to sacrifice anew to finance the political aspirations of the new occupants of the White House.

The political struggle to deal with the federal deficit that liberals built with unceasing diligence bids to impose higher taxes and reduced services for all Americans. Almost certainly, elderly Americans will be called on to pay more and get less.

## DOUBLE DIPPERS DIPPING DEEPER

## HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. JACOBS. Mr. Speaker, Sid Taylor has a knack for stating the obvious which everyone would like to deny.

DOUBLE DIPPERS DIPPING DEEPER

The above one-liner for 1993 should be erected in a large sign over the main doors to our depleted ($4 trillion of red ink) U.S. Treasury in Washington.

With an estimated federal budget deficit for FY 93 at $327 billion, it is mind-boggling to realize that we still have about 200,000 (unretired-retired) double-dippers on the federal payroll collecting "dual compensation" (federal pay plus federal pension).

The final straw and fiscal irony—of this new and growing affluent "retired bureaucracy" is that both their pay scales and pension rates are "indexed." In addition to "double dipping", they are also "double-indexed". Many will walk off into the federal sunset of life as "pension millionaires." Guess who is footing the bill? Yes, you the average American taxpayer.

Worse still, is a side-effect of this actuarial windfall on the joblessness problem. Many Americans today cannot find one job or even one pension. This gravy train goes back to the Dual Compensation Act of 1964 (PL 88-448) as a special Treasury Raid by the military-industrial complex that President Eisenhower warned us about. This act only permits 20-year service military veterans to "double-dip". Other military veterans with less than 20 years service or Civil Service retirees (with veterans status) cannot collect dual compensation. In the interests of national solvency alone, it's now time for correction. Dual compensation on the federal payroll should be abolished beginning in FY94.

On top of all this, we find, that much of this dual compensation or double-dipping money (taxpayer's) can be stashed away in tax-deferred IRA or 401(k) savings accounts while the unretired-retired depositors are reemployed on the federal payroll. I wonder if ancient Rome had a pay/pension system like USA today? I also wonder if they had an annual budget deficit in the $300 billion range?

I hope our new President Bill Clinton gets an early briefing on this issue. It's a hot one because many of our Members of Congress (Senate and House) have legislated themselves into becoming "pension millionaires."

## DUTY RATE ON TRU-PRO 224

## HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. BORSKI. Mr. Speaker, today I am introducing legislation to restore the 0.2 cents per pound duty rate on Tru-Pro 224. This rate was in the Tariff Schedules of the United States [TSUS] before the Harmonized Tariff Schedule [HTS] came into force.

This legislation is identical to S. 406 that was introduced in the Senate by Senator WOFFORD.

Tru-Pro 224 is a specialized product made in Australia that is used by the baking industry for making breads, cakes, and pies. It is a dry mixture that includes sodium caseinate, butterfat, whey solids, and dried whole milk.

From 1985 to 1988, all imports of Tru-Pro 224 were consistently and properly classified by the U.S. Customs Service as a mixture in chief value of casein under item 493.17 of the TSUS. When the United States began planning to replace the TSUS with HTS, it was internationally agreed that an article that was classified under a given provision of the TSUS would be classified under the equivalent provision of the HTS. This was designed to ensure, in particular, that the rate applicable to the product would not change. In the case of Tru-Pro 224, the equivalent provision was HTS subheading 3501.90.50, which covers casein derivative, at a rate of 0.44 cents per kilogram.

In spite of the international agreement, Customs reclasssified Tru-Pro 224 under HTS subheading 1901.90.40, which covers various food preparations with dairy ingredients, at a rate of 16 percent. That translates into a duty of about 14 cents per pound, since the dutiable value of Tru-Pro 224 is today about 88.5 cents per pound. In other words, the 16-percent rate is about 70 times the 0.2 cents per pound rate.

The Australian Government protested the reclassification of Tru-Pro 224 as inconsistent with the international agreement to keep rates unchanged. In a June 28, 1990, letter to the Australian Government, which I have included with these remarks, the United States Trade Representative acknowledged the obligation of the U.S. Government to seek congressional approval of the restoration of the TSUS rate of 0.2 cents per pound.

Mr. Speaker, I believe it is clear that the United States is obligated to restore the 0.2 cent per pound rate for Tru-Pro 224, retroactive to January 1, 1989, when the HTS came into force. The application of the 16-percent rate has been unjustified since that date.

UNITED STATES TRADE REPRESENTATIVE,
*Washington, DC, June 28, 1990.*

Hon. NEAL BLEWETT,
*Minister for Trade Negotiations, Parliament House, Canberra.*

DEAR DR. BLEWETT: I have the honor to refer to the discussions which have taken place between officials of our two countries to resolve certain concerns Australia has with the introduction of the Harmonized Tariff Schedule of the United States (HTSUS). Pursuant to those discussions, this letter sets forth the understandings of our two governments of certain actions the United States will take with respect to its schedule, and of Australia's undertaking that it will lift its reservation on the United States GATT schedule XX as converted to the Harmonized System.

Australia's reservations concern three products:

a. Mixtures of non-fat dry milk and anhydrous butterfat containing over 5.5 percent but not over 45 percent by weight of butterfat, which prior to January 1, 1989 were classified to TSUS item 182.92 but which are now classified to HTSUS subheading 1901.90.30;

b. Dried mixtures containing less than 31 percent by weight of butterfat and consisting of not less than 17.5 percent by weight each of sodium caseinate, butterfat, whey solids containing over 5.5 percent by weight of butterfat, and dried whole milk, but not containing dried milk, dried whey, or dried buttermilk any of which contains 5.5 percent or less by weight of butterfat. Prior to January 1, 1989 these mixtures were classified to TSUS item 493.17 but are now classified to HTSUS subheading 1901.90.40;

c. Woven tapestry and woven upholstery fabrics of wool valued over $2 per pound, which prior to January 1, 1989 were classified to TSUS item 357.15 but which are now classified to HTSUS subheadings 5112.20.00 or 5112.30.00

Under the Tariff Schedules of the United States (TSUS), the products described in paragraph (a) above, imported from Australia, were subject to a section 22 quota of 1,016,046 kilograms and a tariff rate of 16 percent ad valorem. Under the Harmonized Tariff Schedule of the United States (HTSUS) these products have been classified as articles of milk or cream, subject to a section 22 quota of 2,721 kilograms and a tariff rate of 17.5 percent ad valorem.

Under the TSUS, the products described in paragraph (b) above, imported from Australia, were free of any quota and subject to a tariff rate of 0.44 cents per kilogram. Under the HTSUS these products have been classified as edible preparations containing over 5.5 percent butterfat, subject to a section 22 quota of 1,016,046 kilograms and a tariff rate of 16 percent ad valorem.

Under the TSUS, the products described in paragraph (c) above, imported from Australia, were subject to a tariff rate of 7 percent ad valorem. Under the HTSUS these products have been classified as woven fabrics of combed wool containing less than 85 percent by weight of wool mixed mainly or solely with man-made filaments or man-made staple fibers, subject to a tariff rate of 48.5 cents per kilogram plus 38 percent ad valorem.

Section 1211 (c) of the Omnibus Trade and Competitiveness Act of 1988 provides authority to modify the coverage of the section 22 quotas to restore the previous treatment in effect under the TSUS. This authority expires on June 30, 1990.

There is no executive authority to reduce tariffs on these products by more than certain specified proportions and amounts. Any tariff reductions greater than those specified proportions and amounts would require approval by the Congress of the United States.

It is understood that the Government of the United States will use the section 1211 (c) authority to restore the pre-existing treatment with regard to quotas for products described in (a) and (b) above and will not oppose legislation to restore the pre-existing duty treatment of products described in (a), (b) and (c) above. Further, the Executive Branch of the U.S. Government will enter into an agreement, in the context of the Uruguay Round of multilateral trade negotiations, to restore tariff rates on products described in (a) and (b) to the levels applying immediately prior to 1 January 1989, and thereafter will seek Congressional approval of such restoration.

In these circumstances, Australia will not take any retaliatory measures, request any compensation, or take any measures in pursuit of any right it might have under Article XXVIII of the GATT, including recourse to Article XXIII, with respect to the products described in (a) or (b), on the understanding that action will be taken by the United States to restore pre-existing tariff and quota treatment to products described in (a) and (b) above by the time the United States formally notifies the GATT of its acceptance of the agreements associated with the Uruguay Round of multilateral trade negotiations. However, Australia will retain its GATT rights in relation to these products until such restoration has occurred.

It is further understood that:

(A) Australia will immediately withdraw its reservation on the United States GATT Schedule XX as converted to the Harmonized System in all respects except with regard to products (a) and (b) above and initially negotiated rights not fully shown in the Schedule,

(B) Australia will notify the GATT to that effect,

(C) Australia will lift its reservation with respect to each of the products (a) and (b) above when the respective duty rates and the quota treatment on each is restored to the level applicable under the TSUS, and once all agreed initially negotiated rights accorded to Australia are shown in the United States GATT Schedule XX as converted to the Harmonized System, and

(D) The United States will immediately withdraw its reservation on Australia's GATT Schedule I as converted to the Harmonized System.

I have the honor to propose that, if the foregoing is acceptable to the Government of Australia, this letter and your confirmatory reply constitute the understandings of our two governments as of the date of your reply.

Sincerely,

CARLA A. HILLS

## TRIBUTE TO MARIE E. PURNELL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to salute Ms. Marie E. Purnell, a member of my women's caucus who will be honored this year as exemplifying our theme, "Women Who Dare To Be Different."

Ms. Purnell has demonstrated that with vision and determination you can achieve your personal ambitions. She has worked in the banking industry. While employed by Chase Manhattan Bank of New York, Marie successfully completed several courses at the American Institute of Banking which aided her in achieving positions of ever-increasing responsibility at the bank. At the time of her retirement, in 1968, she was assistant treasurer. This progress up through the ranks serves as testimony to her dedication to hard work and perseverance. She was in charge of the special events department of the bank, a position that required her to schedule conferences for the bank's clients from all over the world.

Ms. Purnell's greatest community achievements began in 1976 when she accepted the position of building representative with the Starrett City Tenants Association. Currently, Ms. Purnell is the president of the tenants association at Starrett at Spring Creek, representing over 5,000 families; second vice president of the Starretts City, Spring Creek Lions Club; executive member of Basic Black, an organization which was established to encourage and support African-American cultural awareness; a member of the Pool Club Advisory Board at Starrett; and a member of Community Planning Board, District 5, Brooklyn.

It is with great pride that I salute this tireless worker for the betterment of humanity: Marie E. Purnell.

## HELP THE HOMELESS WEEK

### HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. WYNN. Mr. Speaker, not long ago, homelessness was perceived as a phenomenon of the city. It was something that did not really affect suburban communities. Now, that perception is changing. The reality is that the homeless need our help in suburban Maryland just as much as they do in Washington or Baltimore. Unfortunately, the need for help too often outstrips the ability to churches and nonprofit groups to render it. But thanks to the generous time and efforts of hundreds of Marylanders who volunteered in the recent Help the Homeless Week, many of the organization reaching out to the homeless in our community will receive some extra help in their missions.

That help comes from the employees of more than 50 local corporations and community groups who recently raised $400,000 during a week-long drive to help the homeless in Maryland, the District, and Northern Virginia.

Initiated 5 years ago by Fannie Mae, the Federal National Mortgage Association, the week-long drive is called the Help the Homeless Week and involves a fund raising and education campaign organized by employees to benefit nonprofit groups that provide a range of services for homeless families and individuals in Maryland, Washington, and Northern Virginia. Since 1988, the Help the Homeless campaign has raised more than $1 million and has grown into a collaborative effort of local community and religious organizations, schools, and businesses. Employees from each of the sponsoring organizations raise money during the week-long campaign through activities such as bake sales, silent auctions, raffles, and basketball and volleyball challenges.

Among the beneficiaries for the 1992 Help the Homeless campaign is a volunteer group in Prince Georges County, an area that I have the distinction of representing in Congress. This particular shelter had made a significant effort to go beyond providing a meal and a bed. It is a remarkable organization providing a necessary service to homeless individuals and families so that ultimately, they will once again contribute to our community.

The name of this remarkable organization is the Law Foundation of Prince Georges County. The Law Foundation was formed by judges and attorneys to ensure that quality civil legal services are available to low-income residents and the homeless of Prince Georges County. Pro bono services provided by attorneys include counseling, document drafting, negotiation, advocacy, litigation, representation, and alternative dispute resolution such as mediation.

Congratulations to the Law Foundation of Prince Georges County and the people who volunteer there for their work in earning this recognition. They are making an important contribution to our community—the rehabilitation of people's lives. Thank you also to the hundreds of generous Marylanders who participated in the Help the Homeless Week.

## FEDERAL BUDGET STRUCTURE ACT OF 1993 AND THE IMPROVED BUDGET PRESENTATION ACT

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. CLINGER. Mr. Speaker, today I take the floor of the House of Representatives to introduce two pieces of legislation to improve the Federal budget process by instituting a capital budget. This is an important step in Federal budget reform which has been endorsed by the General Accounting Office and supported, in principle, by President Bill Clinton.

The budget reform in my first proposal, the Federal Budget Structure Act of 1993, would simply require the display of capital investments separately in a resectioned unified budget. It does not attempt to reduce the Federal budget deficit through more smoke and mirrors or by taking capital expenditures off-budget.

I believe that the time has come for the Federal Government to devise a budget document which provides a comprehensive picture of capital investment programs across agency and program lines. This will allow policymakers to see how these investments fit into a national strategy for maintaining and improving the Nation's public facilities.

Despite the billions of dollars we already spend each year on investment in capital facilities, the Federal Government has neither an overall policymaker process nor a governmental analysis of information to support capital investment policymaking. Both the President and Congress have tended to set priorities for physical capital investment program-by-program. There is no consistent basis for setting priorities among projects and programs, and there is no framework in which to identify those having similar objectives and those at cross-purposes. This program and project orientation makes planning for public facilities vulnerable to short-term strategies, thus impairing the stability and predictability needed for a capital investment program that best serves our country's long-term needs.

Adopting a separate capital budget section within the unified budget will focus attention on capital investment needs and stimulate the development of information needed for policy decisions. A capital budget section within the unified budget would establish a useful planning process because it would focus on long-term projects, costs, and benefits. While some data are available now within the unified budget, it is not in sufficient detail or appropriate format for planning and making policy decisions on overall investment levels, financing methods, and level of government responsibility. Capital budget reporting would provide more information on the Federal Government's involvement in acquiring assets directly and in providing grants-in-aid for capital investment.

The benefits of a capital budget are endless. A capital budget: First, focuses attention to a greater degree on the physical infrastructure of the Nation and allows us to make more rational investment decisions; second, provides more equitable budget treatment of capital activities by avoiding the current front-end loading of the full costs in the first year; third, helps focus attention on government ownership and financing of assets that produce long-term benefits; fourth, shows that borrowing to finance capital investments is accompanied by an increase in the Nation's assets, and fifth, changes the public perception of debt financing by distinguished between debt incurred to acquire assets from that incurred to finance current operations.

Also, a budget that uses debt financing of capital assets would increase equity between those who pay for the assets and those who use the assets. If the debt's repayment length approximates the acquired asset's life, each generation would pay for the portion of the asset it used.

A capital budget that remains part of the unified budget may also help us better define, "What is a balanced budget?" If we finally move in the direction of a balanced budget, we need to more fully explore whether it makes sense for the Federal Government to balance its annual budget under current bookkeeping practices. Efforts to improve Federal financial management and better identify capital activities will bear directly on the quality and clarity of the financial information that we use to make budget decisions.

The Federal Budget Structure Act seeks to identify, define, and present separate operating and capital components of the Federal budget, and to distinguish between Federal funds and trust funds, while maintaining a unified budget. It seeks to provide what the existing budget does not. That is, adequate information on the revenues, expenditures, surplus/deficit amounts, and financing requirements for capital activities of the Federal Government. It also attempts to provide a distinction between Federal funds and trust funds, and between capital and operating activities in a manner which does not hinder identifying the resources needed to meet the Government's capital infrastructure needs.

I believe that a resectioned unified budget, as provided in this proposal, would provide information on capital investments during the formulation of the President's budget proposals and the Congress' debate and creation of the budget. This resectional budget would identify Federal capital investment outlays and clearly distinguish them from current expenditures, without jeopardizing the functional and aggregate spending focus of the budget.

I am also introducing legislation today designed to create a commission to study and recommend to the President and Congress the most effective method of implementing a budget that distinguishes between capital and operating expenses. From long personal experience, I am aware that there is considerable difference of opinion between Congress and its committees, and the White House, about the desirability—and implementation of—capital budgeting. The commission should have resolved these disputes.

The call for a capital budget is not new. I have introduced this very proposal several times before. But, with the President's renewed hopes to use infrastructure spending as a means to create jobs, now more than ever, we should craft a budget which helps us grasp just where and how the Nation's tax dollars are being spent.

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## SERVICE ACADEMIES ARE AN INVESTMENT IN NATIONAL SECURITY

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. KING. Mr. Speaker, all too often throughout our history, Americans have chosen to ignore George Santayana's warning that those who forget history's lessons are forced to repeat them.

This national failure to confront historical reality is starkly evident in our continued compulsion to demobilize and gut our military strength following successful war efforts. In this century alone, we deluded ourselves that World War I really was the war to end all wars and reduced the armed forces to a literal skeleton force after the war. The resulting lack of preparedness led inexorably to World War II. Following World War II, the President ordered a demobilization which enabled the Soviets to consolidate their stranglehold on Eastern Europe and led ultimately to the Korean conflict.

The past several years have seen American victories of unparalleled dimension. The Soviet Empire has fallen and the world's fourth largest army was defeated in the 4-day ground war of Desert Storm. These victories occurred because of our sense of national purpose and the strength, might, and dedication of the American armed forces.

Now that these victories have been attained, however, the voices of demobilization and disarmament are again being heard. Drastic military cutbacks are being proposed and, more ominously, are being listened to by the politically correct media and their allies in the Congress and the Clinton administration. Failing to learn history's lessons, these advocates of a weakened military ignore the reality that this is still a very dangerous world—as evidenced by Somalia, the Balkans, and the Middle East.

I will address the issues of cutbacks in troop deployment and weapons systems development on another day. Today, however, I want to express my firm opposition to any significant cutbacks in our service academies and to any attempt whatsoever, to merge the academies.

Recently, I had the opportunity to visit the U.S. Military Academy at West Point. On a personal level, it was a very rewarding experience to meet with such outstanding cadets. In this time of materialism and drifting values, it is encouraging to know that such dedicated young men and women are willing to enter their Nation's service. Graduates of West Point contributed immensely to America's victory in the cold war. To preserve the peace which we won, it is important that West Point's standards be maintained.

The issue most often raised against our service academies is that the cost of educating a military graduate is more than $200,000. The first response, of course, is that a country should not put a price tag on its national security. Having said that, however, it must be pointed out that the average cost of college education at the top universities including tuition, tax subsidies, Federal grants, and philanthropic gifts is $234,000. To put West Point's cost in perspective, the Federal Government spends more for food stamps in the State of Maryland than it does for West Point. As a sign of our drifting values, Americans spend more money betting on jai alai than they spend on West Point.

The officers graduating from West Point are an integral part of the Army's officer corps, which also consists of ROTC and OCS graduates and direct commissioned officers. They have served our Nation well and honorably throughout our history. As a Member of Congress, I will do all in my power to continue the funding necessary to maintain West Point's level of excellence. The Long Gray Line must be maintained.

I would like to encourage my colleagues to study a speech recently delivered by Lt. Gen. Howard D. Graves, Superintendent of the U.S. Military Academy. I hereby offer these eloquent remarks for the RECORD:

WHY AMERICA NEEDS WEST POINT

(By LTG Howard D. Graves, Superintendent, USMA)

Several times in our nation's history—after each war—we have found it natural to re-think the need for the service academies. We are again in such a time, and as our nation adjusts to the end of the Cold War, some proposals are being made regarding the academies which are potentially destructive of the best interests of the nation. Because some of these proposals are being made without a full understanding of what the military Academy is and does, I believe it is important for our citizens to appreciate why West Point is essential to the health of the nation; thus, my topic is simply. "Why America needs West Point."

I begin with the premise that America continues to need an effective Army. It has been said that those who ignore history are destined to repeat it. Our national history is one dotted with *unanticipated* military conflicts. Think back quickly across the years of our nation's history: the War of 1812, the Mexican War, the Civil War, the Indian Wars, the 1898 Spanish-American War, WWI, WWII, Korea, and the Cold War, punctuated by conflicts in the Dominican Republic, Vietnam, Grenada, Panama, the Persian Gulf. Our nation has used its military forces so frequently that there has never been a single West Point class in which the graduates, if they stayed in the Army for a career, were not exposed to the possibility of combat. Why should we believe that the end of the Cold War has brought an end to future unanticipated needs to deploy our Armed Forces on behalf of the nation? It would be very shortsighted to think so. We live everyday with dangerous instabilities, uncertainties, and potential trouble spots in the international community. I am not predicting war in a specific sense; but, I am suggesting a likelihood of combat, because I do not believe that the community of nations has eliminated the causes of international conflict.

My second premise follows directly from the first. If the nation continues to need an effective Army, then the Army needs effective leaders. If we believe that the nation will again be forced by unanticipated circumstances to commit portions of the Army to combat, then the Army must be prepared, and that preparedness requires that the Army be led at every level by effective leaders.

The Army meets its need for effective officers by drawing from several sources, all of which should continue to be used. These are Direct Appointment, Officer Candidate Schools, the Reserve Officer Training Corps, and West Point.

Direct Appointment is the primary means by which the Army commissions officers in the professional specialty branches (doctors, dentists, lawyers, and chaplains).

Officer Candidate School provides enlisted soldiers a route to commissioning and provides the Army a means of rapidly acquiring officers in response to mobilization requirements.

Reserve Officer Training Corps provides a large number of candidates in a program of military training as an adjunct to their college education. It provides the services flexibility to adjust the number of graduates who are commissioned into either the Active or Reserve components each year to meet changing manpower objectives. It also fills specialized educational requirements.

USMA provides to a select group of candidates a total four-year immersion in professional military culture and values, as well as providing an undergraduate education and military training experience tailored for the military officer.

These programs are complementary. Some observers make the mistake of trying to pit the four officer sources against one another—as if they were four quarterbacks competing for the starting position on a football team. To do so is to seriously misunderstand why we have four different sources. Each of these programs meets separate national needs, and they each make their own uniquely valuable contributions. Like the members of the backfield on a football team, they have complementary roles in the Army's total officer accession structure.

Convinced of the need for multiple sources of Army officers, I believe unequivocally that West Point should provide a significant number of those officers, because West Point supplies an essential core of officers who cannot be obtained in any other way. As you know, West Point attracts into the nation's military service the highest quality young men and women of America. The reputation of West Point is extremely strong among American youth, and that reputation attracts to the Academy students who could have attended any college in the nation. At the Academy, the entering classes have routinely averaged combined Scholastic Aptitude Test scores in excess of 1200, placing them on a par with the most selective colleges in America. In the latest entering class at West Point, 85% were in the top fifth of their high school class; 13.5% were class valedictorian or salutatorian; 20% were elected class leaders; 58% were varsity team captains, and 90% had lettered in a sport in high school.

As a result, the Academy begins with a small, highly select group of officer candidates drawn from across the entire nation. It should be recognized that the students who enter West Point are not "elite" in the sense of socio-economic affluence or aristocratic influence. Rather, our studies indicate that the students at West Point are more likely to be from working class families than are the students at the highly-selective private colleges which would be regarded as "elite." Each entering class at West Point also includes substantial representation of disadvantaged groups and racial minorities. The Academy admissions program actively seeks disadvantaged candidates who show potential to be leaders of character.

Given a high-quality student body, West Point imbues those talented youth with moral, professional, and patriotic values which provide them a solid foundation for leadership. Perhaps the quintessential value they learn is submission of military power to the authority of the civilian government. We should remember that governments in all times and places face the risk that Army leaders will turn their weapons against the citizenry or the government. And, the values our nation finds vital for its officer corps, other nations recognize as well; recently, President Nazarbaev of the new state of Kazakhstan visited West Point to discuss methods his country might follow to develop loyal officers. Over past years, West Point has entertained numerous visitors from other nations for the same purpose. They recognized their need and that West Point has successfully met the same need in the United States for nearly 200 years.

West Point succeeds in meeting that need because cadets at West Point are immersed for four years in a values-enriched professional military culture. They live 24 hours a day within a military organization, subject to the Honor Code and the Uniform Code of Military Justice. Throughout the four years, they are educated by predominantly-military faculty role models who exemplify essential values. These include: submission of the military to civilian authority; selfless service to nation; self-discipline, and a high sense of honor.

In addition, the academic curriculum supports value formation. The military history courses demonstrate a past of military officers submitting to civilian control. The Constitutional law course points out the authority of the Constitution above all. Political science courses reinforce civilian control and the appropriate role of the military in our governmental system. The philosophy course explores fundamentals of ethics and their applications to the profession of arms. Military Science courses emphasize the responsibilities of the professional to serve society in a selfless and self-disciplined manner. Even extracurricular activities reinforce values. Honor education classes are taught by cadets and military faculty members; strong and highly-active voluntary religious programs reinforce spiritual values.

Historically, the nation has counted upon West Point to provide officers whose character, leadership, and attitudes of public service would provide core values to the Army. Debates over the need for West Point have occurred regularly since 1830, particularly after each major war, and invariably decision-makers have concluded that the nation's need for character in military leaders justifies West Point.

The essential role of West Point has been thoroughly evaluated against alternative formulations of pre-commissioning education. The most deliberate consideration of such alternatives was undertaken prior to the founding of the United States Air Force Academy. At the direction of Secretary of Defense Forrestal, a board chaired by Dr. Robert L. Stearns, then-president of the University of Colorado, reviewed "the manner in which officer candidates should receive their basic education," and considered alternatives for joint education of officers. In its conclusions, the Board affirmed, above all other considerations, the nation's need "for a highly-trained, intensely loyal corps of professional officers." Given this singular priority, the Board recommended continuation of the current model of academy education, to include the founding of a third academy modeled after West Point. The Academy model has been affirmed repeatedly because of "the extent to which the existing academies are achieving the objectives of their mission in the field of character and leadership development." In a sense, West Point serves as a wellspring through which the nation's highest values are transmitted into the Army. It symbolizes the nation in a special way.

What I have said so far clearly demonstrates West Point's essentially to the nation; but, there is still more which should be said in its behalf. In addition to its development of character in its cadets, the Military Academy also provides an unparalleled educational experience for future military professionals. West Point's broad undergraduate curriculum in the sciences and humanities is first-rate and uniquely-tailored for the military professional. The academic curriculum includes military topics (such as military history, leadership, military ethics) and military applications (such as weapons design), and the Academy is a major supplier to the Army of officers educated in the physical and applied sciences. Each cadet's summers are filled with training in military knowledge and skills and with practical leadership experiences. Each cadet is systematically evaluated against rigorous standards over four years by highly-qualified professionals. It is important also to know that the Academy is the only source of pre-commissioning undergraduate education which is wholly-controlled by and answerable to the Army. During the Vietnam years, anti-military sentiment closed many ROTC detachments.

West Point has shown through its graduates its essential role in the nation's history. Former Secretary of War, Newton D. Baker, testified to the value of West Point when he said, "West Point does many things for its men, but the highest quality it gives them is character; and in the emergency of the World War, our success rested upon the character of our leaders. It, therefore, finally rested on West Point." One of our recruiting posters says, "At West Point, the history we teach was made by those whom we taught." That is an apt expression of the historic importance of West Point graduates in the nation's history. Remember: Grant and Lee leading both sides of the Civil War; Pershing heading the Allied Expeditionary Force in World War I; Eisenhower, Bradley, and Patton in World War II; MacArthur and Ridgway in Korea; Westmoreland and Abrams in Vietnam, and Schwarzkopf and Franks in the Gulf War.

But West Pointers serve the nation in years of peace as well as war. For example, the benefits of peace are often won through the deterrence of war. West Point graduates are knowledgeable not only of military affairs but also of national and international affairs, and they play vital roles in the formulation of national, foreign, and defense policies. General Jack Galvin's leadership in shaping NATO policy after the collapse of the Warsaw Pact is a current example. West Pointers have met many civil needs as well.

The largest civil engineering project ever attempted was completed by a West Point officer after two noted civilian engineers quit in frustration. President Roosevelt selected Major George Washington Goethals, USMA class of 1880, to head the Panama Canal project, because, as Roosevelt said, he needed someone "who will stay on the job until I get tired of having them there or until I say they may abandon it." Today, that civil role continues—disaster relief after hurricanes, the "war on drugs," nation-building in South America, construction projects by the Corps of Engineers.

West Point's success in attracting the highest quality youth in America, providing them a rigorous undergraduate education, and imbuing them with high qualities of character, leadership, and dedication produces officers who as a group serve longer and with higher rates of promotion than those of any other commissioning source. Consider a typical Army officer year group such as 1972. At twenty years of service, 35% of the USMA graduates in the YG are still on active duty. 21% of the officers commissioned from other sources are still on active duty. This statistic is doubly significant because of the high quality of the group of students with which West Point began. The high-quality, high-achievers coming out of West Point are also the men and women who have the most lucrative employment alternatives outsides of public service. Corporate America ambitiously recruits young West Pointers. That they stay in public service longer than their peers from other sources is, therefore, doubly impressive as an indicator that West Point has effectively developed in them a high value of service to Nation.

Another indicator is the fact that USMA graduates continually exceed the Army average rates for promotion. During 1988–1991, the selection rate to major for USMA officers was 80%, all others-64%; selection to lieutenant-colonel: 76% versus 59%; colonel: 46% versus 38%. And, remember that the officer boards making these selections were predominantly non-USMA graduates.

I come now to my last major point. What I have discussed so far are the benefits to the nation derived from West Point. But, citizens should also know that while the Military Academy's benefits are great, its costs are still reasonable. Those who do not understand West Point's benefits, I fear, are doubly confused about its costs. Perhaps it would be useful first to place West Point's cost in perspective by comparing its cost to the costs of other things.

Public schools resemble West Point in that they provide an essential service to our communities, and most people have a rough feel for the size and cost of their local public schools. The cost of West Point is less than the cost of the public school system in a city the size of Rochester, New York; or Anchorage, Alaska; or Nashville, Tennessee.

For another comparison, research and development funded at Johns Hopkins University by the Federal government exceeds the cost of West Point.

The federal government also spends more for food stamps in the state of Maryland and for Louisiana's Highway Trust fund than it does for West Point. I am not questioning the worth of these expenditures, only pointing out that the cost of West Point is not large in comparison.

On the other hand, I could also point to less productive expenditures. For example, people in our nation spend more money betting on jai alai than they do on West Point, and jai alai is "small potatoes" compared to what they bet on dogs, horses, sports, or lotteries. (For the curious, these figures come from the Statistical Abstract of the United States, published by the Department of Commerce.)

From these comparisons, I hope you realize that as we discuss the cost of West Point within the larger context of government expenditures, we are not talking about a large sum of money.

Citizens should also know that West Point has engaged in extensive cost reductions and efficiency measures both in past years as well as during the current Defense downsizing. Innovations within Academy programs have been funded internally by elimination of lower priorities or through generated savings. Support functions have been contracted out. Literally dozens of staff and faculty positions have been eliminated. Others have been downgraded or civilianized. Millions of dollars have been chopped from our budget. The size of the Corps of Cadets have been reduced by 10%. And, the Academy is preparing to make further cuts in keeping with Defense Department reductions and Congressional mandate.

With these points in mind, I still want to discuss West Point's costs, because benefits cannot really be evaluated independently of their costs. I sympathize with those people who want to argue that we as a nation cannot put a price tag on the value of acquiring a core of military officers who have been intensively prepared for loyal and able service. They say that our national survival may again be, as it has been in the past, in the hands of a few leaders of character from West Point, and that our national survival is priceless. "How can we not afford West Point?" they ask. I understand their point, and it would seem to serve my purpose here to agree with it entirely. Intuitively, I can; but, rationally, I cannot. Rather, I am persuaded that we citizens acting collectively as stewards of the Nation can afford the benefits West Point provides. That is, we all share a responsibility to decide whether there are alternatives to West Point which offer benefits approaching those of the Military Academy but at substantially lower costs.

The first half of such a benefit-cost analysis asks, "Can other alternative sources of officers provide benefits approaching those of West Point?" In fact, the Nation could provide a college education approaching that of West Point to future officers through an expanded ROTC-type program on college campuses, though it would lack the tailoring to the specific needs of the military profession which West Point provides. This approach to officer education in the United States was suggested as early as 1830 by Alden Partridge. And, yes, it is also true that we could give future officers military training approaching that of West Point through a shortened OCS-type training program. This is the British method at Sandhurst. Some urge it upon West Point. But, NO. There is no other college in the world which provides to its students the four-year immersion in moral, professional, and patriotic values that West Point does. This is a critical need of a democratic nation which no other undergraduate institution provides as well as West Point. The Military Academy provides the Nation an essential benefit which cannot be achieved in any other way.

Turning to the second half of the benefit-cost analysis, we ask, "Can other alternative sources of officers be provided at substantially lower cost?" Here the critics believe they have found West Point's Achilles' heel. They frequently point to the GAO report that West Point costs more than $200,000 per graduate, and they compare it to four years tuition cost at other colleges ($20,000 to $85,000). A college education can be obtained much more cheaply elsewhere, they contend. Or, they compare West Point's cost per graduate to the ROTC's cost per graduate. An Army officer can be obtained more cheaply elsewhere, they contend. Why does it appear that West Point costs more than other colleges?

Simply put, in determining the Academy cost-per-graduate, all of the costs properly attributable to running West Point are counted; but that total is erroneously compared to a fraction of the costs for running other colleges. What one hears most often about other colleges' costs is their tuition rate—the figure of most interest to parents who pay the bills. But, tuition actually covers only a fraction of the costs of colleges. The bulk of college costs are paid from earnings on endowments, from tax subsidies from State and local government, federal grants, and philanthropic gifts. The National Task Force on Higher Education and the Public Interest observed, "Few [people] understand the distinction between price (what students are charged as tuition or fees) and cost (the actual expenses to an institution for research, public service, and instruction)."

If one compares all of the costs of West Point to all of the cost of other colleges—not just the tuition portion—the costs of academy education are not significantly different from that of any other selective, comprehensive institution. For example, estimates can be calculated from cost figures for other colleges (such as those appearing in U.S. News & World Report, Sept 30, 1991, p. 93) which indicate that the average cost of a 4-year education at the nation's top-ten-ranked universities is $234,400—that is, higher than the cost of a West Point education. This conclusion passes the "common sense" test. The costs of teachers, classrooms, laboratories, and computers must be generally the same whether in Berkley, Boston, or West Point.

It is vital that we recognize that the operation of West Point is highly "cost-effective" in the most important sense of the term. That is to say, when the Academy's total costs are compared to other colleges' total costs, West Point is as economical to operate as comparable alternatives. There is a similar explanation for the appearance that West Point costs more than ROTC. This confusion arises from the fact that only part of the costs of ROTC are being compared with total costs of West Point. The Army pays only part of the total costs of the education and military training of an ROTC graduate. But someone pays for it; and the total costs of an ROTC officer's education and military training are approximately equal to the total costs at West Point. Again, the common sense test works. Some say that we should consider only costs to the Defense Department. They contend that we should ignore as unimportant those other public funds (taxes, grants, loans, tax-exempt philanthropic funds, etc.) which are spent to sustain colleges and universities. But, those represent real costs to the nation which must be considered.

To summarize this point, let there be no mistake in anyone's mind about the cost of West Point. It costs the nation no more in real resources—actual bricks and mortar—to get well-educated and trained Army officers from West Point than from any other source. And what the nation gets back from that reasonable investment is priceless when needed, because the nation gets officers who can make the difference in survival of the nation. As Creighton Abrams put it, "Ultimately the Army makes the difference between survival and disappearance of the country, between anarchy and civil authority, between victory and defeat. In war, it is extraordinary how it all comes down to the character of one man."

I will sum up by saying that West Point earns its place as part of the Army's system for the education of officers for the following reasons: The strength of the Academy's reputation attracts to it the highest quality youth in America, and then it educates them and imbues them with traditions of character, leadership, and loyal service to the nation. So inspired, they, as a group, serve in the Army longer and more successfully than those from any other source. While their gain in commitment to essential moral, professional, and patriotic beliefs is of inestimable value to a democratic nation, it is achieved at a cost to the nation no higher than comparable colleges or commissioning sources. These facts led the 1989 USMA Board of Visitors, representing both Congress and the President, to conclude that Military Academy graduates are "a bargain for the Nation." And, these facts need to be more widely appreciated if the nation is to decide wisely the future course of its Military Academy.

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## THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AMENDMENTS OF 1993

### HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. SHARP. Mr. Speaker, by law, the House of Representatives appoints a Member to represent it on the National Historical Publications and Records Commission. I have the honor to be that Member. In that capacity, I introduce today the National Historical Publications and Records Commission Amendments of 1993.

The NHPRC is one of the smallest agencies of the Federal Government. But in the long run, it plays one of the largest roles. Its job is to promote the documentation of America's history.

The NHPRC gives grants to help preserve and publish records—records that document American history at the national, State, and local levels. The National Archives protects Federal historical records. The NHPRC helps to protect other historical records of value and to publish the most important of both.

For example, NHPRC grants currently help historians publish the papers of George Washington, Thomas Jefferson, and other Founding Fathers. NHPRC grants also support projects to publish the papers of later figures in our history, such as Jane Addams, Thomas Edison, and Martin Luther King. NHPRC grants additionally support projects to publish documentary histories of major historical developments—the ratification of the Constitution, the Spanish settlement of the Southwest, the emancipation of the slaves, and the work of the first Federal Congress.

The NHPRC also has provided more than 600 grants for records preservation. These have gone to State and local governments, to historical societies, and to archives across the country. The NHPRC works with a national network of State historical records advisory boards to help localities preserve records in all of our States.

History scholarship and education depend on such work. Many records that document American history are deteriorating for want of adequate care. Others go unsurveyed and disappear. Some of the most important records are minimally accessible. The writings of many historically prominent Americans remain unpublished. Without accessible records, scholars cannot write history and teachers cannot teach it. NHPRC grants help meet these needs.

The needs are nationwide. Starting in the 1980's, the NHPRC has been making grants to help the States assess records conditions. A summary of State records assessment reports concludes that "State records agencies are in an impoverished condition," that "few local governments have adequate records programs," and that "the condition of their records is worsening." Small wonder that already just in the 1990's grant applications to the NHPRC have increased by 21 percent.

Appropriations, however, have not kept pace. We have never appropriated more than $5.4 million for NHPRC grants, nor authorized more than the current $10 million. NHPRC appropriations have risen only $1.4 million over the past 15 years, which means the Commission has fewer real dollars now, adjusted for inflation, than it did in the late 1970's. Grant funds for fiscal year 1993 were reduced to $5 million, a substantial cut for this small agency.

The current NHPRC authorization runs out in fiscal year 1993. In preparation for reauthorization, the NHPRC has done what few government agencies do. It has reassessed its activities, reexamined needs in the field, and developed a detailed plan with priorities for future accomplishments. The plan sets forth 5 broad goals and 17 specific objectives.

The plan calls for acceleration of the Commission's Documents for Democracy Program. This program supports projects to publish papers that document the foundations of American democracy—papers of the Founding Fathers and papers on the adoption of the Constitution, the Bill of Rights, and the beginnings of our government. These publications are of educational value not only to Americans but potentially to people in former Iron Curtain countries abroad who are trying to develop democracies.

The Commission's plan calls for strengthened assistance to our States. NHPRC planning grants will help State archivists meet records problems identified in the recent statewide records assessments. NHPRC matching grants will help States encourage hard-pressed local governments to preserve historical records and make them accessible.

The Commission's plan calls for research on electronic records problems. NHPRC grants will help archivists learn to cope with the special problems of preserving computer-generated records, which are mushrooming. Such needs are identified in a recent report entitled, "Taking a Byte Out of History," by the House Government Operations Committee. The Commission is responding to it.

The Commission's plan lays out additional priorities for records preservation and publication through the 1990's. And it shows how we can make substantial documentary progress with only modest increases in program levels. The bill I am introducing for the Commission would authorize $12 million in 1994 and 1995; $15 million in 1996 and 1997, and $18 million in 1998 and 1999.

We already invest much more in other kinds of historic preservation. Current appropriations for the Historic Preservation Fund's grants to preserve historic sites are five times greater than appropriations for the NHPRC's grants to preserve historic documents. It is important to balance the needs of preserving our historic buildings and sites with the equally important task of preserving the documents that contain the historical memory of the Nation.

Obviously, Mr. Speaker, this is not a partisan issue. Democrats and Republicans alike have always united to support the work of the NHPRC to document our country's history. I urge all of my colleagues on both sides to support reauthorization of the NHPRC at the requested levels. That will make carrying out the NHPRC's plan possible—and assure the American people that valuable records of our history will be safe and accessible.

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## FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. DE LUGO. Mr. Speaker, I am introducing a bill today recommended by the Bush administration that would phase out the current commitment for special development assistance to the Northern Mariana Islands.

This bill would implement an agreement reached between a representative of President Bush and representatives of the Governor of the Commonwealth that was endorsed in our new President's economic plan last week.

The agreement would commit the United States to provide the islands with $120 million in special funding from fiscal year 1994 through fiscal year 2000. These funds are intended to match local funding of infrastructure projects.

In recommending the agreement, both the current and past administrations have noted that it would reduce spending from current law. This is because the law commits some $27.7 million a year to develop the Commonwealth.

Thus, if you assume that the current commitment would not be changed without the agreement, it would save about $64 million during the next 7 years and even more afterward. This is a big assumption, though, because the current commitment was not intended to be a long-term funding mechanism but simply a stopgap until a decision was made on post-fiscal-year 1992 funding.

The current commitment was enacted in 1986. It was made in place of an agreement that representatives of a previous Governor of the Northern Mariana Islands said a representative of President Reagan had insisted upon.

Both the current commitment and the new agreement grew out of a provision of the agreement which united the Northern Mariana Islands and the United States.

That agreement, which was approved by law in 1976, committed the U.S. to provide special assistance to raise the standard of living in the islands and develop their economy so that they could meet the costs of local government.

It also required that representatives of the President and of the Governor of the islands make recommendations on assistance for periods after the initial commitment, which ended in fiscal year 1985.

There has been substantial progress toward achieving the original agreement's goals since 1976. But there are also questions about how these goals are being met that Members are likely to raise as further assistance is considered.

The standard of living in the islands is much higher than it was then for the indigenous residents. But this standard is not enjoyed by most of the alien workers that now make up half the islands' population.

The Commonwealth's income tax rates are less progressive than Federal rates. They also appear to raise substantially less revenue than Federal rates would; perhaps $43 million less in 1990.

These matters raise complex questions. I hope that they are examined fairly, with a full awareness of the circumstances and needs of the Commonwealth as well as a consciousness of what is responsible and right.

Simpler questions will also be raised in connection with this proposal. They relate to the Commonwealth's commitment to spend $120 million of its resources on infrastructure and the projects to be financed.

All of these questions can be raised during the hearing on the bill which I am scheduling for the Insular and International Affairs Subcommittee to conduct on March 18.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of March 24, 1976 (Public Law 94-241; 90 Stat. 263), as amended, is amended by adding the following new section at the end thereof:

"Sec. 6. Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $120 million of guaranteed amounts of direct grant assistance to the Government of the Northern Mariana Islands for capital infrastructure construction for the seven fiscal years 1994 through 2000, which assistance shall be provided according to the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands."

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## TRIBUTE TO PATRICIA SINGLETON-LILLY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Patricia Singleton-Lilly, a member of my women's caucus who exemplifies our theme, "Women Who Dare To Be Different".

Mrs. Singleton-Lilly, was born and reared in Charleston, SC. However, for the past 45 years she has been a resident of the 10th Congressional District of New York—Brooklyn—and has worked in the insurance industry as a senior claims examiner for a large New York insurance company. She began her career in the industry after completing a 2 year course at the College of Insurance of New York some 45 years ago. As a result of her outstanding and hard work in the insurance business, Mrs. Singleton-Lilly was later appointed to the board of the New York Insurance Arbitration Forums Inc.

Mrs. Singleton-Lilly has demonstrated her vision and determination to achieve. She has worked in the community for the past 45 years with the northeast chapter of the Burke Alumni Association. The association's goals are to help the young people of there community to aspire to higher education, and to help them achieve it by providing scholarships. She is also a member of the East Flatbush Community Board 17, youth advisory committee; Saint Therese of Listieux Roman Catholic Church, Brooklyn, NY; the secretary of C.B.S. East 48 Street Block Association; chairwoman of the northeast chapter of the Northeast Burke Alumni Association; and den leader for the Boy Scout Pack No. 275.

Mrs. Patricia Singleton-Lilly, believes if you are concerned about your community you must get involved guiding the young people of that community.

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## REGULATORY AGENCIES

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. OXLEY. Mr. Speaker, every year, regulatory agencies make hundreds of decisions which impact the financial wellbeing of employees and employers throughout the United States. Today, I would like to share with my colleagues in the House some thoughts on a rulemaking proceeding pending before the Federal Communications Commission which clearly illustrates the economic significance of regulatory decisions. I offer these statements to my colleagues to emphasize the necessity of congressional awareness and oversight into regulatory actions which impact the financial, technical, and competitive resources of America's private sector.

Currently pending before the FCC, in ET Docket 92-9, is a rulemaking proceeding which holds the potential for restricting competition and even favoring foreign manufacturers over domestic companies. The issue which the Commission will decide in the next several weeks involves how best to reaccommodate FCC licensees now operating extensive microwave systems in the 2 Gigahertz [GHz] area of the radio spectrum. Some time ago the Commission decided to reallocate this spectrum space for new emerging technologies, and in the process has begun to deal with the issue of accommodating displaced users of the 2 GHz frequency. Movement of the current occupants of this frequency will require both the users and manufacturers of equipment to adopt entirely new and different hardware. While this particular frequency reallocation action must ultimately be decided on seemingly very narrow technical grounds, it is certain that the outcome will have sizeable financial implications for a number of U.S. firms. Consequently, the Commission must be cognizant of the importance of maintaining a healthy, competitive domestic supply base of equipment manufacturers by adopting a final rule which neither advantages nor disadvantages any one company.

Under the Commission's preliminary proposed rules for relicensing displaced 2 GHz microwave systems and others in those higher frequency bands, esoteric technical matters such as channelization schemes, digital efficiency standards, and interference criteria have been adopted largely on the recommendations of a foreign owned manufacturer. Upon close examination it has become clear to U.S. microwave equipment manufacturers that the Commission's proposed technical rules may accommodate microwave equipment manufactured only by the foreign company. To state this another way, final adoption of the Commission's current position in this matter will have the effect of giving one company—foreign owned—a very one-sided competitive advantage. Until U.S. companies can redevelop, redesign, and manufacture equipment meeting the proposed new FCC standards, they will in effect be frozen out of this marketplace. Practically speaking, Mr. Speaker, it will take U.S. firms approximately 24 months to accomplish this redesign task, a huge amount of time in the fast-changing marketplace of microwave transmission equipment.

A group of U.S. microwave manufacturers and the industry's trade association, the Telecommunications Industry Association [TIA], have advised the Commission through the reply-comment process of their concerns with the current FCC position. In addition to noting the inefficiencies and inequities of the Commission's proposed current position, the manufacturers and TIA have offered a solution which, if adopted, will: First, meet the needs of the marketplace, both those of the manufacturers and their equipment customers; second, maintain a healthy base of equipment suppliers serving this important product area which will, in turn, continue to guarantee that customers will have the benefit of competitive products at competitive prices during the transition from the 2 GHz frequency to another; and third, eliminate the unintended, but nonetheless real, possibility that a regulation adopted by a rulemaking agency of the U.S. Government will impair the competitive position of U.S. companies serving the U.S. marketplace.

Mr. Speaker, it is clear to me that the correct position for the FCC to adopt is found within the proposal submitted by the U.S. companies and the Telecommunications Industry Association, a summary of which I am submitting for inclusion in the CONGRESSIONAL RECORD along with this statement. I might also note Mr. Speaker that other Members of Congress with interest and concern in this matter will be contacting the Commission to express their interest in the final outcome. I believe that the FCC, having been properly alerted by both industry and Congress, will give due consideration to the important policy issues arising from this matter and the equally important economic, technological, and competitive implications which will surely follow their decision.

### SUMMARY

TIA applauds the Commission's initiative to redevelop expeditiously spectrum for emerging technologies and commends the Commission's effort to create a technical and regulatory environment that will facilitate the transition of current users of the 2 GHz band to the 4, 6, 10, and 11 GHz bands. While TIA supports the Commission's proposal with respect to (1) dropping voice channel loading requirements and analog performance standards and substituting minimum digital system loading requirements, (2) minimum path lengths, (3) antenna characteristics, (4) emission and bandwidth limitations, (5) frequency diversity, and (6) automatic power control, TIA strongly believes that certain modifications to the proposed rules must be adopted to further the public interest goals of maximizing spectrum effiency and utilization, facilitating the orderly migration of displaced 2 GHz users, minimizing the adverse impact to new and existing licensees and maintaining industry competitiveness. In TIA's view, these public interest goals must be met in order to protect existing microwave users in the relocation process and facilitate the rapid and efficient introduction of emerging technologies.

Specifically, TIA recommends that the Commission (1) modify the channel plan to incorporate 1.25 MHz channelization (rather than 1.6 MHz channels) and eliminate the proposed 400 and 800 kHz channels, (2) modify the narrowband and wideband channels in the lower 6 GHz band, (3) make high capacity allocations available in the 4 GHz band by increasing maximum bandwidths to 40 MHz, (4) make available a range of wideband and narrowband channels in the 11 GHz band, (5) require substantial justification for the assignment of 15 GHz and below wideband channels (*i.e.*, 10 MHz and greater channel bandwidths), (6) phase-in efficiency standards for digital microwave equipment, (7) establish identical interference protection criteria and coordination procedures for both private and common carrier systems, and (8) accelerate negotiations toward final arrangements with NTIA to establish terms for non-government licensee access to the 1.7–1.85 and 3.6–3.7 GHz bands.

TIA's modification proposals are designed to facilitate, not forestall the Commission's efforts to clear the 2 GHz band for emerging technologies as quickly as possible. TIA firmly believes that adoption of its proposed modifications in addition to the other technical rules proposed by the Commission will create the appropriate technical and regulatory environment to facilitate the orderly relocation of current users of the 2 GHz band to higher frequency bands. Indeed, TIA urges the Commission to expeditiously resolve these issues so that its members may undertake the necessary steps to begin manufacturing new equipment quickly for the displaced 2 GHz users.

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## THE RISING DEMAND FOR NEW YORK CITY SEWAGE SLUDGE

### HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. MANTON. Mr. Speaker, last June, the city of New York halted the offshore dumping of sewage sludge to comply with provisions of the Ocean Dumping Ban Act of 1988. Sewage sludge is the semisolid residue that remains following the natural biological treatment process that takes place in our sewage treatment plants. While the term "sludge" connotes a vile, troublesome waste product of little practical value, this is far from true. In fact, sewage sludge, now more recently referred to as "biosolids," has proven to be a rich fertilizer and soil conditioner that has gained popularity around the Nation.

At present, 42 percent of all U.S.-produced wastewater solids are being applied to land to benefit agriculture and forestry. Land application of sludge is an inexpensive alternative to conventional landfill disposal or incineration. Moreover, this alternative has led to a new green partnership between local governments and private enterprise. Private contractors now vie for the opportunity to haul processed sludge to rural areas for land application under strict State and Federal controls and monitoring requirements.

Further economic benefits are passed on to farmers who are not charged for sludge application to their fields. Since sludge is rich in nitrogen and other soil nutrients, farmers save money, up to $100 per acre, normally spent on commercial fertilizer. Finally the organic matter in sludge improves soil structure and the ability to retain water which means that crops are more productive and less vulnerable to drought events. Improved water retention in soil also means that soil is less apt to be lost through erosion, thus protecting water quality of rural streams and rivers.

Mr. Speaker, the beneficial reuse of sewage sludge is clearly the best policy for our Nation to follow. However, we must ensure that the health and well-being of our citizens is adequately protected in the process. While the U.S. Environmental Protection Agency has recently issued final rules for the land application of sludge to protect human health and the environment, no such regulations exist for the processing of sludge into a refined product, such as compost. Nor has the EPA established any rules or conducted recent indepth studies on the environmental, economical, and sociological hardships the siting of such processing facilities may pose for the communities where they are intended to be located.

Mr. Speaker, I would like to submit for the RECORD two recent New York Times articles that outline continuing efforts in the recycling of New York's sewage sludge. Although some skepticism remains, refinement of technologies and tighter controls on New York's wastewater stream have resulted in the production of a higher quality processed sludge. As Rock Cramer, an Arizona cotton farmer said in one of the articles: "As far as I'm concerned, if everyone's sewage was like New York's this world would be a better place."

### ULTIMATE ALCHEMY: SLUDGE TO GOLD

(By Michael Specter)

Whether the cargo wanders the world endlessly on a barge, or is hauled by rail to the midwest where armed guards refuse to accept it, and whether it travels as solid waste or in giant mounds of processed sludge, nobody wants any part of New York's monumental collection of garbage.

Nobody, that is, except the savvy farmers of Colorado, Texas, Oklahoma and Arizona.

Out there, where people have a well-developed understanding of what human waste can do for winter wheat, New York City sludge is greeted like sweet rain in a drought. Farmers in the arid desert will do almost anything to carpet their ground with the precious product of New York's enormous sewage system.

"At first people wanted to flee the land when they found out New York's sewage was on the way," said Douglas Tallman, a farmer in Lamar, Colo., whose enthusiasm for the product and part-time job as a local magistrate have earned him the nickname Sludge Judge. "But if there was ever a true sister city for New York it's Lamar," he said. "Your waste comes out here and fertilizes our wheat fields. That helps make some of the bread that finds its way back to your tables."

Ah yes, the great chain of life. But fertilizer is fertilizer, and despite frequently expressed fears that it would be laden with everything from nuclear waste to the virus that causes AIDS, and that it is spilled on the highway it would burn through asphalt like acid, New York City sludge turns out to be pretty solid stuff. And boy, is there a lot of it.

### GO WEST, YOUNG SLUDGE

New Yorkers turn out about 1.7 billion gallons of treated sewage a day, and since last year when Federal laws forced the city to stop dumping it all in the ocean, officials have struggled to find useful and affordable ways to recycle it.

New York sends most of its sludge out West, although some still goes to a landfill in Virginia. So far, the city gives it away, although it does have to pay transportation costs. Still, it is a deal for taxpayers who would otherwise have to pay millions more to bury it all. But environmental officials dream of a day when sludge would be in such demand that the city could turn it all into pellets, call it fertilizer and sell it for a profit. Even increasing free exports would probably allow New York to build fewer than the six processing plants now planned. That could shave tens to hundreds of millions of dollars from its budget over the next decade.

"We've got a hell of a commodity here," said the city's environmental commissioner, Albert F. Appleton, who has pledged to help

New York use some of its sludge locally, in parks and nurseries. "One hundred years of Victorian propriety have turned us against manure. But it's time to reach back to our roots."

POISONS LEAVE WITH INDUSTRY

And if anything can lay genuine claim to those roots, it is sludge, which is simply the product of sewage treatment. It can still be toxic, filled with poisonous metals, dangerous and noisome. But over the last three decades, as heavy industry deserted the region for cheaper places to do business, the metal content of city sludge has dipped and the nitrogen and phosphorous needed to make plants grow has risen in proportion. And unlike chemical fertilizers, sludge releases its nutrients slowly, making the soil stable and spongy so it can absorb and hold more water.

In the world of recycling, the great goal is to turn garbage into a commodity. So it seemed obvious to New York environmental officials that the city's burden might be some other's bounty. They have contracted with two companies—Enviro-Gro Technologies, based in Baltimore, and Merco Joint Venture, a partnership of four companies—to go West with city sludge, and much to everyone's astonishment, farmers are lining up to get their share.

"As farmers and businessmen for Southeastern Colorado, we are writing to inquire how we can get more sludge from New York City," began one recent letter to Mayor David N. Dinkins. "Unfortunately over the last few months we have noticed the volumes dropping off."

The glories of New York sludge—the fertilizer industry refers to it as biosolids, in a desperate and largely unsuccessful attempt to move the product upscale—have not always been easy to grasp, particularly in the heartland. Alabama residents shut off all attempts to export New York sludge to their pastures, and in Oklahoma, where farmers have begged for their share, opposition by many residents and public officials has been so intense that a plan to ship 1,150 tons a day was defeated after more than a year of suits, bitter letters and direct action.

OPPONENTS TURN VICIOUS

"One woman wrote to me to say that she had argued long and in public for the plan," said Nina Sankovitch, a senior project lawyer at the Natural Resources Defense Council. She said she gave up when someone came by one night and killed her dog.

Opponents in Oklahoma, and in Texas, where Merco has been spreading it at a rate of three dry tons per acre a year (about a salt shaker's worth per square foot) reacted bitterly to the idea that New York's dung could end up on their farms. Civil suits have been filed and 'letters to the editor' pages are filled with reminders that damage done to water and image are often irreparable.

"Doesn't anyone remember 'The Grapes of Wrath?'" one astounded opponent wrote to The Tulsa Tribune last year, before the paper went out of business in September.

Tim Cagg, chairman of Concerned Citizens for a Clean Environment in Thomas, Okla., wrote The Tribune: "No part of Oklahoma will be sacred. These profit seekers will not be around when we must clean up the damage in years to come."

'THE MOST SCARY THING'

Sludge-spreading proponents understand the concerns, but say they are misplaced. "It's a scary thing at first to take New York's waste and spread it on the land that supports you," said Kelly Sarber, a spokeswoman for Enviro-Gro. "In fact to some people it's the most scary thing they can think of. But after a little education most people eventually come around."

But not all people. Imagine and reality often clash—particularly when New York is involved. Sludge from the city is less toxic than similar products from Detroit or Cleveland, say farmers who use it. And for those who cannot quite overcome their visceral fear of human waste from the nation's biggest, baddest city, there are many safeguards along the way.

The sludge is checked for pollutants in New York at the sewage processing plants when it is finished. Federal officials of the Environmental Protection Agency, which issues rigorous sludge quality standards, check it before it leaves town sealed in freight or truck containers. It is checked again by local health officials when it reaches it destination, and then constantly monitored once it is applied to the ground.

"I don't know how anybody can be unhappy about this," said Rock Cramer, who farms cotton on 1,000 acres in Vicksburg, Ariz. about 50 miles from the California border. "It's got everything we lack. A little zinc, some copper and an incredible load of organic material. I wish I could put 25 tons of this product per acre on my land. I would use 100 tons an acre if I could. As far as I'm concerned if everyone's sewage was like New York's this world would be a better place."

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## TEXAS TOWN AND FERTILIZER FROM THAT CITY

(By Roberto Suro)

SIERRA BLANCA, TEX.—A tiny yellow engine and 18 bright red railroad cars stand out sharply as they trundle past dark creosote bushes and the occasional sotol plant, bringing another load of treated sewage from New York City to the high desert of West Texas.

Even such a brightly colored little train seems a mere detail in a landscape vast enough that one can stand in the sun and watch a rainstorm miles away. But, depending on who is doing the talking, the sludge now arriving almost daily is either going to make the desert bloom or render it a dead zone.

Since July, trains have been arriving at a ranch here, some 85 miles east of El Paso, bringing an average of 225 tons a day of treated human waste that New York used to dump at sea until that was prohibited last July 1. From the start the project pitted neighbor against neighbor with smalltown ferocity. Coloring all the arguments was a sense that the wastes were arriving from a metropolis so alien and far away that it might as well be from another planet.

Sierra Blanca is the county seat of Hudspeth County, which, while almost the size of Connecticut, has a population of just 2,900, a crowd that would not even fill the Metropolitan Opera House at Lincoln Center. Nearly 39 percent of the people here live in poverty, and two-thirds are of Hispanic origin, according to the census.

MORE THAN DESERT AND DUST

Sitting on a tattered stool in his general store, Bill Addington, leader of the opposition, said, "The Northeast views this whole region as nothing but desert and dust and a few sleepy Mexicans who don't care."

At a gasoline station a few hundred feet away, at what is almost the other end of town, the proprietor, H.A. (Speedy) Virdell Jr., the most vocal supporter of the sludge's importation, said: "If it had been coming from Dallas or Houston, no problem, it would have come in here with flying colors. But New York, with all that industry and all the different people who live in that community from all around the world, that's something else."

The source of the sludge was just one provocation. For more than a decade the Texas government has been searching for a place to put a federally mandated low-level radioactive waste depository. It settled on a spot just outside Sierra Blanca last February. That, plus the way the sludge project was handled—no formal hearings were held—and its size—up to 94,369 acres, more than six times the size of Manhattan—provoked fears like Mr. Addington's: "We've become a designated dumping ground for all the stuff no one else wants because we don't have enough people or money to fight back."

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## MERCHANT MARINERS FAIRNESS ACT

### HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. BATEMAN. Mr. Speaker, I am pleased to submit for the RECORD today an excellent article written by Mr. Michael O'Shea which appeared nationwide in the February 14 edition of Parade magazine.

This article makes a compelling case why the Congress should enact H.R. 44, the Merchant Mariners Fairness Act, a bill introduced by the distinguished ranking Republican member of the Merchant Marine and Fisheries Committee, the Honorable JACK FIELDS.

This bill, which I am pleased to have cosponsored, would provide veteran status to about 2,500 Americans who served honorably in our merchant marine during World War II.

I am hopeful that my colleagues will carefully review this important article and that they will join with me in urging expedited consideration of H.R. 44.

The text of the Parade magazine article follows:

[From Parade magazine, Feb. 14, 1993]

A FINAL VICTORY?

(By Michael O'Shea)

If you were a merchant seaman manning a cargo vessel in the first year of World War II, five decades ago, your chances of being killed were higher than if you served in any of the U.S. armed forces. The heavy casualties and destruction of ships under the Merchant Marine went unpublicized throughout the war for reasons of morale and security. But some knew the truth.

"I hold no branch in higher esteem than the Merchant Marine services," declared Gen. Douglas MacArthur. Yet it took 43 years of lobbying and legal battles to get veteran status in 1988. Since then, the Merchant Marine veteran-eligibility cutoff date has been Aug. 15, 1945—the end of World War II. The Merchant Mariners Fairness Act, H.R. 44, first introduced in Congress in 1989, would make the eligibility cutoff date the same as that for all other military services—Dec. 31, 1946.

Rep. Jack Fields (R., Tex.), a sponsor of the bill, which was reintroduced five weeks ago, said: "The war did not end on Aug. 15, 1945, for the Merchant Marine. Defense shipping actually increased after that date. In addition, we learned that at least 12 U.S.

merchant ships were damaged or sunk after Aug. 15, 1945. This bill will provide veteran status to 2500 merchant mariners who have become the forgotten patriots of World War II."

Stephen Mahr, 72, a veteran of World War II, said: "The Merchant Marine had the enormous task of transporting all of the materiel necessary to supply the Allied war efforts. This often meant that merchant seamen made long, unprotected voyages in antiquated, slow, World War I-era ships. These older vessels—even some wooden sailing ships pressed into cargo service—were no match for the enemy submarines, surface vessels and mines that they encountered." Between January and July 1942, German submarines sank nearly 400 ships in our coastal waters±.

Fred Larsen, 77, was also a merchant seaman during the war. His vessel was bombed, torpedoed, rammed and sunk. He was decorated for bravery during the resupply of Malta in August 1942, when he manned aircraft guns for three days on a disabled, burning ship filled with diesel fuel. "Over the course of the war," Larsen said, "733 merchant ships were sunk, with 6507 merchant seamen killed in action and 4780 missing and presumed dead. More than 600 merchant seamen and one stewardess were captured by the enemy, and 37 of them died in captivity. On Wake Island, two merchant seamen were beheaded."

Many historians feel the main reason for the defeat of Nazi Germany in World War II was that it had to fight on two fronts, while the Russians were able to survive because of Lend-Lease and other support provided by the Allies—but delivered by the Merchant Marine.

"The Merchant Marine Academy was the only service that sent cadets into combat prior to graduation," said Capt. Charles Renick, 66, a World War II veteran. They had to serve three months of duty ashore as part of their training, and then they went to war. Some cadets were sunk two or three times, 650 were sunk at least once, and one spent 34 days in an open boat. In all, 142 cadets from the Merchant Marine Academy at Kings Point, N.Y., were killed in World War II.

Vessels managed by merchant seamen were involved in every major invasion in World War II, including Iwo Jima, Okinawa and D-day. By the end of the war, the Merchant Marine had provided crews for more than 5000 ships, with an average delivery rate of 8500 tons of war materials per hour, 24 hours a day.

If the Merchant Mariners Fairness Act of 1993 passes, men who served between the current cutoff date and the new one will become eligible for the same benefits as other World War II veterans: military burial, medical care at VA hospitals and VA home-loan guarantees. Representative Fields estimated that this would cost American taxpayers little money, because, "while the 2500 Americans affected by H.R. 44 would be eligible for a variety of veterans' benefits, the only benefits they are likely to obtain are recognition and the right to have a flag on their coffin." He added, "After all, education benefits have long since expired, people in their mid-60s do not usually buy new homes, and all of their individuals are already eligible for Medicare benefits."

For more information about the bill, write to the Hon. Sonny Montgomery (D., Miss.), Chairman, House Committee on Veterans' Affairs, Dept. P, 335 Cannon House Office Building, Washington, D.C. 20515.

(If you are one of the estimated 250,000 Merchant Marine veterans who already may be eligible for benefits, contact Commandant (G-MVP: 1/12), United States Coast Guard, Dept. P, 2100 Second St., S.W., Washington, D.C. 10593-00.)

## TRIBUTE TO KATHRYN M. SMITH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Ms. Kathryn M. Smith, a member of my women's caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of Women Who Dare To Be Different.

Ms. Smith has demonstrated that with vision and determination you can achieve your personal ambitions. She has worked in the public school system of New York, and received undergraduate, master's, and legal degrees. She worked in the public schools for 17 years before embarking upon her lifelong ambition to become a lawyer. After achieving her goal, she distinguished herself in her profession. Her first legal assignment was with the Metropolitan Life Insurance Co. She subsequently went to work as an assistant attorney general in the office of the New York State attorney general.

Kathryn Smith's accomplishments are remarkable when one considers that she is the mother of two daughters, Jemea, who is currently working on a master's degree in urban policy at the New School for Social Research, and Aishah, who is in law school at the University of California, Berkely. She embarked upon her personal ambitions while her two daughters were 5 and 6 years old respectively. There is no doubt that she has accepted the challenge and met the task. It is my pleasure and honor to recognize her achievements as a diligent community worker, mother, and professional.

## HONORING LOU RETTINO

### HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. FRANKS of New Jersey. Mr. Speaker, I am pleased to announce today that Mr. Lou Rettino, a Westfield resident, has been selected by the Westfield chapter of UNICO National as this year's "Person of the Year."

Lou is an honor graduate of St. Peter's Prep in Jersey City and attended Villanova University on a football scholarship. A varsity starter for 3 years, this All-East performer culminated his college career by leading his team to the only two bowl games in the school's history. Lou graduated with honors, majoring in psychology and minoring in political science. As a result of his accomplishments, Villanova inducted him into their hall of fame. He was drafted by the AFL and NFL and signed with the Green Bay Packers in 1963. After 1 year, his playing career ended because of knee surgery and thereafter his coaching career began.

This is his 25th anniversary as a head coach. During his years of coaching, Lou has garnered almost 200 wins. His record since taking over at Union High School in 1977 has been unparalleled in State history. Lou's Union record stands at 146 wins, 19 losses, 3 ties. This includes nine State sectional championships, six Star Ledger trophies for the No. 1 team in New Jersey and five finishes in the USA Today "Top 5 in the Country." Lou has been honored as the "Coach of the Year" at the county, State, and national levels. Lou is a popular speaker at clinics all over the country—California, Nebraska, Iowa, Pennsylvania, Ohio, and New Jersey have asked him to headline their programs. He continues to serve in his dual role as director of physical education, health, safety, and athletics and as head football coach at Union High School. Lou has served on the executive committee of the New Jersey high school all-star football game since its inception and this year he is the executive director of that game. Lou is a past president of the Union County Interscholastic Athletic Conference and is currently president of the Watchung Conference.

Mr. Speaker, UNICO's Westfield chapter is extremely proud of Lou Rettino. His dedication to his profession exemplifies the motto of UNICO, "Service Above Self."

## SUPPORT EQUAL TREATMENT FOR FEDERAL RETIREES

### HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. LEWIS of Florida. Mr. Speaker, Social Security has been excluded from the Federal budget since 1986. This separate budgetary status makes any cuts in Social Security benefits more visible and therefore more difficult to make. Unfortunately, the pensions of Federal retirees do not have such protection. Equal treatment for these retirees is long overdue.

Therefore, today I am introducing legislation to exclude the Civil Service Retirement and Disability Fund from the Federal budget. Because of the current on-budget status, Federal retirees have been subject to cost-of-living adjustment [COLA] reductions to improve the budgetary picture. At the same time, Social Security recipients received full COLA's, in part because of Social Security's off-budget status.

I call on my colleagues to join me in this effort to grant the Civil Service Retirement and Disability Fund equal budgetary treatment by cosponsoring my bill.

## ANTARCTIC ENVIRONMENTAL PROTOCOL ACT OF 1993

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. STUDDS. Mr. Speaker, today I have introduced a bill to implement the Protocol on

Environmental Protection to the Antarctic Treaty. The United States signed the Protocol on Environmental Protection in Madrid in 1991 and for this reason it is called the Madrid protocol. The Senate gave its advice and consent to the United States ratifying the Madrid protocol in 1992, but, until the necessary implementing legislation is enacted, the President is not able to deposit the instruments of ratification for this non-self-executing treaty.

My bill, the Antarctic Environmental Protocol Act of 1993, with minor modifications, is the same text as the bill reported in the 102d Congress by the Committee on Merchant Marine and Fisheries, H.R. 5459, House Report 102-932, part 1. I have reintroduced the bill at this time so we can initiate the discussions within the Congress and with the Clinton administration over the best approach to take to implement the Madrid protocol.

The Madrid protocol provides, for the first time, comprehensive environmental protection for the Antarctic Continent. While preserving the continent for peaceful purposes and scientific research, the Madrid protocol also designates Antarctica as a natural reserve. Of note, the Madrid protocol includes a 50-year mining ban in the Antarctic Continent. This ban is consistent with the mining ban that was imposed initially on U.S. citizens in the Antarctic Protection Act of 1990, 16 U.S.C. 2461 et seq., a law sponsored by our late colleague and friend, Silvio Conte.

The Madrid protocol also contains a series of environmental principles which are binding on nations and apply to all activities in Antarctica; a requirement for parties to prepare environmental impact assessments before conducting any activity in Antarctica that has more than a minor or transitory impact on the Antarctic environment; and a system of binding dispute resolution for disagreements over the application of standards detailed in five annexes. The five annexes, integral to the Madrid protocol, cover environmental impact assessments; conservation of Antarctic fauna and flora; waste disposal and waste management; prevention of marine pollution; and special area protection and management. Finally, the protocol establishes a new Committee on Environmental Protection as an expert body to provide advice and formulate recommendations to Antarctic Treaty meetings on environmental issues.

My bill contains comprehensive, stand-alone legislation to implement the Madrid protocol and its five annexes domestically. While I am not wed to any particular form and would not elevate form over the substance of this legislation, I do not agree with the approach that says all we need to do is make fine-tuning amendments to the Antarctic Conservation Act of 1978, 16 U.S.C. 2401 et seq., a law that only implements one aspect of the Protocol, the conservation of fauna and flora—and be done with it.

Nor do I agree with the direction of leaving the present operator of the U.S. Antarctic Program, the National Science Foundation [NSF], completely in charge of the Madrid protocol and permitting its own compliance with the protocol. We had the same debate in the 102d Congress whether Federal agencies should monitor their own compliance with key environmental laws and passed the Federal Facilities Compliance Act of 1992 to ensure that this would not happen. In 15 years, the NSF has failed to promulgate final regulations required by the 1978 Antarctic Conservation Act to control pollution in Antarctica. The NSF is a fine agency, with a fine record for conducting and supporting basic and important scientific research, but it may not be the right agency to enforce the requirements of the Madrid protocol. For this reason, and to begin a dialog on this question, my bill would leave the NSF in charge of the scientific research program for Antarctica, but would transfer to the Under Secretary of Commerce for Oceans and Atmosphere—also the administrator of the National Oceanic and Atmospheric Administration [NOAA] responsibility for resource protection, permitting, tourist regulation, and special area management. This is consistent with NOAA's current responsibility for living marine resource conservation and the implementation of the mining ban in the Antarctic Protection Act and also recognizes NOAA's expertise for resource protection and management.

At the same time, my bill recognizes that other agencies have a role to play in carrying out the Madrid protocol. Agencies such as the Environmental Protection Agency will be consulted on water and air pollution issues. The Department of the Interior will have a say, as it does not, for permits affecting endangered species under its jurisdiction. The Coast Guard will enforce the marine pollution annex through amendments to the Act to Prevent Pollution from Ships, [33 U.S.C. 1901 et seq.), the act which implements the MARPOL Convention for the United States. The involvement of other agencies with expertise in environmental regulation, permitting and enforcement will help the United States fulfill its obligations to the Madrid protocol and the Antarctic Treaty System.

Another significant difference between the two bills is the fact my bill would have the United States implement the EIA provisions of the Madrid protocol through the National Environmental Policy Act of 1969, NEPA, 42 U.S.C. 4321 et seq. NEPA is the premier environmental law of this country and one under which environmental impact assessments for major Federal actions with significant impacts are now routinely done. The question of NEPA's application to NSF's programs in Antarctica was the subject of recent litigation and a decision by the U.S. Court of Appeals for the District of Columbia, EDF versus Massey, decided January 29, 1993. In that decision, Chief Judge Mikva, for a unanimous judicial panel, ruled that NEPA does indeed apply to NSF's activities in Antarctica. The judge concluded that he could not comprehend the difficulty presented by NSF's having to comply both with the standard for preparing an environmental impact assessment under NEPA—where the impacts are to be significant—and that under the Madrid protocol—where the impacts for assessment have to be more than minor or transitory. Although NSF might have to prepare fewer studies under NEPA than under the protocol, a single document could indicate how the environmental impact of the proposed action is more than minor and also more than significant. I agree wholeheartedly with the court's interpretation and have made clear in my bill that, where the impacts are more than minor, a single document, an environmental impact statement will be required under NEPA.

Finally, I wish to point out that my bill refers, in some places, to the Council on Environmental Quality and its role in developing environmental impact assessment procedures. President Clinton has proposed abolishing CEQ and transferring some of its functions to the new White House Office of Environmental Policy and some to a cabinet-level EPA. When these changes occur, we will modify the bill accordingly to refer to the correct agency.

I urge my colleagues' support of the Antarctic Environmental Protocol Act of 1993. I look forward to working with them and with the Clinton administration to develop strong legislation enabling the United States to ratify the Madrid protocol this year.

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## INTRODUCTION OF ERISA WORKER PROTECTION LEGISLATION

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. BERMAN. Mr. Speaker, with my colleagues WILLIAM FORD, PAT WILLIAMS, STEVE GUNDERSON, GEORGE MILLER, and CHRISTOPHER SHAYS, I am today introducing legislation to amend the Employee Retirement Income Security Act to provide that ERISA does not preempt three types of State worker protection laws.

We must restore to the States the right to prescribe a number of critical worker protections which have been held in a series of court decisions to be preempted by ERISA.

Thirty-one States have enacted State prevailing wage laws, setting the terms on which they will do business with contractors. Yet on ERISA preemption grounds, the prevailing wage laws of two of our largest States, California and New York, have been struck down.

All 50 States have enacted laws setting standards for the certification or training of apprentices. The States have a clear interest in developing a skilled work force, and in regulating the establishment and maintenance of apprenticeship programs. Yet these laws as well have been struck down.

Finally, all 50 States have historically had mechanics lien laws through which workers can secure payment for labor they perform on a building or other property. These mechanics lien and other similar remedies are an essential means for collecting delinquent contributions to multiemployer plans, but these laws, too, have been held to be preempted by ERISA, posing a serious threat to the very fiscal integrity of the plans.

Preemption of State laws that conflict with ERISA and its goal of a uniform national approach to employee benefit regulation is valuable and necessary. But preempting State laws in areas which Congress has never had any intention of addressing makes no sense at all.

That is why similar legislation enjoyed bipartisan support in the 102d Congress, and passed the House last summer on a voice vote.

The bill I introduce today establishes clearly that ERISA does not preempt State law in the three areas I have described.

I should note, however, that State prevailing wage laws that fail to meet the test outlined in this bill will be preempted. Under my bill, the State must give employers a choice of providing the benefits or paying cash wages equal to the cost of the benefits. Montana's law, which was struck down by the courts, failed to do that. The State also cannot require that the benefits be provided in a certain way or as a part of a certain type of plan. The Montana law required benefits to be provided only through a union plan, a second respect in which it violates the test established by my bill.

This legislation is supported by the National Association of State Apprenticeship Directors, the National Association of Governmental Labor Officials, the National Electrical Contractors Association, and the AFL–CIO.

I urge my colleagues to join me in restoring to our States the ability to extend these vitally important protections to American workers.

## TRIBUTE TO ROCHELLE TENNER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Rochelle Tenner, a member of my women's caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of "Women Who Dare To Be Different".

Mrs. Tenner, employed since 1977, as the district manager of C.B. 17, East Flatbush. Mrs. Tenner previously worked in local government, for Mayor Lindsay's Urban Action Task Force, in the Flatlands/Canarsie area. Her volunteer efforts included past presidency of the Glenwood Tenants Association and vice presidency at P.S. 251 and I.S. 78. Mrs. Tenner was a member of the district conference of PTA Presidents-School District 22. She currently serves on the advisory board of South Shore H.S. Adult Education Center, and is the secretary of the Association of Brooklyn District Managers.

As a member and former president of the Alan Foss Leukemia Memorial Foundation, Mrs. Tenner serves as current research vice president of this 28-year-old organization, which raises funds for research and patient care programs in the area of leukemia and other cancers, and helps individuals in need. From her own experiences as a cancer survivor, she has developed a hope that the world we have created for children is one filled with equality.

## TRIBUTE TO AMERICAN SERVICE MEN AND WOMEN

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. HUNTER. Mr. Speaker, I rise today to honor the great men and women who gave their lives during the Japanese attack on Darwin, Australia, in 1942. It was 51 years ago last Friday, on February 19, when Japanese dive bombers surprise attacked the U.S.S. *Peary* while at anchor in the Darwin harbor. Of the hundreds of sailors and innocent civilians who were killed, 91 were *Peary* crew members.

Following the war, the city of Darwin dedicated a parcel of land to commemorate those Australians and Americans who gave their lives that day. The townspeople planted 91 trees within the boundary of this park in memorial of the American sailors who fought to protect the northern territory from Axis aggression.

Every year, the city holds a ceremony to honor those who fell. During last year's event, the Australian Navy dedicated a permanent monument to the park, a refinished 4-inch forward gun, raised from the submerged hull of the U.S.S. *Peary*. Further, CPO Dallis Widdick, who survived the attack, donated a bronze plaque that lists the names of the 91 courageous crew members.

The valor and gallantry of American service men and women is heralded and respected around the world. The crew of the U.S.S. *Peary* lent further proof to this adage and will forever be remembered by those who cherish freedom and democracy.

## THE SOLID WASTE REGULATORY AUTHORITY ACT

### HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Ms. DANNER. Mr. Speaker, today I am introducing the States Solid Waste Regulatory Authority Act of 1993. This legislation gives the States the power to regulate the treatment and disposal of solid waste imported from other States.

Currently, Mr. Speaker, States and especially small communities like the ones I represent in Missouri, have no authority over the regulation of solid waste coming in from other States—States that cannot dispose of their own trash. The bill I have introduced proposes to change that.

Present law gives the Federal Government exclusive jurisdiction over the interstate transfer of solid waste, leaving States unprotected against the dumping of out-of-State waste within their borders. Small, primarily rural communities are often the targets of the importation of solid waste. These communities have little or no say upon the process of regulating such waste. Their meager political leverage, coupled with the lack of statutory authority to resist the importation of solid waste, leaves them no recourse to end or even mitigate this practice.

My legislation aims to change the regulatory process by providing States with enhanced oversight authority, and correspondingly gives communities de facto authority over the treatment of imported solid waste. I believe these communities should have the ability to control the regulation of out-of-State waste. By empowering the States, we empower the communities to control the movement of solid waste.

Representatives from those States that are net exporters of solid waste, and Missouri is in fact a net exporter of solid waste, should understand that this legislation does not prevent States, counties, or cities from transferring their waste across State lines. It simply creates a level playing field whereby the receiving States can now control, to the same degree as the exporting States, whether and how much solid waste ends up in their backyards. It injects an element of fairness into the equation and tells residents of those smaller, targeted communities that they again can have a voice in determining the quality of life in their communities.

## ALBANY ADDS DRINK BOXES AND MILK CARTONS TO ITS RECYCLING PROGRAM

### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. McNULTY. Mr. Speaker, I would like to take this opportunity to acknowledge a notable initiative on the environmental front taking place in Albany, NY. On January 28, 1993, Albany became the first municipality in the State of New York to add drink boxes and milk cartons to its recycling program. This program aims to reduce Albany's solid waste by 148 tons annually, as drink boxes and milk cartons are collected from Albany's 33,000 households and 18 city schools.

Following collection, these wastes are transported to the New Options on Waste Material Recovery Center near the Port of Albany, where they are sorted, baled, and then transported to Encore Paper, a recycling mill in South Glens Falls. At Encore Paper the drink boxes and milk cartons are processed to separate the plastic and foil from the high-quality paper pulp. These paper fibers are then used to make consumer products such as writing paper, towels, and napkins.

This noteworthy event is the result of a successful pilot program launched last year in four Albany city schools by the U.S. Conference of Mayors and the Aseptic Packaging Council. This program was designed to both reduce Albany's solid waste stream and to heighten awareness among students as to the importance of recycling. The success of this program has caused the city to expand its program to include the entire city of Albany.

I would like to recognize Albany's small yet significant step in maximizing the efficient use of our Nation's natural resources. It is through programs like Albany's that we can build a cleaner, greener planet.

## CONGRATULATIONS TO GEORGE A. FASCIANO

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to my colleague and friend, George A. Fasciano, on the occasion of his retirement as superintendent of the Palisades Park public schools system.

George received a B.A. from St. Peter's College, his M.A. from Seton Hall University and his Ed.D. from New York University. Over the past 34 years Mr. Fasciano has served the Palisades Park School District in the capacity of elementary and high school teacher, coach, principal, and the final 18 years as superintendent.

George is a member of the New Jersey Association of School Administrators, the Bergen County Education Association, the New Jersey State Interscholastic Athletic Association, the Middle States Association Committee, and the New Jersey Council of Education. He currently serves as the chairman for the region VI New Jersey Council of Education.

George was honored in June 1991 as a "Distinguished Educator" by the Bergen County Superintendent of Schools. He was also invited to review the President's report on "Excellence in Education" at an education convocation in Philadelphia. He was also selected as a candidate to serve as a diplomat in educational administration for the New Jersey Association of School Administrators.

Mr. Speaker, I am proud to join in paying tribute to George A. Fasciano as he concludes his career as a public servant. The service he provided was invaluable to his community and truly made a difference in society. I extend my best wishes to him on this most special occasion and hope that he will enjoy retirement and remain active in the Palisades Park School District to which he has dedicated his life.

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## CRS ANALYSIS OF DIRECT LOAN PROPOSAL

## HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. GOODLING. Mr. Speaker, last year, when Congress reauthorized the Higher Education Act, a major issue of debate was the replacement of the Guaranteed Student Loan Program with direct loans. Advocates for the direct loan approach tried to convince us that direct loans would be cheaper for the Federal Government. A majority of Republicans disagreed with this assumption on the basis that the Federal Government cannot make and administer direct loans for less cost than the private sector can.

We fought hard in the higher education reauthorization against the direct loan proposal. In the end, a pilot project was adopted to test whether or not savings really could be achieved. Now that the Congress is approaching difficult decisions with regard to reducing the budget deficit, the rhetoric of direct loans is back. Part of President Clinton's economic plan is built on questionable savings claimed by moving to a full direct loan program.

Fortunately, an analysis just completed by the Congressional Research Service [CRS], Federal Family Education Loans: Reduced Costs, Direct Lending and National Income, unveils the budget gimmicks used to make direct loans look less expensive. According to CRS:

> Conversion to direct loans cannot be justified on the basis of either budget savings or increases in overall economic welfare.
>
> Problems in the current Guaranteed Student Loan Program cannot be fixed by conversion to a direct loan program, however inviting such a proposal might appear.
>
> The reduction of Federal interest outlays that would accompany adoption of a direct lending program would neither reduce nor increase national income.
>
> With direct lending, budget outlays for administrative costs are likely to increase beyond what is currently being incurred by the private sector.

I urge my colleagues to review this CRS report carefully. If we want to really make a difference in reducing the budget deficit, we cannot start off by accepting the type of phony savings purported for direct lending.

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## HONORING ROBERT J. GOMEZ, JR. ON THE OCCASION OF HIS RETIREMENT AS SENIOR DEPUTY COUNTY COUNSEL, LOS ANGELES COUNTY

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Robert J. Gomez, Jr. Bob is retiring from the County of Los Angeles after nearly 33 years of dedicated service and will be honored at a special ceremony on Thursday, February 25, 1993.

Bob received his bachelor of arts degree in 1960 from Los Angeles State College and master of science degree in public administration from California State University, Los Angeles. In 1974, he completed his juris doctorate at Loyola University School of Law, and became a member of the California Bar Association in 1978.

Bob has dedicated his 33-year career to the field of public service. In 1960, he began his career with the county of Los Angeles, and has served in a variety of capacities which include, head of master plan & design for the Regional Planning Commission; head of community planning and analysis; chief of the Los Angeles County Department of Urban Affairs; and deputy director of the Department of Community Development.

In 1980, Bob was appointed by President Jimmy Carter to serve in Washington, DC, as Deputy Assistant Secretary for the U.S. Department of Housing and Urban Development. In this capacity, he advised the Secretary and Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Affairs regarding all housing and community development issues relevant to neighborhood organizations, voluntary associations, consumer advocates, housing counselors, and congregate housing services operators.

Bob returned to Los Angeles in 1981, and served as the assistant chief of capital projects for the Los Angeles County Chief Administrative Office. Since 1985, he has held the position of senior deputy counsel for the Los Angeles County Office of County Counsel, serving as one of the attorneys to the Los Angeles County Board of Supervisors, its 36 departments, 317 special districts and over 100 school districts.

His volunteer activities are numerous and include service as chairman of the board of directors of Casa La Merced housing project; member of the Board, Los Angeles Neighborhood Development Corporation; chair of the East Los Angeles College Alumni Association; and vice-chair, board of trustees, Bilingual Foundation of the Arts.

Additionally, in 1965, he was appointed by the Governor of California to be a member of the El Pueblo de Los Angeles Historical Monument Commission; and from 1971–74 he was appointed by the Los Angeles County Board of Supervisors to serve as a member of the board of directors of the Economic and Youth Opportunities Agency and its successor, the Greater Los Angeles Community Action Agency, the city and county antipoverty agency.

Bob and his lovely wife, Margie, reside in Alhambra. They have three children, Michael, Denise, and Lisa.

Mr. Speaker, on February 25, 1993, civic leaders, colleagues, and friends will gather to honor Robert J. Gomez, Jr. for his tremendous contributions to the community of Los Angeles. I ask my colleagues to join me in saluting this exceptional individual for his outstanding record of public service to the residents of my district and the State of California.

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## INTRODUCTION OF LEGISLATION TO ASSIST DEPOSITORS

## HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. REED. Mr. Speaker, today I introduced legislation to assist a small number of depositors still suffering from the Rhode Island credit union crisis.

The problem I seek to address sounds simple on its face, but the results have been devastating for those unlucky enough to be trapped. Imagine if you sold your home and put the money in your bank or credit union while you looked for a new home. Suddenly and without warning your bank closes, freezing your money, and keeping you from being able to buy a new home within the 2-year period before being taxed at a rate of 28 percent on the amount deposited from the sale of the home. That is exactly what happened to some of my constituents, and it is just not fair.

On January 1, 1991, the Governor of Rhode Island closed 45 banks and credit unions due to the collapse of RISDIC, the State insurance fund. This action froze over 300,000 accounts and $1.7 billion in deposits and affected over 25 percent of the State's population.

These depositors put their money into local institutions with full confidence that their deposits would be fully insured and that they would have immediate access to their deposits. They had no knowledge that would have led them to believe that their savings were at risk.

As a result, several depositors sold their home and deposited the proceeds of that sale into their privately insured instutition--which was then closed by the State, freezing the proceeds from the sale of their home. Under present law, a taxpayer may defer recognition of gain on the sale of a principle residence as long as the gain is rolled over into a new residence within a 2-year period. Some of these people had no access to their deposits for 15 months, and they have been unable to use the proceeds to purchase a new home or obtain credit toward the purchase of a new home within the time specified in section 1034 of the IRS Code of 1986.

My bill would suspend the 2-year rollover period during any time that a taxpayer had substantial frozen deposits. A taxpayer would be treated as having substantial frozen deposits if an amount exceeding 50 percent of the amount realized from the sale of a principle residence were deposited and then frozen in a financial institution. The deposits would be deemed frozen if the funds may not be withdrawn because of the bankruptcy or insolvency of the financial institution, or any requirement imposed by the State in which the institution is located because of the bankruptcy or insolvency. The legislation would apply to any residence sold or exchanged after December 31, 1990, and any residence sold or exchanged prior to that date if the 2-year rollover period had not expired by January 1, 1991.

Mr. Speaker, this legislation passed the House by unanimous consent under suspension of the rules last August. A similar provision was also included in the urban aid bill which was vetoed by President Bush. The legislation also received the support of IRS Commissioner Goldberg during a hearing in the Ways and Means Committee last July.

As I have stated before, the depositors who have been crippled by this crisis are not the wealthy of Rhode Island, they are average Americans who put their faith in their local credit union.

These are the people who work hard and play by the rules. In this case, the rules are not fair and must be changed.

Mr. Speaker, this legislation is simply fair. We are not giving these people special treatment. We are simply recognizing that during the time when their accounts were frozen, these people could not possibly roll over their funds because they could not get their money out of the bank. I have heard no one disagree with this proposal on its merits.

Last year I came before my colleagues many times and asked for your help in approving a loan guarantee for the State. Thanks in large measure to the tremendous support we received from Banking Committee chairman Henry B. Gonzalez and other members of that committee, Congress overwhelmingly supported this request. Today I ask for your support which will allow a small number of Rhode Island taxpayers to finally get on with their lives.

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## THE NATION'S OLDEST MULTIPURPOSE RECLAMATION PROJECT: THE SALT RIVER PROJECT

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. PASTOR. Mr. Speaker, I rise to acknowledge the 90th anniversary of the Nation's oldest multipurpose reclamation project, the Salt River project.

For the past nine decades, the Salt River project has provided low-cost, high-value water and power services to the communities of the Phoenix area. Indeed, these services have been provided so reliably for so long that many in my home State, particularly those of more recent residency, may not be aware what it was like in the harsh deserts of central Arizona before the existence of SRP. Droughts, parching heat, and gunplay over water rights ruled those days. A reliable water supply was desperately needed to ease the struggles of central Arizona's early settlers. With vision and political perseverance, the area's farmers and business leaders banded together to form the Salt River project and obtain the Federal financing necessary to build Theodore Roosevelt Dam on the Salt River east of Phoenix. Other dams subsequently were built under SRP auspices. An extensive system of canals and laterals were constructed to deliver water to the Phoenix area. And, with the early addition of hydroelectric capacity at its dams, SRP was on the road to becoming the region's major power supplier. The company is now the Nation's third largest public power utility, serving almost 600,000 customer accounts in central Arizona.

In the course of it all, SRP and its employees have come to play vital roles in the success of communities throughout the State. The success of Arizona's farming industry, mines, aerospace, and computer giants, and the Phoenix area's phenomenal growth can be attributed, in part, to the efforts, vision, and leadership of SRP.

Mr. Speaker, I commend the Salt River project, its dedicated employees, and its 90-year tradition of working boldly and hard for the communities where it does business.

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## THE SALT RIVER PROJECT'S 90 YEARS OF SERVICE

### HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. COPPERSMITH. Mr. Speaker, I salute the Salt River project, one of the Nation's foremost public power and water utilities, on its 90th year of service to the people of the Phoenix metropolitan area.

Ninety years ago, a group of local landowners and citizens formed the Salt River project to provide a dependable source of water to the farm communities of Phoenix, Mesa, Tempe, and surrounding areas. These communities obtained a secure water supply in 1911 after the completion of the Theodore Roosevelt Dam on the Salt River east of Phoenix by the U.S. Bureau of Reclamation. This project was one of the first great Federal reclamation efforts and marked the beginning of central Arizona's spectacular growth and development, and the Federal Government's role in fostering that growth.

Today, Salt River project, administering the water rights to a 240,000-acre area, is Arizona's largest water supplier. With its system of six dams, thousands of miles of canals and laterals, interties with the central Arizona project, and computerized water delivery system, SRP delivers vital water supplies to a desert metropolitan area of nearly 2 million people.

Yet, SRP's responsibilities do not stop with water. The project has evolved from its early use of hydroelectric generators into one of Arizona's largest electric utilities and a major participant in the Western regional power grid. Today, SRP serves more than 550,000 customer accounts in 18 municipalities and 3 Arizona counties. It participates in powerplants, coal mines, and transmission facilities in five States, and has become a major provider of wholesale power to the whole Western region.

Ninety years ago, SRP helped the future of the Phoenix area and paved the way for Arizona's admission as the 48th State. Today, SRP's mission extends to the recruitment of new businesses from outside Arizona, assistance for the expansion of local companies, and promotion of new business startups. Through its work with regional development groups like the Greater Phoenix Economic Council, SRP has proved instrumental in building an economy that has survived depressions, recessions, spectacular change, and now stands ready to face the challenges of the balance of this decade and the 21st century.

Mr. Speaker, with great pleasure, I acknowledge the Salt River project's 90th anniversary and salute its efforts on behalf of its customers and the communities and economy of Arizona.

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## TRIBUTE TO THE SALT RIVER PROJECT

### HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. KYL. Mr. Speaker, throughout our Nation's history, there have been remarkable individuals and institutions whose foresight and hard work have paved the way to new enterprises, commerce, and the creation of great cities.

One such institution is the Salt River project [SRP], a public power and water utility that this month celebrates its 90th year as one of the formative forces in the history and development of central Arizona.

In 1903, the settlers of the Phoenix area formed the Salt River Valley Water Users' Association, a part of today's SRP, to obtain a Federal loan for the construction of a massive water storage and delivery system. Under terms of the National Reclamation Act, a loan was granted and work began on Theodore

Roosevelt Dam on the Salt River upstream of Phoenix. When the dam was completed in 1911, it stood as the world's largest masonry dam, capturing crucial water supplies for the growth of central Arizona's crops, businesses, and communities.

From this beginning, the economy of the Salt River Valley grew. Under the auspices of the Salt River Valley Water Users' Association, five other dams were also built. Hydroelectric generating capacity was developed to serve Arizona's copper mines. Local towns boomed, and, in 1937, the Salt River Agricultural Improvement and Power District was formed to meet growing local energy needs. Joined together, the district and the Salt River Valley Water Users' Association became the basis of the Salt River project, a corporation that today stands as Arizona's largest water supplier and the third largest public utility in the Nation.

As the country's oldest multipurpose reclamation project, SRP has responsibility for administering water rights of a 240,000-acre area spanning the bulk of the Phoenix metropolitan area. Its water supplies derive from a 13,000-square mile area that encompasses some of Arizona's richest, most scenic terrain. It participates in seven power plant operations throughout the Southwest and has transmission links connecting from California to Colorado. Not least of all, it has remained committed to the spirit upon which it was founded, engaging in leading energy conservation programs, research and development projects, and efforts to protect the quality of life of those it serves.

Mr. Speaker, Arizonans are proud of the remarkable history and development of our State. Among the things that make us proud is the Salt River project, a company that promises to remain remarkable as it also helps shape Arizona's future.

## THE VEHICLE DAMAGE DISCLOSURE ACT

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 23, 1993*

Mr. CLEMENT. Mr. Speaker, I rise today to announce the introduction of the Vehicle Damage Disclosure Act of 1993, a bill to address the problem of salvage car fraud, a practice which helps to generate the huge profits that pay the thieves who steal vehicles for their parts.

Carjackings and bump-and-rob crimes are an every day occurrence. It's big business to steal cars because it's big profit. Put another way, we face the modern-day equivalent of cattle rustling. Car parts are like cow parts—much easier to transport on the hoof!

The practice of selling rebuilt cars with stolen parts as undamaged used cars costs consumers as much as $4 billion annually according to the U.S. Department of Transportation.

Moreover, consumers are unwittingly purchasing death traps since there is little uniformity in the State inspection process, or reporting and recordkeeping for severely damaged vehicles.

Anybody who saw the "60 Minutes" segment about title fraud last Sunday night should be outraged that laws in the 50 States are not uniform or adequate in the case of titling motor vehicles.

Current loopholes in the law are so large you could drive a wreck right through them. The absence of uniformity and sophistication in State laws regulating vehicle titling and registration of used vehicles allow enterprising criminals to find the weakest link to wash the stolen or junk character off the vehicle.

The absence of a uniform law also underwrites the huge profits of bump-and-rob car thieves who take the stolen vehicles to chop shops for their parts.

Mr. Speaker, I sent to each congressional office a copy of two titles to illustrate how title-washing occurs. The first certificate issued by the State of Mississippi in September, 1991 plainly indicates that the vehicle was salvaged. You also have a copy of a certificate issued in November—just a few weeks later—by the State of Texas. The VIN number on each certificate is identical. It's the same car. But the Texas title is perfectly clean. This vehicle can now be sold without any indication to the potential buyer that it was ever in a wreck.

In this example, the title was branded salvage in the State of Mississippi. The car was then transported to the State of New Mexico where they issued a new title without the brand. Then another new title was subsequently reissued in the State of Texas which, of course was clean as a whistle. Under current law, there is no way for Texas officials to know that the original title from the State of Mississippi bore a salvage designation.

The Vehicle Damage Disclosure Act of 1993 would require States to disclose on the new title whether the vehicle was previously issued a title which bore a designation of either salvage, junk, reconstructed, or rebuilt; or that has been damaged by flood. In addition, the legislation requires the U.S. Department of Transportation, in consultation with a Federal task force established by the Anti-Car Theft Act of 1992 to study and report on salvage car fraud, to issue a rule which provides nationally uniform title procedures so that a salvage or rebuilt brand means essentially the same thing from one State to another.

I urge my colleagues to support this legislation.

# SENATE—*Wednesday, February 24, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, Rev. Dr. Richard C. Halverson.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, we thank You for the faith of our fathers which saturated their thinking, writing, and speaking. Help us to rediscover that faith. We hear President Washington calling the Nation to prayer in 1789: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to employ His protection and favor." He urged the Nation "in most humbly offering our prayer in supplication to the great Lord and ruler of nations, and beseech Him to pardon our national and other transgressions * * *." He urged by prayer "to promote the Knowledge and Practice of true Religion and Virtue * * *."

Gracious God of our fathers, restore to us the faith of the leadership of this Nation in its formative years.

In the name of Jesus, the Light of the world. Amen.

## RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the standing order, leadership time is reserved.

## READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Idaho [Mr. KEMPTHORNE] is recognized to read George Washington's Farewell Address.

Mr. KEMPTHORNE, at the podium, read the Farewell Address, as follows:

*To the people of the United States.*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflec-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tion, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
*17th September, 1796.*

## MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 12 o'clock noon, with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized for not to exceed 10 minutes.

## THE PRESIDENT'S PLAN

Mr. GRAMM. Mr. President, I want to begin this morning by congratulating our President for deciding to delay action in Congress on a bill that would increase spending to stimulate the American economy by $16 billion. We will, on the floor of the Senate at the appropriate time, have a lengthy debate and, I am sure, an informative debate about the content of that proposal, about whether or not it is, in fact, an economic stimulus package. But I think the President's decision to delay that vote, to give the Congress and the President an opportunity to show that they are going to do something about the deficit first is wise, and I strongly support that decision.

But, Mr. President, I want to quickly add that the problem is not just timing. The problem is the reality of the President's plan. The problem is that the President's plan does not live up to the advertisement for that plan, the advertisement that was exhorted in a very effective State of the Union Address and that has been repeated many times around the country.

Despite continuing claims to the contrary, the President's plan does not reduce nondefense spending. No one who has looked at the numbers, no one who has racked the numbers up has disputed the fact that, when you add up the President's budget, not only is there no net reduction in nondefense spending in the President's budget, but nondefense spending grows by roughly 4 percent a year each year for the next 5 years, plus an add-on to that built-in growth of roughly $13 billion.

I would like to remind my colleagues and then ask unanimous consent that the numbers be printed in the RECORD, that the President, over a 5-year period, proposes cutting defense by $187 billion. He proposes cutting nondefense spending by $151 billion, but he also proposes raising nondefense spending by $163 billion. So, when you add it up, looking a all of the rounding errors, in fact, not only does the President not reduce nondefense spending a penny in his 5-year budget plan, but nondefense spending actually grows by $13 billion. When you add up the taxes, when you add up the Btu taxes and the Social Security taxes and the user fees and all of the other net revenues that will flow into the Government, taxes are raised by $313 billion over a 5-year period.

Mr. President, I have said in the past and will continue to say in the future, as long as we are looking at this plan, it has one big problem: Shared sacrifice really translates into sacrifice being shared by only one group of Americans, and those are the people who do the work, pay the taxes, and pull the wagon. The people who are riding in the wagon, who are benefiting from Government services and Government benefits see nondefense spending grow by 4 percent a year over a 5-year period, plus an additional $13 billion. That is not shared sacrifice.

So, in addition to delaying new spending until spending cuts are made, we have to have a budget that actually makes some spending cuts.

The second point I would like to address, Mr. President, is the suggestion that perhaps we could vote on the budget before March 23 when the President submits the final budget with details to the Congress. Mr. President, I totally reject that notion. It might well be that under some circumstances we might consider that, but I think, given the budget we are debating, we cannot consider that. And if the President wants to move the timetable up on the budget, he is going to have to move his submission up so we have an opportunity to read it and to understand it.

Let me give three examples as to why that is critical. Last Wednesday when the President said in the State of the Union Address that he wanted to pass a crime bill and put people in prison, I led the standing ovation. But yet when I got back to my office and finally got a copy of the budget, I found that not only had the President not provided any funds to build these prisons, but he had actually cut prison construction by $331 million to fund social spending. Mr. President, there was what I perceive to be a gap between the rhetoric and the reality.

When the President talked about taxing people who earn $30,000 or more or Social Security recipients who earn $25,000 or more, most people thought he was talking about earned income. What they did not realize was that buried deep in the proposal is now the imputation of rent as income for retired people who own their own home. How many senior citizens understood when the President was talking about taxing their Social Security that he was talking about counting the value of their home if they have already paid it off and the rent they would pay if they rented it as income? My guess is, Mr. President, nobody thought about that, and certainly the President did not tell them that in the State of the Union Address.

Another example is the energy tax. The President said the energy tax was going to cost a typical family of four $120 a year. What he did not tell them, which his budget does tell them, which his administration does know, is that it is going to cost them indirectly another $200 a year in terms of the cost of goods and services that will go up because of the energy tax. That is not $120 a year; it is $320 a year.

Mr. President, we have today an article in the New York Times where Dr. James Schlesinger, who was Energy Secretary under President Carter, saying that the energy tax on an average family is going to be higher, that "the numbers just don't stack up," that, in fact, we are looking at $500 per family, not $120 as the President talked about, by leaving out the indirect cost. Even the President's numbers show a $320 per family cost, but now we are looking at outside groups saying this number is $500. So I think we need to know what the facts are before we make a decision.

Finally, I think it is very revealing that when the USA Today-CNN-Gallup Poll, which was released today, asked people, "Are you willing to pay $100 more a year in taxes to help reduce the deficit?"; 58 percent said yes, but when you ask the same people, "Are you willing to pay $500 or more?"; 14 percent said "Yes."

So I think, Mr. President, what we have to do is several things: One, we have to have the facts. If people who draw Social Security are going to be taxed on income that they are not earning, like the imputed rent on their homes, people need to know that in order to make an informed decision.

If the energy tax is not $120 per family, as the President told us in the State of the Union, but $500 per family, people have a right to know that before they call on their representatives and Senators to cast a vote.

I think it is important, if we are going to talk about a crime bill, that we see the crime bill and that we see the prisons that are actually going to be constructed. I do not understand how you can put more people in jail and cut prison construction by $580 million over the 5-year period. So I think there is a gap between the rhetoric and the reality. We have to vote on the reality and not the rhetoric.

So I want to again applaud the President for delaying action on the stimulus package until we do something about spending. The problem is not just timing, however. The problem is the President's plan. The President's plan increases nondefense spending 4 percent a year each year for 5 years plus a $13 billion increase on top of that. That is not a cut in spending. There is no net reduction in nondefense spending in the President's budget.

There are many things in this proposal that people do not understand. Our job is to get the facts out, to look at the package, and to make an informed decision. I look forward to doing that. But if we are going to deal with spending cuts before we increase spending, we are going to have to have spending cuts proposed so that we can consider them. If we vote on the President's budget and if we adopt it, we are raising taxes, we are cutting defense, but we are not cutting nondefense spending a nickel.

I thank the Chair.

Mr. President, I ask unanimous consent that a document entitled President Clinton's "A Vision of Change for America" and the New York Times article that I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*President Clinton's*

Summary:

| | *Billion* |
|---|---|
| Defense cuts | −$187 |
| Domestic Discretionary and Entitlements | +13 |
| Revenues | −313 |

| | *Billion* |
|---|---|
| Debt Service | −46 |
| Total | −533 |
| Defense cuts, fiscal year 1994–98: | |
| Cuts Claimed (p. 22)[1] | −112 |
| Cuts Hidden on p. 144 (excludes interest savings) | −75 |
| Total, defense cuts | −187 |
| Domestic discretionary and entitlements, fiscal year 1994–98: | |
| Cuts claimed—Discretionary (p. 22) | −73 |
| Cuts claimed—Entitlements (p. 22) | −115 |
| Exclude user fees and receipts counted as spending cuts (pp. 122–139) | +36 |
| Subtotal of actual cuts | −151 |
| New stimulus and investment spending (p. 22) | +153 |
| Correction for addition error on "stimulus outlays" and "investment outlays" on p. 22 | +10 |
| Net Total of nondefense spending | +13 |
| Revenues and other taxes, fiscal year 1994–98: | |
| Revenue increases claimed (p. 22) | −330 |
| Higher tax on Social Security benefits counted as spending cut (p. 22) | −30 |
| User fees and receipts counted as spending cuts (pp. 122–139) | −36 |
| Subtotal of new taxes and receipts | −396 |
| Tax Incentives, with adding correction (p. 22) | +83 |
| Net total of new revenues and taxes | −313 |
| Interest savings, fiscal year 1994–98: Debt service (p. 22) | −46 |
| Total | −533 |

[1] Refers to page in "A Vision of Change for America."

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[From the New York Times, Feb. 22, 1993]

### ENERGY TAX IMPACT UNDERSTATED UP TO 50 PERCENT, INDUSTRY OFFICIALS SAY

(By Robert D. Hershey, Jr.)

WASHINGTON, February 21.—The proposed tax on energy would be much larger than the Clinton Administration asserts, costing a typical family as much as $500 a year rather than $320, industry officials and a former Secretary of Energy contended today.

In budget documents released by the Administration last week, the energy tax was projected to raise $22 billion a year after it was fully phased in on July 1, 1996. But industry critics said today that the tax would actually raise $33 billion or more.

"It understates the effect on a family of four by 50 percent," said Charles J. DiBona, president of the American Petroleum Institute, the industry's chief trade association. For gasoline, he suggested that the new tax would raise the retail price by 10 cents a gallon, not the 7½ cents projected by the White House.

The Administration has estimated that an average family of four would pay about $120 a year more in direct taxes and about $200 a year more in indirect costs passed on by businesses if the proposed energy taxes were approved.

James R. Schlesinger, Energy Secretary in the Carter Administration and now a consultant in Washington, said he had reached the same conclusion, "The numbers just didn't stack up," he said after analyzing them over the past few days. "The tax turns out to be understated. The oil industry will by itself pay about $20 billion."

#### DIFFERENCE OF OPINION

In response, an aide to Lloyd Bentsen, the Treasury Secretary, flatly called the critics wrong. And a career Treasury Department analyst, who spoke on condition of anonymity, cited various factors that he said refuted the criticism, among them the decline in demand that usually results from higher taxes.

"I feel pretty confident that it's all there—and it's right," said this analyst, a financial economist who is not a political appointee.

Mr. DiBona's argument was fairly straightforward, based on American consumption of 17 million barrels of oil a day, or 6.2 billion barrels a year. Since the tax on oil is to be $3.47 a barrel, this comes to $21.5 billion a year, just below the $22 billion projected to be raised by taxing all energy—coal, natural gas, nuclear fuel and hydro-power as well as petroleum.

The petroleum institute acknowledged that the Clinton plan does not tax nonfuel uses, like oil that becomes part of a plastic product. These are estimated at 10 to 15 percent of fuel use.

And both industry and Clinton Administration spokesmen agreed that the White House had properly accounted for three measures aimed at minimizing the tax burden on the poor—the earned income tax credit, the food stamp program and the low-income energy assistance program.

#### "BEHAVIOR ADJUSTMENTS"

One source of disagreement was what the Treasury Department analyst called "behavior adjustments." Those adjustments reflect the fact that a price increase for any product tends to reduce demand and may also encourage demand for alternatives. "There is some conservation," the analyst said.

He also pointed to what was probably the biggest factor in the Administration's calculation of net tax revenues of $22 billion a year. This reflected assumptions about how the rise in the energy tax would affect such things as jobs, incomes and inflation.

The main point of dispute, then, appeared to be over an Administration assertion that consumption of oil would rise modestly through the year 2000, even with the tax increases, "representing modest conservation and fuel switching without shock to the real economy."

Mr. DiBona contended that demand for oil in the year 2000 would be at least 8 percent higher, nearly as much as without the tax. This meant, he said, that the Administration's argument, rather than undermining his position, supports it.

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The PRESIDENT pro tempore. The Senator from Nebraska [Mr. KERREY] is recognized for not to exceed 10 minutes.

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## MAKING TOUGH CHOICES

Mr. KERREY. Mr. President, I appreciate very much the applause of the distinguished Senator from Texas of the President's decision to postpone the stimulus package. It is obvious we do have a President who is committed to deficit reduction. It is obvious we have a President who is willing to stake a great deal, in fact, of his own political reputation, his political capital. However, I point out to my friend from Texas that the gap between reality and rhetoric very often is just as great in Congress as it is coming from the executive branch.

One of the things I hope we have the opportunity to do is to close that gap. I am not seeking to blame one individual or another, but to close the gap between rhetoric and reality. We are going to have an opportunity to make the tough choices that practically everybody has been talking about in this Congress. I have heard an awful lot of people say they do not like the President's spending cuts, his tax increases. They are essentially saying, "Gee, don't you have some easier tough choices for me to make?"

The fact is the President has laid it on the line. Taking this deficit and putting it behind us for the sake of our children will require much more than conversation and rhetoric; it will require very tough and bold action. I believe that the President is leading us in that regard.

(The remarks of Mr. KERRY and Mr. LIEBERMAN pertaining to the introduction of legislation are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

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## THE PRESIDENT'S ECONOMIC PLAN

Mr. DASCHLE. Mr. President, I remember so well about 12 years ago, 1981, when I was a young Member of the House of Representatives, listening to pleas from the President and so many in the leadership on both sides of the hill with regard to the President's plan for economic growth and recovery. I can recall so vividly so many in the Chamber at the time arguing that now is the time to give the President a chance, that the President was elected, not with an overwhelming mandate necessarily, but clearly with convictions about what we must do and some ideas about the way we must do them.

In an overwhelming vote, Democrats and Republicans, in 1981, decided to give that President a chance. Well, it is so interesting that now we have another President in a similar circumstance, who was not elected with an overwhelming mandate, but was clearly elected with the knowledge that, were he to be elected, he would take this country on a new course and in a different direction.

While so many of us can come up with ways in which to improve upon his ideas, as we could in 1981, I think the same approach in Congress must be considered now as was considered in 1981. Do we give this President a chance? Do we give him his due? Do we give him an opportunity to lead as President? We only elect our Presidents one at a time. Some of us hope, I suppose, that we could elect a Democratic and Republican President and follow the one of our choosing as we go through the next 4 years, but we do not do that in this Government.

We elect our Presidents one at a time. Our President has put forth his best effort, an effort that has consisted of an extraordinary amount of outreach, an extraordinary amount of effort in terms of coming up with what he believes to be the very best approach to investment, deficit reduction, and reestablishing the level of credibility in our Government that we have needed for so long.

There are many who have expressed concern, publicly, about taxes, and I understand that. But I think we all in our heart of hearts understand that we cannot address this problem successfully if we are not able to address both revenue increases as well as cuts. That is what the President has concluded in his approach to this problem. I think the real concern, regardless of our concerns for other matters in this plan, is the concern for the deficit. Those who oppose it out of responsibility to this institution and to the President must come forth with alternatives, and today we have not seen those alternatives.

Frankly, the alternative is what we have had for the last 12 years. It has been gridlock and delay, and it has been an inability to deal with the deficit in a realistic way, because we lived behind the facade that we did not have to make tough choices.

The President is now challenging us to make those tough choices. Frankly, it is more than just the economy that is at stake. I know this every time I go home. I am challenged by the people of my State to convince them that we can lead, that once the election is behind us, we indeed can put politics aside and confront the issues realistically and in a nonpartisan way.

Our credibility is at a very low ebb at this point. Whether or not we can improve that credibility, in my view, is directly related to whether or not we are ultimately going to address the problems the President has outlined so well and effectively. Whether or not we succeed depends in part on whether or not we have the kind of cooperation that the President has urged us to demonstrate. Those who oppose this plan ought to be asked to justify more gridlock. Those who oppose this plan ought to be asked to justify a greater deficit. Those who oppose this plan ought to be asked to justify little investment and unacceptable economic growth, because those are the fruits of inaction and further gridlock.

I hope we can show that we can act. I hope we can show that we can govern. I hope we can improve upon the credibility of this institution at the same time.

Some indication of the perception of the President's plan and the anticipation of its economic effect appeared in the Wall Street Journal this morning. The headline is one that you cannot miss. The headline reads: "Bond Rally Roars Ahead on Clinton Proposals."

That is not something you see very often in the Wall Street Journal. "Bond Rally Roars Ahead"—not moves ahead, not bond rally looks improved—"Bond Rally Roars Ahead on Clinton Proposals."

Those are our conservative investment institutions out there. That is one of the most conservative daily newspapers I know to exist in the country saying that the reaction on the market to what the President proposed just a week ago has been extraordinary.

And poll after poll that I have seen has shown the same thing among the American people. The American people want to give the President a chance. The American people do not want to concern themselves with each and every one of the 150 cuts they know will affect them, because they understand that, if we once look at those cuts alone, the package is lost.

So we must recognize the importance of looking at the plan as a whole, certainly as the bond market does, certainly as the American people do, because we have no choice.

Statistics alone, whether one looks at polling data or the bond market, argue for taking the President at his word and working as closely as we can.

This chart is probably one of the most graphic illustrations of the problem we face. I do not know if the camera can pick this up. We were at 2 percent growth in our economic recovery today. In a typical recovery, this is over 6 percent. In the last 8 cycles in the post-trough period we have had over 6 percent growth during the economic recovery. Today we have a meager 2 percent.

The growth responses in just about every one of the post-trough periods in the past have given us a far more volatile economy than what we have today. And that, in part, is related directly to what we see on this chart. Our private investment as a percentage of gross domestic product is the lowest of any of our competitors today. The United States stands at 15½ percent. Japan is twice that at 32 percent. France, Germany, and Italy are all over 20 percent. The only country that comes close is the United Kingdom at 16 percent. And public investment has declined, as well. It is not just private investment that is a concern. The total Government investment as a percent of gross national product has been cut in half in the last 20 years. In 1960 it was at 4½ percent. Today it is down around 2½ percent and going to go lower unless we make some of the commitments the President is proposing.

Finally, when we talk about revenue, when we talk about the need to ensure balance and fairness in putting this economic recovery plan together, it is critical, I think, that we ask all of those who will benefit the most from an improved economy to contribute the most. The President reminded us just last week that it is the wealthiest 1½ percent of the people of this country who are asked to contribute the most in terms of the proposed changes in the income tax rates. This chart probably lays out most effectively the problems that we have with regard to income distribution today. The shift in incomes over the last couple of years is phenomenal. Those in the lowest quintile have seen a 5½-percent reduction in income and a 1.2-percent increase in their effective tax rate. Those at the very top have seen a 47-percent increase in their income and a 24½-percent decrease in their effective tax rate.

So, Mr. President, the arguments are there. The bond market has seen what the President has proposed and has responded extraordinarily well. The American people have examined carefully what the President proposed, and they too have responded extraordinarily enthusiastically. The statistics with which the President has addressed his plan clearly argue that what we have done in the last 12 years is not enough; that we do need to change in the direction that his administration has proposed; and that we do need a bipartisan approach in responding to the President, if we are going to change the distribution of the tax burden and restore the credibility this institution so desperately needs.

I understand I am out of time. I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for not to exceed 10 minutes.

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## RESPONSE TO NBC's INACCURATE STORY RELATING TO IDAHO

Mr. CRAIG. Mr. President, Americans believe freedom of information and freedom of the press are fundamental to our liberty. At any moment of the day or night, we can turn on the television or radio, or read a paper and learn about almost everything going on almost everywhere.

We have become increasingly dependent on this smorgasbord of information to help form our opinions and views on the world and things closer to home.

That is why the flip-side of freedom of the press—the responsibility not to abuse it—is so important to all of us. We trust the media to report the news accurately and without bias. We depend on this; the citizens of this country expect this. As the playwright Henrik Ibsen once stated: "The spirit of truth and the spirit of freedom—they are the pillars of society."

Unfortunately, on January 4, 1993, these pillars crumbled when NBC Nightly News aired a segment on its evening news on the Clearwater National Forest in my State of Idaho. As it had in its report on GM truck safety, the network twisted reality and sensationalized an issue. The topic this time was Federal forest management in Idaho. The segment fell far below the standards for fairness, balance and accuracy Americans expect from the media, including NBC.

NBC's report contains a number of misleading and flatly inaccurate assertions. For brevity, I will address the two most onerous segments.

NBC showed video footage of Clearwater National Forest personnel netting fish, and followed that with shots of dead fish floating in the water. The accompanying narrative claimed that timber harvesting on the Clearwater is destroying watersheds and killing fish. Certainly this would be a shocking report—if it were true. Let me emphasize—if it were true. It would mean that the timber industry had failed to follow the standards and guidelines that this Congress has put forth for the management of our national forests known as the National Environmental Policy Act [NEPA]. However, this was not the case. NBC did not mention NEPA.

The fact is, NBC's video footage was of Clearwater personnel taking inventory and checking the health of fish using the common practice in the industry of electro-shocking a stream. In all honesty that fisheries management practice is not related to fish kills or logging at all. Electro-shocking temporarily stuns the fish so they can be counted and their health can be assessed. It does not harm or kill fish. Let me repeat that again. It does not harm fish.

Now, NBC, that is misleading. Worse yet, the dead fish shown in the following clip are of a species not found on the Clearwater or anywhere in Idaho—those fish were identified by a Forest Service fisheries biologist as a species of fish found in the Southern States.

In short, the pictures of dead fish NBC wanted you and the American public to believe came from Idaho were actually from a State thousands of miles away from my home State of Idaho.

NBC, that is misleading. Unfortunately, NBC's unique brand of reporting did not stop there.

As the reporter turned to discussions of clear cutting, aerial footage taken by "Lighthawk," a preservationist group, was shown. This segment led viewers to believe they were seeing an area chosen for clearcut timber harvest in the Clearwater National Forest. In reality, that footage was of a section of Olympic National Forest, hundreds of miles west of the Clearwater, that was severely burned in a 1975 wildfire. That area was not clearcut. In fact, the Forest Service had classified that particular area as unsuitable for timber growth before the 1975 wildfire. As such no commercial timber harvest was planned there.

Do not mislead us, NBC. As they should, networks, including NBC, have fought against censorship, declaring it unconstitutional and un-American. But, I would suggest that omitting facts and presenting half-truths such as these is a form of censorship—which NBC imposed upon itself.

NBC censored the truth in that January news segment. It manufactured a bigger story by manipulating the facts. And that is not right.

It sounds like another GM truck story to me.

NBC, please use your freedoms. But do not forget your responsibility to let Americans know the truth. Let them make up their own minds. The issues in Idaho's Clearwater National Forest are far more complex than NBC's story implies, and such shallow treatment and outright manipulation confuses the situation rather than promoting solutions.

In Idaho, we believe in working cooperatively to find innovative and workable solutions which integrate environmental goals with the needs of people. Now, we are not perfect. No one is. But we are trying very hard.

For example, our State water quality laws apply to all land owners in Idaho, and were developed jointly by Idaho environmental organizations, the forest products industry and our State water quality experts. These rules are second to none in ensuring that logging practices in Idaho will be conducted in a way that protects the quality of our rivers and lakes. Consequently, the Clearwater National Forest watersheds support some of the best trout fisheries anywhere in the world—several recognized as blue ribbon trout fisheries—and it is irresponsible for NBC to depict anything other than that.

Across the country, we are all looking for better ways for our citizens and businesses to function more harmoniously with the environment. For whatever reason—perhaps because someone failed to do their homework or because it simply did not fit the script—NBC neglected the professionals in our Government, industry and conservation groups who are making economics and ecology work together.

Perhaps such efforts are not dramatic enough for NBC. Perhaps they want to tell a different story; a story that is not there.

Whatever the case, NBC owes these individuals and the Nation an apology and the guarantee that this will not happen again.

Unfortunately, NBC has tainted public perception at least once before. Many viewers recall watching NBC's discredited report of a GM pickup truck crashing into another vehicle. NBC's report appalled and frightened Americans. How could GM allow such a dangerous vehicle on the road, we wondered? Then we learned NBC had used sparking devices that, according to the President of NBC, "simulate sparks which could occur in the collision." NBC had taken the sword of liberty and shredded the truth.

Similar to its report on the safety of GM trucks, NBC's Clearwater Forest story goes to unjustifiable lengths to support predetermined conclusions. NBC has hoodwinked the Nation again.

I am troubled, Mr. President, by these efforts. I am very frustrated that NBC would use this approach.

NBC has offended Idahoans. In an eloquent letter to NBC's director of "America Close Up," Idaho State Senator Marguerite McLaughlin describes how Idahoans felt after watching the program about the Clearwater National Forest. I ask unanimous consent that Marguerite McLaughlin's letter, in its entirety, be entered into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IDAHO STATE SENATE,
*Boise, ID, January 21, 1993.*

STEVE FRIEDMAN,
*Director "America Close Up," NBC Nightly News, New York, NY.*

DEAR MR. FRIEDMAN: "Not even winter snow storms stop the logging of the Clearwater National Forest." These words narrated the opening of America Close Up on NBC News viewed here January 5th. These words, other statements and inappropriate visuals left millions of viewers with the impression that the Clearwater area logging industry and its dependant communities were on a collision course of greed with the U.S. Forest Service, the ultimate environmental steward!

Here on the Clearwater, logging is a traditional winter practice because the spring and fall are too wet. Some winters are forgiving and provide the necessary freeze to sustain logging operations. Other winters don't provide enough cold to support logging operations. In this country, loggers operate about seven months or less.

The kind of inaccurate reporting woven into the show left an indelible image across America viewers won't soon forget. It is another nail in the coffin in which our timber dependent communities will eventually rest after their death by outsiders. Our communities, (some 25) are largely dependent on forest industries that realistically can only be supported by private, state and federal timber supplies. Until recently, the Forest Service was doing a reasonable job of providing community stability and balancing the needs of forest users. Many of the issues receiving bad ink about the Forest Service's inability to provide the Clearwater area a dependable and adequate timber supply are emotional and managerial issues. They do not represent the real issues affecting our people and the timber supply.

NBC's use of film footage unrelated to any species of fish in this area voiced over with inaccurate statements charging the emotions of the viewer were disgusting to say the least! This imagery combined with images of massive clearcuts from other regions foreign to the Clearwater implied our logging is applied with total abandon to the needs of the environs and resident species. Those people in the stream were Forest Service biologists performing stream monitoring and applying a management technique known as electroshocking. The belly-up fish were acquired from Idaho Public Television; stock footage they had gathered from somewhere out of the area for another show.

None of us, Forest personnel nor the public at large can attest to having ever seen fish kills as a result of logging.

The inference to old growth timber was misleading. While some of the Clearwater's sales contain a few old-growth trees among its predominately second growth stands, these trees are not considered part of the Forest Plan Standard which requires that 10 percent of the forest remain as old-growth. The news piece also stated that historically, the Forest Service gave its communities as much timber as we wanted. The Service will be the first to tell America it gave as much as it felt the land could stand to give in order to be in balance with other resource needs.

Overcutting in easily accessible areas has periodically occurred in the past, on all timberlands. But, today thousands of acres of merchantable trees are locked up in "roadless" areas and have not been entered for cutting since 50 percent of the Clearwater Forest was burned over at the turn of the century.

Cutting is regulated by the Forest Plan. Forest Planners took all interested views into consideration and the final plan reflected a compromise that made no one happy. The Forest Service didn't "give in" to anyone as the newspiece indicated. Yes, mistakes were made in the past. But we learned from these mistakes and have adjusted to the compromise necessary to provide the environmental harmony we are proud of achieving in the Clearwater area. The present Forest Service leadership has no excuse for locking the timber resource from the consumer for the past year and a half while the "search" for answers to whatever dilemma they perceive is out there.

New personalities with non-traditional resource backgrounds, internal politics and a resistance to move forward and solve whatever is holding up the flow of timber has left the Forest's leadership, impotent. Some very fine staff and field personnel are totally stymied from getting on with their work. The National Forest is in dire gridlock!

Leadership that understands people and forests is sorely needed to bring us back to the negotiating table and the all important two-way communications we need to move forward. A Wilderness bill for Idaho will be a big step forward in opening some of our roadless areas to multiple-use management and providing pristine wilderness lands.

We invite you to visit the Clearwater. I will personally show you our many trees, rocks in the bottom of our streams, dying trees and vigorous growing trees. I will show you a forest with a potential of many uses including recreation, wildlife habitat, and timber harvest. You will see a "land of many uses"—a land capable of sustaining this kind of management.

If reporters should continue to keep the freedoms they have in reporting news they also have a responsibility to be accurate and unbiased. In these parts Tom Brokaw had always been respected as an honest reporter and greatly admired by many. Needless to say this image has been tarnished.

Sincerely,
MARGUERITE MCLAUGHLIN,
*Idaho State Senator, District 7.*

Mr. CRAIG. Mr. President, I also ask unanimous consent that an article in the Washington Post yesterday by Colman McCarthy, a noted columnist, entitled "'Dateline NBC' Burns Media Credibility."

NBC, get the message. Tell the truth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1993]

### "DATELINE NBC" BURNS MEDIA CREDIBILITY

(By Colman McCarthy)

Regardless of your feelings about the dismal safety record of General Motors, the company is owed a debt for standing up to the fakery of NBC News. On Nov. 17, "Dateline NBC" showed a GM pickup truck bursting into flames after a collision with a test car. The crash, presented as hard news, offered graphic proof that, indeed, the critics are right: These GM pickup are firetraps and all 4.7 million ought to be recalled to fix the flawed fuel tank design.

On Feb. 9, after protesting the day before that the "Dateline" segment was "fair and accurate," NBC apologized to General Motors. The crash had been staged. Incendiary devices were attached to the fuel tanks and set off by remote control. Viewers were not told, or at least not until after GM filed a defamation lawsuit on Feb. 8 and NBC lawyers, more in touch with fairness and accuracy than the news executives, decided to settle.

The on-air apology by a "Dateline" co-host was given "to our viewers and to General Motors." A third group was omitted: the nation's reporters and editors whose collective credibility, already rated low by much of the public, sank lower still. Suspicions run deep that the news media—the large sprawl of electronic or print conglomerates and companies—routinely tilt, spin, skewer or manipulate the information they gather to fit prevailing in-house biases. It is a half-step stumble, not a large leap, from bias to the kind of trickery in which NBC was caught.

This was not the kind of minor-league fraud seen in "Broadcast News," the Holly Hunter-William Hurt film in which an anchorman pretended to shed a tear on camera to heighten the impact of a gut-wrenching interview. The truck crash on NBC was part of a growing pattern of deceit found in much of the media to present the news via hidden cameras, infotainment or re-creations. Whether the goal is to put one over on an unsuspecting audience or get the story at any cost, the public's nostrils do not need to flare wide to sniff deception.

In 1981, following the Janet Cooke hoax in which a Washington Post reporter was exposed as making up a story about an 8-year-old heroin addict, a Newsweek poll reported that 60 percent of people in a survey said they believe "only some" or "very little" of what the press reports. An 18,000-word report by the Post's ombudsman on how and why the hoax came about showed that the paper could examine its own failures as thoroughly and aggressively as those of others.

A touch of similar self-scrutiny would help NBC News get back off the floor. An apology is not enough in a case this blatant. The inside story is needed, told with all the independence that would be in force if this were a major investigation. Put the results on "Dateline." It could be a scoop.

Ten years ago, William Henry began a Time magazine cover story headlined "Accusing the Press: What Are Its Sins?" Those in the media "are rude and accusatory, cynical and almost unpatriotic. They twist facts to suit their not-so-hidden liberal agenda. They meddle in politics, harass business, invade people's privacy, and then walk off without regard to the pain and chaos they leave behind. They are arrogant and self-righteous, brushing aside most criticism as the uninformed carping of cranks and ideologies. To top it off, they claim that their behavior is sanctioned, indeed, sanctified, by the U.S. Constitution."

From there, Henry went on to amplify these claims against the media. When more than 1,000 letters came to the magazine, he recalls being stunned: "Overwhelmingly they said we had not been nearly tough enough. A few actually used the word 'whitewash.' Many accurately cited appalling press abuses that we had overlooked."

From billboards in the Cuban-American communities of South Florida—"I don't believe the Miami Herald"—to the recent bumper stickers, "Annoy the media, re-elect Bush," resentment against the press, whether justified or not, is not likely to subside anytime soon. NBC's opportunity now is to report every fact available on how its fraudulent GM story came about. That might recoup some of the losses. For the rest of the media, self-evaluation ought to be as primary as other-evaluation. The thin-skinned will need a thick hide.

The PRESIDENT pro tempore. The Senator from New Mexico [Mr. BINGAMAN] is recognized for not to exceed 10 minutes.

Mr. BINGAMAN. Thank you very much, Mr. President.

## THE TECHNOLOGY POLICY OF THE PRESIDENT AND VICE PRESIDENT

Mr. BINGAMAN. Mr. President, I rise today to congratulate the President and the Vice President on the technology policy they issued earlier this week.

Two things struck me immediately about the policy when I had a chance to review it. The first is that the Clinton-Gore administration has a technology policy and is proud to have a technology policy. They have outlined a clear and coherent vision for the role of the $75 billion Federal R&D enterprise as an instrument of economic growth. The second thing I noticed about the technology policy is that this administration sees the need to integrate technology policy with tax, trade, defense, regulatory, health care, and other policies to maximize its impact on the economy. And they have signaled from the outset that they are committed to making this policy integration work.

The contrast with the past 12 years in these two respects could not be clearer. President Clinton created a National Economic Council and chose a Science and Technology Adviser, Dr. Jack Gibbons, as part of his core White House team before Christmas. He and

Vice President GORE have put in place in each of the key departments and agencies people who share his vision—Les Aspin and Bill Perry at Defense, Hazel O'Leary at Energy, Ron Brown at Commerce, Donna Shalala at HHS, Bob Reich at Labor, Lloyd Bentsen at Treasury. At the White House Bob Rubin, Jack Gibbons, Leon Panetta, and Laura Tyson all are moving in the same direction.

In the previous administration, there was no coherent vision on these issues. There were many individuals at various levels, who sought to define and articulate a clear strategy for the Federal R&D enterprise, but their efforts often ran into ideological brick walls. To say that the Bush administration was a house divided on these issues would be an understatement. It is refreshing, therefore, to have an administration that recognizes the importance of technology policy to the long-term health of our economy and that is speaking positively and consistently on this policy from the President on down.

This consistency of policy is vital in many respects. Too often in the past different parts of our Government have worked at cross purposes on these issues to the detriment of our economic interests. The FSX fiasco of several years ago comes to mind, as does our unwillingness to aggressively combat unprecedented subsidies by European governments to Airbus, something the President raised on Monday in Seattle. I have personally been told by the senior career official in the Japanese Ministry of International Trade and Industry of cases where United States trade negotiators made proposals that were directly counter to policy thrusts of other parts of our Government and to our economic interests and it apparently was the Japanese who told our negotiators of these contradictions.

Other nations are not so divided in their policies. They do a much better job of integrating the various policies that affect their economies. We can no longer afford the luxury of policy incoherence, if we ever could have afforded it. The President and Vice President and all their key aides realize this and are taking a giant step forward in their technology policy toward integration of economic policy across government.

Mr. President, I could go on for a substantial period in praise of the specific items in the President's technology policy, but since I intend to speak further on those matters in the coming weeks, I will only point to a few highlights now.

First, I am proud to see much of the best work of the Congress over the past 6 years reflected in the policy. I am sure that the Vice President, our former colleague, who served on my Armed Services Subcommittee on Defense Industry and Technology and who chaired the Commerce Subcommittee on Science, Technology, and Space, is responsible for much of this.

Two years ago, Senator NUNN, Senator HOLLINGS, Senator MITCHELL, then Senator GORE and I introduced a series of bills aimed at strengthening the linkages between the Federal R&D enterprise and industry and thereby improving the competitiveness of American industry. Those bills aimed at fostering cost-shared partnerships between Government and industry on technology development. They aimed at developing a network of manufacturing extension centers around the country in partnership with the States. They aimed at mutual leveraging of Federal, State, and industry resources in regional technology alliances to create a fertile climate for innovation among clusters of high-technology firms. They aimed at closer coordination among the Federal agencies and better avenues for industry input on Federal technology initiatives. Congressmen GEORGE BROWN, LES ASPIN, DAVE MCCURDY and others were pushing similar legislation on the House side.

This approach was later endorsed and elaborated on in the reports of the Pryor and Rudman task forces on defense conversion and in the economic leadership strategy Senator MITCHELL announced last July with the enthusiastic backing of then-Governor Clinton and then-Senator GORE. Since we were able to see much of this legislation passed in the last Congress, the administration has the resources available immediately to follow up on its policy statement with actions. And the President is obviously doing just that with regard to the defense conversion and reinvestment programs funded last year by Congress.

Mr. President, let me conclude by noting that I believe that future historians will conclude that the President and Vice President on Monday made the most fundamental shift in Federal technology policy since Vannevar Bush wrote "Science: the Endless Frontier" just after the Second World War. Their policy recognizes the importance of world leadership in basic science, mathematics, and engineering, as Vannevar Bush did, but it goes on to recognize that "the nation urgently needs improved strategies for government/industry cooperation in support of industrial technology."

This is a fundamental paradigm shift, to use the words popularized by Thomas Kuhn in his "Structure of Scientific Revolutions." It is a shift that has been underway for almost a decade if one looks back to Sematech, the advanced technology program in Commerce, the various DARPA dual-use programs, the technology transfer acts of 1986 and 1989, and many other individual actions. But this is the first time that a President or Vice President has articulated this vision clearly and convincingly.

The new paradigm has at its heart partnership between government and industry aimed at long-term economic growth that creates jobs and in the process protects the environment. This new partnership brings with it a new metric for judging the success of the Federal R&D enterprise; namely, its relevance to our private sector's needs. I think that this change puts us on a fundamentally different path, one that will bring with it profound benefits to American workers. I enthusiastically look forward to working with the President and the Vice President and their colleagues in the administration as we move down this path in the years ahead.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for not to exceed 10 minutes and morning business is extended accordingly without objection.

## PRIVILEGE OF THE FLOOR—SENATE RESOLUTION 71

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sharon Gressle of CRS be accorded the privilege of the floor during the consideration of Senate Resolution 71.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## STATEMENT ON THE CONFIRMATION OF MADELEINE ALBRIGHT

Mr. SIMPSON. Mr. President, I rise to commend the appointment and confirmation of Madeleine Albright to be Ambassador to the United Nations. She represents an outstanding selection to fill that role, and will represent our country well.

I first met Madeleine Albright when I came to the Senate after my election in 1987. I found her to be a most efficient, effective, and sensible public servant. She is a remarkable woman of grace and substance, who has overcome tremendous difficulties in her life and has persevered. Perseverance, steadiness, common sense, and the gift of friendship—these are the hallmarks of Madeleine Albright.

Probably no area of foreign policy has been so vexing to the international community as the continuing crisis in the former Yugoslavia. Ms. Albright will have to confront that issue straightaway in her work with the United Nations. I would point out that she is exceptionally well qualified to understand crises in Central and Eastern Europe. She was born in Prague, Czechoslovakia; she has devoted a great part of her energy and her educational pursuits to the study of that region of Europe, of Russia, and Poland, and she will now be required to draw heavily upon those qualities in the work she will now undertake.

Ann and I are very privileged to have enjoyed her friendship. The Nation now is fortunate to receive her full services. I look forward to working with her and know she will do an extraordinarily able job in her new capacity.

I thank my colleagues and I yield the floor.

## IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt, run up by the U.S. Congress, stood at $4,192,904,345,432.61 as of the close of business on Monday, February 22, 1993.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility of Congress for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day—just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,323.76—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed under the previous order.

## AUTHORIZING BIENNIAL EXPENDITURES BY THE COMMITTEES OF THE SENATE

The PRESIDENT pro tempore. Under the previous order the Senate will proceed to the consideration of Senate Resolution 71, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 71) authorizing biennial expenditures by the committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER (Mr. KERREY). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period between now and 2:15 p.m. be for purposes of debate only on the pending resolution, and that during that time no amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague and yield to the distinguished chairman of the Rules Committee, who will be the manager of the bill.

We anticipate the Republican manager will be present shortly.

Mr. DOLE. There he is, right on time.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, today the Senate is considering the omnibus committee funding resolution for 1993 and 1994.

The amounts are austere and they are less than authorized in 1992. Let me underscore that. They are less than authorized in 1992.

Mr. President, these reductions are not made because Rules Committee members believe that Senate committees have been spending too much or that staffs are too large. The reductions are a recognition of the economic climate and acceptance of the Senate's role in meeting that crisis.

For many of my colleagues who believe that further cuts should be made, please—and I underscore please—be aware of the fact that committees have been frugal. The number of committee staff positions is less now than there were in 1984; and the buying power of the funding for committees will be less in 1994 than it was in 1984.

Further reductions should not be made at this time and efforts by my colleagues to make further cuts in my opinion should be resisted. This Senator is optimistic that changes to be recommended by the Joint Committee on the Organization of Congress, the Boren-Domenici committee, will result in additional reductions. During the Rules Committee markup on this resolution there was an indication that an amendment might be offered to abolish the Special Committee on Aging. Other Members may be considering amendments to abolish other select committees. Congressional reform should not be brought about on a piecemeal basis.

The Joint Committee on the Organization of Congress is studying the structure and jurisdiction of committees. It is important that it be given an opportunity to review the issues and make its report which is due later this year. Then it will be up to both Houses to look at the recommendations as a whole. This resolution is not the proper vehicle for addressing committee structure and jurisdiction.

There is another point to be considered. Membership on the Senate select committees and special committees is in place. It would be unfair to those Members appointed to these committees to abruptly lose these assignments. Mr. President, in my opinion it would be unfair to the staff to be abruptly put on the street, so to speak, looking for a job.

The base of the 1993 budget was a 10-percent reduction in the 1992 total recurring budget authorization. To this base was added a 3.7-percent cost-of-living adjustment for 1993, for recurring salaries. I underscore recurring salaries, not the administrative costs; and a 2.2-percent COLA for 1994 recurring salaries. For 1994, there is also a 2.5-percent COLA for January and February because of the different dates of our budgeting process for January and February of 1995. The COLA's for 1994 and 1995 will be subject to the approval of the President pro tempore of the Senate.

Mr. President, the Senate has authorized the use of unexpended funds in some form since 1989. In 1991, the Rules Committee informed Senate committees in the markup of the omnibus committee funding resolution in Senate Report 102-15 accompanying that resolution, and on the floor of the Senate, that the policy being adopted would permit committees to retain 50 percent of their generated unexpended funds as of February 28, 1993 to cover nonrecurring needs that enhance efficiency in the committee. Exceptions to that policy were made for the Agriculture, Governmental Affairs, and Intelligence Committees to meet special one-time nonrecurring needs. The Rules Committee permitted these three committees to retain more than 50 percent of their unexpended funds as of February 28, 1993.

Mr. President, the Rules Committee retained in Senate Resolution 71 the policy that permits committees to retain 50 percent of their unspent funds existing at the end of the biennial funding period. This policy is a carrot, it is an incentive to reduce spending. Otherwise, the practice becomes spend it or lose it.

Two years ago, during consideration of the last committee funding resolution, I stood here and said that the budget base for committee funding for the 103d Congress would be the recurring amounts—let me underscore that—would be the recurring amounts only and that special needs of committees would only be considered and funded on a temporary nonrecurring basis.

This year several committees made strong arguments for converting previously authorized nonrecurring funds to their recurring budget authorization. Other committees presented budget submissions which requested new additional funding above the Rules Committee guidelines. With one modest exception, funding the Small Business Committee at the 1992 level—and they did not take an increase in 1992, and so therefore they froze their present level—the Rules Committee has not deviated from its commitment of 2 years ago.

Senate Resolution 71 as reported incorporates real spending cuts and will contribute to reducing congressional spending by authorizing less recurring funds.

Lest anyone have doubts, I hope that my colleagues and the taxpayers correctly hear me. Under the resolution reported by the Rules Committee, committees will be authorized to spend less money in 1994 than was authorized in 1992.

The committee funding levels incorporated in this resolution will result in real reductions. Most committees will have a more difficult task of meeting their responsibilities within the limitation of these funds. Most committee chairmen and ranking members requested and gave a strong rationale for more funds. It was a difficult decision for the Rules Committee.

The vote to report Senate Resolution 71 in committee was not unanimous. The majority, however, felt that the state of the economy necessitated a leadership role in deficit reduction and believe that all segments of Government including Senate committees should share in the burden.

The recommendations for the funding of Senate committees I believe are fair and objective. They were developed and brought to the floor on a bipartisn basis. The ranking member on the Rules Committee, the distinguished Senator from Alaska [Mr. STEVENS] and I have worked closely to develop the guidelines and the recommendations. No one could have been more cooperative and more helpful than Senator STEVENS. He and I both understand the reasoning and the requests from most of the committees.

But, Mr. President, this is a time when we have to start sharing that burden, sharing in reducing the cost of Government. And I might compliment the leadership of both the House and the Senate as we came together in a bipartisan fashion and said that we are going to reduce the cost of the operation of the two Chambers over the next 4 years by over 14 percent; that we are going to reduce the employment of both bodies at the rate of 4 percent per year, which is a reduction of 1,300 employees. So we have been moving.

I want to reiterate that last year there was a reduction in the cost of operation, about 6½ percent. So this is not anything new to the Senate. We have been on this course for some time. We are just accelerating it some at this particular point.

So I urge my colleagues, let us not come with amendments.

Let us support what the partisan group on the Rules Committee is recommending to the Senate. Let us let the Joint Congressional Committee of Senator BOREN, Senator DOMENICI, LEE HAMILTON, and others bring the recommendations for the reductions so we can do it in an orderly manner.

I thank the Chair. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to join our distinguished chairman of the Rules Committee, Senator FORD, in urging the Senate to adopt Senate Resolution 71 without amendment.

I would like to remind the Senate that the action we have taken by this resolution has some precedent in history. When Senator Howard Baker became the majority leader in 1981, he and the Rules Committee chairman, Senator Mathias, recommended to the Senate that we cut expenditures by nearly 10 percent for 1881 and freeze the committee budgets for 1982. That was done.

In developing this resolution that is now before the Senate, the Rules Committee began by reducing the 1992 recurring budget base for each committee by 10 percent. We then permitted cost-of-living adjustments to be applied to the reduced budget base.

The bottom line is that these allowances will be reduced by an amount that, if you put it into constant dollars, will be below the amount that we set in 1981 after the 10-percent reduction. I want to repeat that so the Senate will realize that the amount that we are proposing to the Senate now for funding, adjusted for inflation, is still below the amount that was established by Senator Baker in 1981.

I think that we have presented a figure that should be acceptable to the Senate. The reductions have been applied across the board with the exception of the Small Business Committee, because it did not take the recommend increases that were available for committees commencing in 1990, and therefore it should not be subject to a reduction now.

The savings that are brought about by this resolution in terms of the operation of the Senate are $4.6 million. That is greater than the savings that were reported to the Senate in 1981 when the previous reduction of this magnitude was made. This is a significant cut.

I think at this point I should ask the Chair to allow me to place in the RECORD at this point the editorial from the Roll Call that is available here on Capitol Hill. It has an editorial entitled "Spending Cuts for the Hill? Don't Be Too Hasty." It is from the Roll Call of February 22 of this year. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SPENDING CUTS FOR HILL? DON'T BE TOO HASTY

Just before the President's speech on Wednesday, the Speaker and the House and Senate Majority Leaders issued a statement promising to cut legislative branch staffing by 4 percent and administrative spending by 14 percent over the next few years. While we understand the pressure that must have triggered this last-minute press release, we think it's the wrong way to go about trimming the Hill's budget. Congress already has a two-track system in place to look at spending in a comprehensive way—1) the appropriations process and 2) the Joint Committee on the Organization of Congress.

Both legislative branch subcommittees have said they'll cut at least 6 percent from current spending levels for next year. The overall federal budget for fiscal 1994 won't be cut by anywhere near this much under President Clinton's plan—nor was it cut at all last year, when Congress also chopped its own spending. The fact is that Congress is ahead of the rest of the government when it comes to reducing expenses, but you'd never know it—thanks to severe p.r. deficiencies and the unquenchable lust of Members to criticize their own institution.

Is Congress overstaffed? Frankly, we don't know, though, if we were forced to make a guess, we would say that some committees have too many aides but that personal offices may well be understaffed. Overall, our impression is that Congress spends too much on itself, but the waste isn't in personnel; it's in such areas as franking, legislative service organizations, and unnecessary committees with jurisdictional overlap. Indeed, partly because Members have to face the voters and bureaucrats don't, Congress is continually subject to political pressure to hold down its costs—and it's done so admirably in recent years. Staffing increases, for example, have been virtually nil for more than a decade, and, despite the blatherings of Ross Perot, talk show hosts, and, worst of all, those TV "magazine" programs, Congressional perks are extremely modest—except pensions, which are worth a look, as they are in every government agency in the nation.

Hill spending has to be placed in perspective. Including the Government Printing Office, GAO, and Library of Congress, the legislative branch employs fewer than 40,000 persons—that's one-third as many as the Department of Agriculture, one-half as many as Interior. The Congressional budget rep-

> resents less than one-quarter of one percent of total federal outlays. Get rid of the whole thing and you'll pay for one year's increase in Food Stamp spending, as proposed in Clinton's new budget. Our point here is not that Congress is spending too much or too little but without a thorough review, we simply can't tell. And a thorough review is going on now, so what's the sense in rushing to judgment, as the leaders did on Wednesday?
>
> When it comes to spending on itself, this institution has been acting responsibly for years. Now, when it comes to spending on the rest of the country, that's a different matter . . . .

Mr. STEVENS. If we apply this kind of a cut of 6.5-percent reduction across the whole Government, I do not think anyone in the Senate would say it's not going far enough. But we have felt it necessary to take the leadership in reducing spending. I hear that there may be amendments offered from both sides of the aisle that people would prefer deeper cuts in the committee budgets.

As that editorial I put in the RECORD points out, the staff we have help us find ways to reduce the overall cost of Government. If we make draconian cuts in the ability of Senate committees to respond to the problems that we are trying to address with meaningful, well-researched, and carefully considered legislation, I think it will affect the overall outcome of our goal to reduce the deficit, and try to reduce the overall national debt.

I believe that we have made great savings. We have made them through our ability to have joint staff on our committees. Administrative and clerical staff under the rules are supposed to be joint staff. We then share between the majority and the minority the staffing money that is available.

It is in my judgment something that we have to look very carefully at. In the last part of my comments I want to address the question of the carryover.

Starting 2 years ago—I thank my friend from Kentucky for this—at my suggestion we decided that a committee that had a carryover from the previous 2 years, could have available for its use in the succeeding 2 years, 50 percent of that carryover.

My thesis was if the committees knew that they could have a portion of what they save to plan ahead for particular types of activities in the future, they would be encouraged to save. As a matter of fact, that has happened. We have some substantial surpluses.

I understand that some people may want to cut out the carryover. That, in my opinion, will mean that all committees will spend every dollar they have before the end of the next fiscal year because if they do not spend it, none of it will be available for them to go on to programs into the next year.

I think it is an incentive to reduce costs, to know that a committee can plan ahead, for hearings out of the District of Columbia, to having research done, whatever it might be, if they save enough money in this cycle, this 2-year cycle. So I urge Senators to think about that.

In addition to that, we provided that the Rules Committee can allocate a portion of the carryover to committees that have nonrecurring expenses. They do not become part of the base for funding in the subsequent 2-year period. If Senators will look at the comparisons that have been made, they will see that in several instances we have reduced committees because of their loss of the nonrecurring costs from the prior 2-year cycle.

The Senate is going to hear some criticism of that. I think there is no question that we have responded to the requests of the committees for funding to the extent that we could, consistent with the original objective of implementing a 10-percent reduction from the 1992 level of spending.

I do believe this is a workable authorization. I remind the committee that it is a Senate resolution. This is not a vehicle on which to have amendments that would try to amend existing law, in my judgment. It is a resolution that I think we can show will take us back down—on an inflation adjusted basis—to the level of staff expenditures that existed in the 1981 period. As a matter of fact, it is below that level.

I think that if we do not recognize the concept of carry-over funds, we will see our spending go back up again. I encourage the concept of rewarding frugality. That is what I consider the surplus concept to be—leftover funds, at the end of a 2-year period, 50 percent of which are available for use for nonrecurring expenses in the subsequent 2 years.

That is an important gesture, in my opinion. Also, I point out that we do have a nonrecurring expense authorized for the Government Affairs Committee for private study of the GAO. That was made at a bipartisan request received from the Government Affairs Committee and reported to the Rules Committee. There is nonrecurring funding in the amount of $95,000 for an independent study of the U.S. Department of Agriculture. Both of them are nonrecurring, and I want the board to show that that is the basis upon which we have approved the recommendation that we presented to the Senate today for the Government Affairs Committee and the Agriculture Committee.

Mr. President, this is a workable authorization. We heard many appeals in our committee from Members for more, and I certainly hope I do not see those Members come to the floor and vote for cuts in what we gave them, that they objected to in committee. As a matter of fact, I have told my friend, the chairman of the committee, if draconian cuts are made to this resolution, further cuts, I think the resolution should go back to our committee so it can be adjusted.

There are still some inherent inequities in the budgets that are here. They come out of a series of prior acts of the Senate in consolidating committees, out of a series of prior acts in granting some committees additional moneys for specific types of ongoing studies. I believe those inequities may be changed now by the commission that we put into effect, on a bipartisan basis, studying the organization of both the House and the Senate; and it will make recommendations in the last part of this year, and subsequent to that, we may have an entirely different concept of financing these committees.

I heard suggestions in that commission meeting, for instance, that every committee should have a maximum number of employees, and no committee should have funding in excess of any other committee. If the reorganization is done on the basis of equality and seeks to level out the jurisdiction and workload of the committees, I think the Senate might achieve that. We constantly hear criticism of the amount of money that is allocated to the big four committees, included in this resolution. The Labor Committee and the Government Affairs Committee, in particular, are singled out, because they have allocations in excess of $5 million.

I hope the Senate will accept that point of view and will approve this resolution as has been presented. I can tell the committees again, if there are further cuts approved here, I hope that the Senate will send it back to the Rules Committee.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. FORD. Mr. President, it is my understanding that the distinguished Senators from Ohio, Wisconsin, and Louisiana would like to make statements at this time as if in morning business. That is perfectly all right with me. I wonder if this request might be in order.

Mr. President, I ask unanimous consent that after the distinguished Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KOHL], and the Senator from Louisiana [Mr. BREAUX] speak, the Senate stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I understand nothing else will transpire except their statements. Am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Then, following that, we go into recess until 2:15 p.m.?

The PRESIDING OFFICER. Yes.

The Senator from Ohio is recognized.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM and Mr. KOHL pertaining to the introduction of S. 414 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Thank you, Mr. President.

## THE HEALTH CARE SYSTEM

Mr. BREAUX. Mr. President, I rise today to make some comments about the health care system in this country and what this body needs to do, in my opinion, to correct the incredibly serious problem.

In 1970 the U.S. public and private spending on health care roughly equaled our public and private spending on education. In 1992, however, we will spend more on health care than on all of education plus all of our Nation's spending on defense, on prisons, on farm subsidies, on food stamps and on foreign aid.

Health care costs, climbing at twice the rate of inflation since 1981, have become the fastest growing major expense for the Federal Government, for most State governments, for many businesses, and certainly for millions of American families.

Last October, Senator DAVID BOREN and I introduced the Managed Competition Act of 1992 (S. 3299), the Senate companion bill to the legislation introduced by Congressmen JIM COOPER, MIKE ANDREWS, and CHARLIE STENHOLM (H.R. 5936). I continue to support this approach to fundamental reform of our health care system and will begin to explain why in the statement that I am delivering today.

At the same time, I have serious doubts about the viability of some of the other approaches to health care reform that are being advocated. Specifically, I do not believe that a successful long-term solution to health care inflation and access can be achieved using a top-down regulatory approach that depends on a Federal process of budgeting and price controls to contain the cost of health care services. I will address these concerns, as well as more specific issues surrounding managed competition, in additional statements over the coming weeks.

Mr. President, the past administration invoked free market principles to justify letting the status quo continue, even though current practices are actually destroying the health market. That is unacceptable. But the answer is not to go to the opposite extreme and have Government take over the health care system or try to set prices on every aspect of U.S. medical care. Government price controls tend to be slow, buearucratic and ineffective when it comes to weeding out wasteful costs. The answer, and the essence of managed competition, is to change the health market's ground rules so that health providers must compete for consumers on the basis of low prices and real value.

President Clinton vows to reform our Nation's overpriced and maddening health care system, in part, by relying on managed competition. This is good news for America's consumers and I support this approach. But, so far, most Americans are not familiar with this idea, and it's worth starting out with a general explanation of how managed competition can control health care costs while expanding consumer choice, increasing access to care and preserving the high quality of American medicine.

Under managed competition, large health insurance purchasing pools—known as Health Plan Purchasing Cooperatives or HPPC's—would be created in each State as a mechanism through which individuals and small-to medium-sized employers would be guaranteed the ability to purchase insurance at affordable prices. These cooperatives, with hundreds of thousands of customers, would have the same negotiating power and low administrative costs now enjoyed only by America's largest firms.

Simply pooling all employers who have fewer than 1,000 employees—as the Managed Competition Act we introduced last year would have done—would save vast sums of money that are currently wasted on insurance companies' administrative and marketing expenses. Under today's system, small companies pay as much as 40 percent of their premiums for insurance companies' administrative and marketing costs that have nothing to do with the delivery of medical services. In contrast, large purchasing groups—like the biggest Fortune 500 companies with thousands of employees—enjoy much lower administrative costs and a much greater ability to negotiate with insurers and providers for better deals on both cost and quality.

While consumer choice among competing products helps restrain prices in everything from computers to crawfish, few Americans get to choose among insurance plans. Usually their employers choose for them. Those who are now lucky enough to have a choice have little information on the plans, no information on the effectiveness of the treatments that are covered and few incentives to choose the most cost-effective source of coverage.

Under managed competition, there would be an open enrollment period every year during which customers of these purchasing cooperatives would be able to choose among a range of health plans. Each of these accountable health plans would have to offer a nationally standardized and comprehensive package of benefits so that consumers could make decisions based on the quality of the services they receive, rather than on the extent of coverage they are being offered.

To make accountable health plans truly accountable each would have to publish its prices along with measures of customer satisfaction and federally certified information on how well they'd taken care of past patients.

Current tax law allows an unlimited deduction for employers for health care expenditures made on behalf of their employees. This unlimited subsidy shields employer and employee alike from the true costs of their health insurance, thereby rendering them cost unconscious.

Under managed competition, employers could only deduct the cost of health benefits if they purchased one of these accountable health plans for their employees. Consumers could choose any plan offered by their local HPPC, but if they choose a more expensive plan, they would have to pay for the difference in cost, and so would have a direct incentive to shop for the best value among health plans.

By tying the tax benefit for employer-provided plans to the price of the lowest-cost qualifying plan in an area, we would strengthen the incentive for cost conscious decisionmaking and immediately reduce the Federal Government's existing tax expenditures.

Also, most American health care is still provided on a fee-for-service basis—this means that doctors and hospitals charge individuals a fee for each visit, test or procedure they perform. The obvious incentive under such a system is to provide lots of services—a doctor or hospital gets paid more for doing more. Managed competition, by encouraging, without mandating, the development of integrated delivery organizations, would reform this perverse incentive. Providers would ideally be paid a single annual fee for providing quality care, so would be directly accountable for the costs of the health care services that they perform.

In the most general terms, managed competition is a plan to make the consumer king in health care. It involves comprehensive changes in the ground rules for the health care system that will force private health plans to compete on the basis of medical outcomes, efficiency and consumer satisfaction—in short, on the basis of value. That is not how our health system works now. We will spend proportionally more than any nation on health care this year—more than $900 billion or 14 percent of gross domestic product—yet we have 37 million Americans who do not have any coverage and millions more who are underinsured.

The HPPC's or purchasing pools that I have already described will also play a vital role in assuring access to insurance. American families whose chief wage-earner works for a small employer or who is self-employed are least likely to have insurance. If these families are able to purchase insurance on an individual basis or as part of a small employer-based group they are either very healthy and low risk or they are paying dearly for it.

Small firms face enormous administrative costs and burdens if they insure their employees, and if a small firm's employees are older or have any medical problems, insurers often refuse to give them affordable insurance at all.

Under managed competition's purchasing cooperatives, individuals and employees of businesses that have less than 1,000 employees would all be able to purchase insurance through their local HPPC. Administrative and marketing overhead, which eats up so much of the premium dollar paid by individuals and small- to medium-sized groups would be immediately and drastically reduced.

Too many insurance companies in today's health care market make profits by finding ways to avoid risk and selling only to healthy people. The affect of these practices has been to make insurance unaffordable for many individuals and small groups who need it the most. The Managed Competition Act would prohibit these practices.

We would require community rating within health plans so that insurers could no longer discriminate against individuals with preexisting conditions. Accountable health plans would have open enrollment for every eligible person that lives in their geographic coverage area. Portability of insurance from one workplace to another would be assured so that workers would no longer be subject to job-lock.

Finally, the self-employed would be permitted to deduct 100 percent of the cost of the lowest price plan offered by their HPPC—the temporary 25-percent deduction that was recently available to the self-employed has expired.

Managed competition also offers a better way to meet the health needs of the Nation's least fortunate. Currently, we have Medicaid to insure the poor. But despite that program's runaway costs, it only covers about half of the eligible population. Many doctors try to avoid accepting Medicaid patients because reimbursement rates are often low. And for beneficiaries, Medicaid discourages work, since recipients can lose coverage once they take a job.

Our approach would, by contrast, expand coverage for the poor, give them the same health care options enjoyed by the nonpoor, and remove Medicaid's work disincentive. Managed competition would provide subsidies to all American families with incomes below 200 percent of the poverty line so that they could purchase the same private insurance plans that everyone else has access to. Families with incomes up to 100 percent of poverty would be fully subsidized, while those with incomes between 100 and 200 percent of poverty would receive subsidies on a sliding scale. This approach would further serve to eliminate the current burden of cost-shifting from Medicaid that falls onto private-pay patients and help to eliminate the tremendous burden of uncompensated care on our public health care institutions.

The combination of these changes would trigger a virtual price war in health care, with consumers as the big winners. Plans would be forced to squeeze out wasteful administrative practices and unnecessary medical procedures so that they could cut prices to attract more subscribers. Plans would not want to cut quality, however, as that would cause them to lose subscribers, who would be alert and armed with annual data on health outcomes and consumer satisfaction.

In short, health plans would be pressed to reduce costs without reducing quality or discriminating against sicker people. They would be forced to compete on the basis of value, and that is the key thing that has been missing until now.

Mr. President, all of this is no untested theory. Over 10 million Americans already get their health care through similar, multiple choice systems—including almost 9 million people in the health insurance system for Federal employees, and 1 million in the health systems for public employees in Minnesota and California. Similar approaches are being used by large private companies, like Xerox.

The results of many of these efforts have been impressive. For example, in the 4 years since California started putting key pieces of the managed competition concept in place for their public employees, annual premium increases have fallen from 17 percent to an anticipated 1.5 percent for this year.

Mr. President, there's no reason why these advantages should only be enjoyed by public employees or employees of a few large companies. It's time to share the secret of managed competition with private employees and their families as well. If we do, the Nation can finally bring health inflation under control, without imposing a big-government solution, and without sacrificing the high-quality health care our people demand and deserve.

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## RECESS UNTIL 2:15 P.M.

Mr. BREAUX. Mr. President, I yield back the remainder of my time and suggest that under the previous order, the Senate now stand in recess.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized to address the Senate for 2 minutes, and that following his remarks I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 416 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. I thank the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 50

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 50. At the appropriate place, insert the following:

It is the sense of the Senate that the rate of pay of Senators should be frozen for 11 months.

The PRESIDING OFFICER. The majority leader is recognized.

### AMENDMENT NO. 51 TO AMENDMENT NO. 50

Mr. MITCHELL. Mr. President, in behalf of myself, Senator DOLE, Senator WELLSTONE, Senator FORD, Senator STEVENS, Senator GRASSLEY, Senator HELMS, Senator COHEN, Senator FEINSTEIN, Senator HARKIN, and any other Senator who may wish to be added as a cosponsor, I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will call the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. DOLE, Mr. WELLSTONE, Mr. FORD, Mr. STEVENS, Mr. GRASSLEY, Mr. HELMS, Mr. COHEN, Mrs. FEINSTEIN, and Mr. HARKIN, proposes an amendment numbered 51 to amendment No. 50.

In the amendment, strike all after the first word and insert the following:

It is the sense of the Senate that the rate of pay of Senators should be frozen for one year.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, last week President Clinton addressed the Nation and, as part of his economic program, he proposed that the rate of pay of Federal employees be frozen for the year 1994. He proposed to accomplish this by not providing the annual cost-of-living adjustment that would otherwise by law be provided.

I have discussed this matter with the distinguished Republican leader, Senator DOLE, with a large number of our colleagues, and with the leadership of the House of Representatives. It is our view that if such sacrifice is to be requested of others, Members of the Congress should participate and, therefore, the intention of this amendment is to state the sense of the Members of the Senate that the rate of pay of Senators should be likewise frozen for 1 year.

Since the underlying measure is a resolution which is applicable to the Senate only, and is not in the form of a statute to be presented to the President for his signature and enactment into law, the formal steps to implement this sense-of-the-Senate resolution will be required later in the budget process. And we commit ourselves to accomplishing that at the earliest possible time consistent with law.

But this does give Senators an early opportunity to express their view on this matter in light of the President's proposal and the widespread public discussion that is now occurring about that proposal.

Mr. President, if appropriate, I now ask for the yeas and nays on this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. May I make a brief statement?

Mr. MITCHELL. Mr. President, I yield now to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, let me indicate that I concur with the statement of the distinguished majority leader. I think this, coupled with what we are seeing in the funding resolution of reducing the amount we spend in the Congress, will at least be some example we can point to when we talk to the American people, when we ask them to make sacrifices.

This may not be enough in the eyes of some, but it is a step in the right direction.

I think we are taking appropriate action. We are sending a signal that if anyone else is going to have a freeze, Congress will be first, and I assume that will apply up and down the line in the executive branch.

I agree with the majority leader, and I concur in what he said. While we may have a number of differences in the economic package itself, I think in this instance we are in agreement that this step should be taken.

Mr. MITCHELL. Mr. President, this matter was brought to my attention with respect to the funding resolution by the distinguished Senator from Minnesota [Mr. WELLSTONE] who had previously indicated his intention to offer this amendment. So in a very real sense, the proposal we are now discussing and will vote on is a Wellstone amendment, and the Senator graciously agreed to join in a leadership effort in that behalf. I thank him for his leadership on this and other issues.

I yield at this time.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, let me first of all thank the majority leader for his gracious remarks. I really appreciate his leadership on this issue.

I do not know, Mr. President, whether or not there is that much more to add. I introduced a bill on this same subject this morning which I hope will become law. I hope we will be able to make this change. It is essentially a 1-year freeze on the COLA; that is, the 2.1 percent cost-of-living adjustment for Senators that was scheduled to go into effect in 1994.

Mr. President, I think I would agree that what I am going to say is pretty much what my colleagues believe on both sides of the aisle, and that is that this fits in with the times that we are living in. I actually do not put this in the context of any one of the specific proposals that the President has laid out for the Nation, but rather within the overall spirit of what he has had to say.

It seems to me, if we are going to be asking people to tighten their belts—and, for some people, it is going to be difficult to tighten their belts—and if we are going to ask people for sacrifice and talk about shared sacrifice, then I think it is really appropriate that in the U.S. Senate we put a freeze on our own cost-of-living for next year.

And so I am pleased to be a part of getting this initiative before the Senate. I am very glad to have the support of the majority leader in his taking this leadership position.

Finally, Mr. President, let me just say that I have seen some constitutional questions raised about this subject. I am not a constitutional lawyer. I was not a lawyer at all. I was a college teacher.

I will just read for a moment the 27th amendment to the Constitution. It states: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

I just want to make two points. First of all, this resolution would not vary the compensation of Senators. In fact, it is designed to do the opposite. It is to freeze salaries where they are. That is the import of this resolution.

And, second of all, I doubt it was the intent of the 27th amendment to cover this situation. If I had a conversation with Mr. Madison, I do not think he would say he was worried about Senators, during the day or late at night, putting a freeze on their cost of living increase. I think it was actually to guard against the exact opposite kind of abuse.

Once again, I certainly am appreciative of what the majority leader had to say and pleased to be a part of this effort. I think that we are taking a step forward, as we should.

I will just make one final point, because I know we have a full agenda, and that is, I do not believe anybody here has argued that this represents some huge step to deal with the budget deficit, the investment deficit, the jobs deficit, and all the rest. It is just simply, I think, a signal by U.S. Senators that we also apply this idea of sacrifice to ourselves.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to cosponsor this. I made a statement yesterday to a series of Senators that I have come to the conclusion that it was time that we asked the Senate to consider rolling back the Senate salary to the 1992 level. After that, it has been called to my attention that the Madison amendment, which has become effective, may mean that that is not possible.

As I understand what we are doing here now, it says that we should not consider implementing for 1994 the scheduled cost-of-living increase. I share that opinion and, therefore, I have cosponsored this amendment with the distinguished majority leader and the distinguished minority leader.

But let me remind the Senate that this new amendment to our Constitution says:

> No law, varying the compensation for the services of Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

I understand that is being legally researched and it is going to be a very interesting question. I share the sentiment of this amendment, but I also think that, if possible, we ought to take the step of going back to 1992, not only for our own salaries, but for a whole series of items that are in the budget, as a means to, in effect, perpetuate a freeze at the 1992 level in many functions of the Government. I think that would be the effective way to bring about a substantial reduction in spending over a period of time.

I do believe, however, that the Senate should realize that what this says is that even the amendment we are offering may not be capable of being accomplished under the Madison amendment. It depends on what legal interpretation is going to be given to that amendment in the days ahead.

Thank you very much.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. First of all, I ask unanimous consent that I be added as a cosponsor of the amendment of the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask the distinguished majority leader whether he has had an opportunity to persuade the House to emulate his splendid action here.

As I understand it, this resolution, being a Senate resolution, just applies to the Senate. I know that the distinguished leader is in constant communication with the House Members. I wonder if he has discussed this with them.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I believe the Senator was not present when I began the discussion. I stated at that time—and I repeat now in response to the Senator's question—that this was discussed with the House leadership, and I believe they are supportive of this effort.

Mr. CHAFEE. Good. I apologize. I was not present.

That is good news to hear.

Mr. MITCHELL. Mr. President, I want to say one other thing on this whole subject.

We had a lot of discussion—painful and controversial and emotional—about congressional pay. I want to repeat something I have said during each of the last two debates.

Any Senator who feels that he or she is overpaid and wishes to do so may simply notify the disbursing clerk and return any portion or all of his or her pay. Those Senators who stand up and say they are for less pay, they want to cut pay, or they are not for pay increases, it is very easy for them. All they have to do is go and notify the disbursing clerk and say they do not want to accept all or some portion of their pay and it will be done.

I think what we have done is a reasonable, rational step, consistent with the proposal made by the President. I hope my colleagues will all find it acceptable.

Mr. PRESSLER. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the second degree amendment offered by the distinguished majority leader and the Republican leader. This amendment makes perfect sense. The dedicated members of the Federal work force are being asked to give up their cost-of-living adjustment for next year in the name of long-term deficit reduction. Members of the Congress should do the same. We in Congress should not be immune from the sacrifices asked of Federal workers. I am pleased we are coming forward voluntarily to make that same sacrifice. Simple fairness requires that we do. I urge my colleagues to support this amendment. I also urge our colleagues in the House of Representatives to take similar action.

The PRESIDING OFFICER. The question is on the agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "yea."

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—2

Murkowski
Simon

So the amendment (No. 51) was agreed to.

VOTE ON AMENDMENT NO. 50, AS AMENDED

The PRESIDING OFFICER. The question is now on agreeing to the Dole amendment, as amended.

The amendment (No. 50), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 58

(Purpose: To abolish the Committee on Aging of the Senate, effective January 1, 1994)

Mr. REID. Mr. President, shortly I am going to send an amendment to the desk dealing with the—parliamentary inquiry. The matter now before the Senate is Senate Resolution 71?

The PRESIDING OFFICER. Will the Senator suspend.

There will be order in the Chamber.

The Senator may proceed.

Mr. REID. Parliamentary inquiry, Mr. President. Is Senate Resolution 71 the matter of business now before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I will shortly send an amendment to the desk.

Mr. President, in a lecture Ralph Waldo Emerson gave, he spoke to the issue of character. He said, "Don't say things. What you are stands over you the while, and thunders so that I cannot hear what you say to the contrary." Emerson's quote rings true inside the beltway these days, Mr. President. The fact is this body will start restoring the faith of the American people in Congress as soon as we "stop saying things" and start being what the American public have elected us to be—which is leaders.

Just last week, we heard the President's call to action. There are disagreements in this body on the details of President Clinton's proposal, but there is no disagreement on the boldness of his proposal. Last Friday's New York Times probably expressed it about the best in their editorial. They said:

> All President Clinton promised was an economic plan. But his speech to Congress offered something even rarer along the marshy rim of the Potomac—a vision. If Republicans and Democrats in Congress will only step back from Mr. Clinton's specific proposals, they will discover, perhaps to their horror, that he has assumed the best about them—the best about us—"namely, that they are

capable of conducting business in a brand new way, lifting their sights beyond the short political horizons that normally govern congressional deliberation."

In fact, the President himself urged the Congress to have no sacred cows except the fundamental interest of the American people.

It is no surprise that the American people have responded so favorably to the President.

I believe that the Congress should prove to the American people that the U.S. Senate is part of the change that must sweep this Nation; that we, the U.S. Senate, can make sacrifices without stalling on what to sacrifice and wind up giving only lipservice to the need to cut spending. It took the President a little more than a month in office to come up with $247 billion in spending cuts over the next 4 years.

The amendment that I will soon send to the desk calls, Mr. President, for the abolishment of the Aging Committee and that the amendment made by this section shall take effect on January 1 of next year, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to the recommendations of the Joint Committee on the Organization of Congress. This will save, as I will indicate subsequently, about $1.5 billion.

Procedurally, let me explain where we are. The Rules Committee brings before this body a resolution to fund the committees. This resolution runs from March 1 to March 28 and covers 2 years. It covers the Congress. And it covers, as I have indicated, the committees within the scope of the Senate.

My amendment would fund Aging through the end of this year unless the Joint Committee on the Organization of Congress recommends otherwise. This, of course, would allow a phasedown of the planned work and also the ability of staff to make whatever arrangements are appropriate.

Last year's Congressional Directory listed 37 people under the Aging Committee. It is my understanding, Mr. President, based upon the statement that I heard made by my friend, the chairman of the Aging Committee, Senator PRYOR, that staff has now been cut to approximately 25.

So the question is, Why only this committee? First, the House has abolished its counterpart. Second, this committee has no legislative authority. Third, we the U.S. Senate, even though we do not like to hear it when it comes down to the fact that it must be done today, we must begin to cut spending. The other select committees, Ethics and Intelligence, are being now studied by the Joint Committee on Organization.

We all know that Ethics will likely wind up with a different structure than it now has. But I think it is fair to say that the present political climate would not allow abolishment of the Ethics Committee.

The joint committee, as I mentioned, is also reviewing the Select Committee on Intelligence. We have had testimony regarding intelligence. There have been a lot of articles written on intelligence. One suggestion that I think sounded good—and I think that the committee of reorganization that I serve on also agrees—is that there still should be a Senate Intelligence Committee and a House Intelligence Committee, but maybe we should consider, as a matter of efficiency and cost savings, one staff. Why do the committees need two separate staffs?

Legislative branch appropriations is on a fiscal year basis, and it funds joint committees such as the Joint Economic and Joint Taxation Committees. During the hearings on the legislative branch appropriations bill, we will review very, very closely these joint committees and others, which are funded, as I said before, on a fiscal-year basis. We are going to do this to see if future additional cuts can be made. But this is not part of our deliberations here today. I personally believe that we can save money by looking at these joint committees.

As I believe everyone in this body knows, being chairman of the Legislative Branch Appropriations Subcommittee is not the plum of all chairmanships in the Senate. But it is a responsibility, Mr. President, that I take seriously. I must now act to give this body the opportunity to determine if we are capable of making real cuts, cuts in dollars, in money, in the way we do business here. Rest assured that every student of Congress, every political scientist will view your vote—you the Senators—as one of cutting a nonessential committee of Congress. If you vote against my amendment, it will be clearly seen as a vote to continue the nonessential spending with which the Congress is stereotyped.

Chairman FORD and other members of the Rules Committee, I think, have taken bold action by cutting, as I understand it, about 7.6 percent from the committee budgets over the next 2 years.

Also, as chairman of the Legislative Branch Appropriations Subcommittee, I want to remind everyone here that we have made tough decisions—when I say "we," not the Legislative Branch Appropriations Subcommittee, but "we" the Senate—over the last several years. There have been tremendous changes in the way that we handle cuts. That is only one example. We have made some tough decisions. Last year, for example, the legislative branch appropriations bill reduced outlays by 6.5 percent. This cut—that is, the 6.5 percent—will result in permanent employment reductions of about 800 full-time positions. In fact, since 1978, the real legislative budget has declined from $2.36 to $2.31 billion. This is for the legislative branch as a whole. All of the new Senators, those people watching these proceedings, should understand that legislative branch—this $2.31 billion—is not for us only, the Members of the House and the Senate, but it includes many important organizations in the functioning of this country, such as the General Accounting Office, which has approximately 5,000 employees; the Congressional Budget Office, which, as we heard in the President's speech the other night, is the landmark that he and the Congress will use to make the cuts that will be necessary to be made that is funded through this legislative branch bill; the Government Printing Office; Library of Congress. I only named a few. The legislative branch appropriations bill includes a lot.

Our efforts to cut will continue, as just yesterday and the day before we started hearings on our bill. There is little doubt that there will be more cuts made this year.

Mr. President, some would say we have done enough. I disagree. We have not done enough. So I am offering this amendment to "stop saying things" and let our actions do the talking, following the advice of Ralph Waldo Emerson. We can do this by passing this amendment that will cut the funding of the Special Committee on Aging at the end of this calendar year.

As a member of the Joint Committee on the Organization of Congress, the most consistent message that we have heard in the short month we have held hearings is that there are too many committees. Let me repeat, the most consistent message we have heard—House and Senate Members assembled together in a bipartisan fashion, 12 from each body—is that there are too many committees. There may be a second message that is being delivered to that committee. I am at a loss now to determine what is running second. I do know what is running first. We have too many committees and subcommittees, and Senators are overburdened running from that subcommittee to that committee, to that select committee. They have too much to do. It cannot be handled.

Virtually every congressional expert, including former Members of Congress, including the Senate and House leadership, have testified about the overabundant committees and subcommittees, not to mention the selected joint committees. In their view—and I think few of us would disagree—Senators have too many committee assignments to do any one of the assignments justice.

There are few of us that have not been at committee markup when we have waited, and we wait, and the staff makes phone calls, and they make more phone calls, trying to get enough there, enough Members so we can conduct business, so that we can get a quorum.

The Nation's business has, many times, in the time I have been in the House and Senate, come to a standstill because there was not a quorum present. We are all attending other committees.

Some may argue—and they will—that we should wait until the Joint Committee on Congress completes its task and reports its finding to Congress before taking action. That is what we always do around here. We always want to wait until tomorrow, We do not want to do anything today. Heavens, no, why do it today. We can put it off today and do it tomorrow.

In fact, my amendment allows for that, though. My amendment does not—I repeat, does not—abolish the Aging Committee until December 31 of this year. The joint committee is scheduled to report its finding well before the end of the year. Senator BOREN said publicly on many occasions that he wants to complete the actions of the joint committee prior to the August recess. Should, for some reason, the joint committee recommend a retention of the Aging Committee, there would be nothing lost.

Now is the time to act. The House has already taken action to abolish all of their select committees. The handwriting should be on the wall. It is on the wall. Let us see if it is on the wall. The Senate, in my opinion, would be irresponsible not to act and to allow the only Senate select committee with parallel jurisdiction to continue because we could not muster the courage necessary to act accordingly. I repeat, the Aging Committee—and everybody understands this—has no legislative authority. In other words, the committee was established to hold hearings and disseminate information.

The fact of the matter is that we need to look carefully at all committees—we all know that—including the joint committees and standing committees and, more appropriately, subcommittees. We need to address the way we do the Nation's business through the committee process—and we have to do it that way—and make the tough decisions necessary to make sure we have the best management system in place. I, as one Member of the Senate and chairman of the Legislative Branch Appropriations Subcommittee, pledge to continue these efforts as a member of the Joint Reform Committee.

Mr. President, let me be clear. The issue here is not whether seniors in this country deserve the attention granted to them from the Aging Committee. I would put my record on senior issues up against anybody that serves in this body, anybody. During my tenure in the House, I served on the Aging Committee; and, as a Senator, I now serve on the Aging Committee. I have personally led the efforts to repeal the unfair source tax which passed the Senate twice. I have offered the only successful amendment to repeal the unfair notch, and it passed the Senate 2 years ago. Last year, the amendment offered by me and by Senator Sanford failed by a vote of 49 to 49.

I drafted the legislation, the first legislation that came upon this floor—to repeal the antisenior catastrophic legislation was my legislation. I have also worked to have music therapy as an approved procedure under the Older Americans Act. That was done under the direction of Senator PRYOR, who was ill at the time. I was allowed to conduct those hearings. It was a wonderful opportunity for me. I also voted with Senator PRYOR on this amendment to stop the huge profits to drug manufacturers. I could go on.

As a member of the Aging Committee, I am well aware of the effort to focus attention on the plight of senior citizens. In the State of Nevada, we have the largest per capita growth in the senior citizen population of any place in the country. Senator PRYOR, the chairman of the Aging Committee, is not only my chairman, he is my friend. As I have said earlier today, there is no one in the U.S. Senate that I have more respect for as far as their integrity and ability—and that about covers everything—than Senator DAVID PRYOR of Arkansas. He has proven time and time again his worth to senior citizens and other people of this country.

I am sure he will be on the floor to speak against this amendment and about the many things that the Aging Committee has accomplished. And he can do that, because the Aging Committee has accomplished significant things. But Senator PRYOR is a member of the powerful Finance Committee, Government Operations, and will continue his advocacy for senior citizens. I hope we all will.

However, Mr. President, that is not the issue today. This is not a contest between DAVID PRYOR of Arkansas and HARRY REID of Nevada. The issue is whether we as a body, a legislative body, the U.S. Senate, can take firm, responsible action when it is appropriate, and it is appropriate today. You can be sure that when President Clinton came up with the spending cuts he presented to us last week, he made some truly difficult decisions in deciding what he was going to select to give to us to cut. There is little doubt that numerous programs that he put on the chopping block have merit. There are some of those programs that he has included and has given to us that I think are good programs. But we are going to all have to make some tough votes.

President Clinton directed the cuts to show there is a better way to accomplish the same goal. The goal is to improve the way Government does its business. We are part of Government. The goal is to prove that the Government can actually do more with less. Any argument here today that if we abolish the Aging Committee, the senior citizens are through and nobody will help them, I think is not a valid argument. Remember everyone, remember, that the Aging Committee does not go with a single piece of legislation. It is a committee set up to hold hearings and service the country, which is important. But do we have that luxury? Do we need to start cutting? The experts say yes. The goal is to prove that Government can actually do more with less. Authorized funding for the Aging Committee in 1992 amounted to $1.24 million.

Assuming a 6.3-percent reduction for committee budgets recurring expenses as is contained in the pending legislation, it is safe to assume a funding level over the next 2 years of $3.32 million. Therefore, my amendment would save approximately $1.5 million. Obviously, out of a $56.4 million budget $1.5 million does not sound like a lot of money but it sets the stage. We are going to hear arguments that the Aging Committee only makes up 2 percent of the committee staff, that its budget is less than that 1.9 percent. You know these percents start adding up. There are only 100 percent in the whole. One percent, two percent, pretty soon you have saved a lot of money. So this may be a small start, but it is a start.

Obviously this sets the stage. It shows that we are willing to make not only tough decisions but decisions that make good, common sense to the people that pay our salaries.

It is just good business. You know that outside the Washington Beltway $1.5 million is real money. It is a lot of money.

Again, the administration has taken the lead in this area. President Clinton has already issued several Executive orders to reduce the size and cost of Government at that level. Both the White House and the agencies have been cutting back. Sure we can wait until they make more cuts before we make our cuts. Or we can take the lead and let the American public know that the Congress is as serious as the President.

So I urge my colleagues to support me in my efforts to "stop saying things," as Emerson so aptly put it, and let our actions speak for what we are. Let our actions begin to thunder to the American people so that they realize that we are here to work for them and once in a while make a sacrifice for them.

As President Bill Clinton said in his State of the Union Address: We must scale the walls of skepticism, not with our words, but with our deeds. Gentlemen of the Senate, and gentlewomen of the Senate—the decision is yours.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 58.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. . ABOLISHING THE COMMITTEE ON AGING.**

(a) IN GENERAL.—

(1) The Committee on Aging of the Senate is abolished.

(2) Paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking the item relating to Aging.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to recommendations of the Joint Committee on the Organization of the Congress.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

### AMENDMENT NO. 59 TO AMENDMENT NO. 58

(Purpose: To eliminate funding for the Special Committee on Aging and to abolish the committee)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment number 59 to Amendment No. 58.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word of the pending amendment and insert the following:

The language on page 30, line 11 through page 31, line 3, is null and void and of no effect.

SEC. . (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1993, through March 31, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through March 31, 1993, under this section shall not exceed $98,703.25.

(c) Effective April 1, 1993, the Special Committee on Aging is abolished.

Mr. COCHRAN. Mr. President, let me first of all commend the Senator from Nevada for offering the amendment which he has sent to the desk. As he describes it, it seeks to abolish in effect the Special Committee on Aging beginning with the next session of the 103d Congress.

The amendment which I have just sent to the desk seeks to fund the Special Committee on Aging for an additional month beyond March 1, so that it would be able to complete its business and then in effect be abolished as of April 1, 1993.

The Senator has correctly pointed out that this is the only special committee in the Senate that has no jurisdiction to report legislation. It was constituted back in 1961 to look temporarily into matters of special interest and concern to older Americans.

Since that time, other committees have assumed the legislative jurisdiction of the Special Committee on Aging and have subsequently dealt with many of the same concerns and issues.

The Labor and Human Resources Committee, for example, has a Subcommittee on Aging which exercises jurisdiction regarding the Older Americans Act. At the same time, the Department of Health and Human Services administers other programs and services which are of special interest to elderly Americans.

It has been my privilege to serve for the last three Congresses on the Subcommittee on Aging. During the 101st, 102d, and 103d Congresses, I have been the ranking Republican member of that subcommittee where we completed two reauthorizations of the Older Americans Act. I have had the privilege to work with other Senators to craft programs that were designed to provide nutrition assistance, recreational and fellowship opportunity through senior citizens centers, legal services, especially designed to benefit older Americans, and many other benefits to help older Americans deal with the real life problems they face. The point I am making is this: The subcommittee has jurisdiction over those programs, just as the Finance Committee has jurisdiction over Social Security and health programs—where Medicaid, Medicare issues are authorized or addressed and legislation is recommended to the Senate. The Commerce Committee has jurisdiction over trade issues, pricing, and anticompetitive activity. The Special Committee on Aging has also analyzed these issues and in particular brought to the attention of the Senate the pricing of drugs that are sold to older Americans.

But the Commerce Committee, not the Special Committee on Aging is the only committee that has jurisdiction to take action and recommend legislative changes that will deal with those problems.

The Banking Committee has jurisdiction over housing, particularly concerning the aging community.

I noticed that a recent edition of the former Parliamentarian of the Senate Floyd Riddick's book "Riddick's Senate Procedure" mentions the Special Committee on Aging on page 337 and says: "The Special Committee on Aging has no legislative authority." And then later in the same paragraph this appears: "The concerns of the aged cut across the jurisdictions of numerous committees. Perhaps the special committee's overlaps are most pronounced with the Subcommittee on Aging of the Committee on Labor and Human Resources; the Finance Committee, regarding health and Social Security matters; the Commerce Committee, over consumer issues such as prescription drug advertising; and the Banking, Housing and Urban Affairs Committee with respect to housing for the aged."

It is very clear that the Special Committee on Aging is a unique anomaly in the organization of the Senate. Every other committee has responsibility for either reporting legislation to the Senate or conducting other specific business that is authorized under the legislation that created that committee, such as the Ethics Committee and the Intelligence Committee.

If you look at this resolution before the Senate, you realize that it cuts back across the board the authority for funding and for staff on all the standing committees.

Yet the Special Committee on Aging—which I repeat has no legislative authority continues to exist with an authorization for almost $2.4 million for this Congress. The question is this: In this time of increased need for deficit reduction, with a call by the new President for cutting back on unnecessary spending, are we able to meet the challenge of looking at how the Senate transacts its business and is organized and respond with a change in spending habits that shows we are willing to do our part to meet the challenge of deficit reduction? And for that reason, it is appropriate for us to take action now and make a contribution toward deficit reduction here in the Senate.

The Senator from Nevada takes a step in the right direction, but it is a halfway step. He has said, "Don't put off until tomorrow what we can do today." the President has said, "Don't continue to talk about making cuts in spending. Let's do it now."

The President has said, "If you don't like the recommendations that we are making for spending reductions, point out specific areas where you think cuts can be made. Be my guest," he said in his speech to the joint session of Congress.

We need to face the facts. The facts are this is an unnecessarily duplicative committee. It does things that other committees are specifically charged with the responsibility of doing. It holds hearings—admittedly, for important reasons—to try to focus attention on problems that need to be addressed, either in the private sector or by Government, that will help make the lives of older Americans better.

And I applaud that. As a Member of the other body, I served on the Select Committee on Aging at a time when it was chaired by the Congressman from Florida, Claude Pepper. We had some important hearings there. Some of the hearings that were held by our Select Committee on Aging led to changes in mandatory retirement. Those were changes that should have been made, and they were made. And I think that committee served as a catalyst to get that change approved by the Congress.

So, this committee has done important work and it continues to do important work. That is not the complaint. This Senator does not have any complaint whatsoever with the work of the special committee. It is simply a duplication of work that ought to be done by other committees under the organization of the Senate.

So I hope that, rather than putting off until next year a reduction of $1.5 million, the Senate will vote for the amendment which I sent to the desk, which recognizes that other committees have jurisdiction over the subject matter that we are talking about, and vote to cut off funding of this committee.

This will permit $98,000 to be allocated to the Special Committee on Aging and allow it to continue up until April 1, 1993, at which time, under the language of the Cochran amendment, the committee would be abolished.

I urge Senators to vote for the amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, let me be as brief as I can in responding to both amendments.

I was intrigued with the quote offered by my friend from Nevada when he starts quoting Emerson that, "what you are is shouting so loud, I cannot hear what you are saying."

I do not recall that quote having been offered during the time my friend served on a temporary basis as chairman of the Senate Special Committee on Aging when Senator PRYOR was unable to fill that capacity due to an illness.

As a matter of fact, I recall the Senator from Nevada chairing a very important hearing dealing with music as a therapeutic alternative, perhaps, even for the use of some drugs; art being another form of medicinal relief. At that time I heard the then chairman of the committee praise the work of the committee. Those hearings opened up an entire new avenue of therapy that the Senator from Nevada, I think, up to that time had not even considered.

He said, quoting President Clinton that there are no scared cows in cutting the deficit, except those in the fundamental interests of the American people.

Well, we agree. We agree. There are no sacred cows—not this committee; not the Indian Affairs Committee, whose chairman is here today; not the Joint Committees on Economics or the Joint Committee on Taxation; not any of the other committees, including the Appropriations Committee, I might add.

In fact, there are some of us who feel that perhaps we ought to eliminate the Appropriations Committee, merge it with the authorization committee, or vice versa.

There are many things we can do to streamline the Congress itself in the efficiency of its operations. This proposal, it seems to me, does not make dollars and cents and does not make common sense.

The way it is structured, in terms of the Reid amendment, is that if you oppose the Reid amendment, you favor the continuation of a nonessential committee. The Aging Committee, in his view, is a nonessential committee.

So it takes courage to kill a committee that spends, let us concede, a million dollars. That is not an act of courage. That is a act of irresponsibility.

First, let me say to my friends both from Mississippi and from Nevada, that I have no objection to eliminating committees, As a matter of fact, I may be the only person in this Chamber who was formerly the chairman of the Indian Affairs Committee and all that went with it. All the staff and all the budget authority, I had that under my control. I yielded that. I gave it up, because I was not able to perform the responsibilities of that office adequately.

I do not know of any other Member who is in this Senate who has been willing to give up a chairmanship of a committee. But I did so, because I did not feel I was doing justice to the needs of that committee at that time.

I am prepared to give up my position of seniority on the Armed Services Committee, because I think I am wasting a good deal of my time sitting there day, after day, after day holding hearings which are, in fact, overrun or overtaken by the Appropriations Committee. I say, "Why am I doing this?"

I do it because it is important to my State. It is important to me. I have a real interest in it.

But I am prepared to give up my seniority if it will, in fact, simplify the process or expedite the process. I am prepared to do that.

So I do not have any objection whatsoever to giving up committees or terminating committees. But I think we have to go beyond simply the act of trying to show that we are doing something and look at the reality underneath.

First, I have talked about process. Does it make sense for us to take this action today when we just formed a joint committee to study the reformation of Congress? I think it does not make much sense.

If you are going to strike this committee, why did you not strike the Indian Affairs Committee? Why not take that one, as well? Why select only this one?

Well, we can take this one because it is not that important. It is unessential. The Indian Affairs Committee is not that unessential, apparently.

I do not think we ought to be taking preemptive action. I think we ought to wait until we have had the deliberations of the bipartisan special committee that has been created. Maybe we will surprise somebody and make recommendations that, in fact, cut into the process itself and consolidate some committees.

I think these amendments are preemptive. I think it is really unnecessary at this point. And I think we ought to wait for the deliberations of the joint committee on the organization of Congress.

But let me talk about the substance. The Senators from Nevada and Mississippi want to save the taxpayers money. And I agree with that. We all want to save money.

I can suggest an alternative. Why do we not just reduce the travel budgets for all of the legislative committees? We can get more than a million or two right away—by doing that. In fact, I might want to offer an amendment to cut those budgets by at least that amount or maybe double or triple that amount. That would be one quick savings.

But let us look at what the Aging Committee has done. Senator INOUYE is here. Senator STEVENS is here. They were both here when Senator Percy was a Member of this body. As I recall, it was the Aging Committee, back in the early 1970's, that conducted the investigation into the abuses of nursing homes. As I recall, the committee filed a report called "Warehouses for the Dying." It was very provocative and had people in a state of uproar.

What was happening? We were taking the elders of this society who were confined to nursing homes and were keeping them drugged up. There was no therapy. There were no physical programs or mental programs to get them energized. We simply kept them medicated. We kept them quiet and we housed them. It was the Senate Aging Committee that brought that scandal to light. As a result, we had fundamental changes in how we run those nursing homes today. We had a nursing home bill of rights introduced as a result of those hearings. And now, have protections for the residents of those nursing homes as a result of the work of the Senate Aging Committee.

Senator COCHRAN talked about the House Aging Committee on which he served with me. It was a result of the hearings held by the House Aging Committee that we took a giant step forward to eliminate age discrimination in this country, because we had been laboring under the notion that somehow when you turn 65, you are obsolete; we can expend you. Get on the shelf and get out of the workplace.

We found that was not the right way to treat our senior citizens; that people age at different rates; that some people are old at 40 and others still young at 80, or even 90—if you want to point to one of our colleagues here in the Senate. So we changed that. We said no mandatory retirement for Federal employees under this circumstance.

Lab testing: Which committee was it that initiated the entire study about lab testing which has been so important to our health? It was the Senate Aging Committee that conducted investigations of this issue.

Durable medical equipment: Is anyone here in the Chamber prepared to say that John Heinz was engaged in a nonessential function when he was traveling around the State of Pennsylvania to investigate the abuses of fly-by-night operations that went into cities and took advantage of senior citizens and Medicare by selling people things they did not need; selling them very dangerous things they did not need and charging the Federal Government millions of dollars? That came to light as a result of the activities of Jack Heinz on the Aging Committee, thus saving millions of dollars of taxpayers' money.

Unessential committee? You could say, "why were the other committees not doing this?" Do I come away with a conclusion that the Subcommittee on Aging in the Labor Committee is overstaffed and underworked? Is that what I come away with? Or would we simply be shifting one staff onto another staff? That is one possibility, because I would daresay that the chairperson of that subcommittee would say, "Look, I have a lot of work. We do a lot of good work. I cannot handle these additional committees without—what? additional staff." So you might very well terminate the Select Committee on Aging and just start moving people over to another committee take up that workload, because that is the kind of work we have been involved in.

Just today, as a matter of fact, we had a hearing. There must have been at least 300 people in attendance at that hearing, dealing with the prices of prescription drugs in this country. As a result of the activities of the Aging Committee, we have at least softened the blow to many senior citizens in this country in terms of the tremendous escalation in drug prices.

As a matter of fact, the person who was representing the drug manufacturers today indicated as a result, a direct result, of the activities of the chairman of the Aging Committee, that for the first time they have seen some real moderation in drug pricing, which has been of tremendous benefit to the millions of American people in this country.

That is the kind of activity that the Aging Committee has been involved with, saving not $1 million, not $10 million, not $100 million, but tens of hundreds of millions of dollars in the area of fraud, waste, and abuse. So if you want to terminate a $1 million operation and thereby potentially lose the hundreds of millions of dollars return on this investment, you can go ahead and support either the Reid amendment or the Cochran amendment.

What these Senators are suggesting is these other committees will simply take up the slack, and that may be possible. That may be possible. I would dare submit unless they are suggesting that those other committees or subcommittees are underworked, that is not going to be possible without adding staff. So let us not take this courageous position of canceling out a $1 million or $1.5 million operation and then hold ourselves out to the public that we have really done something. What we have done is we have lost the central focal point for the kinds of changes that have been fundamental in our society: Agism, eliminating that kind of discrimination; or fraud, waste, and abuse in the durable medical equipment industry. I could cite the case of prescription drugs and many other examples.

Let us not take a courageous political position and hold ourselves out as really making sacrifices here while we are doing great harm or potentially great harm to the senior citizens of this country.

This is no sacred cow. The Aging Committee can stand on its own. We can fight out battles out. But let us do it in the appropriate forum as we go through the appropriate analysis of which committees should stand, which should fall, and which should be consolidated. But let us do it in the appropriate forum and at the appropriate time. I respectfully submit this is neither.

I yield the floor for the moment, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to offer my thoughts in opposition to the two amendments that are before this body. I find myself in concert with many of the statements made by the distinguished Senator from Maine.

I cannot help but wonder why the Special Committee on Aging is singled out at this time. There is no larger growing group of constituents—who feel more alone and more unrepresented back here in Washington—than the senior citizens of this country.

There is no long-term health care for senior citizens. We all know America is a country of the young. It is slow to recognize both the needs and the contributions of seniors in their golden years.

There are those who would say the Aging Committee is not essential. Yet, it is my understanding, as Senator COHEN pointed out, that the committee's work on prescription drugs alone has saved the taxpayers $5 billion over 5 years. The committee has worked to reform Medigap. It has worked on pension coverage of women, hospice care, Social Security service problems, and board and care abuses which abound in a day of deregulation, lack of licensing, and lack of supervision.

For a committee without legislative authority, it seems to me that this committee has done some pretty good things.

President Clinton has spoken out about budget austerity, and this body is following that mandate, as well we should. The President has announced a 25-percent cut. I would say, and respectfully submit, that if each Member of this body were to cut 25 percent of their personal office budgets, taxpayers would save $50 million this year, not $1.5 million. But we will each choose to take the cuts as we do. I have chosen to take a 25-percent cut. That will save two-thirds of what these amendments alone would contribute back to the taxpayers of this country.

One of the first things I did when I came here was to visit with Senator DAVID BOREN and learn of the process set forth. It is bipartisan, and is aimed at reorganizing the Senate to be more efficient.

By the end of the year, as has been stated, that committee will present recommendations on the floor. It seems to me then that is the time to look at the Committee on Aging and the other committees—when the studies ±have been done, when the zero-based budgets have been examined, when staff salaries have been evaluated, and when a judgment can be made as to the possible reorganization of this body to save moneys in the future.

That is the way to do it right. Not to select one body because it is said to be unessential, particularly when that body represents and speaks for the largest single element of constituents out there that is growing, that feels alone, and that feels unrepresented.

Mr. President, I hope this body will defeat both of the amendments before us.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I will be glad to yield to the chairman of the committee if he wishes to speak. But in the absence of any other Senator seeking recognition, I shall speak briefly on the subject.

I compliment the Senator from Nevada and the Senator from Mississippi on their presentations here today. I echo the comments about saving money wherever we could. But it is my view that the Committee on Aging ought to stay in existence. And I say that for a number of reasons.

First, I saw my late colleague, Senator John Heinz, work as chairman of the committee for some 6 years, and I saw his very intense efforts, some of them referred to by the distinguished senior Senator from Maine.

I can tell you that Senator Heinz was held in enormous esteem for many reasons, but perhaps especially by senior citizens—not only of our State of Pennsylvania but of the country—for the work which he did.

When Senator Heinz was killed in a tragic airplane accident on April 3, 1991, I succeeded to his position, although not in seniority, on the Aging Committee and have had an opportunity to become more familiar with the work of the committee. There has been an articulation of a good many of the items that the Aging Committee has undertaken in a very important way: The references to the nursing home investigation, reference to the age discrimination issue, the reference to therapeutic procedures, and the work on pricing of drugs.

I know that in my travels through my State and covering the 67 counties in Pennsylvania that there is enormous concern by the senior citizens of Pennsylvania, and I have seen it outside Pennsylvania, about what is happening in the Congress. One thing that I think might be helpful would be to have fewer members on all of these committees because I know that given the numerous committee and subcommittee assignments I have that it is not possible to spend as much time on the Committee on Aging as I would like. I think this is a common feeling. When you go over your daily list and see all the committee assignments you have, you feel you really ought to go there. There is a tendency to drop in on a committee for a few moments, perhaps to submit some questions for the record. It is not realistic for all of us to keep up with all of our committee assignments. So there might be some wisdom in limiting that committee to just a few members who could concentrate on the issues.

I am the ranking Republican on the Appropriations Subcommittee on Labor, Health, Human Services and Education. That is a subcommittee in the appropriations process which takes up a number of the items which the Aging Committee might on a substantive line. We have hearing after hearing after hearing on many, many subjects and we cannot give adequate attention to the subject matters which are taken up by the Committee on Aging.

The idea of reorganization is an excellent idea and, again, as Senator COHEN pointed out, which we are in the midst of considering. It may be that a good many of the committees ought to be merged. If they are merged, I think they have to be merged in the context of where there are specific replacement assignments which come up, where other committees undertake their work so that if the Aging Committee is to be eliminated, then there ought to be a subcommittee to cover the responsibility as opposed to simply the elimination of the committee as we would if we were to act on it today.

I think this is an important amendment which has been offered by the Senator from Nevada and the Senator from Mississippi. I could not be in the Chamber to hear the comments of the senior Senator from Nevada. I know Senator Heinz, in his senior position on the Aging Committee used to call himself senior citizen from time to time. It was with absolute chagrin. He was so young and vibrant. We all miss him here. I did come in and hear the comments of the senior Senator from Mississippi. Senator COCHRAN made an excellent presentation, and I compliment him on it, as have the other Senators.

I think we ought to take this matter up in an overall consolidation, if we are to look to save the money which has been proposed. Let us consider other committees as well in a unified approach so if we substitute the role and function of the Committee on Aging or other committees.

In my judgment, it would be very unfortunate if this amendment would be adopted and we would send a signal to the senior citizens of America that somehow the Senate considered the Committee on Aging unimportant. We do not want to send a message that the Senate considered the Committee on Aging as something that ought to be eliminated without an overall plan and without the assignment of these important subjects and this important role to another committee or subcommittee.

So for these reasons, Mr. President, I intend to vote no.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I do not want to speak on these amendments at this time. We have been going on now for about an hour and a half. I wonder if there is a chance we might work out a time agreement whereby we would take a vote. I do not want to press anyone, but we have the distinguished Senator from Mississippi and the distinguished Senator from Nevada having an amendment. I wonder if we can get a time agreement. I know the Senator from Arkansas [Mr. PRYOR] will want some time. I do not want to forestall anyone, but I see this beginning to roll into tomorrow and maybe late tomorrow. I am hoping that we might begin to limit our debate.

Mr. REID. Will the chairman yield?

Mr. FORD. I will be glad to yield.

Mr. REID. Mr. President, I think the Senator from Arkansas should make his argument. The Senator from Mississippi and I have spoken. If the Senator from Arkansas can give us an idea of how long he wishes to speak, perhaps we can quickly arrive at a time.

Mr. PRYOR. Mr. President, let me respond to my friends from Nevada and Kentucky by saying I myself would probably like some 20 minutes to speak, or 25. But I do have some requests from other colleagues. If I may have a few moments to run a little mini hotline to some of the people who have expressed an interest, perhaps in a few minutes then we can set a time for a vote.

Mr. FORD. Mr. President, I thank my colleagues for helping here. I am not trying to shut off debate but I would like to give colleagues some idea of how much time it will be before we have the next vote.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the Senator from Arkansas to try to see if we can have a time limit. I think we all join in on that.

I do want to state to the Senate, I support the position that this committee should not be disbanded at this time. We are in the process of a substantial reorganization of the Congress, and I think it would be very unfortunate if we select one committee and send the wrong message and, what is more, stand the risk of losing staff who might well go into another function, another committee if we decide to merge this committee with another one.

I do see the concept coming out of what I have heard so far on the group that is looking at the reorganization of the Senate that maybe we ought to have a committee that handles select items from time to time and have a committee that could look into affairs of the aging, look into the affairs of the Indians, look into the affairs of various sectors of society that need oversight and need an opportunity to have the kind of attention that has been mentioned here that the late Senator from Pennsylvania, as well as many other people in this body, gave to the aging. I think that is the kind of thing that ought to come about through the reform process and not through a process of just disestablishing this committee at a specific date.

I will oppose the amendment. I do thank the Senator from Mississippi for the courtesy of having raised it on the floor. It was presented to our committee and he decided to come to the floor, along with the Senator from Nevada so we would face just one issue and one vote or maybe we will have two votes, I am not sure. As a practical matter, I believe it is premature to consider this issue at this time, and I shall oppose these amendments.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. Mr. President, seeing no other Senators seeking the floor, I should like to make a few observations at this time.

First, I wish to say, Mr. President, to my colleagues from Nevada and Mississippi, Senator REID and Senator COCHRAN, I know what they are trying to do. I know what their attempt is. But if either of these amendments would be adopted by the Senate, Mr. President, I think we would see another one of those times when the Senate has committed an act, and what we have found to be the result are unintended consequences.

Mr. President, my friend and colleague from Nevada started his message to the Senate a few moments ago, and I think I am quoting him correctly, by saying, let us start restoring the faith. Let us start restoring the faith that the people of America have in us. Then he talked about boldness: It is time to be bold; it is time to do something bold and dramatic in the way we conduct business in the Senate.

I assume the implication of the Senator from Nevada in restoring the faith, it is time to be bold and do something dramatic, is that it is now time to take a special committee of the Senate that was created in 1961, that is there for the sole purpose of looking at the comprehensive global problems of the elderly, and abolish that committee.

The Senator from Nevada and the Senator from Mississippi, in all due respect, Mr. President, are holding out to the Senate this afternoon a very simple fig leaf. This is a fig-leaf vote. This is one of those votes where people can write up a press statement, go back to their homes over the weekend and say, "I voted to cut a committee out of the Senate. I voted to eliminate 25 employees from the Senate. I have seen that message come from you, the public, and I am responding."

But, Mr. President, unintended consequences are going to flow if we abolish the Special Committee on Aging.

I am not here advocating keeping a committee in the Senate in order that I might have a staff of 18 and the Republicans, or minority, a staff of 7. I am not here to advocate keeping the Special Committee on Aging in the Senate to serve us just because I want an additional job. I think all of us around here have enough jobs. Just being a Senator in itself is a full-time job, Mr. President.

But adopting either the amendment of the Senator from Nevada or the Senator from Mississippi is not going to do anything, and we all know it, about balancing the budget. It is not going to do anything about curing the deficit.

It is going to send a message across America to one of the more vulnerable populations of our society that we, early in the 103d session of Congress, have decided one of our first official acts will be to abolish their advocate in the Senate. And their advocate is the Special Committee on Aging.

Now, how much money would we save in the overall budget of the Senate, Mr. President? Let us face some facts. The distinguished chairman of the Rules Committee, the Senator from Kentucky, has labored for the last several weeks to get all the committees to reduce by 10 percent their allocations for expenditures.

First, Mr. President, the Aging Committee was one of the very first committees of the Senate to comply with the Senator's request. Second, the Senator from Kentucky has labored mightily and against odds to bring down the cost of doing the business of the Senate and its committees.

Mr. President, the Senator from Kentucky has succeeded in doing this. But today this goes a step further. How much of a step? Well, let us look at it. Today, the Aging Committee gets approximately $1 million a year. I have heard of $1.5 million a year. It is $1,093,430 a year. That is after we took our 10-percent cut. If either of these amendments would pass, this body would be going on record of saving the sum total of 1.9 percent of all committee budgets throughout the Senate—1.9 percent.

Now, the Corps of Engineers has a system they call the cost-benefit ratio. There is no question in my mind but that the benefits of the Aging Committee far outweigh the costs. I think the benefits are very substantial and the savings will be very nominal.

Mr. President, I was asked several times during the course of yesterday and today if I was going to offer a second-degree amendment to any of the amendments to come before the Senate. I must say that I thought about it. I thought about some amendments that might say, well, let us cut all the other committees proportionately again. Or I thought about an amendment that said let us simply refer this to the Boren committee, the bipartisan committee that has been meeting for some weeks—of which, by the way, I am a member and the Senator from Nevada is a member—let us just refer this issue to that committee and let them submit or give us their recommendations when the time comes.

I thought of several second-degree amendments, and I am not saying yet that I am going to preclude myself, or absolutely saying that I am not going to offer one later. But I would like to say that right now I am inclined not to. I am inclined not to, Mr. President, because I think on this vote this afternoon in this Chamber there is a compelling case on the merits of retaining the Senate Special Committee on Aging.

I know that for some Members of this body this is going to be a rather easy vote. Like we have said, you can have that opportunity to go back home and say, I have cut some of the costs of running the Senate. And maybe you might get a few editorials commending the people who vote to cut some of the spending in the committee system that we now operate under.

Mr. President, I hope this vote today will not be considered an easy vote or a hard vote. I hope what we are going to consider today is casting a right vote. I think the right vote is to retain the Special Committee on Aging. I would compare the Special Committee on Aging to any committee in the Senate in terms of the return on investment of these moneys that we allocate to the special committee. I would compare the cost-benefit ratio of the Senate Special Committee on Aging to any committee in the Congress.

For example, Mr. President, the Congressional Budget Office last year indicated that the American taxpayers are going to save $6.3 billion this year just on the Medicaid Drug Program that we passed in 1990—$6.3 million. Where did this legislation come from? Did it come from originally the Finance Committee, of which I am also a Member? No. It came from the Aging Committee. It came from the Aging Committee because we held hearings; we did the fieldwork; we did the workshops. And ultimately the Finance Committee, with all due respect, basically used the facts and figures and the studies that had been prepared by the Senate Special Committee on Aging. I think all of us will agree that $6.3 billion in savings, Mr. President, is a fair return on investment.

If I might, Mr. President, let me cite a couple of groups that might like to see the abolition of the Special Committee on Aging. One of those groups that might like to see this committee abolished is the Pharmaceutical Manufacturers Association. They would love to have this little post-Valentine's Day gift sent to them, pick up the paper tomorrow and see: Senate Special Committee on Aging abolished. Why, Mr. President, they would be the happiest group in town because it has been the Special Committee on Aging for the last 3 years that has challenged this industry and has said to this industry repeatedly, consistently, firmly, and fairly that "you are not giving the American consumers a fair deal." That has come from the Senate Special Committee on Aging.

Mr. President, I can tell you another group that would love to see this committee abolished. I can tell you they are out there working today. We are after them. They would love to see us abolish it because we have been after them. Those would be the hundreds of insurance salesmen across America who are out there today peddling fraudulent medigap insurance policies to the elderly. They would love to see this committee go out of business because, right now, this is the only committee in Congress that has been doing anything about them and trying to stop them and their practices, especially their fraudulent practices, against the elderly.

Mr. President, only a year or so ago when the Social Security Administration's hot line broke down for the Social Security recipients all across America, when that whole system crumbled, who was it that came in immediately and held a hearing with the Social Security people and said, "You have to do this better; you have to respond to those elderly people that are calling about their Social Security questions on that hot line, and you have to humanize the system for those people who call in seeking information and advice"? It was the Special Committee on Aging, Mr. President.

We can cite time and time again when this committee has become the advocate for the elderly American, and we can cite time and time again, pound for pound, person for person, where this committee, this staff—I would put this up against any committee in the U.S. House or the U.S. Senate—becoming an advocate for the elderly or any other group.

Mr. President, we have two amendments before us this afternoon, one being offered by my friend from Nevada, who is a member of the Special Committee on Aging. I must say he is my friend. He has been my friend, and he is going to continue to be my friend. But I have to say it, Mr. President, I did not expect him to offer this amendment. And today when he says, "David, I don't want you to take this personally, this is not personal," well, I turned to my friend, Senator REID, and I said, "Senator REID, it may not be personal with you, but it is personal with me." It is personal with me, Mr. President, because this is a fine committee that can be argued for and supported on its merits. This is a fine committee that should be not only encouraged to continue its efforts and its work for the elderly and, even in the intergenerational issues that we are facing today, it is the committee that I hope will be deserving of a vote of confidence of the U.S. Senate.

I think of the late Frank Church, who chaired this committee. I think of the late Senator McNamara, who chaired this committee. I think of Lawton Chiles, now the Governor of Florida, who chaired this committee; of Senator JOHN GLENN, of Ohio, who chaired this committee. Yes, Mr. President, his name has already been invoked today. I think of the late John Heinz, who was killed on April 3, 1991. He was actually, literally, on his way to chair a field hearing authorized by the Special Committee on Aging in the U.S. Senate.

Mr. President, speaking of Senator Heinz, I would like at this point to ask unanimous consent to insert into the RECORD a letter in support of retaining the Aging Committee of the U.S. Senate by Teresa Heinz, Mrs. John Heinz, the widow of the late Senator John Heinz, of Pennsylvania

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEINZ FAMILY OFFICE,
*Pittsburgh, PA, February 23, 1993.*

Hon. DAVID PRYOR,
*Chairman, U.S. Special Committee on Aging, Washington, DC.*

DEAR SENATOR PRYOR: This letter serves to express my opposition to an amendment that would eliminate the Senate Special Committee on Aging. Such an amendment strikes at the heart of an issue that represents a very proud part of my husband's legacy.

I am writing because my late husband would have spoken against this proposal in the strongest words possible, not because he opposed reducing Committees—indeed, the idea had great appeal—but rather because the pluses of eliminating this specific Committee are outweighed by the minuses. Let me summarize what I believe would have been his arguments.

First, over 30 percent of the federal budget is spent on seniors. In most cases, the single qualifying factor for federal payments is age. As every Member of Congress knows, the percentage of the federal budget devoted to seniors will continue to increase. In principle, these facts argue strongly for a forum with the jurisdiction to examine federal policies that affect the elderly in a holistic fashion. Rather than looking at the programs as pigeonholed by narrow Committee jurisdictions, the Special Committee fosters a review that leads to a better appreciation of the interplay of programs. Often, the sum is greater than the parts. It is this broader vision that would be lost should the Special Committee be eliminated.

Second, in practice, the Special Committee has been relentless in uncovering fraud and abuse being perpetrated against the federal government. The Committee's investigations have brought significant savings to the federal government—savings that would not have been found without its existence.

Third, in practice, the Special Committee has made a dramatic difference in the lives of seniors and their families. Whether exposing entrepreneurs who preyed upon elderly Americans with slick slogans and quick get rich schemes that bankrupted people who had saved all their lives in preparation for retirement or casting light on inhumane treatment in nursing homes, the Committee has educated consumers about their rights and self-help measures.

Finally, whether under the leadership of John Heinz, Frank Church, Lawton Chiles, Pete Domenici or yourself, the Committee has a proud and unique record of bipartisanship.

I know that John thought of you as both a colleague and a friend. He respected your willingness to tackle problems together, and understood that the committee approached problems as a team—not as two members with separate and unequal agendas.

John was a tireless advocate for the rights of all Americans, but he understood the special circumstances confronting poor and vulnerable Americans of all ages but particularly older Americans. He understood that the Senate Special Committee on Aging had a special mission that no other Committee in the Senate could fulfill.

With warm personal regards,

Sincerely,

TERESA HEINZ.

Mr. PRYOR. Mr. President, let me say something else. We have two amendments. One of them is going to kill the committee, maybe next year, maybe in a few months, maybe refer it to someone else, let them look at it. And then the Senator from Mississippi has an amendment to just kill it. I am going to be honest with you. I would rather adopt the amendment of the Senator from Mississippi than the amendment of the Senator from Nevada. I will tell you why. If this committee is going to be put out of business, do it now. Do not make us suffer. Put us out of business today if you are going to vote that way. But I believe, and I believe strongly, that this committee does not deserve to be tortured slowly, hung out there twisting in the wind until next year in a lame duck status with people on that staff, highly professional, not knowing whether they are going to be reauthorized or not by the special bipartisan committee. No, Mr. President, this committee has too much pride for that. Those fine, professional staff people have too much pride for that. And I am pleading with my colleagues this afternoon to support this effort to keep this committee alive and to keep it functional.

I hope my good friend from Nevada did not take my remarks as personal. A while ago he said, "Senator Pryor is a member of the Finance Committee. We can just let the Finance Committee do all of these things that the Committee on Aging is charged to do."

Mr. President, I would love to invite my friend to stay with us during some of the hearings in the Finance Committee, to work with us in the Finance Committee for a month or so, to see what we do.

First, this year for example, all of the new administration proposals on stimulus packages, on unemployment, on the creation of jobs, on all of this, 95 percent of that is going to go through the Finance Committee. We are going to have to be dealing with trade issues, global issues, and I can guarantee the Senator from Nevada that the Senate Finance Committee—we have a new chairman, and he is one of the best Members of this body, Senator MOYNIHAN. Without any question he is going to be a great chairman.

But physically the Committee on Finance does not have the amount of time necessary to go forward and do what the Aging Committee does. For example, the Aging Committee has done this work: On April 10, a hearing on the Social Security Administration toll-free telephone system; June 6, the Social Security Administration representative payee program, the Representative Payee Program: Safeguarding Beneficiaries From Abuse; July 18, 1989, Prescription Drug Prices: Are We Getting Our Money's Worth?—this is when we started the prescription drug investigation; March 7, 1990, Medigap Policies: Filling Gaps or Emptying Pockets?; September 28, 1990, Profiles in Aging Americans, Meeting the Health Care Needs of America's Black Elderly Population; field hearings, Mr. President, all across America, workshops, seminars, educating the elderly, advocating for the elderly at every stop across the way.

Also, Mr. President, last year, the President might be reminded, for one publication last September and October that we published about available free drugs for the indigent Americans, the Aging Committee, Mr. President, had over 60,000 requests, over 60,000 requests, for that publication alone.

Mr. President, the Special Committee on Aging has done enormous work in every aspect of the life of the elderly American. We feel that these amendments should be defeated. We feel that these amendments are not timely. We feel that these amendments are counterproductive, and I feel that these amendments will have no real bearing on the deficit figures, the budget imbalance, or any of those real concerns that are today being expressed by our senior citizen constituents.

Mr. President, I am not going to read this whole list, but I will put it in the RECORD. We have a large number of groups who are supporting the retention of the Senate Special Committee on Aging, including AARP, National Council of Senior Citizens; Grandparents United for Children's Rights, Inc. Once again, intergenerational issues. It includes Medicare Beneficiaries' Defense Fund; National Association of Area Agencies on Aging. It goes right on down the line, Mr. President. These fine organizations, who have worked closely with the Senate Special Committee on Aging, are now supporting the retention of this particular committee.

Mr. President, I ask unanimous consent that the list of these organizations supporting the committee be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. I think this is as good an analogy as I know. Sometimes when we want to lose weight, if we want to go on a diet, there are ways to go on a diet and ways not to go on a diet. But the only way I know to go on a diet is to lose weight throughout your whole system, not to cut off an arm, not to cut off a leg. But this is exactly what is happening with either of these two amendments, if they are adopted. If we want to cut out fat and we want to cut out weight, let us just remove a committee, and then we can breathe a sigh of relief and pat ourselves on the chest that we have done something about balancing the budget.

Mr. President, we are making a terrible mistake this afternoon if we accept either one or endorse either one of these amendments that are now proposed. I am urging and pleading with my colleagues to retain this committee, to continue its authority, to let it continue becoming America's advocate for the elderly.

Mr. President, I thank the Chair and yield the floor.

EXHIBIT 1

LETTERS RECEIVED SUPPORTING RETENTION OF THE SPECIAL COMMITTEE ON AGING

Mrs. Teresa Heinz
American Association of Retired Persons (AARP)
National Council of Senior Citizens
Grandparents United for Children's Rights, Inc.
Medicare Beneficiaries Defense Fund
National Association of Area Agencies on Aging
National Black Aging Network
Consumers Union
National Senior Citizens Law Center
National Pacific/Asian Resource Center on Aging
United Seniors Health Cooperative
American Public Welfare Association
Arkansas Seniors Organized for Progress
SOS-Save Our Security
The National Home Care Association
Children's Defense Fund
National Association for Music Therapy, Inc.
Families USA
National Indian Council on Aging, Inc.
Alzheimer's Association
American Medical Peer Review Association
National Citizen's Coalition for Nursing Home Reform
National Association of State Units on Aging
American College of Emergency Physicians
National Association of Social Workers
Older Women's League
National Association of Geriatric Education Centers
National Association of Retail Druggists
National Caucus and Center on Black Aged
National Alliance for Aging Research
American Pharmaceutical Association
Pharmacists' Association of Western New York, Inc.
National Committee to Preserve and Protect Social Security
National Association of Meals Programs

Mr. STEVENS. Mr. President, I wonder if I could ask this of my distinguished friend, the chairman of the committee. It is my understanding that Senator INOUYE wishes to offer an amendment, and we have Senator CHAFEE, who would like to have an agreement on an amendment for 1 hour equally divided. Is it possible for us to enter into an agreement at this time? I see the Senator from Florida is on his feet. Does the Senator from Florida have an amendment?

Mr. GRAHAM. No, but I was standing in order to seek recognition to speak in opposition to the pending amendments.

Mr. STEVENS. I am sorry to delay the Senate. I wonder if we can get an agreement that, following this amendment, Senator INOUYE would offer his and Senator CHAFEE would then offer his. This is following the amendments.

Mr. PRYOR. Following the disposition of both of the amendments?

Mr. STEVENS. This is following the Reid and Cochran amendments. We would like to get some certainty as to what is happening for the rest of the afternoon.

Mr. REID. It is my understanding—has the Senator propounded a unanimous consent request?

Mr. FORD. No.

Mr. STEVENS. With the indulgence of the Chair and the body, I am attempting to see whether we can get an agreement as to the time those amendments would take this evening. It is my understanding that Senator INOUYE has an amendment, and he has a few minutes on that. Senator CHAFEE has an amendment, and he authorized me to request that he be allowed 1 hour on an amendment to follow Senator INOUYE's, equally divided, so we would know where we were going after this. The time would start after the time used on the Reid and Cochran amendments.

Mr. REID. After the disposition of these two.

Mr. FORD. Mr. President, I ask unanimous consent that after the Reid and Cochran amendments have been disposed of, at the conclusion, Senator INOUYE be recognized for not more than 5 minutes for an amendment; and then following disposition of Senator INOUYE's amendment, that we recognize Senator CHAFEE for an amendment, and that the time be 1 hour to be equally divided between the opponents and proponents.

Mr. COHEN. Reserving the right to object, and I shall not object, do I understand that the managers have no objection to Senator INOUYE's amendment, and they are going to accept it?

Mr. FORD. Yes. It is technical, and we are doing what is already agreed to.

Mr. PRYOR. I might offer another suggestion, Mr. President, that might work, also, and simplify things. I will tell you what I am trying to do. I am trying to protect myself in the event I might want to come with an amendment after the disposition of the Cochran amendment.

Mr. REID. Mr. President, I would object.

Mr. FORD. We have an objection.

Mr. PRYOR. I was going to just say, to allow the Senator from Hawaii to go right now with his amendment, we can set everything aside.

Mr. FORD. We do not want to do that.

Mr. GRAHAM. Mr. President, I rise to speak against the two pending amendments. You have heard very eloquent and persuasive remarks by the chairman of the Aging Committee. I would like to raise another set of issues. Most of our Senate committees are oriented toward providers of services. We have a committee for transportation. We have a committee with particular responsibility for health issues, for labor issues, and for education issues. Essentially, the committee that is the subject of this amendment, the Senate Select Committee on Aging, is a committee which represents the interests of the consumers of a variety of Federal Government services.

People do not live in boxes. People do not live just by one area of Government service. In fact, it requires an effective interrelationship of services in order for Government to serve people's needs. It is of little value to have an effective rural health program if there is no transportation system that would allow people to have access to that rural health program. You might ask of all of the groups of Americans, then, why should there be a select committee for aging? Why should there not be a select committee for the middle aged, or adolescents, or infants, or for any other particular grouping of the population?

Mr. President, an important but little understood phenomenon has occurred in American federalism. That phenomenon is that we have allocated the responsibility for large age groups of our population between the Federal Government and the States.

That allocation is such that the Federal Government has a primary responsibility for older Americans and the States have a primary responsibility for younger Americans. I happen to represent the State of Florida which has the highest percentage of persons over 85 and the highest percentage of persons over 65 in the Nation's population. Almost 19 of the citizens of my State are over the age of 65.

In spite of that if an analysis were done of the State budget based on those programs which related particularly to an age grouping of the population, even in the face of the demographics of Florida better than 10 to 1 State dollars are spent on persons under the age of 24 as opposed to State dollars spent on persons over the age of 65.

Why is there such a imbalance? The answer is because the nature of our allocation responsibilities has placed States in the position that they have the primary responsibility for education, which is largely a youth-driven program, for those welfare and social service programs that are particularly utilized by younger Americans. Unfortunately since much of the criminal justice system is at the State level, and since much of the criminal justice system is directed at the antisocial behavior of persons under the age of 24, a large share of those resources are devoted to younger citizens.

The Federal Government, particularly through programs such as Social Security and Medicare, has assumed the primary responsibility for older Americans. Therefore, it is particularly appropriate that there be a committee in the U.S. Senate which focuses its primary attention on the group of Americans for which the Federal Government has primary responsibility.

This is also an area of the population which is exploding in its numbers. This committee was established in 1961. In 1961 there were 16 million Americans over the age of 65. Today there are almost twice that number, 31½ million Americans over the age of 65 and by the year 2020 it is estimated that there will be over 60 million Americans over the age of 65.

So the responsibilities in terms of the allocation of duties by the levels of government have placed the Federal Government in an especially significant role of responsibility for understanding, initiating, and sensitively implementing programs for older Americans and, because we have been so successful as a nation in extending life. The numbers of persons who will be looking to the Federal Government to discharge that responsibility are dramatically increasing.

As we know the reasons that this Government was established were in order to ensure life, liberty, and the pursuit of happiness. It is because we have been so effective particularly in providing for extended life that the Federal Government now has the challenge of providing for a population of over 31 million of our citizens who are over the age of 65 and we are soon to see that number double again.

Mr. President, I believe that it would be shortsighted for the Senate today to make a peremptory decision that the special attention which since 1961 the Aging Committee has given to older Americans is no longer necessary. Quite to the contrary. At a time when we are attempting to fashion a new national health care system, we are dealing with the interrelationships of social programs and of medical programs, even the series which is currently on public television, on the role of the mind and the body in our health, illustrates the fact that former tight lines between social policy and medical policy are no longer as secure as they used to be, that all of those things argue that at least we should adopt the responsible policy of waiting until the Commission which this Congress less than a year ago established to do the very thing of looking comprehensively at how we can organize ourselves to best discharge our responsibility, that at least we ought to wait until that Commission has completed its work and has looked at the role of Congress in having a committee that looks through the perspective of the Americans for whom the Federal Government has the greatest responsibility for their life, liberty, and their ability to pursue happiness, the older American, that that would be reflected in a body of Members of the U.S. Senate who would give that a particular and sustained focus of attention.

So, Mr. President, I urge the defeat of this amendment today so that we can have a more considered judgment how Congress can carry out its responsibility to the 31½ million Americans over the age of 65 at an appropriate date in the future.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Mr. President, I rise to support the Special Committee on Aging chaired by Senator PRYOR.

For a number of years now that committee has been at the forefront of protecting the interests of the Nation's older citizens. Most recently the committee has led the charge against the skyrocketing drug costs and studied the intricacies of Medicare, and the committee has made a major contribution toward comprehensive health care reform, an issue that is foremost on my agenda and that of the Pennsylvanians who sent me here.

I came to the Senate in the wake of the terrible tragedy of John Heinz' death. I have been determined to make something good come out of that loss and to carry on many of the causes championed by John Heinz.

He ably led this Special Committee on Aging for a number of years. The prominence that committee now enjoys is in large measure a result of his good work. Teresa Heinz made clear, in her eloquent letter to Senator PRYOR, the Special Committee on Aging is needed today to tackle the many complex problems confronting our rapidly increasing senior population.

I take very seriously our responsibility to reform how Government does its work. It is essential for us to cut spending and balance the Federal budget and it is our duty in Congress to set a better example of frugality with the taxpayers' dollars.

But we do not accomplish that goal by eliminating those very elements of government that do the most good. The Special Committee on Aging is a committee that works, that truly promotes the people's interest. So I believe it would be unwise, it would be pennywise and dollar foolish to eliminate this committee which served such an important purpose for millions of older Americans and for the millions who will soon be.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to oppose the effort to eliminate the

Senate Special Committee on Aging, and it is not because I do not care about the deficit. I care about the deficit issue more than any other issue that is before us, and I am spending more of my time trying to find ways to cut Government where we can than on any other issue. I strongly support the President's efforts in that regard.

At the same time, I do not think as we go through the deficit reduction process that we should do so recklessly or in a way that would actually be counterproductive. I think eliminating the Aging Committee in the Senate would be just that—reckless and counterproductive.

I say that in part because for years I have had the chance to watch from afar the efforts of the Senate Aging Committee. Individuals like Senator Heinz and the current Chair from Arkansas have provided leadership that we felt back in Wisconsin on many key aging issues.

I have that perspective in part because I had the opportunity in Wisconsin to chair our State senate committee on aging for 10 years. I saw there how effective a committee can be by holding hearings and by highlighting issues in the State and throughout the country. In particular, it happens to be that the Chair here today, the senior Senator from Wisconsin, was the person who used the good offices of this committee to highlight the issue of Medicare supplemental insurance and focus on the problem that there were elderly people in Wisconsin and many other places in our country who were being talked into buying six or seven Medigap insurance policies when all they needed was one or none. It was when the Chair came to Wisconsin and held the hearing highlighting that issue that we were able in the State senate aging committee to actually get some attention on the problem. So I have seen the Senate Aging Committee in action. I have seen it have an impact on a day-to-day basis in our home State in a way that we frankly almost never see from the Federal Government back home. I also saw the value of this committee this morning when the committee took on the issue of costly prescription drugs. It forced people to come forward and answer some questions about why those costs are so high.

In my view, if we eliminate this Senate Committee on Aging, the greatest celebrations will be in the halls of the pharmaceutical and drug companies tonight, because they will know that one of the best voices against those high drug prices will have been stilled. And I oppose that.

The Aging Committee in the Wisconsin State Senate that I chaired also did not have authorizing jurisdiction. We could not pass a bill and authorize funding to pay for it. We had to go to the Joint Finance Committee. But that did not mean that forum was not available and helpful in doing such things as raising questions about the lack of programs for victims of Alzheimer's disease.

In fact, we were able to develop a relationship with the authorizing committees, whereby they looked to the Aging Committee for guidance, for research, and for conducting hearings that an authorizing committee often does not have time to do.

I think committees like this have a value. You cannot have one on every subject. But in this area of aging, I think, without a committee, the concerns of older citizens are very likely to be put so far down in the priorities that it would be a problem.

In fact, I think that the oversight committees and activities ought to be more highly regarded. Many people back in Wisconsin, I think, believe we should spend a little less time just passing laws and spend a little more time seeing that the laws we passed are actually doing something and are working. And I think that has been one of the functions of the Senate Aging Committee.

The argument is also made that, because the House of Representatives is likely to or is in the process of eliminating their Aging Committee, the Senate should do the same. That does not make sense to me.

I understand on some issues you need to have both Houses look at the issues, such as Ways and Means Committees, financial matters, tax matters. Obviously, that is true. But I think it is even more important, if the House of Representative is going to eliminate their Aging Committee, that this forum still be available in the Senate.

Frequently, in our Wisconsin legislature, one House might set up a special committee to study a problem. I remember our State assembly would set up a special committee on the gambling issue or on the issue of urban education. It was not necessary to have the issue addressed in both Houses, but it was important that it be done in one.

I think, given the history and the current operations of the Senate Aging Committee, that it is necessary that we maintain this committee, especially in light of the fact that the House may not be continuing its committee.

Finally, and most important, I believe this committee has and will continue to highlight an issue that directly relates to the deficit, and that is the issue of long-term care for the elderly and disabled.

I have heard the message quietly around this building and elsewhere far too many times since I have been here, just for a few weeks, that there is going to be a health care reform package, but it might not include long-term care for the elderly and disabled. That would be a terrible mistake. It would show a lack of compassion. It would show a lack of understanding. And, most importantly, it would miss an opportunity to reduce the Federal deficit by using community-based and home-based programs as an alternative to nursing homes. That is one of the best ways to reduce the Federal deficit.

And I believe when the First Lady came down here, that was a message that was received, because she began her presentation to us saying that the President believes that the key to definition reduction is, at least, in part, health care reform.

My message back is that if you are serious about reducing the deficit through health care reform long-term care for the elderly and disabled must be a part of that reform. Of any committee in this Congress, the one that has the best possibility of raising that issue and making sure that it will be on the top burner when it comes to health care reform, it would be the Senate Committee on Aging.

So I strongly urge the members of the Senate to oppose this amendment. I think it is shortsighted and ultimately goes against our real objective of serious deficit reduction, not just a few dollars to make it look good for tomorrow's headlines.

Thank you very much.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, just a few comments to wind up my statement in support of the pending amendment.

I think it is important for us to keep in perspective what the issue is here today. The issue before the Congress is whether or not we are prepared to cooperate and support the effort to reduce the deficit, to make a contribution toward dealing with the big threat that our national economy faces—the $4 trillion debt that has accumulated and now hangs over the Federal Government and our Nation's economy.

We are projected to have a deficit in spending at the Federal level of more than $300 billion this year. We have been hard at work trying to figure out a combination of changes that can be made in the way we do business now to contribute to deficit reduction.

There have been a lot of tax increases recommended by the new President. There have been a lot of spending cuts recommended by the new President. And he has challenged us, in a joint session of Congress, that if we do not like the cuts that he has recommended, come up with some of our own, but be specific.

Now I think we need to, as an institution here in the Senate, respond to that challenge. And I think the committee resolution, as brought out by the distinguished chairman and the distinguished ranking member, Senators FORD and STEVENS, makes a substantial and significant contribution to deficit reduction.

A lot of committees are coming in for a lot of reductions under this resolution in their committee staffs. These are real cuts.

Two questions stand before the Senate regarding the pending amendments: Do we need to recognize that we have duplication in activity amongst our committees here in the Senate, and are we willing to face up to the reality that we can make additional reductions in spending?

We already have a committee that has legislative responsibility for issues relating to the aging and to the elderly population in this country.

The distinguished Senator from Maryland, BARBARA MIKULSKI, is chairman of the Legislative Committee on Aging. There are other committees that have specific legislative responsibilities on matters of special interest to older Americans.

The Judiciary Committee has jurisdiction over antitrust practices and monopolistic pricing. The Commerce Committee has jurisdiction over drug company advertising. The Banking Committee has jurisdiction over housing concerns. The Veterans' Affairs Committee has jurisdiction over those issues of special concerns to older veterans. In the Appropriations Committee, the Subcommittee on Labor, HHS Appropriations, chaired by Senator HARKIN from Iowa, has jurisdiction over funding many of the activities. The Federal agency on aging, the Administration on Aging, comes under the jurisdiction of that subcommittee.

There are many subcommittees and many full committees. There are at least seven with jurisdictional power over areas of special concern to older Americans.

The question is: How many committees do we need with jurisdiction over matters of interest to older Americans? How many do we need? Do we need a committee that we name today "The Very Special Committee on Aging"?

I think we need to face the facts, as we were challenged to, that we are spending too much in Washington today, and we need to look for ways to cut back on spending and reduce the deficit.

We are faced with a serious problem. I am suggesting that we need to come up with, more often than we do, specific recommendations for reducing that spending.

I do not think the American people are going to respond to the call to sacrifice until we show that we are very serious about looking at the way we do business here in trying our best to economize and make changes that will make the operations of the Senate more efficient.

Duplication of effort is not efficiency. The American people can recognize that. And it is obvious that we can reorganize the way we do business here and make this place more efficient.

A substantial effort is being made in the resolution that was brought to the floor by Senator FORD and Senator STEVENS today. I hope that the Senate will vote in favor of the Cochran amendment, reduce our spending for this function, and permit the other committees that have legislative power over the same areas, the same subjects, that are being explored in hearings by this special committee to be assumed by those committees that have the responsibility for taking care of those issues.

We can do a good job addressing the issues of older Americans. We ought to do a good job. It is an important area of concern. But I hope we can recognize the duplication of effort when we see it and eliminate it.

Mr. REID. Mr. President, could I direct a question through the Chair to the manager of the bill, the chairman of the Rules Committee? I am wondering if you could make inquiry now if we could work out a time agreement of some kind?

Mr. FORD. Mr. President, I would be more than willing to do that. I understand the distinguished Senator from Mississippi has made his final statement.

Senator PRYOR has wound up his.

If my colleague has some time he would like to speak, he would be the last speaker. Then it would be my intention to ask unanimous consent that we have the yeas and nays on the two amendments en bloc, and that the second vote be 10 minutes.

Mr. COCHRAN. Not en bloc but to occur back to back.

Mr. FORD. Yes, back to back, but the en bloc—show of hands for the two amendments, the second will be—up or down on both of them.

Mr. COCHRAN. The only objection I would have is the use of the phrase voting on en bloc.

Mr. FORD. No, the motion I would make would be en bloc, that it would cover both amendments. Both would be up or down and the second vote would be for 10 minutes.

Mr. COCHRAN. Just the use of the two words, en bloc, bothers me.

Mr. FORD. There are a lot of things around here that bother me. My intentions are correct but my expression may not be.

Mr. COCHRAN. I think we are through debating the amendment.

Mr. FORD. Senator REID, is he through?

Mr. PRYOR. Mr. President, if I might I would just reserve 2 minutes for Senator COHEN of Maine and 2 minutes for myself.

Mr. FORD. Mr. President, how much time do we have left? How much time does the Senator from Nevada request? Because we will keep going on and going on. It is already 5 o'clock.

Mr. REID. We have been here for 2 hours and 45 minutes. I have spoken about 15 minutes during that time. I probably need 15 minutes. I may not use it all but I would like 15 minutes.

Mr. FORD. And the Senator from Arkansas would like 2 minutes. The Senator from Maine would like 2 minutes.

Mr. President, I ask unanimous consent the Senator from Nevada have 15 minutes; that the Senator from Arkansas be entitled to 2 minutes; that the Senator from Maine, the senior Senator from Maine, have 2 minutes. And at the end of that period of time that we will have—I will ask for the yeas and nays on both amendments and ask that the second vote be for 10 minutes only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. I hope, Mr. President, that the President's staff has been listening to this debate today. Because if they have, and they report to the President what has transpired, the President—even though he does not sleep much each night, I am told—tonight will sleep less.

I believe that it does not bode well for President Clinton. We have here a vision for change for America. In this vision for change for America, the President has asked for a number of cuts to be made in this body. I believe, based upon the arguments that I have heard here today, that my colleagues should understand that it is going to be extremely difficult for the President, for example, to cut the State Justice Institute; to cut the Commerce Economic Development Administration Trade Adjustment Assistance Program. He wants to terminate some commissions. For example, the National Space Council, the National Critical Materials Council—I am very familiar with that. Frankly, I have been responsible for keeping it here in the Government of the United States for a number of years. It is a very good council. But I am willing to sacrifice that, because it is for the good of the country that we make certain cuts; the Commission on the Bicentennial of the United States, Competitive Policy Council, and on and on with cuts that the President has recommended we make.

I think he is in for a rude awakening if we follow the logic of the opponents of the Cochran-Reid amendments. Why? Because everyone who has spoken in opposition to these amendments has a unique way of approaching the deficit of this country. My friend from Arkansas, the chairman of the committee, says it will not do anything to balance the budget; it will not do anything to cure the deficit. Using that logic, nothing will.

It is only 1.9 percent, 2 percent of the funding for the committees, which is about $55 million—2 percent of that. Of course it will do something. That is the point of the debate. That is the point of the amendments. We have to start somewhere.

I would also suggest to my friend from Arkansas that his suggestion that he wants everyone here to vote, not for my amendment, but for the Cochran amendment—I suggest that does not impart to me that my friend from Arkansas has much confidence in the ability of the Aging Committee to prove its worthiness to the Boren-Gradison Committee to Reorganize Congress.

I suggest if the committee is as good as my friend from Arkansas says it is, he should be able to show to the bipartisan committee its necessity.

I am also interested in the statements that have been made by others. Every person who stands has a unique idea why we should not today—we will start tomorrow to balance the budget, to cure the deficit. My friend from California, the senior Senator from California, said why the Aging Committee? It is the only select committee. I have gone through that in the debate. It has been eliminated in the House. It has no legislative authority. We must start cutting someplace.

Go home to a hometown meeting and see if they want us to cut committees. Of course they do. But we do not have to rely on that. I ask everyone here to step back for a minute and listen to what we have heard here this afternoon in opposition to this amendment. Everyone here is an expert as to why the committee should remain. All of the experts who appeared before the Committee to Reorganize Congress said that committees like the Aging Committee should be eliminated. These are political scientists. These are congressional experts. But we all have a reason. No, let us wait until tomorrow, let us study it some more.

My friend from Pennsylvania, the senior Senator from Pennsylvania, said it would be difficult because we would have to reassign Member to other committees. That is not factual. Of course we would not have to because it is a nonlegislative committee. That is the whole point. We need to save the time of Senators, eliminate committees, subcommittees. I think those who oppose the Cochran-Reid amendments should understand that it does not bode well for the Committee to Reorganize Congress. If we cannot do this, I feel real bad about further attempts to reorganize Congress.

Someone said that it sends a signal to seniors. I have stated, I state again, I put my record for seniors second to no one in the U.S. Senate. I think it sends a message to the American public, a good message, that we here in the U.S. Senate are willing to do the minimum—at least what the House did.

Some have asked why we did not go after the Indian Affairs Committee. It is not a select committee. In 1984 it was made permanent and it has legislative authority.

Everyone who has spoken against this amendment has said that it is an essential committee. None of the experts agree that it is; not a single one that has appeared. Numerous witnesses appeared before the Boren-Gradison committee, numerous witnesses. And they all said we should eliminate these select committees, naming specifically this one.

Everyone can make the argument that my friend, Senator COHEN from the State of Maine has made. Let us do it in an appropriate forum. Let us do it later. Let us do it tomorrow. Let us not do it today. It does not amount to much money. Let us do it some other time. Let us put off what we need to do. Let us not have a vision for change for America.

I repeat, I feel very bad for President Clinton's sleeping tonight. Because if he sees what has gone on here, we are not going to cut anything. Every one of these programs he suggests that we cut, there are reasons for them. I said that in my opening statement.

I said there are reasons for the Aging Committee. I know there are reasons; I serve on it. We have done some good things, important things. I have participated in them. Senator COHEN did not hear my remarks, but I talked about the work I did with music therapy. I spoke about that.

There is not a better time to begin taking a hard look at the deficit than doing what we need to do today, not tomorrow. Remember what the New York Times said? The New York Times said that "All President Clinton promised was an economic plan, but his speech to Congress offered something even rarer along the marshy rim of the Potomac—a vision. If Republicans and Democrats in Congress will only step back from Mr. Clinton's specific proposals," and today we are talking about a specific proposal, they will discover—they is us, Members of the U.S. Senate—perhaps to their horror—our horror, that is who the Times is talking about—that President Clinton "has assumed the best about them—namely, that they"—talking about us—"are capable of conducting business in a brandnew way, lifting their sights beyond the short political horizons that normally govern congressional deliberation."

Unless the Cochran or Reid amendment carries today, we are back doing business as usual and every Members of the U.S. Senate and everyone watching this proceeding should understand that. Unless we start cutting today, there will be no tomorrow.

I reserve the remainder of my time.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, there is something Orwellian taking place today. The distortion of language is the precursor to a distortion of values. We learned that in reading Orwell's "1984." We are almost to 1994 now, or close to it, but in Orwell's 1984, hate means love, slavery means freedom, war means peace, and two plus two equals five or six or whatever the State declares it is going to mean.

Here we have the authors of these amendments saying this is an act of courage, this is an act of fiscal responsibility. This is not an act of courage and is not one of fiscal responsibility.

I want to take one exception to what the chairman of the Aging Committee has said. He said these amendments will have no impact upon the deficit reduction efforts. I disagree. These amendments will have a very big impact upon the deficit reduction efforts in a negative way. What the Senator from Nevada is saying is that we will save $1 million, but what will have happened? But for the action of the Special Committee on Aging, we would have been paying $6.3 billion in higher prices for the drugs under the Medicaid Program—$6.3 billion. There was no other committee that developed these savings; it was not the Finance Committee; it was not Labor-HHS. It was the Aging Committee that produced the basis for saving $6.3 billion for a $1 million investment. Do you want to throw out $6.3 billion?

They have also indicated the committee has saved the taxpayers another $200 million for the durable medical equipment program. For a $1 million investment, we saved another $200 million. Does that make good fiscal responsibility to cut out a committee to save that kind of money for the taxpayers? If you really care about the deficit, you will vote against the Senator from Nevada and the Senator from Mississippi because we have saved the taxpayers not millions, but billions of dollars for a very small investment.

I yield the remainder of my time.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, we have come to the conclusion of our debate this afternoon. I think now the issue is very clear, but I want to clear up something I hope I did not leave a misimpression relating to, and that was anyone who thinks that I support the Cochran amendment, I am sorry, was not listening to me very well. I do not support the Cochran amendment. I do not support the Reid amendment. I did say in jest that I would prefer the Cochran amendment because if you are going to put the Aging Committee out of business, I would prefer for it to be sudden rather than a lingering death where we would be in a lame duck status. That committee has too much pride for that, Mr. President, and those people who work in that committee professionally I think are perhaps, pound for pound, person for person, the most highly qualified and professional staff that we have—with all due respect to all the committees—throughout the U.S. Senate committee system.

Finally, Mr. President, there has been an argument today offered by my good friend from Nevada that the Senate Special Committee on Aging does not have any legislative jurisdiction. The Senate Special Committee on Aging has never asked for any legislative jurisdiction. In 1961 when this committee was formed, it was specifically formed not to have legislative jurisdiction in one certain little area, but to have comprehensive jurisdiction to look at and investigate and monitor those areas of interest and of concern to the then 20 million elderly people.

Today, we are not asking for legislative jurisdiction, notwithstanding the fact that in 1977, the committee was made a permanent committee and a similar attempt was made at that time, when Senator Church was chairman of the committee, to abolish the committee. By a resounding vote of this body, the committee was retained because at that time, in the Senate's wisdom, the Senate saw the need for such a committee, and I hope, Mr. President, that the U.S. Senate once again will see the need for this committee, allow this committee to function and allow this committee to work for the elderly of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield the remainder of my time.

Mr. LEAHY. Mr. President, I do not support abolishing the Aging Committee, and I would ask all Senators to consider how doing away with it would affect the elderly in this country.

For my money, Senator PRYOR's committee is a bargain. for an investment of $1 million a year, his committee will save the American taxpayer over $6 billion by 1997, thanks to legislation he developed to ensure that the Medicaid Program gets the best price on prescription drugs.

I admire the work Senator PRYOR and his fine staff have done to bring down the costs of prescription drugs, and I am proud to work with him on this issue.

One thing is certain—if we abolish the Aging Committee this afternoon, a lot of drug company CEO's will be dancing in the streets tonight.

Mr. President, there are many, many more ways in which this committee has produced real savings to the American consumer and peace of mind to this country's elderly. Senator PRYOR's committee has pushed through protections against marketing abuses in Medigap and long-term care insurance. His committee has strengthened protections against misleading mailings that intimidate senior citizens into sending money to groups that offer services already provided free-of-charge by the Government. And the committee continues to uncover new types of consumer frauds perpetrated against the elderly.

It would be foolish for us to abolish this committee, and I do not want to go back to Vermont tomorrow and tell older Vermonters that we killed the best watchdog they have so that some Senators can piously claim they are safeguarding the taxpayers' interests.

Mr. SIMPSON. Mr. President, I do want to applaud my friends Senators DAVE PRYOR and BILL COHEN, for all of their dedication and hard work in chairing the Special Committee on Aging over these past few years. Their dedication in addressing concerns of the elderly has brought many issues to the forefront that may never have been properly examined or addressed by the Congress. In addition, they have offered thoughtful policy recommendations on the many nettlesome issues relating to health care and social services for our aging population.

However, at the present time, when the Congress is looking so hard for ways to reduce spending in the Government in general, and in the Senate and in the House in particular, I believe it is imperative for us to reexamine the usefulness of all committees including the Special Committee on Aging.

I would also agree with Senator COCHRAN that much of the work conducted by the Aging Committee is unnecessary and duplicative. The Special Committee on Aging has on many occasions dealt with issues that could and have been examined by other committees such as the Finance and Labor Committees.

In addition, the Aging Committee is only an investigative committee and it does not have the authority to draft legislation. If we are asking all Americans to make sacrifices and to accept cuts in Government programs, Congress ought not be immune to such actions. To that end, we should give serious consideration to cutting funding for duplicative practices and committees.

I support this initiative by Senators COCHRAN and REID to eliminate funding for the Special Committee on Aging. This is a timely congressional reform. It is a tough one for us because of my relationship with my fine colleagues who serve as chairman and ranking member. But it must be done. I agree with the comments of my colleague from Nevada when he said that this amendment comports with the call of our President that "Government should strive to do more with less."

Ms. MIKULSKI. Mr. President, I will vote for Senator REID's amendment today.

First, I want to acknowledge the absolutely outstanding work done by Senator PRYOR as chairman of the Committee on Aging. He has been a forceful advocate for the needs of the elderly, especially in his tireless work to try to keep the cost of prescription drugs under control.

But this is not a vote about what is best for aging Americans. This is a vote about the Senate, our processes, and our bureaucracies. It is a vote about fiscal responsibility; about practicing what we preach.

Mr. President, I will not defend the status quo. Last November, the American people voted for change. They are demanding that we increase the efficiency and reduce the size of Government and we must begin here on Capitol Hill. My fundamental principle on this and related votes will be: If a Government program isn't necessary, get rid of it.

There must be cuts. We cannot protect our own institution while we ask hospitals and health professionals to accept less for the services they provide to Medicare patients. We need to make hard choices. For years, the nonprofit hospitals in my hometown of Baltimore have had an open-door policy to needy seniors. If those hospitals must make sacrifices, we must too. That is why I will vote to eliminate the Special Committee on Aging.

Mr. DURENBERGER. Mr. President, I rise today in opposition to the proposed amendment to abolish the Senate Special Committee on Aging.

This amendment would cut all funding to the special committee after March 31, 1993. The special committee would be forced to disband after April 1.

Mr. President, the Senate Special Committee on Aging actively advocates on behalf of the needs of older Americans. During the 102d Congress alone, the committee convened 14 hearings in Washington, and 8 field hearings across the country. These important forums covered the issues of long-term care, the high cost of prescription drugs, cutting health care costs, Medicare fraud and abuse, and the effects of fuel assistance and housing cuts on senior citizens. These hearings have resulted in the development of programs intended to directly benefit senior citizens and to improve aspects of the health care system while reducing Government expenditures.

The special committee was created in 1961. Its investigations and reports have been the basis for nearly all the improvements in our programs for the elderly. Over the past 30 years, the special committee has laid the groundwork for most legislation benefiting seniors: from the creation of the Medicare and Medicaid Programs in 1965, right up to the recent reauthorization of the Older Americans Act. The special committee has been essential to the needs of the elderly.

I am proud to serve on the Senate Special Committee on Aging, and to be part of the legacy of Minnesota Senators supporting this committee. Senator Walter Mondale served on the Special Committee on Aging from 1967 to 1976, when he become Vice President.

Senators Hubert Humphrey and Wendell Anderson stood up for this committee when it was previously challenged.

In 1977, when Senator Frank Church offered an amendment to establish the special committee as a permanent committee, these two Minnesota Senators cosponsored the amendment that secured the place of the special committee.

I am deeply concerned about the proposed amendment to abolish the special committee. The need for its work is greater than ever before. There are 3 million Americans over 85 today. At the end of President Clinton's second term, in the year 2000, there will be 4½ million folks over 85. In 2020, the year I turn 85, there will be 6 million—more than twice today's numbers. And coming up right behind me are the baby boomers who represent unprecedented growth of the aging population. We must respond to this demographic reality.

It has been argued that we already have enough legislative committees with jurisdiction over issues of concern to the elderly such as Medicare, Social Security, long-term care, retirement income, and age discrimination. It is true that the Senate Labor Committee, on which I sit, even has a Subcommittee on Aging. But I would respond no one legislative committee has the freedom to thoroughly investigate and focus the Senate's attention to the needs of the rapidly increasing elderly population. The Special Aging Committee, on the other hand, is the only forum for which this spectrum of issues so important to the elderly could be carefully considered.

Mr. President, I urge my colleagues to join me in opposition to any amendment that would threaten the Special Committee on Aging. In doing so, I know that they will honor the memory of our late colleague Senator John Heinz. John Heinz was one of the finest leaders in the history of the special committee. His legacy inspires us to continue his superb work on behalf of older Americans.

Mr. KOHL. Mr. President, I rise briefly to oppose the amendments offered by my colleagues to defund the Special Committee on Aging.

The savings earned by the Cochran amendment would be about $1.2 million. It is not peanuts in these days of deficit reduction. But, as many of the speakers have indicated, it is a good investment. The savings to consumers and to the Federal Government that result from the committee's oversight and legislative activities far exceed these expenditures.

In reading the debate surrounding the creation of the committee, I was struck by two things in particular. First was the argument made by the committee's creator, Senator McNamara. Citing a recent White House Conference on Problems of the Aged, Senator McNamara pointed out the need to move in a coordinated and comprehensive manner on the conference recommendations. Several committees maintained jurisdiction over programs affecting the elderly then, as is the case now. That is important. That is a fundamental flaw in our committee structure. One consequence is that the needs of those constituents are not addressed as acutely as they could be. Another consequence is that the myriad programs serving the constituents are categorical, fragmented, and often duplicative—leading to tremendous administrative overhead as well as barriers to accessing services on the local level. I believe that it is a serious problem for not only our older Americans, but for children and families. Perhaps with the pressures on our budget, we can soon focus on that complicated task—making all of our social service programs more efficient and effective for the people they serve.

The second interesting thing in the 1961 debate was the nature of a question asked by Senator Ellender from Louisiana. He specifically noted that the resolution creating the Aging Committee contained a provision for sunsetting the existence of the committee on December 31. He sought to clarify that that was indeed the author's intent—to create a temporary committee. He specifically expressed concern that once such committees were created—and he referenced a subcommittee that I currently chair, originally the Subcommittee on Juvenile Delinquency—they just kept on going.

And so it is that a legitimate concern has been raised by our colleagues from Mississippi and Nevada. We do not need to look at the institutional structure, and that process is underway. They also are asking fiscally responsible questions that we should be asking ourselves these days—questions that the American people are demanding be asked.

I have been open to those questions. On balance, I have concluded that this committee should be sustained, that it is not a wasteful—but rather a productive investment.

I commend the chairman for his active leadership. The broad support that the Special Committee on Aging enjoys is in no small measure a reflection of his deep personal commitment and effectiveness. I urge my colleagues to support him.

Mr. FORD. Mr. President, this is not the time nor the financial savings nor the committee to abolish. I hope my colleagues will oppose the amendment. I ask for the yeas and nays on the Cochran amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 59. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—30

Bennett
Bond
Brown
Bryan
Coats
Cochran
Coverdell
D'Amato
Danforth
DeConcini
Dole
Faircloth
Gorton
Gramm
Gregg
Helms
Hollings
Johnston
Lott
Lugar
Mack
McCain
McConnell
Nickles
Shelby
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—68

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Craig
Daschle
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—2

Baucus
Murkowski

So the amendment (No. 59) was rejected.

### VOTE ON AMENDMENT NO. 58

Mr. FORD. Mr. President, there was a substantial majority in opposition to the Cochran amendment. I believe that we can get away with a voice vote, if the distinguished Senator from Nevada would agree to it.

Mr. REID. No, I will not.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI], is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—43

Bennett
Bond
Bradley
Brown
Bryan
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Faircloth
Gorton
Gramm
Gregg
Harkin
Heflin
Helms
Hollings
Johnston
Kassebaum
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Nickles
Nunn
Packwood
Reid
Robb
Roth
Shelby
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Hatch
Hatfield
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pressler
Pryor
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—1

Murkowski

So the amendment (No. 58) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, in accordance with the statement I made earlier to my colleagues, we will now have an amendment by the Senator from Hawaii, that will be acceptable to both the manager and ranking minority member, which will take about 2 minutes.

Then we will have the Chafee amendment, and I understand that an hour equally divided has been proposed by the distinguished Senator from Rhode Island. That will be acceptable. Then we should have a vote around 7 p.m.

What we do after that depends on what other amendments might be available. I leave that to the majority leader.

Mr. CHAFEE. Mr. President, I would like to mention to the floor manager that it may well be—we are always optimistic in these things—it may well be that it will take less than an hour.

And so I would not want everybody to think that exactly at 7, we are going to vote.

Mr. FORD. Approximately 7. Around here, you may ask for additional time and somebody will give it to you.

Mr. CHAFEE. That is right. We also may not take it all.

Mr. FORD. That is the other side of the coin.

Mr. CHAFEE. Which rarely but sometimes occurs.

UNANIMOUS CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unnimous consent that Senator INOUYE be recognized to offer an amendment relative to the name of the Indian Affairs Committee; that there be 1 minute of debate, equally divided and controlled in the usual form; that no second-degree amendment be in order to the Inouye amendment; that when all time is used or yielded back, the Senate vote, without any intervening action or debate, on or in relation to the Inouye amendment; that upon disposition of the Inouye amendment, Senator CHAFEE be recognized to offer an amendment relative to reducing committee funding for the Labor, Judiciary, and Governmental Affairs Committees, with no second degree amendments in order thereto; that there be 1 hour for debate on the Chafee amendment, equally divided and controlled in the usual form; that when all time is used or yielded back, the Senate, without any intervention action or debate, vote on or in relation to the Chafee amendment.

The PRESIDING OFFICER. Is there objection?

Hearing none, that will be the order. Under the previous order, the Chair recognizes the Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, I thank you very much.

AMENDMENT NO. 60

(Purpose: To remove "Select" from the title of the Select Committee on Indian Affairs)

Mr. INOUYE. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 60.

At the end of the resolution, add the following new section:

COMMITTEE ON INDIAN AFFAIRS

SEC. . The Select Committee on Indian Affairs is hereby redesignated as the "Committee on Indian Affairs".

Mr. INOUYE. Mr. President, this amendment is a technical amendment. All it does is change the name of a committee. It does not change the status or the function or the responsibilities. It has been cleared by both managers, and I ask for its immediate consideration.

Mr. FORD. Mr. President, it is acceptable to this side.

Mr. COCHRAN. The amendment has been cleared, and we urge the Senate to adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE].

The amendment (No. 60) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 61

(Purpose: To reduce committee funding for the period March 1, 1993, through February 28, 1995)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 61.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . (a) Notwithstanding any other provision of this resolution and except as provided in subsection (c), the funding level for each of the committees referred to in section 2(a) for the period March 1, 1993, through September 30, 1994, shall be an amount equal to the lesser of—

(1) 95 percent of the amount provided for such committee, excluding funding for nonrecurring items, for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991; or

(2) 95 percent of the amount provided for the Committee on Finance for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991.

(b) The funding level for each of the committees referred to in section 2(a) for the period March 1, 1994, through February 28, 1995, shall be an amount equal to the funding levels provided in subsection (a) of this Section (relating to the period March 1, 1993, through February 28, 1994) increased by 1.3 percent.

(c) Notwithstanding subsection (a), the funding level for the Committee on Appropriations for the period March 1, 1993, through September 30, 1994, shall be $4,861,162, and the funding level for the period March 1, 1994 through February 28, 1995 shall be $4,961,810.

Mr. CHAFEE. Mr. President, what this amendment does is reduce all of the committees, except the Appropriations Committee, to 95 percent of their 1992 level. It then says that any committee that is in excess of that amount which is allocated to the Finance Committee shall be reduced to the level of the Finance Committee.

The Appropriations Committee would remain exactly as it was funded by the Rules Committee. In other words, we do not touch the Appropriations Committee, but we reduce all committees to at least the level that the Finance Committee was authorized when cut by 95 percent from the 1992 level.

Mr. President, let me just review the bidding a little bit, if I might.

On February 17, President Clinton addressed a joint session of Congress and I think he rightfully stressed the importance of reducing the Federal budget deficit. Furthermore, the President stressed that there was a need for all Americans—all Americans, including those in Government—to share the sacrifices that would be necessary to get the deficit under control.

Indeed, President Clinton, in a symbolic effort to be the first to take on the burden of sacrifices, has undertaken to reduce the White House staff by 25 percent, for which we commend him.

Mr. President, talk of reducing the deficit is nothing knew. I suspect that every Senator on this floor, when back in his or her State, has given stirring speeches on how important it is to reduce the deficit.

President Clinton not only spoke of reducing the deficit, but he spoke of fairness. And indeed the underlying philosophy of his entire budget proposal is that those who have more should pay more.

Mr. President, regrettably, we are not making much of a sacrifice with the measure that is here before us this evening, and I cannot see that it has that underlying philosophy of fairness as part of it.

The resolution, which is the measure that emerged from the Rules Committee, in essence provides for a 10-percent reduction from the total recurring budget authority for 1992. It cuts by 10 percent from 1992, then it adds onto that—not as a cut, but up from the cut—the cost-of-living adjustment for 1993, which is 3.7 percent, and the 2.2-percent cost-of-living adjustment for 1994. So I think it is fair to say that the cuts for each committee are about 6 percent from the 1992 level.

Mr. President, 2 years ago, I offered an amendment to a similar measure that we have before us this evening that would have capped the number of available committee staff positions at the 1990 level. That is not nearly as dramatic as President Clinton's 25-percent cut in the White House staff. But what I was trying to do 2 years ago was to say that we have enough staff on the committees and we do not need any more.

In fact, I believe that some committees are overstaffed. The Committee on Labor and Human Resources, the Committee on the Judiciary, and the Governmental Affairs Committee all employ well over 100 people.

Just listen to these statistics: Governmental Affairs, in the 1992 budget, 124 people; 1993 budget, 120 people. To be fair, I will take the 1993 numbers.

Governmental Affairs, 120; Judiciary, 128; Labor, 124.

Listen to those figures, Mr. President, compared to the next highest committee, which is the Commerce Committee, with 89 people.

And I might say, Mr. President, I do not think there is a committee here that has a higher workload than the Finance Committee. And yet the Finance Committee has 62 people allotted for 1993, half of what each of those committees that I mentioned before has.

Ever since the beginning of the committee system as we know it today, we have seen a steady growth in the size of the committee staff. Some of that is understandable. But some of it clearly is not.

One of the reasons, Mr. President, I fought against the construction of the Hart Building was because I believe in the theory that has been espoused—you might call it the Chafee law, if you want—which is that staff rises to meet available space.

Now we all saw the movie "Field of Dreams." And what did they say in that movie? "If you build it, they will come."

And that is certainly true when you build a new office building. They will come; the staff will come.

So there is a certain virtue to the old crammed quarters we used to have where people could barely move around.

It was substandard in every category but at least it served to keep the staffs down to some extent.

Listen to these statistics. In 1950 there were 300 committee staff positions. By 1970, 20 years later, that had doubled—635. It nearly doubled again by 1990—1,212. In 1992 there were 1,257 positions. In 1950, there were fewer staff for all the committees than there are in these three committees that I have singled out today.

You will note that I took as a benchmark the level of funding for staff that the Finance Committee received in 1992 less 5 percent. You might say: Oh, he is doing that because he is on the Finance Committee. This does not affect the Finance Committee.

Yes, we get a slight increase from a 6-percent cut to a 5-percent cut. But I do not think any Senator will deny that the Finance Committee has as heavy a burden as any committee in this Senate.

What do we have? We have Social Security, we have all the tax bills, we have all the trade legislation, NAFTA, the Uruguay round. We have Medicare and Medicaid and health care reform. That is a big load. Yet in the 1992 budget that was done with 63 staff positions, and it is cut so it goes down to 62 staff positions.

Senators will say the Finance Committee does not have as much legislation out on the floor as this committee or that committee does. I do not think we ought to judge things by the paper that is generated. It think it is the responsibilities that each committee has.

What does this do to various committees? As I mentioned, the Appropriations Committee remains exactly as the Rules Committee prescribed it. The rest of the committees are cut by 5 percent, which means that those committees, like the Agriculture Committee, the Armed Services Committee, Banking, Energy, Environment, Finance, Foreign Relations, and so forth, instead of being cut 6 percent they will be cut 5 percent. But listen to this. My amendment would result in an additional $4 million of savings. So we have 15 of 19 committees receiving a little bit more; we have four of the committees, really 3 taking sizable cuts, and $4 million being saved for the taxpayers of the United States.

Mr. President, I think it is a good amendment and I urge the support of my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment? Who yields time?

Mr. FORD. Mr. President, I yield 5 minutes to the chairman of the Commerce, Science, and Transportation Committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I rise just to state the facts relative to our committee of Commerce, Science, and Transportation. We are veritably at the cutting edge, now, of this particular administration's economic recovery program. It was only this morning that Secretary Brown came and I heard the distinguished Senator from Rhode Island talk about trade. We are now going to start enforcing our dumping laws. We are now going into the export administration and promote exports. That is under the Commerce Committee and the Foreign Trade Administration, under the Commerce Committee.

Additionally, we have resolved the National Bureau of Standards into the National Institute of Standards and Technology. We moved in there with manufacturing or extension centers and thereupon, with the advanced technology program endorsed by this administration, veritably quadrupled the size of its budget as part of the stimulus and part of getting small business competitive in America. And we moved right on down to all the particular initiatives relative to international trade.

With respect to communications, of course, we have the various manufacturing bills. We have the information services. We have that issue. We have come now with respect to the 200 megahertz initiative of the distinguished Senator from Hawaii, whereby we want to transfer that broad band to the Federal Communications Commission.

We have the Federal Communications Commission, the Federal Trade Commission, the Federal Aviation Administration. When they talk about Boeing and recovery, the airline industry is in such a dilemma that we even sponsored a special commission in addition to the work of the subcommittee on aviation.

When it comes to consumers we heard debate here a minute ago with respect to the Aging Committee and pricing. That is the subject matter of consumer products, and the Consumer Subcommittee that the distinguished Senator from Nevada [Mr. BRYAN], chairs.

We have work going around the clock with respect to foreign trade, tourism, going right on down the list of those matters. The fact is, as chairman of the committee I was implored by the members to get an increase because we are going in, now, to NOAA, National Oceanic and Atmospheric Administration, with ocean policy study. And now instead of just up in space we are going into just exactly that expansion of our ocean endeavors which have been neglected.

Since it is space science, we have of course the space station debate and everything to take care of there. And NASA's authorization. And more particularly with respect to the science joint administration jurisdiction with the Labor Committee on the National Science foundation.

I could go on and on. I went along with Chairman FORD of the Rules Committee with the 10-percent cut. We just held back. But now to come with no relation to the facts and just looking at what is on the Finance Committee—our most distinguished Senator from Rhode Island, I am not trying to cut the Finance Committee. If I had my way I would add a subcommittee for transitional rules so we could really find out what was going on in the legislation they report. I really never have understood many of the bills. And later on, when we read it, they say transitional rules. So I hope the distinguished Senator will move to embellish and enlarge upon Finance with a subcommittee on transitional rules so the membership itself could understand what they are reporting.

I thank the distinguished Senator and distinguished Chair.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. FORD. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I hope the Senate will reject this amendment. Our Committee on Labor and Human Resources, like other committees, has accepted a 10 percent cut, but the proposal of the Senator from Rhode Island would effectively make the cut about 40 percent. This reduction would emasculate the quality of the staff that we have been able to assemble, and the expertise that the staff has brought to our work.

I am all for the work of the Finance Committee. But the point that has been left out by the Senator from Rhode Island is that the Finance Committee, like the Ways and Means Committee, takes advantage of the Joint Tax Committee that has a budget of about $5.4 million. They need the expertise of the Joint Committee staff when they are reviewing the tax implications of various proposals. That is understandable. The Joint Tax Committee has credibility on both sides of the aisle, and in the House and in the Senate. I think if performs wonderful work, but it is available to the Finance Committee, as it should be. The Labor Committee does not enjoy a similar auxillary source of expertise.

I am also mindful that many of our Republican friends have opposed a number of the programs that have been developed in our Labor and Human Resources Committee in recent years. For example, we passed the family and medical leave legislation this year. But that had been controversial, opposed by many in the Senate. The NIH bill was filibustered last time by Members of the party of the Senator from Rhode Island. The programs dealing with worker safety and related programs have been resisted either by the previous administration or by those on the other side of the aisle.

So it is understandable that they would like to reduce the work product of our committee, including many of the programs focused on education, school readiness, Head Start, school-to-work transition, job training, and a whole range of health care programs. The new administration has put forward many of these programs in its short-term stimulus and long-term investment program.

So, Mr. President, I appreciate and understand the Senator from Rhode Island making this effort.

I do think that the proposal that has been put forward by the majority leader, supported by Republicans and Democrats alike, which is taking a look at the total committee structure, going to make recommendations in terms of jurisdictions and various committee responsibilities, is the way to go. We are going to have that proposal next year. I think then we can make the kind of balanced and informed judgment as to which committees are producing the work and how this institution should be structured and organized in a way that makes a good deal of sense. I hope this amendment will not be accepted.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. I yield the distinguished Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GLENN. Mr. President, when I first came to the Senate, there was no Governmental Affairs Committee. It was called the Government Operations Committee. The difference is not just in the name. This is not the first time the Senate has been trying to find economies in its operation. We did it in 1977, at the beginning of the 95th Congress.

The results were these: We eliminated completely two Senate committees at that time, the District of Columbia Committee and Post Office and Civil Service Committee, and the Senate gave the jurisdiction of those committees to Government Operations, as it was called then. The name was changed to reflect the bigger operation of the committee.

But I point out to my distinguished colleague from Rhode Island that we did not get the full funding of those two committees added to our budget so there was a saving. Now with the jurisdiction of what the House has still as three committees, we are being told that we have too many people and too much money, and nothing could be further from the truth. I think we are operating very efficiently.

I am sorry my distinguished colleague from Rhode Island seems to think all committees have exactly the same load, therefore, should tend toward exactly the same amount of money. Nothing could be further from the truth.

I point out that these House committees that we represent in one committee in the Senate, over on the House side their bill comes to almost $13 million. Our budget is less than half that. We are projecting doing our work with 120 staff members, as pointed out. Over in the House, to do exactly the same job, they have 279 staff members. We do the work of three separate House committees. If we lose 40 employees, which is what the budget cut he proposes would do to us, since our average is just over $40,000 per employee, it means we would be using about one-fourth of the same number the House has to do the same job that they do over there with the Government Operations Committee, the Post Office and Civil Service Committee, the District of Columbia Committee, and I would add another one, the Administrative Law Subcommittee of House Judiciary. We even have some of their responsibilities over here.

So when these committees were combined back in 1977, we did not inherit their budget. We have far less budget, only about $5.1 million compared to their $13 million. We have created 60

IG's; we saved about $100 billion since their inception by the best estimates; we have passed CFO legislation that the Comptroller General says is the best step forward in financial management for the Government in the last 40 years; we have a major legislative subcommittee that is exposing fraud, waste, and abuse.

Our proposed 1993 budget is approximately the same as our 1980 budget. We have exclusively followed the Senate Rules Committee guidelines each year, including this one, in submitting our budget. I do not believe the Environment Committee did that, of which the distinguished Senator from Rhode Island is a member. We have taken our cuts, we have become more efficient. I think to try and equate one committee's job with another and say because the Finance Committee has Social Security tax, trade, Medicare and so on, that their job is as big as ours is just not true because we are in effect combining three separate committees that the House has with the budget of some $13 million and we get by on much less than half of that, only nearly one-third of what they spend over in the House to do the same job that we do here.

So I submit that we are doing a very efficient job and we took our cuts this year, we did it by attrition. With the load that we have carried through the 100th Congress, where with all these responsibilities we had 151 days of hearings, 24 bills enacted into law; in the 101st Congress, 172 days of hearings, 27 bills enacted into law; in the 102d Congress, 147 days of hearings, 26 bills enacted into law and this time around, with all the confirmation hearings, we have 80 some confirmation hearings, 82 that we are responsible for, confirmable positions within our jurisdiction. That load alone would be a significant burden for the committee in the Congress.

I just submit that I think the way that the cuts would be made on this would be very unfair to the committee. We would lose our ability to do some of the things we do now which I think would be a greater waste than us running what I believe is an efficient committee.

If we had time and the distinguished Senator from Rhode Island wished to go through our responsibilities, such as the archives, the budget accounting matters, census, overseeing the efficiencies of Government as well as the organizational aspects of Government, in addition to the three committees that cover some of these other things over in the House, I think our budget is very well—we discussed this in great detail with the Rules Committee. They agreed to with our budget we put in. We took our cuts and we think the cuts we took are enough if we are expected to do the job we are supposed to do.

Mr. BIDEN addressed the Chair.

Mr. BIDEN. Will the Senator yield me 3 minutes?

Mr. FORD. I yield the distinguished Senator 3 minutes.

Mr. BIDEN. Mr. President, I had the distinct pleasure, as many, serving for a long time now with my friend from Rhode Island who is on the floor. Often it is mentioned he is a very principled legislator, which he is. He is a man who is not known as a sharp or wily political observer. From this moment on, let me assure him I will never underestimate his political acumen again.

I noticed with some interest that the committees he is on received no cuts and get slight increases. I also notice he was wise enough not to take on the Appropriations Committee and Senator BYRD, both of which indicate to me that he had learned a lesson on this floor better than most Members do, sometimes it takes them several decades to understand that.

So let me start off by complimenting him. Forgive me if I have ever even subconsciously underestimated your political acumen. I will never do that again.

The next point I would like to make is that the Finance Committee on which my distinguished friend serves is a very important committee. I am not going to stand here and make the case the Judiciary Committee is more important or less important or whatever. But I would point out that the Finance Committee effectively has a budget of over $8 million, which is double any other committee. There are 62 persons on it, as we counted in the little book—do not hold me to that—roughly 60, 65 people on the Joint Committee on Taxation which is important and it should be. But what happens there that does not happen on Labor or does not happen in Judiciary or other committees, on very technical matters, they have very technical people doing very significant work that they do not have to do.

For example, on nominations, I have a job in the Judiciary Committee which I would be delighted to give to anyone else who wants it. It is the part of my job I hate the most, and that is doing the background investigations on judicial nominees and all other nominees for lifetime appointments, among others. We will have over 160 Federal judges for which we will have to do background checks.

My friends on this floor, as they should, will be the first ones to remind me if we send anyone to the floor who has in any way had any transgression that I did not make known to this community, the community of the Senate, they will remind me that somehow I put them in a terribly embarrassing position because they voted on someone about whom they did not know much.

The FBI, for example, has field offices in every major city in the United States of America to do these background investigations on everyone who comes up. We have a staff that is required to do the same thing from here that is about one-fiftieth the resources. It takes the FBI somewhere on the order of 15 to 20 weeks by the time the administration moves along and actually gives them an assignment and once they get the assignment to investigate someone, it takes them weeks and weeks and weeks to do it. We are expected to do the same quality work with fewer people by a factor of probably 50 and come to the Senate floor and assure everyone of the background of the individuals.

But the last point I would like to make, and I will cease and desist, there are two things I hate to argue about. One is budgets for your committee, and two is remuneration. It seems somehow unseemly—I ask for 1 more minute from my friend from Kentucky, the chairman of the Rules Committee.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. BIDEN. I am not going to get into how many bills, who passes what, and what legislation is important and not important and whether the criminal justice system is as important as the tax system, or whether or not the judiciary is as important and significant as the Social Security system, and so on. Everybody can be a judge of that.

The fact is we are taking a cut, as we should take a cut. This would amount to closer to a 40-percent cut. I understand; if I were in the Senator's position, I would do the same thing. I would take a committee like Judiciary, which essentially has the same budget as Appropriations, and I would go after the Judiciary Committee. I would not go after the Appropriations Committee because I would want to make sure I got something in my State somewhere along the line, somewhere in the future. The Senator knows we will not deny any Federal judges to the State of Rhode Island. I wonder whether or not it would be the same case if somehow we cut the Appropriations Committee by 40 percent.

I understand the motivation. I understand the sincerity. I also understand the reality. And I hope that we are in a position where everybody understands that cutting three committees 40 percent, keeping other committees at about 6 percent and raising some is particularly inequitable.

I thank the Chair and I thank my friend from Rhode Island.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CHAFEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 20 minutes 30 seconds.

Mr. CHAFEE. I thank the distinguished chairman of the Judiciary Committee for his kind comments regarding me, and I appreciate that.

Let me just say this, Mr. President.

First, suggestions were made regarding the Appropriations Committee. It is suggested that perhaps I did not cut the Appropriations Committee because I might raise the ire of some on that committee that might be important to me in the future. I think we all recognize that the Appropriations Committee really reviews what every one of the authorizing committees do, and indeed excessively, I might say. Sometimes they review it and then jettison everything the authorizing committees do and proceed merely on their own way. But nonetheless, it is a committee I think everyone will acknowledge has the heaviest load and that is why they have more members than any committee here. That is why they operate with such strong subcommittees as opposed to most other committees in the Senate.

So that is the rationale for leaving the Appropriations Committee with the cut that was provided by the Rules Committee.

Now, Mr. President, let me just say this. Somehow the suggestion is that the Joint Committee on Taxation is a wing or a constant source of information for the Finance Committee and thus should be scored on the Finance Committee's payroll. Well, yes, the Joint Committee on Taxation does rely on them, as do many others in this Congress. But so does the Ways and Means Committee. That is what it is, a joint committee.

Furthermore, let me just say this, Mr. President, that the Joint Committee on Taxation does not have anything to do with Social Security or with trade matters or with NAFTA or with the GATT or Medicare and Medicaid, matters like that that we are considering.

Here is the problem, Mr. President. This country is running a deficit of $320 billion. We think it is all right for General Motors when they are running a $25 billion deficit to cut people, and indeed we say to the board of General Motors and the president of the General Motors: Why don't you do something? And so it is with IBM. IBM loses $5 billion and so they cut people. TWA loses money and they cut people. Sears loses money and they cut people. Westinghouse loses money and they cut people. Boeing loses money and they cut people. I do not see why this Senate and its committees cannot make similar cuts.

Now, where do you look? You look, it seems to me, in those that are the largest committees. The disparity between the number of employees on those three committees that I have particularly singled out is way in excess of the other committees. The closest committee to the Judiciary Committee—which, by the way, has set the record, 138 people—the closest committee to that other than the other two that I mentioned is the Commerce Committee with 93—45 employees less than Judiciary has. And the Governmental Affairs Committee, 124; Labor and Human Resources, 124. And indeed Labor does not even take a drop under this budget—124 in 1992, 124 in 1993.

Now, I can completely understand that everybody protects his or her turf. That is understandable. But what I find to be the unfairness in the procedure that was undertaken here is that there was a percentage cut. In other words, when you cut by a percentage, it leaves the disparity exactly as it was when you started—6 percent for the Labor Committee, 6 percent for the Judiciary Committee, 6 percent for the Government Operations Committee, and 6 percent for Small Business and Rules and Finance and Environment, and all that. It seems to me that is where the system breaks down.

I do not envy the chairman of the Rules Committee or the ranking member. Every single committee chairman and ranking member comes before them and asks for more money. I am no exception.

But at some point there is a chance for the voters, namely the Senators, to say: OK, this is what we are going to do.

I certainly hope they will support this amendment.

Mr. President, if the Senator from Kentucky would like some of my time, if he is out of time, that would be fine.

Mr. FORD. I do not know that we are out of time.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky controls 11 minutes; the Senator from Rhode Island controls 15 minutes 20 seconds.

Mr. FORD. Mr. President, I have discussed this with the distinguished Senator from Rhode Island. I will take a few minutes and we are probably looking at a vote at a quarter of 7, if that is all right with my other Members. I do think we have no problem with that, so I think we can do that, I say to the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the junior Senator from Rhode Island has offered an amendment that totally revamps committee funding that was incorporated in Senate Resolution 71 without access to hearings or budget submissions. His proposal would substitute his committee funding preferences for the recommendations of the Rules Committee.

With the four committees—Commerce, Government Affairs, Judiciary, and Labor—his amendment uses a meat-ax approach. These committees would be reduced about 12 to 30 percent without any rationale except his belief that these committees have as their standard the amount authorized for the Finance Committee.

Well, let us look at the Finance Committee. The Finance Committee has fared very well under my chairmanship at Rules. The average increase for committees from 1986, the base for 1987, to 1994 is 28.4 percent. The Finance Committee during that period has received an increase of 42.1 percent, above average. Comparatively, the four committees he proposes to cut have received less than average.

The amendment is not fair. It has only one rationale—only one rationale—and that reduces Commerce, Government Affairs, Judiciary, and Labor to the level of Finance. In my opinion, it should be rejected.

I hear my distinguished friend saying it is a disproportionate cut. Sure, it is. You take 6 percent of the larger amount, you take more money away from them. You take 6 percent of a lower amount, you take less. So, in fact, Judiciary, Governmental Affairs, Labor, and Commerce take a bigger hit than the other committees are taking.

If this amendment passes, we will have to lay off, on March 1, 120-some-odd staff members on just three committees alone. We are already removing 80. That is a pretty good hit.

We also have this commission that is looking at the total organization and operation of the House and the Senate. It may be that they will make recommendations that we have 200 slots for A committees, 100 slots for B committees, so each Senator will have two A's and one B. That will help reduce.

Also, we may go back to zero budgeting and let us look at the committees and their effort. What do you do about a special problem that arises? What do you do when you have bank failures and savings and loan crises, or whatever it might be, and a committee is overwhelmed with responsibility? You have to have some vehicle to help them. That has not been given any consideration here. We think we have in the committee. So I hope my colleagues now will not tear asunder the blood, sweat, and tears that I went through and the committee members went through, my good friend from Alaska, TED STEVENS, went through to bring us to the point where we are this evening. I think we have done a pretty decent job.

When the Boren-Domenici-Hamilton committee is finished and makes recommendations, we will see how strong the cutters are. We will see how strong the people are around here to reorganize the committees. But, for gosh sakes, give us a chance to do it in a methodical way rather than coming in here and saying to the four committees and four committees only, "You get all the cuts, and other committee all get increases."

And you cut the Small Business Committee; you cut them fairly severely, about $60,000, I think. We did not cut them any. Our rationale was that 2 years ago, they refused to take the raise that we gave the committees that the Senator sits on. So when they came back this time, and said, "We were frugal last time and did not take a raise; don't cut us an additional 10 percent this time," we did not. We recognized the chairman and ranking member of the Small Business Committee, and small business is important to the economy. It is important to this body.

So I am very hopeful that my colleagues will not accept this amendment, that we will vote against it and give us time.

I think my friend from Mississippi understands that we on the Rules Committee try to be as fair and work as hard as we can to try to reduce, to reach the point. We have done several things. We are going to reduce the overall cost of the House and the Senate by 14.5 percent, in addition to the 6.5 percent cut we took last year. We are going to reduce the employees by 4 percent each year. That is 1,300 more that are going off in a rational and reasonable way.

Now with the committees where we are reducing them 10 percent and giving them a smaller COLA in the next year, provided it is approved by the President pro tempore of the Senate, I think that we are on the right track. It is a downward ramp. I think by the end of this year we will see that the Boren Commission will make pretty stringent recommendations. At that time we can make our decision as it relates to the future.

Mr. President, I am willing to yield the remainder of my time, if the Senator from Rhode Island is.

Mr. CHAFEE. Mr. President, I appreciate everything that the distinguished chairman of the committee said. I am not quite prepared to give him as much credit as perhaps he feels his committee deserves because it seems to me, as I review what was done, with very few exceptions an arbitrary across-the-board cut was made, in effect 6 percent to every committee. As the chairman pointed out, there was an exception made with the Small Business Committee, but basically it was just 6 percent right across the board.

Obviously, some of these committees, for historic reasons, have been funded way in excess of other committees. To me, it just seems time that we bite the bullet. As you recall, the chairman of General Motors was ousted by the board of directors of General Motors because he did not make the cuts that were necessary to save that company. We have a Nation that is in far worse trouble than General Motors. We are running $320 billion deficits. It seems to me it behooves all of us to take every step we can. Is it going to cause some pain? Sure it is going to cause some pain. I do not know why we think it is perfectly all right for Boeing to lay off *X* thousand workers, or Westinghouse, or Sears but for us to lay off 60 or 50 or 70 people somehow seems Biblically unsound.

So, Mr. President, I urge the support of my colleagues for this amendment. It will save $5 million. Is $5 million a lot? No, not much, but at least it shows we are making some effort.

A lot has been made about this study that is going to take place. I think we are all used to studies. Three cheers or four cheers for what they are doing, those earnest people who are on this study group. But I would not bet the farm that when we are through, great changes are going to be made. I hope there are. But so far I think I will withhold judgment until I see the results of that study.

Mr. President, I am ready to vote. I am prepared to yield back if the committee chairman is prepared to. I yield my time.

Mr. FORD. I am prepared. I want to make one statement. The distinguished Senator from Rhode Island has said that it is all right for General Motors to lay off people, it is all right for Boeing to lay off people. But somehow or another it comes back to us to try to give leadership, to try to help stimulate the economy so they will not have to lay off those people or so they can rehire. We are downsizing the military. No one knows that more than the distinguished Senator. We are trying to find ways to retrain those people so they will be eligible for new jobs. That responsibility is ours. if you take a meatax to the committees that are supposed to do these sorts of things, to give leadership, then in time of need we have more responsibility than when times are good. So I say to my friend now is not the time to cut.

I yield the remainder of my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—29

Bond
Bradley
Brown
Burns
Chafee
Coats
Craig
D'Amato
Danforth
Dole
Faircloth
Gorton
Gramm
Gregg
Helms
Johnston
Kempthorne
Kerrey
Lautenberg
Lott
Lugar
Mack
McConnell
Nickles
Pressler
Simpson
Smith
Specter
Wallop

NAYS—69

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cochran
Cohen
Conrad
Coverdell
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—2

Murkowski
Shelby

So the amendment (No. 61) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF ABSENCE

Mr. SIMON. Mr. President, earlier today, in the vote on the Mitchell-Dole amendment to express the sense of the Senate that the rate of pay for Senators should be frozen for 1 year, I was detained on official business and was unable to reach the floor in time before the completion of the vote. I support this amendment to rule out a cost-of-living adjustment for Senators' salaries and would have voted "aye," had I been present.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMEMORATING THE KOREAN WARTIME SERVICE OF THE 204TH FIELD ARTILLERY BATTALION, UTAH NATIONAL GUARD

Mr. HATCH. Mr. President, I am requesting inclusion in the CONGRESSIONAL RECORD a poem written by two young soldiers of the 204th Field Artillery Battalion of the Utah National Guard, during the Korean war. Entitled "Undefeated," the poem depicts the spirit and commitment of the men of the 204th during the Chinese spring operation in 1951, the grimmest part of the war.

The unit's gallantry was recognized widely; it received a Korean Presidential Citation and a special tribute from one of America's greatest military leaders, Gen. A.C. Wedemeyer.

The 204th Field Artillery occupies a proud place in Utah history as well, Mr. President. Like the Utah National Guard of which it has always been a part, the 204th derived from the "Nauvoo Legion." The legion was part of the Armed Forces of the State of Illinois. In 1847, the legion was an important part of the Mormon pioneer trek to Utah, where the 204th later became known as the "Mormon Battalion." The unit was asked by President Polk to fight in the Mexican War. The unit marched to Fort Leavenworth, KS, by foot, and then on to San Diego. This journey of 2,000 miles represents one of the longest infantry marches in military history.

The 204th was later redesignated as the 145th Field Artillery Regiment and fought in France during World War I before restoring its 204th Battalion designation again after 3½ years of World War II service in the Pacific theater.

Finally, on August 19, 1950, the 204th, now headquartered in Logan, UT, was activated for Korean service.

Mr. President, I ask unanimous consent that the poem, "Undefeated," written by Leo Conger of Tremonton, UT, and Leon Conger of Seattle, WA, be included in the RECORD.

Additionally, Mr. President, I ask unanimous consent that the roster of members of this fine unit at the time of its induction in 1950 be included in the RECORD at this point.

I thank my colleagues for joining me in this tribute to the 204th.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### UNDEFEATED

I

We landed at Pusan happy as could be
The rest of Korea we had yet to see
The cry of battle we answered brave
The 204th banner proudly waves
O' please send us on, O' please send us on.

II

The nights that we spent near the river by Tongnea
Will always be remembered to this day
The river battle we had won
But the worst had yet to come
O' send us on our way, And let us leave Tongnea.

III

We moved on up to Inchon on through
Yong Dong Poe then through the
War torn city of Seoul
Where our boys so proudly fought
In the land that God forgot
O' send us on our way, And send us on today.

IV

The battle of Death Valley
We bravely made our stand
The morning sun rose sadly
Across the bloody sand.
All night long our big guns spoke
But our lines the Commies broke
O' please show us the way, And send us on today.

V

The Air Force struck by day
And the 204th by night.
We drove the Commies back
As we fought for what was right.
Onward Cassions was our cry,
Our Country's fame must never die.
You'd here their voices lend
We'll cross the Im Jim men.

VI

Sitting in a foxhole
Behind the battle line
Thinking of our Sweethearts
We had to leave behind.
When this conflict we have won
It's home again to our loved ones
And to the land we love. We pray to God above.

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PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Whitesides, Joe E | Col. | 2103 Ridgewood Way, Bountiful, Ut 84010. |
| Vanderhoff, Kenneth J | Maj. | 1124 West Shepard Ln, Farmington, Ut 84025. |
| Johnson, John I | Maj. | Brigham City, Utah 84025. |
| Anderson, Lawrence R | Capt. | 1525 Sumac Dr., Logan, Ut. 84321 |
| Butterfield, Blake | Capt. | 54 West 3rd North, Logan, Ut 84321 |
| Cartson, Vernon W | Capt. | Logan, Utah 84321. |
| Rogers, Dean J | Capt. | 539 North 2nd West, Logan, Ut 84321. |
| Strong, Douglas C | Capt. | Logan, Utah 84321. |
| Hardy, Charles H | CWO | Logan, Utah 84321. |
| Garrett, Harvey L | WOJG | 959 Crestwood Rd., Kaysville, Ut 84037. |
| Headquarters Battery | | |
| Wiberg, Roderick J | Capt. | 107 West 4th North, Logan, Ut 84321. |
| Wimmer, Charles R | M/SGT. | 255 West 5th North, Logan, Utah 84321. |
| Biddle, Winston J | SGT. | Collingston, Ut 84306. |
| Booth, Marvin L | SGT. | 624 East Center St., Logan, Ut 84321. |
| Crookston, Douglas O | M/XGT. | RFD #1, Smithfield, Ut 84335. |
| Hampton, Elliot B | S/FC | 1273 22nd St., Odgen, Ut 84400. |
| Johnston, Jay R | M/SGT | 760 N. 2nd West, Logan, Utah 84321. |
| Sharp, Ralph L | SGT | Hyde Park, Ut. 84318. |
| Wimmer, Wayne W | M/SGT | 365 North 1st West, Logan, Ut 84321. |
| Christenson, Boyd B | SGT | 47½ North 5th East, Logan, Ut 84321. |
| Madsen, Fred R | M/SGT | 136 North 1st East, Brigham City, Ut 84302. |
| Mattson, Louis M., Jr. | S/FC | 328 North 2nd West, Logan, Ut. 84321. |
| Simmons, DeWayne W. | S/FC | Collingston, Ut. 84306. |
| Stevenson, Charles W. | S/FC | 28 West 5th North, Logan, Ut. 84321. |
| Thornley, James B. | CPL | 648 North Main St., Logan, Ut. 84321. |
| Whetstone, Allen R. | SGT | 326 East 2nd South, Logan, Ut. 84321. |
| Wiser, Denzil N. | SGT | Lewiston, Ut. 84320. |
| Wiser, Sylmar T. | SGT | Lewiston, Ut. 84320. |
| Bjorkman, DelRey C. | CPL | 148 South 3rd East, Logan, Ut. 84321 |
| Buttars, Roland K. | CPL | Lewiston, Ut. 84320. |
| Cantwell, James C. | SGT | RFD #1, Smithfield, Ut. 84335. |
| Heninger, Harold C. | SGT | 141 West 6th South, Logan, Ut. 84321. |
| Jensen, Charles R. | CPL | Box 223, Paris, Idaho 83261. |
| Johnson, DeLoy | SGT | 1475 Canyon Rd., Logan, Ut. 84321. |
| Ostler, David S. | SGT | 394 East 1st South, Nephi, Ut. 84648. |
| Leavitt, Earl, Jr. | CPL | 276 North 1st West, Logan, Ut. 84321. |
| Bair, Lowell E. | CPL | P.O. Box 22, Richmond, Ut. 84333. |
| Beaves, Albert W. | CPL | 126 East 4th North, Logan, Ut. 84321. |
| Haslam, James R. | CPL | Lewiston, Utah 84320. |
| Smith, Clayton D. | PFC | 361 East 8th North, Logan, Ut. 84321. |
| Vaughan, Robert L. | CPL | Smithfield, Ut. 84335. |
| Battery "A" | | |
| Freeman, Dean B. | CAPT. | 218 North 1st East, Brigham City, Ut. 84302. |
| Johnson, Glen J. | 1st Lt. | 39 South 2nd East, Brigham City, Ut. 84302. |
| Bair, Scott W. | 2nd Lt. | Richmond, Ut. 84333. |
| Hess, Wendell | 2nd Lt. | 178 North 3rd East, Brigham City, Ut. 84302. |
| Baron, Glen L. | S/FC | 466 East 6295 So., Murray, Ut. 84107. |
| Brown, James A. | SGT | 316 South 1st West, Brigham City, Ut. 84302. |
| Burt, David W. | PFC | 1410 West 1320 North, Provo, Ut. 84604. |
| Busenbark, Dee L. | SGT | 45 North 5th West, Brigham City, Ut. 84302. |
| Busenbark, Grant L. | CPL | 308 South 4th West, Brigham City, Ut. 84302. |
| Bywater, Marvin E. | CPL | 707 Eliason St., Brigham City, Ut. 84302. |
| Carey, Gerald C. | PFC | 58 South 3rd West, Brigham City, Ut. 84302. |
| Crapo, Norman D. | CPL | 406 North 4th East, Brigham City, Ut. 84302. |
| Hansen, Eric V. | SGT | 5230 Albert Way, Sacramento, CA 95801. |
| Hatch, Odell K. | M/SGT | 2881 West 300 South, West Point, Ut. 84015. |
| Hendricks, Daryl | PFC | 518 East Forrest, Brigham City, Ut. 84302. |
| Hillran, Douglas L. | CPL | RFD #1, Hooper, Ut. 84315. |
| Holst, Robert R. | CPL | 455 South 300 West, Brigham City, Ut. 84302. |
| Jensen, Ronald A. | PFC | 1817 Bella Vista Dr., Sierra Vista, AZ 85635. |
| Jeppesen, Charles L. | CPL | 924 East South, Brigham City, Ut. 84302. |
| Jeppesen, David L. | CPL | 615 Springhill Dr., Murray, Ut. 84107. |
| Jeppson, Dale C. | CPL | 339 East 7th North, Brigham City, Ut. 84302. |
| Jeppsen, Warner | CPL | 645 North 1st West, Brigham City, Ut. 84302. |
| Johnson, Don F. | M/SGT | 335 North 5th East, Brigham City, Ut. 84302. |
| Kelly, LeRoy P. | PFC | 651 Buena Vista, Lahilera, CA 90631. |
| Kling, Floyd W. | SGT | 576 South 700 West, Brigham City, Ut. 84302. |
| Knavel, George L. | S/FC | 217 East 4th South, Brigham City, Ut. 84302. |
| Licht, Lyle A. | PFC | 540 North 1st East, Brigham City, Ut. 84302. |
| McFarlane, Gordon A. | SGT | 178 North 2nd East, Brigham City, Ut. 84302. |
| Morrell, Dwight L. | PFC | 1183 Via Arroyo, Ventura, CA 93003. |
| Nakamura, Harry H. | CPL | RFD #1, Brigham City, Ut. 84302. |
| Nelson, Paul C. | SGT | 305 North Main St., Brigham City, Ut. 84302. |
| Nelson, Jerald R. | PFC | 533 West 600 South, Brigham City, Ut. 84302. |
| Nelson, Raulon M. | CPL | 207 East 100 South, Brigham City, Ut. 84302. |
| Olsen, Floyd J. | SGT | 370 Chestnut Dr., Logan, Ut. 84321. |
| Olsen, Grant | SGT | 613 Springhouseman, Murray, Ut 84107. |
| Payne, Dean L. | PFC | 118 East 300 North, Brigham City, Ut 84302. |
| Peeples, Lewis J. | CPL | 735 North Main St., Brigham City, Ut 84302. |
| Pella, Robert C. | SGT | 312 East Forrest St., Brigham City, Ut 84302. |
| Perry, Allen E. | CPL | 5341 Cole St., San Diego, CA 92117. |
| Peters, Duane A. | CPL | 2650 Greenachers, Tucson, AZ 85700. |
| Pett, Burton R. | CPL | 11651 Kasha, Concord, CA 94518. |
| Pett, Robert G. | PFC | 162 North 2nd East, Brigham City, Ut 84302. |
| Phillips, Burt L. | S/FC | 162 North 2nd East, Brigham City, Ut 84302. |
| Richards, Glenn R. | CPL | 529 South 4th East, Brigham City, Ut 84302. |

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Rigby, Jay D. | S/FC | 4445 So. 3420 W., West Valley City, Ut 84120. |
| Romer, Victor J. | M/SGT | 428 North 6th East, Brigham City, Ut 84302. |
| Stevens, Evan D. | PFC | 519 North 2nd East, Brigham City, Ut 84302. |
| Tams, Merlin | PFC | 37 North 2nd East, Brigham City, Ut 84302. |
| Thompson, J. Bruce | CPL | 3321 Garden Keyniece, Hacienda Hgts., CA 91745. |
| Valentine, Dale G. | CPL | 410 West 700 North, Brigham City, Ut 84302. |
| Valentine, Robert G. | SGT | 529 East 1st North, Brigham City, Ut 84302. |
| Whitaker, Floyd J. | PFC | 3795 North Hwy. 89, Layton, Ut 84041. |
| Whitaker, Jarvis G. | PFC | 38 South 4th East, Brigham City, Ut 84302. |
| Whitaker, Ted O. | SGT | Huntington, Ut 84528. |
| Young, Lyle J. | CPL | 646 North 3rd East, Brigham City, Ut 84302. |
| Battery "B" | | |
| Bishop, Theral V. | CAPT | 733 Hillcrest Ave., Logan, Ut 84321. |
| Marble, Leonard S. | 1st LT | 20 First St., Mesa, Wash. 99343. |
| Zundell, Rosel W. | 1st LT | Garland, Utah 84312. |
| Able, Roy | SGT | 112 West 10th South, Garland, Ut 84312. |
| Anderson, Don C. | SGT | Garland, Ut 84312. |
| Austin, George L. | CPL | 665 Holiday Dr., Brigham City, Ut 84302. |
| Call, Bobby E. | PFC | 1038 North 482nd St. #15, Phoenix, AZ 85008. |
| Cannon, Murray E. | S/FC | 179 Ross Drive, Clearfield, Ut 84015. |
| Cannon, Richard D. | CPL | 364 West 775 North, Logan, Ut 84321. |
| Capener, Daryl M. | CPL | Garland, Ut 84312. |
| Carter, James R. | S/FC | Garland, Ut 84312. |
| Castleton, Leonard G. | S/FC | 702 East 200 South, Centerville, Ut 84014. |
| Conger, Leo R. | PFC | Tremonton, Ut. 84337. |
| Conger, Leon H. | PFC | 9818 240 St. S.W., Edmunds, WA 98020. |
| Couch, Farrell C. | SGT | Box 84, Garland, Ut 84312. |
| Couch, Raymond Jr. | CPL | 1088 South 8th West, Woods Croxx, UT 84087. |
| Deakin, David D. | CPL | Tremonton, Ut 84337. |
| Forsgren, Leon M. | PFC | Garland, Ut 84312. |
| Hansen, LaVar H. | CPL | 902 East 3200 North, Ogden, Ut 84404. |
| Heppler, Max R. | PFC | 225 East 4th North, Tremonton, Ut 84337. |
| Hill, Don J. | M/SGT | P.O. Box 243, Garland, Ut 84312. |
| Hill, Merrill | PFC | 41 West Center St., Garland, Utah 84312. |
| Huish, Burton P. | CPL | 1531 Julie Lane, Twin Falls, Idaho 83301. |
| Jensen, Val Don | SGT | 701 LaMirada, Carson City, NV 89701. |
| Johnson, Lowell M. | CPL | 202 East 4th North, Tremonton, Ut 84337. |
| Larson, John F. | PFC | 1414 West 11400 So., South Jordan, Ut 84065. |
| Lavender, John L. | SGT | 1061 Douglas, Ogden, Ut 84400. |
| Manning, Earl J. | PFC | 3050 North 150 East, Ogden, Ut 84058. |
| Mason, Max L. | CPL | 581 North 2nd East, Tremonton, Ut 84337. |
| Nessen, Ray E. | CPL | 900 Century Park #23, Ogden, Ut 84404. |
| Nish, Orvil D. | PFC | 1430 Garfield, Idaho Falls, ID 83401. |
| Nye, Frederick L. | CPL | 620 S.E. Kramer Pl., Issaquah, WA 98027. |
| Petersen, Gerald A. | CPL | 30965 Palo Alto Dr., Redland, CA 92373. |
| Petty, Vern G. | SGT | 1635 Marla Drive, Reno, NV 98509. |
| Potter, Donald H. | PFC | 235 East 8th North, Tremonton, Ut. 84337. |
| Rasmussen, Joseph S. | PFC | 600 North 800 East, Bountiful, Ut. 84010. |
| Ransom, Ronald D. | PFC | 1105 Fairfield Ave., Roseville, CA 95675 |
| Rhodes, Robert M. | S/FC | Garland, Ut. 84312. |
| Rich, John D. | PFC | 245 East 8th North, Tremonton, Ut. 84337. |
| Roberts, Robert R. | CPL | Tremonton, Ut. 84337. |
| Rucker, Fred W. | CPL | 930 South 500 West, Bountiful, Ut. 84010. |
| Rudd, Evan N. | CPL | 631 East 5900 South, Murray, Ut. 84107. |
| Sandall, Dallas W. | CPL | 705 North, Tremonton, Ut. 84337. |
| Sato, George | CPL | RFD #3, Tremonton, Ut. 84337. |
| Smith, Leslie K. | CPL | 3949 W. 3100 South, West Valley City, Ut. 84120. |
| Smith, Orlin H. | PFC | 1554 21st St., Ogden, Ut. 84401. |
| Smith, Thomas E. | CPL | 6112 Richmond Ave., Garden Grove, CA 92645. |
| Spencer, Richard E. | PFC | 4764 South 4621 West, Kearns, Ut. 84118. |
| Sutherland, Kent L. | S/FC | 207 Robbins Ave., Ogden, Ut. 84404. |
| Thompson, Reid L. | M/SGT | 552 South 7th West, Brigham City, Ut. 84302. |
| Turley, Grant E. | CPL | Garland, Ut. 84312. |
| Ward, Max C. | SGT | Riverside, Ut. 84334. |
| Wilson, Billy D. | PFC | 1551 Snyder Rd., East Lansing, Mich. 48823. |
| Wise, Lawrence M. | S/FC | 2957 Jackson Blvd., Ogden, Ut. 84400. |
| Zundel, Rosel W. | S/FC | Garland, Ut. 84312. |
| Battery "C" | | |
| Lundahl, Donald T. | CAPT | 1395 East 7th North, Logan, Ut. 84321. |
| Nelson, Dale O. | 1st LT | 745 Hillcrest, Logan, Ut. 84321. |
| Bateson, Dix G. | 2nd LT | 976 Yucca Dr., Murray, Ut. 84107. |
| Smith, Duane F. | 2nd LT | 102 8th St., North West Watterton, SD 57201. |
| Schvaneveldt, Jack | W/O | 175 South 4th East, Logan, Ut. 84321. |
| Atnip, Jerry T. | PVT | 142 West Center St., Logan, Ut. 84321. |
| Beckstrand, Arland K. | PFC | Meadow, Ut. 84644. |
| Blazzard, John L. | SGT | 439 South Main St., Logan, Ut. 84321. |
| Blazzard, Theron R. | SGT | 547 South Main St., Logan, Ut. 84321. |
| Branch, Merrill E. | PFC | Wellington, Ut. 84542. |
| Broberd, Val B. | CPL | 255 South 4th East, Logan, Ut. 84321. |
| Brown, Edward L. | S/FC | 295 North 1st West, Logan, Ut. 84321. |
| Brown, Thadeus D. | SGT | 547 South Main St., Logan, Ut. 84321. |
| Christensen, Reed C. | M/SGT | Beaver, Ut. 84713. |
| Christiansen, Elmer L. | PFC | Mt. Pleasant, Ut., 84647. |
| Cressal, Calvin C. | S/FC | 870 North Main St., Logan, Ut. 84321. |
| Erz, James D. | S/FC | 5585 Harrison Blvd., Ogden, Ut. 84404. |
| Evans, Robert R. | CPL | 853 Bogert Rd., River Edge, NJ 07661. |
| Freeman, Monte H. | S/FC | 181 East 6th North, Logan, Ut. 84321. |
| Galloway, Gerald A. | PVT | 1130 East 1300 South, Salt Lake City, Ut. 84112. |
| Garner, Hal E. | CPL | P.O. Box 3447, Logan, Ut., 84321. |
| Gittins, Lloyd E. | SGT | Mendon, Ut. 84325. |
| Golding, Sebron R. | SGT | 875 East 150 North, Logan, Ut. 84321. |
| Hansen, Richard B. | CPL | Mt. Pleasant, Ut. 84647. |
| Hess, Gerald A. | PFC | 467 North 4th East, Logan, Ut. 84321. |
| Hughes, John A. | S/FC | 3505 Sawtelle Blvd., Los Angeles, CA 90000. |
| James, George L. | CPL | 450 South Main St., Logan, Ut. 84321. |
| John, Alvan R. | CPL | 384 North 350 East, Logan, Ut. 84321. |
| Kovene, Joseph E. | SGT | 190 North 1st East, Logan, Ut. 84321. |
| Leavitt, Val D. | S/FC | 296 East 4th North, Logan, Ut. 84321. |
| Lowe, Sterling C. | PFC | 75 West 5th North, Logan, Ut. 84321. |
| Luchenni, Glen L. | SGT | 1470 Highland Dr., Logan, Ut. 84321. |
| Matley, Fred S | SGT | Lake Arthur, NM 88253. |
| Maughan, Raymond O | SGT | 756 West 200 North, Logan, Ut. 84321. |
| Mithcell, Elvin G | CPL | Box 373, Fillmore, Ut. 84631. |
| Olsen, Don H | S/FC | 128 South 1st East, Logan, Ut. 84321. |
| Partington, Boyd T | CPL | 425 West 1st North, Logan, Ut. 84321. |
| Smith, Noble B | CPL | 164 South 3rd West, Logan, Ut. 84321. |
| Wiley, Victor A | S/FC | 1315 Ellendale Ave., Logan, Ut. 84321. |
| Woodhouse, Nathaniel S | CPL | Box 455, Beaver, Ut. 84713. |
| Service Battery | | |
| Denning, George T | 1st LT | 763 South 800 West, Payson, Ut. 84651. |
| Minkler, Ray A | 1st LT | 281 West Center St., Logan, Ut. 84321. |
| Done, Nathan K | 2nd LT | 3125 South 2750 East, Salt Lake City, Ut. 84110. |
| Wadsworth, Harold M | CWO | 780 East 700 North, Logan, Ut. 84321. |
| Hancey, Dennis R | WOJG | 218 South 100 East, Logan, Ut. 84321. |
| Andreason, Clifford R | PFC | 611 East 1200 West, Logan, Ut. 84321. |
| Bergeson, Omar H | M/SGT | 75 East 200 South, Lewiston, Ut. 84320. |
| Bingham, Stanley P | S/FC | 47 East 100 South, Smithfield, Ut. 84335. |
| Butterfield, Melvin D | CPL | 5370 Afton Ave., Murray, Ut. 84107. |
| Elwood, Russel D | CPL | 181 North 100 West, Smithfield, Ut. 84335. |
| Facer, Conrad L | SGT | 4043 Muirfield, Lompoc, CA 93436. |
| Facer, Wilford P | S/FC | 2015 West 3150 So., Salt Lake City, Ut. 84119. |
| Hodges, Richard M | M/SGT | 7412 Siz Ct., Conogu, CA 91304. |
| Hyer, Larry L | CPL | 200 West 1000 South, Lewiston, Ut. 84320. |
| Karren, Steven L | CPL | Lewiston, Ut. 84320. |
| Karren, Ves A | CPL | 4522 Dartmouth Cir, West Valley City, Ut. 84120. |
| Leavitt, Joe L | CPL | P.O. Box 37, Lewiston, Ut. 84320. |
| Low, Oliver D | CPL | 39 South 100 West, Smithfield, Ut. 84335. |
| Lundberg, George D | SGT | 94 East 300 South, Smithfield, Ut. 84335. |
| Noble, Harl M | S/FC | 52 East 3rd North, Smithfield, Ut. 84335. |
| Pickett, George B | SGT | 4409 Alma Ave., Castro Valley, CA 94546. |
| Poulsen, Scott L | CPL | 13513 Homestead, Riverton, Ut. 84065. |
| Reeder, Billy L | SGT | 511 South 100 West, Logan, Ut. 84321. |
| Reeder, Martin C | SGT | 539 East 100 North, Logan, Ut. 84321. |
| Reeder, LeGrand | CPL | 1015 East 2250 North, Logan, Ut. 84321. |
| Rogers, Marleon D | CPL | Lewiston, Utah 84320. |
| Stocks, Clair J | CPL | 335 S. 900 West, Box 489, Cedar City, Ut. 84720. |
| Stocks, Dayna L | S/FC | Preston, ID 83263. |
| Taggart, Sylvan W | SGT | 15 North Main St., Millville, Ut. 84326. |
| Wood, Charles R | CPL | 210 North Main St., Lewiston, Ut. 84320. |
| Officer Personnel, 204th Field Artillery Battalion, Served in Korea | | |
| Whitesides, Joe E | Col | 2103 Ridgewood Way, Bountiful, Ut. 84010. |
| Cornell, Robert W | Lt. Col | 8100 Casuarina Dr., Fort Richey, FL 33563. |
| Dexheimer, Bob | Lt. Col | 3023 Florida Blvd., Bradenton, FL 34207. |
| Hale, Bunn D | Lt. Col | 908 Cincinnatti St., El Paso, TX 79900. |
| Gailbraith, Joseph M | MAJ | 853 Govt. Way, Coeur D'Alene, ID 83814. |
| Johnson, John I | MAJ | Brigham City, Ut., 84302 |
| Lingner, Frederick A | MAJ | 3633 Fox Run, Cibolo, TX 78108. |
| McAllister, Guy | MAJ | 13721-58th Ave. E., Puyallup, WA 98373. |
| Vanderhoff, Kenneth J | MAJ | 1124 W. Sheppard Ln., Farmington, Ut. 84025. |
| Watson, Thomas E | MAJ. | 1297 Emory Rd., N.E. Atlanta, GA 30300. |
| Anderson, Lawrence R | CAPT. | 1525 Sumac Dr., Logan, Ut. 84321. |
| Bishop, Theral B | CAPT. | 733 Hillcrest Ave., Logan, Ut. 84321. |
| Butterfield, Henry B | CAPT. | 54 West 3rd N., Logan, Ut. 84321. |
| Carlson, Vernon W | CAPT. | Logan, Utah 84321. |
| Cornell, Robert W | CAPT. | 2015 New York Ave., Brooklyn, NY 11200. |
| Eskelsen, Quinn M | CAPT. | 37 South 3rd West, Brigham City, Ut. 84302. |
| Frank, Errol | CAPT. | 39 South 5th East, Logan, Ut. 84321. |
| Freeman, Dean B | CAPT. | 218 North 100 East, Brigham City, Ut. 84302. |
| Frye, Azel G. Jr | CAPT. | 320 West Elm St., Junction City, KS 66441. |
| King, Norman D | CAPT. | 408 West Walnut, Apt. #6, Lodi, CA 95240. |
| Lowry, Walter C. Jr | CAPT. | P.O. Box 185, Jefferson, SC 29718. |
| Lundahl, Donald T | CAPT. | 1395 East 700 North, Logan, Ut., 84321. |
| Meell, Edward S | CAPT. | Penn & Thayer Sts., Ridley Park, PA 19078. |
| Rogers, Dean J | CAPT. | 539 North 2nd West, Logan, Ut. 84321. |
| Saal, Wilbert G | CAPT. | 6523 Winnabago St., St. Louis, MO 63100. |
| Strong, Douglas C | CAPT. | Logan, Ut. 84321. |
| Truett, Sam W | CAPT. | 512 West 7th St., Junction City, Kan. 66441. |
| Tully, Francis X | CAPT. | 8630 St. James Ave., Elmhurst, L.I., NY 11100. |
| Vaughn, Jimmie D | CAPT. | Address Unknown. |
| Wiberg, Roderick J | CAPT. | 107 West 400 North, Logan, Ut. 84321. |
| Bateson, Dix G | 1st Lt. | 976 Yucca Dr., Murray, Ut. 84107. |
| Britton, Frank R | 1st Lt. | 851 Heber Ave., Calexico, CA 92231. |
| Denning, George T | 1st Lt. | 763 South 800 West, Payson, Ut. 84651. |

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Done, Nathan K | 1st Lt. | 3125 South 2750 East, Salt Lake City, Ut. 84110. |
| Frobenius, Robert K | 1st Lt. | 3206 Magnolia, Long Beach, CA 90800. |
| Grider, Robert J | 1st Lt. | Pierre, SD 57501. |
| Harns, William P | 1st Lt. | 421 East Main St., Weiser, ID 83672. |
| Hess, Wendell | 1st Lt. | 178 North 3rd East, Brigham City, Ut. 84302. |
| Johnson, Glen J | 1st Lt. | 39 South 2nd East, Brigham City, Ut. 84302. |
| Lewis, George W | 1st Lt. | 256 So. 16th St., Philadelphia, Penn. 19102. |
| Lewis, Willie M | 1st Lt. | Grady, Ala. 36036. |
| Marble, Leonard S | 1st Lt. | 20 First St., Mesa, WA 99343. |
| Minkler, Ray A | 1st Lt. | Logan, Ut. 84321. |
| Mitchell, Charles G | 1st Lt. | 754 Gene Reed Rd., Birmingham, Ala. 35200. |
| Newman, LeRoy | 1st Lt. | 2101 N. Melvin St., Philadelphia, PA 19100. |
| Nelson, Dale O | 1st Lt. | 745 Hillcrest, Logan, Ut. 84321. |
| Parsons, Neal A | 1st Lt. | Hulen, KY 40845. |
| Scammon, Clark E | 1st Lt. | 26 Waterhouse Rd., Bourne, Maine 02532. |
| Schneider, Howard P | 1st Lt. | 4827 South 166th, Seattle, WA 98100. |
| Smith, Duane F | 1st Lt. | 102 8th St., Watertown, SD 57201. |
| Stuart, Gilbert K | 1st Lt. | 5952 Clemens Ave., St. Louis, MO 63100. |
| Tuttle, Luther H | 1st Lt. | 422 Friddle St., High Point, NC 27260. |
| Welch, Robert | 1st Lt. | Logan, Ut. 84321. |
| Wilson, John A | 1st Lt. | 7604 East Clinton, Scottsdale, AZ 85260. |
| Zundel, Rosel W. | 1st Lt. | Garland, Ut. 84312. |
| Bair, Scott W | 2nd Lt. | Richmond, Ut. 84333. |
| Corney, Martin | 2nd Lt. | 3201 Carlisle Ave., Baltimore MD 21200. |
| Dunn, Paul V | 2nd Lt. | Belgrade, Maine 04917. |
| Hill, Charles W | 2nd Lt. | 760 Main St., Baton Rouge, LA 70800. |
| Queen, Gerald B | 2nd Lt. | 2127 Jay St., Detroit, Mich. 48200. |
| Hardy, Charles H | CWO | 97 Dixie, Layton, Ut. 84041. |
| Wadsworth, Harold M | CWO | 625 North Main St., Logan, Ut. 84321. |
| Burke, Edward R | WOJG | PO Box 97, Phinneys Ln, Centerville, MS 02632. |
| Garrett, Harvey L | WOJG | 959 Crestwood, Kaysville, Ut. 84037. |
| Hancey, Dennis R | WOJG | 218 South 1st East, Logan, Ut. 84321. |
| Schvaneveldt, John A | WOJG | 115 South 4th East, Logan, Ut. 84321. |
| Short, Howard W | WOJG | 813 South West St., Mt. Vernon, MO 65712. |
| Thernault, Irenee A | WOJG | 44 Adams St., Lowell, Mass. 01850. |

Medical Detachment, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed)

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Berkany, Ernest A | CPL. | 224 Gordan Ave., Campbell, OH 44405. |
| Black, Walter E | CPL. | RD #1 Lore City, OH 43755. |
| Boolin, Floyd R | CPL. | RR 1, Towanda, KS 67144. |
| Booth, Marvin L | SGT. | 62 4th E. Center St., Logan, UT 84321. |
| Bettimore, Ephe R | S/FC | P.O. Box 423, San Carlos, CA 94070. |
| Clark, Vurlen R | S/FC | 3535 So. Cedar, Tacoma, WA 98400. |
| Densen, William O | CPL. | 2063 North Homes, St. Lineville, AL 36266. |
| Dudley, Edward L | CPL. | Winterset, Iowa 50273. |
| Eads, Richard W | CPL. | Lanham, West Virginia 25159. |
| Fink, Evan C | SGT. | Gen. Del. Bridgeport, WA 98813. |
| George, Marlin D | CPL. | Box 503, Cambridge, Iowa 50046 |
| Guilford, Dee J | SGT. | Ontario, Oregon 97914. |
| Hitz, Jack E | SGT. | Box 297, Shelley, ID 82274. |
| Hopson, Dewey R | S/FC | Gen. Del. Porterville, CA 93257. |
| Jolliff, Jack W | CPL. | 2425 Market St., Hannibal, MO 63401. |
| Justice, William | CPL. | 130 Spring St., Brockton, Mass. 02400. |
| Merrill, John C | S/FC | 2049 Primrose Ave., So. Pasadina, CA 91030. |
| Murphy, Edward L | CPL. | 10 Fifield St., Dorchester, Mass. 01570. |
| Proctor, James L | SGT. | 1427 West 84th Place, Los Angeles, CA 90000. |
| Rojas, Ralph | SGT. | Rt. 12 Box 1058, Phoenix, AZ 85000. |
| Rychick, Bernard J | CPL. | 1916 Harcums Way, Pittsburgh, PA 15200. |
| Sharp, Ralph L | SGT. | 191 Hyde Park, Ut. 84318. |
| Sugiyama, Hajime | CPL. | Rt. 1 Box 369, Phoenix, AZ 85000. |
| Thompson, J. Bruce | SGT. | 3321 Garden Kayniece, Hacienda Hts. CA 91745. |
| Vaughan, Robert C | SGT. | Lewiston, Ut. 84320. |
| Wesley, Bernard C | CPL. | 2103 12th St., Chicago, IL 60600. |
| Williams, Archie | CPL. | Clarksdale, Miss. 38614. |

Headquarters Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed, N/A=Denotes Non-available)

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Adams, Donald F | CPL. | 405 Canton St., Ogdensburg, NY 13669. |
| Aimen, Earnest | SGT. | N/A. |
| Anderson, John C | M/SGT. | 7209 Queen Ave., So. Minneapolis, Minn 55400. |
| Arambula, Daniel P | P/FC | 1874 W. Palomares St., LaVerne, CA 91750. |
| Arsenault, Aime M | 1st SGT | 57 Adams Pl., S. Weymouth, Mass. 02190. |
| Arthur, Jarvis J., Jr | M/SGT. | Box 34-B, Rt. 3, New Bern, NC 28560. |
| Augenthalen, Charles | PVT. | N/A. |
| Bair, Lowell E | CPL. | Box 22, Richmond, Ut. 84333. |
| Barrera, Francisco | CPL. | 246 John St., Oakland, CA 94600. |
| Barrera, Richard | CPL. | 1630 W. 213th St., Torrance, CA 90500. |
| Barton, Richard B | P/FC. | 1523 W. 7th St., Texarkana, TX 75501 |
| Basham, Clinton C | CPL. | Gen Del. Bassett, TX 78602. |
| Baumgartner, Wm I | CPL. | N/A. |
| Beaves, Albert W | CPL. | 126 E. 4th No., Logan, Ut. 84321. |
| Bedell, James D | PVT-2. | N/A. |
| Bender, William | P/FC. | 206 Curtis St., Arlington, Wisconsin 53911. |
| Bennett, Elliott B. | P/FC | 46 S. Washington Ave., Mobile, AL 86600. |
| Biddle, Winston J. | SGT | Collinston, UT. 84306. |
| Birt, William W. | SFC | P.O. Box 306, Fallbrook, CA 92028. |
| Bjorkman, Delrey C. | CPL | 148 So. 3rd E., Logan, Ut. 84321. |
| Blauvelt, Thomas C. | PFC | 55 Hoyt's Hill, Bethel, Conn 06801. |
| Boggs, James H. | PFC | 412 W. Francis Ave., Tampa, FL 33600. |
| Boos, Robert D. | SGT | P.O. Box 15, New Hampton, Iowa 50659. |
| Bossard, William H. | SFC | 1233 Archer St., San Diego, CA 92100. |
| Bowers, Charles H. | PFC | 5619 S. Burmingham, Tacoma, WA 98400. |
| Bowling, David R. | SGT | Rt. 1 Moores Hill, Indiana 47032. |
| Bradford, Codie J. | CPL | 2125 Horo Ave., St. Louis, MO 63100. |
| Breder, Barton A. | PFC | 132 10th Terrace, Egg Harbor, NJ 08215. |
| Brennan, James E. | CPL | 1403 4th St., Bay City, Michigan 48706. |
| Britten, Charles W. | PFC | 234 W. 109 Place, Los Angeles, CA 90000. |
| Brittman, Kenneth J. | PFC | 244 N. 17th St., Columbus, OH 43200. |
| Brown, Larry B. | CPL | Box 932 Salmon, ID. |
| Brown, Leland L. | CPL | 3510 Coronado Ave., Stockton, CA 95200. |
| Brusto, Stanley B. | PFC | N/A. |
| Buchanan, Ronald S. | CPL | 185 W. Patterson, Ogden, UT. 84400. |
| Buckley, William G. | SGT | 306 West McMillan, Marshfield, WN 54449. |
| Budd, William E. | SGT | 6400 So. Jefferson, Bartonville, IL 61609. |
| Buddenbaum, John R. | PFC | RFD 3, Metropolis, IL 62960. |
| Burdick, Eldon V. | PFC | 5434 Connor, Detroit, Mich 48200. |
| Burke, Richard N. | CPL | 712 W. 41st Dr., Los Angeles, CA 90000. |
| Buttars, Rolland K. | CPL | 400 Brinker Ave., Ogden, Ut. 84400. |
| Campbell, Thomas J. | CPL | Rt. 2, Patrick, South Carolina 29584. |
| Cantwell, James C. | SGT | RFD #1, Smithfield, Ut 84335. |
| Carlson, Norman E. | PFC | 118 W. Hunt St., Adrian, Mich. 49221. |
| Carter, Ralph F. | CPL | Newry, So. Carolina 29665. |
| Chapman, Allan W. | PFC | 3315 Heatherly St., Flint, Mich. 48500. |
| Chelos, George G. | PFC | N/A. |
| Christensen, Boyd B. | SGT | 47 ½ No. 5th East, Logan, Ut. 84321. |
| Christiansen, Elmer L. | SFC | 258 So. 5th West, Mt. Pleasant, Ut. 84647. |
| Clark, Paul B. | PFC | 632 So. Terrace Ave., Columbus, OH 43200. |
| Cline, Troy R. | CPL | 3928 Mission, San Francisco, CA 94100. |
| Clubb, Ronoel E. | CPL | 40 Front St., Spartanburg, SC 29301. |
| Coash, Thomas I. | N/A | N/A. |
| Colvin, Dennision H. | PFC | P.O. Box 813, Pismo Beach, CA 93449. |
| Cooper, Clinton V. | SGT | Saltville, VA 24370. |
| Coughran, John A., Jr. | PFC | Apt. 17, Park Apts, Klamath Fall, OR 97601. |
| Cox, James R. | PFC | 403 East Harvey, Sedalie, Miss. 38867. |
| Crookston, Douglas O. | M/SGT | RFD #1 Smithfield, Ut. 84335. |
| Cunningham, Vincent L. | N/A | N/A. |
| Curry, Curlise | PFC | Box #2, Grover, NC 28073. |
| Dalton, Merritt A. | PFC | 1254 Brushton Ave., Pittsburgh, PA 15200. |
| Devere, Jack D. | CPL | Rt. 1 Box 46, Delhi, CA 95315. |
| Donohue, John | PVT–2 | 100 West 99th St., New York City, NY 10000. |
| Downing, John J. | PFC | Rt. 3, Box 56 A, Lumberton, NC 28358. |
| Dozier, Harold H. | CPL | 330 Texas St., Antioch, CA 94509. |
| Drew, Melvin | PFC | 2617 Middle St., Norfolk, VA 23500. |
| Drown, Gordon E. | M/SGT | 1034 E. Reaney St., St. Paul, Minn. 55100. |
| Dump, Willard T. | SGT | Altonah, Ut. 84002. |
| Dunn, Jack T. | SGT | R.D. #1, Linden, Tenn. 27096. |
| Duvall, Nelville W. | CPL | 808 S. Hobart Ave., Los Angeles, CA 90000. |
| Eastwood, Charles P. | CPL | 1305 7th & Sherman, Prosser, Wash. 99350. |
| Elwood, Russell D. | CPL | 134 West Center St., Smithfield, Ut. 84335. |
| Ernst, Bernard J. | PFC | Niantic River Road, Waterford, Mich. 48900. |
| Eubanks, William R. | PFC | 105 Mason, Lansing, Mich. 48823. |
| Fagan, Leland V. | CPL | 5515 Stone Ave., Sioux City, Iowa 51106. |
| Fant, Harwell L. | PFC | Box 23, Crossville, AL 25962. |
| Flynn, Earnest E. | PFC | 1873 Almader Rd., San Jose, CA 95100. |
| Forshaw, Edward G. | PVT | 304 Wallace St., New Haven, Conn. 06500. |
| Fox, Charles N. | PFC | 2548 W. Fargo Ave., Chicago, IL 60600. |
| Frazer, Charles R. | SGT | 114 West Camile St., Santa Anna, CA 92700. |
| Gerke, Roger | PFC | 13 Charles Terrance, Waldwick, NJ 07463. |
| Gibson, James K. | PFC | Mason's Addition Box 1335, Nassau, Bahamas. |
| Gooden, Robert A. | PFC | 1206 Tea St. N.W., Washington, D.C. 20000. |
| Gordon, James E. | PFC | 1836 Westwood Ave., Baltimore, MD 21217. |
| Grabher, Arthur D. | SGT | Rt 1 Box 599, Talent, OR 97540. |
| Greenwald, Robert C. | PFC | Terrington, WY 82240. |
| Griffin, Gerald C. | CPL | 1547 Broad Ave., Wilmington, CA 90744. |
| Grotta, DuWayne | SGT | 2243 Gettesburg Ave F, St. Louis Pk, Minn 55426. |
| Hale, Emery | CPL | Cabool, Missouri 65445. |
| Hall, Winslow G., Jr. | SGT | 1738 29th Ave., San Francisco, CA 94100. |
| Hampton, Elliot | SFC | 1273 22nd St., Ogden, Ut. 84400. |
| Hannah, Thomas J. | PFC | 199 Monroe, Memphis, Tenn. 38100. |
| Hannan, William E. | CPL | 2605 Harriman Ln, Redondo Beach, CA 90277. |
| Hare, Morris F. | PFC | 122nd Av., Breadalbin, NY 11922. |
| Harloff, Donald H. | PVT 2/C | Rt. 3 Box 42, Mound, Minn 55364. |
| Harrison, Orville | PFC | Babb, Montana 59411. |
| Harter, Nevin M. | PFC | RFD #2 Bellefonte, Penn. 16823. |
| Haslam, James R. | CPL | Lewiston, Ut. 84320. |
| Heatherly, Charles C. | PFC | RR 2 Marshall, IL 62441. |
| Heininger, Harold C. | SGT | Box 223, Paris, ID 83261. |
| Hill, Clerance | PFC | 421 Caliope St., Pittsburgh, Penn. 15200. |
| Hill, Donald C. | M/SGT | Garland, Ut. 84312. |
| Hobbs, Donald K. | M/SGT | 7014 S. Western Ave., Los Angeles, CA 90000. |
| Hoffman, Arthur L. | SGT | 17203 E. Boone, Greenacres, WA 99016. |
| Hostetler, Roy D. | PFC | 1011 So. 13th St., Pekin, IL 61554. |
| Huff, George W. Jr. | PFC | Butte, Montana 59701. |
| Hugen, Marvin | SGT | 202 Southward #4, Ottumwa, Iowa 52501. |
| Hurley, Raymond C. | PFC | 3655 Conquista, Long Beach, CA 90800. |
| Ison, Harry C. | SGT | Rt. 2, Blackfoot, ID 83221. |
| Iverson, Robert A. | CPL | Petersburg, N. Dakota 58272. |
| Jensen, Charles R. | CPL | Box 223, Paris, ID 83261. |
| Jensen, Val D. | PFC | Garland, Utah 84312. |
| Jockisch, Medford E. | PFC | Virginia, IL 62691. |
| Johnson, DeLoy | SGT | 1475 Canyon Rd., Logan, Ut. 84321. |
| Johnson, Doyle G. | SFC | 244 So. 6th E., Salt Lake City, Utah 84102. |
| Johnson, George A. | CPL | Menominee, Mich. 49858. |
| Johnson, Jay R. | M/SGT | 760 N. 2nd West Logan, Ut. 84321. |
| Johnson, Thomas F. | SGT | 715 9th St. Ogden, UT 84400. |
| Jones, Bobby L. | CPL | Competition, Missouri 65448. |
| Kamerath, Don N | SGT | 843 Sherman Ave., Salt Lake City, Ut 84102. |

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Keen, George C., Jr. | PFC | 632 Hancock St., Wooster, OH 44691. |
| Kibling, George A. | PFC | Pawlet, Rutland County, VT 22968. |
| Klee, Jack A. | CPL | 101 Star St., Peoria, IL 61600. |
| Kloeppel, James R. | PFC | 8650 Geiger Rd., Normandy, MO 63121. |
| Kyzima, William | PFC | 220 Wright St., Newark, N.J. 07100. |
| Lambright, John A. | CPL | c/o Mrs. Helen Hurtig, 2415 1st Ave., River Grove, IL 60171. |
| Laudone, Frank A. | PFC. | Box 109 West Rly, Rd., Bradford, RI 02808 |
| Leavitt, Earl, Jr. | CPL | 276 N. 3rd W., Logan, Ut. 84321. |
| Levitsky, Norman | PFC | Pennsville, New Jersey, 08070. |
| Lewis, Roger | CPL | Terril, Iowa 51364. |
| Lindley, Richard A | PFC | 1505 Maple, Witchita, KS 67200. |
| Little, James R | CPL | Rfd 3, Marion, IL 62959. |
| Long, Lee | M/SGT | 598 A. St, Yuba City, CA 95991. |
| Long, Robert L | PVT–2 | Rt. #5, Mt. Grove, Missouri 65711. |
| Lord, Riley E | N/A | N/A. |
| Ludwick, Robert V | CPL | Box 198 Station C, Clarksburg, WV 26301. |
| Ludy, James J | M/SGT | 16110 So. Denke Ave., Gardena, CA 90247. |
| Madden, Charles R | SGT | 39 West 2nd, Harve, Mont. 59501. |
| Madsen, Fred R | M/SGT | 136 N. 1st E. Brigham City, UT 84302. |
| Malusky, Adrian | M/SGT | 910 F. St. S.E., Auburn, Washington 92002. |
| Manino, Louis G | PFC | Rimersburg, Penn. 16248. |
| Mathison, Harlan A | CPL | 515 E. Main, Durane, Wisconsin 54736. |
| Matthews, Clifford J | SGT | 236 7th Ave., Harve, Montana 59501. |
| Mattson, Louis M., Jr | S/FC | 2072 West 4450 So., Roy, Ut. 84067. |
| Maxwell, Lindsey | PFC | 2602 No. 'L' St., Pensacola, FL 32501. |
| Maxwell, Paul L | SGT | P.O. Box 162 Fredonia, KS 66736. |
| McCown, Robert R | CPL | Garfield, WA 99130. |
| McMenamin, Francis, Jr | PFC | 6113 Rainhart St., Philadelphia, Penn 19100. |
| McNutt, Ray A | PFC | Grand Ronde, OR 97347. |
| Merritt, George M | PVT–2 | ? Idaho. |
| Mills, Richard J | PFC | 601 N. 7th, Lawrence KS 66044. |
| Mikulski, Benjamin J | PFC | 6004 Columbus Ave., Sandusky, OH 44261. |
| Morgan, Millard F | PFC | 2709 Central, Joplin, MO 64801. |
| Morin, Ernest C | N/A | N/A. |
| Morrell, Dwight L | SFC | 235 E. 2nd No., Brigham City, Ut. 84302. |
| Moser, Joseph I | SFC | 2410 Hidalgo Ave., Los Angeles, CA 90000. |
| Mountainsheep, Lorenzo | SGT | Box 662 Hardin, Mont. 59034. |
| Muckleroy, Royce E | PFC | 1260 Douglas St. Barberton, OH 44203. |
| Nall, Harold W | PFC | Jackson St., Sturgis, KY 42459. |
| Nastri, Kenneth J., Jr | PFC | Taft Cir., Watertown, Conn. 06795. |
| Needham, Boyce E | S/FC | 2509 Woodbine Ave., Knoxville, Tenn. 37900. |
| Oligney, James A | SGT | 2126 Schiller, Chicago, IL 60600. |
| Opheim, Benjamin L | CPL | Opheim, Mont. 59250. |
| Ostler, David S | SGT | 394 E. 1st South, Nephi, Ut. 84638. |
| Owens, Donald J | PFC | Box 6 Mexico, Miami, Ind. 46959. |
| Papendieck, Carl | PFC | 926 Custard Ave., Sheboygan, Wis. 53081. |
| Park, Douglas W | PFC | 43 Merchant St. Peterhead, Scotland. |
| Park, John K | CPL | 23 Milltown Rd., So River, NJ 08882. |
| Passage, Leon T | SGT | Box 268, Valeta, TX 75497. |
| Pearman, Robert B | CPL | Wytheville, VA 24382. |
| Peck, Paul L | PFC | 1284 Brooks Terace, San Diego, CA 92100. |
| Pellegrine, Francis J | PFC | 12 Green St., Newton, Mass. 02158. |
| Pennifield, James E | PFC | 3412 Croffut Pl. S.E. Washington, D.C. 20000. |
| Pennifield, James R | PFC | 3412 Croffut Pl. S.E. Washington, D.C. 20000. |
| Pereria, David R | PFC | 256 E. 45th St. Brooklyn, NY 11200. |
| Perry, Rudolph | PFC | 1306 W. 10th St. Little Rock, Ark. 72200. |
| Peters, Gordon L | SGT | 105 10th Ave., N.W. Mandan, N. Dakota 58554. |
| Peterson, Derald C | M/SGT | 7419 Tu Junga, No. Hollywood, CA 91600. |
| Petrik, Warren G | CPL | Box 12, Lambert, Mont. 59423. |
| Pizza, Anthony R | PFC | 54 Woodside Ave., Hasbrouck, NJ 07604. |
| Ramquist, William R. | PFC | Box 109 Rt. 1, Beloit, Wis. 53511. |
| Reeder, Billy L | SGT | 264 So. 2nd W. Smithfield, Ut. 84335. |
| Reynolds, Robert S | PFC | 420 Raynolds. S.W., Canton, OH 44700. |
| Riesdorph, Clyde E | PFC | 9206 S. Yakima Ave., Tacoma, WA 98400. |
| Roberts, Robert R | SGT | Tremonton, Ut. 84337. |
| Rocco, Philip | PFC | 109 Monitor St., Brooklyn, NY 11200. |
| Rogers, Richard F | SGT | R.D. #1, Port Crane, NY 13833. |
| Rose, Henry T., Jr | CPL | 933 49th St. Oakland, CA 94600. |
| Ruiz, Antonio L | PFC | 107 5th St., Norwich, Conn. 06360. |
| Saulmon, Elvin L | CPL | Rt. 1 Box 1382, Sweet Home, OR 97386. |
| Schoop, Arthur S. Jr | PFC | 7391 Bedford, University, Miss. 38677. |
| Shultz, Charles H | CPL | Rt. #2 Pequet Lakes, Minn. 56472. |
| Schuster, Kenneth R | PFC | 262 Buffalo St. Gowands, NY 14070. |
| Scott, Charles S | CPL | 604 E. Ash, Salina, KS 67401. |
| Scott, Lee J | SFC | 1847 Barrington, Los Angeles, CA 90000. |
| Seeley, Clair M | N/A | N/A. |
| Sererka, Laurence D | PFC | Rt. 4, Caldwell, ID 83605. |
| Shaw, Gerald D | CPL | 204 6th St. NW RR1, Mandan, ND 58554. |
| Shipman, Audrey E | PFC | Box 63, Webster, IL 61377. |
| Shipp, Kenneth J. Jr | PFC | 315 Blair Ave., Piedment, CA 93649. |
| Shivel, George E | CPL | 4536 Renton Ave., Seattle, WA 98100. |
| Short, Howard | N/A | N/A. |
| Simmons, DeWayne W | S/FC | Collinston, UT. 84306. |
| Sims, George S | PFC | South Boston, VA 24592. |
| Skurski, Stephen C | PFC | 12 Lake Ave., Binghamton, NY 13900. |
| Smith, Bob W | CPL | Rt. 1 Box 127, Shelton, WA 98584. |
| Smith, Clayton D | PFC | 361 E. 8th No., Logan, Ut. 84321. |
| Snodgrass, Roy E | M/SGT | 764 Palm Dr., Glendora, CA 91740. |
| Socher, Eugene B. | CPL | 1750 No. Van Ness, Hollywood, CA 91600. |
| Stevenson, Charles W | S/FC | 125 W. 8th So., Wellsville, UT 84339. |
| Stewart, George A | PFC | Craigmont, ID 83523. |
| Stout, Delbert F | N/A | 535 Wagner Dr., Mt. Zion, Il 62549. |
| Swanson, Raymond | N/A | 3225 Carriage Dr., Hamel, Minn. 55340. |
| Swift, Joseph E | S/FC | 334 Reno Ave., Reno, NV 89500. |
| Tams, Merlin | SGT | 51 So. 1st East, Brigham City, Ut. 84302. |
| Terrel, Leon C | CPL | Box 11, Pixley, CA 93256. |
| Thompson, Charles L | PFC | Gen. Del. Weldona, CO 80653. |
| Thompson, J. Bruce | CPL | 214 No. 3rd E., Brigham City, UT 84302. |
| Thompson, Richard L | M/SGT | 111 No. Franklin St., Scott, KS 67871. |
| Thornley, James B | CPL | 648 N. Main St., Logan, Ut 84321. |
| Tomison, Samuel II | PVT | Rt. 2, Ringgold, VA 24586. |
| Tooze, Chester W. | SGT | Box 606, Ocean Lake, OR 97134. |
| Topp, William G | PFC | 4115 Peck St., St. Louis, MO 63100. |
| Turner, Thomas C | SGT | 1825 Moorman Rd., NW, Roanoke, VA 24001. |
| Turnmire, Leon | PFC | Thornhill, Tenn. 37881 |
| Tuttle, Roger S | PFC | 5101 Devonshire, Detroit, Mich 48200. |
| Vanderhave, Nick | SGT | 1333 Littleton Rd., Morrie Plains, NJ 07950. |
| Vaughan, Robert L | CPL | Smithfield, UT 84335. |
| Vernon, Robert L | CPL | 312 E. Ave., Jerome, ID 83338. |
| Washington, Clarence | PFC | N/A |
| Weatherway, N/A | SGT | N/A |
| Whetstone, Allen R | SGT | 326 E. 2nd So., Logan, Ut 84321. |
| Wilson, Billy D | CPL | Fielding, Ut. 84311. |
| Wimmer, Charles R | M/SGT | 255 W. 5th No., Logan, Ut. 84321. |
| Wimmer, Wayne W. | M/SGT | 365 N. 1st West, Logan, Ut. 84321. |
| Wiser, Denzil N | SGT | Lewiston, Ut. 84320. |
| Wiser, Marcus | CPL | Lewiston, Utah 84320. |
| Wiser, Sylmar T. | SGT | 1842 W. 5075 S., Roy, Ut. 84067. |
| Wolfgang, Charles W | PFC | 826 Linden St., Mt. Camel, PA 17851. |
| Wolnik, Raymond J | PFC | 186 Concord St., Lowell, Mass 01850. |
| Woods, George H | PFC | 112 10th St., Norton, VA 24273. |
| Woody, Robert L. | PFC | Rt. 2 Martinsville, VA 24112. |
| Zarilla, Albert F | PFC | 212 E. Madison Ave, New Castle, PA 16101. |
| Zilles, John J. | PFC | 3120 Shadeland Ave., Pittsburgh, PA 15200. |
| Zwicharowski, John N | CPL | 1012 N. 2nd St. Philadelphia, PA 19100. |

"A" Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically listed, N/A = Denotes Non-Available)

| | | |
|---|---|---|
| Abegg, Robert D. | CPL | 374 Hillcrest Ave., Ukish, CA 95482. |
| Allen, Jerry F. | S/FC | 3640 Radner Ave., Long Beach, CA 90800. |
| Alverez, Nicholas S. | PVT–2 | 719 Humphreys Ave., Los Angeles, CA 90000. |
| Anderson, LeRoy H. | CPL | Box 73 Redmond, Ut. 84652. |
| Armstrong, James J. | S/FC | 766 Rand Ave., Oakland, CA 94600. |
| Asbridge, Nicholas S. | PVT | 2112 Waverley Pl., St. Louis, MO 63100. |
| Averitt, Malcolm E. | CPL | 380 N. Main St., Pomona, CA 91766. |
| Baker, Raymond E. | PFC | 1300 Plaza Dr., Martinez, CA 94553. |
| Balog, John J. | PVT–2 | 79 E. 23rd St., Bayonne, NJ 07002. |
| Baron, Glen L. | S/FC | 466 E. 6295 So., Murray, Ut. 84107. |
| Bartlett, John G. | PFC | 831 S. 2nd Ave., Tucson, AZ 85700. |
| Baxter, Robert L. | N/A | 1277 W. 1200 N., Salt Lake City, Ut. 84116. |
| Bearbelow, Raymond | CPL | Lodge Grass, Montana 59050. |
| Bitton, Wayne A. | CPL | 1268 24th St., Ogden, Ut. 84400. |
| Botnen, Walter | S/FC | 731 N. Bell St., Bismark, ND 58501. |
| Bowden, Brigham W. | PFC | 26 S. 6th E., Brigham City, Ut. 84302. |
| Brown, Curtis R. | PVT–2 | Rt. #4, Winnsboro, LA 71295. |
| Brown, James A. | SGT | 316 S. 1st W., Brigham City, Utah 84302. |
| Bubier, Reginald H., Jr. | CPL | RFD #3, Box 7190, Farmington, Maine 04938. |
| Burgett, A J. | PFC | Rt. 4, Boaz, Alabama 35957. |
| Burns, Robert C. | PVT–2 | 11 Winthrop Ave., Liberty, NY 12754. |
| Burt, David W. | PFC | 1410 W. 1320 N., Provo, Utah 84604. |
| Busenbark, Dee L. | SGT | 45 No. 5th West, Brigham City, Ut. 84302. |
| Busenbark, Grant L. | SGT | P.O. Box 2442, Ogden, Ut. 84404. |
| Butler, James E. | CPL | Rt. 2 Box 336-J, Auburn, CA 95603. |
| Bywater, Marvin E. | CPL | 707 Eliason St., Brigham City, Utah 84302. |
| Calais, Lawrence R. | CPL | 1621 A Noe St., San Franciso, CA 94100. |
| Carey, Gerald C. | PFC | 58 So. 3rd W., Brigham City, UT 84302. |
| Chamberlain, Neil G. | CPL | Rt. 1 Box 247, Aberdeen WA 98520. |
| Chandler, Milton F. | SGT. | Rt. 2 Box 43, Orland, CA 95963. |
| Charlton, Thomas A. | PVT–2 | 1927 E. 9th St., Brooklyn, NY 11200. |
| Clark, Jerry L. | PFC | 635 Elm Ave., Long Beach, CA 90800. |
| Cortez, Robert H. | PVT | 120 N. Sunel Dr., Los Angeles, CA 90000. |
| Courtney, Sidney I., Jr. | PVT–2 | 203 Duncan St., Kenner, LA 70062. |
| Crapo, Norman D. | CPL | 406 N. 4th E., Brigham City, UT 84302. |
| Cruzan, Lloyd D. | CPL | Box 958, Port Orchard, WA 98366. |
| Darby, James L. | PVT–2 | 502 M St. N/W, Washington, D.C. 20000. |
| Davis, Buren R. | PVT–2 | 5622 Tree Beard Rd., Kearns, UT 84118. |
| DeCatenna, Angelo C. | CPL | Redwood 31, Tacoma, WA 98400. |
| Dillon, John E | CPL | 1005 W. Duarte Rd., Arcadia, CA 91006. |
| Drummond, Widrow G. | PVT–2 | Rt. 3, Woodruff, SC 29388. |
| Earkins, William H. | PVT–2 | 768 Ave. C., Norfolk, VA 23500. |
| Edwards, James R. | PVT–2 | Rt. 1 Box 147, Williamsburg, VA 23185. |
| Edward, William N. | S/FC | 4034 45th St., San Diego, CA 92100. |
| Eisinger, Robert | CPL | 105-15, 66th Rd., Forest Hills, NY 14062. |
| Elia, Joseph J. | PVT–2 | 2037 Margaret St., Philadelphia, PA 19100. |
| Elliot, Claude | PVT-2 | 1258 Griffen St., Norfolk, VA 23500. |
| Eurton, Robert P. | PVT-2 | 6147 N. Ivar Ave., Temple City, CA 91780. |
| Everson, Carl J. | CPL | 1519 ½ T. St., Sacramento, CA 95801. |
| Everson, Marconi | PVT | N/A. |
| Ewing, Augustus W. | M/SGT | 615 Academy, Kalamazoo, Mich 49001. |

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Farnsworth, Russel E | CPL | 933 Kenyon St., Akron, OH 44300. |
| Featherstone, Leo C | CPL | 1464 W. Jefferson Blvd., Los Angeles, CA 9000. |
| Folden, LeRoy W | PFC | Ronan, Mont. 59864. |
| Fonken, Gerhard J | S/FC | P.O. Box 1235, Paterson, NJ 08860. |
| Ford, Charles L | PVT–2 | 619-54th St., N.E., Washington, D.C. 20000. |
| Frye, Herbert W | PVT–2 | 2619 Southern Av. S.E., Washington, D.C. 20000. |
| Gibson, Arthur J. Jr | SGT | 517 Oak Ave., S. Pittsburg, Tenn 38366. |
| Griebe, Willie J | CPL | 4206 Denver St., Evans, CO 80620. |
| Gullo, Fred | PVT–2 | 311 Foot Ave., Jamestown, NY 14701. |
| Hagen, Dennis A | PFC | 1015 E. Pine St., Seattle, WA 98100. |
| Hagen, Robert A. | PVT–2 | 422 Thomas Ferguson, MO 63135. |
| Haller, Andrew F | CPL | RFD #3 Box 530 Woodland, CA 95695. |
| Halter, Harlan | CPL | R. Rt. 2 Box 305, Lamberton, Minn 56152. |
| Hansen, Eric V | SGT | 5230 Albert Way, Sacramento, CA 95801. |
| Hapner, Clifford V | PFC | 325 E. 32nd St., Eugene, OR 97401. |
| Harrington, Gerald | PVT | 25 Rockland St., Roxbury, Mass. 01966. |
| Harris, Robert | PVT–2 | 106 Camden St., Newark, N.J. 07100. |
| Hatch, Odell K | M/SGT | 2881 W. 300 So. Westpoint, UT 84015. |
| Healy, Edward J | S/FC | 180 Broadway, Rochester, NY 14600. |
| Hendricks, Daryl | PFC | 518 E. Forrest, Brigham City, Ut. 84302. |
| Herring, Leslie B | CPL | Box 1385 Kalamazoo, Michigan 49001. |
| Hidy, Dan M | CPL | 108 Jefferson St., Taft, CA 93268. |
| Hillran, Douglas L | CPL | RFD #1 Hooper, Ut 84315. |
| Hoberman, Sumner | SGT | 81 Wayne Rd., Newton Ctr., Mass. 02159. |
| Holland, Clifton E | PVT–2 | 113 Myrtle St., Suffolk, VA 23434. |
| Holmes, Cleve M | CPL | 10411 Amboy, Pacoima, CA 91331. |
| Holst, Robert R | CPL | 455 So. 300 W, Brigham City, Utah 84302. |
| Hruska, Donald G | SGT | Rt. 1 Lewiston, Montana 59457. |
| Hulon, Robert | PFC | RFD #2, Rocky Mount., NC 27801. |
| Ingerson, Richard R | PFC | 28 Union St., Whitefield, New Hamp. 03598. |
| Jecker, William E | PVT | 2221 Garfield Ave., Louisville, KY 40200. |
| Jensen, Ronald A | PFC | 1817 Bella Vista Dr., Serra Vista, AZ 85635. |
| Jeppesen, Charles L | CPL | 924 E. 200 So., Brigham City, Utah 84302. |
| Jeppesen, David L | CPL | 615 Springhill Dr., Murray, Utah 84107. |
| Jeppesen, Warner | CPL | 645 N. 1st W, Brigham City, Ut 84302. |
| Jeppson, Dale C. | CPL, | 339 E. 7th No., Brigham City, Ut 84302. |
| Johnson, Don F | M/SGT | 335 N. 5th E., Brigham City, Ut 84302. |
| Kellems, David E | CPL | 2088 Lambert Dr., Pasadena, CA 91100. |
| Kelley, Robert G | PFC | Rt. 2 Ellsinore, MO 63937. |
| Kelly, LeRoy P | PFC | 651 Buena Vista, Lahilera, CA 90631. |
| Klein, Theodore E | PFC | Rt. 2, New Athens, IL 62264. |
| Kling, Floyd W | SGT | 576 S. 700 W., Brigham City, Utah 84302. |
| Knavel, George L | S/FC | 217 E. 4th So., Brigham City, Ut 84302. |
| Kolosvary, Frank J | PFC | 441 Pacific Ave., McKeesport, PA 15130. |
| Korth, Ray C | M/SGT | RFD #1, Hooper, UT 84315. |
| Kozmon, Joseph G | PVT–2 | Box 174 Higganum, CT 06441. |
| Lane, James C | PVT–2 | Box 26, Fieldale, A 24089. |
| Leeming, Grant D | CPL | 264 W. 40th Place, Los Angeles, CA 90000. |
| Lelakus, Joseph A | PVT–2 | R.D. #1, Shickshinny, PA 18655. |
| Licht, Lyle A | PFC | 540 N. 1st East, Brigham City, UT 84302. |
| Lincicum, Donald B | CPL | RFD #4, Darlington, Wis 53530. |
| Lindsey, Raymond M | PVT–2 | 336 W. Earle St., Greenville, SC 29601. |
| Lombardy, Ray J | S/FC | 9350 52nd Ave., So., Seattle, WA 98100. |
| Luce, james R | SGT | 7967 Hillside St., Oakland, CA 94600. |
| Lothspeich, John N | S/FC | Box 712, Moses Lake, WA 98837. |
| Mattson, Loren E | PFC | Box 213, Whiteswan, WA 98952. |
| Mays, William M | PFC | 148 Rose Lea Ave., New Miame, OH 45011. |
| McCalmant, Vern B. | S/FC | Naples, Idaho 83847. |
| McCord, James N. | SGT | 319 East 49th St., Anderson, Indiana 46013. |
| McFarlane, Gordon A. | SGT | 178 No. 2nd E., Brigham City, Ut., 84302. |
| Mechling, Everette | PFC | Rt. #5, Orofino, ID 83544. |
| Messler, William G. | PFC | 39 So. Courtland St., E. Stroudsburg, PA 18301. |
| Miller, Elton D. | PVT–2 | 469 Exchange St., Geneva, NY 14456. |
| Moore, Joseph | PVT–2 | 1020 Mediterranean Ave, Atlantic City, NJ. 08400. |
| Moorehead, Columbus | PVT | N/A |
| Morrell, Dwight L. | PFC | 1183 Via Arroyo, Ventura, CA 93003. |
| Nakamura, Harry H. | CPL | RFD 1 Brigham City, UT 84302. |
| Neiman, Ernest H. | SGT | 14758 Lappin, Detroit, Mich. 48200. |
| Nelson, Jerald R. | PFC | 533 W. 600 So., Brigham City, UT 84302. |
| Nelson, June L. | CPL | 151 N. 2nd West, Brigham City, Utah 84302. |
| Nelson, Paul C. | SGT | 305 No. Main St., Brigham City, Utah 84302. |
| Nelson, Raulon M. | CPL | 207 E. 1st So., Brigham City, Ut. 84302. |
| Novick, Bernard P. | PVT–2 | 105 Prospect St., Wilkesbarre, PA. |
| Odor, Lawrence S. | PVT–2 | Rt. 1, Holt, MO 64048. |
| Olsen, Floyd J. | SGT | 370 Chestnut Dr., Logan, Ut., 84321. |
| Olsen, Grant | SGT | 613 Spring House Man, Murray, Utah 84107. |
| O'Niel, Donald J. | PVT–2 | 810 Broadway, Newark, NJ 07100. |
| Owens, Eugene | PVT | 67 Main St. Edgewood, Danville, VA |
| Paschall, Charles R. | SGT | 543 Graham St., Abilene, TX 79600. |
| Payne, Dean L. | PFC | 118 E. 3rd No., Brigham City, Ut., 84302. |
| Peck, Henry C. | CPL | Rt. 1, Box 604, Sunnyvale, CA 94086. |
| Peeples. Lewis J. | CPL | 753 No. Main St., Brigham City, Ut. 84302. |
| Pella, Robert C. | SGT | 312 East Forrest St., Brigham City, Ut. 84302 |
| Perommer, Frank J. | PFC | Delesa Dr., Franklinville, NJ 08322. |
| Pery, Allen E. | CPL | 5341 Cole St., San Diego, CA 92117. |
| Peters, Duane A. | CPL | 8650 Green Acres, Tucson, Az 87500. |
| Peterson, John N. | M/SGT | 3981 8th St., Riverside, CA 92501. |
| Pett, Burton R. | CPL | 11651 Kasha, Concord, CA 94518. |
| Pett, Robert G. | PFC | 162 N. 2nd E., Brigham City, Ut 84302. |
| Phillips, Burt L. | S/FC | 162 N. 2nd E., Brigham City, Ut 84302. |
| Pimentel, Joseph | CPL | 526 ½ N St., Reno, NV 89500. |
| Pollard, Robert F. | PFC | 8 Ashby St., Mystic, Conn. 06355. |
| Ransdell, Lloyd E. | PVT | 1450 Standish Ave., Indianapolis, Ind. 46200. |
| Reaves, Paul W. | CPL | N/A. |
| Rector, Lee L. | PVT–2 | 603 W. Liberty St., Belding, Mich. 48809. |
| Richards, Glenn R. | CPL | 529 So. 4th East, Brigham City, Ut. 84303. |
| Rigby, Jay D. | S/FC | 4445 S. 3420 W. West Valley City, Ut 84120. |
| Roberts, Walter T. | PFC | 2043 Vienna Rd., Clio, Mich. 48420. |
| Romer, Victor J | M/SGT | 428 N. 6th East, Brigham City, Ut. 84302. |
| Saenz, Henry P | PVT | 636 ½ Meoina Court, El Monte, CA 91731. |
| Saggio, Charles V | PVT–2 | 2240 Mullanphy, St. St. Louis, MO 63100. |
| Sanchez, Marano C | PFC | Box 14, Clifton, AZ 85532. |
| Sattarelle, Angelo M | PFC | 230 Lilbume Dr., Youngstown, OH 44505. |
| Saunders, Wendell V | SGT | 69 So. 1st West, Logan, Ut. 84321. |
| Sayble, Albert | CPL | 1619 Arlington Blvd., Huntington, WV 25705. |
| Schneider, Howard F | M/SGT | 4827 S. 166th, Seattle, WA 98100. |
| Schuhart, Henry C | CPL | 2139 W. Burnside, Portland, OR 97200. |
| Severt, Gordon A | CPL | 818 Prospect St., Merrill, Wisc. 54452. |
| Shannon, Harry J | PVT–2 | 4535 Springwells Ave., Detroit, Mich. 48200. |
| Shepard, Wilbur G., Jr | SGT | 1805 Monterey St., Bakerfield, CA 93300. |
| Stevens, Evan D | PFC | 519 N. 200 E., Brigham City, Ut. 84302. |
| Stevenson, George E | M/SGT | 2301 Hardy, Independence, MO 64050. |
| Strider, Harry L | PVT–2 | Pataskala, Rt. 3, Ohio 43062. |
| Swarthout, George A | CPL | 2667A 32nd St., Santa Monica, CA 90400. |
| Tams, Merlin | PFC | 37 No. 200 E., Brigham City, Ut 84302. |
| Tankersley, Paul E. | S/FC | Rt. 2, Eastland, TX 76448. |
| Taylor, Robert W. | PVT–2 | New Lisbon, NJ 08064. |
| Teter, Archie C. | CPL | N/A. |
| Thompson, J. Bruce | CPL | 3321 Garden Keyniece, Hacienda Hts. CA 19745. |
| Torres, Raymond S. | PFC | Rt. 2 Box 1239, Oxnard, CA 93030. |
| True, Stanley W. | PVT–2 | Box 318, Balboa Heights, Canal Zone |
| Valentine, Dale E. | CPL | 410 W. 700 N., Bingham City, UT 84302. |
| Valentine, Robert G. | SGT | 529 E. 100 N., Bingham City UT 84302. |
| Van Deventer, Paul R. | PVT–2 | 2225 Webster Ave., Liberty, TX 77575. |
| Van Haverbeke, Paul R. | CPL | Rt. #1, St. Ignatius, Mont 59865. |
| Vanzant, Robert E. | PVT | Rt. #1, Princeton, KY 42445. |
| Velaazquez, Roberto D. | CPL | 8302 Elmont Ave., Los Angeles, CA 90000. |
| Vixie, Dale O. | PVT–2 | Rt. 1 Box 34, Viking, Minn. 56760. |
| Wertz, Wallace A. | PFC | Rt. 1, Box 293B, Stanwood, Wash. 98292. |
| Whitaker, Charles A. | PVT | 321 N. 3rd W., Bingham City, UT 84302. |
| Whitaker, Floyd J. | PFC | 3795 No. Hwy. 89, Layton, UT 84041. |
| Whitaker, Jarvis G. | PFC | 38 So. 4th E., Bingham City, UT 84302. |
| Whitaker, Ted O. | SGT | Huntington, UT 84528. |
| Wiggins, William E. | S/FC | Box 1445, Salt Lake City, UT 84100. |
| Wishart, Ellsworth L. | PVT–2 | RD #1 Burghill, OH 44404. |
| Young, James A. | PFC | Box 40, Comwall, PA 17016. |
| Young, Lyle, Jr. | CPL | 646 North 100 East Bingham City, UT 84302. |

"B" Battery, 204th Field Artillery Battalion, Roster of Enlisted Men (Alphabetically Listed, N/A=Denotes Not Available)

| | | |
|---|---|---|
| Able, Roy | SGT | 112 W. 10th So., Garland, Ut. 84312. |
| Anderson, Don C. | SGT | Garland, Ut. 84312. |
| Anthony, Frederick D. | PVT–2 | 3942 S. Parkway, Chicago, IL 60600. |
| Arazi, Ishad S. | CPL | Keewatin, Minn. 55753. |
| Armstrong, Harvey R. | PVT | N/A. |
| Austin, George L. | CPL | 665 Holiday Dr., Bingham City, Ut. 84302. |
| Bailey, Earnest D. | PFC | Markland Hotel, Kokomo, Indiana 46901. |
| Ball, Paul E. | CPL | 618 W. 10th Ave., Tallahassee, FL 32301 |
| Barney, Dwight R. | SGT | 1224 W. 6th St., Mishawaka, Ind 46544. |
| Bass, Marion L. | PFC | 303 S. 4th St., Glendale AZ 85301. |
| Benedict, Robert L. | PFC | 395 Evergreen Ave., Fondulac, Wisconsin 54935. |
| Bosley, Carl G. | CPL | Gassaway, W. Virginia 26624. |
| Bosco, Emil | PFC | 69th St. Maspeth, Queens, NY 12801. |
| Brownfield, Louie A. | PFC | 948 Myrtle St., Los Alamos, NM 87544. |
| Bryant, James W. | PFC | Williamsburgh, Whitely Co., KY 40769. |
| Bullard, James R. | S/FC | 16838 11th Pl. N.E., Seattle, Washington 98100. |
| Bullock, J.B. | PFC | 307 Venters St., Ayden, NC 28513. |
| Burns, Robert | N/A | RR 1 Box 485, Liberty, NY 12754. |
| Call, Bobby E. | PFC | 1038 No. 48th St., #15, Phoenix, AZ 85008. |
| Cannon, Murray E. | S/FC | 179 Ross Dr., Clearfield, UT 84015. |
| Cannon, Richard D. | CPL | 366 W. 775 No., Logan, UT 84321. |
| Capener, Daryl M. | CPL | Garland, UT 84321. |
| Caroelle, Salvadore | N/A | 355 Blvd., Kenilworth, NJ 070033. |
| Carter, Alexander, Jr. | PVT–2 | 82 Richmond St. S.E., Atlanta, GA 30300. |
| Carter, James R. | S/FC | 715 So. Main St., Garland, UT 84321. |
| Carter, Ralph F. | CPL | 836 E. Main St., Seneca, NY 14224. |
| Carter, Ralph J. | SGT | Box 12 Silverdale, WA 98383. |
| Castleton, Leonard G. | S/FC | 702 E. 200 So., Centerville, UT 84014. |
| Cates, Donald N. | CPL | 900 W. 57th, Seattle, WA 98100. |
| Chrismen, Kenneth L. | S/FC | 1411 West Church St., Champagin, IL 61820. |
| Christensen, Niels A. | PFC | Polson, Montana 59860. |
| Clark, Manuel Jr. | PVT–2 | 102 10th St. S.W., Roanoke, VA 24001. |
| Conger, Leo R. | PFC | Tremonton, UT 84337. |

PERSONNEL ROSTER AT TIME OF INDUCTION AUGUST 19, 1950—Continued

| Name | Grade | Address (Present or last known) |
|---|---|---|
| Conger, Leon H. | PFC | 7818 240th St. S.W., Edmonds, WA 98020. |
| Conley, Wesley E. | PFC | N/A. |
| Couch, Farrell C. | SGT | Box 84, Garland, Utah 84312. |
| Couch, Raymond Jr. | CPL | 1088 So. 8th West, Woods Cross, UT 84087. |
| Cyr, Martin G. | S/SGT | #5 Applevale, Dover, NH 03820. |
| Davis, Steve | N/A | 710 N. 26th St., Newcastle, Indiana 47362. |
| Dawkins, William P. | PFC | 12 Coker Ave., Hartsville, SC 29550. |
| Deakin, David D. | CPL | Tremonton, UT 84337. |
| Deazevedo, John S. | PFC | 1325 E. 14th St., Oakland, CA 94600. |
| Deazevedo, Lionel S., Jr. | PFC | 1814 Washington St., Santa Clara, CA 95050. |
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## THE SITUATION IN EAST TIMOR

Mr. PELL. Mr. President, last Monday the trial of the East Timorese resistance leader, Jose "Xanana" Gusmao, began in Dili, East Timor. Last year I attempted to visit East Timor but was denied permission by President Suharto. Indonesian authorities told me that such a visit was not convenient following the massacre by Indonesian security forces of 75 to 100 East Timorese civilians during a peaceful demonstration in Dili on November 12, 1991.

The roots of the conflict in East Timor are in the December 7, 1975, Indonesian invasion of the territory following Portugal's precipitous withdrawal after 450 years of colonial rule. The U.N. General Assembly and Security Council have passed resolutions condemning the invasion and calling for self determination for the East Timorese. American policy has been to accept Indonesia's incorporation of East Timor without acknowledging that it was a valid act of self-determination.

The Indonesian human rights situation overall is deeply troubling. As the recently released Department of State's annual human rights report for 1992 observed generally about Indonesia:

> In addition to extrajudicial killings and unfair trials, other serious human rights problems continued. They include torture and other mistreatment of prisoners and detainees, arbitrary arrest and detention, arbitrary interference with privacy, significant restrictions on freedom of speech and press, assembly and association, and on freedom of movement, and the inability of citizens to change their government. Other problem areas include harassment of human rights monitors, discrimination and violence against women, and restrictions on worker rights.

Such is the situation in East Timor but even more so. As the State Department report notes, for example, last October 5 two East Timorese were shot by security forces. One was killed immediately while the other was taken to a military hospital where he was then beaten to death. Security forces involved in the Dili massacre were charged with relatively minor offenses while 13 civilians charged for demonstrating received extremely harsh sentences. The Indonesian authorities have yet to locate 66 people missing following the massacre whom the State Department now believes are all dead.

The report further states that in "East Timor military authorities continued the practice of detaining people without charges for short periods and then requiring them to report daily or weekly to the police after their release. There were credible reports of scores of people being detained without charges at various times during the year for enforced 'vocational training.'"

In addition the State Department reports that the East Timorese are regularly subjected to arrest, temporary detentions, intrusive searches and beatings. After Mr. Gusmao was arrested, there were credible reports that members of his family and friends were also detained possibly to ensure his cooperation with the Indonesian authorities during his trial.

The International Committee of the Red Cross [ICRC] which maintains a pressure in East Timor has been trying without success for the last 2 months to gain access to about 24 detainees being held in a military detention center in Baucau. There has been a persistent pattern of denial to all requests by international human rights groups. For example, the ICRC has been permitted only one visit to Mr. Gusmao's jail cell since his capture on November 20 and this only occurred on December 7. Amnesty International's request to observe his trial in Dili has been denied despite a claim by the Indonesian Foreign Minister, Ali Alatas, that the trial would be open. To Indonesian's credit, however, several foreign journalists have been granted permission to visit Dili, including ABC although the BBC has not been so authorized.

In addition Indonesian authorities have restricted defendant access to legal assistance. When I was in Djakarta, I met with lawyers from the Indonesian legal aid society. They were not permitted to meet with their East Timorese clients until the day of their trial. They were denied access to Mr. Gusmao and instead later received a letter from him delivered by the police, authorizing the police to appoint his defense attorney. According to reports, this attorney does not speak Mr. Gusmao's language.

The pattern of past practices and recent actions all call into question the fairness of Mr. Gusmao's trial as well as Indonesian policy in East Timor.

Last year the Congress passed Foreign Relations Authorization legislation which the President signed into law urging the Indonesian Government to end all forms of human rights violations in East Timor and calling for an internationally acceptable solution to the conflict. Events since then indicate that the Government of Indonesia still has not understood the depth of American concern for the East Timorese.

Recent Indonesian-Portuguese talks sponsored by the United Nations to resolve the dispute are at an impasse. The United States should press both sides to renew their discussions while including representatives from East Timor.

The United States should support a resolution during the 49th session of the United Nations Human Rights Commission expressing international concern about the continuing human rights abuses in East Timor.

Finally, Indonesia should demonstrate its good faith by inviting the U.N. Special Rapporteur on Summary and Arbitrary Executions and the Working Group on Enforced or Involuntary Disappearances to come to East Timor to recommend procedures to prevent human rights abuses.

A peaceful resolution to this conflict can only be achieved by compromise and negotiation between the parties most involved—the Indonesians and the East Timorese. I hope the Indonesians soon recognize the value of such discussions because their current policy is doomed to failure.

## UNITED NATIONS ESTABLISHES WAR CRIMES TRIBUNAL FOR FORMER YUGOSLAVIA

Mr. PELL. Mr. President, on August 11, 1992, the Senate passed a resolution (S. Res. 330) concerning the situation in Bosnia and other parts of the former Yugoslavia. Among its provisions the resolution expressed the sense of the Senate that the President of the United States should act through the United Nations to "convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, charge, and prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes."

In helping introduce that resolution in the Senate I recalled my own participation in the founding of the United Nations in 1945 in San Francisco. I was heartened then and continue to be heartened at the efforts underway to use the United Nations in the spirit intended by the charter to deal with threats to peace, humanitarian emergencies, and violations of human rights.

One of the ways in which the United Nations can be especially effective is in investigating and pursuing war crimes and crimes against humanity. I have welcomed the actions of our Government and the United Nations to start the process of gathering information on this subject with regard to the former Yugoslavia.

Information obtained by the Foreign Relations Committee has formed part of the record being compiled by the United Nations. The State Department's submissions for this record included extensive documentation provided by this committee.

In light of this background, I welcome the action by the United Nations Security Council February 22 to create an international tribunal to prosecute war crimes in the former Yugoslavia.

Unanimously approving a proposal by the Government of France, the Security Council has directed Secretary General Boutros Boutros-Ghali to report back within 60 days with recommendations for the structure and procedures of the war crimes tribunal. This is an important action with significant implications for the future of international law.

Mr. President, my personal interest subject stems not just from participation in the San Francisco Conference of 1945, but also from the role played by my father, the late Herbert C. Pell, who was appointed by President Franklin Roosevelt as the U.S. member of the International War Crimes Commission that recommended creation of the Nuremberg tribunal. There were obstacles to establishing that tribunal, which my father worked hard to help overcome. I hope there will be no such obstacles this time to moving forward in the United Nations to create the appropriate body to deal with the very serious war crimes and crimes against humanity that have occurred and continue to occur in the former Yugoslavia.

Establishing a tribunal for Yugoslavia is important also as a precedent for war crimes proceedings in other areas. For example, the Foreign Relations Committee has in its possession 14 tons of documentation on war crimes committed against the Kurdish population in Iraq. These materials are in safe keeping at the National Archives and remain under the control of the Foreign Relations Committee. They can be used as the basis for war crimes proceedings against those responsible for these serious violations of international law and moral standards.

Former Ambassador Jerome J. Shestack, Chairman of the International League for Human Rights, and the U.S. Representative to the U.N. Human Rights Commission in the late 1970's, has written a clear and constructive article on this subject in the February 10, 1993, Wall Street Journal.

Ambassador Shestack notes that there are several precedents and legal frameworks under which war crimes trials can be conducted. The principal modern precedent is the Nuremberg tribunals established following World War II, which conducted trials of major Nazi war criminals. Other tribunals tried more than 20,000 war criminals in the respective allied zones of Germany.

The 1919 Geneva Conventions, developed under the auspices of the International Committee of the Red Cross, set forth specific protections of prisoners of war and civilians in time of war. Protocol I to the Geneva Conventions signed in 1977 expanded the description of "grave breaches" of the Conventions to include additional inhumane practices against civilians. The protocol also holds superiors responsible if they do not take all feasible measures to prevent such war crimes.

I regret that the United States has not ratified the 1977 protocols to the 1949 Geneva Conventions. The Reagan administration supported the less detailed protocol II which applies in noninternational conflicts, but rejected protocol I applicable in international conflicts, thus to Bosnia, despite the fact that the United States particicipated in its drafting and was among its original signators.

Over 120 countries have ratified protocol I including such major allies as Australia, Canada, and the Federal Republic of Germany. I hope the Clinton administration will undertake an urgent review of the protocols with the aim of submitting both for Senate ratification.

Mr. President, I ask unanimous consent that the article entitled "Put the Yugoslavian War Criminals on Trial" by Jerome J. Shestack from the February 10, 1993, Wall Street Journal be printed in the RECORD at this point. I also ask that the article by Paul Lewis in the February 19, 1993, New York Times entitled "U.N. Council Moves to Create Balkan War-Crimes Tribunal," and the article by Julia Preston in the February 23, 1993 Washington Post entitled "U.N. Security Council Establishes Yugoslav War Crimes Tribunal" also be printed at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 1993]

### PUT THE YUGOSLAVIAN WAR CRIMINALS ON TRIAL

As the world recoils in horror from daily reports of atrocities in Bosnia, Herzegovina and Montenegro—systematic rape, executions, torture, wanton pillage and forceable displacement of civilians—there is an increasing outcry that the perpetrators of these savage acts be punished. The U.S. and the West European nations, though refusing to enter the battle, have called for war crimes trials.

In a world unwilling to stop the crimes, it may seem premature to talk of bringing the criminals to justice, but the reasons for seeking to punish war criminals are profound. They include the moral imperative of justice, the need to provide credibility for the rule of law, hope of deterrence, vindication of the rights of the victims and a basis for reconciliation. It is necessary to prepare now for the day when justice will be possible.

What are war crimes? How are the perpetrators to be tried? What is the mechanism and what are the procedures?

The modern precedents come from the Nuremberg tribunals established by the Allies to try Nazi war criminals. The offenses were of three kinds: "war crimes," consisting of violations of established rules of war; "crimes against humanity," which included the Nazi racial and religious atrocities; and the crime of making "aggressive war."

The major Nazi war criminals were tried by an International Military Tribunal created by the victorious Allies. Subsequently, the Allies also established war crimes tribunals in their respective zones of occupation in Germany and tried more than 20,000 war criminals. Then, Germany itself and formerly occupied countries of Europe prosecuted offenders in their respective countries. But those tribunals did not lead to the establishment of a permanent international court.

In 1949, representatives of most of the world's nations met in Geneva under the auspices of the International Committee of the Red Cross to expand and codify the laws of war. Four treaties were adopted and are known as the Geneva Conventions. The principal provisions applicable to the current war in the former Yugoslavia are in the Third and Fourth Geneva Conventions, which prescribe protections for prisoners and civilians in time of war.

These treaties call for the parties to "search out" and bring to trial people committing "grave breaches" of the Geneva Conventions. "Grave breaches" include willful killing, torture, inhumane treatment, taking of hostages, wanton destruction of property and other atrocities of the kind chiefly committed by the Bosnian Serbs, and, to a much lesser extent, by Croatian and Muslim forces.

In 1977, protocol to the Geneva Conventions expanded the category of "grave breaches" to include as war crimes a series of inhumane practices against civilians. Superiors are responsible if they do not take all feasible measures to prevent or repress such breaches. This protocol is limited to international conflict, but applies to the current conflict, which is not just a civil war, but includes participation by Croatia and current Yugoslavia (Serbia and Montenegro). All of the parties to the conflicts in Bosnia and Croatia have accepted the Geneva Conventions and are therefore responsible for violations.

The "ethnic cleansing" by the Serbs is also a violation of the Genocide Convention, which prohibits acts intended to destroy a "national, ethnical, racial or religious group as such." According to the Genocide Convention, the United Nations has a direct responsibility to take "appropriate" action to prevent and suppress such acts of genocide.

How, then, are the war criminals in the former Yugoslavia to be brought to trial? Despite the obligations of the parties to the Geneva Conventions to prosecute violators, trials at a national level are not now a realistic possibility, of course. The obligation thus falls upon the United Nations.

Since 1950, the U.N. has been wrestling with the idea of an international criminal court to deal with crimes against the peace and security of mankind. Scores of drafts have been considered but after more than 40 years of discussion, no conclusion is yet at hand. The U.S. has been less than enthusiastic about an international court with broad jurisdiction.

If the war crimes in the former Yugoslavia are to be addressed, it must be through an ad hoc tribunal established by the Security Council to deal with such crimes. The substantive law of war crimes is well developed, so what is needed are the procedures. The Security Council has the power under the U.N. Chapter to establish a tribunal, appoint the judges and designate the procedures for indictment and trial.

As a first step, Secretary-General Boutros Boutros-Ghali has established a Commission of Experts to gather evidence of war crimes in former Yugoslavia. The commission has made a preliminary announcement that it has found such evidence. But the five-person commission is woefully understaffed and underfunded, lacking even the computer power to organize the mounds of evidence gathering in Geneva.

If this commission is to be effective, it must receive more funds to assimilate the evidence from the many human rights organizations in the field and to investigate on its own. Additionally, it is not too early for the U.N. to set up a prosecutorial agency along the lines of Justice Robert Jackson's prosecution team in Nuremberg. That agency should evaluate the evidence and issue indictments of named defendants.

Secretary of State Warren Christopher has said that his advisers are studying the mechanism for a war crimes tribunal. But there are already abundant models developed by the International Law Commission and other experts. What is not needed now is more study; what is needed now is decisive action.

But, one may ask, when will the culprits be brought to trial? Perhaps never. But then again, no one in the generation that has seen the end of the Cold War should underestimate Eastern and Central Europe's potential for political change. War criminals and their protectors may well lose power. In any event, it is important for those indicted to know that they may never leave their political safe houses without the risk of arrest.

The Vance-Owen peace effort seems doomed. Sanctions have only limited value. Arming the Muslims will escalate the fighting and loss of life. The U.S. and the European Community lack the political and military will to enter the fray. In this bleak hour, at the very least, the U.N. should set up a war crimes tribunal and proclaim that if the perpetrators of evil cannot be punished now, they will nevertheless be named and their future is in peril.

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[From the New York Times, Feb. 19, 1993]

### U.N. COUNCIL MOVES TO CREATE BALKAN WAR-CRIMES TRIBUNAL

(By Paul Lewis)

UNITED NATIONS, February 18.—The Security Council is expected to vote unanimously early next week to ask the United Nations Secretary General to prepare a new international tribunal to judge those accused of war crimes in the Balkan conflict.

This will be the first time such a war crimes tribunal has been created since the victorious World War II Allies set up the Nuremberg tribunal to try the leaders of Nazi Germany.

The Council has already set up a commission to collect evidence of war crimes in the former Yugoslavia, but it has not yet presented its findings. In a report to the Council, a committee of French jurists has recommended a 15-judge panel and a separate commission to identify the guilty and prosecute them before the new court.

The draft resolution, informally approved by all council members at consultations today, calls for the Secretary General to draft a plan for an "international criminal court" that would try those accused of "grave breaches of international humanitarian law committed in the territory of the former Yugoslavia after 25 June 1991," when the federal started falling apart.

A second Council resolution will be necessary to approve the Secretary General's plan and create the tribunal.

In another move intended to signal its determination to end the Balkan crisis, the Council has agreed to adopt a resolution on Friday strengthening the 12,000-member United Nations peacekeeping force in Croatia.

The resolution, which is also expected to win unanimous support, also demands the resumption of aid deliveries blocked by Muslims and Serbs in Bosnia and Herzegovina and paves the way for possible sanctions against Croatia unless it pulls out of Serbian enclaves and respects the United Nations peace plan for Croatia.

The resolution was drafted by France, which has seen 12 of its peacekeepers killed in the Balkans so far. It extends the peacekeeping force's mandate in Croatia until March 31 and asks the Balkan mediators, former Secretary of State Cyrus R. Vance and Lord Owen of Britain, to try to formulate a political settlement by then.

For the first time, the resolution says the entire United Nations peacekeeping effort in Croatia and Bosnia is operating under the provisions of Chapter 7 of the United Nations Charter, which allow forces authorized by the Security Council to use military might to accomplish their mission.

This will give the peacekeepers in Croatia as well as the troops around Sarajevo airport an unambiguous right under international law to use force if necessary to achieve their objective. The British, French and other troops escorting relief convoys in Bosnia and Herzegovina already have this right.

But it also serve as a warning to President Franjo Tudjman of Croatia that the Security Council may impose economic sanctions on his country unless he withdraws his forces from Serbian enclaves, And it tells Bosnia's Muslims that they will also face punitive action unless they allow the United Nations to resume relief deliveries in areas they control.

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[From the Washington Post, Feb. 23, 1993]

### U.N. SECURITY COUNCIL ESTABLISHES YUGOSLAV WAR CRIMES TRIBUNAL

(By Julia Preston)

UNITED NATIONS, February 22—The U.N. Security Council voted unanimously today to establish an international tribunal to prosecute war crimes perpetrated during more than a year and a half of Yugoslav factional warfare.

The panel will be the first set up by the United Nations to try crimes against humanity and the first internationally mandated forum to deal with such crimes since the Nuremberg trials of top Nazi leaders after World War II.

Voting on a French proposal, the 15-nation Security Council asked U.N. Secretary General Boutros Boutros-Ghali to prepare a report within 60 days detailing the specific structure and procedures of the tribunal, whose members will likely be drawn from internationally recognized judicial bodies, such as the World Court at The Hague.

"There is an echo in this chamber today," said U.S. Ambassador Madeleine K. Albright. "The Numerberg principles have been reaffirmed. The lesson that we are all accountable to international law may finally have taken hold in our collective memory."

"This will be no victor's tribunal," Albright added, referring to criticism raised during the Nuremberg trials that those proceedings administered justice only as the victorious World War II Allies defined it. In the same vein, the U.S.-based organization Human Rights Watch noted that in some respects the new tribunal "is even more important" than Nuremberg.

"Now, for the first time," the group said, "the world community is acting to bring the apparent victors to judgment for their crimes"—a reference to powerful Serb nationalist forces that have seized vast tracts of territory in two Balkan republics and against whom most war crimes allegations have been lodged.

Security Council diplomats said they expect the new tribunal—a body whose scope is limited to the territory of the former six-republic Yugoslav federation—can be created without time-consuming disputes, because international laws governing war crimes have been extensively codified in the four decades since Nuremberg.

France, Italy and the 52-Nation Conference on Security and Cooperation in Europe have submitted proposals suggesting how the tribunal should operate, but one key aspect that remains unclear is how unwilling defendants would be brought to trial. The French proposal recommends that as a last resort accused persons should be tried in absentia; possible sentences could include long prison terms, but current recommendations exclude the death penalty.

In a Feb. 10 report to the Security Council—based on findings of a U.N. investigative team—Boutros-Ghali declared that "grave breaches of international norms had been committed in the Balkan fighting—which broke out in earnest between Croats and Serbs in Croatia in June 1991 and continues unabated among the Serbs, Croats and Slavic Muslims of neighboring Bosnia.

The report cited evidence of mass killings and systematic rape, torture of prisoners, wholesale destruction of civilian homes and towns and the violent dislocation of rival communal groups known as "ethnic cleansing." U.N. officials and human rights observers have noted that all the warring factions have been guilty of war crimes but that the overwhelming preponderance of them were committed by Serb nationalist forces.

Last fall, Secretary of State Lawrence S. Eagleburger singled out a number of top Serb politicians and military figures—including Bosnian Serb leader Radovan Karadzic and his powerful patron in neighboring Serbia, President Slobodan Milosevic—as ultimately responsible for war crimes committed by their underlings.

One of the first such incidents the tribunal will investigate is the disappearance of more than 200 wounded Croats from a hospital in the Croatian city of Vukovar that was forcibly evacuated by Serb militiamen and members of the Serb-led Yugoslav army in November 1991. U.N.-sponsored forensic experts have examined a grave site near Vukovar and have concluded that a mass execution may have occurred there and that the victims may have been the hospitalized Croats.

Although it will be some months before formal judicial proceedings can begin, the

Security Council declared that the tribunal should serve as a deterrent to new crimes in the continuing Balkan warfare. "This warning should be given to those who perpetrated these horrendous crimes—that they will be held accountable," said Russian Ambassador Yuli Vorontsov.

Muhamed Sacirbey, who represents Bosnia's Muslim-led government at the United Nations, hailed creation of the tribunal as "maybe the one U.N. resolution that in the long term will define the peace in our country." But he also declared that "we shouldn't kid ourselves" into believing that the U.N. move will stop further Serb aggression. Albright noted, however, that the establishment of the tribunal was not intended to discourage Serb participation in continuing peace negotiations among the warring parties. "This is not a bargaining process," she said. "These are two different actions on two separate tracks."

Karadzic, who leads the Bosnian Serb delegation to peace talks here, has vehemently opposed any tribunal set up only to issue judgments on the Yugoslav conflict. "It is a dangerous procedure, open to abuses," he said in a recent interview.

Mr. FORD. Mr. President, the items I am about to offer have been approved on the Republican side.

## REREFERRAL OF A BILL—S. 409

Mr. FORD. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 409, a bill to extend certain patents, and that the measure then be referred to the appropriate committee of jurisdiction, Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDING SENATE RESOLUTION 62

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Senate Resolution 73, Re Indian Affairs Committee, just submitted today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) to amend Senate Resolution 62, agreed to February 28, 1991 (102d Congress).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 73) was agreed to, as follows:

S. RES. 73

*Resolved,*

**SECTION 1. TRAINING EXPENSES.**

Section 21(c) of Senate Resolution 62, agreed to February 28, 1991 (102d Congress), is amended by deleting the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $3,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of such Act).".

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. FORD. Mr. President, I understand that S. 414, introduced earlier today by Senators METZENBAUM, MITCHELL, and others is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 414) to amend title 18, United States Code, to require a waiting period for the purchase of a handgun.

Mr. FORD. Mr. President, I ask for the second reading; and, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Nebraska [Mr. EXON], from the Committee on Armed Services, and the Senator from South Carolina [Mr. HOLLINGS], from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations, and the Senator from Maryland [Mr. SARBANES], at large.

The Chair, on behalf of the Vice President, pursuant to title 46, section 1295(b), of the United States Code, as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from South Carolina [Mr. HOLLINGS], ex officio, and the Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appoints the Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Coast Guard Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Nevada [Mr. REID], from the Committee on Appropriations, and the Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services.

## APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102–392, appoints the following Senators as members of the Bipartisan Task Force on Senate Coverage:

The Senator from Kentucky [Mr. FORD];

The Senator from Nevada [Mr. REID]; and

The Senator from Hawaii [Mr. AKAKA].

## APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102–392, appoints the following Senators as members of the Bipartisan Task Force on Senate Coverage:

The Senator from Alaska [Mr. STEVENS];

The Senator from Iowa [Mr. GRASSLEY]; and

The Senator from Oklahoma [Mr. NICKLES].

## MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on February 23, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

The nominations received on February 23, 1993, are shown in today's RECORD at the end of the Senate proceedings.

## MESSAGE FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of it's reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 34. A concurrent resolution calling for a continued United States policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations.

## MEASURES REFERRED

The Committee on Finance was discharged from the further consideration of the following bill; which was referred to the Committee on the Judiciary:

S. 409. A bill to extend the terms of certain patents, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE (for himself, Mr. Harkin, and Mr. Grassley):

S. 413. A bill to provide that the cost of living adjustment to increase the rate of pay for Members of Congress in calendar year 1994 shall not take effect; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself, Mr. Mitchell, Mrs. Kassebaum, Mr. Kohl, Mr. Chafee, Mr. Kennedy, Mr. Simon, Mr. Pell, Mr. Wellstone, Mr. Akaka, Mr. Glenn, Mr. Levin, Mr. Harkin, Mr. Lautenberg, Ms. Moseley-Braun, Mrs. Boxer, Mr. Hatfield, Mr. Feingold, Mr. Dodd, Mrs. Feinstein, Mr. Moynihan, Mr. Lieberman, Mr. Bradley, Mrs. Murray, Mr. Kerry, Mr. Inouye, Mr. Warner, and Ms. Mikulski):

S. 414. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; placed on the calendar.

By Mr. BOREN:

S. 415. A bill to require the Attorney General to establish 10 military-style boot camp prisons; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Domenici, Ms. Mikulski, and Mr. Lautenberg):

S. 416. A bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families; to the Committee on Foreign Relations.

By Mr. PACKWOOD (for himself, Mr. Danforth, and Mr. Baucus):

S. 417. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. Baucus, Mr. Bond, and Mrs. Murray):

S. 418. A bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. Rockefeller, Mr. Gorton, Mr. Lieberman, Mr. Baucus, Mr. Bond, Mr. Dodd, Mrs. Murray, and Mr. Riegle):

S. 419. A bill to provide for enhanced cooperation between the Federal Government and the U.S. commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself, Mr. McCain, Mr. Bryan, Mr. Feingold, and Mr. Campbell):

S. 420. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 421. A bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Riegle, Mr. D'Amato, Mr. Shelby, Mr. Kerry, Mr. Bryan, and Mrs. Murray):

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities; to the Committee on Banking, Housing, and Urban Affairs.

S. 423. A bill to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. Riegle, Mr. D'Amato, Mr. Sarbanes, Mr. Bond, Mr. Sasser, Mr. Shelby, Mr. Kerry, Mr. Bryan, Mr. Domenici, Mrs. Boxer, Mrs. Murray, Ms. Mikulski, Mr. Robb, Mr. Leahy, Mr. Inouye, Mr. Simon, Mr. Kerrey, Mr. Levin, Mr. Hollings, Mr. Harkin, Mr. Akaka, Mr. Lautenberg, Mr. Bradley, Mr. Pryor, Mr. Graham, Mr. Boren, Mr. Jeffords, Mr. Kohl, Mr. Conrad, Mr. Bingaman, and Mr. Wofford):

S. 424. A bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S. 425. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 426. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

By Mr. MITCHELL:

S. 427. A bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds; to the Committee on Finance.

By Mr. BREAUX:

S. 428. A bill to make permanent the temporary exemption from duty of the cost of certain foreign repairs made to United States vessels; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. Lieberman, Mr. Kerrey, and Mr. Gorton):

S. 429. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself and Mr. McCain):

S. 430. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

By Mr. EXON:

S. 431. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. Kerrey):

S. 432. A bill to establish a commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services; to the Committee on Governmental Affairs.

By Mr. JOHNSTON (for himself and Mr. Breaux):

S. 433. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. Durenberger, Mr. Lieberman, Mrs. Kassebaum, Mr. Harkin, Mr. Domenici, Mr. Kerry, Mr. Grassley, Mr. DeConcini, Mr. Levin, Mr. Glenn, Mr. Shelby, Mr. Inouye, Mr. Reid, Mr. Simon, Mr. Conrad, Mr. Johnston, and Mr. Robb):

S. 434. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes; to the Committee on Finance.

By Mr. DeCONCINI:

S. 435. A bill to reduce the rate of pay for each Member of Congress to the rate which was in effect before the cost of living adjustment in calendar year 1993; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S.J. Res. 50. A joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself and Mr. Simon):

S.J. Res. 51. A joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself and Mr. Inouye):

S. Res. 73. A resolution to amend Senate Resolution 62, agreed to February 28, 1991 (102d Congress); considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself, Mr. HARKIN, and Mr. GRASSLEY):

S. 413. A bill to provide that the cost of living adjustment to increase the rate of pay for Members of Congress in calendar year 1994 shall not take effect.

### MEMBERS OF CONGRESS PAY FREEZE

• Mr. WELLSTONE. Mr. President, today I am introducing legislation to prevent the next scheduled cost-of-living adjustment for Senators from going into effect for fiscal year 1994. The measure is simple and straightforward: It would freeze Members' salaries at their current level. This system of automatic annual increases was enacted into law as part of the Ethics Reform Act of 1989.

In the wake of President Clinton's economic plan, in the weeks and months to come we will be asking all Americans to make some difficult budget choices. I do not believe that as elected representatives we can credibly ask such sacrifices of others unless we are willing to tighten our belts a bit ourselves. This modest gesture is one way we can signal to those whom we represent that we are serious about reassessing our own house, getting it in order, and tightening our own belts.

Unless we demonstrate our willingness to put the common good—the public interest—above our private interests in something which affects all of us so personally, I do not believe we can realistically persuade those whom we represent to accept at least the spending changes and tax increases that are central to the President's economic plan.

I know there will be some who might object to this approach on grounds that it may violate the 27th amendment to the Constitution, which states that, "no law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened." I would respond to this argument in two ways.

First, and most obviously, this legislation would not vary the compensation of Senators and Representatives. In fact, it is designed to do precisely the opposite—to freeze them where they are right now. Second, I believe the intent of the amendment is clear—to prevent any increases in the salaries of Members. I think my colleagues will have to agree that it was not the framer's intent to guard against attempts in the dark of night to cut their salaries, but to prevent attempts to enact increases.

Leaders must set an example. That's what leadership means. We should not have to be asked to lead: We should volunteer to lead. We were elected to lead. With our Government deeply in debt and a major Presidential plan before us to comprehensively reform our fiscal policy, Members of Congress can begin to restore the faith of the American people by exercising some self-discipline and supporting this effort.

I intend to offer this measure in some form later today as an amendment to the committee funding resolution. I urge my colleagues to support this modest gesture to freeze our salaries at their current levels.

I ask consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COST OF LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS NOT EFFECTIVE IN CALENDAR YEAR 1994.**

Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 (if not for the provisions of this section) shall not take effect.•

By Mr. METZENBAUM (for himself, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. KOHL, Mr. CHAFEE, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. WELLSTONE, Mr. AKAKA, Mr. GLENN, Mr. LEVIN, Mr. HARKIN, Mr. LAUTENBERG, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. HATFIELD, Mr. FEINGOLD, Mr. DODD, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. BRADLEY, Mrs. MURRAY, Mr. KERRY, Mr. INOUYE, Mr. WARNER, and Ms. MIKULSKI):

S. 414. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

### THE BRADY BILL

Mr. METZENBAUM. Mr. President, today I rise to reintroduce a bill which should be familiar to everyone in this Chamber and to millions of people around the country, the Brady bill.

In the last Congress, 67 Senators voted in favor of the Brady bill. Polls show that about 95 percent of the American people support it, 87 percent of gun owners support it. Every single major law enforcement organization in the country supports the Brady bill. Four former Presidents—Reagan, Carter, Ford, and Nixon—support this measure. And you would be hard pressed to find a major newspaper anywhere in the country that opposes the Brady bill.

There are not too many pieces of legislation that command that kind of support. But then there are not too many pieces of legislation that are as sensible and effective as the Brady bill.

Mr. President, 6 years ago, on February 4, 1987, I first introduced the Brady bill. It was a lonely mission. No longer is that the case. This is the fourth consecutive Congress in which I have introduced this bill. In 1987, there were no original cosponsors. The next time I introduced it, there were 10 cosponsors. The next time I introduced it, there were 11 cosponsors. I stand here proudly on the floor today and say that more than 25 percent of the Senate are joining me in introducing the Brady bill. There are 26 cosponsors at this point.

When this effort began 6 years ago, the prospects for the legislation were not bright. There was never any doubt about the merits of the proposal. There was never any doubt that a waiting period was—and is—sensible public policy. We knew then, just as we know now, that enactment of the Brady bill would help police officers, save lives, and make our streets safer.

The problem was that too many public officials were unwilling—unwilling—to risk the wrath of the NRA, which mindlessly opposes this proposal every year despite all overwhelming support among the public, the police, and even gun owners.

That failure of nerve started at the very top of our political leadership. President Reagan and President Bush refused to push for the Brady bill because they were afraid of the NRA.

And that is why today is such an exciting day, because today we have a President who is not afraid of the NRA. Today we have a President who has said bluntly and forcefully to the Congress: If you send me the Brady bill, I will sign it.

I believe we should do just that, and do it quickly.

The legislation I am introducing today is the same version of the Brady bill that was contained in last year's crime bill conference report. It was virtually identical to the Dole-Metzenbaum-Mitchell compromise that passed the Senate in June 1991 by a 67 to 32 vote.

The bill provides for a national waiting period of 5 business days prior to the sale of a handgun. Local law enforcement would be required to conduct a background check on the potential handgun purchaser during the waiting period. The Federal waiting period imposed by this bill will not apply in those States which have laws that require a background check be conducted prior to the sale of a handgun. And the waiting period will be removed once a computerized nationwide instant background check system is operational.

I believe the Brady bill is the most effective anticrime measure before the Congress. The reason is simple: The Brady bill keeps guns out of the hands of criminals.

Mr. President, the Brady bill is named after two very courageous people, Jim and Sarah Brady. For the last 6 years they have been the stalwarts of this legislative effort. But they are no longer toiling by themselves. American families all across the country are working in support of the Brady bill. They want a safer future for their children, and one sure way to accomplish that is to do everything we can to keep guns out of the hands of criminals.

Some of the people who are working for the Brady bill have had a handgun tragedy strike their own family or a close friend or a neighbor. And in the best American tradition, they are doing whatever they can to prevent such tragedies from striking others.

On Monday, at a press conference announcing the reintroduction of this legislation, scores of high school students were there to lend their support for the Brady bill. Two teenagers spoke movingly about how handgun violence had taken the lives of their classmates and their friends. They spoke in support of the Brady bill because they do not want these tragedies to recur, and because they want us to do what we can to make their future safer and more secure.

Mr. President, this bill, when it becomes law, will be known as the Brady bill. But I think it would also be a magnificent memorial to the memory of a man who provided great leadership in this effort to control handguns and control guns in this country.

Handgun Control, Inc., was formed by Pete Shields, who just recently passed away. Pete Shields formed Handgun Control because he had lost a beloved one by reason of gunfire.

And so I think that when we pass the Brady bill, it will not only be known as the Brady bill but also as a living memorial to the memory of a great man who did so much to control guns in this country.

Mr. President, every year 24,000 people are killed with handguns. That means about 65 people are killed with handguns per day, or almost 3 per hour.

Some of these tragedies could have been prevented if a waiting period had been in effect. The police officers of this country know this. That is why they overwhelmingly support the Brady bill.

The cops also know that waiting periods work. In the States that have waiting periods, thousands of illegal guns sales have been stopped. In 1 year, in California, a waiting period kept guns out of the hands of 760 drug felons and over 3,700 violent offenders. In 1990, a waiting period kept guns out of the hands of 750 convicted felons in Maryland. And these numbers do not include the many criminals who are deterred from trying to buy a handgun by a waiting period.

So here is a measure which can work. And it is supported by an overwhelming majority of the American people, by an overwhelming majority of gun owners, and by law enforcement. It already has passed the Senate by a 2 to 1 margin, and the President has said he will sign it.

In other words, the table is set for enactment of the Brady bill. But it still will not be easy.

A well-funded, single-issue special interest group, the National Rifle Association, has made this issue a litmus test. And the NRA will do everything it can to fight this bill.

But I predict they will lose. The NRA will lose because the President and a majority of the Congress are ready and willing to stand up to this special interest group and do what is right for the American people and for this Nation's police officers.

Last year, on September 28, former Presidents Reagan, Carter, Ford, and Nixon wrote a letter urging Senators to "put aside partisan politics and do what is right for the American people." The letter went on to say that these four former Presidents "strongly urge every Senator to stand up for the Nation's law enforcement community, as well as for public safety, by voting for the Brady bill * * *".

In the next few years, there probably will not be very many pieces of legislation that Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, and Bill Clinton all support. But they are in favor of this legislation because the Brady bill makes sense, and because the American people want it to become the law of the land.

There really is no time to lose. Today, in some part of the country, a felon is walking into a gun shop and purchasing a handgun. Today, in some part of this country, an illegal gun sale is taking place. Today, a gun is being transferred over the counter to a person who is already a demonstrated threat to public safety. Today, because of our failure to act on the Brady bill, our streets are less safe, and the job of our police is more difficult.

We have the power to change all that by enacting the Brady bill. We have the power to save lives, make our communities safer, and help our law-enforcement officials do their job.

We have waited much too long. And each additional day we wait puts more people at risk. Let us enact the Brady bill, and let us do it quickly.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 414

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Brady Handgun Violence Prevention Act."

**SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.**

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is ninety days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 3 of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within one day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within one day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) five business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the ten-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than five years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 3 of the Brady Handgun Violence Prevention Act, is not in compliance with the timetable established pursuant to section 3 of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within five business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within twenty business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 3 of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 3 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than five years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than six months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

### SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than six months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system;

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of five years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last five years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is thirty months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last five years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the systems

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After ninety days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922(g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title, 18, United States Code.

(2) OTHER TERMS.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

### SEC. 4. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) IMPROVEMENTS IN STATE RECORDS.—

(1) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 3 of the Brady Handgun Violence Prevention Act, for the purpose of implementing such Act.".

(2) ADDITIONAL FUNDING.—

(A) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1994 and all fiscal years thereafter.

(b) WITHHOLDING STATE FUNDS.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section 3 of this Act.

(c) WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 3(d)(1) by—

(1) thirty months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is thirty months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) forty-two months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is forty-two months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

Mr. MITCHELL. Mr. President, I'm very pleased to reintroduce the Brady handgun waiting period bill in the 103d Congress, along with my cosponsors.

This is exactly the same legislation for which a bipartisan group of 67 Members of the Senate voted in June 1991. They were led by the Republican leader of the Senate, Senator DOLE, Senator METZENBAUM, and Senator KOHL.

That vote demonstrated the broad, bipartisan support of Senators for sensible and effective ways to meet the public demand for action on gun violence. Americans across the country, from Maine to Kansas to California, are frustrated and frightened by the continued high levels of drug-related crime and gun violence in our Nation.

The 67-vote margin by which the Brady bill was passed in 1991 reflects the underlying fact that the Brady bill, as it was worked out in the Senate, is the best way to achieve a goal on which there is universal agreement: Keeping firearms out of the hands of convicted felons.

There is no disagreement anywhere in the country on that goal.

The National Rifle Association, the Congress of the United States, the Governors of our States, the mayor of every large city, the police who man the beats in all our cities—all are united in agreement on that goal.

Five former Presidents of the United States, all but one of them Republicans, have expressed support for this bill. Six former Attorneys General of the United States have expressed support for this bill. The major police organizations in our country, representing hundreds of thousands of police officers are strong supporters of this bill.

We have the expressed support of President Clinton. Last Wednesday night, he told the Congress that if we send him the Brady bill, he'll sign it.

And of course, polls reveal the consistent public support for this very elementary proposal: That we somehow act to prevent convicted felons from legally purchasing firearms.

The bill we introduce today contains the elements that will allow us to do so. It provides for a 5-business-day waiting period to take effect in those States which do not now have a State-level waiting period requirement to allow law enforcement authorities to conduct a background check of a prospective gun purchaser.

Meantime, States will receive grants to upgrade and computerize their criminal records and to link them with the central FBI system, so that within a determined period of time, a telephone check of a prospective customer by the dealer will be possible, thus eliminating the need for a Federal-level waiting period.

This approach is the best way to balance the legitimate rights of law-abiding gunowners with the equally legitimate demand of the general public to be protected against gun violence.

In the last Congress, this bill won broad, bipartisan support in the Senate because it is sensible, it provides the resources to make a background check possible, and it sets clear standards for achieving the goal.

It is a moderate, sensible proposal that will achieve what both the opposing sides identify as their common goal: Preventing legal handgun sales to convicted felons.

The people of this Nation are concerned and angry about random gun violence. They're asking for more effective laws to curb it.

This proposal isn't a total response to that demand. But it's a prudent, sensible measure that will help reduce that random violence.

The States don't all have the ability to check out handgun buyers today, and not all of them want to divert the police resources to take up that new task, especially States where gun-related crime rates are low.

The Federal authorities are required by the 1988 drug bill to put into place some kind of checking system, but today lack the authority to compel State cooperation in setting up the record system needed to support a national check.

This bill takes elements from both sides of the issue and seeks to make them work together. If we're going to ask people to wait to receive a gun they wish to buy, then we ought to do a check during that wait; if we're going to do a check, we ought to make sure the records checked are reasonably accurate and updated. And if we're going to make this a national policy, we have to do something to make sure the records involved are national in scope.

That's what this proposal seeks to do. It doesn't fully satisfy everyone on either side: But it does meet what both claim as their goal more fully and more quickly than do either of their competing proposals.

The principal purpose of this proposal is to help keep handguns out of the hands of felons.

A great deal of emotion and rhetoric always fuel debates over firearms. That's been the case on this bill as well.

Supporters of the Brady bill approach argue that the use of firearms in crimes and accidental killings is too high a price to pay for unrestricted access to handguns, and that at least those persons who are by law already prohibited from owning a handgun ought to be prevented from easily buying one.

Supporters of the National Rifle Association argue that the vast majority of all guns, including handguns, are purchased and owned by law-abiding citizens, whose rights ought not be infringed because of a very small minority of criminals.

Emotional arguments and controversy do not arise when one side is completely in the right and the other is completely in the wrong.

Controversy arises precisely when there is some truth on both sides of an issue. That is the case here.

Supporters of a waiting period are right to say that the easy accessibility of handguns may contribute to crime and accidents.

They make a fair argument in saying that a brief waiting period is a reasonable accommodation to a serious social problem.

The National Rifle Association and its supporters are right to remind us that the overwhelming majority of American gunowners are not criminals. They are law-abiding citizens whose ownership of firearms poses no threat to anyone.

Controversy also arises when exaggerated claims and misleading rhetoric is used. That has also happened on this issue.

Some supporters of a waiting period approach have implied that it's a panacea for firearms violence. That's just not true. No waiting period is going to keep handguns from the hands of the mentally incompetent, unstable, or drug addicts, because our society doesn't maintain readily available lists of persons with mental instabilities or addictions.

Meantime, some opponents of a waiting period have suggested that even the most minor inconvenience to a handgun purchaser is a constitutional violation and the first step to firearms confiscation. That's not true either. We've had laws governing firearms sales for well over half a century and there is no proof that the right of law-abiding persons to purchase firearms is any more at risk today than it was 50 or a 100 years ago.

We are a diverse Nation in which some Americans experience the freedom and peace of mind that comes in a rural setting, where guns pose no particular threat, and other Americans live in concentrated urban populations, where guns represent a very present danger.

I don't think we can or should tell either of our populations that their concerns don't matter. We can't turn our backs on the fact that citizens in our larger cities are frightened by the easy availability of firearms. But we can't and shouldn't ask our rural people to live for all time under a regime geared to the needs and fears of urban residents.

There's a middle way where both sides can acknowledge the legitimate concerns of the other and accommodate them. That's what our proposal is designed to do. We're asking residents of both rural and urban America to recognize that they're all part of the same Nation. What's a problem for some of them for some of the time is important to others, and vice versa.

I believe this bill is the least intrusive feasible way to meet a common goal.

I hope that we can look for broad, bipartisan support from Republican and Democratic Members alike in the 103d Congress.

No piece of legislation is perfect and every piece of legislation can be improved. We stand ready to work with anyone who wants to offer constructive help on this bill. Because we all agree on its goal, finding the way to reach it together cannot be beyond the bounds of human ingenuity.

In 1991, we succeeded in achieving better than 2-to-1 Senate support for the proposal through that process. I hope we can achieve similar support for it again this year.

What we have to remember is that the public does not care if the solution to gun violence and crime carries a Republican label or a Democratic one. They care about getting some action. I agree.

Mr. KOHL. Mr. President, before I begin, I want to commend my colleague HOWARD METZENBAUM, who has been the long-time leader in Congress for sane handgun laws.

Though both the House and Senate voted for the Brady bill last Congress, it was never signed into law. That was a tragedy. Because some of the 60,000 American citizens killed by firearms in the past 2 years—more than the number of United States soldiers killed in the Vietnam war—might be alive today if we had enacted the Brady bill rather than played a political game. That includes four Milwaukee teenagers—two of them 13-year-old girls—who were executed in a gangland-style killing earlier this winter. Simply put, Ayshia Lewis, age 13; Patricia Simmons, age 13; Kizzy Holt, age 14; and Frank Odell Cook, age 17; were in the wrong place at the wrong time. Now they are dead, along with the more than 200 other Wisconsinites murdered in the past year.

It is difficult to fathom what kind of twisted minds could gun down these young people. But it is also difficult to fathom what kind of government could fail to enact the Brady bill.

I believe this year will be different. I believe that in this Congress we will enact the Brady bill. We will enact it because former presidents Nixon, Ford, Carter, and Reagan all support it. We will enact it because President Clinton, who spoke about Brady in his address to Congress last week and again in his town meeting with children on Saturday, is resolutely in support. We will enact the bill because, according to Saturday's New York Times, even Stuart Gerson—the Acting Attorney General and a holdover Republican—has endorsed Brady. Most importantly, though, we will enact the bill because 90 percent of the American people recognize that the need for the Brady bill has never been so compelling, and that the consequences created by its absence have never been so destructive.

Enacting the Brady bill will help save lives. And, hopefully, it will help restore the American people's faith in their Government.

I do want to briefly make one other point.

First, in the last Congress, I was involved in negotiating the compromise version of the Brady bill that passed the Senate. That version had three major components: No. 1, mandatory background checks on all firearms purchases; No. 2, $100 million for States to upgrade their computerized criminal history records; and, finally, a uniform 5-business-day waiting period for handgun buys that would remain in effect for several years. The Senate-passed proposal is virtually identical to the bill we are introducing today, and I am absolutely convinced it represented the best deal we could then make in the Senate.

But I also believe strongly in the value of waiting periods, which give people consumed by violent passion time to cool off. As the NRA noted in its 1976 publication entitled "On Firearms Control":

> A waiting period could help in reducing crimes of passion and in preventing people with criminal records or dangerous mental illness from acquiring weapons.

And so, Mr. President, when we debate this measure on the Senate floor, I may offer an amendment that would make the waiting period on handguns permanent—rather than temporary. The overwhelming majority of Americans support a permanent waiting period for handgun buys. At the very least, we owe it to them to make this effort.

### SUMMARY OF BRADY BILL

A waiting period of 5 business days prior to the purchase of any handgun will go into effect 3 months after enactment of this legislation. During the waiting period, local law enforcement will use available resources to determine whether a prospective handgun buyer is ineligible to buy a firearm.

The waiting period applies only to handgun sales by licensed dealers.

Handgun purchasers must complete a form, verified by some type of photo identification, which includes the buyer's name, address, and date of birth. Within 1 day of the proposed transaction, the dealer is required to furnish the information from the purchaser's statement to law enforcement officials.

Unless law enforcement notifies the dealer that the transaction is prohibited by law, the sale may go forward 5 business days after the purchaser signs the statement.

Handgun transfers may take place in fewer than 5 business days if law enforcement notifies the dealer that the transaction would not violate Federal, State, or local law.

If an individual needs a handgun immediately because of a threat to his life, that person could obtain a handgun without waiting 5 business days if the police approve.

States which have laws requiring that a background check be conducted prior to the sale of a handgun are exempt from the Federal waiting period.

For instance, if a State law requires an individual to obtain a permit prior to purchasing a handgun—and a State official is required to perform a background check on that individual before issuing the permit—then that State is exempt from this legislation.

The waiting period will be removed once a nationwide, computerized instant felon identification system becomes operational.

Six months after enactment, the Attorney General will choose the computer software needed to implement a nationwide instant background check of gun buyers.

The Attorney General also will review each State's criminal recordkeeping system and establish a timetable for each State to link those records with the national system. Each State will be required, within 5 years of enactment, to have a computer data base that is 80 percent reliable. That is, the computer system should contain information on the current status of 80 percent of the cases in the country in which an arrest has been made in the last 5 years.

Thirty months after enactment, if the Attorney General determines that the national system is at least 80 percent reliable, and that the State timetables are being met, the waiting period will be replaced by the nationwide computerized instant check system. Any individual State which is not in compliance with the timetable established by the Attorney General shall remain under the waiting period.

Once the national system is in place in a particular State, that State is obligated to keep its records up to date. If any State where the waiting period has been phased out fails to meet the 80-percent reliability test, then the waiting period is reinstated in that State.

The sum of $100 million is authorized for Federal grants to States to upgrade criminal records and improve accessibility to the national system, and for the cost of conducting checks until the national system is operational.

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By Mr. BOREN:

S. 415. A bill to require the Attorney General to establish 10 military-style boot camp prisons; to the Committee on the Judiciary.

BOOT CAMP PRISON ACT OF 1993

- Mr. BOREN. Mr. President, in his address to the Congress, President Clinton identified many of the challenges facing us as our Nation prepares to enter the 21st century. One of the most frightening problems of modern life is the unacceptably high level of crime. It seems that nothing we do has any significant effect on the escalating violence. Moreover, an entire generation of inner-city youths are growing up with no sense that they belong to their communities or that they have any obligations toward their neighbors. Instead, their disillusionment and hopelessness force them to search for answers in gangs, drugs, and crime.

The Government's answer to the crime crisis has been simple and inadequate: We have incarcerated more people for longer periods of time in conventional prison environments. The population of many prisons is at record levels, and most correctional systems are seriously overcrowded. The Federal prison system has 45 percent more inmates than the institutions should hold, based on standards adopted by the Bureau of Prisons. The problem is only worsening; overcrowding will increase in the future. It is estimated that the current Federal population of 79,000 will grow to 109,000 inmates by 1998.

Certainly, the country needs to expand conventional prison capacity to deal with this explosion of prison inmates. But we cannot respond simply by building more and more prisons. We must be willing to try innovative, cost-effective approaches that offer real potential for rehabilitation. Especially with regard to young offenders, we cannot afford to miss an opportunity to help these Americans to transform their lives so that they are productive members of their communities.

My State of Oklahoma led the way in one promising alternative to conventional incarceration. In 1984, Oklahoma opened what is now one of the Nation's oldest correctional boot camps for young, nonviolent, first-time offenders. Oklahoma's example has been followed by 24 other States. There are now at least 34 boot camps in the Nation, incarcerating over 4,000 people. In light of the success of boot camps on the State level, it is high time that we embark on a robust Federal demonstration program. Indeed, such a demonstration boot camp proposal was included in the comprehensive crime bill that the Senate passed last year, and President Clinton endorsed the concept of boot camps in his address to Congress. I am introducing today the Boot Camp Prison Act of 1993, so that Congress can again consider and adopt a Federal demonstration program.

A boot camp reduces the damage of institutionalization to young offenders because they are segregated from the more hardened general population. The goals of a boot camp are rehabilitation, deterrence, building self-esteem, and prison population reduction. To achieve these objectives, the boot camp regime includes four major components: drills, work assignments, education classes, and counseling. Young offenders are confined for a short period of time—between 90 and 120 days—under rigid standards and strict military discipline. Participants are subjected to tough physical conditioning, rigid dress codes, stiff grooming and hygiene standards, severe limitations on personal property, structured leisure and recreation activities, early lockdown, intensive vocational and educational training, and considerable drug and stress counseling. In addition, the act establishes a system of postrelease supervision so that the young people can receive further counseling, substance abuse treatment, and training as they are making the difficult transition from institutional life to life on the outside.

Certainly, life in a boot camp is not easy. One inmate in Oklahoma, Anthony Nero, described his experience: "It's a shock when you first come in. They wake you at five in the morning, telling you to do this or that * * *. Get up! Clean up! Get moving! But it helped me somehow." This is the hope offered by prison boot camps. Although they may not be the entire solution to the crime problem, they offer many young offenders a chance to reclaim their futures, to find order and meaning in their lives, and to return to the civilian world ready to be productive citizens.

The bill would establish 10 Federal boot camps, each designed to accommodate between 200 and 300 inmates. The boot camps would be located on closed military installations. Young people under the age of 25 who have been convicted of serious but nonviolent Federal offenses and have no serious prior conviction would be eligible for assignment to a boot camp. In addition, States could apply to place certain eligible young offenders in the Federal boot camps.

The State boot camps are currently the subject of much study and evaluation. The evidence of their success is not yet complete, although it appears that the recidivism rate for boot camp graduates is lower than the general rate. This act would increase our knowledge about the effect of boot camps and allow us to make meaningful improvements in the program. It mandates that the Attorney General evaluate the boot camp prisons and report on the rate of recidivism among graduates, the cost effectiveness of boot camps, and the effect on overcrowding in the entire prison system.

Mr. President, the new administration has welcomed the opportunity to adopt a series of bold and innovative experiments relating to the seemingly intractable problems of modern life. The Senate attempted to embark on such a worthwhile demonstration when it adopted the comprehensive crime bill with its important provision establishing boot camp prisons. Let us not miss the opportunity to enact similar legislation this year. We need to adopt the Boot Camp Prison Act of 1993 as soon as possible.

Mr. President, I ask unanimous consent that a copy of the act appear in the RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 415

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Boot Camp Prison Act of 1993".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The Federal prisons are greatly overcrowded. Although the Federal prison system had a maximum capacity of only 50,707 inmates as of December 17, 1992, on that date it housed 72,191 inmates.

(2) The prisoner populations of both Federal and State prisons have been increasing rapidly and are expected to continue to increase in part because of the effect of the Federal Sentencing Guidelines. In fiscal year 1993, the Federal prison population will be approximately 79,000, growing to about 92,000 in fiscal year 1995 and 109,000 in fiscal year 1998.

(3) The average cost of constructing a medium security Federal prison is $53,173 per bed. The average cost of housing a Federal inmate is $20,072 per year. This country needs to find an effective and affordable alternative to our current prison situation.

(4) Boot camp prisons are an excellent solution to this problem. Instituted originally in 1984 in the State prison systems of Oklahoma and Georgia, the concept of boot camp prisons has now spread to 25 States. Although incarceration in a boot camp costs more per year because of counseling and educational services, an inmate stays for a shorter period of time (between 90 and 120 days), thus reducing total costs and overcrowding. The boot camp prison system in the New York Department of Correctional Services saved that State's taxpayers an estimated $150,000,000 as of December 31, 1991.

**SEC. 3. BOOT CAMPS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this section as "boot camps").

(b) LOCATIONS.—The boot camps shall be located on closed military installations on sites to be chosen by the Director of the Bureau of Prisons.

(c) REGIMEN.—The boot camps shall provide—

(1) a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training;

(2) remedial education;

(3) counseling as appropriate; and

(4) treatment for substance abuse.

(d) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (f).

(e) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) is able-bodied;

"(iii) has been convicted of a serious but nonviolent offense;

"(iv) has no serious prior conviction for which he or she has served more than 10 days of incarceration; and

"(v) consents to the designation; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 15 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(f) STATE PRISONERS.—(1) The head of a State corrections department or the head's designee may apply for boot camp placement for any person who has been convicted of a criminal offense in that State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by the head of the State corrections department or the head's designee that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 30 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has consented to the designation.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) A State that refers a prisoner to a boot camp shall reimburse the Bureau of Prisons for the full cost of the incarceration of the prisoner, except that if the prisoner successfully completes the boot camp program, the Bureau of Prisons shall return to the State 20 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare supervision and services required by paragraph (e).

(g) POST-RELEASE SUPERVISION.—(1) Any State seeking to refer a State prisoner to a boot camp prison shall submit to the Director of the Bureau of Prisons an aftercare plan setting forth the provisions that the State will make for the continued supervision of the prisoner following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(2) The Bureau of Prisons shall develop an aftercare plan setting forth the provisions that will be made for the continued supervision of Federal prisoners following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(h) EVALUATION AND REPORT.—(1) Not later than 7 years and 6 months after the date of enactment of this Act, the Attorney General shall evaluate the boot camp prisons and report to Congress on the performance of the boot camp prisons.

(2) The report under paragraph (1) shall include an assessment of—

(A) the rate of recidivism of boot camp prisoners as compared with similar defendants in conventional prisons;

(B) the cost-effectiveness of boot camp prisons as compared to conventional prisons; and

(C) the program's effect on the overcrowding of conventional prisons.

(i) TERMINATION.—The boot camp prison program shall be terminated on the date that is 8 years after the date of establishment of the first boot camp.

(j) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Bureau of Prisons, there are authorized to be appropriated $150,000,000 for fiscal year 1994, to remain available until expended, of which—

(1) not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison; and

(2) not more than $2,500,000 shall be used to operate each boot camp for 1 fiscal year.●

By Mr. DECONCINI (for himself,
Mr. DOMENICI, Ms. MIKULSKI,
and Mr. LAUTENBERG):

**S. 416. A bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families; to the Committee on Foreign Relations.**

## FORMER YUGOSLAVIA ASSISTANCE ACT OF 1993

Mr. DECONCINI. Mr. President, one of the most sinister aspects of the ongoing war in the former Yugoslavia is systematic and widespread rape and sexual abuse of women, young girls, and children. Let there be no doubt—rape is a war crime.

Under all circumstances, the Geneva Conventions prohibit torture and degrading or inhumane punishment. Rape has been extensively used as a weapon in the war in Bosnia and Herzegovina.

A recently released report by Amnesty International found that all sides have committed these abuses, but that Moslem women have been the chief victims and the main perpetrators have been members of the Serbian armed forces.

A European Community team of investigators has estimated that as many as 20,000 Moslem women have been raped. The team noted that some of the rapes were carried out in particularly sadistic ways so as to inflict maximum humiliation on the victims.

While it is important that we vigorously pursue the prosecution of those responsible for war crimes in Bosnia and Herzegovina, including rape, we must not forget the victims and their families. I commend my colleagues and nongovernmental organizations who have increased public awareness of widespread rape and sexual abuse in Bosnia and Herzegovina.

Mr. President, I ask unanimous consent that a recent article by Ambassador Kenneth Blackwell be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD as follows:

### THE RAPES IN BOSNIA

(By Ambassador Kenneth Blackwell)

Evidence is accumulating that the widespread rape of Bosnian Muslim women may be organized and directed by senior Serbian military officers and possibly, political leaders. If so, rape must be placed alongside wanton torture and murder on the long list of unconscionable war crimes in the former Yugoslavia. The 49th Session of the U.N. Commission on Human Rights, now underway in Geneva, affords those nations concerned about this situation an opportunity to do something about it. It is an opportunity the United States does not intend to miss.

Reports indicate that rapes have been committed by all sides in Bosnia-Hercegovina, but that the overwhelming majority are committed by Serbian forces against Muslim women. So far, the U.S. government has been unable to prove that the preponderance of the assaults are committed on orders from Serbian officers, possibly directed by Serbian political leaders in Bosnia and also in Belgrade. But the fact that the rapes are so widespread and that the victims belong overwhelmingly to one ethnic group suggests that they are more than the incidental acts of individual soldiers.

The exact number of victims is unknown. Recently, a team of investigators from the European Community reported that at least 20,000 women have been raped, some of them killed. The EC team concluded the rapes were an integral part of the ethnic cleansing policy. The Bosnian government's estimate of rape victims ranges from 30,000 to 50,000, most of them Muslim. And it is not just women. Eyewitness accounts have told of girls as young as six or seven being raped, some gang raped. Some have been horribly mutilated as well.

Nongovernmental organizations, such as Amnesty International and the French-based Doctors Without Borders, also say the rapes have been widespread and systematic. Amnesty says the sole purpose of some of the detention camps is rape and that the rapes may be an integral part of ethnic cleansing—a deliberate policy to force Serbian children on Muslim women as a way of destroying Muslim families in Bosnia. Amnesty released a report containing eyewitness accounts just a few weeks ago.

The evidence has been compelling enough for the United Nations Security Council to vote—unanimously—to condemn "atrocities committed against women, particularly Muslim women in Bosnia and Hercegovina."

The United States believes that the persons responsible for the sexual assaults—and just as importantly, the persons who may have ordered them—must be held individually accountable for their actions. The United States has already named high-ranking Serbian officials and others who should be investigated for war crimes, including rape. We will help the U.N. in any way we can to build the evidence necessary against war criminals, to prosecute them to the fullest extent of the law.

The legal precedent for such prosecutions is well established in international law. Any violation of the Geneva Convention is a war crime. Article 27 specifically mentions rape. The systematic use of rape as a weapon of war to achieve political and racial goals—as in ethnic cleansing—may have carried the crime to an historically-unprecedented level that the world must not ignore.

Next to murder, rape is the most serious crime committed against women. But history also demonstrates that women suffer disproportionately from war in all kinds of other ways also. For example, women often take the back seat to men when it comes to scarce food supplies and shelter. The statistics on war refugees tell the story. The data shows that up to two-thirds of refugees are women and children.

Moreover, their suffering is compounded by inferior economic and social status. Some of the Muslim women raped in Bosnia, for example, have been hiding from their families—filled with shame for what happened to them, which is so obviously no fault of their own.

What can be done to remedy the adverse impact of war on women? That women are so frequently the victims of war is testimony not only to their inferior economic and social status in societies across the globe, but also to their under representation in government and in international bodies—human rights organizations included—that can do something about it. We must work to ensure the equitable participation of women in all governments and in all the international organizations. Gender-specific information and documentation should be included in all major studies and reports.

We should also consider the appointment of a special U.N. rapporteur on gender discrimination and violence against women and the strengthening of implementation procedures under the Convention for the Elimination of all Forms of Discrimination Against Women. I believe that women's rights should be fully incorporated into the agenda of the historic World Conference on Human Rights that will take place in Venice later this year. This will be a major opportunity for the world to map out its human rights agenda into the next century. The role and position of women in our world should be among our most pressing concerns.

Finally, the United States strongly supports specific programs aimed at ameliorating the suffering of women in places like the former Yugoslavia. We must devote more resources to women's medical and other needs specifically. The plight of women during wartime has been for too long ignored. The time to remedy the situation is now.

Mr. DECONCINI. Mr. President, as Ambassador Blackwell rightly concludes, we must devote more resources to meet the needs of women and other victims and we must act now.

Mr. President, today I am introducing legislation, together with Senators DOMENICI, MIKULSKI, and LAUTENBERG, authorizing the provision of assistance for the victims of war crimes in the former Yugoslavia, including the victims of torture, rape, and other war crimes and the families of such victims.

To date there has been no concerted or coordinated effort to provide assistance to the victims of such heinous crimes. We cannot wait for the fighting in Bosnia to stop before responding. The victims of rape and other barbarous acts are in desperate need of medical, psychological, psychiatric care, and crisis counseling.

The bill I am introducing today would provide such services, taking advantage of existing expertise in order to make maximum use of limited resources. In this regard, I should mention the outstanding work of the Minnesota-based Center for Victims of Torture.

A nonprofit organization, the center is committed to providing care to survivors of politically motivated torture and their families. The center has treated victims from throughout the world.

The legislation also provides for professional training to other care providers from the region and to rape victims themselves to staff trauma centers in Bosnia and elsewhere in the former Yugoslavia.

We have been shocked and horrified at the atrocities, including mass rape and forced impregnation of women and girls.

Statements of condemnation alone will bring no comfort to the victims. We must do more. I urge my colleagues to support this legislation as a demonstration of our commitment to come to the aid of the most vulnerable victims—women and children.

Mr. President, I ask unanimous consent that Mr. WELLSTONE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 416

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds that—

(1) the loss of life and human suffering in Bosnia-Herzegovina has reached an unprecedented scale in post-World War II Europe;

(2) war and "ethnic cleansing" in Bosnia-Herzegovina has uprooted more than 1.5 million people, contributing to the largest refuge problem in Europe since World War II;

(3) the people of Bosnia-Herzegovina have been subjected to organized, systematic, and premeditated war crimes and genocide, including willful killings, rape, forced impregnation, abuse of civilians in detention centers, deliberate attacks on noncombatants, "ethnic cleansing" through the forcible expulsion and deportation of civilians, and torture of prisoners; and

(4) there has been no concerted and coordinated effort to provide assistance to the victims of such acts and their families to meet their short- and long-term needs.

**SEC. 2. AUTHORIZATION OF ASSISTANCE.**

(a) ELIGIBILITY FOR ASSISTANCE.—The President is authorized to provide assistance under this section for victims of torture, including rape and other war crimes, and for the families of such victims, in the former Yugoslavia, with a particular focus on victims of the war in Bosnia-Herzegovina.

(b) DESCRIPTION OF ASSISTANCE.—Assistance authorized by subsection (a) includes such activities as—

(1) the provision of medical, psychological, and psychiatric care and crisis counseling for victims of war crimes stemming from the conflict in the former Yugoslavia, whether in the United States or abroad;

(2) the training of persons within the former Yugoslavia, including those who have been the victims of torture and those of the Moslem faith, to provide medical, psychological, and psychiatric care and crisis counseling; and

(3) the procurement of necessary medical and training supplies.

(c) COORDINATION OF ASSISTANCE EFFORTS.—Assistance authorized by subsection (a) shall be coordinated by the Administrator of the Agency for International Development and channeled through such governments, international organizations, and nongovernmental organizations as the Administrator determines appropriate to reach those in need.

(d) SPECIAL AUTHORITY.—Assistance authorized by subsection (a) may be made available notwithstanding any other provision of law except the provisions of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)).

**SEC. 3. DEFINITION.**

For purposes of this Act, the term "former Yugoslavia" means the territory covered by the former Socialist Federal Republic of Yugoslavia, consisting of the republics of Serbia, Montenegro, Slovenia, Croatia, Macedonia, and Bosnia-Herzegovina, without regard to diplomatic recognition by the United States of any republic.

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By Mr. PACKWOOD (for himself, Mr. DANFORTH, and Mr. BAUCUS):

S. 417. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Finance.

SEMICONDUCTOR MARKINGS ACT OF 1993

Mr. PACKWOOD. Mr. President, in the last Congress, I introduced a bill of great significance to the U.S. semiconductor industry. I rise today, along with Senators BAUCUS and DANFORTH, to reintroduce this bill which will eliminate the country-of-origin marking requirements for semiconductors and their containers classified in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States. The products provided for under these headings include diodes, transistors, integrated circuits, and microassemblies.

This bill will resolve a critical problem for the U.S. semiconductor industry which arises from the different methods various countries have for determining origin of these products. In particular, the United States determines origin based on the country of final assembly, whereas the European Community determines origin based on the country in which the diffusion process takes place, that is, the point where the wafer fabrication occurs.

The result is that a product shipped to the United States that complies with U.S. marking requirements may violate EC law when shipped to any EC destination. This anomaly arises because, while the EC does not require marking, it does require that a product not be mislabeled. To avoid violating EC member-State law, the producer would have to remove the U.S.-required marking before export from the United States. Removal of markings is costly and may be a violation of U.S. law.

The elimination of the marking requirements of U.S. law for semiconductors will resolve this problem, and will result in significant cost savings to the companies involved. Furthermore, country-of-origin markings serve predominantly to provide product information to consumers. However, very few semiconductors are sold at retail, and therefore consumer information is not at issue. Computer companies and other purchasers of semiconductors will, in most cases, still be able to determine the origin of the product through other available sources.

This bill also eliminates the marking requirements for semiconductor containers. This provision is as necessary and important as the elimination of the marking requirement for semiconductors themselves because containers face the same origin-related issue when shipped to the European Community.

Mr. President, this bill will be an important cost-saving measure for semiconductor companies such as Intel Corp., the second largest industrial employer in my own State of Oregon, with 4,900 full-time employees currently, and more expected in the future.

I would like to note, Mr. President, that this bill will not have a negative revenue impact. In fact, there may be a small revenue gain from eliminating enforcement of country-of-origin requirements on these products. Finally, Mr. President, there is widespread support for the bill from the industry and no known opposition from the administration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and that my statement appear in the RECORD immediately thereafter.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 417

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by striking "Except as hereinafter provided," at the beginning of subsection (a) and inserting "Except as otherwise provided in this section,";

(2) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(3) by inserting after subsection (e) the following new subsection:

"(f) EXEMPTION FROM MARKING FOR SEMICONDUCTORS.—Articles provided for in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States and their containers are exempt from the marking requirements of subsection (a).".

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By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. BOND, and Mrs. MURRAY):

S. 418. A bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie; to the Committee on Finance.

CIVIL AIRCRAFT TRADE ENFORCEMENT ACT OF 1993

• Mr. DANFORTH. Mr. President, on behalf of myself, Senators BAUCUS, BOND, and MURRAY, I am introducing today the Civil Aircraft Trade Enforcement Act of 1993.

In 1990, the Commerce Department released an independent analysis that concluded that the European aircraft consortium, Airbus Industrie, had received nearly $26 billion in subsidies from the Governments of France, Germany, and the United Kingdom as of 1989. The Commerce Department study also concluded that there is little likelihood that these government subsidies will be repaid in full, and that Airbus Industrie programs, taken individually or as a group, have not been and will not become commercially viable in the foreseeable future.

Airbus Industrie's worldwide market share of jet aircraft orders has increased from 7 percent in 1980 to 28 percent in 1992, while the market share for U.S. aircraft manufacturers has declined from 88 percent in 1980 to 63 percent in 1992. U.S. imports of Airbus Industrie commercial aircraft have increased from $133 million in 1981 to $844 million in the first three quarters of 1992. Airbus' share of the U.S. market for commercial jets also has increased dramatically in the 1980's. In 1980, it had no orders for the U.S. market. By 1992, it had captured 44 percent of all U.S. commercial jet orders.

The rise of Airbus has caused serious injury to the U.S. commercial aircraft manufacturing industry. Employment has declined from approximately 326,000 jobs in 1989 to an estimated 266,000 jobs in 1993.

If Airbus Industrie continues to sell its aircraft at subsidized prices, U.S. manufacturers will lose market share even while being pressured to lower their own prices. As a consequence, both current and expected profits for U.S. manufacturers will decline due to continued government subsidies to Airbus.

Mr. President, the countervailing duty law was written to provide a remedy for U.S. industry hit by this type of unfair foreign trade practice. Unfortunately, rather than enforcing our trade law, the executive branch prefers unending negotiations. To add insult to injury, last year the U.S. Trade Representative signed an agreement with the European Community that legitimatized the subsidies to Airbus rather than eliminating them. The $26 billion in subsidizes already committed to Airbus were not affected at all by the agreement, and new Airbus aircraft programs could still receive up to 33 percent in development support.

It is my firm belief that the only real way to get at the $26 billion in subsidies already committed to Airbus is by enforcing our countervailing duty law. And this is what I propose to do. The legislation I am introducing today requires the Commerce Department to initiate a countervailing duty investigation with respect to commercial aircraft produced by Airbus Industrie.

The provisions of the act are straightforward. The Secretary of Commerce is directed to begin collecting information within 5 days of the enactment of the act regarding subsidies provided by France, Germany, and the United Kingdom to Airbus Industrie member companies. The Secretary also is directed to collect information as to whether the U.S. commercial aircraft industry is materially injured or threatened with material injury by reason of imports of Airbus aircraft.

Within 45 days of the enactment of the act, the Department of Commerce is required to initiate a countervailing duty investigation pursuant to section 702(a) of the Tariff Act of 1930. The regular requirements and deadlines under the countervailing duty law will apply to the Airbus investigation.

Under the countervailing duty law, the Department of Commerce may suspend the investigation against Airbus if the Governments of France, Germany, and the United Kingdom sign an agreement with the United States to eliminate or offset completely the subsidies to Airbus Industrie, or eliminate completely the injurious effect of sales of Airbus aircraft in the United States.

Mr. President, I urge my colleagues to give this legislation their serious consideration. I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Aircraft Trade Enforcement Act of 1993".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Airbus Industrie is a multinational consortium of 4 aircraft manufacturers organized to develop, produce, and sell large civil aircraft.

(2) Airbus Industrie's shareholders are Aerospatiale of France, British Aerospace of the United Kingdom, Deutsche Aerospace of the Federal Republic of Germany, and Construcciones Aeronauticas S.A. of Spain.

(3) The governments of the countries of the Airbus Industrie member companies have signed agreements guaranteeing political and financial support for Airbus Industrie's aircraft programs.

(4) The United States Department of Commerce has commissioned an analysis of the various Airbus Industrie aircraft programs in order to advise the United States Government regarding the economic performance of Airbus Industrie programs, to document the past levels of government support provided to the Airbus Industrie member companies by their respective governments, to assess the financial viability of Airbus Industrie aircraft programs to determine whether such programs could have been undertaken by a commercial entity, and to examine the effects of Airbus Industrie on the United States aircraft, aircraft engine, and avionics manufacturing industries.

(5) The Department of Commerce analysis concluded that—

(A) the governments of France, the Federal Republic of Germany, and the United Kingdom provided $8,200,000,000 to support Airbus Industrie member companies through 1989,

(B) another $2,300,000,000 in government support had been pledged as of 1989 for the Airbus A330/A340 program,

(C) the government of the Federal Republic of Germany committed $3,000,000,000 to Deutsche Aerospace as part of the merger between Daimler-Benz and MBB, the parent company of Deutsche Aerospace,

(D) the total government funds committed to Airbus Industrie would be valued at $25,900,000,000, if Airbus Industrie were required to pay commercial rates for the government support it received through 1989,

(E) the governments of the countries of the Airbus Industrie member companies have provided almost 75 percent of the development funds for the various Airbus Industrie aircraft,

(F) the financial analysis of Airbus Industrie indicates that there is little likelihood that this government support will be repaid in full,

(G) Airbus Industrie programs, taken individually or as a group, have not been and will not become commercially viable in the foreseeable future; all programs have a negative net present value when the cash flows are discounted at the average commercial borrowing rate in Europe,

(H) if Airbus Industrie continues to sell its aircraft at subsidized prices, United States aircraft manufacturers will lose market share even while being pressured to lower their own prices,

(I) as a consequence, both current and expected profits for United States aircraft manufacturers will decline due to continued government support for Airbus Industrie programs,

(J) reduced profits on current United States aircraft programs have significant impacts because United States aircraft manufacturers have traditionally relied heavily upon internally generated funds to make the necessary multibillion dollar investments in new aircraft programs, and

(K) lower than expected profits on existing United States aircraft programs may discourage the introduction of new, advanced-technology United States aircraft at the same time that Airbus Industrie is introducing advanced technology models.

(6) Airbus Industrie's worldwide market share of jet aircraft orders has increased from 7 percent in 1980 to 28 percent in 1992, while the worldwide market share for United States aircraft manufacturers has declined from 88 percent in 1980 to 63 percent in 1992.

(7) Airbus Industrie's market share of United States jet aircraft orders has increased from zero percent in 1980 to 44 percent in 1992, while the United States market share for United States aircraft has declined from 100 percent in 1980 to 56 percent in 1992.

(8) United States imports of Airbus Industrie large civil aircraft have increased from $133,000,000 in 1981 to $844,000,000 in the first 3 quarters (January-September) of 1992.

(9) Employment in the United States civil aircraft manufacturing industry has declined from approximately 326,000 positions in 1989, to an estimated 266,000 positions in 1993.

(b) PURPOSE.—The purpose of this Act is to initiate a countervailing duty investigation with respect to large civil aircraft produced by Airbus Industrie.

### SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) LARGE CIVIL AIRCRAFT.—The term "large civil aircraft" means aircraft, other than military aircraft, described in subheading 8802.40.00 of the Harmonized Tariff Schedule of the United States.

(4) ADMINISTERING AUTHORITY.—The term "administering authority" has the meaning given such term by section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(5) INTERESTED PARTY.—The term "interested party" has the meaning given such term by section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9)).

### SEC. 4. INITIATION OF COUNTERVAILING DUTY INVESTIGATION.

(a) COLLECTION OF INFORMATION.—Not later than 5 days after the date of the enactment of this Act, the Secretary shall begin collecting information regarding—

(1) subsidies provided by France, the Federal Republic of Germany, and the United Kingdom to Airbus Industrie member companies with respect to the manufacture, production, and exportation of large civil aircraft imported or sold for importation into the United States, and

(2) whether the United States large civil aircraft manufacturing industry is materially injured, or is threatened with material injury, by reason of imports of Airbus Industrie large civil aircraft, or by reason of sales (or the likelihood of sales) of Airbus Industrie large civil aircraft for importation.

(b) INITIATION OF INVESTIGATION.—Not later than 45 days after the date of the enactment of this Act, the administering authority shall initiate a countervailing duty investigation pursuant to section 702(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a)) with respect to imports and sales for import of civil aircraft manufactured by Airbus Industrie.

(c) APPLICATION OF TITLE VII OF THE TARIFF ACT OF 1930.—Except as otherwise provided in this Act, the provisions of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) shall apply to the countervailing duty investigation initiated under this section with respect to Airbus Industrie.

(d) TERMINATION OR SUSPENSION OF INVESTIGATION.—

(1) TERMINATION.—Subsections (a) and (k) of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) shall not apply to the investigation initiated pursuant to subsection (b) of this section.

(2) SUSPENSION.—The investigation initiated pursuant to subsection (b) of this section may be suspended pursuant to subsection (b) or (c) of section 704 of such Act, if the requirements of paragraph (3) are satisfied.

(3) SUSPENSION OF INVESTIGATION PROCEDURE.—The requirements of this paragraph are satisfied, if, not less than 30 days before suspending the investigation, the administering authority—

(A) notifies the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Commission, and other parties to the investigation, of the administering authority's intention to suspend the investigation,

(B) consults with such committees regarding such suspension,

(C) provides a copy of the proposed agreement to such committees, together with an explanation of—

(i) how the agreement will be carried out and enforced,

(ii) how the agreement meets the requirements of either subsections (b) and (d) of section 704 of the Tariff Act of 1930, or subsections (c) and (d) of such section 704, and

(iii) any action required of the foreign governments, and

(D) permits all interested parties to submit comments and information for the record before the date on which notice of suspension of the investigation is published.•

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By Mr. DANFORTH (for himself, Mr. ROCKEFELLER, Mr. GORTON, Mr. LIEBERMAN, Mr. BAUCUS, Mr. BOND, Mr. DODD, Mrs. MURRAY, AND Mr. RIEGLE):

S. 419. A bill to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### AERONAUTICAL TECHNOLOGY CONSORTIUM ACT OF 1993

• Mr. DANFORTH. Mr. President, on behalf of myself and Senators ROCKEFELLER, GORTON, LIEBERMAN, BAUCUS, BOND, DODD, MURRAY and RIEGLE, I am introducing today the Aeronautical Technology Consortium Act of 1993.

A strong commercial aircraft industry is critical to the health of the United States economy: According to the Congressional Research Service, for every additional dollar of aircraft shipments, output of the economy increases by $2.31. A health commercial aircraft industry is also critical to our national security because of the synergies between commercial and military aeronautical technologies. A strong aircraft industry is also essential to preserve the technology base required for national security needs.

While the United States has dominated the world commercial aircraft market, the U.S. commercial aircraft industry is facing two critical challenges: significant cutbacks in defense procurement and related military spending, and the growing competitive strength of the European aircraft consortium, Airbus Industrie.

According to a 1990 Department of Commerce study, Airbus Industrie has received almost $26 billion in government subsidies over two decades. By 1992, these subsidies had permitted Airbus to capture 28 percent of the world market for commercial aircraft, and 44 percent of the U.S. market.

The rise of Airbus and the recent decline in defense spending have had significant impacts on the U.S. aerospace industry. Total employment in the industry dropped from 1,331,000 jobs in 1989 to an estimated 991,000 in 1993. This is a loss of 340,000 jobs—fully 25 percent of the workforce—in just 4 years.

In the face of these challenges, the Federal Government must act. The Federal Government already spends nearly $10 billion annually on aeronautical research and development. Two-thirds of this money goes for military purposes. The remainder is for government-selected projects, rather than industry-led efforts to promote the competitiveness of the U.S. commercial aircraft industry.

This legislation would change this situation. The Aeronautical Technology Consortium Act establishes a program to coordinate and redirect Federal aeronautical research and development programs to make them more effective in promoting the competitiveness of the U.S. industry. The Act also creates an industry advisory committee to advise on the best use of Federal aeronautical research and development programs to assist the U.S. commercial aircraft industry.

This legislation further directs the Federal Government to provide financial assistance to an industry-led consortium of U.S. aircraft manufacturing companies: Aerotech. The consortium—modeled on Sematech, the semiconductor manufacturing technology consortium—would combine Federal research assistance with industry contributions to fund industry-selected projects relating to research, development, and commercialization of aeronautical technologies, as well as the transfer and conversion to commercial applications of aeronautical technologies developed for military purposes. Funding of the consortium will be equally divided between the Federal Government and industry participants.

Mr. President, for too long we have stood by and watched as Airbus has succeeded at the expense of U.S. manufacturers. Aerotech will not fully offset the damage caused by the huge subsidies to Airbus, but it is a start. I believe this approach is consistent with the Clinton administration's recently articulated technology policy, and I look forward to working with the new administration on this important issue. This legislation is a work in progress, and I welcome the suggestions of my colleagues on improvements for the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

### S. 419

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Aeronautical Technology Consortium Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) a strong commercial aircraft industry is critical to the health of the United States economy: aircraft production in the United States affects nearly 80 percent of the economy, and for every additional dollar of shipments of aircraft, output of the economy increases by an estimated $2.30;

(2) a strong commercial aircraft industry is critical to the national security of the United States because of the synergies between commercial and military aeronautical technologies and the need for a strong advanced technology industrial base;

(3) the National Critical Technologies Panel has identified aeronautics as one of twenty-two categories or technologies critical to the national economic prosperity and to national security;

(4) while the United States has traditionally dominated the world commercial aircraft market, the United States aircraft industry is facing two critical challenges: significant cutbacks in defense procurement and related military spending, and the growing competitive strength of the European aircraft consortium, Airbus Industrie;

(5) Airbus Industrie, a consortium of four European aircraft manufacturing companies that have received almost $26 billion in government subsidies over two decades, has developed a family of competitive aircraft models and has captured one-fourth of the world market for large civil aircraft;

(6) in 1992, the United States signed an agreement with the European Community that permits the European governments to continue to subsidize up to 33 percent of the development costs of new large civil aircraft;

(7) given current and expected reductions in defense spending and increased competitive pressures in the commercial aircraft market, it is critical for the Federal Government to coordinate its aeronautics and related programs and redirect these resources to assist the United States commercial aircraft industry to meet the competitive challenge from Airbus Industrie;

(8) the Federal Government has played an active role in research and development of aeronautical technologies since the National Advisory Committee on Aeronautics (NACA) was created in 1915;

(9) in recent years, however, Federal Government support for aerospace research and development has focused overwhelmingly on military and space technologies;

(10) Federal programs relating to aeronautics research and development today are spread among a number of different agencies and departments, including the Departments of Defense, Transportation, and Commerce, as well as the National Aeronautics and Space Administration and the National Science Foundation;

(11) Federal financial assistance to the semiconductor industry consortium known as Sematech has been successful in improving the competitiveness of the United States semiconductor industry;

(12) the Federal Government should use Sematech as a model in developing a program to provide financial assistance to an industry-led consortium of United States commercial aircraft manufacturing companies; and

(13) such a government-industry consortium should focus its efforts on research, development, and commercialization of new aeronautical technologies and related manufacturing technologies, as well as the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft.

(b) PURPOSE.—The purpose of this Act is to strengthen and assist the United States commercial aircraft industry by—

(1) providing for an interagency aeronautical technology program to coordinate and expand Federal research and development programs relating to aeronautical technologies and related manufacturing technologies; and

(2) assisting the United States commercial aircraft industry in developing an Aeronautical Technology Consortium for the purpose of providing Federal assistance to industry-led joint ventures established for research, development, and commercialization of aeronautical technologies and related manufacturing technologies applicable to large civil aircraft.

**SEC. 3. DEFINITIONS.**

For purposes of this Act—

(1) The term "Director" means the Director of the Office of Science and Technology Policy.

(2) The term "eligible firm" means a company or other business entity that, as determined by the Secretary of Commerce—

(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

(B) either—

(i) is a United States-owned company; or

(ii) is a company incorporated in the United States and has a parent company which is incorporated in a country the government of which—

(I) affords United States-owned companies opportunities, comparable to those afforded any other company, to participate in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

(II) affords adequate and effective protection for the intellectual property rights of United States-owned companies.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

(3) The term "Federal laboratory" has the meaning given such term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).

(4) The term "joint venture" has the meaning given such term in section 28(j)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(j)(1).

(5) The term "large civil aircraft" means all aircraft that are designed for passenger or cargo transportation and have 100 or more passenger seats or its equivalent in cargo configuration.

(6) The term "manufacturing technology" means techniques and processes designed to improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, shop floor management, inventory management, worker training, and communications with customers and suppliers, as well as manufacturing equipment and software.

(7) The term "United States-owned company" means a company or other business entity the majority ownership or control of which is by United States citizens.

**SEC. 4. AERONAUTICAL TECHNOLOGY PROGRAM.**

(a) ESTABLISHMENT.—The President shall establish an Aeronautical Technology Program (hereinafter in this Act referred to as the "Program"), which shall—

(1) provide for interagency coordination of Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(2) provide a mechanism for private industry comment and guidance regarding the cost-effectiveness and commercial practicability of existing and proposed Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(3) promote, to the maximum extent practicable, the transfer and conversion to commercial applications of aeronautical technologies developed for national security purposes;

(4) coordinate and expand existing Federal research and development programs relating to—

(A) subsonic aeronautics, and

(B) supersonic aeronautics,

with particular focus on government-industry cooperative programs to develop large civil aircraft beyond the financial means of any single company;

(5) assist the United States commercial aircraft industry in developing an Aeronautical Technology Consortium for the purpose of providing Federal assistance to industry-led joint ventures established for research, development, and commercialization of aeronautical technologies and related manufacturing technologies applicable to large civil aircraft; and

(6) establish other goals and priorities for Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(b) NATIONAL AERONAUTICS STRATEGY.—

(1) IN GENERAL.—The President, acting through the Coordinating Committee established in subsection (c), shall develop a National Aeronautics Strategy (hereafter in this Act referred to as the "Strategy") to implement the Program. The Strategy shall contain specific recommendations for a 5-year national effort, to be submitted to the Congress within 6 months after the date of enactment of this Act.

(2) CONTENTS OF STRATEGY.—The Strategy shall—

(A) establish the specific goals and priorities for the Program for the fiscal year in which the Strategy is submitted and the succeeding 4 fiscal years;

(B) set forth the role of each Federal agency and department in implementing the Program;

(C) describe the levels of Federal funding for each agency and specific research, development, and commercialization activities required to achieve such goals and priorities;

(D) take into account the recommendations of the Advisory Committee established in section 6; and

(E) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, or other entities.

(3) FEDERAL AGENCIES AND DEPARTMENTS TO BE ADDRESSED.—The Strategy shall address, where appropriate, the relevant programs and activities of—

(A) the Department of Defense, particularly the Department of the Air Force, the Department of the Navy, and the Defense Advanced Research Projects Agency;

(B) the Department of Commerce, particularly the National Institute of Standards and Technology;

(C) the Department of Transportation, particularly the Federal Aviation Administration;

(D) the National Aeronautics and Space Administration;

(E) the National Science Foundation;

(F) the Federal laboratories; and

(G) such other agencies and departments as the President or the Coordinating Committee considers appropriate.

(c) COORDINATING COMMITTEE.—

(1) AUTHORITY; COMPOSITION.—The Program shall be administered by an Aeronautical Technology Coordinating Committee (hereafter in this Act referred to as the "Coordinating Committee") composed of the following officials:

(A) The Director, who shall be chairperson.

(B) The Secretary of Defense.

(C) The Secretary of Commerce.

(D) The Secretary of Transportation.

(E) The Administrator of the National Aeronautics and Space Administration.

(F) The Director of the National Science Foundation.

(2) FUNCTIONS.—The Coordinating Committee shall—

(A) serve as the lead entity responsible for implementation of the Program;

(B) coordinate all Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(C) consult regularly with and seek recommendations from the Advisory Committee established by section 6;

(D) consult with academic, State, industry, and other appropriate groups conducting research on and using aeronautical technologies; and

(E) submit to the Congress an annual report, along with the President's annual budget request, describing the implementation of the Program.

**SEC. 5. AERONAUTICAL TECHNOLOGY CONSORTIUM.**

(a) IN GENERAL.—Under the Program, the Coordinating Committee shall provide assistance to an Aeronautical Technology Consortium (hereafter in this Act referred to as the "Consortium"), which shall consist of all eligible firms that—

(1) are engaged in research, development, testing, demonstration, or production of aeronautical technology applicable to the production of large civil aircraft;

(2) are selected by the Coordinating Committee, through the Director, on the basis of the criteria specified under subsection (d); and

(3) are necessary to enable the Consortium to achieve its purpose as described under subsection (b).

(b) PURPOSE.—The purpose of the Consortium is to conduct industry-led joint ventures relating to—

(1) manufacturing technologies applicable to the production of large civil aircraft;

(2) the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft;

(3) subsonic aeronautical technologies applicable to the development and production of large civil aircraft; and

(4) supersonic aeronautical technologies applicable to the development and production of large civil aircraft.

(c) ASSISTANCE TO BE PROVIDED.—In providing assistance to the Consortium, the Coordinating Committee, acting through the Director, shall—

(1) provide financial and other assistance to the United States commercial aircraft industry in the formation of the Consortium;

(2) support the Consortium, and such subordinate joint ventures as the Consortium may establish, by making available equipment, facilities, and personnel;

(3) aid the Consortium, and such subordinate joint ventures as the Consortium may establish, by means of grants, cooperative agreements, contracts, and provision of organizational and technical advice;

(4) enter into contracts and cooperative agreements in support of the Consortium with independent research organizations, institutions of higher education, and agencies of State and local governments;

(5) involve the Federal laboratories in the Consortium, where appropriate, using among other authorities the cooperative research and development agreements provided for under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); and

(6) carry out, in a manner consistent with this section, such other cooperative research activities with the Consortium and joint ventures as may be authorized by law or assigned to the Coordinating Committee by the President.

(d) SELECTION OF CONSORTIUM PARTICIPANTS.—The criteria for selection of industry participants in the Consortium, as referred to in subsection (a)(2), are as follows:

(1) The extent of present participation of the eligible firm in Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(2) The extent of present commercial activity of the eligible firm relating to the development and production of large civil aircraft, engines, advanced materials, avionics, and other related components.

(3) The extent of present commercial activity of the eligible firm relating to aeronautical technologies developed for national security purposes that may have commercial applications for large civil aircraft.

(4) The technical excellence of the eligible firm.

(5) The extent of financial commitment of the eligible firm to the Consortium.

(6) Such other criteria that the Director prescribes.

(e) CHARTER; OPERATING PLAN.—The Consortium shall have—

(1) a charter, agreed to by all industry participants in the Consortium, that meets requirements established by the Coordinating Committee; and

(2) an annual operating plan that is developed in consultation with the Coordinating Committee and the Advisory Committee established in section 6.

(f) FINANCIAL COMMITMENT OF INDUSTRY PARTICIPANTS.—

(1) IN GENERAL.—The Director shall ensure that, to the maximum extent the Director determines to be practicable, the total amount of the funds provided by the Federal Government to the Consortium does not exceed the total amount provided by the industry participants in the Consortium.

(2) AUTHORITY TO EXCEED 50 PERCENT FEDERAL FUNDING.—Nothing in this subsection shall be construed to prohibit the Federal Government from providing greater than 50 percent of the funds for any individual joint venture, project, or program where the Director determines such funding to be consistent with the goals of the Program.

(3) CONSIDERATION OF IN-KIND CONTRIBUTIONS.—The Director shall prescribe regulations to provide for consideration of in-kind contributions by industry participants in the Consortium and joint ventures for the purpose of determining the share of the funds that have been or are being provided by such participants.

(g) MERIT REVIEW.—No contract or other award for a research project may be made under this section until the research project in question has been subject to a merit review, and, in the opinion of the reviewers appointed by the Director, has been shown to have scientific and technical merit.

(h) OVERSIGHT OF CONSORTIUM ACTIVITIES.—The Coordinating Committee, acting through the Director, shall take such actions as are necessary and appropriate to ensure that the Consortium's activities help to achieve the purposes of this Act, including—

(1) prescribing regulations for the purposes of this section;

(2) establishing procedures for the use by the Coordinating Committee of funds authorized to a particular Federal agency or department that is participating in the Consortium;

(3) establishing procedures regarding financial reporting and auditing to ensure that contracts and other awards are used for the purposes specified in this section and are in accordance with sound accounting practices;

(4) monitoring how technologies developed through the Consortium are used, and reporting to the Congress on the extent of any overseas transfer of those technologies;

(5) assuring that the recommendations of the Advisory Committee established in section 6 are considered routinely in carrying out the responsibilities of the Coordinating Committee under this Act; and

(6) providing for the expeditious and timely transfer of technology developed and owned by the Consortium to the participants in the Consortium.

(i) EXPORT OF AERONAUTICAL TECHNOLOGY.—Any export of materials, equipment, and technology developed by the Consortium in whole or in part with financial assistance provided under this section shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and shall not be subject to the Arms Export Control Act.

(j) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any industry participant in the Consortium:

(1) information on the business operation of any industry participant in the Consortium; and

(2) intellectual property, trade secrets, and technical data possessed by any industry participant in the Consortium.

(k) INTELLECTUAL PROPERTY.—

(1) DISCLOSURE LIMITATIONS.—Notwithstanding any other provision of law, intellectual property, trade secrets, and technical data owned and developed by the Consortium or any industry participant in the Consortium may not be disclosed by any officer or employee of the Federal Government except in accordance with a written agreement between the owner or developer and the Director.

(2) TITLE TO AND LICENSING OF INVENTIONS AND PATENTS.—Title to any invention or patent arising from assistance provided under this section shall vest in a company or companies incorporated in the United States. The Federal Government may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the Federal Government, in connection with any such invention or patent, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license. Title to any such invention or patent shall not be transferred or passed, except to a company incorporated in the United States, until the expiration of the first patent obtained in connection with such invention. For purposes of this paragraph, the term "invention or patent" means an invention patentable under title 35, United States Code, or any patent on such an invention.

(3) LICENSING TO COMPANIES.—Nothing in this subsection shall be construed to prohibit the licensing, to any company, of intellectual property rights arising from assistance provided under this section.

### SEC. 6. AERONAUTICAL TECHNOLOGY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Aeronautical Technology Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee").

(b) FUNCTIONS.—The Advisory Committee shall advise the Coordinating Committee and the Consortium on—

(1) the Strategy and other appropriate goals and priorities for the Program, and how best to achieve those goals;

(2) the operating plan of the Consortium;

(3) the annual progress of the Program and the Consortium in meeting the requirements of section 4(a) and, in the first 5 years, the Strategy;

(4) organizational and programmatic reforms which would improve the effectiveness of Federal research and development programs relating to aeronautical technologies and related manufacturing technologies in promoting the competitiveness of the United States commercial aircraft industry;

(5) mechanisms for private industry comment and guidance regarding the cost-effectiveness and commercial practicability of existing and proposed Federal research and development programs relating to aeronautical technologies and related manufacturing technologies;

(6) policies and mechanisms to promote the transfer and conversion to commercial applications of aeronautical technologies developed for national security purposes; and

(7) other goals and priorities for Federal research and development programs relating to aeronautical technologies and related manufacturing technologies.

(c) MEMBERSHIP.—The Advisory Committee shall be composed of 12 members, who shall be appointed by the President from among individuals who, because of their experience and accomplishments in the field of aeronautics and related technological and scientific fields, are exceptionally qualified to analyze and recommend policy relating to aeronautical technology research and development. Membership of the Advisory Committee shall be composed of representatives of—

(1) large civil aircraft manufacturing companies;

(2) aircraft engine manufacturing companies;

(3) advanced materials companies;

(4) avionics and other systems companies;

(5) other subcontractor firms engaged in aeronautical technology research, development, and production; and

(6) Federal laboratories, universities, and independent research institutes.

(d) TERMS OF MEMBERSHIP.—Each member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed, four shall be appointed for a term of 1 year, four shall be appointed for a term of 2 years, and four shall be appointed for a term of 3 years, as designated by the President at the time of the appointment. A member of the Advisory Committee may serve after the expiration of the member's term until a successor has taken office.

(e) CHAIRPERSON.—The President shall appoint one member of the Advisory Committee to serve as chairperson.

(f) QUORUM.—Seven members of the Advisory Committee shall constitute a quorum.

(g) MEETINGS.—The Advisory Committee shall meet at least quarterly at the call of the chairperson or one-third of its members, and at the call of the Coordinating Committee.

(h) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION FOR MEMBERS.—Each member of the Advisory Committee shall serve without compensation.

(2) TRAVEL EXPENSES AUTHORIZED.—While away from their homes or regular places of business in performance of the duties of the Advisory Committee, members of the Advisory Committee shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Office of Science and Technology Policy, to carry out the provisions of this Act, such sums as may be necessary for the fiscal years 1994 and 1995.

• Mr. GORTON. Mr. President, the recent announcement of huge layoffs at Boeing brought a great deal of heartache and worry for thousands of families in Puget Sound.

Unfortunately, there is no single bill, nor a single solution, to fix Boeing's or the industry's troubles. In fact, the overall health of the economy, both here and abroad, probably has more effect on the industry than any other single variable.

But, government does have a responsibility, and I feel that I have a personal responsibility, to try to find ways to address and improve the health of the industry, not only for today but for tomorrow.

Within days, I hope, Congress will enact legislation forming a blue ribbon commission to study, and quickly report back, recommendations to assist the airlines and the aerospace industry. I have already outlined a number of components that I believe are essential in dealing with this problem, including: addressing the problems caused by bankrupt carriers, the need to assure funding for the Eximbank, the need to provide tax incentives to the industry, and the need not to impose new costs upon them.

I have worked with JACK DANFORTH, and joined him as a cosponsor of the Aeronautical Technology Consortium Act of 1993, because I believe it provides an important long-term strategy to help America's aerospace industry.

Too often, we have seen the United States give up our lead in critical technologies and lose our manufacturing base to foreign competition. This cannot be allowed to happen in aerospace.

The bill, being introduced today, is patterned after the highly successful Sematech consortium that has worked so well for America's semiconductor industry. The Aerotech bill envisions the same type of private/public partnership for aerospace research and development.

It is critically important to understand what this bill is not—it is not industrial policy. Industrial policy is when government tries to decide what is best for industry. This bill is just the opposite—this consortium will be industry-driven. Industry, not government will be in the lead.

Decreasing funding for the defense industry and increased worldwide market share of Airbus planes have had a very negative impact on U.S. aerospace manufacturers. We have an opportunity, now, to try to take advantage of aerospace research and development dollars that primarily have been used for defense purposes, and try to use them to promote the competitiveness of the U.S. commercial aircraft industry.

I look forward to working with Senator DANFORTH as we continue to refine this bill, and I appreciate his work leading to its introduction today.•

• Mr. LIEBERMAN. Mr. President, I rise today, to cosponsor with Senator DANFORTH, the Aeronautical Technology Consortium Act. This act will provide for enhanced cooperation between the Federal Government and the United States aerospace industry in developing next generation technologies—technologies that will enhance U.S. competitiveness in the global aerospace market. The importance of a healthy aerospace industry cannot be understated. Aircraft production alone affects nearly 80 percent of the economy, directly or indirectly, and for each $1 of aircraft sales, the Nation's economic activity is increased by $2.30. For each airplane built by Boeing or McDonnell Douglas, American workers across the country are producing the steel, the aluminum, the electronics, and a multitude of other products that go into that airplane. Many of these suppliers are the small- and medium-sized firms that are hardest hit by difficult economic times. Aerospace exports comprise 10 percent of all U.S. exports, making it the second largest export industry. The industry, as a whole, currently creates a positive trade balance for America in excess of $28 billion. Further, the National Critical Technologies Panel has identified aeronautics as one of the 22 technologies critical to national economic prosperity and national security. Clearly, aerospace is a critical industry.

Mr. President, all is not well in this industry. Commercial airlines have lost billions. Aerospace firms, such as Boeing and Pratt & Whitney, have already laid off thousands of highly skilled workers, and additional layoffs are planned. The heavily subsidized competitive strength of foreign firms has caused U.S. firms to lose a significant share of the international market. Over the last 5 years, Boeing and McDonnell Douglas' combined market share has dropped from 78 to 67 percent, measured in new aircraft orders. The Airbus consortium has captured 30 percent of the market for new orders, and has surpassed McDonnell Douglas as the second largest civilian transport producer. Increased competition from Pacific rim nations promises to further reduce U.S. market share.

What are the factors that have contributed to the current situation? Certainly, the defense downsizing and the reduction in military orders has hurt the aerospace industry, as it has all industries that are heavily reliant on defense business. But the problem is larger than that. The cost of developing new aircraft is exceptionally high, and has been growing in real terms and in relative terms for years, as the technology has become more sophisticated. The R&D costs for new aircraft range from $4 to $8 billion. The R&D cost for the next generation jet engine alone totals $2.5 billion. These costs will only increase as demands for technological advances rise. U.S. aerospace firms can afford these costs only by spreading the costs over hundreds of aircraft; usually 300 to 400 aircraft must be sold before a company can begin to realize a profit. Our foreign competitors can afford these costs because their governments are willing to underwrite a large portion of the R&D costs. As a result, U.S. firms have greatly curtailed R&D expenditures, or have turned to foreign partners to assist in financing the development of new aircraft. These alliances would shift a position of the manufacturing base for the aircraft and for spare parts to countries such as Japan, Australia, and Singapore. These manufacturing activities are precisely where U.S. layoffs are taking place. Mr. President, the U.S. Government must take a more active role in protecting existing jobs and promoting job growth. This bill, along with other administration initiatives, will contribute greatly to that end.

The Aeronautical Technology Consortium Act will provide Federal assistance to industry-led joint ventures engaged in the following activities: manufacturing technologies applicable to the production of large civilian aircraft; transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications, and; developing subsonic and supersonic aeronautical technologies applicable to the development and production of civilian aircraft. The act will coordinate Federal aerospace programs, focusing resources to assist industry-led initiatives. There are billions of Federal dollars spread among such varied agencies as DOD, particularly the Air Force, Navy, and DARPA; the Commerce Department, particularly the National Institute of Standards and Technology; the Department of Transportation, particularly the FAA, NASA, the National Science Foundation, and our Federal labs. This act will focus those resources to catalyze industry-led technological advances that will contribute to the strengthening of the industry. The act will use the highly successful Sematech consortium as a model, to achieve for the aerospace industry the successes achieved for the semiconductor industry.

Mr. President, although there are some technical problems with this bill, and the organizational and implementation mechanisms need additional attention, I firmly believe that this bill is an important first step in revitalizing this industry that is so critical to our economic success. The goals of this bill are consistent with the goals of the Administration—investing in technology; strengthening America's industrial competitiveness; encouraging business development in areas that will expand the number of well-paying jobs; and developing a true partnership between the Federal Government and industry to ensure America's preeminence in the global marketplace.•

• Mr. BOND. Mr. President, recently, we have seen the U.S. aerospace industry go through a very difficult and troubling time. Not only has defense spending been declining for almost a decade, but commercial orders have dropped as well. We cannot allow the free fall to continue.

The aerospace industry is the key to our economic and national security. It produces the aircraft that keep our defenses strong and allow us to perform as we did in the gulf. It provides millions of high-paying jobs in both the commercial and defense manufacturing, and it is our most important export industry.

With defense spending declining, we have to take steps to ensure that the United States retains its leadership position in aerospace, particularly commercial aerospace. To lose our position would cost us irreplaceable high-paying manufacturing jobs, technical expertise, and hard dollars which would help to ensure the long-term health of our economy.

The aerospace industry's troubles have been magnified by an extremely tough period for the U.S. airlines. However, there is no question that commercial aviation has a promising future and there will be great demand for new aircraft. We have to ensure that our airframe and engine companies—and their subcontractors—are around to participate in the coming boom. Aerotech will allow them to do that.

We also need to be more aggressive in fighting unfair foreign competition. Last year's Airbus deal locked in significant government development subsidies for European companies. That is a bad deal for the United States and we ought to pursue a countervailing duty investigation to get a better deal for our companies. The Civil Aircraft Trade Enforcement Act sets us on that course.

Today's legislation is a strong start. We also need to invest in aerospace infrastructure and R&D. At the least we should upgrade NASA's test facilities and wind tunnels. We should also put more emphasis on NASA's aeronautics programs and we particularly need to invest in R&D programs with commercial potential—especially the high speed civil transport and national aerospace plane.

As a member of both the NASA and Defense Appropriations Subcommittees, I intend to focus on these issues and see that these priority programs get the funding they deserve.•

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By Mr. BOREN (for himself, Mr. MCCAIN, Mr. BRYAN, Mr. FEINGOLD, and Mr. CAMPBELL):

S. 420. A bill to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

### ETHICS IN GOVERNMENT REFORM ACT OF 1993

• Mr. BOREN. Mr. President, today I am reintroducing the Ethics in Government Reform Act of 1993. The Subcommittee on Oversight of Government Management will be holding hearings on this bill on March 5, and I felt it necessary to reintroduce the bill with certain technical changes so the committee would have the best possible bill to review. I look forward to working with Senators LEVIN and COHEN, the chairman and ranking member, as well as the rest of the committee on this important legislation. I also want to thank the original cosponsors of this reintroduced bill, Senators MCCAIN, BRYAN, CAMPBELL, and FEINGOLD.•

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By Mr. DASCHLE:

S. 421. A bill to amend title XVIII of the Social Security Act to provide coverage under such title of certain chiropractic services authorized to be performed under State law, and for other purposes; to the Committee on Finance.

### CHIROPRACTIC SERVICES ACT OF 1993

• Mr. DASCHLE. Mr. President, today I am reintroducing legislation to expand the range of services for which chiropractors will be reimbursed under Medicare. This bill advances three important health care objectives—objectives that also should guide our national health care reform efforts. These are: cost containment, improving access to care, and eliminating barriers to effective use of nonphysician practitioners.

The bill improves both access to care and the means for containing health care costs by affording patients greater freedom to chose less expensive forms of diagnosis and treatment. The bill also addresses issues of equity by removing outdated vestiges of a pronounced discrimination against chiropractic practitioners in the Medicare program.

Existing Medicare law strictly limits reimbursement for chiropractic services to manual manipulation of the spine only to correct a subluxation, which is a misalignment of the vertebrae. In a dramatic example of twisted logic, the law explicitly requires a diagnostic x ray before chiropractic treatments may be initiated, but denies the chiropractor reimbursement for the x ray itself. Medicare patients must either pay for the x ray out of their own pockets, a cost that many cannot afford, or pass through the gateway controlled by other medical providers, whose x rays are typically far more expensive, but happen to be reimbursable under Medicare.

My bill lends some common sense to the Medicare program. By rectifying the inconsistency in existing law, it ensures that the program's beneficiaries enjoy equitable access to a health care service much in demand, and it permits reimbursement to chiropractors for services for which they are fully licensed to perform throughout the country and that they routinely provide to patients: services such as diagnostic x rays, diagnostic physical examinations, and manual manipulation of the spine for a subluxation and other conditions.

I grew up in a community where chiropractors perform a valuable service by providing an alternative to allopathic medicine. The nearly 200 chiropractors in South Dakota serve the State well. In rural States like mine, chiropractors are often an essential source of health care delivery. Sometimes they are the only health providers in a community. In rural States across the country, the chiropractic profession plays a significant role in the health care system.

We must correct inequities in the law and recognize the contributions of chiropractors. But there is an even larger issue at stake here. We are constantly searching for ways to give more Americans greater access to quality health care, and to facilitate that availability of care in the most cost-effective manner. One proven way to do this is to exploit the talent and dedication represented in the diversity of well-trained, licensed practitioners, and increasingly involve them in the delivery of health care services in the United States.

Competition among different kinds of providers and access to less expensive forms of care have to be emphasized, if we are to control escalating health care costs. Yet this competition, with the beneficial choices it brings, is virtually impossible when Federal programs like Medicare deny reimbursements for services offered by whole groups of licensed professionals. This shortsighted policy limits freedom of choice for health care consumers and may force them to settle on more expensive care than is actually required.

At a time when soaring health care costs are threatening both the quality and the economic stability of our national health care delivery system, the cost savings potential of conservative, nonhospital-based chiropractic care should be fully explored.

The bill I am introducing today will help provide access to quality care at a reasonable cost. Beyond the particulars of Medicare reimbursement for chiropractic services, I hope that it also will foster vigorous discussion of the viability of effective and reliable nonphysician services. I urge my colleagues in the Senate to support this measure to ensure that Medicare patients have the access they desire to the benefits of chiropractic care.

Mr. President, I ask unanimous consent that the full text of the bill be printed at the close of there remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COVERAGE OF CERTAIN CHIROPRACTIC SERVICES AUTHORIZED TO BE PERFORMED BY STATE LAW.**

(a) IN GENERAL.—Section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) is amended in the first sentence by amending clause (5) to read as follows:

"(5) a chiropractor who is licensed as such by the State, and who meets uniform minimum standards promulgated by the Secretary, but only for purposes of subsections (s)(1), (s)(2)(A), and (s)(3), and only with respect to diagnostic x-rays, diagnostic physical examinations, and treatment by means of manual manipulation of the spine (for conditions demonstrated by an x-ray or physical examination to exist) which such chiropractor is legally authorized to perform by the State or jurisdiction in which such treatment is provided.".

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective with respect to chiropractic services performed on or after January 1, 1994.•

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, and Mrs. MURRAY):

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities; to the Committee on Banking, Housing, and Urban Affairs.

S. 423. A bill to provide for recovery of costs of supervision and regulation of investment advisors and their activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. BOND, Mr. SASSER, Mr. SHELBY, Mr. KERRY, Mr. BRYAN, Mr. DOMENICI, Mrs. BOXER, Mrs. MURRAY, Ms. MIKULSKI, Mr. ROBB, Mr. LEAHY, Mr. INOUYE, Mr. SIMON, Mr. KERREY, Mr. LEVIN, Mr. HOLLINGS, Mr. HARKIN, Mr. AKAKA, Mr. LAUTENBERG, Mr. BRADLEY, Mr. PRYOR, Mr. GRAHAM, Mr. BOREN, Mr. JEFFORDS, Mr. KOHL, Mr. CONRAD, Mr. BINGAMAN, and Mr. WOFFORD):

S. 424. A bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES AND INVESTMENT LEGISLATION

• Mr. DODD. Mr. President, today I am introducing three securities reform measures designed to protect investors and ensure the integrity of our capital markets: The Government Securities Act Amendments of 1993, the Investment Adviser Oversight Act of 1993, and the Limited Partnership Rollup Reform Act of 1993. I am joined by the chairman of the Banking Committee, Senator RIEGLE, the ranking Republican member of the committee, Senator D'AMATO, and many of our colleagues.

These measures were developed in the last Congress by the securities subcommittee and were strongly supported by a broad cross section of industry and consumer groups and State regulators. They received the overwhelming support of Members of this body.

They did not become law, however. They were stalled late in the session by procedural roadblocks in the Senate and a jurisdictional battle on the House floor. I am reintroducing these bills today with the hope that we can move them expeditiously, implement the important investor protection measures they contain, and then move forward with the new work of the Securities subcommittee in this Congress.

Let me briefly discuss the legislation.

The first bill, the Government Securities Act Amendments of 1993, reauthorizes Treasury's rulemaking authority over Government securities dealers and provides important reforms for the Government securities market. It contains the text of S. 1247, which passed the Senate in July 1991, and S. 1699, which passed the Senate in September 1991. Both of these measures were passed by unanimous consent.

The U.S. Government securities market is the most important securities market in the world. Conditions in this market determine the cost to the taxpayer of financing our Government operations. When the Treasury auctions its bills, notes or bonds, it must have the broad support of investors who have confidence in the integrity of the market and are willing to participate in it. The broader that participation, the more liquid and efficient the market will be, with a lower cost to the American taxpayer.

Experts have noted that, in the $2.3 trillion Treasury market, for each one-hundred of 1 percent reduction in the interest rate paid on the debt, American taxpayers will save $230 million annually. And, since all other markets use Treasury's interest rate as a benchmark, that translates into lower interest rates for home mortgage loans, consumer loans and college loans, as well as for loans made to virtually every business in the country.

The bill provides important protections for investors in this market. It authorizes the Securities and Exchange Commission, the National Association of Securities Dealers, and the bank regulators to write sales practice rules for Government securities dealers. This gives the regulators the authority to address abuses by Government securities dealers who engage in illegal markups, who churn customer accounts or who otherwise take advantage of investors. The need for this authority was brought to the attention of Congress by State and local officials, who have been victimized by unscrupulous dealers.

The bill also reauthorizes Treasury's authority to write capital and other financial responsibility rules for Government securities dealers. This authority expired October 1, 1991, when the House failed to act on S. 1247, reauthorization legislation passed by the Senate.

In addition, the bill contains a provision developed after the disclosures in August 1991 that Salomon Brothers had made illegal bids in auctions of U.S. Treasury securities. After hearings in the Securities Subcommittee, the Senate moved quickly to pass S. 1699, which made it a specific violation of the Federal securities laws to make a false bid in an offering of Treasury or other Government securities.

Mr. President, although the Senate completed action on both Government securities measures by September 1991, the House did not act on either Senate bill until September 1992. At that time, House Banking Committee members led and won a floor fight against the bill reported by the Energy and Commerce Committee. There was not enough time remaining in the Congress to complete action on the bill; thus, Congress adjourned without reauthorizing Treasury's important rulemaking authority for Government securities dealers.

I hope the House will settle its differences early this year so that both Chambers can pass their respective measures quickly, and we can complete the task of reauthorizing Treasury's authority and implementing reforms for this important market.

The second bill I am introducing today is the Investment Adviser Oversight Act of 1993. This measure is identical to S. 2266, which the Senate passed without opposition last year. It provides a mechanism to fund a substantial increase in the number of SEC examiners who oversee investment advisers and financial planners.

In recent years, the number of investment advisers registered with the SEC has dramatically outstripped the growth in the SEC's examiner staff. Between 1981 and 1992, the number of advisers registered with the SEC increased from 5,100 to 18,000, and assets under their management soared from $450 billion to $5.3 trillion, an increase of more than 1100 percent and more than twice the amount of deposits in commercial banks. During this same period, the SEC's investment adviser examination staff grew from 36 to 46 examiners. As a result, the SEC currently inspects investment advisers on average once every 25 to 30 years.

The SEC has predicted even more rapid growth during the 1990s. In the current low interest rate environment, the elderly and other savers increasingly are turning to professional financial advisers for help in achieving higher returns. SEC and industry experts have expressed concern that, without more cops on the beat, there will be an increase in financial fraud and losses to millions of investors.

Last year, we worked closely with the SEC and with the industry to develop a legislative proposal that provides for annual fees to be paid by investment advisers and targets those fees to hire more SEC examiners. The fees begin at $300 a year for advisers with less than $10 million under management and are capped at $7,000 for advisers with $500 million or more of assets under management.

The SEC believes this legislation will enable the agency to improve its inspection cycle to once every 3 to 5 years. This would be a fivefold increase in investor protection, completely funded by the industry and not by the taxpayer.

The bill also provides additional protection for customers of investment advisers by authorizing the SEC to require fidelity bonding under certain circumstances. It also contains a cost-savings measure for investors by modifying the managed account restrictions, which, under current law, force fund managers to use other firms to execute customer trades on an exchange. The industry has estimated that removal of these restrictions will save customers up to $200 million a year.

The Senate passed its adviser legislation in August of last year; the House passed its bill 6 weeks later. The House bill went far beyond the Senate bill and contained additional regulatory measures for investment advisers, measures that were well-intended but which a number of Senators believed were too costly, in light of the fee increases contained in the bill. We were unable to resolve our differences prior to adjournment.

Mr. President, I remain ready to discuss these issues with the House and hope we can get to conference soon. I continue to believe, however, that the most important part of both the House and Senate bills is the funding mechanism to provide more SEC examiners for this important industry. Until we can get more examiners into these firms to determine their compliance with existing law, it makes no sense to pass additional costly regulation.

The third bill I am introducing today contains provisions identical to S. 1423, the Limited Partnership Rollup Reform Act, which was adopted by the Senate on June 24 of last year as part of a larger measure to reform the regulation of Government-sponsored enterprises. The bill had 74 cosponsors, and the Senate defeated a motion to table the measure by a vote of 87–10—an overwhelming show of support for this legislation.

This bill has important protections for the estimated 8 million investors in limited partnerships that could be subject to abusive rollups, transactions in which existing limited partnerships are restructured or combined with other partnerships. Evidence presented to the Securities Subcommittee by the SEC, the NASD, State regulators and investors detailed serious abuses: confusing disclosure to investors; efforts by general partners to prevent limited partners from communicating with each other to oppose a rollup; brokers being paid commissions for delivering "yes" votes from investors; limited partners being forced to accept shares in a new entity with substantial reductions in their voting and other rights; managements gaining greater equity shares and other fees in excess of those agreed to in the original partnership deals; and other abuses. Investors have seen the value of their limited partnerships drop precipitously following a rollup.

The bill gives limited partners protection from these abuses. It requires greater disclosure; it guarantees that security holders wishing to oppose a rollup will be able to communicate with each other; it prohibits paying for "yes" votes; it protects limited partners who vote against a rollup and want to avoid being forced to accept shares in a new entity.

As my colleagues remember, the Securities Subcommittee's ranking Republican member, Senator GRAMM, strongly opposed this legislation. He disregarded the overwhelming vote of 87 of his colleagues and raised numerous procedural hurdles to block the measure. As a result, House and Senate negotiators did not include the measure in the final Housing/GSE conference report, which was adopted at the end of the 102d Congress.

Much has been done to increase the protection of investors subject to rollups since we began the legislative process 2 years ago. As a result of congressional pressure, the SEC has adopted changes in disclosure requirements for rollups. It has adopted major changes in its rules relating to shareholder communications. The NASD is moving closer to adopting rule changes to protect dissenting limited partners. Nonetheless, significant gaps remain in the protection of investors, and we need to pass this legislation to close those gaps.

Mr. President, I hope not to take the time of my colleagues in lengthy debate over these measures again this year. As I said at the beginning of my statement, identical measures were passed overwhelmingly by the Senate last year. I would underscore that these measures are being reintroduced today with the bipartisan support of the leadership of the Banking Committee. I look forward to working with my colleagues to move this legislation expeditiously and then turn to other important issues challenging this country.

I ask unanimous consent that the summaries of the bills and the text of the bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## S. 422

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

### SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

### SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

### SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve such a rule if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

### SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

### SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

### SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

### SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any findings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

### SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

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## GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

1. Reauthorization of the Treasury's rulemaking authority. The Treasury's authority to write financial responsibility (capital) and certain other rules for government securities dealers expired October 1, 1991. This legislation removes the "sunset" provision in current law and permanently reauthorizes the Treasury's authority.

2. Sales practices rulemaking authority. The government securities market is the only securities market where investors are not protected by sales practice rules (e.g., rules against "churning" of accounts by brokers, excessive markups, unsuitable recommendations, etc.) The legislation creates a structure for sales practice rules for government securities dealers. For banks that are government securities dealers, the appropriate banking regulator would be authorized to write rules "necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade." For securities firms that are government securities dealers, the National Association of Securities Dealers would be authorized to write these rules, subject to SEC approval.

Before bank regulators or the SEC could approve rules, they must consult with the Treasury. They would not be permitted to approve a rule if the Treasury determined the rule would (a) adversely affect the liquidity or efficiency of the government securities market, or (b) impose any unnecessary burdens on competition. Regulators also are directed to consider existing rules when writing new rules.

3. Disclosure relating to coverage of accounts by the Securities Investor Protection Corporation. Prohibits government securities dealers that are not SIPC members from acting in contravention of SEC rules designed to assure that customers understand that their accounts are not covered by SIPC.

4. Study relating to government securities price and volume information. Directs the Treasury, the SEC and the Federal Reserve to monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information and to report back to Congress in 18 months.

5. Prohibition against false and misleading statements in connection with offerings of government securities. Makes it clear that any false or misleading written statement in connection with bids for or purchases of government securities in connection with an offering of government securities is a violation of law.

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S. 423

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Investment Adviser Oversight Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the activities of investment advisers are of continuing national concern;

(2) increased supervision of investment advisers by the Securities and Exchange Commission (hereafter referred to as the "Commission") is necessary to protect investors from fraud and other illegal conduct;

(3) additional resources are necessary to recover the Commission's costs of an enhanced program for the oversight of investment advisers and their activities, including the costs of registration and inspections; and

(4) because the direct beneficiaries of these activities are investment advisers, it is appropriate for investment advisers to pay fees for such activities.

**SEC. 3. REGISTERED INVESTMENT ADVISER FEES.**

(a) IN GENERAL.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

**"SEC. 203A. FEES FOR REGISTRANTS AND APPLICANTS.**

"(a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of enhanced efforts to register all persons required to be registered under this title and enhanced supervision and regulation of investment advisers and their activities. Such fees shall be collected and shall be made available only to the extent provided in advance in appropriations Acts. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and shall remain available until expended. The costs covered by such fees shall be the costs of Commission expenses for the registration and inspection of investment advisers and related activities.

"(b) TIME FOR PAYMENT.—

"(1) APPLICANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee directed in advance in appropriations Acts to be collected as specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) INVESTMENT ADVISERS.—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay such fee to the Commission not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) SCHEDULE OF FEES.—The amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

| "Assets under management | Fee due: |
|---|---|
| Less than $10,000,000 | $300 |
| $10,000,000 or more, but less than $25,000,000. | $500 |
| $25,000,000 or more, but less than $50,000,000. | $1,000 |
| $50,000,000 or more, but less than $100,000,000. | $2,500 |
| $100,000,000 or more, but less than $250,000,000. | $4,000 |
| $250,000,000 or more, but less than $500,000,000. | $5,000 |
| $500,000,000 or more | $7,000. |

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds (after notice) that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalties due), if such suspension was based solely on the failure to pay the fee.

"(e) RULEMAKING.—The Commission may adopt such rules and regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—This section (and the amendment made by this section) shall become effective upon the adoption by the Commission of implementing rules and regulations, under section 203A(e) of the Investment Advisers Act of 1940, as added by subsection (a).

**SEC. 4. FACILITIES FOR FILING RECORDS AND REPORTS.**

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by inserting "(a)" after "SEC. 204."; and

(2) by adding at the end the following:

"(b) The Commission, by rule, may require any investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any person designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing.".

**SEC. 5. BOND REQUIREMENT.**

(a) IN GENERAL.—Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end the following:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.".

**SEC. 6. CERTAIN PROHIBITED TRANSACTIONS.**

Section 11(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)(1)) is amended—

(1) in subparagraph (E), by striking "(other than an investment company)";

(2) in subparagraph (G), by striking "and" at the end;

(3) by redesignating subparagraph (H) as subparagraph (I); and

(4) by inserting after subparagraph (G) the following new subparagraph:

"(H) any transaction for an account with respect to which such member or an associated person thereof exercises investment discretion if such member—

"(i) has obtained, from the person or persons authorized to transact business for the account, express authorization for such member or associated person to effect such transactions prior to engaging in the practice of effecting such transactions;

"(ii) furnishes the person or persons authorized to transact business for the account with a statement at least annually disclosing the aggregate compensation received by the exchange member in effecting such transactions; and

"(iii) complies with any rules the Commission has prescribed with respect to the requirements of clauses (i) and (ii); and".

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INVESTMENT ADVISER OVERSIGHT ACT OF 1993

1. INVESTMENT ADVISER FEES

Replaces the current one-time SEC registration fee of $150 with a fee structure based on assets under the investment adviser's management, directs the fees to be deposited as "offsetting collections" to the SEC's appropriations, and mandates that the funds be used to inspect investment advisers and to cover related costs. The new annual fees range from $300 for the smallest advisers (those with less than $10 million under management) to $7,000 per year for the largest advisers (those with more than $500 million under management).

### 2. FACILITIES FOR FILING RECORDS AND REPORTS

Gives the SEC authority to designate a central repository for adviser registrations and other filings so that advisers do not have to file separately in each State. This offers potential cost savings.

### 3. FIDELITY BOND REQUIREMENT

Gives the SEC authority to require certain advisers to obtain a fidelity bond to establish a source of funds for defrauded clients. The SEC must conduct a study of the availability of bonds for large and small advisers and for advisers that are not located in urban areas, and must consider these and other factors before adopting rules in this area.

### 4. SECTION 11(A) "MANAGED ACCOUNT RESTRICTIONS"

Permits investment companies and institutional investors that are members of a stock exchange to execute transactions on behalf of their clients instead of using an independent floor broker as is currently required. They must first obtain authorization from the client and must comply with SEC rules relating to conflicts of interest. Studies have estimated this change will result in cost savings that could be passed on to investors.

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## S. 424

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Limited Partnership Rollup Reform Act of 1993".

**SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.**

(a) AMENDMENT.—Section 14 of the Securities and Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—

"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under sections 14(a) and 14(d), as required by this subsection. Such rules shall—

"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purposes of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent, fraudulent, deceptive, or manipulative acts or practices under this title;

"(B) require the issuer to provide to holders of the securities that are the subject of the transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;

"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a transaction—

"(i) on the basis of whether the solicited proxies, consents, or authorizations either approve or disapprove the proposed transaction; or

"(ii) contingent on the transaction's approval, disapproval, or completion;

"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure, with respect to—

"(i) any changes in the business plan, voting rights, form of ownership interest or the general partner's compensation in the proposed limited partnership rollup transaction from each of the original limited partnerships;

"(ii) the conflicts of interest, if any, of the general partner;

"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;

"(iv) the valuation of the limited partnerships and the method used to determine the value of limited partners' interests to be exchanged for the securities in the limited partnership rollup transaction;

"(v) the differing risks and effects of the transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the transaction with less than all limited partnerships;

"(vi) a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and the general partner's evaluation, and a description, of alternatives to the limited partnership rollup transaction, such as liquidation;

"(vii) any opinion (other than an opinion of counsel), appraisal, or report received by the general partner or sponsor that is prepared by an outside party and that is materially related to the limited partnership rollup transaction and the identity and qualifications of the party who prepared the opinion, appraisal, or report, the method of selection of such party, material past, existing, or contemplated relationships between the party, or any of its affiliates and the general partner, sponsor, successor, or any other affiliate, compensation arrangements, and the basis for rendering and methods used in developing the opinion, appraisal, or report; and

"(viii) such other matters deemed necessary or appropriate by the Commission;

"(E) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and

"(F) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.

The disclosure requirements under subparagraph (D) shall also require that the soliciting material include a clear and concise summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (vii) of that subparagraph) with the risks of the limited partnership rollup transaction set forth prominently in the fore part thereof.

"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this title, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraph (1) or, from the definition contained in paragraph (4).

"(3) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.

"(4) DEFINITION.—As used in this subsection the term 'limited partnership rollup transaction' means a transaction involving—

"(A) the combination or reorganization of limited partnerships, directly or indirectly, in which some or all investors in the limited partnerships receive new securities or securities in another entity, other than a transaction—

"(i) in which—

"(I) the investors' limited partnership securities are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A; and

"(II) the investors receive new securities or securities in another entity that are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) involving only issuers that are not required to register or report under section 12 both before and after the transaction;

"(iii) in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(iv) which will result in no significant adverse change to investors in any of the limited partnerships with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; or

"(v) where each investor is provided an option to receive or retain a security under substantially the same terms and conditions as the original issue; or

"(B) the reorganization of a single limited partnership in which some or all investors in the limited partnership receive new securities or securities in another entity, and—

"(i) transactions in the security issued are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) the investors' limited partnership securities are not reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(iii) the issuer is required to register or report under section 12, both before and after the transaction, or the securities to be issued or exchanged are required to be or are registered under the Securities Act of 1933;

"(iv) there are significant adverse changes to security holders in voting rights, the term of existence of the entity, management compensation, or investment objectives; and

"(v) investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(5) EXCLUSION.—For purposes of this subsection, a limited partnership rollup transaction does not include a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall, not later than 12 months after the date of enactment of this Act, conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a).

### SEC. 3. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the association during the period in which the offer is outstanding and complies with such other procedures established by the association.".

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the exchange during the period in which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to an appraisal and compensation or other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

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(d) EFFECT ON EXISTING AUTHORITY.—The amendments made by this section shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act.

### LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Closes gaps in current law and codifies certain SEC rules with respect to limited partnership rollups as follows:

*1. Communication among shareholders*—ensures that limited partners have the right to communicate with each other about whether to oppose the roll-up (encourages information sharing among investors).

*2. Securityholder lists*—ensures that limited partners have the right to obtain a list of the other limited partners involved in a proposed rollup (facilitates communication among the securityholders).

*3. Differential compensation*—prohibits compensating persons soliciting proxies on a rollup based only on "yes votes" or on the contingency that the rollup transaction be completed (avoids conflict of interest).

*4. Full and fair disclosure*—requires clear, concise disclosure in solicitations sent to investors regarding:

Changes in business plan, voting rights, form of ownership interests, general partner's compensation.

Conflicts of interest.

Difference in exchange value and trading price of securities.

Valuation of limited partnership interests.

Risks and effects of transaction.

General partner statement of fairness of a transaction.

Disclosure of opinion or appraisal.

Also requires a risk disclosure statement and a summary of the risks in the front of the disclosure document.

*5. Minimum offering period*—requires that securityholders be given at least 60 days to review a rollup, unless state law provides a shorter period.

*6. Rules of fair practice and listing standards for rollups*—prohibits exchanges and national securities associations (i.e. NASD) and their members from participating in or listing securities resulting from a rollup transaction that do not include the following protections:

Right of dissenters to an appraisal and compensation or other rights to protect dissenters.

Right not to have their voting power unfairly reduced.

Right not to bear unfair costs of a rejected rollup.

Restrictions on abusive changes in management fees.•

• Mr. RIEGLE. Mr. President, I am pleased to join Senator CHRISTOPHER DODD, chairman of the Senate Banking Committee's Subcommittee on Securities, in introducing three important pieces of securities legislation. Each bill makes a significant contribution toward protecting individual investors and preserving the integrity of our financial markets. The Senate passed all three bills during the 102d Congress with broad support. However, they were not enacted into law. The bills introduced today are identical to those that passed the Senate during the last Congress.

The first bill, the Government Securities Act Amendments of 1993, strengthens regulation of the market for U.S. Government securities. This $2.3 trillion market may be the most important in the world: The ability of the U.S. Government to fund its activities depends on an orderly and liquid market for Treasury securities. The Salomon Bros. fraudulent bidding scandal shook public confidence in this market. The bill ensures that the auction system and secondary market for Treasury securities continue to function smoothly.

The bill contains the texts of S. 1247, the Government Securities Act Amendments of 1991, and S. 1699, the Government Securities Offering Enforcement Act, both of which passed the Senate by voice vote in 1991.

First, the bill permanently reauthorizes the Treasury's authority under the Government Securities Act of 1986 to write rules regarding capital standards, recordkeeping, customer protection, and so on. This authority expired on October 1, 1991.

Next, the bill for the first time authorizes rules to prevent fraudulent and manipulative acts by Government securities brokers and dealers. The Government Securities Act did not authorize sales practice rules for Government securities similar to those applicable to trading of other securities.

The bill further requires the Treasury, the SEC, and the Federal Reserve to determine whether private sector efforts to disseminate pricing and volume information for Government securities in the secondary market assure prompt and reliable reporting of information to investors on fair and reasonable terms.

Finally, in response to Salomon's violations, the bill explicitly prohibits a Government securities broker or dealer from making a false or misleading statement in connection with a bid or purchase of Government securities.

While the Senate passed this legislation by voice vote in 1991, the House of Representatives was unable to pass a comparable bill, largely due to jurisdictional conflicts between House committees.

The next bill, the Investment Adviser Oversight Act of 1993, strengthens oversight of registered investment advisers. Between 1981 and 1991, the number of investment advisers registered with the SEC increased from 4,580 to 17,500. Assets under management increased from $440 billion to $5.3 trillion—an increase of more than 1,200 percent. This trend can be expected to continue, given the relatively low interest rates currently being paid on FDIC-insured deposits.

During this same period, the SEC's investment adviser examination staff grew by just 10 examiners, from 36 to 46. While the SEC inspects the 500 largest investment advisers once every 3 years, inspections overall average once every 30 years. SEC Chairman Richard Breeden testified that the SEC's current investment adviser inspection program is inadequate and recommended that the current $150 one-time registration fee be changed to an annual fee, based upon assets under management.

The bill increases fees on investment advisers to pay for enhanced oversight. Registration fees will be increased from the current $150 to at least $300. Fees will be determined on a sliding scale based on assets under management, to a maximum of $7,000 for advisers with $500 million or more under management.

Registered investment advisers will also pay an annual fee, determined on the same sliding scale based on assets under management, from $300 to $7,000. With the money raised, the SEC will be able to inspect advisers on average once every 5 years.

The bill further protects investors by providing the SEC with authority to require investment advisers that exercise investment discretion, have access to client securities or funds, or advise investment companies, to post fidelity bonds. The bond would protect clients defrauded through larceny or embezzlement.

The bill also includes a provision originally introduced by Senator KERRY, amending section 11(a) of the Securities Exchange Act to reduce a regulatory burden. Section 11(a) requires a stock exchange member to use an independent floor broker to execute trades for accounts managed by an affiliate. The SEC has concluded section 11(a) increases costs needlessly, as other provisions protect customers.

While both the Senate and the House passed versions of this legislation last year, it was not possible to reconcile them before the end of the 102d Congress.

Finally, the Limited Partnership Rollup Reform Act will bring an end to abusive transactions that have harmed individual investors across the country. Limited partnerships were an important investment vehicle in the 1980's; roughly $150 billion of interests were sold, in average investments of $10,000. Most partnerships invested in oil and gas properties and commercial real estate.

Many general partners have rolled up partnerships into new, publicly traded entities. Typically, limited partners no longer receive their investment back at a fixed time; the general partner's compensation is increased; and it is often more difficult to remove the general partner.

In return, the limited partners receive a publicly traded security, instead of an illiquid partnership interest. Unfortunately for them, the market values the securities based on cash flow, rather than asset value. The limited partners lose a great deal of their equity.

The bill will provide limited partners with a number of important protections:

The bill improves disclosure to limited partners.

The bill requires that limited partners be provided a list of other limited partners, and permits them to engage in preliminary communications without filing with the SEC.

The bill also prohibits any person soliciting proxies in a rollup to be paid only for yes votes or only if the transaction is completed.

It further protects investors by prohibiting broker-dealers from participating in a rollup, and the stock exchanges from listing a security issued in a rollup, unless the transaction meets certain requirements of fairness. These include the right of dissenting limited partners to an appraisal and compensation, or other rights designed to protect them.

The rollup legislation enjoys wide support; last year the bill had 79 Senate cosponsors. While the rollup legislation was attached on the Senate floor to the Federal Housing Enterprises Regulatory Reform Act of 1992, the provision was not included in the conference report on that bill.

The United States has the most vibrant capital markets in the world, due in large part to our commitment to investor protection. The legislation introduced today underscores that commitment, by strengthening oversight where necessary, by ending abusive practices, and by ensuring that markets function fairly. I hope the Congress will be able to take up and pass these bills promptly.●

● Mr. D'AMATO. Mr. President, today I join with my esteemed colleague and chairman of the Securities Subcommittee in introducing three pieces of legislation that are important to protecting the integrity of the securities marketplace. The Government Securities Act of 1993, the Investment Adviser Oversight Act of 1993, and the Limited Partnership Rollup Reform Act of 1993, were widely supported bills that passed the Senate late last Congress.

Treasury finances the national debt of approximately $3.61 trillion dollars with Government securities and Government securities are auctioned about 157 times each year. The Government Securities Act of 1993 extends Treasury rulemaking authority, which lapsed in October 1991, and takes steps to safeguard the Government securities market which is the most important securities market in the world.

Abuses by one of the primary dealers of Government securities uncovered in 1991 raised concerns about the adequacy of regulation of this market. As a result of a joint study conducted by the SEC, Treasury, and the Federal Reserve in 1991, Treasury implemented several changes to the Government securities auction process.

The Government Securities Act of 1993 addresses some of the other concerns raised in the joint study. The bill authorizes the NASD to promulgate sales practice rules, requires disclosure to customers regarding SIPC coverage, and directs Treasury, the Federal Reserve, and the SEC to study private sector attempts to disseminate price and volume information.

Many individuals rely on advisers to make their investment decisions. As a result, regulation of investment advisers must be sufficient to protect investors from unscrupulous operators entrusted with investor funds. The Investment Adviser Oversight Act of 1993 improves supervision of registered investment advisers and provides two additional safeguards to further protect customers of registered investment advisers.

The Investment Adviser Oversight Act of 1993 requires registered investment advisers to pay annual fees based on the dollar amount of the assets they manage. These fees will be used by the SEC to increase its examination staff so that advisers will be inspected on a regular basis.

Since 1980, individuals have invested approximately $130 billion in limited partnerships engaged in real estate and oil and gas. Many of these investors have been harmed when their limited partnership interest was pooled with other limited partnerships or rolled up into new, publicly traded securities. The Limited Partnership Rollup Reform Act of 1993 addresses abuses in the rollup market.

The Limited Partnership Rollup Reform Act of 1993 facilitates communication among investors about the proposed rollup and requires that disclosure documents be clear, concise, and comprehensible so that investors may understand the proposed transaction. The bill also provides that there be sufficient time for limited partners to consider the rollup and requires national securities exchanges to adopt listing standards to protect these limited partners in the resulting rollup.

Mr. President, these bills passed the Senate last Congress but unfortunately did not become law. I urge Congress to act early and act responsibly now to enact this package of legislation that is so important to maintaining investor protection.•

• Mr. PRYOR. Mr. President, I am pleased to join Senator DODD and a number of our other distinguished Senate colleagues in introducing the Limited Partnership Rollup Reform Act of 1993, a bill which will prevent general partners in publicly held limited partnerships from taking advantage of small investors. I was disappointed that this legislation did not become law in the last Congress, and I believe it is vitally important that we push it through this year.

According to the American Association of Limited Partners, there are 8 million small investors in this Nation who have put their money in limited partnerships. They are young couples trying to provide for their children's education. They are middle-aged Americans trying to develop a nest egg for their retirement. They are elderly people who depend on and live off of the money earned from these investments. And they have seen the value of their investment drop by as much as 75 percent.

These limited partners are losing out when what they thought were moderately safe investments are rolled up with other limited partnerships into new entities. These new entities combine safer partnerships with riskier ones and are then traded on a stock exchange. Since the new entity usually has few cash assets left after the rollup, and since riskier ventures are included, the price for the stock plummets during the first days of trading. So do the investor's hopes for the future.

In formulating these rollups, representatives from brokerage firms often solicit proxies for the general partners under an agreement that they only get paid for yes votes. This practice pressures the broker to convince partners to vote for rollups that are not in their best interests. Basically, these hired guns convince limited partners to trade in their investment for empty promises.

The new entities formed by these rollups are restructured so that the rights the limited partners had in the original deals are stripped away. This can include having their voting rights reduced, dividend payments ceased, and the proportion of the costs they must bear increased. This occurs as the general partners charge exorbitant fees—up to millions of dollars—to manage the rollup transaction. Once again the big guys are getting rich off the little guys, and that is just not fair.

It is time to stop this abuse. The reforms proposed in the Limited Partnership Rollup Reform Act of 1991 will give limited partners more resources to stop harmful rollups from occurring and more options if they do occur.

The bill would require clear and concise disclosure of the risks involved in the rollup. Too often, investors are confused by a 200- or 300-page prospectus that has changes to the original rules of the investment buried within the text. This is just one of the clever tricks general partners use to deceive small investors without actually breaking any laws. The prospectus, under this bill, must clearly inform partners of any changes to voting rights, cash distribution policies, management compensation, and projected price performance under the new entity.

Also, a complete appraisal of the rollup transaction, made by someone unaffiliated with the general partners, is to be made available to the limited partners with the prospectus. This will prevent the general partners from hiring people to say a bad deal is a good one. Both of these provisions are designed to help investors make informed decisions about the rollup transaction.

Because the complicated nature of rollup transactions has led to lengthy prospectuses, limited partners would receive at least 60 days to review the material. Investors need time to analyze the prospectus and organize viable alternatives to the rollup.

The bill would also loosen Securities and Exchange Commission [SEC] rules regarding proxy solicitation. Limited partners need to be able to communicate with each other and assist in distributing clear information about the pending transaction. The current rules prohibit partners from talking to more than 10 other partners without having to file papers with the SEC. This rule puts all the cards in the general partner's hands.

The bill would also require that a list of limited and general partners involved in the proposed transaction be made available. All names, except ones the SEC deletes to protect confidentiality, would be on this list so limited partners may contact others and express their concerns about the deal. This way they will not be blindsided by the general partners.

The conflict of interest that occurs when hired guns are paid only for yes votes on the rollup would be alleviated by this bill. The new rules would not allow people soliciting proxies to be compensated based on the outcome of the transaction.

Now, Mr. President, I do not mean to say that all rollups are bad or that they should be banned altogether. A legitimate rollup transaction can benefit all parties involved. This bill simply reforms the process so general partners, still caught up in the greed and desire to get-rich-quick that was so prevalent in the 1980's, are prevented from running over the small investor saving for the future.

Mr. President, I support this bill and urge my colleagues to do so as well. It will help protect the small investors who are the lifeblood of our Nation. They provide the necessary capital that spurs economic growth and maintains our Nation's strength. Mr. President, let us not bite the hand that feeds us. Let us protect these investors and protect America's future.•

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By Ms. MIKULSKI:

S. 425. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

### NATIONAL ENVIRONMENTAL TECHNOLOGIES AGENCY ACT

• Ms. MIKULSKI. Mr. President, last year I made a pledge to Maryland residents. My pledge was to continue the fight for jobs today and jobs tomorrow. Today I take another step to creating the jobs for tomorrow.

I rise today to reintroduce legislation to create a new independent agency that will act as the catalyst for public-private partnerships to develop environmental technologies.

These technologies will produce products. Products that will mean jobs today and jobs tomorrow.

I call this new agency the National Environmental Technologies Agency or NETA. NETA will not spend additional money. NET's seed money will come from shifting some existing funds that are now being spent on defense research.

The goal of NETA is to assist private industry, universities and nonprofit research centers in developing environmentally safe and energy efficient technologies to help secure America's environmental security and competitiveness.

Let me tell you how this agency will work.

NETA will coordinate the efforts of other agencies and streamline support for research and development.

Once formed, the agency will identify areas that need technical solutions and that are not receiving product oriented research.

NETA will provide support for these efforts by offering loans and grants, or by entering into cooperative agreements with the private sector or the university community.

NETA will then assist in deployment of these technologies by coordinating exchange of information and provide the needed technical assistance to transfer these ideas into consumer and industrial products and equipment.

The agency will closely monitor its investments and will work to disseminate information to the private sector on the progress of these projects.

This will be a small independent agency that will have a big impact on research into environmentally sound or energy efficient technology.

The potential is endless. New technologies to clean up Superfund sites. Products developed without the use of lead. More efficient engines. New products made from recyclable goods.

And as we continue to find out, the clean up of Federal sites will make the Government one of the biggest customers for the technology developed from this agency.

I said when I introduced this bill last April the time is right for NETA. If the time was right then, it's even more on target right now.

We have won the war abroad, and now it's time to win the war for America's future. We need to change the way we think and the way we operate. What we are doing here is retooling Government and getting it ready to do business in the new world.

Right now, the Federal Government spends more than $76 billion on research and development. Almost 60 percent of that amount still goes to defense research. The amount being spent on environmental technology is just a half percent. That is at the bottom of the list of our major competitors.

Mr. President, we have a chance here to become the Green Giant of the 21st century. I don't want to see another country steal that chance.

And you know that's what they are trying to do. The European Community has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over $4 billion to develop its environmental research.

We are getting behind again. Other countries are becoming the leaders in developing air pollution control equipment and waste water treatment technologies.

Mr. President, we know the NETA approach works. The essence of NETA can be found in the very successful Defense Advanced Research Projects Agency or DARPA. DARPA was created when the Russian sputnik threatened to overtake American technology.

We knew we were behind. We knew we had to think like entrepreneurs. To make Government flexible and responsive. And to break down the walls between the Federal Government and the private sector. DARPA worked closely with the private sector and provided grants to develop military technologies. It was a partnership that produced the M-16 rifle. And the Stealth technology. We know it works. We've seen it's success.

NETA will take the same spirit of DARPA and aim it at protecting our environment.

Almost every report in the environmental technology area says this market is ready to explode with growth. Right now it's estimated at $200 billion. It's expected that market will be over $300 million by the year 2000.

It's estimated there are 1.7 million jobs worldwide in the environmental industry right now. Imagine what that will mean for future jobs if the industry grows by $100 billion.

It's time for the United States to take a leadership position. Let's get out in front. I don't want this country to import ideas from abroad. I want it to export American ideas, American technologies, and American products. We can't afford to wait.

Mr. President, I ask for the text of the bill to be included after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Environmental Technologies Agency Act".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental security of the United States and other nations;

(2) the causes of many environmental problems lie in the use of environmentally damaging technologies in areas such as transportation, energy production, industrial manufacturing, and product use;

(3) the development and deployment of environmentally safe technologies will both enhance the nations environmental security and the economic standing of the Nation in the world's market place; and

(4) the Federal Government should play a significant role in enhancing the Nation's environmental security by—

(A) facilitating the development and deployment of environmentally safe technologies that provide solutions to environmental problems; and

(B) assisting in the diffusion of knowledge of environmentally safe technologies throughout the Nation.

(b) PURPOSE.—It is the purpose of this Act to assist the efforts of private industry, universities, nonprofit research centers, and government laboratories to provide environmentally safe technical solutions to problems threatening the Nation's environmental security and, in the process, to help the Nation's competitiveness.

### SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Environmental Technologies Agency;

(2) the term "Advisory Council" means the Industry and Academia Advisory Council established by section 5;

(3) the term "Agency" means the National Environmental Technologies Agency established by section 4; and

(4) the term "Fund" means the Critical Technologies Revolving Fund established by section 9.

### SEC. 4. ESTABLISHMENT OF AGENCY.

(a) ESTABLISHMENT.—There is established as an independent establishment of the United States the National Environmental Technologies Agency.

(b) ADMINISTRATOR.—(1) The Agency shall be headed by the Administrator of the National Environmental Technologies Agency, who shall be appointed by the President, with the advice and consent of the Senate.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, National Environmental Technologies Agency.".

(c) STAFF.—The Administrator may appoint a staff of professionals with skills in the area of program definition and management and such support staff as the Administrator determines to be necessary, of which no more than 3 may be in positions of confidential or policy-making character.

(d) FUNCTIONS.—It shall be the function of the Agency to—

(1) coordinate planning by the departments, agencies, and independent establishments of the United States relating to restoration and protection of the environment;

(2) identify areas that—

(A) need technical solutions to maintain the environmental security of the Nation;

(B) are not receiving the long-term product-oriented research that is necessary to meet those needs; and

(C) exhibit the greatest promise for the successful development of solutions;

(3) support and assist the development of technology having potential future application in the restoration and protection of the environment;

(4) coordinate among the departments, agencies, independent establishments of the United States and the private sector the exchange of technological information relating to restoration and protection of the environment;

(5) support continuing research and development of advanced technologies by industrial, academic, and governmental and nongovernmental entities;

(6) monitor on a continuing basis the research and development being conducted on advanced technologies by private industry in the United States; and

(7) promote continuing development of a technological industrial base in the United States.

(e) INTERAGENCY ADVISORY COMMITTEE.—(1) There is established an interagency advisory committee composed of—

(A) the Administrator of the Environmental Protection Agency, who shall be chair of the committee;

(B) the Director of the Office of Science and Technology Policy, or the Director's designee;

(C) the Secretary of Energy, or the Secretary's designee;

(D) the Secretary of Commerce, or the Secretary's designee;

(E) the Secretary of State, or the Secretary's designee;

(F) the Secretary of Defense, or the Secretary's designee; and

(G) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(2) The interagency advisory committee shall advise and provide information to the Agency with respect to the needs and concerns of their agencies in the field of environmental technologies.

### SEC. 5. INDUSTRY AND ACADEMIA ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established the Industry and Academia Advisory Council.

(b) MEMBERSHIP.—(1) The Advisory Council shall consist of 9 members appointed by the Administrator, at least 5 of whom shall be from United States industry.

(2) The persons appointed as members of the Advisory Council—

(A) shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations;

(B) shall be selected solely on the basis of established records of distinguished service; and

(C) shall not be employees of the Federal Government.

(3) In making appointments of persons as members of the Advisory Council, the Administrator shall give due consideration to any recommendations that may be submitted to the Director by the National Academies, professional societies, business associations, labor associations, and other appropriate organizations.

(c) TERMS.—(1)(A) Subject to paragraph (2), the term of office of a member of the Advisory Council shall be 3 years.

(B) A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(C) A member who has completed 2 consecutive full terms on the Advisory Council shall not be eligible for reappointment until 1 year after the expiration of the second such term.

(2) The initial members of the Advisory Council shall be appointed to 3 classes of 3 members each, one class having a term of 1 year, one a term of 2 years, and one a term of 3 years.

(3)(A) The Advisory Council shall meet at least quarterly at the call of the chair or whenever one-third of the members so request in writing.

(B) A majority of the members of the council not having a conflict of interest in a matter under consideration by the Advisory Council shall constitute a quorum.

(C) Each member shall be given appropriate notice of a meeting of the Advisory Council, not less than 15 days prior to any meeting, if possible.

(4)(A) The Advisory Council shall appoint from among its members a person to serve as chair and a person to serve as vice chair.

(B) The vice chair of the Advisory Council shall perform the duties of the chair in the absence of the chair.

(5) The Advisory Council shall review and make recommendations regarding general policy for the Agency, its organization, its budget, and its programs within the framework of national policies set forth by the President and the Congress.

### SEC. 6. GENERAL AUTHORITY OF THE ADMINISTRATOR.

(a) AUTHORITY.—In carrying out the functions of the Agency, the Administrator may—

(1) enter into, perform, and guarantee contracts, leases, grants, and cooperative agreements with any department, agency, or independent establishment of the United States or with any person;

(2) use the services, equipment, personnel, or facilities of any other department, agency, or independent establishment of the United States, with the consent of the head of the department, agency, or independent establishment and with or without reimbursement, and cooperate with public and private entities in the use of such services, equipment, and facilities;

(3) supervise, administer, and control the activities within the departments, agencies, and independent establishments of the United States relating to patents, inventions, trademarks, copyrights, royalty payments, and matters connected therewith that pertain to technologies relating to restoration and protection of the environment; and

(4) appoint 1 or more advisory committees or councils, in addition to those established by sections 4(e) and 5, to consult with and advise the Administrator.

(b) TRANSFER OF TECHNOLOGY.—The Administrator may transfer to the domestic private sector technology developed by or with the support of the Agency if the Administrator determines that the technology may have potential application in private activities relating to restoration and protection of the environment.

### SEC. 7. COOPERATIVE AGREEMENTS AND OTHER ARRANGEMENTS.

(a) IN GENERAL.—In carrying out the functions of the Agency, the Administrator may enter into a cooperative agreement or other arrangement with any department, agency, or independent establishment of the United States, any unit of State or local government, any educational institution, or any other public or private person or entity.

(b) AUTHORITY TO REQUIRE PAYMENT.—(1) A cooperative agreement or other arrangement entered into under subsection (a) may include a provision that requires a person or other entity to make payments to the Agency (or any other department, agency, or independent establishment of the United States) as a condition to receiving assistance from the Agency under the agreement or other arrangement.

(2) The amount of any payment received by a department, agency, or independent establishment of the United States pursuant to a provision required under paragraph (1) shall be credited to the Fund in such amount as the Administrator may specify.

(c) NONDUPLICATION AND OTHER CONDITIONS.—The Administrator shall ensure that—

(1) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate; and

(2) to the maximum extent practicable, a cooperative agreement or other arrangement entered into under this section—

(A) does not provide for research that duplicates research being conducted under other programs carried out by a department, agency, or independent establishment of the United States; and

(B) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

### SEC. 8. PROGRAM REQUIREMENTS.

(a) SELECTION CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register proposed criteria, and not later than 180 days after the date of enactment of this Act, following a public comment period, final criteria, for the selection of recipients of contracts, leases, grants, and cooperative agreements under this Act.

(b) FINANCIAL REPORTING AND AUDITING.—The Administrator shall establish procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this Act.

(c) ADVICE OF THE ADVISORY COUNCIL.—The Administrator shall ensure that the advice of the Advisory Council is considered routinely in carrying out the responsibilities of the Agency.

(d) DISSEMINATION OF RESEARCH RESULTS.—The Administrator shall provide for appropriate dissemination of research results of the Agency's program.

(e) CONTRACTS OR AWARDS; CRITERIA; RESTRICTIONS.—(1) No contract or award may be made under this Act until the research project in question has been subject to a merit review, and has, in the opinion of the reviewers appointed by the Administrator, been shown to have scientific and technical merit.

(2) Federal funds made available under this Act shall be used only for direct costs and not for indirect costs, profits, or management fees of the contractor.

(3) In determining whether to make an award to a joint venture, the Administrator shall consider whether the members of the joint venture have provided for the appropriate participation of small United States businesses in the joint venture.

(4) Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any business or any joint venture that receives funding under this Act:

(A) Information on the business operation of a member of the business or joint venture.

(B) Trade secrets possessed by any business or by a member of the joint venture.

(5) Intellectual property owned and developed by a business or joint venture that receives funding under this Act or by any member of such a joint venture may not be disclosed by any officer or employee of the United States except in accordance with a written agreement between the owner or developer and the Administrator.

(6) The United States shall be entitled to a share of the licensing fees and royalty payments made to and retained by a business or joint venture to which it contributes under this section in an amount proportionate to the Federal share of the costs incurred by the business or joint venture, as determined by independent audit.

(7) A contract or award under this Act shall contain appropriate provisions for discontinuance of the project and return of the unspent Federal funds to the Agency (after payment of all allowable costs and an audit) if—

(A) due to technical difficulties, financial difficulty on the part of the recipient, or for any other reason, the recipient is not making satisfactory progress toward successful completion of the project; or

(B) despite satisfactory progress on the progress, it appears that the project will not achieve satisfactorily the goals of the project.

(8) Upon dissolution of a joint venture that receives funding under this Act or at a time otherwise agreed upon, the United States shall be entitled to a share of the residual assets of a joint venture that is proportionate to the Federal share of the costs of the joint venture, as determined by independent audit.

### SEC. 9. REVOLVING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "Environmental Advanced Research Projects Revolving Fund", which shall consist of such amounts as are appropriated or credited to it from time to time.

(b) EXPENDITURES FROM THE FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, to carry out the purposes of this Act.

(c) LOANS, GRANTS, AND OTHER FINANCIAL ASSISTANCE.—(1) The Administrator may use the Fund for the purpose of making loans, grants, and other financial assistance to industrial and nonprofit research centers, universities, and other entities that serve the long-term environmental security needs of the United States, to carry out the purposes of this Act.

(2) A loan made under this section shall bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 percent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the loan is made.

(3) Repayments on a loan made under this section and the proceeds from any other agreement entered into by the Administrator under this Act shall be credited to the Fund.

(d) MANAGEMENT OF FUND.—(1) The Secretary of the Treasury shall manage the Fund and, after consultation with the Administrator, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next 5 fiscal years.

(2)(A) The Secretary of the Treasury shall invest the portion of the Fund that is not, in the judgment of the Secretary, required to meet current withdrawals.

(B) Investments of monies in the Fund may be made only in interest-bearing obligations of the United States.

### SEC. 10. ANNUAL REPORT.

The Administrator shall submit a report to Congress annually describing—

(1) the activities of the Agency;

(2) the Agency's plans for future activities;

(3) the manner and extent to which technologies developed with assistance from the Agency have been used; and

(4) the extent to which those technologies have been transferred overseas.

### SEC. 11. APPROPRIATIONS.

(a) AMOUNTS.—There are authorized to be appropriated to the Agency to carry out this Act $75,000,000 for fiscal year 1993, $140,000,000 for fiscal year 1994, and $200,000,000 for fiscal year 1995.

(b) LIMITATION ON USE.—Of amounts appropriated to the Agency, no more than 5 percent may be used to pay for administrative expenses of the Agency.●

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## By Mr. SHELBY:

S. 426. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

### LANGUAGE OF GOVERNMENT ACT OF 1993

● Mr. SHELBY. Mr. President: I rise today to introduce legislation designating English as the official language of the U.S. Government. The time has come to formulate a rational, fair, and coherent language policy for the U.S. Government. This legislation, the Language in Government Act of 1993, does that.

We are a nation of immigrants, comprised of individuals from varied cultural, ethnic, and linguistic backgrounds, each of whom has made his or her unique contribution to the brilliant mosaic of America. Immigrants have come to the United States from every corner of the globe. They have forged a nation that continues to be envied for its economic strength, political stability, and democratic ideals.

How did the individuals from such diverse backgrounds and cultures establish a nation? Vitally important was the evolution of a common language. From various circumstances, English came to be the common tongue of the Germans, Dutch, Swedes, Africans, and other groups who lived along America's east coast in the 17th century. A common language allowed them to engage in commerce and, later, to enter into political discussions.

As French-speaking Louisiana purchase territories and the Spanish-speaking areas of the Southwest and California joined the Union in the 19th century, those new citizens also adopted English as their common language. English eventually became the only language that crossed all racial, national, and religious lines—the language without ethnicity.

Today, our common language, English, allows us in the Senate to debate differences and forge compromises. It continues to allow all Americans to participate fully in our democracy, share ideals, and influence views. A common language allows all of our diverse people to be included. No side is left out.

We are now faced with the reality that now more than 150 languages are spoken in the United States. Each of these languages contributes to the rich fabric of America. Yet without a common language, our coexistence will become chaotic, particularly our democratic form of Government. Democracy cannot exist without common communication. More than any other form of government, a democracy requires interaction between the people and those who govern.

As a nation, we can learn a great deal from our diversity—if we can communicate with each other. Only through communication can we discover our similarities and understand our differences. Just as we recognize our diversity, we must acknowledge the importance of fostering unity within it.

Will we enjoy a nation of diverse peoples sharing the riches of their varied cultures with one another, or will we be a Nation of segregated language groups?

There is increasing division between ethnic and linguistic groups. This will become permanent if we continue to focus on separate but equal communication rather than empowering and including people by providing opportunities for them to learn the common language. Separate but equal governing has never been equal.

A common language is not only entirely consistent with the appreciation of diversity, it is a requisite for multiculturalism. Multiculturalism through a common language fosters tolerance by enabling us to share ideas and communicate with one another.

Should we have a Nation of multilingual individuals who share a common public life, or a government which attempts to operate in every language? Efforts to create pockets of other language usage result in language enclaves and discrimination. Individuals living within the realm of particular subcultures are left out of the common fold.

We must show all native languages and cultures tolerance and acceptance. However, we should not tear at the cohesion of the Nation in the process by attempting to create a government for each language group in the United States.

Multilingual individuals are clearly an asset to any nation. Indeed, our rich diversity is one of our most significant national strengths. But a multilingual government is a formula for disaster. Only through a common language can multilingual people with diverse cultural backgrounds share the common goals necessary for a great nation to survive and thrive in the future as it has in the past.

To maintain unity amid such diversity as we have in the United States, we must have a coherent national language policy for Government. I urge my colleagues to study this bill. They will find that it does not prohibit the Government from providing essential services to the limited-English population. In fact, I have written into the legislation an exemption clause which specifically states that this bill will not affect the following: Actions, documents, or policies necessary for international relations, trade or commerce, actions or documents that protect the public health or safety, actions that protect the rights of victims of crimes or criminal defendants, and documents that utilize terms of art or phrases from languages other than English.

Likewise, the bill does not affect education, the voting process, or immigration.

Clearly, this bill is not an attempt to deny—or even discourage—individuals their right to use native languages in their private lives or to deny them critical services. This bill is an honest and earnest attempt to write into law a fair and flexible language policy. With more than 150 languages spoken in the United States, we are not going to be able to maintain all government functions in each language equally. This bill will establish flexible commonsense parameters that foster fairness, inclusion, and empowerment.

This bill only affects the official functions of the Government. It establishes clear and fair parameters on when and how other languages are to be used within our governmental system. It makes a very significant legislative statement regarding the importance of knowing English—to fully take advantage of all the social, political, and economic opportunities that exist in the United States. And most important, it provides that the Government shall have an obligation to promote opportunities for individuals to learn English.

Finally, I believe that this legislation will ensure that our Nation will never evolve into being officially multilingual at every level of Government; forced to experience the tremendous problems currently facing Canada, Sri Lanka, or Yugoslavia.

I strongly urge my colleagues to join in this effort to establish a national language policy for the U.S. Government by cosponsoring the Language of Government Act of 1993.●

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By Mr. MITCHELL:

S. 427. A bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds; to the Committee on Finance.

PRIVATE FOUNDATIONS COMMON FUND ACT OF 1993

Mr. MITCHELL. Mr. President, I am reintroducing legislation today which would amend the Internal Revenue Code to permit private foundations and community foundations to establish common funds for investment purposes. This bill is identical to legislation which was included in H.R. 11, the tax bill that passed Congress last fall but was vetoed by the President.

Under the current law, section 501(f), educational institutions are permitted to organize a tax-exempt fund for purposes of pooling their investment assets. This enables educational institutions, without the resources to hire money managers, to obtain more sophisticated investment advice that improves their investment performance.

In response to this legislation, which was enacted in 1974, colleges and universities banded together to form the Common Fund to invest their endowment assets. Today, over 900 educational institutions invest more than $10 billion in assets through the Common Fund.

This pooling arrangement is not available to other nonprofit organizations, such as private foundations and community foundations. Instead, they must invest their assets individually. Smaller foundations, without the substantial assets that justify sophisticated investment advice, have had difficulty earning competitive rates of return on their assets.

Legislation enacted in 1969 requires foundations to distribute each year either all of their asset earnings or a certain portion of investment assets. This creates a tension between the payout rules and the long-term operations of foundations that make specialized investing necessary.

The legislation I am introducing today would permit foundations to accumulate their assets for investment purposes so that their specialized investment needs can be more professionally managed. This is particularly important for smaller foundations because their total investment returns lag substantially behind those of many larger foundations. By pooling their resources, as permitted by this bill, smaller foundations would have the same investment abilities of educational institutions. The bill will require that a common fund have at least 20 participating foundations, with no private foundation having an interest in excess of 10 percent. These, and other provisions, will ensure that such a common investment fund will not be used to avoid the special restrictions on private foundations.

I invite Senators to cosponsor this bill. The cost is quite modest—less than $25 million over 5 years—and I hope we can get these changes enacted into law this year.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 427

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PRIVATE FOUNDATIONS PERMITTED TO USE COMMON INVESTMENT FUNDS.**

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.), is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.—

"(1) IN GENERAL.—For purposes of this title, if an organization—

"(A) is organized and operated solely for purposes referred to in subsection (f)(1),

"(B) is composed solely of members which are exempt from taxation under subsection (a) and are—

"(i) private foundations, or

"(ii) community foundations as to which section 170(b)(1)(A)(vi) applies,

"(C) has at least 20 members,

"(D) does not at any time after the second taxable year beginning after the date of its organization, or, if later, beginning after the date of the enactment of this subsection, have a member which holds more than 10 percent (by value) of the interests in the organization,

"(E) is organized and controlled by its members but is not controlled by any one member and does not have a member which controls another member of the organization, and

"(F) permits members of the organization to require the dismissal of any of the organization's investment advisors, following reasonable notice, if members holding a majority of interest in the account managed by such advisor vote to remove such advisor,

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes.

"(2) TREATMENT OF INCOME OF MEMBERS.—If any member of an organization described in paragraph (1) is a private foundation (other than an exempt operating foundation, as defined in section 4940(d)), such private foundation's allocable share of the capital gain net income and gross investment income of the organization for any taxable year of the organization shall be treated, for purposes of section 4940, as capital gain net income and gross investment income of such private foundation (whether or not distributed to such foundation) for the taxable year of such private foundation with or within which the taxable year of the organization described in paragraph (1) ends (and such private foundation shall take into account its allocable share of the deductions referred to in section 4940(c)(3) of the organization).

"(3) APPLICABLE EXCISE TAXES.—Subchapter A of chapter 42 (other than sections 4940 and 4942) shall apply to any organization described in paragraph (1)."

(b) CONFORMING AMENDMENTS.—

(1) Section 4945(d) of such Code is amended by adding at the end the following new flush sentence: "Paragraph (4)(B) shall not apply to a grant to an organization described in section 501(n)."

(2) Section 4942(g)(1)(A) of such Code is amended by inserting "or an organization described in section 501(n)" after "subsection (j)(3))".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending on or after December 31, 1992.

By Mr. BREAUX:

S. 428. A bill to make permanent the temporary exemption from duty of the cost of certain foreign repairs made to U.S. vessels; to the Committee on Finance.

### VESSEL FOREIGN REPAIRS ACT OF 1993

Mr. BREAUX. Mr. President, in 1990, the 101st Congress enacted section 466(h) of the Tariff Act of 1930, as amended, (19 U.S.C. 1466(h)) relating to the foreign repair of vessels. This legislation, which I introduced then and now, seek to renew with minor modification, exempted from the 50-percent ad valorem duty rate otherwise imposed by section 466, foreign repairs to U.S. flag lash, lighter-aboard ship, barges as well as vessel spare parts and equipment necessarily purchased by U.S. flag vessel operators in foreign countries.

Section 466(h) was adopted to eliminate unfair, onerous, and costly tariff and regulatory discrimination, which over the years had developed under section 466 among competing U.S. flag cargo vessel operators. Lash barges are basically cargo carrying box containers which float. Both lash barges and box containers are originally transported by a mother ship; both lash barges and box containers after leaving the mother ship continue onward to a final destination. Not only does the old section 466 discriminate against lash barges vis a vis box containers with respect to the 50-percent ad valorem duty, but it also imposes separate and individual inspection and reporting requirements for each lash barge, where none exist for equivalent individual containers.

Unfortunately, because section 466(h) was enacted as part of an omnibus tariff bill which placed a 2-year time limitation on most of its tariff exemptions and suspensions, section 466(h) automatically expired on December 31, 1992. Accordingly, last year, the House passed another omnibus tariff bill which would have renewed section 466(h) for another 2 years. I likewise introduced a similar bill in the Senate and to the best of my knowledge, there was no opposition to the renewal. In spite of the noncontroversial nature of this legislation, the bill died in the 102d Congress because of the absence of an acceptable vehicle.

At this time, I reintroduce my bill from last year, but with one change. Instead of requesting a 2-year exemption from the duty, I am now requesting a permanent exemption. I believe that the situation merits this change. I urge the Senate to act on this bill as soon as possible so that these adverse impacts on the U.S. merchant marine can be eliminated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT EXEMPTION.**

(a) AMENDMENT.—Subsection (b)(2) of section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended to read as follows:

"(2) any entry made on or after the date upon which the Act becomes effective."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1993.

By Mr. DURENBERGER (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. GORTON):

S. 429. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

### PUBLIC SCHOOL REDEFINITION ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to join with my distinguished colleagues from Connecticut, Nebraska, and Washington to introduce the Public School Redefinition Act of 1993. An identical bill is also being introduced in the House under bipartisan sponsorship led by Representatives DAVE MCCURDY and TOM PETRI.

My colleagues and I all share the goal of producing a 21st century word force that can compete, a work force that can assure long-term national, family, and individual economic security.

Unfortunately, we can't reach that goal with a 19th century system of elementary and secondary education.

I want to emphasize the word system here because that's what we have to reform. We need to stop blaming the teachers and the students and the parents.

But, we must understand that, today, the system is in a serious state of distress.

The symptoms are everywhere: Low test scores compared to our international competitors; rising levels of violence that threaten both students and teachers; high rates of turnover in top administrative positions, especially in our Nation's largest urban school systems; and, budget cuts that are closing schools, forcing layoffs, increasing class sizes, cutting valuable programs.

Every local school system is different, of course. And, most of the responsibility for organizing and funding schools lies at the State and local level.

That means uniform national solutions won't solve these problems. As much as those of us here in Washington might want to help, we do have to remember that reality.

I'm also not convinced that more money will do the job—at least not within the current system.

We're already spending something like $200,000 per classroom in the average New York public school.

That should be enough, but too much of it is going to central administration bureaucrats, to one of our Nation's largest police departments, to one of our largest food service companies, to deputy assistant superintendents and assistant deputy curriculum directors, and all the rest.

The same is true here in Washington where a study headed by Alice Rivlin a few years ago found that a third of the employees of the District of Columbia school system work—not in neighborhood schools—but in the administrative bureaucracy downtown.

Every school system in this country isn't like New York or Washington. But, too many are.

And, that's why a growing number of parents and teachers and community people all around the country are insisting on real reform, not just patching up the current system, not just putting more money into existing programs, but creating innovative new public schools.

Not schools run by central administration bureaucrats, but schools run by teachers and parents and local communities.

And, not schools governed by hundreds of input-oriented rules and regulations, but schools that are held accountable for outcomes, schools that are held accountable by free choices made by parents.

What I'm talking about, Mr. President, are charter public schools. And, helping to stimulate the option of charter public schools in more States and communities all around the country is the purpose of the bill that my colleagues and I are introducing here today.

Mr. President, my colleagues and I are hoping this legislation will help get the Congress and administration—Republicans and Democrats—all on the same education reform track this year, all supporting the same goal of improving quality and outcomes in our Nation's public schools.

Last year, a lot of our creative energies and political will were spent debating the merits of offering public taxpayer support for privately organized and funded schools. And, there will always be strong feelings on both sides of that issue.

But, my colleagues and I believe that debate must now be refocused where there's the greatest opportunity for consensus and the greatest opportunity for a constructive Federal role in support of State-based education reform.

My colleagues and I believe we have a growing consensus in this country that parents have a right to choose which public school their children will attend—not just within school districts, but across traditional district lines, as well.

That's a position shared by a growing number of States, and by the new President and new Secretary of Education.

At the same time, there's a growing consensus that school choice is not a silver bullet which will, by itself, address all the problems and opportunities facing American public education.

And, there is a growing consensus that, with a more open marketplace must come greater emphasis on outcomes, new forms of accountability, good consumer information, and new opportunities to tailor teaching and learning to meet the differing needs of today's kids.

As more and more States offer parents the right to choose schools, there's also a growing realization that the full potential of school choice cannot be realized without more choices.

And, it is also clear that more diverse choices won't emerge as long as local school boards and centralized school administrators have an exclusive franchise on starting and running new public schools.

One response to these realities is the charter school.

Minnesota was the first State to adopt a charter schools law 2 years ago, with six schools approved for startup this year. The first charter school now in operation is in St. Paul.

California became the second State to offer the charter schools option to parents, teachers, and students in legislation signed by Gov. Pete Wilson last summer. Already, nine charters have been approved and there is strong interest in a number of other communities around the State.

And, finally, a dozen or more States are now considering charter schools legislation, States that include Connecticut, Wisconsin, Massachusetts, Tennessee, Michigan, Colorado, Florida, and New Jersey.

To help us refocus our debate on education reform this year, Mr. President, my colleagues and I are today introducing the Public School Redefinition Act of 1993.

This is not a long or complicated piece of legislation. It does just four basic things:

First, it encourages States to pass laws that allow teachers, parents, and community groups to start and run new schools on their own, as long as they're under contract with a State or local public education agency.

Second, this legislation authorizes grants to these new schools for startup expenses, including advance planning, purchase of equipment and supplies, and minor renovation of facilities needed to meet State and local codes.

Third, this legislation establishes criteria for schools receiving grants.

The schools could not discriminate on the basis of race, religion, disability, and other factors.

They must accept all applicants they had room for.

They may not charge tuition, but are funded on the same basis as other public schools in each State.

And, they may not teach religion or be affiliated with a religious institution.

Finally, Mr. President, the Public School Redefinition Act requires that schools receiving grants have an outcome-based performance contract with their public agency sponsors.

These schools would then be exempt from State and Federal rules and regulations, except antidiscrimination statutes and laws or rules governing the health and safety of students.

I would ask that a text and summary of the Public Schools Redefinition Act, along with a series of questions and answers on this proposal and other background information on charter schools, be included at the conclusion of these remarks.

Mr. President, this is the year, and this is the time, for a fresh start and for new beginnings.

Clearly, there will be no silver bullets in meeting the goal of improving quality and outcomes in our Nation's public schools.

But, if properly defined and put in proper perspective, public school choice, and more diverse school choices, can be an important part of meeting that important goal.

I look forward to working closely with the new President, with Secretary Riley, and with my colleagues on both sides of the aisle as we pursue this and other opportunities for change during this year's reauthorization of the Elementary and Secondary Education Act, and as we consider other education improvement proposals the new administration has now promised to bring before us.

As we do that, our goal must be to work together to improve American education, not just for today's students, but for all those who will help shape the future.•

• Mr. LIEBERMAN. Mr. President, there is growing frustration around the country that our public schools are not getting better quickly enough. As we continue to debate education reform in Washington and across the country, millions of students continue to graduate without the skills needed to get a job or to fully participate in our society. Today Senator DURENBERGER and I are introducing legislation to provide Federal funds for planning and startup costs to new public schools called charter schools. The Public School Redefinition Act will allow States and some localities to apply for funds to develop new and creative schools that must show every year that they can educate our kids. This bill will end the delay in school reform efforts by providing Federal support for State and local-based education reform.

We have in the past concentrated too much on the ways in which our public schools should all be the same. Good schools should vary substantially from place to place because they must be responsive to their particular community and student body. As Theodore Sizer, chairman of the Coalition for Essential Schools, has noted if you compare several excellent schools you will find that, "[t]he kids are different and the teachers are different and it is in these differences that excellence emerges. What we need is not more models to copy, but more examples to provoke us." Charter schools will provide a range of examples of different schools meeting the needs of different students in different communities.

Charter schools will introduce an important aspect of choice and creativity into our national vision of public schools. These new and innovative public schools will be developed by teachers in conjunction with community groups and parents. Individual communities will be able to focus on the needs of their particular student population and design schools which meet those needs and provide quality education. Charter schools will enter into outcome-based contracts with local school boards or the State education agency. The contracts will require that the schools meet agreed on student performance goals.

These schools will be public schools bound by the hallmarks of our public schools system. They cannot discriminate on the basis of race, religion, disability or any other factor. They must be open to all students interested in attending, with a lottery if they are overenrolled. They must be nonsectarian in their programs, employment practices, and all other operations and cannot be affiliated with a nonpublic sectarian school or religious institution. In contrast to many existing public school programs, however, these schools will add a significant measure of choice, quality, and diversity to the options offered to students.

Charter schools will be directly accountable for the performance of their students in a way that our current public schools are not. Federal funds to assist in the establishment of charter schools would provide parents and teachers with a chance to choose how to structure their schools and the flexibility to determine how best to educate their students. Federal funds for starting up charter schools will provide an additional incentive for States to support charter schools and increased willingness to try it.

The system in its current form is failing millions of children every day. While I do not believe we should at this time completely replace the existing public education system, I do believe that we must look at alternative approaches. We must study and explore different models of public education so that we find schools that work for each and every one of our children.

There has been much debate in this body about private school choice. Charter schools, however, should appeal to those concerned about education regardless of their views on private school choice. It is a public school program, yet it introduces the elements of choice, accountability, and flexibility that are present in private schools. It allows all children no matter what their family's income to speak with their feet and attend the school that best meets their needs, one where the school is explicitly accountable for the success of its students. I was pleased that charter schools language was contained in S. 2, the Neighborhood Schools Improvement Act, as it passed the Senate. I am delighted that both Minnesota and California have now enacted charter schools bills. A number of additional States, including Connecticut, are looking at charter schools proposals and parents in New York City are now working to develop their own charter schools in conjunction with the school board. I look forward to working with Senator DURENBERGER to enact this legislation this year and really make a difference in the educational structure in this country.

Mr. President, I ask unanimous consent that the text and a summary of the bill be printed in the CONGRESSIONAL RECORD.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 429

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Public School Redefinition Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the ability of the United States to deliver more effective educational services to citizens, especially disadvantaged citizens, is of primary importance to the national and economic security of the United States;

(2) fundamental reform is needed in our Nation's educational system in order to release the creative energies of teachers, students, parents, and communities;

(3) market forces of competition and choice can have a positive influence in promoting fundamental reform; however, choice is incomplete without the availability of more diverse educational choices for all students, including disadvantaged students and historically underserved students;

(4) the exclusive franchise that local educational agencies have traditionally had on the creation of new public schools has served to limit the number and variety of school choices available to parents and students; and

(5) public education should be defined by outcomes and requirements that protect and promote the public interest, not solely by input-oriented rules and regulations, or by the ownership or control of facilities and programs by a local educational agency.

**SEC. 3. PURPOSE.**

It is the purpose of this Act to—

(1) encourage States to offer teachers, parents, and local communities the opportunity to establish new and more effective public schools;

(2) provide Federal assistance and flexibility to encourage States to assist teachers, parents, and communities to develop such schools; and

(3) provide criteria for States, teachers, parents, and communities to use in establishing new and more effective public schools.

**SEC. 4. DEFINITIONS.**

For the purpose of this Act—

(1) the term "eligible partnership" means a partnership between—

(A) a sponsor; and

(B) a charter public school;

(2) the term "local educational agency" has the meaning given such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "charter public school" means a school that—

(A) is nonsectarian in its programs, admissions policies, employment practices, and all other operations and is not affiliated with a nonpublic sectarian school or religious institution;

(B) has a primary focus of providing a comprehensive program of instruction for at least one grade from kindergarten to twelfth grade or one age group from 5 to 18 years of age;

(C) does not charge tuition;

(D) complies with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the procedural safeguards under the Individuals with Disabilities Education Act;

(E) in the event that more students apply for admission than may be accommodated, admits students on the basis of a lottery;

(F) is subject to the same Federal and State financial audits and audit procedures and requirements as any other school located in the State in which such school is located;

(G) meets all State and local health and safety requirements; and

(H) participates in an eligible partnership;

(4) the term "Secretary" means the Secretary of Education;

(5) the term "sponsor" means a—

(A) school board;

(B) local educational agency; or

(C) State educational agency; and

(6) the term "State educational agency" has the meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

**SEC. 5. PROGRAM AUTHORITY.**

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies having applications approved pursuant to section 6 to enable such agencies to conduct a charter public school program in accordance with this Act.

(2) SPECIAL RULE.—If a State elects not to participate in the program assisted under this Act, the Secretary is authorized to award a grant to a charter public school that serves such State and has an application approved pursuant to section 6, as permitted by applicable State laws and regulations in the State in which the school shall operate.

(b) USE OF GRANTS.—

(1) STATE.—Each State educational agency receiving a grant under this Act shall use such grant funds to award grants to one or more charter public schools in the State to enable such schools to plan and implement a charter public school in accordance with this Act.

(2) CHARTER PUBLIC SCHOOL.—Each charter public school receiving a grant from the Secretary pursuant to subsection (a)(2) shall use such grant funds to plan and implement a charter public school in accordance with this Act.

(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to subsection (a)(1) may reserve not more than 5 percent of such grant funds for administrative expenses associated with the program assisted under this Act.

(c) DURATION.—A charter public school shall receive a grant under this Act for a period of not more than 3 years.

(d) MATCHING REQUIREMENT.—In order for a charter public school to receive a grant pursuant to subsection (a), such school shall provide matching funds in the amount of—

(1) 10 percent of the grant payment received in the first year such school receives a grant under this Act; and

(2) 25 percent of the grant payment received in the second and third such years.

(e) GEOGRAPHIC DISPERSION.—The Secretary shall ensure that grants awarded pursuant to subsection (a) benefit students in urban and rural areas.

(f) CONSTRUCTION, RENOVATION, AND REPAIR.—

(1) PROHIBITION.—Grant funds awarded under this Act shall not be used for the construction or major renovation or repair of facilities.

(2) STARTUP COSTS.—Grant funds awarded under this Act may be used for planning, equipment purchases, and other startup costs, including minor renovation of facilities necessary to meet applicable State and local health and safety requirements.

**SEC. 6. APPLICATION.**

(a) STATE APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the objectives of the State educational agency's charter public school program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter public school program and the availability of grants for the establishment of such schools;

(B) contain assurances that the State educational agency shall obtain a waiver of all State and Federal statutes and regulations applicable to a school board, local educational agency or school district that are relevant to and hindering the establishment of a charter public school in such State;

(C) provide a written description of outcomes and other requirements to be included in each eligible partnership agreement between a sponsor and a charter public school;

(D) provide a description of how charter public schools within the State shall be required to meet the definition of a charter public school contained in section 4(3);

(E) contain specific outcomes to be achieved by the students attending a charter public school in accordance with the outcomes agreement described in section 7;

(F) provide an explanation of how progress in meeting the outcomes described in section 7 shall be measured; and

(G) contain a description of how teachers, parents, and community members have been, or shall be, involved in the planning, development and implementation of each charter public school.

(b) ELIGIBLE PARTNERSHIP APPLICATION.—

(1) IN GENERAL.—Each charter public school desiring a grant pursuant to section 5(a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain the same information and assurances as the information and assurances described in subparagraphs (B) through (G) of subsection (a)(2).

**SEC. 7. OUTCOMES AGREEMENT.**

(a) AGREEMENT.—In order to receive a grant under this Act a charter public school shall enter into an outcomes agreement with the sponsor participating in the eligible partnership.

(b) CONTENTS.—Each agreement referred to in subsection (a) shall—

(1) be in the form of a written contract between the sponsor and the board of directors of the charter public school participating in the eligible partnership;

(2) set forth outcomes that such school shall achieve; and

(3) include information and assurances described in subparagraphs (B) through (G) of section 6(a)(2).

**SEC. 8. CONTINUATION OF FUNDING.**

Each charter public school receiving a grant under this Act shall be eligible to receive Federal, State, and local education revenue, grants and other aids as though such school were a local educational agency.

**SEC. 9. TERMINATION.**

The Secretary or a State educational agency receiving a grant under this part shall terminate grant payments to a charter public school under this Act if the Secretary or such State educational agency, at any time, determines that the charter public school is not making acceptable progress toward meeting the outcomes described in section 7.

**SEC. 10. REPORTS.**

(a) STATE REPORT.—

(1) REPORTS.—Each charter public school receiving a grant pursuant to section 5(a)(1) shall report at least annually to the State educational agency or other agency designated by the Governor on such school's progress in meeting the outcomes described in section 7.

(2) REPORT TO THE SECRETARY.—Each State educational agency receiving a report under subsection (a) shall annually report to the Secretary on the program assisted under this Act.

(b) SCHOOL REPORTS.—Each charter public school receiving a grant pursuant to section 5(a)(2) shall at least annually report to the Secretary the charter public school's progress in meeting the outcomes described in section 7.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $50,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 3 succeeding fiscal years, to carry out the provisions of this Act.

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### SUMMARY OF THE PUBLIC SCHOOL REDEFINITION ACT OF 1993

#### GENERAL PURPOSES

The "Public School Redefinition Act" has three main purposes:

To encourage states to offer teachers, parents and local communities the opportunity to establish new and more effective public schools.

To provide federal assistance and flexibility to encourage states to assist teachers, parents and communities to design and start new public schools.

To provide criteria for states, teachers, parents and communities to use in establishing new and more effective public schools.

#### CHARTER PUBLIC SCHOOLS

The "Public School Redefinition Act" defines charter public schools as schools that:

Have an outcome-based performance contract with a public sponsor which could be a local school board, local educational agency, or state board of education.

Are non-sectarian in their programs, admissions policies, employment practices, and all other operations and are not affiliated with a non-public sectarian school or religious institution.

Provide a comprehensive program of instruction for at least one grade from kindergarten to grade twelve or one age group from five to 18 years of age.

Don't charge tuition.

Don't discriminate on the basis of race, religion, color, national origin, sex, disability, or economic or educational disadvantage.

Admit students on the basis of a lottery if more students apply for admission than can be accommodated.

Comply with all protections available under the Individuals with Disabilities Education Act.

Are subject to the same federal and state financial audits and audit procedures and requirements as any other school located in its state.

Meet all state and local health and safety requirements.

#### GRANT PROGRAM

The "Public School Redefinition Act" authorizes the Secretary of Education to award grants to states that have programs allowing charter public schools to be established. The state may keep up to five percent of the grant to administer and promote the program, with the other 95 percent distributed in competitive grants to individual qualifying schools. In states which do not seek grants, qualifying schools may apply directly to the Secretary for grants. Grants must benefit students in both urban and rural areas.

The grants may be used by schools for planning and for equipment purchases and other start-up costs, including minor renovation of facilities to meet state and local health and safety requirements. The grants, which may be for up to three years, may not be used for construction and major renovation or repair of facilities. Schools must provide a ten percent match to the grant in the first year and a 25 percent match in the second and third years.

#### STATE GOVERNMENT ROLE

States seeking grants are required to submit applications which:

Describe the objectives of its program authorizing charter public schools and how those objectives will be fulfilled, including steps taken by the state to inform teachers, parents and local communities of the option of establishing charter schools and the availability of grants for their start-up.

Contain assurances that the state education agency will obtain a waiver of all state and federal statutes and regulations applicable to a school board, local education agency or school district which are relevant to establishment of a charter public school.

Provide a written description of what is to be included in a performance-based contract between sponsors and charter schools.

Provide a description of how charter schools must meet the law's criteria defining such schools.

Contain specific outcomes to be achieved by the students attending a charter school.

Explain how progress in meeting those outcomes will be measured.

Contain a description of how school officials, including teachers and parents, have been or will be involved in planning, developing and implementing each charter school.

#### ONGOING CHARTER SCHOOL FUNDING

The "Public School Redefinition Act" requires that outcome-based public schools receiving grants be eligible to receive federal, state and local education revenues, grants and other aids as though they were a local public school district.

*Outcome-based performance contract*

The "Public School Redefinition Act" requires that each school receiving a grant have an outcomes-based performance agreement with its sponsor. The agreement must:

Be in the form of a contract between the sponsor and the board of directors of the school.

Set forth outcomes that the school will achieve and document how they will be achieved and how achievement of outcomes will be monitored.

#### ACCOUNTABILITY

The "Public School Redefinition Act" requires the Secretary of Education or states receiving grants to terminate grant payments to schools if they find the school is not making acceptable progress toward meeting the outcomes agreed to in its performance contract.

Each charter school is also required to report at least annually to the Secretary or state education agency on its progress in meeting agreed-upon outcomes. And, each state receiving a grant must also report annually to the Secretary on its use of the grant funds.

#### AUTHORIZED FUNDING LEVELS

The "Public School Redefinition Act" authorizes $50.0 million in funding for grants to states and schools for fiscal year 1994, $75.0 million for FY 1995, and "such sums as may be necessary" in succeeding year.

### QUESTIONS AND ANSWERS ON THE PUBLIC SCHOOL REDEFINITION ACT OF 1993

1. What's the origin of this proposal? And, what's its most important purpose?

The "Public School Redefinition Act" is based on legislation introduced—and then adopted in a modified form—in the 1991 session of the Minnesota State Legislature.

Its supporters included both Democratic and Republican legislators and then Governor Rudy Perpich. The Minnesota law authorizes creation of charter public schools and sets up the rules under which they may be established and are then run. A similar law authorizing charger schools was adopted by the California Legislature in 1992 and charter schools bills are being actively considered in a number of other states including Connecticut, Tennessee, New Jersey, Michigan, Arizona, Massachusetts, Colorado, Wisconsin, and Florida.

The Minnesota legislation was originally recommended in a report of the Citizens League, a Twin Cities public policy research organization. Legislative authors of the Minnesota proposal also credit Al Shanker, president of the American Federation of Teachers, and Minnesota educators, parents, community activists and others for important contributions to the original proposal.

Like the "Public School Redefinition Act," the original Minnesota proposal authorizes several public bodies to charter new public schools. Once they meet criteria contained in the law, the schools would be exempt from state and federal mandates, yet receive state, local and federal funding as if they were public school districts.

As ultimately approved by the 1991 Legislature, the Minnesota law sets up a demonstration program under which a maximum of eight new charter schools may be sponsored by local school boards. No more than two such schools may be chartered by any one board. Charters must also be approved by the State Board of Education.

Although it has the same general objectives, the new California law differs in several respects from the Minnesota law. For example, the California law allows up to 100 charter schools (up to 10 per district) and has an appeal process for charters turned down by the local school district. Unlike the Minnesota law, California does not require charter schools to employee certified teachers. On the other hand, the California law contains more job protection and benefit continuity features for charter school teachers who are currently employed in California public schools.

2. Why would states want to seek grants to start new schools?

As more and more states offer parents and students the right to choose schools, it's become clear that school choice cannot realize its full potential without more choices. That means starting new schools. And, hopefully it will include opening new channels through which schools can get started, since the exclusive franchise that school boards now have makes it less likely that new schools will be started in competition with existing schools.

States have the primary role in defining how new schools can be authorized, so it's logical for states that have choice programs to now begin considering new channels through which parents, teachers, and local communities can start schools.

More tangibly, this legislation offers financial assistance to states in setting up new ways of starting new schools, waivers from federal regulations, and start-up assistance to groups that are establishing new schools.

3. Isn't this just one more ploy to divert attention from the need to put more money into existing schools?

Like many other choice and school reform proposals, this legislation does not offer a large-scale or immediate transfusion of new financial resources into education.

What it does do, however, is offer consumers of education a much greater stake and sense of ownership in schools. And, it places a much greater set of incentives on schools to improve performance outcomes.

Both these factors should help build public support and confidence in education. And, it should improve school performance.

In the end, a higher level of support and confidence—and clear evidence of improved performance—should translate into a greater taxpayer willingness to support higher funding levels as they are needed. And, the same dynamics offer the potential for individual school and teachers who perform well to be financially rewarded.

4. Won't this proposal adversely affect students who don't exercise choice, as highly motivated students—and funding for them—migrate to other schools?

This is a common argument, traditionally raised in objection to all school choice programs. But, it's a dated and largely theoretical argument that isn't borne out by real experiences in states like Minnesota.

Minnesota's experience with school choice has found a growing number of parents responding favorably to the opportunity to choose schools outside their own districts. Minnesota now has a half-dozen different choice programs which have all experienced slow but steady growth over the eight years since the state's first choice program was established.

But, it's also now evident that there has been no great surge of school transfers, even in a state that has actively promoted choice and where it is now widely supported. It's significant that well over 95 percent of Minnesota's elementary and secondary students have chosen not to change schools.

One reason for this relative stability is what has happened in schools and to students who are "left behind."

Over the last several years, competitive forces unleashed by choice have helped stimulate dozens of new programs designed as much to hold existing students as to attract new ones.

Minnesota high schools have been particularly diligent in expanding college level courses in response to the state's highly touted program allowing juniors and seniors to take courses at public expense at public and private colleges.

And, many school administrators have become more attentive and responsive to parent and student concerns, some interviewing every family that comes and goes under an open enrollment program.

These "secondary effects" of the marketplace are also becoming evident under Minnesota's charter schools law.

One example occurred in the Forest Lake School District where a group of parents had been trying for several years to get a Montessori program in the district. Last year, they proposed a Montessori charter school. They were turned down by the Forest Lake school board, but the district then decided to create its own Montessori elementary program.

So, contrary to the worries of its critics—if school choice is combined with more choices—and with consumers who are more satisfied that they are being responded to—those who choose not to change schools should benefit as much as those who do.

Finally, statements like "the best and brightest students will move on" reflect a degree of paternalism (even racism) that's not justified. Surveys and polls have shown that low income parents and parents in communities of color are among the strongest supporters of school choice.

Those parents care just as much about their kids as parents who can now exercise choice by moving or by paying private school tuition. Many low income parents are among those most frustrated by what can be unresponsiveness in existing schools. And, many of those same parents are willing and able to "take charge" through the marketplace if only given the opportunity and financial resources to do so.

5. Isn't this proposal just a thinly disguised effort to channel public funds to private schools like the voucher proposal made last year by President Bush?

The "Public School Redefinition Act" adds new value to the historic debate between public and private school choice by advancing to the national level the experience states like Minnesota have had over the past several years in redefining public education.

In that sense, the schools receiving grants under this legislation do not fit neatly into conventional definitions of either public or private schools.

On one hand, schools funded under this legislation must satisfy all the essential elements of public education: accepting "all comers," unable to discriminate because of race, religion, disability, and other factors, not charging tuition, and not teach religion or be affiliated with a religious institution.

On the other hand, schools receiving grants under this proposal would not be owned and run by local school districts. They would not be subject to state and federal rules and regulations (other than health and safety regulations). They would be organized and run by teachers or by parents and community members. Many of these schools are likely to be quite small. And, they could be organized under an infinite set of models—year-around, specialized curricula, high-tech or low-tech, one or two grades or age groupings, or a full K–12 curriculum.

Taken together, all this adds up to the kind of "break the mold schools" that President Bush envisioned in his "America 2000" initiative. But, these are also intended to be schools that retain the essential values and ingredients of American public education.

6. What about accountability to an elected school board?

Charter schools are held accountable both through the marketplace and through their outcome based contract with a school board or state or local education agency. That contract has to be periodically renewed. And, if they fail to meet their contractual obligations, they may be closed.

In that sense, charter schools are even more accountable to a public education agency than are other public schools.

7. Why not go the whole way and support vouchers for all schools—public and private?

Partly because it's not going to happen politically and insistence on making that leap all at once could hold up other aspects of education reform that need to go forward—particularly the emergence of more and more diverse school choices, less regulation, a greater focus on outcomes, and the empowerment of teachers, parents and community groups who want to start and run their own public schools.

On the merits, even many supporters of school vouchers are realizing that some protections against discrimination and some form of accountability must be accepted as a trade-off for public funding. Charter schools represent a framework for those applying those protections and accountability mechanisms uniformly and in ways that allow maximum control for parents, teachers, and others who operate the school.

8. What is likely to happen if charter schools and other choice options within public education are not allowed to emerge?

The political reality is that resistance to charter schools—and other deregulation/empowerment mechanisms—will only build support for more open-ended voucher plans.

In other words, if parents can't get more and more diverse choices within public education, they will have no choice but to opt for more radical ways of getting and facilitating the purchase of more diverse choices.

The time clock on that reality is ticking and helps explain support for the new charter schools law in California, where a more open-ended voucher initiative is likely to be on the 1994 ballot. Clearly, retaining the exclusive franchise that local school boards now have on owning and running public schools cannot continue indefinitely.

9. Where are proposals to start charter schools coming from?

Largely from bright, but frustrated teachers, but also from parents and community groups that sense a need for a different focus to teaching and learning in their communities that they don't seem to be able to get out of traditional public schools.

So, partly, this is an empowerment mechanism—for teachers, parents and community groups. And, partly, this is a way to better meet the varying needs within communities for learning sites tailored to different kinds of students.

10. How are charter schools different and what types of students do they serve?

Schools receiving grants under the "Public School Redefinition Act" are intended to be tailored to meet the specific needs of individual communities or groups of students. So, it's not possible to make generalizations about what these schools will look like.

The initial experience with Minnesota's charter schools law does offer some hints, however, on what these new schools will look like.

For example, the first charter school—which began operating last fall—is the City Academy, a St. Paul school that focuses on drop-outs and other hard to reach learners between the ages of 13 and 21.

City Academy is a year-round school run from a community center in a low income neighborhood in St. Paul. Students participated in the development of the proposal, which received substantial start-up funding from the Northern States Power Company, the Twin Cities principal privately-owned electrical utility. Initial enrollment is being limited to about 30 students.

Five other Minnesota charter schools have also been approved by local school boards, and by the state board of education, but won't begin operations until next fall.

They include a Montessori elementary school in Winona, an environmentally oriented K-12 school in the northeastern Minnesota communities of Toivola-Meadowlands, a specialized middle school for deaf and hearing impaired students in the Twin Cities, a K-12, year-around school in Stillwater that stresses a strong role for parents as teachers, and a K-12 school—also in the Twin Cities—which is backed by the Teamsters Education Center and that will emphasize job-related "hands-on" learning experiences in the community.

At least a dozen other charter proposals are at various stages of consideration in Minnesota, including several that have been denied approval by the local school boards or the state board of education.

Minnesota's charter school movement could also get a major boost under a New American Schools Development Corporation grant which will help start as many as 10 new schools in the next year, with at least some of those schools likely to use Minnesota's charter schools law.

Meanwhile, in California, there has been strong interest in seeking the 100 charters authorized by the state's new charter schools law that took effect January 1, 1993. Ten charters have already been approved by local or county school boards and many more are expected to be considered in the next two months.

As is true in Minnesota, the charter schools emerging in California are all different. Consistent with California's charter law, most are existing public schools that are seeking relief from what they regard as stifling rules and regulations. They generally are placing a strong premium on parent involvement and empowerment of teachers. Several are geared toward dropouts and students at risk of dropping out. Others place a strong emphasis on using emerging computer and telecommunications technologies. At least one is centered on work experiences in the community through apprenticeships.

11. What seem to the main barriers to getting charter schools going?

In some cases, administrators and school boards are reluctant to give up traditional mechanisms for control or are unwilling to admit they haven't been responsive to educational needs in their districts. In other cases, teachers unions fear a loss of employee protection assurances in state law and may see charter schools as a competing way for teachers' interests to be served.

In a very real sense the lack of start-up funding and expertise has also been a barrier. Starting a new school is no easy undertaking. It takes time, expertise and financial resources that individual teachers and small groups of parents or community groups often don't have. Meeting that need is one of the main objectives of the "Public School Redefinition Act."

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By Mr. MACK (for himself and Mr. MCCAIN):

S. 430. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

TAX FAIRNESS AND ACCOUNTABILITY ACT

• Mr. MACK. Mr. President, when President Clinton delivered his economic plan to Congress last week, he talked about change. He then outlined a plan with the same tired rhetoric of failed policies that punish success.

We agree with the President that there should be change—away from the status quo of raising taxes to fund more spending and more government.

The budget process is biased in favor of higher taxes and bigger government. That bias must be reversed. Accordingly, the bill I bring to the floor today, along with my good friend, Senator MCCAIN, the Tax Fairness and Accountability Act of 1993, requires 60 votes for a tax increase and a simple majority for a tax decrease. This is the same bill that my colleague from Arizona and I had championed during the 102d Congress.

The bottom line is simple: We want to protect the American taxpayer from their worst enemy—a tax-happy Congress.

My Florida constituents have greeted the President's tax plan with a great deal of skepticism, and they should.

When taxes are raised, everyone loses. Companies lose business. Workers lose jobs and families are hurt. State and local governments lose revenues. The Social Security Trust Fund loses contributions and the Federal Government's Treasury is worse off.

At a time when many countries throughout the world are turning toward free markets—rejecting the failures of government-run economies—the United States is headed in the opposite direction.

A supermajority vote on new taxes would make Congress take a hard look at the way it does business.•

By Mr. EXON:

S. 431. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Commerce, Science, and Transportation.

THE VEHICLE DAMAGE DISCLOSURE ACT

• Mr. EXON. Mr. President, I rise to introduce the Vehicle Damage Disclosure Act. Companion legislation has been introduced in the House of Representatives by Congressmen CLEMENT and COOPER, both from Tennessee. I am pleased to lead the Senate in this effort to stamp out a most serious and dangerous form of consumer auto fraud.

In 1986, I authored legislation to clamp down on odometer fraud. That law requires that odometer readings be carried on auto titles. The legislation has proved to be an overwhelming success. A recent study released by the U.S. Department of Justice proved dramatic reductions in odometer fraud. Very few cars are now sold with odometers which were spun backward to erase road miles.

The Vehicle Damage Disclosure Act builds on the success of the odometer legislation to tackle another serious form of fraud, known as salvage fraud.

When a car is destroyed in a crash, it is generally sent to a junkyard where it is stripped for parts or in some cases rebuilt. Most States require that salvaged cars carry a designation on their title so that consumers are alerted to the condition of the auto they are purchasing.

Unfortunately, several States do not require such a designation. Fraud artists use these States to wash titles of salvaged cars clean of any salvage designation. Once a clean title is obtained, rebuilt wrecks are put on used car lots and sold to unsuspecting consumers.

I am proud to report that the State of Nebraska has one of the best consumer protection title laws. Unfortunately, our State is surrounded by States with less restrictive laws, limiting the protection Nebraska can provide to consumers.

Experts have estimated that car buyers lose as much as $4 billion a year to salvage fraud and unknowingly face increased risk of injury and accident.

Mr. President, there are many legitimate rebuilders who provide good service and value and honest auto dealers who care for their customers. These individuals are especially disadvantaged by the fast-buck operators who play the current system to wash titles of their salvage designations.

In addition, salvage fraud is used by the underworld to clean titles of stolen cars.

Last Sunday's CBS broadcast of "60 Minutes" exposed the severe danger and fraud involved in the sale of salvaged cars. Often salvaged autos have dangerous defects and are prone to malfunction. CBS caught auto dealers in the act of misleading customers as to the history of known salvaged autos. I salute Mike Wallace for his excellent reporting of this shocking practice.

It is time to clamp down on this fraud which cheats consumers out of their hard earned money and puts dangerous vehicles on the road.

The Vehicle Damage Disclosure Act would require States to carry forward any salvage designation from another State and check records which are readily available to State officials. In addition, the U.S. Department of Transportation would be required to implement a nationwide uniform title branding procedure.

Passage of this legislation will prevent States from facilitating the laundering of titles, discourage criminal activity, and help keep unsafe vehicles off the road.

Mr. President, this legislation is straightforward and I would hope noncontroversial. I ask my colleagues to join me in this effort to protect American consumers from salvage fraud.

I ask unanimous consent that the text of the Vehicle Damage Disclosure Act and an article from the February 8, 1993 Automotive News be printed as if read at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 431

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND REFERENCE.**

(A) SHORT TITLE.—This Act may be cited as the "Vehicle Damage Disclosure Act of 1993".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Motor Vehicle Information and Cost Savings Act.

**SEC. 2. PURPOSE.**

Section 401 (49 U.S.C. 1981) is amended—

(1) by inserting after "reliability;" the following: "that a designation by a State on the title that such vehicle has previously sustained major damage or has been rebuilt after being declared 'junk' or 'salvage' is an important factor in evaluating the value and safety of such automobile;", and

(2) by inserting before the period the following: "or vehicles for which States have previously issued a title brand indicating prior severe damage".

**SEC. 3. DISCLOSURE REQUIREMENTS UPON TRANSFER OF OWNERSHIP OF A MOTOR VEHICLE.**

Section 408 (49 U.S.C. 1988) is amended—

(1) in subsection (a) by inserting "on the title" after "disclosure", and

(2) by adding at the end the following:

"(h)(1) Any motor vehicle the ownership of which is transferred may not be licensed for use in any State unless the State discloses on the title whether records readily accessible to it indicate—

"(A) whether the vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'junk', 'reconstructed', or 'rebuilt' or that it has been damaged by flood, and

"(B) if it was issued such a title, which State first issued such a title.

"(2) The Secretary shall—

"(A) not later than 90 days after the date of the enactment of the Vehicle Damage Disclosure Act of 1993, prescribe by rule the manner in which a State shall disclose the information described in paragraph (1)(A) and the manner in which such information shall be retained, and

"(B) not later than 12 months after the date of the enactment of such Act, in consultation with the task force established under section 140(a) of the Anti Car Theft Act of 1992 (15 U.S.C. 2401 note), prescribe the manner in which and the circumstances under which States shall signify that a vehicle has previously sustained major damage.".

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NHTSA ISSUES SALVAGE SCAM WARNING

WASHINGTON.—The federal government last month told consumers to watch out for used cars reconstructed from salvaged parts or rebuilt after being "totaled."

The National Highway Traffic Safety Administration advised motorists to guard against buying used cars with hidden damages. The agency said a reliable mechanic should perform an independent inspection.

All but seven states require the word "salvaged" on title documents, NHTSA says.

That is supposed to make the vehicles eligible for sale only to junkyards or rebuilders.

But there is little uniformity among those states on inspections, reporting and keeping records.

The National Auto Auction Association says selling rebuilt cars as undamaged used ones costs consumers and the auto industry as much as $4 billion a year. The association estimates that in Michigan and Pennsylvania alone, 70 percent of "totaled" cars may be returning to the highways.

The Department of Transportation is setting up a task force to investigate state title, registration and salvage procedures. A 1992 law requires a National Motor Vehicle Information System by 1996. That could be used by consumers as an instant check on whether a car has been rebuilt.●

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By Mr. LIEBERMAN (for himself and Mr. KERREY):

S. 432. A bill to establish a commission to make the Federal Government more effective by promoting economy, efficiency, and consistency in Government programs and services; to the Committee on Governmental Affairs.

FEDERAL GOVERNMENT STREAMLINING AND EFFICIENCY ACT OF 1993

Mr. KERREY. Mr. President, I rise today to discuss a proposal for which there is little constituency: restructuring and streamlining the Federal Government. Along with my distinguished colleague from Connecticut, Senator LIEBERMAN, we are here today to introduce the Federal Government Streamlining and Efficiency Act of 1993.

The goal of this legislation is the same that was declared by President Clinton yesterday to the U.S. Chamber of Commerce and that is to make our Government more responsive to its customers, the American taxpayer. Today's Government does not consider the taxpayer to be a primary customer, Mr. President. The taxpayers do not generate the kind of fear of reprisal in Government circles caused by Senators and Representatives who mix meddling with oversight, by Government agencies who can provide opportunities for meetings to plan acts of cooperation, or by large private sector companies that have an interest in selling goods and services.

These customers, when asked about Government restructuring proposals, will roll their eyes and tell you that it is either not necessary or it is not possible. Mr. President, I am here, along with Senator LIEBERMAN, this morning because I believe restructuring is necessary, it is possible and it is urgently needed.

Thanks to President Clinton's brilliant State of the Union Address, Americans are now much more familiar with the numbers that tell the story of our current fiscal problem. Unless we change course, the Federal budget deficit in this year will be $310 billion and will grow to over $600 billion by the end of the decade.

Mr. President, last week President Clinton unveiled an economic plan that seeks to restructure Federal spending priorities and, more importantly, to take serious action to reduce the Federal budget deficit. The plan includes much that is controversial. The spending cuts are not going to be without pain and tax increases are never popular. The plan calls on us to put our political reputations where our mouths are. We have all been talking about tough choices. Now it is time to make them. I believe it is our responsibility in Congress, Mr. President, to respond to the President's challenge and to finally break the gridlock and put this Nation on a sound fiscal course.

Over the next few months, I will be working in the Senate and with the administration to make what I believe are significant and welcome departures from the ways we have conducted business before. Although the President's plan is a dramatic step, from my perspective it is just a beginning.

Mr. President, we can make substantial additional progress toward reducing the deficit through action on three fronts. First, controlling the growth of entitlements and transfer payments, those nearly 900 billion dollars' worth of checks to individuals and institutions. Second, improving oversight of Federal contracts. And third, reducing the size and structure of the Federal Government.

Category No. 1, Mr. President, is the most difficult politically. The tremendous stream of revenue flowing out in the form of transfer payments is not growing by accident. It has the largest and most active group of advocates. Within this torrent of money, health care is the most troublesome component. I have been on the floor several times in the past to discuss the crucial importance of health care reform to reducing the Federal budget deficit.

Quite simply, all our efforts to control the deficit will fail unless we stop the runaway cost of health care. Very soon the President will come to this Congress and make his proposal for health care reform and at that time I believe we are going to see a difficult struggle over the issue of entitlements.

Category No. 2, Mr. President, the oversight of Federal contracts, gets far too little attention. Last fall, Comptroller General Charles Bowsher, the head of the General Accounting Office, sent President Clinton a series of transition reports. In these transition reports was shocking language about the lack of basic bookkeeping oversight. Mr. Bowsher indicates that we are wasting tens of billions of dollars as a result.

Mr. President, some have suggested that we deal with these contracts with a line-item veto. I believe Congress would make a terrible mistake to give the executive branch and the President this power. However, I believe we do need some mechanism to end contracts when it is determined they are wasteful or fraudulent. I will return to the floor at a later date to discuss this idea further.

Today, Mr. President, I am here to discuss the third category where taxpayers could save some money, the structure and size of the Federal Government.

Mr. President, I support President Clinton's efforts to cut Government spending. I am pleased to learn this morning of his intent to postpone consideration of the stimulus package until after we have acted on spending cuts. Americans are ready for a smaller Federal budget. It is our job to give it to them.

The central message of the Government Streamlining and Efficiency Act of 1993 is that cutting spending alone is not the answer. We do not want to send the message to the Government or to the people to simply make do with less. We want to send the message that they should do more with less. And the only way to accomplish that goal is to make Government more efficient; to cut wasteful spending and restructure and rethink the way in which Government relates to the people it is supposed to serve.

The Government Streamlining and Efficiency Act of 1993 would send a signal to the American people that we are serious about making the long-term structural changes needed to put our Government on the right track. It establishes a 2-year bipartisan commission tasked with the responsibility of examining Federal agencies and programs.

The scope of the commission will be broad, Mr. President, and broad changes are needed. The commission will have real power to make recommendations in three main areas. First, they would include proposals to consolidate, eliminate or reorganize agencies. There are too many examples for me to cite this morning of where consolidation is needed.

Second, the commission would propose ways to improve the delivery of Government services, including ways to consolidate the delivery of services, integrate the use of information technologies and incorporate marketplace principles of accountability and competition.

Third, the commission will propose ways to streamline the regulatory process and coordinate the regulatory function of Federal agencies. Regulation is not the Government's strong suit. We have often made matters worse by dividing regulatory authority. Unfortunately this competition does not add value to the American economy or to the quality of our lives. It only adds cost and frustration while subtracting citizen confidence.

What makes this commission different is not only the broad scope of its examination. What makes it different is the commission will be required to submit along with its recommendations statutory language necessary to implement those recommendations. This would not be one of those cases where we spend money, recommendations are made, then nothing happens. After a period of hearings and consultation with the President and Congress this implementing legislation will be presented to Congress for consideration on a fast-track basis. We will be giving ourselves an opportunity to consider a proposal that could significantly change the way the Federal Government does business, rolled together into a single package.

Some are going to argue that we are giving too much power to this commission. However, unless we move to recommendations for legislation, we will miss an opportunity to save hundreds of millions of dollars and give the American people a government that works.

Mr. President, in the end there is a 6-word description of what Senator LIEBERMAN and I propose to do. That is give Americans a government that works. They deserve nothing less.

Mr. LIEBERMAN. I thank the distinguished chair, and I rise to join with my friend and colleague from Nebraska, Senator KERREY, in introducing this legislation.

Mr. President, it seems to me that this is the right moment for this legislation. It responds in a very real way to the message that I, and I suspect all Members of this Chamber, have heard from our constituents in the last several months, and particularly since the President made his address to Congress last Wednesday evening. They are saying to us we are ready to bite the bullet, if everyone is ready to bite the bullet, and if we get something in return.

Part of what the folks that are speaking to me want in return is a government that is less costly, more efficient, and more responsive to their needs. That is exactly what this commission Senator KERREY and I will create with this bill will do.

I add this too, procedurally. The news today indicates that President Clinton has asked that the stimulus package spending increases to address the recession that continues in many parts of our country, certainly in my part of the country, be held until we adopt the overall budget resolution. This springs from the concern that we not appear to be going out to spend before we put some restraints on Government.

Mr. President, I cannot think of a better way in the short run to convince the American people that we are serious not only about responding to their needs and stimulating the economy, but about restraining Government and making it more efficient, than by creating a commission like this up front before we do the stimulus package, to prove as Senator KERREY has said that we want a government that works.

This commission would root out outdated programs and eliminate them. It would consolidate redundant and overlapping bureaucracies. It would incorporate marketplace incentives into Government management and budgeting processes to give our civil servants the freedom that they need to make commonsense choices.

We aim to streamline the regulatory process, and untangle the regulations that impose unintended and sometimes contradictory burdens.

The bill establishes the bipartisan commission, as Senator KERREY has described, and will follow the procedure that he spelled out.

Mr. President, our aim with this bill is not simply to make Government smaller, but to make it better. The commission is directed to examine the underlying assumptions behind Government programs and agencies, and to evaluate past results, not simply past promises. Too often, as David Osborne has written, bureaucratic governments evaluate how its programs are performing by measuring what has gone into the program, not what comes out. For example, lending programs are too often evaluated by the number of loans made rather than what happens to the businesses that receive those loans.

Programs for the poor are too often measured by the number of participants rather than on whether the participants are finding the jobs and help that they need to become independent.

This commission will be charged with reorganizing and reorienting Government agencies and programs so that they incorporate some of the principles of the marketplace—accountability, consumer choice, and competition—into the delivery of Government services.

Adopting those principles obviously does not mean wholesale deregulation or indiscriminate privatization, for the work of Government is far different than the work of business. But we have something to learn from the private sector. We need to encourage Government to borrow from what works in the private sector, and in many State governments where these entrepreneurial innovations have been successful.

Again, Mr. President, as David Osborne has described better than anyone else I know, the hierarchial centralized Federal bureaucracy that has been growing and growing since the 1930's finds it difficult to function as well as it used to in the complex information age in which we are now living.

So we cannot continue to layer one well-intentioned program on top of the other. We need to take advantage of new technologies and use them to improve management, to reduce administrative costs and to make Government more accessible to the people for whom it is supposed to be working.

Mr. President, in the private sector, all is not perfect, but nonetheless in the private sector, competition exists to induce companies to be more efficient. And when companies lose their effective purpose, sadly, it forces some of them to go out of business.

In Government, there is not that competition. And therefore, the efficiency of Government depends on our skills in the legislative branch in performing effective oversight of Government; in weeding out agencies that no longer have an appropriate purpose; in cutting out fat in the agencies that do have an appropriate purpose but are performing it ineffectively.

That is the aim of this bill. There are examples galore of different branches of the Government all working on the same problem without coordination and sometimes indeed at cross purposes. Sixteen different Government offices for example claim responsibility for one or another aspect of trade promotion.

Forty different Federal programs are in the business of selling houses where the Government has become the owner through foreclosure or other guaranteed programs. Twenty different agencies exercise responsibility over children's issues.

Is it any wonder that sometimes our Government as well-intentioned as it is trips over itself and that the citizens for whom the Government is supposed to be working are frustrated?

It is not reasonable that citizens have to spend as much time as they do contacting us in Congress just to negotiate their way through the often bewildering maze of Federal offices that confront them when they need help or have a simple question.

In Hartford, a city of 140,000, the phone directory lists 30 separate Federal offices. I wonder whether those Federal offices communicate or even know that the others exist?

Mr. President, I view this legislation as the first volley in our efforts, in our plans, to make some hard choices in this session. I am convinced that we need to deal with these choices in a single comprehensive package.

I recognize as my colleague from Nebraska does that there is certainly room for improvement and compromise in this proposal. I look forward to working with other Members who are working on similar proposals, and of course, eagerly welcome the administration's contributions and support. But if there was ever a moment to move forward in a strong concerted way to make our Government serve the purposes we and our constituents want it to serve, but in the leaner more efficient fashion, this is that moment.

Mr. President, I ask unanimous consent that an explanation of this legislation as well as a copy of the bill be printed in the RECORD. I send forward the bill entitled the Federal Government Streamlining and Efficiency Act of 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND PURPOSE.**

(a) SHORT TITLE.—This Act may be cited as the "Federal Government Streamlining and Efficiency Act of 1993".

(b) PURPOSE.—The purpose of this Act is to make the Federal Government more effective by consolidating or eliminating redundant or obsolete programs or agencies, and promoting economy, efficiency, and consistency in Government programs and services.

**SEC. 2. THE COMMISSION.**

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Commission for a Government That Works (hereafter in this Act referred to as the "Commission").

(b) DUTIES.—The Commission shall carry out the duties specified for it in this Act.

(c) APPOINTMENT.—

(1) IN GENERAL.—(A) The Commission shall be composed of 14 members.

(B) Appointments to the Commission shall be made by no later than 30 days after the date of the enactment of this Act.

(2) MEMBERSHIP.—(A) The President shall appoint 4 members to the Commission, of whom 2 shall not be employed by the Federal Government or elected to Federal office at the time of appointment (hereafter in this Act referred to as "citizen members").

(B) The Speaker of the House of Representatives shall appoint 3 members, of whom—

(i) 2 shall be citizen members; and

(ii) 1 shall be a Member of the House of Representatives.

(C) The Majority Leader of the Senate shall appoint 3 members, of whom—

(i) 2 shall be citizen members; and

(ii) 1 shall be a Senator.

(D) The Minority Leader of the House of Representatives shall appoint 2 members, of whom—

(i) 1 shall be a citizen member; and

(ii) 1 shall be a Member of the House of Representatives.

(E) The Minority Leader of the Senate shall appoint 2 members, of whom—

(i) 1 shall be a citizen member; and

(ii) 1 shall be a Senator.

(3) CHAIRMAN.—The President, after consultation with the Senate Majority Leader and the Speaker of the House of Representatives, shall designate 1 member of the Commission who shall serve as Chairman of the Commission.

(d) TERMS.—

(1) IN GENERAL.—The terms of the first members of the Commission shall begin on October 1, 1993. The term of each appointment shall be 2 years. An individual may be appointed to serve any number of terms on the Commission.

(2) SUCCESSIVE APPOINTMENTS.—Subject to the provisions of section 5, appointments shall be made to the Commission in accordance with subsection (c) at the expiration of the terms of the Commission.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(2) PUBLIC ACCESS.—The provisions of section 552b of title 5, United States Code, shall apply to meetings held by the Commission.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—

(1) PAY.—(A) Each member, other than the Chairman and Members of Congress, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties of the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Staff Director.

(2) PAY.—The Director shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) APPOINTMENTS WITHOUT REGARD TO COMPETITIVE SERVICE LIMITS.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

(3) DETAILEES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) OTHER AUTHORITY.—

(1) INTERMITTENT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) LEASING AND PERSONAL PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(k) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments and agencies shall cooperate fully with all requests for information from the Commission and shall respond to requests for information by the Commission within 30 days after a request or such other time as determined by the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1994 through 2000 to the Commission to carry out its duties under this Act, which shall remain available until expended.

### SEC. 3. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) IN GENERAL.—The Commission shall undertake an examination of Federal agencies and programs, including entitlement programs, and submit to the President and Congress findings and recommendations regarding reforms of the organization and operations of the executive branch of the Federal Government to make Government more effective by promoting economy, efficiency, and consistency in Government programs and services. Such recommendations shall include proposals to—

(1) consolidate, eliminate, or reorganize agencies or programs that—

(A) are outdated and no longer meet their statutory objectives;

(B) are duplicated by, or are similar to other programs or agencies in the same or different departments; and

(C) provide services or benefits which are not consistent with or counter initiatives in other agencies or programs;

(2) improve the delivery of Government services to regions, States, localities, and individuals, including recommendations to—

(A) consolidate the delivery of services through coordination of service providers or similar means;

(B) integrate the use of information technologies to improve management and reduce administrative costs; and

(C) incorporate marketplace principles of accountability and competition; and

(3) streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

(b) REPORT.—No later than January 1, 1995, the Commission shall prepare and submit a report to the President and Congress which shall include—

(1) a description of the Commission's recommendations under subsection (a);

(2) reasons for such recommendations; and

(3) proposed legislation (containing specific language proposed to be enacted) necessary to implement the Commission's recommendations to—

(A) consolidate, eliminate, or reorganize programs or agencies;

(B) improve the delivery of Government services; and

(C) streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

### SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT.

(a) INITIAL REPORT AND REVIEW PROCEDURE.—The report required by section 3(b) shall be submitted to the President and Congress and made available to the public for 60 days after the date the initial report is submitted. During the 60-day period, the Commission shall announce and hold public hearings for the purpose of receiving comments on the report and any amendments to the report.

(b) FINAL REPORT.—No later than 45 days after the conclusion of the period for public hearings under subsection (a), the Commission shall prepare and submit a final report to the President.

(c) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—No later than 15 days after receipt of the final report under subsection (b), the President shall approve or disapprove the report.

(2) APPROVAL.—If the report is approved the President shall submit the report to the Congress for legislative action under section 6.

(3) DISAPPROVAL.—If the President disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and the Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the Congress for legislative action under section 6.

### SEC. 5. RENEWAL OF THE COMMISSION.

(a) IN GENERAL.—(1) If, after completion of congressional consideration of the Commission report, the President finds that a renewal of the Commission would make a constructive and beneficial contribution to improving the organization and operations of the executive branch of the Government, the Commission shall be renewed for a 2-year period. The terms of the members of the renewed Commission shall begin at the conclusion of the terms of the members of the previous Commission under section 2(d).

(2) If the Commission is not renewed under paragraph (1), the Commission shall terminate at the conclusion of the terms of the members under section 2(d).

(b) SUBSEQUENT REPORTS.—A renewed Commission shall submit a report, in accordance with the provisions of this Act, on January 1 of the first odd-numbered year following its renewal.

(c) TERMINATION.—The Commission shall terminate on October 1, 1999, and shall not be renewed after such date.

### SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation contained in the final report submitted to the Congress under section 4(c) (2) or (4) without modification; and

(2) the term "session day" means a day that both the Senate and the House of Representatives are in session.

(b) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION.—On the first session day on or immediately following the date on which a final report is submitted to the Congress under section 4(c) (2) or (4), an implementation bill shall be introduced—

(A) in the Senate by the Majority Leader of the Senate, for himself, the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bill introduced in the Senate shall be referred concurrently to the Committee on Governmental Affairs of the Senate, and other committees with jurisdiction. The implementation bill introduced in the House of Representatives shall be referred concurrently to the Committee on Government Operations of the House of Representatives, and other committees with jurisdiction.

(c) DISCHARGE.—If the committee to which an implementation bill is referred has not reported such bill by the end of the 15 calendar day period beginning on the date of introduction of such bill, such committee shall be, at the end of such period, discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth session day after the date on which the committee to which such a bill is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a bill, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the respective House shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority Leader and the Minority Leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable.

A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of an implementation bill of that House described in subsection (a), that House receives from the other House an implementation bill described in subsection (a), then the following procedures shall apply:

(A) The implementation bill of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill described in subsection (a) of the House receiving such bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House, except that if the implementation bill is a bill for the raising of revenue, the vote of final passage shall be upon the implementation bill which originates in the House of Representatives.

(2) FINAL DISPOSITION.—Upon disposition of the implementation bill received from the other House, it shall no longer be in order to consider the implementation bill that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 7. IMPLEMENTATION.**

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the Secretary's report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of the programs and agencies that have been eliminated and programs and agencies that have been consolidated or transferred to other departments.

(c) GAO OVERSIGHT.—The Comptroller General shall have oversight responsibility over the implementation of the Commission's report and the Act enacted under section 6. The Comptroller General shall periodically report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

**SEC. 8. DISTRIBUTION OF ASSETS.**

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

### SUMMARY OF THE FEDERAL GOVERNMENT STREAMLINING AND EFFICIENCY ACT OF 1993

The Federal Government Streamlining and Efficiency Act of 1993 establishes a bipartisan, fourteen-member, two-year commission to make recommendations to improve the effectiveness of the Federal Government. The Commission will submit a report to the President and Congress containing recommendations to eliminate, consolidate, or reorganize Federal agencies and programs that are obsolete or redundant, and to promote economy, efficiency, and consistency in the delivery of Government programs and services. To ensure that the recommendations are acted upon, the commission's report will include proposed statutory language necessary to implement its recommendations. This legislation will be subject to fast-track consideration and a single up-or-down vote by the Senate and the House of Representatives. The Commission, known as the Commission For A Government That Works, may be renewed for two additional terms at the option of the President, but will terminate no later than October 1, 1999.

### SEC. 1. SHORT TITLE AND PURPOSE

The purpose of the "Federal Government Streamlining and Efficiency Act of 1993" is to make the Federal Government more effective by consolidating or eliminating redundant or obsolete programs or agencies, and promoting economy, efficiency, and consistency in Government programs and services.

### SEC. 2. THE COMMISSION

The Commission has 14 members, appointed within 30 days of enactment of the Act. The President appoints 4 members, two of whom are private citizens not employed by the Federal Government or elected to Federal office. The Speaker of the House and the Majority Leader of the Senate each appoint 3 members, of whom two are citizen members and one is a Member of Congress. The Minority leaders of the House and Senate each appoint two members, of whom one is a citizen member and one is a Member of Congress.

The President designates a chairman among the members. The Commission appoints a director and staff, and many have agency detailees. The two-year term of the commission will begin on October 1, 1993. At the option of the President, the commission may be renewed for up to two additional terms.

### SEC. 3. PROCEDURES FOR MAKING RECOMMENDATIONS

The Commission will examine Federal agencies and programs, including entitlement programs, and submit to the President and Congress on January 1, 1995 a report including recommendations and accompanying implementing legislation to

1. Eliminate, consolidate, or reorganize programs or agencies;
2. Improve the delivery of government services to regions, States, localities, and individuals by, among other things, integrating the use of information technologies to improve management and reduce administrative costs and incorporating marketplace principles of accountability and competition, and
3. Streamline and coordinate the regulatory process and regulatory functions of Government agencies and programs.

### SEC. 4. PROCEDURE FOR IMPLEMENTATION OF REPORT

An initial version of the report, which includes recommendations and proposed implementing legislation, is submitted to the President and Congress. The Commission holds public hearings for 60 days after the report is initially submitted. No more than 45 days after the conclusion of the hearing period, the Commission submits a final report, reflecting any modifications resulting from the hearings, to the President. The President approves or disapproves the report within 15 days. If the President disapproves, the Commission has 30 days to modify the report. The final report, as modified, is then submitted to Congress.

### SEC. 5. RENEWAL OF COMMISSION

After the Commission completes its two-year term and submits its report to the President and Congress, the President has the option of renewing the Commission for another two-year term if the President finds that renewal would make a constructive and beneficial contribution to improving the operations of the Federal government. If the President decides to do so, the renewed Commission will submit a report on January 1, 1997 pursuant to the same procedures as the initial report. Upon submission of that report, the President may opt to renew the Commission for another two-year term. The Commission terminates on October 1, 1999, and cannot be renewed again.

### SEC. 6. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

When the Commission submits its report to Congress, the Majority Leader in the Senate and the Majority Leader of the House (or designated Members) shall introduce the implementing legislation bill contained in the report on the first session day in which both Houses are in session. The bill shall be referred concurrently to the Committee on Governmental Affairs in the Senate, the Committee on Government Operations in the House, and other committees with jurisdiction. The Committees shall have 15 calendar days to report or discharge the bill. Five session days after the bill has been reported or discharged by the committees, the bill will be in order for consideration on an expedited basis. Amendments to the implementation bill are not in order.

### SEC. 7. IMPLEMENTATION

OMB has primary responsibility for implementing the Commission's report. GAO has oversight responsibility and periodically reports to the President and Congress regarding the process.

### SEC. 8. DISTRIBUTION OF ASSETS

Proceeds from the sale of any executive branch assets resulting from implementation of the report will be used to reduce the Federal deficit and be deposited in the Treasury as general receipts.

Mr. KERREY. Mr. President, I say that I hope the introduction of this legislation on Senator LIEBERMAN's birthday is an indication of our great success. One of the things that I did not mention in my remarks that I believe all of us have heard from our people at home is that the amount of paperwork and regulation very often there from government agencies has become more and more difficult. It is not just business interests. Anybody who has talked to people involved in special education, or chapter 1, or school lunch programs, knows that the top of the agenda, even before they get to the desire for more money, is very often the fact that the paperwork has become very onerous.

I believe that the divided nature of authority at the Federal level produces an awful lot of that paperwork. Very often, Federal agencies operate under the assumption that the people they are trying to help are not to be trusted, and as a consequence, they put all kinds of paperwork out for them to complete prior to being given resources and prior to allowing their resources to continue. One of the things that I think will come from restructuring Government and making it operate in a much more simple fashion is that the paperwork burden we are hearing about from schools and teachers—and that we are hearing about from throughout our communities—would be substantially reduced.

Again, it is an honor for me to be introducing this legislation with my colleague from Connecticut, whose birthday is today, Senator LIEBERMAN. I look forward to working with the leadership and with Republicans, as well as Democrats, to improve this legislation. It is of urgent necessity that we seize this moment land enact it this year.

Mr. DASCHLE. Mr. President, let me commend my colleagues for what appears to be a very interesting and intriguing approach to addressing the problem. I look forward to learning more about the bill in the coming days.

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By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 433. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes; to the Committee on Energy and Natural Resources.

### CAMERON PARISH LAND CONVEYANCE ACT

• Mr. JOHNSTON. Mr. President, I rise today to introduce legislation to convey approximately 141 acres of land in Cameron Parish, LA, to the West Cameron Port Commission to allow the commission to develop a public port facility. This area, known as Monkey Island, is situated just over a mile north of the Gulf of Mexico.

Monkey Island is bordered by both the Calcasieu ship channel and Calcasieu Pass, which provide both deep draft and shallow draft capabilities, with close access to the gulf. Development of a public port facility will allow Cameron Parish to provide increased recreational opportunities through boat-launching facilities, a marina, fishing piers, and park areas. In addition, the port will provide an economic stimulus for the area through the development of a commercial docking facility, Port Commission offices, port-related cargo warehouse facilities, and a community industrial park.

The area was originally withdrawn for use by the Coast Guard in 1875. The Coast Guard now uses only a few acres, and relinquished the remainder of the property to the Bureau of Land Management in 1984. Other than a few unoccupied structures, the property is vacant, and has not been utilized by the BLM.

Mr. President, this bill is very similar to legislation I introduced last Congress, S. 3100. I would like to thank my colleague, Senator BREAUX, for cosponsoring this bill again this year. The Committee on Energy and Natural Resources ordered S. 3100 favorably reported by a vote of 20–0, and the bill later passed the Senate by a voice vote. The House passed the bill at the end of the 102d Congress, but because of amendments unrelated to the land conveyance, we were unable to complete passage of the bill before adjournment. However, I am not aware of any controversy surrounding this legislation, and I am hopeful that this bill will be enacted early this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 433

*Be it enacted in the Senate and House of Representatives in the United States of America in Congress assembled,*

### SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the 'Secretary') is directed to convey by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to certain lands located in Cameron Parish Louisiana, as described in section 2, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands referred to in section 2.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States: *Provided*, That the Secretary shall not acquire any lands under this subsection if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(d) RETENTION OF PROPERTY FOR COAST GUARD.—The Secretary, after consultation with the Coast Guard and the West Cameron Port Authority, shall except and reserve from such conveyance all right, title, an interest to approximately 3.0 acres of lands previously used by the Coast Guard, along with any improvements thereon, for the continued use and benefit of the Coast Guard.

(e) RETENTION OF OTHER ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances, as identified on the map referred to in section 2—

(A) a permit granted to the United States Army to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including, but not limited to restrictions on height of structures, and requirements to shield seaward facing lights.

### SEC. 2. LAND DESCRIPTION.

The lands to be conveyed pursuant to this Act comprise approximately 141.4 acres of Federal lands located within the irregular section 32, township 15 south, range 10 west, Louisiana Meridian, as generally depicted on the map entitled 'Cameron Parish land Conveyance' and dated February, 1993.•

By Mr. BUMPERS (for himself, Mr. DURENBERGER, Mr. LIEBERMAN, Mrs. KASSEBAUM, Mr. HARKIN, Mr. DOMENICI, Mr. KERRY, Mr. GRASSLEY, Mr. DECONCINI, Mr. LEVIN, Mr. GLENN, Mr. SHELBY, Mr. INOUYE, Mr. REID, Mr. SIMON, Mr. CONRAD, Mr. JOHNSTON, and Mr. ROBB):

S. 434. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes; to the Committee on Finance.

### CHILD SUPPORT TAX EQUITY ACT OF 1993

• Mr. BUMPERS. Mr. President, today Senator DURENBERGER and I are reintroducing legislation to provide equity in the tax laws between the taxpayers, principally mothers, who are unable to collect the child support that is due to them and the taxpayers, principally fathers, who fail to pay the child support that they owe.

This legislation is called the Child Support Tax Equity Act because it gives like-situated taxpayers and citizens the same rights and the same access to government services.

### HISTORY OF THE LEGISLATION

Senator DURENBERGER and I introduced the bill in April of last year. By the end of the Congress we had 22 Senate cosponsors for the proposal.

The Senate Finance Committee unanimously adopted this proposal as an amendment to H.R. 11, the October tax bill. The conference committee did not include the proposal in the legislation sent to President Bush. Frankly, we had never expected to move so quickly on the legislation, it had only been introduced a few months before and hearings had never been held on it, and we had not had time to do our homework with the Ways and Means Committee.

We are convinced that this is a sound proposal and that it will find strong support this year in the House, as it has in the Senate.

### OUTLINE OF LEGISLATION

The legislation permits taxpayers, principally mothers, to take a nonbusiness bad debt deduction for the amount of child support that is due to them but which they are unable to collect. This amendment is consistent with the tax policy for nonbusiness bad debt deductions.

In terms of the bad debt deduction for unpaid child support payments, this legislation simply puts mothers who are unable to collect child support on a par with businesses and other taxpayers who can't collect their debts. Mothers and businessmen both have debts that they cannot collect. They both suffer an economic loss. And they both deserve a bad debt deduction. This is a matter of simple equity.

The legislation then includes the amount of child support that is not paid as taxable income to the taxpayers, principally fathers, who fail to pay the child support that they owe. This amendment is also consistent with the tax policy for discharge of indebtedness.

When a taxpayer is discharged from a debt that taxpayer is deemed to have received income in the amount of the debt that was discharged. If we did not have this provision in the Tax Code, everyone would be giving gifts to everyone else and it would all be tax exempt. The discharge of indebtedness provision ensures that taxpayers who receive an economic gain in the form of a discharged debt are treated the same as taxpayers who receive an economic gain in the form of a salary or wage.

In terms of the discharge of indebtedness provision, the legislation simply puts the fathers who aren't paying child support on a par with businesses and other taxpayers who don't repay their debts. Fathers and other debtors both have obligations that they do not honor. They both reap an economic windfall when they do not repay their debts. And they both deserve to recognize taxable income on the amount of the debt that they do not pay. This is also a matter of simple equity.

This pairing of the bad debt deduction with the discharge of indebtedness provision is perfectly appropriate. When the mother takes the bad debt deduction for a debt she cannot collect, it follows that the father has been discharged from his child support indebtedness for the debt he is not paying.

The bad debt deduction for the mother and the discharge of indebtedness for the father are logical corollaries, bookends of the same transaction, and perfectly just. When a debt is written off, that debt is, in effect, discharged. If one taxpayer realizes a loss, she can't collect the debt that is due to her and her children, and is permitted a deduction for that loss, the other taxpayer realizes a gain, he no longer has to pay the debt, and he is taxed on the value of that gain.

This is symmetrical and it is equitable in terms of tax policy and it is clearly just in terms of social policy. We have every reason to assist mothers who cannot collect child support and we have every reason to penalize fathers who refuse to pay the support they owe to their children.

### REVENUE IMPLICATIONS OF TAX PROVISIONS

In the current budget climate the key issue for any new proposal is its cost. On this issue this legislation stands on very strong grounds.

The nonbusiness bad debt deduction for unpaid child support will lose revenue and this revenue loss must be financed under the pay-as-you-go requirements of last year's deficit agreement. Fortunately, according to the Joint Committee on Taxation the discharge of indebtedness provision will raise more than enough revenue to pay for the new bad debt deduction.

In fact, the joint committee finds that the discharge of indebtedness provision raises $47 million more in revenue over the first 6 years than the bad debt deduction provision loses. This finding is based on the fact that the fathers who fail to pay child support tend to be in a higher tax bracket than the mothers who are not paid child support. So, when the fathers pay tax on the discharge of their child support debts it raises more revenue than when the mothers take a bad debt deduction for the amount of the child support payments that they cannot collect.

This revenue estimate also takes into account the likelihood that the IRS will not be able to collect taxes for the discharge of indebtedness in each case where a taxpayer has claimed a bad debt deduction. The fact that the fathers are in higher tax brackets more than offsets this factor.

The revenue estimate year-by-year finds that there is no revenue impact in the first year, the year waiting period required for all claimants for the bad debt deduction. Then in the first year in which these deductions can be claimed, 1993, the joint committee finds that the legislation loses $38 million in revenue. The third year the bill loses $377 million. This is the year in which more bad debt deductions will probably be claimed but the year in which discharge of indebtedness taxes will be paid. In the fourth year, the first year when the bill is fully implemented, the bill raises $141 million. In the fifth year the bill raises $142 million and in the sixth year it raises $179 million. The net revenue impact is to raise $47 million over the 6-year period. One key point is that the revenue in the fourth, fifth, and sixth year increase year-to-year, so we have a positive revenue trend in the sixth year. I have obtained nine additional revenue estimates for other versions of the bill. The key point is that every one of these versions of the bill raises revenue. Every one of them finds that the father's payments for the discharge of indebtedness will exceed the mother's claims for the bad debt deduction.

### STRENGTHENING EXISTING CHILD SUPPORT PROGRAMS

The bill could be drafted simply to provide for the bad debt deduction and the discharge of indebtedness and we could use the $47 million net gain in revenue to reduce the deficit. I had hoped that the bill would raise more than $47 million in revenue and that we could use the revenue that is raised to increase the availability and effectiveness of some of the other Federal child support enforcement programs. I have determined not to do this, but let me outline some of the options that are available here.

We need to find a way to waive some of the fees that currently restrict the utilization of the IRS tax refund intercept program and full enforcement program. The fees and payments that we should eliminate are: the payment to the IRS from all families receiving Federal tax offset services to cover administrative costs; an application fee charged to new non-AFDC families receiving child support enforcement services; an additional fee for the use of Federal tax offset services by non-AFDC families; and a cost recovery fee for genetic tests applies to non-AFDC absent parents.

These latter three fees are only assessed for non-AFDC mothers who are seeking IRS assistance in collecting child support. By waiving these fees we could make this IRS assistance available to welfare and nonwelfare mothers on an equal basis.

The Congressional Budget Office finds that these provisions cost nothing in the first 2 years, cost $55 million in the third year, $65 million in the fourth year, and $75 million in the fifth year.

Taken together, these expenditures cost $140 million in the fourth and fifth years when the tax provisions raise $47 million in those same years. This means that had I waived these fees I could not claim that the bill is revenue neutral. The bill would have hurt our deficit situation, so, reluctantly, I decided not to propose waiving the fees in this bill. Had we raised more revenue, that is how I would have used the funds. I will continue to look for ways to waive these fees.

### UNPAID CHILD SUPPORT

Let me share with you some revealing and shocking facts about the problem of unpaid child support. These facts indicate that we must do everything we can to help mothers who are unable to collect the child support to which they are entitled.

In 1987, there were a total of 9.4 million mothers who have children under the age of 21 and are head of a household without a father present. Of that number, 4.8 million families were expecting child support payments in 1987. However, 24 percent of those families received nothing at all. The actual number involved is 1,153,000 families receiving nothing at all. In 1985, 4.4 million families were expecting to receive payments, however 26 percent again received nothing at all. This number represents 1,138,000 families. As one can tell from the facts, this increase of 15,000 families in a 2-year period is quite alarming. This number has steadily increased since 1983.

In fiscal year 1989, $8.2 billion were owed to families, yet only $3.9 billion were paid. This leaves a gap of $4.3 billion that was not paid. Payments due prior to 1989 equaled the sum of $15.7 billion. Only $1.1 billion were paid, however, leaving a gap unpaid of $14.6 billion. Even more stunning than this, if one combines these totals and figures, the current and prior payments due in and before 1989 equaled $23.9 billion. Yet only $5 billion were paid. This figure represents only 21 percent of the total amount due, and leaves a gap of over $18 billion.

This loss of child support is critical to the families to which it is owed in due child support payments. The average income of those families was only $11,793. This income is countered by the average income of those who do receive payments, which is $14,245. In those families who receive nothing, the breakdown as to the number of children in the family is as such: there were a total of 622,000 families with 1 child, 396,000 families with two children involved, 99,000 families with 3 children involved, and 37,000 families where there was four or more children involved.

Of the families receiving no child support payments, 346,000 have incomes below the poverty level. In those cases, the number of families with: there was a total of 162,000 families where there was one child involved. In 112,000 cases, there were 2 children involved, in 48,000 cases, 3 children were involved, and in 24,000 cases, there were 4 or more children involved.

Furthermore, of the cases where no payment was made, 913,000 were court ordered payments, and 195,000 were voluntary written payments.

Since I have been focusing solely on the families to this point, let me shift my emphasis to those who are paying, or in this case are supposed to pay child support. In a recent study done of 649 absent parents, 63 percent of those reported some type of income. Of those who reported some type of income, 122 or 20 percent had earned over $10,000. This suggests some permanence in their employment. In eight cases, the parent earned over $30,000 and one father paying no child support earned $83,900. The data concludes from this survey, that absent parents can and should be paying more or can afford to pay more in child support. This survey represents the larger problem that has been encountered by custodial parents, namely that support is not occurring in all cases.

The facts tell the story. We are encountering a grave problem in enforcing our child support payments and this legislation will help the mothers who are not receiving the support they need to raise their children. It is only just that those who fail to pay the support that is owed should pay the cost of the assistance this bill provides.

### INCENTIVES UNDER PROPOSED LEGISLATION

All tax laws provide incentives to taxpayers. In drafting this bill I have been very concerned about any possible incentives for mothers not to attempt to collect the child support payments to which they are entitled or for fathers not to pay the amounts of child support that they owe.

I am convinced that neither of these incentives is created by this legislation and other incentives are created that will increase the collection efforts and payments that are made. In short, this bill will help the situation.

A mother only qualifies for the deduction if she has first obtained a divorce or separation instrument that obligates the father to make child support payments. As I have said, a divorce or separation instrument is a decree of divorce or separate maintenance or a written instrument incident to such a decree or a written separation agreement. This requirement for the deduction gives mothers an incentive to formalize the child support payment obligation. Mothers who obtain these legal documents are much more likely to be able to collect child support payments than those who don't. So, in creating an incentive for mothers to formalize the child support payment obligation this legislation will help them to collect the payments to which they are due.

Mothers who take the deduction in most cases will be in the 15 percent tax bracket. The deduction is worth only 15 percent of the face value of the child support that is owed. She can only collect the other 85 percent of the claim by continuing her efforts to enforce the payment obligation. The legislation permits her to do this and, if she is later successful in securing payment, she will simply declare that payment as income in the year in which it is received.

When a father has been given notice by the mother or the IRS, he is likely to be shocked. He will be facing a situation where he must either pay the mother or pay the IRS. He would only have to pay the IRS the amount of tax that is due and this amount will vary with the tax bracket in which he finds himself. But, paying 15 percent, 28 percent or more of the amount that is due may well encourage him to make the payments to the mother. Given a choice of paying the IRS or paying the child support for his children, many fathers would prefer the latter.

When the father is found by the IRS, the IRS will not be giving the mother information on his location. This would violate his confidentiality as a taxpayer. But, he will have been found and that may have a major psychological impact on his inclination to pay. He will no longer be immune to the mother's attempts to collect the child support. He will be paying a penalty for his failure to make the payments that are due.

### CONCLUSION

The legislation I am reintroducing today uses a new tool to work on the national crisis on unpaid child support. This is a multifaceted crisis and we need as many tools as we can assemble to ensure that our Nation's children receive the financial support that is essential for them to grow to be responsible, productive adults.

The fact that this important legislation raises revenue is a bonus. I would be proposing this bill even if it carried a cost to the Government. But, it is drafted so that it does not impose any cost and this makes it not just attractive, but it makes it irresistible.

I look forward to working with the chairman and members of the Finance Committee on this bill. I am delighted to have the support of a broad-base of respected children and child support enforcement organizations.

I ask unanimous consent that an outline of the bill, a case study of how the bill works, an outline of the anti-abuse provisions be printed at this point in the RECORD. A detailed technical explanation of the bill is available upon request.•

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 434

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Support Tax Equity Act of 1993".

**SEC. 2. NO EFFECT ON RIGHTS AND LIABILITIES.**

Nothing in this Act shall be construed to affect—

(1) the right of an individual or State to receive any child support payment; or

(2) the obligation of an individual to pay child support.

**SEC. 3. ALLOWANCE OF BAD DEBT DEDUCTION FOR PARTIALLY UNPAID CHILD SUPPORT PAYMENTS.**

(a) IN GENERAL.—Section 166 of the Internal Revenue Code of 1986 (relating to deduction for bad debts) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN UNPAID CHILD SUPPORT PAYMENTS.—

"(1) IN GENERAL.—In the case of any eligible taxpayer who has any applicable child support payments remaining unpaid as of the close of the taxable year—

"(A) subsections (a) and (d) shall not apply to such payments, and

"(B) there shall be allowed as a deduction for such taxable year an amount equal to the amount of such payments.

"(2) PER CHILD LIMITATION ON DEDUCTION.—The aggregate amount allowable as a deduction for any taxable year under paragraph (1) with respect to any child for whom applicable child support payments are required to be paid shall not exceed $50,000.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means an individual—

"(A) whose adjusted gross income for the taxable year does not exceed $50,000,

"(B) with respect to whom the amount of applicable child support payments remaining unpaid as of the close of the taxable year is equal to or greater than $500, and

"(C) who meets the identification requirements of paragraph (5).

"(4) APPLICABLE CHILD SUPPORT PAYMENT.—

"(A) IN GENERAL.—The term 'applicable child support payment' means, with respect to any taxable year of the eligible taxpayer—

"(i) any periodic payment of a fixed amount, or

"(ii) any payment of a medical or educational expense, insurance premium, or other similar item,

which is required to be paid to such taxpayer during such taxable year by an individual under a support instrument meeting the requirements of paragraph (8) for the support of any qualifying child of such individual.

"(B) QUALIFYING CHILD.—For purposes of this paragraph, the term 'qualifying child' means a child of an eligible individual with respect to whom a deduction is allowable under section 151 for the taxable year (or would be so allowable but for paragraph (2) or (4) of section 152(e)) or, while eligible for such deduction, was determined to be disabled under subtitles 2 or 16 of chapter 42.

"(C) PAYMENTS MUST BE DELINQUENT FOR AT LEAST ENTIRE YEAR.—Any payment described in subparagraph (A) which is required to be made by an individual to an eligible taxpayer shall not be treated as an applicable unpaid child support payment if at least half of the payments which are required to be paid to the eligible taxpayer during the 12-month period ending on the last day of the taxable year are paid. In the case of the 1st taxable year to which this subsection applies to payments from any individual, the preceding sentence shall be applied by substituting '24-month' for '12-month'.

"(D) COORDINATION WITH AFDC.—The term 'applicable child support payment' shall not include any payment the right to which has been assigned to a State under section 402(a)(26) of the Social Security Act (42 U.S.C. 602(a)(26)).

"(5) IDENTIFICATION REQUIREMENTS.—The requirements of this paragraph are met if the eligible taxpayer includes on the return claiming the deduction under this subsection the name, address, and taxpayer identification number of—

"(A) each child with respect to whom child support payments to which this subsection applies are required to be paid, and

"(B) the individual who was required to make such child support payments.

In the case of a failure to provide the information under subparagraph (B), the preceding sentence shall not apply if the eligible taxpayer certifies that any such information is not known.

"(6) COST-OF-LIVING ADJUSTMENTS.—In the case of any taxable year beginning after 1992, the $50,000 amount under paragraph (2)(A), the $50,000 amount under paragraph (3)(A), and the $500 amount under paragraph (3)(B) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting '1991' for '1989'.

"(7) SUBSEQUENT PAYMENTS.—If any payment with respect to which a deduction was allowed under paragraph (1) is subsequently made, such payment shall be included in gross income of the eligible taxpayer for the taxable year in which paid. This paragraph shall not apply to any amount if an individual has assigned the right to receive such amount to a State (and the State does not pay such amount to such individual).

"(8) SUPPORT INSTRUMENT.—For purposes of this subsection, a support instrument meets the requirements of this paragraph if it is—

"(A) a decree of divorce or separate maintenance or a written instrument incident to such a decree,

"(B) a written separation agreement, or

"(C) a decree (not described in subparagraph (A)) of a court or administrative agency requiring a parent to make payments for the support or maintenance of 1 or more children of such parent."

(b) DEDUCTION FOR NONITEMIZERS.—Section 62(a) of such Code is amended by adding at the end thereof the following new paragraph:

"(14) UNPAID CHILD SUPPORT PAYMENTS.—The deduction allowed by section 166(f)."

(c) CONFORMING AMENDMENT.—Section 166(d)(2) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or" and by adding at the end thereof the following new subparagraph:

"(C) a debt which is an applicable child support payment under subsection (f)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

**SEC. 4. INCLUSION IN INCOME OF AMOUNT OF UNPAID CHILD SUPPORT PAYMENTS.**

(a) IN GENERAL.—Section 108 of the Internal Revenue Code of 1986 (relating to discharge of indebtedness income) is amended by adding at the end thereof the following new subsection:

"(h) UNPAID CHILD SUPPORT PAYMENTS.—

"(1) IN GENERAL.—For purposes of this chapter, any taxable unpaid child support payments of a taxpayer for any taxable year shall be treated as amounts includible in gross income of the taxpayer for the taxable year by reason of the discharge of indebtedness of the taxpayer.

"(2) TAXABLE UNPAID CHILD SUPPORT PAYMENTS.—For purposes of this subsection, the term 'taxable unpaid child support payments' means payments—

"(A) which were applicable child support payments which the taxpayer was required to pay under a support instrument for the support of a child of the taxpayer, and

"(B) with respect to which the notice requirements of paragraph (3) are met.

"(3) NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—During January of the second calendar year following a calendar year in which there begins a taxable year for which a deduction allowed under section 166(f) was claimed, the eligible taxpayer shall send a notice (in such form as the Secretary may prescribe) to the individual who failed to make payments which contains—

"(i) the amount of the applicable child support payments for such taxable year, and

"(ii) notice that the individual is required to include such amount in gross income for the taxable year beginning in the preceding calendar year.

"(B) NOTICE BY SECRETARY.—If notice cannot be provided under subparagraph (A) because the address is not known to the eligible taxpayer, the Secretary shall send such notice if the address is available to the Secretary.

"(C) ADDRESS UNKNOWN.—If notice cannot be provided under subparagraph (A) or (B) because there is no known address, no income shall be included in gross income for any taxable year beginning before the calendar year preceding the calendar year in which such notice may be sent.

"(4) SUBSEQUENT PAYMENTS.—If any payment required to be included in gross income under paragraph (1) is subsequently made, the amount of such payment shall be allowed as a deduction for the taxable year in which such payment is made.

"(5) DEFINITIONS.—For purposes of this subsection, the terms 'applicable child support payments' and 'eligible taxpayer' have the meanings given such terms by section 166(f).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

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### OUTLINE: CHILD SUPPORT TAX INCENTIVES

Bill uses tax law regarding bad debt deductions and discharge of indebtedness to help parents who cannot collect child support and to prevent windfall for parents who do not pay child support.

#### BAD DEBT DEDUCTION

Clarifies that taxpayers, principally mothers, who are not paid child support owed to them to take a bad debt deduction for the amount of the child support that is not paid.

Deduction is allowed for taxpayers who do not itemize their deductions. Above the line deduction.

Bad debt deduction is allowable up to $5,000 in unpaid child support per child per year. Threshold is indexed for inflation.

Deduction is allowable only if taxpayer's adjusted gross income does not exceed $50,000 per year. Threshold is indexed.

Deduction is allowable for any periodic payment of a fixed amount that is required to be paid.

Requirement for payment to be made must be found in a legally enforceable agreement, decree or order. Encourages taxpayer to obtain enforceable child support right.

No deduction is allowed for first year in which payments are not made. Encourages taxpayers who owe or are owed child support to work out initial problems with payments.

In subsequent years, the deduction is allowable only if at least $500 in child support payments have not been paid. Once threshold is exceeded, full amount of non-payment is deductible.

The taxpayer claiming the deduction must identify the children with respect to whom child support payments are required to be made and, to the extent possible, the taxpayer who is required to make these payments. Same standard as in welfare reform law.

The deduction is allowed for child support payments to any child for whom an exemption for a dependent is allowable.

If the child support payments for which a deduction has been taken subsequently are paid the mother must include payments as taxable income in the year in which they are paid.

Mother is not barred from seeking to collect the child support that is owed by father. Value of deduction is only 15 percent or 28 percent of value of payments, so mother has incentive to seek collection of full amount rather than simply taking deduction.

### DISCHARGE OF INDEBTEDNESS

Requires taxpayers, principally fathers, to pay tax on the amount of any child support payments they do not make as a discharge of such indebtedness. Prevents windfall for fathers who fail to pay child support.

When mother claims bad debt deduction, father is notified by the mother or the I.R.S. of the amount of the unpaid child support payments and that he must include this amount in his gross income on his next tax return.

If the father subsequently pays the child support that is due, he may claim a deduction for such payments in the year in which they are paid.

Minimal I.R.S. burden involved. Taxpayer claiming deduction must have legally enforceable order and record of non-payment. Taxpayer who allegedly has failed to make payments may dispute obligation to pay or provide records of payments. A simple and objective process. Current penalties for fraudulent tax claims prevents abuse.

### BUDGET IMPACT OF LEGISLATION

Joint Tax Committee finds that tax provisions of the bill raise $30 million in revenue over a five year period. This is true because fathers, who pay tax, are in higher tax brackets than mothers, who claim deduction.

### POLICY ISSUES WITH LEGISLATION

A mother who cannot collect a child support debt should be treated the same for tax purposes as a businessman who cannot collect a debt. This is simple equity.

A father who refuses to pay child support payment debt should be treated the same for tax purposes as a borrower who is discharged from a debt by the lender. This is simple equity.

Legislation gives mothers incentive to obtain legal order requiring payments to be made and gives fathers incentive to make payment to mother rather than to I.R.S.

Legislation helps children of families where no child support payments are made. It penalizes fathers who fail to make required child support payments.

Discharge of indebtedness for fathers pays for bad debt deduction for mothers.

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### CHILD SUPPORT TAX EQUITY ACT OF 1991: MULTIPLE ANTI-ABUSE PROVISIONS

The Child Support Tax Equity Act of 1992 contains multiple anti-abuse provisions.

1. Legal Obligation: Child support obligation must be a payment that is "required to be paid to such taxpayer during such taxable year by an individual under a support instrument. . ." (Page 4, line 4–6). The "support instrument" must be "a decree of divorce or separate maintenance or a written instrument incident to such a decree," "a written separation agreement," or another decree "of a court or administrative agency requiring a parent to make payments for the support or maintenance of one or more children of such parent."

2. Type of Payment: The payment must be a "periodic payment of a fixed amount" or "payment of a medical or education expense, insurance premium, or other similar item."

3. Cooling Off Period: No deduction is allowed for the first year in which child support payments are not made.

4. De Minimus Non Payment: No deduction is allowed unless at least $500 in child support have not been made.

5. Identification Requirements: The taxpayer claiming the deduction must give the I.R.S. "the name, address, and taxpayer identification number" of each child with respect to whom child support is owed. The taxpayer claiming the deduction must give the I.R.S. the "name, address, and taxpayer identification number" of the person who owes the child support if this information is "known" to the taxpayer.

6. Dependents: The taxpayer may only claim the deduction for a child which that taxpayer may claim as a dependent (not older than 19 unless is a student, in which case can be 24 years old).

7. Automatic Audit: When the taxpayer claims the bad debt deduction taxpayer who has allegedly failed to make payment is notified of obligation to pay tax on discharge of indebtedness. Taxpayer who has allegedly failed to make payment is given chance to show that no obligation exists or that payment has been made.

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### CHILD SUPPORT TAX EQUITY ACT OF 1991: CASE STUDY OF HOW DEDUCTION AND DEBT DISCHARGE WORKS

Following is a case study of how the bad debt deduction and discharge of indebtedness would work.

1. In early 1992 a mother obtains child support order for one child.

2. Father fails to pay $5,000 in child support in 1992.

3. No deduction for mother allowed on her 1992 tax return because occurs during first year. This first year is a cooling off period when mother and father can attempt to work out satisfactory and reliable payment of obligations.

4. But, father fails to pay child support in 1993 and at end of the year he owes $5,000 to mother.

5. Mother may claim deduction for $5,000 on her 1993 tax return for payments not made by father in 1993. Her tax return claiming the deduction if filed with I.R.S. on April 15, 1994.

6. I.R.S. gives notice to father in May of 1994 that he must pay tax on $5,000 discharge of indebtedness on his 1994 tax return. Father is now obligated to pay tax on $5,000 discharge of indebtedness on his 1994 tax return (to be filed by April 15, 1995).

7. Despite this I.R.S. notice with regard to the discharge of indebtedness for his failure to make child support payments in 1993, the father fails to pay child support in 1994 and at end of year he owes another $5,000 to the mother.

8. Father pays tax on $5,000 discharge of indebtedness on his 1994 tax return (filed by April 15, 1995) or is subject to enforcement penalties for failing to pay tax that is due.

9. Mother claims deduction for $5,000 on her 1994 tax return for child support payments not made in 1994. Her tax return claiming the deduction is filed with the I.R.S. on April 15, 1995.

10. I.R.S. gives notice to father in May of 1995 that he must pay tax on $5,000 on discharge of indebtedness on his 1995 tax return. Father is now obligated to pay tax on $5,000 discharge of indebtedness on his 1995 tax return (to be filed by April 15, 1996).

11. In June of 1995 the father decides to pay the $5,000 in child support owned for 1993 and the $5,000 child support owed in 1994. He makes all payments on time thereafter.

12. On her 1995 tax return (filed on April 15, 1996) the mother pays income tax on the $10,000 she has received from the father (offsetting the value of the deductions she had taken on her 1993 and 1994 tax returns.

13. On his 1995 tax return (filed on April 15, 1996) father takes $5,000 deduction for child support payment made to the mother (cancelling out the $5,000 tax on the discharge of indebtedness for 1993).

14. Also on his 1995 tax return (filed on April 15, 1996) father pays $5,000 tax on discharge of indebtedness for child support payments not made in 1994 and takes $5,000 deduction for payment of same in 1995 (the deduction offsets the tax due).

15. Mother gets no bad debt deduction on 1995 or subsequent tax returns. She is paid child support on time and in full.

16. Father is not taxed on discharge of indebtedness on 1996 or subsequent tax returns because he now pays all child support payments on time and in full.

CHART OUTLINING ABOVE CASE STUDY

| | Mother | Father |
|---|---|---|
| 1992 | No deduction | No pay $5,000 in child support. |
| 1993 | Takes $5,000 deduction on 1993 tax return. | No pay $5,000 in child support. Given notice by I.R.S. to pay tax on discharge of indebtedness on his 1994 tax return. |
| 1994 | Takes $5,000 deduction on 1994 tax return. | No pay $5,000 in child support. Given notice by I.R.S. to pay tax on discharge of indebtedness on his 1995 tax return. |
| | | Pays tax on $5,000 discharge of indebtedness for 1993 or faces penalties. |
| 1995 | No deduction | Pays $10,000 in child support due for 1993 and 1994 and makes payments on time and in full for 1995. |
| 1996 | No deduction | Takes deduction for $5,000 payment for 1993. |
| | Pays tax on $10,000 in child support payments made for 1993 and 1994. | Pays tax on $5,000 discharge of indebtedness for 1994 but takes deduction for payment of $5,000 for 1994 (offsetting transactions) |
| 1997 | No deduction | No tax on discharge of indebtedness. |

• Mr. DURENBERGER. Mr. President, I am pleased to join with my colleague, the senior Senator from Arkansas, in the introduction of the Child Support Tax Equity Act of 1993. I commend him, not only for his initiative in addressing the issue of delinquency in child support payments, but also for his innovative approach to ameliorating this widespread problem.

The Child Support Tax Equity Act makes two important changes in the Tax Code which will work to directly address child support delinquency. First, the proposal would provide those taxpayers owed child support funds with the opportunity to take an above-the-line tax deduction for the delinquent debt. Within certain parameters, this is the same treatment which is available to businesses which are unable to collect moneys owed to them. While it is not as valuable as the delinquent payment itself, the deduction can be a significant aid to the expense of raising children.

The rationale for permitting a deduction for delinquencies is that those owed child support, typically mothers, have been promised by the legal system that they will receive support. When they are unable to collect on this legally enforceable debt, they ought to be entitled to at least the same treatment as businesses so that they can more easily provide for their children.

The second change that would be made by the Child Support Tax Equity Act is that delinquent payers of child support, in most cases it is the fathers, would be treated in the same way as those whose business debts are forgiven. Under current law, someone who benefits from the discharge of indebtedness is liable for taxes on the value of this de facto income. Abusers of their child support obligations will now have a tax liability against the value of their delinquency.

Of course, Mr. President, this proposal will not solve all of the problems facing mothers who rely on child support for raising their children, but it can surely help. In examining this proposal, I was pleased to discover that it can also help to reduce the deficit. Because fathers owing child support are usually in a higher tax bracket than the mothers who can claim the deduction, the Child Support Tax Equity Act is expected to raise over $30 million during the next 6 years, which can be used for deficit reduction. The potential tax revenues from this proposal will, of course, be reduced if outstanding child support payments are brought up to date. This possibility would delight me, Mr. President, because it would mean that the bill is achieving its goal of reducing the problem of child support delinquencies.

This money is not owed just to mothers, it is owed to children. It is a disgrace, Mr. President, that this delinquency is so widespread. While the Child Support Tax Equity Act is not a guaranteed solution to the problem, it is a major step forward on behalf of the children of this Nation. I urge my colleagues to join Senator BUMPERS and me in supporting this effort.•

• Mr. REID. Mr. President, I rise today to join Senator BUMPERS, Senator DURENBERGER, and several of my colleagues in the introduction of the Child Support Tax Equity Act of 1993. This legislation will provide real incentives for the payment of child support that continues to go unpaid.

The statistics relating to nonpayment of child support show an ever increasing problem. In fact, the President has spoken on numerous occasions of this national dilemma. He has spoken about the many single parents, mostly single mothers, that have been awarded child support payments but never collect a dime.

According to 1989 Bureau of Census data there are approximately 10 million mothers who live with children under 21 years old where the father is not present. Of these mothers about 58 percent have been awarded child support payments, and only one-half of these mothers receive the child support that is due them. The other half are equally divided between mothers who receive some form of payment and mothers that receive no payment at all.

The State of Nevada is not an exception to this problem. The Office of Child Support Enforcement within the Department of Health and Human Services keeps tabs for each State on child support paid to mothers who have registered for some form of Federal assistance. It is my understanding that the Office of Child Support's data represents about 75 percent of the total number of mothers that are due some form of child support. According to the records kept through 1989, less than 16 percent of the child support due to Nevada mothers is ever collected.

These statistics are also troubling because divorced or separated mothers earn less than the father after the separation. The courts determine the amount of child support based on this fact. It would be a safe guess that many of these mothers are forced to work two jobs just to pay the bills because they do not receive the child care payments the courts have ordered to be paid.

The Child Support Tax Equity Act will not only create some tax fairness regarding this situation, it will also create an incentive for the payment of court-ordered child support. Here is how it works:

The bill provides the same tax status to single parents that exists for business when they are owed money but cannot collect it. If a business cannot collect money that is owed, the business is allowed to write that debt off of its taxes as a bad debt. In addition, when the business writes off this bad debt, the borrower who has defaulted must pay taxes on the amount that is written off.

It is only fair that single parents in the same situation be allowed the same tax advantage or penalty. In other words, should a single parent—in most cases a single mother—who has custody of a dependent child not receive the child support that is due to her, she should be able to take a tax deduction for the uncollected portion of the amount she is owed. And, should the other single parent—in most cases the father—not pay the child support he has been ordered to pay, he should have to pay tax on the amount unpaid.

The Child Support Tax Equity Act will also raise Federal revenues. As I mentioned before, fathers generally earn more after a separation than mothers. The amount that fathers will be taxed on what they do not pay far outweighs the amount that mothers will be able to deduct. The Joint Committee on Taxation has estimated that the difference will provide an additional $30 million over 5 years.

Mr. President, our children are this country's most precious resource. Yet, conditions confronting our children are disgraceful. According to a recent report of the Children's Defense Fund, one in five children—14.3 million—lived in poverty in 1991, the highest number since 1965. It is in our best interest to reverse this trend and invest in our future. Enacting the Child Support Tax Equity Act will provide real incentives for the payment of child support that continues to go unpaid. I urge my colleagues to support this fair and meaningful proposal.•

By Mr. DECONCINI:

S. 435. A bill to reduce the rate of pay for each Member of Congress to the rate which was in effect before the cost-of-living adjustment in calendar year 1993; to the Committee on Governmental Affairs.

### REDUCTION OF COST-OF-LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS

• Mr. DECONCINI. Mr. President, I am introducing legislation today to repeal the cost-of-living increase that went into effect for Members of Congress on January 1 of this year. It is unconscionable for Members of Congress to accept this increase in pay while the American taxpayer is being asked to make greater sacrifices to address our Nation's burgeoning deficit.

I have voted against every congressional pay raise before the Senate since 1977. Today, more than ever, it is important for Members of Congress to take the lead in our national belt tightening efforts. I would like to go further than this legislation by rolling back Members' pay to 1989 levels. This bill is the very least we should do.

This COLA, albeit required by law, took effect at the very moment thousands of Americans are being handled pink slips by some of our largest and most prestigious businesses and additional thousands are being handed out by small businesses from coast to coast. Worse still, while Members of Congress received a $4,000 pay hike, the number of unemployed in Arizona increased by 11,000. Clearly, when public servants are being called upon to make sacrifices for the welfare of our country, Members of Congress must contribute their fair share. In fact, they should take the lead. This bill ensures that Members of Congress join the rest of America in contributing to resolving our nation's fiscal deficit.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 435

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. REDUCTION OF COST OF LIVING ADJUSTMENT FOR PAY OF MEMBERS OF CONGRESS.

(a) REDUCTION OF PAY.—The rate of pay for each annual rate which was increased under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (relating to Members of Congress) during calendar year 1993, shall be reduced to the rate of pay which was in effect before such increase became effective.

(b) EFFECTIVE DATE.—The provisions of this section shall be effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.•

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By Mr. SPECTER:

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week"; to the Committee on the Judiciary.

### NATIONAL REHABILITATION WEEK

• Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

National Rehabilitation Week provides us an opportunity to celebrate the victories and determination of the more than 36 million disabled people in America. It is also a time to salute and recognize the dedicated health care professionals who provide rehabilitation care, and to call attention to the unrealized needs of our Nation's disabled citizens.

As my colleagues know, there are significant areas where the needs of individuals with disabilities have not been met. Reports indicate that strokes, amputations, brain injuries, birth defects, serious illnesses or other injuries affect one-third of our Nation's population. Experts estimate that 66 percent of those people never seek rehabilitation assistance. The widespread importance of rehabilitation is further evidenced by reported statistics that one out of every two Americans will need some form of rehabilitation therapy in his or her lifetime.

As the ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I am particularly concerned that we continue to work toward providing sufficient resources to help the disabled. Therefore, for the benefit of all American citizens, National Rehabilitation Week would provide a forum for education and promotion of a broader awareness of the effective resources that rehabilitation facilities provide.

As my colleagues will recall, last year I introduced this resolution to designate the third week of September 1992, as National Rehabilitation Week. We were fortunate to enact that resolution last year, and I am pleased to report that the country celebrated in recognizing our disabled citizens inspiring determination to defy great odds and overcome disabilities.

I am pleased that my own State of Pennsylvania is home to the headquarters of one of the largest providers of health care services in the United States—Allied Services. Allied provides a community of resources for the physically and mentally disabled, and elderly, and the chronically ill.

Having personally toured Allied Services' facilities in Scranton, PA, I have seen firsthand the important contributions that such rehabilitation services provide. Since 1976, Allied has led the country in celebrating Rehabilitation Week. As part of this week, Allied has honored exceptional individuals for their commendable personal accomplishments and their work on behalf of the disabled. Past recipients have included Press Secretary to President Reagan, James S. Brady, pitcher of the California Angels, Jim Abbott, internationally renowned violinist, Itzak Perlman, and Rick Hansen, who traveled 25,000 miles by wheelchair throughout Europe and the United States.

This annual effort to focus attention on the courage and determination of the disabled and on the valiant and successful efforts of those professionals who are working to help them is, indeed, worthy of national attention and praise.

Mr. President, I can think of no nobler or more estimable task than endeavoring to restore disabled individuals to independent, productive, and fulfilling lives. All who are engaged in these efforts have my admiration and respect.

Accordingly, I urge my colleagues to join me in support of the disabled person and the dedicated professional, both of whom personify the philosophy that disabilities can be turned into possibilities and successes.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 50

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That—

(1) the week of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).•

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By Mr. DURENBERGER (for himself and Mr. SIMON):

S.J. Res. 51. Joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week"; to the Committee on the Judiciary.

### NATIONAL AVIATION EDUCATION WEEK

Mr. DURENBERGER. Mr. President, I rise today to introduce a resolution on behalf of myself and my good friend and colleague, Senator PAUL SIMON, that would designate the week beginning October 3, 1993, as National Aviation Education Week.

From the ingenuity of Orville and Wilbur Wright, to Charles Lindbergh's historic solo flight across the Atlantic, to the voyages of Amelia Earhart, aviation has captured the imagination of the American people and has played an important role in our Nation's history.

Today, the aviation industry is still charting new frontiers and inspiring young people. And significantly, aviation makes an important economic contribution to America. Aviation makes up a healthy percentage of our exports, and the FAA and the commercial and general aviation industries predict that growth will continue well into the next century.

To meet the challenges of the next century, aviation education has the potential to make math, science, history, and other studies come alive for students at all educational levels. It is particularly important to encourage students who have often been underrepresented in the technical fields of aviation, such as women and minorities.

A number of States already recognize the importance of aviation education and encourage its study annually. I hope that my colleagues will join me in supporting National Aviation Education Week to show American students that, quite literally, the sky is the limit.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 51

Whereas aviation plays a vital role in the everyday lives of Americans;

Whereas the aviation industry makes important contributions to the economic development of the United States and its rapid growth has created a need for persons trained in the areas of aviation management, operations, and maintenance;

Whereas the aviation industry has increasingly become more complex and technical and the future contributions of aviation to the United States are dependent upon an informed and educated public;

Whereas it is important that schools within the United States actively encourage students to become interested in aviation theories and principles, particularly students that have often been underrepresented in technical fields relating to aviation such as women and minorities; and

Whereas a number of States annually recognize the importance of aviation to our Nation and the value of encouraging students to study aviation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning October 3, 1993, is designated as "National Aviation Education Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

## ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 5

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 5, a bill to grant family and temporary medical leave under certain circumstances.

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 5, supra.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 5, supra.

S. 11

At the request of Mr. BIDEN, the names of the Senator from California [Mrs. FEINSTEIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 12

At the request of Mr. BIDEN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 50

At the request of Mr. WARNER, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 88

At the request of Mr. LUGAR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 149

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 149, a bill to amend section 182 of the Trade Act of 1974 to permit the United States to respond to the actions of countries that do not provide adequate and effective patent protection to the United States nationals.

S. 183

At the request of Mr. REID, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 185

At the request of Mr. GLENN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 187

At the request of Mr. BURNS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 209

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 209, a bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes.

S. 225

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 225, a bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes.

S. 228

At the request of Mr. BRYAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 232

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 232, a bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction.

### S. 236

At the request of Mr. MCCAIN, the names of the Senator from Indiana [Mr. COATS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 257

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

### S. 261

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Indiana [Mr. LUGAR], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

### S. 262

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Indiana [Mr. LUGAR], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

### S. 265

At the request of Mr. MACK, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Tennessee [Mr. MATHEWS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 265, supra.

### S. 289

At the request of Mr. REID, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

### S. 297

At the request of Mr. STEVENS, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Virginia [Mr. ROBB], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

### S. 298

At the request of Mr. DECONCINI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 298, a bill to amend title 35, United States Code, with respect to patents on certain processes.

### S. 311

At the request of Mr. BUMPERS, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 311, a bill to amend section 2511 of title 18, United States Code, to make lawful the interception of an oral, wire, or electronic communication that is made with the consent of all parties to the communication.

### S. 330

At the request of Mr. KOHL, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 330, a bill to amend section 101 of title 11, United States Code, relating to eligibility to serve on chapter 11 committees.

### S. 349

At the request of Mr. LEVIN, the names of the Senator from Colorado [Mr. CAMPBELL], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

### S. 366

At the request of Mr. EXON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

### S. 384

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. LOTT], the Senator from Colorado [Mr. BROWN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wyoming [Mr. WALLOP], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

### S. 385

At the request of Mr. RIEGLE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 385, a bill to change the tariff classification for light trucks.

### S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

### SENATE JOINT RESOLUTION 30

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Joint Resolution 30, a joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week".

### SENATE JOINT RESOLUTION 32

At the request of Mr. DODD, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 32, a joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

### SENATE JOINT RESOLUTION 36

At the request of Mr. LEAHY, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

### SENATE JOINT RESOLUTION 37

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

### SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maine [Mr. COHEN], the Senator from Alaska [Mr. STEVENS], the Senator from Arkansas [Mr. BUMP-

ERS], the Senator from Illinois [Mr. SIMON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arizona [Mr. MCCAIN], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

### SENATE JOINT RESOLUTION 40

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

### SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maine [Mr. COHEN], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. SASSER], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993, as "Civil War History Month."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Texas [Mr. KRUEGER], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

### SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the names of the Senator from California [Mrs. BOXER], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

### SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

### SENATE RESOLUTION 64

At the request of Mr. LUGAR, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

### SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

### SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. FORD], the Senator from California [Mrs. BOXER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

## SENATE RESOLUTION 73—TO AMEND SENATE RESOLUTION 62, AGREED TO FEBRUARY 28, 1992 (102d CONGRESS)

Mr. MCCAIN (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 73

*Resolved,*

**SECTION 1. TRAINING EXPENSES.**

Section 21(c) of Senate Resolution 62, agreed to February 28, 1991 (102d Congress), is amended by deleting the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $3,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of such Act).".

## AMENDMENTS SUBMITTED

## RESOLUTION AUTHORIZING FINANCIAL EXPENDITURES BY SENATE COMMITTEES

### DOLE AMENDMENT NO. 50

Mr. DOLE proposed an amendment to the resolution (S. Res. 71) authorizing financial expenditures by the committees of the Senate, as follows:

It is the sense of the Senate that the rate of pay of Senators should be frozen for 11 months.

### MITCHELL (AND OTHERS) AMENDMENT NO. 51

Mr. MITCHELL (for himself, Mr. DOLE, Mr. WELLSTONE, Mr. FORD, Mr. STEVENS, Mr. GRASSLEY, Mr. HELMS, Mr. COHEN, Mrs. FEINSTEIN, Mr. HARKIN, Mrs. BOXER, Mr. CHAFEE, Mr. BRYAN, Mr. ROBB, Mr. NICKLES, Mr. LAUTENBERG, Mr. KRUEGER, and Mr. PRESSLER) proposed an amendment to amendment No. 50 proposed by Mr. DOLE to the resolution, Senate Resolution 71, supra, as follows:

Is the sense of the Senate that the rate of pay of Senators should be frozen for one year.

## FREEDOM OF CHOICE ACT OF 1993

### SMITH AMENDMENTS NOS. 52–57

Mr. SMITH proposed six amendments to the bill (S. 25) to protect the reproductive rights of women, and for other purposes, as follows:

AMENDMENT NO. 52

At the appropriate place add the following: In any case in which—

"(1) an induced abortion was attempted with respect to an individual;

"(2) such abortion was unsuccessful; and

"(3) the mother of such individual consented to such abortion—

it shall be the duty of the mother of such individual and the health care provider performing such abortion to provide all available medical aid, together with food and water, in order to sustain the life of such individual.".

AMENDMENT NO. 53

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the fifth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT NO. 54

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the fourth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

### AMENDMENT NO. 55

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the third month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

### AMENDMENT NO. 56

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the second month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

### AMENDMENT NO. 57

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the first month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

## RESOLUTION AUTHORIZING FINANCIAL EXPENDITURES BY SENATE COMMITTEES

### REID AMENDMENT NO. 58

Mr. REID proposed an amendment to the resolution (S. Res. 71), supra, as follows:

At the appropriate place, insert the following:

**SEC. . ABOLISHING THE COMMITTEE ON AGING.**

(a) IN GENERAL.—

(1) The Committee on Aging of the Senate is abolished.

(2) Paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking the item relating to Aging.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1994, unless the Senate otherwise extends or reauthorizes the committee abolished by this section pursuant to recommendations of the Joint Committee on the Organization of the Congress.

### COCHRAN AMENDMENT NO. 59

Mr. COCHRAN proposed an amendment to amendment No. 58 proposed by Mr. REID to the resolution (S. Res. 71), supra, as follows:

Strike all after the first word of the pending amendment and insert the following:

The language on page 30, line 11 through page 31, line 3, is null and void and of no effect.

SEC. . (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1993, through March 31, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1993, through March 31, 1993, under this section shall not exceed $98,703.25.

(c) Effective April 1, 1993, the Special Committee on Aging is abolished.

### INOUYE AMENDMENT NO. 60

Mr. INOUYE proposed an amendment to the resolution (S. Res. 71), supra; as follows:

At the end of the resolution, add the following new section:

COMMITTEE ON INDIAN AFFAIRS

SEC. . The Select Committee on Indian Affairs is hereby redesignated as the "Committee on Indian Affairs".

### CHAFEE AMENDMENT NO. 61

Mr. CHAFEE proposed an amendment to the resolution (S. Res. 71), supra; as follows:

At the end of the resolution, add the following:

SEC. . (a) Notwithstanding any other provision of this resolution and except as provided in subsection (c), the funding level for each of the committees referred to in section 2(a) for the period March 1, 1993, through September 30, 1994, shall be an amount equal to the lesser of—

(1) 95 percent of the amount provided for such committee, excluding funding for nonrecurring items, for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991; or

(2) 95 percent of the amount provided for the Committee on Finance for the period March 1, 1992, through February 28, 1993, under Senate Resolution 62, agreed to February 28, 1991.

(b) The funding level for each of the committees referred to in section 2(a) for the period March 1, 1994, through February 28, 1995, shall be an amount equal to the funding levels provided in subsection (a) of this Section (relating to the period March 1, 1993, through February 28, 1994) increased by 1.3 percent.

(c) Notwithstanding subsection (a), the funding level for the Committee on Appropriations for the period March 1, 1993, through September 30, 1994, shall be $4,861,162, and the funding level for the period March 1, 1994 through February 28, 1995, shall be $4,961,810.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production.

The purpose of the hearing is to receive testimony on S. 257, the Mineral Exploration and Development Act of 1993.

The hearing will take place on Tuesday, March 16, 1993, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Lisa Vehmas.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202–224–7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the status and future direction of the Department of Energy's fusion program, particularly the Department's activities relating to the International Thermonuclear Experimental Reactor [ITER] Program.

The hearing will take place on Tuesday, March 9 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202–224–7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the energy needs of the People's Republic of China.

The hearing will take place on Thursday, March 11, 1993, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at 202–224–4820.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the state of the oil and gas industry.

The hearing will take place on Friday, March 5, 1993, beginning at 2 p.m. at the city council chambers, 901 Bagby Street, 2d floor, Houston, TX. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 304, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke (202) 224-2383 or Wanda Freeman (202) 224-7556 of the committee staff.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 24, 1993, at 10 a.m. to hold a hearing on the President's economic proposal and to consider S. 382, the Emergency Unemployment Compensation Amendments of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, February 24, 1993, at 10 a.m. to conduct a hearing on mortgage and other lending discrimination.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, February 24, 1993, at 9:30 a.m. to hold a hearing on "the Federal Government's Investment in New Drug R&D: Are We Getting Our Money's Worth?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 24, 1993, at 9:30 p.m. on S. 4 the National Competitiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 23, at 9:30 a.m. for a hearing on the subject "Proliferation Threats of the 90's."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 24, 1993, to receive testimony concerning energy tax options.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, February 24, 1993, at 10 a.m., for a hearing entitled "Education Goals and Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Armed Services Committee be authorized to meet on Wednesday February 24, 1993, in open session, to receive testimony on United States Government assistance to the former Soviet Union: Status report and in addition, the committee will meet in executive session to consider and act on the nominations for the 1993 Base Closure and Realignment Commission, and the committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### THE PASSING OF PFC. DOMINGO ARROYO, JR., OF ELIZABETH, NJ

• Mr. BRADLEY. Mr. President, on January 12, 1993, Pfc. Domingo Arroyo, Jr., of Elizabeth, NJ, became the first U.S. soldier to be killed in the Somalian relief effort. Private Arroyo, who expected to be discharged shortly from the Marines after 4 years of active duty that included Operation Desert Storm, was part of a patrol that was ambushed by Somali gunmen.

Domingo was born in Puerto Rico. Living in New Jersey most of his life, he came from a close-knit family and was liked and respected by his teachers, friends, and neighbors. The reasons he gave for joining the Marines were moral and selfless. He wanted to help others, he wanted a college education in order to better himself, and he wanted to provide his mother with more desirable living conditions.

A true American, Domingo gave his life in another country, protecting its destitute, defenseless people. In his dedication to his country, to his family, and to his high ideals, he represents the best of our Nation's youth. I mourn his loss. Domingo will be remembered as a hero and honored for his selfless bravery.

At this very sad time, Mr. President, I ask my colleagues to join me in expressing our deepest sympathy to the family of Domingo Arroyo, Jr.•

• Mr. DURENBERGER. Mr. President, everyone knows that the past few decades have brought many changes to the practice of medicine in the United States. New technology has led to advances in the diagnosis and treatment of illness. Medical knowledge has developed to a point where what we once considered miracles are performed on a daily basis.

There is one man, Robert "Bob" W. Fleming, chair of administration at Mayo Foundation in Rochester, MN, who has experienced firsthand the changes in medicine in the last 40 years—at least at one institution.

Since Bob began his career at Mayo on January 3, 1950, his tenure has been seasoned by several Mayo milestones. In December 1950, a Mayo physician and a Mayo chemist, won the Nobel Prize for the discovery of cortisone. And in 1953, the Mayo Building opened and is now the primary location for patient care at Mayo.

During the 1960's and 1970's Bob led the development of the Mayo appointment system that now handles more than 300,000 patient registrations annually. He also helped develop the organization of Mayo's largest department, the department of internal medicine.

The 1980s brought about many significant changes at Mayo—the merger of Mayo Clinic with Saint Marys and Rochester Methodist hospitals, and the openings of Mayo Clinic Jacksonville and Mayo Clinic Scottsdale. Bob was instrumental in guiding the institution through these changes.

Bob's first position at Mayo was in the insurance and collections department where he worked as an administrator. His early success in that department led him to other administrative positions in several medical and surgical areas. In 1972, Bob was named chair of the Division of Administrative Services for Mayo, a position he held until 1982 when he was named chair of administration.

Bob has worked hard at whatever job he has held at Mayo. His hard work continued in his activities outside Mayo. In fact, at the time he joined Mayo, hockey was his No. 1 priority. He played right wing for the Rochester Mustang's Hockey Team. A job at Mayo was an added bonus.

Others in the Mayo organization noticed his stamina, speed and determination, the same traits he demonstrated on the hockey rink. Soon his capacity for work, keen memory and penchant for organization became well-known. More than 40-years later, his colleagues still credit him with these characteristics.

His 43-year career at Mayo, marked with numerous highlights, will end in February 1993, when he retires. He plans to travel and continue to be involved in the sport that led him to Rochester—hockey. He served as chair of the U.S. Olympic Hockey Committee from 1969 to 1981, and took up the challenge again in 1990. He will continue his service for the 1994 games.

Mr. President, it is with great pride that I recognize the tremendous contributions of Bob Fleming. In the words of those who know him best, "Bob would succeed, no matter what the time or the challenge, because he is truly a leader."•

## ARIZONA SPINA BIFIDA ASSOCIATION

• Mr. DECONCINI. Mr. President, I rise today to commend the work of the Arizona Spina Bifida Association. Their tireless efforts on behalf of those afflicted with spina bifida deserve our recognition and our highest praise.

Spina bifida is the most frequently occurring birth defect. In the United States alone a child is born with spina bifida every hour. Very few Americans know about this disease because, until recently, it was often fatal. Medical technology has now advanced to the point where 90 percent of those born with spina bifida go on to live happy, productive lives.

Those born with spina bifida are not without special needs. The physical limitations imposed by the disease are often formidable. To help deal with these limitations, the Arizona Spina Bifida Association has developed the Nation's first Transitional Living Center.

The Center allows people with spina bifida to adjust to living on their own by providing them with the care they need while learning to care for themselves. The center offers the emotional support those afflicted with spina bifida need for the daunting task of facing the world. It gives them a sense of self esteem, builds their confidence, and develops their independence. Most importantly, it teaches them that they are important members of our society with valuable contributions to offer.

Mr. President, I strongly support the efforts of the Arizona Spina Bifida Association. By increasing public awareness, they have helped destigmatize the disease. The Transitional Living Center has brought people with spina bifida into the work force and into the community. The center serves as a model for other areas that wish to help their citizens with this disease learn to live on their own. I ask my colleagues to join me in commending this outstanding organization.•

## COMMENDING JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE

• Mr. LUGAR. Mr. President, I rise today to pay tribute to James M. Ridenour, who recently completed his tenure as Director of the National Park Service. Jim has served our Nation well and leaves behind a strong record of conservation and stewardship of our national parks.

Jim Ridenour was sworn in as the 13th Director of the National Park Service in April of 1989. Raised in Wabash, IN, Mr. Ridenour came to the National Park Service from the Indiana Department of Natural Resources, where he was director from 1981 to 1989. In that post, he managed the State's system of parks, forests, reservoirs, and fish and wildlife areas. He was also responsible for state museums, memorials, and historic resources.

During Jim's tenure as Director of the National Park Service, the number of units of the National Park System increased by 13, to 368. The 13 new units encompass approximately 25,000 acres. While he was Director, new laws expanded existing National Park System units by over 130,000 acres. One of the parks that was expanded was Indiana Dunes National Lakeshore, which preserves sandy beaches and dunes that rise as high as 180 feet along the Indiana shoreline of Lake Michigan between Gary and Michigan City.

In 1992, Congress approved Director Ridenour's special resource study initiative, and provided funding in fiscal year 1993 for four such studies. To regain an orderly process for determining which areas should be added to the National Park System, Jim Ridenour requested that Congress fund studies of areas that the professionals of the National Park Service had identified as high priorities for new parks.

A major achievement under Director Ridenour's leadership was an improvement in the concessions program of the National Park Service. A 1990 initiative to reform the management of the private concession businesses that provide goods and services to visitors in the National Park System established five principles: First, protect the natural and historic resources above all other goals; second, provide quality visitor services at a reasonable cost; third, provide concessionaires with a reasonable opportunity for profit; fourth, provide a fair return on fees, investments, and services to the Government; fifth promote competition in concession contracting. In furtherance of this initiative, the National Park Service issued new concessions management regulations and standard concessions contract language in 1992.

Jim Ridenour had many other successes as Director of the National Park Service, including invigorating the science capabilities of the Service, strengthening the Service's commitment to education through "Parks as Classrooms," undertaking urgent repairs at the John F. Kennedy Center for the Performing Arts, and increasing funding for employee housing.

This spring, Jim and his wife, Ann, will return to Indiana where Jim will join the faculty at Indiana University's School of Health, Physical Education and Recreation as director of the Eppley Institute, a new center on the Bloomington campus that will focus on park management, outdoor recreation, and public land use policy.

Those of us who have worked with Jim Ridenour know that he is an exemplary steward of the National Park Service. He combined his deep respect for the Nation's parks with a fair-minded, practical approach to managing park resources. I wish him well in his new endeavor, and welcome the Ridenours back to Indiana.•

## THE 75TH ANNIVERSARY OF FOUNDING OF THE ESTONIAN REPUBLIC

• Mr. LEVIN. Mr. President, February 24, 1993, marks the 75th anniversary of the founding of the Estonian Republic. For two decades Estonia was a proud sovereign nation—until its illegal annexation by the Soviet Union. It was the pride of the Estonian people, and the confidence that they would eventually prevail, that sustained the nation through the dark years spent under Soviet domination.

As the Estonian people built their nation, their time of independence was not easy. Membership in the community of nations at that time meant being battered by the global depression and other social problems, and the resulting instability. Still, independent Estonia had a source of strength not fully utilized in Soviet Estonia—the pride and determination of an independent and free people. During the Soviet period, Estonians in their social and political lives were not allowed to draw on the traditions and the lessons of Estonia's past to help them to deal with the problems of their present. They were not permitted to work together as a community to face these challenges, but rather were forced, as other Soviet peoples were, to spend much of their efforts simply trying to survive as individuals under an alien, dehumanizing, totalitarian system. Only in the privacy of their homes and such cultural events as their world-renowned song festivals were they able to pass on to younger generations the traditions and customs of the Estonian nation.

Now, in the past year and a half, Estonians have had a chance to work together to seek solutions to their problems. Last summer, they took a major step by establishing the kroon as their new currency and basing it on the German mark. An immediate effect was to make anachronistic that familiar Soviet institution, the hard currency shop. More importantly, it was an encouraging sign to the many foreign companies which have been investing in Estonia. It makes it easier for Estonians to market their highly educated labor force to businesses around the world.

Estonia does face big challenges. The problems with obtaining the raw materials to run their industries, the need to modernize, and the problems with conducting trade with the other former Soviet Republics are difficult challenges. Still, there is much talent within Estonia's borders, and these talents are being unleashed. And thus Estonia is beginning to take advantage of its position—both geographic and economic—to serve and thrive as the bridge between Western Europe and Russia.

We rejoice at the fact that Estonia is able to celebrate another independence day. After years in which the energies of a significant portion of the world were stifled, we profit when new nations emerge and are able to begin contributing their creativity and ideas to the world. I hope that we are now living at a time when we will take advantage of such happy events.•

## CONCERNS AND GOALS OF THE AMERICAN PEOPLE

• Mr. GORTON. Mr. President, last week President Clinton spelled out before Congress and America his vision and plan for the future. I believe he gave an effective and inspirational speech which truly spoke to the concerns and goals of the American people. Many of us listening that night were rightly impressed. Unfortunately, in my view, the methods he outlined are not going to help us reach those goals.

I had hoped to be able to report back to the people of Washington State that this President really means business. I wanted to be able to tell the small businessman in Bellevue, the single mother in Pasco, and senior citizen in Sequim that the leadership in Washington finally gets it—they finally understand that our priority should be to balance the budget, to get this economy moving and to put people back to work.

Further, I had hoped that President Clinton would offer an honest and courageous deficit cutting package that my fellow Republicans and I would be able to support. I wanted to help him keep his campaign promise of halving the deficit over 4 years to put us on the road toward true fiscal responsibility. But, unfortunately, after seeing the policies President Clinton has in store for America, I cannot see down that road.

The President has chosen a clear path in this debate over jobs—and that is what this is, a fundamental debate over how to create jobs and economic opportunities. The path the President has chosen, to tax more and spend more, simply will not work. To quote former President Ronald Reagan, "There they go again."

His plan is relatively simple. He will increase Government spending and increase taxes in an attempt to spur the economy and create jobs.

I have three objections to the President's plan. First, I believe we need to start by reducing bloated Government spending rather than increasing it. Second, we should refrain from squeezing more taxes out of over-burdened Americans when the economy is just beginning to recover from recession. Third, raising taxes does not cut the deficit, as we will see using the President's own numbers. In my view, increased taxes, more Federal spending and rising deficits are hardly a recipe for success.

As I travel around the State, listening to the views of the citizens, I am constantly told that Congress needs to show the American people that we can be trusted with the revenues that we have, that we can live within our means. The people know our track record on this issue certainly is dismal.

Instead of adding on more spending, I believe we need to set priorities and make choices. I completely support full funding for Head Start. Universal child immunization is a fantastic idea. And WIC desperately needs more resources. But this country already spends $1.5 trillion per year. We have the money. We have the resources and can devote more to these worthwhile programs if we so choose. We do not need to add on more spending, we need to make choices.

It is interesting to follow the evolution of President Clinton's plan in this regard. Recently, the Director of the Office of Management and Budget, Leon Panetta, came before the Senate Budget Committee, of which I am a member, to testify that the administration was looking at ways to cut spending $2 for every dollar of new or increased taxes. It was a good start. But we have seen that ratio in free fall in the days since. Now it is barely one to one. The administration cannot even find enough spending cuts to match their exorbitant tax increases.

We have heard a lot about these tax increases, disguised by using buzz words like sacrifices and contributions. These words sound innocuous, but the American people now know what they really mean. They mean a higher burden on almost every working family.

As far as this Senator is concerned, relying on tax increases to stimulate the economy misses the point entirely on economic growth. Why?

Higher taxes mean fewer jobs. I cannot think of an example in the history of this Nation where increasing taxes helped the economy to grow, businesses to prosper, and created new jobs.

The people of Washington are already suffering from a weakened economy due to timber industry setbacks and huge layoffs at Boeing. In addition, they now face a sweeping tax increase proposed by the new Governor. With these facts, I fail to see how additional burdens will help these people get their jobs back or create new ones for them.

The private sector is far better at producing jobs than is the Government bureaucracy. A tax increase will take money out of the hands of small businesses and the individuals in the private sector who are providing jobs in our communities. Raising taxes gives that money to bloated Federal bureaucracies inevitably reducing the numbers of new jobs created.

A perfect example of how increased taxes will impede the cause of job creation can be found in subchapter S corporations. As some of my colleagues and I tried to explain during last year's debate on the Democratic growth package, subchapter S corporations are America's small business owners. By law these small business owners must take all of the firms' profit in as personal income.

So when President Clinton talks about raising the income tax on the so-called wealthy individuals, substitute small businessman every time you hear him. For that is what he will do. He will take money out of the primary job-creating component of our economy, the small business.

Last year, I took the liberty of contacting some of the subchapter S corporations in my State. We discussed how a tax increase will affect their businesses. Overwhelmingly, they told me that tax increases would restrict investment, cut expansion and hamper job creation. The president of one company went so far as to say that new taxes would push her already struggling company over the brink into bankruptcy. How, Mr. President, will taking money out of the pocket of these small businesses create jobs?

Small businesses provide jobs and economic opportunity for over 1.5 million people and create nearly 50 percent of all new jobs in Washington State alone. We need to foster their growth and provide an environment where they can flourish. Higher taxes from the Federal Government will not do that.

Historically, tax cuts, not tax hikes, have led the way to economic growth and higher Government revenues. And while I am not advocating an across-the-board tax cut, I know that the citizens of Washington with whom I talk do not feel that they are taxed too little—they feel they are taxed too much.

My final objection to the President's plan, and maybe the most important one, is that tax hikes wood not reduce the deficit because Congress will not use any new revenues to pay off the deficit. They will see new revenue simply as a license for new programs. These programs will be well meaning and sound great to the voters back home. And they will be funded and the deficit will continue to grow.

I have seen it firsthand. Between 1948 and 1986, for every dollar raised though increased taxes, we saw the Congress spend an additional $1.58. The latest example happened just 3 years ago. George Bush, faced with unprecedented budget deficits and out-of-control Government spending agreed to a tax hike provided that, for each dollar raised, we would cut spending by $2.75. Not surprisingly, the spending cuts never materialized. We were left in a worse situation than before.

This time, using the President's own numbers, spending will grow by an additional $129 billion over the next 5 years, while at the same time taxes will increase by $328 billion. That still leaves us in 1998 with a deficit of $240 billion. Further, it will be headed in only one direction—up. As far out as anyone is willing to project, the deficit will keep getting bigger and bigger. Even the President's own numbers project that. More taxes and more spending will not cure our deficit problem.

But, much to the sorrow of the American taxpayer, the Democrats are back at it. They still believe that we can tax our way out of a recession. They think that by taking resources away from productive uses and handing it over to Government bureaucrats, somehow, magically, all our problems will be solved.

In the end, Americans know that if they simply end up paying more taxes without real budget cuts, the deficit will continue to grow, people will still lose their jobs and people lucky enough to hold on to their job will lose the ability to support their families on their tax-shrunken paychecks.

That disaster is of great concern to the people to whom I am listening in the State of Washington, and that is the perspective from which I will have to consider the specific proposals that were outlined in President Clinton's State of the Union address.•

## RECENT ACTIONS TAKEN BY THE CHINESE GOVERNMENT

• Mr. BOREN. Mr. President, I rise today to speak briefly on recent developments in China. As my colleagues know, in recent weeks the Chinese Government has made several significant gestures which have not gone unnoticed in the United States.

Since January 29, three individuals involved in the Tiananmen Square incident—Wang Dan, Guo Haifeng, and Gao Shan—have been released from prison. One dissident involved in the 1979 Democracy Wall movement, Wang Xizhe, has also been released, as has a Catholic priest named the Reverend Zhu Hongsheng. In addition, two other individuals, Li Jinjin and Zhang Weiguo, were granted passports.

I am particularly pleased because four of these individuals—Wang Dan, Gao Shan, Li Jinjin, and Zhang Weiguo—were listed in a letter which Senators PELL and LEVIN and I presented to the Chinese Foreign Minister and Public Security Minister when we visited Beijing in December 1992.

Another equally promising development, Mr. President, is the announcement on February 17 by the China National Petroleum Corporation that 12 land oil fields will now be open to foreign exploration. While United States firms have made several offshore leases with the CNPC, this invitation constitutes the first offer for onshore development, and it creates the potential for very significant economic cooperation between the United States and China.

I sincerely hope that the Chinese Government will continue to act in this spirit, Mr. President. The steps that have been taken thus far in Beijing are encouraging, and they bring China and the United States another step toward improved relations.•

## COMMEMORATING THE 90TH ANNIVERSARY OF THE SALT RIVER PROJECT

• Mr. MCCAIN. Mr. President my best wishes go today to one of Arizona's oldest and best known public institutions, the Salt River Project [SRP], as it celebrates 90 years of providing critical supplies of water and power to the people and businesses of central Arizona. In addition to being the state's largest water supplier, Salt River Project has become the Nation's third largest public power utility, with more than 550,000 customers and generation and transmission links throughout the Southwest.

The impact, however, of the Salt River Project goes far beyond the scope of services that it presently provides.

Founded in 1903 by citizens who pledged their land as collateral for Federal funding to construct Theodore Roosevelt Dam, SRP brought Arizona its first reliable supplies of water. With that water and the subsequent construction of additional dams, SRP enabled the early farming settlements of the Phoenix area to flourish and ultimately become a booming metropolis on the leading edge of Sunbelt growth.

Pioneering vision, persistence, and public partnerships have from the beginning shaped SRP's services and mission. Those same qualities have put SRP at the forefront of efforts to improve air quality. As the lead operator of the 2,250-megawatt Navajo Generating Station in northern Arizona, SRP negotiated an environmentally sound and affordable solution to visibility issues at Grand Canyon National Park. The company received, and justly deserved, recognition from President George Bush in September of 1991 for their leadership on this issue.

This month, SRP announced the exact method to be used in reducing Navajo Generating Station's [NGS] sulfur dioxide emissions by more than 90 percent, an effort that will make NGS one of the cleanest coal-fired power plants in the Nation. In addition, the company was an active leader in forging Federal acid-rain standards of 1990 and has made strong commitments to energy conservation, electric vehicle development, photovoltaics, solar generation, and nonpolluting fuel cell technology.

Mr. President, much more could be said about the SRP's achievements in providing reliable water, low-cost power, high value services, economic development assistance, and community programs to the areas it serves. SRP, the infrastructure and services it has provided have contributed greatly to the phenomenal development of the Phoenix metropolitan area.

Mr. President, I salute with gratitude and admiration the Salt River Project and its 4,900 employees for 90 years of dedicated service to Arizona customers and communities.•

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES

• Mr. BAUCUS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of the Committee on Environment and Public Works to be printed in the RECORD.

The committee rules follow:

### RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. Committee Meetings.—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. Open Committee Meetings and Legislative Mark-up Sessions.—Meetings of the committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. Quorums.—(a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. Proxy Voting.—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. Public Announcement of Vote.—Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. Announcement of Hearing.—The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time, and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. Statements of Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceding the day on which such witness is scheduled to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. Regularly Established Subcommittees.—The committee shall have five regularly established Subcommittees as follows:

Subcommittee on Water Resources, Transportation, Public Buildings, and Economic Development

Subcommittee on Superfund, Recycling, and Solid Waste Management

Subcommittee on Toxic Substances, Research and Development

Subcommittee on Clean Water, Fisheries and Wildlife

Subcommittee on Clean Air and Nuclear Regulation

Rule 11. Subcommittee Membership.—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. Environmental Impact Statements.—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Project Approvals.—(a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. Naming of Public Facilities.—No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. Building Prospectuses.—(a) The committee shall act on all prospectuses for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. Broadcasting of Hearings.—Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the chief clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. Amendment of Rules.—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.•

## RULES OF THE COMMITTEE ON APPROPRIATIONS

• Mr. BYRD. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of the Committee on Appropriations to be printed in the RECORD.

The rules follows:

### COMMITTEE ON APPROPRIATIONS—RULES[1]

### I. MEETINGS

The Committee will meet at the call of the Chairman.

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[1] Adopted pursuant to Rule XXVI, paragraph 2, of the "Standing Rules of the Senate."

### II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

### III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

### IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

### V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

### VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

### VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

### VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.•

## THE CHILD SUPPORT TAX EQUITY ACT

• Mr. LIEBERMAN. Mr. President, I am very pleased to be a cosponsor of the Child Support Tax Equity Act, introduced by Senator BUMPERS. This bill will provide critical assistance to the millions of parents, primarily mothers, and children who are owed child support and who desperately need these funds in order to survive.

Under this provision parents who are owed more than $500 in child support, and who make less than $50,000, will be able to take a tax deduction for the amount of the overdue child support. This reduces their tax liability for as long as the child support remains unpaid. In addition, the parent who has failed to pay legally required child support must list the amount overdue as income and pay taxes on that amount. If the parent fails to pay taxes, then the full weight of IRS enforcement and penalties can be brought to bear against them, a far more formidable threat than our current, often ineffectual, attempts to enforce child support orders.

This measure will accomplish two goals at once. It will provide those children and parents not receiving their court-ordered child support with some much-needed financial relief at tax time. It will also provide yet another avenue for penalizing parents who neglect their child support obligations. In addition, the bill will actually raise revenue over the next 6 years, because the fathers who are delinquent in their child support payments usually make more money than the mothers and children who are owed support. The fathers will, therefore, pay taxes on the amount due at higher rate than the mothers who are getting the deduction.

Despite significant efforts by States and the Federal Government, the child support collection rate hovers around 20 percent. Eighty percent of children for whom support has been ordered are receiving only some or none of the support owed. In many cases, that means the custodial parent cannot pay the rent, provide health insurance or medical care, and that the child does not have clothes to wear to school, or food to eat for breakfast. This provision provides an important new avenue of relief for those parents and children who have not been able to force payment of child support, and a new method of enforcement against parents who are refusing to pay support.

I look forward to working with Senator BUMPERS and Senator DURENBERGER on this important legislation. I look forward to its passage early in this Congress to ensure that this provision becomes law this year.•

## BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 18, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated February 16, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, February 22, 1993.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through February 18, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 16, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS FEB. 18, 1993

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | ............ | ............ | 849,425 |
| Permanents and other spending legislation | 764,283 | 737,413 | ............ |
| Appropriation legislation | 732,061 | 743,943 | ............ |
| Offsetting receipts | (240,524) | (240,524) | ............ |
| Total previously enacted | 1,255,820 | 1,240,833 | 849,425 |
| ENACTED THIS SESSION | | | |
| Entitlements and Mandatories | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | (7,928) | 962 | ............ |
| Total current level [1] | 1,247,892 | 1,241,794 | 849,425 |
| Total budget resolution [2] | 1,249,990 | 1,242,290 | 848,890 |
| Amount remaining: | | | |
| Under budget resolution | 2,098 | 496 | ............ |
| Over budget resolution | ............ | ............ | 535 |

[1] In accordance with the Budget Enforcement Act, the total does not include $1,145,000 in budget authority and $6,988,000 in outlays in emergency funding.

[2] Includes revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG. 1ST SESS., AS OF FEB. 18, 1993

[In billions of dollars]

| | Budget resolution (H. Con. Res. 287) | Current level [1] | Current level +/− resolution |
|---|---|---|---|
| On-budget: | | | |
| Budget authority | 1,250.0 | 1,247.9 | −2.1 |
| Outlays | 1,242.3 | 1,241.8 | −.5 |
| Revenues: | | | |
| 1993 | 848.9 | 849.4 | +.5 |
| 1993–97 | 4,818.6 | 4,820.0 | +1.4 |
| Maximum deficit amount | 420.8 | 392.4 | −28.4 |
| Debt subject to limit | 4,461.2 | 4,099.2 | −362.0 |
| Off-budget: | | | |
| Social Security outlays: | | | |
| 1993 | 260.0 | 260.0 | |
| 1993–97 | 1,415.0 | 1,415.0 | |
| Social Security revenues: | | | |
| 1993 | 328.1 | 328.1 | (2) |
| 1993–97 | 1,865.0 | 1,865.0 | (2) |

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.●

## TUCSON WELCOMES THE COLORADO ROCKIES

● Mr. DECONCINI. Mr. President, on Friday, March 5, 1993, my hometown of Tucson, AZ, will host a reception to welcome the newest member of the Cactus League, the Colorado Rockies. The Rockies will hold their spring training at Hi Corbett Field in Tucson.

I would like to join the great people of Tucson in welcoming the Rockies to Tucson. Although the first pitch has not yet been thrown, we are already big fans of our new spring training team. We are excited and honored to be a part of the Rockies' beginning, and I know the weather and the hospitality of Tucson will give the Rockies the boost they need for a successful season. I wish the Rockies the best of luck in the months and years ahead and look forward to a long, productive relationship.

The Rockies' players and management staff will be on hand at the March 5 community reception to enjoy food, fun, and festivities and to mingle with fellow Tucsonans and other fans. Proceeds from the reception will be used to rename the University of Arizona Foundation and Arizona Alumni Association building at my alma mater, the University of Arizona. The building is being renamed to honor a personal friend and fellow graduate of the University of Arizona, Marvin D. Swede Johnson. Swede currently serves as vice president for corporate affairs for the Coors Brewing Co.

For more than 30 years, Swede Johnson was instrumental in shaping the University of Arizona. He held various positions at the university and eventually became vice president for university relations. During his tenure, Swede's straightforward and energetic manner served the university greatly and, more recently, was instrumental in selling Tucson as the spring training home of the Colorado Rockies. Much of the growth and success of the University of Arizona can be attributed to Swede.

As someone who was once a young baseball fan in Tucson, I especially appreciate Swede's success in helping to bring the Colorado Rockies baseball team to Tucson. The Tucson community is grateful for Swede's efforts, thrilled to be part of baseball history, and excited to watch major league baseball. Tucson eagerly awaits the commencement of the coming season and the chance to support and cheer for our newest home team, the Colorado Rockies. Welcome to Tucson. Now, play ball.●

## REPORT ON TRIP TO MIDDLE EAST

● Mr. LEAHY. Mr. President, from February 6 to 14, I visited Israel, Egypt, and Jordan in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss the Middle East peace process, to explain the upcoming review of U.S. foreign assistance and the need for reform, and to conduct oversight of U.S. foreign assistance programs in the area. I ask to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

The report follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
*Washington, DC, February 24, 1993.*

HON. ROBERT C. BYRD,
*Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR BOB: Enclosed is a report on my trip to the Middle East during the February recess. The trip was of great value in my work as chairman of the Foreign Operations subcommittee, particularly in light of the need to reform the foreign aid program. I believe my discussions with Secretary Christopher on my return, just prior to his departure for the Middle East, were also of importance to his preparations.

With best regards.

Sincerely,

PATRICK LEAHY,
*Chairman,*
*Foreign Operations Subcommittee.*

### CODEL LEAHY VISIT TO ISRAEL, EGYPT, AND JORDAN

Senator Leahy, chairman of the Foreign Operations Subcommittee of the Committee on Appropriations, visited Israel, Egypt and Jordan between February 6-14. Senator Leahy was accompanied by Mrs. Leahy, Ellen Lovell, his Administrative Assistant, and Eric Newsom, majority clerk, Foreign Operations subcommittee. The purposes of the trip were:

To discuss with leaders of Israel, Egypt and Jordan the Middle East peace process, the problem of the deportees and Secretary Christopher's upcoming visit to the region;

To explain the upcoming review of U.S. foreign assistance and the need for reform; and

To conduct oversight of U.S. foreign assistance programs in the area, including the Israeli immigrant absorption loan guarantee program.

In preparation for the trip, Senator Leahy met with Secretary of State Warren Christopher and Deputy Secretary of State Clifton Wharton, Assistant Secretary of State for Near East Affairs Edward Djerejian, Israeli Ambassador Zalmon Shoval, Egyptian Ambassador el Sayed, and Dr. Osama el Baz, Advisor to President Mubarak of Egypt. In addition, Senator Leahy was briefed by U.S. intelligence officials on the Middle East situation.

Upon his return to the United States, Senator Leahy met Secretary of State Christopher and Assistant Secretary of State Edward Djerejian to review his discussions with Middle East leaders and to present Secretary Christopher with his assessment of the situation prior to the Secretary's own trip to the region beginning February 17. Senator Leahy also met Palestinian Spokeswoman Hanan Ashrawi in Washington immediately after his return to continue discussing the views of the Palestinians, and with Israeli Foreign Minister Shimon Peres.

#### ISRAEL

In Israel, on February 8 Senator Leahy met U.S. Ambassador William Harrop in two separate meetings prior to discussions with Israeli officials. Senator Leahy then meet Jewish Agency head Simcha Dinitz and subsequently Finance Minister Avram Shohat to discuss the U.S. loan guarantee program to assist Israel to absorb immigrants, primarily from the former Soviet Union. The discussions centered around Israel's plans for using the loan guarantees, and Senator Leahy's intention to monitor the program closely to ensure full compliance with U.S. conditions in providing the guarantees.

Later, Senator Leahy met with Prime Minister Yitzhak Rabin to discuss the peace process and the problem of the deportees. In order to be able to discuss sensitive matters relating to the deportees, the meeting was restricted to the Senator, Prime Minister Rabin and a notetaker from each side. The Senator then proceeded to a meeting with Foreign Minister Shimon Peres to continue discussing the Middle East peace process. Central Bank Governor Jacob Frankel participated in the discussion, and there was a detailed review of the economic and fiscal reform measures Israel needs to carry out to be able to absorb the influx of immigrants and to use the U.S. loan guarantees effectively. Senator Leahy visited the Israeli Knesset and met Likud Party leader Binyamin Netanyahu, also to discuss the peace process and the deportees. Finally, after a brief meeting with former Likud Party Defense Minister Moshe Arens, Senator Leahy met a group of Palestinian peace negotiators at a dinner hosted by Molly Williamson, U.S. Consul General in Jersusalem. This produced an intense discussion of the state of the peace talks, Palestinian concerns about the lack of progress, the problems created by the deportations, and the role the Palestinians hope the Clinton Administration will play.

Unfortunately, plans Senator Leahy had made to visit the Gaza Strip the next day to visit a major AID project there had to be canceled on the advice of Ambassador Harrop because of security concerns. Several Palestinians had been shot by Israeli security forces over the previous few days and there were daily incidents in Gaza. Instead, the Consulate General arranged for Senator Leahy to visit several AID projects in the West Bank intended to assist Palestinians. The delegation also toured Israeli settlements in the territory and received briefings from Consulate staff on Israeli settlement activities. Senator Leahy also met West Bank Palestinians to hear their views on Israel's actions and role in the territories and their disillusionment with the peace talks. The delegation also visited a Palestinian refugee camp to listen to Palestinian inhabitants and to see projects AID is carrying out to alleviate conditions.

EGYPT

Wednesday, February 10, Senator Leahy met U.S. Ambassador William Pelletreau in Cairo to discuss Egypt's role in the Middle East peace process. Senator Leahy then had a lengthy meeting with President Hosni Mubarak in which the Middle East peace process was discussed, as well as a general review of the situation throughout the region. President Mubarak indicated he wished to continue the discussion later, and invited Senator Leahy to have breakfast the next morning. Subsequently, Senator Leahy met Chief of Staff of the Egyptian Armed Forces General Halaby and members of his staff and Defense Minister Tantawi to discuss US-Egyptian security relations and U.S. military assistance levels. This was followed by a long meeting with Foreign Minister Amre Moussa to continue in depth discussions of the peace talks and the problem of the deportees. After this meeting Senator Leahy sent a message to Amman, Jordan requesting meetings with King Hussein and the Prime Minister.

The morning of Thursday, February 11, Senator Leahy delayed his plans to travel to Upper Egypt to review AID projects and met with President Mubarak over breakfast to continue discussions about the peace process and other regional matters of concern. The delegation then left for Aswan to inspect and to be briefed on the $140 million AID project to replace all twelve turbines at the High Dam, one of the largest U.S. aid projects in Egypt. The project appears to be proceeding smoothly. The Delegation then traveled to Luxor where it was met by Peter Dorman, Director of the University of Chicago project financed by AID. The delegation met the American staff over dinner at Chicago House to be briefed on the US-financed programs run by the University of Chicago, and the next day was given a tour of the program by Chicago House staff. In the meantime, messages continued to be exchanged between the delegation and the U.S. embassy in Amman concerning the change in schedule that would permit Senator Leahy to fly to Jordan to meet the King.

JORDAN

February 13, the delegation traveled to Amman, where Senator Leahy first meet Ambassador Harrison to get prepared for his meetings with Jordanian leaders. Senator Leahy then met with Prime Minister Bin Shaker to discuss issues related to the peace talks, US-Jordanian relations and U.S. military and economic assistance to Jordan, as well as Jordanian enforcement on U.N. sanctions against Iraq. This was followed by a meeting with King Hussein to continue discussions on the same subjects. The talks continued over lunch hosted by King Hussein and Queen Noor.

PEACE TALKS

All parties recognize that the peace talks are temporarily stalled by the Israeli action to deport over 400 West Bank Palestinians, allegedly supporters of the terroristic Islamic extremist group Hamas. Television images of the Palestinian deportees huddled in freezing weather on a hillside in Lebanon have aroused public opinion throughout the Arab world, even among secular Arabs not given to supporting Islamic extremists. It has become politically impossible, according to all Arab parties who met with Senator Leahy, for the Palestinian negotiators to return to the talks until there is a more acceptable solution to the deportee issue.

Israel and some Arabs tend to see the problem of the deportees as primarily a difficult but solvable task for diplomacy and not as a mortal danger to the peace process. In this view, the challenge is essentially to find further steps, such as expedited review and return of deportees in an accelerated time period, and that the fortuitous occurrence of the Muslim religious holiday of Ramadan provides the necessary time for diplomacy to produce this solution. Others, especially the Palestinians, argue that the problem of the deportees presents serious risks to the continuation of the peace process. The already building anger among Palestinians over the lack of results from the Madrid talks is now becoming a rage that makes it unlikely the Palestinians can return to the talks unless the problem of the deportees is resolved in a process that will result in compliance with UN Security Council Resolution 799.

It is clear that without a resolution of the deportee issue, there is a major risk to the peace process. All sides agree that the present is a unique opportunity to achieve substantial progress in the talks, but that most of the Arabs, particularly the key parties of the Palestinians and Syria, cannot or do not dare return to the bargaining table without some resolution of the deportee issue tolerable to Arab opinion.

Israel also appears to believe major negotiating accomplishments are possible in 1993, possibly even achievement of a general peace settlement. The Israelis say they understand Israel must take risks to have peace, and they are prepared to take risks for real peace. The Israelis say they accept the land for peace formula, but not all land, and the peace must be genuine, not merely non-belligerency. The Israelis say they are ready to negotiate a self government authority in the West Bank for an interim period of coexistence before negotiations on a final settlement of the status of the territories.

The views of nearly all parties with whom Senator Leahy met in the Middle East indicate that the Arab parties as well are at last ready to make real compromises with Israel, including acceptance of peace treaties and diplomatic relations, if Israel is prepared to withdraw from territories occupied during the 1967 war and subsequently. The Palestinians seem genuinely committed to accept a self government authority that falls short of their initial demands for most of the trappings of sovereignty.

All the ingredients for progress appear to be present, assuming two critical conditions are met: 1. There is some compromise on the deportees that will make it politically (and physically) safe for the Palestinians to resume the talks; and 2. the United States plays a leadership role in bringing the parties together and assisting the process to move forward. The only way to know whether these assumptions are warranted is for the U.S. to engage in a sustained, high level effort to get the Madrid talks resumed and to lend its good offices to helping the sides find solutions. Such a major U.S. diplomatic and political effort cannot be guaranteed success in such a high risk endeavor as the Middle East peace process. But it is absolutely clear there is no chance whatsoever for peace without the leadership of the Clinton administration.

THE ABSORPTION LOAN GUARANTEES

Israel is presently raising the first $2 billion in financing using the U.S. loan guarantees. The Government plans to concentrate the assistance on building basic infrastructure, job creation and stimulation of economic growth. A central precondition to success in the immigrant absorption effort is thorough economic reform. Israel needs to liberalize its trade and investment regimes, achieve greater privatization of its economy, achieve greater discipline in government expenditures and fiscal policy, and in general reduce the direct role of government in the economy. All these actions will require politically difficult decisions. Failure to achieve reform will undermine the effect of the $10 billion loan guarantee program, and could drive the cost of the program upward.

Under the arrangement agreed between President Bush and Prime Minister Rabin last summer, the reduction in the amount of loan guarantees to be made available to offset Israeli Government expenditures on settlements will not apply to construction prior to October 1, 1992. This is regrettable because the original Leahy-Kasten Compromise would have made the offset effective as of January 1, 1992. If the Rabin Government does complete or sell the housing units presently under construction or ready for occupancy, the Israeli settler population of the territories could increase significantly, perhaps by as much as 50%.

The Foreign Operations subcommittee plans to hold hearings on the loan guarantee program as part of its oversight responsibility.

REVIEW OF FOREIGN ASSISTANCE

When the intention of the Congress and the Administration to undertake a top to bottom review of U.S. foreign aid programs was explained, all parties in Israel, Egypt and Jordan reacted with concern. All made the case for continued aid at present or even higher levels in the case of Jordan, though both Israeli and Egyptian leaders acknowledged that they could not expect the U.S. to continue its currently high levels of military and economic assistance indefinitely. Both argued strongly that U.S. assistance has major policy implications, as well as serving national security and economic needs. •

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## FIGHTING OBESITY

**•** Mr. KOHL. Mr. President, as we all know, obesity is one of the most prevalent diseases in our society, affecting 34 million American adults between the ages of 20 and 74. In addition to the physical strain of added weight, obesity has been shown to be associated with serious illnesses, including diabetes and cardiovascular diseases.

Not long ago, the citizens of a small town in northeast Wisconsin decided to tackle the problem of obesity, and have received a great deal of national attention as a result.

The town is Pound, WI. And on July 8, 1992, the people of Pound volunteered to participate in a 4-month weight loss program sponsored by the Slim-Fast Foods Co.

One hundred and sixty people signed up for the program. After 16 weeks on the plan, 131 people had lost an average of 19.8 pounds—or 1.2 pounds per person per week. The participants accomplished this feat by following the Ultra Slim-Fast weight loss plan; an Ultra Slim-Fast shake for breakfast and lunch, 3 low-calorie snacks throughout the day, and a well-balanced low-fat meal for dinner. In addition, participants were encouraged to start a regular exercise routine and make a commitment to change their eating habits.

Residents of Pound say that the program has made a real difference in their lives. Their weight loss has made them feel more self-confident and more energetic. And many of them have adopted a new lifestyle, including better eating habits.

I am not here to endorse the Ultra Slim-Fast weight loss plan. But I do believe we should recognize the combined efforts of the citizens of Pound, WI, and the Slim-Fast Foods Co. Working together, they made the community slimmer, healthier, and happier. Indeed, the program was so well received that the mayor of Pound, Richard Adamski, who lost 27 pounds himself, has said: "At this rate, the town of Pound will soon be called Ounces."

The people of Pound, WI, and the Slim-Fast Foods Co. are to be congratulated. Usually there is cause for concern when a small town in our State gets even smaller. In this case, the shrinking of Pound is a cause for celebration.•

## CADWALADER, WICKERSHAM & TAFT BICENTENNIAL HONOR

• Mr. D'AMATO. Mr. President, I am pleased to recognize the distinguished law firm of Cadwalader, Wickersham & Taft on the occasion of its bicentennial. The firm was founded by John Wells in the city of New York in 1792, just 16 years after the Declaration of Independence was signed and 1 year after the Bill of Rights was ratified. It has been a continuous practice ever since.

In addition to the substantial impact which this firm has had on American law, business, finance, and professions and the arts, its partners have made important personal and professional contributions to American life. Earlier partners of the firm were among the founders of the U.S. Public Health Services, Columbia Law School, the Japan Society, the Federal Bureau of Investigation, and the New York Public Library, as well as other institutions.

The firm was the first Wall Street law firm, for example, to admit a woman to a partnership. Cadwalader's 105 partners, 18 counsels, 175 associates, and over 400 administrative and support personnel operate in four offices—in lower Manhattan; Washington, DC; Palm Beach, FL; and Los Angeles, CA. The firm owns its own major office building in New York City, a significant expression of confidence in the city in which it has practiced for 200 years.

What has especially impressed me is the firm's approach to celebrating its bicentennial. Its theme looks forward rather than backward—entitled "Our Third Century." In this spirit, Cadwalader has chosen pro bono service as the heart of its celebration.

The firm has advanced a bicentennial lecture series for its clients, friends, attorneys, and staff. Speakers have included corporate, financial, sports, and legal leaders, offering forward-looking views in their fields of expertise.

Cadwalader is now preparing the first legal guide to fighting street drug markets for community organizations and their lawyers in New York City. Its intent is to explain civil, administrative, and other remedies available to rid apartment buildings and streets of the scourge of drug trafficking. The firm is contributing to the labor and time of partners, associates, and summer associates in preparing this document in association with the American Alliance for Rights & Responsibilities. It will serve as an invaluable prototype for other cities across the Nation.

The firm is laying plans for a major forum on care-giving, an area of growing concern not only to the practitioners in all the medical and other helping professions but also, of course, to all the American people.

The firm is making important contributions to education with a substantial college scholarship grant to students in a Brooklyn, NY, high school and by backing up its dollars with teaching and coaching students interested in the law as a career. The firm also made a grant to the century-old Dunbar High School in Washington, DC, to advance the school's Enterprise Program, which prepares students for careers in the U.S. space program.

These are only a few of the pro bono programs being advanced as part of the firm's celebration.

Cadwalader, Wickersham & Taft has found a thoughtful, generous, meaningful way to celebrate its 200th anniversary. I commend the firm on its extraordinary history and its memorable birthday.•

## ESTONIAN INDEPENDENCE DAY

• Mr. RIEGLE. Mr. President, I rise today on the 75th anniversary of Estonian independence to pay tribute to Estonia and its brave people. After more than 50 years of struggle, Estonians have succeeded in gaining the freedom which they so justly deserve.

Estonia's recent fight for independence found its roots in Estonia's previous period of statehood immediately following World War I. On February 24, 1918, Estonia proclaimed its independence, ending several hundred years of foreign dominance and oppression. During this period, Estonia enjoyed full recognition from the community of states. It was recognized by Russia in 1920 and joined the League of Nations in 1921. Estonia strengthened its status as an independent, democratic nation-state by creating a solid economic base and recognizing the human rights of minorities living within its borders.

Like the other Baltic States, Estonia's independence was tragically cut short by the Molotov-Ribbentrop Pact between Stalinist Russia and Nazi Germany, which provided for Soviet occupation of the Baltic States. Following the 1940 invasion of Estonia by the Soviets, thousands of Estonians were killed, deported, or otherwise brutally repressed. For more than half of the 20th century, the republic's brief period of independence served only as a symbol to Estonians under Soviet dominance, in Michigan, and around the world, that freedom was an attainable and worthy goal. On September 21, 1991, after the failure of the Soviet coup, Estonia's freedom was restored.

Since the declaration in 1991, Estonia has worked hard and long to repair and reform its battered country. On September 20, 1992, Estonia conducted its first fully free elections, resulting in the election of Lenert Meri as President. Estonia has further solidified its presence on the international scene by joining the Conference on Security and Cooperation in Europe in September 1991, the European Bank for Reconstruction and Development in December 1991, and the International Monetary Fund and World Bank in early 1992.

Estonia has sought to stabilize its economy and reaffirm its independence by establishing its own currency, the kroon, which is pegged to the German mark. The new currency has shown significant success, revealed most notably in the quadrupling of Estonia's foreign-exchange reserves from $50 million in June 1992 to $195 million in December 1992. Estonia has also expanded its export base and currently sells only one third of its goods to CIS countries when previously they sold nearly 90 percent of their goods to CIS countries.

Unfortunately, Estonia still faces formidable challenges. Estonia still suffers from a generally weak economy—the result of its former integration with and total dependence upon the Soviet system. This shaky economic picture is exacerbated by tensions arising from Russian ownership of many industrial, telecommunications, and locomotive plants located in Estonia and previously run by the Soviets. Estonians must also confront severe environmental damage inflicted upon them by 50 years of Soviet rule. Finally, Estonia faces the challenge of how to treat the Russian minority which comprises more than 30 percent of the population.

Despite the difficult challenges ahead, the Estonian Republic holds great promise. I fully support efforts to assist Estonia and the rest of the Baltic States as they make the transition from socialist to free market economies. On this 75th anniversary of Estonian independence, let us pledge not to forget Estonia's rich history and culture and to do all we can to help Estonia become a prosperous and free nation.•

## TRIBUTE TO G. SCOTT PORTER

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to Mr. G. Scott Porter on his 90th birthday. Mr. Porter has devoted his life unselfishly to his family, church, and community.

In 1945, Mr. Porter served as minister of the First Presbyterian Church in Rolla, MO, until his retirement in 1968. Under his leadership the congregation not only grew, but took the challenge of building a new sanctuary, chapel, and Sunday school. Further, they paid off the mortgage in the shortest time of any comparable church of its size.

Mr. Porter also served as the supply minister to the Elk Prairie Presbyterian Church during 1945 to 1968. After his retirement from the Rolla Church, he continued to serve as supply minister for the Elk Prairie Church, as well as churches in Cuba, Sullivan, and Willow Springs, MO, many times driving over 300 miles on a Sunday to conduct services.

While still being an active and dedicated servant of the church, Mr. Porter was a member of the Rolla Masonic Lodge and Rolla Rotary Club, where he served as treasurer until his 85th birthday.

Mr. President, I would like my colleagues to know that this dedicated Missourian is representative of the American patriotism which still exists in this great Nation today. Our Nation has been blessed because of people like Mr. G. Scott Porter. I commend his lifetime of service and extend my appreciation for his compassion toward his fellow man.•

## THE WOMEN'S CENTURY

• Mr. RIEGLE. Mr. President, to celebrate Women's History Month, March 1993, I want to go back to last year, 1992. Commentators, pundits, and political prognosticators called it the Year of the Woman, mainly for the record numbers of women who ran for public office across the country that year—and with considerable success. The Senate benefited from 1992—we are quite fortunate to have four new women Members, for a total of six women—more than the Senate has ever had in its history. The House of Representatives has 19 new women Members for a total of 48.

Some attribute this change to the controversy surrounding Anita Hill's allegations against Clarence Thomas. But I believe the roots of women's growing involvement in the political process go back much further than that. The Year of the Woman sprang from the efforts of bold women and pioneering organizations that shaped the political, societal and economic forces that changed the status of women in America in the 20th century. I like to call it the Women's Century.

One of these pioneering organizations in my home State of Michigan marked its 75th anniversary on February 12, 1993. The Michigan chapter of the Federation of Business and Professional Women started out with only three members. These three bold women were Emily Butterfield, an architect; Emma Spoor, a publisher; and Grace Wright, a manufacturer's agent. In an attempt to "offset the loneliness of the pioneer business women," they met over lunch in Detroit and founded the Detroit Business Women's Club in 1912.

The nucleus of these three friends soon attracted other pioneering business and professional women from other Michigan cities. Between 1912 and 1918, women in Bay City, Grand Rapids, Saginaw, and Flint formed clubs similar to the one in Detroit to give them a forum to discuss the challenges facing women in business. In 1918, these groups met for their first annual convention. The following year, they joined women in other States to form the National Federation of Business and Professional Women's Clubs [BPW].

Mr. President, I invite my colleagues to think about what it must have been like for these pioneers of the early 20th century. These organizations were started in an attempt to combat the loneliness women in business faced. This loneliness was real. Not only were they few in number, but at that time, women were politically, socially, and economically isolated in America. But women fought to break out of this isolation by attacking the barriers that prevented their full participation in American society.

The first barrier—the lack of the right to vote—fell in 1920 with the ratification of the 19th amendment to the Constitution. This ended the political isolation of women. The victory came after a long fight which began back in 1869. The movement was started in that year by bold women like Elizabeth Cady Stanton, Susan B. Anthony, and Lucy Stone who founded organizations dedicated to women's suffrage. In no small way these women made the Year of the Woman possible by giving women the ability to exercise the fundamental means of political participation. Without the ability to wield political power, no group—indeed, no individual—can advance in American society.

The next step was the elimination of the economic isolation of women. The BPW, both nationally and in Michigan, as well as other women's organizations, were leaders in this fight. In 1918, the Detroit Business Women's Club endorsed the position of equal pay for equal service—amazingly, women are still fighting for this goal. During its second convention in 1920, the BPW recognized the need for better training and education for women as a means to gain the tools for economic success. They established a plan to work in close cooperation with business schools to improve educational opportunities for women. The BPW has continued to work to improve economic opportunity for women through the present day.

Finally, women addressed the social isolation they faced. In 1923, Alice Paul, founder of the National Women's Party, authored the equal rights amendment [ERA] to the Constitution; enactment and ratification of the ERA is essential to ensuring equality for women in both the law and the life of the land. This fight has continued throughout the remainder of the century. The ERA was a rallying point for many of the organizations involved in the women's rights movement of the 1960's such as the National Organization for Women and the Women's Equity Action League. Unfortunately, the ERA is still not law, but women's organizations will continue to fight for its passage.

Mr. President, the country has come a long way since these bold, visionary women set out to change the status of women in American society. And I recognize that the country still has a lot of work to do before we can say that women have reached complete integration and freedom. But without the efforts of Elizabeth Cady Stanton and Susan B. Anthony; or the organization that the three business women from Michigan, Emily Butterfield, Emma Spoor, and Grace Wright helped to start; and without the work of Alice Paul and all the other bold women who came after them, 1992 would have been just another election year. The steps these women took, and the forces of historical, societal, and economic change that they put into motion during this—the Women's Century—deserve special recognition as we celebrate Women's History Month.•

## TRIBUTE TO HELEN L. PORTER

• Mr. BOND. Mr. President, I would like to pay tribute to a remarkable lady from Missouri, Mrs. Helen L. Porter, who devoted her life to serving others for many years.

In 1950, Mrs. Porter was employed as a service club director at Fort Leonard Wood. During her years there, she became Ma Porter for literally thousands of draftees who were away from home for the first time in their lives. She talked many an inductee out of going AWOL, when he thought he could not handle the Army.

Mrs. Porter introduced Robert Templeton, a young artist, to people in Rolla and St. Louis. He did hundreds of portraits during the time he was at Fort Leonard Wood and later went on to become an accomplished artist whose works include portraits of Presidents Johnson and Carter.

Mrs. Porter, along with her husband Mr. G. Scott Porter, opened her home to students from the University of Missouri-Rolla without restrictions. Fellowship groups were held on Sunday evenings and during the holidays, everyone was invite to dinner. On more than one occasion, they gave a couple who could not find a place to live a bedroom until they could find permanent housing.

Although Mrs. Porter was working full time, she still was active in many church and community activities. Mrs. Porter was a true lady, and I commend her for her values and principles.

Mr. President, Mrs. Helen L. Porter is sincerely missed by her family and friends, as well as all of those who have benefited from her exacting judgment and her warm friendliness. We salute those whose enthusiasm and deeds bring good to the community in ever-increasing measure. When we give of ourselves, we experience the renewing power of life.●

## C–17 PAYLOAD-RANGE SPEC

● Mr. D'AMATO. Mr. President, I ask that an article that appeared in the February 15, 1993 edition of Aviation Week & Space Technology entitled, "C–17 Payload-Range Spec Called Outdated," be inserted in the RECORD in its entirety at this point so that I may comment on the remarks attributed to Gen. Ronald Fogleman, commander of Air Mobility Command.

> An Air Force general has questioned whether the McDonnell Douglas C–17 transport program should be saddled with a contractual payload-range specification which he called outdated.
>
> Air Force officials estimate the C–17 is 5.5–6% short of meeting the payload-range goal, which was eased two years ago to enable Douglas Aircraft Co. to have a better chance of reaching the goal (*AW&ST* Apr. 15, 1991, p. 74).
>
> Gen. Ronald R. Fogleman, commander of the Air Mobility Command, however, said the current aircraft satisfies virtually all operational requirements—despite the shortfall. He added that he is concerned too much attention may be paid to meeting a single specification.
>
> "From an operational standpoint, the airplane meets my needs," Fogleman said. "We should not change contractual specifications, but we ought to recognize that there is a big difference between a contractual specification and an operational requirement.
>
> "Particularly if the contractual specification was written during the Cold War period, and we were trying to get 10 divisions to Europe in 10 days and we had our KC–135 tanker force engaged in SIOP [single integrated operational plan] war commitment." He added that the command can take the C–17 anywhere in the world at any weight load because the aircraft is air-refuelable. Maximum C–17 payload weight is 172,200 lb.
>
> The current C–17 payload-range specification calls for the aircraft to carry 160,000 lb. of payload over a distance of 2,400 naut. mi. in what is known as a Category 1 mission.
>
> Fogleman said a demonstration flight late last month of a C–17 from Edwards AFB, Calif., to Eglin AFB, Fla., showed the aircraft can carry 160,838 lb. of payload unrefueled over a circuitous route of 2,786 naut. mi. The aircraft, however, flew a Category 2 overland mission which requires less fuel reserves.
>
> Fogleman said the demonstration flight was intended to show the current operational utility of the aircraft rather than to try to meet the payload-range specification.
>
> "Let's quit holding up the whole program focusing on this one contractual specification that has little or no operational utility," Fogleman said. "In other words, if somebody starts talking about taking core thrust reversers out of the engine in order to meet a weight requirement I don't need, and I need core thrust reversers to meet this ground agility, I am not interested."
>
> The current 160,000 lb./2,400 naut. mi. specification was reduced from the earlier payload weight of 167,000 lb. over the same distance two years ago. An earlier 172,000 lb./2,400 naut. mi. specification was relaxed.

Mr. D'AMATO. Mr. President, General Fogleman is quoted as saying, in part,

> We ought to recognize that there is a big difference between a contractual specification and an operational requirement" and "[l]et's quit holding up the whole program focusing on this one contractual specification [160,000 lbs/2400 nm] that has little or no operational utility.

I want to remind the general that this "contractual specification with little or no operational utility" was established by the Military Airlift Command [MAC], reviewed by the Air Force Chief of Staff, documented in the system operational requirements document [SORD], validated by the Joint Requirements Oversight Council [JROC], and incorporated by the C–17 System Program Office [SPO] as a minimum standard.

Ironically, the reduction in performance was justified at the time as reflecting an operational requirement, rather than an arbitrary contractual specification. Maj. Gen. Frank Willis, then MAC's deputy chief of staff for requirements, minimized the relaxation of the specification from 167,000 lbs/2,400 nm to 160,000 lbs/2,400 nm, the third such downward revision, stating, "we figured we would use that capability—the additional 7,000 pounds—10 percent of the time." "There was no decrease in our requirements, just a recognition of our requirements," according to Gen. Hanford Johnson, MAC commander at the time. In fact, at Scott AFB, in May 1991, a general on Hanford's staff briefing C–17 requirements was bold enough to state that he would trade everything for the 160,000 lbs/2,400 nm specification.

Now, with the C–17 yet again unable to meet minimum range/payload requirements, the airlift community is attempting to once again undermine C–17 specifications. Just 2 weeks ago, a member of General Fogleman's staff, also at Scott AFB, also briefing C–17 requirements, characterized the 160,000 lbs/2,400 nm specification as having little or no operational utility. When challenged, he blamed the C–17 SPO for writing a poor specification based on an unrealistic flight profile. Apparently, he was unaware that the SPO had received direct guidance from MAC.

Obviously, it's much easier to score if you can just move the goal line.

We have contract specifications that are justified as hard operational requirements and that are subsequently dismissed as inconsequential when they can't be met. What can we be sure of in the C–17 Program? Not the specifications, and certainly not the cost.

In fact, the only thing that remains clear in this entire exercise is that the Air Force wants this plane no matter what it costs and no matter how short if falls of the Services' actual needs.

This raises in my mind the pressing question "why"? The only conclusion I can reach is that the Air Force has become a captive of the contractor. If this is not so, the Air Force has to prove that it was honestly mistaken in its previous positions instead of deliberately misleading Congress and the American people. I am anxious to see if the Air Force can meet this challenge.●

## ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, February 25; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: that Senator KRUEGER be recognized first during the period for morning business for up to 10 minutes; Senator KERREY of Nebraska for up to 10 minutes; Senator COATS for up to 30 minutes; Senator SPECTER for up to 15 minutes; Senator GORTON for up to 10 minutes; Senator GRAHAM for up to 10 minutes; and Senator WALLOP for up to 5 minutes; that at 11 a.m., the Senate resume consideration of Senate Resolution 71, the committee funding resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, seeing no Senator wishing to speak, if there is no

**further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.**

**There being no objection, the Senate, at 7:24 p.m., recessed until Thursday, February 25, 1993, at 9:30 a.m.**

## NOMINATIONS

**Executive nominations received by the Secretary of the Senate February 23, 1993, under authority of the order of the Senate of January 5, 1993:**

### DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE DONALD J. ATWOOD, RESIGNED.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE PAUL DUNDES WOLFOWITZ, RESIGNED.

# HOUSE OF REPRESENTATIVES—*Wednesday, February 24, 1993*

The House met at 12 noon.

The Reverend Dr. Marshall Lorenzo Shepard, Jr., Mount Olivet Tabernacle Baptist Church, Philadelphia, PA, offered the following prayer:

Let us pray:

God of our weary years, God of our silent tears, we thank Thee for this privilege to come into Thy presence. We pray this day for Thy guidance, for Thy direction, for the indwelling of Thy Spirit. Grant the strength of our resolve, the expansion of our visions, the guidance of our exertions. Grant unto us a better understanding of Thy will and Thy way in our lives that our deliberations may not be in vain. Oh God, in Thy name we ask that Thou would enlarge our petitions, our pleadings, and our prayers. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance.

Mr. FIELDS of Louisiana led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1. An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

## A TRIBUTE TO REVEREND DR. MARSHALL LORENZO SHEPARD, JR.—"CHAPLAIN FOR THE DAY"

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute.)

Mr. BLACKWELL. Mr. Speaker, I am proud to rise today to honor an outstanding gentleman from the city of Philadelphia, Dr. Marshall Lorenzo Shepard, who has been designated as "Chaplain for the Day."

Dr. Shepard is a beacon of the Philadelphia community who dedicates his life to serving others. As the pastor of the Mount Olivet Tabernacle Baptist Church, his ministry magnificently touches many lives.

Much of his overwhelming success can be attributed to his ability to bring people from all walks of life together in an effort to make our society a better place to live.

In many instances, he has led the struggle for economic development, civil rights, and improved health care in the city of Philadelphia.

Mr. Speaker, Dr. Lorenzo Shepard is a man who is not afraid to work hard for the values in which he believes. Through the years, he has tirelessly worked with a variety of organizations aimed at combating such social problems as homelessness, crime, and inadequate health care that plague our Nation today.

Mr. Speaker, with the mention of Dr. Shepard's name, words such as commitment, integrity, and caring come to mind.

As we celebrate Black History Month, I am extremely honored to be in the presence of Dr. Shepard today. I ask my colleagues to join me in congratulating him as our Chaplain for the Day, and for the significant contributions that he has made to our society.

## JANET RENO—GUN CONTROL RADICAL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, many Members on both sides of the aisle can agree that we do not need an Attorney General who is overly radical on gun control. Janet Reno's position, if enacted, would violate the Constitution and jeopardize innocent people.

Last year, when asked about her position on gun control, Ms. Reno said that,

> A waiting period was only a step; that registration was only a step; and that the prohibition of private ownership of firearms was the best way to stop crime.

Even worse—as Dade State attorney, Ms. Reno was involved in a contrived, Dade County grand jury investigation on the gun control issue. The problem? Nowhere in State law is the grand jury given authority to do anything other than investigate persons suspected of being involved in crimes.

In other words, the grand jury was spending taxpayer dollars to further antigun agendas of politicians. The jury issued a report calling for: First, statewide registration of all firearms; second, titles on ownership of all guns; third, a test for all gun owners; and fourth, insurance that reflects the actual cost of firearm injuries and deaths.

Mr. Speaker, this is too radical for most of us in this body.

## SUPPORT SOUGHT FOR BRADY BILL AND EXTENSION OF UNEMPLOYMENT BENEFITS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last week President Bill Clinton challenged the Congress to approve his economic package. He also challenged all Americans to restore peace in our neighborhoods.

This week the Congress will pour the foundation for the President's economic package by approving the extension of the employment benefits.

For now, there are 1.5 million Americans who receive unemployment benefits. Without congressional reauthorization of the jobless program, these Americans and many more will find themselves stuck while the economy shifts into a higher gear.

We must enact this emergency extension to support these workers until the President's plan helps them get back on their feet.

In addressing the Nation last week, the President also underscored his commitment to the passage of the Brady bill.

"If you pass it, I will sign it," he told the Congress.

The Brady bill would enact a national waiting period designed to thwart gunshop access to handguns by those people most likely to commit crimes: felons and the mentally incompetent.

Handgun violence has smashed the social order of our streets and our homes. Even our children have been felled in the cross-fire. This violence has become so rampant some have accepted it as commonplace.

Mr. Speaker, I urge all Members to join me as a cosponsor of the Brady bill and to support the extension of the unemployment benefits.

### MORE SUGGESTIONS FOR DEFICIT REDUCTION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, over the past several sessions, my Rules Committee colleague, the gentleman from Florida [Mr. GOSS] and I have been meeting President Clinton's challenge to lay out some cuts, some recommendations as far as spending cuts. And I applaud the President for his decision to move ahead with those cuts before we put into place a so-called stimulus package.

The Congressional Budget Office's recent book, "Reducing the Deficit: Spending and Revenue Options," has this curious recommendation. It says: "Eliminate education programs that have largely achieved their purpose." This novel idea would save $220 million, Mr. Speaker, and if we were to apply this to other programs think of the hundreds of billions of dollars we could save.

All of the programs of the Appalachian Regional Commission are duplicated by other agencies. Eliminating those could save $1 billion.

When Medicare was created in 1966, the deductible for physician services was $50. Today it is only $100, while most employee health plans have deductibles of over $200. Increasing the deductible to $150 and indexing it to inflation will save $9.3 billion.

In 1984, Congress created the Clean Coal Technology Program as an alternative to legislation controlling acid rain. The 1990 Clean air Act imposed the acid rain mandates anyway, so clean coal subsidies are no longer necessary. Eliminating this program will save $1.6 billion.

The list goes on and on. Mr. President, we are meeting your challenge.

□ 1210

### CUTTING THE NATION'S BUDGET DEFICIT SHOULD BE LIKE A NEW ENGLAND BARN RAISING

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, reducing the budget deficit and reorienting our national priorities should be done like a New England barn raising. Yankees helped neighbors raise a barn after one burned down. The whole community turned out. Everyone knew what had to be done. As the building went up, all could see the progress being made. Working together strengthened the ties that bound the community together. The structure did not always look the same at the end as it was envisioned in the beginning, because some changes were made during the construction, but the job got done.

President Clinton has asked us to join together to solve our Nation's economic crisis. To do this, he has given us a plan. But I suggest we use these priorities: First, to make spending cuts, and I am taking up the President's challenge to find as many additional cuts as I can; second, to reallocate current expenditures to their most productive use; and third, as a last resort, to increase taxes.

Just as with barn raising, we must start with the right plan and then work together, measuring progress as we go and making necessary adjustments. If we build together, we will accomplish our goal of solving our Nation's budget crisis.

### FIFTY WAYS TO CUT THE BUDGET

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, headlines today say, "Cuts Must Precede Stimulus Spending." I say cuts must precede talk of new taxes as well.

Look at the Grace Commission report, the GAO report, the CBO report, the suggestions of several well-known and respected grassroots organizations which have identified hundreds of billions of dollars of spending cuts to bring down the deficit.

It is still true that the American people are not taxed too little. Congress spends too much.

I am submitting a bill to publicly list 50 ways to cut the budget, ways such as my colleague, the gentleman from California [Mr. DREIER], has outlined, 50 actual spending cuts primarily in discretionary spending that total nearly $190 billion over 5 years These programs on their face cry out to be reexamined in light of our deficit today in this country.

The President challenged us to be specific. My bill will direct the Committee on the Budget to examine these cuts for inclusion in the fiscal year 1994 budget resolution.

We should focus our debate on justifying our use of public dollars, recognizing the limits of our affordability and chopping out the waste we know is there.

### COMMITMENT TO REDUCING THE DEFICIT

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, in describing to the first lady last week at a health care conference my congressional district in south Florida; I stated that there are 6 million notch babies in the United States and they are all in my congressional district.

This past weekend I spoke to a group of senior citizens in Pompano Beach about the Clinton plan and what I feel is a serious economic and fiscal condition in the United States and particularly in my district.

I sincerely feel that we, in Congress, have grossly underestimated the commitment of the senior citizens to assist in solving this serious problem. To the person they volunteered to pay their share; whether to freeze COLA's, tax Social Security payments, increase tax rates and even throw in the towel on the notch issue.

The senior citizen is committed; we, in Congress, should likewise dedicate ourselves to the same commitment.

### PRESIDENT CLINTON—EXCUSES VERSUS REALITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, President Bill Clinton got elected by promising Americans that he would not raise taxes on the middle class.

That was the advertisement for the product we were sold, but when we arrived at the store we got tax increases for virtually every American.

President Clinton claims that he just did not know how large the deficit was.

Well, I believe the President knew, it is on the record.

In the July 6, 1992, issue of Business Week, President Clinton responded to a question about why he was backing away from his balanced budget pledge.

He says, "when I began the campaign, the projected deficit was $250 billion. Now, it's up to $400 billion." Those are his words. Then, in the next paragraph he goes on to discuss the need for a middle-class tax cut.

In spite of all his talk of honesty in budgeting, we can not get straight answers about where the spending cuts are.

Mr. Clinton, we must reduce spending first before we tax the middle class.

### ONE OF THE MAIN DIFFERENCES BETWEEN THE PARTIES

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, today we will get one more dramatic demonstration of the difference between the political parties in America.

The House majority will be bringing forward a bill to extend unemployment compensation, and it will be on the whole opposed by Members of the minority. They well seek to cut it back. They will object that we cannot afford it.

Unemployment compensation is one of the defining differences between the approach that the Democratic and Republican Parties take. We have no doubt that there are millions and millions of Americans unable to work through no fault of their own. We understand that through a combination of cyclical problems and some long-term trends involving international competitiveness there are people being thrown out of work who seek only to be able to do a full week's work to support their families.

The response has been for some time from the Government, while seeking to solve the broader problems, to offer some relief to these people through unemployment compensation for which people are only eligible if they have a work history and were thrown out of work through no fault of their own.

The recession has unfortunately left a residue of significant unemployment which is receding too slowly, and we will try today in an act of compassion and concern to seek to deal with that. That is, of course, also the most effective countercyclical program we can offer.

As we debate today a program to extend unemployment compensation benefits to working people unemployed through no fault of their own, people will see one of the main differences between the parties in America.

## CUT SPENDING FIRST

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, it is right here on the cover of Newsweek magazine. Look at it. It says, "Tax, Spend, and Cut," in that order. There is no more succinct summary of the administration's plan than "Tax" in huge letters, "Spend" in big letters, and "Cut" in small letters.

Once again, we see a difference between what the administration says and what it does.

Last weekend, and even yesterday, the President said he is going to cut spending before he raises taxes. Not true.

Look at the Newsweek cover again. Look closely. The first word is "Tax"; the second word is "Spend"; and in very small letters, "Cut."

There is a better way, and Paul Harvey said it best, "Cut spending first."

## EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

(Mr. RUSH asked and was given permission to address the House for 1 minute.)

Mr. RUSH. Mr. Speaker, in November 1991 and again last July, Congress agreed to provide extended unemployment benefits to workers because it was the right thing to do. Currently, 1.5 million workers are receiving these emergency unemployment benefits. Unless this program is extended, approximately 300,000 people each month will lose their unemployment compensation benefits.

While economic indicators point to a recovering economy, none of these workers would agree with you. I agree with President Clinton and his economic advisers who label this so-called recovery, a jobless recovery. Where I come from, a jobless recovery means essentially no recovery.

Nine million people are still looking for work. This so-called economic recovery failed to put food on the table for these Americans, or even gas in the tanks of their cars to help them go out and look for work. We must save these families from poverty, homelessness, hunger, and despair.

These workers and their families cannot afford to wait for the economic recovery to save them. I am counting on the quick passage of President Clinton's economic plan to assist these workers in obtaining jobs. In the meantime, Congress has to do our part. We must continue to do the right thing. I urge my colleagues to vote "yes" on H.R. 920, the emergency unemployment compensation extension.

□ 1220

## FINANCING CAMPAIGN PROMISES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, David Broder, one of our Nation's most respected political columnists, wrote today in the Washington Post:

> Now people are discovering that Clinton really played fast and loose with the facts in last year's campaign. Last October 1, for example, when the Bush campaign ran ads based on the calculation that Clinton would finance his campaign promises only by raising taxes on every family earning more than $36,500 a year, this is what the Democratic nominee said:
>
> "It is blatantly false. It is a disgrace to the American people that the President of the United States would make a claim that is so baseless, so without foundation, so shameless in its attempt to get votes under false pretenses."
>
> Last week Clinton, unembarrassed, put forward a revised program requiring tax increases that the administration says will affect most families making over $30,000, one-sixth below the threshold George Bush had forecast. Clinton claims he has been forced to these steps by the unexpected $346 billion size of the deficit he inherited. But last July, he told Business Week the deficits would approach $400 billion.
>
> As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than $30,000.
>
> These artifices were carefully concealed in Clinton's State of the Union Address, helping him to gain a favorable first public reaction.
>
> But the more that is learned about the plan, the less solid it looks. As much as $54 billion of claimed spending reductions are actually increases in taxes or fees. More important, major cost-cutting moves are of dubious value.
>
> That is bad politics as well as bad economics. Clinton is likely to get a budget-economic package passed this year. Passing one that just pretends to fix the deficit is no fix at all.

## LARRY VILLELLA, A 14-YEAR-OLD PATRIOT

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, as we begin the consideration of President Clinton's economic package, I would like the Members of this body to consider the example set by a young constituent of mine.

Larry Villella is a young 14-year-old from Fargo, ND. Last week he listened carefully as President Clinton set out his economic package. He heard the President discuss the need to get our economy moving and to reduce our staggering national debt.

Larry wrote out a check for $1,000 and sent it to the President in order to do his part to help the President implement his program.

I believe Larry's public-spirited actions reflect the thoughts of millions of Americans who are willing to do their part in order to get the economy moving again and to meaningfully reduce the deficit.

As Members of the House let us now do our part. Let us rise above partisanship and the pressure of special interests. Let us have the resolve of Larry Villella and do what we need to do, to take the tough steps that need to be taken to meet the critical goals of the President's economic program for this country.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding.

Would the gentleman tell us what happened to the thousand dollars?

## PRESIDENT MUST APPOINT PEACE ENVOY TO IRELAND

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, as the President meets today with British Prime Minister John Major, it is important that we realize the reality of British rule in the north of Ireland. I am proud that a number of my colleagues today, of the ad hoc committee for Irish affairs, who will be addressing the House on this issue, because even though it is not often reported in our media, political defendants in the north of Ireland are denied jury trials, thousands of Catholic homes are broken into by British troops without search warrants, British security forces actively collaborate with Loyalist death squads to murder Catholic civilians, and Britain has been condemned by the European Court of Human Rights more times than any country in western Europe for its activities in Northern Ireland.

I was present at a meeting with President Clinton in New York City last April, where he spoke out for human rights in Ireland. Later in the campaign he pledged to send an American peace envoy to the north of Ireland.

I commend the President for making that pledge, and I call upon him today to reaffirm that pledge and make it known to Prime Minister Major that the United States will send a peace envoy to Ireland and that the American Government will no longer tolerate British oppression of the Irish people.

## HOUSE SHOULD EXTEND THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today we will take up H.R. 920, which would extend the emergency unemployment compensation program until the summertime. The program now expires on March 6. This measure would give those who have exhausted their regular 26 weeks of unemployment benefits an additional 20 weeks of unemployment to see them through to the time when they can get a new job.

There is in the Nation a 7.1-percent unemployment rate, which, ironically, happens to be higher, during this period of economic recovery, than it was in March 1991, at the very depths of the recession. This suggests that, because of the restructuring of our economy, the downsizing of our industries, the technological changes, that we do have a new and different challenging situation facing American workers.

In the Third District of Kentucky, which I am privileged to represent, we have a 6.0-percent rate of unemployment. Seventeen thousand people in Jefferson County are unemployed. As we look to the long-term improvement in our economy and the structural changes we have to make, we do have short-term responsibilities, and one of those short-term responsibilities could be discharged today by the passage of H.R. 920.

## TAX INCREASES ARE NOT THE ANSWER

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, my constituents are telling me loud and clear that they want spending cuts not tax increases. It is time for the Federal Government to tighten its belt.

President Clinton's economic plan is not a deficit reduction plan, it is a tax and spend plan. In 1994, the first year of the plan there are $18 of tax increases for every $1 of spending cuts. This is a far cry from the 1-to-1 ratio we were promised.

For the first 4 years of the Clinton plan the ratio is nearly $3 of tax increases for every $1 of spending cuts.

The lack of spending cuts in this package is best exemplified by the fact that in 1997 Federal spending under the Clinton plan will be $203 billion higher than this year.

This is why I am introducing today a resolution expressing the Sense of the Congress that taxes should be considered only after substantial spending cuts have been enacted and only after a constitutional balanced budget amendment has been passed by Congress. I invite my colleagues to join as cosponsors.

## THE PRESIDENT'S ECONOMIC PACKAGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, exactly 1 week ago we were presented with a bold, innovative plan to bring America back to its proud tradition of being a strong, forceful leader in the world economy. Our President has presented us with the opportunity to say to the American people, we will no longer stand by and do nothing while this country slides deeper and deeper into debt, and millions of our fellow citizens lose hope of participating in the American dream. It is a fact that we are working harder for less money, that more families than ever are living in poverty, and that our children are in grave danger of losing their competitive edge. We must do everything in our power to deliberate on this plan in a most unselfish manner, and move with great haste to put it into action. We are at a critical point in our history. Mr. Speaker, let us take the strong measures necessary to reduce the deficit, put Americans back to work, and grow this economy. The plan is before us, the mission is urgent, the time is now.

## ONE DEVILISH DETAIL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton does not want Americans to know the details of Clintonomics. That is because the devil is in the details and one of those devils is something called imputed rent.

Imputed rent is the rent a homeowner would pay to live in his or her own house, if they were renting it. Under Clintonomics, imputed rent isn't theoretical, it's income.

That is right. If you own a $200,000 house that would rent for $1,000 a month your imputed rent is $12,000 a year. And Clintonomics considers it as income, subject to possible taxation.

Maybe the devil made the President do it, Mr. Speaker. But the American people must beware, what we do not know will cost us dearly.

## HEAD START AND JOB CORPS ARE GREAT SUCCESSES

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, last week we heard one of the most eloquent speeches made by a President in this House. One of the things that he included in that was that it is time for us to move from entitlements to empowerments. Among the choices that he laid out before us was a decision as to whether or not we are prepared to make investments in our future through two programs that have been extremely competent in terms of providing for our future. Those programs are the Head Start Program and the Job Corps Program. It has been proven that for every dollar invested in the Head Start Program, we get more than a fair share in return, through those young people who are able to function not only in the educational community today but who will be able to contribute in the future.

That is also the same for the Job Corps Program. You might remember that several months ago there was a study out that indicated that those who graduate from the Job Corps Programs are able to go and get jobs and be able to make contributions by virtue of becoming taxpayers in this Nation.

□ 1230

Indeed, we commend the President and urge all those persons who are part of this body to join together to assure that they are fully funded by 1997 so that we can assure that these investments give the kind of return that says that America is as strong as its workers, that America is as strong as those who it educates. Head Start and the Jobs Corps and good steps in the right direction.

## THE NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, during his election campaign, President Bill Clinton promised Irish-Americans that he would appoint a special envoy to facilitate the peace process in Northern Ireland, and that he would support passage of MacBride Principles legislation at the Federal and State levels.

I rise today, as one of the three cochairmen of the Ad Hoc Committee for Irish Affairs, to urge President Clinton to take a strong stand promoting peace and reconciliation when he meets with Prime Minister Major this afternoon.

I further appeal to the President to lend his support to the MacBride Principles legislation which I have introduced in the House, H.R. 672. It is well-established that Catholics in the North are two and a half times as likely as Protestants to be unemployed, and that religious discrimination is the principal cause of this situation. This Congress cannot allow United States companies to be party to religious discrimination in Northern Ireland. We should pass H.R. 672, the Northern Ireland Fair Employment Practices Act.

Mr. Speaker, peace and justice in Northern Ireland would truly be changed, I say to the President.

### SEMPER FIDELIS

(Mr. MCHALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHALE. Mr. Speaker, 2 years ago today United States Marines went into combat, first breaching an Iraqi minefield at dawn, then moving courageously through enemy artillery fire, as they engaged Iraqi tanks throughout 3 days of armored fighting. They fought with the extraordinary courage America has come to expect from U.S. Marines. They fought because the President and this Congress said it was their duty. For those young Marines, the concept of shared sacrifice was not a political slogan, it was a battlefield reality.

Well it is 2 years later and they are home now. Many have returned to civilian life. Some are in college. More than a few have gotten married and have begun to raise the next generation of Americans.

The veterans of Desert Storm have earned more than a welcome home parade. Having placed their lives on the line when this Congress called them to duty, they now have the right to expect some measure of courage on our part. They expect us to sharply cut Federal spending, to reform American health care, to provide assistance for college tuition, and most important, they expect the 103d Congress to expand economic opportunity.

Let us recall the courage of those gulf war veterans and be mindful of the fact that there are far greater dangers than losing an election. Semper fidelis.

### DEMOCRATS SHOULD GET SPECIFIC

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, the theme song of our President should be changed from "Don't Stop Thinking About Tomorrow," to "Yes, We Have No Specifics."

Democrats in the White House and here on the Hill have been demanding cuts from the Republicans to show specific areas we plan to cut. Well, I am not surprised that the Democrats want us to do more then they will do themselves.

The American people and the members of the House Armed Services Committee now realize where the only real cuts are going to take place over the next 5 years, and it is being confirmed in newspapers all over the country. It is in our national defense. Initially it was $60 billion, then $76 billion, then $88 billion, and now if you include the $7 billion from this year, now $95 billion.

But guess what, Mr. Speaker? There are no specifics. Not only do we not know the total of those cuts, we have no idea of how the President plans to achieve these goals.

So tell us, Democrats, which new bases are you going to close? Which programs are you going to cancel? How many more uniformed and civilian personnel are you going to throw out of work above the 1 million that we are already furloughing from the military, and what will that do to our recovery that you claim is so weak?

Start thinking about tomorrow today by giving us the specifics we need in the area of national defense.

### IN SUPPORT OF PRESIDENT CLINTON'S ECONOMIC STIMULUS AND DEFICIT REDUCTION PROGRAM

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise in support of President Clinton's economic stimulus and deficit reduction plan.

My colleagues on the other side of the aisle want to focus on taxes and ask Americans to look and see what they do not like about the plan.

Well, if your sole perspective is how much will I have to pay, I am sure you can find something you do not like.

I look at it a little differently. I look at the big picture. Let us talk about jobs. IBM, 25,000 laid off. Sears, 50,000 laid off. Boeing, 30,000 laid off.

Who is getting laid off in your neighborhood?

Looking at the effects of 12 years of trickle-down, I believe the President is on the right track when he tries to create 500,000 new jobs and 700,000 summer jobs.

On deficit reduction, remember "Read my lips. No new taxes."

I much prefer President Clinton's honesty. Deficit reduction will require new taxes, but this time it will be tax fairness, with the burden on those most able to pay.

But we are not forgetting spending cuts. The President proposes $250 billion in spending cuts over 5 years from the White House to Congress that will affect every Federal agency, including the Federal employees in my district. These cuts and others are on the fast track. They will be passed.

President Clinton says, "Stop thinking I and me. Start thinking us and we.,"

Let us pass the President's proposal.

### SPENDING AND TAXES

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, when I was out meeting my constituents last weekend, there were two common themes that I heard.

One theme had to do with spending programs.

Many of my constituents feel that any proposed increase in the income tax rate should be applied solely toward our national deficit.

We cannot spend money on new programs or expand existing programs when we are being strangled by our national debt.

Second, in the opinion of many, if Americans had known what they know today about President Clinton's economic stimulus plan, Mr. Clinton would still be Governor of Arkansas and Mr. Bush would be into his second term.

As one teenager put it: It must be great to be a politician; you could say one thing and do the other, give a good speech and have people accept your complete about-face.

### IN SUPPORT OF H.R. 920, UNEMPLOYMENT BENEFITS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, on March 6, 1993 the emergency authorization for unemployment benefits passed by the last Congress will expire. H.R. 920 will extend unemployment benefits for those out of work for up to 6 months.

Although some say we are in a recovery, the fact is that 9 million Americans remain unemployed. Two million of these persons have been unemployed for over 6 months. As these persons exhaust their State unemployment benefits they will be eligible for assistance under this extension of benefits.

We have heard a lot of talk about a stimulus package, however, this extension of benefits is the best way to make that stimulus felt by those most in need. Until the economy grows and more jobs are created, the best stimulus we can give to a struggling family is the assurance of a roof over their heads and a meal on their table.

Currently, about 1.5 million Americans are receiving benefits.

Every month between 250,000 and 300,000 people will exhaust their state benefits and need assistance under this act.

The total appropriation for this bill is $5.6 billion for fiscal years 1993 and 1994.

No additional benefits would be paid beyond 1995.

### THE SITUATION IN NORTHERN IRELAND

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, as a cochairman of the Ad Hoc Committee for Irish Affairs, I have been involved deeply in the tragic situation in Northern Ireland. As you know, our bipartisan committee of over 100 Members is dedicated to peace and justice for Northern Ireland. Accordingly, I was pleased to note the level of attention given to the Irish issue during the recent Presidential campaign, including the support of our current President for the MacBride principles as well the concept of sending an envoy to Northern Ireland.

As Europe tears down both economic and political borders, it is a tragedy that Northern Ireland remains a strife torn region. It is my hope that with the continuing work of the ad hoc committee and the expression of support by President Clinton, the United States can play a vital role in resolving the tragic conflict in Northern Ireland.

Mr. Speaker, I urge my colleagues to join with the Irish Affairs Ad Hoc Committee in working for peace and justice, and I offer our support to the President as he fulfills his commitment to our Nation's 40 million Irish-Americans.

☐ 1240

### WE HAVE TO CHANGE THE DIRECTION IN WHICH OUR COUNTRY IS GOING

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, I think one of the smartest things that the President did was that he indicated that all of us would be working off of CBO numbers, the same piece of paper. So, to my colleagues that are complaining about this plan, I challenge them, too, to bring forth some cuts that we can look at.

There is concern about taxes. All the American people are concerned about taxes. Today the working people in this country can take their paychecks for January, February, March, April and part of May, and it is gone in taxes. But I have a 19-year-old son, and, when he reaches my age, he can take his paycheck for January, February, March, April, May, June, July, August, September, and October, and it will be gone in taxes.

Mr. Speaker, the sad thing is that every bit of it will be used to pay for interest on the national debt.

So, we have got to change the direction this country is going, and I commend the President for representing change.

### GOODBYE SMOKE AND MIRRORS, HELLO TOP HATS AND RABBITS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, my colleagues, I think all of us know that last fall there was a great deal of discussion about the size of the Federal deficit and the huge national debt that we have in our country. Ross Perot brought national focus in on a very serious problem that affects all of us. He even got 19 million people to vote for him.

And what are we going to do today? We are going to add $5.7 billion to the national debt. We are going to extend unemployment benefits for the third time and have not made one ounce of effort to find a way to pay for it. For the last 2 years Congress has passed on the chance to provide incentives to the private sector to create new jobs and to get this economy moving, but has extended unemployment benefits three different times.

This last week the President said, "No more smoke and mirrors." I suppose top hats and rabbits are still in the cards.

### IT'S TIME TO PUT UP OR SHUT UP

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, last week our President brought before us a program designed to bring to a screeching halt the borrowing and spending that has characterized our economic policies for the past 12 years. He has proposed more than 130 cuts designed to reverse the order of business in this country.

I believe, Mr. Speaker, the time has come for us, the Members of this body, to either put up or shut up and to begin to seek ways that we can bring this country back on the course of economic development that will do all of us and our children great good. This program has in it educational head starts for our children, healthy beginnings, immunizations. It has in it an investment in the future that all of us look forward to with great anxiety.

Mr. Speaker, I call upon the Members of this House to act responsibly and to do what the President has asked us to do, support his plan or come forward with good suggestions as to what we would have.

### LET'S NOT TAKE A GAMBLE ON RENO

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. An Attorney General opposed to the death penalty? That is what we have got in Janet Reno, President Clinton's latest nominee for U.S. Attorney General. But the opposition to the death penalty is perfectly consistent with another stated claim of Ms. Reno. She said, "My highest priority is not to convict criminals, but rather to protect their rights." This quote suggests that Janet Reno values the rights of criminals more than the rights of the law abiding.

Now I would remind my colleagues that we are talking about the U.S. Attorney General, not the public defender.

Mr. Speaker, we must stand firmly in defense of the people who elected us. We must stand in defense of the law abiding and prevent someone like Mr. Clinton's latest nominee from filling the top spot at Justice. I say, "Let's not take a gamble on Reno."

### PRIME MINISTER MAJOR'S VISIT TO THE UNITED STATES

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, Prime Minister John Major will meet with President Clinton today.

There is much of importance to discuss with our ally, the United Kingdom—the crisis in the Balkans, whether he keeps his Airbus subsidies, trade, and maintaining a close working relationship.

But if we are to have a special relationship then we cannot avoid the need for an end to the continuing tragedy in Northern Ireland—the loss of life, the economic devastation, the ongoing conflict.

Yesterday, I reintroduced a resolution calling for the appointment of a special United States envoy to Northern Ireland to assist both the Governments of the Republic of Ireland and the United Kingdom to find the path to peace.

I am pleased that last year Bill Clinton expressed support for the appointment of an envoy and that the Prime Minister of Ireland has welcomed the concept.

That message should also be conveyed to Prime Minister Major today.

No longer are well meaning platitudes from our Government enough.

Let us work to bring peace to a land whose people, both Catholic and Protestant, have given much to this Nation.

Mr. Major must learn that in Northern Ireland, as in Bosnia, peace will come when justice prevails and his troops are withdrawn.

### RECIPE FOR ECONOMIC DISASTER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, wait until America finds out what is in President Clinton's budget package. Just wait until they find out. Ninety-four billion dollars in spending increases, not spending cuts; over the next 5 years, all that budget deficit stuff that he is talking about coming out of their hide with new taxes, new taxes totaling $328 billion.

We just had a tax increase 2 years ago of $184 billion, the largest in history. What did that do? Put us into a recession. Now $324 billion more, and in spending cuts? No cuts. Ninety-four billion dollars in new programs.

Mr. Speaker, the people of this country are tired of more taxes. They do not want more taxes. That hurts the economy. That costs jobs. That sends businesses overseas. That is something that is a recipe for economic disaster.

What America wants, and I believe they are going to get ultimately, is not more taxes, but meaningful spending cuts. Let us cut the waste out of government instead of taxing more.

### PRIME MINISTER JOHN MAJOR'S VISIT TO THE UNITED STATES

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, today President Clinton will meet with British Prime Minister John Major.

In this first meeting between the new administration and the British Government, I urge the President to express his determination to make ending the strife in Northern Ireland a top priority in our relations with the United Kingdom.

During the Presidential campaign, Mr. Clinton demonstrated his sensitivity to, and understanding of the Irish issue by pledging to support efforts to end anti-Catholic discrimination in Northern Ireland.

Furthermore, he promised to appoint a special envoy to Northern Ireland to facilitate the stalled peace talks there.

I urge President Clinton to take the opportunity of today's meeting to let Mr. Major know that the Clinton administration will not ignore human rights abuses in Northern Ireland but, rather, will take a leadership role in working to ease the strife which has continued there for too long.

I applaud the President's policy on Northern Ireland and look forward to working with him to bring peace to all of Ireland.

□ 1250

### BUDGET RESOLUTIONS ARE NON-BINDING

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, if ever there was a catch 22, the Democrats have found one. I refer to the article in today's Washington Post, whose headline reads, "Cuts Must Precede Stimulus Spending, Hill Tells President."

If deficit reduction is done before the deficit increase—also known as the stimulus package—the stimulus package loses its meaning. But if the stimulus comes first, deficit reduction loses all credibility. What are the Democrats to do?

According to the Post article, the Democrats have concocted a scheme whereby they will claim to have locked in the spending cuts before passing the stimulus, by virtue of passing a budget resolution.

Mr. Speaker, I may be new to this institution, but in my short tenure I have learned one thing: Budget resolutions are not binding on anyone; budget resolutions do not even go to the President for signature. Budget resolutions do not lock anybody in to anything. The fact is, Mr. Speaker the notion of locking in to the spending cuts before passing the stimulus package is pure political chutzpah.

Mr. Speaker, and I am especially disappointed that my Democratic colleagues in the freshman class have apparently been hoodwinked. This plan is a con on the American people.

### RESOLUTION TRUST CORPORATION IS RIPPING OFF AMERICAN WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the RTC overreported the interest earnings of over 200,000 taxpayers. One woman ended up with $150,000 in interest earned from $3,000 worth of income. Now, to the Members of Congress, when did the RTC hire Michael Miliken?

But that is not enough. The RTC then turned around and gives millions and millions of dollars in bonuses to their inner crew. Tell me, when did misfeasance, malfeasance, and nonfeasance, qualify for a bonus in the Federal Government?

This is not the Resolution Trust Corporation. Mr. Speaker, while Congress is extending unemployment benefits, the Rectal Trespass Corporation is ripping off American workers.

### CUBA'S ELECTORAL FARC

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, February 24, 1895, 98 years ago today, the war of independence began in Cuba, the successful war that led to the formation of the Republic of Cuba, a war effort that was assisted in a generous and courageous way by the American people in 1898.

The dictator of Cuba has attempted to stain this patriotic occasion by convening for today the first so-called elections since coming to power in 1959. Today, the Cuban people are being forced to vote for Communist candidates, only one candidate per office, of course, including the supreme candidate, the dictator himself, a candidate for Parliament. Also a candidate for Parliament is his assassin brother, equally despised by the Cuban people.

Mr. Speaker, it is the hope and prayer of all the freedom loving people of the United States, including President Clinton, who has personally expressed this to me, and it is our concrete goal that will become reality, that one day very soon a true election will take place in Cuba, where the people will be able to determine their own destiny in freedom and without the terror and coercion that characterizes today's electoral farce.

### UNEMPLOYMENT COMPENSATION EXTENSION OFFERS RAY OF HOPE TO UNEMPLOYED

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, today, the House will consider emergency unemployment benefits for the estimated 2 million jobless worker in our country who will exhaust their regular benefits after March 6.

As if high employment numbers are not enough, the Commerce Department announced more disappointing news just this morning. Orders for durable goods were down 1.7 percent in January—the largest drop in 6 months. A lack of orders means companies have no need to hire. And for the 9 million Americans currently without jobs, that news further dims their hope for better days in the near future.

The legislation we will consider later today offers a temporary ray of hope. Until the economy begins creating jobs, the assistance included in this legislation will help families to pay their rent and buy groceries. And just as importantly, it helps States to identify those looking for jobs who are likely to need reemployment assistance services to make a successful transition to new employment.

Mr. Speaker, I am confident a full recovery is imminent. Until then, let us offer that ray of hope to those who have lost their jobs and are looking for work.

## GRAB YOUR WALLET AND CALL THE SHERIFF

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, yesterday many of us were touched by the naive innocence of a 14-year-old high school freshman from North Dakota who contributed $1,000 to President Clinton to help reduce the deficit. President Clinton called him to congratulate him from Air Force One.

Now, according to the Associated Press and USA Today, President Clinton is "taking a look" at asking for similar contributions from the rest of us.

Mr. Speaker, consider this: There are about 110 million taxpayers in America. If every one of us does exactly what this young boy did and add an extra $1,000 to the Federal coffers, that will total $110 billion, exactly $59 billion short of paying for just the new spending that President Clinton asked for Wednesday night.

Mr. Speaker, President Clinton also told this poor kid that the first thing that he did with his $1,000 was to get the White House staff lawyers to work on looking to see whether legally the Government could accept the money. So it seems that after we total up the cost of the phone call from Air Force One and the lawyers' fees, the money is already gone. That is a tough lesson for a 14-year-old kid to learn.

Mr. Speaker, one other thing: This boy told ABC's "Good Morning America" he wants to grow up to be a cardiologist. Soon he is going to find out that Hillary Rodham Clinton's national health system is going to put wage and price controls on his future.

Mr. Speaker, let us hope the rest of America's taxpayers do not have to learn the hard way the same lesson about how the Federal Government works. Next time Bill Clinton asks you for a contribution, grab your wallet and call the sheriff.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that all comments should be directed to the Chair.

## HUMAN RIGHTS, JUSTICE, AND PEACE IN NORTHERN IRELAND

(Mr. NADLER asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, today President Clinton will meet with British Prime Minister John Major. This meeting will afford the President an opportunity to take a stand for peace and human rights in Ireland.

The continuation of discrimination against Catholics in the northern counties and the continuation of documented human rights abuses are very disturbing. The President can make a significant contribution to human rights in Ireland by reiterating his support for the McBride Principles of Fair Employment designed to end anti-Catholic discrimination.

I also wish to applaud the President for his pledge to appoint a special envoy to Northern Ireland to help facilitate the peace process.

The President's pledge to implement an equitable visa policy which recognizes bona fide political refugees and extends to them the protection they rightfully claim will usher in a new generation of enlightened refugee policy. It will send an important signal to those working for freedom and justice around the world that this Nation stands with them.

Mr. Speaker, finally, I share the profound concern of my colleagues that past harassment of law-abiding Irish-Americans by the Department of Justice must end. I know that the President's staunch support for civil liberties will mark a new era in the protection of our common heritage of liberty.

## MORATORIUM ON ACQUISITION OF LAND BY FEDERAL GOVERNMENT

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, the people of my district sent me here with a loud and clear message; they want spending cuts. President Clinton asked us for help in finding those specific budget cuts. Congress can and should cut spending, and I want to do my part. As such, I am putting forth budget cut No. 1.

The Federal Government currently owns more than 760 million acres across this country. In California alone it makes up 48 percent of the State. Yet over the next several years the Federal Government intends to spend almost $2 billion to purchase more land.

Mr. Speaker, my cut will put a 5-year moratorium on new Federal land acquisition and will save an estimated $2 billion. Fellow Members, that is real deficit reduction.

□ 1300

## ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that all comments should be addressed to the Chair.

## COMPREHENSIVE VIOLENCE AGAINST WOMEN ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am very pleased today that the congressional caucus on women's issues is introducing a Comprehensive Violence Against Women Act that is long overdue.

This country has taken the violence against women and shuddered every single year as the numbers got higher and higher, but we have done nothing and tended to treat it as a lesser crime.

When we are told that three out of four women will probably be the victim of a violent crime before they die, by the Justice Department, it is time we act. And so I encourage all sorts of Members to join us in cosponsoring this.

We have seen the rape rate among women double in the 1980's. We have seen domestic violence becoming the leading cause of injury to American women. It is time we stop it.

We are also sending a letter to the Washington Post. As we met yesterday with Hillary Clinton, they put it on the style section. That is one of the problems with dealing with the very serious issues the caucus is dealing with. When we talk about women's health, women's economic status, and violence against women, it gets put on the style section by this city's major paper, and they talk about what we wear.

It is time we move those issues to the front page. It is time that they are taken seriously. And it is time that women lawmakers are given the same play in the paper with their issues that the others are by that newspaper.

### A CALL FOR SACRIFICE IN WASHINGTON

(Mr. DICKEY asked and was given permission to address the House for 1 minute.)

Mr. DICKEY. Mr. Speaker, $567 million is what we have a chance of saving if this body will reduce its appropriations by 25 percent. We have no way of going to the American people and asking for tax cuts and reduction of jobs and creating havoc with their economic lives, unless we do the same.

In Prescott, AR, last week, a Social Security recipient said to me twice, "I wouldn't mind paying my taxes on my Social Security benefits if you all would sacrifice up there."

I thought that was an awfully good thing at first. And the more I started thinking about it, the more I started saying it might be that she felt secure in that, that if she waited for that to happen, she would never have to pay any taxes.

I think this Congress today in this session and as soon as we can ought to reduce our budget, our budget appropriation requests by 25 percent and show the American people that we are willing to sacrifice. And then we can better ask them to sacrifice.

### CONTINUED UNEMPLOYMENT CONCERNS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, a recent briefing by the Bureau of Labor Statistics outlined some very important findings about our economy and its so-called recovery. Compared to prior recoveries, the labor market has turned in a poor performance in the last 22 months, since March 1991. That is when the economists declared the recession over.

In looking at the long-term data on economic patterns, the current economic recovery is unique and alarming. In each of the last eight recessions on which we have detailed data, the recession was followed by a period of extensive job growth.

In this recovery, serious unemployment continues. We have an official 7.1-percent unemployment rate.

When discouraged workers and part-time workers looking for full-time work are considered, the rate climbs to 12.5 percent. This does not even include those workers who are underemployed in jobs beneath their education level and previous experience. And more layoffs may be on the way.

This economic hardship demands leadership, which the President has provided in his economic stimulus package.

Let us join him in putting people back to work by supporting President Clinton. Let us do it quickly so we can have summer jobs available for American citizens.

And in that case, also, I would like to add, those summer jobs which have many teaching jobs in them will provide jobs for women.

### MORE BUDGET CUTS

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, I follow my distinguished colleagues from Arkansas and California to offer a series of budget cuts for the President in his quest to find spending cuts here in Washington, DC.

We were challenged, and I think correctly so, to come up with some measures on how we can reduce the size of Government, create management efficiencies, consolidate where necessary, privatize where necessary.

I introduced today on the floor of the House nine bills which accomplish all those things, cut $16 billion in this year, which I believe is $20 billion more than the President would cut because he actually increases spending by $4 billion this year.

We cut $16 billion this year and $100 billion over 5 years.

These are real cuts. They are specific cuts. They are line-item cuts, and I am looking forward to working with him in his sincere attempt to do something about this deficit.

### A CALL FOR CHANGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, on election day, the people spoke for change. Last week, the President spoke for change. Now, Congress must speak for change. Let us end the system that turns congressional races into races for money, where getting money is more important than the issues.

Elections should be an opportunity for all Americans to chart the course of their country. But, to reach that goal, we need reform.

True campaign finance reform can turn politics from America's least favorite spectator sport into America's most important participatory event. Every American can be a player if we build a level playing field.

We can achieve that—with spending limits, public financing, and limits on the huge power of political action committees.

Within the ancient and elaborate walls of this Chamber, the beautiful and urgent work of democracy is performed. But, with campaign finance reform, democracy will also take place within the humble, temporary walls of a voting booth.

I pledge myself to campaign finance reform so that we all will have a voice in the affairs of our Nation.

### IN SUPPORT OF THE BRADY BILL

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to share a tragedy from my district with you and my colleagues and to implore Congress to pass the much-needed Brady bill.

In Compton, CA, Monday night, two police officers were shot several times and killed as they responded to a disturbance report.

I cannot adequately express the depth of sadness I feel right now for those two lost young lives. Indeed, the slain officers are heros—they gave their lives to serve our community.

However, the officers' violent deaths cannot help but disturb me and the families to the core of our souls. Murders are the horrifying reality of senseless disregard for life. Even the assailants are victims, trapped in a vicious cycle of violence.

California, a leader in the gun control fight, requires a 7-day waiting period for handgun purchases. Yet, the law cannot prevent every shooting. To make California's law as strong as possible, we need national gun control law.

The Brady bill can limit such tragedies by requiring a 7-day waiting period and police background checks for handgun purchases.

Passage of the Brady bill may console the families of shooting victims. If the bill saves one innocent life, it is worth our efforts.

### EXTENSION OF UNEMPLOYMENT BENEFITS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, earlier today we heard quite a bit of discussion on the floor, mainly from the Democratic side, about the unemployment bill that will be before us in a few minutes.

The discussion was Republicans oppose unemployment because they are not compassionate about the unemployed. Nothing could be further from the truth.

The fact is that what Republicans fear about this unemployment bill is it is not paid for. We believe that if we are going to take steps to meet the priorities, such as the needs of the unemployed, we ought to find the money somewhere else in the budget to pay for these and quit adding to the deficit.

The fact is that the bill that comes before us will add over $5 billion of additional deficit money. What that means is that our children and grandchildren will pay even more in interest expenses in the future and that means that in the future even more people will go without work.

That is what we cannot continue in this body. What we have to do in this House is begin the process of deciding real priorities. If we are going to do something to help the unemployed, let us find the money to pay for it out of other nonpriority efforts.

If we cannot find such money, then we have to question whether it is a high enough priority to bring to the floor. That is the real question. That is the division between the two parties.

The Democrats simply want to tax and spend. We believe it is time to begin controlling the spending.

## IN SUPPORT OF H.R. 920

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of H.R. 920, which will extend benefits to unemployed workers who have already exhausted their regular unemployment benefits.

While there are some signs of national economic recovery, unemployment remains high and job growth rates are meager. National unemployment is currently at 7.1 percent and has exceeded 7 percent for the last 14 consecutive months. Clearly, unemployment continues to be a serious issue.

Mr. Speaker, some areas, such as my home State of California, have not seen economic improvement. In fact, California has the second highest unemployment rate in the Nation, 9.8 percent. I enthusiastically support President Clinton's bold proposals to jump start the economy and believe that Congress must focus its energy on creating new jobs and retraining our work force. This bill is the first portion of President Clinton's economic proposal to come before the full House, and will certainly be a positive first step. We must assist jobless Americans who risk losing their sole source of income.

Mr. Speaker, I strongly urge my colleagues to support H.R. 920.

□ 1310

## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 103 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 103

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes. The amendment recommended by the Committee on Ways and Means printed in the bill and the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, and against its consideration are waived. Debate on the bill shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit.

### POINTS OF ORDER

Mr. WALKER. Mr. Speaker, I have a point of order against the resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman will state his point of order.

Mr. WALKER. Mr. Speaker, I make a point of order against House Resolution 103 on the ground that two amendments self-executed by the resolution are in violation of two different House rules, and I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania wishes to be heard, and the gentleman may proceed.

Mr. WALKER. Mr. Speaker, first, House Resolution 103 is in violation of clause 5(a) of rule XXI because it proposes to adopt the Ways and Means Committee amendment printed as section 4 in H.R. 920 as reported. That section deals with financing provisions and in effect reappropriates advance account funds to make payments to the States to provide these additional benefits. Clause 5(a) of rule XXI prohibits appropriations provisions in a bill not reported by the appropriations committee.

Second, Mr. Speaker, House Resolution 103 attempts to adopt an amendment contained in the report to accompany the resolution extending coverage of the bill to railroad employees. That amendment is in violation of clause 7 of rule XVI which prohibits the consideration of germane amendments. The amendment contained in the Rules Committee report is under the jurisdiction of the Energy and Commerce Committee and is therefore not germane to this bill from the Ways and Means Committee.

Mr. Speaker, since both of those amendments will be considered to be adopted when this rule is adopted, they are currently before us and must be subject to points of order. It is clear from the rule that once the rule is adopted, the bill as amended by them is not subject to points of order. But, prior to the adoption of this resolution, those two amendments are obviously a part of this resolution and subject to the two points of order I have raised.

The SPEAKER pro tempore (Mr. MAZZOLI). Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The fact that amendments which if offered separately would be violative of the rules does not prevent the Rules Committee from self-executing the adoption of those amendments together in the rule itself, by providing for their adoption upon the adoption of the rule. The amendments are thus not separately before the House at this time.

Mr. WALKER. Mr. Speaker, I make another point of order.

The SPEAKER pro tempore. The point of order that the gentleman raises is overruled.

Does the gentleman from Pennsylvania have another point of order?

Mr. WALKER. Mr. Speaker, I make another point of order against House Resolution 103 on the ground that it is in violation of section 308(a) of the Congressional Budget Act of 1974, and I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WALKER. Mr. Speaker, section 308(a) of the Congressional Budget Act provides that, and I quote, "Whenever a committee of either House reports to its House a bill or resolution, or committee amendment thereto, providing new budget authority * * * new spending authority described in section 401(c)(2), or new credit authority * * * the report accompanying that bill or resolution shall contain a statement, the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statement * * * prepared after consultation with the Director of the Congressional Budget Office" detailing the costs of that provision.

Mr. Speaker, the amendment contained in the Rules Committee report, which would be adopted upon the adoption of this resolution, extends coverage of this bill to railroad workers. It is my understanding that this may entail a cost of $20 million, but the Rules Committee has not provided a cost estimate from CBO in its report on this amendment as required by section 308 of the Budget Act. This is an amendment reported by the Rules Committee and therefore is subject to the CBO cost estimate requirements. I therefore urge that my point of order be sustained.

The SPEAKER pro tempore (Mr. MAZZOLI). Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Pennsylvania raises an objection based on section 308(a) of the Budget Act on the basis that the report accompanying this resolution coming from the Rules Committee would have to have a CBO estimate of the potential cost involved by virtue of adoption of the amendment. However, the Chair, after consulting precedents and the rules of the House, rules that the cost estimate does not have to be made a part of the report accompanying the rule being brought from the Rules Committee, but rather the point of order might lie against the underlying bill. The resolution itself does not enact budget authority and, therefore, the resolution coming from the Rules Committee does not itself have to have the cost estimate in the accompanying report.

Therefore, the Chair now would overrule the gentleman's point of order.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is this not a self-enacting amendment proposed by the Rules Committee and contained within the rule?

The SPEAKER pro tempore. Would the gentleman state that again, please?

Mr. WALKER. Is this not a self-enacting amendment contained within the rule and proposed by the Rules Committee?

The SPEAKER pro tempore. Upon adoption of the resolution, the amendments to which the gentleman is——

Mr. WALKER. So it is before the House at the present time as an amendment proposed by the Rules Committee, a self-enacting amendment, and the Chair has ruled, as I understand it, that the Rules Committee is not subject to the Congressional Budget Act under its authority to propose amendments?

The SPEAKER pro tempore. The Chair did not suggest that the Rules Committee is not subject here, but the Chair suggested that the report on the resolution itself does not have to set forth the budget estimates which the gentleman has requested.

Mr. WALKER. But that is the——

The SPEAKER pro tempore. The budget authority is the underlying amendments which the Chair is advised occur and are considered adopted only upon adoption of the resolution.

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is the Rules Committee not enacting and including in its resolution a provision which will in fact increase spending and, therefore, is subject to the Congressional Budget Act?

□ 1320

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would state that the Budget Act, section 308(a) of the Budget Act, does not require budget estimates to be included in the report since the amendments are not adopted until such time as the rule is adopted. At that time, then, the amendments which are contained and which would be self-actuated under the rule would then be subject to section 308(a) of the Budget Act.

Prior to the adoption by the House of Representatives of this resolution, that underlying budget estimate is not required to be a part of the report on the resolution itself.

Mr. WALKER. So the Chair is now ruling, or as a further parliamentary inquiry, the Chair has ruled that once we adopt this resolution with the amendment in it, that the Committee on the Budget will be required to file a new report before we can take up the underlying legislation that includes this particular budget estimate? Is that what the Chair is saying?

The SPEAKER pro tempore. The Chair did not make that ruling that there would be a need for the Committee on the Budget to file a budget estimate. The Chair is advised that there is data developing the potential cost in the section to which the gentleman refers in the material which, once the rule is adopted, will then be before the House.

Mr. WALKER. Could the Chair tell me what precedents the Chair referred to for this particular ruling that the Committee on Rules is not subject to the provisions of the Budget Act, does not have to include these items in its report, and now does not even have to report on the items before the House takes up the bill?

The SPEAKER pro tempore. The Chair inadvertently may have used the term "precedent." The Chair was misspeaking itself when it referred to the "precedents." There are no precedents for this particular ruling of the Chair.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker: so we are setting a new precedent here right now that the Committee on Rules is not subject to the Congressional Budget Act, that they do not have to, in their amendments, prepare the budget material, that they can, in fact, add spending without a requirement under the Budget Act, and that they never have to justify the spending that they are doing to the House before the underlying bill is taken up? Is that the precedent that the Chair has now provided to this House?

The SPEAKER pro tempore. The Chair would suggest that it is not the Chair's understanding that the extent ascribed by the gentleman from Pennsylvania is the extent of the Chair's ruling. The Chair's ruling is more narrow than that, suggesting only that until and unless this resolution is agreed to and adopted, there is no need within that rule, within the report on the resolution offered, to have in it the various cost estimates from the Congressional Budget Office and from the Committee on the Budget which the gentleman wishes. That material would be available at some point later in the discussion once the rule is adopted.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker; since the Chair has taken us into unprecedented grounds here, when is the House going to be provided with this information?

The SPEAKER pro tempore. Until such time as the resolution is agreed to and adopted, the Chair is really in no position to make that declaration or to give that advice.

The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], and pending that, I yield myself such time as I may consume.

Mr. Speaker, some people say that we do not need to help those who are out of work today in America. They say that the economy is in the process of a recovery, and "robust" is the word that Don Regan said the other day. They are the same people who, for 2 years, told us that we really did not have a recession. Time and again we heard, "No recession"; then, "Well, maybe, maybe a mild recession." And finally, that even though we had a recession, "it was no big deal."

Well, it was a big deal, all right. These are the same folks, though, that just never figured it out, Mr. Speaker.

Let me remind them of something: This recovery they talk about has produced virtually no jobs, zippo, virtually no net jobs for this country.

Unemployment still stands at 7.1 percent, 9 million people unable to find work, another 6 million people only to find part-time work, another million, perhaps a million and a half, so discouraged that they have stopped looking for work.

All of us know somebody in our family, or in our neighborhood, or in our church, who falls into that category of 16 million Americans. About 2 million workers have been out of work longer than 6 months. That is a lot of folks, and they are not just numbers on some chart. They need help. There is really pain out there still for many Americans.

We have to face the facts about this so-called recovery, Mr. Speaker. The average recovery since World War II has been 10 times as strong, 10 times. In the fourth quarter of last year, nearly 1 out of every 10 families had at least 1 unemployed member, higher than the year before, and last year the real median income earnings of families fell again. The average hourly wage was $11.37 in 1973 Do you know what it is now? It is $10.34. Does that sound like a recovery to you? Does it sound like a recovery to the people of Northwest Airlines, last month, when they announced that they were laying off another 1,000 people, or at McDonnell Douglas when they cut 8,700 jobs, or at Sears where they cut 50,000 jobs, or at Boeing where 20,000 Americans lost their jobs, or at United Technologies, Pratt & Whitney Division, 10,000 jobs, or all those people at IBM, Xerox, Eastman Kodak, or Armco who heard their companies make similar announcements?

Mr. Speaker, well, some recovery. Do I think we will recover? Definitely, now that we have seen an economic plan by a President who leads us in the direction for a true recovery.

Because we are going to cut Government, we are going to create jobs, we are going to help the small business community where the jobs are, and finally, we are going to get the rich to pay their fair share. We are going to get this deficit down, we are going to get interest rates down, but if we do all that, let us face it, it is still going to be difficult.

Even if the economy rebounds like Shaquille O'Neal, there will still be a bunch of people left on the bench.

I want to get them back into the game. I want them to be productive, and we have got to move quickly with the plan that the President has suggested for us in order to get that done.

Those without jobs have their benefits run out in less than 2 weeks. So let us pass this rule. Let us pass this bill today. Let us build a bridge for people trapped by the policies of the past, a bridge for people trapped by the policies of the past, a bridge built on hope, of concern, of compassion, a bridge that brings them across to the better days that lie ahead.

Mr. Speaker, House Resolution 103 provides for the consideration in the House of H.R. 920, the Emergency Unemployment Compensation Amendments of 1993. The rule which we are now discussing provides 2 hours of general debate. The rule provides that the Committee on Ways and Means amendment printed in the bill, and the amendment printed in the report accompanying the rule concerning the railroad workers' emergency benefits, will be considered as adopted. The rule also waives all points of order against the bill as amended, and finally the rule provides one motion to recommit.

Mr. Speaker, I urge my colleagues to support the previous question, and the rule, so that we can move to the debate on this terribly important issue that affects literally millions of our fellow citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Michigan, the distinguished majority whip, for yielding me this time.

Mr. Speaker, I rise in strong opposition to this closed rule.

Addressing the job losses associated with our sluggish economy is clearly one of our most pressing problems.

□ 1330

Unemployment is at 9.7 percent in my State of California. Nearly 10.5 percent, 10.4 percent, in Los Angeles County alone. Clearly, way above the national average.

It is a very serious problem, and that is why encouraging real job creation must be our top priority, and that is why it is important enough, Mr. Speaker, to have an open rule so that we can offer very thoughtful amendments which will be designed to create job opportunities for Americans.

Every significant piece of legislation that has been considered on the House floor this year has had a closed rule. Therefore, in the name of fairness this year has had a closed rule. Therefore, in the name of fairness, we will again attempt to defeat the previous question and offer an open rule that will empower every Member of this House.

In the Rules Committee just yesterday my colleague, the gentleman from California [Mr. BEILENSON], made a statement in support for more-open rules. He called these constant closed rules bad legislative process and noted that they often contribute to making bad laws. Mr. Speaker, Mr. BEILENSON is absolutely correct.

This closed rule shuts out Democrat Members as well as Republicans. For example, this rule will not allow our freshman Congresswoman MEEK, who represents Homestead and Florida City, an area devastated by Hurricane Andrew, she will be prevented from offering an amendment which would extend unemployment benefits to 1,700 victims of that disaster.

Another Floridian, Mr. LINCOLN DIAZ-BALART, a new Member from this side of the aisle, requested the right to offer a very similar amendment to that offered by Mrs. MEEK and Mrs. MINK, and was denied on a party-line vote of our committee from having that right.

This closed rule, Mr. Speaker, also prohibits amendments to make the bill more fiscally responsible. At a time when no other business is waiting to come to the House floor, why can we not vote on saving the taxpayer a couple of billion dollars?

Mr. Speaker, this extension of the benefits is $5.7 billion of President Clinton's $160 billion in new domestic spending. Call it stimulus, call it investment, call it whatever you like, it is new Federal spending. Therefore, we add another $5 billion to the deficit or, as was said by Mr. ARCHER in the Committee on Rules yesterday, we will be seeing an increase in the payroll taxes to pay for this.

Now, the President wants around $300 billion in higher taxes to pay for this kind of new spending. He calls for tax increases on middle-income wage earners, social security recipients, and small businesses. I submit that if we ask the Government to contribute more to deficit reduction, these new tax increases will not be necessary.

The American people are concerned that the President's plan is top-heavy with taxes. When people have said cut spending, President Clinton has said, and I have agreed with him, "No more hot air, tell me where."

I agree, Mr. Speaker, so let us start right here. Reduce spending by $5.7 billion, and the lower deficit and lower taxes will help create jobs, which is our real goal here.

When you consider that unemployment has been falling since June, that it is lower than it was when we stopped extended benefits in 1985, and that almost all of the States with high unemployment have the authority and money to trigger extended benefits, this is a good place to reduce new taxes with spending cuts.

Just to provide a little perspective on this, Mr. Speaker, if we do not spend this $5.7 billion, we do not need to impose the energy tax for 1994 and we could cut it in half in 1995. Remember, that tax targets the middle-class wage earner and will lead to the loss of 300,000 jobs.

Mr. Speaker, one very thoughtful amendment that was offered by our colleague from Connecticut, Mrs. JOHNSON, specifies that States with unemployment below 6.5 percent should not get new benefits, because they do not need them. This common-sense amendment would save a mere $1.2 billion and still extend benefits to every other State, like my State of California, with unemployment that is even nearer the national average.

Mr. Speaker, all three of the amendments offered by Mrs. JOHNSON make very good sense and at least deserve to be heard in this House. The Gunderson retraining amendment prepares people for new employment, something the President says he supports. Let us have a vote on it here in the House, Mr. Speaker. The American people deserve to know of the reform proposals that are blocked by these closed rules.

Therefore, I ask unanimous consent to insert in the RECORD a summary of the amendments that were blocked by this closed rule, based on the votes taken in the Committee on Rules, also the text of the open-rule substitute that we will offer if we defeat the previous question, and two tables detailing the number of closed and waived rules brought to the House floor.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

(The text of the documents referred to is as follows:)

### AMENDMENTS TO THE RULE ON H.R. 920, EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

1. Open Rule—An amendment in the nature of a substitute for a two-hour, open rule.

Vote (Defeated 2-6); Yeas—Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon.

2. Shaw amendment—Provide an additional 13 weeks to those unemployed in a federally declared disaster area.

Vote (Defeated 2-6); Yeas—Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon.

3. Gunderson amendment—Require that states accepting funds for additional benefits require recipients to undergo job-training.

Vote (Defeated 2-6); Yeas—Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon.

4. En bloc Johnson (CT) amendments

A. Johnson/Grandy—Exclude states with unemployment rates below 6.5 percent from benefits under the bill.

B. Johnson (CT) amendment 2—Require states with positive balances in their unemployment compensation trust fund to pay half the cost of extended benefits until trust fund is depleted.

C. Johnson (CT) amendment 3—Pays for bill through reduction of meal and entertainment expense deduction.

Vote (Defeated 3-5); Yeas—Beilenson, Dreier, Goss; Nays—Moakley, Derrick, Frost, Bonior, Gordon.

5. Traficant amendment—Sense of the Congress language that Congress should act on job creating legislation.

Vote (Defeated 2-6); Yeas—Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon.

6. Meek/Mink amendment—Provide an additional 26 weeks to those unemployed in a federally declared disaster area.

Vote (Defeated 2-6); Yeas—Dreier, Goss; Nays—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon.

7. Final passage of the closed rule.

Vote (Passed 6-2); Yeas—Moakley, Derrick, Beilenson, Frost, Bonior, Gordon; Nays—Dreier, Goss.

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## H. RES. 103

An amendment in the nature of a substitute offered by Mr. Dreier Providing a Two-Hour, Open Rule.

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 920) to extend the emergency unemployment benefits compensation program, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This substitute rule provides for two-hours of general debate followed by an open amendment process under the five-minute rule.

OPEN VERSUS RESTRICTIVE RULES 95TH—103D CONGRESS

| Congress (years) | Total rules granted[1] | Open rules | | Restrictive rules | |
|---|---|---|---|---|---|
| | | Number | Percent[2] | Number | Percent[3] |
| 95th (1977–78) | 211 | 179 | 85 | 32 | 15 |
| 96th (1979–80) | 214 | 161 | 75 | 53 | 25 |
| 97th (1981–82) | 120 | 90 | 75 | 30 | 25 |
| 98th (1983–84) | 155 | 105 | 68 | 50 | 32 |
| 99th (1985–86) | 115 | 65 | 57 | 50 | 43 |
| 100th (1987–88) | 123 | 66 | 54 | 57 | 46 |
| 101st (1989–90) | 104 | 47 | 45 | 57 | 55 |
| 102d (1991–92) | 109 | 37 | 34 | 72 | 66 |
| 103d (1993–94) | 4 | 0 | 0 | 4 | 100 |

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Congs.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Feb. 23, 1993.

WAIVERS OF 3-DAY LAYOVER REQUIREMENT FOR COMMITTEE REPORTS ON LEGISLATION

| Congress (years) | Total rules granted[1] | 3-day layover waivers[2] | Waivers as percent of total |
|---|---|---|---|
| 96th (1979–80) | 244 | 19 | 8 |
| 97th (1981–82) | 145 | 9 | 6 |
| 98th (1983–84) | 184 | 10 | 5 |
| 99th (1985–86) | 142 | 13 | 9 |
| 100th (1987–88) | 147 | 16 | 11 |
| 101st (1989–90) | 140 | 23 | 16 |
| 102d (1991–92) | 127 | 18 | 14 |
| 103d (1993–94) | 4 | 4 | 100 |

[1] This figure includes all order of business resolutions providing for the original consideration of measures by the House. It does not include rules for conference reports.

[2] This figure covers all rules in which clause 2(L)(6) of House Rules XI is specially waived against a measure. It does not include blanket waivers which may also cover violations of the three-day layover requirement for committee reports.

Sources: "Survey of Activities of the House Committee on Rules," 96th–101st Congs.; "Notices of Action Taken," House Committee on Rules, 102d–103d Congs.

Mr. DREIER. Mr. Speaker, I urge Members on both sides of this aisle to vote to defeat the previous question and support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of the rule for H.R. 920, the Emergency Unemployment Compensation Act, and I thank the gentleman for bringing this rule to the floor.

Mr. Speaker, California, more than the rest of the Nation, has been hit hard by this lingering recession. Unemployment rates soaring to nearly 10 percent and the downsizing of the defense industry have thrust a skilled and bright segment of our work force almost into despair.

H.R. 920 provides an extension of unemployment benefits to those in need of getting back to work and gives them hope. I am confident that, coupled with the administration's new economic stimulus package, H.R. 920 will provide the recession's victims with the temporary means required to survive economically until they can reenter the work force.

We are faced with a new and disturbing situation: An increase in jobs has not been commensurate with the recent improvement in the economy. Unemployment is higher today than it was at the time most economists thought we had hit rock bottom.

By every measure, millions of Americans are out of work, Mr. Speaker. Our new President has made addressing our economic ills the priority of his new administration. Until the President's proposals and actions can actually impact the economy, we owe it to our 9 million out-of-work constituents to provide this emergency extension. The Emergency Unemployment Benefits Extension Act is a necessary response to an emergency situation. I urge my colleagues to support H.R. 920 and responsibly respond to the unique circumstances of this recession and to the problems that are partial to crisis situations of our local economies.

I urge my colleagues to support the rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the hardworking ranking member of the subcommittee, the gentleman from Mount Lebanon, PA, Mr. SANTORUM.

Mr. SANTORUM. I thank the gentleman for yielding.

Those of you up in the gallery who may be listening, Mr. Speaker, let me tell you what is going on here. We are not going to be allowed, on the floor of the House, as we are very often not allowed on the floor of this House, to offer an amendment. No one will be allowed to offer an amendment to the $5.7 billion—that is with a "b," billion-dollar—proposal to extend unemployment benefits, and we will not pay for those benefits.

There will be no funding mechanism, there will be no tax increase or spending cut to pay for that. And no one on the floor of the House will be allowed an amendment to either not give the unemployment benefits to States, let's say, for example, like Nebraska, which has a 2.8-percent unemployment rate, yet they will get 20 weeks of extended benefits in those States. No, we are not allowed to offer that amendment to any State of the 10 States below 5 percent unemployment. Can we offer an amendment to eliminate those? No, we are not.

In fact, we asked to offer those amendments in the Committee on Ways and Means, and the gentleman from the Clinton administration who was representing the President there, who sat there when we asked why he did not support those amendments, he said, "We don't support any amendments." "Well, could we ask why you don't?" "We don't support any amendments. You do what we want you to do. No engagement, no discussion; you do what we want you to do."

□ 1340

Increase those benefits and make sure we increase the deficit in the meantime, $5.7 billion.

You will hear throughout the next few hours the folks on this side of the aisle make the issue that we are not for extending unemployment benefits. That is not the issue.

I voted in the past for extending unemployment benefits. I would be happy and would support a responsible extension of unemployment benefits if it were funded. I am sick and tired, as are the American people, sick and tired of us coming to this House, passing bills to make hay with the folks back home, go back home and say, "We delivered some more to you, and have your children pay the bill." That is what they are sick of and that is what we are doing.

The first important piece of the Clinton revitalization plan is more deficits, more spending, more irresponsibility, more of the same.

Ross Perot said and said very articulately, "Folks, the devil is in the details."

Do not listen to these passionate pleas for extension of unemployment benefits, because we would all say the same things, or at least many of us would.

I believe we need to extend unemployment benefits, but we owe it to our children to do it responsibly. That is what the American public wants.

We have a right as Americans to demand that from our Congress.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would take this opportunity to remind Members that the persons in the gallery are not to be mentioned.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind my friend, the gentleman from Mount Lebanon, PA, who just spoke on the floor that his definition of responsible may differ from some of us on this side of the aisle.

When he took the well, he argued that he does not have a chance to cut the State of Nebraska from receiving extended unemployment benefits and quoted the figure of 2.8 percent of the folks in the State of Nebraska being unemployed.

I would tell my friend, the gentleman from Mount Lebanon, PA, that an unemployed family in Lincoln, NE, is no less deserving of the aid that is necessary to get that family through than someone is from the State of Pennsylvania.

I would also say to my friend, the gentleman from Claremont, CA, where the unemployment rate is 9.5 percent in the State, one of the highest in the country——

Mr. DREIER. It is 10.4 in that county.

Mr. BONIOR. I cannot understand why Members on this side of the aisle after creating a recession that has put 16 million people out of work now are trying to stall a bill that will help people make the bridge necessary for a decent life until we can get this economy back on track again.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California [Mr. MATSUI], who has worked very hard on this bill.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding me this time.

You know, we would not be here, I tell the Members on the other side of the aisle, were it not for the fact that next week on March 6, 1993, these benefits are going to expire. The reality of the situation is that even though the unemployment rate is 7.1 percent and it is decreasing marginally from 7.3 to 7.1 in the last 3 months, nevertheless the long-term chronic unemployed still exists. In fact, there are 1.5 million Americans on extended benefits at this time. They are increasing at the rate of 300,000 per month. What we are asking is just to extend these benefits for another 7 months.

Yes, it costs money, but the fact of the matter is that money is going to be thrown into the economy, just as we did in 1981 when we gave those massive tax cuts, and it will stimulate the economy. In fact, it is part of the President's economic stimulus program.

Mr. DREIER. Mr. Speaker, will the gentleman yield at that point?

Mr. MATSUI. No; I only have 3 minutes of time.

Mr. DREIER. Mr. Speaker, I would be happy to yield the gentleman some more time if he would yield to me.

Mr. MATSUI. All right, I am happy to yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just make the one point, and I thank my friend for yielding to me.

We are in a position where an amendment was offered in the Ways and Means Committee by the gentleman from New York [Mr. HOUGHTON] which extended benefits for 3 months. Why is that not adequate?

Mr. MATSUI. Mr. Speaker, let me reclaim my time. I plan to get into that, if the gentleman will allow me to continue.

Mr. DREIER. I just wanted to raise that because that was a point that was raised earlier.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from California [Mr. MATSUI] has expired.

Mr. DREIER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from California.

Mr. MATSUI. Mr. Speaker, the fact of the matter is that the gentleman from Michigan [Mr. BONIOR] said there are 9 million people who are unemployed in America today and there are another 6 million that are in a situation where they are working part-time and want to work full, and so the effective unemployment rate is much greater than 7.2 percent.

In addition, as the gentleman from California notes, because of the restructuring of our economy, those Americans who have been unemployed will probably not get jobs anytime soon. That is why it is so critical that we extend these benefits.

Now, let me respond to both the gentleman from Pennsylvania and the gentleman from California in terms of this rule.

Bear in mind, and I sometimes wonder if the other side realizes this, but the fact of the matter is that the Secretary of Labor has been on his job no more than 30 days, or 32 days, I guess, if we count these 2 additional days, 32 days.

In addition to that, the Congress has just reformulated. We have now 16 new members on the Ways and Means Committee. I am the acting Chair of the Human Resources Subcommittee for just this session, and the gentleman from Pennsylvania [Mr. SANTORUM] is as well.

The Department of Labor, the members of this committee, have a lot of ideas, very fresh ideas, but the fact of the matter is we are not ready or in a position to make any radical drastic changes in the unemployment compensation law, even though we know changes have to be made. In fact, we have an advisory commission that we would hope will come back later this year or early next year to make recommendations on how to deal with long-term unemployment. As the gentleman realizes, last year we did make changes in the long-term unemployment program, but the fact of the matter is that it has not worked. No States have bought on to this new program, so revisions have to be made.

The fact of the matter is that we have not had any hearings or any debate or any discussion on any of these amendments.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. MATSUI] has expired.

Mr. BONIOR. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. MATSUI. The fact of the matter is, Mr. Speaker, I have indicated to the gentleman, the ranking member on the other side of the aisle on our subcommittee, that we will hold hearings and we will discuss these issues. We intend to make some changes in the Unemployment Compensation Act, but we need the recommendation from the Labor Secretary and others as well.

Let me conclude by making a couple of other observations, if I may. In terms of the payment mechanism, I can tell the gentlemen on the other side of the aisle that there will not be any FUTA payroll tax out of this legislation.

This money, a good part of it, will be coming from the fiscal stimulus package of the President. As a result of that, we will stay under the October 1990, budget agreement, that we will not violate any of the budget rules of the House of Representatives or the U.S. Government.

So the bill does not require any additional taxes and we will not see any increase in the FUTA taxes in the future.

We need to move on this legislation immediately, because by March 6 of this year if we do not extend these benefits, the 110,000 who live in Pennsylvania and the 300,000 who live in California will not have their benefits extended, plus the 1.5 million nationally.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. MATSUI. Yes, I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I just wanted to ask again, would the gentleman care to explain the justification for not allowing the amendment offered by the gentleman from New York [Mr. HOUGHTON] which would have extended the benefits for 3 months, allowing for this transition period to which the gentleman referred with the new Secretary of Labor and the 16 new members of the Ways and Means Committee?

Mr. MATSUI. First of all, I would like to just comment, because the Assistant Secretary of Labor who testified during the markup session, incidentally, did not say they were against all amendments for whatever reason. They basically said they needed more time to evaluate the case.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. MATSUI] has again expired.

Mr. DREIER. Mr. Speaker, I yield 30 additional seconds to the gentleman from California.

Mr. MATSUI. That is not enough time. As the gentleman knows, we have the economic stimulus package in the House that the Ways and Means Committee will be debating over the next 90 days. We just need a little bit more time.

In addition, as I mentioned to the gentleman, we have an advisory commission that we intend to have results back from later this year. We would like to find out what their recommendation will be.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Mount Lebanon, PA, Mr. SANTORUM.

Mr. SANTORUM. Mr. Speaker, I think the point that is missing here is that the amendments that were offered up in the Rules Committee by and large, with maybe one exception, the amendments that were offered were to the emergency unemployment extension, not to the permanent unemployment system or even the extended benefits system.

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It was exactly germane to the topic here at hand, and to say that we need to wait to discuss it at some future time means that we enact a piece of legislation for the next 7 months under the old system, which is not, which is not, what the gentleman was saying. We have amendments like the amendment of the gentlewoman from Connecticut [Mrs. JOHNSON] which would limit the number of States which would be available because there are States, in response to the point of the gentleman from Michigan——

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. Yes, I would say to the gentleman that people who have unemployment rates of 2.8 percent should not be eligible for extended benefits.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. And we can make the passionate, we can make the passionate plea, that somebody who is unemployed in Nebraska is the same as someone unemployed in Pennsylvania, but the fact is, if that were the case, there will always be extended benefits for everybody no matter what the unemployment rate is.

What we are talking about is the law here, and what the gentleman is doing is talking compassion, which has no point of fact when we are dealing with legal issues.

Mr. BONIOR. Mr. Speaker, I will yield to my friend from California, and then I will be delighted to yield to my friend from Mount Lebanon and my friend from Claremont, but, before I do that, I just want to make a point.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my point goes to a comment that the gentleman from Pennsylvania [Mr. SANTORUM] made. He sort of, and forgive me; I do not mean to be mean, but the tone of his remarks with respect to the word "compassion" I took very negatively. I think there is room for compassion in this institution. I think there is no more important place for it than in this bill. The gentleman knows it. I know it. The American people know it.

If anybody in this Chamber has been in a family where the head of the household has been put out of work, they not only know the deprivation that family has to go through because of lack of certain commodities: food, clothing, housing, but the mental strain that that places on a family, and to come to the floor and to suggest that we should be doing this bill without compassion seems totally incompatible with the concept with which we are dealing today.

Mr. Speaker, compassion is a very important part of what we do in this Chamber.

Compassion without structure or discipline, I would agree, is unconscionable. But compassion with a sense of where we are going, bringing everybody aboard the boat so we can all get there at the same time, is something that we need, and we need to bring people into that boat from Claremont, and from Mount Lebanon, and from Mount Clemens, and from Lincoln, NE, as well. We do not need to be offering and accepting amendments that will eliminate virtually a third of the States in this country.

Basically, Mr. Speaker, that is what the gentleman is suggesting to me today. He is saying that we did not allow an amendment which would have excluded a third of America. Our party is not for excluding a third of America.

Mr. Speaker, I will now yield to whoever desires to respond.

The SPEAKER pro tempore (Mr. MAZZOLI). Before the gentleman proceeds, the Chair would like to figure out who will have the time.

The gentleman from Michigan [Mr. BONIOR] has the time, and has he yielded to the gentleman from California or the gentleman from Pennsylvania?

Mr. BONIOR. Mr. Speaker, I will start with the gentleman from Claremont, CA, and then move to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Michigan [Mr. BONIOR], for yielding to me, and let me just simply say from this side of the aisle that we want to have an opportunity to get on board that boat, but we want to have a chance, not to have their support necessarily for an amendment, but simply have a chance to offer some of these amendments which would greatly improve this bill and get many Members on this side of the aisle on board that boat. That is what we are trying to do, and obviously they do not want to allow us to participate, and I thank my friend from Mount Clemens for yielding.

Mr. BONIOR. Mr. Speaker, I want them to participate so much that I yield to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR], and this is the kind of debate that we should be having on amendments, and I think that is what the gentleman from Claremont was saying, that we should have an opportunity to debate some very substantial issues, and the point that we are in discussion about here, as to whether to extend benefits to States which have 2.8 percent unemployment, is a very substantive issue and one that is a matter of structure, and that was the point I was trying to make, and the recharacterization of that argument was very good—

Mr. BONIOR. I thank the gentleman.

Mr. SANTORUM. But not accurate.

The point I was trying to make was that the structure is very important in this system and that in fact I think the gentleman would find the majority of the Americans, if we were to ask someone from California should they be paying higher taxes, should their children have bigger deficits to pay for States that have unemployment rates below the structural rate of unemployment; I think the gentleman would find that there is a vast majority of Americans out there who do not believe that is the way we should be acting here, that that is not responsible, and that is what we are trying to get debated and, hopefully, amended here on the floor of the House.

Mr. BONIOR. Mr. Speaker, I think everybody will have a chance to demonstrate their fiscal discipline and to try to make happen what the gentleman desires, and that is cutting the Federal deficit. They will get a chance to join us in probably 3 weeks in cutting $142 billion out of the Federal deficit, the President's plan which we bring to the floor in 3 weeks.

Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I am not going to belabor this point, but I just want to reiterate that the amendments that the gentleman from Pennsylvania [Mr. SANTORUM] and others on his side of the aisle were talking about did go to the long-term extended benefit program, but the fact of the matter is the extended benefit program that was adopted last year is the one we have to review because none of the 50 States have triggered on to that program because of the fact that many of the States do not have the resources since they have been in recessions as well, and so we will look at these issues over the next 5 or 6 months, but we need time.

As I said, the new Labor Secretary has only been on the job for 30 days, and we are just getting formulated.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I stand in very strong support of the administration and the leadership of the House and the Committee on Ways and Means in bringing forth this emergency resolution which will extend unemployment compensation to the millions of people across the country, and it should be across the country. It should be universal. If we are going to extend anything, it ought to apply to every person who has been affected by this downturn in our economy.

Mr. Speaker, we have confidence that the President's economic package will do something to correct this, but in the meantime these people are out there in great need for help.

I appeared before the Committee on Rules yesterday because, while I understand that this extension went to the regular unemployment compensation program, I have about a thousand individuals in my congressional district who will not benefit by this program, and, just as strongly as I believe that this extension should be universal, I felt that they should also have the benefit of this extension. They come under, true, a different program, the disaster unemployment compensation program which is funded under FEMA. These benefits for these people will expire early also, on March 13; on February 28 in Florida; so together we went to appeal not to narrow, the program, not to limit it in any way, but to extend it and to include these other individuals whose suffering with unemployment is just the same, if not worse than, those who have been unemployed because of economic conditions. They stand today with their homes demolished, with their businesses destroyed and also have to look at March 13 as the end of the help from the Federal Government. So, Mr. Speaker, I was there at the Committee on Rules asking for the bill to be broadened to include these individuals who live next door to people who surely will benefit from the enactment of this legislation.

So, I merely want to make the point and to ask the support of the people on the Committee on Rules and on the Committee on Ways and Means and in other committees of the House of Representatives to take into account these few individuals who are going to be left out, who suffer under the same circumstances of unemployment and homelessness in my case, and ask this House to find some way in which early assistance can be brought to these victims. I have been told that we could add perhaps something to the supplemental emergency appropriations bill, and I hope that that can be done. In the meantime I am introducing a new bill today which I hope will be referred to the Committee on Public Works that has jurisdiction over FEMA, and together with the leadership of this House work to make sure that these few thousand individuals are added to this bill and given the same benefit.

Mr. Speaker, I testified yesterday in the Rules Committee asking for the opportunity to offer an amendment to H.R. 920 to extend unemployment compensation benefits to my Iniki Hurricane disaster victims whose initial period of coverage will expire on March 13, 1993.

Disaster unemployment compensation comes under the FEMA program and not under the regular unemployment compensation program. But if you are out of work, what does it matter that you lost it due to economic conditions or as a result of a hurricane that destroyed your place of work? In fact those who are out of work because of a hurricane receive disaster unemployment compensation because of the President's declaration of a state of emergency. I say to you that this state of emergency still exists on the island of Kauai and parts of my district on Oahu. If any emergency is real, this is it. For us and for the people of Florida who were hit by Hurricane Andrew, we are in dire need of help.

Furthermore adding this group of a few thousand persons to this bill would not have added any cost. The money would have come from the balance of FEMA appropriations for Hurricane Iniki and Andrew passed last year which is unexpended and unobligated.

I thank the many Members who tried to help resolve this impasse yesterday and who have now suggested that we add this to the emergency supplemental appropriations bill which will be before us shortly. I am happy to take that route and will and hope that that far more complicated route will be cleared of other roadblocks.

I am introducing a bill today which will be referred to the Public Works Committee to authorize this extension of time to disaster victims of Iniki and Andrew to be paid out of existing funds. This is a far more tortuous route which I was attempting to avoid by having these victims included in H.R. 920.

People who are traumatized by the loss of their home, the loss of their business and of their jobs should have at the very least the same chance for recovery as jobless victims of our sustained recession.

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Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to respond to the remarks of my good friend, the gentlewoman from Hawaii [Mrs. MINK], by saying that those of us in the minority on the Committee on Rules joined in supporting an attempt made by my colleague from Florida, Mr. GOSS, to make in order the amendment that Mrs. MINK and the gentlewoman from Florida [Mrs. MEEK] joined and pleaded before our committee to have us consider. Tragically, every Member on your side of the aisle prevented you from having the opportunity to offer that amendment. We all worked to ensure that the gentlewoman would have the opportunity to offer that amendment.

Mrs. MINK. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Madam Speaker, I hope that having failed to persuade the majority to allow us to have this amendment to discuss today, that when it comes up next, that I may also enjoy the support of the gentleman from California [Mr. DREIER] in the Committee on Rules so this matter can be brought up expeditiously. I would hate to reply to the 1,000 people affected in my district that they are going to be treated differently.

Mr. DREIER. Madam Speaker, reclaiming my time, let me say to my friend from Hawaii, Mrs. MINK, that I will do everything I possibly can to ensure that her rights are recognized. When the gentlewoman offers an amendment in the Committee on Rules, we will try our darnedest to see that the majority is joined on board at least in consideration of the amendments.

The SPEAKER pro tempore. (Mrs. COLLINS of Illinois). The Chair would announce that the gentleman from California [Mr. DREIER] has 18 minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 8½ minutes remaining.

Mr. DREIER. Madam Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], the author of the amendment referred to.

Mr. GOSS. Madam Speaker, I thank my distinguished surrogate leader from Claremont, CA.

Madam Speaker, as a member of the Committee on Rules, I would like to steer the debate back to the rule. That does not mean I am without compassion; it means that this is the time to discuss the rule, although I must say, it seems to me I might be able to put my comments about rules on autopilot pretty soon because we are getting into a rut, I think a very dangerous rut, of rushing important and extremely expensive legislation through, with a very minimum opportunity for our Members to debate it. In fact, we have 435 Members and Delegates here. And here we go again, another closed rule, another costly bill.

Another costly bill, off budget, $5.7 billion. Another set of Members from both sides of the aisle shut off from offering what we thought were pretty good amendments, at least amendments that were reasonable enough to debate. Maybe not support, but reasonable enough to debate.

Let us be clear what a closed rule really is. A closed rule says only a powerful few, those that crafted this bill, and in this case, that probably comes from the White House and the top leadership of the majority, plus the nine Democrats on the Committee on Rules, may decide which topics and amendments we are going to talk about on the floor of the House.

There has got to be some in the majority party, as there are in our party, especially among the 63 majority freshmen, who find the practice of being shut out of the debate pretty discouraging.

Once again, there were pleas for an open rule, for amendments, from both sides of the aisle, to make this bill more fiscally responsible, and we think it can be done, to ensure that those who truly need help are the ones that will actually receive it, to ensure that States that have complied with the program's requirements are not providing for States that have not, and, most of all, to create jobs.

Madam Speaker, this legislation will increase the deficit by $5.7 billion. It is the first major bill we are going to consider, after the President urged us, in this very place, to sacrifice for the good of deficit reduction.

As the distinguished ranking member of the Committee on Ways and Means said, this bill is a payroll tax in waiting, because somehow, somewhere, sometime down the road, we are going to have to pay for it. We all know we are.

It is a costly program. Testimony from the bill's sponsors indicate this would actually be a $5.7 billion advance on the President's stimulus program. Think of that: 30 percent of the stimulus program is now going to unemployment, leaving only 70 percent to create jobs and to grow the economy.

Is that going to be enough? I do not think so. For the life of me, I cannot see how $5.7 billion in unemployment benefits creates a lot of jobs. But even if we accept the need to spend this money, and we know there are people in need, we are not given the chance to discuss the Hoke proposal to extend this for 3 months now, and correct the trigger problem which we know is out there. We are going to be right back here, in October, doing the same thing over again with new budget figures that say we are really in trouble.

So we have got a problem. I urge my colleagues to recognize that, and to vote down this closed rule.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the very distinguished deputy minority whip, the gentleman from East Petersburg, PA [Mr. WALKER].

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, if we listen to this discussion, we understand that there are no lengths to which the Democrats will not go in order to spend us into debt and deficit. The arrogance with which this rule is brought to the floor is unbelievable, because they are both shutting down debate and discussion. The arrogance with which the House leadership is abandoning all pretense of the House living under law is also unbelievable.

The Committee on Rules is in the process here of amending a bill. But then we had a ruling from the Chair just a few minutes ago that in so doing, they are not subject to the Budget Act.

There is absolutely nothing in the rules that suggests that the committee is not subject to the Budget Act, and yet we have had a ruling here today that they can go ahead and do whatever it is they are going to do.

Then the problem here is, that this also contains a waiver of points of order, so later on if someone wants to raise budget considerations with regard to this bill, guess what? You cannot do it, because they have waived all points of order in the bill.

The only discipline in the Budget Act is the point of order that can be raised. When you waive the point of order, it means that there is no discipline. When there is no discipline on a $5.7 billion bill, you are spending us into debt and deficit, and you are doing it knowingly.

I heard a lot of discussion here, a few minutes ago, about compassion. Then I heard the gentleman from California tell us what we were doing in this bill, was throwing money into the economy.

We are throwing money in it—but it is our kids' money, and our grandkids' money, and future generations' money. What kind of compassion is that? What kind of compassion is it to go throwing money around that is not even ours? And that is what we are talking about doing with this particular bill.

Then we were told, by the gentleman from Michigan, that the reason why we cannot have these amendments on the floor is because our party does not believe in that. So in other words, the Committee on Rules has now become a place, where, if the Democrats do not believe in something, it is not even subject to discussion. We cannot even have it debated. We cannot even talk about it.

Now, let me tell you something: That is kind of the ultimate in PC [political correctness] in the House of Representatives. In what is supposed to be the greatest deliberative body in the world, we are now in a situation where if the Democrats do not believe in something, such as curbing debt and deficit, it cannot even be discussed on the floor. We cannot have amendments and we cannot have any discussion.

That is wrong. It is just plain wrong, and it is characterizing what has happened in this House and what is happening to the detriment of this institution as a whole.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be very happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, are we not debating this right now?

Mr. WALKER. We are not debating this in a real sense. There are substantive amendments that Members want to bring to the floor.

Mr. BONIOR. Have we not been talking about them? Will we not have a vote on the previous question to determine, whether or not, your position is right or my position is right?

Mr. WALKER. Come on, at least let us have a discussion that is meaningful here.

Mr. BONIOR. It is meaningful.

Mr. WALKER. No. As you know, your party makes the point of informing your members on procedural votes that they are to stick together.

Mr. BONIOR. And your party does not?

Mr. WALKER. Your leadership.

Mr. BONIOR. Yours are free to vote the way they want? Your party does not?

Mr. WALKER. Of course.

Mr. BONIOR. What is this charge that our party does not?

Mr. WALKER. On both sides of the aisle there is an attempt to hold Members together on procedural votes. So when you say to me, that there is a previous question vote that every Member gets a chance to vote their conscience on, you know that that is not right. You have 259 Members on your side who are going to vote——

Mr. BONIOR. Who elected those 259 Members? The American people?

Mr. WALKER. Sure, the American people.

Mr. BONIOR. Or did they just sort of appear here and decide to put their card in there and vote?

Mr. WALKER. Mr. Speaker, do I control the time?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] has been yielded the time. It is his time to control. If the gentleman from Pennsylvania [Mr. WALKER] wishes to reclaim his time, he may do so.

Mr. BONIOR. I yield to the gentleman.

Mr. WALKER. The gentleman does not have to yield to me. I control the time.

Mr. BONIOR. I gave the gentleman 2 minutes.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I would now like to use a little of it. The point being that, sure, the American people send us here as representatives. They send us here to vote directly on issues, and not have them colored by procedural votes.

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We are not going to have a chance to discuss a number of very important amendments that go to the question of cutting debt and deficit, because the gentleman's party, on a purely procedural action, is going to keep us from doing so. The only way we can stop that, in all honesty, is to began to defeat these rules, because it is now clear that the gentleman's party, is even now, within the rules, trying to spend within the rule and then having the chair rule that that does not exceed the Budget Act.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to ask my friend, who is managing this rule, is it true that those Members on his side of the aisle who might consider this more than procedural vote, may be an opportunity to actually consider these amendments, will, in fact, be let off the hook, so to speak, so that they can vote to defeat the previous question, so that we will, at least, be allowed to consider these amendments, now that my friend has acknowledged that this is going to be a substantive vote?

Mr. BONIOR. Mr. Speaker, if the gentleman will continue to yield, the only hook, I would tell my friend from California, is the hook that the American people, who sent my colleagues here, have on making sure that they come here and vote for legislation that will get the debt down, that will provide a bridge on unemployment comp for those who are out of work. But that is the only hook.

Mr. WALKER. Mr. Speaker, reclaiming my time, the American people are waking up to the fact that there is something deathly wrong in an institution that will not let us vote on real issues. When the American people hear about the fact that that debt and deficit has been going up substantially, they wonder why Congress does not act. Congress does not act because they are not allowed to act.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

I wonder if the gentleman understands how many times we have voted on real issues over the last 2 years, 100, 200, 300, 400, 500, 600, 700, 1,000 times maybe.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, not that many times. As long as Members want to have ideas brought up here, they should be allowed, if there are 10,000 of them.

Mr. BONIOR. Mr. Speaker, there is a time to discuss and there is a time to act. When we have got 16 million people out of work, it is time to act.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is a very important point that needs to be underscored here. The gentleman from Michigan has acknowledged that we are going to be faced with a substantive vote here on the previous question. That is why Members should vote down the previous question.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a very hardworking member of the Committee on Ways and Means who in fact authored three of those amendments that tragically were not allowed to be considered under this rule.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule but as a strong supporter of extending the unemployment compensation benefits for those who have exhausted their eligibility, certainly, people desperately deserving in my State of Connecticut.

I oppose gagging the very process on which democracy relies to develop good policy. My three amendments do not represent a danger to action. They would only have targeted these benefits and funded these benefits.

We funded the extension of benefits last year. We have funded the extension of benefits the year before. And if we are serious about deficit reduction, we can fund the extension of benefits this year. And so my amendments would do three very simple things, and they would honor the reform that we adopted last year. During the adoption of that reform, we said, after this reform, no State will ever be held back from meeting the needs of their long-term unemployed by the failure of this body to act.

I respect that thoughtful reform, and I honor it here today. It is simply and plainly irresponsible to borrow 100 percent of the dollars to fund this bill when we are going to provide benefits to some States where their unemployment is 3.2 percent.

When unemployment was 4 percent in my district, I had businesses closing because they could not find people to hire. It is irresponsible to borrow those dollars to fund extended benefits in States below the trigger.

It is also irresponsible, and this is my second amendment, not to require those States with surpluses in their funds to use their dollars, matched with our dollars, to fund these benefits until they need our help.

It is irresponsible, once we have taxed our people to fund needed benefits, to then go out and borrow 100 percent to pay for them all over again.

Those are my two amendments. What is dangerous about those?

We cut out the States where there really is not an extended benefit problem; and, we use those resources, that we have already generated by taxing the people, to help fund the benefits in those States where they are needed.

And then my third amendment, my colleagues, startling as it may be, is to fund the remaining cost. We did it before because we were faced with a Presidential veto if the bill was unfunded. We ought to be able to do it now as a matter of common sense and congressional discipline, because we have committed ourselves, each one of us in this last campaign, to deficit reduction, to reform, to turning the Congress around, the economy around, and the Nation around.

I urge opposition to this rule.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. LEVIN] is recognized for 2 minutes and 30 seconds.

Mr. LEVIN. Mr. Speaker, here we go again, unfortunately, in terms of partisanship on this issue, when it should not be.

Look, we are 10 days away from a deadline.

Ten days from now, if there is not an extension, hundreds of thousands go off the unemployment comp rolls so they cannot find jobs. Second, what we are extending is a proposal that was eventually accepted by President Bush.

I do not think that makes it a radical proposal.

Third, this is a different kind of a recession than the past. A small minority of those who are laid off are going to return to the jobs from which they were laid off, and that is what everybody faces in every State, whatever their unemployment rate is.

And fourth, I want to say this to my colleagues from the Committee on Ways and Means, every year that I have been on the Committee on Ways and Means, we have been talking about reforming the trigger mechanism.

Every year the minority has opposed efforts by myself and the gentleman from Ohio, Mr. Pease, and the gentleman from California [Mr. MATSUI], and others to reform the trigger mechanism.

Now what they are saying is, do it in 2 months. They know it cannot be done in 2 months. They know it cannot. We have got 50 States involved with varying situations.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, did we not last Congress change the trigger mechanism?

Mr. LEVIN. Mr. Speaker, we did in a way that no State has utilized it. The gentleman from California rises with his pious statements, when he comes from a State where his Governor, a Republican, vetoed a bill to trigger on.

As I told the gentleman, he comes from a State which has not lifted a finger to trigger on. And that is because a lot of States do not have the wherewithal to do it at this point. I am in favor of reform.

Mr. SANTORUM. Mr. Speaker, if the gentleman will continue to yield, do those States have a surplus in their trust fund?

Mr. LEVIN. Mr. Speaker, some of them do and some of them do not. I rise in support of the rule.

The SPEAKER pro tempore. The Chair would advise that the gentleman from Michigan [Mr. BONIOR] has 4 minutes remaining, the gentleman from California [Mr. DREIER] has 8 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my good friend the gentleman from Wisconsin [Mr. GUNDERSON], who offered a very thoughtful amendment but which tragically this rule does not consider.

Mr. GUNDERSON. Mr. Speaker, I rise in opposition to the rule. There are people in my State and in my district who H.R. 920 will help in difficult times. There are many thousands of other Americans who will be helped as well. I want to help these people, and I believe that we should. But I believe that we can, and we should, provide much more substantial and meaningful help than what is now available in H.R. 920. As the bill now stands, Mr. Speaker, it represents a lost opportunity.

First, H.R. 920 is a lost opportunity to demonstrate to the American people that the new administration and this Congress are serious about addressing the deficit and restoring some integrity to the Federal budget process.

The President is asking the American people to swallow the largest tax increase in history. In return, they are asking him, and us, to make the tough budget choices which will ensure that those new taxes provide, at least, a substantial down payment on a balanced Federal budget. Instead, we have resorted to the same kind of budget gimmickry and sleight of hand that the American people have come to both resent and reject. We'll write a check today for almost $6 billion and conveniently forget to make an entry in the Federal checkbook.

There were alternatives to business as usual. Our colleague from Connecticut, NANCY JOHNSON, offered an amendment to the Rules Committee yesterday which would have paid for these extended benefits by reducing the business deduction on meals and travel. This is similar to what the President is already asking for in his tax package, and it would have made sense for the House to consider it now as a means of financing this bill. If we were serious about making tough choices, Mr. Speaker, we could also have asked the States to pay a fair share of the cost of this legislation, and an amendment was also offered which would have accomplished this end. Twenty-one of the States that will receive Federal moneys as a result of this legislation are currently running a $16 billion surplus in the UI trust fund accounts. They can afford to help and we should require that they do so.

This legislation also represents a lost opportunity to begin the process of restructuring our unemployment insurance system to better accommodate the real needs of today's unemployed Americans.

Since its inception, Mr. Speaker, the primary purpose of the unemployment insurance program has been to provide temporary income support to unemployed workers to sustain them until they can return to work. The system was designed, in other words, to deal with a situation in which long-term, structural unemployment was far less of a problem than it is today.

Unfortunately, a greater and greater portion of today's unemployment is the result of a fundamental change that is taking place in our economy. It is not the result, as it has usually been in the past, of short-term fluctuations linked to variations in a business cycle. Jobs that are lost are in many cases being lost forever. The percentage of unemployed workers not expecting to be recalled to their previous job has risen to its highest level on record—48 percent.

Moreover, the new jobs that are being created frequently require skills and competencies which the unemployed simply do not possess. This accounts, in large measure, for the fact that the percentage of unemployed workers who are exhausting their regular unemployment benefits is also at an all time high—40 percent. Today, in fact, 30 percent of all Americans who are collecting unemployment benefits—1.3 million men and women—are collecting the emergency benefits which H.R. 920 will provide.

Getting these individuals back into the work force under present circumstances requires that they learn new skills and identify new career paths. Our current unemployment insurance system is not designed to do this. For more and more unemployed workers temporary income support—even the 52 weeks that is now available—is clearly an inadequate response to the problem they confront. We are not contributing to the solution of their longer term and more fundamental problem. For these workers, reemployment assistance is critical if they are to reenter the work force.

Yesterday, Mr. Speaker, I offered an amendment to the Rules Committee which would have required that States, in order to receive Federal payment of emergency unemployment compensation, establish and implement a screening procedure for all individuals who apply for emergency unemployment compensation after March 6, 1993. Under this program, applicants who the State determined to be eligible for and in need of retraining or job search services would be required to participate in such programs, provided that the resources are available for such participation. Like the other amendments that I've mentioned, this one was rejected by the Rules Committee.

Demonstration projects carried out by the Department of Labor in recent years have proven that early exposure to reemployment assistance programs improves a worker's chances of making a successful and satisfying job transition and can actually save the Government money. I regret that the Rules Committee rejected my amendment.

H.R. 920 includes a provision which encourages, but does not require, States to profile all applicants for unemployment benefits to determine whether retraining might be necessary to get them back into the work force. This approach is insufficient in the sense that compliance is voluntary, are poorly targeted in the sense that the pool of initial unemployment claimants is not where we should be investing in limited resources that are available to us.

In closing Mr. Speaker, let me reiterate that we can and we should do better by the American taxpayer and by the long-term unemployed in America than we are doing in this legislation. Unfortunately, this rule denies us the opportunity to do better, and I urge my colleagues to reject it.

□ 1420

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in support of the rule for H.R. 920, the emergency unemployment compensation bill.

This bill will give thousands of out-of-work Americans an additional 20 weeks of benefits so they can pay for housing and feed their kids while they continue to search for new jobs.

In New York City, this legislation is especially welcome. Last year, the city lost a job every 5 minutes. That's more than 114,000 jobs overall in 1992. And in January, the situation got even worse with the unemployment rate soaring to 13.4 percent—the highest jobless rate in New York City in 25 years.

Right now, there are more people out of work and looking for jobs in New York City than the entire population of Atlanta, GA or Cincinnati, OH.

So, I support this extension of unemployment benefits, but I also recognize that this is only the first step in addressing the critical issues of our economy.

In the weeks and months ahead, it is up to all of us in Congress to work with President Clinton on his economic plan so that America once again can be known as the land of opportunity.

Mr. Speaker, I strongly support the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Missouri [Mr. EMERSON], a hardworking member of the Joint Committee on the Organization of Congress.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. EMERSON. Mr. Speaker, when Speaker FOLEY addressed the Joint Committee on the Organization of Congress to which the gentleman from California [Mr. DREIER] has just referred, he made very many poignant points:

> I believe this committee is off to a good start. We are seriously considering procedural and organizational problems that confront the Congress of the United States, and I believe the body that has been appointed to study and make recommendations on this subject is doing a good job.

One of the things Speaker FOLEY told us in his opening comments was that as we approach the issues that are ours to consider and on which to recommend, maybe it would be well if the minority thought as though it were the majority and the majority thought as though it were the minority. I think that is a good recommendation.

I think one of the problems here in this House today is that the majority has become so arrogant from having been in power so long that they do not know what fairness is.

There is no problem in letting the minority in this body offer substantive points of view which could be debated and voted upon. Yes, the Democrats have the votes to vote us down, but for heaven's sake, at least let us present them and let this whole body, and yes, we have been elected by the people of this country, let this whole body decide what is right and what is wrong, rather than just the Democratic steering committee or the Committee on Rules, which is dominated by the Democrats in this House.

We understand that, that they are the majority. We know we are likely to get beat, but for goodness gracious, at least let us present our ideas.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I want to correct the gentleman. There is a reason why this is a closed rule and they will not let us debate these amendments. The Members will find it in an abnormal psychology book under "terminal insecurity."

Mr. EMERSON. Mr. Speaker, I thank the gentleman.

I am offended, Mr. Speaker, by this process, as one who listens to the debate and tries objectively to make up his mind. I urge opposition to this rule, and I stand in support of the substantive approach taken by the gentlewoman from Connecticut [Mrs. JOHNSON].

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise the Members that the gentleman from California [Mr. DREIER] has 4 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 3 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, there is really a reason why the House has chosen, or I hope will choose, to move very quickly on this bill, and it is found in the streets of America in the faces of 1,500,000 workers who are on these unemployment benefits, 250,000 to 300,000 a month who are about to come off in just a few days, and each month thereafter an additional 250,000 to 300,000 will find themselves without benefits.

That is why the House of Representatives has decided to set sail and do it quickly to protect these people. One of the mechanisms we are using is a self-executed rule. There was some controversy earlier about railroad workers being included in the self-executed rule. This rule that would self-execute the coverage of those railroad workers, that is my amendment. I want to tell my colleagues on this side who are concerned about the cost of that, the cost of the railroad worker coverage, which I have secured in this rule, is not $20 million as was expressed on the other side; it is, rather, $2,500,000.

The coverage would include 1,200 railroad workers who, without this rule, will not be covered with extended unemployment comp benefits.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 4 minutes.

Mr. DREIER. Mr. Speaker, like every Member of this House I am greatly concerned about the problem of unemployment. As I said in my opening remarks, I represent Los Angeles County, CA. Defense and aerospace cuts and a wide range of other problems in southern California have created a 10.4-percent unemployment rate in my area, and it is very devastating.

The key to dealing with this problem, Mr. Speaker, is to work on job creation and economic growth. After all, that was the resounding message that we all heard in last year's campaign on both sides, or all three sides. People were talking about job creation and economic growth.

We desperately want to do that. What we are debating here at this time is the rule under which this bill to extend benefits for 6 months is being considered. Tragically, Mr. Speaker, this rule has denied many thoughtful Democrats and Republicans from having the opportunity to even consider and debate the ideas that they brought before our Committee on Rules.

Mr. Speaker, as we listened to this very interesting debate over this rule, I believe that one of the most interesting statements came from my good friend, the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip, when he referred to the fact that this vote on the previous question will not simply be a procedural vote, because we have all found in the past that, especially on the majority side, and yes, occasionally on the minority side, but especially on the majority side, there is intense discipline on my Democrat colleagues.

A vote on the previous question, which simply means we should defeat the previous question and allow for the consideration of amendments that the Committee on Rules, with a 2 to 1 plus 1 majority number against us did not allow to be considered, usually that vote on the previous question shows that those guys on their side of the aisle are not allowed to even bring up a vote for the consideration of those amendments.

I am glad that my friend, the gentleman from Michigan [Mr. BONIOR], has indicated that we are going to have a chance here in this House to consider some very thoughtful amendments and that vote is going to be on the previous question.

□ 1430

If a Member votes to proceed with the previous question, does not allow us to offer amendments, they will be saying that they do not want the amendment that was offered by our new friend from Florida, Mrs. MEEK, and our friend from Hawaii, Mrs. MINK, which would provide an additional 26 weeks in benefits to those who were affected by declared Federal disasters. By voting to pass the previous question you are saying that amendment cannot even be considered.

By voting to move ahead with the previous question you are tragically saying that the proposal supported by President Clinton which was offered here as an amendment by the gentleman from Wisconsin [Mr. GUNDERSON], which would require that States accepting these funds for additional benefits have to undergo job training, those Members who vote for the previous question are saying we cannot even consider that amendment.

And, very unfortunately, the thoughtful amendments that were outlined here by our friend from Connecticut [Mrs. JOHNSON], the first one of which would exclude States with unemployment rates below a 6.5-percent level, we are saying by voting for the previous question that we are not even going to allow consideration of those measures.

Mr. Speaker, what we must do here is defeat the previous question so that Democrats and Republicans alike will have a chance to improve this unemployment benefits bill, so that virtually everyone can get on board in support of an effort to deal with those who were struggling to emerge from this recession and become gainfully employed.

I urge a vote against the previous question.

Mr. BONIOR. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, for 3 years we have heard people say in the former administration, some on this side of the aisle, not everyone, that we did not need to help the unemployed. We have heard it over and over again, that there was not a recession, it was a mild recession. The Secretary of the Treasury from the last administration said the recession was "no big deal," it was almost over, we were about to turn the corner, the economy is robust.

The tune is a little different today, the tune is a little different today. People know that people are hurting, 16 million folks cannot find full-time employment.

To those people who questioned this program then, I only say to them I have only one question: Where are the jobs, where is the so-called recovery? And if they think there is a recovery they ought to tell that to the people who have been laid off at General Motors, and Sears, and IBM, and United Technologies, and I could go on and on and on.

And those layoffs did not just happen in Michigan, in New York, in California. They happened in 50 States across this country. Now they are crying foul because we did not make in order an amendment that would have cut out 30 of those States from receiving any extended benefits.

We need to get on with this legislation as the gentleman from Michigan [Mr. LEVIN] and the gentleman from California [Mr. MATSUI] have so correctly pointed out. We have 2 weeks to take care of these people who have families to feed, who have mortgages to pay.

When we get done with that, we will get to the economic package that the President has offered, and then we will include, I hope, some of the good suggestions that were made on the floor today. I happen to be supportive of the idea of the gentleman from Wisconsin [Mr. GUNDERSON]. I think his idea with respect to training and unemployment has merit, and I hope to join with him at the proper time to do it. But today is the day that we need to take care of those millions of folks who need that bridge until we can get to that point and that time.

So I ask my colleagues to vote "yes" on the previous question and "yes" on the rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 243, nays 172, not voting 15, as follows:

[Roll No. 38]

YEAS—243

Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson

Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Ackerman
Andrews (NJ)
Clayton
Cooper
Dingell
Evans
Ford (TN)
Henry
McDade
Miller (CA)
Solomon
Waters
Wilson
Yates

□ 1455

Mr. SLATTERY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. WALKER. Mr. Speaker, I make a point of order against the amendment printed in the Rules Committee report, which I understand is now before us, based upon the Chair's previous ruling.

I make my point of order on the ground that the report in this resolution violates section 308(a) of the Budget Act requiring a cost estimate.

Section 308(a) of the Budget Act, which requires the CBO cost estimate in the report on any committee bill, resolution or amendment, contains no exemption for the report of the Committee on Rules.

I quote from the section 308(a) of the Congressional Budget Act:

> Whenever a committee of either house reports to its house a bill or resolution or committee amendment thereto providing new budget authority, new spending authority described in section 402(c)(2) or new credit authority, the report accompanying that bill or resolution shall contain a statement or the committee shall make available such a statement prepared after consultation with the director of the Congressional Budget Office.

Mr. Speaker, earlier in the debate on this particular resolution, the gentleman who purports to be the author of the railroad worker amendment admitted costs are involved in his amendment. The quote that I have just read means that the committee then has an obligation to provide to the House a congressional budget statement.

Section 308(a) clearly applies to the committee amendment, and the amendment contained in the Rules Committee or report is a Rules Committee amendment. It was not reported by the Ways and Means Committee, it was not reported by the Energy and Commerce Committee and so therefore is exclusively in the jurisdiction of the Rules Committee.

□ 1500

The amendment contained in the Rules Committee report on this resolution will be considered to have been adopted when this resolution is adopted. So there is no question who should provide the CBO cost estimate. It is the Rules Committee. They are not above the rules.

Mr. Speaker, I ask that my point of order be sustained.

The SPEAKER pro tempore (Mr. MAZZOLI). Does the gentleman from Michigan wish to be heard on the point of order?

Mr. BONIOR. I do, Mr. Speaker.

We had this argument a little over an hour ago and it is again timely, as the gentleman from Pennsylvania has indicated.

He refers to section 308. Section 308 applies to measures providing new budget authority. The resolution before us does not provide for new budget authority.

The rule makes in order a bill as amended. The bill as amended provides for the new spending.

House Resolution 103 waives all points of order against the bill as amended and against its consideration. It waives all points of order against the bill and against its consideration.

Mr. Speaker, I ask the Chair to rule that the point of order is not in order.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania seek to be heard further on the point of order?

Mr. WALKER. Yes, Mr. Speaker, I wish to be heard further on the point of order.

It is true the Rules Committee has waived all points of order against the bill that would be considered pursuant to this rule. That is the reason why this point of order is timely now.

When it comes to a question in the bill itself, the point of order with regard to the Budget Act will not be in order because that point of order has been waived. The only time we can get at this particular item is in the self-enacting amendment which is a part of the rule.

The gentleman has not referred to the self-enacting amendment. That is the question to which this particular point of order pertains and it is up to the Chair, I think, to sustain the point of order based upon the fact that the self-enacting amendment within this rule does in fact add costs. It is new budget authority and is therefore in violation of the Congressional Budget Act.

The SPEAKER pro tempore. Do any Members wish to be heard further on the point of order?

Mr. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, it does seem to me that my colleagues are correct in wanting to be informed with regard to the cost effect of that provision which is executed by this rule. That provision has been handled this way three times by previous Congresses. The provision includes, this is what we are executing here, it includes coverage, extended unemployment coverage for America's railroad workers who have their own unemployment fund and therefore would not be covered unless there was a separate amendment or unless we do it this way. Previous Congresses have chosen to do it this way.

The cost, Mr. Speaker, is estimated by both the Congressional Budget Office as well as the Railroad Retirement Trust Fund System, to be $2½ million for the coming year, and the coverage would be extended to 1,200 railroad workers.

I do think my colleagues are correct in asking for that information, and they now have it.

Mr. WALKER. Mr. Speaker, I wish to be heard further on the point of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is recognized.

Mr. WALKER. Mr. Speaker, the gentleman from Montana has just made the case. While he has informed the House of his estimate of what this costs, the fact is that the rules of the House require that the statement be a Congressional Budget Office statement contained within the report. That is what the House does not have. That is what the House requires.

The gentleman from Montana has also made the point that his amendment is included in this rule, that it is new budget authority, that it does extend to new people and it does cost at least $2½ million. That is information that should be contained in the committee report. It is not. It is therefore a violation of the rules of the House. It is a violation of the Budget Act, and my point of order should be sustained.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair is prepared to rule.

The amendment printed in the bill and the amendment printed in House Report 103-18 will be considered as adopted by the operation of House Resolution 103, which is the special order now pending before the House.

After adoption of this special order, House Resolution 103, the bill is called up for consideration as so amended.

A point of order under section 308 of the Budget Act against consideration of the bill in that form could properly come at that point when the bill is called up for consideration.

As the Chair indicated previously, the new budget authority at issue would be provided not by the resolution reported by the Committee on Rules, but rather by the bill as amended.

At this point, the point of order does not lie. That all points of order against the bill as amended will be waived by House Resolution 103, if adopted, does not cause such points of order to lie at some earlier stage.

The rules of the House authorize the Committee on Rules to report a resolution providing a special order of business, and a point of order under Section 308 of the Budget Act does not lie against such a resolution on the ground that its adoption would have the effect of abrogating clause 2(l)(3) of rule XI, which incorporates the requirement of section 308 in the standing rules.

Accordingly, the point of order is overruled.

### PARLIAMENTARY INQUIRIES

Mr. WALKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. It was difficult to hear, Mr. Speaker, but I believe I heard the Chair rule that a point of order would lie against the amendment after the amendment had been adopted. Now, that will be a brand new precedent for the House and I am a little confused by it.

Is that what the Chair has ruled in this case, that the point of order would lie on the amendment after the amendment was adopted?

The SPEAKER pro tempore. The point of order could lie against consideration of the bill once the amendment has been adopted.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker: Is it not true that after the rule has been adopted, a point of order would lie against the bill, but because the bill waives all points of order, the fact is that no point of order lies against this additional spending, is that correct?

The SPEAKER pro tempore. The gentleman is correct. Once the bill is called up, the point of order could lie against an amendment under section 308 of the Budget Act, but because the rule which has by that time been adopted has in its waivers of points of order, that point of order is not to be sustained.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker: Just so I understand, the Chair has now ruled that a point of order lies against the amendment after the amendment has been adopted as a part of the rule, but it cannot really be, there cannot be a point of order because all points of order were waived in the rules, so the Rules Committee has protected its violation of the rules with another provision in the rule; is that correct?

The SPEAKER pro tempore. The Chair would state that the point of order would not necessarily lie against the amendment at the point when the resolution is agreed to, but that would be the time to raise a point of order; however, because the waiver has been included in the resolution which by that time is adopted, the gentleman's point of order would not be successfully lodged.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker: So I am correct in stating that the Chair says that the point of order lies against the amendment, however, the Rules Committee has protected itself in a way that allows it to violate the rules.

The SPEAKER pro tempore. The Chair would just state that there are oftentimes when points of order are waived for various reasons on various resolutions and on various pieces of legislation. That is nothing unique and novel and it is not today.

But again, the Chair has ruled.

□ 1510

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 178, not voting 15, as follows:

[Roll No. 39]

YEAS—237

Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NAYS—178

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton

Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Ackerman
Beilenson
Chapman
Cooper
Evans
Ford (TN)
Henry
Kaptur
Kennedy
McDade
Nussle
Solomon
Whitten
Yates

□ 1527

Mr. COLLINS of Georgia changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1530

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 103, I call up the bill (H.R. 920) to extend the Emergency Unemployment Compensation Program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LaRocco). Pursuant to House Resolution 103, the amendment printed in the bill and the amendment printed in House Report 103–18 are considered as adopted.

The text of H.R. 920, as amended by the amendment printed in the bill and by the amendment printed in House Report 103–18, is as follows:

H.R. 920

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".

**SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) General Rule.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(b) Modification to Final Phase-Out.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) Conforming Amendment.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993".

(d) Effective Date.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 3. TREATMENT OF RAILROAD WORKERS.**

(a) Extension of Program.—

(1) In general.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(2) Conforming amendment.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) Termination of Benefits.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) Effective Date.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 4. PROFILING OF NEW CLAIMANTS.**

(a) General Rule.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3301–3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) Technical Assistance to States.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the secretary deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) Funding of Activities.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) Report to Congress.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) State.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) Effective Date.—The provisions of this section shall take effect on the date of the enactment of this Act.

**SEC. 5. FINANCING PROVISIONS.**

(a) Authorization.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to carry out the purposes of the amendments made by section 2 of this Act.

(b) Use of Advance Account Funds.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102–394) are authorized to be used to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

**SEC. 6. EMERGENCY DESIGNATION.**

Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

The SPEAKER pro tempore. Pursuant to House Resolution 103, the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 1 hour, and the gentleman from Texas [Mr. Archer] will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. Rostenkowski].

### GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 920, the Emergency Unemployment Compensation Amendments of 1993.

H.R. 920 extends emergency unemployment compensation benefits from March 6 through October 2, 1993. Continued claims would be honored during the phaseout period after October 2, 1993, through January 15, 1994.

In addition, this bill authorizes the design of automated systems to identify dislocated workers and refer them to reemployment services.

Unemployment benefits and related administrative activities of the bill are estimated to cost about $5.7 billion in fiscal years 1993 and 1994.

All direct spending and authorized appropriations under the bill would be designated as emergency requirements within the meaning of the Balanced Budget and Emergency Deficit Control Act of 1985. Since an emergency is declared, no pay-as-you-go financing is required, and discretionary spending caps do not apply.

Prior fiscal year 1993 appropriations will cover the cost of benefits through about the end of April. Additional appropriations will be made in the supplemental appropriations bill which will include other elements of the President's economic stimulus package.

Mr. Speaker, the economy is improving, but job growth has been disappointing. The unemployment rate declined to 7.1 percent in January, but it is still higher than the 6.9 percent it had reached when the Emergency Unemployment Compensation Program was enacted in November 1991. It has been 22 months since the bottom of the recession, but the economy has regained only about a half million of the 1.7 million jobs lost. According to the Bureau of Labor Statistics, if this had been an average recovery, we would have regained all of the jobs lost, plus an additional 2.2 million jobs.

There are about 1.9 million workers who have been unemployed longer than half a year. About 1.6 million of these workers are receiving emergency benefits now. If the Federal Government extends this program through the end of the fiscal year, another 2 million workers will receive this assistance and be able to sustain themselves until they find jobs.

Mr. Speaker, let me take a few minutes to address some of the arguments I have heard against this bill in the past few days.

First, some say this bill increases the deficit. They are right, but let me tell you why. The President has designated this spending as part of his economic stimulus package. Although this package is modest, most economists will tell you that it will stimulate the economy. This will be true in particular if the Federal Reserve Board of Governors accommodates the President's plan in its monetary policy, and Chairman Greenspan has given every indication that it will.

For those who still are concerned, I want to remind you that this is a temporary program that does not add to the structural deficit. I assure you that we will address the President's structural deficit reduction proposal as the stimulus package begins to work this year. The time to consider permanent changes in revenue and outlays is when the economy is moving on a sustainable growth path.

Second, some say that the bill grants emergency benefits to claimants in States with low unemployment rates. This is true. All States will be able to provide at least 20 weeks of benefits to workers who exhaust their 26 weeks of regular State benefits. To these opponents I say, look back to what happened in the House and Senate when Congress first passed the emergency program. Many Members were angry that the bill authorized their States to pay only 6 weeks of benefits because their State unemployment rates were low. Although the bill passed the House, States with only 6 weeks of benefits were given 13 weeks by the Senate when the anger spilled over to the Senate floor. Does anyone think this will not happen again if we deny benefits for half of the States as some opponents of this bill have proposed?

The long-term unemployment problem, the plight of these workers, and displacement of workers as our economy changes is a nationwide concern.

Mr. Speaker, we have heard these arguments before. Let's not allow opponents of this bill to detour us back into legislative gridlock. The President has a plan to stimulate the economy, followed by a bold, credible, and permanent deficit reduction package.

Today we can take the first step toward implementing his plan. I strongly urge my colleagues to support this bill, which will not only assist 2 million long-term unemployed workers, but will supplement other economic stimulus proposals, and help move our economy along the right track.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, President Clinton has repeatedly emphasized the importance of reducing the Federal deficit. Yet in this, his first major piece of economic legislation, he chooses to finance the bill by borrowing an additional $5.7 billion. I cannot support a bill that increases the already terrible debt burden on our children and our grandchildren.

We hear the argument from the majority that this bill is part of the President's stimulus package.

Secretary Reich, in his testimony before the Ways and Means Committee, said that this, and other deficit-financed measures to be proposed later, were specifically designed that way in order to, as he put it, "jump start the economy."

Someone should tell the Keynesians in the administration that the Nation already has an admitted $326 billion deficit stimulus. In the face of such a huge stimulus already in place, what good can an extra $5.7 billion be expected to do?

In this morning's newspapers, we read that President Clinton, once again, has changed direction by delaying spending increases until after spending cuts occur.

□ 1540

That means this $5.7 billion unemployment extension is the only part of his new spending program that's moving ahead quickly. The rest of his new spending programs will apparently come as part of his tax increase package later this spring.

The fact that this extension of emergency unemployment benefits isn't paid for in any way is reason enough for Members to reject it. But, in fact there are other reasons as well.

Less than a year ago Congress changed the law to make it easier for States to extend unemployment benefits in partnership with the Federal Government.

Democrats on the Ways and Means Committee were pleased, as they put it last July, and that they were able to permanently fix the extended benefits problem while passing an increase in temporary benefits.

One member said the new extended benefits trigger would be "far more equitable and reasonable . . . for unemployed people." Another said that lowering the trigger was "better than forcing States to adhere to rigid and completely different Federal standards".

Yet another said that fixing the trigger would "bring stability back to unemployment compensation so that long-term unemployed workers will not have to wait for Congress and the Administration.

Now, just months later, the majority wants to turn its back on the program its members praise so highly when they enacted it into law. This is especially surprising given the now obvious fact that the new trigger works exactly as the majority said it would.

When the current Emergency Unemployment Compensation Program runs out on March 6, 12 States and Territories will be qualified to receive extended benefits. All their State legislatures have to do is enact the program. The Federal Government will even pay 50 percent of the costs.

In a few minutes, my colleague the gentleman from Pennsylvania [Mr. SANTORUM], the ranking member of the Human Resources Subcommittee, will show clearly that the 21 States that could trigger extended benefits have unemployment trust fund accounts and overall budget surplusses that render them fully capable of paying their share of these benefits. By contrast, the Federal Government is long since broke, and can ill afford any new benefits.

Another reason we oppose this bill is that some of the benefits it provides are not justified. The logic of the Extended Benefit Program under the Federal unemployment compensation system has always been that additional benefits are necessary in States where unemployment is exceptionally and chronically high. The reasoning was that high unemployment levels make it relatively difficult to find a job. Hence, workers need additional time.

Yet this bill provides emergency benefits to workers in every State, including those that have little unemployment. In addition to benefits for 23 States that suffer from unemployment over 7 percent, benefits would flow to 12 States with unemployment between 6 and 7 percent and 17 States with unemployment under 6 percent—including one with unemployment under 3 percent. These benefits violate the rationale of the unemployment system itself.

During the debate this afternoon, we will develop all these arguments in more detail. We oppose this bill because:

First, States do not need new legislation; they can provide extended benefits themselves, and the Federal Government will pay 50 percent of the cost;

Second, States are in better financial condition to provide the benefits than the Federal Government;

Third, unfinanced benefit increases now will inexorably lead to tax increases later;

Fourth, some of the benefits in this bill are wasteful; and

Fifth, we are increasing the deficit by $5.7 billion which will be built into the baseline and never recovered.

I close by quoting a former Texas colleague from the other body when he said last year, and I quote,

> I do not want to see us add to the deficit, I want to see us pay for what we do in the way of unemployment compensation. * * * It is impossible, almost, to get the Administration to show leadership and say where we pick up the money to extend benefits. And it is that kind of a philosophy that has us in the kind of a straightjacket that we are in now. It is that kind of philosophy that has tripled this national debt. It is that kind of philosophy that gives us a $400 billion deficit. And we have got to start turning that around.

Those were the words of then-Senator Lloyd Bentsen, who, of course is now Secretary of the Treasury.

They were made at a time when the economy was suffering to a much greater degree than it is now, and when unemployment was much, much higher than it is now.

I pose this question to my colleagues before they vote on this deficit raising bill: Are Secretary Bentsen's words any less correct now that he works for the Clinton administration than they were when Senator Bentsen admonished the Bush administration?

Mr. Speaker, I will let the Members dwell on that, and I hope they will vote for the motion to recommit and against this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MATSUI], the subcommittee chairman.

Mr. MATSUI. Mr. Speaker, I thank the gentleman for yielding time to me, and for moving this bill.

Mr. Speaker, I am just going to make two quick points in my 1 minute. The reason that we are moving ahead quickly, as the gentleman from Texas [Mr. ARCHER] mentioned, he said, "This is the only part of the package that is moving ahead quickly." The reason for it is because in 10 days, on March 6, 1993, extended benefits, the EUB program, will expire. As the gentleman knows, there are 300,000 Americans each month that are going on the EUB program, the extended benefits program. Right now there are 145 million Americans on this program, so we have to move quickly. There is just no question that this has to be done.

The second part of it is the notion of the permanent fix. Yes, last year we did attempt a permanent fix under the extended benefit program. The irony, however, is that even though we have been in one of the deepest recessions in our country, not one of the 50 States have bought into the program. That means we really have to fix this up.

In the meantime, before we have the opportunity to fix it up, we have to extend these benefits for the 300,000 per month that are going onto the rolls on extended benefits. I urge an aye vote on this legislation.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume in order to engage the gentleman in a colloquy and to say that in response to why the States have not exercised their ability to trigger, it is because they know they are going to rush to the rescue and spend 100 percent of it out of a Federal Treasury that has no money.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I would have to say that there are only 14 of the 50 States under the EB law we passed last year that could actually trigger onto the new program. The irony is that four do not have any money, or sufficient money, in their unemployment trust funds in order to actually trigger.

Then we have a number like Illinois, Pennsylvania, Texas, that are eligible but do not have sufficient funds, either, although I guess they could appropriate additional moneys if their general fund will allow it. So that is the problem with this EB program. It is not because they know we are going to extend the program, it is because they do not have the resources with which to continue on their long-term program. That is what the problem is.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to H.R. 920, the Unemployment Benefits Extension.

This bill adds $5.7 billion directly to the deficit. It does not pass go. It starts out with a get out of jail free pass from the Rules Committee that limits debate on it. And right out of the gate, $5.7 billion goes straight to the bottom line.

This is not the way we should do business when we are facing a $300 billion deficit. That is not the way we should do business when we are trying to convince the American people that we are serious about cutting the deficit.

This bill says "nothing has changed. That business as usual is still the order of the day in Washington, DC; just declare an emergency, do what you want. Spend what you want. And it's OK."

Well it is not OK.

This bill violates the spirit, the intent and the terms of the last major deficit reduction promise we made to the American people—the Budget Enforcement Act of 1990.

In that agreement, Congress promised to pay as we go. If we ignore that promise—how can the American taxpayer believe any promises we make this year?

And this bill does, indeed, break that promise. Today, we are not even making a token stab at trying to pay as we go. We just say, "It looks like an emergency to me. Let's spend $5.7 billion and we will pay for it later."

In the committee, Republicans offered an alternative which would have extended benefits until June 7 and which provided a mechanism for paying for the increased costs. But that alternative was rejected out of hand. We were told that the costs of the unemployment bill had been factored in to the President's economic package and would be paid for later on.

Paying for it later is not working any more. That's what the phone calls from back home are telling me.

The American people are not buying it. It is not right. It is not honest. And in this case, it is not even needed.

Last year, we passed reform legislation which allows States to provide extended benefits themselves. The Federal Government would even pay half the freight.

Naturally, the States where extended benefits could be triggered would rather have the Federal Government pay for the whole ball of wax—even though the States involved have more money than we do.

But that is not an emergency. It is a windfall for the States involved but it is not an emergency. And it is particularly not an emergency which justifies adding $5.7 billion to the Federal deficit.

[From the Washington Post, Feb. 24, 1993]

### BEWARE THE "TRUST" DEFICIT

(By David S. Broder)

President Clinton's economic plan is addressed, he says, not to one deficit but to three: the budget deficit, the investment deficit and the social deficit.

Americans, he says, must shut down the drain of red-ink budgets that have virtually quadrupled the national debt in the past dozen years. At the same time, we must increase the investments that promise productivity growth and future prosperity. And there are, he says, unmet needs for AIDS research, public housing rehabilitation, preschool education and a score of other things that cannot wait.

Clinton is right to say all three deficits must be faced. but he is wrong—dangerously wrong—to do so in a way that worsens a fourth deficit: people's trust in their leaders.

The new president is being rightly praised for putting all these issues on the table in a comprehensive and coherent fashion. But if his diagnosis of the nation's needs is accurate, his prescription falls far short of a remedy. His plan just doesn't achieve its advertised goals. And it will avail Clinton little to push his economic program to passage if voters decide afterward that they have been misled about what it will do.

Doubts about his reliability plagued Clinton all through the campaign year and caused him to wind up with the lowest share of the popular vote of any winner since Richard Nixon, in a similar three-way race, 24 years earlier.

Now people are discovering that Clinton really played fast and loose with the facts in last year's campaign. When reporters challenged the assumptions and the internal mathematics of Clinton's campaign-season economic plan, "Putting People First," the Democratic nominee brushed off the questions. When Republicans said he was being deceptive, he issued indignant denials that ring hollow today.

Last Oct. 1, for example, when the Bush campaign ran ads based on the calculation that Clinton could finance his campaign promises only by raising taxes on every family earning more than $36,600 a year, this is what the Democratic nominee said:

"It is blatantly false. . . . It is a disgrace to the American people that the president of the United States would make a claim that is so baseless, that is so without foundation, so shameless in its attempt to get votes under false pretenses."

Last week Clinton, unembarrassed, put forward a revised program requiring tax increases the administration says will affect most families making over $30,000, one-sixth below the threshold George Bush had forecast. Clinton claims he has been forced to these steps by the unexpected $346 billion size of the deficit he inherited. But last July, he told Business Week the deficits would approach $400 billion.

The more serious problem is that the new economic plan, "A Vision of Change for America," looks almost as jerry-built as the campaign document it replaced. The administration's $30,000 threshold, for example, is not what most people understand as income, or even the Form 1040's familiar adjusted gross income line. It is a figure concocted to include all kinds of "non-cash income," including fringe benefits and even the imputed rental value of the family home. As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than to $30,000.

These artifices were carefully concealed in Clinton's State of the Union address, helping him to gain a favorable first public reaction. Assiduous salesmanship on his part has so far sustained that image of evenhandedness.

But the more that is learned about the plan, the less solid it looks. As much as $54 billion of claimed spending reductions are actually increases in taxes or fees. More important, major cost-cutting moves are of dubious value.

The plan calls for more than $38 billion in Medicare savings over the next four years, not through any reforms but simply by cutting government payments to hospitals and doctors. In the past, when Republican administrations have proposed such "savings," Democrats have objected, properly, that hospitals and doctors will be forced to shift those costs to private patients and to raise their rates to make up for the loss. The argument is still valid. In effect, Clinton is proposing an additional "tax" on anyone unlucky enough to enter a hospital as a non-Medicare patient in the next four years.

Leon Panetta, the conscientious former House Budget Committee chairman recruited by Clinton as director of the Office of Management and Budget, knows these games for what they are. That may explain why he looks so uncomfortable defending such artifices, as he was forced to do repeatedly after Clinton's speech. But the accounts of the plan's formulation suggest that Panetta lost some crucial inside battles when Clinton sided with political aides who wanted to sugarcoat the message, as Clinton did during the campaign.

That is bad politics as well as bad economics. Clinton is likely to get a budget-economic package passed this year. Passing one that just pretends to fix the deficit is no fix at all. It simply moves the day of reckoning closing to the next presidential election. George Bush is the living evidence of the danger of following that course.

☐ 1550

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. REYNOLDS].

Mr. REYNOLDS. Mr. Speaker, I rise to urge my colleagues on both sides of the aisle to support this extension. There are Americans out here expecting us to act. We are beyond the gridlock that we faced for so long in this body, and these Americans are expecting us to act. If we do not act, in 2 months they have got a big problem, and in 2 months that is not enough time for the States who are prepared to act to go ahead and act in that period of time.

I would hope that we would get beyond the back and forth that we have had in this body for so long and realize that there are people out there counting on us to act to help them. There are States that cannot trigger, they do not have the money to trigger. It is clear that we have to act from this end, from the Federal Government end.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I read with interest this morning in two newspapers accounts that freshman Democrats in this body have succeeded in getting the President to change course and emphasize spending cuts ahead of stimulus packages, which indeed increased spending and will require tax increases. And I think we should applaud those Members of Congress who in a very short time have made a very significant contribution.

The first vote to achieve that end is today on this package by voting no, because this bill, regardless of the rhetoric that has gone before, is not about unemployment compensation, it is not about investment, it is not about stimulus. It is about spending, and it is about priorities. It is the one example of deficit spending that cannot be justified because the money is there from other sources to pay for these benefits.

I have served on the Human Resources Subcommittee, which has jurisdiction over unemployment compensation for a couple of years now, and I was in the last debate that created the extended benefits program so that we would avoid the confrontation we are having today. Let me read to Members some of the discussion that took place at that time.

> We also changed the mechanism for extension of benefits. We will not have to in future recessions continue to amend and change the laws in order to provide benefits for people who richly need and deserve them.

That is the former chairman of the subcommittee, the gentleman from New York [Mr. DOWNEY]. What he achieved was a new threshold for unemployment not based on insured unemployment, which was an arbitrary and unnecessarily high threshold which many States could not trigger. We changed that to total unemployment, which means that the student getting out of college, the displaced homemaker or the housewife returning to the work force is not part of the threshold that States calculate to receive benefits. And in so doing we lowered the trigger so they could trigger on and cash in that money. The Federal Government pays 50 percent; they pay 50 percent.

The States that we affect today currently are sitting on $16 billion worth of money in their unemployment trust funds. By the end of the year the Federal trust fund will be $340 million in deficit.

Mr. Speaker, the money is there. We do not have it. They do.

If you believe that the President's initiatives should move toward spending cuts, surely you have to believe that States that have the money under a bargain that Congress agreed to in the last session of Congress should pay that money. Why do we break this bargain today? They are flush; we are broke. That makes no sense at all.

But to go even further, the gentlewoman from Connecticut [Mrs. JOHNSON] and I in the Rules Committee offered an amendment that would say surely we should not extend benefits to States whose unemployment threshold is 6.5 percent or lower. If you cut them out of the mix, you can almost pay for this program. You achieve $1.2 billion in savings. If you do lower the amount of extension to 3 months that pays for the program.

And every time, Mr. Speaker, this Congress has considered unemployment compensation, even when unemployment was at 7.3 percent the last time we considered this legislation, we paid for it. Yes, we screwed around with the Tax Code, we did some things that none of us are very proud of. But we applied the pay-as-you-go provisions, and we honored them. We do not do that today. We spend money we do not have, and we tell the States do not bother spending the money you do have. And we repudiate a mechanism to allow States with cyclical unemployment to use the money so that they would not have to borrow from the States that have no unemployment.

That is equity. That is fairness. That is good public policy. Yet today we decide that we do not need to follow those precedents.

Mr. Speaker, again I urge my colleagues to follow the lead of the freshman Democrats, and I urge them to follow up with their deeds what they said with their words this morning and vote no on an expansion, an unnecessary expansion of Federal spending.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in support of H.R. 920, the Emergency Unemployment Compensation Extension.

Less than 2 weeks from today, nearly 1.8 million jobless Americans risk losing their shield against financial disaster, unless we act quickly on the legislation before us. We are all familiar, by now, with the statistics that clearly tell us that, unlike past recoveries, this one is not accompanied by growth in jobs.

There are counties in my own district that have unemployment rates in excess of 10 percent.

The statistic that concerns me more than any other is that, unlike past economic downturns, so many of those who lost their jobs in this recession will never be rehired by their former employer.

In the past four recessions, 44 percent of unemployed workers were on temporary layoffs. In this recession only 14 percent of unemployed workers were expected to be recalled by their previous employer.

Our present unemployment compensation system is based on the assumption that short-term income maintenance is necessary in recessions for laid-off workers. This recession has taught us that, the workers we are serving with the program are increasingly likely to be permanently-displaced workers.

It is important that our future unemployment compensation system be based on serving workers by helping them retool their skills, remarket their abilities, and reenter the workplace at a new point.

The President says that he is ready to go to work, with our committee, on comprehensive reform of our entire complex of worker training, worker readjustment, and worker income maintenance programs.

Obviously, there is not time to design a single comprehensive, flexible program to incorporate the income benefits that are critically needed right now.

I do not agree with those who would wait for the States to do our work for us. Comprehensive reform, that will work, requires leadership and acceptance of responsibility from the President and the Congress.

I believe President Clinton is on the right track with this legislation. He has said that H.R. 920 is part of the short-term stimulus package. It should not be thought of as the regular way for us to do business. The President has stated, that the benefits for the next fiscal year will be paid for in his package, which we will vote on later this year.

I applaud the President's vision and his challenge. We can, and must, do much better. I support both the President's long- and short-term goals and I urge my colleagues to do the same.

□ 1600

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, my district is literally crippled with unemployment, the highest rate in the State of Ohio for about 20 years.

I tried to get on the committee. I wanted to have a say for our people on the tax policy of the country. I am not very liked around here. We tried to extend unemployment four times last year. We debate unemployment, debate unemployment.

I am going to vote for this. It is the only money workers in my district have a shot at, but I want to tell you something, we continue to put a crutch under the armpits of the American workers, and this crutch is constantly being kicked out, forcing the American worker to limp back, dependent, frustrated, and mad as hell.

The staff over there can laugh. This is a Democrat upset with the Democrat Party, having tax policy by very few Democrats.

The very first bill we have on the floor is an unemployment bill. Where is the jobs bill? Where are the jobs?

In fact, this committee is going to be bringing out the free-trade agreement with Mexico, and you are going to be shipping more jobs overseas. I am going to have more unemployment in my district, and I do not want to hear it anymore.

The Democrat Party has to open up to everybody, Republicans and Democrats, for ideas that create jobs, not to come before this body and debate unemployment.

I am going to vote for it every time, but it is not the game I want to be involved with here.

Show me your jobs bill. And I want a chance to participate and offer some suggestions.

And if anybody from the Ways and Means staff laughs at me again, you are going to have problems with a Member of Congress.

Take my measures and every measure in this House serious, because we are losing the damn war, and my people are hurting.

I do not want to hear compassion. I want to hear jobs.

Mr. SANTORUM. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, let me just say that the American people do not trust Congress, and they do not trust government. This is a perfect example of why they do not trust us.

Mr. Clinton, President Clinton, has been telling everybody we are going to have deficit reduction, we are going to get control of runaway Government spending, we are going to pay for our programs. And here is $5.74 billion right off the top that we are not going to pay for. It is going to be added to the deficit.

Our kids and our grandkids are going to have to deal with it. Not only that, it is going to hurt the economy and economic growth, because what you are doing to solve this problem is not cut spending, not attack the deficit in this country, but to raise taxes.

We just had a tax increase 2 years ago of $184 billion, the largest in history, and here we come back with a $328 billion tax increase 2 years later. We are going to take it out of the hide of the American people, and yet the President says we are going to get control of spending; we are going to cut that deficit.

Here is $5.74 billion you are not going to pay for. You are misleading the American people, and they do not like it.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, today we vote on an issue that is critical to far too many American families—the extension of emergency unemployment compensation benefits. Those of us in Connecticut know far too well that these benefits can mean the difference between keeping a home or losing a home; between making a car payment and defaulting; between economic survival and economic devastation.

Today, we face an economic paradox. Experts and economists agree the recession is over, ended months ago in fact. Yet unemployment continues to rise, and now stands higher than it did in the depth of the recession.

My own State of Connecticut lost about 200,000 jobs in this last recession. Now, in the so called recovery, planned layoffs have been accelerated, and new layoffs have been announced. My State is struggling to regain its economic footing—but the firm ground of stable employment continues to erode. In defense, in manufacturing, in insurance and banking: Every sector of the economy and employers large and small are all affected.

I commend the President for his efforts to move quickly to address the problem of continued high unemployment. Now is exactly the time that expanded benefits are needed. These unemployed individuals cannot afford to wait. Quite literally, when the benefits run out, time runs out.

Mr. Speaker, the clock is ticking. I urge my colleagues to act now.

Mr. SANTORUM. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I think we have a fundamental misunderstanding here. I said this earlier today, and I want to repeat this for everyone listening. The debate today is not on whether we should extend unemployment benefits.

Now, this may seem what this debate is all about, and certainly the arguments on that side would make you think that many of us on this side do not want to extend unemployment benefits. Let me assure you that is not the case.

I do not know about the majority, but certainly a great number of people on the Republican side of the aisle want to extend unemployment benefits.

But there are three ways we can do this. I repeat this, there are three choices on the floor today, not just one, to extend unemployment benefits, three.

First, you can do what has been brought to the floor as the way to solve the extension of unemployment benefits, and that is raise the deficit by $5.7 billion, again, billion dollars, with a "b," billion dollars, pass the bill on to your children and grandchildren, and pay out benefits for the next 7 months. That is one way of solving the extension of unemployment benefits. But that is not the only way.

We will have a motion to recommit. The motion to recommit will be with instructions to send the bill back to the committee, and for the committee to come back very quickly, tomorrow, next week, before the extension, before the deadline runs out, come back with a way to fund the $5.7 billion in expenditures. So that is option 2. You will have a motion to recommit to do that.

Option 3, and this is what has been talked about before on the floor, we can allow the States, not just any old States, but the States with the largest amount of unemployment, with the highest rate of unemployment, to trigger extended benefits. That is option 3.

Let us talk about those States. We passed this, by the way, and this is not a law that has been laying around for a long time. This is a law that we just passed, I think, 6 months ago, to change the mechanism for States to make it easier for them to extend unemployment benefits.

Now, 21 States, at least 21 States, would be able to do that. The Federal Government, in its beneficence, will pay for 50 percent of the extension. Regular benefits are 100-percent State; we will pay for 50 percent as an incentive for them to extend. They have to pick up the other 50 percent.

The argument is made, well, these States will not do this; these States just do not have the money to do this.

Well, let us look at these States, these 21 States. Looking at the chart right next to me here, those are the funds, the cumulative funds, in the red column in the 21 States who could, if they wanted to, trigger extended benefits, roughly $16 billion. Compare that with the trust fund of the Federal Government on unemployment compensation, $1.2 billion.

It seems to me that they are in a very good position to extend unemployment benefits and should take advantage of that.

If we can have the next chart, the next chart shows the State budgets and the budget deficits, cumulative. We see that, on the right, $2 billion, and that is the net operating deficits of the 21 States who could trigger extended benefits; budget surplus for this year. So they have $16 billion in their fund, they have $2 billion in budget surplus cumulatively, versus $327 billion deficit for this U.S. Government and a $1.2 billion surplus in the fund.

Now, ask the American people, if those were your choices, that you could do an extension of benefits that was not paid for except for your children in the future, $5.7 billion, No. 2, go back and pay for the extension, again federally funded, but at least come up with the revenues to pay for it, or, No. 3, have the States, the ones that are in the worst shape, and on the next chart we will show you that 67 percent of the unemployed people in this country reside in those 21 States.

□ 1610

So you would cover 60 percent of the unemployed people and those with the worst labor markets to get back into.

Your third choice is to allow the States to take some responsibility for the unemployed in their respective States. Remember, they have the funds in the trust funds, No. 1, No. 2, they have budget surpluses, in most cases.

Now, that to me, I might be wrong and maybe I am from a very strange area of this country, but I would suspect that if you put those choices before any group of Americans, any focus group, the last thing they would choose is option 1, because they would say clearly that is irresponsible, clearly irresponsible, and clearly what this side of the aisle is going to do and pass today.

Mr. MATSUI. Mr. Speaker, I yield myself 30 seconds, if I may.

Mr. Speaker, there are 23 States that could trigger at this particular time under the EB Program, which no State at this time has triggered. But the irony of it, as the gentleman mentioned, is there is $16 billion in the different trust funds. The unfortunate part of it is that 5 States, 5 of the 23 States, have about $11 billion. Many of the States that need the money do not have sufficient revenues in which to use the trigger, because they do not have the money.

So that is the problem. You cannot look at these things in the aggregate; you have to look at it in the State-by-State situation.

Mr. SANTORUM. Mr. Speaker, I yield myself 3½ additional minutes.

Mr. Speaker, the gentleman is suggesting these States are near zero or have small deficits in their trust funds, is that what the gentleman is saying? And that is the reason they are not doing it?

Mr. MATSUI. I am sorry?

Mr. SANTORUM. The gentleman is suggesting that the reason that they do not do it is because they have small deficits within their trust funds?

Mr. MATSUI. Does the gentleman mean the 23 or the 5 or which?

Mr. SANTORUM. The five.

Mr. MATSUI. The five have sufficient money, but the five probably are not the ones that are in trouble. For example, the gentleman from Pennsylvania [Mr. SANTORUM] has $960 million. Pennsylvania obviously does not have enough in terms of the 110,000 people that are unemployed.

Mr. SANTORUM. Reclaiming my time, let me explain and then maybe we can have a discussion here. From the list that I was given—this is again the Labor Department statistics under the Clinton administration—estimated that by March 1993 there would be 21 States eligible. From the numbers that we have been given in the third quarter of 1992 balances, there are three States that have deficits, three States. Now, what the gentleman is suggesting is that those three States would not be able to extend, would not be able to trigger extension, because they are in deficit. Is that correct?

Mr. MATSUI. The gentleman is misunderstanding what I said, if the gentleman will yield.

Mr. SANTORUM. I am happy to yield to the gentleman.

Mr. MATSUI. I thank the gentleman. For example, New York has $482 million in their fund, but it would only give them benefits up to 2.1 months. You see, that is just the problem; they have money, but not enough money to go 5 months or 7 months. You have to look at this, not in the aggregate, but individually by State.

Mr. SANTORUM. But will they not continue to be paying taxes into those funds?

Mr. MATSUI. Yes, but it still would not——

Mr. SANTORUM. If the answer is "Yes," their taxes are going to be accumulating in that fund.

Mr. MATSUI. Taxes are coming in, but there is unemployment and people are drawing on EB at a greater rate than the money coming in. So you cannot catch up.

Mr. SANTORUM. Reclaiming my time, is it then their ability as a State to either borrow money or to go out and shift money around, to be able to pay for that extension, if they want to?

Mr. MATSUI. Will the gentleman state that again?

Mr. SANTORUM. Could they not come up with some mechanism to pay for that within their own State?

Mr. MATSUI. Well, I guess they could raise taxes, that is one way to do it, or from the general revenues; the States can do that.

Mr. SANTORUM. Reclaiming my time, the point I am trying to make is that the gentleman is saying they are being fiscally responsible so that we should be irresponsible. They are being fiscally responsible, at least according to the gentleman's comments, in not going out and raising taxes or decreasing spending somewhere else, so we should be irresponsible and add $5.7 billion to the deficit? That is the kind of mentality that has the people across this country scratching their heads as to what we are doing here.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 920 to extend benefits an additional 26 weeks to jobless workers for whom the pain of the recession is still very real. Nearly 2 million of our fellow citizens will be affected by our vote today.

Two million. We hear a lot of talk about economic recovery and renewed consumer confidence. But for the working and jobless people of my district in northern California, these statistics are an abstraction totally unrelated to their experience.

In my district, unemployment ranges between a low of 8.7 percent in Solano County to a high of 16.2 percent in Del Norte County.

Every month more and more families are faced with the difficult task of putting food on the table for their children, of paying the monthly rent.

We cannot afford not to extend benefits.

The extension of benefits is a Band-Aid, no less and no more. Extension of benefits is critical first aid, but more is necessary.

Following today's vote, let us move to the task of creating jobs that provide a decent standard of living. It is my sincere hope that the next jobs-related legislation we consider will be pro-active legislation to create jobs for families.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman very much.

Mr. Speaker, the conventional wisdom in some quarters is that we have turned the corner on the recession and should leave things be, and the recovery will take care of itself. Taking care of itself is exactly what this recovery has been doing. Unfortunately, for working people, allowing the recovery to take care of itself has not taken care of 9 million workers.

In March 1991, the low point of the recession, national unemployment stood at 6.8 percent. As of January 1993, the number had grown to 7.1 percent, a half-million more unemployed than at the 1991 low point.

This recovery has produced only 29,000 jobs instead of an average of 228,000 by this stage in past recoveries. Instead of the usual 6-percent increase by this date, we have an increase in job creation of only one half of 1 percent since the March 1991 depth of the recession.

Look at my District here in the Nation's capital: The D.C. construction and retail trade industry has suffered devastating losses—4,400 jobs since the low point of the recession. The D.C. service sector, traditionally the fastest-growing sector in the District, has suffered an 800 job loss since the low point of the recession.

The District's finance, insurance, and real estate sectors have lost 2,000 jobs. Most troubling, 83,131 workers in the District alone have had to file claims for unemployment insurance since the recession's low point, March 1991.

For many companies, even the Fortune 500, recovery is being achieved by actually shedding workers: Sears, 50,000 jobs; Boeing, 20,000; IBM, 25,000; United Technologies, 10,500; McDonnell Douglas, 8,700; General Dynamics, 27,000. If these numbers signal recovery, the word has lost its commonsense meaning.

Companies cannot recover if workers do not. President Clinton got it right in this Chamber last week when he said, "There's no recovery worth its salt that does not put the American people back to work."

Until American workers experience recovery, my friends, it isn't happening. Until workers experience recovery, our obligation is clear. H.R. 920, the Emergency Unemployment Compensation Extension grants recipients of unemployment benefits an additional 20 weeks of aid, and 26 for those in high unemployment areas. Help workers until recovery reaches them. Vote for H.R. 920.

□ 1620

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, let me thank the gentleman from California [Mr. MATSUI] for yielding me this time and commend him on a job very well done in bringing this bill out today. It is very important.

I think he and I would both prefer that we did not have this kind of a bill on the floor. I would prefer that we have on the floor something more substantive in the area of job creation, but we have to deal with the short-term reality of unemployment even as we are working on the long-term job creation in this economy.

It is rather ironic to note that at the depth of the recession, in March 1991, there was only, if we want to call it that, a 6.8-percent rate of unemployment. We have the beginnings of the recovery in February 1993, and yet we have a higher rate of unemployment, 7.1 percent. That translates into what is called the jobless recovery. It is an ironic and peculiarly upside-down situation where we have recovery and we have actually more people who are jobless.

That, of course, results from a restructuring of the American workplace. It results from the application of technologies which have replaced people. It comes from competition and a lot of problems that we have to deal with in the long term.

But, the short-term reality is a lot of good people in the Nation, in Louisville, in Jefferson County, KY, which I am privileged to represent, are without employment, have exhausted their 26 weeks of unemployment benefits and are now, unless this bill passes by next week, consigned to nothing; no job and no unemployment compensation.

So what this does is simply extends the program so that these people who have exhausted their 26 weeks can have 20 more weeks.

This is what we call the response to an existing human condition. So I certainly commend the Committee on Ways and Means and the gentleman from California for bringing H.R. 920 to us. I certainly support it and hope it has a rousing vote of approval in the House.

Mr. SANTORUM. Mr. Speaker, I yield 2 minutes to the gentleman from Corning, NY [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, you know it really is sort of too bad to have an argument like this. I am an accountant. I am tempted to use figures and arithmetic, but I do not think it is right now. We are so close. We both want unemployment extension. We both want the goal of helping people.

The question is, how do we go about it? I know the gentleman from Texas [Mr. ARCHER] earlier said something about Senator Bentsen, now Secretary of the Treasury. I really think we have to adhere to what President Clinton wants. I applaud his candor. I applaud his vision for America and I think we ought to do what he really wants us to do, and now his Secretary of the Treasury and from the Secretary of the Treasury we get the word that he said it was impossible to get the administration, and this is the Bush administration, to say where we pick up the money for a particular program. That was the last program, the last unemployment extension program.

It is this philosophy that has tripled our debt, put our deficit into soaring figures. We cannot do this anymore.

I agree with that. I do not know, frankly, and this is not a political speech to the people out in the United States. This is really to try to persuade some people, recognizing the fact this is Ash Wednesday and most folks are converted in the House Chapel rather than the House floor, maybe that is where we should all go, but seriously, you know, why can we not pay for it? We both agree on the basic concept. Why can we not pay for it?

I happen to have a program. My friend here, the gentleman from Pennsylvania, has a program. There are numerous programs to pay for it.

I do not see what the obstacle is. Let us do it. Let us get it out of the way. Let us help the people and pay for it with money that is there to pay for it.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I thank the gentleman for yielding this time to me.

I want to express my very strong support for this legislation to provide necessary extension of benefits to the unemployed in America.

I am particularly pleased that this legislation includes language providing railroad workers with the additional extended unemployment benefits. On three separate occasions in the last Congress when we enacted legislation providing emergency extended unemployment benefits, we rightfully provided that similar emergency benefits should be available to unemployed railroad workers under the Railroad Unemployment Insurance Act.

Once again we must ensure that that same extension of emergency unemployment benefits is provided for railroad workers as is provided for other workers.

Now, I would like to give you some information that deals with an issue that was raised earlier in the debate on the rule. I would like to note that the costs of the benefits for railroad workers and the associated administrative expense will be paid entirely from the railroad unemployment insurance account. This account is financed by contributions paid exclusively by railroad employers. Thus, no general funds will be used to pay for the benefits provided for Federal railroad workers through this legislation.

We have been advised by the CBO the costs of the extension for railroad workers from the railroad trust fund will be $2½ million in fiscal year 1993, by their word an insignificant sum for fiscal year 1994. No appropriation is required to extend Federal funds from the trust fund. The railroad trust fund has consistently run a surplus and will continue to do so with the benefit of the extension we have here.

Let me quote from the U.S. Railroad Retirement Board:

> The Railroad Unemployment and Sickness Benefit programs are financed solely by payroll taxes on railroad employers.

Since the unemployed railroad workers experience the same hardships as other unemployed workers and since the cost of the additional benefits would come from their own fund which can easily afford the additional benefits, I am pleased that this legislation recognizes the fundamental fairness of including railroad workers in the extension of unemployment benefits, and I urge its passage.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MATSUI. Mr. Chairman, I yield 1 additional minute to the gentleman from Washington.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I want to thank the gentleman who is the chairman of the subcommittee for his generosity in joining in an effort to ask the Rules Committee to put this provision in the rule. We wanted it, as the gentleman knows, either that way or as an amendment, but the 1,200 or so railroad workers who need and in our judgment deserve to be included in the benefits that other unemployed people have are greatly desirous that this be done on their behalf, as it has been done in each of the last two Congresses, I believe.

I very much appreciate the gentleman as well as Chairman MATSUI cooperating with us so that we could include the 1,200 unemployed railroad workers in this extended coverage.

Mr. SWIFT. Well, the gentleman from Montana has been a champion of this all along. It is only what my subcommittee is delighted to be able to do what is after all the right thing, and I appreciate it.

Mr. SANTORUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I could comment on that colloquy, it was very touching and I agree with the gentleman. That should have been included and I would have been supportive of that. In fact, if that amendment had come to the floor, I would have voted for it, as long as it was funded. I think the words used by the gentleman from Washington that there is money in the trust fund is true, but it does indeed add to the deficit and is another increase in the deficit as a result of this bill. We should go back and not only pay for this amendment, but for the rest of the bill.

I wish we could have had the same kind of moments here on the floor with respect to other amendments which I think would have passed and could have passed on this floor had we had a rule which would have allowed a much more responsible and as the gentleman from Washington said the right thing to do to have happen here on the floor, to have a more responsible bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, providing help to people who are unemployed is important but so is addressing the problem of the budget deficit. The majority will try to portray those of us who oppose this bill today as being uncompassionate and uncaring. But Americans have told us they want a Congress that is willing to make tough choices, one that is willing to say "no" to more deficit Government spending, when it can seem too easy to say "yes."

The unemployment bill we are going to vote on increases the budget deficit by $5.7 billion. If we are going to help people, let us not rob from their children by increasing the budget deficit. Let us find a way to pay for it or if we cannot offer an alternative that may not be as generous as some want it to be, but still helps. We did that when this bill was considered in the committee, but were voted down. Unfortunately, we are not going to have a chance for everyone to vote on a more responsible bill today.

President Clinton said in this speech last week, and I quote, "We must say that there can be no more something for nothing, and we are all in this together." Well, this bill is something for nothing. If President Clinton is sincere about what he said, then no one in this Chamber should be voting for this bill.

This bill is part of a plan to increase the budget deficit by $16 billion in the first year. Cutting the budget deficit is the best stimulus to help people get jobs. By increasing spending and the deficit we are promising more unemployment, not less. Vote no on H.R. 920 to stop robbing future generations.

Mr. SANTORUM. Mr. Speaker, I want to compliment the gentleman. He has made an important statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

□ 1630

Mr. MICA. Mr. Speaker, it is with sadness that I rise and speak in opposition to this legislation. While I am in favor of extending unemployment compensation to those who are without work and those who have lost their jobs and are struggling to survive, I have two serious problems with the legislation before us today.

First, the American people should know that the U.S. House of Representatives is no longer permitting representation. This bill is being ramrodded through this body in a kangaroo court fashion, without opportunity for the minority to be heard and without opportunity to improve the cost and impact of this measure.

The second reason I oppose this measure is that it is a glaring example of what is wrong with Congress. Congress has refused to address the real problems of the creation of new jobs, investment in business, and assisting industry to create employment. Further, we have failed to bring forth legislation to keep American jobs at home and allow the United States to compete in a global market. Instead we offer no hope, no alternative, no creative solution to those who want to work or those who find no dignity in standing in an unemployment line. So, it is with sadness that I speak and vote against this measure that unfortunately typifies business as usual in the U.S. Congress.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from California [Mr. MATSUI] for yielding this time to me, and I do want to make a point of some agreement with my Republican colleagues, that under almost any circumstance we ought to not put spending first this year. We also ought to find a way to pay either in advance for these programs or pay for them at the time they are moving through the House.

As all observers in the United States know now, the leadership of both the House and Senate came to agreement with President Clinton just today, that in each ensuing instance that is the way the Congress will conduct its future business.

We have here, however, a very unusual circumstance that I think both sides appreciate, and that is that in just a very few hours unemployment benefits are going to expire, extended unemployment benefits, that is, are going to expire, for an unknown number of America's laid-off workers, but a number that reaches into the hundreds of thousands.

So, Mr. Speaker, this House, it seems to me, has a choice. We could delay, and many of us believe that delay might be very significant as we try to reach agreement on how to pay for this, and the delay stretched into weeks the last time we tried to reach it. Or we could pursue another option, which is the one that we have decided to pursue here today, and that is to move dramatically and with speed in finding a way now to pay for only part of these very needed unemployment benefits. The others, in my judgment, will be paid for. We will find ways to do it. But in the meantime we cannot allow unemployment benefits to expire for the many hundreds of thousands of Americans who need them.

We have today, as we are debating this issue, more than a million Americans on extended unemployment benefits, and so what the House is deciding today is, as a Supreme Court Justice once said, whether we sail with the wind or against the wind, we must, above all, set sail. The House is deciding today to set sail on behalf of these unemployed workers.

But let me conclude by saying that my Republican colleagues, and my Democrat colleagues and the President of the United States who want to find ways to pay for these things in the future before we do them are correct, and that is what we intend to do. We are not doing it in this instance because we are faced with an unusual, but very difficult, crisis.

Mr. SANTORUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may, I wish to engage the gentleman from Montana [Mr. WILLIAMS], and I will say in reference to his comments that he says we are hours away. We are roughly 240 hours away from the expiration of the benefits under the last emergency extension, which is plenty of time for the members of the Committee on Ways and Means to go back and work in committee to hammer out a funding mechanism to pay for this, and the gentleman says it took weeks last time. The reason it took weeks last time is because we had weeks last time before the expiration of the benefits.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I wish the same debate had taken place in previous Congresses when we were trying to find billions by the hundreds for the Pentagon, and for star wars, and for space station, and for the superconducting super collider, but, when we try to find a few dollars for unemployed, laid-off workers, the other side rails about how in the world are we ever going to pay for this. When we try to find a few dollars for Head Start, the other side rails about how are we going to pay for it. I wish they would rail when we are really spending money around here.

Mr. SANTORUM. Mr. Speaker, if I could reclaim my time, I do rail on many of those programs which the gentleman mentioned, and I do agree with him, that we need to do some substantive things about appropriations around here, but this is not an appropriation. This is an extension of an entitlement program, and I do not hear railing on either side of the aisle when it comes to paying for these things. We just seem to put them on the deficit, and that is the kind of irresponsibility that I believe the American public would like to see stopped and stopped not next week, not next month, but today.

Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman from Pennsylvania [Mr. SANTORUM] for yielding this time to me.

Mr. Speaker, I spent a good part of last month responding to reporters' questions about what I thought about Zoe Baird, or Kimba Woods, and whether I ever hire illegal aliens, and questions about gays in the military. They wanted to know if I had a chauffeur and other perks of office. And then the press asked me why I was spending all my time on these issues and not the important issues like the Federal budget deficits and the economy. I told them, "The only time I spend on these issues is when you call and ask me about them."

We had a momentous moment last week when the President walked down this aisle, and spoke at the dias, behind me and alerted the Nation to the fact that we have budget deficits that simply have to be addressed. He said in essence that they are a dagger in our heart, a noose around our neck, an anchor that drags on the ocean floor preventing our Nation from moving forward. To his credit he changed the debate of this Nation to the Federal budget deficits and our economy.

I serve on the Committee on the Budget, and we have had so many experts come before us and say, a stimulus package we do not need. Getting these deficits down we do. That will increase our productivity, create more jobs and move our economy forward.

Mr. Speaker, I cannot speak forceably enough to the fact that, we must not vote out bills that are not paid for.

The President's budget only reduces the deficits $325 billion, over the next 4 years; 207 billion because of increases in net taxes; $93 billion because of net spending cuts; and $25 billion because of savings in debt costs. And our first action as Congress is to vote out an unemployment compensation bill which I agree with, which I think we need, which I voted for in every instance when they were funded in the past; but which is not funded today.

☐ 1640

It would be a clear mistake as our first action to vote out this important bill and not pay to fund it. It is the wrong way to go, and seems to me to fly in the face of everything the President has spoken to us about.

Mr. Speaker, I urge our colleagues to defer voting on this bill until it can be properly funded.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H.R. 920 to provide extended unemployment compensation to people who have lost their jobs and are suffering due to the recession. In some quarters they tell us the recession is over, but try telling that to someone who has lost their job and is trying desperately to find a new one, and because of the economy cannot.

Quite frankly, after years of fighting with the Bush administration over extending unemployment compensation, it is a pleasure to finally have a President who recognizes the pain with which many Americans are suffering and who is willing to address it. I commend the Clinton administration and the Committee on Ways and Means for moving so quickly to extend the unemployment benefits for the long-term jobless.

While many of the economic indicators in this country have been on the rise, the unemployment rate has stayed above 7 percent and shows few signs of decreasing. In fact, there are currently more people without work than in March 1991, the supposed height of the recession. In New York City, part of which I represent, the unemployment rate in January of this year was an astonishing 13 percent, a 2-percent increase over December.

H.R. 920 would help alleviate the pain being felt by the unemployed by providing additional benefits to those people who are about to exhaust their original 26 weeks of unemployment benefits. Depending on the unemployment rate in individual States, people would be eligible for between 20 and 26 additional weeks of jobless benefits.

Quite frankly, I would have taken this even one step further. There are many people who have exhausted 52 weeks of unemployment compensation who are not covered under this bill. But this bill does go a long way in alleviating the suffering being felt all over this country.

Unemployment compensation, we realize, is only a temporary solution, but I am pleased that we are addressing the long-term structural problems in our economy.

Mr. Speaker, I am pleased that the Clinton administration is addressing the long-term structural problems in the economy by proposing additional spending on infrastructure, job retraining, and investment in high-technology industries. It really boggles my mind that there are so many people on the other side who are arguing against this, and then when the President is proposing an economic stimulus package to actually create new jobs so that people who are on unemployment now will have real jobs, they oppose that as well. That does not make any sense to me.

With an administration committed to addressing the problems in our economy, hopefully this will be the last time we have to extend unemployment compensation. I urge my colleagues to join me in voting for H.R. 920.

Mr. SANTORUM. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I just want to say to the gentleman from New York [Mr. ENGEL] that to the best of my knowledge, and I have been here through the entire debate, there is not one Member on this side of the aisle who has gotten up and argued against extending unemployment benefits. What we have argued with, have been very consistent and pointed about arguing with, is the way this bill does it.

Mr. Speaker, I will tell the gentleman right now, I will vote for an extension of unemployment benefits if you come back with a funded bill. If you come back with a way to pay for it, I will vote for it, and suggest if you do not get all Members, you will get most of them here on this side of the aisle.

So that is not the argument here today. The argument is not to extend benefits; the argument is how do we do it. I would suggest that the American public, once we get past the first issue, the American public wants us to do it responsibly.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I would be happy to yield to the gentleman from New York.

Mr. ENGEL. Mr. Speaker, I thank my friend from Pennsylvania for yielding.

Mr. Speaker, let me just say I have been around here now for almost 5 years and have listened to a great many debates and participated in many of them, and found when people want to really kill a bill, it is very easy to come up with all kinds of reasons to do it.

Mr. SANTORUM. Mr. Speaker, reclaiming my time, if I could respond to that, let me repeat, I do not want to kill this bill. I would be very happy to vote for this bill if it had a funding mechanism. Most Members on this side, a great number of them, would vote to extend benefits if it were funded. We do not want to kill this bill.

Mr. Speaker, we in fact have a motion to recommit which the gentleman from Texas [Mr. ARCHER], the ranking member, will be offering, which will instruct the committee to immediately report back as soon as possible a measure that is paid for. That is all we are asking. That is the debate. I understand maybe the gentleman was not here for all of it, but I can tell him, the debate on the floor of this House has not been about whether we should extend unemployment benefits; it is whether we are going to be responsible in paying for it.

Mr. ENGEL. Mr. Speaker, if the gentleman will yield further, I would hope that when the President's package is sent before Congress containing the economic stimulus, along with the budget cuts in order to get the deficit down, that my friends on the other side of the aisle will support that as well, because that truly is something that pays for itself and moves in the right directions and helps create the jobs.

Mr. Speaker, all I am saying is there are many people who are suffering now, and I do not believe, quite frankly, these people can wait another 2 weeks or 4 weeks or a month or 2 months. We need to pass this package now and need to get it signed into law.

Mr. SANTORUM. Mr. Speaker, reclaiming my time, I want to pass this package before March 6. We have 240 hours, 2 weeks, to pass this measure. All I am suggesting is we have plenty of time for very smart people on the Committee on Ways and Means, and now that I am one of them I can say that, to go ahead and come up with a mechanism to pay for this. That is what the American people want, in addition to an extension of benefits.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise today to urge House passage of the Emergency Unemployment Compensation Amendments of 1993.

Unemployed Americans are depending on help from their elected officials.

Some may argue that the House should delay action on this issue, but any delay puts at risk the ability of unemployed Americans to provide for their families. The House must act expeditiously to ensure that unemployment benefits are available after the March 6 expiration date which is only 10 days away.

The Labor Department reports that long-term unemployment remains a significant problem. The facts are that recently reported economic growth has not been matched by an adequate level of job growth. Americans experiencing long-term unemployment continue to exhaust their basic unemployment benefits at a rate of over 300,000 workers per month.

State governments have not been able to respond to the need of the long-term unemployed. The recent recession has depleted State unemployment trust funds to the point that not one State has implemented the optional benefit trigger provisions enacted by Congress last year. Only the Federal Government can respond to this national economic emergency.

Mr. Speaker, I urge my colleagues to support this emergency unemployment compensation legislation. Unemployed Americans need your help today.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I want to address the issue that has been raised about the amounts that are in the trust funds in various States and why we are not saying to them to use these trust funds. I want all Members on both sides of the aisle to look at the facts here and not listen to emotional pleas.

Mr. Speaker, some of these States at first blush might seem to have considerable amounts in their trust funds, but lots of them do not. In terms of the months that they have in their trust funds, you take a State like Illinois, they have less than 9 months in their trust fund, and this is to cover the regular flow of unemployment benefits.

□ 1650

The same is true, for example, of Ohio, of New York. New York has only a couple of months. Ohio has less than 8 months. Pennsylvania has 6½ months. This is to cover the regular flow of unemployment benefits.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, the gentleman is using a static number. He is saying that there is $x$ number of dollars at this point in time to cover that. But there are always taxes going into the fund.

Mr. LEVIN. Mr. Speaker, the gentleman will have to listen and understand this.

Mr. SANTORUM. Mr. Speaker, I am trying.

Mr. LEVIN. Mr. Speaker, the gentleman has made this plea and he is confusing, if I might say so, in my judgment, some of the Members on his side of the aisle.

Sure, money is coming in, but the unemployment persists that has a call on those funds. So there is more money coming in, but there is more to be paid out. And there is no indication that the unemployment rate in the gentleman's State is going to plunge dramatically.

So if we say to a State like Pennsylvania, that has 6½ months in their fund, take on extended benefits in addition to your regular benefits, we are going to deplete that fund in much less than 6½ months. Nobody knows exactly, I think, how soon. It could be in 1 or 2 months.

Mr. SANTORUM. Mr. Speaker, if the gentleman will continue to yield, it could be more than that.

Mr. LEVIN. There is no indication that unemployment is going to be lowered dramatically. No one assumes that.

It may drop one-tenth or two-tenths of 1 percent.

I want to zero in on this. Everybody has to understand it.

There are some States that have a larger number of months of benefits in their fund. But we cannot craft, on the spur of the moment, a new system because we would say to those States that have taxed their employers and put their funds in a very, very strong position, you pay extended benefits while other States, which have fewer months in their trust fund, they would not have to draw on them.

That is why we have said, and responsibly so, you can't do it overnight and you can't do it risking the security, the income security of hundreds of thousands of people in Pennsylvania.

So I say to the gentleman and I say to my colleague from Michigan, who spoke earlier, if you want to, under the banner of fiscal responsibility, vote against tens of thousands of people in your State, go ahead and do that. But it is a false banner. It is a false banner. It is rhetoric.

What we need to do, and we will do it on the subcommittee and in the committee, we will finally reform this system.

But while we are doing it, we should not victimize individual people and families, and the gentleman should not victimize them under the banner of fiscal responsibility because he is not being that.

And the gentleman, who comes from Pennsylvania, and other States like that especially, he is playing with the lives of tens of thousands of people, raising some kind of rhetoric. It is false rhetoric.

Mr. SANTORUM. Mr. Speaker, I yield myself such time as I may consume.

First, what I think I hear the gentleman saying, but again, I am not too sure I pick all this stuff up, but I am trying, is that the unemployment extension you passed last year out of your subcommittee with your approval that you and members of that subcommittee passionately argued for, the permanent change that you passed last year does not work. It is a bad idea, should not have been passed, because it obviously does not work, because you are suggesting that those of us who think that we should try to have it work are wrong.

But let me suggest that we passed the permanent changes to the unemployment compensation program to take care of this very circumstance, that when we would come into another period, and it happened to be the same period, another period of bad unemployment, which we all agree is the case, that we would have a mechanism to assist States with Federal dollars to help them trigger earlier on for extended benefits. That is what we passed last year. That is what you argued for last year and now you are repudiating today.

All I am suggesting is that if it was a good idea last year, and one certainly worthy of passing with, I believe, unanimous support from the Democratic side of the aisle, then it should be worthy enough to at least be tired once.

And what I am suggesting is that there are surpluses in these funds. And, yes, there may not be enough surplus to pay for all of the extended benefits. And if that is the case, then States have the responsibility of either, and I say either, finding some other benefit cuts or increasing FUTA taxes, which is the prerogative of the State, instead of the alternative that you find so, just so distasteful, is to come up with a measure to pay for these extended benefits, 100 percent Federal, with some other mechanism.

That, to me, is, I think, what we passed last year, what every Member wanted, was a shared responsibility between those States who have high unemployment and the Federal Government. And now you are telling me this is a bad idea and we should not have passed it.

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, no, not at all.

We on our side tried a permanent change in the trigger. It was opposed.

Mr. SANTORUM. You succeeded.

Mr. LEVIN. No, we did not. We passed a permanent change, and it was changed to a voluntary system in part because of the resistance of the Bush administration. They would not agree to any permanent change in the trigger mechanism. We have been trying for years. So put the blame on the doorstep where it belongs.

Second, I want to just say one word to you, have you gone back to the State of Pennsylvania or have my colleagues from Michigan, Michigan has in its fund 1$\frac{8}{10}$ months of benefit, that is all we have left, have my colleagues from Michigan or have you gone back to your State and said, "Look, you just have a couple of months left. What I want you to do is to use those few months on extended benefits and when you run out, raise taxes of the employers or take money out of the general fund of the State"?

Have you said that to your State?

Mr. SANTORUM. As you know, because you asked this question of me in the committee, yes, I did go back and talk to members of my State Legislature about this. And do you know what they told me? They told me that on balance, remember they represent the same people I represent and the same people in the State legislature level in Michigan that you represent. And what they said is:

> We have to balance, we have to be responsible. We have to balance between what are the needs of the people in my community and the fiscal situation in our State.

And do you know what? They are making decisions based on a whole different premise than we are here, because when we do things here, we do not worry about fiscal responsibility. We do not worry about the fiscal responsibility. We just worry about the cases out there, and I understand they are compelling. And I am willing to pay for them, which is more than members of the my State are doing. I am willing to pay for them.

But what you are arguing is, since members of the State Legislatures in these 21 States have chosen one of two things, you have to make this argument, either that we are going to come in and bail them out, which we will, and they know we will, or that they have fiscal restraints that are keeping them from extending benefits to people. The same people now, these are not people from Mars representing Pennsylvania, these are people elected in Pennsylvania, representing Pennsylvanians, making these decisions.

What you are saying is that this, that somehow or another these people are being irresponsible and that we need to be responsible, come in and extend benefits and put the taxes on our children. That to me is not responsible.

Mr. LEVIN. Mr. Speaker, if the gentleman will continue to yield, I am not saying that people in Pennsylvania are irresponsible.

What they have said to you, and every Member should listen, what your State legislators have said to you is, no, they will not raise FUTA taxes and they will not take money out of the general treasury. So now you are coming back here, after the State has said no, and what you are going to do, by putting the burden back on them, when they will not do it, you are going to penalize, victimize tens of thousands of people in Pennsylvania. You are the one who is being irresponsible.

Mr. SANTORUM. Mr. Speaker, what I want to do is recognize, if they are going to say no, and I really believe the reason they are saying no has less to do with their fiscal problems and more to do with knowing that we are going to come in and bail them out anyway. They know this is on the greased skids. So they know this is happening. So they are not going to put up any money, if we are going to pay for the whole thing. These folks are not dumb. These are elected officials, and we like to think we are pretty smart.

So they know what we are doing here, and they know we are going to pass this and they are not going to pass anything that is going to cost them money when we are willing to pay for the whole ball of wax.

What I am saying is that we need to be responsible here, if we are going to take that approach to pay for it.

□ 1700

That is all I am suggesting. Let us go back to the committee. Let us pay for the measure. Let us come up with the revenue increases or the spending cuts to pay for this and let us move forward.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, never have I agonized over a matter as I have agonized over this. I want to vote for this bill more than anything else that I have done so far in this Congress, but unfortunately, I cannot. This measure is a prime example of how a great idea can enter this institution, get run through the political process, and end up doing more harm than good.

I was first elected to Congress last November with the support of voters who demanded change. In my district, many of those voters were—and remain today—unemployed.

It was my hope to be able to come to the House floor today and vote to extend unemployment benefits that millions of out-of-work Americans need and deserve. I had only one request. Before Congress extended these important benefits, I wanted us to include a way to pay for them.

For too long, Congress has been providing benefits without showing the courage to pay for these benefits. While many of us had hoped that this practice would end in the face of President Clinton's pledge to attack our Federal budget deficit, this bill marks a return to business as usual.

I just want to make one other comment. There are 110 new Members of the House of Representatives. Each was elected on a mandate to change the way business is conducted around here and to reduce our Federal budget deficit.

President Clinton has pointed out the fact that the most jobs can be created by actually attacking this budget deficit, increasing savings and investment. That is how we turn around unemployment, not by running up the budget deficit.

That, obviously, is not what my colleagues on the other side want to hear. That is the long-term answer to unemployment, to create more jobs and stimulate this economy over the long run to get this deficit down, not to increase this deficit.

I reluctantly vote against this measure today, but hope that the leadership will bring another unemployment insurance extension benefit bill to this floor, one that will be paid for, one that I will vote for. If a responsible financing mechanism is included in that bill, I will be its strongest advocate.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, it is clear to me that people on the minority side are looking for excuses to vote no. The gentleman from Pennsylvania [Mr. SANTORUM] shifts his ground. First he says "Let them do it there." Then he acknowledges they cannot do it there because of budget constraints. Then he says "They are looking to us to bail them out."

Then he says, "No, the problem is that we ought to pay for it; you know, say how we are going to pay for it."

The proposal of the gentleman from New York [Mr. HOUGHTON] in the committee was to borrow from next year; totally irresponsible. This is a responsible way to proceed. I urge we adopt this bill.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 920, and urge my colleagues to join me by voting for passage of this much-needed measure, to extend emergency unemployment compensation [EUC] an additional 6 months.

Economic indicators show that we seem to be finally recovering from the devastating recession of 1991. But job growth rates paint a different picture. In fact, job growth today is more sluggish than in past recoveries. No recovery is worth its salt without meaningful reemployment of displaced workers. With reemployment limping behind other indicators, we are not out of the woods yet.

H.R. 920 responds to this situation in a compassionate and sensible way by extending emergency unemployment benefits through October 2, and making funds available to help States to more quickly identify and direct displaced workers to job placement and retaining services. The spending for this effort will be offset by savings from eventual job growth accounted for in the President's long-term deficit reduction package.

Without our intervention, an estimated 1.5 million displaced workers, and their families, will be barred from filing for emergency unemployment benefits after March 6. These folks, who lost their jobs through no fault of their own, will be forced into poverty or onto welfare. Thousands of these people were just recently laid off by corporate giants such as IBM, Sears, GM, and Boeing who probably will not be rehiring them. Providing an extra 6 months of emergency compensation is in our economic best interest as well, because such action will help in part to stabilize the economy while hundreds of thousands of Americans look for a new job.

The overall unemployment rate is relatively low in Wisconsin, compared to that in the home States of some of my colleagues. This should not become an excuse to avoid helping out States that are troubled today by higher unemployment rates. Parochial interests are inappropriate in this situation.

Genuine economic recovery depends upon helping the unemployed to continue purchasing basic needs, such as food and housing, while looking for a new job. It is our moral obligation to provide help during this difficult time, and for this reason, I support this important legislation.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the chairman, who is handling the bill, for this opportunity to respond to some of the remarks as I was just watching them on TV from the committee room.

Mr. Speaker, it seems as though the ones who are most vociferously opposed to granting unemployment extension benefits for the unemployed of this country, who have extended their unemployment for a period of a year to a year and a half, who are searching for work, who are crying for job retraining, those same opponents will be here, and were here last year, voting to fund a space station which costs billions of dollars, were voting to fund a superconductor super collider down in the Southwest that costs billions of dollars, who were voting for foreign aid and who, yes, were voting consistently for American warplanes to fly off into the horizon and drop half-a-million-dollar bombs and cheer every time they did it.

They did not think then it was on borrowed money, but now they remind us, "Oh, we have to borrow the money to take care of America's unemployed workers."

Mr. Speaker, I would say to the Members, this is an investment in unemployed American workers who have been gainfully employed, supporting their families, and through no fault of their own, now find themselves in the line waiting to sign up for unemployment. They do not want to be there, but the economic conditions and policies of this country, for the past 12 years, placed them in those lines. Let us take care of them in my State for another 20 weeks.

Mr. MATSUI. Mr. Speaker, I yield myself 2 additional minutes. We are getting to the close of this debate at this time, and the gentleman from Pennsylvania [Mr. SANTORUM] will speak, and then the leader will speak after I complete my remarks.

Mr. Speaker, we would not be in this dilemma, now, were it not for the fact that we have a March 6 deadline. I think most of us, on both sides of the aisle, would prefer this matter to come up with the economic stimulus package, but the fact of the matter is, in 10 days we have to take action. Otherwise 300,000 additional Americans a month will lose extended benefits, and 1.5 million who are currently on that program will lose benefits as well. We have no choice but to act.

If we delay this, I think what will happen is, that the American public will say "There they go again; even though you have a new President who is there for change, we have gridlock," so we have a responsibility to pass this legislation.

The other body, hopefully, will pass it soon and we can send it to the President, so we can assure these millions of Americans that their benefits will continue, their mortgage payments will be paid, and they will be able to support their children going to colleges or wherever else those children may be.

Bear in mind we are not talking about full benefits. These people are only getting about 37 percent of what the average wage is, so this is no windfall to these Americans. This is just to get by on a temporary basis while we try to move out of this recession, and into some level of employment that gets these people back to work.

Mr. SANTORUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I heard the gentleman from California [Mr. MATSUI] remark that the President campaigned on change. We now see today the first change with this new administration. The change is, in the last three times we extended unemployment benefits, we paid for them, all three times. The last three times we extended unemployment benefits, we paid for them.

Guess what, we have change in America. We are not going to pay for this, we are going to do it differently. We are going to put this one on the deficit.

Mr. Speaker, I would suggest to the Members that that is not the change, that is not the change, that America thought it was voting for. Today, and I will repeat again, despite all the rhetoric on the other side about whether we want to extend unemployment benefits or not, let me assure the Members as the ranking member on the subcommittee, and as someone who voted for all three extensions last year, I would like to vote for an extension this year. I would be willing to go back to subcommittee and committee and work on this.

I think a number of Members, as the Members have heard on this side of the aisle, feel very strongly about that. We have before us, not a question of whether we should extend unemployment benefits. This is a question of choices, three choices.

□ 1710

One choice, the choice that will happen because what I found out, and it took me a little while, but I found out that when you have 82 more votes on the other side you win most of the time. They are going to win this one. They are going to pass this bill, and it is going to pass with a $5.7 billion additional deficit over the next 5 years, $5.7 billion. We would not have to pass the energy tax for a year and a half if we just came up with some other measure to pay for this $5.7 billion added onto the deficit, and have your children, your grandchildren, pay for it for the rest of their lives.

Talk about compassion, how about children, how about compassion for their future? How about compassion for their ability to get a job? How about compassion for their economy? How about compassion for their elected officials who will have to come here and deal with the mess that we are going to leave them if we continue this kind of compassion?

This is one option, pass it on.

Option 2. We can go back to the committee. In a motion to recommit we can send this bill back immediately to the committee, have a mechanism put in it to pay for this and bring it back to the floor. I will guarantee, and again I am new here, but I would bet Members, that if that motion to recommit passed we would have this bill back faster than any bill has ever come back here with a measure to pay for this. And I guarantee that it would be before March 6. I would lay a lot on that probability, that it would come back with a mechanism to pay for this. That is option 2.

Option 3. Use the permanent trigger, that was put in place last year, which 21 States could now adopt, to extend benefits anywhere from 13 to 20 weeks in only those States that have high unemployment, not in States, like Nebraska, which has a 2.8 percent unemployment rate which will, let me remind Members, which will get an extension of unemployment benefits of 20 weeks for people in Nebraska which has an unemployment rate under the structural unemployment rate of 3 percent.

Those are the three choices. First, extend benefits for $5.7 billion onto the deficit. Second, extend benefits but come up with a mechanism to pay for it. Third, allow States in the highest areas of unemployment to trigger benefits. Those are the three choices, all of which will extend benefits to those who need them.

Now I ask my colleagues, the public, whomever is listening, Mr. Speaker, what choice would you make if this was your vote, what choice would you make? Gee, I might be from, again, some other planet, and I might not have lived in America as long as other people in this body have lived in America, but I have lived here long enough to know that most Americans, the vast majority of Americans, would come up with a responsible way of doing, as the gentleman from Washington [Mr. SWIFT] said, the right thing.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding and join him in opposition to H.R. 920.

Mr. Speaker, this Member rises in opposition to H.R. 920 which provides for the extension of unemployment benefits by declaring the new spending an emergency under the 1990 Budget Enforcement Act—thereby exempting the bill's cost from the pay-as-you-go requirements and directly adding to the deficit. The American people want us to reduce our deficit, yet here the majority and the House goes again, resorting to the same old tricks, calling this an emergency and increasing the Federal deficit.

Mr. Speaker, no one wants to deny extended benefits to Americans who are still without jobs, but if we are to strengthen our economy so that more jobs can be created we must stop adding to our deficit. The way to get the economy on the right track is to show some discipline and find budget offsets to pay for this extension. There has been much talk in recent days about Government acquiring that discipline. Now is the time to exercise it.

Mr. Speaker, in the absence of such budget offsets, this Member urges his colleagues to oppose H.R. 920 as proof that they are serious about reducing the Federal deficit.

Mr. SANTORUM. I just plead, I just plead with Members on the other side of the aisle to do the right, responsible thing, not for your own purposes whether it is back home or here, but for the folks and the kids who have a right to a future without deficits and debts that rob them of their opportunity for employment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAROCCO). The Chair would remind Members to direct their comments to the Chair.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote for this legislation. I think it is the right and the responsible thing to do for the American people, and especially and unfortunately those thousands and thousands of people who remain unemployed today.

This recession has gone on longer than most, and the unemployment levels are still high, even though we hope and believe that we are beginning to be at the end of this recession.

The issue has been raised about the way we are doing this and the way to pay for it, and how it should be handled. I would remind Members that in July of last year we did a similar thing, although it was paid for by a change in the corporate tax. But we used, as we are tonight proposing to use general revenue to fill a need in the unemployment trust fund, because today, as then, we have an emergency. And now we have the President of the United States saying this is an emergency because the benefits, if we do not enact legislation, will not be paid on March 6, as I understand it, and families will start falling off the rolls.

The point has been raised, and well stated by Members here tonight, that we should be worried about not paying for this. Let me say a couple of things about that argument.

First, as I understand it, we have a surplus of about $3.5 billion in moneys that have been raised on the pay-as-you-go regime that we have been operating under that are available, either at the end of this fiscal year or in the next fiscal year. The President did not specifically tie this proposal to that, but I urge Members to understand that that $3.5 billion in pay-as-you-go revenues and moneys from either cuts or revenues are available, they are there. It does not totally offset the $5.7 billion, but it is a long way toward it.

Second, the President has included this money to replenish these funds in his stimulus package, in his investment package that we are to vote on in the next few weeks. He has done this because he has decided that the economy is in trouble, that we are not out of this recession, and if there is any expenditure that falls clearly in the category of helping us get out of the recession, it is unemployment compensation. He has suggested we put money into the highway bill, money into community developments funds, money into summer youth programs, and all of that money will be designated, as I get it, an emergency because we are still trying to get out of the recession. What is more clearly in the line of an emergency to get out of the recession than continuing unemployment benefits? So clearly it qualifies under that argument.

Finally, we are on the threshold of taking up a 4-year budget. It will be on the floor in the next few weeks. In that budget there will be lots of spending cuts. As I understand it, there are 150 separate spending cuts that will be in that budget that will alone more than offset, way more than offset the $5.7 billion that are called for in this program.

So on all of those grounds, I think there is more than adequate reason to move this bill tonight and to ensure that these benefits will be available for the families that need them.

The final thing is I would like to quote a letter that I received just recently from a resident who lives in my district, Gloria Wieneke, who states:

> As a hardworking, conscientious, 54-year-old unemployed secretary, I beg of you to vote to pass the 26-week extension on unemployment. I have worked diligently for over 30 years. I need some time to find a job. I want to work.

That is the person we have to keep in mind tonight, and thousands like her who depend upon us to do the right thing and do the responsible thing and make sure that this program is available so that she has the time to find a new job.

□ 1720

That is what this is for. The responsible thing is to vote for this legislation, and through the moneys that we developed on pay-as-you-go, through the need for stimulus in investment and through the budget that we will pass that will enact lots of spending cuts to overcome the spending that will be in the stimulus program, I urge Members to vote for this needed legislation.

Mr. BLACKWELL. Mr. Speaker, I rise in strong support of this legislation. With more than 7.1 percent of the American population still searching for a decent job, and still trying to provide food for their families, there is no doubt that Congress is obligated to extend this lifeline to the 9 million people of this Nation who are desperate for work.

I have said it before, and I will say it again. Economic recovery without job creation is not real recovery.

The legislation we stand here and debate today is, indeed, crucial.

But it is really a Band-Aid, and hardly a solution. If you think that these hard-working men and women enjoy sitting at home and collecting Government checks, you are out of touch, and dead wrong.

In my home city of Philadelphia, where the unemployment rate has hit 7.7 percent, the message is clear. I hear it when I go home and meet with the good people of my district. From Germantown to Yeadon, from West Philly to Manayunk, the message is: Pass the President's economic plan that will put us back to work!

These are men and women who have worked hard all of their lives to build a decent life for themselves and their families. They do not want handouts. They want the opportunity to go back to work, earn their livelihood, and yes, even pay their taxes.

Mr. Speaker, we need to move forward and pass the President's plan, so that we do not have to consider this legislation year after year.

We need to put aside our partisan differences, and face the facts. Unemployment levels have reached an epidemic proportion in this Nation.

The time has come for the Members of this great institution to follow the old saying that actions speak louder than words. We need to respond to this epidemic, by passing President Clinton's economic package.

We can not afford to resort to business as usual. Over the past 12 years our economy has plummeted out of control, and our deficit has skyrocketed. We in the Congress did little, but we talked a lot.

Now we have the direct opportunity to make an investment for today in the American people.

At the same time, we will be planting the seeds of fiscal responsibility for our children.

By putting people back to work, and rebuilding our crumbling infrastructure, Congress will be making a firm vote of confidence in the people who sent us here.

Unemployment compensation in the short term is a necessity. The President's plan is the blue print for our future.

Let us go forward with the President, and restore the promise for a better tomorrow for all Americans. The 9 million hard-working men and women of this Nation who anxiously await the outcome of this debate deserve no less.

Mr. STOKES. Mr. Speaker, I rise today in support of H.R. 920, to extend the Emergency Unemployment Compensation Act of 1991. I have received numerous calls from my constituents urging Congress to extend this program because the job market is still depressed, and because companies which are major employers are still announcing massive layoffs of thousands of employees. I also want to commend Congressman ROSTENKOWSKI for bringing this bill to the floor so quickly, so that we can extend this program without interruption.

Some Members will argue that extension of the Emergency Unemployment Compensation Program is unnecessary because the economy is showing some signs of recovery. To those individuals I would simply point out that unemployment is still higher now than at the time most economists agree the recession hit bottom, in March 1991. Nine million people are still looking for work, and 2 million of these people have been out of work for more than 6 months. Many thousands more individuals are no longer counted in official unemployment estimates because they have been unemployed so long that they are classified as "discouraged workers," and are no longer officially counted as unemployed.

To compound the unemployment numbers, the evidence indicates that the current recovery is anemic, and falls well below the average recovery from post-World War II recessions. Only 29,000 jobs have been added in nearly 2 years since March 1991, when the economists say the recession hit bottom. The average postwar recession had added 228,000 jobs in the same amount of time. Also, the average postwar recovery had increased employment by 6 percent from the low point of the recession in the first 2 years of recovery. In the current recovery, however, jobs have increased by only 0.5 percent from the recession's low point.

H.R. 920 responds to the continuing unemployment problem by extending the authorization for new claims of emergency unemployment compensation benefits from March 6, 1993, through October 2, 1993. The last date benefits could be paid to claimants under this program would be January 15, 1994. In addition, H.R. 920 includes a provision authorizing the design of automated systems to identify dislocated workers and refer them to reemployment services.

Mr. Speaker, the evidence is clear that the current recovery, if one can call it that, is not benefitting those who have lost their jobs during the recent recession. It would be unconscionable to let the emergency unemployment compensation benefits expire at this time. An extension of this program is vital to the millions of Americans who desperately want to work, but for whom there still are no jobs available. I urge all my colleagues to vote to extend this program, and tell the millions of long-term unemployed individuals in the United States that their Government has not forgotten them.

Mr. FAZIO. Mr. Speaker, I rise today in support of H.R. 920, the emergency unemployment compensation extension, a bill that will address the unemployment crisis which continues to grip the American economy.

Although our economy is slowly recovering, there are still 9 million American workers who are looking for work but cannot find it. Almost 2 million of these workers have been out of work for over half a year. This is more than double the number who were out of work for this long a period 2 years ago when we hit the bottom of the recession.

Last month's national unemployment rate was 7.1 percent. And, although California's unemployment rate has been declining for the past 2 months, in January it was still hovering at 9.5 percent, well above the average for the rest of the country.

Unemployed American workers are still struggling in this recession. Yet, the current authorization for emergency unemployment benefits will expire next week. This means that those workers who are collecting emergency benefits before March 6 will no longer receive these benefits after June 19, when the program expires. Unless the current program is extended, these workers will not be eligible for additional benefits.

But H.R. 920 will extend the current program for emergency unemployment benefits from March 6 to October 2, 1993, so that unemployed workers who have exhausted their 26 weeks of regular unemployment benefits will continue to be eligible for an additional 20 or 26 weeks of benefits, depending upon the level of unemployment in their State.

Because California's unemployment rate is so high, because our unemployment problem continues to be among the worst in the country, eligible Californians—along with residents of five other high unemployment States—will qualify for 26 weeks of extended benefits, the maximum authorized by the bill. Other States will be able to provide an additional 20 weeks of benefits for their workers who have exhausted their regular benefits.

H.R. 920 also authorizes a new program to profile new claimants for unemployment compensation. When workers first file their claims, States will now be able to determine which claimants are likely to exhaust their regular unemployment compensation and be in need of reemployment assistance services in order to make a successful transition to new employment.

The initial costs of H.R. 920 will be paid by funds already in the unemployment trust fund account. The remainder will be financed by the President's economic stimulus package. This package is the light at the end of our economic tunnel, and H.R. 920 is a part of this plan. It will bring some interim relief to trained American workers who want to work, but do not have jobs.

Extending unemployment benefits for our workers and their families is one of the best ways we can stimulate our economy for the time being. These benefits will help American families with mortgages, car notes, kids to feed, and bills to pay.

Under President Clinton's leadership, and with the support of his administration, we here in Congress can once again do the right thing for American workers who are struggling to meet their basic, everyday needs as they work their way out of this recession. Let's act quickly and decisively on their behalf.

Mr. KLEIN. Mr. Speaker, the Emergency Unemployment Compensation Program is the first step down the road to recovery in President Clinton's economic package. It will address the needs of those hit hardest by the recession, and put money in people's wallets to stimulate local economies.

Lately, we've heard a lot about an economic recovery that the country is undergoing: There's increased productivity, manufacturing orders are up, along with consumer confidence.

While there are signs of recovery and reasons for optimism, not all of America is working. Employment has not increased and jobs are not being created. We must help workers while they are temporarily in between jobs.

The economists tell us that the depth of the recession was January 1991. Two years ago in my home State of New Jersey unemployment stood at 6.5 percent, just below the national average. A year later, this figure grew to 7 percent. Today, unemployment in New Jersey stands at 7.4 percent which means close to 300,000 workers cannot find jobs.

In the past 2 years, my district's unemployment rate has risen from 8 percent to over 10 percent. The most recent unemployment rate for construction workers in New Jersey is 17.1 percent. New Jersey and the Nation need this legislation to help these workers while they are temporarily between jobs.

Mr. BONILLA. Mr. Speaker, I rise today in opposition to H.R. 920. Although my heart tells me to vote for this legislation, my head tells me to vote against this bill—in hopes that we can work on legislation that will stimulate the economy and put Americans back to work permanently.

Mr. Speaker, my district, the 23d of Texas, has some of the highest unemployment rates in the Nation. I cannot vote to deny needed unemployment benefits to the people of my district. However, this bill offers no new or additional unemployment benefits to Texans.

Texas has the ability to extend benefits on its own—without passage of H.R. 920. I do not believe that Texans, with the ability to take care of their own at a State level, should be forced to make further contributions to pay for the benefits of other, less responsible, States.

I believe I have a duty to temporarily relieve the anguish of unemployed Texans. But this bill offers no new benefits to Texas, only a Texas-sized share of a $5.6 billion addition to the national debt.

My heart goes out to those on unemployment, but instead of debating a third temporary extension of benefits we should be debating permanent methods of putting them back to work. I want to provide them help not rhetoric.

We should be providing tax relief for small businesses to help them expand and hire new people. We should be repealing the Davis-Bacon Act which discriminates against small and minority-owned businesses and keeps them from prospering. We should be removing existing OSHA and EPA regulations that are excessive and hamper growth and job creation. And finally, if President Clinton wants to help the people of my district, I respectfully ask him to vigorously work for passage of the North American Free-Trade Agreement and open up markets for our businesses to explore, capture, and help all of America grow.

Mr. WELDON. Mr. Speaker, I reluctantly rise today to urge my colleagues to vote against H.R. 920, the Unemployment Benefits Extension Act of 1993. Although I have supported the previous bills to extend unemployment benefits, I can not cast my vote for H.R. 920. I have several policy reasons to justify my stance.

First, in light of the President's recent State of the Union Address, I am simply amazed by the audacity of the majority party. At the same time the Clinton administration is trying to sell a massive tax increase to reduce our Nation's budget deficit, congressional Democrats are also attempting to shove through a budget busting unemployment benefits bill.

Instead of satisfying the pay-as-you-go requirements of the Budget Enforcement Act of 1990, H.R. 920 simply declares a national emergency. As a result, the $5.7 billion cost of the bill will be added to an already huge deficit. Considering the Clinton administration's emphasis on balancing the budget, I am surprised by its strong support for this obvious violation of fiscal common sense.

Second, many States who would benefit from this extension have unemployment rates that are manageable. While the national unemployment rate is at about 7.2 percent, many States have much lower levels of unemployment. Under H.R. 920, these States would be eligible for emergency benefits.

And third, as a result of legislation last year, States can now trigger extended benefits without Federal action. By triggering the benefits, however, States would automatically accept one-half of the cost. Therefore, many States, which have budget surpluses, are unwilling to use this mechanism and are waiting for the Federal Government, which has a budget deficit, to cover the entire cost.

While the economy is steadily improving, many Americans are still suffering from the recession. I would like to see an extension of unemployment benefits, but considering the issues I outlined above, I am compelled to withhold my support. This is difficult for me to do, but it is time that we started living within our means.

Mr. MICHEL. Mr. Speaker, President Clinton told us during his campaign that he would focus on the economy like a laser beam.

The proposal we are being asked to vote on today is more like turning a garden hose on a problem with results being spread far and wide.

We are being asked to extend the emergency unemployment benefits program for all States.

We agree that the national unemployment rate remains high and that there are many Americans that require additional assistance.

But, should we provide a blanket extension for all States when 17 States now have unemployment rates below 6 percent?

Shouldn't these benefits be better targeted to those areas that really need them? What happened to your laser beam, Mr. President?

Congresswoman JOHNSON and Congressman GRANDY proposed several amendments—one to target the benefits and another requiring States with positive balances in their individual trust funds to contribute to the payment of these benefits. This is exactly what the permanent extended benefits program requires.

But, we have been foreclosed by the Democratic majority today from even considering these amendments today.

Instead, we are presented with an up or down vote on a blanket extension of benefits that is fully financed by the Federal Government.

But, perhaps the most grievous fact is that we're avoiding paying for this extension of benefits by declaring it an emergency and thereby avoiding our pay as you go rule. The $5.7 billion in new spending provided and authorized by this bill adds directly to the deficit.

This is the third extension of emergency unemployment benefits and it is the only one that we haven't paid for.

One of the positive aspects of the much-maligned 1990 budget agreement is that it provided a measure of budget discipline. New direct spending had to be paid for.

Yes, an emergency can be declared by the President to override this budget discipline.

But I think what we are seeing with this new President is that if he supports the spending and finds it important, he will simply justify it by declaring an emergency.

This relieves the President of the difficult task of finding offsets for new spending and without reductions in spending in other areas, we're simply adding again to the deficit.

I have to oppose this bill in its current form today. I will support the motion to recommit the bill that will be offered by Congressman ARCHER, to send this bill back to the committee so that a means of financing it can be found.

Mr. MURTHA. Mr. Speaker, I rise in strong support of H.R. 920. We are still facing a severe unemployment problem in the United States, and 250,000 to 300,000 workers exhaust their regular State unemployment benefits each month. The economic circumstances we face all across this Nation have led to layoffs, plant closing, and few opportunities to get these workers back to work.

These extended benefits give workers a chance to continue looking for a meaningful job while ensuring their families still are provided for. These benefits can help while workers acquire additional skills or the further education they need to work in today's changing work force.

While we authorize these extended benefits, we shouldn't forget about the many workers who have run out of extended benefits in the last year. These workers aren't even counted in unemployment figures, but just because they've disappeared from the Government's numbers doesn't mean they don't need our help as they struggle to find meaningful employment. I've spoken with many people in western Pennsylvania who have been out of work for more than a year. They're frustrated, they're hurting, they're losing hope. But they want to work, they're good workers, and we should stop pretending they don't exist and help them to. I urge my colleagues to take the next step after H.R. 920 and assist the long-term unemployed as well.

We can't address the unemployment benefits issue and think our task is completed as far as the unemployed are concerned, however. We still have our most important steps to take because, while these benefits can help for a short period of time, this bill does not address the real problem for these unemployed workers. These workers need jobs. We need better job training programs, we need to commit ourselves to making sure these workers have the opportunity to earn a living. Job creation must be a priority for this Congress because every worker who wants to work should have the chance to get a job.

I urge my colleagues to begin the process of rebuilding our economy by passing H.R. 920, passing legislation to assist the long-term unemployed, and getting on to the process of passing legislation to create jobs. It's the only way we can eliminate the need for more extended unemployment benefits in the future.

Mrs. COLLINS of Illinois. Mr. Speaker, today we have the opportunity to provide critical assistance to millions of unemployed Americans by supporting H.R. 920, the Emergency Unemployment Compensation Act. Fortunately, we have also a President who supports this legislation because he recognizes the despair and the difficulties that so many people are facing today as they struggle to find a job and raise a family in these hard times. H.R. 920 would extend unemployment benefits so that unemployed workers who have exhausted their regular benefits could be eligible for 20 or 26 more weeks of relief.

I have heard the argument that we don't need this legislation because the recession is over and many workers are back on the job. For those of you who are making this argument against H.R. 920, I would like to personally invite you to accompany me to my district in the Chicago metropolitan area. There is no sign of recovery there. The number of unemployed is still staggering and new job opportunities are still a dream and a vision that seem a long way off.

During the months ahead, we will all be working very hard to assemble a new plan for America. It will offer many much needed programs to put America back on track so that this country is stronger and smarter and ready to face the new challenges ahead. In the meantime, millions of Americans are hurting and have no chance to find work. Let's support H.R. 920 so that we can send them the quick relief that they deserve.

Mr. CRANE. Mr. Speaker, 1 week ago today, President Clinton gave his State of the Union Address in which he vowed to the American people that the days of fiscal irresponsibility in Government were a thing of the past. After listening to the President's speech, I must admit that I found it ironic that just 1 day later, the Ways and Means Committee, on which I serve, marked up the unemployment compensation bill, H.R. 920, which would add $5.7 billion to the deficit.

All of us can appreciate the hardships faced by the long-term unemployed. However, extending benefits to these individuals by adding to the deficit does not put these people back to work and actually hinders the creation of jobs by forcing the Government to borrow more from the private sector. Indeed, all we are doing is continuing to borrow from future generations to feed the insatiable spending appetite of this Congress. In addition, recent reports show that the economy is improving. During the last quarter of 1992, the economy grew 3.8 percent, the highest level in 4 years. This expansion lowered the national unemployment rate from 7.7 percent last June, to the current level of 7.1 percent.

It is also worth noting that H.R. 920 would increase the deficit to provide extended unemployment compensation benefits to 17 States with unemployment rates less than 6 percent. Clearly, if an unemployment emergency exists, it is not nationwide as H.R. 920 suggests. Congress recognized these regional differences during its consideration of last year's extended unemployment compensation bill when it enacted a mechanism to enable individual States to trigger extended benefits in the future without Congressional action. Under this arrangement, 21 States would qualify on March 6, 1993, for extended benefits with the Federal unemployment compensation trust fund financing half the cost of the benefits. Currently, these 21 States have a net balance of $16 billion in their trust funds, and all they have to do to extend benefits is pass legislation to enact the program. Rather than allow individual State legislatures to decide this issue for themselves, H.R. 920 would circumvent the States by declaring the current unemployment rate an emergency and add the cost of extended benefits to the deficit.

For all of these reasons, I urge my colleagues to vote for fiscal responsibility by defeating H.R. 920.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to urge my colleagues to support H.R. 920, the Emergency Unemployment Compensation Amendment of 1993. As someone who represents a district that continues to suffer through a long and painful recession, I know first hand how many thousands of people need this extension. I receive letters and calls to my office from constituents who are willing, but unable, to find meaningful employment.

Unlike the recessions of the past, many of those who lost their jobs will never be rehired. As in the case of the Second Congressional District, many of their former places of employment have moved. As long as we have a jobless recovery, we must stand behind the working men and women of America. For many Americans, this extension will be their only source of income. It is all that stands in their way of losing their home, their car, their dream of giving their children a better future. Mr. Speaker, our obligation is quite clear. We must support the people who have worked hard and played by the rules. They are looking to Washington for leadership. Let us not disappoint them.

Mr. FORD of Michigan. Mr. Speaker, in his recent State of the Union Address, President Clinton called on all Americans to join with him in a journey of renewal for our country's economy and its people. H.R. 920, the Emergency Unemployment Compensation Amendments of 1993, is an important first step in that journey, as we in this Chamber reach out to offer a helping hand to our Nation's long-term unemployed workers.

Today, unlike on previous occasions, we don't have to fight to make the White House see that our economy is in trouble, and that our people are hurting. President Clinton has proposed H.R. 920 as part of his overall economic stimulus package and asked that it be designated as emergency spending within the meaning of the Balanced Budget and Emergency Deficit Control Act of 1985. It is right and appropriate to pass this bill under emergency designation, because it gets help to jobless workers quickly, and keeps funds available to implement the President's job stimulus initiatives.

Over the course of this recession, I have spoken with countless men and women in my district who are out of work, and who must struggle every day to keep food on the table and their bills paid. I have heard from autoworkers in Ypsilanti and Livonia, whose plants have been slated for closure, and whose families wait for some sign of hope. I have spoken before on this floor about a woman from Wayne, MI, who was laid off when her factory was downsized, and who stands to lose the house that her family has lived in for decades. And I have talked with young people in Ann Arbor, MI, who, having sacrificed to go to college and earn a degree, find themselves laid off from their first job, and unable to find even temporary employment, let alone a job in the field they studied and trained for. These are the people that we are here to help today.

While the worst of the recession seems to have passed, it is clear that we are a long way from turning the corner on our economic troubles. Unlike most recoveries, this long-awaited economic upturn has failed to produce the number of jobs that many expected. The national unemployment rate stands at 7.1 percent today, even higher than when in the deepest part of the recession. Employment has increased by only half a percentage point since recovery has begun. In real terms, that means that the recovery has only regained about half of the 1.7 million jobs that we lost to the recession.

In my State, whose people have felt the impact of these economic hard times as much as anywhere else in the country, long-term unemployment continues to take a devastating toll. In Michigan, unemployment still stands at 7.8 percent—that is 357,000 workers who still cannot find a job.

The measure that is before us today is designed to help these workers. H.R. 920 extends the authorization for new claims for emergency unemployment benefits from March 6, 1993, to October 2, 1993, so that approximately 2 million Americans who will have exhausted their 26 weeks of regular benefits would remain eligible for an additional 20 or 26 weeks of extended benefits, depending on each State's jobless rate.

H.R. 920 also authorizes the Department of Labor to work with States in developing automated systems to identify dislocated workers and refer them to vital employment services.

In the weeks ahead, Congress will turn to the consideration of the President's economic stimulus package. It is only right that today we pass the first part of that package, an extension of unemployment benefits which will enable the long-term unemployed to sustain themselves until they are able to find a job.

Mr. Speaker, I strongly support the bill before us today and urge my colleagues to join President Clinton in taking the first step toward economic renewal by quickly passing this commonsense measure.

Mr. KENNEDY. Mr. Speaker, there is much to be debated in the President's economic plan. Many of us will seek further cuts. Some of us will seek a different mix of taxes, or cuts.

However, what is not debatable is that we are mired in a period of low or nonexistent economic growth with persistently high unemployment.

There have been some indications that the economy is growing. All of us welcome them.

However, there has been no indication that new jobs are being created.

In fact, we know that many of the jobs that typically led us out of recessions in the past—semiskilled, high-paying manufacturing jobs—are never coming back.

Until new jobs are created, the unemployed will not be able to find jobs.

If we do not extend benefits, the men and women who cannot finds jobs, proud men and women who have worked and supported families their whole adult lives, will be forced onto welfare.

This is not what our Nation is about. We must extend benefits; we must extend them today. And then we must get onto the business of passing the Clinton economic program and restructuring our economy to create the jobs that will once again allow the American middle and lower classes to prosper.

Mr. GLICKMAN. Mr. Speaker, today we will vote to grant some temporary relief to the 9 million Americans who are still out of work despite signs of economic recovery. We must keep in mind, however, that this is just a temporary measure and no solution to our unemployment or economic problems.

Sometimes, up here in Washington, when we legislate, we forget we are dealing not with statistics but with very human problems. My hometown of Wichita is facing enormous layoffs at Beech Aircraft and the Boeing Co. An additional 6,000 Kansas families are now staring at economic crisis. While I am sure they appreciate passage of another benefits extension bill, this legislation does not come close to alleviating the hardship these people face.

For example, they must deal with a mandatory 20-percent withholding tax on their pension benefits if they don't roll them over into an IRA. This can be a real blow to those who need their retirement savings to pay their bills. In addition, this bill doesn't address how they are going to pay for their health insurance. CORBA benefits will be out of many of these families' range. It doesn't tell them how they are going to find another job in a city heavily dependent on a troubled aviation industry. It doesn't tell them how they are going to pay the mortgage or the rent or how they are going to put their kids through school. These are real problems that real people have to deal with every day.

I am introducing a bill today which attempts to address some of these issues. I do it with mixed emotions because it also is just a temporary solution. My bill will exempt those who are involuntarily separated from their jobs from the 10-percent penalty for early withdrawals from an IRA. Now, I realize this would not help everyone, but current law requires those leaving their job, for whatever reason, to roll their pension benefits directly into another retirement plan or be assessed an early 20-percent withholding tax. Unlike measures which simply repeal the mandatory withholding, this will at least encourage people to save their retirement by rolling it into an IRA, only using it if they absolutely need it.

Those who face poverty or a medical catastrophe should have the option of using some of their retirement savings to get them through a crisis. In addition, they should be able to use it to purchase health insurance or COBRA coverage for their families or to meet tuition payments for a child in college.

Again, this bill only adds a little more adhesive to a Band-Aid approach. We need to move past the temporary fixes and look at long-term solutions. We need to address the issue of national health insurance to ensure that when people lose their jobs they won't have to use their retirement savings to pay for health care coverage.

We need to look for ways to create the jobs to put these 9 million people back to work, like reinvesting in our manufacturing base. America has led the world in aviation technology and exports. That lead had slipped dramatically, and we are in serious danger of losing one of the remaining areas which we dominate internationally. We have watched this happen with dozens of other American industries. We are on our way to becoming a completely service-oriented economy. How can we continue to lead the world if we let that happen? Before we lose our industrial base entirely, this Government must make a serious commitment to take an active role in rebuilding and supporting America's manufacturing base. It is in our national interest to do so.

I was greatly encouraged by President Clinton's speech Monday in California outlining the administration's new initiative: Technology for America's economic growth. The President spoke about plans to invest in R&D in advanced manufacturing and materials, aerospace, and biotechnology. He wants to increase partnerships between industry and national laboratories, expand Commerce matching grants for industry-led R&D consortia, reform our antitrust laws to permit joint production ventures, and make the research and experimentation tax credit permanent. This administration recognizes that investment in technology leads to long-term growth which creates jobs.

In addition, the President has made national health care reform a priority for his administration. Hopefully, in the future, American workers will not have to fear loss of coverage if they lose their jobs.

These are the long-term solutions on which we need to concentrate. I am excited that we have a President who is forward looking, who is not simply focusing on the temporary Band-Aids to get the unemployed through the next 7 months. I look forward to working with him on these initiatives, and I urge my colleagues to seize the opportunity to be activists in looking for ways to rebuild America's economy so that this benefits extension bill will be our last.

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 920, the Emergency Unemployment Compensation Act of 1993. We are in the midst of a slow but economic recovery. However, as Secretary of Labor Robert Reich testified before the Committee on Ways and Means, it's a unique recovery that is not accompanied by an expansion in jobs. So, even though we might feel good about the turn in the economy, we must not forget those who are still left behind.

This bill will assist those 250,000 to 300,000 people who are now unemployed and would otherwise exhaust their basic benefits after March 6. This bill will protect these people in a period when it is still very difficult to secure new employment.

Even in supporting this bill I want to make it clear to the House that I am disappointed that we cannot do anything about the over 3 million Americans who have already exhausted their basic unemployment benefits and also their emergency benefits. In my home State, New York, there are over 300,000 people in this class of unemployed. That is 10 percent of the Nation's total. In this economy, I fully expect both these numbers to grow.

Where do we expect these people to go? It is bad enough that we have this anomalous economic recovery where thousands are laid off in fell swoops while corporate profits grow. What is truly disappointing is the existence of few alternative job opportunities for these victims of the economic policies of the past dozen years. The President is right; we must create opportunities, education and training vehicles, for all Americans to be capable of changing course in midstream.

But, we are not going to solve our economic problems in the long run without addressing the fundamental lack of opportunity for not only the long-term unemployed, but also those who have not been able to enter the economic mainstream even during the false boom years of the 1980's. We have communities full of long-term unemployed people who have either already or are fast losing hope in any chance to break through the system of miasma in their communities.

I urge my colleagues to support this legislation as a means to making sure that no more unemployed fall through the safety nets of our system and join those who have already been forgotten by so many.

I further urge my colleagues to join me in supporting legislation in this Congress to address the most desperate communities of our Nation with a plan to provide the tax relief and investment for those in our most needy communities. The President has already indicated in his proposal to make such investments. I am convinced that they will pay off in a way that we will not be compelled to pass legislation such as this bill because our economy will be producing good jobs at good wages.

Ms. SNOWE. Mr. Speaker, I rise to express my support for the legislation before us today which will provide up to 20 weeks of additional unemployment benefits to people in my State of Maine.

Like all of you, I have heard from my constituents and of their struggle to find work and of their pain when none is found. The hardworking people of Maine are frustrated and nearly at the end of their rope, beset by the lack of jobs. Unemployment simply remains too high, with 47,400 persons out of work.

Mr. Speaker, we all know the plain and simple truth—our economy is not producing jobs and the fact that we are once again extending unemployment benefits attests to this. Although signs of economic recovery are beginning to emerge—an increase in productivity and GNP notably—job creation lags far behind. But it is work that people want and need.

Some who have not found work have left Maine to try their luck elsewhere, leaving behind family and friends. But the rest remain, looking for work, ready to work, when a job comes along.

So the legislation before us, by allowing Maine to provide up to 20 additional weeks of benefits to those who are now exhausting their regular benefits, will help families stay together, keep roofs over their heads, and pay the bills.

These people need our help now more than ever. My constituents are hardworking people and all they are looking for is the chance to work. By adopting this legislation we will provide many of them the financial assistance to make it through a difficult time. It is up to us in this Chamber to do our part to help the economy recover so that our constituents will have a paycheck to look forward to, not an unemployment check.

Mr. SKAGGS. Mr. Speaker, last Wednesday, President Clinton presented a comprehensive plan to restore the Nation's economy. Today, just a week later, we're ready to act on the first part of the President's package.

We can't ignore the urgent needs of the people hardest hit by the recession, workers who lost their jobs through no fault of their own and haven't been able to find work in this soft economy even after months of looking. The bill we'll vote on today extends the emergency unemployment benefits program to provide a continuing safety net to these workers.

Even though there are signs of recovery, the job creation that normally follows a recession is lagging way behind. If you're not convinced, just ask the quarter million men and women who'll exhaust their regular unemployment benefits this month, and the others who stand to have the same experience every month this year. Even in Colorado, where we're blessed with relatively low unemployment, thousands of families need this help.

Unemployment insurance also provides a needed stimulus to the economy. This is an important part of President Clinton's program for economic stability and renewal.

The plan presented by President Clinton just 1 week ago is a balanced one, combining a short-term stimulus to sustain the economy's upswing, with long-term investment, serious cuts in Government spending, and revenue increases. All together, this program will set the right course.

Our Nation is at a crucial juncture. We can passively accept the status quo or we can embrace our responsibilities and plan a better future for ourselves, our children, and our grandchildren.

Today, we take a first step in meeting those responsibilities, enacting the first segment of President Clinton's economic package. I ask my colleagues to stand with the President and act without delay to get the country moving ahead.

Mr. CALVERT. Mr. Speaker, when I campaigned for Congress last year, I promised that I would do everything I could to reduce the Nation's budget deficit by 50 percent. That was a commitment which I did not make lightly at the time, and one which I continue to take very seriously now that I am in office.

Primarily for that reason, I cannot in good conscience support a bill—H.R. 920—which will add $5.7 billion to the national debt over the next 2 years. If the sponsors and the administration would have offered some means of paying for this extension of unemployment benefits, as was offered in both 1991 and 1992 legislation, I would have been inclined to support them, but they did not. They chose instead to once again add to our deficit—a deficit which is already out of control.

Besides not providing a source of funding, this measure has another flaw—it makes no distinctions between States where the recession is actually over, and those, such as my State of California, which still have severe unemployment problems. The fact is that emergency assistance is not needed in many States.

Likewise, I cannot support this measure because there is already a provision in law for providing extended unemployment benefits in those States where they are needed, such as California. In fact, under current law, 21 States could extend unemployment benefits on their own for 13 or 20 weeks without passage of this legislation.

And finally, I cannot support this legislation because it violates the very principles which President Clinton claims he is promoting in his new economic plan. It does not reduce the deficit—in fact, it adds to it. It does not provide incentives for retraining—in fact, it provides no incentives at all. And, it does nothing to promote jobs creation.

Mr. Speaker, I have great sympathy for those people who are unemployed—particularly those from my State, who have been hit particularly hard—and I would support a responsible bill to extend unemployment compensation. Given current economic conditions, this one is not responsible.

Mr. REED. Mr. Speaker, today I rise in strong support of H.R. 920, the Emergency Unemployment Compensation Amendments of 1993.

Although the economy is getting better, the recession is not completely over, especially in Rhode Island, where the unemployment rate is well above the national average. H.R. 920 recognizes this fact and would provide 26 weeks of additional unemployment benefits in my State.

Moreover, in past recoveries, an average of 228,000 jobs had been added by this time. By comparison, the current recovery has only added 29,000 jobs.

The 37,200 unemployed in Rhode Island are not looking for a free ride. They are my neighbors—they are displaced defense workers, computer engineers, and carpenters—people who want desperately to get back to work. There is real pain out there: Nearly 9 million Americans are jobless. We must continue to provide temporary assistance and hope to our out-of-work citizens.

I urge my colleagues to do what is right, and join me in supporting quick passage of this much needed measure.

Mr. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAROCCO). Pursuant to House Resolution 103, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ARCHER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Archer moves to recommit the bill, H.R. 920 to the Committee on Ways and Means with instructions to report the bill back promptly to the House without Section 6, (designating the spending provided and authorized as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985), and with an extension of the emergency unemployment compensation benefits through October 1993 which is offset in a manner consistent with the current budget rules and which does not increase the deficit for fiscal years 1993 and 1994.

Mr. SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, during the general debate on H.R. 920, it became abundantly clear that its lack of a funding mechanism means that it will drive the deficit up another $5.7 billion at the very time we are supposed to be reducing it.

My motion to recommit is very simple and straightforward. It directs the Committee on Ways and Means to go back to the drawing board. It says to bring us back a bill that is fully and honestly paid for in accordance with the budget law without resorting to deficit-increasing emergency gimmicks.

It is important to note that in fact Republicans on the committee did offer amendments to finance an extension of benefits. The Clinton administration flatly rejected even discussing the merits of those amendments when they were offered in the committee. They were all defeated out of hand without debate on a party-line vote.

The Committee on Rules then refused to allow the House to consider any of those amendments on the floor.

I say to the Members of this body your only chance now to stand up for your right to vote on a fully financed package which does not increase the deficit is to vote for the motion to recommit.

As we mentioned in our minority views on H.R. 920, Republicans are split on the question of whether the program should be extended once again, but we are united on the issue of whether those benefits should be paid for.

I think a number of our friends on the other side of the aisle feel the same way. That is why we are bringing this motion before you. Vote with us to recommit the bill. Your choice is simple: A "yes" vote is a vote against increasing the deficit by another $5.7 billion. A "no" vote puts you squarely on record as voting to increase the deficit.

We can do better. Send the bill back to the Committee on Ways and Means and tell President Clinton that this time his representatives ought to listen to those who want to approach paying for increased benefits responsibly.

In my statement on the bill in the original debate, I quoted Treasury Secretary Bentsen when he was Senator Lloyd Bentsen last year. It bears repeating. Here were his words:

> I do not want to see us add to the deficit. I want to see us pay for what we do in the way of unemployment compensation. It is impossible almost to get the administration to show leadership and say where we pick up the money to extend the benefits. And it is that kind of philosophy that has us in the kind of straitjacket that we are now. It is that kind of philosophy that has tripled the national debt. It is that kind of philosophy that gives us a $400 billion deficit, and we have got to start turning that around.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SANTORUM], the distinguished ranking Republican on the Subcommittee on Human Resources.

Mr. SANTORUM. Mr. Speaker, I want to appeal to the freshman Members who I have been reading about telling me that they want to do something about being fiscally responsible first, that they do not want to go out and do all of this spending, that they do not want to go out and do all this; they want to be fiscally responsible first.

I hear the President running round, Mr. Speaker, saying, "I want my spending cuts first. I want to be fiscally responsible first." This is first. This is the first element of the Clinton plan.

First, you can be responsible and support the Clinton plan to extend benefits and do it by paying for it. This is your opportunity right here.

You say put it first, put people first, put spending reductions first, put responsibility first. First, you have to vote "yes" on the motion to recommit.

The SPEAKER pro tempore. The gentleman from California [Mr. MATSUI] is recognized for 5 minutes.

Mr. MATSUI. Mr. Speaker, I yield to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I rise in opposition to the motion to recommit.

The fact is we still ask for a specific plan. We are not getting a specific plan.

We got a baby of a plan, if you will in the full committee that would have been a 3-month program. We are offering a 7-month program for the unemployed here in the United States. These are people who are willing, able, actively seeking work, and there is no job out there, and the statistics, the fact is the number of these people exhausting unemployment benefits is shooting out of sight. It is not even leveling off let alone going down.

There is not a lot of credibility in this Chamber about paying for unemployment benefits. I remind my colleagues on the other side of the aisle a little bit of history from the last session. We brought an unemployment bill to this floor in August. We barely got it passed, and the President, then President Bush, refused to declare the emergency and recognize that there are unemployed people in America. Three months later in October we brought another plan to the floor. We offered an amendment that would fund it through the FUTA tax. We got 65 Members willing to increase the FUTA tax to pay for that.

Where is the credibility to pay for these kinds of programs?

Finally, when President Bush's popularity in the polls dropped below 50 percent, he recognized that there were unemployed people in this Nation, that people were hurting and suffering, and, you bet, then he signed an unemployment bill which he would not even negotiate over before then.

Is this the first element of President Clinton's plan? You bet it is, one that says put people first, not statistics first.

The fact is that people voted for change because they wanted a President who would recognize that Americans are hurting, hurting in this country.

I have grown up in a family where my dad was unemployed. He was unemployed for 2 years, 2 years, and it hurts. You are about to lose your home. You wonder where the next meal is going to come from. That is what we are talking about. We are not talking about some macroeconomic theory. We are talking about people, people in this society who are going hungry. Children are going hungry. That is why we have got to pass this legislation.

Mr. MATSUI. Mr. Speaker, I hope all Members, when they come into this Chamber, will know what this motion to recommit is really all about.

It basically says send it back to the Committee on Ways and Means and then find a way to come up with the taxes to pay for it.

It is ironic that after a whole week since we passed the bill out of committee and since the other side of the aisle has been talking about how we have to fund this program, they have only said come up with a way to fund it, no specifics in this particular motion to recommit. It is ironic.

Now, let us be very, very clear about this. If, in fact, this motion to recommit passes or this bill goes down today, on March 6 those people who are on unemployment benefits and those new people will not get benefits. There is not going to be any time to deal with this particular problem.

Let me conclude by making this observation: This is the first step of the President's economic program. This is part of his stimulus program.

We have an obligation. We have an obligation in this body to make sure that we continue to pass his legislation. We have a major deficit-reduction package coming up, hopefully, in July of this year. We have the fiscal stimulus package that will probably be coming up in April of this year. And this is the first step of those three parts of this program.

It is my hope that for the millions of Americans out there who need these benefits that, in fact, this body will vote to support the legislation and oppose this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 186, nays 229, not voting 15, as follows:

[Roll No. 40]

YEAS—186

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth-
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—229

Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—15

Abercrombie
Ackerman
Barton
Castle
Cooper
Evans
Ford (TN)
Gillmor
Henry
Lantos
McDade
Oxley
Solomon
Washington
Yates

☐ 1753

Messrs. SARPALIUS, BARCIA, HILLIARD, TUCKER, JEFFERSON, MARKEY, and RICHARDSON changed their vote from "yea" to "nay."

Mr. GALLO and Mr. McCURDY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAROCCO). The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 254, nays 161, not voting 15, as follows:

[Roll No. 41]

YEAS—254

Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Everett
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Hoyer
Hughes
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)

NAYS—161

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clement
Clinger
Coble
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Montgomery
Moorhead
Myers
Nussle
Packard
Parker
Paxon
Penny
Petri
Pickett
Pombo
Porter
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Ackerman
Barton
Brooks
Castle
Cooper
Evans
Ford (TN)
Gillmor
Henry
Lantos
McDade
Oxley
Solomon
Yates

☐ 1802

The Clerk announced the following pairs:

On this vote:

Mr. EVANS for, with Mr. BARTON against.

Mr. YATES for, with Mr. CASTLE against.

Mr. ACKERMAN for, with Mr. OXLEY against.

Mr. HASTINGS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. EVANS. Mr. Speaker, the House considered H.R. 920, legislation to extend emergency unemployment compensation. Unfortunately, I was unable to cast my vote on the measure due to illness. If I had been present, I would have voted for this important piece of legislation.

While our economy is showing signs of recovery, our Nation's unemployment rate has yet to make any significant improvement. Millions of Americans remain out of work, victims of the recession, and our Nation's slow economic growth. We owe these Americans some assistance.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 118

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Illinois [Mrs. COLLINS] be removed as a cosponsor of H.R. 118. The gentlewoman's name was placed on the bill mistakenly due to an administrative error.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 20, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 20, as amended.

The question was taken.

Mr. WOLF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 275, nays 142, not voting 14, as follows:

[Roll No. 42]

YEAS—275

Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foley
Ford (MI)
Frank (MA)
Frost
Furse
Gallo

Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)

NAYS—142

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Everett
Ewing
Fawell
Fields (TX)
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Packard
Paxon
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Torkildsen
Vucanovich
Walker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Abercrombie
Ackerman
Barton
Castle
Cooper
Evans
Ford (TN)
Gillmor
Henry
Lantos
McDade
Oxley
Solomon
Yates

The Clerk announced the following pairs:

On the vote.

Mr. Lantos, Mr. Abercrombie, Mr. Evans, and Mr. Yates for, with Mr. Castle and Mr. Oxley against

Mr. ZELIFF changed his vote from "yea" to "nay."

Mr. HORN changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, for the benefit of my constituents, I rise to clarify my vote against the Hatch Act reform bill, H.R. 20, which was defeated under suspension of the rules this evening. Given my voting record, there should be no doubt that I am an enthusiastic cosponsor of H.R. 20 who recognizes the need for Hatch Act reform and fully supports the objectives of the legislation. I voted for similar Hatch Act reform bills in both the 100th and 101st Congresses, and cosponsored legislation identical to H.R. 20 during the 102d Congress.

Nevertheless, I was forced to vote against H.R. 20 because I strongly objected to the manner in which it was brought to the House floor. No committee hearings were held on the legislation, and the Post Office and Civil Service Committee reported the bill before three Republican committee seats had even been filled. While many of my colleagues have considered this issue on the House floor in the past, 110 new Members of Congress did not have the benefit of committee hearings or even a committee report to review prior to the floor proceedings. Because of H.R. 20's hasty consideration in committee, I believe our new colleagues at least deserved the opportunity to openly and carefully weigh the merits of the bill on the House floor.

Moreover, this gag rule which limited debate to only 40 minutes and prevented consideration of practical amendments proposed by our colleagues was simply an egregious violation of the minority's rights. I understand that suspending the rules to pass noncontroversial legislation would have been essential to expedite the legislative process if we were in the waning days of a session of Congress. However, considering H.R. 20 under suspension of the rules so early into the 103d Congress leads me to believe that the majority had ulterior motives.

It is unfortunate that the majority attempted to stifle debate and prevent Members from offering amendments. I regret that I had no choice but to vote against this important legislation for purely procedural reasons, but I look forward to considering and passing H.R. 20 under an open rule which provides Members an opportunity to offer perfecting amendments and engage in meaningful debate.

## PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for rollcall Nos. 40, 41, and 42. Had I been present, I would have voted "yea," "nay," and "nay," respectively. I was properly paired as a "nay" vote on rollcall Nos. 41 and 42.

## VACATING SPECIAL ORDERS AND GRANTING SPECIAL ORDERS

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that the 60-minute special orders granted previously to the gentleman from Indiana [Mr. BUYER] and the gentleman from Florida [Mr. GOSS] for today be vacated and that they be granted 5-minute special orders for today instead.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

## ADJOURNMENT TO MONDAY, MARCH 1, 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 25, 1993, it adjourn to meet at noon on Monday, March 1, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## REFERRAL OF H.R. 5 TO SUNDRY COMMITTEES

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the bill, H.R. 5, be re-referred jointly to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Public Works and Transportation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. COPPERSMITH. Mr. Speaker, I ask unanimous consent that I may vacate my 60-minute special order and substitute in its place a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

## REFLECTIONS ON THE CRISIS IN THE BALKANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member would like to take a few moments to speak about the ongoing crisis in the Balkans. We have all watched the horrific events unfold in the former Yugoslavia, and we have stood by as ancient ethnic hatreds have erupted with unimaginable brutality.

We have not been silent about the bloodshed in the former Yugoslavia. Member after Member has come to the well of this body to denounce the conflict. This body has passed resolutions condemning the violence. The Bush administration sought to move the Serbs, the Croats, and the other ethnic populations toward a peaceful settlement. President Clinton recently appointed a special envoy to the region, and has offered an initiative through Secretary Christopher to end the fighting in Bosnia and the rest of the Balkans.

Mr. Speaker, despite these efforts, the slaughter continues. Indeed, our diplomatic efforts seem to have had very little appreciable deterrent impact on the course of tragic events. Both the Serbs and the Croats have repeatedly used the U.N.-brokered ceasefires simply as temporary lulls during which they seek to gain some slight tactical advantage before the shelling starts once again. The new U.S. envoy, Reginald Bartholomew, a skilled negotiator, traveled last week to the Bosnian peace talks only to find the negotiating table empty. Furthermore, the U.N. Security Council's recent decision to convene a war crimes tribunal has been met with angry defiance from Serbian leaders.

Indeed, we can conclude that the diplomatic and peacekeeping efforts of the United States, the United Nations, and the European Community thus far have been an enormous failure. It is this Member's personal belief that the conflict might have been averted if there had been no premature European Community recognition of Slovenian and then Croatian independence. This Member also believes that the earliest U.S. peace overtures might have been more successful had the United States been willing to back its diplomatic efforts with some realistic threat of multilateral military force. We had opportunities to respond to the crisis before it got out of control, but those opportunities are long gone, and no longer available.

Mr. Speaker, it is easy to cast blame and criticize past mistakes. It is far more difficult for anyone to offer constructive advice. Recently, however, this Member listened to some extraordinarily useful and insightful observations from the National Security Advisor to President Carter, Dr. Zbigniew Brzezinski. Testifying on February 18 before the Subcommittee on International Security and International Organizations, where this Member serves as ranking Republican, Dr. Brzezinski outlined in clear and straightforward terms the limitations of current policy toward the people and nations of the former Yugoslavia, and he recommended a number of initiatives that might have a positive impact. This Member will insert Dr. Brzezinski's entire remarks in the CONGRESSIONAL RECORD, but I want to share here verbally with colleagues a major part of his remarks.

### TESTIMONY DR. ZBIGNIEW BRZEZINSKI

There was no simple or easy solutions for this tragic crisis. It is deeply rooted in living history, intensified by massive bloodshed, fueled by ethnic and religious passions. One must have, therefore, understanding and sympathy for those struggling to fashion a meaningful and responsible policy. Certainly, it is easier to criticize than to offer constructive advice.

But one must also be forthright and direct. The bottom line is that neither the Vance-Owen plan, nor the Christopher additions to it, can resolve the conflict in a stable and self-sustaining fashion.

### THE SHORTCOMINGS OF THE VANCE-OWEN PLAN

The Vance-Owen plan seeks a peaceful solution to a violent conflict through diplomacy that unilaterally and publicly abjures the element of compulsion. As a consequence, the stronger and more aggressive party benefits. Moreover, it proposes as an eventual solution a complex cantonal arrangement that is inherently unstable and which—in varying degrees—all of the parties basically reject. Since its territorial prescriptions reward the Croats the most, the Serbs next, and in effect punish the Moslem Bosnians, the "peace" plan simply propitiates the "ethnic cleansers". Worse yet, it almost guarantees further "ethnic cleansings" since all three of the Croat "cantons" and two of the three Serb ones are contiguous to Croatia and Serbia respectively. Their absorption into the respective two states is almost inevitable, given the absence of any provision for the effective exercise of power by the Sarajevo government. It leaves the Moslem bosnians (who constituted the plurality of the population prior to the "cleansings") isolated in two pockets, confined to a territory significantly smaller than they had originally inhabited.

In brief, if one asks: does the plan propitiate the murderers and aggressors? Does the plan reward the use of violence: Does the plan convey a sense of impotence?—the answers, alas, must be yes, yes, and yes.

### THE LIMITATIONS OF THE CHRISTOPHER APPROACH

The subsequent "improvements" proposed by Secretary Christopher engage the United States without either amending the plan nor increasing the probability of its successful implementation. The United States is being committed to enforce the plan once it has been approved by all the parties to the conflict—which is highly unlikely to happen and which could only take place if the weakest party—the Muslim Bosnians—is forced to accept it. If that should happen—if Bosnia is compelled by Serbian military power to accept the territorial and political provisions of the plan—the United States will be engaged in enforcing an unfair peace plan on the party that has suffered and has been deprived the most.

In the meantime, Serbia remains free to continue its ethic cleansings with impunity. The references to a possible enforcement of the no-fly zone remain vague while deceptively creating the impression of a more determined U.S. posture. The proclaimed intention to hold war-crimes trials is, on the face of its, absurd, since it is not backed by any enforcement whatsoever.

There are also no provisions for preventing the spread of the conflict, and especially of the ethnic cleansings, to Kosovo, while the stated warning of a possible U.S. invention if the conflict spreads is not very credible, given the high likelihood that such "cleansings" will occur sporadically, dynamically, and without any clearcut, overt, and massive external Serbian military intervention. In fact, some "cleansings" in Kosovo appear to be already in progress.

Finally, it not clear whether the appointment of a U.S. negotiator was made with the intention of precipitating also the appointment of a Russian negotiator. That, in any case, was the predictable consequence of this move—and one has to wonder whether the injection of a pro-Serbian Russian negotiator will in fact facilitate the peace process. At the very least, it might have been more prudent to obtain advance and binding Russian assurances of a more equitable approach.

In brief, the United States has been injected into the peace process without either improving the peace proposal or injecting any credible element of compulsion on behalf of the peace process. The powerful rhetoric used by Secretary Christopher to justify the U.S. engagement was, much to my regret, refuted by the toothless and essentially procedural steps that then emanated from the rhetoric.

What then should the United States be doing?

Basically, there are three broad options for the United States:

1. To ignore the issue and to stay out;
2. To intervene militarily with the concerned European powers and then jointly dictate a settlement;
3. To prevent the spread of the conflict and to promote a stalemate in the ongoing conflict (as the precondition to an eventual settlement).

The first option would only make sense if one can decide to ignore either the moral or the geopolitical dimensions of the conflict. The moral ones raise grave questions of conscience, reminiscent in many ways of World War II. The geopolitical dilemma can only be ignored if one assumes that the war will not spread—of if one assumes that its spread is of no consequence.

The second option is not a practicable one at this time. There is little predisposition in the United States for a major and potentially bloody full-scale military intervention—and in Europe, without which an American intervention would not be politically viable—even less so. The imposition of a settlement on the parties would be costly, prolonged, and would probably also require a long-term policing role for a large occupying army.

That leaves the third option. It would require the following steps: 1. the early deployment of some UN peacekeeping forces—U.S. included—into Kosovo and Macedonia, before the fighting and ethnic cleansings assume large-scale proportions (by which time it will be too late);

2. The modifications of the existing U.N. embargo on arms for the former Yugoslav republics, since the embargo favors the strongest and the most aggressive party, weakens the geographically isolated Bosnia, and thus diminishes the likehood of a compromise settlement derived from a stalemate on the field of battle. Without some equalization of military capabilities, the only outcome currently possible is the one sought by the Serbs committed to a Greater Serbia (and less openly also by expansionist Croats);

3. Enforcement of the no-fly resolution of the U.N. against Serbian military aircraft—an action more of a symbolic character than of major military significance but one with considerable psychological significance for its would communicate for the first time the willingness of the international community (and especially of the United States) to apply some degree of compulsion. (To deter the Serbs from lashing out against the U.N. peacekeepers, the enforcement should be accompanied by a warning that any Serbian reaction U.N. peacekeepers would precipitate punitive air strikes against Serbian military ground targets).

It should be stressed that enhancing Bosnian access to arms should have as its principal goal the emergence of a military stalemate—while the deployment of peacekeepers into Kosovo would have the politically important effect of enhancing autonomous Albanian aspirations in that region. Taken together, these two initiatives—as well as the actual enforcement of the U.N. no-fly resolution—are more likely than impotent and endless diplomacy to generate a somewhat higher Serbian stake in a genuine accommodation.

In summary, thus, as a precondition for an eventual settlement, Dr. Brzezinski put forth three initiatives designed to prevent the spread of the conflict and to promote a stalemate in the ongoing conflict. First, he urged the early deployment of meaningful numbers of U.N. peacekeepers, U.S. troops included, into Macedonia and Kosovo. He urged that this be done now, before violence breaks out and it is too late. Dr. Brzezinski noted, quite correctly, I fear, that conflict in Kosovo and Macedonia would inevitably draw some or all of the nations of Albania, Turkey, Greece, Bulgaria, and others into the fight. If that happens, Mr. Speaker, the world would be faced with a wholesale regional conflict that could engulf most of Central Europe. And, I need not point out to most Members the great damage to NATO which would be done by a conflict where Greece and Turkey were directly opposing each other in armed conflict.

Second, Dr. Brzezinski urged that the current arms embargo be amended to permit some equalization in relative military capabilities. At the present time, Serbia's overwhelming preponderance in heavy weapons and aircraft virtually assures that further aggressions against its lightly armed neighbors will be successful. The lightly armed Bosnian forces are no match for the tanks and big guns of the Serbian Army and the Serbian-backed militia.

Lastly, Dr. Brzezinski urged that we actively enforce the no-fly zone that was established by the United Nations. Enforcement of the no-fly zone, which has routinely been violated by the Serbs, would convey a level of international outrage that we thus far have been unsuccessful in conveying. Although the military impact might be minor, the psychological impact of a strongly enforced no-fly zone could prove significant.

Mr. Speaker, these proposals are presented because this Member believes they are realistic and pragmatic. These are initiatives that can, in fact, be implemented, and adoption of the Brzezinski policies would clearly have a positive impact. We must seriously address the crisis in the Balkans, Mr. Speaker. If we do not, we can expect more bloodshed, more ethnic cleansing, and new military offensives against ever increasing numbers of ethnic minorities. The insightful suggestions of Dr. Brzezinski point the way toward a different, more hopeful future. This Member would urgently suggest that the Clinton administration carefully consider his words of warning and his specific suggestions. Most or even all of these recommendations deserve to be quickly and effectively implemented.

Finally, Mr. Speaker, I would add that earlier today another distinguished American, Ambassador Jeane Kirkpatrick also appeared before the House Foreign Affairs Committee's, Subcommittee on International Security and International Organizations. When asked by Chairman LANTOS whether the Vance-Owen plan was designed to fail and whether the dismemberment of Bosnia under the plan was inevitable, she responded with: "Yes, Vance-Owens rewards ethnic cleansing and is despicable." These strong criticisms of the Vance-Owen plan by Dr. Brzezinski and Dr. Kirkpatrick are shared by this Member. Mr. Speaker, I would urge the Clinton administration to reassess their support for the Plan.

## IN SUPPORT OF THE BRADY HANDGUN WAITING PERIOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I speak today on behalf of the Brady bill, H.R. 1025, introduced by our colleague, Mr. SCHUMER.

This bill establishes a 5-day waiting period before the purchase of a handgun to allow the police to conduct a background check of the purchaser.

The NRA and enemies of responsible gun laws say that waiting periods don't work. They are wrong.

In California, we have a 15-day waiting period that stopped over 11,000 illegal handgun sales during 1991 and 1992.

According to the California Department of Justice, the waiting period stopped: 71 convicted murderers, 14 convicted kidnapers, 203 convicted rapists and sex criminals, 1,283 convicted drug dealers, and 5,772 people convicted of assault.

That's 7,343 convicted criminals whom the NRA wants to have immediate, unrestricted, legal access to the handguns of their choice.

I urge my colleagues to support sensible gun control.

Support the Brady bill.

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## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, today, I am pleased to join my colleague from Oregon to cosponsor legislation that is of critical importance to the citizens of Indiana, and other States which are dumping grounds for out-of-State trash. This legislation has been spearheaded in the Senate by the junior Senator from Indiana, DAN COATS, who has worked long and hard for a resolution on this issue.

The Interstate Transportation of Municipal Waste Act will enhance the ability of States and the residents of my district in Indiana to determine their own environmental destiny. This legislation will enable States and local communities to impose limits on solid waste from out-of-State.

The residents of my district feel dumped on, literally. They have no recourse to restrict the flow of solid waste coming into their communities from out-of-State. In 1991, 20 percent of the waste disposed of in Indiana came from out-of-State. This amounted to over 500 pounds of out-of-State trash for every man, woman, and child—over an extra bag of trash per day for the average family.

Indiana is not a vast pit that can accept unlimited trash from other States. We have our own difficulties. Twelve years ago, Indiana had 150 landfills.

Today, we have 70. By 1996, 31 additional landfills will close. At that time, 54 Indiana counties will be left without a landfill. The Indiana Department of Environmental Management predicts that existing landfill capacity will be reached in 5 years. This is a problem that my State is struggling to address. Local authorities under solid waste management districts are dealing with this problem, but they need relief. To continue to receive out-of-State trash in unlimited quantities will make that task much more difficult if not impossible.

Two landfills in my district, one in Wabash County and one in Miami County, have accepted out-of-State trash. Both sites are rapidly approaching capacity, due in part to accepting out-of-State trash. At the site near Peru in Wabash County last year semitractor trailer trucks filled with out-of-State trash were lined up on the county road waiting to dump their loads. The semitrucks were contributing to the deterioration of the county roads. The people all across America need to be able to control these activities in their own neighborhoods.

This legislation will help my constituents do precisely that. First, at the request of local authorities, the Governor may ban out-of-State municipal waste at any landfill that did not receive out-of-State trash in 1991 and at any landfill that did receive out-of-State waste, but does not meet State landfill standards. At landfills that are in compliance with State standards, the Governor may freeze out-of-State municipal waste at the actual amounts received in 1991 or 1992, whichever is lower.

The Governor may also restrict the amount of out-of-State municipal waste to 30 percent of the amount received in 1991 at large landfills—those that received 50,000 tons or more of out-of-State waste if it represents at least 30 percent of the total waste received for 1991. In 1998, that amount can be lowered to 20 percent and to 10 percent in the year 2000.

This legislation is critical to the future well-being of all Americans. Time is of the essence. We cannot deal with this problem tomorrow; we must deal with it today. I urge this Congress to move expeditiously to pass this much needed legislation.

## SUGGESTED CUTS IN SPENDING FOR PRESIDENT CLINTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I am very much cognizant of the fact that the President of the United States delivered an excellent joint session speech here, and among the things he challenged Congress to was a way to cut expenditures of the budget of this Nation. I think that that is a task that we have not addressed properly yet, and I know that there is a lot of controversy about exactly how we should do that.

I also noticed today that even though many Members have stood up and said that there were some specifics they thought should be considered for cutting that they labeled as waste or unnecessary and held out, that they have not received much attention. Rather, the majority has rallied around, and I think properly, the President and the President's cut list for areas of savings and cutting Federal expenditures

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Today, I noticed the Washington Post, which usually has been a very staunch defender of the Clinton proposals so far, and, in fact, the majority party generally, and I think most people would agree that that has been the case, and this editorial today lists some of the President's proposed cuts as wispy. I looked that up, and I think that means "wispy" as in will-o'-the-wisp, like not there. In other words, we are talking about some cuts, some ways to reduce our deficit that, in fact, just are not going to materialize.

Therefore, we are going to have to find some other ways to cut, and we are going to have to find some programs and label them clearly for what they are, and that is unnecessary if, in fact, they are.

How are we going to do that? I think that the questions that most Americans are asking, certainly that we are getting on our phones, are, "OK, we agree with the need to sacrifice. We want to respond to the President's reasonable call to sacrifice for the good of our country. But tell us precisely what it is we are sacrificing for. Just exactly how are you going to use those dollars that we send to you in Washington?"

And so I suggest that we have got a new test in Congress to deal with the question of how we justify the public expenditure of dollars. What, in fact, will be the priority list? Will we use yesterday's priorities, or will we catch up with where we are today and talk about, in fact, the needs of today in our Nation?

I think it is also clear that we are going to have to recognize that there are some limits of the affordability. We cannot endlessly go forward taxing, taxing, taxing. I think that it is clear in the proposal that the President has given us that there are not enough wealthy to pay all the costs to reduce the deficit. We have run out of wealthy, it seems, and some of the taxation is inevitably going to hit the middle class and perhaps below the middle class, as we see.

So we must reject the idea that raising taxes and hitting only the rich is the way. It is not enough.

Clearly we have also been asked to chop out identifiable waste, and that means we have got to identify waste, and it is to that particular point I have risen this evening.

I have submitted for the public record a list of 50 highly suspect expenditures which I believe this Nation can do without. They total approximately $200 billion over 5 years, which is a very significant contribution to reducing our deficit and getting on with the job of building the strength of our economy. And, of course, that means jobs.

This list of 50 expenditures does not necessarily come from me. In fact, none of them are original with me. They come from organizations such as the Government Accounting Office, the Congressional Budgeting Office, the Grace Commission and other credible grassroots organizations that have studied the ways Congress is misusing, wasting, or creating redundancy or duplication of services. I think that, as we go forward and look at the balance of what these 50 projects are, we will discover that they are elimination of some subsidies, cuts in some programs, reduction of personnel in some, reduction of, say, travel expenses in others, getting at the bureaucracy which everybody knows is bloated.

I think it is fair to say that all of them on this list, just about all of the subjects that I think are suspect that are on this list are discretionary expenditures. They are not the entitlements. I am not trying to suggest that we ought to in any way discuss entitlements until we look at our discretionary expenditures.

I think the approach I have taken which is appropriate is to refer this list to the Committee on the Budget and ask the Committee on the Budget to justify the continuation of each and every one of these projects and programs. Some will clearly pass muster. Some will be found to be useful. Some clearly will be found to have benefits that I do not presently see. But I think this legislative approach is one that is clearly going to bring the issue to the forefront.

I know that some will say this is very parochial: "You probably have not put anything from your own State in." In fact, I have.

So when this list is examined and it is available, because I will submit it at this time to be included in the RECORD, I will be happy to stand behind it and answer further questions.

Mr. Speaker, I am including in the RECORD the list of proposed cuts and savings as follows:

### PROPOSED CUTS AND SAVINGS

(Savings are in millions over 5 years)

1. Cancel the National Aerospace Plane [NASP]—$510.
2. Continue partial civilian hiring freeze for DOD thru 1997—$8,850.
3. Cancel NASA's advanced solid rocket motor—$2,200.
4. Cancel the superconducting supercollider—$2,200.

5. Cut space station funding by 15 percent—$1,300.

6. Eliminate below-cost timber sales from National Forests—$230.

7. Lower target prices for subsidized crops by 3 percent annually—$13,250.

8. Eliminate price support for wool and mohair—$760.

9. Eliminate the Honey Program—$35.

10. Eliminate the Market Promotion Program—$900.

11. End the Federal Crop Insurance Program and Replace with standing authority for disaster assistance—$2,850.

12. Limit Federal highway spending to the amount brought in by motor vehicle fuel taxes—$8,550.

13. Repeal the Davis-Bacon Act—$5,329.

14. Reduce Commodity Credit Corporation subsidies to those with off-farm incomes over $100,000—$665.

15. Extend the current law eliminating the statute of limitations on collecting defaulted student loans—$266.

16. Eliminate the Commission on the Bicentennial of the U.S. Constitution—$2.

17. Fully implement H.R. 2452 (102d) to provide additional energy conservation measures for Federal agencies—$1,900.

18. Fully implement H.R. 3441 (102d) to prohibit direct Federal benefits and unemployment benefits to illegal aliens—$27,000.

19. Eliminate the Tobacco Price-Support Program—$665.

20. Consolidate the Office of Bureau of Indian Affairs—$53.

21. Close 20 underutilized black lung offices—$0.3.

22. Bring Government Printing Office wages in line with Federal Government Counterparts—$62.9.

23. Allow private sector investment in the space shuttle—$1,522.

24. Eliminate Farmer's Home Administration (FmHA) duplication with Small Business Administration—$913.

25. Eliminate the Rural Electrification Administration—$500.

26. Terminate all highway "demonstration projects"—$5,200.

27. Lower by 15 percent the travel budgets of non-postal civilian agencies, then cap future growth at the inflation rate—$2,000.

28. Lower by 10 percent per annum the projected growth rate of non-postal civilian agencies' overhead costs—excluding travel—$64,000.

29. Abolish cotton price supports and loan programs—$12,700.

30. Cut the foreign aid budget (150 account) by 15 percent and make all earmarks in that account subject to a two-thirds vote for passage—app. $12,000.

31. Phase out the Foreign Agricultural Service Cooperation funding—$24.5.

32. Eliminate the Appalachian Regional Commission—$540.

33. Roll back congressional pay raise to $89,500—$118.

34. Sell the National Helium Reserves to a joint venture comprised of current employees and other private investors—$700.

35. Sunset appropriations to former Speakers of the House after three years—$3.5.

36. Reduce the franking allocation to Members of Congress by 50 percent —$115.

37. Cut the National Endowment for the Arts by 50 percent—$2,600.

38. Cut funding for the Corporation for Public Broadcasting by 50 percent—$800.

39. Phase out subsidies for Amtrak—$2,660.

40. Phase out ACTION [Umbrella Organization for Domestic Volunteer Activities] as a tax supported program—$660.

41. Raise grazing fees—$50.

42. Facilitate contracting out and privatization of military commissaries—$2,447.

43. Close the Interstate Commerce Commission—$125.

44. Phase out the U.S. Fire Administration—$10.

45. End funding for all non-energy related Tennessee Valley Authority Activities—$610.

46. Eliminate essential air services subsidies—$180.

47. Eliminate consumer homemaking grants—$150.

48. Privatize the House and Senate gymnasiums—$1.

49. Reduce the legislative branch appropriation by 25 percent—$3,000.

50. Close the Bureau of Mines and merge its data gathering activities with other Interior Department research agencies—$140.

Total savings over 5 years—$192 billion.

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## IT IS SPENDING, NOT TAXES, MR. PRESIDENT

Mr. HORN. Mr. Speaker, it is spending, not taxes, as we face realistic plans to cut the deficit in half.

Last week, President Clinton delivered an eloquent address to the Congress and to the Nation. But eloquence cannot substitute for sound economic policy, and in my judgment, the President has failed to fully confront the real cause of the deficit: out-of-control spending.

Before we ask middle-class Americans to pay more taxes, Congress and the President must do their part by cutting spending.

The President has challenged those of us who opposed tax increases to identify specific spending cuts beyond those proposed by the Administration. There are many the President did not cite; the billions subsidizing tobacco is only the most obvious and disgraceful example of wasteful spending. There are many others, and I welcome your suggestions as to what you think should be cut.

But if we are truly to reduce the deficit, we need to tailor a sound economic program that takes into account the political realities of Congress and its institutional inability to cut specific programs each of which has its own defenders, very sincere people in many cases, backed by political action committees and lobbyists.

Indeed, for every $1 raised in new taxes since the Second World War, Congress has spent $1.59. A recent study by Citizens Against Government Waste indicates that for every dollar of tax increases since 1990, Congress has spent $2.37. This is the true source of our deficit, not the allegedly undertaxed American people.

The Federal Government currently collects double the tax revenue it collected in 1980. Accordingly, with a number of colleagues, I have introduced legislation today to reduce the deficit by approximately $200 billion over the next 3 years. This proposal is politically realistic, because it sets forth clear standards for the entire budget, it requires equal sacrifices, with only four exceptions, in all Federal programs. It will take one big fight to win this war instead of the hundreds of little battles over each tax increase and each spending cut.

This is the proposal, the Deficit Reduction Act of 1993, and how it will work: No. 1, it will require a mandatory reduction of 2½ percent across the board in all Federal programs in the remainder of fiscal year 1993, April 1 through September 30. This would be followed by a 5-percent across-the-board cut in fiscal year 1994 and 1995. These percentages would mean spending reductions of $25 billion in 1993, $50 billion in 1994, and another $50 billion in 1995. In addition, $50 billion would be saved by eliminating slated program increases, and $25 billion would be saved in interest savings. This would mean at least $200 billion of realistic deficit reduction, and even more if the economy improves.

Second, there would be four exceptions to these mandatory reductions: Social Security, Medicare, Head Start, and interest on the national debt. The Government must continue to honor its commitments. Social Security and interest on the debt are certainly among those and should not punish the most vulnerable groups in our society: Medicare for the elderly and Head Start for children.

Third, the President would be given the authority to transfer money from one program to another, but he would not be allowed to add or subtract more than 10 percent from any one program. This flexibility could be used to lessen the impact on smaller programs which might not be able to absorb all of the required cuts and to meet the needs that may arise after Congress passes the budget.

It is time for the Federal Government to do what cities and companies around the country are doing, downsize. Let us face it, we know there is a lot of waste in all large organizations, whether they be government, business, academic, or charitable.

All budgets of such large organizations can be cut this minimal amount. As a university president, I was constantly faced with trimming budgets to satisfy the laws of California. In fact, such cutting often makes organizations much more effective and efficient, because budget cuts force managers and executives to set priorities.

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That is exactly what Congress and the President collaboratively need to do. This legislation will do just that.

Mr. Speaker, the following Members have cosponsored this legislation:

ORIGINAL COSPONSORS

Mr. Armey, Mr. Hyde, Mr. McCollum, Mr. DeLay, Mr. Blute, Mr. Burton of Indiana, Mr. Crapo, Mr. Doolittle, Mr. Greenwood, Mr.

Herger, Mr. Houghton, Mr. Lewis of California, Mr. Smith of Michigan, Mr. Torkildsen and Mr. Leach.

A summary of the Deficit Reduction Act of 1993 follows:

### Summary of the Deficit Reduction Act of 1993

1. Requires mandatory sequestrations in FY93–95 of $25 billion in FY93, and $50 billion in FY94 and FY95.

Every federal program would be sequestered (approximately 2.5% from each program in FY93 and 5% in FY94 and FY95), excepting Social Security, Medicare, Head Start and interest on the national debt.

2. The President may identify worthy programs and restore the amounts sequestered. The President would be able to restore a given program's budget, with appropriations, authorizations and budget authority levels. This amount would have to be found in another program, and cut from it. However, no program may be cut more than 10% beyond the sequester.

3. Over three fiscal years, this bill would cut $200 billion from the federal budget deficit. Of this amount, $125 billion in savings would be achieved by actual spending cuts, $50 billion by eliminating slated program increases, and approximately $25 billion in interest savings.

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### H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Deficit Reduction Act of 1993".

**SEC. 2. ACROSS-THE-BOARD SEQUESTRATION OF FEDERAL SPENDING.**

(a) Across-the-Board Sequestration of Federal Spending.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 253 the following new section:

**"SEC. 253A. ACROSS-THE-BOARD SEQUESTRATION OF FEDERAL SPENDING.**

"(a) Sequestration.—

"(1) Fiscal year 1993.—The aggregate amount of required outlay reductions for fiscal year 1993 shall be $25,000,000,000.

"(2) Fiscal years 1994 and 1995.—The aggregate amount of required outlay reductions for fiscal year 1994 shall be the amount necessary to bring the aggregate outlay level to 95 percent of the OMB baseline for that fiscal year. The aggregate amount of required outlay reductions for fiscal year 1995 shall be the amount necessary to bring the aggregate outlay level to 90 percent of the OMB baseline for that fiscal year. The OMB baseline for fiscal year 1994 and 1995 shall be based upon fiscal year 1993 enacted appropriations less any 1993 sequestrations.

"(3) In general.—Notwithstanding sections 255 and 256, within 15 days after Congress adjourns to end a session (or, in the case of fiscal year 1993, on April 1, 1993), and on the same day as sequestration (if any) under sections 251, 252, and 253, but (except in the case of fiscal year 1993) after any sequestration required by those sections, there shall be a sequestration to carry out paragraph (1) in the case of fiscal year 1993 and to carry out paragraph (2) in the case of fiscal years 1994 and 1995.

"(b) Applicability.—

"(1) In general.—Except as provided by paragraphs (2) and (3), each nonexempt account of the United States shall be reduced by a dollar amount calculated by multiplying the level of budgetary resources in that account at that time by the uniform percentage necessary to carry out subsection (a). All obligational authority reduced under this section shall be done in a manner that makes such reductions permanent.

"(2) Exempt accounts.—No order issued under this part may—

"(A) reduce benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act;

"(B) reduce payments for net interest (all of major functional category 900);

"(C) reduce payments for health insurance programs under title XVIII of the Social Security Act; or

"(D) reduce payments under Head Start programs.

"(3) Flexibility with respect to certain accounts.—The President may, with respect to any account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply. But to the extent the President exercises authority under the preceding sentence, the applicable uniform percentage reduction necessary to carry out subsection (a) shall be increased for all other non-exempt accounts. In no case shall the uniform percentage reduction for a fiscal year exceed by more than 10 percentage points the lower uniform percentage reduction for that fiscal year provided by the President for any account.".

(b) Reports.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (d)(1), by inserting "across-the-board sequestration," after "pay-as-you-go,";

(2) in subsection (d), by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Across-the-board sequestration reports.—The preview reports shall set forth for the budget year estimates for each of the following:

"(A) The amount of reductions required under section 253A.

"(B) The sequestration percentage necessary to achieve the required reduction in accounts under section 253A(b)."; and

(3) in subsection (g), by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Across-the-board sequestration reports.—The final reports shall contain all of the information contained in the across-the-board sequestration preview report.".

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## IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 52

The SPEAKER pro tempore (Mr. Rahall). Under a previous order of the House, the gentleman from Ohio [Mr. Strickland] is recognized for 5 minutes.

Mr. STRICKLAND. I thank the Speaker.

Mr. Speaker, I rise this afternoon to lend my voice and my efforts and my support to the passage of House Concurrent Resolution 52, which is referred to as the equal access resolution.

Briefly, this resolution, which was introduced by my friend, the gentleman from Oregon [Mr. Kopetski], would make it the sense of Congress that any comprehensive national health care plan would provide for the provision of comprehensive mental health, drug, and alcohol services for those who need such services.

I bring to the Congress a background that is probably somewhat unique in that my professional training is as a psychologist.

For many years, in fact, more than a decade, I have worked with individuals, children and adults who have suffered from mental and emotional disorders. I have also worked with individuals who have suffered from drug and alcohol addictions.

I believe that it is critically important that we recognize that there is a segment of our society that is frequently overlooked when we talk about health care, services. We should provide mental health services for those who need it, because it is the right thing to do.

It is also the right thing to do because it is the cost-effective thing to do. For every dollar we spend treating mental illnesses and drug and alcohol addictions, we save money in other areas.

I would like to share some experiences that I have had as an individual before coming to this Congress which I think illustrate the kind of problems that so many of America's citizens face.

Mental illness used to be considered mysterious, it used to be considered the result of a character flaw, it used to be considered the result of demon possession. We are enlightened today.

We now know that every individual is vulnerable or susceptible to mental illness, that mental illnesses no longer have to be lifelong, debilitating conditions, but they can be successfully and appropriately treated, land people who suffer from mental and emotional disorders can live very productive, fulfilling, and contributing lives.

Sadly, there are those in our country who suffer from such illnesses, though, who never receive the kinds of treatments that they deserve and need.

My most recent experience has been working in a psychiatric hospital and in a maximum security prison. I would like to share stories from my practical and clinical experience which have sensitized me to the need to focus on mental health as I work in this Congress.

In think of one young man who was in the mental hospital where I worked who had a chronic schizophrenic illness. He did not respond well to the known treatments. He was frequently in and out of the hospital.

The last time I saw him was at a sister's chicken and biscuit restaurant. He had casts on both his feet. As we sat and talked, he told me he had jumped from a second-story window because the voice, the auditory hallucinations that troubled him so severely, had frightened him and he had jumped from the window to escape.

Some weeks later I read that my friend, John, had committed suicide. In inquiring into the circumstances of that suicide, I was told that he had been in a State psychiatric hospital but because of the cost and because of the philosophy that we have embraced, it was determined that he should not be maintained in that facility but placed in a group home. But because of the lack of facilities, he was placed in a motel, awaiting the opening within the group home where he was supposed to go. And while in that hotel, while alone, obviously while psychotic and frightened, he took his own life.

Then I left that hospital and I went to a State maximum security institution, and there I met people that I recognized from the days when I worked in the psychiatric hospital. They were individuals with deep psychiatric disorders who had not received appropriate treatment, who had committed criminal offenses and who had been incarcerated.

I think of one young man who was not only mentally ill, but also mentally retarded, who did not know how to read or write, did not understand why he was incarcerated. This young man had been born with many congenital defects. He had been born without a caring family. He was finally released from prison and placed in a group home, and the last I heard of him was that he also was dead.

I wrote the Governor of my State, and I said, "Governor, sadly the bodies are stacking up. We have a crisis in our society. We have a large number of mentally ill individuals who need treatment and aren't getting it." And we must not, we cannot have a comprehensive health care plan in this country that does not adequately address the needs of Eddie and Jimmy and these other people that I have known and worked with.

## HEALTH CARE REFORM AND MENTAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 5 minutes.

Mr. KOPETSKI. Mr. Speaker, I just want to compliment the new addition to this body, the gentleman from Ohio, on his words. I know that we see here an articulate, knowledgeable, compassionate spokesperson for the mentally ill in our society, and I know America will be well served by this new Member.

Mr. Speaker, I rise today about a subject matter that Members are going to be hearing more and more about as this year progresses, health care, and mental health care in particular.

Health care reform is going to happen. I am confident it is going to happen this session. I am excited about this. Our health care system's flaws are costing us dearly in human suffering and in economic losses. It is hamstringing the budget of the Federal Government and the American family as well. We finally have the political will on both ends of Pennsylvania Avenue to fix it, and I am very much looking forward to working with my colleagues to finally get the job done.

When reform happens, no one is going to work harder than I to make sure that mental health care is on board, that it is included in the comprehensive package of benefits for American citizens.

Mr. Speaker, we have a golden opportunity before us. We have a chance to take a look at what kinds of health care needs we are providing, where we need to provide more kinds of care and services, and how the services provided should be structured.

One of the primary facts that will come to light as the process begun by the administration's task force continues, is that we must do a better job of providing mental health care. Mr. Speaker, the best health care outcomes, both in terms of the patient and in terms of the patient's pocketbook, occur when the condition needing treatment is well matched with the treatment provided. Providing excellent dental care is not going to help someone with breast cancer. The treatment must match the condition.

Mr. Speaker, Americans have mental health care needs, with the stresses and strains of today's society; the need is great whether you are a young child, an adolescent facing puberty, a young adult facing an ever-changing economic world, or a senior citizen who has recently lost their partner.

Some 41.2 million Americans had a mental illness in 1990. These are treatable disorders. Six-month treatment success rates for most major mental disorders are much higher than the 6-month success rates for angioplasty and atherectomy for heart disease. If we do not provide the treatment needed, we are needlessly turning our back on those who suffer from these disorders and we are also consigning ourselves to paying for the consequences of providing care at an early stage.

Studies repeatedly show that those with unmet mental health needs have higher rates of utilization of physical health care services than those who receive treatment. In fact, studies have shown that those with mental health needs who receive treatment have lower rates of utilization than the average patient. It is both the right thing to do, as well as the smart thing to do, to make good mental health care available to all.

Today I introduced a bill on behalf of the bipartisan House working group on mental illness and health issues, expressing the sense of Congress that any health care reform legislation enacted must include equitable mental health care benefits.

□ 1900

Mr. Speaker, I invite my colleagues to join me as a cosponsor of this legislation. We must make the most of the opportunity we have to improve our mental health care system while we improve our health care delivery system as a whole.

## CLINTON ECONOMIC PROGRAM OPINION EDITORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, for the past several months, I have frequently been asked if I would support the new President's domestic agenda. Not knowing which candidate, Clinton would ultimately emerge as President Clinton, I have deferred answering, except to say that if the President is still committed to lowering taxes on the middle class, balancing the budget, and demanding a line-item veto, then I will support him 100 percent.

Well, showtime came Wednesday night and it is disappointingly apparent to me and the vast majority of the people contacting my office, out of a total of 684 callers, 5 to 1 against, that President Clinton has broken all three of those critical campaign promises. His plan raises taxes on the middle class, does not begin to balance the budget, and did not even mention the line-item veto.

As a member of the House Budget Committee, I was delighted to learn that the Director of the Office of Management and Budget, former Congressman Leon Panetta, would be testifying before the committee the day after the President's speech. Mr. Panetta began his remarks by stating he was there in a "spirit of shooting straight" and that neither he nor the President intended in any way to manipulate language or numbers. It was this opening pitch of "trust us, we're only here to tell the truth and help" that made the ensuing manipulation of numbers and language all the more grotesque, Orwellian, and frankly frightening.

In his economic address, the President had outlined what he claimed is a $493 billion deficit reduction package over 4 years. By Friday, after releasing "A Vision of Change for America", the written outline of his plan, the White House acknowledged it instead to be a $325 billion reduction package. In fact, it is neither. It is actually a $916 billion deficit expansion package.

The claimed reduction of $325 billion is not a reduction in the existing $4.2 trillion national debt. It is an offset to the Congressional Budget Office's latest 4-year deficit projection of $1.241 trillion for fiscal years 1994 through 1997. In other words, even if the President's proposed spending cuts are passed by Congress, we will still accumulate $916 billion in new debt over the next 4 years. Yet most Americans who heard the President's speech or read reports about it are under the false impression that this plan will reduce the current $4.2 trillion national debt by $325 billion. In reality, if the President gets his entire program, there will be a substantial deficit every year for the next 4 years, and by the end of fiscal year 1997 we will have a total national debt in excess of $5.1 trillion.

But I do not believe the President will get all of his program. He will only get parts of it—the parts that are easiest for Congress to pass. First, an immediate $30 billion program of new spending then the biggest tax increase in the history of the Republic—$246 billion. What the President will not get is the spending cuts.

That same Congress which will gleefully divvy up the new spending and not quite as gleefully dish out the new taxes, will die a thousand deaths before cutting one penny of spending.

Therein lies the great flaw of this plan and why it cannot succeed. What the President fails to understand is that it is politically unpopular, irrational, and nearly impossible for Congress to cut spending, because while taxpayers may genuinely want national fiscal responsibility, in the parochial sense they do not. It is only natural that they want to get back their fair share of the tax dollars that they have paid.

They want the Federal projects, programs, and entitlements benefiting their districts and themselves protected, developed, and enlarged. They may believe that cuts need to be made, but not in their backyard. And it is utterly fitting and appropriate that their elected Representatives should want to satisfy them.

Even for those Members of Congress philosophically committed to cutting spending or convinced that our current fiscal irresponsibility is creating an incipient national crisis, it is politically difficult to vote for cuts. This is why the President's speech on Wednesday night was ill conceived and reflects a fundamental lack of understanding of how Congress works, and what makes it tick.

What President Clinton should have called for was spending reductions and spending reductions only. He should have explained that tax increases and new spending programs should be addressed only after exhausting the possibilities for reductions first. He should have repeated his campaign commitment to a Presidential line item veto and supported in the strongest language the need to pass a balanced budget amendment to the Constitution.

It is this last item which is the most important, because without such an amendment and the implicit political cover it provides, we will never get out from under the growing mountain of debt now posing such a real threat to our future. Those who believe otherwise should consider the words spoken last September by no less an expert than Leon Panetta himself. "If we fail to change our ways," he warns, "the damage will be enormous. The current prospects are for deficits so large, and economic growth so slow, that the deficits will feed on themselves, leading to an ever worsening upward spiraling of debt and interest payments * * * and ultimately a real danger of losing control of our money supply and inflation."

If President Clinton is serious about solving this problem, why did he offer a plan that in a best case scenario adds $916 billion to the national debt over the next 4 years? And why did he not even mention the fundamental structural changes that must take place without which the problem will never be solved.

In issuing his challenge calling for change and asking us to contribute, the President sidestepped the real solutions to the crisis that he so dramatically portrayed. He should have invested his political future that night not in tax increases and spending programs, but in structural reforms engraved on the rock of law.

Can we stop the Clinton plan, complete with new taxes and budget deficits? Yes. But the burden falls squarely on the voters' shoulders. Keep the phones ringing. Let Congress and the President know that you are watching and you care. If we redefine political statesmanship as the courage to make the tough choices in order to live within our means and preserve the American Dream for our children, then we truly do have a chance.

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## BLUE RIBBON/NEEDLESS VIOLENCE/BRADY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to speak to my colleagues about a serious problem facing communities in Florida and the entire Nation.

Last week, three young men were shot and killed in Daytona Beach, FL, near the campus of Bethune Cookman College in what local police said was a tragic case of mistaken identity. Several other students have been shot in the area since last summer. The youngsters arrested for the slayings purchased their bullets from an area Kmart. We have got to do something quickly—do something for our communities now.

As we commemorate Black History Month, I call your attention to the special blue ribbon I am wearing—which is like hundreds of other blue ribbons being worn in Florida. This blue ribbon is a symbol of our African-American male children. It is a symbol that we are moving from the stage of mourning the loss of our children to the stage of healing our community. We will no longer tolerate the death of our children.

Part of the solution must be passage of the Brady bill. Today, as I become a cosponsor of this important bill, I urge my colleagues to promptly pass this bill. We cannot wait another year. Our communities cannot afford to lose any more youngsters at the hands of other youngsters.

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## BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I want to thank my colleagues who are joining me today for our special observance of Black History Month. We take pride in this opportunity to highlight and pay tribute to the notable accomplishments of African-Americans who have contributed so much to this great Nation.

The distinguished chairman of the Congressional Black Caucus, KWEISI MFUME, joins me in sponsoring today's special order. I am proud that as we commemorate Black History Month and recognize the achievements of African-Americans, we celebrate the largest number of African-Americans ever elected to serve in the U.S. Congress. Thus, for many of our colleagues in the Congressional Black Caucus, this represents the first opportunity for them to join us on the House floor for the congressional observance of Black History Month. We applaud this accomplishment and welcome their participation today.

Mr. Speaker, African-Americans have a magnificent and rich history; a history which is inextricably woven into the economic, social, and political fabric of this Nation. In 1926, the late Dr. Carter G. Woodson understood that black Americans were not receiving recognition in history for their contributions. Therefore, he proposed the idea of setting aside 1 week each year to commemorate the achievements of black Americans. In 1976 the observance was changed to Black History Month.

The Association for the Study of Negro Life and History, which Dr. Woodson founded has selected the theme, "Afro American Scholars: Leaders, Activists and Writers" for the 1993 observance of Black History Month. Let us pause to pay tribute to some of the outstanding leaders, activists, and writers whose contributions have helped to make America the great Nation she is.

Recently, our Nation mourned the loss of one of its greatest leaders and civil rights heroes, the late Supreme Court Justice Thurgood Marshall. For more than six decades, he provided unyielding leadership in the fight against racial discrimination. This champion of individual rights blazed a pathway to equality through our Nation's judicial system.

Justice Marshall is remembered for his lead in the landmark 1954 Supreme Court decision, Brown versus Board of Education. Through a series of well-crafted court cases over several years, Justice Marshall used the American judicial system to methodically dismantle segregation in our Nation's schools. This landmark decision provided all Americans regardless of race, creed, or color, equal access to a quality education.

Justice Marshall earned a special place in history when he was appointed by President Johnson as the first African-American Solicitor General of the United States. As the Nation's top lawyer, one of Marshall's responsibilities was to assure the Supreme Court's approval of the 1965 Voting Rights Act which guaranteed equal voting privileges for all Americans.

On June 13, 1967, Thurgood Marshall was appointed by President Lyndon Johnson to the U.S. Supreme Court. During his 24 years as a Supreme Court Justice, Thurgood Marshall served as the legal voice of American liberalism. His competence was matched only by his dedication to destroying every last legal barrier to justice and equality under the Constitution, which he so scholarly mastered. Justice Marshall aggressively assaulted racism, bigotry, and prejudice with his brilliant mind and candid speech which can never be matched.

I will personally remember Justice Marshall not only as a drum major for equality, but also as an idol and a role model. As we celebrate Black History Month, we celebrate the leadership, dedication, and commitment of this great individual. We invite our colleagues to reflect upon Justice Marshall's life and accomplishments during this time.

Mr. Speaker, during Black History Month we remember the contributions of Dr. Martin Luther King, Jr. His perseverance and leadership is indelibly etched in the minds of all Americans. Dr. King's valiant struggle to achieve equality was a nonviolent one in which strength through numbers, dignity, and discipline was stressed. Thanks to the leadership in this body of our colleague, JOHN CONYERS, and our former colleague, Katie Hall, in 1983 Congress passed legislation making Dr. King's birthday a national holiday. As a consequence of this, Dr. King joins George Washington and Abraham Lincoln as one of only three Americans to have ever been honored by having a national holiday in their honor.

We salute the efforts of an outstanding leader, Dr. Benjamin F. Hooks, who is retiring after more than 15 years at the helm of the National Association for the Advancement of Colored People [NAACP]. Since its founding, the NAACP has been in the forefront of the civil rights struggle. Leaders of the NAACP spoke out when poll taxes kept blacks from voting in the South. The organization appealed to the Supreme Court to outlaw segregation in the schools. Members of the NAACP sat at segregated lunch counters and marched to end Jim Crow laws in the South.

During his tenure, Dr. Hooks, himself a minister, former judge, and civil rights leader, has spoken out against the evils of apartheid in South Africa. He has been with us during many of the civil rights battles which have been waged on Capitol Hill. As he departs this post, we take this opportunity to recognize his outstanding efforts and express our appreciation for his strong and articulate leadership.

Black History Month reminds us of the many battles for justice that have been waged and won over the years, through the dedication and bravery of those who fought to end discrimination, outlaw segregation, and secure the right to vote. We salute Thurgood Marshall, Dr. Martin Luther King, Jr., Benjamin Hooks, Marcus Garvey, A. Phillip Randolph, Malcolm X, and Roy Wilkins. We salute Rev. Jesse Jackson, Coretta Scott King, and James Farmer. During this time, we pay tribute to our colleague and a great civil rights hero, JOHN LEWIS, and the many others who have been committed to the struggle.

Mr. Speaker, one of our Nation's greatest activists and African-American heroes, Frederick Douglass once said, "If there is no struggle, there is no progress." As we commemorate Black History Month, let us recognize those African-Americans whose courage and sacrifices helped to build this great Nation.

We remember people such as Harriet Tubman who fought against the established order and risked her life so that others could gain their freedom. An escaped slave, she was one of the founders of the Underground Railroad, a tightly organized, highly secretive network of safehouses which provided shelter and support for slaves in their escape from the South to freedom in the northern States. During the Civil War, Harriet Tubman served as a nurse, scout, and spy for the Union Army.

Let us remember Frederick Douglass, who was born a slave on Maryland's Eastern Shore, and was taught to read by the wife of his owner. He escaped and eventually his freedom was bought by Quaker abolitionists. Frederick Douglass became one of our Nation's most influential diplomats and journalists during the 19th century. His gripping autobiography, "The Life and Times" changed beliefs and influenced lives.

During Black History Month, we salute Rosa Parks, whose refusal to give a white man her seat on a bus in Montgomery, AL, in 1955 prompted a year-long protest that ultimately resulted in the abolishment of a law that required blacks to sit in the rear of the bus behind white persons.

Just recently our Nation mourned the loss of a great activist and humanitarian, Arthur Ashe. We remember Arthur Ashe's victory at the U.S. Open; the Davis Cup matches; and we recall his grace and determination as he captured the Wimbledon victory. Most importantly, however, we will remember Arthur Ashe for his commitment to equality, for standing strong against apartheid in South Africa, and challenging us to take the lead in the fight to remove racial and economic barriers right here in America. He was a great friend, a role model, and an influential activist.

Individuals such as Harriet Tubman, Frederick Douglass, Rosa Parks, and Arthur Ashe join Sojourner Truth, Mary McLeod Bethune, and many other heroes as we look down the halls of black history.

Mr. Speaker, throughout the history of the struggle for civil and equal rights in this country, it has been our African-American writers who have provided the chronology of the movement. Through their writings, teachings, poetry and stories, they have passed on to generations the legacy of the African-American experience.

During Black History Month, we pay tribute to the late Dr. William E.B. DuBois, a teacher, author, editor, poet, and scholar. DuBois was the first African-American to earn a Ph.D. degree from the prestigious Harvard College. He went on to teach Greek, German, and English at Wilberforce University and economics and history at Atlanta University. In one of his greatest works, "The Souls of Black Folk," it is said that the reader may sample history, sociology, biography, economic analysis, educational theory, and social commentary.

We recall the words of the late Langston Hughes, one of the most gifted poets of the 19th century. I am proud to say that Langston Hughes attended Central High School, the same high school I attended, in Cleveland, OH. When Hughes died in 1967, his years of literary productivity had spanned almost half a century. Langston Hughes was a literary phenomenon who wrote poetry, drama, and fiction, assembled anthologies, and collaborated in the translation of many of his works. He used his skills as a writer to interpret the social, cultural, spiritual, and emotional experiences of black America.

We pay tribute to Dr. Howard Thurman, one of the greatest theologians of our time and the author of more than 20 books of spiritual discovery and inspiration. Dr. Thurman also served as pastor and cofounder of the Church for Fellowship of All Peoples, the first interfaith, inter-racial church in the United States. His vitality and vision touched the lives of people of many races, faiths, and cultures. Much of Dr. Thurman's writings focused on the wounds caused by America's race problems and the need for healing for both the oppressed and the oppressor.

Mr. Speaker, one of the greatest novelists and playwrights of our time was the fiery James Baldwin. James Baldwin was a major literary spokesman for black America for almost two decades. He used his gift to stir the national conscience, expressing with eloquence and urgency the need for dignity and justice for black Americans.

James Baldwin's best seller, "The Fire Next Time" is regarded as one of the greatest collections of essays written in the history of black protest. His other literary works include "Go Tell It On The Mountain," "Notes of a Native Son," "Nobody Knows My Name," and "Another Country."

We are indebted to Dr. William E.B. DuBois, Langston Hughes, Howard Thurman, and James Baldwin. We are also indebted to the gifted actor and activist, Paul Robeson; the Pulitzer Prize winning novelist, Alex Haley; the talented author, Richard Wright; and, during these times, the beloved poet, Maya Angelou and the accomplished author, Alice Walker. Their works remind us of the past struggles, inspire us to continue our efforts, and challenge us to reach new heights.

Mr. Speaker, I want to thank my colleagues for joining me for our special order commemorating Black History Month. I think each of us has benefitted from the opportunity to salute and, in many instances, learn more about African-Americans who have contributed to the building, shaping, and preservation of this great Nation. The list is long and the accomplishments are many.

Black history is America's history. The people, places, and events you have heard about represent the history of America made by Americans who happen to be black. It is our hope that one day, the celebration of Black History Month will not be limited to 1 month. It is our hope that one day American leaders, heroes, and activists—both black and white—will stand side by side throughout the pages of our history books for all the world to appreciate.

□ 1910

Mr. Speaker, I yield to a distinguished Member of the Congressional Black Caucus and a great American, my distinguished friend from Harlem, NY [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, let me thank the gentleman from Ohio [Mr. STOKES] for continuously bringing to the American people the great and rich history of African-Americans and affording me this opportunity to share with my colleagues the fact that in 1945 my congressional district was created by the New York State Legislature, and since that time only two Members of Congress have served in it, me and my distinguished predecessor, the late and the great, the reverend, the pastor, the chairman, Congressman Adam Clayton Powell. I am thoroughly convinced that when history is finally recorded as to who has made the greatest contribution in this great and august House of Representatives that Adam Clayton Powell's name will certainly have to be included among the greatest, handsome, dashing, full of personality and eloquent, yes, but, when we think of the hard-rock legislation that he was able to effectively get through the House Committee on Education, to see that none of his bills that reached the floor was ever defeated, to be reminded how a man who looked like he could be anything he wanted to be, white or black, chose to stick by the racial lines that he came from, and that is from slave masters, and to make certain that Harlem would retain its dignity, to restore racial pride where he could have just been the comfortable pastor of one of the largest churches in this country; but he fought on 125th Street for jobs for blacks to be telephone operators, bus drivers, sales people, for doctors to be able to service their own people in the public hospital, for pharmacists to be able to work in drugstores, and then he went on to the city council until, in 1945, he came here.

Mr. Speaker, I say to my colleagues that we can all be guided by the courage that the late Adam Clayton Powell had. He had his ups and downs with a lot of people, but we always stuck with him because we knew that the racism, the segregation and discrimination that he fought against broke the doors down so that other people who did not, perhaps, have the arrogance, but went along with the system, were able, perhaps, to be accepted more than Adam Clayton Powell.

So, my colleagues, I thank the gentleman from Ohio [Mr. STOKES] for giving me this opportunity to make certain, as we list these great Americans of African heritage that have made a history and a record for themselves, that the late Adam Clayton Powell's name be included among the top. I say to the gentleman, "Thank you, Mr. Chairman."

Mr. STOKES. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for his contribution.

Mr. Speaker, I am pleased now to yield to the distinguished gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I begin by thanking my good friend and colleague, the gentleman from Ohio [Mr. STOKES], for organizing today's special order commemorating Black History Month. No one is more respected in the House than LOU STOKES, respect that was earned.

Today's special order gave me the inspiration to read an excellent book titled, "A Peculiar Paradise, a History of Blacks in Oregon, 1788–1940." The book was written by Elizabeth McLagan in cooperation with the Oregon black history project and published in 1980. This book fits nicely with the theme for Black History Month, "Afro American Scholars: Leaders, Activists and Writers." I would like to use my time today to share a little of my reading from this book with my colleagues.

Oregon's first black visitor was a gentleman named Marcus Lopez. Mr. Lopez traveled to Oregon on board the *Lady Washington* on a voyage from the Cape Verde Islands. Diaries from the *Lady Washington* described the coast of Oregon as a "delightful country thickly inhabited and clothed with woods and verdue with many charming streams of water gushing from the valleys."

On August 14, 1788, the *Lady Washington* entered the bay near the present town of Tillamook, OR. This is a picturesque town in my district known for its tourism, the dairy farmers and its world famous cheese, and especially for its people. The *Lady Washington* stopped there to take on food and water, and these tasks were all assigned to Marcus Lopez, then an aide to Capt. Robert Gray.

The *Lady Washington* was welcomed to Oregon by the native Indian population. For several days both groups exchanged food and traded items in a friendly fashion. However, on August 16, 1788, the situation changed.

□ 1920

Marcus Lopez left a tool in the sand as he carried a load of grass back to the *Lady Washington*. An Indian seized the tool and fled, followed by Marcus Lopez and several other armed crew members. Marcus Lopez was surrounded by a group of well armed Indians. As the crew approached, the Indians killed Marcus Lopez and attacked the crewmen.

Marcus Lopez' historic role in Oregon's history was brief and unfortunately, ended violently just like many other early visitors to the Pacific Northwest.

Across Oregon, at Oregon State University, the Oregon Historical Society and the Oregon State Archives, the history of blacks in Oregon is chronicled in great detail. My time forbids a greater examination today.

But let me say that that history is just as trying and turbulent as the history of African-Americans was in any State, including the Southern States. We are not proud of every moment of that history. Today, however, we respect the vigilant, tireless quest for liberty African-Americans have pursued since landing in America. Progress, not enough, has been made.

Mr. Speaker, I am proud to say that African-Americans are an integral and integrated part of the community I call home. We find these leaders in our community as State officials, statewide elected office holders, doctors, lawyers, judges, and, yes, even the maestro of the Oregon Symphony. Citizenship, law, medical care, teachers, and music, African Americans provide and enhance our society in Oregon and throughout this great land.

I look forward to joining the gentleman from Ohio [Mr. STOKES] and interested colleagues again next year to share in Oregon's history and that of all black Americans in the United States.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Oregon for his contribution to this special order.

I am pleased now to yield to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for organizing this special order and giving us an opportunity to share our own reactions to this important month in our country.

Mr. Speaker, as a freshmen Member of Congress, I am proud to give my first speech on the floor of the House on the subject of African-American history.

Proud, because we celebrate African-American history, we recognize that the history of blacks in America represents a history of courageous struggle against oppression.

Proud, because we celebrate African-American accomplishment, we acknowledge that the cause of African-American freedom and equality has led to the establishment of a more just and free America.

Today, Mr. Speaker, I would like to discuss one particular chapter in the African-American struggle for freedom—a chapter that I had the privilege to participate in, and a chapter that I hope we can expand upon here in this Congress.

Mr. Speaker, as African-American history month unfolds this February, black and Jewish-Americans have begun holding regular meetings in my home district of San Diego to advance a progressive dialog of understanding.

This should not be news—most of us in this Chamber remember that whenever there was a gathering to discuss strategy for change, African and Jewish-Americans were prominent participants—together.

Twenty nine years ago this summer, three Americans—one black Mississippian, and two Jewish northerners—were killed in the struggle for equality and justice in the segregated South. They were run off the road as they drove at night, shot in their car by duly sworn officers of the law, and buried in a Mississippi river bank.

Three Americans not yet old enough to vote—killed registering others to vote. Three Americans—practically separated at birth by the color of their skin—linked in a Mississippi summer by their ideals and convictions—joined forever at the bottom of a murky river in a haze of violence and bloodshed.

I know that there are members of this body who will remember all their lives exactly where they were when they heard that Schwerner, Goodman, and Chaney were dead. I know that there are members of this body, civil rights activists themselves, who heard the news and thought—there but for the grace of God go I.

There but for the grace of God go I, Mr. Speaker.

I was not in Mississippi that summer. But I had been there 3 years earlier as a freedom rider, and I had witnessed then first hand the attempts to preserve segregation. As our bus motored through the kingdom of American apartheid, I saw friends beaten and killed. I saw mobs attack women. I ducked from gunfire, I sat for several months in an isolation cell in the Mississippi State Penitentiary.

I was drawn South in 1961 as an American and as a Jew. Like many African-Americans, I too was raised on stories of violent mobs and armed attacks, of vicious prejudice exploding into unspeakable acts of cruelty and horror.

These stories were related to me in the relative safety of Pittsburgh and New York, but they conditioned me—and other Jewish Americans—to regard discrimination and violence by those in power as a threat to all groups and individuals without power.

It did not take long, Mr. Speaker, for my family to learn that the Cossacks and the Nazis had spiritual heirs in the United States. Here, we soon learned, the armed forces of oppression wore sheets and burned crosses, and were no less vicious or cruel than the tormentors we had left behind in Europe.

We also learned that there were those in power who hid behind country club walls rather than white sheets, and that their oppression of minority groups, while based on the subtle control of the marketplace rather than on the harsh handle of the whip, was no less devastating and total, and probably more so.

I relate this personal account to stress and to reinforce the perception of many in the American Jewish community. We in that community have formed alliances with African-Americans for many reasons. We formed them because it was in our best self-interest to do so. We formed them based on mutual need and the shared understanding that our enemies were common.

And, most importantly, we formed alliances because we knew that working together we stood a better chance of establishing a just society that would allow all Americans to achieve economic justice and political empowerment.

From the founding of the NAACP in the early part of this century, through the struggles to establish labor unions in the 1930's, up to the civil rights movement of the 1950's and 1960's, blacks and Jews served with Americans from all walks of life in the vanguard of national movements to achieve social justice and political empowerment.

This partnership has had its high points and low points, its successes and its failures. Together we have witnessed barriers fall and blood shed, and we have seen our mutual causes advanced.

But it seems that we have not always kept our eyes on the prize, and as many of us know all too well, we have sometimes let misperception and misunderstanding distract us.

Today, in 1993, we are forced to ask the question: Do our shared goals carry greater weight than any differences? Are the bonds and values that tie us together stronger than the forces—both internal and external—that push us apart?

I believe emphatically that the answer to this question is a resounding "yes."

We have come too far together to turn around. We have too far to go to abandon our quest. Bound together both by the rich legacy that we share, and by the possibility and necessity of our future successes, Jewish-Americans and African-Americans must together concentrate on our larger goals.

For, Mr. Speaker, only those who oppose the march of freedom and justice are served by our failure to unite.

This Congress contains the largest number of African-Americans in its history, and I expect that this group—my colleagues—will be a decisive force for change.

Together, black and Jewish hands voted overwhelmingly to elect our new President. And together our two communities can help to ensure the kind of change that our Nation so desperately needs.

Mr. Speaker, as we pause today to recognize and honor the historical accomplishments of the African-American community, blacks and Jews stand as much in the shadow of Crown Heights as we do in the sunshine of our cooperation during the civil rights movement. Together we must decide to move either into the darkness or the light. Let us choose our path with the wisdom of history at our side, and the hope of tomorrow to guide us.

Let us—together—keep our eyes on the prize.

Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for the opportunity to be here.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague from California for his contribution.

I am pleased now to yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I would like to commemorate Black History Month by paying tribute to the late Arthur Ashe, a native of Richmond, VA, one of America's preeminent tennis stars and a renowned humanitarian.

America lost a distinguished advocate for human rights when Arthur Ashe died earlier this month. New York Mayor David Dinkens eulogized Arthur by saying that "[w]ords alone cannot suffice to capture a career as glorious, a life so fully lived, or a commitment to justice as firm and as fair as was his." I cannot improve on this sentiment. It captures his commitment to enrich the world that caused Arthur to transcend the boundaries of athletics.

Arthur's death earlier this month consummated 49 years of achievements in tennis, philanthropy, and human rights. His successes, such as Wimbledon and the U.S. Open gave him celebrity status, but to many of us, his accomplishments off the court were just as valuable. For example, he established tennis programs for inner city youth across the country. And along with other tennis luminaries, he began a 15-month, $5 million fundraising effort on behalf of his namesake foundation to combat AIDS. He also demonstrated against both the Bush administration's Haitian refugee policy and the South African apartheid regime. These efforts typified Arthur's fortitude and determination to fight injustice. His example inspired, and will continue to inspire, others to overcome the adversities they face.

Arthur Ashe was truly a Virginia gentleman and a great American. As a small tribute to him, I will be working with other Virginians, and citizens across the country, to establish an African-American Sports Hall of Fame in Richmond, VA, to be named in honor of Arthur Ashe.

Borrowing the words of another great leader, our late Justice Thurgood Marshall, I would say that Arthur also "did the best he could with what he had." And, for that, we are all grateful.

□ 1930

Mr. STOKES. Mr. Speaker, I now yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, in honor of Black History Month I am pleased to celebrate two heroines of the 11th Congressional District, Alice Walker and Lucy Craft Laney.

Alice Walker is a writer who exemplifies the best tradition of the African-American artist. She won a Pulitzer Prize and the National Book Award for her challenging novel, "The Color Purple." I am proud to claim Alice Walker as a daughter of Georgia's 11th District, born in Eatonton, GA.

Alice Walker has written about women's lives. Her novels and essays have been controversial because she gave voice to the concerns of women, concerns that had seldom been heard. Through her novels, essays and poetry, Alice Walker has challenged her people—African-Americans and people of every gender, hue, and nationalty—to face and fight injustice.

She has been a prophet sharing her own vision of community. Walker's novels: "Meridian," The Third Life of Grange Copeland," "The Color Purple," "The Temple of My Familiar" and "Possessing the Secret of Joy," are lyrical in their language and haunting in their themes.

Alice Walker's artistry enriches the lives of all who read her books and enjoy her poetry and prose.

Lucy Laney is one of the local heroines of the 11th District.

Lucy Laney was born a slave, the 7th of 10 children. It was against the law to educate slaves, but despite the law, her owner's sister taught Lucy to read and write. Lucy Laney attended high school and Atlanta University when slavery ended.

After graduating from Atlanta University at the age of 19, Lucy Laney spent 10 years teaching in Savannah and Augusta.

Ms. Laney became the teacher at a one-room school in Augusta operated by the Presbyterian Church. Lucy Laney began preparing her black students for college. She traveled all over the country to raise money for the school. The school was named Haines Normal and Industrial Institute in honor of one of the donors, Francina Haines.

Because of Lucy Laney's dedication, many of her students went on to college and became teachers and other civil leaders. By 1931, the school had trained or prepared over 700 students and 27 teachers. Mary McCleod Bethune began her teaching career at Haines.

Lucy Laney died on October 23, 1933. There is a public high school named for Lucy Laney in Augusta. Her portrait hangs in the State capitol in Atlanta. One of Ms. Laney's obituaries read: "Lucy Laney was great because she loved people. She believed all God's children had wings * * *."

Mr. STOKES. Mr. Speaker, I thank the gentlewoman from Georgia for her contribution to this special order.

I am pleased now to yield to the distinguished gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in observance of Black History Month. In keeping with this year's theme, "Afro-American Scholars: Leaders, Activists and Writers," I would like to take this opportunity to herald the accomplishments of black community leaders, like Mrs. Lula M. Meshack, who have made vast contributions in my district.

Mrs. Meshack has been active for over 35 years in volunteer services to families and children. She is currently serving on the Los Angeles County Commission for Children's Services, as she has since the commission was founded in 1984. In this capacity, Mrs. Meshack works with community organizations to improve the lives of neglected children in southeast Los Angeles county. Child abuse prevention, adoption and foster programs, dependency courts, family counseling and cultural awareness are just a few of the difficult issues that African-American Women like Lula Meshack are not afraid to tackle.

Mrs. Meshack has been involved, extensively and continuously, in voluntarism since the 1950's. She is listed in "Who's Who Among Black Americans," and "Who's Who Among Black Women in California," and has received numerous activism awards.

Mrs. Meshack has shown that average citizens can make a difference in America. In her own way, she has made the most out of making her community a better place to live. She is a wonderful example of the contributions African-Americans have made to our society. It is a pleasure to recognize those contributions during Black History Month.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California.

I am now pleased to yield to my distinguished colleague, the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman from Ohio, Chairman STOKES, for yielding to me.

I rise today to participate in this special order in observance of Black History Month, which has been organized by my distinguished colleagues, the gentleman from Ohio [Mr. STOKES] and the gentleman from Maryland [Mr. MFUME].

I want to mention that my district, the Fourth District of Pennsylvania, has only 4 percent black population. That is not the reason I am here.

I am here because I feel very strongly that the observance of Black History Month should mean a great deal to all segments of our society. I want to encourage all Americans to become very familiar with the contributions of Black-Americans.

The observance of Black History Month originated in 1926 when Dr. Carter G. Woodson, a noted historian, educator, and author, initiated the practice of setting aside 1 week each February to honor and recognize the achievements of African-Americans.

February was selected to embrace the birthdays of Abraham Lincoln, whose exceptional contributions to African-Americans is well-known, and Frederick Douglass, historic trailblazer in an industry that is of special interest to me as a former broadcast journalist, as he published the acclaimed North Star newspaper over a century ago. Exactly 50 years later, our Nation began its first month-long celebration of Black History Month.

Today, there are more than 28 million African-Americans living in the United States; 3,000 live in Lawrence County, PA, and I would like to commemorate this years' theme of Black History Month, "Afro-American Scholars: Leaders, Activists and Writers," by extolling a nonprofit organization in Lawrence County, in my district.

The Faith, Hope and Charity Community-Rehabilitation Center in New Castle, PA, was founded by a woman named Sally Carter in 1989. It took over 3 years to acquire the funds necessary for Ms. Carter's idea for this community center to materialize.

□ 1940

The center has now begun working toward its goal of meeting the needs of the African-American community. Its emphasis is on the development of self-esteem, upward mobility training and pointing out positive role models.

Again, if I can deviate, I would like to mention again, as has been said here, we have a record number of African-Americans with this new class. I have found a tremendous number of role models from each community in this Congress.

Congress often gets bashed, but, Mr. Speaker, I would say that if the rest of society did as good a job of getting along racially as we do here in the Congress and had the same kind of equality, it certainly must be one point at which this institution has taken a great leadership role. Maybe we can continue with others.

Now that the center is successfully operational, the staff offers training to other community organizations, especially in the area of preparing young African-Americans in the pursuit of educational opportunities and opportunities for productive employment.

I would like to express my hope that the Faith, Hope and Charity Community-Rehabilitation Center will serve as a prototype for community centers to empower all African-Americans across the Nation to do much better in their lives.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend, the gentleman from Pennsylvania, for his very fine remarks.

Mr. Speaker, I am pleased at this time to yield to the distinguished Member from West Virginia, Mr. RAHALL.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for yielding to me.

Mr. Speaker, today we take time to observe Black History Month and pay tribute to those individuals who have made significant contributions to history and to our society.

I want to acknowledge one of the early pioneers in the history of the State of West Virginia, the late Elizabeth Drewry, a former teacher in the McDowell County school system and the first African-American woman elected to the West Virginia State Legislature.

Mrs. Drewry gained national attention in the black press during her tenure in the West Virginia House of Delegates, when she refused to accept payment from a lobbyist and a trips to Europe, in exchange for her vote against the "Fire Boss Bill," introduced during the 1951 legislative session, shortly after she was elected to the West Virginia House of Delegates. The recent discovery of Mrs. Drewry's private papers, containing the handwritten bribe offer have been donated to Bluefield State College, a historical black college in my congressional district. These important documents will serve as a vital tool in providing insight into African-American life in the coalfields of southern West Virginia.

It is befitting that I take this opportunity also, to honor the legacy of the late Justice Thurgood Marshall, the first African-American Supreme Court Justice whose outstanding work in the civil rights arena help to open the doors of opportunities that many of us enjoy today. Justice Marshall, who in his own words, "did the best that he could with what he had." Let us continue to ensure that the legacy of this great man remains alive and vivid in the years to come.

Mr. Speaker, I appreciate very much the gentleman from Ohio yielding me this time.

Mr. STOKES. Mr. Speaker, I thank the gentleman from West Virginia for his contribution to this special order.

I am now pleased to yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would commend the gentleman from Ohio [Mr. STOKES] for the annual observance that we have been following during the past 4 years that I have been here, and I know many years before that. For the gentleman's long-term interest in the history of African-Americans in this country, their contributions and sacrifices to making this democracy the great country that it is, we are indebted to him for keeping the story alive, because without persons like him many of the brave and courageous people who have served this country well, have sacrificed for its future, would go unnoticed.

Mr. Speaker, I am pleased to join my colleagues in celebrating this year's theme of Black History Month: "Afro American Scholars: Leaders, Activists, and Writers."

As we honor African-American achievers of the past, it is exciting to note that history is being made this year, as our Nation embarks on a bold new course. Keeping his campaign pledge of inclusiveness, President Clinton has appointed a number of very talented African-Americans to serve in his administration. Our former colleague, Mike Espy, is serving as the first African-American Agriculture Secretary; Ron Brown, former chairman of the Democratic National Committee, has taken over as Secretary of Commerce; Jesse Brown, former executive director of the Disabled American Veterans, is heading up the Department of Veterans Affairs.

I am especially proud of a new cabinet member whom I have the pleasure of knowing, a graduate of Rutgers University School of Law, Hazel O'Leary, the first African-American woman to become Secretary of Energy. We also have 16 newly elected Members of the House of Representatives in the Congressional Black Caucus. In addition, another first was achieved with the election of CAROL MOSELEY-BRAUN to represent the State of Illinois in the other body.

We offer our congratulations to the men and women who are making history this year as we praise those who went before us and made it all possible. When we discuss African-American scholars, there are some who come to mind immediately because of their enduring contributions to our history. The famous abolitionist Frederick Douglass escaped from slavery and became noted both for his writings and his articulate lectures which were delivered throughout the Eastern United States.

He published a newspaper called the North Star in Rochester, NY, which espoused an end to slavery and also promoted the rights of women.

Enormous contributions were also made by another great African-American scholar of the past, William Du Bois. His energy was boundless. He distinguished himself as a teacher, author, poet, and editor.

Although born into poverty, he worked at a local mill and was the only black student to graduate in his high school class. With a $300 scholarship, he entered Harvard College, where he excelled academically, becoming the first African-American to earn a Ph.D. there.

No discussion of African-American scholars would be complete without honoring Mary McLeod Bethune, the 15th child of former slaves who went on to become a Presidential advisor.

A teacher, government official, and civil rights activist, she worked tirelessly to promote educational opportunities for African-Americans. The college she founded in 1904 now bears her name: Bethune-Cookman College. She served as a Presidential advisor, and gained special prominence during the administration of Franklin Roosevelt.

Another first in our history was achieved in our President's home State of Arkansas in 1873, when Mr. M.W. Gibbs, a successful lawyer from Little Rock, became the first African-American to be elected a municipal judge.

He later published his autobiography, with an introduction by Booker T. Washington. He became president of the Capital City Savings Bank in Little Rock and was a partner in the Electric Light Co.

I would also like to focus on the achievements of a contemporary, a renowned writer from my hometown of Newark, Imamu Amiri Baraka. Born in Newark in 1934, he won a scholarship to Rutgers University and later attended Howard University. He entered the teaching profession and became an award-winning writer of social commentary, fiction and poetry. In 1964, he scored another literary success when his play "Dutchman" gained critical acclaim, receiving the Obie award for the best off-Broadway play of the season. A prolific writer, he has authored numerous plays and publications since that time.

Although 1993 promises to be a year of new beginnings, the first few months have also been a time of sad farewells, with the loss of two American heroes, Supreme Court Justice Thurgood Marshall and tennis legend Arthur Ashe. Don Miller, an outstanding artist from Montclair, NJ, recently passed. An outstanding artist, his works remind us of our rich heritage.

Although each pursued different career paths, they shared many of the same traits—grace, courage, compassion, and a fierce commitment to building a better and more just world.

Arthur Ashe broke the color barrier on the tennis court, but his energy was not directed solely to athletic achievements. Off-court he worked tirelessly so that others might fulfill their hopes and dreams. His mission took him all over the United States and across the ocean, as he worked to promote human rights everywhere from America's inner cities to South Africa.

Although he lost his heroic battle with AIDS, Arthur Ashe remains a winner.

Thurgood Marshall used his brilliant legal mind to change American society. His determination to help those who had been shut out of the system for too long led him all the way to the Supreme Court, where he successfully argued 29 cases before being appointed a Justice himself by President Lyndon Johnson in 1967. His victory in the historic Brown versus Board of Education decision in 1954 captured worldwise attention, and serves as a lasting tribute to this great American.

In closing, Mr. Speaker, as we commemorate Black History Month this year, let us rejoice in the achievements of the brave men and women who continue to inspire us and move us forward.

□ 1950

Mr. STOKES. I thank my distinguished colleague and friend from New Jersey, Mr. PAYNE, for participating in this special order and coming over particularly on an evening when I know we have a large number of competing interests. And I am pleased that the gentleman was able to be with us.

Mr. Speaker, I am pleased at this time to yield to another distinguished colleague from the State of North Carolina, Mr. MEL WATT.

Mr. WATT. Mr. Speaker, to my good friend and colleague, the gentleman from Ohio [Mr. STOKES] I would say I am delighted to rise as part of the Black History Month celebration and talk about a gentleman who, although I never knew him personally, was an important force in my life, as Members will see. The person that I would like to speak a little bit about is a gentleman by the name of George Henry White.

George Henry White was born in 1852 in Rosendale, NC. In 1873 he enrolled in Howard University, graduating with honors in 1877. He returned to New Bern, NC, as a teacher and principal, reading the law under a Craven County, NC, superior court judge, as that was the process by which a person became a lawyer at that time.

In 1879, he was licensed as a lawyer by the State supreme court in North Carolina, and in 1881 he was elected as a Republican, and I wish some of my Republican colleagues were here to hear that, to the State house. He was seated in the State house until he ran for the State senate in North Carolina and became a member of the State senate in North Carolina in January 1885.

From 1886 to 1894, he was a prosecutor in one of the judicial districts in North Carolina.

George H. White was elected to Congress in 1896 and again in 1898. In both terms he was the only black Member of Congress, and so he had a tendency to represent and talk about issues that were important to the minority community nationwide.

On one particular occasion, for example, he spoke these words. The debate was on something completely different and he wanted to turn the debate to something he wanted to talk about, so he said:

> Mr. Speaker, I know you will pardon me if I do not address myself to the question before us when you recollect that I am the only representative on this floor of 10 million people.

Ten million people.

> They have no one else to speak for them except myself. I shall, therefore, address my remarks to another great problem that confronts us. I refer to the race problem.
>
> I have sat here and heard discussions pro and con; I have heard my race referred to in terms of any thing else than dignified and complimentary. I have heard them referred to as savages, as aliens, as brutes, as vile and worthless, and I have heard but little or nothing said with reference to their better qualities, their better manhood, their developed American citizenship.
>
> We have been enslaved. We have done your bidding for 240 years without any compensation, and we did it faithfully. We do not refer to it grumblingly or regretfully, but we refer to it because it seems ungracious in you now, after you have had all this advantage of us, after you have had all this labor of ours, to be unwilling at this late date to give us a man's share in the race of life.

So, as a representative of 10 million black Americans, George H. White, it would not be unusual to find, was not very liked by part of America, especially Southern white people.

While White won reelection in 1898, Democrats carried North Carolina on a white supremacy platform. By 1900 a constitutional amendment was ratified in the State restricting the rights of blacks to vote. So when White returned to make his last statement on the floor of Congress, it was not unusual that the die was already cast. He had lost. And on the floor in the State legislature in North Carolina on the day that his successor was sworn in there was such jubilation among white southerners that one of them whose name happened to be Watts, no relation to me, of course, stood up on the statehouse floor and spoke these words. He said of George H. White:

> George H. White, the insolent Negro who has so long misrepresented the proud people of North Carolina in the Congress of the United States, has retired from office forever. We have a white man's government in every part of the old State in the council chambers of our Nation. For these mercies, thank God.

What a thing to say on the floor of the statehouse in North Carolina.

□ 2000

But he did not have the last word, because George H. White was prophetic as on January 29, 1901, George H. White rose on the floor of Congress to speak his last statement in this body. He said:

> Mr. Chairman, this perhaps is the Negro's temporary farewell to the American Congress, but let me say, phoenix-like, he will rise up someday and come again.

Remember, George H. White was the only black Representative in Congress at that time. It was 30 years before another black person was elected to Congress in this Nation. That was Oscar De Priest of Chicago. It took more than 70 years for another black person to be elected to Congress from the South, and, my friends, it took 92 years for the next black person to be elected to Congress from the State of North Carolina.

That is why I am proud to stand here today, because I am the person, in 1993, who replaced George Henry White, a great person.

Thank you very much for this opportunity.

Mr. STOKES. I thank the gentleman from North Carolina for that excellent statement, very poignant statement, made on the floor of the House today.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I would first like to congratulate the gentleman from Ohio for again sponsoring this very important special order. I also appreciate the fact that he selected as his theme this year scholars and writers, artists.

I would very much like to talk about a poet. I think it is very important that we understand that people of African descent all over the world are very creative in all of the arts, in music, in literature, in the visual arts, very creative. The young Africans in Trinidad invented a whole new kind of music with steel drums, old oil drums. They invented the music of the steel drums, and you can hear Mozart sonatas played now on steel drums.

Numerous examples exist where something was taken and it was made almost out of nothing.

Today, we have a phenomenon which is very controversial called rap music. Young men and women in the big cities created rap music almost using no instruments. They were too poor to afford instruments. They began to use old records, and in various ways they created rap music. It was very controversial, and most people assume that rap music was automatically bad, because a lot of racism, reverse racism, is found in rap music, sexism and recklessness, and irresponsibility is reflected through that music.

They do not hear the less famous pieces of rap music and rap poetry which talk about black history and which is used in many cases to educate young black students.

I think that the poet I want to highlight today is a good example of a serious poet in the rap tradition, although she does not call herself a rap poet or a rap musician. I think there was some rap in Paul Lawrence Dunbar. There was some rap in Langston Hughes. There is a certain kind of rhythm and a certain kind of magic that has been there and has not necessarily been labeled as rap.

There are some elements that come right out of the streets in rap, a game that is called the dozens, a game called signifying. They all have roots that go further back into Africa; the griots, the storytellers on the streets who just out of their own memories carry a lot of history around with them from place to place and would recite it.

So I want to focus on a very serious young poet, a mother, a scholar, and I focus on her because I happened to hear her read a couple of poems, rap poems, a few weeks ago at a black history celebration at District Council 37 which is a part of AFSCME in my city, local 371, that every year has this magnificent black history celebration. This year they featured Sonia Sanchez as one of their performers, and Sonia Sanchez read some of her poetry, and it stuck with me. So I would like to call attention to and highlight for the whole Nation Sonia Sanchez.

Sonia Sanchez was born in Birmingham, AL. She is a mother of two children. She was educated at Hunter College, a B.A. degree, and has done postgraduate work at New York University. She now teaches at Temple University in Philadelphia, a very profound, and I would put her in the category of those poets who recently have won Nobel Prizes, African Wole Soyinka, a Nigerian, and Wole Soyinka recently won a Nobel Prize; in just this past year Derek Walcott, a person of African descent from the West Indies, won a Nobel Prize for poetry.

I would put Sonia Sanchez in that category.

Sonia Sanchez is often named among the strongest voices of black nationalism, the cultural revolution of the 1960's, in which many black Americans sought a new identity distinct from the values of the white establishment.

C.W.E. Bigsby comments about Sonia Sanchez in "The Second Black Renaissance: Essays in Black Literature," and he says:

> The distinguishing characteristic of her work is a language which catches the nuance of the spoken word, the rhythms of the street, out of a music which is partly jazz, and partly lyricism which underlies ordinary conversation. Her emphasis on poetry as a spoken art or as performance connects Sanchez to the tradition of her African ancestors, an oral tradition preserved in earlier slave narratives, and forms the music indigenous to the black experience in America.

As Bernard W. Bell demonstrates in the book "The Folk Roots of Contemporary African-American Poetry," in addition to her poetry, for which she has won many prizes, Sanchez has contributed equally well-known plays, short stories, and children's books to a body of literature called the second renaissance, as related in Bigsby's title.

Sanchez reached adulthood in Harlem, which only 30 years before had been the cradle of the first literary renaissance in the United States to celebrate the works of black writers. Political science and poetry were the subjects of her studies at Hunter College and New York University during the 1950's. The next decade, Sanchez began to combine these interests into one activity, the creation of social ideals, as she wrote a section about her writings in the book entitled "Black Women Writers: A Critical Evaluation."

For Sanchez, writing and performing poetry is a means of constructive political activism to the extent that it draws her people together to affirm pride in their heritage and build the confidence needed to accomplish political goals, yet the terms of black rhetoric as words by themselves are not enough.

Biographers cite Sanchez' record of service as an educator, as an activist, and a supporter of black institutions as proof of her commitment to this belief.

In the "Dictionary of Literary Biography" it is stated that she is called one of the few creative artists who have significantly influenced the course of black American literature and culture. Her work has matured over the years. She is a much better writer now than she has been, ever been, and she is intended to grow, but her will has not changed. Sanchez attributes this waning in part, of commitment as to other black writers' commitments, that she says has waned, but hers has not. She attributes the waning of the commitment of other artists to the rewards that have been given to black writers who focus on themes rather than continuing to focus on the struggle and revolution.

The greatness of Sonia Sanchez is that she is an inspiration. Her concreteness and consistency over these many years is noteworthy. She has been an inspiration to a generation of young poets. She has not bought refuge from day-to-day struggles by becoming a writer in the Western tradition.

Somehow one feels deep inside that in a real fight Sonia Sanchez is the type of black woman you would want at your side. Her poetry reassures you, and it expresses this great sense of commitment.

It is my pleasure to salute Sonia Sanchez as a great black poet.

Mr. STOKES. I thank the gentleman for his contribution to this special order.

Mr. CLAY. Mr. Speaker, I am honored to join with my colleagues in this observance of Black History Month and add my voice to those paying special tribute to the late Supreme Court Justice Thurgood Marshall.

The life and times of Justice Thurgood Marshall ranks high among the many epics of black history. Judge Marshall is remembered today as one of the giants of the great jurists who shaped the fabric of our democracy.

Thurgood Marshall has long been a special and heroic person to me. He manifested all the highest characteristics of a champion. Often called a "rock of justice," Thurgood Marshall was the embodiment of integrity and determination. His achievements reflected his magnificent intelligence and sheer physical magnetism. When Justice Marshall spoke, he was heard by all and it was fully understood that his battles would not end until justice was served.

Justice Thurgood Marshall cherished the principles of the Bill of Rights and battled to protect the least powerful among us. He prevailed in his fight to bring down the walls of segregation and open the doors of opportunity to thousands and thousands of black Americans. He conquered justice on all fronts; his role in the struggle to guarantee equal rights to women, homosexuals, prisoners, and all racial and religious minorities cannot be overstated. Thurgood Marshall was indubitably devoted to the highest principles of democracy and a steadfast guardian of the equal rights of all citizens.

Mr. Speaker, Justice Marshall was a great black American who will be forever remembered as a spokesman for the rights of all people. It will never be possible to catalog the entirety of the contributions which this brilliant defender of the fundamental rights of all Americans brought to our society. But, we know that our Nation has been forever blessed to count Justice Marshall among those heroes who spent their lives in service to the ideals of liberty and justice for all. So, today, as we participate in this very important observance of Black History Month, we proudly celebrate the life of one of the most distinguished civil rights advocates of all times, the late Supreme Court Justice Thurgood Marshall.

Mr. FOGLIETTA. Mr. Speaker, it is by no coincidence that this year's theme for Black History Month is "Afro-American Scholars: Leaders, Activists, and Writers." African-American writers, leaders, and activists from Langston Hughes to Maya Angelou, from Booker T. Washington to Frederick Douglas, from Harriet Tubman to Martin Luther King, Jr., from Jackie Robinson to Paul Robeson, to name but a few, have sculpted and left permanent marks on the cultural and historical nature of our society.

First, I would like to single out Arthur Ashe as a great African American leader and activist. Arthur Ashe never forgot where he came from. To his last day, Arthur Ashe was relentless in teaching kids from urban areas tennis and invaluable lessons in discipline and concentration.

Arthur Ashe also used his fame to bring international discrimination to our political consciousness. Mr. Ashe spoke out, loud and clear, against apartheid in South Africa and against the mistreatment of Haitian refugees. Arthur Ashe will forever remain an American hero and great spokesman for many human rights issues.

Justice Thurgood Marshall is the other outstanding African-American leader I would like to single out. As an attorney and a judge, Marshall never walked away from a fight when the cause was just or moral. His tireless advocacy of civil and human rights issues will be missed in our hearts and our courts of law.

Last July 4, Justice Marshall received the Philadelphia Liberty Medal during a ceremony here at Independence Hall. Candid as always, Marshall spoke directly to the greatest dilemma facing our Nation: "Afro and white, rich and poor, educated and illiterate * * * our futures are bound together. We can run from each other, but we cannot escape each other. Americans" said Marshall, "can do better."

Marshall's death is an opportunity to reflect on the progress we've made as a society dedicated to the constitutional principles of liberty and equality. More than simply the first African-American Supreme Court Justice, Marshall was the people's judge, extending the black community's battle for civil rights to champion the economically powerless and the socially dispossessed.

It was Marshall's legal aplomb which pushed the modern civil rights movement into the courtroom during the early years of desegregation. Between 1940 and 1961, he argued and won 29 of 32 cases argued before the U.S. Supreme Court as legal director for the NAACP Legal Defense and Education Fund. Marshall used the Constitution as a sword, forcing State and local courts to extend its guarantees and protections to African-Americans.

His greatest triumph was the 1954 decision, Brown versus the Board of Education, when the Supreme Court ended the separate but equal system of racial segregation in our schools.

As a Supreme Court Justice, Marshall helped formulate law in cases involving civil liberties, affirmative action, the death penalty, and the rights of the accused.

When the seats of the High Court filled with Reagan-Bush appointees during the 1980's, Marshall held his ground with determination, and with courage in the face of declining health. "If I die, prop me up and keep voting," he told his law clerks.

We should also remember the strength and conviction of Marshall's family, his roots in the life of his community. His father William encouraged his ambitious son's plans for a legal career as he blossomed during his senior year at Lincoln University. His mother Norma sold her engagement ring to help him finish law school at Howard University.

In the true spirit of a notion advanced by Oliver Wendell Holmes, the life of Justice Marshall reminds us that the law is much more than a collection of books, arcane procedures and tactical posturing.

I urge President Clinton to keep Marshall's legacy in mind when he turns to the task of choosing Federal judicial nominees.

Justice Marshall's death also holds meaning for Members of Congress. I urge my colleagues in the House to accept the challenge of assuring that those civil liberties eroded over the past decade are supplemented by rigorous enforcement of antidiscrimination laws through empowerment of those Federal agencies under our charge.

As Justice Marshall reminded us last July 4, we can do better, and in his legacy, we must all shoulder the responsibility to do better.

Mrs. COLLINS of Illinois. Mr. Speaker, black history is essentially a function of everyday African-Americans acting every day. Over the past 12 months, several individuals, who by their actions have contributed to what we call black history, have passed on. These leaders, artists, and activists have improved our lives in a variety of ways and their absence will be felt by us all. These citizens have shaped America in fundamental ways that cannot be overstated. It is appropriate that we pause today and remember their legacy.

This afternoon we remember one of our great American authors, Mr. Alex Haley, who reminded Americans, black and white, to always remember our origins. The chronicle of his family history, "Roots," sparked the beginning of a resurgence in interest in family history that is ongoing. His work with Malcolm X on "The Autobiography of Malcolm X" has fueled a new generation of Americans interest in the tumultuous sixties.

We also stop to remember the contributions of a great athlete, Arthur Ashe, who won acclaim in tennis, a sport not associated with African-Americans when he won the U.S. Open in 1968 and the Wimbledon singles championships in 1975. Through his gracious example, Mr. Ashe demonstrated to all of us how winners can be gentlemen.

Since last February, we have lost several great artists whose ability provided us all with joy, while at the same time defined new artforms. These Americans have created a great legacy—musician/composers like Dizzy Gillespie and Miles Davis whose artistry on the trumpet and in composition still rings in our ears—actors like Butterfly McQueen who received acclaim unheard of for a black woman of her generation—singers like Mary Wells and Eddie Kendricks whose smooth voices even today remind so many of us of our youth. These voices have ended but the work of their lives continue on to enrich us.

Indeed, next year we will dearly miss the contributions of great Americans like Thomas Dorsey, the father of gospel music. I myself am among the innumerable masses who have received a special blessing from the words of Thomas Dorsey "Precious Lord, take my hand lead me on, let me stand. I am tired. I am weak. I am worn."

We will also miss captains of industry who have left their imprint on the business world and have passed since our last Black History Month—I think of Reginald Lewis, the Wall Street financier, lawyer, and philanthropist who owned the Nation's largest black-owned business, TLC Beatrice. In his rather short time Lewis built an incredible empire. The absence of his business acumen will leave a tremendous void.

Of course we cannot forget our great champion of the courts Thurgood Marshall, whose sense of simple justice touched the life of every American alive today and all succeeding generations. Through his actions, first as a brilliant trial attorney, then as the Solicitor General and finally as the first African-American justice of the highest court in the land, he showed us all how the sheer determination of one black man could make a positive difference in society.

We have mourned the passage of all of these great Americans who through their actions have given us our wonderful heritage. They are the fuel for the creative and innovative engine that is our country. They have defined our culture, interpreted our laws, fed our imaginations, and tugged at our consciences. We owe them a tremendous debt. I don't think any of us can imagine what life would have been like without any of them.

But even as much as these individuals will be dearly missed, we are faced with a greater tragedy: That tragedy is the loss of our future great African-American contributors. Last year 927 men, women and children died on the streets of Chicago due to irrational gun violence. A majority of them were African-American. This tragic waste of talent and energy occurs every day all over this country. The loss is particularly devastating when it involves children, for they are the reservoir from which all future achievements come. When a child dies it is impossible to regain the potential that is lost to our society.

We will never know if Dantrelle Davis would have become the great black doctor who develops the cure for cancer. We will never know because he was cut down before his seventh birthday while walking to his first grade class by a thug with a gun.

We will never enjoy the music that Anthony Felton may have provided or benefit from the amazing computer program that Danielle Turner might have developed if not for their untimely deaths at the hands of a gunman.

For all we know, Taylor Briana Huggins may have been the next Romare Bearden and Ernest Matthews, Jr. a future President. We will never know for sure, because they were cut down in their youth before we were able to share in their talents.

Later this week, I will speak to a group of students at Steinmetz High School in Chicago. I enjoy speaking to young people because by looking into their faces you can sense the possible, the unlimited promise. When I see them I will tell them about the great heritage that is theirs and about the many African-American innovators of our time who make our country great. In addition, I will stress that they are the future of black history. Without them the contributions cease. There is one inescapable truth about history, black or otherwise, and it is that you must have the opportunity to live it in order to be a part of it.

Mr. Speaker, this month I celebrate the distinguished contributions of black Americans who have become a part of our Nation's history. We cannot begin to repay them for their efforts, and as we salute them I hope it reminds us of our future. We must redouble our efforts to make our streets safe this year, so that we can safeguard our children, the future of black history.

Ms. E.B. JOHNSON of Texas. Mr. Speaker, to me, Black History Month is a time for all Americans to reflect upon the cultural, scientific, and historical contributions of black Americans throughout our Nation's history—it is equally a time for each of us to reflect upon our personal role and responsibilities in today's society. It is the one time of year when we re-group, re-focus, and give thanks for the inspiration provided us by our ancestors—we must not forget where we have been nor where we must go from here.

Throughout this century, many distinguished black writers have brought to light universal experiences in American society, particularly for minority men and women. From Langston Hughes' lifetime of poignant and revealing writings to Maya Angelou's inspiring prose last month at the Presidential Inauguration, from her bestseller "I Know Why the Caged Bird Sings" to Terry McMillan's riveting book "Waiting to Exhale," black American writers have struck a deep chord in the American conscience and awareness. While their works are enjoyed universally for their beauty and excellence, it is to black youth that these works serve as a source of strength and guidance for development of integrity and character. Perhaps without intending to be, these literary artists are modern scholars of the black experience—recording cultural phenomena, stories of racial hatred and discrimination, and experiences of prevailing and succeeding against all odds.

Literary artists occasionally come in surprising forms—Thurgood Marshall probably didn't consider himself an artist, but I certainly do. Because the creative mind, whether it be dedicated to literature or to sculpture or to legal study, is what determines an artist—and so Thurgood Marshall was certainly an artist. As chief counsel for the NAACP, he took those merely theoretical legal principals called constitutional rights and, like a sculptor, he pushed them and pulled them and prodded them until they took on the shapes of school desegregation and civil rights for all Americans. Thurgood Marshall was an artist, a scholar, and sometimes a magician. And we are blessed to have had him here with us for 84 of the most tumultuous, challenging, and rewarding years of American history. Uniquely, Marshall embodied the two most important fights for black Americans—equal educational opportunities, and equal voting rights—his groundbreaking legal victories will never be paralleled, and his impact on the educational and employment opportunities for thousands will never be replicated.

Luckily for today's youth, Thurgood Marshall's lifetime achievements paved the way for an entire generation of local scholars and community leaders across the country. In smaller, but no less significant ways, these individuals serve as role models to our young people—these individuals are living proof that each of us can make a positive difference in the lives of others. Back home in my District, Dr. Marvin Edwards serves as an able Superintendent to Dallas Public Schools, and Mrs. Sally Moore is an Associate Superintendent of Schools—achievements never dreamed when I was growing up. To the hundreds of students in their School Districts, of all cultural backgrounds, they represent the American Dream of a solid education, career opportunity, community recognition, and personal distinction. Within each school there are teachers and Administrators who serve with dedication and integrity—Dr. Napoleon Lewis, the principal of a large Dallas high school, serves as a reminder every day to his students of the impact just one person can make in improving the lives of hundreds of others. There are dozens of similar examples throughout my District, and thousands across the United States—Black History Month is the perfect opportunity to recognize today's leaders and activists, and the impact they have in defining our future history.

As always, history is a work-in-progress—this moment in history allows for new dreams and aspirations for us all, as Americans, regardless of race. It is important to impress upon our youth that it is not enough to accept society as it is today—that they have a responsibility to themselves and to future generations to rectify social injustices wherever they are, to stand up for what is right no matter the personal consequences, to not just glorify Dr. King as a hero but learn and practice his teachings and beliefs. In cities across the country, like Dallas, our black community is facing extraordinarily difficult times. But we must not stop, nor even slacken the pace of pushing, pulling, and prodding until our laws take the shape of equal justice, solid education, economic fairness, and adequate health care. We must not be complacent and none of us can afford to just be spectators.

Allow me to conclude with a few words by Langston Hughes, which embody my feelings here today:

Well, son, life for me ain't been
no crystal stair.
It's had splinters in it and places with no rug on the floor, bare.
But I'm still climbing and turning corners and reaching landings.
So don't you sit down Because I'm still climbing, and life for me ain't been no crystal stair.

Mrs. MEEK. Mr. Speaker, I am pleased to have this opportunity to pause along with my colleagues to celebrate, educate, and share the rich culture and accomplishments of African-Americans.

Today we not only celebrate African-American History Month but American history as well. The history of African-Americans is intricately woven into the framework of this country.

Mr. Speaker, I'd like to share with you and the rest of the Nation, the many contributions made by African-Americans in my community.

None of us are who we are simply by some kind of divine intervention. We are who we are because of our many experiences and the many people with whom we've come in contact and because of those who have gone on before us, who have made a difference in our lives.

Today, sir, I want to share with you the stories of a few African-Americans who have paved the way for a new generation of African-American. These individuals, through their struggles and their deeds have helped open the door to opportunity for others in our community.

I stand, today, on the shoulders of Josia T. Walls, the first African-American to represent Florida in Congress during the 1800's, and on the shoulders of Gwendolyn Sawyer Cherry, a brilliant Miami lawyer who in 1970 became the first African-American to serve in the Florida Legislature.

Gwen Cherry's political career was characterized by her support for civil rights for women, blacks, and the poor, and by a series of firsts. She was the first black woman to enroll in the University of Miami Law School—later graduating cum laude from the Florida A&M School of Law—and the first black woman to pass the Florida Bar exam and practice law in Dade County.

When she died an untimely death at age 55, she was one of only three blacks in the 160-member Florida Legislature.

Perhaps, a bit ahead of her time, Mrs. Cherry introduced legislation, during her freshman year, proposing federally funded child care centers; for the abolition of capital punishment, which she felt disproportionately affected the poor and blacks; for the legalization of abortion for Florida women; and introduced Florida's first equal rights amendment bill in 1972.

I also stand on the shoulders of Athlie Range, the first black ever to hold elective office in Dade County when she was elected to the Miami City Commission in 1967. In 1971, she became the first black or woman in Florida to hold a cabinet-level position, when she was appointed secretary of the Florida Department of Community Affairs.

An activist for change, Mrs. Range's many deeds and declarations throughout this Nation led to her appointment by President Jimmy Carter to the National Railroad Corporation.

Mr. Speaker, there are others in Miami who have dared to be different and dared to make a difference. The late Rev. Theodore Gibson a man of action and staunch member of the National Association for the Advancement of Colored People. In 1956, Reverend Gibson led the fight for the integration of public transportation in Dade County, sued to integrate public education and public accommodations in Miami, and established nonviolent demonstrations and sit-ins at lunch counters at Walgreens, Woolworths, McCrory's, Sears, and other such places in the 1960's. He was Miami's Martin Luther King.

I must also recognize the contributions of the late Rev. John E. Culmer and the late James E. Scott who in 1937 led the fight for decent affordable housing within the boundaries of Miami's Colored Town. Because of their efforts, Florida's first federally subsidized housing complex—Liberty Square—was built, providing more than 637 liveable units.

Realizing that educational development is economic development, I would be remiss if I did not recognize the noteworthy contributions of Florida Memorial College which this month is celebrating 25 years of academic excellence in Miami. Florida Memorial College has played a dominant role in the development of student potential in Miami and south Florida. This is the college where the Negro national anthem, "Lift Every Voice and Sing," was composed and written by J. Rosamond Johnson and his brother, James Weldon John, and first sung by the college's students.

Florida Memorial College, the individuals, and others have helped in their own way to make Miami—America's melting pot—the liveable community that it is today. They also helped to open the doors to opportunity for the next generation.

Mr. REYNOLDS. Mr. Speaker, I rise today, as we celebrate Black History Month, to bring the attention of this body to the life and example of Alain Leroy Locke, one of the foremost minds of the 20th century.

Alain Locke was born in Philadelphia, in 1886. He attended Central High School in Philadelphia, and went on to Harvard, graduating in 1907 with a highly distinguished record.

In 1907, Alain Locke truly made history, Mr. Speaker. He began studies at Oxford, as the first black Rhodes Scholar.

After further study at the University of Berlin, he returned to the United States, joining the faculty of Howard University in 1912.

Throughout his remarkable career, Alain Locke displayed stunning intellectual diversity, publishing writings as a literary and drama critic, philosopher, art and music historian, anthropologist, educator, and educational theorist.

One of his most noted works was "The New Negro," which contained 22 essays, numerous poems, a play, two folk tales and a short story. The work provided a forum for some of the younger talent in the community, while bringing a measure of cohesion to the Harlem renaissance by bringing older and younger writers together.

Many in the literary community recognize Locke's series of annual comprehensive reviews of books on black topics during the thirties, forties, and early fifties, as brilliant.

He supported the philosophical principles of cultural pluralism and value relativism. Locke, himself, describes his role as "philosophical midwife to a generation of younger (black) poets, writers, (and) artists * * *."

Locke was a "midwife" to a younger generation of politicians as well, Mr. Speaker. He financed, in large measure, the successful campaign of Oscar dePriest for Congress in 1928. Oscar dePriest was the first African-American Member of Congress from Illinois.

Alain Locke's life served to teach all of us the power of one's mind. His intellect and diverse interests enriched numerous aspects of American life in the first half of this century. Clearly, no one compares to Locke in his ability to stimulate debate and foment discussion about the contributions of African-Americans to American culture.

Just as he broke barriers at Oxford, and helped Oscar dePriest break barriers in Illinois, Locke's example challenges all of us to break barriers holding all of us from reaching our full potential.

Mr. UNDERWOOD. Mr. Speaker, I am saddened by the death of Supreme Court Justice Thurgood Marshall. As a brilliant lawyer and constitutional scholar, his unselfish and dedicated work for the NAACP produced Supreme Court decisions which altered the course of race relations in this country and inspired those for whom participation in the Nation's affairs remains elusive to this day, like those in the territories.

In his 24 years on the Supreme Court, Justice Marshall never forgot from whence he came. His presence on the Court signaled hope and justice for minorities, the indigent, and other downtrodden members of this society.

May his rich and significant legacy serve as a constant reminder to his colleagues that the Supreme Court's authority and legitimacy can only be preserved by protecting by the powerless and serve as a reminder to all Americans that while much has already occurred, there is much yet to be done. And for those of us who benefited from his genius, we have much to be grateful—we only ask that we be given the opportunity to demonstrate our ability and add our genius to the Nation.

Ms. PELOSI. Mr. Speaker, I rise in honor of Black History Month, and I thank and commend my distinguished colleagues Representative STOKES and Representative MFUME organizing this special order.

This month, the city of San Francisco, which I proudly represent in Congress, held many special events as part of the city's 37th observance of African-American History Month. These events recognized the many achievements of African-Americans in our city as well as in our Nation, and were in keeping with this year's theme, "Afro-American Scholars: Leaders, Activists and Writers."

As part of the celebration, the city of San Francisco honored several members of our community who have made positive contributions to our great city. They include Josephine Cole, the first African-American teacher in the San Francisco school system; Judith Moreland, a teacher and actress with the American Conservatory Theater; Wendell Pierce, also an actor with the A.C.T.; and Gregory Lewis, an award-winning urban affairs reporter for the San Francisco Examiner.

Also honored were Rufus Olivier, premier bassoonist with the San Francisco Opera Orchestra; Richard Lloyd Baines, director of education for the San Francisco Symphony and director of the San Francisco Youth Orchestra; Denis De Cocteau, conductor of the San Francisco Ballet Orchestra; Marx Cazenave, former director of the Small Business Administration's Regional office and owner of Progressive Investments; Coyness Ennix, a thoracic heart surgeon and head of heart surgery for all Kaiser hospitals; Ted Lange, an actor who is starring in the lead role of Othello, the Movie; and Noah Griffin, the public information officer for City College and a well-known columnist and talk show host.

Community groups and organizations throughout the city planned lectures, films, readings, poetry, and art exhibitions as part of the celebration. The San Francisco African-American Historical and Cultural Society held a number of such events during the month, starting with opening ceremonies at the Bethel A.M.E. Church in which film producer William Greaves delivered the keynote address. Other events sponsored by the Society included a black-tie auction and a book-signing event for John Templeton, author of "Our Roots Run Deep."

The Historical and Cultural Society also highlighted the importance of education by sponsoring events for our city's young people, including a storytelling program by Allice Jacobs and Josephine Cole.

The Lorraine Hansberry Theater, one of San Francisco's cultural treasures, presented a series of special performances and events—"Voices of Praise: A Gospel Celebration," "The Shoebox," and "Indigo Lady"—in honor of Black History Month.

Mr. Speaker, no observation of Black History Month would be complete without mentioning that this year marks the 30th anniversary of Martin Luther King, Jr.'s important and stirring "I Have a Dream" speech. Delivered at the Lincoln Memorial—only a short distance from this Chamber—Dr. King's speech had both an immediate impact on the thousands who listened by the Reflecting Pool that day and a lasting effect on the millions who have been touched by his moving speech in the years since.

San Francisco's celebration of the Federal holiday honoring Dr. King was sponsored by the Northern California Martin Luther King, Jr. Birthday Observance Committee, chaired by Rev. Cecil Williams, pastor of San Francisco's Glide Memorial United Methodist Church. The day's activities included a Freedom Train ride from San Jose and a march down Market Street ending in a rally at the civic center designed to educate young people about the dreams of Dr. King.

At the rally, the Omega Boys Club and the San Francisco Midnight Basketball League received 1993 "Living the Dream" awards. Also featured were the San Jose Youth Choir, Leola Jiles, and Brother Edge.

Mr. Speaker, I must also take time to honor the memory of Justice Thurgood Marshall, who died last month. Justice Thurgood Marshall said he wanted to be remembered as someone who, in his words, "did what he could with what he had."

As a legal scholar, a pillar of the civil rights movement and finally as a Supreme Court

Justice, Thurgood Marshall fundamentally changed the way American society and law deals with the issue of race—and with each other.

During Black History Month 1993, we honor Thurgood Marshall for his insight, his hard work, and his compassion. His major contribution to both our Nation and African-American history will never be forgotten.

Mr. SPRATT. Mr. Speaker, I rise today in remembrance of John Birks "Dizzy" Gillespie, who was born in the small South Carolina town of Cheraw on October 21, 1917, and passed away on January 6, 1992.

Dizzy Gillespie spent his lifetime combining towering achievements in the field of jazz with equally inspiring humanitarian contributions to society at large. In the 1940's, together with Charlie "Bird" Parker, Gillespie founded the jazz form known as "be bop"—which is to this day its most enduring style. In the late 1940's and early 1950's, he again took jazz where it had never gone before when he blended it with Cuban rhythms, creating a revolution called "Afro-Cuban jazz." Throughout his career, he and his bands consistently turned out what the New York Times has called "orchestral landmarks," full of "dense harmonies and flashy rhythms."

As surely as Gillespie changed the face of jazz music, he also changed the perceptions of millions who might have never known of its wonders without his tireless efforts. With his trademark bent trumpet, incredible cheeks, and his million-dollar smile, Dizzy Gillespie was able to spread his music well beyond the traditional jazz audience. By blending entertainment with esthetics, he became an unparalleled ambassador of goodwill, and in 1956, he toured the Middle East and South America as an emissary of the U.S. Department of State.

Dizzy Gillespie wrote in his autobiography that he would like to be remembered "as a humanitarian," and suggested that his role in music was but "a stepping stone to a higher role. * * * the role of service to humanity." As we honor and remember outstanding African-Americans during Back History Month, we would do well to pay our respects to the legacy of John Birks "Dizzy" Gillespie, whose service to humanity took so many forms, and whose talents brought happiness to so many.

Mr. TOWNS. Mr. Speaker, it is my distinct pleasure to rise during this special order to commemorate Black History Month.

Carter G. Woodson, a noted historian, launched Negro History Week on February 7, 1926. Dr. Woodson also founded the Association for the Study of Negro Life and History in 1915 and began publishing the Journal of Negro History in 1916. However, he knew that many people would not read the journal or join the association. He also knew that it was unlikely that they would be encouraged to learn about the history and contributions of blacks in America, Africa and the Caribbean. Dr. Woodson initiated Negro History Week as a way to provoke discussion and interests in the accomplishments of blacks. He believed that the commemoration of 1 week, celebrated in the segregated churches and schools of the North and South would have the profound impact of reinforcing the dignity and self-respect of an embattled people. We must not forget that black Americans in the early part of this century, lived in a society which was strictly segregated from birth to death and every step in between.

Woodson knew that knowledge of the history and accomplishments would provide a sturdy foundation which was essential for emotional and physical survival. This knowledge would not be a cloak in which to hide, but a shield to repel the everyday arrows of life.

Today, in an age where heroes are few and villains are certain, knowing about the contributions that people of African descent have made to the development of world civilization gives a guidepost to the true meaning of courage and success. We cannot help but be inspired when we as people, who despite harsh and unjust conditions, lived their lives with dignity and determination.

And then I thought of the difficulties facing America, and especially black America and it occurred to me—that we who are rich in intelligence, talent, will and a history of incredible accomplishments can build beautiful structures out of our own raw materials. That is the purpose of Black History Month—to remind black America of its awe-inspiring past—to steady our footsteps in the present path and give form to our collective vision of the future. In essence, the message is this—if the black Americans who lived under slavery, segregation and legalized discrimination survived and sometimes thrived, then we, who live today can accomplish great things.

Today, I rise to pay tribute to a Brooklynite, Ernesta Procope, who by her talent, intelligence and determination, has become a living example of black history.

### ERNESTA G. PROCOPE

Ernesta Procope was born and raised in Bedford-Stuyvesant, Brooklyn and attended Brooklyn College. Today, she is considered a pioneer in the American property and casualty insurance industry. Her company, E.G. Bowman Company, Inc. is the largest black commercial insurance brokerage firm in America.

Beginning in the Bedford-Stuyvesant area of Brooklyn, Procope currently employs 40 people and is housed in two stories in an office building on Wall Street, the heart of the Nation's financial district. She counts 45 members of the Fortune 500 on her commercial client list.

However, Mrs. Procope remains a committed member of the Brooklyn community, using her ingenuity to improve the lives of all of New York's residents. Procope's efforts inspired the New York State property "Fair Plan" legislation. This law created a pool of insurance companies to provide urgently needed coverage to declined and difficult to place properties in depressed neighborhoods. Today, some version of the "Fair Plan" has been adopted by 26 States. However, Procope quickly realized that insurance coverage did not address a major concern of people in low and moderate income areas—the ability to own a home. Therefore, as president of the Minority Housing Development Corp., Procope headed a project which created the Brinkerhoff Homes in Jamaica, Queens. As president of the Albin H. Bowman Co., Procope made the dream of homeownership a reality for many families by purchasing, rehabilitating, and arranging financing packages for over 500 brownstones in low-income areas of Brooklyn.

In addition to her leadership in Brooklyn, Procope has been recognized as a national and international leader. She was appointed by President Ford to serve as Special Ambassador to Gambia and has served on the boards of several corporate and nonprofit organizations including: Avon Products; the Chubb Corp.; Boys and Girls Club of America; Cornell University, and the Community Service Society.

Since 1975, she has received over 30 major national awards, including the Entrepreneurial Excellence Award (Dow Jones, & Co./The Wall Street Journal); The Distinguished Service Award (National Association for the Advancement of Colored People); and the Achievement Award (National Insurance Industry Association).

As the founder, president and chief executive officer of E.G. Bowman Co., Inc., Mrs. Procope's influence extends from Wall Street to Main Street, through the core of the American financial system. Her achievements stand as a source of inspiration to all people.

Mr. FAZIO. Mr. Speaker, I am pleased to join my colleagues once again this year in our special order in honor of Black History Month.

Black History Month gives all Americans the opportunity to appreciate and understand the involvement of African-Americans in America's history and society. Arising from a legacy of slavery and oppression, African-Americans have made ongoing contributions to America's agriculture and industry. There is no area in which their ongoing presence and contributions are not felt—be it the military, government, education, literature, the sciences, entertainment, the arts, sports, or social reform—all while struggling for equality and freedom, and fighting to counteract the effects of the racism that continue to pervade our society.

From Dr. Carter G. Woodson, the African-American scholar and historian who established the observance of Negro History Week back in 1926, to the late Thurgood Marshall and Arthur Ashe, African-Americans have had to consistently fight to destroy the myth of white superiority and to counteract the effects of the deliberate distortion and elimination of the African-American presence in America's history. This month, set aside every year to stimulate awareness of the role of the African-American and to correct this imbalance, gives us all an opportunity to reinforce the work of these great Americans and to honor their lives and achievements, as well as to focus on the cohesiveness and diversity that have made our country great.

Mr. Speaker, I am honored to participate in this opportunity to highlight the accomplishments and contributions of our African-American citizens. I also commend the distinguished gentleman from Maryland, Mr. MFUME, chairman of the Congressional Black Caucus; and the distinguished gentleman from Ohio, Mr. STOKES, for calling this special order, and I thank them both for including me in this effort.

Ms. DELAURO. Mr. Speaker, each year we celebrate Black History Month as a time to pay tribute to those who do not always receive the recognition they deserve throughout America. We honor people who have sacrificed and achieved great things for the good of future generations. In doing so, we hope to inspire younger generations to dream and hope for the future.

This month, as we celebrate the historic achievements of African-Americans, we also mourn the loss of an individual whose very life embodied some of the greatest achievements in our Nation's history—Justice Thurgood Marshall. No single individual has done more to improve the lives of African-Americans, or to create a more just legal system for all Americans.

The 20,000 people who came to pay their respects to Justice Marshall as he lay in state recognized that his life and his work made life better for each of us. He was a man whose life fused legal expertise with profound human understanding. Using these talents, he achieved one of the greatest victories of the civil rights movement—the desegregation of American schools following his Brown versus Board of Education victory in 1954.

But his accomplishments did not begin nor end there. His life exemplified many of the obstacles and achievements of all African-Americans who fought for civil rights and justice throughout this century. Justice Marshall was someone who took the pain and the injustice racial discrimination brought to his own life and made them the targets of his legal attacks. He himself was denied admission to the University of Maryland Law School because of his race. After graduating first in his class from Howard University Law School, he won the case which overturned the racist admissions policy of the University of Maryland.

As a lawyer, Thurgood Marshall succeeded in that most difficult of tasks—pressing the American legal system to live up to the promise of the Constitution by providing equal justice to all Americans, regardless of race.

Before the historic Brown versus Board of Education school desegregation victory, Justice Marshall spent two decades carefully laying the groundwork for future civil rights successes. Like so many other lawyers with the NAACP, he risked his life time and time again, traveling all over the South to try civil rights cases. From voting rights, to university desegregation, to countless other efforts to overturn racist laws, he tried and won some of the most important cases necessary to dismantle American apartheid. His awe-inspiring record of 29 victories out of 32 Supreme Court cases led to his recognition as one of the foremost litigators in the country.

When he brought his formidable legal skills to the bench as a Justice on the Second Circuit Court of Appeals, Thurgood Marshall continued his record of unique achievement. Of the 150 opinions he wrote, not one was overturned. He went on to the Solicitor General, and finally the first African-American Supreme Court Justice in 1967.

But it is all too easy for some to forget, in listing all of the historic breakthroughs that Justice Marshall made, that his importance went far beyond just being the first African-American to do what he did. It was the conviction and talent that he brought to each post that has left a permanent mark upon American life. He was unique in his steadfast commitment to his own sense of justice, and deep humanity. Although all too often his opinions on the Supreme Court were those of the dissenting minority, he won the respect and admiration of all his colleagues for the integrity and commitment to protecting individual rights that motivated him.

As we mourn the loss of this truly unique man, we are also grateful for all that he has done for every American. But we must be grateful not only for him, but for all those who share Thurgood Marshall's ideals, his conviction, and his steadfast determination to face down discrimination and injustice and turn it around.

Today, we celebrate not only the famous, but also the unsung heroes and heroines of African-American life. The parents and grandparents of generations past who sacrificed and won over incredible odds so that this would be a better country and a better world for their children.

There is still, unfortunately, a long way to go in fighting for civil rights justice in this country. But we draw strength and inspiration from the memory of Thurgood Marshall, and so many others who shared in his fight, to go forward to meet the challenges and overcome the obstacles that face us. Justice Marshall's legacy lives on in the hearts, the minds, and the commitment of a new generation to securing justice for all Americans.

Ms. VELÁZQUEZ. Mr. Speaker, I am honored to be able to be here this evening in observance of Black History Month. While we all know that the contributions of African-Americans should be honored every day of the year, I would like to take a moment to express the importance of honoring these contributions.

Black History Month highlights a story of struggle and perseverance against all odds. From the pre-Civil War period until this very day, African-Americans have struggled and continue to struggle for basic human rights—the right to live with dignity and free from persecution. Throughout the Nation we see reminders of the continuous struggle, we read the statistics about discrimination and racism at all economic and social levels that blacks experience. We have heard the stories from personal friends and colleagues about being closely followed while browsing through a department store. We watch as fathers and mothers struggle to provide their children with decent educations and lives, free of crime and drugs. We hear stories of problems in the inner city, as if it were a far off and distant land, and not the neighborhoods of our brothers and sisters.

This struggle and picture is not unique to the African-American community—I have also seen this struggle within the Puerto Rican community. We have also lived with the discrimination, the hardship, the bigotry, and the violence. I know how it feels to be judged by the color of your skin or by the difference in your mannerisms. Our goals are the same: to gain access to the fundamental rights of every person who tries to succeed in this Nation. We want a slice of the pie that has eluded us for so long.

Yet Black History Month is also a symbol of pride and success, for it is a reflection of what the black community has contributed to this Nation and to the world. For too long in this country the efforts and sacrifices of African-Americans have gone unheeded, and this month has been set aside for people of color to really shine through the haze. Even as this country finally moves to correct the fallacies of the history books—history books that taught generations of children that white men solely were responsible for the development of the United States—we need Black History Month to remind all of us of those who dedicated and sacrificed their lives for us and future generations to come.

Shirley Chisholm, the first African-American woman elected to Congress, is just one of many examples of people who chose to voice concerns about her community and took her concerns all the way to public office. She was able to conduct her affairs with the strength of 10 women when she was the first and the only African-American woman elected to Congress in 1969.

While in public office, Ms. Chisholm was instrumental in developing the potential power of her constituency in the Bedford-Stuyvesant and Bushwich sections of Brooklyn. She fought tirelessly for education funding, both for the sake of providing self-respect and discipline to America's youth, especially the poor, and as a means to end the poverty cycle. Her dedication to making day care available and affordable was ahead of its time in many ways, and she fully understood that available child care was a key element to bringing poor families out of the welfare system and into the working community.

There are countless local figures in my district that are working at the grassroots level to effect change within the African-American and the Latino communities. If each one is successful in bettering the life of one child, they have taken our communities one step closer to true freedom. it is my hope that we will all rise to the occasion and continue in the path of other great African-American local leaders—teachers, parents, elected officials, the caring neighbor—and push toward living up to the statement that all men, and women, are created equal.

Mr. BLACKWELL. Mr. Speaker, I would like to commend the gentleman from Ohio [Mr. STOKES] for once again arranging this special celebration in honor of Black History Month.

As leaders of this Nation, we are rightfully charged with an obligation to provide awareness about the contributions that African-Americans have made and are continuing to make toward the establishment of this great country.

Mr. Speaker, with the forced arrival of 20 Africans on a Dutch warship into Jamestown, VA in 1619, slavery gained its first foothold into North America. This marked the beginning of a bleak and traumatic era in our Nation's history.

However Mr. Speaker, in spite of the barriers that were put before them, African-Americans have risen from beyond the horrors and wrath of slavery's past to profoundly impact upon the cultural, political, scientific, and economic advancement of America.

Mr. Speaker, with such rich history, I am prompted to embrace with pride this grand opportunity to participate along with my colleagues in celebration of the life works of a select group of American-Americans.

Carter G. Woodson, referred to as the father of Negro history once said, "If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in thought of the world, and it stands in danger of being exterminated."

Realizing the need to bridge the link between our past and present, Woodson instituted Negro History Week, which is now expanded to what we celebrate today as, Black History Month.

In that respect, Mr. Speaker, throughout the month of February, I will be presenting a series of speeches to commemorate the accomplishments of African-Americans from the city of Philadelphia which I represent.

Excerpts from my compilation highlight the accomplishments, talent and dedication of those individuals who have played major roles in the advancement of not only the city of Philadelphia, but of the entire Nation.

Ms. Nellie Reynolds an outstanding member of the Philadelphia community, is a committed individual who has stood steadfast in the fight for decent, fair and affordable housing. She is recognized across the city as an impressive voice of the people in the struggle for fair housing.

Her tireless efforts have successfully improved the living conditions of hundreds of people. Today Nellie continues this challenge with undying vigor, determination, and commitment.

Philadelphia is also proud of Guy Bluford. As the first African-American astronaut, he has not only contributed to the city of Philadelphia but to the Nation. In addition to having completed 4 flights and 688 hours in space, Bluford has given back to his community time and time again.

Throughout his bright and brilliant career, he has involved himself in a host of community activities in the city of Philadelphia. He has indeed made his mark in history by the positive impressions that will probably rest eternally in the hearts and minds of those with whom he has come into contact. Mr. Speaker, no doubt Guy Bluford is indeed the positive role model that the citizens of the city of Philadelphia and across the country should seek to emulate.

Mr. Speaker, I am honored to pay tribute to another great Philadelphian, Honorable Justice Juanita Kidd Stout for her outstanding accomplishments. In 1959, this brilliant Afro-American became the first black woman in America to be elected to a court of record. Moreover Mr. Speaker, she was nominated by Governor Robert P. Casey in 1988 to become the first black woman to serve as a justice of the Supreme Court of Pennsylvania. Mr. Speaker, Justice Stout is a shining example of commitment and integrity.

Her years of service have afforded her the opportunity to receive much respect as one of the most brilliant legal minds in the country. Moreover Mr. Speaker, although retired, Justice Stout continues to sit as a senior judge in the Court of Common Pleas in Philadelphia.

It is indeed my honor to share with my colleagues the outstanding contributions of the Honorable Justice Juanita Kidd Stout, indeed a pillar in the city of Philadelphia in which we are proud.

Mr. Speaker, Mr. Samuel L. Evans rightfully referred to as the Father of Black Politics is one of the greatest pillars in the city of Philadelphia. In his dedication and commitment to encourage youth to enter the fields of law and medicine, Mr. Evans holds responsibility for most of the African-American doctors and lawyers presently residing and practicing in the Philadelphia area and other parts of this Nation.

Mr. Evans has indeed been blessed with a special talent—a special ability to be able to motivate and stimulate the minds and hearts of many who have gone forward to make great strides in life.

Mr. Speaker, the success stories that are attached to this great African-American hero are too abundant to mention in such short span of time; however, in another setting, on another occasion, for the benefit of my colleagues in the United States House of Representatives, I wish to share the legacy of Mr. Samuel L. Evans.

Mr. Speaker, I proudly share with my colleagues the great works of these outstanding African-Americans whose efforts have contributed to the rich and colorful heritage of the city of Philadelphia and across the Nation.

Mr. Speaker, Black History Month should not be the only time designated to remember the achievements of African-Americans, for they rightfully should be thought of, loved and respected each day of every year.

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise to participate in today's special order in recognition of Black History Month.

First celebrated as Negro History Week in 1926, Black History Month is the brainchild of the father of black history, historian Dr. Carter G. Woodson. Dr. Woodson understood clearly the importance of preserving a thorough and accurate record of our past for future generations. A people whose history and accomplishments go unrecorded, Dr. Woodson warned, "becomes a negligible factor in the thought of the world and stands the danger of being exterminated." Thus, Dr. Woodson set out to document the experience of black men and women in Africa and the New World and to record the tremendous contributions of African-Americans to the Nation in which they toiled for three centuries in forced servitude. Our history in this Nation is unique. Significantly, our tumultuous, unfinished odyssey from slavery to freedom and full enfranchisement reflects a noble legacy of collective struggle and personal sacrifice.

During Black History Month, it is customary to celebrate the contributions and achievements of African-Americans throughout our Nation's history. We reserve our highest esteem for those outstanding individuals who not only achieved greatness in a given area of endeavor but devoted their lives and careers to improving the quality of life for others.

At a time when violence and hopelessness pervade many of our communities and much is made of the lack of positive role models for our youth to emulate, I believe it is critically important to take note of the ongoing contributions of our contemporary African-American achievers and heroes. I would like to call attention to three individuals from my home district in Los Angeles whose careers, achievements, and deeds merit recognition and praise.

Dr. Karen Hill-Scott is a nationally recognized expert on child care and work family issues. She is currently executive director of Crystal Stairs, a large private non-profit child development agency which primarily serves south central Los Angeles, and president of Morris McNeill, a management consulting firm. Over the past 20 years, Dr. Hill-Scott has written and lectured extensively on a wide range of child care subjects and is generally regarded as a definitive source on supply, demand, market expansion and related planning issues. Her most recent work has focused on the relationship between child care and real estate development and child care and transportation modes. Dr. Hill-Scott's public policy work has influenced child care, parental leave, and welfare reform policies in California and at the Federal level. Dr. Hill-Scott has most recently been selected to serve on the board of Rebuild L.A., the organization created by Mayor Bradley and chaired by Peter Uberroth, to redevelop the city after the unrest of May 1992.

Alice Walker Duff, Ph.D., is deputy director of Crystal Stairs, Inc. She is respected for her administrative skill and legislative acumen, and is a well known advocate for children's services. Since 1966, Dr. Duff has worked in the fields of education, civil rights, and the arts, specializing in child care and public policy. In 1980 she co-founded Crystal Stairs with Dr. Hill-Scott, which helps parents find child care and enables child care providers to do a better job. Crystal Stairs also conducts public policy research, and helps feed more than 250,000 children each month in Los Angeles, Orange, Riverside, and San Bernardino Counties. Dr. Duff has used her administrative experience and research knowledge to influence public policy on child care and encourage its effective implementation. She currently serves on the executive committee of the Los Angeles Educational Partnership, the Los Angeles County Child Care and Development Block Grant Planning Council, L.A.'s Best, and the California Child Care Professional Training Project.

A long-time volunteer with United Way of Greater Los Angeles, Dr. Herbert L. Carter served as chair of the board of directors from 1989–1991, and is now president and chief executive officer of the organization. As an advocate of the partnership between education and community service, he served as executive vice chancellor of the California State University system from 1974 to 1992, assisting the chancellor in governing the 20-campus system. Before joining the university in 1974, Dr. Carter was executive director of the Los Angeles County Commission on Human Rights and senior consultant to the Los Angeles County Department of Human Relations. Dr. Carter is also founder and first chair of the Black Partnership Development Council of United Way of Greater Los Angeles which initiated discussion around the plight of the black community during the late 1980's, providing the impetus for the study, "The Black Community Of Greater Los Angeles: A Community In Transition."

Please join me, Mr. Speaker, in applauding these contemporary African-American achievers for their significant accomplishments and for setting an inspiring example for today's African-American youth.

Mr. KILDEE. Mr. Speaker, it is a pleasure to join my colleagues in honoring the tremendous contributions of African-Americans in our society as we celebrate Black History Month.

Only recently, our colleague from Georgia, Hon. JOHN LEWIS, introduced legislation to establish a national African-American museum within the Smithsonian complex to formally recognize those contributions. I am honored to be a co-sponsor of this measure, because such a national tribute to African-Americans is long, long overdue.

I am very fortunate to be from a community and a State, Michigan, where the African-American community is recognized as a vital force—and a vital force for change. I have only to think of the work of the Concerned Pastors for Social Action in the Flint area, and the work of the African-American pastors in the Pontiac area, on behalf of social justice and civil rights to be reminded how powerful a force that is. I think, too, of remarkable individuals such as the late Floyd McCree, who was Flint's mayor in 1975, and Edgar Holt, who was an extraordinary civil rights leader in my State. I also think of our leaders today, including Flint's Mayor Woodrow Stanley, the former mayor of Pontiac Walter Moore, and the present mayor Wallace E. Holland, and Ruben Burks, one of the outstanding leaders within the United Auto Workers. They have done so much to improve the quality of life for the communities in which they have lived and served.

All of these individuals, and so many, many more, have made incredible contributions with a combination of compassion, intelligence and leadership, either alone or through such groups as the Urban League, the Urban Coalition and the NAACP.

As a country, we clearly have achieved a great deal in the 30 years since I fought for open housing in my own hometown. But we have a long way to go before we can become the nation of "equality for all" that we so long to be. To borrow an old and familiar phrase, however, "we will overcome"—thanks largely to the remarkable efforts and contributions of the African-American community in our country.

In honor of those efforts and contributions, I am proud to be a part of this special order and of this celebration of African-American art, culture and history.

Mr. PICKETT. Mr. Speaker, Black History Month in 1993 has taken on a special significance for all of us from Virginia.

It was less than 2 weeks ago that one of our Nation's most prominent black Americans died. Arthur Ashe was a native of Virginia, and one of our State's favorite sons. His life added an important chapter to the history of black men and women in the United States. He grew up in segregated Richmond. He worked hard. He studied hard. And he practiced his tennis game hard, even though at that time there were few places where a young black man could play tennis in Richmond. He went on to become one of the world's premier tennis players, winning the U.S. Open Tournament, Wimbledon, the Australian Open, and many, many other championship events.

More importantly, Arthur Ashe was an articulate and powerful spokesman for human rights all over the world.

His enormous courage and dignity, particularly at the end of his life, should inspire all Americans—of every race, color, and creed—to serve others with humility and courage.

As great a man as he was, the life of Arthur Ashe was not unlike the lives of many other black Americans whom we remember and pay tribute to this month. Men and women like Martin Luther King, Jr., Maya Angelou, Frederick Douglass, Gen. Colin Powell, Jesse Owens, and so many others who, through their strong character and convictions, overcame obstacles that would have stopped lesser souls to contribute so much to our Nation's richness and culture.

I encourage all Americans to spend some time during this year's observance of Black History Month, to learn more about the lives of these and other great black Americans. They will find many examples of success in the face of adversity and of leadership for a better America.

I thank my colleagues, Mr. MFUME and Mr. STOKES, for organizing this special order. I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I rise to give a special tribute to the distinguished African-American Congressional Pioneers from New York. On Friday, February 27, 1993, two groups are planning a special event in my district to honor African-American Congressional Pioneers. These organizations, the Bowling Green Association and the National Organization of Black Law Enforcement Executives will hold a ceremony in honor of the first African-Americans to serve in the Congress. I would like to pay special tribute to the first African-Americans to have served New York, Adam Clayton Powell and Shirley Chisholm.

In 1945, Adam Clayton Powell was elected as the first African-American Member of Congress from New York. Adam Clayton Powell served the people of Harlem for 16 years. As the pastor of Harlem's 15,000 Member Abyssinian Baptist Church, Reverend Powell was a dynamic preacher. Mr. Powell was also viewed as a leader in Harlem's fight against racial discrimination.

Mr. Powell was at the forefront of the struggle to elevate the economic and political status of African-Americans and led many victorious fights for the benefit of his community. He successfully organized rent strikes against absentee slumlords; set up soup kitchens during the depression which fed hundreds of people on a daily basis; and organized picket lines and led boycotts to end discrimination against, and segregation of, Afro-Americans.

Powell was elected to the New York City Council with the third highest number of votes ever cast in a New York City municipal election. Three years later he was elected to the Congress.

During his congressional career, Adam Clayton Powell became a respected and forceful voice for the interests of all African-Americans across the country. He was an outspoken critic of racial discrimination in the U.S. military, and worked feverishly to end "Jim Crow" practices at Federal and congressional facilities.

Among his many legislative accomplishments was the famous Powell amendment which denied Federal funds to any project where racial discrimination existed, and in subsequent years, this amendment was attached to all appropriations bills passing the House. Powell was the first African-American Member of Congress to sponsor, and see enacted, a civil rights law of major national import.

Twenty-four years after Powell was first elected to Congress, Shirley Chisholm became the first African-American woman elected to the Congress. Ms. Chisholm was elected to represent the 12th District in Brooklyn. Ms. Chisholm's political career reflected her devotion to children and education for all. Ms. Chisholm began her political career in the New York State Assembly where she developed a number of programs to improve educational opportunities for minorities. Those include the SEEK Program, which offers students from minority groups the opportunity to obtain college level training even if they do not yet have high school diplomas. She also introduced legislation to establish publicly supported day care centers and to extend unemployment insurance to domestic workers.

While in the Congress, Shirley Chisholm was an exceptional Representative who continued to advocate for meaningful, antidiscrimination and educational legislation. Ms. Chisholm proposed increased funding to extend the hours of child care facilities and expand such services to include the working mothers of both middle- and low-income families.

Mr. Speaker, the unique strength and forceful leadership of both Adam Clayton Powell and Shirley Chisholm must be given a high place in history. Their presence helped to improve the lives of many Americans of all races and ethnic groups in this country.

Mr. HALL of Ohio. Mr. Speaker, it gives me great pleasure to offer remarks today in honor of Black History Month. During this month, we pay tribute to those African-Americans who have played significant roles in our Nation's history and we remember the contributions they have made to our heritage.

Because the theme of Black History Month this year is "Afro-American Scholars: Leaders, Activists and Writers," I want to highlight the life of writer Paul Laurence Dunbar. Born in Dayton, OH as the son of a former slave, he received a formal education, graduating from high school in 1891. Unable to go to college, he nonetheless pursued writing, selling his first book of poems, "Oak and Ivy", while working as an elevator operator. It was his second work "Majors and Minors", that caught the attention of William Dean Howells whose enthusiastic review in the June 1896 issue of Harper's Weekly, brought national attention to Dunbar's work.

Upon attaining national prominence, Dunbar, as the most popular African-American writer of his day, was asked to give a series of lectures in England. While there he wrote his first novel, "The Uncalled." He returned to the United States when offered a position with the Library of Congress. After only 15 months there, he left feeling he could secure his livelihood by his writing.

Entering the social and cultural life of Washington, DC, he helped raise money for both Hampton and Tuskegee Institutes, even writing Tuskegee's school song. The demand for his work mounted to such an extent that it is reported one publisher gave Dunbar a retaining fee just to have the first look at whatever he wrote.

Dunbar's works reveal his achievements as a poet, short-story writer, novelist, writer of articles and essays, dramatist, and lyricist. He accomplished all this before his very untimely death in 1906 at the age of 34. Still in print, his "Complete Poems" shows not only how well he succeeded in capturing the complexity of the African-American experience at the turn of the century, but how well his artistry still resonates.

Mr. CARDIN. Mr. Speaker, I rise today in observance of Black History Month. In doing so, I would like pay tribute to a native of my hometown of Baltimore, a true African-American leader, an active warrior in the American civil rights struggle, and the first African-American to sit on the U.S. Supreme Court—Thurgood Marshall.

His passing earlier this year calls upon us to reflect on the years of American history spanned by his life. For here was someone who not only witnessed some of the most significant moments in the history of the American civil rights movement, but who also played a prominent and vital role in bringing them about.

As a child, Thurgood Marshall was raised on stories of how his paternal great-grandfather was forcibly brought to a Maryland plantation as a slave from Africa's Congo region. He grew up in Baltimore at a time when there wasn't a single department store that would let a Negro in the front door, Marshall recounted to the Los Angeles Times years later.

In 1930, Marshall was denied admission to the University of Maryland School of Law solely on the basis of his race, a humiliation he never forgot. In fact, soon after graduating first in his class from Howard University Law School, Marshall represented Donald Murray in a successful suit which once and for all brought an end to the discriminatory admission policy at Maryland's School of Law.

Marshall began his work with the National Association for the Advancement of Colored People [NAACP] in 1936, becoming chief of its legal staff 4 years later and leading that organization's careful legal strategy to topple the walls of American institutional bigotry. History will long remember Marshall for his landmark victory in Brown versus Board of Education of Topeka, the Supreme Court's unanimous 1954 decision declaring school segregation inherently unequal and thus unconstitutional. But his legal triumphs were many. Of the 32 cases he argued before the Supreme Court, he won all but 3. Then, in 1967, Marshall was appointed as a Justice to the Supreme Court, where he continued his lifelong battle against invidious discrimination.

In 1991, upon announcing his retirement, Marshall was asked how he would like history to remember him. He could, of course, have pointed to his successes as an anti-discrimination litigator or drawn attention to his legacy as the first African-American Justice on the Supreme Court. Instead, Marshall answered without hesitation, in his booming voice, simply: That he did what he could with what he had.

As we observe the tremendous accomplishments of African-American scholars such as Thurgood Marshall during Black History Month, let each and every American renew their commitment to equal opportunity for all Americans.

Mr. TOWNS. Mr. Speaker, As we all know, February is designated as the month to recognize the achievements of many unsung black Americans. At this time I would like to share with you words celebrating Black History Month. This tribute was written by my colleague, and fellow North Carolina A&T graduate, Rev. Gilbert H. Caldwell. Reverend Caldwell is currently the Superintendent of the United Methodist Church of Eastern Pennsylvania and leader within his community.

### ACKNOWLEDGING THE CONTRIBUTIONS TO THE NATION BY AFRICAN-AMERICANS

(By the Rev. Gilbert H. Caldwell)

". . . History, despite its wrenching pain,  
Cannot be unlived, but if faced  
With courage, need not be lived again . . ."

These are words included in Maya Angelou's poem that she shared with the Nation and the world at the Inauguration of William Jefferson Clinton as the 42nd President of the United States of America.

Her words offer us an opportunity to approach Black History Month in fresh and new ways this February.

The . . . wrenching pain of the Black experience in this nation has been much described and well-documented. The pain of that experience ought to be shared by all persons who understand and believe that when on person suffers, we all suffer.

The experiences of persons of African descent in the Nation are very different from the experiences of all other groups. Slavery, segregation, and discrimination as imposed on Black Americans, carried pain, not only for those who were victims, but also compromised and weakened the moral authority of a nation that proclaimed equality in its founding documents but practice inequality in its institutions.

Black History Month is an opportunity to face with "courage" the history of a people who have survived and thrived because they knew a Creator-God who affirmed their somebodiness.

Black History Month allows us to deal with our human capacity for denial. African-Americans who are timid about acknowledging their history can claim their birthright. Those persons of other Racial/Ethnic groups can explore and evaluate their attitudes and actions toward their African-American sisters and brothers.

Many years ago Bill Cosby narrated a film titled "Black History, Lost, Stolen, or Strayed." It is a film that identifies, the many contributions made by African-Americans to our life together. (I recommend this film to every church. At present, it is unavailable in the Conference audiovisual library.)

Black History Month gives all of us an opportunity to acknowledge our dependency upon the contributions of African-Americans.

The history of Black people in this nation is a remarkable testimony to our human capacity to confront, challenge, and transform systems that oppress. Other marginalized groups in our Nation and the world have learned from and been inspired by the nonviolent struggle for justice and equality that was at the heart of the Civil Rights Movement. The theme song of the movement, "We Shall Overcome" has been sung by people all over the world as they have challenged oppressive systems. The courage of African-Americans as they have declared, "We are sick and tired of being sick and tired" has been a source of inspiration for thousands of other people. May the month of February be a time when all of us offer tribute to a people who were stripped of the language, customs and culture of their native land and forced to begin again in a new land. Their struggles and accomplishments, laughter and tears belong to all us.

We have also much to offer each other, if we could get to know each other. Supreme Court Justice Sandra Day O'Connor shared these words about the late Justice Thurgood Marshall upon his retirement:

"At oral argument and conference meetings, in opinions and dissents, Justice Marshall imparted not only his legal acumen, but also his life experiences, pushing and prodding us to respond not only to the persuasiveness of legal argument but also to the power of moral truth"

May all of us begin to share in new ways our "life experiences with each other to discover the unity that is at the heart of our diversity.

Mr. DE LUGO. Mr. Speaker, we are gathered today to pay homage to those African-Americans who refuse to be held down, and who resist being held back.

This is not an easy task, Mr. Speaker, for when a range of societal, attitudinal and institutional forces are arrayed to block your ambitions and stifle your dreams, it takes more than mere wishing to actually break free.

It takes more than dissatisfaction with the confines imposed upon you.

And it requires more than the knowledge and conviction that the hardships in your life are not deserved, and that right is on your side.

It takes relentless courage.

It demands extraordinary intellect.

And it requires that unshakable sense of self that renders petty and vile those who would stand in your way.

It also takes time.

Mr. Speaker, the tenacity, the courage and the intellect all came together in the giant of a man that was Justice Thurgood Marshall.

And he took the time to make a difference.

And so, as my colleagues gather to honor African-Americans from all fields of endeavor, I wish to pay homage to this African-American and his unwavering commitment to his people and his community—no matter the cost.

Threats to his life did not deter him—he traveled some 50,000 miles a year throughout the deadly segregationist South representing black clients and unpopular causes.

Overwork did not slow him—he handled as many as 450 cases at a time.

And his intellect never waned—he wrote 112 opinions while on the U.S. Court of Appeals, none of which were ever overturned on appeal. And, while Solicitor General of the United States, he argued 32 cases before the Supreme Court, 29 of which he won.

A mammoth intellect by any standards, Mr. Chairman, Justice Marshall was a crusader who neither feared the racist nor was duped by the hypocrite.

I never knew Justice Marshall personally, Mr. Speaker, but Justice Sandra Day O'Connor says that:

> His was the eye of a lawyer who saw the deepest wounds in the social fabric and used the law to help heal them.
>
> His was the ear of a counselor who understood the vulnerabilities of the accused and established safeguards for their protection.
>
> His was the mouth of a man who knew the anguish of the silenced and gave them a voice.

He was a man who saw the world exactly as it was and pushed on to make it what it should become.

Laurence Tribe, constitutional scholar and Harvard Law School professor called him the greatest lawyer in the 20th century.

And our colleague, Chairman KWEISI MFUME of the Congressional Black Caucus said that he gave the Constitution the power the Framers articulated but did not practice, that Lincoln affirmed but did not perfect.

Asked how he would like to be remembered, Mr. Speaker, Justice Marshall simply said as a person who did what he could with what he had.

Would that that could be said of us all.

Mr. FRANKS of Connecticut. Mr. Speaker, I am pleased to join my colleagues in celebrating Black History Month. Our history is rich and diverse and one that reflects the greatness of America. However, I hasten to add, that no abstract of statistics is needed to see the vast disparities in economic advantage which separate the urban or inner-city black poor from the rest of the Nation. Mr. Speaker, as we look at the state of black America the expression "when white America sneezes black America catches a cold" comes to mind.

A long and crippling recession has driven many of our African-American families deeper and deeper into an existence marked by destitution and impoverishment. The recession has aggravated one of the most stubborn problems faced by African-Americans—disproportionate employment. This is highlighted by the fact that since the beginning of the recession black unemployment has climbed by over 16 percent. During the third quarter of 1992 black unemployment was in excess of 14 percent, which was more than double the white unemployment rate!

I have long advocated the idea that many of the answers to our problems lie in the empowerment of African-Americans via entrepreneurial pursuits. The approach of "all we need is more money for more programs, and eventually our problems will be solved" is simply not realistic—as history has so vividly shown us.

Currently African-Americans own fewer businesses, and the businesses that are owned tend to be very small in comparison to all businesses. For example, African-Americans were 12.1 percent of the population in 1987 but owned only 2.4 percent of the businesses. African-American businesses accounted for only 0.19 percent of total receipts.

The notion of empowerment via entrepreneurship is an intricate concept that if properly implemented will yield individual financial wealth, community capital formation, and even political power.

The problems that we face as a nation continue to be aggravated by the consistent decaying of our urban areas where the vast majority of the bottom stratum of African-Americans reside. The black community has problems which can no longer be blamed solely on racism and which force us to confront our most fundamental failures.

There is no way for us to ignore the social pathologies that beset our urban areas. We are faced with over one quarter of young African-Americans in the crucial ages of 20 to 24 years old, according to one survey, having fallen from the economy—they are not working, they are not in school, and not actively looking for work. In our urban areas more than half of all African American babies are born out of wedlock; approximately one-half of all African American children are sustained by transfers from the State and Federal Governments.

Unfortunately, there are no easy answers. As we view our history, in many instances we see those who stressed the need for African Americans to become economically self-reliant were often maligned by the black establishment of their times.

One such man was Booker T. Washington, the distinguished educator, who stressed the importance of property ownership. He was maligned and sneered at as he promoted his "bootstrap" approach wherein he called for African Americans to use the resources in their possession to elevate themselves.

We have to approach old problems with new, result-oriented programs and solutions. Choices have to be tied to an improved economy as well as an improved social order. School choice must be made available to everyone, especially those in our most blighted urban areas. We have to enact welfare reform that does more than offer a young single mother a surrogate husband, but instead provides a means to develop marketable skills and offers an avenue to employment. Perhaps she can be employed by an urban entrepreneur, who has received financial support and incentives to locate a business within an urban enterprise zone.

I celebrate Black History Month with my colleagues and I am encouraged by the thought, that if we, within these Chambers show but a fraction of the courage and resolve of our esteemed ancestors we will enact the type of legislation that will solve the aforementioned problems faced by African Americans.

Mr. COPPERSMITH. Mr. Speaker, this month's celebration of African-Americans has special meaning to Arizona. Last year, after years of struggle and controversy, Arizona became the only State to enact a Martin Luther King, Jr. civil rights holiday by a popular vote. I would like to pay tribute to one of the many Arizona citizens who contributed to the passage of this holiday.

Rev. Warren H. Stewart, Sr. is the first among many. He built the coalition that became known as the victory together campaign. Victory together was a broad-based coalition that on November 3, 1992, won a Martin Luther King, Jr. Civil Right Day in Arizona. The holiday was approved by voters statewide by an overwhelming margin.

Dr. Stewart is not only a leader in Arizona politics, but has helped to lead the religious community for 15 years as the pastor of the First Institutional Baptist Church in Phoenix. He served as the president of the American Baptist Churches of the Pacific Southwest from 1988–89. Dr. Stewart has traveled and preached extensively throughout the United States and internationally, in 31 States and 20 countries, including a 3-week trip to South Africa. In 1991, under the leadership of Dr. Stewart the First Institutional Baptist Church built a $1.2 million educational, administrative, and outreach building that the congregation paid for in cash before completion.

Dr. Stewart is also a scholar and an author. His academic achievements are extensive, having received a master's degree in sacred theology and divinity, as well as a doctor of ministry degree. In 1982 he was awarded the Award of Excellence in Black Church Studies. Dr. Stewart has also written "Interpreting God's Word in Black Preaching," which is now in its third printing.

Dr. Warren H. Stewart, Sr. is truly a remarkable individual. Not only has he contributed to the community politically, but socially as well. He has become a role model for everyone in our State, not just in the African-American community. Dr. Stewart has been recognized as a man of conscience, commitment, and dedication to the cause of moral leadership, human rights, and a soldier of justice and equality. It is no overstatement to cite Dr. Stewart as a true American hero.

Mrs. MORELLA. Mr. Speaker, I rise to join our Nation in celebrating Black History Month.

The theme of this year's special order observance is "African-American Scholars: Leaders, Activists, and Writers." However, I would also like to take this opportunity to highlight and pay tribute to the vast accomplishments and contributions of African-Americans in all facets of our Nation's history. As we herald these achievements, we can all take pride in the African-American contributions which have culturally enriched, intellectually developed, and technologically advanced our country.

Writers like Toni Morrison, the late Richard Wright, the late Alex Haley, or Maya Angelou, who stirred the American conscience on Inauguration Day with her poem, "On the Pulse of Morning," have demonstrated a creative vision and a sensitivity toward the struggle of African-Americans. Their writings have created images and feelings their readers will never forget.

From sports to politics, African-Americans have been leaders in enriching our Nation's heritage. These include the contributions of performers such as Stevie Wonder, Dizzie Gillespie, Diana Ross, Bill Cosby, Richard Pryor, Eddie Murphy; scientists such as Lewis Howard Latimer who invented the incandescent light bulb, Katherine Johnson, who is a great aerospace technologist, and Garrett A. Morgan who invented the traffic light, and athletes such as the late Arthur Ashe, Michael Jordan, Jackie Joyner-Kersee, and O.J. Simpson.

Political movements started by Martin Luther King, Angela Davis, Harriet Tubman, Malcolm X, and Booker T. Washington have helped shape the ideas and attitudes of Americans of all ethnic backgrounds. Other African-American political leaders include Adam Clayton Powell; Frederick Douglass, an abolitionist who became an adviser to President Lincoln in the Civil War; Shirley Chisholm, the first black woman elected to Congress, and Carol Mosely-Braun, the first black woman elected to the Senate, who just began her first term this year.

Clearly, young African-Americans can search through our Nation's history and find inspiration in the legacy of other African-Americans before them. We all take great pride in recognizing and hearlding these heroes during this Black History Month.

Mr. Speaker, in addition to celebrating African-American contributions to our Nation, I would like to take this opportunity to pay special tribute to a fellow Marylander, the late Supreme Court Justice Thurgood Marshall. Justice Marshall was born in Baltimore and began his law practice in Maryland upon his graduation from Howard University. From his first major case to desegregate the University of Maryland Law School in 1935 to the landmark case of Brown versus Board of Education to his years on our Nation's highest court, Justice Marshall's mark on civil rights law has been unforgettable and permanent. He has pushed aside barriers and opened the doors for all Americans in education, voting, and housing. In so doing, he has provided the opportunities for each and every American to fully realize the individual potential of our great Nation and to fully play a role in our participatory democracy. We will all miss his stellar advocacy, his strong conviction and his courage.

## GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 2010

## BLACK HISTORY MONTH (A CONTINUATION)

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 60 minutes.

Mr. MFUME. Mr. Speaker and Members, I come to the well of the House today to continue the process of commemoration during this African-American History Month that was begun this evening by our distinguished colleague, Mr. LOU STOKES of Ohio. As Mr. RANGELL said earlier, a great tribute is owed to Mr. STOKES by this House, the people who have served in it, because of his tenacity and consistency over the years to make sure that we found a way in all that we do to, at the same time, remember all that we have done and what others have done to help make this a great Nation.

To my colleague, the gentleman from Ohio, I thank him sincerely for carrying on that tradition.

Mr. Speaker, I am here tonight and will be joined by other Members over the next hour or so as we continue to put forward to our Nation the history and the light and the challenge of people of African ancestry. We do not do that in any way to suggest or to give some sort of idea that we, in doing so, do not recognize others. But we do it with a very basic understanding that if we do not do it, then others may not, themselves.

So, we come and we talk and we challenge and we say to all of you to listen and to listen well across this Nation in your homes, wherever you may be, as Members of this body, black, white, Jew, gentile, male, female, Catholic, Protestant, as they have done over the last hour, to offer unto our Nation—and I underline our Nation—offer up a sense of commemoration during this month of celebration.

You know, I guess if the truth is really told, we could come here one after another, hour after hour, in fact day after day, to talk about what we sometimes believe is often not talked about, and that is the role of people of African ancestry in the building of this Nation and helping to make this Nation all that it is today. But we are mindful also that we do it against the backdrop of very serious and very strained race relations, that we do it against the backdrop of skepticism by many who believe that discussions like this are fruitless, that they warrant no furtherance and that they in many respects divert our attention from other things because we are all concerned about the economy of our Nation and we are all concerned about the twin deficits that we face and we are all concerned about health care reform and a myriad of other issues.

But we do this against that backdrop, recognizing that also a part of that fabric is the cloth of race relations. Perhaps more than any other time, that challenge to discuss those issues against that backdrop is underscored by the fact that we all, myself included, perhaps have done so little when there is so much more to do, but we do it also as a sense and in a way of challenging others to look with us as we look at our Nation.

In this instance, our Nation's people of African ancestry.

I want to, if I might at this time, Mr. Speaker, before continuing my own remarks, yield to the gentleman from California [Mr. TUCKER] who has joined on the floor, so that he might also be on the record on this special evening as we discuss the history and the legacy of America and, in this instance, of America's African ancestry population.

Mr. TUCKER. First of all, I thank the gentleman, the distinguished gentleman from Maryland [Mr. MFUME]. Members of this House, fellow Americans, I thank you so much for the opportunity to have time to share in this wonderful celebration with the gentleman from Maryland and other distinguished Members, not only of the Black Caucus but of this House in general, for this is truly a precious moment. And I thank the gentleman from Maryland for yielding time to me, as chairman of the Black Caucus, one of my mentors, and I appreciate that.

Mr. Speaker, I rise today to reemphasize why Black History Month should be recognized and celebrated in this month of February. Black History Month gives America, not just black America but all America, the opportunity to recognize the vast areas of contribution made by the African-American. Mr. Speaker, because our history books are not replete with the coverage of black history, it is altogether necessary that we have the opportunity to allow our young and even some of our older people to become more conversant with African-Americans from time immemorial; African-Americans, like Romare Bearden, Richard Wright, Count Basie, Thurgood Marshall, and, yes, Martin Luther King, Harriet Tubman, Mary McCleod Bethune, all of whom have made respective contributions in art, music, literature.

It is important that all people, especially black people, be aware of the prideful, positive aspects of African-American culture, especially during a time when our youth seem too unsure of themselves, their purpose and their place in life. Even though we are overwhelmed every day with news of violence in our communities, drive-by shootings, carjackings, burglaries, and robberies and the like, it is imperative that our youth understand their history and do not see this as a permanent condition but rather a temporary problem that can be solved through self-esteem, self-awareness, self-pride, self dignity, and self-knowledge, as offered and discovered through the celebration that we call Black History Month.

Lift every voice and sing, feel Earth and Heaven ring, ring with the harmonies of liberty; let our rejoicing rise high as the listening skies, let it resound loud as the rolling sea.

Yes, Mr. Speaker, let every voice sing tonight because it is going to take every voice singing in harmony, the kind of singing that makes Heaven and Earth ring, the kind of singing that makes God's ear bow down low.

Mr. Speaker, it is going to take all of us singing tonight for God to hear us and to remind us who we are as Americans of African descent.

We need harmony today and we need to be reminded in Black History Month about the harmony, the unity that has given us the strength to bear what we as African-American people have had to bear in order to survive in this country.

Yes, let our rejoicing rise; it must rise even in the midst of pain, in the midst of the suffering; there must be joy, there must be joy in order for us to face another day in our communities, another day of joblessness, another day of hopelessness, another day without health care. There must be some joy, but where is the joy?

□ 2020

We can find it in so many who have even much less than we have today, people like Frederick Douglass who had so much less than we have today, but yet they made it. They had the joy which is the strength to be great heroes and heroines, the joy that compels each and every one of us to live out that creed that says it takes all of us in the village to raise even one child. That is the joy that we need today. That is the joy, Mr. Speaker, that we can find as we recognize and celebrate our roots in black and African-American history.

God of our weary years, God of our silent tears, God who has brought us thus far on our way, Thou who has by Thy might led us into the light, keep us forever in Thy path, we pray.

Our history is a history rooted in religion, rooted in faith, rooted in strength and rooted in a love of God that tomorrow will be a better day. Our history is being made more and more every day, and I am so humbly reminded of that, Mr. Speaker, as I stand here in the Halls of Congress. I am here because of my black history.

I know why I am here. I know who I am. Black history is for all Americans to know who they are, black or white, because black history is inexplicably tied in with white history.

This country is one country. We saw that in "Roots," perhaps the most widely viewed miniseries ever shown in television history.

Our history is your history. Who you are today, young America, is because of the history of America and particularly those black young Americans who are listening out there, understand and know your history, and you will begin to know yourselves.

You are not gun bearers. You are not Crips and you are not Bloods. Your color is not red or blue. Your color is blood, sweat and tears of those who have preceded you.

Understand your history. You come from a proud people. Your history has birthed Congresspeople. Your history has birthed mayors and churches. Your history will one day even birth a President. There may be some who scoff and may not understand or believe, but that is the history that you come from.

Do not ever forget, we must never forget who we are, what we are and where we come from.

That is why, Mr. Speaker, that I take this moment in my hectic schedule with all the trappings of Congress, with all the receptions and things that are going on, to take this moment and pause to say to Malcolm, to Martin, to all the great heroes who have laid the foundation that we might be able to enter into places like this, to effect, to change the quality of life of not only black Americans, but all Americans and indeed all the world.

We must pay tribute to Hannibal, to historians who know that black history is indeed the salt of the earth.

Let us never forget that Black History Month may be in February, but that every day can be a day of rediscovery of the true treasures and the true richness that black history means to this country.

Mr. Speaker, I humbly submit these remarks and thank the distinguished chairman, the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I thank the gentleman from California for his remarks and for his sincerity and for his time, quite frankly, as part of this commemorative special order on behalf of African-American History Month.

For those of you who perhaps are just joining us, let me if I might lay out again that which we seek to do this evening, not with a great deal of fanfare or fashion, but with a great deal of sincerity as we attempt to chronicle and commemorate the lives of African ancestor Americans over the history of this country and during this particular month.

You know, one day, unfortunately, long after I am gone and many of you who are watching us this evening, there will come a time in this country when we will not need a hyphen in the name that describes us, that we will not necessarily be African-American or Italian-American or Jewish-American, but that we will be Americans, because at that time and only at that time can we really say that America really did learn the true meaning of its creed, that all people are created equal and that they are endowed with certain inalienable rights. That time, unfortunately, continues to pass us by and it continues to dart just outside of our reach, but it challenges us and it beckons us to come forward to be daring enough to believe that, yes, even in our own short lifetimes that if we try hard enough, perhaps we can usher in that day when that hyphen is no longer needed.

Let me if I might take a few words to set the stage that many people in this country of African ancestry stand on with regard to what we have considered for such a long time to be a struggle for civil rights and civil decency and human respect.

Let me do it if I might by borrowing the words of Frederick Douglass, who said to his countrymen and to his Nation:

> The whole history of the progress of human liberty shows that all concessions made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being putting all others to silence, that it must do this or it does nothing, for if there is no struggle, there indeed is no progress.
>
> Those who favor and profess to favor freedom and yet at the same time depreciate agitation are essentially men who want crops without plowing up the ground. They want rain without thunder or lightning. They want the ocean without the awful roar of its many waters.
>
> This struggle may be a moral one or it may be a physical one or it may be both moral and physical, but it must in fact be a struggle.
>
> Power concedes nothing without demand. It never did and it never will.
>
> Find out just what people will submit to and you have found out the exact amount of injustice and wrongs which will be imposed upon them and these will continue until they are resisted with either words or blows or both.
>
> The limits of tyrants are prescribed by the endurance of those who they oppress.
>
> Men may not get all they pay for in this world, but hey must certainly pay for all that they get.
>
> If we are ever to free ourselves from the oppression and the wrongs and all the other things that have been heaped upon us, that we must pay for their removal by our labor, by our suffering and by our sacrifice.

So it was in 1894 with Frederick Douglass, and so it is today in the 20th century with so many of us. that challenge to do more and to be more and to give more and to want more and to find a way to make our bodies bridges even in our generations that others may run across regardless of their color, regardless of their station in life, regardless of their gender, to be and become symbols of the America that we want so desperately to exist.

It was 1849 with Frederick Douglass, the 20th century with us.

Let me borrow again, this time the words of Samuel Yette who in his book, "The Choice," writes:

> The wood is all hewn, the water all drawn,
> The cotton all picked and the rails reach from coast to coast,
> The ditches are all dug, the dishes are all put away
> And only a few shoes remain to be shined.
> Thanks to old black folks and new fangled machines,
> The sweat chores of the Nation are done * * *

□ 2030

At the turn of this century, Mr. Speaker, it was with E.B. Du Bois who wrote in his classic work entitled, "The Souls of Black Folk," that the problems with the 20th century would in fact be the problem of the color line. Du Bois' words were prophetic, and I argue that he uttered better than he knew, for we are now in the last decade of the 20th century, and we continue to see how race and racism have dominated every aspect of American life whether at home or abroad. Civil disorder and riots, hate crimes on both sides of the color line, disgust and distrust and mistrust, are but a few of the many symptoms that are born as a result of that prophetic utterance at the turn of the century by Du Bois. Yes, even 23 or 24 years ago, after the rioting and civil unrest that took place in the late 1960's, was the Kerner Commission still, not even to their understanding, living out that prophecy, appointed by President Johnson, and then warning in its report to our Nation that our Nation was, in fact, moving toward two societies, one black, one white, separate and unequal? How cynical can one be?

America, Mr. Speaker, unfortunately and with a great deal of pain, has too often been two societies. A master slave anthology and the doctrine of white supremacy that was preexistent before the Republic was founded have made, and unfortunately too often kept, this Nation a nation of two societies. So, despite the great report of the Kerner Commission, that is not where we were headed. That is where we were already at and, unfortunately, in many respects are now.

And yet, when you go and you pull off all of the layers of superficiality that cover us, when you remove our masks and our methods of identification, when you pull off those layers that we have put on that define us, we will quickly discover that we are all in this Nation pretty much the same. In each of our racial groups we find that for the most part most of us are average. We have a few geniuses and a liberal sprinkling of fools, and that crude definition really does define where we are as racial groups because it says not only is it crude in its wording, but it is also crude in its concept to believe that we are to accept somehow or another that there is something unique or different about us that makes us better than one group or better than the other group, and yet even though sometimes many of us try to pull those layers off, and to hide those masks and to get rid of those definitions, we are charged with perhaps not being sincere enough, or charged with not being patriotic enough, or charged with stirring up polarization in talking, as we must talk, about the differences that divide this great Nation.

We cannot, Mr. Speaker, if we are true to the lessons of the past, ignore our problems and assume that through great and divine intervention they will be solved by themselves. We were all taught that God helps those who help themselves, and so, if we are going to help ourselves, it seems to me that we ought to be honest with ourselves, and, as we use as a backdrop, as I mentioned earlier, all the great problems and challenges of our times: the deficit, economics, health care, work, trying to find ways to develop better educational systems, we can talk about all of that, but we must also talk about the problem that has been with us the longest: this problem of race, this great, great problem of race, that will challenge us in our own lifetime to find a way to get beyond it and to allow this Nation to live out the true meaning of its creed.

We just have to talk about it, my colleagues. It is not as agonizing and as difficult once we begin the conversation as it is when we ignore it, and we run behind shutters and closed doors, and assume and allow the conversation to be carried by others. We must do this, and, if necessary, perhaps we must take the lessons from our youth who are finding ways to do it everyday, who give hope to many of us that we are not as bad off as we think because they do not carry the same prejudices; thank God. They do not always have the same beliefs of superiority and inferiority; thank God. They do not have with them the burden and the weight that we carry with regard to race.

And so, Mr. Speaker, if we need a lesson and if we need direction sometimes, and even on this issue, perhaps we must look to the youth and what they are doing to get beyond that.

As my colleagues know, life is a very infinite, yet rather finite, commodity. We live in a world where everybody thinks it is infinite, and that it is just going to go on and on. We start life that way. We do not think of life being fragile or finite. We have got all the time in the world. But as the years go by and as the problems remain with us, it is really our Creator that is calling for us to look at this finite commodity that has been bestowed to us that we call life, and, if we look at it as finite and recognize that it is fleeting, perhaps we will find the urgency that we need to find the solutions to problems that have too often plagued us.

I do not know what else, in the case of African-ancestored Americans, we must do sometimes to exhibit our faith in the American dream or in the American possibility. Our fathers and our brothers have answered every call to bear arms to defend liberties that we ever had. The bodies of black men alongside the bodies of white men are buried in the soil around this globe as witness and testimony to their desire, like others, to preserve a democracy that they never fully enjoyed. Our parents have begged on bended knees to be accorded the most elementary of human rights. We have peacefully assembled and petitioned for the redress of our grievances. We have sat in, and slept in, and stood in, and studied in, and prayed in. We have waged our struggle, as Dr. King taught, nonviolently in the spirit of love, appealed to the fundamental morality of the Nation and to the Nation's conscience.

Mr. Speaker, the result too often and unfortunately has been bloodied heads and broken limbs, bombed churches and burnt homes, assassinated leaders and murdered followers, broken spirits and crippled hopes, and yet we know that in the absence of hope is oftentimes the presence of despair. It is out of that despair that we find a way to allow our neglect to breed, and, once neglect sets in, we find that we have set up a society of class, of standards, a society of categories, a society that defines and, in defining, oftentimes precludes.

We have failed then to recognize and understand the history of our Nation and of our past, and we are doomed in many respects to go back and to relearn it.

A few weeks from now, Mr. Speaker, in many cities, towns and hamlets across this Nation there will occur what many people refer to as the 39th anniversary of the Supreme Court decision in Brown versus the Board of Topeka, KS, when on May 17, 1954, nine men robed in black assembled on that historic day to announce their unanimous decision among the Nation's black citizens and among many of its whites. There was indeed a celebration. I am told that in black colleges classes were suspended and parties were hastily assembled at those institutions.

□ 2040

I was told as a child that there was dancing in the streets of Richmond, Raleigh, Baltimore, and Washington, and that shouts of victory echoed and reverberated throughout our communities, because we saw in that decision in 1954 the possibility of a dawning of a new era. We felt in the innermost parts of our hearts and our parents felt deep in the bowels of their existence that our Nation was at last launched on an unalterable course, with a firm determination that the American idea was, in fact, to become the American reality.

It is true that that 1954 Supreme Court ruling marked the watershed of our Nation's history with respect to the law of the land, and that that verdict by a unanimous Supreme Court became the threshold of a launching of a new era in all areas of life for a people who had suffered, endured, and survived three centuries of slavery, oppression, depression, denial, and disprivilege.

From 1954 onward to the beginning of the decade of the 1970's many of us felt that all sectors of our society were determined indeed that they would overcome the legacy of the past. But in 1969, a high ranking official advised the President of the United States in what was later to become known as the celebrated memorandum, he said, "that blacks have made so much progress, moving into the mainstream of American economics, social, and educational life, that our Nation's policies with respect to the problems and the issues related to the status of black people ought to be accorded benign neglect."

I would submit to you and argue that in a period of just two decades, through the 1970's and indeed through the 1980's, that neglect once proposed as benign is now a neglect that is malignant.

Yet we know, because many of us are taught as children, that when God closes one door, he finds a way to open another, and we, in spite of that situation and that Supreme Court decision, and the history that developed after that, still believe that we still have the opportunity to set and make right again the course that we have been arguing over and over again as members of this race and as Americans of different races, the argument that Dr. King so passionately put forward, that we must learn to live together as brothers and sisters, or we will surely perish together as fools.

That kind of admonition did not find its genesis with Martin Luther King, Jr. Allow me, if I might, before taking my seat, to call to your attention a similar admonition in 1848 in a speech delivered in Edwardsville, IL. Abraham Lincoln addressed these words to his countrymen:

> When you have succeeded in dehumanizing the Negro, when you have put him down and made it for him to be but as the beast of the field, when you have extinguished his soul in this world, and placed him where the ray of hope is blown out, as in the darkness of the damned, are you quite sure that the demon you have roused will not turn and rend you? What constitutes the bulwark of our freedom and independence? It is not our crown embattlements, our bristling seacoast, our army or our navy. These are not our reliance against tyranny, for all those may be turned against us without having made us weaker for the struggle. Our reliance is in the love of liberty which God has planted within us. Our reliance is in the spirit of freedom which prides itself as the heritage of all men in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doorstep. Ignore the chains of bondage and you prepare your own limbs to wear them. Accustom to trample on the rights of others and you have lost the creative genius of your own independence and as such become the fit subjects of the first cunning tyrant who rises among you.

Lincoln's words uttered over 140 years ago in many respects have gone unheeded. Poverty, despair, hunger, homelessness, deprivation, disprivilege, and a host of other ills still plague our society. Yet it is still that challenge of hope that calls us and cries out and gives us the belief that we can move beyond that anyway, and that we can do it in our own generation in this finite commodity that we call life, if all of us are prepared, as Booker T. Washington once said, to simply cast our buckets down where we are, to pick our own battlefields, to save a life block by block, to give back to others, to take the time to reach out, to want to talk, to be prepared to confront problems, to challenge ourselves to do more, to believe in our Nation, and to respect human life.

So I believe, and I suggest to you respectfully and humbly this evening, that we must use as Members of the House of Representatives this occasion, this glittering and official reminder of the success of our experience, this House of Representatives, to recommit ourselves to sharing the dream, the dream of Martin Luther King and Fannie Lou Hammer, the dream of Washington, DuBois, Tubman, and Douglass, the dream of all those nameless and faceless people who were black and white, and Jew and gentile, and Protestant and Catholic, but all who were Americans, who just decided to lay down and make their bodies bridges long ago, that we might run across and get to 1993. And that we must do this not just by our prose or our poetry, or even our prayers. We must also do it by our action, action which removes a large part of our distress, by changing the conditions that first created it.

Like Dr. James Cheek, I have not given up on the American ideal or the American possibility. And I ask you, my friends, regardless of where you might be across this Nation, not to give up also.

I am convinced that this Nation stands before the world as perhaps the last expression of a possibility of mankind, developing a social order, where justice is the supreme ruler and law is but its instrument; where freedom is the dominant creed, and order but its principal; where equity is the common practice, and fraternity the common human condition.

It is also my conviction that all of us who live at this special moment in time, who respect this collective generation, may in fact, be the last generation to be afforded another chance, another chance for us to balance the scales of justice and make them equal, another chance for us to confront the doors of opportunity and make them open, another chance for us to seize the chains of bondage and set and break them free.

It is a wonderful and glorious challenge, but I would argue that we are a wonderful and glorious people and a nation of great opportunity, and a nation that must find its strength in its diversity and understand the lessons of its past.

□ 2050

So we have come to commemorate African-American History Month. We argue that just as one day there will come a time when the hyphen will not be needed for African-American, Jewish-American, Italian-American, Asian-American, Hispanic-American, that one day also there will not be a need to set aside a month but that the history of people of color, of African ancestry and others will be so intimately interwoven and intertwined in the history of America that its celebration and its cause for rejoicing will occur every day of every week of every month and each and every year of our existence as a Nation.

Mr. Speaker, at this time I yield to the distinguished gentleman from Arkansas [Mr. DICKEY], who has joined us here for this special order this evening.

Mr. DICKEY. Mr. Speaker, I was in my office, and I was listening to this commemoration. I could not help but want to come over here. I thank the gentleman for the time to mention the name or add the name of Wiley Branton to this list of distinguished people who have contributed in this way to our country's history and to progress.

He is from my hometown of Pine Bluff. I knew him. Our ages were different. We were both lawyers, but I know what was with Wiley Branton when he was representing the Little Rock Nine, when he went across the South, registering people when they lived in Atlanta, when he was here at Howard University as president and as Assistant Attorney General.

His life was one of love. He understood what was happening. He did not condemn. He did not complain.

I can remember one night, as he was speaking to a civic club at the Hotel Pines in Pine Bluff, and he was talking about the fact that he would walk by the front door and he would walk slowly and look in to see what was going on, but he did not walk too slowly because he was afraid that something might happen. But here he was, the man who wanted to see what was inside the Hotel Pines, was actually the featured speaker. And that was without any bitterness. It was with love and instruction to this young lawyer.

At his funeral, my former Governor and now our President said something that I want to close with, and that is, "Wiley Branton's life allowed us all to feel better about our own."

Mr. MFUME. Mr. Speaker, I thank the distinguished gentleman from Arkansas [Mr. DICKEY] for those kind and sincere remarks and would add that the history of Wiley Branton is one that we could sit here and stand here and talk about all evening. The great exploits of Wiley Branton and the late Clarence Mitchell and Thurgood Marshall will be chronicled and looked at and studied by historians for a long, long time. His daughter and his wife both reside here in Washington, DC, as the gentleman knows, and we thank him for those kind remarks and for coming over this evening.

## STOP ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 30 minutes.

Mr. GALLEGLY. Mr. Speaker, America is a land of immigrants. Our proud cultural heritage and democratic traditions are the product of a rich blend of peoples gathering here from all over the world. In my native California, our way of life has been enhanced by the influx of Latinos, Asians, and other foreign immigrants who have settled there. The enactment of major immigration reforms in recent years attests to our continuing strong commitment to equal opportunity and our belief that newcomers legally entering our shores will benefit America's economic, social, and cultural future.

Immigration, however, is not always a positive force for our country. In spite of recent changes in the immigration law and stepped-up efforts to police the border and arrest undocumented aliens, the problem of illegal immigration is a serious one throughout southern California and the border States, as well as in many other areas throughout this country. After several years of decline, largely as a consequence of the ban on hiring illegal aliens and stiff penalties on employers who flout the provisions of the Immigration Reform and

Control Act of 1986, the number of arrests of illegals is rising to the pre-1986 level of 1.7 million a year. INS officials have told me there may be as many as 3 million undocumented aliens residing in southern California alone. To this number must be added some 2 to 3 millions of new illegal immigrants annually.

What America is facing today is a crisis, as the flood of illegal aliens continues virtually unchecked. No one knows for sure how many undocumented aliens are now residing in this country, but the problems generated by these uncounted, unwanted millions of people are legion. Consider these facts:

According to a study by the Center for Immigration Studies, illegal aliens cost U.S. taxpayers at least $5.4 billion nationwide in direct benefits. That study did not even include such abused Government programs as Social Security, Medicare, food stamps, and unemployment compensation. Nor did it include the extra costs for police, fire, courts, parks, and transportation services that are spent on illegal aliens. When those major costs are included, the total bill to the taxpayers skyrockets. The center has informed my staff that they are revising these figures upward because their cost estimates were far too low. A 1983 INS study showed that taxpayers paid out about $13.5 billion a year in benefits for illegals including an estimated $9 billion in job displacement costs.

Although many undocumented aliens are able to find low-paying jobs, despite employer sanctions, and so pay taxes, they do not contribute to the system as much as or more than they use in government benefits and social services. In Los Angeles County alone, according to an official 1991 study, the net cost to taxpayers was $276.7 million in 1990–91—almost $70 million, or a 34-percent increase, over 1989–90.

A November 1992 report prepared for the Los Angeles County Board of Supervisors studied the fiscal impact of the county's immigrant population during fiscal year 1991–92. An estimated 700,000 illegal immigrants accounted for $308.4 million in local taxes and fees for services. Still, the report showed that these illegals paid an additional $777 million in State and Federal taxes. Illegal aliens and their American-born children—another 250,000 persons—cost the county education system $1.4 billion each year.

A recent State auditor general's report for San Diego County estimates that 200,000 illegal immigrants cost the taxpayers of that county a whopping $146 million annually—$206 million total minus taxes paid in to the county—in local government services, including $105.7 million to the criminal justice system alone.

Illegal aliens enjoy generous taxpayer-supported health care benefits. In California these include indigent medical care at certain clinics, Medicaid and Medi-Cal-funded emergency and pregnancy services, and ambulance and paramedical services. The annual price tag for delivery of these health services to illegal immigrants in San Diego County is $26.6 million. Health services to illegals cost Los Angeles taxpayers over $200 million a year. During 1990–91, two-thirds of all babies delivered free of charge in county-operated hospitals in Los Angeles were born to illegals.

Little wonder, then, that in a 1992 Roper poll, 86 percent of Americans said that illegal immigration is an important issue.

Many cities and towns are being overrun with immigrants, both legal and undocumented, who pose additional economic and law enforcement problems. Congregating groups of out-of-work undocumented day laborers seeking temporary or nonexistent jobs in suburban communities have created public disturbances, disrupted small businesses, jammed traffic, and, in some instances, endangered the physical safety of women and children.

Many illegal aliens, unable to find work in this country, resort to crime. Many illegals are involved in drug trafficking across the border and violent gang activities in our communities, posing a major threat to families and neighborhoods and straining the capacities of immigration authorities and local law enforcement. A recent official study of Los Angeles County's criminal justice system showed that, during a 12-month period, over 11 percent of the criminals in county jails are deportable aliens, many of them repeat offenders who, once deported, return to this country illegally to become once more involved in criminal activities. Processing, trying, and incarcerating these aliens cost county taxpayers at least $75.1 million a year.

Of 1,875 identified deportable aliens who were tracked during a 1-year period, over half were returned to their native lands, voluntarily or through deportation; but more than 41 percent were later rearrested during the 12 months following their initial release. These 772 defendants were arrested a total of 1,522 times during the year. In all, these criminal aliens had been arrested almost 11,000 times, some dating back to 1958.

Other illegals place themselves on the welfare rolls, largely through the use of fraudulent documents, which they can purchase for a few dollars on any street corner, further burdening community facilities and depleting already strained county resources. According to the Los Angeles Times, some 362,000 undocumented aliens receive an estimated $240 million a year in welfare payments from the State. According to the auditor general's study, there were about 4,000 aid to families with dependent children [AFDC] cases involving illegal aliens in San Diego County, costing $11.7 million annually.

The illegal alien problem is essentially economic. If conditions of poverty were improved south of the border and jobs were more plentiful or were not available in the United States, there probably would not be a crisis today in many States. It may be that the North American Free-Trade Agreement negotiated by the Bush administration will help to stimulate the economy of Mexico and improve United States trade with that country, thereby creating more jobs in both countries and lessening the pressure for aliens to seek employment in the United States.

There is no question that the Immigration and Naturalization Service [INS] lacks the resources necessary to perform its job properly. Employer sanctions are working, but they are no panacea. Undocumented aliens will continue to cross our borders illegally in search of jobs, and some employers will flout the law to take advantage of cheap labor, or make no real effort to check documents, hoping that the short-staffed INS will overlook them. Moreover, State and local agencies usually do not ask questions about citizenship, and Federal bureaucrats sometimes are sloppy in their processing. To make matters worse, in some communities official agencies, including law enforcement, refuse to cooperate with the INS, by reporting on illegal alien activities or turning in arrested undocumented offenders. In spite of Federal budgetary constraints, I still do not understand the consistent opposition of many of my colleagues to voting to provide adequate funding so that the Border Patrol can stop the flood of illegal aliens crossing our borders and the INS can round up those undocumented immigrants who get through.

The easy availability of forged birth certificates, driver's licenses, Social Security cards, and other documents contributes to this crisis, enabling illegal immigrants to drop out of sight in many American cities and to steal jobs and benefits at the expense of citizen workers and taxpayers. Employer sanctions cannot be fully effective so long as document fraud persists.

Although undocumented aliens are entitled only to emergency and pregnancy care by statute and to free education, according to one Supreme Court decision in a Texas case, provided they reside in the State, the truth is they are able to obtain unemployment benefits, food stamps, AFDC, medical care, public housing, and welfare assistance unlawfully—free benefits and services far more generous and more accessible here than in their home countries. Local communities and taxpayers have a difficult enough task taking adequate care of their own poor and needy legal residents without the added burden of providing welfare to illegals.

The tragedy of this terrible crisis is the emerging social cost. No one knows exactly how many illegal aliens were involved in the Los Angeles riots that followed the Rodney King verdict, but early reports indicated that perhaps one-third of those arrested were recent immigrants. The problem is that, in contrast to earlier waves of lawful immigration, a large number of those undocumented aliens who have entered illegally in recent years and have remained in this country have failed to integrate into American society. Unlike previous generations of immigrants, they do not settle down, find jobs, send their children to public schools, learn English, and become members of our great melting pot. Instead, they live apart in ghettos and barrios, retaining their native languages and customs, refusing to speak English, and demanding bilingual schooling and bicultural studies for their kids. Many of their offspring join criminal gangs as a means of retaining ethnic and cultural identity. Such groups of persons, having no allegiance to their new land, pose special problems for authorities in urban cauldrons of unrest.

Mr. Speaker, I am proud of the fact that America is a melting pot of immigrants from all over the globe who contribute to our economic and social greatness. Our Nation has the most liberal immigration policy in the world—a policy I staunchly support—providing legal entry on an annual basis to more immigrants than all other countries of the world combined. But we simply cannot afford to let millions of illegals into this country. The result is not only poverty and disillusionment for those who imagined that America offered boundless, easy riches. It also spells hostility among those poor and needy American citizens and legal immigrants who lose their jobs, free medical care, hospital beds, low-cost housing, and welfare benefits to these illegal aliens.

Something must be done to stop this crisis which is threatening to overwhelm southern California and bankrupt many local governments in my State and throughout the border States. The Governor of California has pointed to illegal immigration as a major cause of the State's huge budgetary deficit. The mayors and city councils of communities throughout the State have passed resolutions urging action and have contacted my office encouraging my efforts. Judging by the nationwide reaction to the ABC–TV "20–20" documentary on illegal alien women crossing the Texas border to have their babies delivered free of charge in U.S. hospitals and declared immediately citizens of the United States and to the legislation I proposed in the 102d Congress to address this issue, the people of this country, from coast to coast, are deeply disturbed by the emerging problems of illegal immigration that are suddenly plaguing their neighborhoods, schools, and communities.

Mr. Speaker, in order to tackle this difficult and complex problem, I am offering today a legislative package designed to tighten our immigration laws. The six bills I am introducing address four basic problem areas.

First, they will strengthen Federal resources devoted to the problem of law enforcement by increasing Border Patrol manpower and training, including military recruits as patrol officers, stepping up wage and hour enforcement, adding assistant U.S. attorneys assigned to illegal alien cases, enhancing penalties for harboring, and promoting negotiations with our neighbors to stop the flow of illegals across our borders.

Second, they will crack down on document fraud by requiring one secure new identification and registration card in place of the green card only for those immigrants eligible for employment in the United States.

Third, they will provide needed assistance to employers by authorizing education programs on the law and simplifying their responsibilities by improving and reducing the number of required identification documents. At the same time, sanctions on employers who flout the law will be stiffened and made more effective.

Fourth, they will cut off Federal welfare and other benefits to illegal aliens.

Fifth, they will discourage illegal day laborers by permitting the impoundment of vehicles used in the transportation of illegals for employment purposes.

And finally, they will encourage local governments to cooperate with the INS on removing illegal aliens from their communities.

Let me describe my bills in greater detail.

First, the Improved Immigration Law Enforcement Act of 1993 would strengthen the Border Patrol by increasing the positions from the current 4,918 authorized to 6,600 by 1994 and by increasing funding for equipment and support services and improving in-service training.

The bill would increase by 580 the number of support positions in the Immigration and Naturalization Service so that they could meet their added responsibilities. It would strengthen enforcement of the employer sanctions by authorizing 250 new full-time INS investigators. It would also strengthen enforcement of the wage and hour laws by adding 250 positions in the Labor Department's Wage and Hour Division assigned to areas of high concentration of undocumented aliens. Finally, the number of assistant U.S. attorneys assigned to cases involving illegal aliens would be increased by 21.

The penalty for bringing in and smuggling illegal aliens would be increased from 5 to 10 years in prison and/or fines.

The bill would also direct the Attorney General and the Secretary of State to undertake negotiations with our neighboring countries to establish programs to stop the illegal smuggling of undocumented aliens into the United States.

The cost of this bill is estimated at $51 million—$50 million for equipping and training additional personnel and $1 million for inservice training of the Border Patrol.

Second, the Immigration Document Fraud Prevention Act of 1993 would require new counterfeit-resistant and tamper-proof registration and identification cards to be issued to all aliens eligible to work in the United States. Replacing the old green cards, these cards must be renewed every 10 years upon surrendering the old cards, providing proof of identity, and payment of a $75 user fee, unless waived. The card must contain the bearer's photograph and other identifying information and work restrictions, if any.

Under this bill the Justice Department, in conjunction with the Labor Department, the Small Business Administration, and the Internal Revenue Service, must provide a nationwide program to educate employers on the uses of the new cards and their legal responsibilities.

The process of replacing the new registration and identification cards for the old must be completed by October 1, 1997. The new card must be presented by an alien not only when seeking employment but also when applying for various welfare and housing benefits. However, the new cards shall not be considered a national identity card and will not be issued to American citizens or nationals.

The penalty for immigration fraud would increase from 5 to 10 years' imprisonment, plus fines.

The Attorney General must complete an ongoing demonstration project to determine the feasibility and effectiveness of a computerized call-in worker verification system for employers and report findings to the Congress by September 30, 1994.

The bill would provide $5 million to provide for the replacement of the identification and registration cards to work-eligible aliens.

The third bill would prohibit giving any Federal unemployment and welfare benefits, including OASDI and SSI payments, aid to families with dependent children [AFDC], food stamps, and public housing assistance, to illegal aliens. Clearly, the availability of numerous Federal and State benefits and social services, more generous than programs in their native countries, is a major incentive for aliens to cross our borders illegally. This legislation makes it clear that, to be eligible for such benefits, the immigrant must be someone who is lawfully and permanently residing in the United States.

Fourth, the Illegal Alien Transportation Prevention Act of 1993 would add language to current law to prohibit the transportation of illegal aliens for purposes of employment by anyone with the knowledge or reckless disregard of the fact that the alien is in this country in violation of the law and cannot be hired legally. This proposal will help to stop the widespread problem of illegals who congregate in many communities looking for day work, creating congestion and endangering public safety and welfare, and who are picked up and dropped off at various locations by suburban residents and contractors seeking temporary cheap labor.

I am pleased that the INS, at my urging, established a task force in my district of agents who target for investigation both illegal aliens seeking employment and the homeowners and small contractors who routinely hire them. It is my belief that this measure will help to eliminate impromptu job centers for illegal day laborers in many areas and reduce tensions between unemployed legal immigrants legitimately seeking work and the communities. At the same time, I congratulate those communities who are effectively dealing with this problem and have been able to provide public job centers and other facilities, as well as employment opportunities, for legal immigrant day laborers, without a disruption in the lives and businesses of local citizenry.

The fifth bill would provide 2,500 additional agents for the Border Patrol to be recruited from the ranks of active military personnel who are honorably but involuntarily discharged due to defense cutbacks. These persons must be qualified for the position, and must receive in-service training that will educate them to be sensitive to the cultural backgrounds and rights of aliens and citizens. These new border patrol agents will be paid during fiscal year 1994 out of funds transferred from the Defense Department to the Justice Department specifically for this purpose.

In the last congress I introduced legislation—H.R. 4754—to provide for 2,000 additional Border Patrol agents from military personnel who are displaced due to defense reductions. I have raised the number because the problem of policing our borders is much worse and the need for qualified personnel with military training has intensified. In my opinion, veterans with recent military experience, discipline, and skills are well suited for border surveillance duty.

The world situation has changed dramatically since the fall of communism and the disintegration of the Soviet Empire. Our military manpower needs are lessened during a period of economic recession. Under the current demobilization military personnel are being discharged early from active duty in order to meet reduced defense requirements. The problem is that these veterans often come home to unemployment and disappointment.

This bill would take advantage of this opportunity to recruit and utilize readily available, trained military personnel. It offers 2,500 of them an opportunity to continue to serve their country in the Border Patrol and to defend America against an invasion of illegal aliens. Not only would this bill strengthen the Border Patrol, but it would also provide a needed boost to those men and women in the uniformed services who find themselves facing forced separation as a consequence of a downsizing of our defense establishment to the needs of a peacetime military.

The manpower and training costs will be borne by the Department of Defense, through a transfer of funds earmarked for the Border Patrol. The savings from the total Federal benefits and services not being provided to illegals will more than pay for the recruitments.

The sixth bill is designed to encourage local communities and government agencies, including law enforcement, to cooperate fully with the Immigration and Naturalization Service in the arrest and deportation of undocumented aliens. It would withhold Federal aid to those localities whose officials refuse to hand over illegals who are apprehended while illegally applying for benefits or dwelling in public housing, or are being held for other unlawful activities or for other reasons.

This bill's purpose is not to turn mayors, sheriffs, and policemen into INS agents, but to make the job of the INS and the Border Patrol a little easier, by facilitating their agents to round up undocumented aliens who happen to be arrested by and are known to local authorities. Currently, the INS is overwhelmed by their limited resources and their enormous task of finding, arresting, and deporting illegal immigrants, whose sheer growing numbers make that job extremely difficult, without the added intransigence of local officials. I have seen too many reported incidents where local authorities arrest and then release undocumented aliens, without even trying to contact the INS.

A brief word about the costs of this legislation. I believe that the new tamper-proof registration and identification cards will be paid for largely through $75 user fees, but the implementation cost of replacing green cards with new cards and employer education should run around $5 million. The additional personnel and inservice training programs for the Border Patrol will cost $51 million for fiscal year 1993. However, I also believe that the problems created by illegal aliens are of such magnitude that the expenditure of some Federal funds is justified. Moreover, the savings that should be realized from enactment of these bills, especially the costs of police, housing, education, health care and other services, unemployment compensation, and welfare benefits that are imposed on hard-pressed government at all levels, should more than pay for the measures I am proposing.

Mr. Speaker, the six bills I am offering today are based on legislation I introduced in the 102d Congress. In a number of ways they have been amended and improved, thanks to recommendations and kind assistance from concerned citizens, officials of the Justice Department, especially the Immigration and Naturalization Service, and the House Judiciary minority staff. I believe that my proposals will help to alleviate the illegal immigration crisis in California and elsewhere. I hope that the House will move swiftly to hold hearings on and pass this legislation.

I fear that if the Congress fails to take positive action in the near future along the lines I am proposing today, there will be a general ugly backlash against all immigrants, legal as well as illegal. That would be tragic in a nation founded by immigrants which prides itself on liberty, justice, and opportunity for all.

H.R. 1078

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Improved Immigration Law Enforcement Act of 1993".

**SEC. 2. INCREASED PERSONNEL LEVELS OF THE BORDER PATROL.**

The number of full-time positions in the Border Patrol of the Department of Justice for fiscal year 1994 shall be increased to 6,600.

**SEC. 3. INCREASED FUNDING FOR THE BORDER PATROL.**

In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the Attorney General $50,000,000 for the fiscal year 1993, which amount shall be available only for equipment, support services, and initial training for the Border Patrol. Funds appropriated pursuant to this section are authorized to remain available until expended.

**SEC. 4. INSERVICE TRAINING FOR THE BORDER PATROL.**

(a) REQUIREMENT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General shall continue to provide for such programs of inservice training for full-time and part-time personnel of the Border Patrol in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they have contact in their work.

"(2) The Attorney General shall provide that the annual report of the Service include a description of steps taken to carry out paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $1,000,000 for fiscal year 1994 to carry out the inservice training described in section 103(e) of the Immigration and Nationality Act. The funds appropriated pursuant to this subsection are authorized to remain available until expended.

**SEC. 5. INCREASE IN I.N.S. SUPPORT PERSONNEL.**

In order to provide support for the increased personnel levels of the border patrol authorized in section 2, the number of full-time support positions for investigation, detention and deportation, intelligence, information and records, legal proceedings, and management and administration in the Immigration and Naturalization Service shall be increased by 580 positions above the number of equivalent positions as of September 30, 1992.

**SEC. 6. STRENGTHENED ENFORCEMENT OF WAGE AND HOUR LAWS.**

(a) IN GENERAL.—The number of full-time positions in the Wage and Hour Division with the Employment Standards Administration of the Department of Labor for the fiscal year 1994 shall be increased by 250 positions above the number of equivalent positions available to the Wage and Hour Division as of September 30, 1992.

(b) ASSIGNMENT.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of undocumented aliens.

**SEC. 7. STRENGTHENED ENFORCEMENT OF THE EMPLOYER SANCTIONS PROVISIONS.**

(a) IN GENERAL.—The number of full-time positions in the Investigations Division within the Immigration and Naturalization Service of the Department of Justice for the fiscal year 1994 shall be increased by 250 positions above the number of equivalent positions available to such Division as of September 30, 1992.

(b) ASSIGNMENT.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of the employer sanctions provisions contained in section 274A of the Immigration and Nationality Act, including investigating reports of violations received from officers of the Employment Standards Administration of the Department of Labor.

**SEC. 8. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.**

(a) IN GENERAL.—The number of Assistant United States Attorneys that may be employed by the Department of Justice for the fiscal year 1994 shall be increased by 21 above the number of Assistant United States Attorneys that could be employed as of September 30, 1992.

(b) ASSIGNMENT.—Individuals employed to fill the additional positions described in subsection (a) shall be specially trained to be used for the prosecution of persons who bring into the United States or harbor illegal aliens, fraud, and other criminal statutes involving illegal aliens.

**SEC. 9. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.**

Subsection 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1), by striking "five years" and inserting "10 years (or 20 years in the case of an offense described in paragraph (3))", and

(2) by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), an offense described in this paragraph if—

"(A) the offense involves 5 or more aliens;

"(B) the offense involves other criminal activity;

"(C) one or more of the aliens referred to in paragraph (1) were under the age of 18 at the time of the offense and the offense was committed either for the purpose of illegal adoption or for the purpose of sexual or commercial exploitation; or

"(D) the offense involves the dangerous, inhumane treatment, or death of, or serious bodily injury to, an alien referred to in paragraph (1).".

**SEC. 10. CHANGES IN CRIMINAL PENALTIES FOR BRINGING IN ALIENS.**

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended—

(1) in subsection (a)(2), by inserting before the period at the end thereof the following: ", except that a person who commits an offense under subparagraph (B)(ii) shall be fined in accordance with that title, or imprisoned not more than 10 years, or both", and

(2) by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the mere employment of an individual (including the usual and normal practices incident to employment) by itself shall not be deemed to constitute harboring.".

### SEC. 11. NEGOTIATIONS WITH MEXICO AND CANADA.

It is the sense of the Congress that—

(1) the Attorney General, jointly with the Secretary of State, should initiate discussions with Mexico and Canada to establish formal bilateral programs with those countries to prevent and to prosecute the smuggling of undocumented aliens into the United States;

(2) not later than one year after the date of enactment of this Act, the Attorney General shall report to the Congress the progress made in establishing such programs; and

(3) in any such program established under this Act, major emphasis should be placed on deterring and prosecuting persons involved in the organized and continued smuggling of undocumented aliens.

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## H.R. 1079

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Document Fraud Prevention Act of 1993".

### SEC. 2. ISSUANCE OF NEW IDENTIFICATION CARDS FOR ALIENS.

(a) IN GENERAL.—The Attorney General shall cause to be issued new registration and identification cards to all aliens who are qualified to hold employment in the United States for the purpose of providing proof of employment eligibility under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

(b) REQUIREMENTS.—(1) Each new registration and identification card issued under subsection (a) shall—

(A) be in a form which is resistant to counterfeiting and tampering;

(B) be designed in such a manner so that an employer can reliably determine that—

(i) the person with the bearer's claimed identity is eligible to be employed in the United States, and

(ii) the bearer is not claiming the identity of another individual;

(C) contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual;

(D) in the case of a card issued to—

(i) a work-eligible nonimmigrant admitted under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184),

(ii) an alien admitted for temporary residence under section 210 of such Act (8 U.S.C. 1160),

(iii) an alien granted temporary protected status under section 244A of such Act (8 U.S.C. 1254a), and

(iv) an alien authorized to work by the Immigration and Naturalization Service pending a final determination of deportability,

shall specify the expiration date of the work authorization on the face of the card; and

(E) shall specify the alien's admission number or alien file number.

(2) The new card shall be valid for a period of 10 years and must be reissued to remain valid after the 10th anniversary of the date of its issue.

(3) The new card shall note on its face whether work authorization is restricted.

(4) An employer, for purposes of satisfying the requirements of section 274A(b) of the Immigration and Nationality Act—

(A) may require an alien seeking employment to produce the new card as proof of employment eligibility, and

(B) may inquire whether an applicant's limited work authorization has expired or has been reauthorized at the end of a work authorization period.

Such a requirement or inquiry shall not constitute an unfair immigration-related employment practice under section 274B of such Act.

### SEC. 3. IMPLEMENTATION.

(a) IN GENERAL.—Each alien who is authorized to be employed in the United States shall, on or before October 1, 1994, turn in any alien registration and identification card which is in the alien's possession at any post office or office of the Immigration and Naturalization Service. No resident alien shall receive the new card until—

(1) the alien—

(A) has surrendered the old green card,

(B) has provided proof of identity,

(C) has provided such other documents as may be required under law, and

(D) has paid a fee (not to exceed $75) that is reasonable and sufficient to cover the costs of administration of this section; and

(2) the Service has verified the lawful status of the alien.

The Attorney General may waive payment of the fee under paragraph (1)(D) (or reduce the amount of such fee) if the alien provides satisfactory evidence that the alien cannot afford the full fee.

(b) POSTING OF NOTICES.—Notices of the requirement of subsection (a) shall be posted in all post offices and Immigration and Naturalization Service offices and published in local newspapers during fiscal year 1994.

(c) INVALIDITY OF OLD CARDS.—Any alien registration or identification card for permanent resident aliens, other than an alien registration and identification cards issued under this section, shall be invalid as of midnight of October 1, 1997.

(d) USE OF NEW CARDS UNDER SAVE PROGRAM.—

(1) IN GENERAL.—Section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)) is amended—

(A) in paragraph (2), by striking "either" and all that follows through the end and inserting the following: "a registration and identification card issued under section 2(a) of the Immigration Document Fraud Prevention Act of 1993.",

(B) in paragraph (3), by striking "paragraph (2)(A)" and inserting "paragraph (2)", and

(C) in paragraph (4), by striking "paragraph (2)(A)" and inserting "such paragraph".

(2) HOUSING ASSISTANCE.—Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(A) in paragraph (2), by striking "either" and all that follows through the end and inserting the following: "a registration and identification card issued under section 2(a) of the Immigration Document Fraud Prevention Act of 1993.",

(B) in paragraph (3), by striking "paragraph (2)(A)" and inserting "paragraph (2)",

(C) in paragraph (4), by striking "paragraph (2)(A)" the first place it appears and inserting "paragraph (2)", and

(D) in paragraph (4), by striking "paragraph (2)(A)" the second place it appears and inserting "such paragraph".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1997.

### SEC. 4. NO NATIONAL IDENTITY CARD.

The new card described in section 2—

(1) shall not be considered a national identity card;

(2) shall not be issued to any citizen or national of the United States; and

(3) shall—

(A) not be required to be carried on one's person, and

(B) not be required to be presented other than—

(i) upon request by a prospective employer for any purposes other than under this section or under sections 1001, 1023, 1566, and 1621 of title 18, United States Code, or to satisfy the requirements of section 274A of the Immigration and Nationality Act, or

(ii) for purposes of carrying out section 1137(d) of the Social Security Act or section 214(d) of the Housing and Community Development Act of 1980.

### SEC. 5. EMPLOYER EDUCATION PROGRAM.

The Attorney General, in consultation with the Secretary of Labor, the Administrator of the Small Business Administration, and the Commissioner of the Internal Revenue, shall conduct a nationwide program to inform employers about their responsibilities under the Immigration and Nationality Act and the uses of the new alien registration and identification cards issued under this Act.

### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for each of fiscal years 1994 and 1995 to carry out this Act.

### SEC. 7. STRONGER PENALTIES FOR IMMIGRATION FRAUD.

(a) FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.—Section 1546(a) of title 18, United States Code, is amended by striking "five years" each place it appears and inserting "10 years".

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS.—Section 1028(b)(1) of title 18, United States Code, is amended by striking "five years" and inserting "10 years".

### SEC. 8. EMPLOYMENT ELIGIBILITY VERIFICATION DEMONSTRATION PROJECT.

The Attorney General shall continue to conduct the demonstration projects under section 274A of the Immigration and Nationality Act in order to establish if it is feasible to determine the employment eligibility of aliens authorized to work in the United States through the use of a telephone and computation capability that is available on the date of enactment of this Act. The Attorney General shall submit a report to Congress on such projects by not later than October 1, 1994.

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## H.R. 1080

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. PROHIBITION OF DIRECT FEDERAL FINANCIAL BENEFITS AND UNEMPLOYMENT BENEFITS TO ALIENS WHO ARE NOT LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—On and after the date of the enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit, including (but not limited to)—

(1) payments under the aid to families with dependent children program under part A of title IV of the Social Security Act,

(2) benefits under the supplemental security income program under title XVI of the Social Security Act,

(3) food stamps under the Food Stamp Act of 1977, and

(4) financial assistance (as defined in section 214(b) of the Housing and Community Development Act of 1980),

may be paid or otherwise given to any person who is not a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien otherwise lawully and permanently residing in the United States (as defined in subsection (e)), except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment benefits.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Subsection (a) shall not apply to benefits paid under the old age, survivors, and disability insurance program under title II of the Social Security Act.

(2) NO CREDIT FOR WAGES FOR UNAUTHORIZED EMPLOYMENT.—Notwithstanding any other provision of law, wages paid on or after the date of the enactment of this Act with respect to an alien's employment which is not authorized under law shall not be taken into account in crediting quarters of coverage under title II of the Social Security Act.

(d) CONSTRUCTION.—This section shall not apply to the provision of foreign aid to aliens abroad.

(e) DEFINITION.—For purposes of this section, the term "alien otherwise lawfully and permanently residing in the United States" means any person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit or social insurance benefit is an asylee, a refugee, or a parolee.

### H.R. 1081

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Illegal Alien Transportation Prevention Act of 1993".

**SEC. 2. PROHIBITION OF TRANSPORTATION OF ALIENS FOR PURPOSES OF EMPLOYMENT.**

Section 274(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)) is amended by inserting before the semicolon at the end the following: "or in furtherance of the employment of such alien".

### H.R. 1082

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL BORDER PATROL AGENTS FROM DISPLACED MILITARY PERSONNEL.**

(a) IN GENERAL.—The Attorney General of the United States shall provide for an increase of 2,500 in the number of border patrol agent positions in the Immigration and Naturalization Service above the number of such positions as of September 30, 1991.

(b) INDIVIDUALS ELIGIBLE.—Only an individual who—

(1) as of October 1, 1991, was a member of the Armed Forces serving on active duty,

(2) was discharged involuntarily under honorable conditions from the Armed Forces after October 1, 1991, and

(3) possesses applicable skills and experience to serve as a border patrol agent,

may be employed as a border patrol agent in a position provided pursuant to subsection (a).

(c) INSERVICE TRAINING.—Individuals who are employed as border patrol agents under this section shall be provided programs of in-service training as will familiarize them with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they may have contact in their work.

(d) FUNDING FOR FISCAL YEAR 1994.—From sums appropriated to the Department of Defense for fiscal year 1994, the Secretary of Defense shall transfer to the Attorney General such sum as may be certified to the Secretary by the Attorney General as necessary to carry out this section. The sum so transferred shall be credited to amounts available to the Border Patrol and shall be available only for the purpose of carrying out this section.

### H.R. 1083

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION ON FEDERAL FINANCIAL ASSISTANCE TO LOCALITIES THAT REFUSE TO COOPERATE IN THE ARREST AND DEPORTATION OF UNLAWFUL ALIENS.**

Notwithstanding any other provision of law, no Federal financial assistance shall be paid to any local government on and after such date as the Attorney General certifies that an official, officer, or employee of the local government (including its police department) in the exercise of (and within the lawful scope of) the individual's official duties has refused, on or after the date of the enactment of this Act, to cooperate with an officer or employee of the Department of Justice (including the Immigration and Naturalization Service) with respect to the arrest and deportation of an alien who is not lawfully present within the United States.

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## LEGISLATIVE PROCESS CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes.

Mr. ORTON. Mr. Speaker, realizing the lateness of the hour this evening, I will be as brief as possible.

I do not take this opportunity often, but this evening is an important time to rise and take the floor of the House to explain a couple of bills which I have had the opportunity of filing today, which deal with the budget process, the legislative process. And I feel it important just to take a few minutes and explain these two matters, which I am filing today. And I believe this is a prime opportunity and an appropriate moment to focus for a few minutes on the budget process.

One week ago this evening, we came together in a Joint Session of Congress and listened to the President in his State of the Union Address present to us his plan for economic change, for renewal in America.

That plan, I believe, does, in fact, point us in a new direction, does, in fact, focus our attention on many, many areas, on changes which must take place in order to place our Nation back on the right track.

But as I have been here in this body over the last 2 years, I believe, in examining the process, the legislative process by which we budget and spend the taxpayers' money, I believe the system is broken. I believe that change is necessary in order to adopt the President's package, in order to adopt the majority or the minority's package, in order to adopt any package which makes real reform, which really changes, which really reduces the deficit. I believe that legislative process change is required.

Therefore, the two bills that I have filed today, the first is an amendment to the U.S. Constitution. I do not take lightly the amending of our Constitution. This great document has served us well for over 200 years, and it should be amended only when absolutely necessary. But I believe that time is now. And in fact, I have supported since I have arrived here the passage of a balanced budget amendment. However, this year I am filing a balanced budget amendment slightly different than the others which have been filed.

Let me just outline the simplicity of this particular amendment. There are only 6 sections of the amendment.

The first section simply states;

> Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that fiscal year.

That simple statement requires us to only spend that which we bring in.

Section 2 states:

> Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

This says that the President must submit his budget request, which is in balance.

Section 3 says that:

> For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide, by law, for the repayment in the ensuing fiscal year of such excess outlays. If Congress fails to provide by law for repayment, within 15 days after Congress adjourns to end a session, there shall be a sequestration of all outlays to eliminate a budget deficit.

This is the principal difference between this and other balanced budget amendments.

□ 2100

It says that we have to actually examine the receipts and expenditures at the end of the fiscal year, and if in fact we are in deficit for that previous fiscal year we must correct it. We have to provide by law for repayment, and if we do not a hard sequestration would balance the budget. We must also eliminate any constitutional question which there may have been over the sequestration of the Gramm-Rudman and subsequent budget enforcement legislation.

Section 4, in acknowledging that there may be times either of war, of depression, or whatever, and we do not state in the amendment itself a reason which may bring the Congress and the President to the conclusion that we cannot, for the good of the country, balance the budget in that particular fiscal year, section 4 states that "the provisions of this article may be waived for any fiscal year only if Congress provides by law by a majority of the whole number of each House, and such waiver shall be subject to a veto of the President."

That means that if the Congress wishes to waive the balanced budget requirement itself, it must override a veto of the President; that if in fact it is so detrimental to our economy or we could not function appropriately with national security, we must waive the balanced budget requirement, we could so do.

Section 5, simply in defining receipts and outlays, states that "total receipts shall include all receipts of the U.S. Government except those derived from borrowing." We cannot borrow our way out of the problem. "Total outlays shall include all outlays of the U.S. Government except for those for repayment of debt principal."

Finally, section 6 states that "this article shall take effect beginning with fiscal year 2000 or with the second fiscal year beginning after its ratification," whichever is later.

I personally believe that it is time. I believe that in order to place upon this Government, the Congress and the President, to place fiscal responsibility upon us, to force us to balance our own budget, I believe that it is necessary to require us to do so in that very document which creates and controls the operation of this Government, the Constitution.

Therefore, I would urge my colleagues to support and vote for this balanced budget amendment, which I believe does make the statement required but does not so restrict the Government from being able to act.

Now, there are many of my colleagues who would disagree with me, who would say that we should not place into our Constitution such a fiscal provision. We have argued on the floor of this House in previous years, most recently last July, that in fact we could and should balance the budget by statute, and in fact that balanced budget amendment will not balance the budget. It only says in the Constitution that we must do it.

How do we do it? We must change the budget process by statute in order to provide the mechanism whereby we can balance the budget. Therefore, I do believe that an amendment is necessary, but even without a constitutional amendment the second bill which I am filing today would in fact provide the statutory framework, the process, the mechanism for arriving at the balanced budget itself.

I have prepared, in Ross Perot-type flow charts, an explanation of our current budget process, and to graphically illustrate the changes that this amendment would entail, a second flow chart to show the changes in red.

First of all, let us outline the current budget process which we in our Government are currently using to arrive at the money which we will appropriate and spend in any given fiscal year.

To start with, the President comes to this body in his State of the Union Message, addresses the body, and at that time or shortly thereafter submits to the Congress his budget request. That budget request is typically based upon projections set forth by the Office of Management and Budget. Those projections are developed within the executive branch.

When he submits that budget request to the Congress there is absolutely no action required by this or the other body of Congress on his budget request. We have our own budget process wherein we developed a concurrent budget resolution. In order to develop the concurrent budget resolution we rely upon the—rather than the Office of Management and Budget, we rely upon the Congressional Budget Office.

Historically, if you will look over the past decade, the average of both of these different bodies or entities, analyzing the budget, they have averaged an error of $45 billion annually in either overestimated revenues or underestimated expenditures. We in Congress, once we ignore the President's budget and establish our own concurrent budget resolution, use that budget resolution for the most part to guide our authorizations and appropriations.

However, we oftentimes even waive the budget agreement itself or we waive the budget law, the Budget Enforcement Act, and we simply ignore our own budget to pass emergency spending bills which we pretend simply do not exist within the budget because it is an emergency.

The President, with regard to our budget process, since we oftentimes ignore his, the President is forced to use one of only two other resources which he has to counter what the Congress chooses to do in spending. He may veto an authorization or appropriation bill, but he must veto it in total. We have only 13 appropriation bills whereby we appropriate all the money for the operation of the Government, the appropriated funds. We do have unappropriated funds which we simply do not even deal with, for the most part, in our resolution process.

The President seldom uses this veto power for appropriations, although he has it. He has one other tool which he also seldom uses but is also somewhat ineffectual in that he can request a rescission of appropriated funds.

Like the budget message that the President submits us, we have no requirement to act upon the President's rescission, and if we do not act within 45 days it simply goes away. We then, from appropriated money—the executive branch spends that money. Actual receipts and outlays historically have resulted in deficits growing higher and higher every year, between slightly over $300 billion for this fiscal year, and our response to that is to turn around, as we will in March of this year, and vote to increase the limitation on public debt to allow the country to continue to borrow more and more money.

We now are over $4 trillion of debt for our children and our grandchildren. We do go through a budget reconciliation process, but that process is not designed to determine what we did in actuality and fix it. That process is used to revise our next year's projections and targets for our concurrent budget resolution in the following year.

That is our current budget process. What the bill would do that I have filed today is outlined in this chart in red. Let me briefly go through these steps and then explain in somewhat more detail each of the specific titles or provisions of this legislation.

First of all, when the President submits his budget request this legislation would require that that budget be balanced in outlays and expenditures, or outlays and receipts. He submits a balanced budget request to the Congress. The other new part is we must vote on that budget request without substantial change.

□ 2110

The President deserves the vote. We do not have to adopt the President's budget request. We still would retain the authority to amend or substitute our own budget as we develop a concurrent budget resolution. But our concurrent budget resolution would also have to set forth a balanced budget wherein outlays do not exceed receipts.

There are several other changes that this bill would make to the process. It would shift from a 1-year cash budget to a 2-year biennial budget where we budget on a 2-year cycle rather than one. We would go to an operating and capital budget rather than a cash budget. We would create zero-based budgeting or incremental budgeting whereby we eliminate current services budget where you simply start with what we spent last year and add to it.

We would also, through the authorization and oversight process, establish sunset laws which would require us at least once every 10 years to analyze, oversee and reauthorize all Federal programs. In order to make that analysis through the reauthorization or oversight process, we would also create what are called performance standards that would set forth criteria. It would set forth goals and criterias whereby we can judge those programs to determine whether they are effectively operating and whether or not we should reauthorize those.

From our budget resolution, therefore, we continue with an authorization and an appropriation process. There are some, by the way, and let me divert for one moment, who would suggest that we eliminate the appropriation process. That could be done under this bill. It is not eliminated in this bill because that creates a turf battle inside the House and the Senate in taking away power which Members of the House and the other body have acquired through their position and seniority. So rather than fighting that battle, this process leaves the appropriation committees intact, although under this process it would not be necessary to continue a separate appropriation process. The authorization and oversight process could in fact appropriate the money as well. The appropriation process would still be subject to a veto by the President with the requirement of a two-thirds override.

But this legislation would create another new provision, enhanced or expedited rescission for the President. Many people have called for a line-item veto. I, among others, believe that a line-item veto would be unconstitutional as currently considered. I also am concerned that a line-item veto as such may in fact shift too much of the balance of power, the power of the purse, from the Congress where the Constitution places it to the President. Therefore, we have sought to find an alternative which would be as effective but still be constitutional.

The alternative we selected is the expedited rescission process. The difference between this and the current rescission process is that the President could line item any portion within the appropriations bills and request a specific rescission of that item, any portion of it or all of it, send it back to us, and we would be required to vote on that rescission request, each separate rescission request. That would give the President the opportunity to line item those areas of pork, those areas of inefficient spending, send it back to us, and we would have to stand up and cast our vote in favor of continuing to pay for the individual who is paid $75,000 a year to watch catsup run down a board. So this would effectively eliminate those kinds of pork barrel and inefficient programs.

At this point there are some other significant changes, and those changes, by the way, are substantive changes of the process which provide us the mechanisms to analyze and evaluate the most appropriate areas. We have a very difficult decision in this government, and that is to determine how to spread very scarce resources. What is the highest priority for those scarce resources? That is what these provisions are designed for, to allow us the mechanism to set those priorities.

Assuming that we do not properly estimate our income and our outlays and we find that at the end of the year that our total receipts and outlays have created a real deficit, what do we do? This brings the President and the Congress together in resolving that deficit through true look-back and real budget reconciliation. The President, through the OMB, would submit to us on a regular basis reports of actual receipts and outlays throughout the current operation of the fiscal year. Using that information, we will know at any given period of time whether we are ahead of or behind those projected revenues and outlays or outlays and income. So we will have an idea as we go what the deficit is. It does not occur all at once on October 1 when we find out we spent more than we brought in.

What happens if we do spend more than we brought in? First of all, the President is required under this new statutory scheme to recommend to the Congress where to cut additional spending or where to raise revenues in order to resolve that actual deficit for the fiscal year which just ended. So he submits his recommendations. Or the President may say golly, we are in a war, or we are in a depression, or for some reason we cannot balance the budget; therefore, I recommend that you, Congress, waive the requirement to balance the budget. So the President would lay on the table to us his recommendation of whether you cut additional spending, you raise additional taxes, or you waive the requirement.

We would be required in Congress to provide, by law, for either spending cuts or tax increases to resolve that true budget deficit. That law, if we do something the President does not agree with, that law would be subject to a Presidential veto. In other words, we are going to have to vote on it, the other body is going to have to vote on it, and the President is going to have to sign it. Or, we can provide by law for a waiver of this statutory requirement, which again is subject to a veto by the President. If he disagrees, if he says no, do not waive that requirement, I recommend you cut additional spending here or raise revenues there, he can veto it, and we would have to override that veto by a two-thirds majority. So again it brings the President and the Congress together in identifying how to provide for a repayment of that deficit, either through cuts or taxes or exempting from a waiver. If we exempt ourselves and say we will waive it, then and only then do we get to an increase of the public debt limitation.

Finally, if in fact, as many of the people out there believe, that this city is in gridlock, that this government is in gridlock, that we cannot act, that they simply say it is too hard for us to agree, we cannot make these tough choices, if that occurs and we decide to go home without either resolving the deficit through additional cuts or taxes, or waiving it based upon some national emergency criteria, we would then face a sequester. Fifteen days after we adjourn there would be a hard cut, a hard sequester to cover the amount by which we exceeded in expenditures the revenues that we brought in in that prior fiscal year.

□ 2120

That is the outline. Let me briefly explain several of these specific provisions beginning with the budget enforcement which we have just spoken about. A significant cause of our enormous budget deficit is that attention is focused almost exclusively on budget projections instead of the level of deficits actually incurred. This allows the President and Congress to appear to be making progress on bringing down the deficit by looking at previous years' expenditures, by rosy forecasts and scenarios of next year's revenues when, in fact, the deficit continues to increase year after year.

A related problem is that any balanced-budget amendment or Gramm-Rudman type deficit target will probably fail due to manipulation of projected outlays and receipts, if you do not have true reconciliation with an enforcement mechanism.

To overcome these problems, title I of this bill provides that the budget must be balanced in actuality, not just in the projection, by fiscal year 2000. If there is an actual deficit, Congress and the President are required to enact reconciliation legislation to make up for the shortfall or provide by law for a waiver of the balanced budget requirement.

If no such action is taken, then sequestration takes place automatically in an amount to equal the actual deficit incurred in the previous fiscal year. This is the section of the bill which requires the President to submit a balanced budget, requires the Congress to enact a concurrent budget resolution providing for a balanced budget, requires the Office of Management and Budget to give us statements of monthly or quarterly projections of actual receipts and outlays, and a statement of the actual deficit at the end of the fiscal year, and requires for a repayment through either cuts in spending or tax increases through the reconciliation process or a waiver, both of which are subject to Presidential veto.

This lookback enforcement, backed up by the hard sequester, would, indeed provide us the mechanism necessary to make those hard choices and to actually balance the budget.

Now, the second title of the bill dealing with biennial budgets deals with the problem wherein our annual budget and appropriation process is unduly repetitive and so dominates congressional time and energy that insufficient attention is paid to authorization and oversight functions. By use of a biennial budget, a 2-year budget, we would overcome much of this problem. Confining budget and appropriations actions to the first term of Congress would encourage greater long-term budget planning and would allow more time for a thorough congressional reevaluation of the effectiveness of Federal programs and agencies.

Midcourse tax and spending corrections are allowed in the second fiscal year to adapt to changing economic and policy conditions. This also helps us eliminate the yearend binge spending which has become so prevalent throughout Federal agencies where, at the end of the fiscal year, you have to spend everything in your budget because next year we are starting fresh with what you spent last year plus, and this, combined with our incremental budgeting, would eliminate that binge spending. So this is the title of the bill that provides for a 2-year budget cycle, the biennium.

During the first session of Congress in that 2-year cycle, Congress receives the President's budget suggestions. They enact a concurrent budget resolution. They enact all 13 appropriation bills, and they complete reconciliation legislation that year. The budget resolution and appropriation bills are adopted for a 2-year period of time, and during the second session of Congress, the Congress would enact all necessary reauthorization legislation, and here we will incorporate the sunset laws that we get to in a moment.

They would conduct oversight hearings. They would also revise the congressional budget resolution, if necessary, and would be allowed to pass supplemental appropriations and rescissions in order to truly make the best decisions in each fiscal year so that at the end of the biennium we actually have a balanced budget.

Now, the third title of this bill is the title which creates a unified operating and capital budget. Adoption of a capital budgeting requirement would allow budgeting and appropriations decisions to reflect more accurately the long-term value of capital expenditures. It would also promote more efficient lease-versus-purchase decisions for capital items by requiring a net-present-value comparison between the options of leasing equipment or real property and acquiring that equipment or real property. So this is the title of the bill which provides for a unified budget consisting of an operating and capital budget.

Those budgets would be presented separately for total funds, Federal funds, and trust funds. It would define capital and physical assets, and it creates an asset consumption charge which is equal to the cost of the asset allocated out over the useful life of the asset. This simply is amortizing the cost of assets with a useful life more than the fiscal year, allocating that cost over the actual useful life.

Outlays for capital assets in this balanced budget requirement would be calculated by using only the asset consumption charge and an allocated portion of the net Federal debt for the acquisition of that asset. This simply acknowledges the typical budgeting process that every home uses. You do not go out and buy a house for cash. You mortgage your home, and then you budget into your monthly payments the cost of paying off that mortgage which includes both the cost of the principal that you borrowed and the interest attributed to that particular month or year. This would do the same thing in our budget.

Each department would be required to analyze the efficiency of leasing or purchasing all proposed real estate and equipment capital expenditures over $10 million, again, designed to help us both account more appropriately for expenditures of funds for assets that last more than 1 year, more than 3 years actually, and also to more appropriately determine whether to acquire by purchase or simple lease those very expensive long-term assets.

In title IV, we create sunset authority to provide for automatic congressional review at least once every 10 years of most Government spending programs. It would also provide for mandatory reauthorization of major tax expenditures at least once every 10 years. The goal is determination of obsolete or underperforming programs. This is the section where we require each Government program to be reauthorized at least once every 10 years, and we provide an exception only for interest on the debt. We cannot avoid that, the administration of justice, which we need to continue to ensure justice and the administration of justice, the third body of government, and payments of IRS refunds.

This sunset authority would limit authorization periods for any program to 10 years and would bar appropriation of any program which has not been reauthorized during the reauthorization cycle.

It sets up a specified schedule of sunset dates so that in the second year of each biennium we would be conducting our authorization and oversight activities wherein we would be looking at each area of Government spending to determine whether or not it justifies reauthorization. This also requires us not only to look at spending programs but tax-expenditure programs such as investment tax credit, et cetera, which are oftentimes made permanent in the code but oftentimes permanent expenditures are difficult to analyze the continued effectiveness.

□ 2130

Therefore we would require an inventory of all tax expenditures with a cost of at least $1 billion and require reauthorization of those expenditures at least once every 10 years. Title V deals with the expedited rescission authority to provide a new congressional procedure for handling Presidential rescission requests. This forces Congress to take an affirmative vote on each Presidential spending rescission request within a specified timetable. It requires a separate vote on each item of proposed Presidential rescission.

As a result, individual spending items are more likely to be considered on their merit instead of being lumped together with a broad appropriations bill. At the same time, this approach avoids the minority rule which would result from a line-item veto and a two-thirds' override provision.

This title allows the President to propose rescissions of specific spending items within appropriation bills. Each such request may be for all or any part of any budget authority approved in an appropriation bill. The President would be required to submit any such rescission request within 10 days of signing an appropriation bill. Each rescission request would require a separate message from the President. Within 10 days, each rescission request would be required to be reported out of the Appropriations Committee of the House where that bill initiated. Within 10 days after it came out of committee, a final floor vote would be required on each rescission request.

If approved by the House of Congress wherein that particular bill originated, the rescission request would be referred to the other House, where you would follow the same procedure, and amendments to Presidential rescission requests would be prohibited. I believe this would accomplish the same beneficial purposes of the line-item veto without the constitutional questions and without the supermajority and, therefore, the minority rule on spending issues.

Title VI requires performance based budgeting. With increasing pressure to cut spending, it is critical to evaluate the success of existing programs to determine which could be most easily eliminated. This title provides for the establishment and evaluation of performance standards and goals for expenditures, including tax expenditures, in the Federal budget to be prepared by the executive branch.

OMB would be required to promulgate regulations requiring each department and agency to establish a performance standard and goals for each major expenditure category. That plan would include the establishment of major expenditure categories, the establishment of performance indicators to be used to define the measure of outputs and of product services, the results of such expenditures, to establish performance standards and goals, to define the measure of specific service or product to be achieved or produced in that expenditure; and then compare actual program results with original performance standards and goals to determine the effectiveness and efficiency of that particular program.

By December 31 of each year, each department or agency head would submit a report to the President and Congress on program performance for the previous year. The Office of Management and Budget would also be required to prepare a plan and report, as outlined above, for all tax expenditures at an annual cost of over $1 billion.

Finally, the last title of this bill, title VII, creates incremental-based budgeting, to eliminate a current-services budget approach which assumes that programs are extended at prior years' funding levels plus an adjustment for inflation and population growth, and any expansion of the program that we choose to allow, the executive branch would be required to formulate incremental budget plans with decreasing levels of spending. These plans will serve as a menu for Presidential budget cutting.

This provision deletes the provision that requires the President to submit a current-services budget each year. In the alternative, it would require the formulation of budgets with lower—that is right, actual lower—spending levels.

Officers and employees who submit budgets to the head of each department or agency would be required to submit at least two incremental budgets, of which one incremental budget would reflect a spending cut of at least 5 percent lower than the prior fiscal year. The other, second, budget required to be submitted to that agency head would reflect spending cuts of at least 15 percent lower than the prior fiscal year.

Then each department head or agency head would be required to submit at least one incremental budget to the Office of Management and Budget, with spending at least 10 percent lower than the previous fiscal year.

As before and currently, the Office of Management and Budget would review various departmental budgets and, after consultation with the President, would submit one budget to the Congress for its consideration.

Whenever OMB makes its first preliminary report that we would have a deficit in that fiscal year, then the President, by October 15, would have to submit to Congress a report that would either recommend specific changes in outlays or revenues or recommend a waiver. The way he generates the information necessary to budget in the first place and to recommend spending cuts would be to look to these incremental budgets from each agency, from each department, wherein they have identified, if they had to cut, where would they cut spending.

This is what a business, this is what General Motors, Ford Motor, or ABC Electronic would do if they were spending more than they are bringing in every year.

In summary, the legislation that I have filed today both changes and fixes the process, first by a statement in the Constitution requiring us to balance the budget and, second, an actual budget process reform bill wherein we correct the problems of our current budget process and provide a mechanism whereby we actually can get to balance, and if we do not, puts our fingerprints and the President's fingerprints all over it so that there is real accountability to the people for why we have not or will not balance the budget.

Without that accountability, without these changes, I fear that we will continue to play the kinds of political games that I have seen both in the last 2 years of my time in Congress and before that, which is one of the driving factors that made me stand up and say to the people in my district, "We can and must do better."

It is possible to balance the Federal budget. It is not possible to do so with smoke and mirrors. It is not possible to do so simply with processed legislative reform. The only way we balance the budget is by either cutting spending or increasing revenues, and those are tough choices. But that is what we were elected to do, to make those tough choices, to allocate those scarce resources among the priorities. Our problem is we are providing our people with more Government services than they are willing to pay for.

□ 2140

We cannot continue to do that. I would urge bipartisan consideration of this approach. This approach has been developed with ideas from past decades and current ideas. It has been developed with ideas from both sides of the aisle. It has been developed through bipartisan effort, and I urge bipartisan consideration.

Now, we are going to be using three different approaches to try to bring this budget reform to a vote. First, through stand-alone legislation filed here today we will attempt to cosponsor it. We will attempt to get it through the committee process. We will attempt to get a vote on the floor of the House to adopt this package.

Second, there is another alternative. We will this year have a budget reconciliation package. That package from the President and the leadership of the House will include the President's economic plan. It will include spending cuts. It will include revenue increases. It must include budget process and budget enforcement provisions.

We will be pushing within the reconciliation package to adopt this or similar budget reform legislation.

Finally, currently under order of the House and the Senate, a joint committee of this Congress is meeting to consider process reform whereby we would change the way this body and the other House perform the Nation's business. Part of that process reform must be budget process reform and we will be submitting this proposal to the Committee on Reform of the Congress and ask them to consider these changes as a recommendation of reform to the full body.

By using these three separate avenues, we the sponsors of this bill hope to get a real honest bipartisan consideration of this legislation.

I urge you to support it. This is an accountability provision. We are losing credibility and have lost much credibility with the people at home. The voters wonder whether or not we have the fortitude to gradually make the tough decisions. With this accountability bill, with this truth in budgeting bill, I believe we are provided with the mechanisms to do so.

I would urge my colleagues, look at this bill. Consider this bill. If you have ideas for changing it to make it better, let us make it better, but let us pass it, because as the President said, the worse thing we can do is nothing at all. We must revise the system and I urge you to do so.

With that, Mr. Speaker, I yield back the balance of my time.

## COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce:

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, February 24, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, U.S. House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER, this is to formally inform you pursuant to Rule L (50) of the Rules of the U.S. House of Representatives that two employees of the Subcommittee on Oversight and Investigations have been served with subpoenas issued by the United States District Court for the District of Columbia.

Sincerely,

JOHN D. DINGELL,
*Chairman, Subcommittee on Oversight and Investigations.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SOLOMON (at the request of Mr. MICHEL) for Tuesday and the balance of the week on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. CASTLE (at the request of Mr. MICHEL) for today from 4 p.m.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. VUCANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. WELDON, for 5 minutes, today.

Mr. GALLEGLY, for 30 minutes, today.

Mr. POMBO, for 60 minutes, on March 3.

Mr. HOKE, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at the request of Mr. JOHNSON of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. STRICKLAND, for 5 minutes, today.

Mr. KLEIN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. ORTON, for 60 minutes, today.

Mr. OWENS, for 60 minutes, on March 1, 2, 3, 4, and 5.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. MCKINNEY, for 60 minutes, on March 17.

(The following Member (at the request of Mr. ORTON) to revise and extend her remarks and include extraneous material:)

Mrs. MINK, for 60 minutes, on February 25.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JOHNSON of Georgia) and to include extraneous matter:)

Mr. FOLEY.
Mr. BECERRA.
Mr. DE LUGO.
Mr. SKELTON.
Mr. COLEMAN.
Ms. SLAUGHTER.
Mr. CLEMENT.
Mr. HAMILTON.
Mr. DIXON.
Mr. TOWNS in four instances.
Mr. WILLIAMS.
Mr. DURBIN.
Mrs. SCHROEDER.
Mr. BILBRAY.
Mr. NADLER.
Mr. FORD of Michigan.
Mr. BLACKWELL in two instances.
Mr. FAZIO.
Mr. LANTOS.

(The following Members (at the request of Mrs. VUCANOVICH and to include extraneous matter:)

Mr. GINGRICH in eight instances.
Mr. MICHEL in two instances.
Mr. KING.
Mrs. MORELLA in two instances.
Mr. BUNNING.
Mr. CLINGER in two instances.
Mr. GOODLING.
Mr. SANTORUM.
Mr. ROGERS.
Mr. HOKE.
Mr. STUMP.
Mr. LIGHTFOOT.

## ADJOURNMENT

Mr. ORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, February 25, 1993, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

772. A letter from the Secretary of Education, transmitting a copy of final regulations for the Library Services and Construction Act State-Administered Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

773. A letter from the Secretary of Education, transmitting a copy of final regulations for the Endowment Challenge Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

774. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program to be held in Hamburg, Germany; to the Committee on Energy and Commerce.

775. A letter from Director, National Institutes of Health, transmitting the report and plan for medical rehabilitation research, pursuant to Public Law 101-613, section 3(a); to the Committee on Energy and Commerce.

776. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1992 report on implementation of the support for East European Democracy Act [SEED] Program, pursuant to Public Law 101-179, section 704(c) (103 Stat. 1322); to the Committee on Foreign Affairs.

777. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 15th annual report on Americans Incarcerated Aboard, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

778. A letter from Acting Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

779. A letter from Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

780. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

781. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

782. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

783. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

784. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

785. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

786. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

787. A letter from the Executive Director, Non-Commissioned Officers Association, transmitting the financial report for 1991 and 1992, pursuant to Public Law 100-281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

788. A letter from the Acting Director, Office of Personnel Management, transmitting the report on the Senior Executive Service, pursuant to 5 U.S.C. 3135(a), 4314(d); to the Committee on Post Office and Civil Service.

789. A letter from the Postmaster General, transmitting the annual report for 1992, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

790. A letter from the Secretary, Department of Transportation, transmitting a report relating to revocation and suspension of drivers' licenses for drug-related convictions, pursuant to Public Law 102-240, section 1094(b) (105 Stat. 2025); to the Committee on Public Works and Transportation.

791. A letter from the Secretary, Department of Commerce, transmitting the 1992 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

792. A letter from the Acting Administrator, Agency for International Develop-

ment, transmitting the annual report on activities under the Denton Amendment Program, pursuant to 10 U.S.C. 402; jointly, to the Committees on Armed Services and Foreign Affairs.

793. A letter from the Chairman, Railroad Retirement Board, transmitting a correspondence regarding the Railroad Retirement Board; jointly, to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 707. A bill to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes (Rept. 103–19). Referred to the Committee of the Whole House on the State of the Union.

H.R. 868. A bill to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes (Rept. 103–20). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Hunter, Mr. Oxley, Mr. Stump, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Rohrabacher, Mr. Moorhead, Mr. Dreier, Mr. McKeon, Mr. Stearns, Mr. Archer, Mr. Cunningham, Mr. Lewis of California, Mr. McCandless, Mr. Dornan, Mr. Weldon, Mr. Royce, Mr. Barton of Texas, Mr. Packard, Mr. Gordon, Mr. Smith of Texas, Mr. Hefley, Mr. McCollum, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Horn, Mr. Kyl, Mr. Pombo, and Mr. Cox):

H.R. 1078. A bill to improve immigration law enforcement; jointly, to the Committees on the Judiciary, Education and Labor, and Foreign Affairs.

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Hunter, Mr. Oxley, Mr. Stump, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Rohrabacher, Mr. Moorhead, Mr. Dreier, Mr. McKeon, Mr. Stearns, Mr. Archer, Mr. Cunningham, Mr. Lewis of California, Mr. McCandless, Mr. Dornan, Mr. Weldon, Mr. Royce, Mr. Barton of Texas, Mr. Packard, Mr. Inhofe, Mr. Gordon, Mr. Smith of Texas, Mr. Hefley, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Horn, Mr. Kyl, Mr. Pombo, and Mr. Cox):

H.R. 1079. A bill to prevent immigration document fraud, and for other purposes; jointly, to the Committees on the Judiciary, Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Ramstad, Mr. Hunter, Mr. Pete Geren, Mr. Oxley, Mr. Stump, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Rohrabacher, Mr. Moorhead, Mr. Dreier, Mr. McKeon, Mr. Stearns, Mr. Archer, Mr. Cunningham, Mr. Crane, Mr. McCandless, Mr. Dornan, Mr. Weldon, Mr. Royce, Mr. Goss, Mr. Barton of Texas, Mr. Packard, Mr. Inhofe, Mr. Sam Johnson of Texas, Mr. Gordon, Mr. Hefley, Mr. McCollum, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Horn, Mr. Kyl, Mr. Pombo, Mr. Huffington, and Mr. Cox):

H.R. 1080. A bill to prohibit direct Federal financial benefits and unemployment benefits for aliens who are not lawful permanent residents; jointly, to the Committees on Ways and Means, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Hunter, Mr. Oxley, Mr. Stump, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Moorhead, Mr. Dreier, Mr. McKeon, Mr. Beilenson, Mr. Archer, Mr. Cunningham, Mr. Lewis of California, Mr. McCandless, Mr. Weldon, Mr. Royce, Mr. Goss, Mr. Barton of Texas, Mr. Packard, Mr. Inhofe, Mr. Gordon, Mr. Smith of Texas, Mr. McCollum, Mr. Thomas of California, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Horn, Mr. Pombo, and Mr. Huffington):

H.R. 1081. A bill to amend the Immigration and Nationality Act to prohibit transportation of illegal aliens for purposes of employment; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Hunter, Mr. Oxley, Mr. Stump, Mr. Berman, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Rohrabacher, Mr. Moorhead, Mr. Dreier, Mr. Horn, Mr. McKeon, Mr. Beilenson, Mr. Stearns, Mr. Archer, Mr. Cunningham, Mr. Crane, Mr. McCandless, Mr. Dornan, Mr. Weldon, Mr. Royce, Mr. Goss, Mr. Barton of Texas, Mr. Sam Johnson, Mr. Gordon, Mr. Smith of Texas, Mr. Hefley, Mr. McCollum, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Kyl, Mr. Pombo, Mr. Huffington, and Mr. Cox):

H.R. 1082. A bill to provide for 2,500 additional border patrol agents from military personnel displaced by defense cutbacks; jointly, to the Committees on the Judiciary and Armed Services.

By Mr. GALLEGLY (for himself, Mr. Sensenbrenner, Mr. Hyde, Mr. Oxley, Mr. Stump, Mr. Baker of Louisiana, Mr. Doolittle, Mr. Rohrabacher, Mr. Moorhead, Mr. Dreier, Mr. McKeon, Mr. Archer, Mr. Cunningham, Mr. Crane, Mr. McCandless, Mr. Dornan, Mr. Weldon, Mr. Royce, Mr. Barton of Texas, Mr. Packard, Mr. Gordon, Mr. Hancock, Mr. Herger, Mr. Calvert, Mr. Horn, Mr. Kyl, Mr. Pombo, and Mr. Cox):

H.R. 1083. A bill to prohibit Federal financial assistance to localities whose officials refuse to cooperate in the arrest and deportation of an alien unlawfully present in the United States; to the Committee on Government Operations.

By Mr. BACCHUS of Florida:

H.R. 1084. A bill to amend title I of the Ethics in Government Act of 1978 to require the reporting of specific dollar amounts rather than categories of value, to require that a statement of net worth be included, and to require that a copy of the reporting individual's most recent Federal tax return be furnished; jointly, to the Committees on Rules, Post Office and Civil Service, and the Judiciary.

By Mr. BAKER of Louisiana (for himself and Mr. Neal of North Carolina):

H.R. 1085. A bill to modernize and improve the Federal home loan bank system in order to enhance the availability of housing finance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BAKER of Louisiana (for himself, Mr. Leach, Mr. McCollum, Mr. Sam Johnson, Mr. McCandless, Mr. King, Ms. Pryce of Ohio, Mr. Linder, Mr. Huffington, Mr. Nussle, and Mr. Grams):

H.R. 1086. A bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, Ways and Means, and Education and Labor.

By Mr. BAKER of Louisiana:

H.R. 1087. A bill to amend title 18, United States Code, to prevent price gouging during disasters; to the Committee on the Judiciary.

By Mr. BAKER of Louisiana (for himself and Mr. Hayes of Louisiana):

H.R. 1088. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon small businesses, the private sector and State and local governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. BUNNING (for himself, Mr. Emerson, Mr. Penny, Mr. Hansen, Mr. Herger, Mr. Sarpalius, Mr. Bartlett of Maryland, Mr. Stump, Mrs. Vucanovich, Mr. Combest, Mr. Crane, Mr. Gillmor, Mr. Pombo, and Mr. Inhofe):

H.R. 1089. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands; jointly, to the Committees on Agriculture and Public Works and Transportation.

By Mr. CLEMENT (for himself, Mr. McCloskey, Mr. Myers of Indiana, Mr. Lipinski, Mr. Costello, Mr. Barlow, Mr. Gordon, Mrs. Lloyd, Mr. Darden, Mr. Rowland, and Mr. Deal):

H.R. 1090. A bill to require the National Railroad Passenger Corporation to operate certain rail passenger service between Chicago, IL, and Jacksonville, FL, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CLINGER (for himself, Mr. Fawell, and Mr. Zimmer):

H.R. 1091. A bill to establish the Commission on Information Technology and Paperwork Reduction; to the Committee on Government Operations.

By Mr. de LUGO:

H.R. 1092. A bill to authorize financial assistance for the Northern Mariana Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. DIXON (for himself, Mr. Frank of Massachusetts, Mrs. Mink, Mr. Murphy, Mr. Owens, Mr. Jefferson, Mr. WASHINGTON, Ms. NORTON, Mr. RANGEL, and Mr. TORRES):

H.R. 1093. A bill to amend the Internal Revenue Code of 1986 to promote the development and preservation of rental housing for low- and moderate-income families; to the Committee on Ways and Means.

By Mr. DIXON (for himself, Mr. RANGEL, Mrs. MALONEY, Mr. HILLIARD, Mr. DELLUMS, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. JEFFERSON, Mr. MINGE, Mr. KOPETSKI, Mr. FROST, Mr. HOBSON, Mr. BARRETT of Wisconsin, and Mr. GUNDERSON):

H.R. 1094. A bill to amend the Internal Revenue Code of 1986 to provide that distributions to involuntarily unemployed individuals from individual retirement accounts will not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. HOYER, Mrs. MORELLA, and Mr. HANSEN):

H.R. 1095. A bill to amend the Ethics in Government Act of 1978 with respect to honoraria, and for other purposes; jointly, to the Committees on the Judiciary, Post Office and Civil Service, House Administration, and Armed Services.

By Mr. GLICKMAN:

H.R. 1096. A bill to amend the Internal Revenue Code of 1986 to provide that distributions to involuntarily unemployed individuals from individual retirement accounts will not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. MICHEL, Mr. PETRI, Mr. GUNDERSON, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. CUNNINGHAM, and Mr. MILLER of Florida):

H.R. 1097. A bill to assist the Nation in achieving the national education goals; to the Committee on Education and Labor.

By Mr. HALL of Ohio (for himself, Mr. DUNCAN, Mr. GORDON, Mr. HOBSON, Mr. POSHARD, and Mr. SUNDQUIST):

H.R. 1098. A bill to extend until January 1, 1998, the existing suspension of duty on certain bicycle parts, and for other purposes; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. BLUTE, Mr. BURTON of Indiana, Mr. CRAPO, Mr. DOOLITTLE, Mr. GREENWOOD, Mr. HERGER, Mr. HOUGHTON, Mr. LEWIS of California, Mr. LEACH, Mr. SMITH of Michigan, and Mr. TORKILDSEN):

H.R. 1099. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration of $25 billion for fiscal year 1993 and approximately $50 billion for each of fiscal years 1994 and 1995; to the Committee on Government Operations.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 1100. A bill to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

H.R. 1101. A bill to prohibit the award of costs (including attorney's fees) against a judicial officer for acts or omissions occurring in a judicial capacity; to the Committee on the Judiciary.

H.R. 1102. A bill to make permanent chapter 44 of title 28, United States Code, relating to arbitration; to the Committee on the Judiciary.

H.R. 1103. A bill to amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations for private home viewing, and with respect to cable systems; to the Committee on the Judiciary.

By Mr. KLEIN:

H.R. 1104. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, NJ; to the Committee on Natural Resources.

By Mr. KOLBE (for himself, Mr. SHAYS, Mr. GREENWOOD, Mr. STUMP, Mr. ROHRABACHER, Mr. RAMSTAD, Mr. HERGER, Mr. SMITH of Texas, Mr. BUNNING, Mr. GALLEGLY, Mr. SMITH of Michigan, Mr. SAXTON, Mr. PACKARD, Mr. KYL, Mr. GOSS, Mr. HASTERT, Mr. FRANKS of Connecticut, Mr. LAZIO, Mr. ZELIFF, Mr. PORTER, Mr. BARTLETT, Mr. PENNY, and Ms. SNOWE):

H.R. 1105. A bill to amend the Congressional Budget Act of 1974 to require a three-fifths vote in the House of Representatives to waive any point of order under this act; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. BROWN of California, Mr. SCHUMER, and Mrs. SCHROEDER):

H.R. 1106. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and Labor.

By Mr. LEWIS of Florida (for himself, Mr. GLICKMAN, Mr. JOHNSTON of Florida, Mr. BACCHUS of Florida, and Mr. HASTINGS):

H.R. 1107. A bill to establish a wind engineering research program within the National Institute of Standards and Technology; to the Committee on Science, Space, and Technology.

By Mr. LIGHTFOOT (for himself, Mr. BAKER of Louisiana, Mr. BURTON of Indiana, Mr. CLINGER, Mr. DELAY, Mr. DORNAN, Mr. DREIER, Mr. EMERSON, Mr. FIELDS of Louisiana, Mr. GALLEGLY, Mr. GALLO, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. HERGER, Mr. HOKE, Mr. HUNTER, Mr. INHOFE, Mr. KOLBE, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCHUGH, Mr. MACHTLEY, Ms. NORTON, Mr. OXLEY, Mr. PARKER, Mr. ROBERTS, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SOLOMON, Mr. SUNDQUIST, Mr. THOMAS of Wyoming, Mr. UPTON, and Mr. WYNN):

H.R. 1108. A bill to amend the Internal Revenue Code of 1986 to provide small businesses a credit for the cost of complying with Federal regulations; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. ORTIZ, Mr. BATEMAN, Mr. MANTON, Mr. SAXTON, Mr. TAYLOR of Mississippi, Mr. INHOFE, Ms. SCHENK, Mr. KING, Mr. GENE GREEN, Mr. HASTINGS, Mr. REED, Mr. STUPAK, Mr. ACKERMAN, Mr. ANDREWS of Maine, Mr. KINGSTON, and Mr. PICKETT):

H.R. 1109. A bill to amend the Merchant Marine Act, 1936 to establish reemployment rights for certain merchant seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. LIVINGSTON:

H.R. 1110. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to an amount equivalent to a $1,200,000 exemption; to the Committee on Ways and Means.

By Mr. MARTINEZ (for himself, Mr. FORD of Michigan, Mr. KILDEE, Mr. OWENS, Ms. WOOLSEY, Mr. CONYERS, Mr. HOYER, Mrs. SCHROEDER, Mr. MILLER of California, Mrs. MORELLA, Mrs. MINK, Mr. DELLUMS, Mr. STOKES, Mr. ACKERMAN, Mrs. COLLINS of Illinois, Mr. FRANK of Massachusetts, Mr. FAZIO, Mr. MORAN, Mr. PAYNE of New Jersey, and Mr. SANDERS):

H.R. 1111. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees; and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. MCCURDY (for himself, Mr. NEAL of North Carolina, Mr. HUGHES, and Mr. FROST):

H.R. 1112. A bill to establish youth apprenticeship demonstration programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MCCURDY (for himself, and Mr. PETRI, Mr. PENNY, and Mr. RIDGE):

H.R. 1113. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Education and Labor.

By Mrs. MEEK:

H.R. 1114. A bill to amend the Internal Revenue Code of 1986 to simplify the application of employment taxes in the case of domestic services; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mrs. MEEK, Mr. ABERCROMBIE, Mr. DIAZ-BALART, Mr. FALEOMAVAEGA, Mr. JEFFERSON, Mr. DEUTSCH, and Mr. UNDERWOOD):

H.R. 1115. A bill to extend with respect to certain disasters the maximum period for which individuals are eligible for unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from 26 weeks to 52 weeks; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 1116: A bill amending the Federal Water Pollution Control Act with respect to research and development activities; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. PAYNE of New Jersey:

H.R. 1117. A bill to reduce until January 1, 1995, the duty on succinic anhydride; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 1118. A bill to extend until January 1, 1995, the existing suspension of duty on certain piston engines; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 1119. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1120. A bill to amend title 18, United States Code, to strengthen the Federal prohibitions against assaulting children; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 1121. A bill to amend the Internal Revenue Code of 1986 to exempt certain agricultural workers from the withholding of income taxes from wages; to the Committee on Ways and Means.

By Mr. SANTORUM (for himself, Mr. INGLIS, Mr. DOOLITTLE, and Mr. ZIMMER):

H.R. 1122. A bill to require the consolidation of agricultural research and extension activities of the Department of Agriculture; to the Committee on Agriculture.

H.R. 1123. A bill to reduce losses under the single family and multifamily mortgage insurance programs under title II of the National Housing Act through modernization; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1124. A bill to terminate the programs of the Department of Housing and Urban Development providing Federal assistance for new construction of housing and increase the amount of Federal assistance available for vouchers for rental of privately owned dwelling units; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1125. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require a preference for interim measures in carrying out response actions, consistent with protection of public health, welfare, and the environment; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. SANTORUM (for himself, Mr. Inglis, and Mr. Doolittle):

H.R. 1126. A bill to limit the annual growth in overhead of executive agencies of the Government beginning with fiscal year 1995: to the Committee on Government Operations.

By Mr. SANTORUM (for himself, Mr. Inglis, Mr. Doolittle, and Mr. Zimmer):

H.R. 1127. A bill to direct the President to reorganize the intelligence agencies of the Government in order to reduce duplication and inefficiency and to require that the number of intelligence personnel be reduced by 25 percent over the next 5 fiscal years; to the Committee on Intelligence (Permanent Select).

By Mr. SANTORUM (for himself, Mr. Inglis, and Mr. Doolittle):

H.R. 1128. A bill to achieve payroll and work force reductions within the Federal Government through management incentives and other means; to the Committee on Post Office and Civil Service.

By Mr. SANTORUM (for himself, Mr. Inglis, Mr. Doolittle, and Mr. Zimmer):

H.R. 1129. A bill to direct the President to develop a plan for transferring all real property, facilities, and equipment of the Tennessee Valley Authority to public and private entities, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 1130. A bill to enable the Secretary of Health and Human Services to carry out activities to reduce waste and fraud under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAXTON (for himself, Mr. Armey, Mr. Bachus of Alabama, Mr. Baker of Louisiana, Mr. Baker of California, Mr. Ballenger, Mr. Bartlett, Mr. Barton of Texas, Mrs. Bentley, Mr. Bilirakis, Mr. Blute, Mr. Boehner, Mr. Bonilla, Mr. Bunning, Mr. Burton of Indiana, Mr. Buyer, Mr. Callahan, Mr. Camp, Mr. Castle, Mr. Coble, Mr. Combest, Mr. Cox, Mr. Crane, Mr. Crapo, Mr. Cunningham, Mr. DeLay, Mr. Doolittle, Mr. Dornan, Mr. Duncan, Mr. Emerson, Mr. Everett, Mr. Ewing, Mr. Fawell, Mr. Fields of Texas, Ms. Fowler, Mr. Franks of Connecticut, Mr. Gallegly, Mr. Gallo, Mr. Gilchrest, Mr. Gingrich, Mr. Goodling, Mr. Goss, Mr. Grams, Mr. Hancock, Mr. Hansen, Mr. Herger, Mr. Hunter, Mr. Hutchinson, Mr. Inhofe, Mr. Inglis, Mr. Istook, Mr. Sam Johnson, Mr. Kasich, Mr. Kim, Mr. King, Mr. Kingston, Mr. Klug, Mr. Knollenberg, Mr. Kolbe, Mr. Kyl, Mr. Lewis of California, Mr. Lightfoot, Mr. Linder, Mr. Livingston, Mr. Manzullo, Mr. McCandless, Mr. McCollum, Mr. McCrery, Mr. McHugh, Mr. McKeon, Mrs. Meyers of Kansas, Mr. Mica, Mr. Moorhead, Mr. Myers of Indiana, Mr. Packard, Mr. Paxon, Mr. Petri, Mr. Pombo, Ms. Pryce of Ohio, Mr. Quinn, Mr. Ramstad, Mr. Ravenel, Mr. Rohrabacher, Mr. Roth, Mr. Royce, Mr. Santorum, Mr. Schaefer, Mr. Sensenbrenner, Mr. Shays, Mr. Smith of New Jersey, Mr. Smith of Oregon, Mr. Smith of Texas, Mr. Smith of Michigan, Ms. Snowe, Mr. Solomon, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Sundquist, Mr. Taylor of North Carolina, Mr. Thomas of Wyoming, Mr. Torkildsen, Mr. Upton, Mr. Walker, Mr. Weldon, Mr. Young of Alaska, Mr. Zeliff, and Mr. Zimmer):

H.R. 1131. A bill to amend the Congressional Budget Act of 1974 to require a three-fifths majority vote in the House of Representatives and in the Senate to pass any bill increasing taxes; to the Committee on Rules.

By Mr. SAXTON (for himself, Mr. Hughes, Mr. Gallo, Mr. Pallone, Mrs. Roukema, Mr. Payne of New Jersey, Mr. Smith of New Jersey, Mr. Klein, Mr. Franks of New Jersey, and Mr. Zimmer):

H.R. 1132. A bill to improve the environmental protection of Barnegat Bay, NJ; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mrs. SCHROEDER (for herself, Ms. Slaughter, Mr. Schumer, Mrs. Morella, Ms. Snowe, Ms. Pelosi, Ms. Norton, Mrs. Collins of Illinois, Miss Collins of Michigan, Mrs. Mink, Mrs. Unsoeld, Ms. Kaptur, Ms. Lowey, Ms. Waters, Ms. Byrne, Ms. Maloney, Ms. Velázquez, Ms. McKinney, Ms. Eshoo, Ms. Schenk, Ms. Brown of Florida, Mrs. Meyers of Kansas, Mr. Moakley, Mr. Frank of Massachusetts, Mr. Yates, Mr. Oberstar, Mr. McDermott, Mr. Wilson, Mr. Lehman, Mr. Mazzoli, Mr. Andrews of Texas, Mr. Kreidler, Mr. Olver, Mr. Miller of California, Mr. Shays, Mr. Gutierrez, Mr. Ramstad, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Ackerman, Mr. Owens, Mr. Frost, Mr. Kildee, Mr. Bilbray, Mr. Reed, Mr. Brown of California, Mr. Kopetski, Mr. Bilirakis, Mr. Evans, Mr. Wheat, Mr. Gejdenson, Mr. Wise, Ms. E.B. Johnson, Mr. Deutsch, Mr. Lipinski, Mr. Filner, Mr. Andrews of New Jersey, Mr. Swett, Mr. Allard, Mr. Swift, and Mr. Walsh):

H.R. 1133. A bill to combat violence and crimes against women; to the Committee on the Judiciary.

By Mr. SKAGGS:

H.R. 1134. A bill to provide for the transfer of certain public lands located in Clear Creek County, CO, to the U.S. Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. Frank of Massachusetts, Mr. Sangmeister, Mr. Sanders, Mr. Hochbrueckner, Ms. Pelosi, Mrs. Mink, Mrs. Meyers of Kansas, Ms. Norton, Mr. Gordon, Ms. Maloney, Mr. Hinchey, Mr. Bonior, Mr. Durbin, Mr. Jefferson, Ms. Woolsey, Mr. Torres, Mr. Romero-Barceló, Mr. Valentine, and Mr. Mazzoli):

H.R. 1135. A bill to amend the Solid Waste Disposal Act to authorize Federal grants for the development of innovative recycling techniques; to the Committee on Energy and Commerce.

By Mr. SMITH of Oregon:

H.R. 1136. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 1137. A bill to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1027), and for other purposes; to the Committee on Natural Resources.

By Mr. ORTON (for himself, Mr. Bacchus of Florida, Mr. Condit, Mr. Inglis, Mr. McCollum, Mr. Peterson of Minnesota, Mr. Poshard, Ms. Shepherd, Mr. Stenholm, and Mr. Zeliff):

H.R. 1138. A bill to restructure the Federal budget process; jointly, to the Committees on Government Operations, Rules, and Public Works and Transportation.

By Mrs. BENTLEY (for herself, Mr. Bilirakis, Mr. Doolittle, Mr. Frost, Mr. Murtha, Mr. Gingrich, Mr. Hyde, Mr. Kasich, Mr. Leach, Mr. McDade, Mr. Ravenel, Ms. DeLauro, Mr. Montgomery, Ms. Kaptur, Mr. Roberts, and Mr. Gillmor):

H.J. Res. 120. Joint resolution to designate March 20, 1993, as "National Quilting Day"; to the Committee on Post Office and Civil Service.

By Mr. NADLER:

H.J. Res. 121. Joint resolution designating the week beginning April 18, 1993, as "Primary Immune Deficiency Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H.J. Res. 122. Joint resolution to designate the month of May 1993, as "National Foster Care Month"; to the Committee on Post Office and Civil Service.

By Mr. ORTON:

H.J. Res. 123. Joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the United States Government; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress that Federal mandates to States should be rescinded unless they are accompanied by sufficient funds to pay for them; to the Committee on Government Operations.

By Mr. KOPETSKI (for himself, Mr. Bacchus of Florida, Mr. Bereuter, Mr. Berman, Mr. Boucher, Mr. Clement, Mr. Cramer, Ms. DeLauro, Mr. Dellums, Mr. Emerson, Mr. Engel, Mr. Evans, Mr. Filner, Mr. Fingerhut, Mr. Frank of Massachusetts, Mr. Gilman, Mr. Gunderson, Mr. Hochbrueckner, Mr. Hughes, Mr. Jacobs, Mr. Levin, Mr. Lewis of

Florida, Mr. MCDERMOTT, Mr. MACHTLEY, Mrs. MORELLA, Mr. SANTORUM, Mr. SHAYS, Ms. SLAUGHTER, Mrs. UNSOELD, Mr. WISE, and Mr. LANCASTER):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GUTIERREZ:

H. Con. Res. 53. Concurrent resolution expressing the sense of Congress concerning the opportunity to reform financing of congressional campaigns; to the Committee on House Administration.

By Mr. KNOLLENBERG:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that Congress should enact real and substantial cuts in spending and approve a balanced budget amendment to the Constitution before it considers raising taxes on the American people; to the Committee on Ways and Means.

By Mr. HAMILTON:

H. Res. 104. Resolution providing amounts from the contingent fund of the House for one-half of the expenses of investigations and studies by the Joint Committee on the Organization of Congress in the first session of the One Hundred Third Congress; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII,

45. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to the Naval Shipyard at Kittery, ME; to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. PETERSON of Minnesota, Mr. MINGE, Ms. KAPTUR, Mr. SCOTT, Mr. GEJDENSON, Mr. ZELIFF, Mr. SKAGGS, Mr. LEHMAN, Mr. JEFFERSON, Mr. NEAL of North Carolina, Miss COLLINS of Michigan, Mr. CONYERS, Mr. PRICE of North Carolina, Mr. ENGLISH of Oklahoma, Mr. DEFAZIO, Mr. EDWARDS of California, Mr. WYNN, Mr. HINCHEY, Mr. VENTO, Mr. HUGHES, and Mr. LEWIS of Georgia.

H.R. 22: Ms. E.B. JOHNSON of Texas and Mr. SWIFT.

H.R. 24: Mr. INHOFE and Mr. MOORHEAD.

H.R. 25: Mr. RANGEL, Mrs. UNSOELD, Mr. PETERSON of Florida, Ms. DELAURO, Mr. BARRETT of Wisconsin, Mr. WILLIAMS, Mr. LEWIS of Georgia, Mr. HOYER, Mr. GEJDENSON, Ms. ENGLISH of Arizona, Mr. PICKLE, Mr. HOCHBRUECKNER, Mr. WYDEN, Mr. VENTO, and Ms. E.B. JOHNSON of Texas.

H.R. 112: Mr. STEARNS.

H.R. 118: Miss COLLINS of Michigan.

H.R. 150: Mr. EMERSON, Mr. KYL, Mr. MACHTLEY, Mr. MCKEON, and Mr. LEWIS of Florida.

H.R. 163: Mr. STEARNS.

H.R. 166: Mr. STEARNS and Mr. GILCHREST.

H.R. 174: Mr. CONYERS.

H.R. 224: Mr. BEILENSON, Mr. YATES, Mr. KILDEE, Mr. DEUTSCH, Mr. FILNER, Mr. STUDDS, and Mr. CONYERS.

H.R. 225: Ms. DELAURO.

H.R. 229: Mr. LEHMAN, Mr. LEWIS of California, Mr. BILBRAY, and Mr. RAHALL.

H.R. 276: Mr. JACOBS.

H.R. 300: Mr. RIDGE and Mr. BUYER.

H.R. 301: Mr. BARTLETT.

H.R. 302: Mr. TORRES and Mr. SANGMEISTER.

H.R. 304: Mr. PACKARD, Mr. THOMAS of California, Mr. BUYER, and Mr. MOORHEAD.

H.R. 306: Mr. BARTLETT.

H.R. 324: Mr. SABO, Ms. MEEK, Mr. MOORHEAD, Mrs. COLLINS of Michigan, and Ms. MOLINARI.

H.R. 349: Mr. BAESLER and Mr. GREENWOOD.

H.R. 410: Mr. GINGRICH.

H.R. 431: Ms. MALONEY, Mr. FOGLIETTA, and Mr. JOHNSTON of Florida.

H.R. 462: Mr. GOODLING, Mr. DE LUGO, Mr. JOHNSON of South Dakota, Mr. MEEHAN, and Mr. GEKAS.

H.R. 464: Mr. GOODLING.

H.R. 465: Mr. MCHUGH.

H.R. 513: Mr. HASTERT, Mr. MOORHEAD, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. PAXON, Mr. MCCANDLESS, Mr. KOLBE, Mr. MCHUGH, Mr. BEILENSON, Ms. MOLINARI, Mr. SANTORUM, Mr. ROYCE, Mr. RAVENEL, Mr. THOMAS of Wyoming, Mr. CAMP, and Mr. HANCOCK.

H.R. 558: Mr. SOLOMON, Mr. PASTOR, Mr. TANNER, Mr. MONTGOMERY, Mr. SERRANO, Mr. WALSH, Mr. CRAMER, Mr. BALLENGER, Mr. GUTIERREZ, Mr. KLUG, Mr. SARPALIUS, Ms. MEEK, Mr. FROST, and Mr. POSHARD.

H.R. 569: Mr. OWENS.

H.R. 570: Mr. BARTLETT.

H.R. 571: Mr. NEAL of North Carolina.

H.R. 578: Mr. MARTINEZ, Mrs. JOHNSON of Connecticut, Mr. BARRETT of Wisconsin, and Mr. HUGHES.

H.R. 672: Mrs. COLLINS of Illinois, Mr. MCNULTY, Mr. HOLDEN, Mr. ACKERMAN, Mr. WALSH, Mr. COYNE, Mr. HYDE, Mr. STOKES, Ms. MALONEY, Mr. KING, Ms. SLAUGHTER, and Mr. PALLONE.

H.R. 703: Mr. SOLOMON, Mr. LIVINGSTON, Mr. PICKETT, Mr. WELDON, Mr. HOLDEN, and Mr. GOODLING.

H.R. 709: Mr. MOORHEAD.

H.R. 736: Mr. SUNDQUIST, Mr. GONZALEZ, Mr. BURTON of Indiana, Mr. GIBBONS, and Mr. DORNAN.

H.R. 749: Mr. GINGRICH, Mr. HOAGLAND, Mr. SCHIFF, and Mr. HUGHES.

H.R. 760: Mr. TORKILDSEN.

H.R. 771: Mr. LIVINGSTON, Mr. STARK, Mr. JACOBS, Mr. HASTINGS, Mr. KOPETSKI, and Mr. HUGHES.

H.R. 773: Mr. BAKER of Louisiana, Mr. CANADY, Mr. HENRY, Mr. HINCHEY, Mr. JOHNSON of South Dakota, Mr. ZELIFF, Mrs. MALONEY, Mr. KING, Mr. SOLOMON, Mr. JACOBS, Mr. MCINNIS, Mr. MCHUGH, Mr. LIPINSKI, Mr. EVERETT, Mr. FISH, Mr. WISE, and Mr. WALSH.

H.R. 814: Mr. BAKER of Louisiana, Mr. INGLIS, Mr. DORNAN, Mr. RAMSTAD, Mr. KING, Mr. MANZULLO, Mr. HUTCHINSON, Ms. SHEPHERD, and Mr. POSHARD.

H.R. 830: Mr. ENGLISH of Oklahoma, Mr. DOOLEY, Mr. ZIMMER, Mr. MCHUGH, Mr. ROBERTS, Mr. FAWELL, Mr. HILLIARD, Mr. GALLEGLY, Mr. SAXTON, Mr. GUNDERSON, Mr. EMERSON, Mr. MCDADE, Mr. DUNCAN, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. HYDE, Mr. HUNTER, Mr. PACKARD, Mr. CAMP, Mr. GREENWOOD, Mr. MANZULLO, Mr. ALLARD, Mr. SKEEN, Mr. SPENCE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. FIELDS of Texas, Mr. KOLBE, Mr. BUNNING, Mr. PAXON, Mr. GINGRICH, Mr. NUSSLE, and Mr. HANCOCK.

H.R. 846: Mr. GALLO, Mr. HERGER, Mr. WALKER, Mr. TRAFICANT, and Mr. SMITH of New Jersey.

H.R. 869: Ms. PELOSI, Mr. BLACKWELL, Mr. HINCHEY, Mr. LANTOS, and Ms. NORTON.

H.R. 882: Mr. HOAGLAND.

H.R. 883: Mr. PACKARD, Mr. BARTON of Texas, Mr. NUSSLE, Mr. MANZULLO, Mr. RAMSTAD, Mr. INGLIS, Mr. SAM JOHNSON, Mr. HANCOCK, Mr. BURTON of Indiana, Mr. POMBO, Mr. DOOLITTLE, Mr. DORNAN, Mr. GOSS, Mr. BAKER of Louisiana, Mr. MCKEON, Mr. INHOFE, Mr. SCHAEFER, and Mr. LINDER.

H.R. 886: Mr. BOEHLERT, Ms. PRYCE of Ohio, Mr. MOORHEAD, and Mr. UPTON.

H.R. 887: Mr. BARRETT of Nebraska and Mr. TAYLOR of North Carolina.

H.R. 888: Mr. ORTIZ.

H.R. 890: Mr. BLUTE.

H.R. 911: Mr. HOCHBRUECKNER, Mr. PAYNE of Virginia, Mr. KOLBE, Mr. YOUNG of Florida, Mr. TORRES, Mr. CAMP, Mr. PAXON, Mr. PENNY, Mr. KLEIN, and Mr. JOHNSON of South Dakota.

H.R. 933: Mr. GILMAN.

H.R. 962: Mr. MICHEL, Mr. SAM JOHNSON of Texas, Mr. BACHUS of Alabama, Mr. ROTH, Mr. BARRETT of Nebraska, Mr. BAKER of Louisiana, Mr. BURTON of Indiana, Mr. PETRI, Mr. INHOFE, Mr. ROBERTS, Mr. BUYER, and Mr. ROGERS.

H.R. 974: Mr. MICA, Mr. INSLEE, Ms. VELAZQUEZ, Mr. BARCIA, Mr. HOLDEN, Mr. WHEAT, Mr. GOSS, Mr. COPPERSMITH, Mr. GLICKMAN, Mr. LEVIN, Mr. BARLOW, and Mr. BARRETT of Wisconsin.

H.R. 1005: Ms. E.B. JOHNSON of Texas.

H.R. 1006: Ms. E.B. JOHNSON of Texas, Mr. SAM JOHNSON of Texas, and Mr. LEWIS of Florida.

H.R. 1067: Mr. GALLEGLY, Mr. SENSENBRENNER, and Mr. PACKARD.

H.J. Res. 1: Mrs. BYRNE, Mr. BRYANT, and Mr. HOCHBRUECKNER.

H.J. Res. 9: Mr. CAMP, Mr. INHOFE, and Mrs. MEYERS of Kansas.

H.J. Res. 10: Mr. MURPHY, Mr. KENNEDY, Mr. LEWIS of Florida, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. DE LUGO, Mr. BILBRAY, Mr. SMITH of Iowa, Mr. MCDERMOTT, and Mr. JOHNSON of South Dakota.

H.J. Res. 22: Mr. PACKARD.

H.J. Res. 61: Mr. HANSEN, Mr. INHOFE, and Mr. MOORHEAD.

H.J. Res. 85: Mr. KASICH, Ms. WOOLSEY, Mr. FROST, Mr. RANGEL, Mr. FALEOMAVAEGA, and Ms. E.B. JOHNSON of Texas.

H.J. Res. 108: Mr. SAWYER, Mrs. COLLINS of Illinois, Mr. DARDEN, Mr. SWIFT, Mr. EVANS, Mr. SABO, Mr. BACCHUS of Florida, Mrs. KENNELLY, Mr. GINGRICH, Mr. GEJDENSON, Ms. DELAURO, Mr. SISISKY, Mr. PICKETT, Mr. KOPETSKI, and Mr. BECERRA.

H. Con. Res. 16: Mr. SAXTON, Mr. SWETT, Mr. ENGEL, Mr. BLACKWELL, Mr. HOBSON, Mr. CARDIN, Mr. BARTLETT, Mr. HUGHES, Mr. DOOLITTLE, Ms. MOLINARI, Mr. GOSS, Mr. WELDON, Mrs. BYRNE, Mr. HOYER, and Mr. KING.

H. Con. Res. 24: Mr. ROYCE, Mr. MANTON, Mr. ENGEL, Mrs. MALONEY, Mr. ACKERMAN, Mr. LIPINSKI, Mr. CARDIN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. BERMAN, Ms. WOOLSEY, Mr. WYNN, Mr. MCCANDLESS, Mr. DICKEY, Mrs. MEEK, Mr. FROST, Mrs. MORELLA, and Mr. WELDON.

H. Con. Res. 29: Mr. YOUNG of Florida and Mr. HYDE.

H. Res. 37: Mr. CARR.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 118: Mrs. COLLINS of Illinois.

# EXTENSIONS OF REMARKS

## SMALL BUSINESS SUCCESS STORY

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all of my colleagues an article in the Wall Street Journal from February 23, 1993. The article is entitled "Old-Fashioned, New-Tech Winner in the California Crucible." The company referred to in this article could stand alone as an example of how small businesses should function in our country today.

OLD-FASHIONED, NEW-TECH WINNER IN THE CALIFORNIA CRUCIBLE

(By Tim W. Ferguson)

California had its own "economic summit" last week, and this one didn't freeze out opposing views. With a population nearing 32 million, the state may be getting ever more crowded, but there's always room for argument.

This fractious climate is particularly rough on businesses, yet some thrive. One mentioned at the conference is the remarkable Kingston Technology Corp., in Orange County. Kingston is the world's leading independent upgrader of computer capability, and one of the U.S.'s great high-tech, small-business success stories.

In 1992, the privately held company's fifth year of operation, sales were said to exceed $250 million. It seeks nearly to double volume again this year. Until it finished atop Inc. magazine's growth-company honor roll last year, few outside the techie world had heard of Kingston.

This corporate combustion is partly a phenomenon of the computer industry. But Kingston's rapid rise is also about the people—only 185 of them—who work there. They might be said to represent the emerging picture and promise of California. The two owners were born in Taiwan. A rough survey of the payroll not long ago found a third were of similar Chinese heritage; another third were from Vietnam (Little Saigon is near the headquarters); a sixth, from Mexico; and only the remaining sixth were U.S. natives.

"The people that started out five years ago," recalls President John Tu, "some of them, some companies would not take even for minimum wage. But we felt, why not? Everybody is capable if given the opportunity and trust. They are responsible for what they're doing. These people today are high-level salespeople and marketing people. I was so amazed to see these people blossom. They . . . come to me from time to time and say, 'I now like myself. I know I can go out anywhere and make it.' It's how you treat them."

That begins to explain why remaining enthusiasts about California see in Kingston proof that polyglot is a plus. This immigrant business has built itself on principles of reliability, square dealing, modesty and prudence. It has no use for paper credentials, fancy titles or high-torque finance. In short, it is the classic American shop of a bygone era when, nostalgia has it, the country was a more genuine place. Yet the old virtues are being vindicated in a place where good morning is said in four languages.

Mr. Tu arrived in the U.S. about 20 years ago with an electrical-engineering degree, but spent years developing commercial properties. It was 1982 before he partnered with David Sun in a computer products firm. After it was bought by AST Research, the pair went back to the "garage floor" to start a company that would link the existing stock of computer hardware with the myriad new applications that required more advanced parts.

This has proved just the ticket for the times. "Systems upgrades" are now required of millions of older computers, plus many of those being sold new at bargain prices of $1,000 or so, in order to utilize popular graphics and networking options.

Innovation has outpaced both the tax code, with its five-year depreciation schedule for computer equipment, and the ability of individuals to buy whole new boxes every year or two. Kingston is the stopgap. Moreover, distributors for big computer makers find it quicker and more profitable to ask Kingston, which "reverse-engineers" products for those lines, to supply the adaptations their customers want, rather than to wait on a "factory part."

In this chaotic competition, Messrs. Tu and Sun saw a need not only to be nimble but to be nice. They built up the confidence of suppliers by prepaying invoices and always taking full deliveries even when the market changed and they weren't needed. On the other end, they filled orders for distributors around the world on the strength of a phone call.

Today, Kingston makes 700 shipments a day, to 35 countries. For this, it uses no contracts or even letters of credit. In return, the middlemen between Kingston and the end users are loyal, Mr. Tu finds. "They say, 'John, that was an extraordinary experience—that you actually trust me. Because of that, I'm doing 500% effort more to make sure that I don't fail you.'"

The handshake principle extends to the vendors that supply Kingston with components. These include some of the biggest players in the business—Samsung, Motorola, Toshiba, Hitachi. Mr. Tu says he "absolutely" tries to avoid dealing through lawyers.

The same approach extends to Kingston's most critical suppliers—the local job shops that actually make the products that Kingston designs, tests, sells and services. Their production lines are geared to satisfy the "just in time" needs of Kingston and its customers. The arrangement, Mr. Tu says, spares Kingston from carrying about 50 assembly positions.

Tending to business relations may be rewarding, but Mr. Tu says he's found it's not the industry standard. He receives "many calls" from job seekers at other companies who aspire to introduce Kingston to the joys of leveraging a powerful order book and cash flow by "squeezing five pennies more" from prices and delaying payments for 15 or 30 days in order to invest the cash. "I absolutely hate it," Mr. Tu says of operating that way. "These vendors are the same as you and me. They need to make their reasonable profit to be able to survive. If they've done a good job for you, they deserve it. If we have the cash, pay it."

Kingston won't borrow, either. More than $8 million in cash was plunked down for the two buildings housing it and a sister company, NewGen, which makes laser printers. Mr. Tu maintains that incurring debt in such a volatile field would leave him insecure that he could, in a downturn, "feed the family." By that, he means be able to keep his employees at premium pay and benefits. As on the outside, Messrs. Tu and Sun believe that in-house generosity begets dedication.

Perhaps as a result, Mr. Tu has none of the standard complaints about doing business in California. He can't recall any workers' compensation claims against the company, and lawsuits are a nonissue. Although he and his partner must now be multimillionaires, he doesn't even beef about high taxes, which he says he's glad to pay for the opportunities afforded. (Mr. Tu did "resent" President Clinton's implication last week that successful people had dodged their due.) Kingston has no plans to use an investment tax credit or other break. It is only focused on creating and selling products.

Such a philosophy may not serve every business as well. And California's climate is surely more inhospitable to a company not peddling high-value output with a closely knit (if multicultural) work force. But Kingston, even if exceptional, does suggest that all is not lost in the state, or in the U.S.'s ability to mingle old and new.

## BEWARE THE TRUST DEFICIT

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. MICHEL. Mr. Speaker, I want to make Members aware of a column written by one of the most respected political observers in Washington today, David Broder. Entitled "Beware the Trust Deficit," Mr. Broder questions the actual figures in the President's economic plan and some of the tactics used in his campaign.

In his address to the American people, President Clinton said, "We must scale the walls of the people's skepticism. Not with our words, but with our deeds."

I agree with the President. That is why I am concerned that the President's words do not necessarily reflect his deeds. We need to be honest with the public, to scale the walls of the people's skepticism.

I commend Mr. Broder for his forthright manner, and I urge all of my colleagues to read the following article.

BEWARE THE 'TRUST' DEFICIT

President Clinton's economic plan is addressed, he says, not to one deficit but to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

three: the budget deficit, the investment deficit and the social deficit.

Americans, he says, must shut down the drain of red-ink budgets that have virtually quadrupled the national debt in the past dozen years. At the same time, we must increase the investments that promise productivity growth and future prosperity. And there are, he says, unmet needs for AIDS research, public housing rehabilitation, preschool education and a score of other things that cannot wait.

Clinton is right to say all three deficits must be faced. But he is wrong—dangerously wrong—to do so in a way that worsens a fourth deficit: people's trust in their leaders.

The new president is being rightly praised for putting all these issues on the table in a comprehensive and coherent fashion. But if his diagnosis of the nation's needs is accurate, his prescription falls far short of a remedy. His plan just doesn't achieve its advertised goals. And it will avail Clinton little to push his economic program to passage if voters decide afterward that they have been misled about what it will do.

Doubts about his reliability plagued Clinton all through the campaign year and caused him to wind up with the lowest share of the popular vote of any winner since Richard Nixon, in a similar three-way race, 24 years earlier.

Now people are discovering that Clinton really played fast and loose with the facts in last year's campaign. When reporters challenged the assumptions and the internal mathematics of Clinton's campaign-season economic plan, "Putting People First," the Democratic nominee brushed off the questions. When Republicans said he was being deceptive, he issued indignant denials that ring hollow today.

Last Oct. 1, for example, when the Bush campaign ran ads based on the calculation that Clinton could finance his campaign promises only by raising taxes on every family earning more than $36,600 a year, this is what the Democratic nominee said:

"It is blatantly false. . . . It is a disgrace to the American people that the president of the United States would make a claim that is so baseless, that is so without foundation, so shameless in its attempt to get votes under false pretenses."

Last week Clinton, unembarrassed, put forward a revised program requiring tax increases the administration says will affect most families making over $30,000, one-sixth below the threshold George Bush had forecast. Clinton claims he has been forced to these steps by the unexpected $346 billion size of the deficit he inherited. But last July, he told Business Week the deficit would approach $400 billion.

The more serious problem is that the new economic plan, "A Vision of Change for America," looks almost as jerry-built as the campaign document it replaced. The administration's $30,000 threshold, for example, is not what most people understand as income, or even the Form 1040's familiar adjusted gross income line. It is a figure concocted to include all kinds of "non-cash income," including fringe benefits and even the imputed rental value of the family home. As administration officials have conceded, the higher tax bites actually begin at a figure closer to $20,000 than to $30,000.

These artifices were carefully concealed in Clinton's State of the Union address, helping him to gain a favorable first public reaction. Assiduous salesmanship on his part has so far sustained that image of evenhandedness.

But the more that is learned about the plan, the less solid it looks. As much as $54 billion of claimed spending reductions are actually increases in taxes or fees. More important, major cost-cutting moves are of dubious value.

The plan calls for more than $38 billion in Medicare savings over the next four years, not through any reforms but simply by cutting government payments to hospitals and doctors. In the past, when Republican administrations have proposed such "savings," Democrats have objected, properly, that hospitals and doctors will be forced to shift those costs to private patients and to raise their rates to make up for the loss. The argument is still valid. In effect, Clinton is proposing an additional "tax" on anyone unlucky enough to enter a hospital as a non-Medicare patient in the next four years.

Leon Panetta, the conscientious former House Budget Committee chairman recruited by Clinton as directed of the Office of Management and Budget, knows these games for what they are. That may explain why he looks so uncomfortable defending such artifices, as he was forced to do repeatedly after Clinton's speech. But the accounts of the plan's formulation suggest that Panetta lost some crucial inside battles when Clinton sided with political aides who wanted to sugarcoat the message, as Clinton did during the campaign.

That is bad politics as well as bad economics. Clinton is likely to get a budget-economic package passed this year. Passing one that just pretends to fix the deficit is no fix at all. It simply moves the day of reckoning closer to the next presidential election. George Bush is the living evidence of the danger of following that course.

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## A TRIBUTE TO SGT. LEE ALVA BRIERLY

## HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mrs. MORELLA. Mr. Speaker, I rise today to salute Sgt. Lee Alva Brierly, of Kensington, MD, on the occasion of his retirement from the U.S. Capitol Police after 25 years of loyal and distinguished service to the congressional community. Recent police department performance ratings ranked Sergeant Brierly as an exceptional supervisor, self-motivated, and always willing to volunteer his time and expertise to departmental goals.

Sergeant Brierly began his career as a rookie on April 1, 1968. In 1971, Officer Brierly was promoted to the rank of technician, having shown his supervisors he has more than capable of assuming responsibility in a rapidly expanding police department. In 1973, he was promoted to the rank of sergeant. He was worked at various times in the Senate, the House, and in the Capitol itself. He has been singled out as a highly competent and successful supervisor.

His training is extensive and a partial list of courses includes First Responder Containment and Tactics Course, Sergeant's Seminar, Federal Bureau of Investigation Management School, Metropolitan Police Investigator Training Program, and First Line Supervisor Training Program No. 3.

My best wishes to Sergeant Brierly and his family for a long and happy retirement.

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## TRIBUTE TO DR. KENNETH LEON GARVER

## HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. SANTORUM. Mr. Speaker, it is with great personal pride that I share with my colleagues a tribute to one of this country's leading authors, practitioners, and teachers of medical genetics, Dr. Kenneth Leon Garver of Pittsburgh, PA. Because of his pioneering in the field of medical genetics and in particular the misuse of genetics, that is eugenics, he has earned international recognition. After 20 years as a geneticist and 50 total years in medicine, Dr. Garver is leaving his full-time practice this year. Aside from his outstanding professional accomplishments, he is a great father and husband. He also happens to be the best father-in-law anyone, including me, could ever ask for.

Ken Garver was born March 22, 1923, in Pittsburgh, PA. His parents, Lee and Irene Garver, taught him the values of hard work and reading. As a little boy he remembers his maternal grandfather, Samuel Brodie, telling him to "get his book learning." This same grandfather worked in the coal mines in Scotland when he was 8 years old, came to this country at the age of 14 and continued coal mining in Mt. Pleasant, PA. Kenneth long remembered those words and worked diligently at his studies. He graduated first in his class of 380 students from Central Catholic High School in 1940. Receiving a full academic scholarship to the University of Pittsburgh, he graduated with a B.S. in 1943, magna cum laude. In 1943 he was inducted into the Active Reserves as a private at Camp Mead, MD. He was then transferred back to medical school, and graduated with his M.D. in 1946. This same year he married Betty Lee Weisberg, also of Pittsburgh, PA. She had 12 children, one of whom is my wife Karen. They are living testaments that his accomplishments go well beyond the professional arena.

He continued in the Active Reserves for 15 months during his internship at Mercy Hospital in Pittsburgh. In August 1947 he was placed on active duty as a first lieutenant at Fort Sam Houston, TX. He was sent to Fort Eustis, VA and then to Fort Story, VA where he was promoted to captain and remained caring for the medical needs of the Army and their families, 24 hours a day, until July 1950.

In 1950 Dr. Garver took a Renziehausen Research Fellowship at the University of Pittsburgh under the direction of Dr. Thaddeus Danowski. He had a residency in pediatrics at Childrens Hospital in Pittsburgh and then established a pediatric practice in Penn Hills, an eastern suburb of Pittsburgh, in 1953. It was as a practicing pediatrician that he became interested in birth defects and their genetic causes.

His deep concern for these unfortunate children moved him to give up a successful and rewarding practice and turn his attention to helping these children. This was no small step for a man with 11 children. In 1967 he quit his practice to attend the graduate School of Public Health at the University of Pittsburgh with a 4-year NIH Fellowship to begin the study of human genetics. He eventually received his Ph.D. in human genetics in 1975. In 1971 he accepted an offer to establish and be director of Reproductive Genetics at Magee Womens Hospital in Pittsburgh. There he developed the division of reproductive genetics consisting of a genetic counseling clinic and biochemical and genetics laboratories.

In 1986 he was asked to establish a Department of Medical Genetics at West Penn Hospital in Pittsburgh. When he left Magee, Dr. Pierce Soffronoff and other physicians wrote a resolution which is included in the permanent record of the quarterly staff meeting on April 14, 1986. The resolution was unanimously passed by the medical staff.

A RESOLUTION

> *Be it resolved:* That the medical staff of MWH wishes to express its sincerest regret for the resignation of Dr. Kenneth Garver. Dr. Garver has served this institution in a fashion that cannot be paralleled or surpassed by any other individual, past or present.
>
> He remains in our estimation an individual above reproach: academically, clinically, and personally. Dr. Garver is the consummate physician: intellectually pure, compassionately precise, and unreservedly concerned. He has been one of this universities distinguished professors in the truest sense of the term.
>
> He has been unceasingly available to promote his specialty to his colleagues, the residency staff, the nursing staff, the community, and especially to those individual patients requiring his skills and compassion. He has been a model consultant, displaying his concern for the patient and respect for the referring physician.
>
> We also regret that there may have been adverse circumstances that would have prompted his departure. Such circumstances can never be accepted or condoned by this medical staff when it results in the loss of one of its most distinguished, loyal, devoted, and revered members. The medical staff apologizes to Dr. Garver for any such circumstances should they exist.

During Dr. Garver's career he has been very active in the field of medical genetics on a local, State, and national level. Some of his responsibilities include serving as the consultant for the Public Health Services Committee of the Pennsylvania Association for Retarded Citizens and being a member of the advisory board for the Spina Bifida Association of America. He has served on the editorial advisory board of the March of Dimes national foundation and as the chairman of the ad hoc advisory committee for the Pennsylvania Department of Health. In addition, he was a past president of the Pittsburgh Pediatric Society, 1973–75. He was recognized for outstanding achievement at the University of Pittsburgh Honors Convocation, March 13, 1991, for being secretary of the American Society of Human Genetics. In 1992 he was awarded Man of the Year from the Minute Men Society of the University of Pittsburgh for outstanding contributions to the field of medicine. As a member of the American Society of Human Genetics he was on the board of directors, the executive committee, the public policy committee, the genetic services committee, the social issues committee, and chairman of the committee to establish guidelines for maternal serum alpha fetoprotein laboratory quality control.

Dr. Kenneth Garver has also been active in the community. He is a member of the board of trustees of St. Anthony's School for Exceptional Children, and chairman on the advisory committee to the Bishop for the Diocese of Pittsburgh to establish guidelines for human sexuality education. Although semiretired, Dr. Garver continues his educational and scholarly pursuits as editor of the education section of the American Journal of Human Genetics, editor of the March of Dimes quarterly newsletter, Genetics in Practice, adjunct professor of human genetics and clinical professor of pediatrics at the University of Pittsburgh, and he is a consultant to the department of human genetics at West Penn Hospital. Dr. Garver has had an interesting and productive career and in his words, "hopefully made the lives he touched a little better." Mr. Speaker, there is no doubt about that.

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## COMMISSION ON INFORMATION TECHNOLOGY AND PAPERWORK REDUCTION

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. CLINGER. Mr. Speaker, with great pleasure I am today reintroducing legislation to create a commission to eliminate unnecessary government redtape resulting from regulations and paperwork requirements and to promote the use of modern information resources management in the Federal Government.

This bill was originally drafted and introduced by former Congressman Frank Horton, my predecessor as ranking minority member of the House Committee on Government Operations. Although it overwhelmingly passed the House late last year, it failed to gain final congressional approval.

The bill I introduce today would establish a temporary commission of experts to study Federal paperwork generated by various reporting requirements. Its primary objective would be to ensure that the Federal Government is using the most current information technology in the collection, use, and dissemination of information. It would be a mixed commission of 15 members from the Government and the private sector and will include Members of the House, the Senate, and the executive branch.

The Commission membership would be bipartisan, would elect its chairman and vice chairman, and would hire an executive director and other necessary staff. Two members of the Commission specified in the statute include the Comptroller General of the United States and the Director of the Office of Management and Budget.

I urge all of my colleagues to support this legislation for several reasons. First, the regulatory burden on Americans and small business is great. It has been estimated that American businesses must spend nearly $1 trillion to comply with Federal paperwork requirements. The General Accounting Office reported as recently as 1989 that the growth in this regulatory paperwork burden has been substantial. I have already asked GAO to conduct another study to determine the growth of the paperwork regulatory burdens through 1992. It is never too late, however, for the Federal Government to step back and look at the regulatory and paperwork burdens being imposed upon its citizens.

A fine example of how this regulatory burden has a detrimental impact on all Americans came when Hurricane Andrew hit southern Florida. Newspaper articles at the time suggested that one of the reasons why the hurricane victims were slow in receiving much needed Government benefits was due to the paperwork requirements associated with the disaster relief programs. The use of modern computer and information transfer technology would have made the Federal response to this disaster much more timely.

This Commission shall look at these paperwork burdens and overlapping regulations, and make recommendations to the President and Congress where unnecessary burdens can be eliminated and where additional technology should be utilized.

Most importantly, Members should support this proposal because the Commission will be charged with looking at the information technology developments which have occurred during the past two decades and determine whether the Federal Government is taking advantage of the newest technology available to collect, interpret, and disseminate information.

The Office of Management and Budget last year reported that the Federal Government will invest some $25.4 billion on information technology in fiscal year 1993—an increase of over $2.2 billion from fiscal year 1992. The question is not, however, how much are we spending. It seems to me to be more important to ask what we are spending our money on. This Commission represents the first governmentwide, nonpartisan look at technology investment by the Federal Government.

As we all know, the advancements made in the information technology arena have been great during the past 20 years. The Commission's chief task will be to investigate ways that today's electronic technology can be used to reduce the amount of paperwork produced or required by Government agencies. Today, the public is using technology that was not even thought of in the 1970s—from electronic funds transfer to electronically filed tax returns. These technics save paperwork and money and they should be encouraged.

Finally, I truly believe that the purpose of this Commission meets the goals of the Clinton administration to reinvent and reinvigorate Government. President Clinton was quoted in the January 1993 edition of Government Executive expressing his support for commissions. He stated, "I've used commissions a lot at home. We've done a lot of work with commissions, and I think that they tend to work quite well if they're properly formed, if they carry out their work well, and if they have enough ties with the legislative branch to put them through."

This bill will give the new administration the opportunity to reform the burdensome manner in which Government imposes costs on the private sector. I strongly believe that the time to revisit the issue of regulatory paperwork and information technology is today.

Attached is a summary of this Commission proposal. I encourage all Members to lend their support to this effort.

A BILL TO ESTABLISH A COMMISSION ON INFORMATION TECHNOLOGY AND PAPERWORK REDUCTION

SUMMARY OF PROVISIONS

*Findings and Purpose*

This bill calls for a high-level study to determine what changes in Federal policy and procedures will be required to minimize Federal paperwork burdens consistent with the Government's need for information to set policy and operate its lawful programs. The Commission would identify the technological developments of the past several decades to help ensure that the Federal government is using the newest technology to collect, store, and utilize information.

The bill finds that Federal information reporting requirements places an unprecedented paperwork burden upon all Americans. The General Accounting Office, in a study released in June 1989 suggested that the reported paperwork burden rose from 1.477 billion hours for fiscal year 1980 to 1.881 billion hours for fiscal year 1987, an increase of 27 percent. It reached a peak in 1982 with 2.023 billion hours. No reliable data is available for recent years.

The Washington Post reported last year that paperwork requirements held up much needed benefits to hurricane survivors in Florida and Louisiana. This large burden on the private sector makes it necessary to reexamine policies and procedures which have an impact on the paperwork burden placed on all Americans.

*Functions*

The bill gives the Commission a broad mandate to look at all aspects of Federal information activities and all issues which impact upon Federal information activities. Its recommendations are to include both policy and organization changes aimed at bringing about immediate and continuing improvements. It shall be the function of the Commission to:

(a) Review the findings of the 1970's Commission on Federal Paperwork to determine which of its recommendations have been implemented and which recommendations still warrant further consideration.

(b) Study and investigate Federal statutes and policies relating to information gathering, processing, and the management and control of these information activities.

(c) Recommend changes to Federal statutes and policies to reduce the duplication of information collected, minimize the burden imposed by Federal reporting requirements, and reduce the costs of Federal paperwork.

Upon submission of the Commission's final report, the Director of the Office of Management and Budget (OMB) shall:

(a) Formulate the views of the Executive agencies on the recommendations.

(b) Implement those recommendations to the extent practicable.

(c) Propose legislation needed to implement recommendations requiring statutory authority.

The Congress, the President, and the agencies would be free to accept, modify or reject the recommendations of the Commission.

*Membership*

The Commission shall be a mixed body of 15 members from government and the private sector, including:

(a) Two Members of the Senate, not of the same political party.

(b) Two Members of the House of Representatives, not of the same political party.

(c) Two State/local government officials.

(d) Comptroller General of the United States.

(e) Director of OMB and two other Executive Branch officials, appointed by the President.

(f) Five private sector members appointed by the President.

*Effective and expiration date*

The bill shall become effective 45 days following its enactment. The Commission expires two years following its first meeting.

*Appropriation level*

The bill authorizes an appropriation of no more than $8 million to carry out this Act.

## TRIBUTE TO MRS. WOO YONG HONG

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the contributions of Mrs. Woo Yong Hong, one of the women I will honor at my annual women's caucus breakfast that will salute, "Women Who Dare to Be Great". Mrs. Hong and her husband operate a small business in the East New York section of my district. She has taken it upon herself to try to improve relations between all segments of a highly diverse community, using her store as a place to promote mutual understanding and peace.

Mrs. Hong takes an active interest in the neighborhood where her store has become a hub of positive energy and communication. Her personal philosophy is to reach out to residents of all ages, especially the children, and to let them know that community solidarity is important. She stresses education, staying in school, and working hard. Her most important message, however, is that all of us must learn to get along. Mrs. Hong knows that diversity of thought, and cooperation across class, race, and religious boundaries is crucial to our Nation's development.

I am immensely pleased to honor Mrs. Woo Yong Hong, because indeed, she has dared to be great. She continues to make a difference in a very real and practical way, by positively influencing the people who frequent her store. In fact, she is East New York's goodwill ambassador.

## SALUTE TO ERVIN RAYFIELD

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, it is with great sadness that I rise today to recognize the years of hard work and dedication shown to the residents of the Sixth District by Ervin Rayfield. Even though he had retired from the Navy and from Federal Aviation Administration, Ervin gave of his time to serve his fellow citizens on the Hampton City Council and through his volunteer work with the Sixth District congressional office.

After reapportionment, I no longer represented Hampton. I then realized that Ervin would no longer volunteer in my district office every day greeting his fellow constituents, always with a smile and a hearty "hello."

Ervin will always be remembered for his many contributions to my office, and I might just add that friendship is not defined by geographic boundaries; it's permanent. And I will always be proud to call Ervin Rayfield my friend.

## FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. DE LUGO. Mr. Speaker, I am introducing a bill today recommended by the Bush administration that would phaseout the current commitment for special developmental assistance to the Northern Mariana Islands.

This bill would implement an agreement reached between a representative of President Bush and representatives of the Governor of the Commonwealth that was endorsed in our new President's economic plan last week.

The agreement would commit the United States to provide the islands with $120 million in special funding from fiscal year 1994 through fiscal year 2000. These funds are intended to match local funding of infrastructure projects.

In recommending the agreement, both the current and past administrations have noted that it would reduce spending from current law. This is because the law commits some $27.7 million a year to develop the Commonwealth.

Thus, if you assume that the current commitment would not be changed without the agreement, it would save about $64 million during the next 7 years and even more afterwards. This is a big assumption, though, because the current commitment was not intended to be a long-term funding mechanism but simply a stopgap until a decision was made on post fiscal year 1992 funding.

The current commitment was enacted in 1986. It was made in place of an agreement that representatives of a previous Governor of the Northern Mariana Islands said a representative of President Reagan had insisted upon.

Both the current commitment and the new agreement grew out of a provision of the agreement which united the Northern Mariana Islands and the United States.

That agreement, which was approved by law in 1976, committed the United States to provide special assistance to raise the standard of living in the islands and develop their economy so that they could meet the costs of local government.

It also required that representatives of the President and of the Governor of the islands make recommendations on assistance for periods after the initial commitment, which ended in fiscal year 1985.

There has been substantial progress toward achieving the original agreement's goals since 1976. But there are also questions about how these goals are being met that Members are likely to raise as further assistance is considered.

The standard of living in the islands is much higher than it was then for the indigenous residents. But this standard is not enjoyed by most of the alien workers that now make up half the islands' population.

The Commonwealth's income tax rates are less progressive than Federal rates. They also appear to raise substantially less revenue than Federal rates would, perhaps $43 million less in 1990.

These matters raise complex questions. I hope that they are examined fairly, with a full awareness of the circumstances and needs of the Commonwealth as well as a consciousness of what is responsible and right.

Simpler questions will also be raised in connection with this proposal. They relate to the Commonwealth's commitment to spend $120 million of its resources on infrastructure and the projects to be financed.

All of these questions can be raised during the hearing on the bill which I am scheduling for the Insular and International Affairs Subcommittee to conduct in March.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of March 24, 1976 (Public law 94-241; 90 Stat. 263), as amended, is amended by adding the following new section at the end thereof:

"Sec. 6. Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $120 million of guaranteed amounts of direct grant assistance to the Government of the Northern Mariana Islands for capital infrastructure construction for the seven fiscal years 1994 through 2000, which assistance shall be provided according to the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands."

## FEDERAL RESERVE SYSTEM NEEDS TO BE RESPONSIVE

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BLACKWELL. Mr. Speaker, the President's Economic Recovery Program will not work without the support and cooperation of the Nation's central bank.

If the Federal Reserve System is not prepared to get in line with the President, we in the Congress should be prepared to consider changes to this system which first evolved in its modern form in 1933.

This morning, the House Budget Committee heard from the Chairman of the Federal Reserve System, Alan Greenspan, and he gave us some encouraging comments. However, we must keep a close eye on the bank.

If, over the next several weeks and months, we see little or no cooperation from the Fed, we should consider measures to make our central bank more responsive.

We may wish to reduce the terms of the board members to make them consistent with the term of the President. We may want to provide a role for the General Accounting Office as oversight to the Fed.

We can consider adding the Secretary of the Treasury to the Federal Open Market Committee.

And, we can consider putting the Fed under an executive department as they do in most other countries. Whatever we do, if we do anything, Mr. Speaker, we must ensure that this recovery plan works. We need economic recovery, and we need it now.

No institution in America, regardless of how strong, should be allowed to stand in the way of economic progress. President Clinton is committed to that goal, and we in the Congress must support him.

## THE UNITED STATES MUST TAKE LEAD AGAINST SERBIAN AGGRESSION

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. KING. Mr. Speaker, 9 years ago the attention of the world was focused on the Winter Olympics in Sarajevo. Today that beleagured capital represents the disintegration of ethnic coexistence in the former Yugoslavia and in the former Soviet bloc as a whole.

The oppression and suffering in Sarajevo today defy human comprehension. Yet the American Government, people, and media showed more attention to the skiers and skaters of 1984 than they do to the men, women, and children of Bosnia-Herzegovina today. Indeed in my own district Newsday devotes far more coverage and energy to the seemingly unending variations in the Amy Fisher-Joey Buttafuocco saga of trash than it does to human suffering in the Balkans.

The time has come for the United States to restore its moral and geopolitical focus on foreign policy. After World War II bipartisan leadership overcame the wishes of shortsighted isolationist Americans and began the four decade defense of Western Europe and deterrence of Soviet imperialism. The Marshal plan was adopted. Aid was provided to Greece and Turkey. NATO was established. Over the airways of Radio Free Europe, Radio Liberty, and the Voice of America, we urged the various oppressed ethnic groups across the Soviet bloc to assert their national and cultural identity, spiritually free of Communist dogma. These policies culminated in the collapse of communism, the crumbling of the Soviet Bloc, and the dismantling of the Yugoslav federation.

Within the former Yugoslavia, Slovenia, and Croatia bravely asserted their separate national identities and their right to nationhood. When Bosnia followed the lead of the Slovenians and Croatians, Serbia resisted. Serbia is the republic within the federation which carries the might of the former Yugoslav Government and fears that it has much to lose, both strategically and economically, from a free Bosnia. Serbian strongman Slobodan Milosevic attempts to explain his pillaging and ethnic cleansing of Bosnia's Croats and Muslims with the false justification that he is protecting Bosnia's ethnic Serbs. In fact, for years Serbs, Croats, and Muslims lived side-by-side with little tension in Sarajevo apartment complexes. Milosevic's so-called concern for ethnic Serbs in Bosnia reminds me of Adolf Hitler's concern for ethnic Germans in the Sudetenland.

Mr. Speaker, Bosnia will inevitably take its place among the community of nations. When that moment comes will history view America as having consistently championed the right of small nations to self determination or having supported this cherished principle only when it was convenient?

Apart from the moral imperative of opposing Serbian aggression, even the harshest of Realpolitik judgments mandates that a military response to Serbian atrocities and the arming of Bosnians is in the best interest of regional human rights and overall European security.

If outside forces do not provide assistance, Bosnia's suffering will soon spread to other nations. For instance, Serbia will necessarily target the 90 percent Albanian majority in Kosovo and thereby draw Muslim Albania into the conflict. So, too, there is a strong chance of struggle between Serbia and Macedonia which would necessarily include Greece and perhaps Turkey.

Left unchecked in Bosnia, aggression feeding off ethnic tension is a virus which will soon spread through many parts of Eastern Europe and the former Soviet Union. One image which immediately comes to mind would be Romania brutalizing Transylvanian Hungarians rather than addressing their legitimate grievances. In other words unless the Clinton administration confronts Serbian aggression, the Belgrade way of settling disputes will become the regionally accepted means of doing business. When this trend spreads to the north and east, we will see clashes between factions and splinter groups of mass military machines reacting with tremendous conventional hardware and, yes, in some cases, nuclear capability. And in this very interdependent world, European security dilemmas quickly become ours as well. American inaction runs the further risk of an inevitably free Bosnia aligning itself with the Moslem world.

In liberating Kuwait the United States did not say that resisting Saddam Hussein was a problem of the Arab world to be solved exclusively by Arabs. Today, despite the sluggishness of the United Nations and the inability of our European allies to comprehend a vision of continental security, the United States must motivate world opinion. The outside world cannot change the emotions among the various nationalities, but it can change the way these differences will be resolved in the future.

While the Vance-Owen plan may be well-intentioned, the bottom line is that it rewards aggression and is unenforceable. It allows the world to pretend that it is doing something while the slaughter continues.

The Clinton administration's proposal to have American ground troops police this unenforceable agreement will achieve nothing while putting American lives at risk.

Mr. Speaker, as I recently stated on the House floor, the time has come for the American Government to take the moral and diplomatic lead. We must lead our NATO allies and other regional powers in taking concerted, direct military action against Serbian aggression. The first action which must be taken is the removal of all peacekeeping forces from Bosnia. Immediately thereafter the arms embargo to the Bosnians must be lifted. The economic isolation of Serbia must be effected by a naval blockade. Then a systematic series of air attacks must be initiated against Serbian artillery sites around Sarajevo, against Serbian supply lines into Bosnia, and against energy facilities and manufacturing installations in Belgrade. The ground fighting would be carried out by the rearmed Bosnians, not by Americans.

Yes, these actions would involve sacrifice, but we owe it to the sacrifices and sufferings which so many people made during the cold war. We owe it to the cause of human rights. And we owe it to the future security of the world.

Two World Wars in this century are a vivid reminder of what happens when aggression in Europe is allowed to stand. In the ideological disarray of the post-cold war era, the world more than ever needs long-term vision and moral leadership to avoid another conflagration. And it is only the United States which can provide that leadership.

## TRIBUTE TO MS. JUDITH RODRIGUEZ

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. TOWNS. Mr. Speaker, I rise today to salute the contributions of Ms. Judith M. Rodriguez, a member of my women's caucus, and one of the honorees who exemplifies this year's program theme of "Women Who Dare To Be Great." Judy has been a resident of the Bushwick community in Brooklyn for the past 25 years. Judy's life is a shining example of her commitment to family and community service.

Judy's extensive and diverse community service includes work performed as a social director-interpreter at Public School No. 86, and election to Community School Board No. 32 where she served for 6 years. She was subsequently elected to Area Policy Board No. 4 where she served for 4 years. Judy is also a veteran aide to numerous elected officials. She has ably served Senator Thomas Bartosiewicz, Councilman Victor Robles, and is a former staff member in my district office. She presently serves as chief of staff to New York State Assemblyman Darryl Towns.

In her new capacity Judy will utilize her vast expertise in community service. Judy has developed an outstanding track record for work with the Police Athletic League [PAL] and the After School Program at Hope Garden Community Center.

Widowed after 5 years of marriage, Judy successfully raised her daughter Chastity, her niece Kimberly, and is the proud grandmother of her grandson, Ethan Matthew. The life's work of Judith Rodriguez is a testimony to the theme of "Women Who Dare To Be Great." In every project she has undertaken, excellence has been her byword. I am proud to recognize her efforts to improve the community, and positively impact youth.

## OMAR NELSON BRADLEY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. SKELTON. Mr. Speaker, February 12 marked the 100th anniversary of the birthday of Gen. Omar Nelson Bradley of Clark, MO, one of the most distinguished military men to serve our country this century.

General Bradley graduated from the U.S. Military Academy at West Point on June 12, 1915. Although he missed the opportunity to serve overseas in World War I, he would serve with great distinction in World War II.

Known as the "soldier's general", Omar Bradley served under Gen. Dwight D. Eisenhower, his West Point classmate. As Supreme Allied Commander, Eisenhower chose General Bradley to command the American forces landing at Normandy on D-day, June 6, 1944. General Bradley led our American troops that liberated Western Europe and defeated Germany. His 12th Army group with over 903,000 troops, was the largest ever commanded by an American. General Eisenhower said that General Bradley would be recognized as America's foremost battle leader.

After the war ended, President Harry S. Truman appointed General Bradley to lead the Veterans' Administration. In 1948, General Bradley succeed General Eisenhower as Army Chief of Staff, before becoming the first Chairman of the Joint Chiefs of Staff on August 16, 1949. The next year, Congress promoted him to General of the Army with five stars. General Bradley was the last officer to be promoted to that rank.

Today, we have a habit of placing style before substance, but the quiet, unassuming man from Missouri was modest and let his accomplishments speak for themselves. It is appropriate that today we remember General Omar Nelson Bradley, one of the truly outstanding American military men of the 20th century.

## MAINTAINING THEIR EDGE

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I would like all of my colleagues to be aware of the article that was in the Columbus Dispatch on February 20, 1993, entitled "Future mobile: Will U.S. Companies Maintain Their Edge?" I think that an excellent point was made in reference to companies progressing with and beyond their competitors in order to succeed.

[From the Columbus Dispatch, Feb. 20, 1993]

FUTUREMOBILE: WILL U.S. COMPANIES MAINTAIN THEIR EDGE?

For most of the Automobile Age, Americans have loved big cars and have felt safer—though sometimes poorer—behind the wheel of a heavyweight gas guzzler. But deep down inside, everyone has to recognize that the heyday of these vehicles has come and gone.

They still may capture admiring glances at classic-car shows, but most people can't afford the luxury of inefficient transportation, no matter how safe.

So the concept of a lightweight, gas-sipping car that nevertheless is as safe as a heavier model is extremely appealing. Would you buy a car that can accelerate as quickly as a Mustang, will deliver 100 miles per gallon at a speed of 50 mph, can carry you coast to coast on 29 gallons of gasoline and frequently bounces off another vehicle in a crash? Not only that, but it won't rust out and can seat four people—even of premium size.

This car, an experimental job made from a carbon-fiber composite by General Motors, was the topic of a session last week at the annual meeting of the American Association for the Advancement of Science in Boston. The material if crushed will crumble, rather than splitting like metal into dangerous, rough-edged pieces.

And the nation with the technological edge if such cars go into production is the United States—not Japan, not Germany and not Sweden.

That lead could slip away, however, if U.S. automakers decide to sit around and wait for governmental regulations, higher energy taxes or an oil shortage (perhaps orchestrated by Mideast countries) to force fuel efficiency or to boost gasoline prices.

The Big Three—actually the Big Four back then—were caught napping at a roadside rest during the energy crisis of the '70s, when the sales of small, imported cars took off, while the gas hogs gathered dust in the showrooms. As Americans took to the imports, their manufacturers established a niche in the marketplace that has continued to grow, much to the chagrin of the U.S. companies.

The return of cheap gas made mpg less important to many consumers, but smaller vehicles have remained popular, particularly for commuting. Belatedly, the Big Three began competing in this market and improving their products. GM's recently introduced, innovatively designed and fast-selling Saturn models represent a remarkable achievement for the automaker.

But U.S. companies and their employees don't seem eager to embrace the new "ultralight" cars, because existing plants would have to be changed to accommodate entirely new production techniques, which would require fewer and less skilled workers. A conventional car, for example, has about 100 times as many body parts as GM's test carbon-fiber model.

The preservation of jobs and technologies destined to become obsolete in the global marketplace, however, cannot be supported. New processes can be phased in to cause minimal disruption of current work forces, but they cannot be shut out. The company that turns its back on progress is destined to fail.

The Persian Gulf War serves as a grim reminder of the price this nation and the world pay for dependency on oil.

America's future demands fuel efficiency in gas-burning vehicles as well as cars that run on alternative fuels. Greater reliance on mass transportation will be necessary, but there will remain a need for some kind of automobile that can offer an independent but also economical means of travel across this vast land.

The Big Three should heed the most important message about ultralight cars, from

Amory B. Lovins of the Rocky Mountain Institute in Old Snowmass, Colo. He said if U.S. companies don't produce these vehicles, companies elsewhere will.

## NEWT GINGRICH RESPONDS TO PRESIDENT CLINTON

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. MICHEL. Mr. Speaker, I would like to submit for the record Congressman NEWT GINGRICH's radio response to the President, which he gave on February 20, 1993.

Our distinguished whip summarized many of the concerns that many Americans, be they Republican, Democrat or Independent, have about the Clinton economic recovery plan.

I urge all of my colleagues to read the remarks of Mr. GINGRICH.

### CONGRESSMAN GINGRICH'S RESPONSE TO PRESIDENT'S RADIO ADDRESS

ATLANTA—House Minority Whip Newt Gingrich offers Republican response to President Clinton's address:

Good morning. I am Newt Gingrich of Marietta, GA. This morning I speak with you not as a Republican but as an American, not as a conservative but as a citizen.

Reducing the deficit and balancing the budget are important steps toward American renewal. The fact is our government has grown too big and spends too much.

That is why we favor a line item veto and a balanced budget amendment. This will put real teeth in the fight to reduce government spending.

President Clinton's budget speech was a good speech, but President Clinton's budget plan is a bad plan.

The Clinton plan is $150 billion lower in deficit reduction than the speech. The Clinton plan counts a $21 billion tax increase plan on Social Security recipients, our parents and grandparents, as a spending cut when it is clearly a tax increase.

Remember, this plan is only tax increase one. Tax increase plan two will come in May and might include a $90 billion tax increase.

Yesterday President Clinton hinted at a tax increase plan three that might be a national sales tax.

There is a better way to cut the deficit. Instead of raising taxes we should cut government spending. Instead of squeezing the family budget we should squeeze the government budget.

Instead of growing government to give politicians more pork-barrel handouts and bigger bureaucracies we should be growing private businesses and specially small businesses with real incentives for job creation and for economic growth.

We should replace welfare with a work requirement, effective no later than June 1 of this year. Requiring work of every able-bodied welfare recipient will encourage personal responsibility and will cut billions of dollars from the deficit.

Furthermore, we should encourage savings, not discourage it.

Raising taxes on Social Security recipients just because they saved all their lives is wrong and it should be stopped.

Virtually every major corporation is downsizing. General Motors' target for this year alone, is to eliminate 10 percent of its middle management. If we downsize the federal government we would save billions this year and we could pay the cost of living increase to the real workers such as air traffic controllers, border patrolmen, drug enforcement agents and AIDS and cancer researchers.

Technology can clean up the environment, lower the cost of health care, improve learning and help shrink the deficit. New technologies will cut the cost of cleaning up nuclear waste and other environmental problems by as much as 90 percent. That will save billions a year while providing a cleaner environment faster.

The president said the private sector was the key to jobs, but then he proposed massive tax increases, including a new energy tax that would kill precisely the jobs he wants to create.

The president proposed a government jobs program, controlled by politicians that will teach our children the bad habits of big city bureaucrats in make work programs that are often a joke.

Instead, we should establish a private sector jobs program that will teach young Americans real job skills for real jobs.

For the amount of money President Clinton is proposing 1,400,000 poor teenagers could work in a local business 40 hours a week for ten weeks this summer. The private business could be given a $700 tax credit for each teenager hired.

This free-enterprise private sector approach would help twice as many teenagers with a dramatically better work and learning experience than the Clinton plan.

This private sector jobs plan would be especially helpful to black, Hispanic and Asian-American small businesses by lowering their costs and increasing their workforce.

Finally, Americans don't trust Congress. They shouldn't.

For 20 years Congress has raised spending $1.59 for every dollar in tax increases. For years, Congress has passed tax increases first and then broken its commitment to cut spending.

All spending cuts should be passed before any taxes are considered.

The Congress should start by cutting its own spending. We should eliminate the four unnecessary select committees and save millions. We should downsize the congressional budget and save hundreds of millions. We should pass the reforms I have outlined and save billions. Only then should anyone talk about taxes.

We're ready to work with President Clinton to achieve these goals.

We need your help, your phone calls to Congress, your letters, your voice on talk radio to force real change and ensure real renewal.

Thank you. God bless you. And God bless America.

## UNFUNDED FEDERAL MANDATES

## HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. DREIER. Mr. Speaker, State and local governments are suffering beneath the weight of unfunded Federal mandates. These governments are finding that their control over their own budgets is lessened each year as the Federal Government forces them to pay for Federal programs.

State and local spending on these mandatory programs has increased from 30 percent in 1962 to an astonishing 50 percent in 1992. Unfunded mandates cost the States as much as $500 billion a year. Mandates for Medicaid alone cost the States $44 billion last year. The Federal Government has got to stop passing the buck. Congress takes credit for passing popular programs while local governments and States are forced to pay the price and look like bad guys.

I have taken two actions to draw attention to this growing problem. First, I have joined JAY KIM, BUCK MCKEON, MIKE CASTLE, and TILLIE FOWLER in creating the task force on Federal mandates. Second, I am today introducing House Concurrent Resolution 51, which expresses the sense of Congress that unfunded mandates to the States should be rescinded unless they are accompanied by sufficient funds to pay for them. Congress uses mandates as a tool to achieve Federal goals with State money.

If the Federal Government had to pay for the mandates it forces on States, there would be significantly less intrusion on States' rights and States' budgets. In addition, State and local governments would be freer to take care of State and local priorities. With over half of their budgets eaten up by unfunded Federal mandates, State and local governments are having a difficult time funding their most basic needs, including the police force, the fire department, and education.

Mr. Speaker, Congress needs to set its own spending priorities. This legislation will help Congress to get out of the Federal mandate business, and back to the business of responsible government. I urge my colleagues to join me in cosponsoring this legislation so we can put an end to unfunded Federal mandates.

## A TRIBUTE TO HOWARD "ROCKY" STONE

## HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mrs. MORELLA. Mr. Speaker, it is with both immense pride and sadness that I rise today to salute a constituent of mine, Howard E. "Rocky" Stone of Bethesda, MD, who is retiring later this year after 14 years as the founder, executive director and driving force behind Self Help for Hard of Hearing People, Inc. [SHHH].

Rocky, who suffered hearing loss while serving in the Army in World War II, focused on the status of people with hearing loss in the mid-1970's and, in 1979, created the nonprofit SHHH organization as a vehicle to improve awareness, develop access, equalize opportunities, and educate people about hearing loss. The results have been remarkable. SHHH now has 280 local chapters around the country, with 13,000 dues-paying members. The SHHH Journal, read by more than 200,000 people, including many health care professionals, dispenses information on such topics as "how to buy a hearing aid" and "hearing loss in the workplace". Dozens of other publications are aimed at such disparate groups as employers and children, providing useful information for those with hearing loss. The organization's annual conventions attract 1,000 people who attend workshops and get an opportunity to see the latest innovations in hearing health care technology. SHHH also conducts an important leadership training program that trains people from various parts of the country so they can go back into their communities and advise others on such matters as the Americans for Disabilities Act.

The numerous successes, and broad breadth, of SHHH are an accurate reflection of the dynamism, professionalism and creativity of Rocky Stone. A native of Cincinnati, Rocky graduated from the University of Southern California after leaving military service, then completed 1 year in the master's program at the School of Advanced International Studies at Johns Hopkins. He subsequently spent 25 years with the CIA, earning the Agency's Distinguished Intelligence Medal before retiring in 1975. His intensive focus on the welfare of hard of hearing people followed.

Anyone who knows Rocky well, as I do, knows what fine counsel he provides in sensitizing the public to the views and the special needs of people with hearing loss.

I am delighted that Rocky will be honored at a retirement event March 6 in Bethesda, and wish him, his wife Alice Marie, and their four children continued success in the future.

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## OVERTAXED AMERICANS

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues had an opportunity to read the editorial from last Friday in the New York Times. Jack Kemp accurately evaluates the goals of President Clinton and how he is in essence blocking these goals by overtaxing America.

[From the New York Times, Feb. 19, 1993]

### TAXES VS. GROWTH

(By Jack Kemp)

WASHINGTON—The Clinton campaign that promised a plan for economic growth has suddenly turned into an Administration demanding across-the-board sacrifice from the American people. Indeed, the myth that Americans are undertaxed has become the defining principle behind President Clinton's economic policy. The truth is that Americans are overtaxed, not undertaxed.

Sacrifice is not an economic policy and it's certainly not a goal for which the nation should be striving. Besides, it's not the people who need to sacrifice, it's the bloated Government.

More important, raising tax rates will not reduce the deficit but weaken our fragile economy. The faulty premise behind the 1990 budget agreement was that higher taxes would lead to more revenue, lower deficits and growth. Instead, the deficit increased from 3.1 percent of G.N.P. in 1990 to 5 percent by 1992 because the anticipated tax revenue failed to materialize, as it alway does when taxes rise.

According to some estimates, the slowdown in growth after the budget agreement cost the Treasury $183 billion, six times the amount of Mr. Clinton's $31 billion "stimulus" package. Expanding growth and opportunity for everyone, not redistribution of wealth, must be the highest goal of economic policy. In fact, we should set a goal of doubling the size of our economy, to $10 trillion from the present $5 trillion, in no more than 12 years.

Achieving the needed 4 to 6 percent growth rates requires a radically different path than the Clinton plan of higher income taxes, surtaxes, new energy taxes and taxes on Social Security recipients. Instead, we must build a strong foundation of incentives for entrepreneurship and productivity.

#### TAXES

In his campaign, Bill Clinton accepted the principle that cutting capital gains taxes spurs growth. Our unindexed gains tax is a huge barrier to capital formation and job creation. We should eliminate this tax or at least reduce and index it for inflation. We must also reverse the trend toward higher income taxes with a flatter, fairer and simpler tax code, one that rewards, not punishes, success.

#### GOVERNMENT SPENDING

Government at all levels spends too much, consuming nearly 40 percent of G.N.P., up from 26 percent in 1960. If the private sector is the engine of economic growth, then we must restore the balance between the public and private sectors. One proposal would be freeze spending and limit the growth rate of entitlements except Social Security, to inflation plus population growth. This would still allow a 5 to 6 percent annual increase, permitting us to meet social obligations while producing substantial savings.

#### TRADE

Restricted trade forces companies to compete for special treatment from government instead of competing to develop better products. Open trade forces governments to compete to lower taxes and reduce regulations to make their economies more competitive.

Unfortunately, the Administration seems intent on a protectionist path of higher tariffs matched by retaliation by our trading partners. Tariffs averaging 27 percent on imported steel and restrictions on U.S. purchases of European communications equipment have already been proposed. While Mr. Clinton has endorsed the North American Free Trade Agreement, our goal should be nothing less than global trade liberalization.

Mr. Clinton has outlined some laudable goals: creating new jobs, ending welfare as we know it, reducing the deficit, encouraging the private sector as the engine of growth. Unfortunately, his tax increases directly conflict with these goals. While at times he sounded like John Kennedy and Ronald Reagan, tragically, his policies are closer to those of Herbert Hoover and Jimmy Carter.

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## THE CLEAR CREEK COUNTY, CO, PUBLIC LANDS TRANSFER ACT OF 1993

## HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. SKAGGS. Mr. Speaker, I am pleased to introduce today the Clear Creek County, CO, Public Lands Transfer Act of 1993. This legislation will clarify land ownership questions in one of the Colorado counties I represent, will assist with open space and historic site protection, will help complete consolidation of Bureau of Land Management [BLM] administration in eastern Colorado, and will save the Federal Government money.

As part of its plan to merge its eastern Colorado operations into one administrative office, the Bureau of Land Management intends to dispose of most of its surface lands in northeastern Colorado. This bill will help achieve that goal by transferring without further delay some 14,000 acres of land from the Bureau of Land Management to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume, CO.

A cooperative working group of Federal, State, and local officials has studied the various parcels involved, and has suggested a distribution plan that works best for each of the agencies involved. The bill reflects their distribution agreement.

First, it transfers 3,500 acres of BLM land to the Arapaho National Forest, with the Forest Service responsible for its administration. This transfer clears up some clumsy boundary lines on the forest and relieves BLM of responsibility for small parcels that would be more appropriately managed as forest land.

Second, it transfers approximately 3,200 acres of land to the State of Colorado, the county, and the towns I've mentioned. Again, this is intended to clear up confusing boundaries, and will facilitate management of those lands for wildlife, recreation, and other public purposes.

A third category of lands, totaling some 7,300 acres, will be transferred to Clear Creek County. After it prepares a comprehensive land use plan for these lands, the county may resell some of the land—as BLM eventually could do itself if the lands stayed in Federal ownership. By having the county rather than BLM sell these lands, they will be made available for private use far quicker and without the Federal Government incurring major expense in surveying them. Of the net proceeds from those land sales, half will go to the Federal Government and the other half will be used by the county for parks, open space, historical preservation and interpretation, and environmental education.

BLM has long intended to transfer these lands; however, under current law, the BLM must first complete detailed boundary surveys. Since the lands in question include many small, odd-shaped parcels, the BLM estimates that boundary surveys would take at least another 15 years to complete, and could cost as much as $3 million.

My bill would simplify this transfer and avoid that expense. Under this legislation, which is based on a draft proposed by local BLM officials and supported by local governments, the BLM could transfer the lands in question without final detailed surveys. Instead, the parcels would be defined only by range and township location and by existing maps. Any final surveys would become the responsibility of the agencies receiving the lands, and would be conducted only as needed after those transfers.

This bill will save the Federal Government money in at least three ways. First, it will greatly improve the efficiency of Federal land management in Clear Creek County, primarily by consolidating Federal management of intermingled Forest Service and BLM lands. Second, the BLM will avoid, as I've explained, at least $3 million in surveying expense. Third, transfer of lands to local governments will reduce the Federal payments in lieu of taxes [PILT] funding being paid to the counties in compensation for local services provided for these tax-exempt lands.

The new, practical process authorized in this bill may serve as a model for transfers in other areas. If this approach is ultimately used in two other counties where BLM is considering similar land disposal as part of its consolidation, the Federal cost savings in northeast Colorado will total nearly $19 million. That's compelling in and of itself.

Mr. Speaker, this bill is the culmination of over 5 years of work by the BLM, the Forest Service, Clear Creek County officials, the State of Colorado, and their citizen advisors. It is a well reasoned, efficient approach that is supported by all of the parties involved. I urge prompt action by the House on this bill.

Thank you.

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## TRIBUTE TO ANNA CAMACHO

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Anna Camacho, a member of my Women's Caucus who will be honored as one of the individuals who exemplifies this year's annual breakfast theme of "Women Who Dare To Be Different."

Mrs. Camacho was born on October 9, 1944 in Fajardo, Puerto Rico. Upon her arrival in New York, Mrs. Camacho began to work towards helping others in her community. She has worked diligently to help improve the lives of the less fortunate in her community.

Mrs. Camacho has centered many programs around eliminating social problems that plague families in her community. She has used her extensive background in drug abuse prevention to help drug addicted parents to revitalize their lives. She has also organized workshops designed to curb alcohol and drug abuse in African-American and Hispanic families. In addition, Mrs. Camacho has been instrumental in the formation of AIDS prevention and parenting classes in the Brooklyn community.

Over the past 18 years, Mrs. Camacho has involved herself in projects that have enabled her to reach out to children in her community. She has worked for Community School District 4, educating elementary and high school students about the dangers of drug addiction. She implemented the EPIC program, which helped to get parents involved in school activities. Mrs. Camacho has also conducted student discussion groups, coordinated parents' workshops, and served as a chaperone on cultural trips.

Though Mrs. Camacho spends a tremendous amount of time helping others, she has found the time to raise four wonderful daughters.

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## THE 1992 EVERETT McKINLEY DIRKSEN AWARD

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. MICHEL. Mr. Speaker, the Congress and the press have a unique and sensitive relationship. We all too often are critical of the shortcomings of the news media, but we know the workings of our institution deserve the scrutiny and analysis that only a free press can give.

It is a tough job reporting on Congress, but sometimes a journalist finds the balance of critical judgment and interpretation that not only reports but educates.

Janet Hook, senior writer for Congressional Quarterly is one such journalist. Ms. Hook was recently awarded the 1992 Everett McKinley Dirksen Award for Distinguished Reporting of Congress, given annually by the Everett McKinley Dirksen Congressional Leadership Research Center, a nonprofit education and research institution that sponsors grants, awards, and educational programs to promote a better understanding of the U.S. Congress and its leaders. The Dirksen Center is located in Pekin, IL.

As the independent panel of judges said:

> Ms. Hook * * * has for the past decade helped scholars, the press, and the general public understand the internal workings of Congress. Her sophisticated analyses make sense of and appreciate the structure and functioning of this complex legislative body. While aware of its deficiencies, Hook never gratuitously denigrates Congress. Instead she provides a fresh, clearheaded perspective on the challenges of representative government.

Mr. Speaker, that is the kind of reporting this institution needs and that the American people deserve. I'm glad to bring to the attention of our colleagues the fine work of Janet Hook.

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## A TRIBUTE TO REV. DR. MARSHALL LORENZO SHEPARD, JR.

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BLACKWELL. Mr. Speaker, I am proud to rise today to honor an outstanding gentleman from the city of Philadelphia, Dr. Marshall Lorenzo Shepard, who has been designated as chaplain for the day.

Dr. Shepard is a beacon of the Philadelphia community who dedicates his life to serving others. As the pastor of the Mt. Olivet Tabernacle Baptist Church, his ministry magnificently touches many lives.

Much of his overwhelming success can be attributed to his ability to bring people from all walks of life together in an effort to make our society a better place to live.

In many instances, he has led the struggle for economic development, civil rights, and improved health care in the city of Philadelphia.

Mr. Speaker, Dr. Lorenzo Shepard is a man who is not afraid to work hard for the values in which he believes. Through the years, he has tirelessly worked with a variety of organizations aimed at combating such social problems as homelessness, crime and inadequate health care that plague our Nation today.

Mr. Speaker, with the mention of Dr. Shepard's name, words such as commitment, integrity, and caring come to mind.

As we celebrate Black History Month, I am extremely honored to be in the presence of Dr. Shepard today. I ask my colleagues to join me in congratulating him as our chaplain for the day, and for the significant contributions that he has made to our society.

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## MAKING THE SACRIFICE

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues have had an opportunity to read the article "Agents of What Change?" in the February 22, 1993 edition of Newsweek. George Will makes an extremely solid point when he questions President Clinton and his ability to actually make a substantial change within the Government.

[From Newsweek, Feb. 22, 1993]

AGENTS OF WHAT CHANGE?

President Clinton is quite cross about "the economic elite," a.k.a. "the privileged few," and is promising to punish them by raising their taxes. That will teach them not to do it again. (Do what? Make a lot of money, presumably. Or keep too much of it because of 1980s tax laws that Democratic majorities in Congress supported.) By taxing the rich, as well as calling them names, he hopes to make more palatable the "sacrifices," a.k.a. tax increases, he hopes to impose on the virtuous middle class.

The use of the word "sacrifice" by the political class is most frequent when the next election is most distant. The word is much in use these days. Some taxpayers who are not in a sacrificing mood insist that, in the lexicon of the political class, the word "sacrifice" means that citizens are supposed to mail even more of their income to Washington so that the political class will not have to sacrifice the pleasure of spending it. Perhaps it was to counter such grumpiness that Clinton last week imposed "sacrifice" on the White House, as that word is understood when Washington is doing the sacrificing. Because Washington has adopted a stern moral tone about the citizenry's past sins and coming penances, it is interesting to examine Clinton's attempt to be exemplary with White House sacrifices.

Last autumn he promised a 25 percent cut in the White House staff. Last week, while slashing the fleet of White House cars from 108 to 104, he exempted from his staff cuts two large parts of the executive office of the presidency—the Office of Management and Budget and the Office of the Trade Representative, which have between them 800 jobs. Then he cut to 1,044 from the total of 1,394 (exclusive of OMB and the Trade Office) that worked at the Bush White House on Election Day. However, the Bush staff was the biggest in history. Reagan's was 785. So, having defined the White House staff narrowly, and having begun from an unusually high base line, Clinton trimmed 350 employees. But 117 of them have been on detail from other agencies, to which they will return. And the many consultants being hired by other agencies to serve Mrs. Clinton's health care task force are not counted as White House staff.

All this will "save" $10 million, 5 percent of a $200 million budget. The $10 million "saved" will be spent on upgrading White House telephones and computer systems. The cuts are due by October. Meanwhile, the staff will grow as personnel workers are hired to hire new executive branch employees. In fact, Clinton may be the first president in recent memory to ask Congress, in his first six months, for a supplemental appropriation.

Arthur M. Schlesinger Jr., a Democrat in good standing, a historian of high stature and a member of President Kennedy's staff, notes that since the explosive growth of staff under President Nixon, presidents' wives have had larger staffs than FDR had while wrestling with the Depression, and vice presidents have had larger staffs than FDR had while waging a world war. But "tumescent" staffs (Schlesinger's delicious description) seem normal to people with a weak sense of the past.

Self-styled "agents of change" often have their gaze fixed so firmly on the future that they have little sense of how much the federal government has recently changed. So they can hardly imagine, let alone undertake, serious change. So it is that Clinton, having been in government all his life, and now living in the belly of Leviathan, has ordered a piddling cut of one third of the 700 advisory boards and commissions that cost $150 million annually. He suggests a few that are expendable, such as the Advisory Panel for the Dictionary of Occupational Job Titles.

### GARGANTUAN GOVERNMENT

Today's political class has been so socialized by, and is so acclimated to, today's gargantuan government, that the class is incapable of stepping back and asking such obvious questions as: If the deficit is such a menace that "sacrifices" (beyond the Beltway) are imperative, should the federal government be running a railroad? Of course not. Sell Amtrak. Before taxpayers are compelled to work even more days each year for Washington, should not Washington stop subsidizing academics, play-wrights, the price of ballet tickets, the television fare of the middle class? Terminate the National Endowment for the Humanities, the National Endowment for the Arts, the Corporation for Public Broadcasting. The Rural Electrification Administration was born in 1935 when only 10 percent of rural America had electricity. By 1970, 98 percent did. Must the REA be immortal?

Thousands of such questions should be asked, and would be if the president were really an "agent of change," rather than a conventional product of the political class. What we need is a president with a radicalism rooted in the past.

Until well into this century, the federal budget reflected a particular understanding of the Constitution. The budget dealt with a few fundamental undertakings—defense, revenue collection, public works that neither the private sector nor lower governments were able to provide. Today the budget reflects the federal government's swollen sense of its purview and competence—its eagerness to promote prosperity, fine-tune "fairness," administer "compassion," nurture the arts and sciences, and so on, everywhere.

For about 150 years after the Founding, many political controversies at the federal level were apt to begin with debate about constitutional principle—whether the federal government's enumerated powers entitled it to act in a particular field. Only after that came debate about the proper policy for that field. Today nobody—nobody—in either the legislative or executive branch believes that there is any subject, any sphere, from which the federal government is constitutionally excluded. However, the eclipse of that idea does not mean that prudence should not do what constitutional principle once did—restrain the federal government's itch to be active everywhere, in the process discrediting itself and making a mockery of federalism.

A few days before Clinton trumpeted his $10 million White House "saving" that will be spent on the White House, the National Endowment for the Arts advisory council approved another $67 million in grants. And so it goes as Washington warns taxpayers that they must steel themselves to make "sacrifices."

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## LOW-INCOME HOUSING REVITALIZATION ACT

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. DIXON. Mr. Speaker, today I am introducing the Low-Income Housing Revitalization Act. This legislation addresses the critical growing shortage of affordable and decent housing for many of America's neediest families and individuals.

The purpose of this legislation is twofold: First, it seeks to encourage the development and maintenance of affordable and decent housing for low-income families by providing attractive investment incentives to private investors willing to rehabilitate or construct low-income housing units. Second, the bill establishes sanctions against slum landlords to make permanent the low-income housing tax credit while denying these credits to slumlords of low-income rental units who consistently violate State and local health and safety building codes by maintaining substandard rental housing units. The bill would also provide investment incentives to private developers to rehabilitate and construct new low-income housing units through shortening the depreciation period, and exempts from the passive-loss limitation certain deductions relating to low-income housing.

Mr. Speaker, new construction of housing for low- and moderate-income families and individuals is at a virtual standstill. Scores of existing housing units will continue to disappear as older buildings are destroyed and replaced with higher priced rental units and condominiums, leaving millions of Americans without a decent place to live and perhaps throwing thousands of other families with children into the ranks of homelessness.

The Low-Income Housing Revitalization Act is a step in the right direction towards combating this Nation's unprecedented housing crisis. This legislation will go a long way in providing some assistance for the many who desperately need safe, affordable, and low-income housing. I seek the support and cosponsorship of my colleagues in the House.

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## RECYCLING INITIATIVES GRANT ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Ms. SLAUGHTER. Mr. Speaker, 135 million tons of trash and garbage are produced by Americans every year: 1,080 pounds of waste per citizen.

At the same time, all across the country, landfills are closing. Of the 5,499 landfills in operation in 1988, a mere 3,332 still exist today—a decrease of nearly 40 percent in only 5 years. Ten of our States have less than 5 years' waste disposal capacity remaining.

Clearly, the solution is to reduce the waste we produce and to recycle as much of it as possible.

We have been trying to do just that. New York's Monroe County, my home, has an aggressive and successful curbside recycling program as our community seeks to meet the EPA's new goal of recycling 25 percent of our waste stream within the next 4 years.

Our efforts, though commendable, fall short of what needs to be done to reach our recycling potential, because, unfortunately, not all of the product collected nationwide have markets.

What we need is to create new uses for old goods. But, as of today, we lack the technological means to do this. I am introducing legislation that will encourage American entrepreneurs to develop innovative ways to recycle our dwindling resources.

The Recycling Initiative Grant Act will provide Federal grants to support creation of innovative recycling techniques. At a total annual cost of $3 million, this program would be a cost-effective way to encourage recycling. Each $100,000 grant to an individual, nonprofit or commercial organization, or locality will support development of new methods to separate, collect, reuse, market, or produce goods with recycled materials.

This program will be authorized for 4 years and requires that grant recipients report to the EPA the final results of their projects. This necessary feedback should provide an invaluable information base for other recyclers and help us work toward a comprehensive national recycling policy in the future.

It is imperative that we find innovative ways to market the resources we so dutifully recycle, and I urge my colleagues to support the Recycling Initiatives Grant Act.

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## TRIBUTE TO SHARON G. WOMACK

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. STUMP. Mr. Speaker, for 34 years, the State of Arizona's Department of Library, Archives, and Public Records was well-served by a dedicated, caring, and energetic individual, Sharon G. Womack. After a long fought battle with cancer, Sharon passed away on January 28, 1993. Her efforts to promote the expansion of library services throughout Arizona can be seen from little Indian villages and communities to metropolitan libraries.

Sharon's work and service was recognized and respected by many. Former Arizona State Representative Polly Rosenbaum said of Sharon, "She was a gentle, kind, and caring person, the epitome of professionalism. She was living proof that anyone can achieve their goals through perseverance and hard work." Nancy Cummings, president of the Arizona State Library Association said, "Sharon leaves a legacy of dedication and commitment to Arizona libraries and to the profession." "Her tremendous energies and professional abilities will speak well for Arizona from now on," praised Alvin Barlow, superintendent of the Colorado City Unified School District.

At this time, I would like to insert into the RECORD, biographical text from a special edition of the Arizona Libraries NewsWeek.

### SHARON G. WOMACK

JUNE 13, 1940–JANUARY 28, 1993

Sharon's first library job was that of an assistant at Central High School in Phoenix. Later, she moved to Yuma, where she worked on the Bookmobile in the mid-1960s. The following four years were given to the state's Library Extension Service, then several years part-time at the University of Arizona Library as she completed her college degree in Business Administration and her Master's in Library Science.

Sharon served the town of Miami as Director of the Miami Memorial-Gila County Library in the early 1970s, then moved on to take the helm of the Maricopa County Library in 1976. Two years later she was appointed Deputy Director of the state library agency, and then Director in 1979 upon the retirement of Marguerite Cooley.

In her 15-year tenure, Sharon effected positive change for both the Department and the state's libraries in many ways. She led the state's participation in two White House conferences on library service. The Department grew from 83 employees with a $1.9 million budget to 112 employees operating with a budget of nearly $5 million plus $1.5 million in federal funds used by libraries statewide.

Sharon managed an agency which grew to be unlike most state library agencies in several respects. It is one of only two in the nation which is part of the legislative branch of government, plus it includes several non-library-related subdivisions, some of which came to the agency as a direct result of Sharon's demonstrated managerial ability.

The Department now includes these units: the state Archives, the state Records Management Center, the state Law Library, the Research Library, the regional Library for the Blind and Physically Handicapped, Library Extension, the State Capitol Museum and the Hall of Fame Museum. In addition to the day-to-day management of these units, the Department is responsible for convening 21 state boards, commissions and oversight committees.

Among her many accomplishments at the state level, Sharon particularly enjoyed the significant expansion of the agency's physical facilities, as she played a principal role in planning and directing construction of the new State Records Management Center, the regional Library for the Blind and Physically Handicapped, and the state Law Library, as well as the rehabilitation and restoration of the 1898 State Capitol and the original Phoenix Carnegie Library building.

Less visible than these structures, but perhaps more important to the state's library community, was Sharon's commitment to an ongoing planning and development process, a complex structure which regularly updates ways in which the state agency assists and benefits the library community. The Arizona Network, an interlibrary resource exchange, is one recent example of this process.

Sharon regularly sought new and better ways to serve the state's needs. She was particularly proud of this newsletter's debut in early 1987, and she worked tirelessly with community leaders to obtain the original charter for the Arizona Center for the Book in 1988.

For those of us fortunate to work with Sharon on a daily basis, she was a never-ending package of surprises. She was quick and sharp in her anger at employees who forgot—for even a moment—that they serve the public and that the public always comes first. She cared passionately about the way the agency was perceived, and worked unceasingly in her efforts to attract top-notch staff. She was always the first to laugh at her own foibles, and always the first to offer her hand to someone in need.

One example of her inherent generosity came in late 1989. Many Arizonans will remember the statewide shock which gripped us all in early November of that year, when a paralyzing earthquake devastated the San Francisco, California, area. Next day, while most of us were still dazed, the ever practical Arizona State Librarian dispatched an offer of help to the stricken area's major resource libraries, which had suffered earth, fire, water and electronic damage. Pragmatically using land-based express delivery when phone, fax and radio lines were down, Sharon wrote to offer unlimited access to Arizona's best, the agency's nationally-known archival conservator. In typical fashion, she made the offer with no strings; for as long as he was needed there would be no charge for his services.

Sharon's many achievements and accomplishments did not come without personal cost. At times, the apparently preoccupied executive hid the concerned woman counseling fellow cancer victims about daily survival strategies. Other times, challenged to seek a vision for statewide library service, she would rail at the policy-level responsibilities of her position, preferring by her nature to focus on the little guys, the individuals, the real people for whom she might make a difference. And, inevitably, make a difference she did—for a lot of the little guys, for many individuals, for all the real people who together form that vision of statewide library service. By all of these she will be sorely missed, and fondly remembered by many as a committed colleague, a generous mentor, and a caring friend.

An old Chinese proverb says "One generation plants the tree, another gets the shade." For all Arizonans, Sharon G. Womack planted the future.

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## MILK THE SACRED COWS

## HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. OWENS. Mr. Speaker, our time has come. The President has offered a bold and brilliant master plan to set the Nation on course toward the year 2000. We applaud both the courage and the imagination of the new administration. Now it is the turn of the Congress. Members of Congress must address this grand design with equal boldness, brilliance, courage and imagination.

It is time now to examine the details of the great blueprint. A thorough review of this very complex matter is expected by our friends in the new administration. Our pal, Leon Panetta, would be disappointed if we failed to call to his attention certain pieces of budget waste that he has overlooked. There are also certain vital expenditures that have been reduced in error which must be pinpointed for Leon.

Certain sacred cows have not been cut enough. The CIA is almost obsolete and therefore certainly could take an $8 billion cut without in any way endangering the Nation's security. It must be remembered that this is the operation whose very well paid agents could not predict the collapse of the Soviet economy. Senator MOYNIHAN has proposed the Agency's total elimination. My very conservative proposal is that we merely cut $8 billion from the budget. This is a sacred cow that must be milked.

We must alert Leon to the fact that here is an opportunity to get two for one. I propose that we cut $8 billion from the CIA budget and use only $4 billion of this amount to improve the budgets of vitally needed national functions. Education should be first on the agenda. Schools need an infusion of emergency funds to save them from irretrievable damage resulting from harsh budget cuts in 75 percent of the school systems of the Nation. Head Start alone is not enough. There must be an immediate launching of a comprehensive approach to the improvement of education from preschool to postgraduate and continuing education. To focus only on Head Start is to create an educational dodo dinosaur.

Use half of the $4 billion rescued from squandering by the CIA to improve public schools. The remaining $2 billion is badly needed to save endangered public libraries which are dying every day. Pell grants need more realistic funding. TRIO programs help to guarantee that American children will one day be operating the new test tubes and technology spun off by the super conductor collider and the space station. Only foreign scientists will be capable of benefiting from these long-term scientific investments if we do not address the science education emergency in our schools.

Other sacred cows, in addition to the CIA, must be thoroughly milked. NATO is a pork barrel for European generals. Along with the overseas bases, NATO should be shut down immediately. We must also remind Leon that the construction of *Seawolf* submarines as a make-work welfare project is far too expensive. Turn the *Seawolf* factories into museums and let the workers lecture school children on the complexities of weapons construction. Even if these new instructors are paid twice the minimum wage, there would be substantial savings for the taxpayers.

Milk the sacred cows and invest the savings in starving educational improvement efforts. This is the message we must help an enlightened administration to communicate to all who are honestly concerned.

### MILK THE SACRED COWS

No pain
No gain

The CIA budget
Is still insane
Time for peace
No cold war grease
To oil
The contract flow
Promote the show
To spoil fat generals
To feed the greed
To bleed the schools
Reward the fools

No pain
No gain
Sea wolves
Are obsolete
An extinct species
Not worth
Their weight in
Biodegradable feces
Sea wolves
Devour reason
Advocate
Intellectual treason
Stalk new schools
Breed savage rules
Starving libraries
Sea Wolves'
Favorite prey
They kill a few
Every frugal day

No pain
No gain
Old cold war budgets
Are still insane
Star wars supercolliding
With deficit reduction
The insane game
All spaced out
But not enough
The budget plain
Is still too rough
Too much grain
For sacred cows
Overseas bases
Should count
Their hours
NATO parasites
Shed their perks
Surrender their powers
Milk the sacred cows
With kind and gentle flowers
Bury the bull

No pain
No gain
Lopsided sacrifice
Is unpatriotic
And intellectually profane.

## CHANGING HIS TONE

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

**Mr. GINGRICH.** Mr. Speaker, I would like to bring to the attention of all of my colleagues an editorial that was in the New York Times on February 19, 1993. In this editorial entitled "That $100,000 Ilk" by A.M. Rosenthal a few good points are made regarding President Clinton and what he is asking of the American people. It's very interesting to look at how he continues to change his tone and rhetoric in order to get what he wants.

Between President Clinton's first economic speech and his second, two days apart, something important turned up missing.

The best thing that could happen to President Clinton and his chances of becoming a successful President would be to keep it missing—the divisive class-conflict tone that ran through parts of the first speech.

That talk, laying the ground for the Congressional address, carried too much of the old, dreary, left-wing cant that implies that making money is inherently nasty, that people who had worked hard to earn more could be taxed painfully without a by-your-leave and that "special interests" are all evil unless of course they turn out to be your own cabinet members.

After having voted once for George Bush, I decided that was plenty and cast my vote for Bill Clinton. So I knew I could expect more taxes, and should be prepared to put my wallet where my vote was.

Like many others of my dark ilk—Americans who after a lifetime of work are earning more than the $100,000 a year that now is the economic mark of Cain—I believe that the U.S. can bear up under more taxes.

I do not believe that makes me a patriot, as Mr. Clinton said folks think back where he come from. But I will not be happy if my epaulettes are stripped from me by the President if I do not agree with the justification for this tax or that new spending.

And however Arkansans define patriotism, I am sure they are also brought up to say please and thank you and to talk straight.

On Monday, Mr. Clinton said that the $100,000 rich folk were going to pay 70 percent of the raise in income taxes. He did not bother to say please or that he hoped they would think about it and see the necessity. Treated without contempt, they just might.

And then there was that strange bit about how higher taxes were justified because of tax breaks the upper-income people got in the 80's.

But those who received tax breaks had not committed any crime for which they should now be flogged. And the President must know that a lot of people did not even attain the $100,000 punishment level until the 80's and then only because of years of risk-taking and fruitful work, not tax manna.

And he might have had the good humor to acknowledge that $100,000 is not all that guilt-laden an income if you do not have free government housing, limousines, weekend retreats, jogging tracks and household help, know what I mean?

But on Wednesday, Mr. Clinton just about dropped the class-struggle tone. He said some pleasant things about business and actually asked the $100,000 pariahs for support. Nice, polite.

Also he dispensed with that time-honored Arkansas Patriotism Test that he had just invented. Good for you, Wednesday.

We have weeks to examine the Clinton program. Long and ground-breaking as it is, Mr. Clinton will have to put considerable flesh on it for certain Americans.

We are the people who are ready to pay more, even painfully more, provided we also know more—about where the new money is going, and what it will do to reduce what we detest most. In his speeches, Mr. Clinton barely mentioned it—the daily violence of life coming from race hatred, AIDS, crime, drug addiction.

During the campaign, America acted as if the world did not exist. Fantasy time is over. So how will the new taxes help America fulfill its international role, if at all? Doesn't seem too much to ask, for the money.

The same man created and gave both speeches. This is a complicated man, this young, open-faced President of ours—as are most people of great achievement. Many people are struggling for his mind—and he is one of them.

So his tone and rhetoric are extremely important. If he cannot rid himself of divisive-us-against-them, if he echoes the left's eternal paranoid suspicions about business, success, endeavor and visions of America other than its own, he will hobble himself and be unable to lead the country to the fullness of his talent and energies.

One Clinton mind or another will have to prevail, or a rational and candidly explained compromise between them. He has it in him to lead, but not if he sets one tone on Mondays, another on Wednesdays.

## THE CLINTON ECONOMIC PROGRAM

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

**Mr. HAMILTON.** Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 24, 1993 into the CONGRESSIONAL RECORD:

### THE CLINTON ECONOMIC PROGRAM

In his address to a joint session of Congress, President Clinton laid out an ambitious plan to improve the outlook for the economy by increasing national investment and cutting the deficit. Listening to the speech, and talking to Hoosiers, I got a sense of how difficult and painful the changes the President proposes would be. He is proposing strong economic medicine and a fundamental shift in how the government operates. I do not agree with every detail of the President's plan but at least it is moving in the right direction.

Outline of Program: Overall President Clinton's program includes spending cuts and tax increases totalling $493 billion over four years—two-thirds of which would go for deficit reduction and one-third for investments. Of the $493 billion in savings, $247 billion would come from spending cuts and $246 billion from tax increases.

The President's economic plan has three main components. First, it would provide $30 billion in immediate stimulus to boost the economy and create jobs. This would involve primarily funds for public infrastructure projects and summer jobs, plus tax credits to stimulate private investment. Second, it contains $160 billion over four years for long-term investment "rebuild America", including investment in children and families, infrastructure, high technology, and worker training, as well as tax incentives for business. Third, it would reduce the federal budget deficit, cutting the 1997 projected deficit by $140 billion. The biggest spending cuts include reducing new weapons purchases, freezing pay for federal workers, and cutting 100,000 federal jobs. Most of the tax increases come from higher taxes on the wealthy.

Observations: The President makes some tough political decisions, and he has tried to put together a broad package of shared sacrifice. He has recognized that the time to try to move a bold package is now. Less than 30 days in office, he has crammed into one package most of the changes he wants to make in the next four years.

He is seeking to reverse disturbing economic trends in this country. Americans have consumed too much and saved and invested too little. Family incomes have stagnated. The rate of growth of productivity, which is a measure of the efficiency of the economy, has slowed. And the gap in the income between the rich and the poor has widened. Poverty has risen and the federal deficit just keeps rising inexorably. It is clearly unacceptable to let the deficit keep climbing and standards of living keep dropping.

The President has put forward a major investment plan and a serious long-term deficit reduction program. He is moving from a deficit budget to a pay-as-you-go budget, which is bound to cause some discomfort but is also more responsible. People do not want to pay more taxes or see favorite government programs cut but they may be willing to go along if it means real changes in the economy. As the President pointed out the time has come for blame to end.

Key Tests: There are several key tests for assessing his economic recovery plan. First, is it honest? The President seems to present the economic issues honestly. He is relying on Congressional Budget Office economic assumptions rather than the more optimistic projections of his own economists. And he soundly rejects the idea that there can be gain without pain, that you can simply cut taxes, increase spending, and watch the economy soar.

Second, does it share the burdens fairly? The President has tried hard to develop a plan that Americans would perceive as fair, even it might sting. His tax plan is progressive: 50% of all Americans will see no net tax increase at all (those with incomes $30,000 or less). Income tax rates would increase for only the wealthiest 2% of Americans. His proposed energy tax was designed not to hurt any one region of the country more than others.

Third, does it have a proper balance between tax increases and spending cuts? The President's plan relies more on tax increases than would be my preference. My approach would be to focus on spending cuts first, and I would favor $2 in spending cuts for every $1 in tax increases. The Clinton plan in the early years would have more tax increases than spending cuts; over four years they would balance out, and after that spending cuts are estimated to outstrip tax increases.

Fourth, will it produce real deficit reduction? Deficit reduction not only has a major impact on the economy, it has become *the* key test of governance for the American people. I favor greater attention to deficit reduction, and worry about the pressures to increase spending, as every type of project is labelled as investment. I would like stronger assurances that the tax increases will go for deficit reduction and not just more spending, and want to make sure that the spending cuts Congress votes on are genuine and real.

Fifth, will it improve the economy? Will the investments assure a stronger economy and good jobs? The kinds of things President Clinton would invest in make sense for strengthening the economy—investments in infrastructure, education and training, and technology development. Yet much of the payoff from these will not be seen for years. There is always the worry that investment projects could turn into giveaways to those with the most power and influence.

Sixth, are the overall economic priorities right? A good case can be made for these different kinds of steps to improve the economic outlook: short-term economic stimulus, long-term investment, and deficit reduction. With the economy improving, I am more comfortable with an emphasis on deficit reduction and long-term investment. I am not opposed to an economic stimulus package to help insure that the recovery does not falter, but am skeptical of how much stimulus an additional $30 billion can provide in a $6 trillion economy.

Overall Package: To assess the Clinton economic package it is important to look at the big picture—the President's overall goals of reducing the deficit, generating more and better jobs, boosting profits, and improving living standards. We need to judge the plan as a whole, rather than focus on any one particular item, and anyone who criticizes the plan should be asked what their alternative is. As the President noted, the test for the plan is not what's in it for me, but what's in it for us. Although there are elements in the package I disagree with, I support its broad outlines.

## INTRODUCTION OF THE OLD FAITHFUL PROTECTION ACT

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce legislation that was passed by this body during the 102d Congress. The Old Faithful Protection Act received overwhelming bipartisan support here in the House early last Congress and although it is hard to imagine someone having trouble with the protection of the geothermal features of this Nation's first national park, the Senate in fact did not act on the House bill and we were left with no clear policy on protection of Yellowstone's geysers and hot pools and other thermal wonders.

This legislation is identical to the bill that passed the House and in spite of some concerns raised in the Senate it is still the only proposal put forward for the absolute protection of Yellowstone's geothermal features.

Although the Geothermal Steam Act as amended began the scientific study needed to develop a comprehensive policy regarding the identification and protection of significant geothermal areas, protection for such areas has not been enacted into law.

The Senate's initial insistence on constitutionally weak provisions created such controversy last Congress that the enactment of this legislation was stalled. We ended the session without statutory protection for Yellowstone and with the very real fear of a "water-'gold rush'" on private lands adjacent to the park. I am confident that this session the Congress will see the wisdom in passing this no-nonsense proposal. The new administration, through Secretary Bruce Babbit, has expressed unequivocal support for this approach.

Until just recently the geothermal areas of concern adjacent to Yellowstone were essentially undeveloped and there was already Federal action to prohibit development on Federal land in Island Park, ID. The fact that no one had established a right to use hot water resources adjacent to Yellowstone made the articulation of a strong Federal policy possible. In the absence of Federal legislation, however, now the only thing that stands between further erosion of Federal interests is the various State policies with regard to ground water leasing. Montana's inability to control permits below 35 gallons a minute has already exposed the flaw in our States' law which many believe could lead to excessive geothermal leasing on lands adjacent to Yellowstone. Wyoming is without any process to protect Yellowstone and Idaho's law is just being defined.

Using Montana as an example, we know from the scientific research on the Yellowstone geothermal basin that development in the Corwin Springs area in Montana does threaten to put the geysers and other thermal features in Yellowstone in peril. Both the U.S. Geological Survey and the National Park Service agree with that contention. Although the Park Service believes that any subsurface development is too much, the U.S. Geological Survey believed that development up to current hot water natural flows was acceptable. That flow is 364 gallons a minute. Montana has now permitted a hot water well at 35 gallons a minute and with additional wells that could become 100 and then 200 with no end in sight. This incremental permitting process poses a real risk to Yellowstone. The National Park Service is absolutely correct—any risk to Yellowstones' thermal wonders is inappropriate.

There are in Montana ongoing discussions between the State water compact commission and the National Park Service that may also lead to protection of Yellowstone. I am confident that the National Park Service in those discussions will apply the no risk criteria that I believe is the only acceptable approach to these concerns. I'm looking forward to the completion of the compact's ongoing negotiations, and I believe the final compact will be extremely important for the State to enact into law. But even these discussions are hollow in the absence of clear Federal policy for all the lands adjacent to Yellowstone.

As we have hearings on this bill I am hopeful that Montana will have completed these negotiations and we can accommodate their work in this legislation. The compact's authority covers much more than just geothermal development and suggests permitting in temperatures broader than current Federal statute. Aggressive State regulation should not be prohibited by the Federal Government but rather—encouraged, but State regulation should not substitute for clear Federal policy.

The current round of discussion regarding Yellowstone began when the last administration refused to produce a report on threats from hot water development around the park. Since that time only confusion and finger pointing has typified the agencies response to these very real threats. I am today, with this legislation, urging my colleagues to join me in putting aside once and for all any chance that the wonders of this Nation's first national park could be jeopardized. Let us not attempt here to define how much risk is acceptable but instead make it clear that when it comes to protection of Yellowstone National Park, we adopt a rock ribbed, iron clad, copper riveted position of no risk, period.

## TRIBUTE TO DOLORES CHAINEY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Ms. Dolores Chainey, a member of my women's caucus who will be honored as one of the individuals who exemplify this year's annual breakfast theme of "Women Who Dare to Be Different."

Ms. Chainey is a resident of the Lindsay Park community. Lindsay Park is a city with approximately 10,000 residents. From infants to the elderly, all of the residents work and live as one big family.

Ms. Chainey was a professional hairdresser until injuring her right hand at which time she joined the corporate advisory board and attended every Mitchell-Lama seminar, trade show, and class pertaining to corporate living that she was invited to or heard about. When her residence, Lindsay Park, became certified by the State to establish a board of directors, Ms. Chainey was elected as a member. Later she went on to become the president of the board. For a brief stint, Ms. Chainey was removed from her position by tenants who felt that a man would better serve the position. This lasted only a few months before Ms. Chainey was voted back in as president. She continues to provide outstanding service in that capacity.

## LEAD, FOLLOW, OR GET OUT OF THE WAY

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. COLEMAN of Texas. Mr. Speaker, we are presented with the opportunity to restore our country's faith in this body by moving forward with the prudent, pragmatic economic plan outlined a week ago by President Clinton. Those of us on the Democratic side are poised to grasp this opportunity. Why will our Republican colleagues not join us?

After a full week of carping, crying and condemning—our Republican colleagues have not offered a single viable alternative to the plan offered by the President to put this country back on track after 12 years of neglect.

Let me say that the people in my hometown cannot wait much longer. After 12 years of being treated as part of the problem and never mentioned as part of the solution, the residents of my district are calling for us to do as the President challenged the other night—to unite and act.

The President's plan does more than raise a few taxes and slash Government spending. It gives real hope to the poor and struggling that their Government cares again. It gives hope that the Federal Government will direct its priorities at enriching its most precious resource—its people.

President Clinton's economic plan is a manifesto challenging everyone—the rich, the middle class and the poor—to join a revolution to chart a new path to the future. Republican trickledown economic policies—which were repudiated by 62 percent of the voters in November—are not a viable option. Nor is gridlock—the new "G" in GOP.

I call on my Republican colleagues to hear the call of the country and join us in changing government by enacting President Clinton's proposals. I challenge my Republican colleagues to "lead, follow or get out of the way." This country's economic future cannot be held hostage any longer by the Republican Party.

## THERE THEY GO AGAIN

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. ROTH. Mr. Speaker, I recommend the following article, by former President Ronald Reagan, from the New York Times of February 18. It sets forth the political philosophy that I think the vast majority of the American people espouse.

We can all agree with his statement, "The fact is people are not taxed too little, the problem is the government spends too much."

In the TEFFERA tax increase of 1982, Congress promised $3 in spending cuts for every $1 of tax increases. The Democratic-controlled House gave the American people the tax increases, but not the spending cuts. In fact we got $3 in spending increases for every $1 of new taxes.

Not only is this article sound political philosophy, it is sound reasoning based on experience. In 1982, 1984, 1986, and 1990, we were promised spending cuts with proposals for new taxes. But every time we get the new taxes, we get more spending and no cuts.

That is what the liberals call change. More of the same old policy that has taxed and spent America into a $4 trillion dollar national debt.

The Government must cut spending before it has the right to ask the American people for a tax increase. Until our Democratic-controlled Government is sensitized to this fact, the hard working people of our country will continue to be stung by more taxes, more spending, and higher deficits.

I recommend the following op-ed to all:

THERE THEY GO AGAIN

(By Ronald Reagan)

LOS ANGELES.—Less than one month ago, our nation showed the world the strength of our democratic system with the peaceful transfer of Presidental power from one elected citizen to another and, incidentally, from one political party to another. While it is no secret that I would have preferred a different scenario that day, I have great respect for our constitutional system and would like to support our new President.

I had every intention of holding back any comments on the new Administration until it was well in place and its policies became clear. Unfortunately, the policies are already becoming alarmingly clear. With campaign promises dropping like autumn leaves, I can't refrain any longer.

"First, we're going to raise the taxes on the people that did well in the 1980's," the Clinton Administration says. Did I hear that right? I'm afraid so! Do they really believe that those who have worked hard and been successful should somehow be punished for it? Is success in the 1980's, or any time for that matter, supposed to be something we as Americans are to be embarrassed about?

I hate to confuse their economic thinking with a few facts, but if they were to look at the 1980's, they would find that America experienced its longest period of peacetime economic expansion in our history. They would find that America led the world out of a global economic recession and that our economy was the envy of virtually every other nation. They would see that we created nearly 19 million new jobs for Americans of all income levels. And it may shock the Clinton administration to discover that most of the economic gains of the 1980's were made by low- and middle-income citizens, not the wealthiest Americans.

Earlier this week, President Clinton said, "I know we have learned the hard lessons of the 1980's." I didn't realize they were so hard to learn. The fundamental lesson of the 1980's was that when you cut taxes for everyone, people have the incentive to work harder and invest, to make a better life for themselves and their families.

If the new Administration doesn't want to look back as far as the 1980's, maybe it will at least look back at the summer of 1992. Candidate Bill Clinton was promising that, if elected, he would provide a *tax cut* for the middle class. Now, in less than one month of his Presidency, that promise of a tax cut has not only been broken but it has been reversed into a *tax increase* for middle-income workers.

During the campaign, Bill Clinton said he would tax only the very rich. Last week, he defined this category as those making $200,000 a year. On Monday, the definition came down to $100,000 and now the "very rich" seems to be anyone making $30,000 a year.

Somehow, as the Administration raises everyone's taxes, it wants us to take comfort in knowing that others are getting theirs raised even more. Unfortunately, that kind of "comfort" doesn't put food on the table of the hard-working middle class, buy new shoes for the kids or make it easier to pay the mortgage, let alone put some money aside for savings. The fact is, every dollar the politicians take back to Washington means less spending power for average Americans and more opportunity for the Federal bureaucracy to waste money.

We must also listen for the sound of the other shoe to drop: the Clintons' health program. This will almost certainly involve proposals for another round of taxes later this year, and you can bet those won't be levied on a handful of millionaires.

In the Middle Ages, it was believed that alchemists could turn base metals into gold. Now it appears that alchemists in President Clinton's Administration hope to turn a huge tax increase into economic growth. Alchemy didn't work then and it won't work now. Taxes have never succeeded in promoting economic growth. More often than not, they have led to greater economic downturns.

In his campaign, candidate Clinton described himself as a "new Democrat," implying that there would be no more tax-and-spend dogma, no social engineering, no class warfare pitting one group against another. This week, however, he has begun to sound like an "old Democrat." That's the kind who does not understand one simple fact: the problem is not that the people are taxed too little, the problem is that the Government spends too much.

Until President Clinton and the liberals in Congress accept that principle and act accordingly, I'm afraid we are headed for a repeat of the late 1970's. And that is something we can all live without.

No one can dispute that the enormous budget deficit is a major threat to the economic security of our country. But let us remember that deficits are caused by spending. By the very terms of our Constitution, only Congress has the power to spend.

For more than four decades, one party, the Democratic party, has controlled the House of Representatives. The solution to the deficit problem is not to ask heavily taxed working Americans to "sacrifice" even more.

It's the big-spending liberals controlling the Congress who need to show some restraint and "sacrifice" a few of the pork-barrel measures they've been slipping past the taxpayers for far too long. Only when the Clinton Administration and Congress summon the will to put the brakes on Federal spending will they get the deficit under control.

While I'm flattered that President Clinton admits to taking a page out of my communications plan, I wish he'd use it to sell an economic program of growth and expansion, not the failed liberal policies of the past.

Just as positive signs of economic recovery are appearing, Mr. President, please don't blow it. Although it goes back well before the 1980's, may I offer you the advice of the 14th century Arab historian Ibn Khaldun, who said: "At the beginning of the empire, the tax rates were low and the revenues were high. At the end of the empire, the tax rates were high and the revenues were low."

And, no, I did not personally know Ibn Khaldun, although we may have had some friends in common!

## THE FEDERAL HOME LOAN BANK MODERNIZATION ACT

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BAKER of Louisiana. Mr. Speaker, today, I am introducing the Federal Home Loan Bank Modernization Act of 1993 with Chairman STEVE NEAL of the House Banking Subcommittee on Financial Institutions. The Federal Home Loan Bank System plays an essential role in the delivery of housing finance. And today, as Congress considers the administration's proposal for community development banks and the apparent need for increased community-based lending, the Federal Home Loan Bank System is often mentioned as one of many existing Federal programs that fuels community development.

The Federal Home Loan Bank System dates back to 1932 when 12 regional banks were first established. The composition and responsibility of the FHLB System has changed dramatically over the past 60 years. Prior to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA], the Federal Home Loan Bank Board served the thrift industry as a regulator, the Board, as an insurer [Federal Savings & Loan Insurance Corporation], and as a provider of funds—the regional banks. FIRREA transferred the role of regulator to the Office of Thrift Supervision [OTS] and the role of insurer to the Federal Deposit Insurance Corporation [FDIC]. Today the surviving FHLB System consists of 12 regional banks that provide loans to member savings and loans, commercial and community bankers, credit unions and insurance companies for the purpose of financing residential housing. The System also finances programs for affordable housing and community investment, provides interest rate risk management, and contributes annual funding for the Resolution Trust Corporation [RTC].

The FHLB System already plays a successful and active role in financing community lending and affordable housing. Two programs were created by FIRREA: the Affordable Housing Program [AHP] and the Community Investment Program [CIP]. The AHP program provides low-cost funds for member institutions to finance affordable housing, and the CIP program supports loans made by members to community-based organizations involved in commercial and economic development activities to benefit low-income neighborhoods and areas.

Regrettably, the FHLB System's profitability has been steadily declining since the enactment of FIRREA. The most significant reason for the decline is that the membership in the System was historically, and is currently, geared predominantly toward the savings and loan industry. The number of savings and loans has dropped from 2,934 at the time of FIRREA, to less than 2,000 today. More importantly, while savings & loans once dominated the housing finance industry, today commercial and community bankers have now steadily outpaced them. These new players in housing-related finance are also rapidly joining the FHLB System. Back in the summer of 1989, when Congress was finalizing FIRREA, there were 3,217 members of the FHLB System, almost entirely savings and loans. Today, there are 3,643 members of the FHLB System, 2,310 savings and loans and 1,333 banks, credit unions and insurance companies.

At first glance, these numbers are deceiving. But a closer look shows that this is a shrinking system. The asset size of the exiting savings and loans is dramatically higher than the asset size of the entering banks, credit unions and insurance companies. The typical profile of a new FHLB member is a community/commercial banker with $100 to $200 million in total assets, and 30–35 percent of that figure in residential mortgage-related assets. The problem confronting these new members is that the borrowing ratios within the FHLB System make the cost of advances prohibitively high for nonsavings and loans. In other words, the existing rules contain inequities and work to actually discourage nonthrift members from borrowing from the FHLB System for home lending in their local communities.

Throughout the 102d Congress, several efforts were made to address the condition, the role, and the future of the Federal Home Loan Bank System. The Omnibus Budget Reconciliation Act of 1990, passed in the final days of the 101st Congress, required the House Banking Committee to report legislation by September 15, 1991, to ensure the continued financial safety and soundness of the three housing-related GSE's: The Federal National Mortgage Corporation, or Fannie Mae, the Federal Home Loan Mortgage Corporation, or Freddie Mac, and the Federal Home Loan Bank System, or the FHLB System.

The Treasury Department, GAO, and CBO all completed studies on GSE's during 1990 and 1991. While the House and Senate worked on GSE legislation throughout 1991 and 1992, the debate focused almost entirely on Fannie and Freddie, and not on the FHLB System. In fact, for the purposes of the FHLB System, the final GSE legislation, which was wrapped into last year's Housing Reauthorization, merely calls for another study of the FHLB System by April of 1993.

The studies generated by last year's Housing bill promise to provide further analysis and additional information on the FHLB's governance, membership, community development, products and services, and capital.

The legislation Congressman NEAL and I are introducing modernizes the FHLB System by addressing the two major factors that negatively impact the System's earnings today: unequal membership rules and the fixed Refcorp contribution. Refcorp is the Resolution Funding Corporation created in FIRREA to provide funds to the RTC. Under FIRREA, the Federal Home Bank System is to make a fixed contribution of $300 million every year to Refcorp.

Consider the effect of this fixed contribution when the earnings of the System have fallen from $1.8 billion in 1989, to $1.43 billion in 1990, to $1.15 billion in 1991, to just under $900 million in 1992. Our proposal limits the impact of this assessment on the earnings of the System, while not causing any Federal budgetary consequence or shortfall.

Specifically, the Baker/Neal proposal: first, equalizes all membership rules and creates systemwide voluntary membership for all Federal insured and federally regulated depository institutions—as well as insurance companies, permitted under existing law to be members; second, converts the FHLB System's fixed $300 million Refcorp contribution to the lesser of 20 percent of systemwide earnings or $300 million—to the extent that 20 percent does not provide $300 million, any shortfall is to be made by a Federal Housing Finance Board assessment on all depository institutions insured by the SAIF; and third, studies the feasibility of creating an affiliate membership for mortgage bankers and State housing finance agencies.

While 3 days of hearings—June 9, 10, 11—were held last year on our Baker/Neal proposal and the Federal Home Loan Bank System, a markup was never scheduled for the bill in committee. It is my hope that the House Banking Committee will give this legislation serious consideration during the First Session of the 103d Congress.

The Baker/Neal bill revitalizes the Federal Home Loan Bank System; improves the availability of housing-related finance for member institutions; and bolsters the existing affordable housing program and community investment program. I welcome you to join us in this effort to improve the availability of housing finance and the opportunity of home ownership for all Americans.

## KEEPING BUSINESS IN MIND

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues had an opportunity to read the following article from the Wall Street Journal. I think that the article points out the importance of small business and how detrimental the latest tax proposals are to the survival of small business.

### TREAT BUSINESS AS YOUR PARTNER, MR. PRESIDENT

(By Hugh Aaron)

When I started out in business, I had a mortgaged house and an automobile owned mostly by the finance company. When I sold my business almost 20 years later, I owned two houses and two cars, had a substantial nest egg and no debt. It pains me to think what enormous amounts in taxes my company, my employees and I paid the government—federal, state and local—during those years. In essence the government was a silent partner taking its share of every dollar we earned. We were the veritable goose that laid the golden egg.

So long as my company was permitted to keep enough of its profits for working capital, growth and a comfortable income for its employees, I had no complaint. But whenever the government changed the rules adversely, insisting, for example, that I hire a mix of people corresponding to that of the local population, I limited our employment growth. I felt competence alone should be the measure by which someone is hired.

When the government continued to tax dividends (after considering a cut in this tax), we simply paid no dividends and instead put the money into tax-free and tax-deferred employee benefits. And when the government increased the capital-gains tax in 1986, I rushed to sell my company before the new increased schedule would take effect. Furthermore, after paying corporate income taxes at 50% for years, I finally decided it wasn't worth it any longer.

On the other hand, whenever the government allowed me to retain more of our profits or gave me an inducement to invest, I responded as if in lock step to its purpose. As a result of tax incentives I installed antipollution equipment, purchased state-of-the-art machinery, developed new products and established an ESOP. Indeed, I took advantage of government guarantees—through the Small Business Administration—to borrow essential capital for starting the business. The risk the government took by that small gesture was redeemed a thousand times.

My reactions as a businessman to government policy were fairly transparent. That is, I reacted positively to everything the government did that benefited my company, and negatively to everything the government did that hurt my company. My behavior made perfect sense.

Those things the government did that benefited my company led to more growth, the hiring of additional employees and the payment of more taxes than before. I also observed that those things the government did that hurt my company led to stagnation (if not decline), the laying off or dismissal of employees and a reduced tax burden—in some instances zero taxes.

What the government often did to raise revenue simply didn't make sense—it ended up costing both business and government coffers. As an entrepreneur, I found it difficult to fathom why the government did things that hurt my company when the net result was to reduce its take. And when I heard politicians—as I hear them again today—talk of raising taxes to pay for this or that or to reduce the deficit, I suspected they didn't realize they were stifling the entrepreneurial spirit and trashing the very wellspring of the government's income. From my entrepreneurial vantage point, I felt they should have done just the opposite.

The reason for such blindness to this obvious cause and effect may be that our politicians don't think like businesspeople, nor do they appreciate what motivates them. They may understand intellectually how entrepreneurs think, but they don't believe it in their hearts. Even those politicians who have been in business seem to forsake their entrepreneurial psychology once in office. They choose to ignore it because of immediate political considerations such as getting reelected.

I would urge every officeholder, from the president on down, to ask how he or she would react to a particular tax or regulation were he or she in business. No effort of the imagination is needed, because the response is universal. All of us will increase our risk if the payoff is better and reduce our risk if it isn't. And the willingness to risk brings on successes that enrich the people and government alike.

The decisions I made for my company were living proof of this precept. We were not the exception but the rule. Our business was but a small tax engine that contributed to the government's coffers. Multiply our typical reaction to government policy by that of every intelligent business manager in America, and the means by which our government can raise (or reduce) revenue is evident. How simple it is.

## THE FLORIDIAN PASSENGER RAIL SERVICE REESTABLISHMENT ACT OF 1993

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. CLEMENT. Mr. Speaker, I rise today along with my colleague from the State of Indiana, Representative FRANK MCCLOSKEY, to announce the introduction of the Floridian Passenger Rail Service Reestablishment Act of 1993, a bill to require AMTRAK to begin the Chicago, IL to Jacksonville, FL passenger rail service via the cities of Evansville, IN, Nashville and Chattanooga, TN, and Atlanta, GA.

In 1973, AMTRAK phased out their Floridian route for reasons other than ridership. Today, the lack of a Midwestern-Southeast route is a major gap in the AMTRAK system. The route, if realized, would be the second largest in ridership behind the Washington, DC-Boston route.

It's absolutely imperative that we fund the restoration of the Floridian to provide passenger rail service to 11.5 million people who live in the numerous cities along the proposed route and, at the same time, give a substantial economic boost to both the Midwest and Southeast portions of the United States.

In addition, getting people out of their cars and out of airports would help relieve the current stress on our transportation infrastructure. And since AMTRAK is an energy efficient and environmentally benign alternative, it would promote cleaner air and conserve precious energy resources.

Specifically, our legislation requires AMTRAK to begin operation of regular passenger service from Chicago to Jacksonville by January 1, 1996, in time for the 1996 Summer Olympics in Atlanta, GA. In addition, the legislation declares that the startup costs for reestablishing the Floridian would be shared between the Federal and State governments. Finally, the legislation authorizes such sums as may be necessary for fiscal years 1994 through 1996 to start up passenger rail service.

Mr. Speaker, this legislation enjoys broad bipartisan support. I urge my colleagues to support the legislation.

## SUPPORT FOR ARMENIANS IN THEIR HOUR OF NEED

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BECERRA. Mr. Speaker, I rise today to urge my colleagues and the American public, as defenders of freedom and democracy, to take up the call of the Armenian people, a people living on the brink of starvation, trying to survive sub-freezing winter temperatures without heat, human beings on the verge of losing hope for survival, let alone freedom and democracy.

In a conflict which dates back to the Bolshevik Revolution of 1917 and territorial decisions made by Stalin in 1923, the long suppressed antagonisms of the Armenian and Azerbaijan people came to the fore with the advent of glasnost in 1985. It was during that period when anti-Armenian violence erupted in the Azerbaijan city of Sumgait. Now the conflict has escalated to the point where the entire populations of towns and villages in Nagorno-Karabakh and Armenia and threatened with extinction. Azerbaijan has imposed a blockade that has resulted in an alarming increase in the mortality rate among the elderly and newborn infants. This blockade has resulted in a once-proud people living in pre-medieval circumstances.

The United States cannot sit idly by and permit the mass extinction of an entire population. Just as we have risen to the occasion in Africa, and just as the administration is considering joint action with our allies to assist the endangered populations of the former Yugoslavia, we need to take a fresh look at the situation in the Transcaucasus and ask ourselves whether we can play a constructive role in ending this conflict. The United Nations has already taken preliminary steps by issuing emergency appeals for humanitarian assistance. The United Nations can work with the Turkish Government to open relief corridors. The United Nations can also provide a neutral venue for direct negotiations between the combatant parties.

The United States and all law-abiding nations have a responsibility to provide immediate relief to the region to avert starvation and mass extinction. In addition, the United States through strict enforcement of the Freedom Support Act, should pressure the Azerbaijani government to end its blockade and enter into meaningful negotiations. And finally, Mr. Speaker, I call upon my colleagues in the House of Representatives to consider and pass House Resolution 86, introduced recently by my good friend, the gentleman from Michigan, Mr. BONIOR. as a co-sponsor of this important resolution, I think its passage would set the stage for concerted action on the part of the Clinton administration to seek a lasting and just settlement.

## IN MEMORY OF BLANCHETTE H. ROCKEFELLER

### HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. FOLEY. Mr. Speaker, I would like to express my very deep condolences to the family of Blanchette H. Rockefeller, who passed away Sunday, November 29, at age 83. An extraordinary chapter in American philanthropy and public service has come to a close.

Mrs. Rockefeller, the widow of John D. Rockefeller III provided a unique quality of leadership and inspiration for the arts and humanities for more than 40 years. While most closely associated with the Museum of Modern Art in New York City, which she served as president and chairman, she also shared her late husband's interests in Asian art and American works. Her philanthropic involvements, which included numerous educational and cultural institutions, also extended into the public arena. Her service on the National Council on the Humanities and the New York State Council on the Arts was accompanied by a remarkable personal campaign to encourage Government and corporate support for the arts and the humanities. In her frequent visits to Capitol Hill, Mrs. Rockefeller brought insight, charm and grace to discussions of policy and budget issues. She appealed effectively across party and ideological lines and proved an invaluable spokesperson at a time when support for cultural institutions was seriously threatened by budget cuts. Mrs. Rockefeller's warmth, thoughtfulness, generosity, and modesty were endearing qualities that will be long remembered by those privileged to know her. My wife Heather and I send our deepest sympathies to her son, Senator JOHN D. ROCKEFELLER IV of West Virginia and to her daughters Sandra Ferry of Massachusetts, Hope Aldrich of New Mexico, and Alida R. Messinger of Minnesota. Our prayers go out to each of them.

## MAJOR OIL COMPANY SUPPORTS CORPORATE, BTU TAXES

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. MATSUI. Mr. Speaker, President Bill Clinton has challenged Congress and taxpayers to put the Nation's fiscal affairs in order. To that end the energy industry has been asked to be responsible for a major piece of the President's plan—the Btu tax proposal.

I want my colleagues to become aware of one company that stands to be hit hard from the Btu and corporate tax increases proposed by the President has decided to take a tough stand for the future of our country.

Lodwrick M. Cook, chairman of Arco announced recently the company supports the corporate tax rate increase and the concept of an energy tax. I would ask that a copy of Arco's press release containing Mr. Cook's remarks be placed in the RECORD:

> ARCO CHAIRMAN ANNOUNCES SUPPORT OF PRESIDENT'S CORPORATE TAX INCREASE, CONCEPT OF BTU TAX ON ENERGY; URGES LARGER CUTS IN FEDERAL SPENDING
>
> LOS ANGELES.—ARCO chairman and chief executive officer Lodwrick M. Cook today announced ARCO's support of President Clinton's proposed corporate tax increase and the concept of a BTU tax on energy.
>
> "We urge that every effort be made to streamline the energy tax plan to avoid clutter, confusion, and an expensive bureaucracy to administer it," Cook said. He also called upon the Administration and Congress to seek even greater deficit reduction through deeper cuts in federal spending.
>
> In a statement issued by ARCO, Cook said: "Recognizing the need for all Americans to share the burden of deficit reduction, ARCO supports President Clinton's proposed 2-percent corporate tax increase and the concept of a BTU tax on energy.
>
> "These tax increases will be costly to ARCO and to consumers. Nevertheless, by spreading the cost throughout the economy as the President proposes, we believe that no single sector of the economy or region of the country will be unfairly burdened.
>
> "We urge the Administration and Congress to work vigorously to reduce federal spending even beyond the levels currently being discussed. Without very significant spending reductions, it will be difficult, perhaps impossible, to achieve the deficit reductions that are necessary or to gain the support of the American people."

## BICYCLE PART DUTY SUSPENSION

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. HALL of Ohio. Mr. Speaker, with my colleagues, Representatives DUNCAN, GORDON, HOBSON, POSHARD, and SUNDQUIST, I am introducing legislation to renew the suspension of regular U.S. customs duties on certain bicycle parts. The regular duties on bicycle parts not manufactured in the United States have been suspended since 1971, but were reinstated beginning in January after the last Congress failed to pass a miscellaneous tariff bill. The bill would also amend the Foreign-Trade Zones Act to reinstate the exemption for bicycle parts from the special customs treatment generally available to merchandise in foreign trade zones. This exemption, which has been linked to bicycle part duty suspension legislation since 1984, also expired at the end of last year.

The bipartisan sponsorship of this legislation is testament to the critical role that it plays for a small but valuable American industry. American bicycle manufacturers have had to withstand successive waves of foreign competition—first from Japan, then from Taiwan and Korea, and most recently, from China. The industry's success in meeting this competition has been attributable, in significant part, to Congress' decision two decades ago to suspend the regular import duties on the considerable number of bicycle parts that are not manufactured in the United States. With no domestic production of these parts to protect, these tariffs only imposed on U.S. manufacturers additional costs that were not faced by their foreign competitors. By eliminating these unnecessary costs, this duty suspension legislation has not only improved the competitiveness of U.S. bike manufacturers, but also has preserved the primary market for those firms still engaged in the manufacture of other bicycle parts in this country. The welfare of these remaining U.S. parts producers was further advanced by the enactment in 1984 of legislation denying foreign-trade zone benefits to imported bicycle parts.

We have often debated on this very floor, a variety of measures designed to level the playing field for U.S. industries. We have passed antidumping and countervailing duty laws, section 201, and three different variants of the section 301 remedy. Our overall competitiveness clearly depends upon having these potent weapons in our arsenal. But it also depends upon simpler, more basic policies. It is critically important for the tariff regimes confronting our industries to encourage domestic manufacturing, rather than penalize it. But unfortunately, the preferred avenue for adjusting tariff rates—the GATT's system of irregular multilateral tariff negotiations—cannot always keep pace with changes in international trade patterns. Trade shifts can transform tariffs that were originally imposed to protect domestic industries into measures that penalize domestic industries and assist their foreign competitors. This is plain backward. It is Congress' responsibility to step in such cases. If we wait for the GATT process to make the necessary changes, whole industries could be permanently crippled during the 10 years or more between negotiating rounds.

Eliminating import duties on materials and components that are not produced in the United States, but that are essential to the manufacturing operations of U.S. industries, while at the same time maintaining in full force and effect the duties on manufacturing inputs that are still domestically available, is just common sense. This kind of policy assists our manufacturing industries by making their finished products more price competitive with imports and by preserving their remaining network of domestic suppliers. It is just such a policy that underlies the bill we are offering today. I commend it to the attention of my colleagues and look forward to its prompt passage.

## THE MODERN PRESIDENCY

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I hope that my colleagues had an opportunity to read the following article in the Washington Post last Friday. I think that this is an excellent analysis and it sums up the Presidency of Bill Clinton in a very accurate manner.

[From the Washington Post, Feb. 19, 1993]

### STAMPEDE FOR STATISM

(By George F. Will)

At the end of the worst first month of a modern presidency, there lingers, in fading echo, the word "covenant." That word, which candidate Clinton used to describe the relationship he wanted between government and citizenry, means, in a democracy, a solemn promise to keep promises.

The fraying of Clinton's covenant with the electorate is pertinent to this question: Which president does Clinton resemble? Not Kennedy, whose tax cut ignited a boom. Rather, Clinton resembles the two presidents of his politically formative years, Johnson and Nixon.

Clinton's conduct since the campaign marks his campaign as the most disingenuous since at least 1964, when Johnson disguised his intentions regarding Vietnam. Also, Clinton's plans for expanding government's graspingness and bossiness resemble Johnson's.

And Nixon's, whose administration oversaw explosive growth of the regulatory state. Nixon's wage and price controls (Clinton is contemplating control-by-edict of prices in the health care field) were the most radical extension of federal power into economic life since the 1930s.

One economic promise about which Clinton remains punctilious is one he should abandon—his promise to stimulate the economy, which is surging. What is breathtaking about Clinton's pork-laden stimulus package—fine tuning tax credits, grants for state and local governments, Amtrak, road repairs—is its banality. For this you do not need to go to Oxford, you just need to have gone to sleep 20 years ago.

His larger program—tax increases, defense cuts, domestic spending increases, "administrative efficiencies," proposed domestic cuts, most of which will not materialize—hardly amounts to "re-inventing government." (The myriad tax increases now proposed are just hors d'oeuvres for the administration. New York Times headline, Feb. 17: "2-Dozen New Taxes Weighed to Pay for U.S. Health Care.") Evidence of Clinton's tepid enthusiasm for cutting spending: He talked for 61 minutes Wednesday evening without finding time to revisit his old endorsement of line-item veto.

George Sephanopoulus, Clinton's spokesman, promises a "reversal of Reaganism." Reaganism: a record 93 months of growth, low inflation, declining interest rates and unemployment, almost 19 million new jobs, exports nearly doubled, one-third increase in real GNP. Clinton may indeed keep his promise to reverse this.

Still, Clinton has worked one miracle: Several million Americans overnight have joined the ranks of the rich. He says that the proof that he plans to tax mostly "the rich" is the fact that 70 percent of the increases will fall on families earning more than $100,000. Well. A mid-level head nurse in the Northeast earns $47,000. If her husband is a New York City school principal, his starting salary was $69,776. Clinton says it is time such people paid for their opulence.

The modern presidency, devoted to incessant manipulation of public opinion, manufactures ersatz crises to hold the public's attention. Hence Clinton's over-heated rhetoric about America's "decline."

Japan's economy is reeling. Germany's growth rate has lagged behind America's since the 1970s, and its GNP is shrinking. Both Britain and France have double-digit unemployment. A growing majority of jobs in advanced countries are in service industries, and America's service sector is much the most productive in the world. In spite of the Carter stagflation and the Bush recession, real per capita after-tax income has increased 34 percent in 20 years. America's estimated 25 percent share of the world's total product is about what it was in 1965; and in 1938; and 1900.

Why, then, the rhetoric about decline? To stampede the public to accept more statism. But there is one real decline that Clinton's program should reverse: that of the GOP.

Conservatism's vitality is linked to the public's disgust with the political class. Clinton's multiplying apostasies from his campaign themes and promises—from all that was supposed to define a "new Democrat"—are, to say no more, not calculated to enhance the reputation of the political class.

Furthermore, Clinton's agenda of metastasizing government propels Republicans back to Reaganism from Bushism. Consider, again, Clinton's stimulus. If government raises $X billions in new taxes and sends out an equal amount of billions in "stimulus," the result is not, as Democrats see it, a wash. Rather, the result is "progressive," because government has gained yet more ground in reducing the scope of private choice and increasing the permeation of life by politics. That is the liberalism of "new Democrats," as of old ones.

Will Congress cooperate? Perhaps. But the House in which Clinton spoke Wednesday evening is composed of 435 members, all of whom did better than Clinton's 42.9 percent in November. Fifteen of them ran unopposed, 104 won more than 70 percent of the vote; 252 got more than 60 percent; the average of those who won against opposition was 63.1 percent, substantially better than even Clinton's 53.4 percent of the two-party vote. They may not defer to his political judgment.

All of them will face the voters again in 20 months. Most of them probably understand that if Clinton had said four months ago what he is saying now, he would still be living in Little Rock.

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## REMARKS IN HONOR OF DR. JOHN BABEL, JR., SUPERINTENDENT FAIRVIEW PARK SCHOOLS

### HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. HOKE. Mr. Speaker, I rise today to honor Dr. John Babel, Jr., a man whose commitment to his community, his State, and his country has been confirmed time and again through his service as superintendent of Fairview Park Schools, his various appointments in several Ohio school systems, and his service as a lieutenant in the U.S. Army.

After graduating from Cornell University in 1961, John Babel joined the U.S. Army where he earned the rank of lieutenant, serving as an assistant adjutant and training officer. His entry into the education field began soon after leaving the Army in 1963. Through the years he has proven himself to be a dedicated teacher, an outstanding administrator, and a gifted student, earning his Ph.D in 1970 from Ohio State University.

Mr. Babel his invested 25 years of his life improving Ohio's schools and education systems and I am grateful that his professional journey led him to Fairview Park. As the Representative for Fairview Park I have had a chance to see Dr. Babel's work first hand, and his accomplishments are numerous and impressive to say the least.

When Mr. Babel first arrived, the Fairview Park school system, like many school systems in this country, was facing higher costs, smaller budgets, declining enrollment and a long list of daunting challenges. None of these problems discouraged John. To his credit, he rolled up his sleeves and set his sights on the long overdue reorganization of his school district. He consolidated, closing two elementary buildings in response to declining enrollment. He conserved, using one of these empty buildings to begin a self-sustaining day care center. He raised revenues, orchestrating the passage of five school levies in order to fund essential educational services, and he invested in our children, in our future.

Dr. Babel spent a great deal of time reviewing and spearheading innovative and effective curriculum programs. I'd like to take a moment to share with you just a few of the results. Under his direction advanced placement courses were brought to Fairview Park. Students who have taken advantage of these classes have at times earned enough advanced placement credit to allow them to enter college at a sophomore level. In addition, he initiated a gifted and talented student program to challenge students of exceptional ability, and to concentrate on the development of their intellectual skills. Under John's leadership, programs for learning disabled students were expanded, student testing programs were revised to include periodic competency testing, and a preschool program that has become a model for the State was introduced.

One thing John learned through his experience is that effective education does not rest solely in the hands of schools. He recognized that success is dependent on the ability of students, teachers, parents, administrators, and the community as a whole to communicate and work together. Many of his initiatives embrace this vision.

The Public Information Program for example, was adopted in order to keep the community informed and involved in the school system, its plans, its accomplishments and even its failures. Another example of cooperation and communication can be found in the team for educational action. This program brings administrators together with teachers in an attempt to work through problems and discuss ideas. These programs, like so many others Dr. Babel has initiated, are aimed at making the educational process successful.

The brief synopsis of John Babel's achievements in the Fairview Park City schools does not adequately describe the enormous contribution he has made to education. Perhaps I can describe the magnitude of his contributions by remembering the words of English philosopher Herbert Spencer who said, "Education has for its object the formation of character." It is often said that our children are our future and I can't think of a nobler cause than shaping the character of our future.

Mr. Speaker, on the occasion of Dr. John Babel's retirement I rise on behalf of the grateful students, teachers, parents, and entire community of Fairview Park to extend to this great educator our deepest appreciation for his service, and to wish him health and happiness for years to come.

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## THE EDUCATIONAL EXCELLENCE FOR ALL STUDENTS ACT OF 1993

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GOODLING. Mr. Speaker, today I am introducing the Educational Excellence for All Students Act of 1993, a bill to stimulate systemic educational reform throughout our Nation's schools in order to assist our Nation in meeting the national education goals.

Over the past few years, the subject of education reform has received a great deal of attention. During the last Congress, in response to the America 2000 legislation proposed by President Bush, the Committee on Education and Labor held several days of hearings on the subject of education reform, after which we drafted the Neighborhood Schools Improvement Act. Although this legislation, through a series of events, became a partisan issue, the idea of education reform did not.

This year, we are going to make changes to the majority of our elementary and secondary education programs, changes which will hopefully allow them to become part of systemic education reform efforts in States and school districts across the country. However, after listening to witnesses earlier this month speak on educational reform and how it relates to our existing programs, I felt that such changes would not be enough to generate the type of reforms necessary to assist our students in meeting the national education goals.

As a result, I am introducing an education reform bill which I believe will stimulate States and local school districts to undertake dramatic education reform efforts. This bill is modeled on the school reform legislation that Mr. KILDEE and myself introduced last year, H.R. 3320, the original Neighborhood Schools Improvement Act.

The first title of this new bill authorizes the National Education Goals Panel, authorizes the National Education Standards and Assessment Council [NESAC] to facilitate the creation of voluntary world class standards and assessments, and authorizes a National Commission on the Status of Preschool Children. The Education Goals Panel and NESAC were part of last year's reform proposal. The National Commission on the Status of Preschool Children is a new provision, the purpose of which is to develop a framework for assessing goal No. 1—school readiness—and oversee the development and administration of a national assessment of school readiness along the lines of NAEP.

Title II of the bill is a modified version of last year's Neighborhood Schools Improvement Act and provides funds to the States and local school districts for purposes of systemic education reform. It has, however, been streamlined to eliminate some of the burdensome procedural portions of the bill and to simplify the process through which States and local school districts would apply for grants. The goal here is to set the stage for major reform of the Federal Elementary and Secondary Education Act later this year.

The final title of the bill deals with flexibility. For many years, we have heard from school districts that there are a variety of Federal regulations which prevent them from developing creative education programs. This section allows States and local districts to apply for waivers from such regulations as long as they indicate how the funds will be used to improve academic achievement for all students and continue to serve students currently eligible for services under such programs. Such waivers could play a very important role in providing schools the flexibility to develop truly innovative education reform plans.

Mr. Speaker, the time is now for our Nation to make the changes in its education system necessary to allow our students to receive the best possible education. This is not a partisan issue. We all need to work together to produce the best possible education reform bill. If we do not, there is no way our students will meet the national education goals in this decade.

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## YOUTH APPRENTICESHIP AND CHARTER PUBLIC SCHOOLS

### HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. McCURDY. Mr. Speaker, last week in his State of the Union Address, President Clinton challenged this Congress and the American people to defy the barriers of status quo in return for more innovative, productive Federal initiatives. Today I am introducing two such proposals which will help American public schools move into the 21st century.

Global economic competition has placed even more pressure in our educational system to properly educate and train our work force. But almost monthly, there is a new report pointing to the decline of skills and educational achievements among American youth. For the past decade, educational reformers on both ends of the political spectrum have advocated either spending more money or offering private school vouchers as a panacea for our failing educational system. Instead of these traditional solutions, I am proposing that we encourage creation of new and different public schools and also that we allow non-college-bound students to acquire work skills before high school graduation.

My first bill, The Public School Redefinition Act of 1993, offers a reasonable alternative to the controversial private school choice proposal.

Charter schools legislation will encourage teachers, parents and communities to establish new public schools, determine the length of the school day and school year, create their own curriculum and administrate their schools. These charter schools will be public schools. They must be non-sectarian, may not charge tuition, and may not discriminate in their admissions.

Public school choice is an option now available in a growing number of States and is supported by a majority of Americans. However, what choice is there if a majority of public schools offer the same curriculum, teaching methods and other educational components? It is unlikely that there will be more public school choices as long as there is only one organization that is allowed to offer public education.

The second piece of legislation, The Youth Apprenticeship Act, will improve the skills and productivity of American workers by offering a high-quality educational alternative to non-college bound youth.

There is a terrible gap—in job prospects and wages earned—between workers who have a college education and those who only finish high school. This is certainly attributable to the inadequate education that Americans are receiving in elementary and secondary education.

In addition, this decline in wages and job prospects is due to the single-minded, college-prep focus of our current educational system. Unlike most of our leading competitor nations, we have no national system of high academic standards for the non-college bound nor do we have any comprehensive secondary school program for connecting education to training and training to a job.

To improve the skills of the no-college bound it is crucial that we develop a comprehensive, national youth apprenticeship program. President Clinton has called for apprenticeship programs in every State in the country. I believe my legislation can provide a useful model for this effort.

Aristotlke said that the fate of empires depends on the education of youth. If the American fate is to regain our preeminence in the world economy, we must make fundamental change in our educational system. These legislative initiatives will encourage that change.

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## ROBBING THE POOR TO GIVE TO THE FEDERAL GOVERNMENT

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. ROGERS. Mr. Speaker, today I am introducing legislation that will restore basic fairness in the Tax Code for farmworkers, and at the same time, help relieve small family farmers from another round of endless paperwork.

Specifically, I am introducing legislation that prohibits Federal income taxes from being collected on farmworkers who are not covered under minimum wage laws. This is a very targeted approach. It simply corrects an inequity in our tax law that impacts only those people at the bottom of the economic ladder.

By freeing up these low-income workers, we are also freeing up countless hours of paperwork for small family farmers. This is a win for the small family farmer and a win for our farmworkers.

For more than half a century, farmworkers have been exempt from income tax withholding requirements. Wages of farmworkers are generally so low that few of them can be expected to incur any Federal tax liability.

But in 1989, as the Congress searched for more revenues to meet its deficit target, Congress turned to the farmworker to score some quick money. The only problem was that almost all of that money is borrowed.

Thanks to that 1989 law, Congress has now ensured that a small number of farmworkers will have 15 percent of their pay reduced each year, even if they do not owe those taxes.

Congress never intended to run the Federal Government from the taxes of individuals at the bottom of the economic ladder. It is clear to me that Congress made a mistake back in 1989 and it must be corrected.

That is why I am introducing legislation designed to protect those workers who are most vulnerable—those individuals who are not even protected by the minimum wage laws.

Mr. Speaker, I urge my colleagues to join with me to restore basic fairness in the Tax Code, help those at the lowest end of the economic ladder, and free small family farmers from more bureaucratic busy work.

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## REEMPLOYMENT RIGHTS FOR MERCHANT MARINERS

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill to provide reemployment rights for merchant mariners who serve in war, times of national emergency, or special maritime mobilizations needs.

During Operation Desert Storm, seamen who were otherwise able and willing to serve on Ready Reserve Force vessels could not do so because their jobs were not guaranteed after the war. This is in direct contrast to the reemployment rights for members of the Reserve components of the armed services.

Mr. Speaker, this situation can not be permitted to continue. We were fortunate to find enough seamen during the Desert Shield and Desert Storm operations who were able to serve. But in the future we may not be so lucky. The Congress needs to ensure that anyone who wants to serve their Nation in the times of need be provided the job protection they deserve.

I hope that my colleagues will join me in this important effort.

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## INTRODUCTION OF THE WETLANDS SIMPLIFICATION ACT

### HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BUNNING. Mr. Speaker, today I am introducing the Wetlands Simplification Act to reduce the number of agencies that have jurisdiction over determining agricultural wetlands.

Currently, four different agencies have oversight authority over wetlands. The Environmental Protection Agency [EPA], the Soil Conservation Service [SCS], the Army Corps of Engineers and the Fish and Wildlife Service can all issue different determinations on agricultural wetlands. The bureaucratic red tape faced by American farmers and ranchers is far too confusing.

The Wetlands Simplification Act would give the SCS, in consultation with the Fish and Wildlife Service, the authority to identify wetlands and develop mitigation and restoration plans concerning wetlands on agricultural lands. With 3,000 offices nationwide, the SCS has considerable expertise and has a long history of working with farmers to protect soil and water resources.

The bill does not intend to reduce the oversight authority over wetlands. it simply will make the SCS the "one-stop shop" for American farmers and ranchers.

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## THE LIMON FAMILY OF AUSTIN: AN AMERICAN SUCCESS

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. PICKLE. Mr. Speaker, I rise today to share with you and my colleagues the story of another achievement of the renowned Limon family of Austin.

The Limon family celebrated another major milestone Tuesday, when Alicia Limon and some of her family members initiated a new enterprise on East Seventh Street in Austin, TX, in the shadows of the majestic State Capitol.

The new Limon Family Restaurant and Bakery was host to more than 1,000 well-wishers who stopped by to share in the unique spirit of camaraderie and love that has typified this family for the past seven decades.

Who would have known all those decades ago, when Jose and Bernade Limon came from Mexico and settled in the Austin area, that theirs would become a premier family in Austin? Who would have known way back in the early part of this century that among their offspring and extended family would be doctors, lawyers, business people like Alice, and even a mayor pro tem of the city of Austin, the Honorable John Trevino?

This outstanding family, the direct descendants of which number approximately 2,000—and growing, has not let the original spirit of unity and togetherness die. They gather each year to renew the bonds of kinship at the Limon family picnic. The event has truly grown to massive proportions, as local officials, civic leaders, and other members of the Limon extended family have joined in what has become a favorite local event.

This family personifies all that is best about the American family and shows why the family is the cornerstone of our way of life. The Limons exhibit family values in the truest sense of the term. It is my pleasure and honor not only to represent this fine family, but also to take this occasion to salute them in the official RECORD of the U.S. Congress.

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## IRA BENEFITS FOR UNEMPLOYED WORKERS ACT OF 1993

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. DIXON. Mr. Speaker, today I am introducing the Individual Retirement Accounts [IRA's] Benefits for Unemployed Workers Act of 1993. This legislation is designed to provide a measure of financial assistance on a temporary basis for unemployed individuals with IRA's. Joining me as original bipartisan cosponsors of this legislation are Congressmen RANGEL, MALONEY, HILLIARD, DELLUMS, FRANK of Massachusetts, WOOLSEY, JEFFERSON, MINGE, KOPETSKI, FROST, HOBSON, BARRETT of Wisconsin, and GUNDERSON.

My legislation would allow individuals who own IRA's and who have exhausted their regular and extended unemployment benefits to withdraw funds from their IRA's without the usual 10-percent penalty. The bill would also permit those persons who make early withdrawals to recontribute the borrowed amounts within a year once they are reemployed.

Mr. Speaker, there are positive signs that the economy is generally improving. However, the rate of unemployment for some local and State areas remains well above the national average of 7.3 percent. This is especially true for the State of California, where the unemployment rate is 9.8 percent. As of November 1992, according to the latest figures from the U.S. Bureau of Labor Statistics, the unemployment rate for the city of Los Angeles is 10.5 percent. As of January 1993, the unemployment rate for the county of Los Angeles remains at 10.4 percent.

Reducing the rate of unemployment and returning people to work is an important national goal and one that must be addressed in an expeditious manner. In November 1991, and again in February 1992, Congress voted to extend unemployment compensation benefits for workers who had been out of work and had exhausted their 26 weeks of benefits under regular unemployment compensation programs. Congress is again considering a bill to further extend unemployment benefits an additional 20 to 26 weeks as the extension of February 1992 is scheduled to expire on March 6 of this year.

Last year, similar provisions to permit early withdrawals from IRA's without the 10-percent penalty for unemployed individuals were included in H.R. 4210, the Middle-Income Tax Relief and Economic Growth Act of 1992. Unfortunately, that measure was vetoed by then-President Bush. However, until the rate of unemployment is substantially reduced and citizens are gainfully reemployed, there still remains the need to provide a measure of financial relief for some individuals and families whose regular incomes have become severely limited or wiped out because of the recession. My legislation will not provide financial relief for all persons that are employed, but it may go a long way in providing some assistance for the employed owners of IRA's who have exhausted all other financial options. I seek the support and cosponsorship of my colleagues in the House.

## STANDING FIRM AGAINST TAXATION

## HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues had an opportunity to read the following editorial in the Washington Times from last Friday. I think that Peter Ferrara makes a vital point regarding the amount of power that congressional Republicans actually possess and the importance of standing firm:

TRASHING THE ECONOMY

(By Peter Ferrara)

As Bill Clinton has stumbled repeatedly in his first three weeks in office, his aides have repeatedly assured us that once he announces his economic program he will be back on track. But to the contrary, Bill Clinton has just proposed an economic program that will create one of the biggest firestorms of public reaction since the good citizens of Massachusetts rallied to greet King George's redcoats on their march to Lexington and Concord.

While Mr. Clinton campaigned on a middle class tax cut, less than one month in office his first budget proposal includes one of the biggest middle class tax increases in history. At this rate, he's going to make George Bush look like George Washington.

The centerpiece of the Clinton tax package is a broad-based energy tax, which will be paid mostly by the middle class. Mr. Clinton is consequently proposing to recreate the oil price shocks of the 1970s as a matter of policy, supposedly to stimulate economic growth.

Carefully examined, most of the other elements of his tax package will fall on the middle class as well. For example, the increase in the taxation of Social Security benefits falls on individuals making $25,000 and couples earning $32,000.

Even the punitive tax increases aimed at the rich will mostly hurt the middle class. The rich will generally avoid those increases by reducing and shifting around their investments and income, even moving some abroad. But the loss of jobs, investment and economic growth that result will hurt most the middle- and lower-income groups.

Make no mistake about it—the only reason to increase taxes is so that liberal Democrats will not have to cut government spending.

But Mr. Clinton and friends are about to be as surprised as those redcoat troops who marched out of Boston that fateful night in April 1775. For the Clinton tax increases are going to be defeated in the first battle of the second "Reaganite" revolution.

Farmers, small business people, working people, homeowners, taxpayers, and conservatives of every stripe will join together in a grassroots movement bigger and stronger than ever to swamp Congress with opposition to Mr. Clinton's middle class tax treachery. The time for a call to arms to join this crusade is now.

Moreover, in return for his sweeping tax increases, Mr. Clinton is proposing overall to increase, not reduce, federal spending. His own budget shows total federal spending next year will be tens of billions of dollars more than this year.

Mr. Clinton and his redcoat allies are already attempting to sell these huge tax increases on the absurd rationale that we all must suffer such sacrifice to improve economic growth over the long run. But Mr. Clinton's sweeping tax increases will trash the economy, not improve it.

The key is for Republicans to stand firm in opposition to the Clinton tax hikes. Congressional Democrats will then crack at the prospect of passing such huge tax increases without bipartisan cover. Remember what happened to the merrily tax increasing New Jersey Legislature in 1991? Enough moderate Democrats will.

Congressional Republicans have far more power on this issue than they realize. For they are potentially the largest cohesive voting bloc on the budget in either house, perhaps by a substantial margin. Indeed, whether Democrats alone can muster a majority in either house for any single budget proposal is highly dubious. Too many tax increases, and they lose too many moderates. Too many spending cuts, and they lose too many liberals.

Republicans should vigorously propose as an alternative some form of spending freeze, with perhaps real pro-growth and middle class tax reductions. This directly addresses the real cause of the deficit, which is runaway spending, not insufficient tax revenues. Spending as a percent of GDP has soared since the 1970s, while tax revenues relative to GDP have remained stable.

Such a proposal would reduce the deficit far more than Mr. Clinton's tax increasing budget, which will fail to reduce the deficit just as the similar 1990 budget deal failed. This Republican alternative would also frankly be politically popular, again directly contrary to Mr. Clinton's establishment proposal.

Indeed, what exactly is the politically viable alternative to such a proposal?

## THE SMALL BUSINESS REGULATORY COST RELIEF ACT OF 1993

## HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. LIGHTFOOT. Mr. Speaker, how many times have Members of Congress heard their constituents complain about expensive Federal regulations placed on their small businesses—raising their overhead costs, resulting in higher consumer prices, and inhibiting expansion?

Congress and Federal agencies enact dozens of new laws and regulations which affect small businesses every year. Making a small business viable is difficult enough without having to contend with the burden of expensive Federal regulations.

In an effort to relieve some of these federally mandated financial burdens, I am introducing the "Small Business Regulatory Cost Relief Act of 1993." This legislation will provide tax relief for small businesses forced to comply with Federal regulations.

My legislation is modeled after the disabled access credit, included in the Americans With Disabilities Act [ADA] but is applicable to all Federal regulations, not just those expenses incurred to provide access to persons with disabilities.

When Congress passed the ADA, it realized that mandating such regulations would impose a costly burden on business and would result in lost jobs and hamper economic growth. Small businesses, which do not have the resources to comply with the expense of regulations imposed by the Federal Government, would have been hit the hardest.

Congress provided the disabled access credit to help businesses comply with the new regulations mandated by the ADA. While this has provided some assistance, many small businesses still suffer from the burden of compliance.

Congress routinely imposes laws on small business yet fails to provide relief for the cost of compliance, which has adverse effects on businesses, jobs and ultimately, consumers, who have the costs passed onto them. According to the Rochester Institute of Technology, Federal regulations cost each household in the United States between $4,000 and $5,000 annually.

My legislation would allow small businesses a nonrefundable tax credit equal to 50 percent of verifiable compliance expenses over $250—the same as the disabled access credit. However, my legislation is not limited to the first $10,250 of expenses. My legislation is applicable for all Federal regulations which became final 5 years before the enactment of this legislation. In addition, the eligibility of small businesses to take advantage of the credit is expanded by having small businesses defined by the Small Business Act rather than the more limited definition used by the ADA.

We in Congress must do more for job creation. Small businesses produced 39 percent of the gross national product and employed 58 percent of the work force in 1991. In 1990, small businesses accounted for 90 percent of nonagricultural, net private job growth. Congress and Federal agencies seem to forget this when mandating new regulations on small business.

The Small Business Regulatory Cost Relief Act of 1993 will help small businesses reduce their costs of complying with Federal regulations. By making compliance more affordable, small businesses will be able to implement Federal regulations faster, easier, and more extensively. We all want a cleaner and safer environment, but it can and should be achieved without suffocating small businesses. My legislation will help us achieve both goals.

## HONORING THE TEHAMA COUNTY FARM BUREAU ON ITS 75TH ANNIVERSARY

## HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to an outstanding organization that has served Tehama County agriculture in the highest capacity for 75 years. The Tehama County Farm Bureau is a voluntary, nongovernmental, bipartisan organization of farmers, designed to accomplish cooperatively that which they cannot do alone. The farm bureau helps farmers help themselves.

Tehama County farmers and their families formed the first farm bureau in September of

1918, largely to take advantage of the Agricultural Extension Service that was established by the University of California in July 1913.

The Agriculture Extension Service was required to establish a farm organization in a county before staff was allowed to journey in the area with its education programs. The concept of the plan was to guarantee the existence of channels through which county farm advisors and extension specialists would work in reaching individual farmers and their families.

Before a farm advisor was appointed to a county, a county farm bureau with at least 20 percent of the farmers in that county had to first be formed and operating. Humboldt County Farm Bureau in 1913 was the first county organized, followed 1 year later by Yolo, San Joaquin and San Diego County Farm Bureaus.

By 1919, 32 county farm bureaus represented a combined membership of 24,168 as a grassroots organization.

The Tehama County Farm Bureau, in working with extension farm advisers, subscribed to the basic vision of the extension program that practical education for the people could lead to a better society for all.

Early cooperative farm bureau efforts involved improved agricultural practices, a better road system, rural fire protection, community improvement projects and sponsorship of youth programs.

Then, as now, farm bureau members worked directly with the University of California's county farm adviser to solve problems and improve agricultural production. The farm bureau works closely today with the county agricultural commissioner who enforces State-mandated regulations, and with the Tehama County Board of Supervisors to promote Tehama County's agricultural economy.

Through the years, members of the Tehama County Farm Bureau have exerted leadership roles at the county, State and national farm bureau levels. The farm bureau plays a vital role in shaping Tehama County's future, working for the betterment of the quality of life for all its citizens. I salute the Tehama County Farm Bureau on its 75th anniversary and commend the organization for its exemplary service to agriculture and the people of Tehama County.

## TRIBUTE TO JOHN SAVAGE

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Ms. KAPTUR. Mr. Speaker, our community was truly saddened by the recent loss of a man who dedicated his life to making northwest Ohio and his hometown of Toledo a better and more humane place to live—Mr. John Savage.

John Savage was a devoted family man, successful businessman, philanthropist and author. To many in our area he is still best known for his enthusiastic love of basketball. His coaching career began while he was still attending college at the University of Toledo and during that time he led Libbey High School to an 18–0 season. Despite his budding career as a successful businessman, John continued to dedicate himself to the young people in our community by coaching junior varsity basketball at Central High School. He also played semiprofessional basketball for many years for the Komedy Kings.

While John was sharing his love of basketball with others, he was also building what is now one of the most successful financial services firms in northwest Ohio. He cofounded Savage and Associates with his brother Robert in 1959. That firm grew into an operation that now employs over 100 northwest Ohioans.

John authored three books and made hundreds of speeches all around the world. He was a role model for his entire community. He also served as a board member for numerous companies including the Andersons, Glasstech, Inc., and Solar Cells.

More recently, John Savage combined his love of sports and his business acumen to spearhead a $10 million fundraising campaign for an ultramodern basketball and concert arena at his alma mater the University of Toledo. In recognition of his efforts the hall was later named Savage Hall in his honor. The eventual construction of Savage Hall was a testament to the ability of John Savage to bring together community and business leaders for the benefit of all northwest Ohioans, especially citizens devoted to education.

A deeply spiritual man, he also devoted his untiring energies and knowledge to the Toledo Catholic diocese—its churches, schools, hospitals, and central ministry activities.

I join with all those whose lives were touched by John Savage in extending our deepest sympathies to his wife Kate; sons, John, Kevin, Jeffrey, Scott, Brian, Sean and Aaron; daughters, Patti McNamara and Kelly Savage; brothers James and Robert; sisters Marie Witherell, Frances Somers, Elizabeth Campbell, Ellen Wall, Nancy Coyle, and Margaret Savage and two granddaughters, Kristen and Meredith.

The passing of John Savage will leave a deep void in our community. His abiding quiet presence and strength of spirit guided an entire community to better itself. He was one of those rare individuals who gave back so much to others without asking for anything in return. Northwest Ohioans have lost a friend and leader. But his legacy lives on through his family and in the people and institutions he carefully nurtured and encouraged. We all say, "Thank you."

## PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. NADLER. Mr. Speaker, I rise today to introduce legislation to declare the week of April 18, 1993 as "Primary Immune Deficiency Awareness Week." Primary immune deficiency is of deep concern to thousands of American families which are held victim to it. The deficiency is an inherited defect in the immune system which prevents the body from defending itself against infections. Primary immune deficiency affects some adults, but mostly children causing chronic disorders such as severe ear infections, sinusitis, pneumonia, meningitis, and other life threatening infections.

While this defect affects as many as 1 in 500 persons in the United States today, it is a condition which many doctors and most families know little about. Since the symptoms of primary immune deficiency resemble many common illnesses, doctors and families often overlook the real problem and continually treat the patient for the symptoms rather than the immune deficiency. This misdiagnosis causes the patient permanent, physical damage, and many times even death.

Primary immune deficiency is just now receiving public attention, due in large part, to the work of Fred and Vicki Modell. The Modells lost their 15-year-old son, Jeffrey, to this little known disease. While they suffered great emotional pain, and financial hardship from their son's illness they bore that pain alone with no support group to turn for assistance. Consequently, the Modell's founded the Jeffrey Modell Foundation, a national, nonprofit research organization which funds projects to educate patients, and the public and medical communities about this defect. The foundation also operates as a support and network system, through a 24-hour information and referral hotline, for families with the problem to turn for help.

The Modell Foundation has served a tremendous purpose to those affected by primary immune deficiency, however, we need to expand on those efforts. I believe that by declaring the week of April 18, 1993 as "Primary Immune Deficiency Awareness Week" Congress can help to educate the public, the medical community, and patients about the disease. Through better education we can increase the number of earlier, more accurate diagnoses and reduce the costs of treatment.

Mr. Speaker, I hope my colleagues will join me in declaring the week of April 18 through April 23, 1993 as "National Primary Immune Deficiency Awareness Week."

## FEBRUARY IS AMERICAN HEART MONTH

### HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. DURBIN. Mr. Speaker, the 30th Presidential proclamation to declare February as American Heart Month was signed by President Clinton on Valentine's Day at the American Heart Association-sponsored Run-for-Heart. The President was accompanied by Vice President and Mrs. Gore to celebrate American Heart Month. By a joint resolution on December 30, 1963, Congress requested that the President issue an annual proclamation designating February as American Heart Month. The Presidential proclamation is an important symbol to millions of Americans dedicated to the prevention of cardiovascular diseases, including heart attack and stroke.

During the month of February, we can acknowledge the American Heart Association's work as the premier nonprofit, voluntary health organization battling cardiovascular diseases. The AHA's mission is to reduce the disability and death from heart disease, stroke, and related disorders. The American Heart Association's dedication is exemplified by the organization's extensive contributions to cardiovascular research. The AHA is second only to the federally funded National Heart, Lung, and Blood Institute in the amount of money devoted to cardiovascular research. Since 1949 the AHA has contributed more than $1 billion to cardiovascular research.

Heart and blood-vessel diseases, including stroke, are by far the leading cause of death in America for men and women. These diseases kill 43 percent of the more than 2 million Americans who die each year. Cancer follows, killing 23 percent. Cardiovascular diseases kill more Americans than all other causes of death combined. According to the American Heart Association, the cost of cardiovascular diseases in 1993 is estimated at $117.4 billion for medical costs and disability.

The AHA's 56 affiliates all over the United States and Puerto Rico work with 3.5 million volunteers to fight cardiovascular diseases. The AHA has developed many public education programs to inform people how to reduce the risk of heart disease and stroke. The programs emphasize prevention as the main factor to decrease the public's risk of cardiovascular diseases. Risk factors include high blood pressure, high blood cholesterol levels, and tobacco use.

In fact, tobacco is the most preventable cause of premature death in the United States. Tobacco-related diseases account for more than 434,000 deaths a year in the United States. Tobacco use can lead to a variety of diseases, including hardening of the arteries and heart attacks, and lung diseases—principally emphysema and chronic bronchitis, the most common causes of pulmonary heart disease. American Heart Association sponsored studies have shown that coronary mortality is increased twofold to threefold in smokers compared to nonsmokers, and the chances of dying from heart diseases increase in direct proportion to how heavily a person smokes. However, there is good news. According to the 1990 Surgeon General's report on smoking cessation, in 5 to 15 years, the risk of stroke for exsmokers returns to the level of those who have never smoked.

More than 50,000 scientific studies have shown that smoking causes heart disease plus cancer and other deadly diseases. Yet no Federal agency has the statutory authority to regulate the manufacture, distribution, sale, advertising, or promotion of tobacco products. No other consumer product on the market is as dangerous, yet as free of regulatory control. For the sake of our Nation's health, it is time to treat tobacco as the dangerous threat it is. American Heart Month is an excellent time to begin thinking about the changes that are needed, as a matter of public policy, as well as the personal health choices we make.

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## INTRODUCTION OF THE VIOLENCE AGAINST WOMEN ACT

## HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mrs. SCHROEDER. Mr. Speaker, today, on behalf of myself, Congresswomen SLAUGHTER and MORELLA, and Mr. SCHUMER, I am introducing the Violence Against Women Act of 1993. Since 1974, assaults against young women age 20–24 have risen 50 percent, while assaults against young men in the same age group have dropped 12 percent. The ever increasing rate of violent crimes against women affects every woman's life. We find ourselves confronting new fears that limit our ability to live our lives—fears of walking in our own neighborhoods, driving or walking at night, riding public transportation, fears of traveling alone. The list goes on and on.

The Violence Against Women Act addresses those fears by educating law enforcement personnel and judges on how best to address and prevent violent crimes against women. The bill requires agencies, advocacy groups, and service providers to work together to address the needs of a community. The bill further protects women in the streets and in their homes by creating Federal criminal penalties for anyone who travels across State lines to contact their spouse and then batters them, or with the intent to violate a protective order. It protects immigrants who have been battered by their citizen or resident spouses. And provides women with the right to civil action in a Federal court for a violent crime that was gender-motivated. In addition, the bill encourages communities to adopt proarrest policies in domestic violence cases, requires States to enforce protective orders of another State, and encourages the Federal courts circuits to conduct gender bias studies.

It is time to let women know that their safety in their own communities and homes is important to this body. The Violence Against Woman Act does just that.

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## HONORING MR. SAM BOYD

## HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. BILBRAY. Mr. Speaker, I would like to rise today in honor of a Nevada pioneer, a man without whom the First District of Nevada would not be what it is today, the entertainment capital of the world.

The true story of the life of Mr. Sam Boyd is the type that breeds legends in the West. Sam has left us, but his legacy and spirit will live long on the streets of southern Nevada. He was born in Enid, OK on April 23, 1910. His colorful travels took him across the West in a variety of entertainment and gaming positions. He finally landed in Las Vegas, NV, Labor Day weekend 1941. He had just $30 in his pocket when he arrived. But when he left us this year, Sam Boyd had built one of the largest privately held gaming companies in the world.

Seldom seen without his traditional cowboy hat, Mr. Boyd made his Las Vegas beginnings as a dealer for a penny roulette game. He went on to prove himself an innovator, a forward thinker, and a true pioneer in the industry that would make southern Nevada a world-famous tourist destination. Boyd was the first casino operator to bring large-scale entertainment to the downtown area known around the world as "Glitter Gulch." Sam Boyd was also an innovator in allowing black entertainers and dealers in his casinos and in allowing black gamers to patronize his establishments.

Sam Boyd's colorful character helped him become a major player in the Las Vegas casino industry. He would tell of his early days when he forced himself to save a full half of every paycheck. His steadfastness and foresight led to help build eight major Las Vegas casino/hotels. At the time of his passing, his company, the Boyd Group, owned five Las Vegas properties: the Stardust, the Fremont, the California, the Eldorado, and Sam's Town.

But Sam's determined drive and business savvy were renowned. Old friends and business associates called him "a true downtown carnival type operator," and a "serious hands-on boss" who worked 12 hours a day or more. But Las Vegas knows Sam Boyd as a man with a heart as big as the Nevada outdoors. Throughout his life he was a major benefactor of several local causes. He founded the Boys' Club of Clark County and other Boys' Club organizations in Nevada. His generous support of the University of Nevada-Las Vegas in a time of need prompted university administrators to rename their football stadium "the Sam Boyd Silver Bowl."

A former Nevada Governor says Sam Boyd "single-handedly built a casino empire in Nevada." He may be gone, but he will never be forgotten. Locals and visitors alike will tonight and for many years to come, drive down fabulous Fremont Street or along the Las Vegas strip and see Sam Boyd's name in the lights above the hotels he helped make famous. What they will miss, however, will be the smiling man in the cowboy hat making his way across the casino floor shaking hands with his friends and customers.

My colleagues, I ask you to rise today and honor the memory of a true Nevadan and a good friend, Mr. Sam Boyd.

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## A TRIBUTE TO MAJ. GEN. CHARLES M. KIEFNER

## HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. SKELTON. Mr. Speaker, today, I ask my colleagues in the House to join me in paying tribute to Maj. Gen. Charles M. Kiefner, the Adjutant General of Missouri. On March 6, 1993, General Kiefner will retire after over 45 years of military service.

Charlie Kiefner began his military career in 1947, as a private in the 1140th Infantry Regiment of the Missouri Army National Guard. By 1950, during the Korean war, he was a sergeant and was federalized with the 175th Military Police Battalion and served in Germany.

Returning from Federal duty, he was appointed a second lieutenant in 1951, and over the next 22 years served in a wide variety of command positions.

In 1973, he was appointed the Adjutant General for Missouri, the youngest Adjutant General in modern Missouri history, a position he held for 4 years. He was again appointed Adjutant General in November 1980 and has served in that position continuously since January 1981, making him now the senior-tenured Adjutant General in the United States, and the longest-serving Adjutant General in Missouri history.

There have been dramatic changes and improvements in the quality and readiness of the Missouri National Guard during Charlie Kiefner's tenure, but I think the most dramatic accomplishment has been his wholehearted support for overseas training for his Guard personnel.

He never turned down a chance to send his Guard units on deployments to other countries. The experience they received in preparing to deploy to Korea, Germany, Panama, Honduras, Senegal, Greece, and literally a score of other areas around the world has provided his Missouri Army and Air Guardsmen with training that is just impossible to duplicate back home. His Guard units got priceless experience training in different climates, unfamiliar terrain, a variety of languages and local customs, and in working with both civilian and military personnel from countries around the world.

His foresight has paid big dividends. Missouri was the only State to have both Army and Air Guard members involved in Operation Just Cause in Panama in 1989.

The Missouri National Guard again answered the call in 1991 during Operation Desert Shield and Desert Storm; 1,300 Army and Air Guard members were called up for duty, approximately 10 percent of the Missouri Guard. Thousands more stood ready if needed. The skill and professionalism which these Missouri Guard units performed their missions in Southwest Asia is in itself a tribute to the leadership of Charlie Kiefner. He worked to have them ready if they were called. They were called, and they were ready.

Command of the Missouri National Guard will be turned over on March 6, and that evening there will be a retirement dinner honoring the general and his wonderful wife Marilyn, in Jefferson City, MO.

It's been comforting to know that General Kiefner has been standing watch on the wall of freedom all these years. Because of him and men and women like him, we've all slept better. I would normally say that our freedoms might be a little less safe without Charlie up there keeping watch, but I know him, and I guarantee he's left layer after layer of trained and ready officers and noncommissioned officers to continue in his footsteps.

I ask you all to join me in expressing our thanks to Maj. Gen. Charles M. Kiefner and his wife Marilyn for their dedication to service, their leadership, and their friendship.

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## IMMEDIATE RELIEF ACTION REQUIRED IN BOSNIA

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. LIPINSKI. Mr. Speaker, I rise today to commend President Bill Clinton for taking a stand to ensure the delivery of relief supplies to starving Bosnians. The time has come for the United States to put an end to the Serbian aggression and guarantee the survival of the Bosnian people.

President Clinton's plan to airlift relief supplies to Eastern Bosnia is a bold but necessary action. The Muslim towns which are besieged by Serb militias have no other source of relief. Although this approach poses risks, we have no choice but to act.

Given today's desperate situation in the former Yugoslavia, President Clinton's decision is a positive reversal of the Bush administration's policy toward this region. We have all been deeply concerned with the situation in Yugoslavia. The time has come for the concern to translate into action.

Fifty years ago, Americans stood by while atrocities took place in Europe. Today, as we see the horror on television and read about aggression and systematic rape, we have an obligation to protect the innocent. President Clinton's decision to airlift supplies to Bosnia is the critical first step on the road to peace in the former Yugoslavia.

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## RULE FOR H.R. 20

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. CLAY. Mr. Speaker, pursuant to rule 37 A of the rules of the Democratic Caucus, I hereby give notice of my intent to seek less than an open rule for the consideration of the bill, H.R. 20, the Federal Employees Political Activities Act of 1993.

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## WOOL PRODUCTS PURCHASED BY THE U.S. MILITARY

### HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. STENHOLM. Mr. Speaker, I rise to speak on behalf of our American wool industry. For several years now our military has been purchasing a sweater known as the wooly pully sweater from the United Kindgom. I feel that our military would do everything possible to encourage and seek American suppliers who use American wool. After all, it is American taxpayer dollars that make these procurements; therefore, our dollars should be spent on American jobs and American raw material.

I plan to work with the Department of Defense in seeking their support. Whatever the obstacles facing our domestic suppliers, we need to take a close look at them and work through them. I believe our service men and women deserve to wear American products, and I pledge to do my part to see this matter through.

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## CHARLIE GIBLIN: RECOGNITION FOR SERVING OTHERS

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. PALLONE. Mr. Speaker, on Saturday, February 27, 1993, the Middletown, NJ, Area Chamber of Commerce will present its Person of the Year Award to Mr. Charles (Charlie) Giblin, Sr., of Hazlet, NJ. Mr. Giblin has earned this honor for his years of serving others—literally.

Charlie Giblin is the owner of Charlie's Place at Langford's, a popular community restaurant on Main Street in Belford, NJ, with some of the best prices in town—indeed, in any town. For example, his luncheon menu includes a hamburger and complimentary french fries for $1.25. But Mr. Giblin has shown uncommon generosity over the past 6 years by offering $1 hot lunches weekdays to senior citizens from the area. Often, large groups of seniors come in to Charlie's Place for a full, nutritious meal. As a further testimony to his generosity, Mr. Giblin is helping the community to celebrate St. Patrick's Day next month by providing a complimentary corned beef and cabbage dinner for senior citizens at the Belford Firehouse. He is preparing enough food for 700 guests from various senior citizen homes in the Bayshore area. He has also provided hot lunches to members of the New Jersey Blind Men's Association in Leonardo since 1989.

Adorning the walls of Charlie's Place are large, hand-made cards signed by his many grateful customers. Of course, there is not much room left on the walls of Mr. Giblin's restaurant, due to the many other awards and citations from his many friends in the community, ranging from senior citizens organizations to student and youth organizations to police, fraternal and veterans groups. Everyone knows Charlie Giblin, the man who gradually converted the neighborhood bar into a community restaurant for people of all ages, where people used to gather to watch the "Mickey Mouse Club" on TV in the afternoons and sing along with the theme song, and where on Sunday afternoons people used to gather after church for some traditional singing. Despite a recent bout with illness, Charlie Giblin continues to help his fellow citizens and to make his community a better place. Charlie Giblin represents all that is good about our country, and I am proud to join his many friends in paying tribute to him.

## LEGISLATION TO EXTEND THE EXISTING SUSPENSION OF DUTY ON CERTAIN PISTON ENGINES

### HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. PETERSON of Minnesota. Mr. Speaker, today I am introducing legislation to extend the existing suspension of duty on certain piston engines used in all-terrain vehicles [ATV's], snowmobiles, and burden carriers. The legislation is retroactive to January 1, 1993.

Currently, no domestic manufacturer produces engines for ATV's or snowmobiles. As a result, American manufacturers, including Polaris Industries L.P., a Minnesota-based company, purchase these engines from foreign sources.

Polaris, and other American manufacturers, used to be able to import these engines tariff free. Unfortunately, under the new harmonized systems of tariffs, these engines are classified in categories which carry a 3.1-percent duty rate. This is counter to the intentions of congress, since conversion of to the harmonized system was supposed to enhance the competitiveness of U.S. companies. Now, domestic manufacturers are forced to pay an import duty on engines while competing with foreign companies which do not face a similar charge when importing a fully assembled ATV, snowmobile or burden carrier. This is clearly unfair to American companies trying to compete in the international marketplace.

This bill will extend the temporary duty suspension for piston-type engines with a cylinder capacity greater than 50 cubic centimeters but not to exceed 1,000 cubic centimeters—provided for in subheadings 8407.32.20, 8407.32.90, 8407.33.20, 8407.90—to be installed in vehicles specifically designed for traveling on the snow, golf carts, nonamphibious all-terrain vehicles and burden carriers—provided for in subheadings 8703.10.00, 8704.31.00, 8703.21.00 or 8709. This is not a difficult provision to administer, as only a small number of companies import the subject engines and the engines arrive primarily through two ports.

## INTRODUCING SATELLITE CARRIER COPYRIGHT

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 24, 1993*

Mr. HUGHES. Mr. Speaker, today, joined by the gentleman from California, Mr. MOORHEAD, I introduce a bill to ensure that individuals with satellite home dishes will continue to receive television programming, and that wireless cable systems will be eligible for the compulsory license provided for in Section 111 of the Copyright Act.

Effective January 1, 1989, the Satellite Home Viewer Act established a statutory licensing scheme permitting satellite carriers to transmit copyrighted programs to home dish owners for private viewing. The act is scheduled to expire on December 31, 1994. While some progress has been made toward private licensing of satellite services to unserved areas, I am concerned that without the Section 119 license, for the short term at least, a significant number of households in rural areas will not be able to receive network programming. Accordingly, this bill removes the sunset provision currently in section 119.

In the 102d Congress, Mr. MOORHEAD and I introduced H.R. 4511, a comprehensive copyright cable reform bill. This bill would have folded in all new technological forms of secondarily transmitting television programs, including by satellite carriers and wireless cable. We intend shortly to reintroduce similar omnibus cable compulsory license legislation. There is, however, an urgent need to act now in light of the statutory sunset on the Satellite Home Viewer Act of 1988 and an unfortunate final regulation of the Copyright Office dated January 29, 1992, but not effective until January 1, 1994. This regulation will prohibit wireless cable from filing statements of account under Section 111 of title 17, United States Code, based on an erroneous construction of section 111(f). Recently, a Federal district court in Georgia, in a suit against the Copyright Office on this issue, granted plaintiff's motion for summary judgment, and following eleventh circuit precedent, held that wireless cable is covered by section 111. That decision may be appealed, however, and if it is, it is unknown whether the court of appeals will hand down its opinion by the Copyright Office's deadline of January 1, 1994.

The bill introduced today is thus a necessary stop-gap measure intended to ensure that consumers will continue to be able to receive television programming. The provisions of this bill will, as in the 102d Congress, be reflected in the larger cable reform bill. In the meantime, I am aware that including wireless cable in the section 111 license raises a number of potential issues concerning calculation of royalty fees due to the complex web of regulations in the area. I welcome suggestions for any revisions in the bill that may be necessary to take into account such complexities.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 25, 1993, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### FEBRUARY 26

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Legislative Branch, focusing on the Joint Committee on Printing and the General Accounting Office.

SD–116

### MARCH 2

9:30 a.m.

Governmental Affairs

To hold hearings on S. 185, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations.

SD–342

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Judiciary.

S–146, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings to examine issues and solutions for reforming foreign aid.

SD–192

### MARCH 3

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Rules and Administration

To hold hearings on S. 3, S. 7, S. 62, S. 87, and S. 94, Congressional election campaign finance reform proposals.

SR–301

### MARCH 4

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (AMTRAK), focusing on high-speed rail.

SD–192

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine proposed legislation to facilitate small business access to capital.

SD–538

Small Business

To hold hearings to examine the availability of credit for small businesses.

SR–428A

### MARCH 5

10:30 a.m.
Veterans Affairs
To hold oversight hearings on the present and future role of veterans' health care system.
SR-418

### MARCH 9

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on reforming the Agency for International Development's structure and goals.
SD-192

### MARCH 11

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the inner-city bus industry.
SR-253

Energy and Natural Resources
To hold hearings to examine the energy needs of the People's Republic of China.
SD-366

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Transit Administration, and the General Accounting Office, focusing on transit needs.
SD-138

### MARCH 16

9:30 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine the purposes of foreign aid in the post-cold war era.
SD-138

### MARCH 17

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.
SD-192

### MARCH 18

9:00 a.m.
Rules and Administration
Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.
SR-301

### MARCH 23

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-192

### MARCH 24

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-116

### MARCH 30

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.
SD-138

### MARCH 31

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.
345 Cannon Building

### APRIL 1

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.
SD-116

### APRIL 20

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.
SD-138

### APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of Motor Carriers (FHWA), the Office of Research and Special Programs, and the Office of Inspector General, focusing on truck safety and hazardous materials.
SD-192

### APRIL 27

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign aid transnational issues, focusing on population, environment, health, and narcotics.
SD-138

### MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic interests.
SD-138

### MAY 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

### MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

### MAY 13

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

### MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

### MAY 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

### JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

## CANCELLATIONS

### FEBRUARY 25

10:00 a.m.
Finance
To hold hearings on U.S. trade policy issues.
Room to be announced

# HOUSE OF REPRESENTATIVES—*Thursday, February 25, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for Your blessing, gracious God, in all the seasons of life—when the day is full and bright and the opportunities for fulfillment abound, and we also pray when the day is clouded by uncertainties and the pains of life seem to be about. Our prayer is that Your goodness and majesty and Your care for us will not cease and that Your loving kindness will be with us and all Your people, now and evermore. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. HOBSON] please come forward and lead the House in the Pledge of Allegiance?

Mr. HOBSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## TRUE LEADERSHIP

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise today in support of President Clinton's economic package. I am truly encouraged that we finally have a President with the guts to tell the American people the truth about our economy.

Previous Presidents have refused to shoot straight with the American public. As a result, our children are in the crosshairs of an economic disaster. However, President Clinton has shown true leadership by calling the American people to pull together for the future of our country.

If our children are to enjoy the fruits of this great Nation, we must act now to invest in our country's infrastructure, put fairness back into our Tax Code, and deal effectively with our Federal budget deficit. The President's plan does just that. It combines a short-term stimulus and long-term investment with a credible deficit-reduction strategy.

President Clinton has clearly demonstrated his commitment to the future of this country. I am confident that the American people will see this commitment and stand behind the President's plan to give our children a fighting chance. I call upon my colleagues to do the same.

## A DIFFERENCE OF OPINION

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday I heard the majority leader describe a $5.7 billion emergency spending plan for more unemployment benefits this way: "If there is any expenditure that falls clearly in the category of helping us get out of this recession, it is unemployment compensation."

I thought I might have misheard him, but I checked the RECORD this morning and it appears that that is truly what he said. Still, I hope that is not what he meant.

Not even the most Democrat Party-friendly economists are claiming that huge doses of unemployment compensation will create jobs and reduce the deficit, especially when we do not have the $5.7 billion to pay for the unemployment, and we do not really know where we are going to get it from.

Several Members from both sides of the aisle offered proposals to pay the cost of this bill and to create jobs, but their amendments were shut out by the majority on the Rules Committee. I hope the majority does not really see unemployment benefits as the means to economic recovery in this country. If they do, we have got a much bigger problem than we think we do.

## COLEMAN ELEMENTARY SCHOOL

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, freshly baked bread, cinnamon rolls, and chocolate chip cookies are just a few of the delicious items that the students of Coleman Elementary School in St. Joseph, MO will be selling at their bake sale tomorrow.

The proceeds of the sale are to be sent to the Federal Treasury and earmarked for debt reduction. As you can see, even our children recognize the need to support efforts to reduce the national debt.

What brought about their awareness of our budget problems? A President who is willing to travel the length and breadth of this country to educate even the youngest of our citizens about the problems inherent in an out of control national debt.

As students, these young people are taught that when presented with a problem, they are to seek solution. That is precisely what they are doing.

We, as Members of Congress, should derive strength from what is happening at Coleman Elementary School. We must resolve to do what these students are doing—making all possible efforts to reduce the debt.

## CAMPAIGN FINANCE REFORM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, as a native-born Kentuckian and as a former State senator, I am always pleased and proud when my State is in the vanguard and exerts leadership on items of important national interest.

We were one of the very first States to have a freely elected woman Governor. We were one of the first States to have a female Lieutenant Governor. We were one of the very first States to adopt voter registration by post card, by mail, to facilitate registration. And we are one of the first States to get into the area of ethics in government and of campaign finance reform.

Last April laws were enacted which changed, for statewide candidates in Kentucky, the whole question of campaign reform. There are now limits on campaign contributions, there is partial public financing, and also there are limits on overall spending. And just a few days ago, here in February, the State assembly passed an Ethics in Government Act which affects candidates running for the State assembly. And here again are limits on what can be contributed and there are stiffer disclosure laws both for the contributions and the contributors.

I say again Kentucky is in the lead, and it certainly is exhibiting for us in

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Congress the dramatic need for us to pass campaign finance reform, to pass it this year, and to make it effective for the 1994 campaign cycle.

## LEGISLATION INTRODUCED TO LIMIT DUMPING OF FOREIGN PRODUCTS

(Ms. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BYRNE. Mr. Speaker, I rise today to introduce a bill that will allow Americans the means to a level playing field and equal access in areas of trade.

My legislation gives every citizen the right to bring a cause action suit against a manufacturer, an exporter, or an importer who dumps foreign merchandise at a price less than the foreign market value.

Under current laws, American businesses forced to lay off workers because of dumping by foreign manufacturers have no recourse. Mr. Speaker, Americans have been shut out of many decisions affecting their lives. It is time to give them a voice.

If U.S. manufacturers are to compete internationally they must have a level playing field. They should not be forced to compete against huge foreign subsidies. The American public has waited patiently for governments to try to negotiate fair trade agreements. We can no longer afford to wait. The time for legislative action has arrived. I urge your consideration.

□ 1110

## NINTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-51)

The SPEAKER pro tempore (Ms. DANNER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the Ninth Annual Report of the National Endowment for Democracy, which covers fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1993.*

## REPORT ON BNL INTERNAL DIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, in summer of 1989 while the Congress was busy putting the finishing touches on the Financial Institutions Recovery, Reform, and Enforcement Act, that was the so-called savings and loan crisis or whatever you want to call it, the misnomer of bailout, which it was not, but it was the most far-reaching, substantial, and comprehensive banking legislation since the 1930's.

That law dealt with the cleaning up of the largest financial disaster which incidentally, unfortunately, the perspective is not there today, but the truth is that it is a continuing very serious and critical problem, not only with respect to some remaining S&L institutions, but commercial banking institutions. Unfortunately, given the truth of the basic fact that in today's world you have some of the prominent issues agitating the minds of our people through the news disseminating medias, and at most with a span of just a few weeks. But the truth is that we have a continuing and very serious and acute problem that I hope we will be able to handle in a sober and dispassionate manner before it does become headline developments.

But while we were busy and engrossed, and the whole Nation's attention was on that dilemma of 1989 which capped, beginning with the years of 1986, 1987, 1988 a very sad period in our financial institutional history, there was another what turned out to be scandal brewing in that administration, and this was the case of the BNL, the Banca Nazionale del Lavoro, whose Atlanta branch made billions of dollars in off-book loans to the Government of Iraq.

The case started with an FBI raid in August of that year, 1989, and, as a matter of fact, I noticed a very small snippet right before then in the Wall Street Journal which, incidentally, I think is one of our best reportorial newspaper services we have in this country, and particularly on business and commercial and financial events. They have an excellent, and have had, the top reportorial staffs that I have noticed and appreciated. Now, I do not say anything about the editorial department. But I will say that I saw this very little, small item mentioning the fact that this obscure bank, and, in fact, I was intrigued, how could a bank in Atlanta issue over $2 billion worth of letters of credit, and then it said to Iraq, and that was, I believe, I am sure, a month ahead of that FBI raid in August 1989.

But we were so busy, and, in fact, it was August 9 when the President signed the legislation into law, that our entire staff resources, and they have always been limited, were engrossed in that banking situation.

So I asked a question about, well, what kind of bank is this, and it was not until afterward when the Congress was out of session in the beginning of the winter, I believe it was in December, that I asked one of my staff, my legislative aide, to pick up the phone and call, and to my surprise I discovered that the bank agency was known as a bank agency. I said, "Well, what in the world is that? You mean, it is not a branch? And how could such an entity be granting billions?" Usually you associate that with the biggest megabanks in our country in the Northeast.

So finally it was not until about 1990 that I got the full picture and discovered there was a difference between branch, agency; but that, in any event, this was a foreign-government-owned bank, and then that brought to mind my long-time interest and fight on the so-called international banking law level which, as I said in the last special order, goes back to 1975, and I will not repeat that today obviously.

But anyway, it was not until a few months after that in 1990 that we were able to get the staff, extremely busy staff, and very limited, but most talented, to follow through. And then in the meanwhile the news came out about the FBI raid, and we were very much interested.

The thing that bothered me the most was that these agencies are chartered and supervised, regulated by the State banking commissions, and in that case, the Atlanta case, the State of Georgia banking commission.

So I then asked, well, what about the Federal Reserve Board that has the primary regulatory, supervisory, and accounting responsibility for foreign banking activities in our country, and, again, I already knew that our laws were absolutely lacking ever since the enactment of the first one in 1978, which I will say without any bragging that I caused that to bring about.

It was the first international banking act in the history of our corpus of legislation, and it stemmed from the hearings that I had caused in 1975 in my district in San Antonio. I was not chairman of the committee or anything like that, but I did cause the proper jurisdictional subcommittee to come to San Antonio.

Anyway, here is this other event, and let me say by way of parentheses, are happening right now, and we just are not aware of them. I am convinced that our Lord only in heaven can tell us how many BNL's and BCCI's are out there that just have not popped up through circumstances and events.

□ 1120

But if so, it is a miracle and reminds me of what Bismarck was credited with saying back in the last century. He said to say that, "God took care of drunks and the United States." I think in the case of this huge, just absolutely monstrous amount of money that is in our country that nobody really knows how to keep track of—and I estimate it is by now, must be, around a trillion dollars, certainly near that—which disturbs me, because I believe, and have every reason to know, that an overwhelming percentage of that is involved in this nefarious drug money-laundering apparatus, which is very sophisticated. It defies any particular national sovereignty to control it and is now, together with the tremendous speculative endeavors on the global level, speculating on the international currency value markets, which have the potential to destroy, again, as in 1929, 1932, not only the national but the whole world system. It is a threat.

Now, I know some people say that sounds too gloomy, but I am not far from being a prophet of doom-and-gloom; I am just saying that it behooves, particularly those of us who should be charged with knowledge, to properly appraise and raise the voice, and that is what I am doing.

Now, what the world did not know was that the BNL was the financial linchpin of a very large Iraqi Government effort to buy technology for its program to develop missiles and chemical and nuclear weapons, and biological weapons as well.

Neither did the world know that these activities by Iraq were known to our Government, which turned a blind eye.

I have asked myself, if once, a thousand times, how could all of this have happened? And we have traced it in the last 3 years, we have traced it almost inch by inch, beginning with the Export-Import Bank and then going into the Department of Commerce issuance of export licenses, the Department of Agriculture guaranteed commodity loans upon which the bulk of the financing was arranged by BNL of Atlanta, and the State Department's role and the intelligence agencies all the way from Defense to CIA. And I cannot help—I cannot answer the question: How could this have happened to this great country? How could we have erected all these structures that were supposed to ensure or at least give us some security, absolutely nonexistent at the critical point, and involving the leadership from the President on down to the Cabinet?

So I finally have come to the conclusion, philosophically, that it is pretty much a question raised by the late and very great American historian, Barbara Tuchman, when she wrote her book "March of Folly."

The basic question she raises right at the outset of her book is why, and how could the leaders of these countries at a given time, going all the way back to Troy and clear up to Vietnam? And she traces it very, very adroitly, one of the most unique books I have ever had the privilege of reading. I have always admired Ms. Tuchman, and I did from the time she wrote, and had general public awareness of her first book and all through the series of books that she wrote. I have them all.

But the "March of Folly" I think explains. She says: "Well, how do you explain that leaders who knew what the facts were, and also another factor, they were well aware because there were other leaders or people in that society making them aware of alternative courses to take, why did they then insist on taking a course of folly, conduct that was very much against the basic interests of that country?

And she does not have any concise, I think there is another dimension to it. I think it is the word the Greeks had developed in their epistemology, "hubris," hubris, pride. And I think America has had a lot of that, and particularly in the last few years in which we have seemed to think it is our right and privilege to go around the world and intervene and destroy and bomb human beings, from Panama to the Persian Gulf, and not even bringing in the antecedent or sequela wars, after 1945, that is.

So I have come to the conclusion that that is perhaps as rational an explanation as you can get, and that is that you have no rational explanation. It is one of those things you can put down to human limitations of not only intelligence but capability in governing.

One of our greatest minds has said that despite the tremendous strides that mankind has made in human knowledge and in technological breakthroughs that are simply amazing, no comparative advancement has been made in our way of governing ourselves throughout the world for 2,000 years, not much change, in the mind of this great thinker that I also had the opportunity to read.

So, when I have traced all of this trajectory of doings and how, with the best of intentions, the governments, in this case the government in Rome, which of course was exposed because it did and does own such entities as the BNL; and the State Department and our leaders, going back to the hostage taking by Iran, who then developed a geopolitical thesis. That goes back to before, right before the advent of the Reagan administration in 1981. And the policy then became, well, that old policy of "no matter what our relations are with a given entity or government, if that particular government is the enemy of our enemy, then it is our friend."

So the policy was engendered around 1980, after the hostage taking in Teheran, that to offset the Iranian so-called fundamentalists, if that is the correct word to use—I do not know that it is, but that is what is being used—and we had to do something to offset, to counter-poise that Iraq which was the only viable Arabic potential offsetting entity.

And so if we look at our relations there beginning with 1980 and the then Carter administration security adviser Brzezinski, you will see that this was the beginning. And then with the advent of Mr. Reagan and then in 1983, when President Reagan took Iraq off the list of terrorist nations, the gates were opened to transact business, foment trade and enhance—the ostensible reason was—to enhance our international trade balance.

□ 1130

But behind it all was this policy of offsetting Iran. Then the encouragement given to Saddam Hussein to take on Iran, which he did, and brought one of the most bloody wars of the 20th century, though we in America are not too familiar with that because we just do not get that kind of reporting, but the people who did follow it and reported it in the European press and all were simply horrified at the tremendous bestiality, very similar to the bestiality that we read about in so-called Middle or Eastern Europe today almost at the end of the 20th century, and we revert to the precivilization bestiality, brutality, and extermination of human beings and the so-called ethnic cleansing and the like and the xenophobic development to an irrational degree.

So the policy was, let us shore it up. The bad part of all this is that when the United States, which is really a young country, attempts to take on the trappings of an imperial power like the old powers of Great Britain and others before, it does not do a good job.

So that very few Americans, even those dealing later on with the Iranian Government through Israel's intermediaries did not realize and in fact I doubt seriously that many of my colleagues are aware that Iran is non-Arabic. It is not an Arabic nation.

Now, Syria all during the war between Iraq and Iran was the only nation that did not join in the effort on the side of Iraq. Now, that is a factor to this day, but it is not noted.

So here we were engrossed in these domestic problems, rightfully we were and we should be even today, but the idea was to stop this what seemed to be an all-powerful force developing there in the Middle East that was going to destabilize everything on the part of Iran.

However, with our hubris on the part of our leadership, and also other governments, France, Germany, and even China, that we could help Iraq in its war against Iran, but that when it leveled off as it finally did in a sort of stalemate, but the interpretation of victory at a horrible cost is mixed, the question was, oh, well we can restrain whenever we want the likes of Saddam Hussein. That is what I call our hubris.

So we went ahead and opened up this tremendous avenue of help and, of course, Iran, learning from other countries, incidentally, that are still doing that in the United States, and that is how to evade the poorest regulatory and protective envelope we are supposed to have in our country for our own national interest, developed a technique about procurement that we have brought out in special order after special order.

Now, President Bush, when he came aboard after President Reagan had embarked and had in fact elicited the support of the leading corporations of our country in doing business with Iraq, apparently the Bush administration felt that they could develop a friend in Saddam Hussein, and the way to do that was to continue, even after the 1988 cessation of actual hostilities, the weapons buildup. They felt that it could be done up to a point that we could control. The idea was to stop Hussein just short of his goal of building a nuclear weapon.

Well, that was a giant gamble as it turned out to be, a gamble that Saddam Hussein could be stopped and that he could be influenced and that he could be more or less a reliable partner. As we learned later at the cost of the gulf war, the President by his own admission made a very, very bad bet and gamble.

Now, we have also to bring to mind that we have this other scandal, the so-called Iran-Contra business.

Now, as I said before and repeat, we are very poor at this kind of dual diplomacy. Do we think for a moment that while we were embarked on this policy of adding and abetting and helping Saddam Hussein or Iraq that they were not aware that we were also giving Tow Missiles and whatnot to Iran with which to kill Iraqis?

Well, of course they were, and it makes us look worse than any diplomatic gaffe that the British pulled at the height of their empire building even there on the African continent.

Now, the BNL, as I said, and this is another factor that still escapes us in the United States, that these banks known as foreign banks are government-owned by their respective governments. It is not like our system. In our system we have the so-called private banks, but ever since the megabanks of our country, based supposedly in our country, went international and that was in the late sixties, the old Roman saying, "My loyalty or my country is where the money is" applies to the banks as well as the transnational corporations that are ostensibly based in the United States, but actually have gone overseas considerably.

Now, managing the so-called crisis and Saddam Hussein was always a problem for those involved.

The President of the United States could not have welcomed the news that his dealings with Iraq could no longer be concealed. The Government of Italy could not have wanted a scandal—no government does. Which individual likes to be shown as having made an egregious error either in judgment or comportment.

Today, I want to discuss how the bank tried to contain this damage, because we are reaching a point where we rounded up what we need from the Banking Committee standpoint, and that is developing the legislation that we direly need, but which will be a monumental task to try to get through Congress, but we have got to get going on it.

Now, as far as a policy is concerned, the other having to do with agricultural credits and other Government credits, that belongs to the jurisdiction of other committees that we called in, Foreign Affairs and Agriculture, but we are single-mindedly bending to all these efforts. In doing so, we stumbled on these other corollary developments involving these other committees.

BNL set up a working group known as the Atlanta Group to respond to the fallout of the BNL raid. This group was headed by Paolo DeVito who had worked previously for Citicorp, the big bank in New York. Mr. DeVito reported directly, or at least weekly, to BNL's top management back in Rome. This home office group included the president, general manager, a number of deputies in their Congress, and of course a covey of lawyers.

On the American end of things, BNL employed the very prominent Atlanta firm of King & Spalding. In Washington the legal team included Rogers & Wells.

☐ 1140

No scandal is complete without a public relations firm, and in this case Sawyer Miller was retained on the recommendation of the New York lawyers involved on behalf of BNL, the firm of Sherman & Sterling.

Mr. DeVito kept a diary of his efforts, and that diary provides an excellent view of what was happening from BNL's point of view.

BNL made the usual moves when a big scandal erupts. Its legal team included two former Attorneys General and a former Secretary of State. In other words, no effort was spared to ensure that BNL would have access to the highest levels of the agencies responsible for investigating and prosecuting the case.

Damage control was important—vital, in fact. The Italian Government was looking at billions in losses. American taxpayers, whose Government guaranteed many of the BNL loans, stand to lose quite a number of hundreds of millions of dollars on the commercial loans and on the guaranteed loans. Well, we have already discussed how much it did cost the taxpayers, and all of that did not even account for damage arising from the wreckage of the foreign policy favoring Iraq, which drew its fuel from the BNL's frantic offbook lending.

Unfortunately, it appears that the activities of many of BNL's U.S. defenders fall within the purview of the Foreign Agents Registration Act. For example, King & Spalding registered in July 1992, but its attorneys had met with representatives of my committee 2 years earlier, to press the notion that BNL-Atlanta was a rogue operation of which BNL-Rome had no knowledge and which are still saying, based on what the late departed, not lamented, Attorney General Barr assured them and the State Department, that they are suing and trying to get about $390 million right now from the U.S. taxpayers claiming that they were not aware. We are bringing out differently, as we have before.

While this type of activity very probably falls within the reach of the Foreign Agents Registration Act, King & Spalding was late to register with the Justice Department. Other members of the defense team may not have registered at all.

At the time of the Banca Nazionale del Lavoro [BNL] raid in Atlanta in August 1989, BNL was Italy's largest international bank with assets around the globe totaling nearly $100 billion. Banca Nazionale del Lavoro, which translated means National Labor Bank, was 95-percent owned by the Italian Treasury Department, making it one of the largest government-owned banks in the world.

The BNL scandal, whereby its Atlanta branch office made over $5 billion in supposedly unauthorized loans to Iraq, shook the very foundation of the Italian Government's flagship bank. In response, high-level political meetings began soon after the raid on BNL.

The following meetings between high-level United States Government officials and Italian officials illustrates the importance of the scandal.

In September 1989 President Cossiga, the newly elected head of the Italian Government traveled to the United States for his first meeting with President Bush. Significantly, the new President was accompanied by the newly installed chairman and vice chairman of BNL. Last year the committee requested all White House documents on this visit, but the Bush administration refused our request.

That same month, Italy's Treasury Minister Carli met with Secretary of the Treasury Nicholas Brady. Brady's briefing memo for the meeting notes that the BNL case is a likely topic and that "the case has political overtones since BNL is state-owned."

On October 19, 1989, the chairman and director general of BNL called on the U.S. Ambassador in Rome. The BNL officers informed the Ambassador that their lawyers had suggested that the matter be raised to a political level. The cable recounting the discussion reveals that the Italians wanted "to achieve some kind of damage control" with respect to the BNL investigation. They made a similar visit in July 1990.

As I indicated, no effort was spared to ensure that BNL suffered as little damage as possible. The DiVito diary indicates that former Attorney General Griffin Bell's law firm, King & Spalding, was a key player in devising and executing BNL's strategy for dealing with the Atlanta scandal. It is clear from the diaries that Mr. Bell was involved in devising the strategies along with Walt Driver, another leading King & Spalding lawyer assigned to the BNL case.

King & Spalding also assigned Bill Hendricks to the BNL case, who just happened to be the former chief of the fraud section at the Justice Department—the unit responsible for signing off on any BNL indictment. He had resigned his post at the Justice Department the same day BNL was raided in August 1989.

The diary indicates that in addition to devising strategies, King & Spalding's legal team was responsible for handling most of the civil litigation issues arising in the United States as well as handling requests for information from the Banking Committee, the GAO, the Italian Senate's BNL Commission, the Italian Magistrate, and the U.S. attorney's office in Atlanta.

King & Spalding even advised BNL on the scope and content of its testimony before the Banking Committee on October 1990. Today King & Spalding is still BNL's main attorney in the United States.

During the course of the BNL investigation, the committee has obtained numerous documents showing that the assistant U.S. attorney in Atlanta wanted to bring an indictment in the BNL scandal in early 1990. The original indictment made BNL headquarters in Rome a victim of the Atlanta employees and would have placed the blame for the over $5 billion in loans to Iraq solely on their shoulders.

Obviously, BNL-Rome welcomed that theory and it appears from the diary that they were relieved by the assistant U.S. attorney's strategy. On numerous occasions after the raid on BNL-Atlanta in August 1989, the assistant U.S. attorney assured BNL's lawyers that BNL was a victim of the fraud and was not a target of the Atlanta investigation. That attitude is illustrated in an entry in DiVito's diary dated February 22, 1990, which states:

> I talked at length * * * to determine clearly the position of the Assistant U.S. Attorney in Atlanta. * * * confirmed categorically the solidity of our line and her pro-BNL persuasion.

When the Justice Department in Washington, DC, got wind of that theory in early 1990, they were skeptical, and ordered a more thorough review of BNL-Rome's involvement in the scandal. On March 6, 1990, Mr. DiVito was told that the Justice Department in Washington, DC, had decided that BNL-Rome's involvement in the scandal needed more investigation. That day Mr. DiVito wrote in his diary:

> My basic impression is that the situation seems to be sliding from the original technical-legal context to a more markedly political one. Under these circumstances we cannot preclude the affair evolving toward solutions outside the Judicial system.

Accordingly, the Italians decided to pursue avenues outside the judicial system. On March 6, 1990, Italian Prime Minister Andreotti met with Attorney General Thornburgh. A staff memo prepared for the meeting indicates that BNL investigation in Atlanta was on the agenda.

□ 1150

The Italians also kept their Foreign Ministry involved. A March 16 entry in DiVito's diary reads:

> I updated Ambassador * * * on the evolution of the case in Atlanta and the consequent opportunity to intervene discretely on a political level, through our ambassador in Washington, who is already abreast of the situation.

During March and April 1990, Ambassador Petrignani attended numerous meetings with high level Bush administration officials to discuss the Italian Government's view that BNL should not be indicted. Those included:

A White House meeting where Ambassador Petrignani met with Attorney General Richard Thornburgh to discuss the BNL case. During the meeting Petrignani emphasized that incriminating the bank would add insult to injury and would not be understood at all in Italy;

A meeting with the State Department's top attorney, Abraham Sofaer, and the chief of the Italy desk at the State Department. Mr. Sofaer invited the Ambassador to make his case to the Justice Department;

A meeting at the Justice Department where Ambassador Petrignani met with Attorney General Thornburgh's top aide, Robin Ross, and other high level Justice Department officials to discuss BNL. Ms. Ross told the Ambassador that "there would not be any surprises";

In April 1990, Ambassador Petrignani met with the State Department's No. 3 man, Under Secretary of State Robert Kimmitt. During the meeting the Ambassador "expressed serious Government of Italy concerns over the possible indictment of state-owned BNL."

Mr. DiVito did not just record events for BNL. He took an active role in lobbying U.S. Government officials over the BNL scandal. On March 16, BNL executive vice president DiVito called on a U.S. Embassy official to "register concern that BNL might soon be indicted in the United States for corporate criminal liability." DiVito described the matter as urgent, and told the U.S. official that the Italian Government "would be terribly unhappy with such a development." According to DiVito, "The Government of Italy could not stand idly by while the largest bank in Italy—controlled by the Treasury Ministry—suffered such an indignity."

The DiVito diaries also capture former Attorney General Griffin Bell's comments during an early April meeting called to discuss the prospect of BNL being indicted for its role in the scandal.

Mr. Bell confirmed that the bank was at risk of being indicted. After Mr. Hendricks proposed some possible defenses, according to the diary,

> Mr. Bell then mentioned a final argument, to be used in extremis, to delay a possible incrimination of the bank; await the outcome of the trial of the dishonest employees to see if conclusive elements emerge from it to implicate the bank.

Obviously the Italians were very worried about Rome being incriminated. A November 22, 1989, entry in DiVito's diary raises that question. It states:

> I met with Ambassador Toscano and discussed the possible solutions to the list of requests already sent to the Iraqis (briefly accounting reconciliation, formal revision of agreements, elimination of embarrassing operations * * *)

The words "elimination of embarrassing operations" with the word embarrassing emphasized, does not give one much confidence that BNL was merely a victim of a rogue operation in Atlanta.

BNL's fear that the situation in Atlanta was moving more toward the political prompted them to retain additional firepower in Washington. In April 1990, BNL retained former Nixon administration Attorney General and Secretary of State William Rogers and his law firm of Rogers & Wells.

Mr. Rogers was hired on the advice of the Italian Ambassador to the United States, Renaldo Petrignani—ironically, Ambassador Petrignani is currently employed by Rogers & Wells. An April 6, 1990, entry from the DiVito diary states:

> Bill Rogers confirmed his interest in taking the BNL case. * * * he (Rogers) suggested that Rogers & Wells appear as the Washington attorneys not only of BNL, but also for the Italian government. This would underscore the importance the latter attaches to the case and its possible repercussions on relations between the two countries.

The diaries record that during that same meeting, Rogers proposed a line of defense for BNL, based on political and legal points. Rogers emphasized these points again 3 days later at a meeting with DiVito in his office.

There is no doubt that Mr. Rogers had access to the highest levels of the U.S. Government. In a May 7, 1990, entry DiVito states:

> In the afternoon Roger Clark of Rogers and Wells called * * *. He reminded me that Mr. Rogers would be passing through Rome with

Vice President Quayle. We agreed that Rogers would try to contact the top management of BNL."

At this time I would like to place in the RECORD a letter to former Vice President Quayle asking him to provide the committee with information about his trip to Rome with Mr. Rogers. The committee is eager to learn if Mr. Rogers bent Mr. Quayle's ear regarding BNL.

In September 1990, Mr. Rogers met with committee staff and asked that the Banking Committee call off its scheduled October 1990 BNL hearing.

I have also placed in the RECORD a letter I received from Attorney General Thornburgh demanding that I not have a hearing. Under the threat of involving national security, he was saying, "How dare you even consider having a hearing of the committee?" So now here is Mr. Rogers telling our committee staff that we ought to postpone that hearing.

The committee denied his request and the hearing was held as scheduled.

As a prominent Republican, Mr. Rogers also had access to top Justice Department officials. Notes obtained from then Deputy Attorney General William Barr indicate that Mr. Rogers called him on October 26, 1990, to "discuss the BNL matter."

Another aspect of the BNL political defense involved a public relations firm called Sawyer Miller. As I explained, in early 1990, BNL officials started to believe that they would need to seek a political solution to the possibility of an indictment of the bank. In February, BNL hired the public relations firm of Sawyer-Miller "to look after BNL's image in the U.S."

Sawyer Miller was hired at the recommendation of an attorney at Sherman & Sterling, a New York law firm retained by BNL to deal with the Federal Reserve aspects of the BNL scandal. Sawyer Miller was responsible for cleaning up BNL's image. The tasks they performed included advertising, handling press relations including writing press releases, and they also helped Rogers & Wells write the testimony and press release associated with BNL's appearance before the Banking Committee in October 1990.

A February 1990 entry in DiVito's diary, states that he "met at length with Robert Shepardson of Sawyer Miller and described in detail both the situation with Iraq and the recent agreement which is stabilizing it."

A September 20 entry in the DiVito diary reveals that he, and BNL New York manager Mr. Lombardi, "reviewed the role of the public relations firm of Sawyer Miller, and the conditions under which to continue our relationship. * * * we agreed to ask for a flexible and prompt collaboration, but without the burden of a fixed monthly amount."

As its name indicates, the Foreign Agents Registration Act requires a person that represents a foreign government in the United States to register with the Justice Department. The act does not require registration as a foreign agent for merely defending a foreign client in a legal proceeding, or for providing general advice about how American institutions function.

However, when the advice goes beyond general explanations, and is given in the form of specific suggestions for dealing with public relations or political problems, the advisor must register as a foreign agent. This rule applies even if the advisor has no part in carrying out the strategy.

The DiVito diaries appear to show that the law firms of King & Spalding and Rogers & Wells, and public relations firm Sawyer Miller, all performed duties covered under the Foreign Agents Registration Act, yet these firms did not properly register with the Justice Department.

For example, King & Spalding did not register as a foreign agent of BNL until July 1992, almost 3 years after taking on BNL as a client.

Rogers and Wells registered as a foreign agent of BNL for the period September 1990 through September 1991. Yet the DiVito diaries clearly show that Rogers and Wells began providing strategic political and legal advice to BNL in April 1990.

Sawyer Miller never registered as a foreign agent of BNL even though the work they performed, which included preparing BNL testimony and handling press relations, appears to be covered under the Act.

□ 1200

I am sending a copy of the DiVito diary to the Justice Department and I am asking them to investigate whether or not Rogers & Wells, King & Spalding, and Sawyer Miller, and some other firms retained by BNL in the United States, complied with the registration provisions of the Foreign Agents Registration Act. Possibly the act is vague; clearly it is ineffective.

The diaries reveal that Mr. Rogers and Mr. Driver of King & Spalding both strongly advised BNL not to discipline employees at BNL's headquarters that were involved in the scandal because it would look suspicious to U.S. law enforcement officials and to the public.

The thinking behind their advice was the perception that if BNL fired or disciplined Rome employees, then the headquarters could be implicated. Since BNL had taken the position that its headquarters was not involved in the scandal, the attorneys felt disciplinary actions against headquarters officials could be seen as contradictory.

The attorneys were also worried what any disciplined employee might say in public in their own defense. Could it be that BNL's lawyers had doubts about BNL Rome's innocence? It appears that way. At the very least, the defense team wanted nothing to disturb the argument of Rome's innocence about the multibillion dollar fraud at its Atlanta branch.

Another interesting aspect of the BNL scandal involved BNL's U.S. auditor. The DiVito diary shows that certain BNL officials in Rome were interested in suing BNL's U.S. auditors, Peat, Marwick & Mitchell, for failing to uncover the Atlanta fraud. Mr. Rogers and Mr. Driver also discouraged that action for fear that disclosures made during any trial could reveal information about BNL's operations that was not favorable to BNL's claim of innocence.

There is no doubt that Peat Marwick's inability to properly audit BNL was a key ingredient to the scandal's long life. Committee hearings in 1990 showed that bank examiners from the Federal Reserve and State of Georgia relied heavily on Peat Marwick's work when they did their bank examinations of BNL.

Peat Marwick's total miss of the multi-billion dollar BNL scandal is one more sad example of how the accounting industry failed to uncover major fraud in financial institutions.

The DiVito diaries portray with startling clarity the proper way to play the Washington, DC, influence peddling game. The game is simple enough to play. It takes money, which buys access to the corridors of power. All you have to do is hire the services of prominent Cabinet officers and their law firms, make sure a lawyer at one of the firms headed the division at the Justice Department that is prosecuting your client, and hire a prominent law firm to handle any problems with the bank regulators. And it helps to hire a public relations firm to put the best possible face on all these activities.

If the scandal is big enough, the Prime Minister of your country may be willing to travel abroad to defend you. In that case the Ambassador here in Washington is at your beck and call. Now you are heading in the right direction.

Before this episode ended, the President and Vice President, the Secretary of State, and head of the National Security Council, the CIA director and the Attorney General and maybe others tried to contain the fallout from the BNL scandal.

Did it work? Judge for yourself. BNL Rome was never indicted for its role in the scandal. The CIA forgot to share pertinent information with the Justice Department, and the Agriculture Department was deemed correct to loan Iraq billions.

And finally, the scandal, though it lay at the heart of a failed foreign policy that led to the gulf war, became only a fleeting episode. The case was largely buried in a sea of high level face saving.

History may judge it differently, but the powerful defense mounted by the embarrassed governments worked well enough to prevent this scandal from becoming the big news that it could have, and should have.

It reminds me of how fate, again, as I recounted Barbara Tuchman's great book, "The March of Folly," but more importantly, how today Washington is looked upon as being purchasable, just like in Rome, as it had entered in full flower in its decadent period. And the historian, the famous Roman historian quotes this African prince who, seeking the Government of Rome and a favor from it, was advised to come to Rome and bring some money, which he did.

And the historian quotes him saying, as he is departing Rome, sadly turning, viewing the city and saying, "There is a city for sale."

Mr. Speaker, I include for the RECORD documents to which I referred:

### TRIP TO PARIS, WASHINGTON, AND ATLANTA APRIL 3-9, 1990

#### TUESDAY, APRIL 3, 1990, PARIS

On the way out, we stopped briefly in Paris with attorneys Garone and Pedretti to check some indications from the research on that market. The results are reported under separate cover.

In the evening, Prof. Flick caught up with us. With him, we carried out an extensive examination of the American judicial situation, based on the latest information from our lawyers and the Italian Embassy in Washington.

#### WEDNESDAY, APRIL 4, 1990, WASHINGTON

We arrived in Washington at midday and met Mr. Driver who invited us to a meeting with Griffin Bell, senior partner and ex-Attorney General during the Carter Administration, and with Mr. Bill Hendricks, former Chief of the Fraud Section in the Criminal Division of the Justice Department until August 4, 1989.

We reviewed the problems related to the possible incrimination of the bank under corporate criminal liability statutes. Mr. Bell confirmed that the bank is certainly at risk. Mr. Hendricks, who has long experience as a public prosecutor, then proposed some possible technical defenses, such as:

The bank has pertinent and adequate directives and policies.

The transactions with Iraq have damaged it.

The bank has taken the initiative to correct the problems and has given the most ample cooperation to the oversight agencies and judicial authorities.

Mr. Bell then mentioned a final argument, to be used in extremis, to delay a possible incrimination of the bank: await the outcome of the trial of the dishonest employees to see if conclusive elements emerge from it to implicate the bank.

In mid-afternoon we went to the Italian Embassy where Ambassador Petrignani updated us in detail on the three meetings he had with high officials of the Departments of Justice and State:

The first meeting took place on March 17, with Ms. Robin Ross, Chief of Staff of the Attorney General, Edward Dennis, Assistant Attorney General in charge of the Criminal Division, and Mark Richards, Deputy Assistant Attorney General (known to us already). During this meeting, which was outlined in a previous memo, Ross asked the Ambassador, "Why worry now?". She admitted that the Department of Justice is following the case closely, as is the Department of Agriculture. She had concluded that "there would not be any surprises."

The next meeting was with Judge Abraham Sofear, Legal Counsel of the Department of State, and with the desk officer for Italy. The tone was decidedly more political, and, in this case, too, the question of why we were so worried was asked. Sofear, however, invited us to explain our positions directly to the Department of Justice, and above all the fact that the BNL management had not been aware of Drogoul's transactions.

The last meeting in late March was with Attorney General Richard Thornburgh, during a dinner at the White House. In this setting too, Ambassador Petrignani reaffirmed the BNL's position as victim and its role as a treasury bank, and thus an organ of the Italian Government. He emphasized that incriminating the bank would add insult to injury, and would not be understood at all in Italy, especially in the context of years of collaboration between the two countries in the field of police and judicial investigations.

Afterwards we gave the Ambassador and his Commercial Counselor, D'Orazi Flavoni, an extensive explanation of the circumstances, with special attention to the corporate criminal liability aspects. Having heard the high points of the case, the Ambassador suggested that we contact Bill Rogers, former Attorney General and Secretary of State during the Nixon presidency.

In the evening we met with the lawyers Driver and Kirwan, to review the developments in Atlanta, especially on Assistant U.S. Attorney McKenzie's requests to obtain Bank of Italy's inspection report on Atlanta and the Fed's [reports] on the other U.S. branches.

#### THURSDAY, APRIL 5, 1990, WASHINGTON

There was a lengthy meeting at the law offices of Rogers & Wells. Present were Bill Rogers, Roger Clark, and David Whitescarver of the law office of Rogers & Wells, Bill Hendricks and Walter Driver of the law offices of King & Spalding, Attorney Bruce Kirwan, Ambassador Petrignani (in the morning), Counselor D'Orazi Flavoni, Prof. Flick, Attorneys Garone and Pedretti, and Mr. Di Vito.

The long meeting had the principal aim of describing the case to the Rogers & Wells attorneys, especially Bill Rogers, so he could evaluate it and confirm his interest in taking it on.

Mr. Rogers advised us to comply with the request to show the Bank of Italy's inspection report on the Atlanta branch.

In the afternoon we advised the Assistant U.S. Attorney in Atlanta of our presence in Washington. She expressed a desire to have a meeting with me, which was set for tomorrow morning, Friday, in Atlanta.

#### FRIDAY, APRIL 6, 1990

#### *Washington*

Prof. Flick and Attorneys Garone and Pedretti will remain in Washington for another meeting in the morning with Rogers & Wells, in which Ambassador Petrignani and Counselor D'Orazi Flavoni will participate.

Bill Rogers confirmed his interest in taking the BNL Atlanta case. To avoid giving the impression that we were changing attorneys, he suggested that Rogers & Wells appear as the Washington attorneys not only of BNL, but also of the Italian Government. This would underscore the importance the latter attaches to the case and its possible repercussions on relations between the two countries. Mr. Rogers laid out a technical line of defense, based on the following political and legal points:

(1) The BNL affair did not cause monetary losses to American agencies, companies, or persons; therefore corporate criminal liability does not apply.

(2) If there are responsibilities on the part of the bank's central management, the case would come under the jurisdiction of the Italian judiciary.

(3) The rules of corporate criminal liability do not apply, because BNL is state property.

(4) If there has been negligence on the part of the BNL, then there has also been negligence on the part of American authorities.

(5) The BNL has already been punished. Why hit it again?

(6) The District Attorney is conducting the same investigation as the Italian judiciary and the Parliament.

#### *Atlanta*

I reached Atlanta in the morning, and went to the Court House, accompanied by our criminal lawyer, Bruce Kirwan, and Mr. Driver, for the meeting with Assistant U.S. Attorney McKenzie, who was assisted, as usual, by the Department of Agriculture investigator Arthur Wade.

She put a long series of questions to me, many previously asked, about the controls in the bank and about what the BNL did after the Atlanta case to reinforce its defenses and avoid recurrences.

She raised the question of damages again, and then asked me to report in detail the dates and participants of the meetings with the Iraqi counterparts. I gave her an accurate chronology up to the dispatch of the team to Baghdad last February.

She returned to the subject of controls and the assignment of inspection duties. She requested various reports prepared by Italian and American oversight agencies. She mentioned Drogoul's confirmations by third parties to irregular addresses and paused to talk about the transactions on behalf of Euromac UK. She told me that Von Wedel had refused a transaction in the past, because the goods were of a military nature.

The most unexpected information McKenzie gave me was that the law firm of Williams & Connally had quit the Drogoul defense team. According to her, Ted Lackland, the attorney in Atlanta, has resumed full control.

The Assistant U.S. Attorney thanked BNL for its continued cooperation. She gave us the impression that the Justice Department has responded to the news that has appeared extensively in the press and is listening more attentively to the theories of the district attorneys in Atlanta.

In the afternoon I went to the branch to update Silvestri and Petti on the latest developments in the case, and the role of the law firm of Rogers & Wells.

#### MONDAY, APRIL 9, 1990

#### *Washington*

There was a meeting in Rogers' office to coordinate the activities of the attorneys in Atlanta and Washington. At Rogers' request, I extended my stay in Washington to facilitate communications and to complete the reference picture. Attorneys Driver and Hendricks of the law firm of King & Spalding also attended.

Mr. Rogers summed up the views expressed in the Friday meeting. He stressed the absence of economic losses by Americans. This would reduce the BNL's responsibility in the submission of false or erroneous documents to the oversight agencies.

He noted that up to now none of the federal agencies concerned have asked for the incrimination of BNL; that both the American and Italian governments have been duped; that BNL is part of the Italian Government; and that no banking institution has ever been incriminated under corporate criminal liability laws except for money laundering. (This is to safeguard the image of the institutions themselves—note the savings & loan case). He emphasized that the case is essentially under Italian jurisdiction and should be managed by them, in view of these elements and the investigative proceedings now undertaken by the Italian judiciary and Parliament.

P. DI VITO.

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COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, February 24, 1993.*

Hon. DAN QUAYLE,
*Washington, DC.*

DEAR MR. VICE PRESIDENT: The Committee on Banking, Finance and Urban Affairs has been investigating the activities of the Banca Nazionale del Lavoro (BNL), and its financing of Iraq's procurement network for over two and one half years. I respectfully ask for your assistance with this investigation.

The Committee is in possession of an internal BNL document that describes certain activities of Rogers and Wells, a law firm hired to represent BNL. The document states that during the spring of 1990, Mr. William Rogers "would try to contact the top management of BNL" while he "passed through Rome with Vice President Quayle." At that time, the Department of Justice was actively debating the issue of whether BNL should be indicted for the activities of its Atlanta branch.

Other internal documents show that at that time BNL managers were seeking a "political" solution to this potential problem and were enlisting firms including Rogers and Wells to assist in the effort. In fact, during the spring of 1990, Italian government officials met at the White House with then-Attorney General Richard Thornburgh and on other occasions with high-level Justice Department and State Department officials to discuss the status of the BNL case.

I would like to know whether you discussed the issue of BNL with Mr. Rogers, Italian officials, or other parties before, during, or after your trip to Rome. If so, what role did you play in the discussions? Finally, please provide the Committee with all documents related to BNL that were produced or received by your office. Your assistance will be greatly appreciated.

I thank you in advance for your cooperation and timely response.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, February 25, 1993.*

Mr. STUART GERSON,
*Acting Attorney General, U.S. Department of Justice, Washington, DC.*

DEAR MR. ATTORNEY GENERAL: The Committee on Banking, Finance and Urban Affairs has been conducting an investigation into the operations of the Banca Nazionale del Lavoro (BNL) for over two and one half years. I respectfully ask for your assistance with the investigation.

The Committee recently obtained internal BNL documents (see attached documents) written by a senior official who was assigned to monitor the BNL investigation. The documents describe the activities of several U.S. firms that were hired to defend BNL.

I am concerned that these firms, including the law firm of Rogers and Wells; the law firm of Dickstein, Shapiro, and Morin; the law firm of King & Spalding; the law firm of Sherman & Sterling and the public relations firm Sawyer/Miller, may not have properly registered as either agents of BNL, the Italian government, or the Iraqi government, as required under the Foreign Agents Registration Act (FARA).

I respectfully request that the Department of Justice review the attached materials to determine whether these or other entities representing BNL failed to register as required by the act.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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## THE 27TH AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Iowa. Madam Speaker, the 27th amendment to the Constitution of the United States, adopted just last May, prohibits varying the pay of Members of Congress during the term for which they were elected.

Yesterday the joint leadership announced that they were going to freeze the pay for Members of Congress, along with, to be consistent with, that of the executive branch.

However, I point out that under the 27th amendment, this would be unconstitutional.

Now, since I was one of the only three in the House that voted against ratifying the amendment, I want to point out that the House was warned at the time that it prohibited freezes and varying the pay, and I refer Members to page 3400 in the RECORD of May 19 last year, in which I said this, when the amendment was under consideration:

> This amendment is not only about pay raises. It is about varying pay either up or down. It prohibits reductions in pay as well as increases in the same term, and in view of the 1980 case of United States versus Will, it clearly applies to increases resulting from automatic adjustments. In that case, the court said a COLA could not be denied the court because of the constitutional provision relating to courts. Now that there is a constitutional provision relating to Congress, the congressional COLA could not be denied either when the Member is elected, their pay scale, including the provision for a COLA was set, and it now cannot "vary" either up or down during that term. The elimination of the COLA for Congress which was the subject of the Will case could not be applied to either Congress or the courts in the future. That is not only the spirit of the new constitutional amendment, it is the plain reading of the amendment when interpreted consistent with the precedent and interpretation in the Will case.

So what we have is this situation now. The judges cannot be rolled back for 1993. They can be denied the COLA for 1994 because they are under a separate provision for COLA's. But in 1994, the judges can be denied the cost-of-living increases. Members of Congress cannot be denied the cost-of-living increase. Everybody else in the Government can.

So, I think that I want to point out that this illustrates why the 27th amendment language for 200 years, without being approved in the good judgment of enough of the States to keep it from being approved, and while I felt very uncomfortable, being one of only three last year that voted against the amendment, I believe that time has proven that that was the correct vote.

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## POLARIS MISSILE LAUNCH FROM THE ISLAND OF KAUAI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Madam Speaker, I take the time this afternoon to address the House on a matter of grave importance to a very large segment of my congressional district. It has to do with the launching or the planned launching of a Polaris missile from the island of Kauai, from the Pacific missile range facility at Barking Sands.

Under normal circumstances, I would have assumed that after the prolonged debate and discussion that we have had about these tests being launched from the island of Kauai, that perhaps the objections and the criticisms and the protests would have subsided over the long term. But the circumstances on this island are quite different today than they were when this discussion first ensued back in 1990.

What has happened to the island is the devastating effects of the hurricane which hit the island of Kauai in September, on September 11, 1992.

☐ 1210

The hurricane virtually changed the nature of the island as well as the feelings and sentiments of the people. Roughly two-thirds of the residential properties were severely damaged, and in many cases totally destroyed. The people have not been able to put their lives back together. The major economic opportunities for people on the island lay really in the hotel, tourist industry, and all of the corollary service opportunities that a large number of tourists to the island brought each year.

The hurricane hit the hotels with tremendous force, and most of them closed, with very little prospects that they will be able to open up for full business activity until much later this year. The unemployment rate, of course, has accordingly soared. People are truly concerned about their future. They thought at one time that they had a home for the rest of their lives, particularly the retired people who looked to their homes as fully paid with some degree of security. Many of them did not have insurance to cover whatever losses might ensue because their retirement incomes were not sufficiently adequate to pay the premiums on the insurance. Federal programs under FEMA were not adequate to even begin to rebuild these homes. And so many of our citizens there on Kauai are homeless. The economic potential for the island is severely curtailed because of what happened to us in September.

This is the climate and emotional makeup of the thousands of people who live on that island today. Curiously, one of the facilities that was not damaged, almost not at all, was the Pacific missile range facility which employs many hundreds of persons who live on the island, and it is a foundation of employment opportunity and stability that does not exist in the rest of the island. And so people are looking at this issue of the proposed missile test with a great deal of worry and concern, and I think the backdrop of the hurricance experience explains this.

Nonetheless, there is still serious objection to going forward with the missile test. Right after the hurricane the military themselves decided to indefinitely postpone the launches which had been planned last fall because of the feelings and attitudes of the people on the island. But that time of postponement has ended, and we were advised recently that the military intended to proceed with the tests and, indeed, I have heard from people that the tests were supposed to have begun yesterday morning. That was the window of opportunity.

However, the Army yesterday decided, for some circumstances, some other reasons, not to do the test at all yesterday, but to wait for more satisfactory circumstances. So we believe that the test could occur maybe even perhaps at this very moment as I am addressing the House, or maybe in a day or two. But the window of opportunity on weather and so forth apparently ends on March 2. Meanwhile, the people on the island of Kauai wait with considerable concern.

I would like to take the opportunity this afternoon to trace the development of our concern in the House and the steps that the Members of the Congress have taken to raise this issue to the persons in the military in particular, to congressional committees here in order to assure the people of the island of Kauai that what they were going to be exposed to had been studied with a very critical and cautious eye. It was May 17, 1990 that the Army announced that Kauai was to be the site of 40 strategic defense initiative missile firings under their new Stars Program. That means an estimated 40 launches over a period of 10 years. So the concern is not today's launch or tomorrow's launch or the launch that might occur a few days hence, it is a concern that is addressed over a 10-year period with 40 possible launches.

So the issues I raise today cannot be dismissed by a safe launch that may be occurring right at this moment, but about the rest of the 39 that are to come. Accordingly, reviewing the documents and the proposals, both Senator AKAKA and others from the delegation, including myself, made many requests for a full appraisal of the program, its safety and other considerations. They decided that they would respond to our requests, and submitted information very readily.

We raised the issues with our State government, and the State government concurred that there were serious questions, and the State of Hawaii Land Board chairman, Mr. Paty, expressed those concerns with respect to part of the launch area which was to take place over State property, and so the State government got involved.

We then began a very serious inquiry as to the environmental hazards, the hazards that might occur in the buffer areas, the hazards with reference to the fuel that was to be used, the exposure to the island for the fallout of hydrogen chloride and other harmful chemicals.

Accordingly, on September 25 and 26, Senator AKAKA and myself introduced a bill mandating the Army to conduct a complete environmental impact statement [EIS] before proceeding fully with this Stars launch off of the Pacific missile range of Kauai. We pushed the bill, we discussed the matter, wrote letters to the various committee chairs, and eventually in a series of discussions with the heads of the committees and various other people, we were able to move the bill forward and to get the Congress of the United States to include it in the bill relating to defense appropriations. That was on May 14, 1991, where we were able to come to an agreement in a sense of the Congress amendment in the House of Representatives that an EIS ought to be conducted. In this case only environmental assessment had been done, which in our opinion was not complete.

So with the conjunction of both the House requests and the Senate requests, a final decisions was made that indeed a full EIS had to be done.

There were many considerations that were raised during the discussions, one having to do with the aging, 20-year-old plus Polaris missiles that were to be utilized, whether their safety was assured, why we had to expose the island with these aging, leftover missiles that were not useful for other programs. We discussed a great deal about the potential damage of the impact of hydrogen chloride on the community as part of the fallout, and of course on the buffer areas.

In Hawaii we have a very serious issue that is being debated every day, and that has to do with the question of the sovereignty of the authority of the native Hawaiian population. I do not have the time this afternoon to go into a discussion about the importance of this issue to the State of Hawaii and its citizens, and of the important of all of us to recognize that the issues they raise are of critical importance to the future of our State. Involved in this debate regarding the missile launch are lands that belong to the native Hawaiians.

□ 1220

And, therefore, they are very much involved, that they have not been consulted, that they will have a direct impact on these lands if the tests go forward. So we have a multiplicity of issues that need to be looked at.

In any event, the EIS was required and proceeded in regular order. The difficulty in EIS's, I think that most Members have experienced and certainly people who are dealing with EIS's in a local community, it is always difficult to penetrate through the EIS process, because those who produce the EIS process by and large are the proponents of the projects, and so no matter the persistence of our questions with reference to the environment and to safety issues, in the end result when the EIS was finally produced after a year-long process in May 1992, the EIS conclusion was that the tests were perfectly safe, that all hazards and alternatives had been discussed and that, therefore, the testing should proceed, and the Army Strategic Command issued that final EIS on May 24, 1992.

Subsequently I submitted a number of questions which really were not answered. They have to do with the projected safety of the launch itself. Within the EIS document there were repeated suggestions that the safety factor was as high as 95 and 97 percent. There was no substantiation for those statistics, and so we have submitted a number of letters, a number of inquiries to the strategic command asking verification for these safety factors, which is really the crux of my interest in this whole issue.

I want to be certain that everything has been done and will be done to assure the safety of these launches. All of us know and have read headlines of missile-launch failures and of the lack of explanation as to where they occurred, whether it was lack of preparations in advance or some technical difficulties that were encountered during the launch, but launch failures are a reality. We read about them often in the newspapers. So long as they do not occur in our backyard, it is a news item of interest.

My point here is that so long as the command and the EIS can only speak about 95-percent to 97-percent assurance of safety, what does that mean when we are talking about 40 launches? We are talking about the possibility that 1 out of the 40 may misfire. Under those worst case scenarios, what does that mean for a small island community that does not have, in my estimation, a large enough buffer area around the facility to protect and assure the safety of the community?

All of us in the State of Hawaii are very much involved in the whole idea of expansion of economic opportunities and stabilizing their research, technical facilities, whether they are related to the military or not. This is not a matter of being against a military effort or a military test or anything of that kind. It is a fear that we have not been given the full and final assurances from the strategic defense command as to their ability to prepare the community for any misfires, and misfires do occur.

Recently we were told that there are some changes, internal changes, being made to the launch program. And if that is the case, then it seems to me that we ought to be talking about a further hard look at the environmental consequences.

I received a letter from a Michael Jones who is a very distinguished scientist, professor at the University of Hawaii. And he wrote to me recently in a letter dated February 11 in which he said that he had learned within the past week that the Talos booster used for the Navy Vandal launches, which is covered and included in the permit which will be allowed at the Kauai facility, emits about 45 pounds of lead in its exhaust. That issue is not covered in the EIS and not studied in terms of its environmental consequences.

One other paragraph in Michael Jones' letter which I thought was especially noteworthy for our concern and consideration was where he says from his letter, "From the information available on the SDI experiments to be launched by STARS, it seems that the main focus is on weapons and sensors that could be used against multiple-warhead ICBM's which are banned by the START II treaty. I believe," he says in his letter, "that the best way to deal with this threat is to ratify START II and to help the Russians get rid of these missiles as soon as possible. At the least, it seems to me that there needs to be a reevaluation of the goals and scope of SDI and the implications of developing GPALS," with which the Kauia launch is associated, "whose multiple ground-based sites and space-based weapons would violate the AMB treaty. Until this reevaluation is done, the importance and urgency of the tests to be launched by STARS," Kauai, "is at best dubious."

I think that is the note upon which I want to end my comments today, and that is that lawsuits have been filed by the Sierra Club and other groups. Injunctions have been filed by citizen groups. The State government got involved in one of the lawsuits to try to bring greater understanding and clarity and appreciation of what the consequences might be to this small island if there should be a mishap.

And despite all of these efforts, the courts have cleared the way for the launches to occur. There appears to be very little that we can do to stop this activity.

There are 40 launches planned over a 10-year period, and so the debate only begins, it seems to me, and the crux of the matter is not this one small aspect of the SDI program or this one small test that may or may not occur this week. What is at issue which needs to be addressed by the whole House and by the Congress and by the Clinton administration is what do we do about the whole strategic defense program, the SDI program in toto.

I understand that there have been reductions and cuts proposed in the new administration's budget, but it seems to me that the changing circumstances worldwide have not been interpreted in terms of our defense strategic planning or testing or mobilizing our limited resources, and it is time that we do that. We have the opportunity, and I believe that the American public in electing a new administration is making that call upon us as a partner with that administration to make sure that the critical questions are asked.

That to me is the approach that we in Hawaii must take. We must call upon this House and this Congress as a whole and the administration to ask ourselves and to answer the question as to what are we going to do different because of the changing circumstances worldwide. Certainly even when the SDI program was first discussed and initiated and suggested, there were people that were saying that it was not feasible, not reasonable, too expensive, not geared to the immediate realities of our defense requirements. Certainly, if that argument prevailed at that point some years ago, the circumstances that have changed today require us to look at this.

Billions of dollars can be saved, and the hazard that is now a part of the whole unevaluated continuation of this program because moneys are there seems to be unjustified, and so I call upon my colleagues of the House, as we review the budget and as we analyze the needs for these programs in the strategic area, that we concentrate upon the SDI program as to its necessity, its reasonableness, and whether it is focused on what our needs are today in this part of the century.

I think if we do that, we will come out with an answer which will terminate this program which has been my long-enduring objective from the very beginning.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes each day, on March 1, 4, 8, 11, 15, 18, 22, and 25.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Iowa, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOBSON) and to include extraneous matter:)

Mr. GOODLING.

Mr. BAKER of Louisiana.

Mr. CLINGER.

Mr. MICHEL.

(The following Member (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LANTOS in two instances.

## ADJOURNMENT

Mrs. MINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p.m.), under its previous order the House adjourned until Monday, March 1, 1993, at 12 noon.

## BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On February 7, 1992:

H.R. 4095. An act to increase the number of weeks for which benefits are payable under the Emergency Unemployment Compensation Act of 1991, and for other purposes.

On February 14, 1992:

H.R. 1989. An act to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes.

On February 24, 1992:

H.R. 2927. An act to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

On March 3, 1992:

H.R. 476. An act to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; and

H.R. 543. An act to establish the Manzanar National Historic Site in the State of California, and for other purposes.

On March 5, 1992:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes.

On March 9, 1992:

H.R. 3866. An act to provide for the designation of the Flower Garden Banks National Marine Sanctuary.

On March 10, 1992:

H.J. Res. 350. Joint resolution designating March 1992 as "Irish-American Heritage Month", and

H.J. Res. 395. Joint resolution designating February 6, 1992, as "National Women and Girls in Sports Day".

On March 11, 1992:

H.J. Res. 343. Joint resolution to designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day".

On March 12, 1992:

H.R. 2092. An act to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extrajudicial killing, and

H.R. 4113. An act to permit the transfer before the expiration of the otherwise applicable 60-day congressional review period of the obsolete training aircraft carrier U.S.S. *Lexington* to the Corpus Christi Area Convention and Visitors Bureau, Corpus Christi, TX, for use as a naval museum and memorial.

On March 20, 1992:

H.J. Res. 446. Joint resolution waiving certain enrollment requirements with respect to H.R. 4210 of the 102d Congress.

On March 26, 1992:

H.J. Res. 284. Joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

On April 1, 1992:

H.J. Res. 456. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

On April 2, 1992:

H.J. Res. 272. Joint resolution to proclaim March 20, 1992, as "National Agriculture Day".

On April 13, 1992:

H.J. Res. 410. Joint resolution designating April 14, 1992, as "Education and Sharing Day, U.S.A.".

On April 21, 1992:

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places of holding court in the Eastern District of North Carolina; and

H.R. 4449. An act to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnership Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

On April 28, 1992:

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason; and

H.R. 4572. An act to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the Medicare or Medicaid programs in order to enable the Dayton Area Health Plan, Inc., to continue to provide services through January 1994 to individuals residing in Montgomery County, OH, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act.

On May 11, 1992:

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

On May 13, 1992:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose debarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes, and

H.R. 3337. An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes.

On May 14, 1992:

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Day".

On May 18, 1992:

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week";

H.R. 2763. An act to enhance geologic mapping of the United States, and for other purposes; and

H.R. 4184. An act to designate the Department of Veterans Affairs Medical Center located in Northampton, MA, as the "Edward P. Boland Department of Veterans Affairs Medical Center".

On May 19, 1992:

H.J. Res. 388, Joint resolution designating the month of May 1992, as "National Foster Care Month".

On May 20, 1992:

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II".

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs to certain countries.

On June 4, 1992:

H.R. 4990. An act rescinding certain budget authority.

On June 15, 1992:

H.R. 1917. An act for the relief of Michael Wu.

On June 19, 1992:

H.R. 2556. An act entitled the "Loss Padres Condor Range and River Protection Act".

On June 22, 1992:

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

On June 23, 1992:

H.J. Res. 422. Joint resolution to designate July 5, 1992, through July 11, 1992, as "National Awareness Week for Life-Saving Techniques";

H.J. Res. 445. Joint resolution designating June 1992 as "National Scleroderma Awareness Month"; and

H.R. 1642. An act to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes.

On June 26, 1992:

H.J. Res. 517. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads and certain of their employees.

On June 30, 1992:

H.J. Res. 470. Joint resolution to designate the month of September 1992 as "National Spina Bifida Awareness Month".

On July 2, 1992:

H.J. Res. 499. Joint resolution designating July 2, 1992, as "National Literacy Day";

H.J. Res. 509. Joint resolution to extend through September 30, 1992, the period in which there remains available for obligation certain amounts appropriated for the Bureau of Indian Affairs for the school operations costs of Bureau-funded schools;

H.R. 2818. An act to designate the Federal building located at 78 Center Street in Pittsfield, MA, as the "Silvio O. Conte Federal Building", and for other purposes;

H.R. 3041. An act to designate the Federal building located at 1520 Market Street, St. Louis, MO, as the "L. Douglas Abram Federal Building";

H.R. 3711. An act to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, and for other purposes; and

H.R. 4548. An act to authorize contributions to U.N. peacekeeping activities.

On July 3, 1992:

H.R. 5260. An act to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes.

On July 8, 1992:

H.J. Res. 459. Joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week".

On July 19, 1992:

H.R. 5412. An act to authorize the transfer of certain naval vessels to Greece and Taiwan.

On July 23, 1992:

H.R. 158. An act to designate the building in Hiddenite, NC, which houses the primary operations of the U.S. Postal Service as the "Zora Leah S. Thomas Post Office Building"; and

H.R. 4505. An act to designate the facility of U.S. Postal Service located at 20 South Montgomery Street, in Trenton, NJ; as the "Arthur J. Holland United States Post Office Building".

On August 3, 1992:

H.R. 479. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System, and

H.R. 5343. An act to make technical amendments to the Fair Packaging and Labeling Act with respect to its treatment of the SI metric system, and for other purposes.

On August 6, 1992:

H.R. 3289. An act for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini.

On August 7, 1992:

H.R. 3836. An act to provide for the management of Federal lands containing the Pacific yew to ensure sufficient supply of taxol, a cancer-treating drug made from the Pacific yew, and

H.R. 5059. An act to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden.

On August 11, 1992:

H.R. 4026. An act to formulate a plan for the management of natural and cultural resources on the Zuni Indian Reservation, on the lands of the Ramah Band of the Navajo Tribe of Indians, and the Navajo Nation, and in other areas within the Zuni River watershed and upstream and the Zuni Indian Reservation, and for other purposes, and

H.R. 5566. An act to provide additional time to negotiate settlement of a land dispute in South Carolina.

On August 14, 1992:

H.R. 5487. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1993, and for other purposes.

On August 26, 1992:

H.J. Res. 411. Joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week";

H.J. Res. 507. Joint resolution to approve the extention of nondiscrimination with respect to the products of the Republic of Albania;

H.R. 2549. An act to make technical corrections to chapter 5 of title 5, United States Code;

H.R. 2926. An act to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes;

H.R. 2977. An act to authorize appropriations for public broadcasting, and for other purposes;

H.R. 3795. An act to amend title 28, United States Code, to establish 3 divisions in the Central Judicial District of California;

H.R. 4312. An act to amend the Voting Rights Act of 1965 with respect to bilingual election requirements;

H.R. 4437. An act to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the U.S. Army Corps of Engineers under the authority of Public Law 100-202;

H.R. 5481. An act to amend the Federal Aviation Act of 1958 relating to administrative assessment of civil penalties;

H.R. 5560. An act to extend for 1 year the National Commission of Time and Learning, and for other purposes;

H.R. 5623. An act to waive the period of congressional review for certain District of Columbia Acts; and

H.R. 5688. An act to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

On September 2, 1992:

H.J. Res. 492. Joint resolution designating September 1992 as "Childhood Cancer Month".

On September 3, 1992:

H.R. 2607. An act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes.

On September 4, 1992:

H.R. 4111. An act to amend the Small Business Act and related acts to provide loan assistance to small business concerns, to extend demonstration programs relating to small business participation in Federal procurement, to modify certain Small Business Administration programs, to assist small firms to adjust to reductions in defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes.

On September 7, 1992:

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

On September 23, 1992:

H.R. 5620. An act making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes.

On September 24, 1992:

H.J. Res. 413. Joint resolution to designate September 13, 1992, as "Commodore John Barry Day".

On September 27, 1992:

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under that act, and for other purposes.

On September 30, 1992:

H.R. 238. An act for the relief of Craig A. Klein;

H.R. 454. An act for the relief of Bruce C. Veit;

H.R. 478. An act for the relief of Norman R. Ricks;

H.R. 712. An act for the relief of Patricia A. McNamara; and

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

On October 1, 1992:

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes.

On October 2, 1992:

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Act of 1990, and for other purposes, and

H.R. 5373. An act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes.

On October 5, 1992:

H.R. 5126. An act to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes;

On October 6, 1992:

H.J Res. 560. Joint resolution waiving certain enrollment requirements with respect to any appropriations bill for the remainder of the 102d Congress;

H.R. 2194. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities;

H.R. 3654. An act to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the U.S. Olympic Committee, to reauthorize and reform the U.S. Mint, and for other purposes;

H.R. 5368. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5427. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for the other purposes;

H.R. 5488. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5504. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5518. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5677. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5678. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

On October 7, 1992:

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993;

H.R. 5399. An act to amend the U.S. Commission on Civil Rights Act of 1983 to provide an authorization of appropriations; and

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes.

On October 9, 1992:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior.

H.R. 3379. An act to amend section 594 of title 5, United States Code, relating to the authorities of the Administrative Conference.

On October 12, 1992:

H.R. 2448. An act to provide for the minting of medals in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

On October 13, 1992:

H.R. 1628. An act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes;

H.R. 3508. An act to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes;

H.R. 4178. An act to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug; and

H.R. 5673. An act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

On October 14, 1992:

H.J. Res. 320. Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with the Union forces during the Civil War;

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week";

H.R. 2144. An act to restore the Federal trust relationship of the United Auburn Indian Community, to establish the Advisory Council on California Indian Policy, and for other purposes;

H.R. 2324. An act to amend title 28, United States Code, with respect to witness fees;

H.R. 3157. An act to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; and

H.R. 5925. An act to amend title VII of the Civil Rights Act of 1964 to establish a revolving fund for use by the Equal Employment Opportunity Commission to provide education, technical assistance, and training relating to the laws administered by the Commission.

On October 16, 1992:

H.R. 2321. An act to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes;

H.R. 5258. An act to provide for the withdrawal of most favored nation status from Serbia and Montenegro and to provide for the restoration of such status if certain conditions are fulfilled; and

H.R. 5483. An act to modify the provisions of the Education of the Deaf Act of 1986, and for other purposes.

On October 19, 1992:

H.R. 4016. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of.

On October 21, 1992:

H.R. 3665. An act to establish the Little River Canyon National Preserve in the State of Alabama;

H.R. 5237. An act to amend the Rural Electrification Act of 1936 to improve the provision of electric and telephone service in rural areas, and for other purposes; and

H.R. 5739. An act to reauthorize the Export-Import Bank of the United States.

On October 23, 1992:

H.J. Res. 353. Joint resolution designating the week beginning January 3, 1993, as "Braille Literacy Week";

H.J. Res. 399. Joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week";

H.J. Res. 457. Joint resolution designating January 16, 1993, as "Religious Freedom Day";

H.J. Res. 467. Joint resolution designating October 24, 1992, through November 1, 1992, as "National Red Ribbon Week for a Drug-Free America";

H.J. Res. 471. Joint resolution designating October 14, 1992, as "National Occupational Therapy Day";

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week";

H.J. Res. 489. Joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes;

H.J. Res. 500. Joint resolution designating March 1993 as "Irish-American Heritage Month";

H.J. Res. 520. Joint resolution to designate the month of October 1992 as "Country Music Month";

H.J. Res. 523. Joint resolution designating October 8, 1992, as "National Firefighters Day";

H.J. Res. 529. Joint resolution supporting the planting of 500 redwood trees from California in Spain in commemoration of the quincentenary of the voyage of Christopher Columbus and designating the trees as a gift to the people of Spain;

H.J. Res. 543. Joint resolution designating November 30, 1992, through December 6, 1992, as "National Education First Week";

H.J. Res. 547. Joint resolution designating May 2, 1993, through May 8, 1993, as "National Walking Week";

H.J. Res. 563. Joint resolution providing for the convening of the first session of the One Hundred Third Congress;

H.R. 1101. An act for the relief of William A. Cassity;

H.R. 1216. An act to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes;

H.R. 2156. An act for the relief of William A. Proffitt;

H.R. 2181. An act to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio;

H.R. 2431. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System;

H.R. 3118. An act to designate Federal Office Building Number 9 located at 1900 E Street, Northwest, in the District of Columbia, as the "Theodore Roosevelt Federal Building";

H.R. 3818. An act to designate the building located at 80 North Hughey Avenue in Orlando, Florida, as the "George C. Young United States Courthouse and Federal Building";

H.R. 4281. An act to designate the Federal building and courthouse to be constructed at 5th and Ross Streets in Santa Ana, California, as the "Ronald Reagan Federal Building and Courthouse";

H.R. 4489. To provide for a land exchange with the city of Tacoma, Washington;

H.R. 4539. An act to designate the general mail facility of the United States Postal Service in Gulfport, Mississippi, as the "Larkin I. Smith General Mail Facility" and the Building of the United States Postal Service in Poplarville, Mississippi, as the "Larkin I. Smith Post Office Building";

H.R. 4771. An act to designate the facility under construction for use by the United States Postal Service at FM 1098 Loop in Prairie View, Texas, as the "Esel D. Bell Post Office Building";

H.R. 4999. An act to authorize additional appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House;

H.R. 5006. An act to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to provide for defense conversion, and for other purposes;

H.R. 5013. An act to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes;

H.R. 5122. An act relating to the settlement of the water rights claims of the Jicarilla Apache Tribe;

H.R. 5164. An act for the relief of Craig B. Sorensen and Nita M. Sorensen;

H.R. 5222. An act to designate the Federal building and United States courthouse located at 204 South Main Street in South Bend, Indiana, as the "Robert A. Grant Federal Building and United States Courthouse";

H.R. 5291. An act to provide for the temporary use of certain lands in the city of South Gate, California, for elementary school purposes;

H.R. 5328. An act to amend title 35, United States Code, with respect to the late payment of maintenance fees;

H.R. 5431. An act to designate the Federal building located at 200 Federal Plaza in Paterson, New Jersey, as the "Robert A. Roe Federal Building";

H.R. 5432. An act to designate the Federal building and United States courthouse located at the corner of College Avenue and Mountain Street in Fayetteville, Arkansas, as the "John Paul Hammerschmidt Federal Building and United States Courthouse";

H.R. 5453. An act to designate the Central Square facility of the United States Postal Service in Cambridge, Massachusetts, as the "Clifton Merriman Post Office Building";

H.R. 5479. An act to designate the facility of the United States Postal Service located at 1100 Wythe Street in Alexandria, Virginia, as the "Helen Day United States Post Office Building";

H.R. 5491. An act to designate the Department of Veterans Affairs medical center in Marlin, Texas, as the "Thomas T. Connally Department of Veterans Affairs Medical Center";

H.R. 5572. An act to designate May of each year as "Asian/Pacific American Heritage Month";

H.R. 5575. An act to authorize certain additional uses of the Library of Congress Special Facilities Center, and for other purposes;

H.R. 5602. An act granting the consent of the Congress to the Interstate Rail Passenger Network Compact;

H.R. 5605. An act to authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, Washington;

H.R. 5749. An act for the relief of Krishanthi Sava Kopp;

H.R. 5751. An act to provide for the distribution within the United States of certain materials prepared by the United States Information Agency;

H.R. 5831. An act to designate the Federal Building located at Main and Church Streets in Victoria, Texas, as the "Martin Luther King, Jr. Federal Building";

H.R. 5923. An act for the relief of Anna C. Massari;

H.R. 5998. An act for the relief of the Wilkinson County School District, in the State of Mississippi;

H.R. 6000. An act to redesignate Springer Mountain National Recreation Area as "Ed Jenkins National Recreation Area";

H.R. 6049. An act to amend the Congressional Award Act to revise and extend authorities for the Congressional Award Board;

H.R. 6050. An act to facilitate recovery from recent disasters by providing greater flexibility for depository institutions and their regulators, and for other purposes;

H.R. 6072. An act to direct expedited negotiated settlement of the land rights of the Kenai Natives Association, Inc., under section 14(h)(3) of the Alaska Native Claims Settlement Act, by directing land acquisition and exchange negotiations by the Secretary of the Interior and certain Alaska Native corporations involving lands and interests in lands held by the United States and such corporations;

H.R. 6165. An act to amend certain provisions of law relating to establishment, in the District of Columbia or its environs, of a memorial to honor Thomas Paine;

H.R. 6179. An act to amend the Wild and Scenic Rivers Act; and

H.R. 6184. An act to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

On October 24, 1992:

H.J. Res. 271. Joint resolution authorizing the Go for Broke National Veterans Association Foundation to establish a memorial in the District of Columbia or its environs to honor Japanese-American patriotism in World War II;

H.J. Res. 409. Joint resolution designating January 16, 1993, as "National Good Teen Day";

H.J. Res. 429. Joint resolution designating May 2, 1993, through May 8, 1993, as "Be Kind to Animals and National Pet Week";

H.J. Res. 458. Joint resolution designating the week beginning October 25, 1992, as "World Population Awareness Week";

H.R. 776. An act to provide for improved energy efficiency;

H.R. 2263. An act to amend chapter 45 of title 5, United States Code, to authorize awards for cost savings disclosures;

H.R. 2896. An act to authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes;

H.R. 3336. An act for the relief of Florence Adeboyeku;

H.R. 3638. An act making technical amendments to the law which authorizes modification of the boundaries of the Alaska Maritime National Wildlife Refuge;

H.R. 3673. An act to authorize a research program through the National Science Foundation on the treatment of contaminated water through membrane processes;

H.R. 4398. An act to remove outdated limitations on the acquisition or construction of branch buildings by Federal Reserve banks which are necessary for bank branch expansion if the acquisition or construction is approved by the Board of Governors of the Federal Reserve System;

H.R. 4412. An act to amend title 17, United States Code, relating to fair use of copyrighted works;

H.R. 4773. An act to provide for reporting of pregnancy success rates of assisted reproductive technology programs and for the certification of embryo laboratories;

H.R. 4841. An act granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact;

H.R. 4844. An act to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington;

H.R. 5095. An act to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes;

H.R. 5686. An act to make technical amendments to certain Federal Indian statutes;

H.R. 6014. An act to designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest;

H.R. 6047. An act to amend the United States Information and Educational Exchange Act of 1948, the Foreign Service Act of 1980, and other provisions of law to make certain changes in administrative authorities;

H.R. 6164. An act to amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts; and

H.R. 6163. An act to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such act.

On October 25, 1992:

H.R. 4542. An act to prevent and deter auto theft; and

H.R. 5862. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure an equitable and timely distribution of benefits to public safety officers.

On October 26, 1992:

H.R. 2042. An Act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; and

H.R. 5419. An act to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals, and for other purposes.

On October 27, 1992:

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day";

H.R. 1252. An act to authorize the State Justice institute to analyze and disseminate information regarding the admissibility and quality of testimony of witnesses with expertise relating to battered women, and to develop and disseminate training materials to increase the use of such experts to provide testimony in criminal trials of battered women, particularly in cases involving indigent women;

H.R. 1253. An act to amend the State Justice Institute Act of 1984 to carry out research, and develop judicial training curricula, relating to child custody litigation;

H.R. 2660. An act to authorize appropriations for the United States Holocaust Memorial Council, and for other purposes;

H.R. 3475. An act to assist business in providing women with opportunities in apprenticeship and nontraditional occupations;

H.R. 3635. An act to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes;

H.R. 4059. An act to amend the Agricultural Trade Development and Assistance Act of 1954, to authorize additional functions within the Enterprise for the Americas Initiative, and for other purposes;

H.R. 4250. An act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes;

H.R. 5716. An act to extend for two years the authorizations of appropriations for certain programs under title I of the Omnibus Crime Control and Safe Streets Act of 1968;

H.R. 5763. An act to provide equitable treatment to producers of sugarcane subject to proportionate shares;

H.R. 5853. An act to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System;

H.R. 6022. An act to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support;

H.R. 6180. An act to authorize appropriations for the National Telecommunications and Information Administration, and for other purposes; and

H.R. 6182. An act to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

On October 28, 1992:

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day";

H.R. 707. An act to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes;

H.R. 939. An act to amend title 38, United States Code, with respect to housing loans for veterans;

H.R. 3598. An act to amend title 49, United States Code, to provide for verification of weights, and for other purposes;

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes;

H.R. 5334. An act to amend and extend certain laws relating to housing and community development, and for other purposes;

H.R. 5954. An act to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve health care services and educational services through telecommunications, and for other purposes;

H.R. 6125. An act to enhance the financial safety and soundness of the banks and associations of the Farm Credit System, and for other purposes;

H.R. 6128. An act to amend the United States Warehouse Act to provide for the use of electronic cotton warehouse receipts, and for other purposes;

H.R. 6129. An act to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1971, and for other purposes;

H.R. 6133. An act to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, to establish a new national land remote sensing policy, and for other purposes; and

H.R. 6191. An act to protect the public interest and the future development of pay-per-call technology by providing for the regulation and oversight of the applications and growth of the pay-per-call industry, and for other purposes;

On October 29, 1992:

H.R. 2130. An act to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 5008. An act to amend title 38, United States Code, to reform the formula for payment of dependency and indemnity compensation to survivors of veterans dying from service-connected causes, to increase the rate of payments for benefits under the Montgomery GI bill, and for other purposes;

H.R. 5482. An act to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes;

H.R. 5809. An act to authorize the Secretary of the Interior to construct and operate an interpretive center for the Ridgefield National Wildlife Refuge in Clark County, Washington; and

H.R. 6181. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize human drug application, prescription drug establishment, and prescription drug product fees and for other purposes.

On October 30, 1992:

H.J. Res. 422. Joint resolution designating November 1992 as "Neurofibromatosis Awareness Month;"

H.R. 429. An act to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming; and

H.R. 2032. An act to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

On October 31, 1992:

H.R. 6167. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes; and

H.R. 6168. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

On November 2, 1992:

H.R. 2152. An act to enhance the effectiveness of the United Nations international driftnet fishery conservation program; and

H.R. 6187. An act to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes.

On November 4, 1992:

H.R. 5193. An act to amend title 38, United States Code, to improve health care services for women veterans, to expand authority for health care sharing agreements between the Department of Veterans Affairs and the Department of Defense to revise certain pay authorities that apply to Department of Veterans Affairs nurses, to improve preventive health services for veterans, to establish discounts on pharmaceuticals purchased by the Department of Veterans Affairs, to provide for a Persian Gulf War Veterans Health Registry, and to make other improvements in the delivery and administration of health care by the Department of Veterans Affairs;

H.R. 5194. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes;

H.R. 5617. An act to provide Congressional approval of a Governing International Fishery Agreement, and for other purposes; and

H.R. 6135. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

On November 10, 1992:

H.R. 5377. An act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes; and

H.R. 5400. An act to amend title 38, United States Code, to establish a program to provide certain housing assistance to homeless veterans, to improve certain other programs that provide such assistance, and for other purposes.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

**Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1992, in connection with foreign travel pursuant to Public Law 95–384, as well as the fourth quarter 1992 consolidated report of foreign currencies and U.S. dollars utilized in connection with official foreign travel authorized by the Speaker, are as follows:**

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Jim Kolbe | 11/22 | 11/25 | Mexico | | 112.63 | | 663.50 | | | | 776.13 |
| Robert V. Davis | 11/6 | 11/10 | Germany | | 1,178.00 | | 3,417.00 | | | | 4,595.00 |
| | 11/18 | 11/20 | Georgia | | 1,500.00 | | 3,745.00 | | | | 5,245.00 |
| | 11/20 | 11/21 | Azerbaijan | | | | | | | | |
| | 11/21 | 11/22 | Russia | | | | | | | | |
| Richard Efford | 12/13 | 12/14 | Sweden | | 600.00 | | | | | | 600.00 |
| | 12/15 | 12/16 | Germany | | 280.00 | | | | | | 280.00 |
| | 12/16 | 12/19 | France | | 801.00 | | 3,191.90 | | | | 3,992.90 |
| Robert B. Foster | 10/12 | 10/17 | Costa Rica | | 1,008.00 | | 1,630.00 | | | | 2,638.00 |
| Dennis M. Kedzior | 10/11 | 10/14 | Germany | | 430.00 | | 5,422.20 | | | | 5,852.20 |
| | 10/14 | 10/19 | Spain | | 1,217.00 | | | | | | 1,217.00 |
| James Kulikowski | 11/6 | 11/7 | France | | 283.00 | | | | | | 283.00 |
| | 11/7 | 11/10 | Kenya/Somalia | | 300.00 | | | | | | 300.00 |
| | 11/11 | 11/15 | Nepal | | 372.00 | | | | | | 372.00 |
| | 11/15 | 11/17 | Thailand | | 735.50 | | | | | | 735.50 |
| | 11/18 | 11/19 | England | | 303.00 | | 8,774.90 | | | | 9,077.90 |
| Henry A. Moore | 11/9 | 11/12 | Panama | | 396.00 | | | | | | 396.00 |
| | 11/12 | 11/15 | Costa Rica | | 538.00 | | | | | | 538.00 |
| | 11/15 | 11/17 | Honduras | | 250.00 | | 1,003.00 | | 104.00 | | 1,357.00 |
| John G. Osthaus | 11/16 | 11/18 | Mexico | | 246.55 | | | | | | 246.55 |
| | 11/18 | 11/19 | El Salvador | | 126.00 | | | | | | 126.00 |
| | 11/19 | 11/21 | Venezuela | | 285.00 | | 1,177.50 | | | | 1,462.50 |
| Terry R. Peel | 11/6 | 11/7 | France | | 283.00 | | | | | | 283.00 |
| | 11/7 | 11/10 | Kenya/Somalia | | 300.00 | | | | | | 300.00 |
| | 11/11 | 11/15 | Nepal | | 372.00 | | | | | | 372.00 |
| | 11/15 | 11/17 | Thailand | | 735.50 | | | | | | 735.50 |
| | 11/18 | 11/19 | England | | 303.00 | | 8,774.90 | | | | 9,077.90 |
| Donald E. Richbourg | 10/11 | 10/14 | Germany | | 430.00 | | 5,422.20 | | | | 5,852.20 |
| | 10/14 | 10/19 | Spain | | 1,217.00 | | | | | | 1,217.00 |
| Kevin Roper | 10/11 | 10/14 | Germany | | 430.00 | | 5,422.20 | | | | 5,852.20 |
| | 10/14 | 10/19 | Spain | | 1,217.00 | | | | | | 1,217.00 |
| William Schuerch | 11/5 | 11/10 | Russia | | 2,310.00 | | | | | | 2,310.00 |
| | 11/10 | 11/12 | Kazakstan | | 336.00 | | 168.00 | | | | 504.00 |
| | 11/12 | 11/15 | Kyrghistan | | 504.00 | | 50.00 | | | | 554.00 |
| | 11/15 | 11/17 | Uzbekistan | | 440.00 | | 73.00 | | 30.00 | | 543.00 |
| | 11/17 | 11/20 | Russia | | 1,386.00 | | | | | | 1,386.00 |
| Commercial air transportation | | | | | | | 5,832.00 | | | | 5,832.00 |
| Committee total | | | | | 21,225.18 | | 54,767.30 | | 134.00 | | 76,126.48 |
| Appropriations, Surveys and Investigations Staff: G. Carter Baird | 10/18 | 10/21 | France | | 489.00 | | 3,852.25 | | 88.50 | | 4,429.75 |
| | 10/21 | 10/27 | Germany | | 1,218.00 | | | | | | 1,218.00 |
| | 10/27 | 10/29 | Italy | | 434.00 | | | | | | 434.00 |
| | 10/29 | 10/31 | Russia | | 434.00 | | | | | | 434.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992—Continued

| Name of Member or employee | Date |  | Country | Per diem[1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
|  | 10/31 | 11/1 | France |  | 282.50 |  |  |  |  |  | 282.50 |
|  | 11/15 | 11/18 | Thailand |  | 611.25 |  | 4,098.00 |  | 58.75 |  | 4,768.00 |
|  | 11/18 | 11/22 | Indonesia |  | 716.00 |  |  |  |  |  | 716.00 |
|  | 11/22 | 11/24 | Singapore |  | 423.00 |  |  |  |  |  | 423.00 |
| Thomas K. Baker | 10/18 | 10/21 | France |  | 529.75 |  | 3,969.11 |  | 272.97 |  | 4,771.83 |
|  | 10/21 | 10/23 | Italy |  | 460.25 |  |  |  |  |  | 460.25 |
|  | 10/23 | 10/29 | England |  | 1,475.00 |  |  |  |  |  | 1,475.00 |
|  | 11/14 | 11/20 | Thailand |  | 978.00 |  | 3,874.72 |  | 55.50 |  | 4,908.22 |
| Charles T. Booth | 10/18 | 10/20 | England |  | 531.00 |  | 4,094.82 |  | 283.77 |  | 4,909.59 |
|  | 10/20 | 10/23 | Finland |  | 486.00 |  |  |  |  |  | 486.00 |
|  | 10/23 | 10/30 | Italy |  | 1,714.50 |  |  |  |  |  | 1,714.50 |
|  | 11/15 | 11/18 | Thailand |  | 611.25 |  | 4,290.00 |  | 169.55 |  | 5,070.80 |
|  | 11/18 | 11/21 | Indonesia |  | 492.25 |  |  |  |  |  | 492.25 |
|  | 11/21 | 11/24 | Singapore |  | 611.00 |  |  |  |  |  | 611.00 |
|  | 12/6 | 12/10 | Chile |  | 690.00 |  | 3,482.00 |  | 41.91 |  | 4,213.91 |
| Alfred L. Esposito | 10/26 | 10/27 | Canada |  | 183.50 |  | 422.30 |  | 17.50 |  | 623.30 |
| Michael O. Glynn | 10/18 | 10/22 | United Kingdom |  | 1,003.00 |  | 3,966.00 |  | 126.28 |  | 5,095.28 |
|  | 10/22 | 10/26 | Czechoslovakia |  | 884.00 |  |  |  |  |  | 884.00 |
|  | 10/27 | 10/29 | Poland |  | 451.00 |  |  |  |  |  | 451.00 |
|  | 10/29 | 10/31 | Russia |  | 434.00 |  |  |  |  |  | 434.00 |
|  | 10/31 | 11/1 | France |  | 226.00 |  |  |  |  |  | 226.00 |
|  | 11/15 | 11/18 | Hong Kong |  | 780.00 |  | 5,576.00 |  | 158.00 |  | 6,514.00 |
|  | 11/18 | 11/20 | Shanghai |  | 352.00 |  |  |  |  |  | 352.00 |
|  | 11/20 | 11/22 | Hong Kong |  | 364.00 |  |  |  |  |  | 364.00 |
|  | 11/22 | 11/24 | Australia |  | 402.75 |  |  |  |  |  | 402.75 |
|  | 12/6 | 12/9 | Argentina |  | 615.00 |  | 3,438.00 |  | 160.72 |  | 4,213.72 |
|  | 12/9 | 12/11 | Brazil |  | 220.50 |  |  |  |  |  | 220.50 |
| Carroll L. Hauver | 11/11 | 11/15 | Italy |  | 922.75 |  | 4,293.00 |  | 248.21 |  | 5,463.96 |
|  | 11/15 | 11/16 | Greece |  | 175.00 |  |  |  |  |  | 175.00 |
|  | 11/16 | 11/18 | Crete |  | 206.00 |  |  |  |  |  | 206.00 |
|  | 11/18 | 11/19 | Greece |  | 131.25 |  |  |  |  |  | 131.25 |
|  | 11/19 | 11/20 | Germany |  | 198.00 |  |  |  |  |  | 198.00 |
|  | 11/20 | 11/22 | England |  | 531.00 |  |  |  |  |  | 531.00 |
| Clarence V. Lyda | 10/18 | 10/21 | France |  | 489.00 |  | 3,293.07 |  | 152.68 |  | 3,934.75 |
|  | 10/21 | 10/22 | Netherlands |  | 262.50 |  |  |  |  |  | 262.50 |
|  | 10/22 | 10/28 | Switzerland |  | 948.00 |  |  |  |  |  | 948.00 |
|  | 11/16 | 11/21 | Hong Kong |  | 1,248.00 |  | 3,519.20 |  | 7.97 |  | 4,775.17 |
| Frank T. Lyons | 11/11 | 11/15 | Italy |  | 922.75 |  | 4,293.00 |  | 143.54 |  | 5,359.29 |
|  | 11/15 | 11/16 | Greece |  | 175.00 |  |  |  |  |  | 175.00 |
|  | 11/16 | 11/18 | Crete |  | 206.00 |  |  |  |  |  | 206.00 |
|  | 11/18 | 11/19 | Greece |  | 131.25 |  |  |  |  |  | 131.25 |
|  | 11/19 | 11/20 | Germany |  | 198.00 |  |  |  |  |  | 198.00 |
|  | 11/20 | 11/22 | England |  | 531.00 |  |  |  |  |  | 531.00 |
| Leo R. Morris | 10/18 | 10/20 | England |  | 531.00 |  | 4,094.82 |  | 206.91 |  | 4,832.73 |
|  | 10/20 | 10/23 | Finland |  | 486.00 |  |  |  |  |  | 486.00 |
|  | 10/23 | 10/30 | Italy |  | 1,714.50 |  |  |  |  |  | 1,714.50 |
|  | 11/15 | 11/18 | Thailand |  | 611.25 |  | 4,290.00 |  | 148.41 |  | 5,049.66 |
|  | 11/18 | 11/21 | Indonesia |  | 492.25 |  |  |  |  |  | 492.25 |
|  | 11/21 | 11/24 | Singapore |  | 611.00 |  |  |  |  |  | 611.00 |
|  | 12/6 | 12/10 | Chile |  | 690.00 |  | 3,482.00 |  | 12.50 |  | 4,184.50 |
| Robert J. Reitwiesner | 10/18 | 10/22 | England |  | 1,003.00 |  | 3,966.00 |  | 307.55 |  | 5,276.55 |
|  | 10/22 | 10/26 | Czechoslovakia |  | 884.00 |  |  |  |  |  | 884.00 |
|  | 10/27 | 10/29 | Poland |  | 451.00 |  |  |  |  |  | 451.00 |
|  | 10/29 | 10/31 | Russia |  | 434.00 |  |  |  |  |  | 434.00 |
|  | 10/31 | 11/1 | France |  | 226.00 |  |  |  |  |  | 226.00 |
|  | 11/15 | 11/18 | Hong Kong |  | 780.00 |  | 5,576.00 |  | 148.54 |  | 6,504.54 |
|  | 11/18 | 11/20 | Shanghai |  | 352.00 |  |  |  |  |  | 352.00 |
|  | 11/20 | 11/22 | Hong Kong |  | 364.00 |  |  |  |  |  | 364.00 |
|  | 11/22 | 11/24 | Australia |  | 402.75 |  |  |  |  |  | 402.75 |
|  | 12/6 | 12/9 | Argentina |  | 615.00 |  | 3,438.00 |  | 75.91 |  | 4,128.91 |
|  | 12/9 | 12/11 | Brazil |  | 220.50 |  |  |  |  |  | 220.50 |
| Edwin J. Sharp | 10/18 | 10/21 | France |  | 529.75 |  | 3,969.11 |  | 209.12 |  | 4,707.98 |
|  | 10/21 | 10/23 | Italy |  | 460.25 |  |  |  |  |  | 460.25 |
|  | 10/23 | 10/29 | England |  | 1,475.00 |  |  |  |  |  | 1,475.00 |
|  | 11/15 | 11/20 | Thailand |  | 978.00 |  | 3,824.92 |  | 8.00 |  | 4,810.92 |
| John R. Smith | 10/18 | 10/21 | France |  | 489.00 |  | 3,373.57 |  | 198.08 |  | 4,060.65 |
|  | 10/21 | 10/28 | Germany |  | 1,405.25 |  |  |  |  |  | 1,405.25 |
|  | 11/14 | 11/19 | Japan |  | 1,510.00 |  | 6,325.09 |  | 274.11 |  | 8,109.20 |
|  | 11/19 | 11/22 | Australia |  | 892.00 |  |  |  |  |  | 892.00 |
| Joseph M. Stehr III | 10/18 | 10/21 | France |  | 489.00 |  | 3,292.97 |  | 247.75 |  | 4,029.72 |
|  | 10/21 | 10/22 | Netherlands |  | 262.50 |  |  |  |  |  | 262.50 |
|  | 10/22 | 10/28 | Switzerland |  | 948.00 |  |  |  |  |  | 948.00 |
|  | 11/16 | 11/21 | Hong Kong |  | 1,248.00 |  | 3,519.20 |  | 314,56 |  | 5,081.76 |
| Thomas L. Van Derslice | 10/18 | 10/21 | England |  | 708.00 |  | 3,966.76 |  | 271,71 |  | 4,946.47 |
|  | 10/21 | 10/27 | Italy |  | 2,306.25 |  |  |  |  |  | 2,306.25 |
|  | 11/14 | 11/19 | Japan |  | 1,359.00 |  | 5,803.00 |  | 288.31 |  | 7,450.31 |
|  | 11/19 | 11/23 | Australia |  | 945.00 |  |  |  |  |  | 945.00 |
| R.W. Vandergrift, Jr. | 10/18 | 10/20 | France |  | 382.50 |  | 5,865.04 |  | 684.66 |  | 6,932.20 |
|  | 10/20 | 10/22 | Finland |  | 324.00 |  |  |  |  |  | 324.00 |
|  | 10/22 | 10/25 | Czechoslovakia |  | 624.00 |  |  |  |  |  | 624.00 |
|  | 11/15 | 11/18 | Hong Kong |  | 780.00 |  | 7,332.00 |  | 450.92 |  | 8,562.92 |
|  | 11/18 | 11/20 | Shanghai |  | 352.00 |  |  |  |  |  | 352.00 |
|  | 11/20 | 11/22 | Hong Kong |  | 364.00 |  |  |  |  |  | 364.00 |
|  | 11/22 | 11/24 | Australia |  | 447.50 |  |  |  |  |  | 447.50 |
| Kenneth P. Walton | 10/18 | 10/21 | France |  | 489.00 |  | 3,373.57 |  | 146.76 |  | 4,009.33 |
|  | 10/21 | 10/28 | Germany |  | 1,405.25 |  |  |  |  |  | 1,405.25 |
|  | 11/14 | 11/19 | Japan |  | 1,510.00 |  | 6,325.09 |  | 371.06 |  | 8,206.15 |
|  | 11/19 | 11/23 | Australia |  | 735.00 |  |  |  |  |  | 735.00 |
| L. Michael Welsh | 10/26 | 10/27 | Canada |  | 183.50 |  | 422.30 |  | 27.55 |  | 633.35 |
| Kennedy L. Wilson | 11/11 | 11/15 | Italy |  | 922.75 |  | 4,293.00 |  | 113.07 |  | 5,328.82 |
|  | 11/15 | 11/16 | Greece |  | 175.00 |  |  |  |  |  | 175.00 |
|  | 11/16 | 11/18 | Crete |  | 206.00 |  |  |  |  |  | 206.00 |
|  | 11/18 | 11/19 | Greece |  | 131.25 |  |  |  |  |  | 131.25 |
|  | 11/19 | 11/20 | Germany |  | 198.00 |  |  |  |  |  | 198.00 |
|  | 11/20 | 11/22 | England |  | 531.00 |  |  |  |  |  | 531.00 |
| H.C. Young | 12/6 | 12/9 | Argentina |  | 615.00 |  | 3,438.00 |  | 17.00 |  | 4,070.00 |
|  | 12/9 | 12/11 | Brazil |  | 220.50 |  |  |  |  |  | 220.50 |
| Committee total |  |  |  |  | 63,847.50 |  | 146,431.91 |  | 6,508.33 |  | 216,787.74 |

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. NATCHER, Chairman, Feb. 16, 1993.

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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | | Foreign currency |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Total | U.S. dollar equivalent or U.S. currency[2] |
| Richard Frandsen | 11/29 | 12/4 | Uruguay | | 846.00 | | 1,784.00 | | | | 2,630.00 |
| Keith Cole | 11/29 | 12/4 | Uruguay | | 846.00 | | 1,784.00 | | | | 2,630.00 |
| David Finnegan | 11/17 | 11/25 | Denmark | | 1,573.00 | | 2,438.50 | | | | 4,011.50 |
| Charles Ingebretson | 11/17 | 11/25 | Denmark | | 1,573.00 | | 2,438.50 | | | | 4,011.50 |
| David Finnegan | 12/7 | 12/10 | Switzerland | | 708.00 | | 3,050.00 | | | | 3,758.00 |
| Jessica Laverty | 12/7 | 12/10 | Switzerland | | 708.00 | | 3,050.00 | | | | 3,758.00 |
| David Leach | 11/17 | 11/20 | Kiev | | 800.00 | | 3,369.50 | | | | 4,169.50 |
| Catherine Reid | 12/17 | 12/22 | Switzerland | | 885.00 | | 3,050.00 | | | | 3,935.00 |
| Catherine Van Way | 10/31 | 11/1 | Russia | | | | | | | | |
| | 11/1 | 11/6 | Kazakstan | | 2,600.00 | | | | | | 2,600.00 |
| Commercial air fare | | | | | | | 3,300.00 | | | | 3,300.00 |
| Donald Shriber | 10/22 | 10/26 | England | | 747.00 | | | | | | 747.00 |
| | 10/26 | 10/28 | Belgium | | 466.00 | | | | | | 466.00 |
| | 10/28 | 11/1 | France | | 828.00 | | | | | | 828.00 |
| Commercial air fare | | | | | | | 3,969.00 | | | | 3,969.00 |
| David Tittsworth | 12/13 | 12/15 | Sweden | | 600.00 | | | | | | 600.00 |
| | 12/15 | 12/17 | Germany | | 150.00 | | | | | | 150.00 |
| | 12/17 | 12/19 | France | | 828.00 | | | | | | 828.00 |
| Commercial air fare | | | | | | | 876.90 | | | | 876.90 |
| In country rail fare | | | | | | | 338.00 | | | | 338.00 |
| Committee total | | | | | 14,158.00 | | 29,448.50 | | | | 43,606.40 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Robert M. Gellman | 10/17 | 10/31 | Australia | 1,236.89 | 895.00 | | 1,391.00 | | | | 2,286.00 |
| Committee total | | | | | 895.00 | | 1,391.00 | | | | 2,286.00 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Chairman, Jan. 23, 1993.

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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Robin Sterling | 11/15 | 11/19 | Belgium | | 1,224.00 | | | | | | 1,224.00 |
| | 11/19 | 11/20 | Italy, Rome | | 247.00 | | | | | | 247.00 |
| | 11/20 | 11/22 | Italy, Naples | | 626.00 | | | | | | 626.00 |
| Committee total | | | | | 2,097.00 | | | | | | 2,097.00 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, Chairman, Jan. 27, 1993.

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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Lucien Blackwell | 12/13 | 12/13 | Cote D'Ivorie | | | | | | | | |
| | 12/13 | 12/18 | Guinea | | 950.00 | | | | | | 950.00 |
| | 12/18 | 12/18 | Cote D'Ivorie | | | | [3]3,733.00 | | | | 3,733.00 |
| Committee total | | | | | 950.00 | | 3,733.00 | | | | 4,683.00 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial air.

NORMAN Y. MINETA, Chairman, Jan. 29, 1993.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| William T. Fleshman | 10/19 | 10/22 | Central America | | 396.00 | | 553.00 | | | | 949.00 |
| W. Ross Newland | 10/19 | 10/22 | Central America | | 396.00 | | 589.54 | | | | 985.54 |
| | 11/29 | 12/3 | South America | | 273.00 | | 1,064.00 | | | | 1,337.00 |
| Committee total | | | | | 1,065.00 | | 2,206.54 | | | | 3,271.54 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY, Chairman, Jan. 26, 1993.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BULGARIA AND HUNGARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 4 AND OCT. 17, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Cathy Brickman | 10/5 | 10/7 | Bulgaria | | 500.00 | | | | | | 500.00 |
| | 10/7 | 10/17 | Hungary | 166,625 | 2,150.00 | | | | | | 2,150.00 |
| Commercial transportation | | | | | | | 3,658.30 | | | | 3,658.30 |
| William Freeman | 10/5 | 10/7 | Bulgaria | | 500.00 | | | | | | 500.00 |
| | 10/7 | 10/17 | Hungary | 166,625 | 2,150.00 | | | | | | 2,150.00 |
| Commercial transportation | | | | | | | 3,658.30 | | | | 3,658.30 |
| Committee total | | | | | 5,300.00 | | 7,316.60 | | | | 12,616.60 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTIE WALSETH, Nov. 23, 1992.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 AND NOV. 20, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Charles Rangel | 11/19 | 11/20 | Haiti | | 79.00 | | 617.00 | | | | 696.00 |
| Emile Milne | 11/19 | 11/20 | Haiti | | 79.00 | | 603.00 | | | | 682.00 |
| Committee total | | | | | 158.00 | | 1,220.00 | | | | 1,378.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES RANGEL.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EGYPT, KENYA, AND ENGLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 14 AND NOV. 21, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. John Lewis | 11/15 | 11/16 | Egypt | 1,138.52 | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | 16,800.00 | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | 566.52 | 858.52 | | (3) | | | | 858.52 |
| Hon. Eni Faleomavaega | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Hon. Barbara-Rose Collins | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Hon. Donald M. Payne | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/18 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Hon. Butler Derrick | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/18 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Hon. Bill Emerson | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Lorraine Miller | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Debra Spielberg | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Keith Jewell | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Barbara Earman | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Donna Brazille | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/19 | England | | 858.52 | | (3) | | | | 858.52 |
| Leo Coco | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.92 | | (3) | | | | 858.92 |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EGYPT, KENYA, AND ENGLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 14 AND NOV. 21, 1992—Continued

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| James Waller | 11/15 | 11/16 | Egypt | | 341.90 | | (3) | | | | 341.90 |
| | 11/16 | 11/18 | Kenya | | 350.00 | | (3) | | | | 350.00 |
| | 11/19 | 11/21 | England | | 858.52 | | (3) | | | | 858.52 |
| Committee total | | | | | 20,155.46 | | (3) | | | | 20,155.46 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

JOHN LEWIS, Chairman, Feb. 1, 1993.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 23, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Jim McDermott | 11/7 | 11/23 | India | | 2,712.00 | | 6,365.00 | | | | 9,077.00 |
| | | | | | | | [3] 162.00 | | | | 162.00 |
| Charles M. Williams | 11/7 | 11/23 | India | | 2,712.00 | | 6,365.00 | | | | 9,077.00 |
| | | | | | | | [3] 162.00 | | | | 162.00 |
| Carol Vargo | 11/7 | 11/23 | India | | 2,712.00 | | 4,887.90 | | | | 7,599.90 |
| | | | | | | | [3] 162.00 | | | | 162.00 |
| Committee total | | | | | 8,136.00 | | 18,103.90 | | | | 26,239.90 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] In country.

JIM McDERMOTT, Chairman, Jan. 22, 1993.

## REPORT ON EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GENEVA, SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 7 AND DEC. 12, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Jack Andresen | 12/8 | 12/12 | Switzerland | 1,282.10 | 908.00 | | | | | 1,282.10 | 908.00 |
| Commercial air transportation | | | | | | | 3,050.00 | | | | 3,050.00 |
| Mark Benedict | 12/8 | 12/12 | Switzerland | 1,282.10 | 908.00 | | | | | 1,282.10 | 908.00 |
| Commercial air transportation | | | | | | | 3,050.00 | | | | 3,050.00 |
| Committee total | | | | | 1,816.00 | | 6,100.00 | | | | 7,916.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK ANDRESEN, Jan. 25, 1993.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO REPUBLIC OF GUINEA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 12 AND DEC. 19, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Corliss Clemonts-James | 12/13 | 12/18 | Republic of Guinea | 876,850 | 876.85 | | | | | | 876.85 |
| Tommie St. Hill | 12/13 | 12/18 | Republic of Guinea | 876,850 | 876.85 | | | | | | 876.85 |
| Committee total | | | | | 1,753.70 | | | | | | 1,753.70 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LUCIEN E. BLACKWELL, Jan. 27, 1993.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, UKRAINE, AND RUSSIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 12 AND DEC. 19, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Pete Peterson | 12/13 | 12/14 | Czechoslovakia | | 180.00 | | (3) | | | | 180.00 |
| | 12/14 | 12/15 | Ukraine | | 170.00 | | (3) | | | | 170.00 |
| | 12/15 | 12/19 | Russia | | 850.00 | | (3) | | | | 850.00 |
| Suzanne Farmer | 12/13 | 12/14 | Czechoslovakia | | 180.00 | | (3) | | | | 180.00 |
| | 12/14 | 12/15 | Ukraine | | 170.00 | | (3) | | | | 170.00 |
| | 12/15 | 12/19 | Russia | | 850.00 | | (3) | | | | 850.00 |
| Committee total | | | | | 2,400.00 | | (3) | | | | 2,400.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

PETE PETERSON, Chairman, Jan. 28, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, GREECE, AND ISRAEL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 11 AND DEC. 17, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Forose /robert r. king/ eign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Richard A. Gephardt | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/13 | 12/14 | Greece | | 162.00 | | | | | | 162.00 |
| | 12/14 | 12/16 | Israel | | 540.00 | | | | | | 540.00 |
| | 12/16 | 12/17 | Germany | | 198.00 | | | | | | 198.00 |
| Hon. Dan Glickman | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/13 | 12/14 | Greece | | 162.00 | | | | | | 162.00 |
| | 12/14 | 12/16 | Israel | | 540.00 | | | | | | 540.00 |
| | 12/16 | 12/17 | Germany | | 198.00 | | | | | | 198.00 |
| Hon. Robert Torricelli | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/13 | 12/15 | Greece | | 324.00 | | | | | | 324.00 |
| | 12/15 | 12/16 | Israel | | 270.00 | | | | | | 270.00 |
| | 12/16 | 12/17 | Germany | | 198.00 | | | | | | 198.00 |
| Elmendorf Steven | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/13 | 12/15 | Greece | | 162.00 | | | | | | 162.00 |
| | 12/15 | 12/16 | Israel | | 540.00 | | | | | | 540.00 |
| | 12/16 | 12/17 | Germany | 198.00 | | | | | | | 198.00 |
| Margeret Sullivan | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/13 | 12/14 | Greece | | 162.00 | | | | | | 162.00 |
| | 12/14 | 12/16 | Israel | | 540.00 | | | | | | 540.00 |
| | 12/16 | 12/17 | Germany | | 198.00 | | | | | | 198.00 |
| Ruth Thomas | 12/11 | 12/17 | | | | | 3,047.90 | | | | 3,047.90 |
| | 12/11 | 12/11 | Germany | | | | | | | | |
| | 12/11 | 12/13 | Turkey | | 426.00 | | | | | | 426.00 |
| | 12/14 | 12/14 | Greece | 162.00 | | | | | | 162.00 | |
| | 12/14 | 12/16 | Israel | | 540.00 | | | | | | 540.00 |
| | 12/16 | 12/17 | Germany | | 198.00 | | | | | | 198.00 |
| Committee total | | | | | 7,956.00 | | 18,287.40 | | | | 26,243.40 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Chairman, Feb. 23, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO HUNGARY, SLOVAKIA, ROMANIA, SERBIA, AND CROATIA, MR. ROBERT KING, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND DEC. 3, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Robert R. King | 11/21 | 11/23 | Hungary | | 2,150.00 | | | | | | 2,150.00 |
| | 11/23 | 11/24 | Slovakia | | 416.00 | | | | | | 416.00 |
| | 11/25 | 11/27 | Hungary | | | | | | | | |
| | 11/27 | 11/29 | Romania | | | | 215.00 | | | | 215.00 |
| | 11/29 | 11/30 | Hungary | | | | | | | | |
| | 11/30 | 12/1 | Serbia | | | | | | | | |
| | 12/1 | 12/2 | Croatia | | | | | | | | |
| | 12/2 | 12/3 | Hungary | | | | 3,273.60 | | | | 3,273.60 |
| Committee total | | | | | 2,566.00 | | 3,488.60 | | | | 6,054.60 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT R. KING, Jan. 28, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH AFRICA AND BELGIUM, MR. VIVEK VARMA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 20 AND DEC. 30, 1992

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Vivek Varma | 12/20 | 12/27 | South Africa | | 1,418.50 | | | | | | 1,418.50 |
| | 12/28 | 12/30 | Belgium | | 542.00 | | 6,423.44 | | | | 6,965.44 |
| Committee total | | | | | 1,960.50 | | 6,423.44 | | | | 8,383.94 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

23VIVEK VARMA, Jan. 27, 1993.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

794. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-5, "Furlough Schedule Clarification Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

795. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed manufacturing license agreement with the Japanese firm, Miroku Firearms Co. (Transmittal No. OTC-19-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

796. A letter from the Acting Assistant Secretary (Management), Department of the Treasury, transmitting a report on the Department's activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

797. A letter from the Acting Director, Federal Domestic Volunteer Agency, transmitting the Agency's report on activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

798. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

799. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting a report on internal accounting controls for the fiscal year ended September 30, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

800. A letter from the Secretary, Department of Commerce, transmitting the annual report on the effect of process patent amendments on domestic industries, pursuant to 35 U.S.C. 271 note; to the Committee on the Judiciary.

801. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report regarding administrative cost of carrying out the Court's duties, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 617. A bill to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes, with an amendment (Rept. 103-21). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAYES of Louisiana:

H.R. 1139. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, LA, and for other purposes; to the Committee on Natural Resources.

By Mr. BROOKS:

H.R. 1140. A bill to provide for the treatment of certain aircraft equipment settlement leases; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. ANDREWS of Texas (for himself and Mr. SUNDQUIST):

H.R. 1141. A bill to amend the Internal Revenue Code of 1986 to allow a credit for a portion of employer Social Security taxes paid with respect to employee cash tips; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 1142. A bill to amend the Internal Revenue Code of 1986 to permit farmers to rollover into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1143. A bill to exclude foreign reparation payments from consideration as income in determining eligibility and benefits under Federal housing assistance programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING (for himself, Mr. BATEMAN, Mr. FROST, Ms. KAPTUR, Mrs. MORELLA, Mr. BOEHLERT, Mr. HOCHBRUECKNER, Mr. MURPHY, Mr. HANSEN, Mr. SANDERS, Mr. MCCLOSKEY, Mrs. JOHNSON of Connecticut, and Mr. SLATTERY):

H.R. 1144. A bill to amend title 5, United States Code, to increase by 1 year the maximum age through which an unmarried dependent child may continue to receive health benefits coverage as a family member, so long as such child remains a full-time student; to the Committee on Post Office and Civil Service.

By Mr. HEFLEY:

H.R. 1145. A bill to amend the Internal Revenue Code of 1986 to provide certain additional taxpayers' rights; to the Committee on Ways and Means.

By Mr. KOPETSKI:

H.R. 1146. A bill to provide that any foreign nation that conducts a test of a nuclear weapon in the United States shall pay the costs resulting from the test; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H.R. 1147. A bill to extend until January 1, 1999, the existing suspension of duty on certain unimproved wools; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 1148. A bill to provide financial assistance to law enforcement officers for continuing education classes and to develop minimum standards for effective and responsible policing; to the Committee on the Judiciary.

By Mr. ORTON (for himself, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. DOOLITTLE, Mr. DORNAN, Mr. FINGERHUT, Mr. GILLMOR, Mr. GILMAN, Mr. HANSEN, Mr. MACHTLEY, Mr. PARKER, Mr. PAYNE of New Jersey, Mr. QUINN, Mr. ROHRABACHER, Mr. SARPALIUS, Ms. SHEPHERD, Mr. SISISKY, Mr. SOLOMON, Mr. SUNDQUIST, and Mr. ZELIFF):

H.R. 1149. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. SHAYS):

H.R. 1150. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to the drug fentanyl; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. REED (for himself, Mrs. MINK, and Mr. PETRI):

H.R. 1151. A bill to provide for elementary and secondary school library media resources, technology enhancement, training, and improvement; to the Committee on Education and Labor.

By Mr. DOOLITTLE:

H.J. Res. 124. Joint resolution designating the week of June 1 through June 7, 1993, as National Polio Awareness Week"; to the Committee on Post Office and Civil Service.

By Mrs. BYRNE:

H. Con. Res. 55. Concurrent resolution expressing the sense of the Congress that an economic recovery program should include expenditures for certain State and local programs; to the Committee on Natural Resources.

## MEMORIALS

Under clause 4 of rule XXII,

46. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to the armed services of the United States; to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. HASTINGS.

H.R. 159: Mr. FAWELL.

H.R. 163: Mr. PACKARD.

H.R. 643: Mr. GORDON.

H.R. 697: Mr. COYNE, Mr. FROST, Mr. KOPETSKI, Mr. MANTON, Ms. NORTON, and Mr. ROMERO-BARCELÓ.

H.R. 840: Ms. BYRNE, Mr. DIAZ-BALART, Mrs. KENNELLY, Mr. RANGEL, Mr. SERRANO, Mr. STUPAK, Ms. WOOLSEY, Mrs. MALONEY, and Mr. GENE GREEN of Texas.

H.R. 887: Mr. ROHRABACHER.

H.R. 894: Mr. CRANE, Mr. DOOLITTLE, and Mr. PACKARD.

H.J. Res. 22: Mr. COBLE, Mr. CRANE, and Mr. BILIRAKIS.

H.J. Res. 106: Mr. BEVILL, Mr. BREWSTER, Mr. COBLE, Mr. DE LA GARZA, Mr. EDWARDS of Texas, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. ORTON, and Mr. PAXON.

H. Res. 86: Mr. BECERRA, Mr. CARR, Mr. CONDIT, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mrs. KENNELLY, Mr. NEAL of Massachusetts, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. SWETT, and Mr. TORRICELLI.

# SENATE—*Thursday, February 25, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

### PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord. Eternal God holy and righteousness in truth and justice help us to understand our times. We are mortified when we hear of two 18-year-olds killing a cabdriver then firebombing a home to eliminate a witness to the killing. We are profoundly concerned for the breakdown of the family, the moral and ethical anarchy which pervades our culture, and the inadequacy of legislation to address them.

Gracious God having just heard Washington's Farewell Address yesterday may we heed his concern; "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion."

Help us mighty God to find our way, in the name of Him who is the Way. Amen.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock, with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Texas [Mr. KRUEGER] is included in the previous order to be recognized to speak for up to 10 minutes.

The Senator from Texas is recognized.

Mr. KRUEGER. I thank the Chair.

(The remarks of Mr. KRUEGER pertaining to the introduction of S. 436 and S. 437 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. What is the will of the Senate?

The Chair, in its capacity as a Senator from the State of West Virginia, suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDENT pro tempore. The Senator from Florida is recognized for not to exceed 10 minutes under the order.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 438 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS and Mr. MATHEWS pertaining to the introduction of S. 439 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MATHEWS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota is recognized for not to exceed 5 minutes.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized under the order for not to exceed 10 minutes.

### THE URUGUAY ROUND

Mr. GORTON. Mr. President, President Clinton, of course, has a number of important issues demanding his attention, and I am pleased that he has chosen to attack first our Nation's economy and the budget deficit. But as he insists on an economic stimulus package that requires huge tax increases with dubious prospects for reducing our deficit, I am dismayed at his tardiness in pursuing the Uruguay round of GATT talks—the success of which would provide $35 billion a year to our economy at no expense to our taxpayers and without adding to our budget deficit.

In other fields, the President's inaction could be harmless and understandable. The GATT talks, though, are on the verge of collapse. European countries have stopped negotiating and have begun reexamining old agreements. Asian countries, which enjoy large trade surpluses, are content to watch the talks flounder. If the Uruguay round is to succeed, or at least not to unravel, the President must push the GATT's member countries to negotiate.

This is not surprising. As the nation with the freest markets and fewest trade barriers, we have the most to gain. We began these talks because the GATT was not serving many new or rapidly growing industries—industries in which the United States excels. We correctly assume that if we lowered tariffs and nontariff barriers in these areas, and gave our companies the opportunity to present complaints to a dispute resolution panel, they can compete with anyone. To that end, the Uruguay round, as it stands, would standardize and reduce tariffs in areas in which the United States has a tremendous amount to gain: services, intellectual property rights, telecommunications, airplane manufacturing, and agriculture.

Complete the agreement and our software, high technology, and entertainment industries can safely export their products under new intellectual property safeguards. Agricultural policy will be regulated by the GATT for the first time, promising further progress in lowering overseas subsidies. Our airline manufacturers will face lower subsidies from all member gov-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ernments, expanding upon the 1992 agreement on Airbus subsidies. Telecommunications firms can surmount market access barriers. And poorer countries will open their markets to our rapidly growing service industries, which now account for 30 percent of our exports—a 50-percent increase in share from a decade ago. As I mentioned, under an agreement like the one we were approaching a few months ago, the United States would benefit in an amount of $35 billion a year. The world as a whole would see a gain of $120 billion a year, or approximately one-half of 1 percent of today's gross world product.

For my State, Washington, it would be a great step—better than the proposed economic stimulus package at its best. Even though we are on the west coast and the United States hopes primarily for European concessions in the GATT, it seems to be an agreement tailor-made for Washington State. A round which uses the Dunkel text as a bare minimum would allow our farmers to sell in Europe and compete more directly with Europeans abroad. Our telecommunications firms and software companies, on the cutting edge of their industries, have paid dearly for their innovations by trying to sell to markets which do not respect their copyrights or remain closed because the GATT has not yet addressed their industries. A completed Uruguay round will protect them and ease market access barriers. And finally, the Boeing Co. deserves an agreement limiting overseas subsidies by foreign airplane manufacturers.

Along these lines, I commend the President for the attention he has focused on Airbus subsidies. I support the creation of a commission to study the airline and aerospace industry and make recommendations as to its health. I also look forward to working to lower Airbus subsidies and to ensuring, at the least, that Airbus is adhering to its 1992 agreement to eliminate all subsidies except those in airplane development, and to open its books so all can know what governmental help it receives.

There are a number of issues with respect to that agreement and Airbus' continuing practices that require our scrutiny. Airbus continues to receive financing from European governments, at favorable interest rates, and at no apparent damage to the company's credit rating. Airbus continues to offer walk-away leases—a practice which is not viable for companies that do not receive government support. And while Airbus has pledged to pay back some of its government subsidies, we do not have the access to Airbus' financial books to determine whether it is reneging on this pledge or even super-discounting airplanes.

Much of the information we require should be released in accordance with the 1992 Airbus agreement. We must ensure that Airbus abides by that agreement, and that our Government understands exactly what kind and amount of subsidies Airbus receives. At the least, we deserve to know what support our competitors are receiving from governments. And as this effort proceeds, I ask the President to pursue the GATT talks so that Boeing is not soon competing with other governments that subsidize airplane manufacturing.

I respect the Clinton administration's need for time in formulating a sound trade policy. I hope, though, that this formulation occurs simultaneously with efforts to keep the Uruguay round—nearly 7 years of work—alive. What is more, as the world waits to discover this policy, I urge the administration to be more sensitive to the perceptions it creates through its smaller gestures. Recently, the world has seen these glimpses of the Clinton administration's trade policy: a perilous slowness, including a reexamination of old agreements, in pursuing the Uruguay round; a duty on imported steel; a promise to raise the tariffs on minivans by 1,000 percent; a desire for Super 301 authority; a threat to bar European countries from bidding on contracts with the Federal Government; and a threat by Ambassador Kantor to back out of the GATT rules on Government procurement. Clearly, the Clinton administration has created an image of semiprotectionism, and granted the protectionist sectors of the EC a reprieve.

I am confident that the President will work to improve this image. More importantly, however, I urge him to take immediate steps to keep the Uruguay round alive. It is essential to our economic security, and a natural for our efforts to find revenue sources that don't require higher taxes.

(The remarks of Mr. GORTON pertaining to the introduction of S. 440 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for not to exceed 5 minutes.

## PRESIDENT CLINTON'S ECONOMIC PROPOSAL

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator SPECTER, of Pennsylvania, for his courtesy.

Mr. President, there has been a lot of confusion the last couple of weeks over President Clinton's economic proposal, particularly how much of it is taxes and how much of it is spending. I have done a lot of work, along with Senator DOMENICI, of the Budget Committee, to analyze this proposal. I will be inserting in the RECORD several tables that I think will help show the American people in a very simple and very understandable way the basic components of the President's economic proposal.

First, let me say I am very pleased President Clinton has decided to postpone the so-called economic stimulus package because, clearly, that package would increase the deficit this year. According to his budget figures, it would increase the deficit this year by at least $13 billion—and, over the next 2 years by at least $30 billion. I think that is a serious mistake. I am glad he has postponed it. I am pleased he is listening to many of the freshman Members of the House, who have recommended we postpone that package. I do not think we can afford a jobs package that will cost $55,000 per job created—Federal job created, I might mention.

Mr. President, let me provide some details and some facts. What is the total amount of new taxes proposed by President Clinton over the next 5 years? The answer to that is $360 billion. I might mention, too, that he has proposed user fees of $25 billion, many of which are direct taxes, Medicare taxes, and so on. Also, he has called for cutting taxes by $67 billion. So net new taxes equal $293 billion or 63 percent of his so-called deficit reduction package. The New user fees account for another 5 percent.

What about defense spending cuts? He has proposed spending cuts in defense of $112 billion over that of President Bush over the next 5 years. So, defense cuts account for 24 percent of the deficit reduction package.

What about nondefense spending cuts? I have heard President Clinton saying throughout the country: We're going to bite the bullet, we're going to cut spending. He has proposed cuts in domestic discretionary spending of $71 billion over the next 5 years and cuts in entitlement spending of $78 billion for total nondefense spending cuts of $149 billion. What we do not hear is that he also has proposed massive new spending increases in nondefense areas that total $178 billion over the next 5 years. Thus, if you look at nondefense domestic spending, he has proposed $178 billion in new spending, and spending cuts of only $149 billion. In other words, his spending increases greatly exceed his spending cuts. I hope that message will sink into the American people. His spending increases greatly exceed his spending cuts.

So let's put this in perspective. President Clinton has proposed the largest tax increase in American history, $360 billion. He has proposed very small tax cuts, supposedly to stimulate business, of $67 billion for a net tax increase of $293 billion. That is still the largest tax increase in American history.

President Clinton has proposed massive defense cuts greatly exceeding those of President Bush, he has $178 billion in new nondefense spending, and he has proposed nondefense spending cuts of $149 billion.

Mr. President, I will support most of those spending cuts. I may support them all if we consider them in one package. But I do not support $178 billion in new spending.

I have heard the President say, "Republicans, make your suggestions, I am willing to hear them."

I will make a couple of suggestions. First, let's not pass an economic stimulus package that increases the deficit by $30 billion, and, second, let's not pass $178 billion of new spending.

Finally, President Clinton talked about getting the deficit down. Last year the deficit was $290 billion. Under this program, in 1993 it goes up to $332 billion, and in 1998 it is $241 billion. This is not a serious deficit reduction package.

Mr. President, for the RECORD, I would like to include the tables I have referred to, in addition to tables that show where the new spending comes from. For example, President Clinton has proposed spending an additional $16 billion on the earned income tax credit, even though the cost of the earned income tax credit went up by 55 percent last year.

President Clinton proposes an additional $14 billion in Head Start, an additional $14 billion in the AIDS initiative, an additional $12 billion on food stamps. Food stamps grew at 21 percent last year. Mr. President, I can go on down the list. I will not do that because of the time restraints. I will include for the RECORD this table with all the new major spending requests in President Clinton's budget. I will also detail his spending reductions, many of which are kind of what I would call smoke and mirrors. They include "streamlining Government," which he says is going to save $12 billion and "other administrative savings," for another $11.2 billion.

Also, Mr. President, I have a table that specifies where his new tax revenues will come from. I think it is important for the American people to see that information.

In addition, I would like to include some tables that show the growth of entitlement programs. I think that information will help people have a better perspective on the growth of Government.

One final table I will include shows the growth of the Unemployment Compensation Program. The House recently passed another unemployment extension bill. Another $5.7 billion to increase the deficit. I'm going to oppose that bill, Mr. President, because the cost of that program likewise has exploded, and the table which I am including will clearly show that.

Mr. President, I ask unanimous consent that the tables I just mentioned be printed in the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

### SUMMARY OF THE CLINTON BUDGET PLAN, FISCAL YEARS 1993–98

[Dollars in billions compared to Clinton's uncapped baseline]

| Deficit reduction category | Fiscal years 1993–98 | As a percent of total |
|---|---|---|
| Total new taxes | $360 | 78 |
| Tax cuts | (67) | −15 |
| Net new taxes | 293 | 63 |
| New user fees and other receipts | 25 | 5 |
| Cuts in defense spending | 112 | 24 |
| Cuts in domestic spending | 71 | 15 |
| Cuts in entitlement spending | 78 | 17 |
| Domestic spending increases | (178) | −39 |
| Net spending reductions | 82 | 18 |
| Debt service savings | 62 | 13 |
| Total deficit reduction | 462 | 100 |

Note.—Items which increase the deficit are shown in (parenthesis). Details may not add to totals due to rounding.

### SUMMARY OF THE CLINTON BUDGET PLAN, FISCAL YEARS 1993–97

[Dollars in billions compared to Clinton's uncapped baseline]

| Deficit reduction category | Fiscal years 1993–97 | As a percent of total |
|---|---|---|
| Total new taxes | $271 | 86 |
| Tax cuts | (54) | −17 |
| Net new taxes | 216 | 69 |
| New user fees and other receipts | 15 | 5 |
| Cuts in defense spending | 76 | 24 |
| Cuts in domestic spending | 49 | 15 |
| Cuts in entitlement spending | 52 | 16 |
| Domestic spending increases | (129) | −41 |
| Net spending reductions | 46 | 15 |
| Debt service savings | 35 | 11 |
| Total deficit reduction | 313 | 100 |

Note.—Items which increase the deficit are shown in (parenthesis). Details may not add to totals due to rounding.

### CLINTON'S DEFICITS

| | Deficit |
|---|---|
| 1992 (actual) | $290,000,000,000 |
| 1993 | 332,000,000,000 |
| 1994 | 262,000,000,000 |
| 1997 | 206,000,000,000 |
| 1998 | 241,000,000,000 |
| 2003 | 400,000,000,000 |

### SUMMARY OF UNEMPLOYMENT EXTENSION LEGISLATION

| Bill | Date | Extension (weeks) | Cost (billions/5 yrs) | DN vote |
|---|---|---|---|---|
| H.R. 3575 | Nov. 15, 1991 | 6/13/20 | $5.6 | Y. |
| H.R. 4095 | Feb. 4, 1992 | 13 | 2.4 | Y. |
| H.R. 5260 | July 2, 1992 | 20/26 | 5.3 | Voice. |
| Clinton plan | | 20/26 | 6.4 | |

### UNEMPLOYMENT COMPENSATION

| | Outlays | Dollar growth | Percentage growth | Percentage of GDP |
|---|---|---|---|---|
| Year: | | | | |
| 1980 | 16.9 | | | 0.6 |
| 1981 | 18.3 | 1.4 | 8.3 | .6 |
| 1982 | 22.2 | 3.9 | 21.3 | .7 |
| 1983 | 29.7 | 7.5 | 33.8 | .9 |
| 1984 | 17.0 | (12.7) | −42.8 | .5 |
| 1985 | 15.8 | (1.2) | −7.1 | .4 |
| 1986 | 16.1 | .3 | 1.9 | .4 |
| 1987 | 15.5 | (.6) | −3.7 | .3 |
| 1988 | 13.6 | (1.9) | −12.3 | .3 |
| 1989 | 13.9 | .3 | 2.2 | .3 |
| 1990 | 17.5 | 3.6 | 25.9 | .3 |
| 1991 | 25.1 | 7.6 | 43.4 | .4 |
| 1992 | 36.9 | 11.8 | 47.0 | .6 |

### NEW SPENDING IN THE CLINTON BUDGET PLAN

[Dollars billions above baseline levels]

| | Fiscal years— | |
|---|---|---|
| | 1993–97 | 1993–98 |
| New spending: | | |
| Earned income tax credit (outlays) | 11.916 | 16.072 |
| Head Start | 9.784 | 14.346 |
| AIDS initiative | 9.331 | 14.027 |
| Food stamps | 9.000 | 12.000 |
| Federal Aid Highway Program | 8.399 | 9.860 |
| National service | 6.045 | 9.445 |
| Education reform | 6.152 | 9.235 |
| Dislocated worker assistance | 4.598 | 6.598 |
| Extended unemployment compensation | 4.000 | 6.400 |
| Clean Water Act funds | 2.700 | 4.366 |
| WIC | 2.709 | 3.709 |
| JTPA Summer Youth | 3.037 | 3.662 |
| National Science Foundation | 2.504 | 3.604 |
| Government automation | 2.649 | 3.384 |
| VA medical care | 2.475 | 3.336 |
| Crime initiative | 2.298 | 3.216 |
| Low income home energy assistance | 1.947 | 2.945 |
| Mass transit | 1.924 | 2.810 |
| CDBG | 2.536 | 2.966 |
| National Institute of Standards | 1.423 | 2.228 |
| Safe Drinking Water Act funds | 1.328 | 2.168 |
| Environment protection | 1,531 | 2.069 |
| Subtotal, major provisions | 98.286 | 138.446 |
| Other provisions | 31.111 | 39.728 |
| Total new spending | 129.397 | 178.174 |

### SPENDING REDUCTIONS IN THE CLINTON BUDGET PLAN

[Dollars in billions above baseline levels]

| | Fiscal years— | |
|---|---|---|
| | 1993–97 | 1993–98 |
| Discretionary spending cuts: | | |
| Streamlining Government | 7.928 | 12.124 |
| Federal pay freeze and lower COLA's | 8.346 | 11.311 |
| Other administrative savings | 7.699 | 11.252 |
| Cut 100,000 Federal employees | 7.927 | 10.518 |
| Wastwater treatment grants authorization | 4.104 | 6.311 |
| Reduce international security assistance | 1.583 | 2.526 |
| Eliminate low priority transportation projects | 1.332 | 1.749 |
| Reforms in light of new crime initiative | 1.154 | 1.704 |
| Reduce overhead rate on university R&D | 1.238 | 1.634 |
| Implement uranium enrichment initiative | 1.275 | 1.615 |
| Improve management of VA hospitals | 1.000 | 1.500 |
| Create new farm service organization | .730 | 1.133 |
| Eliminate unnecessary nuclear reactor R&D | .820 | 1.099 |
| Reform campus based aid | .732 | 1.044 |
| Subtotal, major provisions | 45.868 | 65.520 |
| Other provisions | 2.632 | 5.380 |
| Total discretionary spending cuts | 48.500 | 70.900 |
| Entitlement spending cuts: | | |
| Medicare reform and cost controls | 28.792 | 42.137 |
| End lump-sum pension benefit | 5.132 | 8.329 |
| Farm program modifications | 3.789 | 5.860 |
| Eliminate mandatory medicaid care | 4.085 | 5.845 |
| Reform student loan program | 1.337 | 3.170 |
| Subtotal, major provisions | 43.135 | 65.341 |
| Other provisions | 8.565 | 12.459 |
| Total entitlement spending cuts | 51.700 | 77.800 |
| Total defense spending cuts | 75.500 | 111.800 |
| Total reductions in spending | 175.700 | 260.500 |

### NEW REVENUES IN THE CLINTON BUDGET PLAN

[dollars in billions above baseline levels]

| | Fiscal years— | |
|---|---|---|
| | 1993—1997 | 1993—1998 |
| New taxes: | | |
| Individual income tax increase and surtax | 96.8 | 124.5 |
| Energy tax | 49.0 | 71.4 |
| Corporate tax increase | 24.4 | 30.2 |
| Social Security tax from 50 percent to 85 percent | 21.4 | 29.1 |
| Medicare taxable wage base increase | 22.0 | 29.2 |
| Business meals deduction restriction | 12.1 | 16.1 |
| Gas tax 2.5 cent extension | 5.2 | 7.8 |
| Subtotal, major provisions | 230.9 | 308.3 |
| Other provisions | 39.6 | 52.0 |
| Total new taxes | 270.5 | 360.3 |

NEW REVENUES IN THE CLINTON BUDGET PLAN—Continued

[dollars in billions above baseline levels]

| | Fiscal years— | |
|---|---|---|
| | 1993—1997 | 1993—1998 |
| Tax cuts: | | |
| Small business investment tax credit | (12.3) | (15.8) |
| Earned income tax credit (revenues) | (7.9) | (10.7) |
| Expanded R&D tax credit | (6.4) | (8.6) |
| Temporary incremental investment tax credit | (9.1) | (8.6) |
| Enterprise zones | (2.4) | (4.1) |
| Low income housing tax credit | (2.6) | (4.0) |
| Employer provided education assistance | (1.9) | (2.5) |
| Targeted jobs tax credit | (1.4) | (2.0) |
| AMT depreciation preference | (1.3) | (1.6) |
| Subtotal, major provisions | (45.4) | (57.9) |
| Other provisions | (9.0) | (9.4) |
| Total tax cuts | (54.4) | (67.3) |
| New user fees, premiums and other receipts: | | |
| Medicare premium increase | 5.0 | 11.6 |
| FCC spectrum auction | 4.1 | 4.4 |
| Customs user fees | 1.1 | 1.7 |
| FDA user fees | 1.0 | 1.4 |
| Hardrock mining fees and royalties | .8 | 1.1 |
| Subtotal, major provisions | 12.0 | 20.3 |
| Other provisions | 3.2 | 4.2 |
| Total new user fees, etc | 15.2 | 24.5 |
| Total new revenues | 231.3 | 317.5 |

FEDERAL SPENDING CATEGORIES

[In billions of nominal dollars]

| Year | Outlays | Growth | Percent growth | Percent of GDP |
|---|---|---|---|---|
| Mandatory (except Social Security): | | | | |
| 1980 | $174.4 | | | 6.4 |
| 1981 | 202.7 | $28.3 | 16.2 | 6.7 |
| 1982 | 218.8 | 16.1 | 7.9 | 6.9 |
| 1983 | 243.1 | 24.3 | 11.1 | 7.1 |
| 1984 | 230.2 | (12.9) | −5.3 | 6.1 |
| 1985 | 203.0 | 33.4 | 14.5 | 6.5 |
| 1986 | 263.2 | (.4) | −.2 | 6.2 |
| 1987 | 265.1 | 1.9 | .7 | 5.8 |
| 1988 | 277.4 | 12.3 | 4.6 | 5.7 |
| 1989 | 295.8 | 18.4 | 6.6 | 5.6 |
| 1990 | 320.9 | 25.1 | 8.5 | 5.8 |
| 1991 | 367.4 | 46.5 | 14.5 | 6.4 |
| 1992 | 426.1 | 50.7 | 10.0 | 7.2 |
| International: | | | | |
| 1980 | 12.8 | | | .5 |
| 1981 | 13.6 | .8 | 6.2 | .4 |
| 1982 | 12.9 | (.7) | −5.1 | .4 |
| 1983 | 13.6 | .7 | 5.4 | .4 |
| 1984 | 16.3 | 2.7 | 19.9 | .4 |
| 1985 | 17.4 | 1.1 | 6.7 | .4 |
| 1986 | 17.7 | .3 | 1.7 | .4 |
| 1987 | 15.2 | (2.5) | −14.1 | .3 |
| 1988 | 15.7 | .5 | 3.3 | .3 |
| 1989 | 16.6 | .9 | 5.7 | .3 |
| 1990 | 19.1 | 2.5 | 15.1 | .3 |
| 1991 | 19.7 | .6 | 3.1 | .3 |
| 1992 | 19.2 | (.5) | −2.5 | .3 |
| Social Security: | | | | |
| 1980 | 117.1 | | | 4.3 |
| 1981 | 137.9 | 20.8 | 17.8 | 4.6 |
| 1982 | 153.9 | 16.0 | 11.6 | 4.9 |
| 1983 | 168.5 | 14.6 | 9.5 | 4.9 |
| 1984 | 176.1 | 7.6 | 4.5 | 4.7 |
| 1985 | 186.4 | 10.3 | 5.0 | 4.6 |
| 1986 | 196.5 | 10.1 | 5.4 | 4.6 |
| 1987 | 205.1 | 8.6 | 4.4 | 4.5 |
| 1988 | 216.8 | 11.7 | 5.7 | 4.4 |
| 1989 | 230.4 | 13.6 | 6.3 | 4.4 |
| 1990 | 246.5 | 16.1 | 7.0 | 4.5 |
| 1991 | 266.8 | 20.3 | 8.2 | 4.7 |
| 1992 | 285.1 | 18.3 | 6.9 | 4.8 |
| Domestic: | | | | |
| 1980 | 129.1 | | | 4.8 |
| 1981 | 136.5 | 7.4 | 5.7 | 4.5 |
| 1982 | 127.4 | (9.1) | −6.7 | 4.0 |
| 1983 | 130.0 | 2.6 | 2.0 | 3.8 |
| 1984 | 135.3 | 5.3 | 4.1 | 3.6 |
| 1985 | 145.7 | 10.4 | 7.7 | 3.6 |
| 1986 | 147.5 | 1.8 | 1.2 | 3.5 |
| 1987 | 147.2 | (.3) | −.2 | 3.2 |
| 1988 | 158.4 | 11.2 | 7.6 | 3.2 |
| 1989 | 169.0 | 10.6 | 6.7 | 3.2 |
| 1990 | 182.5 | 13.5 | 8.0 | 3.3 |
| 1991 | 195.4 | 12.9 | 7.1 | 3.4 |
| 1992 | 213.9 | 18.5 | 9.5 | 3.6 |
| Defense: | | | | |
| 1980 | 134.6 | | | 5.0 |
| 1981 | 158.0 | 23.4 | 17.4 | 5.2 |
| 1982 | 185.9 | 27.9 | 17.7 | 5.9 |
| 1983 | 209.9 | 24.0 | 12.0 | 6.2 |
| 1984 | 228.0 | 18.1 | 8.6 | 6.0 |
| 1985 | 253.1 | 25.1 | 11.0 | 6.3 |
| 1986 | 273.8 | 20.7 | 8.2 | 6.4 |
| 1987 | 282.5 | 8.7 | 3.2 | 6.2 |
| 1988 | 290.9 | 8.4 | 3.0 | 5.9 |
| 1989 | 304.0 | 13.1 | 4.5 | 5.8 |
| 1990 | 300.1 | (3.9) | −1.3 | 5.4 |
| 1991 | 319.7 | 19.6 | 6.5 | 5.6 |
| 1992 | 304.3 | (15.4) | −4.8 | 5.1 |
| Net interest: | | | | |
| 1980 | 52.5 | | | 1.9 |
| 1981 | 68.8 | 16.3 | 31.0 | 2.3 |
| 1982 | 85.0 | 16.2 | 23.5 | 2.7 |
| 1983 | 88.8 | 4.9 | 5.6 | 2.6 |
| 1984 | 111.1 | 21.3 | 23.7 | 2.9 |
| 1985 | 129.5 | 18.4 | 16.6 | 3.2 |
| 1986 | 136.0 | 6.5 | 5.0 | 3.2 |
| 1987 | 138.7 | 2.7 | 2.0 | 3.1 |
| 1988 | 151.8 | 13.1 | 9.4 | 3.1 |
| 1989 | 169.3 | 17.5 | 11.5 | 3.2 |
| 1990 | 184.2 | 14.9 | 8.8 | 3.3 |
| 1991 | 194.5 | 10.3 | 5.6 | 3.4 |
| 1992 | 199.4 | 4.9 | 2.5 | 3.4 |
| Earned income tax credit: | | | | |
| 1980 | 1.3 | | | |
| 1981 | 1.3 | | | |
| 1982 | 1.2 | (.1) | −7.7 | |
| 1983 | 1.2 | | | |
| 1984 | 1.2 | | | |
| 1985 | 1.1 | (.1) | −8.3 | |
| 1986 | 1.4 | .3 | 27.3 | |
| 1987 | 1.4 | | | |
| 1988 | 2.7 | 1.3 | 92.9 | .1 |
| 1989 | 4.0 | 1.3 | 48.1 | .1 |
| 1990 | 4.4 | .4 | 10.0 | .1 |
| 1991 | 4.9 | .5 | 11.4 | .1 |
| 1992 | 7.6 | 2.7 | 55.1 | .1 |
| Unemployment compensation: | | | | |
| 1980 | 16.9 | | | .6 |
| 1981 | 18.3 | 1.4 | 8.3 | .6 |
| 1982 | 22.2 | 3.9 | 21.3 | .7 |
| 1983 | 29.7 | 7.5 | 33.8 | .9 |
| 1984 | 17.0 | (12.7) | −42.8 | .5 |
| 1985 | 15.8 | (1.2) | −7.1 | .4 |
| 1986 | 16.1 | .3 | 1.9 | .4 |
| 1987 | 15.5 | (.6) | −3.7 | .3 |
| 1988 | 13.6 | (1.9) | −12.3 | .3 |
| 1989 | 13.9 | .3 | 2.2 | .3 |
| 1990 | 17.5 | 3.6 | 25.9 | .3 |
| 1991 | 25.1 | 7.6 | 43.4 | .4 |
| 1992 | 36.9 | 11.8 | 47.0 | .8 |
| Medicare: | | | | |
| 1980 | 34.0 | | | 1.3 |
| 1981 | 41.3 | 7.3 | 21.5 | 1.4 |
| 1982 | 49.2 | 7.9 | 19.1 | 1.6 |
| 1983 | 55.5 | 6.3 | 12.8 | 1.6 |
| 1984 | 61.0 | 5.5 | 9.9 | 1.6 |
| 1985 | 69.7 | 8.7 | 14.3 | 1.7 |
| 1986 | 74.2 | 4.5 | 6.5 | 1.7 |
| 1987 | 79.9 | 5.7 | 7.7 | 1.8 |
| 1988 | 85.7 | 5.8 | 7.3 | 1.7 |
| 1989 | 94.3 | 8.6 | 10.0 | 1.8 |
| 1990 | 107.4 | 13.1 | 13.9 | 1.9 |
| 1991 | 114.2 | 6.8 | 6.3 | 2.0 |
| 1992 | 129.4 | 15.2 | 13.3 | 2.2 |
| Medicaid: | | | | |
| 1980 | 14.0 | | | .5 |
| 1981 | 16.8 | 2.8 | 20.0 | .6 |
| 1982 | 17.4 | .6 | 3.6 | .6 |
| 1983 | 19.0 | 1.6 | 9.2 | .6 |
| 1984 | 20.1 | 1.1 | 5.8 | .5 |
| 1985 | 22.7 | 2.6 | 12.9 | .6 |
| 1986 | 25.0 | 2.3 | 10.1 | .6 |
| 1987 | 27.4 | 2.4 | 9.6 | .6 |
| 1988 | 30.5 | 3.1 | 11.3 | .6 |
| 1989 | 34.6 | 4.1 | 13.4 | .7 |
| 1990 | 41.1 | 6.5 | 18.8 | .7 |
| 1991 | 52.5 | 11.4 | 27.7 | .9 |
| 1992 | 67.8 | 15.3 | 29.1 | 1.1 |
| Food Stamps: | | | | |
| 1980 | 9.1 | | | .3 |
| 1981 | 11.3 | 2.2 | 24.2 | .4 |
| 1982 | 11.0 | (.3) | −2.7 | .3 |
| 1983 | 11.8 | .8 | 7.3 | .3 |
| 1984 | 11.6 | (.2) | −1.7 | .3 |
| 1985 | 11.7 | .1 | .9 | .3 |
| 1986 | 11.6 | (.1) | −.9 | .3 |
| 1987 | 11.6 | | | .3 |
| 1988 | 12.3 | .7 | 6.0 | .3 |
| 1989 | 12.8 | .5 | 4.1 | .2 |
| 1990 | 15.0 | 2.2 | 17.2 | .3 |
| 1991 | 18.7 | 3.7 | 24.7 | .3 |
| 1992 | 22.6 | 3.9 | 20.9 | .4 |
| Family Support (AFDC): | | | | |
| 1980 | 7.3 | | | .3 |
| 1981 | 8.2 | .9 | 12.3 | .3 |
| 1982 | 8.0 | (.2) | −2.4 | .3 |
| 1983 | 8.4 | .4 | 5.0 | .2 |
| 1984 | 8.9 | .5 | 6.0 | .2 |
| 1985 | 9.2 | .3 | 3.4 | .2 |
| 1986 | 9.9 | .7 | 7.6 | .2 |
| 1987 | 10.5 | .6 | 6.1 | .2 |
| 1988 | 10.8 | .3 | 2.9 | .2 |
| 1989 | 11.2 | .4 | 3.7 | .2 |
| 1990 | 12.2 | 1.0 | 8.9 | .2 |
| 1991 | 13.5 | 1.3 | 10.7 | .2 |
| 1992 | 15.6 | 2.1 | 15.6 | .3 |
| Farm price supports: | | | | |
| 1980 | 2.8 | | | .1 |
| 1981 | 4.0 | 1.2 | 42.9 | .1 |
| 1982 | 11.7 | 7.7 | 192.5 | .4 |
| 1983 | 18.9 | 7.2 | 61.6 | .6 |
| 1984 | 7.3 | (11.6) | −61.4 | .2 |
| 1985 | 17.7 | 10.4 | 142.5 | .4 |
| 1986 | 25.8 | 8.1 | 45.8 | .6 |
| 1987 | 22.4 | (3.4) | −13.2 | .5 |
| 1988 | 12.2 | (10.2) | −45.5 | .2 |
| 1989 | 10.6 | (1.6) | −13.1 | .2 |
| 1990 | 6.5 | (4.1) | −38.7 | .1 |
| 1991 | 10.1 | 3.6 | 55.4 | .2 |
| 1992 | 8.3 | (.8) | −7.9 | .2 |
| Federal retirement and disability: | | | | |
| 1980 | 26.6 | | | 1.0 |
| 1981 | 31.2 | 4.8 | 17.3 | 1.0 |
| 1982 | 34.3 | 3.1 | 9.9 | 1.1 |
| 1983 | 36.5 | 2.2 | 6.4 | 1.1 |
| 1984 | 38.0 | 1.5 | 4.1 | 1.0 |
| 1985 | 38.5 | .5 | 1.3 | 1.0 |
| 1986 | 41.3 | 2.8 | 7.3 | 1.0 |
| 1987 | 43.7 | 2.4 | 5.8 | 1.0 |
| 1988 | 46.8 | 3.1 | 7.1 | 1.0 |
| 1989 | 49.1 | 2.3 | 4.9 | .9 |
| 1990 | 51.9 | 2.8 | 5.7 | .9 |
| 1991 | 56.0 | 4.1 | 7.9 | 1.0 |
| 1992 | 58.7 | 2.7 | 4.8 | 1.0 |
| Veterans benefits and services: | | | | |
| 1980 | 14.0 | | | .5 |
| 1981 | 15.4 | 1.4 | 10.0 | .5 |
| 1982 | 15.8 | .4 | 2.6 | .5 |
| 1983 | 15.9 | .1 | .6 | .5 |
| 1984 | 16.0 | .1 | .6 | .4 |
| 1985 | 15.9 | (.1) | −.6 | .4 |
| 1986 | 15.7 | (.2) | −1.3 | .4 |
| 1987 | 15.7 | | | .3 |
| 1988 | 17.6 | 1.9 | 12.1 | .4 |
| 1989 | 17.7 | .1 | .6 | .3 |
| 1990 | 15.9 | (1.8) | −10.2 | .3 |
| 1991 | 17.3 | 1.4 | 8.8 | .3 |
| 1992 | 19.6 | 2.3 | 13.3 | .3 |
| Other mandatory: | | | | |
| 1980 | 48.4 | | | 1.8 |
| 1981 | 54.9 | 6.5 | 13.4 | 1.8 |
| 1982 | 48.0 | (6.9) | −12.6 | 1.6 |
| 1983 | 46.2 | (1.8) | −3.7 | 1.4 |
| 1984 | 49.1 | 2.9 | 6.3 | 1.3 |
| 1985 | 61.3 | 12.2 | 24.8 | 1.5 |
| 1986 | 42.2 | (19.1) | −31.2 | 1.0 |
| 1987 | 37.0 | (5.2) | −12.3 | .8 |
| 1988 | 45.2 | 8.2 | 22.2 | .9 |
| 1989 | 47.6 | 2.4 | 5.3 | .9 |
| 1990 | 49.0 | 1.4 | 2.9 | .9 |
| 1991 | 55.1 | 6.1 | 12.4 | 1.0 |
| 1992 | 58.6 | 3.5 | 6.4 | 1.0 |

**Mr. NICKLES.** Mr. President, I thank you for your courtesy, and I thank the Senator from Pennsylvania for his courtesy as well.

**Mr. SPECTER** addressed the Chair.

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## EXTENSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER] is recognized under the order for not to exceed 15 minutes, with morning business extended accordingly, at which time morning business will be closed, under the order.

**Mr. SPECTER.** Mr. President, at the outset, I congratulate our distinguished colleague, the President pro tempore, for sitting and presiding considering his very busy schedule.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Concurrent Resolution 11 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

## MIDEAST PEACE

Mr. SPECTER. Today, I would like to briefly discuss the observations I made on a recent trip with Senator JAMES JEFFORDS and Senator HANK BROWN, to Croatia and to the Mideast during the period from February 5 to February 14, that is, earlier this month.

Enroute to the Mideast we made a stop at Zagreb, Croatia, where we had an opportunity to observe conditions locally and to meet with Croatia President Franjo Tudjman. We saw and heard of the tremendous suffering which is being inflicted in the former nation of Yugoslavia. We saw a U.S. military operation, the 212th Mobile Army Surgical Hospital. We heard from victims of torture and brutality, and we heard comments about rapes and about very brutal and inhuman conduct which has been replayed on television and in the news media. All of this points to an urgent need to try to do something about that situation.

I applaud President Clinton's recent move on the airlifts and the airdrops and hope that that will provide some relief.

We then traveled to Syria where we met with Foreign Minister Farouk Shara in a very useful discussion. We were pleased to hear that the Syrians do not consider the deportee issue one which is linked to the peace process. Foreign Minister Shara expressed concern that there had to be a solution of the issue of some 400 people deported from Israel but he did not say that that was indispensable to moving ahead with the peace process.

We talked about the issue of the Golan Heights, and that is obviously a matter which is going to have to be worked out between the parties. But, to the extent that the United States can be helpful, it is obviously desirable. We were pleased to hear Foreign Minister Shara say spontaneously that the presence of U.N. forces on the Golan would be accommodated without Syrian objection. And it may be that there can be other instrumentalities of demilitarization there.

I express no opinion on the subject because that is something which has to be worked out between the two countries, between Syria and Israel. But I thought his comments were significant in that regard.

I had an opportunity to visit synagogues in both Damascus and Aleppo, Syria, and saw signs which were reassuring about freedom of religion. However, I also saw considerable signs and heard many comments about limitations on allowing Syrian Jews to leave Syria. The Syrian Government had altered its policy on permitting exit visas, but there are many Jews who are not being permitted to leave Syria, and that is a situation which has to be rectified.

I was pleased to see that Secretary of State Warren Christopher took that subject up with Syrian officials on his recent trip there. And there is a fuller statement which I will not go into now as to the specific numbers because of the brevity of time.

Our group then traveled to Jordan where we had a chance to meet with King Hussein and Queen Noor, and earlier with the Prime Minister of Jordan. And we were blunt in our discussions there, especially with the Prime Minister, on outlining the concerns that the United States has about Jordan's conduct during the gulf war.

King Hussein and Queen Noor was very hospitable and expressed their concerns about a better relationship between Jordan and the United States. I do think it is important that there be recognition by the Jordanians about the infractions during the period of the gulf war as a way of setting the stakes for improved relations between Jordan and the United States. Again, the prepared statement has more on the subject.

We traveled to Israel where we had a chance to meet with Prime Minister Rabin, Foreign Minister Peres and former Prime Minister Shamir. There is a spirit and keen interest in Israel of moving ahead with the peace process, which I think bodes very well.

Hurrying along because of the limitation of my time, we met in Egypt with President Mubarak and the Egyptian Foreign Minister and there again, I was encouraged to hear their interest in being a facilitating force in promoting the peace process.

Overall, my impressions are optimistic about the future of the peace process in the Mideast. I noticed that Damascus was a great deal more prosperous in February 1993 than it was when I had last visited in January of 1990. This is the fifth time I have had an opportunity to visit Damascus and to hear the views of Syrian officials, Foreign Minister Shara, specifically, which were much more cordial and hospitable in 1993 than they were during my first trip there in August of 1984.

Cairo seems prosperous. Jordan seems prosperous, as does Jerusalem. So I think the prospects for an advance in the peace process are excellent.

I had an opportunity to give some impressions to President Clinton, who phoned me when I was in Damascus, and I returned the call from Jerusalem to give him an update as to what we have observed. Upon the return to the United States on February 16, I had a brief telephone conversation with Secretary of State, Warren Christopher.

Mr. President, it is now 11 o'clock. I see other colleagues on the floor. I know we are going to move ahead with the Legislative Calendar.

Mr. President, the increasingly depressive tragedy unfolding in the former Yugoslavia and the stagnated peace negotiations involving four Middle East countries prompted two of my distinguished colleagues and me to visit these regions between February 5 and 14, 1993. The principal purpose of our visit was to evaluate these situations in light of the potentially greater role the United States may play.

I was fortunate to travel with Senator JAMES JEFFORDS and Senator HANK BROWN, both of whom serve on the Foreign Relations Committee. While I do not speak for them here today, this body should find their thoughtful insights and assessments to be most valuable to a clearer understanding of the situations in these very important regions of the world.

Our stop in Zagreb, Croatia would have been totally depressive were it not for the outstanding role being performed by the United States Army's 212th Mobile Army Surgical Hospital [MASH] which is stationed in the Zagreb Airport. The 212th MASH's mission is to provide emergency medical and dental care to some of the 21,000 U.N. protection forces in the region.

In Zagreb, there is a poster on the wall of the International Rescue Committee which graphically summarized the situation. In one photo is an emaciated victim of a Nazi concentration camp captioned: "Never Forget, 1942." Juxtaposed is another photo of an emaciated victim of a Serbian concentration camp victim captioned: "Never Forget, 1992."

We met with Croatian President Franjo Tudjman. He is clear on his goals: to regain one-fourth of Croatian territory currently occupied by the Serbs; to return the 400,000 refugees who have been forced into Croatia; and to reintegrate all occupied territories and the 200,000 Croatians who have been cut off. He stated his hope that the U.N. protection forces will be extended beyond their March 1993 termination date. He endorses the Vance-Owens plan to settle the conflict.

A number of options were suggested to us beyond the Vance-Owens plan to force an end to this modern tragedy. They included severing diplomatic relations with the Serbian capital in Belgrade, taking some visible embargo action to demonstrate the deep concern for the current policies, increasing the level of diplomatic pressure, sending 2,000 to 3,000 United States troops to assist the French and British troops operating under the U.N. flag, enforce the no-fly zones and create a war crimes tribunal.

While I remain opposed to the entry of U.S. troops into this war, I believe that more can and should be done to end this modern tragedy and suffering. In particular, I strongly endorse the need for a war crimes tribunal. I have long advocated the need for an international criminal court to try violators of international conventions such as the Geneva Convention. The United Nations is currently moving in the direction of creating such a court and I urge my colleagues to support such a measure. An even greater tragedy of this war would be to allow those who established the policy of ethnic cleansing as well as those who executed them to go unpunished.

### MIDDLE EAST

With the bilateral peace negotiations between Syria, Jordan, the Palestinians, and Israel at a standstill awaiting a leadership role by the Clinton administration, we visited Syria, Jordan, and Israel and Egypt to assess the attitudes and roles of the countries directly involved in the talks and Egypt which has been playing an important mediating role between the Arab participants and Israel.

In contrast to the desperate state of affair we found in the former Yugoslavia, the situation in the Middle East offered hope in spite of the many obstacles to be surmounted. All Arab countries cited the Israeli decision to deport some 400 Palestinian Hamas as a major obstacle. But none urged that the peace process disband, nor did they indicate that the deportation issue could not be overcome.

In Syria, Foreign Minister Farouk Al-Shara raised the deportee issue, but not before stating that the situation in the Middle East is far different now than it was when I last visited in January 1990. Syria's principal sponsor—the former Soviet Union—is gone and there is only one remaining superpower, the United States. Mr. Al-Shara stated explicitly that Syria does not regard the deportee issue as being linked to a resumption of the peace talks.

As a result of its role in Desert Storm, Syria received substantial payments from the Gulf Arab nations. Some of those funds are going to economic development in Damascus, a fact which is quite apparent to me after a 3-year hiatus.

Unfortunately, a major portion of those funds have been earmarked for military spending on conventional and unconventional weapons including chemical warfare warheads on Scud missiles. Some in the State Department have argued that Syria is no longer seeking strategic parity with Israel. There are equally convincing arguments that Syria has not stopped trying in spite of its loss of support by the former Soviet Union. The key to the problem rests with the peace negotiations.

Three years ago, Syria was adamantly opposed to any bilateral negotiations. President Hafiz al-Asad favored only an international peace conference. The very fact that Syria is participating directly with Israel in peace discussions is a clear indication of how far Syria has come in recognizing the importance of bilateral negotiations.

Syria wants the Golan Heights back and is willing, according to Foreign Minister Shara, to allow a U.N. force to occupy this territory. When I pressed the Foreign Minister for the details of what Syria would provide Israel in terms of security, he was vague. In return, the Israelis are vague in spelling out what concessions, if any, they are willing to make. The situation is one which can only be resolved through more thorough bilateral peace negotiations.

We also raised several other issues affecting United States and Syrian bilateral relations including arms control, human rights, and Syria's support to terrorist groups.

On arms control, Foreign Minister Shara once again stated the linkage of all weapons of mass destruction to a comprehensive regional arms control treaty. He noted that unless Israel's nuclear capability is included in arms reduction or elimination treaties, the Arab countries cannot and will not reduce their missile and chemical warfare capability.

On the human rights issue, Syria appears to have made some progress with the reported release of some political prisoners and the lifting of travel restrictions on some Syrian Jews. In the short time we were in Syria, it was hard to assess just how much progress had been made.

In Damascus and in Aleppo, we visited Jewish synagogues and met with two rabbis. In Damascus, we met with Rabbi Abraham Hamra of the Ifranje Synagogue. Rabbi Hamra advised that there has been religious freedom in Syria, but that the migration of Syrian Jews was restricted until he, Rabbi Hamra, and other Jewish leaders met with president Asad on April 13, 1992. According to Rabbi Hamra, at the beginning of 1992, there were approximately 3,800 Jews in Syria with somewhat over 3,000 in Damascus, approximately 550 to 600 in Aleppo and approximately 150 in Quamishli. At the present time, according to Rabbi Hamra, there are approximately 1,200 to 1,450 Jews in Damascus, approximately 150 in Aleppo and approximately 100 in Quamishli. According to Rabbi Hamra, there has been a decisive slowdown on travel by Syrian Jews with at least 300 to 400 who wish to leave Syria being restrained from doing so.

In Aleppo, we visited the synagogue of Mrad Sardar and attended late Saturday afternoon services. After the service was concluded, many young boys in ages ranging from 9 to 13 stepped forward to sing solos on the Hebrew prayers. It was obvious from their singing in the service that Jews in Aleppo have been allowed to conduct their studies and services.

In Jordan, we met with King Hussein and Queen Noor, Prime Minister Shakir, Foreign Minister Jabir, Finance Minister Jardenah, and the Chief of the Jordanian Bilateral Peace Negotiations, Dr. Majali. The focus was primarily on the peace negotiations and with Jordan's role in supporting Iraq both during and after the gulf war.

I found the same desire to continue the bilateral peace talks as I did in Syria. The Jordanians also cited the same impediment as the Syrians; namely, the deportation of 400 Palestinians.

Our discussion with the Prime Minister and the Foreign Minister over Jordan's role in assisting Iraq during and after the gulf war in violation of the United Nations trade sanctions was somewhat heated. When these officials denied this emphatically, I gave them a copy of the Congressional Research Service report dated March 4, 1991, which specified Jordan's infractions. After lunch with King Hussein and Queen Noor, I called the King aside to tell him of the remaining congressional concerns over Jordan's conduct during the gulf war.

In Israel, meetings were arranged with former Israeli officials such as former Prime Minister Shamir and former Defense Minister Moshe Arens. We also met with Deputy Foreign Minister Yossi Beilin, Foreign Minister Shimon Peres, and Prime Minister Yitzhak Rabin. Several of our delegation also met with members of Israel's bilateral negotiators and with Jerusalem's legendary mayor, Teddy Kollek, who had just announced his intent to run again. We also met with two members of the Palestinian delegation to the Israeli-Palestinian bilateral peace negotiations.

The Israelis recognize the progress made to date by the establishment of a framework for bilateral negotiations. However, they remain concerned by the Arab linkage of all the bilaterals before a final settlement can be achieved. Deputy Foreign Minister Beilin reiterated that Prime Minister Rabin is committed to the idea of returning the Golan Heights to Syria if agreement can be reached with the Syrians on security with Israel. The issue of returning the Golan was raised by the Labor Party in its party caucus in November 1991 and it was included in the party platform. However, he candidly stated that the real debate in Israel on the Golan Heights has not started because Syria has not indicated what it will provide in return in terms of security and peace. Does it include, for example, a normalization of relations and an exchange of ambassadors?

Mr. Beilin also stated Labor's willingness to return the West Bank and Gaza immediately through negotiations. He added that unlike the Likud Party, which offered only local elections to the Palestinians, the Labor government is offering the Palestinians general elections in the West Bank and Gaza to decide on a council for a 5-year interim rule. After 3 years, there would be negotiations on full elections and Government after the 5-year point.

In regard to the deportees, Mr. Beilin stated that each case is being reviewed individually and that there is discussion on when and how to return the deportees. The deportations came as a result of public pressure to react to the killings of Israeli police. There was a unanimous vote in the Government council, not the Knesset, to deport.

Foreign Minister Peres stated a readiness for peace as soon as possible, a readiness to pay the price for peace; that is, land and a recognition that peace cannot be achieved without some compromise. He also noted the changing atmosphere in the United States in which a new generation has assumed leadership and must focus on internal economic problems. Israel must also survive economically in the face of Moslem fanaticism in the form of growing Fundamentalism.

In regard to the deportees, Mr. Peres believes that most countries to the bilateral negotiations and the Egyptians feel that the Israeli solution is reasonable. He urged the Palestinians to accept the offer of general elections as soon as possible. In regard to Syria, he believes that Syria has given up on its effort to achieve strategic parity with Israel, but has not prepared its public for the prospect of peace with Israel. The problem on the growing threat of fundamentalism results from poverty and population. In Mr. Peres' view, Israel cannot perceive itself as an island in a sea of poverty. It needs to help other nations fight the desert with fertility. He suggested that the capital for assistance can come from some of the nations involved in the multilateral discussion such as Japan.

Our meeting with Prime Minister Rabin reinforced some of the same discussions we heard previously including a willingness of the Labor Party to apply U.N. Security Council Resolutions 224 and 338 in a trade of land for peace. In return he believes that withdrawal from these territories must be accompanied by open borders, diplomatic relations, and a normalization of relations. While there has been a change of attitude on the part of Israelis, he noted that there have been similar attitudinal changes, especially by the Syrians. He believes that Jordan wants peace, but cannot conclude one until the Palestinian issue is resolved.

Israel has changed its priorities on settlements. There are no new settlements being built and no government grants to build in the territories. In addition, Israel is offering free general elections in the territories for the Palestinians. Mr. Rabin stated that the Palestinians are still unwilling to accept a 5-year interim period even though they have not the infrastructure to govern. All of this, he stated has been done at great political risk, but it is essential if a lasting peace is to be achieved.

Prime Minister Rabin went on to note the other changes and problems in Israel including the removal of the ban on contact with the PLO, the problem of integrating 400,000 immigrants, and the conversion from a military economy to one of internal economic development. He also indicated that Israel has not used the United States Government loan guarantees and when used, they will be done in accordance with agreements with the United States.

Our meetings with the Palestinian bilateral negotiators echoed all of the concerns raised by our previous meetings. For the first time, they have candidly admitted that the PLO is calling the shots on the peace negotiations.

While Egypt is not a direct participant in the bilateral negotiations, it has been playing a vital role in facilitating these talks. We met with Foreign Minister Moussa and President Mubarek, both of whom reaffirmed the necessity for continuing the bilateral dialog and the commitment of Egypt to assist in their resolution. In President Mubarek's words, there is no other solution. He also raised concerns about the Iranians and their attempt to stop the peace negotiations.

On the situation in Bosnia-Herzegovina, President Mubarek also felt that the United States cannot be expected to serve as the policeman for every situation arising in the world. He urged the Europeans to take on a greater responsibility for their own region.

Our visits to these two regions were both revealing and instructive. The resolution of these regional conflicts may well determine how other regional ethnic and religious conflicts may be prevented or resolved.

## ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as if in morning business for 1 minute.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

## THE HONORABLE BRIAN MULRONEY

Mr. DURENBERGER. Mr. President, I rise today to commemorate the announcement yesterday of the pending departure from the international scene of a true friend of the United States. The Honorable Brian Mulroney announced that he intends to resign as Prime Minister of Canada.

I am proud to have known and worked with Prime Minister Mulroney throughout his 8½-year term of office. In the State of Minnesota, we consider him a good neighbor—open and responsive to the concerns of the people of our State.

He was a leader on acid rain and the issues surrounding the U.S. Clean Air Act. He was a powerful force for free trade—opening up Canada to a terrific trade partnership in the United States-Canada Free-Trade Agreement.

He was a reliable ally to the United States as we endeavored—together—to build a peaceful and prosperous world out of the ashes of the cold war.

I ask my colleagues to join me in wishing this international statesman well upon his retirement—and expressing our country's gratitude for his long years of friendship. And to his family our special affection, to them and their commitment to public service.

Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 441 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

## THE PRESIDENT'S ECONOMIC PACKAGE

Mr. DOLE. Mr. President, I do want to hold up consideration of the funding resolution. But I do want to take a minute or two to talk about the President's economic package and to point out a few facts that I think would be important for those who are following the budget package.

First of all section 300 of the Congressional Budget Act requires that the President submit his budget to Congress on the first Monday in February. This new deadline was set in the Budget Enforcement Act of 1990, and President Bush made the deadline in 1991 and 1992. So far the Clinton administration has sent us a blueprint. We are still awaiting specifics.

I would just indicate that in that vein, as was pointed out by our friend, the distinguished Secretary of the Treasury, Mr. Bentsen, yesterday before the Senate Finance Committee, he said this:

> Let me say what we are doing this morning. We are coming to you with not a completed detailed package. We are coming to you before we send you the budget, to talk to you about some things where we want your input; where we want you to fill in and help us with the further detail. If you have some more cuts that you want, let us all put our fingerprints on them.

The point I would make is we have a blueprint, but we do not know what the details are. For all of the talk over the past several weeks, we have been guessing. We do not know precisely what the defense cuts are. Nobody knows. That is $112 billion in additional spending cuts.

Now the Washington Post has been, sort of acting as an intermediary for the Clinton administration, faxing up inquiries to those on the Republican side, saying: Well where is your alternative? Do you have any specific budget cuts? Send them to the Post and we will pass them on to the White House. I guess that is what they have in mind since they are the No. 1 cheerleader in this town for the administration.

We just suggest to the Post that they ought to be asking: Where is the budget? Where are details of this package? How can Republicans respond to a package in 1 week when the Clinton administration has been out there ever since the campaign ended in November—I guess some do not think the campaign has ended—but, since the election, working on this detailed bold plan for America.

So I just suggest on behalf of the Republicans that we will be responsible as we have been in the past. And going back to 1985 again, and years after that when we were up here willing to do the tough things, make the tough choices. And in that year, only one Democrat voted with us, the late Ed Zorinsky from the State of Nebraska. And the vote was 50 to 49. We passed the toughest budget resolution that this place has seen before and since that time.

So I would just suggest that we are prepared to be players. I have always been a player. But I want to play after I see all the people on the field, all of the specifics on the field, not half of the team, or nobody knows what $12 billion streamlining Government is. What is it? An $11 billion in administrative savings? What is it?

I just suggest that there are a lot of things we can do before we can comply with the Post deadline of today so they can run a big story tomorrow morning pointing out, what are the differences?

But I would just say for starters, there is $178 billion in new spending. We can certainly cut that back by $100 billion or so. There are a lot of new taxes, $360 billion in new taxes. We could certainly cut that back.

And there are some tax breaks of some $60 billion, $70 billion, and we can certainly cut those back. That would be a good start. But right now we have a package that is about $3 in new taxes for every dollar in new spending. I wanted to indicate to the Washington Post, the intermediaries for the Clinton administration, that we are working and we will be there with a plan.

First, we want to see the budget. Now we are being told we may pass a budget resolution before we get the budget. Maybe that has been done. Maybe there is precedent for it, but we would like to see the budget before we pass the budget resolution. We would like to see the specifics, the cuts, the new taxes, what the impact is on defense, and the energy impact. We think, in fairness, we have a right to see that before the press demands of us that we come up with some whole new package, so we can start debating the Republican package.

Finally, a word of advice to the communications department at the White House. They ought to calm down, go out for a weekend, have a Diet Coke, enjoy yourself. The campaign is over. You won. Now comes the hard part: Leading America. It is a lot easier and a lot more fun to play the campaign game where every administration policy becomes a victim of some 30-second negative TV ad. This is not Super Tuesday. We are dealing with a major deficit reduction plan.

This is not the New Hampshire primary or the Iowa caucus. This is day 37 of the Clinton Presidency. If the White House continues to treat every day like another day on the campaign trail, the American people—and I think President Clinton himself—will be ill-served. It certainly does not make Republicans want to jump up and support the President, if we have somebody in the communications department saying we are doing nothing but whining or carping. That may have been good campaign talk, but we are going to be around here 3 years and 11 months, and we want to cooperate with the President. We do not want to get in a contest with his communications director.

I suggest that, as in the past, we are going to be responsible, and we are gong to have real cuts, not just in defense, not $112 billion more out of defense. We are going to try to scale back a lot of the new spending. I note that today in the Washington Post, even they are saying now the stimulus package does not do much, but it is "psychological". They had the right letter first—P—but it is P for political, not psychological.

The Bush recovery is well under way. We are making progress. We will have to revise the economic growth estimates for the last quarter of 1992. It seems that we ought to let the Bush recovery continue without adding $18 billion to the deficit. In the spirit of cooperation, I say to the President of the United States, President Clinton, that he will find Republicans being responsible. We have had 7 days. He has had about 100-some days to get ready. We still do not have his budget. I say that, in fairness, give us a little time. We are going to have some options. We agree with Secretary Bentsen and others that this has to be a total effort. We hope that when that time comes, we will have more support for our ideas then we had in 1985, when one Democrat voted for the Republican package.

So we hope we can do better than that. We think the people want more jobs, and they want the deficit reduced. They want us to speak out. They want bipartisanship. They are tired of gridlock, and we want to be helpful where we can. But, that does not mean you are not patriotic if you do not sign onto $360 billion in new taxes. If that is patriotism, it is a brand new definition. We may not meet the Washington Post's deadline, but we will try to be responsible on this side of the aisle. I reserve the remainder of my time.

## IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,195,090,632,958.41 as of the close of business on Tuesday, February 23.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,332.27—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

## SUMMER YOUTH EMPLOYMENT PROGRAMS AND THE PROPOSED $1 BILLION IN SUPPLEMENTAL FUNDING FOR THE PROGRAM

Mrs. KASSEBAUM. Mr. President, I would like to comment on the President's request for $1 billion in supplemental appropriations for this summer's Youth Employment and Training Program administered under title II-B of the Job Training Partnership Act.

In a hearing yesterday before the Senate Committee on Labor and Human Resources, Secretary Reich spoke about the importance of the education component for disadvantaged youth in the summer jobs program. I am in complete agreement. My concern is that this enhancement of remedial education skills has too often been given a lower priority in comparison to jobs despite the fact that the very wording of the purpose of title II–B calls for an emphasis on improving basic education skills.

To correct this confusion in priorities of jobs over remedial education, I believe we can no longer allow the education component of this program to be optional. The reality is that when disadvantaged youth are given a choice of a job over sitting in a classroom, they generally opt for the job. This can no longer be permitted.

When these programs were first funded under the JTPA in 1984, they were basically limited to providing summer jobs for youth. There was no remedial education component connected with the program. The intended purpose of the program was to provide young people, particularly in the Nation's urban areas, with a familiarization of the workplace environment. That experience, it was hoped, would serve as an incentive for them to finish their high school education and eventually attain a job skill that would lay the basis for building a productive career.

In reality, the summer youth job programs were simply a strategy for keeping kids off the street and out of trouble.

In the early 1980's, local school, systems were also becoming alarmed by the growing deficiencies in reading, writing, and math skills affecting disadvantaged youth. In 1986, in an attempt to help address these educational deficits, the Congress amended the Summer Youth Employment and Training Program under title II–B to require that local summer programs include assessment of educational deficiencies and remedial education along with work experience.

Under the amendments, the purpose of the program is to: "Enhance the basic education skills of youth; and to encourage school completion, or enrollment in supplementary or alternative school programs." Jobs are third on the list.

Unfortunately, despite increased funding targeted specifically for remedial education for these summer youth programs, participation in classroom training has only increased slightly. Participation generally is influenced by strategies of the local service delivery area since there is no requirement for youth to attend.

The problem of determining the cost-effectiveness of the education component of the title II–B program has been exacerbated by the lack of data collection by the Department of Labor regarding participation. But research of these programs at the SDA level has found a number of reasons about why youth enrolled in the title II–B program do not participate in the remedial education component:

First, there is not enough coordination with the local school system for testing and scheduling of classes.

Second, the SDA has determined that the cost of remedial training is too expensive.

Third, parents do not let their children go into certain geographical areas of inner cities where the remediation classes are being offered because of physical danger from street gangs.

Fourth, many of the youth interviewed admitted they simply did not want to sit in a classroom studying reading, writing, and math during the hot summer months when they could be outside, hanging out with their friends.

The most disturbing information reflected by research of these summer job programs is that in many cities or service delivery areas, less than 50 percent of the youth participating are taking advantage of the remedial education component.

Therefore, Mr. President, before I would support any further appropriations for the title II–B Program, I want the Secretary of Labor to issue a rule requiring service delivery area operators to make remedial training for those youth who are tested and found in need of it, mandatory, in order to participate in the jobs component of the program.

To insure greater participation in the remedial education component of the program, there should be prior consultation between the service delivery area and the local school system to ensure available classrooms. The local SDA should also try to locate the remedial classes at a site accessible for neighborhood youth or provide transportation to the site.

To those who would argue that requiring mandatory remedial education for those in need of it would be too expensive, my answer is this: What is more important for the disadvantaged youth of this Nation? A summer job or the opportunity to improve their literacy skills so that they can finish their high school education, and start building a constructive career for themselves. If we have the funds to provide both, we should do that. But if it is a choice between a job or literacy enhancement, I feel very strongly that it should be the latter.

I think that Secretary Reich would agree that we can no longer leave the choice of a job or literacy skills enhancement up to the youth. I believe we must make the remedial education component of this program mandatory if we are to begin to stem the tide of sinking literacy levels within the Nation's urban areas.

I would also like to see a more detailed breakdown of how much of the $1 billion appropriation for this summer and for next summer will be spent on remediation as opposed to workplace familiarization under title II–B.

## QUESTIONS TO SECRETARY BENTSEN

Mr. DOLE. Mr. President, yesterday the Senate Finance Committee held its first hearing on the President's economic plan. It was good to see former chairman Lloyd Bentsen back at the committee.

Because I had a previous commitment to join majority leader MITCHELL in hosting Prime Minister John Major's visit to Capitol Hill, I was unable to hear the Secretary's entire remarks. However, as I explained in my opening remarks, I wanted to follow up with a few questions pertaining to the administration's economic plan.

Many of the questions are based on inquiries I have received from constituents. I sent the questions to the Secretary this morning and ask unanimous consent that my questions be printed in the RECORD. I look forward to the Secretary's response.

There being no objection, the questions were ordered to be printed in the RECORD, as follows:

### SENATOR BOB DOLE'S QUESTIONS TO SECRETARY BENTSEN

(Hearing on the President's economic plan, Wednesday, February 24, 1993)

### TAX INCREASES

The administration has proposed a new rate structure for individuals. The proposal will increase the top individual rate to 39.6 percent.

1. Under the proposal, what will the top rate be factoring in the repeal of the health insurance wage base cap and pep and pease?
2. What will the new rate structure be for a family of 4—with the factors listed above.
3. With higher tax rates, is there a potential for a significant marriage penalty?
4. With higher tax rates, will we be encouraging tax shelters designed to convert ordinary income into capital gains?

### DEPARTMENT OF TREASURY DISTRIBUTION TABLE

The administration's distribution table uses "family economic income class" as its basis.

1. What is included in "economic income" that is not included in adjusted gross income?

### SMALL BUSINESS

Small businesses create roughly 60 percent of all new jobs in this country. Most small businesses file tax returns as individuals.

1. How much revenue do you expect to raise with the new 36 percent tax bracket and how much do you expect to come from small business?
2. How much of the surtax revenue will come from small business?
3. How many small businesses, many of whom file as individuals, will have their income taxes increased by the new rates and surtax?
4. Will the administration consider surtax exemptions for business income "allocated" to taxpayers from pass-through entities (partnerships and subchapter S corporations)?
5. How many small businesses will likely benefit from the so-called incentive package?
6. Have you made an attempt to estimate the number of jobs that will be lost given the proposed increase in taxes, particularly on small business?

7. Small businesses are labor intensive and the most critical tax they pay is their payroll tax. What does this administration plan to do to help alleviate this burden?

8. Estate tax rules often force sale of a small family business or farm when the owner dies unless he or she has expensive life insurance coverage. Continuity of small farms and businesses is an important issue to small business owners. Can this administration support exempting from estate taxes a transfer of a family-owned business if the business is continued by a family member?

9. Most small business owners cannot deduct the cost of their health insurance. The president's proposal would only allow them a 25% deduction which would expire the end of this year. Why can't we level the playing field between corporate and non-corporate businesses and allow a full deduction for health insurance premiums?

10. The alternative minimum tax [AMT] was designed to make large companies, with billions in profits, pay some taxes. Now all companies, even small ones, can be subjected to an AMT. Can we simply exempt small businesses under $5 million in gross sales from worrying about the AMT trap?

11. What can be done to relieve small business from the increasing costs of complying with IRS rules and the consequent extensive paperwork burden?

### ENERGY TAX

The administration has proposed a modified Btu tax.

1. Much of the justification of the new energy tax appears to be to improve the environment. How does imposing a tax on clean domestic fuels like natural gas, hydroelectric, and nuclear power improve the environment?

2. How does taxing domestically produced natural gas, oil, and other energy improve our energy security? How does it support our domestic energy industry?

3A. Exactly what forms of energy will be taxed? Will it apply to ethanol produced from renewable feedstocks and used in transportation fuel?

B. Will it apply to methanol produced from domestic natural gas as well as the natural gas feedstock? (If yes on feedstock, what about imported methanol, the feedstock of which could not be taxed?)

C. What about other types of double taxation—oil, natural gas and/or electricity used in the production of additional oil and natural gas?

D. What about coal taxed at the minemouth and electricity produced from this coal?

E. Please provide us with information of where the tax will be collected for each fuel source, and how any exemptions will work.

4. Has the administration analyzed how this tax would affect the competitiveness of energy-intensive U.S. industries like steel, aluminum, and automobile manufacturing? (If so, please provide this analysis. If not, when do you expect to complete such an analysis?)

5. What impact would this tax have on inflation?

6. Who would collect, administer, and enforce this tax? What are the estimated costs of imposing and collecting this tax? Please provide estimates of both FTEs required and dollars.

7A. Proponents of past Btu tax proposals have argued that this type of tax does not distort fuel choices in the marketplace. But, this tax does introduce such distortion with the surcharge on oil. Doesn't this defeat one of the principle arguments favoring the BTU tax over other types of energy taxes?

B. Has the treasury or DOE conducted any analysis of fuel switching triggered by this tax? What about the increased cost of the fuel due to the increased demand? Has any analysis been done on job loss or creation due to this phenomenon?

8. Statements from administration officials which I have read in the press stress the supposedly small impact of such a tax on direct household and business spending on energy. But doesn't the tax also raise the cost of all goods and services produced in the United States? Has any analysis been done on the true cost of this tax to American families?

9. Articles in several newspapers raise the possibility that the Department has underestimated the true extent of the tax. As a matter of fact, one analysis, seemingly supported by former Energy Secretary Jim Schlesinger, suggests taxes on the average American family of four individuals might be raised by $500 per year—just by the energy tax. How certain are you of the estimates used by Treasury?

10. Do you assume this tax will be passed through entirely to consumers? What is the basis for this assumption? Has anyone analyzed the extent which contracts may disallow the pass through of these costs?

11. Please provide us with a State-by-State analysis of the costs of this tax. In other words, please provide the amounts that you estimate the energy producers, transporters, refiners, or consumers in each State would pay each year.

12. When will heating oil be taxed and at what rate?

### ENERGY TAX/AGRICULTURE

On February 19, 1993 OMB Director Leon Panetta briefed a group of individuals from the agribusiness sector but was unable to say whether or not ethanol production would be exempt from the proposed Btu tax.

1. Will ethanol production be exempt from the Btu tax?

The American Farm Bureau Federation has estimated that the Btu tax on a typical 430-acre Midwest grain farm could cost $800 per year in higher direct fuel costs. This figure could double if the tax applies to pesticides, fertilizer, and other items that require energy to manufacture. While there has been some discussion of an exemption for "non-fuel uses" it is not clear whether it would apply to agricultural chemicals and fertilizers.

1. Will the production of pesticides and fertilizers be exempt from the Btu tax?

American agricultural exports are running more than $40 billion annually, yielding an agricultural trade surplus of more than $20 billion a year.

1. Has the administration calculated whether or not the additional Btu tax on farmers will make us less competitive in foreign markets, reducing our exports and lowering that trade surplus?

2. Would the administration consider a rebate for agriculture or other export industries negatively affected by the Btu tax?

The Btu tax is likely to increase inflation during the phase-in period.

1. Have you estimated the impact on spending programs that are indexed to inflation rate changes?

2. Is this spending impact included in the administration's budget proposal?

### USDA ENTITLEMENT SPENDING

Much has been made of the proposed cuts in farm program benefits in the Clinton budget. While there are proposed cuts most would not occur until the 1996 crop year despite the fact that the 1990 farm bill authorizes farm programs only through 1995. At the same time, the President proposes to increase spending in USDA's food stamp program by beginning with $1.0 billion in fiscal year 1993 and $9.0 billion over fiscal years 1994–97. As a result, the Clinton budget actually proposes an expansion in USDA entitlement programs of over $4 billion during fiscal years 1994–97.

1. Is such a large expansion in the Food Stamp Program justified to protect low-income people from the impact of the Btu Tax?

### INVESTMENT TAX CREDIT PROPOSAL

As I understand it, the proposed investment tax credit is temporary, for those not designated a small business, and incremental. I also understand that there may be restrictions for leased property—as you may know, over 50 percent of commercial aircraft is leased for use in general aviation.

1. Is this a meaningful stimulus? How can a temporary, incremental credit of this nature have any real impact?

2. Will the leased property restrictions discriminate against a business that can't get credit to buy equipment and are instead forced to lease it?

### INTERNATIONAL

The provisions affecting international businesses raise approximately $8 billion.

1. What industries are most affected by these provisions? and what effect do these measures have on those industries?

2. What portion of this revenue is attributable to our U.S. businesses operating overseas? And what portion is attributable to foreign operations in the United States.

### DENYING DEDUCTION FOR LOBBYING EXPENSES

The President has proposed to disallow the deduction for lobbying expenses.

1. How does the administration define lobbying? Will this apply to U.S. congressional members? Staff? The executive branch?

2. Will it apply to every level of government? State and local authorities as well?

3. Will it apply only to outside consultants? To corporate employees? To labor unions?

4. How will the rule apply to trade association dues and union dues?

### REAL ESTATE: MORTGAGE INTEREST DEDUCTION

Prior to the President's address to Congress, many news reports noted that the administration was contemplating further mortgage interest reductions for homes over $300,000.

1. Is the administration still considering this proposal?

2. Is the proposal being considered as a part of the forthcoming health care proposal?

### ALCOHOL BEVERAGE FEDERAL EXCISE TAX

The alcohol beverage Federal excise taxes were significantly increased as a part of the 1990 budget deal. Estimates show that the increase resulted in the loss of thousands of jobs.

1. Assuming that the excise taxes will be increased, will you assess the additional loss of jobs?

2. Will the regressivity of these type of taxes be taken into account?

### BUSINESS MEAL DEDUCTIBILITY

In 1986, Congress reduced the deduction for business meals to 80 percent on the theory that the "personal consumption" element should not be subsidized by the government.

1. What is the administration's rational for further reduction?

2. Has the administration considered the impact on jobs resulting from reduced spend-

ing in restaurants, hotels, convention centers, theaters and sports arenas?

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Resolution 71, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 71) authorizing biennial expenditures by committees of the Senate.

The Senate resumed consideration of the resolution.

Mr. FORD. Mr. President, it is awfully nice to come out on the floor and say how much you want to support the President and how hard you are going to work to make things look better. We have been hearing that for 12 years. I guess we will have to look at smoke and mirrors a little bit longer.

In order to try to accommodate two of my colleagues, I ask unanimous consent that the distinguished Senator from Oregon [Mr. PACKWOOD], have 6 minutes, and that the distinguished Senator from North Dakota [Mr. DORGAN], have 4 minutes as in morning business; and that at the end of that period of time, we return to Senate Resolution 71.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. PACKWOOD. I thank the Chair.

(The remarks of Mr. PACKWOOD pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

## CHANGING THE COUNTRY'S ECONOMIC DIRECTION

Mr. DORGAN. Mr. President, I thank the Senator from Kentucky for the time this morning. I want to comment for a few moments this morning on the President's proposal to change the economic direction of this country.

There was a verse I learned some years ago, whose author I do not recall, that went something like this: Bull fight critics row by row crowd the vast arena full, but there is only one man there who knows, and he is the one who fights the bulls.

President Clinton has decided in a real way to fight the bulls. This vast arena is full of critics, and I understand all that. But the question for this country, it seems to me, is this: Are we going to keep doing what we have been doing, or are we going to change?

President Clinton has proposed fundamental economic change in the direction of this country. Do I think his proposal is perfect? No. Do I think there should be some changes and adjustments here and there in the proposal? Yes. But do I think this is the right kind of proposal for right now to fix what is wrong in this country? You bet I do.

If we keep doing what we have been doing for the past decade, spending money we do not have, often on things we do not need, charging it to the kids, we will only run up an enormous debt. If we do not invest in the things we need to for the future and if we continue to fall behind in international competition, we are not going to advance this country; we are not going to provide opportunity for our children and economic growth for America.

President Clinton has proposed a plan that is an honest plan. As I said, there are things I would like to see changed in it with respect to rural America. There are a number of things that I have suggested to the White House that could be adjusted, but I want to state my support for the plan.

It is the first honest plan we have seen for a good long while. It proposes real cuts in Federal spending. It asks for real tax increases, and nobody likes that.

In fact, while we are talking about that, Mr. President, just mark me down as someone who supports zero taxes. My preference is I would like nobody to have to be asked to pay any taxes. That would be a nice thing. If no one had to pay any taxes in this country, I would like that. But the fact is it is not workable. We have certain things we expect the Government to do for us. We have certain programs we want together as Americans. The list of requirements is a long list, and we must pay for them.

So the question is: What do we want to spend and what are we willing to pay for it? President Clinton for the first time in a decade has honestly said: "Let us cut off what we now spend and let us increase some of the taxes."

You can take a look at the last decade, and as friends of mine on the other side of the aisle have said: Well, this is really going to hit some people pretty hard. For example, those with over $200,000 a year in income during the last decade had about a 120-percent increase in their income and only half that growth in their tax burden. What that means is they are getting richer and paying less in taxes proportionally than the rest of the American people.

Should we increase the taxes on those people? Of course we should. The point I make is none of us like taxes, and none of us minimize the burden of someone who is going to have to pay more. There are some areas where it is appropriate, and President Clinton has been honest about that.

He also has said: "Let us propose real spending cuts." He said: "Let us have a real tax increase and reduce the deficit with a combination of both.

And he also said something else which is most important: "Let us make real investment in this country for growth " There is a difference again between spending and investing. There are differences in our families, there is a difference in our business and there is a difference in Government when you invest rather than spend. That is what President Clinton has proposed for this country.

We do not have the luxury, Mr. President, in deciding not to do anything. There will be those critics that crowd this vast arena who do not want to do anything or oppose everything. We do not have the luxury. If this country is going to compete and move ahead and grow and provide opportunity again, then we must do one thing at least, and that is reduce this Federal deficit.

We must unburden ourselves of massive debt. The Ship of State cannot move forward with the cargo hold full of debt. We have to unburden, and the way to do that is to cut spending and raise some taxes.

At the same time, the second thing we must do, as President Clinton has appropriately suggested, is to invest in our future. Investing in kids, investing in education, investing in technology; all of those things move this country ahead.

Mr. President, when I went to the House of Representatives 12 years ago, almost 13 years ago now, the oldest Member of the House of Representatives was Claude Pepper. Soon after I began serving, I went to Claude Pepper's office for the first time. I have never forgotten what I saw in Claude Pepper's office. On his wall behind his chair he had two pictures. One picture was of Orville and Wilbur Wright making that historic first airplane flight, and it was autographed, "To my good friend, Claude Pepper, from Orville Wright." Beneath it was a picture of Neil Armstrong stepping on the Moon, similarly autographed to Congressman Pepper.

It occurred to me, here was a living American who had an autographed picture of the first person to leave the Earth and take flight, and the first person to step on the Moon. And what does that distance mean in the distance between the first day that we flew and the day we landed on the Moon? It means there was an incredible, unprecedented, historic burst in technology, learning, and progress in dozens of areas. How did it happen? Investment. Investment in education, investment in our kids, investment to move this country forward.

I am here today to say I compliment this President and I support the President, and I think the Congress can do not less than to help this President advance a program of economic change, that will fundamentally change the direction of this country. Will I try to make some adjustments? Yes, sure; because I do not think it is perfect. But I do not want the press in this country to misread comments by any Member of this body or any legislative body, which say I would like to make this little change or that little change, as comments representing opposition to the President's plan. Virtually every one in here probably has an idea how you might do it just a little better. Some of those adjustments can and will be made. This plan, however, ought to be a plan that we meet. We ought to meet the spending cut target. We ought to meet the tax increase target. We ought to meet the investment targets.

Mr. President, if you will indulge me for 1 more minute, I would like to make one other point about President Clinton. President Clinton has understood that you do not ask people to suffer the spending cuts or the tax increases unless you clean up the act in Government. And he has proposed significant cuts in Government waste. In addition to some program spending cuts, he has proposed getting to the root of waste in Government. He has proposed cuts in overhead, cuts in the executive branch, a real war on Government waste, and it is about time.

For 18 months in the U.S. House, I chaired a task force on Government waste. And we produced this booklet which President Clinton referred to during the campaign last fall.

A number of provisions in this booklet are now part of the President's proposed policies on cutting spending. We do not need to spend all the money we are now spending. We have 1.2 million bottles of nasal spray on inventory at the Department of Defense. Does anybody think there are that many plugged noses in the next century to want 1.2 million bottles of nasal spray on inventory? Of course not. That is just the tip of the iceberg. I could spend an hour citing chapter and verse on ridiculous areas of Government spending, and we ought to cut them. And President Clinton is leading the way.

When people say there are not budget cuts here, nonsense. There are real budget cuts in programs and a real war on waste to try to trim back the cost of Government.

Mr. President, there will be enormous discussion and debate that goes for months on these proposals by the President. But let me say that I am tired of 12 years of supply-side economics and trickle-down economics, when we said we can simply make the rich richer and all will be better off, if we simply cut taxes and double defense, while we still balanced the budget. After 12 years of that experience, it is finally refreshing to see a proposal that does fundamentally change economic policy, one that I think will move this country in the right direction.

Finally, let me say this cannot be done by Democrats alone, as the minority leader indicated a few minutes ago. We will achieve change in this country, real change that fixes what is wrong in this country, when we decide to stop bickering and decide to join hands and move forward together. Everyone should want investment in the future. Everyone should want to cut unneeded spending. Everyone should want to embrace a program that we think is an opportunity to fix what is wrong in this country.

I look forward to this debate with relish. This is why I came here. This is what the Senate ought to be about.

I yield back the remainder of my time, and I thank very much the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I also thank the distinguished manager of the bill, the distinguished Senator from Kentucky, for allowing me to speak here for just a few moments about a new organization in America.

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## EMPOWER AMERICA

Mr. PRYOR. Mr. President, I would like, if I might, to tell you and my colleagues about this new organization. The name of this new organization is Empower America, a group of individuals dedicated to recapturing the White House.

Today at 10 a.m., Empower America held a press conference to announce the creation of a coalition designed to defeat President Clinton's economic plan.

Mr. President, who was one of the main speakers this morning at that press conference? Who is fighting our President's attempt to finally get the Federal budget under control, and the President's attempt to stimulate the economy? The main speaker at the press conference this morning was none other than Jack Kemp, the former Secretary of the Department of Housing and Urban Development.

Mr. President, this is the same Jack Kemp who, right before he left HUD, a few hours before departing from the office, Mr. Kemp as Secretary of the Department of Housing and Urban Development gave out $400,000 in bonuses.

Almost $100,000 of these bonuses went to some 70 political appointees. A review of the people who received these bonuses right before the inauguration reveals some interesting facts.

For example, one of the recipients who received a nice bonus, $1,300, was a person named Cheryl Weber. Who is Cheryl Weber? Cheryl Weber is the wife of Vin Weber, a former Congressman from Minnesota. Interestingly enough, Vin Weber is now a codirector of Empower America.

A fellow named Kevin Stack also received a $1,300 bonus a few hours before he left office. Interestingly enough, the press release from Empower America that announced today's press conference was issued by a fellow named Kevin Stack.

Mr. President, do you suppose it could be the same Kevin Stack that received that bonus? I checked, and it is.

Mr. President, it is obvious that Jack Kemp and the people at Empower America do not like President Clinton's economic plan. But before anyone might think about jumping over to their side of this argument, hopefully, they will look at the examples that the people who organized Empower America have set. Apparently, Jack Kemp's idea of an economic stimulus is to give salary bonuses to his political cronies.

The point of the current economic debate, Mr. President, is not "spending, stupid," as some of the buttons indicated Wednesday night at the President's State of the Union address. It is not about "spending, stupid," it is about stupid spending. That is what this debate is about.

President Clinton has made the tough choices—and he is making them on a day-by-day basis—to put together a plan to get this country turned around in the right direction.

Mr. Kemp, the former Secretary of Housing and Urban Development, had his chance to hold the line on Federal spending; instead, another $100,000 in taxpayer money found its way to Mr. Kemp's political friends.

Mr. President, I hope as we read about Empower America in the days and months to come, that we will remember these individuals who have put this organization together and what their priority on spending was when they had the opportunity.

Mr. President, this morning in the "Buffalo News," from Buffalo, NY, a good story was written on this particular issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON.—Secretary Jack F. Kemp paid $92,000 in post-election bonuses to his political appointees at the Department of Housing and Urban Development, it was learned Wednesday.

Among the government bonuses that HUD said were paid between Election Day and Inauguration Day was one to the wife of Kemp's 1988 presidential campaign chairman, former Rep. Vin Weber, R-Minn., and another to a former HUD official who is now an aide to Rep. Jack Quinn, R-Hamburg.

In all, 70 of Kemp's political appointees received lame-duck payments in the midst of the worsening deficit crisis. Another beneficiary is Kevin Stack who moved from HUD to a new organization headed by Kemp and Weber, called Empower America.

Stack, the group's spokesman, on Wednesday announced Kemp and Weber today will announce formation of a coalition to defeat President Clinton's economic plan.

As part of Clinton's deficit-cutting program, the president has proposed freezing compensation for all civilian federal employes for a year, and then limiting their raises to one percent less the inflation rate for the next three years.

In a statement issued through Bill Dal Col, another Empower America official, Kemp said the bonuses were part of the routine civil service annual performance review process that had been carried out through my entire tenure at HUD.

Kemp said the payments were based on evaluations made for 1992, adding that they are always paid at the end of the year.

Asked why he did not suspend the bonus payments in light of the federal deficit, Kemp responded:

To have denied a modest annual bonus to HUD employes would in my opinion have been a slap in the face to the loyal and dedicated public servants who helped me clean up the corruption and redirect all policies away from bureaucracies and back to people and helped save millions, if not billions, in taxpayer dollars in the long run.

In his statement Kemp lumped the bonuses awarded to his political appointees in with bonuses paid as part of the review process to permanent high-ranking HUD officials who are in what is called Senior Executive Service.

SES bonuses amounted to another $298,000. Among the SES officials who received these payments was Buffalo Areas HUD Manager Joseph D. Lynch. His bonus was $5,200.

Lynch has permanent SES rank, senior Clinton administration sources said, but he will be moved from Buffalo to a comparable job in another community some time after June 1.

Lynch could not be reached to comment. The Buffalo News obtained the list of Kemp's awardees through a Freedom of Information Act request to HUD.

Weber, whose wife Cheryl was on HUD's political-level payroll as a special assistant, and Stack who at HUD was assistant to the secretary (Kemp) for communications, 8 declined to respond to repeated telephone calls. Their bonuses were about $1,300 apiece.

The Quinn aide is legislative director Earl Whipple, whose bonus was $1,385. Whipple was on HUD's congressional liaison staff, and was a political appointee serving at Kemp's pleasure. Quinn's press secretary, Mike Zabel, said the bonus to Whipple was not an 11th-hour award but the result of a review of his 1992 work record by his departmental superiors. Whipple is proud of the bonus, Zabel said.

HUD referred questions about the process to its personnel director, Norman Phelps, who got a bonus of $4,720. He did not return telephone calls.

The 70 political appointees who got bonuses included 28 persons who were listed only as special assistant or staff assistant, 8 who worked in advance parties for Kemp's travels, or as confidential secretaries to top-echelon officials. Ten others worked in congressional and intergovernmental relations.

Several other political appointees worked as press aides. Kemp in 1990 successfully waged a pitched battle against efforts by Sen. Barbara Mikulski to cut Kemp's press office to the bone.

Dal Col, who was Kemp's chief of staff at HUD, acknowledged that a high percentage, perhaps a majority of Kemp's political appointees got bonuses. Dal Col said all HUD employees, including career civil servants are eligible for bonuses.

However, career HUD employees, who spoke only on condition they not be identified, said that at the beginning of Kemp's tenure in 1989, career workers were told they had been rated too highly in the past.

As a result, the sources said, many of the career workers who had been getting bonuses previously were denied them because of poor ratings by Kemp's political aids. Those who did receive the bonuses, they said, got only a fraction of the amounts received by political appointees.

The Office of Personnel Management is studying the rash of 11th-hour bonuses paid to Bush administration political appointees at the request of President Clinton. An OPM official said chances are all the bonuses allocated to Kemp's political appointees, who have left the agency in recent months, have been paid.

Bonuses awarded to SES officials still at HUD may still be in the pipeline.

The OPM aid said Kemp also nominated high-rank HUD officials for Presidential Rank bonuses toward the end of his term. The number of these proposed awardees, the total amount of money involved, and the date on which Kemp proposed these bonuses could not be immediately determined.

## AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we are now on Senate Resolution 71, funding for the committees of the Senate.

It is my understanding that we have only three amendments, possibly, that are left. One I think can be accepted. The other one we just have a question mark; we do not know what that is. And I believe the third one is close to being reconciled. So I think we are very close to accomplishing the final passage of Senate Resolution 71.

But, Mr. President, let me make one point very clear: We are not leaving here today until this resolution is adopted. I have already talked to the leadership on both sides and they agree that the resolution should be adopted today. And before we leave here today, we will agree to this resolution. It may not be 3 o'clock and it may not be 4 o'clock.

But I encourage the Senators from the other side that have the three or four amendments to this piece of legislation to come forward and let us get rid of them. Otherwise, we are just going to be here and we are going to see a lot of quorum calls, and people are going to be wanting to leave, and we will not have finished the resolution.

So I encourage the Senators who have amendments to come to the floor and see if we cannot work our way through the three or four amendments that are left. I do not mind staying here, but I just think it is a waste of time if the Senators are not going to come forward and submit their amendments.

Mr. President, seeing no Senator here wishing to offer an amendment—I will give them a few minutes—I am prepared to move to third reading. That might bring some Senators to the floor if we attempt to go to third reading.

But, under the circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask if it takes consent at this time that I have unanimous consent to proceed on a matter other than the pending matter for a period of up to 4 minutes.

The PRESIDING OFFICER. It would. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 444 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

### AMENDMENT NO. 62

(Purpose: To make it the order of the Senate that no question on final passage of any measure and no question on the adoption of any amendment shall be put if it contains an unfunded Federal mandate)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of myself, Mr. GREGG, Mr. McCAIN, Mr. BURNS, and Mr. COHEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. GREGG, Mr. McCAIN, Mr. BURNS, and Mr. COHEN, proposes an amendment numbered 62.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

UNFUNDED FEDERAL MANDATES

SEC. . (a) It is the order of the Senate that no question on final passage of any bill, joint resolution, concurrent resolution, or resolution and no question on the adoption

> of any amendment shall be put if it contains an unfunded Federal mandate that requires a State or subdivision of a State to take action that it would not take absent the mandate at a cost that would not otherwise be incurred.
>
> (b) Subsection (a) may be waived only by the concurrence of three-fifths of the Senators duly chosen and sworn.

Mr. MCCONNELL. Mr. President, increased public attention on the national debt has to some extent boxed in some of our colleagues who want new Government programs. No one wants to be tagged with creating a new tax or raising an old one. No one wants to be blamed for proposing an offset that results in an existing program cut. The alternative, increased deficit spending, is no longer politically painless. It is not yet as painful as it should be, but it is not completely painless.

That leaves Congress one out, unfunded Federal mandates. The zeal to be seen as doing something combined with the lack of political will to pay for legislative initiatives is crushing the financial back of our States.

Our States can no longer afford our legislative initiatives. We think we have financial pressures—the States actually have to balance their budgets. We are making that increasingly difficult for them to do.

The amendment I am proposing would not altogether ban unfunded mandates, though that action has some merit. The amendment would make it more difficult to dump unfunded mandates on States. It would amend the nonstatutory standing orders not embraced in the rules and resolutions affecting the business of the Senate to say that:

> It is the order of the Senate that no question on final passage of any bill, joint resolution, concurrent resolution, or resolution and no question on the adoption of any amendment shall be put if it contains an unfunded Federal mandate that requires a State or subdivision of a State to take action that it would not take absent the mandate at a cost that would not otherwise be incurred.

That is lawyer talk for unfunded mandates. The provision may be waived only by concurrence with three-fifths of the Senators duly chosen and sworn.

Mr. President, the result would be that we could not be so cavalier in passing bills that make us look good but stick States with a tab. Our unfunded mandates have been making Governors and State legislatures do the hard work of prioritizing, cutting programs or raising taxes. As President Clinton calls upon Americans to sacrifice and Congress prepares to raise taxes, we must no longer shirk fiscal responsibility by dumping unfunded Federal mandates on the States.

Mr. President, I have a letter from a variety of different organizations supporting this amendment which I would like to make reference to dated February 25:

> DEAR SENATOR MCCONNELL: The groups listed below would like to thank you for introducing the mandate relief amendment. State and local officials and the education community have long decried the problem of unfunded Federal mandates. Over the years, States and local governments have seen authority over their budgets decline as more resources are devoted to Federal priorities. Similarly, educational institutions have seen their appropriations fall as States shift their fiscal resources to address Federal requirements. We encourage you to work for the passage of mandate relief legislation. If we can be of service in any way, please do not hesitate to contact us.

Mr. President, that is signed by the following organizations: The Association of Community College Trustees; the American Association of Community Colleges; the American Association of State Colleges and Universities; the Government Finance Officers Association; the Illinois General Assembly; the Midwestern Universities Alliance; the National Association of Counties; the National Association of State Auditors, Comptrollers and Treasurers; the National Association of State Treasurers; the National Association of State Universities and Land Grant Colleges; the National Conference of State Legislatures; the National Governors Association; the New York Legislature; the Office of Governor Wilson; and the Western Governors Association.

Suffice it to say, Mr. President, there is considerable sentiment out in the country that we ought to simply not do this anymore, not pass these unfunded mandates. But that is not what my amendment suggests. My amendment simply says that if we are going to do that, we ought to at least achieve a three-fifths vote.

On that observation, Mr. President, I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of the proposal of the Senator from Kentucky. I think it is long overdue and very appropriate for this Senate to consider at this time the matter of a rules amendment. There is probably nothing that is more of a scourge to the States, counties, and cities in their process of developing their budgets than the unfunded mandates which come from the Federal Government. Those mandates pervert the purpose in the budgeting authority of the States, counties, and cities causing them to make decisions which they would not otherwise make and forcing them to expend resources in a manner which they might not choose if they had the opportunity.

It is certainly the right of the U.S. Senate and the House of Representatives and the Federal Government, obviously, to decide on policies which impact the States, impact the counties and impact the cities. But when those policies force those levels of government—the States, the counties, and the cities—to expend money, then I believe we have gone too far. If we feel strongly enough about an issue that we wish to pass a law to enforce action on the States and the counties and the cities, then we ought to pay for the costs which we create as a result of that issue. It is unfair, it is inappropriate for us to be taking credit for the public policy decisions which we make but not be willing to pay the costs of those public policy decisions which must be borne.

In many communities, the tax dollars of those communities are raised through property taxes, and those tax dollars are near and dear to the people they are taken from. People who pay those tax dollars would like to have some control over their locally raised funds. They go for education, they go for police, they go for fire. But in almost every community across this country, the locally raised funds are not being expended today on behalf of locally directed initiatives, but are being expended as a result of directiveness from the Federal Government. That is not right. It is not fair.

If the Federal Government wishes to direct public policy, then it should pay for that public policy through Federal revenues. It should not require that local governments use up their tax bases, whether they are property taxes, local sales tax, or local income tax. It should not require those local tax revenues and tax sources be applied to Federal programs, rather Federal programs should be paid for by the Federal Government.

The proposal that has been put forward here by the Senator from Kentucky is a reasonable one. It does not say that we should ban outright unfunded mandates. I happen to feel we should ban unfunded mandates, and in fact, I will be introducing legislation later on in this session, with many cosponsors, especially new Members on the Republican side of the aisle, which will accomplish just that. But what this proposal does is say that if we are going to take this extraordinary step of saying to a local Government, we are going to spend the money that you raise rather than the money that we raise, if we are going to take this extraordinary step of mandating on to our local governments costs which they may not want to incur and which they may think are inappropriate relative to the proper priorities which they put in place for spending their money, then we are going to have to pass that legislation with a supermajority and that makes sense.

I cannot believe, quite honestly, that there is not a Senator who has gone back to their State who has not had a fairly continuous complaint or series of complaints coming from their local officials, whether they are county officials, State officials, or community officials, or from the private sector offiturned to his or her State and not found that there is an overwhelming desire to put an end to this practice which the Federal Government has pursued with such enthusiasm over the last 10 years.

This is really a phenomenon that has gained in momentum in the last 10 to 12 years. As we have been confronting these significant deficits at the Federal level, the pressure to undertake public policy action which incur costs have been restricted by our lack of revenues at the Federal level.

In response to that restriction, we have seen this new—not new—but this expansion of this phenomenon known as unfunded mandates where we still want to pass public policy that impacts public spending, but we are not willing to pay for it any longer. Rather, we are going to pass the policy, we are going to send the bills to the towns, to the cities, to the counties, to the States to pay, and it is not fair and it is not right.

If we want to be responsible as a body and as a Government when we pass these programs, we should pay for them. What we should not be doing is passing these programs and then asking the local communities, States, and the counties to pay for them.

So I congratulate the Senator from Kentucky. I think this is a superb amendment and I certainly hope that other Senators will be attracted to it.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to commend the Senator from New Hampshire who, of course, was recently a Governor and experienced this problem firsthand and the work he has done in this area. I am looking forward to the legislation I know he is developing; and in all likelihood I will be added as a cosponsor to that legislation. I want to thank him for his leadership on this most important issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, this is not something in general I oppose. In 1987, I submitted an amendment. It was in dollars rather than a percentage of the Senate Chamber, a $50 million mandate. A point of order was made against anything over that amount. Then we would have to go through the normal process. I have been a Governor. I understand what we do to States.

But also there are some things I like that I am going to pay a percentage of, and if 41 Senators here do not like it, then my State does not get it under this amendment because it is said that three-fifths of the Senate has to agree.

My State is going to want health care. My State is going to call a special session to try to do its own health care, as the Senator probably understands the problems of various and sundry States.

Now, if my State is willing to pay some funds under health care and others do not like that, then a minority of the Senate would prevent my State from having health care because it would be somewhat a percentage of unfunded mandates.

What about the highway program, 80-20, 70-30? We are not funding 100 percent of that. Is the Senator opposed to the highway program? That is an unfunded mandate.

And so I would say it was more a majority of the Senate rather than three-fifths. It may be a good spending bill; it may be a positive bill. It may be welfare reform. What is wrong with welfare reform? Well, if some in the Senate did not like it, 41 did not like it, why then we do not get welfare reform. We may be requiring the States to do more than they are now. Many States are. Maybe the Senator's State has. I am not sure. I think the dollar amount is probably better than——

Mr. GREGG. If the Senator will yield.

Mr. FORD. Through the Chair, I will be glad to.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How we get there, how we get to this end, limiting unfunded mandates can be accomplished in a number of ways. You can cut the pie a number of ways. If the Senator would like at this time to reoffer the proposal that the Senator made—and I was not in the body at the time but I am sure I would have been supportive of it—I would agree by unanimous consent to accept it and put it in the rules right now.

Mr. FORD. It would be a statutory provision, and it is a money amount rather than a vote of the Senate. Limiting it to three-fifths rather than a majority, I am not sure that this may be a question of whether it changes the rules or even under a resolution it overrides statutory provisions.

Mr. McCONNELL. Will the Senator yield?

Mr. FORD. Yes, I will be glad to yield. I feel like I am getting whipped here.

Mr. McCONNELL. The Senator had earlier, it seems to me—I could stand corrected, but looking at the CONGRESSIONAL RECORD, April 7, 1987, it was my understanding that the Senator had introduced legislation that would prohibit Congress from imposing unfunded mandates upon State and local governments. It simply established—this is an explanation of the bill the Senator introduced April 7, 1987—"simply establishes a procedural red flag to ensure that we are fully aware of the true fiscal impact of the requirements Congress imposes upon these governments. This bill would create a point of order against legislation which imposes a net cost of $50 million or more and States and localities."

I am not going to speak for my colleague from New Hampshire but the thought occurred to me, as the author of this amendment, I have the right to modify the amendment. If I could modify my amendment consistent with the legislation the Senator had previously supported, would that then make it acceptable to the Senator from Kentucky?

Mr. FORD. I say to my friend that I have been trying this for some time. It has fallen for some 5 years now. All of a sudden it becomes the thing to do. Maybe I was before my time.

But let me ask the two Senators if we could get together and let me talk with some folks to be sure that we clear the decks. It needs to go through the Finance and Appropriations Committees I think before we can approve it.

Mr. McCONNELL. I might say, Mr. President, if the Senator is still yielding, I would be more than happy to set this amendment aside for a period of time and let us discuss it, provided we have the right to bring it back up later.

Mr. FORD. There is no question about it. I would be pleased to do that but I do not see anybody else around here with an amendment.

So, Mr. President, I ask unanimous consent that the amendment by Senator McCONNELL of Kentucky be set aside temporarily so that we might discuss it and at some point it be appropriate to bring it back to the Senate.

Mr. McCONNELL. Mr. President, reserving the right to object, it is my understanding then that we would revisit this issue later this afternoon.

Mr. FORD. This bill will be finished today. It does not make any difference; 4 o'clock, 5 o'clock, 6 o'clock, whatever it is, we are going to finish the bill today, and the Senator's amendment will be considered either with an agreement or stand alone as he now has it.

Mr. McCONNELL. Mr. President, I have no objection.

I ask unanimous consent that Senator SMITH be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the unanimous-consent request of the Senator from Kentucky is agreed to.

Mr. FORD. I thank my colleague.

We only have two other amendments I think that are out there. I believe one is by Senator BROWN, and basically that would be acceptable. If we could have Senator BROWN here or if the staff will give me his amendment, I would be glad to propose it and get it behind us.

Mr. President, I suggest the absence of a quorum.

have Senator BROWN here or if the staff will give me his amendment, I would be glad to propose it and get it behind us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk continued calling the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, the Senator from Colorado [Mr. BROWN] has an amendment that is acceptable. I yield the floor so he might be recognized.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

### AMENDMENT NO. 63

(Purpose: To ensure that unspent Senate committee funds are not carried over)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 63.

At the appropriate place, insert the following:

"UNEXPENDED SURPLUSES

"SEC. . In order to ensure that the funds appropriated from the Federal Treasury for the operation of the United States Senate are subject to requirements similar to those imposed on funds appropriated from the Treasury for the operation of executive branch agencies or departments, in regard to the availability of appropriated funds beyond the time periods for which such funds are appropriated, no committee of the Senate may carry over an unexpended balance beyond March 1, 1995."

Mr. BROWN. Mr. President, this measure has been cleared on the majority side. It simply puts in place our intention to treat potential rollover funds from the Senate committees the same way that other expenditures by this Congress are treated. What it does is clearly express our intent that rollovers in the future be prohibited. It does not affect the potential rollovers this year. I ask that at this point a factsheet on the amendment and a list of agencies and programs that do not have the same luxury that we have of carrying forward unexpended balances be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE BROWN AMENDMENT TO S. RES. 71

### STRAIGHTFORWARD COMMITTEE BUDGETING

*What does it do?*

Prevents Committees from carrying forward surpluses after March 1, 1995.

*Why is it necessary?*

We owe America's taxpayers honesty in budgeting. If we want to spend more money, we should not try to finesse the public—our proposals should be clear and unambiguous. The current proposal, permitting unexpended surpluses to "roll" forward [50 percent to the Committees, the remainder into a "special reserve"] actually increases what Committees are authorized to spend in the coming year.

S. Res. 71 provides $55,696,935 through March 1, 1994.

Through September 1993 the Resolution also authorizes the use of the lesser of 50 percent of the unexpended balances or a fixed sum of $3,186,225 divided among the committees.

S. Res. 71 also places the remainder of the unexpended balances in a "special reserve" to be used by Committee Chairmen/Ranking Members on a for emergency needs.

a. Unexpended Committee Balances: $11,334,836 (as of Feb. 12, 1993).

b. Projected Unexpended Balances: $5,378,117 (on Feb. 28, 1993).

Total Available for Committees, S. Res. 71: $61,075,052 (Using (b) Projected Unexpended Balances), or

Total Available for Committees, S. Res. 71: $67,031,771 (Using (a) Unexpended Balances as of 2/12).

In either case, S. Res. 62, the 1991–92 spending resolution, authorized only $60,391,993 in Committee spending. S. Res. 71 authorizes an increase in Committee spending:

Smallest increase: $683,059.

Largest increase: $6,639,778.

Permitting carryover does not decrease Committee requests, it increases them.

In past years, carryover has never saved money. In fact, for requests for the next two years Committees have requested increases in their funding even though they were permitted to carry forward a percentage of their excess. For instance:

Environment Committee:
Surplus: $275,000.
Request: 9 percent increase.
Finance Committee:
Surplus: $255,238.
Request: 16.79 percent increase.
Foreign Relations Committee:
Surplus: $532,019.
Request: 4.89 percent.
Judiciary:
Surplus: $245,000.
Request: 2.89 percent increase.
Intelligence Committee:
Surplus: $500,000.
Request: 15.40 percent increase.
Small Business:
Surplus: $128,545.
Request: 0.22 percent increase.
Governmental Affairs:
Surplus: $602,300.
Request: 2.6 percent increase.
Armed Services:
Surplus: $486,064.
Request: 3.93 percent increase.

Total Committee Requests: 0.63 percent increase.

Rollover and "padding" in legislative appropriations to accomodate it, permits Senate Committees to circumvent restrictions most governmental agencies must comply with:

The vast majority of executive branch agencies as well as the judicial branch lose their unexpended surpluses each year. Only those which Congress specifically exempts by law may "carryover" an unexpended balance.

In most instances, this permits multi-year contracts and long-term U.S. government commitments to be fulfilled. This authority is seldom extended to agencies for salaries and expense accounts.

How is the Senate able to carry over unexpended balances?

By insuring that the legislative branch appropriations bill includes enough "excess" to accomodate projected committee "rollover."

In an era of purported deficit reduction, adding enough excess to cover a Senate "rollover" that amounts to a spending increase is a luxury the United States cannot afford.

Agencies and programs not authorized to carry unexpended balances forward:

#### DEPARTMENT OF VETERANS AFFAIRS

Veterans insurance and indemnities.
Veterans Direct Loan Program Account.
Veterans Loan Guaranty Program Account.
Veterans Education Loan Fund Program Account.
VHA Medical Care (limited exceptions).
VHA Medical and Prosthetic Research.
VHA Health Professional Program.
VHA Health Professional Education Loan Payment Program.
VHA Medical Administration/Miscellaneous Operating Expenses.
VHA Transitional Housing Loan Program.
Operating expenses for the Veterans National Cemetery System.
Veterans Kept Office of the Inspector General.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Payments of Operation of Low-Income Housing Projects.
Housing Counseling Assistance.
FHA-Mutual Mortgage Insurance Program Account.
FHA-General and Special Risk Program Account.
Guarantees of Mortgage-backed securities loan guarantee program.
Management and Administration.
Office of Inspector General.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Council on Environmental Quality and Office of Environmental Quality.
National Space Council—Salaries and Expenses.
Office of Science and Technology Policy.
The Points of Light Foundation.
Disaster Assistance Direct Loan Program Account—S&E.
Office of Inspector General.
Emergency Management Planning and Assistance.

#### GENERAL SERVICES ADMINISTRATION

Consumer Information Center.

#### NASA

Research & Program Management.
Office of Inspector General.

#### DISTRICT OF COLUMBIA

Presidential Inauguration.
Trauma Care Fund.
Public Safety and Justice.
Public Education System.
Starplex Fund.
Cable Television Enterprise Fund.

Lottery and Charitable Games Enterprise Fund.

Furlough Adjustment.

Capital Outlay.

### NATIONAL CREDIT UNION ADMINISTRATION

Central Liquidity Facility.

### NEIGHBORHOOD REINVESTMENT CORPORATION

Payment to the Neighborhood Reinvestment Corporation.

### SELECTIVE SERVICE SYSTEM

Salaries and Expenses.

### FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC Resolution Fund.

FDIC Affordable Housing Program.

Bank Enterprise Program.

### RESOLUTION TRUST CORPORATION

Office of the Inspector General.

### DEPARTMENT OF AGRICULTURE

USDA Rental Payments.

Building Operation and Maintenance.

Economic Research Service.

National Agricultural Statistics Service.

World Agricultural Outlook Board.

Alternative Ag Research and Commercialization.

Agricultural Research Service.

National Agricultural Library.

Salaries for the Animal and Plant Health Inspection Service.

Food Safety and Inspection Service.

Salaries and Expenses for the Federal Grain Inspection Service.

Inspection and Weighing Service.

Agricultural Cooperative Service.

Agricultural Marketing Service.

Packers and Stockyards Administration.

Farm Income Stabilization.

Agricultural Stabilization and Conservation Service—Salaries and Expenses.

Administrative and Operating Expenses—Federal Crop Insurance Corporation.

Commodity Credit Corporation:

Reimbursement for net realized losses;

Operations for Hazardous Waste Management; and

General Sales Manager

Solid Conservation Service:

River Basin Surveys and Investigations; and

Watershed Planning.

Rural Development Administration.

Farmers Home Administration:

Rural Housing Insurance Fund Program Account;

Rental Assistance Program;

Self-Help Housing Land Development Fund Program Account;

Agricultural Credit Insurance Fund Program Account;

State Medication Grants;

Rural Development Insurance Fund Program Account;

Rural Development Loan Fund Program Account;

Rural Development Grants;

Solid Waste Management Grants;

Emergency Community Water Assistance Grants; and

Salaries and Expenses.

Rural Electrification Administration:

Rural Telephone Bank Program Account;

Rural Economic Development Loans Program Account; and

Salaries and Expenses.

Emergency Food Assistance Program.

Food Program Administration.

Human Nutrition Information Services.

Foreign Agricultural Services.

Debt Restructuring Under the Enterprise for the Americas.

Short-term Export Credit.

Intermediate Export Credit.

Emerging Democracies Export Credit.

CCC Export Loans Program Account.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration:

Salaries and Expenses; and

FDA Rental Payments.

Health Education Assistance Loans Program.

Centers for Disease Control—Disease Control, Research and Training.

National Institutes of Health:

National Cancer Institute.

National Institute of Dental Research;

National Institute of Diabetes and Digestive and Kidney Disease;

National Institute on Alcohol Abuse and Alcoholism;

National Institute on Drug Abuse;

National Institute on Mental Health;

National Institute of Neurological Disorders and Stroke;

National Institute of Allergy and Infectious Diseases;

National Institute of General Medical Services;

National Institute of Child Health & Human Development;

National Eye Institute;

National Institute of Environmental Health Sciences;

National Institute on Aging;

National Institute of Arthritis and Musculoskeletal Skin Diseases;

National Institute on Deafness and Other Communications Disorders;

National Center for Research Resources;

National Center for Nursing Research;

National Center for Human Genome Research;

National Library of Medicine; and

Office of the Director.

Substance Abuse and Mental Health Services Administration—Alcohol, Drug Abuse and Mental Health—99 percent.

Health Care Policy Research.

Health Care Financing Administration—Payments to Health Care Trust Funds.

Refugee Assistance.

Community Services Block Grants.

Aging Services Programs.

Office of Inspector General.

Office for Civil Rights.

### DEPARTMENT OF THE TREASURY

Financial Management Service.

Commodity Futures Trading Commission.

Farm Credit Administration.

### DEPARTMENT OF JUSTICE

Office of Inspector General.

U.S. Parole Commission—Salaries and Expenses.

Foreign Claims Settlement Commission—Salaries and Expenses.

U.S. Marshals Service—Salaries and Expenses.

Radiation Exposure Compensation—Administrative Expenses.

87 percent of funding for Organized Crime Drug Enforcement.

Federal Bureau of Investigations—95 percent of Salaries and Expenses.

Drug Enforcement Administration—97 percent of Salaries and Expenses.

Immigration and Naturalization Service—More than 90 percent of Salaries and Expenses.

Federal Prison System—97 percent of Salaries and Expenses.

Commission on Civil Rights—Salaries and Expenses.

Equal Employment Opportunity Commission—Salaries and Expenses.

Federal Communications Commission—Salaries and Expenses.

Federal Maritime Commission—Salaries and Expenses.

Federal Trade Commission—Salaries and Expenses.

Securities and Exchange Commission—Salaries and Expenses.

### DEPARTMENT OF COMMERCE

Coastal Zone Management Fund.

Fishing Vessel Obligations Guarantees.

Office of Inspector General.

Economic Development Administration:

Economic Development Assistance Programs; and

Salaries and Expenses.

### THE JUDICIAL BRANCH

U.S. Supreme Court—Salaries and Expenses.

U.S. Circuit Court of Appeals—Salaries and Expenses.

U.S. Court of International Trade—Salaries and Expenses.

Courts of Appeal, District Courts, and others—Salaries and Expenses.

Administrative Office of the U.S. Courts—Salaries and Expenses.

National Commission on Judicial Discipline/Removal—Salaries and Expenses.

U.S. Sentencing Commissions—Salaries and Expenses.

### DEPARTMENT OF STATE

Salaries and Expenses.

Office of Inspector General.

Representation Allowances.

Protection of Foreign Missions and Officials.

Arms Control and Disarmament Agency.

Board for International Broadcasting.

U.S. Information Agency:

Salaries and Expenses;

Office of Inspector General;

Eisenhower Exchange Fellowship Program Trust Fund; and

East-West Center.

### DEPARTMENT OF TRANSPORTATION

Coast Guard Operating Expenses.

Coast Guard Reserve Training.

FAA Operations.

FAA Aircraft Purchase Loan Guarantee Program.

Federal Highway Administration Motor Carrier Safety Grants.

Fed Railroad Administration National Magnetic Levitation Prototype Development.

Office of the Inspector General.

Panama Canal Commission—Revolving Fund.

### OTHER

Marine Mammal Commission.

Legal Services Corporation.

Small Business Administration:

Office of Inspector General; and

Business Loans Program Account.

Mr. BROWN. Mr. President, the distinguished Senator from Alaska has not had an opportunity to review this. I would like to delay final action on this amendment until the Senator has had a chance to look at it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, my distinguished friend, the ranking member on the Rules Committee, is here. He has reviewed the amendment that was presented by the distinguished Senator from Colorado [Mr. BROWN], and we are both now prepared to accept the amendment. For the majority side, I do accept it.

Mr. STEVENS. Mr. President, I agree with my good friend, the chairman of the Rules Committee and am prepared to accept it also. I just informed the Senator from Colorado that we all realize that there will be another election involved in the Senate, and before this takes place, if another Senate decides to reallocate some of these funds in the future, this does not tie their hands. I agree that this is a good concept. We do not like committees to carry over funds. I approve of the basis of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 63) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the McConnell amendment.

### AMENDMENT NO. 62

Mr. BYRD. Mr. President, this amendment would make it out of order for the Senate to consider any bill, joint resolution, or amendment that would have the effect of placing an unfunded Federal mandate on the States or subdivisions thereof. The amendment would allow a waiver by a vote of three-fifths of the Senate.

What this would mean, Mr. President, is that the Senate would be required to have a supermajority of 60 votes in order to amend existing Federal mandates on the States or to create new ones for a host of Federal programs.

For example, the President has indicated that he believes the States should be required to pay a share of the cost of defaults on student loans. At the present time, these defaults cost the Federal Government as much as $3 billion annually. If the States were mandated to pay a portion of these defaults, it might well encourage States to help ensure that students repay their loans rather than defaulting on them. Under this amendment, a vote to require the States to share in the cost of defaults on the student loans would require a 60-vote waiver.

Now, Mr. President, one could speak at considerable length to indicate the problems that would confront the Senate in the event this order were to be approved.

I would like to make a few comments concerning the procedural approach, being used by the able Senator from Kentucky [Mr. MCCONNELL].

Under this amendment, and I read as follows:

> It is the order of the Senate that no question on final passage of any bill, joint resolution, concurrent resolution, or resolution and no question on the adoption of any amendment shall be put——

I will halt the reading of the amendment at that point. "No question shall be put."

Now, Mr. President, when an amendment or other matter is before the Senate and no Senator seeks recognition, and in the event a time agreement has run its course, the Chair is required to put the question, under the rules and precedents of the Senate. This proposed order introduced by the distinguished Senator from Kentucky [Mr. MCCONNELL] would have the effect of throwing such precedents out of the window.

So, hereafter, when a question arises dealing with unfunded Federal mandates which require a State or subdivision to take certain action, under Senator MCCONNELL's amendment, when all debate had ceased, even at the conclusion of a time agreement, it seems to me the Chair would not be able to put the question. All time, let us say, has expired; the question is before the Senate; no Senator rises to seek recognition. What does the Chair do? Under the current rules and precedents of the Senate, the Chair automatically puts the question. But not so, if the pending amendment by Mr. MCCONNELL is agreed to.

We often hear Senators say, "I move the adoption of the resolution," or, "I move the adoption of the amendment." There is no such motion under the Senate rules. When a Senator "moves," he makes a motion. There is no such motion under Senate rules. There is no need for such in the Senate. Just sit down. Take your seat. And when no Senator seeks recognition, the Chair will automatically put the question on the matter pending before the Senate. The Chair will say, the question is thus and so; those in favor will say "aye" and those opposed "no," and so on. The Chair automatically does that under the precedents and rules that have governed the debates and actions of the Senate for these many, many decades.

But Mr. MCCONNELL's amendment would say that no question on the adoption of any amendment shall be put if it contains an unfunded Federal mandate.

Second, what would the Senate do under rule XXII if the Senator's amendment were to become an order of the Senate? Suppose a question arose in the Senate on the adoption of an amendment that contained an unfunded Federal mandate requiring a State or subdivision of a State to take certain action, and suppose that amendment were filibustered. We have not had a good filibuster around the Senate in a long time, but under the rules, there is always the possibility. Suppose cloture is invoked on that amendment. What happens when cloture is invoked under the rules?

Under the rules, at a certain point, which I will not elaborate on, the Chair will put the question: Is it the sense—in the event a cloture motion has been introduced, the Chair will put the question: Is it the sense of the Senate that debate shall be brought to a close?

Now, if that question is decided in the affirmative by three-fifths of the Senators duly chosen and sworn, then what happens? Well, without going into detail, there is a point that is reached eventually after which the Chair will have to put the question on that amendment. Let us say that cloture has been invoked and rule XXII has run its course and the time comes when the matter is to be put to a vote.

The rule says, after no more than 30 hours of consideration of the measure, motion, or other matter on which cloture is invoked, the Senate shall proceed without any further debate on any question to vote on the final disposition thereof, to the exclusion of all amendments not then actually pending before the Senate at that time, and to the exclusion of all motions, et cetera, et cetera.

The Senate shall proceed to a vote. What does the pending amendment say?

This amendment, in effect, says we should disregard rule XXII after cloture has been invoked. The rule has run its course. But no question on the adoption of the amendment shall be put.

So then therein lies another problem. First of all, we have the problem when a time agreement has expired and the Chair is to put the vote, all time has been used or yielded back, the Chair has put the vote, the Chair cannot put the vote on this question. What are we to do? Do we just go on and on and on? The time has run out. There can be no further debate. All time has been used or yielded back. The Chair cannot put the question. What do we do? Under the Senator's pending amendment, we could not debate the matter further, but we also could not vote. The Senate could not work its will. We would be in limbo.

Point No. 2, as I said, has to do with the situation when cloture is being invoked.

Mr. President, ordinarily the rules can be changed in ways that are set forth under the rules. But a day's notice in writing should be given. This amendment does not require that. It does not mention a change in the rules, per se. It does not say anything about changing any rule.

Presently, a proposed change in the Senate rules, if it were filibustered, would require two-thirds, a supermajority, to cut off a filibuster.

But not so with this order. It does not propose, on its face, any rules change, and, therefore, does not require a two-thirds vote to shut off a filibuster. However, it does, in effect, change Senate rules and precedents. If a filibuster were to occur on the McConnell amendment, as it is now pending before the Senate, only a three-fifths majority would be required to shut off the filibuster. Yet, it would change Senate rules and precedents.

So, it gets around the two-thirds requirement, does it not? I have another problem with this amendment.

Mr. President, I have a high regard for the distinguished Senator from Kentucky [Mr. MCCONNELL]. He has been lately appointed to be a member of the Appropriations Committee, which I chair, and I know that he will be an effective member of that committee. I have heard that Mr. MCCONNELL is a good lawyer. I have never practiced law. But, Mr. President, a person does not have to practice law to read the Constitution. One of the problems that we in Congress have from time to time is, we fail to go back and read the Constitution. I try to make it a point to read the Constitution during every break. Read the Constitution. It is much like reading the Bible. Every time I read the Constitution, I find something there that I had not noticed before.

So we Senators ought to read the Constitution often.

I have been told that a good lawyer knows where to find the law—where to look it up, where to find it. Certainly we all know where to find the Constitution. There is no problem in finding the Constitution. Let us read the Constitution to see what it says about this amendment.

Let me find the Constitution here. This book is the Senate manual. It contains many items, one of which is the U.S. Constitution.

I find in the Constitution a provision which might be well for all Senators to remember. Here it is:

"The yeas and nays of the Members of either House"—that includes the Senate—"on any question"—it does not say most questions or some questions or a question now and then—"on any question shall"—it does not say may—it says "shall at the desire of one-fifth of those present be entered on the Journal."

I say to my friend from Kentucky, Mr. MCCONNELL, let us see what his amendment says. It says "no question on the adoption of any amendment shall be put."

The Constitution says "the yeas and nays shall be entered on the Journal."

How are we going to get the yeas and nays entered on the Journal unless the question is put? On any question, if one-fifth of the Members present—it need only be five Members or less than that, only one Member—if there are only five Members present, and one wants the yeas and nays, under the Constitution, a rollcall vote is required.

That is what the Constitution says.

Let me say again, what does this amendment by Senator MCCONNELL say?

"No question on the adoption of any amendment shall be put if it contains an unfunded Federal mandate." It says, the Constitution notwithstanding, "No question shall be put."

But the Constitution does not read that way. It says "The yeas and nays of the Members of either House on any question"—on any question. Let it be a question dealing with the adoption of any amendment that contains an unfunded Federal mandate that requires a State or subdivision of a State to take certain action. Let it be. Let it be that question. The Constitution says "on any question shall"—may not—"shall, at the desire of one-fifth of those present," et cetera.

Mr. President, we cannot flout the rules and precedents of the Senate. Of course, we cannot flout the Constitution. But leaving aside the Constitution for a minute, this order would be thrown out in a court faster than you can cook asparagus, as the Emperor Augustus used to say. Augustus was the first Roman emperor, and reigned between the years 27 B.C. and 14 A.D.

That was his way of saying that things should be done in a hurry. He would say it would happen "quicker than asparagus could be cooked." Take this order into a court of law, Mr. President, and the court will throw it out "quicker than you could cook asparagus." Such an order would fly in the face of the Constitution.

Suppose this order were to be approved by the Senate, and a question under this amendment were later pending and a Senator asked for the yeas and nays and the request were sustained by one-fifth of the Senate, what is the Chair going to do? Is the Chair going to look at this order and say: I cannot put that question. Or is the Chair going to look at the Constitution? The Chair is going to look at the Constitution.

Mr. President, I do not believe that the Senator from Kentucky really understands what his amendment does. He probably understands as much as I do about the substance. But I do not believe the Senator from Kentucky really understands what he is doing to Senate procedure here. I have a feeling that some staff person has drawn up this amendment. We all depend upon our staffs to do these things, but when it comes to procedure, Senators have to be pretty careful. We ought to know something about procedure ourselves. At least we ought to talk to the Parliamentarian.

But if we start down this road, Mr. President, changing the Senate rules and precedents by an order of the Senate, there is no end to the chaos and mischief that we can bring upon ourselves.

I say this to the minority: We have a majority leader who is very careful about trampling on the rights of the minority. Having been a majority leader myself and having been a minority leader as well, I want zealously to guard the rights of the minority, likewise. There can come a day when the majority may be on the other side of the aisle and we on our side in the minority. So, I want to protect the rights of the minority.

I hope that Senators on the minority side will not vote for this amendment, because if we are going to use this approach to, in effect, change the rules, without saying we are changing the rules, the minority will be crushed. I say to my friend, Mr. MCCONNELL, beware, you can be crushed. A majority is a majority is a majority is a majority.

Mr. President, just to demonstrate some of the havoc that could occur, an example of what could be done to the minority, I am going to offer an amendment to the Senator's amendment. Let me read a portion of rule XXVII:

> The staffs of committees (including personnel appointed pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution) should reflect the relative number of majority and minority members of committees. A majority of the minority members of any committee may, by resolution, request that at least one-third of all funds of the committee for personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide.

Mr. President, on the Appropriations Committee we do not require the minority to offer a resolution requesting a third of all of the funds. We just do it as a courtesy. The minority on the Appropriations Committee gets a third of those funds; they are entitled to it. Having been in the minority, I would like to have at least a third of the committee funds.

It is a good thing, and it is a great experience—few Members here have had the experience—of having been both a majority leader and, at another time, a minority leader. I have had such honors. You get to see both sides. I know how it pinches when the minority's foot is stepped on, because I used to be the minority leader.

When Cineas Grecinus, a Roman, divorced his wife, he was asked by his friends, "Why did you divorce your wife? Was she not fair? Was she not chaste? Was she not of noble birth?" He said, "Yes. Do you see that shoe? Is it not new, is it not fashionable? Yet, no one knows where it pinches, except I. I wear it."

So having been leader of the minority, I know how the shoe pinches. But let me demonstrate how it can pinch.

My amendment, which I shall offer to the Senator's amendment, would, by order of the Senate, say—not by changing the Senate rules—it is the order of the Senate that the salaries of the staff of committees of the Senate shall be determined and controlled by the majority of each committee.

My amendment is an appropriate amendment in the second degree to the Senator's amendment.

It says:

> Subsection (a) may be waived only by the concurrence of three-fifths of the Senators duly chosen and sworn.

If, under my amendment, this order were to be entered by the Senate—it makes no reference to the Senate rules—it would mean then that the majority would control the salaries of all the staffs of all committees of the Senate.

So here is a poor, little old minority in the Senate, that is going to be pressed down, pressed down. And is there a game called "squash"? The minority are going to be squashed by the majority and they will take all your staff away from you.

But I am going to offer this amendment and then I will move to table the underlying amendment. I certainly would not want to see this amendment——

Mr. McCONNELL. Mr. President, will my friend from West Virginia yield?

Mr. BYRD. Yes, but let me finish my sentence.

I do not want the Senate to approve the order offered by the Senator from Kentucky, and I would not want the Senate to approve the order that I am offering as a second-degree amendment. So I will just move to table both.

I yield to the Senator from Kentucky.

Mr. McCONNELL. It is just for observation.

The Senator from Kentucky has been listening carefully to the observations of the distinguished chairman of the Appropriations Committee. I think many of them raise a very good point.

I have been waiting for the purpose of withdrawing the amendment, having had some discussions with the chairman of the Rules Committee who indicates that this proposal would be given hearings at some time before May, it is my understanding.

I would like to gain the floor for the purpose of withdrawing the amendment and learning more through the hearings about the impact of this on the operations of the Senate, as the distinguished chairman has indicated.

Mr. BYRD. Mr. President, I compliment the distinguished Senator for his decision to withdraw the amendment, and, in that case, I will yield the floor and not offer my amendment.

Mr. FORD. Mr. President, I just want to clarify one point for future debate on this issue. It is my understanding that the National Governors Association and the National Conference of State Legislatures do not endorse specific legislation, and that this position was communicated along with the letter of support included in the RECORD earlier by my colleague. While at least these two organizations listed as signatories take this position, they do generally support efforts to address the issue of unfunded mandates.

In fact, these two organizations may have serious concerns about the impact this particular approach would have on both current negotiations on health care reform and on efforts to pass a deficit reduction package. Furthermore, one of the organizations advises that it has never been in a position to support efforts that supercede the normal legislative process, which is precisely what this amendment would do.

With my long-standing interest in efforts to address the unfunded mandate issue, I look forward to receiving input and comments from these groups and others on this specific amendment and other proposals for dealing with unfunded mandates.

Mr. President, I ask that a letter from the director of the Washington Office of the National Conference of State Legislatures be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
*Washington, DC, February 25, 1993.*

Hon. WENDELL H. FORD,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing to clarify Senator McConnell's representation of the National Conference of State Legislature's (NCSL) position on his mandate relief amendment (S. Res. 71). NCSL has not endorsed, at this time, either Senator McConnell's amendment or any other particular piece of mandate relief legislation. NCSL cares deeply about this issue and seeks to pursue deliberations and consultations with you and other federal policymakers in order to construct appropriate resolutions to our concerns.

We do send letters of acknowledgement to individuals who sponsor mandate relief legislation. Senator McConnell received such a letter on the morning of February 25th. This letter, signed by NCSL and fourteen other organizations, does not specifically support Senate Resolution 71 or any other piece of legislation.

Sincerely,

CARL TUBBESING,
*Director, Washington Office.*

Mr. McCAIN. Mr. President, I strongly support the McConnell-Gregg-McCain amendment before the Senate at this time. This amendment makes any question on the adoption of any measure or matter before the Senate out of order if that measure of matter contains any unfunded Federal mandates on the States. Further, it allows the provision to be waived by an affirmative vote of three-fifths, of the Senate.

Mr. President, this is a simple amendment and it is long overdue. I believe that not only will State and local officials agree that we need this amendment, but the public as a whole will strongly support the idea that what the Senate mandates, the Senate should fund.

Mr. President, too often we force the States and local governments to live up to Federal mandates, many of which are very noble and well-intended, but for which we do not fund. This is wrong. If there is an issue which is important enough to force upon the States and local communities, then we have an obligation to pay for the costs associated with such issues.

Let me clarify, this amendment will in no way ban the ability of the Senate to pass unfunded mandates, but it places an important safeguard into the rules of the Senate to prevent the Senate from cavalierly passing unfunded Federal mandates.

It is time we allow those elected officials closest to the people of America—local elected officials—to operate in a manner that is not burdened by unfunded Federal mandates. We must be fair. If we believe in some cause, we should be prepared to pay for it.

Mr. President, it is time we passed this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

So the amendment (No. 62) was withdrawn.

Mr. McCONNELL. Mr. President, let me just say very briefly that issue of unfunded mandates on the States is one that this Senator and a number of Senators on our side, including Senator MACK, Senator GREGG, Senator COVERDELL, Senator DURENBERGER, and Senator McCAIN, as well as the chairman of the Rules Committee, think is extremely important. It is clear that it is not going to move forward in this form on this day. But this is an issue that is coming back and I want to thank the chairman of the Rules Committee for his willingness to——

Mr. FORD. May I be very careful with my friend? He said before May.

Mr. McCONNELL. That was my understanding.

Mr. FORD. It was in May.

Mr. McCONNELL. I want to thank my colleague from Kentucky for his willingness to have this included in Rules Committee hearings that will be held before the Rules Committee.

I also thank the distinguished chairman of the Appropriations Committee for his enlightenment on this issue.

I would like to think my momma did not raise foolish children. This Senator did not come over here to debate the rules with the chairman of the Appropriations Committee. This Senator came over here to raise the issue of unfunded mandates on the States. I think it is going to be an increasingly difficult issue. We should be responsible in that regard.

I thank former Governor GREGG, one of our colleagues, who is doing work on this issue and will be presenting a bill, I understand.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. MCCONNELL. I yield to my friend from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Kentucky for raising this issue.

I appreciated the presentation on the rules by the Senator from West Virginia. It was extremely informative to me as a new Member of the Senate. That goes to the procedural questions of the issue, but substantively there can be no question on this issue.

The point that this amendment got to the substance of the issue was it is time for the Federal Government to stop passing costs down. It is time for the Federal Government to pay bills that it creates and passes on to local and State governments. This issue is critical. I understand the chairman from Kentucky managing this bill has agreed to have hearings on it, and he has his own concepts and ideas put forward in prior sessions of the Senate which to me is an exciting fact and one which I would follow up on.

I congratulate the Senator from Kentucky for bringing this matter forward and hopefully, as the hearings process goes forward, we can elicit more information and make it very clear that the substance of this amendment is the direction the Senate should move in. I also have legislation to address that.

Mr. MCCONNELL. I thank my friend and colleague from New Hampshire for his good work on this issue.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, we have one more amendment, as I understand it, and 50 percent of the parties are here in order to present that. We think we have it worked out where it will be agreeable to both the majority and the minority. If we could do that, then with one colloquy we could go to final passage.

Can we get Senator HELMS to the floor? Then we can proceed with the proposing of an amendment that basically I think will be agreed to.

I want to record to note that I am not holding up the procedure here to try to help my colleagues go to a meeting that they would like to go to about mid-afternoon. I hope within the next 15 or 20 minutes we could go to the final passage vote on this, and we will have a vote on it.

Mr. President, I reluctantly suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DO NOT CLOSE THE DEFENSE LANGUAGE INSTITUTE

Mr. SIMON. Mr. President, I would like to just speak for a moment about something that I have heard may be a recommendation of the Base Closure Commission.

Each of us, whether from West Virginia, Kentucky, Ohio, Alaska, or Illinois, we are interested in our own States. And there were rumors about Great Lakes closing, which I hope are not true, and I do not think makes sense.

But let me speak about a closing that I heard of in another State that I do not think makes sense, and that is the Defense Language Institute.

It is very interesting that the Presiding Officer right now is, I am sure, the only Member of the U.S. Senate who can speak Japanese. And what an asset that is to him and, indirectly, to the Senate.

We need linguists. We have the only Foreign Service in the world that you can get into without the knowledge of a foreign language. It is incredible.

And in the area of defense languages and our security, we have the best facility in the world. For someone, through shortsightedness, to think that we can close that down and serve the Nation, it really is incredible, particularly since we have just gone through the process—we are not through it yet—of having troops in Somalia all of the sudden finding ourselves desperate for people who speak Somali.

What we need is clearly not to close this facility down, but, if anything, to strengthen it.

When I was in the House, Mr. President, I remember when the Secretary of Education, Ted Bell, who is a very fine person, recommended that we stop all international education as part of the Higher Education Act. I had an amendment to keep our funding there. And I remember two people contacting me in behalf of my amendment against another Cabinet member, the only time I have every experienced this in my years in Congress. Cap Weinberger and Bill Casey both contacted me and said it is important for the defense to America that we keep these capabilities.

And it is important not simply for the defense of America. These people who learn another language end up, often, when they are no longer in the service, going into business, selling Fords, Chevrolets, Plymouths, whatever.

And there is a very simple rule in business. You can buy in any language. But if you want to sell, you have to speak the language of your customer. One of the things that we do wrong is we have not learned to speak the languages of our customers.

But it is just as shortsighted as it can possibly be to consider closing this facility.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the Board of Visitors to the Defense Language Institute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOARD OF VISITORS, DEFENSE LANGUAGE INSTITUTE, FOREIGN LANGUAGE CENTER,
*Presidio of Monterey, CA, October 27, 1992.*

Memorandum for: Assistant Secretary of Defense (C3I) Commanding General, U.S. Army Training and Doctrine Command; Deputy Chief of Staff for Operations and Plans, HQ, Department of the Army; Commandant, Defense Language Institute, Foreign Language Center.

Subject: Annual Report of the Board of Visitors.

### GENERAL

The Defense Language Institute Foreign Language Center (DLIFLC) Board of Visitors (BOV) convened its fifth meeting at the Defense Language Institute in Monterey, California on 29–30 September 1992. At Enclosure 1 is a listing of BOV members present and absent plus a listing of additional attendees and briefers. At Enclosure 2 is a copy of the agenda. At Enclosure 3 is a summary of the presentations. At Enclosure 4 is an expanded copies furnished list.

### ACHIEVEMENTS

The DLIFLC continues to successfully fulfill its mission and in an exemplary manner. Once more, the BOV was impressed with the academic, curricular and technological achievements of DLIFLC under the command of COL. Donald C. Fischer, Jr., USA. Several things have contributed to this success including the use of teleconferencing, the emphasis on proficiency as an instructional goal, and the implementation of the Learner Focused Instructional Day (LFID).

The BOV particularly noted the following achievements at DLIFLC in 1992:

The integration of technology in language instruction, both at DLIFLC and at other locations via video teleconferencing.

The implementation of the Learner Focused Concept across the curriculum, especially through the extension of the instructional day by one hour.

The confirmed commitment of DLIFLC to attain a higher proficiency rate (80 percent at 2/2/2).

The ability to maintain a low academic attrition rate (10%) through improved instruction and increased motivation on the part of teachers and students.

The continued contacts with allied language institutions with an eye toward establishing DLIFLC as a leader in foreign language training.

The development of extensive foreign language courseware to support the Special Forces program.

The continued commitment of DLIFLC to professionalize its language programs by instituting a system of internal and external curriculum reviews.

The continued commitment of DLIFLC to support faculty professional development, both in pedagogy and content.

The establishment of a provisional academic department to offer courses in Eurasian language (Estonia, Tadjik, Ukrainian, Uzbek, etc).

The recognition by TRADOC that language training and the overall role of DLIFLC will have to reflect the turbulent changes throughout the world.

The active support provided by DLIFLC in the DOD War on Drugs Program to include DEA, Customs Service, and narcotics agents currently being trained in Thai and Spanish.

DLIFLC's continued efforts to improve the Defense Language Proficiency Tests (DLPT) and the Final Learning Objectives (FLO) tests.

The impressive success in the increased proficiency level of Arabic language students as a result of extending the course to 63 weeks.

The enormous energies of DLIFLC in promoting the New Personnel System (NPS).

The continued efforts by DLIFLC to reach out to linguists in the field after they leave DLIFLC as evidenced in the impressive growth in distance education support.

The BOV would like to pay a special tribute to Colonel Donald C. Fischer, Jr., the Commandant and Dr. Ray Clifford, the Provost, for their numerous positive contributions and the many academic achievements which have taken place at DLIFLC this past year. The BOV would like to especially recognize Colonel Fischer's central role during the last three years in promoting excellence and professionalism at DLIFLC. DLIFLC's world reputation as a first rate institute of language training is due in great measure to Colonel Fischer's impressive leadership.

### FUTURE OF DLIFLC

The Board wishes to go on record to express concerns regarding the future of the Defense Language Institute Foreign Language Center. The precipitous cuts in the Slavic language programs and in certain other departments are a cause of real concern to the BOV and should be to the senior levels of DOD as well. We are far from the "End of History" predicted in Dr. Fukuyama's Time magazine article. The presumption that we have reached the end of global politics, military confrontation, or economic and commercial competition is short sighted. The total unpredictability of Operation Desert Shield/Desert Storm and the Arabic linguistic requirements needed proved that point. Also, the presumption that Europe would be "Whole and Free" and without serious regional problems when these cuts were directed has proven to be illusionary. The Balkans and related problems of integrating the newly independent republics of Central Europe into a broader European whole has also not proceeded as many predicted. Indeed, the need for language skills in the European context has increased and not declined. Additionally, while we may be moving away from a conflict to a cooperation model on a global scale, the need for linguistic skills is in no way diminished. In this new cooperative context the need for enhanced language skills increases as global interaction increases. Our goal of integrating the countries of Central and Eastern Europe argues for an increasing number of liaison, escort, and interpreters with the required linguistic skills. Additionally, the requirement for language trained personnel in the Army arena demands a continued production of Slavic language trained personnel, while the implementation of the conventional arms and related treaties will require personnel trained in a wider range of other European languages.

The BOV is concerned with what often appears to be a short-term view exhibited by developing DLIFLC requirements. There appears to be a lack of vision on the part of the end user in ensuring the availability of an adequate cadre of trained linguists. Clearly the message to the field is that requirements must be more clearly defined and reflected in a timely manner. What is needed is some vision at the senior levels regarding earlier identification of need. The operators in the field must become more proactive participants in the process and understand the impact of their requirements on the DLIFLC personnel and budget cycle. Requirements continue to lag far behind the actual needs.

The BOV also believes that the excellent work done at DLIFLC should be made better known to the OSD and Service entities involved in security assistance and related fields dealing with international issues. The BOV views DLIFLC as a national asset and continues to be disappointed that its role is not better understood and supported by elements within OSD and the respective Services.

### COURSE DEVELOPMENT

Periodic reviews of courses by external committees consisting of major users have taken place. Specifically, curriculum reviews have been conducted in Arabic, Chinese, Korean and Russian, with Persian Farsi and Spanish to be accomplished in February 1993. These reviews are useful and necessary and the BOV encourages and supports the systematic reviews of other course offerings as well. Instructors should be provided with the time and resources in order to participate in more frequent curriculum reviews.

The BOV recommends an in-depth review and assessment of the Korean Language School. Attention should be focused on the Korean Language School's faculty, course content, academic loads placed on students, number and variety of texts, methodologies employed in the classroom, as well as the adequacy and currency of materials being used in the program. Steps should be taken to ensure that, while striving to achieve a 2/2/2 proficiency level in the three language skills, the faculty does not feel pressured to teach to the test.

The BOV notes the improvement in the speaking skill in some languages as reflected by the DLPT scores. The BOV strongly believes that the speaking skill is very important; indeed, it complements the assimilation of the other language skills. As our nation begins to move away from a position of possible conflict to one of probable cooperation, the acquired speaking skill will be an added asset in helping DLIFLC produce a graduate more useful to the national purpose who would be able to address the emerging needs projected by the current world political situation. The BOV looks for this language skill to be maximized in the teaching of all languages. The BOV urges the Commandant to stress to his departments and schools the importance of the speaking skill, even for those intelligence requirements where listening is the predominant skill. The adage "we hear well what we speak well" is sage advice in the efficient training of language students.

### FACULTY DEVELOPMENT

Since last year's report, the hope to introduce a New Personnel System (NPS)—House of Representatives Bill 1685, introduced by the Honorable Leon E. Panetta—currently awaits only authorization by the U.S. Congress. There is a basis to believe that the new system will be in place at the beginning of 1993. Adding one GS-11 position per team would certainly boost morale at DLIFLC.

On the other hand, concerns over the recent and future reductions in force (RIF) have adversely affected faculty enthusiasm. Some 53 instructors were "RIFed" from the Russian language program on 28 September 1992 and apprehension exists that more cuts will follow. The "last in, first out" principle has had an unfortunate impact on junior, sometimes better qualified, faculty members. The qualifications factor, i.e., pedagogically trained versus native speakers, has weighted the number of the latter to the detriment of the former—with negative results. Many of these junior instructors had interacted with more empathy with their students and shown a keen interest in teaching students effectively. Furthermore, they also had been encouraged to seek advanced degrees on their own time.

Positions for foreign language instructors need to be reasonably anticipated for professional development to continue. Graduate work, publications in professional journals, and papers at conferences should receive more recognition at DLIFLC. The case of Russian comes to mind. The introduction of six new languages spoken in the Commonwealth of Independent States at short notice—is a plus for DLIFLC's flexibility.

### TECHNOLOGY SUPPORT

The BOV was impressed by DLIFLC's rapidly expanding video teletraining (VTT) network which this year has provided over 4,000 hours of instruction in 20 languages to 18 receiving sites. Among new applications has been the Ukranian pilot program for the cross-training of Russian linguists at Fort Meade, Maryland. In its VTT system, DLIFLC has a tool remarkably suited to extending its outreach to a whole new community of users which includes Reserve Components and Civil Affairs/PSYOPS units nationwide whose language needs are not being fully met.

The BOV urges continued TRADOC and Department of the Army and Department of Defense support of this technical capability and urges TRADCC's use of this video teletraining technique as a model for developing new programs for operational training. Funding support for the Information and Modernization Plan continues to be a top priority, fully endorsed by the BOV. This plan provides for expanded use of computers for foreign language study.

### ADMINISTRATION

During visits with selected students from various courses, BOV members were struck by the absence of negative remarks on non-curriculum matters such as military requirements, physical fitness training, non-productive time, and quality of life factors. The BOV could only conclude that the students were highly motivated toward their principal responsibility for learning a language, felt no adverse impact from non-curriculum related duties, and respected their military chain of command. A definite attitude of military professionalism was evident throughout, which represented a difference from previous years in which the BOV was apprised of a variety of deterrents to the educational process that concerned the students at DLIFLC. The BOV recognizes that both the Commandant, the four Service Commanders and the dramatically improved communications between the Schools and Services have contributed to this very favorable condition. The results have been evident in reduced attrition rates, increased language proficiency and heightened morale.

The matter of Service "needs" and "requirements" was a subject of concern to the BOV. In view of its belief, as expressed earlier in this report, that the Services should be expanding their views of international relationships within the context of the new National Military Strategy. The BOV believes that the Services are not projecting the important language requirements needed for the type contingency forces being developed today. While recognizing that no one can predict where the next war will occur or which countries will require nurturing, the BOV urges the DOD, the Services, and the Commanders-in-Chiefs of the Unified Commands to forecast their "needs" for language trained personnel for any reasonable eventuality. These needs would be global in nature and not simply centered on the current threats, such as Southwest Asia and Korea. They would include the nations that comprise the former Soviet Union, Africa, South America, and Asia. The assessment of such "needs" would enable all of DOD to be better prepared to respond to emerging requirements whether they are conflict related or based on peacetime engagement "needs".

Once these "needs" have been identified, the Services should take the lead in converting them into "requirements", which then can be programmed and budgeted for in the annual DLIFLC budgets. The BOV believes that it is not necessary to have "requirements" based solely on manpower billets. On the contrary, many requirements should be justified on the basis of a possible "need," ranging from one to five years out. There then must be some flexibility in the assignment of personnel who graduate with language competency in these non-billet "requirements." Surely, there must be places in the world where military linguists can be of significant benefit to the Armed Forces and U.S. national interests.

The above observations are oriented primarily toward non-intelligence "needs" and more toward security assistance related opportunities that the United States should prepare for now as opposed to waiting for a crisis to occur, only to find out that it does not have sufficient trained linguists to meet field commanders' requirements. The obvious cases in point for Operation Just Cause, Operations Desert Shield/Storm, and the demise of the Soviet Union.

With the potential increase of requirements for linguists to meet the "cooperation" model and less to meet the "conflict" model, such requirements call for a demand on more officer linguists. These should be Foreign Area Officers (FAOs), who have a most difficult career pattern facing them when assigned to DLIFLC for language training. The BOV notes that the complexity of a FAO career prompts astute management. This is due to the language requirement, followed by a graduate degree, and then a utilization tour. Although the Army DCSOPS is the current stated proponent, the practical realities are that practical proponency at such a high level in the Army may be unworkable. It would seem that if TRADOC monitored the FAO proponent at one of its schools, career development patterns and training interests would be more carefully observed and nurtured. Such is the case for most specialties in the Army. The BOV believes that the Army should consider placing the FAO proponency with the Commandant, DLIFLC, with supervisory over-watch by DA/DCSOPS and assistance by the Commandant of the JFK Special Warfare Center and School (SWCS), who is another trainer of FAOs.

Another need involves Military Language Instructors (MLIs), who can generally relate better to Service requirements than civilian native speakers. Unfortunately, MLIs are inadequately represented on the faculty. The individual Services may have their reasons for being unable to support assigning officers to DLIFLC as MLIs, but the MLIs value to DLIFLC must be considered. The BOV believes that it is important to consider officers as faculty members. This adjunct to the NPS type of faculty would provide a significant enhancement to DLIFLC. It would meet the needs of the Armed Forces' expanding requirements in lanugage capabilities as expressed earlier in this report on the Future of DLIFLC. This move would provide a good rotational base for officers assigned to attache and security assistance posts overseas. Accordingly, the BOV urges the Executive Agent to study the feasibility/advisabilty of providing language trained officers on the DLIFLC faculty.

In keeping with the notion that the Services should broaden their interest in DLIFLC language training, the BOV is concerned that representation on the General Officer Steering Committee (GOSC) is proscribed to intelligence and training related positions. Absent from the GOSC is a representative of the "cooperative" requirement model or someone with security assistance and operational responsibilities. All Services should place such representation on the GOSC in order to respond to the increasing demand of language requirements for other than intelligence purposes.

The BOV was apprised of the language center supporting the Special Forces at the JFK Special Warfare Center and School (SWCS). While DLIFLC provides some degree of quality control over this language center, it appears to the BOV that an enhanced capability to service a much broader range of Special Operations Forces (SOF) needs is in order. Besides the Special Forces Operational Detachment (SFOD) (A), examples include positions at Civil Affairs units and PSYOPS units—both Active and Reserve Component. If a greater language capability were fostered at Fort Bragg to satisfy growing SOF needs, it would be far more advantageous for the U.S. Special Operations Command to request language support from the most experienced language training entity in DOD, namely DLIFLC, rather than administering such training programs itself.

If DLIFLC were to establish a DLIFLC "East" at Fort Bragg to service the growing SOF needs, it is conceivable that in the long run, efficiencies would be gained, opportunities would exist for easy and quick adoption of new language requirements for SOF, and other customers satisfied with their needs. The flexibility which DLIFLC could bring to bear on this requirement represents a cogent argument for DLIFLC to take over the current SWCS courses and build upon this language center at Fort Bragg.

The BOV was briefed on the ongoing efforts to secure a Presidio of Monterey (POM) Annex at Fort Ord to satisfy needs for housing, community activities, training facilities, and quality of life features. It is the strong view of the BOV that the Army should secure the POM Annex for DLIFLC in order to maintain the total viability of the DLIFLC establishment, which heretofore was shared by TRADOC (at DLIFLC) and FORSCOM (at Fort Ord). Early resolution of this matter in favor of the POM Annex is strongly endorsed by the BOV in order to secure a high degree of stability at DLIFLC for the foreseeable future.

In the event that a DLIFLC "East" is realized, a suggested above, and with the acquisition of a POM Annex, the BOV believes it would be in the interest of both the Army and DOD to justify the Commandant's position as that of a Brigadier General. Add to this responsibility of the Commandant the possibility of becoming the proponent for FAOs, and the argument for a General Officer billet takes on increased significance. Besides just the pure leadership and management responsibilities that would be undertaken by this Bridgadier General, the new position would represent an important career opportunity for young FAOs who someday might become the Commandant of DLIFLC.

The BOV has expressed its view earlier in this report that DLIFLC has a tremendous potential for impacting on U.S. national interests through the medium of its Armed Forces trained in many languages sufficient to serve throughout the world in peacetime and periods of conflict. This vision of DLIFLC is also held by the Commandant who has striven the past three years to achieve a higher level of importance for DLIFLC on the national scene. It is important that senior Defense officials, and senior Army civilian and military leaders in particular, recognize the importance of DLIFLC as a true national asset. To gain the support of senior Army leaders who would share this vision for the future would be a very strong impetus to the Commandant and the Staff and Faculty at DLIFLC to maintain an institution of language training rivaling the best which the Services maintain today. Command interest and involvement would have a salutary effect on all of DLIFLC.

The BOV recognizes that for the past three years the Commandant, Colonel Donald C. Fischer, Jr., has provided outstanding service to DLIFLC, to TRADCO, to the Army as the Executive Agent, and to the Department of Defense. His forthcoming retirement in early 1993 will create a significant loss in professional competence, leadership and management acumen, and vision. The BOV's concerns could only be mitigated if the proper replacement were provided by the Army. The BOV believes it is important to the Army, and to the Commanding General of TRADOC in particular, that the very best possible officer be brought in to replace Colonel Fischer. The BOV urges the TRADCO Commander to carefully review a list of candidates in making his decision on the next Commandant. The right person for this important position will have far reaching effects.

### RECOMMENDATIONS

The BOV concluded its deliberations during the two-day meeting by making several recommendations. The BOV also notes with satisfaction that many of the recommendations made in last year's report have been either implemented or are on the verge of being implemented. The following recommendations also take into consideration last year's report:

That ASD (C3I) establish a DOD sponsored Task Force to determine language needs in support of national interests and the role of DLIFLC in the post-cold war era. These needs would cover as a minimum the following areas:

Intelligence positions;
Special Operations Forces;
Political-Military positions;
Peacetime engagement requirements; and
Exchange opportunities.

That the "Defense Planning Guidance" (DPG) reflect the need for DLIFLC and other federal language institutes to develop language study materials for the Baltic and Confederation of Independence States (BCIS) languages. It is imperative that language competence for this area of the world be developed.

That the "Defense Planning Guidance" (DPG) reflect language requirements for the Defense Attaché and Foreign Area Officer programs.

That the New Personnel System (NPS) legislation be pushed early in 1993, by inviting principal aides of congressmen/senators on respective Armed Services and Intelligence Committees to visit DLIFLC when the Congress is not in session. We are pleased to note that subsequently the NPS passed Congress and was signed by the President on 6 October 1992.

That a data bank be established to track junior faculty members who have been affected by the reduction in force. That when the hiring freeze has been lifted, priority be given up to recruitment of pedagogically trained faculty rather than native speakers (without such qualifications).

That once the budget has been stabilized, provisions be made for reinstating financial assistance to attend scholarly conferences, including hosting these at the Presidio of Monterey, inviting specialists from the outside to conduct faculty seminars, facilitating the publication of scholarly articles, and providing financial bonuses for high achievement to the "best teacher" in each school.

That to fill-in the gap that has been created by the RIF and to broaden the base of language trained officers, the Services be requested to assign DLIFLC qualified officer-linguists.

That top priority be given to reversing the precipitous decline from 1,343 to 725 Russian language students, by:

Publicizing opportunities for Reservists to receive resident language training;

Opening DLIFLC to non-government civilian students;

Encouraging all Services to send Special Forces, defense attaché, security assistance, potential peace-keeping, foreign affairs officers, On-site Inspection Agency personnel to DLIFLC; and

Supporting the establishment of DLIFLC as a government-wide center for language learning.

That the Services consider a new set of language needs in the non-intelligence or cooperation model and translate these needs into requirements for language personnel, primarily officers.

That the Army study the feasibility/advisability of transferring the proponency for the Foreign Area (FAO) Specialty (SC48) from DA DCSOPS to the Commandant, DLIFLC.

That the Services provide additional membership on the General Officer Steering Committee (GOSC) of individuals whose area of interest is in foreign relations and security assistance.

That the Army study the feasibility/advisability of establishing a DLIFLC "East" at Fort Bragg, North Carolina to satisfy the growing needs of the SOF community and other potential language requirements.

That the Army fully support the DLIFLC's efforts to secure the POM Annex from the Fort Ord complex to provide a complete institutional structure with its requisite support facilities.

That the senior leaders of the Army provide command interest and support to DLIFLC and its vision for the future.

That the TRADOC Commander carefully select a fully qualified replacement for the present Commandant upon his forthcoming retirement.

That faculty be provided with the necessary resources and time to carry out frequent curriculum reviews.

That the Korean language program be thoroughly reviewed with attention given to all of its integral parts: faculty, methodology, course content, and appropriateness and quantity of learning materials.

That greater emphasis be given to the speaking skill in intelligence course offerings.

That the 63-week course offering be expanded to include other category IV languages.

EMILE A NAKHLEH, Ph.D.,
*Chairman.*

### THE 1992 BOARD OF VISITORS

#### MEMBERS IN ATTENDANCE

Dr. Emile A. Nakhleh (Chairman), Chairman, Department of Government and International Studies, Mount Saint Mary's College.

Dr. James E. Alatis (Vice Chairman), Dean, School of Languages and Linguistics, Georgetown University.

Ms. Ann Caracristi, President, Association of Former Intelligence Officers.

Mr. Jacques Paul Klein, Assistant for International Affairs, Office of the Secretary of the Air Force.

Mr. Robert W. Parr, Principal, Westborough Middle School.

Gen. William R. Richardson, USA (Ret.), Executive Vice President of Army Affairs, Burdeshaw Associates, Ltd.

Ambassador Richard F. Staar, Senior Fellow, Hoover Institute, Stanford University.

#### MEMBERS ABSENT

RADM George P. March, USN (Ret.).

Honorable Leon E. Panetta, Congressman, 16th California District.

#### ADDITIONAL ATTENDEES

Ms. Susan Schoeppler, Branch Chief, Combat Support Branch, Headquarters, Training and Doctrine Command.

Col. Ronald D. Thomas, Deputy Chief of Staffing for Training, Headquarters, Training and Doctrine Command.

Mr. Craig L. Wilson, Director, Intelligence Policy and Planning (C3I), Office of the Secretary of Defense.

#### DLIFLC COMMAND GROUP

Col. Donald C. Fischer, Jr., USA, Commandant.

Col. Ronald Bergquist, USAF, Assistant Commandant.

Dr. Ray T. Clifford, Provost.

#### DLIFLC BRIEFERS AND STAFF

Mr. Jerry Abeyta, Facilities Manager, Office of the School Secretary.

Dr. John Clark, Dean, Evaluation and Standardization.

Mr. John Estep, Senior Analyst, Resource Management Division.

Maj. Randolph Hill, USA, Chief, Plans and Scheduling Branch, Operations, Plans and Doctrine.

LDCR Linell McCray, USN, Law Enforcement Agency Coordinator, Operations, Plans and Doctrine.

Maj. John McGhee, USA, On-Site Inspection Agency Staff Officer.

Lt. Col. Edward Rozdal, USAF, Maj. Thomas R. Wood, USA, Mr. George Benigni, Special Operation Forces Project.

Lt. Col. Helen A. Brainerd, USAF, Dean of Students/Project Officer.

Ms. Pierrette Harter, Protocol Officer/Project Officer.

Mrs. Marilyn Mase, Recorder.

Mr. SIMON. Mr. President, I might add, this is a report that is not without its criticisms. They say there are ways that this can be improved.

But for the United States to take a step backward in this area, where we are already behind other countries—and I see the distinguished chairman of the Foreign Relations Committee on the floor. He has visited a lot of countries. You cannot visit another country where you do not find all the elementary school students studying another language.

So far as I know, there is only one country where all elementary school students do not study another language, and that is the United States of America. We ought to be taking a step forward.

It would be interesting to see, of the pages right in front of us, how many of them have studied a foreign language in school. We have four of them right here.

Three out of four have. In every other country, all 4 would have. And 3 out of 4 is about 50 percent better than we are doing nationally.

Mr. President, I do not ordinarily get up to speak about closing another base in another State. I guess we are all the same. We speak provincially. I want to keep Great Lakes going in Illinois. I want Scott Air Force Base to stay in Illinois.

But in this instance, I think the Nation clearly would be served in the wrong way if we were to close the Defense Language Institute.

Mr. PELL. Mr. President, I just wanted to congratulate the Senator from Illinois on his statement and say it is absolutely accurate, as far as I know.

The common view is that foreign diplomats usually know three or four languages or more. If you accept it as being a given, it is much easier to learn.

I remember being stationed once in Bratislava, Czechoslovakia. The young people there spoke Czech, spoke German, and spoke Hungarian. They were brought up with it. We do not have that advantage, but at least we can educate them in one more language than English.

That is why I agree with the Senator that we should not close this facility.

Mr. SIMON. Mr. President, I thank my distinguished colleague from Rhode Island.

Let me add one other little perspective. I remember when I was in the House holding hearings and having one of the hostages, who had been taken in Tehran, testify. He testified and said we had only a handful of the hostages—as I recall 6 of the 52 hostages—who spoke Farsi, the language of the people of Iran. His statement was, we were speaking to the elite in English, rather than understanding what was going on.

I think it is extremely important that we keep the language facilities that we have and strengthen them, rather than reduce them.

Mr. PELL. Mr. President, another point on the same subject, when I took the Foreign Service exam years ago, we had to know at least one other language. We have gone backward, not forward. It changed to not having another language from just a few years ago.

Mr. SIMON. I thank my colleague from Rhode Island.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

## AUTHORIZING BIENNIAL EXPENDITURES BY THE COMMITTEES OF THE SENATE

The Senate continued with the consideration of the resolution.

Mr. FORD. I will yield the floor so the Senator from Rhode Island can offer an amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

### AMENDMENT NO. 64

(Purpose: To clarify certain special reserves)

Mr. PELL. Mr. President, I send to the desk an amendment to increase the allowable surplus carryover for the Foreign Relations Committee from $266,009 to $355,823. The additional amount would be added to the majority account and would be without prejudice to any supplemental request that may be made at a later date pursuant to section 23(d) of Senate Resolution 71. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 64.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, strike line 11.

On page 36, between lines 5 and 6, insert "Foreign Relations ($355,823).".

Mr. FORD. Mr. President, we have reviewed this amendment, and there is an agreement between the chairman and ranking member. There is an agreement there, and the Senator from Alaska and I are agreeable to this, since it has been a contentious item. This will be the last item under the bill, and we can go to final passage. Therefore, the majority recommends we accept it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My understanding is an additional amount goes to the majority account, but there is an agreement we have all seen, which we would abide by, concerning the disposition of the funds. It has been agreed to by the Senator from North Carolina and the Senator from Rhode Island. The Senator from Kentucky and I have approved that agreement.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 64) was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 456 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, there is no third reading on a resolution. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 94, nays 2, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Wellstone
Wofford

NAYS—2

Helms
Smith

NOT VOTING—4

Domenici
Murkowski
Shelby
Warner

So the resolution (S. Res. 71), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FORD. Mr. President, let me take a moment to say I appreciate the confidence that was shown in the committee's work by the vote of my colleagues.

It is always distasteful to take a cut and to try to formulate what you will do the next 2 years as it relates to work in your committee.

So I know that some are not as happy as I would like for them to be, and I am not as happy with the cuts as I would like to be. But I do want everyone to know that I appreciate their cooperation and their work.

Nothing could be better than to work with Senator STEVENS. I wish to compliment the Rules Committee majority and minority staff. Jim King and Chris and the others have done just a tremendous job.

I think we have set a precedent now that it can be done and we are willing to do it. With the tone of reduction that has been set not only by the President but our distinguished majority leader and the Speaker of the House in announcing reductions in the expense of operating the two Houses, the reduction of personnel over the next 4 years, I think that people can look at us now and, hopefully, with a great deal more confidence, see that we are setting the pace for what will be the future.

So again I thank my colleagues for the confidence. It was a vote of confidence for the committee as a whole and for the staff who worked so diligently to put this package together.

I thank the Chair.

Mr. MITCHELL. Mr. President, I commend the distinguished chairman of the Rules Committee and the ranking member of that committee for their diligent and effective work in dealing with the difficult question of committee funding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. WARNER. I wish to extend my apologies to the leadership of, and the management of, the committee. I was in the Intelligence Committee receiving a CIA briefing and simply did not have access to the bells. It is my error.

Had I been here, I would have been voting in the affirmative on the last vote.

Mr. MITCHELL. Mr. President, I thank the Senator and apologize.

What I will do in light of what the Senator has said is to request that the chairman of the Intelligence Committee establish a procedure to ensure that for members of the committee who are in meetings there be a mechanism for notifying them, because the Senator obviously was doing important work and should have been notified in time. I regret very much that that occurred.

Mr. WARNER. Mr. President, I thank the leader for his expression of sentiments. We tried very carefully to do that. But there is one space where the system does not work. I will see that it works hereafter.

I wish to commend the manager and the ranking member.

## MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request which has been cleared with the Republican leader.

I ask unanimous consent that the Senate proceed to the consideration of S. 382, a bill to extend the emergency unemployment compensation program on Tuesday, March 2 at 11 a.m., and that, on Tuesday, the time from 11 a.m. until 12:30 p.m. be for debate only on the bill with no amendment or motions in order during that period.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President, as the majority leader indicated, that matter has been cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 455 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## COMMEMORATING NATIONAL FFA WEEK

Mr. BURNS. Mr. President, this week I would like to join with the thousands of young men and women across America who are celebrating National FFA week. This year's theme, "FFA—The Spirit of Leadership", truly captures what the FFA is all about—building the leaders of tomorrow today.

Agriculture has always been the backbone of this country. Yet for many Americans, their view of how food gets to the table consists of a quick stop at the local grocery store. Few take the time to think of the good old-fashioned grit and determination it took American farmers and ranchers to put food on the store shelf. But it is this incredibly successful agriculture system that has allowed America to concentrate on the task of becoming the greatest nation in the world.

In spite of these achievements, there are always new obstacles facing the agriculture industry. Fortunately for America, FFA is working diligently to prepare the next generation of farmers and ranchers to meet these challenges. As a former member, I am proud to say that FFA has consistantly provided America's young men and women the educational background needed to ensure the future success of America's agriculture industry.

But FFA teaches more than just agriculture. It provides more than 400,000 members with a blend of personal, academic, and career development opportunities. Members learn through experience, applying what they've learned to real world situations. FFA gives young Americans the tools they need to become the leading citizens of this great Nation.

On Tuesday I met with several FFA national officers and talked about an outstanding bunch of young Americans. I look forward to an increasingly prosperous America as FFA members take on the challenge of leadership in the coming years. By practicing their motto: "Learning to Do, Doing to Learn, Earning to Live, Living to Serve." FFA truly embodies the American spirit.

The PRESIDING OFFICER (Mr WELLSTONE). The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Chair.

(The remarks of Mr. WOFFORD pertaining to the introduction of S. 456 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. WOFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, first, are we in morning business?

The PRESIDING OFFICER. That is correct. The Senate is presently in morning business. The Senator may proceed.

## HUMANITARIAN AID TO BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, first, let me indicate my support for the statement of the President this afternoon on humanitarian aid to those who live in Bosnia and Herzegovina. I think the President is correct and I said so before and I say so again today. There are literally thousands, thousands of people who are at risk due to hunger and exposure. It seems to me this is the right step. It is a small step but it is the right step.

I certainly wish those Americans who will be involved in this effort great success because it is solely for humanitarian purposes only. There is no military edge to it at all. It is a humanitarian gesture. I applaud the President for his effort in that regard.

## THE PHARMACEUTICAL INDUSTRY

Mr. DOLE. Mr. President, it seems that every so often, the media and some in this town have a need to find a scapegoat in the business community on whom they can pin some blame.

A few years back it was the oil industry. Before that, it was America's coal companies. Over the past few weeks, however, these folks have now turned the spotlight of scrutiny on America's pharmaceutical industry.

What appears to be the industry's biggest mistake is that it is guilty of making a profit and to some that is not appropriate.

The White House has jumped on the pharmaceutical-bashing bandwagon, hinting that action may be imminent, including slapping arbitrary price controls on prescriptions.

Having said that, do not get me wrong. Even pharmaceutical industry leaders admit that the industry can do more in helping bring down the cost of health care and bring down the cost of prescriptions, and they should.

But before we declare this industry public enemy No. 1, I would like to state just a few facts.

First and foremost, the industry saves lives. If you think we could do without the industry, then think back to the not-so-distant past, when diseases like polio, small pox, and other contagious diseases ravished communities across America. Even a simple infection was a common cause of death.

In recent years, the pharmaceutical industry has also made great strides in achieving cures and treatments for various serious diseases, including cancer.

As my colleagues know, I had a little experience with prostate cancer not long ago. I was one of the fortunate ones to have had my condition detected early, and I did not require drug treatment.

But since then, I have spoken with many prostate cancer victims who are not as fortunate and I have spoken to many of their doctors. I know the difference that drug treatments have made in holding cancer at bay and in lengthening lives, in this case for men, but the same could go for women and children.

Let me make it clear, manufacturing pharmaceuticals is not easy work. Indeed, it has been estimated that for every 5,000 drugs that are chemically synthesized, only one makes it to the marketplace; 5,000 in 1, at least that is the estimate.

So, if you want to reduce drug research, if you want to hinder the search for a vaccine for AIDS or a cure for Alzheimer's disease, then feel free to attack America's pharmaceuticals.

Less important to saving lives, but not to be underestimated, is the fact that pharmaceutical industry is one of the few bright spots on our economic horizon.

It is the world leader in the field, and it consistently posts a trade surplus. According to Investor's Business Daily, the industry added 37,000 Americans to the payroll during this past decade. And these were the kind of high-pay, high-tech jobs President Clinton says he wants for America.

Given the facts I have mentioned, it is no wonder that Merck Corp. was recently named by a Fortune magazine poll of business leaders as America's most admired corporation—it was the seventh year in a row that Merck received this honor.

If the administration truly wants to find a scapegoat for the high costs of vaccines, then they might want to look at the American Trial Lawyers Association, and the skyrocketing economic and human costs of our products liability system. Try as we may, we cannot pass product liability reform in this Senate. Hopefully, it will be changed this year, but I doubt it.

So I suggest the pharmaceutical industry is not perfect. Some have been guilty of mistakes and egregious price gouging. These matters should be corrected by the industry itself. If not, then we would expect Government to respond.

But before we all buy tickets on the pharmaceutical bashing bandwagon, we need to look at what this ticket would truly cost America. So it is like any other industry, it is like any government agency, it is like the Congress of the United States: It is not perfect, mistakes are made but in this case, I believe many, many Americans are thankful that we have the most advanced pharmaceutical industry in the world in the United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Could the Senator inquire of the Chair as to whether or not we are now in morning business.

The PRESIDING OFFICER. That is correct.

(The remarks of Mr. EXON pertaining to the introduction of S. 457 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have a series of unanimous-consent requests which, I am authorized to state, have been cleared by the Republican leader in prior discussions with Senator DOLE.

### RECORD TO REMAIN OPEN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open until 4 p.m. today for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FILING OF LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Rules Committee have until 5 p.m. today to file reported legislation relating to the motor-voter bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ACTIONS BY PRESIDENT CLINTON

Mr. MITCHELL. Mr. President, I would like to make comments on two actions today by President Clinton which I believe are significant and worthy of comment.

Although the President has made clear his intention to focus on our economic needs and is doing so in a manner that has gained the approval of larger majorities of Americans, there will be other issues relating to foreign affairs that will require action by the President. That is true of any President in a modern era given the position of the United States in the world.

Today, the President announced the approval of the airdropping of humanitarian assistance to persons in danger of starvation in the former Yugoslavia. I commend the President for this action. Along with a bipartisan group of Senators, I visited the former Yugoslavia in August. I met with the Presidents of Croatia and Bosnia and Herzegovina, with the then Prime Minister of Serbia, and a whole host of other officials. Upon our return, all of the Senators—as I said, it was a bipartisan group—wrote to the then Secretary of State urging certain actions upon the administration.

The steps being taken by President Clinton and other governments now are a welcome step in the direction of more active participation to ease the suffering and halt the slaughter and atrocities in that region.

There have been many, particularly in the press, who suggest that any action must necessarily involve American ground troops. I do not share that view. Indeed, in my most recent meeting with the President of Bosnia and Herzegovina, President Izetbegovic, in response to my specific question on that subject, stated that they did not want American ground troops in the region. They were not asking for American ground troops.

Therefore, we must understand that this is not a choice between doing nothing on the one hand, or inserting hundreds of thousands of American ground troops on the other hand. It was that false choice, the assumption that only those two alternatives were available, which has for so long paralyzed Western policy and not permitted actions between those two options, which I believe are appropriate, should be taken, and will be of invaluable assistance.

The action announced by President Clinton today is one such step. I believe there are many others. Most notable among them is the establishment of the war crimes tribunal by the United Nations just this past week, an action which I and other Senators urged as long ago as last summer, as well as a drastic tightening of the economic embargo against Serbia, which I believe, if rigidly and strictly enforced, would cause a significant change in policy and perhaps a change in government in that country.

So I commend President Clinton, and I restate the view I have expressed many times—that what has occurred in Bosnia and Herzegovina must be stopped; that there is a responsibility on the part of all Western nations to take action to stop it; that there are many actions which can be taken, short of the insertion of hundreds of thousands of ground troops that can and should be taken; and this action by President Clinton is a welcome step in the right direction.

Finally, the Clinton administration announced a forthcoming summit meeting with President Yeltsin of Russia on April 4 at a location to be determined and announced. I think that is an important step as well. The American people have an interest in seeing to it that democracy, and the institutions and the practices and the attitudes of democracy, take hold in the former Soviet Union. We have a stake in seeing to it that the people of that country, under the stress of economic hardship, do not revert to a totalitarian regime, do not succumb to the siren call of dictators, but rather, notwithstanding the difficulties they are now understandably experiencing as they make the very painful transition from a state-controlled economy to a free-market economy, from a totalitarian society to a free society, that they stay the course and that they know that the American people and the U.S. Government is supportive.

The meeting by President Clinton with President Yeltsin at an early time will help to convey that message in the most tangible way and will convey to the people of that country that the United States stands firmly in support of those policies of democratization.

This is not a case of American policy being pinned to one person. That, I think, has been, is, and would be a mistake. We do not support people; we support freedom. We support those who favor freedom. We support those who push for and fight for and encourage freedom, because America does well where freedom does well.

Therefore, I believe it is an appropriate action, one for which I strongly commend President Clinton, and which I hope sends the right and meaningful signal to people not only in Russia, but in all of the former Republics of the Soviet Union, many of whom are now experiencing similar difficulties.

Mr. WARNER. Mr. President, will the distinguished majority leader accept a question?

Mr. MITCHELL. Certainly.

Mr. WARNER. I listened carefully as the distinguished majority leader addressed the proposed air drop initiated by the President.

Mr. President, I say this with great respect to the majority leader. As he knows, through the many months that this problem in the former State of Yugoslavia has existed, I have been on the side which has advocated the greatest of caution. And the distinguished leader and I, and other Members, from time to time have had an opportunity to discuss on this floor those issues. I have pleaded with the chairman of the Armed Services Committee to have the Pentagon advise the Senate, and I understand finally that is going to be done here late this afternoon. I thank the chairman and the leader for that.

But my concern is severalfold. I have concern about the military operation. I took strong issue with our distinguished President when he said that sending airplanes to perform this drop "has no military connotation." Whenever we send a U.S. military aircraft with U.S. markings into an area of hostility, that has a military connotation.

Like the distinguished leader, I took it upon myself to visit the former State of Yugoslavia in September, and that included going to the airfield at Sarajevo and witnessing the indiscriminate firing by both sides. The point I wish to add to the distinguished leader—and this is not done in a political or partisan sense—but President Reagan and President Bush, from time to time, consulted with the Congress, particularly the leadership and those chairmen and ranking members of those Committees on Armed Services and Intelligence, before a number of operations. As the Senator will remember, an example is when we joined together several times in the Cabinet Room prior to Operation Desert Storm, although the distinguished leader and I were on different sides of that issue. Nevertheless, the President, I felt, clearly consulted with the Congress.

My question: Has there been any consultation with respect to the air drop with the leadership of the Senate, or other Members, of a formal nature?

Mr. MITCHELL. Mr. President, I will be pleased to respond to the Senator, and I take his question absolutely in the spirit in which he offers it. I know the Senator well and have the greatest regard and respect and friendship for him. I am well aware of his concerns, which we all share about what this will lead to and what the outcome will be.

Following the general election in November, I participated in a series of meetings with then President-elect Clinton—I am speaking from memory—and on two occasions, he asked for my views with respect to the situation in the former Yugoslavia. I conveyed those views to him in much the same way that I have done so here, although I referred more specifically then to the steps that I and other Senators had recommended in the bipartisan fashion, which I earlier described.

I have since had discussions with members of the President's staff, and on this week, spoke by telephone with the President's National Security Adviser regarding the proposed air drop that is to occur today. I have not personally talked to the President this week about the subject, but did have full consultation with the President's National Security Adviser this week; and I am confident that, had I chosen to do so, I would have been able to discuss it with the President personally.

Mr. WARNER. In the past, President Bush did it on a bipartisan basis. To my knowledge, our Republican leader has not discussed it, and certainly he has not mentioned it to me. I am no longer ranking on Armed Services, but Senator THURMOND is, and I am not knowledgeable of any consultation with him. I am ranking on Intelligence, and normally it is the Armed Services and Intelligence Committees that have been involved in the consultation process.

I wonder to what extent both sides have been consulted on this very important issue.

Mr. MITCHELL. Mr. President, I have no knowledge of that. I do not want to debate the issue now.

But there were many occasions on which the previous President took action on which I was not consulted. There was a great deal of discussion on the Desert Storm matter, and I think even that bears some further elaboration which I will do, not in a desire to dispute what the Senator has said but merely so that there can be a full record.

The Senator will well recall that in late October of 19—I am trying to get the year straight now when we were involved with the invasion by Iraq.

Mr. WARNER. 1990.

Mr. MITCHELL. 1990. It occurred on August 1, 1990.

Mr. WARNER. Yes.

Mr. MITCHELL. There ensued a series of meeting in which the Senator and I participated. In late October of that year, one of those meetings occurred in which there were perhaps 15 or 20 Members of Congress. It was bipartisan. Each of us was asked to state our views to the President. Usually each respecting the President did so in a couple minutes, and there followed a general discussion.

I was very concerned to learn later after election day that prior to that meeting the President had made the decision to substantially increase the number of American troops being sent to the gulf, significantly changing the character of the American presence there but that none of us at the meeting had been notified of the decision even though the decision had previously been made; that is to say, nobody said to us at the meeting: We are thinking about, we are considering or we have decided to make this major change. What do you think about that?

Rather, we were merely asked what was our opinion on the general subject. And we expressed our opinion unaware of, at least I was unaware of, the very significant change that had occurred.

I intend no criticism of that. I merely think the record ought to reflect that. We had a lot of meetings at which we were asked to give our opinion. That is not the same thing as being fully informed on what plans are underway and being asked to comment on those plans.

That in no way should preclude or encourage the current administration not to engage in full bipartisan consultation, and frankly what I think of as consultation is to say to my friend, Senator WARNER, here is what we are thinking about doing. What is your reaction to it? That is consultation, I think.

Mr. WARNER. Mr. President, I agree precisely with that. Rather than going over the historical record, I ask my distinguished leader: Does he not believe that that is in the best interest of our country, particularly when we are about to put at risk men and women of the Armed Forces?

Mr. MITCHELL. Yes.

Mr. WARNER. That there be the maximum consultation that can be achieved prior thereto so that the views of the leadership of the Congress can be taken into consideration hopefully as he says prior to any final decision?

Mr. MITCHELL. Yes.

Mr. WARNER. I find that notably lacking in this process as respects the air drop. This Senator has severe concerns as to really, first, the military viability of achieving the end result at this high altitude, but we will go into those details momentarily with the members of the Joint Chiefs of Staff that are now waiting to brief us.

Second, I would like to have the opportunity to express my views after receiving some basic knowledge of what is taking place. Then if the President made the decision, I say to the leader and Members of the Senate, I would support the President. I do not want to sit on the sidelines and carp and snipe. If he made a decision I will fall in and back it once the men and women are committed in the action.

I take umbrage that there has been no consultation, albeit the prior President did not do it exactly the way the leader wanted it done, and it has not been done in this instance. I dispute with the President—there is a military connotation to the operation to the extent I understand it based on the facts that we learned only through the media.

Mr. MITCHELL. Mr. President, if I might respond to the Senator, first, I agree fully that to the extent possible there should be full consultation with both Houses of Congress and with the leadership of both political parties. I believe so for several reasons. First, there is a great deal of knowledge, expertise, and good judgment among many of the Members, and I think everyone learns through consultation. I have never learned anything in my life while I was speaking.

Mr. WARNER. Correct.

Mr. MITCHELL. I have learned a great deal in my life while listening to others speak. And I think that the possibility of getting a better policy by consultation is significant and real.

Second, even if one does not get a better idea, even if one engages in a process of consultation, and comes out of it convinced that the original plan should not be changed in any respect, the likelihood of gaining support for that plan increases in direct proportion to the degree of consultation and I mean genuine consultation and listening to one's point of view.

Mr. WARNER. The leader is correct in that point, and I concur.

Mr. MITCHELL. Therefore, I say to my colleague I have no knowledge other than what I have stated with respect to my own circumstance in this case. But I will strongly encourage the administration and the President, who I know wants to consult, wants to cooperate, and in fact I believe on this coming Tuesday will take what I think is the unprecedented step of a Democratic President attending a caucus of Republican Senators on Tuesday, and I believe tomorrow Republican Senators are holding a conference and Mrs. Clinton will be attending it since the subject is health care.

Mr. WARNER. Mr. President, the Senator is correct on that.

Mr. MITCHELL. I think those demonstrate the extent to which the President wants to consult, wants to get the views of our Republican colleagues, and I will strongly encourage that become a regular practice by the administration.

Mr. WARNER. Mr. President, I thank our distinguished leader.

I will take a few more minutes, and I will not ask for the Senate to be detained, about my views of the air drop to the extent I know them, and then I will join the distinguished Senator from Arkansas on a separate matter. But I thank the leader for this opportunity, and I propose to continue, unless the leader has further comments.

Mr. MITCHELL. I have no objection to that.

Might I inquire of the Senator from Arkansas and the Senator from California whether they wish to address the Senate at this time?

Mrs. BOXER. I do not.

Mr. BUMPERS. Mr. President, the answer to the leader's question is, yes. I need about 5 minutes, and I think perhaps the Senator from Virginia needs 5 minutes. We are about to drop a couple bills in and we want about 5 minutes to describe them. Then if the leader wants to he can put in the order that the minute both of us have spoken the order for adjournment.

Mr. MITCHELL. I thank our colleague.

Is the time limit acceptable to the Senator from Virginia?

Mr. WARNER. If the distinguished leader will limit it to the discretion of the two of us, not to exceed 4:30.

Mr. MITCHELL. Mr. President, that is fine.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator WARNER and Senator BUMPERS be recognized to address the Senate for no longer a period of time than exceeds 23 minutes or goes beyond 4:30 p.m. and that upon the completion of their remarks the Senate stand in recess as ordered.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is ordered.

Mr. MITCHELL. I thank the Senator.

Mr. WARNER. I thank the distinguished leader.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the senior Senator from Virginia [Mr. WARNER].

## THE AIRDROP

Mr. WARNER. Mr. President, I would like to discuss in a few minutes, and then we will turn to the other subject, the proposal of the airdrop of supplies.

It is a very interesting operation from a military perspective, a political perspective, and a humanitarian perspective. Every Member of this Chamber and, indeed, the vast majority of Americans wants to do everything we can to help those people in the former State of Yugoslavia, be they Moslem, whatever religious background, Croatian, Moslem, Serbian, or otherwise. The suffering is totally intolerable. It is almost without parallel. Someone pointed out not since the time of Genghis Kahn have we seen such indiscriminate acts of man against man and woman against woman as we are now witnessing in this troubled country.

The political and military dilemma facing the West and other nations that want to help again is without parallel.

That is why I was so hopeful that our President, if in fact he is going to take this step, and I am still waiting for confirmation and will receive the briefing shortly, if it in fact takes place, there would have been more consultation with the Congress. But that is behind us now. We are where we are. These airdrops, to the extent I have knowledge, are most unusual to take place at these high altitudes. Usually our forces train in such a manner as to drop so that there is some measure of ground control, primarily to see that the items dropped get into the hands of the proper receivers.

Now, in this instance, I heard the President is anxious just for them to drop into the hands of anyone who needs food, and that is unusual and it may be the correct position.

But again, the American people should be forewarned and explained to in great detail how our forces have been trained to conduct this operation, what are the risks to the men and women of the Armed Forces carrying it out. And, if we have the misfortune that one or more are lost, what are the measures by which we can go in and, hopefully, provide for their safety and, hopefully, for their return.

How do we know that these planes will not be fired upon by the Moslem forces, the Bosnian forces? In my brief visit into the city of Sarajevo, there was total indiscriminate firing from all sides at all targets. And the U.N. commander who accompanied me at that time, a French Marine colonel, said that each day the peacekeeping troops take certain risks and we do not know who is firing at whom, nor for what purpose.

And that same scenario is duplicated many times all throughout the battle zones in the former State of Yugoslavia, both in Croatia and in Bosnia and elsewhere. We do not have any ground control, so far as I know.

Therefore, it is a high-risk operation in terms of success. It is high-risk by virtue of the altitude.

Now, understandably, we want to accord the maximum protection to our aviators, and I can appreciate that. And perhaps we will get further details on the drop zones and the likelihood that they can reach the targets that are desired.

But these are the types of details that I think, Mr. President, are important that the President of the United States—if not the President, those in the Pentagon directly responsible—should provide for the American people, so once this operation commences, if it does, then we fully understand all the risks, all the parameters to the extent there is no compromise to military security on intelligence on this matter.

It is still unclear to this Senator exactly how it was coordinated with the United Nations. And what was the reaction of other nations? Are other nations to participate?

I believed all along that this type of operation should be a joint operation with other nations. And the degree it is a joint operation is unknown to this Senator, and I think many others.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. BUMPERS pertaining to the introduction of S. 462 and S. 463 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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## APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-392, announces his appointment of the Senator from Alaska [Mr. STEVENS] to the Commission on the Bicentennial of the United States Capitol.

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## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

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## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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## NATIONAL ENDOWMENT FOR DEMOCRACY 1992 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the Ninth Annual Report of the National Endowment for Democracy, which covers fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1993.*

## ANNUAL REPORT OF THE SECRETARY OF LABOR UNDER THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

In accordance with Section 511(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended ("the Act"), 30 U.S.C. 958(a), I transmit herewith the annual report on mine safety and health activities for fiscal years 1990 and 1991. This report was prepared by, and covers activities occurring exclusively during, the previous Administration. The enclosed report does not necessarily reflect the policies or priorities of the current Administration. Indeed, under the Act, these reports should have been submitted long before the change of Administration.

This Administration is committed to working with the Congress to ensure vigorous enforcement of existing mine safety and health standards. We are also intent on improving these rules where necessary and appropriate to better protect worker health and safety.

The 1992 Mine Safety and Health Administration (MSHA) annual report is due in May 1993. This report will identify strengths *and* deficiencies in MSHA's performance during the previous Administration and discuss steps the new Administration intends to take to ensure the agency is adequately protecting mine worker safety and health.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1993.*

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## PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had signed the following bills and joint resolutions:

On September 30, 1992:

S. 680. An act to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism in the United States, and for other purposes;

S. 1607. An act to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes; and

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag.

On October 5, 1992:

S. 1731. An act to set forth the policy of the United States with respect to Hong Kong, and for other purposes; and

S. 3175. An act to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

On October 6, 1992:

S. 1766. An act to add to the area in which the Capitol Police have law enforcement authority, and for other purposes; and

S.J. Res. 23. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

On October 9, 1992:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state; and

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes.

On October 14, 1992:

S. 3195. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th Anniversary of the United States' involvement in World War II; and

S.J. Res. 287. Joint resolution to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week".

On October 16, 1992:

S. 1880. An act to amend the District of Columbia Spouse Equity Act of 1988;

S. 3007. An act to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center;

S.J. Res. 305. Joint resolution to designate October 1992 as "Polish-American Heritage Month"; and

S.J. Res. 319. Joint Resolution to designate the second Sunday in October of 1992 as "National Children's Day".

On October 23, 1992:

S. 1146. An act to establish a national advanced technician training program, utilizing the resources of the Nation's two-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced-technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes;

S. 1181. An act for the relief of Christy Carl Hallien of Arlington, Texas;

S. 1530. An act to authorize the integration of employment, training, and related services provided by Indian tribal governments;

S. 2625. An act to designate the United States courthouse being constructed at 400 Cooper Street in Camden, New Jersey, as the "Mitchell H. Cohen United States Courthouse";

S. 2661. An act to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson;

S. 2834. An act to designate the United States Post Office Building located at 100 Main Street, Milsboro, Delaware, as the "John J. Williams Post Office Building";

S.J. Res. 166. Joint resolution designating the week of October 4 through 10, 1992, as "National Customer Service Week";

S.J. Res. 218. Joint resolution designating the calendar year, 1993, as the "Year of American Craft: A Celebration of the Creative Work of the Hand"; and

S.J. Res. 252. Joint resolution designating the week of April 18 through 24, 1993, as "National Credit Education Week".

On October 24, 1992:

S. 1145. An act to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics;

S. 1577. An act to amend the Alzheimer's Disease and Related Dementias Service Research Act of 1986 to reauthorize the Act, and for other purposes;

S. 1583. An act to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes;

S. 2201. An act to authorize the admission to the United States of certain scientists of the independent states of the former Soviet Union and the Baltic states as employment-based immigrants under the Immigration and Nationality Act;

S. 2322. An act to amend title 38, United States Code, to increase, effective as of December 1, 1992, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans;

S. 2532. An act to support freedom and open markets in the independent states of the former Soviet Union, and for other purposes.

S. 2875. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to better assist children in homeless shelters, to enhance competition among infant formula manufacturers and to reduce the per unit costs of infant formula for the special supplemental food program for women, infants, and children (WIC), and for other purposes;

S. 3224. An act to designate the United States Courthouse to be constructed in Fargo, North Dakota, as the "Quentin N. Burdick United States Courthouse";

S. 3279. An act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes;

S. 3312. An act entitled the "Cancer Registries Amendment Act";

S.J. Res. 304. Joint resolution designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week";

S.J. Res. 309. Joint resolution designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week"; and

S.J. Res. 318. Joint resolution designating November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day".

On October 25, 1992:

S. 1002. An act to impose a criminal penalty for flight to avoid payment of arrearages in child support.

On October 26, 1992:

S. 2044. An act to assist Native Americans in assuring the survival and continuing vitality of their languages;

S. 2890. An act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes; and

S. 3006. An act to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

On October 27, 1992:

S. 225. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia;

S. 759. An act to amend certain trademark laws to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of trademarks, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity;

S. 1664. An act to establish the Keweenaw National Historical Park, and for other purposes;

S. 2964. An act granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the States of New Jersey concerning the Delaware River Port Authority; and

S. 3134. An act to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

On October 28, 1992:

S. 347. An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes;

S. 474. An act to prohibit sports gambling under State law, and for other purposes;

S. 758. An act to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of patents and plant variety protections, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity;

S. 893. An act to amend title 18, United States Code, with respect to the criminal penalties for copyright infringement;

S. 1439. An act to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, Louisiana, and for other purposes;

S. 1623. An act to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes;

S. 2941. An act to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes;

S. 3309. An act to amend the Peace Corps Act to authorize appropriations for the Peace Corps for fiscal year 1993 and to establish a Peace Corps foreign exchange fluctuations account, and for other purposes; and

S. 3327. An act to amend the Agricultural Adjustment Act of 1938 to permit the acre-for-acre transfer of an acreage allotment or quota for certain commodities, and for other purposes.

On October 29, 1992:

S. 1569. An act to implement the recommendations of the Federal Courts Study Committee, and for other purposes;

S. 2481. An act to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes; and

S. 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes.

On October 30, 1992:

S. 775. An act to improve the program of compensation for veterans exposed to ionizing radiation while in military service; and

S. 1671. An act to withdraw land for the Waste Isolation Pilot Plant, and for other purposes.

On November 2, 1992:

S. 2572. An act to authorize an exchange of lands in the States of Arkansas and Idaho.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 460. An original bill to establish national voter registration procedures for Federal elections, and for other purposes (Rept. No. 103-6).

By Mr. MOYNIHAN, from the Committee on Finance, with amendments:

S. 382. A bill to extend the emergency unemployment compensation program, and for other purposes.

### THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. MOYNIHAN. Mr. President, the Committee on Finance yesterday ordered reported the bill S. 382, the Emergency Unemployment Compensation Amendments of 1993 as amended. The bill amends the Emergency Unemployment Compensation Act of 1991—Public Law 102-164, as amended—to extend the existing program of emergency unemployment compensation benefits to October 2, 1992, to similarly extend special unemployment benefits currently provided to railroad workers, and to require the Secretary of Labor to provide technical assistance and administrative funding to the States for establishing automated profiling systems for early identification of potential long-term unemployed workers. The bill authorizes appropriations to fund the cost of emergency benefits. Its provisions are designated as emergency requirements within the meaning of the Balanced Budget and Emergency Deficit Control Act of 1985.

I ask unanimous consent that the text of the bill and a summary of provisions, as reported, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 382

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Amendments Act of 1993".

#### SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(b) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

#### SEC. 3. TREATMENT OF RAILROAD WORKERS.

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

#### SEC. 4. PROFILING OF NEW CLAIMANTS.

(a) GENERAL RULE.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) TECHNICAL ASSISTANCE TO STATES.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the Secretary deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) FUNDING OF ACTIVITIES.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) REPORT TO CONGRESS.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) STATE.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.——The provisions of this section shall take effect on the date of the enactment of this Act.

#### SEC. 5. FINANCING PROVISIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in Department of Labor appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

(b) USE OF ADVANCE ACCOUNT FUNDS.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102-394) are authorized to be used to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

#### SEC. 6. EMERGENCY DESIGNATION.

Pursuant to section 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

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### EXPLANATION OF PROVISIONS OF THE EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

*Present Law.*—The Federal Emergency Unemployment Compensation (EUC) program was first enacted in November 1991 and extended most recently by P.L. 102-318 on July 3, 1992. The EUC program currently provides workers who exhaust their regular State unemployment benefits with 26 weeks of benefits in States with the highest unemployment and 20 weeks of benefits in all other States. States with adjusted insured unemployment rates (the average of the current week and the preceding 12 weeks) of at least 5 percent, or total unemployment rates (6 month moving average) of at least 9 percent are eligible to pay the higher number of weeks of benefits.

The 26 and 20 week schedule of EUC benefits is in effect so long as the seasonally adjusted national unemployment rate remains at 7 percent or higher. (The rate for the month of January 1992 was 7.1 percent.) Should the national unemployment rate fall below 7 percent for two consecutive months, the law provides that the number of weeks of benefits will be reduced to 15 in high unemployment States and 10 in all other States. Similarly, if the national unemployment rate falls below 6.8 percent for two consecutive months, the number of weeks of benefits will be reduced to 13 and 7 weeks.

The eligibility of States to provide 26 and 20 weeks of EUC benefits as of the week ending February 20 was as follows:

*26 weeks:* Alaska, California, Oregon, Rhode Island, Washington, West Virginia, and Puerto Rico.

*20 weeks:* Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Dist. of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming, and Virgin Islands.

The EUC program expires on March 6, 1993. Workers who exhaust their regular State benefits after that date will be ineligible for EUC benefits. Workers who began receiving EUC benefits on or before March 6 will be entitled to the full number of weeks of benefits for which they were found eligible. They are not required to claim benefits in each consecutive week. However, no benefits are payable after June 19, 1993.

During the period between the March 6 expiration date of the EUC program and the termination of all EUC benefit payments on June 19, an extended benefit period may be activated in a State. In such a case, individuals who would meet the eligibility requirements for receiving benefits under both the EUC and the extended benefits program are entitled to receive whichever program's benefits are greater.

*Committee Bill.*—The current EUC program is extended without change through October 2, 1993. Workers who exhaust their regular State benefits after that date will not be eligible for EUC benefits. Workers who begin receiving EUC benefits before that date will be entitled to the full number of weeks of benefits for which they were found eligible. No EUC benefits will be payable after January 15, 1994.

As under current law, if an extended benefit period is activated in a State between the October 2 expiration date of the EUC program and the January 15 date of termination of all EUC benefits, an eligible worker will be entitled to receive EUC benefits or extended benefits, whichever are greater.

### TREATMENT OF RAILROAD WORKERS

*Present Law.*—Workers in the railroad industry are eligible for a separate unemployment compensation program that provides benefits basically equivalent to those provided under regular State unemployment compensation programs. Railroad workers with under 10 years of railroad service are not eligible for extended benefits. The EUC law temporarily provides extended benefits to railroad workers with under 10 years of service and additional weeks of extended benefits to other qualifying railroad workers in order to maintain comparability with the EUC benefits provided to the workers in other industries.

*Committee Bill.*—Eligible railroad workers will continue to receive the additional benefits provided under the current EUC law throughout the life of the EUC program. This provision has been included at the request of the Committee on Labor and Human Resources.

### PROFILING OF NEW CLAIMANTS

*Present Law.*—There is currently no provision in law that specifically authorizes States to establish systems for developing profiles of workers receiving unemployment compensation for the purpose of identifying those workers most likely to benefit from early assistance and/or training needed to obtain employment.

*Committee Bill.*—The Secretary of Labor is directed to establish a program for encouraging the adoption and implementation by all States of systems of profiling all new claimants for regular unemployment compensation. These profiling systems will be used to determine which claimants might be most likely to exhaust their regular unemployment compensation benefits and might need reemployment assistance services to make a successful transition to new employment.

The Secretary is required to provide technical assistance and advice to the States in developing automated profiling systems. He is required to report to the Congress within 30 months of enactment on the operation and effectiveness of the profiling systems adopted by the States.

### FINANCING PROVISIONS

The Committee bill authorizes the appropriation of nonrepayable advances to the account "Advances to the Unemployment Trust Fund and Other Funds" in such sums as may be required to pay EUC benefits. Under the Committee bill, funds already appropriated to this account for fiscal year 1993 may be used to pay EUC benefits.

### EMERGENCY DESIGNATION

The Committee bill contains an emergency designation provision to ensure that the bill complies with Congressional budget process procedures and does not activate a sequestration of mandatory or discretionary spending programs. All of the provisions of the bill are designated as "emergency" for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

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U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, February 24, 1993.*

Hon. DANIEL PATRICK MOYNIHAN,
*Chairman, Committee on Finance, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 382, the Emergency Unemployment Compensation Amendments of 1993, as ordered reported by the Senate Committee on Finance on February 24, 1993.

The bill would affect direct spending or receipts and thus would be subject to pay-as-you-go procedures under section 13101 of the Budget Enforcement Act of 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

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### CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 382.

2. Bill title: The Emergency Unemployment Compensation Amendments of 1993.

3. Bill status: As ordered reported by the Senate Finance Committee on February 24, 1993.

4. Bill purpose: To extend the Emergency Unemployment Compensation Act of 1991, and for other purposes.

FEDERAL GOVERNMENT COST

[By fiscal year, in millions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|---|
| DIRECT SPENDING | | | | | | |
| Emergency unemployment compensation: | | | | | | |
| Estimated budget authority | 3,210.0 | 2,340.0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 3,210.0 | 2,340.0 | 0 | 0 | 0 | 0 |
| Administrative expenses:[1] | | | | | | |
| Estimated budget authority | 110.0 | 0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 110.0 | 0 | 0 | 0 | 0 | 0 |
| Railroad unemployment: | | | | | | |
| Estimated budget authority | 2.5 | (2) | 0 | 0 | 0 | 0 |
| Estimated outlays | 2.5 | (2) | 0 | 0 | 0 | 0 |
| Total direct spending: | | | | | | |
| Estimated budget authority | 3,322.5 | 2,340.0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 3,322.5 | 2,340.0 | 0 | 0 | 0 | 0 |
| AMOUNTS AUTHORIZED FOR APPROPRIATION | | | | | | |
| Administrative expenses: | | | | | | |
| Estimated authorization level | 0 | 80.0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 0 | 80.0 | 0 | 0 | 0 | 0 |
| Profiling new claimants: | | | | | | |
| Estimated authorization level | 7.0 | 19.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Estimated outlays | 7.0 | 19.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Total discretionary spending: | | | | | | |
| Estimated authorization level | 7.0 | 99.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Estimated outlays | 7.0 | 99.0 | 7.0 | 5.0 | 5.0 | 5.0 |

[1] For fiscal year 1993, the administrative expenses would not need any further appropriation action because of language in the Labor-HHS 1993 appropriation bill. The Labor-HHS 1993 appropriation bill makes available an additional $30 million for every 100,000 increase in the average weekly insured unemployment above 3.54 million.

[2] Less than $500,000.

The costs of this bill fall within budget function 600. The spending effects of the bill are discussed below.

Direct Spending: S. 382 would extend the current Extended Unemployment Compensation Act of 1991 through October 2, 1993. Recipients who file claims by October 2, 1993 could continue to collect emergency unemployment compensation benefits through January 15, 1994. Based on recent program spending, CBO estimates the additional benefit payments from this bill would be $3.2 billion in fiscal year 1993 and $2.3 billion in fiscal year 1994. CBO estimates the additional benefit payments through the Railroad Unemployment Insurance Program would be $2.5 million in fiscal year 1993 and less than $500,000 in fiscal year 1994.

In addition, CBO estimates there would be additional administrative costs of $190 million to process the additional claims for Extended Unemployment Compensation. Only $110 million of the $190 million would be considered direct spending.

Amounts authorized for appropriations: S. 382 would require the Secretary of Labor to establish a program to encourage all states to implement a system of profiling all new claimants. The profiling system would determine which claimants are most likely to exhaust regular unemployment compensation and therefore, to benefit from reemployment assistance. The bill requires the Secretary of Labor to provide technical assistance and advice to the states as they develop and implement these profiling data systems. Based on information from the Department of Labor (DOL), CBO estimates that a total of $20 million would be required over 3 years to develop and implement the automated data systems. In addition, DOL would operate a design center at the federal level. This center would help develop model systems for the states and serve as a resource center for state offices. We estimate a cost of $3 million in fiscal year 1993 and $5 million each year in fiscal years 1994 through 1998 for the operation of the design center.

6. Budget Enforcement Act Considerations: This section discuses how the bill would affect pay-as-you-go procedures and the discretionary spending limits under the Budget Enforcement Act of 1990 (BEA).

Pay-as-you-go: The BEA sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The pay-as-you-go effects of the bill are shown in the following table.

[By fiscal years, in millions of dollars]

| | 1993 | 1994 | 1995 |
|---|---|---|---|
| Outlays | 3,322.5 | 2,340.0 | 0 |
| Receipts | (1) | (1) | (1) |

[1] Not applicable.

Under section 13101 of the BEA, amounts provided in this bill that have been designated as emergency spending by the President and the Congress do not count against the pay-as-you-go restrictions of that section. In section 6 of this bill, the Congress designates as an emergency any direct spending provided pursuant to this bill. If the President also makes an emergency designation, amounts pursuant to this bill will not be subject to the pay-as-you-go procedures.

Amounts authorized for appropriation: Under section 13101 of the BEA, amounts authorized to be appropriated that have been designated as emergency spending by the President and the Congress do not count against the spending limits under section 601 of the Congressional Budget Act of 1974. In section 6 of this bill, the Congress designates as an emergency any spending appropriated pursuant to this bill. If the President also makes an emergency designation, amounts appropriated pursuant to this bill will not be counted against the discretionary spending limits.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Cory Oltman.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KRUEGER:

S. 436. A bill to provide for a Special Assistant to the President to conduct a Federal performance audit and review, and for other purposes; to the Committee on Governmental Affairs.

S. 437. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. REID, Ms. MIKULSKI, Mr. WOFFORD, Mr. MACK, and Mr. LAUTENBERG):

S. 438. A bill to amend the Internal Revenue Code of 1986 to remove certain high-speed rail facility bonds from the State volume cap; to the Committee on Finance.

By Mr. COATS (for himself, Mr. BOREN, Mr. SPECTER, Mr. GLENN, Mr. MCCONNELL, Mr. FORD, Mrs. KASSEBAUM, Mr. NICKLES, Mr. GRASSLEY, Mr. MATHEWS, Mr. WARNER, Mr. DOLE, Mr. LUGAR, Mr. SASSER, Mr. RIEGLE, Mr. BOND, Mr. METZENBAUM, and Mr. WOFFORD):

S. 439. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. THURMOND, Mrs. KASSEBAUM, Mr. SHELBY, Mr. DECONCINI, Mr. BREAUX, and Mr. BRYAN):

S. 440. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 441. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transferor or receiver of a stolen firearm, to increase the general penalty for a violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 442. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Indian Affairs.

By Mr. SPECTER:

S. 443. A bill to amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make improvements in capacity planning processes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 444. A bill to require a study and report on the safety of the Juneau International Airport, with recommendations to Congress; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. WELLSTONE, Mr. CRAIG, Mr. FEINGOLD, Mr. BURNS, Mr. PRESSLER, Mr. GRASSLEY, Mrs. MURRAY, and Mr. DASCHLE):

S. 445. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve monitoring of the domestic uses made of certain foreign commodities in order to ensure that agricultural commodities exported under agricultural trade programs are entirely produced in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. BRADLEY, Mr. BREAUX, and Mr. LAUTENBERG):

S. 446. A bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. AKAKA, and Mr. WALLOP):

S. 447. A bill to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 448. A bill to amend the Federal Water Pollution Control Act to provide for additional certification requirements for certain licenses and permits, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself, Mr. KEMPTHORNE, Mr. MCCAIN, Mr. LOTT, Mr. BROWN, and Mr. BURNS):

S. 449. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Finance.

By Mrs. BOXER:

S. 450. A bill to advance the development and transfer of environmental and other nonmilitary technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (for himself, Mr. LOTT, Mr. SHELBY, Mr. HEFLIN, Mr. HATCH, Mr. DECONCINI, Mr. THURMOND, Mr. BREAUX, Mr. GRASSLEY, Mr. COATS, Mr. CHAFEE, Mr. DOLE, Mr. GORTON, Mr. MCCONNELL, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. BURNS, Mr. CAMPBELL, Mr. GRAHAM, Mr. COCHRAN, Mr. SMITH, Mr. D'AMATO, Mr. NICKLES, Mr. SIMPSON, Mr. BROWN, Mr. JEFFORDS, Mr. MCCAIN, Mr. MACK, and Mr. HARKIN):

S. 451. A bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. SHELBY, Mr. DASCHLE, Mr. AKAKA, Mr. LEVIN, Mr. EXON, Mr. DECONCINI, Mr. KOHL, Mr. RIEGLE, Mr. PRESSLER, Mr. BOREN, Mr. BINGAMAN, Mr. BAUCUS, Mr. KRUEGER, Mr. PRYOR, Mr. FORD, Mr. GRAHAM, and Mr. D'AMATO):

S. 452. A bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 453. A bill to amend title XVIII of the Social Security Act to provide for coverage of payment for home health services where an individual is absent from the home at an adult day center; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 454. A bill to extend the suspension of duty on three-dimensional cameras; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. BURNS, Mr. BAUCUS, Mr. CRAIG, Mr. MURKOWSKI, and Mr. HATCH):

S. 455. A bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself and Mr. WOFFORD):

S. 456. A bill to establish school-to-work transition programs for all students, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. EXON:

S. 457. A bill to prohibit the payment of Federal benefits to illegal aliens; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. REID, Mr. SHELBY, Mr. WALLOP, Mr. HATCH, Mr. GREGG, Mr. DOMENICI, Mr. MACK, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. STEVENS, Mr. GRAMM, Mr. HELMS, Mr. D'AMATO, Mr. DANFORTH, Mr. BAUCUS, Mr. SIMPSON, Mr. MCCAIN, Mr. LOTT, Mr. DOLE, Mr. BURNS, Mr. BROWN, Mr. THURMOND, Mr. BRYAN, Mr. COHEN, Mr. CRAIG, and Mr. NICKLES):

S. 458. A bill to restore the Second Amendment Rights of all Americans; to the Committee on Governmental Affairs.

By Mr. PACKWOOD (for himself, Mr. GORTON, Mr. CRAIG, Mr. STEVENS, and Mr. SIMPSON):

S. 459. A bill to arrest the decline in, and promote the restoration of, the health of forest ecosystems on Federal lands, to reduce the escalating risk to human safety posed by potentially catastrophic wildfires on Federal lands, to require the Secretary of the Interior to establish a special fund for Bureau of Land Management activities in furtherance of forest health, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 460. An original bill to establish national voter registration procedures for Federal elections, and for other purposes; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MACK:

S. 461. A bill to treat a protest filed with respect to the liquidation of certain entries as filed within the time required under the Tariff Act of 1930; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, and Mr. BRYAN):

S. 462. A bill to prohibit the expenditure of appropriated funds on the United States International Space Station Freedom program; to the Committee on Appropriations.

S. 463. A bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program; to the Committee on Appropriations.

By Mr. SASSER:

S. 464. A bill to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office"; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 465. A bill to amend the Internal Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. INOUYE):

S. 466. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. INOUYE, Mr. AKAKA, Mr. BREAUX, and Mr. JOHNSTON):

S. 467. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for certain disaster victims, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 468. A bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of probation or supervised release; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. D'AMATO, Mr. SMITH, Mr. COHEN, Mr. GREGG, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. ROTH):

S. Res. 74. Resolution expressing the opposition of the Senate to the imposition of a fee on or in-kind storage diversion requirement for imported crude oil and refined petroleum products; to the Committee on Finance.

By Mr. SPECTER:

S. Con. Res. 11. Concurrent resolution stating that no action be taken on any legislative proposal on the President's program unless it is a unified package containing offsets for any additional expenditures through cuts in programs or increased taxes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KRUEGER:

S. 436. A bill to provide for a special assistant to the President to conduct a Federal performance audit and review, and for other purposes; to the Committee on Governmental Affairs.

S. 437. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if the committee reports, the other committee have 30 days to report or be discharged.

### FEDERAL GOVERNMENT LEGISLATION

Mr. KRUEGER. Mr. President, I am today introducing two bills, one that I would call the Federal Efficiency Improvement Act of 1993 and the other one to expedite consideration of proposed rescissions.

I am introducing this legislation, Mr. President, because it seems to me that this Nation is facing a time of loss of confidence in Government itself and in its efficiency in a time in which our own budgetary pressures are perhaps unrivaled in recent years.

This is going to be, in my judgment, one of the most crucial legislative sessions since the New Deal itself. Our task is not simply to restore fiscal discipline to our Government, but our task is to help restore confidence in the American people themselves that we are capable of dealing with very large and complex financial problems.

All over America, people are looking at business and saying, business must become leaner, it must become more streamlined, business has to become increasingly a high-quality, low-cost producer. At this point, people are still inclined to feel that Government itself is high cost, low quality, the opposite side of what they are aspiring to.

Our President has indicated his willingness to address some very tough fiscal questions, and he is also recognizing the need, as we are in this body, to try to down size our own activities to make them more prudent, more fiscally responsible.

To help carry out this mandate, I am introducing the Federal Efficiency Improvement Act that would allow for the appointment of a special assistant to the President who would be empowered to conduct a total performance audit of every Federal department, including in fact the General Accounting Office itself. This special assistant would independently manage a tough-minded staff of 200 existing Federal employees, chosen for their prior experience with Federal programs.

In many cases, the people who best understand how to make Government more efficient are the people who are front-line employees but sometimes are caught in circumstances in which there are very few rewards for efficiency. In Government, there is so often a tendency to reward spending rather than saving. If we look at the many currently successful businesses in our country, companies like WalMart, there are companies that reward savings inside the company rather than simply spending. A reward system that would encourage the same thing of our Federal employees would, I think, tap a reservoir of knowledge, experience, and capacity that currently we are not tapping.

This audit team's main function would be to study the Federal Government by function and not merely by agency. By concentrating on function, the audit team would be able to more effectively highlight wastefulness and inefficiency within Government agencies.

I think it important as well that the audit team's responsibilities go beyond simply identifying misused resources. I would expect it to make recommendations for improving the effectiveness and quality of Government services, to suggest ways in which operations could perhaps be restructured in order to bring about long-term savings, to rationalize governmentwide activities like procurement and personnel and to try to establish incentives for bringing in returns that were, in fact, under budget.

I think many of these recommendations could come from front-line Government employees. Others might come from people brought in to assist, not sort of high-powered consultants or academic types but entrepreneurs who have experience on how to make companies run more efficiently.

Within 6 months of the bill's passage, the audit team would be required to submit a detailed set of findings and recommendations to the President including specific rescissions of budgetary authority and proposals for legislation to implement the recommendations. Within 60 days of submission of this report, the President would be obliged to identify all rescissions of budget authority that he deems necessary to implement the team's recommendations.

I make this suggestion in part because of the experience in my own State of Texas. There, State comptroller John Sharp conducted such performance audits and in 1991, these performance audits rendered a savings of $2.4 billion out of a $30 billion budget; in other words, there was a savings of about 12 percent. If a savings of comparable sort might be found in the Federal Government, it would be $150 billion in the first year.

I am not expecting anything of that sort. But the important thing is I think we direct ourselves toward the task of saving rather than spending and that we direct ourselves toward creating a Government again deserving of the people's trust.

The American people are fully willing to sacrifice but they are willing to sacrifice for what they believe are worthy ends. If we think of the stores with which we do business, the stores with which we do business were providing services for which we were not fully satisfied, then for those stores to raise the prices would be simply unacceptable. I think that is the challenge we face right now. To ask the American people to put in more taxes at a time they do not feel their taxes are being well spent is to ask them for something to which they will not readily respond. It seems to me first we must make Government sacrifice before we ask the American people to sacrifice further.

Therefore, the legislation that I am introducing today provides for expedited rescission of wasteful Government spending by the President and the rescission authority would allow the President more quickly to eliminate inefficiencies in Government operations such as those that were to be identified by these Federal audit teams.

Both the bills that I am introducing today will address the critically important aspect of our obligation to the American taxpayer, efficient and exemplary operation of the Federal Government. I know that people in both Houses are proposing various ways to eliminate wasteful Government spending. I am certain that during the course of this year we will have many suggestions and that there will be fruitful ways to improve upon the legislation I am introducing.

But I think it immensely important we convey to one another and to the American people that we recognize their concern for how we as stewards are spending their money. I think that this aspect of stewardship is one which will be benefited by having performance audits which will allow us to identify what it is we are doing in Government with these resources which have been entrusted to us.

I therefore look forward to seeking further support from my colleagues and to having this legislation considered by this body, because I am convinced that the American people believe it is indeed a time ready for change and a time that is crucial in the very economic and fiscal development of this country.

So I am pleased to be able to introduce this legislation and will seek to bring forward the bills soon.

I thank the Chair.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

By Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. REID, Ms. MIKULSKI, Mr. WOFFORD, Mr. MACK, and Mr. LAUTENBERG):

S. 438. A bill to amend the Internal Revenue Code of 1986 to remove certain high-speed rail facility bonds from the State volume cap; to the Committee on Finance.

### HIGH-SPEED RAIL INCENTIVES ACT OF 1993

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to accelerate the conversion of high-speed rail systems in America from the design books to operation.

I am certain this bill is familiar to many of our colleagues. It is familiar because the Senate considered this precise legislation last summer in the form of an amendment to H.R. 11, the Revenue Act of 1992.

My bill will lift the State caps on issuing tax-exempt bonds for high-speed rail projects. As you will recall from the debate last year, high-speed rail is already eligible for tax-exempt bonds.

The problem is that these projects are so expensive that they alone would cause States to exceed their annual caps on revenue bonds. Airports and seaports are exempt from these caps; the High-Speed Rail Incentives Act of 1993 would simply add high-speed train systems to this exemption list.

Last year, the Senate voted, 55–40, to include this proposal in H.R. 11, and the final bill kept that amendment intact. However, the ensuing Presidential veto of the bill has brought me before you again today, asking for your support once more.

Financing is perhaps the single greatest obstacle to implementation of high-speed surface transportation technologies in the United States. Equalizing tax incentives to the private sector will permit transportation infrastructure investment decisions to be made more fairly and on the basis of merit.

I want to emphasize that point: We are not asking the Federal Government to pay for constructing or operating these systems, but merely to provide incentives for the private sector to raise the necessary funding. These are the same incentives we already provide for airport and seaport projects.

The momentum is behind this proposal. In fact, the identical measure has been included by the Clinton administration in its vision for change package.

In addition, high-speed rail is rapidly gaining prominence in the American transportation arena, while industry is taking a growing interest in rail in general.

Recently, five defense and aerospace firms have submitted proposals, in coordination with international railcar companies, to build cars for the Los Angeles County light rail system. A Washington Post article which I will submit for the RECORD reports that Amtrak has negotiated an agreement with most major U.S. freight railroads which will allow high-speed trains to travel along existing freight lines in the future.

At the State level, many high-speed train systems are in the planning stages—from California and Nevada to Texas to Florida. But the developers are hard to attract because the risks are so high. Our job as legislators is to show that developing this technology is a national priority. We must prove that we are not asking America's major corporations to get into the white elephant business.

Tax-exempt bonds reduce the cost of debt by some 30 percent. That is an impressive figure which the potential backers of high-speed rail says will help them reach their objective.

There are reasons why high-speed rail has attracted such a diverse group of advocates. It is safe. After carrying over a billion passengers in Europe and Japan, high-speed trains have yet to cause a single passenger fatality. It is environmentally responsible. High-speed rail is powered by electricity, which is among the cleanest energy sources.

In terms of land conservation, 2 tracks of a high-speed system can potentially carry as many travelers as 10 lanes of an interstate highway.

It is energy-efficient. Electrified rail is four times more efficient than airplane travel and three times more efficient than automobiles.

Perhaps most importantly, we have no choice. Our road systems and airways are running out of room, and we have to come up with another way to move people and goods efficiently.

Mr. President, the legislation which I will be introducing today, is familiar to our colleagues because it is the same legislation which was introduced and adopted last summer in the form of an amendment to H.R. 11, the Revenue Act of 1992. That act subsequently was vetoed by then President Bush and has, therefore, not become law. Thus, I am reintroducing this concept today as a separate matter.

The legislation relates to tax-exempt bond financing for high-speed rail systems. Under the current law, Mr. President, tax-free bonds, that is, bonds which are sold, the interest of which is free of Federal tax, are available for most forms of transportation. For example, if a community wished to build an airport or a seaport, they could issue such bonds without limit up to the cost of financing the particular project.

As it relates to high-speed rail, however, there is a cap on the amount of bonds which can be issued in any single year. That cap is a function of the population of the State.

The difficulty with that cap is that, just as with airports and seaports, high-speed rail systems tend to be a capital-intensive major public works project for a short period of time, and, therefore, during the period in which the project is being built and financed, typically the amount of financing required, exceeds the cap which is placed on that particular State's annual ability to borrow and utilize the tax-free bond provision.

The objective of this legislation would be to lift that cap and thus place high-speed rail in the same position as airports and seaports in terms of their ability to access that form of financing for their construction.

Over the past several years, Congress has taken a number of initiatives which have facilitated the development of high-speed rail in this Nation. We now see one of the first results of that with the adoption, or the demonstration, of a high-speed train between Washington and New York utilizing new technology on existing tracks.

The expectation is that a full expansion of high-speed rail—for the United States, for instance, to have a system that is as comprehensive as many European countries and Japan have—will require the development of new tracks and electrification of those tracks, and a key issue for that subsequent development will be the availability of tax-free bond financing.

This proposal has also received political momentum by the strong support which was given to it by Presidential candidate Bill Clinton in seeking the Presidency. Candidate Clinton indicated that one of his visions for America was an America that would create high-paid jobs by a major effort to capture new technologies and then apply those technologies to America.

One of the several areas that he specifically mentioned as a candidate for that new technology leadership, was in high-speed rail.

I am pleased that, now, the President has included in his economic stimulus program the precise numbers that would be necessary to support the legislation which I am introducing today; that is, the President has recommended in his economic package the availability, without a capped limitation, of tax-free bonds for purposes of financing high-speed rail systems.

But there have been some other very important nongovernment initiatives that have created a favorable environment for high-speed rail. To list some: Five defense and aerospace firms, in the southern California area, have come together to form a consortium to develop high-speed rail technology using many of the techniques and systems which were originally developed for aerospace or defense purposes, now to the development of high-speed rail.

A Washington Post article, which I ask unanimous consent to be printed in the RECORD, Mr. President, reports that Amtrak has negotiated an agreement with most major U.S. freight railroads which will allow high-speed trains to travel along their existing freight lines.

Mr. President, this should further facilitate the adoption of high-speed rail within our country.

At the State level, many high-speed rail systems are at advanced stages of planning. In California, Nevada, Texas, and Florida, States are demonstrating an interest in being a partner in the development of high-speed rail.

Mr. President, what I personally see is a relationship between Government and high-speed rail much like the relationship between an airport authority and a commercial airline; that is, that Government's role will be in developing the corridor, the right-of-way, the track, and the terminal facilities, which will be franchises who will actually be the ones who will own the rolling stock and operate the equipment. That is a relationship that has been well-developed in other areas of transportation in America. I anticipate that will serve the some beneficial purpose for high-speed rail.

The reasons why all of these governmental and nongovernmental initiatives seem to be coalescing behind the development of an assertive U.S. policy in support of high-speed rail, is the fact that it would serve so many interests. High-speed rail is a safe form of transportation. After carrying over 1 billion passengers, Mr. President, in Europe and Japan, high-speed trains have yet to cause one passenger fatality—1 billion passengers, zero fatalities.

It is environmentally responsible. High-speed rail is powered by electricity, which is among the cleanest energy sources.

In terms of land conservation, 2 tracks of high-speed rail can potentially carry as many travelers as 10 lanes of an interstate highway system. It is energy efficient. Electrified rail is four times more efficient in terms of cost of energy per passenger mile than airplane travel, three times more efficient than automobiles. And, perhaps most importantly, we are increasingly having no choice but to develop a contemporary high-speed rail complement to our airline and highway system. Our road system and airways are literally running out of room.

To cite one example, the American Association of State Highway and Transportation Officials tells us that surface travel demand is expected to at least double by the year 2020, slightly more than 25 years from now.

In my State of Florida, for instance, if current traffic patterns continue, it would require 22 highway lanes in each direction to safely handle the traffic between Miami and Tampa by the year 2015. It is preposterous to think that we would build such a road system. Similarly, the Federal Aviation Administration says that our 21 primary airports each now experience more than 20,000 hours of annual flight delays at a cost of at least $5 billion. That 1-year cost is almost 140 times the projected cost of this legislation over 5 years.

Mr. President, one of the themes of America is the central role of transportation in our Nation's development. In the 19th century, the Federal Government assisted in the creation of canals and river transportation and railroads. In this century, the interstate system has redrawn the map for urban and rural America. The question before us, as we enter the 21st century, is what will be our contribution to the mobility of America in the next century?

A modern system of high-speed ground transportation should be an important part of that challenge and of that answer. I hope my colleagues will join in this effort to define our generation's role in the future of American transportation.

Mr. President, I ask unanimous consent that the text of the bill and the Washington Post article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## S. 438

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Speed Rail Incentives Act of 1993".

### SEC. 2. REMOVAL OF VOLUME CAP FOR CERTAIN HIGH-SPEED RAIL FACILITY BONDS.

(a) IN GENERAL.—Paragraph (4) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by inserting ", other than any such bond described in subsection (h)(1)" after "rail facilities)".

(b) CONFORMING AMENDMENTS.—Subsection (h) of section 146 of such Code (relating to exception for government-owned solid waste disposal facilities) is amended—

(1) by striking "section 142(a)(6)" in paragraph (1) and inserting "paragraph (6) or (11) of section 142(a)", and

(2) by inserting "AND HIGH-SPEED RAIL" before "FACILITIES" in the heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

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[From the Washington Post, Thursday, February 4, 1993]

## AGREEMENT CLEARS THE TRACK FOR GROWTH OF HIGH-SPEED RAIL

(By Don Phillips)

Amtrak and major U.S. freight railroads yesterday announced an agreement removing most legal and financial barriers to expansion of high-speed train operation nationally, including relief for freight companies from all passenger-train accident liability no matter what the cause.

The plan generally allows use, after negotiations, of freight track anywhere in the country for passenger service at speeds to 150 mph if Amtrak or governmental bodies pay for all necessary improvements and shield freight companies from all legal liability.

That means taxpayers might have to absorb a greater share of damage claims because passenger trains are operated by Amtrak, which receives some public subsidies, or by state and local governments.

The agreement was negotiated by chief executive officers of Amtrak and the 13 major freight railroads at a woodland retreat near Charleston, S.C., last December.

Under the plan, any trains that exceed 150 mph would require a new right-of-way separate from any freight tracks.

Although Amtrak owns the track on its busiest line from Washington to New York and Boston, it must contract with freight railroads to run passenger trains almost anywhere else in the country. Because most passenger trains do not exceed 80 mph, they can safely share track with freights, some of which run almost that fast.

But the new generation of trains designed for much higher speeds on existing right-of-way would create safety problems unless major improvements are made. These include new signal systems, removal of grade crossings and perhaps additional tracks on the same right of way. Amtrak is now testing such a train, the Swedish X-2000 tilt train, between Washington and New York.

The agreement removes a potentially serious impediment to use of new passenger trains on runs such as Chicago-Detroit, Miami-Tampa, San Francisco-Los Angeles and Washington-Charlotte, N.C., although freight railroads must approve each operation.

It also marks the end of almost three decades of hostility toward passenger operations by freight railroads. Gradually, a new generation of railroad official has come to realize that both commuter and passenger trains can make a profit and that freight trains can benefit from expensive track up-grading necessary to maintain passenger service.

Edwin L. Harper, president of the Association of American Railroads, said the passage of time has left the rail industry "a distance from the bloodying the freight railroads took in the passenger business." Until Amtrak was formed in 1971, private railroads operated passenger trains at a major loss, incurring bad publicity every time they attempted to abandon service.

The agreement, announced by Harper and Amtrak President W. Graham Claytor Jr., has these major elements:

Freight railroads will cooperate fully in allowing passenger service, including high-speed, on new routes. Each project will be evaluated individually, and "accommodation may not be feasible in all cases."

The full cost of improvements must be paid by the sponsor of the passenger service. That must include removal of road crossing, new signal and speed-control equipment and much higher levels of maintenance. It may require building new tracks parallel to existing tracks, and freight service must not be degraded.

Freight railroads must be indemnified against all legal liability from passenger operations, even if a passenger accident is caused by the gross negligence of a freight employee.

Liability has been a key sticking point since a Conrail locomotive, whose engineer had been smoking marijuana, rolled from a parallel track in front of a 128-mph Amtrak train at Chase, Md., on Jan. 4, 1987, killing 16 people and injuring 170. A damage settlement cost Conrail millions of dollars, with the exact figure kept secret under a confidentiality agreement.

Most recently, Conrail initially blocked use of its tracks in the District by Virginia Railway Express, the commuter line, until Congress absolved Conrail of all liability.

Claytor said legislation may be necessary to implement the agreement. The former chairman of the Southern Railroad Co., a freight hauler, said he could understand the freights' reluctance to be responsible for potentially huge costs of an accident involving a service that they neither sponsor nor sometimes want.

"It's something that a freight railroad just couldn't accept," he said. That is true even if a disaster is caused "just because some employee made a terrible goof."

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By Mr. COATS (for himself, Mr. BOREN, Mr. SPECTER, Mr. GLENN, Mr. MCCONNELL, Mr. FORD, Mrs. KASSEBAUM, Mr. NICKLES, Mr. GRASSLEY, Mr. MATHEWS, Mr. WARNER, Mr. DOLE, Mr. LUGAR, Mr. SASSER, Mr. RIEGLE, Mr. BOND, Mr. METZENBAUM, and Mr. WOFFORD):

S. 439. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

### INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1993

Mr. COATS. Mr. President, I rise today to introduce legislation to give States and communities the right to say no to out-of-State trash. This issue has become quite well known to this body over the past 3 years. In that time the Senate has spoken on two occasions, in each occasion passing legislation by an overwhelming bipartisan margin, to allow States and communities to restrict unwanted trash imports.

I introduce the bill today along with a number of cosponsors, and I am pleased that a bipartisan group of Senators has agreed to be original cosponsors of the Interstate Transportation of Municipal Waste Act of 1993. They include: Senators BOREN, SPECTER, GLENN, MCCONNELL, FORD, KASSEBAUM, NICKLES, GRASSLEY, MATHEWS, WARNER, DOLE, LUGAR, SASSER, RIEGLE, BOND, METZENBAUM, and Senator WOFFORD, who have all signed on as original cosponsors, and we hope to add others as we examine this legislation dealing with an issue that is critical to many of our States.

The bill I introduce today does three essential things:

First, it gives States and communities, for the first time in history, the power to say "no" to new shipments of out-of-State trash.

Second, it allows continued trash shipments to a limited universe of landfills that meet all State standards for environmentally sound facilities.

Third, it provides that no landfill becomes a target for out-of-State trash by giving all States the ability to freeze volumes at grandfathered facilities.

This legislation adopts the framework of S. 2877, which passed the Senate last year by a vote of 89-2. However, the bill I introduce today strengthens the hand of importing States in several important ways:

First, the new bill provides all Governors certain additional authorities to regulate the flow of out-of-State waste, such as a freeze on imports and reservation of landfill capacity. Last year, these authorities were given to four States.

Second, the new bill allows States to limit trash imports to 30 percent at landfills that received 50,000 tons of out-of-State trash in 1991. In last year's bill, that level was 100,000 tons.

Third, current contracts will be protected under State law, rather than special protection under Federal law as in last year's bill.

These are significant changes. We have talked with individual Governors and at the National Governor's Association. We have talked with representatives of importing States. All believe these are necessary modifications to strengthen the ability of States to control their environmental futures.

Over the past year, the situation has changed for many States. Our argument remains the same. Landfill space is continuing to fill up with other States trash thus endangering our ability to take care of and plan for our own trash needs. I am appreciative that the big exporting States have recognized this problem.

By the same token, we recognize that exporting States need time to take care of their own trash. But how much more time do they need to get their respective houses in order?

We have been on this issue for 3 years now. Political will can solve the crisis in exporting States. Take, for example, the experience of Pennsylvania. In less than 3 years time, the State of Pennsylvania was able to move from less than 2 years landfill capacity to greater than 10 years.

I think we all know it is impossible to recycle the whole waste stream. Capacity must be sited and that is going to take alot of political will. But some States continue to drag their feet. In 1991, New York closed 50 landfills and did not open a single new facility—New York's Garbage exports have increased 400 percent in the last 5 years.

Mr. President, I ask unanimous consent that the full text of an editorial involving the cross border flow of Canadian trash be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Buffalo News, Feb. 24, 1993]

### EYING CANADA'S GARBAGE CUSTOMS QUIZ IS GOOD; BAN WOULD BE BETTER

Trucking Canadian garbage into the United States will at least be more difficult after March 1. Eventually this country must act to stop the cross-border garbage flow altogether. But for now the U.S. Customs Service is usefully imposing more difficult entry requirements.

Hauler bringing garbage over the border will have to complete an extensive form, explaining what is in their load. For the first time, officials here will have an idea of what grubby wastes are reaching landfills from Canada. And they'll know how much.

Truckers would also have to post surety bonds at the point of entry and agree to answer more questions within 10 days.

But these tightened customs procedures can only be considered a halfway measure against an undesirable import. The federal government needs to stop Canadian garbage from coming to U.S. landfills. Period.

The basic rule should be: We'll take care of our own waste and Canada—with its vast landscape—can take care of its own.

At the moment, though, it is financially attractive for Canadian garbage haulers to head for the border crossings. Dumping rates have jumped to $150 a ton in the Toronto area, compared to landfill charges as low as $15 a ton in some Midwestern states. Very little waste winds up in Western New York. But if one of several large proposed landfills gets built hereabouts, this area could become a favorable stop.

As it is, more than enough is rumbling by Western New York on its way to Ohio, Pennsylvania and points west. Canadian officials say garbage shipments to this country have grown to 1.2 million tons.

Rep. Bill Paxon, R-Amherst, a new addition to the Subcommittee on Transportation and Hazardous Waste, wants legislation to stop the garbage run. Western New Yorkers should hope he succeeds. Regulating the flow is a good step. But stopping it would be better.

Mr. COATS. Here is an excerpt:

The basic rules should be: We'll take care of our own waste and Canada—with it vast landscape—can take care of its own. At the moment, though, it is financially attractive for Canadian garbage haulers to head for the border crossings. Dumping rates have jumped to $150 a ton in the Toronto area, compared to landfills charges as low as $15 a ton in some midwestern states. Very little waste winds up in western New York. But if one of several large proposed landfills gets built hereabouts, this area could become a formidable stop.

It goes on:

Regulating the flow is a good step. But stopping it would be better.

Take note of the reasoning: Those who produce garbage should be responsible for it. Take note of the source: A New York newspaper, the Buffalo News. This is our argument. This is our demand. This is the simple objective of our legislation.

In my State, we have a very ambitious State solid waste management plan which will be overwhelmed if we are not able to regulate the flow of waste into our State. Indiana is down to 5 years landfill capacity. In 1992, we received 1.8 million tons of out-of-State trash up from 1.6 million tons in 1991. While we received less direct long-haul trash last year, it is impossible to ascertain the origin point of the trash we are taking in.

This is so because trash is often long hauled to Indiana and other States indirectly through transfer stations in other States. As Arthur A. Davis, secretary of the Pennsylvania Department of Environmental Resources has stated, "based on our investigations, much of the waste purported to have come from Pennsylvania to other States for disposal is actually New Jersey waste coming through Philadelphia area transfer facilities."

At present, in Indiana, we have an elaborate shell game going on in which the trash is passed from landfill to landfill. When one landfill stops receiving long-haul, the trucks miraculously appear at another landfill down the road.

Despite our best efforts to manage our own solid waste, we are still faced with a simple fact: We cannot control our future if we cannot control or borders.

In Indiana we are taking care of our own trash. We ask only that every State be environmentally responsible and accountable for the trash it generates.

State legislatures have tried to take care of this problem but their ability to act effectively is limited. Each time States attempt to address this situation, the courts have ruled the State Laws unconstitutional.

The courts have ruled that trade in trash is protected by the Commerce clause of the Constitution and that States cannot enact laws interfering with that trade.

This past June the Supreme Court handed down two decisions which struck down States' attempts to regulate the flow of out-of-State waste reaffirming that only Congress possesses the constitutional mandate to regulate trade between the States.

The Supreme Court's decisions have affirmed the need for the Coats bill—only Congress has the constitutional authority to regulate interstate commerce.

We need to pass an interstate waste bill this year. Next year is too late. With every passing day, with every passing week and month, more States find that they have become members of the trash club.

I am pleased that Congressman RON WYDEN of Oregon has introduced a companion bill and has pledged to steer this issue to passage in the House of Representatives. I am also encouraged by the statements made by President Clinton during the campaign supporting a States right to ban out-of-State trash. In a debate in South Dakota on February 23, 1992, the President clearly stated the problem and the solution:

Our State was targeted by people from back East who wanted to bring a lot of their garbage in * * * one of the things that the United States Congress should pass, and the President should sign, an act which gives every State the right to ban the import of out-of-State waste * * * the States ought to be able to decide.

As Governor of Arkansas, President Clinton learned first hand of the problems associated with an unimpeded flow of trash from other States.

In this Nation, we have unintentionally created a system which penalizes States that have mustered the political will to handle their own waste disposal needs. But it still provides no penalties for exporting States which drag their feet on dealing with their own trash.

In this new legislation, we are issuing a simple plea for each community, each State, to be responsible for the environment, and accountable for the trash they generate.

Mr. President, as I indicated in my remarks, we have had two attempts now to pass this legislation, and I am pleased that the Senate on both occasions has passed with significant bipartisan support legislation giving States and communities the authority to deal with this problem. I am disappointed that the other body, the House of Representatives, has not joined us. I am optimistic this year that they will.

So I send to the desk new legislation titled the Interstate Transportation of Municipal Waste Act of 1993, with the cosponsors that I indicated in my remarks, and ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Interstate Transportation of Municipal Waste Act of 1993".

**SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE.**

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

"SEC. 4011. (a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL WASTE.—(1)(A) Except as provided in subsection (b), if requested in writing by both an affected local government and an affected local solid waste planning unit, if the local solid waste planning unit exists under State law, a Governor may prohibit the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor or the affected local government.

"(B) Prior to submitting a request under this section, the affected local government and solid waste planning unit shall—

"(i) provide notice and opportunity for public comment concerning any proposed request; and

"(ii) following notice and comment, take formal action on any proposed request at a public meeting.

"(2) Beginning with calendar year 1993, a Governor of a State may, with respect to landfills covered by the exceptions provided in subsection (b)—

"(A) notwithstanding the absence of a request in writing by the affected local government and the affected local solid waste planning unit, if any,—

"(i) limit the quantity of out-of-State municipal waste received for disposal at each landfill in the State to an annual quantity equal to the quantity of out-of-State municipal waste received for disposal at the landfill during the calendar year 1991 or 1992, whichever is less; and "(ii) limit the disposal of out-of-State municipal waste at landfills that received, during calendar year 1991, documented shipments of more than 50,000 tons of out-of-State municipal waste representing more than 30 percent of all municipal waste received at the landfill during the calendar year, by prohibiting at each such landfill the disposal, in any year, of a quantity of out-of-State municipal waste that is greater than 30 percent of all municipal waste received at the landfill during calendar year 1991; and

"(B) if requested in writing by the affected local government and the affected local solid waste planning unit, if any, prohibit the disposal of out-of-State municipal waste in landfill cells that do not meet the design and location standards and leachate collection and ground water monitoring requirements of State law and regulations in effect on January 1, 1993, for new landfills.

"(3) In addition to the authorities provided in paragraph (1)(A), beginning with calendar year 1997, a Governor of any State, if requested in writing by the affected local government and the affected local solid waste planning unit, if any, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30 percent annual quantity limitation to 20 percent in each of calendar years 1998 and 1999, and to 10 percent in each succeeding calendar year.

"(4)(A) Any limitation imposed by the Governor under paragraph (2)(A)—

"(i) shall be applicable throughout the State;

"(ii) shall not discriminate against any particular landfill within the State; and

"(iii) shall not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

"(B) In responding to requests by affected local governments under paragraphs (1)(A) and (2)(B), the Governor shall respond in a manner that does not discriminate against any particular landfill within the State and does not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

"(5)(A) Any Governor who intends to exercise the authority provided in this paragraph shall, within 120 days after the date of enactment of this section, submit to the Administrator information documenting the quantity of out-of-State municipal waste received for disposal in the State of the Governor during calendar years 1991 and 1992.

"(B) On receipt of the information submitted pursuant to subparagraph (A), the Administrator shall notify the Governor of each State and the public and shall provide a comment period of not less than 30 days.

"(C) Not later than 60 days after receipt of information from a Governor under subparagraph (A), the Administrator shall determine the quantity of out-of-State municipal waste that was received at each landfill covered by the exceptions provided in subsection (b) for disposal in the State of the Governor during calendar years 1991 and 1992, and provide notice of the determination to the Governor of each State. A determination by the Administrator under this subparagraph shall be final and not subject to judicial review.

"(D) Not later than 180 days after the date of enactment of this section, the Administrator shall publish a list of the quantity of out-of-State municipal waste that was received during calendar years 1991 and 1992 at each landfill covered by the exceptions provided in subsection (b) for disposal in each State in which the Governor intends to exercise the authority provided in this paragraph, as determined in accordance with subparagraph (C).

"(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL WASTE.—The authority to prohibit the disposal of out-of-State municipal waste provided under subsection (a)(1) shall not apply to—

"(1) landfills in operation on the date of enactment of this section that—

"(A) received during calendar year 1991 documented shipments of out-of-State municipal waste; and

"(B) are in compliance with all applicable State laws (including any State rule or regulation) relating to design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action;

"(2) proposed landfills that, prior to January 1, 1993, received—

"(A) an approval from the affected local government to receive municipal waste generated outside the county or the State in which the landfill is located; and

"(B) a notice of decision from the State to grant a construction permit; or

"(3) incinerators in operation on the date of enactment of this section that—

"(A) received, during calendar year 1991, documented shipments of out-of-State municipal waste;

"(B) are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

"(C) are in compliance with all applicable State laws (including any State rule or regulation) relating to facility design and operations.

"(d) DEFINITIONS.—As used in this section:

"(1)(A) The term 'affected local government', with respect to a landfill or incinerator, means the elected officials of the city, town, borough, county, or parish in which the facility is located.

"(B) Within 90 days after the date of the enactment of this section, the Governor shall designate which entity listed in subparagraph (A) shall serve as the affected local government for actions taken under this section. If the Governor fails to make a designation, the affected local government shall be the city, town, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located.

"(2) The term 'affected local solid waste planning unit' means a political subdivision of a State with authority relating to solid waste management planning in accordance with State law.

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. To the extent that it is consistent with the United States-Canada Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal waste generated outside of the United States.

"(4) The term 'municipal waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal waste' does not include—

"(A) any solid waste identified or listed as a hazardous waste under section 3001;

"(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

"(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal waste and has been transported into the State for the purpose of recycling or reclamation;

"(D) any solid waste that is—

"(i) generated by an industrial facility; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated;

"(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(F) any industrial waste that is not identical to municipal waste with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

"(G) any medical waste that is segregated from or not mixed with municipal waste; or

"(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.".

**SEC. 3. TABLE OF CONTENTS AMENDMENT.**

The table of contents of the Solid Waste Disposal Act is amended by adding at the end of the items relating to subtitle D the following new item:

"Sec. 4011. Interstate transportation of municipal waste.".

Mr. COATS. Mr. President, I note the presence of our new colleague from Tennessee, Senator MATHEWS, and I am pleased that he has signed on to become an original cosponsor of this, and I am pleased that he has taken the opportunity this morning to join in this morning business discussion of this legislation.

With that I yield the floor.

• Mr. MATHEWS. Mr. President, I rise today in support of the Interstate Transportation of Municipal Waste Act of 1993. I am pleased to join Senator COATS as an original cosponsor of this legislation, and I urge my colleagues in the Senate to give careful consideration to this legislation which affects every State in this country.

Mr. President, we are all aware of the growing waste problems in this country. The closure of existing landfills and the difficulty of siting new ones are problems which communities across this country face more and more. The oft used term "NIMBY," not in my back yard, represents the attitude taken by most of us when a new landfill site is proposed for our community. This attitude has led many communities to look outside their own land base to other areas and often other States as potential sites to which municipal solid waste can be transported.

Now, Mr. President, I am not condemning the practice of shipping waste to regional or interstate landfills. Many States, including my home State of Tennessee, have established regional compacts or other agreements to handle solid waste problems. This legislation does not seek to alter these agreements nor prevent similar arrangements in the future.

The legislation does, as my colleague from Indiana has noted, empower a Governor to limit, and in some cases prohibit, the transportation of municipal solid waste into his or her own State, without prior agreement. In addition, those landfills which do not meet State or federally mandated established safety standards can also be prohibited from receiving waste.

The legislature in Tennessee drafted and passed in 1991 a solid waste management act establishing a framework for local governments to do local and regional planning. This act did consider the interstate transport of solid waste; however, it did not presume that Tennessee might be inundated with waste from across the country.

Mr. President, I am concerned not only by the volume of waste but also by the content. As we all know, mixed waste is often shipped, waste which contains hazardous materials which create a serious safety concern during transport and upon arrival.

Mr. President, the growing landfill problems make the transport of such wastes across State boundaries a very attractive option. A recent report by the National Solid Waste Management Association notes that in 1986 six States east of the Mississippi River had landfill capacities in excess of 10 years. At the end of 1991 that number had been cut in half to only three States with that capacity, one of which is Tennessee.

Getting a handle on the number of landfills in this country has been described as like trying to count the number of snowflakes during a storm. Openings, closures, reclassifications and other activities related to landfill status make the data on the Nation's long-term capacity an estimate at best.

I am concerned that local governments are being denied the authority to manage their own affairs. A State like my own should not face the possibility of being targeted as a landfill for other States because it has done a better job of handling its own solid waste. It is apparent that interstate compacts can be worked out by public and private waste management groups. However, a Governor should have the authority to dictate when and how much waste enters his or her own State.

Mr. President, the Senate passed this legislation during the 102d Congress, but action was stalled in the House of Representatives. I hope we can move quickly forward with this bill again and that our colleagues in the House will do the same.•

• Mr. BOREN. Mr. President, it is high time that we give local communities the right to say no to interstate trash. People in rural areas are sick and tired of having no control in deciding whether or not unwanted garbage is dumped in their backyard. Currently States and local governments are powerless to stop the influx of waste from other States. This legislation finally gives people a real defense against unwanted interstate trash and gives States the ability to manage solid waste.

We have been debating the issue of interstate waste for over 3 years. The bill before us would grant new authority to Governors to prohibit the disposal of out-of-State waste if requested by the local affected government. It also gives new authority to all Governors to freeze the amount of trash coming into their States at current levels. States would know the maximum amount of waste coming in from other States and could develop responsible waste management plans accordingly.

Fighting out-of-State trash is especially important in Oklahoma because we have more open space and generate less garbage than most other States. Municipal solid wastes in the United States have increased from 128 million tons in 1975 to 179 million tons in 1988 and are expected to rise to 216 million tons by the year 2000. Of this total, Oklahoma generates just over 3 million tons of solid waste per year. New York and New Jersey alone send twice that amount, more than 7 million tons, out of State every year. Much of this waste ends up in small towns or rural communities.

Just a few days ago, about half of the citizens of Coalgate, OK, sent me a petition they had signed in opposition to a proposed hazardous medical waste incinerator that may be located in their county. This particular incinerator would create 20 jobs in this county which tends to have a higher rate of unemployment than the national average. The people of this community do not want out-of-State waste to come in despite its economic benefits.

Oklahoma already has one incinerator operating that must import medical waste to burn because our hospitals do not generate enough waste to run the facility. And here is a proposal to build another incinerator which would be forced to accept waste from States either unwilling to build their own facilities or find it cheaper to send it elsewhere.

I do not mean to imply that other States are not making efforts to address their solid waste problems, but clearly these efforts are not enough. Something needs to be done to ensure that the consequences of this problem are not shouldered by rural States. The game of pass-the-trash must end.

Oklahoma has less than 5 years of average landfill capacity left. High volumes of waste from other States reduce Oklahoma's capacity to manage its own waste and encourages other States to avoid their responsibilities. If we are going to preserve our environment, we cannot allow responsible States to become a dumping ground for others.

Chief Justice William Rehnquist made this observation in his dissenting opinion in the Michigan case last year:

> It is no secret why capacity is not expanding sufficiently to meet demand—the substantial risks attendant to waste sites make them extraordinarily unattractive to neighbors. The result, of course, is that while many are willing to generate waste * * * few are willing to dispose of it. Those locales that do provide disposal capacity to serve foreign waste effectively are affording reduced environmental and safety risks to the States that will not take charge of their own waste.
>
> I see no reason in the Commerce clause, however, that requires cheap inland States to become the waste repositories for their brethren, thereby suffering the many risks that such sites present.

This legislation will force other States to bear their fair share of the burden and develop responsible waste management plans. The need for action is clear. States are being inundated with garbage which can only be stopped through congressional action. In the past few months alone, 6 companies have proposed to dispose of or incinerate out-of-State waste in 15 different locations throughout Oklahoma.

As landfills swell around the country and the cost of waste disposal continues to increase, I believe we must deal with this problem on the national level. We must ensure that all States live up to the highest standards of disposing their municipal waste.

A permanent solution is needed this year. My State and others cannot afford to stand powerless while other States neglect their responsibilities and spoil our environment.•

• Mr. SPECTER. Mr. President, I am pleased to join my colleague from Indiana as an original cosponsor of the Interstate Waste Protection Act of 1993. This legislation will provide States with significant authority to restrict imports of out-of-State municipal solid waste.

I want to state at the outset that I am concerned that this legislation does not address the issue of whether States will have the authority to limit out-of-State waste shipments to landfills which have host community agreements that allow for certain quantities of out-of-State waste. As my colleagues may recall, these agreements were protected in similar legislation introduced last year. I intend to work with my colleague from Indiana to resolve this issue before this legislation is passed.

Mr. President, Pennsylvania is far and away the largest importer of out-of-State waste in the United States. During calendar year 1992, according to the Pennsylvania Department of Environmental Resources, Pennsylvania imported in excess of 4 million tons of garbage from other States in the northeastern region, primarily New York and New Jersey. In 1992, New York exported 1,381,220 tons of trash to

23 Pennsylvania landfills, and New Jersey exported 2,253,221 tons to 21 different Pennsylvania landfills. Pennsylvania's waste imports are almost twice as much as the second largest importer in the country, Ohio, whose landfills received slightly over 2 million tons of municipal solid waste in 1992. Moreover, according to 1992 figures, the amount of trash received at Pennsylvania's two largest importing landfills, Empire and Tulleytown, either equalled or exceeded the total amount taken by every State in the country except Ohio.

While we have heard for the last several years that these States are working to reduce the amounts of waste that they export, the most recent data suggest that, in fact, the amount of New York and New Jersey waste being shipped to Pennsylvania landfills is increasing. Trash imports to Pennsylvania for the first quarter of 1992 alone were up 43 percent over first quarter 1991 levels. In the first quarter of 1992, New Jersey exported 539,429 tons to Pennsylvania landfills, whereas in 1991 they exported 407,337 tons in the first quarter, an increase of 132,092 tons. In the first quarter of 1992, New York exported 274,709 tons to Pennsylvania landfills, while in the first quarter of 1991 they exported 169,317 tons, an increase of 105,392 tons. Other States also increased their exports to Pennsylvania by a total of 51,115 tons in the first quarter of 1992, and Canada increased its exports by 55,104 tons. The 1992 totals represent approximately a 30 percent increase over the 3.1 million tons of garbage Pennsylvania landfills received in calendar year 1991. As a result, an additional 17,500 large trash trucks from out-of-state will be travelling on Pennsylvania highways to dump trash in Pennsylvania landfills. The limited data we have available for 1993 suggests the problem is only getting worse.

Without legislation to empower States to restrict cross-border flows of garbage, States such as Pennsylvania will inevitably end up as the dumping ground for States that are unwilling to enact and enforce realistic long-term waste management plans. With stricter environmental standards for landfills coming into effect, it should be incumbent upon each State to make sure it is providing adequate capacity to handle its waste stream. States such as Pennsylvania, which maintains the highest environmental standards for its 43 largest landfills, should not be burdened with excessive amounts of garbage from neighboring States which are unwilling to provide adequate capacity to meet their own waste disposal needs.

I am encouraged by the efforts of many State and local governments to reduce the waste stream by developing comprehensive recycling programs. According to the National Solid Waste Management Association, there were only 600 curbside recycling programs across the Nation in 1989. By 1991 that figure had increased to a total of 3,500 programs. In my State of Pennsylvania, recycling programs have proved to be an effective means of dealing with the problem of waste management. In 1988, the Pennsylvania State Legislature enacted Act 101, which required 600 Pennsylvania communities to implement recycling programs. By complying with the guidelines of this legislation, Pennsylvania's waste stream has been reduced from 9.1 million tons in 1990 to 8.3 million tons in 1992. With economic development agencies adding to the expansion of recycling markets, I believe that the size of the waste stream will continue to decline. Success, however, will be jeopardized if State planning efforts continue to be trumped by growing volumes of out-of-State waste replacing planned instate disposal capacity.

It is important to recognize that these programs take time to implement and should be realistic in terms of their long-term recycling goals. While many officials from large waste exporting States enjoy talking about their ambitious recycling goals, there is an immediate need to correct the present problem and make provisions to handle the larger portion of the waste stream that cannot be recycled. New Jersey officials have spoken of their plan to achieve 60 percent recycling by 1996 to illustrate New Jersey's commitment to waste reduction. However, these individuals have failed to mention that their recycling figures apparently include a whole host of industrial recycling activities which include scrap automobiles and highway asphalt recycling. These types of industrial wastes are recycled at a much higher rate than household trash and thus distort the recycling figures significantly. We should not allow unrealistic recycling goals as a substitute for comprehensive, realistic long-term waste management plans.

Mr. President, I am confident that this legislation will encourage States to take responsibility for their waste management needs. Until all States act to site sufficient state-of-the-art landfill capacity and implement realistic recycling programs, we will need to empower States to preserve the capacity they have. Accordingly, I urge my colleagues to support this bill and look forward to its prompt consideration by the Senate.•

• Mr. METZENBAUM. Mr. President, as a cosponsor of Senator COATS' bill, I rise to speak in support of efforts to give States explicit authority to limit the trash which currently flows across their borders.

Ohio, unfortunately, is one of the biggest recipients of other States' garbage. In 1991, the most recent year for which numbers are available, over 1.7 million tons of trash came from outside Ohio's borders. This garbage fills up precious landfill space that Ohioans could use for their own disposal needs.

Last year I worked with my Senate colleagues to enact legislation similar to the bill being introduced here today. While that legislation died in the House with the conclusion of the 102d Congress, the problem did not go away. That is why I support my colleague from Indiana's effort to get this issue moving again now.

While I think Senator COATS' bill is a step in the right direction, it is only a first step. In my State, imports of ordinary garbage appear to be declining slightly from previous years.

However, industrial waste imports have been increasing at an alarming rate. Such waste covers industrial byproducts like wastewater treatment plant filter cake, spent foundry sand and slag, scrap basing cement, and spent oil filters.

According to Ohio officials, more than 40 percent of the imported trash choking Ohio landfills could be classified as industrial waste and could escape coverage under the bill as introduced today.

I look forward to working with Senator COATS and other sponsors of this legislation to address the critical issue of industrial waste. In the meantime, though, I believe we must move forward in our efforts to give States more authority to limit out-of-State trash.•

• Mr. BOND. Mr. President, I am very pleased to once again cosponsor legislation with Senator COATS, and others which would give States new and necessary authority to limit the disposal of out-of-State garbage within their borders. The ingredients for this explosive mix are easy to identify: Highly urbanized States, many in the Northeast, with expensive and crowded landfills but literally tons of garbage, have found it cheaper and easier to have their waste hauled thousands of miles to the wide open spaces of the Midwest, with cheaper, bigger landfills. In the process, we have lost much of our landfill space, at bargain basement rates, to someone else's garbage. In addition, as last year's saga of the infamous New York trash train illustrated, out-of-State garbage poses a health and safety risk. The train wandered through Missouri for more than a week, lacking the required State permit to dump its smelly contents.

This new legislation would prevent future trash trains by giving States and localities new authority to regulate trash imports. For example, a Governor, at the request of the local government, could ban out-of-State waste from any landfill that did not meet new State landfill standards or did not receive such waste in 1991.

In addition, a Governor could also freeze garbage imports at current levels at any-landfill in the State, even if it complied with State standards and received such waste in 1991. Under the bill, he can take such action without the request of the locality.

Finally, for large landfills which receive a high volume of out-of-State waste, the legislation gives Governors additional authority to reduce the volume from 30 to 10 percent over 5 years.

Mr. President, it is high time States were given this needed authority. States like Missouri have been taken advantage of by the crowded Northeast for far too long; we must be able to control our own trash destiny. I urge my colleagues' support for the legislation.●

● Mr. GLENN. Mr. President, I am pleased to be an original cosponsor of the Interstate Transportation of Municipal Waste Act of 1993. I have supported and voted for restrictions on imported waste for several years, and I commend my colleague, Senator COATS for his perseverance on this important issue.

The accumulation of solid waste in municipal landfills is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials today. According to the Ohio Environmental Protection Agency [OEPA], all the landfills in Ohio could be full by the year 2000.

In 1988, Ohio enacted a comprehensive solid waste management law. Since enactment of that legislation, 34 of the 48 solid waste districts in Ohio have submitted waste management plans to the U.S. Environmental Protection Agency [EPA]. The State has also set a goal of reducing and recycling 25 percent of its waste by June 1994. Ohio is clearly taking significant steps toward resolving its waste crisis; however, rapidly dwindling landfill capacity in my State is threatened with being overwhelmed by vast quantities of waste hauled long distance from out-of-State.

Mr. President, in 1990, Ohio received 1.8 million tons of imported waste. As old landfills are closed or fill up, Ohio has reached the point where of 88 counties, 28 have no landfills, and 35 have 5 years or less of capacity. We cannot implement our environmental objectives and deal with thousands of tons of imported trash at the same time. Requiring my State and others to handle both their own solid waste problems as well as other States' problems is neither fair nor possible.

The Interstate Transportation of Municipal Waste Act gives States the authority to ban out-of-State waste when requested by the affected local government and local planning authority. In addition, it would allow States to freeze imported waste at 1991 or 1992 levels at certain facilities. Finally, the bill would permit Governors to place additional limits on out-of-State waste at landfills that received 100,000 tons or more of imported waste in 1991.

Mr. President, we must act decisively and we must act now to avert a national crisis in solid waste management. Our environment is too fragile and the impact on our citizens is too severe for us to ignore this problem any longer. I urge my colleagues to join me in supporting this legislation.●

● Mr. WOFFORD. Mr. President, Pennsylvania receives more interstate municipal waste than any other State. In 1992, our State received 3.77 million tons of municipal waste, far more than any other State. This amount alone accounts for over 30 percent of Pennsylvania's total waste stream and is a significant increase from the 3 million tons we received in 1991. Clearly, it is time to allow States to preserve their own resources for their own waste.

Pennsylvania is the Nation's leader in recycling. In our Commonwealth 653 communities have curbside recycling programs. An additional 247 have drop-off recycling. Over 7.2 million Pennsylvanians participate in these programs. In 1992, 966,000 tons of waste were recycled in Pennsylvania. Our recycling programs have gained national attention and honors. City and State, the national newspaper for State and local governments, lauded our programs in October 1992 by calling the Pennsylvania recycling programs "government at its finest." In addition, our landfill standards are the highest in the Nation and they are vigorously enforced. Pennsylvania yields to no other State in comprehensive recycling and waste reduction.

In spite of our efforts, Mr. President, Pennsylvania cannot control the increasing amount of out-of-State waste that consume thousands of acres of land each year. I join in cosponsoring this legislation because Congress needs to address the interstate waste issue soon. As a member of the Environment and Public Works Committee, I have worked with my colleagues to craft an effective interstate waste bill. This legislation includes my amendment from the last Congress which allows Governors to cap the total amount of out-of-State waste and limit out-of-State waste to 30 percent of the capacity of a landfill. Other issues remain including flow control and the ability of Governors in States like Pennsylvania with decentralized local governments to address waste issues on a statewide basis.

Mr. President, interstate transportation of municipal waste is clogging Pennsylvania roads, filling Pennsylvania land, and jeopardizing Pennsylvania's future. I believe that Congress needs to address this issue soon and I look forward to working with my colleagues to achieve that goal.●

● Mr. NICKLES. Mr. President, today I join with Senator COATS and other colleagues in introducing a bill that gives communities, in cooperation with the States, the authority to restrict imports of out-of-State municipal waste. I congratulate Senator COATS for his outstanding efforts to protect States from having unwanted, out-of-State waste dumped upon them and their communities.

The Environmental Protection Agency estimates that Americans generate 180 million tons of trash a year, which averages about 4 pounds per person daily. This amount could reach 216 million tons per year by the turn of the century at current rates of production.

Out-of-State waste has quickly become an issue which carries a great deal of emotion. In Oklahoma, we have been enticed by waste peddlers wanting to spread their product far and wide across our plains and pastures. You can guarantee a huge turnout at a community meeting by announcing a proposal to import New York sludge to spread across the countryside. Rarely have I witnessed the type of concern expressed by citizens when talk of imported waste is about to hit their town.

The issue of waste imports has taken center stage. Remember the 63-car train filled with sewage sludge which criss-crossed the country looking for a home for its unwanted waste, only to find it was not welcomed, and finally was forced to return to where it started. Then, for days, the Nation followed the saga of the wayward barge, brimming with oozing waste, as it was refused entry as it roamed from port to port.

These two notable cases were attempts to locate an out-of-State landfill to dispose of their unwanted waste. About 80 percent of today's waste is disposed of in such landfills, but landfill space is decreasing rapidly. In 1960, approximately 30,000 landfills, or open dumps, existed in the United States. This number has declined from 20,000 in 1979, to fewer than 6,000 today. An October 1989 report by the Office of Technology Assessment estimates that 80 percent of existing landfills will close within 20 years. New regulations for landfills, promulgated by the Environmental Protection Agency in October 1991, are expected to further reduce the number of operating sites.

Because of this decline in disposal capacity, many areas in the Northeast and west coast are experiencing a gap between the available disposal capacity and the amount of waste being generated. This gap is being filled by long-haul waste transport to disposal sites in the midsection of the country. Today, along with Senator COATS and others, I am introducing a bill that will make it unlawful for the owner or operator of a solid waste disposal facility to receive out-of-State trash unless the affected local government authorizes receipt.

For the last several years, I have been working with Senator COATS to pass legislation which would put a halt to unwanted out-of-State waste being dumped in Oklahoma. In 1990, I supported an amendment sponsored by

Senator COATS which would have allowed States to immediately impose higher fees on solid waste originating out of State. While the amendment was approved by the Senate, it was later dropped in conference with the House.

The bill we are introducing today takes the issue of out-of-State waste to the people it effects the most—the local residents of the area where the landfill is located. It gives States and communities, for the first time in history, the power to say no to new shipments of out-of-State trash. It allows continued trash shipments to a limited universe of landfills that meet all State standards for environmentally sound facilities. Also, it provides that no landfill can become a target for out-of-State waste by giving all States the ability to freeze volumes at grandfathered facilities.

Without this bill, Oklahoma could become the dumping ground for other States' trash against its will. This bill provides the authority for local governments and States to decide for themselves whether out-of-State trash is acceptable in their communities. Those who have to live with someone else's trash should be the ones to decide.•

• Mr. McCONNELL. Mr. President, I want to take a moment to express my support for the Interstate Transportation of Municipal Waste Act that was introduced today. Last year, a similar measure passed the Senate by an overwhelming margin. I hope that we can finally enact interstate waste legislation this year.

Our Nation faces serious challenges in the way we handle the massive amount of waste we generate each day. But, unlike the communities back east that can deal with their garbage problems by exporting them to places far away, the folks in Kentucky can do little to keep out trash from other States. Large waste imports make it difficult, if not impossible, for States like mine to come to grips with their own waste disposal needs.

My State has made substantial progress on the State and local level in planning for future waste disposal in a prudent, environmentally responsible manner. Kentucky's comprehensive waste management plan has reduced what was once a tidal wave of out-of-State trash to no more than a trickle.

But Federal legislation is still needed so that laws in States like Kentucky cannot be struck down as violative of the Constitution's commerce clause. This can only be accomplished by Congress making a clear delegation to States and local communities of the authority to prohibit the dumping of out-of-State waste.

Federal legislation is the only way to ensure that State waste management plans, limiting the influx of out-of-State garbage, are on a constitutionally sound footing. Therefore, I want to reaffirm my strong support for giving States and local communities the power to take control of their environmental futures. I am proud to be an original cosponsor of the Interstate Transportation of Municipal Waste Act, and will work hard to enact this much needed legislation in the 103d Congress.•

• Mr. BAUCUS. Mr. President, earlier today Senator COATS introduced legislation regarding the interstate transportation of municipal solid waste. When I learned that he planned to do so, I thought of Yogi Berra's famous expression, "it's deja vu all over again."

I share Senator COATS'S hope that we can enact legislation soon. And I understand that many other Senators are keenly interested in this issue. Therefore, as chairman of the Environment and Public Works Committee, I want to suggest how the Senate can most constructively proceed.

Last year's deliberations made clear that, if we want to enact legislation in this area, interested parties must set their differences aside and compromise. Last year, after a lot of work, the Senate took such an approach. As a result, we were able to pass significant legislation that would have given States and communities authority to restrict out-of-State municipal waste.

However, the legislation introduced today does not take this approach. Instead, it makes a number of significant changes in last year's consensus bill. As a result, it may in fact set us back rather than move us ahead.

Nevertheless, I am optimistic that we can again pass similar legislation. But unlike last year, I am hopeful that we can work with the other body and the administration to see that it becomes law.

In that light, I will be working with Senator LAUTENBERG, the subcommittee chairman with jurisdiction over this issue, with other Senators both on and off my committee, with the other body, and with the administration, to develop acceptable legislation.

I hope that we can reach agreement quickly. But, I must warn my colleagues that the more we reopen old issues and inject new ones, the more difficult it will be to achieve concensus.

I also want to advise my colleagues that those calling for tighter restrictions should understand that the interstate waste issue is changing.

First, the amount of waste being shipped over long distances has declined. However, in some areas short-haul waste shipments, are on the rise. This changes the nature of the debate, because communities in nearly every State rely on these short-haul waste shipments.

Second, this October, EPA's new municipal landfill regulations will become effective, forcing many communities to close older, uncontrolled dumps. This may leave some communities without enough landfill capacity to manage all of their own waste. So in some cases, these communities will look to regional landfills, perhaps in another State, to meet some of their needs. It is therefore important that we preserve the options that communities across the country are now considering.

It is important that we begin this year's process on the right foot. In that vein, I and my staff plan to meet with colleagues in the Senate, our counterparts in the other body, and with administration officials. I also plan to meet with State and local officials and private sector representatives.

By using a consensus-oriented approach, I hope that we can avoid extended debate on the Senate floor, and pass a bill with overwhelming support.

I encourage my colleagues to work with the committee as we begin this process and I look forward to an early resolution of this issue.•

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By Mr. GORTON (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. THURMOND, Mrs. KASSEBAUM, Mr. SHELBY, Mr. DECONCINI, Mr. BREAUX, and Mr. BRYAN):

S. 440. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes; to the Committee on the Judiciary.

### CHEMICAL CONTROL AMENDMENTS ACT OF 1993

Mr. GORTON. Mr. President, I am pleased to introduce today, with Senators AKAKA, D'AMATO, THURMOND, KASSEBAUM, SHELBY, and DECONCINI the Chemical Control Amendments Act of 1993, a bill to control the diversion of certain chemicals used in the illicit production of controlled substances, and provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals. In short, this bill will provide law enforcement with the tools needed to combat the deadly spread of methamphetamine or ice. After years of effort, we have arrived at a noncontroversial proposal that is supported by Republicans and Democrats, chemical manufacturers, nonprescription drug manufacturers, the Drug Enforcement Administration, and local law enforcement agencies. With that kind of support, I urge my colleagues to join me quickly to enact this important measure into law.

We are familiar with the devastating effect of crack cocaine on our society. Less known is the widespread use and destructive capability of ice—which is to methamphetamine what crack is to cocaine. By many accounts, ice is far more devastating than crack and users are more violent. Users stay high for a longer period of time, usually from 16 to 18 hours, and sometimes for several days. Furthermore, ice can be produced almost anywhere, but most commonly in clandestine laboratories, known to many law enforcement officials as kitchens of death.

THE CLANDESTINE LABORATORY PROBLEM

Over 80 percent of all clandestine laboratories seized involved the production of methamphetamine. The clandestine laboratory problem is one involving the production of synthetic drugs, that is, methamphetamine, amphetamine, LSD, PCP, et cetera, which are produced from precursor chemicals. A precursor chemical is one which is actually incorporated into the molecule of the final drug product. Ephedrine is a precursor for methamphetamine since it becomes part of the methamphetamine molecule and ephedrine is the most commonly used precursor used to produce methamphetamine.

From 1981 to 1988, the Drug Enforcement Administration reported a 400-percent increase in the number of seizures of clandestine labs. In late August 1989, the Chemical Diversion and Trafficking Act [CDTA] went into effect and this trend was immediately reversed. The Chemical Diversion and Trafficking Act of 1988 was the first comprehensive legislative effort by a major nation to control the diversion of chemicals as an element of its effort to deal with the illicit drug problem. The CDTA demonstrated that this is an effective approach to drug control which can be implemented with modest administrative burdens to government and industry. Laboratory seizures declined to 521 in 1990 and to 375 in 1991. This decline has validated the effectiveness of chemical control as a law enforcement tool.

Two major weaknesses in the CDTA need to be remedied, however, if this success is to continue. The first is the legal drug exemption, set out at 21 U.S.C. 802(39)(A)(iv), which exempts a drug product which contains a listed chemical from the provisions of the act. The listed chemicals most affected by this provision are ephedrine, pseudoephedrine, and phenylpropanolamine, each of which is used in various over-the-counter [OTC] and prescription drug products.

Meanwhile, cooks, the operators of clandestine labs, continue to evade law enforcement and the spread of ice continues, particularly in the Western United States. In their wake, these chemical druglords leave destroyed lives, terrorized communities, and toxic remains. In fact, the health risks posed by the hazardous wastes of abandoned clandestine laboratories present nearly as serious a problem as the production of the drugs.

Many of these chemicals are highly toxic, explosive, and even radioactive. They are recklessly dumped into our streams, sewers, and on the ground—poisoning the land and ground water. As Paul Pierce, president of the Clandestine Laboratory Investigators Association and police officer with the city of Camas in Washington State, stated in testimony last year before the Judiciary Committee, "It should be understood from the beginning that every lab is an environmental nightmare."

In one of over 50 seizures of meth labs in the Northwest, Officer Pierce testified that his investigative unit discovered a lab in Skamania County in Washington State that had produced more than 80 pounds of methamphetamine. Behind the residence on a hillside, detectives found hundreds of buckets of waste buried in the ground. The hillside, which contained individual wells that served as the water source in the area, was spongy to walk on due to the amount of chemical waste.

At another lab site, a suspect was using a mobile home to manufacture drugs using mercuric chloride, containing mercury, and lead acetate, containing high concentrations of lead. For over a year the operator simply poured his waste out of the trailer and into a creek that fed a nearby county park swimming hole.

In yet another case, a suspect in eastern Clark County who had a lab in his five-bedroom home dumped his waste into his septic tank which overflowed and sent toxic chemicals into a nearby creek. The creek fed a local dairy farm and popular recreational lake.

If the devastation of drug abuse, the health risks of hazardous waste, and damage to the environment are not enough, I was appalled to discover recently that many local and State governments across the Nation discourage pursuit of meth lab operators because, by law, the local government is responsible for the extraordinary cleanup costs. Since, under Federal law, the seizing agency is considered the generator of the waste, it is liable for cleaning it up. This absurdity in the law penalizes the taxpayer rather than the clandestine lab operator, delays needed environmental cleanup, and exposes innocents to unknown health risks.

Even States like my State of Washington, which have enacted toxic control laws to address the damage done by meth labs, still pay an enormous price in cleanup costs. A member of the spill response unit of the Washington State Department of Ecology recently informed my office that of the approximately 200 lab cleanups he has been involved with over 4 years, the costs were recovered in only 1 case. At an average cost of $3,000 per cleanup, it is no wonder State and local governments have little incentive to pursue clandestine lab operators.

THE CHALLENGE

The plague of meth labs is due to the availability of legal chemicals that operators divert to produce illegal drugs. One option would be to treat these legal chemicals as controlled substances and forbid their production for any purpose. However, that would preclude the availability of the thousands of products that we take for granted every day. The first challenge is to find a method to control the diversion of legal chemicals without affecting the commerce of valuable and legal over-the-counter products. Second, we must make producers of illicit drugs liable for the cleanup costs of the waste they leave behind.

HISTORY OF LEGISLATIVE EFFORT

As you can imagine, meeting these challenges has been difficult to say the least. Since 1989, I and other Senators have made shutting down meth labs a top priority in the war on drugs. In 1989, after meeting with law enforcement officials in Washington State, I introduced S. 2651, the Precursor Chemical Regulation Act, which would regulate precursor chemicals used to make methamphetamines such as ice, require licenses for transactions in regulated chemicals, and impose environmental penalties for mismanagement of hazardous precursor chemicals. Senators Adams, Boschwitz, BURNS, COATS, DANFORTH, HATCH, HATFIELD, and Wilson joined as cosponsors. Their provisions were added to S. 1970, the 1990 crime bill, but were dropped in conference.

In 1991 I introduced with Senator AKAKA from Hawaii virtually the identical provisions of the earlier legislation as S. 1142, and I had intended to attach them to the 1991 crime bill. Instead, after consulting with the Drug Enforcement Administration, I introduced a more comprehensive package of precursor chemical amendments intended to build on and strengthen the principles underlying our Federal drug laws. In addition, the bill would have implemented several of the recommendations of the multinational chemical action task force convened in connection with the 1990 Houston economic summit. This new package was offered by this Senator and Senators AKAKA, BRYAN, D'AMATO, DECONCINI, BURNS, PACKWOOD, and BIDEN, the chairman of the Senate Judiciary Committee, as an amendment to S. 1241, the 1991 violent crime bill. This strong bipartisan support, along with the backing of the Drug Enforcement Administration and the Chemical Manufacturers Association, led to the adoption of the measure by voice vote.

Shortly, thereafter, I was contacted by the Nonprescription Drug Manufacturing Association, which has raised concerns about the legal drug exemption set forth in section 3102(c)(5). Under then current law, the legal drug exemption generally exempted from Federal drug enforcement laws pharmaceutical products which may be marketed or sold lawfully under the

Federal Food, Drug, and Cosmetic Act. The NDMA raised concerns that the original language of section 3102(c)(5) would unduly regulate legitimate pharmaceutical manufacturers whose products were not being diverted to the production of illicit drugs.

Finding its concerns valid and crucial to the best possible solution, I asked the NDMA to sit down with the DEA and CMA to find acceptable language. After months of often very difficult negotiations, an agreement was reached, and I informed conferees to the crime bill of that success. Although I understood that the changes would be adopted in the conference, the final report did not include the new agreement.

The bill I am introducing today, therefore, represents that extraordinary agreement and some minor technical improvements. The legitimate concerns of the Nonprescription Drug Manufacturers Association have been met. In fact NDMA recently raised an issue which applied to both Section 3—Registration—and Section 4—Reporting of Listed Chemical Manufacturing—of the new bill. The issue was that the distribution and manufacture of drug products containing listed chemicals which were exempt under certain provisions were not specifically exempted from the other sections. It had not been the intention of the DEA that exempt drug products be subject to these requirements and it was agreed that a specific statement to this effect would be added to both sections. This process, which has taken several years, finally has produced a result that only clandestine lab operators will regret.

This bill is precisely the same measure that I introduced last year as S. 3097 and H.R. 5717 which was introduced in the other Chamber by Congressman CHARLES SCHUMER of New York, the chairman of the House Subcommittee on Crime and Criminal Justice. S. 3097 was incorporated into the Biden-Thurmond Justice Improvements Act, a package of noncontroversial bills which passed during the last Congress. It is my hope and expectation that this legislation will once again be included in a noncontroversial crime package.

### BILL HIGHLIGHTS

Specifically, the bill would provide for the following:

Section 2 eliminates the terms "Precursor Chemical" and "Essential Chemical" and replaces them with "List I Chemical" and "List II Chemical." This allows the DEA to focus degree of control on the nature of the diversion and use of the chemical rather than its status as a precursor or essential chemical. It also allows the DEA to transfer chemicals between lists if circumstances warrant greater or lesser control. In addition, this section makes U.S. chemical control law consistent with international nomenclature, expands the definitions of "Regulated Person" and "Regulated Transaction" to include brokers and traders, and modifies exemption for chemical mixtures to be consistent with the 1988 U.N. Convention.

This section also modifies the legal drug exemption. Specifically, it removes the exemption for products in which ephedrine is the only active medicinal agreement in therapeutic amounts. The DEA may remove by regulation the exemption for other drugs containing listed chemicals if it is determined that they are being diverted. In addition, this section contains specific criteria for determining that a drug containing a listed chemical is being diverted. Finally, manufacturers may apply to retain exemption for specific drug products if they can demonstrate that the drug product is manufactured and distributed in a way which prevents diversion.

Section 3 provides for regulation requirements for list I chemicals and applies to all distributors, importers, and exporters of list I chemicals. The requirements parallel those for registration to handle controlled substances. Those include the authority to revoke or deny based on public interest grounds as well as traditional grounds, immediate suspension in cases of imminent danger to the public health or safety, and criminal penalties for distribution, importation, or exportation without required registration. Registration is not required for distribution, importation, or exportation of drug products containing list I chemicals covered by the legal drug exemption.

Section 4 provides for the reporting of listed chemical manufacturing. All manufacturers will be required to submit annual reports on the total quantity of listed chemicals produced during the year. This reporting requirement does not apply to the manufacture of drug products containing list I chemicals covered by the legal drug exemption.

Section 5 requires brokers and traders to have the same recordkeeping and reporting requirements for international transactions as exporters and subjects them to the same criminal sanctions.

Section 6 provides for exemption authority and additional penalties. This will allow DEA to apply a target approach to export controls. Exports of some chemicals to certain countries—such as cocaine processing chemicals to the Andean countries—may be subject to 15-day advance notice even if the shipment is destined for a regular customer. Exports of some chemicals to certain countries—such as solvents to Canada—would not require 15-day advance notice even if the customer is not a regular customer.

This section also authorizes the DEA to reduce controls on the importation of specified chemicals by modifying or eliminating the advance notice requirement. A specific criminal penalty is added for individuals who attempt to evade reporting requirements by falsely claiming that a shipment is destined for a country for which a waiver of this requirement has been established. A specific criminal penalty for smuggling of listed chemicals is added.

Section 7 provides for amendments to list I. Three chemicals which were added by the Crime Control Act of 1990 are deleted. Two of them are precursors for substances not controlled under Federal law and the third is already listed as a controlled substance. Two chemicals which are used to illicitly manufacture the immediate precursor to methamphetamine are added to list I.

Section 8 provides for the elimination of regular supplier status and the creation of regular importer status. This will place the focus of control on the U.S. firm which imports a listed chemical. The present focus is on the foreign firm which supplied the chemical.

Section 9 provides for administrative inspections and authority. DEA's inspection authority is presently limited to places where records required under the CDTA are maintained. This amendment will expand this authority so that DEA will have the same inspection authority for listed chemicals as it presently has for controlled substances.

Section 10 clarifies the Attorney General's authority to eliminate thresholds for specific chemicals.

Perhaps most importantly, section 11 creates an additional felony if an individual violates the Solid Waste Disposal Act in the handling of chemicals used to illegally manufacture a controlled substance. In addition, the individual shall be responsible for the costs of cleanup and restoration.

Section 12 subjects listed chemicals to the same forfeiture provisions which apply to controlled substances.

Last, section 13 grants the DEA full access to all information in the national practitioners databank such as adverse State licensing actions and other reportable data. The DEA will utilize this information in determining whether to initiate administrative action against the practitioner's registration to handle controlled substances.

### CONCLUSION

Obviously, this legislation when enacted into law will have a dramatic effect on the pursuit of meth lab operators and the destruction of clandestine laboratories. Indeed, perhaps it should be referred to as the "Ice Breaker Act of 1993." It is the culmination of years of effort, patience, dedication, and hard work by the Drug Enforcement Administration, the Chemical Manufacturers Association, and the Nonprescription Drug Manufacturers, and I commend them for their commitment to good public policy.

Mr. President, I would like to ask unanimous consent to enter into the RECORD the full text of the Chemical Control Amendments Act of 1993, as well as letters of endorsement from the Drug Manufacturers Association, the Nonprescription Drug Manufacturers, and the Chemical Manufacturers Association. In addition, I would like to enter a letter from Officer Paul Pierce, president of the Clandestine Laboratories Investigators Association who states:

> On behalf of them [CLIA] I wish to extend our enthusiastic support and endorsement for this legislation. It will result in a major weapon against the clandestine laboratory operator and more especially against the procurer and supplier of those chemicals without which an entire sector of domestically manufactured illegal drugs might just be eradicated.

With that powerful endorsement from the men and women who seize the labs, I wish to thank my colleagues who have joined as original cosponsors. I also wish to thank Chairman SCHUMER for his leadership on this important legislation. After years of work, I can say confidently that I expect this noncontroversial bill to pass easily and urge my colleagues to support it.

I ask unanimous consent that the following material appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## S. 440

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Control Amendments Act of 1993".

### SEC. 2. DEFINITION AMENDMENTS.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34)—

(A) by striking "listed precursor chemical" and inserting "list I chemical"; and

(B) by striking "critical to the creation" and inserting "important to the manufacturer";

(3) in paragraph (34) (A), (F), and (H), by inserting ", its esters" before "and";

(4) in paragraph (35)—

(A) by striking "listed essential chemical" and inserting "list II chemical";

(B) by inserting "(other than a list I chemical)" before "specified";

(C) by striking "as a solvent, reagent, or catalyst"; and

(5) in paragraph (38) by inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine" before the period;

(6) in paragraph (39)(A)—

(A) by striking "importation or exportation of" and inserting "importation, or exportation of, or an international transaction involving shipment of,";

(B) in clause (iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(C) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

"(I)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine and therapeutically insignificant quantities of another active medicinal ingredient; or

"(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General."; and

(D) in clause (v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this title and title II based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;";

(7) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" each place it appears and inserting "list I chemical or a list II chemical"; and

(8) by adding at the end the following new paragraphs:

"(43) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

"(44) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

"(A) negotiating contracts;

"(B) serving as an agent or intermediary; or

"(C) bringing together a buyer and seller, buyer, and transporter, or a seller and transporter.".

(b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

(1) PROCEDURE.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF EXEMPTION OF CERTAIN DRUGS

"SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv)(II) a drug or group of drugs that the Attorney General finds is being diverted to obtain a listed chemical for use in the illicit production of a controlled substance.

"(b) FACTORS TO BE CONSIDERED.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

"(1) the scope, duration, and significance of the diversion;

"(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance; and

"(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

"(c) SPECIFICITY OF DESIGNATION.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

"(d) REINSTATEMENT OF EXEMPTION WITH RESPECT TO PARTICULAR DRUG PRODUCTS.—

"(1) REINSTATEMENT.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion.

"(2) FACTORS TO BE CONSIDERED.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) STATUS PENDING APPLICATION FOR REINSTATEMENT.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) AMENDMENT AND MODIFICATION.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.".

(2) TECHNICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of the section relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs.".

(c) REGULATION OF LISTED CHEMICALS.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B) by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

### SEC. 3. REGISTRATION REQUIREMENTS.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER UNDER SECTION 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b)—

(A) by inserting "or list I chemicals" after "controlled substances"; and

(B) by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS UNDER SECTION 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

"(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance by the applicant with applicable Federal, State and local law;

"(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

"(5) such other factors as are relevant to and consistent with the public health and safety.".

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting "or a list I chemical" after "controlled substance" each place it appears; and

(B) by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g)—

(A) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(B) by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance"; and

(B) in paragraph (2) by striking "in schedule I, II, III, IV, or V," and inserting "or list I chemical,"; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(B) in paragraph (2) by inserting "or list I chemicals" after "controlled substances".

(f) REGISTRATION REQUIREMENTS UNDER SECTION 1008.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

"(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(g) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) if the person is a regulated person, to distribute, import, or export a list I chemical without the registration required by this Act.".

### SEC. 4. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(6) by adding at the end the following new paragraph:

"(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv).".

### SEC. 5. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) A person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

"(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, imprisoned not more than 10 years, or both.".

### SEC. 6. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) NOTIFICATION REQUIREMENT.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 5(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 5(b),. is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or

"(6) imports or exports a listed chemical in violation of section 1007 or 1018.".

### SEC. 7. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)"; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane.".

### SEC. 8. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer"; and

(B) in paragraph (2)—

(i) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(ii) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(2) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

### SEC. 9. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained."; and

(2) in subsection (b)(3)—

(A) in subparagraph (B) by inserting ", listed chemicals," after "unfinished drugs"; and

(B) in subparagraph (C) by inserting "or listed chemical" after "controlled substance" and inserting "or chemical" after "such substance".

### SEC. 10. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount for multiple transactions".

### SEC. 11. MANAGEMENT OF LISTED CHEMICALS.

(a) IN GENERAL.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) ENHANCED PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1) a defendant shall be assessed the following costs to the United States, a State, or another authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a class D felony, or in the case of a willful violation, as a class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for a violation of subsection (a) should not be less than 5 years, nor less than 10 years in the case of a willful violation.

"(4) A court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) USE OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

### SEC. 12. FORFEITURE EXPANSION.

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraph (6) by inserting "or listed chemical" after "controlled substance"; and

(2) in paragraph (9) by striking "a felony provision of".

### SEC. 13. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

### "SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r-2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).".

### SEC. 14. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the date of enactment of this Act, issue regulations necessary to carry out this Act.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall become effective on the date that is 120 days after the date of enactment of this Act.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
*Washington, DC, July 22, 1992.*
Hon. SLADE GORTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GORTON: The purpose of this letter is to confirm the complete support of this agency for your bill entitled the Chemical Control Amendments Act of 1992. Representatives of this agency have worked diligently with your staff in the development of this legislation which will greatly enhance our ability to deal with the problems of chemical diversion. The results of our activities in this area under our current limited authority have demonstrated that chemical control is an extremely effective mechanism with which to deal with the illicit production of drugs. The provisions contained in your bill address specific weaknesses in our law which are being exploited by individuals who require precursor and essential chemicals to produce drugs which plague our society. I thank you for your sponsorship of this legislation which we feel is critical to the mission of this agency.

Very truly yours,
ROBERT C. BONNER,
*Administrator of Drug Enforcement.*

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NONPRESCRIPTION DRUG
MANUFACTURERS ASSOCIATION,
*Washington, DC, July 22, 1992.*
Hon. SLADE GORTON,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR GORTON: The Drug Enforcement Administration (DEA), the Chemical Manufacturers Association (CMA) and the Nonprescription Drug Manufacturers Association (NDMA) have worked closely with Senator Slade Gorton and his staff and other members of the Senate and House of Representatives in drafting the Chemical Control Amendments Act of 1992. This legislation will provide federal enforcement agencies with needed tools to more effectively identify and deal with individuals and companies that are using precursor and other chemicals for the illicit manufacture and distribution of controlled substances such as methamphetamines. The bill recognizes that these same chemicals are essential in producing many useful commodities and are contained in literally hundreds of prescription and over-the-counter medications. The legislation therefore limits the regulatory burdens placed on legitimate chemical manufacturers and distributors and exempts from the controls of the Act drug products that may be lawfully marketed in the United States.

The NDMA strongly supports prompt enactment of the Chemical Control Amendments Act of 1992.

Sincerely,
J. ROBERT BROUSE,
*Vice President, Government Relations.*

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CHEMICAL MANUFACTURERS
ASSOCIATION,
*Washington, DC, July 22, 1992.*
Hon. SLADE GORTON,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR GORTON: The Chemical Manufacturers Association (CMA) wishes to convey its strong support for legislation you intend to introduce, the "Chemical Control Amendments Act of 1992." CMA has actively worked with your staff and the Drug Enforcement Administration (DEA) to prevent the diversion of certain precursor and essential chemicals critical to the manufacture of illicit drugs. Your proposal will provide the Federal Government the authority necessary to effectively control diversions of legitimate chemical shipments which we wholeheartedly support.

CMA is a non-profit trade association whose member companies represent 90 percent of the productive capacity for basic industrial chemicals in the United States. CMA and its member companies are committed to doing their part in helping eliminate illicit drugs at their source. The cooperative effort first made by the chemical industry and the government in enacting the Chemical Diversion and Trafficking Act of 1988 has served as a model for preventing the diversion of chemical shipments to illegal drug production.

CMA and its member companies look forward to continuing their work with Congress and the Administration to stem the diversion of chemicals to the manufacture of illicit drugs. If you have any questions concerning CMA's position, please have a member of your staff contact Claude P. Bondrias, Legislative Representative, Tax and Trade, at (202) 887-1138 or Michael P. Walls, CMA Assistant General Counsel, at (202) 887-1170.

Sincerely,
ROBERT A. ROLAND,
*President.*

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CLANDESTINE LABORATORY
INVESTIGATORS ASSOCIATION,
*Washington, DC, July 22, 1992.*

DEAR SENATOR GORTON: I have spent the past two days reviewing the "Chemical Control Amendments Act of 1992" with the members of our organization from across the nation. These members are the Criminal Justice Enforcement men and women who are on the front lines of the war against drugs.

On behalf of them I wish to extend our enthusiastic support and endorsement for this legislation. It will result in a major weapon against the Clandestine Laboratory Operator and more especially against the procurer and supplier of those chemicals without which an entire sector of domestically manufactured illegal drugs might just be eradicated.

It is our considered opinion, based on the vast experience of our members, that once these laws are in effect the illegally procured chemicals purchased through semi-legitimate companies will finally begin to dry up. It gives us the tools to shut down these sources which have operated with impunity on the fringes of the law for so long.

And perhaps more importantly the shackles of cleanup costs which have hampered so many local and state agencies in their efforts to battle these illegal laboratories will finally be placed on the individuals responsible for the chemical devastation. These people are responsible not only for the pollution of entire sectors of our society with their drugs, but they are equally responsible for mini-love canals across out nation, in our rivers, forests, parks, and air. It will be many years before we know the true cost of this indiscriminate dumping of chemical wastes.

We not only fully endorse this legislation and its intent but wish further to commend you personally for your years of unselfish commitment to the war against these chemical terrorists and their "kitchens of death."

Sincerely,
PAUL J. PEARCE.

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By Mr. CAMPBELL:

S. 441. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transferor or receiver of a stolen firearm, to increase the general penalty for a violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime, and for other purposes; to the Committee on the Judiciary.

### THE FELON GUN PENALTY ACT

Mr. CAMPBELL. Mr. President, last week President Clinton addressed the Congress and asked us to pass tough crime legislation. I rise today to introduce a bill that I believe will help reduce our unacceptable rate of crime committed with firearms.

I know my colleagues have participated in many discussions, and with some passion on many occasions, regarding control and dealing with firearms. This contentious issue evokes very strong emotions, and I have been involved with some of those debates myself.

On both sides of the issue our desire is the same end, and that is the reduction of crime in our streets.

Crime is festering in our Nation and plaguing our cities. As noted just a couple of weeks ago after the shootings in front of the CIA building, no one is exempt from it. Over 15,000 murders were committed last year with firearms, and 250,000 Americans were victims of aggravated assaults with firearms in the last year.

We certainly here in the Capitol are not immune from crime. Many of our colleagues have been attacked in the streets, and their families have, too, by people who are carrying firearms.

Today I introduce legislation, the Felon Gun Penalty Act, to amend existing laws regarding the penalties for certain existing offenses. These penalties would be increased for criminals and others who wrongfully use and possess firearms, acting as a deterrent for those who prey upon law-abiding citizens.

This act does three things. First, it provides for a mandatory minimum sentence of 5 years without opportunity for parole for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is an unlawful user of or addicted to a controlled substance. Currently there is no such mandatory penalty existing for these offenses.

Second, it increases the general penalty for violation of Federal firearms laws from the present discretionary 5 years to a doubling, a 10-year sentencing and a $10,000 fine.

Finally, it increases the enhanced penalties for possession of a firearm in connection with a crime of violence or drug trafficking to 10 years for a first offense, and to 30 years for a second offense without the chance of parole.

While this legislation is similar in certain aspects to provisions of other crime-fighting bills, it differs in one important aspect. Many proposals only address crimes involving semiautomatic assault weapons. While it is true that we have recently seen an increase in crimes involving these weapons, the fact remains that over 90 percent of all firearms-related crimes involve weapons are other than assault rifles.

Therefore, I think it is significant that the penalties called for under this act apply to all violators of Federal firearms laws regardless of the type of weapon that is used.

I ask unanimous consent, Mr. President, that a copy of my bill be placed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 441

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MANDATORY MINIMUM SENTENCE FOR UNLAWFUL POSSESSION OF A FIREARM BY CONVICTED FELON, FUGITIVE FROM JUSTICE, ADDICT OR UNLAWFUL USER OF CONTROLLED SUBSTANCE, OR TRANSFEROR OR RECEIVER OF STOLEN FIREARM.**

Section 924(a) of title 18, United States Code, is amended by inserting ", and in the case of a violation of section 922 (g) (1), (2), or (3), (i), or (j) shall be imprisoned not less than 5 years" before the period.

**SEC. 2. INCREASE IN GENERAL PENALTY FOR VIOLATION OF FEDERAL FIREARMS LAWS.**

Section 924(a)(1) of title 18, United States Code, is amended—

(1) by striking "$5,000" and inserting "$10,000; and

(2) by striking "five" and inserting "10".

**SEC. 3. INCREASE IN ENHANCED PENALTIES FOR POSSESSION OF FIREARM IN CONNECTION WITH CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

Section 924(c)(1) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "twenty" and inserting "30".

**SEC. 4 TECHNICAL CORRECTION.**

Section 924(a)(1) of title 18, United States Code, is amended by striking "(2) or (3)" and inserting "(2), (3), or (4)".

By Mr. BINGAMAN:

S. 442. A bill to provide for the maintenance of dams located in Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Indian Affairs.

### INDIAN DAMS SAFETY ACT OF 1993

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill which addresses critical safety issues at a number of dams located on American Indian lands. Many of these dams have problems with the integrity of dam structures, increasing seepage, and accelerated bank erosion. These problems could lead to a failure of the dam and the loss of lives and property on several Indian reservations throughout the State.

A dam safety program on Department of the Interior lands was originally mandated by a secretarial order in February, 1980. This order established and assigned responsibilities for agencies within the Department to carry out a program of dam safety inspections, using Bureau of Reclamation classification standards, and further mandated that the agencies take whatever measures were necessary to prevent dam failures which threatened the loss of life or property. Despite this, the Bureau of Indian Affairs [BIA] had no program or administrative organization in place until 1991 to provide for the maintenance of dams, even though additional Federal guidelines and BIA policy require that agency officials ensure that dams are properly maintained.

Due to the lack of a comprehensive dam safety program, the BIA has not carried out a timely program of correcting the serious deficiencies revealed in the 1989 report prepared by the Department's inspector general. Today, at least 7 of the 22 BIA administered dams in my home State of New Mexico have been identified as containing structural problems which classifies them as presenting high or significant hazards to human life and property in the event of failure. Mr. President, it is of deep concern to me that these dams have not been repaired nor sufficient measures taken by the BIA to initiate this repair.

This dangerous situation has three basic causes. First, the Secretary's Dam Safety Program has not been given a sufficiently high priority within the BIA. Second, BIA continues to allow the unrestricted use of unsafe dams. And, third, BIA either doesn't have, or has not used, available engineering and fiscal resources to work on problem dams.

In addition to threats to human safety and property, BIA inaction has resulted in increased maintenance costs for the current inventory of dams, as well as increasing the costs of correcting critical problems.

To correct this situation and hopefully avert a human and material tragedy, I am introducing legislation which will provide for the immediate inventory of dams on Indian lands, the classification of all dams using Bureau of Reclamation safety standards, and the timely repair of unsafe conditions at targeted dams.

Equally important, this legislation calls for the establishment of a dam safety, operation, and maintenance program within the BIA. The goal of this measure is to create, within the BIA, a long-term dam safety management program similar to programs currently in place within the Bureau of Reclamation and the Army Corps of Engineers. Once the immediate life threatening problems at a dam have been identified and repaired, that dam will be monitored to insure its continued safety.

My bill also permits the Secretary of the Interior to enter into memoranda of understanding with other appropriate Federal agencies, including the Bureau of Reclamation and the Army Corps of Engineers, to provide any technical expertise needed to implement an effective dam safety program.

It is also important to note that the work authorized under this Act will be for the purpose of responding to problems of dam safety, and not to increase the conservation storage capacity of dams or otherwise increase the benefits of the original dams and reservoirs.

In order to promote increased involvement of American Indians in the management of dams on their own lands, this legislation authorizes the Secretary to contract with appropriate Indian tribes to carry out elements of the dam safety operation and maintenance program.

Mr. President, the scope of this problem extends well beyond the boundaries of New Mexico. The inspector general's report revealing major problems with New Mexico dams indicated at least 19 dams in neighboring States have similar problems. I urge my colleagues to join me in supporting this legislation. We must move quickly to avert disaster to life and property.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 442

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Dams Safety Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) in 1980, the Secretary of the Interior established a department-wide dam safety program to correct deficiencies identified by inspections of dams;

(2) the Bureau of Indian Affairs (hereafter referred to in this Act as the "BIA") did not make timely progress toward accomplishing the objectives of the dam safety program and, as a result, 53 dams on Indian lands are considered to present a high hazard to human life in the event of failure;

(3) unsafe BIA dams continue to pose an imminent threat to people and property because the dam safety program has not been given a sufficiently high priority either by the BIA or by the Congress;

(4) until 1991, the BIA did not have an adequate program to ensure proper periodic maintenance of dams under its jurisdiction and structural problems have often led to seepage and accelerated bank erosion, as well as other unsafe conditions;

(5) safe working dams are necessary on Indian lands to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats;

(6) because of inadequate attention in the past to regular maintenance requirements of BIA dams, the costs for needed repairs and future maintenance are significantly increased;

(7) many dams have operation and maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property; and

(8) it is necessary to institute a regular dam maintenance and repair program, utilizing expertise either within the BIA, the Indian tribal governments, or other Federal agencies.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) INDIAN TRIBES.—The term "Indian tribes" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) DAM SAFETY PROGRAM.—The term "dam safety program" means the program established by the Secretary of Interior by order dated February 28, 1980, to prevent dam failure and the resulting loss of life or serious property damage.

(4) DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The term "dam safety operation and maintenance program" means the program established under section 4 of this Act.

(5) DAM SAFETY CONDITION CLASSIFICATIONS.—The term "dam safety condition classifications" means the following classifications cited in the Bureau of Reclamation glossary of dam safety terms:

(A) SATISFACTORY.—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) FAIR.—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) CONDITIONALLY POOR.—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) POOR.—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) UNSATISFACTORY.—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

**SEC. 4. ACTIONS BY SECRETARY.**

(a) ESTABLISHMENT OF DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The Secretary shall establish a dam safety operation and maintenance program within the BIA to ensure the regular, recurring, routine maintenance, examination, and monitoring of the condition of each dam identified pursuant to subsection (c) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) REHABILITATION.—The Secretary is directed to perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (c) to a satisfactory condition. Upon the completion of rehabilitation work on each dam, the dam shall be placed under the dam safety operation and maintenance program established pursuant to subsection (a) and shall be regularly maintained under the guidelines of such program.

(c) LIST OF DAMS.—The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classifications of each dam, as such terms are defined in section 3(5).

(d) PURPOSE.—Work authorized by this Act shall be for the purposes of dam safety operation and maintenance and not for the purposes of providing additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs.

(e) TECHNICAL ASSISTANCE.—To carry out the purposes of this Act, the Secretary may obtain technical assistance from agencies in addition to the BIA under his jurisdiction, such as the Bureau of Reclamation, or from other departments through memoranda of understanding, such as the Department of Defense. Notwithstanding any such technical assistance, the dam safety program and the dam safety operation and maintenance program shall remain under the direction of the BIA.

(f) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with appropriate Indian tribes to carry out the dam safety operation and maintenance program established pursuant to this Act.

**SEC. 5. AUTHORIZATION.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

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By Mr. SPECTER:

S. 443. A bill to amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make improvements in capacity planning processes, and for other purposes; to the Committee on Environment and Public Works.

### HAZARDOUS WASTE FACILITIES SITING ACT OF 1993

Mr. SPECTER. Mr. President, I now turn to the Hazardous Waste Facilities Siting Act of 1993, which I am introducing at this time.

There is an enormous problem about where to site hazardous waste facilities. In Pennsylvania, for several years we have been confronted with concern focused on a number of sites; most notably, one in Union County and one in Clarion County, PA. The objective here is to get the company wishing to site such a facility to work with the affected communities. And the legislation which I am proposing, Mr. President, puts a premium on having the company which wishes to site a hazardous waste incinerator get that kind of consent.

Mr. President, today I am introducing legislation to help us address the complex problem of siting hazardous waste disposal facilities.

All across the country, communities are facing the vexing issue of how they should react to proposals to site hazardous waste incinerators in their midst. There are currently 18 commercial hazardous waste incinerators in operation around the Nation with more than a dozen additional facilities planned or close to opening. In my State of Pennsylvania, there are currently two sites being evaluated by the Pennsylvania Department of Environmental Resources for permits to site hazardous waste incinerators. The communities surrounding these two sites share a number of common characteristics: The citizens in the area are almost unanimously opposed to the facilities; the citizens and local authorities were never fully consulted by the applicant prior to their decision to apply for a siting permit; and finally, neither of the communities has sufficient resources to undertake an adequate evaluation of the reams of technical documents used by the applicants to support their application.

Unless these issues are resolved in the earliest stages of the application process, communities, and developers are destined to find themselves embroiled in siting conflicts throughout the duration of the permitting process, a process which can often take as long as 10 to 15 years. This has been the case with a hazardous waste incinerator recently constructed in East Liverpool, OH, by Waste Technologies, Industries [WTI]. The WTI facility, the newest of its type, has the capacity to burn as much as 60,000 tons of toxic waste each year. Many serious questions have been raised by local citizens and officials concerning the ownership and need for the facility as well as the possible impact of its emissions on the public health and safety of individuals living in the vicinity. Of particular concern is the health risk to the students at the elementary school 400 yards away from the incinerator smokestack. There is also the issue that air inversions, typical in the Ohio River Valley, could allow toxic emissions to accumulate in the atmosphere. Finally, the incinerator is also located 100 yards from the Ohio River in a flood plain over two underground sources of fresh water.

Since enactment of the Resources Conservation and Recovery Act [RCRA] in 1976, the Comprehensive Environmental Response Compensation and Liability Act [CERCLA] in 1980, the Superfund Amendments Reauthorization Act of 1984, and the Emergency Planning and Community Right To Know Act of 1986, we have made considerable progress in addressing the Nation's hazardous waste problems. Awareness of the country's hazardous waste disposal needs has increased significantly among Federal, State, and local Government authorities, industry, and the general public. The Environmental Protection Agency, for example, has worked to implement regulations which have helped us identify the magnitude of this problem through the review of capacity assurance data and the monitoring of hazardous waste flows between the States. Industry has also become an increasingly committed participant by implementing new waste minimization technologies and manufacturing processes to reduce waste generation. These government and corporate initiatives have come to be seen by the general public as the alternative to the increasing numbers of large commercial treatment facilities being proposed by developers in communities throughout the country.

Unfortunately, our growing hazardous waste disposal needs have brought us to a crossroads where we must now confront difficult decisions about how much additional hazardous waste disposal capacity is needed throughout the country. This, in turn, gives rise to the issue of what role the public should assume in reviewing proposals/applications to locate hazardous waste disposal facilities in their communities.

While we have made considerable progress in minimizing the generation of hazardous waste, the Nation continues to produce more than 260 million tons of reported hazardous waste each year. Fortunately, more than 90 percent of this waste is treated onsite and only 4 million tons is exported between the States for treatment. EPA has implemented the capacity assurance planning process to measure the amount of waste produced by each State and to verify the amounts which must be shipped interstate for treatment.

Many States are working to achieve self-sufficiency in hazardous waste management so that they will not have to continue to rely upon other States for their hazardous waste disposal needs. These States, according to waste-planning officials in Pennsylvania, will have to consider siting modern pollution-free landfills and, in some cases, incinerators. For such expansions in disposal capacity, I believe the local community should have a clear and unambiguous role in determining whether a proposal to locate a facility in their community can be accomplished without threatening the health and economic welfare of its citizens. Moreover, the developer should be required—to the greatest extent practicable—to receive the consent of the community before proceeding with plans to locate a hazardous waste treatment facility.

This legislation devises a procedure for linking the siting of hazardous waste treatment facilities to community participation in the siting process. We cannot expect the public to acquiesce in the siting of facilities in their communities if they have been left out of the decision making process. My bill requires the applicant, prior to submission of any application to a State or Federal permitting authority for site approval, first to approach local governments and the community residents to inform them as to the intention to construct a hazardous waste disposal facility in their area. The applicant is then required to request the EPA Administrator to establish a host community advisory committee to assist the local community in reviewing the applicant's proposal. The applicant must also provide written certification that the State requires the siting of additional hazardous waste disposal capacity.

Applicants who receive community consent for their facilities would be given priority consideration by Federal and State permitting authorities. This will provide a strong incentive for developers to explore every possible means of fostering a constructive working relationship with the communities, because States will not be authorized to site facilities providing excess disposal capacity unless the applicant has obtained consent from the local authorities. I believe this process will give the public a meaningful voice in the decision of whether it is feasible to site a hazardous waste disposal facility in their community.

Under our current laws, there is considerably uncertainty as to just how much additional hazardous waste disposal capacity must be sited to meet our current and future needs. The General Accounting Office, the National Governors Association, and the EPA all agree that the various methods used to calculate capacity needs have produced less than credible data to accurately assess the scope of our hazardous waste problem. We must have accurate data describing the scope of the Nation's disposal needs if we are to find the most efficient means of disposing of hazardous materials. This legislation addresses the data problem by requiring the EPA Administrator to standardize the national hazardous waste data collection process.

Inadequate data is not the only obstacle to solving the Nation's hazardous waste disposal problems. As States are encouraged to achieve self-sufficiency for their disposal needs, they become increasingly reluctant to treat hazardous materials from other States. The 1992 Supreme Court decision in Chemical Waste Management versus Hunt holds that States cannot discriminate against out-of-State waste and therefore isolate themselves from the Nation's hazardous waste disposal problems. This decision rested on the 1978 Supreme Court decision, Philadelphia versus New Jersey, that struck down a New Jersey law that prohibited the importation of waste from outside the State. Yet the question remains, how can States plan to provide disposal capacity for their own hazardous waste when they have no ability to control the amount of out-of-State waste going into their own facilities. It is because of parallel State and Federal requirements for States to plan for their own waste disposal needs that Congress must act to allow States to limit the quantities of out-of-State waste going to their facilities.

Certainly, if a community decides that it supports the siting of a hazardous waste treatment facility designed to receive out-of-State waste, and the transportation of waste to that facility poses no environmental or health threat to other communities in the State, then the facility operator should be permitted to receive out-of-State waste. However, if community consent to receive out-of-State waste has not been obtained for such a facility, and the State has no excess disposal capacity, then the State should have the ability to restrict the flow of out-of-State waste to these facilities.

The legislation I am introducing today empowers local communities to decide for themselves whether hazardous waste treatment facilities proposed for their area should be permitted to receive out-of-State waste. Since the people in these communities must ultimately shoulder the burden of any environmental or health threats posed by hazardous waste disposal facilities, they are the ones who should decide whether the facility should be designed to handle quantities including out-of-State waste.

My staff and I have met with many groups and individuals playing key roles in the sitting of hazardous waste disposal facilities, including the EPA, the Pennsylvania Department of Environmental Resources, the Chemical Manufacturers Association, the National Governors Association, and most importantly, public officials and residents of Clarion, Lancaster, Washington, and Union Counties, in Pennsylvania. It is clear to me that each shares a significant commitment to accelerating our progress in reducing the amount of hazardous waste which we produce. I believe that if we can work together to focus our efforts on improving waste minimization processes, there will be a marked decrease in the need for hazardous waste disposal facilities. Accordingly, I intend to work closely with my colleagues on the Environment and Public Works Committee to amend subtitle C of RCRA to accomplish this objective.

Few initiatives of this body are as important to the public as preserving the environment and safeguarding public health. Each requires us to make tough decisions now so that we may pass a well-founded structure onto the following generations. The public, government, and industry must all realize that we cannot achieve our goals for a cleaner environment without some sacrifice from each and every group and community. Industry must remain firmly committed to removing pollutants from their waste streams, and the public must recognize that the motion of "not in my back yard" is not the way to solve our problems. Yet, we cannot exclude communities from the process of deciding how we should address our waste disposal problems. I believe we are moving in the right direction in making the environment one of our critical priorities, and I urge my colleagues to support this bill and help us preserve our environment for the next generation.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks on the Hazardous Waste Facilities Siting Act of 1993.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 443

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; FINDINGS.**

(a) SHORT TITLE.—This Act may be cited as the "Hazardous Waste Facilities Siting Act of 1993".

(b) FINDINGS.—Congress finds the following:

(1) Local communities and the public must have a greater voice in the process of siting hazardous waste treatment facilities.

(2) Each State should have the right to preserve some hazardous waste management capacity solely for use by the State.

(3) Each State must be authorized to impose differential fees as a method of promoting equities amongst the States.

(4) The role of the Environmental Protection Agency must be expanded to increase the focus of the agency with respect to partnerships with industries to identify technologies that foster pollution prevention and support waste exchange marketing efforts on behalf of industries.

(5) Industries would demonstrate a commitment to pollution prevention by expanding voluntary goals and achieving optimum waste reduction without compromising trade secrets or risking an increase in the level of foreign imports through the banning of certain chemicals.

(6) The capacity assurance planning data gathering process required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) must be improved to standardize the format, improve the credibility of data, and reduce excess expenditures by the Federal Government and the States in the collection of the data.

**SEC. 2. SOLID WASTE DISPOSAL ACT FINDINGS.**

Section 1002(b) of the Solid Waste Disposal Act (42 U.S.C. 6901(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(9) the United States continues to generate substantial and increasing volumes of both hazardous and solid waste each year, and if the wastes are not properly managed, the wastes may pose a threat to human health and the environment;

"(10) as of the date of enactment of this paragraph, new hazardous waste management facilities are not being sited and many industries are managing waste in existing facilities without the best available environmental controls, or are engaged in long-distance transportation of wastes to other management and disposal facilities in other States;

"(11) the capacity assurance planning process under section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)) and data gathered pursuant to the process are flawed or inconsistent in many areas;

"(12) as of the date of enactment of this paragraph, the Administrator is not able to ascertain, on the basis of the data described in paragraph (11), whether or not the United States has adequate capacity to meet hazardous waste treatment and disposal needs over the 20-year period beginning on the date of enactment of this paragraph; and

"(13) the capacity assurance data gathering process must be improved to standardize and streamline the efforts of the States and improve the credibility of the data so that the public may be assured of the actual need to site more hazardous waste management facilities.".

**SEC. 3. PUBLIC PARTICIPATION AND OBLIGATIONS OF OWNER OR OPERATOR.**

(a) IN GENERAL.—Section 3005(b) of the Solid Waste Disposal Act (42 U.S.C. 6925(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "Each" and inserting "(1) Each"; and

(3) by adding at the end the following new paragraph:

"(2)(A) Each application for a permit submitted by a person who plans to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subtitle shall, in addition to containing the information required under paragraph (1), contain written assurances that the following procedures have been carried out:

"(i) The applicant published an announcement of the intent to apply for a permit to site a hazardous waste disposal facility in a newspaper of general circulation not later than 90 days before the filing of the application and also published the announcement 7 days after the date of the initial publication.

"(ii) The applicant published an announcement of any purchase or intent to purchase property, specifying the location of the property in a newspaper of general circulation not later than 90 days before the filing of an application for State approval to site a hazardous waste disposal facility.

"(iii) The applicant requested the Administrator (or the appropriate official of the State) to establish an advisory committee pursuant to subparagraph (B).

"(iv) The applicant submitted to the Administrator (or the State) and to the appropriate official of the host community a prospectus that detailed the criteria for the selection of a site, and the nature of the planned facility.

"(v) The applicant submitted to the Administrator (or the State) and the host community advisory committee, no later than 30 days prior to the public hearing described in clause (vi), a compliance history that—

"(I) had been certified as complete by the Administrator, for all related partners and parent subsidiaries of the applicant; and

"(II) included the primary documents concerning the number of notices of violations of the applicant (if any) and the nature and description of the violations.

"(vi) The host community advisory committee conducted at least one public meeting and one public hearing on the planned facility, and the applicant paid the expenses associated with the hearing (as determined by the Administrator).

"(vii) The applicant submitted to the Administrator (or to the State) a detailed analysis and reporting of—

"(I) the area in which the applicant proposed to site the facility;

"(II) the process by which the area was selected;

"(III) a description of the technologies to be used at the site;

"(IV) a comprehensive treatment analysis; and

"(V) the annual capacity of the facility and, if the applicant intends to receive waste from out-of-State, the quantities of out-of-State waste the applicant intends to receive.

"(viii) The applicant submitted to the Administrator (or to the State) written certification of a finding by the State that the requirements under State law concerning the necessity for hazardous waste treatment, storage, or disposal in the State require the siting of additional hazardous waste disposal facilities.

"(ix) Upon completion of the procedures described in clauses (i) through (viii), the applicant requested the appropriate official of the host community for written consent to site the facility in the host community.

"(B) Upon request by an applicant, the Administrator (or the appropriate official of the State) shall establish a host community advisory committee. Members of the committee shall be nominated by an appropriate official of the host community (as determined by the Administrator or the State) residents of the host community and shall be appointed by the Administrator (or the appropriate officials of the State) of which—

"(i) one member shall be a representative of health professionals;

"(ii) one member shall be a local elected official (or a representative of the official);

"(iii) one member shall be a local elected official of a county (or equivalent political subdivision of a State);

"(iv) one member shall be a local elected official of a township (or equivalent political subdivision of a State);

"(v) one member shall be a representative of the local chamber of commerce (if any);

"(vi) one member shall be a representative of local consumer groups;

"(vii) one member shall be a representative of a local environmental organization;

"(viii) one member shall be a member of a local emergency response planning committee (as described in section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001)); and

"(ix) one member shall be a representative of the general public.

"(C) Each application for a permit submitted by a person who plans to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subtitle shall, in addition to containing the information required under subparagraph (A), contain a statement by the appropriate official of the host community concerning whether or not the written consent described in subparagraph (A)(ix) was issued.

"(D) Each application for a permit submitted by a person who plans to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subtitle shall, in addition to containing the information required under paragraph (1), contain written assurances that, at the same time as the Administrator (or the State) established a host community advisory committee described in subparagraph (A), the State provided the host community advisory committee with an assistance grant described in subparagraph (E) in an amount not less than $100,000, and that the State will provide additional grants in an amount not less than $100,000 every 12 months thereafter, until such time as a final decision is made concerning the permit application.

"(E)(i) The Administrator shall establish a host community advisory committee assistance grant program to provide assistance to the committees established under subparagraph (B).

"(ii) Subject to the availability of appropriations, the Administrator shall award a grant to each State with an approved plan under this title. A State shall award grants to host community advisory committees. If a State does not have an approved plan under this title, the Administrator shall award grants to host community advisory committees in the State.

"(iii) The amount of any grant awarded to a host community under this subparagraph shall be not less than $100,000.

"(iv) A grant to a host community shall be awarded by the Administrator or the State for a fiscal year (as determined by the State). Subsequent grants may be awarded to a host community advisory committee until such time as a final decision is made concerning the permit application.

"(F) There are authorized to be appropriated to the Environmental Protection Agency such sums as may be necessary to carry out the grant program under subparagraph (E).

"(G) For the purposes of this paragraph, the term 'host community' means the political subdivision of a State in which the facility for the treatment, storage, or disposal of hazardous waste is proposed to be located.".

(b) PERMIT ISSUANCE.—Section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)) is amended by adding at the end the following new paragraphs:

"(4) Prior to issuing a permit under this section for new hazardous waste disposal facilities or for any such facility which has not received an operating permit as of January 1, 1993, for the treatment, storage, or disposal of hazardous waste, the Administrator (or the State) must receive written assurances from the applicant that the procedures described in subsection (b)(2) have been completed. The assurances shall include a notarized statement from the host community advisory committee that the written assurances are accurate, and the assurances shall include a notarized statement from the host community advisory committee that the statement of the applicant is accurate.

"(5) Prior to issuing any permit under this section, the Administrator shall determine whether a facility would conform with applicable capacity assurance plans submitted to the Administrator in accordance with section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)), including whether the proposed facility could cause the State to exceed the capacity needs of the State.

"(6) In issuing any permit under this section for a new facility for the treatment, storage, or disposal of hazardous waste, the Administrator (or the State) shall give priority to each owner or operator who has received written consent of a host community pursuant to this title.

"(7) If the Administrator determines, pursuant to paragraph (5), that a facility could cause the State to exceed the capacity needs of the State, no permit shall be issued under this section, unless the Administrator determines that the State cannot fulfill the capacity requirements of the State under applicable capacity assurance plans submitted to the Administrator in accordance with section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)).

"(8) Any permit issued under this section for a facility described in paragraph (4) shall be subject to the condition that, with respect to hazardous waste generated outside of the State in which the facility is located, the facility may not treat, store, or dispose of the hazardous waste unless the owner or operator of the facility enters into an agreement with the appropriate official of the host community (as determined by the Administrator or the State) that authorizes the treatment, storage, or disposal.".

(c) AUTHORIZED STATE HAZARDOUS WASTE PROGRAMS.—Section 3006(b) of the Solid Waste Disposal Act (42 U.S.C. 6926(b)) is amended by adding at the end the following new sentence: "The Administrator shall not authorize a State program under this section unless the State program provides for appropriate mechanisms for the appointment of host community committees and review procedures to enable an applicant to carry out the requirements under section 3005(b)(2).".

(d) REGULATIONS.—The Administrator of the Environmental Protection Agency (hereafter in this Act referred to as the "Administrator") shall promulgate such regulations as are necessary to carry out the amendments made by this section. The regulations shall include appropriate safeguards and procedures to ensure that an applicant is able to carry out the review procedure described in section 3005(b)(2) of the Solid Waste Disposal Act, as added by subsection (a).

**SEC. 4. CAPACITY ASSURANCE PLANNING DATA.**

Section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking "Effective" and inserting "(A) Effective";

(3) by inserting after "deemed adequate by the President that the State will" the following: "meet the requirements of subparagraph (B) and will";

(4) by adding at the end of the paragraph the following subparagraph:

"(B)(i) Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall establish guidelines for the biennial gathering of capacity assurance reporting data required to be submitted pursuant to this paragraph.

"(ii) Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations that require, as part of the capacity assurances under subparagraph (A) for any State that, in the most recent capacity assurance plan submitted pursuant to this paragraph, documented a capacity shortfall in the State in a quantity in excess of 50,000 tons per year, or that is a net exporter of hazardous waste, the detailed and comprehensive reporting information described in subparagraph (C).

"(C) Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall prescribe regulations that require that the capacity assurances under this paragraph include (in accordance with guidelines that the Administrator shall prescribe by regulation) the following information in a standardized format:

"(i) Assurances that the State uses the most appropriate measures of hazardous waste classification for generation and management (as determined by the Administrator by regulation).

"(ii) The specification of quantitative measures used to measure waste characteristics.

"(iii) An indication that wastes treated or disposed of at on-site facilities and wastes treated or disposed of at off-site facilities shall be considered as part of the same tracking and planning process.

"(D) A State that fails to meet the applicable requirements of this paragraph shall be subject to a civil penalty that shall be assessed under applicable procedures of this Act. The Administrator shall, by regulation, establish guidelines for the assessment of a civil penalty under this paragraph, including a maximum amount for the civil penalty.".

(2) ENFORCEMENT GUIDELINES.—The guidelines established under paragraph (1) shall provide for a tiered system of penalty assessment that provides for a reduction in the amount of a penalty for a de minimus deviation from a capacity requirement.

**SEC. 5. MISCELLANEOUS PROVISIONS.**

(a) GUIDELINES FOR THE RELEASE OF INFORMATION.—Not later than December 31, 1993, the Administrator shall, by regulation, establish guidelines for the inclusion of toxic chemical release information required to be submitted under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) in the capacity assurance data required to be submitted under section 104(c)(9) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9604(c)(9)) for December 1994, and every 2 years thereafter.

(b) COMMENT PERIOD.—In promulgating regulations under subparagraphs (B) and (C) of section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by section 4 of this Act) and under this section, the Administrator shall provide a 12-month period for public comment after the publication of a proposed regulation before promulgating a final regulation.

(c) MODEL CAPACITY ASSURANCE PLAN.—To assist States in meeting the requirements for capacity assurance plans issued under section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)), the Administrator shall develop and publish a comprehensive model capacity assurance plan to assist States in complying with the data gathering process required to prepare a capacity assurance plan, the schedules required to be included in a plan, and other requirements related to the use of resources.

(d) STATEMENT BY THE ADMINISTRATOR.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register a statement concerning whether the United States has adequate capacity to treat and dispose of hazardous waste (as listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921) during the 20-year period following the publication of the statement. The Administrator shall include a summary of the flow of waste between States and the level of capacity of each State to treat, store, or dispose of hazardous waste within the State.

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By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 444. A bill to require a study and report on the safety of the Juneau International Airport, with recommendations to Congress; to the Committee on Commerce, Science, and Transportation.

### JUNEAU INTERNATIONAL AIRPORT SAFETY ACT OF 1993

Mr. STEVENS. Mr. President, on November 12, 1992, an Alaska Air National Guard plane crashed on a mountain top near Juneau, the capital of my State in southeastern Alaska.

We lost our top Air National Guard commander, Gen. Thomas Carroll and dedicated, experienced Guard members in that crash. Eight families lost a father or husband or son.

Unfortunately, this tragedy was not an isolated incident. In the last 20 years, there have been three fatal air crashes at this same locaton—all under similar circumstances.

I might say I have an abiding interest in this situation because I was scheduled to be a passenger on one of those airplanes and at the last minute canceled out.

Many in the Alaska aviation community believe that these crashes are linked. They believe that the problem lies with the approaches to Juneau International Airport, which lacks modern navigational aids.

It is for this reason that I join Senator MURKOWSKI in introducing the Juneau International Airport Safety Act of 1993.

Under this legislation, the Department of Transportation will work with the National Transportation Safety Board, the National Guard, and the Juneau International Airport to prepare a study examining the safety of the approaches to Juneau Airport.

In particular, this study will examine and compare the Alaska Airlines crash of 1971 in which 111 passengers and crew members were lost, the Medevac Lear jet crash of 1985 where four lost their lives, and last fall's Air National Guard crash. The study will also look at the adequacy of current navigational aids, and the need for additional radar in the Juneau vicinity.

Even though Juneau's population is fewer than 30,000 the Juneau International Airport serves a record 300,000 passengers per year. Alaska Airlines and Delta Airlines both operate regular service out of Juneau. Eleven air taxi operators also fly in and out of Juneau.

Their flight operations are hindered by Juneau's unique terrain and weather. Juneau, which lies on the Gastineau Channel, is surrounded by mountains.

Transportation is also endangered by Juneau's notoriously bad weather. It is not unusual for Juneau Airport to be completely fogged in for several days.

And, to reiterate: even if the weather is good, pilots still must cope with the dangers presented by Juneau's mountainous terrain. Difficult enough under the best of circumstances, but even more frightening because of Juneau Airport's extremely limited radar capabilities.

People ask, "Why don't more Alaskans drive to Juneau, rather than rely on air transportation?"

If you look at a map of my State, you'll see that there are no roads into Juneau, and only a small system of roads within the city itself.

Alaska's capital is almost exclusively dependent on air transportation, with a little help from our Marine Highway system of ferries in the summer months.

Because of the severe weather, because of the unique terrain, and because of the history of fatal air crashes, I believe, Mr. President, that a study of Juneau International Airport is long overdue.

Let me add it is not totally an island, it is just shut off because there is no access across the glaciers to get to the mainland and the Juneau area.

I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 444

**SECTION 1. SHORT TITLE.**

This Act may be cited as "the Juneau International Airport Safety Act of 1993."

**SEC. 2. STUDY.**

(a) Within 30 days of the date of enactment of this Act, the Secretary of Transportation, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(b) Such study shall examine—

(1) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(2) the crash of a Lear Jet on November 12, 1985;

(3) the crash of an Alaska Air National Guard aircraft on November 12, 1992;

(4) the adequacy of NAVAIDs in the vicinity of the Juneau International Airport;

(5) the possibility of confusion between the Sisters Island directional beacon and the Coghlan Island directional beacon;

(6) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(7) the need for a Terminal Visual Omni Range radar in Gastineau Channel;

(8) any other matters any of the parties named in subsection (a) think appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

**SEC. 3. REPORT.**

(a) Within six months of the date of enactment of this Act the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(1) details the matters considered by the study;

(2) summarizes any conclusions reached by the participants in the study;

(3) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau airport, or a detailed explanation of why no recommendations are being proposed;

(4) estimates of cost of any proposed recommendations; and

(5) includes any other matters the Secretary deems appropriate.

(b) The report shall include any minority views if consensus is not reached among the parties listed in subsection 2(a).

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. WELLSTONE, Mr. CRAIG, Mr. FEINGOLD, Mr. BURNS, Mr. PRESSLER, Mr. GRASSLEY, Mrs. MURRAY, and Mr. DASCHLE):

S. 445. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve monitoring of the domestic uses made of certain foreign commodities in order to ensure that agricultural commodities exported under agricultural trade programs are entirely produced in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### AGRICULTURAL EXPORT PROGRAM PROTECTION ACT OF 1993

Mr. CONRAD. Mr. President, on February 8 of this year, a binational panel formed under the Canadian Free-Trade Agreement issued a report on Canada's compliance with respect to Durum wheat sales into the United States. The panel, formed in response to concerns expressed by our producers that Canadian shipments of Durum wheat were flooding United States markets, was asked to determine whether Canada was subsidizing wheat sales in violation of the agreement.

Mr. President, the Canadian Free-Trade Agreement states in part:

> Neither party, including any public entity that it establishes or maintains, shall sell agriculture goods for export to the territory of the other party at a price below the acquisition price of the goods, plus any storage, handling or other costs incurred by it with respect to those goods.

It is clear from that language that Canada is not allowed to sell grain in the United States below its cost of producing and exporting that grain to the United States. It is clear that all payments made by the Canadian Wheat Board to Canadian grain producers are included. It is clear that subsidies for transportation, storage, and handling costs should not be excluded from the cost of the grain.

But that is not what the panel ruled. Instead, the panel declared, through analysis of the legislative history and testimony of our own former trade officials, that many of the costs cannot be included in the acquisition price of the goods, plus any storage, handling, or other costs incurred by it with respect to these goods.

It is really quite a preposterous conclusion, Mr. President. If one looks at the plain language of the agreement, it indicates clearly that all costs are to be included. But the binational panel ruled otherwise. They relied on the actual words used by our negotiators. Our own negotiators undercut the clear language of the agreement.

Specifically, the decision does not count as a subsidy or a cost of acquisition two payments that are normally made to Canadian producers by the Canadian Wheat Board. Also, it does not count as a subsidy or as part of the cost of handling, the rail subsidies for eastbound grain transported under the Canadian Western Grain Transportation Act.

Mr. President, these are not minor exemptions. The transportation exemption alone can amount to 75 cents to a $1 a bushel on grain that only sells for $3.50 a bushel.

The agreement allows the Canadian Wheat Board, the monopoly sales agent for Canadian wheat, to market Canadian wheat without price transparency in its transactions. That simply means that Canada sells in secret. They do not tell anybody what their prices are, except the buyers.

You can find out the American price for grain any minute of any day on our grain exchange. You can call in. You can read the paper the next day. It is all laid out. You cannot find out what Canada is selling its grain for. They sell it in secret, using their wheat board, giving their farmers an unfair advantage.

Mr. President, why is this such a problem? Let me just briefly explain.

The northern tier States of North and South Dakota, Minnesota, and Montana produce virtually all of this Nation's Durum.

For those who are not familiar with this commodity, Durum is the type of wheat that is used to make pasta. And I know that everyone is familiar with pasta.

For years, Durum producers in my State and other northern tier States received a premium price for this difficult to grow crop, as much as $1 a bushel over other wheats. Canada did not sell even one bushel of Durum in the United States.

But since the Canadian Free-Trade Agreement was signed in 1987, Canadian producers have dramatically increased shipments of Durum to the United States. In fact, last year Canada captured 20 percent of the United States Durum market. And, based on sales so far this year, Canada could take over 25 percent of our market in the current marketing year.

Mr. President, If I could just direct the attention of my colleagues to this chart. It shows the dramatic increase of Canadian exports of Durum into this country since the signing of the Canadian Free-Trade Agreement. In 1986–87, we saw the first shipments, 2.3 million bushels, after absolutely no Durum came in from Canada in 1985–86. And since that time, we can see the dramatic escalation year by year.

So now we are seeing 15 million bushels of Canadian Durum come into our market in the most recent years. This has had a clear and harshly negative impact on U.S. Durum producers.

Our producers have suffered a sharp drop in the price they receive for Durum. It has dropped to or below that of other wheats. Our producers have lost literally hundreds of millions of dollars as a result and have been forced to grow other varieties, which compete with wheat grown in Kansas, for example. Ultimately, the effect is to lower prices for all wheat producers.

Mr. President, all of this would be fair, if it was fair competition. We often say, free trade ought to be fair trade. Well, that applies to Durum wheat, as well. Our producers are not saying protect us against fair competition, but our producers are saying it ought to be a level playing field. If our subsidies count in this agreement, Canadian subsidies ought to count. If our prices are open and clear to everyone, Canadian prices ought to be clear and open to everyone.

With farm income in my part of the country already at dangerously low levels, Mr. President, the inequities of the Canadian Free-Trade Agreement only aggravate the situation. Our farmers are efficient and they can compete in an increasingly challenging world market. But they cannot compete against the Canadian Government, Mr. President.

We cannot have a situation in which our farmers are told, "You go out there and, not only do you compete against the Canadian farmer, you compete against the entire Canadian Government." That is not fair trade. That is certainly not free trade. In my judgment, it has been negotiated trade and the previous administration lost the negotiation.

Let me give an example, Mr. President, of what is happening to us. We know, from statements made by the Canadian Wheat Board to Chilean grain buyers, that they are prepared to beat any United States price by 5 cents a bushel in any market. By doing so, the Canadian Wheat Board has taken 80 percent of the Mexican wheat market, even though they must transport wheat much farther than, say, the wheat growers of Texas or Oklahoma.

We have, in our country, a number of programs to help our farmers compete in world markets with the heavy subsidies of Europe and Canada, and against the State sales agencies of Canada and Australia.

Under our law, only American agricultural products can be exported under the Export Enhancement Program, the credit guarantee programs, and the Public Law 480 food assistance program. These trade programs are essential to helping United States products compete with highly subsidized products in Europe and Canada.

The question is: How do we prevent Canadian wheat and barley, flooding across our northern borders, from being reexported under our export programs at United States taxpayers' expense?

The answer is we cannot, unless we enact legislation similar to Canadian law to track imports of grain.

That is why I am introducing legislation today.

I ask unanimous consent at this point that Senator DORGAN, Senator CRAIG, Senator WELLSTONE, Senator FEINGOLD, Senator BURNS, Senator MURRAY, Senator PRESSLER, Senator GRASSLEY, Senator DASCHLE, and Senator HARKIN be added as original cosponsors of this legislation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this bill, the Agricultural Export Program Protection Act of 1993, requires that imports of certain foreign commodities carry an end-use certificate. What this simply means is that the foreign grain entering the United States should be labeled to track its passage in the U.S. markets.

Canada already uses end-use certificates to ensure that United States grain entering their market does not receive subsidized transportation or subsidized export treatment through their Wheat Board. We should be bold enough to stand up for our producers and require the same. In fact, we must do so to ensure that our own laws are being followed.

With the flood of Canadian grain entering our market as a result of a Canadian system designed to move grain to export terminals near United States markets, United States export programs are almost certainly shipping Canadian grain commingled with our own. We have no effective method of ensuring that this does not happen. The bill my colleagues and I are introducing today would prevent foreign grains and soybeans from entering our export system under our export sales programs.

The bill will protect U.S. taxpayers from misuse of their tax dollars. We cannot let foreign producers piggyback on U.S. export programs.

Our bill also allows the Secretary of Agriculture to request a report from the importer of foreign grain indicating the sales price of a covered foreign commodity that is subject to an end-use certificate.

This information is vital to help U.S. officials enforce U.S. antidumping and countervailing duty laws, ensure foreign compliance with international trade agreements, and guarantee fair trade in world grain sales. To protect traders and users of foreign grains, information gathered under this provision will be kept confidential.

The current situation with Canada is simply intolerable. We cannot allow U.S. producers to continue to lose hundreds of millions of dollars, lose hope, and lose production because of subsidized—and I might add, unfairly subsidized—imports.

We must act immediately to do everything we can in our country to address this unfair situation. In that respect, I am pleased by the attention given this issue by Ambassador Kantor, our new Trade Representative.

Mr. CONRAD. Mr. President, in conclusion, in the long run, we must work with our neighbors to the north to end the current situation.

Our legislation will not resolve the inequities of the Canadian Free-Trade Agreement, but it will give producers and taxpayers the assurance that their dollars are not being used to support Canadian farmers.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the end of my remarks, copies of correspondence I have had with Ambassador Kantor on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 445

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Export Program Protection Act of 1993".

### SEC. 2. AGRICULTURAL EXPORT PROGRAM PROTECTION.

Title XV of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) is amended by adding at the end the following new subtitle:

### "Subtitle G—Agricultural Export Program Protection

### "SEC. 1581. DEFINITIONS.

"As used in this subtitle:

"(1) AGRICULTURAL TRADE PROGRAM.—The term 'agricultural trade program' means an export promotion, export credit, export credit guarantee, export bonus, or other export or international food aid program carried out through, or administered by, the Commodity Credit Corporation, including such a program carried out under—

"(A) the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.)—

"(i) including the export enhancement program established by section 301 of such Act (7 U.S.C. 5651); but

"(ii) excluding the market promotion program established by section 203 of such Act (7 U.S.C. 5623);

"(B) the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

"(C) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

"(D) section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

"(2) COVERED FOREIGN COMMODITY.—The term 'covered foreign commodity' means wheat, feed grains, or soybeans produced in a foreign country that is imported into the customs territory of the United States.

"(3) ENTRY.—The term 'entry' means the entry into, or the withdrawal from warehouse for consumption in, the customs territory of the United States.

"(4) PERSON.—The term 'person' includes an exporter, an assignee, and a participant in an agricultural trade program.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(6) UNITED STATES AGRICULTURAL COMMODITY.—The term 'United States agricultural commodity' has the same meaning given the term in section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)).

### "SEC. 1582. MONITORING OF DOMESTIC USES MADE OF CERTAIN FOREIGN COMMODITIES.

"(a) IN GENERAL.—

"(1) END-USE CERTIFICATE.—An end-use certificate that meets the requirements of subsection (b) shall be included in the documentation covering the entry of any covered foreign commodity.

"(2) QUARTERLY REPORTS.—A consignee of a covered foreign commodity (including a secondary consignee of a covered foreign commodity and a consignee of a covered foreign commodity that has been commingled with a commodity produced in the United States) shall submit to the Secretary a quarterly report that certifies—

"(A) what percentage of the covered foreign commodity that is subject to an end-use certificate was used by the consignee during the quarter; and

"(B)(i) that the covered foreign commodity referred to in paragraph (1) was used by the consignee for the purpose stated in the end-use certificate; or

"(ii) if ownership of the covered foreign commodity is transferred, the name and address and other information, as determined by the Secretary, of the entity (or consignee) to whom it is transferred.

"(b) END-USE CERTIFICATE AND QUARTERLY REPORT CONTENT.—The end-use certificates and quarterly reports required under subsection (a) shall be in such form, and require such information, as the Secretary considers necessary or appropriate to carry out this section. At a minimum, the Secretary shall require that end-use certificates and quarterly reports indicate—

"(1) in the case of the end-use certificate—

"(A) the name and address of the importer of record of the covered foreign commodity that is subject to the certificate;

"(B) the name and address of the consignee of the covered foreign commodity;

"(C) the identification of the country of origin of the covered foreign commodity;

"(D) a description by class and quantity of the covered foreign commodity;

"(E) the specification of the purpose for which the consignee will use the covered foreign commodity; and

"(F) the identification of the transporter of the covered foreign commodity from the port of entry to the processing facility of the consignee; and

"(2) in the case of the quarterly report—

"(A) the information referred to in subparagraphs (A) and (B) of paragraph (1);

"(B) the identification of the end-use certificates currently held by the consignee;

"(C) a statement of the quantity of the covered foreign commodity that is the subject of each of the end-use certificates identified under subparagraph (B) that was used during the quarter;

"(D) a statement of the use made during the quarter by the consignee of each quantity referred to in subparagraph (C);

"(E) a statement of the quantity of the covered foreign commodity that was exported by the consignee during the quarter;

"(F) a statement of the quantity of the covered foreign commodity that was commingled with commodities produced in the United States and the disposition of the commingled commodities; and

"(G) a statement of the quantity of any covered foreign commodity that is transferred to a subsequent consignee, the name and address of the consignee, and the change in end-use.

"(c) SALES PRICE.—The Secretary may require the importer or the first consignee of a covered foreign commodity to report to the Secretary the sales price of a covered foreign commodity that is subject to an end-use certificate issued under this section if the Secretary considers the sales price necessary to facilitate enforcement of United States trade laws and international agreements.

"(d) CONFIDENTIALITY.—In carrying out this section, the Secretary shall take such actions as are necessary to ensure the confidentiality and privacy of purchasers of covered foreign commodities.

"(e) ENTRY PROHIBITED UNLESS END-USE CERTIFICATE PRESENTED.—The Commissioner of Customs may not permit the entry of a covered foreign commodity unless the importer of record presents at the time of entry of the covered foreign commodity an end-use certificate that complies with the applicable requirements of this section.

"(f) PENALTIES.—

"(1) CUSTOMS PENALTIES.—End-use certificates required under this section shall be treated as any other customs documentation for purposes of applying the customs laws that prohibit the entry, or the attempt to enter, merchandise by fraud, gross negligence, or negligence.

"(2) CIVIL PENALTIES.—Any person who knowingly violates any requirement prescribed by the Secretary to carry out this section is punishable by a civil penalty in an amount not to exceed $10,000.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section, including regulations regarding the preparation and submission of the quarterly reports required under subsection (a)(2).

### "SEC. 1583. COMPLIANCE PROVISIONS.

"Subsections (b) and (c) of section 402 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662) shall apply to the programs authorized under this subtitle.

### "SEC. 1584. SUSPENSION OR DEBARMENT FOR USE OF FOREIGN AGRICULTURAL COMMODITIES IN CERTAIN AGRICULTURAL TRADE PROGRAMS.

"(a) HEARING.—The Commodity Credit Corporation shall provide a person with an opportunity for a hearing before suspending or debarring the person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program.

"(b) WAIVER.—

"(1) IN GENERAL.—The Commodity Credit Corporation may waive the suspension or debarment of a person from participation in an agricultural trade program for using a foreign agricultural commodity in violation of the terms and conditions of the program if the person demonstrates, to the satisfaction of the Corporation, that—

"(A) the use of the foreign agricultural commodity was unintentional; and

"(B) the quantity of the foreign agricultural commodity used was less than 1 percent of the total quantity of the commodity involved in the transaction.

"(2) OTHER PENALTIES.—Any waiver by the Commodity Credit Corporation of a suspension or debarment of a person under paragraph (1) shall not affect the liability of the person for any other penalty imposed under an agricultural trade program for the quantity of the foreign agricultural commodity involved.".

### SEC. 3. EFFECTIVE DATE.

This Act and the amendment made by this Act shall become effective 120 days after the date of enactment of this Act.

U.S. SENATE,
*Washington, DC, February 10, 1993.*
Hon. MICKEY KANTOR,
*U.S. Trade Representative,*
*Washington, DC.*

DEAR AMBASSADOR KANTOR: I am writing to you to express my extreme disappointment at the ruling of the binational panel on durum wheat sales. Quite simply, the current situation facing U.S. durum producers is intolerable. Since the binational panel's ruling does nothing to reverse this situation, I am writing to ask that you publicly express disagreement with the ruling and that you take action to modify those portions of the U.S. Canada Free Trade Agreement (CFTA) that have created unfair competition in grains such as durum.

As you know from our meeting February 4, Canadian durum imports to the United States have increased dramatically since the CFTA was signed. Before 1987, Canada sold no durum in the U.S.; last year it sold over 13 million bushels. This flood of imports has now captured 20 percent of the U.S. durum market and, based on sales so far this year, could amount to well over 25 percent in the current marketing year. This has had a clear, negative impact on U.S. durum producers. They have lost 20 percent of the U.S. market, and the price they receive has been dropped 15–20 percent as a direct result of increased imports from Canada. Over the past five years, this has cost U.S. durum growers hundreds of millions of dollars.

While they would still hurt, these losses would be understandable if they were the result of free, fair competition and Canadian durum growers were simply more efficient than U.S. durum growers. But they are not. The Canadian Free Trade Agreement is not free trade. It is not fair trade. It's negotiated trade and the Reagan Administration lost the negotiation. There are enough loopholes in the durum portion of the agreement for the Canadians to ship millions of unfairly subsidized bushels of durum south, and that is exactly what they are doing.

Given the existence of these loopholes, the binational panel's ruling—while extremely disappointing—is not particularly surprising. While I disagree with the panel's interpretation of all the terms it considered in Article 701.3, I want to draw your attention in particular to the dangerous precedent set in the panel's ruling on transportation subsidies. The binational panel has ruled that these transportation subsidies should not be counted in determining whether Canada is selling in the United States below the "acquisition price * * * plus any * * * other cost incurred by it with respect to those goods" (Article 701.3). Despite the plain language of Article 701.3, the panel has come to the tortured conclusion that, since it is paid by the Canadian government and not the Canadian Wheat Board, the transportation subsidy should not be counted.

By misconstruing the phrase "any cost incurred by it" to refer only to costs incurred by the Canadian Wheat Board (when from the context of the entire Article 701.3 "it" clearly refers instead to each Party to the agreement, or the Canadian government as a whole), the panel has completely changed the meaning of Article 701.3 in a manner that would allow virtually unlimited subsidies to Canadian agricultural exports. Under this interpretation, the Canadian Wheat Board can sell durum in the United States at a price significantly below Canada's actual costs so long as the Canadians subsidize the sales through some entity other than the Wheat Board. This part of the ruling flies in the face of a common sense interpretation of the article, and if allowed to stand could have disastrous consequences for U.S. agricultural commodities subject to Canadian competition. I urge you to register your strongest disagreement to this ruling and the panel's interpretation in general.

Ultimately, however, the problems with the ruling stem from mistakes made by the Reagan Administration in negotiating the agreement itself. In particular, there are two aspects of the agreement that lead directly to unfair competition. First, the agreement specifically exempted subsidies for eastbound grain transported under the Canadian Western Grain Transportation Act from the calculation of Canadian producer subsidies. This means that Canadian farmers only a few miles north of North Dakota durum growers ship their grain to Great Lakes ports at less than one-third the cost facing North Dakota farmers. There is no way American farmers can compete with a subsidy of this magnitude. Yet, because it is not counted as a subsidy under the agreement, American farmers cannot export one bushel of durum to Canada.

Second, the Canadian Wheat Board markets all Canadian wheat without price transparency in its transactions. Consequently, there is no way of knowing whether or not the Wheat Board is providing de facto subsides to Canadian grain exports by selling below cost in some markets and making up these losses in other markets. In general, this means that Canadian grains are capturing markets that were once ours by undercutting U.S. market prices. Because this is done in secret, though, the U.S. is unable to fight these subsidies through its own export programs. In the case of the U.S. durum market, as the panel itself noted, this secret pricing practice means there is no way of knowing whether Canada has sold durum below its costs.

To add insult to injury, Canadian grains are almost certainly receiving the benefits of U.S. export programs such as the Export Enhancement Program. Once Canadian grain enters the U.S., there is currently no way of tracking its end use. Instead, it becomes mixed with U.S. grains. Then, when the U.S. uses EEP subsidies to counter unfair foreign subsidies in the third markets, Canadian grain inevitably gets included, despite the legal requirement that only U.S. products may receive export assistance.

We can no longer tolerate Canada's use of transportation subsidies and a secretive pricing mechanism to destroy U.S. grain markets. Canada cannot continue to have it both ways: either it must stop providing these transportation subsidies, or the subsidies must count under the agreement. And if we are to ensure that Canada is living up to its obligations under the agreement and is not using unfair competition in world markets, the United States must have access to Canadian Wheat Board pricing information.

I urge you to use the side agreements to be negotiated in connection with the North American Free-Trade Agreement (NAFTA) to re-open the CFTA and address these issues. We cannot allow flawed, unfair provisions of the CFTA to extend to the NAFTA and undercut U.S. grain growers in Mexican markets as well as our own. I further urge you to ask President Clinton to support legislation I will introduce in the near future to impose end-use certificates on Canadian grains to ensure that they are not re-exported with American taxpayer assistance.

Thank you for your attention to these matters.

Sincerely,

KENT CONRAD,
*U.S. Senator.*

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U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
*Washington, DC, February 12, 1993.*
Hon. KENT CONRAD,
*U.S. Senate, Washington, DC.*

DEAR SENATOR CONRAD: It was a pleasure to meet with you and your colleagues on February 4 regarding grain imports from Canada. Thank you also for your letter of February 10, 1993, on the same subject. I want to reiterate that your concern about the impact on U.S. farmers of imports of Canadian grain is receiving my full attention.

When I met with Canadian Trade Minister Michael Wilson on February 8, I emphasized to him the extreme importance I attach to addressing this issue and to ensuring that Canadian grain is not unfairly traded into the U.S. market.

That same day, as you know, we received the final report of the dispute settlement panel on durum wheat. Like you, I am disappointed that the panel did not agree with our arguments regarding the scope of "acquisition costs" under the U.S.-Canada Free Trade Agreement (CFTA). Unfortunately, the panel appears to have relied heavily upon statements made on the public record by former U.S. government officials during the negotiation of the CFTA and the enactment of the implementing legislation. These statements supported Canada's contention that the negotiators had intended a narrow view of acquisition cost.

I was also disappointed that the panel declined to make a finding at this time as to whether Canada has sold durum wheat for export to the United States at below the acquisition cost since the adoption of the CFTA. The panel was reluctant to cite Canada for violating the CFTA on the basis of constructed data provided by the United States rather than actual data, particularly given the sharp disagreement between the parties over the proper interpretation of Article 701.3.

Other elements of the panel report, however, may be useful in our effort to prevent unfair sales. Specifically, the panel's recommendation that Canada submit to audits of its wheat sales by an independent auditor can finally provide some needed transparency. I understand that this will be the first time Canada has agreed that the Canadian Wheat Board must open its books by disclosing cost and price data concerning its U.S. sales to an impartial outside auditor to determine compliance with the CFTA. The auditor will have access to all relevant documents and will report its findings to a working group, composed of officials from both governments. We will not only have an independent assessment based on definitive information, but we also believe that the periodic audits will encourage the CWB to strictly abide by the Agreement in the future. The first audit, which can be conducted as early as this June, is to cover all sales since January 1, 1989, when the CFTA went into effect.

The grains issue will be on the agenda for my next meeting with Minister Wilson in mid-March. In the meantime, I assure you that I will continue to give this issue my close personal attention, and look forward to working with you and your colleagues to explore what further can be done.

Sincerely,

MICHAEL KANTOR.

By Mr. ROTH (for himself, Mr. BRADLEY, Mr. BREAUX, and Mr. LAUTENBERG):

S. 446. A bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate; to the Committee on Finance.

### TAMOXIFEN CITRATE DUTY SUSPENSION ACT OF 1993

• Mr. ROTH. Mr. President, I rise today to introduce legislation to reinstate and extend the temporary suspension of duties on tamoxifen citrate. Tamoxifen is used by thousands of women in the treatment of breast cancer and has proven to be one of the most effective drugs in preventing its recurrence. This critically important drug is imported in bulk and then made into tablet form under the brand name of Nolvedex. The final product is manufactured in my home State of Delaware by the Zeneca Pharmaceuticals Group, which is formerly known as ICI Pharmaceuticals. I am pleased that Senators BRADLEY, BREAUX, and LAUTENBERG have joined me in introducing this duty suspension bill.

The statistics on breast cancer are sobering. It is the second leading cause of cancer death in women. Out of an estimated 170,000–180,000 women who will be diagnosed with breast cancer this year, 46,000 will die from it over the next 12 months. However, improved detection and treatment methodologies have helped us gain some ground in our fight against this terrible disease. The 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to 93 percent today. Although research has not yielded a cure for breast cancer, steps have clearly been made to increase women's chance of survival.

Tamoxifen, which has been used to treat breast cancer in the United States since 1978, has been one bright spot in this otherwise sober picture. Recent studies have shown that women who are diagnosed with breast cancer and are given tamoxifen have reduced by 40 percent their chances of getting this dreadful disease again. This drug may also prevent breast cancer from developing in healthy women; an ongoing 5-year Federal study is focusing on whether this is indeed the case. As stated by Bernardine Healy, the Director of the National Institutes of Health [NIH], "(t)he most effective treatment for breast cancer is the prevention of breast cancer."

The extension of the duty suspension on tamoxifen will decrease the overall costs associated with the production of this drug. In so doing, it will help Zeneca Pharmaceuticals continue its pledge to sustain programs such as its Patient Assistance Program, which provides tamoxifen free of charge to women who cannot afford it. Under this program, $40 million worth of tamoxifen has been distributed to 35,000 women. The duty suspension should also help Zeneca Pharmaceuticals continue its commitment to limit drug price increases to no greater than the National Consumer Price Index [CPI]. I look forward to early and favorable action on this legislation.•

• Mr. BRADLEY. Mr. President, I rise as an original cosponsor of this legislation to extend the suspension on the duty of tamoxifen citrate, a drug used to treat breast cancer patients. Identical legislation has been introduced on the House side as H.R. 466 by Congressman MOAKLEY.

In 1978, ICI Americas Inc., a company that has several plants in New Jersey, brought tamoxifen citrate to the market in the United States. According to the International Trade Commission, no comparable drug exists in the United States. Tamoxifen is used in conjunction with chemotherapy after breast cancer surgery.

This year alone, breast cancer will touch the lives of 180,000 of our mothers, sisters, daughters, coworkers, and friends. According to the National Cancer Care Foundation, Inc., one out of every nine American women will develop breast cancer in their lifetimes. ICI Americas Inc. has lent their support to addressing this national tragedy.

Because breast cancer does not discriminate along economic lines, ICI Americas Inc. has established a Patient Assistance Program through which over 25,000 lower income women from every state have received Tamoxifen. In 1991, ICI donated close to $8 million worth of Tamoxifen to women who could not otherwise afford it. They also have used the proceeds from this duty suspension to fund a 7-year research program testing the use of tamoxifen as a breast care prevention drug. I commend the efforts of ICI Americas Inc. to save future generations of women from suffering from this disease.•

• Mr. BREAUX. Mr. President, I am pleased to join my Senate colleagues as an original cosponsor of legislation which joins the battle against breast cancer by renewing the suspension of duties on a critical element of a drug used in this fight.

Taxmoxifen citrate is a component of an important drug which has shown great promise in fighting breast cancer. Not only is this drug critical to the successful treatment of breast cancer, but it also has shown great potential as a preventative measure against this terrible disease and several other diseases which affect women.

Tamoxifen citrate is not produced in the United States. The drug consequently must be imported into this country and is therefore ordinarily subject to U.S. tariff. I support renewal of this particular tariff suspension because this suspension will not adversely affect American business and more importantly suspension of this tariff would directly contribute to the fight against breast cancer both through aiding free dispensation programs and through encouraging additional research.

Once again, I am pleased to support this important legislation and urge my fellow colleagues to join in this cause.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on tamoxifen citrate, a drug used predominately to treat breast cancer patients. Senator BRADLEY and I introduced similar legislation in 1989.

Tamoxifen citrate is imported from the United Kingdom in bulk form, and converted into tablets by ICI Pharmaceuticals in the United States. According to the International Trade Commission, no comparable drug is manufactured in the United States.

Today, breast cancer is the most common type of cancer in women. Having experienced cancer in my own family, I know the terrible toll this disease can take. Tamoxifen citrate has been proven to delay recurrence of breast cancer in women who have exhibited early stages of the disease. In addition, a 2-year course of tamoxifen increases the 10-year survival rate by 8 percent above surgery alone.

In 1978, ICI Pharmaceuticals developed a patient assistance program so women who could not afford this drug would receive it free of charge. Since the program began, over 33,000 women have received over $25 million of tamoxifen citrate.

Mr. President, I urge my colleagues to support this measure.•

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By Mr. JOHNSTON (for himself, Mr. AKAKA, and Mr. WALLOP):

S. 447. A bill to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior; to the Committee on Energy and Natural Resources.

### INSULAR AREAS POLICY ACT

• Mr. JOHNSTON. Mr. President, today I am introducing legislation similar to a bill, S. 2959, which I introduced last year to develop and implement policies with respect to the territories of the United States: Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. I believe that such legislation is needed because the way in which the Federal Government currently develops and implements policies with respect to the territories is outdated and ineffective. The reason for this problem is simple—the islands have undergone substantial political, social, and economic development in recent decades, but the Federal institutions responsible for territorial policy development and implementation have not kept pace with this development.

Historically, the territories were administered as agencies of the Federal

Government, with the Governor and other top officials serving as Federal officials appointed in Washington DC. Today, however, the territories have achieved a substantial degree of local self-government including locally elected Governors and legislatures. In fact, the territorial governments are essentially State-like in their character. Unfortunately, the institutions of the Federal Government that were intended to deal with the territories remain concentrated and isolated within the Department of the Interior.

The Department of the Interior was chosen as the lead agency for the island territories because of its traditional role as the administering agency for territories in the continental United States. Interior had been selected for this administrative role because of its control over the use and disposal of public lands, a fundamental factor in territorial economic development. In the case of the island territories, however, there is generally little land under Interior jurisdiction, and the Interior's leadership has, therefore, been less than ideal.

The concentration of territorial policy making within the Department of the Interior leads to other difficulties as well. First of all, many of the numerous Federal programs that have been established within the past few decades, and those of particular interest to the islands, are not under Interior's jurisdiction. For example, tourism, marine fisheries, and economic development assistance programs are all found within the Department of Commerce.

In other cases, Congress provides special treatment for the application of Federal programs in the islands in order to respond to local conditions. For example: Tax, trade, immigration, labor and environmental laws are applied differently in the islands. When there is a need to recommend or support such special treatment within the administration, the island governments look to Interior. Unfortunately, Interior finds itself in a weak and isolated position when advocating special treatment for the islands. Other agencies generally discount Interior's views regarding non-Interior programs, and they often give the islands a low priority when allocating program resources.

Finally, certain Federal agencies, particularly the Departments of State and Defense, have substantial interests in the islands, but they have no reliable institutional process to assure that their interests are integrated into Interior's policies.

One fact most clearly demonstrates the problem which Interior has had in developing and implementing territorial policies. In 1986, pursuant to section 302 of Public Law 99-239, Congress directed the Secretary of the Interior to submit a report to Congress on a Pacific noncontiguous areas policy, including recommendations on ways to accomplish such a policy. Today—7 years later—no such report has been submitted.

When I introduced S. 2959 last year, I stated that it was not my intention to move the bill in the closing months of the 102d Congress. Instead, I wanted to give the island governments and the administration an opportunity to consider the bill before scheduling hearings. While it is too early to have received formal comments from the new administration, the incoming Secretary of the Interior has made it clear in his initial appearances before the Congress that, while he is willing to consider the issue of reorganization, he is not prepared to take an approach that would reduce the Department's jurisdiction over these issues. Accordingly, the bill which I am introducing today has been modified from last year's proposal partly in response to the Secretary's concerns.

The primary purpose of this bill is to establish an interagency Insular Areas Policy Council, chaired by the Secretary of the Interior, and including the Secretaries, or appropriate designees, of State, Defense, Commerce, Treasury, Labor, Health and Human Services, Agriculture, the Administrator of the Small Business Administration, the Administrator of the Environmental Protection Agency, and the Attorney General. The Council would be charged with reviewing and coordinating the activities of Federal agencies in the islands; determining the appropriate role of the islands in U.S. domestic and foreign policy, and the effect of U.S. policies on the islands; considering policy recommendations of Council members; and proposing policies to the President and Congress.

This legislation specifies the role of the Secretary of the Interior in chairing the Council and in managing the development and implementation of a coordinated Federal territorial policy. These duties are to be accomplished largely through the process of developing and submitting to the Council, President and Congress, an annual "State of the Islands" report. The report would be drafted by the Department of the Interior, circulated to the island governments for comment and would then serve as a basis for Council discussions. Once approved by the Council and the President, the final report would serve as a statement of Federal policy objectives, and as a guide for policy implementation by Federal agencies and the Congress.

Finally, this legislation directs the Secretary of the Interior, to the maximum extent practicable, to use the personnel and services of other Federal agencies in carrying out his responsibilities with respect to the island territories. Other Federal agencies are directed to cooperate in making such personnel and services available, provided the Secretary of the Interior reimburse nonsalary and base benefit costs. These provisions are intended to foster interagency coordination by requiring greater exchange and cooperation between agency personnel. This exchange of personnel will expand other agency's awareness and experience with the special circumstances which exist in the islands, and will thus improve overall Federal-territorial relations.

The outgoing administration did not transmit any views on last year's proposal, but I have received initial, and generally favorable, comments on last year's bill from the island governments. Copies of these initial comments follow my statement.

Mr. President, instead of administering the islands, as in the past, Interior's new role in territorial policy must be, first, to coordinate the Federal Government's response to the requests of the territories to modify or fine tune the applicability of specific Federal programs in the islands; and second, to coordinate the Federal Government's response to territorial requests for fundamental changes in the nature of their relationship with the Federal Government.

Nearly all of the territories are currently debating fundamental change in their relationship with the Federal Government. Guam is seeking a Commonwealth status, the Commonwealth of the Northern Mariana Islands is engaged in discussions pursuant to section 902 of their covenant with the United States, and the Virgin Islands has scheduled a political status referendum for this coming November. A well-coordinated interagency approach is necessary if the Federal Government is to develop a coherent Federal response to these island's requests for fundamental change in their relationship with the United States.

With a new administration assuming the controls of Government there is an opportunity to rethink and improve Federal-territorial relations. The end of the cold war and a realignment of the Nation's military posture offers an opportunity to reexamine fundamental assumptions about Federal-territorial relations, and to develop and consider new approaches to these relations. I look forward to working with island leaders, the administration, particularly the new Secretary of the Interior, Bruce Babbitt, and with my colleagues in the Congress to update the way in which the Federal Government develops and implements territorial policy. Only then, will the Federal Government be able to properly respond to the concerns and requests of those citizens who live in the territories.

Mr. President, I ask unanimous consent that the attached letters and the text of the bill be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 447

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled*, That this Act may be referred to as the "Insular Areas Policy Act".

SEC. 2. DEFINITIONS.—For the purposes of this Act:

(1) the term "Secretary" means the Secretary of the Interior;

(2) the term "insular area" means the territories of Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (Palau) until such time as the Trust Territory of the Pacific Islands is terminated; and

(3) the term "Council" means the Insular Areas Policy Council as established under section 3 of this Act.

SEC. 3. INSULAR AREAS POLICY COUNCIL.—(a) In order to coordinate the actions of the Federal Government with respect to the insular areas under the jurisdiction of the Secretary, there is hereby established an Insular Areas Policy Council.

(b) The Council shall be composed of the following Federal officials or their designees: the Secretaries of State, Defense, Commerce, Treasury, Labor, Health and Human Services, Agriculture, Housing and Urban Development, Education, Veterans Affairs, the Administrator of the Small Business Administration, the Administrator of the Environmental Protection Agency, the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of the Interior who shall serve as Chairman of the Council. the Chairman may request the participation of any other Federal agency in the work of the Council.

(c) The Council shall meet at such time as the Chairman may request, but not less often than twice a year to:

(1) review the activities of the Department of the Interior and other Federal agencies with respect to the insular areas;

(2) identify Federal funding priorities with respect to the insular areas;

(3) review and approve, with any modifications decided upon by the Council, the "State of the Islands" report pursuant to section 4 of this bill;

(4) determine the appropriate role of the insular areas in the foreign and domestic policy of the United States and the effects of such policy on those areas;

(5) make such recommendations to the President and the Congress regarding the insular areas as they determine to be appropriate; and

(6) consider any other appropriate matters which Council Members may suggest.

SEC. 4. REPORT.—(a) The President shall prepare and transmit a "State of the Islands" report (hereinafter in this section referred to as the "Report") to the appropriate Committees of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate not later than March 1 of each year.

(b) Each Federal agency with programs operating in the insular areas under the jurisdiction of the Secretary of the Interior shall report to the Secretary on such activities no later than November 15 of each year. The Secretary of the Interior shall prepare a draft of the Report and submit such draft to the head of government of each of the insular areas for comment. The Secretary shall then submit the Report, with such changes as he deems appropriate, to the Insular Areas Policy Council along with the comments which he has received from the insular area governments for review no later than January 15 of each year. After consideration by the Council, the Report shall be submitted to the President, with any modifications decided upon by the Council, for transmittal to the Congress.

(c) For each of the insular areas the Report shall include data summarizing social, economic, and political conditions and trends through the preceding fiscal years; a statement of current policy issues, foreseeable future developments, and recommended short-term and long-term policy objectives. The report shall include, but not be limited to, information for each insular area on: population; immigration and emigration; public health; crime and law enforcement; public infrastructure including utilities, transportation and communications; housing; income; private sector activities and development potential; employment; education and training; the fiscal position of the local government; amounts and uses of Federal direct and indirect assistance including, but not limited to, tax and trade policies; the efficiency of local government; international obligations or undertakings regarding the area; compliance with legislative mandates; a summary of any relevant Federal agency reports or audits; the applicability or inapplicability of Federal statutory and administrative actions and their effect; the effectiveness and delivery of Federal programs; significant differences in the treatment of the area or its residents under any Federal policy or program relative to the treatment of the States or their citizens, including the statutory basis for such treatment, the purposes therefor, and the effects thereof; and such information as is relevant to his responsibilities in the Republic of the Marshall Islands and the Federated States of Micronesia under Public Law 99-239, and the Republic of Palau after termination of the Trust Territory of the Pacific Islands. The Report shall clearly state the policy objectives of the President with regard to each of the insular areas, together with the specific proposals needed to accomplish such policy objectives.

SEC. 5. DUTIES OF THE SECRETARY.—The Secretary shall:

(a) provide Federal agencies with such information and advice as may be necessary to structure Federal programs, laws, or regulations affecting any insular area to the political, social, cultural and economic conditions in such insular area to further the objective of such program, law, or regulation and to prevent or reduce any adverse effect upon such insular area;

(b) inform the local government of any insular area of any Federal action which would significantly affect such insular area; solicit the comments and recommendations of such local government and provide those comments and recommendations together with the Secretary's analysis and advice to the head of the Department or Agency proposing such action; and

(c) in consultation with the governments of the insular areas, assist in the development of the priorities for, and the levels of, Federal assistance for the next fiscal year, including recommendations with respect to the allocation of funds among the various agencies with responsibilities in any of the insular areas and on the appropriate level of activity by each such agency in order to achieve Federal policy objectives.

SEC. 6. USE OF FEDERAL AGENCIES.—To the maximum extent practicable, the Secretary is authorized to use the personnel and services of other Federal agencies in carrying out his responsibilities with respect to the insular areas. The head of each Federal agency is directed to cooperate with the Secretary and to make such personnel and services available as the Secretary may request. The Secretary shall reimburse other Federal agencies for the cost of the use of personnel and services except for the cost of salary and base benefits, unless such costs are authorized to be provided on a nonreimbursable basis.

SEC. 7. AUTHORIZATION.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

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VIRGIN ISLANDS OF THE UNITED STATES, OFFICE OF THE GOVERNOR,
*St. Thomas, VI, May 3, 1989.*

Hon. J. BENNETT JOHNSTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: Thank you for your letter of March 29, 1989 transmitting draft legislation on the creation of the new Interagency Office of Insular Affairs.

After reviewing the proposal, I would like to express my full support for the intent of its provisions, with a few modifications.

First, I would recommend that the word "oversight" be added to the language which states in the draft that the administrator of the new office would have "jurisdiction" over the "populations" of the areas. The new language would read "oversight jurisdiction" over the population of the areas, and is more reflective of the modern realities of increasing self-government for the territories.

Consistent with the proposed change, I would also recommend that the language contained in the proposal which refers to "the insular areas under the responsibility of the administrator" be amended to read "the insular areas under the oversight jurisdiction of the administrator".

I appreciate the work that you have done in creating this measure and please let me know if I can be of assistance as this proposal goes through the legislative review process in the Congress.

Cordially,

ALEXANDER A. FARRELLY,
*Governor.*

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TERRITORY OF GUAM,
*Agana, Guam, August 21, 1992.*

Hon. J. BENNETT JOHNSTON,
*U.S. Senate,*
*Washington, DC.*

HAFA ADAI MR. CHAIRMAN: Warmest regards from the Territory of Guam. I would like to express my appreciation for giving us the opportunity to consider S. 2959, Insular Areas Policy Act, before Senate hearings are scheduled to begin next year.

As you are aware, the insular areas, and in particular those in the Pacific (Guam, the Commonwealth of the Northern Marianas and American Samoa) each have unique geographic and cultural characteristics that separate us from one another and from the states. It is due to these unique differences that Guam has continuously requested to be consulted on matters affecting our political, social, cultural, and economic development in order that equitable solutions can be formulated to reduce the negative impact ensuing from foreign and domestic policies. This Act would give us the assurance that the interest of territorial governments are integrated in the development and implementation of policies and programs of the Federal Government.

Because of the Act's potential positive impact, please be assured that serious attention and effort will be directed in the review of S. 2959. We will provide our comments as soon as our review has been completed. It is my hope that through a united effort, a true democratic partnership can be established. Thank you once again for the opportunity to review and comment on the proposed Insular Areas Policy Act.

Sinseramente,

FRANK F. BLAS,
*Acting Governor of Guam.*

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, OFFICE OF THE GOVERNOR,
*Capitol Hill, Saipan, December 11, 1992.*

Re: Insular Area Policy Act—Your November 19, 1992 Letter.

Hon. J. BENNETT JOHNSTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: Thank you very much for taking the initiative on policy reform. We look forward to testifying before your Committee when you re-introduce S. 2959 in the 103rd Congress.

There certainly is a need to re-organize the way the Federal Government develops and implements policies and programs with respect to the U.S. affiliated islands. I have requested my staff to thoroughly analyze your legislative proposal. Generally, we support the intent and general principles advanced by the bill. More details and specific comments will be supplied.

You understand well the problems and aspiration of the U.S. Flag Islands. We deeply appreciate your support for the island members of the U.S. political family. You have been a great supporter of the Commonwealth of the Northern Mariana Islands (CNMI).

Lastly, we offer congratulations for the Democratic victory at the last national election. We know that this victory should translate into real progress as the White House and the Congress are offered the advantages of unified leadership.

My best regards during this blessed holiday season. Again, we will get back to you with more detailed comments on your inspired legislation. Thank you for thinking of us.

Sincerely,

LORENZO I. DE LEON GUERRERO,
*Governor.*

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REPUBLIC OF PALAU,
OFFICE OF THE PRESIDENT,
*Koror, RP, January 13, 1993.*

Re S. 2959.

Hon. J. BENNETT JOHNSTON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: I am in receipt of your letter of November 19, 1992, which included S. 2959 and your comments on same. I have carefully reviewed these documents and am pleased to be able to share my thoughts in this important area with you.

I would like to preface my comments by noting that the Republic of Palau is very appreciative of the special relationship which has evolved between our two nations over the last fifty years. With assistance from the United States we have been able to develop a unique system of government which combines a progressive democratic spirit with our own rich heritage of traditional customs.

Your comments display an admirable sensitivity to the issues which face the insular areas and the fact that fundamental changes "have occurred in the islands and in Federal-Territorial relations." Over the last fifteen years we in the Republic of Palau have seen the ratification of our Constitution and the formation of a Constitutional Government. These developments have been in keeping with the spirit of the Trusteeship Agreement pursuant to which the governments of the insular areas are to be encouraged to develop "self-government or independence" and "economic advancement and self-sufficiency."

The enunciated policy of S. 2959, to promote the "political, social, and economic development of the insular areas . . . consistent with their cultural values, to the levels enjoyed by the several States and to recognize the unique character of insular areas . . ." is a policy which I wholeheartedly support and which is clearly in accord with the Trusteeship Agreement.

I believe that there is a tendency on the part of the Department of Interior to micromanage the insular areas. This tendency, while perhaps admirably motivated, is ultimately inimical to the Trusteeship Agreement and stifling to the development of self-government. S. 2959 appears to recognize this limitation in the way in which the Department of Interior relates to the insular areas and proposes positive steps to alleviate this problem.

I plan on being in Washington later this month for President Clinton's inauguration and would enjoy meeting with you to discuss S. 2959 and the future relationship between our two nations.

Sincerely,

KUNIWO NAKAMURA,
*President, Republic of Palau.*

● Mr. WALLOP. Mr. President, I am pleased to join the chairman of the Energy and National Resources Committee, Senator JOHNSTON, in the introduction of the Insular Areas Policy Act.

If implemented, the legislation would significantly enhance the ability of the Secretary of the Interior to exercise his responsibilities over the territories subject to his jurisdiction. It should also assist in the overall coordination of the multitude of Federal programs which are applicable in the islands and will help to alleviate the problems which the territories have experienced when Federal agencies attempt to implement programs which are ill-suited to the particular conditions of the islands.

I would note that there is nothing in this legislation which the President could not initiate on his own. Hopefully the administration will do so after it has had a chance to review the measure and solicit comments from the territories. I know that there are more ambitious proposals floating around which would attempt a major reorganization, but I think those ideas are premature. Secretary Babbitt has assured the committee that he intends to take a personal interest in the problems facing the territories. Before we embark on a reorganization with uncertain prospects, I think we should give the Secretary an opportunity and some support. This measure would accomplish that.●

By Mr. JEFFORDS:

S. 448. A bill to amend the Federal Water Pollution Control Act to provide for additional certification requirements for certain licenses and permits, and for other purposes; to the Committee on Environment and Public Works.

HYDROPOWER AND OTHER FEDERAL PERMITS

Mr. JEFFORDS. Mr. President, I rise today to introduce legislation that will put power back in the hands of the people. Over and over the past few months, Americans have said they want decisions affecting their lives made closer to home, not in Washington. The bill I am introducing today will empower local people to protect their environment.

Specifically, Mr. President, the bill I introduce today will clarify that States may condition Federal licenses and permits as they see fit to meet the State's water quality goals. Section 401 of the Clean Water Act allows States to review Federal licenses and permits. Before such licenses can be granted, States must certify that granting the license will not adversely affect water quality. States use this authority to condition licenses. In other words, they have the licensee or permittee agree to meet whatever conditions are needed to project water quality.

The limits of this authority, however, are not clear. Many cases have gone to State and Federal courts, and even the Supreme Court. In my own State, a paper company is appealing a court decision to the Supreme Court. The State of Vermont seeks to place conditions on a hydropower license sufficient to protect the State's interests. The manufacturer argues that the State has overstepped its authority. The Supreme Court is left to decide ultimately who is right.

In my capacity as a Senator from Vermont, I support the State's position. My bill clarifies that States do have the authority to protect their water quality. This legislation would amend the Clean Water Act to make it clear that States can use section 401 to protect their interests. I believe State governments, being closer to the people in the State, will more times than not, act in the best interests of the people. Thus, I do not believe that this authority would generally be abused.

I introduced similar legislation in both the 101st and 102d Congresses. I heard from over half of the States that they too supported this legislation. Their support for my past efforts, I believe, was instrumental in defeating efforts to weaken environmental protection in last year's energy bill. Thankfully, we were left with no less protection than the status quo. This year, I hope we can provide additional environmental protection. I look forward to working on this issue with my colleagues and hope for prompt action on this legislation.

By Mr. JOHNSTON (for himself and Mr. LOTT):

S. 451. A bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes; to the Committee on the Judiciary.

### NATIONAL TRIAD ACT

• Mr. JOHNSTON. Mr. President, I rise today with the junior Senator from Mississippi and several colleagues from both sides of the aisle to introduce the National Triad Act. This legislation is virtually identical to that which passed the Senate last September with 54 cosponsors. It will help to expand a very innovative concept whose effectiveness is well proven in alleviating crime-related problems facing some very important people: Our senior citizens, many of whom have either been the victim of some type of crime, or live in fear of becoming victims.

We all know about the increasing and alarming crime rate across the Nation. All too often we overlook the devastating impact of fear of crime and victimization that plague senior citizens every day. Countless problems face our seniors who are victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games. We must respond with new initiatives to address those problems. That is why I am so encouraged about the triad program which is already working on a small scale to assist older people and the law enforcement officers who protect them.

Very briefly, the triad program was created through a partnership among the National Sheriffs' Association [NSA], the International Association of Chiefs of Police [IACP], and the American Association of Retired Persons [AARP] to address the issue of crime and the elderly. I first learned about the triad program from Sheriff Charles Fuselier of St. Martin Parish, LA, who initiated the very first local and State triad in St. Martin Parish and shared with me the success of his efforts. Now, as a result of the success in St. Martin Parish and concerns raised about the well-being of the elderly by law enforcement officers like Sheriff Fuselier and other seniors organizations, the triad concept has been expanded to eight different locations throughout Louisiana and over 75 locations throughout the Nation.

I was so impressed with the success of the triad program in Louisiana that I requested the Senate Special Committee on Aging to hold a field hearing in Lafayette, LA to examine the issue of crime and the elderly and take a closer look at the triad program. We held this hearing in August, 1991 at the University of Southwestern Louisiana. Over 500 seniors from throughout Louisiana attended, including participants from the triad program. Sheriff Fuselier as well as representatives from AARP and IACP told us how to establish a triad program. We also learned of the important role triad plays in prevention efforts and assistance to elderly crime victims. More importantly we heard from some very courageous individuals who were victims of crime about the assistance they received from triad programs established in south Louisiana.

The law enforcement officers, seniors organizations and victim assistance organizations who testified before the committee quickly convinced me that the triad approach is one of the most effective ways to help our older citizens.

Since I learned about this concept, I've pursued every opportunity to expand this innovative approach in my home State as well as nationwide. For example, last year I coauthored S. 2484, the National Triad Act, which passed the Senate last session overwhelmingly with 54 cosponsors. Unfortunately, due to the adjournment of the 102d Congress this measure was not considered by the House of Representatives. Today I am renewing my efforts by introducing this legislation along with Senator LOTT.

Our bill was drafted with the help of seniors organizations and law enforcement representatives to better serve elderly victims and the older Americans who fear crime every day. It is virtually identical to the bill that passed the Senate last year. A new provision will authorize $6 million jointly to the National Institute of Justice [NIJ] and the Bureau of Justice Assistance [BJA] to expand and promote the triad concept. Of this, $2 million will be authorized for NIJ to conduct research, a national assessment and evaluate the triad pilot programs and $4 million will be authorized for BJA to fund 50 nationwide 12-month triad pilot programs, a technical assistance and national training effort, and a national promotion campaign. Also, to ensure the pilot programs represent a diverse cross section of the crime related problems facing senior citizens, the Director of BJA will distribute the pilot awards among three categories based on county populations of less than 50,000, between 50,000 and 100,000, and 100,000 or more.

Seniors and law enforcement officers have already shown through the existing triad programs what can happen when these groups work together. They expand crime prevention dramatically and deliver services much more effectively to older victims of crime. To be effective, programs modeled after the triad concept must be implemented at the local level throughout the Nation. The legislation we are introducing today is a significant first step in expanding the crime prevention partnership which has evolved through the triad concept. It will help seniors and law enforcement officials obtain the necessary resources to expand the triad concept nationwide to protect some of our Nation's most vulnerable individuals, our senior citizens.

This concept is supported by many individuals and associations who have seen its promise as I have. I hope my colleagues will see its promise, too, and the Senate will move quickly to approve it.

I ask consent that a number of letters endorsing the triad program from individuals and organizations be printed in full at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
*Washington, DC, February 24, 1993.*

Hon. BENNETT JOHNSTON,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: On behalf of the American Association of Retired Persons, I am writing to thank you for introducing the "National Triad Program Act". The Association strongly supports this legislation, which will encourage research, program development, and information dissemination to assist states and units of local government in their efforts to prevent crime, assist crime victims, and educate the public regarding crimes against the elderly.

AARP believes communities can greatly benefit from programs that bring together law enforcement authorities, consumer advocacy organizations, and ordinary citizens to identify and implement crime prevention strategies. The Association has worked in coalition with the National Sheriffs' Association and the International Association of Chiefs of Police for many years to accomplish just such aims. We are pleased that the "Triad" model has provided the inspiration for this legislation.

If funded, the demonstration programs authorized under this bill would be useful to law enforcement agencies and organizations representing the elderly around the country as constructive examples of how to deal with crimes against the elderly. The Association believes that this bill will permit and encourage older persons to make a personal investment preventing and reducing their own criminal victimization. It is important and empowering for seniors to play an active role in developing the programs that serve them.

Again, AARP wishes to express its appreciation for your interest in supporting efforts to prevent and reduce crimes against the elderly through introduction of the National Triad Program Act.

Sincerely,

JOHN ROTHER,
*Director, Legislation*
*and Public Policy.*

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NATIONAL SHERIFFS' ASSOCIATION,
*Alexandria, VA, February 2, 1993.*

Hon. J. BENNETT JOHNSTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR JOHNSTON: We at the National Sheriffs' Association share your concern about our nation's rapidly growing elderly population—the criminal victimization and fear of crime which virtually destroy positive quality of life for a large number of older persons. We are grateful for your ongoing support of the National Triad Program Act bill. It means a great deal to the sheriffs across the nation. As an original co-sponsor reintroducing the bill this year, you are taking a step to call attention to the plight of older persons who live in fear of crime—and to develop a workable solution to their problems. This bill will make it possible for new and existing Triads to do a better job of reducing criminal victimization and the sometimes unwarranted feat of crime experienced by the elderly.

The National Sheriffs' Association, representing and working with our nation's 3,095 sheriffs, has become increasingly aware of the crime-related problems of our older citizens. We are working closely with the American Association of Retired Persons and the International Association of Chiefs of Police to increase law enforcement's awareness and ability to respond to the crime-related needs of the elderly, and to expand crime prevention efforts. We believe it is urgent that we appropriate funds and bring to bear the resources to alleviate unwarranted fear and equip our communities to assist more effectively older victims of crime and abuse.

The bill will make it possible for new and existing Triads to do a better job of reducing elderly criminal victimization.

Senator Johnston, thank you for your concern and for taking action to make a difference for millions of older Americans.

With profound thanks to you and your staff, I am

Sincerely,

CHARLES B. MEEKS,
*Executive Director.*

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NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
*Alexandria, VA, August 6, 1991.*

Hon. J. BENNETT JOHNSTON,
*Senate Office Building,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: Thank you for the opportunity to comment on the Triad Program for the elderly.

Law enforcement officials like myself are struggling to combat crime at every level, but few things are more vexing than the continued victimization of the nation's elderly. Older adults are at a crucial time in their lives. They have a right to expect these to be the good years, a time to relax and enjoy their families and the fruits of a lifetime of hard work. Instead they are being routinely swindled and assaulted.

The Triad Program is an important means of helping to fight these kinds of crime. It is important because we in the criminal justice system cannot fight the battle alone. We need a cooperative, multidisciplinary approach through which both seniors and law enforcement officials gain a greater appreciation of the problems and what can be done about them. Triad provides the support older citizens need to come out of hiding and talk to law enforcement officials about their fears and concerns. It also equips the elderly with the information they need to prevent crime and to deal with it when it does occur.

The two year program has also helped make law enforcement officials more responsive to the community. Triad contributes new perspectives to officials, altering them to senior citizens' concerns and fears. There is also evidence that the program encourages seniors to report crimes and has led to arrests. In St. Martin Parish here in Louisiana, the Triad Program sponsored a nurse to speak to officers about how to work with the elderly and their particular infirmities.

Programs like Triad are especially necessary in these times of shrinking government resources. While largely community-based and inexpensive, the program requires some national support, primarily to provide a clearinghouse of information about educational programs and organizational matters. I hope that you and your colleagues will nurture the Triad Program and through your support, encourage even greater community action.

Yours very truly,

RICHARD P. IEYOUB.

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NATIONAL SHERIFFS' ASSOCIATION,
*Alexandria, VA, August 23, 1991.*

Hon. J. BENNETT JOHNSTON,
*Special Committee on Aging,*
*U.S. Senate,*
*Washington, DC.*

Dear Senator JOHNSTON: The problem of the criminal victimization of senior citizens is of deep concern to the 3,096 sheriffs of our nation and the more than 14,000 police chiefs who protect and serve an ever increasing number of elderly persons in their respective jurisdictions. At the National Sheriffs' Association we are grateful to the spotlight you are focusing on the crime-related problems of the elderly, and on the Triad approach to assisting these persons.

We believe that the Triad concept is one of the very best means of reducing criminal victimization—and involving older persons in the solution. The Triad offers a logical integrated approach, as sheriffs, police chiefs, and older persons work cooperatively on the national, State and local level.

Advertising the Triad concept to law enforcement officials is a critical need—as well as technical assistance as fledgling Triads begin their work. It is important to involve senior citizens in an advisory council which assists the local sheriff's and police departments. It is important to give our sheriffs and chiefs the knowledge and tools they need to better protect and serve their elderly populations.

NSA stands wholeheartedly behind the Triad concept—a solution for the 1990's and beyond. Thank you for your concern—and your assistance in our quest for grant assistance from the Bureau of Justice Assistance or other Federal funding sources.

Sincerely,

CHARLES B. MEEKS,
*Executive Director.*

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COLUMBUS POLICE DEPARTMENT,
*Columbus, GA, August 7, 1991.*

Hon. J. BENNET JOHNSTON,
*Special Committee on Aging,*
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: In reference to the correspondence received from your office dated July 25, 1991, the following information is being submitted for your committee record on the issue of Crime and the Elderly.

On June 13, 1991 the Columbus Police Department, the Muscogee County Sheriff's Department and the local American Association of Retired Persons entered into agreement and signed a resolution in support of adoption of the TRIAD concept in Columbus, Georgia. At the present time, we are in the process of identifying members of the community to function on the S.A.L.T. Advisory Council. Members of the council will consist of representatives from public and private organizations that will be valuable in assisting in formulating goals and objectives to address crime-related issues which impact the elderly in Muscogee County.

The long range expected results of the TRIAD will be to reduce criminal victimization of older persons and to enhance the delivery of law enforcement services to the elderly. With involvement of the S.A.L.T. Council, hopefully this will improve the overall quality of life for older residents of our community.

Respectfully,

W.J. WETHERINGTON,
*Chief of Police.*

W.L. DOZIER,
*Major, Bureau of Administrative Services.*

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DEPARTMENT OF POLICE,
*Landy, UT, August 13, 1991.*

Hon. J. BENNETT JOHNSTON,
*Special Committee on Aging,*
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: I received your letter of July 25, 1991, regarding the hearings on issues of Crime and the Elderly. We are vitally interested in the Triad Concept and are actively seeking to establish a local program.

At this time the Triad is in the early planning stages. Our County just recently elected a new Sheriff who is very receptive to the program. We have had a preliminary meeting with the Utah Council on Crime Prevention which will be the umbrella for the Triad Program. The State Triad proposal will consist of a representative of the Sheriff's Association, the Chief's Association and a representative of AARP.

We then propose to establish local SALT units in the County. Locally, we have not experienced a high incident of crimes identified with the elderly. This is probably due to the low percentage of over 65 year population.

We do expect the problems to increase because there has been a dramatic increase in the elderly over the last five years.

Our purpose in participating in the Triad is to establish a preventive program before the problems manifest themselves.

I appreciate your interest in furthering the Triad Concept and if I can be of any assistance, please feel free to contact me.

Sincerely,

GARY J. LEONARD,
*Chief of Police.*

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POLICE DEPARTMENT,
*Newark, DE, August 21, 1991.*

Hon. J. BENNETT JOHNSTON,
*Special Committee on Aging,*
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: In response to your request concerning my exposure to the TRIAD program, I would first say that it has been a very positive experience for a number of reasons. On a personal level, it has heightened my awareness of the criminal victimization as well as the fear that elderly citizens feel even when they are not personally victimized. This fear of becoming a victim often times results in elderly citizens locking themselves away in their homes.

On a national level, the TRIAD program is combining the resources of the National Sheriffs' Association, the International Association of Chiefs of Police, and the American Association of Retired Persons to create a greater focus and communication on issues relating to the criminal victimization of older persons. I serve as a member of the Crime Prevention Committee for IACP and was first exposed to the TRIAD while attending committee meetings. I also had the good fortune of attending the first TRIAD training program at the FBI Academy in Quantico, Virginia. This training has caused me to create a senior volunteer program within the Newark Police Department. We currently have four senior volunteers who spend time each week working side by side with our full-time employees. I have found this to be extremely beneficial both in terms of the contributions these citizens make to the Police Department and the positive interaction that occurs between the volunteers and the full-time employees.

In addition, we have enhanced our crime prevention activity relating to our older citizens. We interact frequently with the Senior Center in Newark by providing programs and sources of information geared towards the senior citizens.

To make the TRIAD program more effective, I would suggest that funding be made available for additional training sessions at the FBI Academy and ensure that three associations involved in the TRIAD concept continue to promote the principles and benefits of this program through their magazines and literature.

Concerning the establishment of a S.A.L.T. Council, I made one effort previously to put this Council in place but was unable to generate sufficient interest. I intend to redouble my efforts in the near future since I feel it is an intricate part of establishing the TRIAD concept at the local level.

The Newark Police Department provides a number of programs to focus on preventing crime. We continue to make presentations to the senior community concerning issues relating to burglary prevention, fraud, and sexual assault awareness. Additionally, we provide surveys of homes and recommend proper locks and security devices to lessen the chance of burglary. We are strongly promoting neighborhood watch programs through various civic associations—many of which have a strong membership of older citizens. We are providing the neighborhood watch programs with signs, marking of personal property, and specific crime trend data relating to their neighborhoods.

I am enclosing a pamphlet concerning demographics of Newark which indicates that approximately 12 percent of our population is made up of citizens 55 years of age or older. In terms of victimization of elderly citizens when compared to the general population, I find there is a low victimization rate in Newark. I have also found that older citizens feel more vulnerable to being victimized and their fears increase with the aging process. Specific experiences in Newark relate to burglaries where older citizens have failed to lock their doors while in the backyard working or when several persons described as "gypsies" have distracted the victim while other members of the group enter the premises and commit a burglary in a matter of minutes. We have also had reports of elderly citizens being victimized through con games such as providing services such as roofing, painting, or blacktopping without actually delivering the specified services. In the past year, we had an incident where an elderly female was raped by an unknown suspect. This created a great deal of fear among older female citizens who live alone.

In response to the question of drug-related crime and elderly victimization, I feel that many burglaries are the result of attempting to obtain property to resell in order to purchase drugs. In terms of family members victimizing the elderly, I have experienced some cases of elder abuse and also have observed older grandchildren steal from their grandparents to obtain money for drugs.

The relationship of the Newark Police Department and the senior community has been very positive. It has been my experience that older persons are generally very supportive of police in their communities and look to them for security and protection.

I hope the above information has given you some insight to the efforts of the Newark Police Department in serving our older citizens as well as the benefits of the TRIAD program. It is my personal belief that with the graying of America, older Americans will be more subject to victimization, and it will become more important for police agencies to work closely with the older segment of the population and support one another for the mutual benefit of all parties concerned.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

WILLIAM A. HOGAN,
*Chief of Police.*

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LOUISIANA COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF CRIMINAL JUSTICE,
*Lafayette, LA, July 30, 1991.*

Hon. J. BENNETT JOHNSTON,
*Chairman, Special Committee on Aging,*
*U.S. Senate,*
*Lafayette, LA.*

DEAR SENATOR JOHNSTON: Crime committed against senior citizens is a serious and growing problem in Louisiana. The elderly are among society's most vulnerable victims. Indeed, it is not just crime, but the fear of crime among the elderly which seriously detracts from their quality of life.

Among the most innovative and effective methods for attacking the problem of crime against the elderly is the Triad concept. Briefly, the Triad concept is a method of bringing together those most concerned with the problems of crime and the elderly in an effective framework for action. The parts of the Triad are: The Sheriff, the Chief of Police, and senior citizen leaders from the community. This group works together to reduce the criminal victimization of older persons and enhance the delivery of law enforcement services to senior citizens. The Triad concept is an excellent mechanism for improved service delivery to, and protection of the senior citizens in the community because it directly involves the seniors themselves in law enforcement decision making at the highest levels.

Because the Triad is a new and innovative concept, there is a great need to have a central clearinghouse for obtaining information on how to organize and effectively operate a Triad program. In addition, there is a need to provide technical assistance to those communities working to implement a Triad. These steps would go a long way toward empowering individual communities to effectively address the problem of crime against the elderly. Such support would be an excellent example of federal leadership, in partnership with the states and local communities, in addressing a serious social problem.

It is my hope that the committee will carefully consider the potential benefits to the senior citizens of this nation which would be derived from implementation of the Triad concept. I realize that there are many diverse and worthy programs affecting the elderly which are deserving of your attention, but it is my view that the Triad concept is among the very most important because it directly affects a serious problem which is too often neglected. Crime and the fear of crime do more harm to the quality of life among the elderly than almost any other factor except health. The Triad concept is an effective, grass roots method for attacking the crime problem and its impact on the elderly.

Thank you for your kind consideration. If you have any questions relating to crime and the elderly, or the Triad concept, please do not hestiate to call.

Sincerely,

MIACHEL A. RANATZA,
*Executive Director.*

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INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
*Alexandria, VA, February 25, 1993.*

Hon. J. BENNETT JOHNSTON,
*U.S. Senate,*
*Senate Hart Office Building,*
*Washington, DC.*

DEAR SENATOR JOHNSTON: The International Association of Chiefs of Police (IACP) would like to commend you and Senator Lott on today's introduction of legislation to advance the Triad concept.

Many of our member police chiefs have participated in these programs and can testify to their effectiveness. Meaningful dialogue among law enforcement groups and senior citizens helps to identify and reduce the exposure of older adults to crime.

Attached please find a copy of the IACP's most recent resolution in support of TRIAD.

Sincerely,

STEVEN R. HARRIS,
*President.*

• Mr. LOTT. Mr. President, I rise today to join my good friend, Senator BENNETT JOHNSTON, in introducing a bill that would establish programs to assist State and local law enforcement agencies in preventing crime against the elderly.

Nationally, older Americans are the most rapidly growing segment of our society. The elderly comprise a little over 15 percent of our population, and predictions indicate that, by the turn of the century, the number will grow to nearly 20 percent of our Nation's population.

According to the latest figures from the 1990 U.S. census, in my own State of Mississippi, people age 65 and older accounted for 321,284 of the State's population of 2,573,216. This represents an 11-percent increase for people age 65 and above since 1980.

Our senior citizens are too frequently in victims of elder-abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games.

According to the February 1993 report by the National Aging Resource Center on Elder Abuse [NARCEA], the number of State compiled reports of domestic elder abuse rose to 277,000 in fiscal year 1991, from 211,000 in fiscal year 1990, an increase of 7.6 percent, from fiscal year 1990.

Over the last 5 years, elder abuse has increased 94.0 percent, according to reports received from fiscal year 1986 to fiscal year 1991.

According to NARCEA's statistics adult children were the most frequent abusers of the elderly in domestic settings—31.9 percent during fiscal year 1990 and 32.5 percent in fiscal year 1991 in 21 States. Spouses were second 15.4 percent, during fiscal year 1990 and 14.4 percent in fiscal year 1991 in 21 States, and the category of other relatives followed closely behind spouses and ranked third, 13.0 percent during fiscal year 1990 and 12.5 percent in fiscal year 1991 in 21 States.

The majority of abusers of the elderly in domestic settings were males 52.3 percent, in 17 States in fiscal year 1990 and 51.8 percent in 18 States during fiscal year 1991.

Over the past several weeks, Senator JOHNSTON and I have been working with representatives of the National Sheriffs' Association, the International Association of Chiefs of Police and the American Association for Retired Persons, to draft legislation that will protect our Nation's elderly. We have come out of our meetings unified, with the sole purpose of promoting a nationwide Triad program.

The Triad concept, which was first conceived in the fall of 1987, is a commitment among chiefs of police, sheriffs, and seniors to work together to reduce both criminal victimization and the unwarranted fear of crime which often plagues this underserved population. Eleven States have signed Triad agreements, and some 70 local Triads are already in operation.

A good example of the Triad concept in action is in Georgia, where State sheriffs, chiefs and Georgia AARP chapters have joined together to establish Triad programs statewide.

The Triad in Georgia has set up local committees of 12–15 seniors and law enforcement personnel known as SALTS, which stands for Seniors and Lawmen Together. The committees foster a closer working relationship between the agencies and the senior citizens they serve.

The Triad sponsors training opportunities for law enforcement agency staff on dealing effectively with the elderly, the demographics of aging, myths and facts relating to aging, and the enhancement of communication between the agencies and senior citizens.

The program helps law enforcement officials meet the needs of the elderly while opening the door for seniors to volunteer with their local Police or Sheriffs Departments.

Volunteers do not take the place of patrol officers, but they do assist law enforcement officers by working as Crime Stoppers and helping law enforcement establish operational neighborhood watch programs. Beyond a doubt, seniors' involvement in these areas would make a tremendous impact on behalf of their communities.

My State of Mississippi has recently been introduced to the concept of the Triad program. Sheriff Tommy Ferrell of the Adams County Sheriffs' Department in Natchez, MI and Sheriff C. V. Glennis of the Pike County Sheriffs' Department in Magnolia, MI, along with members of the National Sheriffs' Association and seniors in their community are in the planning stages of establishing Triad programs in Adams County and Pike County.

Due to the ever-increasing elderly population in Mississippi, I believe our State offers the perfect proving ground for this program.

My legislation would direct the National Institute of Justice [NIJ] to conduct a national assessment of the nature and extent of crimes against the elderly. The NIJ would work in concert with the Bureau of Justice Assistance [BJA], which will be awarding grants to coalitions of local law enforcement entities, victim service providers, and organizations representing the elderly to fund up to 50 Triad-style programs.

Triad activities typically are no-cost or low-cost, and it is anticipated that community sponsors will defray some expenses.

This bill would authorize $6 million to carry out the following programs: $2 million would be authorized to BJA in order to set up 50 pilot programs; $1 million would be available for national training and technical assistance; $1 million for developing public service announcements; and the remaining $2 million would be authorized for the national assessment to be compiled by NIJ, as well as the evaluation of pilot programs that will serve as models for future Triad developments.

Our concern for the Nation's elderly is neither radical or new. However, the idea of chiefs, sheriffs and local law enforcement combining their efforts with local or State AARP or seniors group volunteers, in the interest of seniors, is an innovation.

Less than one-third of all crimes are reported to the authorities. It is programs like: McGruff, DARE, Neighborhood Watch, Operation ID, and now Triad that work in concert to battle crime.

To stop the violence, everyone—young and old—should start reporting crime. As long as criminals remain free to victimize innocent citizens, we will remain a Nation behind bars.

The Triad program, and those like it, are a major step in the right direction to curb crime, and help the elderly feel secure in their communities.●

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By Mr. CONRAD (for himself, Mr. DORGAN, Mr. SHELBY, Mr. DASCHLE, Mr. AKAKA, Mr. LEVIN, Mr. EXON, Mr. DECONCINI, Mr. KOHL, Mr. RIEGLE, Mr. PRESSLER, Mr. BOREN, Mr. BINGAMAN, Mr. BAUCUS, Mr. KRUEGER, Mr. PRYOR, Mr. FORD, Mr. GRAHAM, and Mr. D'AMATO):

S. 452. To amend chapter 17 of title 38, United States Code, to establish a program of rural health care clinics, and for other purposes; to the Committee on Veterans' Affairs.

### VETERANS RURAL HEALTH CARE CLINIC PROGRAM

Mr. CONRAD. Mr. President, I am introducing legislation today to require the Department of Veterans' Affairs to examine alternatives including the expanded operation of stationary rural and mobile health care clinics, to improve access to health care services for veterans living in rural and geographically remote areas from VA health care facilities.

I am pleased that Senators DORGAN, SHELBY, DASCHLE, AKAKA, LEVIN, DECONCINI, KOHL, RIEGLE, PRESSLER, BOREN, EXON, BINGAMAN, BAUCUS, KRUEGER, PRYOR, GRAHAM, FORD, and D'AMATO are joining as original cosponsors of this important rural health care initiative for veterans.

As my colleagues may recall, early in the first session of the 102d Congress, I introduced legislation (S. 1424), to require the Department of Veterans' Affairs to expand a new mobile clinic health care program, authorized under Public Law 100–322, for rural veterans seeking VA health care. Under this 2-year pilot DVA mobile clinic demonstration which became operational last November, six States—Arizona, Maine, Missouri, Vermont, Washington, and North Carolina—were selected to participate in the program.

In S. 1424, I proposed that 24 States not participating in the demonstration program—all States with a significant rural veterans population—have the opportunity to extend health care services to rural veterans through the operation of mobile clinics.

During the closing days of the 102d Congress—October 1, 1992—the Senate adopted a compromise to S. 1424 relating to improved access to VA health-care facilities that was included as a provision of S. 2575, the Veterans Health Programs Improvement Act of 1992, title IV-Rural Health Care Clinics.

Under S. 2575, title IV, Rural Health Care Clinics, the Department of Veterans' Affairs was required to establish and evaluate, over a 3-year period, several options for furnishing health-care services for veterans living in rural areas of the country including: First, mobile health-care clinics operated by DVA personnel; second, part-time stationary clinics operated by DVA personnel; and third, part-time stationary clinics operated under contract with non-DVA entities. Funding, totaling $18 million, was authorized for the establishment of 9 rural/mobile health care clinics.

The rural health care clinic initiative that my colleagues and I are introducing today, is identical to the rural health care clinic initiative that was reported by the Senate Committee on Veterans' Affairs in the Veterans Health Programs Improvement Act (S. 2575) and passed by the Senate last October. This rural health initiative again authorizes $18 million to support the establishment of 9 new rural/mobile health care clinics in fiscal years 1994–96.

Mr. President, I believe this initiative, on behalf of veterans living in rural America, is especially timely as the Clinton administration and Congress examine health care reform and the complex task of improving access to health care for all Americans.

The rural health care clinic initiative should also be examined carefully as Secretary of Veterans' Affairs Jesse Brown reviews the VA health care budget, eligibility reform issues and the recommendations of the Commission on Future Structure of Veterans Health Care which urge that the "VA use a wide range of innovative approaches to improve health care and services for veterans who have special access problems."

Without question, many veterans living in rural and geographically remote areas of the country, have difficulties accessing VA health care. As I have noted in testimony before the Senate Committee on Veterans' Affairs, more than 131,000 veterans, according to the DVA, live in counties that are 2 hours from the nearest DVA health care facility.

In North Dakota, for example, over 34,000 individuals, more than 50 percent of the States' veterans population, live in counties 100 miles or more from the Fargo DVA Medical Center—the only DVA health care facility in the State. More than 15,000 of these veterans live in counties in the western and northern part of the State—places that the DVA has designated as medically underserved areas.

Because of where these veterans live, as well as the limitations on DVA funding to open new medical facilities or clinics, many are not receiving the benefits of health care to which they are entitled at a Department of Veterans' Affairs medical facility.

Mr. President, we have an obligation to provide for veterans with the best and most accessible health care possible. In responding to the health care requirements of rural veterans who have special access problems, we must rely on innovative approaches to assist those veterans living in isolated, rural areas of the country.

I believe the rural health care clinic initiative offers the Department of Veterans' Affairs an excellent opportunity to implement some of the recommendations of the Commission on the Future Structure of Veterans Health Care relating to rural health care. I urge my colleagues to support this measure and I welcome additional cosponsors of the Rural Health Care Clinic initiative.

I ask unanimous consent that the text of this legislation along with the background information prepared last year by the Senate Committee on Veterans' Affairs on title IV—Rural Health Care Clinics—of S. 2575, be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 452

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RURAL HEALTH-CARE CLINIC PROGRAM.**

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of sub-chapter II the following new section:

**"§ 1720E. Rural health-care clinics: pilot program**

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas inappropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(f) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.
(B) For fiscal year 1995, $6,000,000.
(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E (as so added) unless expressly provided for in an appropriations Act.

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BACKGROUND

TITLE IV—RURAL HEALTH-CARE CLINICS

*Background*

The Committee has long been interested in and concerned about access to VA health-care services for veterans in rural areas. In July 1983 and again in November 1989 the Committee held hearings on this issue. At both hearings the Committee heard testimony about problems affecting veterans living in rural areas, including problems associated with travel distances, adverse weather conditions, and the capacity of health-care facilities to meet veterans' needs. Similar concerns were raised at a field hearing the Committee held on July 1, 1991, in Charleston, West Virginia, on West Virginia veterans' access to VA health-care services.

According to VA's February 1986 report, "Study of Health Care Services to Veterans Living in Geographically Remote Areas," veterans living in rural areas are proportionately higher users of VA health-care services than veterans in urban areas. The study also found that there is a higher percentage of persons living below the poverty level in rural areas as compared to highly urbanized areas; that the further away veterans live from a VA facility, the less likely they are to seek VA care, particularly outpatient care; and that there are slightly more service-connected-disabled veterans per 1,000 population in the lesser populated areas.

One significant difference between urban and rural veterans is the greater obstacles they face in traveling to VA health-care facilities. For example, in North Dakota over 34,000 veterans—more than 50 percent of the State's total veteran population—live in counties 100 miles or more from the only VA health-care facility located in that State.

The situation is even more severe in eastern Montana, where 83 percent of veterans live more than 100 miles from the nearest VA facility. In contrast, the Chicago metropolitan area has four VA medical centers, several of which are located on major public transportation routes.

Difficulties in traveling to VA health-care services are not confined to veterans living 100 miles or more from the nearest VA health-care facility. Although most West Virginia veterans live within 100 miles of one of that State's four VA health-care facilities, rugged topography, poor roads, and sporadic public transportation combine to make it difficult for many veterans to reach those facilities. Veterans living in other mountainous States encounter similar difficulties.

For many years the Committee has urged VA to explore various alternatives for improving access to VA health-care services for veterans living in rural areas and has supported the development of various pilot programs to identify effective means for achieving that goal. In September 1986, the Senate Committee on Appropriations directed VA to establish a pilot program to test two different means for expanding VA health-care services in rural areas (S. Rept. No. 99-487, p. 87). In response to that directive, VA established two satellite, community-based clinics—one, in Redding, California, operated by VA personnel, and the other, in Farmington, New Mexico, operated by a non-profit organization under contract with VA. According to an evaluation completed by the Palo Alto, California, VA Medical Center's Far West Health Service Field Program in 1991, both clinics have expanded access to VA ambulatory health-care services for veterans living in geographically remote areas and provided such services at costs comparable to those incurred at other VA facilities.

The Committee also supported section 113 of Public Law 100-322, enacted on May 20, 1988, which required VA to implement a two-year pilot program of mobile health-care clinics, provided that funds were appropriated specifically for that purpose. Under that program, VA was to establish geographically-dispersed projects using appropriately equipped mobile vans to furnish health-care services to veterans in rural areas at least 100 miles from the nearest VA health-care facility. In addition, VA was required to submit to the House and Senate Veterans' Affairs Committees reports on VA's experience during the program and, at its conclusion, reports containing information and detailed breakdowns on services provided, costs, and client characteristics, as well as an evaluation of the program.

Unfortunately, no funds were appropriated for this program for fiscal year 1989. For fiscal year 1990, however, $3 million was appropriated in the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1990, (Public Law 101-144) for the rural mobile health clinics one of which was to be located in Arizona. Although there was no specific appropriation for mobile clinics in fiscal year 1991, VA moved forward with the program, awarding a contract for the manufacture of the mobile clinic vehicles and selecting five sites: Fayetteville/Durham, North Carolina; Poplar Bluff, Missouri; Prescott, Arizona; Spokane, Washington; and Togus, Maine. In fiscal year 1992, funds were appropriated for establishment of an additional mobile clinic to be located in Vermont. VA officials expect to begin operating three of the clinics by mid-September 1992 and the other three by early October 1992.

### *Committee bill*

The rural health-care clinic provisions of the Committee bill are designed to further the Committee's goals with regard to the exploration of various alternatives for improving access to VA health-care services for veterans living in areas geographically remote from VA health-care facilities. Under the rural health-care program, VA would be required to establish and evaluate three means for furnishing health-care services to these veterans: (1) mobile health-care clinics equipped, operated, and maintained by VA personnel, (2) part-time stationary clinics operated by VA personnel, and (3) part-time stationary clinics operated through contracts with non-VA entities. Utilization and evaluation of three different means for furnishing ambulatory care services should enable VA to determine the geographic conditions and ranges of services for which mobile clinics or part-time stationary clinics are more effective.

In determining what health-care services will be provided through rural health-care clinics, the Committee expects VA to draw upon the experiences of VA health-care facilities and non-VA facilities which currently operate mobile clinics and part-time stationary clinics. For example, one model for furnishing health-care services through a mobile clinic of which the Committee is aware is the Checkup and Routine Examinations (CARE) Van operated by the Lebanon, Pennsylvania, VA Medical Center. The CARE Van augments the Lebanon VAMC's services by providing preventive screening examinations to veterans living in isolated farming and mountain communities in central Pennsylvania. The CARE Van's staff is composed of a physician's assistant, a licensed practical nurse, and a medical administration service clerk. This staff performs physical examinations, administers preventive screening tests, counsels veterans on reduction or cessation of smoking and other unhealthy behaviors, and refers veterans requiring follow-up treatment to the Lebanon VAMC or its satellite outpatient clinic in Harrisburg or, if the veteran chooses, to a private physician.

The Committee notes that mobile clinic programs need not be limited to preventive screening. For example, Valley Health Systems, Inc., of Huntington, West Virginia, under a grant awarded by the Children's Health Fund, operates a mobile clinic in isolated areas of four West Virginia counties that provides both preventive screening and routine primary outpatient care. The mobile clinic is currently operated two days per week and is staffed by a pediatrician, a pediatric or family practice resident, a pediatric nurse practitioner, a clerk, and a driver. According to a Valley Health Systems administrator, since January 1992, approximately 500 episodes of care involving comprehensive physical examinations, vaccinations, and other routine primary care services have been furnished to approximately 200 children, many of whom would not otherwise have had access to such care. Children requiring services not furnished through the mobile clinic are referred to primary-care facilities operated by Valley Health Systems or pediatric specialists affiliated with Marshall University.

The strength of the mobile clinic approach is its flexibility. Such clinics can treat small, scattered veteran populations in remote areas where the workload is insufficient to justify establishment of a permanent clinic. They can be shifted among various locations to accommodate fluctuating demand and to provide veterans with convenient access to care.

However, the Committee recognizes that mobile clinics may not constitute the most effective means for furnishing health-care services to veterans—at least not in all rural areas. Several VA medical centers which operated mobile clinics during the 1980s discontinued those programs due to difficulties regarding vehicle maintenance and recruitment and retention of staff. Thus, the Committee bill requires VA to establish both mobile and part-time stationary clinics and to evaluate both types of clinics.

Like mobile clinics, part-time stationary clinics can furnish various services depending on the needs of veterans living in particular remote areas. Several VA medical centers already operate programs comparable to the part-time stationary clinics envisioned by the Committee. The Salt Lake City, Utah, VA Medical Center operates a program through which physicians employed by the Salt Lake City VAMC fly to VA medical centers in Grand Junction, Colorado, and in Fort Harrison and Miles City, Montana, several days each month to furnish specialized diagnostic and treatment services that would otherwise be unavailable at those facilities. According to the Chief of Staff of the Salt Lake City VAMC, this program has proven to be very cost-effective because the cost of chartering an airplane to fly a group of specialist physicians to the three VA medical centers is considerably lower than the cost of transporting individual veterans from those locations to Salt Lake City. Transportation and referral to the Salt Lake City VAMC is generally limited to those veterans whom specialists determine require sophisticated surgical procedures and other services that the other VA medical centers lack the resources to provide.

Other VA medical centers have established part-time stationary clinics through which health-care services are furnished by non-VA health-care professionals. One of the most successful programs of this type is the Farmington, New Mexico, VA Community Clinic noted above. A joint venture between the Albuquerque VA Medical Center and Presbyterian Medical Service, the clinic furnishes a full range of ambulatory care services, including pharmacy, laboratory, and radiology services. Health services are provided by employees of Presbyterian Medical Services who refer veterans who require services not furnished by the clinic to the Albuquerque VAMC.

A less comprehensive, yet no less significant, part-time stationary clinic was recently established by the San Francisco VA Medical Center. Beginning in January 1992, the medical center entered into a contract with a private physician to furnish preventive screening examinations three days per week in his office in Eureka, California, a small city approximately 275 miles north of San Francisco on the California coast. Referrals for follow-up care are facilitated by a program analyst employed by the San Francisco VAMC who travels to Eureka to work with the physician on days on which screening examinations are conducted. San Francisco VAMC officials have located a physician in Ukiah, another isolated Northern California community, who is willing to enter into a similar arrangement to furnish preventive screening to veterans living in that area.

Unlike the mobile clinic pilot program established under Public Law 100-322, the rural health-care clinic program would not restrict access to veterans living at least 100 miles from the nearest VA health-care facility. Instead, the Committee bill would authorize the Secretary to establish rural health-care clinics in areas less than 100 miles from the nearest VA health-care facility if the Secretary determines those places to be appropriate for furnishing such services. In many States significant numbers of veterans living in areas that are less than 100 miles from the nearest VA facility lack ready access to VA facilities because of poor roads or inadequate public transportation services. In inclement weather, a fifty-mile trip along a winding mountain road may be more time-consuming than a 100-mile trip across flat terrain.

To ensure that care from rural health-care clinics is available to veterans on a geographically-distributed basis, the Committee bill would prohibit VA from establishing more than one clinic under this program in any one State. The Committee further recommends that VA establish at least two clinics in each of the four regions into which the Veterans Health Administration is organized. The Committee bill would require that at least three of the nine clinics established under the rural health-care clinic program be mobile clinics. With regard to the other six clinics, the Secretary would have the discretion to determine what combination of mobile and part-time stationary clinics would be most appropriate to carry out the program's goals.

The Committee bill also mandates that VA carry out an evaluation of the rural health-care clinic program. The Secretary would be required to submit to Congress a report on the program which would contain information regarding the types of health-care services furnished under the program, including a detailed specification of the cost of such services, the veterans furnished services under the program, and the types of personnel who furnished services to veterans under the program. With regard to the veterans furnished services under the program, the report would be required to contain an analysis of the extent to which these veterans otherwise would have received VA health-care services and the types of service they would have received.

In recognition of the fact that VA's health-care programs face tight budget constraints, the Committee bill prohibits VA from expending funds for the rural health-care clinic program unless expressly appropriated for that purpose.

### *Cost*

According to CBO, the enactment of title IV would entail costs of $3 million in budget authority and outlays in fiscal year 1993 and total estimated costs of $18 million in budget authority and outlays in fiscal years 1993–1997.

• Mr. GRAHAM. Mr. President, in August of last year, Hurricane Andrew devastated the communities of south Florida, leaving hundreds of thousands without access to even the most basic health care services. One of the many teams of health care professionals, propelled into action by this emergency, was the Veterans Administration mobile health care clinic program.

Hurricane Andrew left the Miami VA Medical Center without electricity or water and rendered many of its staff homeless. Traveling from Arizona, Washington, and North Carolina, the VA mobile health units arrived at the Center and began aiding between 200 and 500 patients a day, including infants and children. During their 20-day stay, the mobile clinicians served nearly 5,700 patients in the hurricane area. Most were treated for injury and poisoning, tetanus vaccination, or respiratory and digestive system problems.

Today, I rise in support of the measure introduced by my good friend and colleague from the State of North Dakota, [Mr. CONRAD], which would expand the pilot program which created the mobile health units. I am an original cosponsor of this bill to establish nine additional mobile or part-time stationary health clinics to be operated by either VA or non-VA entities. These clinics would assist veterans living in areas geographically remote from existing health-care facilities, just as they helped the hurricane victims of south Dade County.

Because of the large number of veterans and relatively limited health care resources, many veterans must travel long distances to receive care. The current VA mobile health clinic program has proved to be an effective provider for many of the needs of rural veterans.

Last year, the Veterans' Affairs Committee, of which I am a proud member, and the full Senate overwhelmingly approved this proposal as part of a larger package. Unfortunately, the provision was dropped in conference committee. Once again this year, I would like to ask my colleagues to join me in supporting the passage of this initiative.•

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By Mr. BINGAMAN:

S. 453. A bill to amend title XVIII of the Social Security Act to provide for coverage of payment for home health services where an individual is absent from the home at an adult day center; to the Committee on Finance.

### AMENDING MEDICARE'S "HOMEBOUND" DEFINITION

Mr. BINGAMAN. Mr. President, I rise today to reintroduce a very simple yet important bill to address a problem in Medicare's evolving home health services program. In my view, coverage of home care could be one of Medicare's most beneficial provisions. In recent years, this coverage has given thousands of elderly patients—who otherwise would require hospital or nursing home care—the opportunity to live at home with the families they love.

But as beneficial as it is, home care does take a toll, both on the patients and the family caregivers. Everyone needs a respite, a break from the monotony and stress of everyday life. To provide much needed temporary relief to family caregivers and life-enriching, stimulating social and health-related interaction to patients, adult day centers have been growing in number in recent years throughout the country.

Unfortunately, Medicare does not cover adult day care. In fact, Medicare's home health coverage can be, and often is, denied if a home health care patient attends an adult day center for any reason other than to receive medical care.

Given the economic and technological realities of today's health care delivery system, I believe it is time for Congress to amend the law to allow for continued Medicare coverage of home health care for homebound patients who attend adult day centers.

The bill I am introducing today would achieve this result. It simply states that when an individual has been determined eligible for the Medicare home health services benefit, that eligibility cannot be denied simply because the patient attends an adult day center if the individual attends the center through the help of others or through specialized transportation.

Mr. President, let me explain the situation and my bill in a little more detail. As I have stated, under current law, Medicare beneficiaries may be disqualified from receiving home health services benefits if they are absent from their home, except in very limited circumstances. Only medical absences and a limited number of nonmedical absences are permitted under Medicare's requirement that home health beneficiaries be confined to home.

When the original home health benefit was implemented in 1965, few, if any, adult day centers existed. Over the past few decades, however, the need for such centers has become increasingly more apparent. Today, a large network of adult day centers operate around the country, allowing the homebound elderly and disabled to leave their homes for social interaction and to receive health services. These centers provide the homebound with stimulating alternative care settings, which help prevent the home from becoming an institutional-type setting, and provide the family caregivers much needed respites from the stresses of day-to-day care.

Unfortunately, for many Medicare beneficiaries and their families, attending an adult day center has become a serious obstacle to receiving continued coverage of necessary home health care services. In fact, many beneficiaries have said that they avoided attending adult day centers simply because they fear losing Medicare home health coverage of necessary care. And if the experience of other beneficiaries is any indication, their fears are probably justified.

Take, for example, the ordeal of a 94-year-old woman in New Hampshire who is confined to a wheelchair and unable to leave her home unassisted. According to the Center for Health Care Law, her intermediary, Blue Cross-Blue Shield of New Hampshire, determined that she was not homebound and withheld her Medicare home care coverage on the grounds that she was transported twice a week to a local day center for the frail elderly. In another case, an 80-year-old woman in Maine, who is suffering from insulin-dependent diabetes, cardiac disease, degenerative joint disease, cataracts, and minimal vision, was twice denied Medicare coverage—even after her appeal was upheld by an administrative law judge. The basis for her denial was that she violated her homebound status when she attended a senior meals program site, which was a quarter of a mile from her home, twice a week. Mr. President, to leave her home, this woman had to use one or two canes, and she required the supervision of another person and specialized transportation. Given these details, I find it incomprehensible that an intermediary would deny Medicare coverage on the grounds that she violated her homebound status. However, like her, hundreds of elderly individuals are being victimized by this illogical and inhumane practice.

To help improve these beneficiaries' quality of life, I believe the Congress should act quickly to amend the Medicare law to specifically allow home health care patients to attend adult day centers. To avoid abuse of the law, this expanded benefit would be available only if attendance is possible through the assistance of other individuals or specialized transportation. This change would identify as the relevant issue the manner by which the patient is capable of attending an adult day center, rather than the purpose of the center. An individual who can attend an adult day center under his own power should not be considered homebound; however, one who can attend only through the use of assistance, and who would otherwise be confined to the home without that assistance, should remain homebound.

Today, adult day centers can serve as surrogate homes for the home health care patients. Patients should be able to receive Medicare-covered home health services while at the centers, if the services are of the type that would have been covered if the individual were in his or her home.

I urge my colleagues to look carefully at this bill, which I ask to be printed in full following my statement, and to talk with their constituents about the need for the type of change I am recommending today.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COVERAGE OF HOME HEALTH SERVICES WHERE AN INDIVIDUAL IS ABSENT FROM THE HOME AT AN ADULT DAY CENTER.**

(a) IN GENERAL.—Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a) and 42 U.S.C. 1395n(a)) are amended by adding at the end the following:

"For purposes of this section, an individual may be considered to be confined to his home, for purposes of payment for home health services covered under this title, notwithstanding the individual's absence from the home, through the assistance of other individuals or specialized transportation, to attend an adult day center, regardless of the nature or frequency of the attendance. An adult day center may be considered an individual's home for purposes of determining whether the individual is entitled to payment for home health services under sections 1812(a)(3) and 1832(a)(2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payment for home health services furnished on or after January 1, 1994.

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By Mr. BRYAN (for himself and Mr. REID):

S. 454. A bill to extend the suspension of duty on three-dimensional cameras; to the Committee on Finance.

### SUSPENSION OF DUTY ON 3-D CAMERAS

• Mr. BRYAN. Mr. President, today I am reintroducing legislation with the senior Senator from Nevada to extend the temporary duty suspension for 3-D cameras.

The 3-D camera duty suspension was enacted in 1990 through legislation we sponsored; however, it expired at the end of 1992 along with almost all of the other 1990 suspensions. Since many companies around the country have relied on the expired duty suspensions, Congress should act on this matter as soon as possible.

The Nishika Corp., which is located in Henderson, NV, is the sole owner of the worldwide patent rights for 3-D cameras. Since the initial duty suspension legislation, the company's work force has more than quadrupled and the company has invested over $4 million into its facilities, becoming a significant employer in the Henderson community.

The camera is unique but uses standard 35mm film, from which it produces a three-dimensional photograph that can be viewed without special glasses. The permanent tariff schedules do not adequately reflect the unique nature of this camera. New classifications need to be created for new products such as the 3-D camera.

Mr. President, in reviewing our bill to extend the 3-D camera duty suspension last year, the International Trade Commission found that the reasons for enacting this suspension in 1990 remain true. However, unless this suspension is renewed, many of the Henderson company's employees may lose their jobs. I urge my distinguished colleagues to support our bill to extend the 3-D camera duty suspension from December 31, 1992, to December 31, 1996.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 454

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF SUSPENSION OF DUTY ON THREE-DIMENSIONAL CAMERAS.**

Heading 9902.90.06 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting in lieu thereof "12/31/96".

**SEC. 2. EFFECTIVE DATE.**

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, after December 31, 1992.

**SEC. 3. CERTAIN ENTRIES.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, shall—

(1) reliquidate each entry which occurred after December 31, 1992 and before the effective date of this Act at the rate of duty that would have been assessed if that entry had been made on December 31, 1992; and

(2) make the appropriate refund of duty.

Such reliquidation and refunds shall be made within 180 days after the date on which the request is made.•

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By Mr. HATFIELD (for himself, Mr. BURNS, Mr. BAUCUS, Mr. CRAIG, and Mr. MURKOWSKI):

S. 455. A bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes; to the Committee on Energy and Natural Resources.

### PAYMENT IN LIEU OF TAXES ACT

Mr. HATFIELD. Mr. President, today I send to the desk for introduction purposes on behalf of Senator GORTON of Washington, Senator BAUCUS of Montana, Senator GREGG of Idaho, and Senator MURKOWSKI of Alaska and myself, a bill relating to the Payment-in-Lieu of Taxes Act.

Mr. President, last October I came to the Senate floor with my distinguished colleague, the Senator from West Virginia, the President pro tempore of the Senate, the chairman of the Appropriations Committee, Senator BYRD, to discuss the problems associated with legislation to adjust the Payment-in-Lieu of Taxes Program.

Like so many things in Washington, we create acronyms in order to save time. So from now on in my remarks I will refer to this Payment-in-Lieu of Taxes Program as PILT.

I want to say simply put, the interior appropriations account was not able to support the $115 million, one-time increase in the PILT Program proposed by last year's legislation. But like other legislation which sometimes has to move through more than one session for accomplishment, Senator BYRD and I pledged to work together in the 103d Congress, this Congress, to find a way to increase the PILT Program in a manner that is equitable both to the Nation's public lands counties receiving money under PILT, and the other programs receiving money though the Interior Appropriations Subcommittee.

Today, I am introducing the Payment-in-Lieu of Taxes Act which I expect will serve as a starting point for building a consensus on an increase for the PILT Program.

PILT is administrated by the Bureau of Land Management, the BLM, the single, largest Federal resource managing agency with responsibility for over 270 million acres of public lands. Created by Congress in 1976, PILT established a formula based on acreage and population whereby county governments are compensated for the presence of certain tax-exempt Federal lands within their boundaries.

Mr. President, in my State, and I am sure that mine is not alone, up to 78 percent of the land in any one county is owned by the Federal Government, which means you are talking about a 22-percent land base of a total county, as far as tax support is concerned, for all of the county services, and those include services to the public lands owned by the Federal Government. We are required, in many instances to maintain roadways, other facilities, servicing, benefiting the Federal ownership.

Mr. President, we are talking about land stewardship today, not only in the sense of environmental concern, but in conservation and wise land management programs.

Stewardship. Any landowner has, in my view, a certain stewardship role and responsibility. We may hold the bill of sale, we may hold the title, the deed to that land, but that does not give any of us the right to destroy that land, or to own that land in a way in which it is going to be used up as far as future generations. That is stewardship. As the largest landowner in my State, the Federal Government has a stewardship responsibility, as it has in every ownership responsibility of land in every other State.

So when we talk about this, this is not a bailout for the local governments. This is not a bag man coming to the Federal Treasury asking for moneys to be appropriated for local governments, because this is a part of the responsibility of the Federal Government as a landowner. And very frankly, if the Federal Government does not want to bear that responsibility of landowner, then it ought to dispose of the land and let those that are willing to take that land into other kinds of title, private or local public land, take that responsibility. I do not think this in any way is begging the Federal Treasury. This is putting the Federal Government on notice that we expect them to live up to their obligations, as any landowner and steward of the land has.

For the last 14 years, the PILT Program has received the maximum amount allowed under the 1976 land—approximately $105 million, for all of this Nation's land owned under the Federal title.

When measured in constant dollars, this amount of money is now worth less than half of what it was when the program was initiated in 1976, as has been stated by Senator BAUCUS.

Not only has the overall dollar value of the program diminished over the years, other Federal land-associated revenues received by the county governments have declined. For example, over the past 60 years, rural counties have grown dependent on collecting a share of the government receipts obtained from resource extraction activities on Federal lands within their boundaries.

Mr. President, let us go back to the initial act that set up the Federal Forest Service. In that act, it said in effect that those forest lands should be administered as one of its responsibilities for the economic benefit of those adjacent communities. We built into the law this kind of a relationship. Over the years, that has been declining rapidly in my State as relates to forestry and other States as relates to mining, as relates to grazing, and all other uses of the Federal lands. We have 500 million acres of Federal lands around this country. The other day, the Secretary of the Interior said we have a new policy. He announced that from now on, the Department of Interior shall be known as the Department of the Environment. I do not know what kinds of a signal—well, I think I know what that signal means. That means we are going to see lesser utilization of the Federal lands as relates to those resources on those Federal lands.

We have gone through this particular experience in my State by seeing the drastic reduction, oftentimes not by the Congress, not by the administration and the executive branch, but by the courts intervening. And if there is any group in this country that has the least competence to run a natural resource, or manage a natural resource, it is the courts of this country. They are looking at everything through legal eyes, not environmental, or policy, or the kinds of programs that we must have for adequate and intelligent administration of our natural resources. We have to get this back into the legislative branch and the executive branch where we can consider all those uses, not just a legal definition or a narrow definition of a point.

So we are indeed in a transition period. I am not suggesting we are going to turn the clock back, or that we want to or can turn the clock back. But in the same article, in the New York Times, attributed to our new Secretary of Interior, I read that for all these years the Federal public lands in the West have been geared to the economic development of the West; and that is, obviously, another point of change that is taking place and will probably accelerate in the next 4 years, if I understand these messages and signals coming from this new administration.

I am not saying that is bad or good. I am saying that that affects and impacts upon the payment in lieu of tax programs as relates to the Federal ownership and stewardship in my State and other States of this country. I think, therefore, that we have to recognize a time to update this act. The receipts that have been used by these various extraction programs of Federal ownership of resources are used to maintain the necessary county services, such as roads, search and rescue, police protection, fire protection, health, safety, and all of the other factors.

Today, these resource development activities are diminishing, primarily because of the general public's demand for the enhancement of alternative forest values, such as fish and wildlife protection and recreation. This increasing trend of diminishing monetary returns on Federal land activities elevates—I underscore importance—the importance of the money received by counties under PILT.

The need for an increase in the PILT Program is clear. I think we have to recognize that the Federal ownership of property within an individual State was never intended to be a burden on that State. Go back and reread the administration acts of each and every one of those western States, beginning with California as the first and Oregon as the second, and all of the others that follow. Very clearly, in the acts of admission, and in the debates surrounding admission of statehood of those lands, it was the clear intent that that retention of Federal ownership should not be a burden to the State and the people being admitted into the Union. Most of them were rural at that time, which are adjacent to these Federal lands. I think the path toward achieving an increase in these payments is, however, somewhat obscure.

The PILT increase legislation introduced last year in the 102d Congress, as I mentioned, would have raised by 120 percent the maximum available amount counties would receive under PILT—from $105 to $220 million. This large increase would have brought the present value of the PILT Program equal to the program's value at the time of its passage in 1976. To achieve the increase, however, the legislation authorized the massive $115 million increase all in 1 year. One-time adjustments of this magnitude are simply too much for the already strained Interior appropriations subcommittee account to handle.

I understood Senator BYRD's resistance to that type of budgetary impact. But now, today, the legislation that we are introducing increases the amount of money counties would receive under PILT to be reflective of the original value of the program. However, I propose to phase in this increase over a 5-year period. Additionally, our bill adjusts the PILT Program for inflation, based on the CPI each year after enactment. In this way, the burden placed on the Interior appropriations committee will be spread over the time of 5 years rather than occurring all in 1 single fiscal year. Ultimately, this legislation will require a fiscal offset. I intend to work with members of the affected community to find an acceptable source of funding.

And these committees will, I am sure, be responsive to our efforts to work with them. I believe this legislation adequately balances the fiscal needs of our counties with the need to continue meeting deficit reduction requirements.

I applaud President Clinton. I feel that he has put himself right in the center of the very important issue that he has presented to the American public about deficit reduction and, of course, including with that deficit reduction spending reductions and tax enhancement.

I urge consideration of this bill today by the body and its passage at the earliest possible moment.

I ask that the text of the legislation be inserted in the RECORD following my remarks.

Mr. President, I also ask unanimous consent that letters of endorsement from the National Association of Counties and the Association of Oregon Counties be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 455

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Payments In Lieu of Taxes Act".

**SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.**

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1994, $1.11 during fiscal year 1995, $1.29 during fiscal year 1996, $1.47 during fiscal year 1997, and $1.65 during fiscal year 1998 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1994, 15 cents during fiscal year 1995, 17 cents during fiscal year 1996, 20 cents during fiscal year 1997, and 22 cents during fiscal year 1998 and thereafter, for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $110.00 |
| 6,000 | 103.00 |
| 7,000 | 97.00 |
| 8,000 | 90.00 |
| 9,000 | 84.00 |
| 10,000 | 77.00 |
| 11,000 | 75.00 |
| 12,000 | 73.00 |
| 13,000 | 70.00 |
| 14,000 | 68.00 |
| 15,000 | 66.00 |
| 16,000 | 65.00 |
| 17,000 | 64.00 |
| 18,000 | 63.00 |
| 19,000 | 62.00 |
| 20,000 | 61.00 |
| 21,000 | 60.00 |
| 22,000 | 59.00 |
| 23,000 | 59.00 |
| 24,000 | 58.00 |
| 25,000 | 57.00 |
| 26,000 | 56.00 |
| 27,000 | 56.00 |
| 28,000 | 56.00 |
| 29,000 | 55.00 |
| 30,000 | 55.00 |
| 31,000 | 54.00 |
| 32,000 | 54.00 |
| 33,000 | 53.00 |
| 34,000 | 53.00 |
| 35,000 | 52.00 |
| 36,000 | 52.00 |
| 37,000 | 51.00 |
| 38,000 | 51.00 |
| 39,000 | 50.00 |
| 40,000 | 50.00 |
| 41,000 | 49.00 |
| 42,000 | 48.00 |
| 43,000 | 48.00 |
| 44,000 | 47.00 |
| 45,000 | 47.00 |
| 46,000 | 46.00 |
| 47,000 | 46.00 |
| 48,000 | 45.00 |
| 49,000 | 45.00 |
| 50,000 | 44.00.". |

**SEC. 3. INDEXING OF PILT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.**

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.".

**SEC. 4. LAND EXCHANGES.**

The second sentence of section 6902(b) of title 31, United States Code, is amended by inserting before the period the following: "and does not apply to payments for lands conveyed to the United States in exchange for Federal lands".

**SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.**

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on October 1, 1993.

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on October 1, 1998.

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR 1994.—During fiscal year 1994, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $62.00 |
| 6,000 | 58.00 |
| 7,000 | 54.50 |
| 8,000 | 51.00 |
| 9,000 | 47.00 |
| 10,000 | 43.50 |
| 11,000 | 42.00 |
| 12,000 | 41.00 |
| 13,000 | 40.00 |
| 14,000 | 38.50 |
| 15,000 | 37.00 |
| 16,000 | 36.50 |
| 17,000 | 36.00 |
| 18,000 | 35.50 |
| 19,000 | 34.50 |
| 20,000 | 34.00 |
| 21,000 | 33.75 |
| 22,000 | 33.50 |
| 23,000 | 33.00 |
| 24,000 | 32.50 |
| 25,000 | 32.25 |
| 26,000 | 32.00 |
| 27,000 | 31.75 |
| 28,000 | 31.50 |
| 29,000 | 31.25 |
| 30,000 | 31.00 |
| 31,000 | 30.75 |
| 32,000 | 30.50 |
| 33,000 | 30.00 |
| 34,000 | 29.75 |
| 35,000 | 29.50 |
| 36,000 | 29.25 |
| 37,000 | 28.75 |
| 38,000 | 28.50 |
| 39,000 | 28.25 |
| 40,000 | 28.00 |
| 41,000 | 27.50 |
| 42,000 | 27.25 |
| 43,000 | 27.00 |
| 44,000 | 26.50 |
| 45,000 | 26.25 |
| 46,000 | 26.00 |
| 47,000 | 25.75 |
| 48,000 | 25.50 |
| 49,000 | 25.00 |
| 50,000 | 24.75.". |

(2) FISCAL YEAR 1995.—During fiscal year 1995, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $74.00 |
| 6,000 | 69.50 |
| 7,000 | 65.00 |
| 8,000 | 61.00 |
| 9,000 | 56.00 |
| 10,000 | 52.00 |
| 11,000 | 50.50 |
| 12,000 | 49.00 |
| 13,000 | 47.50 |
| 14,000 | 46.00 |
| 15,000 | 44.50 |
| 16,000 | 43.50 |
| 17,000 | 43.00 |
| 18,000 | 42.00 |
| 19,000 | 41.50 |
| 20,000 | 41.00 |
| 21,000 | 40.25 |
| 22,000 | 40.00 |
| 23,000 | 39.50 |
| 24,000 | 39.00 |
| 25,000 | 38.50 |
| 26,000 | 38.25 |
| 27,000 | 38.00 |
| 28,000 | 37.50 |

| | |
|---|---|
| 29,000 | 37.25 |
| 30,000 | 37.00 |
| 31,000 | 36.75 |
| 32,000 | 36.25 |
| 33,000 | 36.00 |
| 34,000 | 35.50 |
| 35,000 | 35.00 |
| 36,000 | 34.75 |
| 37,000 | 34.50 |
| 38,000 | 34.00 |
| 39,000 | 33.75 |
| 40,000 | 33.25 |
| 41,000 | 33.00 |
| 42,000 | 32.50 |
| 43,000 | 32.25 |
| 44,000 | 32.00 |
| 45,000 | 31.50 |
| 46,000 | 31.00 |
| 47,000 | 30.75 |
| 48,000 | 30.50 |
| 49,000 | 30.00 |
| 50,000 | 29.50.''. |

(3) FISCAL YEAR 1996.—During fiscal year 1996, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $86.00 |
| 6,000 | 81.00 |
| 7,000 | 76.00 |
| 8,000 | 71.00 |
| 9,000 | 65.50 |
| 10,000 | 60.00 |
| 11,000 | 58.50 |
| 12,000 | 57.00 |
| 13,000 | 55.00 |
| 14,000 | 53.50 |
| 15,000 | 51.50 |
| 16,000 | 51.00 |
| 17,000 | 50.00 |
| 18,000 | 49.00 |
| 19,000 | 48.00 |
| 20,000 | 47.50 |
| 21,000 | 47.25 |
| 22,000 | 46.25 |
| 23,000 | 46.00 |
| 24,000 | 45.25 |
| 25,000 | 45.00 |
| 26,000 | 44.50 |
| 27,000 | 44.00 |
| 28,000 | 43.75 |
| 29,000 | 43.50 |
| 30,000 | 43.00 |
| 31,000 | 42.50 |
| 32,000 | 42.00 |
| 33,000 | 41.75 |
| 34,000 | 41.25 |
| 35,000 | 41.00 |
| 36,000 | 40.50 |
| 37,000 | 40.00 |
| 38,000 | 39.50 |
| 39,000 | 39.00 |
| 40,000 | 38.75 |
| 41,000 | 38.25 |
| 42,000 | 38.00 |
| 43,000 | 37.50 |
| 44,000 | 37.00 |
| 45,000 | 36.50 |
| 46,000 | 36.00 |
| 47,000 | 35.75 |
| 48,000 | 35.25 |
| 49,000 | 35.00 |
| 50,000 | 34.50.''. |

(4) FISCAL YEAR 1997.—During fiscal year 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $98.00 |
| 6,000 | 92.00 |
| 7,000 | 86.00 |
| 8,000 | 80.50 |
| 9,000 | 74.50 |
| 10,000 | 68.50 |
| 11,000 | 66.50 |
| 12,000 | 64.50 |
| 13,000 | 63.00 |
| 14,000 | 61.00 |
| 15,000 | 59.00 |
| 16,000 | 58.00 |
| 17,000 | 57.00 |
| 18,000 | 56.00 |
| 19,000 | 55.00 |
| 20,000 | 54.00 |
| 21,000 | 53.50 |
| 22,000 | 52.75 |
| 23,000 | 52.00 |
| 24,000 | 51.50 |
| 25,000 | 51.00 |
| 26,000 | 50.50 |
| 27,000 | 50.25 |
| 28,000 | 50.00 |
| 29,000 | 49.50 |
| 30,000 | 49.00 |
| 31,000 | 48.50 |
| 32,000 | 48.00 |
| 33,000 | 47.50 |
| 34,000 | 47.00 |
| 35,000 | 46.50 |
| 36,000 | 46.00 |
| 37,000 | 45.50 |
| 38,000 | 45.00 |
| 39,000 | 44.50 |
| 40,000 | 44.00 |
| 41,000 | 43.50 |
| 42,000 | 43.00 |
| 43,000 | 42.75 |
| 44,000 | 42.25 |
| 45,000 | 41.75 |
| 46,000 | 41.25 |
| 47,000 | 40.75 |
| 48,000 | 40.25 |
| 49,000 | 39.75 |
| 50,000 | 39.25.''. |

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NATIONAL ASSOCIATION
OF COUNTIES,
*Washington, DC, February 23, 1993.*

Hon. MARK O. HATFIELD,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR HATFIELD: The National Association of Counties wishes to express its full support for your legislation which would restore the full value to the Payments-in-lieu-of-taxes (PILT) program. At our recent Board of Directors meeting, NACo affirmed that the passage of an increased PILT authorization is one of our top seven national priority issues.

As you are well aware, PILT was authorized in 1976 and is subject to the yearly appropriations process. The authorization, however, has not been increased since the original program was introduced. The value of the program has been severely eroded by simple inflation to the point where in today's dollars, it is worth less than half of when enacted 17 years ago.

For 17 years Congress has recognized its responsibility to provide payments to over 1700 counties in 49 states to compensate them for the taxes lost through federal ownership of open space lands. Full funding under the current authorization has been about $104 to $105 million nationwide. If inflation has been factored into the program, full funding today would be $245 million as estimated by the Bureau of Land Management. That would be just to keep up with the original value of the PILT program.

For counties with large amounts of tax exempt public lands, the funding of PILT is critical. It is a major portion of their budgets and goes to help fund the direct and indirect services counties provide to public lands. PILT funds are spent for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, and health and human services. All of these services are necessary to support the vast system of national parks, national forests, fish and wildlife refuges, and reclamation areas whose visitation has increased dramatically in the last 17 years.

Counties continue to rely on the property tax to fund the operation of local government. Statewide tax limitation measures have constrained the growth of local property taxes. But even under the strictest limitations, there is room for some increase for inflation. That has not been the case with PILT. While the consumer price index has skyrocketed over 120 percent since 1976, PILT payments have remained flat. Counties are faced with increasing costs for services to public lands and are being squeezed by the shrinking value of the existing program.

Shifting priorities in federal land management decisions have also piled an additional burden on local governments. Economic uses of public lands have been curtailed by Congress, further adding to the financial burden of local communities. Restrictions on mining, logging, and grazing have a direct impact on local economies and threaten the stability of communities that must service public lands areas. As natural resource payments to counties decline, the importance of PILT has increased dramatically.

The legislation you have introduced does not seek to make PILT an entitlement program. Counties have, year after year, gone to the appropriations committees in Congress to make their case for full funding of the program. We are willing to continue to do that in the future. We are, as elected officials, perfectly aware of the constraints of budget deficits. That is why we support your approach of phasing in over a five year period an increase in the authorization for PILT. As the Congress begins to shift savings from defense programs to domestic programs, we think PILT should have a high priority for increased funding.

Your leadership on this issue is important to counties across the nation. You have the unique perspective of representing a state with vast amounts of federally owned lands whose traditional uses are being altered by protection plans for the northern spotted owl. You are aware of how an increase in the PILT authorization could help distressed natural resource dependent communities whose economies are in transition. We appreciate your willingness to tackle this issue which is so important to counties nationwide.

We look forward to working with you on the passage of a new PILT authorization. Thanks for your strong support and leadership.

Sincerely,

JOHN STROGER,
*President.*

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ASSOCIATION OF OREGON COUNTIES,
*Salem, OR, February 8, 1993.*

Hon. MARK O. HATFIELD,
*Hart Office Building,*
*Washington, DC.*

DEAR SENATOR HATFIELD: The Association of Oregon Counties most enthusiastically supports your legislative concept regarding adjustment to the federal payments-in-lieu-of-taxes program.

In coordination with the National Association of Counties, we have been seeking adjustments in payments under the program that would simply recapture value lost to inflation since its adoption in 1976.

Given federal budget realities, a three-year phase-in is certainly reasonable. In addition, the feature of an annual cost-of-living index is key to keeping the program current.

Your concept effectively helps address the need for domestic economic revitalization, particularly in our hard pressed rural counties with predominant federal land ownership, such as Lake (78 percent federal ownership), Harney (76 percent), and Malheur (75 percent).

Your concept also addresses equity in this federal-county partnership. Tax immunity of these national purpose lands places an unfair burden on taxpayers of the county, who provide vital services—such as road maintenance, law enforcement, solid waste, and search and rescue operations—to visitors and agency employees. Both the costs of county services and number of visitors to public lands is increasing significantly every year.

Two quick examples of the need for your concept:

Grant County is 60 percent federally owned. In 1976, PILT was 22 percent of the county general fund budget. By 1991, PILT payments had fallen to only 9 percent of the budget. After full phase-in of your concept, payments to Grant County should return to 21 percent of its budget.

Harney County, with a population of 7,100, is 76 percent federally owned and must maintain over 2,000 miles of county roads. PILT pays $308,000, or only 6.4 cents per acre. This payment is less than half of what the county would be authorized under your concept.

We deeply appreciate your leadership and stand ready to help. We will stay in close consultation with your staff.

We also look forward to our visit with you March 2nd, and are pleased that you will be addressing the NACo Legislative Conference.

Best Regards,

MICHAEL J. SYKES,
*President.*

ESTIMATED PILT PAYMENTS UNDER 5-YEAR PHASE-IN

| State | Fiscal year— | | | | | |
|---|---|---|---|---|---|---|
| | 1992 (actual) | 1994 | 1995 | 1996 | 1997 | 1998 |
| Alabama | $133,419 | $152,155 | $173,522 | $197,890 | $225,679 | $257,371 |
| Alaska | 4,507,941 | 5,477,313 | 6,655,136 | 8,086,233 | 9,825,069 | 11,937,818 |
| Arizona | 8,400,142 | 9,968,202 | 11,829,972 | 14,037,093 | 16,657,405 | 19,766,853 |
| Arkansas | 934,515 | 1,252,689 | 1,679,193 | 2,250,908 | 3,017,275 | 4,044,567 |
| California | 10,194,587 | 11,908,729 | 13,911,091 | 16,250,135 | 18,982,472 | 22,174,230 |
| Colorado | 6,426,496 | 8,011,361 | 9,987,077 | 12,450,033 | 15,520,388 | 19,347,937 |
| Delaware | 9,576 | 9,756 | 9,939 | 10,125 | 10,315 | 10,509 |
| Florida | 1,039,091 | 1,285,551 | 1,590,470 | 1,967,711 | 2,434,429 | 3,011,848 |
| Georgia | 790,686 | 920,305 | 1,071,173 | 1,246,773 | 1,451,159 | 1,689,051 |
| Hawaii | 36,363 | 32,702 | 29,409 | 26,448 | 23,785 | 21,390 |
| Idaho | 7,245,410 | 8,651,965 | 10,331,574 | 12,337,247 | 14,732,283 | 17,592,267 |
| Illinois | 305,050 | 359,663 | 424,053 | 499,971 | 589,481 | 695,015 |
| Indiana | 211,909 | 243,594 | 280,016 | 321,884 | 370,013 | 425,337 |
| Iowa | 127,815 | 127,815 | 127,815 | 127,815 | 127,815 | 127,815 |
| Kansas | 337,818 | 395,741 | 463,597 | 543,086 | 636,206 | 745,292 |
| Kentucky | 594,384 | 722,857 | 879,098 | 1,069,011 | 1,300,193 | 1,581,222 |
| Louisiana | 159,163 | 178,377 | 199,912 | 224,045 | 251,093 | 281,405 |
| Maine | 94,239 | 104,780 | 116,500 | 129,531 | 144,020 | 160,129 |
| Maryland | 43,040 | 46,968 | 51,255 | 55,933 | 61,037 | 66,608 |
| Massachusetts | 53,609 | 55,572 | 57,606 | 59,715 | 61,901 | 64,167 |
| Michigan | 1,139,050 | 1,402,283 | 1,726,348 | 2,125,305 | 2,616,460 | 3,221,120 |
| Minnesota | 685,811 | 914,103 | 1,218,388 | 1,623,962 | 2,164,544 | 2,885,074 |
| Mississippi | 345,558 | 430,729 | 536,891 | 669,221 | 834,165 | 1,039,764 |
| Missouri | 861,076 | 1,092,328 | 1,385,684 | 1,757,825 | 2,229,908 | 2,828,775 |
| Montana | 7,701,030 | 9,347,931 | 11,347,030 | 13,773,646 | 16,719,204 | 20,294,684 |
| Nebraska | 333,815 | 395,731 | 469,131 | 556,146 | 659,300 | 781,587 |
| Nevada | 6,730,261 | 7,733,036 | 8,885,220 | 10,209,074 | 11,730,175 | 13,477,912 |
| New Hampshire | 89,862 | 140,858 | 220,794 | 346,092 | 542,497 | 850,360 |
| New Jersey | 42,619 | 45,912 | 49,459 | 53,280 | 57,396 | 61,830 |
| New Mexico | 10,492,453 | 12,430,061 | 14,725,482 | 17,444,791 | 20,666,265 | 24,482,640 |
| New York | 40,805 | 44,141 | 47,751 | 51,655 | 55,878 | 60,447 |
| North Carolina | 1,268,014 | 1,482,406 | 1,733,048 | 2,026,064 | 2,368,625 | 2,769,104 |
| North Dakota | 556,279 | 655,667 | 772,812 | 910,887 | 1,073,630 | 1,265,451 |
| Ohio | 207,377 | 237,565 | 272,148 | 311,765 | 357,150 | 409,141 |
| Oklahoma | 781,425 | 921,010 | 1,085,528 | 1,279,434 | 1,507,977 | 1,777,344 |
| Oregon | 2,871,042 | 3,400,764 | 4,028,223 | 4,771,451 | 5,651,809 | 6,694,597 |
| Pennsylvania | 211,483 | 256,244 | 310,478 | 376,192 | 455,814 | 552,288 |
| Rhode Island | 0 | 0 | 0 | 0 | 0 | 8 |
| South Carolina | 169,246 | 181,721 | 195,115 | 209,496 | 224,937 | 241,517 |
| South Dakota | 1,300,049 | 1,638,957 | 2,066,215 | 2,604,855 | 3,283,912 | 4,139,991 |
| Tennessee | 464,399 | 590,219 | 750,126 | 953,358 | 1,211,651 | 1,539,924 |
| Texas | 1,313,903 | 1,554,011 | 1,837,998 | 2,173,881 | 2,571,145 | 3,041,007 |
| Utah | 8,860,477 | 10,488,467 | 12,415,577 | 14,696,767 | 17,397,094 | 20,593,568 |
| Vermont | 236,604 | 274,734 | 319,009 | 370,419 | 430,115 | 499,430 |
| Virginia | 1,184,836 | 1,438,288 | 1,745,958 | 2,119,442 | 2,572,819 | 3,123,180 |
| Washington | 1,409,119 | 1,826,238 | 2,366,831 | 3,067,447 | 3,975,455 | 5,152,246 |
| West Virginia | 777,068 | 931,681 | 1,117,058 | 1,339,320 | 1,605,805 | 1,925,312 |
| Wisconsin[1] | .......... | .......... | .......... | .......... | .......... | .......... |
| Wyoming | 7,194,674 | 8,575,962 | 10,222,441 | 12,185,023 | 14,524,396 | 17,312,900 |
| Total | 98,913,588 | 109,761,233 | 131,495,760 | 157,713,512 | 189,385,799 | 227,709,185 |

[1] Counties in Wisconsin do not receive payments.

Note—data does not include U.S. Territories.

Source: Bureau of Land Management.

Compiled by the National Association of Counties.

Mr. BAUCUS. Mr. President, I would like to say a few words about the Payment in Lieu of Taxes Act which Senator HATFIELD introduced today. I commend my colleague from Oregon for very hard work in crafting this legislation. He has provided yeoman service and all of us in the West, public land States, are very deeply indebted for his hard work.

It is fiscally responsible, yet responsive to the needs of rural communities across the Nation. In short, this bill proves to rural communities across the country that Uncle Sam can be a good neighbor.

The purpose of this legislation is to increase authorization for the Department of the Interior's Payments in Lieu of Taxes [PILT] Program and to index the PILT Program to the rate of inflation as measured by the Consumer Price Index.

Many counties in the West have a large portion of their land base in Federal ownership. In the past, these communities have counted on Federal lands to provide jobs and an adequate tax base. Mineral development, oil and gas drilling, and logging are activities that have historically occurred on public lands and that provided good paying jobs and a steady flow of tax revenue to rural counties.

But times are changing. The result of past overuse, tough global competition in natural resource markets, and the growing emphasis on sustainable development, recreation and conservation on our public lands has, in many instances, diminished the once important role extractive industries played in rural America.

This bill amends the Payments in Lieu of Taxes Act of 1976, which was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries. As a Member of the House, I worked hard to pass this legislation. Since that time, PILT has been authorized at the same level of funding. PILT payments today are worth about one-half of what they were back in 1976.

This bill would bring about a long overdue increase in the level of appropriation to the PILT Program under a 5-year phase in. Put simply, the PILT Program would be brought in line with the 1990's, and would guard against the value of payments diminishing in the future. Also, by phasing this increase in over a 5-year period, this bill is specifically tailored to minimize the budgetary impact of a payment increase.

More than 1,700 counties in 49 States benefit from this program. In Montana, all 56 counties depend on the PILT Program to some degree. Mostly rural, these counties house our enormous complex of national forests, national parks, wildlife refuges, and lands administered by the Bureau of Land Management.

PILT payments enable rural counties, whose tax base is constrained by the presence of nontaxable Federal lands, to meet the education and transportation needs of their citizens, and meet the demand placed on local services by people recreating on the public lands.

Finally, the act as it currently exists penalizes States by making lands which it exchanges to the Federal Government ineligible for the PILT Payment Program. As a result of this provision, the entitlement land base under PILT has eroded for counties that must still provide the same services even though lands within its boundaries become Federal property.

This bill amends that provision and allows lands that are conveyed to the United States in exchange for other lands to be eligible for PILT payments.

The counties relying on PILT payments recognize the need to control the Federal deficit. At the same time, the need to keep apace with the growing costs of providing basic services is something that we cannot afford to overlook or ignore. This bill simply asks that we recognize the importance of the PILT Program and tailor it to more adequately reflect the present.

Mr. HATFIELD. Mr. President, I thank the Senator from Montana for his very succinct, accurate, and excellent statement on a subject that is so important as he indicates to not just a few States in the Far West, but certainly to at least 49 of the 50 States.

Mr. BURNS. Mr. President, I thank the Senator from Oregon, [Mr. HATFIELD] for his work on this piece of legislation.

Last year I think Senator WIRTH and I worked very hard on increasing of the PILT payment to the counties, and when we sat down and visited with the ranking member of the Appropriations Committee and the chairman, we knew that it was almost impossible to do as it was written last year.

I congratulate Senator HATFIELD on the work he has done with the chairman of the committee and to find a way that we can increase this payment in lieu of taxes with this piece of legislation.

One would have to be somewhat involved in county government before you can really get a handle on what this means and the impact on counties. Now in my case, of all the western States, of course with the State of Oregon, Montana actually has one of the lowest percentages of public lands, a little over 35 percent, but that 35 percent equals 28.5 million acres. Montana is a fairly sizable State, and if you want to know how big it is from Eureka up in the Northwest corner down to Alzada in the southeast corner it is farther than it is from Chicago to Washington, DC.

When you look at those 28.5 million acres, many of those acres are owned by the Federal Government. In other words, the Federal Government owns roughly as much in Montana as the total combined area of seven States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Vermont.

Each of these States have about 6 percent represented in Federal land in their States. So consequently at least 94 percent or more of each of these States is open for economic development and is a part of the local tax base.

I had the privilege of serving on the Board of County Commissioners in Yellowstone County, MT. All 56 counties did qualify for a certain amount of PILT. What we did with that money is we tag that money for one purpose and that was public safety. That is what we replaced our communications with in our sheriff's department. That is what we replaced vehicles with in the sheriff's department, new equipment and this type. Everything for public safety in the sheriff's department came out of that account.

So having the Federal Government as a single major landowner in our State puts us under severe restrictions on economic development in that State. It also places a large strain on local government, because Federal Government pays no property taxes into the coffers and property taxes, as you well know, schools, and all the services that a county provides has to fall on a thing called property taxes and personal property taxes. Right now they are fairly high.

I can remember in the eighties when both of the coasts, California on the west coast and the east coast, were in great shape. Economically they were booming in the eighties. The midlands were dying. We had a declining tax base.

The Senator from Oregon can probably remember the days in eastern Oregon when we had a declining tax base and we were put under severe restraints, because people were tired of paying higher property taxes. So we had a thing like initiative 105 in Montana. We could levy no more, no more mils to provide the services for our citizens. So that meant we had to be very creative.

And I might get over into another area here and say that it was then that we developed a 5-year budget in Yellowstone County, and when you worked your yearly budget and if you changed some figures or you changed direction or priorities in your spending, then you would see how that would be reflected 5 years down the line and sometimes it was not very good. So you pulled back on that.

I think this Government should have at least a 2-year budget, and it would help us in dealing with some of our fiscal problems of this Government.

So as that county commissioner, I have to tell you that the current structure of the PILT estimates is totally inadequate. PILT funds are used by more than 1,700 counties in 49 States and all 56 counties in Montana. We used it for a variety of reasons—health care, education, transportation, road maintenance, search and rescue, fire protection, the whole litany of essential services that we provide our people in our counties.

And the current PILT payments do not nearly come close to equaling the revenue that would be raised if the land were in private ownership.

Now, the Senator from Oregon alluded a while ago to a thing called conservation and stewardship. Conservation is the wise use of a renewable resource. Communities depend on that resource every year. So we are very, very aware of our water management, our soil management, what we do on the land and how much we do on the land.

So, with this in mind, if the Government basically wants to look and say, OK, if we want to take care of our national debt or we want to deal with the deficit—I know if I were a big landowner and if I were in way over my head and the banker says, "You have to pay up," I am going to have to sell some of those assets.

Maybe we should look at this body. It is not time to look where we have in one county in eastern Montana there might be a 40-acre plot that belongs to the BLM in the middle of 4 or 5 sections out there that are landlocked. It has to be managed. The cost of management is the same as with the whole section. But, nonetheless, it is there and maybe I think it should be sold to the private landowner and there are people who buy it in those isolated cases. You have to take it on a case-by-case basis and put that money in the Treasury. Let us sell some assets. Let us get settled up and let us try to run it with a little more judgment than we have exercised in the past.

I congratulate the Senator from Oregon, because he has been very helpful, because last year we were working with the Senator from Colorado, who is no longer in this body, and we knew what we were up against that year, too, last year, and I think that the chairman and the ranking member of the Appropriations Committee did do the appropriate thing last year when they said, OK, let us sit down and let us take a look at this thing. Let us approach it sensibly and in a manner in which we can deal in this.

I congratulate my ranking member.

Mr. President, I rise today in support of the Payment-in-Lieu of Taxes Act Amendments of 1993. Those of us who represent western States have to deal with the problem caused by the fact that the Federal Government owns such a large proportion of the land base in our States. Of all the western States, Montana actually has one of the lowest percentages of public land—a little over 35 percent. However, that 35 percent equals approximately 28.5 million acres.

In other words, the Federal Government owns roughly as much land in Montana as is in the total combined area of the seven States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Vermont. Each of these States has less than 6 percent Federal land. Consequently at least 94 percent or more of each of these States is open for economic development and is part of the local tax base.

Having the Federal Government as the single major landowner in a State places severe restrictions on economic development in that State. It also places a large strain on local government because the Federal Government pays no property taxes on the land it owns. Property tax is, of course, the single largest source of revenue for local governments. PILT, the payment in lieu of taxes, is the way that most counties get any reimbursement from the Federal Government to compensate for the Federal land in a county.

As a former county commissioner, I've got to tell you that the current structure for PILT payments is totally inadequate. PILT funds are used by more than 1,700 counties in 49 States and all 56 counties in Montana to help fund education, transportation, health care, police protection, road maintenance, search and rescue, fire protection and a whole litany of other essential local services. Current PILT payments do not come close to equaling the revenue that would be raised if the land was in private ownership. Unfortunately, the PILT payment has not increased since its inception in 1976.

Inflation has caused the cost of providing government services to the citizens who live in or visit public lands areas to rise dramatically. Action is needed today because the PILT program has been authorized at the same level for 14 years, resulting in payments that are worth less than half of their original value. This bill provides just the type of action that is needed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to thank the Senator from Montana for his contribution that he has made. In fact, one of his first identifications I recall when he arrived in the Senate was to raise this issue along with other issues dealing with land ownership and responsibilities of the western States.

The Senator very lightly touched on the fact that he served on the board of county commissioners in Montana.

That does not isolate him to Montana. The Senator has traveled the States of Oregon extensively and Idaho and Washington. If there is anyone who knows more of the parks and roads of the western States, besides my colleague Senator PACKWOOD, it is the Senator from Montana. I think in that role he has served as a public trust in maintaining the service in that county but also knowing the western States as he does and realizing my State is a State much like his. They are States of small communities. There is no reason to exacerbate our urban center problems anymore and let the small communities die in our areas of the West and have that migration of people into those urban centers which merely exacerbate the unsolved problems we are dealing with now in those urban areas.

That is what happens. When those small towns dry up and they have no economic base, through the loss of the resource base economy, and they have an inadequate PILT program, what is there for the young people to ever look forward to? The people already in the work force migrate from college.

We have four communities in my State alone that are candidates today for those towns. They have a 1- or 2-mill economy. And they are small operators, small enterprises, medium-size enterprises that depend entirely on public timber for their survival.

Mr. BURNS. Will the Senator yield on that point?

Mr. HATFIELD. Yes.

Mr. BURNS. Mr. President, we underestimate the social costs in Government whenever these towns go down; the costs that it cost to pay our rent, so to speak, to be the good neighbor, the Federal Government.

Now the public does own those lands, because they are part of this Government. If they want to own those lands, they have to understand that there is a price of ownership; there is a responsibility to the community.

I have always been told that a community, to survive, has to have four things: It has to have, well, in our case, a grain elevator; it has to have a school; it has to have a church; it has to have a post office. There are other factors there, but we will not mention those at this time.

But if you lose any of those four elements in a community, it is severely damaged for its survival. That is why I push technology in the telecommunications industry, because that is going to the infrastructure, the future, as far as rural America is concerned.

But the social costs of taking care of those families and the costs to this Government is so great, as compared to the taxes or the fees we pay for our land to those communities to keep them healthy and viable, there is no comparison; and also to maintain that quality of life that these people have chosen to take.

Mr. HATFIELD. Mr. President, the Senator from Montana certainly has made a very excellent point on raising the social values, the social dimension, the social costs of this matter of land management.

What he has done is put a human face on this. Whenever we get up here to debate good land management, resource management, I want to say to the Senator I hear debate after debate and I hear very little reference made to the human factor in that debate. We get to be very mechanical, very engineering-like. We can discuss all of the attributes of a certain policy but oftentimes we lose to the human dimension, the human face.

I find that is true even in the Appropriations Committee. We talk about a dollar level, a threshold level, for certain programs. I like to go out in my community and visit with those shelters for abused women, visit those places where the homeless are trying to be helped or the sick being helped or the educated people to be educated.

I happen to be a visual learner. But when I see those human faces and then I come back to these programs and debate them, they have far more meaning. I am sure many of my colleagues are visual learners like I am in visiting their constituents.

But I do want to thank the Senator for raising the social factor. When we talk about PILT, it is a money matter. It is a threshold of support. It is a payment in lieu of taxes, and that is all very impersonal.

But let me tell you, you get out in those communities where their health and their safety and all the other services and their education are at stake, that puts a human face on it. I hope my colleagues would look at this in that way.

Thank you, Mr. President.

I ask unanimous consent that Senator HATCH of Utah be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SIMON (for himself and Mr. WOFFORD):

S. 456. A bill to establish school-to-work transition programs for all students, and for other purposes; to the Committee on Labor and Human Resources.

### CAREER PATHWAYS ACT OF 1993

Mr. SIMON. Mr. President, I am pleased to be introducing this afternoon in the U.S. Senate, with my distinguished colleague from Pennsylvania, the Career Pathways Act of 1993.

It is an attempt to pull business, labor, and education together so we provide greater help to those who are not college bound.

It does not suggest that those who take part in this cannot eventually change their course. It is not rigid as it is in Germany, for example, where, if you choose at an early age, you are going to go in one direction, you have to stay in that direction. But it encourages the practical cooperation that really can be meaningful in the lives of young people. Frankly, I think it can be very helpful in reducing dropout rates, in developing skills, the skills that I hear over and over again are needed. It meshes two heads. When I meet with business leaders, they say over and over again, "We cannot find the quality people we need for employees." Then when I talk to people in communities where you have high unemployment, they say, "We cannot find the jobs." This meshes these two things and, I think, moves in the right direction.

The Career Pathways Program provides young people in school with an opportunity to gain career skills through a rigorous academic and work-based learning system.

President Clinton has demonstrated a strong commitment to this kind of investment in human capital. In his book, "Putting People First," he says he wants to "Bring business, labor, and education leaders together to develop a national apprenticeship-style program that offers non-college-bound students valuable skills training, with the promise of good jobs when they graduate."

More recently, in his State of the Union Address, the President reiterated this commitment, pledging a significant expansion of youth apprenticeship-style programs. The Career Pathways Program is designed to meet this goal.

In 1988, the William T. Grant Foundation issued a report called "The Forgotten Half: Pathways to Success for America's Youth and Young Families." "The Forgotten Half" poignantly outlined a fundamental failure in our Nation's education and training system: We do not provide enough assistance to help young people make the transition from school to employment. About half of our students never go to college, and half of those who do never obtain degrees. Young people who do pursue postsecondary education often receive significant public and private aid, but those who do not go on to college many times receive virtually no help at all.

The Federal Government offers aid and loans to college students, and assists in funding the college and university research programs from which many college students benefit. Yet there is little Federal investment directed toward success for noncollege bound youth. The primary Federal job training program available to the foregotten half is title II of the Job Training Partnership Act [JTPA]. Only poor people are eligible for services under title II, and JTPA is so underfunded that less than 5 percent of the eligible poor receive services. To make matters worse, in the past, there have been abuses of the JTPA program that hindered the program's effectiveness. Last year, I authored changes that are now addressing those abuses. Still, since JTPA is woefully underfunded and targeted at only the poor, it will barely make a dent in the need. JTPA and other targeted programs must remain a part of our youth training strategy, but we must do more.

Structural changes that have moved us from a manufacturing- to a service-based economy, increasing global competition, and our failure to help the foregotten half, have resulted in a dramatic decline in earnings for those who do not graduate from college. As the National Center on Education and the Economy illustrated in the report "America's Choice: High Skills or Low Wages":

> The choice that America faces is a choice between high skills and low wages. Gradually, silently, we are choosing low wages. We still have time to make the other choice—one that will lead us to a more prosperous future. But to make this choice, we must fundamentally change our approach to work and education.

The Career Pathways Act is one critical step in moving America toward a high skill, high wage economy.

The bill is based on the input at two hearings held by my Subcommittee on Employment and Productivity held in December, here and in Chicago, and on numerous proposals and suggestions from educators, labor, industry, and youth training experts.

From these discussions we learned six key principles that guided us in drafting this bill. First, the use of the term youth apprenticeship is misleading. These programs are not apprenticeship programs as they have been traditionally known in this country. They have some similar elements, but they do not track participants into a narrow career choice, and they do not come with the guarantee of a job. Some programs are more like preapprenticeships, others are like career academies, others are adaptations of vocational education, tech-prep, cooperative education, or other programs.

Many people have struggled with the issue of what to call these programs: Apprenticeship-like, apprenticeship-style, preapprenticeship, work-based learning? We have chosen to call them career pathways which exemplifies the goals of this concept: To create career pathways or options for all young people.

Second, the best way to establish a national career pathways system is from the ground up, building upon local and State successes.

Third, there is not one specific model for a successful Career Pathways Program, as long as certain basic elements are there, local people must be given the flexibility to fashion programs that meet their needs.

Fourth, employers should get involved because this is a necessary human capital investment, and because, as responsible corporate citizens, they should contribute to the welfare of their community. While some incentives may be necessary—particularly for small employers—we should examine this issue carefully before providing any significant financial incentives for employer participation.

Fifth, successful European youth apprencticeship systems show us that it is crucial for industry, trade associations and labor unions to participate in the development of national skill standards and school-to-employment programs. In this country, the Federal Government needs to help support that effort.

Finally, a successful, national career pathways system must not label or target any particular group of students. The program must aim to improve schools and ensure options for all youth.

In determining the basic elements for successful career pathways programs, we have relied heavily on the work of Samuel Halperin, Patricia McNeil, Alan Zuckerman, and others with the American Youth Policy Forum, Hilary Pennington from Jobs for the Future, and Rob Ivry with the Manpower Development Research Corp.

I look forward to hearings and additional input from my colleagues on how best to ensure career pathways for all youth.

The Career Pathways Program is only one piece of the puzzle in our effort to provide a quality system for assuring a successful transition from school to employment. It represents a valuable step forward in providing a quality program for young people in high school. We must not forget, however, the pressing needs of high school dropouts and other out-of-school youth. Any comprehensive school-to-employment effort must deal with their compelling needs. In addition, the Career Pathways Program must work hand in hand with efforts to establish educational and occupational goals and standards, as well as systemic school reform.

Senator WOFFORD and I look forward to working with the President, Secretary Reich, and Secretary Riley, who have all made work force preparation a priority for our Nation. Senator KENNEDY, the chairman of the Labor and Human Resources Committee, is also a leader in this area, as he is on so many important issues, and I look forward to working with him as the committee moves forward on this concept. I would be remiss if I did not also mention the invaluable work of Senator NUNN and Senator BREAUX who have for some time been leaders on the concept of work-based learning.

Mr. President, I ask unanimous consent that the text of the legislation, appear in the RECORD at the conclusion of our remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 456

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Career Pathways Act of 1993".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the workplace skills required by high school graduates have changed dramatically;

(2) if the United States is going to be competitive in the world market, all students must leave secondary school with high skills;

(3) collaboration between schools and employers can improve academic instruction and workplace skills of students; and

(4) linking academic learning to the world of work can help promote an enthusiasm and motivation for learning in all students.

(b) PURPOSE.—The purpose of this Act is to coordinate or build upon existing programs and to promote the establishment of new programs that link schools and businesses to integrate academic learning and career skills, in order to—

(1) promote high academic standards;

(2) provide students with work skills recognized by an industry, in addition to a high school diploma and the potential for postsecondary education;

(3) involve students of all backgrounds in a program that links education with the workplace and involves students and employers in their communities;

(4) encourage teacher innovation and teamwork;

(5) integrate school-industry partnerships with school reform and restructuring efforts; and

(6) remove barriers to entry into all high-wage, high-skill occupations for young people regardless of race, socioeconomic status, or gender.

**SEC. 3. CAREER PATHWAYS PROGRAM.**

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by adding at the end the following new title:

### "TITLE VIII—CAREER PATHWAYS PROGRAMS

### "PART A—GENERAL PROVISIONS

**"SEC. 801. DEFINITIONS.**

"For purposes of this title, the following definitions apply:

"(1) CAREER PATHWAYS.—The term 'Career Pathways' (hereafter referred to in this title as 'CP') programs includes any eligible partnerships which provide school-to-work transition programs that are for all students and that meet the requirements described in section 811(b)(5). School-to-work transition programs such as preappprenticeship programs, career academies, mentoring programs, tech prep, co-op education, youth programs under parts B and C of title II of the Job Training Partnership Act, vocational education, school-based enterprises, or community service internships, that provide services that meet the requirements described in section 811(b)(5) may be considered as CP programs.

"(2) COACHING.—The term 'coaching' means demonstrating skills a student will need to perform assigned tasks, monitoring and critiquing a student's performance, and modeling good performance (such as thinking through decisions out loud).

"(3) COUNSELING.—The term 'counseling' means one-on-one discussions between counselors and students that help students resolve any personal, academic, or employment-related problems and that aid students in developing career options with attention to gender, race, or socioeconomic impediments to career options.

"(4) ELIGIBLE PARTNERSHIP.—

"(A) IN GENERAL.—The term 'eligible partnership means the collaboration or partnership of—

"(i) a school or local education agency;

"(ii) an employer or an employer association; and

"(iii) a labor union or employee representative.

"(B) OTHER PARTNERSHIPS.—An eligible partnership may also include—

"(i) a nonprofit organization;

"(ii) a community-based organization;

"(iii) an institution of higher education;

"(iv) a State employment agency; or

"(v) the private industry council.

"(5) EMPLOYEE REPRESENTATIVE.—The term 'employee representative' means an individual or association in a nonsupervisory role designated to represent the best interests of CP program students at the workplace with respect to all Federal and State employee protection laws, where a labor union representative does not exist.

"(6) INDUSTRY.—The term 'industry' means any employers, employer associations, and labor unions (or employee associations where labor unions do not exist), that participate in similar product or service markets.

"(7) MENTORING.—The term 'mentoring' means helping a student socialize and assimilate into a workplace culture by helping such student solve problems, advising such student on academic and career questions, and providing role models to students interested in participating in occupations which have traditionally been gender-specific.

"(8) PREAPPRENTICESHIP PROGRAM.—The term 'preapprenticeship program' means a program that provides academic and work-related instruction to equip students with the skills necessary to enter registered apprenticeship programs.

"(9) SCHOOL-TO-WORK TRANSITION.—The term 'school-to-work transition' means academic instruction and work-based learning that integrate academic, technical and occupational skills for the purposes of—

"(A) creating career and higher education options for high school graduates;

"(B) removing the labels of and barriers between college-bound and noncollege-bound students; and

"(C) removing the barriers to career-entry employment for youth.

"(10) WORK-BASED LEARNING.—The term 'work-based learning' means instruction that occurs at a workplace which integrates academic instruction and occupational skills, and that includes the use of a formal plan for managing a student's work experience. Such plan should map out sequential activities to teach workplace skills, build academic and technical skills, and provide such student with a comprehensive picture of interrelated occupations. Such plan should also identify one or more employees at the worksite who will provide coaching and mentoring for such student.

**"SEC. 802. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this title $250,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998.

**"SEC. 803. ESTABLISHMENT OF A GRANT PROGRAM.**

"(a) OVERALL PROGRAM AUTHORITY.—The Secretary, in consultation with the Secretary of Education, shall—

"(1) award CP program grants to eligible partnerships;

"(2) award grants to States to develop or expand statewide CP systems;

"(3) award grants to an industry or trade association or a labor union to design and implement an industry-wide or occupation-wide CP program;

"(4) administer a system to inform employers and educators about CP programs with special consideration given to increasing the diversity of skilled youth, and to encourage such employers and educators to participate in CP programs, particularly programs located in economically disadvantaged areas;

"(5) establish or fund an entity to provide technical assistance to States, educators, employers, eligible partnerships, labor unions or employee representatives, or schools, particularly schools with high concentrations of economically disadvantaged students, with respect to establishing and maintaining CP programs;

"(6) assist national employer associations, labor unions, and training professionals in the research and development of national skills standards and certification that employ valid and unbiased methods of assessment;

"(7) make every effort to ensure that CP grants serve a diverse population in terms of gender, socioeconomic status, geographic location, and rural and urban settings;

"(8) provide a uniform format (that is in accordance with other Federal education and human resource program reporting requirements, to the extent possible) for program grant recipients to annually report program outcomes that identify program outcomes by age, gender, and race;

"(9) conduct an annual survey of all planning grant recipients to determine the progress of statewide school-to-work transition systems;

"(10) study the need for a national CP system and not later than December 31, 1995, prepare and submit to the appropriate Committees of Congress a report containing findings and recommendations with respect to such study;

"(11) review and approve statewide plans for CP programs; and

"(12) evaluate the CP programs and, not later than December 31, 1995, and biannually thereafter, prepare and submit to the appropriate Committees of Congress a report on the status and success of the programs funded under this Act.

"(b) Grants Authorized.—The Secretary may award grants under this title on a competitive basis to—

"(1) eligible partnerships to enable such partnerships to establish, expand or operate CP programs; and

"(2) States to enable such States to plan and develop statewide systems for establishing or operating CP programs.

## "PART B—CP PROGRAM PARTNERSHIP GRANT

### "SEC. 811. GRANT APPLICATIONS.

"(a) In General.—

"(1) Eligibility.—To be eligible for a grant under this title, an eligible partnership shall prepare and submit an application to the Secretary at such time, in such form, and accompanied by such information as the Secretary may reasonably require.

"(2) Joint submission.—An application under paragraph (1) shall be jointly prepared and submitted to the Secretary by members of the eligible partnerships.

"(b) Contents of Application.—Each application submitted under paragraph (1) shall—

"(1) describe the lead fiscal agent of the partnership and the manner in which funds received by such partnership will be used to design and implement a CP program;

"(2) provide assurances that the eligible partnership will meet the matching requirement of section 813(c);

"(3) identify the funding sources to be used in meeting the matching requirement of section 813(c);

"(4) describe how funds received, or to be received, by the applicant from appropriate Federal programs will be used to operate the CP program;

"(5) provide assurances that the CP program to be established by the applicant will include—

"(A) an integration of school-based learning with worksite learning, including—

"(i) collaborative efforts between teachers and industry to assimilate academic curricula and classroom teaching methods with worksite technical and organizational requirements; and

"(ii) use of work-related equipment or materials whenever possible in classrooms;

"(B) training and orientation for teachers and employees that provide—

"(i) teacher training in and orientation to occupational, technical and employer skill requirements, including addressing any gender equity issues where appropriate; and

"(ii) employee training in and orientation to educational and mentoring requirements;

"(C) the use of high academic standards that maintain future academic and career options;

"(D) occupational and technical training that provides—

"(i) broad experience in and an understanding of all aspects of an industry, such as planning, management, finance, underlying principles of relevant technologies, community issues, and labor issues;

"(ii) experience with and knowledge of any technical and production skills, as well as health, safety, and environmental standards; and

"(iii) industry-wide, occupation-specific knowledge, skills and abilities;

"(E) instruction in employability skills, including—

"(i) the ability to manage resources, to work with others and to maintain good work habits; and

"(ii) the ability to acquire and use information, to understand and master systems, and to work with technologies;

"(F) work-based learning that includes—

"(i) a formal training agreement between the school, teacher, student, employer, parents or guardian, and participating employees or an employee representative, outlining respective roles and responsibilities of each individual or entity described in this clause;

"(ii) a formal work-site training plan;

"(iii) employee mentors; and

"(iv) paid work for students with wages to reflect such students' increasing skill levels throughout such students' participation in the program;

"(G) preenrollment counseling and support or linkages to programs that provide—

"(i) as early as possible, career guidance, exploration and counseling to help students define academic goals and develop career interests; and

"(ii) supplemental tutoring and academic assistance to help students achieve the educational prerequisites for participation in a CP program;

"(H) career guidance and program support services that provide—

"(i) career guidance and counseling to students in preparation for post-program employment and education; and

"(ii) supplemental educational, occupational, or work-based learning assistance to assist students who are experiencing difficulty in meeting CP program standards;

"(I) skill certification or postsecondary educational credit for students, including the receipt of a certification of occupational skills based on national or industry-wide occupational skill standards, where available, by students who have successfully completed the CP program (such certification is to be in addition to academic credits earned for the high school diploma);

"(J) active collaboration among employers, schools, students, parents, unions, or employee representatives and community-based organizations, where appropriate, in program design and implementation;

"(K) methods to assess academic mastery, employability knowledge and skills, occupational and technical instruction as well as matriculation into postsecondary work or educational programs;

"(L) assurances from employers that Federal and State laws relating to the safety, health, and well being of employees, including the right to a harassment-free workplace, apply to CP program students and that CP students do not displace current employees;

"(M) admission criteria that permit entry into the CP program and that are consistent with Federal civil rights laws governing federally funded education programs and governing employers;

"(N) training options and career counseling that address nontraditional employment for women and that facilitate the entry of minorities and women into high-skill, high-wage professions; and

"(O) systematic efforts to place graduates in full-time employment in the field for which such graduates have been certified, or to assist such graduates in pursuing postsecondary education or continued work preparation; and

"(6) provide assurances that students who complete the CP program will be academically and technically prepared to enter postsecondary educational institutions, registered apprenticeship programs, or other structured, employer-sponsored training programs.

### "SEC. 812. GENERAL PROGRAM REQUIREMENT OF GRANT RECIPIENTS.

"(a) Annual Report.—All grant recipients under this title shall submit to the Secretary an annual report that includes evaluations of the progress made by students in the CP program.

"(b) Format of Annual Report.—The Secretary shall by regulation prescribe a uniform format that all grant recipients shall use in the submission of annual reports under paragraph (1).

### "SEC. 813. FEDERAL CP SHARE.

"(a) In General.—The Federal share under this title may not exceed—

"(1) 80 percent of the cost of the CP program for the first year for which the eligible partnership receives funds under this title; and

"(2) 50 percent of the cost of the CP program for the second and any succeeding year for which an eligible partnership receives funds under this title.

"(b) Cost Defined.—For purposes of subsection (a), the term 'cost' means the additional cost per public high school student per year incurred by the local educational agency and members of the eligible partnership in excess of the cost per student per year of a public high school education. Such cost does not include the cost of student wages.

"(c) Non-CP Share.—

"(1) Matching requirement.—The Secretary may not make a grant to an eligible partnership under this title unless such partnership agrees to make available non-CP contributions toward the costs of carrying out the CP program established with the amounts received under the grant. Such eligible partnership may use funds from other Federal programs to make up the non-CP contribution. The amount of such non-CP contributions shall be equal to at least—

"(A) in the case of the first grant year, 100 percent of the costs of such program during such year less the Federal CP share under subsection (a)(1); or

"(B) in the case of a second and any succeeding grant year, 100 percent of the costs of such program during such year less the Federal CP share under subsection (a)(2).

"(2) In-kind contributions permitted.—The share of payments from sources other than funds made available under this title may be in cash or in-kind fairly evaluated, including equipment and services.

## "PART C—STATE CP PROGRAM SYSTEM PLANNING GRANT

### "SEC. 821. GRANT APPLICATIONS.

"(a) In General.—To be eligible for a grant under this title, a State, in consultation with the State Human Resource Investment Council or if such Council does not exist, the State elementary, secondary, and vocational education agencies, shall prepare and submit an application to the Secretary at such time, in such form, and accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each application submitted under subsection (a) shall describe the manner in which the funds received by a State under this title will be used to design and implement a statewide CP program that addresses, as appropriate—

"(1) the planning and development of a system for identifying employers, who provide employment in industries where high-wage, high-skill occupations are growing, to participate in CP programs;

"(2) the identification and development of an entity to help link schools with employers for the establishment and ongoing support of CP programs;

"(3) the provision or funding of a system of technical assistance for schools, teachers, employers, unions or employee representatives, community-based organizations, or parents, interested in establishing CP programs that encourage a diverse set of career options for all students;

"(4) the coordination with other States or national associations to develop unbiased and valid statewide skill certification processes for CP programs and participation in the development of national skills standards and skills certification for CP program graduates;

"(5) the provision of training and orientation for members of eligible partnerships in gender equity issues in education, career selection, and on presenting non-traditional career options to all students; and

"(6) the expansion of existing statewide CP programs.

**"SEC. 822. GENERAL PROGRAM REQUIREMENTS FOR STATE CP PROGRAM SYSTEM PLANNING GRANT RECIPIENTS.**

"(a) IN GENERAL.—The Secretary shall provide an annual survey to all grant recipients that shall be designed to evaluate the progress of statewide CP programs and skill standards and certification development.

"(b) SURVEY RESPONSE.—Grant recipients shall submit a response to the annual survey under paragraph (1) to the Secretary not later than 60 days after such survey is received.

### "PART D—INDUSTRY CP PROGRAM GRANTS

**"SEC. 831. GRANT APPLICATION.**

"(a) IN GENERAL.—To be eligible for a grant under this title, an industry or trade association or a labor union shall prepare and submit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall describe the manner in which funds received by an association or union under this title will be used to design and implement an industry-wide or occupation-wide CP program that addresses, as appropriate, issues described in paragraphs (1) through (5) in section 821(b).".

**SEC. 4. TECHNICAL AMENDMENTS.**

The table of contents in section 1 of the Job Training Partnership Act is amended by adding at the end the following new items:

"TITLE VIII—CAREER PATHWAYS PROGRAMS

"PART A—GENERAL PROVISIONS

"Sec. 801. Definitions.
"Sec. 802. Authorization of appropriations.
"Sec. 803. Establishment of a grant program.

"PART B—CP PROGRAM PARTNERSHIP GRANT

"Sec. 811. Grant applications.
"Sec. 812. General program requirement of grant recipients.
"Sec. 813. Federal CP share.

"PART C—STATE CP PROGRAM SYSTEM PLANNING GRANT

"Sec. 821. Grant applications.
"Sec. 822. General program requirements for State CP program system planning grant recipients.

"PART D—INDUSTRY CP PROGRAM GRANTS

"Sec. 831. Grant applications.".

Mr. WOFFORD. Mr. President, it is my privilege to join my friend and colleague, Senator SIMON, in introducing the Career Pathways Act of 1993. This bill will help create a nationwide system of apprenticeships. It is my belief that the apprenticeships can be an important part of dramatically reforming education, helping young people who are not heading to college, and of making our workforce competitive in the global marketplace.

Mr. President, before I came to the Senate, I served as the head of the Department of Labor and Industry in Pennsylvania. In that role, I learned a good deal about apprenticeships as our department took the initiative in developing a statewide system of youth apprenticeships adapted from Germany's system. Our pilot programs in Pennsylvania, I believe, can serve as a model for the rest of the Nation.

As of January 1993, the Pennsylvania Youth Apprenticeship Program—still small—involved approximately 75 firms sponsoring 113 students in high-skill metal working, manufacturing, and health care.

Under the able direction, first of Bob Coy and now of Jean Wolfe, with the leadership of Secretary of Commerce Andy Greenberg, Secretary of Education Donald Carroll, and Thomas Foley it is our Commonwealth's goal to start 12–18 new sites in 1993. Our efforts have received strong union and corporate support, as well as foundation support from the Alfred Sloan Foundation and the Howard Heinz Endowment.

The Pennsylvania Youth Apprenticeship Program currently consists of a rigorous 4-year curriculum that combines academic, technical and occupational education for students starting in the 11th grade. Students enter the program at the conclusion of their sophomore year and spend 2 days each week at the worksite and 3 in the classroom. They are sponsored by an employer, are considered company employees and receive a base weekly pay, are assigned a mentor and work at the worksite under the careful guidance of a skilled supervisor. The four walls of their classroom are expanded to include their community and the workplace, and students learn by doing. Our system is focused on outcomes and has challenging standards of proficiency and competency in both the classroom and the workplace. Most importantly, our model integrates secondary and postsecondary credentials.

I was very encouraged yesterday when Secretary Reich and Secretary Riley jointly appeared before our Labor and Human Resources Committee. The partnership and concerted efforts of labor and education will be necessary to ensure that we develop a workforce able to compete in this increasingly competitive global economy.

The Career Pathways Act of 1993 emphasizes much of the best elements of what we have learned and pioneered in Pennsylvania. It is an enabling bill that will provide a foundation for expanding apprenticeship efforts in all their diversity throughout the Nation.

Most importantly, this act emphasizes the type of partnerships—leveraging resources from schools, unions, corporations, foundations, State and local governments—that will be key to making these efforts work.

So I look forward to working with Senators KENNEDY and KASSEBAUM and Secretaries Riley and Reich to achieve legislation this year that will create a diverse and centralized and flexible system of apprenticeships, the kind of system President Clinton has called for.

If we do this well, we can fundamentally reform American education, reshape the nature of school-to-work transition in this country, improve our ability to compete, and develop the lives and careers of those young people who have been called the forgotten half.

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By Mr. EXON:

S. 457. A bill to prohibit the payment of Federal benefits to illegal aliens; to the Committee on Finance.

FEDERAL BENEFITS TO ILLEGAL ALIENS

Mr. EXON. Mr. President, I rise today along with Senators GRASSLEY, HELMS, and NICKLES to introduce legislation to prohibit the payment of direct Federal financial benefits to illegal aliens. This legislation will help deter illegal immigration and reduce unintended Federal spending.

In 1986, the Congress attempted to control illegal immigration into the United States. Unfortunately, illegal immigration persists, and one explanation is that a powerful magnet for illegal immigration still remains. That attraction for illegal immigration is the real or perceived availability of U.S. Government benefits to illegal aliens.

Today, I rise to introduce legislation to establish a Governmentwide policy that directs that Federal financial benefits not be paid to illegal aliens unless specifically provided by the Immigration and Nationality Act.

Over the years, the Congress has crafted ad hoc qualifications in Federal benefit statutes. At times, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens.

This situation has led to the payment of unemployment, Social Security, health care and housing benefits to individuals who have no legal right to even be in the United States.

In an area of massive Federal deficits, even small instances of waste, fraud, and abuse cannot be tolerated.

The Federal Government must insure that limited Federal funds go to their intended beneficiaries. The Congress has made significant progress in requiring verification of status for certain entitlement programs, and in authorizing the systematic alien verification for entitlement programs better known as the SAVE Program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes.

Our Nation faces large Federal deficits. Federal dollars paid to an illegal alien, sympathetic or otherwise, are literally dollars taken away from one of our own citizens.

This legislation gives the Congress an opportunity to set the record straight. This measure is both a means to control illegal immigration and a means to control budget deficits. Without the real or perceived attraction to Federal benefits, illegal immigration will be deterred. Without the seepage of benefits away from intended beneficiaries, money will be saved. Similar legislation was adopted by the Senate as an amendment to the immigration reform bill in 1990. Unfortunately, that provision was dropped in conference that year for reasons unknown to this Senator.

Simply put, Mr. President, this legislation states that Federal benefits should not go to those who are in the United States illegally. If my colleagues feel as I do, that taxpayers' dollars should not go to illegal aliens, I ask them to join me in support of this measure.

Mr. President, I send the bill to the desk. I ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 457

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.**

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Naturalization Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—For the purposes of this Act, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status.

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By Mr. SMITH (for himself, Mr. REID, Mr. SHELBY, Mr. WALLOP, Mr. HATCH, Mr. GREGG, Mr. DOMENICI, Mr. MACK, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. STEVENS, Mr. GRAMM, Mr. HELMS, Mr. D'AMATO, Mr. DANFORTH, Mr. BAUCUS, Mr. SIMPSON, Mr. MCCAIN, Mr. LOTT, Mr. DOLE, Mr. BURNS, Mr. BROWN, Mr. THURMOND, Mr. BRYAN, Mr. COHEN, Mr. CRAIG, and Mr. NICKLES):

S. 458. A bill to restore the second amendment Rights of all Americans; to the Committee on Governmental Affairs.

### REPEAL OF THE D.C. STRICT LIABILITY GUN BILL

• Mr. SMITH. Mr. President, on behalf of myself and 26 additional cosponsors, I am today reintroducing legislation to repeal the D.C. strict liability gun bill.

This D.C. statute is a strange and counterproductive law. It was enacted by the District of Columbia in an ostensible attempt to control the District's admittedly serious crime problem. The problem is that it attempts to do so by allowing the District of Columbia to reach beyond its own jurisdiction to determine what types of firearms residents of the 50 States may or may not buy.

It makes manufacturers, as well as distributors, liable for crimes committed with semiautomatic firearms in Washington, DC. The ramifications of that law are startling.

Assume, for example, that a resident of South Carolina legally purchases a semiautomatic firearm manufactured by Glock, a firearms manufacturer with operations in the State of Georgia. Assume further that the firearm is then stolen and transported into the District of Columbia where it is used by a drug dealer to shoot a rival drug dealer. Under the D.C. gun law, the injured drug lord could sue Glock, the company in Georgia which manufactured the gun, and the South Carolina dealer. In fact, the only party that the D.C. gun law would not allow him to sue is the criminal who shot him. The company which made the gun is liable, the distributor which legally sells the gun is liable, and the person who did the killing is not liable—at least under this particular law.

Surely, there is some twisted sense of logic here that I fail to understand. The only conceivable rationale behind this misbegotten enactment is that the District of Columbia is trying to control its own crime problem by enacting national gun control.

If the manufacturer of a semiautomatic firearm can be held liable for all damages and thus potentially put out of business every time one of its firearms is misused in the District of Columbia, then, ultimately, one of two results will follow: Either the national manufacture of semiautomatics will come to a complete halt or firearms manufacturers will cease to sell firearms, any firearms, to law enforcement agencies located in the District of Columbia.

This is because the one sure way that firearms manufacturers and dealers can avoid liability under the D.C. law is to deny the District jurisdiction over their operations, and this can be accomplished only by refusing to sell firearms of any type to the Capitol Police, the FBI, the Secret Service, the D.C. Police, the Bureau of Alcohol, Tobacco, and Firearms, and other D.C.-based law enforcement officials or agencies.

Already, Colt Manufacturing Co. of Connecticut, Gun South, Inc., of Alabama, Intratec of Florida, Action Arms Ltd. of Pennsylvania, Beretta USA of Maryland, Springfield Armory of Massachusetts, and Sturm, Ruger & Co. of Connecticut have indicated either that they will cease doing business with District-based law enforcement authorities or that they are seriously considering doing so.

Mr. President, I ask unanimous consent that letters from Colt, Gun South, Intratec, Action Arms, Beretta, Springfield Armory, and Sturm, Ruger by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLT'S MANUFACTURING CO., INC.,
*Hartford, CT, November 19, 1991.*

Congressman DANA ROHRABACHER,
*House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR CONGRESSMAN ROHRABACHER: Colt's Manufacturing Company has been a proud supplier of reliable firearms of the United States Government and to America's law enforcement officers for over a century and a half. However, we are now faced with a law in Washington, D.C. unlike any other in history, and this new law may force Colt's to reconsider its sales policies regarding both the D.C. law enforcement community and the U.S. Government.

This unconscionable new law could make colt's and other manufacturers liable in civil lawsuits to anybody claiming to be injured by anyone using, or misusing, certain firearms without regard to the conduct or misconduct of the person who fires the shot, and without regard to the care and safety with which the firearm is manufactured.

Because Washington, D.C. already has restrictive gun laws, Colt's does business there only with law enforcement and military agencies. Since the new law contains no exemptions for firearms sold to law enforcement or the military, all of Colt's future business in the District of Columbia could be in question. We may be forced to refuse to sell our products to such agencies in order to protect our company, its union work force and its management from the disastrous consequences of lawsuits which could be filed under the new law.

Sincerely,

JOHN HOLJES,
*Vice President.*

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GSI INC.,
*Trussville, AL, December 10, 1991.*

Senator BOB SMITH,
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR SMITH: It is with deepest regrets that GSI Incorporated must reexamine our current marketing policies in regard to current sales to US Government and District of Columbia law enforcement agencies in the event legislation is passed that would make firearms manufacturers or their agents liable for damages to persons injured by criminal misuse of firearms. If such legislation is passed, it is our intention to refrain from participation in any procurement action made by all of the subject agencies in order to protect GSI from the adverse effects of litigation resulting from the proposed legislation.

Sincerely yours,

DONALD F. WOOD,
*President, GSI Inc.*

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INTRATEC,
*December 10, 1991.*

Senator BOB SMITH,
*Dirksen Building, Washington, DC.*

DEAR SENATOR SMITH: The following is in reference to the Washington, D.C. firearms manufacturers' liability law. This law could assign liability to us from persons claiming to be victimized by the use of firearms, irrespective of the behavior of the firearm user or the safety features accompanying the firearm.

We regret to inform you, that in the event this law goes into effect, it is our intention not to sell our firearms to any person, governmental agency, or law enforcement agency located in the District of Columbia.

We regret having to consider such an action, but the broad and vague nature of the statute along with its unconstitutional expansion of liability dictates that such action be taken.

Sincerely,

MARTHA FERNANDEZ,
*Office Manager.*

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ACTION ARMS LTD.,
*Philadelphia, PA, December 10, 1991.*

Senator BOB SMITH,
*Dirksen Building, Washington, DC.*

DEAR SENATOR SMITH: Since our founding over 12 years ago, numerous federal departments, agencies services and bureaus have procured firearms from our company, and are continuing to do so. However, a new law in the District of Columbia has convinced us that a reassessment of this supply program is necessary. This law could assign liability to us from persons claiming to be victimized by the use of firearms, irrespective of the behavior of the firearm user or the safety features accompanying the firearm.

Our only sales within District boundaries are to U.S. government and security agencies. Restrictive gun laws have precluded us from selling our products to the commercial market. However, the fact that these agencies have not been excluded from the new law will have a devastating impact on our company by in effect making Washington D.C. off limits for U.S. governmental sales.

Sincerely,

JERRY STERN,
*President.*

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BERETTA U.S.A. CORP.,
*Accokeek, MD, November 19, 1991.*

Congressman DANA ROHRABACHER,
*House of Representatives, Committee on the District of Columbia.*

DEAR CONGRESSMAN ROHRABACHER: I wanted to write to you to express my concern regarding the recent bill passed in the District of Columbia which would make firearms manufacturers responsible for damages to persons injured by the criminal misuse of a firearm. I understand that your committee has oversight authority with respect to legislative actions taken within the District of Columbia.

I have several concerns regarding this legislation. First, it is wrong to say that, when a company manufactures any of the firearms depicted in this legislation, they do so with the intent that the weapon will be misused by criminals. Firearms manufacturers make their products for use by the sporting public, for collecting, for use in law enforcement and for use in self-defense. Laws currently exist which penalize those who make or sell a weapon for use in criminal activity. The Beretta Model AR 70 rifle, specifically named in the D.C. legislation, has been sold by my company over the years to shooting enthusiasts, to collectors, and to law enforcement agencies. To suggest that Beretta should be held responsible for actions of criminals when Beretta's production and sales of the AR rifle were made for legitimate pursuits smacks of gross unfairness.

Second, the D.C. bill is vague. While it lists some specific weapons as falling within its scope, it does not, on its face, define whether those weapons are listed as examples of firearms subject to the law, or whether they are simply demonstrative of firearms which would be subject to the jurisdiction of the law. My concern in this regard is increased by the introductory language of the bill, which makes a reference to handguns as contributing to crime problems in the District. A court, citing this language as expressing the intent of the law, could seek to hold the manufacturer of semiautomatic pistols or revolvers responsible for criminal acts committed with those products, even though the manufacturer had no notice of such potential liability.

Third, the bill may effectively rob government agencies located in the District of the ability to purchase weapons with which they can effectively respond to criminals. If the D.C. liability law becomes effective, Beretta, for example, will be compelled to consider ceasing any further sales to the D.C. police, the Park Police, the DEA, the FBI or any agency located in the District. Our concerns, of course, would be that we not establish minimum business contracts in the District such that D.C. long arm statutes would be used to impose liability on Beretta for criminal misuse of any of our products. Stated more simply, we are concerned that court, citing as evidence sales by Beretta to the D.C. police department, the FBI and other agencies, will rule that Beretta, by virtue of its close business contracts with the District, has agreed to be governed by the laws of the District of Columbia and can be held liable for criminal acts coincidentally involving a Beretta product. The net effect of Beretta's refusal to do business in the District would be that the law enforcement agents who most urgently need its excellent and reliable products will be unable to purchase them.

I have other concerns about the D.C. liability bill, including its unconstitutional encroachment on interstate trade, its continuation of the erosion of vital Second Amendment rights, and its tendency to distract attention from the causes of crime—which supporters of the bill seem loath to address because these causes go to the heart of the failure of social political institutions of which they are the major component—by placing attention on the mechanical devices which criminals sometimes use (or, in the case of the weapons listed in the bill, almost never use).

The D.C. liability bill will have no effect on crime, will impose liability on parties who are not responsible for the criminal conduct involved, is unconstitutional and vague, will with certainty involve the district in expensive legal defenses, and may strand District and Federal law enforcement agencies from the advances in technology which their counterparts and, ironically, the criminal element, will remain free to enjoy. For these reasons, I would encourage you to do everything possible to ensure that the bill is overturned by Congress.

Sincerest regards,

ROBERT L. BONAVENTURE,
*Executive Vice President.*

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CALIFF & HARPER, P.C.,
ATTORNEYS AT LAW,
*Moline, IL, November 19, 1991.*

Hon. DANA ROHRABACHER,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN ROHRABACHER: This office is general counsel to Springfield Armory, Inc., Geneseo, Illinois. I have been authorized to inform you that in the event the Washington, D.C. firearms manufacturers' liability law goes into effect, it is Springfield Armory's present intention not to bid on any contract nor sell any of its guns, both pistols and rifles, to any person, governmental agency, or law enforcement agency located in the District of Columbia.

Springfield regrets having to consider such an action, but the broad and vague nature of the statute along with its unconstitutional expansion of liability dictates that such action be taken.

With best regards, I remain,

Very truly yours,

WILLIAM H. DAILEY.

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STURM, RUGER & CO., INC.,
*Southport, CT, December 9, 1991.*

Attn: Mr. Corrigan
Hon. BOB SMITH,
*Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CORRIGAN: We would like to register in strongest possible terms our opposition to the above. Although we manufacture no firearms that appear on this list, we are most concerned that this is bad law, bad social policy, and bad precedent for any product, firearm or otherwise.

Sturm, Ruger & Company, Inc. was founded in 1949 and is a domestic manufacturer of high quality firearms for sporting, police, personal defense, and military applications. Federal agencies that have used Ruger firearms over the years include the Federal Bureau of Alcohol, Tobacco and Firearms, the U.S. State Department, the U.S. Customs Service, the U.S. Postal Service, the Department of Immigration and Naturalization, the Border Patrol, and the U.S. Marshall's Office. We have also recently sought to obtain U.S. government contracts from the U.S. Army, the F.B.I., and the D.E.A. We do no civilian business within the District of Columbia.

If not repealed by Congress, the courts will have to interpret the "doing business" aspect of the D.C. Long Arm Statute, and whether or not selling to a Federal agency within the District would thereby subject a manufacturer to this indefensible absolute liability sought to be imposed against lawful manufacturers of firearms many states away. Sturm, Ruger & Company, Inc. would then have to carefully consider whether the risk of payment of multimillion dollar judgments, without any available defenses under the Act, can support that relatively small portion of its business that arises out of Washington-based Government sales.

I must stress that no such decision has yet been made, and indeed, it cannot be made until the law is either overturned or the appellate courts speak conclusively on this subject. However, suspension of any sales within the District would have to be considered if such sales were to be held a basis for long arm jurisdiction under the D.C. Act.

Thank you for allowing us to explain our position.

Very truly yours,
STEPHEN L. SANETTI,
*General Counsel.*

Mr. SMITH. Mr. President, another deficiency in the District of Columbia's approach has to do with its potential precedential impact on tort law. Historically, liability has not been applied to products that are lawfully manufactured, lawfully sold, lawfully distributed, and function properly. If the District can implement national firearms policy because of its distaste for guns, what is next? Alcohol? Cigarettes? Condoms? As a result of the almost limitless implications of imposing strict liability on the manufacture or distribution of an otherwise lawful and nondefective product, virtually all of our Nation's top torts scholars oppose laws similar to this one.

For example, Victor Schwartz, author of "Schwartz on Torts" testified against the D.C. law in the House. Here is what he said:

> Let me quickly share with you a key point—the law of torts is not the place to try to ban or eliminate the manufacture of assault weapons. Assuming that a person is seriously wounded or killed by an assault weapon that was well-manufactured and worked the way it was supposed to work, the manufacturer should not be subject to liability for harms caused by that weapon.
>
> These views are not mine alone. My senior author, the late Dean William Prosser, author of the famous, "The Fall of the Citadel," a foundation piece for strict products liability, steadfastly maintained that such liability should not be imposed when products operate as they are suppose to operate and have nothing wrong with them. Lawyers would say that the product has "no defect." * * *

Schwartz goes on to cite support from coauthors of the leading American textbook in the field of products liability, Jim Henderson of Cornell and Aaron Twerski of Brooklyn Law School, pointing out that courts have been steadfast in not applying the strict liability doctrine manufacturers when somebody else, a third party, a responsible party, uses the product in an improper way.

Mr. President, I also ask unanimous consent that the full statement of Richard Neely of the West Virginia Supreme Court of Appeals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BY JUSTICE RICHARD NEELY, WEST VIRGINIA SUPREME COURT OF APPEALS

(Before the House of Representatives Committee on the District of Columbia, September 12, 1991)

Thank you Mr. Chairman and the other distinguished members of the committee for the invitation to discuss the impact on the national law of products liability of the Assault Weapon Manufacturing Strict Liability Act of 1990.

For those of us who favor a national law of products liability, and particularly for those of us who favor S. 640 currently under consideration in the United States Senate, D.C. Act 8-289 is, perhaps, a Godsend. This statute makes such a mockery of what are generally thought to be "legitimate" tort principles that D.C. Act 8-289 may succeed in forcing the Supreme Court of the United States—even in the absence of Congressional action—to create a new, national common law of products liability.

Current American tort law, particularly the law of products liability, rests on three pillars. D.C. Act 8-289 burdens each and every one of these pillars to the breaking point.

The first tort law pillar is the constitutionality of State long arm statutes that permit plaintiffs to sue out-of-State defendants in local courts when the defendants have some "minimum contact," such as doing business or advertising for customers, in the plaintiff's home State. The U.S. Supreme Court has been surpassingly liberal towards plaintiffs of late in its determinations of what is sufficient to constitute a jurisdiction-giving "minimum contact."

The second pillar of modern tort law is the constitution's full faith and credit clause which requires all other State courts to enforce judgments entered under jurisdiction conferred by virtue of a long arm statute.

The third pillar is substantive tort law. Today's tort law is increasingly based on insurance principles, so that theories like strict liability and comparative fault (which were thought unacceptably radical just twenty years ago) are now accepted by the courts everywhere. These theories, in turn, are premised on risk-spreading insurance principles and, as a practical matter, tort liability is something against which every company with assets insures.

D.C. Act 8-289 is, at late last, an official codification of what we have previously been either thickly veiled or entirely unconscious schemes that redistribute wealth from out-of-State defendants to in-State plaintiffs through State tort law. Therefore, in order to understand how D.C. Act 8-289 mocks the tort system, laughing at the apparently sincere protestations of trial lawyers, law professors and State court judges that the States can be "fair and honest" in product liability cases, we must examine the current state of product liability law. Indeed, even before D.C. Act 8-289 was enacted, a national law of products liability was desperately needed!

### I

I have been a judge of West Virginia's highest court since 1973, and I have served three times as West Virginia's chief justice. In that time, product liability law has undergone great changes, but as long ago as 1976 we were beginning to see a "competitive race to the bottom" in product cases. Typically, in a product liability case, there is an in-state plaintiff, an in-state judge, an in-state jury, in-state witnesses, in-state spectators, and an out-of-state defendant. When states (or the District of Columbia) are entirely free to craft the rules of liability any way they want, it takes little imagination to guess that out-of-state defendants as a class won't do very well.

Business justifiably complains of what appear to be utterly perverse results. For example, in 1976 John Newlin, a Pennsylvania farm manager, ordered an International Harvester Front End Skid Loader. That model came equipped with a roll bar, but Mr. Newlin requested that the roll bar be removed so the tractor could go through his low barn door. Jim Hammond, a farm employee, operated the skid loader for several months, but then one day in a freak accident turned the machine over and killed himself. Mrs. Hammond, Jim's widow, sued International Harvester and recovered a big verdict because the skid loader was defective for not having a roll bar—the roll bar that had been removed at the direction of the purchaser. This type of result is typical in product cases and is not necessarily even irrational if we want to create a no-fault insurance mechanism. But it is now time to give rational order to the insurance mechanism that we have created helter-skelter. The value, then, of D.C. Act 8-289 is that it focuses attention on the entire system's perversity and makes explicit certain premises that until now have been only implicit.

Until about 1960 a plaintiff in a product case had to show that the manufacturer was negligent, but now such a showing is no longer required. Today it is necessary only to demonstrate that the product had either a design or manufacturing defect that caused the plaintiff injury while the product was being used for either its intended purpose or another foreseeable purpose. Furthermore, juries are given such broad discretion that the purchaser—as in the Harvester case—can be entirely at fault yet an injured victim may still recover. None of this, however, was expressly admitted before the arrival of D.C. Act 8-289.

Unlike England, France and Germany (our major European competitors), the United States does not have one unified court system. Rather, we have fifty-three separate, uncoordinated court systems. First, there is the nationwide system of federal courts, which is divided into thirteen separate circuits that are only loosely held together by the Supreme Court of the United States. In addition to the federal courts, however, there are freestanding court systems in the fifty states, the District of Columbia, and Puerto Rico.

America's diversity of court systems leads to a diversity of law systems because American judges, like their English predecessors, have extensive law-making powers. Because each separate court system is administratively independent of the others, each separate court system is free to generate eccentric judge-made law at odds with the statutory and judge-made law of other jurisdictions. Thus, there is no "American" law of product liability in the sense of uniform national standards.

Given the profile of product liability suits, where the defendant is invariably from out-of-state, there is a "competitive race to the bottom" among state courts to create ever more liberal liability rules. This is not necessarily an intentional anti-business policy, but simply an exercise in economic self-defense: Any state court (or state legislature, for that matter) that does not keep up with the latest pro-plaintiff rulings is behaving entirely irrationally. That is why when one court pushes the frontier of product liability law further out because of an extraordinarily sympathetic set of facts, the new pro-plaintiff frontier quickly becomes the law for all, or nearly all, of the states. Now, however, with the advent of D.C. Act 8-289 the state legislatures have joined the fray, which will dramatically speed up the competitive race to the bottom.

Although my personal experience has been in a state with elected judges, I have found that many of the most pro-plaintiff decisions—like the Harvester case—have come from either federal judges or appointed state judges. This is because even appointed trial and appellate judges are swayed by the emotional incentives that favor the redistribution of wealth from out-of-state defendants to local residents, which is why product liability law becomes more and more oppressive to business. In the case of the District's strict liability bill for the manufacturers of certain types of firearms, product liability's oppression of those who cannot respond politically is finally explicit. It is certain as night follows day that the District would never have passed the statute now under consideration if firearm manufacture were a major taxpaying D.C. industry with employees who could vote and management who could make campaign contributions.

By pointing these dynamics out I do not mean to imply that every, or even most product liability decisions are the result of bias against out-of-state defendants or of a cavalier disregard by judges and juries of accepted standards of right and wrong. But it is not the overwhelming majority of ordinary cases or ordinary statutes that determine the contours of the law; rather, it is the extraordinary case like the International Harvester case I discussed earlier, and the extraordinary statute, like D.C. Act 8-289 under discussion here today, that determine the contours of the law.

Thus, in close product liability cases where fact patterns are on the edge of existing law and the sympathies of a normally compassionate judge or juror would be aroused, there is no local incentive against nudging the case over the line in favor of, say, a widowed mother of four. However, these hard cases do not stand in isolation: As individual hard cases are nudged across the frontier by sympathetic judges, the frontier itself changes, but only in one direction. The District's strict liability law for certain types of firearms, however, is a new wrinkle in this whole process. Now, instead of an out-of-state defendant being required by local tort law to pay for an injury regardless of fault, tort law is being used to destroy an industry employing thousands of people who are total strangers to the jurisdiction abolishing the industry. This, then, dramatically highlights the most serious problem with current products liability law and shows conclusively why a national products law is necessary.

Product liability exposure is one of the most serious long-term problems facing the American economy, but the full dimensions of the problem are as yet only dimly understood by the public. In general, most large American companies have managed to live with current product liability law without going bankrupt or closing plants. But that is because most large American companies manufacture established products with known liability risks and have devised schemes—such as introducing new products off-shore—to keep their product liability exposure in the American market within manageable limits. Thus, the problem for the American economy is not that product liability will bankrupt otherwise solvent American companies, but rather that the defensive actions that American companies are forced to take to protect themselves from product liability exposure will move research, development and American jobs offshore.

Not all segments of American society face the same jeopardy from global competition. Thus, the upper middle class of lawyers, judges, university professors, doctors, and other "professionals" are not subject to having their jobs moved overseas. The District of Columbia is almost a one industry town, and that industry—national government—always takes its salaries, perks and benefits off the top! Skilled and unskilled labor in the private sector, on the other hand, as well as business managers, face constant competition from low cost foreign producers. America, then, is divided into two classes—those for whom America's international competitive position is a life or death issue, and those who are insulated from international competition.

The strength of the Roosevelt administration's New Deal was the breadth of shared economic concerns. Even those who had secure jobs during the 1930's still had parents, brothers, or friends who were out of work. The same broad unity of interest in economic matters does not exist today. Current social stratification produces a leadership class of professionals, journalists and academicians who are both psychologically and geographically removed from the lower middle class of blue collar and clerical workers threatened by foreign competition. Were this not the case, far greater attention would be paid in the media or our product liability law because the big loss from runaway product law is research and development not pursued, new technologies not developed, new products not introduced, market shares not dominated, learning curves not exploited and, most important, new jobs not created.

Draconian product liability rules discourage American companies from introducing new products in the American market until those products have been thoroughly tested abroad. However, if the initial product introduction is to be done, say, in Japan, then it is only intelligent to manufacture the product in Japan initially. Logically, if the manufacturing is to be done in Japan, then the research, development and engineering ought to be done in Japan as well. Inevitably, the product becomes a Japanese product and not an American product. The company doing the manufacturing may be an American company in the sense that it is owned by American shareholders, but the real wealth—namely the jobs associated with the production of the product and the technical skills acquired by managers and labor force—is owned by the Japanese. Firearms manufacture is a major worldwide industry. One effect, then of D.C. Act 8-289 will be to encourage firearms manufacturers to relocate abroad.

If you ask the average state judge whether she would like to redistribute some wealth from, say, Colt firearms to a local resident who was severely injured in a shooting accident, the judge will probably answer "yes." But if you ask the same judge to make a choice between high local employment in Colt's plants on the one hand, and redistribution of Colt's money on the other, she is likely to favor high employment over simple wealth redistribution. The problem is that except for the U.S. Supreme Court, no American judge can affect these trade-offs.

If, for example, as a West Virginia judge I insist that West Virginia have conservative product liability law, all I will do is reduce my friends' and neighbors' claims on the existing pool of product liability insurance paid for by consumers through "premiums" incorporated into the price of everything we buy. This is the explicit rationale of Blankenship versus General Motors, 406 S.E. 2d 781 (W.Va., 1991). Blankenship adopted the "crashworthiness" doctrine in automobile collision cases in West Virginia. In Blankenship I wrote for a unanimous court:

"[W]e do not claim that our adoption of rules liberal to the plaintiffs comports, necessarily, with some Platonic ideal of perfect justice. Rather, for a tiny state incapable of controlling the direction of the national law in terms of appropriate trade-offs among employment, research, development and compensation for the injured users of products, the adoption of rules liberal to plaintiffs is simple self-defense." 406 S.E. 2d at 786.

Thus, as a state judge I have admitted in a unanimous opinion written for the highest court of one of the fifty states that we, as a state court, cannot be rational in the crafting of product liability rules. If this is true of the highest court of a state, it is equally true of the D.C. City Council or a state legislature. No matter, then, how responsible I or the other members of our court want to be as state court judges, we are powerless to improve the overall American product liability system or reduce the exposure of West Virginia manufacturers to the caprice or malice of out-of-state courts, out-of-state juries, and out-of-state legislatures.

By trying unilaterally to make such improvements, we will succeed only in impoverishing our own State's residents without doing anyone, anywhere, any measurable good. Unless we want to to be "suckers," as state judges we must immediately incorporate the latest pro-plaintiff wealth redistribution theories applied in other states into West Virginia's decisional law. If we conceive and apply new wealth redistribution theories before anyone else, as the District of Columbia has in enacting D.C. Act 8-289, we can even garner for ourselves more than our fair share of the national product liability insurance pool. Every jurisdiction, then, must ultimately follow the most irresponsible state, or in this instance, the District of Columbia.

III

There is no question that the District of Columbia has a problem with violent crime, but the manufacture of firearms is legal everywhere in the United States under preemptive federal law. All West Virginians have a state constitutional right to own and carry firearms, yet West Virginia has the lowest crime rate in the United States. On the other hand, in the District of Columbia it is illegal to import or own a handgun not used for law enforcement purposes. Consequently, it is difficult to see how any firearms manufacturer could have "minimum contacts" with the District except through selling to law enforcement agencies.

Under D.C. Act 8-289, a Connecticut manufacturer who legally produces a gun proscribed by D.C. Act 8-289 and then legally sells it to a West Virginia resident (from whom, perhaps, it is illegally stolen) will be strictly liable for injury done with that weapon in the District. Although an argument can be made that this spreads the risks of inevitable injuries from misused firearms, it makes a mockery of strict liability concepts because this is not a hazard against which manufacturers can insure, nor does the scheme collect the product liability "insurance premium" in the form of higher prices from the same class that either (1) commits the tort, or (2) suffers the injury. Manufacturers will either beat the "minimum contacts" requirement by never setting foot in the District, or go out of business.

No court in Connecticut, therefore, would willingly acquiesce in putting a local firearms manufacturer out of business by enforcing judgments rendered against Connecticut employers in the courts of the District. Given that under D.C. law a gun manufacturer is prohibited from doing business in the District (except when selling to law enforcement agencies), a state court asked to enforce a D.C. judgment against one of its own residents would be surpassingly reluctant to find the "minimum contacts" necessary to justify long arm jurisdiction. In other words, strict liability for manufacturers of certain firearms places an insupportable burden on principles of comity among state courts and stretches the full faith and credit clause to the breaking point.

For that reason, lawsuits filed under D.C. Act 8–289 will invite the U.S. Supreme Court to revisit its holdings on what "minimum contacts" are necessary to justify long arm jurisdiction when a litigant seeks to compel enforcement of a foreign judgment through the U.S. Constitution's full faith and credit clause.

Consequently, it appears to me that if D.C. Act 8–289 is allowed by Congress to stand and is then upheld against constitutional challenge by the courts of the District and the Supreme Court of the United States, we will have recognized finally the Alice in Wonderland nature of America's product liability system. I would predict that after weapons manufacturers, the next target for tort law shutdown will be cigarette manufacturers. After the cigarette manufacturers, states like Idaho and Louisiana may decide to establish strict liability for manufacturers and distributors of specialized medical equipment used in performing abortions. From there the health fascists can make a stab at imposing strict liability on the distributors of red meat.

And at that point the White Rabbit, perhaps in the form of Congress, will come by, look at his watch, and announce that the story is over.

Thank you, Mr. Chairman.

RICHARD NEELY,
*West Virginia Supreme Court of Appeals.*

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CURRICULUM VITAE

Education: A.B. Economics, Dartmouth College, 1964 LL.B. Yale Law School, 1967.

Military: Captain, U.S. Army Artillery, 1967–69. Served on the personal staff of John Paul Vann in Republic of Vietnam, 1968–69; author of the economic development portion of the 1969 pacification plan. Awarded Bronze Star.

Business and professional: Practiced law alone in Fairmont, W. Va., 1969–73. Chairman of the Board of Kane & Keyser Hardware Corp., Belington, W. Va., 1970–1988. General Partner in Forest Festival Terrace, a West Virginia real estate holding company.

Government: Elected to the West Virginia House of Delegates for the 1971–73 term from Marion County. Elected state-wide to the West Virginia Supreme Court of Appeals in 1972 for a twelve-year term. Reelected to a full term in 1984. Chief Justice of the West Virginia Supreme Court of Appeals, 1980–81, 1985–86, 1990–91. This is West Virginia's highest court with administrative responsibility for all lower courts.

Major publications: "How Courts Govern America," Yale University Press (New Haven and London, 1981); "Why Courts Don't Work," McGraw-Hill (New York, 1983); "The Divorce Decision," McGraw-Hill (New York, 1984); "Judicial Jeopardy: When Business Collides With the Courts" (Addision-Wesley, 1986); "The Product Liability Mess," The Free Press (New York, 1988); "Take Back Your Neighborhood: A Case for Modern-day 'Vigilantism,'" Donald I. Fine, Inc. (New York, 1990); "The Politics of Crime," The Atlantic Monthly, (cover story) August 1982, pp. 27–31; "The Primary Caretaker Parent Rule: Child Custody and the Dynamics of Greed," 3 Yale Law and Policy Review, p. 168, (1985); "Why Wage-Price Guidelines Failed: A General Theory of the Second Best Approach to Inflation Control." 79 W. Va. Law Review 1, (1976).

Academic: Professor Economics, University of Charleston, Charleston, West Virginia, 1979–90; Frederick William Atherton Lecturer, Harvard University, 1982–83; Visiting Professor of Law, Fudan University, Shanghai, People's Republic of China, 1984.

Mr. President, this brings us to the final principal problem with the D.C. law. It is unconstitutional, pure and simple. It is an effort by a local jurisdiction to bring a halt to interstate commerce in a particular commodity.

Let there be no mistake about the objective of this legislation. It is not to regulate guns. The objective is to eliminate the manufacture and distribution of an entire class of guns, and ultimately of all classes of guns. D.C. Councilman William Lightfoot admitted this when he said:

"It would seem that the merchants of death—and that's what they are, they are merchants of death, the people that manufacture these guns, distribute these guns and sell these guns are merchants of death. * * * It is time they no longer earned money and income from sales of these weapons. We cannot allow them to roam free in our society."

Honest, hard-working manufacturers and distributors, men and women across this country who produce weapons, are now merchants of death because somebody misuses that weapon and commits a crime. Has it really come to that, Mr. President?

Fortunately, neither the Constitution's commerce clause nor D.C.'s home rule charter permit the District of Columbia to regulate commerce between the States. As recently as last January, the Supreme Court reiterated this reading of the commerce clause in its decision Wyoming versus Oklahoma.

Now, Mr. President, I understand that there are many who are concerned about the rights of the District of Columbia under the Home Rule Act, and I share this concern. Traditionally, however, the committees of jurisdiction have applied a three-fold test which has allowed them to overturn a D.C. enactment if that enactment were, first, unconstitutional; second, a violation of the D.C. home rule charter; or third, an impingement on a Federal interest.

Mr. President, the D.C. gun liability law is an unconstitutional violation of the commerce clause. It violates the D.C. home rule charter which limits the District's jurisdiction to legislation dealing with the District's jurisdiction to legislation dealing with the District's own affairs. This goes far beyond the District's own affairs. It interferes with Virginia. It interferes with New Hampshire, with Georgia, with South Carolina. It interferes with every State in the Union by telling a manufacturer he cannot manufacture or distribute a gun. Finally, it impinges on a Federal interest because it threatens to cut off the supply of weapons to Federal law enforcement agencies.

Mr. President, this proposal is identical to my legislation in the 102nd Congress which withstood a procedural point of order by a 50 to 32 vote, and then passed the Senate by unanimous consent. Last year, it had 38 sponsors and cosponsors, and I have no doubt that we will improve on that number in the weeks ahead.

The District does have a serious crime problem. We all know that. But serious problems, however severe, do not justify unconstitutional and counterproductive legislation.

The crime problems in the District of Columbia should be dealt with by punishing criminals, not law-abiding gunowners, manufacturers, and distributors.•

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By Mr. PACKWOOD (for himself, Mr. GORTON, Mr. CRAIG, Mr. STEVENS, and Mr. SIMPSON):

S. 459. A bill to arrest the decline in, and promote the restoration of, the health of forest ecosystems on Federal lands, to reduce the escalating risk to human safety posed by potentially catastrophic wildfires on Federal lands, to require the Secretary of the Interior to establish a special fund for Bureau of Land Management activities in furtherance of forest health, and for other purposes; to the Committee on Energy and Natural Resources.

### THE FEDERAL FORESTS HEALTH RECOVERY ACT OF 1993

• Mr. PACKWOOD. Mr. President, the bill I am introducing today, along with Senators GORTON, CRAIG, STEVENS, and SIMPSON, addresses a significant and worsening problem in eastern Oregon and Washington. That problem is the deteriorating health of our forests.

Oregon and Washington are experiencing devastating deterioration in forest health due to drought, insect infestation, and disease.

While prevalent in Oregon and Washington, these diseased and dying forests are not confined to just those States.

They are becoming a part of the landscape in several other western States and, increasingly, nationwide.

The health of our forests is a matter which should concern us all in terms of how we leave our forests for future generations.

My bill will allow us to go in and do something about forest health, to restore those ecosystems being lost to bug infestation and disease.

This measure, however, does not address the agony associated with the long-standing conflict over old growth forests and timber harvest levels.

I have elected not to address these issues in this proposal because the Clinton administration has committed to an early forest summit. The summit will address that conflict and related issues.

I commend the President in calling this summit and look forward to working with the administration toward an equitable solution.

Other Members of the Pacific Northwest delegation and other Members of Congress have pledged to forebear from introducing proposals dealing with the spotted owl conflict until the forest summit takes place.

I will join them in this decision because I believe that it is fair and proper to give the new administration an opportunity to work with us to resolve this conflict through the upcoming forest summit.

Mr. President, the legislation I am introducing today seeks to arrest the escalating deterioration in the health of our forests. These forests, as I've said, are suffering from the effects of drought, insect infestation, disease, and wildfire.

Last year, I introduced similar legislation on which the Senate Energy Committee held one hearing.

Unfortunately, action on that legislation was not completed prior to adjournment.

The problem of deteriorating forests is, however, no less acute 1 year later, and, in fact, our forests are dying at an unprecedented rate.

The problem of declining forest health is particularly evident in my home State of Oregon.

East of the Cascade Range—especially in the Blue Mountains region—there are millions of acres of trees which are dead or dying.

In fact, the Forest Service estimates that up to 70 percent of the total acreage of the 3 National Forests in northeast Oregon contain predominantly dead or dying trees.

The Pacific Northwest is in a crisis situation. The amount of timber reaching Oregon's mills has hit a critical low.

Since the listing of the northern spotted owl, thousands of jobs have been lost, and many more layoffs are expected.

The amount of timber lost annually to insects and disease in Oregon's public and private forests is equal to about 1.6 billion board feet. That is enough timber to build about 150,000 homes.

We cannot afford to ignore this potential.

Timely salvage of this timber can offer relief to Oregon's timber communities.

Mr. President, my bill authorizes and encourages the Forest Service and the BLM to respond more expeditiously than existing law and practice permit to arrest the escalating deterioration in the health of our forests.

Proper and timely management initiatives will reduce the spread of insects and the potential for catastrophic fire.

At the same time, proper management will accelerate the process of regeneration.

And, finally, timely salvage allows us to capture as much of the value which is still in the timber as possible.

While salvage by itself will not solve the forest health problem, it is clearly the right first step.

Mr. President, this bill represents sound forest management practice.

Some people believe that forests are static ecosystems, that if we simply leave them alone, they will remain forever as they are today. Unfortunately, forests just do not work that way.

Forests are dynamic, not static, and without management, we have seen how they die when there are pest infestations. We see how they can burn when there is a drought.

We, therefore, simply can no longer stand by while the health of our forests deteriorates. It's time to put the health of our forests back on track.

Mr. President, I ask unanimous consent that the text and section-by-section description of my bill be placed in the CONGRESSIONAL RECORD immediately following my remarks, along with a recent resolution passed by the Oregon House of Representatives recognizing the urgency of the situation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 459

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Forests Health Recovery Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the forests on substantial areas of Federal lands are dead or are dying at an unprecedented rate from drought, insect infestation, disease, fire, and other causes;

(2) this alarming decline in forest health—

(A) threatens entire ecosystems with collapse or destruction and endangers human life, property, and communities with catastrophic wildfires; and

(B) will inflict substantial economic losses on Federal, State, and local governments and individuals because of the reduction in shared receipts obtained from, and the revenue, income, and employment generated by, Federal timber sales;

(3) careful management of these dead and dying forests through thinning, salvage, timber stand improvement, reforestation, fuels management, insect and disease control, and other forest health recovery activities can—

(A) forestall or minimize the economic losses;

(B) reduce the threat to human life, property, and communities; and

(C) hasten the recovery of forest ecosystems; and

(4) to effect the management described in paragraph (3)—

(A) the Bureau of Land Management and Forest Service must be authorized to respond more expeditiously and fully, than is permitted by law in effect on the date of enactment of this Act, on Federal lands where forest health problems exist; and

(B) the Bureau of Land Management must be accorded authority comparable to that provided by Federal law to the Forest Service to expend receipts from the sales of salvaged timber and other forest products for the purpose of restoring and maintaining forest health.

(b) PURPOSES.—The purposes of this Act are to encourage, and provide authority for, management initiatives on Federal lands to—

(1) arrest the escalating deterioration in the health of forests and forest ecosystems, and the attendant injury to and destruction of wildlife, watershed, soil, recreational, economic, and other resources and values, that result from natural resource disasters, including catastrophic wildfires, drought, insect infestation, disease, and other natural and human-caused events;

(2) minimize the threat to human life, property, and communities from catastrophic wildfires that may originate in the dead and dying forests;

(3) reduce the economic losses that are and will be inflicted on all levels of government, communities, and individuals by the loss of forest health; and

(4) achieve the long-term restoration and maintenance of the health of the forests and forest ecosystems.

**SEC. 3. DEFINITIONS.**

Except as otherwise expressly provided, as used in this Act:

(1) FEDERAL LANDS.—The term "Federal lands" means—

(A) public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))); and

(B) lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(2) FOREST HEALTH ACTIVITY.—The term "forest health activity" means any thinning, salvage, timber stand improvement, reforestation, controlled burning or other fuels management, insect or disease control, riparian or other habitat improvement, soil stabilization or other water quality improvement, or other activity, the purpose of which is to meet one or more of the objectives described in section 4(a).

(3) LAND MANAGEMENT PLAN.—The term "land management plan" means—

(A) a land use plan prepared by the Bureau of Land Management pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), or other plan currently in effect, for a unit of the Federal lands described in paragraph (1)(A); or

(B) a land and resource management plan (or if no final plan is currently in effect, a draft land and resource management plan) prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit of the Federal lands described in paragraph (1)(B).

(4) SECRETARY.—The term "Secretary" means—

(A) with respect to Federal lands described in paragraph (1)(A), the Secretary of the Interior, or a designee; and

(B) with respect to Federal lands described in paragraph (1)(B), the Secretary of Agriculture, or a designee.

**SEC. 4. FOREST HEALTH ACTIVITIES.**

(a) IN GENERAL.—Subject to section 8, the Secretary shall prepare for and undertake or authorize forest health activities, individually or in combination, as the Secretary considers necessary to—

(1) arrest the deterioration in the health of forests and forest ecosystems on Federal lands;

(2) restore and maintain the health of the forests and forest ecosystems that have suffered or are suffering deteriorated health conditions; or

(3) ensure the public safety that is threatened by the deteriorating health of the forests and forest ecosystems.

(b) CONSIDERATIONS.—In determining and preparing for the necessary forest health activity, or combination of the activities, for any Federal lands, the Secretary shall consider the significance and conditions of all relevant forest resources and values, including timber, recreation, wildlife, watershed, and soil, on the lands, and the economic well-being of individuals and communities economically dependent on the lands.

(c) Role of Sales.—

(1) In general.—The Secretary may offer and award a timber sale as a forest health activity pursuant to this Act if the sale meets one or more of the objectives described in subsection (a).

(2) Effect of costs.—No sale shall be precluded because the anticipated total costs of the sale are greater than the anticipated revenues from the sale.

(3) Harvest of live trees.—Whenever the harvest of live trees is likely to occur in carrying out a forest health activity, the Secretary shall provide to the public a detailed statement of the determination of the Secretary that the activity meets one or more of the objectives described in subsection (a).

### SEC. 5. FUNDING OF FOREST HEALTH ACTIVITIES.

(a) Funding of Bureau of Land Management Activities.—

(1) Establishment of fund.—There is established in the Treasury of the United States a special fund (referred to in this subsection as the "fund") to be used in accordance with paragraph (3), consisting of—

(A) such amounts as are appropriated to the fund under paragraph (2); and

(B) any interest earned on investment of amounts in the fund under paragraph (4).

(2) Transfers to fund.—There are appropriated to the fund amounts equivalent to the Federal shares of moneys received from the disposal of salvage forest products and timber from Federal lands described in section 3(1)(A) pursuant to—

(A) the Act entitled "An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon", approved August 28, 1937 (43 U.S.C. 1181a et seq.);

(B) the Act entitled "An Act relating to the disposition of funds derived from the Coos Bay Wagon Road grant lands", approved May 24, 1939 (43 U.S.C. 1181f–1 et seq.);

(C) the Act entitled "An Act to provide for the disposal of materials on the public lands of the United States", approved July 31, 1947 (30 U.S.C. 601) (commonly known as the "Materials Act of 1947"); and

(D) this Act.

(3) Expenditures from fund.—Upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the fund to the Secretary of the Interior such sums as the Secretary of the Interior determines are necessary to carry out, on the Federal lands described in section 3(1)(A)—

(A) the forest health activities—

(i) authorized pursuant to section 4; or

(ii) described in section 3(2) and authorized under any other provision of law;

(B) activities to maintain healthy forests and forest ecosystems, including—

(i) controlled burning;

(ii) site preparation;

(iii) tree planting;

(iv) protection of seedlings from animal and other environmental elements;

(v) release from competing vegetation; and

(vi) precommercial thinning;

(C) activities to maintain or enhance the health of other ecosystems, including range and nonforested watershed improvement activities;

(D) the planning and preparation of salvage timber for disposal;

(E) the administration of timber sales pursuant to this Act or other applicable law; and

(F) subsequent site preparation, reforestation, and forest development activities required on rehabilitated sites.

(4) Investment of funds.—

(A) In general.—The Secretary of the Treasury shall invest such portion of the fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(B) Acquisition of obligations.—For the purpose of investments, obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) Sale of obligations.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

(D) Credits to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(5) Transfers of amounts.—

(A) In general.—The amounts required to be transferred to the fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the fund on the basis of estimates made by the Secretary of the Treasury.

(B) Adjustments.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) Funding of Forest Service Activities.—From the salvage sale fund authorized by section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) and the fund established under section 3 of the Act entitled "An Act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes", approved June 9, 1930 (16 U.S.C. 576b) (commonly known as the "Knutson-Vandenberg Act"), the Secretary of Agriculture may use, without further appropriation, such sums as are necessary to carry out on the Federal lands described in section 3(1)(B)—

(1) the forest health activities—

(A) authorized pursuant to section 4; or

(B) described in section 3(2) and authorized under any other provision of law; and

(2) activities to maintain or enhance the health of other ecosystems, including range and nonforested watershed improvement activities.

### SEC. 6. ANALYSIS OF FOREST HEALTH ACTIVITIES.

(a) In General.—A forest health activity that is not inconsistent with the long-term management goals and objectives of a land management plan for the unit of Federal lands on which the activity is to occur shall be deemed not to be a major Federal action significantly affecting the quality of the human environment for the purpose of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) Exclusions for Certain Activities.—The Secretary shall establish, by regulation, categorical exclusions from the requirements established pursuant to such section 102 for certain types of salvage and other forest health activities, based on the extent to which the activity includes selective thinning, no building of new roads, minimum loss of healthy standing timber, and other justifying factors.

### SEC. 7. REVIEW OF FOREST HEALTH ACTIVITIES.

(a) In General.—Unless the Secretary specifically provides for administrative review, a citizen of the United States may seek immediate judicial review of any decision of the Secretary to carry out a forest health activity pursuant to section 4.

(b) Standing for Administrative Review.—If the Secretary provides an opportunity for administrative review of a forest health activity and an opportunity for public comment during the preparation or consideration of an activity described in subsection (a), standing to bring an administrative appeal of such an activity shall be available only to persons who have submitted timely comment on the activity.

(c) District Court Review.—

(1) Venue.—Judicial review of a forest health activity authorized pursuant to section 4 shall take place only in the district court of the United States for the district in which the Federal lands subject to the forest health activity are located.

(2) Deadline for filing.—An action brought pursuant to this subsection shall be filed not later than 30 days after the date of publication of the final decision of the Secretary to carry out the forest health activity.

(3) Deadline for decision.—In an action brought pursuant to this subsection, a district court shall render a final decision and dissolve any restraining order or preliminary injunction not later than 60 days after the date of the filing of the action.

(d) Appeals.—

(1) Deadline for filing.—Any appeal from the final decision of a district court in an action brought pursuant to subsection (c) shall be filed not later than 30 days after the date of the decision.

(2) Deadline for decision.—The court of appeals shall render a final decision on the appeal and dissolve any injunction pending appeal not later than 90 days after the date of the filing of the appeal.

### SEC. 8. EXCLUDED LANDS.

The Secretary may not prepare, undertake, or authorize any forest health activity pursuant to section 4 on any Federal lands located within—

(1)(A) any unit of the National Wilderness Preservation System;

(B) any other area formally withdrawn from timber harvesting by law;

(C) any roadless area designated by Congress for wilderness study; or

(D) any roadless area recommended by the Bureau of Land Management or Forest Service for wilderness designation; or

(2) any other area in which timber harvesting is expressly prohibited by an applicable land management plan, unless the plan is amended to permit the activity to occur in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

### SEC. 9. BUDGET DISCLOSURES.

Beginning with the fiscal budget for the first full fiscal year following the date of enactment of this Act, requests presented by the President to Congress governing activities of the Bureau of Land Management or the Forest Service shall express in qualitative and quantitative terms the extent to which the projected activities under the budget fully achieve the policies and purposes, and implement the provisions, of this Act.

### SEC. 10. ADVISORY BOARDS.

(a) Appointment.—

(1) In general.—The relevant Secretary shall appoint an advisory board (referred to in this section as an "advisory board") for each Bureau of Land Management district and national forest in Oregon and Washington located in whole or in part east of the Cascade Range on which forest health activi-

ties are likely to be undertaken. The relevant Secretary is hereby authorized at his discretion to appoint an advisory board pursuant to this section for other Bureau of Land Management districts and national forests on which forest health activities are likely to be undertaken.

(2) COMPOSITION.—An advisory board shall be comprised of not more than 7 individuals who, in the judgment of the Secretary, represent a diversity of views.

(3) COMPENSATION.—A member of an advisory board shall serve without compensation or reimbursement for expenses.

(b) DUTIES.—An advisory board shall advise relevant Federal land managers on general forest health matters in the context of the respective planning efforts of the Bureau of Land Management and the Forest Service. In addition, an advisory board may—

(1) review proposed forest health activities of the affected unit of Federal land individually or in combination; and

(2) present recommendations to the Bureau of Land Management or Forest Service—

(A) in the case of any forest health activity determined by the Secretary to constitute an emergency, within 15 days after receipt of documents pertinent to the review; and

(B) in the case of any other forest health activity, within 45 days after receipt of documents pertinent to the review.

(c) The advisory boards shall be named not later than sixty days after enactment of this Act. The advisory boards established under this section shall not be subject to the Federal Advisory Committee Act (86 Stat. 770).

### SEC. 11. MONITORING AND ANNUAL FOREST HEALTH REPORTS.

The Secretary shall annually—

(1) monitor each forest health activity authorized pursuant to section 4 on the Federal lands under the jurisdiction of the Secretary; and

(2) report to Congress on—

(A) the timeliness, effectiveness, and cost of each such activity; and

(B) the condition of and trend in health of the forest and forest ecosystem in each unit of the Federal lands under the jurisdiction of the Secretary.

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### SECTION-BY-SECTION DESCRIPTION

Section 1. Short Title.—This section provides the bill's short title: "Federal Forests Health Recovery Act of 1993."

Section 2. Findings and Purposes.—Subsection (a) contains the Congressional findings which support the need for the legislation. These findings recognize the dramatic decline in the health of much of the Federal forested land due to the lengthy drought in portions of the West, insect infestation, disease, and other natural and human causes. The findings also disclose the severe environmental (damaging or destroying ecosystems), economic (reduced revenues for Federal, State, and local governments and loss of employment in occupations dependent on forest products), and public safety (severe risk of uncontrollable wildfire) consequences of deteriorating forest health. Finally, the findings recognize that these adverse consequences can be forestalled or minimized, and forest health can be restored, with more aggressive and timely management actions of the Bureau of Land Management, Department of the Interior, and Forest Service, Department of Agriculture, funded by an existing special fund for the latter agency and a newly created special fund for the former.

Subsection (b) states the purposes of the Act. The short-term purposes are to arrest, and to minimize or eliminate the adverse consequences of, deteriorating forest health on the Federal lands. Restoration and maintenance of the forest health are the long-term purposes.

Section 3. Definitions.—This section provides definitions for the most frequently used terms in the legislation. "Federal lands" are defined as public lands administered by the Bureau of Land Management and National Forest System lands administered by the Forest Service. "Forest health activity" is defined expansively to include not only traditional activities undertaken to combat forest health problems (*e.g.*, salvage sales, timber stand improvement activities, reforestation) but also a much broader range of activities to protect and restore all the resources and values of the affected forests and forest ecosystems (*e.g.*, riparian and habitat improvement activities, water quality improvement projects). "Land management plan" is defined to mean the basic land use plans prepared by the Bureau of Land Management and Forest Service under their primary land management statutes: the Federal Land Policy and Management Act of 1976 and Forest and Rangeland Renewable Resources Planning Act of 1974. Finally, "Secretary" is defined as the Secretary of the Interior whenever the Federal lands concerned are managed by the Bureau of Land Management and the Secretary of Agriculture whenever the Federal lands concerned are managed by the Forest Service.

Section 4. Forest Health Activities.—Subsection (a) provides the basic authority to both Secretaries to undertake forest health activities as defined in section 3 of all Federal lands except those identified in section 8. In order to undertake a forest health activity, the Secretary must find that it is necessary to achieve one or more of three goals: (i) arrest forest health deterioration; (ii) restore and maintain forest health, and/or (iii) ensure the public safety.

Subsection (b) advises the Secretary to consider two elements in choosing which forest health activities to undertake: (i) the significance and conditions of all relevant resources and values in the affected forest; and (ii) the economic well-being of individuals and communities economically dependent on that forest. The first element is obvious—any forest health activity chosen without knowledge of site-specific conditions is likely to be ineffective. The second element is of equal importance, however, because the undertaking of appropriate forest health activities can have significant short-term and long-term benefits to communities and workers suffering from the loss of income and employment from such forests.

Subsection (c) embodies the recognition that salvage sales, when properly designed, can continue to be a critically important management activity in combating forest health problems. The subsection, however, makes clear that salvage sales under this bill are not to be simply renamed components of the usual timber sale programs. The Secretary must determine that each sale meets one or more of the objectives in subsection (a) and, if the sale includes any green trees, must provide a detailed statement to the public of that determination. Since any such salvage sale that meets these requirements has as its overriding purpose forest health, and not commercial, objectives, the subsection also provides that the sale shall not be precluded simply because it is found to be "below cost" (*i.e.*, its anticipated costs are greater than its anticipated revenues).

Section 5. Funding of Forest Health Activities.—Subsection (b) clarifies that monies in the existing Forest Service salvage sale fund authorized by the National Forest Management Act of 1976 and the 1930 Knutsen-Vanderburg Act can be used for forest health activities authorized under this legislation or any other law, and for maintaining or enhancing the health of other, non-forested ecosystems.

Subsection (a) establishes a similar special fund for the Bureau of Land Management (to make permanent the temporary fund established in the Fiscal Year 1993 Interior and Related Agencies Appropriation Act). The subsection names federal revenues raised under this legislation and three other statutes governing Bureau of Land Management activities as the source of the fund. It permits expenditures from the fund for both the same types of activities previously supported from, and the same new types of activities which subsection (b) identifies for, the Forest Service's fund. Finally, the subsection provides direction for managing the fund, including investments, interest, and transfers to the fund.

Section 6. Analysis of Forest Health Activities.—This section balances the need to act quickly where forest health is concerned (to eliminate the threat of wildfire or the spread of pests or disease and, where appropriate, to obtain revenues to support forest health activities by permitting salvage of dead or dying timber before decay destroys its merchantability) and to ensure that the actions taken do not have unintended adverse environmental effects. Subsection (a) clarifies that whenever a forest health activity is found to not be inconsistent with the long-term management goals and objectives of a Bureau of Land Management or Forest Service land management plan, the agency can comply with the National Environmental Policy Act (NEPA) by preparing the more expeditious environmental assessment (EA) instead of the more time consuming environmental impact statement (EIS). The EA will simply supplement the comprehensive EIS which will have already been prepared on the land management plan. Of course, if the forest health activity is found to be inconsistent with the plan's long-term management goals and objectives, then the plan would have to be amended before the activity could be undertaken, and, if the plan amendment is deemed significant, a full-fledged EIS would have to be prepared.

The regulations of the Council on Environmental Quality which govern implementation of NEPA allow federal agencies to exempt ("categorically exclude") from NEPA documentation requirements certain activities which have minimal effect on the environment. Subsection (b) requires each Secretary to develop by rule a categorical exclusion policy for forest health activities which have such minimal effect (considering the extent to which the activity includes selective thinning, no roadbuilding, minimum loss of green trees, and other factors),

Section 7. Review of Forest Health Activities.—This section also provides for expeditious implementation of forest health activities. It assures, however, that any interested individual who believes a decision to undertake a forest health activity is erroneous has the opportunity to challenge it. Particularly, the section assures access to the courts to obtain independent review of agency decisionmaking.

Subsection (a) provides that the Secretary can continue to exempt specific, time-sensitive forest health activities from the agency's administrative appeal process. Existing rules already permit this and this language is intended to clarify that nothing in this legislation is intended to alter that policy. The provision also clarifies that, if no administrative appeal is provided, any interested person may seek immediate judicial relief. If the opportunity for administrative appeal is provided, an interested party must have commented to the agency during the preparation of, or decision on, the forest health activity in order to bring the appeal. This requirement ensures that potential appellants disclose any errors they perceive in the agency's process while the agency can still correct them without unnecessary delays. It will discourage those opposed to particular forest health activities from adopting a tactic of withholding comment until the decision on an activity is final to improve their chances of successfully delaying and blocking the activity in subsequent appeals.

Subsections (b) and (c) guide the judicial appeals of forest health activities. Subsection (b) requires that the litigation be brought in the U.S. District Court in whose district the activity would take place. It also sets deadlines for bringing and disposing of the litigation. The plaintiff must file the lawsuit within 30 days of the final decision on the forest health activity; the court then has 60 days to render a final decision in the lawsuit. Subsection (c) provides similar deadlines for filing (30 days) and disposing (90 days) of any appeal of the district court decision.

Section 8. Excluded Lands.—This section recognizes that certain lands which have been designated by Congress or the agencies as having special environmental values should not be subject to the forest health activities and expedited procedures authorized by this legislation. These areas include wilderness areas designated by statute (units of the National Wilderness Preservation System), other areas in which timber harvesting has been prohibited by Congress; roadless areas which Congress has directed in statute to be studied for possible wilderness designation; roadless areas which the Forest Service or Bureau of Land Management have studied and recommended for wilderness designation; and areas in which the timber harvesting has been expressly prohibited by the applicable land management plans of the two agencies (unless and until the plans are amended to permit timber harvesting).

Section 9. Budget Disclosures.—This section and section 11 requires two reports which are intended to maintain forest health as a high priority for the Bureau of Land Management and Forest Service and to make those agencies accountable for implementing this bill effectively. Section 9 requires that the Executive Branch report to the Congress in its annual budget submission (presumably in a budget Appendix) whether the budgeting figures are sufficient to fully implement the bill. This provision is similar to section 8(b) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (which requires similar reporting on how the budget addresses the long-term policies developed under the periodic agency-wide planning mandated by that Act).

Section 10. Advisory Boards.—To avoid any adverse consequences arising from the expedited decisionmaking and appeal procedures in this legislation, it is desirable to have as much meaningful public review and guidance as possible early in the process. Section 10 provides a special mechanism for obtaining such review and guidance. It requires the two Secretaries to appoint advisory boards for units of Federal lands within their jurisdiction which are likely to require forest health activities. The boards are to have a membership of not more than 7 individuals who represent a diversity of views. Each board's mission is to review, and make recommendations to the Bureau of Land Management or Forest Service on, each forest health activity proposed for its unit. The normal period for review would be 45 days, although the agency can require a 15 day review for any forest health activity which is intended to address emergency conditions.

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HOUSE JOINT MEMORIAL 8

Whereas the National Forest System has historically provided 80 percent of Oregon's timber supply needs, economic support for regional and local economics and funds for county government and Oregon schools; and

Whereas timber receipts from the Federal Government in 1989 accounted for nearly $300 million and have totaled $1.8 billion over the past decade, benefiting the public by delivering government services to people at the county level; and

Whereas the land allocation decisions made in recent federal forest plans have reduced the amount of land available for forest management to less than 40 percent on the land managed by the Federal Government; and

Whereas both the United States Forest Service and Bureau of Land Management recognize there are opportunities to salvage some of the forest stand mortality presently occurring, and increasing, due to drought conditions, insect outbreaks and disease infestations throughout the State of Oregon; and

Whereas, because salvaging forest stand mortality historically has been a byproduct of active forest stand management, it should be elevated to equal status with normal green timber harvesting operations to help provide a stable timber supply, to promote vigorous health forests, to use dead and dying wood in a timely manner, to protect adjacent healthy forests from disease, insects and catastrophic fire exposure and to expedite rehabilitation of other resource values; and

Whereas the State Forestry Department of Oregon has identified that 1.6 billion board feet of timber are lost annually to insects and disease in Oregon's public and private forestland; and

Whereas, because biological concepts such as maintaining biological diversity, recruiting wildlife trees and leaving large woody material may be in direct conflict with salvaging, any public policy that promotes forest salvaging should strive to reduce such conflicts by leaving a reasonable level of such materials for the health of the forest, yet be consistent with safe logging operations; and

Whereas sound forest management and prudent public policy should prevent the waste of usable wood by salvaging such forest stands in a timely manner and also promote the conservation of other forest resources: Now, therefore, be it

*Resolved by the Legislative Assembly of the State of Oregon*, That—

(1) The United States Forest Service and Bureau of Land Management are urged to adopt, as part of a sound forest conservation strategy, a comprehensive program to salvage usable wood that is dead or dying in the national forests of Oregon and the Northwest, recognizing that such a program:

(a) Will promote not only mortality salvage but forest sanitation and resource rehabilitation, resulting in enhanced forest and watershed growth, vigor and health; and

(b) Shall be compatible with existing state and federal land management plans that protect and conserve all forest values, including water quality, wildlife habitat, harvestable timber, natural beauty and recreation.

(2) A copy of this memorial shall be sent to the Chief of the United States Forest Service, to the Director of the Bureau of Land Management and to each member of the Oregon Congressional Delegation.

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By Mr. BUMPERS (for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, and Mr. BRYAN):

S. 462. A bill to prohibit the expenditure of appropriated funds on the U.S. International Space Station *Freedom* Program; to the Committee on Appropriations.

S. 463. A bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider Program; to the Committee on Appropriations.

DEFICIT REDUCTION THROUGH SPACE STATION "FREEDOM" AND SUPERCONDUCTING SUPER COLLIDER TERMINATION ACTS OF 1993

Mr. WARNER. Mr. President, given the time constraints, I would now yield the floor to my distinguished colleague from Arkansas. We are jointly putting in the legislation. I will speak to my participation, but I am privileged to join with my good friend, the distinguished Senator, who pioneered these proposals in the Senate at an earlier time.

I approached him in the past few days as to the likelihood of his initiating this once again. I indicated I was willing to initiate it, but given that he was the originator of these same proposals some months ago, I think it is most appropriate that he initiate them and that I join him as a cosponsor.

I do so with an absolute clear conscience. It is not a political response on my part. It is a response to our President who has asked for further cuts.

But I have a clear conscience in that I went against President Bush on both of these issues and against my colleagues on this side at the time the initiatives were taken by my distinguished colleague from Arkansas.

Mr. President, I now yield the floor.

Mr. BUMPERS. Mr. President, I thank the Senator from Virginia very much.

I want to say I believe his chief cosponsorship, chief authorship of these two measures to deauthorize, effectively deauthorize through the appropriations process, both the space station and the super collider add great emphasis to the efforts that I have put in on this before.

I also want to say, Mr. President, with the utmost respect to the President, that I do not believe you can really be as serious about deficit reduction as you ought to be and leave a space station, which could conceivably cost us $200 billion over the next 25 to 30 years, on the table. It is difficult for me to believe you can be as serious as you ought to be and leave the super collider, which is now up to, I would say a conservative estimate just for the construction, as much as $13 billion and which could conceivably cost $20 billion to $30 billion to build and operate over the next 20 to 30 years.

It would not be nearly so bad on the space station, except all 40,000 physicists in America who belong to the American Physical Society, with the exception of a very few who work on the space station, are adamantly opposed to it. It has no scientific, economic, social, or military redeeming value. None.

The Russians have had a space station in space for 5 years and divinely wish they had never done it and divinely wish it were on the ground.

I might add, we ought to do whatever experiments we are going to do on their space station. But do you know what the National Academy of Sciences says? Very few experiments are anticipated for the space station that cannot be carried out by unmanned space flights.

I might say one more thing about the space station. The cost is going completely out of control. Whoever dreamed it would cost us $40 billion just to build it and deploy it, to say nothing of operating it. Back in 1984 we were told it would be $8 billion for the R&D.

The super collider started off at $4 billion. Everything starts at $4 billion around here. It is now up to, I would say, $13 billion. And I will put figures to justify that in.

Mr. President, if you saw the Washington Post this morning, you saw where the cost overruns on the collider are totally out of control.

We can foresee now that what we thought was going to cost $1.3 billion is going to cost $625 million more than that. Foreign contributions—forget it. Taiwan even pulled out this past Tuesday—only $50 million they were in for, but they pulled out.

The $1.7 billion that we were anticipating in foreign contributions—forget it. When the President went to Japan last year, everybody thought, well, at least they will commit to their billion dollars on the super collider.

Do you know what they told President George Bush? "Don't call us, we'll call you."

So, Mr. President, why should we proceed with this when we know neither one of them has anything but a few jobs in a few States. Nothing else.

This morning I held a hearing in the Small Business Committee on what was called the microloan program; a small program. And do you know, with that small program, where you loan people anywhere from $500 to $25,000—all they have is a good idea, no collateral, no chance of a bank loan, but a good idea and a lot of energy and determination. Some of them to get off welfare, incidentally.

One of the intermediaries out in Iowa makes virtually all of their loans to people on AFDC, doing a dynamite job of taking people off of that program. The average cost of jobs in most of those programs is about $4,300 per job. And these are people who have nothing except some determination to make something of themselves.

The Economic Development Administration has a rule of thumb that they will give you a grant if you can provide jobs for as much as $5,000 per job. Do you want to know what these two projects cost per job—when you hear the people from Texas and Louisiana come in here and tell you how important this thing is about jobs—$80,000 to $100,000 per job; for nothing.

As I say, there is much more to it. There is much more detail I would like to put into it. But I cannot tell you how much I appreciate the participation of the Senator from Virginia this year.

At some point we will decide precisely when to present this to the Senate—in the appropriations process, probably. It could be as early as the budget resolution. But people around here have to be serious about deficit reduction. A lot of the things the President is asking for he will not get. And if we are going to keep faith with the people of the country and do $1 of spending cuts for every dollar in taxes, we have to do this. We have to do a whole host of things. But here are the two big ticket items that are on the table that ought to be taken off if we are really serious about deficit reduction.

Mr. President, I send both of these bills to the desk on behalf of the Senator from Virginia; the Senator from Tennessee, [Mr. SASSER]; and myself. We are the three authors of the bill.

Mr. WARNER. Mr. President, I approached my good friend to take this initiative some several days ago. It is not easy for him to stand once again on this floor and advocate these two cuts. It is not easy because he comes from the State of our President and this issue, now, by virtue of the action that the two of us take together, with the distinguished Senator from Tennessee, Mr. SASSER—this action we take directly thrusts onto his desk this issue. Because at some point in this deliberation, the President will pass on the wisdom of what the three of us are now passing on to the Senate—namely, if we are going to raise these taxes, and I for one am not in favor of raising taxes—but if we are even going to consider it, then we have to consider with equal seriousness, and hopefully beforehand, cuts.

These are two very, very major, sizable cuts. They will set back the momentum of this country in scientific technology. But that is a priority, that setback. We have to lay alongside the burden of our people of possibly assuming additional taxes; the burden of our people faced with an ever-growing annual deficit; and the burden of our people to service an ever-growing national debt.

The chair is occupied by my distinguished colleague from Virginia. He full well knows that our State will suffer if the Congress adopts these two cuts. There are many Virginians who have either a direct or indirect employment in both of these programs. But this is the type of courage that individual Members of this body, and indeed the Congress as a whole, must show if we are to begin to provide some support for the President in his leadership to lessen the fiscal responsibilities and the burden of debt.

So I thank my good friend from Arkansas. I thank our colleague from Tennessee. The three of us will be like Musketeers on this one. We will not gain many friends, but it is the type of tough decision that must be taken to make it work.

I understand, Mr. President, that our distinguished colleague, Mr. COHEN, wishes to be added as the fourth of what I hope will be a long list of cosponsors to these measures.

I ask unanimous consent that the Senator from Maine be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine will be added as an original cosponsor. The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I just would like to say we might have some history with this, having Four Musketeers instead of Three Musketeers. Nobody can accuse us of being partisan. It is a bipartisan effort of the Senators from Maine, Virginia, Tennessee, and myself.

Mr. President, I also state I have an executive summary of the GAO report, which was reported in the Post this morning. I have the whole report, but I ask unanimous consent the executive summary be printed in the RECORD immediately following my remarks.

There being no objection, the executive summary was ordered to be printed in the RECORD, as follows:

### EXECUTIVE SUMMARY

#### PURPOSE

The Superconducting Super Collider (SSC) is intended to be the world's largest particle accelerator—a basic research total for seeking fundamental knowledge about matter and energy. In 1987, the Department of Energy (DOE) provided the Congress with an estimated total SSC project cost of $5.3 billion. Since January 1991, DOE has maintained that the SSC would be completed in 1999 at a total cost of $8.25 billion.

GAO was asked to determine whether DOE's cost and schedule assurances were based on a reliable and accurate assessment of the SSC's current and projected status. Specifically, GAO examined (1) whether the required Cost and Schedule Control System had been implemented, (2) whether the project has realized cost savings when compared with the January 1991 baseline cost estimate, (3) whether cost and schedule changes could increase the project's total estimated cost, and (4) how DOE is implementing its "build-to-cost" strategy—a plan to reduce, defer, or eliminate components to hold construction costs to baseline cost estimates. GAO is also providing its observations on the status of SSC funding.

### BACKGROUND

The SSC is being constructed about 30 miles south of Dallas, Texas. The accelerator complex, called the SSC Laboratory, is to consist of a series of five accelerators. The principle components of the accelerators are magnets that will steer and focus beams of protons, moving in opposite directions, until they collide, at nearly the speed of light. As proposed, the SSC will also include two large general-purpose detectors that will record the collisions for analysis by physicists.

The SSC project's prime contractor is Universities Research Association, Inc. (URA), a nonprofit corporation, which is to design, construct, and manage the SSC Laboratory. In managing the project, URA is contractually required to implement a Cost and Schedule Control System. When fully implemented, such a system shows tasks that are ahead of or behind schedule and/or under or over budget. Trends can be extrapolated from the data to produce a range of cost and schedule estimates at completion of the project or of major project segments. URA has awarded subcontracts for conventional construction and for the production and design of project equipment, such as superconducting magnets. Two collaborations of scientists have been selected to design, construct, assemble, and install the two large detectors.

DOE's 1991 baseline cost estimate of $8.25 billion for the SSC includes $2.6 billion in costs to be funded from nonfederal sources, including $1.6 billion in foreign contributions. However, it excludes some costs expected to be funded by sources other than the DOE appropriation for construction: about $500 million for the detectors, for which the SSC is seeking mainly nonfederal funding, and about $400 million for laboratory preoperations costs, which are to be funded from DOE's High Energy Physics Program.

### RESULTS IN BRIEF

The prime contractor still has not implemented a fully functioning Cost and Schedule Control System for managing the project. URA initially gave low priority to implementing this system, and although progress is being made, a fully functioning system—with trend analysis showing the estimated cost and schedule for completing the project—will not be available until July 1993 or later.

It is unlikely that net savings have been realized. Although the prime contractor's accounts indicate that there have been savings, these accounts do not reflect complete, up-to-date records of project savings and cost increases. GAO found that known cost increases not reflected in the contractor's accounts would have offset the recognized savings.

Analyses of the major subcontractors' work in progress show that the SSC project is over budget and behind schedule. For example, trend analyses show that costs at completion for architect and engineering services and conventional construction will be $630 million over the baseline cost estimate of $1.25 billion. However, because DOE does not have a fully functioning Cost and Schedule Control System, it is not clear how much these increases will change the project's total cost and schedule.

To counter cost increases, DOE plans to follow a build-to-cost strategy. This strategy is intended to hold construction costs to baseline cost estimates by eliminating, reducing, or deferring some components, such as the detectors. Such actions would reduce the SSC's experimental capabilities and could adversely affect the experimental research. Furthermore, if such components are added later, the overall cost to the government may increase.

The SSC project has reached a crossroads at which key funding decisions need to be made. Currently, the SSC is over budget and behind schedule. Furthermore, DOE recently advised the Congress that it is confident of obtaining only about $400 million of the $1.7 billion that it is seeking from foreign contributors by 1999—leaving a shortfall of $1.3 billion. As a result, the Congress is now faced with the prospect of having to provide a substantial increase in funding to complete the project.

### PRINCIPAL FINDINGS

#### *Cost and schedule control system not yet implemented*

Although contractually required to do so, URA has not yet fully implemented the Cost and Schedule Control System. While URA has made progress in implementation, its accounting system has misallocated expenses among its accounts. Without an accurate accounting system, the reports generated by the Cost and Schedule Control System are also inaccurate and cannot be relied upon for monitoring the project's status or progress. It may take several months to refine the system's operations to ensure reliable reporting. At best, the first trend analysis showing the estimated cost and schedule for completing the project will be available in July 1993.

#### *Project savings doubtful*

URA's accounting records show that the project had a net savings of $2.1 million as of October 1, 1992. However, GAO found that the accounting records were incomplete and all savings and cost increases had not been recorded. If known cost increases had been promptly recorded, URA's account showing a net savings would have had a deficit of $19.9 million.

#### *Cost growth on work in progress*

Major subcontractor's reports, including those for conventional construction and magnet development, have identified both cost overruns and schedule delays. DOE's analyses of the subcontractor's reports, done at GAO's request, showed that the conventional construction subcontractor was 19 percent behind schedule and 51 percent over the baseline cost. DOE's projection of this trend to completion showed that the subcontractor would be about $630 million over the $1.25 billion baseline estimate. Trend analyses of the performance by the two major magnet subcontractors predicted that their development contracts will have cost overruns of $53 million (25 percent) and $25 million (37 percent).

#### *DOE following the build-to-cost strategy*

To control cost, DOE and the SSC Laboratory have been using the build-to-cost strategy for constructing the two large detectors, which are being designed to cost a total of about $1.1 billion. The project's baseline cost estimate allows about $596 million for the two large detectors—leaving about $500 million to be funded from other sources. Although most of this additional funding has been expected to come from foreign countries, such funding has been slow to materialize. If the funding from other sources is not received, DOE is considering deleting or deferring the installation of some detector components. Some consideration is even being given to deferring construction of one of the two detectors. Installing these components after SSC construction is completed could increase the SSC's costs and require DOE to shut down the SSC for as long as 2 years.

#### *Observations on SSC funding*

With $1.6 billion invested in the SSC, the Congress faces a critical decision point on funding, especially in light of the uncertainty of foreign contributions. In a January 14, 1993, letter, the Secretary of Energy acknowledged that without a significant contribution from Japan, it is highly doubtful that the goal of $1.7 billion in foreign funding could be met. He also acknowledged that federal funding at a level less than requested has increased the cost of the project and extended its schedule. According to DOE, a 1-year slip in the project's schedule could increase the SSC's cost by about $400 million. To hold the cost increase to $50 million and the schedule slippage to 3 months, the Secretary stated that $1.2 billion in funding would be needed in fiscal year 1994. To ensure that the project is completed on schedule, independent on foreign contributions, the Secretary recommended that in fiscal year 1994 the Congress provide $5.5 billion, representing the full remaining federal funding required, to construct the SSC.

GAO notes that funding of at least the annual amount requested by DOE would be needed if the project is to stay within its current budget and schedule. However, as evidenced by the matters discussed in this report, even providing the full amount of funding requested will not ensure that the project is built within budget and on schedule.

### AGENCY COMMENTS

GAO discussed the facts presented in this report with the DOE SSC Project Director and his staff. The SSC Project Director provided additional facts, such as an update of the implementation status of the Cost and Schedule Control System. GAO incorporated the additional information into this report. DOE also believed that current SSC performance trends are not reliable because the project is in its early stages and major contract modifications are being made to control future construction cost growth. As requested, GAO did not obtain written agency comments.

Mr. WARNER. Mr. President, as a follow on, we may make history but we will not make friends. It is a tough decision.

I refer Senators to the CONGRESSIONAL RECORD, September 9, 1992, when the Senator from Arkansas and others got up to present to the Senate the arguments at the time President Bush was President. The four of us have been consistent throughout on these issues. I think that removes any suspicion that this is a partisan, political venture that we are on now. We are simply responding to the call by our President for further cuts. Here they are, Mr. President, two very significant ones that can make a major contribution to the goals that he, and I think other Americans, wish to achieve—

namely, reducing the annual deficit and the national debt.

Mr. President, as we all know President Clinton has called upon each of us to recommend appropriate areas for cutting the Federal budget.

Today, I am responding to that challenge.

I am joining my colleagues in introducing legislation to eliminate funding for the Space Station Freedom Program, and the superconducting super collider. My actions are not driven by any partisan political motivation: I voted against President Bush on both the space station and the super conducting super collider in the previous Congress.

There is no doubt that both programs, have value and merit to the Nation, or that my own State of Virginia will be adversely affected by their cancellation. However, this is time when we must carefully prioritize the allocation of every single Federal dollar. The National Academy of Sciences has taken the position that the "Space Station Freedom at the present stage of design does not meet the basic research requirements of the two principal scientific disciplines for which it is intended, life science and microgravity research."

I am deeply concerned about our staggering national debt and I am prepared to accept responsibility for denying a benefit to my own State; I strongly urge my colleagues to support me in this endeavor.

Mr. President, I would also like to again acknowledge and commend the work done previously in this regard by my colleagues, as recorded in the CONGRESSIONAL RECORD edition for September 9, 1992.

Mr. BUMPERS. Mr. President, I ask unanimous consent those bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 462

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Reduction Through Space Station Freedom Termination Act of 1993".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) the Federal budget deficit has grown to such an extent that it poses a serious short-, medium-, and long-term threat to the health of the United States economy;

(2) the gross interest costs on the National debt now exceed defense expenditures in the Federal budget and are one of the fastest-growing components in the Federal budget;

(3) the American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and overall fiscal stewardship;

(4) Federal Government programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination;

(5) many experts in the scientific community are convinced of the general lack of technical merit of the United States International Space Station Freedom program and are opposed to the program; and

(6) termination of the United States International Space Station Freedom program would save the Federal Government tens of billions of dollars.

#### SEC. 3. TERMINATION OF THE SPACE STATION PROGRAM.

(a) PROHIBITION.—Effective 90 days after the date of enactment of this section, no appropriated funds shall be available to carry out the provisions of section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (42 U.S.C. 2451 note).

(b) EXCEPTION.—Notwithstanding the provisions of subsection (a), not to exceed $500,000,000 of such funds referred to in subsection (c) may be used in terminating the United States International Space Station Freedom program.

(c) UNEXPENDED FUNDS.—Subject to the provisions of subsection (b), any funds appropriated for use on the United States International Space Station Freedom program that remain unexpended and unobligated 90 days after the date of enactment of this section shall be credited to the general revenues of the United States Treasury.

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### S. 463

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Reduction Through Superconducting Super Collider Termination Act of 1993".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) the Federal budget deficit has grown to such an extent that it poses a serious short-, medium-, and long-term threat to the health of the United States economy;

(2) the gross interest costs on the National debt now exceed defense expenditures in the Federal budget and are one of the fastest-growing components in the Federal budget;

(3) the American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and overall fiscal stewardship;

(4) Federal Government programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination; and

(5) termination of the Superconducting Super Collider program would save the Federal Government billions of dollars.

#### SEC. 3. TERMINATION OF SUPERCONDUCTING SUPER COLLIDER PROGRAM.

(a) PROHIBITION.—Effective 90 days after the date of enactment of this section, no appropriated funds shall be available for use on the Superconducting Super Collider program.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to any actions taken in terminating the Superconducting Super Collider program.

(c) UNEXPENDED FUNDS.—Any funds appropriated for use on the Superconducting Super Collider program that remain unobligated and unexpended 90 days after the date of enactment of this section shall be credited to the general revenues of the United States Treasury.

### By Mr. SASSER:

S. 464. A bill to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, TN, as the "Ross Bass Post Office"; to the Committee on Governmental Affairs.

#### ROSS BASS POST OFFICE ACT OF 1993

• Mr. SASSER. Mr. President, I rise today to introduce S. 464, a bill to designate the U.S. Post Office in Pulaski, TN, as the "Ross Bass Post Office."

Mr. Bass served this country and his home State of Tennessee with great distinction. He graced this city with his presence as both a U.S. Representative and as a Senator. Mr. Bass was a statesman, a veteran, and a dear friend of mine and many others.

The designation of the facility in Pulaski as the "Ross Bass Post Office" is an especially appropriate tribute because he served as the postmaster of Pulaski for a number of years.

Ross Bass was born near Pulaski in Giles County, TN. After completing his education in Tennessee's public schools and earning his degree from Martin College in Pulaski, Mr. Bass served with distinction as a captain in the Air Corps during World War II.

It was not too long after his military service that Ross served as postmaster of Pulaski, and following 7 years of service in that capacity, he was elected to the 84th Congress.

Ross Bass served his State honorably in the House of Representatives for a decade. He resigned his seat in the House to serve in the Senate, completing the unexpired term of another great Tennessean, Estes Kefauver.

Ross remained an active and visible figure in both Washington, DC, and Tennessee after his years of government service.

S. 464 is a fitting tribute to Ross Bass who dedicated his life to the public good. Those of us who knew him will remember him and his good deeds with appreciation and fondness.•

### By Mr. DASCHLE:

S. 465. A bill to amend the International Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes; to the Committee on Finance.

#### RENEWABLE FUELS INCENTIVES ACT OF 1993

• Mr. DASCHLE. Mr. President, last year, Congress passed a comprehensive energy bill that was signed into law. That bill is important to the economic future of America and includes provisions that hold great promise for a particular interest of mine, alternative energy development. Unfortunately, however, as much as I supported that bill, it missed a significant opportunity to further diversify our energy sources, and promote economic development and a healthier environment.

Today I am introducing legislation pertaining to renewable liquid fuels, including ethanol. The intent of this legislation is to follow through on an opportunity missed in last year's energy bill, and take a significant step toward reducing the national oil import bill and investing those funds in American jobs and industrial activity.

As a reminder for those who are familiar with the events of last year and to inform new Members of the Senate, an ongoing dispute between the Bush administration and the agriculture and ethanol communities over the implementation of the Clean Air Act received considerable attention last year. The substance of this dispute was and continues to be extremely important, and I regret that policy considerations were overwhelmed by short-term political exigencies in its resolution.

The debate over the role ethanol should play under the Clean Air Act amendments was joined in February 1992, when EPA released draft rules for the reformulated gasoline program. The domestic industry and farm organizations subsequently became locked in a disagreement with the Environmental Protection Agency about how ethanol affects air quality. Meanwhile, then-President Bush and his political advisers, evidently paralyzed by indecision about how not to offend influential political interests, sat by wringing their hands as farm organizations, oil lobbyists, and environmental groups threw barbs at each other.

On October 1, 1992, 1 week before adjournment and a month before the Presidential election, President Bush announced a solution to this impasse. It was one part regulatory fix, another part legislative changes, and a third part vague promises.

President Bush seemed to put forth a reasonable package that would help ensure ethanol a role in the reformulated gasoline program, as was the intent of Congress, while maintaining the environmental integrity of the Clean Air Act. It was not what any one group wanted, but it was a reasonable, workable solution. It quickly became apparent, however, that much of President Bush's announcement was an election year maneuver on which he had no intention of following through.

Most of what President Bush announced was to be accomplished through regulatory changes, now before the Environmental Protection Agency; but he also made a strong case for specific new legislative initiatives. I had hoped that, despite the late hour last year, strong advocacy by the President and his top policy advisers would lead to the incorporation of these provisions into the energy bill which would clear Congress shortly before adjournment. But that did not happen.

Much of the attention on President Bush's ethanol pronouncement last October was focused on his compromise proposal for allowing ethanol to participate in the reformulated gasoline program in ozone nonattainment areas. However, in that announcement President Bush also made three commitments that are very important to the long-term future of the domestic ethanol industry and to our Nation's energy future: first, to support a provision of the energy bill, now law, that allows a partial excise tax exemption for ethanol blends of two levels below 10 percent; second, to support making the alcohol blender credit nontaxable for blenders of ETBE; and, finally, to support the addition of biodiesel to the fuels that are eligible for the blender credit. This is a solid package that will allow ethanol and other renewable liquid fuels to be used in better ways and more profitably for the benefit of air quality, our energy independence, and farm sector.

When it became clear that President Bush was not prepared to get behind these measures in any serious way in the closing days of the 102d Congress, I introduced legislation at the end of the session to serve as a reminder of promises made and to provide a framework for discussions in the 103d Congresses. Today, I am reintroducing that legislation, and I am more convinced than ever that its passage is critical to our energy and agricultural future.

The bill I am introducing has three major provisions. First, it would provide that the alcohol fuel blender credit set forth under Internal Revenue Code section 40 may offset the alternative minimum tax, or AMT. Like many independent oil and gas producers, blenders of renewable fuels often find themselves in an AMT position and, therefore, unable to benefit from the economic incentive that the blender credit was intended to provide. Consistent with the policy behind the alternative minimum tax, the provision in the bill is limited so that the taxpayer cannot reduce AMT tax liability by more than 50 percent.

This provision was a part of the Senate version of the energy bill that was passed last year, but it was deleted in conference, for reasons unknown. At that time, the Joint Committee on Taxation estimated that the provision would cost $11 million over 5 years.

Second, the bill would provide a tax credit for biodiesel fuels. This is accomplished through an amendment to the current law section 40 blender tax credit. Biodiesel is an exciting new technology that has tremendous promise for expanding the use of renewable fuels. In South Dakota, we have been running two buses on biodiesel for more than a year, with remarkable success. Bus performance is better, pollution is down, and no modifications are needed to a diesel engine to run on the fuel, which can be used either neat—100 percent biodiesel—or as a diesel blend.

Finally, the bill would partially repeal the requirement under Internal Revenue Code section 87 that the blender tax credit be included in gross income. No income inclusion would be required with respect to any portion of the blender credit that is attributable to a biodiesel or to alcohol used to produce ethyl tertiary butyl ether [ETBE] or any other ether derived from an eligible alcohol.

For years now, this Senator has fought for ETBE development, which represents the long-term future of the domestic ethanol industry. In 1990, the Internal Revenue Service ruled that the ethanol used in ETBE manufacture is eligible for the blender tax credit. This ruling effectively commercialized ETBE manufacture. Unfortunately, the relative economics of ethanol and methanol still have locked ethanol out of the ether market.

There are many reasons why ETBE should become a mainstream player in the oxygenated fuels business. First, its chemical properties overcome the principal objections that are often heard about splash-blend ethanol; specifically, ETBE has a remarkably low vapor pressure—less than 4 pounds per square inch—and will help refiners meet Federal volatility standards. Second, ETBE, either straight or preblended, is fully pipeline fungible, whereas ethanol and ethanol blends usually need to be shipped in segregated storage.

ETBE will also give refiners a choice of feedstocks when making ethers. The choice will be made based on the relative availability, price, and/or performance of ethanol and methanol as a feedstock. This competition will be good for consumers.

My goal in making this change in the Tax Code is to encourage maximum participation in ETBE development by ethanol and alternative fuels producers. If artificial barriers still exist in the Tax Code that impede the development of a strong ETBE industry, I am open to consideration of further changes, and I welcome the comments and suggestions of all interested parties as the measure moves through the legislative process.

For the sake of clarification, I want to stress to my colleagues that these legislative changes are not intended to influence in any way the rulemaking process currently underway at EPA on the Clean Air Act's reformulated gasoline program. Nor do these tax changes alter any pollution laws to benefit any fuel or additive. The goal here is to move ethanol and other biofuels into important new areas and to remove disincentives in the Tax Code that inhibit the manufacture or use of ethanol or other renewable alcohol fuels.

As a final note, I should point out that I have received many suggestions for improving or adding to this legislation. There are technical issues that may need to be worked out before the provisions of this bill become law, and there are potential additions that could be made. I look forward to working with representatives of the affected industries and other interested parties, my colleagues on both sides of the aisle, and with President Clinton to refine, pass, and implement the measures contained in this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. ALCOHOL FUELS CREDIT MAY OFFSET MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

"(3) ALCOHOL FUELS CREDIT MAY OFFSET MINIMUM TAX.—

"(A) IN GENERAL.—The amount determined under paragraph (1)(A) shall be reduced by the lesser of—

"(i) the portion of alcohol fuels credit determined under section 40(a) not used against the normal limitation, or

"(ii) 50 percent of the taxpayer's tentative minimum tax for the taxable year.

"(B) PORTION OF THE ALCOHOL FUELS CREDIT NOT USED AGAINST NORMAL LIMITATION.—For purposes of subparagraph (A), the portion of the alcohol fuels credit determined under section 40(a) not used against the normal limitation is the excess (if any) of—

"(i) the portion of the credit under subsection (a) which is attributable to such alcohol fuels credit, over

"(ii) the limitation of paragraph (1) (without regard to this paragraph), resulting by the portion of the credit under subsection (a) which is not so attributable."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after September 30, 1992.

(2) EXCEPTION.—The amendment made by this section shall not apply to—

(A) any credit which was determined in a taxable year, or

(B) the portion of any credit which is carried back to a taxable year,

beginning on or before September 30, 1992.

### SEC. 2. TAX CREDIT FOR BIODIESEL FUELS.

(a) IN GENERAL.—Section 40 of the Internal Revenue Code of 1986 (relating to credit for alcohol used as a fuel) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULES FOR BIODIESEL.—

"(1) IN GENERAL.—In the case of biodiesel used as a component of, or replacement for, diesel fuel (as defined in section 4092(a))—

"(A) the biodiesel shall be treated in the same manner as alcohol for purposes of this section, and

"(B) Subsection (h) shall apply in computing the amount of any credit under this section with respect to the biodiesel.

"(2) BIODIESEL.—For purposes of this subsection, the term 'biodiesel' means a liquid derived from biological materials (other than alcohol) for use in compression ignition engines."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to biodiesel produced, and sold or used, in taxable years beginning after December 31, 1992.

### SEC. 3. REPEAL OF ALCOHOL FUEL CREDIT INCOME INCLUSION FOR BIODIESEL AND CERTAIN ALCOHOLS.

(a) IN GENERAL.—Section 87 of the Internal Revenue Code of 1986 (relating to inclusion in income of the alcohol fuels credit) is amended by adding at the end the following new subsection:

"(b) EXCEPTION FOR BIODIESEL AND CERTAIN ALCOHOL-BASED ETHERS.—Subsection (a) shall not apply to any portion of the alcohol fuel credit determined for the taxable year under section 40(a) which is attributable to—

"(1) biodiesel (as defined in section 40(i)(2)),

"(2) ethanol which is used to produce ethyl tertiary butyl ether, or

"(3) alcohol which is used to produce any ether derived from alcohol in a chemical reaction in which there is no significant loss in the energy content of the alcohol."

(b) CONFORMING AMENDMENT.—Section 87 of such Code is amended by striking "Gross" and inserting:

"(a) IN GENERAL.— Gross".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.●

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By Mr. DASCHLE (for himself and Mr. INOUYE):

S. 466. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

### MEDICAID NURSING INCENTIVE ACT OF 1993

● Mr. DASCHLE. Mr. President, today I am introducing the Medicaid Nursing Incentive Act of 1993, a bill to provide direct Medicaid reimbursement to nurse practitioners delivering care in underserved areas.

The ultimate goal of this proposal is to enhance the availability of cost-effective, primary care to our country's most needy citizens. Studies have documented the fact that millions of Americans each year forgo essential health services because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse a south central Los Angeles and Lemmon, SD.

Medicaid recipients are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to treat them or have been unwilling to locate in the inner city and rural communities where these patients live. Fortunately, there is an exception to this trend: nurse practitioners frequently accept patients that others will not treat, and serve in areas where others refuse to work.

It is noteworthy that the stated purposes of the early training programs for nurse practitioners was to improve access to primary care in areas with physician shortages. This mission has not changed through the years. Indeed, it has become more ingrained in the nursing profession.

Nurse practitioners provide care that both patients and budget cutters praise. A number of recent studies, including one conducted by the Office of Technology Assessment, have documented that nurse practitioners provide cost-effective, quality care that gets high marks from patients.

Because of their advanced clinical training, nurse practitioners can assume responsibility for up to 80 percent of the primary care services usually performed by physicians.

The Department of Defense recognizes these facts. For over a decade, CHAMPUS has provided direct reimbursement to nurse practitioners. Likewise, more than 15 State require health insurers to reimburse nurses directly for their services.

Congress has also acknowledged the expanding contribution of nurse practitioners. Recent legislation has mandated direct Medicare reimbursement for nurse practitioners in rural areas, and direct Medicaid reimbursement for family nurse practitioners.

These initiatives have strengthened our health care delivery system, and the trend will continue. Specifically, it is time that Medicaid—like States, other third party payers and patients—recognize the quality and cost-effectiveness of nurse practitioners.

Mr. President, the ramifications of this issue extend beyond the Medicaid Program and it patients; there is a lesson here that applies to the broader cause of health care reform.

One of the cornerstones of reform in the expansion of primary and prevention care, delivered to individuals in convenient, familiar places where they work and live. More than 2 million nurses in America are already providing care in these sites—in schools, home health agencies, clinics, and nursing homes.

In places like my home State of South Dakota, nurses are often the only health providers available in the small towns and rural counties scattered throughout the State.

These nurses and other nonphysician providers play an important role in the delivery of care. And their role will increase in prominence as we convert from a system that focuses on the costly treatment of illness to one that emphasizes primary care and wellness promotion.

But first we must reevaluate outdated taboos and break down barriers that prevent nurses from caring for patients. This means reimbursing them directly and affording them the autonomy and authority they deserve.

As we develop a comprehensive health care reform bill, we should keep in mind that receiving quality, primary care does not always mean being treated by a physician.

Mr. President, I hope that my colleagues will support the measure I am introducing today and recognize that, as we develop a health reform package, we must recognize the vital role that nurse practitioners and other non-physician providers can play in our health care delivery system.●

● Mr. INOUYE. Mr. President, I rise today to introduce with Senator DASCHLE a bill to provide direct Medicaid reimbursement to nurse practitioners and clinical nurse specialists for services which they are legally authorized to perform, regardless of whether or not they are supervised by a physician. This measure expands that section of the Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, which provided direct Medicaid reimbursement to certified pediatric and family nurse practitioners and would allow all nurses in advanced practice, regardless of specialty, to be accessed by Medicaid recipients.

Unfortunately, at the present time, many Medicaid recipients are not receiving essential health care because physicians are not available to them. Often, there are other health care providers, such as advanced practice nurses, who can fill these critical gaps. This bill would promote provider choice by allowing all nurse practitioners and clinical nurse specialists to be directly reimbursed under Medicaid, thereby enhancing the availability and quality of health care for the Nation's unserved and underserved citizens. Increasing access and early interventions will also help to alleviate serious health conditions that would be costly to treat in future years.

Nurse practitioners and clinical nurse specialists are well prepared to provide care to Medicaid patients. Their educational programs emphasize the provision of care to patients who have limited resources. Regardless of a nurse practitioner's type of practice or geographic setting, over half of their patients have annual family incomes of under $16,000.

After studying nurse practitioners at the request of the Senate Committee on Appropriations, the Office of Technology Assessment issued its findings in December 1986 that indicated that nurse practitioners clearly play legitimate roles in the health care system and have made important contributions to meeting the Nation's health care needs by: potentially reducing health care costs; improving the quality of health care services; improving the accessibility of health care services, and; increasing the productivity of medical practices and institutions. This study supports extending coverage for the services of nurses in advanced practice and asserts that direct payment to these providers is likely to improve health care for segments of the population that are currently not being served by our health care system.

The legislation we are introducing today, which has the support of the American Nurses Association and the American Academy of Nurse Practitioners, recognizes that better utilization of nurse practioners and clinical nurse specialists among the Medicaid population will help to enhance both access to and quality of care for those individuals whose access to health care services is severely limited.

As an addition to my comments, Mr. President, I ask unanimous consent to print in the RECORD an editorial written by Dr. Claire Fagin, president of the National League for Nursing, which was printed in the December 1992 issue of Nursing and Health Care.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE MYTH OF SUPERDOC BLOCKS HEALTH CARE REFORM

(By Claire M. Fagin, PhD, RN, FAAN)

I won't take a position on DC Comics' murder of Superman last month but I will call for the demise of an equally fanciful icon: the "Suprdoc" fantasy. Superdoc is the medical man or woman who knows all there is to know, solves everything related to health, and is the primary caregiver for the nation. Although a figment of the imagination, the Superdoc phantom is more powerful than a locomotive in holding back needed health reforms.

In reality, physicians cannot solve the vast majority of health problems that exist in health care today. Many of our current primary caregivers are often enough nurses, and many more could be with removal of artificial, politically imposed barriers. Though the poor stepchild among physicians' choices of specialties, primary care is an integral part of nursing in all aspects and central to the academic discipline of nursing. There is a strong tradition for this; nurses have been providing services like checkups, preventive care, prenatal care, and treatment for basic illnesses since the turn of the century. All the myriad studies on the subject confirm what our ancestors knew well: that Americans are better off seeing their nurse for primary basic care needs. Yet the persistent belief that all of our care should come from Superdoc undermines public access to the nursing services they need the most.

#### EVERY PROVIDER HAS A SPHERE OF EXPERTISE

This problem has widespread consequences. Some of our most perplexing health problems are not solved exclusively by physicians. For instance, communicable disease, preventable illnesses like tuberculosis, low-birth-weight infants, malnutrition, the need for ongoing care for the elderly and chronically ill, and a host of other health-related problems require not so much a physician as a complex combination of behavioral, social and political changes in addition to a range of health services that physicians alone cannot provide.

Every provider has a sphere of expertise that is valuable in solving these problems: Broadly stated, physicians specialize in curative interventions, pharmacists have special knowledge of the chemical and biological dynamics of drugs, dieticians have expertise in nutrition, and so on through a wide range of providers. And this Nation is blessed with the best health care providers in the world because, unlike many other sectors of American education, our health care educational systems are the envy of other nations.

As Lewis Thomas has said, nurses are the glue that binds these providers together; nursing expertise integrates the various facets of health service delivery on behalf of the one individual patient. We are counted on to be adept at primary care as well as emergency situations; we are educated to pick up subtleties—the slightly dilated pupil, the abnormal modulation in the infant's cry, signs of postoperative depression. As a result, studies have shown that nurses provide a higher quality of care than other providers—including physicians—for many services requiring this kind of whole patient perception.

Yet the Nation has rarely examined the health care problems in a way that would capitalize on the broad array of skills in the health professions. Instead, many pundits challenge physicians to be superheroes, to take responsibility for the entire realm of health issues. Thus many health policymakers look at problems like infant mortality, lack of preventive services, and escalating demand for elder care and call out for more doctors.

#### WHY REDESIGN THE SAW WHEN A HAMMER WILL WORK?

This approach is like using a saw to drive in a nail, then attempting to redesign the saw when it doesn't work. Why not just use a hammer? Why not deploy nurses and other providers who are proven capable of providing much of the care needed most in the Nation?

Nonetheless, policymakers have persisted in trying to redesign the saw for decades. They keep trying to encourage physicians, educated at great length and expense, to shift their focus away from the areas that interest them most and that use their knowledge and skills at the appropriate level. They have even established road blocks and regulations making it difficult for nurses and other providers to offer sorely needed services they are educationally prepared to provide and proven effective at delivering.

#### WE NEED COMMON SENSE, NOT FANTASIES

Despite these efforts, exactly the opposite of what was intended has occurred. Fewer and fewer physicians are entering specialties such as family practice, while vast numbers of nurses are starting innovative practice arrangements such as community nursing centers and home care that fill a vacuum in our delivery system. Nurses are becoming the Nation's primary caregivers with little prompting from Washington or traditional funding sources.

This has been an expensive, unhealthy, and futile waiting game as policymakers nostalgically yearn for Superdoc to swoop down and solve our health care mess. The bad news: Superdoc won't arrive because Superdoc doesn't exist. The good news: Working together—physicians, nurses, other providers, and consumers of health care—we have all the resources we need here on Earth. Meaningful health care reform, including better primary care, needs common human sense, not superhuman rescue fantasies.●

By Mr. MACK (for himself, Mr. GRAHAM, Mr. INOUYE, Mr. AKAKA, Mr. BREAUX, and Mr. JOHNSTON):

S. 467. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for certain disaster victims, and for other purposes; to the Committee on Finance.

#### NATURAL DISASTER TAX RELIEF ACT OF 1993

● Mr. MACK. Mr. President, earlier this week, I was in Dade County to again review the recovery efforts following Hurricane Andrew. That hurricane struck my State 6 months ago and the people in the hardest hit portions of south Dade are still struggling to get back on their feet and back in their homes. I had the opportunity on Monday to see the damage and to talk with my constituents. I find it difficult to put into words just how much destruction still exists and to explain how far we still have to go to get their lives back to normal.

Huge landfills are now prominent features of the landscape. Whole developments are now modern day ghost towns. Still in disrepair from the ravages of the hurricane, they remain largely uninhabited. Regrettably, they are a common sight in south Dade a full 6 months after Hurricane Andrew.

The people of south Dade and the other affected areas are still busy cleaning up, repairing that which is still repairable, and searching for other employment due to the destruction of their farms and businesses. These victims of Hurricanes Andrew, Iniki, and Typhoon Omar require more than heartfelt sympathy.

I am sure you recall all the energy and hard work which went into last session's disaster relief efforts. Among those pieces of legislation to assist disaster communities, were several tax provisions. If we act now, in the early stages of the 1992 tax filing season, we can still provide the intended assistance. The relief we can provide through these revenue negligible provisions will help ease the enormous burden which is already being carried by the victims of these disasters.

These same provisions now contained in this legislation are:

Penalty-free withdrawals from IRA's if funds are reinvested in a residence within 60 days of the time of withdrawal. There is no time limit for these withdrawals for the victims of Andrew, Iniki, and Omar who lost their homes.

The deferral for 1 year of any tax attributable to the income derived from the sale of crops of the qualified disaster area. Consistent with current law available for agricultural assistance, this would allow farmers in the disaster areas affected by Hurricanes Andrew, Iniki, or Typhoon Omar, more cash on hand immediately to help them get back on their feet.

Granting the HUD Secretary the authority to waive certain requirements with respect to low-income housing, and lifting the cap on mortgage revenue bonds within the disaster areas. And,

Extending from 2 to 4 years the time allowed to reinvest proceeds from the loss of a residence before it is subject to capital gains taxation. This will help those victims who must endure a construction backlog of new housing projects as they wait to rebuild their homes in those communities which, because of the hurricane, must rebuild their infrastructure—sewage, electricity, and water.

This legislation is very straightforward, but more than that, it is absolutely necessary. And although it will not alleviate the problems which still must be endured by those living in the affected areas, it will at least make them more bearable.

I hope you will join me in expediting the passage of this legislation free from any nongermane encumbrances.●

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By Mr. THURMOND:

S. 468. A bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of probation or supervised release; to the Committee on the Judiciary.

### PROBATION AND SUPERVISED RELEASE REVOCATION ACT OF 1993

Mr. THURMOND. Mr. President, I rise today to introduce urgently needed legislation recommended by the U.S. Sentencing Commission to address one of the less visible, though important, aspects of criminal justice control—the area of probation and supervised release revocation.

There is widespread and growing confusion in the Federal courts regarding what sanctions a court may impose when it revokes an offender's term of probation, or supervised release, because the court finds that the offender has violated probation or supervised release conditions. This confusion hampers a vital tool in the court's crime control arsenal and creates the potential for considerable sentencing disparity. At the close of fiscal year 1992, over 65,000 offenders were serving terms of supervised release or probation. We simply can no longer permit the sanctions, that can assure effective supervisory control of these offenders, to be impaired.

This measure is noncontroversial and both Houses of Congress have passed this legislation several times before. The Senate passed similar legislation on four occasions: Twice as free-standing bills—S. 3180 passed October 26, 1990; S. 188 passed June 13, 1991; once as part of the 1991 crime bill—as title XXXIV of S. 1241, Comprehensive Violent Crime Control Act of 1991, passed July 11, 1991; and once as part of the Justice Improvements Act of the 102d Congress—S. 3349 passed October 7, 1992.

The House, too, has passed this legislation: Once on initial passage of the 1991 crime bill—as subtitle A of title XIX of H.R. 3371, Violent Crime Control and Law Enforcement Act of 1991; and once on approval of the conference report for the 1991 crime bill—as title XXV.

### JUDICIAL FLEXIBILITY FOR RESENTENCING

The bill permits the flexibility Congress originally intended, that courts have when resentencing upon revocation of probation. This first provision of the bill—identical to section 2503(a)(1) of the crime bill conference report—clarifies an ambiguity in 18 U.S.C. 3565(a) by deleting that provision's reference to imposing a sentence "available under subchapter A at the time of initial sentencing." Appellate courts have interpreted this phrase as mandating that the sentence upon revocation be within the guideline range that applied when the defendant was originally sentenced. Under the proposed legislation, and consistent with Congress' original intent, any sentence up to the statutory maximum authorized for the offenses for which the defendant was initially sentenced to, probation could be imposed. In choosing the precise sentence in an individual case, the court's discretion would be guided by any guidelines or policy statements issued by the Sentencing Commission expressly to govern probation revocation.

Thus, the legislation ensures that courts will have the flexibility needed to sentence up to the statutory maximum for the original offense when violations are serious. It further provides that court discretion in resentencing will be guided by pronouncements that the Sentencing Commission has crafted specifically to apply in this area; that is, by any guidelines or policy statements issued by the Commission expressly to regulate probation revocation.

### MANDATORY REVOCATION

In the case of unlawful possession of drugs or firearms, or of refusal to cooperate in drug testing, the bill requires mandatory revocation of probation or supervised release and mandatory imposition of a term of imprisonment. The second critical provision of the bill—substantively identical to section 2503(b) of the crime bill conference report—clarifies an ambiguity in 18 U.S.C. 3565(a) that arises from that provision's language that "the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence." The amendment would delete the arbitrary one-third requirement, but still mandate revocation of probation and a term of imprisonment in the event the defendant unlawfully possessed a controlled substance, and would resolve a conflict among appellate courts that arises from the current language. For example, at least two appellate courts have held that under the current provision the sentence is to be one-third of the upper end of the original guideline range, while other courts of appeals have held that the sentence must be one-third of the original term of probation.

The legislation also makes consistent, the punishment for unlawful possession of a controlled substance and possession of a firearm by requiring consideration of the nature and seriousness of the violation, and other relevant considerations, instead of arbitrarily varying the sanction according to the length of the initially imposed term of probation. A similar provision already applies in the area of supervised release.

REIMPOSITION OF SUPERVISED RELEASE

The bill authorizes reimposition of a term of supervised release upon revocation. The third critical provision of the bill—substantively identical to section 2504 of the crime bill conference report—expressly authorizes the court to order an additional, limited period of supervision following revocation of supervised release and reimprisonment.

This provision clarifies various conflicting appellate decisions, most of which have held that current law precluded an additional period of supervised release upon revocation and reimprisonment. The provision would ensure that courts have flexibility to both revoke supervised release upon a violation and, within limits, reimpose a period of supervised release after any necessary reimprisonment.

This clarification is needed to protect the public. To the extent the current law is being interpreted by the courts, to preclude reimposing supervised release following revocation, offenders may be less likely to comply with supervision requirements. They may willingly risk a short period of reimprisonment that, upon completion, will end criminal justice control, rather than comply with conditions of supervised release for a longer period of time. Indeed, under prevailing court interpretations of current law, those offenders most need of supervision after prison—those that have been reimprisoned for violating their original term of supervised release—are not subject to a transition period of supervision following their reimprisonment.

The bill expressly limits a subsequent period of supervised release to the term authorized by statute, less any term of imprisonment imposed upon revocation.

Mr. President, I urge my colleagues to support this legislation which, as I have stated, has passed both the Senate and House in different legislative vehicles. I ask unanimous consent that the bill be printed in the RECORD in its entirety following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. IMPOSITION OF SENTENCE.**

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

**SEC. 2. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.**

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

**SEC. 3. REVOCATION OF PROBATION.**

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3); or

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm,

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

**SEC. 4. SUPERVISED RELEASE AFTER IMPRISONMENT.**

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking "possess illegal controlled substance" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in subsection (d), or

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

## ADDITIONAL COSPONSORS

S. 30

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 39

At the request of Mr. ROTH, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 91

At the request of Mr. THURMOND, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 101

At the request of Mr. GLENN, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 101, a bill to establish a National Commission on Executive Organization Reform.

### S. 185

At the request of Mr. GLENN, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

### S. 208

At the request of Mr. BUMPERS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

### S. 214

At the request of Mr. THURMOND, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mr. KRUEGER], the Senator from North Dakota [Mr. CONRAD], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 214, a bill to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

### S. 216

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

### S. 257

At the request of Mr. BUMPERS, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

### S. 297

At the request of Mr. STEVENS, the names of the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. CRAIG], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

### S. 335

At the request of Mr. INOUYE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 335, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes.

### S. 340

At the request of Mr. HEFLIN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. SASSER], the Senator from New York [Mr. MOYNIHAN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

### S. 349

At the request of Mr. LEVIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

### S. 382

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 382, a bill to extend the emergency unemployment compensation program, and for other purposes.

### S. 384

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

### S. 414

At the request of Mr. METZENBAUM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 414, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

### SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

### SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

### SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

### SENATE JOINT RESOLUTION 48

At the request of Mrs. MURRAY, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Joint Resolution 48, a joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

### SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

### SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

## SENATE CONCURRENT RESOLUTION 11—RELATIVE TO THE PRESIDENT'S PROGRAM OF PROGRAM CUTS AND TAX INCREASES

Mr. SPECTER submitted the following concurrent resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

### S. CON. RES. 11

Whereas on February 17, 1993, President Clinton outlined in a State of the Union speech a program for increased spending and deficit reduction including new programs, spending cuts and taxes;

Whereas the 1990 budget agreement provides that there will be no increased expenditures without matching offsets or additional revenues unless an emergency is declared;

Whereas it would be unwise to declare an emergency under existing circumstances;

Whereas it would be unwise to provide for additional expenditures in a piecemeal fashion without simultaneously providing for appropriate offsets in budget cuts and or additional revenues;

Whereas it would be unwise to take any piecemeal action which would add to the deficit;

Whereas legislation to cut existing programs and to increase taxes would most likely be the most difficult part of any new legislative program: Now, therefore be it

*Resolved*, That it be the sense of the Congress that no action should be taken on any legislative proposal on the President's program unless it is a unified package containing offsets for any additional expenditures through cuts in programs or increased taxes.

Mr. SPECTER. Mr. President, I offer a sense-of-the-Congress resolution that President Clinton's package be considered in a unified form so that any additional expenditures would be offset either by spending cuts or by increased revenues so that we do not increase the deficit at any stage in the program.

The President made a stirring speech a week ago last night in his State of the Union Address and has come forward with a very comprehensive program which needs very considerable study. Under our 1990 budget resolution, we may not increase expenditures without offsetting cuts or offsetting revenues unless an emergency is declared. As set forth in this resolution, it is my conclusion that it would be unwise to declare an emergency, so there ought to be a unified package presented.

President Clinton has outlined a great many programs which have merit, but we have to consider their priorities in terms of what we can afford, in terms of the tax program. That requires a very careful analysis, and I for one am reluctant to ask Americans to pay any additional taxes at all until we have done everything possible on budget cuts and until we are certain that any tax increases will be applied to the deficit. Therefore, I give my colleagues notice that notwithstanding the statements made by the President, it will be useful to have the Congress express their sense on this very important issue of a unified package.

I commend the administration on its stated desire to reduce the deficit. I share that goal. The mounting deficit is a threat to the health and viability of our country's economy and bipartisan cooperation between the Congress and the administration will be required in order to effectively deal with our national debt currently reported at $4 trillion.

While I have serious reservations about a number of items in President Clinton's proposal, in particular, the increased tax burden on individuals in the $30,000 a year earning range, it is imperative that we resolve not to approve any additional expenditures unless, and until, we have provided for the necessary budget cuts and offsets. We must continue with the procedures as defined in the 1990 budget agreement, which provides that increased expenditures must have matching offsets or additional revenues unless an emergency has been declared.

The President's plan calls for new taxes and new spending programs virtually immediately while program cuts generally do not take effect until the later years of the 6-year program. I cannot endorse new tax burdens on the vast majority of Americans unless we simultaneously address existing spending programs. Nor can I endorse new Government programs unless we simultaneously address existing spending programs.

News reports indicate that a budget resolution may be the appropriate response to the call for implementing the President's plan as a unified legislative package. While a budget resolution would require congressional action, it would be nonbinding. It is, therefore, my belief that Congress should consider enacting stronger legislation to ensure that deficit reduction, program cuts, and any recommended tax increases are considered as a unified, binding legislative package.

Further, as the President has made known his intention to overhaul the Nation's health care system, we are as yet uncertain as to the effect that the overhaul will have on the deficit and the amount that will be required in additional taxes. I hope that the Congress will bring a unified package to the floor for consideration in the near furture, and if the President's health care proposal is offered sooner, rather than later, that the impact of the time important proposal is considered simultaneously with the deficit reduction proposal before us.

I believe that to ensure true deficit reduction and real program cuts as proposed by the President in his State of the Union speech, there must be an enforcement mechanism requiring Congress to act accordingly. Congress has previously adopted legislation, such as the Gramm-Rudman-Hollings Deficit Reduction Act and the 1990 Reconciliation Act, which use enforcement mechanisms to reduce the deficit somewhat successfully. These acts, however, provided opportunities for Congress and the President to avoid these enforcement mechanisms. We must in this situation provide true enforcement of deficit reduction targets to ensure that Congress and the President are faithful to their commitments.

Congress must respond to President Clinton's proposal to construct a package that will address deficit reduction and economic investment. Many Pennsylvanians have expressed to me that Congress and the President should first make cuts in existing programs before new spending programs are created and taxes are raised. My resolution attempts to do just that.

The President's package should be analyzed as a whole to ensure that there is proper balance and that no single group bear a disproportionate share of the burden in reducing our Nation's debt. I urge my colleagues to support this resolution and request that consideration be given to the unified approach to the President's plan.

## SENATE RESOLUTION 74—EXPRESSING THE OPPOSITION OF THE SENATE TO THE IMPOSITION OF A FEE ON OR IN-KIND STORAGE DIVERSION REQUIREMENT FOR IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

Mr. PELL (for himself, Mr. MITCHELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. D'AMATO, Mr. SMITH, Mr. COHEN, Mr. GREGG, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. ROTH) submitted the following resolution; which was referred to the Committee on Finance:

### S. RES. 74

Whereas a fee on imported crude oil and refined petroleum products, whether in the form of a levy for general revenues, a levy to fund specific programs, or an in-kind storage requirement of a percentage of imported crude oil and refined petroleum products, and whether fixed or variable, would directly increase the costs of production and manufacturing for industries that use petroleum products;

Whereas the increased production costs resulting from such a fee, levy, or diversion would impair the ability of industries to compete in international markets;

Whereas such a fee, levy, or diversion would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes and those who use electricity generated from oil; and

Whereas the increased costs to industry and to homeowners from such a fee, levy, or diversion would not be uniformly distributed among geographic regions or economic sectors, but would be borne disproportionately by the regions and economic sectors that are most dependent on petroleum products: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that neither the President nor the Congress should impose fees, levies, or diversion requirements on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, President Clinton, in his address to the Congress last week, proposed bold steps for restoring the vitality of our country's economy and real solutions for dealing with the Federal deficit. As the Senate begins the task of debating and modifying his economic plan, I want to express my whole-hearted concurrence in his decision not to propose an oil import fee. For years, I have steadfastly opposed an oil import fee because of the disproportionate harm it would cause consumers in my home State of Rhode Island and the New England region. The President has recognized the unfairness of such a tax and has rightfully steered away from proposing its implementation.

Unfortunately, simply because the President has not included an oil import fee in his economic plan does not mean that efforts will not be made here in Congress to do so. Indeed, I note that legislation has already been introduced in the Senate which would provide a price floor for imported oil—in effect simply another way of implementing an oil import fee. Such efforts have been made in the past and I have no doubt there will be more in the future. It is because of this that I am introducing today a resolution which expresses opposition to oil import fees, no matter what form they take. I am joined by colleagues on both sides of the aisle who likewise recognize the unfairness of such a taxation policy.

What is wrong with the concept of an oil import fee? President Clinton, in asking for sacrifice in the form of increased taxes from all Americans, stated that the burden must be balanced and fair. I could not agree more. An oil import fee, however, violates this concept. Such a tax would cost consumers nationwide twice what it would generate in Federal revenue and more than twice what other energy tax alternatives would cost. Of the major energy tax alternatives under consideration, you could not pick a worse one for American consumers.

Moreover, for particular regions of the country the impact is disproportionately even greater. The New England region, which includes my home State of Rhode Island, is the most severely affected. A recent study shows that households in the six-state New England region would pay an average of $319 for a $5 per-barrel oil import fee. The study also shows that the average cost per household nationally would be $159 and furthermore that five other States would actually make money per household. This is manifestly unfair and in the context of fair, shared sacrifice, cannot be permitted to happen. Oil-consuming regions should not be required to both finance the budget deficit and, in the process, provide a windfall to oil-producing regions and domestic oil companies.

In terms of various energy tax alternatives, the President has suggested that a Btu tax be imposed. On its face, a Btu tax which does not discriminate between the various kinds of fuels would, in my opinion, be the best choice. The President's plan, however, contains within it a plan to differentiate the amount of tax to be placed on oil as opposed to all other fuels. This will tend to hit home heating oil consumers harder than others and I must express my reservations about this part of the President's plan. Nevertheless, taken as a whole, there is great merit in the idea of a Btu tax.

Mr. President, as we consider various ways in which to deal with the difficult budget problems facing our country, I believe that the voters of my State and the American public in general are willing to accept necessary sacrifice as long as its fair and spread evenly among all people. With this resolution, I express the hope that Congress and the Senate will follow the President's lead and not consider an oil import fee.

Mr. President, I ask unanimous consent that a copy of a study conducted by the Northeast-Midwest Institute be printed in the CONGRESSIONAL RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

COST TO CONSUMERS OF OIL IMPORT FEE[1]

[In millions of dollars]

| State or region | Cost of oil import fee | Revenues from production of crude oil | Net cost of oil import fee | Cost of oil import fee per household |
|---|---|---|---|---|
| New England: | | | | |
| Connecticut | 379,685,000 | 0 | −379,685,000 | −309 |
| Maine | 210,925,000 | 0 | −210,925,000 | −454 |
| Massachusetts | 693,955,000 | 0 | −693,955,000 | −309 |
| New Hampshire | 138,905,000 | 0 | −138,905,000 | −338 |
| Rhode Island | 89,915,000 | 0 | −89,915,000 | −238 |
| Vermont | 64,710,000 | 0 | −64,710,000 | −307 |
| Total | 1,578,095,000 | 0 | −1,578,095,000 | −319 |
| Mid-Atlantic: | | | | |
| Delaware | 117,890,000 | 0 | −117,890,000 | −477 |
| Maryland | 451,205,000 | 0 | −451,205,000 | −258 |
| New Jersey | 1,081,335,000 | 0 | −1,081,335,000 | −387 |
| New York | 1,568,370,000 | 2,080,000 | −1,566,290,000 | −236 |
| Pennsylvania | 1,149,785,000 | 13,215,000 | −1,136,570,000 | −253 |
| Total | 4,368,585,000 | 15,295,000 | −4,353,290,000 | −273 |
| Midwest: | | | | |
| Illinois | 1,132,215,000 | 99,770,000 | −1,032,445,000 | −246 |
| Indiana | 762,395,000 | 15,000,000 | −747,395,000 | −362 |
| Iowa | 288,495,000 | 0 | −288,495,000 | −271 |
| Michigan | 843,330,000 | 98,375,000 | −744,955,000 | −218 |
| Minnesota | 454,760,000 | 0 | −454,760,000 | −276 |
| Ohio | 1,025,875,000 | 50,040,000 | −975,835,000 | −239 |
| Wisconsin | 440,020,000 | 0 | −440,020,000 | −242 |
| Total | 4,947,090,000 | 263,185,000 | −4,683,905,000 | −256 |
| South: | | | | |
| Alabama | 482,860,000 | 92,690,000 | −390,170,000 | −259 |
| Arkansas | 259,285,000 | 51,395,000 | −207,350,000 | −233 |
| District of Columbia | 33,465,000 | 0 | −33,465,000 | −134 |
| Florida | 1,415,435,000 | 28,370,000 | −1,387,065,000 | −270 |
| Georgia | 760,340,000 | 0 | −760,340,000 | −321 |
| Kentucky | 467,660,000 | 27,055,000 | −440,605,000 | −319 |
| Louisiana | 1,337,015,000 | 737,915,000 | −599,100,000 | −400 |
| Mississippi | 362,950,000 | 135,165,000 | −227,785,000 | −250 |
| North Carolina | 679,660,000 | 0 | −679,660,000 | −270 |
| Oklahoma | 396,225,000 | 561,370,000 | −165,145,000 | 137 |
| South Carolina | 372,990,000 | 0 | −372,990,000 | −296 |
| Tennessee | 536,010,000 | 2,540,000 | −533,470,000 | −288 |
| Texas | 4,485,585,000 | 3,392,400,000 | −1,093,185,000 | −180 |
| Virginia | 686,125,000 | 75,000 | −686,050,000 | −299 |
| West Virginia | 268,105,000 | 10,715,000 | −257,390,000 | −374 |
| Total | 12,543,710,000 | 5,040,230,000 | −7,503,480,000 | −252 |
| West: | | | | |
| Alaska | 205,265,000 | 3,236,550,000 | 3,031,285,000 | 16,039 |
| Arizona | 322,600,000 | 610,000 | −321,990,000 | −235 |
| California | 3,206,135,000 | 1,604,340,000 | −1,601,795,000 | −154 |
| Colorado | 302,650,000 | 152,270,000 | −150,380,000 | −117 |
| Hawaii | 251,460,000 | 0 | −251,460,000 | −706 |
| Idaho | 109,375,000 | 0 | −109,375,000 | −303 |
| Kansas | 390,625,000 | 277,135,000 | −113,490,000 | −120 |
| Missouri | 573,250,000 | 730,000 | −572,520,000 | −292 |
| Montana | 132,900,000 | 99,050,000 | −33,850,000 | −111 |

COST TO CONSUMERS OF OIL IMPORT FEE[1]—Continued

[In millions of dollars]

| State or region | Cost of oil import fee | Revenues from production of crude oil | Net cost of oil import fee | Cost of oil import fee per household |
|---|---|---|---|---|
| Nebraska | 188,815,000 | 29,450,000 | −159,365,000 | −265 |
| Nevada | 157,670,000 | 20,060,000 | −137,610,000 | −295 |
| New Mexico | 214,910,000 | 336,235,000 | 121,325,000 | 223 |
| North Dakota | 99,900,000 | 183,580,000 | 83,680,000 | 347 |
| Oregon | 319,275,000 | 0 | −319,275,000 | −289 |
| South Dakota | 101,810,000 | 8,240,000 | −93,570,000 | −361 |
| Utah | 177,140,000 | 138,020,000 | −39,120,000 | −73 |
| Washington | 699,805,000 | 0 | −699,805,000 | −374 |
| Wyoming | 112,945,000 | 519,275,000 | 406,330,000 | 2,404 |
| Total | 7,566,530,000 | 6,605,545,000 | −960,985,000 | −42 |
| Northeast | 5,946,680,000 | 15,295,000 | −5,931,385,000 | −284 |
| Midwest | 4,947,090,000 | 263,185,000 | −4,683,905,000 | −256 |
| Northeast and Midwest | 10,893,770,000 | 278,480,000 | −10,615,290,000 | −271 |
| South | 12,543,710,000 | 5,040,230,000 | −7,503,480,000 | −252 |
| West | 7,566,530,000 | 6,605,545,000 | −960,985,000 | −42 |
| South and West | 20,110,240,000 | 11,645,775,000 | −8,464,465,000 | −160 |
| U.S. total | 31,004,010,000 | [2]16,414,695,000 | [2]−14,589,315,000 | [2]−159 |

[1] Reflects impact of Senator Bennett Johnston's proposal to set a floor price of $25 per barrel on imported crude oil, with the assumption of a $20 per barrel world crude oil price for 1993.

[2] Total includes 299,835 thousand barrels of offshore production and 598,252 thousand barrels of natural gas liquids not distributed by state.

Sources: Northeast-Midwest staff calculations based on U.S. Department of Energy, Energy Information Administration, "Petroleum Supply Annual 1990: Volume 1 "Washington, D.C., May 1991). p. 15: "State Energy Data Report: Consumption Estimates 1960–90" (Washington D.C., May 1992), pp. 31 and 34.

## AMENDMENTS SUBMITTED

## RESOLUTION AUTHORIZING FINANCIAL EXPENDITURES BY SENATE COMMITTEES

### McCONNELL (AND OTHERS) AMENDMENT NO. 62

Mr. McCONNELL (for himself, Mr. GREGG, Mr. McCAIN, Mr. BURNS, Mr. COHEN, and Mr. SMITH) proposed an amendment to the resolution (S. Res. 71) authorizing financial expenditures by the committees of the Senate, as follows:

At the end of the resolution, add the following:

UNFUNDED FEDERAL MANDATES

SEC. . (a) It is the order of the Senate that no question on final passage of any bill, joint resolution, concurrent resolution, or resolution and no question on the adoption of any amendment shall be put if it contains an unfunded Federal mandate that requires a State or subdivision of a State to take action that it would not take absent the mandate at a cost that would not otherwise be incurred.

(b) Subsection (a) may be waived only by the concurrence of three-fifths of the Senators duly chosen and sworn.

### BROWN AMENDMENT NO. 63

Mr. BROWN proposed an amendment to the resolution (S. Res. 71), supra, as follows:

"UNEXPENDED SURPLUSES

"SEC. . In order to ensure that the funds appropriated from the Federal Treasury for the operation of the United States Senate are subject to requirements similar to those imposed on funds appropriated from the Treasury for the operation of executive branch agencies or departments, in regard to the availability of appropriated funds beyond the time periods for which such funds are appropriated, no committee of the Senate may carry over an unexpended balance beyond March 1, 1995.".

### PELL AMENDMENT NO. 64

Mr. PELL proposed an amendment to the resolution (S. Res. 71), supra, as follows:

On page 35, strike line 11.

On page 36, between lines 5 and 6, insert "Foreign Relations ($355,823).".

## CONGRESSIONAL SPENDING LIMIT AND ELECTION REFORM ACT OF 1993

### PELL AMENDMENT NO. 65

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 3) entitled the Congressional Spending Limit and Election Reform Act of 1993, as follows:

At the end of title VIII, add the following new section:

**SEC. . FREE BROADCAST TIME AND DISSEMINATION OF POLITICAL INFORMATION.**

(a) AVAILABILITY OF FREE BROADCAST TIME.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"FREE BROADCAST TIME FOR SENATE CANDIDATES

"SEC. 315A. (a) In addition to broadcast time that a licensee makes available to a candidate under section 315(a), a television station licensee shall make available at no charge, for allocation to Senate candidates within its broadcast area under section 503 of the Federal Election Campaign Act of 1971, 3 hours of broadcast time during a prime time access period described in section 501 of that Act to each Senatorial campaign committee designated under section 502 of that Act.

"(b) An appearance by a candidate on a news or public service program at the invitation of a television station or other organization that presents such a program shall not be counted toward time made available pursuant to subsection (a).".

(b) ALLOCATION BY SENATORIAL CAMPAIGN COMMITTEES.—The Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—DISSEMINATION OF POLITICAL INFORMATION

**"SEC. 501. DEFINITIONS.**

For the purposes of this title—

"(1) the term 'free broadcast time' means time provided by a television station during a prime time access period pursuant to section 315A of the Communications Act of 1934;

"(2) the term 'major party' means a political party whose candidate the Senate in a State placed first or second in the number of popular votes received in either of the 2 most recent general elections;

"(3) the term 'minor party' means a political party other than a major party—

"(A) whose candidate for the Senate in a State received more than 5 percent of the popular vote in the most recent general election; or

"(B) which files with the Commission, not later than 90 days before the date of a general or special election in a State, the number of signatures of registered voters in the State that is equal to 5 percent of the popular vote for the office of Senator in the most recent general or special election in the State;

"(4) the term 'prime time access period' means the time between 7:30 p.m. and 8:00 p.m. of a weekday during the period beginning on the date that is 60 days before the date of a general election or special election for the Senate and ending on the day before the date of the election; and

"(5) the term 'Senatorial campaign committee' means the committee of a political party designated under section 602.

**"SEC. 502. DESIGNATION OF SENATORIAL CAMPAIGN COMMITTEES.**

(a) APPLICATION.—(1)(A) The national committee of a major party or minor party that has established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of that committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(B) The national committee of a major party or minor party that has not established a committee for the specific purpose of providing support to candidates for the Senate may file with the Commission an application for designation of the national committee as the Senatorial campaign committee of that political party for the purposes of this title.

"(2) An application under paragraph (1) shall be in such form as the Commission may require and shall include a certification by the applicant that the Senatorial campaign committee will—

"(A) allocate free broadcast time in accordance with section 503 to candidates for the Senate in general and special elections in which at least 1 other candidate for the Senate have qualified for the general election ballot;

"(B) keep and furnish to the Commission any books, records, or other information it may request; and

"(C) cooperate in any audit by the Commission.

"(3) The Commission shall determine whether to approve or deny an application under this section not later than 7 days after receipt.

"(c) If the Commission makes a determination to deny an application under this section, the applicant shall be afforded a hearing with respect to the determination in accordance with section 554 of title 5, United States Code.

**"SEC. 503. ALLOCATION AND USE OF FREE BROADCAST TIME.**

"(a) ALLOCATION.—A Senatorial campaign committee of a political party shall allocate free broadcast time made available by a television station licensee under section 315A of the Communications Act of 1934 among the candidates of that party for the Senate in the licensee's broadcast area.

"(b) USE.—A Senatorial campaign committee shall ensure that—

"(1) free broadcast time is used in a manner that promotes a rational discussion and debate of issues with respect to the elections involved;

"(2) in programs in which free broadcast time is used, not more than 25 percent of the time of the broadcast shall consist of presentations other than a candidate's own remarks;

"(3) free broadcast time is used in segments of not less than 1 minute; and

"(4) not more than 15 minutes of free broadcast time is used by any 1 candidate in a 24-hour period.

**"SEC. 504. REPORTS TO CONGRESS.**

"The Commission shall submit to Congress, not later than June 1 of each year that follows a year in a general election for the Senate is held, a report setting forth the amount of free broadcast time allocated to candidates under section 503.

**"SEC. 505. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.**

"(a) IN GENERAL.—The Commission may appear in any action filed under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of that title.

"(b) ENFORCEMENT.—The Commission may petition a district court of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a).

"(c) APPEALS.—The Commission may, on behalf of the United States, appeal from, and petition the Supreme Court of the United States for certiorari to review, a judgment or decree entered with respect to an action in which it appeared pursuant to this section.".

Mr. PELL. Mr. President, I am introducing as an amendment to S. 3, the campaign reform bill, my proposal to provide free broadcast time for Senate candidates. The language of this amendment No. 65 is identical to that of S. 54, which I introduced on January 21.

As I noted at that time, S. 54, and now this amendment, provides an alternative to the provision of S. 3 which would give eligible candidates vouchers for broadcast time which would be redeemed by the Federal Treasury. My approach differs in that broadcasters would be required to provide limited time for political campaigns as a public service, without reimbursement from public funds.

The amendment requires TV stations—as a condition of their license to use public airwaves—to provide time for campaign use to the national committees of the political parties, which would in turn allocate the time to eligible candidates for the Senate. Minor parties showing support of at least 5 percent of the electorate would also be eligible to participate.

I believe my approach is particularly appropriate in this time of austerity, because it is a no-cost proposal, as opposed to the voucher plan of S. 3 which requires redemption by the Treasury. The basic commodity of the amendment is an existing public resource—namely the airwaves—which the Congress can properly require to be used for political debate.

I recognize that my proposal would cause some pain—in this case to the broadcast industry, which may lose some of the revenues usually generated by Senate campaigns. But I would suggest, in the spirit of President Clinton's call for mutual sacrifice, that this is a relatively modest and very appropriate burden for the industry to bear—particularly since it is in the interest of serving the democratic process.

Moreover, I would note that my proposal is in no way restrictive of present campaign practices with respect to the purchase of broadcast time. Any candidate, whether or not a recipient of free time under this bill, is still at liberty to go out and purchase as much additional media time as he or she can afford and needs. Hopefully, however, the substantial infusion of free time provided by the bill will significantly reduce campaign expenditures for such media purchases.

Mr. President, as President Clinton reminded us last week, passage of a real campaign finance reform bill is one way to restore lagging public confidence in the institutions of government. In this context, the Committee on Rules and Administration will hold hearings next week on the financing of congressional election campaigns, and I offer an amendment as a constructive option for the committee to consider.

## AUTHORITY FOR COMMITTEES TO MEET

### SUBCOMMITTEE ON PUBLIC LANDS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., February 25, 1993, to receive testimony on S. 206, to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purpose; and S. 341, to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 9:30 a.m., February 25, 1993, to receive testimony on S. 338, the Petroleum Marketing Practices Act Amendments of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, February 25, 1993, at 10 a.m. The committee will hold a full committee oversight hearing on the Small Business Administration's Microloan Demonstration Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 3:30 p.m. on Thursday, February 25, 1993, in closed session, to receive a JCS briefing and update on the situation in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Armed Services Committee be authorized to meet on Thursday, February 25, 1993, at 9:30 a.m. in open session, to consider the nomination of William J. Perry to be Deputy Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive legislative presentations from the Paralyzed Veterans of America, the

Blinded Veterans of America, and other veterans' organizations. The hearing will be held on February 25, 1993, at 9:30 a.m. in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## NATIONAL COMPETITIVENESS ACT OF 1933

• Mr. BAUCUS. Mr. President, I rise today in support of a bill I am cosponsoring, the National Competitiveness Act of 1993. I am glad to see this bill get the number S. 4. America's long-term economic health has finally become the top national priority it should be.

And that is a changed state of affairs. For a long time, we have been fiddling while Rome burned. Over the past 20 years, American companies have abandoned whole industries, such as consumer electronics. Now we find that these industries drive the development of the high technology products and processes of the future—lasers, microchips, precision manufacturing, and a host of others.

Many American companies continue to excel. However, if you pick up their products and turn them over, all too often you will see "Made in Japan" or "Made in Singapore" stenciled on the bottom. It is not paying those companies to make precision goods such as microchips and disc drives at home.

We aren't just talking about losing jobs to cheap foreign labor, either. Manufacturing labor costs in the United States are $15.45 per hour, compared to $14.41 in Japan and a whopping $22.17 in Germany. The competition is not working cheaper than we are. It is working smarter.

It is clear that private sector managers bear some responsibility for our Nation's technological and manufacturing decline. However, our Government's policies are implicated as well. Many of the other industrialized nation's governments have paid much closer attention to these matters. The difference is beginning to tell.

I want to talk about just a couple of the goals of the legislation before us.

We have a lot of enormous corporations in this country involved in technological pursuits. Now, size can be an obstacle to nimble performance, it is true. But economies of scale do exist as well. A giant chemical company can afford to research new production technologies. It can afford to spend several million dollars on a new machine, and see if it will work out.

Small companies don't have that luxury. They don't have the time and resources needed to gather information about new developments in every field relevant to their industry. And they can't afford a multimillion dollar mistake on a fancy new machine tool.

That's why I think the Manufacturing Outreach Program in this bill is a good idea. It will create a national manufacturing extension system, linking established centers and helping to develop extension programs where they are needed.

This system will help small firms find the information they need to upgrade their operations with a minimum of risk. That is good for our manufacturing base. It is good for America.

In this bill, we are also proposing to increase the authorized funding for the Advanced Technology Program, by a substantial amount. The Advanced Technology Program is our Government's main way of aiding industry-led projects focusing on precommercial technologies.

Right now, we have appropriated $68 million for 1993. At the same time, our Government plans to spend over $70 billion on all of its R&D, and industry another $76 billion. Offering $68 million in matching funds is not going to have a terrific impact. Stepping up funding in this crucial area is called for.

### THE CNP REPORT

Now, though I endorse the contents of the National Competitiveness Act of 1993, I have to point out that this bill is addressing only one part of a wide-ranging challenge. Last year, I worked very closely with the Center for National Policy in studying the components of long-term economic growth.

I almost bit off more than I could chew. I ended up writing a 130 page report I called "The New American Economy: Building for the Long Term." In that report, I examined some of the technology proposals we are advocating in this bill. But at the same time, I realized how much more needs to be done.

We can't expect a small group of scientists and researchers working away in labs to solve all our problems. Even the greatest machines are useless if our workers aren't well-educated and properly trained. That's why I come down in favor of improving school-to-work transition programs and training grants for workers.

Manufacturing extension programs may offer great advice on state-of-the-art production techniques. But companies that can't raise the capital won't benefit from that advice. Our tax system and our deficit are squeezing capital formation, and we need to tackle that problem head on. The President's budget takes a significant step in that direction. In the long term, I think national consumption taxes deserve careful attention.

Public investment in infrastructure has suffered over the past 20 years. Roads, bridges, and ports aren't as flashy as microprocessors, but they are essential for long-term economic growth. They deserve attention when we assess our competitiveness.

Finally, even if we do everything right here at home, we still need to deal with the rest of the world. We are part of a global, interdependent economy. Our trade policies, and those of our trading partners, must honor the principles of open markets and fair trade. With the NAFTA, the continuation of fast track, and other trade legislation soon to come before this body, we must focus our efforts on crafting the best possible trade policy.

The National Competitiveness Act of 1993 represents a worthy start to the struggle to restore America's long-term economic health. This country is still a great manufacturer and technological leader, and this bill will help keep that true.•

## TRIBUTE TO BEDFORD

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Bedford in Trimble County.

Bedford is a small town located 43 miles northeast of Louisville, tucked in the rolling hills of northern Kentucky and bordered by the Ohio River.

A freshwater spring brought people to Bedford during the late 1700's and 1800's. Through the years, the spring continued to flourish, often serving as the primary source of water for local families until the 1950's.

Today, Bedford serves as a haven for individuals who desire a quiet life. The town has been able to avoid the social headaches that plague many cities. There are no traffic problems in Bedford, the crime rate is low, and fast-food restaurants have yet to invade.

Bedford also benefits from a tight-knit community. Bedford citizens are very giving, often going out of their way to help friends and neighbors. The community is also supportive of local endeavors, and many individuals look forward to the day when development will occur but Bedford's rural qualities will be preserved.

I applaud Bedford's efforts to preserve simple living and small town values, making it one of Kentucky's finest towns.

Mr. President, I ask that this tribute and a recent article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

### BEDFORD

(By Joseph Gerth)

Not too long ago eight or 10 senior citizens would sit on benches at the Trimble County Courthouse and solve the world's problems.

"The old guys would sit out there all day, chew tobacco and whittle. I can remember piles of cedar shavings that high," said Jailer Keith Harmon, 70, holding his hand about halfway up his thigh. "They're all gone now."

"Yep, I guess we're the old guys now," said Sheriff Howard Long, who is 61.

While the names and faces have changed, Bedford remains pretty much the same quiet town it was 30 years ago. There's no Wal-

Mart, and if you want a fast-food-chain restaurant, you have to drive to Carrollton or La Grange.

Between 1980 and 1990, Bedford's population dropped from 835 to 761. The county's population fell by 163, despite what many say is a housing boom in areas outside of Bedford.

"It's like most small towns," said state Sen. Rick Rand, who lives just outside town. "The people are friendly; they know who you are and what you stand for. . . . It's a good place for families."

The county has remained somewhat isolated, tucked away in a notch formed by the Ohio River.

In its isolation, Trimble County has been able to fend off the headaches that come with development.

There are no traffic problems, and the crime rate is low. Long will arrest a few people for drunken driving from time to time, especially in July when the Madison Regatta unlimited hydroplane races on the Ohio draw thongs of fans. But that's the extent of it.

"We might have 10 burglaries a year. We haven't had a murder here since 1965. There's just a lot of love, a lot of concern here," he said.

"It's the people. They're just good people," he said. "If you have a burnout or a flood, they'll take you clothes, food, . . . Well, they'll give you the shirt off their back."

Jim Black, Bedford's mayor for the past 14 years, said the city is on the move, despite appearances. He points out that Bedford built a new sewage treatment system about 10 years ago and is nearing completion of an $800,000 community center.

He hopes the community center will be a cultural and athletic center when it opens in April. There will be tennis and basketball courts and a stage, Black said the city will sponsor sports leagues and try to attract plays and performers from around the area.

"A women's singing group from Louisville, I think they're called the Sweet Adelines, called, and I think they said they're interested in doing a show here," he said.

"Right now, we're looking for a small motel to come in here. There's no place for people to stay when they visit."

Bedford is also planning to restore the freshwater spring that first attracted people to the area in the late 1700s and early 1800s.

Black and Long said they remember hauling buckets of water from the original Bedford Public Springs as children. In fact, some families used it as their primary source of water until the 1950s, said city clerk Paula Abrams.

Abrams said the city has applied for a $10,000 grant to reconstruct a stone spring house that the Works Progress Administration built during the administration of President Franklin Roosevelt. Bedford also plans a public park nearby.

But despite these projects, Black acknowledges that the town, on U.S. 42, has grown little since Interstate 71 was built south of town to carry traffic between Louisville and Cincinnati.

The interstate, completed in 1969, almost bypassed the entire county and diverted most of the traffic from U.S. 42 and Bedford. Long said about the only traffic the city sees now are the people traveling between Louisville and Madison, Ind., which is across the Ohio River from Trimble County.

"When they built the interstate to replace U.S. 42, the town receded. We're trying to keep it alive instead of dying completely," Black said.

Bedford was never a big town. In the early 1960s, the city depended on out-of-town motorists to help pay its bills.

It made national news in 1961 when the Louisville Automobile Association began warning drivers to avoid Bedford because it was a speed trap. A national magazine also carried a story about 72-year-old Bedford Marshal Harry Webster's penchant for catching lead-footed drivers.

Davis Venhoff, chairman of Bedford's board of trustees at the time, denied the city was a speed trap but said "strict traffic enforcement" was needed to balance the city's $13,000 budget.

Webster sometimes made up to 15 traffic stops a day, according to a story in The Louisville Times. Venhoff curtailed the practice. "If he gets to 10 a day now, he quits. We don't want any more than that," the article quoted Venhoff.

Sheriff Long said Webster "was a good man. Do you know in all the years he was the town marshal we didn't have a child run over or a kid killed by a car?"

Despite Bedford's safety record during those years, merchants complained that travelers were bypassing the town—and their businesses—to avoid the speed trap.

Bedford used to be a self-supporting community. People were born, reared and then made their lives there. Not anymore.

Don Alexander, 57, remembers that back in the 1940s, the town didn't have a drive-in movie theater; so a group of businesses got together to solve the problem.

"Every Friday, they showed free movies on the side of the courthouse," he said. Those movies would draw between 150 and 200 people driving everything from cars to horses and buggies.

Now, if people in Bedford want to see a movie, they drive to Louisville.

Many of the old businesses are gone. Some of them just closed; others were lost in fires that ravaged the city's business district several times over the years.

Bedford's only hotel burned several years ago, along with drugstores, furniture stores and restaurants.

There are few restaurants and only one grocery store if you discount gasoline stations that sell food. Shoppers who need more than the bare necessities must look elsewhere, including Louisville or Cincinnati.

"Recently, three or four ladies took off and went up to that big mall in Minneapolis," Black said. "We haven't done that yet, but I expect we'll do it this summer."

Some say Trimble County and Bedford need more business and industry if they want to thrive.

The county doesn't have an active chamber of commerce, and business and industry are so scarce that the state Cabinet for Economic Development doesn't even publish a fact book on the county, as it does for most of Kentucky's counties.

"I assume it's because they just don't have much there," said Randy Johann, who works for the Kentuckiana Regional Planning and Development Agency.

From almost anywhere in the county, a visitor can see the smoke and steam rising from the Louisville Gas & Electric Co.'s power plant on the Ohio River just north of Bedford. The plant, which went on line in late 1990, employs 131 people.

"If it wasn't for LG&E, this county would really be hurting," Harmon said.

Bob Yowler runs one of the town's businesses, Morgan's Drug Store. He bought Morgan's in 1983 when, after several years with a pharmacy chain, he decided to strike out on his own.

Yowler said he tried the town on for size for a short time, and when he found he liked it there, he packed up his family and moved them from Carrollton.

"You have to get your wife and kids to agree first, but that was pretty easy. Bedford's just a nice little town."

One thing he likes about Bedford is that it's a tight-knit community.

"This community is very supportive of all the local endeavors," he said. "There is a very strong local support of all the businesses."

The problem, he said, is that there aren't enough local endeavors. He worries that the best and brightest will move away as soon as they graduate from high school.

"There just aren't any jobs here," he said.

While no one believes that does the town's economy any good, some people look at it as a blessing.

"I guess that's the bittersweet thing—that people have to drive out to find new jobs," said Rand, who still works at the insurance agency his grandfather started in 1935 in Bedford.

"I don't know if I would consider it bad because you don't have the problems that you would associate with development."

It's ironic, Rand says, that the thing that makes people want to stay is the same thing that pushes them away.

"I like the rural atmosphere. I guess I spent the first 20 years of my life trying to figure out how to get out of here and the last 15 figuring out how to stay."

Yowler thinks there's a way to preserve the rural flavor and attract development, and he said the county is heading in that direction.

"I think slowly but surely it's changing. If we want to develop and change things so our kids can stay here, we've got to be willing to sacrifice some things. I think people are beginning to see that."

Population (1990): Bedford, 761; Trimble County, 6,090.

Per capita income (1990): Trimble, $14,087 or $878 below the state average.

Jobs (1991): Wholesale and retail trade, 88; service occupations 91; state and local government, 218; contract and construction, 36; manufacturing, 31; finance, insurance and real estate, 43.

Big employers (1992): Louisville Gas & Electric Co., 131 employees; Nugent Sand Co., 22; A-Square Co., 15–20.

Media: Newspaper—Trimble Banner-Democrat (weekly); Radio served by stations in Louisville, Carrollton, Shelbyville, Eminence and Madison, Ind. Television—Insight Cable, plus reception from Louisville, Cincinnati, Indianapolis and Lexington.

Transporation: Highways—U.S. 42, U.S. 421 and Ky. 36 are the main roads through the county. U.S. 421 provides easy access to Interstate 71, just south of Trimble County. Rail-CSX Transportation service is available seven miles away in Campbellsburg. Air-Commercial and passenger air service is available 43 miles away at Standiford Field in Louisville.

Education: Trimble County Schools, 1,195 students, students can also attend Carroll County Area Vocational Education Center. There are no colleges or universities in Trimble County but there are colleges, university and technical schools nearby in Louisville, Frankfort, Lexington, Ky., and in Hanover and Madison, Ind.

Topography: Trimble County covers 146 square miles of gently rolling land between Louisville and Cincinnati. The Ohio River forms the northern and western boundaries of the county.

### FAMOUS FACTS AND FIGURES

The old stone jail, which sits behind the Trimble County Courthouse, was built around 1850 and was used until 1983, its most prominent occupant was the abolitionist Della Webster, who spent time there in 1864. Sheriff Howard Long says, "It was built when jails were jails, and if you did something wrong once, you never wanted to do anything wrong again."

The county was named for Robert Trimble, the former state chief justice who was appointed to the U.S. Supreme Court in 1826 by President John Quincy Adams.

The Trimble County Courthouse was rebuilt in 1953 after a fire the previous year gutted the original building. The walls were torn down to the top of the first story and rebuilt from there. Volunteers and firemen saved the county's records from the flames and stored them at Mrs. Eugene Mosley's home across the street.

The old cannon on the courthouse lawn, which serves as a memorial to the county's servicemen, is pointed directly at the Bedford Loan and Deposit Bank. But don't get any ideas: the gun was rendered inoperable years ago.

When in Trimble County, you can read poetry in Milton, get sage advice at Wises Landing or even seek divine inspiration in Providence.

Trimble County is renowned for its orchards particularly the peach trees—that line U.S. 42.•

## TRIBUTE TO LOUIS NAPOLEON SMITH

• Mr. BUMPERS. Mr. President, I rise today to recognize one of Arkansas' outstanding citizens, who, through his service has shown how much can be accomplished through hard work and compassion.

Louis Napoleon Smith, a lifetime resident of Arkansas, has served for 46 years as president of the Bethel African Methodist Episcopal Church lay. He has held many positions in the church: class leader, steward, trustee, secretary of the official board, secretary of the steward board, member of the A.C.E. League and, for the past 46 years, president of the lay organization.

Mr. Smith has served his church on the local, conference, and district levels in many capacities and with great distinction. He has been an inspiration to his church and community, and today I honor him for his dedication and commend him for his many contributions.•

## C–17 ENGINEERING COSTS

• Mr. D'AMATO. Mr. President, I have been provided with a copy of a letter from Representative JOHN CONYERS, chairman of the House Government Operations Committee, to Secretary of Defense Les Aspin concerning a Department of Defense inspector general report on the C–17. Mr. CONYER's letter is nothing short of shocking. I ask that the full text of the letter be included in the RECORD as if read in its entirety.

The letter follows:

COMMITTEE ON
GOVERNMENT OPERATIONS,
*Washington, DC, January 26, 1993.*

Hon. LES ASPIN,
*Secretary, Department of Defense,*
*Washington, DC.*

DEAR MR. SECRETARY: Congratulations on your appointment as Secretary of Defense. We will miss your expertise here in the House, but your guidance and leadership are badly needed in the Pentagon.

I am sorry to start off my first correspondence to you with a monumental problem, but unfortunately that is the case. On February 21, 1992, I asked the Department of Defense Inspector General to investigate and document an allegation that I had made earlier as to favoritism and advantageous treatment of McDonnell Douglas by the Department of Defense. The report by the Inspector General is now in my hands.

For two years I have been asking Air Force and Defense Department personnel about these matters. On the one hand I am outraged by what I see in this report, and at the same time I am saddened by what I see as the betrayal of the trust placed in general officers of the military by the American people. The procurement system is badly damaged. But more important, the credibility and integrity of the services has been severely tarnished by the actions of these officers.

The IG's report and the investigation by the Legislation and National Security Subcommittee, which I chair, have confirmed our allegations. There was a concerted plan by the Pentagon to bail out its largest contractor.

The Inspector General of the Department of Defense has done an outstanding job in unravelling a very complex financial plan that was simply designed to get money to the contractor and cover-up the massive problems, both technical and financial that were mushrooming. This report shows large sums of money being paid to the contractor inappropriately, and possibly illegally, during a time when the financial condition of McDonnell Douglas was in a critical state. Other actions involved extraordinary measures taken with respect to contract "modifications" and "adjustments" that were clearly to the detriment of the taxpayer who, of course, is picking up the tab for this fiasco.

I will use excerpts from the report itself as often as possible to ensure that we are not misrepresenting the tone of the report. McDonnell Douglas is claiming that there is information in the report that are either trade secrets, or proprietary and confidential to the company. A more realistic assessment is that the information is incredibly embarrassing. While the Inspector General is challenging this assertion by the contractor, I will make every effort not to divulge material that may possibly be in that area. However, the disclosure of public funds flowing to the contractor, and the conduct of Air Force leaders, can in no way be claimed as proprietary information, and I will not treat it as such.

There is one comment in the Summary of Results that I will expand on later. It cuts to the heart of the acquisition system and to the integrity of the Air Force itself.

"Established Government oversight and internal management control processes, * * * which would have otherwise detected or prevented those actions, were impaired by Air Force officials. These officials provided incomplete and misleading information, and, in some cases, relied on *intimidation and abuse of their positions of responsibility to cause improper actions to be taken.*" (Emphasis added)

The report states that:

"Air Force officials implemented a plan of action to provide financial assistance to the Douglas Aircraft Company (DAC), a part of MDC, during August through December 1990 to ensure the contractor continued performance on the C–17 Program."

The results of these actions were astounding. The report continues:

"Expedited Government payments were made that exceeded appropriate amounts by $349 million. Financing provided also exceeded the fair value of undelivered work by an additional $92 million. Improper contracting actions reduced contractor financial risk on the C–17 Program by $1.6 billion and created a false appearance of success to facilitate both the contractor obtaining financing through commercial sources and issuance of debt securities, and the Air Force securing additional funding from Congress."

"The improper actions substantially increased Government program risk, provided premature payments to the contractor, negatively impacted first aircraft delivery, and contractually obligated the Government to award a subsequent Lot III production contract. Award of the Lot III production contract was particularly important because it provided an additional source of funding to the contractor, and a further false indication of program success. These actions also resulted in potential violations of statutes and acquisition regulations."

It is important to remember that at this very same time period the Navy A–12 program was also in serious trouble. It was later proven that there was also deception and misrepresentation of facts to the Secretary of Defense and to the Congress about the A–12. That program was cancelled in January 1991 after $2.6 billion had been spent. The contractors involved in the A–12 were McDonnell Douglas and General Dynamics. In February 1991, over $1.35 billion owed back to the Government by McDonnell Douglas and General Dynamics was deferred indefinitely by the Department of Defense. Although dividend payments have continuously been paid to the stockholders of both companies, no interest payments have ever been collected on the $1.35 billion debt.

The IG commented on the similarity between the two programs:

"We found numerous similarities between the management of the failed Navy A–12 Program and the Air Force C–17 Program during the fall of 1990. The Navy, however, conducted an administrative inquiry into the management of the A–12 Program while the Air Force, and in particular the General Counsel [Ann C. Peterson], and Assistant Secretary of the Air Force (Acquisition) [John J. Welch], refused to do so."

The report continues to document the breakdown of the entire acquisition system:

"The findings of our review reflect the failure and circumvention of management controls established within the DoD acquisition system. Management controls that would have otherwise been effective were circumvented through abuse of authority, resulting in inequitable treatment to the advantage of the contractor. Air Force officials, and in particular the SPD [System Program Director—Brigadier General Michael Butchko], acted to create an appearance of propriety for their actions, and plausible deniability for any accountability on their part."

"The SPD, with the assistance of the Deputy Comptroller of the Air Force Systems

Command, [Brigadier General John M. Nauseef] used his rank and position to direct or influence a wide range of improper actions. He was subsequently praised for his actions and promoted by the Air Force. Further, when the USD (A) [Under Secretary of Defense for Acquisition—Mr. John Betti] and the DoD Inspector General voiced concerns in the Spring of 1991 about the actions of the SPD, the Air Force summarily decided no further review of these matters was warranted. Conversely, the DPRO Commander [Defense Plant Representative Office Commander—Col. Kenneth Tollefson], an Air Force Colonel, acted to protect the Government interest and was criticized for not being a "team player." Eventually he paid a price in future assignments determined by the Air Force that, in part, resulted in his retirement decision."

The criticism of the DPRO Commander and his staff by the Program Office is highly unfortunate, for they appear to be the only major effort in the C-17 Program to do it right. One document provided by the DPRO cited within the report described a September 29, 1990 meeting as:

"'* * * we needed to get money to McDonnell Douglas in order to save the program. That was the focus of Gen. Butchko's efforts. We [the DPRO] were supposed to save the program by giving McDonnell Douglas the money they thought they deserved to continue the program * * *. The focus was to get cash and when regulations were brought up that prevented us from doing that, then the focus became how can we get around the regulation or get a waiver to the regulation.'"

The deception regarding this program goes farther then just Air Force officials:

"We consider the actions of BG Butchko, BG Nauseef, and Mrs. Druyun [Principal Assistant Deputy Chief to Staff, Air Force Systems Command] inappropriate. They acted in concert to influence the DPRO to make progress payments based on financial need * * *. The actions of those Air Force officials temporarily masked the actual financial condition of the contractor by permitting the contractor to defer recognition of a loss on the contract and retain excess unliquidated progress payments to which the contractor was not entitled and which should have been recouped * * *. Further, the actions, when considered together with modifying the 2108 contract on September 24, 1990 to establish a delivery schedule known to be unachievable * * * intentionally created an illusion of contractor stability and program success. Subsequently, on October 23, 1990, the DAC (Douglas Aircraft Company) reported as part of the third quarter 1990 financial results, that it expected to complete the contract without incurring a loss * * * rather than behind schedule and above ceiling price.

We intend that this matter be referred to the Securities and Exchange Commission for investigation.

In the hearing held by the Legislation and National Security Subcommittee in May 1992, it was alleged that on October 2, 1990, there was a demand by the Chairman of the McDonnell Douglas Corporation for approximately $500 million, or he would shut down the C-17 program. The DPRO commander testified that there was a commitment made to provide certain funds. The report addresses that situation as follows:

"According to three DPRO representatives at the briefing on October 4, 1990, BG Butchko stated that the Air Force had 'promised' the contractor $300 million in the month of Oct. 1990 * * * payments on order of $300 million in October were not possible."

The contractor and the Air Force went to great lengths to come up with schemes that would try to cover or justify their actions. One of the more original was the Monthly Estimate to Complete or "METC" system. This was invented to draw attention away from the negative historical information and try to focus on current performance.

This contractor proposal, approved by the Air Force, would use a measurement technique for a period as short as a month.

"As such, it provided no real basis for performance measurement and was merely a spending plan. To achieve adequate cost and schedule performance measurement, performance must be compared to the contract performance measurement baseline."

We believe that the contractor, with Air Force approval, devised the 'METC' approach as a subterfuge * * *. The METC technique was developed by the contractor at significant cost, with one estimate as high as $1 million."

"We believe BG Nauseef and BG Butchko understood fully that the METC process was flawed; however, they intended to use it to achieve their objective of increasing contractor cash flow."

As the report states, the briefing given by Brig. Gen. Nauseef and the Air Force to the Under Secretary of Defense for Acquisition on October 16, 1990 were collectively an attempt to defer reduction of any progress payments until after the end of the fiscal year. The report provides further that:

"We believe that the PEO (Program Executive Officer—Maj. Gen. Barry), who has overall cognizance for the C-17 Program, should have demanded that the SPD curtail his efforts to create a false appearance of success toward achieving the contractor EAC (Estimate at Completion) * * *. As a result, the contractor would have been paid the full amount of progress payments requested starting with the November 1, 1990 payment request, which included FSED (Full Scale Engineering Development) costs for which funds were previously not available to make payment."

This attempt by the Air Force and Douglas Aircraft Company also affected subsequent production lots. At the May 1992 hearing held by this subcommittee, we asked numerous questions about Lot III and Lot IV production contracts. The report shows that these contracts are clearly tainted:

"Agreement on the award of the Lot III contract would benefit the contractor by making additional funding available since long-lead funding was nearly exhausted, while providing another contract to shift engineering costs to as a result of the accounting practice change."

"*We believe the contractor reported the understated EAC as of September 29, 1990 in order to defer recognizing a loss on the 2108 contract in the company's third quarter financial reports, which recognized the 2108 contract as at or near break even after consideration of $125 million in claims yet to be submitted to the Government * * *. The deferral of loss recognition was particularly important to the contractor at this point because of the registration statement filed with the Securities and Exchange Commission on August 1, 1990 in order to obtain additional long term financing.*" (Emphasis added)

The deception and manipulation by the senior officials in this matter is bad enough, but unfortunately it went even further:

"During his visit to the DPRO, BG Nauseef was viewed by DPRO personnel as using 'define intimidation' to encourage the DPRO to be a 'team player' and agree to the use of alternative means to measure contractor performance, specifically the 'METC' technique. One DPRO official provided the following description of how BG Nauseef handled opposition to the 'METC' technique by the DPRO Deputy Commander, an Air Force lieutenant colonel:

'I do remember General Nauseef saying, look, if you're not going to be a team player, Lieutenant Colonel, then just get out of here. You don't need to be in this meeting if you're not going to be a team player. It got a little tough.' "

Such conduct by senior officers is deplorable. The Defense Plant Representative, a colonel, stood up to the generals involved and was rewarded by being reassigned or being retired.

"One DPRO official commented that BG Butchko and BG Nauseef supported the 'METC' technique solely because it supported their objective of providing cash flow to the contractor, and if someone did not support the use of 'METC,' they were not a team player."

"The issue became not what EAC was supportable based on contractor progress, but rather what EAC would yield a particular payment to the contractor * * *. The persistence of BG Butchko and BG Nauseef directly influenced the resulting determination. For comparative purposes, had a $7.2 billion EAC been used, the contractor would have received $7.4 million instead of $59.2 million."

"We believe that the use of the $7.1 billion EAC rather than the higher EAC recommended by the EAC review team was a direct result of the actions of BG Butchko and BG Nauseef. We calculated for comparative purposes that implementation of the higher EAC * * * would have resulted in a payment of only about $18.4 million instead of the approximate $143.6 million actually paid * * *. The difference of over $125 million is significant when viewed in comparison to the MDC financial statements as of December 31, 1990, which reflect a total cash balance of $226 million."

Not only did all of these other methods provide cash to the contractor, but the Air Force also paid more frequently than allowed, resulting in the contractor receiving an extra progress payment before the end of 1990, also the company's fiscal year end. As the report states:

"* * * Air Force officials with no authority for administration of progress payments were working 'deals' with the contractor concerning what EAC would be used for progress payment purposes."

In addition elaborate steps were taken to ensure overruns were not paid for by the contractor, as they should be in a fixed price contract.

"At least $172 million, including $13 million for production of Lot III, that had been charged to the development portion of the contract from December 1988 to September 1990 was reallocated to production effort * * *. In essence, only the overrun on FSED was shifted to production. * * *"

"As of October 1990, the amount reallocated had increased to $184.5 million, including $14.9 million and $.5 million for long-lead requirements for Lot III and IV respectively. In July 1991, the long-lead requirements and corresponding contract prices were moved to a new production contract."

The action here that is so outrageous is that the contractor had exhausted the development funds and therefore was responsible for payment of any further costs. What happened is that these Senior Air Force officials took it upon themselves to transfer that shortage of funds to the taxpayer rather than the contractor. That action is inexcusable. As before, it didn't stop there.

"We believe the October 1990 transition proposal for sustaining engineering costs from development to production lots and Air Force approval were only part of a far more reaching plan to circumvent internal controls and provide funding to the contractor * * *. Therefore, the chain of events was an attempt to postpone implementation of a substantially higher EAC until after the Lot III contract award, which was projected for December 1990.

"After contract award, the SPO could use an EAC computed in October 1990 or later that reflected the transition of sustaining engineering costs from development to production and request additional funding based on 'cost growth.' That course of action would open the use of expired appropriations to fund the cost growth on Lot III that was already known to exist prior to the planned contract award and would not require congressional approval because of 'cost growth.'"

By now you have the focus of the report.

I ask that you suspend this program now, if only to find out the true status of both the contracts and the aircraft structure. We will call for the immediate investigation of the McDonnell Douglas Corporation by the Securities and Exchange Commission into the financial reporting on this program.

I am also asking the Justice Department to reopen the criminal investigation into the C–17 program. When the Inspector General was asked during the May 13, 1992 hearing before my Subcommittee if the Air Force had hindered the criminal investigation, he stated:

"* * * Well, in effect that got us into a situation where we didn't have a victim. You can't have a crime without a victim or when there is a willing victim."

The Air Force refused to take exception to the deficiencies in the wings that were being discovered by the Defense Criminal Investigative Service and the FBI. Instead, they were very willing to accept whatever the contractor gave them. Remember, this is the same group of people running this program as is identified in the report.

Finally, I will ask for the prosecution of any individual involved in any criminal act in dealing with this program. I will also ask that you take appropriate measures to ensure that any wrongdoing is severely punished by those involved. The message must be clear that this conduct will not be tolerated. No program is so valuable as to be above the law, and no program is worth paying for with the integrity of the Armed Services.

Sincerely,

JOHN CONYERS, JR.,
*Chairman.*

There is little I can add. The Government Operations Committee and the DOD IG have done a magnificent job of revealing a conscious effort on the part of the Air Force to bail out the contractor. For me, the real question is, what has transpired since December 1990? How many more hundreds of millions of taxpayer dollars have been shoveled into the coffers of a contractor that has established a new standard of ineptitude?

The public release of the IG's report has been held up by a disagreement over contractor-sensitive information. This happened before. The IG's report, "Audit of Contractor Accounting Practice Changes for C–17 Engineering Costs," was initially scrubbed to protect proprietary information. As it happens, that information was eventually revealed to be the steps taken by the Air Force to bail out the contractor. I need not speculate as to what is happening this time.•

## THE ARREST AND DETENTION OF THE TIRASPOL SIX

• Mr. DECONCINI. Mr. President, the flagrant disregard for human rights and international law that continues to devastate the former Yugoslavia has rightfully commanded the attention and outrage of the United States Congress and the American public. Tragically, however, contempt for human rights is not unique to the former Yugoslavia. Indeed, as Chairman of the Commission on Security and Cooperation in Europe—Helsinki Commission—an independent agency mandated to monitor and encourage compliance with the Helsinki accords, I fear that the situation in the former Yugoslavia is unique only to the degree to which the conflict has escalated to all-out war. Elsewhere in the CSCE region, similar patterns of violence simmer and erupt, and are often exploited by elements of an old elite unwilling to relinquish power.

One CSCE state recently menaced by confrontation is the Republic of Moldova. While most of Moldova is located between the Prut River on the west and the Dniestr River on the east, a small sliver of Moldova occupies part of the left bank of the Dniestr. Asserting that their human rights were being violated and claiming to fear reunification with Romania, the primarily Russian and former Communist political leadership of the left bank region proclaimed a "Dniestr Republic" and seceded from Moldova in early 1991. Armed clashes between Moldovan security forces and Transdniestrian "Republican Guards" broke out in November 1991. The latter were joined by units of the Russian 14th Army stationed in the Transdniestria region and Cossack volunteers from Ukraine and Russia. The conflict reached its most serious level in June 1992, when fighting took an estimated 1,000 lives, left approximately 5,000 wounded, and forced some 100,000 people from their homes.

The administration of Moldovan President Mircea Snegur, overwhelmed by the fire power posed against it, and with the world's attention concentrated elsewhere in Europe, has been forced to accept a Russian government-orchestrated truce that theoretically retains the left bank as part of Moldova, but with the Dniestr Republic intact.

At this time, Mr. President, I wish to alert my colleagues to the fate of six citizens of the Republic of Moldova: Ilie Ilascu, Alexandru Lesco, Andrei Ivantoc, Viaceslav Garbuz, Tudor Petrov, and Petru Godiac. These men are currently in prison, awaiting trial for the murders last spring of two local officials in the separatist Dniestr Republic. While not wishing to prejudge any legal proceeding, I believe the circumstances surrounding this case and the treatment of the detained men merit careful scrutiny from the human rights community worldwide. For this reason, Helsinki Commission Co-Chairman STENY HOYER and I sent a cable to the general procuror in Tiraspol, Boris Luchik, last December, urging humane treatment for the prisoners and immediate access by representatives of international organizations.

In January 1993, after receiving reports of serious human rights abuses being committed against the arrested individuals, a joint team of representatives from the International Human Rights Law Group and the Romanian Helsinki Committee traveled to Chisinau and Tiraspol to make inquiries regarding the arrest and to visit the men at the site of their detention in Tiraspol. While their efforts to visit the detainees were frustrated by the de facto authorities in Tiraspol, the fact-finding team was able to conduct a number of interviews including: Vasile Sturza, the adjunct public prosecutor for the Republic of Moldova; Alexandru Arsenti, the chairman of the Committee on Human Rights and National Relations of the Moldovan Parliament; Urie Rosca, first vice president of the Christian Democratic Popular Front; Stefan Uritu, one of those arrested with the Tiraspol Six and subsequently released; and several of the detainees' wives. The representative of the International Human Rights Law Group also met with Boris Luchik, the chief prosecutor of the de facto government, and with lawyers defending the detainees.

The conclusions of the joint fact-finding mission were the following:

Although the legal status of the so-called Dniestr Republic is unclear, it is purporting to invoke the rule of law, charging the Tiraspol Six under the Moldovan criminal code. The actions of the de facto authorities should therefore be judged according to the international standards of human rights;

The Tiraspol Six have been subjected to cruel psychological and physical abuse, including simulated executions and beatings;

The de facto authorities have limited the access of the Tiraspol Six to their lawyers, interfered with communication between lawyer and client, and used coercive methods of interrogation;

The conditions of the Tiraspol Six reportedly are abysmal, far below the international norms, and family visits have been unduly restricted;

The case against the Tiraspol Six appears to rely heavily on coerced confessions;

The families of those detained have been forced to flee a hostile environment encouraged by the de facto authorities who have fostered the impression that the guilt of the Tiraspol Six is foreordained.

As Chairman of the Helsinki Commission, I once again urge the authorities in Tiraspol to demonstrate their respect for international law by ensuring humane treatment for these detainees, including immediate access by representatives of international organizations. The Helsinki Commission will continue to follow this case with attention and concern, and I appeal to my colleagues to do the same.•

## THE RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES

• Mr. NUNN. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I submit the Rules of Procedure of the Committee on Armed Services for the 103d Congress, and I ask consent that they be printed in the RECORD.

The rules of the Armed Services Committee follow:

### ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 23, 1993)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) Will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) Will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) An Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) The information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) May divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittee after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.•

## RULES OF PROCEDURE OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

• Mr. RIEGLE. Mr. President, I ask that, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the rules of procedure of the Committee on Banking, Housing, and Urban Affairs adopted on January 21, 1993, be printed in the RECORD, as follows:

### RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 21, 1993)

### RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

### RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority member has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting * * * This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to mark up a measure is required to be given under subsection (3) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

### RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of the majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter of the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

### RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

### RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the matter wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

### RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

### RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

### RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

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## EXTRACTS FROM THE STANDING RULES OF THE SENATE

### RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.•

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## RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

• Mr. DECONCINI. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the Rules of the Select Committee on Intelligence be printed in the RECORD.

The rules of the select committee follow:

### RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE

(Adopted June 23, 1976)

(Amended October 24, 1990)

(Amended February 1993)

### RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

### RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

### RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

### RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the committee pursuant to these Committee Rules.

### RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

### RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

### RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

### RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 INSPECTION AND CORPORATION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

8.10 RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

### RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

### RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, employees of the Members of the Committee assigned to the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the general supervision of the Chairman and Vice Chairman of the Committee. Except as otherwise provided by the Committee, the duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11 In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

### RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

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APPENDIX A

[94th Congress, 2d Session]

S. RES. 400

[Report No. 94–675]

[Report No. 94–770]

In the Senate of the United States

MARCH 1, 1976

Mr. MANSFIELD (for Mr. RIBICOFF) (for himself, Mr. CHURCH, Mr. PERCY, Mr. BAKER, Mr. BROCK, Mr. CHILES, Mr. GLENN, Mr. HUDDLESTON, Mr. JACKSON, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MORGAN, Mr. MUSKIE, Mr. NUNN, Mr. ROTH, Mr. SCHWEIKER, and Mr. WEICKER) submitted the following resolution; which was referred to the Committee on Government Operations.

MAY 19, 1976

Considered, amended, and agreed to

Resolution to establish a standing committee of the Senate on Intelligence, and for other purposes

*Resolved*, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such infor-

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

mation, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency. *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

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## APPENDIX B

[94th Congress, 1st Session]

S. RES. 9

In the Senate of the United States

JANUARY 15, 1975

Mr. CHILES (for himself, Mr. ROTH, Mr. BIDEN, Mr. BROCK, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. HATFIELD, Mr.

FATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. JOHNSTON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PACKWOOD, Mr. PERCY, Mr. PROXMIRE, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. WEICKER, Mr. BUMPERS, Mr. STONE, Mr. CULVER, Mr. FORD, Mr. HART of Colorado, Mr. LAXALT, Mr. NELSON, and Mr. HASKELL) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration.

Resolution amending the rules of the Senate relating to open committee meetings

*Resolved*, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows;

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt."

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.•

## REMOVING THE TAX-EXEMPT BOND CAP FOR HIGH-SPEED RAIL PROJECTS

• Mr. MACK. Mr. President, last year, I supported legislation put forth by Senator Steve Symms to remove the tax-exempt bond cap for high speed rail projects. Unfortunately his attempts to get this legislation passed were unsuccessful. I believe removing the volume cap requirement for tax-exempt bonds issued to finance high-speed rail could have had a dramatic impact on our future transportation policy. I am happy to once again rise in support of this legislation introduced today by my colleague from Florida, Senator BOB GRAHAM.

The exemption from the volume cap to finance transportation systems is not a new concept. Currently, airports and seaports are exempted from the State activity bond cap simply because they are too expensive to fit under any State cap. For precisely the same reason, high-speed rail tax-exempt bonds must be exempted from the cap. I ask that my colleagues join in support of this legislation.•

## BLACK HISTORY

• Mr. SARBANES. Mr. President, since 1926 this Nation has designated February as the month to honor the contributions of African-Americans and their proud heritage, which has so powerfully enriched this Nation. It was in that year that Dr. Carter G. Woodson, the father of black history, conceived the idea of a week in February to pay homage to African-American citizens.

As it does each year, the Association for the Study of Afro-American Life and History has selected a theme for the Black History Month celebration. Its theme for 1993 is, "Afro-American Scholars: Leaders, Activists, and Writers." In light of this theme, I want to pay tribute to a few of the many outstanding black leaders, activists, and writers from Maryland.

As Black History Month, this year, follows immediately on the death of a man many consider to be one of the most important black Americans of this century, it is appropriate to comment on the life and achievements of Supreme Court Justice Thurgood Marshall. Raised in Baltimore, he unyieldingly pursued a commitment to equal justice under the law for all citizens. As an important leader in the civil rights movement, the successful lawyer of the 1954 case, Brown versus the Board of Education, the prevailing litigator in 29 out of 32 cases before the Supreme Court, U.S. Solicitor General and the first black Supreme Court Justice, Thurgood Marshall had a profound influence on American life.

African-Americans from Maryland were also at the forefront of the civil rights movement during the 19th century, and I shall mention two who made singular contributions. As you know, Frederick Douglass, born on Maryland's Eastern Shore in 1818, was a leading abolitionist of his time. At the age of 19, he escaped from slavery and went on to become founder and editor of the North Star, an abolitionist newspaper. Mr. Douglass, an extraordinary speaker and author with an international reputation as an advocate for civil liberties, served as an advisor to President Abraham Lincoln during the Civil War and as United States Minister to the Republic of Haiti.

Harriet Tubman, often called "Moses," was born in Dorchester County, MD in 1820. After escaping from slavery in 1849, she became the leading conductor on the "underground railroad," assisting more than 300 men, women, and children in obtaining their freedom. Harriet Tubman was an inspiring spokesperson for civil rights. Her bravery was further demonstrated during the Civil War when she served as both a nurse and a spy for the Union. She detailed these many accomplishments in her memoirs, "Harriet the Moses of Her People."

African-American scholars from Maryland have also distinguished themselves during this century with creative and valuable contributions to society. Born in Baltimore, Countee Cullen was such a scholar. As a prize-winning poet, he thrived during the "Harlem Renaissance," an era beginning in the 1920's. Countee Cullen used his talents boldly to promote black culture and to reflect the black experience.

African-Americans from Maryland have worked hard to overcome racism and persevered to achieve significant firsts. Juanita Jackson Mitchell, civil rights activist, was the first African-American on the law review journal of the University of Maryland and later became the first African-American woman to practice law in the State of Maryland. As an attorney for the NAACP, she labored tirelessly to integrate the schools in our State and argued many of the landmark desegregation cases in Baltimore. Another remarkable advocate for civil rights who lead by example, Enolia P. McMillan worked for 42 years in the Maryland school system. She was the first president of the Maryland NAACP and the first woman president of the National NAACP.

Maryland is very proud of these great men and women and their accomplishments. They have succeeded against enormous odds and through their triumphs have provided inspiration for all. Further, their courage and conviction to fight against the injustices of racism have changed this Nation forever. Their achievements challenge us to carry on their work and to ensure that these gains are never lost.•

## RULES OF PROCEDURE OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

• Mr. GLENN. Mr. President, I herewith submit a copy of rules of procedure adopted by the Subcommittee on Investigations of the Committee on Governmental Affairs, pursuant to the Standing Rules of the Senate and ask that they be printed in the RECORD at this point.

The rules of procedure follow:

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AS ADOPTED, FEBRUARY 22, 1993

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the ranking minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The ranking minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the ranking minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the ranking minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the ranking minority Member with notice of such approval to all Members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules 25(5)(b) will govern all closed sessions convened by the Subcommittee.

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the ranking minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and ranking minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and ranking minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and ranking minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five (5) Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights, Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the ranking minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The ranking minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the ranking minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and ranking minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and ranking minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.•

## FACES OF THE HEALTH CARE CRISIS IN MICHIGAN: WHEN THE LOSS OF A JOB MEANS THE LOSS OF HEALTH CARE COVERAGE

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a human face on the health care crisis in this country. Deborah and John Tumblin and their children from Hazel Park, MI, are experiencing firsthand what happens when a family loses its health insurance, a situation which more and more Americans are facing. Ms. Tumblin wrote to me last September to express her frustration over her family's difficulty in obtaining health care and her fears about what this will mean for their health and well-being.

Deborah and John have three children: David, 10; Chad, 6; and Kyle, 4. Until October 1992, the Tumblin family had health insurance provided through John's former employer, a local steel company. John was injured on the job in October 1990 and was unable to continue working. Since that time the family's only source of income was John's workman's compensation payments of $275 a week. Fortunately for the family, his employer continued to pay their $100 per month premium, allowing them to keep their health insurance. In October 1992, however, the company closed, resulting in the family's loss of health insurance coverage.

The Tumblins face a number of medical worries brought on by the loss of their health insurance. Deborah is 8 months pregnant and is considered high risk by her doctor. She has been ordered to stay in bed to avoid premature labor. Early in her pregnancy she was told that the cost of her prenatal care would be $2,500 and her labor/delivery charges would be approximately $1,200. In January the physician who had been treating Deborah told her that he could not continue her care unless she agreed to immediately pay a reduced charge of $1,400 that would have included the cost of prenatal care and delivery, but not the hospital charges.

Without health insurance, Deborah could not afford to pay even the reduced amount and was forced to change doctors. This was in the third trimester of her pregnancy. She feared that she would not be able to find a physician who would take on a high-risk pregnancy in such a late stage. Fortunately, the Obstetric High Risk Clinic at Beaumont Hospital accepted her as a patient.

John has a number of ongoing medical problems. His workman's compensation benefits only cover any medical treatments related to the shoulder and back problems resulting from his job-related injury. But John also suffers from pain and blurred vision in his right eye. His doctor claims that this condition is a result of his work-related injury. Workman's compensation will not pay for these treatments, however, because they do not consider it to be related to his job injury.

The Tumblins son Chad has a serious medical problem requiring constant treatment. He was born with a virus which has settled on his vocal cords. The virus has grown and produced laryngeal papillomas which may make it difficult for Chad to breath and could be fatal. Surgery is the only treatment option. He has already had surgery seven times, each costing $3,000 to $5,000, but doctors say that he may need additional surgery every 6 months.

Next month Chad will visit his ear, nose, and throat specialist to check the growth rate of his papillomas and determine if he will need surgery in April. This appointment will cost Deborah $110. In the past, these procedures and physician appointments had been covered by their insurance, Blue Care Network. Without health insurance, the Tumblins fear that they will not be able to afford to provide the medical treatments their son needs.

This family must make painful choices about their children's medical care. Recently, the three children suffered from a virus. Although she felt that they needed medical attention, Deborah couldn't afford to pay the $25 office call for each of the children. Her physician tried to insist that she at least bring Chad into the office as the virus could have complicated his medical condition. Deborah could not afford to do even this, and was forced to rely on getting an old prescription refilled.

Deborah applied for Medicaid benefits in December of last year. She is very frustrated with the complicated process people must go through when applying for these benefits. Deborah fully complied with the demands of the Department of Social Services by returning all the necessary paperwork in January. She has recently been notified that she will be covered by Medicaid, but not the rest of her family. The family's current income is too much for a family of five to qualify for benefits. She was told to reapply after the birth of her baby when the children may qualify because there will be six people in the family. She is not looking forward to going through this process for the second time.

The loss of a job and the high cost of health insurance have caused the Tumblins to lose not only their health care coverage but also peace of mind. As is increasingly true for many families across the country, the current private health care system has failed them and the public system is proving to be inadequate to cover the family's health care needs. I will continue to do all that I can to make sure the Tumblin family and all Americans have access to high quality affordable health care.●

## RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. GLENN. Mr. President, I herewith submit a copy of rules of procedure adopted by the Committee on Governmental Affairs pursuant to Rule XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the RECORD at this point.

The rules of procedure follow:

### RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

(Pursuant to Rule XXVI, Sec. 2, Standing Rules of the Senate)

### RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request thereof, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate).

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least three days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. In the event that unforeseen requirements or Committee business prevent a three-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clause (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. *Meeting transcript.* The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

### RULE 2. QUORUMS

A. *Reporting measures and matters.* A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* Five members of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking testimony.* One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. *Subcommittee quorums.* Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

### RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7 (b) and (c), Standing Rules of the Senate.)

E. *Polling.* (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

### RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

### RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any Subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; *provided, however,* that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to inpugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

### RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittees.* All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

### RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittees.* The Committee shall have five regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations;

Regulation and Government Information;

General Services, Federalism, and the District of Columbia;

Oversight of Government Management; and

Federal Services, Post Office, and Civil Service.

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; *provided, however*, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the two following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

### RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement complied by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however,* that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time or his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

### RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.●

## ORDERS FOR MONDAY, MARCH 1, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Monday, March 1; that on Monday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 10:30 a.m. on Tuesday, March 2; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date; that following the time of the two leaders, there be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each; and that on Tuesday the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SCHEDULE

Mr. MITCHELL. Mr. President, I previously advised the distinguished Republican leader of my intentions with respect to the Senate schedule for the upcoming weeks of this legislative period.

I would like now to restate that for the benefit of all Senators so that all Senators can be aware of the legislative program.

On Tuesday, pursuant to a previous order, the Senate will take up legislation to extend the unemployment insurance program. Upon completion of that bill, it is my current intention that the Senate will proceed to consideration of the motor voter legislation. Following completion of that bill, it is my intention that the Senate will proceed to the consideration of the budget resolution, then to the economic stimulus and investment program proposed by President Clinton, and then to what I perceive will then be the necessary extension of the debt limit.

This is not intended to be a wholly exclusive list, so other matters may arise during that time. And, if I intend to bring any other matters up as is my regular practice, I will, of course, notify the Republican leader and other Senators in advance and as soon as possible. But this is intended to give Senators some idea of the legislative schedule with respect to major bills over the next few weeks.

## RECESS UNTIL 10 A.M., MONDAY, MARCH 1, 1993

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 10 a.m., Monday.

Thereupon, the Senate, at 4:26 p.m., recessed until 10 a.m., Monday, March 1, 1993.

## NOMINATIONS

Executive nominations received by the Senate February 25, 1993:

### IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

*To be lieutenant*

THOMAS R. GREENE
MARK R. STEWART
DAVID J. MARTIN
BARRY L. FOX
DAWN A. FIDALEO
STEPHEN P. FINTON
AUDREY A. MCKINLEY
JAMES A. WILSON
FREDERICK E. BARTLETT
WILLIAM M. PITTMAN
RICHARD A. PAGLIALONGA
BRENTON P. LEBISH
C. M. GREENE
FELIX J. DANZ
KEITH R. BILLS
JAMES E. MULLEN
LANCE A. LINDSAY
SCOTT R. FRECK
WALTER F. CAPPS
ERIC G. WESTERBERG
RONNIE D. PATRICK
JAMES E. HANZALIK
JOHN J. URTIS
ADRIENNE P. MCCAMEY
JOHN G. KEETON
GREGORY J. COCHRAN
ROBERT F. OLSON
TIMOTHY J. CARTON
MITCHELL C. EKSTROM
MICHAEL D. CALLAHAN
RANDY G. ADOLF
DOUGLAS M. RUHDE
DARWYN A. WILMOTH
DAVID J. FORD
STEVEN M. SHERIDAN
JAMES B. NICHOLSON
GERALD F. DOLAN
JOSEPH L. DUFFY
ROBERT A. LAAHS
MATTHEW P. DUESING
JOEL D. BROWN
CEDRIC A. HUGHES
CARMEN T. LAPKIEWICZ
ANTHONY D. MORRIS
JOSEPH J. EPSTEIN
JAMES J. GRIFFIN
BRIAN K. GOVE
RUSSELL C. PROCTOR
DAVID S. FISH
MICHAEL A. JENDROSSEK
TONY C. CLARK
ROBERT D. PHILLIPS
KIRK W. PICKERING
STEVEN R. SATOR
KELLY R. WARNER
DANIEL R. HOLLAR
THEODORE R. SALMON
DAVID M. BEAUREGARD
MARK S. RYAN
PHILLIP A. PEREZ
ROBERT J. GREVE
PETER M. KILFOYLE
BRIAN K. MOORE
WILLIAM F. ADICKES
MARK J. WILBERT
THURMAN T. MAINE
CRAIG A. PETERSEN
ROBERT I. GRIFFIN
DONALD R. LING
JEFFREY S. HUDKINS
MARK J. GANDOLFO
DIRK A. GREENE
DAVID J. ROKES
NICHOLAS J. HUTCHINS
TODD A. TSCHANNEN
MICHAEL R. OLSON
SAMUEL J. SUMPTER
EUGENE R. BOLDUC
DAVID C. HAYNES
GREGORY S. JONES
STEPHEN T. NEWARK
JEFFREY D. GAFKJEN
MARY J. BILLETER
DANIEL L. LEBLANC
JOHN F. SCHNEIDER
JAMES E. PESCHEL
MICHAEL D. KING
MICHAEL P. MCCRAW
JEROME K. BRADFORD
JERRY T. MOORE
ERIC M. GIESE
JOSEPH S. COST
JANE C. WONG
ERIC T. SMALLWOOD
KIM C. FOSTVEDT
GEORGE J. TOLBERT
ROBERT T. SPAULDING
THEODORE D. LAMPTON
KARL L. FREY
DAVID J. HAMMEL
RICHARD L. HINCHION
TIMOTHY M. MCGUIRE
JEFFRY A. SIMMERMAN

*To be lieutenant (junior grade)*

JOHN E. SHALLMAN
PARTICK J. MCGILLVRAY
ROBERT W. SCRUGGS
DONALD E. JACCARD
GUS T. PILLA
RANDALL C. SCHNEIDER
RICARDO R. RODRIGUEZ
ROBERT M. ATADERO
THOMAS M. JENKINS
HAL R. PITTS
ROBERT P. STUDEBAKER
SCOTT A. MATTHEWS
THOMAS J. MORIARTY
SCOTT R. MCFARLAND
ROBERT B. WILSON
ROBERT D. PERKINS
FREDDIE J. MILBRY
TROY S. TAYLOR
CRAIG S. CROSS
TIMOTHY Y. DEAL
MARK E. REYNOLDS
JAMES R. FOGLE
NEIL E. MEISTER
RANDALL A. BARNABEE
STANLEY E. BALINT
RICHARD M. KEESLER
RANDALL D. FARMER
SUSAN J. WORKMAN
ERNESTO G. RUBIO
KENDALL C. PLAUTZ
KADJOL CHOUDHURY
MICHAEL F. WHITE
LARRY E. MEREDITH
CASEY J. PLAGGE
STEPHEN H. TORPEY
DAVID L. NICHOLS
DOUGLAS M. ELLIS
KELLY S. ROBERTS
EVA R. KUMMERFELD
DOUGLAS K. BRUCE
JOSEPH R. DOUGLAS
JAMES D. BAUGH
OLALEKAN A. ADERONMU
KATHLEEN MOORE
MARK R. WILLIAMS
RAYMOND A. ENGBLOM
WILLIAM R. BUTLER
ELMER O. EMERIC
ROBERT D. LEFEVERS
KELLY A. HOYLE
PAUL D. LIMBACHER
MARK S. MESERVEY
MATTHEW A. GRIM
GARRISON L. MOE
JASON K. CHURCH
RONALD K. CHILTON
CLAUDIA V. MCKNIGHT
ROBERT B. MAKOWSKY
LARRY P. PESEK
TROY K. DEIERLING
WILLIAM J. TRAVIS
THOMAS L. KAYE
RUSSELL H. MULLICK
STEPHEN J. BARTLETT
MARK A. JONES
CHRISTOPHER KOBI
LIONEL Q. MEW
MICHAEL G. TANNER
STUART H. EHRENBERG
TODD J. CAMPBELL
PATRICIA A. MCFETRIDGE
THOMAS C. GETSY
ROBIN J. KORTUS
PAUL D. MARSHALL
BRIAN T. ELLIS
JOHN C. O'CONNOR

### IN THE AIR FORCE

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SQUADRON FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

SHYAMALI ARMSTRONG [redacted]
RAYMOND W. BEAL [redacted]
EDMUND J. BOHN [redacted]
KEVIN F. CIOCCA, [redacted]
JONATHAN B. CLAUNCH [redacted]
JAMES W. CREESE [redacted]
GREGORY J. EHLERS [redacted]
KIMBERLY D.ESTES, [redacted]
JOHN W. GILES, JR [redacted]
SCOTT D. GRIFFIT [redacted]
J. MICHAEL W. JAGGERS [redacted]
BRYAN H. KAUFMAN [redacted]
MARTIN KLUBECK [redacted]
GREGORY MANORA [redacted]
WILLIAM PAUL MILLER, JR [redacted]
DEBRA E. PERKINS [redacted]
PETER B. PHILBRICK [redacted]
JUSTIN M. RICE [redacted]
LAURENCE E. ROBERTS [redacted]
AMY R. ROBINSON [redacted]
ANDREW J. RYAN [redacted]
DONALD W. SCHIBER [redacted]
GENA R. STUCHBERY [redacted]
JONNA D. WARDRIP [redacted]
CHRISTOPHER A. WORLEY [redacted]

# EXTENSIONS OF REMARKS

## INTRODUCTION OF H.R. 1106, THE YOUNG AMERICAN WORKERS' BILL OF RIGHTS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. LANTOS. Mr. Speaker, I doubt that any bill will be introduced during the 103d Congress which has greater potential for protecting our Nation's children than the Young American Workers' Bill of Rights—H.R. 1106—which was introduced in this House yesterday. This bill updates the measure sponsored last year by our colleague, Congressman Don Pease of Ohio, who is sorely missed on this and other issues, Congressman CHARLES SCHUMER of New York, and myself. In introducing this legislation in the 103d Congress, I have been joined by my distinguished colleagues, Congressman GEORGE BROWN of California, Congressman SCHUMER, Congresswoman ESHOO, and Congresswoman PAT SCHROEDER of Colorado, the distinguished Chair of the Select Committee on Children, Youth, and Families.

Mr. Speaker, with the new climate in both the Congress and the administration, I have great hope that we will now act promptly to strengthen the legal protections for young people in the workplace.

Let me emphasize first that supporters of this child labor reform legislation do not oppose young people working. I recognize the benefits which can come from holding a job during school years—learning skills, developing a sense of responsibility, contributing to a needy family's budget. It is the all-too-common exploitation of young workers that we oppose: excessive hours, interference with school, hazardous occupations, working below age 14.

As chair of the Employment and Housing Subcommittee, I held three hearings in 1990 and 1991 which elicited widespread attention, both in the media and at the Department of Labor. Under the stimulus of our initial hearings, the Labor Department undertook a nationwide series of job site sweeps, utilizing all the resources of the Wage and Hour Division. Then-Secretary Elizabeth Dole announced that "the cop was on the beat." Some 44,000 child labor violations were found in 1990, a startling increase from 10,000 in 1983 and even from 24,000 in 1989. Unfortunately the cop did not remain on the beat for long. At the subcommittee's 1991 hearing in California, we were told that outreach and education were the preferred enforcement methods. Detected violations dropped to 28,000 that year.

The massive illegal employment of children damages the United States in two major ways: First, it has a negative impact on the education and thus the future of our young people, who are our Nation's future work force and, second, it has resulted in the death and serious injury of many, many young workers.

Many studies have demonstrated the effects excessive work on students' school achievement. It appears clear that even at age 16 or 17 working more than 20 hours a week is correlated with lower grades, choice of easier courses, disengagement from families, and dropping out of school. What can be clearer than the comparison between the United States, where about two-thirds of high school students work, and Japan, where 2 percent of students are employed?

My subcommittee heard horrifying testimony about injuries and deaths of illegal young workers. A 17-year-old was killed while delivering pizzas. Others were killed in a dough-mixing machine and a paperbaler at a grocery store. A 13-year-old lost his leg while working at a carwash. A teenage girl had a fingertip severed by a restaurant slicing machine. These and more tragedies brought to life the grim statistics. The Labor Department reported only 232 violations with injuries in 1990, but this is the tip of an unmeasured iceberg. A New York State study found 1,333 workers' compensation awards in that State alone to children under 18 in 1986. Clearly we need more complete data—but most importantly, we need action to stop such disturbing and preventable injuries and deaths.

The Young American Workers' Bill of Rights will modernize the 1938 Fair Labor Standards Act provisions covering child labor. It provides criminal penalties for willful violations, including fines and imprisonment in cases of death or serious injury. Repeat violators will be ineligible for Federal grants and contracts, will not be permitted to pay the subminimum training wage, and will be prohibited from employing a minor for 5 years. To overcome the minuscule workers' compensation awards given to many injured minors or their survivors, the bill provides a right to sue.

In line with recent research, the bill establishes limits of 20 hours a week and 4 hours per school day for employment of 16 and 17-year-olds. We must have a clear public policy that education is a minor's first job and principal responsibility.

To assure that minors' work is legal, safe, and not exploitative, the Young American Workers' Bill of Rights establishes a work certificate system. Both parents and schools will be required to sign permit applications and employers will submit information concerning the nature and hours of the job. All too often we hear that parents are ignorant of their children's work situation and schools may learn about students' employment, if at all, only when it is reflected in declining achievement.

The bill provides for publicity for violators because it is my experience that fines are frequently considered a mere cost of doing business, while adverse publicity involving major national corporations, such as fast food or grocery chains, can be a major deterrent.

Mr. Speaker, issues of worker training and retraining and the rising skill threshold for jobs in the 1990's and beyond are high on our agenda. So is the need for education reform. All of these matters are affected by child labor which exploits and limits the future potential of the young people on whom our economy and our society must depend. I urge my colleagues to support this measure which can go far to safeguard American youth.

## TAXPAYER RIGHTS AMENDMENTS OF 1993

### HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. HEFLEY. Mr. Speaker, when President Bush vetoed H.R. 11, the Revenue Act of 1992, he did so because it included numerous tax increases and special interest provisions. At a time when the economy was perceived to be weak, Congress had presented the President with a bill that increased the tax burden on Americans.

Ironically, by vetoeing H.R. 11, the President killed 2 years of effort by members of the Ways and Means Committee to help protect taxpayers from abuse by the IRS. These provisions were part of H.R. 3838, the Taxpayer Bill of Rights Act of 1991, and they were designed to improve upon the original taxpayers bill of rights.

Originally passed in 1988 as part of the Technical and Miscellaneous Revenue Act, the omnibus taxpayer bill of rights was a watershed, ending 10 years of work to address IRS excesses and provide taxpayers with a means to defend themselves from unwarranted action.

These provisions included granting taxpayers the right to sue for damages if an IRS agent recklessly or intentionally disregards provisions of the Internal Revenue Code, codifying existing IRS regulations regarding taxpayer rights, and awarding litigation and administrative costs to taxpayers who prevail against an unjustified IRS action.

With the growing deficit, however, the provisions included in the taxpayer bill of rights have been sharply tested. In 1990's budget agreement, for example, Congress called on the IRS to collect an additional $9.4 billion by increasing their audit and collection efforts. These efforts, in turn, have increased the number of complaints regarding IRS actions.

The Ways and Means Committee responded last session by holding a series of five hearings on IRS practices and the effect of the taxpayer bill of rights. These hearings resulted in the legislation that was killed when President Bush vetoed H.R. 11.

This is a new session, and it's time to begin again to work to protect the American taxpayer. For this reason, I am reintroducing legislation I originally introduced 2 years ago.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This bill is called the Taxpayer Rights Amendments of 1993 and it is drafted to contribute to the progress made in the original taxpayer bill of rights by:

First, enabling additional taxpayers to recover legal expenses from the IRS;

Second, equalizing the interest rate the IRS pays to the taxpayer with the rate it charges; and

Third, expanding a taxpayer's right to sue the IRS.

I'm pleased to say the first two of these additions were included in the Ways and Means bill, H.R. 3838, and I hope to see them passed into law this session.

The first provision addresses what happens after the taxpayer has prevailed in court against the IRS. Under current law, the taxpayer can receive reasonable litigation costs from the IRS, but only if they can prove the IRS was not substantially justified in its actions.

In other words, a taxpayer has to prove in court that they paid their full share of taxes. Then, unless they want to pony up the court costs after winning their case, they have to prove that the IRS was not substantially justified in taking them to court. The entire burden of proof is placed on the taxpayer, even when they prevail.

My bill will eliminate this burden by removing the standard of substantially justified. Under this legislation, if the IRS loses its case against a taxpayer, it pays the taxpayers court costs.

The second provision will even out the interest rates the IRS charges and pays taxpayers. Under current practice, the IRS charges overdue tax payments a higher interest rate than it pays overpaid taxes. While this may be a convenient way to raise revenue, it does not engender confidence in the minds of taxpayers who notice the difference.

My bill will eliminate this shell game and require the IRS to pay the same interest rate it charges.

Two provisions in my bill that were not included in last session's committee bill deal with the taxpayer's right to sue the IRS.

Under the current taxpayer bill of rights, a taxpayer may sue the IRS if, during the collection of a tax, an IRS employee recklessly or intentionally disregards a provision of the Internal Revenue Code.

My bill will make two additions. First, it will allow taxpayers to sue for actions taken during the determination, in addition to collection, of a tax. Second, it will allow taxpayers to sue if an IRS employee carelessly, in addition to recklessly and intentionally, disregards provisions under the Internal Revenue Code.

These two changes will give taxpayers recourse in areas not addressed by the original taxpayer bill of rights. Consider the testimony of Lawrence Roush, president of Lincoln Moving & Storage, before the Small Business Committee:

> In 1975, the IRS completed an employment tax audit on Lincoln. As a result of that audit, Lincoln was advised to issue 1099's to its contract truckmen but if the same individuals were occasionally used on a local hourly basis to also issue those individuals W2 forms. Subsequent to the audit, Lincoln was sold. The new owners have always been aware of the audit and continued to rely on the audit.
>
> In September 1987, Lincoln was again contacted by the IRS. At the initial meeting on September 30 the auditor told the officers of Lincoln that because of the budget deficit, the auditor was seeking revenue and that Lincoln was a good place to start. The auditor alleged a tax liability of $50,000. The auditor asserted that if the alleged liability was not paid, a full audit would be completed.
>
> At that time, I informed the auditor of our previous audit and claimed 530 safe harbor protection. The IRS argued that we were not eligible for 530 protection. Over the years the IRS has asserted various reasons for this but has never given us written verification of the reasoning for denying 530 protection.
>
> On July 22, 1988 the IRS informed Lincoln of an alleged tax liability of $281,066.10 in a document marked "for discussion purposes only".

What is happening here is pretty obvious. IRS agents are using the knowledge that they can't be sued for actions taken during the determination process to intimidate and harass taxpayers into paying excess taxes. Hence the "for discussion purposes only" mark on the original determination. Until the IRS actually presents an official tax bill, they are immune from recourse.

This legislation will change that by including the determination period under section 7433(a) of the Internal Revenue Code. As Mr. Roush's example demonstrates, harassment and mistreatment by IRS agents can occur during the determination process as well as the collection process.

This legislation will also allow taxpayers to sue for damages if the IRS carelessly disregards provisions of the Internal Revenue Code. By now, I'm sure everyone is familiar with the tragic story of Mrs. Kay Council, whose husband committed suicide to provide her with the funds necessary to fight the IRS. As Mrs. Council concludes, she eventually won her 10-year battle with the IRS, but at a very high price:

> I was cheated of my rights as a citizen. I was cheated of growing old with the man I love. I lost my best friend. Now I have to start a new life and a new career at the age where I should be able to enjoy my children and grandchildren. I have worked for 20 years as a professional, but I have not been in the job market since 1982. Our children have no father, only the emotional devastation left in their life to try and deal with. Our grandchildren have no "pop," that's the name they use for the grandfather they love dearly. Our granddaughter thinks her pop got sick and died. How do you explain the IRS and suicide to a five-year-old? It seems to me that somebody has to be held accountable for the destruction to me and my family.
>
> Yet I am told I cannot sue the IRS for damages, economical or personal. How do you put a price tag on a life? I can't sue them for the illegal tax lien they put on us. I had no rights. The IRS had them all.

Mrs. Council can't sue the IRS because they didn't recklessly or intentionally disregard the law. Instead, they merely acted carelessly, in a slow, impersonal, and bureaucratic fashion that eventually destroyed her family. This legislation would provide Mrs. Council, and all the other taxpayers who have suffered similar experiences, a means of obtaining compensation.

In conclusion, this legislation builds upon the foundation of the original taxpayer bill of rights. It represents a continuation of the effort to balance the need to collect taxes with the inherent rights of taxpayers. I believe it is an important step toward restoring confidence in our present tax collection system and I hope my colleagues will support it.

## SMALL BUSINESS LOAN SECURITIZATION AND SECONDARY MARKET ENHANCEMENT ACT OF 1993

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. BAKER of Louisiana. Mr. Speaker, yesterday I introduced legislation designed to strengthen small businesses, financial institutions, and American taxpayers. This legislation is going to energize the economy and create jobs because it will assist small businesses who are starving for credit.

In 1984, Congress removed regulatory impediments to selling securities backed by pools of residential mortgages by enacting the Secondary Mortgage Market Enhancement Act. The bill I am introducing today, the Small Business Loan Securitization and Secondary Market Enhancement Act of 1993, creates a similar secondary market for small business loans.

This proposal will help small businesses by making it easier for them to gain access to the capital markets and making more credit available at lower prices. It will help bankers because they will issue loans to small businesses without having to raise additional capital; the banks will sell these loans to investors instead of keeping them on their books. Third, institutional and individual investors will fund small businesses by purchasing investment-grade securities backed by small business loans.

This bill removes unnecessary legal barriers in Federal securities, banking, pension, and tax laws to facilitate the sale of securities backed by small business loans. These securities are called small business related securities, and are backed by pools of small business loans made by banks, credit unions, insurance companies, and similar financial institutions which are already regulated by the Federal Government.

This bill allows for the pooling of loans made to any business which meets the definition of a small business as determined by current law and by the Small Business Administration. Qualifying businesses are: First, manufacturers with as many as 1,500 employees; second, service firms with $13.5 million in sales or less; third, wholesalers with as many as 100 employees, and fourth, construction firms with $17 million or less in receipts.

Sections 3, 4, and 5 of this bill remove obstacles under Federal securities law concerning the delivery requirements for margins and securities. Under current law, issuers are given 35 days to pool and sell securities. This bill extends that time period to 6 months so small business loans can be originated after a commitment to purchase the securities has been obtained and can be included in a pool backing the securities.

This legislation also removes Federal securities law impediments governing the filing of registration statements with the Securities and Exchange Commission. Under current law, selling securities backed by small business loans is time consuming and very costly. An organization must register the securities with the SEC and prepare, file, and clear registration statements in each of the 50 States. Section 7 of this bill streamlines this process by permitting the filing of a single registration statement with the SEC.

Current law imposes another burden on banks selling small business loans because banks can be required to keep a matching amount of capital even if they sell the loans. Section 8 of this bill says banks that pool and sell small business loans are not required to maintain capital against those loans if they sell the loans. Under this proposal if the bank retains some of the risk, then the bank is required to keep enough capital to protect itself against the possibility of a loss.

This legislation also removes requirements imposed by the Employee Retirement Income Securities Act. Currently, the Department of Labor exempts financial institutions that manage pension funds and package and sell mortgage-backed securities from ERISA requirements. Section 9 of this bill directs the Labor Department to grant a similar exemption for financial institutions selling securities backed by small business loans.

Lastly, section 10 of the bill directs the Secretary of the Treasury to issue tax rules for entities used to pool small business loans. In 1986, Congress helped facilitate the securitization of real estate mortgage loans by calling for tax clarification of institutions that were going to pool those loans. The Treasury Department promulgated the real estate mortgage investment conduits [REMIC's] and we ask them to issue similar rules applicable to small business backed securities.

In a recent American Banker article, Federal Reserve Chairman Alan Greenspan publicly supported the creation of strong secondary market for small business loans. He said that we could help expand credit for these businesses and speed the economic recovery. "There's no question that [a secondary market for small business loans] would be a very good contribution to the financial viability of this country," Greenspan added.

At this time, our constituents are asking us to cut Federal spending. So it is very important that I say that this bill does not create a new Federal agency to guarantee these loans. Therefore, American taxpayers are not saddled with the cost of more bureaucracy and are not exposed to the risk of potential losses on securities backed by small business loans. What we need to do now is promote economic growth and develop good-paying jobs for the citizens of this country and this legislation does just that.

Mr. Speaker, I look forward to working with you and my other colleagues in the House in moving this legislation forward so that we can assist the creation and development of American small businesses which are so vital to the economic improvement of and job growth in our country.

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## TRIBUTE TO METROPOLITAN JEWISH GERIATRIC CENTER

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. NADLER. Mr. Speaker, Metropolitan Jewish Geriatric Center was founded 85 years ago as the Brooklyn Hebrew Home and Hospital for the Aged by a group of women concerned about the health and well-being of their elderly neighbors.

From truly humble beginnings, Metropolitan has grown to become one of the largest and most respected organizations of its kind in the Nation. Today, in addition to the same 900 residents at its Parshelsky Pavilion in Coney Island, and its affiliated Branner Pavilion in the Boro Park section of Brooklyn, respectively, Metropolitan serves more than 20,000 people through a vast network of outreach programs and affiliated services.

The mission of Metropolitan: To assure that every resident and client enjoys the benefits of the finest geriatric care available and has access to the most innovative and progressive programs in the Nation.

Metropolitan's leadership in the field of geriatric care is due in large measure to the skill, the experience, and the dedication of its professional, nursing, administrative, and support staff.

This remarkable group of men and women proved their mettle, and demonstrated their dedication over 3 unforgettable days in December—when the most severe storm in memory wreaked havoc throughout the Northeast.

The Parshelsky Pavilion, with 359 frail elderly residents, was particularly hard hit. The generator and boilers were submerged in water; the lower levels of the building were flooded—in some cases up to the ceiling. Services that were affected included heat, power, and phone communications as well as food, linen, and supply delivery. Some 100 residents were evacuated under extremely arduous conditions.

Yet, miraculously, all the residents were safe and secure. Metropolitan was able to weather the crisis because of the resourcefulness of scores of staff members, who, in an amazing display of heroism, worked tirelessly to protect the elderly—some at great risk to themselves.

Their courage and the fortitude were best exemplified by the 11 Metropolitan employees who abandoned their vehicles in surging waters and literally swam to the facility to join the rescue effort.

In a recent message to the staff, Martin Simon, the president of Metropolitan, acknowledged their loyalty and their spirit. "Your dedication," he said, "will long be remembered as one of the most glorious moments in our history. We are deeply grateful for your commitment, and express our warmest thanks to all of you."

Metropolitan Jewish Geriatric Center can take pride in its staff, and in the caliber of its leadership—Mr. Simon, the distinguished board of directors, and Eli S. Feldman, the executive vice president and chief executive officer, and Judith W. Brune, senior vice president/chief operating officer.

Mr. Speaker, it gives me great pleasure to offer this well-earned tribute to Metropolitan Jewish Geriatric Center, and to all those involved in their humane work.

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## LET US NOT FORGET ARMENIA

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. LANTOS. Mr. Speaker, it has been said that "the United States put its foreign policy pants on one crisis at a time." In light of this, I fear that among the crises in Bosnia, Somalia, and Iraq, there is a danger that we forget the ongoing tragedy in Armenia.

The hardship in Armenia and the besieged region of Nagorno-Karabakh has persisted beyond the fall of the Soviet Union. Now its neighbors are engaged in an all-out battle for influence in the region in which the largely Christian Armenians have become the odd man out.

We must do what we can to force this issue into the public domain. We must continue exerting what pressures we can until the Azerbaijanies relent and lift their brutal blockade of Armenia that threatens thousands of lives this winter. Armenia, landlocked and surrounded by neighbors who will not or cannot help, needs the help of the international community.

We can help in two ways: First, we can provide temporary relief by sending humanitarian aid to help the struggling country through a harsh winter. For a more lasting solution, however, we must work through the United Nations and the CSCE as well as applying direct pressure on Azerbaijan to bring an end to the devastating blockade that is strangling this one prosperous country.

Recently, Turkey agreed to allow humanitarian aid through its borders to relieve the suffering caused by the exceptionally harsh winter in Armenia and the Karabakh region. We must make sure this promise is fulfilled by carefully monitoring the situation until there are concrete results.

The relief effort has already started. Armenian-Americans have taken up collections and sent shipments of food, fuel, and medical supplies. Operation Winter Rescue, a group of Armenian-Americans, raised $500,000 to send back to their kinsmen in Armenia. France has offered to send massive humanitarian aid if Turkey will let it past their borders. Humanitarian aid, however, is only a temporary solution.

Armenia seems doomed to have the stakes piled against it. Even though it was one of the more prosperous of the former Soviet republics, it is declining rapidly into the dark ages as Armenia tries to function on 20 percent of their normal fuel supplies. All factories are closed down, schools are closed until spring for lack of heat and to prevent the spread of disease, electricity is only on for a few hours a day.

Bread is rationed at 250 grams a day—it was 500 grams during World War II—and the hundreds of thousands of Armenian refugees who have been expelled from Azerbaijan and Nagorno-Karabakh are in danger of dying of exposure or starvation. The list of atrocities seems endless, from Serbian-like ethnic cleansing to the possibility of opening the Medzamar nuclear powerplant before it is completely repaired.

A letter to the editor of the New York Times describes the plight of Armenians in Nagorno-Karabakh: "the story of a minority group attempting to preserve its way of life, its language, its religion and culture from a death decreed from the central government in Baku. Azerbaijan began practicing ethnic cleansing in Karabakh before Serbia and Bosnia appeared on the map."

Despite the lack of media coverage, this crisis is as deserving of our attention and that of the various international institutions with jurisdiction in that area as the crises in the former Yugoslavia.

Let us take some time to focus on the tragic plight of the victims of this 5-year war. Let us do all that is in our power to end the devastating blockade that is strangling this small country that has been struggling toward democracy since before the fall of the Soviet Union. The time for decisive American action is now.

## AIRCRAFT EQUIPMENT SETTLEMENT LEASES ACT OF 1993

### HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. BROOKS. Mr. Speaker, today I am introducing legislation clarifying the status of currently pending equipment lease agreements between the Pension Benefit Guarantee Corporation [PBGC] and airlines that have sought the protection of the Bankruptcy Code. The Aircraft Equipment Settlement Leases Act of 1993 will bring certainty to this area of the law to the benefit not only of PBGC, which stands behind the pension plans of millions of Americans, but also the many workers who are employed in the troubled airline industry.

The situation which highlighted the need for this clarification in the law is that of Continental Airlines. When Continental filed for reorganization under chapter 11 of the Bankruptcy Code in 1990, one of its principal creditors was PBGC, and one of its principal assets was the equity in aircraft owned by Continental. Accordingly, an agreement was reached whereby Continental would transfer this equity to PBGC and would lease the planes back. The purpose of this bill is to ensure that this arrangement will be treated as a lease under the relevant provision of the Bankruptcy Code, as all parties intended.

Mr. Speaker, the immediate effect of this clarification will be to facilitate the emergence of an airline—such as Continental—from chapter 11 reorganization proceedings, at no cost whatsoever to the taxpayer. Given the grave concerns that I share with many of my colleagues over the competitive position of the domestic airline industry, it is essential that the Congress do all it can to promote the economic health of domestic carriers. I urge prompt consideration by the Congress of the Aircraft Equipment Settlement Leases Act of 1993.

## EXTEND FEDERAL EMPLOYEES HEALTH BENEFITS FOR DEPENDENTS

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. GOODLING. Mr. Speaker, It came to my attention that dependents of Federal employees are covered under the Federal Employee's Health Benefits Program only until they reach the age of 22. This is an inequity which places many children of Federal employees at an educational disadvantage as compared to many children of employees in the private sector or military.

This oversight places a financial burden on those families who have children still attending a college or university after they have already turned 22 years of age. Families in this position must purchase health insurance from private carriers so that a child will be covered if some medical emergency should occur. There are many instances in which students may find themselves in this position. For example, if a student had been held back early in school or flunked a grade, that student might not graduate from college until after turning 22 years old. Also, a student may be forced to leave college for a year or semester for health reasons; again, this student might not graduate until after turning 22. In each of these instances, it is not the fault of the student that they have not already graduated from college before their health insurance expires. In fact, in some cases it is a credit to the student's character for having completed their education after experiencing an early setback. Such perserverance should be rewarded, not punished. We in the Federal Government should strive to make it possible for a child to finish his or her education without such extraneous worries.

A student presently caught in the situation which I have been discussing, would be forced to purchase a private health insurance plan. An unemployed, full-time college student would probably not have the means to purchase such a policy without neglecting his or her studies and taking an extra job. Some families might have the means to pay this added expense, but many would not.

This bill is a very simple one that would make graduating from college a little less of a burden than it already is for many families. The bill extends the age for which unmarried, dependents who are full-time college students are covered under their parent's health benefits plan to the age of 23. This bill would make this provision of the Federal Employees Health Benefits Program consistent with that of the U.S. Military, which already covers unmarried, dependent, full-time college students until the age of 23. We all know that in the private sector many dependents are covered up to the age of 25 or 26 in some cases.

In addition, many States such as Pennsylvania have a kindergarten age entry law which states that you must be 5 years old by a certain date in order to attend kindergarten. If a student is held back even 1 year, most likely that student will not graduate from college until after turning 22. This law has only been in effect for about 5 years so we do not know how many future college students this will affect.

I would like to thank my colleagues Mr. BATEMAN, Ms. MORELLA, Mr. PAYNE, Mr. SANDERS, Mr. HOCHBRUECKNER, Mr. MCCLOSKEY, Mr. BOEHLERT, Ms. KAPTUR, Mr. MURPHY, Mr. SLATTERY, Mr. FROST, Ms. JOHNSON, and Mr. HANSEN for joining me as original sponsors of this bill and I would urge all of my colleagues to join me in cosponsoring the bill I introduced today to amend the Federal Employee's Health Benefits Program to cover unmarried, dependent, full-time college students.

## TAX FAIRNESS FOR RESTAURANTEURS

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. ANDREWS of Texas. Mr. Speaker, today Congressman SUNDQUIST and I are introducing legislation that rectifies an unjust tax on small businesses across the country that has restricted job growth. As someone who worked his way through college by waiting tables, I am certainly sympathetic to arguments by restaurant owners that they are hindered in hiring workers because of this onerous tax.

Under a provision of the 1987 Omnibus Budget Reconciliation Act, an employer is unfairly required to pay payroll taxes on nonpayroll tip income. Furthermore, Federal law treats all employee tip income as employer-provided wages for tax purposes, while only treating $2.12 per hour as wages for purposes of meeting the minimum wage. Not only has this requirement placed extreme financial burdens on thousands of businesses across the country, it has also greatly increased the paperwork burden falling upon them.

Because of the FICA tax change, employers have found themselves in an unenviable position: in encouraging employees to report accurate—usually higher—tip amounts, employers increase their own FICA tax liability. The law also puts employers at the mercy of their tipped workers. Although employers have no control over the tips their employees receive or report, employee underreporting could subject employers not only to payment of back taxes, but possibly to penalties and interest as well. Thus, the FICA tax has created a direct financial interest for employers in the private tip transaction between patron and server. The effect of this has been to worsen employer-employee relations.

Prior to this change in the law, employers paid taxes only on the cash wages and the tip credit of their employees. The bill we are introducing today provides businesses with a dollar for dollar tax credit against income taxes for the amount of FICA taxes paid on tips.

Making this change in the law would provide tremendous relief to the food service industry, which is this country's largest retail employer with over 9 million employees. Indeed, a study done by the Employment Studies Institute indicates that 39,000 jobs could be created as a result of elimination of the FICA tax on tips.

In the last Congress, a similar provision was cosponsored by 275 Members of the House from all regions of the country. This bipartisan measure was eventually included in H.R. 11 which was ultimately vetoed by President Bush.

We urge your cosponsorship of this important legislation.

## TRIBUTE TO RABBI RONALD AND DR. LEORA ISAACS

### HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. ZIMMER. Mr. Speaker, I rise today in recognition of Rabbi Ronald and Dr. Leora Isaacs, who are being honored at Temple Sholom in Bridgewater, NJ, on behalf of the 1993 UJA/Federation Campaign of the Jewish Federation of Somerset, Hunterdon and Warren Counties.

The Isaacs are a remarkable couple. They have dedicated their time and energy to directing family and adult camping programs at Camp Ramah in the Poconos. They have played a major role in the success of the award-winning education programs of Temple Sholom. And they have contributed to the strength and vitality of Israel by leading six missions there.

Mr. Speaker, I applaud Rabbi Ronald and Dr. Leora Isaacs for all their efforts. I wish them, and their children, Karen and Zachary, well as they are honored on February 28.

## TRIBUTE TO HERB KNAUTH

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1993*

Mr. CHAPMAN. Mr. Speaker, I would like to recognize Herb Knauth on his retirement as the Overton/New London Chamber of Commerce manager. At age 94, Mr. Knauth is currently the oldest active Chamber of Commerce manager in the United States, a position he has held for 33 years.

Mr. Knauth has selflessly devoted many years of service to his community, including active work in the Boy Scouts of America from whom he received the Silver Beaver Award, serving on the Rusk County Selective Service Board and on the board of trustees of Kilgore Junior College from 1960–77, as well a 53-year perfect attendance record at the Rotary Club, where he was Rotary president from 1954–55. In 1969, Mr. Knauth was recognized as the Outstanding Citizen of the Year.

Herb Knauth was raised on a farm and after graduation from Burkburnett High School, he entered the service of his country in World War I. He later attended both Texas A&M University and the University of Texas. In 1922, Mr. Knauth went to work for an oil company. In 1928, he married Miss Bessie Lewis. They had two children, Gregory and Elenor, and four grandchildren.

Throughout his career, Herb Knauth has been an outstanding role model in his community. I am proud to pay tribute to such an honorable man who symbolizes integrity, leadership, community involvement, and concern for others. I admire his commitment to his community and thank him for everything he has given to east Texas.

# SENATE—*Monday, March 1, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

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## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 1, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

## RECESS UNTIL 10:30 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 10:30 a.m. tomorrow.

Thereupon, at 10 o'clock and 14 seconds a.m., the Senate recessed, under the order of Thursday, February 25, 1993, until Tuesday, March 2, 1993, at 10:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

# HOUSE OF REPRESENTATIVES—*Monday, March 1, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Drive from each of us, O God, all that which hinders from experiencing Your presence and from doing those good things that help each other. We repent of any selfish ways even as we pray for a new focus of justice and respect toward each other. Give us, we pray, a new vision so we believe and think and act in ways that demonstrate that we are created in Your image and responsible for our deeds. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Mississippi [Mr. MONTGOMERY] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## EMERGENCY PROCEDURES FOR CAPITOL HILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the tragedy which occurred in New York this past weekend at the World Trade towers could have been much worse had there not been engineering in those buildings for emergency situations.

However, while the smoke was still coming out of the buildings, the experts were trying to assess ways to improve emergency evacuation, perhaps to improve stairway lighting, perhaps to improve the way smoke is removed from those buildings.

We are fortunate here in the Capitol complex to have relatively low-rise buildings. However, there are some with six or seven stories. Many of our buildings have activities underground, and many of our buildings are historic, such as the Capitol, in which we have a warren of small nooks and crannies which have been converted into rooms. All this poses problems in emergency evacuations.

In my 22 years in Congress, I cannot remember a fire drill or an emergency evacuation drill here in the Capitol complex, although in Louisville, in the Federal building, there are frequent such drills.

Mr. Speaker, I think it is time for us to develop, here on Capitol Hill, adequate emergency procedures for evacuation in the case of fire or some other emergency. This might be a precaution we will never need to act upon, but it is a precaution which probably would be useful under the circumstances.

## PAY ATTENTION TO MIDDLE-CLASS, WORKING AMERICAN TAXPAYERS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, President Clinton keeps saying that the only people who are opposing his economic agenda are the special interests. And of course, we are supposed to think the President is referring to high-paid lobbyists with big black cigars and limousines.

But that is not the kind of special interest I am hearing from. The folks I am hearing from who are opposed to the President's program are not Washington lobbyists at all. They are middle-class, working taxpayers who simply do not believe that raising taxes will reduce the deficit.

That is the special interests I am hearing from—middle-class, working taxpayers. And their message is simple and clear. They are saying, "We don't believe higher taxes are the answer. We've heard that 'tax and spend' song before, and it doesn't work."

Middle-class taxpayers have good reason to question the President's plan. He is asking them to pay for a lot of it.

And I think that this is one special interest we should be listening to very carefully this time—middle-class, working American taxpayers. It is time the President paid a little attention to them.

## THE GREAT NATIONAL DEBATE OF 1993

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the great national debate of 1993 should be about the economy and the deficit. We should ask ourselves and the folks at home a couple of basic questions: Do we have enough government? Is it big enough? Do we pay enough taxes? The answer to those questions is yes.

Proposed revenues from the new stimulus and deficit raises is an important issue for a true deficit-reduction package. If we need to raise revenue, then it should be earmarked for actual deficit reduction. We should earmark new revenue to reduce the national debt and then limit spending so it does not come back through deficits.

I have cosponsored legislation that will do just that. The bottom line in the entire debate on the deficit is you have to hit it head on. If you are going to reduce the deficit, earmark real revenue for the deficit reduction.

There are a number of reasons why this is important. The principal one is in the 1990 deficit-reduction package for every dollar of new revenue Congress spent $2.37.

Some of my constituents have said they support the plan to reduce the deficit believing that earmarking is already taking place. That is not true as of today. The Congress should earmark additional revenue. Not earmarking revenue, Congress shirks its responsibility to children like those in Sheridan at Highland Park Elementary and Mrs. Rassmusen's class of sharp students.

Mr. Speaker, Congress needs to change its way, come to the snubbing post, and earmark revenues for deficit reduction.

## AMERICA WILL PAY THE PRICE IN BOSNIA

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, this weekend, American pilots were sent to fly into Bosnia. Europeans are killing other Europeans. But who flies in the relief? Americans, that is who, while Europe's leaders pretend they can do nothing.

Once again, U.S. diplomats willingly play the fool letting other governments manipulate U.S. foreign policy.

Now we are on the slippery slope. Bosnia is, thanks to our diplomats, becoming America's problem.

Has no one learned the lessons of Somalia? Two months ago our forces in Somalia were treated as heroes. Now they are targets. And the same will happen in Bosnia.

The American diplomats never seem to learn. Do we not learn from Beirut, and do I dare say Vietnam?

The tragedy is that before this is over Americans will die in Bosnia because our Government has never learned to say no. Every time a picture appears on TV of some misfortunate incident anywhere in the world, Americans are drawn to it like a moth to a flame. Americans do not have the good sense, the common sense to stay away.

The really unfortunate thing is that before this is all over, while the American diplomats are the ones who make the mistakes, the American taxpayer and the American young men and women will end up paying the price.

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## PROVIDE OPEN DEBATE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, President Clinton will not hold a news conference, and the House Rules Committee will not permit reasonable and open debate on bills the Democrats are cramming through Congress.

Of 20 amendments I propose to the motor-voter bill, not one was permitted to even be debated on the House floor.

The Hatch Act came to us on suspension, without extensive debate on any substantive differences.

What is the matter with the Democrats? Do they not believe in their programs?

Come on President Clinton, if your proposals are so great and fair, as you say, defend them in a news conference. And tell your friends in the House to provide open debate on them in this body. Or do you not think they can stand the heat?

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that all comments on the House floor should be directed to the Speaker.

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## GLOBAL ECONOMIC COOPERATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, last Friday, at American University President Clinton gave a timely, important speech on the relevance of the global economy to growth and economic recovery here in the United States.

The President's speech called on the world's economic leaders to do their part in promoting economic growth. He warned both developed and developing countries to honor their international commitments and promises of a liberalized trade environment.

Unfortunately, Mr. Speaker, the task of implementing this trade philosophy is most difficult. As world trade liberalizes, industry winners and losers rise and fall at ever-increasing rates. This economic dynamism, in turn, often results in national policies to protect or foster local industries.

Mr. Speaker, such national policies which are purely protectionist efforts to save obsolete businesses or industrial sectors must be resisted and discouraged. Global economic cooperation and the creation or opening of new markets for U.S. goods and services abroad will do more for our Nation's prosperity than any tax-and-spend economic stimulus package.

Therefore, this Member strongly supports the President's stated commitment to require our global competitors to open their markets, follow established trade rules, and commit to further liberalized international trade. Such a commitment by our trade competitors and trade partners—though difficult to pursue—is absolutely necessary for the economic prosperity of this Nation.

Mr. Speaker, demanding and leveraging access to markets now shielded by excessive tariffs, quotas, and ingenious, subtle, or overt nontariff barriers is an area where most Republican Members of the House can fully support President Clinton. We encourage the implementation of that type of policy by the Clinton administration.

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□ 1210

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*February 26, 1993.*

Hon. THOMAS S. FOLEY,
*The Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House as follows:

(1) One sealed envelope received at 4:18 p.m. on Thursday, February 25, 1993 and said to contain the annual report on mine safety and health for fiscal years 1990 and 1991; and

(2) One sealed envelope received at 3:11 p.m. on Friday, February 26, 1993 and said to contain the third special message requesting three new deferrals of budget authority for fiscal year 1993.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

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## ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

*To the Congress of the United States:*

In accordance with Section 511(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended ("the Act"), 30 U.S.C. 958(a), I transmit herewith the annual report on mine safety and health activities for fiscal years 1990 and 1991. This report was prepared by, and covers activities occurring exclusively during, the previous Administration. The enclosed report does not necessarily reflect the policies or priorities of the current Administration. Indeed, under the Act, these reports should have been submitted long before the change of Administration.

This Administration is committed to working with the Congress to ensure vigorous enforcement of existing mine safety and health standards. We are also intent on improving these rules where necessary and appropriate to better protect worker health and safety.

The 1992 Mine Safety and Health Administration (MSHA) annual report is due in May 1993. This report will identify strengths *and* deficiencies in MSHA's performance during the previous Administration and discuss steps the new Administration intends to take to ensure the agency is adequately protecting mine worker safety and health.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 25, 1993.*

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## DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–52)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority, totaling $354.0 million.

These deferrals affect Funds Appropriated to the President and the Department of Agriculture. The details of these deferrals are contained in the attached report.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 26, 1993.*

## REORGANIZATION OF THE HOUSE—SELECT COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, we have been debating the issue of select committees over the last several months. A lot of people wonder, "Well, what are select committees?"

The committees have been created by Congress over the last 20 years, 4 of them in the House. They were created out of the frustration with the current committee system, in many cases.

You take the Committee on Aging, it was created in 1974 and has spent $21.9 million over these 18 years. The aging issues overlap 11 standing committees which deal with those issues. Out of frustration with those 11 committees not being able to get their arms around an issue and to bring some consensus about, they have believed that the select committee ought to be put together.

The Narcotics Select Committee, created in 1976, has spent $10.5 million over these 16 years.

Children, Youth and Families, created in 1982; Hunger Committee, created in 1980, the newest of them. These committees have no legislative jurisdiction in the House of Representatives. They cannot bring legislation to the floor, and as a result, what they have done is they have acted as ad hoc committees to consider the area of interest created by each of those select committees.

Over the years these committees in total have spent some $52 million. Today, they employ 95 staffers, and their total authorization for 1993, this fiscal year that we are in, which ends March 31, the total amount appropriated was $3.7 million.

Now, the fact is, in today's environment, when we are trying to reduce the cost of Government, many of us believe that it is time to eliminate the select committees.

In fact, on Tuesday, January 26, the House did vote to abolish the Select Committee on Narcotics, by a vote of 237 to 180. The other three select committees that were to follow with votes were suddenly pulled from the calendar because it became clear that the majority of the House was unwilling to again fund these select committees.

Now, we all understand why they are there and they are all set up for good intentions; that is, to try to bring some consensus, to try to get our arms around really important issues in our country. But the fact is the real problem that we have is that the current committee system does not work as efficiently as it should.

The current committee system was put in place in 1946, and over these last 46 years what has happened is that issues end up in all different types of committees.

I pointed out before that the aging issues are considered by 11 committees. The Committee on Children, Youth and Families, that select committee, its issues show up in 13 different committees. The Hunger Committee, their issues are dealt with by 10 standing committees. The Narcotics Abuse and Control Select Committee, those issues are spread around through six other committees.

What we really need to do is we really need to revise the committee system, and the Hamilton-Gradison Committee on Reorganization of Congress is meeting and are due to have recommendations later on this year. But the fact is, in my opinion and that of many others—it is that if we are going to ask the American people to pay more for their Government, it is time for Congress to lead the way. Those of us who are interested in reforming this institution believe that this is an important first step, by elmininating the select committees, forcing the standing committees to begin to look seriously at how they deal with those issues and, frankly, putting pressure on the Committee on Reorganization of the Congress to look at the committee system, the current committee system, and begin the process of making recommendations that will put these issues in one committee so that the committee itself can come to grips with the issue.

Now, although I want the select committees gone, let us not kid ourselves, the work that they have done has been important. The Members that serve on them do it for a lot of well-meaning reasons, although, quite frankly, there are some on those committees that used them for nothing but political purposes.

□ 1220

But the fact is it is time to bring these committees to an end. It is an important first step, and if we cannot take this one small step toward reforming the way this institution works, how serious are we about the reform of this institution, how serious are we about making this a more deliberative body, about having a Congress that is more accountable to the American people, about having a Congress that is more responsive and effective to the real issues in our society?

I believe it is time to take that first step, and we ought to eliminate these select committees, and we ought to do it soon.

## FIFTY WAYS TO CUT THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 60 minutes.

Mr. GOSS. Madam Speaker, I think most people understand that today is a traditional travel day which is why a lot of Members are not available to be on the floor to get on with the pressing business that this Nation has to deal with our budget problems and to deal with our deficit and to deal with President Clinton's proposed program on how to approach these problems.

I am standing here today, Madam Speaker, directly in response to the challenge that the President levied to this body to be specific about the areas of waste, redundancy, and inefficiency in Government expenditures that demand attention to be chopped out of the budget, and thereby give a savings hopefully in an amount enough to preclude the need to raise any further taxes. I think it is very important that every Member go through the exercise that we have gone through in our office of trying to find where the areas of waste are. It is not hard to find waste in Washington. The particular list of cuts that I have proposed in a piece of legislation entitled "50 Ways To Cut the Budget" gets very specific, and the highlights of the legislation I have introduced earlier today include 50 specific spending cuts. Those cuts actually total $191 billion over a 5-year period. Of course that is estimated in today's dollars, subject to some adjustment, but it is in that range.

Perhaps one of the more remarkable parts of my list is that it does not, in fact, involve any cuts in Social Security or Medicare. All of the cuts that we have talked about, by and large, come from savings in discretionary areas that the Government is undertaking right now. And also remarkable about the list to achieve the $190 billion plus or minus in savings over 5 years is that it is not necessary, I repeat not necessary to raise taxes.

There is nothing magical about this list of 50 cuts. In fact, they were compiled from suggestions that have been made by many others who have been reviewing the way Congress goes about its business, and the way the Federal Government goes about its business as part of their daily chores. The Congressional Budget Office is one source. The Grace Commission is another source, and the unemployment of the recommendations of that Commission which have now been virtually before us for 10 years without any action. Grassroots organizations that have credibility such as the Citizens Against Government Waste have looked into the many ways that waste seems to appear in our Government. We have taken some of the suggestions that they have made. The Heritage Foundation, certain bills and resolutions from this Member and other Members have been inspiration for some of the other entrees onto our list.

The whole purpose of this exercise, and I hope other Members will pursue it also, is to focus the mechanisms of the U.S. Congress on spending cuts. It seems to me if we were of one mind in the U.S. Congress, that cuts and waste are a problem that deserve our highest attention, that every Member will join in, and I am sure could come up with a list of their own which would in every case be different than every other Member, no doubt, but which would cumulatively add up to focusing on the areas of a common denominator where there is clean-cut waste that most of us agree on.

I will not challenge to say that my list is the only list or the right list, but I would challenge to say that there is probably not a Member in the United States of America that does not understand that the U.S. Congress wastes money. In fact, I do not think in the 4 years I have been here that I have ever heard any Member of this body seriously suggest that we do not waste money. I have heard Members support individual programs, but I have never heard anybody collectively get up and say that we are doing such a wonderful job in Congress that there is absolutely no waste in our budget. And frankly, I do not expect to ever hear anybody say that.

I think that it is important to look forward to what kind of criteria we would use to make a list that has to be fair and has to observe certain points, and I think each Member could make those judgments very well for hisself or herself. I have included in my list criteria that I think are appropriate for the situation we find ourselves in today with a staggering national debt, with an annual deficit in our budget that exceeds hundreds of billions of dollars, and with, unfortunately, no end in sight for the fact that we are spending more than we are taking in, that is getting us deeper in the hole every year.

Included in my criteria for eligible projects that ought to be looked at are Federal programs and activities that are duplicative. We have many cases of what we will call turf guarding in Washington, jealousies, prerogatives in various departments who will not give up a little bit of turf in the interest of efficiency to another department. There are many such programs there. We have identified some on our list.

Federal programs that subsidize groups, individuals, corporations, or industries that can take care of themselves. Why should the Federal Government, why should Government be involved in enterprises that are properly the business of business? It makes no sense at all for us to be spending taxpayers' dollars in what should be marketplace enterprise. Federal programs that could be more efficiently and effectively run by the private sector fall under that area. There is no question that Government is not particularly good at business. We are not even particularly good at regulating business, it turns out. For those who would make the case, I would offer the S&L's as the place to start.

Federal programs that benefit only local or limited regional interests; that is, pork projects. I am not interested in trying to pick out any particular area and say this area is benefiting or this local community's project is so outrageous. What I am trying to suggest is that we ought to focus in Washington on national matters and national priorities, and all of these little special interest pork projects that sneak in one way or another in the process of legislation need to be identified and chopped out, and so we have many such projects on my list.

Federal programs that have outlived their original purpose, and thus their usefulness. In fact, some Federal programs have never worked very well anyway and are included in this list.

Federal programs and activities that directly interfere with the free market by raising consumer prices; that is, going exactly the wrong way, having unintended consequences to make things happen that cost more money for the consumer where there is no potential benefit for the consumer or for the Nation, but only a benefit for a very narrow special interest. There would certainly be some agricultural programs in this area.

Programs that constitute waste, that add to the bureaucratic bloat or that are just plain abusive of the perks and privileges that we enjoy in this town have also been identified, by all means not all of them, but enough I think to gain attention. And I am sure if we put it out to a test across this country they would have the support of most Americans, that we frankly are taking better care of ourselves in the U.S. Congress than the people we serve.

And finally, the last area of my criteria that I wanted to look at very closely was the area of affordability. We need to understand today in America that there are not endless taxpayer dollars to fund every idea, every enterprise, every wish, every thought, every inspiration that every Member of Congress and the executive branch have on a given day.

□ 1230

That has been happened too long, and the consequence is we have discovered there are indeed limits to our affordability, and now we have to find a way to implement measures so that we can get back in under the limits of what this Nation can reasonably afford. And remember, when we say, "this Nation," we must recall that it is the backs of the taxpayers that primarily we are addressing ourselves to.

These are the types of criterias we have used on the list that I have submitted for legislative action. We have created what I call a new test. It is called the sacrifice test, and it replaces the laugh test, and the question is this: We have been asked to sacrifice, so are you willing to sacrifice so that your hard-earned tax dollars that you are now going to sacrifice are going to be spent for this individual outlay? And if the answer to that question is, "No, I would not sacrifice for that," then that is a project that should be on my list or somebody else's list if there are enough people who feel that sacrifice is not worthwhile, because we do have some areas of agreement where sacrifice is clearly justified for all Americans, and that, of course, would be broadly in the area of reducing the deficit. And I believe every American is willing to accomplish that and is willing to sacrifice.

What most Americans are not willing to do is send more money to Washington to waste, and that is what this list and, I hope, other lists will be about.

The legislative mode that I have used to address this matter, to put it in simple terms, simply directs to the Budget Committee the list of projects I have selected which add up, as I say, to about $190 billion over 5 years, and it says that these programs and expenditures would be terminated unless the Budget Committee determines that terminating them would be unjustified. In other words, the Budget Committee will have a decision to make to save these projects if in the eyes of many these projects should be saved and if I have erred and failed to find the benefit of some of these projects.

What we have created is sort of a mandatory mini-line-item-veto process for our Budget Committee, and the beauty of it is that it gives the legislative process the opportunity to work. It allows testimony by affected and interested parties at hearings and in other ways we go around our legislative business. And I believe that would allow anybody who is an impacted individual or an impacted area or an impacted interest in any one of the cuts I have proposed to have fairly their day in court, as it were, to argue their side as to why such a program continues to be justified.

But the overall purpose of my legislation shifts the burden to make a positive finding that a program should be continued rather than the process we use now of having to make a positive finding to cut out waste, and I think it would be very, very beneficial to proceed in this manner and in this way.

I have 50 specific projects or programs on my list, and I will render a sampling of them now, as I have already included them in the public record, all 50. They are there for the world to see, and I hope the world will see them, and I hope the world will respond and say indeed that many of these are waste, if not all, and on those that are worthwhile, where I have been in error, will point out the error of my ways and say, "No, this is a good project and because," and then we will know it is indeed a good project and measures up in today's marketplace to the test of—is this worth sacrifice to the American taxpayers? And the test is: Is it affordable under the conditions we have in the United States of America today?

There is no magic in the particular order I am starting these in. It is the order we listed them in, but there is no magic to the order they are in. The first cut is to cancel the aerospace plane. During the 1980's DOD embarked on a joint effort with NASA to design and build a hypersonic aircraft to deliver payloads into orbit from conventional runways. Since then, however, the national aerospace plane has experienced significant technical difficulties, management changes, and, of course, severe cost escalation. The program will cost three times the original estimate of $3.1 billion, and the launch date will be at least 3 years later than planned. This is a litany we have heard before: That it is going to cost more, it is going to take longer, and it will not work the way we thought it was going to happen.

How many times in the past with Defense Department contracting have we run into this type of problem? And I believe everybody in the country is aware of cost overruns in these areas.

None of the Government entities involved in this program appear to be strongly committed to the program. DOD has not budgeted for the plane in its future year's defense program, and the NASA Advisory Committee concluded that it did not merit high-schedule urgency. Now, that is not to say they are not for it, and I do not want to misspeak for them, but they have not rated it as a high priority. And at a time when we are trying to make a distinction between nice-to-have and need-to-have projects, I would suggest this does not fall into the need-to-have category. And in particular we note that DOD could accomplish most of the missions intended for the plane with the space shuttle and the Titan VI rockets. The savings on this over 5 years is $650 million, according to the Congressional Budget Office.

The next one we have is to continue the partial civilian hiring freeze for the Department of Defense through 1997. The civilian work force at DOD provides support services to military forces that range from payroll administration to maintenance of weapons systems. I think most people understand what a DOD civilian is. With a substantial reduction in troop strength over the next 5 years, it is reasonable that civilian support can stay either at the same level or, in fact, be reduced. If we are going to have less forces, perhaps we need fewer civilians to support them.

These views are, in fact, consistent with former Secretary Cheney's view that support services need to be streamlined and made more efficient. In addition, the size of the military infrastructure is decreasing. We know we are having base closings. This provides for additional rationale and provides opportunities for cost savings in this area. In others words, we are dealing with a system where changes in the world have caused us to think that maybe some of our past practices in this area are now outdated, and what we are doing is contributing to bureaucratic bloat rather than efficient good Government services that we need. Obviously we need a strong defense, and we want our Defense Department to function well. I think most would agree that, maybe, we are a little overloaded right now, and that this freeze is reasonable. It is certainly reasonable to discuss it because we are talking about $8.5 billion over the next 5 years.

The next is another space area question. It is the advanced solid rocket motor. I must say that the first debate I heard as a Member of this body indicated that nobody really wanted this except those involved with the jobs of producing it. So in effect I think it has become sort of a jobs program issue rather than something that is of great interest to the Nation. According to NASA's own safety panel, the redesigned booster rocket that we are using on the shuttle is beginning to operate satisfactorily and safely—in fact, I saw testimony on the television as to that not too long ago—and any savings could be better spent elsewhere. The problem is that the ASRAM, the advanced solid rocket motor, is really not doing all the things it is supposed to be doing anyway and is not being developed as rapidly and as simply as its progenitors thought it might be. So we have got a way to solve the mission that it was going to accomplish. We have got an engine that works, and we should not be donating $1.650 billion over the next 5 years to a jobs program if there is not anybody who wants or needs that engine, and I suggest that is the case.

The superconducting super collider. This is a 54-mile high-energy particle accelerator. The SSC is a pure research project, and when I say, "A pure research project," that means that right now there are no particular revenues associated with it. It is intended to expand scientific knowledge of subatomic particles, and it is a great part of our need to know what is going on, to better understand our environment, to better understand our world and our galaxy and all the things that makes things tick. That is great. But the question of affordability comes into it right now, and it is a question of the disproportionate share of the affordable dollars we have for space research and other types of research going to one project. That also comes into question because we discover that 6 percent of all funding over the next 5 years has been aimed for this particular project, and the Department of Energy has consistently underreported what the total cost of this project would be, perhaps to avoid any wrath on the Hill. At any rate, it is always a bad surprise to hear that it is going to cost more to get there, and that is something that is beginning to be associated with this project now.

□ 1240

The GAO now projects the total cost of this will be in excess of 12 billion 1990 dollars, and that was against an early original estimate I believe of about $5 billion. So we have more than doubled the cost. Even though we have got a project that has got a tremendous amount of appeal in terms of science and getting on with knowledge and one which I have supported in the past when I thought we had the dollars to pay for this and when I thought it was a lot cheaper than it is now. The savings we would have by getting out of this at this point is over 5 years.

Next is the space station funding program. I suggest that we cut that by 15 percent. I happen to represent part of the State of Florida, a district in Florida, and this is an important question for jobs in Florida and the economy of the space coast area. I am well aware of that. But I think it is important to be consistent. The criteria has to be the national good, not specific jobs programs for regional areas. I think it would be unfair and unreasonable to propose cuts in other regions and localities without including those in my own backyard.

So we have tried not to be parochial in the inclusion of the 50 projects on our list at all. While I believe very strongly that the space station is something that will provide us good rewards and is probably important in terms of the national security, much more than any of the projects I have mentioned so far, the projected cost of this space station has gone from $10 billion to $40 billion, and we are not sure exactly how much it is really going to cost, and we are not exactly sure what we are going to get out of it. We point out there are other countries involved, and maybe there are better ways to go about a space station, this type of research, better ways to get private enterprise involved, better justification by dealing with perhaps the Russians, who have done some extraordinary things with space stations already.

I think there needs to be reexamination of this project. But initially from our estimate on it, we have taken from the pages of the Congressional Budget Office, the Heritage Foundation, the Citizens Against Government Waste, we are talking about a significant savings of a billion and a half or so over 5 years with a 15-percent cut.

Getting to a new area, eliminating the below cost timber sales from the national forests. This is one project I have never particularly understood at all. Government is not great as a businessman, we all know that. Yet Government here is in the business of managing our timber sales from 119 national forests.

We find that in seven of the nine national forest system regions, annual cash receipts from Federal timber sales consistently failed to cover the Forest Service's annual cash expenditures. Critics charge these sales contribute to the national deficit, delete timber resources, destroy roadless forests valued, of course, by recreational visitors and others, and interferes with the private timber markets.

Those are a lot of different complaints from a lot of different sources. For almost a quarter billion savings in 5 years, it appears that this is an area whose time has come to be chopped out.

We have talked about agriculture a lot in the list, primarily because things have changed in the way we go about producing our agriculture in this country. It is time for some of the programs that were started many years ago, in many instances, programs of support and helping build our foreign muscle in this country, which we did brilliantly, as everyone knows. We are now a wonderful producer, in fact, feeding in many instances from our surplus, the world's starving, and can continue to do a better job at that.

We are nevertheless paying a very high price to do this through what I call outmoded programs. In some of these instances the purpose of the program appears to be what we would like to sell our crop for, rather than what we are actually going to be able to sell it for in the marketplace. That difference is made up by the Federal Government in a subsidy. It is a little hard to justify that subsidy these days when we are producing so much just for the agricultural sector.

If we did that for everybody who manufactures something or produces something in this country, Government would be in the business of producing everybody's business who is not getting what they thought they should get at the marketplace. I suspect that would be full chaos.

I would suggest that some of the subsidization programs that we have got going now are beginning to border on chaos. That is why we call for a lower target price by 3 percent annually in this area, and we adjust in over 5 years $11.2 billion of savings doing that.

I think there are perhaps other philosophical advantages. Collectively subsidization encourages excess surplus, erodes America's agricultural competitiveness, impedes access to foreign markets, and, of course, costs consumers taxpayers dollars in the amount of billions every year. I suspect this is an area also that if you put out the whole story to the taxpayers in this country and said "Are you willing to sacrifice more of your hard earned dollars, are you willing to ask your family to give up something, your kids to give up something, yourself to give up something, and contribute a little more to the Federal Government so they can use the money for this purpose," I suspect the answer would be a ringing "no" when you look at how that money is finally used.

Eliminating the price support for wool and mohair. This is one of many types of projects. I picked this one. I could have picked many other specifics.

The Federal Government actually spends millions of dollars each year to encourage domestic wool production. It is not a bad idea, I suppose. But actually the project was started back in 1954 because wool was considered an essential and strategic commodity at that time for U.S. commercial and military items. Since that time, however, I think all of us know that synthetic fibers and imported wool have reduced our domestic dependency question, so some of the original justification has disappeared.

The Grace Commission noted each additional pound, whose market value is about 88 cents, costs the Government between $2.63 and $6.01. That means that we are subsidizing something that has a market value of 88 cents to everybody in the world, and we are jacking the price up to somewhere between $2.63 and $6.01 for the wool producers so they can get what they want.

This program was recommended for elimination by the GAO in 1990. The 5-year savings would be $760 million.

Another one of these types of programs, which sometimes is referred to with a bit of a smile because it, in Washington terms, is not as much money as some of the other programs, and it sort of tickles people's imagination, but in fact the honey program is a rather interesting program. The honey price support program is $100 million per year gift to the Nation's 2,000—2,000—commercial beekeepers. In other words, there are 2,000 people out there commercially in the beekeeping business who are getting better than 100 million dollars' worth a year of tax dollars.

According to the Cato Institute, the $100 million received by honey producers in 1988 was almost equal to the market value of all U.S. honey production. This program has disrupted market prices to such an extent that producers often find it more profitable to sell directly to the Government than to the market, and consumers find it cheaper to purchase foreign than domestic honey.

So something has gone wrong when we have done that. The question has to be asked why are we taking such good care of the honey program. Why are we taking such good care of the commercial beekeepers? What is the advantage and what is the justification for putting hard earned tax dollars into that?

The savings are relatively small, $60 million over 5 years. But I suggest $60 million is a number that commands attention in any American family that is being asked to sacrifice.

I would also suggest that probably everybody who has looked at this program has said it is time that it were terminated.

There are so many other areas that we could go through. I want to hit one here, the market promotion program. This is an area where you scratch your head and say how in the world did we get into this?

This was actually authorized in 1992 to assist U.S. agricultural exporters when they were facing unfair trading practices abroad. Some of that still goes on.

Payments are made to assist U.S. agribusiness—this is agribusiness, big business—in advertising and market building abroad.

That is good for America. We want American products overseas. The practice of subsidizing brand name advertising overseas has been very controversial as large corporations such as McDonald's is getting money from us to advertise overseas.

Is that the way our tax dollars should be spent right now? Does this benefit American taxpayers, or is the benefit going back to the McDonald Corp.

This is the type of question that I do not think was asked at the time that this program was started. I think that the intent was good, that let us get American products overseas and do everything we can to launch them.

☐ 1250

But let us ask the question, is this proper? In today's area of concern about our deficit, a time of sacrifice for American taxpayers, are we really in the business of supporting commercial advertising for American enterprises that are making money overseas?

I think that the answer is "No." That is private enterprise's business. We need to find ways to assist them to do that, and I suggest those ways lie more in the area of regulatory reform than they do in the area of handing out dollar bills for them to pay advertising costs overseas. The savings are considerable, $900 million over 5 years.

I have only done about 10 of these programs. There are so many more that we could talk about and go through: repealing the Davis-Bacon Act. That is a subject that comes up every so often. That is obviously a politically difficult question for the minority because they have never been able to convince the majority of the savings that are there, as well as the fair play that is there in treating projects the same and the cost of projects and trying to provide savings for the American taxpayer.

I do not know whether there will be the stimulation to move on Davis-Bacon this year or not, but I think it is one that certainly should be looked at.

The question of the current law eliminating the statute of limitations on collecting defaulted student loans. I know that this is very topical. We want education to work well. We want the citizens of our country to be educated so that they can contribute and look out not only for their welfare by being educated and productive but also contribute to the prosperity of the Nation as a whole. When we as taxpayers help pay for their education, is there any reason at the time that they have achieved prosperity in their own lives that they not repay loans? Twenty-nine percent of those who graduated from college in 1989 are in default of their Government-guaranteed loans, adding to the enormous burdens that we have already placed on the taxpayers.

In 1992, the Government will pay $3.5 billion just for the defaulted loans and almost $3 billion in interest subsidies. I suspect that most Americans would agree that if you have benefited from this program and you have the wherewithal to begin to start to pay it back, you should do so, and that effort should be made.

Our conclusion, coming from OMB, is that there is a 5-year savings of a quarter of a billion, $266 million about, that could be collected and should be collected without causing undue hardship.

We have also included in a list a nonspecified statement about terminating most of the Federal commissions. There are so many Federal commissions out there, I do not honestly know exactly what they all do in every case. And I do not know how much benefit or value there is to all of them. I suspect most Members of Congress do not know either. The American Battle Monuments Commission, the Commission for the Preservation of American Heritage Abroad, the Christopher Columbus Quincentenary, the Jubilee, Commission, that was this past year, the Delaware River Basin Commission, the Franklin Delano Roosevelt Memorial Commission. I think that we know we are in times of scarce Federal resources. I do not think that we ought to be perpetuating nonessential Federal commissions.

I am not saying there are not some out there that are justifiable. I am saying that if we look at the whole list, we are going to find a great many that have become little more than sinecures and need to be terminated. We estimate that the 5-year savings could get as high as $1.167 billion if the job were done properly. That is a significant amount of money.

We have talked a lot about energy conservation measures. It turns out the Federal Government is a high consumer, in fact, the Nation's largest consumer of energy. We are also the Nation's largest waster of energy.

We spent, I understand, in 1989, $8.67 billion to heat, cool, and light Federal buildings and to power the cars and planes that we operate. By contract, our conservations efforts in that year were a mere 1.9 percent of our energy expenditure. That does not measure up well to private enterprise or to individuals in this country and their residences, and there are many things we can do that are relatively simple that we ought to do that will yield back big savings over the next 5 years.

In fact, the Citizens Against Government Waste, the National Taxpayers Union suggest that if we did that job right and followed the provisions that were in H.R. 2452 fully, we would save almost $2 billion over the next 5 years. Again, worth undertaking.

In another area, that we have had a lot of question on, and I think I will wind it up here, Madam Speaker, is something that a lot of people do not understand. And I did not understand it very well until I looked into it.

The gentleman from California [Mr. GALLEGLY] has introduced a bill, H.R. 1080. It gets down to this question of illegal aliens who are in our workplace and are working at jobs, possibly displacing others, but more important, adding to a cost because of the system's delivery, the social system's delivery that is working to their benefit now. And as we know, there are many areas in our country where we have some who are going without. They are not getting the necessary help from the Government they need. American citizens who are in want. We know about shelter. We know about starvation. We know about lack of jobs. We know about all of these problems and programs. And we debate here. We read about it in the paper, see it on TV, yet we find that some of the resources we are providing are being consumed by illegal aliens because there is a large system in this country going on of taking care of illegal aliens by providing them fake documents from basically what I will call street-corner printing houses. And they use these documents, and they get into our welfare and unemployment programs, and they become part of the system.

Of course, once you are in the system, you do not get out of the system. And so they become in the system and it becomes a self-sustaining activity. And they are getting benefits that we do not know about, we cannot really document, because we do not know how many there are because these are illegal aliens. And others are going without. So we get 2 for 1 if we correct this program.

We save an estimated $27 billion, according to the National Taxpayers Union, over 5 years, if we stop this illegal practice. And not only that, we provide some of those savings to Americans who are in need.

I think that is a good double hit for that program and certainly justifies its being on the list.

There are so many other areas to go through on this list. The one or two final points of sample-type things that we have put on our list, we have called for closing 20 of the underutilized black lung offices, for instance.

Now, I am very compassionate and sympathetic about the industry, the coal industry and the mining industry and the problems that they have had with black lung, the many victims that exist and the need to provide adequate care. What I am talking about here is the way we are doing it now has become inefficient. It needs to be streamlined. It is so costly, and it probably means that some of the people who need the services, in fact, are not getting the services they need because of the inefficiency of the system.

Frankly, it has become a jobs program. I understand that the decreased workload in treating the black lung program has made obsolete at least 209 field stations. During the 2 or 3 years the Labor Department has considered reducing the number of such stations, but even before the Department of Labor has been able to get those proposals to Congress, the individual legislators in the affected areas have basically succeeded in heading off any closing of these offices.

My assumption is that it is because they are related to jobs and benefits in those legislators areas, and I can understand them wanting to take the best possible care of their districts and the people they represent and serve. I suspect that now even the Department of Labor as well as the Grace Commission have gotten to the point where we agree on obsolescence in a number of these issues, that calling for the closing of 20 of these offices is not very dramatic when we are told that at least 209 of them are probably obsolete.

□ 1300

The savings are significant. We can save $300 million over 5 years, according to the Citizens Against Government Waste, if we could have a good close look at that program; probably more, in fact.

There are other areas where the Government is doing things that it probably would better leave to private enterprise, as I think everybody knows, and I have said before. We do not do a great job of being business people in Government. One from the Grace Commission's report comes to mind. It is the fact that Government spends over $1 billion a year in printing. One of the reasons we went into the printing business, and we do have a monopoly of our printing businesses, was to save money, but it turns out that after we look at this for a little bit, there are many who believe that private enterprise can do as good a job at one-third the cost. When we take a look at matching some of the salaries, it becomes sort of curious how things got to be the way they are.

For example, GPO wages, the Government Printing Office's wages, average 42 percent above the pay scales for similar Federal jobs. A journeyman GPO proofreader earned $30,000, while their counterparts in the executive branch earned $12,000, according to the Grace Commission. That is government to government, but that means something is wrong somewhere.

The Citizens Against Government Waste have estimated a 5-year savings at $63 million. My feeling is if we get into that a little further they are going to find there are, indeed, more savings than that, because printing is sort of an area that in some people's minds has been regarded as superinefficient because of the patronage practices of the past, which we hope are rapidly being erased, but which we need to be assured in fact has been erased.

Madam Speaker, I am going to stop at this point because I have consumed enough of this time, I think, to make it clear the kind of thinking and the kind of projects that we have gone after. As I said, there is no particular wisdom that makes these 50 projects on this gentleman's list the right 50 projects. The purpose of this is to urge other Members to submit their views on where we can cut costs, where we can erase waste, where we can chop out unnecessary expenditures, and where we can focus the mechanisms of this institution on cutting spending.

It is not as if this is a new idea. It is not as if this is a foreign idea. This is an idea that is abroad in our country, and it is an idea that the people that we serve have asked us to pursue. So I stand here in pursuit of that objective, and I urge my colleagues to do the same.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CRAPO) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 60 minutes, today.

Mr. BOEHNER, for 5 minutes, today.

(The following Members (at the request of Ms. LAMBERT) to revise and extend their remarks and include extraneous material:)

Mrs. MEEK, for 60 minutes, on March 10.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CRAPO) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. BEREUTER in two instances.

Mrs. ROUKEMA.

(The following Members (at the request of Ms. LAMBERT) and include extraneous matter:)

Mr. TRAFICANT in two instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

## ADJOURNMENT

Mr. GOSS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 2, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

802. A letter from the Board of Governors, Federal Reserve System, transmitting a report of the Corporation's activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

803. A letter from the Secretary of Education, transmitting Final Regulations—Regional Resource and Federal Centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

804. A letter from the Secretary of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1992, pursuant to Public Law 96-448, section 409; to the Committee on Energy and Commerce.

805. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

806. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting an annual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

807. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

808. A letter from the Interstate Commerce Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

809. A letter from the Chairman, National Credit Union Administration, transmitting a report of the Corporation's activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(b); to the Committee on Government Operations.

810. A letter from the National Labor Relations Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

811. A letter from the Cost Accounting Standards Board, Office of Federal Procurement Policy, transmitting the third annual report of the Cost Accounting Standards Board, pursuant to Public Law 100-679, section 5(a) (102 Stat. 4062); to the Committee on Government Operations.

812. A letter from the Secretary, Resolution Trust Corporation, transmitting a report of the Corporation's activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

813. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

814. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

815. A letter from the Pension Benefit Guaranty Corporation, transmitting the 18th Annual Report of the Pension Benefit Guaranty Corporation, which includes the Corporation's financial statements as of September 30, 1992, pursuant to 29 U.S.C. 1308; jointly, to the Committees on Ways and Means and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation.

H.R. 904. A bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry (Rept. 103-22). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHUMER (for himself, Mr. SENSENBRENNER, Mr. SCHIFF, Mrs. SCHROEDER, Mr. CONYERS, Mr. SCOTT, Mr. GLICKMAN, Mr. HUGHES, Mr. BERMAN, Mrs. KENNELLY, Mr. LANTOS, Mr. DEUTSCH, Mr. WAXMAN, Mr. HASTINGS, Mr. HINCHEY, Mr. STUDDS, Mr. LAROCCO, Mr. WILLIAMS, Mr. FROST, Mr. MATSUI, Mr. REYNOLDS, Mr. OWENS, Mr. APPLEGATE, Mrs. MALONEY, Mr. BARRETT of Wisconsin, Mrs. LOWEY, Ms. PELOSI, Mr. DIXON, Mr. GUTIERREZ, Mr. MARTINEZ, Mrs. COLLINS of Illinois, Mr. TUCKER, Mr. PASTOR, Mr. RUSH, Mr. STARK, Mr. KLEIN, Mrs. MORELLA, Mr. WYDEN, Mr. TORRICELLI, Mr. WYNN, and Ms. WOOLSEY):

H.R. 1152. A bill to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 1153. A bill to amend the Immigration and Nationality Act to provide for expanded preinspection at foreign airports, to provide for a permanent visa waiver program, and to expedite airport immigration processing; to the Committee on the Judiciary.

By Mr. WYDEN:

H.R. 1154. A bill to permit States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1155. A bill to amend title 5, United States Code, to restore the 3-year basis recovery rule with respect to annuities under chapters 83 and 84 of such title for Federal income tax purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. GALLEGLY (for himself, Mr. BAKER of Louisiana, Mr. BARTLETT, Mr. HUGHES, Mr. ROHRABACHER, and Mr. SOLOMON):

H.R. 1156. A bill to amend title 11 of the United States Code with respect to the interest of the debtor as a tenant under the rental of residential real property; to the Committee on the Judiciary.

By Mr. LEVY:

H.R. 1157. A bill to amend the Internal Revenue Code of 1986 to provide that the adjusted gross income of an individual shall be adjusted to reflect the value of such income relative to the cost-of-living in the area in which such individual resides; to the Committee on Ways and Means.

By Mr. MACHTLEY (for himself and Mr. MURTHA):

H.R. 1158. A bill to provide for the affordability of prescription drug prices by reducing certain nonresearch related tax credits to pharmaceutical manufacturers and to generate previously uncollected tax revenues for the Federal Government; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. FIELDS of Louisiana, and Mr. COBLE):

H.R. 1159. A bill to revise, clarify, and improve certain marine safety laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 1160. A bill to make permanent the temporary exemption from duty of the cost of certain foreign repairs made to U.S. vessels; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself, Mr. HAYES, Mr. SCHUMER, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. COBLE, Mr. DEUTSCH, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EVANS, Mr. PETE GEREN, Mr. GINGRICH, Mr. GOSS, Mr. GUTIERREZ, Mr. HOUGHTON, Mr. HYDE, Mr. KING, Mr. LANCASTER, Mr. LEVY, Mr. KNOLLENBERG, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCNULTY, Mrs. MALONEY, Mr. MAZZOLI, Mrs. MEEK, Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. PETRI, Mr. SANDERS, Mr. SAXTON, Mr. SCHIFF, Mr. SCOTT, Mr. SISISKY, Mr. TAUZIN, Mr. WELDON, and Mr. WISE):

H.R. 1161. A bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. GOSS:

H. Res. 105. Resolution instructing the Committee on the Budget to make the precise spending cuts set forth in this resolution to save $190 billion over the next 5 fiscal years unless the committee determines that any such cuts would be unjustified; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

47. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Medicare coverage for dental care; jointly, to the Committees on Ways and Means and Energy and Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ABERCROMBIE introduced a bill (H.R. 1162) for the relief of the Persis Corp.; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. CRAMER.

H.R. 55: Mr. PAYNE of New Jersey, Mrs. SCHROEDER, Mr. NEAL of North Carolina, Mr. PORTER, Ms. WOOLSEY, and Miss COLLINS of Michigan.

H.R. 159: Mr. KNOLLENBERG.

H.R. 170: Mr. EMERSON and Ms. DANNER.

H.R. 229: Mr. HASTINGS.

H.R. 236: Mr. MILLER of California.

H.R. 301: Mr. GREENWOOD.

H.R. 306: Mr. HANCOCK.

H.R. 349: Mr. SUNDQUIST.

H.R. 359: Mr. RICHARDSON, Ms. BYRNE, Mr. MCDERMOTT, Mr. OBERSTAR, Mrs. LLOYD, Mr. MILLER of California, and Ms. MCKINNEY.

H.R. 388: Ms. MOLINARI and Mr. LEHMAN.

H.R. 396: Mr. SAXTON, Mr. EWING, Mr. OXLEY, and Mr. GALLEGLY.

H.R. 419: Mrs. MEEK.

H.R. 495: Mr. HOLDEN.

H.R. 496: Mr. DOOLEY, Mr. HERGER, and Mr. DOOLITTLE.

H.R. 522: Mr. FROST, Mr. SHAYS, Mr. DEUTSCH, Mr. TORKILDSEN, Mr. WASHINGTON, Ms. NORTON, Mrs. LLOYD, Ms. MOLINARI, Ms. ESHOO, and Mr. MCHALE.

H.R. 561: Mr. CRAPO, Mr. PENNY, Mr. SMITH of Oregon, Mr. STUMP, Mr. CAMP, Mr. HANSEN, Mr. ROHRABACHER, Mr. EWING, Mr. TAYLOR of North Carolina, Mr. FIELDS of Texas, Mr. HYDE, Mr. MCHUGH, Mr. INHOFE, Mr. TAUZIN, Mr. ROBERTS, and Mr. BONILLA.

H.R. 583: Mr. MILLER of Florida.

H.R. 584: Mr. MILLER of Florida.

H.R. 739: Mr. KASICH, Mr. GALLO, Mr. LIVINGSTON, and Mr. INHOFE.

H.R. 749: Mr. HANSEN, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. PICKETT, Mr. FROST, Mr. CAMP, Mr. DOOLITTLE, and Mr. KYL.

H.R. 769: Mr. DEFAZIO, Mr. GENE GREEN, Ms. BYRNE, Mr. WALSH, Mr. MEEHAN, Mr. SANDERS, Mr. KOPETSKI, Ms. PELOSI, Mr. BLACKWELL, and Mr. WYNN.

H.R. 790: Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Mr. KLUG, and Mr. PAYNE of New Jersey.

H.R. 852: Mr. HUNTER, Mr. CUNNINGHAM, Mr. LEHMAN, Mr. DOOLITTLE, Mr. MCCANDLESS, and Mr. APPLEGATE.

H.R. 882: Mr. SCHUMER, Mr. CRANE, and Mr. ZIMMER.

H.R. 1000: Mr. MILLER of California and Mr. TOWNS.

H.R. 1001: Mr. STARK, Mr. FINGERHUT, Mr. PAYNE of New Jersey, and Mr. TOWNS.

H.R. 1007: Ms. BYRNE.

H.R. 1106: Ms. ESHOO.

H.R. 1138: Mr. PENNY.

H.J. Res. 22: Mr. LIPINSKI, Mr. FISH, and Mr. BUNNING.

H.J. Res. 84: Mr. THOMAS of Wyoming, Mr. STOKES, Mr. PAXON, Mr. HOLDEN, Mr. BREWSTER, Mrs. MEYERS of Kansas, Mr. MCCLOSKEY, Mr. SPRATT, Mr. TEJEDA, Mr. ORTON, Mr. EWING, Mr. SARPALIUS, Mr. COLEMAN, Mr. BARLOW, Mr. BARRETT of Nebraska, Mr. DURBIN, Mr. LEWIS of Florida, Ms. KAPTUR, Mr. SCHIFF, Mr. KASICH, Mr. ROWLAND, Mr. POMEROY, Mr. REGULA, Mr. LEACH, Mr. CLEMENT, Mr. BAESLER, Mr. SLATTERY, Mr. BROWDER, Mr. SMITH of Texas, Ms. DANNER, Mr. GUNDERSON, Mr. WOLF, Mr. MARKEY, Mr. VOLKMER, Mr. PASTOR, Mr. SISISKY, Mr. DOOLITTLE, Mr. COMBEST, Mr. ROTH, Mr. PAYNE of Virginia, Mr. LAUGHLIN, Mr. KINGSTON, Mrs. MALONEY, Mr. EVERETT, Mr. BATEMAN, Mr. GILLMOR, Mr. LAFALCE, Mrs. MORELLA, Ms. NORTON, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. JOHNSON of South Dakota, Mr. FROST, and Mr. TOWNS.

H. Con. Res. 20: Ms. BYRNE, Mr. GILCHREST, Mr. DEUTSCH, Mr. WASHINGTON, Mrs. LLOYD, Ms. MCKINNEY, Mrs. MALONEY, and Ms. ESHOO.

H. Res. 40: Mr. PETERSON of Minnesota, Mr. RANGEL, and Mr. VENTO.

# EXTENSIONS OF REMARKS

## WHY SMOKING SHOULD BE BANNED IN ALL FEDERAL BUILDINGS

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. TRAFICANT. Mr. Speaker, last month I introduced legislation, H.R. 881, that would ban smoking in all federally owned and leased buildings, including the Capitol complex and the U.S. court system. Under H.R. 881 anyone in a Federal building who wants to smoke must go outside.

Mr. Speaker, I believe that this legislation is a reasonable and urgently needed response to the recent scientific evidence which indicates that environmental tobacco smoke [ETS], commonly known as secondhand smoke, is a carcinogen and is responsible for some 3,000 lung cancer deaths a year in nonsmoking Americans.

The issue involved here is not whether smokers should have the right to smoke in the workplace. The issue is should nonsmokers in Federal buildings be subject to a known carcinogen. ETS has been classified by the U.S. Environmental Protection Agency as a group A carcinogen—a classification reserved for those compounds which have been shown to cause cancer in humans, such as benzene and asbestos.

The problem I, and most health professionals, have with allowing smoking in public buildings is that in most Federal buildings indoor air is recirculated throughout the building. According to the General Services Administration, air filters in Federal buildings are incapable of eliminating the microscopic materials contained in ETS. As such, even nonsmokers who are separated from smokers in Federal building are subject to the carcinogen. In addition, the GSA has also stated that establishing separately ventilated smoking areas that vent air and smoke to the outside without recirculating it in buildings would cost as much as $50 per square foot—not including the annual cost of operating and maintaining the equipment.

The bottom line is that providing a designated smoking area for smokers in Federal buildings does nothing to protect nonsmoking Federal workers and the public from the deadly health hazards posed by ETS. In my view, protecting the health and safety of Federal employees and the public is far more important than making accommodations for the smoking minority. This is a public health issue—not a smokers rights issue.

Another important issue involved here is liability. If the Federal Government continues to allow nonsmokers to be subject to ETS—despite compelling scientific evidence that ETS is a carcinogen—it could open itself up to a large number of future lawsuits.

As chairman of the Subcommittee on Public Buildings and Grounds I intend to hear testimony on all sides of this issue. My intention is to move forward with a reasonable policy that fully protects the health and safety of Federal employees and the public. All too often Congress shies away from taking decisive action on controversial issues. The fact is, many municipalities and State governments—most recently California—have already banned smoking in public buildings. Even McDonalds is embarking upon a pilot program to ban smoking in some of its restaurants.

The facts, Mr. Speaker, are clear. ETS is a carcinogen. The current ventilation systems in Federal buildings subject nonsmokers to this deadly carcinogen. Aside from spending millions of dollars to establish separately ventilated smoking rooms, the only way to fully protect nonsmokers in Federal buildings from ETS is to totally ban smoking. Under my bill, instead of walking down the hall to a smoking room, smokers would have to go outside. In light of the deadly threat posed to ETS and the nature of indoor air ventilation systems, this is an entirely reasonable and appropriate measure.

I respectfully urge all of my colleagues to support H.R. 881.

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## CURBING THE DEFICIT IS THE BOTTOM LINE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 19, 1993, edition of the Lincoln Star, a democratically oriented newspaper, which rightly states that the focus for all of us, including Congress and the Clinton administration, must be strictly on the Federal deficit. The American people want us to reduce our deficits first. If we are to strengthen our economy so that more jobs can be created we must stop adding to our deficit. The way to get the economy on the right track is to show some discipline and cut Federal spending. Again, this Member urges his colleagues to review the following editorial.

CURBING THE DEFICIT IS THE BOTTOM LINE

Nice speech, Mr. President.

It was full of sincerity, forcefully delivered. It focused on the economy like a laser beam. It offered a tough assessment of our current predicament.

It was your best speech yet, very presidential.

The big questions seem to be: Can you sell the details? And will it really work?

Your attempt to turn the discussion from partisan rantings to possible solutions struck a cord with many Americans who are not enamored with partisan games and would prefer future economic stability that will grow enough decent jobs, no matter who delivers it.

Many agree with your assessment, "The time has come for the blame to end."

The speech was a little short on details, but then who wants to listen for another few hours of numbers? The details are following, bit by bit. And Americans are searching through these details for the price tag on their own personal "contribution." So far the details do not appear to be all that frightening.

The energy tax seems to be the fairest of the energy proposals discussed. And it glows with the halo of environmental responsibility.

The details about the spending cuts are less eagerly sought by the general public, but they're certainly being evaluated and castigated by the interest groups that benefit.

Your speech focused on the problem, on the need for unity. It was clearly aimed at the broad middle class, with special code words built in to woo business.

The public response to your speech predictably followed party affiliations. But often the bottom line was your bottom line—the deficit.

Republicans say they simply don't believe that a Democratic president and a Democratic Congress will change their spending ways and cut the deficit. Many, however, are saying they would support deficit reduction—spending cuts first and tax increases, if they work.

Democrats, or Clinton voters, are much more willing to endorse the "sacrifice" of higher taxes (energy tax on the broad middle class), if that money does reduce the deficit.

The bottom line is in the "if," in easing the deficit.

Your plan will be a failure if it doesn't significantly reduce the deficit.

It will fail the nation in practical terms if the deficit continues to spiral out of control.

And it will fail the people in psychological terms if the sacrifice of greater taxes does not put a serious brake on the deficit.

People are already suspicious of government, even government with good intentions. If your plan passes and fails, the cynicism will be reaffirmed, even set in concrete.

We agree with those who worry that too much new spending will doom the deficit reduction.

The level of the deficit reduction is very important.

Redistributing income (by raising taxes on upper incomes and expanding credits for low incomes) or changing spending priorities (by cutting here and spending more there) may be issues of merit. But those issues are not at the top of the priority list for many Americans.

Of course your plan will fail if you can't get it through Congress. That is another big "if."

Hopefully those who believe in deeper cuts will offer their specifics. Hopefully, after picking apart the pieces (sorry, we can't help looking at our own payment schedule), we will give our elected leaders a green light. Hopefully your fellow Democrats will follow

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

your lead, putting the nation's future above their own job security.

Unless there is some consensus at the public level and greater courage at the congressional level, this will just be another nice speech.

And a future debt 267 miles high.

## BILL TO REVISE THE DEFINITION OF PASSENGER AND PASSENGER VESSEL

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. TAUZIN. Mr. Speaker, on April 28, 1992, the Honorable Andrew Card, Jr., then-Secretary of Transportation, submitted in a letter to Speaker FOLEY a draft bill "to revise the definition of passenger in section 2101 of title 46, United States Code, and for other purposes."

The legislative proposal reflected Coast Guard concerns regarding chartered vessels which are able to circumvent the law and carry large numbers of passengers on non-Coast Guard inspected vessels and recreational vessels which operate as illegal passenger vessels.

On July 9, 1992, the Committee on Merchant Marine and Fisheries' Subcommittee on Coast Guard and Navigation held a hearing to review the legislative proposal and receive testimony from departmental and private sector witnesses. At the hearing, representatives of the passenger vessel industry and private vessel owners testified in general support of the intent of the proposed legislation but made recommendations for changes.

Today, I am introducing a revised version of the administration's legislative proposal which incorporates suggestions made by the boating and vessel charter industry and members of the Coast Guard and Navigation Subcommittee in cooperation with the Coast Guard.

As the domestic passenger vessel industry grows and the danger of serious accident increases, greater oversight and stronger Coast Guard statutory authority is necessary. We have witnessed a growing number of passenger vessel accidents overseas due in large part to the lack of oversight by those governing nations. The bill I am introducing today will help to secure safe passage for the millions of U.S. citizens who board domestic passenger vessels each year.

SECTION-BY-SECTION ANALYSIS

The general purpose of the Passenger Vessel Safety Act of 1993 is to replace the multiple definitions of passenger with a single, consistent definition and to broaden Coast Guard authority to regulate bareboat chartered vessels. The bill clarifies how title 46, United States Code applies to uninspected passenger vessels, small passenger vessels, passenger vessels and chartered vessels.

SECTION 101

Section 101 refers to this bill as the Passenger Vessel Safety Act of 1993.

SECTION 102

Under section 2101 of title 46, United States Code, the nature of the vessel on which an individual travels is a factor used to determine whether the individual is a passenger. Separate subparagraphs define a passenger on a passenger vessel; a small passenger vessel; an offshore supply vessel; an uninspected passenger vessel; a fishing, fish processing or fish tender vessel; and a sailing school vessel. Section 102 incorporates these definitions into a more precise definition of passenger. The new definition continues the exceptions for certain special use and sailing school vessels.

SECTION 103

Chapter 33 of title 46, United States Code requires Coast Guard inspection of passenger vessels and small passenger vessels. Chapter 21 defines a passenger vessel as a vessel of at least 100 gross tons carrying at lest one passenger for hire. Section 103 broadens the definition of passenger vessel to include vessels of at least 100 gross tons that are chartered with a crew provided or specified carrying at least one passenger or bareboat chartered carrying more than 12 passengers. Including charterboat vessels in the passenger vessel definition gives the Coast Guard authority to implement inspection and safety equipment requirements.

SECTION 104

Chapter 21 of title 46, United States Code defines a small passenger vessel as a vessel of less than 100 gross tons carrying more than six passengers. Section 104 broadens this definition to include vessels of less than 100 gross tons that are chartered with a crew provided or specified carrying more than six passengers, vessels that are bareboat chartered carrying more than 12 passengers, and submersible vessels carrying at least one passenger for hire. The changes made by sections 103 and 104 will bring into the regulatory regime illegal charters that resemble passenger for hire situations rather than true charters and bareboat chartered vessel carrying more than 12 passengers.

SECTION 105

Section 105 amends section 2101 of title 46, United States Code, by incorporating in the uninspected passenger vessel definition the changes this bill makes regarding chartered vessels.

SECTION 106

In determining whom on board a vessel is a passenger, an important factor is whether an individual is a passenger for hire. Section 106 defines a passenger for hire as an individual for whom giving consideration is a condition for carriage. However, under this definition, consideration need not flow directly to a person having an interest in the vessel.

SECTION 107

Whether a passenger has given consideration as a requirement for passage and how many passengers have given consideration help determine whether a vessel is operating as a passenger vessel. Section 107 makes it clear that consideration includes economic benefit, but not voluntary donations of nominal value.

SECTION 108

Chapter 21 of title 46, United States Code defines an offshore supply vessel as a vessel admeasuring between 15 and 500 gross tons that regularly carries goods, supplies or equipment in support of offshore mineral or energy exploration. Section 108 allows offshore supply vessels to carry individuals involved in the offshore trade without being considered small passenger vessels. Offshore Supply Vessels are subject to separate safety requirements as commercial vessels in the offshore trade.

SECTION 109

Section 109 raises the threshold for the number of sailing school instructors or students carried on sailing school vessels from at least six to more than six. This will make the thresholds for small passenger vessels and sailing school vessels consistent.

SECTION 110

Section 110 adds a submersible vessel definition to section 2101 of title 46, United States Code.

I am submitting this bill in an effort to begin broadened discussions of the issue and bring this matter to Congress' attention. Passenger vessel safety and the related regulatory regime greatly warrants our continued attention. This bill is the first step in providing improved safety for the boating public and passenger vessel industry.

## TRIBUTE TO THE PHILADELPHIA DANCE COMPANY

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today, in conjunction with Black History Month, to pay tribute to the Philadelphia Dance Company, Philadanco, and its founder and artistic director, Joan Myers Brown.

Philadanco was founded in 1970 and has been model for dance companies around the world. They have been lauded for their organization of the historic International Conference on Black Dance Companies held in February 1988, where over 78 representatives from around the world met in Philadelphia to discuss the status of black dance.

As a result of that and subsequent conferences, the International Association for Blacks in Dance was formed and Ms. Brown serves as its chairperson. The company has been awarded a major grant to further its development of black choreographers.

Many ex-company members and school alumni and alumnae have launched successful professional careers. They have moved on to such outstanding companies as the Alvin Ailey American Dance Theater, Netherlands Dance Theatre and Bejart. Many have appeared in Broadway shows, motion pictures, television, and music videos. Others have gone on to attain college degrees in dance education and are now teaching and choreographing for major institutions and dance organizations around the country.

Due to its popularity and prestige, there is an ongoing flow of dancers who have come from other cities to Philadelphia to audition for Philadanco.

In 1982, Philadanco became the first Philadelphia company to own its own facility, and since 1988, Philadanco has provided housing for its dancers in close proximity to its studios; this is another Philadelphia first.

Through its three outstanding programs, the Performance Company, the Instructions and Training Program, and the Children's Program, Philadanco continues to deliver the highest caliber of training to the youth of the Delaware Valley. In addition, Philadanco provides its audiences with unmatched performances. The company ranks high on the scale with other, more prestigious American dance companies.

We in Philadelphia are proud of this company and what it has achieved with Joan Myers Brown at its helm. I ask my colleagues to join me in paying tribute to this great Afro-American and this great dance company.

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## CLOSE THE FEDERAL BANKRUPTCY LOOPHOLE

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. GALLEGLY. Mr. Speaker, I rise to ask my colleagues to help me end repeated abuses of Federal bankruptcy law.

Filings of frivolous bankruptcies have reached monumental proportions in southern California and many other parts of the country. The courts are now so overwhelmed that it is very difficult to sort through the fraudulent cases to get to the valid ones.

I want to emphasize that I support the protections offered by bankruptcy. It is sometimes necessary to provide a clean start to a debtor, and it is also helpful to have a mechanism to sort out the legitimate rights of creditors. It is abundantly clear, however, that some tenants have been declaring bankruptcy merely so that they can thumb their nose at eviction.

Because of the automatic stay provisions in Federal law, merely filing for bankruptcy stays any eviction proceedings. About 1,500 evictions are being foiled each month by this method, in Los Angeles County alone. The Los Angeles Times has reported that these bankruptcies are so blatantly groundless that they usually are routinely dismissed. By the time landlords are done jumping through the legal hoops, however, it can take up to 6 months or longer to evict a tenant. Sometimes, the petitions are refiled, starting the process all over again.

This problem is having a very negative effect on the availability of low- and moderate-income housing. The fact that tenants can unilaterally refuse to pay rent is a profound disincentive to investment in rental real estate.

Indications are that this phenomenon played a significant role in putting almost a hundred apartment complexes out of business in Los Angeles County last year. A common procedure is for one tenant to declare bankruptcy, then when others find out about the deal, it spreads, unit by unit and floor by floor. Frustrated landlords find themselves offering tenants hundreds or thousands of dollars to leave voluntarily.

This loophole is also being abused by drug dealers, according to Los Angeles city officials. In cases where eviction may be the only way to shut down a crack house, dealers can stall proceedings for months, on top of the normal eviction process, by simply declaring bankruptcy.

I am reintroducing legislation to make clear that the automatic stay provisions of Federal law do not apply to rental agreements. This is the only way to end the deluge of groundless cases that have been overwhelming our courts. These cases must be stopped so that the courts can concentrate their resources on administering the bankruptcies in truly meritorious cases.

I urge my colleagues to join me in this effort to end abusive and fraudulent bankruptcies. If this solution is not adopted, the use of this technique will continue to spread to cities such as Orlando, Atlanta, and Cleveland, at an annual cost of hundreds of millions of dollars.

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## A TRIBUTE TO JUDGE A. LEON HIGGINBOTHAM, JR.

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BLACKWELL. Mr. Speaker, today I stand proud to honor Judge A. Leon Higginbotham, Jr., an exceptional African-American who in his pursuit of truth and justice has advanced greater human rights for many.

At a young age, A. Leon Higginbotham came to realize the critical value of education. Thus, as a student he relentlessly studied to fulfill his thirst for knowledge. He attended Purdue University in 1944 to pursue a career in engineering; he later transferred to Antioch College where he received his B.A. in 1949. After earning this degree, he became motivated to go into the field of law. Consequently, he attended Yale Law School, and in 1952 he received his LL.B. degree. Since that time, he has been highly recognized by many colleges and universities and as a result is the proud recipient of more than 50 honorary degrees.

Judge Higginbotham has celebrated an extensive and distinguished career in law. Upon graduation from law school, he worked as a law clerk under Justice Curtis Bok until 1953. He later served as assistant district attorney in Philadelphia County, Philadelphia, PA.

As an outstanding assistant district attorney, Higginbotham made a name for himself as one of the most highly regarded attorneys in the city of Philadelphia. It is not surprising that in 1954 he became a partner in the law firm of Norris, Green, Harris & Higginbotham in Philadelphia.

During this period he also served in a number of prestigious positions such as: special deputy attorney general for the Commonwealth of Pennsylvania, special hearing officer for the U.S. Department of Justice, and as commissioner of the Pennsylvania Human Relations Commission.

Mr. Speaker, on January 6, 1964, A. Leon Higginbotham was sworn in as U.S. district judge for the Eastern District of Pennsylvania. This gentleman was certainly well-deserving of this phenomenal accomplishment. Moreover, he was the youngest person to have been appointed to a Federal district judge within the last 30 years.

He served successfully in the position of U.S. district judge until 1977, when he was appointed on October 13, 1977, by President Jimmy Carter as a U.S. circuit judge. He was sworn into this prestigious position on November 1977. Based upon his magnificent credentials and legal background, he received the American Bar Association's highest rating by unanimous vote—Exceptionally well qualified.

Judge Higginbotham's high regard for education has lead him to work tirelessly as an educator in conjunction with all of his other activities. He has taught at the University of Hawaii, Yale University, University of Michigan, Stanford University Law School, the University of Pennsylvania, and Harvard Law School. He presently continues this work as a lecturer-in-law at New York University, as well as an adjunct professor, at the University of Pennsylvania in the departments of sociology, social work, and history.

In addition to working in all of these positions, it is important to realize Higginbotham's overwhelming dedication to helping people. For many years, he has actively participated as a member of community organizations. Moreover, he has served on the board of trustees or as a member of more than 30 national associations. Such memberships include: member and vice chairman of the National Commission of the Causes and Prevention of Violence, member of the Commission on Reform of Federal Criminal Laws, member of the Committee of the Judicial Conference of the United States to Consider Standards for the Admissions to Practice in the Federal Courts, director of the Philadelphia Urban Coalition, 1969–74, and as a member of the board of trustees at Yale, Thomas Jefferson, and the University of Pennsylvania.

Mr. Speaker, this gentleman has been a tremendous asset to the city of Philadelphia. Moreover, he has been an inspiration and a role model to many individuals through his dedicated work in the legal community. Mr. Speaker, I ask my colleagues to join me during this month in which we celebrate Black History Month to commend Judge A. Leon Higginbotham for his magnificent contributions to our country.

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## TRIBUTE TO J. KENNETH GRAN

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute J. Kenneth Gran, an exceptional public servant and, more importantly, an exceptional man.

Mr. Speaker, Mr. Gran will be retiring March 1, 1993 after a distinguished career working with the people of my district. He has worked tirelessly to ensure clean water, adequate housing, and community pride for the city of Youngstown. He has served his country in the Air Force, worked with the State auditor and taught business at the University of Youngstown. Since 1985 Mr. Gran has been the clerk of the board of Mahoning County Commissioners.

Now, 50 years after graduating from Campbell Memorial High School, Mr. Gran has decided to leave the professional world for a well-deserved retirement. But rest assured, he will remain an active member of the Youngstown community. Mr. Gran is a member of the St. Nicholas Byzantine Catholic Church, the Lions Club, AMVETS Post 44, and the Curbstone Coaches of Downtown Youngstown.

Mr. Speaker, I am proud of Mr. Gran's accomplishments and I wish him and his loving wife Mildred a most relaxing retirement. But not too relaxing, as his continued participation in Youngstown's community is invaluable.

I wish you the best of luck, Mr. Gran, and God bless.

## MOTOR-VOTER A BURDEN ON STATES

## HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 20, 1993, edition of the Omaha World-Herald which editorializes the legitimate reasons for opposing the Motor-Voter Act (H.R. 2). While this Member supports the goal of increasing participation in the electoral process, this Member voted against H.R. 2 when the bill was debated on the House floor earlier this month. This Member opposed H.R. 2 as a partisan exercise which increases the potential for vote fraud and imposes expensive and unfunded mandates on the States. Again, this Member urges his colleagues to review the valid objections to the Motor-Voter Act as provided in the following editorial.

MOTOR-VOTER A BURDEN ON STATES

Taxpapers may have to pay up if the U.S. Senate passes and President Clinton signs the motor voter bill. It would be another of those laws in which the federal government sets the rules while the states must pay to carry them out.

By some accounts, the law would cost the 50 states a total of $200 million.

The bill is promoted by congressional Democrats. It is based on the premise that millions of Americans are being denied the right to vote because the registration procedures are too hard to understand. Democrats contend that poor people, minority group members and inner-city residents—not coincidentally, groups that traditionally vote Democratic—are shut out.

Certainly there was a time when minority group members were denied the right to vote if they couldn't pass a "literacy" test with trick questions. But such abuses have been illegal for years. About the only-remaining "barriers" in most states are the rules that a person must re-register after a change of address and that a person can be dropped from the registration rolls for repeatedly failing to vote.

Sponsors of the current legislation want to stamp out such "barriers." They also want to make it easier for nonregistered persons to register. Anyone who applied for a driver's license could simultaneously fill out a voter registration application. States would have to offer a registration-by-mail program with applications available at welfare offices, schools, libraries and even places where fishing and hunting licenses are sold—bait shops, presumably.

Here's how silly the concept could be: In Midwestern county seats, where the county clerk typically registers voters, the clerk's office is in the courthouse. And so is the welfare office and the driver testing station, which would also become voter registration points if the bill became law. The library, the school and the bait shop are downtown, within easy walking distance. The suggestion that this all makes registration easier than going to the clerk's office is absurd.

But that's how it is when politicians in Washington make laws for states and communities they know nothing about.

This plan is not the way to instill in new voters a sense of civic duty and an active interest in the electoral process. Quite the contrary. It's an invitation to fraud. And it would mean more paper, more bureaucracy and more expense for government agencies that have more important things to do.

## TRIBUTE TO AUGUSTA ALEXANDER CLARK, ESQ.

## HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise to pay tribute during Black History Month to Augusta Alexander Clark, Esq., councilwoman at large in the Philadelphia City Council. Gussie Clark has demonstrated by her indomitable will the type of spirit that has characterized black American women throughout our history. She is always ready to meet the challenge, whatever it may be.

At age 39, Mrs. Clark entered evening law school while working full time and sharing responsibility for two grade schoolchildren. This midlife career change preceded her entry into elective office as a citywide candidate for membership on the Philadelphia City Council. Though new to politics, Clark won election by the largest margin ever recorded. As the second black woman in the history of Philadelphia to serve in the city council, Mrs. Clark chaired the education committee for 12 years. Councilwoman Clark's strong belief in education inspires her to encourage young men and women to break the poverty cycle through education. Now, in her fourth term as a councilwoman, she chairs the public property and public works committee and serves as majority whip.

During her tenure with the council, she has worked hardest for concerns that have a direct impact on women, children, and families. Of particular interest to her are the issues of literacy, homelessness, unplanned teen pregnancies and involuntary parenthood, drugs, and most importantly, black on black crime. She is also paying close attention to issues of neighborhood revitalization, unemployment, underemployment, and training programs to reduce family dependency on public assistance.

Councilwoman Clark is recognized as a provocative and dynamic speaker who is in great demand. She has always refused to be drawn by the definitions of others and has risen to accomplishments and recognition as a wife, mother, librarian, lawyer, and legislator. She serves on numerous boards and commissions and is an active member of her church where she instituted a program to feed the homeless.

Please join me in paying tribute to Councilwoman Augusta A. Clark, a great Afro-American who has improved the quality of life for so many.

## TRIBUTE TO CHIEF GEORGE H. GORDON

## HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mrs. ROUKEMA. Mr. Speaker, on February 26, the men and women of the Hawthorne, NJ, Police Department gathered to mark the retirement and celebrate the career of Chief George H. Gordon. Joining the members of the police family were elected officials, civic leaders, representatives of the New Jersey State Policeman's Benevolent Association, and the family and friends of Chief Gordon. I rise today to ask my colleagues to join with the Borough of Hawthorne, NJ, in paying special tribute to Chief Gordon.

His distinguished career as a police officer, protecting the community from those that would seek to undermine its streets and homes would fill volumes. My intention here today, however, is to honor and acknowledge the great debt we owe to George Gordon for his service to the people, his tireless involvement as an advocate for law enforcement professionals, and his service to the PBA. His service has been above and beyond the call of duty and exemplifies the best in his profession.

A native of Hawthorne, George Gordon was born to Herman and Jessie Gordon on February 23, 1929. While he was still a young child, George's family moved across the Passaic River to the Riverside section of Paterson. George was educated in and graduated from the Paterson school system as a young man of 25 years, he returned to live in Hawthorne.

On July 16, 1958, George Gordon began his professional service to the borough when he was appointed to the Hawthorne Police Department. His hard work and dedication to the community was repeatedly recognized as he progressed through the ranks of the department. He was promoted to sergeant on October 15, 1967; lieutenant on June 1, 1972; captain on December 1, 1978; and, chief of the department on March 5, 1990.

His long career has been marked with distinction. He has received numerous awards including recognition for services rendered and meritorious service and citations and awards from the New Jersey State Police Benevolent Association and the distinguished service award given by the junior chamber of commerce.

Beyond Chief Gordon's professional commitment to the borough, he has also found the time and energy to volunteer his services to the community. He is a lifelong member of the William B. Mawhinney Ambulance Corps where he presently serves as the vice president and member of the executive board. He is a member of the Hawthorne Masonic Lodge. He is a founder of the Hawthorne Cubs Football League, and has often served as the league president. He has been officer in charge of the Hawthorne Auxiliary Police. He was in charge of the school safety patrol for the Hawthorne school system.

Chief Gordon's service to the community extends to the law enforcement community as well. He is a member of the PBA local 200 and served as the State delegate for 4 years. He is also a member of the Passaic County Police Chiefs Association and a member of the International Police Chiefs Association.

Mr. Speaker, although George Gordon ends his career in the Hawthorne Police Department, his dedication to his friends and neighbors will continue. His wife Helen, their two children George and Lawrence and their families are justifiably proud. The citizens of Hawthorne are equally proud. Today, I ask my colleagues to join me in sending heartfelt congratulations and appreciation to Chief George Gordon and best wishes for a long and happy retirement.

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## HONORING JOPLIN, MO, BUSINESSMAN DAVID E. DILLON, JR.

### HON. MEL HANCOCK

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. HANCOCK. Mr. Speaker, I would like to congratulate an outstanding man and community leader on the occasion of his election to the presidency of the National Funeral Directors Association [NFDA]. Mr. David E. Dillon, owner and director of the Thornhill-Dillon Mortuary, located in Joplin, MO, has been licensed funeral director and embalmer in Missouri since 1963. Throughout his distinguished career, Dave has been very active in both his local community and in the National Funeral Directors Association.

A Missouri native, Dave received an associate degree from Missouri Southern State College and graduated from the Dallas Institute of Funeral Service.

Dave has been an invaluable asset to the national association and has most recently served as vice president and treasurer. His outstanding contributions as a member of the committees on government affairs, program and education, and FTC funeral rule have benefited all members of NFDA.

As president of the Missouri Funeral Directors Association, Dave was recognized by the Missouri State Senate as an exceptional leader in promoting the highest standards of ethical practices in the funeral industry. He was also named Funeral Director of the Year in 1993 by Morticians of the Southwest magazine.

An outstanding community leader, Dave is a past president of the Joplin Jaycees and is a member of the Joplin Chamber of Commerce and the Joplin Rotary Club. He also helped organized Joplin's first Muscular Dystrophy Telethon and is active in local programs promoting safe driving for teens. Dave is also a member of the Salvation Army Board and the Rotary Club and a respected member and officer of St. Mary's Parish.

The National Funeral Directors Association has elected an able and respected leader as their president for 1993. They are fortunate to have such a leader and I commend Mr. Dillon on the occasion of his election.

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## WHEN IS TAX INCREASE REALLY A SPENDING CUT?

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the February 26, 1993, Lincoln Star, concerning the less than admirable budget tactics being used by the Clinton administration. As the editorial makes clear, the Clinton administration is using the term "spending cuts" to describe what in actuality are proposals to increase taxes.

Equally distressing is the method by which the Clinton Treasury Department arrived at its budgetary numbers. The Treasury is using imputed income and other gimmicks to make it appear that increased taxes won't hit those earning under $30,000 per year. As the editorial points out, the real number is closer to $20,000. This Member strongly endorses this editorial and encourages his colleagues and the Clinton administration to heed its message that twisting the facts destroys public faith in the entire proposal.

[From the Lincoln Star, Feb. 16, 1993]

WHEN IS TAX INCREASE REALLY A SPENDING CUT?

When is a tax increase a spending cut?

This modern riddle has an easy answer. When it is politically expedient.

President Clinton's team turned at least two obvious tax increases into spending cuts when they needed to come up with enough spending cuts to make the 2 to 1 (two dollars of tax increases for every one dollar of tax cuts) formula work.

Clinton has proposed that more affluent seniors (with incomes of over $25,000 for single and $32,000 for a couple) pay income taxes on 85 percent of their Social Security. Currently these folks pay taxes on 50 percent of their Social Security income.

By ordinary definitions, this is a tax increase. But Clinton's team has put this tax increase on the spending cut list.

"Well you see it's money that government gives to the elderly. And if you tax it, the money that went out comes back in. So in effect, we give out less," said one budget aide by way of explanation.

The President is also proposing that the cap on the Medicare tax be ended. Currently the tax of 1.45 percent is applied on income up to $135,000. Clinton proposes to apply the Medicare tax to all income.

This too is redefined as a spending cut under the Clinton proposal.

In fact, about $54 billion of the "spending reductions" are actually increases in taxes or fees—though some are more defensible on this side of the ledger than the Social Security and Medicare taxes.

Increased fees for grazing of cattle on federal land, increased fees for national parks and other recreational areas, new fees for certifying the safety and effectiveness of drugs and medical devices, raising fees of registering corporate securities, higher fees for shippers on inland waterways, increasing mortgage loan fees for VA loans, and on.

In addition, Clinton's $30,000 break point—those making more will feel this slight pinch of energy taxes—is a gerrymandered number. It's not what most people understand as income; it's not even the adjusted gross income line on Form 1040. It is a concocted figure that includes fringe benefits and the imputed rental value of a family home.

The higher tax bite actually begins at a figure closer to $20,000.

President Clinton should be praised for using conservative bottom line numbers, rather than high hope numbers that were the foundation of budget proposals during the Bush years.

But magically changing obvious tax increases into spending cuts is no better than building a budget proposal on smoke and mirrors as Bush did.

Many Americans are prepared to accept some personal consequences—in both tax increases or reduction of government benefits—in order to reduce the deficit and preserve a stable future.

But in asking for that sacrifice, Clinton needs to shoot fair and square.

Sugarcoating the message will not work. Political opponents will ferret out and publicize the duplicity.

Twisting numbers or redefining the obvious, simply destroys public faith in the entire package of proposals.

It also fuels the fire of public cynicism about government and its elected leaders, who seem incapable of treating the public with respect and thus with honesty.

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## HONORING SAM HOUSTON

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. GORDON. Mr. Speaker, this Tuesday, Tennesseans will join Texans and citizens throughout the Nation in honoring the bicentennial of the birth date of a legendary American, Sam Houston. Mr. Houston's public service record speaks for itself. Both Texas and Tennessee are proud to call him their own.

After serving two terms as a Congressman from the Nashville district, Mr. Houston was elected Governor of Tennessee in 1827. In the 1830's, Mr. Houston moved westward and led the great State of Texas in its struggle for independence. Twice he served as President of the Republic of Texas and once as Governor of the State, making him the only man to serve as Governor of two States. Mr. Houston also served over 13 years as a Senator from Texas.

Deep down, however, Mr. Houston represented more than the needs of one particular State. He strongly believed in the merits of the entire Union. Yet, when his constituents voted in favor of secession, Mr. Houston abided by their wishes. He stepped down from his office, refusing a Union offer to lead a counterrevolution.

It is that brand of American spirit that we recognize today. Over 3 years ago, the late James "Bobo" G. Driver, of Smithville, TN, developed the Sam Houston walnut tree. I have had the pleasure of knowing the Driver family for many years, and I know Mr. Driver sincerely admired Sam Houston. He hoped this particular tree would honor Mr. Houston's spirit.

This form of recognition could not be more appropriate. Mr. Houston was a strong, dedicated man with roots in both great States. Like the walnut tree, his memory will withstand the test of time. Please join me in recognizing the bicentennial of Sam Houston's birthday, March 2, 1993.

## A TRIBUTE TO JUSTICE JUANITA KIDD STOUT

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. BLACKWELL. Mr. Speaker, I am proud to rise today to honor a brilliant African-American woman from the city of Philadelphia, Justice Juanita Kidd Stout.

Juanita Kidd Stout has broken barriers which otherwise would have prevented a paved road of success for African-Americans for generations. When asked to describe her, qualities such as perseverance, confidence, and dignity quickly come to mind.

Much of her overwhelming success can be attributed to her extensive and diverse educational background. She earned a B.A. degree in music from the University of Iowa, Iowa City and later attended the University of Indiana where she earned her masters of law and doctor of jurisprudence degrees. It is not surprising that in 1950 she was admitted to the District of Columbia Bar and in 1954 to the Pennsylvania Bar.

Mr. Speaker, Justice Stout is a true innovator in the legal field, becoming the first woman ever to reach the bench in Pennsylvania. In September 1959, her outstanding work as an attorney led Governor David L. Lawrence to appoint her judge of the Philadelphia Municipal Court in Philadelphia. Moreover, in November of that same year she ran in a citywide election and won a 10-year term. Juanita Kidd Stout became the Nation's first elected black woman judge. Thereafter, she was elected twice to the Common Pleas Court of Pennsylvania, Philadelphia County.

Over the years, Justice Stout's accomplishments have been exemplary, both on and off of the bench. Her life has been a sterling example of responsibility and integrity. Her commitment to the philosophy which she embraces has made her a role model for a myriad of individuals throughout the United States.

Professionally, she has excelled to some of the most prestigious positions in the judiciary. Prior to her appointment to the bench, she served as administrative secretary to the late William H. Hastie, Judge of the U.S. Court of Appeals, Pardons and Paroles Division of the Philadelphia District Attorney's Office. In 1963, she was appointed by President John F. Kennedy as a member of the U.S. delegation, with the rank of Special Ambassador to the Kenya independence celebration in 1963. Additionally, in 1967 she was appointed American Specialist under the Cultural and Educational and Exchange Program of the State Department to tour six African countries. As well, on January 15, 1988, Judge Stout was nominated by Governor Robert P. Casey and confirmed unanimously by the Senate as a Supreme Court Justice of the Supreme Court of Pennsylvania.

In recognition for her numerous achievements, she has been awarded 12 honorary doctorate degrees. Furthermore, she has been awarded many awards including the Distinguished Service Award by the University of Iowa, the Jane Addams Medal by Rockford College, the Henry G. Bennett Distinguished Service Award by Oklahoma State University, and the Veil-Lifting Award by the Philadelphia Chapter of the Alumni Association of Tuskegee Institute.

In 1988 she received numerous awards such as: the Charles Hamilton Houston Medallion of Merit of the Washington Bar Association; Justice of the Year by the National Association of Woman Judges; and the MCP/Gimbel Award for her humanitarianism. In addition, on November 4, 1988, Justice Stout was named by Governor Robert P. Casey as a Distinguished Daughter of Pennsylvania.

On her 70th birthday, March 7, 1989, Justice Stout retired from the Supreme Court of Pennsylvania because of the mandatory retirement provision of the Pennsylvania Constitution. However, as a person who is dedicated to the service of others, Juanita Kidd Stout presently sits as a senior judge in the Court of Common Pleas at age 73.

Mr. Speaker, it is an honor to stand here to recognize an individual of such strong character who has touched the lives of so many. I ask my colleagues to join me in saluting Justice Juanita Kidd Stout, an African-American who has truly made a difference.

## BILL TO MAKE PERMANENT THE TEMPORARY EXEMPTION FROM DUTY OF THE COST OF CERTAIN FOREIGN REPAIRS MADE TO U.S. VESSELS

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 1, 1993*

Mr. TAUZIN. Mr. Speaker, I am pleased to again sponsor a measure to secure fair competition among the various modes of containerized maritime transportation. Lighter aboard ship or LASH barge is a method of cargo transportation whereby cargo is loaded into specially fabricated barges which are subsequently loaded into a cargo vessel for transportation overseas.

In order for LASH barges to compete fairly with other more frequently used modes of containerized cargo transportation, I introduced in the 101st Congress a measure to grant an exemption from certain Federal tariffs on the repair of LASH barges overseas and the importation of necessary replacement parts and supplies. This exemption, which was granted for a 2-year period ending December 31, 1992, is necessary if LASH barges are to exist as a viable alternative to other modes of maritime transportation. The bill which I am introducing today will continue this needed exemption indefinitely while making it retroactive to January 1, 1993.

Although this form of containerization has not reached the popularity or generated the high volume as has cargo containers or 20-foot equivalent units, LASH barges have continued to offer shippers a variation in shipping methods and will continue as a small but important part of the liner trade.

I urge you to support this very important measure.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 2, 1993, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### MARCH 3

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine corruption in the professional boxing industry.

SD-342

Rules and Administration

To hold hearings on S. 3, S. 7, S. 62, S. 87, and S. 94, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Budget

To resume hearings on the Administration's program to revitalize the economy, focusing on transportation issues.

SD-608

1:30 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings on S. 456, to establish school-to-work transition programs for all students.

SD-430

2:30 p.m.

Armed Services

To hold hearings on United States Government facilitation of private business investment in the former Soviet Union.

SR-222

#### MARCH 4

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings to examine issues relating to fraud in the automobile repair industry.

SR-253

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD-342

Small Business

To hold hearings to examine the availability of credit for small businesses.

SR-428A

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (AMTRAK), focusing on high-speed rail.

SD-192

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine proposed legislation to facilitate small business access to capital.

SD-538

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on the budget process.

S-5, Capitol

2:30 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

### MARCH 5

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 420, to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees, and S. 79, to restore public confidence in the performance and merits of elected officials and Federal employees.

SD-342

Joint Economic

To hold hearings on the employment-unemployment situation for February.

SD-628

10:30 a.m.

Veterans Affairs

To hold oversight hearings on the present and future role of veterans' health care system.

SR-418

### MARCH 9

9:30 a.m.

Governmental Affairs

To hold hearings on the disposal of plutonium in Russia.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on reforming the Agency for International Development's structure and goals.

SD-192

### MARCH 11

9:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold oversight hearings on the inner-city bus industry.

SR-253

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the energy needs of the People's Republic of China.

SD-366

Governmental Affairs

To hold hearings to examine methods for improving government organization and performance.

SD-342

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Transit Administration, and the General Accounting Office, focusing on transit needs.

SD-138

### MARCH 16

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.

SD-366

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine the purposes of foreign aid in the post-cold war era.

SD-138

### MARCH 17

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.

SD-192

### MARCH 18

9:00 a.m.

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR-301

### MARCH 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-192

### MARCH 24

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD-116

### MARCH 30

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.

SD-138

### MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

### APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD-116

### APRIL 20

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD-138

### APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of Motor Carriers (FHWA), the Office of Research and Special Programs, and the Office of Inspector General, focusing on truck safety and hazardous materials.

SD-192

### APRIL 27

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign aid transnational issues, focusing on population, environment, health, and narcotics.

SD-138

### MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic interests.

SD-138

### MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD–138

MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD–138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD–138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD–138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD–138

## CANCELLATIONS

MARCH 2

9:30 a.m.

Governmental Affairs

To hold hearings on S. 185, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations.

SD–342

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Judiciary.

S–146, Capitol

## POSTPONEMENTS

MARCH 9

2:30 p.m.

Energy and Natural Resources

To hold oversight hearings on the status and future direction of the Department of Energy's fusion program, focusing on the Department's activities relating to the International Thermonuclear Experimental Reactor (ITER) Program.

SD–366

# SENATE—*Tuesday, March 2, 1993*

*(Legislative day of Tuesday, January 5, 1993)*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Gracious, loving Lord, Your Word declares, "* * * man looketh on the outward appearance, but the Lord looketh on the heart." (I Samuel 16:7) We are inclined to attend only to the outer man while we neglect the inner man. Except for the food we put into our mouths, we are rarely concerned with what we take in through our eyes and ears. We take seriously that which provides for us physically, but we are unconcerned about provisions for the soul. We satiate our bodies and starve our souls.

Patient Father in Heaven, when we think about it, we know muscle strength is insignificant compared to strength of character—virtue, courage, love. Grant us grace to take seriously our spiritual needs. Help us to take time for God, for meditation, for Bible reading. Fill us with the desire to be strong, spiritually as well as physically, that we may be better equipped to face the vicissitudes of life.

We pray in the name of Jesus, the Light of the world. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 2, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

## MORNING BUSINESS

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

## JUSTICE DEPARTMENT LEADERSHIP

Mr. GRASSLEY. Madam President, I rise today to address the very serious question of whether or not the Clinton administration is misusing the Department of Justice in an effort to protect its political allies from criminal prosecution.

The Justice Department is suffering from a lack of leadership because we do not have an Attorney General yet. Recent events in the trial of Tennessee Representative HAROLD FORD demonstrate that President Clinton's difficulty in finding a suitable Attorney General is having consequences for the administration of justice.

Representative FORD'S last trial resulted in a hung jury and an FBI investigation into jury misconduct. To avoid another mistrial and ensure a fair trial in a very public case, the trial judge ordered the jury to be selected from Jackson, TN, which is 100 miles from Memphis. The defense raised objections to the jury selection, claiming that there were not enough black potential jurors in the area to ensure him a fair trial. The U.S. attorney in Memphis, Ed Bryant, opposed this effort, contending that an out-of-town jury is necessary for both the people and the defendant to get a fair trial, and that such a motion would be taken in any similarly public case regardless of the defendant's color of skin.

The Sixth Circuit Court of Appeals agreed with the U.S. attorney, and the Supreme Court refused to hear an appeal in the case.

When the defendant did not get the result that he wanted through the legal system, he enlisted the help of congressional colleagues to lobby the White House and the Justice Department for favorable treatment in the case. Earlier in February, a group of Congressmen wrote the White House on the Congressman's behalf. Less than 2 weeks ago, 26 Members met with Acting Attorney General Stuart Gerson and the First Lady's former law partner, Webster Hubbell, now stationed as the President's person at DOJ. Members of the Congressional Black Caucus also pleaded for reversal of the prosecutor's stance in the case.

Their lobbying was very successful. The day after the meeting, acting Attorney General Gerson announced that he was overruling U.S. Attorney Bryant and that the Department would side with the defendant in asking for a new jury. Mr. Bryant resigned the following day and this is what he said:

> What we have done is make an exception for the Congressman. * * * I don't feel I could be a part of that.

Thankfully, the judge dismissed the arguments of the Justice Department saying that those kinds of race-based arguments died with Jim Crow, and adding that it is a "sad day, in my opinion, when an acting Attorney General of the United States gives in to a demand that a jury must be selected by race."

He also said this:

> Perhaps just as disturbing is the appearance that the Department of Justice has created by this motion—that justice in the courts of the United States can be handled differently if one is a Member of the U.S. Congress.

If the conduct of Acting Attorney General Gerson and Mr. Hubbell does not constitute political conduct of the Justice Department, I do not know what does. This behavior was outrageous and an affront to all Americans. As one who has long fought for Congress to live under the laws that it writes for others, I am shocked by the prospect that with the same party now controlling both the executive and the legislative branches, that Democratic Members of Congress may now be able to evade application of criminal laws.

The incident certainly makes the case for the reauthorization of the independent counsel law, but only so long as it also applies to Congress, and I have voted to do that. We have lost, however.

There may be other Congressmen who will be prosecuted, especially in light of the ongoing investigation of the House bank and post office scandals, and the Clinton Justice Department apparently cannot be counted upon to impartially prosecute allegations involving Democratic Members of Congress. An independent prosecutor may be necessary for both branches.

When the President's latest nominee for Attorney General, Janet Reno, appears before the Judiciary Committee this month for confirmation hearings, I will ask for a full accounting of this matter. I will ask for an explanation of who within and without the Department intervened on the Congressman's behalf and what the basis of the decision was, political or legal. Hopefully, she will be able to reassure me that last week's fiasco will be an anomaly and that Americans will be able to expect impartial justice from a Clinton/Reno Justice Department.

These events also raise the issue of just who is running the Department of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Justice. Legal and constitutional authority rests with Stewart Gerson, formerly Assistant Attorney General for the Civil Division. But the President has installed one of Mrs. Clinton's former law partners, Webster Hubbell, at the department in an unspecified position outside the regular confirmation process. When the Government's new attorney in the Ford case told district Judge Turner that it was Hubbell who brought the issue to Gerson's attention, the judge asked her on whose authority and in what status Hubbell was acting, and the attorney from Washington in Memphis at that time said she did not know.

President Clinton's record at Justice is so far not a very impressive one. The administration's action in the Ford case threatens the very integrity of the department, and I think the American people deserve better.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

## NATIONAL SERVICE PROPOSAL

Mr. DURENBERGER. Madam President, I rise to comment briefly on an important part of the national service proposal unveiled yesterday by President Clinton at Rutgers University. Before I do, I want to say that I share the President's strong personal interest in promoting voluntary community service as part of being a good citizen, also as part of a way of tapping the energy and resources not just of young people but of everyone in this country.

Dating to my days in the Jaycees and other civic and community activities in my State of Minnesota, I always believed each of us has a responsibility to do what the President is trying to promote now as a national consensus.

Three years ago, Madam President, I was the chief Republican cosponsor of legislation creating the new commission on national and community service. The commission may very well become the vehicle through which we carry out the President's proposed program.

My strongest interest in what the commission does is in the link that it provides between community service and education. More than 300 school districts in Minnesota and most of our college campuses are right now engaged in some form of what we call service learning. And my goal in being part of the debate on the Clinton proposal will be to make sure that service learning stays a central part of what we encourage at the national level. And even in those parts of national service that involve full- or part-time pay, I think it is absolutely critical we view what we are doing as part of education reform and not as something separate and apart from it.

The proposal that the President made yesterday, while not defined in detail, is sufficiently clear enough to let us know that it is his commitment to allow student borrowers in this country to receive their loans directly from the Government and then repay them based on their postcollege income and to repay them through the Internal Revenue Service.

The President's proposal captures the essential ingredients of the IDEA legislation that Senator PAUL SIMON and I first introduced in the fall of 1991. It was included as a demonstration program in the higher education amendments that we adopted last summer.

Madam President, one of the activities going on around the Capitol—and there seem to be a lot of them on Tuesdays and Wednesdays and Thursdays—is called "Bank Lobby Day," where I guess all our bankers are going to lobby us on some of these issues, and to me, having been involved in this issue for a couple, 3 years, it is another one of those good evidences that powerful special interests are going to be fully engaged in the debate over this important proposal by the President.

But as this debate goes forward, we must remember that the purpose of Federal student loan programs is to help students and their families pay for college. It is not designed to serve as a guaranteed profit center for banks. It is not to protect six- and seven-figure salaries at Sallie Mae.

Defenders of the status quo will also claim that it is a debate between those who support an innovative, consumer-responsive private sector and those who support a stodgy, inefficient Government bureaucracy.

But my own experience suggests that in this case the usual distinctions between public and private sector roles do not apply.

I have a hard time thinking of current student loan programs as part of the private sector when there is a guaranteed rate of return to the banks that make the loans and there is no financial risk if they end up in default.

I also have a hard time defending the efficiency and user friendliness of programs that produce as much confusion and outrage and as much fear and actual harm to my constituents who use them as this program does.

Madam President, direct lending, with income-contingent repayment through the IRS, is not going to solve every problem facing American higher education but it can help meet the goal of making college more affordable to every American.

I look forward to working with my colleagues and with the administration to help make that goal a reality.

## REQUESTED RESIGNATION OF DR. BERNADINE HEALY

Mr. DURENBERGER. Madam President, I expect that nothing the new President does in health care will disappoint me as much as his request for the resignation of Dr. Bernadine Healy as Director of the National Institutes of Health. Her departure will be a loss for the Nation. It is also a loss, if I may say so, for President Clinton. I am saddened that the new administration, with its stated goal of health reform, missed an opportunity to have a true reformer, a true visionary, on the Clinton team.

NIH as an institution has always been in a tug of war between science and politics.

On one side are the research scientists in universities and on the NIH campus. These scientists accept peer review of the scientific merit of their research proposals, but they tend to resist any political influence in their research projects.

Their approach is often compared to boiling soup—independent investigators follow their own path of discovery and the good rises to the top. Thus, grant selection is based solely on the scientific merit of the proposal. This is science for science's sake.

In the early days of NIH, Congress permitted this hands-off approach and tiptoed lightly not to disturb genius at work. But as the sums directed to NIH have increased—the budget is now close to $10 billion—political pressures have inevitably increased as well. These pressures from constituencies supporting single diseases or disabilities have led to projects that could be described more accurately as politically correct than as scientifically necessary.

As one wag put it when evaluating the disease-based politics: "Nobody ever died of microbiology."

Dr. Bernadine Healy jumped right into the middle of this tug of war—and she redefined the battlelines. Soon after she became Director in April 1991, she decided that NIH must clarify its research priorities and articulate its mission.

The result of her efforts is the strategic plan that will be officially unveiled next month. As I understand it, the plan would increase biomedical research efforts and more effectively link research gains to applications that will directly benefit the American public. In other words, Dr. Healy rejected the claims of the scientists who wanted to work in a social vacuum—but she also fought off efforts to make NIH a purely political agency.

Bernadine Healy has a vision of science as an instrument for the betterment of society. As such, it must be linked to the health needs of the Nation—including the need for disease prevention and healthier behavior. The activities of NIH—a publicly funded agency—must benefit all of us, the public.

It is not there merely to satisfy the intellectual curiosity of researchers.

And it is certainly not there to serve the short-term goals of politicians.

This is the vision of Dr. Bernadine Healy. But her goals have not been warmly welcomed. Rather, they have made her some powerful opponents in the Congress as well as among academic scientists. Her view that NIH ought to be a vehicle to make our society healthier has certainly stirred the scientific pot.

Rejecting science for science's sake, and rejecting politics for the sake of politics, Dr. Healy worked hard to create a consensus for a biomedical technology policy linked to society's needs. I share her vision for the future of medical technology.

In a paper I released last year entitled "Designing an Infrastructure for Health Reform." I described a scheme for reorganizing Government health policy. As part of my overall scheme, I suggested that our biomedical research establishment should cooperate with our public health infrastructure at the State and local level as well as with the private health-based institutions.

Dr. Healy was receptive to these and other suggestions from all quarters. She knows we need to work on fundamental change, to make our public investment in health oriented toward getting results, not the result a Congressman or Senator wants in funding some pet program but the result all concerned Americans want.

The result we seek is a healthier America.

We need to define health broadly—as the total mental and physical wellbeing of all our citizens. Let us sharpen our priorities. Let us find out how science can help and then let us do it.

This is the results-oriented, can-do attitude we are sacrificing by letting go the talents of the remarkable Bernadine Healy. She is a person of great intelligence, great courage, and great integrity. On a personal level, I will miss her but intend to do all in my power to ensure that the vision that she brought to NIH will not be abandoned.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that I have such time as may be required to introduce a bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. WARNER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MACK addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

### ORDER OF PROCEDURE

Mr. MACK. Madam President, I ask unanimous consent to proceed as if in morning business, for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## UNEMPLOYMENT BENEFITS DEBATE

Mr. MACK. Madam President, there is tremendous irony in our efforts today. We are preparing to extend unemployment benefits to many Americans who have so far been unable to find new jobs. This is a generous effort, for none of us wants to see the pain of joblessness continue one day longer than necessary.

But as soon as we finish this unemployment compensation bill, we will turn to the President's economic plan. The irony is this: Today, we try to make unemployment more tolerable; tomorrow, because of the President's plan, jobs will be harder for the unemployed to find.

The President wants us to quickly act on his economic plan. This plan, however, is one that will destroy new job opportunities and slow economic growth. Clintonomics will guarantee the need for more unemployment compensation extensions in the future.

We need to refocus the issue. We should be debating how to get Americans off unemployment and restore their dignity, hope, and opportunity that comes with a new job. We should not be discussing ways to keep them on unemployment.

America was founded on the belief that dreams meant something and success should be rewarded. For Americans on unemployment, we must provide them with a sense of hope and opportunity that they can find a job, work hard, dream their dreams and be rewarded. That is not the message of Clintonomics.

Now, this new President believes if dreams are fulfilled, something must be wrong so let us tax more and impose a heavier burden. The President's plan calls for punishment of hard work, innovation, and success.

Discouraging success is wrong. Encouraging success is right. Clintonomics tells Americans to feel guilty about their dreams. We should be saying: Dream your dreams because that is what is right about America. Reach for success. Maybe, you will find it.

Take risks. Strive to improve your life and make a better way for your family. That is not the President's message. Instead of rewarding investors, he wants to penalize them. Instead of encouraging risk-takers, he wants to discourage them. Instead of patting innovators on the back, he wants to reach into their back pockets.

The President believes America's greatest untapped natural resource is take-home pay.

The president wants to raise marginal tax rates. That means if you strive for success to earn more income, he wants the Government to take more from every extra dollar you earn. Instead of rewarding success, he wants to punish it.

The President wants to raise taxes on retirement savings. That means if you save and build a retirement income, you will receive back less of your social security contributions. Instead of providing incentives for retirement planning, he wants to tax the future.

Americans still believe in the bedrock principles of less taxes less spending, less Government and more freedom. But the President's plan is more taxes, more spending, more Government and less freedom.

Through tax incentives, not tax burdens, we must revitalize the American spirit of innovation, competition and success. Candidate Clinton seemed to understand that. President Clinton does not.

The President was elected on his core commitment to stimulate the economy and get America back to work. He promised incentives and tax relief. At times, he even sounded like a conservative.

But the campaign is over, and the job of leading America has begun. Candidate Clinton was left behind and, unfortunately, so were his pledges.

Candidate Clinton of putting people first has become President Clinton of putting taxes first. The candidate of bold new initiatives, has become the President of the recycled, failed policies of the past.

Our goal must be to create a climate of jobs growth and economic recovery where success is rewarded. That is what Americans voted for. That is what we must deliver.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SMALL BUSINESS—ENGINE THAT DRIVES AMERICA'S ECONOMY

Mr. PRESSLER. Madam President, during my 18 years in the U.S. Congress, the concerns of America's small businesses have been high on my priority list. As I begin my 19th year, it is my privilege to serve as the ranking Republican member of the U.S. Senate Small Business Committee. I consider it a vitally important position. Why? Because in my home State of South Dakota, over 97 percent of all businesses are small businesses.

Small business is the Nation's business—the engine that drives America's economy. The Small Business Administration reports that from June 1991 to June 1992 small businesses created 173,000 jobs, while firms with more than 500 employees lost 235,000 jobs. Small businesses accounted for two out of every three new jobs from 1982 to 1990. Having said that, what can we in Congress do to assist this remarkable sector of our economy? The answer is: Plenty. One of the most important things we can do for small businesses in South Dakota and across the country is to reduce burdensome Government regulations and redtape. Congress should not impose unnecessary regulations on businesses. Rather, it should focus on improving the Nation's business and economic climate. For these reasons, I will soon join with Senators NUNN and BUMPERS in introducing the Paperwork Reduction Act of 1993. I urge all my colleagues to study it carefully.

Prior to the adjournment of the 102d Congress, we were successful in passing legislation designed to provide some regulatory relief for the banking industry. The legislation should alleviate some of the problems inhibiting community banks from making job-creating loans to small businesses. This is a step in the right direction. More must be done. We must continue to reduce the regulatory burden that hampers the availability of credit for small businesses if we are to ensure their prosperity and growth. We also must work to increase capital for further small business development.

Whenever we talk about small business concerns, we must also address the state of our Nation's health care system. The rising cost and declining availability of health care and health insurance is a critical problem facing all Americans. We need comprehensive health care reform. This should include cost containment provisions, reform of malpractice laws and improved access to medical care. It would be unwise to require all small businesses to provide health insurance to their employees. It could force some out of business. Rather, employees should be provided with insurance through other means. For instance, I support tax incentives for employers who insure their employees. I also support incentives permitting small employers to band together and create insurance pools. Cost containment, not additional Federal mandates, is the key to solving our health care crisis.

In addition, small businesses should be able to deduct medical insurance in the same manner as incorporated businesses. Self-employed people had been able to deduct 25 percent of their health insurance costs, both for themselves and for their family members. However, this modest benefit was allowed to expire on June 30, 1992. On the other hand, incorporated businesses are able to deduct 100 percent of their health insurance costs. I find this grossly unfair. This deduction should be made permanent and applied to all businesses, large and small. Last year, I cosponsored legislation that would have done just that. This proposal made headway in the Senate but failed to become law.

Last year Congress also debated a provision to lower the capital gains tax. I strongly supported such action. A lower capital gains rate would stimulate the economy in both the short and the long term. It would expand opportunities for new businesses and create more jobs. I will continue supporting responsible efforts to reduce the capital gains tax during this Congress.

I intend to revisit these issues and work for fair tax treatment of all small businesses. As a first step, I was pleased to join Senators DOLE, PACKWOOD, and others in introducing S. 160, the Small Business Investment Act of 1993. The provisions contained in this legislation would make the Tax Code fairer for all small business. This bill should be part of any economic stimulus package passed by this Congress.

We also must look abroad. One of the greatest opportunities for America's small business is to expand their position in the global marketplace. One example of promoting that opportunity is an amendment I offered last year to the Freedom Support Act. My amendment, which was part of the bill signed into law, clarified the active role American small businesses should play in our technical assistance programs for countries emerging from the former Soviet Union. We must continually explore opportunities for small businesses to expand overseas markets for America's products and services. We must lower unfair trade barriers. We must help entrepreneurs better understand how to do business in foreign countries.

Other countries do an excellent job of using their foreign assistance programs to foster foreign markets for their own companies' goods and services. Indeed, they do a much better job than we. How? Their companies provide tangible goods. Soon they are opening enterprises abroad to service and repair them. Their embassies are constantly looking for ways to help introduce new products and services into the market. Diplomacy should be much more than representing one's Government. It should mean fostering a spirit of entrepreneurship in which American merchandise and American services are highly sought after and emulated.

All nations involved stand to profit. The United States will benefit through increased exports for our businesses. Recipient countries also will be helped far more than under traditional foreign assistance programs. Our small business owners—the most successful entrepreneurs in the world—can provide far better assistance in the form of technical assistance and hands-on free enterprise training than can any amount of money the United States could choose—or afford—to give.

The success of small businesses is vital to America's economic success. The issues I have raised today are just some of the ways in which Congress can work in partnership with small business. As ranking member of the Small Business Committee, I look forward to working with my friend, colleague and chairman of the Small Business Committee, DALE BUMPERS of Arkansas, as well as other members of the committee to ensure America's strongest economic engine remains firmly on track.

Mr. LIEBERMAN addressed the Chair.

## STRIKER REPLACEMENT LEGISLATION

Mr. PRESSLER. Mr. President, I rise today to voice my opposition to S. 55, legislation known as the striker replacement bill. Briefly described, this bill would prohibit employers from permanently hiring workers to replace employees striking over economic issues. In a broader context, this legislation could jeopardize the stability of the working environment in our Nation's businesses.

It is our obligation as U.S. Senators to consider what contemporaries call the big picture, the overall impact of this legislation. In order to analyze fully the impact of S. 55—to understand the big picture—we must understand the facts. What is the current law? What is the present day practice of hiring permanent replacement workers? Is this measure necessary?

Under current law, employees have the ultimate collective bargaining tool. The right to strike. In turn, employers have the right to stay in business during the strike. This right includes the use of permanent replacement during strikes as long as they do not commit unfair labor practices. This has remained a well-established principle of labor law since 1938 when the U.S. Supreme Court recognized management's right to hire permanent replacement workers.

Overturning the well established principle would shield striking workers from any risks resulting from lengthy strikes. The balance of power between labor and management in strike situations would be tipped in favor of employees. Organized labor would have the collective bargaining advantage. As a result, employers would be forced to accept union demands, regardless of the reasonableness of these demands in terms of the ability of businesses to make a profit and stay in business.

Enactment of the striker replacement bill would severely limit the right of a business to continue operations during a labor dispute. It could force some businesses to fold. This would be true especially for food processing businesses and others that produce perishable products. If business operations are terminated, jobs are lost permanently. As law, this measure would hurt not only business but also the very workers it claims to protect.

I have described current law concerning the hiring of replacement workers and the impact of S. 55, should it be enacted. However, it is equally important to consider the current practices by management with regard to the hiring of replacement workers. Are employers typically hiring permanent replacements?

According to a 1991 General Accounting Office study, the answer is "no". In strikes and the use of permanent strike replacements in the 1970's and 1980's, the GAO found only 4 percent of striking workers were replaced in 1985 and only 3 percent in 1989. Does the permanent replacement of 3 or 4 percent of striking workers constitute a need to jeopardize business stability?

My colleagues may recall that during the 102d Congress, the Senate debated legislation identical to S. 55, but it could not stop a filibuster. As a result, the Senate dropped consideration of S. 55. I supported that decision because the bill went too far in changing the collective bargaining process. I continue to maintain that position. Moreover, I have become convinced that S. 55 is purely an attempt by labor union leaders to demonstrate their influence following years of decline in union memberships.

As ranking member of the Senate Small Business Committee, I strongly support legislative action that will help business operations and at the same time, address the rights of employees. S. 55 falls far short of that criteria.

Mr. President, I support a worker's right to strike. I support an employer's right to stay in business during a strike. However, I cannot support legislation which could strip an employer's right to operate resulting in the loss of businesses and the jobs that depend on them. As Congress debates legislation affecting small businesses, I will continue working to strengthen our Nation's business climate. After all, the greatest guarantee of good jobs is a climate that promotes economic growth. I am committed firmly to job creation and economic development in South Dakota and throughout the country.

## RESERVATION OF LEADER TIME

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mrs. MURRAY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time for morning business not extend beyond 12:30 p.m. today under the same conditions and limitations as previously ordered; further, that the Senate stand in recess from 12:30 p.m. to 2:30 p.m. today, and that at 2:30 p.m. the Senate proceed to the consideration of S. 382, the unemployment compensation legislation.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

Mrs. MURRAY. I thank the Chair.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LOST IN LIMBO

Mr. DODD. Mr. President, I would like to bring to the attention of my colleagues an eloquent editorial by Anna Quindlen that appeared in the New York Times on February 24, 1993. In the editorial, Ms. Quindlen describes the suffering of the Haitians who are being detained at the United States navel base in Cuba because they are HIV positive.

Last month, the Senate voted in favor of an amendment that would limit the Clinton administration's ability to develop a solution to this crisis—an amendment I opposed. In the months ahead, I hope that the Congress will take a less confrontational approach and work with the administration to alleviate the suffering of these innocent men, women, and children.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1993]

### LOST IN LIMBO

(By Anna Quindlen)

There is a political problem baking under the hot sun at Guantánamo Bay, a political problem ringed with razor wire, housed in wooden barracks, living amid rats and scorpions while soldiers watch from guard towers.

But the truth is that all political problems turn out to be people, in one fashion or another. This one is 267 people, held in a latter-day leprosarium on a United States naval base, waiting for a decision about what will become of the rest of their lives.

They are Haitians, mostly adults, some children, who left their homeland in boats for the succor of the United States more than a year ago. Their illusions about a voyage to freedom seem pathetic now. Immigration officials determined that all of them had credible claims for asylum. But the Haitians have had to prove that not only their motives but their blood is pure. The Guantánamo Bay encampment, in Cuba, is home to those who turned out to be H.I.V. positive, a place called limbo.

It exists because of a ban, the ban that forbids immigrants who are infected with the AIDS virus to enter this country. The American Bar Association opposes the ban. The American Medical Association has said it is scientifically specious. And Bill Clinton campaigned on overturning it. That was the hope of the people in limbo.

Last week the Senate decided to pre-empt the President and voted to make the ban Federal law. This was not homophobia or xenophobia, some members insisted: it was fiscal prudence. Letting potential AIDS patients into the United States could result in increased health care costs.

If health care cost analysis is to be our future immigration policy, then why stop at H.I.V. infection? What about cancer patients? Or, for that matter, likely cancer patients—if a women wants to come here but has a family history of breast cancer, do we really want to take the risk that she may contract the disease and cost us money? Shouldn't we take a second look at diabetic immigrants, immigrants with heart problems, immigrants who smoke and are at much greater risk of contracting emphysema and lung cancer then those who do not?

Of course not. We should consider whether people are coming here, as they always have, because they fear real repression or truly seek to build a better life. And then we should let them in believing, as we always have, that the vast majority of immigrants wind up enriching this country. "Huddled masses," it says at the base of the Statue of Liberty. "Wretched refuse." Not "perfect specimen."

The Clinton Administration has not kept faith with the beleaguered people of Haiti. Candidate Clinton promised a change in the Bush Administration policy that sent Haitian refugees in boats back to their island home without a hearing; President Clinton changed his mind, saying he was afraid of lost lives at sea. Candidate Clinton promised an end to the immigration ban on H.I.V.-positive foreigners; President Clinton appears to be loath to tangle with Congress over this issue.

But behind every issue there are just people, in one fix or another, and the people in limbo are essentially in jail for no more reason than that some are sick, some are H.I.V. positive and some are family to those in the other two groups. The portable toilets are stinking; sheets are hung within the barracks for some nominal privacy. It is difficult to imagine the same sort of provisions being made by the American Government for Irish immigrants or Soviet Jews without considerable public uproar.

The unsanitary and overcrowded conditions would be bad enough for healthy people, never mind those with depressed immune systems. One immigration spokesman, asked about denials of requests for medical airlifts to the United States, was said to have responded, "They're going to die anyway, aren't they?"

They won't go back because they fear death. We won't let them in because they face death. So they sit within their cattle enclosure, waiting for death. Mr. Clinton can think of this as a potentially unpopular decision, for it surely is. Or he can think of it as real people, with real lives, like the women who wrote from Guantánamo Bay to her two children earlier this month, "Don't count on me anymore, because I have lost in the struggle for life." So much for lifting our lamp beside the golden door.

## TRIBUTE TO JUDGE WALLACE BROWN

Mr. HEFLIN. Mr. President, I want to congratulate Wallace K. Brown on more than 20 years of honorable public service as Russell County, AL's probate judge. Judge Brown and his chief clerk, wife Mary Ann Brown, retired effective March 1. His retirement marks the end of a 36-year career with the probate office of Russell County.

Judge Brown has enjoyed an outstanding career of vital contributions to Russell County. He will be deeply missed and can never be fully replaced. I wish him and Mary Ann all the best for a long, happy, and healthy retirement.

I ask unanimous consent that an article on the retirement of Judge Brown, appearing in the Columbus, GA, Ledger-Enquirer be inserted into the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HANGIN' UP HIS GAVEL

(By Judith Bethel)

Like foxes waiting for the farmer at the hen house door, at least a half-dozen men have scrambled to be named Russell County Probate Judge—a race that began even before Incumbent Judge Wallace K. Brown submitted his resignation to Gov. Guy Hunt on Wednesday.

While Brown prepares to leave the office he has held for 22 years, the behind-the-scenes maneuvering has some candidates already interviewed in the state Capitol, some screened by local Republicans and others—staunch Democrats—dropping out because they won't change parties.

Brown said his retirement will begin March 1, ending a more than 36-year career in the probate office. His wife and chief clerk, Mary Ann, also will retire.

But by Wednesday afternoon, according to Chuck Spurlock, Hunt's appointment secretary, three people already had been interviewed in Montgomery for the job: former Phenix City Commissioner and mayoral candidate Lee Lott: Phenix City Municipal Court Clerk Max Wilkes, and former Russell County School Board member John T. Smith. All are Republicans.

A Russell County source close to the selection process indicated Lott is the likely appointee, but Spurlock would not confirm Lott's status. The gubernatorial secretary said a decision will be made after the Alabama Bureau of Investigation completes background checks on each man.

"It could take three weeks to a month before we make a decision, because we have to conduct ABI background checks on all judicial candidates," he said.

The Russell County Republican Executive Committee already has been making plans for the June 1994 election.

Andrew Pitts, owner of Pitts Enterprises in Pittsview and chairman of the committee, said Lott, Wilkes and Smith have indicated that if they're appointed, they will run in 1994 as a Republican. The commitment is an important part of work to restore a two-party system in Russell County, a strongly Democratic county, those familiar with the matter said.

Although only three men were interviewed in Montgomery for the post, others expressed interest in the $60,000-a-year post, which also features a handsome benefits package.

Phenix City Mayor Sonny Coulter, attorney Mike Ralford and Russell County Chief Appraiser J.W. Brannen sought the appointment, with Coulter going so far as meeting with the Russell Republican Executive Committee at Herbert Herring Realty Co. on Tuesday night for a job screening. The mayor said he came away from that meeting feeling that decisions had already been made concerning the post.

"I was interested in the position, but it would have been a problem for me as a Democrat. I could not commit myself to running for the probate judge's office in 1994 as a Republican. I could not compromise my position or my principles," said Coulter.

Such a promise was a requirement of the county GOP and the governor's office, he said. "Whoever gets the appointment will have made that commitment," he said. "I am myself leaning toward running for the post in 1994 as a Democrat."

If elected, Coulter said the post would be a step up for him—almost doubling his current pay from Phenix Medical Park Hospital—but he would have to step down as mayor. He was elected in 1992 for an additional three-year term.

"It's a good job—one that people would sell their souls for, and I think that's what has happened. But I won't run as a Republican just to get the appointment. I will wait and see what the governor does and look very strongly at running for office next June as a Democrat."

The mayor said he told the county Republican panel, which included Pitts and about 11 of the group's 21 members, that it would be difficult—if not impossible—for a Republican to be elected in Russell County.

Pitts confirmed the Tuesday night meeting with Coulter.

Raiford said he expressed interest in the position, assuming that Brown would retire later in the year. "I would not want to give up my law practice this soon," he said.

Brannen, who has worked for the county 13 years, also said the judgeship would be a good promotion, but "* * * once I knew the Republicans were going to make the nomination, I didn't pursue it any further, being a Democrat. If the Democrats were making the appointment, I would have enjoyed giving it a shot."

The post doesn't simply pay well, it's very visible—the office conducts all state and county elections—and at one time or another touches the lives of most area residents. For example, the office last year:

Issued 1,017 marriage licenses.

Conducted 657 marriage ceremonies.

Collected $187,517 in driver's licenses or renewals.

Issued every hunting, boating and fishing license for the county.

Collected a total of $864,192 in fees and charges.

The office, operating with a staff of eight with a budget of $208,955, also is responsible for forwarding money to the state, county, the Russell County Shelter for Battered Women (from a portion of marriage license fees) and to the Department of Conservation and Natural Resources (from hunting, fishing and boating license fees).

On a busy day, says Mrs. Brown, the office handles as many as 50 mortgage and deed records, 20–30 personal property transactions, 22 marriages, up to 50 hunting licenses and 20–30 boat registrations.

Other duties include record-keeping for Wills and administrations, guardianships and conservatorships for the mentally ill, adoptions and committal of the mentally ill, mortgages, deeds, corporations and financial records.

Brown, 64, and his wife, 62, plan to spend their retirement from the paperwork jungle relaxing.

"I am going to be a yard man," Brown said. "I bought me a horse and I will spend my time taking care of him, and I have other things to keep me busy, like a big yard. My wife and I will enjoy being retired."

Mrs. Brown said her plans include volunteer work. "I won't be content to be idle, I believe we should give back to the community for the many blessings we have received," she said.

Before March 1, they will be training the new judge and a new chief clerk. "My wife is trying to prepare clerk Brianna Britt to take her place, if the new probate judge wants her," he said. Brown had indicated in August 1969 that he would retire after the 1990 general election. He stayed in office to take advantage of a three-step raise approved in 1990 totaling $15,000 for probate judges. Prior to the raise, Brown's salary was $45,000 a year.

The only qualification for probate judge in Russell County is to be a registered voter, living in the county, Brown said. In some of the larger counties in Alabama, a law degree is required.

Brown started his career as clerk to Probate Judge Shannon Burch, who died in office in 1970. He spent 14 years, as clerk before being appointed to fill Burch's position in 1970.

## ALABAMA MUSIC HALL OF FAME INDUCTEES

Mr. HEFLIN. Mr. President, I want to commend and congratulate this year's inductees into the Alabama Music Hall of Fame—Tammy Wynette, Percy Sledge, the group Alabama, Curley Putnam, and Jimmy Rodgers. Alabama music truly does encompass a diverse array of tastes and influences, from country and bluegrass to gospel and rhythm 'n' blues. The 1993 inductees certainly reflect that diversity. They and all the nominees represent the best musical talent any State has to offer.

The late January event, held in Huntsville, showcased our State's rich musical heritage. The biennial celebration, which honors Alabama music achievers from the past and present, brought together legendary pioneers and contemporary artists from every conceivable musical category.

Again, congratulations to these outstanding entertainers, who have contributed so much to the musical legacy of our Nation and State. They are proof positive of the musical talent that is one of Alabama's greatest natural resources.

## TRIBUTE TO DR. GLENDA S. McGAHA

Mr. HEFLIN. Mr. President, I wish to congratulate and commend Dr. Glenda S. McGaha, who will be formally inaugurated as the second president of Troy State University in Montgomery in a ceremony on March 9, 1993. She is the first woman selected to serve as the president of a 4-year State-supported university in the State of Alabama.

Dr. McGaha brings a wealth of experience, knowledge, and accomplishment to her new position. In addition to her doctor of philosophy degree, she holds a bachelor and master of science in nursing.

Dr. McGaha's distinguished career began in Tulsa, OK, as level coordinator and as an assistant professor in the University of Tulsa's College of Nursing. During the 1980's, Dr. McGaha served also as program coordinator for Southeast Missouri State University's bachelor of nursing program and as chairperson of its department of nursing. Before becoming president of Troy State University in Montgomery last October, she served as dean of the School of Nursing of the Troy State University System in Troy, AL, and as assistant to the dean for development of the graduate faculty at the University of Alabama at Birmingham School of Nursing.

During 1988 and 1989, she completed a fellowship with the American Council on Education, her placement being with the office of the president of the University of Alabama at Birmingham. While participating in this prestigious program, Dr. McGaha had the opportunity to help design and implement the Minority Faculty Development Program; to operate the research foundation; support the committee revising the faculty handbook; and interact on a daily basis with top level, central administrative operations and decision-making mechanisms at UAB.

Dr. McGaha has already gained wide community and State support in her position since being appointed president of Troy State University in Montgomery last October. The faculty, students, and staff of this fast-growing school are indeed fortunate to have as their president someone of the stature and caliber of Dr. Glenda McGaha. I wish her all the best for what I know will be a successful tenure and a progressive and exciting time for Troy State in Montgomery.

## TRIBUTE TO ROBERT W. HAGER

Mr. HEFLIN. Mr. President, I want to congratulate and commend Robert W. Hager, who retired March 1 from his position as vice president and general manager of the Boeing Defense and Space Group, Missiles and Space Division in Huntsville, AL. As vice president and general manager of the missiles and space division, Bob was responsible for all missile and space programs within the Boeing Co. This division is a prime contractor for the Nation's strategic defense initiative programs. Bob oversaw the work for the man-rated elements of NASA's Space Station *Freedom* Program and advanced design and development work in both the military and civil space arenas.

Bob was named vice president and general manager in April 1991, when several former operating divisions were combined to form the missiles and space division. Prior to this assignment, he had served as vice president and general manager of the Boeing Huntsville Division. Beginning in 1984, he served as vice president, space station *Freedom*.

Bob was vice president of engineering for Boeing Aerospace prior to his space station assignment. Between 1976 and 1980, his assignments included managing the inertial upper stage/spacecraft integration programs and the company's ballistic missiles and space division, where he was first named a Boeing vice president. He directed Boeing's historic Minuteman ICMB Program from 1973 to 1976.

Prior to being assigned to the Minuteman project when Boeing was awarded the contract in the late 1950's, Bob held a number of management positions in the areas of structures and dynamic analysis, including manager of structures technology. Before that, he directed the dynamic testing of nuclear weapons as a staff member at Sandia Corp., and was a research engineer for the U.S. Navy Civil Engineering Research Laboratory. He received a master of science degree in civil engineering in 1950 from the University of Washington.

Bob Hager has truly been a leader in the aerospace industry of this Nation; it would be hard to find anyone who matches his experience, talent, and knowledge. He has served as chairman of the Alabama Commission on Aerospace and Science Industry Committee; as a member of the U.S. Space Foundation and National Space Society; as a fellow and member of the board of directors of the American Astronautical Society; and as a corporate representative of the International Astronautical Federation.

But Bob has also been an invaluable leader in other ways as well. He served on the University of Alabama in Huntsville's presidential search committees; as dean of its science and engineering advisory committees; and as a member of its foundation board of trustees. In addition, he has been active with the Huntsville/Madison County Chamber of Commerce; the Business Council of Alabama; the Huntsville Hospital Foundation. Clearly, his dedication to fostering the partnership between the public and private sectors has touched this community in so many tangible ways, it would be difficult, if not impossible, to identify them all.

Mr. President, it is a pleasure to offer my congratulations to Bob Hager on an outstanding career and to offer my thanks for his many contributions to the aerospace industry and to his community. I wish him and his wife, Peggy, all the best for a happy and healthy retirement.

## ELMER B. HARRIS' PARTICIPATION IN THE ECONOMIC CONFERENCE IN LITTLE ROCK, DECEMBER 1992

Mr. HEFLIN. Mr. President, last December, we watched as a wide array of business, economic, and academic leaders from all over the country gathered in Little Rock, AR, to discuss the state of the American economy and what we must do to meet the many challenges we face. The economic conference hosted by President Clinton and Vice President GORE was an impressive symposium dedicated to venting a diverse range of opinion on the economy and our budget deficits and national debt.

One of the distinguished business leaders invited to participate in the conference was Elmer B. Harris, chairman of the Business Council of Alabama and president and chief executive officer of Alabama Power Co. I ask unanimous consent that a copy of the text of Mr. Harris' presentation at the conference be printed in the RECORD immediately following my remarks.

I commend these excellent remarks on the importance of public investment and a new Government-business partnership to my colleagues. They offer important perspectives to keep in mind as we consider the President's new economic plan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ECONOMIC CONFERENCE HOSTED BY PRESIDENT-ELECT BILL CLINTON AND VICE-PRESIDENT AL GORE, LITTLE ROCK, AR, DECEMBER 14 AND 15, 1992

(Mr. Elmer B. Harris, Chairman of the Business Council of Alabama and President and CEO of Alabama Power Company, was asked to participate in the Little Rock conference. The following is a compilation of two papers prepared by Mr. Harris; one prepared before the conference, the other after the conference.)

### INTRODUCTION

The following paper has two major sections. The first section consists of recommendations and observations prepared prior to the Economic Conference in response to President-Elect Clinton's invitation to the conference. This section outlines the priorities I felt should be of major consideration during the conference.

I am happy to say that the conference proceedings dealt with many of my priorities in great detail.

The second section of this paper is a brief listing of those issues which, after having participated in the conference, I feel deserve further consideration from the new administration.

Let me also, in the context of this introduction, say how valuable and beneficial the

Little Rock conference was. Many diverse opinions were aired in a relatively brief time. Decision makers and business leaders had the opportunity to meet, get to know each other and share ideas. Citizens from across America were given access to this forum and the chance to be a part of the process.

I commend our new leaders for the creativity and initiative exhibited in the conference.

My only concern in retrospect is an issue of mixed emotions. While I am encouraged by the consensus building I have witnessed, I am painfully aware of the need to make the hard decisions necessary to move our country forward. Not all of these decisions can be made on a consensus basis. I extend to the President-Elect and the Vice President-Elect my hope that they will move quickly to an execution mode driven by decisive action.

### PRESENTATION BY ELMER B. HARRIS, DECEMBER 13, 1992

(There are basic, timeless truths that underlie the future of America. If we invest in our most valuable resource, our people, we will be successful. If we ignore this investment in favor of easier short-term goals we will fail.

(Further, if we focus our attention on the partnership between government and the free enterprise system which built this nation, we can literally work our way to a new tomorrow. I speak for all of us when I say I am eager for the drawing of that new day. Together we will succeed; separately we will fail.)

These are unusual times for econometricians. The most certain conclusion one may draw regarding current day economic projections is that the past is less and less a sound foundation on which to construct models of the future. Global changes in technology, trade agreements, consumer habits, demographics, and the structure of international financial markets signal a new era in economic planning which, because it is so unlike the past, requires a whole new set of standards for deriving policy decisions.

It is in this new era that the Clinton administration takes office. At what we all hope is the end of a prolonged recession and with a gargantuan national debt, a new team is about to take its shot at putting the nation back on the path to sustained growth and prosperity.

Recognizing the intricacy of formulating economic policy, I have, nonetheless, reduced the essence of my suggestions to the administration to three points:

1. Retooling of America's greatest resource—the American worker—must become the Clinton administration's single most important priority. Education is the only sustainable comparative advantage American business can utilize in the new global market place.

2. Partnerships between business and government are the most practical, acceptable and supportable method to finance the expansion of infrastructure, growth in capital investment, and job retraining we so desperately need. The choice is simple; we can either collect dollars as taxes at the Federal level to finance these programs or we can create incentives for business to use private dollars to make many of the same programs happen. Of course, the latter option is the preferred path.

3. We must focus on the needs of America's small businesses because these existing businesses are the greatest producers of new jobs.

### WHERE ARE WE NOW?

While news of the past two weeks concerning gross domestic product, productivity, and unemployment has been favorable, one must view this news cautiously. According to most authorities, gross domestic product (GDP) figures for the third quarter of 3.9% are both unsustainable and somewhat misleading. Unusually high but predictable government spending in the third quarter of an election year, a surge in exports, inventory building, and an upswing in computer sales inflate the GDP for the third quarter. Expanding productivity numbers are as much the result of industrial downsizing and continued high levels of unemployment as anything else. These productivity gains may be erased as companies move toward some rehiring and cutting of overtime. Finally, while there may be some real reduction in unemployment, clearly a portion of the improvement in these numbers is the result of some workers being unemployed so long that they have given up and no longer appear in the unemployment calculation.

Thus, it would appear that the new administration is faced with a good-news-bad-news scenario. The good news is things are looking a little better for the economy. The bad news is that shortly after the new administration takes office, these images of improvement may be a mirage.

With this somewhat pessimistic overview of the emerging economic picture, the following suggestions are offered to the new administration. I am offering these suggestions from the point of view of a businessman. However, I am also deeply concerned for the impact economic policy decisions at the national level have on the day-to-day lives of America's working families. Ultimately, it is the responsibility of business and government to work as partners to improve the lives of the people of our nation. Recent history has proven that no government can long endure, and no business can long prosper if the people served by the government and business do not find value added to their lives. It is through such a partnership between government and business that I believe the Clinton administration can fulfill its promise to break the disjunctive logic of the past and begin giving America the best of all worlds. We can have both a clean environment and industrial growth; we can have both available health care and control of the national debt; we can have the best of both worlds as long as we work together. But any attempt for either business or government to achieve these goals outside such a partnership is doomed to failure.

### GENERAL RECOMMENDATIONS

A recent article warned in its first sentence that the Clinton administration would open with "an F.D.R.-style First Hundred Days, marked by a blaze of legislation". While we all applaud the determination of the new administration to make something happen with the economy, and recognize the very real need for infrastructure investment, there is good reason to approach economic policy with some caution. Clearly, there is excess capacity in many areas of our economy at this time. Clearly, fiscal policy has made credit for expansion more available. Thus, too much stimulation of the economy too fast could be harmful, resulting in inflationary pressures before the economy has truly re-established a sound base. Therefore, I would first recommend that the new administration move deliberately and without haste.

Second, I would urge the new administration to take the long view. Economic policy for short term results in one of the reasons we are in the situation we are in today. It is time we have the courage to ask "what does America need to carry it into the next century, not just into the next quarter?" It will take time to solve the deficit problem. But it is imperative that we address this problem and solve it. It will take time to retool America's capital resources and human resources. It will take time to do it right.

Third, it is clear that America must make a substantial investment in infrastructure—the only question is how much investment. The Clinton proposal to pump $20 billion a year for four years into development of the infrastructure may be ideal, or it may be too high considering the need to reduce the deficit. But at whatever rate this spending takes place, America must improve a basic infrastructure that has been too long neglected. The availability of water and interstate disputes over water rights are becoming a national problem and need attention. Our transportation system has not had a major upgrade since the development of the interstate highway system and the active, aggressive pursuit of high technology rail transportation has been neglected too long. Immediate investment in certain infrastructure projects will give us both the foundation we need for growth and stimulate the economy. All investments of this nature must be designed to stimulate long-term growth and economic development across our country and not just in targeted isolated areas.

### RETOOLING OF THE AMERICAN WORKER

The era of the single-skill occupation is passing us by. Now, because of rapidly moving technology, it is conceivable that a person may have to upgrade skills within a trade or learn a totally new trade several times during a career. The next century will require even more training and retraining of American workers.

While I feel very strongly about the need to improve education at all levels, particularly kindergarten through high school, I will not labor that point in the context of this presentation. I believe education is the only sustainable comparative advantage America can enjoy against its competitors in the world market. We cannot work cheaper than other countries; we shall not work in unsafe environments; we cannot promote industrial growth by giving away our resources. But we can work smarter than others. The intellect of the American work force and the ability to adapt that intellect to changing technology and market demands is a renewable resource that is the only plausible foundation for economic security in the next century.

In my home state of Alabama, we have recently begun a partnership between business and higher education to create centers of excellence in occupational training. Utilizing the community college system of the state, we are selecting specific sites where expertise and other resources are concentrated creating a center of excellence in narrowly defined technical fields. This type of investment in human resources is crucial to the future of our nation.

Note that I mentioned that this project was undertaken in Alabama through a partnership between business and education. I believe this is the most beneficial means for financing this investment in people. Such partnerships make both education and the businesses which utilize the product of the training programs stake holders in the process. Increased taxation to finance retraining is inappropriate.

While some have suggested a payroll tax to pay for training programs, we cannot ignore the tremendous burden such a tax places on the small businesses of our nation. It would be ironic to engage in expansive job training programs only to find that in financing these programs we have driven many small businesses, our foremost producers of new jobs, out of business. I do not believe such a tax is needed.

TAX POLICY

Of course, historically the most obvious and necessary way to approach many of our economic problems is through changes in tax policy. Tax policy can be the major tool used by the new administration to mold partnerships with business. These partnerships can result in private dollars financing job training, infrastructure expansion, and capital investment. Without such partnerships, the only alternative to financing these needs is increased taxation which can have negative effects on various segments of the economy and on individual taxpayers.

Tax policy can, of course, be used for a wide variety of purposes from cleaning up the environment to stimulating investment and capital expansion. Once again, the suggestion here must be to move deliberately, without haste. Use tax policy as though we are adjusting the timing on a watch, not blasting rock in a quarry.

To the extent that tax policy is used to stimulate the economy and investment in capital expansion, such policy should be broad-based without targeting any particular industry for expansion. A well conceived, broad-based policy that makes it easier for all business, large and small, to retool and expand, will allow the free market to determine the winners and losers as opposed to artificially contrived policies which favor one industry over another.

A tool that should not be neglected by the administration is investment tax credits for business (ITCs). ITCs were first used by the Kennedy administration in 1961. If ITCs are used, they should be broad-based, permanent, and in the range of 7% to 10%. A 10% ITC will cost about $36 billion dollars. But this is $36 billion dollars pumped straight into the industrial base of America. This investment in our industrial base will result in a net increase in tax yields, and therefore, this initial cost to tax collections is only a temporary cost. Once again, we must face the choice of either collecting dollars at the Federal level to finance industrial expansion or providing the incentive for private dollars to accomplish the same goals. Obviously, the latter is better choice. Additionally, shifts in military priorities and spending abroad as our allies pick up a bigger portion of the responsibility for their own defense, and curtailment of wasteful programs can do much to offset the cost of incentive programs.

It would be a mistake to use an incremental approach to ITCs. This approach is not only an accounting nightmare, it unfairly penalizes businesses which sustained their investments in capital during hard times in favor of businesses which have not invested in the capital base when that investment was most needed.

Utilization of ITCs is a clear way in which government and business can act in partnership for sustained, long range growth in the economy. At this time, the availability of ITCs plus an accelerated depreciation schedule for business could provide one of the most significant peace-time expansions of capital in this nation's history.

Of course, another use of tax policy is to regulate various behaviors for social benefits. For example, the clean air act, and possible carbon taxes and gasoline taxes have not only economic consequences, they also have social consequences. It is appropriate to use such policies in this manner. It is important, however, that American policy makers weigh the economic cost against the social gain offered by such policy. We cannot disregard economic cost no matter how valuable, or important the social gain in question.

It may be true that a massive gasoline tax would motivate the automotive industry to improve fuel efficiency; however, such a tax would be highly regressive and have a major impact on low-to-middle-income families. It may be true that a carbon tax could have some impact on use of fossil fuels. But it is also true that such a tax would put American industry at a tremendous competitive disadvantage compared to other industries throughout the world. It is also true that the end users, the consumers, would ultimately bear the burden of such a tax. Therefore, I believe that such a tax should not be imposed.

The use of tax policy to achieve social goals is a tool at the disposal of the Clinton administration. But we must recognize that this tool must be used cautiously and we should not allow our own tax policy to place American industry at a comparative disadvantage in the world market.

SUMMARY

There are basic, timeless truths that underlie the future of America. If we invest in our most valuable resource, our people, we will be successful. If we ignore this investment in favor of easier short-term goals we will fail.

Further, if we focus our attention on the partnership between government and the free enterprise system which built this nation, we can literally work our way to a new tomorrow. I speak for all of us when I say I am eager for the dawning of that new day. Together we will succeed; separately we will fail.

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RESPONSE TO THE PRESIDENT ELECT'S ECONOMIC CONFERENCE

The following recommendations stem not only from study and consideration of economic issues prior to the conference, but also from response to presentations and recommendations made during the conference.

1. We must invest in human capital. Training and retraining of our work force must be as high a priority as investment in infrastructure and physical capital. Education is the only sustainable comparative advantage for the future of American business in the international market place.

2. Invest in the infrastructure consistent with real and specific deficit reduction plans. Such investment should be designed to motivate long-term growth and should be done carefully to avoid inflationary pressures.

3. We must use partnerships between the private sector and government to finance our investments in human capital and physical capital. Through tax credits for training and investment tax credits for capital, we can pump billions of dollars into our economy without raising taxes.

4. I urge the President-Elect to convene special commissions or conferences on health care and the entitlement programs. We must attack the true causes of rising health care and we must rethink the premises and goals of our entitlement programs if we are serious about solving these problems. We will not be able to control either our deficit or our debt if we do not address these two issues as major national priorities.

5. I am pleased to hear the President-Elect and Vice-President-Elect Gore state that we can pursue both economic growth and a cleaner better environment. I am personally convinced that these goals are not mutually exclusive and would urge the administration to avoid extremists in either camp who feel one goal must be sought at the expense of the other.

6. Institute an aggressive and strong program for the development of energy resources. Growth in the economy is largely dependent on the availability of energy resources. Coal, oil, gas, water, nuclear, and other renewable forms of energy are *all* part of the energy mix necessary to bring us the progress we desire. Government policy should not only permit, but encourage the development and use of all the resources available. It is possible, with the technology that exists today, to have safe, environmentally clear production of the energy we need.

I do not want to go on record as opposing the carbon tax that has bee mentioned. Such a tax, particularly if pursued unilaterally, would put American business and industry at a tremendous competitive disadvantage in international markets. Thus, it would impose a particularly harsh burden on the American consumer who ultimately must pay the cost of the tax and at the same time face the negative impact on jobs that would result on loss of international competitiveness.

7. Government regulation must be re-examined. The free enterprise system cannot be free with the mountain of Federal regulation American business is required to scale. The American free enterprise system must empower American workers to respond immediately without the burden of numerous, inconsistent, and/or unnecessary government regulation. Too often the government's attitude is to "make them comply" or "don't let them go too fast" rather than recognizing the imperative to respond quickly and with high quality in the face of changing international market pressures.

8. Banking restrictions should be liberalized sufficiently to allow capital to flow to the small businesses of America as well as medium and larger enterprises. We have over-reacted to the need to insure a secure and sound banking system and have stopped banks from performing a vital function for the small businesses of America. Our banks must be allowed to *loan money* if we are to grow and produce new jobs. One conference participant stated only a slight loosening of reserve requirements would pump 86 billion dollars into the economy without raising taxes a penny. The regulation, and in many cases, management of banks by the Federal government must be significantly reduced.

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## TRIBUTE TO HOYT HARWELL

Mr. HEFLIN. Mr. President, Hoyt Harwell, who has headed the Birmingham, AL, bureau of the Associated Press since 1966, will retire effective at the end of March. A tireless fixture in Alabama and southern journalism for over 40 years, Hoyt Harwell has been a linchpin in AP's Alabama operations. He has covered many of the State's biggest stories, and played an unusual role in the rescue of Tuscaloosa schoolchildren being held hostage in 1988.

Harwell, a resident of Hoover, AL, seems to have inherited the ink in his blood from his father, H.H. Harwell, a Mobile minister. The elder Harwell was a long-time publicist for the Alabama Baptist State Convention, writing religious stories appearing in newspapers statewide. The younger Harwell began working at a Mobile newspaper between high school and college. He signed on with AP in Birmingham in 1951, transferred to Mobile a couple of years later, and then to Atlanta in 1961. In 1965, he returned to take the helm in Birmingham, at that time embroiled in racial tension.

Over the decades, Harwell has met or interviewed many of the significant players on the State and national scenes: Rocket scientist Werner von Braun; Gov. George C. Wallace; sports legends Paul "Bear" Bryant, and Ralph "Shug" Jordan; and every President since Harry Truman.

Harwell has said that his professional values hearken back to the old tradition that a reporter is someone who stands on the sidelines and tells what happened. There are exceptions to that rule, however, as Harwell found in early 1988, when a gunman took more than 80 children hostage in a 12-hour ordeal at a school in Tuscaloosa. During the incident, the gunman demanded to see Harwell, who entered the school, listened to his grievances, and persuaded him to release nine students and a teacher. Even for journalists who strive to be impartial observers as Harwell has, there are special cases when people's lives are at stake.

Mr. President, I commend and congratulate Birmingham AP chief Hoyt Harwell for a long and distinguished career, the hallmarks of which have always been fairness and integrity. The world of southern journalism will not be the same in his absence. I wish Hoyt many happy and healthy years of retirement.

## IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,197,003,801,794.83 as of the close of business on Friday, February 26.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day—just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,339.72—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

## THE NEED FOR ADDITIONAL SPENDING CUTS

Mr. HATCH. Mr. President, I rise to speak about the need for additional spending cuts. I believe a great deal of room exists to cut unneeded stimulus spending in the President's package, and I know that such cuts will be debated at the appropriate time. Today, however, I wish to speak about the need to retire unneeded Government programs and agencies.

One of the great disappointments of President Clinton's speech was that in the entire $1.5 trillion Federal budget, the President failed to identify a single agency that could be wholly eliminated. Not even one.

We can do better. We must do better. I hope my colleagues will join me in trying to do better. Mr. President, I wish to recommend that we eliminate the Arms Control and Disarmament Agency. It was created in 1961 to deal with arms control talks in a world dominated by the cold war. It served us well but has outlived its purpose. It is an anachronism in the post-cold-war world.

Based on last year's budget, we would achieve an annual savings of $46.5 million by eliminating ACDA—which, in turn, means a savings of nearly a quarter of a billion dollars over 5 years.

We have already launched a major downsizing and restructuring of our Armed Forces as a result of the end of the cold war. We have taken a hard look at our foreign broadcasting programs to the former Soviet bloc. It is time we do the same for an agency such as ACDA that was created to handle the arms control negotiations that grew out of the cold war.

Let's face facts. The golden age of arms control is over. The INF Treaty, the CFE Treaty, the START I and START II Treaties, the Chemical Weapons Convention, and other agreements are all done deals. They will take years to implement fully, but their implementation is the responsibility of the Department of Defense, the intelligence community, and the State Department. Frankly speaking, there is no function that ACDA performs that is not duplicated by one or more other agencies or that could not be transferred to other departments.

The remaining arms control negotiations in which we participate can be conducted through the State Department. Arms reductions in accordance with these treaties will be executed by the Defense Department. Tasks associated with treaty verification can be completed by the Defense Department and the intelligence community working together.

Some argue that ACDA should become the counter proliferation watchdog. But the fact is that the Department of Defense has tasked responsibilities related to this issue to a newly created assistant secretary post and that Defense and the Department of Commerce already have the operational responsibilities in controlling exports of key technologies.

Morevoer, the organizational problems of this agency are by now well known to all. Two major studies of ACDA, one by the Stimson Center and the other provided by the agency's own inspector general, have called either for its massive reorganization or its elimination.

Here on Capitol Hill, the Appropriations Subcommittee on Commerce, State, and Judiciary chided ACDA last year for its wasteful personnel practices. In granting ACDA new personnel slots, it stated:

> The Committee requests ACDA to reexamine its requirements and reduce the GS-grade levels requested. Providing a GS-13/15 salary—$46,210 to $70,987 per annum—for a trip coordinator does not appear to be justified.

Americans have had enough of that kind of wasteful spending.

Mr. President, the cold war is over. We have come to terms with the new democratic Russia. We have recognized this reality by cutting the Defense budget. There is no reason that ACDA—whose original purpose was to oversee cold-war-era arms control negotiations—should be exempt from this process.

We have a simple choice to make: We can lower the curtain on ACDA and save the American taxpayer nearly a quarter of a billion dollars over the next 5 years, without sacrificing any significant function of government. Or we can perpetuate governmental duplication and inefficiency by allowing ACDA to live on as a bureaucratic relic of a previous age.

Mr. President, the right choice is clear: It is time for us to initiate the orderly retirement of the Arms Control and Disarmament Agency.

## SHOOTOUT IN WACO, TX

Mr. DECONCINI. Mr. President, it is with a profound sense of sadness that I come to the floor today to speak on a very regrettable situation which began in east Texas Sunday morning. During an attempt to execute search warrants at a ranch near Waco, TX, four brave and dedicated law enforcement agents of the Bureau of Alcohol, Tobacco, and Firearms [ATF] lost their lives. Steve Willis, age 32, of Houston, TX; Robert J. Williams, 26, of Little Rock, AR; Conway LeBleu, 30, of New Orleans, LA; and Todd McKeehan, 28, of New Orleans, LA, their young lives taken during the performance of their jobs. This tragedy occurred when ATF moved in to execute search warrants to recover an arsenal of automatic weapons, machineguns, and explosives housed at a compound operated by a religious sect known as Branch Davidians led by 33-year-old Vernon Howell. When the ATF agents attempted to enter the compound, gun fire broke out and over the course of an hour, four law enforcement officers were killed and 15 others wounded. They did not have a chance, Mr. President. They did not have a chance because they were outgunned by individuals armed with paramilitary assault weapons inside the compound.

The continuing standoff at Waco, TX typifies the dangerous conditions our Nation's law enforcement officers must subject themselves to on a daily basis. For every search warrant that is executed without incident, the threat of peril looms forever present. They put their lives on the line each and every day to protect the Nation's citizens from criminals and potential criminals. I heard Vernon Howell on the news last night saying that the sect consisted of God-fearing individuals who would not harm anyone. He just wanted to be left alone. Mr. President, one has to ask himself, if these are God-fearing citizens who would not hurt anyone, then why would they arm themselves with paramilitary weapons, the likes of which have no other use but to strike fatal blows, and why are four young law enforcement officers dead?

Mr. President, I am saddened by the tragic course of events which is continuing in Waco, TX. My heart goes out to the families of the fine officers whose lives have been tragically taken. No matter how dangerous the job, it never sufficiently prepares the families to cope with death. But, they should try to take solace in the fact that their loved ones were killed doing the job they felt they had to do, and doing it with dedication and honor.

Madam President, I hope to enter shortly today a resolution that hopefully the Senate will consider. I share it with leadership and will with the minority leadership, that we could go on record soon just giving support to the law enforcement officers.

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## HAMAS DEPORTATIONS IN PERSPECTIVE

Mr. DECONCINI. Mr. President, on December 13, 1992, the Islamic fundamentalist group Hamas kidnaped and brutally murdered Nissim Toledano, a civilian Israeli border patrolman. Four days later, in a reaction to the murder, the Israeli Government carried out an executive order to temporarily expel 415 suspected activists within the Hamas organization. On January 26, 1993, I sent a letter to then-Ambassador of Israel Zalmon Shoval asking for the evidence used by the Israeli Government to justify the expulsions. While recognizing Israel's right to self-preservation and duty to protect its citizens from acts of terrorism, I was concerned that Israel's swift action might have compromised the deportees' human rights by neglecting their due process of law protections.

Mr. President, the response I received from Ambassador Shoval has allayed my concerns. HAMAS, an acronym for the Islamic Resistance Movement, was formed in Egypt in the 1920's as an organization to recruit people to the Moslem faith. More recently, the group began militant activities against Israel with the establishment of the Islamic Jihad, or holy war. With its commitment to armed aggression, HAMAS accepted as its ideology "the liberation of Palestine in its entirety, from the Mediterranean Sea to the Jordan River." A HAMAS paper distributed to its members in 1990 called for the murders of Jews and the burning of their property, stating "every Jew is a settler and it is our obligation to kill him." I believe any government is justified from protecting itself from individuals adhering to and acting on these convictions.

In promoting its ideology, HAMAS has grown more violent and ruthless toward the people and Government of Israel. Its tactics include drive-by shootings of Jewish civilians and military personnel, firebombings of homes, vehicles, military installations, and civilian businesses, car bombings in commercial and residential areas, and the murder of suspected Palestinian collaborators within HAMAS itself. Some of the most recent HAMAS attacks include the 1989 kidnaping and murder of Israeli defense forces members Avi Sasportas and Ilan Sa'Adon, the 1990 murder of three civilian factory workers in Jaffa, and the 1992 killings of five more IDF members. The murder of Nissim Toledano was the precipitating incident in Prime Minister Rabin's decision to temporarily expel the HAMAS activists.

As HAMAS has become more violent, it has also become more powerful. I have recently received reports that HAMAS has replace Hezbollah as the popular violent arm of the Palestinian Liberation Organization. As such, HAMAS is gaining funding and military training from Iran, Syria, Saudi Arabia, and Jordan. HAMAS' military forces are now being trained in terrorist tactics in Lebanon's infamous Bekaa Valley. This financial and military backing has allowed HAMAS to extend its influence and terrorist tactics throughout the Middle East.

Most disturbing to me, however, is the fact that HAMAS is bent on derailing the current Middle East peace talks and reversing the not insignificant gains already achieved by the negotiators. The HAMAS covenant reads "there is no solution to the Palestinian problem except Jihad.

"The initiatives, proposals, and international conferences are but a waste of time, an exercise in futility." Because of HAMAS' willingness to carry out its extreme directives, the more radical terrorist factions in the region are embracing HAMAS as the new means toward achieving this end. To this Senator, there is no more important issue facing that region than the establishment and maintenance of peace. It is apparent that HAMAS is intent on ensuring that goal is not achieved.

Mr. President, in conclusion let me say that as a rule, I oppose deportation as a means of law enforcement. Too many protections of human rights are subject to exclusion under a general and unchecked policy of expulsion. In this specific instance, however, I believe Israel's temporary exclusion of members of the HAMAS organization was a reasonable and warranted reaction to a disturbing pattern of disruption and violence.

If they are serious about bringing peace to their region, Israel's Arab neighbors should also take steps to censure the activities of HAMAS.

I ask unanimous consent that a copy of my letter to Ambassador Shoval and his response be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, January 26, 1993.*
His Excellency ZALMON SHOVAL,
*Ambassador Extraordinary and Plenipotentiary, Embassy of Israel, Washington, DC.*

DEAR AMBASSADOR SHOVAL: I am interested in learning more about the status and conditions of the Palestinians deported from Israel in December, 1992.

I have become increasingly concerned about the circumstances surrounding the deportation of the 415 suspected Islamic activists to Lebanon. I strongly acknowledge and respect the right of any nation to take appropriate actions against individuals or groups proven to be involved in terrorist activities. I remain concerned, however, about the apparent lack of evidence on which these expulsions were based. I would greatly appreciate learning of the evidence used by your government to determine the cause for deporting the individuals.

In addition, I am pleased with Prime Minister Yitzhak Rabin's decision to reverse your cabinet's policy of not allowing United Nations contact with the deported Palestinians, and I encourage continued U.N. humanitarian assistance to them until the situation can be resolved.

I look forward to your response to this issue.

Sincerely,

DENNIS DECONCINI,
*U.S. Senator.*

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EMBASSY OF ISRAEL,
*Washington, DC, February 2, 1993.*

Hon. DENNIS DECONCINI,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR DECONCINI: Thank you for your letter of January 26th.

In response to your request regarding the reason and circumstances surrounding the temporary exclusion of Hamas activists, enclosed please find background information on the Government of Israel's temporary exclusion orders, on the ruling by the Israeli High Court of Justice, and on Hamas and its ideology.

As you are already aware, in its meeting of February 1, the Israeli Cabinet decided to return one hundred of the men and reduce the expulsion period of the remaining men to one year. Attached please find a copy of the Israeli Government's decision, and excerpts from Prime Minister Rabin's press conference.

This recent decision of the Israeli Government is in line with Israel's policy to advance the peace process while maintaining Israel's security against terrorist attacks.

With best wishes,

Sincerely,

ZALMAN SHOVAL,
*Ambassador.*

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EMBASSY OF ISRAEL,
*Washington, DC.*

THE TEMPORARY EXCLUSION OF HAMAS OPERATIVES

Following the recent series of fatal attacks against Israelis carried out by extremist Islamic fundamentalist terrorist organizations, the Israeli Government decided to issue temporary exclusion orders against about 400 operatives and cadre of these organizations, including the HAMAS and the Islamic Jihad. On Thursday, December 17, 1992, these orders were carried out, after a temporary injunction issued against the orders was examined and rescinded by the supreme court.

The HAMAS and the Islamic Jihad organizations are branches of the extremist moslem brotherhood which operate in the territories under Israeli administration. The 1988 charter of the HAMAS states that "the liberation of all of Palestine, from the (Mediterranean) Sea to the (Jordan) River, is the most exhalted strategic goal" of the organization. The group declares that "it is an obligation to kill all Jews" (from HAMAS leaflet 65, 1990), and employs armed terrorism against Jews and Arabs alike. Its ideology rejects compromise or peace with Israel, and its terrorist actions are aimed, not only at killing Jews, but at killing the peace process as well. Two recent examples are the attempted car bombings carried out by HAMAS on November 21 and December 10, 1992. The latter, which ignited but failed to explode in a residential Jerusalem neighborhood, took place while negotiations were actually being held in Washington.

The following points should be taken into account when examining Israel's actions in this regard.

1. ISRAEL'S RIGHT TO SELF-PRESERVATION AND DUTY TO PROTECT ITS CITIZENS

Any Democratic society, such as Israel, must defend itself against those who wish to destroy it and to murder its citizens. The innocent victims of HAMAS terrorism were brutally murdered, and were neither shown mercy nor given any right to appeal. Israel, as a state which respects the rule of law, grants these terrorists the rights which they did not grant their victims. Unlike many other democratic countries, Israel does not utilize the death penalty, yet chooses instead to simply remove the terrorists from the area for up to two years. Israel feels that this temporary exclusion is a more humane way of accomplishing the duty incumbent upon all free states—to stop terrorism, to protect its population, and to preserve the state from threats against its very existence.

2. THE LEGAL NATURE OF TEMPORARY EXCLUSION

The order provides for the exclusion of members of terrorist organizations whose actions endanger human lives. They are limited to a period of up to two years and can be appealed by a lawyer or family member within 60 days.

It has been alleged that these exclusion orders do not comply with international law, and in particular with article 49 of the fourth Geneva Convention. However, as the official commentary to the convention makes it clear, the prohibition in that article against "individual or mass deportation" was drafted in the context of the arbitrary deportations carried out during World War II for the purpose of extermination, subjugation and forced labor. Israel's issuance of exclusion orders is not arbitrary but directed only at those individuals whose presence and hostile activity in the territories constitute a clear danger to human life. Moreover, the purpose of the orders is not to exterminate or subjugate the population but rather to maintain security and orderly government in the areas—as required by article 64 of the convention. Finally, unlike the wartime deportations which were intended to cause a permanent dislocation of population, these orders operate only for a limited period, which may be cancelled or reduced on appeal.

The temporary exclusion of individuals who constitute a danger to public safety is not restricted to Israel. In Britain, for example, the prevention of terrorism (temporary provisions) Acts empower the Secretary of State to make exclusion orders against those involved in the commission or instigation of acts of terrorism. Under the British regulations the order is effective for three years unless revoked earlier, and it may be renewed. In the case of Britain, there are no legal proceedings and there is no right of appeal.

3. THE EXCLUSION PROCEDURE

Israel transported the 400 to the Israeli-Lebanese border, and brought them to the northermost area under the control of the South Lebanese Army of General Lahad. They were each given warm clothing, blankets, food and money, and released as close as possible to the Bekaa Valley, which they stated as their preferred destination. Once they were several kilometers inside the area under Lebanese Army control, their progress northward to the Bekaa was prevented. Although Lebanon and the Islamic organizations operating there have the facilities to receive them—and have done so in past cases—they chose instead to exploit the 400 for political gain, and to present them to the world as humanitarian victims, rather than as the terrorists that they truly are.

4. THE THREAT OF THE PEACE PROCESS

A central goal of the latest wave of fundamentalist terrorism is to torpedo the present peace talks between Israel and its Arab neighbors. Since these organizations reject Israel's right to exist, they are determined to destroy any attempt at compromise or accommodation with it. Israeli soldiers and civilians, as well as peace-seeking Palestinians, have become the victims of their brutal violence. Just recently, an arrested Islamic Jihad terrorist admitted to conspiring, under the direction of Jihad handlers in Jordan, to assassinate Faisal El-Husseini. Israel's present actions are meant to preserve the peace process, and to shield it from the growing Islamic extremist threat to its very existence.

5. THE THREAT OF ISLAMIC FUNDAMENTALISM

Radical Islamic fundamentalist violence has become the primary threat facing the stability and security of the Western-oriented countries of the Middle East, from Algeria to Egypt to Saudi Arabia. The source of this threat is found in the underground pan-Arab Moslem brotherhood and in the state sponsorship provided by extremist Islamic regimes such as Iran. The creed of these Islamic fundamentalists calls for the establishment of an archaic Moslem empire first throughout the Middle East and later throughout the globe, through the liquidation of all non-Islamic factors and influences. The use of violence is a main tool in their struggle for Islamic supremacy, which threatens the entire free world.

## RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. The Senate will now stand in recess, under the previous order.

Thereupon, the Senate, at 12:05 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MOSELEY-BRAUN].

## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 382) to extend the Emergency Unemployment Compensation Program, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 382

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".

**SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment

Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(b) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 3. TREATMENT OF RAILROAD WORKERS.**

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 4. PROFILING OF NEW CLAIMANTS.**

(a) GENERAL RULE.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3301–3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) TECHNICAL ASSISTANCE TO STATES.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the [secretary] *Secretary* deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) FUNDING OF ACTIVITIES.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) REPORT TO CONGRESS.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) STATE.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act.

**[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

**[**There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to carry out the purposes of the amendments made by section 2 this Act.**]**

**SEC. 5. FINANCING PROVISIONS.**

(a) AUTHORIZATION.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in Department of Labor Appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

(b) USE OF ADVANCE ACCOUNT FUNDS.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102–394) are authorized to be used to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

**SEC. 6. EMERGENCY DESIGNATION.**

Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

The PRESIDING OFFICER. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am interested in inquiring of the distinguished chairman of the committee. I have a short statement I would like to make about the pending matter. I do not want to speak before the chairman.

Mr. MOYNIHAN. Madam President, if the Senator from Connecticut would be so good as to withhold for the moment, the distinguished Republican manager of the bill has appeared and we would like to make our opening statements. We will then yield the Senator all the time he wishes.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, we are here today to commence the first serious and substantive debate on President Clinton's economic program.

From the outset, this year, we have seen that we are dealing with two almost equal and opposite economic problems in our country. The first is a weak recovery from a serious recession that is almost not a recovery at all. It is a recovery in production of goods and services but not in employment. In the history of post-World War II economic recoveries—which is the history of economic data in this regard because it is only with the Employment Act of 1946 that we began to measure these matters and have some idea about them; it was not until 1950 that we have our first unemployment rate—in that history we have never seen a recovery such as the one we are now going through, a recovery, defined as an increase in gross domestic product from one quarter over the previous quarter, with almost no increase in employment. We are in a condition today, 22 months after the trough, so-called, of the last recession, in which the unemployment rate is higher than it was at that bottom moment. Nothing like this has ever been seen. The number of long-term unemployed is greater than in the trough. It is at the level of a deep recession. Yet here we are in the fifth month of a recovery.

We have something new in economics. We have something new in terms of social policy to deal with. We did not previously know how to measure these matters. We used to take the unemployment rate every 10 years in the census. We took it in April of 1930 and then April of 1940, and the Great Depression never occurred in our official statistics.

Now we have gotten much more able and adept at measurement but not, Madam President, at explanation. We do not know what has been happening. We do know that the number of unemployed persons is extraordinary by any previous measurement of the economic cycle. We know that the number of poor persons in situations of need is extraordinary. We are seeing things today which 32 years ago we would not have imagined.

I observed that the New York Times reports as its lead story this morning that there are more persons receiving food stamps in the United States today than at any time from the moment the program was created in 1964. People who need food and get food stamps—10.4 percent of the U.S. population is now in that situation, something we never could have imagined in 1964 when we began that program.

I was remarking earlier to friends that there is a certain pattern to what we are doing in this first part of the President's economic program that has a parallel in President Kennedy's time. He found a situation of a recession seemingly like ours. On February 6, 1961, he proposed to extend the unemployment benefit program that had been established by President Roosevelt in 1935 for the next 13 weeks. Congress responded very quickly, very effectively, then as I know it will do now. The House has already passed our bill and this measure we bring to the floor was reported out of the Committee on Finance on a voice vote with only one objection. So it is fair to say that it was a 19-to-1 vote with it being clear that members of the minority would have the opportunity to offer amendments with respect to how the bill will be paid for. But President Kennedy's bill was offered on February 6 and signed into law March 24, and I can remember the sense that "we are going to get on with these things" at that time.

What I cannot remember, because there is no equivalent experience, is the fact that we are not in the middle of a recession, we are in the fifth quarter of a recovery but with no recovery in employment. For purposes of employment, the recession goes on. And in that setting, we are in a situation where the need for extending unemployment benefits goes on as well.

We have before us a Senate bill which is identical to the House bill, and when we pass it, as we will later today or early tomorrow, we will be in a position to get it to the President in time for the Saturday deadline. The current program expires at midnight on Saturday. If we do not act today or tomorrow morning, we will cut off 1.8 million people who, through no fault of their own—these are working persons, they have an attachment to the labor force, and they have been out for more than 26 weeks.

It surprises me that we have not long ago arranged a permanent provision for this kind of extended benefits. We have had to do it now repeatedly in recent years. I have had conversations with the Secretary of Labor, and he notes that in the last extension we did create an Advisory Council on Unemployment Compensation.

Members have been appointed, but not the full membership, and it has never yet met. We have reason to believe it now will do so, and it is about time it did, as we look at the overall need to revise a program that was, after all, set in place in 1935. It still has huge variations in benefits between one State and another, and has a very modest return in terms of replacement of wages.

The average benefit for the Nation is $173.64 a week, and that is just a little bit over 36 percent of the average weekly wage, much lower than we had expected it would be 60 years ago. It has drifted down. It needs a lot of fixing.

But in the meantime, Madam President, this program needs to be enacted, and now.

Here we can go back to first principles. In 1935, the Committee on Economic Security reported to President Roosevelt. The committee recommended what we call it the Social Security Program. We think of it as retirement benefits, of course, but it included unemployment compensation, it included aid to dependent children, and aid to the blind and disabled. Specifically, the committee report stated—and this was January 1935; and in those wondrous days a committee could report to the President and he could send a bill here on January 15, 1935, and have it passed in August, the entire social insurance system of our country. The committee said:

> Unemployment compensation, as we conceive it, is a front line of defense, especially valuable for those who are ordinarily steadily employed but very beneficial also in maintain purchasing power.

And that is a point to which I would like to give very considerable stress. If we do not pass this bill this week—today or tomorrow morning—we are going to put this recovery in jeopardy and put in jeopardy the jobs of millions of Americans now employed who could thereupon lose their jobs and be eligible for these benefits.

The distinguished vice chairman of the Joint Economic Committee testified before us in the Finance Committee in our first hearing on Thursday of last week. And I quote him:

> Not to extend the program would have a contractionary effect on the economy.

That comes, obviously, from a Senator, Senator SARBANES, but it comes with the authority, the professional integrity of the vice chairman of the Joint Economic Committee.

The Joint Economic Committee, as the distinguished Presiding Officer knows, was established by the Employment Act of 1946. The first commitment the United States made, in the aftermath of the Great Depression, to the highest possible level of employment production, was to establish the Joint Economic Committee and the Council of Economic Advisers, with the purpose of maximizing employment in this Nation.

The Joint Economic Committee is the committee that receives the economic report of the President and analyzes it. It is the body that is responsible for full employment or the fullest possible employment in this country and to deal with what in our time has become ever-rising levels of unemployment being accepted as somehow normal.

I can recall in 1963, or it may have been 1964, that the then Chairman of the Council of Economic Advisers, Dr. Heller, was proposing in the economic report of that year, with the President's accompanying message, that we establish a national goal of 4 percent unemployment. And there was much distress at this point in the Department of Labor. It was held that 4 percent, that is an unacceptable figure. And in the end we agreed on an interim goal of 4 percent. Would that we should ever see 4 percent again.

As the very able Senator from Michigan is going to point out in time, we are seeing a jobs recession, even as we see an economic recovery. We have more people in long-term unemployment than we have ever had at this point in a normal recovery. And it is not a recovery for the people out of work.

And the elemental responsibility of our Government at this point in this situation is to extend the existing unemployment compensation benefits for the long-term unemployed. This is not a sweeping measure. It is, if anything, possibly too modest a measure. It extends the program only until the 2d of October. At this point, we will have a chance to reconsider perhaps the whole program. We will have an advisory committee in place.

This program is not working as it was intended. The situation in which it operates is different from that in which it was created. Still, we have—and I see my able and dear friend here pacing, properly, in anticipation of his own remarks—Madam President, a simple duty to the American people to pass this bill now, get it on the President's desk tomorrow—at the latest the day after tomorrow.

There are 1.8 million people whose benefits will expire and who will line up and come in—not everyone on Monday morning—to ask for extended benefits and be told there are none for you.

The contractionary effect on purchasing power would mean not simply that the persons who need this will not get it, but that many more will need it. We are talking not about people who are out of work today. We are talking about people who will be out of work if we do not act today.

And with that, Madam President, seeing the sometime-chairman of the Committee on Finance, the very able Senator from Oregon—Oregon being one of the States which will be entitled to a full 26-week extension, owing to the situation in that economy—I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Madam President, I was one of those 19 that voted to send this bill out of committee, but indicated to the chairman that if it was not paid for I would be inclined to vote against it on the floor.

Now this is an emergency, and this is indeed an emergency for those people who are unemployed, whether they are in lumber mills in Oregon or auto factories in Detroit. If you are 40, 45 years of age, worked all your life and you are out of work and cannot get a job, that is an emergency; no question about it.

On occasion, it does not do much good to tell a 45-year-old, "Go find another job." The 45-year-old has a family, has a husband or wife, a couple of kids in high school. It is not easy to pull up roots and go 200, 300, 400 miles away, assuming there is a job 200, 300, 400 miles away. So it is an emergency.

Is it, however, an unexpected emergency to the Government? Did we not foresee this coming, because the President can declare an emergency, waive the Budget Act and we can spend more than we otherwise would be able to spend under the budget agreement of 1990. Did we not foresee this coming 3 months ago or 2 months ago? Was it so unexpected as to catch us by surprise and require us to declare an emergency and, Madam President, not pay for this bill?

It would be my contention that it is not that kind of an emergency for the Government. It is for the unemployed. We should pay for it and pass it, but we cannot justify on the very first spending bill that comes before this Congress from this administration to say, oh well, it is only about $6 billion. It is $5.8 billion, but let us call it $6 billion. It is only $6 billion. In a budget of $1.5 trillion, what difference does it make if we borrow another $6 billion?

Madam President, I fear that that is a harbinger of what we are going to continue to do down the road, and this is the time to stop it and say if we think this program is worthwhile—and it is—we should pay for it. Let us not overemphasize the effect this is going to have on the economy.

Much as I regard and revere the Joint Economic Committee, to say that this is going to have an immense contractionary effect if we do not pass it I find a bit overblown and perhaps hyperbole. The amount of money in this bill is one two-thousandths of our gross national product—one two-thousandths—and I find it hard to believe that the future of the economy of this country hangs on passing or not passing this bill. I want to emphasize again—not those poor devils who are out of work who are not in the mills, this is desperate for them and that is why we should pass it—but we should pay for it. This noon the President met with the Republican Senators at our weekly Tuesday noon policy meeting, and one of the issues that came up was the suggestion that perhaps this bill should be paid for. The President did not directly respond to that one way or the other.

So I will say again, in conclusion, and we will have an amendment to offer a little later to pay for this bill—I hope it is adopted; it may not but it may, but we will at least have an amendment to pay for it—I will say, in conclusion, to the person who is out of work, it is an emergency, that people should be helped. We should pass this bill.

Two, this problem did not catch the Federal Government by surprise. It was not like, "Boy, where did those numbers come from? We never expected that." So it is not an emergency as far as we are concerned, and it is not the kind of emergency that the President should waive the budget agreement and say we are so surprised that we need to pass this. This is not a forest fire that is wiping out thousands of acres. It is not a flood. It is not the hurricane in Florida that suddenly came upon us and we did not expect it and it is an emergency. It is something we saw coming.

Last, as we saw it coming, we should face up to it honestly because if we do not, then when the President's other spending programs come and the rest of the budget that is going to come down to us month by month over the remainder of this year, we will have started down a trail of not paying for things that we think are worthwhile.

The President did say an interesting thing this noon. He did say that in 1997, even if we adopt all of his budget, the deficits will start up again in 1997 unless we get health care costs and other entitlements under control, and by that he has to mean Social Security, I think, because that is the biggest one. I will look forward to what he has to recommend to us in terms of getting those costs under control so that the deficits do not go up. In the meantime, let us not start this afternoon with making the deficit go up by $6 billion over the next 2 years. I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Madam President, I thank my friend from Oregon for the temper of his remarks which were thoughtful and responsible.

First of all, the term emergency is a technical term in the Budget Act. It does not describe a house on fire or a hurricane. It is a term we use when we propose to go beyond the ceilings previously agreed to.

Whatever measure or measures that are offered on the other side, none will provide revenue starting Sunday morning; not one. I guarantee you there is not a single proposal that will provide a dime of unemployment moneys on Monday morning when the employment office is opened. The measures that will be proposed most likely will come from a series of 150 measures the President has called for in the way of spending reductions. These are measures which I know for my part I intend to vote for in the context of a budget resolution which we should have in about a month's time and then a large portion of which will be assigned to the Finance Committee. The Senator from Oregon and myself and our other colleagues will be slogging through that list. I shall be with the President on those matters.

But this extended unemployment compensation bill, in a situation of unprecedented unemployment in the aftermath of a recession, expires Saturday night, and if we want to tell those millions of people who will show up Monday morning hoping to get the extension that has been in place until now, sorry, we are going to wait until the budget resolution and the reconciliation is all put together sometime in August, I think there will be some legitimately disappointed, angry persons out there.

We are not proposing anything radical, Madam President. Extended unemployment first took place in 1958 under President Eisenhower and next under President Kennedy. Benefits have been in place since 1935. We are only doing what is understood to be reasonable and necessary.

The Senator from Oregon says he cannot imagine that there would be any contractionary effect of a large nature. I do not want to speak to that. He said the amount involved is not such as would be likely to affect the economy as a whole. I would ask him to withhold that judgment. The opposite is the view of the Secretary of Labor, and of Senator SARBANES of the joint committee. It is amazing what happens on the margin in economics. We are just beginning to get some sense of how much instability can be brought about by slight changes on the margin. This would be a large change on the margin. It should not be allowed to happen. The workers need it; the economy needs it; it is in our tradition to provide it.

I see that my very able friend from Michigan is on the floor with some devastating data in this regard. Madam President, in anticipation of hearing from him, I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Madam President, I want to say to the chairman of the Finance Committee how much I appreciate his leadership on this issue and the fact he has moved so quickly to bring this matter to the floor and to lay it out today in such vivid detail.

This bill that is before us, S. 382, sponsored and offered by Chairman MOYNIHAN, lists myself as the first lead cosponsor, along with others. I am very proud to be part of this effort because this is a continuing effort that stretches back to last year.

When this recession did not end and the jobs continued to disappear, we came forward with a series of efforts to offer extended unemployment benefits to workers who had exhausted their benefits. On the first two occasions we did that, President Bush did not allow either of those measures to become law. And without going back and rehashing that whole history, we finally, on the third attempt, got it passed and got the administration to accept it. But it came very late. And the problem that we are facing is really very new and different and much more dangerous than other economic situations we have seen, I think, going all the way back to the 1930's.

Let me use this chart to illustrate the nature of this problem because while it is said that we have something of an economic recovery underway, we do not have a jobs recovery. That is what is different about this recession.

This chart shows the beginning of the recession. This line across the middle of the chart indicates whether the economy is gaining jobs, which would be above this line, or losing jobs, which would be below this line.

In this chart, we have taken the last seven recessions before this one and we have created an average as to what the job loss has been as those previous recessions started, went down, and bottomed out. Then, as things started to get better and the jobs came back, how long it took before finally we recovered all the jobs and we were back into positive ground adding new jobs to the economy. That is this blue line that you see here.

As we come out through 12, 14, 16 months, stretching out beyond 2 years, you see in these previous recessions we have had job losses come down like this. We get out about 12 months into the recession, we hit the bottom of the recession, sort of a trough in the recession, kind of a U-shaped curve, and then we start to climb out of it. In our previous recessions, by the time we were out here, about 21 months after the beginning of the recession, we had regained all the jobs we had lost up until that point. We were across this line and back into positive ground and continued to add jobs. By the time we were out as far as we are in this long-running recession, in the past we would be up here; we would have added nearly 3 million additional jobs to the economy. We would have gotten all the other jobs back and added 3 million new jobs to the economy.

Where are we today? If you follow this recession, which is tracked by this red line, it comes down about the same way as the past recessions. We get down to the bottom of the recession at about 10 or 12 months, but then we have stayed there and we have come across. Now we are out nearly 30 months and you can see that we are not getting the jobs back. We are down here at this point, still nearly 2 million jobs have been lost and not recovered. And so while we should be up here, we are in fact down in this position. The difference between these positions is a figure of roughly 4 million jobs that we should have by this time that have not come back.

The problem is so severe that two leading business journals in this country have just written cover stories on this issue. I am holding up a copy of Fortune magazine. The date on this is March 8 of this year and the cover story says, "Jobs Less," and the subheadline reads, "The new unemployed are older and better educated than before, and stand to be on the street a long, long time." And you can see from the photograph here there are two women, three men, probably in their late thirties to maybe early fifties, well dressed, all unemployed, and with no prospect at the present time for finding replacement work.

If you go on inside and look at this story, it is a stunning story. Bear in mind, Fortune magazine is the magazine doing this.

Once you are inside looking at the story, it says, "While the economy is growing steadily again, more than 9 million Americans remain jobless victims of changes they cannot control. Their lives will never be the same." Then they go through and talk about several of these case histories.

At essentially the same time, another leading journal, in this case Business Week, in an issue just a week prior dated February 22, 1993, has as its cover story, "Jobs, Jobs, Jobs," and the subheadline is, "The economy is growing but employment lags badly."

If you open up this story, you find exactly the same thing. They are talking about the disappearance of jobs, and it says, "It is a recovery without a heart. Hiring is going to stay agonizingly slow for some time." And it goes on as a business journal would and lays out a number of the important statistics that show how fundamentally different this recession and economic problem is than any we have faced in modern times.

Now, the best estimates that we have of people who have lost jobs in this recession and those who have exhausted their unemployment benefits—and as of Saturday night, as Senator MOYNIHAN has said, will not get any further unemployment benefits unless we extend this program now—it is estimated that of those now unemployed only 14 percent are expected to eventually be called back to their existing jobs.

Think about that number, because in years past when we have had recessions, we have had ups and downs in the economy. A person might be laid off. They might be laid off for several weeks, in extreme cases for several months. But normally, eventually their company would bounce back, the economy would get stronger, they would be called back to work, and they could go back to work in the job they had before the recession started.

That has now changed. It is now said that only 14 percent on average can now expect to go back to the job they had before. So that means that fully 86 percent are thrown out of the work system and have to find some other replacement job, and many are unable to do it because we have this problem; we are not getting job creation taking place in the economy.

That is why President Clinton has come forward with a comprehensive economic plan to try to stimulate this economy and get more job growth going. He has made a public commitment to undertake an effort to create 8 million private sector jobs in our economy over the next 4 years. That is roughly 2 million jobs a year, about 165,000 a month. I salute him for making that effort, to move in the direction of trying to get that kind of job growth going in this country. Certainly, as everyone here knows, in the last several years the executive branch of our Government has had an economic program for every country in the world except our own. We have had economic plans for Kuwait, Mexico, and Red China; you name the country, there was a plan but no plan for this country until now.

Now there is a plan for this country. But until that plan is enacted and can take hold and we can start seeing job recovery moving up, we have to extend the unemployment benefits for those workers who are out of work and otherwise are going to have their lives absolutely torn apart.

We are talking about real people. We can talk about natural disasters and hurricanes and volcanoes and things of that kind. This is a complete disaster for a family and workers who have lost their jobs and cannot find replacement work. If your unemployment benefits are gone and you have exhausted your savings, in many cases you are required to move out. If you are renting an apartment, you have to give up your apartment. If you have a car and cannot make the car payments, you have to surrender your car, so you do not have a way to get around to even look for work.

We are talking about people's lives being torn apart. We are talking about the fact that we are out here now nearly 30 months since this recession started and still not seeing the beginnings of serious job recovery.

How many people are out of work? Listen to these numbers. We have 9 million right now who are officially unemployed. Those are people looking for work and cannot find it. There are 9 million of those. But there are another 6 million plus people today who want to work full time but cannot find full time work and therefore are only able to work part time.

Under our labor statistics—many do not know this—if you work as little as 1 hour a week, you are counted as employed as opposed to unemployed or underemployed. So we know now by the Government's own data that there are over 6 million people out there working on a part-time basis but only because they cannot find full-time work.

It is estimated we have over another million people who are called discouraged workers, who have been out of the work force so long and could not find work that they have finally given up looking. The other night on a network television show, I saw two veterans from Desert Storm who have not been able to find work and are homeless, living in Washington in cardboard boxes in the middle of winter.

So we have those categories. Add those 3 categories up and we have 16 million people needing full-time work and not finding it.

Now, are we going to terminate the extended unemployment compensation program at a time when we have had an economic strategy played out over the last 12 years that did not work, has not created jobs, and left us now with a recession that is not ending in terms of the jobs coming back?

Of course we need to offer this help. That is why we have a country. We have a country so we are in the position to look after the common interests and to help one another in times of emergency. And clearly in this country if you cannot find a job, and have an income to support yourself and to support your family, that is an emergency. In fact, it is about the most dire emergency that you can have.

(Mr. DORGAN assumed the chair.)

Mr. RIEGLE. It is wrecking people's lives. It is taking the meaning out of their lives. In addition to the fact that they cannot support themselves many people feel useless. They may have 10, 20, or 30 years of job experience, in many cases advanced degrees, excellent work records and they cannot find work. We are talking about people with degrees, graduate degrees, Ph.D.'s in computer science, engineering technology. You name the field. We have people today unemployed and cannot find work in those fields.

I got a letter from a man the other day with a graduate degree who has been in three job retraining programs, wrote to me from Texas and still cannot find a job. So we have a serious job problem in this country.

We have to extend this unemployment compensation program to enable those folks out there who want to work, who are ready to work, who need the work, but for whom there is no job, to tide them over until such time as we can get this economic plan in place and the economy can finally start to recover and get some jobs going again.

I will just finish by saying this: There are some times when the Federal Government has I think an affirmative obligation to act, to help our people. It ought to be the fundamental beginning and ending purpose of Government, to help our people; particularly those people out there who are being damaged through no circumstances of their own. The unemployed do not want to be unemployed. They want to be working, but our economic system has malfunctioned now for a period of years in such a serious degree now that we have this situation that we have a jobs recession that is continuing and we are not getting the jobs recovering.

We just had an incumbent thrown out of office essentially I think because of this issue because the country has not been on the right economic track. As we put the new economic package in place, I will support the President's program, with the chairman of the Finance Committee. We have to get it enacted. We have to be sure the health care problem is part of it so we deal with the problem and the problem of the longrun deficit. We have to get this program enacted. That is what it will take a start to bend these lines up and start the job recovery coming back. But in the meantime are we going to see to it that people have the money they need to eat, to be in out of the cold, to be able to support their families? I would hope so.

I want that for my fellow citizens. I want that especially for people who are workers, and have a history of a long work record but who are out of work and have exhausted their benefits and now are desperate who need this Government to respond. It is time we did it. I want those benefits to continue after Saturday night because those human needs of people in that circumstance are not going to end at midnight on Saturday night. That is why we are here.

I know there will be others on the other side that may—I do not want to implicate anybody in particular when I say this—to try to get whatever banana peels they can underneath any effort to respond to these problems. We have had enough of that kind of business. We have elected a new President. He has a plan. We ought to go to work and put the plan in place. We start today by extending these unemployment benefits until such time as the jobs come back in this country so people can go back to work and support themselves.

I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I just state once again my admiration for the passion that the Senator from Michigan brings up here. These are human beings. They are friends. They can live down the street. And 1.8 million people will receive these benefits in the very short span of time, until October 2. That is what we are doing. Are we going to say to them on Saturday night, sorry, no. We thought about it. We are going to wait for reconciliation, whatever that means. I doubt they will be much reconciled.

We are dealing with something with which we have no previous experience. This is something new.

I ask the Senator from Michigan, who has followed these matters with great care, and has a lifetime of public service, has there ever been an equivalent pattern of job depression in the aftermath of a nominal recovery which is what the National Bureau of Economic Research finds in quarterly increases in output, but with no increases in jobs?

Mr. RIEGLE. The Senator says it exactly as it is. You have to go back before World War II. You have really to go back to the Depression to find the situation comparable to this. Here is the average of all the postwar recessions noted by this blue line on this chart. Can you see how stark the departure is? It is no accident that these business journals that are basically in the business of accepting optimism, they are out trying to sort of talk the happy talk as much as they can. Why would Fortune magazine feature on its cover in the most recent issue this urgent problem of the jobless? Why would Business Week, the week before, do exactly the same thing? Why are these business journals in a sense leading and telling us we have an unprecedented problem on our hands? It is because we do. We have to respond to it.

Mr. MOYNIHAN. If I can say, you do not want to speak beyond your knowledge and mine certainly is limited. But in the Great Depression we were faced with an economic situation that could not be explained by existing terms. The economy was supposed to be self-equilibrating, as the phrase went. When unemployment went to a certain point, jobs, wages would decline and employment would rise. It did not. Maynard Keynes and others established that you could have equilibrium at higher levels of underutilized resources, principally employment.

We may be dealing with something similar. It may be a long while before we understand what we are dealing with. But in the name of God, let us not cut off unemployment compensation on Saturday night to people who are out of work for no reason of their doing, and because we do not understand why.

We have a major program of investment coming up. We will get to it shortly within the month. But this program stops Saturday midnight. The House has acted. We are ready to right now.

Mr. President, I see the distinguished Republican leader is on the floor. I would be happy to urge the adoption of the amendment, and we can get on with the work of the Nation.

Mr. PACKWOOD. Let me ask my good friend, I do not want to delay this bill either. There is no harm in passing it right away, pass it this afternoon. We can send the whole thing back to the House, vote on it in the conference, have it on the President's desk tomorrow night, and with a way to pay for it.

Mr. MOYNIHAN. May I say to my friend, none of the proposals he will make will provide a dime for the Treasury on Sunday. If we are talking about the fact that the whole theory of unemployment compensation is to provide purchasing power, it was intended that you would build up a fund, and spend it down. That is what we are doing.

Mr. PACKWOOD. No. It will not provide it, and the Budget Act does not require us to match funds on a day-in day-out basis week in and week out. It does require we have to do it on a year-in year-out. The amendment that I will offer on behalf of Senator DOLE and others will pay in this year for the benefits this year. At least for purposes of normal annual budgeting we can say we paid for this bill.

Mr. MOYNIHAN. I am prepared to say that would amount to a contraction, and I think the record of 60 years experience of this program argues the same. I do not say it proves it.

Mr. PACKWOOD. I will say again, if a program that is one two-thousandths the size of our economy is a contraction, or in the converse, if we pass it, will be expansionary, I find it hard to believe one way or the other. That it is not to say the poor devil out of work does not face a contraction. That devil sure does. But in the overall economy of $12 trillion over 2 years, whether we pass or do not pass a $6 billion bill that will give out money to those who are unemployed I think will not make a whit of difference in the growth or the lack of growth of the economy.

Mr. MOYNIHAN. The Senator and I would simply have to have a difference of agreement on that.

But I make this point: Mr. President, I make this with some emphasis. Right now, there are 1.5 million persons receiving extended unemployment compensation. We anticipate in the next 8 months, between now and October, that there will be an additional 1.8 million. The number rises. We are dealing with a situation that has no precedent, and at the very least we can do one thing—we can do what we learned to do in the middle of the Great Depression when we knew we were in a battle with what was going on. We established unemployment compensation.

To continue in this situation seems to me more than appropriate. I wonder if I can ask my friend if he has a mind to offer the amendment, and we can get on with the debate?

Mr. PACKWOOD. I might make one comment, and then I will suggest the absence of a quorum and talk with the Senator about that.

As I look at the chart of the Senator from Michigan, why is the economy starting to grow—certainly in the last quarter of last year, 4.8-percent growth is more than average—why is it growing and employment not? My good friend from New York, the chairman of the committee, indicated a lack of knowledge in certain areas. I certainly admit the lack of knowledge in this area. But I will give an opinion, for what it is worth, without much to back it up, but just a hunch.

We have made hiring people very expensive. And we add little burdens as we go along. We raise the Medicare tax, and we pass the Americans with Disabilities Act and require expenditures on behalf of businesses. It may have gotten to the place—I cannot prove this—where it is cheaper to invest in machines than to hire people. And the machines make us more productive. You can do more things and become more productive, depending upon the costs. Sometimes you can be more productive with people, depending upon the cost.

The classic example of using machines is farming. At the turn of the century, there were something like one in 2 or 7 in 10 in farming, involved in feeding this country. Today it is about 2 in 100. You go to any farm in the country now—and I wager it is the most capital intensive business going. The occupant of the chair comes from a Farm State, and he probably has had the same experience. Look at a man and woman, a husband and wife, running a wheat ranch, maybe getting help from the kids in the summer, if the kids are in school, and maybe one hired person. The investment they have in combines and tractors and equipment is staggering in comparison to any other business. But it is what has made American farming the envy of the world.

There is not another country, no matter what their wage rates, that can farm like we can, and be as productive as we can. I do not care if they are paying the laborers 5 or 10 cents an hour. I just wonder if that is not happening to many businesses. We went through the 1980's, boom time, and expenses did not matter. Hire everybody you want, and do not worry about the bottom line. It is going to be big and you can afford to be fat. Then we started cutting back when we hit the recession, as all businesses do in a recession. And as we were coming out of it, businesses may have been a bit more reluctant to go back to the fat days and hire a lot of people, without worrying too much about the cost.

They have discovered that they can buy machines at a cheaper cost than people, making them more productive and leaving us with this tremendous gap between the growth of the economy, which is growing well, and unemployment. I do not know. I postulate that as a possibility.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, earlier, there was some discussion about the contractionary effects that would follow if we were not to adopt this measure, which extends a program providing extended unemployment benefits, which expires this Saturday evening.

We have inquired of the Department of Labor in this regard and they put the matter about as follows: Every billion dollars worth of moneys expended in the economy produce some 17,000 jobs; which is if you take a $5.7 billion outlay which we anticipate between now and the expiration of this program—which effects do not stop on October 2; it is simply that additional benefits are no longer available—you have between 85,000 and 95,000 jobs which would be lost, in addition to the 1.8 million persons who will have exhausted their regular benefits and would not be in a position to receive extended benefits.

There is one provision in this measure which I would like to call attention to, because it is the beginning of what I hope will be a refocusing of this whole question of unemployment benefits and extended unemployment benefits.

One of the ways this past recession has been different is the number of persons—and the Senator from Oregon was talking about this—the number of persons who, when they lost their jobs, could reasonably—when there was a hiring season and they were laid off—could reasonably expect to return to that job.

This is a pattern we have seen with inventory recessions in the past. Inventories built up. Plywood manufacturers in Oregon would say: Well, we have enough on hand for awhile. We will lay off. People would be out of work for a period, but they would expect, with reason, to go back to that job and they would.

That is one of the reasons employers are very loyal to the whole notion of unemployment compensation. Employers pay it, and they like employees to know that they pay it, and to know where it came from, and to keep a relationship with the employer when there are cyclical employment patterns.

In the past, on average, 44 percent of the persons who have been laid off could reasonably expect—and would say to the U.S. employment service that they did expect—to return to the job they had. And that was a pattern of inventory recessions, as they were called, and was fairly stable. In this recession, however, only 14 percent of unemployed workers expect to return to the job they had.

In other words, the mill closed. It just did not slow down production in a cycle of inventory accumulation and inventory disposal. That is new. That is the sort of thing the Senator from Oregon was talking about.

In this measure, we do have, for the first time, an appropriation for State employment agencies to begin focusing on those persons who are not going to return to their old jobs right away, and not wait until it becomes obvious a year later that they have not, and will not do so.

And there are profiles of workers in that situation. The most elemental example is there is one plant in town and it closes. There is not much point in waiting around for that plant to start hiring again. It has closed.

Finding the profiles of persons who will not be returning to their old work, and beginning retraining for work that will come along, is clearly an idea whose time has come. And it is in this bill and I hope it would not go unappreciated or unnoticed.

I see that several Senators are on the floor, and would not presume to decide who should speak next. That is the prerogative of the Presiding Officer.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I intend to support the administration's extension of unemployment insurance benefits because there is a great need for this legislation in my home State.

In Alaska, according to the U.S. Department of Labor, we had the highest insured employment rate in the Nation for every week in January of this year, ranging from 6.8 percent to 7.4 percent, with a total unemployment rate of 10.4 percent.

Our uninsured unemployment rate today is approximately 6.5 percent and we expect some 8,000 to 10,000 Alaskans to file under the extension of benefits immediately when this legislation is passed.

According to Alaska's Department of Labor, the unemployment situation is particularly difficult in several regions of my State. For example, the Kenai Peninsula Borough—which is the area of the original oil strike in Alaska—had a total unemployment rate of 19.9 percent in January 1992, and 18.6 percent for January 1993. Even after seasonal adjustments for the increased employment during Kenai Peninsula's busy summer fishing season, unemployment still averaged 14.2 percent for 1992, up from 12.7 percent in 1991.

There were high unemployment figures in 1992 throughout our State, averaging 17.7 percent in the Eskimo region up in the Northwest Artic Borough and approximately 14 percent in the Matsu Borough—the famous Matanuska Valley, the farming district of our State—the Borough of Haines, and in the Skagway-Yakutat-Angoon area of southeastern Alaska.

I want to state that while I do support the President's effort to be responsive to the needs of our Nation's unemployed, I am concerned about the impact of the administration's plan for long-term economic vitality throughout our country, particularly my State.

Further extensions of unemployment benefits are helpful—they answer the current problem—but they are not the answer to the chronic unemployment problems, particularly in Alaska.

Long-term, sustainable economic growth will require a comprehensive approach that provides some economic stimulus in the near-term, but it does require long-term solutions. Unfortunately, some of the proposals that we have read about that will come from the administration, will provide neither the stimulus nor the solution, but would have a negative impact on jobs creation in my State.

For instance, the proposed 12.5-percent royalty on hardrock mining would, we believe, eliminate about 364 placer mining jobs. In addition to the unemployment problem that already exists in the miming industry, it is unlikely that any mine in Alaska could sustain a 12.5-percent royalty on gross revenues.

I urge that the Senate and the administration consider, there is a great difference between a 12.5-percent royalty on the wellhead prices of oil and a 12.5-percent royalty which amounts to a tax on gross revenues, based upon world prices of mineral products. I think this would have a devastating impact on Alaska's mining industry, to put in effect a 12.5-percent royalty at this time.

Already, even before this has gone into effect, one of our larger mines, the Greens Creek Mine, near Juneau, AK, announced that it will close in mid-April. The world price for ores is a marginal price for operations in North America. That is why we do not have, and have not had, a successful royalty program in the mining industry of this country in our history.

Twice before in our history, we put into effect a royalty on mineral production and our mining industry totally collapsed in both instances. It led to one of the worst depressions we had in this country, for instance.

Alaska also has the potential to experience a significant loss of jobs in the timber industry of southeastern Alaska. There are some indications that some people want to phase out timber sales from the Tongass National Forest. That would phase out, immediately, some 250 jobs. The communities of Sitka and Ketchikan would be isolated in many respects without the timber industry. The decline in the oil industry in Alaska has had a significant impact. I think it has an impact throughout the country, as a matter of fact. The oil industry has lost about 400,000 jobs nationwide, more than any other industry to date.

In Alaska, oil industry layoffs helped drive up the State's unemployment rate in January—by more than 29,000 Alaskan jobless related to that industry, is my information. It seems if this trend continues, we will be in real difficulty in Alaska.

The throughput in the Alaska pipeline, now, has declined 20 percent from where it was in the days of the Persian Gulf war. We supply 25 percent of the domestic-produced oil, and my message to the Senate is that has declined 20 percent since the Persian Gulf war. It will decline, we are told, to the extent that in 2009 we will only have 365,000 barrels a day coming through that pipeline, which at one time, carried 2.2 million barrels a day. All of the oil is destined to the Continental United States.

We do need to open new areas for exploration and development in Alaska, and the coastal plain of the Arctic Wildlife Refuge is one of the answers to that need. If we are concerned about job creation, opening ANWR, as we call it, the Arctic National Wildlife Refuge, will strengthen our total national economy.

According to a Wharton econometric study, the opening of just this small portion of the coastal plain, which is about 1.5 million acres in total, would use only about 20,000 acres of that, if there is a discovery there. But the opening of ANWR alone would create an estimated 735,000 jobs. That is considerably more than the stimulus package that is coming from the administration, with a $30 billion economic stimulus plan. ANWR would bring in $50 billion in income between now and the turn of the century.

We believe we could actually generate revenue for the Federal Treasury through lease sales, bonus bids, and royalty payments, from the development of oil and gas. And the increase to our gross national product of some $50 billion in this period would alleviate many of the strains that the Senate and the Congress are trying to deal with.

I urge the Senate, not only to approve this plan to deal with unemployment problems now, but to think about long-term job creation and, in doing so, I tell the Senate that the development of the coastal plain in Alaska has the potential to be the largest construction project in the United States for the balance of this century.

All we need is the approval of Congress to go forward with that right to explore.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before the Senator from Alaska has to leave the floor, may I thank him for his expression of support for this measure, and his insistence that it be followed by much larger consideration of investment and growth in this economy? Alaska is stricken by unemployment right now. A recovery that has produced no jobs is no recovery for the jobless. And that is why we have until Saturday night to act—for the program. Let us hope we have this done by noonday tomorrow.

I thank the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from New York. The President of the United States just joined our Republican caucus for lunch, as the Senator knows. I find and I am pleased to say publicly, I like this man. He is an easy man to work with. And what he says makes a lot of sense.

But then I see some of the suggestions, and I think about where I come from. The effects on the timber industry, on the mining industry, on the oil and gas industry, are devastating. I have not even mentioned the Btu tax and its impact on oil, and those of us who depend on oil, and have no other source of fuel available.

I hope we can find a way to work with this administration. I would like to start off on the right foot. That is why I came out here to say I support this bill and I am looking forward to seeing it passed.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, once again, may I thank my colleague for a very forthcoming and reassuring statement.

I see my distinguished colleague. I spent the morning invoking the vice chairman of the Joint Economic Committee, which is the source of our data in these matters, and the particularly disturbing data of this present situation. I have repeatedly invoked Senator SARBANES' statement before our Finance Committee that not to enact this measure would be contractionary, in the setting of a recovery that is almost jobless, and could put even that in jeopardy. I look forward to his remarks.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Madam President, I appreciate the very generous comments of the able chairman of the Finance Committee, the Senator from New York. I want to thank him for the really fine work he has done on this legislation, moving it very quickly out of his committee. As he has noted here on the floor, we face, in effect, for the people who will be affected, a crisis, unless we enact this legislation. We need to do it within the next few days, and send it to the President so he can sign it and place it into law.

Madam President, here is the problem. In every recession since the 1950's, the Congress has provided extended benefits to workers who exhaust their regular State unemployment insurance benefits. The regular program is 26 weeks.

If you get a brief turndown, within 26 weeks, which is approximately 6 months, you may start moving back up again, and the labor market improves. That does not usually happen that quickly in any recession of any consequence. And, therefore, the Congress has, over the years, extended the time period because, even in the best of times, many hardworking Americans cannot find work before they exhaust the standard 26 weeks of benefits. In fact, the chances of finding a job in 26 weeks fall sharply in recessions.

So the Government comes in to help out, the Federal Government, to extend the time period. This performs a number of important functions. First of all, it has a very pressing human dimension to it. You are talking about working people.

By definition, you cannot draw unemployment insurance unless you have a work record. So now we are talking about working Americans who then find themselves out of a job through no fault of their own. They are confronted with mortgage payments on their homes, with placing food on the table, making car payments—all the other bills that are associated with normal living. And of course they lose their job. They are searching for another job. By definition, they cannot find it if they are still able to draw on the unemployment insurance benefit system. It can mean absolute disaster for the family.

It is difficult enough for most families even if they can draw the unemployment insurance, because it is only a fraction of what they were making while they were working.

At least it is enough to help tide them through this difficult period. But if the benefit period has been exhausted and people find themselves no longer with this income support, they can be in a very dire situation.

In addition, extending the program has an overall, what we call, macroeconomic impact; in other words, an overall impact on the broad functioning of the economy. In effect, failure to extend this program would have a contractionary effect on our economy. At the very moment we want to give the economy a lift, get it moving forward when we have had some figures that looked encouraging, if in effect we drop all these people out of the program, then that demand contracts and shrinks and you have given a downward push to the economy. This is particularly important in this recession recovery period, and I want to take just a moment to explain why.

Unfortuantely, in this recession, we have encountered something we have not experienced before in the post World War II period. In most recessions, you go down, you lose jobs, you bottom out and then you come back up again with a strong recovery, good growth, you recover jobs, people go back to work within a matter of months, usually less than a year from the bottom of the recession, and you have recovered all the jobs that have been lost and even more so. That has not happened in this recession. I want to just use this chart to demonstrate.

This compares job recovery in this recession with the average of seven previous recessions in the post World War II period. This shows the bottom of the recession. So, in other words, when you start losing jobs, you come down like this. You see that this recession roughly parallels the average of what was occurring in previous recessions. In other words, the downturn proceeded roughly parallel to what we experienced in other postwar recessions. The difference is that the upturn has not paralleled previous recoveries. In previous recoveries, we had this sort of path; in other words, a line moving up like this. We have not yet in fact recovered all the jobs that have been lost in this recession. So the recovery has not gained the strength to bring the jobs back. And now we are 22 months out from the end of the downturn.

What this means is that workers who have lost their jobs are now out in a job market looking for work with an unemployment rate higher than it was at the bottom of the recession. I want to repeat that. The unemployment rate today, some 22 months after the bottom of the recession, is higher than it was at the bottom of the recession. We have never experienced a time in the entire postwar period in which the unemployment rate this many months after the bottom of the downturn was still higher than the unemployment rate was at the bottom of the downturn.

Of course, in some States, the unemployment rate has not reflected the national figure, but even the national figure is higher today than it was at the bottom of the recession. So people are out looking for jobs in a job market which is tougher now, as defined by the unemployment rate, than it was at the bottom of the recession. In effect, labor market conditions today still look more like those of a recession than those typical of a 22-month-old recovery, expecially for the types of workers eligible for extended benefits: those unemployed long-term after losing their jobs. The job market has never been so bleak this long after a recession. In my view, this alone justifies the declaration of this legislation as an emergency under the 1990 Budget Act.

Typically, as I indicated, the unemployment rate falls steadily soon after a recession ends. Yet January's unemployment rate of 7.1 percent stood higher than the 6.8 percent at the end of the recession. Never before—let me repeat this—never before has the unemployment rate been higher 22 months into a recovery than when the recovery began. Even more to the point, the number of workers unemployed longer than 26 weeks, which is the length of most of the regular State programs, has more than doubled since the end of the recession, not the beginning, again in sharp contrast to the pattern of typical recoveries.

As of January, almost 2 million workers have been unemployed longer than 26 weeks, up from 600,000 when the recession began and 900,000 when the recession ended. In other words, when we started getting some growth again, the recession ended and we had 900,000 long-term unemployed workers more than 26 weeks. Now it is almost 2 million. So it in fact has doubled during a supposedly recovery period, again demonstrating the fact that this recovery has not brought job growth anywhere near comparable to what we experienced during previous recessions.

A further complicating factor, Madam President, is that an increasingly large percentage of the workers who have lost their jobs in this recession have been permanently separated from their jobs rather than temporarily laid off. There has been a very marked shift in those two categories. That is very important because in previous recessions, you would have a situation in which a worker would lose his job but they were in effect told they are being laid off temporarily and if and when economic conditions pick back up again, we will be able to call you back in and put you back to work. So the worker then had to say, "How can I make it through this period? I can use the unemployment insurance system," which was actually constructed for that very purpose. This is why the system was put into effect. This is why employers pay into the system in order to build the trust fund up in times of low unemployment to be used in times of high unemployment.

But in this recession, unfortunately, a much higher percentage of workers are being told you are being permanently separated. In other words, even if economic conditions pick up, there is not a job for you. This is the so-called downsizing that is taking place. So the more long-term unemployed and a larger percentage of the long-term unemployed have found themselves permanently terminated from their jobs rather than in a temporary layoff.

I very strongly support this legislation. I think it is absolutely essential in order to address the situation in which we find ourselves. Some say, well, the economy is recovering and they point to a growth figure in the last quarter of 1992 which is the highest we have had in some time. I simply want to make this point: None of the forecasters are anticipating a comparable figure in this period. Second, if we analyze the factors that gave us that figure in the fourth quarter of 1992, it depended heavily on three dubious pillars, as far as sustaining that kind of growth is concerned: One is a spurt in consumer spending which was based in large part on reduced saving; in other words, there was a spurt in consumer spending but much of it came out of their savings, not out of increased incomes. Second, a spurt in exports helped fourth quarter growth. As we look around the world, we see our major trading partners are sinking into recession which of course means demand for goods by those economies will diminish. Third, the third quarter had a faster inventory buildup, but that cannot be sustained if consumer and export demand taper off.

Now, there are other indicators that are not that encouraging. Consumer confidence has dropped; the purchasing managers survey has dropped; construction activity has slowed.

All in all, what this says is we are not out of the woods yet. We still have a problem in terms of economic recovery. We clearly have a problem in terms of jobs restoration. It is absolutely imperative, in my judgment, that we enact this legislation before us, both to help prevent the economy from, in effect, suffering a fiscal contraction—the economy actually needs to be boosted, not to be contracted—and second, to avoid a tremendous degree of human suffering as people find themselves running out to the end of the period for their unemployment insurance benefits still not able to find a job, still confronted with meeting grocery bills and mortgage payments, and car payments, all the other aspects of holding together and sustaining their household.

So, Madam President, I very much hope that in short order we will be able to enact this legislation, send it to the President for his speedy signature, and have this program on the books in order to help the working men and women of this country.

Madam President, I close again by thanking the very able chairman for the Finance Committee for his very strong leadership on this issue. In fact, 2 years ago when this issue was before us, the distinguished chairman of the committee—he was actually then the chairman of the subcommittee—seized this issue at the time and understood fully its implications, both in terms of the human need and the economic need for this measure, and moved it through. I salute him for doing so again.

Madam President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I now ask unanimous consent that there be 2 hours for debate this afternoon equally divided in the usual form on Senator PACKWOOD's pay-as-you-go-in-1993 second-degree amendment to the pending committee amendment; that the Senate resume consideration of S. 382 on Wednesday, March 3, at 9:30 a.m.; that there then be 1 hour equally divided in the usual form for debate on Senator PACKWOOD's perfecting amendment; that a vote on or in relation to Senator PACKWOOD's amendment occur without any intervening action or debate at 10:30 a.m. on Wednesday, March 3.

Mr. DECONCINI. Madam President, reserving the right to object, and I do not intend to object, I would like to make a statement on this bill and one other statement. I wonder, before we start the debate on the amendment of the Senator from Oregon, if I could have 10 or 15 minutes, part on this bill and part on another subject matter. I would like to get that in if I could.

Mr. MOYNIHAN. Madam President, may I say I would be happy to yield to the Senator for that amount of time.

Mr. DECONCINI. I thank the Senator.

Mr. PACKWOOD. Madam President, I do not think we are going to use up the 2 hours this afternoon from what I sense and there will be ample time anyway.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. MITCHELL. Madam President and Members of the Senate, I thank my colleagues for their cooperation. I have discussed the matter with the distinguished chairman of the committee and the ranking member, and based upon those conversations I can now state there will be no rollcall vote today; that for the remainder of the day we will conduct the debate on Senator PACKWOOD's amendment. A vote on or in relation to that amendment will occur at 10:30 tomorrow morning. Senators should be aware of that. We are under the rules of procedure which I earlier propounded. That will be at the maximum a 20-minute vote. So Senators should be prepared to be here at 10:30 for that vote on or in relation to the Packwood amendment.

I thank my colleagues and the distinguished chairman and the Senator from Oregon.

Mr. PACKWOOD. Madam President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MITCHELL. Madam President, may I inquire, has the amendment of the Senator from Oregon been offered yet?

Mr. PACKWOOD. No. No, it has not been offered. On the committee amendment I am asking.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent to dispense with further proceedings under the call of the quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Now I would resubmit my request.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 66

(Purpose: To pay for the extension of unemployment benefits through the enactment of savings to streamline government and enhance management efficiency)

Mr. PACKWOOD. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD], for himself, Mr. DOLE, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. DURENBERGER, proposes an amendment numbered 66.

Mr. PACKWOOD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After the word "Secretary" insert the following:

deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

**"SEC. . PAY-AS-YOU-GO PROVISIONS.**

"(a) Of the amounts provided in fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, $3,320,000,000 are rescinded as provided in subsections (b) and (c).

"(b) The Director of Office of Management and Budget shall make uniform percentage reductions in budget authority in Federal agency administrative expenses, except that no reductions shall be made in current rates of pay under current law.

"(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding classes 12.1, 12.2, and 13.0), 20 (excluding object class 23.1), and 30.

"(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) $2.5 billion in unemployment benefits, estimated to be obligated after October 1, 1993, shall be withheld from obligation until such time as offsets are adopted".

Mr. PACKWOOD. I ask unanimous consent to add Senator MURKOWSKI as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. I might say to my good friend from Arizona, I have about a 5-minute statement I will make and I will be done. I am not sure anybody else is going to speak.

Madam President, I rise in support of the Packwood-Dole-Domenici-Gramm and now Murkowski amendment, and Senator NICKLES is also a cosponsor, which pays for the extension of the unemployment benefits. Our amendment simply cuts overhead and administrative expenses from the various Federal agencies to pay for the cost of extending the unemployment benefits.

Cutting administrative and overhead expenses is one of the spending cuts that President Clinton proposed in his deficit reduction package. Overhead items such as travel, consulting, and personnel would be reduced by 0.5 percent across the board. This across-the-board reduction would yield a savings of $3.3 billion for fiscal year 1993, which pays for extending unemployment compensation this year.

In the scheme of a $1.5 trillion budget, the cost of extending unemployment benefits, which is $5.6 billion over 2 years, may not seem like much.

However, it is important that we pay for extending these benefits. We should not only look for ways to reduce the deficit but keeping the deficit from increasing should be one of our top priorities. Paying for the extension of the unemployment compensation benefits or any other new program is essential to at least limit the growth of the deficit. Implementing one of the President's spending reduction proposals is one way that we can offset the cost of extending these unemployment benefits and, Madam President, adoption of this amendment demonstrates the Senate's commitment to reduce the deficit. I therefore urge all of my colleagues to support the amendment.

Mr. MOYNIHAN. Madam President, before the Senator from Arizona speaks, may I simply say that the Senator from Oregon has proposed a very moderate and sensible measure. I want to say to him that when that measure comes before the Senate as part of the budget resolution and as part of the reconciliation, this Senator will vote for it. I am for it. But I simply have to say, regrettably, not on this measure if it has to become law by Saturday evening.

Mr. PACKWOOD. I say to my good friend, I wanted to simply give him the pleasure to be able to vote for it sooner than later and enjoy it now.

Mr. MOYNIHAN. The whole principle on which capitalism has developed in this gorgeous society of ours is the delay of gratification.

Mr. PACKWOOD. Madam President, I ask unanimous consent to add Senator SIMPSON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I thank the distinguished chairman of the Finance Committee for his leadership in getting this effort before us in such an early, concise way and the urgency that he has placed on it.

Madam President, I intend to vote for the legislation before us which would fund unemployment compensation through October of this year. I will vote against the amendment of the Senator from Oregon, not because there may not be merit to attempting to reduce administrative costs. We know that is going to happen. We have already seen the President offer that. We have seen other Senators offer amendments and legislation, including this Senator, to reduce the administrative expenses in dining rooms, golf courses, in health care facilities that the Government pays for, and the use of automobiles and other administrative expenses.

So we are going to get those kind of cuts?

I think one argument that troubles me, or one thing that bothers me about such a cut is that, if I understand it correctly, if we did adopt this, it really does not find its way into the trust fund that funds the unemployment compensation.

So we are not doing anything so financially responsible to place money into this fund. What we are doing here with the underlying legislation that the Senator from New York has offered is we are funding on an emergency basis under the 1990 agreement to the continuation of the unemployment compensation funds. It is a must, not a maybe, a must.

Yes, it is difficult to stand up today and say let us spend some more money. But we are in a recovery. We have little or no choice but to continue the hopeful recovery that we are in, barely, I might say. In my State, some would wonder that I might even say we are in a recovery with 7.7 percent unemployment, with massive floods destroying all kinds of crops, putting people out of work. It is difficult to tout a recovery in the sense of what we have seen in the past.

So to me this is a must legislation. It is something that is part of the administration's and President Clinton's efforts to see that we move ahead to keep this economy going. I intend to support it.

Mr. MOYNIHAN. Madam President, the distinguished Senator from California would like to speak to this matter. If it is agreeable to the Senator from Oregon, and he does not mind if we do not alternate, I yield to the distinguished Senator from California such time as she may require.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank the President and I thank the distinguished chairman of the Finance Committee.

Madam President, I rise in support of this very important extension of unemployment compensation which is due to expire Saturday for many workers who have exhausted their State benefits. I want to make a point to the Senator from Oregon that I have no problem with the cuts that he outlines, that he suggests.

And I would vote even to go further than those cuts, and as he knows, I believe the President in his package will cover many of those cuts; but I need to make the point that if we load this bill down with these kinds of amendments, we run the risk of not seeing this bill pass into law in a very timely fashion.

Madam President, this is an emergency that we face. This is an emergency. I do not think it is necessary to tack on amendments. It would make this bill different than the House version. We know that we are going to see these cuts come along. I think we should give our President a chance to get this first part of his stimulus package through.

The chairman of the Finance Committee has pointed out to me and others that a very different thing is happening in this recession. In most recoveries, we see jobs coming back and we know that when people get laid off, they have a pretty good chance of being rehired, and in past recessions, as we can show you on this chart as soon as it is up, we have seen that about 44 percent of those who were laid off, had a good chance of getting back their job. And now we see that only 14 percent have a chance of getting back their job.

So we are in a different kind of recession, or I should say recovery, than we have ever seen before. Yes, our companies are streamlining, Madam President, yes, they are; they are taking moves to make them more competitive, but we are still in a jobs recession. So I believe that while the Senator from Oregon has identified some important parts of the budget that we can certainly cut, and we will cut, I think we need to concentrate on what is before us today; and we have to leave it pure, clear, and simple with a very straightforward message, and you and I know the suffering going on in our home State, Madam President, that we are going to move on this and keep our eye on the people who need our help. We should reject all of these amendments, because we in fact will have a chance to deal with this cost cutting very, very soon.

Let me paint the picture of California. We have 1.4 million workers out of work in California, and the State legislative analyst says we are going to see another 120 jobs lost in the private sector this year in California. In Los Angeles alone, last month, there were 462,000 job seekers, an increase of 25,000. California's jobless rate, in January, was 9.5 percent—the sixth straight month that the rate surpassed 9 percent.

So we can talk about recovery, and I am pleased to see that some of the indicators are turning up. It is good news that they are. But we cannot simply lose sight of the fact that the people who are not there are in trouble, in deep trouble, and we should act very quickly and forcefully, as soon as we can, to pass this very importance measure.

Just to give you an indication of those who have given up, 508,000 fewer jobless Americans even sought jobs in January, Madam President. They have given up.

Since World War II, the average economic rebound added 226,000 jobs a month. However, the current recovery has produced a tiny 23,000 jobs monthly. I think that the Senator from Oregon, in striving to answer why this happened, put forth the notion that maybe businesses would prefer to replace the workers with machinery, and I am sure that is true. There are other reasons. We are going from a defense-based economy to a civilian-based economy. We are in a transition, and it is very painful. I think, in the long run, we are going to be even stronger economically than we ever were before, but we are in a transition time. And this bill before us is crucial to soften the blow, the human costs of this transition.

Madam President, I have received a number of calls and letters, as I know we all have, from people who are suffering. Yesterday, a laid-off aerospace worker called my office pleading for help. He has been out of work 28 months. He has exhausted his $30,000 of life savings. That is a pretty good hefty amount of savings—$30,000. Without the jobless benefits, he has already maxed out on his credit cards. He says: "I am ready to be evicted, it is a disaster." He says; "It is hurting us," and that is why there are so many houses going on auction and what happens then, as we know, the real estate market gets depressed, we get more and more into the cycle, and it is hurting California, hurting other States, and we know that we will never have a recovery worth its name, unless California comes on board. It represents so much of this Nation's productivity.

Another laid-off aerospace worker wrote to me of his despair. He has contacted hundreds of employers and agencies looking for work. And this President holds out hope for these people. He is looking at this transition, and he has $1.7 billion he wants to see released from last year's funding, so there is hope for people, but they need to hold on. They need to hold on. And that is what the Senator from New York, the chairman of the Finance Committee, is talking about in this bill. How are these people going to hold on if we do not pass this bill and pass it soon.

I want to read to you what this worker said. He described himself in the third person and he said: "The last of his retirement funds expired, and the State aid program ran out, he finds nowhere to turn and perhaps worse, no sign of hope. His only current entitlement is food stamps, $111 a month for the purchase of food items only, no toothpaste, no toilet paper, no stamps, no gas." In his despair, this gentleman writes: "John wonders what there is elsewhere in the universe, what must life be like for those who are less fortunate than he is." He is worried about people who are less fortunate.

So I say to my friends on both sides of the aisle, we should come together on this. We should not have amendments that maybe take shots and make some people look good, or divert the discussion. We all know that these cuts are coming, and more. We know that President Clinton has invited us to list these cuts. I am on the Budget Committee. We are going to be coming up with some more recommendations and some more cuts.

But right now we should treat this bill with the dignity it deserves, the dignity of so many workers who are looking toward us today not for us to get into an argument, Republicans versus Democrats, but looking to us to break the gridlock, and I think we can do that today.

I thank very much the chairman of the Finance Committee, Senator MOYNIHAN, of New York, for yielding this time to me, and I thank you, Madam President.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, before the Senator leaves the floor, may I express my deep appreciation. We have heard the numbers laid out. We have heard the facts, the budgetary details. But the heart of the issue came forward in those remarks. They were beautifully stated with the compassion that the issue requires.

We talk about the lives of people who through no fault of their own are finding themselves in a baffled and increasingly desperate condition.

Earlier today the senior Senator from California mentioned that the number of persons unemployed in California today would equal the number in 13 other States. It is no fault of any individual that an aerospace firm closes down. California's unemployment rate at 9.8 percent is the second highest in the Nation, a level that we would have thought a depression level, Madam President.

If I could say to my friend from California, I remarked earlier that in 1964 in the Kennedy administration the then-Chairman of the Council of Economic Advisers, Dr. Walter Heller, sent around a draft of the economic report in which President Johnson was going to propose that we set out for ourselves an unemployment rate, a goal of 4 percent, and there was turmoil. What? We would accept 4 percent unemployment as acceptable? Nonsense. It came out as an interim goal. We have 2½ times that in California today, and it is as if nothing was amiss.

Much is amiss. And at the very least we must act by midnight, which means we must act by noon tomorrow. I think we will.

I particularly want to express appreciation for the Senator's appeal across the aisle. There is obviously no rancor here. We are trying to do the right thing. The Senator from Alaska spoke in terms of his State, very much as the Senator from California spoke of hers. I am sure we are going to do it.

Again congratulations, and I thank the Senator.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, first I ask unanimous consent to add Senator DURENBERGER as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Madam President, I am kind of tickled with the expression my good friend from California used about loading this bill down with amendments. I do not know of many amendments. This is one, there may be others. However, we have no intention of loading this bill down. If the President would say I am willing to pay for it, this amendment is not going to delay this bill one bit. I did not see anything wrong with saying if we are going to have additional spending we should pay for it. I know the argument that is made. This is a stimulus. This bill will eventually pay for itself, because it makes the economy bubble around faster. That is the argument used by everybody who wants to spend money and does not want to pay for it now. If we spend more money for education now, people will graduate from college instead of only high school and graduate from high school instead of not graduating. They will make more money. Statistics show if they have a high degree of learning they will pay more in taxes.

It has not turned out to be true following that theory for years and all we are doing is running up the deficit.

I plead with the Senator to say how we are loading it down with amendments, because we want to pay for it with one amendment and it is a method of paying for it that the President has said he is going to use anyway and suggested this be one of the cuts that he used for his deficit reduction. Here is a chance for deficit reduction with a method to pay for it that he has approved of. All we are saying is we would like to use it now.

I believe the Senator from Oklahoma wishes to speak. How much time would the Senator like?

Mr. NICKLES. Ten minutes.

Mr. PACKWOOD. I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, first I wish to congratulate my colleague, Senator PACKWOOD from Oregon, for his leadership putting together this amendment as well as Senator DOLE and several others. The sponsors of this amendment think if we are going to have an unemployment compensation extension we should pay for it. When we have had unemployment comp extensions in the past or at least the last three we have paid for them. They have been paid for in the form of a tax increase instead of spending cuts. I think they should be paid for in the form of spending cuts. But at least Congress paid for them.

Right now the bill we have before us increases the deficit over the next 2 years $5.8 billion. It increases the deficit. It is more spending. There are no spending cuts or tax increases to pay for this bill. I do not think this legislation in its present form is responsible.

I might mention, Madam President, that we had President Clinton join us for a luncheon of Republican Senators today, and I brought this to his attention. I told the President that many of us would like to pay for this particular bill. The sponsors of this amendment do not think we should just charge to future generations an additional $5.8 billion and add to the debt.

I have heard so many colleagues on this floor and on the talk shows talking about the growing deficits. Madam President, we are going to have a chance to find out if people want to at least pay for the programs they want to adopt or if they want to see the deficit grow by almost $6 billion.

It is going to be very clear-cut. The amendment offered by Senator PACKWOOD, Senator DOLE, myself, and many others, calls for cutting spending now. If we are going to increase the spending let us at least cut spending so it will not be increasing the deficit.

I might mention, too, that I have heard some people trying to revise the record as far as the economy is concerned over the last 12 years. And I would just like to put in a few comments and maybe a few facts for the record. The economy has not been so terrible the last 12 years. This chart shows the growth in the gross domestic product [GDP] has more than doubled in the last 12 years. In 1980 it was $2.7 trillion. Today it is $6 trillion. And I will include a chart in the RECORD to substantiate these facts.

Some people have talked about the enormous unemployment rate that we had for the last 12 years. I might add, Madam President, a lot of people may not be aware of it but between 1982 and 1992 we have had an increase of 19 million jobs and those are not Government jobs. Those were jobs created in the private sector. They were taxpaying jobs. I think that is good. But we have actually had substantial employment growth for the last 2 years. We had 1½ million jobs created between 1991 and 1992. And I have heard President Clinton talk about he wanted his economic package to pass and create 500,000 jobs. The economy has created 1½ million jobs last year. Again, those were jobs in the private sector, not Government jobs. And his jobs program, if I remember looking at the figure, the so-called stimulus package was going to cost something like $55,000 a job. The jobs created during the last year did not cost the American taxpayer anything.

So again I think some people maybe have tried to revise a little bit of some of the history. Some people say, well, the unemployment rate is so high.

Again, these are just the facts, not my opinion. This shows the unemployment rate and, yes, it went up throughout much of 1991 and actually you see for the better part of 1992, since July 1992, the unemployment rate has gone down and gone down rather significantly, and I will include those charts in the RECORD as well.

Madam President, one of the things that concerns me is that in August of 1992, we were looking at a 7.6-percent unemployment rate. Today we are looking at a 7.1-percent unemployment rate. So the unemployment rate has trended downward and continues that trend.

Madam President, one of the things that concerns me most is the cost of this program. The cost of unemployment compensation outlays has exploded. And I think Congress is largely responsible for that. This incredible growth is not just totally the economy. A lot of it is congressional activity. The cost of unemployment outlays, as you can see, has literally exploded. My colleagues might be surprised to find out that the Federal outlays for this program from 1991 to 1992 grew by 48 percent. This program grew by 46 percent from 1990 to 1991. In 1990 it grew by 23 percent. This program is exploding.

Why did we have such rapid growth in 1991 and 1992? Well, we had Federal unemployment extensions in 1991 and 1992. Congress expanded the amount of weeks our unemployed people would be eligible from basically 26 weeks to 52 weeks. We have done it three times.

And, as a direct result, it would not take any rocket scientist to figure out that if you allow people to have 52 weeks of unemployment compensation, the program is going to grow in cost and somebody has to pay for it. This happens to be an entitlement program that is exploding. You cannot continue this kind of rate of growth. We can continue this rate of growth by moving right into 1993 and passing another unemployment extension, which is exactly what we are getting ready to do, so this program will grow and grow even further.

I do not know that that makes sense. Certainly, at least in this Senator's opinion, it does not make sense for us to do it without paying for it.

And so the purpose of the underlying amendment offered by myself and many others is to say if we are going to have this expansion, if we are going to increase an entitlement program that is compounding at 48 percent in 1992 and 46 percent in 1991, let us at least pay for it. Let us not be so irresponsible as to add $5.8 billion to the deficit.

So that is the reason we have this amendment. I think it is a very, very important amendment.

I might mention, too, if this amendment does not pass, it is this Senator's opinion that maybe we should strike the emergency clause. Because I look at the unemployment rates that we have had for the last few months and their continued downward trend, I do not know that there is this emergency. I do not know that we should be in such a hurry to be increasing the deficit. I believe the Federal deficit is an emergency of the greatest magnitude.

Do not get me wrong. I happen to be as compassionate as anybody else that someone happens to be out of work or out of luck or out of a job, and I want to help them. I want to be able to go in my State and say, yes, we want to help you. But I do not want to go back to my State and say, oh, yes, there is no problem; we just added almost $6 billion to the deficit without any regard to what its impact will be. We should focus our energies on creating new jobs.

Madam President, I have here a Statement of Administration Policy. I will just read the last line, because I have heard President Clinton make a lot of comments that it is time to bite the bullet, time to cut spending; time to raise taxes, and get the deficit down.

Well, this bill that we have before us raises spending. But it does not raise taxes and it does not cut spending. It only adds to the deficit.

And looking at the Statement of Administration Policy—and it is dated today—it says:

> The administration is strongly opposed to any substantive amendments to S. 382, including offsetting amendments or ones that would increase the cost of the bill.

Well, what he means by "offsetting amendments" is an amendment that would pay for this $6 billion legislation. I find that to be really irresponsible.

For a person that has made countless comments about we need to bite the bullet—we need to get the deficit down; we need to make the tough decisions; we need to cut Federal spending, and I have a list of 150 programs to cut spending—he came up with a bill that he supports and he wants no changes on that will increase the deficit by $5.8 billion and it sends unemployment compensation spending continuing to escalate. I do not think that is responsible.

What I do think is responsible is the amendment offered by Senator PACKWOOD and others that says, well, let us pay for it. Let us cut some spending.

Some of my colleagues might say: Wait a minute. You did not offer real cuts. You have administrative cuts. And that is right. We said, for this year, let us cut administratively. Let us save that $3.2 billion in outlays that will be made unless we pass this amendment.

But certainly that is feasible. Actually, you can do that by cutting the administrative outlays in almost all agencies by less than 1 percent and pay for this and not increase the deficit. I think that is responsible.

President Clinton says, over the next 5 years he is going to cut administrative expenses by over $30 some billion. This is only $5 billion, but it does it in 1993 and 1994. President Clinton's proposals on administrative cuts does most of it in 1996 and 1997.

And so, again, I urge my colleagues to look at the facts—and I will insert every document that I have just mentioned into the RECORD. I want people to look at the facts. And if they look at the facts, they will see that we have an entitlement program that is exploding, primarily because of congressional action, and we need to make a change.

So, Madam President, I urge my colleagues to support the amendment of the Senator from Oregon. I hope that we will have bipartisan support, because I have heard countless colleagues on both sides of the aisle state that they want to pay for these programs as we go. They do not want to increase the deficit. So I hope we will have several Democrats and Republicans support what I believe is a very worthwhile amendment.

Madam President, I ask unanimous consent that the tables to which I referred and the statement of administration policy be printed in the RECORD.

There being no obligation, the material was ordered to be printed in the RECORD, as follows:

GROSS DOMESTIC PRODUCT 1980–90

| | GDP (billions) | Growth | Percent growth |
|---|---|---|---|
| Year: | | | |
| 1980 | $2,708.0 | | |
| 1981 | 3,030.6 | $322.6 | 12 |
| 1982 | 3,149.6 | 119 | 4 |
| 1983 | 3,405.0 | 255.4 | 8 |
| 1984 | 3,777.2 | 372.2 | 11 |
| 1985 | 4,038.7 | 261.5 | 7 |
| 1986 | 4,268.6 | 229.9 | 6 |
| 1987 | 4,539.9 | 271.3 | 6 |
| 1988 | 4,900.4 | 360.5 | 8 |
| 1989 | 5,250.8 | 350.4 | 7 |
| 1990 | 5,522.2 | 271.4 | 5 |
| 1991–I | 5,585.8 | 63.6 | 1 |
| II | 5,657.6 | 71.8 | 1 |
| III | 5,713.1 | 55.5 | 1 |
| IV | 5,753.3 | 40.2 | 1 |
| 1992–I | 5,840.2 | 86.9 | 2 |
| II | 5,902.2 | 62 | 1 |
| III | 5,978.5 | 76.3 | 1 |
| IV | 6,082.1 | 103.6 | 2 |

Source: Department of Commerce.

CIVILIAN EMPLOYMENT GROWTH 1991–92

| Year | Civilian employment (millions) | Percent growth | Job growth (millions) |
|---|---|---|---|
| 1991: | | | |
| January | 116.9 | | |
| February | 116.9 | | |
| March | 116.8 | −0.1 | (0.1) |
| April | 117.3 | .4 | .5 |
| May | 116.7 | −.5 | (.6) |
| June | 116.9 | .2 | .2 |
| July | 116.7 | −.1 | (.2) |
| August | 116.5 | −.2 | (.2) |
| September | 117.1 | .5 | .6 |
| October | 117.0 | −.1 | (.1) |
| November | 116.9 | | |
| December | 116.8 | −.2 | (.2) |
| 1992: | | | |
| January | 117.0 | .2 | .3 |
| February | 117.0 | −.1 | (.1) |
| March | 117.3 | .3 | .3 |
| April | 117.5 | .2 | .3 |
| May | 117.6 | .1 | .1 |
| June | 117.5 | −.1 | (.1) |
| July | 117.7 | .2 | .2 |
| August | 117.8 | | .1 |
| September | 117.1 | | (.1) |
| October | 117.7 | | |
| November | 118.1 | .3 | .4 |
| December | 118.3 | .2 | .2 |

Source: Bureau of Labor Statistics

*Civilian employment*

| | *Total* |
|---|---|
| 1980 | 99,303 |
| 1981 | 100,397 |
| 1982 | 99,526 |
| 1983 | 100,834 |
| 1984 | 105,005 |
| 1985 | 107,150 |
| 1986 | 109,597 |
| 1987 | 112,440 |
| 1988 | 114,968 |
| 1989 | 117,342 |
| 1990 | 117,914 |
| 1991 | 116,877 |
| 1992 | 117,598 |

UNEMPLOYMENT RATE 1991–92

| Year | Percent | Extension legislation |
|---|---|---|
| 1980 | 7.1 | |
| 1981 | 7.6 | |
| 1982 | 9.7 | |
| 1983 | 9.6 | |
| 1984 | 7.5 | |
| 1985 | 7.2 | |
| 1986 | 7.0 | |
| 1987 | 6.2 | |
| 1988 | 5.5 | |
| 1989 | 5.3 | |
| 1990 | 5.5 | |
| 1991 | 6.7 | |
| 1992 | 7.4 | |
| 1991: | | |
| January 6 | 6.3 | |
| February | 6.5 | |
| March | 6.8 | |
| April | 6.6 | |
| May | 6.8 | |
| June | 6.8 | |
| July | 6.7 | |
| August | 6.8 | |
| September | 6.8 | |
| October | 6.9 | |
| November | 6.9 | Nov. 15, 1991. |
| December | 7.1 | |
| 1992: | | |
| January 7 | 7.1 | |
| February | 7.3 | Feb. 4, 1992. |
| March | 7.3 | |
| April | 7.3 | |
| May | 7.4 | |
| June | 7.7 | |
| July | 7.6 | July 3, 1992. |
| August | 7.6 | |
| September | 7.5 | |
| October | 7.4 | |
| November | 7.3 | |
| December | 7.3 | |
| 1993: | | |
| January 7 | 7.1 | |

Source: OMB and Bureau of Labor Statistics.

UNEMPLOYMENT ASSISTANCE FUNDING—FEDERAL SPENDING: FISCAL YEAR 1980–92

[In millions of dollars]

| | Outlays | Change | Percent change | Percent of GDP |
|---|---|---|---|---|
| Year: | | | | |
| 1980 | $16,889 | | | 0.6 |

UNEMPLOYMENT ASSISTANCE FUNDING—FEDERAL SPENDING: FISCAL YEAR 1980–92—Continued

[In millions of dollars]

| | Outlays | Change | Percent change | Percent of GDP |
|---|---|---|---|---|
| 1981 | 18,406 | $1,517 | 9.0 | .6 |
| 1982 | 22,314 | 3,908 | 21.2 | .7 |
| 1983 | 29,815 | 7,501 | 33.6 | .9 |
| 1984 | 16,911 | (12,904) | −43.3 | .5 |
| 1985 | 16,186 | (725) | −4.3 | .4 |
| 1986 | 16,427 | 241 | 1.5 | .4 |
| 1987 | 15,760 | (667) | −4.1 | .4 |
| 1988 | 13,857 | (1,903) | −12.1 | .3 |
| 1989 | 14,125 | 268 | 1.9 | .3 |
| 1990 | 17,445 | 3,320 | 23.5 | .3 |
| 1991 | 25,506 | 8,061 | 46.2 | .5 |
| 1992 | 37,851 | 12,345 | 48.4 | .6 |

Sources: Unemployment—OMB, Budget Baselines, January 1993, pp. 423–27; GDP—OMB, Budget Baselines, January 1993, pp. 280–81.

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, March 2, 1993.*

STATEMENT OF ADMINISTRATION POLICY

(S. 382—Emergency Unemployment Compensation Amendments of 1993—Moynihan and 6 others)

The Administration strongly supports S. 382 and urges its quick enactment. This legislation would assist the unemployed and their families by extending the Emergency Unemployment Compensation program through October 2, 1993. The program will expire in less than a week under current law. In addition, S. 382 includes an innovative worker profiling program to encourage States to link permanently displaced workers to reemployment services early in their period of unemployment. This program would assist workers to gain new jobs.

The Administration is strongly opposed to any substantive amendments to S. 382, including offsetting amendments or ones that would increase the costs of the bill.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, I believe the Senator from New Mexico wants to speak. How much time would he like?

Mr. DOMENICI. How much time is available?

The PRESIDING OFFICER. The Senator from Oregon has 45 minutes remaining.

Mr. DOMENICI. Could I have 10 minutes?

Mr. PACKWOOD. I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me first congratulate Senator NICKLES from Oklahoma for what I consider to be a very extraordinary speech, not only with reference to this matter before us but clearly setting the record straight in some other areas. I do say that in all honesty to Senator NICKLES. I think it was a very excellent presentation and I commend him.

Mr. NICKLES. I thank the Senator.

Mr. DOMENICI. Madam President, I obviously am one of the cosponsors of the amendment to pay-as-you-go. You know there is so much criticism about the 1990, 5-year agreement to try to make some sense out of the deficit. Most people are saying it did not work. Some are saying we were misled again.

Let me assure Senators the one part of it that did work was not a creature of the U.S. Senate or of Republicans, but rather was a creature of the U.S. House and the Ways and Means Committee—and it was announced specifically by Chairman DAN ROSTENKOWSKI way back then—was the notion of paying as you go. Put whatever process you have and then when you have caps in place, if you are going to do something that is going to break those, you have to pay for it. Now, what is so bad about that?

Frankly, I think it is so good that we sought to do it in any new budget resolution or budget approach once we have set in place where we want to go, because we have a propensity to invite new things on our Government and say, this is so important, we need it; just like this unemployment extension which is probably in that category.

But the question should be asked: Why can we not pay for it?

Now, I am going to quickly quote someone. This is a quote:

> I would like to make a point that continues to concern me. I do not want to see us add to the deficit. I want to see us pay for what we do in the way of unemployment compensation. It is important, I think, for us in the Congress, and just as important for the administration, to help make painful choices.

Now, Madam President that was Senator Lloyd Bentsen of Texas last year. That was the same kind of extension, expending some additional money to take care of unemployment. And he was chastising the administration for not coming up with offsets so we could pay for it. We found our own and Congress found the offsets and put them in the bill so it was a pay-as-you-go proposition.

Now, I do not think things have changed. As a matter of fact, let me suggest if things have changed, they have changed more in the direction of we ought to pay for them and not declare a national emergency when the signs are pretty clear that the economy is improving; that we ought not burden an improving economy with more deficit but rather be vigilant so as not to add to it.

So I come here today very pleased to support an extension of the unemployment compensation, hoping, nonetheless, as I am sure the distinguished chairman of the full Finance Committee hopes, that at some point we will make more sense out of this problem; that maybe we will put some energy into the commission that we have assigned to sensitize this system to the realities and recommend some permanent changes.

We have come along and truncated changes almost every 6 to 9 months, because there was a problem. We come down here and we are trying to reinvent the wheel—we tried even once—to change the program.

I hope that in the meantime we would send a loud signal that we need to make permanent some reform in this area and not just go along willy-nilly.

Now, having said that, just a couple of minutes on a notion. When we put together the 5-year agreement, we said, pay-as-you-go. If you add to a program, either on the entitlement side, as this one would be, or a new expenditure anywhere, pay for it as you go.

We said then, Madam President, however, if there is a real national emergency declared by the President, concurred in by the Congress, you can add to the deficit. In other words, you do not have to pay for it. You just add to the debt by adding to the deficit.

Now, actually, I was there when we wrote that, along with some of my colleagues, a few of whom have spoken and one that I see coming down from speaking to the Presiding Officer, Senator BYRD. And we actually said an emergency has to be an emergency for us not to pay as you go.

I would think that my distinguished friend, the chairman of the Appropriations Committee, would like this way of paying as you go. But what we said was, if there is a real national emergency, add to the deficit. If there is not, pay for it.

So what we have done on this side of the aisle, hoping we will get some support from Democrats—we have said now is not the time to declare an emergency and add to the deficit. Why do we not pay for the new expenditure, especially since it is overwhelmingly supported as something we should do? Why would we declare it an emergency?

Maybe one would say what do you have, Senator, as a benchmark for emergencies? I will tell you. There is a very easy benchmark. We have extended unemployment compensation to my recollection at least three times since we did the 5-year agreement. And one good benchmark is that in times far worse than these we did not declare an emergency. The chairman tells me four times. None of the four times did anybody come to the floor and prevail upon the U.S. Senate to find it an emergency. And that was in the depths of this recession we are coming out of. And it was not deemed to be an emergency then.

I think we were acting prudently then by saying let us not add to the deficit. And probably there was more reason to add to the deficit 2 years ago, in the depths of a recession, than there is today. Yet we denied an emergency on the basis of common sense. I mean the kind of emergency we were talking about was not the need for another program. That was not an emergency. It was something that would pull us away from our commitment to the American people that we would not spend new money without paying for it; we would not spend on new programs. That was the commitment of the 5-year agreement. That is why the pay-as-you-go.

So today we come here before the Senate urging common sense. There is no emergency. Why declare one? The only reason to declare one is so you can spend the taxpayers' money on a new program or an addition to a program without paying for it or adding to the deficit—whichever you choose to describe. But it is adding to the deficit.

I think our friend and marvelous colleague, who used to chair the committee of jurisdiction which is now chaired by the distinguished Senator from New York—both are very, very competent people and clearly are going to do justice to the Senate and to our people. But Senator Bentsen clearly challenged the administration last time through to pay for the program. And we did.

It seems to me we are doing the prudent thing in saying why do we not pay for this now? How are we going to pay for it? The President of the United States has suggested we ought to have some streamlining of Government, thus saving money; some administrative savings. Frankly, the only way to do that and do it effectively—that is to cause savings for our Government—for our people—is to mandate that budget authority that is programmed to be spent be rescinded. We would have to do something like that next year if we are going to accomplish the program that the President is seeking on streamlining and administrative savings. We are saying if it is good next year, it is good right now. We are saying, if you can save money by streamlining and administrative savings, pull some of that into this year and pay for this program, pay for its extension.

We are not trying to play games. We are deadly serious that we ought not to start down a path of abandoning the one significant part of the 5-year agreement that kept us somewhat in check when we had our appetite piqued to come on with a new program or add money to the expenditures of our Government. That part of the agreement provided a point of order, 60 votes if you do not pay for it.

Now the way to get around the supermajority is to declare an emergency. Thus, you can get by with a simply majority and add to the deficit. I do not think that is the right way to do it. I do not think it is right here. I do not think it is right to add substantially to the deficit so we can spend money on a so-called stimulus. But that is really not the issue today. We will take that up later on. This issue results from the condition of our economic system and our programmatic attempts to help with the problem—to wit, an extension of the unemployment benefits. Why would we not pay for it as we have in the past?

I hope some on the other side of the aisle will join us in this. I think it will really send the right message. I think we will have a very good start.

I thank the Chair. Madam President, it is a pleasure to address you here. I do not think I have had the pleasure of addressing you in that manner yet. Hopefully, they will not insist you do that too often. But it might be my privilege to address you this way in the future.

Thank you so very much.

The PRESIDING OFFICER. The senior Senator from New York.

Mr. MOYNIHAN. Madam President, may I say you have been just the latest Member of this body to appreciate the grace and the courtesies—dare one say old world courtesies—of the Senator from New Mexico who has brought to this body a vigor of debate that can be terrifying but which is always somewhat attenuated by a gentleness of manner which is deeply appreciated.

Mr. DOMENICI. I thank the Chairman very much.

Mr. MOYNIHAN. I would like to say in that regard that I very much welcome the remarks of the Senator about the commission that was established in our last bill. President Bush made three of five appointments. There will be more. It must get to work. This is a program that needs attending for reasons the Senator from Oklahoma spoke about, as well as the Senator from New Mexico.

The Senator from New Mexico did mention the streamlining of Government, which is part of President Clinton's vision for change for America which he put out in great detail the day after the State of the Union Message. And it calls for $7.9 billion in reductions, starting next October 1 with specifics, with details, by department, by year, by program and function; not just an across-the-board.

I fear what we have before us in the amendment is not a program but simply a posture, an understandable one, but to which we say we will get to that issue in a matter of weeks. We have this bill to do. We have the debt ceiling to do. And then we go to the issue of streamlining Government.

I propose to vote for each of those measures. I hope others will do as well. That is the way to get on with the work we have.

Madam President, our new colleague and the distinguished public servant, the Senator from Texas, would like to speak on a different matter, a legislative matter which he has introduced. Since it will be time off the bill, I wonder if 5 minutes would be adequate for his purposes.

Mr. KRUEGER. I thank the Senator from New York. Five minutes will be adequate. I ask unanimous consent to speak during those 5 minutes on two matters as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KRUEGER. I thank the Chair.

(The remarks of Mr. KRUEGER pertaining to the introduction of S. 470 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN. Madam President, I understand the senior Senator from Texas would like to be heard on the amendment that is pending. As he has been otherwise detained for a moment, I will simply suggest the absence of a quorum as we await his arrival.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Madam President, I think inadvertently the Senator from New York may not have realized that the time was running against him when he suggested the quorum call. I suggest the absence of a quorum and ask that the time be divided equally between us.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent to dispense with further proceedings under the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Madam President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank you for recognition. I thank my dear colleague from Oregon for giving me the time, and I want to thank him for providing us with this amendment.

I have had an opportunity to serve in Congress now for 14 years, 8 years in the Senate and 6 years in the House. Never have I served a year when cutting spending before we increase taxes or controlling spending on old programs before we start new ones has been more in vogue.

We are engaged, Madam President, in great debate about the President's budget. While the perception of the facts about that budget may be very much in dispute, it is clear that both sides want to use the same rhetoric. It is clear that the proponents of the President's budget want to say the President is cutting spending before we start spending on new programs.

As I look at the President's program, I see massive tax increases, I see big cuts in defense, and I actually see an increase in nondefense spending. But the point is whatever the reality may be, both sides are using the same rhetoric, and it is clear that no Member of the Senate, no Member of the House, and certainly not the President, wants to be in a position of saying, "I am going to go out and spend now and sometime in the sweet by and by I am going to do something about the deficit."

That is my perception of the debate that is currently underway.

The amendment before us is really what I would call a put-up-or-shut-up amendment. We are about to undertake an expenditure plan by extending unemployment benefits that will cost about $5.8 billion. In the first year it is going to cost about $3.3 billion. And the bill that is before us does not pay for a penny of it. The bill before us continues the long practice of simply spending money without ever worrying about how we are going to pay the bills. In fact, the bill before us gets around what would be a budget point of order by simply declaring this an emergency expenditure.

Madam President, when everybody is saying that we ought to be cutting spending before we add new programs, I think the amendment which has been offered by our dear colleague from Oregon gives us an opportunity to do exactly that.

What our colleague from Oregon basically says, is, if we are going to extend unemployment benefits, we ought to bring forward some of the savings set out in the President's budget, that we ought to bring some of those savings forward to the present date to pay for an extension of unemployment.

If we support the President's plan to have actual spending cuts starting on October 1, we need to do one of two things: First, we ought to either not extend unemployment benefits now and wait until we have done something about the deficit, or—I think it is the preferable of the two options—we ought to bring some of the President's savings that he wants to implement on October 1 forward to the present to pay for this extension of unemployment benefits.

So I want to urge my colleagues to vote for this amendment. What this amendment says is this: If we are about to enact a new program extending unemployment payments that adds $3.3 billion to the budget this year, starting now, starting the moment of enactment, if we really are serious when we say we do not want to raise the deficit, that we do not want to spend now and talk about paying later, if all that is any more than empty rhetoric, as many believe it is, certainly the American people suspect that it is, this amendment really puts us to the test.

If you want to pay as we go, if you want to pay for this benefit, I cannot think of a more logical proposal than simply bringing savings that the President has proposed forward to the present to pay for this extension of unemployment benefits.

So I am going to vote for this amendment. If it passes, I am going to vote to extend unemployment benefits. But if this amendment does not pass, if the only way we are willing to extend unemployment benefits is to do it by going out and borrowing the money, by raising the deficit, then I am going to vote "no" on this bill.

I am not arguing that the amendment is perfect. I am not arguing that you cannot get into technical arguments. But I am arguing one simple and, I think, indisputable point. If you say that you do not want to raise the deficit and you vote against this amendment, I think you have a lot of explaining to do because all this amendment does is take savings, which we have a great deal of agreement on that will start on October 1, and bring those savings forward to the present day to pay for this extension.

I really do not see a strong argument against this amendment. I think it would be a very strong signal to the American people if we adopted it. I think it would show that our words meant something. I think it would show that we were serious about deficit reduction. I hope that our colleagues will vote for this amendment.

I want to congratulate our colleague from Oregon. I think he has given us an excellent amendment. It gives us an opportunity to show the American people that we want to do more than just say we are fiscally responsible. We not only want to say it, we actually want to do it. And there is a great gulf it seems to me, or has been in the past—perhaps everything has changed now—but there has been a great gulf between our words and our deeds.

We have an opportunity in this amendment beginning this new year with this new President to change all of that by adopting savings to offset this new spending.

I hope we will not prove that our words are phony once again by not doing this.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank my good friend from Texas. The argument has been made that in a $1.5 trillion budget this is a small amount. But this is the first spending bill we have in this Congress.

We passed the family leave bill, but that was not a Government spending bill. Here comes the first bill, $6 billion, roughly, rounding it off, and we do not pay for it. I can see us going down the road bill after bill, all being emergencies of one kind or another. Because every time we spend money, somebody thinks it is an emergency. We will start not paying for them. We might as well start right now from the start, say OK, if we are going to spend it, we are going to pay for it.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. PACKWOOD. Yes.

Mr. GRAMM. It seems to me that the distinguished Senator's argument is a simple and correct argument, and that is it is like somebody has gone bankrupt, not paying their bills, and they ran up a big debt. Now they are trying to start their business over, and right out of the chute comes along a little opportunity to spend money. They say, well, last year I went broke and I left 12 billion dollars' worth of debts. This bad check would be for only $250. What possible difference could it make?

Well, what possible difference it makes is it tells the whole world that you are getting ready to do again exactly what you did in the past. That if we do not pay for this first big spending bill out of the chute, what we are saying to the American people is that all of our rhetoric is hollow. We want to get credit back home for being concerned about the deficit, but we do not want to do what we have to do to deal with the problem.

I am fond of saying that balancing the budget is like going to heaven. Everybody wants to do it. They just do not want to do what they have to do to make the trip.

It is true that spending money here without paying for it is a small sin relative to the national debt. But it is a very important sin because we just repented. We just got through saying that things have changed and we want to do something about the deficit. If now, right out of the chute, we come out and sin again, it seems to me that we are going to have a hard time convincing people that we have found this new religion and that we are on the way to taking the country to this new economic heaven.

Mr. PACKWOOD. I think it is not so much a question of having to do what you do to get there so much as it is we have adopted a theory of predestination. We either have to make it or not, so what difference does it make if we do?

Mr. GRAMM. Maybe that works in some religions, but I do not think it works in the deficit religion because the problem is if you keep spending money, the deficit goes up. If you are going to do it for $3.3 billion today, which in most places is a lot of money, then ultimately you are going to do it for a lot more.

I think again the Senator's amendment, the first vote on spending in this session of Congress, is going to separate people who are for real in terms of controlling the deficit from those who are not.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I do not know whether this is either the place or the time to engage in theological discussions with the learned Senator from Texas. But my general understanding is that most people want to get to heaven, but not quite yet. And there is indeed an analog to us wishing to see a balanced budget.

When we first began these debates early in the Reagan years, the programs always led to a balanced budget in the third year out. Then, toward the end of the decade, it was the fifth year out. Recently, I saw a very able bipartisan measure in which it was the 10th year out. But heaven awaits us in time.

I would like to make the distinction, however, to say that for the first time ever we have from a President—I know the Senator from Texas approves of this—a 145-page program spelling out exactly what he means to do—a vision of change for America.

I mentioned earlier the specific cuts in the next 7 months of $7.9 billion, streamlining government. There is another $35 billion entitled "Managing Government for Cost Effectiveness and Results." It says in the first year, starting 7 months from now, we have to look at the President's proposal. We have to be satisfied with their specifics, but they are specific. It is not waste, fraud, and abuse of $40 billion, out. It is Public Law 480, Agriculture Department, minus $6 billion. Phase out below cost timber sales. Reform crop insurance. On and on and on through Energy, Housing, Justice, Transportation, Veterans Affairs, including toward the end, cut 100,000 Federal employees.

That is the largest such proposal we have ever heard. All the talk in the 1980's about cutting was only accompanied by increasing. Here it is, cut 100,000 Federal employees starting with $932 million in savings in the first year, adding up over 7 years to $7.9 billion. It goes to the Export-Import Bank, to the U.S. Information Agency; it goes to the Executive Office of the President, the Board for International Broadcasting.

Here is the program. We are going to have a chance to vote on it in the budget resolution, which the Senator from Tennessee indicates he should be able to have out much earlier than ever in the past. I will vote for these cuts. I hope the Senate will. But, in the meantime, I hope we will not terminate extended unemployment benefits on Saturday night. With great respect to the Senator from Texas, this is not a new program. This is an existing program. There are 1,800,000 persons who would not get these benefits between now and 7 months from now unless we act promptly.

We are going to vote tomorrow morning at 10:30, Madam President. I am confident of the outcome. I believe there may be some further amendments. I cannot imagine any of consequence. I hope we will have this bill on the way to the President by noon tomorrow, so when the employment offices open on Monday morning, this safety net is in place. If we cannot do in 1993 what Franklin D. Roosevelt could do in 1935, something is different about this country. I do not think that is the spirit we are seeing out there right now in response to the President's program.

Madam President, I see no Senator seeking the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS OF THE SENATE

During the recess of the Senate on February 26, 1993, under authority of the order of the Senate of January 5, 1993, messages from the President of the United States, transmitting nominations, were received by the Secretary of the Senate.

(Nominations received are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ed Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Finance Committee.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate, the following message from the President of the United States; which was, pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, and the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority, totaling $354.0 million.

These deferrals affect Funds Appropriated to the President and the Department of Agriculture. The details of these deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 26, 1993*.

## MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## MEASURES REFERRED

The following concurrent resolution, previously received from the House of Representatives for concurrence, was read, and referred to the Committee on Foreign Relations:

H. Con. Res. 34. A concurrent resolution calling for a continued United States policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-557. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Environment and Public Works, the Commitee on Finance, the Committee on Foreign Relations.

EC-558. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding rescission statistics; pursuant to the order of January 30, 1975, as modified by the order of

April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–559. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, a report relative to the proposed obligations of the Defense Business Operation Fund; to the Committee on Appropriations.

EC–560. A communication from the Acting Comptroller of the Department of Defense, transmitting pursuant to law, a report relative to the obligation of funds for the storage of fissile material from nuclear weapons; to the Committee on Appropriations.

EC–561. A communication from the Principal Director, Requirements and Resources, of the Office of the Assistant Secretary of Defense, transmitting, pursuant to law, notice in the delay of the submission of a report on defense manpower requirements; to the Committee on Armed Services.

EC–562. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, notice in the delay in the submission of a report on defense commercial activities; to the Committee on Armed Services.

EC–563. A communication from the Principal Deputy, Office of the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the pending submission of an environmental compliance report; to the Committee on Armed Services.

EC–564. A communication from the President of the United States, transmitting, pursuant to law, the annual report on national security strategy; to the Committee on Armed Services.

EC–565. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a monetary policy report; to the Committee on Banking, Housing and Urban Affairs.

EC–566. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Navy Carrier Battle Groups: The Structure and Affordability of the Future Force"; to the Committee on Armed Services.

EC–567. A communication from the Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Malaysia; to the Committee on Banking, Housing and Urban Affairs.

EC–568. A communication from Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Hong Kong; to the Committee on Banking, Housing and Urban Affairs.

EC–569. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on spending with respect to the Family and Medical Leave Act of 1993; to the Committee on the Budget.

EC–570. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information for the quarter ending December 31, 1992; to the Committee on Environment and Public Works.

EC–571. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the third quarter of 1992; to the Committee on Environment and Public Works.

EC–572. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation relating to emergency unemployment compensation; to the Committee on Finance.

EC–573. A communication from the Acting Assistant Secretary (Legislative Affairs) and the Deputy Director (Legislative Affairs), Department of State, transmitting, pursuant to law, a report on foreign contributions in the Persian Gulf Crisis; to the Committee on Foreign Relations.

EC–574. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of international agreements entered into by the United States; to the Committee on Foreign Relations.

EC–575. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 11, 1993; to the Committee on Foreign Relations.

EC–576. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to Israel's participation in the activities of the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC–577. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relating to services performed by full-time USG employees; to the Committee on Foreign Relations.

EC–578. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to U.S. assistance to the former Soviet Union; to the Committee on Foreign Relations.

EC–579. A communication from the Executive Assistant, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the annual report of the Mississippi River Commission; to the Committee on Governmental Affairs.

EC–580. A communication from the Chairman of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–364 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–581. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–365 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–582. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–366 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–583. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–368 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–584. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–369 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–585. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–370 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–586. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–373 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–587. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–374 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–588. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–375 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–589. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–376 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–377 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–591. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–382 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–592. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–388 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–593. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–389 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–594. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–392 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–595. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–394 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–596. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–395 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–597. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–396 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–397 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC–599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 9-398 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-399 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-400 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-401 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-402 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-403 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-404 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-405 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-607. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-406 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-608. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-407 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-408 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-409 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-410 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-411 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-412 adopted by the Council on January 5, 1993; to the Committee on Governmental Affairs.

EC-614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-413 adopted by the Council on February 2, 1993; to the Committee on Governmental Affairs.

EC-615. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, notice of information on the operation of the Senior Executive Service; to the Committee on Governmental Affairs.

EC-616. A communication from the Office of Independent Counsel, transmitting, pursuant to law, a report on Iran/Contra matters; to the Committee on Governmental Affairs.

EC-617. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-618. A communication from the Marshal of the Court, Supreme Court of the United States, transmitting, pursuant to law, the annual report regarding administrative costs; to the Committee on the Judiciary.

EC-619. A communication from the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEE

The following report of the committee was submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Special report entitled "Report of the Senate on the Jurisdiction and a Summary of Activities of the Committee on Agriculture, Nutrition, and Forestry for the 102d Congress" (Rept. No. 103-7).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. DURENBERGER, and Ms. MIKULSKI):

S. 469. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mr. KRUEGER):

S. 470. A bill to amend chapter 41 of title 18, United States Code, to punish stalking; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 471. A bill to establish a new area study process for proposed additions to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. MURKOWSKI):

S. 472. A bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. FORD, Mr. MATHEWS, Mr. GORTON, and Mr. KEMPTHORNE):

S. 473. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 474. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 475. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free distributions from qualified retirement plans for unemployed individuals; to the Committee on Finance.

By Mr. CHAFEE:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 477. A bill to eliminate the price support program for wool and mohair, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE (for himself, Mr. LIEBERMAN, and Mr. DODD):

S. 478. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. KERRY, Mr. BRYAN, Mr. MACK, and Mr. DOMENICI):

S. 479. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself and Mr. DURENBERGER):

S. 480. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BYRD, Mr. CONRAD, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, Mr. WELLSTONE, Mr. WOFFORD, Mr. HATFIELD, Mr. INOUYE, and Ms. MIKULSKI):

S. 481. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 482. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans Affairs.

By Mr. SHELBY (for himself, Mr. MACK, Mr. MCCAIN, Mr. ROBB, Mr. WARNER, Mr. JEFFORDS, and Mr. GRAMM):

S. 483. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DOLE, Mr. D'AMATO, Mr. BRADLEY, Mr. STEVENS, Mr. BOREN, and Mr. GLENN):

S.J. Res. 52. A joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 53. A joint resolution designating March 1993 and March 1994 both as "Women's History Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. GRAHAM, Mr. MACK, Mr. DOLE, Mr. WARNER, and Mr. MCCAIN):

S.J. Res. 54. A joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself, Mr. KRUEGER, Mr. BOND, Mr. KOHL, Mr. KERREY, Mr. GRAMM, Mr. CHAFEE, Mr. JOHNSTON, Mr. D'AMATO, and Mr. SPECTER):

S. Con. Res. 12. A concurrent resolution to recognize the heroic sacrifice of the Special Agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, Texas; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself, Mr. DURENBERGER, and Ms. MIKULSKI):

S. 469. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial; to the Committee on Banking, Housing, and Urban Affairs.

### VIETNAM WOMEN'S MEMORIAL ACT OF 1993

Mr. WARNER. Madam President, I rise today to introduce legislation along with my distinguished colleague and good friend, the junior Senator from Maryland, BARBARA MIKULSKI, to authorize the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial project.

This is a project that was conceived by Diane Carlson Evans, a nurse who served with great distinction during the Vietnam period, and Diana Hellinger, the current executive director. I shall speak momentarily about a third distinguished lady, Gleena Goodacre, who is the sculptress of a memorial that is to be erected on the Mall in the proximity of the present Vietnam Veterans' Memorial.

First, a little history. It was my distinct privilege to associate with Members of this body, notably Senator Mathias of Maryland, to pass the legislation necessary for the Vietnam Veterans' Memorial. I then volunteered as a private in the rear ranks of the Vietnam veterans organization led by a very distinguished American, Jan Scruggs. Together we embarked, many of us, all volunteers, on some rough seas before the concept of the Vietnam Veterans' Memorial was finally approved.

It was a stormy battle over many, many years, not only in the raising of the funds but getting the successive approvals by this body, by the Congress as a whole, and by the Fine Arts Commission. I remember so well the contest for the design of that memorial. There were 10,000-plus submissions.

I went out to Andrews Air Force Base, where they had two large hangars with all of the submissions being displayed. Many of us spent the better part of the day looking at these submissions. I came out of there dizzy, looking at all of those submissions from every corner of the United States.

Out of that, one was selected, conceived by an art student at Yale University who was but 21 years old. From that genius that she provided, and the courage and the determination of that band that formed the Vietnam Veterans' Memorial Group, from these two efforts and the efforts of literally millions of people across this country who donated, came the Vietnam Veterans' Memorial, now referred to as "the Wall."

It has become through the years either the second or third most popular edifice in this city, visited annually by millions. In the minds of each individual who has been associated with that memorial, either by virtue of having lost a family member or having a family member wounded in that conflict, each individual has his or her own concept of how that memorial has served the cause of remembrance.

Understandably, the women who served in that conflict—and there were over 250,000 women who served on land, on sea, and in the air—understandably, they came forward, and now desire to erect in the proximity of the Wall a memorial to their very special contributions, contributions that are not unlike the contributions made by women since the very founding of our Nation as members of the Armed Forces of the United States.

It has been my privilege to be associated with this group and now to introduce in the Senate the necessary legislation to just authorize the coinage. The Congress in 1988 passed S. 2042, which became Public Law 100-660, which authorized the approval specifically for the Vietnam Women's Memorial. The Vietnam Women's Memorial Coin Act of 1994, which I anticipate will be passed by this Congress, will serve as an accompaniment to this earlier legislative effort.

As I said, military women have made their sacrifices on behalf of freedom in the uniform of this country since 1776, and indeed before that time. It is the objective of this group, referred to as the VWMD, to honor and recognize specifically those women who volunteered to serve in the Armed Forces during the Vietnam era. Passage of the Memorial Coin Act provides an opportunity for all Americans, through the purchase of these coins, to join in recognizing the contribution of these women in this period.

We do so, in the act, by achieving the following objectives.

First, establishing an endowment which would serve as a permanent source of support for the Vietnam Women's Memorial. That is important because this organization has come forward, raised the funds necessary, and they are still in the process. But once you put these up, we do not want them to become a burden on the taxpayer. Indeed, volunteer effort and contributions should be the source of the relatively small amount of funds that are required each year to maintain the integrity of the memorial.

So that is the first objective.

Second, is providing funds for education and research concerning veterans and their families, particularly the women veterans and their families.

And third, assisting in the effort to identify the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

As you know, the Vietnam Women's Memorial will be the first—that is really a note of irony—but it will be the first memorial in the Nation's Capital specifically recognizing the contribution of women as members of the Armed Forces of the United States.

The dedication of the bronze multifigured structure of the three women and a wounded male soldier will take place on November 11 of this year at the Vietnam Veterans' Memorial here in Washington, DC. But the needs of the Vietnam women veterans do not end with the dedication of this memorial. The healing of wounds, emotional as well as physical, must continue. Passage of this bill will ensure that the Vietnam Women's Memorial project has the financial means needed to go forward. The work is not finished.

To accomplish further goals, the project will need the financial help of the American people who have stood by the project since the inception of the project in 1984. That is how long this project has been in the making. I pay great tribute, as I hope each of you will join me in doing, to the courage and the fortitude of the founders, who have had the tenacity to continue to work toward this goal for this period of almost 9 years.

The healing of wounds, emotional as well as physical, must continue. Passage of this bill will ensure that the Vietnam Women's Memorial has the financial means, again, to meet those goals.

I had the privilege of traveling out to Santa Fe, NM, to visit with the sculptress, Ms. Gleena Goodacre, to see her model. Ms. Goodacre's sculpture was selected from among 317 submissions. The competition was held last year in Washington, DC, at the National Building Museum.

I can assure you, in the eyes of this particular Senator, although I claim no particular artistic expertise, I perceived in her work the same genius that was in the design of the Vietnam Veterans' Memorial. It is moving, it is extraordinary, it is exceptional. It will take its place rightfully beside the Wall, which in its silence speaks so well. But it will take its place, together with the other memorial there to the three men, depicting their courage, as you recall, in the proximity of the area of the flags, as participants in this historic period of our history.

So I urge all to join me in seeking to sponsor this legislation, for it is a worthwhile cause, and one that needs to be done now.

I thank the Chair.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Madam President, I ask unanimous consent that I might proceed for 1 minute in response to my colleague from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Madam President, I rise to express my appreciation to my colleague from Virginia and my colleague from Maryland, and I ask unanimous consent that I be included as a cosponsor on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Madam President, I would be very happy to see that the Senator from Minnesota is added as a cosponsor, because he indeed was a participant in the first program for the Vietnam Veterans' Wall. I remember it very well.

Mr. DURENBERGER. I thank my colleague.

Mr. DURENBERGER. Madam President, I rise not only to express my appreciation to my colleagues from Virginia and Maryland, and to others, but to highlight the role of some very special people from the State of Minnesota without whom this project would not be a reality on November 12 of this year.

I want to express my thanks and appreciation in particular to Diane Carlson Evans of Northfield, MN. Diane is the founder and chair of the Vietnam Women's Memorial project. Herself a combat nurse, Diane has dedicated herself with boundless enthusiasm for this project. She has worked since the early 1980's to ensure the project's success.

Diane has traveled and spoken all across the country. The power of her personal message and tireless efforts are now coming to fruition. Diane Carlson Evans deserves this country's thanks and gratitude for all that she has done.

Another Minnesotan also played a compelling part in the long-running effort on the project. His name is Rodger Brodin, a Twin Cities sculptor whose enthusiasm and dedication to the project has been just as contagious as Diane's. Although Rodger's design for the memorial was not selected, many observers have noted the striking similarity between his sculpture and the winning design.

In the eyes and face of the nurse in his sculpture, Rodger captured the message of pain, sacrifice, and dedication that Diane was sharing with audiences all over the United States. Diane used Rodger's model as tangible, visible conceptualization of the project's mission.

These Minnesotans and so many others in our State and around the country have earned the thanks and gratitude of the American people, and particularly those who lost a woman dear to them in the Vietnam war.

I am just grateful that is a reality. It is the commitment, and the depths of the commitment by Minnesotans that has helped to make this project a reality. I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Vietnam Women's Memorial Coin Act of 1994".

**SEC. 2. COIN SPECIFICATIONS.**

(a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall issue not more than 600,000 one-dollar coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the coins issued under this Act shall be emblematic of the Vietnam Women's Memorial sculpture. On each coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

**SEC. 3. SOURCES OF BULLION.**

The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

**SEC. 4. SELECTION OF DESIGN.**

The design for the coins authorized by this Act shall be selected by the Secretary after consultation with the Chair of the Vietnam Women's Memorial Project, Incorporated. As required by section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be available for issue not later than July 4, 1994, and shall be minted only during the 1-year period beginning on such date.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins authorized under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (c) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(c) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

**SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

**SEC. 8. DISTRIBUTION OF SURCHARGES.**

All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Vietnam Women's Memorial Project, Incorporated, to be used—

(1) to establish and maintain an endowment to be a permanent source of support for the Vietnam Women's Memorial;

(2) for education and research concerning veterans and their families; and

(3) for the identification and documentation of the more than 250,000 women who served in the Armed Forces of the United States during the Vietnam era.

**SEC. 9. AUDITS.**

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Vietnam Women's Memorial Project, Incorporated, as may be related to the expenditures of amounts paid under section 8.

### SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions of section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

### SEC. 11. FINANCIAL ASSURANCES.

It is the sense of the Congress that this coin program shall be self-sustaining, and should be administered to result in no net cost to the Numismatic Public Enterprise Fund.

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By Mrs. BOXER (for herself and Mr. KRUEGER):

S. 470. A bill to amend chapter 41 of title 18, United States Code, to punish stalking; to the Committee on the Judiciary.

### STALKING CRIMINAL ACT OF 1993

Mr. KRUEGER. Madam President, I rise today as an original cosponsor of legislation which you introduced earlier today. Legislation to make a pattern of threats, harassment, and unwarranted attention a federally punishable offense when committed in locations and circumstances as the bill defines.

These actions are better and more commonly known as stalking. It is a term that describes all too poignantly an activity now all too common in our society: Deranged people who torment the lives of men and women across this country as they fulfill their own obsessions.

Until very recently, stalking had never been a punishable crime. Therefore, it is very difficult to know how many people might be bothered by this crime, although there are estimates that the numbers total as much as 200,000. However, we can certainly identify not only when these crimes are committed, but when they are not committed. What we find is a psychological torment of people across this Nation. And we are speaking not only, Madam President, of tormenting people in seemingly lofty positions or celebrated movie stars. We are speaking of people all across this Nation who are bothered and who have had essentially no legal recourse.

I can, in all candor, speak with personal experience of this because my wife and I have been stalked for 8 years by someone who is now in Federal prison for the third time. He has not, to our good fortune, yet brought physical harm to us. But, the threats that have been repeated and we have little legal recourse. We have some 50 tapes filled with his messages on our recorders. In some instances, this deranged individual called as often as 120 times in one night to threaten us. Even when—despite this blatant harassment—this individual made the threat, "If I come back to Texas and kill you, no jury would convict me because I have just cause," we had no recourse. That was not specific enough to bring any charge whatsoever through the FBI or anyone else. It was only when this individual finally said, not all of the words which I can have printed here, "I'm going to kill you, I'm going to kill you, I'm going to kill you, you blank blank blank. I'm going to hire a gunman to put a bullet through your head while you're lying sleeping next to your wife. I'm going to kill you." Only then did the FBI decide that it had sufficient cause with which to take action. But they could not yet act because they could not show that it was in interstate commerce. And so we had to wait about an additional week until finally I was able to get the person, now serving in Federal prison, to acknowledge that he was calling me from out of State so that he could be apprehended.

If events like that come to one who currently is in the U.S. Senate, and who had at least some connections with people in power before, then what happens to these 200,000 other citizens who are beset by problems of this sort everyday? This is clearly, I believe, an instance where we need Federal legislation. Legislation such that you, Madam President, and I, as a cosponsor, are introducing today, legislation that would define as a Federal violation not only threats and harassment that occur on Federal property but also threats and harassment that come about through the use of instruments such as the telephone and the mails normally identified as connecting with interstate commerce. This is legislation that I believe is overdue because, unfortunately, crimes today have taken a new and different turn.

I will simply say in closing that, quite apart from physical damage that is inflicted, there is unquestionably psychological damage and psychological strain that occurs throughout this period of time. We know by people who have served in the military and elsewhere that psychological torture is an ancient and horrendous tool.

Madam President, this is a matter that I believe can, and should be addressed at this time by this body. I am very pleased to be able to join you, Madam President, in the legislation which you and your staff have crafted for this purpose. I believe it is legislation that will indeed serve the purposes of all. I hope for its support.

Mr. MOYNIHAN. Madam President, will the Senator from Texas have the generosity to allow me to be a cosponsor of the measure?

Mr. KRUEGER. I certainly would, with great pleasure.

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By Mr. WALLOP:

S. 471. A bill to establish a new area study process for proposed additions to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

### NEW PARKS STUDY ACT OF 1993

• Mr. WALLOP. Mr. President, I am introducing today the New Parks Study Act of 1993. This legislation would address an increasingly serious situation facing the National Park System—the unrestrained manner in which new units and new expenses are being added to that System.

At the end of the last Congress, I and other members of the Committee on Energy and Natural Resources concluded that we needed to address this issue as a high priority in the next Congress. By introducing this legislation today, I am initiating the discussion of this issue, and I would anticipate substantive debate as soon as possible before we get into the usual onslaught of new area proposals.

The current piecemeal approach to making additions to the National Park System has resulted in units that are of questionable national significance and whose primary purpose would appear to be economic development. Nowhere in the authorizing legislation for the National Park System does it talk about economic development. Yet, that is what we've been using the System for as of late. In the process we have been destroying the integrity of one of America's great traditions—our national parks.

In these times of tight fiscal constraints, we simply cannot afford to keep adding to the National Park System without some means of assuring that we are adding only those areas that truly merit recognition and protection as a unit of the System.

Between 1970 and 1991, 76 units and over 50 million acres have been added to the National Park System. A good share of this acreage has not been acquired thereby creating a large backlog in acquisition. A report on the size and cost of this backlog is due from the Park Service in November of this year. I'm sure it will be in the range of several billion dollars. In addition, the Park Service estimates a $2.5 billion backlog in maintenance and repair activities. It seems obvious to me that we cannot continue to add new areas to the System when we cannot properly develop and maintain the units that are already in the System.

In addition, a 1992 report by the National Parks and Conservation Association stated that 12 years ago there was 1 ranger for every 59,432 park visitors. In January 1992, there was 1 ranger for every 80,204 visitors. Every time we add another unit, we decrease the ability of the Park Service to meet, greet and educate the nearly 268 million visitors to the National Park System.

Over the years, it has become traditional for State and local governments to look to the Federal Government to manage parks and recreation areas that they could not afford to acquire and operate. In the past, the Federal Government has been very willing to do this as evidenced by the huge expansion of the System.

But the time has come for us to face reality. The money simply is not there to operate what is already in the System, much less continue adding new units. While I am sympathetic with the goals of many of these new area proposals, we have to start looking for ways to accomplish these goals without additional burden to the Federal Treasury.

The legislation I am introducing today would establish a structured process for studying and considering proposed additions to the National Park System similar to the study processes mandated by the Wild and Scenic Rivers and Wilderness Acts. Under these Acts, Congress designates an area for study and then Congress decides whether to designate it as a unit of the national system based on the study report.

This legislation would require the National Park Service to prepare a comprehensive report that is to consider factors such as uniqueness, whether management by another entity is more appropriate, cost effectiveness of acquisition and development, and annual cost of operation and maintenance. It would also require that the report identify a preferred alternative.

The legislation would also require the Secretary of the Interior to establish a national priority list for new area and expansion proposals. This is intended to give the Congress some perspective on the relative importance of the many new area and expansion proposals that are introduced each session.

One of the concerns expressed in the last Congress about legislation of this nature was that we should not change the rules of the game in midsession. It was with that in mind that I agreed to defer my efforts to bring some order out of chaos until the start of the next Congress. I ask my colleagues to join me in supporting this legislation which I believe is vital to the long-term protection and survival of our National Park System. I would ask that the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 471

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "New Parks Study Act" of 1993.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

**SEC. 3. NEW AREA STUDIES FOR POTENTIAL ADDITIONS TO THE NATIONAL PARK SYSTEM.**

(a) IN GENERAL.—The Secretary shall undertake and submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the United States Senate and to the appropriate committees of the House of Representatives reports on such new area studies or park expansion studies as are herein or may hereafter be authorized by Congress for the purpose of determining the feasibility and suitability of designating such areas (including boundary expansion of existing units) for addition to the National Park System and any feasible alternatives to such action. The Secretary shall undertake site specific and, where appropriate, thematic studies in preparing such reports. All such studies shall be made in consultation with affected agencies at the Federal, State, and local levels, public and private organizations and concerned landowners and users.

(b) FACTORS.—All new area or expansion studies referred to in this section shall consider each of the following:

(1) whether the resource is nationally significant, including, but not limited to, an evaluation of the area's uniqueness,

(2) whether similar resources are already protected in the National Park System, or by other public or private ownership and the degree to which such protection would achieve the purposes sought by inclusion of such resource within the National Park System,

(3) whether the unit is of appropriate configuration to ensure long-term resource protection and visitor use,

(4) the extent of nonconforming existing or potential uses that may compromise management as a unit of the System,

(5) whether any other management entity other than the National Park Service would be more appropriate,

(6) public use potential,

(7) resource integrity,

(8) the cost of land acquisition and development, and annual cost for operation and maintenance, and

(9) any other factors deemed appropriate by the Secretary.

(c) REPORTS TO CONGRESS.—Within 18 months after the date that funds are made available for the study of an area the Secretary shall transmit to the Congress a report of such study that specifically addresses all of the factors required to be considered under subsection (b). Each such report shall indicate the suitability and feasibility of authorizing the area as a unit or expanding an existing unit of the National Park System and any feasible alternative to such action. In transmitting the report, the Secretary shall identify the preferred alternative and also discuss any outstanding contentious issues related to each alternative considered.

**SEC. 4. PRIORITY LIST OF POTENTIAL PARK SYSTEM ADDITIONS.**

(a) LIST.—The National Park Service shall develop and maintain a single list of potential additions (including major expansion proposals) in order of their numerical priority for potential addition to the National Park System. This list shall be initially comprised of areas for which the agency has completed adequate studies which are consistent with section 3. The list shall be updated and republished at least every two years to reflect studies completed under the provisions of this act.

(b) ESTABLISHING PRIORITIES.—In addition to the factors referred to in section 3(b), the Secretary shall consider each of the following in establishing the numerical priorities for inclusion of new areas or expansion of existing units in the National Park System:

(1) imminence of any threats to the resource or nature of ongoing degradation,

(2) extent to which similar resources are protected in the National Park System or by any other entity,

(3) the numerical priority of land acquisition for the proposed new area or addition relative to the numerical priorities of authorized but unacquired lands for existing units,

(4) the numerical priority of development and operation of the new area or addition relative to other proposed additions and existing units,

(5) the level of local and general public support, and

(6) any other factors deemed appropriate by the Secretary.

(c) TRANSMISSION OF PRIORITY LIST TO CONGRESS.—At the beginning of each Congress, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, a copy of the most recent numerical priority list prepared under this section. In addition, the Secretary is encouraged to periodically transmit any recommendations for new area studies (including expansion proposals) which he deems appropriate. Such recommendations should be based on an objective preliminary review of such proposals.

**SEC. 5. REPEAL OF EXISTING STATUTE.**

Section 8 of the Act entitled "An Act to improve the Administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-5), is amended by striking out the first through the seventh sentences of subsection (a).

**SEC. 6. CLARIFICATION OF EXISTING STATUTE.**

Section 1215(b) of Public Law 101-628 is amended by inserting ", one single document in numerical order," after the words "A priority listing".

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

By Mr. WALLOP (for himself and Mr. MURKOWSKI:)

S. 472. A bill to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands; to the committee on Energy and Natural Resources.

LAND MANAGEMENT AGENCY HOUSING IMPROVEMENT ACT OF 1993

● Mr. WALLOP. Mr. President, today I am introducing the Land Management Agency Housing Improvement Act of 1993. This legislation addresses a serious problem facing various public land management agencies. Land management agencies provide rental housing to their employees because of the remote situations where they work. Uncle Sam has been a negligent landlord—almost a slum lord—as this rental housing has deteriorated to an alarming degree. The housing stock is aging and increasingly costly to maintain. The abominable condition of many of the units is creating serious recruitment, retention, and morale problems for the agencies—affecting their ability to perform their mission. This legislation is similar to the measure that passed the Senate in the waning days of the last Congress.

Of the 19,096 Government housing units inventoried by the Bureau of Reclamation, 5,262 are owned by the U.S. Forest Service, 5,171 are owned by the National Park Service, and 4,564 are owned by the Bureau of Indian Affairs—the remainder are owned by several different agencies. The National Park Service [NPS] estimates the cost of bringing their housing stock up to acceptable levels at $546,081,000. The NPS has spent $34 million over the last 4 years attempting to correct this situation. At that rate, correcting the problem would take over 60 years.

Similar problems exist in all of the major land management agencies. Insufficient and inappropriate housing is an identified problem for the Forest Service in the Pacific Northwest and elsewhere. The Forest Service estimates a need for $175,539,000 to meet their housing needs. Escalating maintenance costs plague the Bureau of Indian Affairs. They estimate a $40 million need. Aging housing stock and the associated increasing maintenance costs are a recurring theme throughout the agencies.

A problem which affects all agencies, but the National Park Service in particular, is an increasingly serious recruitment and retention problem in those areas of the country with high costs of living. While the term "national park" brings to mind western visions of Yellowstone and Yosemite to most people, the fact is that the majority of the NPS units and employees are located in the East. The high cost of housing available in these areas and the relatively low grade, and therefore salary levels, of most of the employees assigned there, have created extreme situations of near poverty.

A study conducted by the Association of National Park Rangers in 1988-89 revealed that employees were living in automobiles or sharing substandard housing with several others in high crime areas just to have a roof over their heads. Others are reporting spending over 60 percent of their salary for housing. A significant number are choosing to leave the Service rather than endure marginal living conditions or exhaust their savings in an effort to survive. It is conceivable that if present trends continue, we may be faced with a dwindling number of individuals trained and qualified to protect and explain our priceless natural and cultural resources.

The Forest Service reports employees having to live in 30-year-old trailers with leaking roofs, up to 10 employees of both sexes sharing a single shower, sleeping in pickups parked in old horse barns, walling off corners of warehouses and basements to provide bunkhouse space, and requests to use the attics of office buildings as crew quarters. The Forest Service's desire to increase utilization of volunteers is seriously hampered by the lack of housing for them. To quote one Forest Service respondent, "I am seeing conditions I would not want my son or daughter exposed to."

This bill authorizes the heads of the agencies to provide safe, appropriate employee housing either on- or off-premises at rental rates that do not exceed the national average rate paid by renters. This would roughly correspond to the level at which commercial lending institutions would approve a home mortgage. The bill also authorizes the agency heads to enter into lease agreements with the private sector to provide housing in order to expedite the process and reduce the immediate budgetary impact.

As the provisions of the Federal Employees Pay Comparability Act of 1990 take effect, the problem of rental costs as a function of gross income should diminish. In fact, in the areas where the NPS has obtained approval for special pay rates, the attrition rate is reversing. In the interim, however, without a fairly immediate correction of the disparity between housing costs and salary levels, many of our park units in high cost-of-living areas will be forced to operate with insufficient staff.

Another problem that this legislation addresses is that of the infrastructure to support employee housing. In many areas of the country, local jurisdictions and Federal agencies could realize significant cost savings by developing water, sewer, and similar infrastructure facilities cooperatively. Under current law, agencies are prohibited from contributing toward the development of mutually beneficial facilities, if those facilities are outside the agencies' jurisdiction. In some small communities, the agency employee housing is reasonably close to the community, yet two complete support infrastructures, with their associated costs and environmental impacts, have been created because of the agency property boundary. This redundancy is not in the public interest.

This legislation is intended to give the authority to the heads of the agencies to provide adequate housing for necessary personnel in a way which neither unduly rewards nor penalizes them for their dedication to their chosen professions. As a nation we have the right to expect high quality, professional service from those agencies and personnel entrusted with the care of our natural and cultural resources. As individuals they have a right to expect decent housing at their assigned duty stations.

Mr. President, during the last Congress the Subcommittee on Public Lands, National Parks and Forests held hearings on the housing issue. The record is replete with horror stories received in correspondence to the committee from Park Service employees from all over the country—from Alaska to Florida, from California to New York.

These letters told of rattlesnakes in bed with babies, of houses that cost more to heat than to rent, of rain and snow blowing into the house, of broken floors, leaking roofs, of exorbitant rents from which there was no relief or appeal, and the anguish of having to decide whether or not to continue a career in our Nation's parks and forests or give it up because they couldn't afford to continue, should compel us to take note, and act.

The employees who protect and manage our Nation's resources know they'll never get rich doing it. They generally don't even mind being required, as a precondition for having a job at all, to rent their home from their employer at a reasonable rate.

But they do mind when their housing is so substandard that it endangers their family, and they do mind when the rent charged by their employer is so high that they can't afford to continue a career in public service.

I would like to quote from just a few of the letters the committee received.

> It is with deep sense of personal loss that the deplorable government housing conditions will prevent us from every returning to the parks that we love. (A ranger from New Mexico with 22 years of service.)
>
> I know that many NPS employees delay having a family because of their financial situation (low pay and high cost of required park housing). (A ranger from New Mexico.)
>
> Following the recently completed Northeast Housing Survey, the rent I pay for government housing is scheduled to increase by approximately 65% facing me with the likelihood of having to choose between continued government service and my family's welfare. (A ranger from Pennsylvania.)
>
> I am unable to select the best candidates in part because of the lack of affordable housing.
>
> More often than not, I cannot even muster a register with more than a handful of poorly qualified applicants. (A supervisory ranger from Virginia.)
>
> I have chosen to sacrifice many things to pursue this [NPS] career. The horrid tales of U.S. Park Service housing were breaking my spirit. I only ask for simplicity at a fair price. (A ranger from Arizona.)
>
> * * * much of our housing has been abominable. In the Tetons we lived in a 3 room log cabin (700 sq. ft.) which had not been winterized. After several months of -20 degree weather in which we struggled with freezing pipes and a draft across the living room floor, we wrapped the entire building in lathing and clear plastic to stay warm * * * in Rocky Mountain National Park, * * *. We * * * were charged for fire and police protection as part of our rent for housing when we ourselves would be both victim and responder because we were the only residents in that part of the park! (A husband and wife supervisory ranger couple with over 40 years of combined service from California.)
>
> Sequoia has seasonal rangers housed in "cabins" with bare cement floors and bathroom facilities housed outside in a central cabin. Migrant farm workers in California have stricter laws protecting them against such inadequate housing! (Another husband

and wife supervisory ranger couple from Utah.)

These situations are combining to rip the heart out of the National Park Service, the morale, the esprit de corps and the professionalism of the National Park Ranger. I see it in the staff I supervise and in the new recruits we must hire to fill in behind those rangers leaving the Service for a more humanistic way of life. We need help. (A supervisory park ranger from New Jersey.)

Yes, Mr. President, they need help. The Forest Service has about 5,262 housing units which include single family units and crew quarters. The National Park Service has about 5,171 units, most of which are single-family or apartment units. The remaining land management agencies have several hundred each. The estimates for bringing all this housing up to standard runs into the hundreds of millions of dollars.

The National Park Service estimates its cost at over $500 million. The Forest Service estimates about $176 million. This is not a problem that will be fixed overnight. However, if this bill is enacted, the agencies will be able to better use the scarce funds available to them to improve housing by involving the private sector to a much greater degree. It will also put an end to inflating rents because of so-called regional comparability when the renter's salary is set nationally.

It is necessary for a variety of reasons. In many cases, Government housing is the only housing available, there just isn't any town or even any private land for miles in any direction. In other cases, the around-the-clock protection of historic structures can only be assured if someone actually lives in them. In still other cases, required occupants are necessary to protect Government assets from vandalism, fire, and the like, or to respond to law enforcement, medical, fire, and search and rescue emergencies.

The list of reasons for housing is long, and the fact is inescapable that requiring employees to live in Government housing in certain locations is absolutely essential for the agencies to do their jobs.

Since housing for Government land management agencies is necessary, it then becomes simply a question of what kind of housing, where, and at what rental rate. I know that many of the visitors to our parks and forests think that rangers get their housing rent-free. They don't and they shouldn't. The plain truth is that the Government has a bunch of company towns scattered all over the country. These people are required to live there and are required to pay whatever the company says. Many of them are occupying housing that ranges from tents to ocean freight cargo container boxes to disintegrating trailers to ramshackle cabins. They are not living there by choice. The only choice they have is to live in their assigned housing or quit their career. Some choice. I quote again from an NPS employee; "I only ask for simplicity at a fair price."

The proposed rental rate increases for the North Atlantic Regional Rental Area would have placed some of these employees in the position of either paying over 60 percent of their salary to their employer in rent or quitting. The National Average of Rents for Renters, which is published by the Census Bureau, is 27 percent of household income and that includes the cost of utilities. Government employees still pay utilities on top of their rent.

Mr. President, this bill would cap the rents paid in the company town to no greater than the national average. That's not any kind of a subsidy, that's simple fairness. This legislation would authorize a variety of public-private cooperative ventures for the construction, rehabilitation, and maintenance of housing for land management agencies. These are the same kinds of authorities that the military currently uses so well.

The studies that I have indicate that while these authorities will not appreciably save the taxpayer money in the long run, they do provide the vehicle to fix more housing faster with the available money. The agencies have programs to upgrade and improve housing and have appropriations for that purpose, but at the current level of appropriations, doing all the work in-house, it will take over 60 years to correct the problems. These authorities will allow what amounts to leveraging of the available funds to do more work sooner.

This bill is important to us all. Without adequate housing at an affordable price, our national parks, forests, refuges, and public lands will not be able to recruit and retain the quality of people necessary to do the increasingly complex job of managing them. The caliber of the caretakers dictates the quality of care. It is our responsibility to take care of the caretakers.

Thank you, Mr. President, and I urge the Senate to act expeditiously on this legislation. I would ask that the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 472

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be referred to as the "Land Management Agency Housing Improvement Act of 1993".

### SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

### SEC. 3. EMPLOYEE HOUSING.

(a)(1) to promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within 30 miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: *Provided*, That the base rental rate as a percentage of the employees' annual gross income shall not exceed the most recent American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

### SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every 5 years. If such survey indicates that government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

### SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey average percentage of rents paid by renters inclusive of utilities, whether paid as part of rent or paid directly to a third party.

**SEC. 6. SURVEY OF EXISTING FACILITIES.**

(a) Within 2 years after the date of enactment of this Act, the Secretaries shall survey all existing Government-owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the Untied States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair, or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

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By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. FORD, Mr. MATHEWS, Mr. GORTON, and Mr. KEMPTHORNE):

S. 473. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

## DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

• Mr. JOHNSTON. Mr. President, today, I am introducing legislation to provide more flexible authority to the Department of Energy to work with domestic industry to strengthen the economic and technological competitiveness of the United States. DOE now has a significant program of cooperation with industry to develop new technologies. This legislation, the Department of Energy National Competitiveness Technology Partnership Act of 1993, would build on DOE's existing program in response to the new emphasis the Clinton administration is placing on American competitiveness.

This legislation is also based on hard work by Senator BINGAMAN and Senator DOMENICI on technology transfer over the last three Congresses. I congratulate them for the spirit of cooperation that makes this bipartisan effort possible.

We have a great opportunity to forge a governmentwide policy for advanced technology development in the 103d Congress. Last month, President Clinton forwarded to Congress the administration's technology initiative, which includes proposals to increase and expand the partnerships between our national laboratories and industry. Similarly, a number of our colleagues have introduced legislative proposals to improve the competitiveness of U.S. industry. We need to work together—among committees in Congress and with the administration—to develop a coordinated effort.

The legislation I am introducing today, along with a number of my colleagues from the Committee on Energy and Natural Resources, provides for the Department of Energy's role in a national effort to improve the competitive position of U.S. industry and to stimulate economic growth in the United States. It will enhance the ongoing efforts of the Department of Energy to work with U.S. industry to utilize the significant science and engineering assets at the national laboratories to address the needs of the domestic economy.

To date, the Department has joined with industry in 350 cooperative research and development agreements with a total value over $600 million. Industry is paying 60 percent of the costs under these agreements. There is a tremendous opportunity for cooperative work with the Department's laboratories to develop new technologies. The Department of Energy is the Federal Government's largest employer of scientists and engineers and owns the Nation's premier laboratories and facilities for basic science. No national technology policy can afford to ignore these assets.

The Department of Energy laboratory system consists of 10 multiprogram national laboratories, 11 large single-program laboratories, and 9 smaller laboratories. Initial development of the laboratory complex stemmed from the Manhattan project and concentrated on weapons production. Over the years, the scope of research and development within the laboratory system has been broadened to include the full spectrum of fundamental sciences. Practically every area of basic scientific knowledge is represented in the research activities of the laboratories.

The laboratories employ over 23,000 researchers with advanced degrees in areas of science and technology. More than 8,500 of these researchers have doctorate degrees. The laboratory system has evolved into an interdisciplinary environment with the capability to undertake very complex development projects. These laboratories represent one of the largest complexes engaged in fundamental scientific and technical research anywhere in the world.

The Department's laboratories perform over $6 billion of research and development annually. Research activities at the laboratories span a broad range of scientific, engineering and technical areas including the following: Materials science, manufacturing, high-performance computing, transportation, chemical science, space, environmental science, human health, physics, fusion energy, defense-related research, waste management, nuclear energy, conservation, renewable energy, and fossil energy. No single laboratory or group of laboratories anywhere in the United States—or indeed in the world—can match this record of accomplishment.

The Department of Energy has unique and extraordinary capabilities within its laboratories that include scientific and technological areas beyond those associated with weapons or energy systems. Historically, however, the laboratories' activities have been limited to defense and energy related activities and have concentrated on basic scientific research.

Nonetheless, the industrial competitiveness of the Nation has benefited significantly from the Department's laboratories. Entire industries have been established on the basis of technology initially developed within the laboratories in addition to the multitude of many new companies and products that have been spawned as a result of the laboratories activities. Passage of the National Competitive Technology Transfer Act focused and simplified the transfer of technologies from the laboratories to the private sector leading to the high number of cooperative agreements with industry.

University research and education programs also receive substantial benefits from the Department's laboratories. Universities work with the Department in the design and operation of major, capital intensive user facilities located at the Department's laboratories. The high capital costs of these complex user facilities, necessary for advances in modern science, are borne by the Department. Additional assistance to scientific education is provided through many residence programs for students and faculty at the laboratories. Universities also benefit by the substantial amount of research and development efforts directed to universities from the Department's laboratories through subcontracting and cooperative programs.

Several years ago, the Committee on Energy and Natural Resources began to reassess the missions and roles of the Department of Energy laboratories and to take a hard look at the adequacy of the mechanisms for technology transfer. In the 102d Congress, the committee reported S. 2566, which was passed by the Senate in July 1992. As there was no companion measure in the House, there was insufficient time for the House to act on the measure.

The legislation that I am introducing today builds on the committee's work over the past several years. This legislation will leverage the capabilities and resources of the Department of Energy laboratories through partnerships with U.S. industry and universities in key areas of technology such as in energy, high-performance computing, the environment, human health, advanced manufacturing, advanced materials, and transportation. The bill would establish a minimum goal for the percentage of each laboratory budget to be devoted to partnerships with industry, and it would provide more flexible authority to the Secretary of Energy to enter into partnerships with the private sector. Through these partnerships, a closer and more effective working relationship can be developed among the laboratories, U.S. industry, the educational community and other Federal agencies. These relationships will improve the coordination between the laboratories and the private sector and ensure that technologies important to this country's long-term survival will be developed. The legislation would also take bold new steps in the way that business is done between the laboratories and the private sector in the areas of intellectual property rights and patents, all with the goal of maximizing the competitiveness of U.S. industry.

This legislation would also establish a career path program to maximize the benefit that can be derived from laboratory employees. Scientists in the Department's contractor-operated laboratories frequently refuse to serve for a time in the Department as Federal employees because employment restrictions in current law could threaten future career opportunities in the national laboratory system.

Even though the national laboratories perform exclusively governmental work with Government funding and Government-owned property to carry out Government programs, they are operated by contractors. If a person leaves laboratory service for work in the Department, and later returns to the laboratory system, he is subject to postemployment restrictions like any other former Federal employee now with a private contractor.

It is essential to effective management of the national laboratories that the laboratory employees, particularly those involved in the management of the laboratory, be able to communicate with and frequently influence Department officials in carrying out the day-to-day operations of the laboratories. Such communication, however, becomes virtually impossible when the laboratory employee has worked for the Department. Because the employee has worked for a time at the Department and then becomes a private-sector employee, the postemployment laws make it illegal for that employee to try and influence Department officials.

Mr. President, if this laboratory complex did not exist, we could not afford to create it in today's budget climate. We have these laboratories as a legacy from the time when the Nation invested heavily in the infrastructure of science for defense. These laboratories are on the brink of change in how they operate. With the end of the cold war, we are at a crossroads. As funding for nuclear weapons declines, it is prudent to redirect the activities of the national laboratories to help American industry and universities. Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the Department's laboratories already do more civilian research than weapons research. But they can still do more. We now have the opportunity to use these laboratories to solve the problems of today. This bill would redirect the resources of the laboratories—and streamline the process for doing business—to do just that.

The bill we are introducing is complex. We must define a new mission for DOE's laboratories—that of contributing strongly to the Nation's technological and economic competitiveness. There are existing missions and core competencies that must be preserved. DOE will continue to have unique and essential responsibilities in the field of nuclear weapons. We intend to strengthen our base in fundamental science. We must continue to develop the new energy technologies our economy demands. The mission we define in this legislation must be consistent with these existing missions.

The bill we are introducing raises a number of issues within the context of technology policy.

What will be the process under which the administration's proposed national information infrastructure is developed and put into place?

What role does competition among laboratories play in ensuring the availability of the most efficient technology development process?

How should we share the benefits of intellectual property developed in the course of cooperation with industrial participants?

What is the liability of the Government for the use of technology developed with public funds?

To what extent can the mission of improving national competitiveness be addressed through existing programs in the Department? Will new programs be needed?

What are the roles of other Federal agencies with scientific assets—the National Institutes of Health, the National Aeronautics and Space Administration, the Department of Defense, and the Department of Commerce?

We expect to address these issues in the hearings and markups that I will hold in the Committee on Energy and Natural Resources in the coming weeks. Our plan is to be ready to contribute to the effort the administration is mounting to enhance our economic competitiveness. We are looking for the best ideas and the best advice on how to make this effort successful.

Mr. President, I ask unanimous consent that the text of the bill and section-by-section analysis appear in the CONGRESSIONAL RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 473

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1993."

### SEC. 2. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

The Department of Energy Organization Act is amended by adding at the end the following new title (42 U.S.C. 7101 et. seq.):

## "TITLE XI—TECHNOLOGY PARTNERSHIPS

### "SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—Congress finds that—

"(1) the United States Department of Energy has scientific and technical capabilities and resources within the departmental laboratories in virtually every area of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investments in people, facilities and equipment in the department of Energy laboratories can be applied to achieve national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department of Energy has pursued aggressively the transfer of technology from departmental laboratories to the private sector, but the capabilities of the laboratories could be made more fully available to United States industry;

"(4) technology development has been increasingly driven by the commercial marketplace and private firms have extraordinary research and development capabilities in a broad range of generic technologies;

"(5) in carrying out their missions, the Department and the departmental laboratories would greatly benefit from closer collaboration and partnership with United States industry; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the nation as a whole, including the creation of high-paying, high value-added jobs for United States workers and the improvement of the competitiveness of United States firms in key sectors such as the aerospace, automotive, chemical and electronics sectors.

"(b) PURPOSES.—The purposes of this title are to—

"(1) enhance partnerships between the private sector and the Department and the departmental laboratories and to establish a minimum goal for the percentage of the multi-program departmental laboratory budgets devoted to partnerships;

"(2) ensure that the Department and the departmental laboratories play an appropriate role, consistent with their core competencies, in implementing the President's critical technology strategies;

"(3) provide additional authority to the Secretary to enter into partnerships with the private sector in pursuit of research, development, demonstration and commercial application activities; and

"(4) streamline the process by which cooperative research and development agreements proposed by the departmental laboratories receive final disposition within the Department.

"(c) DEFINITIONS.—For the purposes of this title—

"(1) "core competency" means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(2) "critical technology" means a technology identified in the National Critical Technologies Report;

"(3) "Department" means the United States Department of Energy;

"(4) "departmental laboratory" means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. §3710a(d)(2));

"(5) "disadvantaged" has the same meaning as such term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

"(6) "dual-use technology" means a technology that has military and commercial applications;

"(7) "educational institution" means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged;

"(10) "multi-program departmental laboratory" means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(11) "National Critical Technologies Report" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

"(12) "partnership" means an arrangement, including an arrangement under section 1109, under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration or commercial application activities for the mutual benefit of the partners in cooperation with one or more participants from among the following: an educational institution, private sector entity, State governmental entity, or other Federal agency; and

"(13) 'Secretary' means the Secretary of the United States Department of Energy.

**"SEC. 1102. ESTABLISHMENT OF PARTNERSHIPS.**

"The Secretary and the director of each departmental laboratory may enter into any partnership that will enhance the economic, scientific or technological competitiveness of United States industry utilizing the authority of this title or the authority available to the Secretary or the directors under the following:

"(a) the Atomic Energy Act of 1954;

"(b) the Federal Nonnuclear Energy Research and Development Act of 1974;

"(c) the Energy Policy Act of 1992;

"(d) the Stevenson-Wydler Technology Innovation Act of 1980;

"(e) the National Competitiveness Technology Transfer Act of 1989;

"(f) the Federal Technology Transfer Act of 1986;

"(g) the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989;

"(g) the Bayh-Dole Patent and Trademark Act of 1980; or

"(h) the National Cooperative Research Act of 1984.

**"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN MULTI-PROGRAM DEPARTMENT LABORATORIES AND UNITED STATES INDUSTRY.**

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to allocate not less than 10 percent of the annual budget of each multi-program departmental laboratory to cost-shared partnerships with United States industry.

"(b) Funds authorized to be appropriated to the Secretary and made available for departmental-laboratory-directed research and development shall be available for any partnership.

**"SEC. 1104. DEPARTMENT ROLE IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.**

"(a) The Secretary shall develop a multiyear critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for each critical technology listed in the National Critical Technologies Report.

"(b) In developing such strategy, the Secretary shall—

"(1) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, building on the core competencies of the department laboratories;

"(2) consult with appropriate representatives of United States industry, including members of United States industry associations and representatives of labor organizations in the United States; and

"(3) participate in the executive branch process to develop critical technology strategies such as required by section 822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102-190).

**"SEC. 1105. MISSION STATEMENT.**

"(a) The Secretary, and the director of each departmental laboratory, may enter into partnerships that build on the core competencies of the departmental laboratories to conduct research, development, demonstration or commercial application activities in those areas listed in the biennial National Critical Technologies Report or in any of the following areas—

"(1) energy efficiency, including efficiency in power generation, transmission, and utilization; energy conservation technologies; process technologies; and transportation;

"(2) energy supply, including alternative fuels; advanced forms of renewable energy; advanced clean coal technologies; coal liquefaction and synthetic fossil fuels; advanced oil and gas recovery; advanced nuclear reactor technologies; fusion technologies; biofuel technologies; electricity transmission, distribution, and storage; and energy forecasting;

"(3) high-performance computing, including programs to develop and use new computer architectures such as large scale parallel computers, real-time visualization, powerful scientific workstations, high-speed networking, new computer software and algorithms; programs to develop advanced materials for the communication and computing industry such as new memories, optical switches or optical storage disks; programs to address complex scientific challenges such as understanding global climate change, hydrologic modeling, and fundamental combustion processes; and programs with other agencies and the private sector for the development and use of high-performance computer research networks;

"(4) the environment, including global climate change; protection of ecological systems; environmental restoration and waste management; and development of technologies for biogeochemical dynamics, toxicology, remote sensing, biotechnology, risk analysis, and environmental assessment;

"(5) human health, including radiopharmaceutical and laser applications; mapping of the human genome; structural biology; development of technologies for nuclear and diagnostic medicine and radiation biology, including cancer therapies; and development of sensors, electronics and information systems to lower health care costs;

"(6) advanced manufacturing technologies, including laser technologies, robotics and intelligent machines; semiconductors, superconductors, microelectronics, photonics, optoelectronics, and advanced displays; x-ray lithography; sensor and process controls; and those technologies that may affect energy production, energy efficiency, environmental protection or waste minimization;

"(7) advanced materials, including materials that may increase efficiency in energy generation, conversion, transmission and use; synthesis and processing for improved and new materials; materials to promote waste minimization and environmental protection; and new and improved methods, techniques, and instruments to characterize and analyze properties of materials;

"(8) transportation technologies, including those that will improve the efficiency of and reduce the energy consumption and environmental impact associated with conventional transportation technologies;

"(9) space technologies, including space-based sensors for environmental monitoring, climate modeling, and radio-biological studies;

"(10) quality technologies, including reliability engineering, failure analysis, statistical process control, nondestructive testing and inspection techniques, concurrent engineering and design practices for reliability and testability used to ensure product and process quality specifications are met;

"(11) technologies listed in the annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of title 10, United States Code; and

"(12) any other generic, precompetitive technology or other critical technology identified by the Secretary.

"(b) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry to ensure that technologies developed in pursuit of the Department's missions are rapidly applied and commercialized. In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, work in partnership with United States industry and educational institutions.

"(c) The Secretary shall work with other federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the Department and the departmental laboratories could contribute to the missions of such other agencies.

**"SEC. 1106. PARTNERSHIP PREFERENCES.**

"(a) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. §3710a (c)(4)) if it were a cooperative research and development agreement shall be given similar preference under this title.

"(b) The Secretary shall issue guidelines to describe the application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) to partnerships as prescribed by section (a).

"(c) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

**"SEC. 1107. EVALUATION OF PARTNERSHIP PROGRAMS.**

"(a) The Secretary shall develop mechanisms for independent evaluation of the accomplishments of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the accomplishments of each partnership and for measuring the progress of each such partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under subparagraph (1) to evaluate the success of each ongoing multi-year partnership and shall condition continued funding of each such partnership on demonstrated progress.

**"SEC. 1108. ANNUAL REPORT.**

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In Developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1110.

"(b) The Secretary shall submit the report under subsection (a) to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the appropriate Committees of the House of Representatives. No later than March 1, 1994, and no later then the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on current partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director expects will be carried out by such laboratory in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities in each area of technology identified in section 1105(a);

"(3) plans for additional funds not described in subparagraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) the partnerships the Secretary and the director of each departmental laboratory expects to undertake in the coming fiscal year;

"(5) the technologies that will be advanced by partnerships and the anticipated benefits of such technologies;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of the use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership involving the expenditure of departmental funds not described in the report under subsection (a).

**"SEC. 1109. COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS AUTHORITY.**

"(a) The Secretary, in carrying out partnerships, may enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity.

"(b)(1) Cooperative agreements and other transactions entered into by the Secretary under subsection (a) may include a clause that requires a person or other entity to make payments to the Department (or any other department or agency of the Federal Government) as a condition for receiving support under the agreement or other transaction.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under subsection (e). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

"(c) The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31 of the United States Code.

"(d) The Secretary shall ensure that —

"(1) to the maximum extent practicable, a cooperative agreement or other transaction under this section does not provide for activities that duplicates activities being conducted under existing programs carried out by the Department;

"(2) to the extent the Secretary determines practicable, the funds provided by the Government under the cooperative agreement or other transaction do not exceed the total amount provided by other parties to the cooperative agreement or other transaction; and

"(3) the authority under this section is used only when the use of contracts or grants is not feasible or appropriate.

"(e) There is hereby established in the Treasury an account for support of partnerships provided for in cooperative agreements and other transactions entered into under subsection (a). Funds in such account shall be available to the Secretary for the payment of such support.

**"SEC. 1110. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.**

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of prominent representatives primarily from United States industry, but also from educational institutions, Federal laboratories of agencies other than the Department, and professional and technical societies in the United States who are qualified to provide the Secretary with advice on the implementation of this title.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of individuals with experience in the industrial sector to—

"(1) evaluate new initiatives proposed by the departmental laboratory and identify opportunities for partnerships with United States industry on those initiatives; and

"(2) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

**"SEC. 1111. FELLOWSHIP PROGRAM.**

"The Secretary shall establish a program to encourage scientists and engineers from departmental laboratories to serve as visiting scientists and engineers in the research facilities of governments, educational institutions and industrial organizations in the United States and foreign countries.

**"SEC. 1112. COOPERATION WITH STATE PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.**

"The Secretary and the director of each multi-program departmental laboratory shall seek opportunities to coordinate their activities with programs of state and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the

United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

**"SEC. 1113. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.**

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense activities, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application of dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

**"SEC. 1114. PROTECTION OF INFORMATION.**

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980, relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

**"SEC. 1115. EQUALITY OF ACCESS.**

"(a) The Secretary and the director of each departmental laboratory shall institute such procedures as needed to ensure that information on opportunities to participate in partnerships with the Secretary or the departmental laboratories is widely disseminated.

"(b) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of an United States industry consortium to pursue the partnership activity.

**"SEC. 1116. PRODUCT LIABILITY.**

"The Secretary and the Attorney General shall enter into a memorandum of understanding to establish a consistent policy and standards regarding the liability of the United States, the non-federal entity operating a departmental laboratory and of any other party to a partnership for claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership arrangement the standards established in the memorandum of understanding.

**"SEC. 1117. INTELLECTUAL PROPERTY.**

"(a) The Secretary shall develop guidelines to govern the distribution of intellectual property resulting from a cost-shared partnership. Such guidelines shall ensure, to the maximum extent practicable, that the intellectual property provisions of any partnership arrangement administered by a non-federal entity operating a departmental laboratory:

"(1) maximize the competitiveness of United States industry; and

"(2) are uniform among the departmental laboratories.

"(b) The Secretary shall ensure that the management and operating contracts between the Secretary and the non-federal entities operating the departmental laboratories are uniform with respect to provisions governing the administration of intellectual property in partnership arrangements involving departmental laboratories.".

**SEC. 3. MINORITY COLLEGE AND UNIVERSITY REPORT.**

Within one year after the date of enactment of this provision, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

(a) describe current education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

(b) describe current research, development or demonstration programs involving the Department or the departmental laboratories and minority colleges and universities;

(c) describe funding levels for the programs referred to in subsections (a) and (b);

(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(f) address the need for and potential role of the Department or the departmental laboratories in providing minority colleges and universities:

(1) increased research opportunities for faculty and students;

(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

**SEC. 4. CAREER PATH PROGRAM.**

(a) The Secretary shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) The Secretary may utilize the authorities in this section to carry out the career path program. In addition to these authorities, the Secretary may exercise the waiver authorities of section 208(b) of title 18, United States Code, and section 602(c) of the Department of Energy Organization Act, 42 U.S.C. 7212(c).

(c) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by an employee of a contractor managing and operating a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(d) Section 27 of the Office of Federal Procurement Policy Act, 41 U.S.C. 423, is amended by inserting after subsection (p) the following:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

**SEC. 5. INFORMATION INFRASTRUCTURE AND TECHNOLOGY.**

(a) FINDINGS.—(1) High-performance computing and high-speed networking have the potential to revolutionize many fields and to contribute to the enhancement of the economic, scientific, and technological competitiveness of United States industry.

(2) The federal government should ensure that a coordinated interagency program in partnership with the private sector is available to identify and promote applications of high-performance computing and high-speed networking that will significantly improve the use of information, foster and strengthen research and development capabilities, and enhance the competitiveness of United States industry.

(b) PURPOSE.—The purpose of this section is to:

(1) ensure the widest possible application of high-performance computing and high-speed networking in the United States; and

(2) provide for partnerships that will enhance federal and private efforts to deploy and commercialize these technologies as part of a national information infrastructure.

(c) NATIONAL INFORMATION INFRASTRUCTURE DEVELOPMENT PROGRAM.—The High-Performance Computing Act of 1991 (P.L. 101-425) is amended:

(1) in section 101, by adding after paragraph (2) a new paragraph (3) as follows and renumbering subsequent paragraphs accordingly:

"(3) The Program shall also—

"(A) provide for a coordinated interagency effort in partnership with the private sector to develop, deploy and commercialize high-performance computing and high-speed networking technologies through a national information infrastructure for applications in—

"(i) education,

"(ii) health care,

"(iii) manufacturing,

"(iv) digital information,

"(v) energy demand management,

"(vi) environmental monitoring and remediation,

"(vii) financial services, and

"(viii) such other fields as the President deems appropriate;

"(B) set forth the role of the Network in making the benefits of applications of high-performance computing and high-speed networking available to United States research and educational institutions, government and industry in every State through a national information infrastructure; and

"(C) otherwise ensure that services and applications of high-performance computing and high-speed networking technologies are available as needed to United States industry, government and academia.".

(2) in section 203 by adding at the end thereof a new subsection (f) as follows:

"(f)(1) The Secretary of Energy shall, consistent with the Program, provide for cooperative, cost-shared projects involving the Department of Energy or one or more Department of Energy laboratories and appropriate non-federal entities to develop, test and apply high-performance computing and high-speed networking technologies for—

"(A) education and training, including science, mathematics and engineering education and practical post-secondary training in skills needed by United States industry;

"(B) health care, including remote diagnosis and monitoring;

"(C) manufacturing;

"(D) energy demand management and control, including vehicle efficiency and utilization, energy efficiency in commercial and residential buildings, and industrial energy use and practices;

"(E) scientific, technical and energy information dissemination and analysis, including exhibits and model experiments;

"(F) technology transfer among the Department of Energy laboratories, United States industry and educational institutions;

"(G) environmental monitoring, modeling and remediation;

"(H) financial services, including security and data base management of financial data; and

"(I) such other areas as the Secretary deems appropriate.

"(2) In carrying out projects under subparagraph (1), the Secretary shall, where appropriate, seek to address the technical, architectural, economic, regulatory and market considerations critical to further development of a national information infrastructure.

"(3) There is authorized to be appropriated to the Secretary of Energy for purposes of this subsection $50,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995 and $150,000,000 for fiscal year 1996.".

### SEC. 6. AVLIS COMMERCIALIZATION.

(a) PREDEPLOYMENT CONTRACTOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include:

(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

(2) confirming the technical performance of AVLIS technology;

(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant 90 days after the date of enactment of this act and each 90 days thereafter.

### SEC. 7. DOE MANAGEMENT.

(a)(1) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(2) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132 (b)) is amended to read as follows—

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "eight Assistant Secretaries" and inserting in its place "eleven Assistant Secretaries".

### SEC. 8. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(5)) is amended—

(a) by deleting subparagraph (C)(i) and inserting in lieu thereof:

"(C)(i) Any agency which has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research and development agreement that is submitted by the director of such laboratory within 30 days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within 15 days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.".

(b) by adding after "joint work statement" in subparagraph (C)(ii) the words, "or cooperative research and development agreement".

(c) by deleting subparagraph (C)(iv).

(d) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continuing failure.".

(e) by deleting subparagraph (C)(vi).

### SEC. 9. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines or standards required by sections 1106, 1116 and 1117 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 2 of this Act.

### SEC. 10. AUTHORIZATION.

In addition to funds made available for partnerships under section 1113 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 2 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary:

(a) for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and 220,000,000 for fiscal year 1997; and

(b) for partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, $240,000,000 for fiscal year 1994, $290,000,000 for fiscal year 1995, $350,000,000 for fiscal year 1996 and $400,000,000 for fiscal year 1997.

### SECTION-BY-SECTION ANALYSIS OF THE DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993

Section one establishes the short title, the "Department of Energy National Competitiveness Technology Partnership Act of 1993".

Section two adds a new title "Technology Partnerships" to the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.). Section 1101 of the title establishes the findings, purposes and definitions.

The Congress finds that the United States Department of Energy has scientific and technical capabilities and resources within the departmental laboratories in virtually every area of importance to the economic, scientific and technological competitiveness of United States industry. These resources can be applied to achieve national technology goals in areas such as the environment, health, space, and transportation. These national goals can best be obtained through partnerships between the departmental laboratories and United States industry.

Section 1102 of the title establishes that the Secretary of Energy and the director of each departmental laboratory may enter into any partnership that will enhance the economic, scientific or technological competitiveness of United States industry.

Section 1103 of the title directs the Secretary to establish a goal to allocate not less than 10 percent of the annual budget of each multi-program departmental laboratory to cost-shared partnerships with United States industry. The section also makes departmental laboratory-directed research and development funds available for any partnership.

Section 1104 of the title directs the Secretary to develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for each critical technology listed in the National Critical Technologies Report.

Section 1105 of the title establishes that the Secretary, and the director of each departmental laboratory, may enter into partnerships that build on the core competencies of the departmental laboratories to conduct research, development, demonstration or commercial application activities in those areas listed in the biennial National Critical Technologies Report or in such areas as energy efficiency, energy supply, high-performance computing, the environment, human health, advanced manufacturing, advanced materials, transportation, and space.

Section 1106 of the title would grant preferential status to any partnership involving a small business or to a partnership that will agree to manufacture any products resulting from the partnership in the United States. The Secretary is to issue guidelines to establish how and when preferential status will be granted. The Secretary is also to encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

Section 1107 of the title of the title instructs the Secretary to develop mechanisms for independent evaluation of the accomplishments of the ongoing partnership activities of the Department and the departmental laboratories. The Secretary and the directors of the departmental laboratories are to develop mechanisms for assessing the success of each ongoing multi-year partnership and to condition continued funding of each partnership on demonstrated progress.

Section 1108 of the title requires the Secretary to submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year.

Section 1109 of the title grants the Secretary authority to enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity. The Secretary may require a person to make payments to the Department as a condition for receiving support under the agreement or other transaction.

Section 1110 of the title established the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title. The section also requires the director of each multi-program departmental laboratory to establish an advisory group to identify opportunities for partnerships with United States industry and to evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

Section 1111 of the title creates a program to encourage scientists and engineers from department laboratories to serve as visiting scientists and engineers in the research facilities of governments, educational institutions and industrial organizations in the United States and foreign countries.

Section 1112 of the title directs the Secretary and the director of each multi-program departmental laboratory to seek opportunities to coordinate their activities with programs of state and local governments for technology development and dissemination, including programs funded by the Secretary of Defense and the Secretary of Commerce.

Section 1113 of the title makes all the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense activities, available for partnerships. All of the funds authorized to be appropriated to the Secretary for dual-use technologies within the Department's atomic energy defense activities, except for the naval nuclear propulsion program, are also available for partnerships.

Section 1114 of the title would protect information belonging to the members of a partnership or to the partnership from dissemination.

Section 1115 of the title directs the Secretary and the director of each departmental laboratory to ensure that information on opportunities to participate in partnerships with the Secretary or the departmental laboratories is widely disseminated.

Section 1116 of the title directs the Secretary and the Attorney General to enter into a memorandum of understanding to establish a consistent policy and standards regarding the liability of the United States, the departmental laboratory and of any other party to a partnership for claims arising from partnership activities. The Secretary and the director of each departmental laboratory are to incorporate into any partnership arrangement the standards established in the memorandum of understanding.

Section 1117 of the title requires the Secretary to develop guidelines to govern the distribution of intellectual property resulting from a cost-share partnership. The guidelines are to ensure that the intellectual property provisions of any partnership arrangement maximize the competitiveness of United States industry and are uniform among the departmental laboratories. The Secretary is to ensure that the management and operating contracts between the Secretary and the departmental laboratories are uniform with respect to provisions governing the administration of intellectual property in partnership arrangements.

Section three directs the Secretary of Energy to prepare a report addressing opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories.

Section four creates the Career Path Program. This program will allow employees of Department of Energy laboratories to work for the Department and return to departmental laboratories without violating criminal post-federal employment statutes.

Section five amends the "High-Performance Computing Act of 1991 to ensure the widest possible application of high-performance computing and high-speed networking in the United States and to provide for partnerships that will enhance federal and private efforts to deploy and commercialize these technologies as part of a national information infrastructure.

Section six directs the Secretary to solicit proposals for a commercial predeployment contractor to conduct activities necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology.

Section seven would amend the Department of Energy Organization Act to provide for a total of three Under Secretaries and eleven Assistant Secretaries within the Department of Energy.

Section eight would amend the Stevenson-Wydler Technology Innovation Act of 1980 to reduce the total time available for the department of Energy to review a joint work statement and a cooperative research and development agreement to thirty days.

Section nine requires that the implementation of the provisions of this Act not be delayed pending the issuance of guidelines or standards required by sections 1106, 1116, and 1117 of the Department of Energy Organization Act as amended by this Act.

Section ten authorizes funds to be appropriated to the Secretary for non-program partnership activities with industry involving civilian technologies and for non-program partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities.•

• Mr. BINGAMAN. Mr. President, I am delighted to join Senator JOHNSTON, the chairman of the Committee on Energy and Natural Resources, in introducing the National Competitiveness Technology Transfer Act of 1993. I commend him for the effort he and his staff have made in putting this bill together. The bill aims at promoting our industrial competitiveness and economic growth by strengthening the linkages between the laboratories of the Department of Energy and the private sector.

Senator WALLOP, Senator DOMENICI, and Senator FORD have all made major contributions to the bill being introduced today and I look forward to working with them and all of our other colleagues on the Energy and Natural Resources Committee to further improve this bill in the hearings and mark-up process and to see a version of this bill become law this year.

Mr. President, the bill Senator JOHNSTON is introducing today is a critical component of our Federal technology policy. It is a complement to Senator HOLLINGS' bill, S. 4, which addresses the role of the Department of Commerce and the National Science Foundation in our technology policy. It is a complement to the work the Armed Services Committee did in last year's defense authorization bill to outline the role of the Department of Defense, especially the Advanced Research Projects Agency, in fostering the development and application of dual-use technologies in partnership with the private sector and State and local governments. It is a complement to the work of the Labor and Human Resources Committee in supporting Dr. Healy's efforts to better connect the $10 billion National Institutes of Health research programs with the needs of the private sector.

I have personally been associated with all of these efforts and I want to emphasize today the importance of making the best use of all of our Federal R&D resources, of the core competencies of all of our agencies and laboratories, to achieve the goals we all share, namely the growth of our economy and the creation of good jobs for American workers. In my view, a far larger share of the $75 billion Federal R&D enterprise needs to be driven by industry's needs and executed in partnership with industry. We need more Sematechs, more advanced battery consortiums, more textile consortiums, more biotechnology, materials and manufacturing consortiums. Each of the Federal mission agencies has a role in this effort to build effective partnerships with industry.

Senator JOHNSTON's bill aims to make the Department of Energy's laboratories, both defense and civilian, full partners with American industry in the broad array of technologies in which they have unmatched resources and capabilities. I believe such partnerships will benefit both the labs in carrying out their missions and industry.

We have been going down this path for only a very brief time. Senator DOMENICI and I, together with Senator JOHNSTON and then Senator GORE and our colleagues in the House, finally succeeded, in 1989, in passing the National Competitiveness Technology Transfer Act, which for the first time made an effective mechanism, the cooperative research and development agreement, available to the DOE laboratories to work with industry. That was 3 years later than the Government-operated laboratories, such as the National Institute of Standards and Technology, received this authority.

Thanks largely to Secretary Watkins and White House Science Adviser Allan Bromley, much progress was made in the last administration toward using this authority and toward broadening the laboratories' missions to include greater partnership with the private sector. But it is clear to us that more needs to be done to inculcate a partnership culture within the Department and its laboratories, especially the 10 large multiprogram laboratories.

That is what this bill would do. I believe the bill is totally consistent with the technology policy the President and Vice President announced last Monday. The bill draws on a number of recent studies of lab-industry partnerships, including the work of the Council on Competitiveness, the Center for Strategic and International Studies, and the Atlantic Council. And the bill is very much a work in progress. We truly hope to get a broad range of detailed comments on it through our hearings in the Energy Committee, comments from the administration, from the private sector, and from the laboratories themselves.

This legislation will provide the next step in the process necessary for the DOE labs across the Nation to share their enormous technological resources with American industry to boost our economy and produce jobs.

The bill would:

First, provide a clear and expanded mission statement for the DOE and its labs in research, development, and application of a broad range of critical technologies;

Second, streamline the process by which partnerships between the labs and private industry are approved and improve the attractiveness of partnerships to industry;

Third, encourage use of a broader range of partnership mechanisms, extending beyond the Cooperative Research and Development Agreement [CRADA];

Fourth, starting in fiscal year 1994, set a minimum goal of 10 percent of each multiprogram lab's budget for use in cost-shared partnerships with industry;

Fifth, strengthen the ability of the Secretary of Energy to enter into cooperative agreements with industry;

Sixth, establish industry advisory boards at both DOE and lab levels to maximize industry's involvement in lab activities;

Seventh, emphasize the role of the DOE and its labs in the President's National Information Infrastructure Program; and

Eighth, encourage employees of multiprogram labs to take assignments within the Department of Energy.

My colleagues and I believe this bill will prove vital to the success of the labs in the post-cold-war world. As the defense budget shrinks, we must make it easier, and more desirable, for industry to work with the labs. The labs must also be prepared to welcome industry's increased role.

In 1989, we passed the National Competitiveness Technology Transfer Act. This year we hope to pass the National Competitiveness Technology Partnership Act. This one word change has great significance. The word transfer connotes the old spinoff model, the model that characterized Federal technology policy for the entire cold war era. The word partnership conveys with it a new paradigm, a new model—Government and industry working together in close collaboration to achieve their mutual goals.

The old paradigm was appropriate to its time, a time when the commercial sector, with a few exceptions like the Bell Laboratories and IBM Yorktown, generally lagged the Federal labs in many areas of technology, and when Government missions, particularly defense and space, drove technology development. But today, that has dramatically changed. Industry outspends Government on R&D. The commercial marketplace drives technology development. And many industry laboratories have capabilities that exceed those in the Federal labs in many areas. These changes are driving the replacement of the spinoff paradigm by the partnership paradigm.

Mr. President, I hope the legislation we are introducing today will win broad support in this body. I want to thank Senator JOHNSTON again for taking the lead in putting this legislation together. I want to thank Senators DOMENICI, WALLOP, and FORD for all the work they and their staffs have put into the bill already, and for the support they will continue to lend to it as we proceed in the Energy Committee.●

● Mr. MATHEWS. Mr. President, I am pleased to join with Senator JOHNSTON and my colleagues on the Energy and Natural Resources Committee as an original cosponsor of the Department of Energy National Competitiveness Technology Partnership Act of 1993. I feel this legislation takes the necessary steps to reinvigorate our national labs and provide the assistance to the private sector which can help them compete and win in todays international markets.

The wealth of information and technology that is available at our national labs has served the country well, but we are reaching a time when the Department of Energy needs to take on a new role. America's security is now largely dependent upon competitiveness in the marketplace, not keeping up with the cold war. The investments we have made in our national labs should be turned toward our universities, businesses, and to training individuals in the areas of science and technology.

I believe this legislation will help to further that cause. It expands the authority of the national laboratories, through the Secretary of the Department of Energy, to enter into cooperative research and development agreements. Many of the national labs have expertise which can be applied to manufacturing processes. By allowing these agreements to move forward more expeditiously, technology transfer will also occur more quickly, enhancing the capabilities of various industries and manufacturing groups. The end results should be greater prosperity for the regions surrounding the labs and ultimately the entire country.

Mr. President, I recently visited the Oak Ridge National Laboratory in Tennessee. During my visit I saw several examples of technology transfer and the advancements which can be achieved through cooperative research and development agreements. The managers at Oak Ridge tell me that such efforts have given them a new direction and already have been a great asset to the private sector in the region.

One significant area of research at Oak Ridge is waste cleanup technology. We are all aware of the waste sites around this country which have been placed on the superfund priority list. I think all my colleagues will agree the earlier we clean up these sites the better off we will be. As we also know, many of the sites are being cleaned up by private contractors, contractors who can benefit from the research going on at Oak Ridge. In addition to applying these skills domestically, waste cleanup technology is badly needed abroad, as we have seen from the conditions in Eastern Europe. I think the benefits of this type of technology transfer are clear.

I want to see these agreements expanded and improved upon. Therefore, I am pleased to join with my fellow members of the Energy and Natural Resources Committee in initiating that expansion and I encourage my colleagues to join us in promoting these policies.•

• Mr. DOMENICI. Mr. President, over the past 40 years, American taxpayers have invested a considerable amount of money to create a system of national laboratories. The whole idea of the laboratories was to bring together the best scientists and engineers in the world to solve problems. At Los Alamos, Lawrence Livermore, and Sandia, for example, we brought together multidisciplinary teams of the world's best scientists and engineers and purposefully focused their talents on creating America's nuclear deterrent. They more than met the challenge we gave them. Largely due to the success of this program, America won the cold war. Along the way, the laboratories also developed some of the very best science and technology in the history of mankind. Just imagine what can happen if we refocus the attention of the thousands of scientists and engineers in the national laboratories on meeting the challenges of the future.

Two years ago, legislation Senator BINGAMAN and I sponsored, the National Competitiveness and Technology Transfer Act, allowed, for the first time, the Department of Energy's multiprogram labs to enter into cooperative research with industry. Even in this short period of time, these laboratories have been significantly over subscribed by industry interested in pursuing cooperative research.

The opportunity now presents itself to expand our present policy of making federally funded research and development available to the private sector. Of greatest importance in this regard is that the Federal Government's policy of working with industry be comprehensive, coordinated, industry driven, and utilize existing Federal capabilities rather than duplicate previous investments. For those reasons, the existing and to some degree demonstrated, ability of the Department of Energy laboratories to work with industry, must be a cornerstone of any Federal technology initiative directed toward increasing U.S. competitiveness.

Whatever policy is implemented, it fundamentally must provide access to science and engineering capabilities of interest to the private sector. The fact of the matter is that the single largest component of the Federal Government's investment in science and technology resides within the Department of Energy's laboratories. The challenge to policymakers is to provide an efficient means of bringing that know-how to bear on the challenges facing the private sector's objectives.

I believe that the private sector's long-term interest in working with the Federal Government on initiatives of this sort will be determined not by the Government's intentions but by those capabilities the Government brings to the table. To create an effective national technology initiative it needs to be short on programs and administrative disincentives and long on technology.

I am very pleased with the legislation introduced today. Senators JOHNSTON of Florida, BINGAMAN, and myself have followed the Department of Energy's technology transfer programs closely since their inception. We believe that the intentions of the program could most effectively be achieved if some of the process required to undertake cooperative research with the labs is streamlined. For that reason, we have identified the sources of technology transfer funds and issues dealing with the protection of information, equality of access, product liability, and intellectual property as needing to be addressed. It is our hope that the proposals included in this legislation will lead to a lively debate on these and other means of streamlining the CRADA negotiation process.

This legislation is certainly a follow-on to that passed in 1989. We have recognized that the labs are of value to industry if mechanisms are in place to allow effective interactions. In the past, our legislative efforts focused on CRADA's, this legislation emphasizes partnerships. In my mind, these partnerships between labs and industry should serve as a means of achieving the research and development objectives of both industry and the labs.

Previously, technology transfer was viewed as a separate from the traditional missions of the laboratories. The legislation we have introduced today would change that perception. For the first time, we are proposing that partnerships be one of the Department's missions and that they be funded from programmatic funds.

I would like to thank those Senators who have joined me in sponsoring this legislation. It is exciting that the issue of a national technology policy is before the country. It is my hope that this legislation establishes the framework for the Department of Energy laboratories' involvement in this undertaking.•

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By Mr. COATS:

S. 474. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes; to the Committee on Finance.

## DEPENDENT CHILDREN EXEMPTION ACT OF 1993

• Mr. COATS. Mr. President, I rise today to reintroduce legislation to increase the personal tax exemption for dependent children under 18 from the current $2,300 to $3,500. Last Congress, I introduced this same bill which had the support of 17 cosponsors. The simple goal of this legislation is to allow American families to keep more of their hard-earned dollars.

An increase in the personal tax exemption is not only fair, it is long overdue. Over the last several decades, tax burdens have been radically redistributed, not from poor to rich or rich to poor, but directly on families with children.

Here are some facts: Single people and married couples with no children face just about the same tax rates as they did in 1960. But for a couple with two children, average taxes have risen about 43 percent. A family with four children has found their tax bill more than tripled, a rise of 223 percent.

The reason is simple. The personal exemption—the way the Tax Code adjusts for family size—has been eroded by inflation and neglect. In a fit of absentmindedness, the exemption that once protected families with children has fallen steadily during the past four decades. As the Urban Institute points out, if the personal exemption had kept pace with inflation and per capita income since 1948, the value today would be over $8,000. Today, however, it is only one-quarter of that value at $2,300.

The Progressive Policy Institute affirms this point in their blueprint, Mandate for Change, "since 1945, the real value of the dependent deduction has been allowed to erode by three-quarters."

Increased taxation on families with children is a toll of the bully, picking on the weak. Children suffer the most. They are now the poorest segment of the American population. More than 20 percent of American children under 18 live beneath the poverty line.

The Government continues to take more and more of the average families income. Increasing the dependent deduction will allow families to keep more of their hard-earned money. We will be empowering American families to make their own choices and rely less on the Federal Government. We will also be encouraging economic growth. As we talk of investment, let us remember that the best investment Congress can make is in the American family.

I invite my colleagues to join me in this effort to provide tax relief to families. I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. STATEMENT OF CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the erosion of the personal exemption over the past several decades has exacted an inordinate financial penalty on families with children,

(2) the simplest and most effective way to reinvest and strengthen families is by allowing families to keep more of their own hard-earned money,

(3) an increase in the dependent deduction would begin to ease the growing financial strain on families, and mark a return to tax fairness for families,

(4) if the personal exemption had kept pace with inflation, increases in per capita income and increases in family costs, it would be approximately $8,000 today, and

(5) the dependent deduction should be raised to $3,500 with a goal to each the appropriate level by the year 2000.

### SEC. 2. INCREASE IN PERSONAL EXEMPTION FOR CERTAIN DEPENDENT CHILDREN.

(a) GENERAL RULE.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means $2,000 (or, in the case of an exemption under subsection (c) for a child who has not attained age 18 before the close of the calendar year in which the taxable year begins, $3,500)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 151(d)(3) of such Code is amended by striking "the exemption amount" and inserting "each dollar amount in effect under paragraph (1) (after any adjustment under paragraph (4))".

(2) Subparagraph (A) of section 151(d)(4) of such Code is amended—

(A) by striking "the dollar amount" and inserting "each dollar amount", and

(B) by adding at the end thereof the following new sentence: "In the case of the $3,500 amount contained in paragraph (1), the preceding sentence shall be applied by substituting '1993' for '1989' the first place it appears, and by substituting '1992' for '1988'."

### SEC. 3. ROUNDING OF INFLATION ADJUSTMENTS.

Paragraph (6) of section 1(f) of the Internal Revenue Code of 1986 (relating to rounding) is amended to read as follows:

"(6) ROUNDING.—If any increase determined under paragraph (2)(A), subsection (g)(4), section 63(c)(4), section 68(b)(2), or section 151(d)(4) is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10."

### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1992.●

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## By Mr. DECONCINI:

S. 475. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free distributions from qualified retirement plans for unemployed individuals; to the Committee on Finance.

### UNEMPLOYED IRA DEDUCTION ACT OF 1993

● Mr. DECONCINI. Mr. President, I am reintroducing legislation today to allow unemployed individuals to withdraw without penalty savings from individual retirement accounts. Individuals who receive unemployment compensation for 12 consecutive weeks would be able to waive the penalty for withdrawing funds from qualified retirement plans. I am pleased that the Senate passed this legislation twice during the 102d Congress. Unfortunately, the provision became part of tax bills vetoed by former President Bush.

While economic indicators show that our national economy is improving in some respects, the unemployment rate remains at 7.1 percent. This means that 9 million Americans are out of work. In my home State of Arizona, the unemployment rate increased to 7.7 percent in January, well above the national rate. Our Nation's economic downturn has not spared any segment of the population. Both blue- and white-collar workers are discovering the tremendous difficulties of providing for their families on unemployment benefits.

This legislation would give relief to individuals who have an individual retirement account or a qualified retirement plan by allowing them to withdraw from such accounts penalty-free in an emergency. Those who are unemployed for 3 months or longer often must withdraw from these retirement accounts in order to meet their financial obligations. Their failure to do so can put them in danger of losing their home or leave them struggling to feed their families. This legislation would help ease the tremendous financial burden of the unemployed by eliminating the penalty for early withdrawal from retirement accounts.

By helping the unemployed help themselves, this legislation will provide needed relief to many families struggling to survive economic crises. It is my hope that the Senate will quickly enact this legislation so that we can help the victims of the recession.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 475

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following subparagraph:

"(D) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—Distributions made to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions on or after the date of the enactment of this Act.●

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## By Mr. CHAFEE:

S. 476. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

### FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT REAUTHORIZATION ACT OF 1993

● Mr. CHAFEE. Mr. President, today, I am pleased to introduce a bill to reauthorize the National Fish and Wildlife Foundation Establishment Act. Senator MITCHELL and I sponsored the original legislation creating the National Fish and Wildlife Foundation in 1984, and I am happy to report that the accomplishments of the Foundation have greatly exceeded our expectations.

The Foundation was established as a federally chartered but private and independent, nonprofit organization to serve as a link between Government and private efforts to conserve our fish and wildlife resources. The Foundation is authorized to receive private donations and matching Federal appropriations to benefit fish and wildlife conservation.

Since its establishment in 1984, the Foundation has funded 660 projects, providing over $79 million for fish and wildlife conservation projects—of which only $27 million was Federal appropriations. The Foundation successfully raised the remaining $52 million from private and other non-Federal sources. Dollar for dollar the Foundation is one of the most effective organizations for implementing conservation projects, matching every Federal dollar with $2 in non-Federal contributions.

As impressive as these numbers may be, the Foundation's role as a catalyst for conservation efforts goes beyond the specific projects funded. The Foundation has been at the forefront of the effort to form partnerships between Government agencies, conservation organizations, individuals, and corporations interested in conservation of our natural resources. Not only do these partnerships help to stretch scarce Federal dollars, but they encourage greater public participation in conservation programs, setting the stage for future initiatives.

The Foundation has also been instrumental in getting important projects off the ground by providing seed money and expertise, including the North American waterfowl management plan, an initiative to benefit declining populations of waterfowl; Partners in Flight, a program to conserve neotropical migratory birds, including songbirds; and conservation training and education programs.

The Foundation, with our support, will continue to be in the forefront of innovative and cost-effective methods to advance the conservation of our fish and wildlife. I invite my colleagues to support my efforts to reauthorize the Foundation.•

By Mr. FEINGOLD:

S. 477. A bill to eliminate the price support program for wool and mohair, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### WOOL AND MOHAIR FEDERAL SUPPORT PROGRAM ELIMINATION AND DEFICIT REDUCTION ACT OF 1993

• Mr. FEINGOLD. Mr. President, I am today introducing S. 477, the Wool and Mohair Federal Support Program Elimination and Deficit Reduction Act of 1993, legislation that will terminate the Wool and Mohair Support Program.

According to estimates provided by the Congressional Budget Office in its 1993 report on options for reducing the deficit, elimination of the Wool and Mohair Support would result in savings of some $760 million over 5 years. In his deficit reduction program proposed last month, President Clinton included spending reductions in this program by limiting support payments to $50,000 per person, which would result in estimated savings of $212 million over 4 years.

Mr. President, this is a clear example of where Congress can make a deeper and more effective spending reduction by eliminating this program entirely, and thereby reduce the Federal deficit in the next 5 years by more than half a billion dollars.

The Wool and Mohair Support Program no longer makes any sense. It was authorized in 1954 to help ensure a strategic reserve of wool in times of war and other emergencies. Today, wool is not a strategic material. Mohair never was. A March 1990 study by GAO found that the program does not greatly encourage production of wool or improve the quality. Even if the program were to increase domestic production, consumers would not benefit as prices are largely a function of the international market.

Yet the Federal Government continues to pump out millions of dollars in payments each year for this program. According to the CBO, in 1992 wool producers received $130 million and mohair about $48 million.

Mr. President, perhaps the most disturbing element of this program is the manner in which these funds are distributed. According to the information contained in the administration's proposal to reduce spending for this program, payments now are heavily concentrated on a handful of producers. In 1991, less than 1 percent of the producers received 54 percent of the payments under this program while 30 percent of all producers received payments of $100 or less. On the one hand, it is difficult to envision how these payments of less than $100 can play a significant role in wool and mohair production. At the same time, the fact that more than half of the funds go to less than 1 percent of the producers makes this program appear to benefit a very small group of people.

The cost of the program, if not curbed now, will continue to grow as the world market declines. According to a report in the New York Times on February 26, 1993, in 1990 three-fifths of the subsidized annual production of mohair ended up in the Soviet Union. The collapse of the Soviet Union, however, has eliminated the major market for mohair, resulting in the American taxpayers picking up the tab for substantially increased Federal subsidies.

Mr. President, the most compelling reason for terminating this program was provided by a rancher quoted in the New York Times article who receives some $30,000 in Federal payments each year. He observed that the Clinton proposal would actually save the Federal Government very little money because the large ranchers would simply break up their herds among their families to collect several payments or would sell the goats to smaller ranchers who would continue to collect payments on them. In other words, the only way to effectively cut back on this program is to kill it entirely.

Mr. President, I ask unanimous consent that the article from the February 26, 1993, edition of the New York Times be printed in the RECORD at the conclusion of my remarks.

Mr. President, I recognize that terminating this program will result in a loss of income for individuals who have become dependent upon this Federal subsidy. It is argued that although the program no longer makes any sense, it should be viewed as a rural development program and continued despite its lack of purpose. Rural development is needed, but that should not be a basis for continuing a 35-year-old program that lacks a rationale and benefits few.

I was proud to cosponsor legislation introduced by the Senator from Vermont [Mr. LEAHY] that encourages real, meaningful rural development, a bill I might add that is fully funded by other spending cuts. President Clinton's economic investment program also includes a rural development component, and there may be a justification for specific measures to help those currently participating in this program move toward alternative or supplemental sources of income. It makes no sense, however, to continue the Wool and Mohair Program as a rural development or jobs program.

Mr. President, we can no longer ask the American taxpayer to continue programs for those types of reasons. Nor, in the long run, does it help producers to encourage them to continue depending on an uncertain subsidy that no longer serves a broad public purpose.

Like many other items in the Federal budget, the Wool and Mohair Support Program may have once been justifiable. That is not true today. Like many other items in the Federal budget, those who benefit from this program can present arguments in favor of continuing the program, although its original purpose no longer exists. But in our current fiscal crisis, we can no longer afford to fund all of these programs. Just as every American family must continually reexamine its annual expenditures, so must the Federal Government.

The greater public good here is served by ending this out-of-date program and in doing so to help address our Federal deficit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Wool and Mohair Federal Support Program Elimination and Deficit Reduction Act of 1993".

**SEC. 2. ELIMINATION OF WOOL AND MOHAIR PRICE SUPPORT PROGRAM.**

(a) IN GENERAL.—The National Wool Act of 1954 (7 U.S.C. 1781 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 256(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(a)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

**SEC. 3. TRANSITION PROVISIONS.**

The amendments made by this Act shall not affect the liability of any person under any provision of law as in effect before the effective date of this Act.

**SEC. 4. EFFECTIVE DATE.**

The Act and the amendments made by this Act shall apply beginning with the marketing year beginning January 1, 1994.

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[From the New York Times, Feb. 26, 1993]

### "STRATEGIC" GOATS GOBBLE UP TRADE SUBSIDY

(By Keith Bradsher)

MENARD, TX, February 24.—Here on a stony meadow in West Texas, at the end of 10 miles of unpaved road through mesquite-covered, coyote-infested scrub land, several hundred bearers of a strategic commodity of the United States of America are gathered.

They are goats.

"Woody, woody, woody, yip!" cries Bob Rieck, a rancher, as he calls the milling herd of angora goats to a feeding of high-protein cottonseed while his border collie, Traveler, chases after strays.

Of all the disputes that President Clinton faces with the end of the cold war, perhaps none is as strange as the plight of the nation's mohair ranchers.

#### 'STRATEGIC' GOODS FOR SOVIETS

At the end of the Korean War, the ranchers persuaded Congress to include them in a strategic commodity program for sheep wool. But because the military has had dwindling use for mohair, the ranchers ended up sending three-fifths of their subsidized annual production by 1990 to the Soviet Union through intermediaries who produced scarves, caps and overcoats.

The demise of the Soviet Union the next year has cut sales and led, in an odd reversal of the peace dividend, to increases in the Federal subsidies for owners of the greasy, inbred herds.

Payments to ranchers have soared to an estimated $3.60 for every $1 of mohair sold to manufacturers last year from 88.2 cents in 1987. The nation's 10,000 mohair ranchers collected $50 million in subsidies in 1991, and falling market prices last year have sent the subsidy cost even higher.

As part of the economic plan he announced on Feb. 17, President Clinton proposed to reduce their Federal wool and mohair subsidies to a maximum of $50,000 per producer, from $150,000 now. The Clinton Administration estimates that together with a similar cut in maximum payments for sheep wool, the changes could save $212 million over four years.

Some members of Congress want more. Representative Charles E. Shumer, Democrat of Brooklyn, said: "I've been trying to eliminate this program for three or four years. It's one of the most wasteful Government subsidies there is."

Decisions about the program do not just affect the nation's mohair ranchers. While most mohair is now exported to Taiwan, a fifth of the nation's production is consumed domestically as $150 mohair sweaters, $500 mohair suits and even a few $350 mohair teddy bears.

Body grease accounts for nearly a third of the weight of freshly cut mohair, and is purified to make lanolin for skin creams that millions of Americans smear on their hands and faces. Fresh mohair is so greasy that, at shearing time, affluent ranchers and mohair merchants sometimes wave their farmhands aside and stamp the mohair into burlap sacks themselves, to oil their finely carved boots.

Not surprisingly, national polls showing broad support for the Clinton economic plan do not seem to reflect opinions in the windswept hamlets here, where the few small oil wells no longer earn much money for their owners and where the grass is too sparse for cattle more demanding than goats.

"We want to do our part, do our best, but we don't want them killed on something that people in Washington don't understand," said Armer F. Earwood, a rancher in Sonora who has a goat etched into the glass of his front door and has hung a huge painting of five goats over his fireplace.

#### 'WE'RE A VICTIM'

Ranchers say the program is now needed for rural development. They contend that this year is a particularly bad time to cut subsidies because they are struggling to cope not only with the loss of the Soviet market but with sharply higher costs and a mohair import tariff increased by China in 1991 that virtually shut down American sales to another large foreign market.

"We're a victim, so what do you do with the U.S. mohair industry; do you let it go downhill or do you support it?" asked Mr. Rieck, who lives in a brown mobile home here in the middle of his pastures.

Rising labor costs have hit the industry especially hard, because of a Federal ban in 1986 on the employment of illegal aliens. Ranchers contend that their former farmhands are worse off now in Mexican border factories.

Ford Oglesby Jr., a second-generation rancher from El Dorado, said: "They pay them $5 a day. We used to pay them $10 to $15 and give them all their food and such." Mr. Oglesby, who wrote many of the nation's wool and mohair subsidy program regulations during a five-year stint at the Agriculture Department that started during the Korean War, added, "Of course, I know things are changing, and we need to change."

Ranchers say that subsidy cuts would force them to slaughter goats, leaving them unable to respond if demand for mohair bounces back or if output in South Africa, the only large foreign producer, continues to decline because of drought, political turbulence and new limits on government subsidies there.

If thinned because of shrinking Federal subsidies, the herds would be very hard to rebuild. All American angora goats descend from four imported from Turkey in 1845. As a result, they are so inbred that they are plagued by infertility and miscarriages.

Further bred for thick hair, the American goats are so shaggy that they have trouble running away from coyotes, and sometimes bump into trees when the hair grows over their eyes shortly before the semiannual shearings.

#### UNIFORMS AND BLANKETS

But once cleaned, the hair consists of strong, lustrous fibers that hold heat well and can absorb a third of their weight in water without becoming soggy. Mohair cloth holds a crisp crease, which made it popular for military dress uniforms for many years, while mohair blankets were sometimes issued because they were warm and lightweight.

But the subsidies continue even though the military use of mohair is now limited to some braids on dress uniforms and the embroidery on some officers' hats in 1991, the most recent year for which figures are available, the Agriculture Department paid $50 million in subsidies for $20.9 million worth of mohair production. Mohair now sells for 75 cents a pound, down from $2.63 in 1987.

The cost of the subsidies have soared because market prices have collapsed, partly because mohair went out of fashion in the late 1980's as well as because of the Soviet Union's collapse. Yet the Agriculture Department continues to guarantee mohair produces a fixed price based on a complex formula of average farm costs in recent years and in the last 1950's. The formula, which is unique in American agriculture, locks in profits by virtually insuring that prices rise as fast as costs.

Less than 1 percent of the nation's wool and mohair ranchers received more than half of all payments for the two commodities in 1991, while a third of those ranchers received payments of $100 or less. Many of the small mohair payments went to Navajos in Utah, Arizona, New Mexico and Colorado, while almost all of the large payments came to West Texas, where five-sixths of the nation's mohair is produced.

Mr. Rieck, who receives about $30,000 a year in Federal payments, said President Clinton's reduction in payment caps to $50,000 would actually save the Federal Government very little money. He said large ranchers would break up their herds among their families to collect several payments, or would sell the goats to smaller ranchers who could continue to collect payments on them.●

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By Mr. RIEGLE (for himself, Mr. LIEBERMAN, and Mr. DODD):

S. 478. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

#### SMALL BUSINESS CAPITAL ENHANCEMENT ACT

● Mr. RIEGLE. Mr. President, I rise today to introduce the Small Business Capital Enhancement Act of 1993. This legislation is similar to legislation that I introduced last session with Senator DODD and Senator LIEBERMAN, who has been a leader in this area for a number of years.

As President Clinton has observed, one of the problems facing our economy has been the availability of credit for business expansion. Over the course of the past few years, I have heard numerous witnesses before the Banking Committee and elsewhere describe the difficulties for small- and medium-sized businesses in raising capital. Our legislation is designed to address that problem.

The bill we are introducing today is modeled after the highly successful Capital Access Program in my home State of Michigan. Created in 1986 by then-Gov. Jim Blanchard, this program has made loans to more than 1,800 small- and medium-sized businesses in Michigan with an average loan of approximately $50,000. Administered by the Michigan strategic fund, it is truly an innovative program. The program is different from a loan guarantee program, where the government guarantees a certain percentage of the loan. For each loan in the program, the borrower, lender, and State pay a premium into a loan loss reserve fund, which is used to protect the lender against loss on the loan.

A critical feature of the Michigan program and this legislation is that participating lenders assume the risk of loss on their loans made under the program, if those losses exceed the total contributions made into the lender's loan portfolio loss reserve fund. In this way, the costs to the government are lower, more loans can be made, and the government is not exposed to the risk for the entire loan as with a guarantee. For each dollar contributed by the State to the loan loss reserve fund, Michigan lenders have made $22 of loans to Michigan businesses. The government thereby stimulates substantial lending with a very modest investment.

Our legislation would create a State-administered program of support for private sector lending to small businesses that are creditworthy but unable to obtain credit under private lenders' normal terms. The legislation outlines the terms of the agreements that the States would enter into with lenders that participate in the program. Participating lenders would include commercial banks, savings institutions, and credit unions that the States, after consulting with the appropriate Federal banking regulator, found had the lending experience and financial and managerial capacity necessary to carry out the program successfully.

Under this legislation, the Federal Government and the participating States would share equally in matching the funds paid by a small business borrower and its lender into a loss reserve fund that the State would control with respect to all loans issued by the lender under the program. A State would advance its contribution to the loss reserve fund, and the Federal Government would reimburse the State 50 percent of the advance. It is important to note that this legislation limits the Federal Government's loan loss exposure to this 50-percent reimbursement.

The minimum, total contribution by the borrower and lender to the loss reserve fund is 3 percent of the loan amount. The maximum contribution is 7 percent of the loan amount. These amounts conform with the Michigan program requirements and are designed to enable participating lenders to extend credit to a broader range of creditworthy, small business borrowers.

Let me give an illustration of how the program works now in Michigan and would work in other States under our legislation. A small business owner goes to a bank for a loan. The loan officer at the bank says, "Sorry, I can't approve your loan, because it is slightly too risky for us." With our legislation, that loan officer could reduce the risk to the bank by placing the loan in the Capital Enhancement Program. The small business borrower would pay at least 1.5 percent of the loan to the bank for deposit into the State-controlled loss reserve fund. The bank would pay the same amount into the fund and could negotiate with the borrower as to how much of that amount would be paid by the borrower as part of the loan. The State would match the combined borrower/bank payment. The Federal Government would reimburse the State one-half of the State's contribution. If the borrower defaults on the loan or other loans enrolled under the program, the losses to the bank could be recovered from the reserve fund.

By way of further explanation, if the borrower wishes to borrow $100,000 under the program, it would pay $1,500 to the bank for deposit into the loss reserve fund; the bank would deposit $1,500 into the fund; the State would deposit $3,000 into the fund; and the Federal Government would reimburse the State $1,500. If the borrower later defaulted on the loan, and the bank suffered a loss of $6,000, the bank could recover that amount from the State-controlled reserve fund. If the bank realized a loss greater than $6,000, it would be able to obtain reimbursement for the loss, if the loss reserve fund had sufficient funds from payments into the fund with respect to other loans by the bank under the program.

To preserve administrative flexibility, the States will have primary responsibility for implementation of the program. The Federal Government's role is limited to approving States for participation in the program, funding the 50 percent reimbursement payments to the States, and confirming that the States are enforcing agreements with participating lenders as required by the legislation.

The bill authorizes $50 million of Federal funds to cover the Federal Government's half of this Federal/State partnership program. If we assume a ratio of bank loans to government contribution similar to that achieved under the Michigan program, this $50 million would support more than $2,200,000,000 of lending activity.

Mr. President, this legislation builds on a proven program that has made almost $100 million in loans available to small- and medium-sized companies in my home State of Michigan—loans that otherwise may not have been available for economic growth. It is an innovative program to offer maximum assistance at relatively low cost to the taxpayer. I hope my colleagues will support this innovative legislation, and I look forward to working with them, the administration, and other interested parties to increase the availability of credit for business expansion.•

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By Mr. DODD (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. KERRY, Mr. BRYAN, Mr. MACK, and Mr. DOMENICI):

S. 479. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies; to the Committee on Banking, Housing, and Urban Affairs.

### THE SMALL BUSINESS INCENTIVE ACT OF 1993

• Mr. DODD. Mr. President, I rise in strong support of the bill we are considering today to extend emergency unemployment benefits. This bill will help those who have been most deeply hurt by this recession—the long-term unemployed. It provides assistance to get these workers and their families through a few more months of joblessness.

But passage of this bill must only be our first step. We must do more to assure long-term growth in our economy and a future for these hard workers and their families.

We have seen encouraging economic news in the past week—news, which may, finally, signal the end of this long recession. However, while the economy may be growing, it is not yet growing jobs. Indeed in my State of Connecticut, our unemployment rate climbed from 6.9 to 7.3 percent in November.

The New England region has been suffering from the longest and deepest recession since the Great Depression of the 1930's. In Connecticut, the recession has claimed 1 of every 8 jobs over the last 4 years—over 200,000 jobs have been lost.

These jobs were held by laborers, construction workers, clerical employees, mid-level managers, financial services employees, small business owners and workers—many of whom have lost not only their jobs and their businesses, but their homes and their way of life as well.

We are facing a tragedy of enormous proportions, severely deepened by the credit crunch. Sixty percent of all businesses responding to a Connecticut Business and Industry Association survey reported credit availability problems in their industries. When banks do not lend, businesses cannot grow. Good, sound businesses in my State have had to forgo opportunities for expansion and for job creation, simply because the capital was not available. Others have had to shrink their operations and lay off good workers; still others have gone bankrupt.

This problem has been especially acute for small businesses, which traditionally have relied on bank loans for their financing needs. In Connecticut, of the approximately 94,000 firms now in the State, 98 percent employ less than 100 people; 87 percent have fewer than 20 workers.

These small businesses have been the primary source of economic growth and job creation in this country in the past. We cannot ignore their hardships today.

I have talked with small business owners in my State who have gone to bank after bank; who have been turned down time after time. Problems are especially acute for small businesses seeking loans in the $25,000 to $400,000 range. According to industry representatives, these businesses cannot get a dime from their banks.

We simply must look for ways to help these small firms get the capital they need to grow and prosper and put people back to work.

Today I am introducing the Small Business Incentive Act of 1993 to facilitate access to the capital markets for small businesses in this country. I am joined in introducing the bill by Senator RIEGLE, chairman of the Banking Committee, Senator D'AMATO, the ranking Republican member of the Banking Committee, and Senators BRYAN, KERRY, DOMENICI, and MACK.

This legislation will be the subject of a hearing before the Securities subcommittee on Thursday of this week. It is intended to reduce the regulatory burdens on venture capital funds, business development companies and other financing vehicles that supplement, or serve as alternatives to, bank lending. Most important, it is intended to increase the flow of funds to small businesses, so they can grow and create the new jobs that are so vital to the economic health of this country.

This bill, by itself, obviously is not a panacea for the problems faced by small businesses. It is one of many initiatives we are undertaking to open sources of capital for small businesses.

Several weeks ago, I introduced the Interstate Banking and Branching Act, to tackle the regional nature of the credit crunch. Two weeks ago, I cosponsored legislation with Senator D'AMATO to facilitate the securitization of small business loans—which will enable banks to tap the public securities markets to replenish funds loaned to small businesses.

These three measures—the interstate branching bill, the small business loan securitization bill, and the bill we are introducing today—cost taxpayers nothing. Indeed, each of these measures is intended to lower the cost of capital, lower the costs of doing business, and, ultimately, lower costs to consumers—with no additional costs to the taxpayer. I might add that I am especially pleased that Senator D'AMATO, the ranking Republican on the Banking Committee, has been both a leader and a partner on each of these measures.

Still other efforts are needed. Today, I also am cosponsoring with Senators RIEGLE and LIEBERMAN the Small Business Capital Enhancement Act. The legislation would authorize a modest level of Federal seed money to be matched by State funds and contributed to loan loss reserve funds for banks that meet the program's requirements and lend to small businesses.

I also am pleased to see additional money for the Small Business Administration's Loan Guarantee Program included in the President's proposed stimulus package. The $141 million provided would cover $2.5 billion in small business loans and would make a real difference for small businesses—in Connecticut and across the country—who cannot otherwise get credit.

Mr. President, I would close by noting that the Small Business Incentive Act amends the Investment Company Act of 1940, a law written in response to serious abuses in the investment company industry in the 1920's and 1930's. In working with the Congress and small business groups to develop the bill, the Securities and Exchange Commission advised us that the comprehensive scheme of regulation needed for large mutual funds may be overly burdensome for smaller venture funds and other enterprises.

Representatives of the regulated mutual fund industry have urged us to move cautiously in this area, and we will listen carefully to what they have to say. In the coming weeks we will work with Federal and State regulators, with small business leaders and with other industry representatives to determine whether the Small Business Incentive Act meets the objectives of promoting a greater flow of funds to small businesses, while protecting investors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, and that an explanation of the bill also be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 479

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Incentive Act of 1993".

### TITLE I—AMENDMENT TO THE SECURITIES ACT OF 1933

**SEC. 101. EXEMPTED SECURITIES.**

Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended by striking "$5,000,000" and inserting "$10,000,000".

### TITLE II—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

**SEC. 201. EXCLUSIONS FROM THE DEFINITION OF INVESTMENT COMPANY.**

Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)) is amended—

(1) In paragraph (1) by adding after the first sentence the following new sentence: "Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.";

(2) In paragraph (1)(A)—

(A) by inserting after "issuer," the first place it appears "and the company is or, but for the exceptions set forth in this paragraph and paragraph (7), would be an investment company,";

(B) by striking "paper) unless as of the date" and all that follows through the end of subparagraph (A) and inserting the following: "paper).

(3) by amending paragraph (7) to read as follows:

"(7) Any issuer whose outstanding securities are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, except that such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.".

**SEC. 202. DEFINITION OF QUALIFIED PURCHASER.**

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following new paragraph:

"(51) 'Qualified purchaser' means any person whom the Commission, by rule or regulation, has determined does not need the protections of this title. The Commission's determination shall include consideration of a person's—

"(A) financial sophistication;

"(B) net worth;

"(C) knowledge of and experience in financial matters;

"(D) amount of assets owned or under management;

"(E) relationship with an issuer; or

"(F) such other factors as the Commission may determine to be consistent with the purposes of this paragraph.".

**SEC. 203. DEFINITION OF INVESTMENT SECURITIES.**

Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)) is amended in the last sentence by striking subparagraph (C) and inserting the following: "(C) securities issued by any majority-owned subsidiary of the owner, unless such subsidiary is an investment company or is excluded from the definition of an investment company solely by virtue of paragraph (1) or (7) of section 3(c).".

**SEC. 204. EXEMPTION FOR BUSINESS AND INDUSTRIAL DEVELOPMENT COMPANIES.**

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)) is amended by adding at the end the following new paragraph:

"(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which it is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, primarily in that State if—

"(i) the organizational documents of such company state that the purpose of the company is limited to providing financial or managerial assistance to enterprises doing business, or proposing to do business, primarily in that State;

"(ii) immediately following each sale of the securities of such company by the company or any underwriter for the company, not less than 80 percent of the company's securities being offered in such sale, on a class-by-class basis, are held by persons who reside or have a substantial business presence in that State;

"(iii) the securities of such company are sold, or proposed to be sold, by the company or any underwriter for the company, solely to accredited investors, as defined in section 2(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

"(iv) the company does not purchase any security issued by an investment company, as defined in section 3, or by any company that would be an investment company except for the exclusions from the definition of investment company in section 3(c), other than—

"(I) any security that is rated investment grade by at least 1 nationally recognized statistical rating organization; or

"(II) any security issued by a registered open-end investment company that is required by its investment policies to invest at least 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

"(B) Notwithstanding the exemption provided in this paragraph, the provisions of section 9 (and, to the extent necessary to enforce such provisions, sections 38 through 51) of this title shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

"(C) Any company proposing to rely on the exemption provided in this paragraph shall file with the Commission a notification stating that it intends to do so, in such form and manner as the Commission may by rule prescribe.

"(D) Any company meeting the requirements of this paragraph may rely on the exemption provided herein immediately upon filing with the Commission the notification required by subparagraph (C), unless the Commission determines by order that such company's reliance is not in the public interest or consistent with the protection of investors.

"(E) The exemption provided pursuant to this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.".

### SEC. 205. INTRA-STATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(d)(1)) is amended by striking "$100,000" and inserting "$10,000,000, or such other amount as the Commission may set by rule, regulation, or order".

### SEC. 206. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

"(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders equity less retained earnings) in excess of $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or".

### SEC. 207. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(48)(B)) is amended by inserting before the semicolon at the end the following: ", and provided further that a business development company need not make available significant managerial assistance with respect to any company described in section 55(a)(7) or with respect to any other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title".

### SEC. 208. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.

Section 55(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–54(a)) is amended—

(1) by striking "(7)" the first 2 times such figure appears and inserting "(8)";

(2) by striking "(6)" the first time such figure appears and inserting "(7)";

(3) in subparagraph (1)(A)—

(A) by striking ", or from any person" and inserting ", from any person"; and

(B) by inserting before the semicolon ", or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors";

(4) in paragraph (6), by striking "and" at the end;

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following new paragraph:

"(7) securities of any eligible portfolio company with respect to which the business development company satisfies the requirements of section 2(a)(46)(C)(iii); and".

### SEC. 209. CAPITAL STRUCTURE AMENDMENTS.

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) The asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) applicable to business development companies shall be 200 percent.

"(B) Notwithstanding subsection (a)(1)(A) of this section and subparagraphs (A) and (B) of section 18(a)(2), a business development company may have an asset coverage of at least 110 percent, if, immediately before the issuance or sale of senior securities, it has—

"(i) total interest and dividend income for the 12 months preceding such issuance or sale that exceeds 120 percent of the sum of its total expenses (including taxes and interest expenses accrued) and dividends declared on senior securities for that 12-month period; and

"(ii) either—

"(I) an average of not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout the preceding 12-month period; or

"(II) not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout 10 months of the preceding 12-month period.

"(C) It shall be unlawful for any business development company to issue any class of senior security representing indebtedness, or to sell any such security pursuant to subsection (a)(1)(B) of this section, unless provision is made to prohibit the declaration of any dividend (except a dividend payable in stock of the issuer), or the declaration of any other distribution upon any class of the capital stock of such business development company, or the purchase of any such capital stock, unless, in every such case—

"(i) such class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase, an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution, or purchase price as the case may be; and

"(ii) the business development company complies with subparagraph (B)(i) except with respect to any amounts that are required to be distributed to maintain the company's status as a regulated investment company under the Internal Revenue Code of 1986.

"(D) It shall be unlawful for any business development company to issue any class of senior security representing stock, or to sell any such security pursuant to subsection (a)(1)(B) of this section, unless provision is made to prohibit the declaration of any dividend (except a dividend payable in common stock of the issuer), or the declaration of any other distribution, upon the common stock of such business development company, or the purchase of any such common stock, unless, in every such case—

"(i) such class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution or purchase price; and

"(ii) the business development company complies with subparagraph (B)(i), except with respect to any amounts that are required to be distributed to maintain the company's status as a regulated investment company under the Internal Revenue Code of 1986.";

(2) in paragraph (2), by striking "if such business development company" and all that follows through the end of paragraph (2) and inserting a period; and

(3) in paragraph (3)(A)—

(A) by striking "senior securities representing indebtedness accompanied by";

(B) inserting "either alone or accompanied by securities," after "of such company,"; and

(C) in clause (ii), by striking "senior".

### SEC. 210. FILING OF WRITTEN STATEMENTS.

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–63(b)(1)) is amended by inserting "and capital structure" after "portfolio".

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## The Small Business Incentive Act of 1993—Section-by-Section Analysis

### TITLE I—AMENDMENTS TO THE SECURITIES ACT OF 1933

Section 101. Exempted Securities would amend section 3(b) of the Securities Act of 1933 by increasing the amount of securities that could be exempt from SEC registration (pursuant to SEC rules) from the current amount of $5,000,000 to $10,000,000.

### TITLE II—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

Section 201. Exclusions From the Definitions of Investment Company would add section 3(c)(7) to the Investment Company Act of 1940 to create a new exception from the definition of investment company for investment pools whose securities are held exclusively by qualified purchasers as defined under section 202, discussed below. Under proposed section 3(c)(7), there would be no prohibition on public offerings or a limit on the number of "qualified purchasers" participating in the investment pool.

Section 201 also would amend section 3(c)(1) of the Investment Company Act, which excepts investments pools that have no more than 100 investors and do not engage in public offerings. For the purposes of the 100 investor limit as amended, section 3(c)(1) would treat beneficial ownership by a company to be beneficial ownership by one person, unless the company (i) owns ten percent or more of the section 3(c)(1) issuer and (ii) is, or but for the exception under section 3(c)(1) or the proposed section 3(c)(7) exception would be, an investment company. When both of these two tests are met, beneficial ownership of the section 3(c)(1) issuer would include the holders of the company's outstanding securities (other than short-term paper). This amendment reduces the complexity associated with the way in which the 100 investor limit currently is calculated.

The legislation would impose the investment restrictions of section 12(d)(1)(A)(i) of the Investment Company Act on all section 3(c)(1) and section 3(c)(7) issuers, but only in connection with the purchase of securities issued by registered investment companies. To cover the other side of the transaction involving open-end funds, registered investment companies selling their securities to section 3(c)(1) and section 3(c)(7) issuers also would be subject to section 12(d)(1)(B)(i).

Section 202. Definition of Qualified Purchaser would add a new subparagraph (51) to section 2(a) of the Investment Company Act providing the Commission with the authority to define by rule or regulation the term "qualified purchaser" in connection with the proposed exception for "qualified purchaser" investment pools discussed under section 201, above. Under proposed subparagraph 2(a)(51), regulations defining the term "qualified purchaser" would be based on a determination by the Commission that certain persons do not need the protections of the Investment Company Act on the basis of such factors as financial sophistication, net worth, knowledge and experience in financial matters, amount of assets owned or under management, relationship with an issuer, or such other factors as the Commission determines to be within the intent of the proposed subparagraph.

Section 203. Definition of Investment Securities would amend section 3(a)(3) of the Investment Company Act to include within the definition of investment securities set forth in that section securities of majority-owned subsidiaries that would be investment companies but for the exclusion under section 3(c)(1) or section 3(c)(7). The amendment would preclude a company from avoiding regulation under section 3(a)(3) of the Act by establishing a section 3(c)(1) or section 3(c)(1) or section 3(c)(7) subsidiary.

Section 204. Exemption for Business and Industrial Development Companies would add section 6(a)(5) to the Investment Company Act to exempt certain business and industrial development companies, or BIDCOs, from regulation under the Act. These companies could not be in the business of issuing redeemable securities and their operations would have to be regulated under a state statute providing for the creation of entities to provide financial and/or managerial assistance to enterprises doing business, or proposing to do business, primarily in that state. Each company would have to be organized in the state where it is regulated and, under proposed subparagraph 6(a)(5)(A)(i), the company's organizational documents would have to state its limited purpose.

Proposed subparagraph 6(a)(5)(A)(ii) would require that at least eighty percent of each class of securities being offered by the company or any underwriter therefor must be held by persons who reside, or who have a substantial business presence, in the state where the company is regulated. While applicable to each new offering, the residency requirement would not apply to transactions made on the secondary market. Pursuant to proposed subparagraph 6(a)(5)(A)(iii), the exemption would be limited to companies that offer their securities solely to accredited investors, as defined in section 2(15) of the Securities Act, and Commission rules thereunder, or to such other persons as the Commission may permit. The exemption would not preclude the sale of securities through a public offering.

Proposed subparagraph 6(a)(5)(A)(iv) would prohibit companies from purchasing securities issued by investment companies and companies excepted from the definition of investment company by section 3(c), other than securities rated investment grade or securities issued by registered open-end investment companies that invest at least sixty-five percent of their assets in such investment grade or comparable obligations. This provision is intended to provide limited flexibility to invest capital not immediately needed for the company's long-term commitments.

Proposed subparagraph 6(a)(5)(B) provides that the provisions of section 9 of the Investment Company Act would apply to an exempt company as if it were a registered investment company so that the exemption could not be used as a safe haven for persons prohibited from associating with investment companies. Certain administrative sections of the Investment Company Act also would apply to provide the Commission with enforcement power over any violations of section 9.

Under proposed subparagraph 6(a)(5)(C), companies must file with the Commission a notification as prescribed by Commission rule. Although the exemption is available automatically upon filing, proposed subparagraph 6(a)(5)(D) gives the Commission the authority by order to disallow the exemption if it is not in the public interest or consistent with the protection of investors. Under proposed paragraph 6(a)(5)(E), the exemption may be subject to such additional terms and conditions as the Commission may by rule or order determine are necessary for the protection of investors.

Section 205. Intrastate Investment Company Exemption amends section 6(d)(1) of the Investment Company Act to increase the maximum aggregate amount permitted to be received from intrastate securities offerings of any closed-end investment company from the current amount of $100,000 to $10,000,000 or such other amount as the Commission may set by rule or order.

Section 206. Definition of Eligible Portfolio Company would amend section 2(a)(46)(C) of the Investment Company Act to define a new class of eligible portfolio company. It would expand the definition of eligible portfolio company to include any company which does not have total assets in excess of $4,000,000, and capital and surplus (shareholders equity less retained earnings) in excess of $2,000,000. It would also authorize the Commission to adjust these amounts through rule or order to account for changes in one or more generally accepted indices or other indicators for small business. Section 2(a)(46) currently defines eligible portfolio company to include companies that are not eligible for margin under Federal Reserve Board regulations, are controlled by a business development company, or that meet such other criteria as the Commission may, by rule, establish. The amendment would permit business development companies to invest in more small businesses, thus increasing the flow of capital.

Section 207. Definition of Business Development Company would amend section 2(a)(48)(B) of the Investment Company Act to provide that a business development company is not required to make available significant managerial assistance to any company which falls within the new definition of eligible portfolio company in section 2(a)(46)(C)(iii), or any company that meets such other criteria as the Commission may by rule, regulation, or order establish consistent with investor protection. Section 2(a)(48) currently requires a business development company to make available significant managerial assistance to all the companies treated by it as satisfying the 70% test in section 55 of the Act. The amendment would encourage the flow of capital to very small businesses.

Section 208. Acquisition of Assets by Business Development Companies would amend section 55 of the Investment Company Act to bring securities of companies that fall within the new definition of eligible portfolio company in section 2(a)(46)(C)(iii) within the 70% test. Section 55 currently prohibits a business development company from making investments unless, at the time an investment is made, at least 70% of its assets (excluding assets necessary to maintain the business, such as office furniture) are represented by, in general, securities of small, developing or financially troubled businesses and liquid assets such as cash, government securities, or short-term high quality debt securities. The amendment would make it clear that a business development company's investment in the new eligible portfolio company securities counts toward the 70% of their assets that must be invested in specific securities.

Section 208 would also amend section 55 of the Investment Company Act to permit a business development company to acquire the securities of an eligible portfolio company from persons other than the eligible portfolio company and its affiliated persons subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 55(a)(1)(A) currently requires a business development company to acquire the securities of an eligible portfolio company directly from the portfolio company, or from a person who is, or who within the preceding thirteen months has been, an affiliated person of such eligible portfolio company. The amendment would facilitate acquisitions of eligible portfolio company securities from other persons.

Section 209. Capital Structure Amendments would amend section 61(a) of the Investment Company Act. Section 61(a)(1) currently provides for a 200% asset coverage requirement for senior debt securities of business development companies. Section 18(a)(2)(A) and (B) currently provides for a 200% asset coverage requirement for senior equity securities of business development companies. Section 209 would permit a business development company to have an asset coverage of 110% if it meets two conditions immediately before the issuance or sale of senior securities. First, it must have total interest and dividend income for the previous 12 months that exceeds 120% of the sum of its total expenses (including taxes and interest expenses accrued) and dividends declared on senior securities for the same 12 months. Second, it must either have at least 50% of its assets, on average, invested in securities described in paragraphs (a)(1) through (a)(5) of section 55 throughout the previous 12 months, or at least 50% of its assets invested in securities described in paragraphs (a)(1) through (a)(5) of section 55 throughout 10 of the previous 12 months. The amendment would permit business development companies to be more highly leveraged, thus allowing additional investment in small businesses.

Section 209 also would amend section 61(a)(2) of the Investment Company Act to permit a business development company to issue, without restriction, multiple classes of debt securities. Section 61(a)(2) currently permits a business development company to issue more than one class of debt securities if it does not have any publicly-held indebtedness outstanding, there is no intent to publicly distribute any class of debt securities, and all its debt securities are privately held or guaranteed by the Small Business Administration, banks, insurance companies, or other institutional investors.

Finally, section 209 would amend section 61(a)(3)(A) of the Investment Company Act to allow a business development company to issue warrants, options, and rights either on a stand-alone basis or accompanied by debt or other securities provided the conditions of that section are met. Section 61(a)(3)(A) of the Investment Company Act currently provides that a business development company may only issue warrants, options, or rights to subscribe or convert to voting securities of such company if accompanied by senior securities representing indebtedness and in accordance with certain conditions. The amendment would provide business development companies with greater flexibility in their capital structure.

Section 210. Filing of Written Statements would amend section 64(b)(1) of the Investment Company Act to require a business development company to file with the Commission and supply annually to shareholders a written statement, in such form and manner as the Commission may by rule prescribe, describing the risk factors associated with the company's capital structure. Section 64(b)(1) currently authorizes the Commission to prescribe a written statement describing the risk factors involved in an investment in the securities of a business development company due to the nature of the company's investment portfolio. The amendment would enable the Commission to ensure that investors receive adequate information about a business development company's capital structure.•

• Mr. RIEGLE. Mr. President, the country's economic situation remains troubled. For many of America's largest corporations, downsizing is the order of the day. Each week seems to bring another announcement of layoffs from a familiar corporate name, whether it's General Motors, or Sears Roebuck, or IBM. Indeed, reports indicate the Fortune 500 companies, the Nation's largest, have experienced a net reduction in jobs over the past 10 years. This helps explain why unemployment remains stubbornly high: at 7.1 percent last month, it is actually higher than when the current recession began in 1990.

Small businesses, therefore, are playing an increasingly crucial role in the American economy. Small businesses have always been an important source of new products and new technologies. Historically, they have employed the vast majority of American workers. We must now depend on small businesses to create new jobs if we are to stand any chance of putting Americans back to work.

Fortunately, the entrepreneurial spirit is probably stronger in the United States than in any other country. There is no shortage of Americans with the vision and the courage necessary to start a new business. We must ensure that there is no shortage of the capital necessary to make those visions take form.

America's entrepreneurs rely first on themselves as a source of seed capital. A 1990 study by the National Federation of Independent Business Foundation, New Business in America, found "[m]ost new business owners rely heavily on their own resources to finance their ventures." Family and friends are another important source of seed capital for startup businesses; the report found they provide funds to more than 25 percent of new businesses. Banks and other lending institutions play an even bigger role, extending loans to 45 percent of new ventures.

Once a business is established and growing, it may be able to raise capital through the securities markets, such as by an initial public offering of stock. Small and startup businesses, however, have not had much success tapping the securities markets for capital. The NFIB Foundation study found "[o]utside investors were involved in only about 1 new firm in 10" and the "number of new business owners who used either institutionalized venture capital or government programs was negligible." This is particularly disappointing, because "firms with outside investors were more likely to grow, all factors equal."

The Small Business Incentive Act of 1993 is designed to address this problem. Based on legislation developed last year by the Securities and Exchange Commission, the Small Business Incentive Act is intended to give small businesses greater access to capital, both directly through securities offerings and indirectly through certain investment vehicles. The SEC staff have made additional suggestions since last year that are contained in the present bill. I am pleased to join the chairman of the Banking Committee's Securities Subcommittee, Senator CHRIS DODD, and other Senators in introducing this legislation.

This bill, first, will enable more small companies to raise capital by issuing securities. Section 3(b) of the Securities Act of 1933 currently gives the SEC authority to exempt public offerings of securities up to $5 million from the registration and disclosure provisions of the Federal securities laws. These provisions, while necessary for the regulation of the markets and protection of investors, increase the costs of public offerings. The SEC has adopted a number of regulations under this authority that allow small issuers to make public offerings of securities. The legislation would increase this exemptive authority from $5 to $10 million.

The bill also makes it easier for different types of investment funds to invest in small businesses. The bill contains a number of amendments to, and exemptions from, the Investment Company Act of 1940, which governs mutual funds and other entities that invest in securities of other businesses.

Currently, private investment pools with fewer than 100 investors are exempt from regulation under the Investment Company Act. This bill would allow greater participation in such private investment companies by corporate investors. The bill would also exempt investment pools made up solely of highly sophisticated investors who do not need the protection of the act.

Next, the bill creates a new exemption for Business and Industrial Development Corporations [BIDCO's]. Forty-five States have laws authorizing BIDCO's, which provide financial or managerial assistance to enterprises doing business in the State.

Michigan has been a leader in this area. In the mid-1980's, Governor Blanchard and the Michigan Legislature created the Michigan strategic fund, to work with the private sector to make capital and technology available to Michigan businesses. As of December 31, 1992, the Michigan strategic fund had made equity investments of over $21 million in 10 private sector, for-profit BIDCO's across Michigan. The BIDCO's raise additional private capital and as of yearend 1992 had invested over $34 million in 79 Michigan small businesses.

The SEC has granted a number of individual exemptive orders for BIDCO's on a case-by-case basis. This can be a costly and time-consuming process. The bill instead provides a statutory exemption, available immediately upon filing to BIDCO's that meet certain criteria.

Finally, the bill expands the existing exemption for Business Development Companies [BDC's]. BDC's are companies that invest in the securities of, and make managerial assistance available to, small businesses. In 1980, Congress amended the Investment Company Act to exempt BDC's from some of the more burdensome provisions of the act regarding capital structure and affiliated transactions. The SEC reports there are currently 43 active BDC's with assets of approximately $2.4 billion registered with the SEC. The bill creates a new class of small business in which BDC's may invest without making available managerial assistance. It would also allow BDC's to acquire interests in small businesses from third parties, to be more leveraged, and to issue additional types of securities.

The Small Business Incentive Act is not in itself a solution to the Nation's sluggish economic growth and unemployment problem. Indeed, it is not in itself a solution to all the problems facing small businesses. Additional solutions must be, and are being, developed to aid the small business sector. These include tax incentives, community development banks, and enterprise zones.

The Small Business Incentive Act can, however, help direct more investment capital to the small business sector. The Securities Subcommittee plans to hold a hearing on March 4, 1993, on small business access to capital. Securities regulators, representatives of the securities industry, and venture capital and small business groups will testify, including Gary Baker of Ann Arbor, MI, who co-founded and served as president of Access BIDCO in Ann Arbor, MI. I look forward to the witnesses' comments and suggestions regarding this legislation. With our economy adjusting to the realities of the post-cold-war period, we must do all we can to nourish America's small businesses.●

Mr. D'AMATO. Mr. President, today I join Senator DODD, my esteemed colleague and the chairman of the Securities Subcommittee, in introducing legislation intended to facilitate capital investments in small businesses. The Small Business Incentive Act of 1993 eases current regulations that have restricted small businesses' access to the capital markets and limited certain investments in the securities of small businesses.

The distinguished chairman of the Securities Subcommittee and I share a deep concern about the credit crunch—particularly the credit crunch for small businesses. As we have discussed at many of the Banking Committee hearings over the last 2 years, America's small businesses have been hit the hardest by the downturn of the economy. The well for small business credit has dried up, leaving small businesses with few alternative sources of capital. As a result, small businesses have been unable to get the credit essential to buy equipment or inventory or hire new workers.

The Small Business Incentive Act of 1993 will facilitate capital investments in the small businesses that are the engine of economic growth. Developed by the Securities and Exchange Commission, this bill seeks to encourage capital investments in small businesses by venture capital funds, business development companies and others. The Small Business Incentive Act of 1993 reduces the regulatory burden for venture capital funds and other investment vehicles that provide financing for small businesses.

This legislation also makes it easier for small businesses to access the capital markets. Currently, costs associated with preparing disclosure documents and financial statements may prevent small companies from going to the capital markets to raise relatively modest amounts of capital. The Small Business Incentive Act of 1993 would give the SEC authority to permit simplified disclosure, or exempt from registration, certain public offerings of up to $10 million in securities.

Two weeks ago I also introduced a bill to enhance small business access to the capital markets. The Small Business Loan Securitization and Secondary Market Enhancement Act of 1993 (S. 384) removes current legal impediments to the securitization of small business loans and the development of a secondary market for these securities. A secondary market in small business loans will enable small businesses to tap the capital markets for credit at lower prices.

I commend Senator DODD, the chairman of the Securities Subcommittee, for his leadership in introducing legislation to put an end to the credit crunch for small businesses. The economic downturn of the last few years has highlighted the difficulty of small businesses obtaining credit. This problem will continue, however, unless we enact legislation to open the capital markets to small businesses.

I look forward to working with Senator DODD and the rest of my colleagues to pass this important legislation quickly.

Mr. President, I ask unanimous consent that my statement appear in the RECORD following the statements of Senators DODD and RIEGLE accompanying the introduction of the Small Business Incentive Act of 1993.

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By Mr. LEVIN (for himself and
Mr. DURENBERGER):

S. 480. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

### PREEMPTION CLARIFICATION AND INFORMATION ACT OF 1993

● Mr. LEVIN. Mr. President, since 1789, Congress has enacted approximately 350 laws explicitly preempting State and local authority; over half of these laws having been enacted in the last 20 years. these figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, it is left to the courts to decide whether or not preemption was intended and, if so, to what extent.

While we do not have any accurate data as to how many cases there have been where the courts have found preemption by implication, we do know they are numerous and that they form an increasingly significant portion of cases before the courts. According to a recent report by the Appellate Judges Conference of the American Bar Association, "Compared to 20 years ago, the number of preemption cases on the Supreme Court's docket has increased by a factor of four." This trend is not expected to abate.

Today, along with Senator DURENBERGER, I am introducing legislation to require that in order for there to be Federal preemption of State and local law, Congress must include an explicit statement to that effect in any bill it passes, unless of course, there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. This would close the back door of implied federal preemption and put the responsibility for determining whether or not State and local governments should be preempted back in Congress where it belongs.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution, "shall be the supreme Law of the Land." In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended, by implication, to preempt State or local authority.

Of course if Congress clearly states its desire to preempt State and local authority or where there is a direct conflict that cannot be reconciled, then the question of preemption is resolved. But, in those cases in which the Federal law is not explicit regarding preemption of State and local authority, the matter can often end up in the courts. This is especially true in those cases in which the Federal Government sets a floor or ceiling for a certain activity but is silent with regard to whether or not, or to what extent, a State or local government can go further than the Federal Government requirement—above the floor or below the ceiling.

For example, if a Federal law sets a ceiling of 10 parts per billion of a certain toxic substance in drinking water, but is silent on the issue of whether or not, or to what extent, a State or local government could require stricter curbs on this toxin, the issue of State or local authority may very well end up subject to judicial interpretation. Similarly, if a Federal law sets a minimum of at least 10 parts per billion of an important additive to drinking water—like fluoride—but is silent on whether or not, or to what extent, a State or local government could require greater amounts of the substance in drinking water, the courts would be left to resolve that issue. In both of these cases, our bill would permit tougher State laws, unless preemption were explicit or there was a direct conflict. These are the types of cases the courts have been considering in increased volume over the past 10 years.

The Supreme Court decision over the regulation of pesticides by local governments, Wisconsin versus Public Intervenor, describes the three standards by which, absent explicit preemptive language, congressional intent to preempt may be inferred. The three tests are as follows:

> * * * if a scheme of federal regulation is "so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it," if "the Act of Congress * * * touch[es] a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject," or if the goals "sought to be obtained" and the "obligations imposed" reveal a purpose to preclude state authority.

We believe that if we in Congress want Federal law to preempt State and local government from legislating in an area, we should be clear about that. If we set a floor or a ceiling but are silent on actions which certainly meet but then go beyond the Federal requirement, State and local governments should be allowed to act as they deem appropriate. Our silence should not result in State and local governments having to fight these types of battles in the courts, and courts should not have to read the tea leaves to discern what we in Congress intended. Too much is at stake in these cases.

Our bill seeks to address this situation by requiring that,

> [N]o statute, or rule promulgated under such statute, shall preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless the statute explicitly states that such preemption is intended or unless there is a direct conflict between such statute and a State or local law, ordinance, or regulation so the two cannot be reconciled or consistently stand together.

Upon passage of this bill, a clear statement of intent to preempt will be the standard by which Federal preemption is to be judged: If there is no such statement or a direct, unreconcilable conflict, there is no preemption.

It will force Congress to think through the issue of preemption and whether or not it is appropriate for the matter at hand. The question of preemption will require debate and resolution at the front end of the process rather than after-the-fact guesswork. It places responsibility for the debate and resolution of the preemption question where it should be, with the legislature, not the judicial branch.

Our legislation also requires the Congressional Research Service, at the end of each Congress, to compile a report on laws passed in which statutory preemption is explicit and on all Federal cases in which preemption of State or local authority has been an issue. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

We have worked closely with the Advisory Commission on Intergovernmental Relations in devising this legislation. This organization has done a great deal of work in this area. Moreover, legislation in this area has been endorsed by the National Conference of State Legislators, the Intergovernmental Affairs Committee of the Council of State Governments, the U.S. Conference of Mayors and the Appellate Judges Conference of the American Bar Association.•

• Mr. DURENBERGER. Mr. President, I am pleased to join once again with my colleague, the distinguished junior Senator from Michigan, in introducing the Preemption and Clarification Act of 1993.

My colleague and I introduced this bill during the 102d Congress in response to the burgeoning number of preemption cases on the dockets of our Nation's courts and other attendant problems. Congress has enacted some 350 laws since 1789 which preempt State and local authority. As my colleague, Senator LEVIN, has pointed out, over half of these laws have been enacted in the last 20 years.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution, "shall be the supreme Law of the Land." In short, this means that any State or local law in conflict with a constitutionally enacted Federal law is negated or preempted. Should there be a question of jurisdiction, we may look to the 10th amendment, which prescribes that "the powers not delegated to the United States, are reserved to the States respectively, or to the People."

Unfortunately, Mr. President, the numbers indicate that the issue of Federal preemption of State and local authority has increasingly dominated intergovernmental relations, and internecine conflict during the past half-century. The chief cause of this conflict is Congress' failure to explicitly define its intent when formulating legislation that affects State and local authority. The resulting ambiguity is then resolved, not by Congress, which, through its failure to be clear, surrenders its role, but by the courts. Congress should determine preemption issues, as is intended under the supremacy clause, not the courts.

The Senator from Michigan and I offer this legislation as a means to resolve this problem. In short, the bill provides that no Federal statute shall preempt any State and local law unless such preemption is specifically stated or there is a direct conflict which cannot be reconciled.

This legislation would not create new powers for Congress or the States, nor would it expropriate the authority of State or local governments. The bill would, however, ensure that Congress makes its intent clear when preempting State or local law. Should Congress fail to clearly articulate its intent, this legislation would ensure that the benefit of the doubt lies with the State or local government.•

By Mr. SIMON (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BYRD, Mr. CONRAD, Mr. D'AMATO, Mr. DODD, Mr. EXON, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, Mr. WELLSTONE, Mr. WOFFORD, Mr. HATFIELD, Mr. INOUYE, and Ms. MIKULSKI):

S. 481. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

### LIVE PERFORMING ARTISTS LABOR RELATIONS AMENDMENTS

• Mr. SIMON. Mr. President, I am pleased to be joined by 24 of my colleagues in support of the Live Performing Artists Labor Relations Amendments [Live PALRA]. Live PALRA is designed to correct several longstanding inequities in our Nation's labor laws. These inequities have effectively denied live performing artists the right to organize and engage in collective bargaining.

The live performing arts industry is characterized by short-term employment. A musician, for example, may appear at a club for a 1- or 2-night engagement and then move on to another club. This situation does not lend itself to the traditional manner of certifying a collective bargaining agent. In the traditional setting, employees at a factory—or other place of business—will petition for an election. If a majority of the workers vote to be represented by a union for collective bargaining purposes, that union is certified and may bargain with the employers for wages and other conditions of employment. Such elections are not possible where the employment is short term. In the case of a musician working at a club for 2 nights, there obviously would not be sufficient time to hold a certification election. Furthermore, since it is uncertain what performers will appear at the club in the future, it would be virtually impossible to determine who would be permitted to vote in such an election.

The short-term nature of the work in the live performing arts industry is similar to that in the construction industry. In 1959, Congress recognized the need to extend labor law protections to construction industry employees. The National Labor Relations Act [NLRA] was thus amended to permit employers and employees to sign pre-hire agreements in this industry, where both parties agree to bargain collectively prior to establishing majority support through a certifying election. Musicians were not included in these protections because the National Labor Relations Board [NLRB] had not asserted jurisdiction over the live performing arts industry at this time. Clearly, these similarly situated employees should enjoy the same rights to organize and bargain collectively. Live PALRA is introduced to address these inequities.

Mr. President, the legislation I am introducing today is similar to the substitute amendment adopted by the Senate Labor and Human Resources Committee last Congress. The only change is in the title from "Arts" to "Artists". The legislation has four sections. The first section is the title; the second section permits live performing artists and the purchasers of their services to enter into pre-hire agreements; the third section defines live musicians as employees and the purchaser of their services as employers for labor law purposes only; and the fourth section makes crystal clear that the amendments in this act affect only labor law and do not change definitions under tax law or any other law.

Live PALRA is a simple question of fairness, and I encourage my colleagues to join me in supporting Live PALRA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Live Performing Artists Labor Relations Act".

### SEC. 2. EXTENDING SECTION 8(f) TO THE LIVE PERFORMING ARTS INDUSTRY.

Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended—

(1) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively;

(2) by inserting "(1)" after "(f)";

(3) by striking "clause (1)" and inserting "clause (A)"; and

(4) by adding at the end the following:

"(2) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer who hires persons or contracts for the services of persons engaged in the live performing arts to make an agreement covering such persons who are engaged (or who, upon their employment, will be engaged) in the live performing arts with a labor organization of which performing artists are members (not established, maintained, or assisted by an action defined in section 8(a) of this Act as an unfair labor practice) because (A) the majority status of such labor organization has not been established under the provisions of section 9 of this Act before the making of such agreement; or (B) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later: *Provided*, That nothing in this subsection shall set aside the final proviso of section 8(a)(3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (A) of this paragraph, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e).".

### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF "EMPLOYER".—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by inserting after "directly or indirectly," the following: "and includes any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an independent contractor, employer, or employee of another employer,".

(b) DEFINITION OF "EMPLOYEE".—Section 2(3) of the Act (29 U.S.C. 152(3)) is amended by inserting after "independent contractor" the following: "except that any individual having such status who is engaged to perform live musical services (other than an employer of persons performing musical services) shall be included in the term 'employee'".

### SEC. 4. CONSTRUCTION FOR INTERNAL REVENUE CODE PURPOSES.

Nothing in the amendments made by this Act shall be construed as affecting the treatment of individuals (as employees or independent contractors) covered by such amendments for purposes of the Internal Revenue Code of 1986 or for purposes of other laws.●

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By Mr. BOREN:

S. 482. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans Affairs.

### ELIGIBILITY OF FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES

● Mr. BOREN. Mr. President, today I am introducing legislation to clarify the statute defining eligibility of veterans for medical treatment by the Department of Veterans Affairs. This bill amends section 612(a)(1) of title 38, United States Code, to ensure that all former prisoners of war receive outpatient care.

I would like to point out that this bill passed the Senate in both the 101st and 102d Congresses, but, unfortunately, it was not signed into law.

I think everyone agrees that the development of medical treatment policy for POW's has been a long, arduous process, but in recent years it has grown into a comprehensive system meeting most of their needs. For example, in determining service connection, former POW's have the benefit of every reasonable doubt because of the obvious lack of records regarding their imprisonment. This has made it easier to assess severe physical and mental damage from brutality, torture, hunger, and disease.

Now more than ever, we need to make a commitment to former prisoners of war. The uncertainty and the brutality of the imprisonment endured by former POW's does not vanish upon release but remains throughout life. We owe special consideration to those who are imprisoned while fighting for the United States, and it is our obligation to provide health care to our POW's who suffered for love of their country.

My bill will correct a problem arising from Public Law 100–322 which guarantees inpatient care to POW's but restricts outpatient care to those with 50 percent or more disability. This restriction is not acceptable in light of the sacrifice these brave Americans have made for our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 482

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. ELIGIBILITY FOR FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 612(a)(1) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(D) to any former prisoner of war for any disability.".●

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By Mr. SHELBY (for himself, Mr. MACK, Mr. MCCAIN, Mr. ROBB, Mr. WARNER, Mr. JEFFORDS, and Mr. GRAMM):

S. 483. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### PRISONER OF WAR COMMEMORATIVE COIN ACT

● Mr. SHELBY. Mr. President, I rise today to introduce legislation that would create a permanent and physical symbol of this Nation's gratitude to its prisoners of war. This measure would direct the mint to produce a silver dollar coin to commemorate the service and bravery of our prisoners of war.

These commemorative coins would serve a double purpose. The coins themselves would pay tribute to the heroism and patriotic service of the prisoners of war. The proceeds from the sale of these coins would go to finance the construction of the Andersonville

Prisoner-of-War Museum in Andersonville, GA. Remaining funds would go to maintain the museum and to maintain our national cemetaries.

Mr. President, as a nation, we are overdue in creating an appropriate symbol to honor our prisoners of war. This legislation would try to right that wrong by providing two tangible symbols of appreciation to the brave men and women that have been held captive in the line of military service.

I urge my colleagues to join me in supporting this measure.•

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By Mr. PACKWOOD (for himself, Mr. MOYNIHAN, Mr. DOLE, Mr. D'AMATO, Mr. BRADLEY, Mr. STEVENS, Mr. BOREN, and Mr. GLENN):

S.J. Res. 52. A joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month"; to the Committee on the Judiciary.

### NATIONAL HOSPICE MONTH

Mr. PACKWOOD. Mr. President, it gives me a great pleasure to introduce today, in conjunction with Senators MOYNIHAN, DOLE, D'AMATO, BRADLEY, STEVENS, BOREN, and GLENN a joint resolution designating November 1993 and 1994 as "National Hospice Month." I have offered similar resolutions since 1984, and each has received enthusiastic bipartisan support.

Since the concept of hospice was first introduced 20 years ago, hospice programs have continued to expand throughout our country. Today there are about 1,700 hospice programs nationally, ranging in type from those based in hospitals to those based in the community.

No matter where hospice services are provided, they all share a basic philosophy of caring for terminally ill patients—one that emphasizes love, compassionate support and palliative medical solutions so that individuals may live their final days as fully and comfortably as possible.

Hospice care has changed the way we handle terminally ill patients in four basic ways. First, hospice promotes providing a broad array of services to the individual, psychological, and spiritual needs of patients as well as their health care needs. Second, a multi-disciplinary team approach is used to plan and provide the care needed to help individual patients.

Third, personal dignity and comfort guide the use of medical care to manage pain and control the symptoms of disease. Fourth, the family is recognized as a key participant in the care of the individual.

Many thousands of patients and their families have been gently guided through a critical period by hospice caregivers and volunteers. Hospice has helped to add back the human element in medical care. And the family is more actively involved in decision-making, recognizing their role as support givers during a loved one's illness.

Hospice programs are firmly established in Oregon. A few years ago, I visited Hospice House in Portland. I was very moved by the plight of a woman I met who had been given only 5 to 6 days to live. I was also quite impressed by the magnificent staff, who tenderly cared for her and helped me to share a little time with this woman.

Hospice programs are an integral part of the health care delivery system. They are also poised to grow into the next decades. hospice advocates are currently looking to provide services to new populations who do not know of hospice programs, such as Hispanics and people in rural areas.

I hope that this resolution will spark renewed interest and awareness of hospice programs throughout the country. I encourage all of my colleagues to support this resolution.

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By Mr. HATCH:

S.J. Res. 53. Joint resolution designating March 1993 and March 1994 both as "Women's History Month"; to the Committee on the Judiciary.

### WOMEN'S HISTORY MONTH

Mr. HATCH. Mr. President, I am here today to honor women in our history. They have opened new frontiers, provided needed services, and raised families through both hard and happy times. I am pleased we are considering March as "Women's History Month," which sets aside the month for us, as a nation, to recognize the countless contributions of women. In my own home State of Utah, women have always played vital roles in nearly every capacity.

Utah's heritage of women is unique. In 1846–47, many endured trying hardships that are unfathomable in our day. Leaving the comforts of their own hometowns, pioneer women traveled across the plains, pushing and pulling handcarts, to settle in a valley that would protect and provide for them and their families. Many buried their children along the way in search of a better life free from religious persecution. Physical afflictions were abundant. Not a few succumbed to the elements. Those fortunate enough to survive the long trek then had to till the vast, dry earth of the West to continue to survive.

A few years before, the first women's organization in the United States was formed, which is known as the Relief Society of the Church of Jesus Christ of Latter-day Saints. Starting with only 20 members in rural America in 1842, the Relief Society has grown to 3.2 million members worldwide today.

In addition to housing the headquarters of the first women's organization in the United States, Utah was the second State to allow women the right to vote in 1896. Now, less than 100 years later, not only do all American women have the right to vote, but a record number are also serving in Congress.

Mr. President, women clearly played a vital part in American history, in whatever position it may have been. I urge my colleagues to join me in honoring women by declaring March 1993 and 1994 as "Women's History Month."

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By Mr. MURKOWSKI (for himself, Mr. GRAHAM, Mr. MACK, Mr. DOLE, Mr. WARNER, and Mr. MCCAIN):

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

### NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

• Mr. MURKOWSKI. Mr. President, I am pleased to join my colleague, Senator GRAHAM of Florida, in introducing legislation which would designate April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day".

National Former Prisoner of War Recognition Day would recognize the estimated 70,000 surviving men and women in the United States who were subjected to unconscionable treatment as prisoners of war during WWI, WWII, Korea, Vietnam, and the Persian Gulf war. It is only fitting that we honor these extremely brave and very special veterans.

Each year since 1987, April 9, the anniversary of the fall of Bataan, has been designated as National Former Prisoner of War Recognition Day. On that day in 1942, 20,000 American men and women became prisoners of war. Many did not survive the infamous Bataan "Death March" that followed or nearly 4 years of captivity in deplorable prisoner of war camps throughout the Far East. This day serves as a poignant reminder of the sacrifice and commitment of all of the American men and women whose patriotism has been tested while being held in enemy captivity in every theater of every war.

The men and women of this country who were held as prisoners of war have earned a day honoring them for their suffering while serving their country. I urge my colleagues to join us in support of this measure.•

• Mr. GRAHAM. Mr. President, today, I join my colleague, Mr. MURKOWSKI of Alaska, in introducing legislation designating April 9, 1993, and April 9, 1994, as National Former Prisoner of War Recognition Day.

We are all familiar with the deplorable conditions our prisoners of war endured during the Persian Gulf war. Saddam Hussein disregarded human-rights agreements and international treaties involving prisoners of war, reminding us of past atrocities in World War I, World War II, Korea, and Vietnam. It is appropriate at this time to pause and reflect on the courage and sacrifice of our estimated 80,000 prisoners of war from these five conflicts.

Fifty-one years ago, on April 9, 1942, enemy forces took thousands of American soldiers prisoner in the Philippines after the fall of Bataan. Many American soldiers died and many more suffered permanent disabilities on the brutal forced march which followed. It is, therefore, fitting that the day of April 9 honor the thousands of men and women who spent months and years of their lives in captivity.

These veterans suffered terribly serving our country to guarantee the freedoms that Americans enjoy today. Their service has taught us about patriotism, perseverance, and character. There is little we can do to repay the men and women who endured these atrocities, but we can recognize their invaluable contribution with this important day.

I urge my colleagues to join Senator MURKOWSKI, Senator MCCAIN, Senator DOLE, Senator MACK, Senator WARNER, and myself in cosponsoring this important resolution honoring our former prisoners of war.●

## ADDITIONAL COSPONSORS

### S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

### S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

### S. 30

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

### S. 177

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

### S. 185

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. EXON], the Senator from Nebraska [Mr. KERREY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

### S. 207

At the request of Mr. LOTT, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

### S. 222

At the request of Mr. WELLSTONE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 222, a bill to require the Commissioner of Food and Drugs to collect information regarding the drug RU-486 and review the information to determine whether to approve RU-486 for marketing as a new drug, and for other purposes.

### S. 236

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 248

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 248, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders.

### S. 254

At the request of Mr. JOHNSTON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 254, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

### S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

### S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

### S. 265

At the request of Mr. MACK, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

### S. 268

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. DORGAN], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 268, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

### S. 269

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from North Dakota [Mr. DORGAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

### S. 289

At the request of Mr. REID, the names of the Senator from Washington [Mr. GORTON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

### S. 309

At the request of Mr. LEAHY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 309, a bill to make emergency supplemental appropriations to provide a short-term stimulus to promote job creation in rural areas of the United States, and for other purposes.

### S. 368

At the request of Mr. BUMPERS, the names of the Senator from Montana [Mr. BURNS], the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

### S. 384

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

### S. 404

At the request of Mr. GLENN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 404, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes.

### S. 416

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

### S. 418

At the request of Mr. DANFORTH, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 418, a bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie.

### S. 439

At the request of Mr. COATS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

### S. 440

At the request of Mr. GORTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 440, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes.

### S. 449

At the request of Mr. SMITH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

### S. 451

At the request of Mr. LOTT, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. HATFIELD], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 451, a bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes.

### SENATE JOINT RESOLUTION 36

At the request of Mr. LEAHY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

### SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Rhode Island [Mr. PELL], the Senator from California [Mrs. FEINSTEIN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

### SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Washington [Mrs. MURRAY], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

### SENATE RESOLUTION 11

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia and Herzegovina's right to self-defense.

### SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

## SENATE CONCURRENT RESOLUTION 12—TO RECOGNIZE THE HEROIC SACRIFICE FOR THE SPECIAL AGENTS OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS IN WACO, TX

Mr. DECONCINI (for himself, Mr. KRUEGER, Mr. BOND, Mr. KOHL, Mr. D'AMATO, Mr. KERREY, Mr. GRAMM, Mr. CHAFEE, Mr. SPECTER, and Mr. JOHNSTON) submitting the following concurrent resolution; which was considered and agreed to:

### S. CON. RES. 12

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound.

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

Mr. KRUEGER. Madam President, I wish to join with Senator DECONCINI in cosponsoring his resolution to honor those Federal agents who died in the tragic confrontation in Waco, TX.

Texans join all Americans in mourning the deaths of four ATF agents who gave their lives to protect this Nation. America has lost four of its best young men, and America grieves alongside their families.

Our constant thoughts are with the seven officers who were seriously wounded, with the eight officers less gravely injured, and with their families. We pray for their quick recovery and full return to service of a nation that needs them so greatly.

In our daily immersion in our own affairs, we forget that our world can lay violence at our feet. The rest of us are permitted to forget because men and women like the slain and wounded ATF officers are not. Vigilance is their professional creed. They face violence so the rest of us can be safe, and now we see that the price of their calling is high.

These deaths and the events in Waco summon Congress to do what we can to make this Nation safer and more secure. Brave men have done their duty at the greatest sacrifice. Now we who serve in this Congress must do ours.

## AMENDMENTS SUBMITTED

## EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

### PACKWOOD (AND OTHERS) AMENDMENT NO. 66

Mr. PACKWOOD (for himself, Mr. DOLE, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. DURENBERGER) proposed an amend to the bill (S. 382) to extend the Emergency Unemployment Compensation Program, and for other purposes, as follows:

After the word "Secretary" insert the following:

deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

**"SEC. . PAY-AS-YOU-GO PROVISIONS.**

"(a) Of the amounts provided in fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, $3,320,000,000 are rescinded as provided in subsections (b) and (c).

"(b) The Director of Office of Management and Budget shall make uniform percentage reductions in budget authority in federal agency administrative expenses, except that no reductions shall be made in current rates of pay under current law.

"(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding object classes 12.1, 12,2, and 13.0), 20 (excluding object class 23.1), and 30.

"(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) $2.5 billion in unemployment benefits, estimated to be obligated after October 1, 1993, shall be withheld from obligation until such time as offsets are adopted."

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the oversight hearing originally scheduled before the Committee on Energy and Natural Resources on March 9 at 2:30 p.m. has been postponed.

The purpose of the hearing was to receive testimony on the status and future direction of the Department of Energy's fusion program, particularly the Department's activities relating to the International Thermonuclear Experimental Reactor [ITER] Program.

The new hearing date will be announced when it becomes available.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

### COMMITTEE ON RULES AND ADMINISTRATION

The Senate Rules Committee will meet on Wednesday, March 3, 1993, at 9:30 a.m., to receive testimony on the financing of congressional election campaigns. However, the second day of hearings scheduled for Thursday, March 4, 1993, has been canceled.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Friday, March 5, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building, on S. 420, the Ethics in Government Reform Act of 1993, and S. 79, the Responsible Government Act of 1993.

### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to examine the issue of credit availability for small businesses. The hearing will take place on Thursday, March 4, 1993, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the Small Business Committee at 224-5175.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON VETERANS' AFFAIRS

Mr. MOYNIHAN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive legislative presentations from the Veterans of Foreign Wars. The hearing will be held on March 2, 1993, at 9:30 a.m., in room 345 of the Cannon House Office Building..

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 1993, at 1:30 p.m., for a hearing on "Career Pathways."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON LABOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 1993, at 9:30 a.m., for a joint hearing with the Subcommittee on Health for Families and the Uninsured of the Committee on Finance to hear testimony on "Retiree Health Benefits."

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## AN ANNIVERSARY OVERVIEW: U.S. ARMY INFORMATION SYSTEMS COMMAND

• Mr. DECONCINI. Mr. President, the U.S. Army Information Systems Command, commanded by Maj. Gen. Samuel A. Leffler and headquartered at Fort Huachuca in Sierra Vista, AZ, celebrated its 29th birthday on March 1, 1993.

The Information Systems Command, better known as ISC, is responsible for Army information systems and services throughout the world. Today ISC has a total work force of more than 22,000 military and civilian communications specialists, operating at several thousand facilities in 14 nations.

Formed in 1964 in Washington, DC, as the Army Strategic Communications Command [STRATCOM], the command's name changed again in 1973, to the U.S. Army Communications Command [USACC]. This second name change reflected the continued growth of the command, based on the responsibilities to perform strategic and tactical missions.

The mission of the command was again expanded in 1984 to include the five disciplines of the information mission area [IMA]— telecommunications, automation, audio-visual support, records, management, and publications and printing.

In May 1984, the command's name changed again to its present title—the U.S. Army Information Systems Command [USAISC]. Since its early beginnings, ISC has continued to provide the critical communications backbone structure so vital to our Nation's defense. Then as now, ISC remains a major Army command [MACOM] reporting directly to the Army Chief of Staff.

The enormous and sophisticated worldwide communications network managed by ISC has established the command as the largest military communications and automation organization in the world.

Thanks to the professional people that fill the ranks of ISC, commanders can virtually communicate from the foxhole to the White House in a matter of seconds. With operations that circle the globe in such far-flung regions as the Pacific, Panama, Southeast Asia, and Europe, and such hot spots as the former Yugoslavia, Iraq, and Somalia, ISC personnel are on the job 24 hours a day.

Under the able leadership of Maj. Gen. Sam Leffler, ISC truly lives up to its motto—"Forging the Future." To every one at ISC, congratulations on this anniversary.•

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## RULES OF PROCEDURE, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

• Mr. KENNEDY. Mr. President, in accordance with the standing rules of the Senate, I ask that the Rules of Procedure of the Senate Committee on Labor and Human Resources, as agreed to February 26, 1993, be published in the CONGRESSIONAL RECORD.

The rules of the committee follow:

### SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

### RULES OF PROCEDURE (AS AGREED TO FEBRUARY 26, 1993)

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD—430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.*—*(a)* Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

*(b)* A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

*(c)* No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

*Rule 7.*—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

*Rule 8.*—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

*Rule 9.*—The committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

*Rule 10.*—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

*Rule 11.*—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

*Rule 12.*—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

*Rule 13.*—Wherever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

*Rule 14.*—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

*Rule 15.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

*Rule 16.*—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication.

*Rule 17.*—*(a)* The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

*(b)* For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

*(c)* The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in

writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

*(d)* Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

*(e)* No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

*Rule 18.*—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education, and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

*Rule 19.*—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

*Rule 20.*—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

## [Excerpts from the Standing Rules of the Senate]

### RULE XXV

### *Standing Committees*

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Labor and Human Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Handicapped individuals.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

* * * * *

### RULE XXVI

### *Committee Procedure*

1. Each standing committee,[1] including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[2] The expenses of the committee shall be paid from the contingent fund of the Senate upon voucher approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters encumbered in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloguy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefits, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

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[1] As amended S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

[2] Pursuant to section 68c of title 2, United States Code, the committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or nor such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

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### GUIDELINES OF THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

#### *Hearings*

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the CONGRESSIONAL RECORD seven days prior to the commencement of such hearing.

2. Seven days prior to public notice of each committee or subcommittee hearing, committee or subcommittee should provide written notice to each member of the committee of the time, place, and specific subject matter of such hearing, accompanied by a list of those witnesses who have been or are proposed to be invited to appear.

3. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

#### *Executive Sessions for the Purpose of Marking Up Bills*

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

*(a)* two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

*(b)* two copies of a summary of the provisions of each bill joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills each member of the committee or a subcommittee (as appropriate) should provide to all other such members two written copies of any amendment or a description of any amendment which that member proposes to offer to each bill, joint resolution, or other legislative matter to be considered at such executive session.

4. Insofar as practical, prior to the scheduled data for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

#### *Committee Reports, Publications, and Related Documents*

Rule 16 of the committee rules requires that the minority be given an opportunity to examine the proposed text of committee reports prior to their filing and that the majority be given an opportunity to examine the proposed text of supplemental, minority, or additional views prior to their filing. The views of all members of the committee should be taken fully and fairly into account with respect to all official documents filed or published by the committee. Thus, consistent with the spirit of rule 16, the proposed text of each committee report, hearing record, and other related committee document or publication should be provided to the chairman and ranking minority member of the committee and the chairman and ranking minority member of the appropriate subcommittee at least forty-eight hours prior to its filing or publication.•

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## RULES OF THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

• Mr. BOREN. Mr. President, for the interest of my Senate colleagues I hereby submit in the CONGRESSIONAL RECORD the rules of the Joint Committee on the Organization of Congress, which were adopted on January 6, 1993.

The rules of the joint committee follow:

### COMMITTEE RULES OF THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

#### RULE 1. GENERAL

The rules of the Senate and House, insofar as they are applicable, shall govern the Committee and its subcommittees. The rules of the Committee, insofar as they are applicable, shall be the rules of any subcommittee of the Committee.

#### RULE 2. MEETINGS

The meetings of the Committee shall be held at such times and in such places as the co-chairmen, after consultation with the vice-chairmen, may designate, or at such times as a quorum of the Committee may request in writing, with adequate advance notice provided to all members of the Committee. Subcommittee meetings or meetings of any ad hoc working group or task force established by the chairmen, shall not be held when the full Committee is meeting.

#### RULE 3. QUORUM

(a) Thirteen members of the Committee shall constitute a quorum for the purpose of conducting any business.

(b) Two members, one from each party, shall constitute a quorum for the purpose of taking testimony.

(c) Ex-officio members shall not be counted for the purpose of ascertaining the presence of a quorum of the Committee.

#### RULE 4. SUBCOMMITTEES, WORKING GROUPS, AND TASK FORCES

(a) The Committee may establish subcommittees comprised of only members from one House. A subcommittee comprised of members from one House may consider only matters related solely to that House. The respective co-chairman and vice-chairman of the Committee shall serve as the chairman and vice-chairman of the subcommittee considering matters related solely to that House.

(b) The co-chairmen, after consultation with the vice-chairmen, may name appropriate ad hoc working groups or task forces of the Committee as the needs of the Committee may dictate. Any working group or task force so established must be comprised of equal representation from the respective Houses and from the majority and minority parties. The co-chairmen, after consultation with the vice-chairmen, shall designate the chairman and vice-chairman of any working group or task force.

#### RULE 5. ORDER OF BUSINESS

Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the co-chairmen, after consultation with the vice-chairmen, subject to an appeal to the Committee.

#### RULE 6. HEARINGS AND MEETINGS

(a) All hearings and meetings conducted by the Committee or subcommittees shall be open to the public except where the Committee or subcommittee, as the case may be, by a majority vote in open session and with a majority present, by roll call vote, orders an executive session.

(b) The chairmanship of hearings and meetings shall alternate between the House and Senate unless the co-chairmen, after consultation with the vice chairmen, make some other arrangement.

#### RULE 7. WITNESSES

(a) So far as practicable all witnesses appearing before the Committee shall file with the Committee at least 24 hours in advance of the hearing a written statement of their proposed testimony, and their oral testimony shall be limited to brief summaries. Insertions of additional germane material will be received for the record, subject to the approval of a majority of the members present.

(b) The presiding chairman shall provide time for questioning of witnesses by all members, alternating between the chambers and imposing time constraints as necessary, and the rule of relevancy shall be enforced in all hearings.

(c) An accurate stenographic record shall be kept of all testimony and each witness provided with a copy thereof for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription. Witnesses shall be allowed 3 days within which to correct and return the transcript of their testimony. If not so returned, the clerk of the Committee may close the record whenever necessary. Each member of the Committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If another person is authorized by a Committee member to make his or her corrections, the clerk of the Committee shall be so notified.

(d) Selection of witnesses for Committee hearings shall be made by the co-chairmen and vice-chairmen.

### RULE 8. BROADCASTING

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, unless the Committee or any subcommittee, respectively, by majority vote determine otherwise.

### RULE 9. COMMITTEE RECOMMENDATIONS

(a) No recommendation shall be made by the Committee except upon a majority vote of the members representing each House, respectively, a majority from each House being present.

(b) Any recommendation with respect to the rules and procedures of one House which only affects matters related solely to that House may only be made and voted on by the members of the Committee from that House, and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full Committee as a recommendation of the Committee. Once such recommendation is adopted, the full Committee may vote to make an interim or final report containing any such recommendation.

### RULE 10. VOTING

(a) A roll call of the members on a question may be had on the request of any member.

(b) No vote by any member of the Committee with respect to any matter, recommendation, or report may be cast by proxy.

### RULE 11. RECORD OF COMMITTEE PROCEEDINGS AND ACTIONS

There shall be kept a complete record of all Committee proceedings and actions. The records of the Committee, including the records of any and all recorded votes of the Committee but excluding executive session materials, shall be open to all members of the Committee and shall be available for public inspection. Uncorrected transcripts, however, shall not be available for public inspection until the provisions of Rule 7(c) have been satisfied.

### RULE 12. AUTHORITY OF THE COMMITTEE

The Committee, or any duly authorized subcommittee thereof, may—

(a) sit and act at such places and times as the Committee, or any duly authorized subcommittee thereof, determines are appropriate during the sessions, recesses, and adjourned periods of Congress; and

(b) require the attendance of witnesses and the production of books, papers, and documents, administer oaths, take testimony, and procure printing and binding.

### RULE 13. COMMITTEE STAFF

The professional and clerical staff of the Committee shall be under the general supervision and direction of the co-chairmen and vice chairmen and under the direct supervision of the staff director. All staff members shall be selected on the basis of their training, experience and attainments, without regard to race, religion, sex, color, national origin, disability, or age.

### RULE 14. COMMITTEE CO-CHAIRMEN AND VICE-CHAIRMEN

The co-chairmen and vice-chairmen may be unanimous agreement establish such other procedures and take such actions as may be necessary to carry out the foregoing rules.

### RULE 15. CHANGES IN RULES

The rules of the Committee may be modified, amended, or repealed by a majority vote of the members voting at a meeting at which a quorum is present, provided that written notice of any proposed change shall be provided to each member of the Committee not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting date on which such change is to be considered.•

## A TRIBUTE TO BLUE GRASS QUALITY MEATS

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Blue Grass Quality Meats, an outstanding business located in Crescent Springs, KY.

Blue Grass Quality Meats is a 175-year-old company that manufactures processed meats. The company was founded in 1867 by Christopher Rice, a young entrepreneur who provided customers with door-to-door meat service, much like the milkman delivery business. Through the years, the business has remained in the Rice family, and is currently owned by Bill, Glenn, and Jay Rice, the great-grandsons of the founder.

Blue Grass Quality Meats manufactures more than 100 varieties of processed meats including metts, bologna, bacon, wieners, and hams. To manufacture these foods, the company purchases fresh pork, chicken, and beef. The meats are then blended, flavored, cooked, and packaged. Sixty percent of Blue Grass' sales are to supermarkets and delis in Kentucky, Indiana, Ohio, Tennessee, and West Virginia.

Blue Grass executives are currently eyeing a 5-year plan which calls for sales to grow 77 percent by 1997. To achieve this goal, distribution will be expanded to six major cities, including Chicago and Pittsburgh. New products will also be developed, including low-fat meats which appeal to health conscious customers.

I applaud the fine people at Blue Grass Quality Meats for their commitment to growth and expansion. This company serves as an outstanding role model for other Kentucky manufacturers.

Mr. President, I ask that an accompanying story from Covington's Kentucky Post be submitted to today's CONGRESSIONAL RECORD.

The article follows:

### BLUE GRASS PACKS DELIS WITH HAMS

(By Mary Friedberg)

When Bill Rice was 12 years old, he remembers wearing a white plant coat and being permitted to blow the factory steam whistle at C. Rice Packing Co. in Maysville.

A lot has changed since then. Bill is now 61 and chairman of the company, which has evolved into Blue Grass Quality Meats.

The meat processing and packaging company, now located in Crescent Springs, has grown to 85 employees and more than $35 million in annual sales.

Blue Grass manufactures more than 100 varieties of processed meats, including hams, bacon, wieners, brats, metts, bolognas and deli meats. Its products are sold under the brand names Blue Grass and KB Brand.

Hams are the biggest sellers, accounting for about 25 percent of sales, said Sam Finch, president since 1990.

The company is owned by Bill and his brothers, Glenn and Jay. Glenn is vice president, and Jay is secretary/treasurer. Three of Bill's children and two of Glenn's work at the company.

Bill, Glenn and Jay are great-grandsons of Christopher rice, who founded C. Rice Packing Co. in Covington in 1867. The company was a door-to-door meat market service, similar to the milkman delivery business.

Finch and David Kegley, vice president of sales and marketing, are the first nonfamily members to run the company. They were brought on board to help develop and implement an ambitious five-year plan.

The plan calls for sales to grow 77 percent by 1997. The company also plans to double the size of its facility on Commerce Drive to 100,000 square feet. The first 25,000 square-foot-expansion is slated for 1995, Finch said.

Blue Grass also plans to expand distribution to six major cities, including Chicago and Pittsburgh. The company's products already are sold in parts of Kentucky, Ohio, Indiana, Tennessee and West Virginia.

Sixty percent of the company's sales are to supermarkets and delis. The remainder are to the food service industry, such as restaurants and hotels.

The company changed its name from Blue Grass Foods last August to reflect the fact that it is a manufacturer, not a distributor, Finch said. The company buys fresh cuts of pork, beef and chicken. Workers blend the raw meat, add flavorings, cook the mixture and package it.

Also in 1992, the company changed its logo and packaging, and introduced two new products; a coney wiener and Virginia brand ham.

Blue Grass plans to roll out at least three new products in 1993, including a 99 percent fat-free barbecue product, Finch said. The shredded beef with barbecue sauce went on sale in January.

Finch believes the company's commitment to quality is the main reason blue grass is still around after 125 years.

The company also strives to keep its products current, he said. One way is by offering low-fat products to appeal to health-conscious consumers. Its premium ham, for example, is 97 percent fat-free, he said.

"Everything we have done and will do is to try to make our products exactly what our consumers want," he said.•

## REJECT THE VANCE-OWEN PLAN

• Mr. DECONCINI. Mr. President, the U.N. Security Council must, at long last, come to grips with the continued armed aggression directed against Bosnia and Herzegovina or be completely discredited. The outcome of these deliberations will have far-reaching implications beyond the borders of Bosnia. As Harry Truman observed at the end of World War II, "It must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures * * *."

For the past 10 months now we have witnessed naked aggression unleashed by Serbia and Serbian-backed forces against the people of Bosnia and Herzegovina. The Serbs have flagrantly violated each and every one of the basic principles contained in the Helsinki Final Act. The human rights report just issued by the State Department concluded that "so-called ethnic cleansing was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times." This does not border on genocide—this is genocide.

We have heard with horror the victims of rape and forced impregnation. We have seen people gunned down while waiting in line for water. How much more must we see? How much more can we stand to see?

The Europeans have been disturbingly shortsighted in their handling, or better yet, mishandling of this crisis. Perhaps they hoped that somehow the situation would settle down. Well it has not.

Efforts to mediate the conflict have failed, and, as a recent Washington Post editorial concluded, we are faced with ugly choices. There are no simple solutions. We want peace, but what kind of peace?

Former National Security Advisory Brzezinski put it succinctly when he concluded that "Peace in Bosnia will not be possible until the aggressors know that the costs of aggression will be higher than the benefits of aggression."

I have had a chance to review the points contained in the interim arrangement for Bosnia and Herzegovina drawn up by Cyrus Vance and Lord Owen. Simply put, the plan amounts to little more than a sellout of the democratically elected Government of Bosnia and Herzegovina. It is a recipe of accommodation and appeasement.

Adoption of the Vance-Owen plan will not bring an end to the hostilities in Bosnia. Furthermore, it sends an extremely dangerous message to would-be aggressors elsewhere in the world.

As the Post editorial notes, the plan contains "so many concessions to aggression and so few assurances of justice * * *."

Adoption of the Vance-Owen plan flies in the face of the objectives we have been working to achieve: democracy, respect for human rights, and rule of law. It boils down to this—if you have the guns behind you, you can do as you wish with impunity.

The plan would replace the Government of Bosnia and Herzegovina with an interim central government made up of three representatives each from the Moslem, Croat, and Serb communities. Suspending portions of the Bosnian constitution and ousting its leadership.

The plan gives the Bosnian Serb leader, the same man accused by the United States of war crimes, the right to choose who will represent the Serbs on the council. As if that weren't bad enough, the Serb leaders would hold a virtual veto over decisions of the council under the Vance-Owen plan.

The proposed cantonizing of Bosnia would deed substantial lands once held by Moslems to Serbs, at best a de facto recognition of the fruits of ethnic cleansing. And here again, the Bosnian Serb leader is given the right to name leaders for each of the 10 proposed provinces.

Finally, the plan is completely silent on the prosecution of war criminals. Not a word.

Some have compared Vance and Owen to Neville Chamberlain, the architect of the infamous Munich Pact. The comparison fails to recognize one critical difference, Hitler, in 1938, had yet to unleash genocide.

I urge the Clinton administration to reject the Vance-Owen plans as a sham and a farce.

Unless the aggressor is stopped, and stopped now, he will strike again, mark my words. If we endorse the Vance-Owen plan we are, among other things, saying that it is acceptable to change borders through the use of force.

In his inaugural address, President Clinton vowed that "When our vital interests are challenged or the will and conscience of the international community is defied we will act—with peaceful diplomacy whenever possible, with force when necessary."

Our geopolitical interests are at stake—unchecked aggression in Bosnia will inevitably spill over elsewhere in former Yugoslavia and perhaps beyond. Peaceful diplomacy has failed. The conscience of the international community has been flagrantly defied. The time to act is now.

I urge my colleagues to cosponsor Senate Resolution 11. The resolution, which enjoys bipartisan support, including the backing of the majority and minorities leaders, calls for implementation and enforcement of U.N. resolutions on Bosnia. My colleague, STENY HOYER, cochairman of the Helsinki Commission, has introduced a similar measure, House Resolution 35, in the House.

In addition to congressional support, the resolution has been endorsed by the American Task Force for Bosnia. Mr. President, I ask that a list of the members of the task force be included in the RECORD.

Mr. President, I urge the administration to reject the Vance-Owen plan as the basis for further negotiations on Bosnia and Herzegovina. Let us recognize the initiative for what it really is

A sellout of democracy;

A sellout to change through peaceful means; and

A sellout of justice.

The list of members follows:

JOINT ACTION ON BOSNIA AND HERZEGOVINA

American Jewish Committee

American Jewish Congress.

American Moslem Public Affairs Council.

American Muslim Council.

American Task Force for Bosnia.

Americans for Freedom in Former Yugoslavia.

Arab American Institute.

B'nai B'rith International.

International Union of Muslim Women.

Maryland Coalition for Bosnia.

National Association of Arab Americans.

National Organization for Victims Assistance.

New Jewish Agenda.

North American Council for Muslim Women.

Solidarity International for Human Rights.

Union of American Hebrew Congregations.•

## A TRIBUTE TO RAYMOND BRADBURY

• Mr. McCONNELL. I rise today to pay tribute to Raymond Bradbury, an outstanding Kentuckian who recently retired after more than four decades in the coal mining business.

Mr. Bradbury began his mining career at the young age of 18. While most teenagers were enjoying a carefree summer, Bradbury was busy loading coal on the night shift. His dedication and commitment to hard work was soon noticed, and he became known through the mines as a dedicated, honest, and respected worker.

In 1969, Bradbury was given the opportunity to establish a small mine in eastern Kentucky named Martin County Coal. Bradbury accepted the challenge, and in only 2 years underground operations began. Martin County Coal quickly grew, eventually employing 599 people, operating 4 underground mine sites, and furnishing a local power company with over 2 million tons of coal a year.

Bradbury was also known as a leader in the coal mining industry. Under his direction, Martin County Coal began to use diesel-powered equipment, and all new employees at the mine were challenged with a 90-day training program. These and many other practices originated by Bradbury were adopted by other mining operations.

Today, I honor Raymond Bradbury for his honesty, integrity, and dedication to one of Kentucky's premier industries. I wish him health, happiness, and luck in the future.

Mr. President, I request that an accompanying article from the Martin County Mountain Citizen be submitted in today's CONGRESSIONAL RECORD.

The article follows:

[From the Martin County-Tug Valley Mountain Citizen]

### BRADBURY RETIRES FROM MCC

(By Michael Sisco)

COLDWATER.—After more than four decades in the coal mining business, more than 23 of those years at the helm of Martin County Coal, Raymond Bradbury announced last week that he is retiring.

"It's time to move on," he said. "It's time to turn it over to the younger guys."

The younger guys should take some notes.

Bradbury, the son of English immigrants who moved into the U.S. in 1928, has seen much and is more than willing to share what he knows. His father, who worked in the mines as a first aid instructor and equipment demonstrator (at an annual salary of $2,400), gave a young Raymond the opportunity to find out for himself if he wanted to pursue a career in the mining business (Bradbury had considered practicing medicine).

So, during the summer of his 18th year, while most other teenagers were having a fun summer, Bradbury began work on the night shift, loading coal by hand. Surprisingly enough, he liked it, and quickly made a name for himself as an honest, dedicated worker, someone who commanded respect.

In 1969, A.T. Massey offered Bradbury the opportunity to establish a fledgling mine to be called Martin County Coal. Bradbury accepted Massey's offer, and in two short years, MCC had hired its first 40 employees and began their first underground operation. The young mine excavated more than 572,000 tons of coal the first year, and by January 1972, the company had opened its first surface operation, and began running coal on schedule. By March 1, MCC loaded its first train of coal.

Under Bradbury's direction, MCC grew large enough to employ 599 people ("regrettably, we never were able to hire the 600th person," Bradbury said), operating four underground mine sites, furnishing Duke Power Company (MCC's primary customer) with over 2,000,000 tons of coal annually. Bradbury saw to it that MCC was a pioneer in the mining industry, using diesel-powered equipment underground (a system that was quickly adopted around the country), and ensuring that every employee went through a 90-day apprenticeship training program.

Bradbury's legacy with MCC was not without some sadness. He experienced first-hand the waning of the "coal boom" and the layoffs of 1983 and 1988.

"Even though we're in this business to make a profit, any time you have to reduce personnel, especially in an operation like ours, where you know each employee personally, it hurts," he said.

Bradbury's retirement seems to have come at a time of rebirth for MCC, as the company will soon break the 3 billion ton mark. As with any company that has operated with one person at the forefront, MCC reflects aspects of Bradbury's personality.

"Integrity, honesty, organization, and a team concept. I hope that I have had some influence in the development of these attributes," Bradbury said.

Bradbury stresses that even though he will no longer be a part of the MCC team, people have no reason to fear the company's destiny.

"I'm leaving this in the very capable hands of Larry Jones," he said.•

## BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 25, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (House Concurrent Resolution 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated February 22, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 1, 1993.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through February 25, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 22, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
*Director.*

### THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF FEB. 25, 1993

[In billions of dollars]

| | Budget resolution (H. Con. Res. 287) | Current level [1] | Current level +/– resolution |
|---|---|---|---|
| On-budget: | | | |
| Budget authority | 1,250.0 | 1,247.9 | –2.1 |
| Outlays | 1,242.3 | 1,241.8 | –.5 |
| Revenues: | | | |
| 1993 | 848.9 | 849.4 | +.5 |
| 1993–97 | 4,818.6 | 4,820.0 | +1.4 |
| Maximum deficit amount | 420.8 | 392.4 | –28.4 |
| Debt subject to limit | 4,461.2 | 4,108.4 | –352.8 |
| Off-budget: | | | |
| Social Security outlays: | | | |
| 1993 | 260.0 | 260.0 | |
| 1993–97 | 1,415.0 | 1,415.0 | |
| Social Security revenues: | | | |
| 1993 | 328.1 | 328.1 | (2) |
| 1993–97 | 1,865.0 | 1,865.0 | (2) |

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

### THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS FEB. 25, 1993

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 849,425 |
| Permanents and other spending legislation | 764,283 | 737,413 | |
| Appropriation legislation | 732,061 | 743,943 | |
| Offsetting receipts | (240,524) | (240,524) | |
| Total previously enacted | 1,255,820 | 1,240,833 | 849,425 |
| ENACTED THIS SESSION | | | |
| Entitlements and Mandatories | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | (7,928) | 962 | |
| Total current level [1] | 1,247,892 | 1,241,794 | 849,425 |
| Total budget resolution [2] | 1,249,990 | 1,242,290 | 848,890 |
| Amount remaining: | | | |
| Under budget resolution | 2,098 | 496 | |
| Over budget resolution | | | 535 |

[1] In accordance with the Budget Enforcement Act, the total does not include $1,145 million in budget authority and $6,988 million in outlays in emergency funding.

[2] Includes revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative.•

## RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

• Mr. ROCKEFELLER. Mr. President, paragraph 2 of rule XXVI of the "Standing Rules of the Senate" requires that committee rules be published in the RECORD in the first year of each new Congress. Pursuant to that provision, I ask that the committee's rules of procedure as amended and adopted by the Committee on Veterans' Affairs in February of this year be printed in the RECORD at this point.

The rules of the committee follow:

### RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

(As amended and readopted February 1993)

#### I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee or a Subcommittee shall be open to the public.

(c) The Chairman of the Committee or of a Subcommittee, or the Vice Chairman in the absence of the Chairman, or the Ranking Majority Member present in the absence of the Vice Chairman, shall preside at all meetings.

(d) No meeting of the Committee or any Subcommittee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

### II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee and four members of a Subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee or Subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee or Subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

### III. VOTING

(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll-call vote is requested.

### IV. SUBCOMMITTEES

(a) No member of the Committee may serve on more than two Subcommittees. No member of the Committee shall receive assignment to a second Subcommittee until all members of the Committee, in order of seniority, have chosen assignments to one Subcommittee.

(b) The Committee Chairman and the Ranking Minority Member shall be ex officio nonvoting members of each Subcommittee of the Committee.

(c) Subcommittees shall be considered de novo whenever there is a change in Committee Chairmanship and, in such event, Subcommittee seniority shall not necessarily apply.

(d) Should a Subcommittee fail to report back to the Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and so notify the Committee for its disposition.

### V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee or a Subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee or a Subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the Committee or Subcommittee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

### VI. MEDIA COVERAGE

Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

### VII. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee and its Subcommittees.

### VIII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

### IX. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

### X. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.•

## TRIBUTE TO JERGEN NASH

• Mr. DURENBERGER. Mr. President, nearly everyone who grew up in Minnesota listening to the "Good Neighbor of the North" knows the name and voice of Jergen Nash. For years, Jergen spoke into the WCCO–AM radio microphone as if he were speaking to each of his listeners, one-on-one. Well, today, that microphone has been turned off. Jergen Nash said farewell to his audience this morning. He will be missed.

Jim Klobuchar, a columnist for the Star Tribune, spoke for all of us who know and appreciate Jergen Nash's contribution to the community when he wrote, "he has been from the beginning a man of generous and good spirit."

Mr. President, I ask that Jim's article be entered into the RECORD in its entirety at this point.

The article follows:

[From the Minneapolis Star Tribune, Mar. 2, 1993]

### IT WAS TIME TO LEAVE, BUT HIS FAREWELL NEVER HIT THE AIR

(By Jim Klobuchar)

You couldn't call it a valedictory. It took him only seconds to say Valedictories are supposed to be formal, lathered with eloquence. But all Jergen Nash wanted was to say goodbye.

He wanted to tell those small platoons of people who listen to Sunday morning radio that this was the finish of his lifetime in broadcasting. He'd never slopped around much with theatrics in his years as a news announcer and disc jockey. And he had no trouble avoiding it when he later re-treaded himself as a sort of lefse-munching philosopher, an aging troubadour enjoying his retirement years traveling with his wife. On tape he would noodle for a few minutes on Sunday mornings about the bafflements and nuggets of life in England or, as a matter of fact, in south Minneapolis.

So Sunday on WCCO–AM he finished his 3½-minute taped essay on the phenomenon of salt. That was his subject Salt. Early Sunday morning listeners tend to be tolerant of news about salt.

And after a few moments' pause, he acknowledged to his listeners that he wasn't feeling well and that this would be his last broadcast. He thanked them for bringing him into their homes for so many years, and made this his goodbye.

He didn't say that, at 75, he has cancer that can't be reversed. For an old man in broadcasting for whom professional standards have been important, that would have been much too self-absorbed.

He was simply saying it was time to leave.

But the quirks of the broadcasting business are not always kind. The Jergen Nashes have learned through a career of walking through land mines.

It didn't stun him that his little farewell never reached the listeners. It did unsettle some of his friends.

Nash's personal note, modest as it was, was cut off before it got on the air. It fell victim to one of those small but lurking horrors of the broadcasting business. It happened accidentally and innocently, but there it was. The station's Sunday morning host, Mike Miller, thought the tape was finished and, unaware of its contents, went on to something else.

"We didn't realize what happened until now," a station spokesman told an inquirer from the newspaper. "It was totally inadvertent. Jergen has always been such a treasure around here. He's that kind of fellow, and he's done that much for our listeners."

Partly in contrition but mostly because it's the right and decent thing to do, the station is inviting him back to its studies to chat a little more about Jergen Nash and his life in radio Thursday at 11:30 a.m.

There must be a Scandinavian proverb somewhere at large to explain that out of embarrassing moments sometimes a rough justice emerges. That means that instead of walking away from nearly 50 years in broadcasting with a brief aside heard by no one, Jergen goes out hearing good and affectionate things said about him from those who have been his colleagues and from the more important ones, his listeners.

Jergen Nash was no broadcasting bombshell. He gave the news with a voice that had clarity and authority, and he told musty stories about the Norwegians and Swedes with even more authority. He grew up in the broadcasting business when it was all right to be a little reflective and all right to be a little cornball. For a generation of listeners welded to WCCO's persona as a chummy neighbor and self-promoting town crier, Jergen Nash's voice and random spurts of whimsy were familiar and staple. The superstars like Steve Cannon and Charlie Boone and Roger Erickson and Howard Viken had bigger marquees. But Jergen Nash represented something very sturdy and comfortable for the kind of people attracted to what WCCO gave them day in and day out.

In a business swarming with insecure hotshots, here was a fellow who seemed to have a well-defined sense of place, and it wasn't all Scandinavian. He was lanky and bald, and visitors to the studio often found him pretty formidable at first, but he has been from the beginning a man of generous and good spirit. He wore well with the station and with its audience.

Because I've liked his work for a long time, I called Monday to express my respects. He was asleep. His wife, Mary, told of his illness, the progression of it from the lungs, his chemotherapy and now his care in a hospice program at home. The caretaker, of course, is Mary Nash, the Englishwoman he met while he was in the service in England in World War II.

She talked with love and candor. They may not see another March together, she said. He knows that. For years they had been living part of the year in the English Midlands with her relatives, most of them women. Those visits produced some of the mellower and some of the more incisive of his little Sunday morning vignettes. "He had to deal with this gaggle of women," Mary said, "so he started going upstairs with his typewriter to take refuge. I think he wrote some very listenable things."

That he did. What I've liked professionally about this man is his conduct of his later years in a business so volatile and so ravenous in the way it chews up egos. When it was time to step out of full-time broadcasting, he seemed to do it with acceptance and without resentment. But keeping the connection with his work and his community was important. He found a way to do it with grace and humor and a little self-mockery. And now with an illness limiting his world, he can tell himself that he has done something very fundamentally right in how he has lived and worked.

I don't know of a better way for a broadcaster to sign off.

Mr. DURENBERGER. Mr. President, on behalf of the people of Minnesota, I thank Jergen Nash for his years of public service as a news announcer, and for his sturdy and comfortable persona on the air. We wish him and his wife Mary all the best.●

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## A TRIBUTE TO MAJ. GEN. CHARLES M. KIEFNER

● Mr. BOND. Mr. President, on Saturday, March 6, Maj. Gen. Charles M. Kiefner will step down as Adjutant General of the State of Missouri, bringing to a close a career spanning more than four decades of service to his Nation and his State.

Charlie is the dean of the Nation's Adjutants General, having served with only one interruption since 1973. He is also the longest serving Adjutant General in Missouri history.

Our families have been friends for most of this century and Charlie Kiefner and I have been closest of friends for over 20 years. Also, I count him among my closest professional associates.

Since I first appointed Charlie to lead the Missouri Guard in 1973, he has devoted his life to making it the sophisticated, highly trained force that it is today. Not only have Charlie Kiefner and the Missouri Guard been ready at a moment's notice to respond to natural disasters over the past two decades, but they have also responded to the Nation's call—participating in Operations Just Cause, Desert Shield, and Desert Storm.

As Governor, I always knew that I could call upon the Guard to assist with flood relief, to respond to a tornado, or to help eradicate marijuana from our forests. As Senator, I have had the honor of greeting troops returning from overseas deployments, and I have seen first hand that Missouri's troops are truly the Nation's first line of defense.

The Missouri National Guard is a force of which Charlie truly can be proud. He can leave his command knowing that he had done his job well and that he is leaving behind a group of men and women as highly trained and motivated as any the State has ever seen—and most of the credit belongs to Charlie Kiefner.

Charlie has been a tireless advocate on behalf of the Missouri National Guard, constantly working with officials from the local level to Washington to ensure support for the Guard. He certainly has kept me busy. In fact, I have often said that when I was Governor, Charlie worked for me; but since I've been in the Senate, I've worked for Charlie.

Charlie's activities have not been limited only to the State level, however. He has been an active participant in both the Adjutants General Association and the National Guard Association of the United States—serving as its president for 2 years.

During his service as president of the Guard Association, Charlie was the force behind creation of the Senate National Guard Caucus. That group, which I chair along with my distinguished colleague, Senator WENDELL FORD of Kentucky, counts more than half the Senate as members and has played a significant role in fighting Guard cuts over the past 4 years. It is yet one more achievement of which Charlie can be proud.

The men and women of the Missouri National Guard, the people of Missouri and of this Nation owe Charlie Kiefner great thanks for his decades of service. He is the kind of military leader who has kept this Nation strong and ensured that we can continue to live in freedom.

And in true military tradition, not only has Charlie served but his family has, as well. He wife, Marilyn, has very much been a part of Charlie's personal and professional support system. Few in the Guard have failed to meet and admire Marilyn. With never a complaint, Marilyn uprooted their family from their comfortable home in Perryville to move from apartment to apartment, finally to a condo and only this year to a permanent home in Jefferson City. The prospect of keeping up with Charlie on his travels, as Marilyn has so often done, is daunting enough; to have made such a warm and loving home regardless of her surroundings is the real measure of this woman.

I wish Charlie and his wife Marilyn the best of luck as they embark upon a well-deserved retirement. Knowing Charlie as I do, I am certain that his contributions to the Guard will change only in form, not in substance.•

## RUSSIA AND THE BALKAN CRISIS

• Mr. D'AMATO. Mr. President, I rise today to warn that old, bloody enemies of human freedom and peace gather again to threaten our future. One specter from the past is Pan Slavism. Another is fascism, and the last is communism. Together, these evils in the opposition threaten Russian democratic reform and Balkan peace.

Most Americans know no more about Pan Slavism today than they knew about Bosnia before the disintegration of Yugoslavia. But one of the key events in the sequence that began World War I was Russian fraternal assistance to its Serbian allies against the Austro-Hungarian empire.

What does this piece of distant history have to do with today's events? Too much for comfort.

Let me explain. Recently, the Speaker of the Russian Parliament, Ruslan Khasbulatov, made ominous statements threatening a Russian break of the international arms embargo against Serbia. There are even reports of a large arms deal recently concluded between Serbia and Russia. In addition, the media has reported that as many as 1,000 Russian volunteers are now fighting in Bosnia on the Serbian side.

These are just some of the more recent, public manifestations of a resurgence of pro-Serbian sentiment in Russia. A great many Russians actually favor aiding their brother Slavs against the Moslems of Bosnia. While President Yeltsin and the Russian Government have been cooperative and helpful to our efforts to achieve a peaceful and just settlement of the war in the former Yugoslavia, other forces in Russia seek to take advantage of that cooperation and use it as a political weapon against Yeltsin and his allies and against Russian reform in general.

Who are those forces? Khasbulatov is one of the leaders of what has been variously called the red-brown of red-black coalition. This coalition is a poisonous and evil combination of reactionary communists and extreme Russian nationalists with a clear fascist cast, not unlike Serbian President Slobodan Milosevic's political allies.

Russian participation—and the precise nature of the Russian role—are very important to the success of international efforts to achieve a just peace in the former Yugoslavia. If Russia can be brought into the peacemaking and peacekeeping process as an active and supportive player, it actually increases the chances of success by reassuring the Serbs that they will not be victimized by the peace process.

However, if Russia is not a constructive player, it will be very difficult for the process to succeed. Clearly, even a small tilt in Russian policy toward Serbia will make embargo enforcement a much more difficult process. A larger tilt could produce Russian vetoes of Bosnia-related initiatives in the U.N. Security Council, stalemating unified international action for peace. Nevertheless, a tilt in any respect could embolden Milosevic, thus further radicalizing him.

Behind the international political cover provided by Russian diplomatic intervention on their side, the Serbian aggressors will press ahead with ethnic cleansing and the creation of Greater Serbia. This course of action could have extremely dire consequences—results that are so evil and bloody that, when examined, many may dismiss them as rhetorical exaggerations and totally improbable.

I tell my colleagues that they are not exaggerations. They are the soberly considered, easily foreseeable products of policies, statements, and actions already underway.

I don't need to tell my colleagues about Kosova and the Serbian desire to cleanse Kosova of its Moslem ethnic-Albanian population—a group that constitutes approximately 90 percent of the total population of that Province. President Bush publicly warned that any such violent Serbian attempt to drive the Moslem ethnic-Albanian population out would be met with a direct United States response.

But when you follow that chain of events just one more step, you find yourself in the middle of a growing regional war—one with the most dire consequences for our own national interests. If Kosova undergoes ethnic cleansing, it is not at all unreasonable to believe that both Albania and Macedonia—both of which share borders with Kosova—would be pulled into the conflict.

Then, Greece, Turkey, and possibly Bulgaria would have to take steps to protect their perceived and stated interests. Turkey would come to the aid of its Moslem coreligionists—President Ozal made a very recent visit to Albania, Macedonia, and Bulgaria. Greece would come to the aid of its Serbian coreligionists.

Once that happened, the conflict could not be contained in the Balkans. It is possible that Greece and Turkey would become engaged in direct hostilities across the Aegean and along their common border, in addition to combat in the Balkans.

Since both Greece and Turkey are NATO members and longstanding United States allies—we have military bases located in both nations—we would be in an extremely difficult position. At a minimum, a Greek-Turkish war would seriously disrupt NATO.

Turkish involvement in a Balkan conflict would make continuation of our Middle East policy very difficult. Turkey is vital to our efforts to contain Saddam Hussein and Iraqi aggression. We support and protect the Iraqi Kurds from Turkish bases. Turkish participation is essential to maintaining the embargo against Iraq.

Finally, going one step further, Turkey's role in central Asia is an important counterweight to radical Iranian fundamentalist ambitions in the former Soviet Republics. With Turkey embroiled in a Balkan conflict and perhaps a direct war with Greece, it would not have the time or the resources to block Iranian ambitions in those Republics.

Additonally, if the embargo against Iraq is broken as a consequence of Turkish military requirements for a secure supply of petroleum and an Iraqi promise that its southern border will be peaceful, Iraq will have defeated the post-Gulf-war measures we orchestrated to contain Saddam Hussein. The Kurds will be swiftly crushed, Kuwait will once again be in peril, Saudi Arabia will be at risk, and the world's petroleum supply will suddenly become uncertain.

Now, let me return to the beginning of this discussion. Russia and Pan Slavism add a dangerous dimension to this situation. In fact, our very highest priority international interest at this time must be to sustain and advance democratic reform in Russia.

If the Russian red-browns gain the upper hand, the cold war will not return in its past form. There will be no Soviet Western Group of Forces sitting on the inter-German border with credible plans and the military capability to reach the English Channel beaches in a brief and very violent attack. The fall of the Evil Empire, the dismantling of the Warsaw Pact, and pro-Western positions of the Eastern European governments prevent it.

However, we may get something worse—a series of small- to medium-sized hot wars in which Russia plays a part. Remember that there are significant Russian ethnic minorities remaining in many of the former Soviet Republics—and the red-browns will feel the same need to come to their protection that they feel where the Serbs are concerned—only more strongly, since the people in question are actually Russians.

Finally, the political argument over coming to the aid of the Serbs and ethnic Russians outside Russia is simply a strawman for the real debate in Russia—whether to go forward with reform and join the community of civilized nations. The emotional appeal of historical alliances and kinship relations is advanced to attack Yeltsin's policy of cooperation with the West on the Balkans and on other fronts as well.

Yeltsin has had to shift position to the right to fight off these political attacks. His changes of position have already, in my view, slowed down the progress we can make in bringing a just peace to the Balkans. Moreover, these shifts may be perceived as threats by Russia's neighbors.

Already, States on Russia's borders are having to change their thinking—to consider security as well as reform as top national priorities. Such a shift in emphasis would be gradual, but it would threaten many U.S. policy objectives in Europe.

In this regard, I call my colleagues' attention to the issue of arms control. We have CFE and START I to implement and START II to ratify. If a raging Balkan regional war breaks out, what impact will that have on arms control? I believe it would be very negative.

In this case, how would Ukraine feel about a reactionary Russia on its borders? Would it be willing to relinquish its nuclear missiles?

How will the Baltics react? What about Tajikistan? There are clearly too many violent scenarios to consider.

When I talk to people about the Balkans and the war in Bosnia, they are uniformly outraged by the genocidal acts the Serbs have employed as they work to build Greater Serbia. I have in the past called for United States airstrikes on Serbian positions and I continue to believe that only through the use of force will Serbia be persuaded to stop its war against the innocents.

The general reaction to the prospect of deeper United States involvement in the Balkans is to ask, "why us, why not the Europeans?" In addition, people ask me to identify the United States national interest at stake in Bosnia.

Unfortunately, in this age of the sound bite, there is not a short answer to that question. There is an answer, and it is the imperative need to prevent the course of events I have discussed above. But that explanation seems exaggerated, extreme, and not credible to many people.

I suggest that it is now time for my colleagues—and for opinion leaders in this country at large—to think again. The threat to our future is real. It reaches beyond war to promise broad policy defeats affecting everything we have tried to do since World War II.

Temporizing and half measures will not do. Time—and the Serbian aggressors—march on, paying no attention to our domestic debates about the economy or the deficit. The Serbians may even rejoice that we are distracted from their activities and appear unlikely to have the inclination, the will, or the strength necessary to decisively halt their aggression.

Badly handled, the gathering of evil that together drenched the 20th century in blood threatens an encore performance. It will not be an avalanche of mobilizations by major powers whose militaries are on a hair trigger, as happened at the outset of World War I. It will not be a continent-spanning series of aggressions according to a cunning plan, the course Hitler pursued at the start of World War II. It will not be a long twilight struggle with a nuclear-armed superpower adversary driven by a global ambition and inspired by Marxist ideology, that constituted the cold war.

What it could be is a situation in which we do too little, too late, at every critical juncture, allowing aggression to succeed, allowing ethnic cleansing to go unreversed, allowing genocide to go unpunished, allowing the war to widen, and allowing the cost of correcting these developments to continue to escalate beyond the price that we are politically willing to pay at any particular point. Instead of having a new world order, we face the possibility of an increasing world disorder.

President Clinton has ordered an airdrop of humanitarian supplies to persons in danger in Bosnia. I commend this step, but I fear this measure will fall far short of deterring additional Serbian efforts to create by force their Greater Serbia. The first reports show that the drops have not been totally successful. In fact, the first ended up in Serbian hands. How does airdropping food and supplies stop ethnic cleansing?

How do airdrops reverse Serbian gains in Bosnia? How do they deter Serbian attacks on Kosova or Macedonia?

Arguably, they send a signal of U.S. concern. But do they send a signal of meaningful U.S. resolve? Knowing what I know about the history of the Balkans and the nature of the Serbian leaders, I do not think so.

I ask my colleagues to carefully consider this problem—to look into the future and consider the consequences if we do not assume the leadership role that, as the last remaining superpower, is ours. It is vitally important that we—along with our European allies—take decisive steps to prevent the negative course of events I have previously discussed from taking place. Otherwise, our legitimate and pressing concern with our own economy and our budget deficit may cost us far, far more than we now think it may.•

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## A TRIBUTE TO FULTON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Fulton in Fulton County.

Fulton is a small community located in the far southwestern corner of Kentucky. The town sits among gently rolling hills and is bordered by the Mississippi River.

Fulton was first formed in 1861 as a stop along a railroad track. As the years passed, the railroad became the dominant force in the town's history. Fulton eventually became the hub of the Illinois Central Railroad, which meant prosperity for the Kentucky town.

The presence of the railroad brought a special distinction to Fulton. Trains hauling bananas from the Gulf of Mexico stopped in Fulton to have the fruit re-iced before it was shipped across the United States. As a result, Fulton was dubbed, "The Banana Crossroads of the United States." To celebrate the unique title, residents host the International Banana Festival each year. At the festival, visitors can dig into a 1-ton banana pudding.

Today, the railroad still plays an important part in the livelihood of Fulton. Many community members are employed by railroad companies, and Fulton serves as a stop for Amtrak's New Orleans to Chicago route.

I applaud Fulton's dedication to the great American railroad and the efforts of the community to preserve a rich heritage. Fulton truly is one of Kentucky's finest towns.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

### FULTON

(By Mark Schaver)

The first thing newcomers learn about Fulton is that it's not one town. It's two.

Fulton sits on the state line next to South Fulton, Tenn., and the two towns are so close that they even shared the same city manager for a few years.

It's easy to confuse them because there's nothing that sets the towns apart except for a few signs. They just bleed into each other. Downtown Fulton is on one side of the street, and downtown South Fulton is on the other. You can stand on the sidewalk and be in Kentucky, and then enter a building and be in Tennessee.

That can create problems.

Former Fulton Police Chief C.M. Jobe tells of a man who was arrested for public intoxication a decade or so ago in an area known as "skid row."

"He was so drunk that he couldn't move, and he was just leaning up against the wall asleep," Jobe said. "One of our policemen picked him up, and that was challenged in court because they said his feet were in Kentucky, and his body was in Tennessee." The judge threw the case out.

Although the two towns call themselves the Twin cities, their relationship has not always been smooth. For a time, the local high school sports teams had to stop playing each other because, as legend has it, too many fights broke out after games.

"One of the biggest problems this town has is the state line," said John L. Jones, a Fulton dentist. "It drives a wedge between the two towns."

In the last City Commissioner race in South Fulton, the winning slate built its campaign around the promise to pull the town out of a joint Economic Development Corp. They argued that South Fulton could do a better job attracting industry on its own. Some South Fulton merchants are also trying to organize their own chamber of commerce to replace the joint chamber the communities now sponsor.

Both towns could save a lot of money by combining their fire and police departments and other municipal services, but nothing has come of talk along those lines, mostly because the laws of the two states are not compatible.

Differences between Kentucky and Tennessee have influenced the way the towns have grown. The Kentucky sales tax is lower, so most of the retail stores are on the Kentucky side. But there is no income tax in Tennessee so residential development tends to take place there.

It's common for members of the same family to live on both sides of the state line, and for people to live on one side and work on the other. Fulton Mayor Elaine Forrester even has two Tennesseans working in her florist shop, and in most respects, the towns do get along.

"It's like trying to separate you right arm from your left arm. You can't do it," said Kenneth Crews, the president of the City National Bank. "We're the same community."

And Fulton has prospered because it sits on the state line. On your first visit, you might think that the only thing townspeople buy is liquor and lottery tickets. Every store seems to be selling one or the other. That's because the surrounding counties in both states are dry, and Tennessee does not have a lottery.

"They can't even play bingo in Tennessee," said Frank Woolf, the manager and part owner of Buck's Party Mark, which is one of the top sellers of lottery tickets in Kentucky.

(The liquor store is called the Party Mark because of fears that a Paducah liquor store that has the trademark on the Party Mart name would sue if Buck's used it. But Woolf said everyone calls his store the Party Mart anyway.)

Fulton has thrived as a crossroads. Early in the century, people from other counties used to ride into Fulton on a train known as "Whiskey Dick," then ride back home.

"It's always been wet," Jones said, "and there's never been any effort to dry it up." (Other than Prohibition, of course.)

Fulton was established in 1861 as a stop along a railroad track, and the railroad has been the dominant industry throughout the town's history. Even now Fulton is one of the very few towns in Kentucky that has regular passenger rail service via Amtrak. The City of New Orleans stops every night on its trips between Chicago and New Orleans. (The Cardinal, AMTRAK's service between Chicago and Washington, makes several stops in northeastern Kentucky, including Maysville.)

"You can't go anywhere in this town unless you cross a railroad track," said B. Roger Pulley, Fulton's city manager.

By the turn of the century, Fulton has become the hub of the Illinois Central Railroad. North-south and east-west tracks of the railroad converged there, and the town prospered.

In its heyday in the early part of the century, Fulton thrived as few towns in Western Kentucky thrived. It even had its own opera house, the Vendhome, which presented such stars as Sarah Bernhardt, the French actress, and John Philip Sousa, the composer and band leader remembered for his military marches.

At one time, more than 30 passenger trains and 3,000 freight cars rolled through town each day. The trains also carried the mail, so someone who wanted to send a letter to another state could do it overnight.

A few miles northwest of Fulton is the tiny town of Cayce, which was the home of one of the most famous railroad men of all time, Casey Jones, an engineer who drove the Cannon Ball express between Memphis, Tenn., and Canton, Miss.

Jones became a folk hero in 1900 when his passenger train collided with a freight. He could have jumped and saved himself, but he stayed aboard to apply the brakes, sacrificing himself to save his passengers and crew.

Trains earned Fulton a special niche as "the banana crossroads of the United States."

Trains would bring bananas that had been shipped to ports along the Gulf of Mexico from Central and South America. The bananas would be re-iced in Fulton, and then shipped throughout the United States.

In 1963, just as refrigerated trucks were replacing the rail cars, Fulton inaugurated the "International Banana Festival" as a way to celebrate the town's heritage. Every year the festival provokes an orgy of banana jokes, but it is most celebrated for its one-ton banana pudding that is consumed by the thousands who come to see the craft booths, games and entertainment.

In its early years, the festival included guests from Central and South America. One year, W. Averill Harriman, the urbane personification of American diplomacy, made an appearance at the festival. But in recent years, financial constraints have limited the festival, and this year the town worried it wouldn't have any bananas at all until the Dole Food Co. Inc. came through at the last minute.

Fulton is unusual in other ways.

It's a cliche of small-town life to have a place where the older men gather every morning to solve the world's problems. In most towns that takes place in a coffee shop, but in Fulton the men gather in a room at the City National Bank. The bank built the room just so the men would have a place to gather because there is no coffee shop downtown.

"If you take a consensus . . . and go opposite, you'll be ahead," said George Moore, a retired railroad conductor.

The downtown, which has suffered since Kentucky's first Wal-Mart opened in Fulton 20 years ago, is undergoing a transformation. A number of buildings have been torn down, and there are plans to put a park and a senior citizen's center in an almost vacant area between Fulton and South Fulton.

The tracks that once ran through downtown Fulton were pulled up a few years ago, but the railroad still passes through town, although not nearly as often as it used to. Many still work for the railroad, but probably more people these days work at the giant Goodyear tire plant in nearby Union City, Tenn.

Farming remains important too, although the cotton once grown in the county has been supplanted by soybeans and corn (and this year, a farmer even planted rice).

There is optimistic talk of new industries coming to Fulton, but whatever the future brings, townspeople will probably never lose the feeling that they are ignored too often by the rest of the state—a common attitude in the far reaches of Western Kentucky.

"We feel like a stepchild as far as Kentucky government is concerned," said Carbilene G. Bolin, a retired librarian. "We don't feel like they know we're here. We just hang on the edge of the state, and we need someone to jerk us back in."

Population (1990): Fulton, 3,078; Fulton County, 8,271.

Per capita income (Fulton County, 1990): $14,100, or $892 below the state average.

Jobs: Construction, 31; manufacturing, 1,231; transportation/utilities (railroads excluded), 43; wholesale/retail trade, 748; finance/insurance/real estate, 126; services, 423; state/local government, 549.

Big employers: Excel Manufacturing (auto glass), 220 employees; H.I.S. Manufacturing (clothing), 175; UARCO Inc. (business forms), 155.

Education: Fulton Independent Schools, 633; Fulton County Schools, 870.

Transportation Rail—AMTRAK passenger service to Chicago and New Orleans from Central and Norfolk Southern. Air—Fulton Municipal Airport, 2,700-foot runway (nearest scheduled commercial service at Barkley Regional Airport, Paducah, 55 miles). Water—Hickman-Fulton County Riverport on Mississippi River, 11 miles.

Topography: From flat floodplains marked by ponds, sloughs and marshes along the Mississippi River to gently rolling uplands.

### FAMOUS FACTS AND FIGURES

Fulton and Fulton County are named for Robert Fulton, the inventor who launched the Clermont, the first commercially successful steamboat.

The first post office at what became Fulton was named Pontotoc, a Muskogean Indian word for "cattall prairie."

A Fulton native, Charles Smith, and his friend, Charles Lindbergh, talked about making a trans-Atlantic airplane flight together, but Smith died in 1925 in an airplane crash at St. Louis. Lindbergh played taps at Smith's funeral in Fulton and flew back the next year to scatter flowers on his grave.

This is how someone quoted in The Fulton Leader described the experience of living through the tornado that struck the town in 1975: "It scared me so bad I got up and put my clothes on."

## COMMENDING GREG A. PAPUGA, JR.

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Greg A. Papuga, Jr., of Florissant, MO. He is a member of Boy Scout Troop No. 884 and has attained the prestigious rank and honor of Eagle Scout.

Greg attends Hazelwood Central High School, where he is a member of the young astronaut's club and a student council representative. While in the Cub Scouts, he earned the ranks of Bobcat, Wolf, Bear, and Webelo. He earned all 12 activity pins as a Webelo. Greg also achieved Cub Scouting's highest award, the Arrow of Light. He graduated from the Cub Scouts on April 14, 1988.

On April 14, 1988, Greg joined the Boy Scouts and earned the ranks of Tenderfoot, Second Class, First Class, Star, Life, and Eagle. In addition, he attained 8 skill awards and 22 merit badges. Greg is a veteran camper with over 130 nights of camping experience. He has participated in leadership training classes and has received numerous positions of responsibility and leadership.

Mr. President, I would like to extend my congratulations and best wishes to Mr. Greg A. Papuga, Jr., for his service and commitment to the Boy Scouts of America and hopes for continued success in the future.•

## TRIBUTE TO DR. GIZAW TSEHAI AND FAMILY

• Mr. DURENBERGER. Mr. President, it was with little fanfare that we learned Sunday that 400 Ethiopian political prisoners finally won their freedom. Dateline: Addis Ababa, Ethiopia, February 27—then four small paragraphs in the Washington Post citing the official Ethiopian News Agency as saying that the transitional government released the prisoners on bail after being held for 19 months without trial. The rolls included the names of former ministers of the government of Mengistu Haile Mariam.

Not much to jolt most of us as we perused the newspaper. But, this was long awaited information that sent up shouts of joy in Addis Ababa, Washington, DC, and Minneapolis, MN. Among those held without trial was Dr. Gizaw Tsehai, a man whose only goal is to improve the health care system of his beloved country, Ehtiopia.

Dr. Tsehai, an internationally trained thoracic and general surgeon with no political ties, was drafted by the Mengistus government to serve as the Minister of Health. In May 1991, Dr. Tsehai was detained in a former school in Addis Ababa by the new rebel government. For many long months, Dr. Tsehai waited for some action on his case while his wife Rebecca, his sons Joseph and David and daughter Elizabeth held their lives together and waited.

The family owns a house in Minneapolis, and Joseph has been living there while attending the University of Minnesota. David interrupted his own studies at the University of Minnesota to return home and minister to his father in jail bringing him food and comfort every day. Rebecca was able to bring some of the family's personal property to Minnesota, but was forced to return quickly to Addis Ababa a few months ago to stop the government from confiscating their home. Elizabeth is working for Catholic Relief Services in Washington, DC.

Mr. President, no lengthy, unwarranted detention could squash Dr. Tsehai's dedication to his fellow Ethiopians. He will use his hard-won freedom to continue to provide needed health care in his homeland. I salute Dr. Tsehai and his family for their patience and compassion. And, I pray for the peace in Ethiopia that is long overdue.•

## RECOGNIZING THE HEROIC SACRIFICE OF SPECIAL AGENTS OF ATF IN WACO, TX

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 12, a concurrent resolution to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, TX, submitted earlier today by Senators DeConcini, Krueger, and others.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 12) to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, Texas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

### S. Con. Res. 12

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound;

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MEASURE INDEFINITELY POSTPONED

Mr. MOYNIHAN. Madam President, I ask unanimous consent that Calendar No. 4, Senate Resolution 41, a resolution authorizing expenditures by the Committee on Rules and Administration, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore, and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations, and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements:

The Senator from New York [Mr. Moynihan];

The Senator from Montana [Mr. Baucus];

The Senator from Oklahoma [Mr. Boren];

The Senator from Oregon [Mr. Packwood]; and

The Senator from Kansas [Mr. Dole].

And as alternate official advisers:

The Senator from New Jersey [Mr. Bradley];

The Senator from Maine [Mr. Mitchell];

The Senator from Arkansas [Mr. Pryor];

The Senator from Michigan [Mr. Riegle];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Louisiana [Mr. BREAUX];

The Senator from North Dakota [Mr. CONRAD];

The Senator from Delaware [Mr. ROTH];

The Senator from Missouri [Mr. DANFORTH];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Minnesota [Mr. DURENBERGER];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Utah [Mr. HATCH]; and

The Senator from Wyoming [Mr. WALLOP].

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from North Dakota [Mr. DORGAN] to the Advisory Commission on Intergovernmental Relations, vice the Senator from Virginia [Mr. ROBB].

## ORDERS FOR TOMORROW

Mr. MOYNIHAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:45 a.m., Wednesday, March 3; and that, when the Senate reconvenes on Wednesday, March 3, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that following the Chair's announcement, there be a period of time for the transaction of routine morning business for not to extend beyond 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, and that the following Senators be recognized for the time limits specified: Senator GRAHAM for up to 15 minutes; Senators DASCHLE, GORTON, and KERREY for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL TOMORROW AT 8:45 A.M.

Mr. MOYNIHAN. Madam President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned in accordance with the previous order until 8:45 a.m., Wednesday, March 3, 1993.

There being no objection, the Senate, at 5:54 p.m., adjourned until Wednesday, March 3, 1993, at 8:45 a.m.

## NOMINATIONS

Executive nominations received by the Secretary of the Senate February 26, 1993, under authority of the order of the Senate of January 5, 1993:

### DEPARTMENT OF STATE

PETER TARNOFF, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, VICE ARNOLD LEE KANTER, RESIGNED.

### DEPARTMENT OF JUSTICE

JANET RENO, OF FLORIDA, TO BE ATTORNEY GENERAL.

Executive nominations received by the Senate March 2, 1993:

### DEPARTMENT OF THE TREASURY

LAWRENCE H. SUMMERS, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE DAVID CAMPBELL MULFORD, RESIGNED.

# HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As You, O God, have created that first garden of the world where life was full and the human spirit was free, and all Your creation had the potential of greatness so we have used our freedom for good, we have also used it to cause divisions and pain. Forgive us, gracious God, for all we have done with words of hurt or by withholding our bounty from the least among us. Forgive us, correct us, and sustain us by Your Spirit so we will be the people You would have us be and do those good things that honor You and serve people everywhere. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I respectfully demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from New York [Mr. SOLOMON] demands a vote on the Speaker's approval of the Journal.

The Chair announces that the vote on this matter will be postponed until the end of the day or until later in the day.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Florida [Mr. STEARNS] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESIGNATION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation as a member of the Committee on the District of Columbia:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 22, 1993.*

Speaker THOMAS FOLEY,
*U.S. Capitol.*

DEAR MR. SPEAKER: Because of the heavy load of work this session of the Ways and Means Committee, and the likelihood that there will be even more conflicts this year between meetings of the various subcommittees of Ways and Means and of the Committee on the District of Columbia, I feel it is necessary that I withdraw from service on the Committee on the District of Columbia.

I do so even though I have enjoyed my work on that Committee. It is my understanding that there are other Members of the Caucus who would be willing to accept an appointment in my place.

Therefore, please accept my resignation from the Committee on the District of Columbia.

Respectfully,

SANDER LEVIN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, February 22, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to House Rule 51, clause 7, I have appointed the Honorable Martin Frost as chairman of, and the Honorable William L. Clay to serve on, the review panel established by that Rule for the 103d Congress.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
*Chairman.*

## INTRODUCTION OF THE CONGRESSIONAL ACCOUNTABILITY ACT

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANN. Mr. Speaker, it is with a great deal of pleasure that my first occasion to address this body is to stand to express support for the Congressional Accountability Act, H.R. 349, presented by the gentleman from Connecticut [Mr. SHAYS], cosponsored by myself and over 100 other Members of this body.

This is the act which would make the laws which the Congress adopts apply to the Members of Congress. I feel passionately that this is an important change to the laws of this land.

I have a daughter who is hearing-impaired, and last summer we shared the elation at the coming into effect of the Americans with Disabilities Act. My daughter, Debbie, said to me, "Does this law apply to Congress?" I said, "I do not know. Let me find out."

I came back to her, and I said, "Well, the rules apply, but if a rule is violated by a Member, your recourse is to go before a panel of other Members of the House." My daughter, who is not reluctant to speak her mind, said, "That does not seem fair. Why can I not go to court like any other citizen just because a Member of the House was the person who was faced with a violation?"

Mr. Speaker, it is a simple proposition. The citizens of this land want us to live like them, not like a special class.

I urge that this House act quickly on H.R. 349.

## A FLAWED PLAN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, two of President Clinton's economic supporters, Mr. Allen Sinai, the chief economist for the Boston Co., and Lawrence Chimerine, senior economic counselor with DRI/McGraw-Hill, Inc., have said that President Clinton's promises to cut spending and reduce the deficit are going to fall about $75 billion short of the estimate.

In addition to that, they both said that it is probably going to produce, and get this, job loss over the next few years. The President has said he wanted to stimulate economic growth by raising the taxes on the backs of the American people by the largest amount in American history, $325 billion, plus about $70 billion in hidden taxes in his plan.

Even his economic supporters are now saying it is a flawed plan.

Mr. Speaker, the people of this country have gotten the message, and they

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

do not like it. Last week, my colleague, the gentleman from Texas [Mr. JOHNSON], held up a sign from one of his constituents that said, "It's spending, stupid"; this week I gave a speech to my constituents in one of my town meetings, in one of my Lincoln Day dinners in Johnson County, IN, and this is what they gave me: The American people have gotten the message, and the message is they do not want more taxes, or the message is that they are sending you is that they do not want more taxes, they want spending cuts.

To my colleagues, on the Democrat side, please, read this.

## THE PEOPLE'S SUPPORT FOR THE CLINTON ECONOMIC PLAN

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the more the American people hear about President Clinton's economic package the more they support it.

Last week, a group of business leaders endorsed the President's blueprint for renewal.

Local officials and Governors from both parties have signaled their support.

A national poll published today indicates overwhelming support for the President's package. Three out of five Americans back the Clinton plan.

Even more Americans say it is time to make the tough choices to ensure our children's future.

The majority of Americans think the President's plan is fair to everyone.

We are the leaders of this country. The people who elected us to lead, sent us here to do what is best for our Nation.

Sometimes doing what is best for the country involves difficult decisions and choices. But that is what we were elected to do.

It is up to the Congress to translate the people's support into public policy.

Mr. Speaker, the time has come to do just that.

□ 1210

## PRESIDENT CLINTON, WHERE IS YOUR BUDGET?

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let us talk about President Clinton's budget. Where is it? We need to see the details of his budget. But he has not provided those. He has not submitted a budget here to Congress. The law requires that the President submit his budget for the next fiscal year by February 1. Well, it is more than a month late now; no budget in sight. When is he going to submit the budget?

The American people want action on the economy now. But we really cannot begin until the budget arrives.

Members of the Clinton Cabinet are crisscrossing the country, working to sell the public on the plan. President Clinton could perform a great service for this country by stopping the sales pitch, devoting the time in his administration to producing a budget.

How can we really make progress here in Congress if he does not submit a specific budget? Mr. Speaker, when is he going to submit the budget?

## TRIBUTE TO THE SLAIN ATF AGENTS

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, I am convinced there are still modern day heroes in America. Yesterday, I met seven of them in Hillcrest Hospital in Waco, TX.

All seven were Alcohol, Tobacco and Firearms agents who had been wounded by Branch Davidians, at their Mt. Carmel compound.

Mr. Speaker, these ATF agent's wounds were painful, but their spirits were strong. They serve as an inspiration to all Americans who are deeply grateful for their service to our Nation.

My heart-felt sympathy and prayers go out to the families of the four ATF agents who gave their lives in the line of duty. To Steven David Willis, Robert Williams, Todd W. McKeehan, and Conway LeBleau, we can never adequately repay our Nation's debt of gratitude.

The real heroes go beyond those wounded or killed. Every day, ATF and law enforcement agents all across America quietly but courageously put their lives on the line for us.

In the midst of this terrible tragedy in Texas, I hope that law enforcement agents everywhere will feel a renewed appreciation for their selfless service.

## HEADLINES CAN AND OFTEN DO MISLEAD AND DISTORT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, headlines can and often do mislead, especially in regard to public opinion polls. Today's headline in the Washington Post read, "Clinton Plan Enjoys Broad Public Support." Based on the figures, the headline could have been and should have been, "Clinton Weaker than Reagan"; Clinton had a 60-percent approval rate versus a 68-percent approval and 66 approval for Presidents Reagan and Bush at the same point in their Presidencies.

Or the headline could have read, "Clinton Disapproval Twice Reagan's and 2⅓ times Bush's at this Point." It was 33 percent to 16 percent and 14 percent, respectively.

By 53 percent to 31 percent, Americans believe the Clinton plan will hurt their own situation. Or the headline could have read, "Majority of Americans Believe Clinton Plan Went To Far in Raising Taxes on Average Americans, 57 Percent."

Or, "By 8 to 1, Americans Believe Clinton not Cutting Spending Enough, 75 Percent to 9 Percent."

Or, "Three-fifths of All Americans Want Deeper Spending Cuts," 60 percent wanted more and 8 percent wanted less.

Or the headline could have read, "Clinton Fails to Reestablish Trust in Government." The polls showed only 21 percent trust Government today, the lowest level reached in the 35 years the question has been asked.

Finally, the desire for smaller Government is stronger than it was in 1984, the year of Reagan's landslide. That year, 49 percent wanted a smaller Federal Government, while 43 percent wanted it bigger. Today the number is 67 percent smaller, to 30 percent larger. So the country has shifted 18 points more toward a smaller Government and 13 points away from a bigger Government.

It is amazing how a headline can distort. All this data is from the same poll.

## LITTLE PAIN NOW; MUCH GAIN LATER

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and Members of the House, in fact the public opinion is very clear: The President's plan receives widespread support among the American public. Where it does not receive support is in the halls of special interests; where it does not receive support is on the Republican side of the aisle. That is, the Republicans who talk about smaller Government but in 12 years were unable to deliver that smaller Government; the Republicans, who talk about more budget cuts but in the last 12 years were unable to deliver those budget cuts; the Republicans talk about how they wanted a balanced budget but in 12 years the Republican President sent no balanced budget to this Congress or ever used his veto to enforce one.

The fact is, right, the American people recognize that this budget that the President has put forth and the economic plan will hurt them to some extent, but they are also saying they are prepared to absorb that pain at this moment so that we can have a stronger country in the future, so that their children can afford an education, so they can afford a house.

The fact is, more money will be put into the public's pocket as a result of the drop in the interest rates since the introduction of this plan than anything a Republican President or the Congress have offered in the last 12 years.

## H.R. 349, CONGRESSIONAL ACCOUNTABILITY ACT

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, it is time, in fact it is past time, for Congress to live under the same laws it requires for the executive branch and the private sector.

Currently, Congress is wholly or partially exempt from several major pieces of legislation including: the Fair Labor Standards Act, the Civil Rights Act, the Age Discrimination in Employment Act, the Occupational Safety and Health Act, the Americans With Disabilities Act, and the Family and Medical Leave Act.

I, along with Congressman DICK SWETT of New Hampshire, JAY DICKEY of Arkansas, DAVID MANN of Ohio, ROSCOE BARTLETT of Maryland, and PAUL MCHALE of Pennsylvania, have introduced H.R. 349, the Congressional Accountability Act.

This bipartisan effort, which already has 127 cosponsors, would bring Congress under the same laws for which it is currently exempt.

It maintains the integrity of separation of powers doctrine by establishing a mechanism for internal regulation and enforcement of these laws, while providing employees with the right to appeal an adverse decision to the appropriate district court.

It is easy to be a demagog on this issue, but that is not the point of this effort. We firmly believe Congress will want better laws when it is required to live by the same laws it places on others.

By exempting ourselves from laws, we are depriving ourselves of the opportunity to experience firsthand the effects of the legislation we adopt. And, in turn we are removing ourselves one step further from individual Americans insulating this institution from the needs and frustrations of the people it serves.

I urge Members of this House to cosponsor H.R. 349, the Congressional Accountability Act and work for its passage into law.

## PRESIDENT CLINTON'S PRESCRIPTION FOR RESTORING HEALTH TO THE AMERICAN ECONOMY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, even though it is galling and bitter and painful, the Clinton prescription for restoring health to the American economy, in the opinion of American business and labor, appears to be the correct medication administered in the correct amount at the correct time.

Everyone knows that lowering the deficit will have the salutory effect of reducing interest rates, lowering bond fees and charges, increasing the production of jobs and spurring business activities throughout the economy. We are already seeing the payoff: 30-year bond yields down below 7 percent, to 6.84 percent; 30-year fixed-rate mortgage interest rates at about 7 percent.

It has been calculated by Harvard Professor Benjamin Friedman, who also is a Louisville native, that a one-half of 1-percent drop in long-term bond rates would yield a 1-percent increase in the gross domestic product, about $60 billion.

The long and short of this is that while the jury is still out on the Clinton plan, at least one juror has already given a verdict of favorable, and that is the American business community.

## CUT THE FEDERAL BUDGET, NOT THE FAMILY BUDGET

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, the people of the Third District of Georgia are choking on the President's complex economic plan. They are tasting the same old fat that has been rammed down their throats before—only this time they will not swallow it.

President Clinton says the polls show the people are behind him. Well Mr. President, the letters and phone calls I am receiving are just the opposite.

Mr. President, I challenge you to spend a half day in my office, read my mail, answer my phone, and hear and see the real truth. In exchange, I will spend a half day in your office, I will read your mail and answer your phone.

Mr. President, the people in the Third District of Georgia have a message for you that is very clear: Let's cut the Federal budget, not the home budget. Economies grow when the people save, spend, and invest their money without Government intervention.

□ 1220

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds Members in debate to address the Chair only.

## WHO ARE THEY WAITING FOR?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today to bring my colleagues' attention to the rising tide of support for the President's economic plan from this country's business leaders.

I would like to offer my colleagues my own list of specifics: That is, a specific list of the corporate CEO's who have publicly supported President Clinton's bold agenda. Perhaps my colleagues who have risen to deride the plan will recognize a few of the companies whose CEO's support the plan.

If company names like Anheuser-Busch, ARCO, the American Stock Exchange, and the Ford Motor Co. ring a bell, then you may be starting to get the idea.

Last week I had the opportunity to report to this House the strength of support for the President's plan which was evident in my district in New Jersey. This week I am pleased to have been able to recite that impressive list of corporate supporters.

In light of the support this plan has from the people of this country, and the support this plan has gathered from business leaders, Mr. Speaker, I wonder—if those opposed to this plan cannot offer specifics on how to improve it, perhaps they can at least tell us just who they are waiting to hear from before they get off the dime and get down to business.

## PEROT GOT IT RIGHT

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, Ross Perot got it right.

He said today, on "CBS This Morning," Washington is still growing and gloating, while the rest of America is downsizing.

What President Clinton wants in his plan is more Government spending, higher taxes, and the appearance of spending cuts.

What Ross Perot and Republicans want is real spending cuts.

As Perot put it, "We cannot continue massive, dreamlike spending programs until we get this deficit under control."

No matter how he tries to avoid the scrutiny, President Clinton must come clean on his economic recovery package. With the economy now expanding, his first focus should be on deficit reduction.

Mr. Speaker, I urge President Clinton to resist his spending urge, to delay his investment package, and to concentrate first on cutting the deficit with spending reductions.

## GOP DOUBLETALK INSULTS THE INTELLIGENCE OF THE AMERICAN PEOPLE

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. COLLINS of Illinois. Mr. Speaker, I guess, if we live long enough, we would see just about anything. Last week on television, I saw all those Republican's talking heads that are continuing to pick at the President's economic package. This time they complained that the President is redefining income to serve political goals. They are unhappy with the support the President has received from the public, so their new tactic is to complain that the formula used to determine income inflates the number of rich people.

Well, if that does not beat all. The formula they are criticizing was developed by the Reagan administration.

However, as you know, Mr. Speaker, last weekend I visited the Steinmetz High School in my district and was absolutely surprised that so many students were concerned about their future and have wholeheartedly embraced the President's economic package, because they see it as an assurance that their lives will be at least as affluent as their parents' and, especially, that their opportunities to have a college education will be more greatly enhanced. These young people are astute, they are politically aware, and they are serious about the impact that our work here in this Congress will have on their lives.

Mr. Speaker, I hope that we can end all these double messages that we are sending to the young people and that we can get on with dealing with the real issues that they have in mind. The GOP talking heads and doubletalk are perpetrating a double insult on the intelligence of the American people and on their children.

## SUPPORT THE CONGRESSIONAL ACCOUNTABILITY ACT

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, I speak today in strong support of H.R. 349, the Congressional Accountability Act. Passage of this bill is critical to restore the public's confidence in this body. It is hypocritical, Mr. Speaker, for Congress to pass laws which do not apply to Congress. Unfortunately we are continuing this ill-advised precedent. Most recently the Congress passed the Family and Medical Leave Act of 1993, but exempted itself from the judicial enforcement of the provisions of this act. Other examples can be mentioned: the Americans With Disabilities Act and others.

Mr. Speaker, as a businessman in Pine Bluff, AR, I have almost despaired in the past because I have tried to comply with congressional mandates, knowing full well that the people who passed them did not know what the effect was on businesses, like not being able to give employees benefits, stopping expansion, and preventing making needed repairs.

Mr. Speaker, we need to experience firsthand the effects of the laws which we pass. If Congress is subject to the laws it passes, it will pass better laws.

I ask my colleagues to join with me in this bipartisan effort to secure the passage of H.R. 349.

## THINK OF THE MESSAGE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, of course Ronald Reagan had higher poll numbers after his first State of the Union Message. We do not argue. He had 76 percent.

But think of the message. He told the American people: "I'm going to cut your taxes, I'm going to give you more tax breaks than in your wildest dreams you ever could have imagined, and the only people who are going to pay are poor people."

So, "Wonderful," 76 percent of the American people said, "This is terrific."

Mr. Speaker, my point is that 12 years later, after 12 years of being flimflammed, the American people are looking for leadership, they are looking for courage, and that is what they got in President Clinton's State of the Union Message, and that is why a majority of the American people are saying, "Yes, I do support this plan because I support my country, and I appreciate the fact that we finally have Presidential leadership with the courage to tell us the truth."

## SUBLIMINAL MAN EXPLAINS THE PRESIDENT'S PLAN

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, a couple weeks ago I had the opportunity to take this well and describe how Subliminal Man, that character on Saturday Night Live, would have responded to some of the rhetoric we have heard from President Clinton, things like:

He would say, "Contribution (tax)";

"Investment (spend)"; things like that.

Well, as my colleagues know, the President has been attempting to build this grassroots base of support over the past several weeks for his programs. A number of friends of mine have even gotten calls from the Democratic National Committee encouraging them to call other offices with words of support. Well, not surprisingly, the DNC was able to get through to the studios of Saturday Night Live, but they enlisted the wrong person by getting Subliminal Man to call my office. The message that I got that came in yesterday said to me:

> I urge you to enact the President's plan to stimulate the economy (more spending) and reduce the deficit (middle-class taxes). It's time to break the backs of special interests (American taxpayers) and require the rich (anyone with a job) to pay their fair share. I support the proposed tax on Btu's (beyond taxpayers' understanding) because it will conserve energy (long gas lines), and create jobs (make work). We need a new direction (tax and spend), and the best way all of us can do this is by supporting procedures that prevent partisan debate (closed rules).

The Subliminal Man, Mr. Speaker, could not have made it more clear than if his statement had been written by David Broder.

□ 1230

## WIDESPREAD PRAISE FOR THE PRESIDENT'S ECONOMIC PLAN

(Mr. FLAKE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I come not representing the subliminal man but the grassroots people.

I have had the opportunity to move throughout my district over the last several weeks, and to my surprise and great joy the people of America have determined that it is time for us to begin to move forward, and they are convinced that the Clinton economic plan moves us in the right direction.

Clearly, the grassroots people of America have determined that this is a Government in which they can share in partnership, as opposed to being viewed as people who have no hope.

The man from Hope has brought hope to all of America, and I think it is time for us to embrace him, simply because his ideas are better than any we have had over the last 12 years and certainly helps us to be able to move in the future in a way that brings America back to the place, to the standard, and to the substance of our being that historically has been ours.

The national service plan, for instance, is one of the greatest introductions of a program that America has seen over the last 20 years. It allows our young people not only to get a good education but then to use it to help make America strong.

Mr. Speaker, this is a good investment, I think this is the man to lead us with this plan.

## PLANNING A RESPONSE FOR FUTURE DISASTERS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise to pay my highest respects to the New York City Fire Department. I spent yesterday in downtown Manhattan at the World Trade Center with Commissioner Carlos Rivera, Frank McGarry, the New York State Fire Commissioner, and all of my friends at the New York City Fire Department. Their handling of the situation on Friday was absolutely phenomenal. But it also highlighted some of the problems that we need to deal with in this country relating to the potential of other highrise disasters.

This in fact was the largest bombing in the history of this country. But there are other problems that we have to look at beyond this particular incident: The communications problem that existed in evacuating the people; the lack of proper smoke control in those stair towers; the fact that government buildings are exempt from most of our life safety requirements; and the media's actions during the height of this disaster in actually telling the inhabitants of the World Trade Center to do the wrong thing.

This whole incident reinforces the need for the Congress and the President to take a comprehensive look at disaster preparedness and response. I repeat my call for President Clinton to establish a Presidential task force to look at this issue once and for all and to make recommendations as to how we can better respond to each and every disaster in this country.

I will be doing a special order today to outline in detail this incident and what we need to do to come together with the Clinton administration to make sure we deal with disasters in a way that protects the lives and the property of the American people.

## CLINTON ECONOMIC PLAN RECEIVES BROAD SUPPORT

(Ms. PELOSI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, all across America people are talking about the Clinton economic package, and there is good news in that discussion for President Clinton. There is great diversity in the support that has sprung from the debate.

Leaders of business, labor, and the environment have expressed strong support for the President's plan. In addition, a bipartisan collection of Governors, mayors, State legislators, and county officials have voiced their support. Republican Governor Edgar of Illinois applauded the infrastructure initiative to stimulate the economic recovery. William Althaus, the Republican mayor who is the president of the U.S. Conference of Mayors, has told the staff of the conference to go all out in support of the program. Experts in fiscal policy support the plan because it changes 12 years of the Federal Government's sending mandates and not money to our local governments.

But most of all, Mr. Speaker, it is the positive response of the American people that should be encouraging to the President. In large majorities they support his plan because they believe he has begun to break the gridlock, and that he has found the proper balance in the budget plan. The American people have placed a high level of trust in the President. They recognize the merit of his economic plan. It is time for Congress to do so as well.

## EXTENSION OF FAST TRACK NEGOTIATING AUTHORITY

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today marks the day that the President's trade negotiating authority effectively expires. Any agreement would have to be submitted to Congress today in order to receive the benefits of fast track consideration before the President's negotiating authority expires in the end of May. Regrettably, the 108 members of GATT [General Agreement on Trade and Tariffs], have not successfully completed the Uruguay round of talks, so vital to a healthy world economy.

It is not an overstatement to say that failure to conclude the Uruguay round would be a disaster for the world trading system and future United States economic growth and security.

In addition, without extended trade negotiating authority, the President would not be able to pursue other bilateral and multilateral trade agreements with countries wishing to accede to the recently completed North-American Free-Trade Agreement.

To restore the President's ability to pursue free trade negotiations, I am today introducing legislation to extend current law giving the President negotiating authority and congressional fast tract consideration of trade agreements.

For the Uruguay round, this legislation would provide an additional 6 months, or until December 1, 1993. President Clinton has said he is committed to a prompt and successful conclusion to the Uruguay round, and our timetable should be short and specific in order to force a successful conclusion to the negotiations.

For other free trade agreements, or accessions to the NAFTA, President Clinton would have an additional 3 years.

Presidents Reagan and Bush had the ability to negotiate and foster free trade for the last 12 years. Today, I submit legislation to give President Clinton the same opportunity, without any of the conditions some Members of Congress would impose.

## NO MORE ICE CREAM SUNDAE DIET

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the 1980's were, as Mark Shields indicated, the ice cream sundae diet. We had economic policies from the administration that said you could eat ice cream sundaes all day long and you would not gain weight. We know where we are today. We have become a debtor Nation rather than a creditor Nation. We have had some of the toughest economic times this country has had since the Great Depression.

But what is heartening to me is that the American people listened to President Clinton in his substantive State of the Union Address and subsequent addresses which did not give us an ice cream sundae solution for some very tough problems. At least in my district, from workers to small business men and women, there is broad support for his economic plan.

Thomas Jefferson said that if democracy is to work, we cannot make it work by excluding the people: We must inform them. President Clinton in his State of the Union address and his subsequent addresses has talked about the substantive policies, not all of which are painless but all of which address the basic and fundamental economic issues that will help revive our economy and invest in our children and our future.

Mr. Speaker, it is gratifying to me to see that young people and old people, workers and management, all support this program.

## THE BOMBING AT THE WORLD TRADE CENTER

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, on Friday, February 26, the world became a small place for the employees at the World Trade Center. In a split second a terrorist bomb went off. In a split second five people died including Steven Knapp who lived in my district. In a split second hundreds of New Yorkers received serious injury to their lungs. In a split second, we all realized our vulnerability.

In the moments that followed, however, we also realized that we live among heroes. They are the New York State Police, Fire Department, and Emergency Service. For hours we watched in horror and awe as these men and women battled the smoke putting aside their own misgivings to bring hundreds to safety.

To these brave individuals, we owe you so much. To the Knapp family we offer our sympathies and the promise to find the killer or killers.

We in Congress and members of the Executive branch should make it our number one priority to hunt down these killers and prosecute them to the fullest extent of current law which clearly states:

> Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property * * * and if personal injury results shall be imprisoned * * * and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided * * * (18 USCA 844 (i)).

For the people who are responsible for this treacherous act we as legislators can do no less than find these ruthless criminals who have no consideration for the lives they took and make sure that they are punished.

## INCIDENT AT WACO, TX, POINTS UP NEED FOR GUN LAW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a religious cult headed by a man who claims to be the second coming killed four Federal agents at Waco, TX. What is bothering me, though, is that BTF personnel have said that they were not outmanned, outmaneuvered, or outsmarted; they were outgunned. These bums had more firepower.

This is ridiculous. It is easier to get a gun in America than it is to vote. In fact, I would bet you your 1040 that more of these fanatics are registered to own guns than they are to vote.

I think it is time that Congress passed a reasonable gun law before grandma starts packing an Uzi. Congress has had enough of this. Congress has passed it by as a sin of omission. It is a sin of omission in the House of Representatives, and we should all be ashamed of ourselves.

□ 1240

## ENFORCE FAIR TRADE ACROSS THE BOARD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the congressional steel caucus held a hearing this morning on the conditions facing the U.S. industry. Testimony on the devastating effect of over a decade of free trade on the heavy industrial base was sobering—U.S. Steel had 500,000 employees in 1980—180,000 in 1993.

These figures represent not only direct losses to foreign subsidized steel imports—and in a number of years foreign steel was being dumped. The figures also are representative of the downstream loss of U.S. market share by domestic producers of automobiles and machine tools, commercial tools and fasteners, representing all manufacturing that uses steel.

At the same time, there is a downstream threat to millions of retirees from the job losses in U.S. companies. Twenty-two thousand workers at Bethlehem Steel now carry the retirement fortunes of 70,000 retirees. If big steel has been impacted by the shutdown of many hundreds of small manufacturing companies, thousands of retirees will be impacted if we lose one more steel producer.

We must stand behind our domestic industries—enforcing fair trade across the board.

## CONGRESS MUST ACT ON THE STIMULUS PACKAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, some of our colleagues have said that America doesn't need an economic stimulus package. They oppose the President's plan to create jobs. They tell us it is unnecessary. Well, Mr. Speaker, we need not look far to answer these falsehoods.

We need look only as far as the pages of today's New York Times, which reported that unemployment has risen by 818,000 people in the past 21 months and that nationally today, more people than ever, 1 in 10, are receiving food stamps.

We can look to downtown New Haven, the urban center of my district, where yesterday Macy's announced the closing of its New Haven store, laying off more than 200 workers. This in a State that has already lost 200,000 workers over the past 3 years.

Those who would choose to ignore these statistics, to ignore the hundreds losing their jobs, are choosing a path that has already been rejected by the American people.

The American people know the economy has not yet turned the corner. They want a plan that creates jobs, that infuses our economy, that provides hope for the future.

We have an opportunity to act on that plan. For the 818,000 newly unemployed people across America, for the 1 in 10 individuals now on food stamps. For the 250 Macy's employees laid off in New Haven, Congress must act. We must support the President's plan. We cannot afford not to.

## TAX INCREASE WILL STALL RECOVERY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a CBS-New York Times poll a few days ago found that 84 percent of the American people said they were unwilling to pay even $500 more per year in higher taxes. Yet by the most conservative estimate, the President's tax increase will come to over $1,000 per person. Most people will not see their taxes go up that much, but everyone will see prices go up on everything. The corporations will pass their increased taxes on in the form of higher prices. The rich will buy tax-free bonds or find other loopholes to shelter their incomes.

Taxes, in the end, always come back to the middle and lower middle-income people. They always have and always will, and they will this time, too.

These taxes will not just hit those making over $30,000 per year; they will hit everyone who buys anything. These proposed taxes add up to the largest tax increase in history, and they will really hurt the poor and working people if they are not stopped.

We need to cut spending first. Our Federal Government should be forced to live within its means, just as our families have to. If these tax increases are passed, it will slow or stall our recovery, or, even worse, throw us into another recession.

## WHEN PEOPLE LEAD, LEADERS WILL FOLLOW

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, it is easy to be a flamethrower; it is harder to stand up and back a plan when hard times fall upon us. But a lot of Americans are coming forward to back the President's plan, because it is bold and it is brave.

These are just some of the people who have contacted my office in support of President Clinton's economic plan, and why they support it.

Educators support the Clinton economic stimulus plan, because it targets critical resources to the education and training needs of our Nation's children, youth, and adults.

Specifically, the Clinton plan will invest in chapter 1 programs for the educationally disadvantaged and the Head Start Program for services that students need to succeed in school and to correct the current shortfalls in the Pell Grant Student Aid Program.

Environmentalists have contacted my office in support of the plan.

The environmental community supports the Clinton economic plan because it eliminates subsidies that are harmful to the environment and will add to the deficit.

The U.S. Conference of Mayors supports the Clinton economic plan because it will provide jobs for America's cities, revenue increases that are fair, and budget cuts that are necessary.

The National Association of Counties supports the Clinton economic stimulus package because it will improve our Nation's infrastructure and allow counties to maintain or increase the levels of services.

Contractors back the Clinton plan because it will bring tens of thousands of unemployed construction workers back to the job-site.

Mr. Speaker, I say when the people lead, it is time for the leaders to follow.

### GET BUDGET DETAILS BEFORE PASSING BUDGET RESOLUTION

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, there has been much debate over the last several weeks about the Clinton economic plan, the call for the greatest tax increase in America's history. But we are still waiting for the details on where are the cuts.

Yes, we are aware of some of those cuts, but the fact is, we have not seen a list. We have not seen the details.

Now what is going to happen? In 2 weeks, this Congress is going to be asked to pass a budget resolution that is just a shell, some overall numbers with no details, because the President's plan is not due here until April 5.

What you may not be aware of is when we pass that budget resolution in mid-March, we will be automatically raising the debt ceiling to allow this Government to borrow more and more money, again without any plan in place to restrain continued Federal spending.

I think it is time to cut spending. I think it is time for this Congress to get the resolve to have that debate, and to have the budget and the details before we pass another budget resolution.

Mr. Speaker, I, as one Member of this institution, am not going to buy into any more plans that promise another pig in a poke.

### FAIRNESS FOR HAITIANS

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I want to bring to my colleagues' attention legislation I introduced last week to assist Haitians who are here in the United States.

Many of the Haitians currently in the United States are fortunate to be alive. After the military coup, they risked their lives at sea primarily to escape political persecution. Many of these same Haitians are now in various stages of immigration processing. Unfortunately even those who have a legitimate and credible fear of persecution are subject to deportation. I do not believe that Haitians who are currently in the United States should be forced to return to Haiti. The reality is that many Haitians currently in the United States will never go back to Haiti but will, if given a chance, become productive citizens.

My legislation, H.R. 986, will allow Haitians who have been in the United States since January 20, 1993 to adjust their status to permanent residency within a 2-year period. This would not benefit any Haitians not in the United States prior to that date and so would not be a magnet for others. My bill would extend a humanitarian hand to those who have every reason to be designated refugees but that they are Haitians.

Mr. Speaker, I realize that the Haitian refugee crisis in South Florida will only be solved by long-term democratic government in Haiti. But I hope that until that time comes, we will have the courage to see that Haitians are treated with fairness and are even, in some cases, given the benefit of the doubt as is every Cuban who enters the United States.

Mr. Speaker, I would like to invite my colleagues to join me in a special order at the close of business on March 10 to discuss in more detail the Haitian issues in all its aspects.

### GO WITH CLINTON PLAN

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, there is a long list of impressive supporters of the Clinton plan, but I would like to share with you my town meeting, one of five that I held over the past week, last night at Hedgesville at the James Rumsey Vocational Institute. I want you to know it was well attended, and I got the blazes kicked out of me.

I had people complaining about talking about taxes, people wondering about the energy tax. They wanted to know the impact of the Social Security increases. They wanted to know where the real cuts were. It was hard hitting. And finally, of course, they wanted to know what is Congress doing to cut its budget.

But do you know, that after all of that, and I was thinking boy, things are looking pretty bad, a lady said I am the spouse of a Federal employee. I would like to know how people feel. And the folks that had been giving me the blazes, well over half of them raised their hands to say they supported the plan.

They supported the plan because they knew it was honest, and it was shared. And in sharp contrast to what my colleagues on the other side of the aisle are offering, they don't want to offer a plan, they just want to complain. They want a B-1 budget. That is one that they can keep secret as long as they can, they cannot define the mission, and when they roll it out of the hangar, they know it will not fly.

Bill Clinton has offered us something that we know we have to go with.

### PRESIDENT'S PROGRAM GETS TOWN MEETING SUPPORT

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, this weekend I held town meetings across the State of North Dakota to discuss with my constituents President Clinton's plan to get the economy moving and to reduce the deficit.

In general, the North Dakotans I visited with know this economic recovery needs help and they know the financial condition of this country is a mess. They also know addressing these issues will not be easy or painless.

The thrust of what my constituents told me was that they will do their part—even if it means higher taxes—provided that Congress makes meaningful spending cuts and attacks Government waste.

These are reasonable expectations for this body. As we address the President's plan we must not back away from the spending reductions Bill Clinton has advanced.

Rather, we should look further for additional spending cuts and take the deficit down even faster and farther than the President has proposed.

Because President Bill Clinton had the courage to put forward a bold plan for change, Americans have responded positively. I hope this body has the courage to follow through on the President's goals and enact a program of economic recovery and meaningful deficit reduction.

### THE AVIATION INDUSTRY COMMISSION

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 904, to expand the Aviation Commission established under the 1992 Aviation Authorization Act. In addition, the legislation would expedite its work in reporting back to Congress on recommendations to ensure a strong and competitive aviation industry.

Mr. Speaker, our subcommittee, the Subcommittee on Aviation, held 3 days of hearings led by our distinguished chairman, Mr. JIM OBERSTAR. Every person who testified agrees that the current financial problems being experienced by the airlines has serious repercussions for the entire American economy.

After selling a record number of tickets in 1992, the industry will lose a record $3 billion. In Nashville, the Girl Scouts made more money selling cookies than the airline industry did selling tickets. The challenge for this Congress, in my opinion, is to take rational steps to halt the airline industry's fiscal free fall.

Anybody who has flown to or through Nashville knows that the home of country music is also home to a first-class airport and hub for American Airlines. The Metropolitan Nashville Airport Authority has recently announced an ambitious expansion plan to handle the anticipated increase in passengers. If the airline industry is under stress, Nashville is no different from any other city which feels the economic sting of airlines cutting back. From trade to tourism, from hotels to airline manufacturers, our country will suffer if the airline industry's current financial woes continue.

Mr. Speaker, once the Commission is appointed, they will hear many suggestions to get the airline industry back on its feet. One thing I believe we should do is to encourage the administration to renegotiate the bilateral trade agreements governing U.S. access to foreign markets. It would not be in our best interest if we were to increase the limit on foreign investment and not get a favorable overseas open market agreement for our carriers. I will be following this one issue particularly closely as the Commission develops its recommendations for Congress.

Mr. Speaker, I urge the passage of this legislation.

## SAM HOUSTON

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPARPALIUS. Mr. Speaker, last night I stood on top of a hill in Lexington, VA, in the snow around a bonfire, and there with me was my colleague, the gentleman from Texas [Mr. BRYANT], former Congressman Bob Eckart, Molly Ivins, Don Kennard, his wife Mary Jo, Tony Korioth, and the great-great-grandson of Sam Houston, as we talked about the life of this great man who was born 200 years ago today. Life is short, but what a mark did he leave us? He was the only man to serve as Governor of two States. He served as Member of this body, as a Member of the Senate across the hall. He served as President for the Republic of Texas. He was a defender of two republics.

On his 43d birthday, he signed the declaration of independence for the State of Texas.

Let the spirit and the fire of Sam Houston, who loved liberty, who loved his country, who loved freedom and who loved life and who loved his Texas continue to burn in the hearts of every Texan and every American.

## THE BIG LIE

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, Bill Clinton has been trying to rewrite the history of the 1980's. He is trying to convince the American people that they are at fault for the deficit and that they must now pay for the prosperity of the 1980's.

President Clinton's false premise is that Republican tax cuts for the rich caused the deficit increases of the 1980's. This kind of historical revisionism is not only misleading; it is downright dishonest.

Fact No. 1: During the 1980's, the American economy experienced the greatest peacetime expansion in U.S. history.

Fact No. 2: Federal revenues grew.

Fact No. 3: The wealthiest Americans paid more in taxes.

Fact No. 4: Congress failed to control spending, so the deficit grew.

Fact No. 5: Throughout the 1980's and for the last 38 years, the Democrats have controlled the House of Representatives.

Now that the Democrats control both the executive and legislative branches, they have the power to pass their tax and spend agenda with impunity.

But let us not blame the American people for the deficit. The truth about the 1980 s is Congress couldn't control its spending habits. I hope President Clinton will have the courage to face the truth then learn the real lesson of the 1980's: Economic growth will not erase the deficit unless we cut wasteful spending.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

## UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

Mr. NEAL of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to amend the Federal Deposit Insurance Act to provide for extended periods of time for claims on insured deposits, as amended.

The Clerk read as follows:

H.R. 890

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Unclaimed Deposits Amendments Act of 1993".

**SEC. 2. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED BANKS AND SAVINGS ASSOCIATIONS.**

(a) IN GENERAL.—Subsection (e) of section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822(e)) is amended to read as follows:

"(e) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under section 11(f)(1) to insured depositors at any insured depository institution, any depositor fails to claim such payment for the depositor's insured deposit from the Corporation before the later of—

"(i) the end of the 3-month period beginning on the date on which the Corporation mailed a notice of the distribution to the depositor at the last-known address for the depositor on the books of the institution; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a receiver for such institution,

the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO DEPOSITOR.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), the Corporation shall permit the depositor (on whose behalf such transfer was offered) to make a claim against the Corporation for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF RECEIVERSHIP.—If a depositor described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such depositor at the insured depository institution before the termination of the receivership—

"(I) all rights of the depositor against the Corporation with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(C) DISPOSITION OF CLAIMS IF STATE DOES ACCEPT CUSTODY.—If the appropriate State does accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), all rights of the depositor against the Corporation with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO CORPORATION AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF DEPOSITOR.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the depositor before the end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Corporation;

"(ii) all rights of the depositor against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Corporation; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Corporation satisfies the Corporation's obligation under section 11(f)(1) by making available to each depositor a transferred deposit in an insured depository institution (including a new bank or bridge bank), all rights of the depositor against the Corporation with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any depositor fails to claim a transferred deposit from the insured depository institution to which such transfer was made under section 11(f)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such institution—

"(i) the institution shall transfer the insured deposit back to the Corporation;

"(ii) the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Corporation notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under section 11(f), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or receiver had been appointed for the depository institution (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Corporation was liable under section 11(f) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CLOSED RECEIVERSHIPS.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured depository institution for which the Corporation has been appointed receiver before the date of this Act's enactment if—

(A) the Corporation was appointed receiver before January 1, 1989; or

(B) all stages of winding up the affairs of the institution, or the liquidation of the institution, has been fully completed before the date of the enactment of this Act, including the termination of any receivership, bridge bank, or new bank or the termination of any conservatorship established for any successor or resulting depository institution in connection with such resolution.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Corporation shall permit a qualifying depositor to make a claim against the Corporation for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the receivership for the insured depository institution in default is terminated—

(i) all rights of the qualifying depositor against the Corporation with respect to such claim shall be barred; and

(ii) notwithstanding any provision of State law, the amount shall become property of the Corporation.

(C) QUALIFYING DEPOSITORS HOLDING RECEIVERSHIP CERTIFICATES OR CLAIMS.—In the case of any qualifying depositor who has filed a claim with the Corporation as receiver for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Corporation shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE CORPORATION.—To the extent the Corporation makes payments of amounts under this subsection, the Corporation shall have the subrogation rights provided in section 11(g) of the Federal Deposit Insurance Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Corporation shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any depositor whose claim with respect to an insured deposit at any insured depository institution was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) CORPORATION.—The term "Corporation" means the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as the case may be.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means a depositor who did not receive payment of the depositor's insured deposit or transferred deposit as a result of the depositor's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 12(e) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

**SEC. 3. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED CREDIT UNIONS.**

(a) IN GENERAL.—Section 207(o) of the Federal Credit Union Act (12 U.S.C. 1787(o)) is amended to read as follows:

"(o) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under subsection (d)(1) to insured accountholders at any insured credit union, any accountholder fails to claim such payment for the accountholder's insured deposit from the Board before the later of—

"(i) the end of the 4-month period beginning on the date on which the Board mailed a notice of the distribution to the accountholder at the last-known address for the accountholder on the books of the credit union; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a liquidating agent for such credit union, the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO ACCOUNTHOLDER.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), the Board shall permit the accountholder (on whose behalf such transfer was offered) to make a claim against the Board for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF LIQUIDATION.—If an accountholder described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such accountholder at the insured credit union before the liquidation of the credit union is completed—

"(I) all rights of the accountholder against the Board with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(C) BAR ON CLAIMS AGAINST BOARD WHILE STATE RETAINS CUSTODY OF INSURED DEPOSIT.—If the appropriate State does accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), all rights of the accountholder against the Board with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO BOARD AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF ACCOUNTHOLDER.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the accountholder before the end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Board;

"(ii) all rights of the accountholder against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Board; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Board satisfies the Board's obligation under subsection (d)(1) by making available to each accountholder a transferred deposit in an insured credit union (including a new credit union), all rights of the accountholder against the Board with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any accountholder fails to claim a transferred deposit from the insured credit union to which such transfer was made under subsection (d)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such credit union—

"(i) the credit union shall transfer the deposit back to the Board;

"(ii) the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Board notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under subsection (d)(1), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or liquidating agent had been appointed for the credit union (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the National Credit Union Administration Board shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Board was liable under section 207(d)(1) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CREDIT UNIONS FULLY LIQUIDATED BEFORE DATE OF ENACTMENT.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured credit union for which the Board has been appointed liquidating agent before the date of this Act's enactment if—

(A) the Board was appointed liquidating agent before January 1, 1989; or

(B) the liquidation of the institution has been fully completed before the date of the enactment of this Act.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Board shall permit a qualifying depositor to make a claim against the Board for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the Board completes the liquidation of the insured credit union—

"(i) all rights of the qualifying depositor against the Board with respect to such claim shall be barred; and

"(ii) notwithstanding any provision of State law, the amount shall become property of the Board.

(C) QUALIFYING DEPOSITORS HOLDING CERTIFICATES OR CLAIMS AGAINST AN INSURED CREDIT UNION IN LIQUIDATION.—In the case of any qualifying depositor who has filed a claim with the Board as liquidating agent for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Board shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE BOARD.—To the extent the Board makes payments of amounts under this subsection, the Board shall have the subrogation rights provided in section 207(e) of the Federal Credit Union Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Board shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any accountholder whose claim with respect to an insured deposit at any insured credit union was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) BOARD.—The term "Board" means the National Credit Union Administration Board.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means an insured accountholder who did not receive payment of the accountholder's insured deposit or transferred deposit as a result of the accountholder's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 207(o) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. NEAL] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

### GENERAL LEAVE

Mr. NEAL of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 890, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. NEAL of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 890, the Unclaimed Deposits Amendments Act of 1993, would protect the insured deposits of persons who may have inadvertently abandoned them. This legislation was originated by our colleague, the gentleman from Massachusetts [Mr. FRANK], and I would like to commend the gentleman from Massachusetts [Mr. FRANK] for his outstanding work on this issue.

Mr. Speaker, under current law, a depositor in an insured financial institution must file a claim for deposit insurance within 18 months of the failure of that insured depository institution. Failure to file the claim converts the insured deposits into a general claim and can result in the depositor losing the entire amount on the deposits.

H.R. 890 would protect depositors, who fail to file claims, by requiring the FDIC and the RTC to offer the unclaimed insured deposits, in failed institutions, to the States, to accept and hold under State abandoned property laws for a period of 10 years. The States would use their established procedures to try to find the owners of these deposits.

After this period, the unclaimed funds would revert back to the FDIC, or the RTC, or its successors, with all further claims to these funds barred.

This bill, therefore, allows depositors up to 10 years to make claims on their insured deposits.

Last fall, the Financial Institutions Subcommittee held hearings on this same topic. At that hearing, we heard how some elderly depositors lost the benefit of deposit insurance by failing to file claims with the FDIC during the 18-month period for filing such claims.

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These individuals, who held long-term certificates of deposit that were transferred to new banks, did not realize that they had to file claims. They thought that since they had a long-term CD they did not have to take any action to protect their accounts.

Since those hearings, the gentleman from Massachusetts [Mr. FRANK] has worked hard to develop legislation to protect depositors from losing the benefit of deposit insurance. This legislation removes a trap for unwary depositors.

Last week the Financial Institutions Subcommittee, which I chair, held hearings on H.R. 890. At that hearing, witnesses from the FDIC and the RTC testified in favor of this legislation. They pointed out that the legislation would assist them in meeting their goal of assuring that every insured depositor receive the funds to which he or she is entitled. Following the hearing, the Financial Institutions Subcommittee marked up and adopted an amended version of the legislation.

The amendment accomplishes two things. First, the amendment extends coverage to depositors at failed credit unions. This is a provision which is fully supported by the credit union community. It assures that credit union depositors, like bank and thrift depositors, are fully protected from inadvertently losing the benefit of deposit insurance.

Second, the amendment incorporates technical changes, recommended by the FDIC and the RTC, to assure that the depositor protections of this Act can be implemented efficiently.

Since the subcommittee action, we have made technical changes to satisfy concerns expressed by the Budget Committees.

Mr. Speaker, our Federal deposit insurance pledge is there to protect our Nation's depositors. This bill assures that all insured depositors will be fully protected up to 10 years after an institution fails.

The gentleman from Massachusetts [Mr. FRANK] is to be commended for his foresight and vision in raising this matter and finding a solution to a serious problem. The action by the gentleman from Massachusetts [Mr. FRANK] will save a number of people from severe financial losses. I would like to thank him again for his fine effort.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have the opportunity today to move quickly on some legislation that will help some people out who have had trouble claiming their deposits in failed institutions. As I understand it, unclaimed deposits in receiverships amount to less than one-third of 1 percent of all deposits, but, for those individuals who purchased long-term CD's these deposits are often their life savings. H.R. 890 will replace existing Federal law with provisions that apply the relevant State law on unclaimed property. To assist those who have already lost deposit insurance coverage on their savings, we are including a retroactivity clause that applies to deposits in institutions closed after January 1, 1989.

I would conclude by commending Mr. FRANK for bringing this legislation before us and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding, as I appreciate the expedition and support that he, and the ranking minority member, have shown in dealing with this bill.

I also want to mention an individual who preceded the gentleman from North Carolina as chair of the subcommittee, our former colleague, Frank Annunzio from Illinois, because when this was first brought to my attention last summer, Mr. Annunzio moved very rapidly to let us have a hearing on it and set the stage by having a hearing, but it was too late in the year to legislate, but it helped us to flush out the issue. It got us together with the FDIC and the RTC, and it set the basis by which we were able to move so quickly today.

I think this is a good example of bipartisanship and of flexibility.

The problem is this: Sometime, when they set up the FDIC, they put in a provision that said that if there was no activity, in an account that had reverted to the FDIC, for 18 months, the depositor would lose any rights in that account, and it would revert to the Federal Government. At that point, they had not foreseen, not that we blame them for this, the invention of certificates of deposits.

We had a situation that came to our attention recently when a number of banks, sadly, failed, S&L's and banks, where individuals had certificates of deposit significantly less than $100,000 per depositor, and found that when their bank had failed and they had let more than 18 months go by without doing anything about it, they were told that they had forfeited their certificate of deposit.

From the Federal standpoint, this is financially insignificant. From the standpoint of an individual, who has saved and put $50,000 or $60,000 or $20,000 or $12,0000 into an account, it was devastating. What represents a minuscule fraction of a percentage of Federal funds involved, was very often 100 percent of the savings of individuals. Unfortunately, the FDIC and the RTC took the position that that 18-month loss gave them no flexibility.

A lawsuit was filed with States on behalf of the depositors trying to get the funds for their unclaimed deposit funds. It seemed to us, rather than to let a lawsuit go forward, since everyone agreed that justice dictated that the individuals get their money back, that we act.

So what this bill says, as it has been outlined, and I just want to make it clear again, is in effect, we say if you are a depositor and the bank fails and you have less than $100,000 in that bank, you will not be adversely affected. You will have a route to get your deposit back even if more than 18 months goes by.

Again, in an era of certificates of deposit, if you happen to have a 3-year or a 5-year certificate of deposit, it would not be surprising that you would not have called the bank every 6 months to see how the President was feeling. That is what this does. It does have a retroactivity clause with everybody's agreement, that is, there are some people who lost their money, and this would allow them to get their money. It also, in the future, would have those unclaimed deposits given to the States, because the States, and here I want to congratulate Joe Malone, the State treasurer of Massachusetts, who has been very, very active in this area, and brought this to my attention, the States will be given the responsibility of finding the depositors.

At the end of 10 years, any depositors not located, those deposits will go back to the Federal Treasury, so the Federal Treasury will not be hurt in that sense; the States will not be put to any great expense, because they will get the use of the money; and they will use the State efficient methods for finding the unclaimed depositors.

It is in the overall Federal context a small problem. To an awful lot of individuals, unfortunately, it has become a very major problem. We now have resolved this, and I am very grateful to my friend, the ranking member, and my friend, the chairman, for helping us move very quickly early in the session to get this set up, and I hope that the other body will, as they should more often, follow our example.

Mr. McCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEAL of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 904) to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The Clerk read as follows:

H.R. 904

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.**

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 7 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 2 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 1 nonvoting member appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 2 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 1 nonvoting member appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALIFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) CHAIRMAN.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission."

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end of the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Commission which is the subject of this legislation was initiated at the end of the 102d Congress, reported from the Committee on Public Works and Transportation, to give the President and the Congress expert advice on the financial crisis facing the airline industry and the decline in airline competition. The commission idea was recommended by our former Public Works Committee chairman, Bob Roe.

The pending bill amends the legislation enacted in the 102d Congress by expanding the Commission's membership from 7 in current law to 15 voting and 7 nonvoting members appointed as follows: There would be 5 voting and 1 nonvoting members appointed by the President; 3 voting and 2 nonvoting appointed by the Speaker of the House; 2 voting and 1 nonvoting appointed by the House minority leader; 3 voting and 2 nonvoting appointed by the Senate majority leader; 2 voting and 1 nonvoting appointed by the Senate minority leader.

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The bill also makes some changes in the qualifications for membership on the Commission. It requires that commissioners be experts in aviation, economics, international trade, and related disciplines.

Commissioners may include persons who are not employees of aviation groups but must be familiar with the positions and concerns of the various aviation groups: shippers, aircraft manufacturers, general aviation, the financial community, State and local government, and persons adversely affected by aircraft noise.

Mr. Speaker, I will have more to say later about the reasons for this approach and the need for this Commission.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding time to me.

During the past 3 years, the airline industry has suffered unprecedented losses of $10 billion, more than it has earned in all the rest of its history.

During this period, all but one major airline have sustained substantial losses. The financial problems have also caused significant increases in concentration in the industry. Three major carriers have been liquidated in bankruptcy proceedings and three others are trying to reorganize in chapter 11. If financial conditions do not improve soon, other major airlines may be forced into bankruptcy, where about one-fifth of the current industry is now operating.

Furthermore, the current financial crisis of the airline industry is now spilling over into the aircraft manufacturing industry and local economies where billion dollar aircraft orders are being canceled and thousands of jobs are disappearing.

At a time when there is much discussion about stimulating our economy and creating new jobs and the kind of investment that is needed for long-term economic growth, the situation facing the airline industry is bleak—not how many jobs can we add, but how many can we avoid losing. And, the overriding question facing all of us is how much worse is it going to get?

With this in mind, I am pleased that the Committee on Public Works and Transportation, which I am privileged to chair, brings to the House floor today legislation that will build upon a blue ribbon commission established by the Congress to deal with the problems of the aviation industry. Few will dispute that the issues associated with the airlines' condition are complex and, at times, quite contentious. I look to the Commission to be part of developing a consensus as to what is doable and desirable from a policy standpoint. I would also strongly encourage the Commission to draw upon the good efforts of our Subcommittee on Aviation, under the leadership of Mr. OBERSTAR and the ranking Republican member, Mr. CLINGER, which just completed last week 3 days of extensive hearings on the financial condition of our Nation's airlines.

At this time, Mr. Speaker, I wish to state that by unanimous consent I will include in the RECORD a copy of my opening statement at these hearings. It includes some specific suggestions of how we might help solve the aviation financing problem and I would call these to the Members' attention.

Mr. Speaker, while everyone agrees that the basic premise and mission of the Commission established last year is valid, present circumstances dictate that some adjustments be made in the Commission structure. H.R. 904 does that.

First, the Commission membership is expanded to provide more appointees by the President and the Republican leadership in the Congress. This expansion reflects the political change brought about by the November election and the spirit of cooperation that now exists between the executive and legislative branches of our Government, as well as Democrats and Republicans, on this issue.

Second, the legislation requires a shorter timetable for the Commission to report back to the President and the Congress on its recommendations. The airlines' financial crisis continues unabated since Congress took action last fall, making a short 90-day report, instead of one of 180 days, is better suited to present day circumstances.

Given the importance of the airline industry in the Nation's economy, enactment of H.R. 904 is the very least we must do to insure that all necessary steps to restore it to profitability are quickly addressed.

Finally, Mr. Speaker, I applaud the cooperation and industrious work of President Clinton, Secretary Peña, our distinguished subcommittee chair, JIM OBERSTAR, BUD SHUSTER, BILL CLINGER, and everyone else in coming to a quick resolution on how we should proceed on this important matter.

Mr. Speaker, I urge adoption of H.R. 904.

### OPENING STATEMENT OF NORMAN Y. MINETA, SUBCOMMITTEE ON AVIATION, FEBRUARY 17, 1993

Tonight President Clinton will present his proposals for stimulating our economy, creating new jobs, and creating the kind of investment that is needed to grow our economy.

In the airline industry, however, we face a much bleaker scene, where the question is not how many jobs we can add, but how many we can avoid losing. The airline industry has lost $10 billion in the past 3 years, more than it made in all the rest of its history. Airline jobs have disappeared, airlines have disappeared, about one-fifth of the industry is now operating under the bankruptcy code, much of the rest of the airlines are described politely as financially troubled, aircraft orders are being cancelled, manufacturing jobs are disappearing, and the question hanging over us all is—how much worse is it going to get? And what, if anything, can we do about it?

The irony here is that the industries we are talking about—airlines and aircraft manufacturing—are not the latest example of industries in decline because they have not kept up and are not competitive. These are not the whale-oil lamp industry or the shoe industry. These are industries where we are at our most competitive and our most technologically advanced.

The better analogy may be to the commercial real estate industry, which over-built and over-expanded, and then got caught in an economic downturn more persistent than anyone foresaw.

Whatever the cause of the problem, the airline and related industries are a real source concern as we try to bring job growth to the overall economy. Whatever we do right in the rest of the economy may be undone by further deterioration in airlines and airline-related manufacturing. These industries could be the millstone around the rest of the economy.

Our task is not just to discuss the problem, but to try to solve it.

The first step is always to understand the problem. In my view the problem is not that the airline industry itself is threatened with extinction. All airline passengers are not going to switch to AMTRAK. The fact is that the biggest and strongest airlines are not going to disappear, but most other airlines are at risk. Zero airlines is not a possible outcome, but 3 airlines, give or take an airline, is. It is the risk of losing those airlines other than the biggest and strongest which must concern us and must be the focus of our efforts.

Some would have us believe that, short of creating a strong economic recovery, there is relatively little we can do. I agree that a strong recovery would be a big help, but I disagree that there is nothing else for us to do.

Let me put a few specifics on the table:

First, airlines and their customers pay more to the federal government in excise taxes than they get back in services or than they need to be paying at this time. Temporarily cutting the airline passenger ticket tax from 10% to 8% would put a billion dollars per year back into this industry, and would not impair our ability to make needed investment from the Trust Fund. This tax cut for passengers will not solve the basic problems of the industry, but will buy us time and help us keep a few of the airlines who would otherwise be at the edge of extinction.

Second, the fact is that while most airlines are losing money, not all money-losing airlines are equal. Some have the wherewithal to survive continuing losses and some do not. That disparity among airlines is due in part to the fact that for nearly a decade airlines have not competed on a level playing field—some have anti-competitive advantages over the rest, most notably in the area of computer reservation systems. This Subcommittee, under the outstanding leadership of Jim Oberstar and Bill Clinger tackled this problem last year when the Administration would not, and got a bill passed by the House. If we want there to be more than 2 or 3 airlines, we will once again have to seek a remedy for these anti-competitive problems that handicap all but the strongest.

Third, government has sometimes put unreasonable burdens on the industry, and we need to remedy those situations. A leading example is the 50% random drug testing requirement. We have in the airline industry a very effective drug testing program consisting of pre-employment testing, probable cause testing, periodic testing, and post-accident testing. But DOT in 1988 required, in addition to all these forms of testing, 50% random testing, an enormously expensive and intrusive undertaking. Even after adding not only flight crews but also baggage handlers, FBO employees, and a great many others to the program, random drug testing has never uncovered drug use in more than a small fraction of one percent of those tested. And for airline flight deck crews there has been virtually no drug use discovered by random testing. The fact is that 50% random testing is a massive amount of effort producing very little benefit. Whatever deterrent effect random testing has could be achieved at far lower cost with a significantly reduced testing rate. A year ago, the DOT quietly reduced its random testing requirement for its own employees, including air traffic controllers, from 50% to 25%, but continued to require all airline employees and others to undergo 50% random testing. DOT now has a rulemaking underway to consider lowering the 50% random testing rate for private industry.

That rulemaking presents a very real opportunity to reduce a largely pointless burden on airlines. I note that the airlines are calling for a reduction to 10% random testing. I would remind the airlines before they dwell on how stupid the government is to persist in such a clearly unproductive requirement, that it was originally the airlines themselves who called for the 50% random testing requirement. This industry has not always been its own best advocate.

Fourth, DOT is moving toward 50% random testing for alcohol, as well as drug use. For the same reasons, that testing rate should be substantially reduced.

Fifth, the world has changed enormously since the late 1980's, and so has the size and nature of the security threat to U.S. airlines. Generals often tend to fight the last war, and nowhere is this more true than in the case of security generals. We no longer have a Cold War. We no longer have hostages in Lebanon. The dimension and nature of the threat has changed.

The security threat began with hijackings to escape the U.S. and go to Cuba. The latest hijackings were to get into the U.S. We need a complete review of security requirements to make sure we are responding fully to today's threat and not wasting money in response to past threats. In particular, the 1989 DOT requirement that airports install elaborate computer-based employee screening systems at approximately 270 domestic airports should be re-evaluated to determine if we are imposing costs of hundreds of millions of dollars, ultimately borne by airlines and their customers, to little or no purpose. many of the airports covered by this rule serve rural areas of less than 50,000 population. This is a clear case for reassessment.

Sixth, one of the new cost burdens imposed on airlines just in the last few years was allowing airports to levy their own airline passenger taxes in addition to federal passenger taxes. A great many worthwhile projects have been built with this money, but a new and largely uncontrolled cost burden has also been put on the airlines at precisely the time they can least afford it. In the past year and a half, five and a half billion dollars worth of PFC projects have been approved. Over five billion dollars worth of additional PFC projects are now seeking approval at FAA. These are not new burdens the airlines and their passengers can sustain without limit. I would strongly suggest to the airport operators that the right to impose PFC's is not the same thing as the power to suspend the laws of economics. You, like we, need to remember that the power to tax is the power to destroy. And once you help destroy a large airline at your airport, you may find that all the PFC's you can impose will not make up the difference. I would urge the FAA to scrutinize the pending PFC projects very closely, with an eye to protecting the public interest. We all need to review the question of how PFC projects can be judged to assure that there are no unnecessary cost burdens put on airlines or their passengers.

And finally, I would like to make a suggestion to the subjects of these hearings, the airlines themselves. No one that I have talked to about your situation in the Congress, or in the new Administration, doubts the seriousness of your financial situation. And no one I have talked to suggests that we should not try to help. But many of us find that when we ask you what it is we can do to help, instead of offering us suggestions as to how we can strengthen the airline industry, you urge us to help you destroy your competitor airlines instead. Some of you seem to be concerned primarily that the plague will recede before killing off your pesky neighbor. It is not at all clear that the industry is unanimous in wanting a cure for the plague, at least not a cure that arrives too quickly.

Some of you now seem to believe that not only should government not help the wounded among you, we should go around and shoot the wounded for your convenience. I have to say that what you see as the solution—the demise of several more airlines—I see as the calamity we are trying to prevent. I do not see our proper role as public officials to be the agents of airline euthanasia. There are real people who work for these airlines, who have families, who depend on these companies for pensions and medical coverage.

Just taking the 3 major airlines now operating under Chapter 11, they have about 75,000 employees. Add the financially troubled airlines, and the number of employees involved more than doubles. That's a lot of people to be throwing out on the street. That's a lot of new burden to put on the Pension Benefit Guarantee Corporation. That's a lot of dead weight to add to an economy still struggling to achieve a real recovery.

I've heard efforts to use changes in the bankruptcy code to kill off weaker airlines. I have heard of attempts to use DOT to revoke the certificates of some airlines. I have heard of efforts to block legitimate investment in other airlines. Yes, you are all vigorous competitors in the commercial marketplace, and that's exactly what you are supposed to be. But here, before government, you should be making constructive suggestions to help us deal with a threat to the airline industry as a whole, to the employees, communities, and other industries which rely on the airline industry, and to the goal of economic recovery. That is what I want to hear.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 904.

This legislation amends section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, by increasing the number of members on the Commission from 7 to 15, and shortening the reporting deadline from 180 to 90 days.

Late last year Congress passed legislation, signed by the President, to create a seven-member Commission. The Commission was never constituted. The Clinton administration, and particularly Transportation Secretary Secretary Peña, have embraced the Commission proposal but sought changes to shorten the reporting requirement in view of the dire financial straits of the carriers. In addition, the Secretary recommended that the Commission's size be increased.

The air carrier industry is in extreme financial distress. With one exception, all major air carriers suffered record losses last year. During the past 3 years, air carriers have lost more money than they earned since the advent of the industry. Even our largest carriers have seen their net asset value seriously diminished.

Air carriers are literally the lifeblood of American commerce. Businesses rely on air carriers as the primary mode of travel. Over 90 percent of intercity passenger traffic, carried by commercial conveyance, use air carriers.

The underlying causes of the industry's ills are complex and cannot be ascribed to deregulation, to any one actor, or any one set of circumstances. Some have argued that there's too much capacity, that bankrupt carriers are dragging down the healthy carriers, or that a succession of taxes have pushed ticket prices too high. The Commission is charged with answering these and other fundamental questions and making recommendations to help return the industry to profitability, including the efficacy of increasing the amount of foreign investment in a domestic carrier.

Mr. Speaker, as I mentioned previously, H.R. 904 creates a 15-member Commission; 5 appointed by the House; 5 by the Senate; and 5 by the President. Of the five House appointees, three are made by the Speaker and two by the minority leader. The same holds true for the Senate.

In addition, the bill also authorizes the House and Senate to each appoint three nonvoting Members; two by the Speaker and one by the minority leader. The President gets one appointment.

H.R. 904 does not specify that any one group or groups be represented on the Commission. However, the bill does stipulate that commissioners are expected to be appointed from among experts in transportation policy, including representatives of Federal, State, and local governments, as well as organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community. Just as important, it is the intent of this Member—and I'm sure the chairman will agree with me—that at least one commissioner should come from among the ranks of noise affected communities. They have just as much at stake as any other group.

While public attention has focused on the immediate problems of the industry, experts have considerable fear about the ability of carriers to sustain their capital plans over the long term. If carriers are unable to maintain route systems, communities may lose a vital link to our Nation's commerce, and most certainly jobs will be jeopardized. It would be difficult to imagine what would befall our economy if any one or several of our remaining nine major carriers left the market altogether.

Mr. Speaker, I support this legislation and urge all Members to lend their support as well.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 904. My district in Washington State includes Boeing Co. headquarters and has more Boeing employees than any other district.

We also have the headquarters of one of the most efficient small carriers in the country—Alaska Airlines. So my concern for the revival of our airline industry, and for secure, high-paying jobs, could not be greater.

The people of my district are victims of a nosedive in the airline industry. Boeing will eliminate 19,000 jobs in Washington State—1 of every 5. Every Boeing job produces three more indirect jobs. It adds up to a staggering loss to Washington State's economy.

As for Alaska Airlines, it had 19 consecutive years of profitability, until its fares were undercut by airlines operating under bankruptcy protection. That is costing another 1,100 jobs.

Restoring the health of the airlines will help not only the workers of my district, but all those Americans who benefit from thriving competition.

I appreciate the concern and leadership of Chairman MINETA and Chairman OBERSTAR, who came to Washington State last month to see Boeing's problems firsthand.

And I know that President Clinton understands these problems and their effects on working families. We were deeply gratified by his visit to our State last week. He showed a depth of understanding, a commitment to action, and the kind of leadership we have needed for a long time.

Today, it is our turn to act. We strengthen the national commission. We require it to get serious. And we require it to bring us its recommendations in 90 days instead of 6 months. Then, we will have to work quickly to revitalize this industry, to restore jobs, and to create economic growth for the future.

I urge my colleagues to support H.R. 904, and bring hope to thousands of working families who need and deserve our help.

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Mr. CLINGER. Mr. Speaker, I yield 5 minutes to the ranking Republican member on the full Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. My colleagues, I rise in strong support of this legislation today. We have an ironic situation in America in aviation. Over the past 10 years we have had tremendous success in that we have had about a 65-percent increase in the number of people flying, and we have had about a 30-percent reduction in the price of a ticket, adjusted for inflation. This is an enormous success. But at the same time, we have seen a once healthy airline industry go from a strong position to a situation today where it is in crisis and where the very future of the airline industry is in doubt.

So, Mr. Speaker, if there is any time when we need an urgent look at this issue to see what can be done, that time is now. I commend my colleagues for moving this legislation and moving it quickly. Let us do it quickly because it is not going to cause any increase in spending since the payment for this Commission is going to come out of the Department of Transportation budget.

Mr. Speaker, I would say, particularly to my Republican colleagues, that we have actually improved this legislation over the legislation from the past year in that the minority has a clear representation on this Commission. That was not provided for in the previous legislation.

One of the most troubling aspects of the situation today, however, Mr. Speaker, is that, while we are moving to try to address the problems in our aviation industry, we have a proposal before the country now to increase energy taxes, the Btu tax. This tax will cost the airline industry over $1.2 billion a year in increased costs, and that is the most conservative estimate. This is nearly as much as the airline industry made in profit in its best year.

So, here we are, everyone acknowledging that we face a real crisis in America today, an airline industry which may not survive as we know it, and yet a proposal for a tax increase that will impose upon that airline industry a cost increase, nearly as great as all the profits that they ever made in their most successful years. This exacerbates a situation where we have over 100,000 people laid off—terminated—not working in the airline industry; 28,000 people at Boeing, referred to by the previous speaker; and about 4,000 people at GE out of work. These people are out of work because the airline industry is in deep trouble.

And yet, Mr. Speaker, we have a proposal for a massive tax increase, a cost increase. I hope, and I believe, that this Commission should look at that particular question, along with all the others. How in the world can we expect an airline industry to survive when it is in all the trouble it is in with eight of the nine major airlines hemorrhaging millions of dollars of losses, three of the nine in bankruptcy, and two or three more that are ready to go? How can we help them if we are going to impose upon them the most massive cost increase in the history of the airline industry?

So, Mr. Speaker, I believe this particular issue should be looked at very carefully along with the other issues that are so important, and for that reason I think this is a very timely commission, and I strongly support it, and I would urge its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank the chairman and commend the quick action of the Public Works Committee. Their speedy response demonstrates that they fully appreciate the dire emergency that today confronts our aviation industry. Never has an industry needed special attention as this one does at this moment.

Since the pioneering days of the Wright brothers at Kitty Hawk, America has led the way in aviation technology. Others around the world look here for innovations in technology. Our companies have built an industry that today connects every point of the globe, provides quick and efficient transportation, and has made our complex society a smaller and more manageable one.

But today, the industry that has grown from its humble beginnings at Kitty Hawk is threatened. The American aviation industry faces unfair competition from overseas competitors. Foreign governments are providing support and financial assistance to the tune of $26 billion to their aerospace consortium—assistance that our industry cannot compete with. The result is to further exacerbate an untenable situation. Our economy, already suffering from recession is now beginning to feel the aftershocks triggered by the troubles in this industry.

Connecticut is a State that is particularly hard hit. Thousands of people are employed by companies that rely on the defense and commercial aviation industry. Pratt & Whitney, a major aviation supplier, last month announced the layoff of more than 5,000 employees. These layoffs aren't the result of Government defense cutbacks. This company had the forethought to move away from reliance on the defense industry. These layoffs are the result of the sagging fortunes of our commercial aviation industry.

At a time when we are searching desperately for the larger answers to our economic crisis, we cannot afford to ignore the problems occurring in this important industry. I applaud the President's actions that have made this problem one of his highest economic priorities. I am encouraged that the committee has acted so quickly to amend and report this legislation that will allow the commission to begin its important work.

For the good of Connecticut's thousands of aviation workers, for the hundreds of thousands of aviation workers across the Nation, and for the strength of our economy, we need to act expeditiously on the proposal before us today. We need to be sure that our aviation industry continues in the tradition of leadership and strength that began more than 93 years ago with the flight of a glider in North Carolina.

Mr. CLINGER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. LEVY], a new member of the Committee on Public Works and Transportation and a very valuable member.

Mr. LEVY. Mr. Speaker, I am going to be joining with the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER] in supporting this bill today, but I must confess that my support is less enthusiastic.

Mr. Speaker, this bill is designed to create a national commission to ensure a strong, competitive airline industry. Originally passed last year as a provision of the Airport and Airway Safety Act, the bill's language calls for expanding the Commission from 7 to 15 members, and I think that is a good thing. But last year's bill required one of the seven members to be a representative of citizens concerned with the issue of jet noise. Well, H.R. 904, which we are about to consider, more than doubles the membership on that commission. We have stopped insisting that the air noise representative be present at the table. That is not only unfair, but I think it is a slap in the face to the millions of Americans who, like many of the people in my district, live near airports and who have to put up with aircraft noise day after day, hour after hour.

Mr. Speaker, a move was made by my friend, the gentleman from New Jersey [Mr. FRANKS], in committee to include a member among the 15 who is concerned with air noise. That effort lost out in the full committee markup on a partisan vote.

Mr. Speaker, as I said, my concern for that issue does not prevent me from voting for this bill; however, I do have to state for the RECORD that I feel that the concerns of those who must confront air noise have been sadly deemphasized.

Mr. CLINGER. Mr. Speaker, I yield 2½ minutes to the gentleman from new Jersey [Mr. FRANKS], another new and very distinguished member of our committee who is indeed concerned about the noise issue and its impact upon competitiveness.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of H.R. 904, a bill that would reconfigure the National Commission To Ensure a Strong Competitive Airline Industry.

Mr. Speaker, I will be ultimately voting for this legislation, because I believe this Commission can be effective in offering suggestions and recommendations on how we in Congress can help our ailing domestic airline industry. With all but one of our major airlines suffering financial losses, we can no longer afford to wait for this problem to get better on its own.

Although H.R. 904 is directed at an important concern, this legislation contains a major flaw—a flaw which I tried to rectify in committee. Specifically, this bill weakens current law and Congress' strong commitment to reducing aircraft noise by removing the aircraft noise representative from the Commission. This is reversal from present law. If Congress is indeed serious about combating the aircraft noise problem, we must not allow important provisions of law directed at this problem to be jettisoned.

Mr. Speaker, before the House adjourned last year, Congress passed the law which this bill now amends. Under that law, Congress mandated that the communities affected by aircraft noise would have a representative on the Commission. Now, a scant 5 months later, Congress is flip-flopping on this issue. What is sadly ironic is that even though the aircraft noise representative is being purged from the Commission, the membership of the Commission is being increased from 7 to 15 members under this bill. That makes no sense at all to me. If we can more than double the size of the Commission, surely we can keep that one member who is most concerned about aircraft noise.

I attempted to amend H.R. 904 during its markup, so it would keep an aircraft noise representative on the Commission. Although my amendment failed on a party line vote, we in the minority were successful in gaining report language on this issue. However, that report language still will not fully rectify the problem, nor will it satisfy the millions of Americans who are forced to tolerate unacceptable levels of aircraft noise during all hours of the day and night.

Mr. Speaker, I understand that the purpose of H.R. 904 is to refocus the Commission so it concentrates on our Nation's troubled airline industry more closely. However, I can assure my colleagues that the problem of airport noise has not abated since Congress addressed this issue last fall, and that the need still exists for an aircraft noise representative to be included as a member of the Commission. I urge the other body, when they consider this legislation, to take the necessary steps to ensure that an aircraft noise representative remains on the Commission. Clearly, an expert on this subject is needed if this important issue is to be properly addressed by the Commission.

□ 1330

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 904 and urge my colleagues to join me in supporting its enactment.

The U.S. aviation industry has experienced a tremendous downturn. Only 2 of the 22 airlines that entered the industry after deregulation are still operating. Over the past 3 years, U.S. airlines have lost a staggering $8 billion and eliminated thousands of jobs. These difficulties have led to a steep decline in orders from the airlines which have in turn led to massive loss of aerospace jobs. We cannot continue to sit by and watch the elimination of thousands of high-tech, high-wage jobs.

In my district I have seen all too clearly the effects of problems facing the commercial airline industry. United Technology's Pratt & Whitney, headquartered in East Hartford, CT, has undergone a massive restructuring effort which will leave thousands of Connecticut residents out of work. From January 1992 through the end of 1994, Pratt's Connecticut employment will drop from 23,100 to 13,700.

The United States risks losing its edge in the aerospace industry. Expansion of this commission will allow experts to closely examine the issue and suggest the most efficient manner of rectifying the situation.

Congress and the Clinton administration must act as one to ensure steps are taken to revitalize the aviation industry.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to another new and very dedicated and dynamic member of our committee, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I wish to thank the ranking member, the gentleman from Pennsylvania [Mr. CLINGER] for this time, and I rise in support of this legislation today. I also wish to commend the chairman of our full committee, the gentleman from California [Mr. MINETA], and the gentleman from Minnesota [Mr. OBERSTAR], chairman of this subcommittee, for their work, for their attention, and for their dedication to this important issue. I also thank them for including language in this report, something that I feel is very important, and that is the impact of regulations, particularly conflicting regulations on the airline industry, and I hope that this Commission does pay attention to the cost and impact to our Nation, to the airlines, and to the manufacturers.

Another issue that I think is important that I would like to raise involves the lack of incentives that Government provides for research and development. As a businessman, I know the importance of research and development in maintaining global competitiveness. Many of the aviation companies and executives with whom I have had an opportunity to speak lately have commented on the lack of incentives for the United States to pursue the necessary research and development in this important industry.

Mr. Speaker, I respectfully request that hopefully we make a part of this record today the request that this commission look at ways in which the Federal Government can encourage much-needed research and development.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Pennsylvania [Mr. CLINGER] just said that the airline industry is the lifeblood of American commerce, and I agree with that in large part.

The gentleman from Washington [Mr. KREIDLER] said that Boeing was in difficulty and needed help and he was glad that this Commission was going to be reappointed so this Commission could do its job and really help the airline industry. He said also that President Clinton understands Boeing's problems and the problems of the airline industry, and that he went to Washington and showed that he cared.

I say to my Democrat colleagues whom I love so much that if they really care so much and if the President really cares so much, why is his Btu tax going to add 15 cents a gallon to every gallon of jet fuel they have to buy?

I have talked to airline executives, and they tell me they are going to be put out of business. It is one thing to say today on the floor of the house that you care, but it is quite something else to add 15 cents a gallon for very gallon of jet fuel they have to buy. That does not sound like they care very much to me.

Let me just say that the Democrat Party and the Democrat President giveth with the left hand and then smacketh them in the mouth with the right hand.

Mr. CLINGER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further speakers on our side, and I will simply close out the discussion of the subject myself.

Mr. CLINGER. Mr. Speaker, in view of the fact that the gentleman from Minnesota [Mr. OBERSTAR] is the final speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the dire current condition of the airline industry has been well described throughout this debate, but we should remember that in the period of 1985 through 1988, the airline industry was expanding. Growth was exploding throughout the United States, and profits were soaring. In fact, in 1988 the industry enjoyed a record $3.1 billion in operating profits, and $1.1 billion in net profits, more than it had made in the previous several years.

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Questions were being raised at that time about whether deregulation really was working, was there enough competition. Fares were starting to rise. Questions were asked about whether competition really was working, because the industry was concentrating into fewer carriers, less competition at the fortress hubs, and fares were starting to rise. Questions were being raised.

Now we see an entirely different picture. The mid-1980's were probably the peak of the profitability of the airline industry in its entire history. Now we are in a trough, where in the last 3 years the industry has lost $8 billion.

Questions have been raised by Members of this body about the viability of deregulation. In fact, hardly a day goes by that I come on the House floor that someone does not ask is it not time to reregulate the airline industry?

That definitely is not the case. We do not want to return to an era of regulation, that is, Government control of market entry and pricing of airline fares.

In fact, airline fares have risen from the period of 1981 through 1993 only 2 percent, while the Consumer Price Index in that same period of time rose 54 percent.

The Brookings Institution estimated that every year consumers are benefiting to the tune of $6 billion in avoided costs and lower fares because of deregulation and the competition and expanded service that it has brought.

What is facing this industry is more than a triple whammy, powerful economic forces have hit the industry from all sides at once: recession at home, recession in Europe, recession in the Pacific rim; the security fears resulting from the bombing of Pan Am 103 and the war in the gulf. All of which caused a huge falloff in demand at the very time when fuel prices were ignited by the gulf war causing the airlines to pay over $4 billion in additional costs because of the increased price of fuel due to the gulf crisis.

In addition, the airlines themselves added problems. The three largest carriers increased their fleets from 1988 through 1992 by 445 aircraft, adding to the excess capacity in the industry and creating the huge problem of many aircraft flying with not enough passengers to fill the seats.

In the leveraged buyout craze of the 1980s, including the acquisition of new entrant carriers, airlines added so much debt that their costs of interest expense and rental went from $2 billion in 1982 to $8 billion in 1991. These were tremendously increased burdens for an industry which has always been cyclical and has had difficulties even in the best of times.

Now we have further problems created by this lingering period of recession and the excess capacity, as well as the number of carriers in bankruptcy.

Mr. Speaker, I must observe that, while the finger has been pointed at bankrupt carriers, they account for only 18 percent of industry capacity. If the bankrupt carriers disappeared overnight, we still would have excess capacity in this industry. That has to be understood.

The purpose of this commission is to review the status of the airline industry, of aviation in total, and make some conclusions and recommendations, the first of which, I hope, will deal with the preservation of competition. It will be of little value to have a profitable industry with only two airlines operating. It will be of immense value to have a number of solvent airlines competing vigorously for customers at home and abroad.

We want to assure that the competition engendered by deregulation will remain strong and vigorous so American carriers can compete, not only the domestic economy, but in our foreign markets as well. We also want to return this industry to profitability, and we look to this commission to make wise and responsible recommendations.

Mr. Speaker, I reserve the balance of my time.

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to reclaim the time of the minority. I have had a Member come to the floor who would like to participate in this debate.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Pennsylvania [Mr. CLINGER] has 4 minutes remaining, and the gentleman from Minnesota [Mr. OBERSTAR] has 3 minutes remaining.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], one of the new active contributing members of the committee.

Ms. DUNN. Mr. Speaker, I rise to lend my strong support of H.R. 904 to establish a commission to assess one of the most vital transportation industries in our country, our commercial aviation industry.

For decades now, that industry has served as a springboard for researching and developing advanced technologies. It has spawned thousands of manufacturing jobs throughout our States.

It is undeniably a crucial thread in our Nation's industrial fabric. However the thread has slowly begun to unravel and will continue unless we initiate some action to restore some stability to this faltering industry.

While more and more carriers fall prey to chapter 11, our manufacturing base continues to erode. This year alone in my home State of Washington, Boeing will be laying off 14,000 people. This will undoubtedly impact the thousands of other jobs around the country, in industries that supply parts and other goods for Boeing and other manufacturers of aircraft.

Mr. Speaker, we must realize that our Nation's airline industry is a vital ingredient in our efforts to retain our competitive edge in the world marketplace.

The Commission which this bill creates, is composed of policymakers and industry experts. They will offer us a way to closely examine the history of this important industry and to see why it is in its current condition.

We must then evaluate their recommendations on how to ensure the future prosperity of the aviation industry based on free and fair trade, free markets, and limited Government interference.

Mr. Speaker, this Commission is a crucial first step in that direction, so I urge my colleagues to give it their full support.

Mr. CLINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, just a few concluding observations: First, with respect to the question that has been raised about noise: The House-passed bill last year did not have any seat designated for a specific interest or sector of the aviation industry.

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That provision, designating a representative from the noise community, was added by the other body in the final minutes of the 102d Congress. In order to get a bill passed, we just accepted that language with great, great reluctance. And we resolved at the beginning of this Congress, when the new administration wanted to invigorate the Commission and give a different timetable, that we should return to the neutrality of membership on this Commission. That is the reason that no interest grouping is designated for a specific seat on the Commission.

We do urge the administration to appoint people from a wide array of interests, and we do urge that noise interests be given full and fair and adequate and expert representation on this Commission. But it really would be a mistake to designate, in the law, one interest apart from others for special recognition and special seating on the Commission.

Finally, I would like to express my great appreciation to the gentleman from California, Chairman MINETA, for his support of the Subcommittee on Aviation to hold hearings on the financial condition of the airline industry and bring this legislation out so quickly. His longstanding interest as chairman of the Subcommittee on Aviation, for over 8 years, of course, puts him in a very special position of understanding. And we, all of us subcommittee chairs on the Committee on Public Works and Transportation, appreciate the opportunity to manage our own bills on the House floor, which is a practice that he has initiated.

I want to express a special gratitude, again, to my longtime colleague and friend on the committee, the gentleman from Pennsylvania [Mr. CLINGER], for his ever-present attendance and always thoughtful recommendations and insights into the issues with which we deal. It is a great pleasure to work with him. And to our staff for their splendid and vigorous work in bringing this bill and the committee report to the House floor.

I urge enactment of the pending legislation.

Mr. GEJDENSON. Mr. Speaker, I rise today to express my support for H.R. 904 which expands and improves the Aviation Industry Commission. The Commission was formed last October to study the problems of the U.S. airline and aerospace industry and make recommendations to improve the aviation industry's competitiveness. H.R. 904 makes two simple changes to the Commission. First, it broadens the membership of the Commission, and more importantly, it requires it to report its recommendations within 90 days instead of 6 months.

The airline industry is in need of immediate assistance. Since deregulation began, 22 airlines entered the industry. Of those 22, only two are still in operation. Many airlines are operating under the protection of bankruptcy and two major carriers—Eastern and Pan American—have gone out of business completely. Additionally, the airlines have experienced $8 billion in operating losses during the past 3 years and thousands of airline workers have lost their jobs.

Both the decline of the airline industry and reductions in our Nation's defense spending has had repercussions for the entire aerospace manufacturing industry. United Technologies Corp. [UTC], the largest employer in my home State of Connecticut, anticipates a 21-percent decrease in its commercial airline business this year and has seen a reduction of military fighter engines from 700 in the early 1980's to under 100 in 1993. As a result of this loss of business, UTC has announced the layoff of 6,700 workers in Connecticut by the end of 1994. In a State which has had an unemployment rate higher than the national average for most of 1992 and is experiencing other defense-related layoffs at the Electric Boat Division of General Dynamics, this additional job loss is devastating.

Given the difficult times the aviation industry is facing, the changes H.R. 904 makes to the Commission are desperately needed. The requirement that the Commission make its recommendations to help these industries get back on their feet in 90 days, as opposed to 6 months, is essential when thousands of jobs could be at stake if changes are not made quickly.

For years, America's aviation industry has built state-of-the-art military fighter and commercial planes, and made air transportation safe and efficient. These industries need the assistance of the Commission to help them address the problems they are facing. We must fight to ensure that the aerospace and airline industries can remain competitive and keep dedicated American workers on the job.

I look forward to the Commission's important work and its efforts to address this crisis in America's manufacturing and industrial base.

Mr. GEPHARDT. Two weeks ago, Transportation Secretary Federico Penã called for a 90-day bipartisan review of the problems facing the aviation industry.

H.R. 904 implements this recommendation. It constitutes a National Commission To Ensure a Strong Competitive Airline Industry and directs the Commission to forward its recommendations to President Clinton and the Congress within 90 days. I particularly want to recognize Chairman MINETA and Chairman OBERSTAR, and the ranking members of the Public Works Committee, for their hard work in expediting this legislation.

Nowhere is the need for a comprehensive review more apparent than in our aviation industry. Vital to our economy, this industry suffered neglect at the hands of the administration during the 1980's. Leveraged buyouts saddled carriers with huge debts. Congressional efforts to level the playing field among airlines met with administration opposition. And subsidies to Airbus were not taken as seriously as they should have been.

Partly as a result of this, the U.S. airline industry has suffered $8 billion in losses in 3 years. Once proud airlines like Pan Am and Eastern are gone, 60,000 people have lost their jobs. Airlines like TWA and Northwest, whose existence is vital to vigorous competition, face a difficult future. Even the largest carriers have suffered enormous losses.

These problems in turn have led to $16 billion in aircraft order cancellations. The cost: nearly 50,000 jobs at McDonnell Douglas, Boeing, and Pratt & Whitney. It now appears that the problems in the airline industry, by reducing demand for civilian aircraft, threaten the efforts of aerospace-dependent communities to diversify beyond defense production.

We are at a crossroads. The hands-off policies of the 1980's have left major companies perched on brink of ruin, jeopardizing the very competition that has made travel affordable for Americans and contributed so much to the strength of our economy.

This legislation is of vital importance to Missouri, which is home to McDonnell Douglas and TWA. TWA, for example, expects to emerge from bankruptcy later this spring, and its 25,000 employee owners—13,000 of them in Missouri—are working hard to turn things around. Customer complaints are down. On time performance is better than ever. Nevertheless, they face a difficult future unless we enact policies that enable the industry to recover.

Our task must be to restore stability to the industry in a manner that preserves choice for consumers and creates a fair playing field for our companies and workers.

A strong recovery will help restore growth to the industry, and so quick action on the President's economic plan will be critical. Beyond this, the Commission's recommendations will provide us with a needed road map. The Commission will consider short-term measures needed to prevent further hemorrhaging. And it will address in a thoughtful manner the long-term measures needed to fully restore the industry's health.

I urge support of this legislation so that we may begin work without delay.

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 904. The Subcommittee on Aviation, on which I serve, recently completed 3 days of hearings on issues confronting our domestic aviation industry. These hearings demonstrated the urgency and necessity for quick and decisive action to address issues such as industry debt, carriers operating under chapter 11 bankruptcy proceedings, and agreements involving domestic and international air carriers.

Mr. Speaker, I am a businessman and would like to state that I do not see a commission as a panacea to the very serious problems facing the aviation sector of our economy. My colleagues should be aware, however, that the Commission proposal was originally endorsed by former President Bush, and instead of allowing 180 days to complete its report, the legislation before us calls for the Commission to make its recommendations within 90 days. In addition, no new expenditures are required under H.R. 904 since the Commission will be funded using existing Department of Transportation dollars.

Mr. Speaker, our airline industry is the most cost efficient in the world but today stands at a crossroads. Domestic carriers and aviation manufacturers are facing increased competition from foreign governments which promote and often subsidize their carriers and manufacturers, as the largest air market in the world, the United States must ensure that our aviation industry maintains a healthy presence both here and abroad. This legislation is supported by both the airlines and the Air Transport Association and I urge its adoption today.

Mr. TRAFICANT. Mr. Speaker, as a member of the Committee on Public Works and Transportation, I rise in strong support of H.R. 904 which amends the 1992 Aviation Authorization Act to broaden participation in the Aviation Commission established under the act and to ensure that the work of the Commission is finished expeditiously.

Mr. Speaker, like so many industries in America, the U.S. aviation industry has been devastated over the past few years. Aviation giants such as Eastern and Pan American have gone out of business. Several airlines are currently on the ropes, operating under the protection of U.S. bankruptcy laws. In fact Mr. Speaker, of the 22 airlines that entered the industry following airline deregulation, only two are still operating—the rest having either gone under or merged with other carriers.

Over the past 3 years, airlines in the United States have lost a total of $8 billion—resulting in tens of thousands of layoffs. These problems have also had a severe impact on U.S. aircraft manufacturers. A falloffs in orders for new aircraft combined with stiff competition from heavily subsidized foreign manufacturers has resulted in more lost American jobs.

The latest victim: Boeing Corp. which recently announced that it would reduce its work force by some 28,000 employees.

What do all these statistics mean? For the American worker it means pain. The pain of losing a job, losing a home, losing health benefits, and—tragically—losing hope. H.R. 904 is a small, but necessary step, toward examining the financial problems of the American airline and aircraft manufacturing industry. Under the bill the Commission would be required to report to the Congress and the President within 90 days its recommendations on how to revive the U.S. aviation industry and make it competitive worldwide.

Mr. Speaker, this legislation and this Commission by itself won't save the U.S. aviation industry. This country needs to embrace tough trade policies that ensure that America's trading partners fully open up their markets to U.S. products and that they engage in fair trade practices. This country also needs to adopt tax policies that provide real incentives for American manufacturers to invest in America and create jobs.

Most importantly, we need to bring together the best and brightest minds in the country to examine the problems of American industries and develop real solutions and initiatives that the Federal Government can implement to get us on the right track.

H.R. 904 is a prudent first step that will provide the Congress and the President with real answers to real problems in a short time frame. I commend my colleague from Minnesota, Mr. OBERSTAR, for the lead role he has taken on this initiative and urge all of my colleagues to support the bill.

Ms. CANTWELL. Mr. Speaker, the bill before us is critical to hundreds of thousands of workers in my district and across the country. H.R. 904 establishes a commission to study the problems of U.S. airlines and aircraft manufacturers.

Last week, members of the Aviation Subcommittee heard from the Boeing Co. that the sustained financial difficulties of the airline industry have forced Boeing to reduce production rates on all aircraft models over the next 18 months. As a result, the Puget Sound region can expect massive layoffs at Boeing. I'm extremely concerned about the impact on Puget Sound workers and the possibility of significant job loss in the subcontracting and consumer services that support Boeing.

The aviation industry is one place where America has a competitive edge. Boeing is the largest exporter in this country and leads the world in commercial aircraft manufacturing.

Mr. Speaker, the most important thing we can do to help the airline and aircraft industry is to get our economy back on track. However, I believe that the creation of this Commission comes at an important juncture and should examine ways that we can build new partnerships between Government and the private sector to enhance our ability to compete in the international marketplace. It's time that the Federal Government recognize the critical importance of aviation to our economy and conduct a comprehensive study of the financial condition of the airline industry, the adequacy of competition in the airline industry and legal impediments to a financially strong and competitive airline industry. I'm pleased that the Commission will operate on a fast track and must report to Congress within 90 days of its establishment.

The health of the airline industry is not only vital to our region, but to the Nation. As I mentioned, a financially sound domestic airline and aircraft industry is essential to our economy and our national defense. We depend upon airlines for the safe movement of people and goods across the country and the world.

Mr. Speaker, I urge my colleagues to support the aviation industry and pass this legislation.

Mr. DICKS. Mr. Speaker, I want to take this opportunity to express my strong support for this important legislation. The United States has a long and proud tradition as the world's leader in aerospace technology. Aerospace exports provide more than $43 billion annually toward a positive balance of trade for the United States. In fact, between 1980 and 1983 net aerospace trade has produced a surplus for the United States of $230 billion. Only agriculture can even approach this stunning record. In addition, aerospace technological advances have invaluable applications in other fields and help drive our quest to maintain our competitive position in the world economy.

We are also blessed with the most comprehensive aviation transportation structure in the world that provides a critical component of the business operations in virtually every field.

But the aerospace aviation and aerospace industry face a crisis today that jeopardizes our enviable position and demands our immediate attention. Over the last 3 years U.S. airlines have registered losses approaching $10 billion. As a result they are canceling increasing numbers of orders, and deferring delivery of those aircraft they still intend to purchase.

This has had a devastating impact on the aircraft manufacturing firms. The seriousness of the situation was brought home in the last few weeks as Boeing announced that it will be cutting back its production by one-third and reducing its employment by 28,000 in the next 3 months, with 21,000 of these dismissed employees in Puget Sound.

I know that this crisis is a priority concern for Public Works Chairman MINETA and for the chairman of the Aviation Subcommittee, Mr. OBERSTAR. This is evident by the fact that the Aviation Authorization Act enacted by the Congress last October included the establishment of a national Commission to study the problems of U.S. airlines and the aircraft manufacturing industry.

But since October the situation has taken a turn for the worse and the expert advice of the Commission is needed even more, and more quickly so that the Congress can expedite steps to make the Federal Government a positive force in dealing with the problems.

As a result the Public Works Committee leadership, along with the majority leader and our new Secretary of Transportation Peña, have determined to expand the membership of the Commission to assure that the full range of expertise is brought to bear on the problem, and to direct it to report its findings in 90 days rather than in 6 months as originally proposed. That is what this bill before us today will accomplish.

I do not envy the Commission in having to come to grips with airline issues that range from suggestions for changes in bankruptcy laws, revisions in the rules for foreign investment in airlines, adjustments in the airline ticket tax and the impact that the Btu tax could have on an already fragile industry. Addressing a more level trade environment in the aviation industry is another difficult issue that will have to be addressed.

No one should be misled to think that the Commission can by itself resolve these issues. The real tough decisions are going to have to be made by the Congress and the administration. But the Commission can serve as an invaluable source of expert advice and as a forum to develop consensus opinions by those most directly impacted by the issues involved. The Commission is a good first step toward meeting the challenge of maintaining our leadership in aerospace and aviation. I for one look forward to moving out smartly to take the actions that will be necessary to follow through on the guidance that the Commission will provide.

Mr. GALLO. Mr. Speaker, I rise today in reluctant support of H.R. 904, authorizing the National Commission To Ensure a Competitive Airline Industry.

While I support the merits of creating such a Commission and understand the problems that the airline industry is having, I cannot support the committee's decision not to include language that would have provided representation for the thousands of Americans plagued with aircraft noise.

Last year when Congress passed the Aviation Reauthorization Act—Public Law 102–581—it included language to provide for such representation. However, this year, even in spite of expanding the Commission's membership, the Public Works and Transportation Committee felt that such a specific seat was not needed.

Over the past 5 years, New Jersey has been plagued with a severe air noise problem. The New Jersey congressional delegation has been trying for many years to work with the Federal Aviation Administration [FAA] and the airline industry to come to an equitable solution to this pressing problem. But, after repeated attempts, we still have not arrived at a solution that will provide the needed relief to the citizens of New York and New Jersey.

Since the Commission has been charged with looking at the airline industry, aviation policy and any other items that affect the industry, I believe it would only be fair to have a representative for one of the largest growing citizen groups in New York and New Jersey—the air noise advocacy group. I sincerely hope that while the Commission deliberates and draws conclusions, it will give careful consideration to any changes that will affect citizens who live in the busiest airspace in the world.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904.

The question was taken.

Mr. CLINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## CONSUMER PROTECTION TELEMARKETING ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, as amended.

The Clerk read as follows:

H.R. 868

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consumer Protection Telemarketing Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to insure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $10 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception (including fraud) and abuse.

**SEC. 3. TELEMARKETING RULES.**

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities.

(2) The Commission shall include in such rules respecting deceptive telemarketing activities—

(A) a definition of deceptive telemarketing activities, and

(B) criteria that are symptomatic of deceptive telemarketing as distinguished from ordinary telemarketing business practices.

(3) The Commission shall include in such rules respecting other abusive telemarketing activities a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy. In prescribing the rules described in this paragraph, the Commission shall consider—

(A) including a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided within such period, a refund be required, and

(B) including, where practicable, authority for a person who orders a good or service through telemarketing to cancel the order within a specified period.

(b) RULEMAKING.—

(1) The Commission shall prescribe the rules under subsection (a) within 270 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) A rule issued under subsection (a) shall be considered a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisory, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

**SEC. 4. ACTIONS BY STATES.**

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by the Commission, institute a civil action under subsection (a) against any defendant named in the Commission's complaint for acts or omissions alleged in the complaint for violation of any rule as alleged in the Commission's complaint.

(e) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers and who are designated by the Commission to bring an action under subsection (a) against persons that the Com-

mission has determined have or are engaged in a pattern or practice of telemarketing which violates a rule of the Commission under section 3.

### SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3 or an authorized person acting on such person's behalf may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(d) COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

### SEC. 6. CLEARINGHOUSE.

(a) IN GENERAL.—The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement such section) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

(b) LIABILITY FOR PROVIDING INFORMATION.—No person who provides information to the clearinghouse established under subsection (a) shall be liable for damages for the provision of such information unless such person provided such information knowing it to be false.

### SEC. 7. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

### SEC. 8. REVIEW.

Upon the expiration of 5 years following the date of the enactment of this Act, the Commission shall review its implementation of this Act and its effect on deceptive telemarketing activities and report the results of the review to the Congress.

### SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Marianas Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by significant use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, to protect consumers from fraudulent, deceptive, and abusive telemarketing activities, is the product of many hours of constructive work by consumer and business groups, and the State attorneys general. It is also an example of Congress at its best, of Members working in a bipartisan manner to achieve this important result. I especially want to thank Chairman DINGELL and the ranking minority members of the full committee and subcommittee, Representatives MOORHEAD and OXLEY for their unstinting labors in the passage of this legislation.

Regulating legitimate, mutually beneficial telemarketing activities is not the purpose of this legislation. What this legislation goes after are those unscrupulous telemarketing activities where no one benefits but the perpetrator.

The telephone has become a powerful weapon in the hands of those with a persuasive message and a desire to steal. From a boilerroom operation perhaps thousands of miles away, a long hand can reach out and into a consumer's pocket. Fraudulent telemarketers have already gotten past the consumer's front door and into their homes every time they make a phone call. When the day of reckoning comes, and consumers discover they have been ripped off, all too often the fraudulent telemarketer has left behind a rented room, a few phone lines, and no forwarding address.

And it is not only consumers, but businesses and financial institutions that suffer loss. At a hearing before my subcommittee, MasterCard and VISA in a joint statement outlined the problem:

> MasterCard and VISA believe that telemarketing fraud losses will continue to mount without an effective federal legislative response to this national problem. State and local enforcement agencies * * * have initiated actions against fraudulent telemarketers only to be frustrated by state law jurisdictional limits. These jurisdictional limits make it difficult to prosecute or obtain relief from fraudulent telemarketers who locate their operations outside the states in which their victims are located or move frequently to avoid detection and prosecution under state law.

The National Consumer's League—which administers a telemarketing coalition of over 80 industry associations and law enforcement agencies—states that reported losses due to telemarketing fraud now amount to $15 billion per year. The Federal Trade Commission estimates that actual losses may run as high as $40 billion per year. The National Consumers League has sent a letter to every Member urging support of this legislation. The National Association of Attorneys General have also written stating the support of all 50 State attorneys general for this legislation. I quote from their most recent letter, dated March 1 of this year:

> We urge you to vote for this legislation which is critically needed to help state law enforcement officers take effective action

to stop fly-by-night unscrupulous telemarketers from preying on unwary consumers.

H.R. 868 reflects the concerns of law enforcement agencies, consumer groups, and affected financial institutions. This legislation directs the FTC to undertake a rulemaking to prohibit fraudulent, deceptive, and abusive telemarketing activities. It will also allow State attorneys general and certain other State consumer agencies to use the powers of this act to target fly-by-night telemarketers who make deceptive long-distance telemarketing calls and then skip across State lines before State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances, and directs the FTC to establish a clearinghouse of information so that consumers can better protect themselves.

An additional protection has also been added to this bill. Working with the Agriculture Committee, and the Telecommunications and Finance Subcommittee on Energy and Commerce, an amendment has been added to require the Commodity Futures Trading Commission and the Securities Exchange Commission to promulgate telemarketing rules for the broker-dealers under their jurisdiction and therefore exempting them from the FTC telemarketing rule. Dual regulation is rarely justified, and I do not believe that dual regulation would be helpful in combating problems with telemarketing fraud and deception. The expertise for policing broker-dealers selling financial instruments regulated by the CFTC or SEC is clearly with those agencies. Having said that, the record is clear that telemarketing abuses are pervasive and they must be dealt with. This amendment creates a clear legislative obligation for the SEC and CFTC to seriously and substantively address this issue. I want to thank Mr. DE LA GARZA, Mr. ENGLISH, Mr. ROBERTS, and Mr. COMBEST of the Agriculture for working so constructively with members of the House Energy and Commerce Committee in furthering this legislation, and include letters of support and clarification.

And this is good legislation. It is necessary legislation for consumers who lose billions every year to telemarketing fraud; for the Federal Trade Commission and our State legal officers who need the tools in this bill to ferret out these telemarketing boiler rooms; and for legitimate businesses who are being exploited by fraudulent and deceptive telemarketers. I strongly urge my colleagues to support this important consumer legislation, H.R. 868, the Consumer Protection Telemarketing Act.

COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, February 23, 1993.*

Hon. E DE LA GARZA,
*Chairman, Committee on Agriculture, Longworth Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Today, the Committee on Energy and Commerce marked up and favorably reported the bill H.R. 868, the Consumer Protection Telemarketing Act. We intend to file the Committee report on the bill tomorrow and to seek to have the bill listed on the suspension calendar early next week.

As you will recall, the same legislation was adopted by the Committee on Energy and Commerce during the 102nd Congress (H.R. 3203, H.Rpt. 102-688). Prior to consideration of the bill by the full House last year, I sought and received the cooperation of the Committee on Agriculture to include an appropriate amendment to the bill that provided commensurate rulemaking authority to the Commodity Futures Trading Commission (FTC) as that provided to the Securities and Exchange Commission under section 3 of the legislation, as amended.

As we agreed last year, we would be pleased to include such a CFTC provision in the suspension vehicle we bring to the floor next week so that commodities transactions will be treated no less favorably or more favorably than securities transactions. In doing so, we of course recognize the jurisdiction of the Committee on Agriculture with respect to the CFTC provision.

I trust this process will allow our Committees to bring the bill, as amended, to the floor next week and hopefully will give our Committees the opportunity to complete action on this legislation with the other body in the near future. We greatly appreciated the full cooperation and assistance we received from the Committee on Agriculture last session and look forward to a prompt and successful resolution of this matter.

With best wishes.

Sincerely,

JOHN D. DINGELL,
*Chairman.*

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COMMITTEE ON AGRICULTURE,
*Washington, DC, March 1, 1993.*

Hon. JOHN D. DINGELL,
*Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your letter regarding H.R. 868, the Consumer Protection Telemarketing Act, and the inclusion in that bill of an amendment regarding the regulation of telemarketing in the commodity markets. As you know, clause 1(a)(18) of Rule X of the Rules of the House of Representatives provides that the Committee on Agriculture has sole jurisdiction over commodity exchanges. I believe that the amendment enclosed herewith—developed through consultations between our Committees—will serve as a valuable addition to the important legislation reported by the Committee on Energy and Commerce. As you mentioned, the amendment would accomplish the purpose of our agreement relating to similar legislation considered in the 102nd Congress.

H.R. 868, as ordered reported, requires that the Federal Trade Commission (FTC) issue rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities. As you know, section 2(a)(1)(A) of the Commodity Exchange Act (CEA) provides that the Commodity Futures Trading Commission (CFTC) has exclusive jurisdiction with respect to transactions involving contracts of sale of a commodity for future delivery.

Last year Congress passed legislation reauthorizing the CEA which was enacted as the Futures Trading Practices Act of 1992 (P.L. 102-546). Section 204 of that Act consists of a provision recommended by the Committee on Agriculture in recognition of the need to provide protections against certain telemarketing practices. Under section 204, each registered futures association is required to establish guidelines to protect the public interest relating to telephone solicitations of new futures and options accounts.

In January the CFTC approved supervisory guidelines submitted by the National Futures Association addressing futures industry registrants' telephone solicitation of new accounts. While these guidelines have yet to be fully implemented by the industry, the Committee on Agriculture will support including the enclosed amendment in H.R. 868 to further ensure that customers targeted by entities registered under the CEA will be afforded any necessary regulatory protections from deceptive and abusive telemarketing activities.

Specifically, the enclosed amendment provides that rules promulgated by the FTC under the bill are not to apply to persons who are futures market participants registered or exempt from registration under the CEA. In addition, it adds a new section 6(f) to the CEA to require that not later than 6 months after the promulgation of telemarketing rules by the FTC, the CFTC is required to promulgate rules that prohibit deceptive and abusive telemarketing activities by any entity acting in his or her capacity as a registrant subject to regulation under the CEA. The rules promulgated by the CFTC are required to be substantially similar to the rules promulgated by the FTC. An exception is included to provide that the CFTC is not required to promulgate a new rule if it determines that its existing rules are sufficient, or that such a rule is not necessary or appropriate in the public interest or for the protection of customers in the futures and options markets.

The Committee on Agriculture supports the incorporation of the enclosed amendment in H.R. 868 and will support your request that the bill, as modified, be eligible for consideration under a motion to suspend the rules. Of course, it would be our expectation that members of the Committee on Agriculture would be appointed to serve as conferees regarding this provision and any provision passed by the Senate which relates to the regulation of commodity exchanges. In the event that amendments between the Houses are addressed without the appointment of a conference committee, I would expect the Agriculture Committee to be included in discussions regarding the process of disposing of such amendments, as has been the practice between our committees in the past.

I am grateful for your cooperation and assistance in this matter and commend you and the Members of the Committee on Energy and Commerce for your efforts on this important legislation.

Sincerely,

E (KIKA) DE LA GARZA,
*Chairman.*

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AN AMENDMENT TO H.R. 868 OFFERED BY MR. DE LA GARZA

At the end of section 3 of the bill add the following new subsection:

"(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

"(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

"(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

'(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarking activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

'(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

'(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

'(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.'"

Amend section 7 by striking "sections" and inserting "sections 3(e),".

Amend section 9 by striking "the implementation" and inserting "its implementation".

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Washington State [Mr. SWIFT] our committee chairman, the gentleman from Michigan [Mr. DINGELL], and our ranking Republican, the gentleman from California, for their prompt movement of this bipartisan legislation through the committee.

This bill addresses the fight against the defrauding and deception of American consumers by unscrupulous telemarketers—a loss that is now at least $10 billion annually. The legislation provides for new rules to be developed by the Federal Trade Commission to identify and target fraudulent and deceptive telemarketing practices. The bill also strengthens the partnership of State law enforcement agencies and the Federal Trade Commission by empowering State attorneys general to enforce the FTC telemarketing regulations in Federal court.

This is the same approach to joint State-Federal enforcement contained in the FTC provisions of the Telemarketing Disclosure and Dispute Resolution Act reported by this committee and enacted last fall to deal with abuses in the pay per call or 900 number industry.

Under this bill, the State attorneys general and the FTC can forge an even stronger partnership to deal with fraudulent and deceptive telemarketing operations that frequently operate across, and flee across, State lines.

By taking legislative action here, we are not only helping to protect American consumers, but also helping to maintain the integrity of a highly productive and growing industry.

Telemarketing, like all information-based technologies, helps to increase productivity by separating work from location. Telephone shopping provides consumers increased convenience, lower costs, and a wider variety of choices. But all of these advantages depend upon the public's being able to relay upon the integrity of the telemarketing process. That is a key role of this legislation, H.R. 868.

Finally, I want to commend our committee and subcommittee leadership for assuring through technical changes to this bill that there will not be any overlap or duplication of effort between the jurisdiction of the Federal Trade Commission on the one hand, and the antifraud authority of the Securities and Exchange Commission and the Commodities Futures Trading Commission, on the other.

I strongly support this legislation and urge its prompt approval.

□ 1400

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Ms. LAMBERT], who is a cosponsor of the legislation and a member of the subcommittee.

Ms. LAMBERT. Mr. Speaker, I want to commend Chairman SWIFT and ranking member OXLEY for the energy they and their staffs have put into this legislation. Their efforts have given us an outstanding chance to break the backbone of fraudulent telemarketers by voting in favor of H.R. 868, the Consumer Protection Telemarketing Act.

The backbone I want to break is the financial incentive involved in illegal telemarketing. Through additional cooperation between the Federal Trade Commission [FTC] and State attorneys general, midnight bandit telemarketers could have their operations shut down and their finances seized quickly. Elimination of financial incentives will go a long way toward eradicating this pervasive crime from our society.

Some may be asking why do we need this additional legislation? The answer is in the existence of these common criminals. The typical fraudulent telemarketer is making phone calls across State lines talking the innocent victim into releasing their credit card number. Once the card number is given, the game is over. The criminal processes the credit card, gets the money, and moves on. It is just that simple. But shutting the bandits down is not as simple as the crime.

When attorneys general shut down these thieves, the offenders quickly set up shop in another State usually leaving only rented phone lines and office equipment as proof of their existence. Generally though, the attorney general cannot cross his State line to get these criminals. As you have heard, the overhead is low and the potential is as big as your local phone book.

In my home State of Arkansas, we have an active consumer affairs division. Throughout the past year, the division collected over 3,000 grievances and filed 25 lawsuits, which did not even dent the problem. These crimes have touched the majority of our constituents. There is not a single demographic group who has not suffered the financial loss and humiliation brought on by this fraud.

Telemarketing fraud is so out of control that Winston Bryant, the attorney general of Arkansas, calls telemarketing fraud elimination "the biggest consumer protection issue." Don't get me wrong, I am not professing that this bill is the end-all for the elimination of fraud. Rather, I do believe this legislation is a necessary first step in the correlation of efforts between State and Federal agencies. Hopefully, this venture will provide a model for future Federal and State coordination.

Last but certainly not least, I want to thank the legitimate telemarketing industry. Prior to and throughout our hearings on this matter, lawful operators have been forthright in providing their assistance to find a solution to this problem. I know first hand that the legitimate companies provide vital services especially to such rural areas as the First District of Arkansas.

Mr. Speaker, I believe our colleagues are ready to give State attorneys general the ability to provide the relief our constituents desire. I strongly urge a vote in favor of H.R. 868, the Consumer Protection Telemarketing Act.

Mr. Speaker, I include for the RECORD an article entitled "Telemarketers in LR, Fort Smith, Tulsa get wake-up call from FTC."

### TELEMARKETERS IN LR, FORT SMITH, TULSA GET WAKE-UP CALL FROM FTC

(By D.R. Stewart)

FORT SMITH.—Four telemarketing "boiler room" operations in Little Rock, Fort Smith and Tulsa have been closed by a federal district court order following federal and state investigations of allegedly deceptive prize schemes.

The Arkansas and Oklahoma operations are part of two "major clusters" of Las Vegas, Nev.-based telemarketing companies that are charged by the Federal Trade Commission with engaging in deceptive prize-promotion schemes. The federal agency filed its complaints under seal in U.S. District Court for the District of Nevada, in Las Vegas, on Monday. The seal was lifted Wednesday.

The court ordered company officers and employees to halt the challenged sales practices, froze defendants' assets and ordered them to appear at a hearing on the FTC's motion for a preliminary injunction on March 1.

In Little Rock, Sierra Pacific Marketing Inc. operated a 50-phone telemarketing center at Suite 212, 9108 Rodney Parham Road.

Jim DePriest, assistant Arkansas attorney general, said about 30 employees were engaged in telephone sales when state officials closed the telemarketer Wednesday.

"Office Manager Mr. Sonny Blair told me they had been in business since March 1992," DePriest said. "The room was equipped with close to 50 telephone stations. They had been calling all over the U.S. except for 10 states, including Arkansas."

Bonnie Jansen, representative for the Federal Trade Commission in Washington, said Sierra Pacific had been in the telemarketing business since 1987.

Employees of Sierra and the other companies named in the court order typically called people from purchased lists or out of the phone book and told them they had won valuable prizes, Jansen said. The telemarketers then used a variety of misrepresentations to get consumers to purchase cosmetics, vitamins, "environmentally safe" cleaning products, water purifiers and other products, she said.

Sierra and the other companies also aided other telemarketers engaging in similarly deceptive sales practices, Jansen said. The schemes have been particularly successful in victimizing elderly consumers, she said.

The federal district court order follows a 1992 FTC case against a third major Las Vegas-based group of telemarketing companies that allegedly used a similar prize-promotion scheme. The defendants in that scheme, led by Pioneering Enterprises Inc., recently agreed to halt the practices challenged by the FTC and to pay $1.5 million to consumers bilked by the operation.

"This reflects a new approach by the FTC toward combating fraud," Jansen said. "There are hundreds of telemarketing boiler rooms around the country that can shut down in a moment's notice when they find out they are being investigated. What we have found is that the larger organizations supply these boiler room operations with everything they need to engage in deceptive or fraudulent schemes—scripts that sales persons can use when they call consumers to try and get them to bite, postcards they send to consumers to entice them, credit card processing and a variety of other services.

"The FTC has found that by going after the larger organizations, you can shut down all the boiler rooms in one fell swoop. We call it the dandelion and root theory. We go after the root rather than picking off the dandelion flower."

Also closed Wednesday by representatives of the Arkansas and Oklahoma attorneys general were boiler room operations in Fort Smith and Tulsa.

The Fort Smith operation was located at Suite 180, 5111 Rogers Ave. It was operating when it was closed, and state officials are examining company files, said Robert Schroeder, assistant regional director of the Seattle office of the FTC.

Schroeder said only one of two telemarketing offices in Tulsa was in use when they were sealed Wednesday. That was at Suite 119, 8228 E. 61st St. Another operation at 6111 E. Skelly Dr., Suite 100, had been abandoned.

Cooperating in the investigation of Sierra Pacific Marketing Inc. and a cluster of companies known variously as S.E.C. Enterprises Inc., National Health Care Associates, Future World Inc., and American Health Associates Inc. were the FTC, the Federal Bureau of Investigation, the Arkansas attorney general and the attorneys general of Oklahoma, Louisiana, Texas, California, Arizona, Idaho and Oregon, officials said.

According to FTC complaints filed in the cases, the defendants mailed consumers "Certificate(s) of Award Guarantee" or made unsolicited telephone calls, or both, in which they stated that recipients had been selected to receive one of four or five prizes as part of a special promotion. At that point, officials said, the defendants allegedly began a deceptive pitch to entice the consumers to purchase various types of merchandise in order to receive their prizes.

In the course of the sales pitches, telemarketers allegedly misrepresented the values of the awards or told the consumers they had won the most valuable prize. Often, consumers were told they had won a car or other prize worth thousands of dollars, FTC officials said.

Consumers who cooperated with the phone sales scheme initially spent $399 or more, but officials said some spent thousands of dollars, the FTC complaint said.

After considering the FTC complaints, the court granted temporary restraining orders halting the allegedly deceptive marketing practices and freezing the defendants' assets pending hearings on the FTC's motions for preliminary injunctions. The preliminary injunctions would prohibit the companies from reopening the boiler rooms or opening other such operations until after the trial.

Mr. SANTORUM. Mr. Speaker, I rise in strong support of the Consumer Protection Telemarketing Act which will strengthen the ability of the Federal Trade Commission to establish and enforce laws against fraudulent and illegal telemarketing practices.

Many illicit telemarketing firms are virtual boiler-room operations, moving from State to State just one step ahead of law enforcement officials. Yet, so long as telemarketers do not commit mail fraud or violate other Federal laws, they can be nearly immune from prosecution. This bill will make it much more difficult to escape State and Federal action.

According to a 1992 National Consumer League survey, more than 92 percent of adult Americans received fraudulent solicitations over the previous 2 years. I believe this number is not an exaggeration, because I am frequently asked by my constituents whether a particular offer is legitimate.

At one gathering held in West Mifflin, PA, a retiree stayed after the meeting to ask my opinion about a prize that he and his wife had been offered. Although they depended largely on their modest Social Security benefits for income, both he and his wife had been nearly coerced into paying $2,000 to accept their prize.

This is outright fraud, and I strongly support H.R. 868 to reign in the activities of unscrupulous telemarketing firms who prey on the most vulnerable of the American population, our elderly and our poor.

Mr. MOORHEAD. Mr. Speaker, I want to commend our committee chairman, Mr. DINGELL, the subcommittee chairman Mr. SWIFT, and the subcommittee's ranking member, Mr. OXLEY, for their diligent work on this bipartisan legislation.

Fraudulent and deceptive telemarketing practices are exacting a multibillion-dollar toll from American consumers and businesses. They prey heavily on the elderly, the young, and those whose disabilities prevent them from employing other means of shopping.

Not only does this small minority of bad apples in telemarketing harm its own customer victims, such fraudulent operations also undermine the integrity and credibility of that vast majority of legitimate businesses who use the telephone as a helpful marketing and sales tool. I am therefore pleased to support this legislation, which is intended to give State and Federal authorities the tools they need to go after fraudulent and deceptive telemarketing operations on a comprehensive basis.

We in California especially appreciate the need for a concerted, multi-State offensive against these con artists. Thousands of Californians have been victimized by boiler room operations based in neighboring States—beyond the reach of our State authorities. I am therefore pleased that a major theme of this bill is a broad-based partnership of the Federal Trade Commission with State attorneys general to attack telemarketing scams wherever they may be based.

This enforcement partnership between the FTC and the State attorneys general will help assure that the limited resources at both the State and Federal levels are used to produce the greatest possible returns.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 868, the Consumer Protection Telemarketing Act. I want to compliment Chairman SWIFT and his staff on their fine work in putting together this piece of legislation, which will help to prevent the billions of dollars of telemarketing fraud taking place every year.

This bill would empower the Federal Trade Commission [FTC] to establish rules prohibiting fraudulent, deceptive, and abusive telemarketing practices. The FTC would also create an information clearinghouse on telemarketing activities. Private citizens, including credit card companies and banks acting on behalf of groups of private citizens, would be allowed to sue telemarketers under the provisions of this legislation. Finally, this bill would allow State attorneys general to take action in district court against fraudulent telemarketers, even those based in other States.

Kansas attorney general, Robert Stephan has been a strong supporter of H.R. 868. He believes strongly that State attorneys general should be able to go after dishonest telemarketers, who often pack up their bags and disappear before overburdened attorneys at the FTC can get after them. He is especially supportive of the provisions allowing credit card companies and banks to go after telemarketers, because several Kansas institutions have run into such problems.

I am pleased that the Energy and Commerce Committee, of which I am member, has taken such quick action on this legislation in the 103d Congress, and I urge its adoption.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 707) to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes.

The Clerk read as follows:

### H.R. 707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emerging Telecommunications Technologies Act of 1993".

**SEC. 2. AMENDMENT TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.**

The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part B as part C; and

(2) by inserting after part A the following new part:

### "PART B—EMERGING TELECOMMUNICATIONS TECHNOLOGIES

**"SEC. 111. FINDINGS.**

"The Congress finds that—

"(1) the Federal Government currently reserves for its own use, or has priority of access to, approximately 40 percent of the electromagnetic spectrum that is assigned for use pursuant to the Communications Act of 1934;

"(2) many of such frequencies are underutilized by Federal Government licensees;

"(3) the public interest requires that many of such frequencies be utilized more efficiently by Federal Government and non-Federal licensees;

"(4) additional frequencies are assigned for services that could be obtained more efficiently from commercial carriers or other vendors;

"(5) scarcity of assignable frequencies for licensing by the Commission can and will—

"(A) impede the development and commercialization of new telecommunications products and services;

"(B) limit the capacity and efficiency of the United States telecommunications systems;

"(C) prevent some State and local police, fire, and emergency services from obtaining urgently needed radio channels; and

"(D) adversely affect the productive capacity and international competitiveness of the United States economy;

"(6) a reassignment of these frequencies can produce significant economic returns; and

"(7) the Secretary of Commerce, the President, and the Federal Communications Commission should be directed to take appropriate steps to correct these deficiencies.

**"SEC. 112. NATIONAL SPECTRUM PLANNING.**

"(a) PLANNING ACTIVITIES.—The Assistant Secretary and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues—

"(1) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

"(2) the spectrum allocation actions necessary to accommodate those uses; and

"(3) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum that does not cause harmful interference as a means of increasing commercial access.

"(b) REPORTS.—The Assistant Secretary and the Chairman of the Commission shall submit a joint annual report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary, and the Commission on the joint spectrum planning activities conducted under subsection (a) and recommendations for action developed pursuant to such activities.

"(c) REPORTING REQUIREMENTS.—The first annual report submitted after the date of the report by the advisory committee under section 113(d)(4) shall—

"(1) include an analysis of and response to that committee report; and

"(2) include an analysis of the effect on spectrum efficiency and the cost of equipment to Federal spectrum users of maintaining separate allocations for Federal Government and non-Federal Government licensees for the same or similar services.

**"SEC. 113. IDENTIFICATION OF REALLOCABLE FREQUENCIES.**

"(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 24 months after the date of the enactment of this part, prepare and submit to the President and the Congress a report identifying bands of frequencies that—

"(1) are allocated on a primary basis for Federal Government use and eligible for licensing pursuant to section 305(a) of the Act (47 U.S.C. 305(a));

"(2) are not required for the present or identifiable future needs of the Federal Government;

"(3) can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the Act (other than for Federal Government stations under such section 305);

"(4) will not result in costs to the Federal Government, or losses of services or benefits to the public, that are excessive in relation to the benefits that may be obtained by non-Federal licensees; and

"(5) are most likely to have the greatest potential for productive uses and public benefits under the Act.

"(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

"(1) IN GENERAL.—Based on the report required by subsection (a), the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the Act (47 U.S.C. 305), bands of frequencies that span a total of not less than 200 megahertz, that are located below 6 gigahertz, and that meet the criteria specified in paragraphs (1) through (4) of subsection (a). The Secretary may not include, in such 200 megahertz, bands of frequencies that span more than 20 megahertz and that are located between 5 and 6 gigahertz. If the report identifies (as meeting such criteria) bands of frequencies spanning more than 200 megahertz, the report shall identify and recommend for reallocation those bands (spanning not less than 200 megahertz) that meet the criteria specified in paragraph (5) of such subsection.

"(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary's report recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the Act for use by non-Federal stations, may be counted toward the minimum spectrum required by paragraph (1) of this subsection, except that—

"(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimum required by paragraph (1) of this subsection;

"(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

"(C) the operational sharing permitted under this paragraph shall be subject to coordination procedures which the Commission shall establish and implement to ensure against harmful interference.

"(c) CRITERIA FOR IDENTIFICATION.—

"(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

"(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial carrier or other vendor;

"(B) seek to promote—

"(i) the maximum practicable reliance on commercially available substitutes;

"(ii) the sharing of frequencies (as permitted under subsection (b)(2));

"(iii) the development and use of new communications technologies; and

"(iv) the use of nonradiating communications systems where practicable; and

"(C) seek to avoid—

"(i) serious degradation of Federal Government services and operations; and

"(ii) excessive costs to the Federal Government and users of Federal Government services.

"(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

"(A) assume such frequencies will be assigned by the Commission under section 303 of the Act (47 U.S.C. 303) over the course of not less than 15 years;

"(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

"(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for licensing by the Commission for non-Federal use;

"(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

"(E) consider the immediate and recurring costs to reestablish services displaced by the reallocation of spectrum.

"(3) ANALYSIS OF BENEFITS.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(4), the Secretary shall consider—

"(A) the extent to which equipment is or will be available that is capable of utilizing the band;

"(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use; and

"(C) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

"(4) POWER AGENCY FREQUENCIES.—

"(A) ELIGIBLE FOR MIXED USE ONLY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas and shall not be recommended for the purposes of withdrawing that assignment. In any case where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall, consistent with the procedures established under subsection (b)(2)(C), not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

"(B) DEFINITION.—As used in this paragraph, the term 'Federal power agency' means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, or the Southwestern Power Administration.

"(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

"(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 12 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Congress a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

"(2) CONVENING OF ADVISORY COMMITTEE.—Not later than the date the Secretary submits the report required by paragraph (1), the Secretary shall convene an advisory committee to—

"(A) review the bands of frequencies identified in such report;

"(B) advise the Secretary with respect to (i) the bands of frequencies which should be included in the final report required by subsection (a), and (ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

"(C) receive public comment on the Secretary's report and on the final report; and

"(D) prepare and submit the report required by paragraph (4).

The advisory committee shall meet at least monthly until each of the actions required by section 114(a) have taken place.

"(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The advisory committee shall include—

"(A) the Chairman of the Commission and the Assistant Secretary, and one other representative of the Federal Government as designated by the Secretary; and

"(B) representatives of—

"(i) United States manufacturers of spectrum-dependent telecommunications equipment;

"(ii) commercial carriers;

"(iii) other users of the electromagnetic spectrum, including radio and television broadcast licensees, State and local public safety agencies, and the aviation industry; and

"(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

"(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The advisory committee shall, not later than 36 months after the date of the enactment of this part, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report containing such recommendations as the advisory committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between Federal and non-Federal use, and any dissenting views thereon.

"(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—

"(1) TIMETABLE REQUIRED.—The Secretary shall, as part of the report required by subsection (a), include a timetable that recommends immediate and delayed effective dates by which the President shall withdraw or limit assignments on the frequencies specified in the report.

"(2) EXPEDITED REALLOCATION OF INITIAL 30 MHZ PERMITTED.—The Secretary may prepare and submit to the President a report which specifically identifies an initial 30 megahertz of spectrum that meets the criteria described in subsection (a) and that can be made available for reallocation immediately upon issuance of the report required by this section.

"(3) DELAYED EFFECTIVE DATE.—The recommended delayed effective dates shall—

"(A) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 115(1);

"(B) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

"(C) be based on the need to coordinate frequency use with other nations; and

"(D) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

### "SEC. 114. WITHDRAWAL OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.

"(a) IN GENERAL.—The President shall—

"(1) within 6 months after receipt of the Secretary's report under section 113(a), withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

"(2) within such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 113(b)(2);

"(3) by the delayed effective date recommended by the Secretary under section 113(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

"(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

"(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

"(b) EXCEPTIONS.—

"(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

"(A) may substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

"(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

"(A) the reassignment would seriously jeopardize the national defense interests of the United States;

"(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

"(C) the reassignment would seriously jeopardize public health or safety; or

"(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency.

"(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the report of the Secretary under section 113(a) unless the substituted frequency also meets each of the criteria specified by section 113(a).

"(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 113(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 115, the President may—

"(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

"(B) substitute alternative frequencies pursuant to the provisions of this subsection.

"(c) LIMITATION ON DELEGATION.—Notwithstanding any other provision of law, the authorities and duties established by this section may not be delegated.

### "SEC. 115. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

Not later than 1 year after the President notifies the Commission pursuant to section 114(a)(5), the Commission shall prepare, in consultation with the Assistant Secretary when necessary, and submit to the President and the Congress, a plan for the distribution under the Act of the frequency bands reallocated pursuant to the requirements of this part. Such plan shall—

"(1) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 113(e), shall propose—

"(A) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (B), over the course of a period of not less than 10 years beginning on the date of submission of such plan; and

"(B) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

"(2) contain appropriate provisions to ensure—

"(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Act (47 U.S.C. 157); and

"(B) the availability of frequencies to stimulate the development of such technologies;

"(3) address (A) the feasibility of reallocating spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations; and

"(4) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

**"SEC. 116. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.**

"(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 114, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

"(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

"(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the Act, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part.

"(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part, except that the notification required by section 114(b)(1)(A) shall include—

"(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

"(B) an estimate of the cost of displacing spectrum users licensed by the Commission.

"(c) COSTS OF RECLAIMING FREQUENCIES; APPROPRIATIONS AUTHORIZED.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency band, and any other costs that are directly attributable to the reclaiming of the frequency pursuant to this section. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which the President's notification is received.

"(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under sections 305 and 706 of the Act (47 U.S.C. 305, 606).

**"SEC. 117. DEFINITIONS.**

As used in this part:

"(1) The term 'allocation' means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

"(2) The term 'assignment' means an authorization given to a station licensee to use specific frequencies or channels.

"(3) The term 'commercial carrier' means any entity that uses a facility licensed by the Federal Communications Commission pursuant to the Communications Act of 1934 for hire or for its own use, but does not include Federal Government stations licensed pursuant to section 305 of the Act (47 U.S.C. 305).

"(4) The term 'the Act' means the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

This piece of legislation, Mr. Speaker, is really the first jobs bill to come on to the floor of the House of Representatives in the Clinton era. It is a piece of legislation which will free up at least 200 megahertz of radio spectrum for use by telecommunications, computer, other high-technology industries over the next decade.

Just for a little bit of history so people know what it is we are talking about, back in 1968 the U.S. Government reallocated 50 megahertz of the spectrum, just 50, and from that 50 was created the entire cellular phone industry, creating tens of thousands of jobs in the American economy. Here today on the floor of the House we are about to reallocate 200 megahertz of the spectrum which has the potential of creating hundreds of thousands of new jobs in the American economy, in my opinion the most exciting and the most critical part of the additions that can be made to the improvement of efficiencies in the American economy over the next 3, 4, 5 years, up toward the year 2000 because it unleashes the extraordinary creativity of the hybrid technologies that can be created by the most brilliant scientists, computer software, satellite geniuses within our society.

We can talk about wireless computer faxes, digital assistance, smart computer phones. We can be talking about, before the year 2000, that mythical Dick Tracy two-way wrist radio that we used to read about and think was only the fantasy of cartoon drawers or of science fiction writers. We will have them in our lives by the year 2000 if we work smart and give this kind of incentive to the new industries which are out there in our country.

So this piece of legislation is going to move very swiftly. We have moved it out of the committee, and out here on to the floor so that there can be a companion piece of legislation which we work with in the Senate. As well, we have to work on subsequently a concomitant piece of legislation which will deal with the subject of what kind of revenues we will derive from the spectrum as entrepreneurs, larger companies, individuals begin to utilize it. It has a tremendous potential as a budget-solving part of the 1993 fiscal crisis, and also as a private sector entrepreneurial-driven technology-based set of programs which I think has the potential of being one of the major new additions to our economy over the next 6 to 8 years.

So I recommend this bill wholeheartedly to all Members out there in their offices listening. We passed it in the last Congress. Unfortunately, it was stymied at the end of the session. But we hope this year to be able to put it on a fast track so that we can deal with all of the other attendant issues that will be dealt with as we look at them and how we derive revenues from this reallocation.

Mr. Speaker, I retain the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the bill H.R. 707, the Emerging Telecommunications Technologies Act. This represents the third time that the Committee on Energy and Commerce has brought this bill to the House. It has passed the House twice, each time by unanimous voice vote. I hope that, in this case at least, the third time is the charm, and that this bill can finally be sent to the President for his signature.

Two years ago, when the committee marked up H.R. 531, I stated that this was probably the most important piece of communications legislation that would come before us. Since that time, I have become even more convinced that this is true.

We have seen extraordinary developments in high definition television. Personal communications services are now in the experimental stages. New technologies on the horizon will revolutionize the way Americans communicate and conduct their daily lives.

But many of these technologies can only be made available to the American people if the Government allocates a sufficient amount of spectrum. Without additional frequencies, new wireless technologies will remain in the laboratories.

Other countries have realized that spectrum availability is critical to leadership in wireless technologies. They have moved swiftly—in many cases, much faster than the United States—to make sure that their manufacturers have spectrum available for new products and services.

Unless we do likewise, America's leadership in radio technologies will be at risk.

H.R. 707 is a good bill. It will help to make our Government more efficient in its use of the spectrum, freeing up 200 megahertz for new technologies. It will help to alleviate congestion, so that services such as public safety will be better able to serve the public. I hope that all of the members of this committee will join me in supporting this legislation, so that we can send it to the President expeditiously.

The legislation is supported by nearly every user of the radio spectrum. Among its supporters are the Association of Public Safety Communications Officials, the National Association of Business and Educational Radio, and the National Association of Broadcasters. Virtually everyone agrees that this bill should be signed into law.

Before yielding back my time, I would like to address the issue of spectrum auctions. The primary reason that this bill is not law is because of the insistence of the last administration that it be joined with a proposal to permit the FCC to auction spectrum. Many of us felt that this legislation was too important to be held hostage to the auction proposal, and that the manner in which this spectrum is disposed of should be considered separately. In fact, had the bill not been held hostage, the processes contained in the legislation would have been completed. The FCC would be making decisions to allocate Government spectrum to new technologies today.

Two weeks ago, President Clinton submitted his comprehensive economic plan to the Congress. Included in his proposal is that the FCC be given authority to auction spectrum.

We will deal with this proposal. Many of us have questions about how the public interest will be protected if auctions are permitted. It is my hope that we can craft a response that will satisfy the President, without simply selling the Nation's airwaves to the highest bidder.

But in the meantime, we ought to move forward. There is too much demand for spectrum to delay further the implementation of this landmark bill. I urge my colleagues to join me in supporting this legislation, and working with me in the coming months to address the issue of auctions

□ 1410

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. It is critical that Congress enact this legislation into law this year to avoid a serious impending spectrum crisis.

Like all resources, the radio spectrum is finite in future and must be cautiously distributed. All agree that the radio spectrum is crowded just from existing technologies. Failure to make spectrum available for new and emerging technologies creates the risk of delaying or inhibiting the development and deployment of vital new telecommunications services in America.

Everyone recognizes that our domestic telecommunications industry competes in an increasingly competitive global marketplace. In this market, innovation and responsiveness to customer demand will determine who succeeds and who fails. Thus, this bill is about jobs, U.S. competitiveness, and the future of our telecommunications industry.

H.R. 707 helps to ensure that we do not hamstring our own domestic telecommunications industry, and thereby threaten our future competitiveness.

The bill is substantially similar to legislation adopted by this committee and the full House last year. It requires the Secretary of Commerce and the Commerce Department's National Telecommunications and Information Administration [NTIA], as the Government's spectrum coordinator, to identify 200 megahertz of spectrum to be turned over to the FCC. The FCC is then directed to allocate that spectrum to commercial users, either to expand existing technologies, if necessary, or to make room for new ones.

I commend the full committee chairman, Mr. DINGELL, for his leadership on this important issue. I also commend the subcommittee chairman, Mr. MARKEY, the ranking minority members of the full committee and subcommittee, Messrs. MOORHEAD and FIELDS, respectively, for their significant efforts as well. I believe this bill meets an important need of a critical U.S. industry.

I am pleased to note that I have received assurances during the Energy and Commerce Committee's consideration of H.R. 707 that the committee will consider spectrum auction legislation such as I have introduced. I am also gratified that the Clinton administration has endorsed the concept of auctions. I would like to propound a question to my good friend, the subcommittee chairman, Mr. MARKEY.

Mr. Speaker, my question is this: As the chairman knows, once this bill is passed and the spectrum is available, the next question occurs then as to how that spectrum is allocated in the private sector. As the gentleman also knows, I have introduced legislation that would call for replacing the current lottery system that many find, I think, abhorrent, to a more equitable system which would distribute through the auction process.

I also understand, as a result of my forbearance in offering the amendment in committee, that the chairman is prepared to recognize our efforts with hearings and the like, and I would just simply ask for confirmation from my good friend, the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, we genuinely do appreciate the gentleman's forbearance at the committee level, notwithstanding the fact that his amendment would have lost. But the commitment that we have made to the gentleman remains intact, which is that in 1981–82, when there was an institution of the lottery system, without question a mistake, a disgrace was perpetrated upon the telecommunications policy history of our country. I opposed the lottery as it was proposed and instituted from 1981 and 1982 on, and I do think we need a complete reformation, looking at the entire licensing scheme.

On the one hand, we do not want the frequency speculators to be out there as they were in the lottery process, without any relationship whatsoever to the benefits which this society could, in fact, derive from a more thoughtful process being adopted.

On the other hand, for the smaller entrepreneurs, for the individuals who may want to participate in this process, there is no such thing as a spectrum fairy out there that ensures that the smaller company also is benefited.

So we have to make sure that it is not just the largest companies with the deepest pockets who are going to be able to purchase the entire spectrum through some auction process.

So the gentleman from Ohio whose name is so inextricably linked with this whole proceeding, the Oxley auction already part of the lexicon of telecommunications history, that we will have a parallel piece of legislation which we will be moving later on this year, but with the intent of ensuring that there is a proper set of safeguards which are built in to ensure that universal service, localism, and diversity remain at the heart of our telecommunications policy while still advancing the goals which the gentleman from Ohio has been pushing correctly and aggressively over the last couple of years through Congress.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his remarks and for his incisive dealing with that issue.

I know both of us are pleased that the new administration has indicated that they support the auction concept and that, in potential terms, as much as over $4 billion in potential revenue to the Federal Treasury is one of the major reasons, I am sure, why they are supportive of that, and so I think we can work to that end.

I might ask the chairman, while he is still standing, if he would engage in a colloquy with me so that the record could reflect an issue that is of some importance to my home State, and I appreciate that.

I want to commend the distinguished chairman of the subcommittee, Mr. MARKEY, as well as the distinguished chairman of the full committee, Mr. DINGELL, for their leadership on this important piece of legislation. In the 2 years since the House last acted on this Federal spectrum initiative to promote new technologies, the Federal Communications Commission [FCC] has engaged in a rulemaking proceeding to reallocate the commercial 2 Ghz band for emerging technologies, including personal communications services. This controversial FCC proceeding has underscored the urgent need for liberating Federal Government spectrum.

On the one hand, current users of the 2 Ghz band, including our Nation's railroads, electrical utilities and safety officials, have raised very legitimate concerns about jeopardy to the safe and reliable operation of their equipment and facilities in the event of a disruptive relocation to different spectrum. On the other hand, the computer and PCS industries have forcefully pointed out the need to move quickly on making spectrum available for their revolutionary products, the deployment of which could provide a major boost to America's international competitive position.

The one thing upon which virtually all parties to the FCC proceeding agree, however, is that freeing up Federal spectrum could go far to accommodate these competing concerns. For example, the record before the FCC makes clear that it would facilitate immediate deployment of emerging technologies if Federal spectrum between 1710 and 1850 Mhz were made available either as a situs for PCS or as a reasonable situs for relocating current users of the 2 Ghz band. While this is only one example, it is my understanding that such reassignment of Federal spectrum is possible under H.R. 707.

Is that the understanding of the chairman?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield further, his understanding is correct. The Commission's 2 Ghz proceeding initiated last year along with other petitions for new services that are pending have provided concrete evidence of the great need for Federal spectrum to facilitate deployment of PCS and other new technologies.

We must find a way to harmonize the need to maintain the reliability and safety of our existing infrastructure with the need to spur the growth of the new telecommunications infrastructure of the 21st century.

The Commission is able to act in this manner under current law today. Enactment of this legislation should not be viewed as addressing FCC actions regarding current spectrum management plans. Indeed, under H.R. 707, the FCC continues to have broad discretion to administer the spectrum and, therefore, the gentleman is correct to state that under the bill, the FCC could assign liberated Federal spectrum to new technology licensees or to licensees displaced from the 1-gigahertz band under the Commission's reallocation plan or other uses, since all of these approaches would further the purposes of the act.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his explanation and for getting that on the record for the legislative history.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 707 and would like to engage the chairman of the subcommittee in a short colloquy.

During the hearing on H.R. 707, representatives of the broadcasting industry expressed concern about the FCC's policies regarding the development of new technology, specifically digital audio broadcasting [DAB] and high-definition television [HDTV]. In the case of DAB, broadcasters are concerned about the development of satellite-delivered DAB which would or could harm our system of licensing radio frequencies to local communities.

In addition, the HDTV development timetable proposed by the FCC seems to be somewhat arbitrary and fixed.

□ 1420

These two issues may be solved to the benefit of all parties; but I want to call your attention to section 115 of H.R. 707 which establishes the guidelines by which the FCC shall distribute newly available frequencies. This section contemplates that the distribution of frequencies from Government reserves as well as frequencies available from the relocation of current commercial spectrum users. Is section 115 drafted to accommodate the FCC's policies regarding the development of DAB and HDTV?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, in response to the question of the gentleman from the State of Washington, section 115 of H.R. 707 was not drafted with the intention of addressing proposals made by the FCC concerning the development of DAB or HDTV. Enactment of this legislation should not be viewed as either endorsing or opposing FCC actions regarding current spectrum management plans. This bill is proposed to address current demands on the spectrum. I do not believe the Congress is in a position to address the concerns raised by the broadcast industry in this bill.

It is my view that continued availability of spectrum is needed for the full operation of universal, over-the-air broadcast services, consistent with these stations obligations to service the local public interest. It is possible that the future demands of over-the-air broadcast service is for more, not less spectrum. Advanced television and DAB may possibly require new spectrum.

I would encourage the continued efforts of the Commission and the broadcast industry to achieve a consensus on the amount of spectrum that will be adequate for the terrestrial provision of advanced television.

Mr. Speaker, I think we can, on the concerns of Mr. OXLEY, continue to work on a parallel track on these issues to see that the gentleman's concerns are dealt with.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for his observations; they are very helpful.

Mr. Speaker, I urge support of H.R. 707.

Mr. MARKEY. I thank the gentleman for all of his assistance on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to support H.R. 707, the Emerging Telecommunications Technology Act of 1993. This legislation is critical to free up much needed radio spectrum for private use. Emerging technologies such as HDTV, and the continuing growth of current spectrum users like cellular and mobile radio, will require larger and larger amounts of spectrum during the coming decades. This bill takes a big step toward providing that additional spectrum by requiring the Commerce Secretary of identify and recommend for commercial reassignment at least 200 megahertz of the spectrum currently used by Government.

This bill also sets up a number of rational, cost-effective criteria for the Secretary to follow in selecting those portions of the Government's spectrum for reassignment. These criteria are especially important with regard to the transfer of spectrum currently assigned to Federal power marketing agencies. Approximately 1,100 public power systems and rural electric cooperative purchase power generated by Federal power facilities. By law, the ratepayer consumers who buy electricity through the Federal power agencies would be required to bear all of the substantial costs incurred by the power agencies if they are required to move to new spectrum. Many of these customers reside in rural areas like my own district. Moreover, many are poor, or on a fixed income, and cannot afford a rate increase in their electric bill. Fortunately, this bill provides the National Telecommunications and Information Administration the flexibility to ensure that the impact of the bill on these consumers will be minimized.

It is critical that in our rush to embrace new technologies we do not ignore the basic needs of our less fortunate citizens. I believe H.R. 707 achieves this goal and I strongly urge my colleagues to adopt the measure.

Mr. KREIDLER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in full support of this bill. It is an important first step toward making America more competitive by encouraging the development of new telecommunications technologies.

However, as I mentioned during the full committee markup, I am concerned that the public service work of amateur radio operators may be adversely impacted by this legislation.

In my State of Washington, there are almost 20,000 amateur radio operators. In fact, we rank in the top 10 in number of operators per State. Our operators have formed the Washington State Amateur Radio Emergency Service, an organization that is ready at all times to assist local and State law enforcement agencies in times of emergency. These citizens perform vital services throughout our State and they deserve our gratitude and support.

This emergency service was particularly helpful in January during the wind storms that hit the entire western portion of the State, including my district. The Washington State Emergency Service worked with each county's department of emergency management to keep communications intact, including maintaining 911 services and assisting with communications at hospitals and clinics.

In addition, they worked with the Red Cross and other relief organizations to ensure that victims of the storms were located and helped. Some operators also went above and beyond the call by assisting with damage assessment efforts.

Ninety-five percent of the spectrum used by amateur radio operators is allocated on a primary basis for Federal use. Under H.R. 707, some of these frequencies may be reallocated for new technologies, resulting in a loss of spectrum for amateur operators.

I have raised this concern with the distinguished chairman of the committee, Mr. DINGELL, who assured me that this legislation is not intended to harm amateur operators. I look forward to working with him and our colleagues on the Senate side to ensure that amateur radio operators are protected from further erosion of their spectrum availability.

Mr. Speaker, I will vote for H.R. 707, and I encourage others to do the same.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, just to say, in summation, that the gentleman from Washington [Mr. KREIDLER] raises a very important point.

We intend to work with the gentleman. Ham operators are an important part of the fabric of the telecommunications network of the country and as we move forward we will continue to take into account the very real concerns raised by the gentleman on the floor this afternoon.

In addition I would also like to point out that the NTIA have the authorization to reallocate spectrum right now. We want to encourage NTIA to do so, without feeling that they will be penalized because the allocation that they may make during this time frame would not be counted against their 200 MHz; that they would be required to transfer under the pressure of the hammer of this legislation. We want them to know that we are going to be very flexible, looking at whatever they may do during this timeframe so that we do not invoke the law of unintended consequences, and they actually delay in the transfer of the spectrum, which should be out there and should be in the process of being reallocated so that the entrepreneurial spirit of the country may be engaged as quickly as possible.

In conclusion I would like to thank the chairman of the full committee, Mr. DINGELL. Mr. DINGELL, his staff, Dave Leach working with my staff, Gerry Waldron, and Colin Crowell, have worked very, very hard over the last several years to bring this legislation on to the floor. It offers the potential of $50 billion, $60 billion, $70 billion boom in this area if we can get this 200 MHz reallocated from governmental defense uses over to the private sector.

Mr. DINGELL and his staff ought to be complimented. The gentleman on the minority side, the gentleman from Ohio [Mr. OXLEY], the gentleman from California [Mr. MOORHEAD], and the gentleman from Texas [Mr. FIELDS], the ranking minority member on the committee are also to be complimented as well as the staff of the minority.

Mr. Speaker, I recommend this bill to the full House with the highest of recommendations. I believe this is good legislation, a jobs bill, one that can also potentially serve as the precursor in helping to reduce the deficit as well.

Mr. MOORHEAD. Thank you, Mr. Speaker. I rise in strong support of this legislation.

To put it simply, our radio spectrum is too congested. With the Federal Government controlling approximately 40 percent of available spectrum, commercial users, along with State and local users, are expected to squeeze on to the remaining 60 percent of available spectrum.

For many years, the supply of spectrum adequately satisfied the demand. However, with the revolution in telecommunications today, demand far outweighs supply. The availability of the newest wireline technologies, such as personal communications services and wireless computing, is dependent upon additional spectrum being reallocated to commercial users. Without reallocation, many of these vital, innovative technologies will go undeveloped.

This bill, Mr. Speaker, will free up much needed spectrum. It directs the President to reallocate 200 megahertz of spectrum from the Federal Government to commercial users. The FCC will be specifically responsible for determining which commercial users get the new spectrum. To be sure, the bill does not dictate which technologies will benefit. Instead, the bill merely recommends that the Commission give favorable consideration to emerging technologies.

I want to add that the bill also ensures that national security and general public health and safety will not suffer as a result of withdrawing spectrum assignments from the Federal Government. The bill specifically authorizes the President to substitute any withdrawal that he believes will threaten national security or generally disserve the public interest.

Again, I strongly urge my colleagues to join me in supporting this important piece of legislation.

Mr. KIM. Mr. Speaker, I have strong reservations about H.R. 707.

At a time when our country is facing a growing deficit of over $300 billion and national debt of over $4 trillion, we should look at this bill as an opportunity to reduce the deficit and promote free enterprise. Therefore, I have the following concerns about how well this measure addresses these goals.

First, why are we reallocating 200 MHz of Federal radio bands through a lottery system? I say that we auction off new frequencies to the highest bidder. Selling them through a lottery is unthinkable, when millions more could be raised through auctioning. It's ridiculous that on one hand we're jeopardizing economic recovery with new taxes, yet, on the other hand, we're ignoring a far more acceptable way of increasing Federal revenues. Even President Clinton favors auctioning over lottery.

Second, while it appears that there is more than ample radio spectrum to release, I am really concerned that there is no clearly defined statement as to the price the Government would have to pay, should it need to reclaim bands in the future. The cost could be in the billions.

Third, the bill fails to provide for reimbursement of the Federal Government's cost in vacating bands currently being used.

I realize that radio spectrums are urgently needed for private and commercial use with the new technologies of today, and I strongly support making the bands available to private industry in the most responsible and cost effective manner.

My message is clear. We should be supporting free enterprise and deficit reduction through an auction and not a lottery. I urge the other body and the administration to address this serious issue before final enactment.

Mr. HASTERT. Mr. Speaker, as my other colleagues have done, I rise in support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. This bill, like its predecessors in previous Congresses, has received considerable bipartisan support. The support from both sides of the aisle is warranted for this vital piece of legislation.

H.R. 707 will free up critically needed radio spectrum which can be put to new uses for the benefit of the American public. The reallocation of 200 megahertz of spectrum will also give American manufacturers an opportunity to develop and employ new technologies which will create new jobs in this country and, in turn, encourage the export of more American services and products overseas.

Mr. Speaker, the radio spectrum, as scarce as it is, should be available to any U.S. company. This bill makes the reallocated spectrum available to any entity that can demonstrate it has developed a new technology or will provide a new service. Such open eligibility will promote vigorous competition among U.S. firms which will inure to the benefit of the American consumer and strengthen U.S. firms for the competition they will face here and abroad.

My concern about open eligibility was alleviated in discussions I had with the gentleman from Massachusetts [Mr. MARKEY], chairman of the Telecommunications and Finance Subcommittee, during the markup of H.R. 707 in the subcommittee.

In the personal communications services [PCS] docket before the Federal Communications Commission [FCC], which is still under review, the FCC has suggested that open eligibility may not be appropriate. The FCC is considering barring cellular carriers and telephone companies from eligibility for PCS licenses in those areas where they currently provide cellular or telephone service. I believe such restrictions will impede the development of PCS. A majority of the comments in the PCS docket support my position. Respected economists submitted testimony demonstrating the benefits to be derived from the participation of cellular carriers and telephone companies as PCS licensees. These economists also demonstrated that the participation of cellular carriers and telephone companies in PCS would promote a competitive environment.

Mr. Speaker, I believe the American economy will benefit most from the use of the reallocated 200 megahertz of spectrum if no American entity is barred from bidding for the use of this precious resource. In this regard, I hope we can move quickly to consider legislation to provide for auctions in connection with the release of this new spectrum. Such open eligibility in the assignment of this new spectrum will reap new ideas, new services, and new jobs.

Mr. MARKEY. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 617) to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 617

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Limited Partnership Rollup Reform Act of 1993".*

***SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.***

*(a) AMENDMENT.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:*

*"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—*

*"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under subsections (a) and (d) as required by this subsection. Such rules shall—*

*"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purposes of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent, fraudulent, deceptive, or manipulative acts or practices under this title;*

*"(B) require the issuer to provide to holders of the securities that are the subject of the transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;*

*"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a transaction—*

*"(i) on the basis of whether the solicited proxies, consents, or authorizations either approve or disapprove the proposed transaction; or*

*"(ii) contingent on the transaction's approval, disapproval, or completion;*

*"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure with respect to—*

*"(i) any changes in the business plan, voting rights, form of ownership interest or the general partner's compensation in the proposed limited partnership rollup transaction from each of the original limited partnerships;*

*"(ii) the conflicts of interest, if any, of the general partner;*

*"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;*

*"(iv) the valuation of the limited partnerships and the method used to determine the value of limited partners' interests to be exchanged for the securities in the limited partnership rollup transaction;*

*"(v) the differing risks and effects of the transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the transaction with less than all limited partnerships;*

*"(vi) a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and the general partner's evaluation, and a description of alternatives to the limited partnership rollup transaction, such as liquidation; and*

*"(vii) such other matters deemed necessary or appropriate by the Commission.*

*"(E) provide that such soliciting materials contain or be accompanied by an opinion on the fairness of the proposed transaction to holders of each security which is subject to the proposed transaction that—*

*"(i) includes such information, representations, and undertakings with respect to the analysis of the transaction, scope of review, preparation of the opinion, and basis for and methods of arriving at conclusions as the Commission may require in such rules; and*

*"(ii) is prepared by a person—*

*"(I) who does not receive any compensation that is contingent on the transaction's approval or completion;*

*"(II) who meets such additional standards of independence from the person or persons proposing the rollup transaction as shall be required in the rules prescribed by the Commission;*

*"(III) who has been given access by the issuer to its personnel and premises and relevant books and records; and*

*"(IV) who has represented to have undertaken an independent analysis of the fairness of the proposed rollup transaction to holders based upon the information obtained through such access and upon other independently obtained information;*

*"(F) require that the soliciting material include a clear and concise summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (vi) of subparagraph (D) and a summary of the matter referred to in subparagraph (E)), with the risks of the limited partnership rollup transaction set forth prominently in the forepart thereof;*

*"(G) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and*

*"(H) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.*

*"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this Act, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraph (1) or from the definition contained in paragraph (4).*

*"(3) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.*

*"(4) DEFINITION OF LIMITED PARTNERSHIP ROLLUP TRANSACTION.—As used in this subsection, the term 'limited partnership rollup transaction' means, except as provided in paragraph (5), a transaction involving—*

*"(A) the combination or reorganization of limited partnerships, directly or indirectly, in which some or all investors in the limited partnerships receive new securities or securities in another entity, other than a transaction—*

*"(i) in which—*

*"(I) the investors' limited partnership securities are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A; and*

*"(II) the investors receive new securities or securities in another entity that are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;*

*"(ii) involving only issuers that are not required to register or report under section 12 both before and after the transaction;*

*"(iii) in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;*

*"(iv) which will result in no significant adverse change to investors in any of the limited partnerships with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; or*

*"(v) where each investor is provided an option to receive or retain a security under substantially the same terms and conditions as the original issue; or*

*"(B) the reorganization of a single limited partnership in which some or all investors in the limited partnership receive new securities or securities in another entity, and—*

*"(i) transactions in the security issued are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;*

*"(ii) the investors' limited partnership securities are not reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;*

*"(iii) the issuer is required to register or report under section 12, both before and after the transaction, or the securities to be issued or exchanged are required to be or are registered under the Securities Act of 1933;*

*"(iv) there are significant adverse changes to security holders in voting rights, the term of existence of the entity, management compensation, or investment objectives; and*

*"(v) investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.*

*"(5) EXCLUSION FROM DEFINITION.—As used in this subsection, the term 'limited partnership rollup transaction' does not include a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate.*

*"(6) DEFINITION OF PARTNERSHIP.—The term 'partnership' includes such other entity having a substantially economically equivalent form of ownership instrument as the Commission determines, by rule consistent with the purposes of this subsection, to include within this definition.".*

*(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall, not later than 12 months after the date of enactment of this Act, conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a).*

***SEC. 3. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.***

*(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:*

*"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—*

*"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.*

*As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the association during the period in which the offer is outstanding and complies with such other procedures established by the association.".*

*(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:*

*"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—*

*"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the exchange finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the exchange determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the exchange, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.*

*As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the exchange during the period in which the offer is outstanding.".*

*(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:*

*"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—*

*"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);*

*"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;*

*"(C) the right not to have their voting power unfairly reduced or abridged;*

*"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and*

*"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.*

*As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer such term means any person who files an objection in writing under the rules of the association during the period during which the offer is outstanding.".*

*(d) EFFECT ON EXISTING AUTHORITY.—The amendments made by this section shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act and shall apply to any security resulting from a partnership rollup transaction (as such term is defined in section 14(h)(4) of the Securities Exchange Act of 1934) that is issued on or after the date of enactment of this Act.*

□ 1430

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this subject is, on the one hand, very complex, but, on the other hand, quite easily understood by millions of investors in the United States who, during the 1980's, were among those 7 million Americans who participated in limited partnership investments that ultimately came under a cloud, a new and very dangerous phenomenon which began to develop where general partners began to roll up limited partners into investments which they had absolutely no intention of participating in, but, because the general partners had developed financial problems of their own in investments, separate from the limited partnership's investment, the general partners began to use the limited partners as a personal piggybank to bail out the general partners from the financial woes which were besetting them across the country. Over the last few years, the dream of limited partnership turned into a nightmare of rollups and clampdowns as upward of 1.2 million Americans were confronted with the threat and ultimate reality of being rolled up financially into deals which they had no intention, from the get-go, of having ever been participants.

Now, these 75 rollup transactions ultimately accounted for $7.3 billion, and ultimately affected 1,800 partnerships, including 1.2 million American investors. Overall, 510,000 investors, 510,000 Americans, mostly ordinary Americans; we are not talking about the big players here. Limited partnerships, were thought of, in a way, as the small economic player, not the high roller, but the ordinary individual who could select just this small oil, or gas, or real estate investment, to put a part of their life savings into it in order to get a sure return because they were absolutely confident that the deal that they were going into was going to be successful. They saw themselves, 510,000 of these people, rolled into deals which they had absolutely no intention of participating in.

The losses: $1.7 billion to these 500,000 people. Meanwhile the general partners and others earned $200 million in fees and reimbursements on those very same transactions.

Now listen to this for a horror story for American investors: In the first year of trading, rollup securities often dropped 70 percent below the value assigned to the securities at the time of the transaction. In other words, on day one, the transaction is worth a hundred cents on the dollar. A month later, it may only be worth 30 cents on the dollar, even though their insight as to the value of the original investment was still valid, only that it had depreciated in value as it was being commingled with the other economic investments which have been made by the general partners. On average, 45 percent of the value of the limited partnership was lost on the first day of trading. That is on day one, the day before the transaction transpired. The value of the limited partnership was $1. On the day after, it was worth 55 cents, with absolutely no recourse on the part of the limited partnerships to extract themselves from the transaction.

What have we done in this legislation? In order to protect the limited partnerships, Mr. Speaker, we give them dissenters' rights. We give them the right to be able to be compensated fairly for the original value of their limited partnership, before it was rolled up. We give them the right to a fairness opinion so that they can get an independent evaluation of the value of their limited partnership, so that there is not just an arbitrary decision made by the general partners as to what they should be given as compensation. We also ensure that there be some comprehensible financial disclosure. Oftentimes the disclosure which is given by the general partner to the limited partner is 300, 400, 500 pages long. This is just a small investor given 500 pages of legalese. The only thing productive that the investor could use that disclosure for was for a doorstop because they would have to pay more in legal fees in order to finally be able to extract the relevant information for themselves, and meanwhile the rollup continues. We ensure that there be a simplification of the information which is transmitted to the individual investor so that they can make an intelligent, informed decision right from the get-go.

As well, Mr. Speaker, we ensure that there be a protection which is given that the already existing reforms which have been instituted by the regulators, and by the exchanges, be locked into permanent law. We want to make sure that as the exchanges, as the regulators, have been responding to the activities of our committee, that we lock that permanently into law and we not lose the gains which have already been made.

We ensure that the prospectuses that are given provide third-party opinions analyzing the fairness of the transaction. We ensure that there be a highlighting made of the risks, or the conflicts of interest, that may exist between any of the parties that are being consulted in the rollup. We also ensure that there be no way in which there be an escape hatch which is constructed so that by not using the NASD, a general partner escapes the provisions which are now being put on the books and are on the books at a regulatory level, at an exchange level, and so there not be a back door around which there be no escape.

And we also ensure that the broker dealers cannot be paid differentially as they solicit proxy votes. That is, they cannot be paid more to get a yes vote than they are to get a no vote. The proxy process, in order to have integrity, must ensure that there be a full protection which is given to the integrity of the process by ensuring that there be no differentiation in terms of conversation given to proxy solicitors as they are out there compiling the votes which are going to be used to determine whether or not a rollup should occur.

Mr. Speaker, there are 7 to 8 million estimated limited partners out in the country. This is needed legislation to give them the protection against rapacious, avaricious needs of general partners desperate for their own financial reasons to use the limited partners as their personal piggybank. That should not be the case. Limited partners make narrow, specific investment decisions which have to be respected. This legislation is a bill of rights for those limited partners, to protect them against the practices which ran rampant in the 1980's.

Mr. Speaker, we passed this legislation in the last Congress on a bipartisan basis. Unfortunately, as with so many of the financial reform packages which were sent over to the Senate, they died a slow, but certain, death in the final, waning days in the system of holes which is still indecipherable to the limited cerebral mechanism capacity of those of us in the House. This year, we are going to move ever more aggressively to ensure that those rights are protected over on the Senate side as well.

Senator DODD and Senator RIEGLE have done wonderful work on this subject. We are going to continue to work with them and Senator D'AMATO.

On the House side, the gentleman from Michigan [Mr. DINGELL] once again performed yeoman's work in this area, moving it forward. He absolutely has been a stalwart in ensuring that these rights are protected. The gentleman from Oklahoma [Mr. SYNAR] has worked from day one to ensure that this legislation is drafted procedurally, and that protections are put on the books.

□ 1440

On the minority side, the gentleman from Texas [Mr. FIELDS], the ranking minority member, working with the gentleman from Ohio [Mr. OXLEY], the ranking minority member, the gentleman from California [Mr. MOORHEAD], and the staff of the minority, have made this possible.

The gentleman from Oregon [Mr. WYDEN], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Tennessee [Mr. COOPER], the gentleman from Kansas [Mr. SLATTERY], on our side, and others on both sides, have worked intensively now over a 3-year period to bring this legislation to fruition. It is a good piece of legislation, long overdue, and I recommend it to the full House.

Mr. Speaker, today the House is considering legislation to reform the regulatory treatment of mergers and reorganizations of limited partnerships, known on Wall Street as rollups.

I am pleased to have joined with Representative JACK FIELDS, the ranking Republican member of the subcommittee, Chairman JOHN DINGELL, and Representatives WYDEN, SYNAR, COOPER, and SLATTERY in sponsoring this legislation.

Since 1980, over 150 billion dollars' worth of limited partnership securities have been marketed to the public. For the more than 8 million people who invested, these limited partnerships seemed to provide a way for the little guy to realize the American dream of financial success by participating in the ownership of shopping centers, commercial office buildings, or oil and natural gas production.

Over the last several years, however, this dream turned into a nightmare for the over 1.2 million small investors who were faced with proposals to roll up their limited partnerships. Since 1985, nearly 75 rollup transactions have been registered with the SEC, involving 1,800 limited partnerships valued at approximately $7.3 billion.

Virtually all of the transactions which were approved during this period resulted in devastating financial losses for investors. For example, according to an analysis by the American Association of Limited Partners of 18 major real estate and oil and gas rollups completed over the last decade, over 510,000 investors lost an estimated $1.7 billion, while general partners and others earned up to $200 million in fees and reimbursements. In the first year of trading rollup securities often drop 70 percent below the values assigned to the securities at the time of the transaction, with first trading day losses averaging 45 percent.

The tragedy is that even those investors who voted against the deal get rolled up if a simple majority consents to the transaction. On Wall Street, this is called a cram down because it crams often worthless rollup securities down the throats of unwilling investors.

The subcommittee has received hundreds of letters from investors around the country who have been victimized by rollups. During our hearings, we heard testimony from many small investors who saw the value of their limited partnerships plunge after unfair or abusive rollups that they were either unfairly pressured to support or were powerless to oppose. We have heard from:

Steven Santoro of Tewksbury, MA, who lost over 65 percent of the $25,000 he invested in the Concord Limited Partnership in a rollup that granted the general partners nearly 10 percent of the stock in the new company and nearly $1 million in annual salaries and compensation;

Frank Freiler of Los Osos, CA, who was improperly prevented from getting access to investor lists he sought to alert fellow investors to abusive features of the Krupp Limited Partnership rollup, and then watched his $125,000 inheritance plummet nearly 40 percent in value after the rollup went through;

Anne Petrocci of Midland Park, NJ, who was shoved, threatened, subpoenaed, and harassed after she went to an investor meeting and tried to organize opposition to a rollup of her Equitec limited partnership, and then watched her $4,000 investment drop 97 percent in value after the rollup;

Eleanor Foerster, of Porterville, CA, who was pressured by the general partner who told her that she would lose all of her $120,000 investment if the rollup wasn't approved, only to see her investment drop 65 percent in value after the rollup; and,

Bruce Wertz, of Hurst, TX, who was misled into believing his partnership would go bankrupt without a rollup, and then witnessed his $10,000 investment drop 97 percent in value after the rollup.

The devastating financial losses these investors experienced are directly attributable to the unfairness of most rollup transactions. In all too many cases, we have seen rollups which are clearly the result of blatant self-dealing by the general partners who have disregarded their fiduciary duties to the limited partners.

In the past, regulatory scrutiny of rollup transactions by the Commission and by the self-regulatory organizations often has been inadequate. The subcommittee's investigations revealed:

Incomprehensible rollup disclosure documents 300 to 700 pages long that never should have been declared effective by the SEC;

Abusive differential compensation practices which were not reined in until after the subcommittee began examining them;

Certain stock exchanges waiving their listing standards in order to list rollup securities which later plummeted in value;

Shortcomings in SEC proxy rules which inhibited efforts by limited partners to communicate with their fellow investors regarding an abusive rollup; and,

Inadequate direct legal mandate for the Commission, the NASD, and the exchanges to respond to manifestly unfair rollup transactions rife with self-dealing and conflicts of interest.

After the committee shined a spotlight on the abuses of rollups, the SEC and the NASD took steps to improve regulatory scrutiny of rollups. However, major gaps still exist that could allow abusive rollups to continue. SEC rules do not require rollup sponsors to get an independent fairness opinion and the NASD's proposed rollup rules contain significant loopholes that would allow rollup sponsors to avoid providing dissenting investors with a financial alternative to a cramdown—even if it were feasible to do so. Moreover, NASD's rules only apply to rollups involving NASD members or listed on the NASDQ system. As we discovered in our hearings, without Federal legislation nothing would prevent an unscrupulous operator from putting together a rollup without participation of any NASD member and then listing it on the New York or American Stock Exchanges. If we are to give limited partners the full range of protections they need, we need to pass this bill.

H.R. 617, the Limited Partnership Rollup Reform Act of 1993, would both lock in the limited reforms already undertaken by regulators, close certain loopholes in existing or proposed rules, and supplement these rules with more comprehensive investor protections. The legislation will:

Assure that wherever feasible, dissenting investors are afforded with a financial alternative to the rollup and are no longer forced to accept cramdown securities;

Require that all rollup prospectuses be accompanied by an independent third-party opinion analyzing the entire fairness of the transaction to investors in each partnership;

Improve rollup disclosures to prominently highlight any risks and conflicts of interest and assure that rollup disclosure documents are more clear, concise, and comprehensible;

Prevent rollups from being utilized to make certain changes in corporate governance, unfair changes in fees paid to the general partner, and unfair transaction charges for failed transactions;

Make it easier for limited partners to fight abusive rollups by assuring they get access to investor lists and can communicate with other investors;

Assure investors have adequate time to review a rollup proposal by setting a 60 day minimum solicitation period; and finally,

Bar broker-dealers or other proxy solicitors from being paid for "yes" votes but not for "no" votes, in order to reduce financial incentives for engaging in abusive boiler room solicitation practices.

This bipartisan reform legislation neither bans rollups, nor does it violate the sanctity of contracts—as certain opponents of this legislation have claimed. What H.R. 617 will do is prevent general partners from forcing limited partners into what amounts to an unconscionable contract of adhesion that leaves the general partners rolling in cash and the limited partners realizing that they've just been rolled.

I urge my colleagues to join with us in supporting this important legislation to protect the estimated 8 million limited partners who today are at risk of being subjected to an abusive rollup.

Mr. DINGELL. Mr. Speaker, today the House considers, under suspension of its rules, the bill H.R. 617 to curb abuses in limited partnership rollups.

I would observe to my colleagues that not all rollup transactions are bad. Sometimes such transactions are the only way to provide investors in nontraded limited partnerships with any liquidity by which to cash out of their holdings. However, a number of scoundrels have taken advantage of these situations to engage in abusive practices and ripoffs, which are fully documented in our hearings and the hundreds of complaint letters we have received from constituents across the Nation. These abuses must be stopped.

Publicly available documents show dramatically what happened in one rollup in terms of share values immediately before and after conversion, and currently.

Partnership: Hollywood Realty Partners (Equitec).

Day before: $1 (Nov. 1, 1990).

Day after: 22 cents.

One February 1: 3 cents.

In the past year, the SEC and the NASD instituted reforms in this area. Our modest bill would lock in these protections and require them to be reflected in the rules of other self-regulatory organizations, as well as require rules that would provide the public with independently prepared fairness opinions and important dissenters' rights.

To be sure, there are iniquitous forces blowing around the Hill who would seek to overturn our efforts and those of our distinguished colleague Senator DODD. We intend to prevail.

I urge my colleagues to support the interests of the American people, and not evil special interests, in this matter.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation designed to prevent abusive limited partnership rollup transactions.

The rollup market is a significant one. In the last 7 years, the marketplace has seen approximately 1,800 rollup transactions with an estimated exchange value of $7.1 billion. These rollups have involved almost 1.2 million investors.

However, hearing testimony has indicated that general partners frequently use unfair tactics to organize rollups for their own financial gain.

In many cases, rollups have been structured to allow the general partners and others to collect exorbitant fees while leaving the limited partners with a significantly different and diminished investment.

The SEC reports that in the 20 rollups that took place in 1991, the value of the securities in the entities created by the transactions dropped an average of 50 percent from the exchange value assigned by the sponsors prior to the deal.

Most investors involved in rollups are smaller investors who can ill afford such dramatic financial losses.

Congressional attention has led to recent initiatives by the SEC and the NASD in the area of rollup reform.

For example, new SEC proxy rules facilitate investor communication and improve information requirements.

The NASD has adopted a rule prohibiting payments to brokers only for votes in favor of a rollup and awaits approval of a comprehensive rollup rule package.

In addition to codifying these rule changes, H.R. 617 contains other important measures designed to protect investors.

For example, the bill requires independent fairness opinions, enhanced dissenters' rights, and, when necessary, the appointment of a committee independent of the general partner or sponsor to review or negotiate a proposed rollup on behalf of the limited partners.

In conclusion, H.R. 617 provides a comprehensive and balanced Federal framework for reform of the rollup process. This legislation will ensure that rollups are fairly organized and structured and restore investor confidence in an important marketplace.

Mr. Speaker, I wish to thank the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee, as well as the full committee, for their fine work on this, as well as my good friend, the gentleman from Texas [Mr. FIELDS], and the staffs on both sides for putting together what I think is a very effective and fair piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I support H.R. 617 in its effort to curb unfair practices associated with limited partnership rollup transactions and restore credibility in this important market.

Abuses in limited partnership rollups have occurred with alarming regularity. In far too many cases, general partners have ignored their fiduciary duties and used abusive measures to organize self-interested transactions.

Some of these unfair tactics include inadequate disclosure, artificial barriers to legitimate communication among limited partners, differential compensation practices and disregard of dissenters who oppose the transaction.

H.R. 617 will help to ensure that rollup transactions are organized and structured in a fair manner for all participants.

Among other things, the bill will increase the amount of information rollup sponsors must disclose to investors, it will provide dissenting limited partners with meaningful alternatives, and it will require an independent assessment of the rollup's overall fairness.

H.R. 617 is substantially similar to a rollup reform bill which last Congress passed the House by voice vote under suspension. That bill ultimately died in conference.

However, rollup abuses have not gone away. H.R. 617 addresses the problems associated with rollup transactions in a balanced and responsible manner and ensures their fairness, especially to smaller investors.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR], who since June 1990, when we began this investigation, has been in the forefront of the desire of this Congress to overhaul this entire area.

Mr. SYNAR. Mr. Speaker, let me take this opportunity to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY], as well as the gentleman from Ohio [Mr. OXLEY], for the excellent job in getting this legislation through so quickly so that we can proceed back on schedule as we did last session to correct this problem.

Mr. Speaker, as the gentleman from Massachusetts [Mr. MARKEY] has pointed out, this is a problem which is very clear and very simple to understand. We have the unfair treatment of literally hundreds of thousands of investors throughout this country as limited partners that literally are in jeopardy of losing hundreds of millions of dollars. That problem, now identified, offers a very simple solution, a simple bill of rights for limited partners in this country, which includes compensation for their losses, a fairness opinion so that they can make better decisions, comprehensive disclosure so they can understand the dealings of their general partners, and, finally, integrity in the proxy voting as decisions are made.

Mr. Speaker, that seems to be a very good case to make, that once we find a problem, then we can find the solution, that we can move quickly in the U.S. Congress. So I want to join with my colleagues in commending this to my fellow Members, because this will go a long way toward correcting a problem which for too long has existed in this country with respect to this financial problem.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, only to conclude by asking unanimous consent to insert the statement of the distinguished chairman of the Committee on Energy and Commerce.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I thought I heard the gentleman from Massachusetts [Mr. MARKEY] request unanimous consent, and I would reserve the right to object in order to make a short statement.

Mr. Speaker, first of all, this has nothing to do with the great esteem that I hold for the subcommittee, its chairman, and ranking member. But for the fifth consecutive rule now, the Committee on Rules has just put out a closed modified rule which gags Members on both sides of the aisle, 435 Members, who will not have their constitutional right to take this floor and participate in meaningful debate on upcoming legislation.

Mr. Speaker, for the fifth consecutive time this has happened now. It is not going to continue to happen, because we are not going to be pushed around by dictatorial policies of the Democrat leadership.

Mr. Speaker, let me just say that there have been five votes ordered, or will be as soon as this one is called. I regret that there has to be votes on these five noncontroversial issues today. There also is a rollover vote on the approval of the Journal earlier.

Mr. Speaker, we just have to put you on notice, the gentleman from Washington [Mr. FOLEY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], and the rest of the Democratic leadership, that we are not going to just lay down and take what you want to give us. You are going to treat us fair, or else.

Mr. Speaker, let me just read this statement by the gentleman from Massachusetts [Mr. MOAKLEY], whom I have a great deal of respect for, who is my counterpart on the Committee on Rules.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] said back on August 5, 1989, and I will quote from a little brochure I made up called Cooking Up the Rules, Boston-style, Boston-style I will say to my good friend from Massachusetts [Mr. MARKEY].

The gentleman from Massachusetts [Mr. MOAKLEY] said:

> I think we should all be distressed by the rising number of rules requests that seek restrictions for no justifiable political reasons.

Mr. Speaker, the gentleman goes on to say:

> I don't do any of these things in a vacuum. I consult with my committee, and, you know, we try to do the best thing for mankind.

The gentleman goes on to say:

> On the big bills, we have called the Republicans, sat down with them, listened to their problems. And we gave them some of the things they wanted, rather than the old style of saying, "Hey, we've got the votes. Let's vote. Screw you."

Mr. Speaker, the gentleman goes on to say:

> You know, I don't play that game because we have an old Irish proverb—the people you meet on the way up the ladder are the same people you meet on the way down. I would like to be treated by some of these people the way I think I am treating them.

Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. MOAKLEY] what happened to the statement, and a like statement by the gentleman from Washington [Mr. FOLEY], our Speaker, which took place about 3 days later. Where is the fairness around here?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have the highest regard for the gentleman from New York [Mr. SOLOMON]. I work with the gentleman on a wide range of issues, but most notably in the human rights and nonproliferation area.

What I would say to the gentleman here is that right now the gentleman is making basically an undifferentiated attack on the rules process. Here we have a situation where the legislation that we are dealing with passed unanimously through the House of Representatives last year. This is exactly the appropriate process to be used for this legislation.

Similarly, the legislation that we considered and voted favorably upon 5 minutes ago dealing with the reallocation of the spectrum, that legislation as well passed unanimously last year. In fact, it would be a waste of the time of the House of Representatives to have granted open rules on these measures.

Mr. Speaker, just so the listening public on C-SPAN understands, there is no objection on this legislation, there is no request to make these rules open, and if the gentleman does have specific objections about specific legislation, it seems to me that that is where the gentleman should be lodging his complaint.

□ 1450

I think it leaves a misimpression, as the gentleman is asking for a rollcall on every one of these suspensions today, that there is great controversy which is being hidden. In fact, here we have truths that are found to be self-evident embodied in every one of these bills that we are dealing with today with no real controversy, and the gentleman is bringing in a complaint he may have about other debates which are ongoing.

God knows, with my name ending in a "y," as does the gentleman who is the chairman of the full Committee on Rules, I do appreciate Boston rules. And I understand what it is that the full committee chairman was referring to. But on the other hand, it is not the legislation that is pending before the House right now, and the point which the gentleman is making is more rhetorical than relevant to what it is that we are now considering.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am glad the gentleman brought up that point because I certainly would not want anyone to think that this is a controversial bill. As a matter of fact, I intend to vote for the gentleman's bill, and I hope it passes unanimously with a recorded vote so that we can make our point about what is happening with unfairness around here.

Mr. MARKEY. Mr. Speaker, reclaiming my time, and again, just to conclude, the gentleman from the Committee on Rules, I think, the chairman of that committee is without question one of the wisest Members to sit in the House. And in his infinite wisdom, in meeting with the other Committee on Rules members, they make determinations on the appropriate rules for each bill.

Here he has, once again, in his infinite wisdom, made the correct decision. I have to, once again, tip my hat to the gentleman from Massachusetts [Mr. MOAKLEY], because I invariably find myself supporting his judgments, as they are issued. My feeling here is that this bill is long overdue. Millions of Americans are right now locked into limited partnerships.

They could, in fact, be violated at any point in time without laws being passed by general partners who will continue to feel the pressures of an overleveraged 1980's in many of their various and sundry economic, financial, real estate, oil, gas deals.

Limited partners, who did not make those decisions, should not have to suffer the pains of the general partners of poor economic decisions. This legislation should pass.

The gentleman from New York, the minority, working hand-in-hand to put this together, the minority counsel, Steve Blumental, our counsel, Mr. Duncan and Ms. Daly, along with the full committee counsel, Consuela Washington, have worked long and hard in concert. This is good legislation. I hope that the House, in its wisdom, accepts it here today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on H.R. 617, as amended, the bill just considered.

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 890, by the yeas and nays; H.R. 904, by the yeas, and nays; H.R. 868, by the yeas and nays; H.R. 707, by the yeas and nays; and H.R. 617, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 890, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 20, as follows:

[Roll No. 43]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—1

Taylor (MS)

NOT VOTING—20

Barton
Becerra
Brooks
Brown (FL)
Bryant
Callahan
Castle
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Owens
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

☐ 1518

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay"

Mr. KYL changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes."

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 904.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 43, not voting 20, as follows:

[Roll No. 44]

### YEAS—367

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff

### NAYS—43

Allard
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Boehner
Burton
Castle
Coble
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Gekas
Herger
Huffington
Hunter
Hyde
Johnson, Sam
Klug
Kolbe
Lightfoot
Manzullo
Moorhead
Nussle
Packard
Paxon
Pombo
Rohrabacher
Royce
Santorum
Sensenbrenner
Smith (MI)
Stump
Sundquist
Taylor (NC)
Walker
Zimmer

### NOT VOTING—20

Barton
Becerra
Brown (FL)
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Hancock
Henry
Jefferson
McDade
Minge
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1526

Mr. PAXON changed his vote from "yea" to "nay."

So, (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## CONSUMER PROTECTION TELEMARKETING ACT

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 868, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 16, as follows:

[Roll No. 45]

### YEAS—411

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—3

Hancock
Penny
Smith (MI)

NOT VOTING—16

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
Hinchey
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

☐ 1534

Mr. MANZULLO changed his vote from "nay" to "yea."

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 707.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 15, as follows:

[Roll No. 46]

YEAS—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—5

Herger
Hoke
Lightfoot
Pombo
Zeliff

NOT VOTING—15

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

☐ 1545

Mr. HOKE changed his vote from "yea" to "nay."

Mr. BUYER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill (H.R. 617), as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 16, as follows:

[Roll No. 47]

YEAS—408

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—6

DeLay
Kingston
Pombo
Royce
Sundquist
Walker

NOT VOTING—16

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Rostenkowski
Roukema
Serrano
Torricelli
Wilson
Young (AK)

□ 1553

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I respectfully reserve the right to object just to alert the House that today the Committee on Rules met on the Hatch Act that will be on this floor tomorrow.

The Committee on Rules saw fit to put out another modified closed rule, depriving Members of this House from a meaningful debate on germane amendments. This is the fifth time this year that it has happened. We have only had five rules. All five have been restricted.

Mr. Speaker, I just want to read a statement to the House from 1989.

The gentleman from Washington [Mr. FOLEY] said on June 6, 1989, and I read this out of respect to the Speaker, he said,

> I will do what I can, every day that I serve in this office, to insure that the rights and privileges of each Member of the House are respected, and to insure that the procedure is fair to all.

He went on to say,

> * * * I understand the responsibility of the Speaker of the House, as other Speakers have understood it and practiced it, to be a responsibility to the Whole House and to each and every individual Member, undivided by that center aisle.

Mr. Speaker, you went on to say,

> I look forward to working with you (Bob Michel) in a spirit of cooperation and increased consultation as we address the problems facing this House and the nation.

Mr. Speaker, we are not addressing the problems of this House and this Nation when Members on both sides of the aisle are gagged, as were Democrats today, and as were Republicans today. I would ask the Speaker not to bring more restricted rules before this House. Be fair, Mr. Speaker, you are the Speaker of the entire House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

There was no objection.

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## THE JOURNAL

The SPEAKER pro tempore. The pending business is the question on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 155, not voting 23, as follows:

[Roll No. 48]

AYES—252

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden

Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—155

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Barton
Bryant
Callahan
Cox
Deutsch
Dooley
Edwards (TX)
English (OK)
Evans
Fields (TX)
Ford (TN)
Gilchrest
Glickman
Henry
Hoke
Horn
Lancaster
McCurdy
McDade
Rostenkowski
Roukema
Wilson
Young (AK)

□ 1613

So the Journal was approved.

The result of the vote was announced as above recorded.

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## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 20

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 20.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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## HOUR OF MEETING ON TOMORROW

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

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## THE IMPACT OF THE PRESIDENT'S PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, President Clinton, in his State of the Union Message, talked about his plan to deal with the deficit, and the Republican Study Committee, which I chair, spent the entire weekend studying President Clinton's budgetary proposals and what kind of an impact it would have, either positive or negative, on the United States of America.

Here is what we found: There were $325.5 billion in tax increases, the largest tax increase in U.S. history by more than 60 or 70 percent. The largest before that was around $184 billion. In addition to that, there are $70 billion in hidden fee and, get this, they are called spending cuts. They have got $70 billion in fees in there that are called spending cuts when that is actually more money coming out of taxpayers' pockets.

When you talk about spending cuts, he has been telling America about this; there are spending cuts totaling $91.7 billion, but there are spending increases totaling $185.9 billion for a net increase of $94.2 billion. So when he tells you he is going to cut spending, the fact of the matter is we are not cutting domestic spending. We are increasing it by over $94 billion.

On top of that, there are $395 billion in new taxes and hidden fee increases.

The only spending cuts in his budgetary proposal that we can find are in the area of defense, and those cuts were going to take place anyhow, and that is $112 billion.

So the deficit reduction plan he is talking about is not coming from spending cuts. It is coming out of the hides of the American taxpayer.

Now 2 years ago when we had the budget summit agreement and President Bush erroneously, I believe, signed on to that agreement with the Democrat majority in both the House and the Senate, we raised taxes on the backs of the American people to the tune of $182 billion.

□ 1620

And that tax increase cost us thousands and thousands of jobs and put this country into an economic recession that we are just now coming out of.

The tax increases President Clinton is talking about, in my view, are going to cost at least 250,000 jobs in the next year to 18 months, and it is going to put this country into an economic decline much worse than what we have seen in recent years.

Now I was talking to one of my Democrat colleagues today and I promised I would not use his name because he was sorry he said this, but he meant it. Here is what he said with smile: "Any tax you pass is going to put somebody out of business." And that is the problem.

These huge tax increases are going to put a lot of marginal business people over the brink and they are going to go bankrupt.

Today out in the hall just 5 or 10 minutes ago I talked to members from the Farm Bureau. Do you know what they told me? The Btu tax, the energy tax, which I call the "big time unemployment tax," the Btu tax is going to cost them so much that many of them will go out of business because they cannot pass those increased costs on to the consumer because of the way the agricultural markets work on the Commodities Exchange. They cannot pass that on.

So a lot of small farmers and medium-sized and large farmers are going to go out of business if we pass the Btu tax.

In addition, I just had a bunch of people call me who are in the foundry business. They rely on energy to make the molds and make the products that most of us in this country use. It is one of the biggest industries in America. They tell me that many foundries are going to go out of business if we pass this Btu tax.

Then we come to the airline industry, and I am only going to mention three tonight, but I can go on and on and on. But the airline industry is going to be hit with a 15 cents per gallon jet fuel increase and many of those airlines, if you have been reading in the papers, are on the brink of bankruptcy now. They are trying to cut deals with British Airways and other foreign airlines just to stay above water.

Here we are going to load on the backs of the airlines, one of the most important parts of commerce in this country, another 15 cents per gallon fuel tax? I guarantee it is going to put a lot of them out of business.

Every one of these companies that go out of business has employees. When they go out of business, their employees lose their jobs, and when they lose their jobs, that increases the unemployment rolls.

For each 1 percent of unemployment, when you add in all of the benefits they get, that costs the taxpayers and the Treasury $42 billion. This one little phase of his economic recovery program is a recipe for economic disaster.

So I am telling my friends across this country who say, "Well, we have to do something, we have got to do something, we want to cut that deficit, cut the debt." That is absolutely true. When President Clinton stood up here and he said to the American people it is not what is important for me, it is what is important for us, meaning the entire Nation, he was absolutely correct.

But the solution is not these humongous tax increases which will make us less competitive with our foreign trading partners, will drive business out of this country and take jobs along with it, take money out of the taxpayers' pockets without which they cannot buy products, and if they do not buy the products, they do not produce products, and if they do not produce products, people lose their jobs and unemployment goes up.

The solution is to cut Government spending. Ten years ago we were bringing in $500 billion a year in tax revenues. It is now $1.2 trillion. We have almost tripled the amount of tax revenues coming in in the last 10 years and yet we are still running deficits of about $350 to $400 billion per year.

So what is the answer? The answer is not more taxes out of your hide, America; the answer is to cut spending.

Now how do you do that? President Clinton challenged the Republicans, saying, "If you are going to complain, be specific. I have got a plan and you don't." Well, we do have a plan, many of us have a plan; it is called freezing spending at last year's level. Do not increase Government spending.

Some people say, "well, you have got to increase some programs." OK; let us increase them 1 or 2 percent, but not the 23-, 24-, 25-percent increase we have seen in entitlement programs in the last couple of years. Freeze Government spending at no more than last year's spending and if we cannot, 1 or 2 percent higher. If we can do that actuarily, we can look at a trend chart, we can see what a freeze would do over 5 years, what a 1-percent growth rate would do over 5 years and a 2-percent growth rate would do over 5 years, and just come up with a program that will get us to a balanced budget in 5 years plus the freeze, whatever we can live with, defense cuts and cutting out the pork and waste in Government—and there is a lot of that. We can get to a balanced budget without these humongous tax increases and it will not hurt the economy and drive jobs out of this country and put people on the unemployment lines.

President Clinton I think in his speech made some good points and the American people really responded. Seventy-nine percent said they really agreed with him and they thought that sacrifice was the answer and that they were willing to do it. That is something we ought to commend the American people for because they are willing to share this pain in order to get control of this deficit so that the national debt will not go out of control and our kids, at least, will have some chance to live the kind of life that we have been able to have.

I think that is great. But the recipe that he is proposing is a recipe for economic disaster, higher deficits, higher debts, and more problems down the road.

Some people say, "DANNY, you are kidding. That is not really the case." Let me give you a case in point. Two years ago when we raised taxes $182 billion they said it was going to be used for tax reduction. Since that tax increase of $182 billion, do you know how much we have spent for every dollar of tax we raised? We have spent $2.70. For every $1 of that $182 billion in new taxes that we raised, we spent $2.70.

So tax increases do not cut the Government deficit, the only thing that cuts the deficit is intestinal fortitude in this body saying that we are going to cut that spending and we are going to control the rise in the budget. That is what has to be done, not more taxes.

So if the President happens to be watching, Mr. Speaker, or any of his supporters, I hope they will go back to the drawing board and look at this program in its totality to see what it is going to do to every part of America. It is going to hurt agriculture, it is going to hurt the airline industry, going to hurt the foundry industry and many, many others and cause a lot of unemployment.

Let us get down to the business of doing what has to be done, and that is cutting Government spending. Then after we do all that, if I am wrong, then we will go back and talk about taxes.

But I really believe that the American people want us to take a meat cleaver to spending first before we start taking more money out of their pockets.

With that, Mr. Speaker, I yield to my very good friend and colleague, the gentleman from Florida, who wants to talk about a very important subject to all Americans but particularly to those in southern Florida who are of Cuban-American heritage.

I yield to my colleague.

Mr. DIAZ-BALART. Mr. Speaker, I commend the gentleman for reminding us of the perils of excessive taxation to the American economy and to the world economy, because a healthy American economy is indispensible to a healthy world economy, and of course vice-versa. And we do not achieve economic revitalization by taxing the economy to a point where it stumbles after it has already begun a remarkable comeback and has grown in the last couple of quarters at almost a 5-percent rate, almost an unparalleled rate in the world today.

So I again thank the distinguished gentleman from Indiana [Mr. BURTON] for yielding at this time.

### HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. Speaker, at this time, in Geneva, Switzerland, the Human Rights Commission of the United Nations is considering and carefully examining violations of elemental human rights in a number of places on this Earth.

The genocide being perpetrated upon ethnic minorities in Bosnia has been the subject of much discussion and condemnation—and rightfully so. Necessarily so.

The administration is to be commended for its humanitarian effort to bring food to vast areas of Bosnia where people have not had access to sufficient food in months.

In addition, in Geneva, the United States is getting ready to introduce a resolution expressing deep concern for the arbitrary arrests, beatings, imprisonment, harassment, and governmentally organized mob attacks upon the internal opposition to the Castro dictatorship in Cuba.

The resolution notes with particular concern that the Cuban dictatorship increased its repression against human rights monitoring groups in Cuba precisely on U.N. Human Rights Day last December 18.

Terror, Mr. Speaker, that is the essence of the Castro dictatorship: A regime of terrorists and thugs that made it a point to publicly increase the bloody violence perpetrated upon its unarmed dissidents and opponents in the country precisely on U.N. Human Rights Day.

The U.S. resolution refers to the appointment of the special rapporteur by the U.N. Human Rights Commission last year.

In 1992, March 3, to be exact, the U.N. Human Rights Commission took the great step of appointing that official a Swedish diplomat, to personally investigate the human rights violations in Cuba and report back to the United Nations.

Castro himself declared at that time that he would obey "not so much as one paragraph, nor so much as one sentence, nor so much as one comma of the resolution of the U.N.," and he refused entry into Cuba of the U.N. official.

There again we can discern the essence of the Castro dictatorship: In the flaunting of contempt for international public opinion and the total disrespect for international law and all civilized norms of conduct.

So the United States resolution in Geneva calls upon the Cuban dictatorship to permit the special rapporteur the opportunity to fulfill his mandate by allowing him to enter the country.

The resolution expresses particular concern that the Government of Cuba—which incredibly, Mr. Speaker—is a member of the United Nations Human Rights Commission * * * the resolution expresses particular concern that a member State of the Human Rights Commission of the United Nations can so flagrantly fail to carry out its most basic commitments to the United Nations Charter.

And the United States resolution affirms and extends the mandate of the special rapporteur for 1 year to permit him to further investigate the systematic violations of human rights, including arbitrary detention and torture, by the Cuban dictatorship.

So the U.S. resolution, though a modest statement, is obviously rooted in good faith and support for human dignity. It is as though the judge has already found a lot of evidence against the defendant, and in fact the defendant did not even let the judge in the courtroom, the U.S. resolution asks that the judge be given more time and resources to do a good job.

Mr. Speaker, one of the latest reports received from Cuba relates to the arrest, on February 6 of this year, of Rafael Gutierrez, president of the trade union of Cuban workers.

And also last month, following the formation of the National Commission of Independent Unions (Comision Nacional de Sindicatos Independientes), union materials and publications were seized and the following leaders were detained: Juan Guarino, Javier Troncoso, Jorge Lopez Bonet, Eduardo Ruiz, Roberto Varo, Omar Fernandez, and Lazaro Cor.

The dictatorship's security forces warned these men that they would be "crushed like cockroaches" if they persisted in their union activities.

Mr. Speaker, I want to publicly commend the personal interest taken by President Lane Kirkland of the AFL-CIO in the well-being of these brave Cuban trade unionists who, at this moment, are bearing the full force of the ruthlessness of the Castro dictorship.

In a letter to the Cuban dictator dated February 17, Mr. Kirkland wrote:

> On behalf of the AFL-CIO, we request the immediate release of Rafael Gutierrez, who has proven to be a true labor leader, willing to risk his own life in the defense of workers' rights. His acts of courage are worthy of admiration, not incarceration.
>
> We therefore wish to convey our solidarity and concern for Rafael Gutierrez's well-being and that of all human rights activists presently enduring hardships under your regime. Further, we are issuing a formal protest before the United Nations and its bodies, as well as the democratic labor movement worldwide, since the only 'crime' being committed by these activists is to exercise their right as established in the Universal Declaration of Human Rights.

Well said, Mr. Kirkland. Once again, as in so many prior examples, the American labor movement is standing tall and on the side of an oppressed people, as opposed to simply standing idly by while a tyrant terrorizes an unarmed people.

But the wrath of the Cuban dictatorship's evil is not limited to workers and labor leaders.

Mr. Speaker, I would like to bring up the history of one of my constituents, Mr. Eugenio De Sosa.

Mr. De Sosa, now in his seventies, is today a successful businessman in Miami.

Eugenio De Sosa, as a young man, attended schools in Cuba, the United States, Great Britain, and Switzerland, and studied diplomatic and consular law at the University of Havana. He was a member of the board of directors of the daily newspaper Diario de la Marina, and was successful in business. In December 1959 he was arrested for conspiring to depose the Castro regime and was sentenced to 20 years in jail. Over the following years, he was confined to several prisons, including the Isle of Pines and La Cabana. He was one of the plantados prisoners who refused to participate in so-called reeducation programs or wear the uniform of common prisoners.

In 1977, after 17 years in prison, Mr. De Sosa was taken from Combinado del Este Prison to state security headquarters at Villa Marista to be interrogated on information he allegedly passed to counterrevolutionary exiles in 1963, 14 years earlier. He was stripped and placed in solitary confinement in a small, unlit cell. Psychotropic drugs were mixed in with his food; when he discovered a half-dissolved tablet in his food, he stopped eating.

One day, he was interrogated by a state security officer, who told him that one of his daughters, whom he had not seen in over 15 years, and his granddaughters were flying in from Texas to visit him. The officer told him that the visit was a gesture of mercy of the Castro government before his execution.

A few days later, Mr. De Sosa was taken to the barber and given clean clothes. When he entered the room, however, he found not his family but the same state security officer, who told him that there had been a terrible accident involving the plane, and that his daughter and granddaughters were dead. Mr. De Sosa later discovered that both the visit and the death of his family were a hoax. Enraged, he struck the state security officer. As Mr. De Sosa later put it, "When I was told of the 'tragedy,' I believed it. I wanted to die." The guards beat him savagely, telling him he would be shot the next day at La Cabana Prison.

That night, however, he instead was taken from Villa Marista and driven through Havana. He was forced to lie down on the floor of the car. When he was removed from the car, he discovered that he had been transferred to the Havana psychiatric hospital, known as Mazorra. Mr. De Sosa later described Mazorra as a "snakepit writhing with the violent and insane."

> There were about 80 men in this ward, all violently disturbed. The smell of urine and excrement was sickening. There would be brawls among the patients every so often and shattered, bloody bodies had to be carted out. During my stay there, five patients were killed in brawls.

One day, several young boys, the oldest of whom probably was no more than 16, were brought into the ward:

> The boys had been caught writing antigovernment graffiti on some building walls, and a "judge of the people" declared that to do such a thing they must be insane and in need of psychiatric treatment. Before the day was over, all the boys were systematically raped by more than 30 patients in the ward. To this day I can hear their cries for help and see their bloody bodies as I stood by in rage, unable to help. Not a single staff member intervened.

During his time in Mazorra, Mr. De Sosa was subjected to 14 sessions of electroconvulsive therapy. As he later described, most electroshocks were applied with no regard for the health or safety of the patient:

> My first encounter with group electroshock treatments occurred one night when I saw a team of four men, directed by a man named Mederos who was dressed as an orderly, enter the ward. Six patients were grabbed and rubber pieces stuffed into their mouths. They were thrown to the floor in a row, side by side. Right there, on the floor, the electrodes were applied to both sides of their heads and the shocks were applied. Six bodies started to contort one by one the shocks were applied to the temples of the patients, but to me they applied most of the shocks to the testicles instead.

He later related that electroshocks "felt like thunder, an explosion."

After 5 months, Mr. De Sosa was returned to Combinado Del Este, where he remained until his release on November 15, 1979. He arrived in the United States on January 18, 1980. He now is a hard-working and successful independent associate with an engineering firm in Miami, FL.

My friend and constituent, Eugenio De Sosa, Mr. Speaker, is not untypical of tens of thousands of former political prisoners of Castro's Cuba.

They are a source of admiration for us all, as are the thousands of victims of Castros firing squads or the incalculable number of human beings who have been lost at sea attempting to escape the nightmare of Communist Cuba.

And even though the special rapporteur appointed by the United Nations has not been allowed into Cuba by Castro, Mr. Speaker, he has managed to gather very accurate evidence of other extraordinary violations of human rights by the dictatorship.

In a number of very specific categories—trial and sentencing; threats and intimidation; temporary detentions; loss of jobs for political activity; conditions in the prisons; and the right to leave the country, the United Nations official special rapporteur's report is specific concerning many unconscionable actions which have not been able to be hidden from the international community's knowledge in recent months.

For example, the special rapporteur lists a substantial number of prisoners who are serving sentences for political offenses and are constantly denied medical care for diabetes, tuberculosis, duodenal ulcers, et cetera.

In several known cases, lack of medical care has led to death.

For example, Rodolfo Gomez Ramos, 42 years old, died in prison in Havana, at the Micro 4 de Alamar Prison, in March 1992, after being denied medical care while serving a sentence for attempting to leave the country illegally.

Yes, Mr. Speaker, in Cuba it is a crime to attempt to leave the country without permission, despite the fact that Cuba is a signatory state to the Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights, which protects the right to leave one's own country, and despite article 13, paragraph 2 of the Universal Declaration of Human Rights, to which Cuba is also a signatory, which provides that, "Everyone, has the right to leave any country, including his own, and to return to his country."

Well, in view of Mr. Gomez Ramos' serious medical condition, caused by an ulcer, he repeatedly asked to be moved to a hospital. His requests went unheeded. Instead, arrangements were made to transfer him to a stricter prison in the province of Matanzas. While he was being moved, he died.

On February 1, 1992, Francisco Diaz Mesa, 24 years old, also died in prison. He was denied medical treatment after contracting pneumonia. Shortly before he died, he tried to get the attention of the guards. They gave him a severe beating, and he died shortly afterwards without receiving medical attention.

Bienvenido Martinez Bustamante. He was severely beaten on June 8, 1992, for criticizing the government. He had bruises all over his body, his face was disfigured and he had lost consciousness. Nevertheless, he received no medical attention whatsoever.

Ibelise Camejo Moleiro was brutally beaten on May 4, 1992, at Guanajay Prison because he had written a letter to the authorities complaining about being in solitary confinement, having no water for personal hygiene and being denied correspondence.

Mr. Speaker, I could go on and on.

This is the reality facing the Cuban people today.

This is the reality that is being discussed today in the United Nations Human Rights Commission in Geneva.

As the head of the U.S. delegation to the United Nations Commission on Human Rights said earlier today in Geneva:

> The price for advocating peaceful political change in Cuba is imprisonment. The price for forming a human rights group in Cuba is a government-organized mob surrounding your home, breaking down your door, and beating you senseless. The existence of Cuba's omnipresent security apparatus underlies the fear the Cuban Government has of permitting free and fair elections, the right of assembly, or even the visit of the U.N. envoy.

Thugs, gangsters, and terrorists hold total power over a people only 90 miles from our shores.

And the only sanction existing in the entire world against those thugs and their brutal acts of repression is our American policy of not trading with those thugs and terrorists. And as of a few months ago, upon passage of Congressman TORRICELLI's Cuban Democracy Act, our companies' subsidiaries abroad cannot profit from trade with those henchmen either.

As Congressman TORRICELLI has eloquently stated, Mr. Speaker, U.S. policy toward the Castro dictatorship is bipartisan and crystal clear.

We will not trade with Cuba while the regime remains in power that utilizes every dollar it can get a hold of to oppress its people even further.

The United Nations has confirmed the nature of the Castro dictatorship in this report by the Swedish diplomat, Ambassador Groth.

What further proof do they need to impose sanctions, international sanctions, on the Cuban tyranny than their own proof, the proof in this U.N. document?

And yet, all too often we hear criticism of our policy of not trading with Castro, which is the only sanction in the world against the grave human rights violations that the United Nations admits Castro is committing.

Some insist upon maintaining that our policy of not trading with Castro has destroyed Cuba's economy, while nothing can be further from the truth.

During the decades of mind-boggling subsidies of the Cuban economy by the Soviet Union, the economy of the island was also in shambles, and the Cuban people faced hardship and rationing of the most elemental needs of daily life.

And today, still today, while Castro and his apologists throughout the world rant and rave about our unilateral embargo, Castro has just found the money to buy 2 billion dollars' worth of Russian weapons, including two new submarines, Mr. Speaker, and he has spent another billion dollars forcing the Cuban people to build tunnels throughout the island to prepare for a U.S. invasion.

A demented, violent personality who should be straitjacketed and locked up in an asylum is instead the totalitarian ruler of a country of 11 million people 90 miles from our shores.

That, Mr. Speaker, is shameful.

And those who still argue against our policy of not trading with Castro can no longer hide their true intentions.

Mr. Speaker, article 39 of chapter 7 of the U.N. Charter provides that the U.N. Security council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken * * * to maintain or restore international peace and security." Those sanctions can involve an international embargo, withdrawal of Ambassadors from a country, even military action.

In the past, the United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under article 39, and has imposed sanctions due to such violations of human rights in the cases of the former Rhodesia, South Africa, Iraq, and the former Yugoslavia.

Some weeks ago I received a letter from the distinguished chairman of the Committee on Governmental Operations addressed to President Clinton, requesting that the United States seek U.N. Security Council sanctions against the Haitian dictatorship.

I signed that letter to the President and wrote to the gentleman from Michigan that:

> I will soon be introducing a resolution requesting that the United States propose and seek, in the United Nations, an international embargo against the Cuban dictatorship along the lines sought in the letter to President Clinton with regard to Haiti.
>
> Just as we must act promptly and with energy to restore freedom to the people of Haiti, we must act decisively to help free the Cuban people. There can be no double standard with regard to democracy and human rights in our hemisphere.

I respectfully request that you and all Members of Congress join me in cosponsoring my resolution, demonstrating solidarity with a people who have suffered at the hands of a brutal dictatorship for 34 years. The Cuban people deserve to be assisted in a decisive manner to bring their totalitarian nightmare to an end. Your cosponsorship of the resolution seeking to accelerate their liberation would demonstrate your rejection of double standards and your sincere commitment to freedom throughout our hemisphere.

Mr. Speaker, it is time for the double standards to end.

I seek and will continue to seek the help of all my colleagues to ask the world community to join us in accelerating the liberation of the Cuban people, a people who have suffered far too much, for far too long.

A people who will soon thank us, Mr. Speaker, when their nightmare of oppression and terror is over, for the solidarity of the United States of America, liberator of an entire continent not once but twice this century.

I have seen the seemingly endless seas of awesome white crosses and Stars of David in the hallowed resting grounds of our brave servicemen in Europe.

And I know of the greatness, of the valor, and the character of the people of this land—repository of human dignity and solidarity.

□ 1640

Mr. BURTON of Indiana. Mr. Speaker, let me just say that I have not until this time tonight heard my good friend and new colleague, the gentleman from Florida [Mr. DIAZ-BALART] speak, and I am very impressed. The gentleman makes a case for the Cuban people in a very clear and salient way. He has made very salient points, and I appreciate it.

Mr. Speaker, I have worked with the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the Cuban-American Foundation down in Florida a long time trying to keep the heat on Fidel Castro because he is such a tyrant. He is the last Stalinistic leader in the world and uses Stalin's tactics to try to keep people oppressed.

My good friend, Armando Valladares, who wrote the book "Against All Hope," spent 25 years in a Cuban prison. He illuminates the issue very clearly, much like the gentleman did tonight, in his book, and I wish everyone in America would read it. I read it while on the plane, his talking about the torture, pain, and suffering taking place in the prisons in Cuba.

Mr. Speaker, can you imagine spending 25 years in a prison like the gentleman just talked about? Yet Armando spent some 25 years there, and I think only his Christian beliefs and principles kept him sane and kept him going. I know they are thinking about making a movie about that, and I hope they make that movie and everyone in the world gets a chance to see it and to read his book, because it really points out very vividly how bad Castro is.

□ 1650

And for the world to even think about taking the heat off this guy would be a tragic mistake. We need to keep every amount of pressure we possibly can on him until there is freedom and democracy in Cuba. And hopefully, one day all three of us will be able to walk on the beaches of Havana and maybe have a Coke together or a margarita, maybe, and talk about the old days when this tyrant was in power.

I know one thing for sure, if the people of Cuba are free and the chains of communism are removed from them, with their industry and their insight into how to get an economy moving, I think that would be one of the bright spots in the Caribbean. I think we would have such tremendous industrial production and economic growth, it would not be funny. So I am with you. I am going to stick with you and the Cuban-American Foundation and ILEANA until we get freedom down there.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Indiana for those kind words and most of all for his support and his assistance and his help and his solidarity on this issue.

What the gentleman says is true. Cuba will be free, and the reason that it has not been free earlier is because the only country in the world that has done anything to express solidarity with the Cuban people is the United States. Yet we hear criticism of our policies, as though we were the bad guys, when the only country that has maintained a policy of not trading with the thugs that are exploiting and oppressing the Cuban people, the only Government that has done that, the only people that have done that, because of the traditional historic links of friendship that the American people have had with Cuba, is the United States.

But what we have got to do, and this is why I thank the gentleman from Indiana [Mr. BURTON] for cosponsoring my resolution, just like the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI], and so many others, is that we have got to go to the world and say, no more double standards. If other illegitimate regimes have been declared illegitimate by the world community, like in the case of South Africa and world pressure has been put to bear on regimes like that and has brought apartheid to its knees in South Africa and other instances, no more double standards.

It has been 34 years. Too much suffering, too long. We will not accept double standards, and we have to insist that the world, especially our allies, join us in imposing a true embargo, a worldwide embargo to once and for all help those people free themselves of the totalitarian nightmare.

Mr. BURTON of Indiana. Before I yield to the gentlewoman from Florida, let me just say that communism failed in the Soviet Union. It collapsed of its own weight because they were trying to keep their people under wraps. They were trying to build a huge military machine, all of the things that Castro is doing, and he cannot long endure. It is only a matter of time until he falls. We are all awaiting that day.

Mr. Speaker, I yield to my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me. I would like to thank him for all of the tireless effort that he has given to the cause of a free Cuba. One of the first Members who called me, after I won my election 3 years ago, was the gentleman from Indiana. We spoke for a great length of time about the need that we have here in the U.S. Congress to further enlighten the international community about the human rights violations and the great role that each and every one of us can have in bringing about the liberation of the Cuban people.

I am very proud to join with him in this special order tonight to further that cause along. I agree with the gentleman's remarks about our wonderful new colleague, the gentleman from Florida [Mr. DIAZ-BALART], who has been such a sterling addition to this body, because the gentleman from Florida [Mr. DIAZ-BALART] brings with him a great love of his native Cuba and a great understanding of the democratic process. And with his intelligence, with his sharpness and his clear focus on the task at hand, I believe that that day will come even sooner for us. So I thank the gentleman for always helping and doing everything that he can to further enlighten us on the true path to liberate our native homeland, because certainly the Cuban people have been yearning for freedom for over 30 years due to the oppressive dictatorship of Fidel Castro. And their cries have grown louder day by day.

More and more of my Cuban brothers and sisters in my native island of Cuba have decided to jump into the Atlantic Ocean, risking their lives and in many cases their children's lives in makeshift rafts. They hope to reach the United States of America seeking the freedom, justice, and liberty that they never enjoyed in Communist Cuba.

Just last night, in our local newscast in Miami, FL, we saw a very sadly symbolic image of a makeshift raft, which held five refugees from Cuba. Unfortunately, by the time that raft reached the shores of freedom in the United States, only one person had survived. When they asked the families of that young man, they said that, yes, they were very glad that he was here but they cried for the others and the countless others who have not come and who died in this journey of mercy, in this journey of freedom. How many countless others, nameless, faceless, have been punished by those cruel seas? But there are growing voices in the international community that are renouncing the human rights violations in Communist Cuba. And certainly, in these past few years, especially Cuba's small community of human rights activists and political dissenters have been subjected to even more cruel and more regular crackdowns and hundreds of others have been jailed or placed under house arrest.

Many others have been assaulted in the streets and in their homes by plainclothes police and the rapid action brigades, which are nothing more than mobs organized by the state security committees for the defense of the revolution.

Since 1990, the International Committee of the Red Cross has been denied access to the prisoners in Cuba. Their testimonies from Cuban rights activists, who have stated that there are more than 100 prisons and prison camps and between 200, 300, who knows how many hundreds of political prisoners exist in Cuba today. Many are examples of human rights violations that have been recently reported in the mass media and continue to be reported day by day.

In Castro's Cuba, a different political ideology from the one-party Communist doctrine is outlawed. That, in and of itself, is a crime against the state. Many are in prisons because they have tried to hold illegal meetings, which are all meetings. Many are accused of defaming state institutions, which means that they are prodemocracy. And these tragic trumped-up charges are monthly, daily occurrences.

In November 1992, domestic rights groups stated there were more than 300 human rights activists in prisons in Cuba. In 1991, and again in 1992, the United Nations voted to assign a special representative on human rights in Cuba, but the Cuban Government has repeatedly refused to cooperate.

As my colleague, the gentleman from Florida [Mr. DIAZ-BALART] has pointed out in his remarks, Castro has said that he will not honor even one comma of any of these resolutions against him. But let us all work hard here in the U.S. Congress in a bipartisan manner, liberals and conservatives alike, to do all that we can to bring freedom and justice and liberty to my native homeland.

Let this be the year that democracy will flourish once again in Cuba.

There are many groups that are helping to bring about this proud day. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out, the AFL-CIO has a very active free Cuba committee, and those individuals, including many from my own congressional district such as Pepe Collado, Jack Otero, Marty Urra, and Mike Ruano and many others have worked tirelessly to bring world attention to the plight of Cuban workers who are continually harassed because of their subversive, that is prodemocracy, views.

I am confident that if we all continue to focus world attention on this human tragedy that the Cuban people have to live through every day, change will came about. It is up to each and every one of us to make a difference in the lives of thousands of enslaved Cubans.

Let us not be fooled by shams that Castro always puts out to the world.

For example, just a few days ago he had a sham of an election which supposedly took place, but there was only one slate of candidates, all of them Castro's Communist lackeys, all of them his thugs. There was no real election.

Let the world not be fooled. But Castro was not able to fool anyone. He did not get the boost that he so much needed from the international community after this sham of the elections.

□ 1700

Ojala que sea (I hope that it will be).

Mr. BURTON of Indiana. All I can say to both of my colleagues from Florida is "Viva free Cuba."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 20, FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–24) on the resolution (H. Res. 106) providing for the consideration of the bill (H.R. 20) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LESSONS FROM THE WORLD TRADE CENTER DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON. Mr. Speaker, I am pleased to have this opportunity to address this body and the American people through this body on the concerns that I have relative to my experience yesterday in spending the bulk of the day in New York City at the World Trade Center. I went up to New York City with Frank McGarry who is the State fire administrator for the State fire marshal for New York State, and in cooperation with Frank was able to secure meetings with the commissioner of the New York Fire Department, Carlos Rivera, the fire chief of New York City's Fire Department, Tony Fusco, the chief of fire for the city and the highrise expert for the city of New York, and the commanding fire officer for all of Staten Island, Chief Gene Dockter, the fire prevention chief of the New York City Police Department, John Hodgens, the Manhattan chief and the commanding officer, Ken Cerrera, the operations officer for the Port Authority and the owners of the World Trade Center, Fred Stinner, and the onsite agent in charge of ATF working for Charlie Thompson, Malcolm Brady.

The purpose of my visit was in my role as the founder and the ongoing cochairman of the congressional fire and emergency services caucus to continue to allow this body and the 427 members of our caucus to better understand the issue of the disasters and emergency responses in this country, and to come back and perhaps make some recommendations as to how we could improve our ability to respond to situations not just like the one in New York that occurred this past weekend, but also other disasters that have occurred in California with the Loma Pietra earthquake, in Florida with Hurricane Andrew, in Sioux City, IA, responding to the crash of a DC–10, in Long Island, NY, in responding to the crash of the Avianca plane, in Yellowstone in the Western States in response to the wildlands fires there, and all of the other disasters that this country has had and will continue to have. We all know that we have an ongoing need to look at the issue of emergency response and preparedness, and I think there are many lessons that we can learn from the experiences there, and that is exactly what happened yesterday. In the meetings that I held with the officers of the New York Department and with the command personnel, there are experiences that I would like to outline here today.

Mr. Speaker, as we heard from the agents at the Alcohol, Tobacco and Firearms onsite location right outside the World Trade Center was the description of this explosion as being the largest of its kind in the history of America in terms of damage and impact. Let me first of all extend my heartfelt sympathy to all of the agents in ATF and the families of those individuals who were killed in the line of duty down in Waco, TX. We heard this description of the explosion as being the largest of its kind in the history of America in terms of damage and impact, and yet I would say that because it happened in America, and in a complex that during the day houses almost 100,000 people, the loss of life was kept to a minimum, and it was kept to a minimum because of our building code standards, because of our construction design features, and because of the security control measures that were in fact in place at the World Trade Center.

I want to also add my praise to the New York City Fire Department and emergency medical services as well as the New York City Police because they did a fantastic job in responding to and controlling what could have become an absolutely overwhelming disaster. Keeping the loss of life down to, at this point in time, five individuals is nothing short of a miracle, and that was certainly because of the skill, and the training, and coordination of all of the emergency responders as well as the cooperation of the Port Authority and the personnel involved with Port Authority security and control of the operation of the World Trade Center itself.

While we praise the New York City Fire Department for its success, there were problems, and those problems were some of the focus that we hit upon yesterday with the officials of the New York City Department and Carlos Rivera.

The fire itself was not a problem in the World Trade Center. As a matter of fact, the fire chief and command officers on the scene told us that in fact it was a oneline fire, they were able to extinguish and control the fire with only one hose line, and the massive amount of equipment and apparatus and personnel were not called there to fight the fire, but rather to deal with the aftermath of the explosion. The fire itself was basically contained and confined to the vehicles that were in the actual garage, the tires, the gasoline tanks, and the automobiles. The fire did not in fact extend into the hotel, nor into the World Trade Center.

However, what was a major problem was the communications system, and in fact, either ironically or deliberately, and I think we will find this out after the ATF and the FBI fully investigate this explosion and this incident, evidently the vehicle or the actual source of the explosion was strategically right next to the heart and soul of this huge World Trade Center complex located at the B-2 level, several floors below ground, below grade. The force of the explosion knocked out the entire command and control center for all of the buildings in the World Trade Center complex, not just World Trade Center I and II, but also the other mid- and low-level buildings that housed the Customs Service and some of the other operations that are in World Trade Center buildings. All of the entire operation in terms of electric, water supply, control of the elevators, fire alarm systems, detectors, sprinklers, as well as the heating, ventilating, and air-conditioning system were all immediately shut down by the force of this explosion.

Now that does not sound like much, but when you are talking about a complex that had up to 100,000 people in it, and the fact that you immediately cut off the power for 260 separate elevators with no idea where in fact these elevators were located in a 100-story series of 2 complexes, it begins to bring to mind the size of the problem that the New York City emergency responders had when they arrived on the scene of the World Trade Center complex. And added to this frustration of all of the electricity being out was the total lack of a viable communications system within the complex. The fire department was not able to communicate with any of the floors because not only was there no power, but in addition there was no portable type of communications system that could be put into place immediately.

□ 1710

While there were literally thousands of people on these upper floors of this complex, there was no way to get to them to reassure them that, in fact, things were OK. As a matter of fact, one of the second problems that came about because of this disaster was with all the communications being knocked out, the people on the upper floors, the inhabitants of the complex, really were not sure whether or not they were safe.

And because the bulk of the TV stations in New York City have their transmitting antenna towers on top of the World Trade Center, all but one of these TV stations was, in fact, knocked out of service. What occurred during the early hours of this disaster was one of the local TV stations in New York City transmitting information to inhabitants of the World Trade Center, those trapped on the upper floors, telling them to knock out windows, which was very, very much against what the recommendation was of the New York City Fire Department and which, in fact, caused serious problems for those people on the ground as the panes of glass, up to ½-inch thick, fell out and onto the street below and, in fact, cut people and caused severe lacerations.

There have been articles in the media, one of which I would like to insert in the RECORD, that outline what is, in fact, in my opinion, irresponsible reporting on the part of a television station during the height of a emergency in terms of giving out the wrong information, and that was a problem in this case.

Commissioner Rivera spoke of that problem publicly, and I would hope that that is something that we would look at in any highrise building disaster of this type in the future in terms of making recommendations for operational efficiency in the future.

A third problem, and perhaps one that was most pronounced through the local TV stations, was that of the inability to control the smoke. I mentioned that the fire was, in fact, not the problem, that it was contained and controlled fairly quickly. But because the elevator shafts in the World Trade Center traverse through the entire complex 100 stories high and because the 3 stair towers are directly adjacent to those elevator shafts, the explosion blew out holes into the lobby of the World Trade Center I and allowed the smoke and the heat to actually be siphoned up through the elevator shafts and their stair towers very quickly acting almost as a chimney flue. This caused severe problems for those people who were trying to exit World Trade Center I, and, in fact, as many of us saw on the nightly news that evening, there were scores of people coming out of the lobby area of the World Trade Center with soot on their faces and in a state of hysteria because they had to come down through these stair towers and, in fact, were greeted with this heavy smoke and this hot gas caused by this explosion in the parking level below the Vista Hotel and below the World Trade Center complex. Smoke control is an absolutely overwhelming problem in any highrise complex, and there are lessons to be learned in this situation in terms of future highrise incidents.

Most highrise buildings are required by code today in most of our cities to have positive pressure so that the stair towers themselves are pressurized to keep smoke and heat out of that area where the inhabitants are expected to be able to exit the building. I do not necessarily think that would have helped in this case even if it had been in place, because the explosion caused the walls of the stair tower below grade to be breached, and even if there had been positive pressure there, I do not think the smoke would have, in fact, been kept out of those stair towers. However, that is a concern that has to be addressed in all highrise disasters.

A fourth problem is the fact that, and we have alluded to this many times in this body, that all governmental buildings in this country are exempted from local building codes. As you all know, we exempt governmental installations from OSHA regulations and, in fact, building codes in local cities are not enforceable with governmental buildings, because we have exempted them from those provisions. In my opinion, this is wrong. It is an issue that we have to look at in this Congress.

If a city fire department official and a building code inspector decide they want to have a certain set of regulations in place to control the construction and the fire protection and life safety requirements of a complex, then it is my opinion that all buildings within that jurisdiction should be made to comply with the same standards. I think it is a crazy situation when we have a dual standard. In effect, what we say is that the lives in a public building are perhaps not going to be covered with the same standards that those lives are covered in a private building. That is an egregious wrong that we have to deal with at this level of government and something that I hope we can address in this session of Congress.

The last problem that occurred in the New York City World Trade Center disaster, as told to me by the New York City fire officials, was that of a lack of a strategic and coordinated command center. I find it hard to believe that New York City, which in this case actually struck a full 5 alarms, and to give you some idea of the numbers that would be involved in a 5-alarm situation of this type, we are talking about 63 engines, 48 ladder trucks, 5 rescue vehicles, and almost 1,000 firefighters from all over the city. Despite that huge contingent of emergency response people along with hundreds of rescue personnel, emergency medical personnel, there was, in fact, no mobile command center to coordinate the communication among all of these agencies. That is absolutely an issue that needs to be addressed, and it is an issue that caused problems for the emergency response effort and the coordination of that effort in this particular situation.

Those are some issues that were addressed to me by the leaders, and I have made some proposals that I would like to outline to the House this evening and would ask my colleagues to consider supporting me both legislatively and administratively on the requests that I have put forward.

First of all, let me get back to the whole issue of disasters in America. This Congress and this particular body and the other body have been very critical in the way the Federal Emergency Management Agency oversees disasters in America. There was a great deal of criticism following Hurricane Hugo; there was criticism following the Loma Prieta earthquake and following Hurricane Andrew, saying that FEMA just did not have its act together, that it was more of a fallout-shelter agency designed for civil defense response and not for emergency response in terms of natural and manmade disasters. Part of that criticism, I have said publicly, is justified.

FEMA needs to be reorganized, but part of the problem also lies in the fact that we in the Congress have put 20 separate committees in oversight responsibility with FEMA. So FEMA is pulled in 20 different directions by the committees and subcommittees of this institution and the other body, attempting to provide direction and leadership in terms of how to respond and plan for disasters in America. We need to step back and, instead of criticizing FEMA and saying that perhaps the military should be brought in earlier, regardless of what the disaster is in this country, this country needs to sit back, bring in the experts who respond to disasters like the World Trade Center, like the hurricanes, the tornadoes, the large fires and conflagrations, we need to bring them in, get testimony from them, and then come out with a report to the administration and the Congress as to how we can streamline emergency planning preparation and response in this country. That is absolutely the first step and the most vital step we should be taking on behalf of the American people.

Now, how do we accomplish that? Well, we could try it legislatively. In fact, in the last session of Congress, my colleague, the gentleman from New Jersey [Mr. ANDREWS], and I introduced legislation to create a Select Committee on Disaster Preparedness and Response, but with our efforts in this body to cut back on overhead and administrative expense, which I happen to support, the idea of another select committee, even one that has sunset provisions, is not going to go anywhere.

So what we have done now, instead of requesting a select committee to look at these issues, is we have written to President Clinton and asked the President to designate a Presidential task force that, in fact, within 1 year would look at and then make recommendations on how we can better respond to disasters, preplanning and response, all across this country; perhaps tell us whether or not FEMA should be kept in its current state, should be reorganized, placed in some different Federal department or agency, or perhaps give more of the responsibility to the military. But there has to be a clear pattern, a logical pattern set up to allow this process to move forward.

Most importantly, the emergency response community needs to be a part of that process. Coming up with a new, revised emergency planning and response effort in this country is no good if we do not involve the International Association of Firefighters who represent the paid firefighters in our cities, the National Volunteer Fire Council that represents 85 percent of the 1.5 million men and women who service our 50 States, the International Association of Fire Service Instructors that trains these people, the National Fire Protection Association, the Ambulance Association, and all of those organizations, the Chiefs' Association, and all of those other organizations that are involved in life safety in this country.

Mr. Speaker, in fact, there are almost 60 national associations who, day in and day out, are involved in planning for disasters that occur every day in this country. From the single-family-house fire to the World Trade Center explosion, these emergency responders have as the basis of their mission the need to plan and prepare for what they know will eventually happen and that is a disaster.

□ 1720

We have not been as supportive as we should be at the Federal and State levels and the local level of government. What I am proposing is that President Clinton should really set the tone here in this country and convene a bipartisan multifaceted task force that will look at this issue once and for all, bringing in all of the insight of these various parties so that we can finally deal with the correct way to plan for and respond to natural and manmade disasters all across the country.

I would hope that my colleagues would support me in this request of the new administration. I am pleased that Vice President AL GORE for the last 3 years has been one of my cochairs of the fire and emergency services caucus. So I know the Vice President's ear is with us on this issue.

My reports coming in from Arkansas, from the emergency response community, is that President Clinton likewise wants to be responsive to the needs of the emergency responders in this country, the people that I call our domestic defenders.

We owe that type of support and response to these people.

I would ask, through your office, Mr. Speaker, and through this body that we plead with the President to convene this panel sometime during this session of Congress.

A second recommendation that I bring back to my colleagues deals specifically with New York and with the high-rise problem.

Some would think that perhaps New York is the only city in America where we have a high-rise exposure, whether there in fact is the potential for the kind of thing that we saw at the World Trade Center or other major losses of life from a high-rise incident. But in fact if we look at the record, that is not the case. As a matter of fact, just in the last several weeks we had a loss of life of an individual in another high-rise fire, I believe it was in White Plains, NY. A year or so ago we lost three firefighters in a high-rise fire in Philadelphia. We have had similar instances of loss of life in Los Angeles. We had the terrible fire in Las Vegas, where there was a multiple loss of life of ordinary citizens because of a high-rise disaster.

We know these situations will occur again. Yet, what I found in talking to the experts on high-rise buildings in New York, and most specifically here I am talking about Chief Gene Dockter, perhaps New York's greatest expert on high-rise buildings, we really need to sit back and establish a coordinated plan looking at the lessons that can be learned from the World Trade Center, that we can take across the country and provide to every city in America with high-rise buildings, so that we do not have the loss of life in future instances that we know are going to occur.

As a matter of fact, Gene Dockter was one of the individuals who gave me some of the ideas regarding the need of a state-of-the-art communication in high-rise buildings, using a coaxial cable system, a technology that could be installed for a cost of between $8,000 and $10,000 per high-rise building in every building in America that would give the emergency response personnel instant access to every floor of the high-rise building regardless of what happened at the command center.

That communication system could be activated immediately.

That is something that we need to be talking about to every city that has this kind of exposure.

So, what I am proposing today and what I am asking my colleagues, especially from New York and across the country, to join me on is a request to the Federal Emergency Management Agency, the U.S. Fire Administration, to fund a grant through the U.S. Fire Administration and FEMA, using discretionary grants to the New York City Fire Department and the State fire marshal's office, headed up by Frank McGarry, that would allow New York, under the leadership of Chief Gene Dockter, to come up with a national high-rise response model, a model in terms of the problems of command and control, communication, smoke control, dealing with the media, dealing with the situation where command centers are knocked out, so that this model, in the form of a manual, could be provided to every city in the country with high-rise buildings.

I do not expect the cost of this to be excessive. I think it is within the current budgetary limitations of FEMA, and I would hope my colleagues would join me in this effort so that perhaps we could use New York as the example of how we could in fact deal with some of the concerns raised by the New York fire officials as a result of the World Trade Center explosion and disaster this past weekend.

This recommendation needs to be looked at immediately. I will be circulating a Dear Colleague letter to Members of the House, asking them to sign on, and will be in touch with FEMA this week, as early as tomorrow, discussing the details with them as to how we could put this kind of initiative through. I think it is very important that we send a signal now that the focus of the American people is centered on the World Trade Center, that we want to provide the ultimate safety factor for them, whether they work or visit a high-rise building in America.

New York City alone has 800 high-rise buildings, where hundreds of thousands and millions of people everyday work, earn their living, visit various operations.

We need to make sure that these people are properly protected.

So I would bring this suggestion to my colleagues and ask them to support me in this effort. Mr. Speaker, it was very inspirational to me to see the New York City emergency response people at their finest over this past weekend. we sometimes in this country take for granted those men and women who, day in and day out, deal with the terrible tragedies that we have. We take for granted the life-threatening situations that they expose themselves to. We only pay attention for 1 or 2 days following a disaster, when it make the nightly news or when "Nightline" focuses on it. And we then lose interest until the next disaster occurs.

What we are trying to do, through our caucus, is to make this an ongoing, everyday issue, to let these men and women know that we are going to give them the best equipment, the best technology and the best support that they need to respond to life safety concerns that we all have in our cities, our towns across America.

It is the least we can do for them. After all, many of these people in our suburban and rural areas are volunteers, they are not paid for their services, while in most of our cities they are in fact paid people who perform these services. but we need to make sure that we give them the tools. If we were to compare the support that we give to our military, to the support we give to our domestic defenders, there really is no comparison. Our military were so successful in Desert Storm and Somalia because we gave the best training, the best equipment, the best state-of-the-art technology that money can buy.

I support that effort as a member of the Committee on Armed Services. I am also saying that we owe that same level of responsibility to the 1.5 million men and women who serve us domestically, for all the disasters we have in this country.

In the past we have not been supportive of their effort at all levels of government as aggressively as we should be.

We need to look at ways to give them better access to public buildings, make our buildings comply with standard regulations; we ought to give them better protection systems in the form of sprinklers as we did in the last two sessions by passing sprinkler bills; we need to give them better support for arson investigation to reduce the threat that arson poses all across the country.

We have to give them the tools and the resources to protect the lives and property of the American people. It is absolutely outrageous that America, with its record of industrialization, has the worst loss-of-life record of any country in the world: 6,000 people each year die in fires and disasters. On an average, 120 emergency respondents are also killed in the line of duty.

The two suggestions that I have brought to this body tonight and will be taking to my colleagues this week in the House and in the other body also this week are that we need to get this administration, the President, to focus on this issue, not just now while it is in the news, but so that a year from now we are ready to put into place a new emergency response network, a follow-on to FEMA, perhaps a revision of FEMA, perhaps a new agency. I do not know what that final agency structure will look like.

I do know that there are glaring problems that we have to address. We have to address them in a logical manner.

I would also say in that process again that we in the Congress have to remove the excessive committee oversight of the new emergency response agency, whatever it might be. It is just unwieldy to have 20 separate committees of this body and the other body oversee disaster preparedness and response in America. That is one of the reasons why FEMA has a clear lack of direction, because it is being pulled in all different directions.

Added to that the special one-shot study of high-rise buildings and the specific problems they pose and how we can deal with those problems I think will allow us to deal with the disasters that we know are going to occur in this country.

So I am here to ask my colleagues to support these measures. Once again, I pay my respects, I know on behalf of all my colleagues, to all those brave New York men and women who have done such a great job and who are on the scene tonight searching through the rubble trying to find the cause and the origin of this just unbelievable disaster in the heart of our largest city.

□ 1730

Mr. Speaker, at this point I include for the RECORD the article that I referred to:

[From Newsday, Mar. 1, 1993]

### 'IRRESPONSIBLE' WORDS—REPORTER, UNION CHIEF HIT

(By William Murphy)

A local television station and a fire union official made "irresponsible" comments about fire safety during the World Trade Center tragedy, Fire Commissioner Carlos Rivera has charged.

Rivera directed his criticism at WCBS-TV, its reporter Marcia Kramer and Richard Brower, president of the Uniformed Fire Officers Association.

Brower appeared on station broadcasts several times Friday after the Trade Center explosion. He said the Fire Department might not be able to respond to every fire that day because 40 percent of its equipment citywide had been sent to the scene of the disaster.

He also said the Fire Department was not responding to some street alarm boxes and urged people to call 911 or their borough fire dispatchers in an emergency.

Kramer said on the 11 p.m. news broadcast Friday that "it's probably better to call 911 or your local borough fire dispatcher to report fires tonight."

The broadcast then cut to a live/remote interview between Kramer in the studio and Rivera at the Trade Center.

"What I'm really here for is to really refute the statements you have made this afternoon," Rivera said. "I thought that those statements were irresponsible. They certainly were incorrect in respect to the fire coverage.

"At all times we had at least 50 percent availability," of firefighting equipment, Rivera said. "So I don't understand what people are saying, yourself and so-called union officials . . ."

Kramer then interrupted to say she was just trying to tell the public the best way to get in touch with the Fire Department in case of an emergency.

"It sounded to me like it was like scare tactics. It was just an alarmist viewpoint and . . . a disservice to the people of the City of New York," Rivera replied. He reiterated his criticism Saturday in an interview with New York Newsday.

A spokesman for WCBS said yesterday that the station stood by its report and noted that Kramer and other WCBS reporters had praised firefighters for the job they had done during the disaster.

"We thought it was fair reporting and we gave him [Rivera] an opportunity to comment," said Martin Blair, station spokesman.

Brower said he only wanted to point out that "no city could handle this kind of response and still have enough equipment to cover the city."

But a department spokesman, Harry Ryttenberg, said yesterday that the department called in firefighters on overtime, activated reserve equipment and responded to every alarm at the height of the Trade Center effort.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. MCDADE (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. EVANS (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of a death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, today.

Mr. DIAZ-BALART, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes each day on March 30 and 31 and April 1, 14, 20, 21, and 22.

Mr. SOLOMON, for 60 minutes, on March 3.

The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today and on March 3 and 4.

Mr. GLICKMAN, for 5 minutes, on March 3.

Mrs. COLLINS of Illinois, for 5 minutes, each day, on March 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 5 minutes each day, on March 9, 16, 23, and 30.

Mr. UNDERWOOD, for 5 minutes on March 5.

Mr. BONIOR, for 60 minutes each day on March 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31, and April 1, 14, 15, 20, 21, 22, 27, 28, and 29.

Mr. CONYERS, for 60 minutes, today.

Mr. POSHARD, for 60 minutes each day, on March 2, 3, and 4.

Mr. SKELTON, for 60 minutes, on March 11.

Mr. OWENS, for 60 minutes each day, on March 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 60 minutes each day, on March 4, 11, 18, and 25.

The following Members (at the request of Mr. BURTON) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes, on March 3.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous material:)

Mr. OXLEY.

Mr. GILMAN.

Mr. SOLOMON, in two instances.

Mr. HYDE.

Mr. COX.

Mr. ROTH.

The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. MILLER of California.

Ms. HARMAN.

Mr. MINETA.

Mr. CLAY.

Mr. VENTO.

Mr. NEAL of Massachusetts in two instances.

Mr. MONTGOMERY.

Mr. STARK in two instances.

Mr. BRYANT.

Mr. WILLIAMS.

Mr. WISE.

## ADJOURNMENT

Mr. WELDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 3, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

816. A letter from the Secretary, Housing and Urban Development, transmitting the Department's seismic safety property standards report, pursuant to Public Law 101-625, section 947(d) (1), (2) (104 Stat. 4417); to the Committee on Banking, Finance and Urban Affairs.

817. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206, (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

818. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting the Board's report pursuant to section 21A(k))(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

819. A letter from the Acting Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

820. A letter from the Acting Director of Public Affairs and Press Secretary, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

821. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

822. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

823. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

824. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

825. A communication from the President of the United States, transmitting his designation as emergency requirements the extension of emergency unemployment compensation to October 2, 1993, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

826. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a re-

port of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

827. A letter from the Acting Director, United States Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

828. A letter from the Secretary, Department of the Interior, transmitting the 22d annual report of the actual operation during water year 1992 for the reservoirs along the Colorado River; projected plan of operation for water year 1993, pursuant to 43 U.S.C. 1552(b); to the Committee on Natural Resources.

829. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388–36); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 490. A bill to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center (Rept. 103–23). Referred jointly, to the Committees on the District of Columbia, Government Operations, and Public Works and Transportation.

Mr. DERRICK: Committee on Rules. House Resolution 106. Resolution providing for the consideration of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (Rept. 103–24). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS (for himself and Mr. Shays):

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. Porter, Mr. Olver, Mr. Pete Geren, Mr. Torres, Mr. Ravenel, Mr. Blackwell, Mr. Payne of New Jersey, Mr. Nadler, Mr. Coleman, Mr. Conyers, Mr. Hamburg, Mr. Cardin, Mr. Machtley, Mr. Stark, Mr. Poshard, Mr. Berman, Mr. Filner, Mr. Dellums, Mr. Moran, Mr. Walsh, Ms. Norton, Mr. Beilenson, Mr. Waxman, Mrs. Kennelly, Mr. Henry, Mr. Andrews of Texas, Mr. Frost, and Ms. Maloney):

H.R. 1164. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; jointly, to the Committees on Natural Resources, Agriculture, Merchant Marine and Fisheries, and Armed Services.

By Mr. COYNE:

H.R. 1165. A bill to provide that the 10-percent additional tax on early distributions from qualified retirement plans shall not apply to distribution from certain plans; to the Committee on Ways and Means.

By Ms. DeLAURO:

H.R. 1166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle-income taxpayers by increasing the personal exemption amount and to provide additional revenues by increasing the taxes paid by high-income individuals and corporations; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 1167. A bill to amend the Higher Education Act of 1965 to prevent an institution from participating in the Pell Grant Program if the institution is ineligible for participation in the Federal Stafford Loan Program because of high default rates; to the Committee on Education and Labor.

H.R. 1168. A bill to amend the Higher Education Act of 1965 to prevent the awarding of Pell Grants to prisoners; to the Committee on Education and Labor.

By Mr. GOSS:

H.R. 1169. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to prevent Members from using the franking privilege to send congressional newsletters; to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOLBE:

H.R. 1170. A bill to extend until June 1, 1996, the authority of the President to enter into certain trade agreements and to apply congressional "fast track" procedures to bills implementing such agreements; jointly, to the Committees on Ways and Means and Rules.

By Mr. LIPINSKI (for himself, Mr. Burton of Indiana, and Mr. Towns):

H.R. 1171. A bill to allow holders of unclaimed Postal Savings System certificates of deposit to file claims for such certificates; to the Committee on Post Office and Civil Service.

By Mr. McDERMOTT (for himself, Mr. Matsui, Mr. Mineta, Mrs. Mink, Mr. Washington, Mr. Clay, Mr. Berman, Mr. Edwards of California, Mr. Abercrombie, Mr. Faleomavaega, Ms. Pelosi, Ms. Norton, Mr. Stark, Mr. Coleman, Mr. Dellums, Mr. Frost, Mr. Hoagland, Mr. Moran, Mr. Fazio, Mr. McCloskey, Mr. Skaggs, Mr. Cardin, Mr. Lewis of Georgia, Mr. Sanders, Mr. Penny, Mr. Price of North Carolina, Mr. Andrews of Maine, Mr. Kopetski, Mr. Walsh, Mr. Rangel, Mr. Watt, Mr. Dicks, Mr. Hamburg, Ms. Woolsey, Mr. Bryant, Ms. Waters, Mr. Kreidler, Mr. Lehman, Mr. Swift, Mr. Schumer, Mr. Blackwell, Mrs. Morella, Mr. de Lugo, Mr. Filner, Mr. Bonior, Mr. DeFazio, Mr. Stokes, Mr. Hinchey, Mr. Neal of Massachusetts, Ms. Slaughter, Mrs. Maloney, Mrs. Collins of Illinois, Mrs. Unsoeld, Mr. Towns, Mr. Yates, Ms. Roybal-Allard, Mrs. Meek, Mr. Johnston of Florida, Miss Collins of Michigan, Mr. Ackerman, Mr. Reynolds, Mr. Becerra, Mr. Andrews of New Jersey, Mr. Jefferson, Mr. Klein, Mr. Wyden, Mr. Foglietta, Mr. Wynn, Mr. Nadler, Ms. E.B. Johnson, and Mr. Dixon):

H.R. 1172. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MILLER of California (for himself, Mr. Ford of Michigan, Mr. Berman, and Mr. Coleman):

H.R. 1173. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to make such act applicable to all agricultural workers and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself and Mr. Clinger):

H.R. 1174. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.R. 1175. A bill to amend the Public Health Service Act to establish authorities and protections regarding the transplantation of human fetal tissue; to the Committee on Energy and Commerce.

By Mr. POMEROY:

H.R. 1176. A bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oregon:

H.R. 1177. A bill to authorize the Secretary of the Interior to charge entrance or admission fees at the National Historic Oregon Trail Interpretive Center at Flagstaff Hill in Baker City, OR; to the Committee on Natural Resources.

By Mr. STENHOLM (for himself, Mr. Allard, Mr. Andrews of Maine, Mr. Armey, Mr. Baker of Louisiana, Mr. Barrett of Nebraska, Mr. Bartlett, Mr. Bereuter, Mr. Boehlert, Mr. Boehner, Mr. Bonilla, Mr. Brewster, Mr. Browder, Mr. Brown of California, Mr. Bryant, Mr. Burton of Indiana, Mr. Camp, Mr. Chapman, Mr. Coleman, Mr. Combest, Mr. Condit, Mr. Costello, Mr. Cramer, Mr. Dooley, Mr. Dornan, Mr. Duncan, Mr. Emerson, Mr. Ewing, Mr. Fields of Texas, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gallegly, Mr. Gibbons, Mr. Glickman, Mr. Goodling, Mr. Gordon, Mr. Gunderson, Mr. Hall of Texas, Mr. Hamilton, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hastings, Mr. Hefner, Mr. Hutchinson, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. Johnson of South Dakota, Mr. Kleczka, Mr. Kolbe, Mr. Kopetski, Mr. Kyl, Mr. Lancaster, Mr. Lehman, Mr. Lewis of Florida, Mr. Lightfoot, Ms. Long, Mr. McCloskey, Mr. McCrery, Mr. Montgomery, Mr. Neal of North Carolina, Mr. Nussle, Mr. Oberstar, Mr. Oxley, Mr. Packard, Mr. Paxon, Mr. Penny, Mr. Pickett, Mr. Pomeroy, Mr. Roth, Mr. Rowland, Mr. Royce, Mr. Sarpalius, Mr. Sen-

SENBRENNER, Mr. SHAW, Mr. SHAYS, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. SNOWE, Mr. STUMP, Mr. SWIFT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALSH, Mr. WILSON, Mr. WYNN, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 1178. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow licensed veterinarians to order the extra-label use of drugs in animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT:

H.R. 1179. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1994; to the Committee on House Administration.

By Mr. WASHINGTON:

H.R. 1180. A bill to amend title II of the Social Security Act to authorize State and local governments to use Social Security account numbers for jury selection purposes; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. SMITH of Oregon, Mrs. SCHROEDER, and Mr. LAROCCO):

H.R. 1181. A bill to increase the Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Natural Resources.

By Mr. WISE (for himself, Mr. BORSKI, Mr. ABERCROMBIE, Mr. BARCIA, Ms. DANNER, Mr. MANN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. HINCHEY, Mrs. BYRNE, Mr. SUNDQUIST, Mrs. MINK, Mr. PETERSON of Minnesota, Mr. BLUTE, Mr. FILNER, Mr. HUGHES, Mr. CLINGER, and Mr. LANCASTER):

H.R. 1182. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between general funds, trust funds, and enterprise funds, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Public Works and Transportation.

By Mr. DOOLITTLE:

H.J. Res. 125. Joint resolution designating May 1993 as "National Community Residential Care Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. NADLER):

H.J. Res. 126. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. BURTON of Indiana, Mr. COLLINS of Georgia, Mr. EMERSON, Mr. INGLIS, Mr. LIPINSKI, Mr. MAZZOLI, Mr. PACKARD, Mr. POSHARD, and Mr. WALSH):

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life: to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. STARK, Mr. LAFALCE, Mrs. MINK, Mr. UNDERWOOD, Mr. FILNER, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. GUTIERREZ, and Mr. CLEMENT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that access to basic health care services is a fundamental human right; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FROST:

H. Res. 107. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 108. Resolution requiring Members of the House of Representatives to pay $600 from the official expenses allowance for each instance of extraneous matter printed in that portion of the CONGRESSIONAL RECORD entitled "Extensions of Remarks"; to the Committee on House Administration.

By Mr. KING (for himself and Mr. LEVY):

H. Res. 109. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Natural Resources.

By Mr. EDWARDS of Texas:

H.R. 1184. A bill for the relief of Jung Ja Golden; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. KING.

H.R. 104: Mr. SAM JOHNSON.

H.R. 109: Ms. SLAUGHTER, Mr. BLACKWELL, Mr. VALENTINE, Mr. HUGHES, Mrs. BYRNE, and Mr. FROST.

H.R. 146: Mr. LEWIS of Florida and Mr. SENSENBRENNER.

H.R. 159: Mr. LEVY.

H.R. 170: Mr. GINGRICH and Mr. DOOLITTLE.

H.R. 212: Mr. STEARNS.

H.R. 256: Mr. VALENTINE.

H.R. 340: Mr. BROWN of California, Mr. HENRY, Mrs. SCHROEDER, Mrs. MEYERS of Kansas, Mr. SANGMEISTER, Mr. ACKERMAN, Mr. GREENWOOD, Mr. ALLARD, Mr. WALSH, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. ZELIFF, Mr. SKEEN, Mr. WHEAT, Ms. MOLINARI, Mr. KOLBE, and Mr. BARTLETT.

H.R. 348: Mr. DEUTSCH, Mr. YOUNG of Florida, Mr. EVERETT, Mr. LEACH, Mr. NEAL of Massachusetts, Mr. STUDDS, Mr. ROSE, and Mr. KLECZKA.

H.R. 349: Mr. FRANK of Massachusetts.

H.R. 356: Mr. EMERSON and Mr. JEFFERSON.

H.R. 357: Mr. LIGHTFOOT, Mr. MCHUGH, and Mr. EMERSON.

H.R. 388: Mr. LEVY and Mr. KNOLLENBERG.

H.R. 406: Ms. NORTON and Mrs. MEEK.

H.R. 425: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, and Mr. WYNN.

H.R. 426: Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. HANSEN, Mr. KING, Mr. MAZZOLI, Mrs. MORELLA, Mr. OXLEY, and Mr. BATEMAN.

H.R. 427: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Mrs. MEEK, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, and Mr. WYNN.

H.R. 479: Mr. BLACKWELL, Mr. FRANK of Massachusetts, Mr. DORNAN, Mr. COLEMAN, Mr. SANDERS, and Mr. LANCASTER.

H.R. 490: Ms. DELAURO, Ms. DUNN, Ms. CANTWELL, and Mr. WYNN.

H.R. 493: Mr. CLINGER and Mr. LEVY.

H.R. 509: Mr. FIELDS of Texas and Mr. DREIER.

H.R. 513: Mr. PACKARD, Mr. MILLER of Florida, Mr. SMITH of Texas, Mr. MAZZOLI, Mr. STENHOLM, Mr. BONILLA, Mr. CLINGER, and Mr. LINDER.

H.R. 526: Mr. FILNER and Mr. WYNN.

H.R. 535: Mr. NEAL of Massachusetts, Mr. GINGRICH, Mr. TRAFICANT, Mrs. MEEK, Mrs. FOWLER, Mr. BACCHUS of Florida, Mr. BROWDER, Mr. ROWLAND, Mr. HEFNER, Mr. CRAMER, Mr. VOLKMER, Mrs. THURMAN, Mr. GIBBONS, Mr. MORAN, Mr. MCCURDY, Mr. FROST, Mr. ABERCROMBIE, Mr. YOUNG of Florida, and Mr. GILCHREST.

H.R. 544: Mr. JOHNSTON of Florida, Mr. NADLER, and Mrs. MEEK.

H.R. 546: Mr. INSLEE, Mr. FILNER, Ms. CANTWELL, and Mr. HUTCHINSON.

H.R. 554: Ms. DUNN.

H.R. 558: Mr. LIPINSKI, Mr. KOPETSKI, Mr. TORKILDSEN, Mr. DEUTSCH, Mr. BACCHUS of Florida, Mr. LANCASTER, Mr. KING, Mr. FILNER, Mr. PICKETT, Mr. LEWIS of California, and Mr. PARKER.

H.R. 569: Mr. CLAY and Mr. BLACKWELL.

H.R. 635: Mr. BILIRAKIS.

H.R. 649: Mr. MAZZOLI and Mrs. MALONEY.

H.R. 667: Mr. LIVINGSTON.

H.R. 725: Mr. WALSH.

H.R. 726: Mr. GILMAN.

H.R. 727: Mr. BLACKWELL, Mrs. BYRNE, Mr. GUTIERREZ, Mr. HILLIARD, Mr. KILDEE, Mr. KOPETSKI, Mrs. MALONEY, Mr. MORAN, Ms. NORTON, Ms. PELOSI, Mr. RAHALL, Mr. REED, Mr. WATT, and Ms. WOOLSEY.

H.R. 760: Mr. CLEMENT.

H.R. 762: Mr. KYL and Mr. JEFFERSON.

H.R. 772: Mr. KOPETSKI, Mr. TORKILDSEN, Mr. GUNDERSON, Mr. ZIMMER, Mr. GALLEGLY, Mr. SHAYS, Mr. FAWELL, and Mr. RAHALL.

H.R. 776: Mr. MACHTLEY, Mr. KOLBE, Mr. HAYES of Louisiana, Mr. PACKARD, Mrs. MEEK, and Mr. LEVY.

H.R. 784: Mr. OBERSTAR, Mr. SCHUMER, Mr. FAWELL, Mr. NEAL of North Carolina, and Mr. KOLBE.

H.R. 786: Mr. SCHAEFER.

H.R. 790: Ms. SLAUGHTER and Mr. POSHARD.

H.R. 799: Mr. DICKEY.

H.R. 827: Mr. CRAMER, Mr. REED, Mr. BACCHUS of Florida, Mr. MACHTLEY, Mr. SHAYS, Mr. HINCHEY, Mr. SABO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. LIGHTFOOT, Mr. BROWN of Ohio, Mr. REYNOLDS, Mr. MCHUGH, Mr. HANCOCK, Mr. SARPALIUS, Mr. PETERSON of Minnesota, Mr. HUGHES, Mr. RAVENEL, and Mr. CLINGER.

H.R. 831: Mr. GILCHREST and Mr. BONILLA.

H.R. 863: Mr. THOMAS of Wyoming, Mr. ARMEY, Mr. PACKARD, Mr. KLUG, Mr. FAWELL, and Mr. INGLIS.

H.R. 875: Mr. BAKER of Louisiana.

H.R. 894: Mr. NEAL of North Carolina.

H.R. 899: Mr. HANCOCK, Mr. CLYBURN, Mr. INGLIS, Mr. HOBSON, Mr. CUNNINGHAM, Mr. OXLEY, Mr. GREENWOOD, Mr. KOLBE, Mr. BOEHNER, Mr. DORNAN, Mr. KLECZKA, Ms. SNOWE, Ms. MOLINARI, Mr. RAMSTAD, Mr. SANTORUM, Mr. ARMEY, Mr. BALLENGER, Mr.

Pete Geren, Mr. Kopetski, Mr. DeLay, Mr. Camp, Mrs. Roukema, Mr. Sensenbrenner, Mr. Gingrich, Mr. Gunderson, Mr. Ewing, Mr. Ridge, Mr. Grams, Mr. Baker of California, Mr. Franks of Connecticut, Mr. Barton of Texas, Mr. Doolittle, Mr. Allard, Mr. Gilchrest, Mr. Zimmer, Mr. Blute, Mr. Barrett of Wisconsin, Mr. Upton, Mr. Saxton, Mr. Burton of Indiana, Mrs. Morella, Mr. Fawell, and Mr. Barrett of Nebraska.

H.R. 901: Mr. Gilchrest, Mr. Livingston, Mr. Fawell, Mr. Cox, Mr. Packard, Mr. Doolittle, Mr. Bonilla, Mr. Smith of Texas, and Mr. Baker of California.

H.R. 916: Mrs. Collins of Illinois and Mr. Sanders.

H.R. 924: Mr. Bacchus of Florida, Mr. Fawell, Mrs. Clayton, Mr. Valentine, and Mr. McMillan.

H.R. 929: Mr. Bateman, Mr. Doolittle, Mr. Fawell, Mr. Bartlett, Mr. Emerson, and Mr. Saxton.

H.R. 947: Mr. Gene Green and Mr. Stupak.

H.R. 960: Mr. Barton of Texas, Mr. Williams, Ms. Dunn, and Mr. Dooley.

H.R. 966: Mr. Ford of Michigan, Mrs. Morella, and Mr. Barcia.

H.R. 983: Mrs. Meek.

H.R. 999: Mr. Young of Alaska, Mr. Poshard, Mr. Archer, Mr. Torkildsen, Mr. Lewis of Florida, and Mr. Beilenson.

H.R. 1007: Mr. Frost.

H.R. 1013: Mr. DeFazio, Mrs. Lloyd, and Mr. Kolbe.

H.R. 1026: Mr. Shays, Mr. Stupak, Mr. Torkildsen, Mr. Baker of Louisiana, Ms. Danner, and Mr. McHale.

H.R. 1032: Mr. Spence.

H.R. 1048: Mr. Schumer, Mr. Murphy, Mr. Smith of Texas, Mr. Barrett of Wisconsin, and Mr. Regula.

H.R. 1051: Mr. Washington, Mr. Tucker, and Mr. Wheat.

H.R. 1067: Mr. McCandless, Mr. Oxley, Mr. Hyde, Mr. Doolittle, and Mr. Cunningham.

H.R. 1078: Mrs. Meyers of Kansas and Mr. Fields of Texas.

H.R. 1079: Mrs. Meyers of Kansas and Mr. Fields of Texas.

H.R. 1080: Mrs. Meyers of Kansas, Mr. Fields of Texas, and Mr. Chapman.

H.R. 1081: Mrs. Meyers of Kansas and Mr. Fields of Texas.

H.R. 1082: Mrs. Meyers of Kansas, Mr. Fields of Texas, and Mr. Chapman.

H.R. 1083: Mrs. Meyers of Kansas and Mr. Fields of Texas.

H.R. 1090: Mr. Lewis of Georgia and Ms. McKinney.

H.R. 1121: Mr. Bunning.

H.R. 1151: Mr. Frank of Massachusetts, Mr. Markey, Mrs. Byrne, Mr. Towns, and Mr. Scott.

H.J. Res. 10: Mr. Price of North Carolina, Mr. Packard, Mr. Stump, Mr. Brown of Ohio, Mr. Gonzalez, Mr. Wyden, Mr. Matsui, Ms. DeLauro, Mr. Murtha, and Mr. Peterson of Florida.

H.J. Res. 22: Mr. Hancock and Mr. Rogers.

H.J. Res. 67: Mr. Clinger and Mr. Fawell.

H.J. Res. 75: Mr. Faleomavaega, Mr. Frost, Ms. McKinney, Mr. Filner, Ms. E.B. Johnson, Mr. Hughes, and Mr. McDermott.

H.J. Res. 78: Mr. Ackerman, Mr. Bateman, Mr. Brewster, Mr. Cardin, Mr. de Lugo, Mr. Doolittle, Mr. Duncan, Mr. Fields of Texas, Mr. Filner, Mr. Frost, Mr. Gallegly, Mr. Gejdenson, Mr. Gordon, Mr. Houghton, Mr. Hughes, Mrs. Johnson of Connecticut, Mrs. Kennelly, Mr. Kleczka, Mr. Lewis of Florida, Mr. McDade, Mrs. Meek, Mr. Mineta, Mr. Moakley, Mr. Romero-Barceló, and Mr. Stark.

H.J. Res. 88: Mr. Hughes, Mr. Frost, Mr. Filner, and Mrs. Meek.

H.J. Res. 94: Mr. Pastor, Mr. Hall of Texas, Ms. Norton, Mr. Andrews of New Jersey, Mr. Towns, Mr. Faleomavaega, Ms. E.B. Johnson, Mr. Lehman, Mr. Kennedy, Mrs. Mink, Mr. Gephardt, Mr. Coyne, Mr. Neal of Massachusetts, Mr. Hefner, Mr. McDermott, Mr. Hyde, and Mr. Michel.

H. Con. Res. 14: Mr. Stokes, Mr. Owens, Mr. Fazio, Mr. Dellums, Mr. Shays, Mr. Cox, Mr. Berman, Mr. Schiff, Mr. Boehner, Ms. Norton, Mr. Torres, Mr. Slattery, Mr. Klug, Mr. Sawyer, Mr. McDermott, Mr. Wyden, Mr. Montgomery, Mr. Frank of Massachusetts, Mr. Penny, Mr. Kopetski, Mr. Williams, Mr. Oberstar, Mr. Hutto, Mr. Olver, Mr. Rahall, Mr. Kolbe, Mr. McCloskey, Mr. Bunning, Mr. Hefner, Mr. Gallo, Mr. Price of North Carolina, Mr. Clyburn, and Mr. Wise.

H. Con. Res. 15: Ms. Eshoo, Mr. Levin, Mr. Payne of New Jersey, Mr. Engel, Ms. McKinney, Mr. Flake, and Mr. Stupak.

H. Con. Res. 18: Mr. Inhofe, Mr. Hancock, Mr. Glickman, Mr. Blute, and Mr. Clinger.

H. Con. Res. 19: Mr. Hancock.

H. Con. Res. 36: Mr. Schiff.

H. Con. Res. 38: Mr. Burton of Indiana, Mr. Dornan, Mr. Rohrabacher, Mr. McCollum, Mr. King, Mr. Kim, Mr. McHugh, Mr. Calvert, Mr. Knollenberg, Mr. McKeon, Mr. Bonilla, Mr. Pombo, Ms. Pryce of Ohio, Mr. Hoekstra, Mr. Hutchinson, Mr. Grams, Mr. Huffington, Mr. Miller of Florida, Ms. Dunn, Mr. Istook, Mr. Everett, Mr. Crapo, Mr. Bartlett, Mr. Torkildsen, Mrs. Fowler, Mr. Lazio, Mr. Hoke, Mr. Bacchus of Florida, and Mr. Bachus of Alabama.

H. Con. Res. 54: Mr. Horn, Mr. King, Mr. Talent, Mr. Hoekstra, Mr. Pombo, Mr. McKeon, Mr. Kingston, Mr. Everett, Mr. Gingrich, Mr. Fawell, Mr. Ewing, Mr. Canady, Mr. Hutchinson, Mr. Kim, Mr. Baker of California, Mr. Upton, Mr. DeLay, Mr. Cox, Mr. Ramstad, and Mr. Blute.

H. Res. 40: Mrs. Clayton.

H. Res. 41: Mr. Scott.

H. Res. 47: Mr. Ramstad, Mr. Barton of Texas, Mr. Boehner, Mr. Diaz-Balart, Mr. Solomon, Mr. Smith of Texas, Mr. Stearns, Mr. Burton of Indiana, Mr. Shays, Mr. Collins of Georgia, Mr. Kim, Mr. Hutchinson, Mr. Coble, Mr. Zimmer, Mr. Ballenger, Mr. Hancock, Mr. Doolittle, Mr. Bunning, Mr. Baker of California, Mr. Hobson, Mr. Ewing, Mr. Walker, and Ms. Molinari.

H. Res. 53: Mr. Moorhead and Mr. Smith of Oregon.

H. Res. 83: Mr. Zimmer and Mr. Doolittle.

# EXTENSIONS OF REMARKS

## TRIBUTE TO KIM YOUNG-SAM, 14TH PRESIDENT OF REPUBLIC OF KOREA AND FIRST CIVILIAN PRESIDENT IN 30 YEARS

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. SOLOMON. Mr. Speaker, Mr. Kim Young-Sam was recently inaugurated the 14th President of the Republic of Korea, making him South Korea's first civilian President in 30 years.

Mr. Speaker, I know I speak for many other Members when I take this occasion to wish President Kim well, and all the support possible from the United States. Again speaking for many other Members, I would like to pay tribute to the outgoing President Roh Tae Woo, who I considered a personal friend as well as an outstanding leader of a brave and productive people.

And finally, Mr. Speaker, it is today my privilege to place in the RECORD the inaugural address by President Kim Young-Sam, in which he outlines his hopes and dreams for the Korean people.

(Inaugural address by President Kim Young-Sam)

TOGETHER ON THE ROAD TO A "NEW KOREA"

My 70 million fellow Koreans at home and abroad, President Roh Tae Woo, other former Presidents and distinguished guests,

Today, we gather here to open a new era of democracy under civilian government, the climax of our long and tireless pursuit. We have had to wait for this moment for 30 long years. At last we have established a government by the people and of the people of this land. The Government that is coming into being today has its foundation in the burning desire and great sacrifices of the people for democracy.

Standing before Our National Assembly, I am deeply moved. For this has long been the scene of my difficult and passionate struggle for democracy. The Korean people truly are a great people and I extend my deep gratitude to you. May the Glory of our nation be with you forever. Today, I join you all in paying tribute to those who nobly sacrificed themselves in the struggle for democracy and thus cannot be with us today.

Fellow citizens, as I assume the presidency, I am acutely aware of our historic mission to build a new homeland. The spirit of renewal is now rising in this land. In the past, the Korean people have enjoyed luxuriant summers, but have also suffered withering winters. Today, this spirit of national advancement represents the hope of a new spring.

This new season demands that we make a fresh start with renewed determination. Deep in my heart, I have a vision of a "New Korea." The "New Korea" will be a freer and more mature democratic society. Justice will flow like a river throughout this land. This "New Korea" will be a sharing community, working and living together in harmony. A higher quality of life will flourish and the dignity of the individual will be upheld. The divided Korean people will become one and live in peace in a unified land.

The "New Korea" will stand tall and proud on the center stage of a new and civilized world, making a vital contribution to global peace and progress. The "New Korea" will inspire all to work enthusiastically and will make our children proud to be Korean. Let us all share in this vision. We are a people who have already worked a miracle, rising from the ashes of a savage war that followed devastation by colonial rule. Now we must build again and move forward to face the challenges of the future.

My fellow citizens, we must realize, however, that as we face these challenges conditions are not necessarily favorable. In this post-Cold War world that is moving headlong into intense economic and technological competition, old enemies are being transformed into new friends and old rules and practices no longer apply. If we fail to adapt to the changing times, we will only become bogged down at the threshold of the developed world. If we do not charge forward, we will only be left behind. This is a grave matter of national survival.

It is at this time that we should be building our strength to create a "New Korea" and yet, we seem to have become debilitated. We are sick with what has been termed the Korean disease. Our industriousness and ingenuity—long the envy of the world—seem to be evaporating. Our society faces decay if our values continue to erode. The Korean people seem to have lost confidence in themselves. This is the heart of our problem.

If we are in a crisis, it is not due to challenges from the outside. It is due to a feeling of defeatism that comes from within. We cannot let things go on like this. We must renew ourselves.

We must shake off our frustration and lethargy and break through to establish a new era of courage and hope. We must replace bigotry and inertia with open-mindedness and vitality, strife and confrontation with dialogue and cooperation, and mistrust with trust. We must stop considering narrow self-interests and build a society which sees us not only live together but also truly care about each other. These goals are the very root of the change and reform I advocate. It is not only our institutions but also our way of thinking and behaving that must be changed. If we hide from change and reform, we will be forsaken by history.

Fellow citizens, the reforms we need must begin with three essential tasks: First, misconduct and corruption must be rooted out. Second, the economy must be revitalized. Third, national discipline must be enhanced.

Misconduct and corruption are the most terrifying enemies attacking the foundations of our society. There cannot and will not be any sanctuary for those who oppose the fight against corruption. No sanctuary at all. We will stamp out all manner of improprieties and graft. Immediate reform will start at the very top. Yet it will not be possible, however, to completely weed out corruption unless each and every citizen strives to achieve this goal. My fellow citizens, a truly honorable society will only be realized with the full commitment of all of you.

Next, we must restore economic vitality. To that end, the Government will do away with unwarranted controls and protection and instead guarantee self regulation and fair competition. Private initiative and creativity will thus be allowed to flourish.

The Administration will be the first to tighten its belt. Our citizens must also conserve more and save more. Extravagance and wastefulness must be eliminated.

Workers must work harder. Businesses must make bold technological innovations to be winners in the international marketplace. Only when the Government and the people, and labor and business work together with enthusiasm will it be possible to turn our economy around. This is my vision of a new Korean economy.

Fellow citizens, we have grown lax and we must restore national discipline. When power is grabbed by foul means, governmental legitimacy is lost and law and order is bound to break down. This gives currency to the immoral notion that the end justifies the means. There must be an end to the dark political night.

Respect for authority must be reestablished wherever necessary. Freedom must serve society. As the freedom fighter Pack Bum once said—the true meaning of freedom is in using that freedom to plant a flower in the park rather than pick a flower from the park. Ethics, which have been so flouted must be made to prevail. To this end, education must henceforth cultivate wholesome character and unwavering democratic belief, as well as equipping our young people for the future with knowledge and skill in science and technology. This is my vision of new education.

Fellow citizens, the Government that serves you from today will be a different kind of Government. Chong Wa Dae (the presidential office and residence) will work tirelessly to protect the lives and property of the people and to promote security and prosperity for our nation. Chong Wa Dae will be your good neighbor. I will be with you where you work and will be by your side in good times and bad. We will share joy and pain because the more that joy is shared the greater it becomes and the more that pain is shared the lesser it becomes.

The nature of our politics must also change. Politics should not serve the politicians, rather it must bring hope and happiness to the people. Politics must address our citizens' grievances; it must reflect their spoken and unspoken wishes. When our Government and our politics are reformed, so too will a genuine stability through change and reform take root in this land.

Fellow citizens, let us throw open the door to a new era based on justice and reconciliation. In the past, we have been divided from within by class strife, regional animosities, generational differences and ideological conflict. We must break down these barriers within our own society.

We must resolve all legitimate grievances and remove resentment. Too many of you have been denied your place in the sun and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we must assist you in joining the mainstream of society. Those who have more should give more. Those who are powerful should yield more. Let us not demand our share too greedily. We must give greater consideration to the larger common good. When we make the rice cake larger, so too must everyone's share become bigger.

My 70 million fellow Koreans at home and abroad, this I pledge: I will do my very best to fulfill the people's call and the historic mandate for national reconciliation and unification. Yet, at this juncture, regarding unification, we must acknowledge that what is needed is not emotionalism but a reasoned national consensus on achieving this crucial goal.

To President Kim Il-sung I say this: We must be genuinely willing to cooperate with each other. The world is moving away from confrontation and into an era of peace and cooperation. We see cooperation expanding among different peoples and countries and yet, none of these nations can have more reasons to care and share than we do—for we are members of the same ethnic family. No ideology or political belief can bring greater happiness than national kinship.

If, President Kim, you really care about the Korean people and desire genuine reconciliation and unification between our brethren in the South and North, we can meet at any time and in any place to discuss this dream. It could be at the foot of Mt. Hallasan in the warm spring or on the shores of Chonji Lake atop Mt. Paektusan in summer. Let us open our hearts and discuss the future of the Korean people. In this spirit, I truly believe that we, as one people, will be able to resolve the issues that divide us.

To our five million fellow Koreans overseas who live in many parts of the world but who hold fast to their pride in their national heritage, I say this:

Your motherland will be unified before the present century is over and will eventually become a land of freedom and peace. Let all of us, at home and abroad, join forces to open an era in which the proud Korean people will play a major international role and discharge their obligations to the global community.

Fellow citizens, no one else will bring us this "New Korea." Only we can build it together. Today, many "New Koreans" are here. Workers who labor with sweat on their brow, farmers who venture to grow new kinds of crops, students who strive to expand their knowledge, scientists who explore new frontiers, businessmen who scout the world for new markets, small industrialists who have succeeded in developing new products, members of the armed services who defend the country day and night, and public officials who diligently work for our people. They are the key builders and leaders of the "New Korea"—those who consistently strive to do their best whatever they pursue.

Especially to our young people, I say this: Now is the time for you to look out into the world and look to the future; to cast off your apathy and fully commit yourselves; to move from unproductive criticism to creative new solutions. The future is yours. The "New Korea" will be yours.

Fellow citizens, let us all have a vision and hope for the future. Let us create a "New Korea". Neither the President alone nor the Administration alone can build this "New Korea." There should be no "us" and "them" in the endeavor to achieve this goal. There should be only "us." We must work together as one.

Our "New Korea" cannot be achieved overnight. It will take patience and time. It will take sweat and tears. It will be a painful task. Yet, when we all share the pain, we will realize our dream. And we must.

Let us start again with hope and vision. Let us all march forward. Let no one fall behind.

Thank you.

## "THE CREATION"—A MASTERPIECE FROM THE SPRINGFIELD, MA, SYMPHONY ORCHESTRA

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, on Saturday, February 1, 1993, the Springfield Symphony and Chorus gave a brilliant rendition of Haydn's Oratorio, the Creation, at the Springfield Symphony Hall in Springfield, MA.

In recent years, the Springfield Symphony and Chorus have developed a reputation and following second to none for a city of comparable size.

Maestro Raymond Harvey is currently serving in his seventh year with the Springfield Symphony Orchestra and during this period he has earned critical acclaim for the symphony with a variety of works from the 18th, 19th, and 20th centuries.

In addition to his responsibilities as music director for the Springfield Symphony, Maestro Harvey has also found an increasing demand for his talents, as he has appeared on the orchestra podiums of Indianapolis, Detroit, Minnesota, North Carolina, Buffalo, and Pusan, South Korea.

The Springfield Symphony Orchestra Chorus has also made remarkable gains in recent years under the direction of Lucinda J. Thayer. More than 100 voices strong, the chorus now performs a varied program throughout each season with the Springfield Symphony Orchestra and at an annual recital of great choral works. Ms. Thayer, who also serves as the director of choral music at Smith College, has brought a sense of spirit and enthusiasm to the symphony chorus which has been recognized by both critics and audiences alike in the western Massachusetts area.

Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD the review written by Mr. Clifton J. Noble, Jr., of the most recent performance by the Springfield Symphony and Chorus. I believe that this review clearly reflects the type of excellence in music to which the patrons of the symphony have become accustomed. The efforts of the symphony orchestra, the symphony chorus, music director, Raymond Harvey, and choral director, Lucinda Thayer, should not go unnoticed, and I would like this recognition of their accomplishments to become a permanent part of the history of the United States.

SYMPHONY BRINGS 'CREATION' TO LIFE

(By Clifton J. Noble, Jr.)

SPRINGFIELD.—Haydn's oratorio "The Creation" received a bright-eyed, enthusiastic reading Saturday evening by the Springfield Symphony Orchestra and Chorus, directed by Maestro Raymond Harvey.

Music from the classical period often elicits Harvey's greatest strengths, engaging to their greatest good his senses of order, refinement, and elegance. Saturday's "Creation" exulted without boisterousness. It lingered without miring itself in false austerity. Harvey drew the music from the page simply, without draping it in mannerism.

The accounts of the formation of the earth and its inhabitants, taken from the book of Genesis and from Milton's "Paradise Lost," were transmitted in the sincerity and wonder with which they were set.

Soloists Andrea Matthews (soprano), William Watson (tenor), and Herbert Eckhoff (bass-baritone) were well chosen. Watson's sweet, bright and dynamically flexible voice was particularly well suited to the classical style. His caressed declamation of "the silver moon through the silent night * * *" was unforgettable.

Matthews brought a hint of romantic opera to her "With verdure clad" and "On mighty pens" arias, but this enhanced rather than intruded upon the texts and music, unabashedly pictorial as they were. SSO principal clarinet Michael Sussman and principal flute William Wittig proved to be able avian imitators as the lark and nightingale of the latter aria.

Eckhoff gave a fine rendition of "Rolling in foaming billows," and crept, "with sinuous trace" to a crystal-clear low D on the sixth day, recounting the emergence of the "worm."

The three soloists balanced each other well, effecting a beautiful blend in their three trios. Eckhoff and Matthews also forged a sonorous vocal partnership as Adam and Eve in the final third of the piece.

Equally stellar contributions were made to the success of Saturday's performance by Lucinda Thayer's superbly prepared Springfield Symphony Chorus. The singers stood in mixed formation rather than discreet sections, making for a better blend and more precise intonation. The most precise details had been attended to—such as cutoffs on the beat or half-beat, and exaggerations of initial and final consonants to cut through the orchestra.

Harvey was able to wield the choral sound like a single voice, commanding a full dynamic range from a crisp pianissimo to an explosive forte with every gradation of crescendo in between.

The SSO strings were in top form, whether seething in the primal C-minor void, bounding and leaping as a "flexible tiger" or "nimble stag," or grumbling in the depths of the sea as a great whale. A blissful pair of horns accompanied Adam and Eve into the garden and, as noted, the SSO woodwinds impersonated birds with aplomb.

## FINANCIAL REPORTS ON SOME MANAGED HEALTH CARE FIRMS: NOT MY IDEA OF REFORM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. STARK. Mr. Speaker, in the health care debate, there are some who think that if we could just get more HMO's and other managed health care firms involved and encourage/make everyone join them, all our problems would be solved.

I don't think so.

Let's take a look at some recent SEC filings of managed care health firms.

UNITED HEALTHCARE CORP.

United HealthCare Corp. was started in 1977 in Minnesota. To quote from its SEC filing.

United is a national leader in health care cost management and has offered services to health care purchasers and providers since 1974. The company serves over 1.5 million members through its owned and managed health plans * * * [and at end of 1991] employed 3,200 persons.

On 1991 revenues of $847 million, it had net earnings from operations of $115 million.

The Company's continued emphasis on strong underwriting practices and continued medical cost management efforts contributed to an improvement in the owned health plans' medical loss ratio for 1991, which was 80.7%* * *compared to the 1990 ratio of 83.6%.

In other words by trying to insure—underwrite—only the healthy, they managed to spend only about 81 cents of every premium dollar on health care.

The managed health plans experienced average commercial premium rate increases of over 12% on renewing employer groups * * *

Imagine, Mr. Speaker, only 12 percent a year inflation. This is the answer to the Nation's health care crisis? For this, the company's top five executive officers received $2,377,388 in compensation, with Dr. McGuire, the president and CEO receiving $1,055,353.

OXFORD HEALTH PLANS, INC.

Oxford Health Plans, Inc. is a managed care company providing health benefit plans in the greater New York metropolitan area. The Company's product line includes its point-of-service Freedom Plan, traditional health maintenance organizations, third-party administration of employer-funded benefit plans and dental plans.

In 1991, for every 100 cents in premiums, the company spend 71.8 cents on health care services, 21.7 cents on marketing, general, and administrative expenses.

The medical-loss ratio declined because revenue per member per month increased at a greater rate than medical expenses per member per month * * * per member per month medical expenses increased 11.7% * * * in 1991 from * * * 1990.

Mr. Speaker, medical expense inflation of only 11.7 percent. We will really be able to compete with the Japanese and Europeans with this kind of health cost moderation.

The primary areas of increased expense were staffing increases, payroll and benefits expense, broker commissions and marketing expenses. Payroll and benefits expense increased approximately $3.8 million due to the net addition in 1991 of 73 new employees (primarily in sales, marketing and member services), salary increases and accrued bonuses.

In 1991, the president and CEO, Stephen Wiggins, received $367,636 in cash compensation.

PACIFICARE HEALTH SYSTEMS, INC.

Pacificare Health Systems, Inc. is a leading managed health care company with over 950,000 commercial and Medicare members in its health maintenance organization operations. Through its six wholly-owned HMOs, located in California, Oklahoma, Oregon, Texas, and Washington, the Company arranges for the delivery of a comprehensive range of health care services to its members * * * As of September 30, 1992, the Company had 2,186 full and part-time employees.

In the 1992 fiscal year, the company had $1,686 million in revenues, and net income of $43.6 million. Its medical loss ratio—health care services as a percent of premium revenue—declined steadily from 86.8 percent in fiscal 1989 to 83.2 percent in 1992.

Average rate increases of ten percent accounted for 28% of the increase in the commercial program [in fiscal 1992] * * * [for fiscal year 1991] average premium rate increases of 13 percent * * *

Mr. Speaker, health reform will not work if we simply rely on organizations which spend about 18 percent of their income on non-health expenses and, even when working to insure only the healthy, inflate health care expenditures at more than 10 percent a year.

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# TO SECURE THE FIRST LINE OF DEFENSE

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. HYDE. Mr. Speaker, President Clinton's economic plan calls for a $76 billion cut in defense spending between 1994 and 1997. Although the details of how these cuts will be achieved have yet to be nailed down, intelligence capabilities will almost certainly be hard hit. Yet, as Congressman LARRY COMBEST, ranking Republican on the House Permanent Select Committee on Intelligence, forcefully argued recently in the Washington Times, large-scale cuts of intelligence budgets are both counterproductive and dangerous. As we draw down our Armed Forces, intelligence assumes an even more important role as our Nation's first line of defense.

I commend Mr. COMBEST'S op-ed, "To Secure the First Line of Defense," to my colleagues.

TO SECURE THE FIRST LINE OF DEFENSE

The Democrats have arrived in Washington, eager to correct the perceived mistakes of the last 12 years of Republican administration. Based on candidate Bill Clinton's campaign promise to concentrate on domestic issues ("The Economy, Stupid"), his temptation to cut the defense and intelligence budgets as "Cold War relics" will be great.

Increased budget deficit projections make the large Defense Department budget an even more tempting target from which to gain a "peace dividend." Indeed, some of President Clinton's Cabinet nominees were quoted in the media as favoring large-scale cuts to the military and intelligence budgets. While these pronouncements may be politically appealing, history shows that we have cut too deeply in the past, and have usually paid a much more expensive price in the long run.

Contrary to what historian Francis Fukuyama claims, history did not end with the Cold War. History may have been frozen during the Cold War, but it is now thawing with a vengeance. The nationalist, ethnic, religious and border disputes that communist totalitarianism kept at bay now threaten stability around the globe. Political and economic reform in Russia are threatened by reactionary nationalism, former Soviet republics are in anarchy; and 30,000 nuclear missiles are now "controlled" by four republics known more for their mutual antagonisms than for their cooperation. Weapons of a nuclear, chemical and biological nature, as well as the weapons of terrorism and the insidious nature of narcotics trafficking threaten our stability. These threats to U.S. security are intelligence-collecting priorities. In short, we live in a much more complex and dangerous world than the neatly bipolar Cold War.

So then, what is the role of intelligence in this post-Cold War world? Clearly the intelligence community, as always, has to be in a position to understand the present forecast and the future, responding to the clear needs of policy-makers. In the post-Cold War, there is more, not less, demand on the intelligence community. Nobody a year ago would have predicted a U.S. troop deployment to Somalia. Will NATO allies Greece and Turkey be feuding as a result of a Serbian incursion into Kosovo or Macedonia this year? Will the Baltic States attempt to push out the remaining Russian troops by force? Will the United States need to support a United Nations "peace-making" force in Angola?

Above, all, in this kind of environment, intelligence needs to maintain the flexibility to respond to unforeseen challenges.

The notion that our intelligence gathering resources can be significantly reduced in the wake of the Cold War is certainly prevalent, but is probably mistaken. As we have seen, the world is if anything more complicated and dangerous than before. Keep in mind that between 1967 and 1980 the intelligence community lost 40 percent of its people and 50 percent of its budget. By the end of the 1970s, Congress (largely as a result of the failure to predict the Iranian Revolution) decided that intelligence capabilities needed to be rebuilt. Rebuilding human and technical capabilities takes time and is enormously expensive; the benefits of the early 1980s buildup were seen in the Gulf War of 1991. We should not repeat past mistakes by again making deep and ill advised cuts.

As director of central intelligence, Robert Gates oversaw probably the most revolutionary period of change in the intelligence community during this past year. He established more than 15 task forces, which looked at a wide range of issues and problems, and implemented virtually all their recommendations.

Intelligence entities at the Defense Department have been reorganizing on their own for the past two years. Thus, the intelligence community is changing, refocusing priorities to better meet policy-makers' needs. Amid the refocusing, their budget has also been cut, according to Mr. Gates, by 10 percent in resources, and by 18 percent in personnel.

In his confirmation hearings, Les Aspin stated that as defense secretary, he would be quicker to recommend the use of U.S. military force in a wider variety of shapes and sizes than the Bush administration. Mr. Aspin foresees more flexibility for incremental use of U.S. military force in regional trouble spots such as Iraq. Yet, it is arguable whether U.S. troops would deploy anywhere before our intelligence agencies have reported on what to expect. What will permit Defense Secretary Aspin to support these small-scale troop deployments to different regions is good intelligence. The cost of bad intelligence is measured in lives.

In an era of budget austerity, and given the reduction of U.S. troop levels, intelligence assumes an even more important role as our nation's "first line of defense." Recognizing the increased complexity of intelligence collection in the post-Cold War period, cuts to collection capabilities may result not only in lost lives, but lost policy opportunities and greater military expenditures. Since the Intelligence Community only months ago implemented its task force recommendations, we should allow for gradual—not impetuous—change. I have always advocated evolution instead of revolution.

Working closely with the intelligence community, we can make some responsible, informed cuts where appropriate, always mindful not to hurt capabilities. The Democrats have arrived in Washington sorely tempted to make deep cuts to intelligence; I sincerely hope that prudence, reality and a sense of history will prevent them from doing so. Let us hope they do not repeat past mistakes. As statesman and scholar Abba Eban wrote: "Men and nations behave wisely once they have exhausted all the other alternatives."

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## NEWSPAPER'S RETRACTION BROUGHT TO THE ATTENTION OF THE HOUSE

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. LANTOS. Mr. Speaker, in its February 26–March 4 issue, the Atlanta Business Chronicle issued a front page retraction and apology to Mr. Edward Weidenfeld, an attorney in Washington, DC. The Chronicle had implied in an op-ed piece dated November 27, 1992, that Mr. Weidenfeld had engaged in misconduct while dealing with the Department of Housing and Urban Development [HUD].

Earlier, the Subcommittee on Employment and Housing, which I chaired in previous sessions of the Congress, conducted a serious and thorough investigation of waste, fraud, abuse, and political influence-peddling at HUD under former Secretary Samuel Pierce.

In pursuing stories as fast-moving and complicated as the HUD scandal, newspapers and other media sometimes make mistakes. To the Chronicle's credit, it has admitted that it erred in its editorial about Mr. Weidenfeld's dealings with HUD in this matter. In the interest of fairness, I would like to bring to the attention of my colleagues the Chronicle's retraction.

RETRACTION

We wish to retract any suggestion in a November 27, 1992, op-ed piece entitled "Jack Kemp's Difficult Choice," that Washington, D.C. attorney, Edward L. Weidenfeld, or Akron, Ohio developer, Steven M. Botnick, engaged in any misconduct or used political influence in their dealings with the Department of Housing and Urban Development (HUD). The op-ed piece involved a HUD/FHA-insured loan with respect to a project in Savannah developed by a partnership involving Messrs. Weidenfeld and Botnick. the op-ed piece was based on incomplete information from HUD documents, and neither Messrs Weidenfeld and Botnick nor the HUD officials with the most complete information about this matter were interviewed prior to publication. Since the publication date, HUD sources have told the Chronicle that the project does not involve any issue of fraud, waste or breach of ethics and that most of the partnership's difference with HUD have been resolved in favor of Mr. Weidenfeld and Mr. Botnick. Any statements in the op-ed piece that may have given the impression that Mr. Weidenfeld or Mr. Botnick engaged in misconduct or that political influence was brought to bear on HUD were in error and are now retracted.

It is not the Chronicle's policy to publish front page corrections, but in this instance the Chronicle was furnished incomplete information we now believe was misleading. the Chronicle apologizes to Mr. Weidenfeld and Mr. Botnick.

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## WHY WE HAVE A "CREDIT CRUNCH"

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. COX. Mr. Speaker, I recently received a copy of the following letter, which was sent to my constituents by a local commercial bank. Can there be any wonder Americans are outraged at the unnecessary redtape and bureaucracy that attend applying for a loan?

DECEMBER 28, 1992.

Re: Phase I Site Assessment Report.
Mr. PAUL BENDER,
*Hobby Shack,*
*Fountain Valley, CA.*

DEAR PAUL: Our Environmental Services Department has reviewed your Phase I Site Assessment Report and has raised several issues. Most of them relate to the standard CNB guidelines for conducting preliminary site assessments. The following items need to be addressed before we can finalize our evaluation of the subject site.

(1) The CNB project numbers are missing from the front cover of the report and, therefore, it is difficult to correlate the report to the appropriate file. In fact, report is missing a front cover altogether and is not even bound for ease of handling. The report needs to be resubmitted with a cover page with the appropriate project numbers, as specified above, and the report should be bound.

(2) There is no Executive Summary to summarize and highlight any pertinent points from the investigation. Also, due to a lack of section headers, the report is difficult to follow. The report must be resubmitted with a one-page Executive Summary highlighting important aspects of this investigation.

(3) There is no "Table of Contents" to indicate where each section is in the report. The new report must have a "Table of Contents".

(4) There is no List of Figures, Tables and Appendices. The new report must have a List of Figures and Tables.

(5) There is no information on the previous owners of the site (if any) and, in fact, there was no historical investigation conducted into the Chain of Ownership of the subject site. Further investigation is warranted.

(6) There is no information on the storage and handling of flammable liquids, such as the fuel for model airplane engines. It is required by CNB guidelines that the storage and handling of hazardous materials be reviewed at the subject site and comments made as to the adequacy of the procedures in place at the subject site. Further information is necessary, with photographs showing the storage areas for hazardous materials, if any.

(7) Some of the lists that were reviewed for this report have been updated and renamed; this Consultant should update his reports to reflect such changes in the industry. For example, the Bond Expenditure Plan sites were known as BEP sites. This list has now been renamed to the Annual Work Plan. Also, the Abandoned Sites Program Information System, formerly known as ASPIS, is now called Calsites. The new report should be amended to reflect these changes.

(8) A brief reference is made to reviewing aerial photographs; however, the specific dates, flight numbers, and the specific visual observations made from each photograph is not included. The information on the older photographs viewed is also missing. If a full historical investigation was not made, important information on sporadic illegal uses of the site can be missed. Further investigation is warranted.

(9) There was no mention of research into the Well Investigation Program (WIP) to determine if any of the wells, within a one-mile radius, were known to be contaminated. Further investigation is warranted.

(10) There was no research conducted into the types of crops grown on the subject site, the years they were grown, and the types of pesticides used during those years. The report states that ". . . the only possible soil contaminate at the property would have been pesticide residue. However, the grading . . . would have aerated the soil and caused the residue (if any) to dissipate". However, there is no indication in the report that research was conducted to determine whether the types of pesticides, that were used on the site, are the types of pesticides that dissipate with aeration. Further investigation is warranted.

(11) A comprehensive asbestos bulk survey was required for full appraisal of the property. The Consultant has only sampled the roofing systems, roofing sealant mastic, and suspended ceiling tiles. The report references several types of suspect vinyl floor tile and mastic. In order to fully evaluate the presence of asbestos at the subject site, a full asbestos bulk survey must be completed. The different types of vinyl floor tile and mastic must be sampled. In addition, the drywall material, drywall butt joint compound, and the drywall corner joint compound must be tested for asbestos content. Also, the base flashings on the roof do not appear to have been tested. We need the new base flashing and old base flashing to be tested separately, to determine which materials (if any) contain asbestos. Finally, the sample locations are not shown on the site drawing. These items need to be addressed in the new report, including the sample references on a site drawing.

(12) Of a lesser concern are the spelling mistakes and omissions from the report. On Page 1 there is an "s" missing from the word "material"; this statement is referring to the materials used in the construction of the building. The word is used in the singular form, whereas a building is built with many different types of material"s". Also, from the same paragraph, the word "site" is missing from the last line. The sentence ends ". . . which could impact the subject." It should end as ". . . the subject site." On Page 2, the asbestos type and concentration is stated and the type of asbestos is misspelled. The word is spelled "Chyrsotile" when it is, in fact, spelled "Chrysotile". On Page 6, the word "site" is once again missing from the end of the paragraph and the sentence ends ". . . effect upon the subject." These errors need to be addressed in the new report.

(13) The background information on PCB on Page 4 states that the criteria being considered is 50 PPM (parts per million). This is true for Federal Regulations; however, no mention is made of the California Regulations that have a criteria of 5 PPM as being PCB containing. Title 22, California Code of Regulations (CCR) §66699 has classified PCB's as a hazardous waste when the concentrations of this substance are equal to, or greater than, 5mg/l (5 PPM) in liquids or when the total concentrations are equal to, or greater than, 50 mg/kg (50 PPM) in nonliquids. The new report should be updated to indicate these items.

These issues need to be addressed as quickly as possible to facilitate finalization of our analysis. Therefore, immediate attention to these issues would be greatly appreciated.

Sincerely,

BANK VICE PRESIDENT.

## OUTING JULIUS CAESAR

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. CLAY. Mr. Speaker, across our Nation the debate is raging over President Clinton's plan to issue an Executive order rescinding the military ban on homosexuals.

One columnist, writing for the St. Louis Post Dispatch went so far as to accuse me of trying to "out" Julius Caesar after I indicated that two of the greatest generals in history were homosexuals. Apparently, the columnist, Bill McClellan, was awfully anxious to prove Julius Caesar was a heterosexual, and BILL CLAY was wrong about gays in the military. McClellan relied on some pretty bad sources as he sought to prove his position, and later admitted some of his own fallacies.

I would like to reiterate my point. History reveals that homosexuals are as good at soldiering as heterosexuals. There is no fair reason for denying homosexuals the opportunity to serve in the military. Below is the text of a letter which Mr. George Hyram of St. Louis wrote to Mr. McClellan after the columnist seized the issue and attempted to sensationalize on my remarks about the historic role of gays in military service. I believe Mr. Hyram's statement is very valuable in setting the record straight.

Mr. BILL MCCLELLAN,
*Journalist, St. Louis Post-Dispatch, St. Louis, Missouri.*

DEAR BILL. I really believe you owe Congressman Clay a public apology. You accused him, in a recent article, of "outing" Julius Caesar, and implied that there was no justification—either in history or in common decency for the Congressman's having done so.

The fact is, many of his contemporaries knew the young Julius Caesar as a "rake" who apparently took his sexual pleasures extravagantly from both sexes and with uncommon frequency.

Clearly, then, your knowledge of ancient history is narrower than I would have thought. I call your attention to the well-known work of no other than Will Durant who, in his THE STORY OF MANKIND, Vol. III, on "Caesar and Christ," had this to say relative to that great Roman general and statesman—the precursor of a whole line of imperial Caesars and whose very name became synonymous with the title, "king" or "emperor" (Kaiser, Czar, etc):

Page 167: "The youth [Caius Julius Caesar] took readily to oratory and almost lost himself in juvenile authorship. He was saved by being made military aide to Marcus Thermus in Asia. Nicomedes, ruler of Bithynia, took such a fancy to him that Cicero and other gossips later taunted him with having 'lost his virginity to a king.'"

Page 168: "When Cornelia died, he [Caesar] married Pompeia, granddaughter of Sulla. As this was a purely political marriage, he did not scruple to carry on liaisons in the fashion of his time; but in such number and with such ambigendered diversity that Curio (father of his later general) called him 'omnium mulierum vir et omnium virorum mulier'—the husband of every woman and the wife of every man. He would continue these habits in his campaigns, * * *"

The historical source for Will Durant's quotations cited above are given by him in that same volume—in numbered notes—as: "Julius" by Suetonius, a Roman biographer and historian who, as private secretary to the Emperor Hadrian, had access to imperial documents and was able to verify the facts in his works. Suetonius' biographies about the twelve rulers of Rome, from Julius Ceasar to the Emperior Domitian, contain information that is found nowhere else—much of it in the form of scandalous anecdotes.

Clearly, then, Congressman Bill Clay cannot be accused justifiably of "outing" someone who had already been "outed" approximately two thousand years ago by his own contemporaries and later by a historian not too far from his times. Without doubt, the great Ceasar's bi-sexuality was, apparently, quite well known to many in ancient Rome. We are told, he was widely and deeply hated for its excessiveness. Certainly, references to such ambivalence and the extravagance thereof have come down to us in history and in historical commentaries such as Will Durant's.

So, Congressman Clay said no more than what every serious student of ancient history can hardly help learning. He cannot, therefor, be faulted either for historical inaccuracy or for current inappropriateness since this very trait exhibited by Ceasar so long ago is now being held up by many as an obvious deterrent to military morale, discipline, and effectiveness.

Bill Clay, in citing this historical fact, did no more than what has become a hallmark of his representation in Congress—that is—to try to set the record straight in matters of great controversy and which have far-reaching national and social significance. This time, as in so many others, he succeeded!

Bill, I believe you are big enough to let the public know in one of your forthcoming columns that you erred in accusing Bill Clay of "outing" a great man long dead and thus unable to defend himself.

Very sincerely,

GEORGE H. HYRAM

## CHELSEA'S CHOICE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. CRANE. Mr. Speaker, I find it laudable that President Clinton has uncategorically endorsed the concept of school choice. It is a bold step to support a policy that Members of his own party have voted down time and time again.

But by choosing to send his young daughter, Chelsea, to a private junior high school rather than to one run by the District of Columbia, he has provided a shining example of why all American parents should be given the right to decide where their children go to school. He believes that she will receive a better education in the setting of a private school than she would in the District school system. Unquestionably, he should have that right.

As her parents, the President and First Lady can and should evaluate their options and decide which school best serves Chelsea's needs. Whether it is public or private, religious or secular, they are completely within their rights to enroll their daughter where they wish.

Unfortunately, many other parents do not have that same ability. Forced to pay taxes to support public schools, they often cannot afford to also pay tuition at a private institution. Without a choice, their children must then attend a local public school, simply because of its geographic proximity, with no attention whatsoever to whether it meets their needs and desires. It is high time that we correct this unfair double standard.

The President's family is lucky to have the wherewithal which allows them to choose schools without concern about the cost of tuition. Whether through magnet schools, vouchers, or other school choice programs, all Americans should be given that same choice.

I am submitting an editorial from the Orange and Blue Observer, a student run newspaper at the University of Illinois, which makes a convincing argument in favor of school choice. I hope both opponents and proponents of choice programs will read the article. As it so eloquently points out, when choosing schools for our children, we should all have the same options enjoyed by our President.

CHELSEA'S CHOICE

On Inauguration Day, it is appropriate to reflect upon an aspect of the new Administration that is of interest to all University of Illinois students: its views on education. For the past couple months, president-elect Bill Clinton has enjoyed the 'honeymoon' period customary to incoming presidents. From the media's viewpoint the new president represents 'change.' Unfortunately, his education policies can be described as 'business as usual.'

The glaring example which illustrates the hypocrisy of liberals is the issue of school choice. Chelsea Clinton, daughter of our new president, will attend the prestigious Sidwell Friends School in northwest Washington. It is supposed to be one of the best schools in the area, and should be, considering that tuition is about $10,600 annually. The controversy revolves around the fact that Bill Clinton spent the better part of 1992 claiming that he was a great believer in the public school system. During the Democratic primaries, he chastised some of his challengers because they sent their kids to private schools, whereas Chelsea then attended a public school in Little Rock. The junior Senator from Illinois, another booster of public education (for others), plans to enroll her son in a private school as well.

There is no real reason that the Clintons (or Braun) should not send their child to a private school. The school system in Washington D.C. is one of the worst in the country, so it makes sense that she attend a private school. This is where the hypocrisy comes in. Most Democrats, including Clinton, oppose a system of true school choice, which would include nonpublic alternatives. For those unfamiliar with the subject, such a plan would give every family a voucher for each child, to be used for primary or secondary education. Each family could shop around for the best school for their child. If the local public school were unsafe or no good, they could use a voucher to send their kid to another school, public or private. Public schools would be forced to compete for students and funds. If nobody wanted to go to a substandard school, it would have to shut down.

Consider one success story of America—higher education. Students from all over the world come to American institutions. Public and private, religious and secular institutions all draw students. Needy students receive financial aid. And most importantly, there exists a broad range of options. Now imagine if the university system were run like the public schools. All students from southern Illinois would attend school at SIU, students in Chicago would all go to UIC, et cetera. That would not make sense; nor does the present arrangement for primary and secondary education. A school choice program would be limited geographically, of course, but the concept is the same.

The main argument opponents use against vouchers is that they would benefit rich families, while making many struggling public schools weaker, hurting poor students as the public schools become even worse. This logic is fallacious. In fact, the opposite would happen. Poor students would not be forced to go to a nearby public school if it is shoddy. They could use their voucher (paid for by the same tax dollars that fund the current system) to attend a different school, public or private, that would educate them. The voucher system is designed to help poor families. Rich families like the Clintons already have school choice.

Another argument is that vouchers will cause racial separation. All the white kids will flee the public schools as soon as they can. It is hard to make the case that inner city schools are currently integrated, but this again is flawed thinking. Vouchers would be handed out to everybody, regardless of color. This would make Asian-Americans, African-Americans, European-Americans, Hispanic-Americans, Native-Americans, and non-citizens equal because the vouchers would be in the same amount. The average Washington, D.C. kid might not be able to afford the $10,600 tab at Sidwell Friends when the average voucher would be around $3,750. But that does not mean that the voucher could not be used for a less expensive private, parochial, or public school. It does mean that the government will no longer tell poor families where they must send their kids to school. Students and parents who are serious about getting an education, poor or affluent, will gravitate toward the better schools. The other schools must then get their act together or go out of business.

Most University of Illinois students are lucky that their high schools provided enough of an education to prepare them for college. Unfortunately, most inner city kids do not have that option. Many inner city schools are riddled with drugs and violence. Many adults complain that the kids who drop out deserve poverty. They say that these kids should stay in school, get a diploma, and pull themselves up by their bootstraps. The problem is that many of the inner city schools are very poor, because of discipline problems and other reasons not necessarily under the control of the teachers. That is why a large percentage of the teachers in the Chicago public school system send their kids to private schools. They know, as do the Clintons, that private education works. The fact that so many private schools exist in the face of competition from 'free' public schools is prima facie proof of their success. A person who happens to live in a bad school district should not be forced to receive a bad education if he wants to get ahead. School choice means that all those who want to succeed will have a chance.

During his acceptance speech at the Democratic National Convention, Bill Clinton said he wanted change. He also said he believed in a place called Hope. If he really believes in change and instilling 'hope' in the American youth, he will confront the teachers unions (who donated to Clinton and vigorously oppose choice) and propose a school voucher system open to all schools. This country is moving toward privatization for many government monopolies such as waste disposal and road cleaning. This has made the services cheaper and more efficient. The same could happen to public schools. The money spent will be used more efficiently and the service will become better. A voucher system may change the nature of public schools as we know them, but it will make our education system stronger. In time, all willing students will be able to graduate from high school well-educated.

## THE JUSTICE FOR WARDS COVE WORKERS ACT

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. McDERMOTT. Mr. Speaker, we are here today to once again try to provide justice to the 2,000 Asian Pacific American and Native Alaskan workers to whom justice was ironically denied in the Civil Rights Act of 1991.

Seventy of my colleagues and I are reintroducing the Justice for Wards Cove Workers Act. We introduced this legislation in the last session of Congress, and when the session ended, it was awaiting a vote in the Senate and in two House committees. This legislation is very straightforward: It would strike section 402(b), the special interest provision in the Civil Rights Act of 1991, that exempts the pending case of Wards Cove Packing Co. versus Atonio from coverage under the act. Our bill will restore the spirit and meaning of civil rights to the Wards Cove workers who have been fighting for justice for 19 years and did not deserve the discriminatory treatment that they got from their Government. This is an extremely unfair and incredible exemption that applies to one company only in the entire United States, the Wards Cove Packing Co., a company which has fought relentlessly to avoid a court case on the merits.

One of the plaintiffs in this case, Frank Atonio, is my constituent. Let me tell you a little bit about his struggle and this case. In 1974, Mr. Atonio and other seasonal cannery workers at the Wards Cove Packing Co. in Alaska filed suit charging discrimination in hiring by the company for skilled noncannery jobs. Practically all of the cannery workers were minorities, but most of the higher paid noncannery workers were white. Three years before, in 1971, the Supreme Court had ruled in the landmark decision, Griggs versus Duke Power, that employment practices which had a disparate impact on minorities violated the Civil Rights Act of 1964 if an employer could not justify them in terms of business necessity.

When the Federal district court failed to apply the Griggs standard to most of Wards Cove's discriminatory practices, the court of appeals reversed the decision and ordered the district court to require the company to justify them. Those practices included hiring for cannery and noncannery jobs through separate channels, requiring employees to wear racially coded identification tags to maintain segregation, and maintaining segregated housing and eating facilities at the canneries. If the Wards Cove Packing Co. had been able to show adequate justification, the case would have been tried on the merits and we would not be here today. But, instead of trying to justify its practices, the company appealed the case to the Supreme Court. The Supreme Court's 1989 ruling in favor of Wards Cove changed the standards for disparate-impact cases, and led to a national effort to codify the employment discrimination standards of Griggs versus Duke Power, and other Supreme Court decisions prior to Wards Cove versus Atonio.

The Civil Rights Act of 1991 was intended to reverse that decision and others that had restricted the ability of workers to fight against discrimination in the workplace. The act was meant to protect workers just like those at Wards Cove, and it does so. However, a last minute amendment, added to the Senate bill, excluded the 2,000 Asian Pacific American and Native Alaskan workers who brought this case and who have fought 19 years for justice. The amendment serves to protect the defendant, Wards Cove Packing Co., in this case at the expense of the workers, and that is simply wrong.

There is no justification for this exemption. The lawyers for Wards Cove argue that they should be exempt because otherwise their case will be a test case tried under a new legal standard. However, the reality is that their case would be tried under the original Griggs standard that they have fought so long and so hard and spent so much money trying to evade. Their case would be tried under the standard that existed and applied in 1974 when Frank Atonio first began this case—and that standard that has applied since the Civil Rights Act of 1991 was signed into law. The lawyers for the Wards Cove Packing Co. do not want this case tried under that standard because they know what Justice Stevens said about conditions at the cannery in 1974—that they bear an unsettling resemblance to aspects of a plantation economy.

Removal of the Wards Cove exemption by this legislation neither ends the litigation in favor of the workers, nor interferes with the larger question of the retroactivity of the Civil Rights Act of 1991. The Supreme Court has recently decided to take cases to decide the question of retroactivity.

If we do not remove this exemption, the message we send to Frank Atonio and all workers throughout this country is that we believe in civil rights, but not if you work for a company that is rich enough and powerful enough to keep your case tied up for 19 years, to persuade Senators to give you special exemptions, and to hire lobbyists to argue your cause here in Washington, DC.

Frank Atonio and his fellow workers have waited 19 years for justice. They have heard a lot of excuses from the last administration and Congress about why it has been denied to them. But there are no more excuses today. In his campaign, President Clinton made a commitment to support the repeal of the Wards Cove exemption. President Clinton's continuing support is set forth in a letter he has sent to us today. A copy of the President's letter follows these remarks. I thank President Clinton for his support and for putting civil rights before politics.

We are here today to tell Mr. Atonio and his fellow workers that their faith in Government and their country is not misplaced, and that we will do everything we can to right this egregious wrong and restore the principles of fairness and equal justice under the law.

Since the beginning of my efforts to strike section 402(b) from the Civil Rights Act of 1991, the help and involvement of other Members of Congress has been invaluable. I would especially like to thank Representative Don EDWARDS, chairman of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, for all that he has done. I would also like to thank Representatives ROBERT MATSUI, NORMAN MINETA, PATSY MINK, NEIL ABERCROMBIE, ENI FALEOMAVAEGA, and CRAIG WASHINGTON for the leadership roles they have taken in working for the successful passage of this legislation.

• I would also like to thank all of the civil rights groups and Asian Pacific American organizations who have supported this legislation and have worked tirelessly to bring this issue to the attention of all Americans. In particular, my thanks to Stephen Chin of the National Asian Pacific American Bar Association, Karen Narasaki of the Japanese-American Citizens League, and Daphne Kwok of the Organization of Chinese Americans.

The letter follows:

THE WHITE HOUSE,
*Washington, March 2, 1993.*

Hon. JIM MCDERMOTT,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE MCDERMOTT: I am writing to express my strong support for the "Justice for Wards Cove Workers Act," which you are re-introducing today. This important piece of legislation will overturn the unfair exemption of the original plaintiffs in the *Wards Cove Packing Co. v. Antonio* case from coverage under the Civil Rights Act of 1991.

The Civil Rights Act of 1991 was passed to overturn a series of controversial Supreme Court decisions that made it more difficult for victims of discrimination to challenge employers' discriminatory practices. Congress found that the decision weakened the scope and effectiveness of Federal civil rights protection. Chief among these decisions was *Wards Cove Packing Co. v. Antonio*, yet the Act exempts the very 2,000 Americans who sought relief in the original case.

America is a nation of great diversity, founded on the principle of equality before the law. It is contrary to all of our ideas to exclude any American from the protection of our civil rights laws.

I am committed to removing this exemption. I appreciate your hard work on this issue.

Sincerely,

BILL CLINTON.

## JEWISH HERITAGE WEEK

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. GILMAN. Mr. Speaker, once again I am pleased to have the opportunity to sponsor legislation commemorating "Jewish Heritage Week." The bill recognizes the rich culture, heritage, and traditions of Jewish Americans, and notes the many contributions made by American Jews to this Nation.

The legislation designates April 25 through May 2, 1993, and April 10 through April 17, 1994, as "Jewish Heritage Week," noting in particular the celebration of Israel's Independence Day during these periods. The months of April and May are of particular significance in the Jewish calendar, in which the ancient celebration of Passover as well as other dates of importance take place.

This year, the long awaited Holocaust Memorial Museum will open near the Mall here in Washington, DC. This effort has evolved over more than a decade, and construction is nearing completion. For the first time, the "Days of Remembrance" ceremony will take place at the museum soon after it opens to the public in April, rather than in our Capitol rotunda as has been the practice.

Additionally, this year commemorates as well the 50th anniversary of the Warsaw ghetto uprising, in which so many valiant men and women courageously deterred the Nazi's liquidation of the Warsaw ghetto. Despite insurmountable odds, they were able to hold off these forces of evil for several weeks, and their courage in the face of such evil is most deserving of special recognition. Indeed, the theme of Jewish Heritage Week this year is the anniversary of the uprising.

Mr. Speaker, it is troubling that we continue to witness anti-Semitism and violence against foreigners in parts of Europe. Such activities have no place in the United States. Commemoration of Jewish Heritage Week will place Congress and the American people squarely on the side of tolerance and intergroup understanding. Accordingly, I urge my colleagues to join in sponsoring this measure, and insert the text of the resolution, in full, at this point in the CONGRESSIONAL RECORD:

H.J. RES. —

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*

Whereas April 26, 1993 and April 14, 1994 mark the forty-fifth and forty-sixth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the fiftieth anniversary of the Warsaw Ghetto Uprising and the opening of the Holocaust Memorial Museum in 1993 in Washington, DC, Holocaust Memorial Day and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in the Nation contributes to the unity of this Nation and,

Whereas understanding among ethnic groups in this Nation may be advanced further through an appreciation of the culture, history and traditions of the Jewish community and the contributions of the Jewish people to this Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies activities, and programs.

## ATHAN "SOCO" CATJAKIS—PUBLIC SERVANT

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to pay tribute to one of the finest public servants I have been fortunate to know during my years as an elected official. He is Athan Catjakis of Springfield, MA. "Soco" Catjakis, as he is known to everyone, has had a long and interesting career in politics in the Springfield area. Earlier this year he retired as the State representative in the general court of the Commonwealth of Massachusetts from the Ninth Hampden District, which includes my neighborhood in Springfield. It has been an honor to have Soco Catajakis as my State representative.

In his 8 years as a representative, and also during the 5 years he served as executive assistant to former Representative Arthur McKenna from the same seat, Soco Catjakis became known for outstanding constituent service. In fact, helping people has been a lifelong concern of Soco's. He has been involved with community activities all his life and served 5 years (1973–78) as the top aide to former Springfield Mayor William C. Sullivan.

Mr. Speaker, Soco Catjakis provided constituent service far beyond what is required or expected. For example, he personally got involved in housing cases and would not rest until he found a decent place for a needy person to live. He often gave rides to Boston from Springfield for people going to a hospital for medical tests. If a constituent dropped into his statehouse office, Soco would often leave his desk so that the person could use the phone. No one who ever called his home, at any hour, was ever told that it was a bad time to call. His wonderful wife, Helen, shares Soco's enthusiasm for the details of constituent service. There are hundreds of similar stories about Soco Catjakis. He is truly a public servant who stays close to his roots. Many public officials view constituent service as a type of drudgery necessary for reelection; not Soco

Catjakis—he found joy in doing the smallest of things for the people he served. Although he is now out of elected office, I am sure that people are continuing to call Soco for assistance in a wide range of areas. Additionally, Soco continues to serve on the board of a number of community organizations. His voice will continue to be heard in Springfield and the surrounding area.

Soco Catjakis was also much more than a fine provider of constituent service. He also made his mark in Boston as a legislator. He served as vice chairman of the Health Care Committee and has spent the past few years examining the problem of skyrocketing health costs. The expansion and improvement of Springfield's Mercy Hospital also received Socos's day-to-day attention. His service on the Ways and Means Committee helped him express the tax concerns of the Ninth District to those in Boston.

Mr. Speaker, when paying tribute to a someone you know in public life, there is the temptation to merely list the accomplishments of that person. I have tried to present an outline of Soco's life here, but it is difficult to give you a real feel for the man. Let me say simply that Soco Catjakis is the most genuine person I have encountered in public life. He truly cares about people and everyone he has touched will never forget him. I am honored to call Soco Catjakis my friend. I wish Soco, Helen, and sons Christopher and Charles the best of luck in the years ahead.

## THANKS TO VADEN RIGGS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. STARK. Mr. Speaker, today I would like to take a few minutes to recognize Vaden Riggs' distinguished career of service to the people and children of San Lorenzo, CA.

Mrs. Riggs accomplished much over her 35½ years of dedicated service to the San Lorenzo Unified School District.

For the past 12 years she served as the assistant principal for the San Lorenz Adult School. Mrs. Riggs has helped many "at risk" students and students over the age of 18 return to school to obtain a high school diploma. She was also the administrator in charge of independent studies and home school alternative programs. For several years, she has served the Association of California School Administrators as chairperson for the region awards committee.

Prior to serving the San Lorenzo Adult School, she spent 23½ years as an English teacher at San Lorenzo High School, encouraging students to master and appreciate the English language.

The people of San Lorenzo will sorely miss this dedicated woman who spent her life serving the educational needs of society with her expertise of the English language, and counseling abilities.

## CLEARCUTTING OUR NATIONAL FORESTS CLEARLY HAS TO STOP

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BRYANT. Mr. Speaker, today, I am reintroducing legislation which I sponsored in the 102d Congress. The Forest Biodiversity and Clearcutting Prohibition Act of 1993 would—like its predecessor H.R. 1969—prohibit clearcutting and other methods of even-age management, the most devastating systems of continuous logging ever devised. Even-age causes heavy soil erosion, nutrient loss, reduction of native diversity and inner-forest wildlife, and impairment of recreation activities, hunting and fishing.

There is general consensus that the devastation wrought by clearcutting rainforests around the world particularly in the world's largest remaining rainforest—the Amazon—is appalling. Every year, forested acreage the size of Pennsylvania is clearcut in Brazil.

But we also clearcut right here in our own national forests and on other public lands. Last year, the Forest Service allowed 283,061 acres in our national forests to be clearcut.

Most Americans probably have the same misconception I once did—that the U.S. Forest Service's mission is to protect and conserve our national forests. In fact, it is a timber plantation management agency. Under its plan, every tree on every acre of national forest land not protected by Federal legislation or regulation will be clearcut within an estimated 16 to 24 years.

This is true despite substantial evidence that selection management—selective cutting of individual trees, leaving the canopy and undergrowth relatively undisturbed—is more cost-efficient and has a higher benefit/cost ratio than clearcutting and replanting. Studies show that selection management produces more sawlogs per acre, higher incomes, and more jobs for lumbermen. Clearly we would have more abundant forests with selection management than clearcutting permits.

The Forest Biodiversity and Clearcutting Prohibition Act would ban clearcutting in its various forms, including heavy salvage, large group, seed tree and shelterwood logging. Last year, 12 days before the hearing on my bill, the chief of the Forest Service directed a reduction of 70 percent in clearcutting, but permitted the other forms of even-age to continue. A mere shift from clearcutting to other forms of even-age management produces the same harmful results.

My proposal is aimed at protecting the diversity in our Nation's forests, and the habitats they provide to wildlife, while allowing reasonable forest management activities to achieve this end.

New features in this year's bill include:

First, a provision to reactivate the committee of scientists to provide independent scientific advice to the Secretary of Agriculture on forest biodiversity and on logging systems. Members of the committee would be appointed from the private sector, other than the timber industry.

Second, a ban on the construction of roads in roadless areas currently designated under the Second Roadless Area Review and Evaluation program of 1979, in order to neutralize the impact of any new road construction in shifting from clearcutting policies to selection management in roadless areas.

Third, a repeal of section 701(b) in the Federal Land Policy and Management Act of 1976 that made the remedies of that act subordinate to the looser provisions of prior laws, particularly those governing Oregon and California Railroad Revested Grants Lands.

The Environmental Policy Institute, Friends of the Earth and numerous grassroots groups and Audubon chapters support this legislative initiative. Last year, the Sierra Club permitted its regional groups to endorse my bill, which many did. In addition, the attached list of business groups, hunting clubs and conservation groups make up the Save America's Forests Coalition, who—along with the Forest Reform Network of Texas—has made my bill one of their top priorities.

I hope you will join me in supporting this important bill.

SAVE AMERICA'S FORESTS COALITION MEMBER GROUPS AND BUSINESSES, FEBRUARY 2, 1993

GROUP MEMBERS

Wrangell Resources Council, AK.
Concerned Citizens of Hot Springs, AR.
Defenders of the Ouachita Forest, AR.
Eager Beavers, AR.
Malvern Earth Day Committee, AR.
Mena Nature Club, AR.
Newton County Wildlife Association, AR.
Ouachita Garden Club, AR.
Scott County Organization to Protect the Environment, AR.
Green Fire Project, AZ.
Sky-Island Alliance, AZ.
Wildlife Damage Review, AZ.
Friends of Clayoquot Sound, BC.
Alliance for a Paving Moratorium, CA.
Assoc. of Sierra Club Members for Environm Ethics, CA.
Bay Area Action, CA.
California Environmental Project, CA.
Earth Island Action Group, CA.
EarthSave, CA.
Environmental Protection Information Center (EPIC), CA.
Esalen Institute, CA.
Forests Forever, CA.
Hyampom School K-3, CA.
Int'l Society for the Preservation of Tropical Rainforests, CA.
Lifeweb, CA.
Mendocino Environmental Center, CA.
North Coast Greens, CA.
Rainforest Action Network, CA.
Redwood Coast Watersheds Alliance, CA.
San Diego County Greens, CA.
SFSU Recycle!, CA.
Sierra Club San Diego Chapter, CA.
The Fabulous Group, CA.
The Willits Environmental Center, CA.
Timber Industry Members for the Environ Resources, CA.
Voice of the Environment, CA.
Western Wolves, CA.
Whitney Key Club, CA.
Youth for Environmental Sanity (YES!) Tour, CA.
Ancient Forest Rescue Colorado, CO.
Fort Collins Rainforest Action Group, CO.
Lighthawk, CO.
Wilderness Defense!, CO
Griswold High School Environmental Club, CT.
Friends of Animals, DC.
Friends of the Earth, DC.
George Washington University Students Environ Action, DC.

Greenpeace USA, DC.
People for the Ethical Treatment of Animals, DC.
Potomac Valley Greens Network, DC.
Delaware Valley Rainforest Action Group, DE.
SEACret, DE.
Environmental Design, FL.
Friends of the Mountain, GA.
Georgia Earth Alliance, GA.
Rabun County Coalition to Save America's Forests, GA.
Idaho Conservation League, ID.
Idaho Sportsman's Coalition, ID.
Normal Environmental Action Coalition, IL.
Regional Association of Concerned Environmentalists, IL.
Shawnee Defense Fund, IL.
Whitmore's Recycle/Refuse, IL.
Groundwork, IN.
Heartwood, IN.
Hoosier Environmental Council, IN.
Hope Club/Floyd Central High School, IN.
Protect Our Woods, IN.
Appalachia Science in the Public Interest, KY.
University of Kentucky S.A.V.E., KY.
Earth Works, MA.
Gaia Institute, MA.
Green Earth Movement, MA.
Green Sangha Divinity School, MA.
National Toxics Campaign, MA.
Allemong Wilderness Group, MD.
Alley Cat Allies, MD.
Anacostia Watershed Society, MD.
Artists Protecting Earth, MD.
Ecological Community Outreach Services, MD.
First Presbyterian Eco-Justice Committee, MD.
Fund for Animals, MD.
Goddard Conservation Association, MD.
Grassroots Coalition for Environ & Economic Justice, MD.
Maryland Advocates for public Lands, MD.
SEAC/University of Maine/Forest Committee, ME.
University of Maine SEAC, ME.
Rainforest Action Movement, MI.
Save America's Forests & Environment, MI.
AH-KE Environmental Society, MN.
Minnesota Public Interest Research Group (MPIRG), MN.
Gateway Green Alliance, MO.
Heartland All Species Project, MO.
Heartwood of Mid-Missouri, MO.
Alliance for the Wild Rockies, MT.
American Wildlands, MT.
Cold Mountains, Cold Swan, MT.
Friends of the Wild Swan, MT.
Greater Yellowstone Coalition, MT.
Appalacian State University S.A.V.E., NC.
Carnivore Preservation Trust, NC.
Center for Reflection on the Second Law, NC.
Divers Alert Network, NC.
Haw River Assembly, NC.
Jacksonville High Environmental Club, NC.
Katuah Journal, NC.
SouthPAW, NC.
Student Environmental Action Coalition—SEAC, NC.
WOLF, NH.
Bushwackers Hiking Club, NJ.
Hillside Elementary School & PTA, NJ.
MAMS Environmental Club, NJ.
Montclair State College Conservation Club, NJ.
Rainforest Relief, NJ.
SAVE, NJ.
Students for Environmental Awareness, NJ.
Whippany High School SEEK, NJ.
East Fork Preservation Coalition, NM.
Forest Guardians, NM.
Forest Trust, NM.
Friends of the Owls, NM.
Hawkwatch International, NM.
Jemez Action Group, NM.
La Comunidad, NM.
LightHawk, NM.
3rd Graders at Ethical Cultural School, NY.
Brockport Environmental Action Network, NY.
Citizens Planning Board, NY.
Cornell Greens, NY.
Delaware-Otsego Audubon Society, NY.
Earth Matters, NY.
Eco-Action, NY.
Federal Land Action Group, NY.
Finger Lakes Wild, NY.
Herkimer County Environmental Action, NY.
Huntington Audubon Society, NY.
Nassau/Suffolk Neighborhood Network, NY.
North Fork Environmental Council, NY.
Prevention of Cruelty to Animals and Plants, NY.
Rainforest Action Group, NY.
Rebels With a Cause, NY.
Solar Coalition, NY.
Friends of the Wetlands, OH.
Save Our Forests Campaign, OH.
Waynesville Ecology Club, OH.
Eco Law Institute Inc., OK.
Native Americans for a Clean Environment, OK.
Ancient Forest Hikes, OR.
Blue Mt Biodiversity Project, OR.
Citizens Interested in Bull Run, Inc., OR.
Friends of Elk River, OR.
Friends of the Breitenbush Cascades, OR.
Friends of the Coquille River, OR.
Headwaters, OR.
Hells Canyon Preservation Cl, OR.
Kalmiopsis Audubon, OR.
Marys Peak Alliance, OR.
Native Forest Council, OR.
Rest the West, OR.
Siskiyou Regional Education Project—Lou Gold, OR.
Tenmile Creek Association, OR.
The Survival Center, OR.
Waldo Wilderness Council, OR.
Earthlust, PA.
Eco-Action, PA.
Eye Openers, PA.
Lafayette College Environ Awareness and Protection, PA.
Palisades ECO Club, PA.
Philly Clean Water Action, PA.
School of Living, PA.
SEAC of Carnegie Mellon University, PA.
Student Earth Action League, PA.
Student Environmental Team, PA.
Susquehanna University SEAC, PA.
AFSEEE-Andrew Pickens Chapter, SC.
Furman University EAG, SC.
South Carolina Coastal Conservation League, SC.
Students Allied for a Greener Earth, SC.
Americans for a Clean Environment, TN.
RAG of Middle Tennessee, TN.
Tennessee Valley Energy Coalition, TN.
Central Distance Riders, TX.
Federal Forest Reform, TX.
Texas Committee on Natural Resources, TX.
Texas Environmental Action Coalition, TX.
Great Old Broads for Wilderness, UT.
Dolphin Rescue Brigade, VA.
Earth Training Systems, VA.
Green Coalition, VA.
Northern Virginia Greens, VA.
Student Environmental Action Coalition, VA.
Tree-Action, VA.
University of Virginia Greens, VA.
Virginians For Wilderness, VA.
Voices For Animals, VA.
ALARM/Biodiversity Liberation Front, VT.
Arctic to Amazonia Alliance, VT.
Catalyst, VT.
Preserve Appalachian Wilderness, VT.
Vermont Student Environmental Program, VT.
Ancient Forest Chautauqua, WA.
Friends of the Trees Society, WA.
Greater Ecosystem Alliance, WA.
Inland Empire Public Lands Council, WA.
North Cascades Audubon Society, WA.
Crusade 2000, WI.
Legislative Action Network, WI.
Oshkosh SEAC, WI.
National Sacrifice Zone, WV.
Stump Creek Radio, WV.
Jackson Hole Alliance for Responsible Planning, WY.
Total groups, 211.
Total individuals represented, 2,177,772

### BUSINESS MEMBERS

Ned Ludd Books, AZ.
Appropriate Designs Construction, CA.
C2 H2 Ltd., CA.
Compuclassics, CA.
Conservatree Paper Corporation, CA.
Dilworth Software, Inc., CA.
Eco Ed, CA.
Environmental Resource Project, CA.
Real Goods, CA.
Smith and Hawken, CA.
Tips & Associates, CA.
Dick Business Enterprises, CO.
Jim Morris Environmental T-shirts, CO.
Rising Sun Enterprises, CO.
The Runner Up Shop, CT.
CEHP Incorporated, DC.
Metnet, DC.
GreenDisk, DC.
Earthly Wonders, DE.
Hollywood Heart Surgery, FL.
Wilderness Southeast, Inc., GA.
Dr. MJ Caire, Obstetrics and Gynecology, LA.
Atlantic Recycled Paper Co., MD.
EcoPrint, MD.
GreenGoods, MD.
Qualitas Software, MD.
Stone Mountain Improvements, MD.
Tilbury House Publishers, ME.
Video Productions-UK, MO.
Still Point International, NH.
Campmor, NJ.
Emerald Green Sound Productions, NM.
Crusader Glass & Design, NY.
Earth Television Network, NY.
Human-i-Tees, NY.
John Rossi Company, Inc., NY.
The Caucus Partnership, NY.
The Foghorn, NY.
Ranpak Corp., OH.
Boltman's Nursery, Inc., OR.
Wild Oregon Images, OR.
Al-Len Pattern Company, PA.
Earth's Keepers, RI.
Environmentally Yours, SC.
Educational Video Network, TX.
Dream Garden Press, UT.
Atlantic Futon, VA.
Crazy Horse Studio, VA.
Prentiss Associates, WA.
Earth Care Paper Co., WI.
Future is Now Recycling, WI.
Solar Age Press, WV.
Total business, 51.
Total individuals represented, 10,370.

Grand total groups & businesses, 262.
Grand total, individuals represented, 2,188,142.

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## TOWN OF STANFORD, NY, CELEBRATES BICENTENNIAL

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. SOLOMON. Mr. Speaker, the Dutchess County town of Stanford, NY, is celebrating its 200th birthday this year.

It was in 1793 that the New York State Legislature separated Stanford from the town of Washington, which, like Stanford, was part of the early Great Nine Partners Patent.

The town has certainly come a long way from the time of its earliest deed to a settler back in 1749. In 1790, the first national census showed a population of 5,189 inhabitants in the original town of Washington, of whom 78 were slaves. If that population was fairly evenly distributed, there were probably about 2,320 people in the Stanford part of the area.

Actually, Mr. Speaker, you might say that Stanford almost disappeared from the map over the next 140 years. The population actually dwindled to 1,267 by the 1930 census. But then the town started to grow. There were 355 more people by 1960, 800 more between 1960 and 1970, and 1,000 more the next decade.

The first town election was in April 1794. A 1797 map shows that Stanford, besides its first residential dwellings, could boast of a Methodist church, a Baptist meeting house, a doctor, three stores, two taverns, three stills, and a dozen mills. The sawmills especially were kept busy clearing the forests for materials to construct the New England-style clapboard houses that are still common in Stanford.

In the last century, when railroads were a more dominant mode of transportation, many refugees from New York City came to Stanford to escape the heat, making the town an important summer estate center. Some of those early boarding houses are still around.

Farming is still an important part of the Stanford economy, but many residents now commute to a nearby International Business Machines plant and other important businesses.

But I want to emphasize, Mr. Speaker, that Stanford has still retained much of its small-town character. It's that character that made America great, and it's what I like about the town.

Mr. Speaker, I ask you and other Members to join me in wishing the town of Stanford a happy birthday as it enters its third century.

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## LET AMERICANS WHO BOUGHT INTO THE U.S. SAVINGS SYSTEM REDEEM THEIR NOTES

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. LIPINSKI. Mr. Speaker, thousands of Americans, most of whom are elderly, currently hold savings notes that are no longer honored by the U.S. Government. Today, I introduced a bill that will allow individuals who still hold these bonds to cash them.

The Postal Savings System was established in post offices in 1911, based on an Act of Congress. The purpose was to get money out of hiding, attract the savings of immigrants who were accustomed to saving at post offices in their native countries and to provide convenient depositories during working hours since post offices were open longer than banks.

Over the years, as people turned increasingly to banks for savings, the Postal Savings System dwindled in popularity. In 1966, Congress terminated the system and transferred the unpaid deposits to the Treasury Department to hold in trust. By an Act of Congress in 1984, any individual still holding a Postal Savings Note was given a year to redeem them for face value. Notices to this effect were placed on post office walls.

Since that year passed, the Treasury Department has received over 2,000 written inquiries and innumerable telephone inquiries from people wishing to cash in their old notes. A standard rejection letter was sent to each.

My legislation is a technical amendment which will extend the statute of limitations for redemption to December 31, 1998. In addition, this bill instructs the Secretary of the Treasury to design and implement a publicity campaign to reach individuals who possess these notes.

I believe that Americans who buy into a savings system provided by the Government should be able to redeem their notes. I urge my colleagues to join me by cosponsoring this legislation.

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## BUD HEINSELMAN—FRIEND OF THE ENVIRONMENT

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. VENTO. Mr. Speaker, I would like to share with my colleagues the news of the passing of a true friend of the environment, Miron (Bud) Heinselman. A retired Forest Service employee, Bud Heinselman dedicated his life to protecting our natural resources.

In particular, Bud Heinselman focused his considerable energies on protecting the Boundary Waters Canoe Area Wilderness [BWCAW] located in the Superior National Forest of northeastern Minnesota. Bud recognized the immense importance of the BWCA and the threat to this valuable wilderness resource from logging, mining and motorized use.

An expert witness in the lawsuit to stop logging in the BWCA wilderness, Bud retired early from the Forest Service to devote himself full time to protecting this the largest wilderness area east of the Rockies through a new law.

Bud was a leading force in establishing the Friends of the Boundary Waters Wilderness, a citizens' grassroots organization committed to protecting the BWCA. As the chairman of the Friends, Bud literally moved to Washington, DC in 1977 in order to shepherd legislation through Congress. It was in that capacity that I met and worked closely with Bud Heinselman.

As a freshman Member of Congress and the only Minnesota Representative serving on the House Interior and Insular Affairs Committee, I became intensely involved in the BWCA debate, chairing field hearings in St. Paul and Ely, MI, and participating in the consideration of this important legislation.

Throughout the process, Bud Heinselman was a tireless advocate, a trusted adviser and a personal friend. It was his work and commitment to the Boundary Waters that inspired us all and kept us focused on passing a strong environmental bill. Many times during the process, when others were willing to throw in the towel, Bud Heinselman was there pushing us to act. Bud Heinselman would not let the Congress yield to emotion or political expedience and insisted upon a positive land use policy based on the facts. As a result of his efforts, Congress did pass the Boundary Waters Canoe Area Wilderness Act. This is the law that today protects the BWCAW.

Following the passage of this law, Bud Heinselman did not rest on his laurels. Instead he threw himself into insuring that the BWCAW law be implemented and the wilderness protected. From Forest Service regulations to the fight for strong acid rain laws, Bud Heinselman put his training and conservation values to practice, becoming an environmental leader.

Among Bud's survivors is his wife and partner, Fran. Bud and Fran worked as a team. Throughout the entire debate on the BWCAW in 1977–78, Fran worked with Bud and kept him going. Their partnership was one built on love and respect, that they have shared with all they have touched. It has been a pleasure for us all to read Bud and Fran's Christmas letters to learn how active they remained and how they still enjoyed the BWCAW.

Mr. Speaker, Bud Heinselman was a major force in protecting the BWCAW. His motivation was not celebrity status nor personal gain. Bud Heinselman was motivated by his deep personal love for this very special resource and the idea of protecting our American natural heritage, our Minnesota wilderness.

In closing, I would like to share with you the words of writer Sig Olson, which could well serve as a reflection of the values and the practices of his good friend, Bud Heinselman:

> The preservation of wilderness is more than rocks, trees, beautiful lakes and rivers—it's the salvation of the human soul. It satisfies our hunger to experience the primitive, the natural world.

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## LET'S INCREASE PAYMENTS IN LIEU OF TAXES [PILT]

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to increase the authorization for the Payments in Lieu of Taxes [PILT] Program by the Consumer Price Index. My legislation amends the PILT Act of 1976 which partially compensates local governments for the taxes that they would have received for tax-exempt Federal lands within their boundaries.

The authorization for PILT has been at the same level since 1976, and thus these payments are now worth less than half of their original value. This bill would redress that issue and protect future payments.

More than 1,700 counties and some cities and towns in 49 States benefit from this program. Most of these happen to be rural counties whose boundaries contain our national parks, forests, wildlife refuges, and BLM lands. These payments enable these local governments to provide for education, police, transportation, health care, and other essential services. These funds also help these governments provide services to the users of public lands.

I am open to working with their Members of the House and all interested parties to shape this legislation. I look forward to working with my colleagues in the Interior Committee to move this vital legislation.

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## THE CAPITAL BUDGETING ACT OF 1993

### HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. WISE. Mr. Speaker, I rise today in support of legislation to establish a Federal capital budget.

Highways. Federal salaries. Health benefits. Foreign aid. The Federal Government pays for all of these programs through taxes and borrowing.

The Federal Government's unified budget currently makes no distinction between money borrowed for salaries and money borrowed for highways. But all borrowing is not created equal. Borrowing for physical infrastructure can be justified if it pays for itself in the long run by increasing the Nation's wealth and capacity for future economic expansion. Borrowing to meet the day-to-day expenses of Government cannot.

Today I have introduced legislation that would divide the Federal unified budget into an operating budget and a capital budget. The operating budget would include all programs that meet the immediate obligations of running the Government. The capital budget would include long-term, tangible investments in infrastructure. This legislation would direct the operating budget to be balanced, but would allow the Federal Government to borrow money for certain investments in infrastructure that increase the national wealth and contribute to economic growth.

The concept of a Federal capital budget is not new. The budget was expanded in the 1950's to include information on investment spending. Reform in the 1980's required even more investment information in the unified budget. Many other industrialized countries employ a capital budget and businesses and most State and local governments have investment budgets that separate long-term capital investments from year-to-year operating costs. Individuals and groups as diverse as former OMB Director Richard Darman, the General Accounting Office, and the Progressive Policy Institute have endorsed distinguishing between investment and consumption spending. As a recent GAO report on the harmful effects of the deficit points out,

> A new [budget] decisionmaking framework is needed, one in which the choice between consumption and investment spending is highlighted throughout the decision process, rather than being displayed for information purposes after the fact.

Businesses know the difference between borrowing to consume and borrowing to invest. Borrowing is a smart move when the money is used to finance productive investments that help a business modernize its equipment, expand, and become more profitable. But borrowing money to pay salaries or executive bonuses or to send employees to expensive conferences rather than to modernize would be foolish.

I believe the Federal Government should make this same distinction in its budget. By borrowing for current expenses the Government is asking future generations of taxpayers to pay for the cost of running the Government today. But borrowing to invest is different. If the Government passes part of the cost of building a road to future taxpayers, it also gives them something in return—a new highway that will encourage economic development, facilitate commerce, and increase economic growth for years to come.

Instituting a capital budget would force policymakers to decide whether or not each investment is worth borrowing money to finance. In addition, the public would benefit from knowing that the Government's current costs are being paid for and that any borrowing is for investments in the future rather than paying for the present and saddling future generations with bad debt.

Everyone agrees that the United States must make investments that are critical to future economic growth but that the budget deficit must also be reduced. Rather than going from crisis to crisis, the Federal Government should have an institutionalized system of long-term investment planning. Adopting a Federal capital budget would provide such a mechanism.

Mr. Speaker, this is a time of fundamental change in the way Government serves the people. In order to be more responsive to taxpayers' needs and more responsible with taxpayers' money, the Federal Government must reform its budgeting to distinguish between consumption and investment. The legislation I have introduced today would effect this critical change and I encourage my colleagues to support this important budget reform.

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## A TRIBUTE TO THE MEMORY OF SHELIE LASHAY TURNER

### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BLACKWELL. Mr. Speaker, I rise today to bring to the attention of my colleagues a most tragic event which has taken place in the city of Philadelphia. While a cold-blooded murder has taken the life of a gifted and beautiful young woman, nothing can ever take away the memories of Shelie LaShay Turner that her friends and family will cherish forever.

Shelie was a remarkable young woman who never ceased to amaze her teachers and coaches with her speed, persistence, and dedication. As a member of the William Penn Lions High School track team, Shelie was constantly breaking league records, and leaving her competition in the dust. In the words of her track coach, Shelie was "a national class runner", "who never made a big deal out of running or winning. She had that star quality as an athlete and a person." As a senior in high school, Shelie had fine grades, and was hoping to attend college. Her ultimate goal, however, was a chance to compete in the 1996 Olympics.

It is clear, Mr. Speaker, that Shelie was the kind of woman who was accustomed to reaching her goals, no matter how high they might have been. As the captain of the William Penn Lions track team Shelie had broken many league and State records. I would like to point out, Mr. Speaker, that Shelie accomplished these tremendous feats in a high school program that does not even have its own track. The girls trained on the streets of Philadelphia, running around the perimeters of public housing developments. In her typically optimistic fashion though, Shelie once told a Philadelphia newspaper that "we have to dodge dogs sometimes." She was not complaining, though. She said running on an oval track was boring. Unlike so many youths her age who grow up in our inner cities, Shelie always made the best of what she had.

Shelie was also a great friend, who was always eager to help others. From providing leadership on the track team, to convincing a pregnant friend to stay in school, Shelie could always be relied on and trusted as someone to whom her friends could turn.

And now, Mr. Speaker, we are left with the questions that burn so deeply. Who would act so brutally to take away the life from Shelie, a woman with so much potential, and inner beauty? It is a sad day when our city streets have become so ruthless that the value for human life has been disregarded completely.

We must now put our supreme faith in the Lord above to carry Shelie's family and friends through these trying times. I ask my colleagues to rise, and join me in paying our greatest respects to the memory of Shelie LaShay Turner. On behalf of the entire U.S. Congress, we extend our most sincere condolences to Shelie's family and friends.

Let the memory of this extraordinary young woman carry us through this darkest hour, and always serve as a reminder of the amazing vitality that one person can possess.

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## BICENTENNIAL OF SAM HOUSTON'S BIRTH

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. BRYANT. Mr. Speaker, today is Texas Independence Day and the 200th anniversary of the birth of a great American and the greatest Texan—Sam Houston.

Sam Houston was born in Timber Ridge, Rockbridge County, VA, on March 2, 1793. Immigrated with his family to Tennessee in 1807, fought and was wounded in the Battle of Horseshoe Bend, where his bravery was recognized by Gen. Andrew Jackson, who became his mentor.

Sam Houston, in Tennessee, taught school, studied and practiced law, and served as Congressman and Governor.

Sam Houston immigrated to the Territory of Arkansas, acquired citizenship from the Cherokee Nation, and served as its Ambassador to the United States.

Sam Houston crossed the Red River into the Province of Texas, Republica of Mexico, in 1832, practiced law, was a delegate to the Texas Convention of 1836, signed the Texas Declaration of Independence on March 2, 1836, and was elected commander in chief of the Texas Army.

Sam Houston led the Texas Army to victory at the Battle of San Jacinto on April 21, 1836, liberating Texas from Mexico and molding it into a sovereign nation.

Sam Houston served two terms as president of the Republic of Texas, served as U.S. Senator from Texas from 1846 to 1849, and served as Governor of the State of Texas.

Sam Houston was a man of courage, vision, and integrity, a great orator, a steadfast champion of Indian rights, even in the face of controversy, and of the Union, even on the eve of civil war, a man famous for compassion, diplomacy, and wit.

It is hard to imagine that any person at any time in our history could have lived so much, accomplished so much, and left such an enduring legacy as Sam Houston did in his 70 years on this earth.

I ask you, my colleagues, and my fellow Americans to join me in observing the bicentennial of the birth of Sam Houston and to pay tribute to the lasting influence of this great man, to his birth, and to his memory.

## IN SUPPORT OF A VETERAN'S RURAL HEALTH CARE CLINICS PROGRAM

## HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. POMEROY. Mr. Speaker, I am very pleased to offer my support for the Veteran's Rural Health Care Clinics Program. When enacted, this legislation would enable us to determine better ways to furnish health care services to rural veterans. My Senate colleagues from North Dakota introduced the companion bill last week.

Veterans all over the country are not receiving the health care benefits to which they are entitled because they live in rural and remote areas. In my home State of North Dakota, over 34,000 veterans—more than 50 percent of the States total veteran population—live in counties 100 miles or more from the only DVA medical center in the State. In Montana, the situation is much more grim, where 83 percent of veterans live more than 100 miles from the nearest DVA health care facility. Overall, DVA indicates that more than 131,000 veterans live in counties that are 2 hours from the nearest DVA medical facility.

But the Senate Committee on Veterans Affairs reported distance is not the only hurdle for some veterans. While most veterans in West Virginia live less than 100 miles from a facility, rugged topography, poor roads, and sporadic public transportation combine to make it more difficult for many veterans to get to the facilities.

My bill would evaluate three options: Mobile health care clinics, equipped, operated and maintained by DVA personnel; part-time stationary clinics operated by DVA personnel; and part-time stationary clinics operated through contracts with non-VA entities.

To ensure that care from rural health care clinics is available to veterans on a geographically distributed basis, the bill would prohibit DVA from establishing more than one clinic under this program in any one State. At least three of the nine clinics would be mobile clinics. As to the remaining six clinics, the Secretary would have discretion to determine what combination of mobile and part-time stationary clinics would be most appropriate to carry out the program's goals.

Utilization and evaluation of these three different means for furnishing ambulatory care services should enable DVA to determine the geographic conditions and ranges of services for which mobile clinics or part-time stationary clinics are more effective.

The strength of the mobile clinic approach is its flexibility. Mobile clinics can treat small, scattered veteran populations in remote areas where the workload is insufficient to justify establishment of a permanent clinic. They can be shifted among various locations to accommodate fluctuating demand and to provide veterans with convenient access to care. But because mobile clinics may not constitute the most effective means in every situation, the VA will also establish part-time stationary clinics when the veteran population is more concentrated but not enough to sustain a full-time clinic facility.

In order to properly evaluate the effectiveness of the program, this bill would require the Secretary to submit a report to Congress which would contain information regarding the types of health care services furnished under the program, including a detailed specification of the cost of such services, the veterans furnished services under the program, and the types of personnel who furnished services to veterans under the program. With regard to the veterans furnished services under the program, the report would be required to contain an analysis of the extent to which these veterans otherwise would have received DVA health care services and the types of services they would have received.

This bill would authorize $3 million in fiscal year 1994, $6 million in fiscal year 1995, and $9 million in fiscal year 1996, for a total authorization of $18 million to carry out this bill.

Mr. Speaker, there is no question that the expansion of rural health care options, including the use of mobile clinics, is a most important step in improving health care access for veterans in rural areas. Recently, the importance of these services from mobile health care clinics became abundantly clear when three mobile health care clinics—clinics that were just turned over to the Department of Veterans Affairs for use in Prescott, AZ; Spokane, WA; and Fayetteville, NC—were pressed into service to assist the victims of Hurricane Andrew in south Dade County, FL. Those three clinics contributed tremendously in helping to meet the immediate health care needs of thousands of individuals and families affected by the devastation from Hurricane Andrew. Mobile clinics clearly proved their value, and when combined with part-time stationary clinics, will significantly assist veterans who lack basic health care services simply because they live in rural and remote areas.

## FOR THE RELIEF OF JUNG JA GOLDEN

## HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. EDWARDS of Texas. Mr. Speaker, today I am reintroducing legislation for the relief of Jung Ja Golden. Mrs. Golden is a native of South Korea and the widow of Arthur J. Golden. Her husband died on November 14, 1991. Since her husband's death, Mrs. Golden has constructed a new life here in the United States. This legislation would grant Mrs. Golden immigration status which would allow her to remain in this country.

Jung Ja Golden's resilience after the death of her husband is admirable. She obtained a driver's license, passed the GED examination, and is currently enrolled in McLennan Community College in Waco, TX. Mrs. Golden also has participated in community service programs, such as Meals on Wheels, which deliver food to the homes of the elderly. Mrs. Golden is close to her husband's family and has made many friends in Waco, TX. In my opinion, Jung Ja Golden embodies the American spirit of perseverance. Therefore, I believe it would be in order for Mrs. Golden to remain in the United States.

## TRIBUTE TO THE CATHOLIC DIOCESE OF GREEN BAY, WI

## HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. ROTH. Mr. Speaker, I rise today to pay tribute to the Green Bay Catholic Diocese as it celebrates 125 years of service to the community. The diocese was first established in northeastern Wisconsin in 1868, and has been flourishing there ever since.

The Green Bay Catholic Diocese is a bastion of Christian values, and a model of cultural diversity. From 1868 to 1993 the diocese has served the faith in 16 counties of northeastern Wisconsin. Since then, the number of Catholics in the area has grown from 40,000 to 360,000. The diocese has also expanded geographically and culturally, embracing both urban and rural areas and welcoming new parishioners of all backgrounds and ethnic heritages.

In fact, the oldest Catholic church building in the Green Bay Diocese was built in 1867 and is still in use. The continued use of this church, which is located in Stephensville, is a testimony to the strength of the diocese, the dedication of its parishioners, and the devotion of its bishops.

Like his predecessors, Bishop Robert Banks, the 10th bishop of the diocese, has worked hard for the enrichment of the community. He has personally visited each parish, implemented a study of diocesan schools and their policies, and entered into a covenant with local Lutheran and Episcopal churches. His dedication is admirable.

It is with pride that I commend the Green Bay Diocese for its outstanding and lengthy service to Wisconsin. I offer it my best wishes for the continuation of its service to God and the community for many years to come.

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## TRIBUTE TO ALLAN R. JONES

## HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MINETA. Mr. Speaker, I would like to take this opportunity to congratulate Allan R. Jones on reaching a milestone in his career—20 years in the trucking industry. Allan has represented the needs of the 7.8 million people employed in the trucking industry. I know that they are grateful for his efforts.

We often tribute to our service men and women when they return from combat. And as I listen to my colleagues announce the names of those heroes, I find myself reflecting on where their post-military life will lead them.

Allan Jones is one such hero. Many years ago, he was awarded the Silver Star and Purple Heart for his efforts in the Korean war.

After his return, Allan worked as a staff reporter for several newspapers. He began his political career as a legislative assistant to U.S. Senator William Spong, Jr. He went on to have a distinguished career in the trucking industry.

Allan began at American Trucking Associations as a legislative representative, and was later promoted to manager of legislative affairs. It was in this position that Allan worked with the Public Works and Transportation Committee on key pieces of legislation including: the Intermodal Surface Transportation Efficiency Act of 1991, the motor carrier deregulation bill, the 1984 truck safety bill, the Commercial Motor Vehicle Safety Act, and various hazardous materials regulations.

Among those in Congress and the trucking industry, Allan is renowned as a consummate professional. He is temperate and credible while being passionate about his work. Allan, thank you for your dedication and congratulations.

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## CHARLES R. JACKSON, THOMAS F. SILK ELECTED TO HEAD NCOA

## HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MONTGOMERY. Mr. Speaker, it is with great pleasure that I inform my colleagues of the election of Charles R. Jackson as president of the Non Commissioned Officers Association [NCOA] at the organization's board of directors meeting on February 13. Those of us who work on military issues are very familiar with Chuck and his capabilities, and I am pleased to see him move into this important position with such a fine military association. He will be an effective leader for the organization.

Chuck is a retired Navy master chief petty officer who served his country in uniform for more than 25 years. During those years, he served aboard several ships, including the aircraft carriers *Franklin D. Roosevelt* and *John F. Kennedy.* He served his final tour in the Navy as the force master chief of the Navy's Recruiting Command.

In 1979, Chuck joined NCOA's Washington staff and was soon elected to the association's board of directors. In 1981, he became NCOA's first certified national veterans service officer and headed NCOA's service program for several years thereafter.

Chuck was elected chairman of NCOA's board of directors in 1984, and held that position until he was elected executive vice president in 1988. Concurrent with his service on the board and as an officer of the association, Chuck served as head of NCOA's Washington office.

Under this leadership, NCOA's Washington staff has worked hard and successfully to help create better programs for military personnel and veterans. NCOA's efforts led to special recognition by the Congress in 1988, when the organization was granted a Federal charter.

Chuck Jackson also served as a commissioner on the congressionally mandated Advisory Commission on Veterans Education Policy and as a member of the Secretary of Veterans Affairs' Advisory Committee on Women Veterans.

Chuck and his wife Sylvia live in Fort Washington, MD.

I also want to bring to your attention the election of Thomas F. Silk as executive vice president of NCOA.

Tom, a retired chief master sergeant, is a veteran of more than 31 years of Air Force service. His various assignments have carried him to Japan, Korea, Germany, France, Vietnam, Thailand, and Hawaii. During his years in service, Tom was a leading proponent of professional military education. He helped to establish the Air Force First Sergeant's Academy and is a graduate of several Air Force senior leadership schools.

Upon retirement from service, Tom became deeply involved in NCOA. He served as vice president and president of the association's sponsored services company. At various times, he also served as chapter chairman, association trustee, State director, and Grand Knight of the NCOA's Knights of the Square Table.

As executive vice president, Tom will be responsible for the day-to-day operation of the association and the proper management of its financial resources.

Mr. Speaker, I know my colleagues join with me in expressing congratulations to these two gentlemen, and best wishes for their continued success as they assume the top two leadership posts in the NCOA. I believe we should also thank Chuck and Tom for their more than 56 years of combined service to America. The organization is in very steady, skillful, and patriotic hands.

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## TRIBUTE TO KEVIN PETERSON

## HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Kevin Peterson for his outstanding, dedicated service to the South Bay community. In recognition of a broad range of civic activities, Kevin has been named "South Bay Citizen of the Year" by the Wellness Community-South Bay Cities.

For many years, Kevin Peterson has served his community by lending his leadership and enthusiasm to local organizations in California's 36th District. He has enriched the lives of many in the South Bay area. It is all too often that we recognize the problems in our communities yet are not fully aware of such public servants, who through their motivation and deeds have contributed immeasurably to those around them. Mr. Speaker, I would like to make my colleagues aware of the extent of this man's service to his community.

Kevin Peterson is currently a member of Little Company of Mary Hospital's strategic planning committee, Torrance Memorial Medical Center's foundation board, and president of the South Bay Association of Chambers of Commerce.

During his years of service, he has also served as president of the Redondo Beach and Torrance Chambers of Commerce, and the Rotary Club of Palace Verdes Peninsula. His enormous commitment to these organizations was not without acknowledgment—he was named President of the Year by his local rotary district in 1991, Redondo Beach Man of the Year in 1989, and the J. Walker Owens Volunteer of the Year in 1992.

Moreover, he is an active member of numerous boards of directors, including the El Camino College Foundation, Torrance YWCA Advisory Board, South Bay Volunteer Center, Community Association of the Peninsula, California State University, the Retired Senior Volunteer Program, and the Redondo Beach Salvation Army.

Mr. Peterson has even lent his musical talents to the community by participating in musical entertainments to benefit fundraising events such as Taste of the South Bay, Festival of the Trees, Design House, and For Our Children.

Personally, I have gotten to know Kevin Peterson very well recently as we have been working together to save the Los Angeles Air Force Base. His energy and resourcefulness have been invaluable in this effort and I sincerely appreciate his efforts.

Mr. Speaker, I am proud to know that this outstanding community leader is a part of my district, and shares with us his knowledge, compassion, and talents. I hope his example will encourage others to get involved and enrich the lives of those in their community who need it most.

## AGRICULTURAL WORKER PROTECTION REFORM ACT OF 1993

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 2, 1993*

Mr. MILLER of California. Mr. Speaker, it has been more than 30 years since Edward R. Murrow's landmark documentary "Harvest of Shame" exposed the deplorable living and working conditions of migrant farmworkers. Congress has intervened three times since then to enact laws to protect agricultural employees from financial abuses, wretched housing, deadly pesticide exposure, and exploitation of children.

Despite these efforts, working and living conditions for migrant agricultural workers remain deplorable and in some cases have deteriorated. According to recent reports by the General Accounting Office, the Commission on Agricultural Workers, the news media, and testimony by farmworkers, migrant workers: Are often exposed to pesticides with no education about the effects of pesticide exposure; work in fields without drinking water, handwashing facilities, or toilets; endure routine child labor violations; often receive inadequate medical services and are denied Social Security benefits; have lost ground in real wages since 1980 and continue to suffer abuses of the minimum wage laws; are housed in grossly substandard labor camps, and; are transported in dilapidated, overloaded, and unsafe vehicles.

As the author of the last law Congress passed to protect migrant agricultural workers—the 1983 Agricultural Workers Protection Act [AWPA]—I am familiar with the plight of farmworkers and the response by the administration and the growers to Federal law.

The declining conditions of migrant workers is due in no small part to the lack of enforcement of existing laws by the Labor Department under Presidents Reagan and Bush. In fact, agriculture enforcement at the Labor Department has declined 50 percent between 1988 and 1992, according to the Department's own statistics. Growers and their contractors have acted with virtual impunity for the last 12 years.

In addition, employers have found new ways to avoid the law. Since the mid-1980's, growers have relied extensively on farm labor contractors, known as crewleaders, who are paid a fee to hire, transport, and house migrant laborers, but who often provide no services or substandard services to the agricultural employee.

Some growers, such as the U.S. Sugar Corp. in Florida, have recognized that abiding by the law and protecting their workers is better for their business. But they are the exception, not the rule.

The protections enacted in 1983 have resulted in lengthy court battles as growers and workers argue over whether the contractor or the grower is responsible for the violation.

The amendments to my 1983 law that I am introducing today, with Education and Labor Committee Chairman BILL FORD and Congressman HOWARD BERMAN, will eliminate any ambiguity over responsibility and thus will reduce violations. The amendments make growers responsible for ensuring that the farm labor contractor is abiding by the law. Growers and contractors have had the chance to end their abusive practices on their own and with few exceptions they have failed. Now they will abide by the law or they will pay dearly and, in some instances, lose their right to conduct their business altogether.

Specifically, the amendments will: Hold growers liable for violations committed by the farm labor contractors; eliminate distinctions between seasonal and migrant workers; make employers responsible for meeting all local, State, and Federal health and safety laws and regulations, including child labor laws; require crewleaders to post a performance bond to ensure payment of wages owed to farmworkers; disqualify persons convicted of serious crimes from becoming crewleaders; require full disclosure to farmworkers of all the terms and conditions of their employment; increase the penalties for growers and crewleaders who violate the act, and; require employers to provide child care if they have 25 or more employees, and provide field sanitation and protection from heat stress regardless of the number of employees.

I appreciate the support of Chairman FORD, who is also intimately familiar with these issues as the author of the 1974 law to protect migrant workers. I look forward to working with my colleagues, with Labor Secretary Reich, with the industry, and with the advocacy community in carrying out the letter and the spirit of the law to protect migrant agricultural workers.

Thirty years is far too long to have allowed these abuses to occur. As Maya Angelou poignantly stated in her Inaugural poem, we cannot unlive history, for its pain is too real, but we do not have to live it again.

# HOUSE OF REPRESENTATIVES—*Wednesday, March 3, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that there is much in the lives of people that is difficult and painful, but we also know that there is joy and celebration too. We experience that which is sorrowful and frustrating, but we sense also the presence of dignity and majesty and honor among people and what they do. We pray, O loving God, that we will walk the paths of our lives with the assurance that Your presence is ever with us, that Your power can sustain us, and that Your peace is with us to the end of our days. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I respectfully demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 150, not voting 35, as follows:

[Roll No. 49]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Foley
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Wilson
Wise
Woolsey
Wyden
Yates

NAYS—150

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—35

Berman
Brown (CA)
Byrne
Clayton
Cox
DeLay
Dellums
Evans
Fields (TX)
Ford (MI)
Ford (TN)
Hamburg
Henry
Hyde
Jefferson
Knollenberg
Lloyd
Martinez
McDade
Miller (CA)
Payne (VA)
Pomeroy
Roemer
Rostenkowski
Roukema
Saxton
Schenk
Sisisky
Thurman
Valentine
Washington
Whitten
Williams
Wynn
Young (AK)

□ 1225

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentleman from Indiana [Mr. MCCLOSKEY] please come forward and lead the House in the Pledge of Allegiance?

Mr. MCCLOSKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution to recognize the heroic sacrifice of the Special

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, TX.

The message also announced that pursuant to Public Law 102–392, the Chair, on behalf of the Republican leader, announces his appointment of Mr. STEVENS, to the Commission on the Bicentennial of the U.S. Capitol.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. REID, from the Committee on Appropriations, and Mr. SHELBY, from the Committee on Armed Services, to the Board of Visitors of the U.S. Military Academy.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Ms. MIKULSKI, from the Committee on Appropriations, and Mr. SARBANES, at large, to the Board of Visitors of the U.S. Naval Academy.

The message also announced that pursuant to section 1295(b), of title 46, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, appoints Mr. HOLLINGS, ex officio, and Mr. BREAUX, from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Merchant Marine Academy.

The message also announced that pursuant to Public Law 102–392, the Chair, on behalf of the Republican leader, appoints Mr. STEVENS, Mr. GRASSLEY, and Mr. NICKLES, as members of the Bipartisan Task Force on Senate Coverage.

The message also announced that pursuant to section 194(a), of title 14, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, appoints Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, to the Board of Visitors of the U.S. Coast Guard Academy.

The message also announced that pursuant to Public Law 102–392, the Chair, on behalf of the majority leader, appoints Mr. FORD, Mr. REID, and Mr. AKAKA, as members of the Bipartisan Task Force on Senate Coverage.

The message also announced that pursuant to section 9355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. EXON, from the Committee on Armed Services, and Mr. HOLLINGS, from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that pursuant to Public Law 86–380, the Chair, on behalf of the Vice President, appoints Mr. DORGAN, to the Advisory Commission on Intergovernmental Relations, vice Mr. ROBB.

The message also announced that pursuant to Public Law 93–618, as amended by Public Law 100–418, the Chair, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Mr. MOYNIHAN, Mr. BAUCUS, Mr. BOREN, Mr. PACKWOOD, Mr. DOLE; and as alternate official advisers: Mr. BRADLEY, Mr. MITCHELL, Mr. PRYOR, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mr. CONRAD, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, and Mr. WALLOP.

## ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. HOYER. Mr. Speaker, by direction of the Democrat caucus, I offer a privileged resolution (H. Res. 110) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 110

*Resolved*, That the following named Members, be, and they are hereby, elected to the following standing committee of the House of Representatives: Committee on the Budget: Glen Browder of Alabama; Lynn C. Woolsey of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RECOGNITION OF BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AGENTS KILLED IN THE LINE OF DUTY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on Sunday, February 28, four agents of the Bureau of Alcohol, Tobacco and Firearms [ATF] gave their lives to uphold the rule of law in America. Fifteen other ATF agents were wounded by gunfire or hurt as they attempted to recover firearms and explosive devices held illegally at a ranch near Waco, TX.

In ATF's long history, extending back to the 1860's, 184 agents have given their lives in the line of duty. This honor roll now includes the four agents killed in Texas on February 28: Special Agent Steve Willis of the Bureau's Houston post of duty, Special Agent Robert J. Williams of Little Rock, and Special Agents Conway LeBleu and Todd McKeehan of New Orleans.

The deceased agents were members of ATF's elite special operations teams. These are the teams that take on the most hazardous jobs of apprehending armed, dangerous criminals. Last year ATF special operations teams went into action more than 230 times, without loss of life, in the process of bringing to justice many vicious criminals. Last year, also, investigations by ATF's small force of 2,200 agents caused charges to be brought against more than 13,000 bombers, arsonists, gun runners, dope dealers, and other dangerous offenders.

We aspire to build a peaceful democratic Nation. But so long as some people choose violence over law and order, our Nation shall require the services of peace officers, including those of the Bureau of Alcohol, Tobacco and Firearms. I join with other citizens in commending the courage of the valiant ATF special agents, and their fellow peace officers throughout America, who face death and injury every day to keep our Nation safe. We grieve for the agents who died in the line of duty. We hurt with the agents injured in doing their duty. We extend our heartfelt sympathy and our total support to their families.

## CHANGE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, all of the Members on this side of the aisle also add our condolences to the gentleman from Maryland's for the fallen agents, and we thank him for his statement.

Now let us turn to another subject that is on everyone's mind. I want to talk about change, Mr. Speaker.

Early this year, Mr. Speaker, the President of the United States realized he had a problem, and his problem was how do Democrats, who are known by the American people to tax and spend, do the same thing to the American people and have them think that it has changed?

□ 1230

Mr. Stephanopoulos proved his worth because he came up with "contribute and invest" instead of "tax and spend."

Mr. Speaker, President Clinton has achieved change.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Let the Chair state that the Chair will recognize the gentleman from New Hampshire [Mr. SWETT] for 1 minute. There is a special list here, and the Chair states for the benefit of Democratic Members that the Chair will go by this list after this 1 minute by the gentleman from New Hampshire. Other Members who are not on the list will be recognized after the Chair has recognized all Members who are on the list.

## INTRODUCTION OF THE CONGRESSIONAL ACCOUNTABILITY ACT

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, I rise today on an issue which reaches to the heart of our efforts to regain the trust of the American people. I rise on behalf of bipartisan legislation—H.R. 349, the Congressional Accountability Act—which Congressman SHAYS and I have introduced to end the exemptions Congress enjoys from important laws which cover the private sector and executive branch.

These exemptions are the delight of Congress-bashers everywhere, exploited to put this body in the worst possible light. Those who wish to tear down this institution will continue to seize on these exemptions as ammunition—until we end them.

Beyond our institutional image, there is the simple issue of fairness. Whatever the rationale, it is wrong for us to pass laws which would otherwise apply to Congress and then exempt ourselves—in whole or in part—from their operation.

As an architect by training and a former alternative energy developer, I have worked under a wide gamut of Federal regulations. That experience leads me to believe that we will pass better laws if we know we will be living and working under them ourselves.

Mr. Speaker, I hope Members who have not yet done so will add their names to the cosponsor list for H.R. 349.

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## STATEMENT OF THRIFTY 50

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, President Clinton has asked Americans to reinvent Government. He has also asked Congress to be specific regarding suggestions to cut the budget. I submit you cannot do one without the other.

Too many Federal dollars are still going to fund programs from yesterday's priority list. Clearly, when you are $4 trillion in debt, there are limits to affordability, and Congress needs to reassess the way it does its business and its list of what programs should and shouldn't be funded.

That's why I have introduced House Resolution 105, a list of 50 specific spending cuts totaling $190 billion over 5 years that I believe the Nation can do without. This resolution directs the Budget Committee to include these specific cuts in its budget resolution, or be able to justify on a program-by-program basis why further expenditures are necessary.

I encourage my colleagues to examine my list, or make one of their own. After all, managing the budget is our job. The people we work for are demanding responsible action today.

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## A DEFICIT REDUCTION GUARANTY TRUST FUND PROPOSAL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, one of the many concerns being expressed by my constituents is that the spending cuts and tax increases in the President's economic plan will not actually reduce the deficit.

Concern—and in some cases—outright cynicism about Congress' ability to stick to reducing the deficit is widespread among American voters.

These of course are the same voters who have signaled that they want leadership, that they are willing to sacrifice, that they are convinced that the President's plan will not be sabotaged by more spending.

Mr. Speaker, I say to my colleagues that a number of us—including BILL BREWSTER will soon be circulating a letter outlining our deficit reduction guaranty trust fund proposal.

The essence of the plan is simple:

First, all net tax increases, savings in Social Security, entitlement cuts and debt service go into the trust fund and can only be used for deficit reduction.

Second, any increases in defense or domestic discretionary spending must be offset by cuts of an equal dollar amount in other spending programs.

Third, our plan has an airtight enforcement mechanism that prevents tax increases from being used for more spending.

This plan will work: It will cut the deficit, it will enforce budget discipline with no excuses and no gimmicks, and it will ensure the integrity of the Clinton plan.

Let me say to my colleagues that the American people are looking to us to join President Clinton in showing leadership on reducing our national deficit. The time is now.

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## MEMBERS URGED TO RESIST EFFORTS TO SAVE SELECT COMMITTEES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, let me say to my colleagues that several weeks ago, the House voted 180 to 237 to eliminate the Select Committee on Narcotics. We eliminated one of the select committees, and the other three resolutions to reauthorize the other three select committees were suddenly withdrawn from the floor. Why? Because it looked like they were going to be defeated.

We all know what is going on and what has happened over these last several weeks, with all the arm-twisting that has been underway trying to find enough votes to save these four select committees that spend $4 million and employ 91 staffers when the work they are doing is being done by a number of other committees.

This morning what do I get in the mail? I get a "Dear Colleague" from our friend, the gentleman from New York [Mr. RANGEL], with all these great ideas about why we ought to save the Select Committee on Narcotics. Let me remind our good friend, the gentleman from New York [Mr. RANGEL] and all my colleagues that the Select Committee on Narcotics is dead. It is gone, it has been eliminated, it is over.

I want to ask all my colleagues to dig up that "Dear Colleague" in their offices and look at it. On page 2 they will see a "clip and mail," whether they support, whether they are undecided, or whether they will not support the Select Committee on Narcotics. I would urge Members to clip that, mark it, and mail it.

Mr. Speaker, we do not need any of these select committees.

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## A MESSAGE TO THE "AGINNERS": GIVE THE PRESIDENT A CHANCE

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, we keep hearing from the "aginners" about the President's economic plan and his plans for cutting the deficit. You know what an "aginner" is; that is somebody that no matter what you tell them, they are "agin it."

I understand the "aginners" because they have had 12 years of the administration using one set of books for the economic and budget figures and the Congress using another set. I would be "agin" an economic plan put together like that, too, just like I have been "agin" some of those budgets in the past.

The "aginners" have been told that cutting waste and fraud by itself will balance the budget. It is a good start, but it is only a start. Scapegoating waste and fraud in Government lets the White House, Congress, and everybody else avoid the hard choices.

The President has agreed to one set of figures—from the Congressional Budget Office—even if those CBO figures disagree with his figures. Let us give this novel idea of real numbers budgeting a chance.

Now he is telling us what his plans are for cutting the waste and fraud. The "aginners" need to listen. Honest talk about waste and fraud in Government, and real numbers. I do not know that it has been tried before. Let us give it a chance.

## READ THE FINE PRINT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I urge the American people to read the fine print before they buy into President Clinton's economic package.

It's in those details that the reality emerges: This legislation is the same tired tax and spend policies with a fresh new sales approach.

President Clinton, on his traveling medicine show, has offered the American people a tonic that just won't work. He says that the tonic will cure all that ails the American economy.

But if you read exactly what this tonic contains, you know that this is a prescription for economic disaster.

Higher taxes means slower economic growth. More spending means a higher deficit. Smoke and mirrors spending cuts means no more progress on our national debt.

President Clinton is a persuasive and charismatic salesman who has a package that he wants the American people to buy. But I urge the American people to read the fine print first.

## THE PUBLIC GOOD SUFFERS FROM FOLLOWING NARROW POLITICAL INTERESTS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute.)

Mr. STRICKLAND. Mr. Speaker, President Clinton has challenged us to place the welfare of the country above narrow political interests.

The response of some in the minority party has been disappointing. One member—speaking of the majority—has said, "As long as we're kicking them in the shins and giving them a black eye, we're in control."

Mr. Speaker, such rhetoric is irresponsible.

In the chapel at Asbury College is a plaque. It says: "Here we enter a fellowship. Sometimes we will agree to differ. Always we should resolve to love and unite to serve."

In this Chamber we are bound to differ—that is how it ought to be.

But for some, there is no willingness to unite in order to serve. While President Clinton calls on patriotic Americans to come together and heal old wounds, the vanguard of the status quo in this body chooses to kick shins and give black eyes.

Mr. Speaker, if we truly love our country and want to promote the public good, we cannot condone mean-spirited hostility on this floor any longer. If we are going to address this Nation's problems, we need to act as mature adults, not like schoolchildren on a playground.

□ 1240

## CLINTON TALKS STRAIGHT?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, recently, Bill Clinton told the Nation that he was going to talk straight with Americans. Not even Jay Leno could come up with a better joke than that. He said he needed to raise taxes to tackle the deficit.

But don't worry; 70 percent of the burden will be paid by those earning $100,000 or more, so you're safe, right?

Wrong; his definition of $100,000 might surprise you.

It is not your actual income he is talking about—instead, he is talking about family economic income.

What is that? Well, it includes: Wages, IRA deductions, Keogh plans and life insurance, employer-provided benefits, imputed rent for homeowners, and anything else that could conceivably be of economic value to you.

So if you're thinking, I'm alright, I earn much less than $100,000. Check your numbers.

With Bill Clinton's so-called straight talk, $100,000 is less than you think.

## THE COST OF BEING COMFORTABLE WHILE OTHERS ARE UNCOMFORTABLE

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, some of our colleagues become uncomfortable with talk of taxing the rich.

That is because they are comfortable. For them, it is better for the poor and middle class to be uncomfortable. They prefer to talk about spending cuts.

Those who are promoting spending cuts are not concerned that 35 million citizens, 14 percent of the entire population, have no health care coverage, and the numbers are rapidly rising.

They are not concerned that there are 9 million people out of work, including many who have given themselves in defense of this Nation.

They are comfortable. They have health care. They have jobs. They are comfortable, and they apparently prefer that the hungry, homeless, jobless, and those who lack health care are uncomfortable

Mr. Speaker, to those who ask the question, Can we afford a stimulus program, or can we afford health care reform?

I say, can we afford not to have a stimulus program, can we afford not to have health care reform?

If the questions are not properly asked, we can not get the right answers.

Those who are comfortable should consider the cost of clinging to their comfort, while so many are uncomfortable. We are one Nation.

## TAKE MEAT CLEAVER TO SPENDING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Pennsylvania [Mr. BLACKWELL] said that we are going to tax the rich more. The fact of the matter is that definition now includes anybody making about $24,000 or $25,000 a year, and President Clinton has said that we are going to have 1 dollar in spending cuts for every dollar in tax increases.

Mr. Speaker, let me tell you something: The Republican Study Committee has done a complete analysis of the Clinton proposal, and when you take out the smoke and mirrors, America, and take out the fee increases that they are counting as spending cuts, there is $100 in new spending for every $1 in spending cuts; $100 in new spending for ever $1 in spending cuts.

Before we load more taxes on the American people, we ought to take a meat cleaver to spending. Then talk about taxes.

## CUT REPUBLICAN SACRED COWS FROM BUDGET

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I pray that the Congress of the United States will catch up with the wisdom of the American people and support the President's package

You want a meat cleaver? We can still make some adjustments in that package, and we could use a meat cleaver to get $100 billion more. It will not be easy, but it can be done. Let us cut the Republican sacred cows.

Let us cut CIA and the intelligence budget. We do not need $28 billion or more for the CIA anymore. Let us cut star wars. It is an insult to the intelligence of the American taxpayer to continue a single penny more for star wars. The President has not gone far enough.

Let us cut NATO. NATO generals are living off the fat of the American taxpayers. They have lived off them long enough. We do not need NATO.

We do not need overseas bases. Overseas bases will not disrupt the economies of any of our communities if they are eliminated. We do not need those overseas bases. Let us cut them.

Let us cut the obsolete weapons systems. Let us cut the space station, slow it down even more. It is the wrong design anyhow, so let us cut it some more.

Let us cut the superconducting super collider. Let us cut the strategic oil reserve, and the mohair giveaway program. Let us cut the rural electrification program some more. Let us cut the subsidies that are there for farmers who make $150,000 or more.

Mr. Speaker, let us make some more adjustments in this package. But I support the package.

### SHOOT FIRST, ASK QUESTIONS LATER

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, since his joint session speech, the President and his Cabinet have engaged in an impressive public relations campaign to sell his plan to the American people. One of his major claims about the plan is that it is straight forward and uses honest numbers. This is simply not the case.

Ross Perot said on the CBS Morning News that Americans still don't have accurate numbers on the plan and noted that the Devil is in the details. Most details of Clinton's plan have yet to be released, including specific defense cuts, details on the energy tax and an honest break-down of taxes versus spending.

The Democratic leadership is asking Congress to vote on this vague package in 2 weeks. They seem to be saying vote now, see the details later. This rushed vote amounts to a shoot-first, ask-questions-later policy. I urge my colleagues to demand the facts before any vote on the package.

### GETTING REAL ABOUT THE DEFICIT

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, I have been back to my district twice since President Clinton announced his economic plan. That plan is winning support in my district.

The people I represent are tired of gridlock, tired of the blame game, tired of finger pointing, tired of business as usual. They are ready for the truth, ready for leadership, and ready to take charge of this country's future.

They may not like everything in Bill Clinton's plan, but they know it is fair, they know it is honest, and they know it is responsible.

The people who sent me here are ready to face the facts, and ready to take the steps necessary to cut the deficit.

They expect to hear more from the critics than rhetoric, more than numbers games and cheap talk. If the critics have better ideas, let's hear them. Not gimmicks—specifics.

We have had enough deficit demagoguery in the past 12 years. Reaganomics didn't work. Trickle down didn't work. Voodoo didn't work.

Let's try something real.

### EXCERPTS FROM LETTER FROM CONSTITUENT

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, yesterday I referred to the mail and phone calls I am receiving in regards to President Clinton's economic proposal. Today, I will read excerpts of a letter I opened this morning from a gentleman in Peachtree City, GA.

> DEAR MR. COLLINS: I am 81 years old and I am on social security. I am opposed to Mr. Clinton's program. He is hitting us too hard. He says he is fair but is not.
>
> I am strongly opposed to "value added tax." AARP is pushing this, but they fouled up before. Remember "catastrophic healthcare?"
>
> Past history shows any increase in revenue will be wasted. Cut wasteful spending.
>
> I think Clinton is wrong about homosexuals in the military.

Mr. Speaker, the gentleman further wrote:

> I trust him about as far as I can throw an anvil.

He closed by stating:

> I hope you, fellow Republicans, and conservative Democrats can change Clinton's programs to something practical.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind the gentleman from Georgia [Mr. COLLINS] that the reference the gentleman made to the President is not in order.

Mr. COLLINS of Georgia. Mr. Speaker, I am referring to a letter that I received. I have a copy of the letter in my pocket. I do not refer the remarks to any one individual except you.

The SPEAKER pro tempore. Part of the letter should not be read into or inserted in the RECORD. The statements of other persons, if unparliamentary, should not be utilized in debate.

### WORK TOGETHER TO MAKE PRESIDENT'S PLAN WORK

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, today I rise in support of President Clinton's plan, and also in support of his willingness and courage to do something.

President Clinton's economic plan is a great first step towards reining in our spiraling deficit. We all here agree we must cut wasteful spending while continuing to offer necessary services, as well as providing stimulus and incentives that will produce long-term economic health for our Nation.

Mr. Speaker, I am excited that the President has given Congress a program for change and the opportunity to work with the administration to fine-tune the Nation's economic recovery.

□ 1250

I would like to remind my colleagues that this Nation was built on rural communities and that rural communities are dependent on agricultural economy. Our American farmers have endured more cuts than any other industry in recent years, and they are willing to do their fair share this go-around. But the success of our economic recovery will depend on the involvement of all areas in this Nation.

We must reinvest in rural America, what this country was built on. Farming continues to be a growth industry with an increased productivity curve. Instead of punishing the industry for its growth, let us help our farmers continue to build by offering trade incentives and open and fair markets.

President Clinton has spent a great deal of time and effort to present us with a broad plan. Let us now join and work together to make that happen.

### SPECIFIC SPENDING CUTS

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the President laid down a challenge to us, saying "That if we want more spending cuts, then we should be specific."

The real question, Mr. Speaker, is will you let us be specific and allow us to propose spending cuts?

Will you let the people's House have an open rule for spending cuts so that each Member's proposals to cut bloated Government spending can specifically be proposed and debated?

We accept the President's challenge, Mr. Speaker.

Now it is up to you. Give us an open rule to propose our specific budget cuts, as the President asked. Let each proposed budget cut be debated and voted upon.

Let the people of America examine our votes and find out the truth about who wants to cut Government spending and who doesn't. Give us an open rule for budget cuts, Mr. Speaker.

The President can't have it both ways. He can't demand that the Members be specific in proposing budget cuts, while the congressional leaders of his party muzzle the duly elected representatives from proposing budget cuts on the floor of the House.

Fancy speeches to town meetings, on talk shows, and to school kids will not cut one penny from the budget fat. Budget cuts must be made when the budget is being acted upon.

What are you afraid of, Mr. Speaker? Let's put democracy back in the House of Representatives.

## THE FEDERAL DEFICIT

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, the policies of the last 12 years resulted in the increase of two critical deficits—a financial deficit and a human resources deficit. Financial deficit has increased from $47.7 billion in 1980 to $228 billion in 1993. This is an enormous burden on the economy. Interest on the national debt costs each of us $800 per year.

The President's economic plan will decrease the deficit without triggering a recession. It also shifts resources to programs that invest in our people, our human resources. And no family's tax rate will increase unless income exceeds $140,000. I received the following letter from Robert C. Smith of Lithonia, GA, which I believe reflects the dominant view of the folks in my district:

> I * * * urge you to strongly support the President's approach for reducing the nation's budget deficit situation. I, as a taxpayer, understand that this problem will never be corrected without some sacrifice from all citizens and if this means a greater tax burden to secure my children's future then so be it.

Mr. Smith goes on to urge us to make the necessary cuts in the Federal budget.

I am committed to supporting cuts in spending and reductions in taxpayer support recommended in the President's plan. And, I believe the American people would like to see more ineffective programs and unnecessary subsidies eliminated.

I call on my colleagues to hold the line on the President's proposed spending reductions and to be open to additional cuts in Federal spending.

## TASK FORCE ON REFORM

(Mr. NUSSLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, in the spirit of GM and IBM, it is quite an honor for me to be named today as the chairman of the Republican Task Force on Government Reform, appointed by the Republican leadership. We certainly have our work cut out for us, but I have no doubt that we can accomplish our goal.

During his inaugural address, President Clinton spoke of the need to sacrifice and now, as the President begins to sell his package around the country, we know what that sacrifice means. He means raise taxes. But we have had an opportunity to visit with our constituents and they tell us, "It is the spending, stupid." Government is too big and it spends too much.

We have plenty of fat right here in the Federal Government, ready and waiting to be cut, and that is exactly what we are going to do.

In the past we have had many similar task forces, but we are going to take it one step further. We are going to bring it to the chopping block once and for all where it belongs. We believe the Republicans need to identify the waste dividend.

My colleagues can help. Our constituents can help out there. Give us your ideas. Give us your suggestions. We can downsize and streamline this Government.

## IN SUPPORT OF THE PRESIDENT'S PLAN

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, over the last several weeks, we have witnessed an extraordinary dialog between the President and the American people over the future of this country. It has been impressive on both scores. Listening to a President speak openly and forthrightly with the American people and listening to the American people speak back from their hearts and their souls.

Mr. Speaker, now the debate and the discussion shifts to a debate between Congress and the American people. And we must deliver.

In just a couple short weeks on this floor we will vote on a budget resolution that will, for the first time, contain specific and far-reaching cuts, those cuts that President Clinton has proposed and those that this body will add.

Mr. Speaker, it is incumbent upon us to make this debate clear and precise for the American people over the next few weeks.

Let us vote on the cuts that the President has proposed and let us also vote on the investments in the future that he has proposed. And anyone who wishes to add or subtract should put their ideas forward and we will do so as well.

It is now up to us to continue the debate.

## HELIUM RESERVES

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, last year while I was doing campaign research, I came across the now infamous national helium reserves. It astonished me that a program which began in 1929 had received continued funding. Even though the project was outdated and had lost $225 million in the last 2 years alone; even though there is a thriving private sector market in helium; and, even though a projected savings in the first year would be $120 million and over 5 years $700 million would be saved.

A change in the national helium reserve will not threaten our national security. Currently, there are 35 billion cubic feet of helium in the Federal stockpile, enough to meet public sector needs for over 20 years.

The card I received from a constituent just this morning says it all, plain and simple, stop spending first.

It is time that we heed this advice and make the necessary cuts before we tax ourselves back into a recession.

## LET US HEAR SOME SUGGESTIONS FROM THE OTHER SIDE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I have been listening patiently to all the criticisms of President Clinton's proposal from the other side. Let me quickly run through them.

One person said, when the President says invest he means spend. But he does not hold up a sign that shows that the public investment in this country has declined steadily, which is why we have such a sluggish economy.

One complains about contribution really means tax, but does not show the declining income of the middle class person who knows that there are going to have to be some significant steps taken.

One complains about moving too fast, but I presume then they want to move slowly. I do not know what it is.

One complains about tonic but does not talk about the snake oil that got sold to Americans for the last 12 years and has put the patient in the shape it is today.

The fact of the matter is, I have heard everything from the other side but what they want to do. I have heard complaints, but I want to hear a proposal. Do not tell me about cuts that you want to do. What are the cuts?

The fact is, they have got the B-1. They keep it in the hangar. They want to keep it a secret. And worst of all, they do not want it outside because they know the turkey will not fly.

My district says, get on with the job. The President has put forward a program. There are some improvements that can be made, but let us do the job and deal with the problems that the President has addressed.

### SPENDING CUTS

(Mr. POMBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMBO. Mr. Speaker, I come before my colleagues to, I guess, start off a process that we began last week. The President came before our body and asked for specific cuts. If we did not like what he proposed, to come out with specific cuts.

As my colleagues have heard from a few of the Members of the freshman class before me, and those who will follow me, we are giving specific cuts that we would like to see be made to the Federal budget. Each Member is prepared and willing to back up their cuts that they are proposing.

□ 1300

We ask you, Mr. Speaker, and the Members on the other side of the aisle, to take a look at the cuts that we are proposing and pick 20 of them that the Members like, pick 10 of them that they like, pick one that they like, but please, let us cut our Federal budget. Let us reduce spending before we even think about taxes.

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### GENERAL MOTORS DESERVES AN APOLOGY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Michael Gartner, the boss of NBC News, was fired. Mr. Gartner was fired because of the safety test he ordered on General Motors trucks.

Let us look at the facts. First, Mr. Gartner made sure that the gas tanks were tampered with. Then Mr. Gartner ordered that tiny, little model rocket engines were attached to the trunk so that, on impact, the truck would blow up. Bingo, it did.

If that is enough to muffle our slip clutch here, folks, Mr. Gartner is crying foul. I say that the only justice in all of this is that Mr. Gartner got fired. Sayonara, see you later. General Motors deserves an apology because of the deceit and the lies.

I think it is time that we accentuate the fact that the media should report the news, not make the news.

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### DETAILS, NOT GIMMICKS

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, President Clinton has been talking a good game about his economic package, but he continues to avoid what the American people are most interested in, the details. We know about the sacrifice and suffering that the President is calling for, but, as Ross Perot says, "The devil is in the details."

You may recall that during the campaign, Mr. Perot lamented that we may soon be a nation of chicken pluckers. Under the President's plan, not even the chicken pluckers will be safe, since they will be paying for inspections by the USDA which President Clinton calls a spending cut. I would call that a gimmick. Increasing the taxes on social security recipients is also called a spending cut. I would call that a gimmick, too.

We deserve an accurate, detailed version of President Clinton's economic plan, without the gimmicks. Our constituents deserve to know what sacrifices their President expects of them. If the President claims that he will demand sacrifice, we deserve to know, before we vote on his proposal, whether he expects sacrifice from just the American people, or whether he will expect sacrifice from Government, too.

Please, President Clinton, give us details—not gimmicks.

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### IT'S PUT UP OR SHUT UP TIME FOR CAMPAIGN FINANCE REFORM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in today's Washington Post, the senior Senator from Oklahoma, in an op-ed piece, has said that it is put up or shut up time for campaign finance reform. I could not agree more with the Senator from Oklahoma.

Indeed, if we do not take advantage of this opportunity we may not be able to pass, ever, effective campaign finance reform. What, of course, the senior Senator meant by what he said, is that the augers have never been better to enact campaign reform.

Last year Congress sent a bill to the President. It was vetoed. This year we have a President in the White House who will sign a campaign reform bill into law.

Everyone knows all the tiresome statistics. One-half of $1 billion, $500 million, was spent during the 1992 campaign cycle. This is a $113 million increase in spending just since 1990. It now requires a Member running for the Senate to raise something like $12,000 a week in order to finance a campaign; on our side, it's up to $5,000 a week.

The statistics are on the books, Mr. Speaker. We need to cut back on campaign spending. We need now to put up or shut up on campaign reform.

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### INTRODUCING A RESOLUTION TO HONOR FALLEN BATF AGENTS

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, today I am joining with my esteemed chairman of the Treasury and Postal Subcommittee of the Appropriations Committee to offer a resolution honoring the four fallen officers of the Bureau of Alcohol, Tobacco and Firearms who lost their lives in the confrontation in Waco, TX, which is continuing as we speak.

Every day the men and women of our law enforcement forces put their lives on the line to try and make our Nation a little safer. Most of these officers and those of us who rely on them to keep the peace are fortunate enough to have them return each day to continue that effort. Sadly, BATF agents Steve Willis, Robert J. Williams, Conway LeBleu, and Todd McKeehan will not be returning. It is up to us to make sure their sacrifice does not get lost in the sensationalism that inevitably surrounds a case like the standoff in Waco.

I hope that we have not become so used to violent crimes like this that we would allow ourselves to forget the price these men have paid. This resolution, of course, does not begin to make up for the loss to these agents' loved ones, and to the law enforcement community. But at least, through this measure, we can show them that we in Congress are profoundly grateful for their sacrifice, and are committed to remembering what they did in the line of duty.

Also, Mr. Speaker, I would like to express my gratitude and deep admiration for those agents who have been wounded in the course of this confrontation. I know the chairman, Mr. HOYER, and I both want them to know that our prayers and thoughts are with them, and their families as well.

Finally, Mr. Speaker, I would urge all my colleagues in the House to join the members of this subcommittee in supporting this resolution. It is one small, but worthy, part we can play in the effort to support the members of the BATF and the law enforcement community at large.

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### INTRODUCING RESOLUTION TO HONOR SOUTH KOREA'S FREE AND FAIR ELECTIONS AND TO CONGRATULATE KIM YOUNG-SAM

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, I rise today supporting the introduction of a resolution applauding the recent Presidential elections and peaceful transition of power in the Republic of South Korea. These elections represent a turning point in the nation's political history—a change driven by the Korean people toward a nonmilitary government.

Just before the recent elections, I went to South Korea. The streets of Seoul were filled with enthusiasm, optimism and the sights of democracy.

Contrast that to the 1987 Presidential elections. Those elections were held in order to calm the protests of the Korean people, but genuine democracy was missing. Roving secret agents silenced dissenters. Speech was not free. South Korea was still a police state.

South Korea's new President, Kim Young-sam, the first nonmilitary President in 30 years, pledges to end the dark political night of repression under the old order. I believe that he will, and he deserves our respect. So does the outgoing President for allowing the Democratic election process to proceed, and Kim Dae-jung, unsuccessful candidate and leader of the struggle for democracy in that country, for running a campaign he can be proud of.

Please join me in cosponsoring this resolution to congratulate South Korea and Kim Young-sam, himself a great leader for democratic change.

## THE LINE-ITEM VETO COULD END DEMOCRAT GRIDLOCK

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, yesterday President Clinton met with the Republican leadership of the Congress to try to show the American people that he is reaching out in order to gain acceptance for his economic program. I want to commend the President for being open to new ideas on deficit reduction. I am encouraged to hear that during yesterday's meetings the President was receptive to the idea of making more spending cuts to go along with his proposed tax increases.

However, I am distressed to hear that the President is doubtful that more cuts will ever be made because they would be unacceptable to the Congress. The President expressed frustration over a Congress that is unwilling to make additional spending cuts. Mr. Speaker, it looks to me that gridlock still exists in Washington, but the gridlock is not between Democrats and Republicans, the gridlock we see now is between a Democratic White House that seems to want to make more cuts and a Democrat-controlled Congress, which does not.

I sympathize with the President's frustration, but what I do not understand is that if the President is serious about wanting to do more to make cuts, why does he not come back up to this Hill and ask for the line-item veto authority that he campaigned on all across this country last year.

Mr. Speaker and Mr. President, show the leadership to come up to Capitol Hill and seize the line-item veto authority.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind Members again that they have to address the Chair. They cannot separately address the President or some other persons in Government.

## RECOGNIZING THE DEDICATED COMMUNITY ACTIVISTS OF ASPIRA

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the work of a dedicated group of professional educators and counselors going on this very moment in my home State of New Jersey. ASPIRA, Inc. is a nonprofit organization, providing counseling and leadership development programs to Hispanic and other minority youth. ASPIRA was founded 25 years ago by a group of Hispanic leaders and educators recognizing the need to ameliorate the alarming dropout rate among Puerto Rican youth within the State. Its mission became the strengthening of the Hispanic community's economic base by promoting education among its youth—thus creating the community's future leaders.

ASPIRA's mission of leadership through education reinforces a value for education; community awareness, and participation; a positive self-identity; the development of leadership skills; and parental awareness of educational programs and policies that affect their children.

ASPIRA's mission is symbolized by the pitirre, a small, fragile, tropical bird found on the island of Puerto Rico. It is known for its agility and rapid flight and for its ability to outsmart, tire, and defeat much larger birds. The pitirre represents ASPIRA and is symbolic of the youth who aspire to acquire knowledge and develop into future leaders. The Aspirante, like the pitirre, will overcome the seemingly overwhelming odds against them throughout life. It is through their struggle that they will gain the skills necessary to return and struggle for the betterment of their communities. I know my colleagues in the House join me in saluting ASPIRA.

□ 1310

## INTRODUCTION OF LEGISLATION TO INDEX FEDERAL INCOME TAXES TO REGIONAL COST OF LIVING

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, we have heard a lot from the administration these last few days about the need to use tax increases to erase part of the deficit. We have also heard about how those tax hikes should fall only on those who can most afford to pay.

Unfortunately, for too long, our country has defined those who are able to pay as being those with high incomes. We do not take into account the cost of living in the region where the taxpayer lives.

Who would argue, for example, with the premise that a taxpayer earning $45,000 in Dubuque is wealthier than a taxpayer earning $50,000 in Manhattan?

To address this issue, I have introduced H.R. 1157, a bill to index Federal income taxes to the regional cost of living. It is fair and would, for the first time, truly base our system of taxation on the taxpayers' ability to pay.

Information regarding this bill has been circulated to all of you, and I would urge your support.

## CONCERN OVER HATCH ACT AMENDMENTS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the purpose of my comments today is to register my concern over passage of the Hatch Act amendments which will be before this body today.

The question before us is whether or not Government employees and their unions should be allowed to be even more active in electing, if you will, their employers. It is the Members of Congress who ultimately decide Federal employee wages, their fringe benefits, their retirement benefits, and in general whether Government expands or becomes even bigger and more powerful.

I would suggest that there is a conflict of interest between those of the taxpayers of this country and the public-employee organizations and their unions and their PAC's, their political action committees, that can influence and decide on the philosophy of Members of Congress that are going to ultimately increase taxes and increase those benefits.

## CUT CONGRESSIONAL EXPENSES AND SUPPORT LINE-ITEM VETO

(Mr. TORKILDSEN asked and was given permission to address the House for 1 minute.)

Mr. TORKILDSEN. Mr. Speaker, during the current budget debate, President Clinton has asked for suggestions for additional cuts in the Federal budget. I come before the House today to weigh in with an opportunity to save taxpayers money and reduce the need for higher taxes. This is a cut that I am making voluntarily and one I hope my colleagues will join.

I propose an across-the-board cut of congressional expenses of 10-percent. It is time for Congress to take the lead in reducing spending. How can we ask Americans to sacrifice if we are unwilling to take the first step? We were elected as leaders in our communities and it is time for us to take action.

This 10-percent cut is a simple step that will go a long way in convincing the people that the Congress is serious.

In addition to this cut, there is another important step that we can take to reduce the budget deficit. We can give the President a line-item veto. The President has viewed this power favorably and we should give him this power to control spending. As Governor of Arkansas, he used the line-item veto effectively, and he should be given this management tool in Washington.

Last week I joined Democrats in supporting the much needed extension of unemployment benefits. Today, I urge my colleagues to join together in bipartisan support and pass a line-item veto measure. It is time to get the budget under control and we must lead now, before it is too late.

## CUTS NECESSARY IN CONGRESS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, Americans are now demanding that we in the Congress take serious steps to reduce Federal spending. They want specific cuts, and they want those cuts before tax increases. Ross Perot made this point in testimony yesterday, and the American people are making the point through phone calls and letters. They want specific cuts, not vague generalities. And they want us to start right here in the Congress.

One area where we can make real and immediate savings is by cutting our own congressional bureaucracy. A good first step in making Government leaner would be to cut back the number of our overlapping committees in the Congress, and to make substantial reductions in their funding levels. Mr. Perot has suggested deep cuts in committee funding. The freshman class on the Republican side of the aisle has called for 25-percent cuts this year, and 50 percent over the next 5 years.

By taking that simple step, we could cut more than $13 million from our budget this year alone. More importantly, we would take a big step toward proving to the people that we are willing to cut here first, before we move on to eliminate unnecessary committees, freeze overhead costs at the civilian agencies, sell off Government assets, and take the other steps that could save us hundreds of billions of dollars.

Mr. Speaker, before we even whisper the word "taxes," we must cut here in Congress.

## RTC MUST BE ADEQUATELY FUNDED

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I rise to join the efforts of my freshman Republican colleagues to help illustrate the many opportunities for reducing spending in the Federal budget.

For my part, I want to advocate a rather unpopular and controversial proposal—to adequately fund the Resolution Trust Corporation as soon as possible. Mr. Speaker, I deplore the fact that the RTC is not exactly the best run agency in our Government, but I also know that each day we delay will cost American taxpayers millions of dollars each and every day.

Mr. Speaker, the S&L debacle is going to cost the American people about $200 billion, and there are several reasons for this. Congress, for example, was lacking in its oversight responsibilities, perhaps because it was captured by special interests. But the principal reason for the S&L mess was regulatory forbearance, and the principal cause today for further running up the taxpayers' cost and exposure is involuntary regulatory forbearance. Put another way, in order to save money, and thereby reduce the deficit, we need to provide the RTC with the resources it needs to do its job to close down thrifts that continue to pile up huge taxpayer exposure and obligation. Mr. Speaker, this is an easy issue to demagog, but the budget and deficit implications are not in dispute. The choice is clear. We can pay now in order to pay less later, or we can continue to delay and force the taxpayer, our constituents, to pay hundreds of millions more in the future.

## CRITICISM OF THE CLINTON PLAN

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, Ross Perot has said, "I can't understand the details of the plan."

The columnist David Broder said, "President Clinton has a trust deficit."

Martin Feldstein, a Harvard economics professor, said of the Clinton plan:

> The projected increases in spending on social programs would far outweigh the proposed changes that would reduce spending or raise revenue, leaving the Nation with a wider deficit four years from now.

Are these people Republican partisans? No. Are they obstructionists? No.

Do they have significant problems with the Clinton plan for economic recovery?

Yes, they do, and for good reason. This plan needs to be seriously modified for it to be acceptable.

And to those who would equate fair criticism of this plan with a lack of patriotism, I say that patriotism is best exemplified by seriously studying the issues, not by meekly following the President. When the President is right, we should stand with him. But when the President is wrong, it is our duty to stand for what is right.

## KEEP BAN ON IMMIGRANTS WITH AIDS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday in the Energy and Commerce Committee, I attempted to offer an amendment to the NIH bill, which would have kept in place the existing ban on immigrants entering this country with the deadly AIDS virus. But due to a point of order which was raised, it was never considered.

But during debate on this companion bill over in the Senate, a similar amendment was overwhelmingly adopted. Overwhelmingly, by a vote of 76 to 23. Mr. Speaker, I am not a public health expert but common sense tells us that this disease is not like any other disease. AIDS is a communicable disease.

In my State of Florida, we already have one of the highest AIDS populations in the country. Mr. Speaker, our hospitals are already overburdened. And then, the crucial question is who is going to pay for their care? If we cannot even pay for treating our own citizens with AIDS, how can we pay for immigrants with this deadly disease? Keep in place the ban on immigrants entering this country with AIDS.

□ 1320

## INTRODUCTION OF LEGISLATION TO ALLOW PENALTY-FREE WITHDRAWALS FROM IRA AND 401(k) ACCOUNTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I have introduced legislation which I believe would greatly stimulate our economy without appropriating any Government money.

My bill, H.R. 170, would allow for 1 year, unlimited penalty-free withdrawals from IRA and 401(k) accounts.

Further, this bill would allow 10 percent of these withdrawals to be done on a tax-free basis, giving people great incentive to participate.

There is presently more than $550 billion in these accounts. If 10 percent was pulled out and spent now, it would be a $55 billion boost to our economy.

This is not Government money. This is the people's own money.

If some of it is pulled out now, it will cost the Government some tax revenues in the future. But this hit would be spread over several years, and years which hopefully will be better than now if we can get our fiscal house in order.

We all want people spending money on cars and homes and to invest in small businesses now, and conditions could be placed in this bill to require certain types of worthwhile immediate spending.

This is one way to stimulate our economy without increasing the deficit or raising taxes.

### PROPOSED COST-SAVINGS PROPOSAL

(Mr. HUFFINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFINGTON. Mr. Speaker, 40 years ago with Americans shivering under the earliest chills of the cold war, Congress authorized support payments on wool.

Wool, it was argued, was a strategic material. Dependence on un-American wool was, well un-American. It would weaken our defense and leave us unfairly exposed to the naked aggression of the international marketplace.

This could be quaint, even amusing, if it weren't for one thing: The subsidy never stopped. In 1991, our subsidies artificially tripled the price of each pound of wool. The Congressional Budget Office reports that the elimination of this subsidy alone would save more than three-quarters of a billion dollars over the next 5 years.

We artificially raise the price of wool while American families cannot clothe their children. We spend precious tax dollars only to price ourselves out of the world market.

It is not the sheep that are being shorn by this absurdity, Mr. Speaker. It is the American taxpayer.

The President asked for specific spending cuts. I propose elimination of the wool and mohair subsidy.

### GRIDLOCK, VOICELOCK

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, you know, we hear so much about gridlock in Washington, but we do not ever talk about voicelock. Yet today, in what should be the sacred hall of great debate and expression in the House, we will again stifle free speech and debate through an oppressive rule that will limit debate and all discussion on one of the most important pieces of legislation that we have addressed in this new session. That, of course, is the Hatch Act.

The rule, which is called 1-hour modified closed rule waiving all points of order, will simply derail true debate. In short, it means the majority of Members of this House, "Sit down, shut up, your ideas do not count, we do not want your amendments, we do not want your changes, we do not want your modifications."

We have 1 hour to debate a bill, a piece of law that is over 50 years old. I say it is time to end voicelock along with gridlock, open up the process, allow Members of the House to modify and amend bills, so that we can have honest and free debate in this sacred body.

### NO MORE HOT AIR, SHOW ME WHERE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, "No more hot air, show me where," is what President Clinton has said. A number of us are falling in line behind our friend, the gentleman from Florida [Mr. GOSS], by being specific in making some proposed spending cuts. My office, like a lot of other offices, has been working on this.

They found that:

The USDA Export Enhancement Program provides direct taxpayer subsidies for the export of agricultural products to countries like China and the republics of the former Soviet Union. Eliminating this trade subsidy would save $3.15 billion.

The Bush administration requested cancellation of the advanced solid rocket motor, and NASA's aerospace safety advisory panel points out that the redesigned shuttle rocket motor is working well. Canceling this unnecessary program will save $1.65 billion.

If the United Kingdom, Germany, Italy, and South Korea assumed 75 percent of the cost of stationing American troops on their soil—the same percentage that Japan currently contributes—we would save $9.6 billion.

American troops are stationed in South Korea for 1 year, and are not accompanied by their family. In Western Europe they serve 3-year tours and bring their families. Placing most European tours on a 1-year unaccompanied schedule would save $1.8 billion.

That is not hot air, Mr. Speaker; we are being specific.

### MODIFIED LINE-ITEM VETO

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, everyone who has listened to the rhetoric on this floor in the past few weeks knows that the members of the U.S. Congress are recent converts to the religion of budget restraint.

I rise today to suggest that there is an easy way to test if the spending sinners of the U.S. Congress have truly been converted, or if once again, we are merely speaking in tongues.

That test is called the line-item veto.

Quite simply, if we are serious about reducing our deficit, I believe we must give the President the authority to eliminate waste and unnecessary spending, and we must give him this authority as soon as possible.

Today I am introducing a resolution to call for modified line-item veto legislation to be passed by July 30.

We have all heard a lot of preaching about this issue in this body and during the past election season—but now it is time to stop talking and to begin taking action.

I urge my colleagues to join in supporting this resolution—a resolution that is our opportunity to prove that our budget restraint conversion is not temporary, but that we have become true believers.

### THE HUMAN RIGHTS SITUATION IN BURMA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the rainy season is over in Southeast Asia, and again we expect that the world will be treated to the spectacle of the sight of troops of one of the most vicious dictatorships on the planet attacking the last remnants of the democracy movement in Burma. This country, Burma, has been under the heel of a vicious dictatorship; 45 million brave people live under this tyranny, one of the world's worst human abusers.

Aung San Suu Kyi, last year's Nobel Prize winner, still languishes under guard. People are arrested for daring to speak out against the military regime. The gangsters associated with the military regime plunder the country. The brave students who fought against the military in the struggle for democracy now are huddled with ethnic groups in jungle camps.

Mr. Speaker, these brave people are not forgotten. The cause of democracy in Southeast Asia will not be forgotten. That is our word to the people everywhere who are struggling for freedom, those people in Burma especially.

And, Mr. Speaker, to the gangsters who strangle freedom in Burma: They will be held accountable.

### INFAMOUS CLOSED RULE

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, I am not sure that the American people realize what this closed rule business in the House of Representatives is all about. The concept of the Committee on Rules as setting the agenda for floor discussion, for discussion here, is that there is a committee that, before legislation comes here—and that is the concept—decides what is going to be discussed.

What has happened is that they put something called the closed rule on every bit of legislation that is going to come before this House. You know what the closed rule means? My colleague from Georgia mentioned it a few minutes ago. It means no discussion, no amendments, nobody here, nobody here even when this is full, can present an amendment to represent their constituents because of that thing called the closed rule.

That is profoundly undemocratic, Mr. Speaker. The American people have got to find out about it, they have got to put the pressures on the leadership of this institution to undo and do away once and for all with that most undemocratic principle, most undemocratic practice called and known as the infamous closed rule.

□ 1330

## FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 106 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 106

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. After general debate the bill shall be considered for amendment under the 5-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 106 provides for consideration of H.R. 20, the Federal Employees Political Activities Act. The rule provides for 1 hour of general debate time equally divided and controlled by the chairman and ranking minority member of the Post Office and Civil Service Committee.

The rule waives all points of order against the bill and its consideration and makes in order only those amendments printed in the report to accompany the rule. These amendments are to be considered in the order and manner specified in the report and by the named proponent. The amendments shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent. The amendments are not subject to amendment and are not subject to a demand for a division of the question. Finally, the rule provides one motion to recommit which may contain instructions.

Mr. Speaker, H.R. 20 would restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation. The bill provides that Federal employees, acting as private citizens, may engage in any legal political activity off the job. They may run for partisan political office without taking leave, as long as the campaigning does not interfere with the performance of their duties.

The bill permits employees to request leave without pay or annual leave to run for political office and provides that such requests be granted unless the agency management determines that the demand of public business requires that leave be denied. The legislation also permits Federal employees to manage political campaigns and to raise campaign money during off-duty hours.

Finally, the bill would also protect Federal civilian employees from improper political solicitations and contains prohibitions against coercion. The bill specifies that Federal employees cannot use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not engage in any political activity.

Mr. Speaker, H.R. 20 will allow Federal employees for the first time in over 50 years to participate in political activity and House Resolution 106 is a fair rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is time that we sounded a clarion call to the American people—a wake-up call as to what is happening to their Government down here in Washington since they voted for a new Congress and President just 4 short months ago this week.

The American people thought they voted for change. They thought they voted to take back their Government. They thought they voted to restore democracy and put the people back in control of the people's House.

Well, I have sad news to announce to the American people today. If you want to know what the score here is in the people's House, let me put it in the simplest terms I can. Here is today's democracy box score: The people, zero; tyranny, five.

Yes, you heard me right. The people are down five to zero in their own House. That's a shutout in any game you play. Only we are not supposed to be playing games here. We are supposed to be legislating for the people and the good of the Nation.

Nevertheless, the people are being shut out in their own House for the fifth straight time in this Congress. This is the fifth restrictive rule out of five rules granted in which amendments have been severely limited if not denied altogether.

Prior to this Hatch Act bill the Rules Committee granted restrictive rules on the family and medical leave bill, on which only three amendments were allowed; the motor-voter bill, on which just one amendment was allowed; the family planning bill, on which just one amendment was allowed; and the unemployment compensation bill on which no amendments were allowed.

And now today, on this Federal Employees Political Activities Act, we have made in order just three amendments, even though a total of nine amendments were submitted to the Rules Committee.

Not only did the Rules Committee deny Representative WOLF of Virginia an opportunity to offer all four of the amendments he had submitted, it also denied one of its own majority Democrats, Mr. FOGLIETTA of Pennsylvania, his amendment.

Mr. Speaker, in the Rules Committee yesterday, we offered an open rule, and all but one Democrat voted against that motion. That same Democrat, Mr. BEILENSON, voted with us to make the four Wolf amendments in order.

The Foglietta amendment went down on a party-line vote—sandbagged by his own fellow Democrats. Following my remarks I will include a summary of each of the amendments denied and the rollcall vote on those amendments, as well as the text of our open rule and the rollcall vote on it.

Mr. Speaker, why are the people the real losers in this? The reason is very simple.

Every time we deny an open amendment process on an important piece of legislation, we are disenfranchising the people and their Representatives from the legislative process.

The people and their Representatives are not even being treated as second-class citizens; they might as well not be citizens at all given how little impact they have on shaping legislation in the House.

If that is not undemocratic, I would like to know what is. The opposite of democracy is tyranny—and that is precisely what is at work in this House of Representatives today.

Is the word tyranny too strong for some of my colleagues? Do you think it cannot happen here? Well, you need look no farther than "Jefferson's Manual" or the Federalist Papers to know that one of the things the Founders most feared was a tyranny of the majority.

Jefferson observed that nothing tended more to throw power into the hands of administration and those who acted with the majority "than a neglect of or departure from, the rules of proceeding," which were designed as a "shelter and protection to the minority against the attempts of power."

And Jefferson went on to warn that these rules of proceeding are the only weapons the minority has to defend itself against

> Those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

In other words, Mr. Speaker, the farther you and your leadership stray from the regular order around here, the more you are instituting a new order which is not democracy by any definition.

It is a new oligarchy and tyranny which will some day cause the people to topple this House if we don't bring it down on ourselves first.

If you want to talk about term limits, you are well on your way to self-imposing one on yourself, whether you like it or not. The people are sick and tired of this political gamesmanship. They want back into their own House and they want it open and democratic, not closed and dictatorial.

Mr. Speaker, I have not spoken to the merits of the bill this rule makes in order because I happen to favor this bill. But that is not what is at issue here. If it is a good bill, as I think it is, it should be able to withstand the scrutiny and debate that comes through an open amendment process.

I suggested one amendment in the Rules Committee which I think would further improve the legislation as far as State employees who receive Federal funds. It would have allowed them to run for any office. But that was denied.

Finally, Mr. Speaker, to add insult to outrage, the Rules Committee reconvened late yesterday afternoon to further amend this rule by waiving all points of order against the bill and against its consideration.

It seems the bill creates a new entitlement program and thereby violates at least three provisions of the Congressional Budget Act. We have no letter from the Budget Committee chairman supporting or opposing these waivers.

But that did not stop the Rules Committee from throwing the Budget Act out the window.

Mr. Speaker, let me say in conclusion that we will once again give a majority of this House an opportunity to strike a blow for democracy and openness by voting down the previous question so that we can offer an open rule.

Let us start to turn that democracy box score around and put the people back in the winning column. Vote "no" on the previous question so that you can vote "yes" for freedom and democracy in this, the people's House.

H. RES. 106

(Providing for the Consideration of H.R. 20, the Federal Employees Political Activities Act.)

AN AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SOLOMON PROVIDING FOR AN OPEN RULE

Strike all after the revolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and which shall not exceed 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.".

Explanation: This amendment to the proposed rule (H. Res. 106) provides for a 1-hour, open rule for the consideration of H.R. 20, the "Federal Employees Political Activities Act of 1993."

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AMENDMENTS TO THE RULE ON H.R. 20—FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT

1. Open rule—An amendment in the nature of a substitute for a 1-hour, open rule. Vote (defeated 4-6); Yeas—Beilenson, Solomon, Quillen, Dreier; Nays—Moakley, Bonior, Hall, Wheat, Gordon, Slaughter.

2. Wolf (C)—Strike provisions in the bill which allows for exemptions. Vote (defeated 4-6); Yeas—Beilenson, Solomon, Quillen, Dreier; Nays—Moakley, Bonior, Hall, Wheat, Slaughter.

3. Wolf (D)—Give broad protection to federal employees. One employee could not solicit another to participate in campaign activities. Vote (defeated 4-5); Yeas—Beilenson, Solomon, Quillen, Nays—Moakley, Bonior, Hall, Wheat, Slaughter.

4. Wolf (A)—Retain Hatch Act for law enforcement, intelligence and senior executive service personnel. Vote (defeated 4-5); Yeas—Beilenson, Solomon, Quillen, Dreier; Nays—Moakley, Bonior, Hall, Wheat, Slaughter.

5. Wolf (B)—Retain Hatch Act for Federal Election Commission, Merit Systems Protection Board and Office of Special Counsel. Vote (defeated 4-5); Yeas—Beilenson, Solomon, Quillen, Dreier; Nays—Moakley, Bonior, Hall, Wheat, Slaughter.

6. Foglietta—Retain Hatch Act for law enforcement personnel. Vote (defeated 4-6); Yeas—Beilenson, Solomon, Quillen, Dreier; Nays—Moakley, Bonior, Hall, Wheat, Slaughter.

7. Adoption of restrictive rule. Vote (passed 7-3); Yeas—Moakley, Derrick, Bonior, Hall, Wheat, Slaughter, Quillen; Nays—Solomon, Dreier, Goss.

OPEN VERSUS RESTRICTIVE RULES, 95TH–103D CONG.

| Congress (years) | Total rules granted[1] | Open rules | | Restrictive rules | |
|---|---|---|---|---|---|
| | | Number | Percent[2] | Number | Percent |
| 95th (1977–78) | 211 | 179 | 85 | 32 | 15 |
| 96th (1979–80) | 214 | 161 | 75 | 53 | 25 |
| 97th (1981–82) | 120 | 90 | 75 | 30 | 25 |
| 98th (1983–84) | 155 | 105 | 68 | 50 | 32 |
| 99th (1985–86) | 115 | 65 | 57 | 50 | 43 |
| 100th (1987–88) | 123 | 66 | 54 | 57 | 46 |
| 101st (1989–90) | 104 | 47 | 45 | 57 | 55 |
| 102d (1991–92) | 109 | 37 | 34 | 72 | 66 |

OPEN VERSUS RESTRICTIVE RULES, 95TH–103D CONG.—Continued

| Congress (years) | Total rules granted[1] | Open rules | | Restrictive rules | |
|---|---|---|---|---|---|
| | | Number | Percent[2] | Number | Percent |
| 103d (1993–94) | 5 | 0 | 0 | 5 | 100 |

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Mar. 2, 1993.

OPEN VERSUS RESTRICTIVE RULES—103d CONG.

| Rule number, date reported | Rule type | Bill number and subject | Amendments submitted | Amendments allowed | Disposition of rule and date |
|---|---|---|---|---|---|
| H. Res. 58 2/2/93 | MC | H.R. 1: Family and medical leave | 30 (D–5; R–25) | 3 (D–0; R–3) | PQ: 246–176, A: 259–164 (2/3/93). |
| H. Res. 59 2/3/93 | MC | H.R. 2: Motor voter | 9 (D–1; R–8) | 1 (D–0; R–1) | PQ: 248–171, A: 249–170 (2/4/93). |
| H. Res. 81 2/16/93 | MC | H.R. 6: Family planning | 8 (D–0; R–8) | 1 (D–0; R–1) | |
| H. Res. 103 2/23/93 | C | H.R. 920: Unemployment compensation | 7 (D–2; R–5) | 0 | PQ: 243–172, A: 237–178 (2/24/93). |
| H. Res. 106 3/2/93 | MC | H.R. 20: Hatch Act amendments | 9 (D–1; R–8) | 3 (D–0; R–3) | |

Note.—C—closed; MC—modified closed; MO—modified open; O—open; D—Democrat; R—Republican; PQ: Previous question; A—adopted; R—rejected.

□ 1340

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair wishes to remind Members that they cannot address Members back in their offices. They have to address the Speaker.

Mr. SOLOMON. Mr. Speaker, may I ask, was the Chair addressing me?

The SPEAKER pro tempore. It is a parliamentary point. The gentleman knows the rules. He cannot address Members back in their offices. He should address the Speaker.

Mr. SOLOMON. I thank the Speaker for reminding me. I know that, and I thought I did. If I did not, I will pay more attention in the future.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume, and Mr. Speaker, I am addressing these remarks to the Chair.

The SPEAKER pro tempore. I will accept them.

Mr. DERRICK. I want the Chair to know why we do not propose an open rule. The House last week rejected H.R. 20 during consideration under Suspension of the Rules. This bill in its present form received 275 votes last week.

The rule before us today makes in order three Republican amendments to address concerns of the Members. The rule provides for 1 hour of general debate, and each of the three amendments, if offered, is debatable for 30 minutes, thus allowing ample time for discussion.

There is no need to go through a long and cumbersome amendment process for a bill that obviously has enormous bipartisan support. In the 101st Congress the House passed a nearly identical bill by a vote of 334 to 87 and then went on to override the President's veto by a vote of 327 to 93. The Senate veto override was 65 to 35, an overwhelming margin, but short of two-thirds.

In the 100th Congress, the House passed basically the same bill that we have before us today, by a vote of 305 to 112. And I would also like to remind our previous speaker that he withdrew the amendment that he mentioned which was not made in order. Quite frankly, there is a strong possibility we would have made it in order had he not withdrawn it. But that is a part of the scenario he did not recount for us.

Mr. SOLOMON. Mr. Speaker, will my good friend, the gentleman from South Carolina, yield?

Mr. DERRICK. I am delighted to yield to the gentleman from New York.

Mr. SOLOMON. The gentleman is a true Southern gentleman, and I knew he would.

I would just say this to the gentleman: We are in session this week, as we were last week, as we were last week and the week before and the week before that. This week the only legislation we have before us is this so-called repeal of the Hatch Act.

Mr. DERRICK. And it is a very important piece of legislation that has disenfranchised millions of Americans.

Mr. SOLOMON. Yes. And that is why I am one of the cosponsors of that legislation.

Mr. DERRICK. And I would point out that I, too, support the legislation.

Mr. SOLOMON. Mr. Speaker, I would point out to the gentleman that there is a divergence of opinion here on both sides of the aisle, among Democrats and Republicans alike, who do not want to see the bill watered down to the extent it is. I do not agree with that. The gentleman from Virginia [Mr. WOLF], who has been very, very active on this issue for as long as I can remember, had four totally germane amendments which he wished to offer. They could be debated for a ½-hour each for a total of 2 hours. But they were denied, and they were germane amendments. They were amendments which retain the Hatch Act for law enforcement, intelligence, and senior executive service personnel.

Mr. DERRICK. Mr. Speaker, let me say to the gentleman from New York [Mr. SOLOMON] that I am delighted to yield time to him, but not for the purpose of making a speech. If the gentleman wants to do that, let me say that I have other Members on this side who want to participate in the discussion, and I would suggest the gentleman use his own time.

□ 1350

Mr. SOLOMON. Mr. Speaker, I was just going to ask the gentleman honestly, and I am not trying to embarrass him——

Mr. DERRICK. Mr. Speaker, I am not embarrassed at all.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman why were these amendments not made in order? We were not given reasons up in the Committee on Rules, and they are germane to the issue. They deserve to be debated on the floor.

Mr. DERRICK. Mr. Speaker, would the gentleman allow me to answer the question he just asked?

Mr. SOLOMON. Mr. Speaker, I did not get to the end of the question. The question is, we do not have anything to do for the rest of the afternoon. It is 2 o'clock. We are going to finish this up around 4 o'clock. We do not have anything to do tomorrow, Thursday. We have nothing to do Friday. There are no rules pending and no business scheduled for this floor.

Why could we not just make these four amendments in order and have legitimate debate?

Mr. DERRICK. Mr. Speaker, reclaiming my time, I do not want to be impolite, but I yielded the gentleman time as a courtesy, not for him to make a long harangue against the Democratic leadership.

Mr. Speaker, the gentleman from New York [Mr. SOLOMON] may not have anything to do, but I have something to do and most other Members of this body have something to do.

Mr. Speaker, let me get back to the original question as to why this rule was structured in this manner. The reason is because almost identical bills have passed the House by a nearly or more than two-thirds majority on three different occasions, which indicates that a majority of the House, about two-thirds, a bipartisan majority, a large majority, support it.

There were three amendments made in order. As I said, quite frankly, if the gentleman from New York [Mr. SOLOMON] had not withdrawn his amendment, there probably would have been four in order.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, today is the first day of the session that reminds me of the last 4. We degenerate a little bit and start talking about rodents. It brings back old times.

I support, first of all, the rule, and I support the bill. And I support and commend the efforts of our chairman, the gentleman from Missouri [Mr. CLAY], who has been persistent.

The truth is today Federal employees are treated like second-class citizens. Federal workers are constantly being beat up by politicians whenever it suits their fancy. In fact, their pay is always criticized, their benefits are constantly being threatened, and their politics and partisanship is constantly a threat to politicians, which many fear.

I think today it is time to face the facts: Federal workers have been threatened in America unconstitutionally. Today it is time to hatch the Constitution and to hatch some rights in the Constitution for American citizens who happen to be Federal workers.

Now, let me say this: If a Federal worker has to be subject to the rules, regulations, and laws of the politicians, then a Federal worker should have the right to support the candidates of their choice without breaking the law, period.

Mr. Speaker, this is a good bill. I will not get into this rodentia locutare discussion, but I appreciate the time, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would notify the handlers of this resolution that the gentleman from New York [Mr. SOLOMON] has 20 minutes remaining and the gentleman from South Carolina [Mr. DERRICK] has 19 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a very distinguished member of the Committee on Rules, a new member that we welcomed aboard this year.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this gentleman cannot display as much anguish as the ranking member. As a minority member of the Rules Committee, I wonder what positive contribution the four Republicans on that panel are really able to provide. I am not yet ready to declare myself just a potted palm, but the fact is there are nine Democrats and votes are never held when the majority is not assured of victory. I know we in the minority serve well as watchdogs and do provide for serious debate on the issues. But when our meetings end, the predetermined agenda set by the majority leadership always prevails. People in our Nation need to know this and indeed, to his credit, the Speaker has publicly confirmed that the Rules Committee is the tame captive of the majority whose function is to ensure the majority's agenda. So let us not pretend—this is not a bipartisan rule and neither have been any of the other closed rules we have worked under this session. Today we have a rule that is primarily closed, even though we actually will get to discuss three minor amendments. But there were seven other amendments offered, from both sides of the aisle, that we will not be allowed to consider on this floor today—a couple of them of potentially great significance. Why? Is our schedule so crowded in the House that time will simply not allow full and open debate on this issue? No, in fact this bill is the only major new legislative business being considered this week. Were those seven amendments obstructionist, peripheral or designed to gut this bill? No, in fact they went to the heart of a matter many people are concerned about—ensuring that we prevent abuse and do not encourage misuse of official power or position under this bill.

During our discussion, the distinguished chairman of the Committee on Post Office and Civil Service was asked the central question—why oppose an open rule? The answer came back that an open rule would not be appropriate because the chairman of the Post Office Committee felt that the Congress should not consider the substance of some of the amendments being offered.

Mr. Speaker, all Americans should have equal representation on this floor in considering important matters. For chairmen of committees to favor closed rules to shut out amendments they disagree with is to close off the rights of Members and their constituents to decide for themselves on the merits of any particular amendment.

Even some of the majority members of the Rules Committee are becoming uncomfortable with the role they are being asked to play in this strong-arming process. The majority leadership should remember that Americans have given this institution failing marks and they are tired of the arrogance of power that pervades the leadership circles of this institution.

That being said, let me conclude by saying that I support H.R. 20. Having once been a Federal employee who was "Hatched" under existing law, I felt that my right to participate fully in the political process was being infringed. I felt unfairly disenfranchised as I know do many Federal employees today.

In my opinion, this bill corrects a wrong, but there could possibly be better protection in it to control abuse and coercion. That is why I support an open rule—because there were amendments proposed to deal with the potential for abuse under this legislation and all Members of this House should have a chance to consider those issues in full and open debate. We could only come out ahead if we let the democratic process work fairly. I urge a "no" vote on this restrictive rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the debate here seems not to center on the merits of this legislation, which has overwhelming support in this Chamber as was demonstrated just a few hours ago; rather, the debate seems to be stemmed around whether or not we have a lot of time on our hands, whether or not this process is being slam-dunked against the will of the minority.

Mr. Speaker, I will have more to say about this in general debate, but I want to point out to Members that this bill will be 20 years old next year. This issue has received dozens of hearings for 20 years. This is not the first time, as Members on both sides of the aisle know, that this issue has come before this body and been passed by this House.

A slam-dunk? Hardly. After 20 years, some kind of a violation of the rights of people to be heard? Hardly.

The violation that is going on in this country is the violation of the rights of Federal workers. We are herein after 20 years of debate and discussion trying to resolve that matter on behalf of Federal workers.

Mr. Speaker, what I think we are getting from the other side under the guise, of somehow, they are claiming running rampant over their rights, what we are getting is delay, obfuscation, disagreement, slowdown, drag your feet, just another few years. The American people have come to know it as gridlock, and they would like it to end.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, how could there be gridlock when the Democrats have an 82-vote majority? Where is the gridlock?

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

We were told, Mr. Speaker, that this is a fair rule, and that has since been elaborated upon by the gentleman from South Carolina and others, that it is a fair rule because we do not have time to legislate in this body. We have other more important things to do. There are other things that Members have to be doing other than being on the floor legislating. So it is entirely fair to come to the floor with closed rules on a consistent basis.

I want my colleagues to take a look at this. I came to Congress in the 95th Congress. At that time over 80 percent of the rules that we got from the House floor were open rules, and we did our business pretty well. We had good legislation that managed to move forward.

Since that time, open rules have deteriorated to the point that they are down to about 20 percent. And in the meantime, closed rules, that used to be a minor portion, have gone clear up and now are on a trend line almost up like a rocketship.

This is not just a matter of this particular closed rule. It is closed rule after closed rule.

Why should the middle class of America be concerned about us debating about the rules, some rule out here? The middle class ought to be concerned because let me tell my colleagues the kind of amendments that will not come to the floor.

Under this bill, that we are not allowed to amend, an IRS agent can show up at a middle-class person's home the night before they are to be audited, suggesting "You ought to contribute $500" to their favorite candidate and, "Oh, by the way, if you don't make your contribution, remember, you are going to have to come in and see me in the morning."

That is the kind of outrage that can be permitted under the bill we are about to take up. And we cannot offer amendments to do something about that.

Middle-class America has everything to fear when tyranny begins to dominate the legislative process that allows them to have their voice. That is what is happening. It is not just tyranny; it is petty tyranny.

The bill was defeated on suspension the other day largely to give the gentleman from Virginia [Mr. WOLF] his opportunity to offer amendments on the floor. And what happened in the Committee on Rules, in an act of absolute pettiness, in an act of vindictiveness, the Committee on Rules said, "Mr. Wolf, we are not even going to give you one amendment," despite the fact that it was understood that the bill was largely defeated on suspension to give the gentleman from Virginia [Mr. WOLF] his opportunity to make his case on the floor.

The petty tyranny that exists in the Committee on Rules decided that the gentleman from Virginia [Mr. WOLF] should be taught a lesson, should be shut out. Every amendment he had was entirely germane to the bill, but his amendments were shut out.

That is the kind of thing which has become a true outrage in the House of Representatives.

Mr. DERRICK. Mr. Speaker, the scenario about the IRS agent that affects middle-class America, who arrives the night before, that can happen now and certainly it could happen under this bill. But they are going to be put in jail on both occasions.

Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding time to me and hope, as I rise in support of this rule, Mr. Speaker, that I do not resort to hysteria.

The gentleman just explained that the example of the IRS agent is a violation of law now, if he did it, and would be a violation of law under this bill. And there is no evidence whatsoever, Mr. Speaker, that the bill that was defeated last week by 3 votes, 275 to 142, 275 voting for the bill on a suspension, there is no evidence that the primary reason for the defeat of that bill was to permit the gentleman from Virginia [Mr. WOLF] to offer any amendment whatsoever.

My thinking about offering amendments, Mr. Speaker, is that we offer amendments in an effort to improve the legislation. And if we are permitted to offer all of our amendments and all of our amendments pass, that means that we have now an ideal piece of legislation and we would support it.

Well, I understand that at the Committee on Rules, when the question was asked of the sponsor of those four amendments, if they passed and were included in the bill, would he support this piece of legislation, the answer was no. Then there is some other reason for offering these motions and these amendments.

Let me say to my colleagues that my reason for objecting to the offering of the amendment is that in my opinion it was not necessary for us to decide, again, after 19 years on this bill and passing it numerous times, I do not think that we ought to be in a position of further trying to deny 3 million Federal and postal employees a constitutional right that is guaranteed to all citizens under the first amendment. And that amendment that they are talking about that the gentleman wanted to offer would exclude thousands of American citizens in good standing, law abiding, from participating in the electoral process of this country.

I think it is tragic that any Member would want to deny another citizen the right to participate in politics. I think that it is unnecessary for us to have a question of whether we do or whether we do not want to let American citizens, some 3 million of them, participate in politics.

Mr. Speaker, I rise in support of the rule. This rule provides for full debate of all relevant issues. Specifically, the rule makes in order three amendments.

It permits an amendment that would prohibit employees of the Federal Election Commission from engaging in partisan political activity. The rule permits an amendment to provide that, while Federal and postal employees may run for local elective public office, they will be precluded from running for statewide or Federal public office.

Finally, the rule permits an amendment that substantially limits the ability of Federal employees to solicit campaign contributions. Under this amendment, a Federal employee may only solicit, accept, or receive a campaign contribution if three conditions are met. First, the employee must be a member of a Federal employee or labor organization. Second, the employee may only solicit, accept, or receive a campaign contribution from a fellow member of that organization. Finally, the employee may only solicit, accept, or receive a contribution on behalf of the multicandidate political committee of that organization. This amendment prohibits a Federal employee from soliciting, accepting, or receiving any campaign contributions from any subordinate employee. And the amendment prohibits all Federal employees from soliciting, accepting, or receiving campaign contributions from any member of the general public.

A few Members have expressed concern that by somehow lifting the restrictions the Hatch Act places on the basic rights of Federal employees, we are going to unleash a torrent of coercion and intimidation. These Members apparently feel that, notwithstanding the prohibitions in H.R. 20, Federal employees will intentionally seek to violate the law and abuse their official position. I think Federal employees are honest, responsible citizens who take seriously their obligations and duties and fulfill those obligations with honor and credit. To the extent that some may think otherwise, however, this amendment addresses those concerns once and for all by prohibiting solicitation of any member of the public, any subordinate employee, and any Federal employee who is not a fellow member of a Federal employee organization.

Assuming this body adopts the amendments that will be offered, and I will not oppose these amendments, there is no reasonable or logical basis for still opposing this bill. One either believes that Federal employees should be able to voice their views regarding the politics of the Nation or one doesn't. This rule also permits a motion to recommit and there will be an up-or-down vote on final passage.

To claim that the majority is somehow trampling on the rights of the minority by not allowing for an unlimited series of gutting amendments is ludicrous. Most Members advocating filibuster by the amendment route have no intention of supporting the bill on final passage in any case. We have had

12 years of gridlock and delay. This rule permits consideration by the House of all points of view regarding this legislation. This rule also ensures that the House will ultimately be able to act one way or the other. I commend the Rules Committee for its efforts and urge support of the rule.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from the Commonwealth of Virginia [Mr. WOLF], who has a long history of involvement in constructive contribution to this debate.

Mr. WOLF. Mr. Speaker, there is an abuse of power in this body that is beginning to corrupt the process. Since the beginning of this congressional session, the House Rules Committee has not allowed one open rule whereby members of either party can offer amendments. This prohibits free and open discussion of ideas and issues that are important to the American people. Both Republican and Democrat Members are becoming increasingly frustrated over their inability to offer amendments and participate in the legislative process.

Every morning when I come to work I think about how fortunate I am to have the opportunity to represent the honorable citizens of the 10th Congressional District of Virginia, and to serve my country as a Member of Congress. Indeed every Member of this body should be proud to have been granted, by the collective will of their constituents, this unique opportunity to come to Washington and make a positive difference. Today, however, I am disappointed that I will not be allowed to offer amendments to a bill which I feel is seriously flawed.

My amendments were not designed to be dilatory or obstructionist amendments. They were substantive amendments which addressed issues of real concern to many Members and the American people. One amendment that I would have offered would have kept current Hatch Act restrictions on the Federal Election Commission, Merit System Protection Board, Office of Special Counsel, and U.S. attorneys. The employees who work in these sensitive positions address issues that are political in nature, and their involvement in partisan political activity could severely undermine public confidence in our administrative processes. Would it be appropriate for an assistant U.S. attorney, who is preparing a case against a prominent political figure for corruption, to be permitted to work on the campaign of that politician's opponent? Repeal of the Hatch Act raises serious questions of conflict of interest and denial of due process. A closed rule does not address these concerns.

Another amendment that I would have offered would have kept current Hatch Act restrictions on employees involved in law enforcement and national security. Mr. Speaker, few would be content knowing an employee of the IRS was president or chairman of the county Democratic or Republican committee at night, and auditing county residents' tax returns by day. If publicly partisan FBI agents were investigating alleged bribery charges, or better yet, conducting a sting operation of a politician the agent publicly opposed, would the investigation, regardless of how forthrightly, professionally, and carefully conducted, be questioned as to the integrity of the investigation. Mr. Speaker, a closed rule does not address these serious questions.

Lastly, I would have offered an amendment that would have offered broad protections to the dedicated men and women of our civil service. The amendment would have prevented a Federal employee from soliciting another employee to take part in political management or campaigning. Thus, this amendment would have addressed the concern about indirect political coercion that would adversely effect Federal employees subjected to such harassment. The very real concern about indirect political coercion will not be addressed because Members of this House have been gagged by a closed rule. These issues need to be discussed, particularly because we are contemplating overturning a policy that has been in effect since the days of Thomas Jefferson and will affect the lives of about 3 million Federal employees.

This legislation is controversial and deserves deliberate consideration by this body. Leading newspapers and watchdog groups have raised serious concerns about the possible negative implications of repealing the Hatch Act. The Philadelphia Inquirer editorialized that:

> If [political] involvements were allowed, the public's respect for federal workers, such as it is, would surely decline. At the same time, more and more employees would feel improper pressure to be politically active in their spare time.

The Los Angeles Times wrote:

> Many federal employees have welcomed the prohibitions. The act excuses them from "voluntary" political activity that, given their vulnerability to actions by elected officials, might easily be coerced.

The Wall Street Journal commented:

> This country replaced the spoils system with a civil service system more than 100 years ago. That system certainly has its problems, but at least its employees don't openly play politics.

Lastly, Common Cause opposes repealing the Hatch Act stating:

> Repeal of the Hatch Act's basic protections, as proposed in H.R. 20, will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection.

Mr. Speaker, a closed rule will not allow members to address these concerns in a deliberative fashion. I have enclosed the text of these editorials and Common Cause's letter for the RECORD.

[From the Philadelphia Inquirer, Mar. 1, 1993]

### LET THE HATCH ACT BE

If the Democrats in Congress are going to pass bad bills, they should at least follow good procedure. That means allowing debate and amendments. Yet when the House took up a major bill last week, members not only couldn't amend it, they had virtually no time to debate it. In short, the representatives of the people were under a gag rule. It looked as if the Democrats don't like democracy.

The bill in question would have gutted a 54-year-old law—the Hatch Act—that bars federal workers from running for political office and from engaging in other partisan activities. It was enacted to make the bureaucracy less hack-riddled and to insulate federal workers from partisan pressures. Generally speaking, it has worked.

Fortunately, the bill didn't quite garner the two-thirds majority needed to pass it under this arrangement. Thus the bill will get the extensive debate that it deserves, and lawmakers will now have an opportunity to improve it by amendment.

Since President Clinton and majorities in both houses of Congress clearly want to soften the current law, the question isn't whether to do it, but how far to go. The legislation that was nearly rammed through the House last week would have gone way too far. In allowing federal employees to work off-hours in political campaigns, for example, the bill doesn't even exclude people who work for the Federal Election Commission (FEC)—the watchdog agency for congressional and presidential campaigns. As pointed out by someone whose district includes lots of federal employees, Rep. Frank Wolf (R., Va.), that would let an FEC employee do moonlighting work for a congressional candidate, then audit the financial report on the candidate's opponent by day.

Mr. Wolf also argues that the ban on campaign work should be maintained as well for employees of the Justice Department, the CIA and other law-enforcement and intelligence agencies. He reasons that, in such areas, it's especially important that decision-making be free of even the possibility of being influenced by partisan consideration. We agree.

But even if such exceptions were made, we fail to see the compelling argument for freeing the rest of America's roughly 3 million federal workers and postal employees to leap into politics—letting them participate in campaigns and, without giving up their relatively secure positions, even run for office themselves. If such involvements were allowed, the public's respect for federal workers, such as it is, would surely decline. At the same time, more and more employees would feel improper pressure to be politically active in their spare time.

These are basic reasons why the Hatch Act is being defended by the ACLU, Common Cause—and many federal employees themselves. If it's not broke, why rush to fix it? For that matter, why fix it at all?

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[From the Los Angeles Times]

### AN UNWANTED ESCAPE HATCH

Federal employees, like all Americans, have the right to vote, to belong to a political party and to make monetary contributions to candidates. For 53 years, however, federal employees have been wisely barred from further political activity. They may not serve as officers in a political party or manage political campaigns or work as volunteers in a candidate's campaign office. They may not solicit contributions from others for a candidate. And, not least in importance, they may not themselves run for elected office.

These restrictions have been the law of the land since 1939 when the Hatch Act, named for Sen. Carl Hatch (D–N.M.), was passed.

Many federal employees have welcomed the prohibitions. The act excuses them from "voluntary" political activity that, given their vulnerability to actions by elected officials, might easily be coerced. The law also preserves public respect for the Civil Service by keeping it clearly and formally above politics.

But opposition to the Hatch Act has never subsided. It has been thrice challenged, and thrice upheld, before the Supreme Court. In 1975 and 1990, Congress passed—and Presidents Gerald R. Ford and George Bush vetoed—bills for its repeal.

Behind the challenges have been federal employee unions, notably the National Assn. of Letter Carriers, which have used their political influence with Democratic legislators against the Hatch Act.

A great many federal employees have been Democrats, and so Democratic legislators, the merits of the case aside, have a partisan reason to be sympathetic.

Minority group members are disproportionately numerous among federal employees as well, and one among the arguments for repealing the Hatch Act has been that it reduces minority political power. Broadly speaking, the federal employees' right to an irreducible minimum of political activity does need to be balanced with the taxpayers' right to be preserved from, in effect, funding their own employees' lobbying.

A new bill to revise the Hatch Act, currently before Congress, would destroy that balance, going so far as to permit employees of the Federal Election Commission, which monitors enforcement of election laws, to work in electoral campaigns.

Refinements of the act may well be possible, but any proposed changes should be scrutinized skeptically. This is a law that has served the public good for half a century. Repealing it or even seriously weakening it should be out of the question.

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[From the Wall Street Journal, Feb. 19, 1993]

### HATCH NOT HACKS

One of President Clinton's few real spending cuts is his pledge to reduce the federal work force through attrition by 100,000 over four years. But he is unlikely to accomplish that if he goes along with an effort by Congress to destroy the Hatch Act, which limits the political activity of federal workers. Such a move would dramatically increase the power of public employee unions and make it less likely that Congress would ever vote to streamline or reform the bureaucracy.

The Hatch Act, named after Democratic Senator Carl Hatch of New Mexico, was passed in 1939 to tighten longstanding protections against a politicized federal work force. A Pulitzer Prize-winning series had documented how New Deal workers in Kentucky and other states had been coerced into supporting political incumbents.

Since its enactment, Hatch has been challenged three times before the Supreme Court on the grounds it infringes on the rights of workers. Each time it has been upheld. In 1973, Justice Byron White, the only Democratic appointee now on the court, wrote in an opinion that "it is in the best interest of the country, indeed essential, that * * * the political influence of federal employees on others and on the political process should be limited."

Frustrated by the courts, federal employee unions have time and again tried to modify the Hatch Act. Joe Vacca, the president of the National Association of Letter Carriers, has said that federal employees will never win the right to strike until Hatch is changed. In 1975, President Ford vetoed a Hatch Act repeal. In 1990, President Bush did the same thing and the Senate narrowly upheld his veto.

Last year, Bill Clinton said he would support some changes in the Hatch Act but stopped short of calling for its repeal. Public employee unions are betting he will be unwilling to veto whatever bill passes Congress. A bill to gut the Hatch Act is moving through Congress at warp speed and has already been voted out of committee. It may reach the House floor as early as next Tuesday.

Ironically, there is precious little evidence that federal workers themselves want changes in the Hatch Act. A 1989 survey of federal employees by the Merit Systems Protection Board found that only 32% wanted the act weakened. There are sound reasons for this attitude. "When a civil servant says, 'I'm Hatched,' he is not complaining," says historian Marjorie Fribourg. "He is protecting himself from political arm-twisting." Indeed, one federal employee union official groused in 1990 that "some federal employees really hide behind the Hatch Act as a way to get out of participating" in politics.

Groups such as Common Cause oppose curbing the Hatch Act, because they recognize it is the only way to avoid turning federal unions into full-fledged partisan political machines. Three union presidents were suspended from their federal jobs for 60 days under Hatch for openly backing Walter Mondale in 1984.

This country replaced the spoils system with a civil service more than 100 years ago. That system certainly has its problems, but at least its employees don't openly play politics. Bill Clinton would be foolish to allow the civil service to become a giant lobby for its own self-interest. But should he cave in and sign a bill gutting the Hatch Act, he should have the honesty to rename it the Hack Act, because that is the direction a politicized civil service will inevitably take.

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COMMON CAUSE,
*Washington, DC, February 19, 1993.*

DEAR REPRESENTATIVE: The House of Representatives is scheduled next week to consider legislation to amend the Hatch Act which for 50 years has protected federal employees from inappropriate political pressures. Common Cause strongly urges you to oppose this legislation.

H.R. 20, which seeks to make basic changes in the current Hatch Act restrictions on partisan political activity by federal workers, opens the door to implicit coercion, and abandons the fundamental concept of an unpoliticized civil service.

H.R. 20 will repeal Hatch Act protections and for the first time in 50 years allow federal civil service and postal employees to actively participate in partisan political activity. It would permit federal workers to run as candidates in partisan elections, to serve as officers of a political party, to raise partisan campaign contributions, manage campaigns, and to administer political action committees (PACs). The only restraint is that the partisan activity would have to occur in off-hours.

Repeal of the Hatch Act's basic protections, as proposed in H.R. 20, will increase the potential for widespread abuse and open the way for implicit coercion against which there can be no real protection. With basic restrictions on partisan activity repealed, no procedural or other safeguards will be sufficient to protect against subtle forms of political favoritism or coercion of federal workers.

It is important to recognize that under the current Hatch Act, federal workers are already permitted to engage in certain political activities. For example, they may make political contributions to candidates, serve as rank-and-file members of political parties, and engage in nonpartisan political activities. It is only the most active levels of partisan participation from which they are currently barred. In drawing this line, we believe that the current Hatch Act strikes an appropriate balance between the federal worker's ability to participate in political activities and the public's right to fair and impartial administration of government.

Common Cause recognizes that the current regulations governing administration of the Hatch Act are complicated. There may be ways to clarify and simplify for workers the degree of participation they are permitted under the Hatch Act without lifting the basic restrictions on partisan activity. We would urge the House to instead explore this possibility.

The Hatch Act was designed to ensure that the federal government is administered in a fair and impartial manner. We agree with the U.S. Supreme Court which stated, in upholding the constitutionality of the Act, that "it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service."

Common Cause strongly believes this important integrity-in-government measure should not be repealed. We urge you to oppose H.R. 20 and other proposals that would repeal necessary prohibitions on partisan political activity by federal employees.

Sincerely,

FRED WERTHEIMER,
*President.*

Mr. Speaker, I am disappointed because this House has degenerated into a place where open and honest debate is abhorred, political dialogue is silenced, expressions of conflicting views are muzzled, opinions are censured, and independence of thought is rebuked. Mr. Speaker, I am also disappointed because this House has demonstrated its contempt for the very democratic principles upon which this country was founded.

Yesterday, I had the most disturbing experience of my tenure as a Congressman. I testified before the Rules Committee and asked that they approve an open rule to H.R. 20, a bill that would repeal the Hatch Act of 1939. No open rule was granted; however, three amendments by my Republican colleagues were made in order. There is no valid explanation for why I was denied an opportunity to offer even one of my three perfecting amendments. Because I would not succumb to the leadership's plan to pass H.R. 20 under suspension of the rules and because I would not restrain my views with regard to this bill, I can only assume that I was precluded from offering a single amendment.

The proponents of H.R. 20 claim that the bill will restore political rights to Federal employees. It is ironic, however, that in so doing the Democrat leadership and the Rules Committee will prevent 432 Members from offering amendments. Any Member who wishes to offer an amendment should be allowed to do so. Each Member was duly elected by their constituents and has the same responsibility to represent them in Congress.

This is not how our forefathers envisioned this deliberative body would legislate. They would be appalled to find that not only is individual thought discouraged, it is punished. Furthermore, they would be disgusted to learn how the legislative process has been perverted by the profligate use of the closed rule.

The Rules Committee is supposed to craft rules that regulate the structure of debate and the amendment process. Instead, it has evolved into an autocratic body that passes on questions of substance rather than procedure. It filters out views and opinions it finds objectionable and decides which questions members are to consider. "The usefulness of an opinion," as John Stuart Mill points out, "is itself a matter of opinion: as disputable, as open to discussion, and requiring discussion as much as the opinion itself."

The Rules Committee is not endowed with greater wisdom than any other Member, and they are not qualified to sit in collective judgment of substantive amendments and speak for the entire body. What is sacrificed through this process is fairness, comity, freedom, and most importantly, the quest for truth.

When freedom of speech and expression are suppressed, opinions are silenced that may certainly be true. John Stuart Mill, in his essay On Liberty points out "this is to assume our own infallibility." No man or woman is infallible, and they have no authority to decide the question for all Members, and to exclude every other person from the means of judging. Mill continued:

> To refuse a hearing to an opinion, because they are sure it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility.

Mr. Speaker, history teaches us that governments are not infallible. Dictatorships and democracies have erred time and again, and will continue to do so. Governments have enslaved entire peoples, engaged in unjust wars, persecuted persons' religion, and levied bad taxes. The occasions that governments are most likely to commit such dreadful mistakes are when objections are not heard, concerns are not debated, and different opinions are suppressed. As Mill commented, "these are exactly the occasions * * * which excite the astonishment and horror of posterity." When the majority assumes its own infallibility, as it is doing by undertaking to decide the question of what amendments can be offered in the House, and sees fit to silence discussion of those views, the quest for truth through free expression is frustrated.

Mr. Speaker, Members should heed the prescient comments of John Stuart Mill who addressed the issue of the liberty of thought and discussion. In On Liberty, John Stuart Mill commented:

> We have now recognized the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion, on four distinct grounds; which we will now briefly recapitulate.
>
> First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.
>
> Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.
>
> Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience.

When liberty of thought and discussion is limited, a danger is presented because the majority controls any explanation of dissenting opinion which could be severely misrepresented. The majority could suppress facts or arguments, misstate the elements of the case, and misrepresent the opposite opinion. Open discourse is too precious to be sacrificed to political correctness which limits debates severely.

One must pose the question, Why is the majority afraid of open dialog? It seems that the majority goes to great lengths to restrict debate and discussion because they are concerned that the fallibility of their position or argument will be exposed and free thinking Americans will cast a referendum on those positions. If their arguments be valid and truthful, they should have nothing to fear; however, if they are flawed, the truth, if aired, will prevail. If their positions are the right ones, then the discussion of those ideas will reinforce their wisdom. Ideas that are fully, frequently, and fearlessly discussed, will be held to be living truth and not dead dogma. Mill elaborated on this point when he stated:

> Even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds.

Society can only benefit from such free discussion which provides reinforcement for traditionally held views, or deposes tired only doctrine. As Mill eloquently stated:

> If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

Mill points out that even—

> If the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

No one can be certain as to the truth of any proposition, and, to restrict open debate and discussion, is to forgo our need to expand and discover the truth.

Mr. Speaker, I pose a question to all Members, Republican and Democrat: Are we, as democratically elected representatives of the citizens of greatest democracy in the world going to choose liberty of thought and discussion or opt for the alternative—gag rule which stifles free and open debate?

Mr. GOSS. Mr. Speaker, I would ask how much time each side has remaining.

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Florida [Mr. GOSS] has 9½ minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 12½ minutes remaining.

Mr. DERRICK. Mr. Speaker, I have one speaker, and I wish to close.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I rise today to voice deep concern over the rule that is before us. Many of us may agree with the goal of allowing most Federal employees greater opportunity for political participation, but we are concerned that in so doing, under H.R. 20, Congress may also reopen the old paths for political abuse and corruption. As my colleague, the gentleman from Virginia [Mr. WOLF] has so eloquently stated, these are not partisan concerns. We must preserve the public trust by keeping the governmental services many people count on free from political coercion.

Mr. Speaker, we cannot address these concerns under this restrictive rule that is before us today. For instance, we will not be allowed to address the issue of abuses arising from political activities of employees of the IRS, the FBI, or the DEA, just to name a few.

Mr. Speaker, at a time when the people of this country are demanding change in Congress, today with this rule we are moving forward with the same old business as usual.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, please excuse me if I reveal insufficient gratitude for the magnanimity of being able to debate three Republican amendments today. The issue, and it is important for the people watching, Mr. Speaker, to know what is going on, I support the legislation that we are going to be voting on today. I see no problem with Federal employees, and they should have, as a matter of fact, not only is there no problem, but Federal employees should have the right to participate in the political process. This reform is long overdue.

The issue is the problem of the closed rule. The issue is that the majority is closing off the rights of the minority to debate, and when the majority is closing off the right of the minority to debate and to present amendments, the constituents of the minority are being discriminated against. It is an elementary violation of the democratic process. I think it is unnecessary and I think, really, it is unacceptable.

That is the issue that we are debating, the rule, the closed rule. The American people have to find out what is happening. They have to put pressure on this body to reject once and for all this impediment to democracy that is so flagrant in this body.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I would like to say to my colleagues on the other side of the aisle that I support this legislation, but the Committee on Rules, and I am talking to my good friend, the Committee on Rules continues to infringe upon the rights of the minority.

Each one of us, and I hope the gentleman will look at me, each one of us represents between 550,000 and 600,000 Americans, and we have the right, I think, or should have the right to at least present our amendments. The Members can vote them down. They have a big majority in this House, and have a big majority in the other House. Why do they stifle debate?

When I was in the Indiana General Assembly I supported this kind of legislation, and I support it today. But why does that side of the aisle stifle debate? They say it is because we do not have the time. They say they have other things to do tomorrow, as was said just a few minutes ago.

The fact of the matter is, we are going to be in town, most of us, tomorrow, and we are not going to have anything to do on the floor. Everybody can see that all Congressmen are not here to participate in debate, so this argument that we do not have the time simply does not hold water.

Rule after rule after rule comes down either gagging the minority or prohibiting us from offering the kind of amendments that we want. I would just like to say the American people want the Members to be fair. The Democrat side has the White House, they have the House of Representatives, they have the Senate. Why in the world would they not allow us at least to offer an amendment? They can vote it down if they want, but be fair.

We each represent a lot of constituents. We would not do it to you, so do not do it to us.

Mr. GOSS. Mr. Speaker, I would ask how much time remains for our side.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] has 6 minutes remaining.

Mr. GOSS. Mr. Speaker, may I ask if the other side has any further requests for speakers?

Mr. DERRICK. Mr. Speaker, I have one speaker remaining, and I reserve the right to close.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] has the right to close.

Mr. GOSS. In that case, Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DREIER], the very distinguished member of the Committee on Rules, to conclude our side.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 6 minutes.

□ 1420

Mr. DREIER. Mr. Speaker, I thank my good friend from Sanibel, our hardworking new member of the Rules Committee, for yielding me this time.

Mr. Speaker, tyranny requires continuous innovation and excuses used to hide the truth. I was fascinated as to the reason used yesterday by which my good friend and classmate, the gentleman from Virginia [Mr. WOLF] was unable to offer his amendment or his group of five amendments that I proposed up in the Rules Committee.

Mr. Speaker, the reason is that FRANK WOLF does not represent the largest number of Federal employees of any Member of Congress. He used to, as my good friend from St. Louis said, in the past, but he does not any longer, and that seems to be the only reason that FRANK WOLF cannot offer these amendments.

My good friend and the chairman has said also that he had said to someone if we included all of these amendments will you vote for the final passage on this bill, and he said the response that he got was "no." I tried to get my friend from St. Louis to yield me time so that I could respond to that. It seems to me, Mr. Speaker, that based on what we have heard from our side of the aisle, there is more than a couple of people who like to simply go through the process of allowing their colleagues who represent 600,000 Americans here to have the chance to have their ideas considered, and they may not support those, but they want them to have the right to consider those ideas. And then they still may think it is a very bad bill, even though all those items were brought up and voted on.

So it seems to me as we look at this gag rule once again we are saying to Members that you do not have the right to have your ideas even considered here on the House floor. We want to offer an open rule, to the surprise of my friends on the other side of the aisle. We want to offer an open rule. We want free and fair debate here, and so once again we are going to, believe it or not, have a vote on the previous question.

The previous question is very simple. It says that we will allow an open rule to take place so that all of these amendments, including that of the gentleman from Virginia [Mr. WOLF], and the others that tragically were not included, to at least be debated here. I might vote against some of FRANK WOLF's amendments. I am not sure at this point, but I would like to have us have the chance to analyze those. I heard a brief report on them up in the Rules Committee, but I have not heard them fully debated.

As I listened to the argument for the fact that over the last several Congresses we have looked at these issues, that is ludicrous. We have all underscored the fact that one-fourth of this place is comprised of new Members, 63 Democrats and 47 Republicans. During their campaigns, they may have looked at the Hatch Act as an issue, but I doubt that they have gone through the kind of rigorous debate that we would have here on the House floor. And Mr. Speaker, I have been here for a while. I as a Member have not been able to witness the kind of free-flowing debate that we need so that I can thoughtfully consider whether or not I am going to support these different amendments.

What we have done is yes, we have had votes under suspension of the rules in the past on this issue, but we have never had, to my recollection, a full debate on the multifarious amendments that Members on the Democrat side, the gentleman from Pennsylvania [Mr. FOGLIETTA] included, and the Republican side want to consider. The best way for us to consider those now is to defeat the previous question so that the gentleman from New York [Mr. SOLOMON] will have the opportunity to offer his open rule, and we can move ahead with a free-flowing debate.

So I urge a "no" vote on the previous question.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Before I move the previous question let me say, as was pointed out by the gentleman from Missouri [Mr. CLAY], this bill is almost 20 years old. Wait around another term and it will have reached its majority. To say that this matter has not been debated and debated accurately and at great length over the past 19 years is absurd.

Because of past dilatory tactics, millions of Americans have been denied the right to participate in the political process. Hopefully, after 19 or 20 years, this bill will become law in this session of Congress, and these men and women may enjoy basically the same rights as other Americans.

These heinous acts that are presented to the body about the IRS agents rapping on doors and one thing and another are illegal under the present law, and they will be illegal under the bill H.R. 20 that we will hopefully pass today. And should someone do this he could be prosecuted on the evidence and sentenced to a term of confinement.

As to whether this rule is a fair rule or not, the Rules Committee, as is its custom, listened to many Members who had amendments that they wanted to offer, and in the judgment of a majority of the Rules Committee there were three amendments that should be made in order. The gentleman from New York sought one amendment that he withdrew, but this rule allows three amendments, and allows 30 minutes on each amendment.

It is a fair rule. H.R. 20 is legislation that needs to pass this body, needs to be signed into law.

So I urge my colleagues to vote for the previous question, to vote for the rule, and to vote for final passage of this most important legislation.

Mr. Speaker, I yield back the balance of my time and I move the previous question.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b)(1) of rule XV, the Chair will reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the adoption of the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 248, nays 166, not voting 16, as follows:

[Roll No. 50]

YEAS—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—166

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—16

Bryant
Clayton
Cox
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Roemer
Rostenkowski
Roukema
Tauzin
Valentine
Washington
Young (AK)
Young (FL)

☐ 1448

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mrs. Roukema against.

Messrs. JACOBS, RIDGE, and KASICH changed their vote from "yea" to "nay."

Mr. OBERSTAR changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 163, not voting 18, as follows:

[Roll No. 51]

AYES—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—163

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—18

Bryant
Clayton
Conyers
Cox
Edwards (TX)
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Roemer
Rostenkowski
Roukema
Sharp
Taylor (NC)
Valentine
Young (AK)
Young (FL)

☐ 1458

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, I regret missing the vote on the rule for H.R. 20. I was unavoidably detained in a meeting on the Senate side of the Capitol. Had I been present, I would have voted against the rule.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 106 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 20.

☐ 1459

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

☐ 1500

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, denying any citizen the right to free and full participation in the political process is a contradiction in a democratic government. This is what the Hatch Act has done to millions of Federal employees for more than half a century. H.R. 20, the Federal Employees Political Activities Act of 1993, restores the most basic aspect of the rights the first amendment was intended to protect to more than 3 million Federal and postal workers.

The legislation we are considering today has a long history. I first introduced legislation to reform the Hatch Act in 1974. On four separate occasions, the House of Representatives has passed legislation to significantly remove the restrictions on the basic rights of Americans. The legislation we are considering today is virtually identical to the bipartisan compromise developed by the former ranking Republican on the Post Office and Civil Service Committee, the Honorable GENE TAYLOR, and myself in 1987. This legislation passed the House of Representatives in the 100th Congress by a vote of 305 to 112, and passed the House of Representatives again in the 101st Congress by a vote 297 to 90.

H.R. 20 embodies a very simple principle. No Federal employee should be able to use his or her office to intimidate or interfere in the ability of any other citizen to freely exercise the right to vote. This legislation contains strict prohibitions, reinforced by criminal sanctions, to preclude any Federal employee from unduly or improperly interfering with any other citizen's right to vote. H.R. 20 prohibits Federal employees from engaging in any form of political activity while on duty, in a Federal facility, in their uniform, or while using any vehicle owned or leased by the Government. This prohibition applies to employees of the executive branch, the competitive service, and the postal service excepting only the President, the Vice President, and certain high-level political appointees.

Under this legislation, Federal and postal employees cannot use official authority or influence to interfere with the result of any election and may not use official information for any political purpose, unless that information is otherwise available to the public. To ensure that these restrictions have meaning, Federal and postal employees may not knowingly solicit, accept, or receive a contribution from any person who does business with or is regulated by the employee's agency, or has interests that may be affected by the performance of the employee's duties. Nor may any Federal employee solicit or receive a political contribution from a subordinate or offer or provide a political contribution to a supervisor. Among other sanctions, employees who violate these provisions may be barred from employment in the Federal Government.

While this legislation tightens protection to ensure that those who hold official office do not abuse that office, it also removes existing restrictions on the ability of Federal employees, when acting on their own time as private citizens, to engage in partisan political activity. If there ever was any justification for limiting the basic first amendment rights of Federal workers, that justification has long since ceased to exist. Since this legislation was enacted in 1939, we have substantially reformed the civil service system. Federal employees no longer serve at the whim of their immediate supervisor. An extensive system of law and regulation, including independent and judicial review, now exists to ensure that employment decisions within the Government are based upon competence rather than patronage.

The extension of the franchise is among the finest chapters in American history. Originally limited to white, male property holders, now every citizen, with the glaring exception of one class of American citizens, has a right to organize with like minded citizens and to attempt to persuade other Americans of the wisdom of their views regarding the political future of the Nation. The Hatch Act is one of the most ignoble laws ever enacted by the Congress. It denies 3 million American citizens the right to choose in political activity on behalf of partisan candidates. In essence, their rights are limited to the hollow act of choosing among candidates selected for them by others. Their circumstances are identical to those of average citizens in the old Soviet Union who also had the right to vote, but only among candidates chosen for them.

Political freedom encompasses much more. It is the right to host political events in your own home for your friends and neighbors. It is the right to distribute leaflets and brochures on behalf of causes and candidates you feel are important. It is the right to stuff envelopes, work a telephone bank, and drive voters to the polls. It is the right to speak and vote at local, regional, State, and national caucuses and conventions. In short, it is the right to organize with like-minded people for the purpose of persuading others of the soundness and importance of your own political views. That is the essence of democracy. It is the substantive meaning of the right of free speech, the right to assemble, and the right to petition the Government for redress of grievances.

Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act. In the face of this regulatory morass, Federal and postal workers have little idea as to just what constitutes unlawful political activity under the Hatch Act. To the extent that the law serves any end at all today, it serves to intimidate and discourage Federal and postal employees from engaging in any political activity. Regrettably, both Democratic and Republican administrations have sought to use the law to muzzle perceived opponents.

While the Hatch Act has served as an irresistible temptation by which an administration may intimidate and coerce 3 million Federal and postal employees, it has proven to be impotent in accomplishing the purpose for which it was enacted—deterring those who would abuse their official positions in order to retain power. H.R. 20 ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or national. It better protects Federal and postal employees from coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. It also frees Federal and postal employees to engage in otherwise lawful political activity on their own time, and thus ends the coercive gag imposed upon them by the Hatch Act today.

Free speech and the right to exercise a meaningful voice in the selection of one's Government are the foundation of our Republic. These rights are no less important to Federal and postal employees than they are to women, blacks, or any other group of American citizens. I am confident that this Congress will provide Federal and postal workers with the full political rights to which they are entitled. I urge you to vote for H.R. 20.

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I congratulate my chairman for bringing this bill to the floor, even though I do disagree with the procedure that it is coming to the floor under. I would have spoken against the rule, this modified rule, whatever you want to call it, if I had been given the chance. But, because of confusion, I did not have the chance to speak at that time, so I am going to speak very briefly about the rule.

Mr. Chairman, this is a good bill, deserving of standing on its own. It did not need to have a closed rule, and I do not think there is any question we would have easily defeated every amendment that was going to be offered.

It is a tragedy that a good bill like this be tainted by the procedure here. I know on the Republican side there are going to be some Members who vote against this because of the procedure, and I am sorry to see them vote against something that is good legislation. They assured me, given the opportunity, they might have voted for some of the amendments.

But this bill passed through a week ago, lacking only three votes of having the necessary two-thirds under the suspension of the rules. I can recall back in high school, 50 years ago, studying about the various branches of Government in a high school civics class. This, the House of Representatives, was called the People's House.

What has happened to the People's House today? You, the elected officials, the elected Representatives of the people, are denied the right to offer an amendment if you want to, and I do not think it is necessary. I never have supported a closed rule, with the exception of tax laws around here. Tax laws have to be closed rules, I think, because none of us really know enough about tax legislation to really write legislation. So we have to depend upon people of expertise.

But we all understand that we are trying to free here people who have been held down for so many years and not given an opportunity to participate in the political system that all of us take for granted.

Mr. Chairman, the gentleman from Missouri [Mr. CLAY] and I have been friends for a long time. The gentleman spoke about freeing up the people to do what is right politically. Why did the gentleman not vote today to free up the Members of Congress to have the same political freedom? That is all I was begging for. I would have voted against the amendments. The gentleman and I agreed to this. But I just think it is wrong to deny us this. I hate to pursue this any further, but this is the people's body. I love this place, I love the institution, but it is tragic again this year that of the five bills we have had, every one of them has been a modified rule.

The argument can be made, rightfully so, that under the rules of the House technically this was not a closed rule. But is sure was not open either, was it? So in my old Indiana vernacular here, if it is not open, by gosh, it has to be closed.

Mr. Chairman, I think we made a big mistake. I think this will pass and become law, but it is too bad it will have that stain.

Mr. Chairman, there have been a number of arguments in the media and outside of the media. Most of those arguments have been by those who do not understand what is in the legislation. I think it protests the rights of civil service employees and postal employees to be protected from a supervisor who might use them for political gain, for political purposes. But it also frees employees up who work for the civil service or Postal Service. They can run for political office after taking a leave of absence. I think this is a good bill.

Mr. Chairman, this is one suggestion by a local newspaper of an IRS agent who is auditing an individual, and during that audit comes out and says, "By the way, taxpayer, I have a friend running for office. Would you put this sign in your yard?"

Subchapter 3, article 7323, of this bill, entitled "Use of Official Influence or Official Information; Prohibition," it says an employee may not, directly or indirectly, use or attempt to use the official authority or influence of the employee for the purpose of interfering with, and it goes on, intimidating, the word used, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence. Criminal sanctions prohibiting such action are there.

Mr. Chairman, I think we have everything built in here to protect the right of the civil service employee against being coerced or being forced by anyone to do something he did not wish to, but also it frees him up to participate in a service. It is something that should have been done a long time ago.

Mr. Chairman, the gentleman from Missouri [Mr. CLAY] and I have been cosponsors of this for a good many years. It has twice passed in this House. Once it got to the President. George Bush is a friend of mine. I tried to prevail upon him last year. I thought he made a mistake. He told us he made a campaign promise that he would not support this legislation. I wish he would have kept all of his campaign promises though, "Read my lips." I think he kicks himself now, too, for maybe keeping the wrong ones.

But, nevertheless, I think this is good legislation. I hope that even those who differ with the procedure, and I quite agree, it is a wrong procedure, will support this very badly needed legislation, this good legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

□ 1510

Mr. BLACKWELL. Mr. Chairman, there are no restrictions on the ability of Members of Congress to fully participate in the political process. In addition, there are no restrictions on the ability of staff of the Congress to fully participate in the political process.

Why then do we continue to restrict other Federal employees from fully participating in the political process? The reason is that the Congress has simply resisted change.

In the House of Representatives, we have passed Hatch Act reform legislation on four separate occasions over the last 20 years. We have done our part in the past, we should continue to do our job and pass H.R. 20 today.

Most Federal employees now operate under a strict merit personnel system. The days of the spoils system are gone. We need no longer fear coercion and intimidation as a tool to interfere with the results of elections. More importantly, this bill retains strict prohibitions on political activity while on the job.

Federal employees may not engage in political activity while working, while in Federal buildings, while in uniform, or while using Government vehicles. In addition, it prohibits the use of official information for political purposes, prohibits contributions to a superior, and prohibits solicitation of political contributions from any person who has a contractual relationship with an employee's agency.

Mr. Chairman, 41 States have already done what we propose to do here today. This bill simply does what the Constitution of the United States requires. It treats all persons equally.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], a very valued member of this committee and a very senior member.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in support of H.R. 20, the Federal Employees Political Activities Act of 1993, otherwise known as the Hatch Act reform bill.

Regretably, last week, because of the procedural objection to considering this measure on the Suspension Calendar, the House failed to approve this Hatch Act reform measure. This procedural problem caused an unfortunate setback for our Federal employees who have waited years, 54 years to be exact, to regain the right to fully participate in our political system.

However, that undue, prolonged delay is about to end, and I urge my colleagues to vote their hearts on this issue. Now that we have considered the procedural objections, let us lift the Hatch restrictions on Federal employees.

Under the provisions of H.R. 20, Federal employees will continue to carry out their official responsibilities with impartiality, while having the ability to exercise their political rights on their own time. The measure we are considering today contains both penalties for coercion and protections for employees. Additionally, a factor not present half a century ago but available today is the broad application of the merit system, which protects over three-quarters of Federal workers and guarantees open competition and merit-based promotion.

Accordingly, I urge my colleagues to support this measure, and allow 4 million Americans to fully exercise their political rights.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise today in support of the Federal Employees Political Activities Act, H.R. 20.

This stands for the principles that are as basic as the foundations of our democracy. They reach down deep, as far back as the Boston Tea Party and the American Revolution. These principles are as basic as the 13th amendment, the 15th amendment, the 19th amendment, giving women the right to vote, the 1965 Voting Rights Act. Inclusion is the name of this game.

H.R. 20 stands for inclusion in our political process; inclusion in our democracy.

I submit to my colleagues that none of us in this democracy is free until all of us are free. None of us is fully empowered politically until all of us are fully empowered politically. And for 3 million people in these United States to be without the right of full political participation is to deny freedom to all of us.

So I submit to my colleagues that H.R. 20 is a resolution, is a law whose time has come.

It has safeguards. It provides for penalties, both civil and criminal, in the event of improprieties. But most importantly, it provides for justice, political justice for the 3 million Federal employees in this country who are now denied the right to participate fully in our electoral process.

I urge this House to please adopt H.R. 20. It is the right thing to do.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOGLIETTA].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOGLIETTA] is recognized for 2 minutes and 30 seconds.

Mr. FOGLIETTA. Mr. Chairman, I rise today in opposition to H.R. 20.

I do not relish the thought of opposing this important bill. I commend Chairman CLAY for his efforts to reform this outdated legislation. And I am pleased that our President supports the rights of our Federal workers.

I strongly support the right of the American worker to participate in our democracy and the democratic proceeds.

There is no reason why a welder in the Philadelphia Navy Yard, or a postal worker, or virtually any Federal worker should be denied the basic American right to participate in our political process.

However, I believe this bill will create opportunities for abuse. I am concerned that officials involved in law enforcement, tax audits, and immigration investigations would, simply through the authority of their position, exert pressure on votes and, yes intimidate them.

This group makes up a very small percentage—less than 3 percent—of the Federal work force.

But, I am from Philadelphia—these types of political pressure are not abstract concepts for me.

I am reminded of a scene that illustrates my concern.

Several years ago, I saw a group of police officers streaming out of their police stations wearing political buttons on their lapels and straw hats with banners. These men were off duty. But the threat was there for anyone who saw them: Be for their candidate or incur the wrath of your neighborhood policemen.

Imagine the power of an IRS or F.B.I. agent who comes to your door asking that you vote for or against a particular candidate.

Imagine the power of an INS agent as he or she campaigns in a certain neighborhood.

Yesterday, I asked the Rules Committee to accept my amendment which would exempt these types of workers from this bill. It was denied that opportunity. I support the rights of the Federal workers. But, in good conscience, I cannot support H.R. 20.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, the legislation before us should have passed the House last week. Unfortunately, it didn't. But due to the tenacity of the bill's sponsor—who happens to be our committee chairman—we have another chance today.

I understand the concerns of those who oppose H.R. 20. But I believe those concerns are unfounded. The Hatch Act is in need of reform. It is outdated. It is time to give Federal and postal employees the freedom to exercise their political rights away from the workplace.

There's talk on the floor today that passage of this legislation would lead to political coercion of career civil servants by their superiors. That is not right. H.R. 20 imposes stronger restrictions on the abuse of official authority than current law. There have been suggestions that career employees could use their governmental positions to intimidate citizens for political purpose. That is against the law today and will be tomorrow if this bill becomes law.

Under the Hatch Act, Government workers are treated like second-class citizens. They are denied their constitutional rights. That is not right.

I strongly urge my colleagues to vote in favor of this much needed legislation.

□ 1520

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA], a very valued senior member of this committee.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the Hatch Act is an anachronism that needs to be reformed. Since 1940, it has become an accumulation of over 3,000 regulations that are contradictory, ambiguous, and indeed, confusing, that have deprived 3 million Federal employees from having a voice in Government.

Currently on the job with the the Hatch Act one can wear a button advocating a candidate for office, but one cannot, in one's own time, host a meet-the-candidate coffee in one's neighborhood, at one's home. Nobody knows what these regulations mean, what the effect is; but what a loss, what a loss.

Scientists from the National Institutes of Health, statisticians from the Census Bureau, inspectors from the Department of Agriculture, and it goes on and on, all of these people are deprived of the opportunity to be involved in their own time in their government.

Currently, the secretary of a department, a Cabinet Secretary, can go off and can host a big fundraiser for a candidate for office, whereas a clerical secretary in that very department is deprived of the opportunity to address envelopes at night, in his or her own home, for a candidate running for the county council. That is wrong. It is finally time for us to change it.

This bill, bipartisan, carefully crafted after all these years, gives our Federal employees the right to be involved and the freedom to not be involved, with all these safeguards. Forty States allow their public employees to be involved and there have been no problems.

Mr. Chairman, our Constitution starts off, "We the people," and not, "We the people, except for Federal employees." Let us pass the reform of the Hatch Act.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, I would commend the chairman for his work on this piece of legislation. If we look out the back yard of this Capitol, we will see a large mall and in the middle of that mall is the Washington Monument, then the Lincoln Memorial, and across the Potomac River is a hill. On that hill lies the remains of thousands of young men and women who shed their blood on the ground, so that we can enjoy the freedom that this country represents.

Mr. Chairman, that is what this bill is about today. It is about reinstating a certain class of freedom to a certain class of people; 4 million people who have been denied the right to participate in the political process in this country.

This bill is that piece of legislation that reinstates that freedom. I encourage my colleagues to vote for this legislation and to support the Hatch Act.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, first we need to see that this is not a bill for the Federal employees, this is a bill to take from the Federal employees.

I come from a district in which the political abuse is so outlined, that when I first ran for the State House of Representatives, the day that I filed, the newspapers covered a report where teachers, and these were State employees at the time, because the chairman of one party picked the school board and the school board then took care of political contributions, the report pointed out that these public employees not only had to vote right and had to contribute right, but they had to buy their groceries and their cars from the right people.

Mr. Chairman, it took us years to reform that inside the State of North Carolina, to get elected school boards, to get the people in the process, and to get the public employees of that area, off limits to political partisanship that wanted to take from and abuse those employees.

If this bill is passed then we are going to see the Federal employees but put in the same position where unscrupulous political leaders, getting inside the system, will use this as a cash cow to promote politicians.

In 1939, because of the abuses in the U.S. senatorial race, this Congress and the administration of Franklin Roosevelt then saw a threat so great that they passed the original Hatch Act. We are getting ready today to change that.

Mr. Chairman, I am voting "no," and I hope the rest of this Congress will.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I would like to thank the chairman of the committee and the sponsors of H.R. 20 for allowing me time to address the House.

Mr. Chairman, how important H.R. 20 is, we are not talking about groceries or automobiles, we are talking about people's rights. If somebody is forcing their employees to buy their groceries or buy their cars at a certain location, then I think they need to go down to the local district attorney's office and talk to that person, because that is how we take care of that in Texas.

In Texas, our State employees have these rights. We have restored these rights, including law enforcement personnel, 4 years ago, and have had no problems since then. Let me relate the reason that I am here today and a cosponsor of H.R. 20.

I know of a 37-year-old letter carrier who for many years did not have the opportunity to get involved in his elections. He voted like a good citizen would, but that letter carrier wanted to be involved, but he could not because he was worried about losing his job. That letter carrier never did anything but go vote, and I think today it is so important that we pass this and restore that right for that letter carrier, along with all Federal employees.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. UPTON}.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding time to me. I will try to be brief on my statement.

Mr. Chairman, I have taken a pretty active role on this bill, both today and last week and in previous years. When people back home, including in my office, think of FRED UPTON, they think about deficit reduction, they think about what he is doing for southwestern Michigan, and all the many things that I have tried to accomplish during, now, my fourth term.

I do not have a lot of Federal employees. This does not have a lot to do with reducing the deficit, but what I have tried to think about in my role on this bill, and what has driven me to take the role that I have, is that I was once Hatched. I know what it feels like to be a Government employee that is Hatched, and you cannot do anything when you go home. I think that is terribly unfair.

I believe in freedom and democracy. I can visualize the other countries of the world, whether they be Poland or Central America or other places, that look to our great country as one that stands for freedom and democracy, except, of course, our Federal workers.

This is not a repeal of the Hatch Act that was envisioned back in 1939 or so. This is reform. This has tough penalties. They are increased over the present law for those that campaign. They cannot coerce other folks to get involved in campaigns. That is wrong, and there are tough penalties to make sure that that does not happen.

Off-hours, when that employee goes home, as I did when I was Hatched, that employee ought to have the same right as their neighbor or any other non-Federal employee to participate in the events that they would like to, as any other American.

□ 1530

We all have children. Can you imagine telling the Federal worker who is "Hatched" today that either they or their spouse, because they work for the Federal Government, cannot have a role in looking for someone running for a partisan office like a school board, or a township clerk or trustee? You cannot put up yard signs on a Saturday, you cannot circulate petitions, even if your spouse is running for office. That is wrong, and we need to get with the rest of the other workers across this land to make that change.

The point has been made here today and in previous debates that Federal employees are against this Hatch Act reform, they do not want to be involved. That was not the case for FRED UPTON when I was Hatched, and I can tell Members and cite for them a whole laundry list of the names of folks that worked as I did for the Reagan administration. I can cite name and verse of a number of folks that worked their tails off for President Reagan as a political appointee.

And when President Bush was elected, and they were off course as political appointees are, they are asked to resign, and many of them then were asked to carry on under the new administration, the first question was, "What did you do to help President Bush?" Well, "I could not do anything. I was Hatched." "Well, I'm sorry, you don't have another job." That's wrong. And in your off-hours you ought to be able to do what you want, and that is what this bill does.

The bill was not perfect. I voted against the rule because we were not able to offer an open rule. But I thank the Rules Committee for making an amendment in order that I will later offer with my colleague, the gentleman from Pennsylvania [Mr. WELDON], to make sure that the Federal Election Commission employees stay under the old law. And I thank the Rules Committee for allowing that amendment.

But we need this. It is long overdue, and we ought to give a message to our Federal employees that they are wanted in the process.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Virginia [Ms. BYRNE], a member of the Committee on Post Office and Civil Service.

Ms. BYRNE. Mr. Chairman, a lot has been said on this bill about political intimidation and threats to Federal employees. But I would like to tell Members a story about a young man last year who was called into a Federal agency and sat down by the special counsel and told, "Young man, if I see you with a picture of your parent who is running for office, we are going to have to remove you from your job."

It was an outright threat and intimidation that was allowed under the old Hatch Act, what we are trying to get rid of right here. And I know this story pretty well, because that young man was my son. And the fact is if there is any political intimidation going on right now, it is under the old rules. It is saying do not dare go out and participate because we will stomp on you; we will get you.

And in terms of ordinary citizens being afraid of Federal employees using their political franchise, I would remind the opponents of this bill that it was not the IRS agents, the grade 9's who made the Nixon hit list for audits. It was political appointees who made the Nixon hit list for audits.

It was not the civil servants who went through the State Department files of the current President. It was not the civil servants; it was the political appointees. And if there is any political intimidation going on now, it is by those people in every single agency that are political appointees, not the Federal civil servants and post office workers.

That is why this bill is so sorely needed. We need to have equity in this system and allow Federal employees to have their franchise back.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself 1 minute to compliment the gentlewoman from Virginia for her remarks.

Most of the citations that have been made by the media and others about the potential violations, the abuse by civil service employees or postal employees, anyone working for the Federal Government, can exist today under the existing law. They are wrong. They would be in violation and subject to criminal penalties, but they could happen today under the existing law.

What we are trying to do here is to provide legally and restrict just how far those individuals can go by giving permission to work within the system and to exercise their rights that most of us take for granted. So I compliment the gentlewoman for her comments. She is exactly right. Just about everything I have seen as criticism as to why we should not vote for this legislation could exist today and probably does in some instances. But it is wrong, both morally as well as criminally.

So I thank the gentlewoman for her comments.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania, [Mr. COYNE].

Mr. COYNE. Mr. Chairman, I rise in support of H.R. 20, the Federal Employees Political Activities Act of 1993.

Mr. Chairman, this bill is long overdue. The bill simply states that Federal employees should be permitted to exercise rights that all our citizens have, and that is to participate in the political process of our country.

H.R. 20 permits employees of the executive branch to engage in political activity and to exercise their political rights.

The legislation would allow Federal workers to run for office and to manage campaigns, to cite but two examples of increased participation in the political process.

This bill has a list of prohibited activities and forbids Federal employees from in any way using their Federal position to influence the electoral process.

Mr. Chairman, Federal workers should be allowed their rights as citizens.

Their professionalism and the legislation itself will prevent them from abusing the exercise of these rights.

Mr. Chairman, I urge passage of this legislation.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I just want to thank the chairman of the committee, the gentleman from Missouri [Mr. CLAY], very much for bringing up this most important piece of legislation.

I will tell you what this is all about. It is about first amendment rights. There is nothing else involved here. That is it.

In my neighborhood, in my district in Coshocton, OH, the Ku Klux Klan has been given a permit to march because the courts have said so. The Nazis in Illinois in a Jewish neighborhood were given a permit to march because the courts said they had that right. People in this country are allowed to burn the U.S. flag because the courts have said that is a right. And yet, Federal workers are not allowed to work on campaigns. They cannot become involved in the political situation. But Congress cannot deny all of these other things by law because the courts have said this.

But hardworking Americans, American Federal employees, good Americans who participate in their communities, are denied first amendment rights. This is preposterous. They have been made second-class citizens.

And I will say if it is so bad, if it is so bad that there is fear of coercion or because of political pressure, then why does everybody want it? It does not make sense. If somebody was going to pressure me, I would want to keep them out of my life. But Federal employees want it.

□ 1540

I think that is America's shame to deny part of our citizenry the right to the first amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as the ranking member on Post Office, I want to say how honored I am to be here with committee members on both sides, and it was especially nice to have the gentleman from Michigan, one of the younger members, to get up and talk about how important the Hatch Act is.

The rest of us have been out on this floor so many times on this issue that we begin to feel like broken records.

I must say that when I first got out of law school and began to work for the NLRB, I was horrified to find out I could not participate in anything that looked to me like normal civic duty, the things that I thought we were supposed to be into, and we had crazy people even out measuring bumper stickers on people's bumpers to make sure they were not too big, and they had silly little things about how big signs could be and whether or not you could hammer them in, and could you go to your caucus and could you go to your convention. I mean, it was absolutely nuts. People were totally intimidated by this. Supervisors used it as a big club over your head.

When I chaired the subcommittee, this came out, and I know the gentleman from Missouri has reported this out when he was the subcommittee chair, and he is now the full committee chair. We have had this on the floor over and over and over again. We keep wondering what is the issue; why is this country so afraid to allow Federal employees constitutional rights to participate in the electoral system. You would think it would be something that there would be a huge mandate for.

Actually, this has been on this floor over and over again. We have gotten very strong votes for it, but unfortunately it keeps getting vetoed and vetoed and vetoed. This time it looks like it might really, really be signed.

I think to allow the people who know so much about this Government and how it works, and they could be the ultimate political whistleblowers if they wanted to be, and they have all sorts of protections against supervisors coming down on their heads and doing anything else, so I think this is a very good day, and that this bill might finally become the law, and Federal employees might finally become full-class citizens.

I think that is good news for everybody after over 200 years of this Republic. I thank very much the gentleman from Missouri for his leadership on this.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot imagine any Hatch Act being able to stop the gentlewoman from Colorado from speaking. It went a lot further than I realized it could.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], a valued member of this committee.

Mr. RIDGE. Mr. Chairman, I rise today in strong support of H.R. 20. One founding principle of this country was that all citizens should have the right to freedom of speech. However, because of an antiquated law passed in 1939, the nearly 4 million postal and Federal employees do not currently have the freedom to express their opinions on who should govern them.

Can we really say that nothing has changed since 1939? Technology has changed; and yes, even the civil service has changed. Our Government and postal employees have proven themselves worthy of our trust and respect. The 1939 law is clearly excessive, clearly intrusive, not to mention outdated. Postal and Federal workers currently must comply with more than 3,000 separate regulatory ruling about political activity on and off the job.

Federal and postal workers cannot host a reception after hours in their home for a political candidate. Federal and postal workers may attend a political rally, but they are forbidden to carry a sign. Federal and postal employees may write letters to the editor, but not more than five. Bumper stickers and yard signs must comply with size restrictions. These restrictions are clearly excessive and limit the constitutional rights of those who are employed by our own Government.

Under the Hatch Act reform we are considering today, it would still be illegal to do political work on the Federal Government's time. It would still be illegal to force or coerce a Federal or postal employee into political work or to discriminate against those who refrain from political involvement. The bill does protect the rights of those who choose to remain uninvolved. Anyone who misuses official authority or Federal information could be fined, jailed, or fired.

We all know Federal and postal workers, and I think it is only fair to say that they have been diligent in their efforts to comply with the letter and the spirit of the Hatch Act. We can expect the same response from them if this reform measure is enacted.

There has been a great deal of speculation that public employees' unions are out to control the government. However, Federal and postal workers are not sheep who may be led around by some imaginary big brother. They are individuals. They are patriotic and articulate citizens who are knowledgeable about many aspects of the United States Government. They deserve a political voice equal to that of all other Americans, and I, for one, would like to hear what they have to say.

I urge my colleagues on both sides of the aisle to restore to public servants the right of free association and the right to exercise their basic first amendment rights by supporting H.R. 20.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, Federal employees are among the most dedicated and hard-working members of the American work force. They care a great deal about helping to shape public policy. To that end, they should be allowed to actively participate in the political process. In fact, the right to assemble and participate in the affairs of government is a constitutional right. This body cannot use the arguments of the 1930's to make a valid case for the Hatch Act in the 1990's. When the act was passed, less than 32 percent of the Federal work force was covered by a classified merit system. Today, almost 80 percent of Federal employees are covered by a system that protects them from political influence and abuse. We are the only democratic nation that prohibits its Federal workers from participating in the political process. Keep in mind, employees must not engage in political activity while on the job, and they can not use any official information for political purposes, unless that information is available to the public. At a time when we are asking our Federal workers to bear the double burden of a possible tax hike and a pay freeze, we ought not to continue to prohibit them the right to participate in our democratic process. I urge you to support H.R. 20.

We can only have a democracy if we afford those individuals who work in the work force as Federal employees to fully participate by being able to not only voice their vote in the voting booth but have the opportunity to also participate in political activities at their homes and at other places across America.

The purpose of this is not to start any political maneuver with appointees of the Government but to give individuals an opportunity to fully exercise their constitutional right.

I ask the Members of this body, please, support H.R. 20, because it is in the best interest of America and certainly in the best interests of the American workers. At this time, speaking of the workers, they have a double burden, once where we are going to be asking in the very near future these Federal employees to pay a tax hike, and we also will be asking them to take a freeze in their pay, a double burden by the taxpayers on the Federal employees of this country. I ask you to pass this act, because it is in the best interests of the Federal employees.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I want to compliment the chairman of the Committee on Post Office and Civil Service for his persistence. It has been my privilege to work with him for, now, almost 20 years on this legislation, and it was my privilege to precede him as the chairman of this committee.

The most recent occasion upon which we passed this legislation was in 1989 when President Bush vetoed the legislation, and then this House voted to override the veto, and everybody fully expected that the other body would do the same. Then two people who had voted for the passage of the bill changed their vote on the veto override vote, and it was defeated by that very narrow margin with tremendous lobbying from the other end of the street.

Now, it is a little different picture, because we have a President who has made a commitment that if we get this bill back in substantially the same form to him, he will sign it. And it is about time. We are talking about legislation that was politically motivated in the worst sense of politics when it was passed in 1939. There were a number of Senators who promoted this from the President's own party who thought that they could use this as a weapon to defeat that President for reelection in 1940. There were 11 Senators against whom the President had indicated his support, and it was thought that the WPA workers and the PWA workers and the others were following the President's recommendations, and their revenge was something called the Hatch Act.

□ 1550

Now, think of 1939, before World War II. There were no civil rights laws, we did not have debates in the Congress about the rights of women to be protected in the workplace, we did not have most of the individual protection laws that have emerged, primarily as a byproduct of the civil rights movement of the 1960's, none of them. We did not have an integrated military in 1939. That came along 11 years later, 11 years after the Hatch Act, before black people could serve on an equal footing in our Army.

So, the time was different. The circumstances were different.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. FORD] has expired.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I suggest this to people who are opposing this legislation and saying, "Not now": Do you believe that in the America of 1939 you could pass an act that disenfranchised 3 million people for any reason at all from the right to vote, after we passed the voting rights legislation, even motor-voter legislation very recently, and we passed civil rights legislation for groups in our society, like minorities and women, who were discriminated against openly and by law in 1939, when this act was written?

This country has changed. One of the blocks that remains from that bad, sad time of pre-World War II America is the Hatch Act, and we have a chance, by supporting Chairman CLAY and his committee, to put this behind us and get on with the future of America.

Mr. Chairman, I rise to support H.R. 20, long overdue legislation that would return to Federal and postal employees the right to participate in the Nation's political process.

This is, of course, our second vote on the bill in a week. As last week's vote showed, there is overwhelming support for Hatch Act reform, as there was for the virtually identical bill passed by the 101st Congress nearly 4 years ago. That bill was vetoed by President Bush, and the veto of the bill that emerged from Congress was overridden by the House but narrowly sustained by the Senate. We look forward to sending its successor to President Clinton for his signature.

This bill was reported from the Post Office and Civil Service Committee on a voice vote, with overwhelming support. It enjoyed a similar level of support when I had the honor to chair that committee in 1989. Then, the House passed it on suspension with 297 votes in favor.

For far too long Federal employees have suffered under the yoke of the Hatch Act, which was written for a different time and under far different circumstances. No longer should those who serve their Federal Government be denied basic rights enjoyed by other Americans.

It is important to understand that H.R. 20 has been developed over succeeding Congresses, mostly under Republican Presidents and now under a Democratic President. It is the product of bipartisan compromise.

The bill would give Federal workers the right to participate fully in the political process—off the job. They would be able to manage campaigns, solicit contributions, work on phone banks, and run for office. But employees would continue to be prohibited from engaging in partisan political activity while on duty. The bill would not turn the Federal workplace into a political arena. This is a system that has worked well for many States and even for foreign governments.

The bill contains strong, clear criminal prohibitions of abuses of official influence. It would prohibit employees from intimidating, threatening, commanding, or coercing any Federal employee to engage or not engage in any political activity—voting, making political contributions, working for candidates, or refusing to engage in these activities. It would forbid employees from giving political contributions to their superiors, and forbid superiors from soliciting contributions. In the process, it would sweep away the quilt of 3,000 rulings on the Hatch Act that have been handed down over the years, replacing it with a simple distinction: activities on and off the job.

I want to emphasize that the bill would establish criminal penalties. Violators would be subject to fines of up to $5,000 or 3 years in prison, or both. The bill also authorizes civil penalties including firing, reduction in grade, debarment from Federal employment for up to 5 years, and fines of up to $1,000.

It is vital in a democracy to have citizen participation. And that should include all citizens, without exception for those who happen to work for Federal agencies. As our democracy does not compel political participation by any group, neither should it forbid it.

Since it was passed in 1939, our country has paid dearly for the Hatch Act. We have denied ourselves the benefit of hearing from thousands of our best informed citizens on issues that come before us.

Opponents of the bill point to the conditions that led to passage of the Hatch Act as a chief reason for continuing its prohibitions. They choose to ignore the changes in Government and the political environment since then.

As lawmakers it is our duty to ensure that Federal laws fit the times. The Hatch Act was enacted during a period of rapid expansion of the Federal Government, at the end of the Great Depression.

There was justifiable fear that Federal workers could be manipulated by those to whom they felt they owed their jobs. The Hatch Act was created to protect Federal workers from the political system and the system from Federal workers.

Mr. Chairman, this law no longer fits the times. Today, we have a firmly established merit system that protects both employees and the public from political abuses that might result from employee political activities. In 1939, less than one-third of the Federal work force was under the merit system. Now the proportion is more than three-fourths.

H.R. 20 has as its primary proposition the belief that Federal employees should be free to engage in any political activity off the job. I am proud to support that proposition and this bill.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, 202 years ago in this body an attempt was made, through the proposal of an amendment, to limit the activities of public employees, Federal inspectors of distilled spirits. A vote was taken on the amendment, and it was defeated by a vote of 21 in favor and 37 against, primarily on the grounds, and I quote, "This amendment will muzzle the mouths of free men and take away their use of reason."

Many years later, in the 1930's, without the benefit of either debate or public hearing, the Hatch Act was placed into law. Senator Carl Hatch of New Mexico, as I say, without the benefit of any public hearings and with almost no comment in the U.S. Senate on his amendment, placed his amendment on another piece of legislation, which had nothing to do with the topic, by the way.

That amendment was not voted on in the U.S. Senate but was simply accepted, came here to the House, received no discussion, no hearings, was not voted on, but nonetheless was placed in the legislation, continued to be attached to it. And when the legislation was signed, the Hatch Act became the law of the land.

Fear played a major role in the passage of the Hatch Act. It is, I believe, a stain on America's cherished right of freedom of political expression. The Hatch Act, in my judgment, is a blot on the right of America's citizens to be politically involved.

This legislation before us is properly numbered, it is numbered as H.R. 20, and it is almost 20 years old and has been discussed and debated and considered. Members of Congress have received thousands and thousands of recommendations, pro and con, how to improve the legislation, and H.R. 20 is the result.

H.R. 20 is grounded in the concept that Federal employees should be free to engage in political activities on their own time, but should not engage in any political activities on the job.

Let us restore the rights and the responsibilities of political involvement to those Americans who work for the public.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for those who did have a difference in procedure today, I urge you to support this legislation. It is good legislation. It is long overdue. Please support it.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of H.R. 20, the Federal Employees' Political Activities Act of 1993. This bill is a bipartisan effort and was unanimously reported out of the Committee on Post Office and Civil Service, and was approved by this body during the last Congress.

The Hatch Act was approved in 1939 and is badly in need of revisions. This reform legislation, I cosponsored, is needed to allow America's Federal employees the same right as every other citizen—the right to participate in the political process, without fear of losing one's job.

In my home State of Alaska, the Federal employees have spoken out loud and clear in favor of this bill. I strongly encourage my colleagues in this body to pass this legislation and restore to Federal employees basic first amendment rights to freely participate in our political system and make a positive change for our children and grandchildren.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of H.R. 20, the Federal Employees' Political Activities Act. We all know that the legislation now before us has been debated for many years now.

Let's talk first about what this bill does. This measure permits Federal workers to participate in the political process while still being shielded from political influence or coercion. This bill eliminates ambiguity in current law. This bill provides much clearer definitions of permissible and impermissible activities, and establishes strict guidelines for proper conduct. And this bill builds on protections against influence and abuse provided by the current merit system by establishing strong enforcement mechanisms including civil and criminal penalties.

One thing this bill does not do is politicize the Federal work force. Granting Federal workers the right to participate in partisan politics is long overdue. No other country in the world restricts the activities of the men and women who serve their governments. Why should we?

Mr. Chairman, the time has come for us to take action. For far too long, we have refused hundreds of thousands of citizens the right to participate in their communities. Let us not fail those who dedicate their lives to serving this Nation again today. I urge my colleagues to support H.R. 20 without amendments.

Ms. PELOSI. Mr. Chairman, I rise today in strong favor of H.R. 20, the Hatch Act reform bill. The key word here, Mr. Chairman, is reform. The Hatch Act served a purpose in the less stabile political climate of the 1930's and 1940's by protecting Federal employees from being strong-armed into partisan campaign work.

Today, the need to protect workers from such coercion no longer exists. With effective measures in place to protect the rights of these workers and an alert media closely monitoring the political activity of all organizations, the Hatch Act has, thankfully, outlived its original purpose.

Today, instead of protecting Federal employees, the Hatch Act serves only to silence them, violating their rights of free speech and political association.

The bill before us today would ensure the protection of Federal employees against political coercion by clearly defining the prohibitions against the misuse of official authority.

Federal employees and postal workers are an important part of our national work force whose collective input is a necessary thread to the very fabric of democracy. To stifle that input is an injustice.

I urge my colleagues to support H.R. 20, which would allow approximately 3 million Americans to speak out and exercise their constitutionally guaranteed rights.

Mr. DICKS. Mr. Chairman, today is a very special day for employees who work at the Puget Sound Naval Shipyard, Bangor Submarine Base, Fort Lewis, McChord Air Force Base, and in fact all other Federal facilities across the country. Because today we begin the final lap in a painfully long effort to provide Federal workers with the basic right to participate as full citizens in the political process of this great democracy. We will soon see emancipation from the unfair and unnecessary restrictions of the Hatch Act.

Since 1939, a painful irony has existed that prevents millions of citizens sworn to protect, defend, and serve their country from exercising their conscience and good citizenship. It is high time for the Congress and the President to change this anachronism. As the Commission on Political Activities of Government Personnel stated in 1968, "The present Hatch Act is confusing, ambiguous, restrictive, negative in character, and possibly unconstitutional." I commend my colleagues, Chairman Clay and fellow Appropriations member JOHN MYERS, for introducing this reform act. And unlike past efforts where the House has passed these reforms only to see them stalled short of enactment, it appears that the Congress will at long last provide political equality to our Nation's Federal Employees, and the President will sign the bill.

The act contains strict protective provisions and penalties that will prevent civil servants from intimidation and political favoritism. This enforcement includes fines, official reprimands, reduction in pay grade, removal from service, and imprisonment.

Opponents of Hatch Act reform cannot claim that this matter was brought to the floor on a fast track. Similar legislation was approved by the House during the 100th and 101st Congresses, and although a bill was not reported to the floor during the 102d Congress, the question was thoroughly aired by the Committee on Post Office and Civil Service. I encourage my colleagues to end this sanctioned second-class citizenship. Vote for H.R. 20 and free Federal employees from our current unjust law.

Mr. LIGHTFOOT. Mr. Chairman, I rise today to express my support for reforming the Hatch Act for Federal employees. This law unfairly restricts certain U.S. citizens from exercising their rights of free speech and free assembly granted under the Constitution. The Hatch Act is contradictory, vague, and outdated.

However, the Hatch Act must remain in place for employees of the Federal Election Commission, the Internal Revenue Service, and those Federal employees who work for regulatory and enforcement agencies. Imagine having someone appear at your door asking for a political contribution and then finding out shortly thereafter that person is an IRS official auditing your tax returns. Federal employees in the regulatory and enforcement agencies are able to exert influence over private citizens which other Federal employees cannot do.

I had been a long-time opponent of reforming the Hatch Act. I had been concerned that Federal employees could not be adequately protected against coercion by their bosses and I still believe we must be vigilant about such pressures. However, after speaking to a number of constituents who are Federal employees, I believe their right not to participate will be protected. However, it is imperative and necessary that Federal employees in the regulatory and enforcement agencies be exempted from this reform.

I believe proper reform of the Hatch Act will allow Federal employees in agencies not involved in regulations or enforcement to actively engage in the political process and to exercise their rights as American citizens while maintaining the integrity and public trust of the civil service.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 20, the Federal Employees' Political Activities Act of 1993. This bill, which amends the Hatch Act of 1939, is a bill whose time has come. For too long, Federal employees have been shut out or unclear about their right to participate in the political process. H.R. 20 solves this problem by clearly defining which activities Federal employees and postal workers can participate in and which ones they can't.

Beyond establishing much needed definitions for Federal employees, H.R. 20 ensures that Federal and postal workers have the right to exercise the political rights and freedoms that the rest of us use freely. When workers are at home or finished with work for the day, they will be able to behave like other Americans and, if they choose, distribute leaflets for a candidate or cause, work at a telephone bank, or run for office, as long as their activities do not interfere with their job performance. Workers will not, however, be able to use their office, Government vehicle, or official authority to promote a political cause. To emphasize the seriousness of violating these regulations, civil and criminal penalties would be put in place to enforce the provisions of H.R. 20.

The Federal Employees' Political Activities Act of 1993 sets simple and fair guidelines for Federal employees and postal workers. Let's be fair and pass this bill quickly so that American workers can receive the long-awaited reform that they deserve.

Mr. MYERS of Indiana. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 20 is as follows:

H.R. 20

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Employees Political Activities Act of 1993".

**SEC. 2. POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

**"§ 7321. Political participation**

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of our Nation.

**"§ 7322. Definitions**

"For the purpose of this subchapter—

"(1) the term 'employee' means any individual—

"(A) employed or holding office in an Executive agency, other than the General Accounting Office; or

"(B) employed in a position within the competitive service which is not in an Executive agency;

but does not include the President or the Vice President, or a member of the uniformed services;

"(2) the term 'candidate' means any individual who seeks nomination for election, or election, to any elective office, whether or not the individual is elected, and, for the purpose of this paragraph, an individual shall be considered to seek nomination for election, or election, to an elective office, if the individual has—

"(A) taken the action required to qualify for nomination for election, or election, to that office; or

"(B) received any political contribution (other than any personal services described in paragraph (3)(C)) or made any expenditure, or has given consent for any other person to receive any political contribution (other than any such personal services) or make any expenditure, with a view to bringing about the individual's nomination for election, or election, to that office;

"(3) the term 'political contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose, and includes—

"(A) any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(B) any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(C) the provision of personal services for any political purpose;

"(4) the term 'superior' means any employee who exercises supervision of, or control or administrative direction over, another employee;

"(5) the term 'elective office' means any elective public office and any elective office of any political party or affiliated organization;

"(6) the term 'person' includes any individual, corporation, trust, association, State, local, or foreign government, territory or possession of the United States, or agency or instrumentality of any of the foregoing; and

"(7) the term 'Special Counsel' means the Special Counsel appointed under section 1211(b).

**"§ 7323. Use of official influence or official information; prohibition**

"(a) An employee may not directly or indirectly use or attempt to use the official authority or influence of the employee for the purpose of—

"(1) interfering with or affecting the result of any election; or

"(2) intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence—

"(A) any individual for the purpose of interfering with the right of any individual to vote as the individual may choose, or of causing any individual to vote, or not to vote, for any candidate or measure in any election;

"(B) any person to give or withhold any political contribution; or

"(C) any person to engage, or not to engage, in any form of political activity.

"(b) An employee may not directly or indirectly use or attempt to use, or permit the use of, any official information obtained through or in connection with such employee's employment for any political purpose, unless the official information is available to the general public.

"(c) For the purpose of subsection (a), 'use of official authority or influence' includes—

"(1) promising to confer or conferring any benefit (such as any compensation, grant, contract, license, or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license, or ruling); or

"(2) taking, directing others to take, recommending, processing, or approving any personnel action.

"(d) Nothing in this section shall be considered to apply with respect to any actions if, or to the extent that, such actions are taken in order to carry out the duties and responsibilities of one's position.

**"§ 7324. Solicitation; prohibition**

"(a) An employee may not—

"(1) give or offer to give a political contribution to any individual either to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(2) solicit, accept, or receive a political contribution to vote or refrain from voting, or to vote for or against any candidate or measure, in any election;

"(3) knowingly give or hand over a political contribution to a superior of the employee; or

"(4) knowingly solicit, accept, or receive, or be in any manner concerned with soliciting, accepting, or receiving, a political contribution—

"(A) from another employee (or a member of another employee's immediate family) with respect to whom the employee is a superior; or

"(B) in any room or building occupied in the discharge of official duties by—

"(i) an individual employed or holding office in the Government of the United States; or

"(ii) an individual receiving any salary or compensation for services from money derived from the Treasury of the United States.

"(b)(1) In addition to the prohibitions of subsection (a), an employee may not knowingly solicit, accept, or receive a political contribution from, or give a political contribution to, any person who—

"(A) has, or is seeking to obtain, contractual or other business or financial relations with the agency in which the employee is employed;

"(B) conducts operations or activities which are regulated by that agency; or

"(C) has interests which may be substantially affected by the performance or nonperformance of the employee's official duties.

"(2) The Special Counsel shall prescribe regulations which exempt an employee from the application of paragraph (1) with respect to any political contribution to or from an individual who has a familial or personal relationship with the employee if the employee complies with such requirements as the Special Counsel shall so prescribe which relate to the disqualification of the employee from engaging in any official activity involving the individual.

"(3) The Special Counsel shall prescribe regulations under which paragraph (1) shall not apply with respect to any political contribution from a person in situations in which the facts and circumstances indicate there would not be any adverse effect on the integrity of the Government or the public's confidence in the integrity of the Government.

**"§ 7325. Political activities on duty, etc.; prohibition**

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) paid from an appropriation for the Executive Office of the President; or

"(ii) appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

**"§ 7326. Candidates for elective office; leave**

"(a) Except as provided in subsection (c), an employee who is a candidate shall, upon the request of the employee, be granted leave without pay for the purpose of allowing the employee to engage in activities relating to that candidacy.

"(b) Notwithstanding section 6302(d), and except as provided in subsection (c), an employee who is a candidate shall, upon the request of the employee, be granted accrued annual leave for the purpose of allowing the employee to engage in activities relating to that candidacy. Leave under this subsection shall be in addition to leave without pay to which the employee may be entitled under subsection (a).

"(c) A request for leave submitted under subsection (a) or (b) may be denied if the exigencies of the public business so require. Any such denial shall be in writing and shall be accompanied by a statement of the reasons why the request is being denied.

"(d) An employee may not be required to take leave without pay under subsection (a), or accrued annual leave under subsection (b), in order to be a candidate, unless the activities relating to the candidacy interfere with the employee's performance of the duties of the position.

**"§ 7327. Regulations**

"The Special Counsel shall prescribe any rules and regulations necessary to carry out this subchapter.".

(b) Technical and Conforming Amendments.—(1) Section 3302(2) of title 5, United States Code, is amended by striking "7203, 7321, and 7322" and inserting "and 7203".

(2)(A) Sections 8332(k)(1), 8706(c), and 8906(e)(2) of title 5, United States Code, are each amended by inserting immediately after "who enters on" the following: "leave without pay granted under section 7326(a) of this title, or who enters on".

(B) Section 8411(e) of title 5, United States Code, is amended by inserting immediately before "approved leave without pay" the following: "leave without pay granted under section 7326(a) of this title, or".

(3) The section analysis for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Use of official influence or official information; prohibition.
"7324. Solicitation; prohibition.
"7325. Political activities on duty, etc.; prohibition.
"7326. Candidates for elective office; leave.
"7327. Regulations.".

(4) Section 1216(c) of title 5, United States Code is amended—

(A) by striking paragraph (1); and

(B) in paragraph (2), by striking "(2) If" and inserting "If".

(c) Amendments to Title 18.—(1) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(A) by inserting "(a)" before "It";

(B) by striking all that follows "Treasury of the United States" and inserting a semicolon and the following:

"to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both."; and

(C) by adding at the end the following:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of that title.".

(2) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7324 of that title.".

(d) Amendments to the Voting Rights Act of 1965.—Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

(e) Applicability to Postal Officers and Employees.—

(1) In general.—The amendments made by this section, and any regulations thereunder, shall apply with respect to officers and employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

(2) Investigative and enforcement authority.—The Special Counsel (appointed under section 1211(b) of title 5, United States Code) may conduct investigations and seek disciplinary action with respect to any officer or employee referred to in paragraph (1) in accordance with applicable provisions of chapter 12 of such title.

**SEC. 3. EFFECTIVE DATE.**

(a) In General.—The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7327 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Penalties Not Affected.—Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability imposed under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) PENDING PROCEEDINGS NOT AFFECTED.—No provision of this Act shall affect any judicial or administrative proceeding commenced on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

The CHAIRMAN. No amendments to the bill are in order except the amendments printed in House Report 103–24, which may be offered only in the order printed and by the named proponent, shall be considered as read, shall not be subject to amendment, except as specified in House Report 103–24, and shall not be subject to a demand for division of the question. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UPTON:

Page 12, strike line 8, and insert the following:

**"§ 7327. Continued applicability of former provisions**

"(a) This subchapter shall, with respect to employees of the Federal Election Commission, be administered in accordance with the following:

"(1) The provisions of this subchapter (as amended by the Federal Employees Political Activities Act of 1993) shall be deemed to have no force or effect, except for this section.

"(2) The provisions of this subchapter (as last in effect before the amendments made by the Federal Employees Political Activities Act of 1993 took effect) shall be deemed to have remained in effect, except for former section 7325.

"(b) For purposes of applying the provisions of chapter 12 which relate to the authority of the Special Counsel to conduct investigations, and to seek corrective or disciplinary action, in connection with any misconduct under this subchapter, and for purposes of any other provision of law, this subchapter shall, to the extent it is being applied with respect to employees of the Federal Election Commission, be construed in accordance with subsection (a).

**"§ 7328. Regulations**

Page 13, in the matter after line 3, strike the item relating to section 7327 and insert the following:

"7327. Continued applicability of former provisions.

"7328. Regulations.".

Page 13, strike lines 7 and 8, and insert the following:

(B) in paragraph (2)—

(i) by striking "(2) If" and inserting "If"; and

(ii) by inserting "(1)," before "(3),".

Page 13, after line 8, insert the following:

(5) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

Page 15, line 20, strike "7327" and insert "7328".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. UPTON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment with my good friend and colleague, the gentleman from Pennsylvania [Mr. WELDON]. I will be brief.

Mr. Chairman, I am not aware of Members who are opposed to our amendment. This amendment simply maintains current law with regard to restrictions on Federal Election Commission employees, and I think it is quite obvious that partisan politics should not have a place where FEC employee responsibilities are concerned.

Once a candidate's Federal Election Commission report filing is brought into question, he or she can usually be assumed to be guilty, even before an investigation begins, and if this amendment is not adopted, could open up a can of worms that I do not think anyone really wants to get into.

Mr. Chairman, I urge my colleagues to lend their support to this amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to speak in support of an amendment to H.R. 20, the Political Activities Act of 1993. This amendment is designed to specifically address a concern that Members raised last week when H.R. 20 was defeated under suspension. I did vote for H.R. 20 under suspension last week, however, I did so with reservation. I believe that with this amendment, Members that might otherwise hesitate to vote for Hatch Act reform will feel confident that they are voting for a responsible and sensible piece of legislation.

Under H.R. 20, all Federal employees are treated similarly providing that any Federal employee may engage in otherwise lawful partisan political activity on their own time, and away from the job. This amendment carves out the employees of the Federal Election Commission and provides that these employees continue to be subject to the provisions of the Hatch Act as it presently exists. The amendment also includes authority for the Office of Special Counsel to enforce the law with regard to employees of the FEC. Unlike other Federal employees, employees of the FEC are uniquely involved in regulating the electoral process and the activities of the Federal candidate. For this reason, it is necessary to maintain the Hatch Act restrictions on Federal Election Commission employees.

The companion bill in the Senate contains similar language to that proposed by this amendment. In addition, H.R. 20 as ultimately passed by the 101st Congress, included language prohibiting FEC employees from engaging in partisan political activity. Furthermore, the Commissioners of the Federal Election Commission specifically asked that Federal Election Commission employees remain under the restrictions of the Hatch Act.

For these reasons, I urge my colleagues to support this common sense amendment which serves to protect Federal employees while restoring their basic rights of political expression. Hatch Act reform is necessary, this amendment makes this reform effort more responsible and appropriate.

Mr. Chairman, I insert the following letter into the RECORD at this point:

FEDERAL ELECTION COMMISSION,
*Washington, DC, February 18, 1993.*

Hon. WILLIAM L. CLAY, Chairman,
Hon. JOHN T. MYERS, Ranking,
*Committee on Post Office and Civil Service, House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMEN CLAY AND MYERS: It is my understanding that as early as next week, the House of Representatives will vote on H.R. 20, the "Hatch Act Reform Amendments of 1993." The members of the Federal Election Commission (FEC) would like to reiterate to you our deep concern about the consequences for this agency of proposed legislation revising "Hatch Act" restrictions upon political activity by federal workers. We would respectfully request that an exception be drawn for employees of the Federal Election Commission in any legislation intended to liberalize or relax the rules prohibiting federal employees' participation in political campaigns outside the workplace.

Congress established the Commission as a bipartisan body to administer and enforce federal election laws free of partisan or political considerations. Permitting active political involvement by employees of the Commission, even outside the work environment, could only serve to compromise the capacity of the agency's staff to perform their job responsibilities in a non-partisan manner. The perception that Commission employees are or may be engaged in partisan political activity, even on their own time, would severely undermine public confidence in our ability to properly and fairly carry out the mandate Congress has given us.

The members of the Commission certainly have no objections to those provisions of the act meant to strengthen restrictions upon "on the job" behavior related to political activity. In fact, the FEC's own rules and regulations regarding political activity on the job go beyond those currently imposed by the Hatch Act. Furthermore, we wish to express no opinion as to the appropriateness of the proposed legislation as it may be applied to and impact upon the federal workforce generally.

The special exception for employees of the Commission will enable our agency to continue to fulfill our particularly sensitive role in the political process with uncompromised impartiality and credibility.

Sincerely,

SCOTT E. THOMAS,
*Chairman.*

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the chairman of the committee, the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment, and we will accept it on this side.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, this amendment is acceptable to both sides, I am quite sure, as the gentleman from Missouri [Mr. CLAY] has already said. It makes a good bill even better.

Mr. WELDON. I thank the gentlemen for their cooperation in bringing this to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The amendment was agreed to.

□ 1600

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 11, strike line 8 and all that follows through page 12, line 7, and insert the following:

**"§7326. Candidates for elective office; leave**

"(a) Except as provided in subsection (b), an employee may not seek nomination for election, or election, to any Federal or Statewide elective public office.

"(b) Subsection (a) shall not prohibit an employee from seeking nomination for election, or election, to an elective public office if no person is seeking to be nominated for, or elected to, such office as the candidate of a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

"(c) The standards applicable under section 7322(2) in determining whether an individual is seeking nomination for election, or election, to an office shall apply for purposes of making any such determination under this section.

"(d)(1) This subsection shall apply with respect to a candidate for any elective office, except that, in the case of an elective public office, this subsection shall not apply unless the office is one which may be sought by the employee involved under the preceding provisions of this section.

"(2) Except as provided in paragraph (3), an employee who is a candidate shall, upon the request of the employee, and for the purpose of allowing the employee to engage in activities relating to that candidacy—

"(A) be granted leave without pay; and

"(B) notwithstanding section 6302(d), be granted accrued annual leave.

"(3) A request for leave under subparagraph (A) or (B) of paragraph (2) may be denied if the exigencies of the public business so require. Any such denial shall be in writing and shall be accompanied by a statement of the reasons why the request is being denied.

"(4) An employee may not be required to take leave without pay under paragraph (2)(A), or accrued annual leave under paragraph (2)(B), in order to be a candidate, unless the activities relating to the candidacy interfere with the employee's performing the duties of such employee's position.

The CHAIRMAN. Under the rule, the gentlewoman from Connecticut [Mrs. JOHNSON] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, this amendment does significantly change the bill, but, I think, for good reason. This amendment will prohibit Federal employees from running for State or Federal office, but will reserve to them the right to run for local office; that is, town or county office.

We act here today not in a vacuum, and those of us who voted for Hatch Act reform last time remember that it went into the conference committee and the other body adamantly opposed granting Federal employees the right to run for political office, gave them instead the right to run for State party offices, for local party offices, but not to do the kind of public service that Federal employees want to do.

Mr. Speaker, I have never once had a Federal employee come into my office and ask me to gain for them the right to serve as the local town chairman or the State party chairman, but I have had hundreds of Federal employees come into my office and implore me to find a way for them to be able to serve on their local board of education to govern the schools that their children go to.

Mr. CLAY. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I think this is a good amendment. It will help to improve the bill, and we will accept it on this side.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Missouri [Mr. CLAY] for his support.

Mr. MYERS of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentlewoman from Connecticut [Mrs. JOHNSON] for offering this amendment. It is one we have discussed but we had not put in the bill. We thank the gentlewoman for it, and we accept it on this side, too.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS], and I submit the rest of my statement for the RECORD.

Mr. Chairman, as a strong advocate for responsible Hatch reform, I urge Members to support my amendment to give Federal employees the right to run for local political office only. This amendment will give Federal employees the most treasured political right—that to run for local school board or serve as a selectman—without compromising the apolitical nature of our Federal work force.

I thank the chairman of the Post Office and Civil Service Committee, BILL CLAY, and ranking member JOHN MYERS for their leadership on Hatch reform. Unfortunately, the bill as currently written will not pass the Senate. In the 101st Congress the Senate opposed allowing Federal employees to run for office at all levels because they fear it opens the door to the kind of abuse and intimidation that led to the passage of the original Hatch Act. Yet, the Senate would allow Federal employees to run for political office like State party chairman.

Mr. Chairman, I would make two points. First, I have never once had a Federal employee ask for the right to be deputy town committee chairman, or even State party chairman, but I have had Federal employees implore me to let them run for the school board, the county council, a town selectman or selectwoman. Second, the intimidation concern is no issue at all in local elections. The vast majority of Federal employees work in cities, and live in suburbs and small towns. Very few of the people they work with live in their towns so intimidating them to vote won't help. While intimidation is possible in State and Federal contests, it cannot be used to win local races.

The Johnson amendment gives Federal employees what they want most—the right to run for local office. Every group of Federal employees who has discussed this issue with me have stated that they want to be able to run for local offices, such as school board or town council. And these are people who are dedicated to public service, who understand how important government is to the operation. Responsible Hatch reform must allow these people to serve their local communities in this manner. By stripping this bill down to the core issues, I hope the other body will support us and accept the right to serve in local political office, not partisan party offices.

Once President Clinton signs a Hatch Act reform bill into law, we will not visit the issue again for many years. Knowing how the Senate stands on this issue, if we want Federal employees to be able to run for office at all, it is critical that we present the Senate with a responsible compromise bill. If we pass a bill that allows Federal employees to run for all levels of political office, the Senate will certainly gut that language. But if we pass my compromise amendment and work with the Senate, we can test Hatch reform on this limited scale and consider further reforms in the future on the basis of experience.

The original Hatch Act's aim, a Federal civil service independent of Federal electoral politics, is as necessary and desirable today as it was 50 years ago. But we need not sacrifice the legitimate desire of Federal workers to pursue local civic and political interests that do not conflict or interfere with their duties.

The Johnson amendment makes sense and will promote responsible Hatch reform. I ask you to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, pursuant to House Resolution 106, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. McNULTY). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 86, not voting 11, as follows:

[Roll No. 52]

YEAS—333

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bartlett
Becerra
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—86

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Beilenson
Blute
Boehner
Bonilla
Bunning
Callahan
Calvert
Camp
Canady
Coble
Combest
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Dunn
Ewing
Fawell
Foglietta
Fowler
Franks (CT)
Gallegly
Gekas
Gingrich
Grams
Greenwood
Hancock
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Knollenberg
Kyl
Leach
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McCollum
McCrery
McKeon
Mica
Moorhead
Nussle
Packard
Paxon
Pombo
Porter
Roberts
Rogers
Rohrabacher
Royce
Schiff
Sensenbrenner
Shuster
Smith (MI)
Smith (TX)
Snowe
Stearns
Stump
Talent
Taylor (NC)
Walker
Wolf

NOT VOTING—11

Bryant
Cox
Fields (TX)
Ford (TN)
Henry
McDade
Roemer
Rostenkowski
Roukema
Valentine
Young (AK)

☐ 1636

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mrs. Roukema against.

Mr. BARTLETT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 20, the legislation just passed.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## PERSONAL EXPLANATION

Mr. ROEMER. Mr. Speaker, had I been present, I would have voted "aye" on rollcall votes 49, 50, 51, and 52.

Mr. Speaker, I was not present for these two votes because I was unavoidably, but happily, detained at the birth of my newest constituent, and son, Patrick Hunter Roemer. My wife Sally and I send our sincere thanks and gratitude to everyone who has extended their best wishes.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 20, FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 20, the Clerk be authorized to make such technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker we have completed our legislative business for the day. There will be no further votes today. We will be in session tomorrow. We expect to go in at 11 a.m. for expected further consideration of the Unemployment Compensation Act, which is currently being considered in the other body.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I had been led to believe that if the other body accepted the House version of the unemployment bill, that there would be no legislative business tomorrow. It would only happen in the event that they did have a change and it would have to come back here for concurrence.

Mr. HOYER. The gentleman is correct. That would be our hope. However, the information we have is that that may not be the case, so there is a good possibility that we will be here.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman would yield further, if the other body does concur with the House version, will there be any votes tomorrow? Will there be a vote on the Journal, or will we just come in and have a pro forma session?

Mr. HOYER. We would hope there would not be a vote on the Journal or anything else tomorrow if we have completed our business; that is to say, the other body adopts the proposal. We are intent on passing the Unemployment Compensation Act this week. The gentleman from New York may have more information.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield further, let me ask one other question for those Members not on the floor now. Is it safe for them to assume that if they watch the Senate action tonight and the Senate concurs with the House version, that they can go ahead and make their travel arrangements and plans for tomorrow based upon no votes in the House?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, if the gentleman would let me answer, and then I will yield.

I can say it is safe to assume that nobody on this side of the aisle will be asking for a vote tomorrow on any matter if the unemployment compensation bill is approved, as passed by the House, by the other body.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman.

Mr. HOYER. Mr. Speaker, I am glad to yield to my friend, the gentleman from New York [Mr. SOLOMON], who may have better information than I have.

Mr. SOLOMON. Mr. Speaker, I also may have some thoughts on this matter.

Let me just say to the gentleman that the Committee on Rules is about to meet in 10 minutes, at which time we expect to put out a so-called marshal rule which is going to waive the two-thirds issue for bringing up another rule tomorrow on this floor, which would deal with any changes that they might make over in the other body tonight.

What that means is that it is very likely that we are going to have at least two rules on the floor tomorrow, and some votes on some action that was taken over in the Senate. It is my understanding that some action will be taken and that it will not be just the clean bill that we sent over. Therefore, it is very likely we are going to have votes on this floor tomorrow.

□ 1640

If that is the case, then there is no commitment that I will not be asking for a Journal vote, because our noses are still out of joint over our treatment as far as these closed rules are concerned.

However, if there are going to be no rules on the floor, and the Senate bill does not come back over here, then I certainly would do all I could to see that there are no votes tomorrow on the floor. That is where things stand as I see it.

Mr. HOYER. I appreciate the comments of the gentleman from New York, and I think that gives us as fair an assessment as to what possibly can happen tomorrow as we can give at this time, not knowing specifically what the other body will do.

Mr. SOLOMON. I might say to the gentleman that we have received assurances from the Democrat leadership as well that if we do go upstairs in a few minutes and put out a two-thirds rule waiving the two-thirds in order to put a rule on the floor tomorrow, that there will be full cooperation between the majority and the minority as to what we are going to be voting on up there, and I would just tell the gentleman we appreciate that understanding, and we would hope that you live up to it.

Mr. HOYER. I appreciate the gentleman's remarks, and would certainly believe and have 100 percent expectation what representations were made by the leadership will be followed through on by the leadership. I thank the gentleman for his comments.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The Chair will take 1-minute requests.

## NATIONAL SERVICE PROGRAM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, one of the most severe problems facing our Nation is the lack of jobs facing our young people. The fact is that people without the hope of a promising job lose the inspiration and drive necessary to become productive members of society.

The chance at a college education has remained elusive for many of our young people mainly due to the high cost of higher education.

President Clinton has outlined his plan to remedy this problem and will fulfill his campaign promise for job creation with the enactment of a National Service Corps.

Our young people will finally have the opportunity to get a college education and will be able to repay the cost of that education by serving their community by teaching, providing police protection, or contributing to the growing need for infrastructure development.

This program will offer the flexibility for students to choose to serve either before or after they have achieved their educational goals.

We all know that pride in self and community come from having a vested interest in the success of those around you. This program both revitalizes the emphasis in community involvement and removes the barriers that keep our young people from pursuing higher education.

### FACTS ABOUT NATIONAL SERVICE

The initial summer-of-service pilot program would involve 1,000 students.

The program would expand to 25,000 students next year and 100,000 students within 3 years.

Federal National Service organization programs already exist and are working. They are Volunteers in Service to America [VISTA] and the Peace Corps.

This is a $15 million total cost in stimulus package for this year in the National Service Program. Total cost over 4 years will be approximately $7.4 billion.

It is time to get our own house in order and this program will provide us with the tools necessary to focus the strength of our young people on the problems facing our Nation. This will not only result in a better place to live in for the short run, but it will also lay the seeds of community involvement and the sense of civic duty that have lately been missing in our Nation.

## INTRODUCTION OF ANTIREDLINING LEGISLATION

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, today the Subcommittee on Commerce, Consumer Protection, and Competitiveness held a hearing to examine redlining practices of insurance companies. The subcommittee heard very disturbing reports about a variety of practices insurance companies use to deny access to insurance to the residents of our urban areas.

To remedy this, I have today introduced legislation, the Anti-Redlining in Insurance Disclosure Act. This act will require insurance companies to disclose information about their insurance practices and activities in urban areas, such as the breakdown of policies sold by census tract, itemized by demographic characteristics. These disclosure requirements would apply to major lines of insurance, such as automobile, property, and small business commercial insurance. The legislation also requires reporting of agent location by census tract. The information generated by this legislation would help determine the true nature and extent of redlining. The public disclosure of this information would also serve as a powerful disincentive against discriminatory behavior.

In addition, the legislation includes important consumer protections. It mandates disclosure to insurance applicants about reasons for rejection or nonrenewal and protects against the termination of agents as a result of their location or the location of their customers. The act would be administered by the Department of Commerce.

The statistics discussed at today's hearing speak for themselves. Illinois Public Action revealed that there are 52 State Farm offices and 32 Allstate offices in a predominately white congressional district in Chicago. But in the Chicago portion of my district, there are only six State Farm offices and two Allstate offices outside the downtown area.

And ACORN testified that in Chicago, only 51.1 percent of occupied, single-family units in low-income neighborhoods, and only 57.6 percent in minority neighborhoods, were covered by any type of insurance, compared to 90.0 percent coverage in high-income and 87.7 percent coverage in white areas.

Selwyn Whitehead of the Economic Empowerment Foundation testified about her experience in trying to get liability insurance for her telecommunications consulting firm in the late 1980's. When she identified her firm as a woman-owned firm, of color, in Oakland, she was turned away or quoted premiums from $8,000 to $10,000 per year. But when she called on behalf of her fictitious white male boss, a Mr. Selwyn Whitehead, the first quote was for $1,200.

And, just last week, there were news reports of a former sales manager for Allstate in California accusing Allstate of closing inner-city offices and ordering workers to lose files from minority insurance applicants.

There are those who deny redlining exists, who say it never happened. Or that it is purely an urban availability problem, not related to racial discrimination. One problem is that there is a lack of good, solid, comprehensive data about insurance coverage in urban areas. This legislation should help remedy that problem.

As a practical matter, access to property insurance is a necessity for mortgage loans and is often essential for access to small business loans. Without access to affordable insurance, small businesses in our urban areas cannot prosper nor generate badly needed jobs. Similarly, access to affordable automobile insurance is often essential for residents of the inner cities to keep and hold jobs.

The Anti-Redlining in Insurance Disclosure Act is modest legislation. It is similar to the Home Mortgage Disclosure Act for banks.

Redlining practices must stop. Today's hearing and this legislation will be a first step in developing effective solutions to this problem.

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## A SPECIFIC WAY TO CUT THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, for the last 2 weeks the American people have listened to Mr. Clinton's economic plan. Polls show that a majority of Americans support what they know about President Clinton's economic package. The details of the polls show, however, that a very large number of the people support more spending cuts, less taxes, and more deficit reduction.

Based on the mail and telephone calls in my office, I can tell you that the overwhelming majority of my constituents favor more, and substantial, spending cuts before we consider raising taxes. My purpose here today is to accept the President's challenge to be more specific than he has been on potential spending cuts. But first, I would like to define the problem.

President Clinton keeps asking his critics to give him specific programs that should be cut. Unfortunately, it's not that simple. Waste runs rampant through practically every existing program. Many of these programs are justifiable but could be run more efficiently.

President Clinton talks a lot about change. Well, if he has the courage to change, I would ask him to make the most dramatic change of all. We need to change the entire organizational culture of our Government.

I challenge President Clinton to require that every Cabinet Secretary and department head take responsibility for cutting each agency's wasteful operations. This kind of request has been made before, but this time, we must demand real accountability. From top to bottom, every Government employee needs to be held accountable and disciplined when found guilty of waste.

We need to change the way our Government does business. The Government provides many valuable services to the American people, but I am sure you will agree that some are more valuable than others. I would also hope we would agree that some entire programs can be eliminated. I suggest, however, that for those remaining programs, within each one of them, there are many areas of waste which can be cut without harming or reducing the services delivered by those programs, in any way.

Over the past 2 months, I have witnessed several ways to cut the deficit from my perspective as a new Member of Congress. To illustrate the problem, I would like to offer a simple change.

I would like to propose at least a 25-percent cut in all Government printing expenditures. This year $1.9 billion has been budgeted for printing and reproduction. The executive branch will spend the most: over $1.1 billion, and the legislative branch is next, $732 million this year.

Let's start right here in our own House. I propose that we cut out mass mailings and newsletters and stop using the frank as a campaign tool. That would be real campaign finance reform.

I propose that we stop allowing pages and pages of impertinent, extraneous material to be inserted and printed in the CONGRESSIONAL RECORD every day.

We've all heard President Clinton talk about the lobbyists who roam the Halls of Congress. Well, it is no secret that one of the biggest lobbyist groups on Capitol Hill is the Federal Government. Government agencies spend literally thousands upon thousands of dollars to publish slick brochures for distribution to Members of Congress. They do this as a public relations tool designed to keep their budgets from being cut.

There are a multitude of other ways the Government could cut printing costs. Almost every day, the Tennessee Valley Authority sends my office a hand-delivered letter or a thick set of news clippings from regional papers. My office did not request this service, but every week they come anyway.

Here's yet another example. The Government sends out copies of reports and studies to the public free of cost. The Congressional Research Service estimates that it costs approximately 43 cents to handle each request. This does not include the cost of publishing and printing the documents. That figure is buried deep in the Federal budget.

For every single one of the cuts I propose, someone will say, "This is a valuable service, and it doesn't really cost that much." Well, that's nonsense. That's the kind of thinking that got us in this mess. We've got to start somewhere. I have singled out printing. But this is just one example.

I challenge President Clinton to rethink the way our Government works. I ask him to raise standards and increase accountability.

I challenge President Clinton to hold every Cabinet member and agency head accountable for reducing printing costs by 25 percent. Let's stop wasteful spending on printing costs, and in a thousand other areas, and cut the fat out of Government before we raise taxes on the American people.

☐ 1650

## INTRODUCTION OF THE EQUITY IN ATHLETICS DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, last week I introduced H.R. 921, the Equity in Athletics Disclosure Act. The bill requires colleges and universities to disclose sports-related gender equity information.

The bill number—H.R. 921—is also significant. Title IX of the education amendments, which prohibits sex discrimination in education, including athletics, was passed 21 years ago. So this bill can be thought of as title IX—21 years later.

Although there was some initial progress for women in sports after the passage of title IX, opportunities slowed to a snail's pace in the 1980's. Here are some of the facts: Only 20 percent of the average athletic department's operating budget is spent on women; about 25 percent of the athletic scholarships go to women; and only 15 percent of the recruiting budget is spent on women athletes.

With respect to women's hiring, things have actually gotten worse. In 1972, women coached over 90 percent of all women's teams, but by 1992, only 48 percent—less than half—of these teams were coached by women. Let me repeat that: 50 percent of all women's teams are coached by men. Conversely, 99 percent of men's teams are coached by men. And that is not all: women's teams are often given poorer facilities for training; worse hours for practice and competition; inferior travel accommodations; and little, if any, promotional support.

There is more at stake in this issue than providing women with an opportunity to have fun playing sports games. Studies have found that high school girls who play sports are 80 percent less likely to be involved in an unwanted pregnancy, 92 percent less likely to be involved in drugs, and three times more likely to graduate from high school.

The 21 years that have passed since the passage of title IX is overwhelming evidence that the colleges, through the National Collegiate Athletic Association [NCAA], cannot be counted on to clean up this mess. Although the NCAA has thousands of detailed rules governing everything from recruitment to scholarships, all of which can carry stiff penalties such as denying postseason play and television appearances, there is not a single rule to penalize a school that fails to comply with title IX. At the January annual convention of the NCAA, which I attended, executive director Dick Schultz said that he thought NCAA rules requiring title IX compliance would be impossible.

Colleges and universities have essentially ignored the mandates of Federal law, because athletic budgets are still under the control of male athletic directors, and apparently of acquiescing college and university administrators who equate expanded opportunities for women with decreased opportunities for men. This, of course, has not been the case. Over the past decade, for every 2 female participation slots added, 1.5 male slots were also added.

While stepped up enforcement by the new administration might help, additional legislation is necessary. Mr. Speaker, H.R. 921, the Equity in Athletics Disclosure Act is patterned after the successful Student Right to Know and Campus Security Act. That bill required schools to disclose to prospective students and to the public, graduation rates and campus crime rates. Putting the public spotlight on athletic schools with records of sex discrimination in their programs will increase pressure for change.

Specifically, my bill requires all institutions of higher education receiving Federal funds to provide gender equity information. That information must include participation rates by gender, sports spending by gender, and coaching staff hiring by gender. Spending is further broken down into that for scholarships, recruiting, personnel, and operating expenses.

This should not be a difficult reporting task. Similar information was recently collected from the same schools as part of the NCAA Gender Equity Task Force study. The difference is that the information would be made available to the public and prospective students on an individual school basis, and not just in aggregated form.

At a hearing before the Subcommittee on Commerce, Consumer Protection, and Competitiveness last week, Donna Lopiano, executive director of the Women's Sports Foundation, Thomas Hearn, president of Wake Forest University, and Phyliss Howlett, cochair of the NCAA Gender Equity Task Force all expressed support for increased disclosure of gender equity compliance.

I urge my colleagues to support this effort. I welcome cosponsors to this measure.

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## THE FOOD STAMP QUALITY CONTROL AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana [Ms. LONG] is recognized for 5 minutes.

Ms. LONG. Mr. Speaker, statistical precision and error rate determinations are not the stuff of which engaging conversations are made. However, as many of my colleagues are aware, these very things have been a source of angst, from time to time, with the Food Stamp Quality Control System. Just recently, 24 States and the District of Columbia settled a contentious dispute over $300 million of error-rate penalties due under the current system for fiscal years 1986 through 1991.

While the quality control system is designed to measure a State's performance in determining eligibility for food stamps benefits, the current system is based on unreliable measures of State performance, is the source of unnecessary conflicts between the FNS and the States, and has resulted in excessive error-rate penalties.

Mr. Speaker, these penalties are not for fraud or abuse in the program. Rather, they are errors often outside of the States' control, including mistakes by recipients in reporting income changes or because of the constantly shifting Federal regulations. Human error is inevitable in administering a program like Food Stamps. And those errors are likely to increase with growing caseloads.

Just this week, the USDA announced that the number of Americans receiving food stamps in December set monthly records for the nearly 30-year-old program. Approximately 26.6 million Americans—more than 10 percent—received food stamps some 21 months after the official end of the recession. We all know that when our work loads increase we are more likely to make mistakes. Now more than ever, as States grapple with this surge in food stamps applications, reform of the system is needed.

Congress took some steps to reform the QC system in 1988 under the assumption that these changes would reduce the number of States penalized and the amount of claims levied on each State. Given the excessive level of penalties in recent years, and FNS Agreement to settle for only 15 cents on the dollar in reinvestment, the current method of calculating errors and penalties must be brought into question.

Today, a number of my colleagues join me in introducing legislation which would set reasonable targets and establish a reliable and fair system for measuring State performance. Most of the changes in this bill simply make the Food Stamp Quality Control Program the same as the Aid to Families With Dependent Children QC Program which was reformed in 1989.

While this bill may not make for stimulating conversation at dinner parties, it will make the responsibilities of many State employees more reasonable and the system more efficient.

## DENIAL OF TAX INCENTIVES FOR RUNAWAY PLANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am reintroducing a bill to deny section 936 tax credits for income attributable to a runaway plant. I am pleased to be joined in this effort by my colleague from Indiana, Mr. ROEMER.

This bill will end the costly and damaging practice of U.S. firms closing down operations on the mainland and relocating in Puerto Rico to take advantage of the possessions tax credit.

Under 936 of the Internal Revenue Code, a domestic company can set up a 936 corporation to operate in Puerto Rico or the possessions. Income earned by the 936 corporation qualifies for section 936 tax credit which essentially makes the income free from U.S. income tax. In addition, qualified possessions corporations are typically granted full or partial exemption from Puerto Rico income tax, under Puerto Rican law, if a company states that there will be no mainland job dislocation.

By providing a credit against tax for income earned in Puerto Rico and the possessions, the tax system has lured many major stateside corporations to Puerto Rico. These 936 companies provide direct employment for about 100,000 workers on the island.

The 936 credit is a substantial incentive. According to the most recent Treasury Department report "The Operation and Effect of the Possessions Corporation System of Taxation," the U.S. tax benefits per employee averaged $26,725 per employee for all manufacturing industries in 1987. Although the possessions corporations' U.S. tax benefits vary substantially by industry, the pharmaceutical industry hit the jackpot with $70,778 in tax benefits per employee in 1987.

The Joint Committee on Taxation estimated the revenue loss of section 936 to be $18.7 billion over the next 5 years.

Although there will be outright denial that even one runaway plant exists in Puerto Rico, advertisements paid for by the Commonwealth of Puerto Rico indicate otherwise. In the June 1992 issue of Chief Executive, Puerto Rico touts the 100 percent U.S. Federal tax credit as a reason that more than 60 major U.S. corporations have moved to Puerto Rico.

It's time to refine our policy. Mainland workers should not be forced to subsidize Puerto Rico with their jobs as well as their tax dollars. This bill denies the possessions tax credit for any income attributable to a runaway plant.

Under the bill, a 936 company must file a request for 936 status with the Secretary of Treasury prior to commencing operations in Puerto Rico or substantially expanding its operations in Puerto Rico. The Secretary must determine that the operations at the facility will not have a substantial adverse effect on the level of employment at a mainland plant operated by the electing corporation or a related party or supplier.

To assure that the Secretary has adequate information on which to base his decision, the bill provides that notice of each request for 936 status be published in the Federal Register, opportunity for public comment must be provided, and notice of the Secretary's determination in each case shall be published in the Federal Register.

In addition, the background file relating to each determination shall be made available to the public.

The Secretary shall revoke the 936 credit at any time within 3 years of commencement (or expansion) of operations if the Secretary determines that, based on facts and circumstances that become known after the original determination, there is a substantial adverse effect on mainland employment. The effect of this revocation is to treat the runaway plant income as income of the corporation's U.S. shareholders.

The Secretary shall revoke the 936 credit of a corporation at any time there is a misrepresentation or a failure to disclose critical information by the taxpayer in its request for 936 status.

The bill is prospective. It applies to new 936 companies or expansions of current 936 companies after March 3, 1993.

The text of the bill follows:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION ON PUERTO RICO AND POSSESSION TAX CREDIT.**

(a) GENERAL RULE.—Section 936 of the Internal Revenue Code of 1986 (relating to Puerto Rico and possession tax credit) is amended by adding at the end thereof the following new subsection:

"(i) DENIAL OF CREDIT FOR INCOME ATTRIBUTABLE TO RUNAWAY PLANTS.—

"(1) IN GENERAL.—

"(A) INCOME ATTRIBUTABLE TO SHAREHOLDERS.—The runaway plant income of a corporation electing the application of this section for any taxable year (hereinafter in this subsection referred to as the 'electing corporation') shall be included on a pro rata basis in the gross income of all shareholders of such electing corporation at the close of the taxable year of such electing corporation as income from sources within the United States for the taxable year of such shareholder in which or with which the taxable year of such electing corporation ends.

"(B) EXCLUSION FROM THE INCOME OF AN ELECTING CORPORATION.—The taxable income of an electing corporation shall be reduced by the amount which is included in the gross income of a shareholder of such corporation by reason of subparagraph (A).

"(2) FOREIGN SHAREHOLDERS; SHAREHOLDERS NOT SUBJECT TO TAX.—

"(A) IN GENERAL.—Paragraph (1)(A) shall not apply with respect to any shareholder—

"(i) who is not a United States person, or

"(ii) who is not subject to tax under this title on runaway plant income which would be allocated to such shareholder (but for this subparagraph).

"(B) TREATMENT OF NONALLOCATED RUNAWAY PLANT INCOME.—For purposes of this subtitle, runaway plant income of an electing corporation which is not included in the gross income of a shareholder of such corporation by reason of subparagraph (A) shall be treated as taxable income from sources within the United States.

"(3) EXCLUSION OF INCOME FOR QUALIFICATION TESTS.—Any gross income taken into account in determining the amount of the runaway plant income of any electing corporation shall not be taken into account for purposes of subsection (a)(2).

"(4) RUNAWAY PLANT INCOME.—For purposes of this subsection, the term 'runaway plant income' means the portion of the taxable income of the electing corporation which is attributable to a disqualified facility.

"(5) DISQUALIFIED FACILITY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified facility' means any facility at which operations are commenced with respect to the electing corporation after March 3, 1993 unless—

"(i) the Secretary determines that operations at such facility—

"(I) will not result in a substantial adverse effect on the level of employment at any facility in the United States operated by the electing corporation or a person related to the electing corporation, and

"(II) will not result in such an effect with respect to any other facility in the United States on account of changes in a supplier relationship to the electing corporation or a person related to the electing corporation, and

"(ii) the electing corporation files a request with the Secretary for a determination under clause (i) on or before the earlier of—

"(I) the day 90 days after the date on which an application is submitted to the possession for tax incentives for such facility, or

"(II) the day 1 year before the date on which operations at such facility commence.

The Secretary may treat a request not filed before the time required under clause (ii) as timely filed if the Secretary determines that there was reasonable cause for not filing the request before the time required.

"(B) CERTAIN REVOCATIONS REQUIRED.—

"(i) IN GENERAL.—The Secretary shall revoke a determination under subparagraph (A)(i) at any time before the close of the 3-year period beginning on the date on which operations at the facility commenced if the Secretary determines that, on the basis of the facts and circumstances then known, the requirements of subparagraph (A)(i) are not satisfied.

"(ii) MISREPRESENTATIONS, ETC.—The Secretary shall, at any time, revoke a determination under subparagraph (A)(i) if, in connection with the request for such determination, there was a misrepresentation with respect to (or a failure to disclose) any material information by the electing corporation or a related person.

"(iii) REVOCATIONS RETROACTIVE.—If any determination is revoked under this subparagraph, this subsection (other than paragraph (8) thereof) shall be applied as if such determination had never been made.

"(C) OPPORTUNITY FOR PUBLIC COMMENT.—No determination may be made under subparagraph (A)(i) unless the Secretary allows an opportunity for public comment on the request for such determination.

"(6) EXPANSIONS TREATED AS SEPARATE FACILITIES.—

"(A) In general.—For purposes of this subsection, any substantial increase in employment at a facility shall be treated as a separate facility at which operations are commenced with respect to the electing corporation as of the date of such increase.

"(B) SUBSTANTIAL INCREASE IN EMPLOYMENT.—For purposes of subparagraph (A), there shall be deemed to be a substantial increase in employment as of any day at any facility if—

"(i) such day is the last day of a payroll period and the average number of employees performing services at such facility during such period exceeds 110 percent of the average number of employees performing services at such facility during the corresponding payroll period in the preceding calendar year, or

"(ii) there is an expansion in such facility or the operations at such facility with respect to which a separate or supplemental application or other request relating to tax incentives for such expansion is made to governmental authorities of the possession.

Appropriate adjustments in the application of clause (i) shall be made in the case of employees not performing services on a full-time basis.

"(7) SPECIAL RULES.—

"(A) DISTRIBUTIONS TO MEET QUALIFICATION STANDARDS.—Rules similar to the rules of subsection (h)(4) shall apply for purposes of this subsection.

"(B) RELATED PERSON.—For purposes of this subsection, the rules of subparagraphs (D) and (E) of subsection (h)(3) shall apply in determining whether any person is related to the electing corporation.

"(8) PUBLIC DISCLOSURE.—

"(A) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register—

"(i) a notification of each request for a determination under paragraph (5)(A)(i), and

"(ii) a notification of the Secretary's determination in the case of each such request.

"(B) PUBLIC INSPECTION OF DETERMINATION.—

"(i) IN GENERAL.—Notwithstanding section 6103, the text of any determination made by the Secretary under paragraph (5)(A)(i) and any background file document relating to such determination shall be open to public inspection at such place as the Secretary may prescribe.

"(ii) EXEMPTIONS FROM DISCLOSURE.—Rules similar to the rules of section 6110(c) (other than paragraph (1) thereof) shall apply for purposes of clause (i).

"(iii) BACKGROUND FILE DOCUMENT.—For purposes of this subparagraph, the term 'background file document' has the meaning given such term by section 6110(b)(2) determined by treating the determination under paragraph (2) as a written determination."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after March 3, 1993.

(2) TIME FOR FILING REQUEST.—The time for filing a request under section 936(i)(5)(A)(ii) shall in no event expire before the date 90 days after the date of the enactment of this Act.

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□ 1700

## COAST GUARD ENTANGLED BY GAY ISSUE

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a disturbing newspaper article came to my attention this morning regarding one of my colleagues, and I have instructed staff to call Congressman STUDDS to tell him I am taking this special order tonight because I feel very strongly about what happened.

I would like to read the newspaper article and then make a couple of comments about it.

The article was in the Washington Post, and this is what the article had to say, and I quote:

> A U.S. Coast Guard prayer breakfast scheduled for Tuesday was canceled this week after Rep. Gerry E. Studds (D-Mass.), * * * and chairs the committee that oversees the Coast Guard, complained about the featured speaker, a conservative who has spoken widely against lifting the ban on homosexuals in the military.
>
> Gary L. Bauer, a former domestic policy adviser in the Reagan White House and head of the Family Research Council, said he had been scheduled for more than six months to deliver an address on balancing work and family life but was informed a few days ago that the breakfast had been canceled.
>
> Yesterday, Bauer sent a letter to Studds, charging him with pressuring the Coast Guard to cancel the address.
>
> "I am utterly amazed that a member of Congress would abuse his power to suppress free speech rights," Bauer wrote. He said in a telephone interview that he believed Studds had threatened Coast Guard officials over Bauer's presence at the event.
>
> "I can't help but believe that since, in recent weeks I have criticized the President's idea about changing military rules on how homosexuality is treated, that I have stepped on the lifestyle of the Congressman," Bauer said.
>
> Studds could not be reached for comment, but a spokesman said the allegation that Studds threatened Coast Guard officials was ridiculous.

Now, this next paragraph is of great concern to me. Mr. Speaker. It says:

> Spokesman Steve Schwadron said Studds called Adm. J. William Kime, commandant of the Coast Guard, earlier this week to raise concerns about the invitation to Bauer. It seemed odd to Mr. Studds that Mr. Bauer would be asked to address an observance like this. It didn't seem, in a common sense fashion, to be a pulpit for a right-wing ideologue to vent his political agenda.
>
> Schwadron said the decision to cancel the session was made independently by Kime.
>
> Rep. W.J. "Billy" Tauzin (D-La.), who heads the Merchant Marine and Fisheries Coast Guard and navigation subcommittee, said Studds's call to Kime also was meant to alert him that a Coast Guard electronic message system was being used to organize opposition to President Clinton's lifting of the military's gay ban.
>
> It was the commandant's own decision to take the steps he took in ordering the breakfast canceled and use of the electronic message system for that purpose stopped, he said. He said Kime was not aware, before Studds's call, about the use of the message system or Bauer's political views or his scheduled talk.
>
> Coast Guard spokesman Capt. Ernest Blanchard said the breakfast was canceled because there were some concerns from members of the command that all religious affiliations were not represented. Blanchard said he had no knowledge of any involvement in the decision by Studds.

Now, the fact of the matter is, Mr. Speaker, Congressman STUDDS, my colleague, called the Coast Guard Commandant and complained that Mr. Bauer would—Mr. Bauer, incidentally, Mr. Speaker, is a Christian spokesman who speaks around the country on family values. And the purpose of his speech to the Coast Guard was to address on "balancing work and family life," and had absolutely nothing to do with homosexuality. In fact, this had been planned for 6 months, long before the issue of homosexuals being admitted into the military had even been raised by the Clinton administration.

So, my concern is that free speech was impeded, that there was an implied threat, or the possibility of an implied threat, by virtue of this phone call by Congressman STUDDS to the Coast Guard. And I think it is very unfortunate that this occurred.

This issue of homosexuality, homosexuals being admitted into the military, is one that has not yet been decided by the Congress of the United States. In fact, the President has agreed to postpone action on this for the next 4 or 5 months. At that time we will have an up or down vote on it, I am confident, in the Congress.

But to stop somebody, who is going to be talking about family values and balancing work and family values, from speaking to the Coast Guard at a prayer breakfast simply because he differs with Congressman STUDDS on whether or not homosexuals should be allowed in the military is a gross violation, in my opinion, of constitutional rights.

The Coast Guard obviously wanted Gary Bauer to speak, they obviously wanted him to speak at the prayer breakfast. It had been organized for 6 months, and it was stopped simply because Mr. Bauer had taken issue with the Congressman's position. I think it is a mistake, I think it should not have happended. I think it is very unfortunate. I would just like to urge my colleagues to think long and hard before they start interfering with the Coast Guard's right to have anyone they want to come to a prayer breakfast simply because a Congressman may, or may not, agree with what they feel about certain issues.

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## REPORT ON RESOLUTION WAIVING REQUIREMENT WITH RESPECT TO CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–25) on the resolution (H. Res. 111) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## CHILD CARE PUBLIC-PRIVATE PARTNERSHIP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise today to introduce essential legislation, the Child Care Public-Private Partnership Act, to expand the availability of urgently needed child care services for American families.

During the 101st Congress, we worked hard to help enact major child care legislation. After a long and arduous struggle, we finally enacted compromise legislation to provide much needed assistance to parents all over the Nation.

However, it goes without saying that the legislation that was approved falls short of solving the child care crisis in this Nation. The funding for child care programs is far less than what is needed, and the Bush administration complicated matters by issuing regulations which undermine the ability of these new programs to expand and improve child care services.

Further, one crucial proposal contained in the House-passed child care bill was unfortunately omitted from the final compromise—my proposal to provide incentive grants to businesses for the purpose of expanding quality child care services.

The private sector has often been criticized for its lack of involvement in providing or subsidizing child care services. It is often pointed out that only a small fraction of the Nation's 6 million employers currently provide some kind of child care assistance to their employees.

There is a clear trend, however, toward increased involvement on the part of employers. In 1978, only 110 corporations sponsored or paid for child care services. By 1985, that figure had risen to 2,500, and by 1989, it stood at 4,100. Still, much more needs to be done.

In a 1988 survey of 1,500 employers conducted by the American Society for Personnel Administration, 50 percent of the firms indicated that they are considering or actively planning for the provision of child care services to their employees. This survey included a large number of small and midsized firms. It shows the potential is clearly there to spur dramatic expansion of services.

Moreover, a survey conducted by the families and work institute of 188 major corporations in 30 industries shows that 13 percent of major corporations now offer child care centers, 5 percent offer child care discounts, and 1 percent offer child care vouchers.

The report concludes that there is a dramatic change underway in American business, with nearly all of the Nation's largest corporations offering some types of programs to help employees meet family needs. According to Ellen Galinsky, a coauthor of the report, which is called the "Corporate Reference Guide to Work-Family Programs," although most companies still have a long way to go, innovative family-supportive programs are mushrooming, the pace is accelerating and the trend is irreversible.

There are several reasons why there is so much corporate interest in providing child care services. For one thing, employees are increasingly making clear their needs for child care assistance. However, the response of many corporations is not only a manifestation of altruism toward their employees. It is also based on an increasing realization that the provision of child care services and other family-friendly policies are directly linked to enhance productivity and increased competitiveness.

According to Dana Friedman and Ellen Galinsky of the Families and Work Institute, employer-provided child care is directly related to improvements in recruitment, retention, and improved employee morale. In a period of impending labor shortages, the ability to retain a qualified and already trained work force is of the utmost importance. The provision of child care services will help American businesses maintain and improve their productivity.

Despite the fact that child care makes sense from the standpoint of the bottom line, most businesses are still reluctant to become involved in providing or subsidizing child care. However, there is evidence that the provision of Federal incentives can be a highly successful manner of expanding private sector involvement in the child care field.

Business leaders themselves tell us that Federal incentives are likely to spur corporate involvement in child care programs. At a 1989 conference of 250 employers convened by resources for child care management in Chicago, business leaders were asked if Government assistance would spur additional corporate involvement. All of the respondents strongly indicated that Government assistance would prompt additional action on the part of business, and the majority clearly preferred a program of incentive grants.

Further, the need for business involvement in providing child care services has long been acknowledged by Members of Congress from both parties. In fact, as long ago as 1984, the Select Committee on Children, Youth and Families issued a report recommending, among other things, that Congress should develop incentives for employers to expand the child care options available to their employees. This recommendation was endorsed by Democratic and Republican members of the committee.

From the standpoint of the Federal Government, public-private partnerships are a cost-effective response to the child care crisis. Because Federal grants will be matched with private contributions, a small Federal investment will leverage a much larger sum for actual child care services. At a time when Federal resources are extremely limited, the ability to leverage private sector funds must not be overlooked.

Perhaps that is why almost every major child care bill in recent years has acknowledged the need for public-private partnerships in child care. My proposal to provide Federal support for expansion of private sector involvement in child care built upon the proposals contained in many of these bills and was also developed in cooperation with experts in the field.

The proposal received virtually unanimous support from both sides of the aisle during the consideration of child care legislation by the House during the 101st Congress, and it was approved by the House as part of the omnibus child care bill. Unfortunately, it was not included in the final compromise later agreed to between Senators and the White House—even though no substantive objections were ever raised.

At the time, many leaders in the child care field from both sides of the aisle expressed their intent to cooperate in advancing this specific proposal as part of future child care legislation. Therefore, I am reintroducing my bill at this point. I am joined in doing so by Representatives SUSAN MOLINARI and GEORGE MILLER, who are also deeply committed to the goal of expanding child care services for American families.

The bill we are introducing, the Child Care Public-Private Partnership Act, is identical to the version that was agreed to by members of the House-Senate child care conference in 1990.

Specifically, it authorizes $25 million for a program of matching grants administered by the Secretary of Health and Human Services. These grants would be provided to businesses, or consortia of small businesses, to help them create or expand child care services for their employees and the surrounding community—either on-site or at a nearby location.

Grants could also be provided to nonprofit organizations to provide technical information and assistance that will enable businesses to provide child care service. However, the Secretary is directed to give priority to grant awards which are designed to increase actual child care services.

Small businesses have understandably been reluctant to become involved in providing child care services because of the capital shortages that they often face. This legislation recognizes the special needs of small business by giving a preference to grant proposals involving companies with fewer than 100 employees.

Grant recipients would be required to match every Government dollar with two private dollars. In addition, grant applicants must provide assurances that child care services will be provided at affordable rates, and on an equitable basis, to all employees, including low- and moderate-income employees. Finally, applicants must provide assurances that child care services provided with grant funds are in compliance with State and local licensing requirements.

Mr. Speaker, I would urge all of my colleagues to join as cosponsors of this bipartisan initiative.

Public-private partnerships are clearly an important means of providing additional child care options to American families. They minimize Federal outlays, while maximizing child care options.

We know that many businesses are providing child care services, and many more are aware of the importance of child care. Clearly, it is in the interests of our Nation's families for the Federal Government to help facilitate increased employer involvement. If we can bring the private sector and the public sector together in partnership, we can significantly expand the availability of quality child care at a minimal cost to the taxpayers. This will not only brighten the future of countless children across the Nation, but it will also help us increase productivity and enhance our competitiveness.

Mr. Speaker, for the benefit of my colleagues, I would like to insert in the CONGRESSIONAL RECORD the text of the Child Care Public-Private Partnership Act:

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Care Public-Private Partnership Act of 1993".

**SEC. 2. ESTABLISHMENT OF BUSINESS INCENTIVE GRANT PROGRAM.**

The Secretary of Health and Human Services shall establish a program to make grants to—

(1) businesses and consortia—

(A) to pay start-up costs incurred to provide child care services; or

(B) to provide additional child care services; needed by the employees of such businesses; and

(2) nonprofit business organizations to provide technical information and assistance to enable businesses to provide child care services.

**SEC. 3. ELIGIBILITY TO RECEIVE GRANTS.**

To be eligible to receive a grant under section 2, a business, nonprofit business organization, or consortium shall submit to the Secretary an application in accordance with section 4.

**SEC. 4. APPLICATION.**

The application required by section 3 shall be submitted by a business, nonprofit business organization, or consortium at such time, in such form, and containing such information as the Secretary may require by rule, except that such application shall contain—

(1) an assurance that the applicant shall expend, for the purpose for which such grant is made, an amount not less than 200 percent of the amount of such grant;

(2) an assurance that such applicant will expend such grant for the use specified in paragraph (1) or (2) of section 2, as the case may be;

(3) an assurance that such applicant will employ strategies to ensure that child care services provided by such applicant, or provided with the technical information and assistance made available by such applicant, are provided at affordable rates, and on an equitable basis, to low- and moderate-income employees;

(4) an assurance that such applicant—

(A) in the case of a business or consortium, will comply with all State and local licensing requirements applicable to such business or consortium concerning the provision of child care services; or

(B) in the case of a nonprofit business organization, will employ procedures to ensure that technical information and assistance provided under this Act by such business organization will be provided only to businesses that provide child care services in compliance with all State and local licensing requirements applicable to child care providers in such State; and

(5) in the case of a business or consortium, an assurance that if the employees of such applicant do not require all the child care services for which such grant and the funds required by paragraph (1) are to be expended by such applicant, the excess of such child care services shall be made available to families in the community in which such applicant is located.

**SEC. 5. SELECTION OF GRANTEES.**

For purposes of selecting applicants to receive grants under this Act, the Secretary shall give priority to businesses that have fewer than 100 full-time employees. To the extent practicable, the Secretary shall—

(1) make grants equitably under this act to applicants located in all geographical regions of the United States; and

(2) give priority to applicants for grants under section 2(1).

**SEC. 6. DEFINITIONS.**

As used in the Act:

(1) BUSINESS.—The term "business" means a person engaged in commerce whose primary activity is not providing child care services.

(2) CHILD CARE SERVICES.—The term "child care services" means care for a child that is—

(A) provided on the site at which a parent of such child is employed or at a site nearby in the community; and

(B) subsidized at least in part by the business that employs such parent.

(3) CONSORTIUM.—The term "consortium" means 2 or more businesses acting jointly. A consortium may also include a nonprofit private organization.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act $25,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997.

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## CRAFTING A CONSTRUCTIVE ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH. Mr. Speaker, in his State of the Union Address President Clinton sounded a clarion call for deficit reduction. His music was right. Unfortunately, the programmatic script which followed may prove to be more of a tragic comedy than romantic thriller. Instead of proposing that Government set an example and tighten its belt, the President called for the largest peacetime tax hike in history, a multibillion dollar increase in spending, and the postponement of any deficit reduction until the third year of his program.

What we are seeing is the development of one of the great political demarcations of the century. At issue with middle-class Americans is whether it's the spending appetite of the Government that should be disciplined or the pocketbook of the taxpayer that should be tapped. One of America's two political parties is suggesting that it intends to reduce the deficit tomorrow by raising taxes and jolting the economy with new spending programs today. The other holds that proposals for bigger Government are likely to deter job creation and that postponing deficit reduction is a prescription for lower economic growth. It believes the challenge is to address the deficit now, primarily by holding the line on spending.

In the context of a plan laid on the table, it is fair for the President to ask critics to outline a precise alternative. Here is a preliminary reaction.

Rather than raise new taxes and increase the size of Government, I am impressed with the approach of a Republican freshman, STEVE HORN of California, who has introduced legislation to reduce statutorily Federal spending 2½ percent in fiscal year 1993, 5 percent in 1994 and 1995, with Social Security, Medicare, and Head Start programmatically excepted.

Within the context of this budgeting restraint, the President would be given the authority to transfer up to 10 percent of any program's budget to another. In making such programmatic adjustments the case for an increase in education funding, particularly early childhood, and postsecondary, is in order, as are modest jobs initiatives along the lines of the old Civilian Conservation Corps, especially as they relate to summer employment—not out of a belief Federal jobs programs lead to the formation of a larger national jobs base but out of concern that pockets of America are ignored at society's peril. As long as the challenge of communism remains on the wane, the primary area where old revenue commitments can be reduced is, of course, defense spending. In addition to reducing spending on weapons systems such as SDI and the Osprey, I would suggest the case for a gigantic fiscal commitment to the space station and super collider lacks persuasiveness.

On the tax side, I would eliminate the new tax break the President proposes for real estate developers as well as the current right of merger suicidalists to deduct interest on debt assumed in large leveraged buy outs [LBO's]. American free enterprise functions best with the widest possible distribution of ownership. Conglomeration should be penalized, not subsidized by the taxpaying public. I also have doubts about tax breaks that are specific to industries, such as intangible drilling writeoffs and the oil depletion allowance. In exchange for eliminating such specific industry tax breaks and what in effect is a conglomeration subsidy, I would lower capital gains taxes, preferably to 15 percent, and index capital gains for inflation.

One change in the Tax Code proposed by President Clinton that is both populist and compelling is the call to cease allowing corporations to deduct as business expenses salaries above a million dollars. Corporations should have the right to pay their executives more than five times the President of the United States but the taxpayer should not have the obligation to subsidize such board room decisions.

Other changes a growing number of economists suggest Americans might want to keep an open mind about are the provision of greater incentives for saving and the development of new approaches to tapping revenues from the underground economy and foreign profits derived from U.S. sales.

Putting aside the possibility of such structural changes in the Tax Code, the above macroeconomic approach would reduce the deficit over $200 billion in 3 years—$125 billion in spending cuts, $50 billion in projected program increases, and $25 billion in interest costs. In addition, I have little doubt—but here we are dealing with the conjecture of assumptions that go into econometric models—that the spur of lower interest rates with disciplined Federal spending and taxation would produce more tax paying jobs than the Clinton program and thus a larger tax base. Ironically, it is not at all clear, despite the jobs program rhetoric of the new administration, that bigger government, which is the President's approach, means a bigger number of jobs. What is clear is that a program of deficit reduction without tax increases is most likely to boost the total number of private sector jobs. Hence, the fiscal deficit is likely to be reduced with such an approach substantially more than the figures indicated through spending restraint alone and substantially more than under the Clinton program, in the outyears as well as the near term.

Four years ago I thought President Bush was right to call for a flexible freeze on Federal spending and right to attempt to negotiate with the more liberal leadership of Congress to put in place across-the-board spending caps. Unfortunately, the compromise the former President had to swallow to get spending cuts with teeth was both a tax increase—by comparison with Clinton's massive adjustment of the Tax Code a modest one-quarter of 1 percent of GNP—and sliding scale spending restraint with real fiscal discipline not required until the later years of a 6-year plan. In the first 2 years of the Bush-congressional compromise, spending increases were authorized well above the inflation rate. Afterward, restraint would only kick in if the President elected as a result of the 1992 election concurred with keeping the restraints.

The Clinton program can only be described as a magnified repeat of the Bush approach. Deficit reduction is delayed while spending and taxes are whoppingly increased. President Clinton would have been better advised to keep rather than abandon Bush's hard-won caps and deal with the deficit now rather than later. Unfortunately, his decision 2 weeks ago to release Congress from already legislated across-the-board caps has the effect of increasing spending $180 billion over the next 3 years. Given this indifference to reasoned and reasonable restraints I have come to the conclusion that spending freezes are no longer good enough. Real cuts in Federal spending are needed to adjust for the real increases that have occurred in recent years.

Real changes are also needed in the way Congress does business. The case for a line-item veto, balanced budget amendment to the Constitution, and campaign finance reform are overwhelming. These three initiatives are interrelated: The first decreases both the impulse to spend and the unfairness by which Federal dollars are allocated by reducing the influence of legislative power brokers; the second puts restraints on Congress as a whole; and the third reduces the influence of special interest groups, both on spending and tax policy.

The challenge for the new administration is to shift priorities, as it is committed to do, without radically increasing either Federal spending or the deficit. The size of Government may in the long run be a more important variable than the size of the deficit. Nevertheless, while perhaps impossible to graph, I would suggest the existence of Leach's Law of Disorderly Deficits whereby at some point a seemingly incremental increase in the deficit, whether precipitated by a tax cut or new program expenditure, has a cyclonic straw-breaking effect, so punishing to market confidence, so strangling of private savings that the cost of all borrowing quantumly escalates. The first casualty of fiscal ill-discipline is the private sector borrower, the second the taxpayer, and the third any financial intermediary which lacks the capacity to hedge or adapt lending rates quickly.

Here, the role of America's banking system cannot be underestimated or President Clinton's good fortune overestimated.

Today, the biggest problem in banking relates more to the role of banks in strengthening the economy, than the role of the economy on the strength of banks.

The Bush years can be characterized as a 4-year retrenchment period in which our Nation's public financing system weakened but our private sector banking system stabilized. By the end of this year, if the legacy of S&L mistakes is finally put behind us, the United States should have the strongest banking system in the world.

President Clinton thus has the unique opportunity to build on a much stronger and more stable financial system than Mr. Bush inherited. While Bush's challenge was to increase the viability if not survivability of our banks, with runs on some banks a real possibility 4 years ago, President Clinton has the luxury of emphasizing ways the banking system can be incentivized to serve more aggressively the economy at large. At issue is not just the creation of community development banks, but, far more importantly, a regulatory climate that emphasizes bank strength—strong capital reserves—and banker discretion—the flexibility to make commercial loans on character as well as financial assessments.

Having gone from a period in which a yellow light on safety and soundness concerns has led to a red light on lending, the challenge is to give banks the green light to lend, especially for commercial activities.

If a macroeconomic environment can be established which causes an unleashing of entrepreneurial lending, all of the more ballyhooed public-sector jobs initiatives of the President will pale in significance.

The financial infrastructure is there. The only question is whether public sector leadership is up to the task of disciplining itself and thereby freeing up the private sector to create real jobs for real people.

The background of new tax policies, the bite of which on middle-class citizens will become more apparent as details are revealed in the weeks ahead, is the commitment of the administration to shift gears by this summer on health policy. There is a profound case for health care reform, but few suggest massive change is likely to eventuate without an increase in cost to the Government. With this new spending thrust on the horizon, prudence dictates that the goal of the Federal Government should be to attempt rigorously to pare back current programmatic commitments from 23 to 20 percent of GNP. If the taxpayer is going to be asked to carry the burden of new public health initiatives, care should be taken to reduce rather than increase existing Federal spending commitments. A guns and butter policy sunk LBJ. Health care added to a tax and pork policy could well do in this administration.

What seems to be lacking in Washington today is simple common sense. Also perspective. Any sense of history would suggest this is no time for America to lose self-confidence or turn with panic to the Government to solve an ever larger percentage of societal problems. There is no reason the 1990's shouldn't become the greatest boom decade in American history. In all but a few areas the United States is leading our industrial competitors. Inflation is down; GNP growth is positive; spending in the nonproductive defense arena is shrinking; world trade is growing; the banking system is secure; and, most importantly, America is at peace with the world, although more than a few societies may not be at peace with their own citizens or neighbors.

The counterbalancing negatives are the weakness of politicians and their failure to rein in budget deficits as well as the existence of stark social dichotomies, largely in inner-city areas, where drug and prejudice-based quasi-caste systems flourish. If Government can reestablish a model of fiscal prudence, opportunity fairness, and leadership ethics, the engine of American economic ingenuity should be able to power an awesome recovery. Unhampered by leadership mistakes, the potential of America knows no bounds. Even with a few, the economy should prosper. But if a market economy is robbed of its incentive rationale, the greatest political experiment in the history of the world could be sorely tested.

## IT IS TIME TO AMEND OUR BIRTHRIGHT CITIZENSHIP LAWS

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 15 minutes.

Mr. GALLEGLY. Mr. Speaker, as indispensable parts of my package of proposals for curbing illegal immigration, I introduce today, two bills dealing with the issue of automatic birthright citizenship. Both are aimed at ending the practice prevalent along the border for pregnant alien women to cross illegally into the United States for the purpose of obtaining, at taxpayers' expense, free medical care during their pregnancy, and free delivery of their babies in public hospitals, and then enabling those children to be declared American citizens at birth, with all the rights, privileges, and benefits available to citizens of the United States.

Mr. Speaker, under American law, all persons born in and subject to the jurisdiction of the United States are considered to be both nationals and citizens of the United States at birth. This principle was recognized in this country prior to the adoption of the 14th amendment to the Constitution of the United States which embodies it.

Because times have changed, today I am introducing legislation to restrict citizenship merely by virtue of birth in the United States to persons born of mothers with citizen or legal resident status. I propose a constitutional amendment which would repeal the citizenship clause of the 14th amendment, together with a bill to amend the Immigration and Nationality Act to bring our immigration laws in line with this proposed new rule of citizenship.

This change in our laws would bring the United States closer in line with the vast majority of nations which base citizenship on the line of descent doctrine, which depends on the nationality of the parents. As a consequence, our country will be better able to pursue more sensible and humane policies to deal with the flood of illegal immigration into this country, and the serious problems this flood has caused which the framers of the 14th amendment could not have foreseen.

Mr. Speaker, for almost two centuries, American citizenship has been governed by rules based upon the place of birth rather than the line of descent. The common law principle of jus soli is codified in section 1 of the 14th amendment which provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." By contrast, citizenship in England, France, Germany, Japan, the former Soviet Union, the countries of the rest of Europe, and most of Asia, is established on the doctrine of jus sanguinis, or the place of the parents' citizenship. Even Canada and Australia, which follow the jus soli rule, mandate legal residence requirements.

Some constitutional scholars, including Peter Schuck and Roger Smith of Yale University, have suggested that birthright citizenship is an anomaly in a nation that is based on the will of the people and government by consent, and propose a reinterpretation of the 14th amendment's citizenship clause. They argue that its guarantee of citizenship to those born "subject to the jurisdiction" of the United States should be read to embody the public law's conception of consensual membership, and therefore to refer only to children of those legally admitted to permanent residence in the American community; that is, citizens and legal resident aliens.

Whatever historic, political, and social reasons led to the inclusion of birthright citizenship in the 14th amendment, the Framers were clearly motivated by a desire to eradicate the legacy of the Dred Scott decision. In the mid-19th century, no one could have anticipated the rise of the modern welfare state or a massive increase in illegal immigration. At that time, immigration to this country was virtually unregulated and unrestricted. Labor was in short supply, and farmers, laborers, tradesmen, and mechanics were universally welcomed to an expanding nation. Americans celebrated an open-door policy as a way to make this country a place of refuge for what George Washington called the oppressed and persecuted of all nations and religions.

This liberal policy changed dramatically with the tide of immigration, leading over the years to various exclusion acts, national origin quotas and other legal restrictions, culminating in the more evenhanded Immigration and Nationality Act of 1986. Concerns have shifted in recent years from encouragement of immigration to control of our borders.

America takes pride in the fact that it is, and has always been, a nation in which immigrants have found asylum and opportunity and, by virtue of their hard work, and by means of their lawful efforts to obtain citizenship status, have come to enjoy the same rights, privileges, and immunities as native-born citizens. In my native California, our way of life has been enhanced and deeply enriched by the settlement of Latinos, Asians, and other persons of foreign origins within our borders. The enactment of major immigration reforms during the 1980's and 1990's attests to our continuing strong commitment to the melting-pot credo, and our belief that newcomers legally entering our shores will benefit America's economy and its social and cultural heritage.

We must recognize, however, that the United States is also a nation of finite resources and opportunities which must be available to, and shared, by all its citizens. Today, in many parts of this country, especially in California, our cities and towns are being overrun with immigrants, both legal and undocumented, who pose major economic and law enforcement problems for local governments, and place an added burden on their already strained budgets.

Despite improvements in the immigration law, and stepped-up efforts to police the border and arrest undocumented aliens, the problem of illegal aliens is a serious matter throughout southern California and the border States, as well as in many other areas of this country. After several years of decline, largely as a consequence of the ban on hiring illegals, and stiff sanctions on employers who flout the law, the number of arrests of illegal aliens is rising to the pre-1986 level of 1.8 million a year. There may be as many as 3 million aliens currently residing in southern California alone.

I need not recite the economic, social, and political problems that this crisis of illegal immigration poses to Federal, State, and local governments, to communities and neighborhoods, and to families, small businesses, law enforcement, medical facilities, health providers, schools, social welfare agencies, transportation systems, and to other legal immigrants seeking jobs and assistance. Suffice it to say, U.S. taxpayers are shelling out billions of dollars annually in various direct benefits for illegal aliens nationwide—the Center for Immigration Studies estimated the cost in 1990 to be at least $5.4 billion—benefits which are then unavailable to poor and needy families of American citizens and legal aliens.

In Los Angeles County alone, officials estimate the net cost of providing health, education, and welfare benefits to illegal aliens and their children rose by almost $70 million during the past 2 years to $276.2 million—a whopping 34-percent increase. County officials warn that the cost of the Aid to Families With Dependent Children [AFDC] Program could reach $1 billion by the end of the decade. This is not surprising in light of the fact that nearly two-thirds of all children born in county-operated hospitals during fiscal year 1990–91, were the offspring of illegal immigrant parents.

Clearly, the present guarantee under our laws of automatic birthright citizenship to the children of illegal aliens is one more causal factor contributing to the crisis of illegal immigration. When this enticement is combined with the attraction of expanded entitlements conferred upon citizen children and their families by the welfare state, the total effect of birthright citizenship laws is significant and clearly harmful. It is time for Congress to act to remove such powerful incentives.

The question of the citizenship status of native-born children of illegal aliens was never really considered by the Framers of the 14th amendment; today's situation simply did not exist at that time. Nor has this question been presented squarely to the Supreme Court for final determination. In the single case in which the Supreme Court examined the issue of alien citizenship, *United States* v. *Wong Kim Ark*, 169 U.S. 649 (1898), the majority concluded that the citizenship clause did extend birthright citizenship to an American-born son of Chinese subjects, but significantly, the parents were also permanent residents of California.

It is difficult to defend a practice that automatically extends birthright citizenship to the native-born offspring of illegal aliens. The parents of such children are, by definition, individuals whose presence within the jurisdiction of the United States is prohibited by law. If our society has refused explicitly to consent to their membership, it certainly cannot be said to have consented to that of their offspring merely because they happen to be born in this country at the same time that their parents are here in violation of the law. Regardless of the humanitarian appeal and the innocent status of these children of illegal aliens, the legitimate needs and demands of this country's citizens and legal resident aliens must take precedence.

There are a myriad of problems created by current law. For instance, illegal aliens with citizen children are less likely to be deported than if their offspring are regarded as aliens. Illegal alien parents are subject to deportation despite the legal status of their children. In fact, however, many parents succeed in having their children here while being forced to return to their native land or, in the alternative, departing as a family and depriving the children of their American birthright, poses an extreme hardship. In addition, illegal alien parents are often able to bootstrap their offspring's citizen status into legal residence, and later, naturalized status for themselves. Once the child reaches majority he or she may file a petition for legal permanent resident status for the parents. Moreover, the parents can usually obtain welfare and other public benefits for their citizen children, if not directly for themselves. The county welfare agencies send the check to the parent for the child's benefit, but have no assurance, and with limited personnel cannot ensure, that the funds are spent for the child's needs. In any case, the parents' responsibility of providing for their children is often transferred to the Government and the taxpayers—at the expense of the needs of the children of citizen and legal resident parents.

The changes which I am proposing would resolve this issue. The joint resolution I am introducing would rewrite the citizenship clause to ensure that the citizenship of a person born in the United States is restricted to, and dependent upon, the citizenship or legal resident status of his or her mother. The companion bill would amend the Immigration and Nationality Act to provide for the same rule of citizenship. These changes are to apply prospectively, that is, to persons born after the date of ratification, in order to avoid confusion, uncertainty, and litigation.

In my opinion, this legislation will bring an element of reality and fairness to America's modern immigration policies, bringing them in line with the policies of most other nations. It will satisfy the concerns of the Framers and modern critics of immigration law that American citizenship for all individuals born in the United States will be available to only those born to at least one parent—the mother—who is a citizen or a legal resident of this country. Thus, it should relieve the growing angry dissent among our citizens who disapprove of the growing numbers of newly arrived foreigners in their midst and resent the granting of benefits and services supported by their taxes to those immigrants who they suspect came to this country merely in order to have children and steal their jobs. By restoring equity and fairness, this legislation could promote broader public acceptance of our generous immigration laws and to those who benefit from them.

Mr. Speaker, I urge my colleagues to act promptly and pass this legislation.

H.J. RES. —

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. All persons born in the United States, and subject to the jurisdiction thereof, of mothers who are citizens or legal residents of the United States and all persons naturalized in the United States are citizens of the United States and of the State wherein they reside. The first sentence of section 1 of the fourteenth article of amendment to the Constitution of the United States is hereby repealed.

"SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

"SECTION 3. This article shall apply to persons born after the date of its ratification.".

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITING CITIZENSHIP AT BIRTH, MERELY BY VIRTUE OF BIRTH IN THE UNITED STATES, TO PERSONS WITH LEGAL RESIDENT MOTHERS.**

(a) IN GENERAL.—Section 301(a) of the Immigration and Nationality Act (8 U.S.C. 1401(a)) is amended by inserting before the semicolon the following: ", of a mother who is a citizen or legal resident of the United States".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons born after the date of ratification of an article of amendment to the Constitution of the United States that repeals the first sentence of section 1 of the fourteenth article of amendment to the Constitution of the United States.

## COMMUNICATION FROM THE HONORABLE GLENN POSHARD, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GLENN POSHARD, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 26, 1993.*

Hon. THOMAS FOLEY,
*The Capitol,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Illinois for materials related to a civil lawsuit involving a constituent.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

GLENN POSHARD,
*Member of Congress.*

## RULES OF PROCEDURE FOR COMMITTEE ON GOVERNMENT OPERATIONS FOR THE 103D CONGRESS

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONYERS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations for the 103d Congress. The committee's rules were adopted on February 18, 1993, in open session, a quorum being present.

### I. RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS

### U.S. HOUSE OF REPRESENTATIVES, 103D CONGRESS

Rule XI, 1(a)(1) of the House of Representatives provides:

The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

"Each standing committee of the House shall adopt written rules governing its procedure. * * *"

In accordance with the foregoing, the Committee on Government Operations, on February 18, 1993, adopted the rules of the committee. The rules read as follows:

*Rule 1.—Application of Rules*

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

*Rule 2.—Meetings*

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

*Rule 3.—Quorums*

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

### *Rule 4.—Committee Reports*

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

### *Rule 5.—Proxy Votes*

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

### *Rule 6.—Roll Calls*

A roll call of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

### *Rule 7.—Record of Committee Actions*

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

### *Rule 8.—Subcommittees; Referrals*

There shall be six subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

### *Rule 9.—Ex Officio Members*

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

### *Rule 10.—Staff*

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

### *Rule 11.—Staff Direction*

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

### *Rule 12.—Hearing Dates and Witnesses*

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rules XI, 2 (g)(3), (g)(4), (j), and (k).]

### *Rule 13.—Open Meetings*

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

### *Rule 14.—Five-Minute Rule*

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

### *Rule 15.—Investigative Hearings; Procedure*

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

### *Rule 16.—Stenographic Record*

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

### *Rule 17.—TV, Radio, and Photographs*

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

### *Rule 18.—Additional Duties of Chairman*

The chairman of the full committee shall:

(*a*) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(*b*) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(c);

(*c*) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(*d*) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(*e*) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

### *Rule 19.—Committee Prints*

Any committee print or investigative staff report prepared for public distribution shall either be approved by the committee pursuant to Rule 4 or such print or report shall contain on its cover the following disclaimer:

"Prepared for the use of members of the Committee on Government Operations by members of its staff. This document has not been officially approved by the committee and may not reflect the views of its members."

Any such print or report not officially approved by the committee shall not include the names of its members, other than the name of the committee chairman under whose authority the document is released. Any such print or report shall be made available to the committee chairman and ranking minority member not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

This rule shall not apply to the publication of public hearings, legislative documents, documents which are administrative in nature or reports to or by the committee which are required under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the minority.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BACHUS of Alabama) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

Mr. GALLEGLY, for 15 minutes, today.

Mr. SOLOMON, for 60 minutes, on March 4.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Ms. LOWEY, for 15 minutes, today.

Mr. GLICKMAN, for 5 minutes, on March 4.

Mr. CLEMENT, for 60 minutes, on March 15.

Mr. STRICKLAND, for 60 minutes, on March 24.

(The following Member (at the request of Mr. MOAKLEY) to revise and extend his remarks and include extraneous material:)

Mr. STRICKLAND, for 60 minutes each day, on April 14, 20, and 21.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BACHUS of Alabama) and to include extraneous matter:)

Mr. THOMAS of California.

Mr. WALSH.

Mr. OXLEY.

Mr. LIGHTFOOT.

Mr. LEWIS of Florida.

Mr. GALLO in two instances.

Mr. HANSEN.

Mr. LEACH.

Ms. MOLINARI in two instances.

Mrs. ROUKEMA.

Mr. GOODLING.

Mr. PORTER.

Mr. EMERSON.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mrs. COLLINS of Illinois.

Ms. DELAURO.

Mr. LANTOS.

Mr. STARK in two instances.

Mr. TOWNS in three instances.

Mr. HAMILTON.

Mr. BILBRAY.

Mr. REED.

Mr. MATSUI.

Mrs. KENNELLY.

Mr. ROEMER.

## ADJOURNMENT

Mr. LEACH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p.m.) the House adjourned until tomorrow, Thursday, March 4, 1993, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

830. A letter from the Secretary of Defense, transmitting a report on the funding authorized for the Strategic Sealift Program for fiscal year 1993, pursuant to Public Law 102-484, sections 1023(a) and 1024(d); to the Committee on armed Services.

831. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the Netherlands (Transmittal No. DTC-18-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

832. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Israel (Transmittal No. DTC-16-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

833. A letter from the Secretary of Commerce, transmitting the third progress report regarding contracting for the rebuilding of Kuwait, pursuant to Public Law 102-25, section 606(f) (105 Stat. 111); to the Committee on Foreign Affairs.

834. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination that he has exercised the authority granted him under Section 451(a)(1) of the Foreign Assistance Act of 1961, as amended, authorizing funds in order to support the deployment of an observer mission to Haiti, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

835. A letter from the Chairman, Federal Election Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

836. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

837. A letter from the Director of Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

838. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1992 through December 31, 1992, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-53); referred to the Committee on House Administration and ordered to be printed.

839. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Federal Bureau of Prisons' annual report on functional literacy requirement for all individuals in Federal correctional institutions, pursuant to Public Law 101-647, section 2904 (104 Stat. 4914); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on rules. House Resolution 111. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 103-25). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KOPETSKI:

H.R. 1185. A bill to limit contributions by nonparty, multicandidate political committees in House of Representatives elections, to provide an income tax credit for contributions to nonincumbent candidates in such elections, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mrs. BENTLEY (for herself, Mr. RAVENEL, Mr. LEWIS of California, and Mrs. MORELLA):

H.R. 1186. A bill to establish the National Environmental Technologies Agency; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. CARR:

H.R. 1187. A bill to amend the Motor Vehicle Information and Cost Savings Act of 1975 pertaining to fuel economy standards for automobiles and light trucks; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois:

H.R. 1188. A bill to provide for disclosures for insurance in interstate commerce; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself, Mr. STEARNS, Mr. MCMILLAN, and Mr. OXLEY):

H.R. 1189. A bill to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Energy and Commerce.

By Mr. CRANE:

H.R. 1190. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10-percent tax on the earned income—and only the earned income—of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. HYDE, Mr. ARCHER, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. DUNCAN, Mr. KASICH, Mr. CUNNINGHAM, Mr. YOUNG of Alaska, Mr. McCANDLESS, Mr. STUMP, Mr. BAKER of Louisiana, Mr. EMERSON, and Mr. McCOLLUM):

H.R. 1191. A bill to amend the Immigration and Nationality Act to limit citizenship at birth, merely by virtue of birth in the United States, to persons with citizen or legal resident mothers; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 1192. A bill to provide for uniformity of quality and a substantial reduction in the overall costs of health care in the United States through the development of diagnostic and treatment protocols and the implementation of the protocols in the program under title XVIII of the Social Security Act, the imposition of limitations on the amount of damages that may be paid in a health care liability action, and the mandatory establishment by States of alternative dispute resolution systems to resolve health care liability claims, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mrs. KENNELLY:

H.R. 1193. A bill to establish a program of voluntary national service for young people and senior citizens; jointly, to the Committees on Armed Services, Education and Labor, Veterans' Affairs, Ways and Means, and Foreign Affairs.

By Mr. KOPETSKI:

H.R. 1194. A bill to amend title XVIII of the Social Security Act to provide coverage of self-management training services under part B of the Medicare Program for individuals with diabetes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. LONG (for herself, Mr. GUNDERSON, Mr. BROWN of California, Mr. ENGLISH of Oklahoma, Mr. BOEHNER, Mr. DOOLITTLE, Mrs. THURMAN, Mr. ACKERMAN, Mr. CLYBURN, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HINCHEY, Mr. HOBSON, Mr. HOKE, Mr. JACOBS, Ms. KAPTUR, Mr. LAFALCE, Mrs. MALONEY, Mr. MANN, Mr. McCLOSKEY, Mr. MOLLOHAN, Mr. OXLEY, Mr. RAHALL, Mr. RICHARDSON, Mr. ROEMER, Mr. SAWYER, Mr. SCHUMER, Mr. SHARP, Mr. SPRATT, Mr. TRAFICANT, Mr. WALSH and Mr. WISE):

H.R. 1195. A bill to amend the Food Stamp Act of 1977 regarding quality control; to the Committee on Agriculture.

By Mrs. LOWEY (for herself, Ms. MOLINARI, Mr. FORD of Michigan, Mr. GOODLING, Mr. MILLER of California, Mr. RANGEL, Ms. SNOWE, Mr. HILLIARD, Mrs. MALONEY, Mr. MARTINEZ, Ms. WOOLSEY, Mrs. MEYERS of Kansas, Ms. PELOSI, Mr. FROST, Ms. NORTON, Ms. CANTWELL, Mrs. MEEK, and Mr. WYDEN):

H.R. 1196. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and Labor.

By Mr. MACHTLEY:

H.R. 1197. A bill to amend the Fair Credit Reporting Act to prohibit the inclusion of certain information in files and credit reports relating to consumers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI:

H.R. 1198. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. McINNIS:

H.R. 1199. A bill to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. McDERMOTT (for himself, Mr. CONYERS, Mr. HILLIARD, Mr. BECERRA, Mr. BERMAN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HAMBURG, Mr. MARTINEZ, Mr. MILLER of California, Ms. PELOSI, Mr. STARK, Mr. TORRES, Mr. TUCKER, Ms. WATERS, Ms. WOOLSEY, Mr. GEJDENSON, Ms. NORTON, Ms. McKINNEY, Mr. ABERCROMBIE, Mr. BEILENSON, Mrs. MINK, Miss COLLINS of Michigan, Mr. EVANS, Mr. YATES, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. MOAKLEY, Mr. OLVER, Mr. STUDDS, Mr. MFUME, Mrs. COLLINS of Illinois, Mr. OBERSTAR, Mr. VENTO, Mr. CLAY, Mrs. CLAYTON, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. ENGEL, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. LAFALCE, Mrs. MALONEY, Mr. MANTON, Mr. NADLER, Mr. OWENS, Mr. RANGEL, Mr. SCHUMER, Mr. TOWNS, Ms. VELAZQUEZ, Mr. STOKES, Ms. FURSE, Mr. SCOTT, and Mr. SANDERS):

H.R. 1200. A bill to provide for health care for every American and to control the cost of the health care system; jointly, to the Committees on Ways and Means, Energy and Commerce, Armed Services, Post Office and Civil Service, and Veterans' Affairs.

By Mr. MONTGOMERY (by request):

H.R. 1201. A bill to amend title 38, United States Code, to provide an opportunity for those service members on active duty who enlisted between January 1, 1977, and June 30, 1985, to enroll in the All-Volunteer Force Educational Assistance Program; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. PAYNE of New Jersey (for himself and Mr. JEFFERSON):

H.R. 1202. A bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes; to the Committee on Education and Labor.

By Mr. REGULA:

H.R. 1203. a bill entitled "Boot Camp Assistance"; to the Committee on Armed Services.

H.R. 1204. A bill to amend the District of Columbia Self-Government and Government Relations Act to permit the District of Columbia to impose a tax on income earned by individuals who reside outside of the District; to the Committee on the District of Columbia.

H.R. 1205. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. REYNOLDS:

H.R. 1206. A bill to amend title 28, United States Code, to make the Department of Justice Assets Forfeiture Fund available for support of certain community-based social service agencies; to the Committee on the Judiciary.

By Mr. ROEMER (for himself and Mr. STARK):

H.R. 1207. A bill to amend the Worker Adjustment and Retraining Notification Act to require notice of certain plant closings to be provided to the Secretary of the Treasury and to amend the Internal Revenue Code of 1986 to deny the benefits of the Puerto Rico and possession tax credit in the case of runaway plants; jointly, to the Committees on Ways and Means and Education and labor.

By Mr. SANGMEISTER:

H.R. 1208. A bill to establish the Civilian Technology Corporation to provide financial support for precommercial research and development in technologies that are significant to the technology base of the United States; to the committee on Science, Space, and Technology.

By Ms. SHEPHERD (for herself, Mr. FINGERHUT, Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. KREIDLER, Ms. MALONEY, Mr. MINGE, Mr. WYDEN, Mr. BONILLA, Ms. HARMAN and Mr. COPPERSMITH):

H.R. 1209. A bill to limit purchases of district office equipment and furnishings by a departing Member to items not needed for official use by the successor to the departing Member; to the Committee on House Administration.

By Mr. STARK (for himself and Mr. ROEMER):

H.R. 1210. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of the Puerto Rico and possession tax credit in the case of runaway plants; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1211. A bill to direct the Secretary of Transportation to complete construction of the Hubbard Expressway in the vicinity of Youngstown, OH; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH:

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to repeal the 80-percent limitation on the amount of business meal and entertainment expenses which are deductible; to the Committee on Ways and Means.

By Ms. WATERS:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to include veterans participating in Operation Desert Storm and other veterans as eligible for veterans' mortgage bond financing; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. HYDE, Mr. ARCHER, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. DUNCAN, Mr. KASICH, Mr. CUNNINGHAM, Mr. YOUNG of Alaska, Mr. McCANDLESS, Mr. STUMP, Mr. EMERSON, and Mr. McCOLLUM):

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with citizen or legal resident mothers; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. KASICH, Mr. FILNER, Mr. MARKEY, Mr. DOOLITTLE, Mr. ORTON, Mr. McDERMOTT, Mr. MORAN, and Mr. MARTINEZ):

H.J. Res. 130. Joint resolution to designate the week of March 21, 1993, through March 27, 1993, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SANGMEISTER (for himself, Mr. BEVILL, Mr. BREWSTER, Mr. BILI-

RAKIS, Ms. DANNER, Ms. DELAURO, Mr. DINGELL, Mr. DORNAN, Mr. EVANS, Mr. FAWELL, Mr. FRANKS of Connecticut, Mr. FROST, Mr. GALLEGLY, Mr. HASTERT, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HUGHES, Ms. KAPTUR, Mr. KASICH, Mr. KILDEE, Mr. KING, Mr. LEHMAN, Mr. LIPINSKI, Mr. MCCANDLESS, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MCNULTY, Ms. MOLINARI, Mr. MORAN, Mr. MONTGOMERY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. PARKER, Mr. ROYCE, Mr. SKEEN, Mr. SKELTON, Mr. SPENCE, Mr. STUPAK, Mr. WAXMAN, Mr. WHEAT, Mr. WILSON, and Mr. WOLF):

H.J. Res. 131. Joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. EDWARDS of Texas, Mr. VISCLOSKY, Mr. DARDEN, Mr. OLVER, Mr. BEVILL, Mr. SABO, Mr. ANDREWS of Texas, Mr. ARCHER, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, and Mr. HOUGHTON):

H. Con. Res. 57. Concurrent resolution to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, TX; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. GUTIERREZ:

H. Con. Res. 58. Concurrent resolution to direct the appropriate committees of the House of Representatives and the Senate to report legislation by July 30, 1993, to expand the rescission authority of the President; to the Committee on Rules.

By Mr. HOYER:

H. Res. 110. Resolution designating majority membership on the Committee on the Budget; considered and agreed to.

By Mr. FOGLIETTA:

H. Res. 112. Resolution concerning the December 1992 Presidential election in the Republic of Korea; to the Committee on Foreign Affairs.

By Mr. MANZULLO (for himself and Mr. MCINNIS):

H. Res. 113. Resolution amending the Rules of the House of Representatives to allow Members to utilize the services of volunteers in their offices, and for other purposes; to the Committee on Rules.

By Mr. SCHAEFER:

H. Res. 114. Resolution requiring that the concurrent resolution on the budget for the fiscal year 1994 establish outlay caps over a 5-year period; jointly, to the Committees on Rules and Government Operations.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

48. By the SPEAKER: Memorial of the Legislature of the State of Wyoming, relative to an Endangered Species Citizen Advisory Board; to the Committee on Merchant Marine and Fisheries.

49. Also, memorial of the Legislature of the State of North Dakota, relative to the U.S. Government responsibility of its share of the property tax burden on Government land; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. BREWSTER.

H.R. 18: Mr. RAVENEL, Mr. GOODLING, Mr. NADLER, Mr. EVANS, Ms. LOWEY, Mr. JOHNSON of South Dakota, and Ms. DELAURO.

H.R. 21: Mr. WILSON, Mr. WILLIAMS, Mr. MURTHA, Mr. MOLLOHAN, and Mr. HAYES of Louisiana.

H.R. 28: Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. GUTIERREZ, Mr. RUSH, Ms. MALONEY, Mr. KLEIN, Ms. ROYBAL-ALLARD, Mr. WYNN, Mr. FLAKE, Mr. MFUME, Mr. CHAPMAN, and Mr. DEFAZIO.

H.R. 39: Mr. FILNER, Mr. REYNOLDS, Mr. PRICE of North Carolina, Mrs. KENNELLY, Ms. MEEK, Mr. STOKES, Mr. BACCHUS of Florida, Mr. COLEMAN, Mr. DELLUMS, Mr. ZIMMER, and Mr. KILDEE.

H.R. 59: Mr. FIELDS of Texas, Mr. PAXON, Mr. JOHNSON of South Dakota, Mr. RAVENEL, Mr. MYERS of Indiana, Mr. SUNDQUIST, Mr. SENSENBRENNER, Mr. LIVINGSTON, Mr. KING, Mr. HOBSON, Mr. HANSEN, and Mr. RAMSTAD.

H.R. 81: Mr. OBERSTAR and Mr. MARTINEZ.

H.R. 94: Mr. SCHIFF, Mr. KYL, Mr. SHAYS, Mr. GLICKMAN, Mr. BAKER of California, and Mr. BAKER of Louisiana.

H.R. 101: Mr. GRAMS, Mr. BARTON of Texas, Mr. ROTH, Mr. KYL, and Mr. HANCOCK.

H.R. 123: Mr. CLINGER and Mr. SCOTT.

H.R. 159: Mr. EVERETT and Mr. INGLIS.

H.R. 163: Mr. SENSENBRENNER.

H.R. 229: Mr. SWETT and Ms. THURMAN.

H.R. 302: Mr. TORKILDSEN, Mr. GLICKMAN, and Mr. DREIER.

H.R. 304: Mr. TORKILDSEN, Mr. GLICKMAN, Mr. BONILLA, and Mr. KOLBE.

H.R. 325: Mr. LANTOS, Mr. SANDERS, Mr. KREIDLER, Mr. SMITH of New Jersey, Mr. REYNOLDS, Mr. STOKES, Mr. TORKILDSEN, Mr. SCOTT, Mr. GINGRICH, Mr. HOBSON, Mr. LEWIS, of Georgia, and Mr. LIGHTFOOT.

H.R. 326: Mr. STOKES, Mr. STUDDS, Mr. OLVER, Mr. TORKILDSEN, and Mr. FALEOMAVAEGA.

H.R. 349: Mr. MINGE, Mr. INSLEE, and Mr. BARRETT of Wisconsin.

H.R. 389: Mr. SAM JOHNSON.

H.R. 390: Mr. SAM JOHNSON.

H.R. 396: Mr. KING.

H.R. 410: Mr. BONILLA.

H.R. 411: Mr. DELAY.

H.R. 412: Mr. KYL, Mr. PACKARD, Mr. ZIMMER, and Mr. PETRI.

H.R. 436: Mr. FIELDS of Texas, Mr. HASTINGS, Mr. NEAL of North Carolina, Mr. BILIRAKIS, Mr. MCCANDLESS, Mr. DREIER, and Mr. LEVY.

H.R. 485: Mr. SERRANO, Mr. TOWNS, Mr. SYNAR, Mr. MCCURDY, Ms. NORTON, Mr. FROST, Mr. LANCASTER, Mr. EVANS, and Mr. LAFALCE.

H.R. 518: Mr. PAYNE of New Jersey, Mr. STUDDS, Mr. TORRICELLI, Mr. RANGEL, Mr. SHAYS, Mr. REYNOLDS, Mr. HAMBURG, Mr. LEVIN, and Mr. NEAL of North Carolina.

H.R. 535: Mr. BONILLA, Mr. KENNEDY, Ms. DELAURO, Mr. HOAGLAND, Mr. SANDERS, and Mr. BISHOP.

H.R. 565: Mr. SHAYS and Mr. LIVINGSTON.

H.R. 570: Mr. SHAYS.

H.R. 585: Mr. PORTER.

H.R. 624: Mr. SWIFT, Mr. ARCHER, Mr. LIVINGSTON, Mr. FRANK of Massachusetts, Mr. COPPERSMITH, Mr. DICKS, Mr. HEFNER, Mr. SAM JOHNSON, Mr. FIELDS of Texas, Mr. GIBBONS, Mr. LIGHTFOOT, Mr. CONDIT, Mr. BOEHNER, Mr. BARRETT of Nebraska, Mr. BRYANT, Mr. KLECZKA, Mr. NEAL of North Carolina, Mrs. JOHNSON of Connecticut, Mr. BLILEY, Mr. BATEMAN, Mr. COLEMAN, Mr. ROHRABACHER, Mr. SABO, Mr. JOHNSON of South Dakota, Mr. MINGE, Mr. PARKER, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. POSHARD, Ms. HARMAN, Mr. LIPINSKI, Mr. SLATTERY, Mr. BREWSTER, Mr. STARK, Ms. PELOSI, and Mr. TORRICELLI.

H.R. 632: Ms. MEEK.

H.R. 633: Mr. MCCANDLESS and Mr. UPTON.

H.R. 634: Mr. HOLDEN, Mr. MOLLOHAN, and Mrs. MORELLA.

H.R. 671: Mr. RANGEL, Mr. EVANS, Mr. BLACKWELL, Mr. SANDERS, Ms. DELAURO, Mr. CLEMENT, Mr. YATES, Mr. NEAL of North Carolina, and Mr. PARKER.

H.R. 673: Mr. MCCANDLESS.

H.R. 710: Mr. EVANS, Mr. KREIDLER, Ms. MALONEY, Mr. OBERSTAR, Mr. COLEMAN, Mrs. UNSOELD, Mr. GUTIERREZ, Mrs. COLLINS of Illinois, Mr. MCCOLLUM, Ms. WOOLSEY, Ms. SHEPHERD, Ms. NORTON, Mr. JOHNSON of South Dakota, Mr. CONYERS, Ms. SCHENK, Mr. INGLIS, Mr. ROMERO-BARCELO, Mr. BARRETT of Wisconsin, Mr. JACOBS, Mr. MCCANDLESS, Mr. BEILENSON, Mrs. COLLINS of Michigan, Mr. HINCHEY, Mr. FROST, and Mr. BROWN of California.

H.R. 747: Mr. STUPAK, Mr. GUNDERSON, Mr. GALLO, Mr. PORTER, Mr. SAM JOHNSON, Mr. SAXTON, Mr. TORKILDSEN, Mr. GREENWOOD, Mr. SCHAEFER, Ms. SNOWE, Mr. GILMAN, Mr. WALSH, Mr. BOEHNER, Mr. NEAL of Massachusetts, and Mr. HOUGHTON.

H.R. 760: Mr. FILNER.

H.R. 777: Mr. KNOLLENBERG and Mr. LEVY.

H.R. 789: Mr. FROST, Mr. TORKILDSEN, Mr. PORTER, Mr. HUGHES, Mr. SAWYER, Mr. APPLEGATE, Mr. PETE GEREN, and Mr. REGULA.

H.R. 821: Mr. TEJEDA.

H.R. 846: Mrs. KENNELLY, Mr. ZIMMER, Mr. RAHALL, Mr. FISH, Mr. BURTON of Indiana, Mr. MYERS of Indiana, Mr. THOMAS of California, and Mr. MCMILLAN.

H.R. 882: Mr. COLEMAN.

H.R. 887: Mr. PETE GEREN.

H.R. 893: Mr. RANGEL, Mr. TOWNS, Mr. LIPINSKI, and Mr. JOHNSTON of Florida.

H.R. 902: Mr. SHAYS, Mr. ANDREWS of Texas, Mr. CRAMER, Mr. SCHUMER, Mr. MORAN, Mr. COLEMAN, Ms. SHEPHERD, and Mr. SCOTT.

H.R. 911: Mr. HUTTO, Mr. CLINGER, and Mr. DREIER.

H.R. 962: Mr. MORAN, Mr. MACHTLEY, Mr. HALL of Texas, Mr. MONTGOMERY, Mr. THOMAS of Wyoming, Mr. STUMP, Mr. PETERSON of Florida, Mr. PENNY, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, Mr. VALENTINE, Mr. HANSEN, Mr. MCCOLLUM, Mr. RAVENEL, Mr. HOBSON, Mr. LIVINGSTON, Mr. CLAY, Mr. FIELDS of Texas, Mr. MCKEON, Mr. WILSON, Mr. PETERSON of Minnesota, and Mr. MCCRERY.

H.R. 963: Mr. MOLLOHAN.

H.R. 974: Mr. SANGMEISTER, Mr. MINGE, Mr. TORKILDSEN, Mr. MANN, Mr. MANZULLO, Mr. BLUTE, Mr. STENHOLM, Ms. NORTON, Mr. SAWYER, Mr. KLINK, Mr. MFUME, and Mr. MCHALE.

H.R. 986: Ms. BROWN of Florida, Mr. ENGEL, and Mr. FRANK of Massachusetts.

H.R. 999: Mr. LEACH and Mr. BALLENGER.

H.R. 1006: Mr. LIPINSKI.

H.R. 1009: Mr. STUPAK, Mr. MACHTLEY, Mr. MANN, Mr. LEWIS of Florida, Mr. HAMBURG, Ms. SHEPHERD, and Mr. BARRETT of Wisconsin.

H.R. 1078: Mr. EMERSON.

H.R. 1079: Mr. BAKER of California and Mr. EMERSON.

H.R. 1080: Mr. BAKER of California and Mr. EMERSON.

H.R. 1081: Mr. EMERSON.

H.R. 1082: Mr. BAKER of California and Mr. EMERSON.

H.R. 1083: Mr. BAKER of California and Mr. EMERSON.

H.R. 1105: Mr. WALKER, Mr. ALLARD, Mr. CLINGER, Mr. COX, and Mr. LEVY.

H.R. 1114: Mrs. SCHROEDER, Mr. BARRETT of Wisconsin, Mr. SCOTT, Mr. CLAY, Mr. BLACKWELL, and Mr. MINGE.

H.R. 1135: Mr. GUTIERREZ, Mrs. COLLINS of Michigan, Ms. BYRNE, Mr. KOPETSKI, Mr. BLACKWELL, Mr. TOWNS, and Mr. WALSH.

H.R. 1149: Mr. LEVY.

H.J. Res. 6: Mr. KING, Mr. KASICH, Mr. NEAL of Massachusetts, Mrs. UNSOELD, Mr. MCHUGH, Mr. MARTINEZ, Mr. KOPETSKI, Mr. SPENCE, Mrs. MORELLA, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. SARPALIUS, Ms. WOOLSEY, Mr. BATEMAN, Mr. HUGHES, Mr. FROST, Mr. PICKETT, Mr. GILMAN, Mr. SANGMEISTER, and Mr. SCOTT.

H.J. Res. 10: Mr. BARRETT of Wisconsin, Mr. SKEEN, Mr. CARR, Mr. DICKS, Mr. HEFNER, Mrs. JOHNSON of Connecticut, Mr. LIVINGSTON, Mr. MCDADE, Mr. MOAKLEY, and Ms. ROYBAL-ALLARD.

H.J. Res. 22: Mr. DOOLITTLE.

H.J. Res. 29: Mr. MAZZOLI.

H.J. Res. 90: Ms. BYRNE, Mr. SAM JOHNSON, Mr. HUGHES, Mr. FROST, Mr. FILNER, and Ms. MEEK.

H. Con. Res. 26: Mrs. VUCANOVICH, Mr. LEWIS of Florida, Mr. SERRANO, Mr. CLINGER, Ms. DELAURO, Mr. SCOTT, Mr. GILMAN, Mrs. COLLINS of Michigan, Mrs. MORELLA, Mr. BALLENGER, Mr. KING, Mr. SKEEN, and Mr. SISISKY.

H. Res. 16: Mr. DOOLITTLE.

H. Res. 26: Mr. QUINN, Mr. KIM, Mr. CANADY, Mr. HOBSON, Mr. GRAMS, Mr. HOKE, Mr. LIVINGSTON, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. ROBERTS, Mr. RAMSTAD, Mr. EMERSON, Mr. EVERETT, Mr. BUYER, Mr. INHOFE, Mr. CLINGER, Mr. BUNNING, and Mr. BARTLETT.

H. Res. 38: Mr. HINCHEY.

H. Res. 40: Mr. PRICE of North Carolina.

H. Res. 43: Mr. BONILLA.

H. Res. 50: Mr. LIVINGSTON, Mr. SCHIFF, Mr. GALLO, Mr. KOLBE, Mr. FIELDS of Texas, Mr. BLUTE, Mr. PACKARD, Mr. SAXTON, Mr. ZIMMER, Mr. BONILLA, and Mr. ROGERS.

# SENATE—*Wednesday, March 3, 1993*

The Senate met at 8:45 a.m., and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

### PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain?*—Jeremiah 2:5.

Almighty God, You ask a question which accurately diagnoses our present situation, forsaking Thee and following emptiness, we become empty; following hollow gods, we become hollow souls.

You remind us, Heavenly Father, that we are incurably religious. We must have a god, if not the true God, some substitute, even if that substitute is no-god. The real tragedy is we become like the god we worship. We watch helplessly while our culture degenerates into paganism and wonder what is happening.

Gracious God, help us see that the answer is a return to the God of our fathers, whose guidance made possible this great Nation. And help each of us to examine his soul, lest we blindly follow emptiness.

We pray in His name who is the Way, the Truth, and the Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 3, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also, under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Does the Senator from Iowa seek recognition?

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

The Senator, under the previous order, is recognized for up to 15 minutes.

## MEASURES PLACED ON THE CALENDAR

Mr. GRAHAM. Mr. President, before proceeding with my remarks, on behalf of the majority leader I ask unanimous consent that all bills and joint resolutions read a first time be deemed to have been read a second time en bloc, and objection being heard to further proceeding, the various matters be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HAITI

Mr. GRAHAM. Mr. President, 17 months have come and gone since democratically elected Jean-Bertrand Aristide, Haiti's first freely elected President, was violently overthrown.

During that time, over 500 days, Haiti has become a human rights nightmare. Just this past Saturday, soldiers attacked people attending a Mass in the southern town of Jeremie. Leading the service was Archbishop Willy Romelus, who was assaulted by a mob in Port au Prince 2 days earlier.

Mr. President, tragically the violence this weekend has not been an isolated event, but has become daily fare for the people of Haiti.

Meanwhile, the 67 percent of the Haitian population who voted for Aristide anxiously await his return. They wait for democracy to be restored and for an end to brutal military rule.

Their hopes are fragile. They are prepared for the worst. After all, hope is a luxury in Haiti. That is why 1,500 boats lie on the sandy shores of Haiti, waiting to be launched. They are every Haitian's insurance policy, the last desperate means of escape from a violent regime should President Aristide not return.

Mr. President, Haitians are staking their futures—literally their lives—on the success of the United Nations and Organization of American States in their collective effort to restore President Aristide.

The International community—the United States in particular—has very little time to make good on its promise. We need to establish, right now, a firm date for President Aristide's return.

For 500 days the authoritarian regime has manipulated the negotiations. Its goal is not democracy but to outwait the patience or interest of the United States and the international community.

Its goal is to continue its reign of terror. Unless we set a firm date for President Aristide's return, negotiations will continue to drift inconclusively. We should set May 31 as that date.

Why this date?

The calmest seas prevail in the 3 months before the onslaught of the summer hurricane season—April, May, and June. Haitians are a Caribbean people. If they are going to escape, they know this is the time to try.

The wall represented by United States policy of forced repatriation of Haitians and enforced by sentries of Coast Guard ships is under pressure from both sides.

From the United States, the President's policy of direct return of Haitians is probably illegal and politically cannot be long sustained. Demonstrations last month in New York, Miami, and other American cities made that abundantly clear. As we discuss this issue here in the Senate, hunger strikes continue around the United States in opposition to our policy.

The Supreme Court yesterday considered the legality of our policy. Experience has shown that the outcome of this case will have even more influence on whether Haitians attempt the dangerous sea passage than the weather itself. If the Supreme Court overturns the current policy, and President Aristide has not been restored to the Presidency, we will face a new wave of refugees.

Third, Haitians are staying at home in part because President Aristide has asked them to, and because President Clinton has committed the United States to a policy of restoring democracy in Haiti.

Unless we make good on those commitments—and soon—Haitians will lose hope and take the only action left to them; leave Haiti in mass waves.

Failure to restore President Aristide to power, therefore, could mean that literally tens of thousands of Haitians will launch their boats within the next 120 days, Coast Guard ships be damned. Hundreds, maybe thousands of men, women, and children, will drown before reaching the promised land that America represents.

The depressing reality is that this would relieve pressure on the current de facto regime while presenting the United States with yet another refugee crisis.

If we are to avoid this possible calamity, the United States must accelerate its efforts. Our goals are clear:

Restore President Aristide's government as soon as possible;

Be ready to activate a comprehensive economic recovery plan to get the country back on its feet, after democracy is restored;

Build democratic institutions. In this regard, three objectives are paramount:

The establishment of an independent system of justice—democracies in the Caribbean stand ready to assist us;

Separation from the army of a well-trained police force—the army must get out of the police business if human rights violations are to be curbed;

Establishment of a professional army which serves the nation, not its own corrupt ends. Haiti needs to be rebuilt. Its roads, its health system and its public works are a disaster. The army could play an important role in each of these areas.

To achieve these goals, the United States should lead the United Nations and the Organization of American States to establish a firm timetable for negotiations and create a climate where all sides will have the confidence to be flexible. The time for delay is over, and all sides must be made to realize this.

That means keeping the pressure on, and maintaining our Government's attention at the highest levels until President Aristide is restored to power. We must make clear to each party that they will pay a very personal price for further delay.

We must also stop sending mixed signals. Certain statements made by representatives of this administration have led some parties to this negotiation to believe that the United States is prepared to negotiate for a year or longer. That is absolutely the wrong impression to leave if we hope to resolve this issue.

To the regime holding power in Port au Prince, we must say, "you risk intervention if you continue to block President Aristide's return. We are prepared to negotiate President Aristide's peaceful return under conditions that take into account your legitimate interests. But believe us when we say that we are not prepared to rule out the use of force."

To ourselves, we must say, "get serious about restoring democracy to Haiti. Maintain the necessary administration focus at a high level. Stop temporizing, stop sending mixed signals and be prepared to maintain force as an option. Important U.S. interests are at stake. We must commence the organization of a multilateral force of hemispheric allies if negotiations break down."

To President Aristide, we must say, "Commit yourself to a policy of real democracy, one that recognizes the legitimate interests of those who disagree with you. Adopt a policy of redemption, not vengeance. That means a properly structured amnesty, which is an essential element in any successful negotiation. Without one, don't expect your opponents to negotiate themselves into exile, poverty, or prison."

To the army, we must say, "go back to the barracks, get out of the drug trade and begin to protect the Haitian people rather then terrorize them. If your institution is to survive, you must dedicate yourself to rebuilding the country, rather than destroying it."

To the powerful Haitian business community, we must say, "Come into the 20th century by accepting democracy and the will of the people. Stop running the country like its your personal fiefdom. Use your capital to profit not just yourselves but the Haitian people as well."

To our allies, the French, the Canadians, the Venezuelans, Mexicans, and others, we must say, "Haiti is a priority. We need your help and support, and we expect it. We must work together to construct a multinational economic program to rebuild the Haitian economy. By doing so, we signal the Haitian people that there will be international support for building democracy in Haiti."

And to international investors, we must say, "upon restoration of democracy in Haiti, the United States is prepared to renew its commitment to economic assistance and the Caribbean Basin Initiative.

Mr. President, the Organization of American States adopted a far-reaching policy in support of democracy when it approved the so-called Santiago accords in 1991. The accords represent an aggressive policy of preserving democratic gains in this hemisphere.

I believe that the Organization of American States must consider going one step further and establishing a multilateral peacemaking force for this hemisphere.

I know that there are numerous reasons to question this concept given this hemisphere's historical sensitivity toward intervention. Nevertheless, I believe the idea, in some form, deserves action.

In a world increasingly confronted by the tragedies of Haiti and Bosnia, a credible military option is clearly necessary if diplomacy is to stand a chance of success.

A military force sends a clear message to those who would disrupt the democratic process that the hemisphere's democratic governments will not stand idly by in the face of such threats.

Mr. President, we have a very narrow window of opportunity to resolve this crisis. If we fail to restore President Aristide to office within the next 2 to 3 months, we will face a tidal wave of refugees. Our failure will also signal the rest of the hemisphere that we are less than committed in backing democratically elected governments.

It will send a powerful message to the barracks of Latin America that this period of democratic governments is an aberration; that the nations of the Western Hemisphere are prepared once again to tolerate the regime of military autocrats.

I urge this administration to make Haiti a priority, to develop a workable strategy and to bring this crisis to an end, to indicate without question our support for the principle of democracy in the new world.

Mr. President, I ask unanimous consent to print in the RECORD three newspaper items.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 3, 1993]

### COURT IS ASKED TO BACK HAITIANS' RETURN

(By Linda Greenhouse)

WASHINGTON, March 2.—The Clinton Administration argued in the Supreme Court today for the right to continue picking up fleeing Haitians at sea and returning them to their country without asylum hearings, a Bush Administration policy that President Clinton had denounced as "cruel" and illegal when he was running for President last year.

In the absence of both an Attorney General and a Solicitor General, the White House had to rely on a staff lawyer in the solicitor general's office in its appeal. Last summer, a Federal appeals court ruled that the policy on Haitians violated rights guaranteed to refugees by the country's basic immigration law.

Maureen E. Mahoney, a deputy solicitor general, told the Justices that the President had emergency powers under the immigration law to carry out a policy to avert a "humanitarian tragedy at sea."

"The President is determined that in order to prevent a mass migration and the loss of hundreds or thousands of lives at sea, the policy of direct repatriation must continue," Ms. Mahoney told the Court.

#### CLINTON CONCEDES A POINT

Harold Hongju Koh, a professor of law at Yale University, arguing on behalf of a group of Haitians affected by the policy that President George Bush issued last May, told the Justices, "The fact that the new policy is effective and has terrified people so they won't leave does not make it legal."

President Clinton himself, at a White House picture-taking session today, said that "maybe I was too harsh in my criticism" of Mr. Bush.

"But I still think there's a big difference between what we're doing in Haiti and what they were doing in Haiti," Mr. Clinton said. "You know, something that was never brought up before but is now painfully apparent is, that if we did what the plaintiffs in the court case want, we would be consigning a very large number of Haitians in all probability to some sort of death warrant."

Professor Koh said the Government could not invoke the immigration laws as the authority to pick up refugees on the high seas without also being bound by the restraints contained in those laws. "They want the power without the restraint," he said. "They can't have it both ways."

The case arrived on the Court's calendar at a most awkward time for Mr. Clinton, who is simultaneously trying to develop both a policy toward Haiti and an Administration to carry it out. Last summer, he praised the appeals court decision that invalidated the repatriation program. The Supreme Court granted the Bush Administration a stay of the appeals court's ruling, while agreeing in October to hear the appeal. Briefs were filed before Inauguration Day.

The case has become a cause célèbre at Mr. Clinton's alma mater, Yale Law School, where the team of professors and students who brought the original lawsuit have been highly critical of the President.

At the White House today, George Stephanopoulos, the communications director, said the policy of intercepting the Haitians at sea was "a policy for exceptional circumstances," made necessary to "avert a humanitarian tragedy that could result from a large boat exodus." Meanwhile, Mr. Stephanopoulos said, the Administration is speeding up review of requests for asylum made by Haitians to the United States Embassy in Port-au-Prince. He said Mr. Clinton would meet on March 16 with President Jean-Bertrand Aristide of Haiti, whose overthrow in a military coup in 1991 led to the crisis.

The unusual politics of the situation were not readily apparent in the courtroom today, as two former Supreme Court law clerks presented well-prepared arguments. Ms. Mahoney clerked for Chief Justice William H. Rehnquist during the Court's 1979 term, when he was an Associate Justice, and Mr. Koh clerked for Justice Harry A. Blackmun two years later.

The Justices paid close attention during the hourlong argument but gave little evidence of how they would rule. At one point, Justice Antonin Scalia interrupted Ms. Mahoney's description of the humanitarian basis of the policy to say: "None of this has anything to do with the legal issue in front of us. Maybe we can talk about that."

Despite that display of impatience, Justice Scalia appeared equally skeptical toward parts of Mr. Koh's argument. When Mr. Koh said that under the logic of the Administration's case, President Aristide himself could be returned, Justice Scalia commented that simply because something was "horrible" did not mean that "there's a law against it."

There are several legal arguments in the case. One central issue is whether foreigners seeking asylum who have not yet reached United States territory have the same legal protection against forcible return that applies to those seeking asylum within the country.

### A 1952 LAW IS BASIS

The Immigration and Nationality Act of 1952, the basic immigration law, simply authorized the Attorney General to "withhold deportation of any alien within the United States" if the alien's life or freedom would be in peril in his home country.

In 1980, Congress amended that section of the law to provide that the Attorney General "shall not deport or return any alien" under those circumstances. The change was made to conform domestic law to a United Nations protocol on refugees that the United States signed in 1968.

Mr. Koh argued successfully before the United States Court of Appeals for the Second Circuit, in New York, that the 1980 amendment extended the law's original protections to aliens not yet in the United States. "This statute effectuates an international human rights norm," he said today. He said it was "the plain language of the statute and treaty" that "you don't send people back."

Ms. Mahoney said that in agreeing to the United Nations refugee treaty neither the United States nor any other country could be thought to have given up its ability to stop a "mass invasion by foreigners."

Mr. Koh said his position would not require the United States to accept all Haitian immigrants. He said there were other islands the Haitians might reach if they were not prevented from leaving by a "floating Berlin wall."

For 10 years until last May, United States policy was to intercept Haitians at sea and not to send them back without first giving them a chance to show that they were entitled to asylum. Under the new policy, that determination can be made only by American officials in Haiti.

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[From the Miami Herald, Mar. 2, 1993]

## POWERFUL HAITIAN CLAN'S TIES TO PEACE PROCESS CRITICIZED

(By Don Bohning and Christopher Marquis)

WASHINGTON.—A well-connected Washington attorney hired by one of Haiti's wealthiest families is quietly playing a major—and controversial—role in brokering a political solution to Haiti's simmering crisis.

For 15 months, Gregory Craig, a former Yale classmate of the Clintons, whose clients have ranged from Sen. Ted Kennedy to John Hinckley, has used the resources of Haiti's Mevs family in trying to forge a political consensus in that deeply divided country.

At the same time, Craig and Sven Holmes, one of his colleagues at the prestigious law firm of Williams & Connolly, have served as intermediaries between senior State Department officials and the Mevses, one of a handful of families who rose to great wealth during the Duvalier years.

Many of those same families were believed to have backed the September 1991 coup that ousted Jean-Bertrand Aristide, Haiti's first democratically elected president.

Despite signs of progress in Haiti, the link established by Craig between U.S. officials and the Mevses has drawn sharp criticism from all sides in Haiti's delicate peace process. The critics—who include other U.S. officials—question both the propriety of the contacts and the role played by the Mevses—with Craig serving as the intermediary—in attempting to dictate the outcome in Haiti.

The ultimate test of whether the effort is being made in good faith and not simply to buy time, observers say, will be when it comes time in the current negotiating process to determine a date for Aristide's physical return as president.

Robert White, president of the Center for International Policy and a former U.S. ambassador to El Salvador, termed it "bizarre" for U.S. officials to deal with the Mevs family.

### TRYING TO BREAK DEADLOCK

Over the past year, as Washington groped for solutions on Haiti, Bernard Aronson and Robert Gelbard, the Bush administration's point men for Haiti who temporarily remain on the job under President Clinton, have repeatedly looked to the Mevses' attorneys to help break a political deadlock.

For Aronson and Gelbard, the contacts apparently began as part of a U.S. effort to open a back channel to Haiti's military, which toppled Aristide. Fritz Mevs Sr., a Miami resident who made his fortune with a sugar monopoly under the dictatorship of Francois "Papa Doc" Duvalier, his sons Gregory, Fritz Jr. and other family members in Haiti, are widely said to share the military's disdain for Aristide.

Aronson failed to respond to phone calls and Gelbard declined to be interviewed. But a State Department official who insisted that his name be withheld praised Craig for facilitating the accord that led to the deployment of international observers in Haiti last month.

"I don't think without him we could have gotten an agreement," the official said.

Attempts in both Haiti and Miami to obtain comment from the Mevses were unsuccessful.

For Craig, ties to the Mevses presented a unique opportunity to alter a seemingly hopeless situation.

"There's a moment in the process when one person can make a difference—when the process is stuck." Craig said.

But officials from both sides of Haiti's political debate—representatives of Aristide and of de facto Prime Minister Marc Bazin—are skeptical. Both groups fear that the family, whose wealth gives it influence over Haiti's military, is pursuing its own agenda, not Haiti's.

Even the military high command is said to be wary of the role of Mevs, but for the moment considers it to be in its own best interests to cooperate with the current efforts to resolve the crisis.

"If anyone believes that the Mevs family is a credible interlocutor for resolving the Haitian conflict in a way that helps Haiti build democratic institutions, then they are out of touch with reality," said Stephen Horblitt, a public relations consultant with ties to the Bazin government.

The Rev. Antoine Adrien, Aristide's chief negotiator in Haiti, said Washington "sends the wrong signal" by enlisting the help of known enemies of Aristide. "When you do that you are saying: We're still in business with [Aristide opponents]."

Dante Caputo, envoy to Haiti for the United Nations and Organization of American States, resents the U.S.-Mevs contacts. He says they reinforce the view that Washington is coddling anti-Aristide forces, the very people Caputo says must cede to international pressure to restore democracy.

One diplomat complained bitterly that Aronson and Gelbard, through Craig, have taken up the banner of Haiti's elite, calling at every turn for a quick lifting of the economic embargo. Within weeks of the coup, the OAS declared a boycott on trade with Haiti; the United States has since eased some of the sanctions unilaterally.

"We expected negotiations to go quickly because of a credible threat that [the United States] would tighten the embargo," the diplomat said of U.S. negotiations. "The last thing we expected was that we would have to fight to keep this leaky embargo on."

The imbroglio began quietly, more than a year ago, when Fritz Mevs contacted Craig to discover what measures he should take to protect his interests as the Bush administration considered freezing assets of backers of the coup.

Craig may have been a newcomer to Haitian politics, but he had an enviable Washington Rolodex. As a litigator, he had defended Hinckley, the man who shot President Reagan; and he had been at Sen. Kennedy's side during the rape trial of William Kennedy Smith.

The election of Clinton added to Craig's clout. He knew both Bill and Hillary Clinton at Yale. He is chairman of the board of the International Human Rights Law Group, which includes Clinton's national security deputy, Samuel Berger. His Washington office has a gallery of snapshots of Craig with world movers: Fidel Castro, Martin Luther King, LBJ, even the pope.

With a call or two, Craig established that the U.S. government had no proof of Mevs family complicity in the coup, and he set to work trying to "make a difference" in resolving the Haitian crisis. He registered as a lobbyist for the Haitian Chamber of Commerce, but, when chamber members objected, amended his Justice Department filing to become Gregory Mevs' personal lobbyist in Washington.

Within weeks, Craig and Holmes, a former chief of staff of the Senate Intelligence Committee, had submitted a "declaration of principles" endorsed by Mevs and several other Haitian businessmen. The document formed the basis of the first peace accord, signed in Washington by Aristide and Haitian lawmakers six weeks later.

### CRAIG TRIES AGAIN

The accord quickly collapsed, but Craig tried again, this time in December. He flew Gregory Mevs to Washington with Lionel "Son Son" Elysee, a close friend and adviser to Gen. Raoul Cedras, chief of Haiti's 8,000-member military. As Mevs met with Aronson and Gelbard, Elysee called on Pentagon officials.

Within a month, the deadlock between Haiti's military-backed government and Aristide was again broken. Aristide had agreed to call for international observers in Haiti, and the military had assented. It is widely believed that Craig may have had a hand in drafting at least an early version of the military's letter.

Craig and Homes were in Haiti when Bazin and the military gave letters to Caputo agreeing to the observers. When Bazin balked a few days later, Craig and Holmes hopped a private plane back to Haiti. Within 24 hours of their arrival, and a flurry of calls to Haiti from Aronson, the deal was back on track.

Yet even as the observers arrived in Haiti last month, Craig remained under fire. Friends and colleagues in his human rights law group voiced distaste for his alliance with Haiti's monied elite. The Haitian press, responding to nationalistic sentiments in Haiti, meanwhile, ripped into the Mevses for selling out the country to the United Nations.

But Craig is convinced he has helped the Mevses to right a sinking nation.

"What we are doing is allowing them to play a constructive role in the process," he said. "So far, that is what they have done."

The PRESIDING OFFICER (Mr. MATHEWS). Under the previous order, the Senator from South Dakota is recognized to speak for up to 10 minutes.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 484 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. I thank the Chair. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

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## NORTHWEST REGIONAL ENERGY ISSUES

Mr. GORTON. Mr. President, last week I had the pleasure of visiting with a number of individuals from Washington State who are concerned about regional energy issues. These meetings were enjoyable and informative for me but also somewhat worrisome. The Northwest faces a number of daunting challenges in the energy arena, and our ability to meet these challenges will determine in large part how our economy will fare over the next decade. I should like to take this opportunity to share some of what I heard last week.

The topic at the top of everyone's mind, of course, was President Clinton's proposed energy tax. While details of the proposal are still sketchy, preliminary figures indicate that the tax would translate into a 12-percent increase in the Bonneville Power Administration's wholesale power rate. As many of my colleagues know, Bonneville is the Federal power marketing agency that sells about half of the electricity consumed in the region.

Aside from my more general views as to whether a tax of this nature is appropriate at this time, there are specific components of the proposed tax that greatly concern me and many in the Northwest. For one, it is difficult to understand how the administration could propose taxing hydroelectric generation at a rate equal to fossil fuels. While I recognize that hydroelectric generation has environmental costs of its own, it is a renewable resource every bit as much as wind, solar or geothermal energy—all of which are exempted from the proposed energy tax.

I also note that in developing the energy tax, the administration completely ignored internationally accepted standards for generating efficiency. While hydroelectric generation requires only a third of the energy used in a coal plant to produce a kilowatt hour of electricity, hydro is nonetheless taxed at the same rate as coal. According to the Washington State Energy Office, such a tax structure would place Washington fourth or fifth in a ranking of States most affected by the energy tax. A more sensible hydro conversion factor of 3,500 to 3,900 Btu's per Kilowatt hour would still subject Washington to higher than average costs—due to local weather, longer driving distances and predominance of energy intensive industries—but would be more appropriate from a thermodynamic standpoint. I ask unanimous consent that a memo from the Washington State Energy Office describing some of these issues be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. Given that the proposed energy tax hits hydroelectric generation quite heavily, my colleagues can imagine the great concern being expressed by the energy intensive aluminum, titanium, and chemical industries in my State. These companies, known collectively as the Direct Service Industries, employ more than 10,000 people in the region. They located in the Northwest precisely because of the availability of inexpensive hydropower, but have watched over time as electric rates have crept upward, eroding the price advantage they enjoyed in world markets. Because electricity purchases represent from 30 to 50 percent of a DSI's manufacturing costs, the proposed energy tax would inflict a terrible blow on an already troubled industry. For this reasons I hope the administration will consider exempting electricity used in such reduction processes as it purportedly would exempt petroleum used as feedstock in manufacturing processes.

Aside from the energy tax, those visiting my office last week had much to say about the Bonneville Power Administration rate case currently being heard by the Federal Energy Regulatory Commission. This rate case could result in a rate increase of 10 to 15 percent or more, and many speculate could be followed by another double digit rate increase in 2 years. The components of the proposed increase include the costs of resource acquisition, fish mitigation activities pursuant to endangered species listings, transmission improvements and other items, all of which have been compounded by some very poor water years.

While reasonable people may differ over the specifics of the rate proposal, all agree that the cost of Bonneville power is rising rapidly. The days are gone when BPA could be treated as a sort of slush fund to pay for any number of desirable social programs.

To his credit the current Bonneville Administrator, Randy Hardy, has recognized this fact, and is commencing a function-by-function review of all Bonneville programs and expenditures. In doing so he has put the region on notice that Bonneville must fight to stay competitive. Mr. Hardy deserves a great deal of credit for tackling the issue head on, and I certainly support him in this endeavor.

Those with whom I met last week are also concerned about the latest version of what have become annual power marketing administration repayment reform proposals. Though the version in the President's economic plan is less onerous than those proposed in past years, it would still result in an estimated Bonneville rate increase of 2 to 3 percent. I am not convinced that scaling back of the proposal makes it any more justifiable, but I am prepared to work with the administration, the Northwest delegation and the Northwest energy community to explore creative financing alternatives for Bonneville. The time may have come to resolve this matter once and for all. I will be listening closely to the views of the people of Washington State for guidance on this issue.

When the impacts of the energy tax, Bonneville rate cases, repayment reform and other factors are considered, it is not unreasonable to envision a 40 to 50 percent increase in wholesale electricity rates in the Northwest over the next 3 years. Such an increase would be a devastating blow to Washington's economy, which is already reeling from the timber crisis and massive layoffs in the commercial aircraft industry.

I have taken this time today to let the people of Washington State know that I have listened to their concerns, and that I pledge to work hard on these issues during the 103d Congress. But I also want to make my colleagues aware of the difficulties we are facing, and to dispel the notion that the Northwest is rolling in cheap electricity. While we still enjoy lower than average rates, those rates are rising rapidly and our power surplus has disappeared. I hope my colleagues will remember this as we debate these issues over the coming months.

I thank the Chair.

EXHIBIT 1

WASHINGTON STATE ENERGY OFFICE,
*Olympia, WA, February 24, 1993.*

MEMORANDUM

To: James C. Waldo, Chairman, Washington Energy Strategy Committee.

From: Jim Harding, Acting Director.

Subject: Clinton's Energy Tax Proposal.

As we discussed, I have summarized some of the key elements of the proposed Clinton administration energy tax proposal. I believe that the proposal contains some unjustified provisions with regard to hydroelectricity that should be promptly reconsidered.

The tax is proposed to be phased in over three years. A basic tax of 25.7 cents/million BTU is applied to all fossil fuels, nuclear fuel, and hydroelectricity. The tax is applied at the point of production. An additional "oil supplement" of 34.2 cents/million BTU is applied to petroleum and imported refined products. Non-fuel use of petroleum (plastics, waxes, road oils, etc.), other renewables (solar, geothermal, biomass, wind, etc.), and exported fossil fuels are not subject to the tax. A key point for the state of Washington is that the tax on hydroelectricity is applied as if the power had been generated by fossil fuel.

The consequences for the state of Washington are as follows. As currently formulated, the tax would yield revenues of about $730 million per year. Petroleum bears most of the burden. The treatment of hydro as a "fossil fuel" yields $225 million in revenues from Washington state. The valuation of our hydropower as if it were coal, vaults us into the position of being the fourth or fifth most affected state in the nation (after Alaska, Hawaii, Wyoming, and, possibly, Texas). It may be unrealistic to assume that the government would exempt hydropower on the same grounds as it exempts wind and solar. However, standard practice is to convert hydroelectricity to primary energy at high efficiency (about 95 percent), yielding an alternative tax of $72 million on Washington hydropower.

The difference is $150 million per year. There is a perception that Northwest energy users receive special treatment. But we would still pay more than the national average even if the hydropower tax were correctly calculated, owing to climate, long driving distances, and energy intensive industries. The tax would yield a 10 percent increase in BPA's wholesale rate independent of the 11 to 15 percent increase that BPA is seeking for endangered species protection, new resource investments, drought, and high purchased power costs.

In justifying the package, the Administration focused on regional equity, fairness, and consistency with economic and environmental goals. The stated goals are to 1) increase energy efficiency for long-run competitive advantage, 2) improve environment through reduced growth of fossil fuels. . . 3) enhance national security and improve the U.S. trade balance by reducing oil imports, and 4) strengthen economic performance through deficit reduction.

These are all good goals, and an energy tax may achieve them. But the approach taken on hydropower is neither fair, nor does it contribute to advancement of the stated goals.

1. A Hydro Tax Will Not Contribute to Environmental Goals.

One argument in Washington, DC may be that hydroelectricity, while a renewable resource, has damaged Northwest salmon fisheries and should not be encouraged. This may be correct, as far as it goes, but the medicine is worse than the disease. Hydro plants have harmed Northwest salmon runs, a tax would not change the way in which they are used, reduce their use for power generation, or assist salmon migration in any conceivable way.

On the contrary, a tax on hydropower will probably have strongly negative environmental consequences. One is that it will setback one of the world's most ambitious electricity conservation programs underway—albeit slowly—at Bonneville Power Administration. BPA and the Northwest Power Planning Council expect to see $7 billion spent regionally ($4.5 billion in Washington) during the next 8 to 10 years in the public and private sectors on electricity efficiency measures. Many of these investments in the future will be crowded out by extreme rate pressure on BPA. Fish protection investments will also be crowded out.

A high tax on hydropower would also discourage the use of Northwest hydro facilities in a coordinated West Coast approach to energy and environmental protection. As our situation has shifted from surplus to deficit, the Northwest (including British Columbia) has tried to substitute long-term electricity exchanges for outright sales. These offer the opportunity to move more water down the river in spring and summer to help salmon migration while displacing generation in mid-summer in California when air quality is worst. The generation is returned off peak, at night, during fall and winter to help refill our reservoirs and meet our winter needs. Both systems benefit environmentally and neither must build new generation to meet needs. This approach (and required Canadian involvement) would be strongly discouraged by a fossil-based BTU tax on hydroelectricity. The result would be new generation in both locations, greater releases of $CO_2$ and other pollutants, and greater difficulty in adjusting to the need to provide higher spring and summer flows for salmon protection.

2. A Tax on Federal Hydropower Will Not Change Behavior.

There is usually little argument for a tax on federal government activities. Our hydro system is largely owned by the Bureau of Reclamation and U.S. Army Corps of Engineers and BPA owns the intervening transmission. However, a tax on the government may be justified if it alters purchasing behavior.

A rate increase may indeed spur greater efficiency investments throughout the Northwest. I doubt it, for the reasons described above. Meanwhile, a large tax on hydropower would not alter the use of the resource in any way that assists in fish migration, reduces air emissions, or prevents new hydro additions (they are already extremely unlikely for ESA and other permitting reasons). If behavior isn't changed—or is changed for the worse—there is hardly an argument for the tax.

3. Hydropower Is A Renewable Resource. A Fossil-Based Approach is Fundamentally Wrong.

A typical fossil or nuclear fueled power plant requires about 8,000 to 11,000 BTUs of thermal energy (provided by the fuel) to boil water, turn turbines, and generate one kilowatt hour of electricity. A hydropower plant requires about 3,700 to 3,900 BTUs of energy to turn turbines, suffer frictional losses, and convert the energy of falling water into one kilowatt hour of electricity. There is no mystery here. Other areas of the world that are heavily reliant on hydroelectricity (Norway and Sweden) raise this issue in international energy use comparisons constantly. Standard international practices convert hydropower along with other renewables at 3,412.8 BTU per kilowatt-hour. One could argue for a few more BTUs to overcome the frictional losses of the turbine and generator, but, regardless, the physical energy conversion occurs with a third the energy required by a coal or nuclear plant. Valuation on a "fossil-fuel equivalent" basis is thermodynamically incorrect.

4. Fairness Merits A Re-Evaluation of the Proposed Approach.

The Washington and Northwest economies benefit significantly from precipitation, runoff, altitude changes, and federal investments in hydroelectric generation. An unfair tax on hydropower does nothing to cure actual or perceived problems.

At the proposed level, the taxes will exacerbate solutions to salmon protection strategies, require the Northwest to pay a much greater burden than the national average (even moreso in percentage terms), reduce investments in needed conservation and renewables, and accomplish no clear positive national environmental or energy policy objective. At a thermodynamically appropriate level (3,413 to 3,900 BTU/kWh), we would still incur costs slightly above the national average, based on our colder weather, energy intensive industries, and longer average driving distances. This is fair. Asking for an exemption from taxation as a renewable technology is unlikely and impolitic, but not entirely unjustified.

I think the Administration didn't think this through, and deserves a prompt opportunity to do so. I have written Governor Lowry on this issue, described the issues in several radio and television interviews, and notified appropriate committees of the Legislature. Please let me know if I can assist further.

## VIDEO GAME PIRACY

Mr. GORTON. Mr. President, the piracy of American patents and copyrights and the counterfeiting of American trademarks costs our economy more than $60 billion annually, according to executive branch estimates. Since most of this illicit activity takes place in foreign countries, Government action to reduce this problem would greatly benefit both our economy and our international trade balance.

Congress created the Special 301 process in the 1988 Trade Act to provide the executive branch another tool to deal with this serious problem. Under former U.S. Trade Representative Carla Hills, Special 301 was used effectively to call attention to these violations, and to bring about important reform through persuasion and occasionally, the threat of sanctions. Unfortunately, the problem requires constant attention and much remains to be done. I trust that the new USTR, Ambassador Kantor, will follow up on the excellent beginning made by Ambassador Hills.

Intellectual property piracy is particularly harmful to the economy of my State. Washington has become a U.S. center for the video game industry, a major victim of this piracy. The industry leader, Nintendo of America, is located in the Seattle area. This company directly or indirectly contributes more than $100 million to the area's income, and more than $400 million to area sales.

But Nintendo creates only about 30 percent of the game software for its hardware systems. Over 175 independent U.S. companies create or develop the remaining 70 percent of the games. Many of these companies are also located in Washington State. California, New York, Illinois, and Florida are additional centers.

In a conscious effort to expand its traditional manufacturing base, Nintendo has authorized a number of its licensees to manufacture their own game cartridges. These licensees have turned to Spokane's Key Tronic Corp., which last year manufactured more than 1 million game cartridges. As additional companies develop the capability to handle this part of the business, I expect manufacturing at Key Tronic to grow.

Mr. President, unfortunately the popularity of video games has bred an underground industry of counterfeit products. Based largely in Taiwan, this illegal industry sends fake Nintendo game cartridges around the world, to the point that many markets are essentially closed to legitimate goods.

To counteract this widespread and growing infringement, Nintendo of America has instituted civil, criminal, and customs actions in the United States and many foreign countries but has not been able to stop the manufacture and distribution of the pirated games.

Last year the Nintendo video game industry sought help from USTR, asking that Taiwan be designated a "priority foreign country" the category of the most serious violators under Special 301. A number of other industries also targeted Taiwan, resulting in its designation as one of three priority foreign countries.

The designation was subsequently withdrawn on the basis of an understanding providing for increased enforcement of trademarks and copyrights and the creation of an export monitoring system to be operated by an agency of the Taiwan Government. This system was intended to prevent the export of computer software, including video games, which would violate copyrights in the destination countries.

Unfortunately, Mr. President, while the agreement was an excellent one, serious problems remain. Accordingly, on February 12, Nintendo of America, over 70 licensees and developers, and character licensors such as movie studios asked that USTR retaliate against Taiwan. The industry also cited Korea, Venezuela, and Mexico for failure to protect intellectual property rights.

Mr. President, I am particularly concerned that appropriate action in the form of retaliation be taken against Taiwan. In the 9 months since the understanding was signed, there have been numerous delays and failures on the part of Taiwan to institute an effective export monitoring system covering software.

Initially, Taiwan even refused to record Nintendo of America copyrights in its export monitoring system, on the grounds that the copyrights owned by Nintendo of America were not protected in Taiwan. This would be totally contrary to the understanding. I have been informed that this decision may have been reversed, but I intend to watch this closely.

Mr. President, I call on USTR to take strong action against Taiwan's failure to enforce adequately video game copyrights and other intellectual property rights. Without such action, our video game industry in Washington and throughout the United States will have no effective remedy for growing piracy.

In addition, I strongly urge the USTR to institute appropriate action against Korea, Venezuela, and Mexico in order to ensure that these countries also will significantly improve their current protection and enforcement of trademarks and copyrights. While these countries do not have the same worldwide impact on piracy as does Taiwan, the dominant manufacturing source of counterfeit video games, they have their own very serious problems.

I am eager to work with USTR to demand protection for United States intellectual property rights in these countries.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY] is recognized.

## THE PUBLIC SCHOOL REDEFINITION ACT—S. 429

Mr. KERREY. I thank the Chair. Mr. President, I rise today to cosponsor the Public School Redefinition Act, an important piece of legislation designed to support community based efforts to improve America's schools.

A close look at America's schools causes me to feel an intense mixture of pride, sadness, anger, and fear. I am proud of the heroic work of students, parents, teachers, principals, and others who are hitting the goal of excellence. I am proud of the many high school students whose intelligence, values and attitude cause me to feel impatient for the moment they take the reins of social, political, and economic power.

I also feel sadness. Sadness when we lose a gifted teacher who cannot afford to remain in education or whose decision to leave was based upon lack of respect or opportunity for personal growth. Sadness when I see children having children. Twenty-five percent of all our children born in Nebraska are born out of wedlock. This is up from 4 percent when I graduated from high school 30 years ago. I am saddened by the loss of children who suffer the abuse of alcoholic, negligent, or abusive parents. Sometimes the damage is too great even for even miracles to work.

I also feel anger. Anger at funding inequities which lift the bar even higher for children trying to jump into the American mainstream. Anger at funding restrictions which tie early childhood development workers into knots of paper shuffling frustration. Anger at colleges that graduate and allow unqualified people to become teachers. We would put them in jail if they ran medical schools. Anger in particular at teachers whose dislike for the students they teach should be an immediate disqualifier. Anger when adults talk about the importance of preventive health care but are unwilling to fight for reform that establishes health care as a right for all Americans regardless of income or social status.

And I feel fear. Fear for the consequences of graduating and presenting diplomas to students who cannot read or write. Fear for the impact on our democracy of graduating students who do not understand enough history, geography, or language to be good citizens. Fear for the impact on our economy of sending into the workplace men and women who cannot speak in the language of mathematics, who cannot perform the complex tasks required of those who want to earn a decent living.

The Public School Redefinition Act is written in response to this pride, sadness, anger, and fear. The bill is based on a premise essential to reform—that successful innovation must occur at the local level with local heros in the shape of parents, teachers, school board members, and business leaders. The Federal Government should serve as the role of partner and advocate.

This principle is the basis for the overall agenda I envision for America's schools. This agenda depends upon the Federal Government committing to the task of providing more choices to local districts to address their individual situations. The Federal Government must be prepared to quickly bring money to these ventures with results-oriented strings attached.

School districts are best able to identify which ideas should be tested and which should be ignored as well as the best strategies to develop more effective programs, a higher quality of instruction, improved staff development, better assessment strategies, a more dedicated community, and a uniform clarify of purpose.

The idea that fundamental reform must take place at the local level was the basis for legislation I introduced in the last Congress and plan to reintroduce in this Congress, the Education Capital Fund. This bill establishes the Federal Government as a catalyst for systemic school reform at the local level. It encourages local communities to develop their own proposals to restructure their schools and adopt initiatives that reflect specific needs of the community.

The Education Capital Fund would establish a Board of Directors that would enter into a contract with either States or local school districts who are committed to undertaking school reform. The Board would provide Federal grants to local entities in allowing them to implement promising reforms that will enhance student performance and improve school operation.

The Education Capital Fund would break the mold of top-down, category-driven aid. The No. 1 problem facing Americans who are working to improve the lives of our children is not the lack of money, but is the back-breaking pile of regulations. Paperwork is the demon haunting the lives of those who use the programs of chapter 1, Head Start, special education, and even school lunch. Regulation and the fussy need to put every problem in a neat little compartment create an environment of growing distrust, wasted time, inflexible approaches, and the anguish of watching children fall through the gaping holes in our safety net.

But today, I am here to declare my enthusiastic support of another vehicle also designed to promote innovation at the local level—the Public School Redefinition Act.

The legislation which we are introducing today will give the U.S. Department of Education the resources to partner with local leaders who believe education choices should be expanded. In Omaha, NE, the public school choice program has received national acclaim. It has fostered healthy competition between the high schools and has forced them to find ways to attract and retain students. By expanding the educational choices for students, parents have become more active participants in their children's education and, as a result, have placed greater demands on these schools to ensure that their expectations are fulfilled. Public school choice is a step in the right direction.

But local leaders want to go even further. The Public School Redefinition Act will help them do just that. It provides Federal assistance to States to establish charter schools. Charter schools are public schools that are organized by parents, teachers, or community members and approved, or awarded a charter, by a public body, such as a state of local education agency.

Schools may choose to tailor their curriculum to target students from a certain background or students demonstrating interest in a particular subject area. The charter, which must describe student outcome objectives and how they will be fulfilled, is then established for a set number of years during which time the school must achieve these student performance expectations.

Charter schools are anchored in the belief that alternative forms of public schools are healthy if they continue to satisfy the fundamental principles of public education. Charter schools meet these requirements in that they may not charge tuition and they may not discriminate. They are authorized the same amount of funding as other public schools.

Central to the concept of charter schools is the idea that excessive regulation in schools inhibits successful reform. Efforts at reform are too often constrained by the burden of regulations. Because layers of Federal and State bureaucracy can discourage school autonomy, charter schools are waived from all statutes and regulations governing the operation of a school. They need only to comply with safety and health regulations. This enables the school's sponsors to creatively develop its proposals without the barriers of mandates that could frustrate the reform effort.

Some friends in public education are concerned the concept of charter schools will undermine support for public schools. Carried to the extreme I acknowledge this is possible. However, if offered as an option, charter schools will generate increased support for public schools by demonstrating a willingness to innovate when circumstances warrant it.

When changes in school organization enhance rather than impede student achievement, taxpayers conclude they are getting their money's worth. Further, while charters are not appropriate for most schools and students, they can provide an important element of flexibility to promote reform in schools. And, they can provide an opportunity for teachers to flex their entrepreneurial muscles.

Mr. President, charter schools are just a small part of what we need to do to improve the quality of our children's lives. America's agenda for our children must begin with our families. One of President Clinton's most appealing observations is that Government cannot raise children, only parents can. The family will always be our most powerful and important institution. The more children learn in the home the more they will learn in the school.

However, it is also true that children do not pick their parents. Just as crucial is the difficult fact that being a parent is the toughest job of all. The implications of these two observations are that we should spend time and money making sure our children understand the responsibility of choosing to become a mother or father. And, it's irresponsible for us to ignore the plight of children just because they are not physically in our possession.

Mr. President, I will speak later about a broader agenda for education in America. At that time I will discuss the importance of three community institutions which are too often ignored when we consider the education of our children. These are our juvenile justice system, our parks, and our libraries. My evaluation of the three is as follows. Our juvenile justice system is a disgrace. Our parks haven't had a national advocate for 50 years. Our libraries need an injection of imagination and cash.

There are four areas of action where we are likely to generate substantial benefit and progress. First, we adults must demonstrate that we value learning. If all we do is talk about learning and make no effort to learn ourselves, at best our children will smile and judge us to be hypocrites. At worst, they will do as we do, not as we say.

Second, most State curricula are too large. The urge to add new requirements should not only be resisted, but the work of earlier urges should be undone.

Third, our standardized method of testing worked in the old world of standardized knowledge and work. It does not work in a world where there is a premium placed on the ability to demonstrate complex and creative thinking. We need a method of examination that is as rich as the learning itself. Such examinations are more difficult and more expensive. I never promised this would be easy.

Fourth, we need to accelerate the introduction of technology into the task of teaching and the work of learning. Teachers use less technology per person in their work than in any other sector of our economy. And, individualized computer learning has demonstrated extraordinary value assisting in subjects from reading to languages. This is an extremely important issue that I intend to discuss in depth at a later date.

In sum, I believe the Federal Government's role in assisting local school reform is clear, but we have a long way to go. I look forward to working with other Senators and the Clinton administration to see these proposals become a reality.

## A CALL FOR ACTION AT THE UNITED NATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a copy of a letter the American Jewish Congress sent on February 8 to Madeleine Albright, United States Ambassador to the United Nations, regarding rape as a tactic of warfare in the former Yugoslavia be inserted in the RECORD. The letter was signed by Henry Siegman, executive director, Robert K. Lifton, president, and Ann F. Lewis, chair, Commission for Women's Equality on behalf of 44 organizations representing many diverse constituencies.

The letter lays out a series of recommendations for action at the United Nations. It calls for the international war crimes tribunal to document and prosecute cases of rape as a tactic of warfare. It asks Ambassador Albright to help ensure that the U.N. Commission of Experts is given the necessary resources to carry out its work, and that the membership be expanded to include a woman. It also asks Ambassador Albright to press U.N. agencies to sponsor support and treatment services for the victims, and that she work to pass a resolution explicitly recognizing rape as a violation of human rights.

Mr. President, this letter is in line with a resolution that I along with Senator DOLE and 14 Members of the Senate introduced on January 26. That resolution, Senate Resolution 35, currently has 39 cosponsors and has been referred to the Senate Foreign Relations Committee. This letter is also similar to a letter I and 18 other Members of Congress sent to Madeleine Albright on February 1.

Mr. President, the systemic rape of women in the former Yugoslavia is a war crime and a crime against humanity. The perpetrators of these crimes should be prosecuted in an international war crimes tribunal. I hope that Ambassador Albright will make this issue a high priority at the United Nations, and I commend the American Jewish Congress for speaking out on this tragic issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1993.

Dr. MADELEINE K. ALBRIGHT,
*U.S. Permanent Representative to the United Nations, U.S. Mission to the United Nations, New York, NY.*

DEAR AMBASSADOR ALBRIGHT: As you assume your new responsibilities as the United States Ambassador to the United Nations, we urge you to take immediate steps to work with the United Nations to document and prosecute, under an international war crimes tribunal, cases of rape as a tactic of warfare in the former Socialist Republic of Yugoslavia.

The undersigned organizations represent diverse constituencies. Some of us have already called for other actions to relieve the situation in Bosnia and prevent further suffering in the successor republics to the Yugoslav state, including enforcement of a no-fly zone and lifting of the arms embargo on Bosnia. Others of us have called for increased U.N. peacekeeping forces. But we are united in our horror at the reports of systematic rape and forced impregnation of women and girls, and we call in a single voice for immediate action to prosecute those responsible for these crimes against humanity.

As you know, the U.N. Security Council requested last October that the Secretary-General establish a commission of experts to gather and analyze information regarding violations of human rights in the former Yugoslavia. The commission's reports may be used to prosecute perpetrators of war crimes by an international war crimes tribunal. We are dismayed to hear that the commission, although established, has as yet not been funded. We urge you to help ensure that the commission is given the necessary resources to carry out its urgent and necessary work.

We are also disturbed by the fact that the commission's current membership includes no women. We are concerned that without female representation on the commission, rape as a war crime with unique consequences may not be given proper consideration. We urge you to press for inclusion of the perspective that women with expertise in this field can bring to the commission.

We urge you to press the appropriate U.N. agencies to sponsor the medical, psychological and social support and treatment services the victims desperately need and to ensure a full range of medical and social services for women. And we ask that you lobby for programs that will strengthen existing social services for families and children in the affected areas, or create them where they do not now exist.

Finally, we feel that the United Nations Commission on Human Rights can make an important contribution to this effort by passing a resolution explicitly recognizing rape as a violation of human rights. We hope that you will press this issue at the next meeting of the Human Rights Commission.

We hope that you will make the suffering in the former Yugoslavia, particularly the rape of women and girls, a high priority of our work.

Sincerely,

Henry Siegman, Executive Director, American Jewish Congress;
Robert K. Lifton, President, American Jewish Congress;
Ann F. Lewis, Chair, Commission for Women's Equality, American Jewish Congress.

American Jewish Congress on behalf of:
American Jewish Committee.
American Muslim Council.
American Public Health Association.
American Refugee Committee.
American Task Force on Bosnia.
Anti-Defamation League of B'nai Brith.
Armenian Assembly of America.
B'nai Brith Women.
Catholics for a Free Choice.
Central Conference of American Rabbis.
Coalition on Abuse and Neglect of Latino Children.
Ethiopian Development Community Council.
Federation of Reconstructionist Congregations and Havurot.
Fund for a Feminist Majority.
Hadassah, the Women's Zionist Organization of America.
International League for Human Rights.
International Rescue Committee.
Jewish Labor Committee.
Lutheran Immigration and Refugee Service.
Lutheran Office for Governmental Affairs.
Mary House.
Maryknoll Missioners Justice and Peace Office.
Na'amat USA.
National Coalition Against Domestic Violence.
National Council of Churches, Washington Office.
National Council of Jewish Women.
National Federation of Business and Professional Women's Clubs/USA.
NETWORK: A National Catholic Social Justice Lobby.
The Rabbinical Assembly.
Rabbinical Council of America.
Reconstructionist Rabbinical Association.
Synagogue Council of America.
Tolstoy Foundation, Inc.
Union of American Hebrew Congregations.
Union of Orthodox Jewish Congregations of America.
Unitarian Universalist Service Committee.
United Church of Christ—Office of Church in Society.
United Church of Christ—Board for World Ministries.
United Synagogue of Conservative Judaism.
Women of Reform Judaism, National Federation of Temple Sisterhoods.
Women's American ORT.
Women's Commission for Refugee Women and Children.
Women's League for Conservative Judaism.
World Relief.

## ESMERALDA "BETTY" ROSE GRANT, OLDEST CITIZEN OF WOLFEBORO

Mr. SMITH. Mr. President, I would like to pay tribute to Esmeralda "Betty" Rose Grant who is the oldest citizen in Wolfeboro, NH. Ms. Grant, who was born on September 13, 1891, was 101 years old this past year. She will be receiving the Boston Post Cane from the town of Wolfeboro in honor of this milestone.

Betty Grant was born in Flamengoes, Azores Island in 1891 and came to the United States while still in her teens. She lived in Gloucester, MA, with her family until 1921 when she moved to Lynn, MA, where she went to beautician's school.

Wishing to further her career, Betty moved to White Plains, NY, and worked in several salons in the Hartsdale/Scarsdale area. She met her husband, John Grant, in New York and they were married for 26 years before he passed away in 1964.

Following her husband's death, Betty moved to Peabody, MA, to live with her niece. She was very active in the Senior Citizens Club and was an avid bowler until her early nineties. She and her kid sister, Adal, who is now 96, moved to the Clipper Home in Wolfeboro, NH, in 1987.

Today, Betty, who was an accomplished seamstress, is still knitting Afghans and has made several which she happily gives away. She always has a smile and a word of encouragement for everyone she passes as she walks the halls of the Clipper Home. Betty says she finds it difficult to believe she is 101 years old and says she feels 40.

I just want to extend my best wishes to Betty for receiving the Boston Post Cane. I am pleased that she is in good health and good spirits at the Clipper Home.

## EMERGING DEMOCRACIES IN ASIA

Mr. PELL. Mr. President, I wish to salute two developments in Asia of great importance to Americans. On February 23, Dr. Lien Chan was confirmed by the Legislative Yuan as Premier of the Republic of China. He is the first ethnic Taiwanese ever to hold that important post. On February 25, Kim Young Sam was sworn in as South Korea's seventh President and the first civilian President of that country in more than 30 years.

Both these developments signal the coming of age of democratic institutions and practices in Taiwan and South Korea.

As the Department of State observed in a statement recently, Premier Lien Chan's appointment is "part of Taiwan's ongoing process of democratization." Noted, according to the State Department, for his "long-standing dedication to promoting good relations between the peoples of the United States and Taiwan," the Premier has had a long and distinguished career as an academic and public servant. He received his master and doctoral degree from the University of Chicago and taught at the National Taiwan University. Later he served as an ambassador, Vice Premier, and most recently Minister of Foreign Affairs and Governor of Taiwan Province.

Premier Lien Chan's appointment under president Li Teng-Hui means a coming of age to power by the native Taiwanese. Both the President and the Premier are Taiwanese, ushering in a new age of politics in Taiwan, one which promises open and frank debate on national issues with participation from all parts of the political spectrum.

President Kim Young Sam's election in South Korea promises the same new age for politics in that country. As he stated in his inaugural, "I have a vision of a new Korea * * * a freer and more mature democracy." Having spent much of his 39 years in politics in the opposition, fighting the repression of military juntas in South Korea, President Kim has a keen personal understanding of the price that is often paid for freedom.

We should all applaud these developments in Taiwan and South Korea. As Americans we can take great satisfaction in what has occurred. The desire for democracy continues to overwhelm any tendency toward tyranny.

As our relationship with Taiwan and South Korea deepens, it also should mean closer and more frequent contacts between our respective legislative bodies. Clearly the opening of the democratic process in both countries ensures a more open dialog with the United States on the issues which mutually concern us. The inauguration of Premier Lien and President Kim signal the start of a new age not only in their countries but also with our's.

## THE PARENTS AS TEACHERS PROGRAM

Mr. HEFLIN. Mr. President, I am pleased to once again take the lead along with my friend Senator BOND in pushing for passage and enactment of the Parents as Teachers Family Involvement in Education Act. This legislation not only allows our Governors to designate organizations in their respective States to coordinate such efforts, it also provides funding for those already acting as Parents as Teachers programs.

Title III of the act establishes the new Parents as Teachers Program. It provides seed money for States to develop and expand parent and early childhood education programs which will increase parents' knowledge of and confidence in childbearing activities. The focus is on such activities as teaching and nurturing young children; strengthening partnerships between parents and schools; and enhancing the developmental progress of participating children. Alabama, Missouri, Rhode Island, Kansas, Illinois, and a number of other States have implemented innovative early childhood-parent education programs known as Parents as Teachers. It is my hope that other States will follow their lead in ensuring that all children enter school ready and eager to learn.

As I have stated before, there is growing understanding of the importance of the first 3 years of a child's life. It is during this period of development that subtle and overt influences may adversely affect the academic and social growth of the child. I am convinced that the Parents as Teachers Program is one of the most effective systems we have to help parents best nurture and teach their children.

The Parents as Teachers Program may also help to address some of the social problems that plague us, including the nagging problem of child abuse and neglect. Individuals from 27 States have participated in training programs in Missouri. Dr. Martha Semon was the first individual from Alabama to participate. She and Janet G. Horton initiated a pilot program in Mobile, AL, that has been in place for 2 years. It is funded in large part by the Children's Trust Fund, with additional support coming from Scott Paper Co., the College of Medicine at the University of South Alabama, and the Mobile Community Foundation. There are also several private donors. Approximately 90 adults and 50 infants are currently participating.

Ideally, Parents as Teachers programs will eventually be available nationwide. The program has proven itself effective in helping young people develop their intellectual, verbal, and social skills, all of which are at high risk during infancy, but which are critically important to a child's success in school.

I hope to see all of my colleagues supporting this important legislation. Parental involvement in the education of their children is the key to long-term gains for youngsters of all income brackets. It is also an important first step in empowering people by giving them a real stake in how children are reared, knowing that the success and well-being of their communities are direct results of the values imparted upon their young.

## A TRIBUTE TO COL. FRANK NORTON, U.S. ARMY

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Col. Frank Norton, who retired yesterday from the U.S. Army. Frank has had a long and distinguished career in our Armed Forces, where he last served as Army Senate Liaison Division chief.

This division has a history of excellent commanders, but certainly Frank stands out as one of the finest officers to ever hold that position. He is seen as a friend and confidant by Members of the Senate, and as a trusted adviser by congressional staff. Indeed, Colonel

Norton has won the friendship and gratitude of all who have worked with him.

Frank began his Army career in 1967, joining the 17th Infantry and attending Ranger School at Fort Benning. Like most of his class, he was sent to Vietnam after graduation for a 1-year tour. His next overseas assignment was in Baumholder, Germany, where Frank received his first company command. For those not familiar with Baumholder—it is an endless cycle of dust, mud, and snow. It is good testing ground for our young officers, and by all accounts, Frank passed all tests with flying colors.

In 1976, Frank returned to Georgia, this time being stationed at Fort Stewart. He held a number of assignments there, ranging from company commander to the executive officer of the Third Battalion. But though Frank loves Georgia, even he would admit that he did not find his true calling until he was reassigned to the Pentagon in 1980. That year the young major joined the Army's legislative liaison team, and never was anyone more perfectly suited to the position.

Legislative liaison is no easy job. Caught between the politics of the Pentagon and Capitol Hill, this select group of officers tread a fine line. To be successful, they must be honest to both their superiors and the Congress, while demonstrating sound judgment both in their choice of words and the level of detail they provide. But they do far more than just provide information, they are the Army's ambassadors to the Senate. Many on Capitol Hill, especially among the staff, will form their view of the Army from their interaction with these officers. These Service men and women must therefore meet the highest standards. Mr. President, the Army could have had no better ambassador than Col. Frank Norton.

One of the liaison office's duties is to escort members of Congress on visits to military facilities. Over the years I have had the pleasure of taking two or three trips with Frank, and let me assure you that the Army could not have assigned a better host. I want to say that my travels with him were well coordinated and ran like clockwork, and my memories of these trips are only good ones.

Of course, during these trips I did witness Colonel Norton's one weakness, his love of fine dining. No matter what dish you name, Colonel Norton can tell you the one restaurant in the whole world that serves it best. Lest you think that Colonel Norton has forgotten his infantry roots, let me assure you that even though he has developed the most discriminating of palates, his appetite has remained equal opportunity, accepting a hamburger as quickly as the finest of haute cuisine.

Mr. President, Colonel Norton's service as chief of Senate liaison sets the standard for all those who follow. He dedicated himself to fostering and improving the relationship between the Army and Congress, and I feel he succeeded in this in so many tangible ways that it would be difficult, if not impossible, to list them all. During his career he received over 25 service ribbons and metals, including two Legion of Merit awards, a Bronze Star for Valor, and a Purple Heart. Upon retirement, Frank received the Distinguished Service Medal. Very few officers receive this award, but I can think of no man more deserving.

It is my pleasure to offer my congratulations to Colonel Frank Norton on an outstanding career and to thank him for his many contributions to our national defense. While I was prepared to wish he and his wife, Carol, all the best for a happy and healthy retirement, I have learned that Frank will be joining the Senate Armed Services Committee staff. Considering Colonel Norton's experience, talent, and knowledge of defense issues, this is good news for both the Senate and the Department of Defense. I look forward to working with him in the future.

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## TRIBUTE TO VICTOR A. LANDRY

Mr. JOHNSTON. Mr. President, I rise today to pay tribute to Mr. Victor A. Landry.

Last Saturday, February 27, 1993, Vic retired from the U.S. Army Corps of Engineers after 36 years of truly outstanding service. To say that Vic is an institution at the Army Corps of Engineers, after so many years of dedicated service, is indeed a great understatement. A more apt description of Vic's talents, knowledge, and performance would be "legendary."

Vic has served Louisiana and the Nation well through Hurricanes Hilda, Betsy, Camille, and Andrew. Throughout his many years of service, Vic has served as chief for flood fight and levees, chief of projects operations, and has directed numerous mobilization operations. His contribution to the corps has been hands-on—from sandbagging, to hurricane and flood evacuation, his work has benefited not only New Orleans, but Louisiana overall.

But most importantly, for me at least, has been the invaluable help Vic has provided me, as chairman of the Energy and Water Appropriations Subcommittee. When a corps project is mentioned in my office, we think of Vic Landry.

He is truly the epitome of a public servant.

Mr. President, I will miss his valuable counsel, expertise, and extreme professionalism. I want to extend my heartfelt thanks to Vic, and my very best wishes to his wife, Frankie, and their children, Scott, Victor Jr., Lauren, and Melanie.

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## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, the Federal debt, run up by the U.S. Congress, stood at $4,205,086,748,556.94 as of the close of business on Monday, March 1.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day—just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,371.19—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

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## VIETNAM WOMEN'S MEMORIAL COIN ACT OF 1994

Ms. MIKULSKI. Mr. President, I rise today to add my support for the legislation authorizing the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial project. This act, the Vietnam Women's Memorial Coin Act of 1994, was introduced by my colleague from Virginia, Senator JOHN WARNER, and myself yesterday.

This act helps bring recognition to a group too long neglected—those tens of thousands of women veterans who served in Vietnam. The proceeds from the coins minted and sold under this legislation will be used as a permanent source of endowment for the memorial. This endowment, as well the contributions from volunteers and organizations such as the Vietnam Women's Memorial project, will ensure the perpetual care of the memorial at no burden to the taxpayer.

These moneys also serve to support educational programs, health research for women veterans, and help in the identification and documentation of the women who served in this conflict.

Above all else, Mr. President, this legislation permits all Americans—men and women, young and old, people from all walks of life—the opportunity of joining with their countrymen to honor this very special group of veterans.

I respectfully ask each of my colleagues to join Senator WARNER and me in supporting this truly worthwhile legislation.

Thank you, Mr. President.

## THE RECORDBREAKING UNIVERSITY OF VERMONT WOMEN'S BASKETBALL TEAM

Mr. LEAHY. Mr. President, I come to the floor to talk about the only thing that stands taller today in Vermont than the snowbanks—the University of Vermont Women's Basketball Team.

Last Friday, in what has become so routine for Vermont's Lady Catamounts, they chalked up another "W" in the win column. However, Mr. President, this was not just another victory. The Catamounts won for the 50th time in the past 50 regular season games, breaking a NCAA Division 1 record that has stood for 12 yeas.

The UVM team doesn't have a towel-chewing coach nicknamed the Shark and isn't a team known for their on or off court theatrics. What this team has is a gritty playing style that has been key to their success. A style, may I add, that complements a starting lineup that cannot boast a player over 5′11″.

The Catamounts also have a university, a city, and a State full of faithfuls watching as they knock off opponent after opponent on their way toward the top of the NCAA rankings.

This should come as no surprise. Last year, the UVM team finished the regular season with their win streak standing at 27—putting their challengers and the sports writers on notice.

It isn't just the warmth of UVM's Patrick Gymnasium that has brought out the legions of fans during this long and cold Vermont winter. The pride and admiration for these players runs much deeper—a pride that was obvious last year when I was joined by Senator JEFFORDS, Congressman SANDERS, staff and friends to watch UVM challenge George Washington University in tournament play here in Washington.

Far from home and loyal fans, the D.C. contingent of expatriates decided we needed to show the players they were among friends. What we found when we arrived were bleachers already filled with over 300 Vermonters who had driven 12 hours by bus to cheer on Vermont's finest.

As the State tuned to the live telecast on Vermont's largest television station, we were treated to the kind of performance that has become the hallmark of the UVM women's basketball team. The courage and perseverance of head coach Cathy Inglese, assistants Pam Borton and Keith Cieplicki, and the entire Vermont squad gave the fans one more victory and the record books a new chapter.

The people of Vermont and I salute the University of Vermont Women's Basketball Team and pass along our thanks for the pleasure of watching a group of athletes and coaches play with the enthusiasm, dedication, and desire that is now in the record books for all to see.

I ask unanimous consent that, along with my statement, a copy of Debbie Becker's feature article in the Wednesday, February 24, edition of USA Today be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the USA Today, Feb. 24, 1993]

### HOT HOOPS LIGHT A FIRE UNDER FANS

(By Debbie Becker)

BURLINGTON, VT.—In a place where the cold grabs your toes the instant you step outdoors, a tiny group of overachieving women in black high tops has warmed the soul of a state best known for moose and maple syrup.

With players most top programs wouldn't touch and with no starter taller than 5–11, the Vermont women's basketball team Thursday can break the NCAA Division I record for consecutive regular-season victories.

The Catamounts (22–0, 11–0 North Atlantic Conference) tied Butler's record of 49 Saturday night with a dramatic 68–67 defeat of Maine. In two days, coach Cathy Inglese's team hosts Northeastern (12–11, 8–3)—winner of 10 of its last 12—before a sellout crowd of 3,228. The game will be shown live locally by WCAX–TV. The men's game is tape-delayed.

"We're still kind of caught up in it," says 5–6 senior guard Jen Neibling, one of six Vermont natives on the team. "I'm sure in a few years we'll look back and appreciate how much we've done, but for now we still feel we have a lot to do."

The improbable success of the Catamounts, No. 13 in the USA TODAY/CNN Top 25, prompted Burlington, a trendy city of 40,100, to adopt the women as their own.

Fans have waited as long as four hours in 10-below weather for a coveted ticket. Last week, 2,000 tickets sold in 30 minutes. Officials expect fans to camp out tonight so they can be first in line when the ticket office opens at 9 a.m. game day.

What's the draw?

"When I first came here, a lot of people thought women's sports were dull and boring. But we lit a fire under everyone," says junior forward Sheri Turnbull, whose parents are driving 12 hours from Windsor, Ontario, to see her play for the first time in her college career Thursday night. "We've got a lot of heart on this team. Everyone wants to win. We play hard. We like each other."

Times were not always this glorious.

Just two years ago, the women drew a lonely 200 fans a game. Because of the lack of interest, one side of the bleachers stayed locked up. Desperate to increase attendance, Inglese invited local teams to play at halftime in the hopes at least their parents might show up to watch.

"You could get here two minutes before the game, sit anywhere you want and stretch your legs out," says Inglese, whose program has a 100% graduation rate.

That's hardly the situation now. Ticket manager Ann Daley is the most beloved or hated person on campus—depending on who gets tickets.

"People feel ownership of this team," Daley says. "The fact is there are only so many tickets, and some people aren't going to get in."

Despite the Cats' success, not all have caught on.

This season, Inglese sent one high school coach information about the program in hopes of recruiting a player. The coach threw it out and later explained to Inglese that he thought Vermont was a Division III team.

The Catamounts' success begins with Inglese and assistants Pam Borton and Keith Cieplicki, who have magically created more with less.

NCAA rules permit women's programs to give 15 scholarships. Vermont has 11½. Allowed to have two full-time assistants and one part-time coach, Inglese has only one full-time and one part-time assistant.

To compensate, the fast-talking, hyperactive Inglese works well into the night and has become good friends with custodians who clean the gym in the evening hours.

"She works nonstop," says sophomore guard Carrie LaPine, who plays despite chronic pain from a bulging disk. "She's in the gym at 9 a.m. and goes home at 10 p.m. She puts her life into the game, and that's reflected in our team—aggressive, fast-paced."

Inglese says the secret is signing players—like starters Sharon Bay and Kari Greenbaum—with the right attitude.

"We don't want to recruit a kid that only wants to play in games. Mistakes, adjustments take place in practice," says Inglese, who grew up in Wallingford, Conn., the second-oldest of five children. "We want players who want to become better. We give them a kick in the butt sometimes, but we also let them know we care about them as individuals."

Inglese calls Niebling, from Randolph, Vt., the backbone of the team.

"She's an outstanding student, a competitor. You can't coach that," Inglese says. "She made herself a better player on her own. She'd be anywhere within a 20-mile radius to play a pickup game with the guys."

Inglese jokes that the first thing she does each day when she arrives at the gym is take three laps around her office, enlarged from last season's miniature space. This year, she gets to park in front of the gym.

Last season, The Burlington Free Press created a ruckus when it compared Inglese's salary ($27,500) to men's coach Tom Brennan ($47,800). The issue was even discussed in the state legislature.

Inglese did get a raise but is more interested this season in getting Cieplicki promoted to full-time status than in getting more money for herself.

Pretty heady stuff for someone who never wanted to coach. Inglese aspired to teach nutrition and work in public health before she took a high school coaching job for "just one year."

She was hooked and now can't imagine doing anything else.

"There's never a day I don't want to come to work. We're trying so hard. We appreciate people getting joy in what we're doing. It's nice to share that."

## TRIBUTE TO REPRESENTATIVE SAMUEL E. HAYES, JR.

Mr. WOFFORD. Mr. President, I rise to salute retired Pennsylvania State

Representative Samuel E. Hayes, Jr. Representative Hayes served admirably and diligently for 22 years in the Pennsylvania Legislature. He is a man for whom I have a great deal of respect both professionally and personally.

Representative Hayes was working as a high school teacher when he was elected to the House of Representatives in 1970. He was reelected every 2 years after that until retiring in 1992. Once in the legislature, Sam Hayes worked to make significant contributions to the lives of all Pennsylvanians. He served on the education, State government, military and veteran affairs, ethics and rules committees.

During the 1977-78 session Sam became the majority whip and served as minority caucus chairman; he was the youngest person in the history of the Pennsylvania Legislature to ever serve in either capacity. Then, in 1981, Sam became the majority leader of the Pennsylvania House and in 1983 he became minority whip, a position he had until he retired. I had the privilege of working with Sam when I was secretary of the department of labor and industry. He made major contributions to education and agriculture. During his 22 years he coupled two of Pennsylvania's most important resources, youth and agriculture. It is easy to see why many of Sam's friends refer to him as the "dean of agriculture and education" on the Hill. His contributions can be seen, today, in every county of Pennsylvania.

In addition, Representative Hayes served his country in other capacities. Sam served 5 years in the U.S. Army as a commissioned officer. He then went to Pennsylvania State University and received a bachelor's and master's degree. After completing his studies, Sam reenlisted in the Army and served 2 years in Vietnam, earning a Bronze Star for leadership and courage. After his tour of duty, Sam became a high school teacher in Tyrone, PA, working as a teacher until his election.

Again, it is an honor to salute Sam Hayes for his service to Pennsylvanians and all Americans.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business is now closed.

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## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 382) to extend the emergency unemployment compensation program, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Packwood amendment No. 66, to provide for the payment of unemployment benefits through the enactment of savings to streamline government and enhance management efficiency.

### AMENDMENT NO. 66

The PRESIDING OFFICER. The pending question is the amendment by the Senator from Oregon, No. 66, on which there shall be 1 hour of debate to be equally divided, minus the time used by the Senator from Nebraska.

Mr. PACKWOOD. Mr. President, I yield myself such time as I may need. The amendment I have offered is a relatively simple amendment. We have before us an unemployment compensation bill. All of us realize the emergency nature of those who are out of work. For them it is an emergency. We want to extend to them a helping hand by extending the unemployment compensation bill. The question is: Should we pay for it?

The administration's bill, which we have before us, will spend close to $6 billion over the next 2 years for unemployment compensation, without paying for it. We are going to widen the deficit and borrow the money. The amendment I have offered has suggested a 0.5 percent—half of 1 percent—cut in a variety of administrative services, travel, and other executive branch expenditures, which will raise the money necessary to pay for the bill in the first year.

There are about $644 billion in personnel, travel, communications, printing, consulting services, and whatnot, and it is from this amount that I cut the money. Interestingly, the President has suggested this spending cut in his economic plan. It is one of the streamlining in Government cuts he proposes for deficit reduction later on. All I am suggesting is that with this first spending bill we have in the Senate, this is going to set the standard for whether or not we are going to pay for things, or whether we are just going to spend and not pay.

So the amendment is simple. The amendment will pay for the expenses of the bill in the first year. The question for the Senate is: Do you want to pay or borrow? I think we ought to pay, and I do it by cutting other programs, not by increasing taxes. The bill, as it stands, would simply say let us widen the deficit and borrow. I hope that the Senate will support my amendment.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I want to, first of all, thank the distinguished ranking member of our committee as this final hour commences, for the thoughtfulness he has put into the position he has offered the Senate, or the considerateness, but perhaps it would be less forthcoming as regard to the thoughtfulness. The alternative offered here is not a program; it is not even an idea. It is simply a decimal point reduction across the board, regardless of relative merit, need, demand, circumstance, of all programs, a fixed amount of money, starting Sunday, and lasting for 7 months.

That is not a way to reduce the size of Government. We have before us a proposal for doing that, 145 pages, a vision of change for America, which the President has sent us, in accordance with his State of the Union Address and the budget recommendations that go with it.

We are given specific items for streamlining government, for cutting specific programs, not as any generalized proposition across the board. You do not cut across the board. You cut item by item. You go from a fixed amount in the forest program to a lesser amount.

You take the budget outlays by function one by one. National defense, $292.9 billion; international affairs, $19.3 billion; general science, space and technology, $17.2 billion; energy, $4.9 billion; natural resources and development, $22.1 billion; agriculture, $21.6 billion, and right down through the entire list of general budget functions, until you get to all distributed offsetting receipts, including Social Security, $305 billion; income security, $2.8 billion.

That is the way in which budget reductions are made. The President proposes to make them in this budget cycle. The Budget Committee will be holding hearings momentarily with the prospect of a budget resolution before us in a month's time. Then our Committee on Finance will have its work to do.

We may have to go through painful, necessary, and unavoidable proposals to raise revenues and cut outlays.

In the meantime, we have an emergency program which ceases at midnight, which, if it is not continued for the 7 months we are proposing, will leave 1.8 million people without extended unemployment benefits.

As the distinguished presiding officer knows, business cycles are determined by the National Bureau of Economic Research, and it does so on very rigorous standards of economic growth in production and output of goods and services. It does not measure unemployment. And we are dealing with the first ever recorded recession in which there is virtually no increase in employment, although there is a significant increase in output.

So while we can say we are in a recovery, we can also say, with emphasis, that unemployment is higher today than it was at the trough of that recession.

And so, the President has asked us, as an emergency, given the fact that this program ends Saturday night, to keep it going. That is what this vote will be about.

It will not be about reducing the size of Government. It will not be about cutting the whole area of activity or raising revenues, getting ourselves on track to a balanced budget. That has happened, and the business community has said it has happened. This elusive creature called the bond market has said it has happened.

We had some rather welcoming remarks from fellow Republican Senators who met with the President yesterday and they acknowledged something is underway. That something is a process we are at work at.

Directly before us this morning is a simple decision concerning the lives of millions of Americans who have done nothing wrong, who are working Americans, who have attachment to the work force. They only gain entitlement to unemployment insurance by attachment to the work force. They have been laid off in proportions unprecedented. They have been laid off with no prospect of returning.

It is not a cyclical inventory recession of the kind we have seen, where inventories build up and a plant lays off for a while, letting people expect to return.

Only 14 percent of the persons laid off in this recession have reason to expect that they will return. Therefore, in this legislation—new and long past due—is a provision for developing a profile of people who really cannot expect to return to work, working with them on retraining and whatever is necessary before their benefits have expired; when it is clear that there is not going to be a new job for them in their old workplace.

Therefore, Mr. President, the whole operation we are dealing with here this morning is an ongoing extended unemployment insurance proposal, a measure we have had in place since the 1930's.

We are simply keeping it in place while we can go about changing the whole structure of American Government outlays and income as we have to do.

This morning, the President is announcing the creation of a national performance review task force, headed by Vice President GORE, which is directed to the performance of actual programs in Government; again, with the object of getting more product out of what is obviously a large and by no means perfectly efficient enterprise.

But the one program we know works, where money goes directly to people who need it and who have earned it, earned it through their periods of employment for which contributions have been made, these millions of Americans and their dependents. And it is in their name that we will be voting in a very short time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, of all the Senators in this body, there is no one that is a greater gem than the chairman of the Finance Committee, PAT MOYNIHAN. He has a respect for this institution. He has a knowledge of the history of this institution and of this country that is unrivaled.

But, I would say, when he says that this is a bad way to budget—simply cutting across the board—I have taken this from the President's suggestions. He plans to do this, he says, later. I am saying, let us do it now.

But in terms of cutting across the board, I am reading from the President's Executive order of February 10 as to how he is going to reduce $9 billion in executive branch expenses. One item, 4 percent reduction in civilian personnel over the first 3 years, across the board.

> Deficit control and productivity improvement in the administration of Government requires a reduction in the Federal administrative expenses as follows: 3 percent in 1994, 6 percent in 1995, 9 percent in 1996, 14 percent in 1997, across the board.

These are not line items. These are not saying, we find the Defense Department more or less valuable than the Department of Agriculture, so we will make greater cuts in defense or greater cuts in agriculture.

So they are just across the board. I did not dream up this idea. I took it from the President himself.

But the key, again, Mr. President, is: Do we want to pay for this program? If we pay for it, it is not going to delay it. We can pay for it. We can pass it in the Senate today with a method to pay for it. We can send it to the House. They can adopt a provision for paying for it or give us another one and we can finish a conference on this bill tomorrow afternoon and have it on the President's desk tomorrow night with a provision to pay for it.

Last night, I appeared on a business news program somewhat critical of the President's budget. One of the commentors on the program said to me: "But don't you like the Head Start Program? Don't you want the Summer Youth Employment Program?"

I said, "Those are good programs. Should we pay for them?"

And there was kind of an obfuscated response, but basically it was these are nice programs, so we should have them.

And what I fear, Mr. President, is we are going to start down the road—just like this unemployment program—and not pay for it. And then Congress, for one reason or another, will not come up with all the taxes the President wants. Maybe the energy tax does not pass—who knows?—and yet we will still want the programs. And we will start to vote for them, saying we are going to raise the revenues later, or say we are going to cut some other programs later to bail it out, and we will not do it.

This particular bill is starting down the wrong road. There is nothing wrong with extending a helping hand to those who are unemployed. It is a decent thing to do that the Government should do. But we ought to pay for it in the way proposed in this amendment.

This amendment would require that.

I am prepared to yield to the Senator from Oklahoma, if he is ready.

How much time would the Senator like?

Mr. NICKLES. Seven minutes.

Mr. PACKWOOD. I yield 7 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment Senator PACKWOOD and other colleagues—Senator DOLE and Senator DOMENICI—who came up with this amendment, because we felt very strongly that if we are going to have unemployment extension and benefits, we should pay for it.

I might mention to my colleagues, when we had the three previous extensions—one extension in November 1991, one in February 1992 and one in July 1992—when those bills were reported out of the Finance Committee, or before they passed, we paid for them. And I think before this bill passes we should pay for it.

So the amendment we are offering this morning says we are going to pay for it. We are going to pay for it through spending cuts, not through tax increases. But I think it would be a lot more responsible to pay for it through a tax increase than just to say we are not going to pay for it, we are going to declare an emergency and just have it increase the deficit. I think that is the most irresponsible action we could take.

We have several actions. We could just do nothing, have no extension—that is one possibility. Another one is we could have the extension but we pay for it and we pay for it either by cutting spending—which is the amendment that Senator PACKWOOD, myself, and others have offered, which I think is the most desirable alternative—or we can pay for it in the form of a tax increase. That is what has happened in the past. I think we have gone back too many times to the taxpayers to expand the program.

So I think the alternative we have is the best one. Yes, let us have the extension of unemployment compensation benefits, but let us pay for it. Let us pay for it by cutting Federal spending.

Frankly, I am bothered by what we see because this Congress, the 103d Congress, is not very old, but we have passed one piece of legislation that we sent to the President, and already it is a mandate on business. We are mandating to business they have to provide parental leave, not maternal leave but parental leave. That goes a lot further than most people think. It talks about mothers-in-law and fathers-in-law. But anyway it dictates a mandate on business.

Now, the next piece of legislation we are going to pass is an extension of an entitlement program. I am on the Appropriations Committee and I listen to the appropriators always bemoan the fact that the discretionary amount we appropriate is not really growing; it is those darned entitlement programs that are exploding. And it just so happens they are right. And this is one entitlement program that is exploding. The cost of this program, unemployment compensation benefits, last year grew at 48 percent. The cost of living grew at about 3 or 4 percent, but the cost of this program grew 10 times that amount, 12 times that amount. It grew at 48 percent.

You have to compare it to what? Well, the year before it grew at 46 percent. So this is in outlays, this is in real dollars, this is in dollars that Uncle Sam is drawing a check for. You can see in 1989 we were spending $14 billion; in 1990 we are spending $17 billion; in 1991 it increased by 46 percent and went up to $25 billion; and in 1992 it increased to $37.8 billion. It is exploding in cost.

One reason why it is exploding is we have had three extensions in the last 2 years. Fine. At least we paid for that. At least we can actually say, yes, we know that it is exploding; we did have the courage and conviction to say, well, let us pay for it. So Congress raised the taxes to pay for it.

The amendment we have today does not raise taxes. It says let us cut spending. Let us pay for this bill. The cost of this bill we have before us is $5.7 billion. If we do not pay for it, it is just that much more increasing the deficit.

We received a Statement of Administration Policy that I had printed in the RECORD yesterday that I find to be very irresponsible. Basically, it said the President wants to pass this package, but he does not want any offsets. For those who are not familiar with what that term means, it means we do not want to pay for it. He does not want to pay for it through spending cuts. He does not want to pay for it through tax increases. I think that is grossly irresponsible. That is the reason why we have a deficit that is growing. That is the reason why we have entitlement programs that are exploding. This is not the only one, but it is one of the fastest growing entitlement programs we have. It is compounding right at 50 percent per year. And now we are not even going to pay for it. I find that to be grossly irresponsible.

I really do hope most of my colleagues will support this amendment. I hope the Democrats and Republicans will support this amendment. This should not be a party-line issue. We should stand together and say we are not going to expand an entitlement program unless we at least pay for it—pay as you go.

The only way they are getting around the pay-as-you-go requirements in the Budget Act is they are declaring it an emergency. I compliment President Bush. When Congress tried to do this a couple of years ago he said, "I will veto the bill unless you pay for it." And because of that resolve, at least we did pay for it. We did not increase the deficit, even in spite of this increase in outlay, because we did have the courage to pay for the program as it was growing.

Right now we are just saying let us be irresponsible. The first piece of legislation that comes out of the Finance Committee, the first piece of legislation that comes out of the House dealing with spending money, we are not going to fund it. I just find that to be irresponsible.

So I hope my colleagues in a bipartisan fashion will support this amendment. This amendment is not going to hurt people. We are not going to be cutting your favorite program. We are going to be cutting some administrative expenses, and, frankly, I think some can and could and should be cut.

The administration has said we can cut $30-some billion over the next 5 years. Most of their cuts are in the 4th and 5th year. I think we should take the 4th- and 5th-year cuts and throw them away because the 4th- and 5th-year cuts made in the 1990 budget package are not happening. The caps that were agreed to under the 1990 budget package, President Clinton said we do not need to adhere to those caps for 1995. In other words, we do not have to make the spending cuts that were agreed to in the 1990 budget package—as many of us forecast.

I think we have to be up front and put the spending cuts up front and not at the back end. This says, yes, if we are going to expand that entitlement program, that is fine but, yes, let us pay for it, and pay for it by cutting spending. So I hope my colleagues will agree to this amendment and that it will be agreed to today.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in close accord, I believe, with my friend about the disarray into which this program has fallen. We had a very straightforward measure in the 1930's, one temporary extension under President Eisenhower in 1958, then another under President Kennedy in 1961; then in 1970 a permanent extension, which has had its problems. Our original concept of the legislation was that employers paid into an unemployment tax fund, FUTA. The funds built up during periods of high employment, then were spent down during periods of low employment.

It has to be understood that, when you were spending them down, you were, in fact, borrowing money, because when money comes into the trust fund, it immediately goes to the Treasury. That is the reality of Federal finance.

A year ago we established an advisory council on this whole program, and somehow it has not gotten into place. I am told the very distinguished former head of the Bureau of Labor Statistics, Dr. Janet Norwood, has been designated as chairman, but the final appointments from the executive branch have not come. I am told on the Senate side, Owen Bieber, of the UAW; Bill Grossenbacher, of the Texas Employment Commission; and John Stephens, of Roseburg Forest Products, have been appointed. On the House side: Tom Donahue, secretary-treasurer of the AFL/CIO; Kay Bailey Hutchinson, Texas State treasurer; Bob Mitchell, payroll manager at Sears, Roebuck. The executive branch has evidently also selected Mitch Daniels, of Eli Lilly. But nothing has happened.

Secretary of Labor Reich has told me he is going to put this commission to work; he is going to put it together, get it moving. It has 1 year. Maybe a year will be sufficient for its purposes. I do not know why it ought not. The commission, headed by Professor Witte of the University of Wisconsin, drafted the entire Social Security Program in 1 year. But what Senator NICKLES has been saying needs to be done.

On the other hand, the specific plight of 1.8 million workers, whose prospect is to get back, on average, as unemployment compensation, one-third of their weekly wage—that commences Saturday night—to say no to them because we have been inattentive to our duty is to compound that inattention.

Mr. President, that is very simply what the vote will be about in 30 minutes' time.

Mr. President, I see no other Senator seeking recognition and wonder if we might have a quorum call, to be equally divided in regard to time.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to add Senator SMITH of New Hampshire, as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. PACKWOOD. I suggest the absence of a quorum to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to dispense with further proceedings under the call of the quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 485 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRESSLER. Mr. President, I yield to my colleague from Oregon.

Mr. PACKWOOD. I thank my good friend from South Dakota. I ask unanimous consent to add Senator FAIRCLOTH as an original sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Could I ask how much time I have remaining?

The PRESIDING OFFICER. Nine minutes and twenty-eight seconds.

Mr. PACKWOOD. I yield 4½ minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I express my appreciation to my colleague, Senator PACKWOOD, and to my leader, Senator MOYNIHAN.

Mr. President, today I join with Senators PACKWOOD, DOLE, and other colleagues in sponsoring an amendment that would offset the costs of extending the Emergency Unemployment Compensation Program with specific corresponding budget cuts.

I first want to emphasize that I believe it is necessary to extend the EUC Program. While this program was not meant to provide income security forever, it is clear that we must respond to the needs of the long-term unemployed who have exhausted their regular State unemployment benefits and who would not be eligible for any additional Federal benefits without this extension. According to preliminary figures from the Department of Labor, nearly 4,500 Minnesotans made initial claims for emergency unemployment compensation benefits last month, over 5,500 Minnesotans received their first EUC benefit payment, and another 2,000 Minnesotans exhausted their EUC benefits entirely.

We in Minnesota are blessed with an economy that is strong and vibrant when compared with the States of many of my colleagues that have been hurt so badly during the recent recession. Yet, while Minnesota's 4.9 percent unemployment rate is low compared to the rest of the Nation, that figure does not, and cannot, tell the full story. Today, there are over 120,000 Minnesotans who want to work, but who are unable to find the jobs they need to feed their families and to meet their mortgages.

Many of these people are victims of defense cuts, such as those which have occurred at Alliant Tech, FMC, and others. Minnesota's high-tech community also has suffered employment losses due to restructuring and downsizing necessitated by weak economic conditions both here and abroad. For the first time, many layoffs in these industries have occurred among middle management, professional, and highly skilled workers.

There are signs that our Nation's economy is improving. Yet, at the same time, there is growing evidence that this recovery will be more slow and more painful for American working men and women than at any other time in recent memory.

When we first enacted the EUC Program at the end of 1991, the Nation's unemployment rate stood at 6.9 percent. Unemployment now has exceeded 7 percent for 14 consecutive months.

Unemployed workers are exhausting their regular benefits at a rate that is 20 percent higher now than it was at the low point of the recession, and they are collecting unemployment benefits at a rate that is 15 percent higher than at the low point of the recession.

Moreover, many people who have lost jobs in the recent recession have no hope of being rehired by their former employers.

Many people are so frustrated by the lack of employment opportunities that they have stopped looking for work altogether.

However, unlike the original EUC legislation and its two earlier extensions, this bill is designated as an emergency requirement—and therefore it is exempt from the pay-as-you-go requirements of the Budget Enforcement Act.

When we passed the law creating the Emergency Unemployment Compensation Program back in November 1991, we made sure that those benefits were paid for by revenue offsets. When we first extended the EUC Program in February 1992, to give workers exhausting their EUC benefits an additional 13 weeks of benefits, that legislation again was paid for by revenue offsets. And most recently, in July 1992, when Congress extended EUC benefits until March 6, 1993, that extension also was paid for by offsets.

The administration has assured us repeatedly that it is committed to reducing the Federal deficit. Therefore, I fail to understand why this EUC extension—the first of President Clinton's spending programs to reach the floor of the Senate—actually proposes to increase the deficit. If this is an example of how the Clinton administration's economic program is going to work, we are in deep trouble.

As I said earlier, I believe that we should extend the EUC Program. At the same time, however, the American people are deeply concerned about our burgeoning deficit and our $4 trillion national debt. They are watching us, and holding us accountable. And they need to know that we are serious about reducing the Federal deficit, a point the President made clear with us on the Republican side of the aisle at lunch yesterday.

There are many necessary and worthwhile spending programs. But if we are truly committed to reducing the deficit, then every spending program cannot constitute an emergency. If we are serious about reducing the deficit, we cannot continue to redraw the boundaries which limit Federal spending whenever we find it difficult or inconvenient to stay within them.

The President has set forth a number of spending cuts in his new economic program. The amendment we have offered simply requires that one of the cuts that President Clinton already has proposed be used to offset this spending program so that it does not add to the already staggering Federal deficit.

Mr. President, I would like to make one final, important point about this legislation in general. the profiling and referral system proposed by the administration is an interesting prospect. But it does not begin to address the serious problem of long-term unemployment, or the serious needs of the long-term unemployed.

Our unemployment insurance system was designed to provide temporary support to workers who had been laid off or who had lost their jobs. It cannot effectively combat the more serious, and more costly, problem of long-term unemployment and permanent worker displacement.

In order to thrive in today's increasingly competitive global marketplace, American businesses are striving to be even more productive and efficient. This brave new world has presented American workers with unprecedented challenges, as well. That is why I believe that instead of continuing to pass further EUC extensions, we should direct our efforts in the future toward ensuring that industry restructuring will have the least possible impact on American workers. We may have no choice for the near term. But somehow we have to strive to fix the problem of long-term unemployment, or at least move more quickly in that direction by improving our job training programs and developing new strategies to help workers adapt to today's changing workplace needs.

I would like to work with the administration to develop a more comprehensive approach to this serious problem, and I look forward to doing so.

In the meantime, I applaud the administration for proposing to extend EUC benefits. As I said before, the country still faces a serious unemployment problem. But in attempting to provide support to American workers so that they can provide for themselves and their families while they find new jobs, it is imperative that we do so within the confines of the Federal budget.

Mr. President, I ask my colleagues to step up to the plate on this one—and stop piling up our national debt. Let us be responsible—vote "aye" on this amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would make the point that the amendment before us does not strike the emergency designation of the underlying bill and that would remain in either.

Mr. President, we are honored this morning that the President pro tempore has come to offer his thoughts on the matter and I yield 5 minutes, half the remaining time.

Mr. BYRD. Mr. President, I thank my distinguished friend, who is a scholar by education and a gentleman by nature.

This amendment would require across-the-board cuts in administrative expenses to finance an extension of unemployment benefits.

Mr. President, the proponents have pointed out that the President himself is proposing to cut administrative expenses by 4 percent in 1994 and by 14 percent over the next 4 years. Therefore, what difference could it make now to make this one-half percent reduction in order to pay for this extension of unemployment benefits?

I must admit that it is a clever and well-drafted amendment that attempts to beat the President to the punch on his own proposal. But I have in my mind a letter from the director of the Congressional Budget Office to Senator MOYNIHAN, chairman of the Finance Committee, a short letter, paragraph 2 of which reads as follows:

> The bill, S. 382, would affect direct spending and thus would be subject to pay-as-you-go procedures under Section 13101 of the Budget Enforcement Act of 1990.

The bill, Mr. President, would affect direct spending as defined in the 1990 Budget Enforcement Act. As Senators are aware, the Budget Enforcement Act of 1990 was enacted as a result of the 1990 budget summit. I participated in that summit. The Bush administration participated in that summit. Despite the fact that former President Bush in the heat of his campaign stated that he regretted having signed the Budget Enforcement Act of 1990, that act resulted in many important improvements in the budget process.

The Budget Enforcement Act of 1990 contained stringent annual caps on discretionary appropriations and for the first time it required committees of jurisdiction to pay for new entitlement and mandatory spending programs under their jurisdiction. In other words, the committee that does the deed is required to pay for the deed. This was a very important change in the budget process that was enacted as part of the Budget Enforcement Act following the summit.

Mr. President, up until now that agreement has been lived up to by the committees in the Senate. The Appropriations Committee has lived up to our part of the bargain. For example, for the 13 fiscal year 1993 appropriations bills, we appropriated $16 billion less than the caps allowed by the Budget Enforcement Act.

Now, with this amendment we are being asked to cut discretionary appropriations further in order to pay for an extension of unemployment benefits. I must strongly oppose the amendment because it would require that the discretionary appropriations be rescinded to pay for a direct spending program.

This amendment violates the spirit and the letter of the Budget Enforcement Act. It requires across-the-board cuts in discretionary programs to pay for legislation that should be paid for by the committees of jurisdiction, the Finance Committee and the Ways and Means Committee in the other body. If it were to be offset, it should be from programs under their jurisdiction.

Section 13101 of the Budget Enforcement Act exempts spending from pay-as-you-go requirements if the President and the Congress designate such spending as emergency spending. It allows such spending to occur without offsets. In section 6 of this bill Congress designates as an emergency any direct spending provided pursuant to this bill. If the President also makes an emergency designation amounts pursuant to the bill it will not be subject to the pay-as-you-go procedure.

Surely, this extension of unemployment benefits meets the definition of an emergency as contemplated by the Budget Enforcement Act. I am told that without this extension, between 250,000, 300,000 workers per month would no longer be able to receive Federal extension benefits.

Mr. President, to agree to this amendment would set a popular, new, direct spending program and require that the discretionary appropriations be rescinded to pay for the program. It would violate the principles of committee accountability established in the 1990 budget agreement, a principle which is vital if we are to have any chance of controlling growth in new entitlement spending.

Mr. President, I urge that that amendment be defeated.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, we have heard a powerfully persuasive statement. Not only are we voting on a specific program, but as the revered President pro tempore of this body has said, we are voting on an absolutely essential issue. We would establish a precedent that would undo the entire work of 1950.

Mr. President, I can imagine no more forceful case to be made to defeat this amendment and get on with this legislation.

Mr. BYRD. Mr. President, I thank my distinguished friend.

Mr. PACKWOOD. Mr. President, I yield such time to the Republican leader as he might desire.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Is leader time reserved, Mr. President?

The PRESIDING OFFICER. Leader time is reserved. If there is no objection, the Republican leader will use that time.

Mr. DOLE. Mr. President, I thank my colleague and manager, our distinguished chairman, Senator MOYNIHAN.

In my view this is probably the most important vote we have had this year and maybe the most important vote we are going to have for the next several weeks because it is a very defining vote. We heard all this talk about deficit reduction, all the speeches, all the rhetoric, all the polls. What have we done this year, the first bill we passed was a mandate which is a tax on business employers across the Nation that the Federal Government knew best on how to mandate family leave. Now the next proposal is to add about $5.8 billion to the deficit.

Maybe I do not understand everything but today the President is going to announce the national performance review program. He wants to go through Government with a fine-toothed comb and make it better and user friendly and eliminate waste in all of these things that we should do.

Yesterday, the President was kind enough to accept our invitation to meet with Republican Senators over lunch. He emphasized again that we need to deal with the deficit. So here we are, first shot out of the box, saying, oh, well, we do not really mean that. We do that later. But right now we have to add about $5.8 billion to the deficit.

If the amendment offered by the distinguished Senator from Oregon, myself, and others is not adequate, let us have another one. Let us have one from that side of the aisle that pays for this program. We need to extend the unemployment benefits package. We did it three times last year but the difference was we paid for it each time last year. So is this an emergency? With all the spending and all the taxes that President Clinton is advocating, $178 billion in new spending, $360 billion in increased taxes, $58 billion in new tax breaks, is it necessary that we add $5.8 billion to the deficit?

And Republicans are asked almost by the hour from the media, well, where is your plan? Where is your plan? Well, we do not have a Republican plan. We have a number of people with amendments. Like Senator GRAMM is having a press conference as I speak—some meeting where he is laying out his proposal. There will be other proposals and we will have a coordinated position at the appropriate time.

We are also in the midst of a recovery. The Bush recovery is working. The economy grew at an all time rate of 4.8 percent in the fourth quarter of 1992—the best quarter of economic growth in 5 years, the best quarter in 5 years. Inflation remains low and interest rates are low. Last month the national unemployment rate dropped to 7.1 percent.

So we look at a number of opportunities, a number of signals that growth and job expansion are on the economic horizon, that the Bush recovery is picking up steam. That does not mean much if you are out of work. That is why we are here today, that is why we ought to pass this bill and get it to the President for his signature.

We have had in my own State of Kansas announcements by Boeing of up to 6,000 to 7,000 people who will lose their jobs; Sears another couple thousand; 400 from Beech; and on it goes. Generally, the economy is good. But there are pockets where we have problems.

So, job loss means sacrifice and hardship and, yes, it means the Government has a responsibility to lend a helping hand. Normally, we used to divide these payments with the State governments but the States figure out if they wait long enough the Federal Government will pick up the entire tab.

So we are here today debating whether or not we ought to add $5.8 billion to the deficit. The next one we are going to take up, another mandate that is going to cost a couple hundred million dollars, is moto-voter. We will tell the counties, States, this is good for you because the Federal Government says it is, and we are going to mandate it but we will not send you any money. You figure out how to get the money.

So here we are in I think sort of a watershed. This is a watershed vote. If we really believe what President Clinton said to us in the joint session of Congress a couple of weeks ago, that we had a real problem with the deficit, if we believe all those polls which say 60 to 70 percent of the people support the President, or at least support his speech on the deficit, why are we here adding $5.8 million to the deficit? Explain that to somebody in Kansas or any other State represented in this body.

We cannot do it because there are plenty of areas we can cut spending enough to pay for this package as outlined in the amendment offered by the Senator from Oregon [Mr. PACKWOOD].

So it seems to me that this is hopefully not a partisan vote, not a party-line vote. This ought to have the unanimous support of Members on both sides of the aisle. I hope that we would attract good bipartisan support to help the President to underscore the importance of what he has been saying about reducing the deficit and not walking the other way and say, oh, now we will add $5.8 billion to the deficit. I did not hear President Clinton say he was going to increase the deficit. I thought he was going to cut the deficit. Apparently, he is prepared to sign this legislation. They sent up the administration's position, which is in support of this legislation without paying for it, and therein lies I think the problem with the whole Clinton package. We do not have the details. We really do not know where the defense cuts are going to hit, who they are going to hit, what States are going to be hit, how many young men and women are going to be kicked out of the military because of $112 billion in new defense cuts on top of the $50 billion already passed by Congress, proposed by President Bush, $360 billion in new taxes, $178 billion in new spending, and it seems to me that we are underscoring the flaws in this package by passing this bill today. We do not have a budget. We do not even know what the details are. We are going to be asked in this body before long to pass a budget resolution before we have the budget. It seems again to me that we are just proceeding in the wrong way.

If we cannot take money out of travel and consulting, personnel and other overhead expenses in Government across the board, then I think it is an indication that we are not going to be very tough when it comes to spending reductions, and that is true. There are not many spending reductions in the President's package. They are all taxes and new spending and very little spending reductions.

So, Mr. President, this amendment is sound, it ought to have unanimous support. We ought to pass it on a voice vote. Maybe we can do that. In any event, it is a watershed vote. It is going to determine what is going to happen in the next 2, 3, 4 weeks, 30 days, 60 days, 90 days, when we talk about reducing the deficit.

You cannot fool the American people. We start here if we want to reduce the deficit. $5.8 billion. Ross Perot said yesterday that we ought to pay for this bill. We should not add more money to the deficit. So all those who want to cut the deficit, this is their opportunity. This is the first ball over the plate.

I hope my colleagues on both sides of the aisle will act responsibly and give the American taxpayer a break and, at the same time, give the unemployed a break and let us pay for this, and not impose the burden on their children and grandchildren 10, 20, 30 years from now.

Mr. MOYNIHAN. Mr. President, I yield the remaining time, and such time as he may wish to use, to the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I ask unanimous consent that if I go beyond the time allotted remaining for the distinguished chairman, that it come off of my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the sponsors of this amendment have said that their intent is to offset the costs of the unemployment insurance bill. Yet, the offset they propose does not cover the cost this year. According to estimates from the Office of Management and Budget and the Congressional Budget Office, the offset used by the sponsors does not even come close to raising the amount that the sponsors claim this year. So it will not pay for the bill.

The sponsors claim they have offset $3.3 billion. Yet, both OMB and CBO estimate that the sponsor's amendment would actually amount to much less in savings this year. What would this offset actually do? While the sponsors claim that it involves reductions in administrative overhead, the amendment actually goes far beyond that.

The sponsors of the amendment break down Federal administrative expenses as something called object classes. What does this mean? This is budgetese, technical jargon. No one has really explained it. I think the Senate, before voting for such an amendment, ought to examine what these so-called object classes and administrative expenses are.

First, the sponsors list 16 items which they say would add up to $644 billion. That $644 billion would then be subjected to a one-half of 1 percent reduction in fiscal year 1993. Included in that $644 billion are the costs of regular salaries and wages paid to full-time civilian employees, salaries and wages for terminal leave payments, hazardous duty pay, overtime, holiday pay, and night work differential. At the same time, the text of the same amendment appears to preclude reductions in current rates of pay.

Well, if pay is not to be reduced, does this mean that people are to be fired to achieve these savings? No one has explained it. There is no language in the amendment regarding civilian government jobs, or language protecting Americans who are at this moment abroad in hazardous duty pay areas. No one has explained that.

Everyone knows that personnel accounts are the fastest spending accounts. If we are to achieve savings in personnel accounts without reducing pay, will there have to be employees fired to achieved it? Would it not be a supreme irony to pay for unemployment benefits by creating more unemployment. To totally exclude personnel costs such as wages and salaries in both defense and civilian government employment, $162 billion has to be sliced right off of the top of the sponsors' $644 billion base. It clearly will not do what the sponsors say it will do.

That is because this is not a substantive amendment. This is a political amendment. Let us talk about some of the remaining items on the sponsors' list.

There is a vague category called other services, $230 billion. What services? No one has explained that. An inquiry has determined that it includes hospital care and premiums on insurance. Hospital care for whom? Insurance for what? No one has explained that. Are we going to cancel Government insurance policies? Has anybody explained it? No one has explained it.

Equally vague categories are listed as equipment and land and investments. That is another $133 billion. Do these accounts or any of the others cover defense procurement or weapons systems? The minority leader just said we should not be cutting defense as much as proposed. Yet, here is an amendment cutting defense, and nobody even knows what defense is being cut.

What are these categories listed under something called acquisition of capital assets? Nobody has explained that. The amendment refers, as I said, to something called object classes. That is clearly an effort to make this whole thing sound painless and technical, using budget jargon. But if you look at the definition of object classes, you are talking about real contracts and real things.

For example, category 31.0, equipment. If you get the definition of object classes—not provided by the sponsors of the amendment; you have to dig it out otherwise—it includes obligations for tanks, armored carriers, tractors, missiles, bayonets, antiaircraft guns, artillery, search lights, detectors, fire control apparatus, submarine, mine equipment, ammunition hoists, torpedo tubes, and other miscellaneous military equipment. The sponsors know that is what they are cutting with this amendment. Did they intend that? Does anybody understand that. Has anybody explained it. Does anybody know what this is all about, other than that it is a political effort?

Aside from the substantive issues of exactly what is being proposed for reduction, there are practical issues to examine. We are halfway through the fiscal year 1993. The end of the fiscal year is September 30. How would these across-the-board cuts be implemented? Much of the $644 billion has already been obligated. Will contracts be canceled? Are there penalty clauses in those contracts, as is common with Government contracts, so that actually the cost to the Government would be higher than the savings alleged? Does anybody know? Nobody has explained that.

President Clinton has proposed downsizing Government. The sponsors claim their proposal is the Clinton proposal, but it is not. I would like to remind my colleagues that the President has proposed to prospectively reduce administrative costs. He has given fair notice that there will be thorough examination by the relative committees in Congress and executive agencies, and rational decisions will be made on what to cut and what not to cut.

This amendment does not do that. There is no examination by the committees. Obviously, there is no examination by anyone. Furthermore, the President's proposal would operate against the base of about $50 billion in administrative expenses. This proposal has a base of $644 billion. What is the difference? Nobody has explained that. Does anybody know? Nobody voting will know, because it has not been explained.

In view of the obviously hasty manner in which the amendment appears to have been put together, and the obviously political purpose of the amendment, as opposed to any substantive decision, the lack of any explanation of its provisions, lack of any understanding of what it will do or what it is intended to do, no one can know or understand what they are voting for.

The unemployment insurance bill is part of the President's overall economic package. That package is needed to ensure that a recovery does install, and we get more job growth. I urge my colleagues, let us give the President's economic program a chance by joining me in defeating this amendment.

I agree with the Republican leader on one thing. This is a significant vote on one thing. This is an effort to torpedo the President's economic program, beginning here and now in the Senate.

So the question really before us is: Are we going to give the President's economic program a chance, or are we going to torpedo the President's economic program beginning right here? Let there be no mistake about that. Those who vote for this amendment are voting to torpedo the President's economic program.

Let us get at it right now in the beginning. This is a significant vote, and if you want to kill the President's economic program before giving it a chance, then you vote for this amendment. If you think that the President's economic program ought to have a chance, if we ought to once and for all end the gridlock in this country and get this country moving again and let us support the President's economic program, then the way to do it is defeat this amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. MOYNIHAN. Mr. President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on a motion to table the amendment No. 66.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

{Rollcall Vote No. 21 Leg.}

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—0

So the motion to table the amendment (No. 66) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to add Senator ROTH as a cosponsor of the amendment that was just defeated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with the current extended unemployment benefits program set to expire this Saturday, legislation to reauthorize the Emergency Unemployment Compensation Program is sorely needed. We may be emerging from the recession, but new jobs are simply not being created fast enough.

In my home State of Washington, where the unemployment rate is over 7 percent, Boeing recently announced plans to lay off more than 20,000 workers in the next 18 months. Each Boeing job supports an additional 2.8 jobs, meaning that as many as 60,000 workers and their families may be affected in the near future. In our timber-dependent communities, thousands of other workers and their families are struggling to survive as they have consistently watched jobs disappear over the last 4 years. We must not abandon any of them at this time of great need.

Nor can we foresake the other 1.5 million unemployed Americans currently receiving Federal emergency compensation. These emergency benefits will stop flowing on March 6, just a few days from now, if we do not pass this bill.

As large American companies are downsizing and banks have a tight hold on credit needed to help start new businesses, it is extremely difficult for many of our unemployed workers to find new jobs or to get the kind of retraining they need to enter new fields. I am committed to working with President Clinton to enact his deficit reduction and economic stimulus package. For Washington State, job creation and economic diversification are two of my top priorities. But as we move forward to create good-paying jobs, we must not cut off support to the unemployed in the meantime.

Finally, I would like to commend President Clinton and the sponsors of this bill for recognizing that many displaced workers must find new employment in different industries. The inclusion of a special initiative in this legislation to identify displaced workers and provide them with retraining, counseling, and job search assistance is very important.

Mr. President, I urge my colleagues to support this critical legislation.

The PRESIDING OFFICER. The question recurs on the committee amendment.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

Mr. CHAFEE. Mr. President, I am ready to go forward if the Senator would defer with that.

Mr. MOYNIHAN. Should we dispose of the committee amendment first?

Mr. President, I ask that matter be put off pending a colloquy with the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, it was my intention to offer an amendment that would do away with the so-called luxury tax, as far as it pertains to boats. This has been an absolute disastrous tax.

Mr. MOYNIHAN. Mr. President, the Senator from Rhode Island has a matter of urgent concern to him, and the Senate should be able to hear it.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, if I might repeat, several years ago, we enacted the so-called luxury tax that applied to boats, airplanes, furs, jewelry, and automobiles. I am only going to discuss the aspect that is of deepest concern to me, the tax that applies to boats.

What that so-called luxury tax does is to apply a 10-percent tax on the sale of all new boats over $100,000. The objective of this originally, Mr. President, was to hit the rich. But as so often happens, the projectile did not hit the target.

Mr. President, what happened was that it did not hurt the rich. The rich just stopped buying boats and they invested their money in vacation homes in the Caribbean, or wherever it might be. The people who were hurt are the people who make the boats. They are not millionaires. The people who were hurt were the people out in the production line. And by modest estimate something like 19,000 Americans have lost their jobs in boat building. In my State, perhaps 3,000 to 5,000 lost their jobs. You might think 3,000 to 5,000 is not much, but that is a lot in a little State like ours.

Rhode Island, the smallest State in the Nation, produces more sail boat hulls than any State in the Nation. And so the construction of boats was a very, very major factor in our economy. It is not just the people who build the boats. It is the people who design them; it is the people who make the sails, the cordage, the ropes, the lines, the people who make the winches that pull up the anchors, the winches that are used for the jib sheets and the main sheets. It is a total industry that has been really severely hit.

Mr. President, you might say, well, there has been a recession and that is what has happened to the boat industry, it was not the so-called luxury tax. History has shown, however, that in the boatbuilding business when bad times come, the small boats are hit but big boat sales continue. So we have had a double whammy in the boatbuilding industry. The recession has hit the small boat builders, and the luxury tax has hit the big boat builders.

We have twice passed in the Senate, in connection with other legislation, repeal of that tax bill, but because of other factors, primarily objections of the past administration to other facets of that legislation, the repeal was part of a bill that was later vetoed.

So, Mr. President, as is the distinguished Senator from Louisiana who has been one of the real leaders in this and indeed it was his repeal measure that has been the factor that we have worked together on, we are looking for a vehicle and it was my belief that this particular vehicle would be adequate. But I had it explained to me that this is not a tax bill.

The original proposal was to come in with a replacement tax; namely, the diesel tax, a tax on diesel fuel on which there is currently no tax. We would apply the diesel fuel tax to yachts, but not for commercial vessels, fishermen and so forth. That would replace whatever lost revenue was anticipated although, I believe the Treasury is losing revenue if other factors such as unemployment compensation and last income tax receipts are taken into consideration.

So, Mr. President, I would like to hear from the distinguished chairman of the committee. I see the distinguished majority leader is also on the floor and he certainly is involved in this with a big boatbuilding industry in his State. I know he is concerned about this so-called luxury tax.

Mr. BREAUX. Will the Senator yield?

Mr. CHAFEE. I will be glad to yield. I would like to yield a moment to the Senator from Louisiana because he has been deeply involved with this from the beginning.

Mr. MOYNIHAN. Mr. President, just to be clear, we do very much want to hear from the Senator from Louisiana and then we will want to hear from the Senator from Maine and then I would like to respond as would be appropriate.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, just briefly, the Senator from Rhode Island has accurately outlined the situation. The Senate on two separate occasions has looked at this proposition which I think was ill-conceived in the first place and the Senate has spoken clearly on it; that it is the desire of this Senate to repeal the so-called luxury tax on large vessels.

It was an idea to try and offset the regressive nature of the tax on beer and alcohol and wine by somehow hitting millionaires who bought large boats. The problem is instead of hitting the millionaires, as the Senator from Rhode Island has accurately spelled out, we hit the people who make the boats, the workers, the craftsmen and women who build the boats. They lost their jobs because fewer and fewer boats were actually produced. Instead of generating more revenues, we generated no new revenues and, in addition, put people out of work. That was not the intent of the Congress. It is time we recognize it, as we have on two separate occasions, and ask the Clinton administration to embrace this.

I just want to comment to Senator CHAFEE from Rhode Island, as well as the majority leader who has been steadfast in pushing this legislation for the people he represents in Maine. It has been a high priority for the majority leader. We have been working with the chairman, the distinguished chairman of the Senate Finance Committee to encourage his active support. He certainly understands this problem. I look forward with anticipation to his leadership in this area. So maybe in a few weeks, a few months at the most we can all come back and say we have all put our heads together and solved the problem.

With that, Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I strongly favor repeal of the luxury tax on boats for reasons explained by the

Senators from Rhode Island and Louisiana. It has clearly not worked as intended and should be and must be and will be repealed. I commend the Senators from Rhode Island and Louisiana for their leadership in this area, and I commit to all involved that we are going to get the luxury tax repealed this year and as soon as possible.

The problem we face with respect to this bill was, of course, stated by the Senator from Rhode Island. Under the American Constitution, the Senate has no legal authority to initiate a tax bill. None. All tax measures must originate in the House of Representatives. If the Senate on its own initiative passes a tax bill, it will not be taken up in the House. It is annulled. It is an act that has no legal consequence or significance.

The unemployment insurance bill is not a tax bill. Adoption of the luxury tax repeal on boats would convert it into a tax bill and, therefore, would have only the effect of killing the unemployment insurance extension without enacting the boat tax repeal.

That must originate in the House of Representatives. Therefore, what we must do is find a vehicle which originates in the House under constitutional procedures and which we can then take and act on the luxury tax repeal. I am strongly committed to that. I have discussed it with several members of the administration, high-ranking officials in the administration, as has Senator MOYNIHAN, and I believe is going to address that subject now because he himself has been involved in the discussions.

We passed this twice last year. Twice it was vetoed, not because of this provision but because of other unrelated provisions in the bill. I hope very much that this year, and soon and promptly, we are going to be able to pass this repeal and get this matter over with once and for all because I think the Senator from Rhode Island is quite right; it must be repealed, and I say to him and my friend from Louisiana and others, it will be repealed. We are going to get that done.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. If we are on the same subject, may I say that the President of the United States agrees with the Senator from Rhode Island, the Senator from Louisiana, and not unnaturally the Senator from Maine. It is not normal to report conversations with the President on the Senate floor, but I think this is a special occasion.

On February 15, the President asked if I would meet with him to review the measures that would come before the Finance Committee that would be discussed in the State of the Union Message. I observed that on the list of measures repeal of the luxury tax was not on the list. I pointed that out to the President and said the Senate twice repealed this measure, that it was in no sense an effective measure; and it resulted in lost jobs.

The President said he was entirely agreeable to our adding this measure to the first tax vehicle that came through the body.

I am sure the President would not be averse to my having made this point because I said at the time that I would inform Senators. I mentioned the Senator from Rhode Island, I mentioned the Senator from Louisiana, and I mentioned the Senator from Maine whose specific interests are involved, said it is a matter of great concern to them as well as to me. What has been done twice will be attempted a third time and I am confident that this time it will be signed.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the distinguished majority leader, who, as I mentioned before, has been deeply involved with this right from the beginning. I know his State and the boat building industry in his State well. I know his concern for it. So his remarks and the remarks of our distinguished chairman are very satisfying and gratifying.

I would like to make one point, that there is a sense of urgency here, and so it is terribly important that the first vehicle which goes through here that we can attach this measure onto is one I am going to grab hold of because now is when all the boat shows are on. People want to know are they going to have to pay 10 percent additional for anything over $100,000 for any boat they buy.

I believe we have to move as rapidly as possible. And so when the first vehicle comes through here that I believe we can grab hold of, I will grab hold of it.

I appreciate the support of the distinguished leader.

I will say one more thing. I know my colleague from Florida wants to comment briefly on this. The distinguished Republican leader would be on the floor because he has an interest in this, not with respect to boats, but with the private aircraft, which are also part of the so-called luxury tax. Perhaps he will comment on that later.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Before we hear the distinguished Senator from Florida, may I make the point that my discussion with the President had to do with the entire measure. It dealt with small aircraft, jewelry, furs, and boats.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, first, let me express my gratitude to Senator CHAFEE for raising this issue once again. It is obviously an important issue in the State of Florida. There are a number of companies that have gone out of business as a result of the decline in their sales. In our State, the luxury tax is not really called the luxury tax. It is called the layoff tax. I met with a number of employees of failed boat companies in the State of Florida. These workers told me that is how they refer to this tax.

I also want to say to the distinguished chairman how much I appreciate his efforts to see that this tax is repealed. Particularly, I appreciate the conversation that the Senator has had with the President. I also want to express my appreciation to the majority leader for his commitment for an early repeal.

I would like to extend my comments a moment longer not for the purpose of getting into some tough partisan debate, but to talk about a tax that was designed to make the wealthy pay more in taxes. The Senate has voted twice to repeal this measure because we have found out that you cannot force the wealthy to pay more taxes; they will find a way around the effort to make them pay more taxes. This is a prime example of how tax rates can affect people's behavior.

The assumption was made, when this tax was passed, that all action, all behavior, all decisions by the wealthy in the Nation would continue as if nothing had changed. The reality is that with the higher tax on boats, on luxury items, people decided not to buy them and the wealthy did not pay the tax. The people in fact who lost their jobs paid the tax through the layoff tax. I appreciate the comments of the Senator and look forward to working with him.

Mr. MOYNIHAN. Mr. President, may I thank the Senator from Florida. He very properly describes the measure, the layoff tax, and I think as an issue of principle it has been resolved and we will get to it presently.

Mr. KENNEDY. Mr. President, I join in urging action by Congress as quickly as possible to repeal the luxury tax on boats. We should have done so long before now.

The tax was enacted in November 1990 by Congress as one of numerous deficit reduction measures in the Omnibus Reconciliation Act of 1990. It imposed a 10-percent excise tax on the amount of the retail sales price of boats that exceeds $100,000, and it took effect on January 1, 1991.

It quickly became clear, however, that the tax was counterproductive. It has been the cause of significant job losses in the boat industry in Massachusetts and many other States, and has only made the recession worse. Obviously, that was not the purpose of the tax or the intention of Congress in enacting it.

More than a year ago, in November 1991, by the overwhelming vote of 82–14, the Senate adopted a resolution urging that the tax should be immediately repealed. I voted in favor of its repeal then, and I continue to support its repeal. Unfortunately, that resolution was nonbinding, and all our efforts throughout 1992 to enact the repeal into law were finally blocked for unrelated reasons, when President Bush vetoed the omnibus tax bill.

Now, that impasse is behind us, and effective action is possible. All of us know that repeal of this misguided tax is clearly overdue, and I join many others in Congress in urging that it be repealed on the first available bill.

Mr. DOLE. Mr. President, I would like to join my distinguished colleague from Rhode Island, and put in a word for the aircraft industry.

The aircraft industry has sold the lowest number of planes since World War II—899 planes in 1992. In this economic environment we do not need the additional burden of the luxury tax as another worker penalty.

I might add that the industry has lost over 50 percent of its jobs since 1980. This is not a luxury—we must repeal the tax.

Although the repeal is not included in the administration's proposal I hope that the President will reconsider. And I hope we have the chairman's support.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a comment, to say that it was very specifically contemplated in my conversation with the President that the concerns of the distinguished Republican leader will be covered by the measure that it is understood will be offered and will be approved.

Mr. DOLE. I thank my colleague from New York, the chairman, for that comment.

It is very helpful.

Mr. PELL. Mr. President, I want to add my voice in support of Senator CHAFEE's tireless efforts to repeal the luxury tax on boats. I understand the difficulty he faces in finding the appropriate vehicle for a repeal of this tax, but I just wanted to make clear that I fully support him in this effort. This tax has been a disaster for Rhode Island and other States whose economies depend on a healthy boat building industry. This tax has not raised the revenue it intended. All it has accomplished has been what was not intended: it has put hundreds of workers in my State and other boat building States out of work. It must be repealed.

I commend the majority leader, the chairman of the Finance Committee, Senator CHAFEE and Senator BREAUX for their leadership in this area and I will continue to work with them to repeal this tax at the earliest possible date.

Mr. HELMS. Mr. President, there has been a great deal of rhetoric about the need to help the unemployed. It should be said that Congress has approved numerous bills that have put people out of work. Some "help."

One prime example is the 10-percent luxury tax on boats and yachts that Congress unwisely passed as a part of the 1990 budget agreement. Some Senators salivated because Congress was really socking it to the rich guys with that one.

But what happened? Taxes went up, demand for boats went down and thousands of blue-collar workers lost their jobs. What a way to sock it to the rich. The luxury tax has hurt working-class Americans far more than the wealthy.

The Senator from Rhode Island [Mr. CHAFEE] has indicated that he will offer his repeal amendment to another bill, instead of this bill—and I will support his efforts. So will all sensible Americans, particularly the working men and women.

Mr. President, this tax is costing the Federal Government far more than it is bringing in. A report prepared by the Joint Economic Committee in July 1991, describes the inherently flawed methodology used to assess the impact of the luxury tax. The report states that methodology failed to take into account all the effects of this tax increase.

The committee's report concluded that the luxury tax on boats would result in the elimination of at least 7,600 boat-manufacturing and retail jobs in 1991. However, officials in the boat-manufacturing industry tell me that the loss is far worse, ranging between 20,000 and 25,000 jobs. The committee also found that the combined cost of the revenue lost and the increased outlays from this unemployment is $18.4 million, exceeding the $3 million revenue gain anticipated by a margin of better than 6 to 1.

Mr. President, North Carolina is one of America's 10 largest boatbuilding States. It once was home to some of the country's largest boat building industries. But this tax has devastated the boating industry: Hatteras Yachts in High Point has lost 500 jobs due to the tax; Davis Yacht in Wanchese lost several hundred jobs; and Carver Boat Co. closed their Pender County boat factory.

This tax has also affected the businesses that supply the boat builders with products like diesel engines, wood wiring, paint, and fiberglass.

Many citizens of North Carolina are waiting for Congress to repeal the foolish luxury tax on boats. It is time for Congress to admit its mistake and repeal the luxury tax on boats as soon as possible.

Mr. DURENBERGER. Mr. President, I rise today to support my colleague from Rhode Island in his mission to save the American boating industry from the road to ruin on which it now finds itself. I appreciate the fact that this bill may not be introduced in connection with today's pending legislation, but will be addressed upon the arrival in the Senate of a tax bill originating in the House. However, I wish to speak about this vitally important issue, so that my colleagues may understand the suffering of the boatbuilding industry, and that I may ensure it's being addressed as soon as possible.

When this tax was originally created in 1990, the intent was to enact symbolic measures aimed at the country's wealthier individuals in lieu of increasing the marginal tax rates. The provision enacting a 10-percent luxury tax on boats costing over $100,000 was implemented without hearings and without a thorough examination of the true impact of this tax on the industry as a whole. Well, the impact is certainly apparent today.

The impact has been the industry-wide devastation—within the first 6 months of 1991, sales of yachts of more than $100,000 were off by 70 percent from 1990. Industry estimates show that it has lost over $1 billion in capital over the last 2 years. This has a severe impact upon an industry which is relatively small, yet has maintained the highest quality in the world and kept import penetration into the U.S. market to under 5 percent just 4 years ago.

Due to the significant hardship suffered as a result of the dramatic drop-off of sales, many previously thriving, healthy companies have been forced out of business. Since this inequitable tax was added to the sale of these boats, the industry has seen a third of the U.S. yacht-building companies go out of production during the last year.

This figure represents 100 manufacturing companies, both builders and suppliers, who have closed down, been put out of business by their banks, or sought reorganization under the Bankruptcy Act. This leaves 25,000 individuals out of work. This is certainly not the time when our country can afford to drive an industry out of business.

We only hurt ourselves when we retain inequitable treatment of an industry that is suffering. The clock continues to run on the future of the boating industry, we must act immediately to assist those who have been unintentionally harmed by this tax. The impact of the tax was not sufficiently researched when it was put into place, and now that the effects have been felt, and we watch a once thriving industry rapidly disintegrate, we must move to rectify this situation. If we do not act immediately, we may not need to act at all, for this industry is on the brink of financial ruin and will not survive much longer without our help.

I have been told repeatedly by the boat builders in Minnesota how desperate the situation now is. One of my constituents, Jim Schueppert, has explained to me the vicious cycle in which the industry finds itself. Builders have attempted to absorb the tax themselves, rather than passing it on to the consumer, to stimulate sales. This, of course, leaves the company in a tenuous financial situation.

A majority of the builders have liquidated their company and personal resources to provide hard cash to stay in business. Failure to repeal this tax has caused a complete lack of confidence by auditors, lenders, suppliers, and investors. Accounting firms are refusing to give these companies going concern opinions in the certification of their financial statements. In effect, the auditors are saying that they probably won't stay in business, which results in a complete shut down of line of credit and is forcing insolvencies.

Not only are the banking industries avoiding working with the boatbuilding industry, customers have incentive to stay away as well. With the on-again off-again approach of the repeal of this tax, customers are delaying purchasing decisions until a repeal is passed.

The boatbuilding industry has been one of the great American success stories. It is highly respected throughout the world, and it has been very successful—employing a significant number of people, producing a high-quality product, and successfully thriving in the marketplace. Building one 60-foot boat will employ 60 people for 100 days. We cannot afford to allow this industry to disintegrate—an American institution is at stake, companies are at stake, people's futures are at stake.

I urge my colleagues to join with us to save this industry from a tax that is not serving the purpose for which it was intended. Bankrupting companies and laying off skilled workers is not aiding the economy. Quite the contrary, it is doing more harm than good. We must act now to save the boatbuilding industry before it is too late.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. PACKWOOD. I wonder if the Senator from Iowa might withhold for a moment. The minority leader wants to come to the floor.

Mr. GRASSLEY. I would be glad to yield to him.

Mr. PACKWOOD. Why does not the Senator go ahead then until he comes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

I want to tell my colleagues I am not going to offer an amendment. So for the floor leaders, Senator MOYNIHAN and Senator PACKWOOD, I want to speak on the bill and I want to speak primarily in relation to the deficit situation and how this $5.7 billion of additional expenditures is a continuation of bad policy that we have had both under Republicans and now evidently under Democrats. I hope that we learn from the past and will not make the same mistakes of the past.

I want to also preface my remarks with a feeling on my part that I want to work with President Clinton. I think I can best help him by urging him not to make the mistakes that his predecessors have made.

He wants to reinvent Government. We ought to help him reinvent Government, but based upon new policies and not doing those things that lead is to additional deficits.

I think also I speak with some authority on this business of deficits, because President Reagan—not so much under President Bush—as a Member of this body, I reminded all my Republican colleagues that when it came to defense expenditures, we Republicans are not as cautious in watching the taxpayers' dollars as we tend to be in areas like welfare and other domestic programs.

I reminded President Reagan—when he would talk about welfare spending—that we have military industrial welfare queens, or we have our own welfare queens in the defense industry.

So when I visit with my colleagues from the Democratic party, the majority party here in this body, and now in the Presidency, I would like to have my remarks not be seen as partisan. I have a responsibility to be an independent policymaker in a branch of the Government that is a check on the administrative branch, and that dictates that I not be a rubber stamp for a Republican President. It dictates that I not be a stumbling block for a Democratic President—I intend to work with the President when I agree with him; when I disagree with him, I intend to say so. But I also intend to have a responsible alternative.

I think Senator PACKWOOD had a responsible alternative, as an amendment, to pay for this bill. Now it looks like it is going to be passed without being paid for. That is bad policy. I simply want to point this out to my Democratic colleagues and a new President of learning, so that he does not repeat the mistakes of the past.

On this specific issue, then, as has been said so many times, President Bush and the Congress at least two times, maybe three times, reached bipartisan agreements that brought relief to hundreds of thousands of unemployed Americans. There is no question but that President Bush and most of Congress supported extended benefits. The only question of disagreement was whether the program would be paid for—maybe in part how it would be paid for—or whether instead we would increase the deficit.

To everyone's credit, in the last Congress on two or three occasions, we always found a way to pay for these unemployment benefits. And in the process of doing that, we held the line on deficit spending.

You know, when you have hundreds of billions of dollars of deficit spending, my friends out there in the grassroots are going to raise the question: How is that holding the line? Well, it would have gotten worse, and it is going to get $5.7 billion worse with this bill we are working on now because we are not paying for it.

Unfortunately, hard times have continued for many.

In the last Congress, we increased unemployment benefits in a responsible, bipartisan way by paying for it. This bill increases the debt. It does not pay the bill. We do not raise revenues; we do not cut spending anywhere else. It just adds to the debt. But there are still hard times for many.

Those are the unemployed.

As before, I agree there should be another extension of benefits. That is my personal view. But again, as in the last Congress, I believe that these benefits must be paid for instead of us increasing the deficit. Why should we ask our children and our grandchildren to pay for the cost of my generation's unemployed? It seems to me a very sound principle that any government ought to adopt; and that is, except in time of war, when the very existence of the Nation is at stake, each generation ought to pay its own way.

Republicans have been as negligent in that as Democrats have. That is just a statement of fact that is applicable to all Americans and to all parties. There is enough blame to go around. The President has said that better than I can say it. I am glad that the President is willing to say it because I think that is trying to show some nonpartisanship, or at least bipartisanship.

That is why I supported the Packwood alternative, which paid for this in a responsible way by offsets, which offsets President Clinton himself supports because they are in his budget. We can still pass a responsible bill before the Saturday deadline, notwithstanding many of the arguments heard on the floor.

Under the terms of the underlying bill before us, the cost of unemployment insurance will not be paid for. That is the third time I have said it. I do not see how one can say it enough times.

We are increasing the deficit again by $5.7 billion. That is the third time I have said that. You cannot say that too many times when you have the terrible fiscal situation we have.

Mr. President, from the standpoint of this bill passing, and signed by the President then, it is too much business as usual. This is not progress, then, on the deficit front.

I would like to put this a little bit more in context. President Clinton and my Democratic brethren decry the fiscal evils of the past 12 years. Here is their argument, and this is an argument I agree with; this is a point where a Republican Senator agrees with what President Clinton has said.

They say: From 1976 to 1981, the United States racked up $1 trillion of total national debt. During the first Reagan term, another $1 trillion were added to the debt, in effect, then, doubling the debt of the previous 200 years. And that happened just in 4 years.

During the second Reagan term, another $1 trillion were added to the debt. Then, during the Bush term, another $1 trillion were added. That is an approximate figure. All of these are approximate figures.

So President Clinton is essentially correct in that statement. Each new term by another new President since 1981 brought another $1 trillion added to the debt.

This is what I and many of my colleagues fought against throughout the decade of the eighties, when I proposed across-the-board spending freezes in the years of 1983–86, when just by freezing for 1 year—just by freezing—you could have a balanced budget in 2½ years, and that is without tax increases. I was joined, of course, in this effort by many of my Democratic colleagues. I appreciate that.

What we were trying to do, in a bipartisan fashion—I suppose the outstanding example of this is when Senator KASSEBAUM and Senator BIDEN and myself participated in a joint bipartisan effort to freeze across the board. What we were trying to do in those days was to gain a large and very decisive win against the massive buildup of debt that now is turning out to threaten the standard of living of future generations.

The debt is so large that each man, woman, and child in this country, whether they are working or not, would have to kick in more than $16,000 to retire the debt. The total debt this year—that is, the accumulation of all the deficits that the Government runs up year after year—is going to be $4.5 trillion.

This happens to be the most pernicious of taxes that we levy on the American people.

In a way, this can be considered an inheritance tax because future generations will pay for this deficit.

Let us be very frank. Sooner or later, societies, including ours, pay off the debt, either by taxes or by inflation, or with decades of spending surpluses. And we all know that it is not going to be spending surpluses that retires this debt.

President Clinton is right in decrying this buildup of debt and, of course, so is Ross Perot. And so are all of us. So the President was elected to do something about it. Indeed, he promised to do something about it. And so we now have before us the President's plan to do something about it. I want to refer to this chart, Mr. President. This is how President Clinton is going to tackle this fundamental, pernicious, spiraling problem of national debt.

His plan, as you can see here, is to add $1 trillion—$916 billion to be exact—to that debt. I want to repeat that. That is $1 trillion on top of 3 previous trillions of dollars added to the debt. And these are the President's own numbers, numbers that are in his plan.

This is very much a dramatic change from what we have been waiting for, as promised by a President. He promised change, to stem the spiraling debt. Yet here we have another almost $1 trillion of new debt, and that will be at the end of 4 years of this new Presidency.

Mr. President, I submit that this is the most graphic, most lucid, and most irrefutable argument that the Clinton plan is simply business as usual. I suppose back in these days over here I said exactly the same thing, that this is too much business as usual. As an example, in my first 4 months in the U.S. Senate, we had a vote in the Budget Committee, which I still serve on, where three freshmen Republicans—at least three—voted against the first Reagan budget and stalled it, or killed it, for that period of time. It came back alive, as you know things around here do.

We voted against the first Reagan budget, because he promised a balanced budget at the end of his first term of office. He had a budget projection of a $40 billion deficit at the end of that 4 years. How I would like to have a President Reagan, or a President Bush, or even a President Clinton come back here and propose a budget with a $40 billion deficit in it. I would be very happy to vote for that. But I voted against it back then, 12 years ago, when I was a new Member of this body, because we had a President that promised something and he did not carry it out.

So I am saying to President Clinton, even if the figures are somewhat off from what you thought they were last summer, it is business as usual to have this sort of figure, regardless of how sincere you are. And if you do not see it as business as usual, I want to point it out as business as usual, because too many of us have been through this before.

The devil is not in the details, Mr. President. The devil happens to be in the bottom line, and this is the bottom line.

Different oxen might be gored, but that bottom line does not change. This is a formal proposal by the President to increase the debt on each individual in this country by an additional $4,000 during the President's first term. That is a $4,000 tax increase in effect added to the $16,000 I spoke of earlier. This is simply a debt tax.

So, under the Clinton plan, we will not each owe $16,000 of debt, but after 4 years, we will owe $20,000 of debt. That is a 20-percent increase in what each of us owes toward debt under the Clinton 4-year plan.

Again, Mr. President, that is what the incumbent President, himself, is proposing. I am using his own numbers. The bottom line is that we will have another $1 trillion of debt. That is not change. It is not what the country expects, and it is not what the country was promised.

Ross Perot, are you listening?

Let me go one step further to point out what a dangerous proposal this is by this administration. I have another chart. We always wonder whether or not Mr. Perot is going to make a lasting contribution to Government. He sure has with the explosion of charts that has shown up on Capitol Hill. He has done a good job of knowing how to explain his message. We are not all quite used to it yet, but I think he will cause us all to get used to it.

This chart shows how the debt has swelled under each President. It shows Reagan's first term, his second term, and it shows Bush's only term, and these are all actual numbers to this point, through the Republican Presidencies; each of these bars are actual numbers. It shows the Clinton numbers, and the Clinton numbers, of course, are not actual, but only proposed numbers. Again, those are his numbers.

Under Reagan's first term, his four deficits added to $733 billion. Again, these are actual deficits accumulated. They do not include the compounding effect on the debt, which would bring the figure closer to $1 trillion. During his second term, Reagan added a $679 billion to the debt. Under Bush, of course, was added one and one-tenth trillion dollars.

These are all ex post facto actual deficits. So that we may more fully understand the Clinton plan, let me compare the Clinton proposal with the Reagan and Bush records. Of course, to compare the Clinton plan with the Reagan and Bush ex post facto records is, of course, mixing apples and oranges and would not be fair to Reagan or Bush, because actual records are always worse than their proposals. These are the proposals. This here, is what he thought he was going to add to the debt, and this is for Bush. Actually, it is much worse.

Typically, one has to be careful to compare records with records and proposals with proposals. Nonetheless, even though a comparison would not be fair to Reagan and Bush, and in the spirit of extending good will to the new President, let us anyway draw such a comparison of President Clinton's proposals with the records of the Bush and Reagan years. Of course, I must point out that such a comparison is inherently overgenerous to President Clinton.

Nevertheless, even on that score, President Clinton's proposal is just as bad as the Reagan and Bush records. Reagan did not propose to add $733 billion to the debt in his first term. He did not propose doing this. This is what he proposed to do. This is what actually happened. Reagan also did not propose this in his second term. Bush proposed this deficit after 4 years. This is what he ended up with.

So I want to try to lay out here for you the apples and oranges. Look at the initial budget proposed, and then you see what each budget proposal added to the next 4 years. This is, of course, what you ended up with at the end of each of those particular times. This particular instance, as I said, is what he proposed in his first term, and what he ended up with.

Now, there might be a slight mismatch at this point, Mr. President, because this is a little closer to what was proposed to be left over in debt and what actually ended up in debt.

And in reality, this mismatch may have been because there was some discipline brought as a result of Gramm-Rudman or it may have been just this simple: That maybe a President in his second term, such as Reagan was, does not have any incentive to be overly optimistic in numbers. And you know that overoptimism is what creates these problems.

We always estimate that much more revenue will come in than what comes in. We are always saying things are going to cost less than they really end up costing. If we could just be more honest in the approach—and I compliment, also, President Clinton for attempting to do this, although I think I can make a point that, when he chooses CBO, that really is not a whole lot better than OMB.

Of course, the worst mismatch here was during the Bush term, when we were going to add $187 billion, supposedly, to the national debt and the reality of it is we ended up with $1.1 trillion.

So that brings us to President Clinton's plan—and this is a plan; these are not real numbers, but they are his numbers—to increase the debt by $916 billion over the next 4 years. And, of course, we will not know for 4 years what the actual results will be. This is just a plan. But this is an optimistic plan.

One thing is for sure. All the forces in the universe, not to mention inside the beltway, will conspire to cause the actual debt—that will be out here at the end of 4 years—all of these forces of the universe and all the forces within the beltway are going to conspire to cause the actual debt generated by this plan to be much, much greater. Just like it was much, much greater under 12 years of Republicans.

The plan is bad enough just on its face. Can we imagine how bad it is going to be when we put a bar here 4 years from now, if history just simply repeats itself? Just history repeating itself.

In short, this is a terribly perilous place from which to start. Starting right here, as we are right now. We are starting right here, but this is projected. It is perilous. The plan represents hitting the ground backpedaling. And there is little reason with which to hope that plans will become reality. And I want to elaborate on that.

They cannot use the argument that the Clinton plan is different because they are using realistic numbers. That argument would only acknowledge the fact that this plan represents business as usual—adding $1 trillion to the debt is definitely business as usual. That is the bottom line.

Moreover, recent CBO estimates for predicting the deficit are nearly as bad, historically, as OMB's. The average miscalculation during the 1980's was $40 billion per year during 10 years. Over $40 billion on projections.

This administration also cannot use the argument that things would have gotten much worse without the Clinton plan. That argument can also be used by every other former President, as well. But you use that argument and the bottom line is still the status quo.

And there are other more immediate factors that militate against hope for realizing the President's numbers here—this bar. The President has not yet even calculated into the deficit the cost of the RTC payments. That will add tens of billions of dollars more to the debt.

Also, economists are lining up in observation that the President's revenue numbers are substantially overestimated. This may increase the debt by an additional $50 billion to $75 billion over the next 4 years.

Here is a place we can learn a lesson from just 3 years ago: The 1990 budget agreement, in which President Bush broke his promise of no tax increases. I voted against that. But, regardless of that, new changes in Gramm-Rudman allowed us to simply reestimate for technical reasons and then extend the deficit and the debt limit. In just 4 months, the debt had grown by something like $75 billion or $90 billion.

So there is every reason, judging from past precedent, to think that this $50 to $75 billion will get worse in 4 years.

This means that we will not, in fact, owe an additional $4,000 each under the Clinton plan. It may be $5,000 or $6,000. Who really knows? For sure, it is going to be higher. It may be much, much higher.

The fact is, Mr. President, that the Clinton plan is a poor starting point. And all indications are that—once again, as with President Reagan and President Bush—let me make that clear, because I am a Republican—once again, we are going to make the same bad decisions that were made under a Reagan and Bush Presidency, and that is that reality will be far worse than what is proposed. That is not questioning President Clinton's sincerity or any efforts that he wants to improve things. The reality of it is, it is not going to.

As I said earlier, the devil is the bottom line. And the bottom line of this plan is that it is business as usual. It is not change. It proposes to add another trillion dollars of debt. It comes dangerously close to ignoring the predicament of debt accumulation and the phenomenon of plans-versus-reality mismatch.

Again, Ross Perot, are you listening? And, in a sense, America, are you listening?

This plan is too much like the Reagan I plan, the Reagan II plan, and the Bush I plan.

So America, I hope you can help us strip this plan of its false advertising and get it back to the drawing board; or let the President work with us up here on the Hill to bring down the expenditures, not increase funding for new programs and maybe increase some taxes.

I do not like to increase taxes, and I am not advocating an increase in taxes. But that is a possible compromise.

If you just do not spend a lot of new money, make sure that every cent is reducing present programs and any new taxes go dollar for dollar for a reduction in the deficit, I think that is what the American people out there want us to do here within the beltway.

Do we really want a plan that adds a $1 trillion to the debt over the next 4 years, using President Clinton's numbers, adding $4,000 or $5,000 or more for what each of us owes on top of that $16,000 that, for the most, is a result of these 12 years?

Unless we demand change and unless their feet are held to the fire, we will continue business as usual.

Now, that brings me back to this unemployment compensation bill.

This is the President's first bill. I know we have signed one that was vetoed by previous Republican Presidents dealing with family medical leave that the President signed, but this is the first proposal coming out of this administration.

What a tone this bill from the White House is setting. What a signal it is sending. We are not going to hold the line on the deficit—that is really what it says—because we are adding $5.7 billion. And that is notwithstanding the rhetoric to the contrary.

One of the things we in Government must be more careful about is the rhetoric, both on the campaign trail as well as beyond the campaign trail; that our performance in office is commensurate with that rhetoric.

Last week, the Secretary of Labor stated that this bill is only the first of many so-called emergencies that will increase the deficit. So we are not talking about just once passing a bill here that is going to increase the deficit by $5.7 billion. There is more coming down the pike. We are going to increase the deficit rather than pay for it with revenues or by reducing spending elsewhere.

Mr. President, the sound you hear, from the bill we have before us, plus, as the Secretary of Labor said, a lot of other bills coming down the pike, is the sound of the floodgates opening.

I fear the people back home, at the grassroots, are simply going to see that the debt is not an issue with this administration. It is surely not an issue with this Congress. Let us all be clear about that. People in this country want to contribute to debt reduction. But they will not want to, I believe, when they learn about how little this plan does to lower that debt. That is why I think we ought to still be looking, before we pass this bill, for ways to pay for it.

One final comment. There certainly has been change. But it is kind of a two-dimensional change. What was fully funded under Reagan and Bush is underfunded in the Clinton budget. What was underfunded in Reagan and Bush is fully funded in the Clinton budget. What was undertaxed in the Reagan/Bush budgets is fully taxed in the Clinton budget. What was fully taxed under Reagan/Bush is undertaxed in this budget.

Mr. President, I submit, yes, this is certainly change. But all it does is take all of the chairs that were on one side of the *Titanic* and move them to the other side. But the *Titanic* is still headed toward that iceberg.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, we have had signs of an improving economy. But no matter what the experts say about the economy's health, the fact of the matter is, it is not producing enough jobs.

As the President has said, there is no recovery worth its name that does not create jobs.

And as the layoffs from Sears, IBM, Boeing, and GM vividly show, we are still losing good manufacturing jobs in my State and around the country.

Twelve years of policies that quadrupled our Federal debt, that gave tax breaks to the wealthiest while most Americans struggled harder just to stay even, and failed to invest in our future productivity, these policies have put this economy on the wrong track.

This is the time for a major change in course that turns our economy around for the long term. But there is a deadline facing us with unemployment compensation benefits running out.

The long-term plan that we need action on soon is what the President's program presented to us is designed to do.

The Senator from Iowa and other Senators have been using this occasion, today, the crisis of the unemployment compensation benefits running out for hundreds of thousands and then millions of Americans, as an occasion to debate the President's overall economic plan. I am ready for that debate. I relish it. I look forward to it. I hope we will carry it through to action, and action soon. But that is not the issue today. The issue today is a deadline facing us. The long-term problem is crucial. But in the meantime we have to face up to the short-term challenge facing millions of American families who were victimized by a long, lingering recession.

For those who lost their jobs through no fault of their own, this recession has not ended. Extending unemployment compensation benefits is only a temporary stopgap, but it is a vital and a necessary one, not only for the people who need the help but for an economy that needs them to return to the work force.

This legislation also makes significant improvements to the unemployment compensation system. While I was Pennsylvania's secretary of labor I saw firsthand the problems and also the promise of our unemployment compensation system.

And much like legislation that I have introduced, this bill asks and encourages the States to review the reemployment prospects of workers soon after they have lost their jobs, so they can receive necessary services and training before they exhaust their benefits. This kind of early intervention makes it much more likely that people can receive the retraining and placement service they need to get a job.

There are other improvements that can still be made. For example, unemployment funds should be used more creatively to support worker retraining, job placement, and even new business formation. We have done some of that in Pennsylvania and I hope we will turn to that in due course in this body.

But the bill we pass today of course must be paid for. We cannot take the matter of the Federal deficit lightly—for its quadrupling over the past decade is robbing our children of their jobs and opportunities for the future, and the President's economic plan is designed to enable us to pay for what we do in this society our ours. But at the same time, we cannot allow the pain of that deficit reduction to fall on these families who are already suffering due to a weak economy. That would not only be cruel and unfair, it would be penny-wise and dollar-foolish. For it is the children of those unemployed workers who will suffer the most if their families cannot afford groceries, or house payments, or shoes for school.

Extending unemployment benefits was the very first issue I pressed with my colleagues when I arrived here, nearly 2 years ago, knowing how people in Pennsylvania were hurting because their unemployment compensation benefits were running out. It is too bad we had to pass such legislation three times before it was finally signed, and the help reached the people who needed it. It is even more disappointing that the need for continued action remains so great today.

I hope the work we do in the months ahead to invest in our economy, to cut the deficit, to control the skyrocketing cost of health care, to reduce spending, will give us a strong and a growing economy so we can concentrate on training people for new employment, instead of compensating them for unemployment. That must be our goal. But first things first. Let us help the people who need it right now, this week, today, before the deadline comes. And make long-term improvements to the Federal-State employment compensation while we are doing it.

I thank the Chair and yield the floor.

Mr. MOYNIHAN. Mr. President, before the Senator from Pennsylvania has to leave the floor, may I thank him for such an able and thoughtful statement. It comes with the authority of someone who has concerned himself with these issues for a generation now—two generations, in political terms.

The Senator cannot but have been pleased to see President Clinton go to New Jersey earlier this week to propose a national service program of the kind that the Senator from Pennsylvania has been proposing quietly, forcefully, patiently, persistently for the last 30 years, modeled on the Peace Corps, which he invented and helped to create just 32 years ago, I believe, as the President was speaking on the anniversary of that occasion; finding work, finding service, finding a role in life for young people.

If there is anything we do badly in this country, and there are many things we do not do well, it is that transition from childhood youth to an adult role in the economy that many of the societies work out so much better than we and the persistent problems of employment beyond any expectation of 32 years ago. We would have a world of millions of men and women out of work, unemployment going on 26 weeks, 52 weeks, and the economy not responding.

In those years, the Council of Economic Advisers thought to establish as a goal for the Nation a 4-percent unemployment rate and in the Department of Labor, it was protested that it was too high. It agreed to an interim number. We are still at it. Thanks be to

God the Senator from Pennsylvania is still here to guide us. I really want to thank him.

Mr. WOFFORD. I thank the Senator from New York and I will point out that the President's program for national service has a direct impact on what we are talking about today. The opportunities for young people coming out of school into a world where jobs are few are being further reduced by the number of young people who will no longer have opportunities in the military as the military is reducing recruiting from 300,000 young people a year to 200,000 young people a year. In a few years, there will be approximately 100,000 less young people having opportunities for serving the country through the military.

So the President's program that will in a few years offer 100,000 opportunities for young people to engage in full-time civilian service is in part making up for the future loss of opportunities for national service in the military.

I think that if there is anything we should know by now it is a scandal to let a new generation of young people come out of school into the streets, into unemployment without the opportunity, without the prospect of making a difference, of learning what effective work and teamwork can be. In many cases the military has provided these youth with an alternative path full of opportunities. Much in the same way, youth service programs, whether the Peace Corps overseas, the Philadelphia Youth City Corps, City Corps in Massachusetts, or scores of service corps across the country, have provided young people, including the most disadvantaged young people, with opportunities and they have learned that it is better to serve than to be served.

That first Peace Corps volunteer who was quoted many years ago on the White House lawn as to why did the silent generation respond to the Peace Corps by the hundreds of thousands said, "Nobody had ever asked me to do anything unselfish, patriotic, or for the common good. Kennedy asked."

I prodded a Philadelphia Youth Service Corps member who had been in a street gang, a dropout but was a star member of this service corps that was building habitat homes and learning how to build their lives while helping their community, as to why he chose to take this hardest job he ever loved. He said, "I just got tired of people all the time helping me." He said, "I got tired of people doing good against me. All my life people were coming to help me, and this was the first time I had ever been asked to help."

That is the psychological spirit that I think can make a tremendous difference for our young people so they do not come to the unemployment offices, so they go from school into a chance to serve their communities and in that learn teamwork and responsibility and initiative and start out to become productive workers and good citizens.

So I think the President's program that was launched on Monday at Rutgers is directly in line with a strategy to get our country back on the right track.

Mr. MOYNIHAN. It would not be too much to speak of it as HARRIS WOFFORD's program. We will leave it there. That wonderful phrase, "doing good against me," is a brilliant phrase.

Mr. WOFFORD. It is a psychological principle that we should learn and turn upside down the patronizing approach in which we are seeing young people as dangers to be dealt with, as problems to be solved rather than as resources, as talent to be tapped. I thank the Senator.

Mr. MOYNIHAN. I thank the Senator.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Ohio.

## MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that there now be a period for morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. METZENBAUM. Mr. President, in the past several months, I have grown increasingly enthused and optimistic over the prospect of real reform in our Nation's health care system. It seems to me that the Clinton administration has set both the proper tone and pace to result in an imaginative overhaul of a system that has become exceedingly wasteful for our Government, hurtful to our national economy, unaffordable to American consumers, and excessively profitable for a relatively few vested special interests.

I continue to feel a healthy sense of optimism over the promise for real health care reform—although I admit that reading Sunday's New York Times sent chills up my spine and left me feeling ill at ease. The front page of the Times' business section reported on the workings of a "potent brain trust on health reform."

My eyes then shifted to a large photo of the group in its deliberations. Immediately my heart sank. There, gathered in casual comfort, totally relaxed around a cozy sectional sofa in a Wyoming ski resort, were a roomful of middle-aged men on the Fortune 500 rollcall: Prudential Insurance Co., CIGNA Insurance, General Electric, PepsiCo, Aetna Insurance, Kaiser, the American Medical Association, the Pharmaceutical Manufacturers Association, and many more.

If this picture is worth a thousand words, "change" is not one of them. That group wants to maintain the status quo.

The Jackson Hole group is comprised of individuals who represent insurance companies, drugmakers, hospitals, doctors, and big business. A few academics, consultants and lawyers round out the roster.

Mr. President, I am certain that each of these people is intelligent, capable and accomplished in his or her field. I certainly do not question anyone's right to attempt to influence the policymaking process. And I am pleased that Mr. Magaziner, on behalf of Hillary Clinton's Health Care Task Force, took the time to hear from the group. That is important; it is appropriate. Mr. Magaziner and the Hillary Clinton group should be hearing from all groups.

So while the group's right to gather to formulate policy proposals is unquestioned, I do question the motives—or better stated, I question the objectives of many in that group. Again, not for any dark, nefarious or underhanded dealings. I do not see any hidden agenda—it ought to be plain for anyone to see.

Insurance company executives are looking out for insurance company interests. Drug companies want to protect what they have. The AMA takes care of doctors. You do not need any masters degree in public policy to figure that out. So I do not care if this group gets together to brainstorm, or to draft proposals, or to dress up in cowboy outfits, for that matter.

I care a great deal, however, about any presumption that the results of these meetings will set the appropriate course for the Clinton administration's goals. How, for instance, can we expect representatives of the pharmaceutical industry to recommend a proposal to contain out-of-control costs to consumers? Drug prices mean drug company profits, and CEO's are ultimately responsible to their shareholders. We have already heard the drug industry's response to reform; that it will wreck the industry, stifle innovation, and halt medical progress—this from an industry that raised prices by almost 130 percent during the 1980's; this from an industry that has been hiking those prices mostly on drugs already on the market; this from an industry which puts most of its development efforts toward sure-fire, me-too drugs and spends far more money marketing those products than in researching breakthrough medicine.

These are the people whom we are supposed to trust? These are the ones who are going to conceptualize a new health care program for our country? These are the ones who are going to spend their time working in order to help every American have a decent health care plan? And included in that group was also representatives of the insurance industry. The Jackson Hole group includes executives of many of the Nation's largest insurance companies. It reads like a blueblood list of insurance companies: Aetna, Prudential, Met Life, CIGNA, Blue Cross/Blue Shield. These same insurance companies champion managed competition, a system in which those large insurance companies are supposed—supposed—to compete against each other to provide affordable health benefits.

Mr. President, no one should be under any illusions about what is really afoot here. It should be clear that the insurance industry plans to lobby long and hard to protect the insurance industry's role in a restricted health care system.

But those interests have become a leech upon our health care system, bleeding us and the American people of untold billions. Of the $840 billion spent on health care last year, $460 billion went to insurance companies. And out of that $460 billion, approximately 25 percent or $115 billion was wasted on redundant administration and paperwork.

Mr. President, this is a tragedy and a travesty.

Some companies spend up to 40 percent of health care premiums on administrative costs. That $115 billion could have been used to provide health care to the 37 million Americans who have no health insurance.

Not only are insurance companies wasting our health care dollars, but their strategic trend is to cover the people who are the healthiest and least likely to file claims for benefits. They spent endless amounts of premium dollars shopping around for, and marketing, to healthy individuals.

When individuals do file claims for benefits, claims go unpaid for months and individuals are hassled with endless paperwork before claims are paid. Insurance companies constantly come up with new ways not to pay claims. They have put clauses in their contracts denying payment for preexisting conditions, services that they do not consider medically necessary, services that they consider are experimental, and a host of other clauses to deny the individual payment of his or her claim. They use exorbitant deductibles, copayments, and other monetary caps on benefits as part of their endless game of dodging legitimate benefit payments.

Where this all leads should be clear to everybody involved in the health care debate. Managed competition is the pride and product of the Jackson Hole group—and the Jackson Hole group is the sum of its parts—the insurance industry, the drug industry, the AMA, the hospitals, and big business. You can therefore be absolutely certain that the managed competition concept is the program that these special interests will fight for in order to preserve their lucrative role in our health care system.

I already hear some of their spokespersons coming to the floor of the Senate to argue for, and to read, speeches given to them about what a great idea it is to have managed competition. But the truth is, their position in the health care system must change fundamentally. In the case of the insurance industry, that role should be eliminated altogether, or if not altogether, they ought to have but a minimum role in order to provide the administrative services.

The insurance industry is the seed of the problem. We cannot expect them to sow the solution. If they were to have some minimum role, it ought to be an extremely low figure, just to provide for covering of the administrative costs. But that is not what is the case today. The insurance industry is not only getting the administrative costs covered, we are paying for the duplication, we are paying for the competitive aspects, we are paying for the insurance industry, salespersons, we are paying for the executive salaries in the insurance industry. They are a leech upon the American health care system at the present time.

But they are not the only ones. The AMA, the drug companies, the hospital associations, and big business are all looking to protect themselves first, and managed competition is their ticket.

We have to create a health care system in which all Americans have a right to coverage and to a standard set of benefits. We have to cut out the middleman, whom we can no longer afford.

Foremost, health care reform must be designed in the interest of the people who need health care, the patients. Before the doctors and the hospitals, and certainly before the drug and the insurance companies, the needs of the patient must come first.

Let the Jackson Hole group and the other special interests lobby on. That is their right. But we should spend the bulk of our time listening to the people who matter, the American people. They are the ones who are suffering under our current system. They are the ones for whom the system must be restructured. We must listen to them and stand up to the high-priced lobbyists out to save their fees and profits.

I commend the President and his wife for bringing together a large group of individuals who are experts in the field, who have the experience, who will be able to sift out the good from the bad. I think it is the most meaningful exercise that any President who has led this Nation has put together in order to provide a health care system good for all the people of this country.

But the fact is, managed competition, which is being advocated as a program of the special interests, has to be recognized for what it is. It has to be sifted down to the reality of managed competition. And that means that we need a program for all Americans. I do not believe that managed competition is the answer. I do not know whether single pay is the answer. I joined in putting in such a piece of legislation today. But I have confidence that the President's wife and the group that she has put together will bring about a system that is good for this Nation, that provides a health care system that all of us want to have in place to leave to those who come after us in this country. I believe a good program will come out of that effort, that task force that Hillary Clinton has put together. I look forward to working with it.

But I felt that the efforts of the Jackson Hole group to foist upon the American people the so-called concept of managed competition ought to be exposed for what it is. All of us owe the "New York Times" a debt of gratitude for their article of last Sunday. I ask unanimous consent at this time that the entire article be printed in the RECORD.

There being no objection, the article war ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1993]

### HILLARY CLINTON'S POTENT BRAIN TRUST ON HEALTH REFORM

(By Robin Toner)

WASHINGTON.—The Clock is running on the Clinton Administration's task force on health care, which now has only two months to produce a comprehensive restructuring of a system that has resisted comprehensive restructuring for years. But Ira C. Magaziner, who is running the mammoth policy-making enterprise with First Lady Hillary Rodham Clinton, still found time last week to make the long trip to the Tetons.

There he met with a loose-knit group of experts that has become one of the most important influences in the shaping of the Clinton plan. Known as the Jackson Hole Group for the Wyoming ski town where its members meet, it has included over the past three years about 100 academics; executives from the insurance, hospital and pharmaceutical industries; physicians; representatives of business and assorted policy makers.

Although Mrs. Clinton did not attend the session, she demurred regretfully and respectfully. The Jackson Hole Group is, at the moment, hot—the leading proponent of "managed competition," an approach to health insurance that was embraced by President Clinton during last year's campaign and thus moved to the center of the policy debate.

To understand the shadowy fascination of the Jackson Hole Group, one must first understand this: An exercise in policy-making that affects virtually every major constituent, interest group and business is under way in Washington, and it is largely taking place in endless meetings of working groups behind closed doors. In such a blackout, deciphering the intellectual forces at work on Mrs. Clinton and her top advisers might hint at the outcome. While Mrs. Clinton and Mr. Magaziner have marshaled more than 300 experts to assemble the health reform proposal by May 1, the Jackson Hole Group has already provided much of the basic blueprint.

#### HOW IT WORKS

Managed competition is still, as Mr. Clinton's political adviser James Carville puts it, a term that "no person has ever heard of, only intellectual forces." And it has its critics, including those who call it a kind of Insurance Industry Preservation Act and those who question whether it alone will truly control medical costs. But it has gained a wide following in recent years.

In theory, it would band employers and individuals into large cooperatives to purchase health insurance, giving small businesses and individuals the same bargaining power as big companies. On the other end, it would force doctors, hospitals and insurers to form partnerships that would compete for the cooperatives' business, each trying to offer the highest-quality but least-expensive health plan.

The thinking is that such competition—overseen by a National Health Board establishing standards for benefit plans—would hold down medical costs yet improve health care. As for Americans currently uninsured, contributions from employers and the Government would allow them to join a cooperative.

Two of the principal advocates of managed competition are Alain C. Enthoven, a professor of economics at Stanford University, who began formulating these ideas back in the 1970's, and Dr. Paul M. Ellwood, a pediatric neurologist from Minnesota who is widely considered a father of health maintenance organizations.

While the informal meetings at Dr. Ellwood's home in Jackson Hole have taken place for 20 years, they—and the concept of managed competition—received little attention until soaring medical costs forced policy makers on the state and national level to seriously consider change. The concept was set forth in 1991 in a formal document: "The 21st Century American Health System—Managed Competition: A Proposal for Public and Private Health Care Reform."

Around that time, various versions of managed competition began creeping into the political process. The theory was embraced by a group of conservative Democrats on Capitol Hill, led by Representative Jim Cooper of Tennessee by former Senator Paul E. Tsongas of Massachusetts, and ultimately by President Bush and Mr. Clinton. The editorial page of The New York Times also played an important role with a number of editorials in support of managed competition, according to longtime players in the debate.

The group and its proposal have many fans, who see it as a sweeping reform of the health-care system that is sensitive to American culture and sensibilities; the very name sounds like a muscular but orderly capitalism. It also has a strong political appeal for elected officials who fear that other widely discussed alternatives, including a Government-run system like Canada's, are too radical or too costly to sell to the voters.

### THE DISBELIEVERS

The group and its ideas have legions of critics and skeptics. "If you get it down to sea level, it doesn't do anything, which is why everybody likes it," said Representative Pete Stark, the California Democrat who is chairman of the health subcommittee of the House Ways and Means Committee. "There's no new taxes needed, it provides universal access, and if you believe all that, that's somewhere between the tooth fairy and the chuckling oyster."

More specifically, many critics see the Jackson Hole philosophy as an attempt to stave off true reform and preserve the lucrative franchises of the establishments that dominate health care—especially the insurance industry. Dr. Steffie Woolhandler, an assistant professor of medicine at Harvard and a founder of Physicians for a National Health Program, a supporter of a Canadian-style system, says: "Managed competition is a last-ditch effort to preserve a role for the insurance industry in health care."

Dr. Ellwood says he was only trying to bring together all the players in the health-care system and sit them down in his living room to hunt for solutions. "The basic problem with the health industry is, here's this huge industry and there's no obvious leader," he said in an interview. "In order to get some sense of consensus, some sense of what could be accomplished, the device I used was to informally assemble leaders to focus on the problems."

Dr. Ellwood, who practiced medicine for 17 years, has been advising and consulting on health policy and planning for many years through the research group he founded, called InterStudy. Mr. Enthoven, a former economist with the Rand Corporation and an assistant Secretary of Defense under President Johnson, has also consulted and written extensively on health issues. Along with Lynn M. Etheredge, a Washington-based health-care consultant, those two are considered the principal architects of the Jackson Hole initiative.

The insurance industry and the medical profession are both well represented in the group, as is the pharmaceutical industry, which has been criticized by both Clintons lately.

Jackson Hole Group organizers are careful to note that not all the participants support the group's formal proposal. Mr. Enthoven said in an interview: "What was valuable is that we brought together people from many perspectives. We learned from each other."

Dr. Ellwood said the organizers "go to great lengths psychologically to make this meeting work." Participants dress casually and engage in opening ceremonies and skits, occasionally in frontier or Western attire. (Mr. Magaziner, reflecting Washington more than Wyoming, showed up in a suit.)

Last weekend's meeting was technical, detailed and focused on the practical problems of moving toward a system of managed competition, Dr. Ellwood said. Mr. Magaziner, who attended on Sunday, briefed the group and sought proposals on cost containment, Dr. Ellwood added.

The links go beyond that meeting. Mr. Enthoven and Mr. Etheredge and among the consultants to the Clinton task force, for example. (The culture of secrecy is such that the White House refuses to provide a full list of consultants brought in to aid in the effort.)

Jackson Hole leaders also briefed Mrs. Clinton a few weeks ago. "Clearly, the Jackson Hole group is seen as the intellectual brain trust for the managed competition model," said Bob Boorstin, the White House spokesman for the health-care task force. "Given that they obviously played a very, very strong indirect role in what has evolved into the President's plan."

But, as Mr. Boorstin suggests, the President's plan will be the President's plan. The health-care task force is widely expected to propose some form of managed competition, but one with some kind of cap on overall medical spending. "We don't like it," Dr. Ellwood said, "mostly because we don't think it's practical. You don't get a market started by slapping price controls on it."

### IS IT ENOUGH?

But if the Clinton Administration hopes to control medical costs and provide coverage to the more than 35 million Americans without health insurance, it badly needs savings from health-care reform, and quickly. And the Congressional Budget Office has suggested that managed competition—like other alternatives—will take substantial time to produce significant savings.

Helping to meld these imperatives into a coherent policy are Mr. Magaziner, senior White House domestic policy adviser, and Judith Feder, who is coordinating the operation in Health and Human Services. (Both denied requests for interviews through White House spokesman.)

On the intellectual front, Paul Starr, the Princeton sociologist who won the Pulitzer Prize for his book "The Social Transformation of American Medicine," is closely watched for making the case for a grand compromise. He recently made such an attempt in an article in Health Affairs magazine with Walter A. Zelman, special deputy for health issues to California's Insurance Commissioner, John Garamendi.

Mr. Starr and Mr. Zelman, who are advising the task force, argued that a system combining managed competition with some form of spending limits is the answer.

In fact, many analysts suggested that if Mr. Clinton holds true to form, his health-care policy will almost certainly be the "third way" he so often seeks in truly polarized debates—not pure Jackson Hole, not total regulation, but something that seeks to meet the progressive goals of making health insurance more affordable and more widely available without utterly dismantling the American system.

For now, however, the Jackson Hole Group is engaging in a little pride of parentage. "We're acting like it's going to happen," said Dr. Ellwood in an interview this week, far from the Tetons, but just a few blocks from the Capitol.

## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I have discussed with the managers of the bill the status of the bill. We completed voting on an amendment over an hour ago. This is a very important measure. We are awaiting final action so the measure can go to the President for signature prior to the legal expiration of this program later this week.

I know the managers have been very diligent in proceeding, and I know they want to get this bill completed. I inquire of the managers, is there any reason why we cannot vote on final passage now; or if there are amendments to be offered, whether the Senators who are going to offer amendments will come to the Senate floor and offer the amendments?

Mr. MOYNIHAN. May I say, Mr. President, there are no amendments from this side of the aisle, so we are in a position to vote, to go to final passage directly.

I believe my distinguished colleague would wish to comment on his side.

Mr. PACKWOOD. To the best of my knowledge, Mr. President, Senator DOLE does have an amendment, and

Senator BROWN. I believe Senator BROWN is not quite ready to present his amendment yet but will be shortly after lunch. Senator DOLE has indicated his amendment will not take too long.

Those are the two I know of. My intuition tells me there will not be any others, but the Senator has been in this body long enough to know that intuition is not always correct. But I know those are the two that will be offered.

Mr. MITCHELL. Mr. President, might I inquire of the distinguished Senator from Oregon whether it would be possible to get one or both of the Senators who have amendments to come to the Senate floor to offer them so that we can proceed?

Mr. PACKWOOD. I will check. I know the Senator from Colorado said he would not be ready until about 2 o'clock. He is putting the last of it together. I do not know if the Senator wants to suggest a recess until 1:30 or a quarter to 2, but I think they will be ready this afternoon.

Mr. MITCHELL. Mr. President, I just want to say that first I have received, as I do every day, a number of calls and requests from Senators wanting to know what the schedule will be for later today; when we will finish this bill. That is a daily occurrence. I do not mean to suggest it is unusual on this day. But I announced weeks ago that we were going to bring this bill up at this time. I did so in an effort to be responsive to a suggestion made by the distinguished Republican leader, my friend and colleague, that I announce schedules in advance so Senators could be notified to what bills would be coming up, in part so they could prepare their amendments and be ready to go forward with them.

I know Senator DOLE'S amendment will not take very long, so that is not a problem. We can do that at any time. I hope the Senator could contact the Senator from Colorado and see if it would be possible to start as soon as possible.

Mr. PACKWOOD. I know the Senator from Colorado is not ready, but he will be ready. He is not intending to delay this bill.

I have been handed a note that Senator KASSEBAUM may have an amendment on the Job Training Partnership Act.

Mr. MOYNIHAN. Will the majority leader allow me a remark?

Mr. MITCHELL. Yes, certainly.

Mr. MOYNIHAN. Mr. President, I wish Senators would understand that we have a deadline of midnight on Saturday, when this program expires. We have had our vote. By a most emphatic vote of 57 to 42 we have said: Pass this measure; get it back to the House, as it must return, in identical form. And we will in fact move to substitute the House measure, which is here on the calendar. We have to send that back.

Now, there will be time for the Job Partnership Training Act, and anybody would want to hear what the Senator from Kansas wants to say, in the context of a measure dealing with that subject.

The measure of the Senator from Colorado, I am sure, will be of interest. But if he has not decided, does not know what it is yet, I do not know what more he is going to know at 2 o'clock. The Republican leader can come and we can dispose of that matter very directly. But there is no reason we should not be done with this now.

We have had in our testimony the representatives of the State employment agencies specifically asking that they be given 48 hours' notice that the program will continue, in order to be ready on Monday morning when they open to say, yes, we are still in business in this regard.

Now, that requires that we get this matter done today, not just today but now. I hope matters that could be put on other legislation which will be coming along might be deferred.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senate now finds itself in an all too familiar situation, which occurs regularly and which all of us deplore. That is, we are considering a bill; we have Senators who have amendments which they say they intend to offer but they are not prepared to offer them, so the Senate simply sits and waits. We have thought about a lot of different ways to deal with that.

I want to make emphatically clear that this is not a partisan issue. It so happens in this case that the only amendments to be offered are by Republican Senators, but it happens just as often on the Democratic side. So I want to be very clear and emphasize that this is not limited to one group of Senators or another but any category. We are all participants and we are all victims of the system.

I simply say that I hope in this session we can devise methods to reduce the amount of delay in which we engage, and through cooperation and comity among Members enable us to proceed expeditiously with legislation and to accommodate Senators' schedules. I now simply will have to report to Senators there will be further votes this afternoon. We do not know when, and we do not know how many. But Senators will have to be prepared for that uncertainty in their schedules.

But I appreciate the managers' efforts in this, and I hope very much we will be able to proceed as promptly as possible under the circumstances, and that over time we will be able to devise fair and equitable mechanisms to reduce the number of occasions in which this kind of delay occurs.

Mr. MOYNIHAN. Mr. President, I just have to add that one Democratic Senator has already explained to me the flu had just overcome him and he had to go home. I hope we are not seeing a devilish device by my friends across the aisle to see our ranks decimated by influenza such that they are going to talk until there is none of us remaining standing, because flu works both ways.

Mr. PACKWOOD. I am afraid we have not devised a partition in the aisle to stop that.

Mr. MITCHELL. Mr. President, I thank my colleagues and I yield the floor.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE REFORM

Mr. PACKWOOD. Mr. President, I listened to my good friend from Ohio, Senator METZENBAUM, who spoke on the subject of managed competition, being somewhat critical of the Jackson Hole group, and mentioned Paul Ellwood, who used to teach at the University of Minnesota, and now lives in Jackson Hole. I never regarded him as in the pocket of an insurance company, or other providers or carriers of insurance. I regard him as a very sane and balanced man.

One of the other gurus in the movement is Alain Enthoven, who teaches at Stanford, who knows the subject of managed competition. I might take a little time to explain it. I do not think the insurance companies are leeches on society. I do not think you can have a health delivery system that says we are going to exclude the doctors from any kinds of suggestions and the hospitals from any kind of suggestions and the pharmaceutical companies, and that the only ones that will have any suggestions are the patients.

Here is how managed competition works in theory. Stanford University has it, and the California Public Employees Retirement System through which health benefits for public employees are provided, has it. Under managed competition, the Government—or it can be a quasi-governmental body, decrees a uniform level of benefits in the health insurance package. It states in the law what they are. And every insurance company or health maintenance organization, or provider that chooses to attempt to cover people, must provide that level of benefits, and there cannot be any exclusions for preexisting conditions. You cannot community rate so that one area that has 100 people is rated on the same basis as some other group of 100,000.

In California, all of the public employees are rated as a whole. You spread your risks over the entire group. Those who want to bid, then have to bid on whatever the size of the group is, and they must guarantee delivery of the benefits. Both their quality and performance are monitored. If they do not deliver either on quality or on coverage, they are excluded from bidding and are out.

These groups then go to the hospitals and the doctors and say: we will provide you with 5,000 patients a year or 5,000 patients a month, and pay you $200 or $300, whatever the fixed rate is per capita; we will pay you a fixed rate. But for that, you must provide all of the medical benefits that the patient needs, at least that which is covered by the program. There may be some exclusions for everybody, but you must cover everything covered in the program.

Dr. Enthoven talks of the experience at Stanford that has had this program for a number of years. At Stanford, they have three what they call health maintenance organizations and a preferred provider organization [PPO] as it is called in the medical profession. Each of them writes plans, but they must provide a minimum level of benefits for the employees, and then the employees can individually choose which of the plans they want. Here is the key, very frankly, that anybody involved in this says is a key. The employer must not pay whatever the highest cost plan is.

On all of these plans that provide minimum benefit levels, plans can provide more, if they want. They just cannot provide less. If you provide more, it obviously costs a bit more. But unless the employee and the employer are forced to make a decision on a cost-benefit basis, there is no incentive for the employer or employee to have any threshold of discretion as to accepting a plan that perhaps provides just the minimum level of benefits and for which you therefore pay less.

Doctor Enthoven indicates that at Stanford they have had great success with managed competition. There is no question that the theory is correct, and in statement after statement, the doctors involved with this, and the health care and delivery systems involved, will tell you this: Price controls will not control the cost of the delivery of medicine, because the problem is not price, it is volume. If we attempt to put a price lid on it, those who deliver will find a way to do more volume, and this is what we discovered in Medicare and Medicaid.

It is why, when we estimated the Medicare costs in the midsixties, when we passed the program, that the most severe critic then, the American Medical Association who, as I recall, had the highest estimate of what Medicare was going to cost, the highest estimate, was woefully low in their estimate. Everybody else was even worse off and lower.

So under the managed competition system, if you are only going to get $300 a day for a patient in a hospital, or if you are only going to be paid a certain amount to take care of the patient's needs, rather than the present system where you do it once, you do not do it very well, and a patient comes back and you do it again, and a patient comes back a third time, and you get paid three times. If you are only going to get paid a fixed amount, it pays you, the hospital, or you, the doctor, or Kaiser Health Plan, which is what we call a health maintenance organization, it pays you well to practice very good preventive medicine, first, and to stop people from having to go to the hospital, or stopping them from having to see the doctor tremendously, because it saves you money.

Second, whenever you treat a patient, it pays you well to treat the patient correctly the first time. And within the health maintenance organizations—and in many of these organizations the doctors are on salary, and it is not a fee for service. They all, therefore, have a collective interest in the health maintenance organization delivering the health for as inexpensive a price as possible and still maintaining the quality required under the plan.

I am not saying necessarily that the managed competition is the answer, but if anybody thinks that a single payer system is the answer, where the Federal Government is going to wipe out all of the insurance companies, we are going to collect all of the money from all over this country, bring it to Washington, DC, and then we are going to pay all of the bills in Medford, OR, and Topeka, KS, and Utica, NY, and we are going to make all of the decisions as to whether or not if a psychiatrist in New York City should get more than one in Reno or an internist in Portland, OR, should get more or less than an internist in New Orleans. If we are going to try to fathom from Washington why it is that hospital stays in the east, on average, are longer than in the west, and are we going to therefore pay the hospitals in the east more, because they keep the patients longer. Or perhaps would the hospitals in the east, if they had a per capita payment, be inclined to keep the patients a shorter period of time?

Our friend from Ohio mentioned an article in the New York Times on Sunday. There was also an article in the Times about a month ago on the German health system, which is often held up as a good system. Their costs are climbing quite dramatically now. There was proof additionally—a statement of what would happen if you paid somebody on a cost basis, rather than on a per capita basis. You can check somebody into a hospital on Friday for an operation to happen Monday, and the hospital is paid for Saturday and Sunday. You check them out the following Monday even though they could have been checked out Friday, and they are again paid on Saturday and Sunday. If you are being reimbursed on a per capita basis, and are only going to get $1,000, $2,000 or $5,000 for that patient, you are probably going to have the patient, if medically safe, come in Sunday night, or maybe Monday morning and check them out on Friday afternoon.

So before we start calling different segments of society leeches, I think, in fairness, we should listen to what the insurance carriers have to say, who have been delivering health insurance in this country for a good long period of time, and we should look to the experience of California with Dr. Enthoven; and Paul Ellwood, who I do not think is in the pocket of the insurance companies or the hospitals. He was a practicing physician, was a neurosurgeon who taught at the University of Minnesota and now lives at Jackson Hole and it happens to be in his living room that these meetings are held.

I think managed competition can be made to work but, more important, as to whether it is the perfect system, I think almost any system is better than the one where the Federal Government tries to collect all money, determines all the prices, and pays all the bills from Washington, DC.

Mr. MOYNIHAN. Will the Senator yield at that point?

Mr. PACKWOOD. Yes.

Mr. MOYNIHAN. We may not be making much progress with respect to the extension of unemployment insurance, but it is a very useful moment to point out some agreements that we seem to have in the Finance Committee on health care.

The idea that the Federal Government might take over this system and be the single payer—I believe that is the term—and determine what length of stay is appropriate in Medford, OR, as against Medford, MA, and so forth, ought to be put aside and put down once and for all.

And if I could say, if the Senator and I, who will have to lead this discussion—we will certainly not be the most important participants, certainly on my side; on our side there are members of the Finance Committee who know much more about the subject than I do—but we will be leading the discussion, if we could make clear at the outset, that is not a starter; do not even talk about that.

And I was glad to hear the Senator speaks so favorably of Alain Enthoven, who has been—I do not presume to call him a friend in the personal sense, but we have been professionally—we were in the Kennedy administration together and have known each other over the years. He certainly is widely regarded and looked to by people who are doing the job, I mean not just having a seminar about it, but I believe he has been most influential in redesigning the health care system in The Netherlands. I am quite sure of that, but I do not have the document in front of me. And people in Europe listen to him. He is an economist of great achievement.

But in the terms of managed competition, I was recently in Rochester, NY, where, in the course of three Presidential debates, now-President Clinton mentioned two places that seemed to him to do this matter very well. One was Hawaii and one was the city of Rochester, county of Monroe, the is SMSA, a as we say.

And I asked Dennis O'Brien, the president of the University of Rochester, if he would put on a seminar for me and try to teach me what goes on up there that would be applicable elsewhere. The question is, Can you replicate an experience? And I heard from some extraordinary people. Dr. Griner, who is head of Strong Memorial Hospital.

And if there was one thing that came through, it was the simple proposition, but simple once you hear it, that the key determinant of health costs is the supply of health care services.

In New York State, in 1965, a commission then-Governor Rockefeller established—with Marion B. Folsom, a famous name, of Rochester, of the Kodak Co.; he was chairman of it—established a practice where any addition to hospital beds, as an example, requires a State certificate of need. And this has had apparently good results, but in Rochester, spectacular results.

A Blue Cross/Blue Shield family policy for the State of New York costs $4,300. In Rochester, $2,300. How? In a place where you know the doctoring and nursing and looking after is going to be very good, right at the edge of the Art.

And it was put to me in terms of that ancient economic conundrum, if you could use it that way, what is called Says' law—a Frenchman named Says—who propounded in the 18th century that supply creates demand. Now economists have never, the best I understand, never quite liked that because they prefer the proposition that demand creates supply. But it noted that supply creates demand.

And if you build another hospital and add another 200 beds, they will be filled. In that wonderful Field of Dreams, "If you build it, they will come." And it is true of mythical baseball players in corn fields in Iowa and it is true of hospital beds in Monroe County.

It is very hard to add a hospital bed. Mind you, on the edges people are adding things that are not called hospitals but do have beds and do charge you, so there is a tendency here.

Dr. Griner said to me, in what I thought to be a very powerful comment—and I see the Senator from Ohio is on the floor—he said—now I do not want to be held to a precise number—but he said there are 650,000 physicians in the country today. And at some time in the future, which is the near enough future to think about, he said there will be 850,000. And if there are 650,000 now and there are 650,000 practices, and if we are going to add 200,000 there will be 200,000 more practices. Supply creates demand.

I am willing to turn to two respected colleagues. On the one hand, the Senator from Ohio, who has a distinguished career in business, as well as in public life; and the Senator from Oregon who was taught mathematics at Cal Tech by Murray Gell-Mann and physics by Linus Pauling.

And so, I would turn with equal respect to either of you to answer that problem or to comment on it.

Mr. PACKWOOD. I think the Senator is absolutely right. And it is a derivation of what I heard Dr. Enthoven and Paul Ellwood say about it; that the problem is volume not price. If you create the capacity somehow, which I would call volume, we will fill it. We will have to pay for it. We will somehow get the patients to come and we will get somebody to pay for it.

Mr. MOYNIHAN. I think the volume is the function of capacity, some ratio. And if you have enough of the one, you will get the other, and then you will get the costs.

And so we may find ourselves addressing the question of how many physicians per thousand persons do you need or 10,000 or whatever, what is the ratio?

I always find you learn something if you ask what the Canadians do.

But I think it is wonderful we are asking these questions. They are good questions, unlike some of the questions we know doubt sometime today will be debating on the bill we passed 2 hours ago.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I did not respond to the Senator from New York, my good friend, because I came in a little late and did not get the total thrust of his remarks. But I just want to say publicly that whenever he speaks, it is like getting a lesson. His profundity, his wealth of knowledge, and the breadth of his knowledge always overwhelms me. When I read his books, I wonder where does he find the time to write them. He certainly does his job as chairman of the Finance Committee and in so many other places in this body.

I will go back into the RECORD to actually read that which he said. But I failed to respond because I was not really up to speed, as to the thrust of my colleague's question.

Mr. MOYNIHAN. The Senator is characteristically generous, Mr. President.

I do have a datum, that the number of physicians per thousand people has gone up by 50 percent between 1970 and 1990. There you are. If we are talking about supply creating demand, we certainly can see an increase in supply.

What is the reason for that? We have on the floor another distinguished economist, the senior Senator from Texas.

Mr. GRAMM. I thank my colleague for the recognition.

Mr. MOYNIHAN. But these are the kinds of things we will be learning about. And it is time we did. I thank the Senator for his great courtesy.

Mr. METZENBAUM. I thank the Senator from New York for his concern and interest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The Senate continued with the consideration of the bill.

Mr. GRAMM. Mr. President, I am going to be very brief. I had spoken yesterday on the amendment that we voted on earlier today. We had some closing comments while I was busy this morning trying to do the Lord's work by trying to get the facts on the President's budget and the various alternatives out to the American people through some of our larger trade and professional associations like the Farm Bureau, and the National Federation of Independent Businesses.

But I feel so strongly about the vote that we took that I wanted to just come over and make a comment on it because I am really alarmed about what happened here this morning. This morning we voted on the first spending bill of the year, $5.5 billion of new spending to extend unemployment benefits. We had an opportunity to pay for that new spending by taking savings in President Clinton's own budget and bringing those savings forward by 6 months to pay for this new expenditure. We had a vote. It was a straight party line vote. And the Senate decided not to pay for this new expenditure but instead to add every penny of it to the Federal deficit.

Mr. President, I am very concerned about that because we have now had for the last 6 months, Members of both parties talking about balancing the budget, reducing the deficit. We had an opportunity today to put our money where our mouth was—or the taxpayers' money where our mouth was—and we did not do it.

So I am very concerned about it and I think, as we look to the future, it is not very reassuring that after 6 months of talking about balancing the budget, reducing the deficit, that when we had an opportunity to actually put our vote where our mouth was, we refused to do it. I think it is bad news for the American economy. I think it sets a very bad example. And I am very sorry that it happened.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. BREAUX. Madam President, I ask unanimous consent that I may be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE PRESIDENT'S NATIONAL SERVICE PROPOSAL

Mr. BREAUX. Madam President, I take this opportunity, while the Senate is in a quorum call on the legislation now before the Senate, to make a comment or two about President Clinton's remarks 2 days ago on a concept of national service.

Let me just say that many political persons around the country look with very careful attention to an elected official's promises during a campaign, and they are very quick to point out when they are not fulfilled, even in the first 2 or 3 months of an administration.

I am greatly encouraged by the announcement of the national service proposal that President Clinton outlined. I say that because it was one of the principal ingredients in his election efforts.

I am pleased that the budget the President has submitted to us talks about spending that is good for the future of this country. I think we can all recognize that there is good spending, and there is bad spending, and all of us are opposed to bad spending. I think most people would support good spending for the good of the Nation.

Therefore, I am delighted that the national service concept is one of the proposals that was contained in the budget when President Clinton spoke to the joint session of the Congress in his first address.

National service is a concept that talks about investing in the infrastructure of this country. It talks about spending money not just on consumption or paying interest on the national debt, for which we get very little, but actually spending money for a proposal to better educate and better train our young people of this country in order to make them more productive, in order to make them more competitive.

Indeed, one area that the United States has dramatically fallen back on, with regard to competition internationally that we face from other industrialized nations, is in the area of the training for the people of this country, the training that is necessary, the education that is necessary for our young people to be competitive once again.

When I sat over in the other body and listened to the President's remarks, I was so pleased to hear him outline a plan and a series of proposals to spend money to improve the infrastructure of America.

I heard, while I sat and listened to that first speech, the President talk about national service, talk about a youth apprenticeship program, which I strongly believe in and have in fact introduced legislation to accomplish that. I heard him speak about welfare reform. I heard him speak about defense conversion programs to take people who worked in defense plants who are losing their jobs. And, as the Presiding Officer knows so well in her State of California, it is having a major impact for defense workers who may no longer have jobs in defense plants, which are no longer going to be needed in the future as we change our defense structure.

So what I heard in that address was a call for spending to improve and develop the infrastructure of our country by investing in the citizens of this Nation, to give them the training and the education so that they can compete in a global market and on a global scale, which I think we have fallen far short of in the last decade.

The national service concept, as the President outlined, is really not something that is that new, but it is building on some principles which I think are very important as this country faces the demands and the challenges of the 21st century.

The President spoke about responsibility, he spoke about opportunity, and he spoke about community. And when you look at the national service concept, I think that it really addresses those three principles of responsibility, opportunity and community.

First, it addresses a citizen's responsibility to his Nation, in the sense that when a country gives something to someone to improve themselves, then that citizen has a responsibility to return something back to that Government that has helped him or her progress in our society.

National service says that your Government will help you get an education, we will loan you the money, but after you have that education, you have a responsibility to give something back to your nation, to give something back to the taxpayers who have invested in your future. And that giving back is in terms of paying back that loan in dollars, if the individual is fortunate enough to have a job to be able to pay back those moneys that were loaned for them to get that education; or, as President Clinton has outlined, a proposal that says if you cannot afford to give back in dollars, give back in your personal contribution, give something back to your local community to pay off that debt to your Government in terms of working in your local community—working in drug rehabilitation, working in a health program, working in police protection or fire protection; but working in your local community to say, "Yes, I got something from my Government, but, yes, I am willing to give something back to my Government that helped me when I was in need; that now I can help my community when they are in need."

That is the concept of national service.

He talked about opportunity. National service gives people an opportunity. It gives them an opportunity to improve their status in life by getting that education that they might not be able to afford without this particular type of a program.

So the concept, I think, of opportunity under national service is one, indeed, that fits all of the requirements for giving something back to your community.

Finally, community. The President talked about community. And what better way to fulfill the obligation that citizens have to their community than by requiring young men and women, or perhaps middle age or even older American citizens who might want to take advantage of the national service concept, to allow them to give something back indeed to their community, not by asking them to work overseas in a Third World country, as noble as that is, but asking them to work in their community and in their hometown or in their home county or in their home State, so there is a direct connection between that person and where he or she happens to be performing their duties.

So I suggest that the President has hit just the right note, just the right tone, and is moving in just the right direction when he asked the Congress of the United States to join with him in putting together a national service program, which I predict will be as successful as the old GI bill ever was in educating literally millions of young men and women who have returned from the service, by providing them the college education and the funds they need to accomplish that goal.

The national service is an idea whose time has come. I will support the efforts in Congress to see that legislation is, in fact, enacted in this Congress to meet those demands of responsibility, opportunity, and community. And the concept proposed by President Clinton for national service I think meets all those needs in a way that we can all be proud of.

I urge speedy consideration by the Congress and look forward to working with my colleagues in that endeavor.

Madam President, seeing no one else interested in speaking at this moment, if the chairman would like me to put in a quorum call, I would be pleased to do that. Is that the wishes to the chairman?

Mr. MOYNIHAN. Yes.

Mr. BREAUX. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota is recognized.

## BIG SHOTS, LITTLE GUYS AND NAFTA

Mr. DORGAN. Madam President, not that long ago, Americans went to bed at night knowing that the economic ground beneath them was solid.

But over the last decade, they have lost that sense of safety. They wake up and discover that pillars of our economy—companies like Sears, General Motors, even IBM—are tottering, and laying off workers with no end in sight. Economists assure us that this is all an illusion—that the economy is really growing, and a wonderful high technological future is ahead.

But people in my State and across the country wonder what planet these economists are on. That growth—whatever it actually consists of—never seems to trickle down to the people who need it.

Some of the trouble comes, of course, from the tough competition from abroad. But that was bound to happen sooner or later. The truly unsettling part was the turmoil our Government permitted here at home. While we should have been putting our financial house in order and preparing for the global challenge, the Federal Government instead let the sharp financial operators in this country run berserk.

The savings and loan fiasco, the speculative frenzy on Wall Street, the leveraged buyouts and junk bonds—it seemed our national policy was bent on economic self-destruction, at the very time when we should have been mustering our resources.

### ANOTHER DOSE OF TURMOIL

Now, Americans are looking to a new administration to halt this turmoil and bring some stability to their lives. They have responded to the President's economic plan—taxes and all—in a way that has totally defied the pronouncements of the Beltway pundits. They want to get back that sense that their work and investment today will yield its due reward in the future.

But that will not happen unless we cast off the old policies and the old thinking that were holding this country back. An excellent place to start is with the final legacy of Reagan-Bush economics: The trade treaty with Mexico, the North American Free-Trade Agreement.

NAFTA is not all bad. But it contains too much that the people of this country should not have to accept. It would clear the way for American corporations to take their jobs to Mexico where workers make a dollar an hour. It would give these companies a virtual veto over American laws that protect workers and the public against health and safety hazards. The advocates of this treaty promise wonderful things to the producers of this country—our workers, farmers, and small business people. But the only real guarantees go to large financial interests that can take our jobs away.

In sum, this treaty is not an answer to the economic turmoil that Americans have faced. It is another dose of that turmoil. In its present form, it will bring more job losses, more plant closings, more farm failures, more wage cuts, with only token gestures at softening the blow. The nations that succeed in the new international marketplace do not accept agreements like this, like beggars. They proceed carefully, step by step, the way the European Community has been doing. They make sure they have their bases covered. They give their businesses and workers time to prepare. They make their trade agreements part of a larger strategy.

The American people deserve no less. The question is not whether we should trade more with Mexico. Trade with Mexico is already growing. It will continue to do so and the only question is under what rules. NAFTA does not provide those rules. It reflects the mentality of the administration that agreed to it, not the needs and aspirations of the American people.

### IKE'S ECONOMICS

The Founders of this Nation understood that economic strength begins with production. The very first act of the new government in 1789 was a system of tariffs that gave our fledgling industries a chance to develop. People like Hamilton and Jefferson had radically different views on the form our home-grown industry would take. But they both understood that strong producers succeed at trade; trade does not in itself create strong producers.

This does not mean tariffs are good policy; rather, good policy puts the home-grown producer first. This is especially true if a nation aspires to leadership in the world. Dwight Eisenhower was a strong advocate of free trade. But he drew the line where the productive base of the country was at stake. Eisenhower observed in his autobiography that to end all protections for our farms and industry would "visit hardship on many workers and their families." More than that, it would put in peril America's role as a bulwark of freedom in a dangerous world.

The demands of national security, he wrote, sometimes are contrary to "pure economic law." Nations must be "at least partly self-sufficient, able to produce goods for their armies and navies which other countries, if war should end forever, might better produce for them."

In other words, abstract free market theory could lead to the economic equivalent of unilateral disarmament. We need to be wise and prudent, and not just theoretically correct. "To go all out in the direction of free trade," the former President and World War II hero added, "the world would need permanent peace."

As commander of America's forces in World War II, Eisenhower had learned this lesson from experience. He knew that America won that war in its factories, as well as on the battlefield. I wonder what he would say today about a trade agreement based on the principle that it makes no difference whether an auto plant or a textile mill is in Toledo or Tijuana, Charleston, or Chihuahua.

The main security in this agreement is not for America. It is for corporations that move their plants out of America.

### PROMISES, PROMISES

Perhaps the best way to understand NAFTA in its present form is to ask, "Who gets the promises and who gets the guarantees?" Up and down the line, the runaway corporations get the guarantees, while American farmers and workers and business people get the promises.

For example, corporations get a guarantee that they can take their jobs south, operate under lax Mexican law enforcement with cheap labor, and sell their products back to the United States. United States workers, by contrast, get a promise that this will mean jobs for them: That the runaway plants will create a Mexican middle class which in turn will buy America's high-technological products. They are promised that this new middle class also will insist upon enforcement of the environmental and worker safety laws that Mexico has not enforced with any rigor in the past; and that the new prosperity in Mexico will give the government the funds to enforce these laws.

That is the deal that the proponents of NAFTA want to force upon the American people.

It is no surprise that these proponents have not offered to be personally responsible for these promises. They are not offering the American people a contract, but rather a sales pitch. The fact is—to take just one example—prosperous industry alone has never given rise to strong environmental and worker safety laws. Industrialists are not champions of those causes. They come only from strong, independent political movements and unions—neither of which exist in Mexico.

The guarantees are set in concrete. The promises, by contrast, to the extent they are enforceable at all, must be pursued through the procedure the treaty sets out. In the fast track debate on the Senate floor, one of my Senate colleagues said that the Canadian trade agreement provides a splendid model for how these disputes can be resolved.

Well, North Dakota wheat farmers have had experience with that wonderful Canadian dispute process; and this experience does indeed suggest what American producers are in for if NAFTA goes through in its current form.

To make a long, sad story short, after we signed the Canadian Free-Trade Agreement, the Canadians flooded our market with tens of millions of bushels of Durum wheat—the kind used in pasta—along with Spring wheat and barley. The Canadian Government subsidized this grain heavily, through payments to farmers and by paying much of the rail freight.

As a result, the grain sold in America for less than its cost of production. Our own farmers can not compete at those prices, and the Durum acreage in my State has dropped by almost a third since 1989. The Canadian treaty established a special panel to halt such abuses, and just recently this panel reached a remarkable conclusion. It decided that the Canadian subsidies in question did not count as subsidies for purposes of the treaty.

So the Canadian producers can continue dumping their grain on our market, undercutting our own farmers. That is the wonderful treaty that the former administration negotiated with Canada; and that is also a taste of the wonderful dispute process that is supposed to protect our producers under NAFTA.

### ECONOMISTS FOR HIRE

The supporters of NAFTA try to portray it as a boon for the American worker. They acknowledge that corporations will take their jobs to Mexico. But this receding tide, they say, will lift all boats, providing new jobs and prosperity and environmental protections for all.

This sunny picture is from the same people who, a decade ago, told us that tax cuts for the rich would bestir so much new growth that the Federal budget would balance itself. In truth, this whole NAFTA agreement rests upon a single fact: workers in Mexico make an average of $1,800 a year. That is why corporations are so eager to move down there, and that is why American wages and living standards are so much at stake.

The estimates for American job gains or losses vary widely. Generally, economists give their clients the conclusions they have paid for. The predictions of American gains under this treaty are especially dubious. Some of the assumptions would be hilarious if so much were not at stake.

One common assumption in these studies, for example, is that an American who loses a job in one industry is immediately hired in another. Another assumption is that none of the new investment in Mexico will be diverted from the United States, even though some 63 percent of foreign investment in Mexico comes from the United States today. With economists like these, the solution to poverty in the world should be clear: assume it never existed.

The Mexican wage levels speak for themselves. America is more likely to lose jobs than to gain them; and the jobs we lose first will be precisely the low-skilled ones that are the crucial step out of poverty for the Americans who need this opportunity the most.

Henry Ford realized that the key to the American economy lies in paying the worker a decent wage. Then those workers can go out and buy the products that we produce. NAFTA is based on another premise: that America's wages should slide down toward Third World levels. The people making this argument, let us note, are the lobbyists, journalists, executives, and financiers whose wages will not be subject to this slide.

Naturally, there will be some winners under NAFTA. Largely, they will be in America's high-technological industries in which Mexico's unskilled labor cannot compete—yet. That is well and good. But it is not much comfort to parts of the Nation like mine that will not partake much in that benefit. The fact is, the jobs that will flow south include the kind that rural States like North Dakota are trying so hard to attract—small manufacturing operations that can move without huge expense.

### MEXICAN FRIES

America's family farmers will lose as well. NAFTA trades away their livelihoods just as the Canadian agreement already has done. Time and again in NAFTA, we find that Mexican producers get open markets while Americans face continued barriers. Potatoes are an example. America will phase out its tariffs on potatoes over 5 years, while Mexico will have 10 years. Food processors in Mexico will be able to sell virtually every last french fry to America, while Americans will be shacked with even tighter quotas in Mexico than exist now, along with continued tariffs for 10 years.

Many have compared NAFTA to a table that tilts down towards Mexico, and this is an example. With low wages and tariff protections in Mexico, plus free access back into the American market, do you think that our potato processors just might move some of their plants down there. Americans will be left to stock the shelves and bag the groceries.

Trade can not be free if it is not fair. When we try to make that obvious point, the establishment media hoots us down as protectionist. But the potato gap in NAFTA is precisely what we are talking about. It is not an isolated case, but rather one instance of a pattern that runs throughout this treaty. Beans, for example: America has to drop its tariff immediately, while Mexico keeps its tariffs for 15 years. I wish that the high-minded free traders in this town would explain provisions like that one on beans. This agreement will cost America thousands of jobs in our sugar industry, moreover, which has been an economic bulwark of rural America.

### LABS INTO LACKEYS

NAFTA is not just an agreement about trade. Much more; it is an agreement to change America's form of government. It would take powers that our Founding Fathers intended for the people of this Nation and their elected representatives, and give those powers to foreign countries and to corporations that move their jobs abroad.

That may sound like populist oratory, but it happens to be true. If this agreement becomes law, then those countries and corporations will be able to challenge virtually any law of the Federal Government and the States—even ones enacted by the voters themselves—as barriers to trade. These challenges will be resolved in secret, by people whom Americans have not elected.

We should be clear on what is happening here. Powerful economic interests are using the treaty process to get what they want through the back door. They do not care whether Americans have clean water and air. They do not care whether the people of this Nation are safe against threats to their safety and health. They know the American public supports our laws in these areas, so they have created a new layer of government to undermine them.

They have greased this process to make it very difficult for us to stop them. The so-called fast track prevents us from doing what the Constitution gives us the responsibility to do: remove or revise provisions that could be harmful to the people of this country. Under the fast-track procedure we are supposed to swallow NAFTA whole.

These interests knew what they were doing. They have turned the treaty process into a smoke-filled room.

NAFTA would compromise the Constitution in yet another way; namely, it would undermine the role of the States in our Federal system. America is not like Europe. Our system grew from the bottom up, not from the top down. The States created the Federal Government, not vice versa. In our system, the States function as what Justice Louis Brandeis called the laboratories of democracy. Virtually every step forward in American public policy began with an experiment in State or local government.

NAFTA would short-circuit that process, which is the genius of our Federal system. It would say to the States, "If you do something a foreign government or a multinational corporation doesn't like, they can get it overturned as a 'barrier to trade.'" It would turn the States from laboratories into lackeys.

The Bush administration obviously felt that the American Constitution is passe where trade agreements are concerned. But the American people do not agree. We should not let the ghosts of the Bush administration spook us into a trade treaty that sets up our producers—our farmers, workers, and business people—for more unfair assaults from abroad. Our trade agreements must begin to represent the economic interests of our people. That is not shortsighted, nor misguided economic nationalism, as critics charge. It is simply what the voters who send us here, expect.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Montana.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 489 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I was waiting to go with an amendment. But I understand that Senator SASSER is en route. I was going to ask if Senator SPECTER might proceed for 4 or 5 minutes as if in morning business.

The PRESIDING OFFICER. Hearing no objection, the Senator from Pennsylvania is recognized for 5 minutes as if in morning business.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my distinguished colleague from New Mexico for making that request.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 488 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

The Senate continued with the consideration of the bill.

Mr. MOYNIHAN. Mr. President, it is now 2:30 in the afternoon of March 3. We have been dealing with the proposal to extend unemployment insurance for 1.8 million persons—a program that expires Saturday night.

The decisive vote has been taken. It was concluded at approximately 10:40 this morning.

It was, I regret to say, a party line vote, but the decision was made to make this the first test of the President's economic program. And the test was passed, 57–42. And the program needs to go forward. Yet, here we are, no amendments, and no decision.

May I say, Mr. President, that the Committee on Finance held a hearing on this measure on February 18. The principal witness was the Secretary of Labor, Secretary Reich, who spelled out in great detail, why, in the current situation of unemployment, higher than it was at the trough of the recession, we needed to continue the extended benefits. We also had a panel consisting of Mr. Warren Blue—the senior vice president and general counsel of R.E. Harrington, Inc., of Columbus, OH, on behalf of the Council of State Chambers of Commerce—in the company of William J. Cunningham, representing the AFL–CIO; and finally, Mr. Andrew Richardson, who is the commissioner of the West Virginia Bureau of Employment Programs, and President-elect of the Interstate Conference of Employment Security Agencies. Those were the agencies that were established by the 1935 legislation.

In the closing moments of that hearing, Mr. Richardson had this one request to make. He said: "Please try to give us more than a few day's notice on March 6, if this is extended."

I asked: "What do you need, tell me?"

Mr. Richardson said: "A week."

I said: "You need a week."

On February 18, they asked that this legislation be adopted by last Friday. It is now well into Wednesday afternoon, and a critical vote has been taken. The vote will not change. All that will change is that we will delay the time in which the employment security agencies around the Nation can prepare for the continuation of this program.

Mr. President, this has been a civil debate. We have had friendly and, on occasion, informative exchanges. But there comes a time when civility wears thin. We have had our vote. Can we not pass the bill and get the benefits, ensure the benefits, to 1.8 million people for a program that expires on Saturday night?

Mr. President, I acknowledge that the Senator from New Mexico is showing a courtesy waiting for the Senator from Tennessee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 67 TO COMMITTEE AMENDMENT ON PAGE 4

(Purpose: To improve the bill)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DOLE, Mr. PACKWOOD, Mr. GRAMM, and Mr. SPECTER, proposes an amendment numbered 67.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

It is hereby the sense of the Senate that until the President of the United States has submitted the budget required by section 300 of the Congressional Budget Act of 1974, no concurrent resolution on the budget should be considered.

Mr. DOMENICI. Mr. President, this is a very simple amendment. It is a sense-of-the-Senate amendment attached to this bill, because I hear that the majority party and the majority chairman of the Budget Committee are suggesting that we should begin to mark up, actually vote on a budget resolution as early as next week. I will have no other opportunity to air this issue for the Senate and for the public. I say there is clearly no intention to go on at any length today, just sufficient time to make a very simple point. I guess I will start with a question.

Mr. MOYNIHAN. If the Senator from New Mexico will allow the Senator from New York to say I understand that, and I appreciate that obviously that is the case.

Mr. DOMENICI. Mr. President, I start by a very simple proposition. It is a question: Where is the budget? Frankly, I do not think anybody who would really believe that in this period of dramatic change, when our President has told the American public, and rightly so, this is the time to really focus on a deficit, and when our President has said I have a plan, and when he has given a speech in detail about what he wants to do, I do not think it would be too much to ask, before we produce a budget resolution, which is a blueprint with many mandates in it as to how we should get from here to where the President wants us to get, where is the President's budget.

Now let me talk about a budget and a budget resolution. Again, this resolution says we should not produce a budget resolution and begin to work on it formally in committee until the President of the United States has submitted the budget of the United States as required by section 300 of the Congressional Budget Act of 1974.

Now, again, let me just ask a question: how can we produce a budget resolution and make intelligent, prudent, wise decisions when we do not know what is in the budget? Would it not be far better, if this budget resolution is going to be such an important document, that we have before us what it is in detail that the President is asking for?

Again, we have heard the President tell us what he wants in this budget. He has told the American people what he wants in this budget. but when we ask how do we do it and where are the specifics, for the most part we have been getting back from the other side of the aisle, "Where is your budget?" to the Republicans; "Where are your specifics?"

Frankly, I would like to make the point that we do not know what the President's specifics are yet.

Let me give you a couple of examples. The President has told us that he wants to save $12 billion over the next 4 years, even though he must submit a 5-year budget. But over the next 4 years, he wants to save $12 billion.

Are the budget committee members going to all stand up and say yes to the $12 billion when they have no idea what it means? Would it not be fair to give us at least an opportunity to look at the $12 billion he proposes and say whether some of it seems unreasonable, unjustifiable, or maybe we might even say it is not enough? But what we are going to be asked to do is to vote± on $12 billion in streamlining Government.

And let me suggest there has not been a Cabinet member that I am aware of, and I say this to my friend from New York, that has appeared before a committee that has been able to tell a committee of the Congress what the President has in mind, specifically. In fact, I am not a member of the chairman's committee, but I understand our good friend Secretary Bentsen has been asked details about the tax program, and I think his answer was that he will not know until the budget comes up.

But we will not have the budget by the approach that is being asked by the chairman of the Budget Committee and I assume the majority leader that the Budget Committee of the U.S. Senate begin to do the budget without having the budget. We do not even have the thing called a budget.

Now, let me give you a couple more. Here is one, improve management in the VA hospitals. This is in the President's vision package. And we are supposed to save $1.5 billion on improving management at the VA hospitals.

Somehow in the budget process, when we are in there working on this resolution, somebody is going to say: "I think we ought to cut the veterans' function by $1.5 billion over 4 years because we are going to have improved management in the veterans' hospitals."

I do not really think very many Senators on this floor, if I put that proposition to them here, let us have a binding agreement here; cut the veterans hospitals $1.5 billion because we are going to have improved manage, I do not think we would get four votes. Why? Because they do not know what it means. They do not know what you are going to do to the veterans' hospitals. How can you pass judgment on the propriety of it?

The budget is a very large document, with more details than we need, but sufficient details to arrive at an orderly, wise evaluation. When it is finally forthcoming, the President and all of his people will have done that. But they have not done it yet.

Let me repeat: We had the Secretary of Health and Human Services before us and we asked about savings within her department, because many of these "streamlining Government" must come out of her department, one of the largest funded departments in America—Administrative savings, which the President wants, of $11 billion over the next 4 years. She does not know, because we do not have a budget yet. They are working on it.

I merely ask: Where is the budget for us to pass judgment on in the budget resolution? I do not think we are asking for too much. We are merely asking the President to send the budget up as soon as he can, and we understand he needs time. And we are saying to Congress, do not proceed with a budget resolution and make it sound like we know what we are doing, make it sound like we know what we are proposing to add and subtract and increase and cut, when we do not have any budget before us.

So I do not think this is a very complicated request. I am sure the chairman of the Budget Committee is going to talk about precedent. But I can tell you, I know of no time since we had a Budget Act that we have produced a budget resolution without having either a Presidential budget or a Presidential budget amended by an incoming President so that we had a budget in total before us.

Let me give you a couple of other questions for Senators who are truly interested. And I truly urge that this not be a partisan vote. I think Senators, if they just will listen a bit, will understand that Republicans and Democrats alike on the Budget Committee of the U.S. Senate ought to have a budget from which to mark up and vote on where the cuts will be, where the add-ons will be.

I will pose a few questions. Should we not know what the Congressional Budget Office has to say about the loss of jobs from the defense cuts proposed by the administration?

It seems to me that is pretty imperative. If we have a new economic plan that is supposed to create jobs, should we not have a good, solid estimate of how many people we are going to cause to be laid off in the next 4 or 5 years? CBO will do that as to defense cuts, once we know what they are.

Should we not know what all the defense cuts are before we are asking for a dollar number that will limit the defense expenditures of our country?

Should we not know what the largest tax increase in the history of the Republic will do to growth and investment and savings by having it before the Congress and let a Budget Committee ask economists and experts what it is going to do; maybe even how we are going to collect the Btu tax? Has anybody figured that one out? I presume a budget will itemize that and tell us about it.

Should we not know who is exempt and what rates and so on are going to be applied under the tax structure proposed? Even though the budget resolution will not adopt it, it will be predicated upon it. It will send an instruction to the Finance Committee, presumably indicating that we do or do not want the President's approach. And it will have a tax number in there. Where are we going to get this? Just pull it out of the sky and say: "We read a speech. We saw a vision statement. So let us just do this."?

I think that I told you about the Senate Budget Committee and our Secretary of Health and Human Services and her inability to tell us what she was going to cut to achieve savings.

I also would suggest that it might be good to know a little more about the health care plan before we do this. But perhaps we can put that off so long as we do not ask the budget reconciliation agreement to involve the problem of health care when we do not even know what the plan is. I surmise some are even thinking of putting that in the budget resolution when we have no idea what it is all about.

So let me repeat, and then I will yield the floor. I notice my friend, Senator SPECTER, is here and he would like to speak. Let me just say how can we be expected to produce a budget resolution when we do not have a budget? We have been asked repeatedly, Where is your budget, Republicans? I think today we are trying to make a point that we have not seen our President's budget. I think we should see it. I think it should be explored by committee members and by the public at large before we have to write into stone the mandatory targets and limitations in a budget resolution and say we made all the savings and cuts and add-ons the President wants, which I assume is what that budget resolution is going to try to do.

So, "Where is the budget?" is as good a question now as it was before when we were asking for budgets from the other side. And I sincerely ask some of my friends on the Democratic side to join us in this very simple request, that we have the President's budget before we proceed to produce a binding budget resolution for the budget of the United States.

At this point I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise in opposition to the amendment proposed by the distinguished ranking Republican member of the Budget Committee. My friend from New Mexico is very learned in matters of the budget and in budget procedure. He served, as my colleagues will recall, as chairman of the Senate Budget Committee during a very critical time, in the early days of the Reagan administration from 1981 through 1987. And my friend from New Mexico will recall that during that period this body went forward with a budget resolution just in the same manner as this President is asking us to do now. The only difference is that the names of the Presidents have changed. In 1981, it was President Reagan, and today, in 1993, it is President Clinton.

Let us just review what occurred in 1981 because I want to lay it out here in some detail so my colleagues will know that what we are doing now is something that has been done in the past. There is substantial precedent and there is no reason for anyone to say they are being taken by surprise by going forthwith the budget resolution.

On February 18, 1981, President Reagan transmitted to the Congress a volume entitled, "A Program for Economic Recovery." This Program for Economic Recovery which was followed in a few short months by the deepest recession we had had since the Great Depression of 1930's, showed spending cuts totaling $41.4 billion over 1 year, my friend will recall, and reduced taxes by $53.9 billion over the same 1-year period—for fiscal year 1982.

Here, we have a volume entitled "A Vision of Change for America," dated February 17, 1993, submitted by a new President, Bill Clinton. President Clinton, in this volume entitled "A Vision of Change for America," has over 150 specific policy cuts to reduce the deficit. Included in this program are a number of specific revenue-increasing proposals that he is asking the Congress to enact.

So this President is following essentially the same precedent of the last really new President, or new administration, that we had in 1981. There was a substantial carryover when the Bush administration succeeded the Reagan administration in January 1989, so it could not be considered truly a new administration in all ways the Reagan to the Clinton administration is here in 1993.

Looking back to 1981, when this volume, "A Program for Economic Recovery," was submitted on February 18 of 1981, my good friend and then Senate majority leader, Howard Baker, of Tennessee, said on the Senate floor that he intended to move the Reagan package "in less than a month. Every day that it is delayed makes it more difficult to pass." And Senator Baker's statement was dutifully reported by the distinguished reporter, Mr. Marty Tolchin, of the New York Times on February 20, 1981. On February 24 of that same year, the Senate Budget Committee chairman, my good friend, now the ranking member of the committee, the Senator from New Mexico, and the then ranking minority member, Senator EARNEST HOLLINGS, of South Carolina, introduced reconciliation instructions, "to enact many of the savings proposed last week by the President."

Mr. DOMENICI. May I ask the Senator a question about that one?

Mr. SASSER. If I could just finish my statement here. So I say to my colleagues, we are not facing a situation here which is unprecedented by any stretch of the imagination.

Following those events, in March 1981, we received revisions to the original economic recovery program that had been submitted by President Reagan. And, finally, on April 7, we received the final budget submission from the Reagan administration.

By that time the Senate Budget Committee, on March 23, had reported reconciliation instructions requiring Senate committees to cut $34.4 billion in fiscal year 1982 spending, virtually rubber-stamping the Reagan program. So what we are seeing here is simply a rerun, to some extent, of the events of 1981. Clearly, this is not an unprecedented situation.

Now, as my——

Mr. DOMENICI. Could I ask a question of my friend?

Mr. SASSER. I would be pleased to respond.

Mr. DOMENICI. Will the Senator refer back to the date in his notes on Senator HOLLINGS and Senator DOMENICI introducing a series of reconciliation instructions?

Mr. SASSER. Yes, February 24, introduced reconciliation instructions "to enact many of the savings proposed last week by the President."

Mr. DOMENICI. Might I ask if the staff, which has so dutifully and appropriately given my colleague the dates and lists of items here, would confirm or not confirm as to whether the Hollings-Domenici reconciliation bill was an amendment to an existing budget or an amendment to a new budget? My recollection is there was a budget in place and a freestanding reconciliation bill was offered amending that budget that was in place.

Mr. SASSER. I am advised it was an amendment to an existing budget that was proposed at that time. That is the only way that reconciliation could be brought up.

(Mr. MATHEWS assumed the chair.)

Mr. DOMENICI. Yes. The point is my colleague is saying that we can do reconciliation without a budget. There was a budget.

Mr. SASSER. But my point is this, that the Budget Act calls for us to address the budget by major functional categories, not by programs. And, as my friend from New Mexico is fond of reminding us—and I am pleased that he does—he tells us many times in the Budget Committee that the Congressional Budget Act envisions that the budget resolution deal only with the broad picture. In fact, budget resolutions do not include numbers that are smaller than $100 million.

So what we are doing in a budget resolution is simply sending large, broad numbers out to committees. There are no policy decisions made or necessary to be made in the budget resolution.

So I submit to my colleagues that there is no reason for us to delay in dealing with the budget resolution should the Budget Committee decide to go forward in the next few days or, indeed, the next few weeks.

There is precedent for doing so, but even without precedent for doing so, certainly we could go forward based on the information that has been submitted to us by President Clinton in his book entitled "A Vision of Change for America" which specifies, as I said earlier, over 150 policy decisions that result in cuts to the budget.

The American people, I think, have stated very clearly that they want us to move expeditiously in this Congress in carrying out this administration's proposal, to carry out this new President's program for change in this country. It appears to me that there is a strategy developing here and that is a strategy to slow things down, to try to reinstitute the old gridlock that the American people are so sick of. I think that we in this body have an obligation to move forward in an expeditious fashion to deliver the budget, the broad outlines of a budget resolution which this new administration has requested this Congress to do.

In the budget resolutions, we are not making specific policy decisions. Those are reserved for the committees of competent jurisdiction. We are simply stating what the broad outlines and the broad parameters should be. And clearly that is contained in the President's message which he transmitted to us on February 17, 1993, and which he spoke so eloquently about to the American people.

Mr. DOMENICI. Can I ask a question?

Mr. SASSER. I will be pleased to yield for a question.

Mr. DOMENICI. Is the Senator suggesting in those last remarks that the Senator from New Mexico, in asking that we have a budget before we mark up the budget resolution which is what we have done every time since we had the Budget Act, that I am guilty of being a gridlocker because I am asking for that?

Mr. SASSER. Well, of course, I was very careful not to refer to my friend from New Mexico specifically. There appears to be a pattern of trying to slow down the progress of this body in dealing with the President's economic package, and the American people do not want that to occur. What my constituents want is action. They voted for change and they do not want this Congress, this body, these Senators of either party, Republican or Democratic Senators, seeking to slow or drag down this economic package. They want action. They want to give this new, young President and this new administration a chance. They want some change.

Mr. President, I will simply submit that myself, acting in the capacity as chairman of the Senate Budget Committee, and I hope the leadership on both sides of the aisle, will move in an expeditious fashion using the information that the administration has proposed to us, proposing amendments that any Senator might wish to propose. Some have said, for example, there are not enough spending cuts in this President's proposal. Then I say to those who say that, just propose some cuts and perhaps we can amend the resolution. I have some cuts that I want to propose. Senator BUMPERS and myself, and the distinguished Senator from Virginia [Mr. WARNER] have indicated we would like to make some savings on two projects, the superconducting super collider and the space station. We may offer those as an amendment when the resolution comes to the floor.

Senators can offer amendments and change the resolution as they wish. But clearly we will simply be discussing large numbers and the policy decisions or the votes made on the budget resolution, even if we should decide to delete the superconducting super collider, would not be binding on the Energy Committee. They could make those savings in another way. We will simply be dealing in very broad generalities.

For us to hold up the very vital work of this new administration so that we would have every "t" crossed and every "i" dotted, so that we would know specifically what every policy change would be or that we should hold it up, so that we would know who might lose a job at what defense installation because of some cuts that might be proposed in this broad outline which may or may not be enacted into law by this body acting on the appropriate authorization of the appropriations bills appears as flying in the face of the will of the American people. I think we would do a great disservice to them and a great disservice to this new administration.

So I urge my colleagues to reject this resolution and to prepare us, get us in a position so that we may move forward in an expeditious fashion in dealing with the preliminary budget plans of this new administration and the Senate. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of New York.

Mr. MOYNIHAN. Mr. President, I find myself reminded of that little line about the question is very much too wide, and much too deep, and much too hollow, and learned men on either side use arguments I cannot follow.

It is very clear that we have a difference of view between two learned and experienced Members of this body about a matter which, however, has nothing whatever to do with the bill before us. We have here a measure to extend unemployment benefits to 1.8 million persons which expires Saturday night. Mr. President, we passed this bill at approximately 10:40 this morning. The State commissioners have asked that they be given a week's notice.

Now, I do not want to cut off an informative and serious debate. I heard the Senator from Tennessee say to his friend from New Mexico that this would really be an issue that would have to be resolved in the Budget Committee. It is not going to be resolved on the floor, at least not on this occasion. But I wonder, the Senator from Colorado has an amendment. The day is going by. We will soon lose another day that could be used for administrative planning. Could we agree to, say, 20 minutes equally divided? I do not want to cut off my friend from New Mexico. He knows my respect for him.

Mr. DOMENICI. Mr. President, I may be able to do that shortly, but I do want to wait for the Republican leader to return and see if he wants to speak.

Mr. MOYNIHAN. Of course.

Mr. DOMENICI. It will not be a long time. We are not going to delay.

Mr. MOYNIHAN. Of course.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MOYNIHAN. I yield the floor.

Mr. DOMENICI. Mr. President, let me close until the Republican leader arrives. I suggest, first, nobody should be confused. We have never voted in the Senate for a full budget resolution without having a Presidential budget. That is point No. 1. All the numbers and dates notwithstanding, that has never happened before.

Second, if the other side would like, on the one hand, to say the budget resolution is a very important document that is going to determine whether or not we cut the budget, if you are going to say that, then I think we ought to know what is going to be cut in defense when the President's vision plan says—and I am going to use these words very guardedly—that the minimum amount of new defense cuts—defense cuts from this time forward over the next 5 years are $112 billion plus President Bush's $74 billion.

Now, do we want to vote in the Budget Committee and tell our people across this land we are prudent, we are trying to fix things, but we are going to vote for a defense cut of that size and we do not know where the cuts are?

That is No. 1. No. 2, does anyone want to vote to cut VA hospitals $1.5 billion? That is what I gather the spending reductions are called, improving management of VA hospitals. Some would say that is not cutting the VA. I will just read it like it is: "Improving management VA hospitals, $1.5 billion." Would you like to vote on that in a budget resolution wherever you find it, without knowing what it is, how you are going to get there?

I have two other examples, and I mean this seriously. We are going to streamline Government and save $12.124 billion. Would we not like to know where it is coming from? It will be in a budget sooner or later. Maybe if we looked at a budget, we would say why not some more, or why not $3 billion less, or we might even say how realistic is it.

So I did not come before the Senate to stall the President's plan. Everybody who knows me knows that I am ready to go. I just do not know how we are going to fulfill our duty to produce a meaningful budget resolution when we do not know, in the areas I have just given you, and many more, what the budget says. So I stop where I start. If we are going to be asked to produce a meaningful, to-be-implemented, sound budget resolution, where is the budget?

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I commend my distinguished colleague from New Mexico for offering this sense-of-the-Senate resolution. I think it is an important resolution, and I think the Senator from New Mexico has articulated the reasons for bringing it forward at this time, and it can be done on a fairly brief timetable. I believe it is fundamental that we ought to have a budget before we can have a budget resolution, and I shall not repeat the specifics which Senator DOMENICI has articulated on wanting to know where the cuts are before we are going to vote on a budget resolution.

When the distinguished Senator from Tennessee, the chairman of the Budget Committee, says that there is a "pattern of slowing down progress," I respectfully disagree with that. When he uses the word gridlock, I do not believe that applies to this Senator or to other Senators on this side of the aisle.

When the Senator from Tennessee talks about holding up vital projects and says do we have to dot every i, do we have to cross every t, I would submit that is precisely what the Senate ought to do. I believe it is important to proceed in an analytical, factual way to see what is in the national interest.

I, for one, was very disappointed in the vote this morning—strict party lines—in rejecting the amendment to pay for extended unemployment compensation benefits before they are put into effect. The proposal this morning on rescinding administrative accounts for one-half of 1 percent so that we could pay for the extension of unemployment benefits was preeminently sound.

I have said publicly and privately that I want to support President Clinton where I can. I know the American people want answers to the problems which confront this Nation, and they are not concerned with whether they are going to be Republican answers or Democrat answers. The answers ought to be found.

That does not mean we are going to give President Clinton a blank check. But when we come forward on this important bill to extend unemployment benefits and increase the deficit when that could be avoided, I think that is bad policy, and I think that is bad government. I believe the American people do want to deal with the deficit, but what is happening on this bill is counterproductive.

Now, I intend to vote in favor of this bill to extend unemployment benefits because I think it is indispensable that it be enacted. I have supported, during my tenure in the Senate, every single bill on unemployment benefits and the extension of unemployment benefits because I know not only from my State, Pennsylvania, but across the country, unemployment is a problem of enormous consequence, and we simply have to extend the benefits.

But I submit that the responsible way would have been to have paid for it. And that when the measures are proposed by the administration without consulting with this side of the aisle, without consulting with the Republicans, I question that.

I have been in the Senate for a little over 12 years now, and when I have felt that the national interest required agreeing with a Democratic proposal, I have not hesitated to do so. It may be that the majority can secure 57 votes unanimously and have a 57-to-43 vote today, which is not a very good way to run the Senate, at least in my opinion. But there will come a time, and it will be in fairly short order, when there will be an interest in finding support on the Republican side of the aisle. There are quite a few of us who have been willing to do that when we felt the national interest required it. But if we are going to start a process, beginning of a new administration, when at the outset there is a sincere interest in supporting the President where we can in solving the problems in a sensible way, where we have party line votes and where we disregard a sound way to pay for an important piece of legislation, and where we seek a budget resolution without having a budget, then I submit, Mr. President, that attitudes may harden and it will not be in the national interest to have that course of action.

I thank the Chair and yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, let me call my colleagues' attention here to a computer run of 224 pages—224 pages of a computer run which gives the program detail on the outlay side of this proposal or budget that has been submitted by President Clinton. There are 224 pages of program detail just on the outlay side, that includes the adds and the cuts in the outlay side of the budget. It does not even include the revenue side. We can bring up another computer run just as large on the revenue side.

So for my colleagues to say that they do not have the detail on which to make a judgment, I simply call their attention to this. And we will be pleased to make these available to any of our colleagues who wish to review them in greater detail.

Now, my good friend from New Mexico—and he is my friend, and he knows that I have great admiration and respect for him—indicated a moment ago that we did not have a detailed budget as we had in 1981. He is quite right about that. But in 1981, that detailed budget was the budget presented by the outgoing President, President Jimmy Carter. We do not have a detailed budget in 1993 because President Bush did not present a detailed budget. But regardless, the detailed budget presented by Jimmy Carter in 1981 was for all effect and purposes, a nullity.

Now, I hear some complain: Well, we do not know what the cuts are, and the cuts are too large.

The cuts in defense are too large. I thought that the complaint was that the cuts were not enough, that President Clinton was not cutting enough. So they are coming in and saying, well, the President did not cut enough but the cuts he made we do not like. That is what we are hearing.

There was a budget alternative offered from the other side of the aisle. Judging from the newspaper accounts I have been reading, there is not unanimity on how to approach this problem among our friends on the other side, but there was something that one news account called a Republican alternative. I think that was presented by Senators GRAMM and LOTT. That included the defense cuts that had been proposed by President Clinton.

So at least some of our colleagues on the other side think that the Clinton proposals, with regard to defense cuts, are adequate; and adequate in detail.

But in the end we come back to this conclusion. It is that the budget resolution, Mr. President, deals only with a very broad picture. What we are doing with the budget resolution is simply presenting numbers of aggregate outlays, numbers of aggregate revenues, and presenting the anticipated deficit. That is what it does.

No policy decisions are made in the budget resolution as my friend from New Mexico knows as well, or better than I. Those policy decisions will be made later with regard to defense outlays. They will be made in the Armed Services Committee. That authorization bill will be debated on the floor of this Senate in great detail, and Senators will vote on it, and express their views.

Then later the defense component will be debated in the Defense Appropriations Committee, and voted upon there, brought to the floor, debated here on the floor, voted on again.

So we will know with specificity what we are voting on, and what we are not voting on, and what these policy changes will amount to. That is not something that a budget resolution deals with. We are just dealing with the broad aggregates.

I would submit to my colleagues that 224 pages, small in computer print, that details the programs on the outlay side and this 224 pages is on the outlay side alone, that details cuts, is ample information for us to deal with the broad outlines of the budget resolution.

So I return to my original premise—that our business here must be to get about the business of the American people with regard to dealing with the budget and economic problem that we have before us. The President laid that out I think, very clearly, in his message to the joint session. And what he had to say resonated with the American people if the polls are to be believed, and if the bond markets are to have any credibility with us.

So I think we need to move forward. We do not need to be looking for reasons why we cannot move forward. Certainly, we do not need to be doing that when there are substantial precedents for moving in the direction we are moving, moving with the speed with which we hope to move, and certainly when there is adequate detail on which to base our judgments.

So, Mr. President, I rest my case on that, and I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. MOYNIHAN. Mr. President, will the Senator from Colorado yield for a question?

Mr. BROWN. Certainly.

Mr. MOYNIHAN. Does he propose to offer an amendment at this point?

Mr. BROWN. My hope is to offer an amendment to the underlying amendment at the completion of this colloquy.

Mr. MOYNIHAN. And disposition of the amendment?

Mr. BROWN. Yes.

Mr. DOMENICI. May I ask for the yeas and nays on the Domenici amendment?

The PRESIDING OFFICER. The Senator from Colorado holds the floor.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MOYNIHAN. On the Domenici amendment.

Mr. MITCHELL. Mr. President, will the Senator from Colorado yield to permit me to direct a question to the Senator from New Mexico without his losing his right to the floor?

Mr. BROWN. Yes.

Mr. MITCHELL. I wonder whether it would be possible to get an agreement on time limitation on this amendment, a time to complete action on this bill.

Mr. DOMENICI. Let me say to the distinguished majority leader, I will leave the floor right now and ask Senator DOLE what his pleasure is. He wants to speak. I will come back and enter into a time agreement.

Mr. MITCHELL. I thank my colleagues.

Mr. BROWN. Just to assure the distinguished majority leader my intention is not to prolong the debate, I will keep my remarks succinct.

The PRESIDING OFFICER. The yeas and nays have been asked for on the amendment.

Mr. BROWN. Mr. President, there are, indeed, some things we ought to disagree on in this body. There are sincere differences of opinion, sincerely held, different views as to how we ought to proceed on matters. But this clearly is not one of them. The suggestion that we ought to understand the President's budget and have it submitted before we vote on a budget is not a partisan suggestion. It is not a mean-spirited suggestion. It is not an unreasonable suggestion. I believe every Democratic Member of this Chamber wants to know what they are voting on just as much as every Republican Member wishes to know what they are voting on. This is not a perfect world. No one is suggesting that it is or should be. It simply is not possible to make it perfect.

But this is a very reasonable suggestion by the Senator from New Mexico. It simply says that we follow the practice we followed in the past. The Senator from New Mexico noted, and I thought very clearly, that we have never voted on a full budget reconciliation bill without a Presidential budget. I think some important questions have been raised. I thought it might be well worth addressing.

First of all, should we know what is in the budget plan before we vote on it? I think the answer to that is pretty clear. If indeed there is someone here who does not think we ought to know what the President is recommending in his budget before we vote on our budget, perhaps they would want to come to the floor and say that. But I cannot believe there is anybody in this Chamber that does not think it is important to know what the President is suggesting before they vote on this budget.

I suppose the next question that is logical to ask ourselves is: Is it clear what the President is recommending?

The distinguished chairman of the Budget Committee has kindly pointed out in the Chamber that there are several hundred pages of recommendations from the President. Let me acknowledge that he is right. I have been through them. I have been through them and I personally endorse and incorporated into a plan, at least that I propose, and hope to bring before consideration before this body; over $118 billion of the President's recommended cuts I endorse and that I am going to vote for and support.

There is $6 billion in his other receipts that he has recommended that I have endorsed and will support. Over half of his defense recommendations have merit, and I have endorsed them and I am going to support them.

But, Mr. President, it is not clear what he is recommending in many areas. Let me not just leave a charge hanging. Let me be specific. The amendment that I hope to offer to the underlying amendment before us today is one that implements one of the President's suggestions; that is, a freeze in pay. I think it has merit. I think it is courageous. I believe we ought to adopt it along with the additional spending that is contemplated in this resolution.

But let me tell you what happened when I tried to draft that measure. The President had recommended—this is out of A Vision of Change for America, the President's package, that there will be no national pay increase or locality pay increase for Federal employees in calendar year 1994. National pay increases in 1995 and 1997 would be 1 percent less than the current law in each year. Locality pay would be implemented beginning in 1995 under a revised system that will permit more equitable and accurate determinations to be made.

I think that is a good measure, and I am going to support it. We called the White House and the other administrative agencies to find out how we draft it, because we wanted to draft it the way he believed in it and the way he proposed it. They do not have it. It is not there. They do not have the language that implements the suspension of the locality pay differentials. They do not have the language that implements the one percent below cost of living for the outyears. I do not fault them. It is complicated, involved, but is enormously significant. It involves billions of dollars. The amendment we have today is only that portion to which the White House had a clear description—that is, the suspension of pay of COLA's in 1994.

I am going to support the rest of it. I have every confidence it will come out in a reasonable manner. But it is not there today. The White House cannot tell you what it is they are supporting, what it is they have done. They will get it, I have trust in them. But it is not laid out, and Member will not know what they are voting on.

Included in the President's proposal is a $16.355 billion savings, or spending reduction, under the category of "shortening the maturity of debt securities," which this country sells to borrow money. Apparently, the idea is, instead of borrowing so much in long-term treasury bonds, we shorten the term in which we borrow money and borrow more in T-bills. There is a differential in the rates.

Over 5 years, the President claims a savings of over $16 billion in the budget. Do we support it or not? There is not a description of how much we are going to change, or where that comes from. There is no legislative language. It has never been recognized by the Congressional Budget Office, as far as I know, as a legitimate savings. Is this a category of spending we are going to cut based on that recommendation in the President's budget? It is not spelled out. I am not finding fault with the President. It is complicated and involved and will take some time. But it is an integral part of this budget—over $16 billion over 5 years—and there is no backup, and there is no way to include it without additional information.

The President himself, when he chatted with our caucus the other day, was very frank and straightforward. He came off, I think, to everybody as objective and fair, and as quite informed and quite involved in the details of his plan and knowledgeable of them. The President readily admitted that a portion of his defense numbers are simply plug. They intend to give us the details on it. They simply have not done it yet. That is not an indictment of the President. It is just a matter of getting the details of what is proposed. The Btu tax has been mentioned, but it is simply not laid out. There are ideas, yes, but it is not there. The bottom line is: do you want to know what we are voting on before we vote on it, or not? It is pretty simple and basic.

Mr. MITCHELL. Will the Senator yield for a question?

Mr. BROWN. I am just about finished. Do you want to know what you are voting on, or do you not? If you are the defendant in a criminal trial, would you like to have a trial first and then the punishment, or the punishment first? The American people get to ask that. This budget is not free from harm. It involves a $3,000 tax increase for every taxpayer in the country, if you average it out. I think it would be fair to point out that some will have a heavier burden than others, but that is the average.

The bottom line is this: On every budget resolution that we have had, every major, full budget proposal that has come before us, we have had the benefit of having the Presidential budget. I think it is reasonable. It is not worth a long argument. It is something we ought to find as a nonpartisan suggestion. I am one who happens to believe that the distinguished Senator from New Mexico has focused his attention in this body on nonpartisan, good government efforts, meant to move this body forward. He has strong fundamental beliefs, but he is not deleterious. He is one with positive ideas. This is one we ought to accept.

I yield the floor.

Mr. MITCHELL. Mr. President, I direct a question to the Senator through the Chair. I noted with interest his comments about the need for detailed information for understanding all of this before we vote upon it. And, as he said, the bottom line is: Do you want to know what you are voting on?

I inquire through the Chair how did the Senator vote on the Packwood amendment?

Mr. BROWN. I supported the Packwood amendment on the motion to table.

Mr. MITCHELL. I wonder if it is possible to get a time agreement on this measure, Mr. President.

Mr. DOMENICI. Yes. We are prepared, I say to the distinguished majority leader, to seek consent through you, for 20 minutes on our side, and we will divide it as we see fit.

Mr. PACKWOOD. Can I ask the majority leader a question? I know the President indicated that he wants to have his vote on spending cuts before we vote on the taxes, and I assume the leader will agree with that.

When we vote, if we vote on the budget resolution, is that going to count as the vote on the spending cuts?

Mr. MITCHELL. As the vote?

Mr. PACKWOOD. Will it be said that we have voted on the concurrent resolution on the budget, and that we now may go ahead with the stimulus package in the taxes?

Mr. MITCHELL. My hope is that we are going to vote on the budget resolution, stimulus package, and the reconciliation bill and lock these spending cuts and tax increases in, all in one packet. So if the tax increases and spending cuts should be combined, so that if there are no spending cuts, there will not be any tax increases in the reconciliation bill.

Mr. PACKWOOD. Even though we vote against the budget resolution, assuming it passes, that will not be held up as having voted for the spending cuts; therefore, we can vote for just the taxes?

Mr. MITCHELL. That will be the most important and significant and essential vote in the proceedings to achieve the spending cuts and the tax changes. We have to get a budget resolution to proceed with the budget.

Mr. PACKWOOD. I am not phrasing the question right. I understand the budget resolution is important, without getting into the argument about how the President has not given us a budget yet.

In the passage of the budget resolution, is it the intention of the majority leader to say that is a vote on the spending cuts, we have now fulfilled the President's obligation to vote on the spending cuts. If, for whatever reason, we cannot put together the reconciliation package, or the specific cuts do not come together, we will go ahead with the taxes?

Mr. MITCHELL. My answer is that the Senator is dealing with a hypothetical that I think has no prospect of occurring. We are going to pass this whole package.

Mr. PACKWOOD. The majority leader is more sure of that than I am. It is your intention to have it as a package?

Mr. MITCHELL. We are going to proceed and pass this program.

Mr. President, in accordance with the comments of the Senator from New Mexico, I ask unanimous consent that there be a time limitation for debate on the pending Domenici amendment as follows: 20 minutes under the control of Senator DOMENICI, and 10 minutes under the control of Senator SASSER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, then Senators should be notified, and I ask both staffs, majority and minority, to notify Senator's offices and those not present, that in approximately 30 minutes, at approximately 4:10, there will be a vote on or in relation to the Domenici amendment. I expect that the Senator from New York will be moving to table the amendment at an appropriate time. I thank my colleagues.

Mr. President, I yield the floor. I believe the Senator from New Mexico has 20 minutes.

Mr. DOMENICI. I thank the distinguished majority leader.

I think Senator GREGG from New Hampshire wants to speak. I yield 5 minutes to Senator GREGG.

Mr. GREGG. I thank the Senator for yielding me this time. I rise in support of his proposal. I do find it peculiar, and maybe it is because I am new to this body, that we would vote on a budget for the United States, without having a chance to read the President's proposals.

That is how new I am here. I cannot figure out how to turn off my beeper.

That indicates a situation which puts most of us, who have not been here for a considerable amount of time, in a position of having no real sense of what we are voting for on probably one of the most significant votes that the U.S. Senate is going to take during this session, the concept of voting on a budget without having the budget.

Whatever happened to right to know. Where I come from, we have some rules and the citizenry have an opportunity to at least review and hear what is going on in Government. I presume they also expect that the people who are their Governors and people who are in charge of that Government have an opportunity to review and know what is going on.

And yet, that is not going to occur in this case. We are simply not going to be allowed the opportunity to review the specifics of the President's budget prior to being asked to vote on a resolution which incorporates the President's budget.

That is truly peculiar, in my opinion. And, as I understand it, it is the first time that it has happened. This will be the first time that this body has not taken the opportunity to at least know what it is going to vote on before it votes on it in the area of the budget activity.

I guess I feel a little bit like the fellow who tried to get an appointment with Major Major Major in Joseph Heller's wonderful book "Catch 22." Because when he tried to get an appointment with Major Major Major, when he was in, he was out, and when he was out, he was in, and therefore there was no way to get an appointment with him.

Well, it appears there is no way we are going to know what is in the President's budget prior to voting on it.

This sort of Mad Hatter budgeting may be OK at some levels of Government, but when you are talking about a $1.5 trillion item, which defines the purposes and goals of this body for the next year and really sets the tone of where this institution is going to go over the next 4 years of this Presidency, I think it is doing us little service and clearly doing our citizenry a disservice not to allow the Members of this body to have a chance to review the substance of what we are voting on.

And thus I think it only amounts to logic that the amendment offered by the Senator from New Mexico should be voted on and voted on favorably.

I thank the Chair and I yield back the remainder of my time.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I congratulate the Senator from New Hampshire on his statements, which were straightforward, clear, and to the point, as New Hampshire men would like to be.

May I say to him that I have been in this body 17 years. I gave up trying to control a beeper my first month.

The PRESIDING OFFICER. Who yields time?

Mr. MACK addressed the Chair.

Mr. DOMENICI. Mr. President, I was unaware the Senator wanted time. Does he desire time?

Mr. MACK. I just wanted to ask the Senator a question or two about his proposal.

Mr. DOMENICI. I ask our distinguished leader if we could proceed with these few questions first.

Mr. DOLE. Yes.

Mr. DOMENICI. I yield such time as these questions need off of our 20 minutes.

Mr. MACK. I thank the Senator.

If I could, let me again, in light of this discussion about not knowing what we are going to be voting on a budget resolution, I would like to ask again, since such a point was made of the CBO and the role of the CBO in the budget process, as I recall, in the President's State of the Union Message, there was a statement about the significance and importance of CBO; in fact, that they would be using CBO, I guess, to evaluate all of their plans.

Does the Senator know whether the President's budget is based on the CBO baseline or is it some other baseline? And I guess the second part of that is, if it is not the CBO baseline, can the Senator from New Mexico tell me what effect that has on the President's proposed spending cuts?

Mr. DOMENICI. Mr. President, that is a very good question.

My friend, the chairman of the committee, held up a sheet of paper and said there are 224 pages in there and said that is the substitute for a budget, because it has a lot of sheets in it.

My understanding is that in that document, and in this document, "A Vision of Change for America," the Congressional Budget Office baseline, that is the starting point for domestic spending, CBO's baseline is not used.

As a matter of fact, it is very difficult to determine which starting point, that is what a baseline is, a starting point to determine whether you are adding or subtracting, my understanding is it is a new kind of baseline that has somehow been put together, but does not use the existing law which has caps in which CBO would have used. So it is different from CBO substantially.

Mr. MACK. Mr. President, let me ask the Senator this question: Is it his opinion that the baseline has been moved higher?

Mr. DOMENICI. The baseline has been moved. The first time through, when we tried to analyze this, it was adjusted upward beyond a CBO baseline, higher, so that when you took the sum total of the cuts, you took the delta of the change between that upward moved baseline and the baseline of CBO, and you took all that as savings.

So there was a significant overstatement, maybe as much as $123 billion overstatement, of the savings, because the previous line that CBO used was what we had to do anyway. We had to do it under the old agreement. As I said, we paid for that once in new taxes, authorization cuts.

Mr. MACK. So the detail that we need that would make the point about each individual spending cut is really not available to us? No. 2, if it was available to us, it would be from a different baseline from the one that was used for the last 10 or 12 years. And at the same time, that means that they have overstated the spending cuts.

Mr. DOMENICI. It is my best information that when first presented, immediately following the vision of change document, that the baseline was inflated above CBO dramatically. Now there has been somebody working on trying to fix that, but I do not know if it is fixed yet or not. Some say it has been changed. Maybe when we go to markup without a budget, maybe it will change again downward, which all leads to a very moving target when it comes to what we are really doing.

Mr. MACK. I thank the Senator for yielding me that time.

Mr. DOMENICI. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 12½ minutes.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes and then the remaining 10 is at the disposal of our leader.

First, I would like to make sure that nobody assumes that President Bush did anything untoward when he did not submit a detailed budget. Frankly, he did something that he thought was very favorable for the new President, because he understood that the new President had very different ideas. And there is no mandate that President Bush, an outgoing President, submit a budget. So he just took a budget and said, let us leave everything as it is and let the new President submit his own or modifications to it.

That is all we are asking; that we give our President time to do that before we move with the budget resolution. In that framework, I believe we are asking for something very reasonable.

I yield now the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not think I will take 10 minutes, because I think it is not a major request that is being made by Members on this side of the aisle. We are just asking, before we buy the product, before we vote on the product, we ought to see the product.

And there is not any existing budget. There is not going to be an existing budget. So we are asked to vote on a budget resolution without ever knowing what the details of the plan are.

It is a little like going in to buy a car and not asking any questions and you drive it out and the wheel falls off.

And that is precisely what we are asked to do here: Do not ask any questions. Just take it. Take our word for it.

There is not any precedent for this. I came to the floor last week and said this happened in 1981, but I was corrected. It did not happen in 1991. And I came back and changed my remarks on the Senate floor.

Mr. President, all the distinguished Senator from New Mexico, the ranking Republican on the Budget Committee, would like to do is, we would like to see the budget be'ore we vote on the budget resolution.

It is my understanding that a point of order is going to made on the amendment, so I am going to reserve some of the time so the distinguished Senator from New Mexico can respond to that.

We are asked almost every 5 minutes by the media, where is the Republican plan? We are not the Government. We would like to be in charge, but the Democrats control the Congress, the Democrats control the White House. But the media keep asking us, where is your plan?

Well, where is Clinton's plan? We have not seen it. Maybe somebody in the media has seen it, but if they get a copy I wish they would give it to us. Before we can work out any plan, if we decide to have a plan, and that may not be our strategy, we would like to see what the Democrats' plan is.

President Clinton got elected. He said during his campaign that within 100 days—an explosive 100-day action period. Maybe that is the case. But it seems to me we can hardly have an action period until we get the facts, until we find out what is going to happen.

So, Mr. President, there is no doubt in my mind who will prevail. But I think we are trying to get our message out to the American people. It is very difficult because we have an effort by some to say well, where is their plan? Where is their plan? They do not care where Clinton's plan is.

I will tell you what it is: $360 billion in new taxes, $178 billion in new spending, it is $68 billion in new tax breaks, it is $112 billion in new cuts in defense, and the list goes on and on, and the deficit reduction is small, very, very small. It is not a tough, tough program. It is taxes, taxes, taxes, taxes, and defense cuts. That is about all you have.

So this morning we had a vote, and this vote will sort of make the picture, for at least this Senator. This morning we said it is all right to add another $5.8 billion to the deficit, and it was a party-line vote so the American people should understand. Those who want to add to the deficit are on that side of the aisle.

Now all we are asking for are the facts on the budget. Give us the budget. Let us see the details. As Ross Perot says every day, the devil is in the details. We do not know the details and we are not going to be told the details. We are going to be asked in this Senate to vote on a budget resolution without ever knowing what is the budget.

I know they have that little book, that little book here. This is it, "A Vision of Change for America." Let us vote for the book. I like the cover. Do not worry about the contents because the cover is all you are going to see. And we do not even get to see the cover of the budget.

So I just hope we understand what we are doing here. We are saying, first of all, it is all right to raise the deficit $6 billion today—which we did, $5.8 billion.

Now it is all right to say in a vote in the Senate—I do not care whether it is a point of order or not, it is going to be properly understood and properly interpreted—you do not need the budget. You are not entitled to have the facts. You vote and then some day you will get a budget. Maybe not this year, but maybe sometime next year.

So, I just ask my colleagues on the other side, this is sort of a fair play amendment, a fair play amendment. That is all we ask. We understand we are not in the majority, but even the minority should have some rights and some rights to see the President's plan.

We had a good visit with the President yesterday. We want to cooperate with the President. We want growth, we want jobs, we want the economy to be sustained. To do that we think we have a right to take a look at this budget process, and take a look at the budget itself, and then vote on a budget resolution.

So, Mr. President, for all the reasons I can think of, I hope the point of order would not be made and we could have an up-or-down vote on the amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, the Senate is a place in which serious business is conducted and it is done in a civil way. And often in the course of the serious business, humorous things occur, sometimes intentionally, sometimes inadvertently.

I think what we have just heard here this afternoon in this debate really is humorous. This morning, just a few hours ago, 43 Republican Senators voted for an amendment that is five sentences long, less than one page, double-spaced, that was introduced less than 24 hours ago, on which there were no hearings, little debate, no explanation, and which purported to affect Government programs of up to $644 billion.

And then this afternoon we hear why, we ought to know what is in these amendments, we ought to know what the effect of these amendments are before we vote on them.

Mr. President, that is humorous.

Now, the argument is made that we do not know what the President's budget is. Mr. President, as—I do not know which one of our Republican colleagues just said the President submitted 700 pages of documents. Here are 250 pages of computer printouts on the budget. I wonder—I respect the Senator from Colorado who says he has read every single one of the 700 pages, and I accept what he said. I wonder how many other of our colleagues have.

Mr. BROWN. Will the leader yield?

Mr. MITCHELL. Certainly as long as it is not on my time. Go ahead.

Mr. BROWN. If I may, I appreciate the reference and the compliment. While I did take Evelyn Wood's speed-reading course, I will not claim full recollection of all of the pages, just for the record.

Mr. MITCHELL. I thank the Senator.

So, Mr. President, I do not want to get into intent because I do not know what is in other people's minds. But let us talk about effect.

The effect of this will be to slow the process. Nobody disputes that. This will be to slow the process by which the Senate can vote on the spending cuts and the economic program proposed by the President.

A few minutes after we dispose of this amendment the Senator from Colorado is going to offer an amendment to speed up the process of voting on a particular cut. So on the one hand we are asked by our colleagues to slow the process down, and a few minutes later we are going to be asked to speed the process up.

The effect will be to undermine the President's economic program. That is what this is all about and the American people understand that.

Are we here trying to help the new President and the new administration get their economic program through and to turn this economy around? Or, are we here trying to prevent the new President and the new administration from getting this program through? That is the effect of what is occurring here, and that is how this vote should be decided.

Are we trying to help the President? Are we trying to end the gridlock? Are we trying to get action? Are we trying to move forward? Or are we trying to prevent the President's program from going forward.

The President has said this is an important part of his program. We want to move forward on the unemployment insurance bill. One point eight million American families are now being held hostage to the delays that are occurring here on matters that have nothing to do with the unemployment insurance bill. And, as the distinguished chairman has pointed out, that program expires Saturday this week, and the administrators have asked for a week's notice. They cannot get a week's notice. Let us at least give them a couple of days' notice. Let us pass this bill and then let us get to the budget resolution.

No one is asking for a vote in the Senate without careful consideration. The committee will take a long time on it. And then the Senate will have the opportunity to debate it for a full week, up to 50 hours. There will be ample opportunity for discussion, debate, alternatives to be offered. But the crux of this matter is, and the essence of this vote is, are we here trying to get action, trying to help the President, trying to move forward on this economic program? Or, are we here causing delay and trying to prevent the President's program from going forward?

I urge my colleagues to vote. Let us vote and dispose of this amendment, and then let us get to the bill and then let us get to the budget resolution and then let us get to the whole rest of the program and pass them all as soon as we can.

The PRESIDING OFFICER. Who yields time? The Senator from Oregon.

Mr. PACKWOOD. Mr. President, could I ask the Senate majority leader a question again? I did not very artfully ask my question before. I want to get the sequence of what the majority leader has in mind.

We will vote on the budget resolution at some time, whenever, and we will vote on it before we actually have the President's detailed budget. I am not arguing that question here.

It is then the intention of the leader for us to vote on the stimulus package shortly after that, as I understand?

Mr. MITCHELL. That is correct.

Mr. PACKWOOD. The stimulus package being all spending. And there may be spending cuts coming later. There may be taxes coming later. But the budget resolution itself is not a law. The budget resolution does not cut any spending, does not cut any taxes, does not raise any taxes. So that we will be voting on significant spending, i.e. the stimulus, new spending, before we have had any spending cuts or any taxes to even pay for the spending?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I do not want this on my time, but I am pleased to respond on the Senator's time.

The answer is: Yes. The program laid out by the President, as he himself stated very clearly, is, because of the fragile state of the economy, the lack of job creation—the number of jobs created in this recovery from recession is only one-tenth that of jobs created in previous recessions—

The rate of unemployment today is higher than it was when the recession technically ended. It necessitates action to get the economy moving again to get jobs created. The whole purpose of the President's program as I see it is twofold; jobs created, incomes increased. All of these are measures to accomplish that objective. We then will have placed in effect the tax increases and spending cuts that we hope will produce the necessary deficit reduction and lay the foundation for sustained long-term economic growth in the future.

Mr. PACKWOOD. I heard what the Senator said. We are going to vote the spending all right. We are going to pass that stimulus package, and then we hope that we pass some spending cuts.

Mr. MITCHELL. The Senator has misstated my comment.

Mr. DOMENICI. We do not want to use any more time on that. The majority leader made a marvelous speech on our time. Will he yield me 3 minutes of his time?

Mr. MITCHELL. I will be pleased to answer any questions the Senator wants on his time.

Mr. DOMENICI. I have no questions.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Approximately 4 minutes.

Mr. DOMENICI. Mr. President, might I ask the distinguished majority leader or Chairman SASSER, do they intend to make a point of order against the Domenici resolution?

Mr. SASSER. Mr. President, I do intend to make a point of order at the appropriate time.

Mr. DOMENICI. Mr. President, once the point of order is made, I will move to waive it. I am going to use about 2 minutes to explain this whole business about a point of order.

This is a very simple Senate resolution. The body is being asked as a Senate to vote that we should not take up a budget resolution in a committee of this Senate until we have a budget to base it on. That is all it says.

Speaking of absurdities or silliness or hilariousness, humor, think of this as something humorous. The point of order is going to say: This is not right to be taken up because it is the business of the Budget Committee when the Budget Committee has already made a decision that they are going to take up a resolution without the budget, so we are really going to have a chance to make our point. He is going to make a point of order that this Domenici resolution has to go to the Budget Committee not the Senate. Just think of that for humor. The Budget Committee has made a decision through its chairman that we are going to proceed.

Having said that, let me just close on a couple of points. First the distinguished majority leader is a master as he obviously has done as a prosecuting attorney. He takes a Republican proposal that is very precise and he says it is not precise. If you read the language by which we were going to pay for this $6 billion addition to the deficit in this bill, it says by action of the Congress budget authority is rescinded and a given dollar amount is stated that it will be rescinded. Now that is a lot different than saying we did not do anything. That literally forces things to be cut by that amount.

Now having said that, I am really, really perplexed. I was present when our President visited the Republicans and I want to say right here, I did not question his knowledge or his sincerity, but I cannot believe that he believes that we are going to vote on a budget resolution but it does not mean we are carrying out his program. That is essentially what is being said here today. I believe the President of the United States has been led to believe that when we vote on that budget resolution, we are voting to carry out his plan and yet we are being told it does not mean that. We are just voting on an overall outline. I believe if this President knew what a budget resolution was all about, he would be on our side on this debate. I think he has been told technically we do not need it. On the other hand, when we vote on it we are adopting his plan, Mr. President. Which is it? If it is his plan, I think he would truly, consistent with his strength and vigor and honesty, say we deserve to see it before we vote to enforce it and implement it. I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

The Senator from Tennessee.

Mr. SASSER. How much time do we have remaining?

The PRESIDING OFFICER. Four minutes, thirty-three seconds.

Mr. SASSER. Mr. President, I want to just make a couple comments and then yield some time to the distinguished Senator from California.

The point is made time and time again from my friends on the other side of the aisle that they do not have enough information, they do not have a specific budget before them on which to make various judgments.

Mr. President, I will simply point out that apparently the bond markets, those hard-eyed businesspersons who run that bond market and make those investments think apparently they have enough information on which to base their judgments. Following the President's statements to the Congress and following the introduction of his budget plan entitled "A Vision of Change for America," bond prices, long-term bonds fell to the lowest level in over two decades. Apparently Dr. Allan Greenspan believes that there are enough specifics in this budget that he could characterize it as credible, to use his term with regard to deficit reduction. And what about foreign governments? Statesmen of foreign governments who have been for years telling us in the United States you must get your fiscal house in order. I well remember a Japanese statesman lecturing some of the highest leaders in the Bush administration about getting our fiscal house in order and making the hard decisions. What do the foreign governments think of this plan presented by the President? They are not saying it is not specific enough. They are not saying the budget is not specific. What they are saying is almost uniform in their praise of it.

And what about the American people who saw it presented on television, who read about it in the newspapers, who have seen it discussed day after day on the television channels and not always in the most flattering terms? Some of my friends on the other side of the aisle have been quick, as they should be, and I do not blame them, in pointing out what they perceive to be the shortcomings of the President's budget proposals. But the American people are not buying it. By over a 2-to-1 margin they say, let us go, let us go forward, let us give this new President and his economic plan a chance.

So, Mr. President, those who really count think they have enough by way of specifics to make some very hard concrete judgments.

So I say to my friends who want more information, there will be more information forthcoming. If there is something in this budget resolution that is ambiguous, we can debate it on the floor, we can debate it in committee, we can try to make it more specific, but in the final analysis all we are talking about are the large parameters of a budget resolution.

Mr. President, I do not want to use all my time.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the time for this matter be extended by 3 minutes so that the Senator from California might be heard. Only 45 seconds remains.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I did not hear the request.

Mr. MOYNIHAN. Three minutes for the Senator from California.

Mr. DOMENICI. We would get 3 minutes?

Mr. MOYNIHAN. Of course.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it so ordered.

The Senator from California is recognized.

Mrs. BOXER. I am pleased to add my voice to the voice of my chairman, the chairman of the Budget Committee, and to my leader. The question is why are we delaying a vote on this very important extension of unemployment compensation to people who are suffering in our country?

It seems to me, as I listened to all the voices here, that my good friend on the other side of the aisle, my distinguished friend from New Mexico, wants more paper, wants more paper to look at our new President's plan for real economic growth. I say to my good friend that not only do we have enough paper—and the leader has shown us some of it, just some of it—but we know exactly what he wants to do to get this country moving again because he said it in the campaign, a short-term stimulus, long-term investment, deficit reduction over time that we can handle that will not disrupt our economy. And we want to get on with it. We will have much more paper coming. We will begin the markup on this budget next week.

But I would say to my good friends that we do have an emergency on our hands; 1.8 million people Saturday night will not be able to buy food if we do not act. I say to my friends that all of the numbers that you want you will get, you will have, because this President, unlike any other I have seen—and I served on the Budget Committee in the House of Representatives for 6 years—has detailed those cuts very clearly.

I conclude and say to my friends, in 1980, a new President was elected. He took office in 1981, and he had a whole new philosophy. His name was Ronald Reagan. As I look back at history, what do I see? Those very same Senators who were very willing to throw the process out the window then, who were very willing to give that new President a chance then, want to stop the process today.

So I urge that we get on with the business before us, that we move forward, and that we bring this Nation forward out of this economic recession which, although there are many who say we are passed it, we know we are still in—a jobs recession. So let us move forward today.

Mr. President, thank you very much. I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes, 42 seconds. The Senator from Tennessee has 45 seconds.

Mr. DOMENICI. How much time did you say?

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield myself 30 seconds.

I just might say the pending Domenici amendment deals with matters that are within the jurisdiction of the Committee on Budget. The underlying bill has not been reported by the Budget Committee or discharged from that committee. It is thus not in order to consider the amendment under the terms of section 306 of the Congressional Budget Act of 1974. So at the conclusion of all time, when all time has expired, I intend to make a point of order against the amendment under the Budget Act.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. DOMENICI. You have heard the distinguished chairman of the Budget Committee state what he intends to do. Might I ask the Chair for a parliamentary interpretation. Is the Domenici resolution subject to a point of order as stated by the chairman of the Budget Committee?

The PRESIDING OFFICER. It is the opinion of the Chair that the point of order would be well taken.

Mr. DOMENICI. Might I ask, has the Parliamentarian taken into consideration that it is a sense-of-the-Senate resolution only?

The PRESIDING OFFICER. The Chair is aware of no exception in the Budget Act.

Mr. DOMENICI. Might I ask the Parliamentarian, what is the language, if he recalls, of this statute that says that this kind of measure must go to the Budget Committee? Could you quote me the language, please?

The PRESIDING OFFICER. Will the Senator hold at this moment?

Mr. DOMENICI. I will be pleased to.

The PRESIDING OFFICER. The amendment if introduced as a freestanding resolution would be referred to the Committee on the Budget.

Mr. DOMENICI. I thank the Parliamentarian. I thank the Chair.

The PRESIDING OFFICER. That is the basis of the ruling.

Mr. DOMENICI. Mr. President, I am just going to use 1 minute. I really thought that we were going to start this year off without any accusations, without any lack of cooperation and we would all try to do that. Frankly, I brought this resolution to the floor as a commonsense, fair play resolution. I really did not expect, nor do I think the Senate should condone, the raising of a technical objection of this type to something that would express the will of the Senate only that we not be asked to mark up and prepare a budget resolution for the next 5 years without having the budget of the President of the United States before us. But it now seems that we cannot win because now it will require 60 votes to adopt this commonsense, fair play approach. I really do not think this is a very good way to start out a process which has a long way to go and which from time to time requires an accommodation and some good will on both sides. And that is nothing more than my observation and my statement.

Since I know the parliamentary situation, I yield the remainder of my time and ask if there is any time remaining.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move that the Senate waive the Budget Act in question and ask for the yeas and nays on my motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—55

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin

Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—1

Bingaman

So the motion was rejected.

Mr. SASSER. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The amendment of the Senator from New Mexico contains matter within the jurisdiction of the Senate Budget Committee and has not been offered to a bill that was reported by that committee. The amendment thus violates section 306 of the Congressional Budget Act.

The point of order is sustained. The amendment fails.

Mrs. FEINSTEIN. Mr. President, we have heard encouraging news about the United States heading into an economic recovery—and I believe it. But as Californians know all too well, the lag in jobs still remains. We are not seeing the kind of job growth in the postrecession period that has occurred in the past.

The emergency extension of unemployment insurance benefits is critically important to my own State. California's 9.5-percent unemployment rate remains higher than any other State in the Union, save one. More than 1.4 million Californians are out of work. Mr. President, we have more unemployed workers in our State than the total population of 13 other States.

On top of stagnant job growth, I am profoundly concerned about the pool of permanently unemployed jobseekers that is surfacing in our country. With only 14 percent of unemployed workers expected to be recalled by their previous employers, we are a far cry from the trends of other past recessions where 44 percent of those laid off were able to go back to work.

I am encouraged that we will soon be acting on legislation that will help both small and large businesses that have seen hard economic times get back on a productive track. That is a longer term solution however, and today we must address the immediate needs.

I am strongly supporting S. 382 to extend benefits under the Emergency Unemployment Compensation Program through October 2. The bill extends the current policy of providing 20 or 26 weeks for qualified workers who exhaust regular State benefits. Because California is a high unemployment State, workers will receive benefits for 26 weeks. Without enactment of this bill, up to 300,000 workers per month, who exhaust their regular benefits, would no longer have any unemployment compensation.

Another important provision of this bill is the funding for State employment agencies to develop automated systems to identify workers who appear to have been displaced permanently. This can provide the necessary link to get these workers to local retraining, counseling, or job assistance programs.

Clearly, this is not the solution to our Nation's economic woes. But it is a critical part of solving some families' financial worries, and providing some of the support needed to get back into the work force.

Tying together compensation with the ability to identify unemployed workers and direct them to the services they need to get back to work is not only compassionate, but practical. We should make our move and pass this bill.

### AMENDMENT TO UNEMPLOYMENT EXTENSION STATEMENT

Mrs. KASSEBAUM. Mr. President, I had intended to offer an amendment which would have provided flexibility for States to redirect excess JTPA funds to where they are desperately needed—in the dislocated workers program.

In the past month, Boeing, the largest employer in Kansas, announced that it will lay off one-third of its work force—almost 7,000 workers in Wichita alone. This is on top of additional layoffs announced by Sears, Beech Aircraft, and other Kansas-based companies.

Yet at the same time, Kansas took a 43-percent cut this year in is JTPA funds for the dislocated worker program—the largest cut in the country—due to its low unemployment rate in previous years. Because the funding formula is based on previous years, the allocation of funds does not take into account unexpected mass layoffs such as the ones my State is now witnessing.

Ironically, Kansas has excess funds in another JTPA program amounting to over $1.5 million which they have not been able to spend. Yet, this money cannot be used to meet this large increase in the number of dislocated workers in Kansas. This just does not make sense.

The situation is urgent. All the dislocated worker funds in Kansas have already been obligated for this year without even addressing these new layoffs. And there are over $675,000 in funding requests from local communities that the State cannot fill now.

States need the flexibility to use these funds in a manner that will best meet the particular needs of their unemployed workers, which my amendment would have allowed.

However, after some discussion with the Department of Labor, I have decided not to offer the amendment at this time. Department of Labor officials have offered some suggestions as to other avenues the State of Kansas might pursue in order to meet this crisis.

I will withhold my amendment for now in order to explore these options.

Mr. MITCHELL. Mr. President, I intend to offer an amendment shortly. I do not expect that there will be lengthy debate on that amendment.

Mr. President, that will be followed shortly by an amendment by the distinguished Senator from Colorado [Mr. BROWN], and I would like to explain the circumstances which give rise to the two amendments.

The Senator from Colorado will offer an amendment which seeks to add to this bill an amendment that would put into place the freeze on cost-of-living adjustments for all Federal employees, including Members of Congress, which President Clinton proposed in his budget, and which will be voted on and, I am confident, approved as part of the President's budget.

I told the Senator from Colorado that I do not favor adoption of his amendment at this time, although I favor the provision, and I expect that it will be included and approved as part of the President's budget.

We do not want to delay this bill any further. We are already way behind on this unemployment insurance bill. And speaking only for myself, I do not want to get into the practice, which is apparently developing, of picking out individual cuts within the President's budget and offering them as amendments in advance of that, so that people who will vote against the President's budget will be able to say they voted for a particular provision in the budget.

I indicated to the Senator from Colorado—and we discussed this directly and frankly—that I would offer an amendment that would cover Members of Congress, which follows up on the resolution which the Senate has previously approved without a dissenting vote, and this would place it in statute as an amendment to the pending bill. And then, when he offers his amendment, of course, the provisions relating to Members of Congress will be inapplicable, since we will have already dealt with them in the preceding amendment which I intend to offer.

I wanted to explain that to the Members of the Senate before I offered the amendment.

Mr. President, before I do so, I am going to momentarily suggest the absence of a quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 68

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. DOLE, Mr. BROWN, and Mr. WELLSTONE, proposes an amendment numbered 68.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

**SEC. . ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994.**

(A) Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(B) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

Mr. MITCHELL. Mr. President, the intent and effect of this amendment is straightforward and clear. It would legislatively prohibit the cost-of-living adjustment for Members of Congress which would otherwise have become effective for the calendar year 1994 under previously existing law.

Indeed it is included as section (a)(2)(b) of the amendment of the Senator from Colorado, and for the reasons I have previously stated I am offering it at this time.

It affects only Members of Congress. I do not believe there is any opposition to it. There were no votes in opposition when we previously passed this by unanimous consent, and I therefore do not propose to debate it at length, unless some Senator has a question on the matter or wishes to discuss it further.

As with the previous resolution, I suggest any Senator who wishes to be a cosponsor may do so by simply asking the clerk to add his name to the list.

If the Senator from Colorado wishes to address the Senate, I will yield the floor, Mr. President.

Mr. BROWN. If the distinguished Senator will yield?

Mr. MITCHELL. Yes, Mr. President.

Mr. BROWN. I thank the distinguished Senator for his explanation. I think he has made it perfectly clear.

I would like to be added as a cosponsor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Colorado be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon the disposition of the pending amendment, Senator BROWN be recognized to offer an amendment, and that there be 40 minutes for debate on his amendment, equally divided, under the control of Senator BROWN and Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Maine [Mr. MITCHELL].

The amendment (No. 68) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

### AMENDMENT NO. 69

(Purpose: To eliminate cost-of-living adjustments for Federal employees and Members of Congress)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. HELMS, proposes an amendment numbered 69.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment add the following new section:

**SEC. . LIMITATION ON FEDERAL COST OF LIVING ADJUSTMENTS IN CALENDAR YEAR 1994.**

(a) FEDERAL EMPLOYEES.—

(1) IN GENERAL.—The rates of basic pay for each statutory pay system shall not be adjusted under section 5303 of title 5, United States Code, during calendar year 1994.

(2) CONFORMING AMENDMENT.—Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1481) is repealed.

(b) MEMBERS OF CONGRESS.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 (if not for the provisions of this subsection) shall not take effect.

Mr. BROWN. Mr. President, the intent of the amendment is quite straightforward and I think it has been previously described by the distinguished majority leader.

The intent of the amendment is simply this: in our debates prior to this moment, the distinguished Senator from Oregon, Senator PACKWOOD, offered an amendment that would have provided that this measure, that is, Emergency Unemployment Insurance Compensation Amendments of 1993, be paid for.

It is a fundamental concept of responsible budgeting to pay for items that are over budget. Senator PACKWOOD's amendment would have done that. It would have provided a method to pay for the additional outlays that are over budget in the particular bill that is before us.

Senator PACKWOOD's amendment was criticized for not being specific enough. It seems to me only responsible, then, to come forward and offer a specific item to help pay for the cost of this amendment.

I think there is broad agreement on this floor that some additional efforts to help unemployed people are appropriate. The debate that we find ourselves in is one of whether or not we will pay for these efforts out of other spending. I am one who believes that we ought to pay for it out of other spending.

The President has offered a series of specific proposals to reduce the deficit or control spending. And thus, what I am offering in this amendment is the President's proposal to freeze pay in 1994. For the fiscal year 1994, the President specifically suggests that we not have Federal employees receive a cost-of-living allowance.

As I think will be noted by many, the President made other recommendations with regard to pay, and I quote:

> With regard to Federal salaries, it is the President's intention to ensure that the Government makes the first contribution to major deficit reductions he is calling for. The administration proposes that there be no national pay increases or locality pay increases for Federal employees in calendar 1994. National pay increases in 1995 through 1997 would be 1 percent less than the current law each year. Locality pay would be implemented beginning in 1995 under a revised system that will permit more equitable and accurate determinations to be made than

would occur under the current flawed methodology. The savings from these initiatives are $2.7 billion in 1997 and $8 billion over 4 years.

Mr. President, this is, thus, only a piece of the recommendations by the President for savings in this area. I favor the President's recommendation and I favor all of the President's recommendations in this area. The reason all of them are not before this body is, in contacting the White House, the Office of Management and Budget simply indicated that they are not able to draft the legislative language that the President had favored.

My hope was to bring this measure to the floor with an air of impartiality, with an air of bipartisanship, and to bring it in specific language that corresponded to the President's proposal. Thus, what is before us is the portion of the President's proposal—that is the cost-of-living adjustment for 1994—in which the President's intention is clear and I am confident and represent to the body that, at least in this portion of it, it is exactly what the President intends.

There are several questions I think that are reasonable to ask. One, why bother to pay for additional spending? All I can say is that every State legislature that I am familiar with that is mandated by its constitution to balance its budget each year follows a similar pattern. When they come up with items that are new spending during the fiscal year that exceed the budget that had been planned for that year, they pay for them out of cuts in other portions of their budget. This is nothing more than an attempt to honor the budget outlines that we have committed ourselves to as a Congress. Thus, it is one measure that will help reduce the deficit at the same time we increase it.

Fair comment, I think, would be, does this take care of the entire amount that is contemplated by the amendment in additional spending? The answer is no. I wish it did. The budget estimate that we have for this portion of it is $2.97 billion over 5 years. Thus, it is less than the total amount of the bill that is before us. It is in different categories. And the savings are spread over a different time period.

But, Mr. President, it does help reduce the deficit in this regard and help make this a pay-as-you-go change in our law. The simple fact is that if we spend without regard to what the budget guidelines are, we create fiscal anarchy and the President's noble efforts to try and bring the deficit down go for naught if this Congress is unwilling to live by the guidelines which it itself has set.

Mr. President, I offer this as a sincere proposal. It is not only the President's recommendation but it is one that I endorse, one that I would support, one that I am going to vote for. But I think it would be a tragic mistake if this Congress adopted an attitude that we are not going to pay for additional spending as we go along.

So, short as this is—because it is only part of what is spent, and as difficult as it is—because it is a difficult issue to not provide a cost of living for conscientious Federal employees, it seems to me it is the right thing to do. It is at least an effort to address the fiscal shortfall that is caused by this particular bill.

Mr. President, the option is to ignore it. The option is to ignore the spending limits. The option is to say we are going to spend without regard to what the budget says, and without regard to what our revenues are. There is no surer path to the destruction of the American dream than that. And the record of this Congress and other Congresses in spending matters, and in deficit spending particularly, is a testimony to what can happen when budgets are not followed.

I hope the Members will come forward and honor the recommendation of the President of the United States and will support this modest proposal that at least in part covers the shortfall and that the effort to resolve the deficit will be one that continues to be bipartisan.

Let me add two other facts, if I could, Mr. President. It is not my intent to delay this process 1 minute in term of the final passage of this bill. There are a number of Members who have come forward today and suggested we should dispense with all of these other considerations and simply pass the unemployment benefits bill because they are needed. This unemployment benefits bill could well have come up in January. We had open calendars for much of January. It could well have come up in February. We had open calendars for much of February. It is not here at this late date because of my choosing. It is here at this late date because this body did not act on it earlier. So I want to make it clear that this is not an effort to slow the process or to slow the deliberations on this particularly important issue.

Second, I want to make another point. My amendment is offered because it is a clear, concise, and precise description of the President's proposal. Some could criticize it because it is not enough. And I simply want to assure the Members of this body, if there are other measures that save the taxpayers money that are included in the President's proposal, that do not raise taxes, I will welcome them as amendments to this measure. No one should leave the Chamber today or deliberate on this particular issue under the apprehension that additional cuts as recommended by the President would be spurned or disregarded. I think they ought to be considered. I think they ought to be taken up. And I simply want to assure the Members of this body if there are other responsible cuts in spending that are not tax increases, I want to welcome them as additions to this particular amendment. It seems to me that that would be a responsible way to approach it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, the debate today has taken more twists and turns than the yellow brick road in the "Wizard of Oz." It would be pretty tough for anyone to follow the logic of what has occurred.

Those who are fastest to denounce the President's budget now invoke the President's budget in urging support for this amendment. Those who had just a few moments ago voted to delay consideration of the President's budget now say we cannot wait for consideration of the President's budget before we take up this part of it. Those who we all know are going to vote against the President's budget now come here and say this part of the President's budget is so good we cannot wait another minute before we vote on it.

Alice would be lost here today. The fact of the matter is, we all know what is happening. Again I do not ascribe intention, I ascribe effect. Adoption of this amendment will frustrate and delay passage of the unemployment insurance extension bill; 1.8 million American families at this moment are hostage to these kinds of delaying tactics. This has nothing to do with the underlying bill, as the sponsor of the amendment himself has just candidly acknowledged. The place to consider this amendment is in the President's budget, which we have been trying all day to get moving on and on which our colleagues on the other side of the aisle have been trying to delay action.

The proper course of action is for the Senate to table this amendment, to pass the unemployment insurance extension bill now so the 1.8 million American families who now face anxiety and fear as to the effects of the expiration of the program on Saturday will have those fears and anxieties allayed and then to proceed full blast to take up the President's budget and to vote on it, including this and every other provision in the budget.

Instead, we are now apparently to be subjected to this piecemeal approach, this dual approach which consists of the conflicting strategies of trying to delay action on the President's budget but, meanwhile, to take individual items from the President's budget and bring them up right now; which consists on the one hand of denouncing the President's budget but on the other hand to invoke the President's budget as a reason to support a particular amendment.

I conclude this portion of my remarks by asking that a letter to Senator BROWN, dated March 2, from the Congressional Budget Office, be printed in the RECORD. I will just read the first paragraph, three sentences.

DEAR SENATOR: The Congressional Budget Office has reviewed your proposal to freeze pay rates for federal employees, Members of Congress, and Congressional employees, as described in your fax of March 1, 1993. The proposal would freeze salaries at their 1993 levels for calendar 1994, with cost-of-living and locality pay adjustments resuming in January of 1995. Because pay raises are funded through annual appropriations, the proposal would not affect direct spending.

I do not know what that means. First, I do not even know if the amendment offered is the same as the faxed amendment, but I think it is something Members ought to have when they vote on it so I ask unanimous consent that the letter and accompanying table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 2, 1993.*
Hon. HANK BROWN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR: The Congressional Budget Office has reviewed your proposal to freeze pay rates for federal employees, Members of Congress, and Congressional employees, as described in your fax of March 1, 1993. The proposal would freeze salaries at their 1993 levels for calendar 1994, with cost-of-living and locality pay adjustments resuming in January of 1995. Because pay raises are funded through annual appropriations, the proposal would not affect direct spending.

If appropriations are reduced by the amount of the proposed reduction in current law salaries, the proposal would save $2.7 billion in 1994 and $5.2 billion over the 1994–1998 period compared to the baseline described by the Budget Enforcement Act, not assuming compliance with the BEA discretionary caps. By 1998, the cost of the locality pay would outweigh the savings from the one-year freeze, producing a cost of just over $600 million. The BEA discretionary spending limits require reductions in discretionary spending below the unconstrained baseline in 1994 and 1995. Because there is no way to anticipate whether those required savings would come at least in part from reductions in personnel costs, it is impossible to estimate how much a 1994 pay freeze would reduce discretionary spending below CBO's baseline assuming compliance with the BEA caps.

The effects of the proposal are summarized in the enclosed table. Although the proposal would not affect direct spending, and would not be counted on the pay-as-you-go scorecard, it would change the portion of an agency's appropriation that must go towards paying federal employees' salaries.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leslie Griffin, who can be reached at 226-2880.

Sincerely,
ROBERT D. REISCHAUER.

Enclosure

SAVINGS FROM A ONE-YEAR FREEZE IN FEDERAL CIVILIAN PAY

[By fiscal year, in millions of dollars]

| | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|
| Gross savings: | | | | | |
| Non-DOD civilians including members | −1,824 | −898 | 263 | 1,088 | 1,844 |
| DOD civilians | −1,243 | −1,505 | −1,316 | −1,194 | −1,157 |
| Subtotal | −3,067 | −2,403 | −1,053 | −106 | 687 |
| 950 Offsets: | | | | | |
| Non-DOD civilians including members | 207 | 104 | −31 | 131 | −226 |
| DOD civilians | 189 | 184 | 150 | 141 | 141 |
| Subtotal | 396 | 288 | 119 | 10 | −85 |
| Net savings: | | | | | |
| Non-DOD civilians including members | −1,616 | −793 | 232 | 957 | 1,618 |
| DOD civilians | −1,054 | −1,321 | −1,165 | −1,054 | −1,016 |
| Subtotal | −2,670 | −2,114 | −933 | −97 | −302 |

Source: Congressional Budget Office.

Mr. MITCHELL. Mr. President, I just want to say again, we are trying to pass this unemployment insurance bill. By the candid acknowledgment of the author of the amendment, the amendment has nothing to do with the unemployment insurance bill. The only conceivable effect of adopting this amendment would be to delay enactment of the unemployment insurance bill, perhaps to cause it not to be extended prior to the expiration date on Saturday. If our colleagues genuinely, strongly, and sincerely believe, as I know they do, in getting this unemployment insurance program extended, they should defeat this amendment and permit us to proceed to pass the bill.

I yield the floor and reserve the remainder of time.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I would like to respond to the comments of the distinguished majority leader as he reviewed it. Perhaps it would be most helpful to comment on the budget letter that was just entered into the RECORD. That particular letter does not relate to the amendment that is being offered. If there is some misunderstanding that my actions have caused that has misled the majority leader, I certainly want to acknowledge that and apologize for it.

The amendment is not the same as was included and considered by the budget office. As a matter of fact, the measure before us does not eliminate COLA's for congressional staff because that is funded separately. This is not, we are advised, the appropriate vehicle to do that on. The COLA freeze is simply the proposal of the President which relates both to Members of Congress and to other Federal employees.

The letter that has been entered into the RECORD does not relate to the amendment that is before the body.

Second, Mr. President, the distinguished majority leader had referred to some of the Members who had criticized the President's budget so vehemently and yet seemed to be going the other way in advocating this measure. I do not know if that was a reference to this Senator from Colorado, but let me make my position clear on that.

I have reviewed the President's budget. We have looked indepth at a number of the proposals. I have specifically endorsed $118 billion in savings that the President recommends in the nondefense areas that covers both discretionary spending and entitlements. I do not know if other Members have come to the conclusion that that much is worthwhile and supportable, but I have. In fact, we have endorsed almost all of the savings the President recommends except for those that are in reality tax increases.

Moreover, Mr. President, I have reviewed the defense proportions that are specified, and I support more than half of them. I suspect a significant majority of this body may have come to that conclusion at this point.

I also reviewed the receipts the President recommends and specifically endorse over $6 billion. The bottom line, Mr. President, is I do not come here opposed to the cost savings that the President has outlined in this area. I come here as an advocate of it. I have publicly endorsed it. I included it in a proposal that I mean to bring before the Budget Committee. I bring it to the floor as one who supports it and will vote for it. So the suggestion that there is somehow skullduggery, if that is implied, simply does not apply to this Senator. I am an advocate for these portions of the budget. I am not an advocate of tax increases on the American people without real controls on spending.

But I want to assure the Members present that I am a believer in, and advocate of, and will vote for, these measures that cut the deficit in this regard.

Second, let me just reiterate, it is not my purpose to delay the bill, and I shall not delay the bill. This is why I have agreed to a very tight time limit. This is why we have tried to make our remarks concise. I simply reiterate, it is not by my choice that this measure did not come up in January. It should have. It is not by my choice it did not come up in February. It should have. I think as Members of the Senate will recall, we had ample open time on the floor when it could have.

Finally, Mr. President, let me suggest the description of my remarks by others implying that this amendment had nothing to do with the bill, was certainly not what I intended. I thought I went into depth to point out how essentially important it was to make sure that every time we increase spending in a way that could exceed the budget we ought to be willing to come up with ways to pay for it. This is not a perfect way to pay for it, and I readily acknowledge this. It is an effort to pay for it. It does pay for part of it. I think it shows a sincere effort to face some of the budget challenges we have to address.

Let me just close with this remark, Mr. President. The name of the game is change in the United States. The fact that the President has come forth with a series of proposals that cut the deficit indicates it is a new day. This country does not have a future for our children and our grandchildren if we do not get this deficit under control. The time when someone could get elected to the Congress based on how much money they are going to give out at home is over. American voters want this problem addressed, and that is what this proposal does. It takes the President's proposal. It is verbatim out of the President's message; the entire portion we have exact language on, and we offer this as an offset.

Mr. President, I hope the Members will consider this measure; that they will act responsibly because I think the President's leadership on this particular issue deserves to be followed.

I yield the floor at this time and retain the remainder of my time.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I make the point that the proposal before us would go into effect 1 year from now, January 1, 1994, and we will have ample opportunity to vote for it within the next few months, if not weeks. And it will pass.

All that enacting it today would do would put in jeopardy the extended unemployment insurance of 1.8 million families. The situation in the House of Representatives gives no promise that a new piece of legislation, which this would be added to the bill we have before us, could be enacted. We are playing with a possible, hugely irresponsible move. I hope we will not.

I see the distinguished Senator from Arkansas is on the floor. I yield him 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I do not think I need the entirety of the 5 minutes. I compliment my distinguished chairman of the Senate Finance Committee, the majority leader and those responsible today for bringing this legislation to the floor of the U.S. Senate in this fashion.

Mr. President, I think, too, it is time to say that this particular amendment, though the intentions may have been worthy, is going to do nothing but wreak havoc on the unemployment compensation bill that we labored mightily to get from the Finance Committee to the floor of the Senate.

In addition, Mr. President, as the distinguished chairman has just stated, this amendment is not even going to go into effect until 1994. It will have no effect this year. The place for this discussion, if there is one for an amendment such as this, is going to be on the budget resolution, reconciliation or in the budget process, not upon the unemployment compensation bill, as our distinguished manager has mentioned, that is going to hold hostage 1.8 million American families.

Mr. President, in conclusion, let me also state my distinguished friend from Colorado has left out an integral part of the costs of running Government. Did he put a COLA freeze on those? Did he put a cap on their salaries? Of course not. I am talking, Mr. President, about those $4 billion worth of Government consultants and contractors who were hired just in the last 4 years, during the last administration. When our President would stand before the Congress and say that we are going to eliminate 100,000 Federal jobs, what he did not tell us is that the agencies for every Federal job eliminated through attrition, retirement, firings, what have you, would increase, double that number of Government consultants and contractors.

What does this do, Mr. President, to the morale of the Federal employees out there in the agencies when sitting at the next desk is someone paid by a contracting firm or consulting firm making twice, three times the salary of that Federal employee? And then we come along with this amendment at this time, on the wrong bill, the wrong day, the wrong moment.

Mr. President, I hope our colleagues can see that this is in fact going to wreak havoc upon the possibilities of us by tomorrow night or Friday giving to the American people an unemployment compensation bill that I truly believe most of us in this body feel must be passed.

Let us do what we need to do on that, and let us wait on this proposal or any like it until the proper place and the proper time.

Mr. President, I thank the distinguished chairman and manager, and I thank the Chair for recognizing me.

I yield back the remainder of my time.

Mr. MOYNIHAN. Well said, I say to the Senator.

Mr. President, if the distinguished Senator from Colorado is ready to yield back his time, we will do the same.

Mr. BROWN. I thank the distinguished chairman. I did have a question for the distinguished chairman if he is willing to engage me on the subject.

Mr. MOYNIHAN. Of course.

Mr. BROWN. I thought the distinguished chairman brought up an important point and one that merited consideration. It certainly is not my intention to delay the action on this measure, and it is why I have entered into a time agreement. But the distinguished chairman had raised the specter that having an amendment added to this measure could well delay its consideration.

If I understand what has happened, have we not already adopted an amendment to this measure which will require it to go back to the House for consideration?

Mr. MOYNIHAN. The distinguished Senator is quite correct. But the amendment that we have adopted would be instantly accepted in the House. We will not have a chance to conference. Time has run out. But the amendment of the Senator from Colorado would be an occasion for a 2- or 3-day debate. The House is going to come in briefly tomorrow, and this program dies at midnight.

I plead with the Senator; I plead with Senators who may be listening. They will have a chance to vote for the Senator's proposal. It is the President's proposal. We are all going to vote for it. But will we put in jeopardy, will we kill the extended unemployment benefits for 1.8 million people, some of whom have been out of work for half a year and more, living on an average of one-third, the benefit replaces one-third the average weekly wage. Is this the time to do that to such people? I think not.

Mr. BROWN. Mr. President, I simply state that I have great respect for the view of the distinguished Senator from New York, and he is, indeed, an expert in the field.

Having spent a decade in the House of Representatives myself, it would come as a surprise to me if, indeed, this matter did merit several days of debate. My recollection of such decade in the House indicates that the leadership has ample power to control debate and, as a matter of fact, debate is as a normal course quite severely limited.

With regard to how controversial this portion of the measure is, I certainly think every Senator is probably their own best judge of how controversial it is. I merely would observe this is verbatim the President's own recommendation. I believe that you have a significant majority of Republicans in the House who would embrace this measure and vote for it, and I must say I believe you have a substantial majority of Democrats in the House who are inclined, at least at this point—at least in my judgment—to want to support the President.

Lastly, Mr. President, I would simply like to point out that over the 12 years I have served in the Congress, there was not a single year in which this Congress kept spending within the budget that Congress passed.

Mr. President, let me repeat that. There was not a single year in those 12 years where spending was limited to the amount Congress suggested in its own budget. There was 1 year we came pretty close. Not once, not once.

In those 12 years, I have heard people say do not adopt this cut because it is too early; do not adopt this cut because it is too late. The one we have today apparently is adopted too early and it would be some months before it would take effect. Apparently, that is a reason to vote against it. Some say do not vote for the Packwood amendment because it is too general. When you respond with a very specific proposal, some have said, look, it is too specific. Too early, too late; too general, too specific.

Mr. President, when are we going to face up to the realities? The major question the American people have about the President's budget is not whether or not it has tough things in it. They know it has tough things in it, and they are willing to accept it. Frankly, most Americans I hear are proud of the President's willingness to do difficult, tough things. Most Americans want us to do it. Most Americans have a real and sincere doubt that this Congress is capable of controlling spending.

They are not cynics. They have watched us operate. They have watched us for a dozen years in a row overspend the budgets that this Congress passes, its own budgets. And not a single one of those budgets has been a cut. There has never been a year in those 12 years where we have cut spending in the budgets. They have all been increased, and we have all overspent.

Is this amendment relevant? Of course, it is, because it indicates and signals our willingness to do at least something to control spending at the same time you are increasing it.

The concern the American people have about the budget that is so hotly debated is not doubt about the President. They admire his willingness to come forward with a plan and lay it out and work on it.

The concern they have is whether or not we are going to follow it; whether or not he will veto every measure that is over budget; whether or not we will keep spending within the budgets once they are passed. That is the question. It is credibility that is on the line. It is why I, as a Republican, come forward to offer the President's proposal which I support and for which I am going to vote.

That is the issue today: Credibility.

Let me simply say one other thing, Mr. President. If anyone doubts the sincerity of trying to bring this in line, let me suggest I would happily welcome any additional proposals that the President has made, to attach to this bill. If, indeed, the concern of the distinguished Senator from New York or others is that this does not save enough money soon enough, then let us bring forward the other proposals and adopt those, too. I stand here willing to commit that I will vote for every one of those cuts in spending that does not involve a tax increase to provide offsets for this bill.

But the issue before us is not employment. The issue before us is not the timing of the unemployment benefits because they could have been brought up any day in January and any day in February, and they were not. It was not because we had full calendars. The issue before us is credibility before the American people. Do we really intend to adopt cuts along with the spending increases? That is the question. That is what Americans at home are wondering about. And it is why I bring this measure to the floor.

Mr. President, I relinquish the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York.

Mr. MOYNIHAN. I yield to the Senator from Maryland 3 minutes.

Mr. SARBANES. Mr. President, I will be very brief.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, I have people who watch these debates in the Senate ask me, how do you all do your business there? We do not understand. How is it that a bill can come up, in this instance, which deals with unemployment insurance, and you can get amendments offered to the bill that have absolutely nothing to do with unemployment insurance?

Frankly, I have to tell you I think it is a very reasonable question. The proposal of the Senator from Colorado is going to be considered when the budget issue comes before us—that proposal and many others. There will be sharp differences on what ought to be done. We will have the proper debate and the proper resolution of those.

But this constantly keeps happening in this body. There is a joint committee on the organization and process of the Congress. I have to tell you, listening to this debate, it is becoming clearer to me what one of the recommendations of that committee ought to be; that is, amendments ought to be relevant and pertinent to the legislation to which they are offered. Otherwise, you have this situation.

We are trying to pass a desperately needed extension of the unemployment insurance bill. We are getting amendments offered to it that have nothing to do with unemployment insurance. We are then told we are trying to do the President a favor by offering these amendments because we are taking one piece or another out of his budget proposals, and we are going to add that particular piece onto this proposition.

For those of you that are trying to help the President, let me say to you, the President wrote to the majority leader—this is from President Clinton—saying the administration strongly supports this legislation and urges its quick enactment. This legislation—I am excerpting from it—would "assist the unemployed and their families. I am strongly opposed to any substantive amendments to this bill," says the President.

So, if you are trying to help the President, I do not think the President has asked or is seeking your help. In fact, the President is telling us to go ahead and pass the bill, S. 382, the unemployment insurance benefits. Pass this bill. This program is going to expire on Saturday. There are going to be people who cannot pay their mortgages, cannot put food on the table, cannot meet their car payments.

Mr. President, this does, I think, dramatize the need to change the way we ought to do business. I really beseech my colleagues to think about it for a bit. This is not the first time it has happened. It is not the last time.

I am not particularly being critical of the Senator from Colorado because most, if not all, Members do this sort of thing. We get legislation out here on a particular subject. Then we get amendments offered that have absolutely nothing to do with that subject. It is no way to do business. You know that a certain subject is up on the floor and an amendment gets offered. You come in the door, getting ready to vote, and then you discover the amendment is offered which has absolutely nothing to do with the legislation that is being proposed.

If you want to say something to the American people, what I say to the American people is this is no way to do business. This procedure ought to change in the U.S. Senate. I think the more examples we get of this sort, the more we dramatize that issue, and, hopefully, the joint committee will recommend such a change. Then we will have to have amendments that are germane and relevant to the legislation on which they are being offered. So I support the leader in his position.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Mr. President. I have not spoken on this issue, but I would like to reiterate what the Senator from Maryland has said. I am a freshman. I have listened to this debate. I have heard people say the gross domestic product is up, and it is. I have heard people say that for the last 4 consecutive months in 1992 food stamps in this Nation have gone up to an all time high. I come from a State where 1.4 million people are out of work.

This is a simple, pure bill. I have not heard anyone say it is not necessary to pass this bill. Yet, I have sat here and I have listened to debate which would tack on amendments which would probably throw the bill in jeopardy within the time limit in the House of Representatives.

I might just respectfully say to the majority leader, Mr. President, and the minority leader, that from where I come this is what people do not like about Government. They do not want urban aid with the tax bill tacked onto it. They do not want an unemployment compensation insurance extension with other things tacked onto it. I think we were sent here to break the gridlock. At least that is what the 1992 election was all about. We have a pure and simple thing. Do we extend unemployment insurance compensation to the needy families until October or do we not? It seems to me it is time to get on with it and cast that vote and tackle other issues on other days.

Mr. MOYNIHAN. Well said.

May I yield the remainder of my time to the majority leader.

Mr. MITCHELL. Mr. President, I hope we will vote shortly. I will not prolong it. Earlier I referred to a letter to the Senator from Colorado from the Congressional Budget Office. A question was raised about the applicability of that legislation to this amendment. My staff has checked with the Congressional Budget Office and has been advised that, notwithstanding the fact that the amendment offered is not identical to that described by the Senator from Colorado with respect to the Budget Office, the operative provision of the letter applies to the pending amendment. That operative provision is stated in the single sentence at the close of the first paragraph of the letter, and it is: "Because pay raises are funded through annual appropriations, the proposal would not affect direct spending."

Mr. President, I yield the floor. I reserve the remainder of my time.

Mr. MOYNIHAN. Mr. President, in the name of 1.8 million families, who are in danger of losing their unemployment benefits, some of them starting on Saturday midnight, if this amendment should pass, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to lay on the table the amendment of the Senator from Colorado.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—58

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Thurmond
Wallop
Warner

NOT VOTING—1

Bingaman

So the motion to lay on the table the amendment (No. 69) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, regrettably, the Senate has before it now yet another bill to extend unemployment benefits. I say regrettably because one would expect that, nearly 2 years into an economic recovery, the problem of unemployment would have been taken care of long ago. After 22 months of economic recovery, one would expect the hardships of unemployment to be but a faint memory for those Americans who might have lost their jobs during the 1990–91 recession.

That is what one would expect. Expectations aside, however, the fact is that unemployment continues to be a problem for millions of Americans who want to work, but cannot find a job. The fact is that, rather than being a faint memory, unemployment remains a harsh reality for the families of far too many working men and women.

Just over 9 million Americans are out of work today. The national unemployment rate has remained stuck over 7 percent for 14 consecutive months, and is higher now than it was at the trough of the recession. In West Virginia, unemployment now stands at 10.6 percent, the highest rate in the Nation.

Moreover, despite the fact that we have had nearly 2 years of economic recovery, the rate of long-term unemployment remains stubbornly high. In January of this year, more than 1.9 million Americans, or 21 percent of all those unemployed, had been without work for more than 6 months—a figure nearly 20 percent higher than a year earlier. The rate at which claimants are exhausting their regular State unemployment benefits today is comparable to the exhaustion rate experienced at the depths of the 1981–82 recession, and is 20 percent higher now than it was at the end of the most recent recession.

While it might seem to be oxymoronic to describe this as a "jobless recovery," that is an apt description of our current situation. We are in an economic recovery. In the last two quarters, we have even experienced relatively strong economic growth. Yet, job growth has been minimal, and unemployment, particularly long-term unemployment, remains a serious problem.

As a result, few, if any, in this Chamber seem prepared to argue that we should not provide for an extension of unemployment benefits one more time, or that we should not do so before the current Emergency Unemployment Compensation Program expires on March 6. On this, there appears to be little disagreement. The question before the Senate today is: Should we pay for this extension of unemployment benefits by cutting spending elsewhere or raising taxes, or should we declare an emergency, as provided for under the Budget Enforcement Act, and treat the provision of these unemployment benefits as an economic stimulus?

Given the state of the economy, I believe the latter course is the more prudent one. The very fact that there is such broad agreement that we need to extend unemployment benefits suggests that the current economic recovery is not all that we might hope it would be, and that we need to do something to stimulate the economy. If, after nearly 2 years of economic recovery, the rate of unemployment remains higher than it was at the outset of the recovery, providing the economy with a little stimulus would seem not only appropriate, but necessary.

Extending unemployment benefits through an emergency declaration will simultaneously accomplish two equally important objectives. First, by extending the soon-to-expire Emergency Unemployment Compensation Program for 7 months, through October 2, 1993, it will provide much needed assistance to those Americans who, despite nearly 2 years of economic recovery, find that their own employment situations have not yet recovered. Second, it will help stimulate the economy, thereby hopefully boosting the rate of both economic growth and job creation. To offset the cost of this extension of unemployment benefits would negate the stimulative effect of its adoption. To do so, in my view, would be penny-wise, but pound-foolish.

I urge my colleagues, therefore, to support the legislation now before us, S. 382, the Unemployment Compensation Amendments of 1993, as it has been reported from the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise in support of S. 382, legislation to provide for another extension of urgently needed emergency unemployment benefits until October 2, 1993, and to create a program which would profile new claimants for unemployment compensation, to ensure for them better and more rapid access to reemployment assistance and support services. These emergency benefits are just one part of a comprehensive Federal effort to provide support, counseling, job training, and other assistance to unemployed workers that President Clinton has proposed to streamline and expand and that the Senate Labor Committee has supported for years in the face of consistent Bush administration opposition.

Next week, over 1.8 million Americans risk losing this important shield against economic catastrophe if we do not act now to authorize release of these funds. Extending these benefits will give those Americans critical breathing room, and a chance to continue their efforts to seek employment.

While there are some modest signs that economic recovery is at last underway, unemployment is still higher now at 7.1 percent than at the depth of the recession in March 1991. At least 9 million Americans are still out of work, almost 2 million of whom have been out of work for at least 6 months. The rate at which unemployed workers are exhausting their benefits is comparable to exhaustion rates at the depths of the 1982–83 recession. The Department of Labor has estimated that 250,000 to 300,000 unemployed Americans will exhaust their benefits under State law each month for the next 6 months. We must make aid available to those people now.

Compared to the average recovery from post-World War II recessions, job growth in recent months has been unimpressive. In past recessions, an average of 228,000 jobs had been added by this point in the recovery. By comparison, the current recovery has added only 29,000 jobs nationwide. Major companies like Sears, IBM, and GM have recently announced further huge layoffs. Unlike in past downturns, many of those who have lost their jobs will never be rehired by their former employers.

In Minnesota, where unemployed workers would get an extra 20 weeks of emergency benefits in addition to the 20 weeks of benefits under the regular program, I have heard from workers trying to hold their families together in the face of joblessness and the prolonged despair which often accompanies it. Each of us, in our own states, has heard the stories of real people, feeling real pain and facing economic catastrophe if we allow these benefits to lapse. We must not turn our backs on them now.

This proposal marries compassion with common sense. It not only provides emergency support, but provides dislocated workers with real assistance that helps to put people back to work in jobs that meet their skills and interests—good jobs, high-paying jobs. I urge my colleagues in the strongest possible terms to support this measure.

Mr. GORTON. Mr. President, today the Senate is considering legislation to extend the Emergency Unemployment Compensation Program so that workers who exhaust their regular benefits will be eligible to sign up for 20 to 26 weeks of emergency benefits until October 2, 1993. It is legislation with whose goal I wholeheartedly agree, but whose methods I question. While I have serious and profound reservations with its methods, I will vote in favor of this bill.

Voting for a bill which will increase the deficit by over $5 billion is not, by a longshot, my preferred course of action. I believe the Republican amendment which would have funded extended benefits by making use of the President's own proposal to cut administrative costs to be the correct course of action. But the Democratic leadership said no.

They said no to paying for extended benefits by cutting items such as flights by Government bureaucrats. They, in fact, insisted that the $5 billion price tag for this bill be added straight to the deficit. Mr. President, I strongly object to that course of action.

My viewpoint, however, lost when the Republican amendment was voted down. And I recognize that. What I am left with, then, is a situation where I must weigh the need for these benefits in my State against the pressing need to reduce the deficit. I must come to a final decision.

The decision I reluctantly reached is to vote for this bill. The reason is that the benefits themselves are more important than the method of paying from them. I simply cannot turn my back on the people in my State while they are reeling from several severe economic blows and are in desperate need of help.

Washingtonians are suffering from a dangerously weakened economy and staggering job losses. To give just a few examples, ITT-Rayonier, a paper mill in Hoquiam, WA, recently closed, throwing its 600 workers into the unemployment line. Last year, Boeing cut some 6,000 workers from its payrolls. Recently, the company announced plans which will affect another 19,000 employees.

Mr. President, these plant closings and work force reductions make it exceedingly difficult for workers and their families in Hoquiam, Forks, Everett and Seattle to pay for mortgages and put food on the table.

It seems that the Washington State economy is lagging behind the rest of the country in recovering from the effects of this recession. It is only right that because Congress provided emergency benefits to the rest of the country when they were hurting, so too should Washingtonians expect some help how that our State is suffering.

If that means accepting a package which increases the size of the deficit, then I reluctantly accept it because the situation in my State is that grave.

Mr. President, I do not want anyone to think that this vote in any way affects my firm commitment to reducing the size of the Federal budget deficit. This particular situation is unique, and requires unique action.

I will still vote in the future against new spending and new taxes and measures which increase the deficit. I still firmly believe that unburdening our children and grandchildren from stifling debt is the most important thing Congress can do.

But, Mr. President, in this one instance, I cannot ignore the anguish and pain Washingtonians feel. I just wish the Democratic leadership would have permitted Congress to act more responsibly in this instance.

Mr. CHAFEE. Mr. President, as we all know, the recent recession was especially severe, particularly for New England and my home State of Rhode Island. Rhode Island's latest total unemployment rate or TUR is 7.9 percent—almost a full percentage point higher than the Nation's TUR. At one point, Rhode Island's rate was over 10 percent. Although I am relieved by the improvement, clearly a serious problem remains.

The legislation under consideration today is critical to the thousands of workers around the country who are having trouble making ends meet for themselves and their families because they still cannot find employment. Although economic indicators show we are in a recovery, it is a recovery that has produced few new jobs. In few places in our country has the frustration from searching for work been more evident than in my home State.

Two days ago, I received a letter from a Rhode Islander who was laid off last January. Over the last year, he has sent out more than 300 resumes, only to be told that he is either overqualified or underqualified. With a family of five to care for, he decided to start a small restaurant, but has run into other roadblocks in obtaining credit to finance the venture.

I am pleased that we are here today to take up the case of people who, like this gentleman, cannot find work despite their best efforts. I voted earlier today that these benefits be paid for, rather than deeming the spending an emergency and directly increasing the deficit. On previous occasions we have identified revenues to offset the cost of the extension. Regrettably, the effort to pay for these benefits failed once again we are levying upon our children the bill for our actions.

Mr. President, Senator PACKWOOD's amendment gave us the opportunity to extend the program in a fiscally responsible way by directing OMB to reduce administrative and overhead spending at Federal agencies. President Clinton included such reductions in his own deficit reduction plan.

Let me also add that we cannot go on forever extending the Emergency Unemployment Program. This is the third extension of the program. Although it clearly is necessary, we really must get to the heart of this matter—the need to create jobs.

One suggestion I have is to repeal the luxury tax on boats. The burden of this tax has not fallen on the rich, as envisioned by its authors. Instead, it hit American boatbuilders who have been thrown out of work.

In total, the boatbuilding industry has lost about 25,000 to 30,000 jobs as a result of the unwillingness of people to pay this tax, and thus purchase boats. These were good, solid American jobs. Jobs are a far more enduring support to our Nation's economy and to its workers than are unemployment benefits.

Mr. COVERDELL. Mr. President, today the Senate has dealt with a very serious issue in a very insincere manner. The issue is extending unemployment compensation to those still hurting from the recession. Also at issue is how will the Federal Government pay for the estimated $5.6 billion in added compensation.

I cannot support efforts to extend unemployment compensation that do not adequately deal with how the country will pay for such an extension. It is too easy to vote for the extension without having to face the facts on how the bill will be paid. I supported a measure by my colleague Senator PACKWOOD from Oregon which would have required the Federal Government to fund such an increase in compensation without adding to the deficit. This measure would have been fiscally responsible. This measure, however, was defeated by the Democratic majority.

Instead the Senate has chosen a buy now, pay later approach which will simply add to the ever-increasing deficit. Reducing the deficit will stimulate growth in the economy and create new jobs. Adding to the deficit will place a greater burden on the economy and hamper growth in the jobs market.

Mr. LEVIN. Mr. President, even with some signs of economic recovery on the horizon, in many areas of the Nation, including my home State of Michigan, the suffering continues. The economy has recovered less than one-third of the jobs that were lost during the depth of the recession. Rarely a week goes by without a report of new major layoffs. The optimism that some people feel about the state of the economy has failed to be reflected in many communities in my home State of Michigan or in other areas of the country as well.

In January alone, more than 10,000 people in Michigan exhausted their regular State unemployment benefits. Unless we act on the legislation before the Senate today, 80,000 people in Michigan will have their extra unemployment benefits cut off over the next year in the face of a job market that is still not producing job opportunities quickly enough.

This bill will provide additional weeks of Federal unemployment benefits on top of the 26 weeks of regular benefits offered by the States. It will extend the Federal program from March 6 through October 2 and allow people who qualify for these benefits prior to October 2 to collect them through January 15 of 1994. For people in Michigan, the formula in this bill provides 20 weeks of Federal benefits to those who have exhausted their State benefits. It means almost $300 million will be injected into the economy of Michigan.

I hope that we are on the verge of an economic recovery that will be translated into new jobs for the victims of the past recession. I believe that the stimulus and growth package that President Clinton has proposed will enhance our prospects of reestablishing a high wage, high growth economy. But, in the meantime, we must provide an extra measure of support to those who have not had long enough to find new employment. This legislation that we are passing today is a determined step in the right direction.

Mr. COHEN. Mr. President, today the Senate will complete consideration of an extension of the Federal Emergency Benefits Program, which provides much needed unemployment assistance to people who have lost their jobs in these difficult times.

In my regular trips back to Maine, I have heard from literally hundreds of people whose lives are being disrupted by recent economic conditions. Many of these people have told me how the Federal benefits program has helped them survive while they are looking for a job. People who are eligible for this program are not recently unemployed but have been unemployed for a long period of time. It is these long-term unemployed who, I believe, need the most assistance as they try to find jobs. As in the past, I remain committed to helping these people by working to improve the Maine economy and to promote the creation of new jobs.

Like many of my colleagues, I want to support this latest extension of the Federal program so that unemployed citizens of my State and the Nation may receive additional weeks of unemployment benefits if they are out of work for an extended period of time. Because I believe in the worth of the program, I have supported it since its creation. In February and July 1992, I wholeheartedly supported extensions of the program.

While I do not want to reduce the assistance that the long-term unemployed are receiving, I feel strongly that I have a responsibility, both to citizens in Maine and to the American people, to ensure that there is a way to pay for a program that will cost the American taxpayer approximately $5.7 billion over the next 2 fiscal years without simply adding the cost to the Federal deficit. This is a tremendous amount of money, and at this time, sponsors of the bill have not included a way to pay for it. thus, while I recognize that many newly unemployed Americans, including people from my own State, may need additional unemployment assistance, I believe we must responsibly determine a means of paying for this assistance as we debate this legislation. Before agreeing to a third extension of this program, we must ensure that we can pay the bill.

This is not an easy decision. The unemployment rate in Maine, adjusted for seasonal effects, was 7.8 percent in January 1993. The nationwide unemployment rate is 7.1 percent. In addition, 45 percent of all individuals collecting unemployment insurance in Maine are collecting benefits under the Federal program. Furthermore, I understand that Maine will not likely meet the requirements in 1993 to provide an additional 13 weeks of unemployment benefits to unemployed Mainers under the combined Federal-State extended benefits program. Thus, without an extension of the Federal Emergency Program, unemployed Mainers will only have up to 26 weeks of regular unemployment benefits available to them.

Unfortunately, the deficit is the single most damaging problem in our economy today. It has significant negative effects on our country's economic growth and our competitiveness in the global economy. To combat this growing deficit problem, we must make some tough choices now. There is absolutely no way this country will ever reduce our deficit if new programs or extensions of temporary programs are not, in the very least, paid for by cutting Federal spending in other areas or raising revenue.

There are, of course, large wasteful programs whose elimination could provide funding for much needed programs like unemployment compensation, with money left over for deficit reduction. Just last week I, along with Senators BUMPERS, SASSER, and WARNER, introduced a bill that would save billions of dollars by terminating the proposed manned space station and the superconducting collider. I am not prepared to offer this as an amendment at this time. I simply bring this bill up to suggest that there are, in fact, ways to cut Federal spending and pay for the Federal Emergency Program. I think we owe it to our country to find ways to finance the bill.

The bill before us will provide needed assistance to a very important segment of our population. Yet, without a funding mechanism, it ignores the burden that an increased deficit will have on our children. As we consider this bill, I ask my colleagues to weigh not only the short-term relief that this extension will provide to unemployed Americans but the consequences that their votes will have on future generations. I believe we must find a way to fund this program if it is to continue.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill be considered read a third time, and that the Mitchell amendment be placed in an appropriate place in the bill; and the Senate now proceed to Calendar No. 9, H.R. 920, the House companion measure, that all after the enacting clause be stricken and the text of S. 382, as amended, be inserted in lieu thereof, that the bill be advanced to third reading and the Senate proceed to vote on final passage of H.R. 920, and that all of the above occur without intervening action or debate.

Mr. President, I further ask unanimous consent that upon disposition of H.R. 920, Calendar No. 7, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Now, Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 920), as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—66

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
D'Amato
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—33

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Faircloth
Gramm
Grassley
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—1

Bingaman

So the bill (H.R. 920), as amended, was passed.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

Mr. MOYNIHAN. Madam President, I ask unanimous consent that we might now enter a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. Madam President, I thank the Chair.

## THE REDTAPE AWARD

Mr. WALLOP. Madam President, America's business community is being strangled. The Federal Government has both hands around its throat, wrapping people in redtape, and squeezing out all their ambition and confidence. There are so many regulations worthy of ridicule that a handful of my colleagues and I decided to periodically award "the most foolish of the foolish." The task is dismayingly easy.

When a small businessman gets fined for failing to warn employees about the dangers of a Brillo pad—the kind used to scrub pots and pans—things are out of control. What should he have cautioned? "Warning: Rubbing the eyes with a Brillo pad could scratch the cornea."

Madam President, this is not America. People all across the country are terrified of an arrogant Government running amuck. Mountains of rules and regulations have been piled on business owners, school districts, State and local governments, and ordinary citizens. Their stories are staggering, the fear they feel undeniable. "I wanted you to know," they say "but don't do anything or they will get me."

The Redtape Award spotlights the most intrusive and ludicrous Federal mandates, not to make a mockery of the situation, but to tell true tales of abuse in the hope that Federal agencies will be embarrassed into taking notice. The symbol for this award is our Statue of Liberty bound and gagged in redtape—fitting since the very freedom and opportunity for which she stands is being smothered.

The first award was presented last fall to OSHA for its ridiculous enforcement of the Hazardous Communication Standard—regulations which fine employers for failing to fill out material safety data sheets pointing out the workplace dangers of such hazardous materials as sawdust, sand, dishwashing liquid, water, and oxygen.

Madam President, the owner of a small silk screening business in Florida was fined for not having an MSDS on Joy dishwashing liquid. Is there any wonder why citizens both scorn their Government and cringe from its reach?

The second Redtape Award was given last week to the very deserving Superfund Program run by the Environmental Protection Agency. Intended to clean up chemical spills and abandoned hazardous waste sites, Superfund has proven to be cumbersome, ineffective, costly, and blatantly unfair.

We in Congress must accept a large part of the blame for writing a law with fundamental flaws, but the EPA celebrates those flaws by enforcing the most vague and intrusive provisions rather than seeking ways to make Superfund work and clean up hazardous sites.

The end result is that Superfund has accomplished practically nothing over its years but has cost both citizens and citizen taxpayers plenty. Of the 1,200 sites on the national priority list, EPA has completed cleanup of less than 10 percent at a cost of $11 billion.

Of all the money spent by insurance companies on Superfund claims, a shocking 89 percent goes to lawyers, only 11 percent to cleanup.

Madam President, we are not such a rich country that we can give 89 percent of our money to lawyers and only 11 percent to the environment.

It is a real cleanup all right, but unfortunately, it is the lawyers who are cleaning up.

But the biggest travesty may be that we know so little about actual human health risks and environmental dangers from toxic substances. The Federal Government is frightening people out of their homes and off their property based on faulty science and stretched assumptions.

As my own constituents in Wyoming can attest, the liability provisions of Superfund are inherently unfair. Congress intended them as a tool to ensure that the polluter pays. In practice it goes far beyond Congress' intent and the results are absolutely catastrophic.

Torrington, WY, a quiet, healthy community in the southeastern part of my State, has been invaded by Chicago lawyers, California Investigators, and Federal bureaucrats whose use of Superfund tactics leave people wondering if they still live in America.

From 1972 until 1989 the owner of Torrington Hide and Metal bought used batteries from people in the area, cracked them open to recover lead for recycling and dripped battery acid into the soil.

Last July several people around Torrington received 13 pages from the EPA, including a questionnaire to determine if they had contributed to the battery-cracking operation, and to determine their ability to pay for cleanup.

The EPA wanted to see from these private citizens in the quiet town all their financial documents for the last 5 years, including their supposedly confidential Federal income tax returns and copies of bank financial statements.

Madam President, they were warned to respond truthfully within 30 days or pay a fine of $25,000 a day in addition to facing criminal penalties. Believe me, Senators, when I say that even the most innocent American is going to run straight to an attorney when threatened by such intrusive demands.

EPA had already driven the perpetrator of the battery-cracking operation into bankruptcy. The agency then asked him who had sold or transported batteries during the time period from 1972 to 1989. Although he had very limited recall, spoke only in generalities, and many of his answers were purely speculative—no specific dates or amounts—his deposition served as the basis to drag 54 additional private citizens into the lawsuit in addition to the 6 defendants EPA had originally targeted.

The attorneys got hold of some old checks which they used against people. For example, the local Veterans of Foreign Wars chapter sold a bingo ticket to a fellow who paid with a third-party check signed over to the Veterans of Foreign Wars. The VFW since has learned that its $1 check from Torrington Hide and Metal almost made them liable for $25,000 worth of cleanup.

Someone may have collected old batteries to raise funds for the volunteer fire department in Custer, SD. Now that fire department faces 25,000 dollars' worth of liability.

Someone may have hauled batteries once in a yellow truck. So now the county government, which has yellow trucks, was brought into the fray, as was the local college because someone recalled that they may have tuned up cars behind the college buildings at one time.

A former employee of a construction business may have been paid $5.60 for dropping a battery off at Torrington Hide and Metal. Therefore, the construction company was dragged into court also.

It is the same thing with the Goshen Irrigation District, which got paid $20 for some scrap iron on nothing more than a hazy guess that a battery might have been included with the scrap metal. The Goshen District has been told that they could escape the suit if they cough up $25,000.

All of these law-abiding, hard-working souls either did nothing at all to contribute to the waste or they did something that was perfectly legal and they thought to be wholly responsible, yet today they find themselves the target of an enormous and blindly insensitive legal machine called the EPA. The very best that can come from this situation, from their point of view, is that they get off with a bill for lawyers of several thousand dollars.

These folks are not criminal polluters. These are victims of vicious, stupid abuse from their Government.

Russ Zimmer, Torrington resident and one of the Superfund targets, recently wrote me the following of the process.

> I believe we want a clean environment and we all must contribute, but action like this by Federal law will be counterproductive in the future. The people will not trust the Federal Government and will not take chances of getting into terrible financial situation with the Government and probably will dump their batteries in the barrow pits at night rather than to dispose them.

Madam President, I ask unanimous consent that Mr. Zimmer's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TORRINGTON, WY,
*February 14, 1993.*

MALCOLM WALLOP,
*U.S. Senate, Washington, DC.*

DEAR MALCOLM: Would you believe that we have a federal law that says, if you sold a used battery in 1984 for the sum of $2.00 you can be responsible for an EPA clean up that could cost over $1,000,000.00 or more?

I can't really believe this is happening in Goshen County, but it is. I am sending you copies of the law suit that I received in the mail along with 53 other defendants.

To tell you a little about the history of this action as I know it, The Torrington Hide & Metal, had a place of business south of the North Platte River on Union Pacific land in Goshen County. They bought and sold scrap metal, batteries and livestock hides. This part was a legitimate business. The part that was not legal, was they had not operated this business in accordance with the Wyoming Solid Waste management Rules and Regulations. This was noted after an inspection by the Wyoming DEQ. April 7, 1983.

Several years after this inspection was conducted a disgruntled employee turned Stanley L. Smith, owner of Torrington Hide and Metal, into EPA for violation of the EPA act and that is when the Federal people got involved. As you can see from the documents that I am enclosing that there were violation by Torrington Hide and Metal. The EPA informed Stan Smith that there would be maximum fines for these violations at the rate of $25,000.00 per day for each violation. Mr. Smith could not stand this, so took out bankruptcy and walked away from his business. He is solely responsible for this problem, but by taking bankruptcy, he avoided the bullet.

Now comes the law suits that get other people involved. The Union Pacific Land Resources Corp. owns the land that is contaminated. This law suit by the United States of America is against the Union Pacific Land Resources Corp, Sears, Roebuck, Puregro Co, Case Corporation, Panhandle Cooperative Association Inc. The EPA wants these defendants to pay for the clean up of this site, although there is not a final cost figure as no one can tell what it is. There is an estimate by the EPA of about $1,250,000.00. These defendants are willing to pay about $237,000.00 but no more. This amount of money is the "Response Costs" as of June 30, 1992, according to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Now the defendants of the first lawsuit want to involve 54 defendant in a third party lawsuit to pay for all the rest of the legal action for whatever that might be. The law firm Johnson & Bell, Ltd., Chicago, Ill. are the prosecuting attorneys for the first law suit defendants. This is the part of the federal law that is so ridiculous and unjust. It all comes from the Third-Party Defendants pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607 and 9613, and amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"). I can't believe that some one that sold a battery to a business that was a customary and legitimate sale and had absolutely no connection or authority of another business, could be made to pay thousands of dollars for something they had so little to do with. This law must be amended as soon as it can, to protect the innocent.

Examine the list of defendants and you will see that there are no individual defendants. They are Companies, Corporations, Municipalities, Counties, Wyoming State, School Districts and any entity that have deep pockets.

Johnson and Bell, attorneys have given these third party defendants a way out of this law suit. They must commit to a payment of $25,000.00 each within about 30 days or be subject to the suit. They tried to tell the third party defendants in a meeting that was held in Cheyenne on the 2nd of February, that is would be better to commit the $25,000.00 now rather than spend a lot of money for legal expenses and then pay the $25,000.00 anyway. So far I haven't heard of anyone agreeing to pay the $25,000.00.

I believe we all want a clean environment and we all must contribute, but action like this by federal law will be counter-productive in the future. The people will not trust the federal government and will not take chances of getting into a terrible financial situation with the government and probably will dump their batteries in the barrow pits at night.

Well enough said!

Sincerely,

RUSSELL ZIMMER.

Mr. WALLOP. The legal nightmare will continue in Torrington, but residents there can be certain of only one thing. EPA will choose the most expensive, the least efficient way of achieving the actual cleanup. Concerned citizens who do not want to live in a polluted town or a town with polluted surroundings already volunteered to do the initial work of scraping the site where the battery waste had polluted the soil, and EPA rejected that offer and instead embarked upon its own course doing the same thing at roughly 10 times the cost. Score: taxpayers nothing, environment nothing, EPA 10.

Madam President, you know what my constituents in Torrington say to me? They say that this is not America, that these are gestapo tactics. And they are right.

Unfortunately, the problems are not confined to my home State, as the Senators who joined in presenting the second Red Tape Award attested last week. My colleague from Mississippi, Senator LOTT, outlined the situation in the town of Meridan. Actually, this was the case that first inspired us to present the award to EPA.

It seems a private citizen in Meridian tried to buy a contaminated site and clean it up at his own cost, even though he had never any part in its contamination. However, because the EPA said he could never be released from liability for environmental damages which he did not cause, he had to walk away and use, guess what? Pristine ground, ground that had never been used for such a thing, rather than recycling the old site. We have an EPA that gave us a stupid, environmentally unsound application of the law.

My colleague from Oklahoma, Senator NICKLES, long an advocate of regulatory reform, outlined the situation in his State where a massive and intrusive investigation was directed at auto dealers over a long period of time. The end result was that dealers, feeling a lot of harassment, were forced to fill out forms, and as yet no cleanup has ever occurred.

My colleague, Senator BROWN, cited the case of Smuggler Mountain in Aspen, CO. It seems that EPA is at odds with the citizens of Aspen over the method of cleanup at a 100-acre area which was once the site of mine tailing dumping, resulting in so-called heavy concentrations of lead in the soil.

Madam President, despite the fact that all of EPA's studies show that the lead levels in the blood of Aspen residents is no greater, and even lower, than the national average, and that there was no identifiable lead pollution in the air or the waters, EPA has insisted on tearing up the ground and moving the soil. Clearly, this has put the residents of Aspen at a great deal higher risk than leaving the soil alone.

It seems that EPA is incapable of making commonsense risk assessments.

I would also like the RECORD to include a statement by Congressman DELAY outlining an example of EPA where they forced a small business to use an expensive process which eventually was declared to be unsafe by, guess who? EPA.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY CONGRESSMAN TOM DELAY ON THE RED TAPE AWARD, PRESENTED TO EPA FOR THE SUPERFUND PROGRAM, FEBRUARY 23, 1993

Well, here we are again, a group of elected officials representing between us over 57 million people and every few years defending our right to keep our job representing them. That makes us accountable, it demands that we be responsible. And let me tell you, it just frustrates the heck out of me to watch unelected, unaccountable and irresponsible federal bureaucrats work without oversight to worsen the lives of the people I represent.

Since today's recipient of our "Red Tape Award" is the EPA's Superfund program, I'd like to tell you a quick story about bureaucratic malfeasance which, if it had occurred in any of our offices or any private company for that matter, the people responsible would have been held accountable and would have been fired.

Of course, you already know the sad ending to this story even before you hear it—there was no accountability and all the bureaucrats involved continue to live happily ever after.

There is an experimental process for remediating waste sites called in-situ vitrification or ISV. The Department of Energy came up with the idea for this process—but never tested it—as a way to deal with nuclear waste.

What you do is you sink these heat generating electrodes into the ground around the area you're trying to clean up. You get the electrodes to generate heat between themselves—the whole area gets up to about 3000 degrees until it's like molten lava and then it cools to a consistency like glass. The plan here is that all the dangerous waste is trapped and hardened inside this viscous solid.

Although the DOE never conducted any field experiments, it sold the rights to this technology to a private company while retaining royalty rights. This private company went to work finding customers and landed the biggie. Yep, the EPA Superfund bureaucrats bought off on the process sight unseen and untested.

These EPA bureaucrats started telling companies who were cleaning sites up across the country that they had no choice but to use this technology even though it was more expensive and less documented than any remediation alternatives. (We won't even get into the conflict of interest here when the government is telling private business they have to use an expensive product for which the same government is getting royalties.)

Anyway, it was just over a year and a half ago that people, including myself, started hollering over this insanity—"Let's do some tests first," we cried. "Doesn't anyone at the EPA think it's worth knowing what happens to toxic swamps when you heat them to over 3000 degrees? Do the toxic vapors go down into the water? How much escapes into the air? Isn't there a fear of gas bubbles and explosions?"

Well, the EPA never did conduct experiments the way it did for all the other remediation technologies. After all, no one there was personally accountable if something went wrong. Thankfully though, the private company that had bought the technology did get worried because private companies are accountable and that makes them responsible.

And guess what—four different million dollar tests proved our worst fears founded. Using small sites of clean wet soil—no toxic, hazardous or flammable materials, no sealed drums of unknown substances, no abandoned sewer lines or submerged concrete—and still the test sites exploded throwing fumes in the air and soil across the boundaries of the sites. The company conducting these experiments concluded that had hazardous materials been involved, they would have been released uncontrolled into the environment.

Even then the EPA did not rescind its order that this technology be used on the targeted Superfund sites. It was not until the private company itself pulled the technology from the market that the EPA finally reversed itself.

I don't believe that federal bureaucrats should be allowed with impunity to make mistakes that risk lives. The stubborn adherence of the EPA's Superfund administrators to the experimental ISV technology in the face of rational objection from every quarter—over its unproven nature, its potential risks to health and the environment and its outrageous cost—would be unforgivable even if it were a unique, uncharacteristic event. Unfortunately, as a bureaucratic lapse, it is so typical that it warrants no more than brief mention here today as one of several anecdotes used to illustrate the dangerous nature of one agency in a huge federal bureaucracy.

Mr. WALLOP. Finally, Madam President, I submit for the RECORD a Wall Street Journal article by Robert M. Cox, Jr., which I ask to be printed in the RECORD, outlining another Superfund tragedy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ANOTHER VICTIM OF SUPERFUND

(By Robert M. Cox, Jr.)

President Clinton has said he wants to redefine Superfund, the antipollution program, so that it goes after true polluters and not just deep pockets. If his word is good, that change will be of great help to many companies—but perhaps too late for mine.

I am the third generation of my family to be connected with Gilbert Spruance Co., a Pennsylvania manufacturer of industrial coatings for wood cabinets and furniture. In 1984, while I was executive vice president, we at Spruance were notified that our former waste hauler—a Marvin Jonas of New Jersey—had told the Environmental Protection Agency that he had hauled waste for Du Pont, Hercules, Texaco and my firm. It turned out Mr. Jonas had dumped the waste at sites in New Jersey. Mr. Jonas did this without our firm's knowledge—since the 1960s and 1970s, he had in fact submitted to us what appeared to be all the proper paper work for waste haulage. The events in question actually took place in the 1960s and 1970s, but Superfund works retroactively. Under Superfund rules, we were implicated.

Spruance had been a small- to medium-sized family paint company since 1906, doing about $5.5 million in sales in 1987. Once Mr. Jonas testified, we found ourselves under the Superfund Juggernaut, with no means of escape.

This is because the Superfund law carries "joint and several liability," along with the threat of treble damages. Mr. Jonas was using 10 to 11 sites in New Jersey. It did not matter that our records did not show our waste going to these sites; it only mattered that we used Mr. Jonas. Very little of our waste actually went to the illegal sites. But after settling over one site for more than $200,000, we were ranked as responsible for waste at five other sites and asked to pay anywhere from $175,000 to $1.3 million to get out of our Superfund liability per site.

Spruance had no choice but to fight the situation. Our insurance company abandoned us—it won a declaratory judgment that freed it from paying legal costs and insuring any further Superfund issues involving Spruance.

We at Spruance countersued in New Jersey, losing in the lower court but achieving a favorable ruling at the appellate level. The insurance company, PMA, then took the case to the Superior Court of New Jersey—oral arguments were heard last November and December.

If we are vindicated, the news will come too late to spare us many costs. From 1985 on, Spruance paid approximately $250,000 in legal fees in defense against Superfund with nothing to show for our efforts (this on top of Superfund's claims). We also invested time appealing to government leaders and visiting staffers of New Jersey Sens. Bill Bradley and Frank Lautenberg—to no avail. Our trade association, the National Paint and Coatings Association, also tried to help us, but so far it has had no luck.

Such cares threatened to drive us out of business. No bank in Philadelphia would lend working capital to us—or, I suspect, to any company with environmental problems. Preoccupied with the Superfund suit, we lost our focus on our core business. Our attempts to settle with the EPA failed. We had more files in house on Superfund than on anything else.

Our choice was to declare bankruptcy or to sell Spruance. In the end—by this time I was president—I sold the business.

For those who think I'm a "big, bad" businessman, I'd like to clarify a few things. I was born on April 22, 1947, a date now recognized as Earth Day. I campaigned for Robert Kennedy. I'm a baby boomer and, basically, an environmentalist—I thought a company like ours could work with the government.

I'm an optimist by nature, and would like to see some reasonableness in the Superfund process. Why doesn't the system allow an environmentally sensitive paint company to coexist with Superfund? The intentions of both are similar; why does our system create so much inertia that the lawyers and administrators get rich off a manufacturing company that has been trying to do the correct thing all along?

A Superfund nightmare became a Spruance tragedy. But my hope continues to be that our new administration, with President Clinton and Vice President Gore, will be able to balance environmental concerns with small business needs.

Mr. WALLOP. Mr. Cox was born on Earth Day. He was a former campaigner for Robert Kennedy and a self-proclaimed environmentalist. He was forced to sell his business rather than declare bankruptcy as the direct result of excessive and outrageous Superfund implementation.

Federal agencies tend to run without sense either of propriety or proportion. People are being forced to appease their own Government—to serve it, if you will. In fact, did we not all grow up believing that it was the Government that was supposed to serve us?

Construction workers are required to shine their hard hats. FCC is fining people for not using bright enough paint on radio antennas. Employers cannot afford to hire teenagers.

Enough is enough. I intend to utilize and institutionalize the Red Tape Award so the public knows of the plight that they are involved in.

Madam President, I display a copy of the certificate that once went to OSHA and once went to EPA and will go in the future to regulatory agencies which cannot distinguish between their job and the America that they are supposed to serve.

We can only hope that maybe this will help.

Madam President, I yield the floor. I thank the Chair.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE HOUSE

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 617. An act to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes.

H.R. 707. An act to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes.

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

H.R. 890. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

## MEASURES REFERRED

The following measures, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 617. An act to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 707. An act to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public institutions including public school graduation ceremonies and athletic events.

S. 37. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 40. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 42. A bill to control the spread of AIDS, and for other purposes.

S. 43. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 48. A bill to protect the lives of unborn human beings, and for other purposes.

S. 188. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, and for other purposes.

S. 189. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor.

S. 190. A bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over.

S. 191. A bill to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

S. 192. A bill to require the Corps of Engineers to carry out the construction and operation of a jetty and sand transfer system, and for other purposes.

S. 414. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-620. A communication from the President of the United States, transmitting, pursuant to law, notice of a designation relative to the emergency unemployment compensation program; to the Committee on Finance.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated;

POM-41. A resolution adopted by the Senate of the State of Kansas; to the Committee on Governmental Affairs.

"SENATE RESOLUTION NO. 1814

"Whereas, American clock and watch makers were among the most ingenious craftsmen of the 19th century; and

"Whereas, The greatest achievement of American clock and watch makers during the 19th century was the mass production of clocks and watches with completely interchangeable parts; and

"Whereas, Modern horologists have carried the skill of the 19th century craftsmen forward, refining the intricacies of clocks and watch making beyond ordinary comprehension; and

"Whereas, The National Association of Watch and Clock Collectors, a nonprofit, scientific and educational organization founded in 1943 to bring people interested in horology together, is headquartered in Columbia, Pennsylvania; and

"Whereas, The United States Postal Service has honored numerous groups and individuals for their contributions to the United States: Now, therefore,

"*Be it resolved by the Senate of the State of Kansas:* That we urge the Citizens Stamp Advisory Committee of the United States Postal Service to issue a stamp honoring American horology; and

"*Be it further resolved:* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States, to the presiding officer of each House of Congress, to each member of the Kansas Congressional Delegation and to Mr. Belmont Faries, Chairman, Citizen Stamp Advisory Committee of the United States Postal Service."

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Peter B. Bowman, of Maine, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Beverly Butcher Byron, of Maryland, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

James A. Courter, of New Jersey, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Rebecca Gernhardt Cox, of the District of Columbia, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Hansford T. Johnson, of Texas, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Arthur Levitt, Jr., of New York, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Harry C. McPherson, Jr., of Maryland, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Robert D. Stuart, Jr., of Illinois, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

James A. Courter, of New Jersey, to be Chairman of the Defense Base Closure and Realignment Commission.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. BRADLEY, Mr. KENNEDY, Mr. CHAFEE, Mr. MURKOWSKI, Mr. CONRAD, Mr. SIMON, Mrs. KASSEBAUM, Mr. DECONCINI, and Mr. AKAKA):

S. 484. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER:

S. 485. A bill to amend the Motor Vehicle Information and Cost Savings Act to require motor vehicle damage disclosure; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 486. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. DANFORTH):

S. 487. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit; to the Committee on Finance.

By Mr. SPECTER:

S. 488. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 489. A bill entitled the "Gallatin Range Consolidation and Protection Act of 1993"; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 490. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. METZENBAUM, Mr. SIMON, and Mr. INOUYE):

S. 491. A bill to provide health care for every American and to control the cost of the health care system; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 492. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COHEN (for himself, Mr. BOND, Mr. CHAFEE, Mr. SIMPSON, Mr. COCHRAN, Mr. BINGAMAN, Mr. CRAIG, Mr. MACK, Mr. MCCAIN, Mr. GORTON, Mr. KEMPTHORNE, Mr. BURNS, Mr. DOMENICI, Mr. WARNER, Mr. STEVENS, Mr. BROWN, Mr. GREGG, and Mr. COATS):

S. 493. A bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself and Mr. BROWN):

S. 494. A bill to amend the Internal Revenue Code of 1986 to provide changes in application of wagering taxes to charitable organizations; to the Committee on Finance.

By Mr. DODD (for himself, Mr. REID, Mrs. BOXER, and Mrs. MURRAY):

S. 495. A bill to establish a program to provide child care through public-private partnerships, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 496. A bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON:

S. 497. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records, to authorize the establishment of a DNA identification index, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 498. A bill to amend section 365 of title 11, United States Code, relating to protection of assignees of executory contracts and unexpired leases approved by court order in cases reversed on appeal; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 55. A joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. HATCH):

S.J. Res. 56. A joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. FORD (for Mr. MITCHELL):

S. Res. 75. A resolution to extend the "Jacob K. Javits Senate Fellowship Program"; considered and agreed to.

By Mr. PELL (for himself, Mr. FORD, and Mr. STEVENS):

S. Con. Res. 13. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. BRADLEY, Mr. KENNEDY, Mr. CHAFEE, Mr. MURKOWSKI, Mr. CONRAD, Mr. SIMON, Mrs. KASSEBAUM, Mr. DECONCINI, and Mr. AKAKA):

S. 484. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes; to the Committee on Finance.

### MEDICAID SUBSTANCE ABUSE TREATMENT ACT OF 1993

• Mr. DASCHLE. Mr. President, today, the Senator from New Jersey [Mr. BRADLEY] and I are introducing the Medicaid Substance Abuse Treatment Act of 1993. This legislation would permit coverage of residential alcohol and drug treatment for pregnant women and certain family members under the Medicaid Program. Joining us as original cosponsors of this legislation are Senators KENNEDY, CHAFEE, MURKOWSKI, CONRAD, SIMON, KASSEBAUM, JEFFORDS, DECONCINI, and AKAKA.

This bill has three primary objectives. First, it would facilitate the participation of pregnant women who are substance abusers in alcohol and drug treatment programs. Second, by increasing the availability of comprehensive and effective treatment programs for pregnant women and, thus, improving a woman's chances of bearing healthy children, it would help combat the serious and evergrowing problem of drug-impaired infants and children, many of whom face life-long disabilities because of fetal exposure to alcohol and other drugs. And, third, it would address the unique situation of pregnant addicted native American and Alaska Native women in Indian Health Service areas.

My awareness of the toll substance abuse during pregnancy is having on children throughout the country was heightened by hearings I chaired several years ago on the Rosebud Reservation and in Rapid City, SD. Those hearings, which focused on the broader problem of child abuse, included discussion of the effects of maternal consumption of alcohol during pregnancy and led to a third hearing in Washington on the specific issue of alcohol-related birth defects.

At the hearings, a series of witnesses presented moving testimony about the potentially devastating consequences to the fetus associated with drinking during pregnancy and the high rate of alcohol-related birth defects for Indians. The hearings revealed the ways in which the use of alcohol and other drugs by pregnant women can cause mental retardation, physical malformations, learning disabilities, and emotional and behavioral disturbances in the babies born of these women. They also demonstrated that alcohol use and abuse during pregnancy can also cause a range of permanent birth defects, termed fetal alcohol syndrome [FAS] and fetal alcohol effect [FAE].

The hearing testimony also revealed that many pregnant substance abusers are denied treatment because facilities refuse to accept them, or the women cannot accept treatment because they lack adequate child care for their children while they receive treatment. The human consequences of excessive alcohol consumption during pregnancy and the existence of obstacles to adequate treatment are simply unacceptable.

The devastating impact of such physical and mental impairments on victims and their families is clear. What is often overlooked is their corresponding cost to society.

Birth defects caused by maternal substance abuse pose extraordinary societal costs in terms of specialized medical care and education programs, foster care, and residential and support services needed by drug-impaired individuals over their lifetimes. Even before these babies leave the hospital following birth, the financial costs can be enormous, as many of these infants are born prematurely and require specialized attention in intensive care nurseries. Alcohol-affected children are at risk for developing alcoholism themselves and giving birth to FAS babies, thereby compounding the problem and perpetuating this cruel cycle.

What I find particularly disturbing is that the heartbreaking impact of birth defects caused by maternal substance abuse during pregnancy is totally preventable, simply through maternal abstention from the use of alcohol and other drugs during pregnancy. FAS is the leading identifiable cause of mental retardation in the United States and the only one that is 100 percent preventable. It is tragic that the Federal Government has not done more to combat prenatal exposure to alcohol and other drugs.

Recent studies show that the publicly funded treatment system in this Nation is structured to serve only a small minority of the pregnant alcoholic and drug-dependent women who seek treatment for their addiction. As a result, thousands of women who want to break their addictions to alcohol and other drugs are turned away from treatment centers each year. Moreover, due to fears among service providers concerning the risks pregnancies pose, pregnant women face more obstacles to treatment than do other addicts. In fact, many treatment programs specifically exclude pregnant women or women with children.

To make matters worse, while Medicaid covers some services associated with substance abuse, like outpatient treatment and detoxification, it fails to cover residential treatment, which is considered by most health care professionals to be the most effective method of overcoming addiction. The legislation we are introducing today would, for the first time, authorize Medicaid coverage of stays in residential treatment programs, thereby assuring a stable source of funding for States that wish to establish these programs.

In addition to these obstacles, many pregnant addicted women have children who need to be cared for when they enter a long-term treatment program. Unless children are allowed to accompany their mothers while they are in treatment, women are faced with a terrible dilemma—enter treatment and leave their children behind, in some cases placing them in foster care, or forgo treatment. A provision of our bill, which would enable dependent children to accompany their mothers seeking treatment at residential centers, would remove a current disincentive to seek substance abuse treatment.

Under current law, pregnant women who are Medicaid eligible only due to their pregnancy and limited income—as opposed to being eligible as an AFDC recipient—lose their Medicaid eligibility 2 to 3 months after their delivery. Our bill would extend eligibility to 12 months following delivery, thus allowing a pregnant woman who needs long-term treatment and enters treatment late in her pregnancy to complete treatment.

Long-term residential treatment is an essential component of comprehensive services for pregnant addicted women, many of whom need long-term, intensive habilitation services that remove women from the environment that may have contributed to their substance abuse. The bill would provide important services to help women deal with problems sometimes associated with alcohol and substance abuse, such as domestic violence, incest and other sexual abuse, poor housing, poverty, unemployment, lack of education and job skills, lack of access to health care, emotional problems, chemical dependency in their family backgrounds, lack of family support and single parenthood.

While our bill would create a new Medicaid option to fill a void in Medicaid, we recognize that there are cost concerns associated with Medicaid expansions. Accordingly, our bill would cap the total beds available for funding under Medicaid for the furnishing of residential treatment programs. Over a 5-year period, the annual bed cap would increase from 1,080 beds to 6,000 beds nationwide.

While the problem of alcohol and drug use during pregnancy cuts across all races, nationalities and economic boundaries, and is indeed a national problem, the problem of FAS/FAE is especially acute on Indian reservations. Thus, the absence of appropriate and sufficient treatment measures is even more of a problem for Native Americans.

Over and above the allocation of beds to States under the nationwide bed cap, an additional 240 beds would be provided to Indian Health Service areas across the country to address the treatment needs of pregnant addicted Indian and Alaska Native women. A 100 percent Federal match would be provided to create an incentive for States with Indian Health Service [IHS] facilities to exercise this Medicaid option and to support treatment models for Native American women. The bill also would require the Indian Health Service to conduct annual training and education regarding this Indian program in each of the IHS areas for tribes, Indian organizations, interested residential treatment providers, and States.

Mr. President, there is no easy solution to addiction and the birth defects and other damage it causes in children born to pregnant addicted women. However, a prevention strategy must include increased access to comprehensive treatment programs for pregnant addicted women so that women and their children can access care.

The cost of prevention in the form of substance abuse treatment is substantially less than the downstream costs in money and human capital of caring for children and adults who have been impaired due to prenatal exposure to alcohol and drugs. These prevention and treatment services are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers plagued by alcohol and drug addiction are given the means to heal, for themselves and their unborn children. I urge my colleagues to support this measure to ensure that Medicaid-eligible pregnant addicted women have access to the comprehensive residential substance abuse treatment programs they need.

I ask unanimous consent that the full text of the Medicaid Substance Abuse Treatment Act of 1993 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 484

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicaid Substance Abuse Treatment Act of 1993".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) a woman's ability to bear healthy children is threatened by the consequences of alcoholism and drug addiction;

(2) an estimated 375,000 infants each year are born drug-exposed, at least 5,000 infants are born each year with fetal alcohol syndrome, and another 35,000 are born each year with fetal alcohol effect, a less severe version of fetal alcohol syndrome;

(3) drug use during pregnancy can result in low birthweight, physical deformities, mental retardation, learning disabilities, and heightened nervousness and irritability in newborns;

(4) fetal alcohol syndrome is the leading identifiable cause of mental retardation in the United States and the only cause that is 100 percent preventable;

(5) drug-impaired individuals pose extraordinary societal costs in terms of medical, educational, foster care, residential, and support services over the lifetimes of such individuals;

(6) women, in general, are underrepresented in drug and alcohol treatment programs;

(7) due to fears among service providers concerning the risks pregnancies pose, pregnant women face more obstacles to substance abuse treatment than do other addicts and many substance abuse treatment programs, in fact, exclude pregnant women or women with children;

(8) alcohol and drug treatment is an important prevention strategy to prevent low birthweight, transmission of AIDS, and chronic physical, mental, and emotional disabilities associated with prenatal exposure to alcohol and other drugs;

(9) effective substance abuse treatment must address the special needs of pregnant women who are alcohol or drug dependent, including substance-abusing women who may often face such problems as domestic violence, incest and other sexual abuse, poor housing, poverty, unemployment, lack of education and job skills, lack of access to health care, emotional problems, chemical dependency in their family backgrounds, single parenthood, and the need to ensure child care for existing children while undergoing substance abuse treatment;

(10) nonhospital residential treatment is an important component of comprehensive and effective substance abuse treatment for pregnant addicted women, many of whom need long-term, intensive habilitation outside of their communities to recover from their addiction and take care of themselves and their families; and

(11) a gap exists under the medicaid program for the financing of comprehensive residential care in the existing continuum of medicaid-covered alcoholism and drug abuse treatment services for low-income pregnant addicted women.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the ability of pregnant women who are substance abusers to participate in alcohol and drug treatment;

(2) to ensure the availability of comprehensive and effective treatment programs for pregnant women, thus promoting a woman's ability to bear healthy children;

(3) to ensure that nonhospital residential treatment is available to those low-income pregnant addicted women who need long-term, intensive habilitation to recover from their addiction;

(4) to create a new optional medicaid residential treatment service for alcoholism and drug dependency treatment; and

(5) to define the core services that must be provided by treatment providers to ensure that needed services will be available and appropriate.

**SEC. 3. MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN, CARETAKER PARENTS, AND THEIR CHILDREN.**

(a) COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—

(1) OPTIONAL COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (21);

(ii) in paragraph (24), by striking the period at the end and inserting a semicolon;

(iii) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(iv) by inserting after paragraph (23) the following new paragraph:

"(24) alcoholism and drug dependency residential treatment services (to the extent allowed and as defined in section 1931); and"; and

(B) in the sentence following paragraph (25), as so redesignated—

(i) in subdivision (A), by striking "or" at the end;

(ii) in subdivision (B), by inserting ", who is not receiving alcoholism and drug dependency residential treatment services," after "65 years of age"; and

(iii) by inserting after subdivision (B) the following:

"(C) any such payments with respect to alcoholism and drug dependency residential treatment services under paragraph (24) for individuals not described in section 1931(d).".

(2) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES DEFINED.—Title XIX of the Social Security Act (42

U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

### "ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES

"SEC. 1931. (a) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—The term 'alcoholism and drug dependency residential treatment services' means all the required services described in subsection (b) which are provided—

"(1) in a coordinated manner by a residential treatment facility that meets the requirements of subsection (c) either directly or through arrangements with—

"(A) public and nonprofit private entities;

"(B) licensed practitioners or federally qualified health centers with respect to medical services; or

"(C) the Indian Health Service or a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(2) pursuant to a written individualized treatment plan prepared for each individual, which plan—

"(A) states specific objectives necessary to meet the individual's needs;

"(B) describes the services to be provided to the individual to achieve those objectives;

"(C) is established in consultation with the individual;

"(D) is periodically reviewed and (as appropriate) revised by the staff of the facility in consultation with the individual;

"(E) reflects the preferences of the individual; and

"(F) is established in a manner which promotes the active involvement of the individual in the development of the plan and its objectives.

"(b) REQUIRED SERVICES DEFINED.—

"(1) IN GENERAL.—The required services described in this subsection are as follows:

"(A) Counseling, addiction education, and treatment provided on an individual, group, and family basis and provided pursuant to individualized treatment plans, including the opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous.

"(B) Parenting skills training.

"(C) Education concerning prevention of HIV infection.

"(D) Assessment of each individual's need for domestic violence counseling and sexual abuse counseling and provision of such counseling where needed.

"(E) Room and board in a structured environment with on-site supervision 24 hours-a-day.

"(F) Therapeutic child care or counseling for children of individuals in treatment.

"(G) Assisting parents in obtaining access to—

"(i) developmental services (to the extent available) for their preschool children;

"(ii) public education for their school-age children, including assistance in enrolling them in school; and

"(iii) public education for parents who have not completed high school.

"(H) Facilitating access to prenatal and postpartum health care for women, to pediatric health care for infants and children, and to other health and social services where appropriate and to the extent available, including services under title V, services and nutritional supplements provided under the special supplemental food program for women, infants, and children (WIC) under section 17 of the Child Nutrition Act of 1966, services provided by federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r)).

"(I) Ensuring supervision of children during times their mother is in therapy or engaged in other necessary health or rehabilitative activities, including facilitating access to child care services under title IV and title XX.

"(J) Planning for and counseling to assist reentry into society, including appropriate outpatient treatment and counseling after discharge (which may be provided by the same program, if available and appropriate) to assist in preventing relapses, assistance in obtaining suitable affordable housing and employment upon discharge, and referrals to appropriate educational, vocational, and other employment-related programs (to the extent available).

"(K) Continuing specialized training for staff in the special needs of residents and their children, designed to enable such staff to stay abreast of the latest and most effective treatment techniques.

"(2) REQUIREMENT FOR CERTAIN SERVICES.—Services under subparagraphs (A), (B), (C), and (D), of paragraph (1) shall be provided in a cultural context that is appropriate to the individuals and in a manner that ensures that the individuals can communicate effectively, either directly or through interpreters, with persons providing services.

"(3) LIMITATIONS ON COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), services described in paragraph (1) shall be covered in the amount, duration, and scope therapeutically required for each eligible individual in need of such services.

"(B) RESTRICTIONS ON LIMITING COVERAGE.—A State plan shall not limit coverage of alcoholism and drug dependency residential treatment services for any period of less than 12 months per individual, except in those instances where a finding is made that such services are no longer therapeutically necessary for an individual.

"(c) FACILITY REQUIREMENTS.—The requirements of this subsection with respect to a facility are as follows:

"(1) The agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse prevention and treatment activities and programs has certified to the single State agency under section 1902(a)(5) that the facility—

"(A) is able to provide all the services described in subsection (b) either directly or through arrangements with—

"(i) public and nonprofit private entities;

"(ii) licensed practitioners or federally qualified health centers with respect to medical services; or

"(iii) the Indian Health Service or with a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(B) except for Indian Health Facilities, meets all applicable State licensure or certification requirements for a facility of that type.

"(2)(A) The facility or a distinct part of the facility provides room and board, except that—

"(i) subject to subparagraph (B), the facility shall have no more than 40 beds; and

"(ii) subject to subparagraph (C), the facility shall not be licensed as a hospital.

"(B) The single State agency may waive the bed limit under subparagraph (A)(i) for one or more facilities subject to review by the Secretary. Waivers, where granted, must be made pursuant to standards and procedures set out in the State plan and must require the facility seeking a waiver to demonstrate that—

"(i) the facility will be able to maintain a therapeutic, family-like environment;

"(ii) the facility can provide quality care in the delivery of each of the services identified in subsection (b);

"(iii) the size of the facility will be appropriate to the surrounding community; and

"(iv) the development of smaller facilities is not feasible in that geographic area.

"(C) The Secretary may waive the requirement under subparagraph (A)(ii) that a facility not be a hospital, if the Secretary finds that such facility is located in an Indian Health Service area and that such facility is the only or one of the only facilities available in such area to provide services under this section.

"(3) With respect to a facility providing the services described in subsection (b) to an individual eligible to receive services in Indian Health Facilities, such a facility demonstrates (as required by the Secretary) an ability to meet the special needs of Indian and Native Alaskan women.

"(d) ELIGIBLE INDIVIDUALS.—

"(1) IN GENERAL.—A State plan shall limit coverage of alcoholism and drug dependency residential treatment services under section 1905(a)(24) to the following individuals otherwise eligible for medical assistance under this title:

"(A) Women during pregnancy, and until the end of the 12th month following the termination of the pregnancy.

"(B) Children of a woman described in subparagraph (A).

"(C) At the option of a State, a caretaker parent or parents and children of such a parent.

"(2) INITIAL ASSESSMENT OF ELIGIBLE INDIVIDUALS.—An initial assessment of eligible individuals specified in paragraph (1) seeking alcoholism and drug dependency residential treatment services shall be performed by the agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse treatment activities (or its designee). Such assessment shall determine whether such individuals are in need of alcoholism or drug dependency treatment services and, if so, the treatment setting (such as inpatient hospital, nonhospital residential, or outpatient) that is most appropriate in meeting such individual's health and therapeutic needs and the needs of such individual's dependent children, if any.

"(e) OVERALL CAP ON MEDICAL ASSISTANCE AND ALLOCATION OF BEDS.—

"(1) TOTAL AMOUNT OF SERVICES AS MEDICAL ASSISTANCE.—

"(A) IN GENERAL.—The total amount of services provided under this section as medical assistance for which payment may be made available under section 1903 shall be limited to the total number of beds allowed to be allocated for such services in any given year as specified under subparagraph (B).

"(B) TOTAL NUMBER OF BEDS.—The total number of beds allowed to be allocated under this subparagraph (subject to paragraph (2)(C)) for the furnishing of services under this section and for which Federal medical assistance may be made available under section 1903 is for calendar year—

"(i) 1994, 1,080 beds;

"(ii) 1995, 2,000 beds;

"(iii) 1996, 3,500 beds;

"(iv) 1997, 5,000 beds;

"(v) 1998, 6,000 beds; and

"(vi) 1999 and for calendar years thereafter, a number of beds determined appropriate by the Secretary.

"(2) ALLOCATION OF BEDS.—

"(A) INITIAL ALLOCATION FORMULA.—For each calendar year, a State exercising the option to provide the services described in this section shall be allocated from the total number of beds available under paragraph (1)(B)—

"(i) in calendar years 1994 and 1995, 20 beds;

"(ii) in calendar years 1996, 1997, and 1998, 40 beds; and

"(iii) in calendar year 1999 and for each calendar year thereafter, a number of beds determined based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(B) REALLOCATION OF BEDS.—The Secretary shall provide that in allocating the number of beds made available to a State for the furnishing of services under this section that, to the extent not all States are exercising the option of providing services under this section and there are beds available that have not been allocated in a year as provided in paragraph (1)(B), that such beds shall be reallocated among States which are furnishing services under this section based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(C) INDIAN HEALTH SERVICE AREAS.—In addition to the beds allowed to be allocated under paragraph (1)(B) there shall be an additional 20 beds allocated in any calendar year to States for each Indian Health Service area within the State to be utilized by Indian Health Facilities within such an area and, to the extent such beds are not utilized by a State, the beds shall be reapportioned to Indian Health Service areas in other States.".

(3) MAINTENANCE OF STATE FINANCIAL EFFORT AND 100 PERCENT FEDERAL MATCHING FOR SERVICES FOR INDIAN AND NATIVE ALASKAN WOMEN IN INDIAN HEALTH SERVICES AREAS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsections:

"(x) No payment shall be made to a State under this section in a State fiscal year for alcoholism and drug dependency residential treatment services (described in section 1931) unless the State provides assurances satisfactory to the Secretary that the State is maintaining State expenditures for such services at a level that is not less than the average annual level maintained by the State for such services for the 2-year period preceding such fiscal year.

"(y) Notwithstanding the preceding provisions of this section, the Federal medical assistance percentage for purposes of payment under this section for services described in section 1931 provided to individuals residing on or receiving services in an Indian Health Service area shall be 100 percent.".

(b) PAYMENT ON A COST-RELATED BASIS.—Section 1902(a)(13) of the Social Security Act (42 U.S.C 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) for payment for alcoholism and drug dependency residential treatment services which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide all the services listed in section 1931(b) in conformity with applicable Federal and State laws, regulations, and quality and safety standards and to assure that individuals eligible for such services have reasonable access to such services;".

(c) CONFORMING AMENDMENTS.—

(1) CLARIFICATION OF OPTIONAL COVERAGE FOR SPECIFIED INDIVIDUALS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended, in the matter following subparagraph (F)—

(A) by striking "; and (XI)" and inserting ", (XI)";

(B) by striking ", and (XI)" and inserting ", and (XII)"; and

(C) by inserting before the semicolon at the end the following: ", and (XIII) the making available of alcoholism and drug dependency residential treatment services to individuals described in section 1931(d) shall not, by reason of this paragraph, require the making of such services available to other individuals".

(2) CONTINUATION OF ELIGIBILITY FOR ALCOHOLISM AND DRUG DEPENDENCY TREATMENT FOR PREGNANT WOMEN FOR 12 MONTHS FOLLOWING END OF PREGNANCY.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended in subsection (e)(5) by striking "under the plan," and all through the period at the end and inserting "under the plan—

"(A) as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends; and

"(B) for alcoholism and drug dependency residential treatment services under section 1931 through the end of the 1-year period beginning on the last day of her pregnancy.".

(3) REDESIGNATIONS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is further amended—

(A) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)"; and

(B) in subsection (j), by striking "(22)" and inserting "(25)".

(d) ANNUAL EDUCATION AND TRAINING IN INDIAN HEALTH SERVICE AREAS.—The Secretary of Health and Human Services in cooperation with the Indian Health Service shall conduct on at least an annual basis training and education in each of the 12 Indian Health Service areas for tribes, Indian organizations, residential treatment providers, and State health care workers regarding the availability and nature of residential treatment services available in such areas under the provisions of this Act.

(e) EFFECTIVE DATE; TRANSITION.—(1) The amendments made by this section apply to alcoholism and drug dependency residential treatment services furnished on or after July 1, 1994, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act with regard to alcoholism and drug dependency residential treatment services (as defined in section 1931(a) of such Act) made available under such title on or after July 1, 1994, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.•

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By Mr. HEFLIN:

S. 486. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

### ADMINISTRATIVE LAW JUDGE CORPS ACT

Mr. HEFLIN. Mr. President, I rise today to again introduce legislation in the 103d Congress regarding the establishment of an independent corps of administrative law judges. I believe that this important legislation continues to be both timely and necessary, and will have a profound influence on shaping the future of the administration of justice in the United States.

During the 102d Congress, the Senate Judiciary Committee on February 5, 1992, by a vote of 9 to 5, favorably reported a predecessor bill, S. 826, but no floor action was taken due to the press of other Senate business. Also during the 102d Congress, a similar bill, H.R. 3910, was introduced in the House of Representatives and a hearing was held by the Judiciary Subcommittee on Administrative Law and Governmental Relations. H.R. 3910 was favorably reported by the full House Judiciary Committee, but no further action was taken by the House of Representatives.

Since the establishment of the Administrative Procedures Act in 1946, the number and functions of administrative law judges have changed dramatically. Today, these important dispensers of justice are being called upon to make increasingly more difficult decisions. While administrative law judges are increasingly called upon to make hard choices they are increasingly feeling the pressures to conform their decisions to the will of the administrative agency. There have been and continue to be substantial allegations of abuse and bad faith being raised by both agencies and ALJ's. This problem has continued to raise the levels of distrust by parties who find themselves before an ALJ and this distrust mandates a legislative response.

Administrative law judges are called upon to be independent actors who are not beholding to either their agencies or other parties. However, judges continue to be paid, housed, and staffed by the agencies for whom they adjudicate cases. I believe the appropriate response to this dilemma is to create an independent agency within the executive branch whose function is to House and support administrative law judges.

The concept of an independent corps of ALJ's is not new. This idea was first implemented by a number of States who recognized the utility of this type of legislation. This is a situation where the Federal Government should follow the lead of the States and establish a program which will be both successful and be adaptable as our society advances.

Generally, this bill would establish an independent corps for administrative law judges which would operate under the executive branch of the Government. The corps would be governed by a chief administrative law judge. Further, the corps would be divided into eight divisions, with each division governed by a division chief administrative law judge. The chief and division chief ALJ's would be Presidential appointments, by and with the advise and consent of the U.S. Senate.

The chief and division chief ALJ's would form a council. The council would be the policymaking body for the corps. The council would have the authority to assign judges to divisions, appoint persons as administrative law judges, prescribe rules of practice and procedure for the corps, issue appropriate rules and regulations for the efficient conduct of the corps, and generally manage the day-to-day operations of the corps.

This bill provides explicit protection for ALJ's. The corps would continue to make appointments of administrative law judges from a register of qualified candidates maintained by the Office of Personnel Management. In order for an ALJ to be involuntarily reassigned to a new permanent duty station, an ALJ must receive a written explanation from the council stating that such a move is required in order to meet substantial changes in workloads. ALJ's would continue to hear and adjudicate the same types of cases which they presently decide. Further, ALJ's would continue to be assigned cases within their division on a rotating basis, taking into account issues of expertise and education. In addition, ALJ's would be given explicit authority to continue to act as special masters pursuant to Federal Rule of Civil Procedure 53(a). This bill also contains provisions for the removal and discipline of administrative law judges. The bill continues specific protection of ALJ's, and provides that they may not be removed, suspended, reprimanded, or disciplined except for misconduct or neglect of duty. Further, the bill provides for the removal of ALJ's due to physical or mental disability. These are protections which provide the necessary balance of independence tempered with proper administrative control.

Finally, the bill contains provisions for the smooth transition of authority, regarding ALJ's, from the agencies to the corps. A key provision of this transition is that within 2 years of enactment, the bill provides for a study and an offering of proposed legislation which would further streamline the administrative decisionmaking process.

The provisions of this bill are designated to address two critical issues which face our Nation. First, an independent corps is vital to the continued impartial resolution of issues and decision of cases arising under the Administrative Procedures Act. Second, this bill streamlines the Federal bureaucracy in order to better meet the needs of the people of the United States.

I have listened and responded to concerns regarding this bill, and to the extent that the concerns were legislatively addressed, some changes have been made. I recognize that virtually no one will feel this legislation is a perfect solution to the problems faced by administrative law judges, but it is a response to a growing problem in our administrative system of justice.

I look forward to working with the leadership on both sides of the aisle in the Senate, as well as with the leadership in the House of Representatives and President Bill Clinton and Vice President AL GORE in securing passage of this much needed legislation whose prime goal is to protect the integrity and independence of our Federal Administrative Law Judge Corps.

I ask unanimous consent that a copy of this bill be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 486

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Administrative Law Judge Corps Act".

ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE CORPS

SEC. 2. (a) Chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE CORPS

**"§ 595. Definitions**

"For the purposes of this subchapter—

"(1) 'agency' means an authority referred to in section 551(1) of this title;

"(2) 'Corps' means the Administrative Law Judge Corps of the United States established under section 596 of this title;

"(3) 'administrative law judge' means an administrative law judge appointed under section 3105 of this title on or before the effective date of the Administrative Law Judge Corps Act or under section 599a of this title after such effective date;

"(4) 'chief judge' means the chief administrative law judge appointed and serving under section 597 of this title;

"(5) 'Council' means the Council of the Administrative Law Judge Corps established under section 599 of this title;

"(6) 'Board', unless otherwise indicated, means the Complaints Resolution Board established under section 599c of this title; and

"(7) 'division chief judge' means the chief administrative law judge of a division appointed and serving under section 598 of this title.

**"§ 596. Establishment; membership**

"(a) There is established an Administrative Law Judge Corps consisting of all administrative law judges, in accordance with the provisions of subsection (b). Such Corps shall be located in Washington, D.C.

"(b) An administrative law judge serving as such on the date of the commencement of the operation of the Corps shall be transferred to the Corps as of that date. An administrative law judge who is appointed on or after the date of the commencement of the operation of the Corps shall be a member of the Corps as of the date of such appointment.

**"§ 597. Chief administrative law judge**

"(a) The chief administrative law judge shall be the chief administrative officer of the Corps and shall be the presiding judge of the Corps. The chief judge shall be appointed by the President, by and with the advice and consent of the Senate. The chief judge shall be an administrative law judge who has served as an administrative law judge for at least five years preceding the date of appointment as chief judge. The chief judge shall serve for a term of five years or until a successor is appointed and qualifies to serve, whichever is earlier. A chief judge may be reappointed upon the expiration of his term, by and with the advice and consent of the Senate.

"(b)(1) If the office of chief judge is vacant, the division chief judge who is senior in length of service as a member of the Council shall serve as acting chief judge until such vacancy is filled.

"(2) If two or more division chief judges have the same length of service as members of the Council, the division chief judge who is senior in length of service as an administrative law judge shall serve as such acting chief judge.

"(c) The chief judge shall, within ninety days after the end of each fiscal year, submit a written report to the President and the Congress concerning the business of the Corps during the preceding fiscal year. The report shall include information and recommendations of the Council concerning the personnel requirements of the Corps.

"(d) After serving as chief judge, such individual may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 599c of this title.

**"§ 598. Divisions of the Corps; division chief judges**

"(a) Each judge of the Corps shall be assigned to a division by the Council, pursuant to section 599. The assignment of a judge who was an administrative law judge on the date of commencement of the operation of the Corps shall be made after consideration of the areas of specialization in which the judge has served. Each division shall be headed by a division chief judge who shall exercise administrative supervision over such division.

"(b) The divisions of the Corps shall be as follows:

"(1) Division of Communications, Public Utility, and Transportation Regulation.

"(2) Division of Safety and Environmental Regulation.

"(3) Division of Labor.

"(4) Division of Labor Relations.

"(5) Division of Health and Benefits Programs.

"(6) Division of Securities, Commodities, and Trade Regulation.

"(7) Division of General Programs.

"(8) Division of Financial Services Institutions.

"(c)(1) The division chief judge of each division set forth in subsection (b) shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) To be eligible for appointment as a division chief judge, an individual shall have served as an administrative law judge for at least five years and should possess experience and expertise in the specialty of the division to which such person is an appointee.

"(3) Division chief judges shall be appointed for five-year terms except that of those division chief judges first appointed, the President shall designate two such individuals to be appointed for five-year terms, three for four-year terms, and two for three-year terms.

"(4) Any division chief judge appointed to fill an unexpired term shall be appointed only for the remainder of such predecessor's term, but may be reappointed as provided in paragraph (5).

"(5) Any division chief judge may be reappointed upon the expiration of his term if nominated for such appointment pursuant to the provisions of this title.

"(6) Any judge, after serving as division chief judge may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 599c of this title.

**"§ 599. Council of the Corps**

"(a) The policymaking body of the Corps shall be the Council of the Corps. The chief judge and the division chief judges shall constitute the Council. The chief judge shall preside over the Council. If the chief judge is unable to be present at a meeting of the Council, the division chief judge who is senior in length of service as a member of such Council shall preside.

"(b) One half of all of the members of the Council shall constitute a quorum for the purpose of transacting business. The affirmative vote by a majority of all the members of the Council shall be required to approve a matter on behalf of the Council. Each member of the Council shall have one vote.

"(c) Meetings of the Council shall be held at least once a month at the call of the chief judge or by the call of one-third or more of the members of the Council.

"(d) The Council is authorized—

"(1) to assign judges to divisions and transfer or reassign judges from one division to another, subject to the provisions of section 599a of this title;

"(2) to appoint persons as administrative law judges under section 599a of this title;

"(3) to file charges seeking adverse action against an administrative law judge under section 599c of this title;

"(4) subject to the provisions of subsection (e), to prescribe, after providing an opportunity for notice and comment, the rules of practice and procedure for the conduct of proceedings before the Corps, except that, with respect to a category of proceedings adjudicated by an agency before the effective date of the Administrative Law Judge Corps Act, the Council may not amend or revise the rules of practice and procedure prescribed by that agency during the two years following such effective date without the approval of that agency, and any amendments or revisions made to such rules shall not affect or be applied to any pending action;

"(5) to issue such rules and regulations as may be appropriate for the efficient conduct of the business of the Corps and the implementation of this subchapter, including the assignment of cases to administrative law judges;

"(6) subject to the civil service and classification laws and regulations, to select, appoint, employ, and fix the compensation of the employees (other than administrative law judges) that such Council determines necessary to carry out the functions, powers, and duties of the Corps and to prescribe the authority and duties of such employees;

"(7) to establish, abolish, alter, consolidate, and maintain such regional, district, and other field offices as are necessary to carry out the functions, powers, and duties of the Corps and to assign and reassign employees to such field offices;

"(8) to procure temporary and intermittent services under section 3109 of this title;

"(9) to enter into, to the extent or in such amounts as are authorized in appropriation Acts, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), contracts, leases, cooperative agreements, or other transactions that may be necessary to conduct the business of the Corps;

"(10) to delegate any of the chief judge's functions or powers with the consent of the chief judge, or whenever the office of such chief judge is vacant, to one or more division chief judges or other employees of the Corps, and to authorize the redelegation of any of those functions or powers;

"(11) to establish, after consulting with an agency, initial and continuing educational programs to ensure that each administrative law judge assigned to hear cases of an agency has the necessary training in the specialized field of law of that agency;

"(12) to make suitable arrangements for continuing education and training of other employees of the Corps, so that the level of expertise in the divisions of the Corps shall be maintained and enhanced; and

"(13) to determine all other matters of general policy of the Corps.

"(e) The Council shall select an official seal for the Corps which shall be officially noticed.

**"§ 599a. Appointment and transfer of administrative law judges**

"(a) After the initial establishment of the Corps, the Council shall appoint new or additional judges as may be necessary for the efficient and expeditious conduct of the business of the Corps. Appointments shall be made from a register maintained by the Office of Personnel Management under subchapter I of chapter 33 of this title. Upon request by the chief judge, the Office of Personnel Management shall certify enough names from the top of such register to enable the Council to consider five names for each vacancy. Notwithstanding section 3318 of this title, a vacancy in the Corps may be filled from the highest five eligible individuals available for appointment on the certificate furnished by the Office of Personnel Management.

"(b) A judge of the Corps may not perform or be assigned to perform duties inconsistent with the duties and responsibilities of an administrative law judge

"(c) A judge of the Corps on the date of commencement of the operation of the Corps may not thereafter be involuntarily reassigned to a new permanent duty station if such station is beyond commuting distance of the duty station which is the judge's permanent duty station on that date, unless the Council determines and submits a written explanation to the judge stating that such reassignment is required to meet substantial changes in workloads. A judge may be temporarily detailed, once in a 24-month period, to a new duty station at any location, for a period of not more than 120 days.

**"§ 599b. Jurisdiction**

"(a) All types of cases, claims, actions and proceedings held before administrative law judges before the effective date of the Administrative Law Judge Corps Act shall be referred to the Corps for adjudication on the record after an opportunity for a hearing.

"(b) An administrative law judge who is a member of the Corps shall hear and render a decision upon—

"(1) every case of adjudication subject to the provisions of section 553, 554, or 556 of this title;

"(2) every case in which hearings are required by law to be held in accordance with sections 553, 554, or section 556 of this title; and

"(3) every other case referred to the Corps by an agency or court in which a determination is to be made on the record after an opportunity for a hearing.

"(c) When a case under subsection (b) arises, it shall be referred to the Corps. Under regulations issued by the Council the case shall be assigned to a division. The appropriate division chief judge shall assign cases to judges, taking into consideration specialization, training, workload and conflicts of interest.

"(d) Federal agencies and courts are authorized to refer any appropriate case either—

"(1) to the Corps; or

"(2) to a specific administrative law judge, with the approval of the majority of the Council, to serve as a special master pursuant to the provisions of Rule 53(a) of the Federal Rules of Civil Procedure.

"(e) Compliance with this subchapter shall satisfy any requirement under section 916 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.".

**"§ 599c. Removal and discipline**

"(a) Except as provided in subsection (b) of this section—

"(1) an administrative law judge may not be removed, suspended, reprimanded, or disciplined except for misconduct or neglect of duty, but may be removed for physical or mental disability; and

"(2) an action specified in paragraph (1) of this subsection may be taken against an administrative law judge only after the Council has filed a notice of adverse action against the administrative law judge with the Merit Systems Protection Board and the Board has determined, on the record after an opportunity for a hearing before the Board, that there is good cause to take such action.

"(b) Subsection (a) shall not apply to an action initiated under section 1206 of this title.

"(c) Under regulations issued by the Council, a Complaints Resolution Board shall be established within the Corps to consider and to recommend appropriate action to be taken when a complaint is made concerning the official conduct of a judge. Such complaint may be made by any interested person, including parties, practitioners, the chief judge, and agencies.

"(d) The Board shall consist of two judges from each division of the Corps who shall be appointed by the Council. The chief judge and the division chief judges may not serve on such Board.

"(e) A complaint of misconduct by an administrative law judge shall be made in writing. The complaint shall be filed with the chief judge, or it may be originated by the chief judge on his own motion. The chief judge shall refer the complaint to a panel consisting of three members of the Board selected by the Council, none of whom may be serving in the same division as the administrative law judge who is the subject of the complaint. The administrative law judge who is the subject of the complaint shall be given notice of the complaint and the composition of the panel. The administrative law judge may challenge peremptorily not more than two members of the panel. The Council shall replace a challenged member with another member of the Board who is eligible to serve on such panel.

"(f) The panel shall inquire into the complaint and shall render a report to the Council. A copy of the report shall be provided concurrently to the administrative law judge who is the subject of the complaint. The report shall be advisory only.

"(g) The proceedings, deliberations, and reports of the Board and the contents of complaints under this section shall be treated as privileged and confidential. Documents considered by the Board and reports of the Board are exempt from disclosure or publication under section 552 of this title. Section 552b of this title shall not apply to the Board.".

(b) The table of sections for chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE CORPS

"Sec.
"595. Definitions.
"596. Establishment; membership.
"597. Chief administrative law judge.
"598. Divisions of the Corps; division chief judges.
"599. Council of the Corps.
"599a. Appointment and transfer of administrative law judges.
"599b. Jurisdiction.
"599c. Removal and discipline.".

AGENCY REVIEW STUDY AND REPORT

SEC. 3. The chief administrative law judge of the Administrative Law Judge Corps of the United States shall make a study of the various types and levels of agency review to which decisions of administrative law judges are subject. A separate study shall be made for each division of the Corps. The studies shall include monitoring and evaluating data and shall be made in consultation with the division chief judges, the Chairman of the Administrative Conference of the United States, and the agencies that review the decisions of administrative law judges. Not later than two years after the effective date of this Act, the Council shall report to the President and the Congress on the findings and recommendations resulting from the studies. The report shall include recommendations, including recommendations for new legislation, for any reforms that may be appropriate to make review of administrative law judges' decisions more efficient and meaningful and to accord greater finality to such decisions.

TRANSITION AND SAVINGS PROVISIONS

SEC. 4. (a) There are transferred to the administrative law judges of the Administrative Law Judge Corps established by section 596 of title 5, United States Code (as added by section 2 of this Act), all functions performed on the day before the effective date of this Act by the administrative law judges appointed under section 3105 of such title before the effective date of this Act.

(b) With the consent of the agencies concerned, the Administrative Law Judge Corps of the United States may use the facilities and the services of officers, employees, and other personnel of agencies from which functions and duties are transferred to the Corps for so long as may be needed to facilitate the orderly transfer of those functions and duties under this Act.

(c) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions, offices, and agencies transferred by this Act, are, subject to section 1531 of title 31, United States Code, correspondingly transferred to the Corps for appropriate allocation.

(d) The transfer of personnel pursuant to subsection (b) of this section shall be without reduction in pay or classification for one year after such transfer.

(e) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions, offices, agencies, or portions thereof, transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, agencies, or portions thereof, as may be necessary to carry out the provisions of this Act.

(f) All orders, determinations, rules, regulations, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective in the exercise of any duties, powers, or functions which are transferred under this Act and are in effect at the time this Act becomes effective shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrative Law Judge Corps of the United States or a judge thereof in the exercise of authority vested in the Corps or its members by this Act, by a court of competent jurisdiction, or by operation of law.

(g) Except as provided in subsections (d)(5) and (e) of section 599 of title 5, United States Code, this Act shall not affect any proceeding before any department or agency or component thereof which is pending at the time this Act takes effect. Such a proceeding shall be continued before the Administrative Law Judge Corps of the United States or a judge thereof, or, to the extent the proceeding does not relate to functions so transferred, shall be continued before the agency in which it was pending on the effective date of this Act.

(h) No suit, action, or other proceeding commenced before the effective date of this Act shall abate by reason of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act and subchapter VI of title 5, United States Code (as added by section 2 of this Act).

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 6. Title 5, United States Code, is amended as follows:

(1) Section 573(b) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and inserting a new paragraph (4) to read as follows:

"(4) the chief administrative law judge of the Administrative Law Judge Corps of the United States;".

(2) Section 3105 is amended to read as follows:

**"§ 3105. Appointment of administrative law judges**

"Administrative law judges shall be appointed by the Council of the Administrative Law Judge Corps pursuant to section 599a of this title.".

(3) Section 3344 and any references to such section are repealed.

(4) The table of sections for chapter 33 is amended by striking out the item relating to section 3344.

(5)(A) Subchapter III of chapter 75 of title 5, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended—

(i) by striking out the items relating to subchapter III and section 7521;

(ii) by redesignating "Subchapter IV" and all references to such subchapter as "Subchapter III"; and

(iii) by redesignating "Subchapter V" and all references to such subchapter as "Subchapter IV".

OPERATION OF THE CORPS

SEC. 7. Operation of the Corps shall commence on the date the first chief administrative law judge of the Corps takes office.

CONTRACT DISPUTES ACT

SEC. 8. Nothing in this Act or the amendments made by this Act shall be deemed to affect any agency board established pursuant to the Contract Disputes Act (41 U.S.C. 601), or any other person designated to resolve claims or disputes pursuant to such Act.

EFFECTIVE DATE

SEC. 9. Except as otherwise provided, this Act and the amendments made by this Act shall take effect 120 days after the date of enactment.

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By Mr. MITCHELL (for himself and Mr. DANFORTH):

S. 487. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit; to the Committee on Finance.

HOUSING TAX CREDIT ACT OF 1993

Mr. MITCHELL. Mr. President, I am introducing legislation today with Senator DANFORTH to make the low-income housing tax credit permanent. The bill also includes a few miscellaneous changes to the credit program, most of which were included in H.R. 11, comprehensive tax legislation that was vetoed by President Bush last year.

The legislation we introduce today is retroactive to June 30, 1992, the date when the existing program expired. This is the same as the provision which was included in H.R. 11. Like that legislation, this bill would also make the credit a permanent program. In his economic program announced on February 17, President Clinton also called for a permanent extension of this valuable program.

Since its creation in the Tax Reform Act of 1986, the low-income housing tax credit has proven to be a great success producing almost 500,000 units of housing for low- and moderate-income families each year. Throughout the Nation, nonprofit and for profit developers are working with State and local governments using this Federal subsidy to produce needed affordable housing. The program has proven so successful because of the innovative work of the development community and the strong leadership efforts of the State housing credit agencies.

The tax credit is a valuable incentive for developers to build and rehabilitate low-income housing. But in almost all cases other subsidies remain necessary to make these projects work. Because rents are strictly controlled under the tax-credit program, cash flow is insufficient to support high levels of debt. Since the equity that is attracted through the tax credit usually cannot make up the difference, most of these projects have a gap which must be filled in other ways.

One of the exciting aspects of the low-income housing credit is the way it is currently serving as a catalyst to bring other sources of funds to low-income housing development to bridge the gap between the amount that is necessary for project development and the amount that can be provided through tax credit equity and the primary debt on the property.

The credit has succeeded during a period of scarce housing resources because State and local governments have been working in partnership with nonprofit and for-profit developers to bring together diverse sources of funds—from charities, community funds, corporations, and governments—that enable low income housing to be built.

In addition to a permanent extension, this bill includes a number of miscellaneous changes to address some minor problems with the current statute.

The most important provision clarifies the existing credit carryover rules to permit the State housing finance agencies which administer the credit to carryover more unused allocations from year to year. This is accomplished by changing the stacking rules for carryover so that unused credits are allocated first in the succeeding calendar year. This is an important reform because it gives States greater latitude in allocating credits and enables them to avoid situations where they lose credit authority if it is not quickly allocated. This change will make it easier for States to award credits to the most deserving projects.

Another provision in this bill liberalizes the rules that permit a portion of housing that is built with credits to be used for community service areas. Currently the credit permits the construction of such services facilities if they are used exclusively for tenants. This is a rigid rule that creates problems if tenant populations change overtime. In such cases, the project either falls out of compliance or programs must be cancelled. Scarce space goes unused. The bill deals with that problem by permitting other moderate income individuals to participate in programs at such facilities as long as they otherwise meet the income test for the project. The provision is limited to housing located within census tracts. This minor change will facilitate the development of facilities to provide social services to residents of economically depressed areas. This should be particularly helpful in certain urban areas as a means of expanding the space available for the Head Start Program.

Under current law, housing projects which have been placed in service within the last 10 years can not qualify for the credit unless the Treasury Department grants a waiver designed to protect the integrity of the Federal housing insurance funds. The bill adds 221(d)(4) housing programs to the list of projects which can qualify for the waiver.

Other provisions in the bill clarify current law with respect to: First, the definition of students permitted to live in credit housing; second, the application of the at-risk rules to nonprofit qualified lenders and to low-income housing credit property that also qualifies for the historic rehabilitation credit; third, the application of nondiscrimination rules to tenants receiving housing subsidies; and fourth, administrative discretion in the case of de minimis errors by project manners or credit allocating agencies.

The miscellaneous amendments included in this bill are noncontroversial, technical changes. Most were included in the Senate version of H.R. 11 that passed Congress last year.

In the last Congress, 87 Senators cosponsored legislation that Senator DANFORTH and I introduced to make the low-income housing tax credit permanent. That indicates just how much support this program has in Congress, and I am confident that it will finally be permanently extended this year.

I ask unanimous consent that a copy of the bill be included in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 487

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT EXTENSION AND MODIFICATION OF LOW-INCOME HOUSING TAX CREDIT.**

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by striking subsection (o).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to periods after June 30, 1992.

(b) MODIFICATIONS.—

(1) CARRYFORWARD RULES.—

(A) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of the unused State housing credit ceiling for the year preceding such year over the aggregate housing credit dollar amount allocated for such year."

(B) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

(C) DE MINIMIS EXCEPTION FOR QUALIFICATION RULE.—Section 42(h)(3)(D)(iv) (defining qualified State) is amended by adding at the end the following new flush sentence:

"For purposes of subclause (I), unallocated amounts from a State's housing credit ceiling for the preceding calendar year which do not exceed 1 percent of such ceiling shall be disregarded."

(2) 10-YEAR ANTI-CHURNING RULE WAIVER EXPANDED.—Clause (ii) of section 42(d)(6)(B) (defining federally assisted building) is amended by inserting ", 221(d)(4)," after "221(d)(3)".

(3) HOUSING CREDIT AGENCY DETERMINATION OF REASONABLENESS OF PROJECT COSTS.—Subparagraph (B) of section 42 (m)(2) (relating to credit allocated to building not to exceed amount necessary to assure project feasibility) is amended—

(A) by striking "and" at the end of clause (ii),

(B) by striking the period at the end of clause (iii) and inserting ", and", and

(C) by inserting after clause (iii) the following new clause:

"(iv) the reasonableness of the developmental and operational costs of the project."

(4) UNITS WITH CERTAIN FULL-TIME STUDENTS NOT DISQUALIFIED.—Subparagraph (D) of section 42(i)(3) (defining low-income unit) is amended to read as follows:

"(D) CERTAIN STUDENTS NOT TO DISQUALIFY UNIT.—A unit shall not fail to be treated as a low-income unit merely because it is occupied—

"(i) by an individual who is—

"(I) a student and receiving assistance under title IV of the Social Security Act, or

"(II) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws, or

"(ii) entirely by full-time students if such students are—

"(I) single parents and their children and such parents and children are not dependents (as defined in section 152) of another individual, or

"(II) married and file a joint return."

(5) TREASURY WAIVERS OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—Subsection (g) of section 42 (relating to qualified low-income housing projects) is amended by adding at the end thereof the following new paragraph:

"(8) WAIVER OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—On application by the taxpayer, the Secretary may waive—

"(A) any recapture under subsection (j) in the case of any de minimis error in complying with paragraph (1), or

"(B) any annual recertification of tenant income for purposes of this subsection, if the entire building is occupied by low-income tenants."

(6) BASIS OF COMMUNITY SERVICE AREAS INCLUDED IN ADJUSTED BASIS.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(A) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)",

(B) by redesignating subparagraph (C) as subparagraph (D), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) BASIS OF PROPERTY IN COMMUNITY SERVICE AREAS INCLUDED.—The adjusted basis of any building located in a qualified census tract shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation) used in functionally related and subordinate community activity facilities if—

"(i) such facilities are designed to serve individuals meeting the income requirements of subsection (g)(1)(B) and employees of the qualified low-income housing project of which the building is a part, and

"(ii) not more than 20 percent of the aggregate eligible basis of all buildings in such project is attributable to the aggregate basis of such facilities.

Such facilities the aggregate basis of which is more than 20 percent of such aggregate eligible basis shall not be disqualified under clause (ii), if not more than 20 percent of such aggregate eligible basis claimed by the taxpayer is attributable to such facilities."

(7) APPLICATION OF AT-RISK RULES.—

(A) CERTIFIED HISTORIC STRUCTURES INCLUDED.—Paragraph (1) of section 42(k) (relating to application of at-risk rules) is amended by inserting "(and, for purposes of computing the credit under section 47(a)(2), the basis of any building subject to such credit which is part of a qualified low-income housing project)" after "building".

(B) QUALIFIED NONPROFIT LENDERS EXCLUDED.—Subparagraph (A) of section 42(k)(2) (relating to special rules for determining qualified person) is amended by inserting "which is not a qualified person (as defined in section 49(a)(1)(D)(iv))" after "subsection (h)(5))".

(8) DISCRIMINATION AGAINST TENANTS PROHIBITED.—Section 42(h)(6)(B) (defining extended low-income housing commitment) is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi) and by inserting after clause (iii) the following new clause:

"(iv) which prohibits the refusal to lease to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder,".

(9) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the amendments made by this subsection shall apply to—

(i) determinations under section 42 of the Internal Revenue Code of 1986 with respect to housing credit dollar amounts allocated from State housing credit ceilings after June 30, 1992, or

(ii) buildings placed in service after June 30, 1992, to the extent paragraph (1) of section 42(h) of such Code does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

(B) CARRYFORWARD RULES.—The amendments made by paragraph (1) shall apply to calendar years beginning after December 31, 1992.

(C) WAIVER AUTHORITY AND PROHIBITED DISCRIMINATION.—The amendments made by paragraphs (2), (5), and (8) shall take effect on the date of the enactment of this Act.

(c) ELECTION TO DETERMINE RENT LIMITATION BASED ON NUMBER OF BEDROOMS.—In the case of a building to which the amendments made by section 7108(e)(1) of the Revenue Reconciliation Act of 1989 did not apply, the taxpayer may elect to have such amendments apply to such building but only with respect to tenants first occupying any unit in the building after the date of the election, and if the taxpayer has met the requirements of the procedures described in section 42(m)(1)(B)(iii) of the Internal Revenue Code of 1986. Such an election may be made only during the 180 day period beginning on the date of the enactment of this Act. Once made, the election shall be irrevocable.

Mr. DANFORTH. Mr. President, I am pleased to introduce today, along with Senator MITCHELL, a bill to extend permanently the low-income housing tax credit. Senator MITCHELL and I have been working to extend permanently and improve the tax credit program for many years. I want to commend Senator MITCHELL for his strong commitment to this program and his efforts to constantly improve upon it.

The low-income housing tax credit is the primary Federal incentive for the new construction and rehabilitation of low-income rental housing, financing virtually all low-income apartment construction. Unfortunately, this program expired on June 30, 1992.

Since its enactment in 1986, the tax-credit program has helped finance nearly 500,000 units of rental housing for families at 60 percent of the median income or less. It now produces about 110,000 units annually, about one-third of all multifamily starts. According to the National Association of State Housing Agencies [NCSHA], the 112,000 units of low-income housing financed by the credit in 1991 produced over 60,000 jobs nationwide.

The program has had a significant effect on the development of low-income housing in my home State. The Missouri Housing Development Commission estimates that the tax credit program is responsible for 882 developments and 12,413 units in Missouri.

This year we truly have the opportunity to make this program permanent, providing the stability necessary to ensure continued long-term investment in low-income housing projects. The annual process of short-term extensions has hindered program efficiency because participants are unable to rely on the program as a dependable long-term resource. A permanent extension will encourage new participants, and the increased competition for the finite pool of tax credits will increase efficiency.

I am pleased that the President has proposed a permanent extension of the program. This program has wide support in Congress as well. In the last Congress, 86 Senators sponsored a bill to extend the tax-credit program permanently. In the House of Representatives, 331 Members sponsored a similar initiative. In 1992 Congress twice approved a permanent extension of the program as part of larger tax packages last year.

Mr. President, I urge my fellow Senators to once and for all extend permanently the program this year.

### By Mr. SPECTER:

S. 488. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

### DRIVE-BY SHOOTINGS ACT OF 1993

Mr. SPECTER. I introduce at this time the Drive-By Shootings Act of 1993, addressing a problem which is of epidemic proportion in our country today where motorists, passengers passing by groups of people on street corners not only in the cities but in rural communities fire into a crowd resulting in the death or serious injury of those who are on the street or from ricocheting bullets those who may be in houses nearby.

I have observed these incidents in my home State of Pennsylvania, and I have noted reports from many other States. And recently I went to a street corner in Pittsburgh, PA, where I had a letter of complaint about the incidence of a tremendous number of drive-by shootings. That street corner was the corner of Lincoln and Lemington in Pittsburgh last February 25 where I met with the mayor, the police chief, the U.S. attorney, and other public officials from the city of Pittsburgh to inquire into the circumstances surrounding drive-by shootings at that street corner. The people in the neighborhood were in a state of total fright and total shock, and were desperately in need of assistance.

I believe that local law enforcement can do a great deal more than local law enforcement is doing at the present time when there are arrests made of juveniles on these drive-by shootings. Under Pennsylvania law, which I believe conforms to the laws of most jurisdictions, a juvenile under the age of 18 is treated in juvenile court with certain precautions while not disclosing identity and a less severe form of consequence or punishment following the adjudication of the delinquency which is the result as opposed technically to a conviction. But even on these juvenile incidents there is an opportunity for a juvenile court judge, under appropriate circumstances, to certify a 17-year-old, for example, to be tried as an adult.

I believe that is a result which ought to occur in counties like Allegheny County or other counties in Pennsylvania or across the country.

But there is a very, very different response, Mr. President, when the offenders are aware that there is a Federal presence, when there is a Federal prosecution which is possible.

In 1986 my legislation established a special drug task force for the Eastern District of Pennsylvania which was implemented in 1988 and has given rise to Operation Trigger Lock across the country. That brings to bear coordinated local, State, and Federal authorities where drugs are at issue. Now we find in the streets of America's big cities when juvenile hoodlums are arrested they are saying to the officer, this is a State case, this is not a Federal case. Those young hoodlums really do not understand the intricacies of State jurisdiction versus Federal jurisdiction, but they have a sense that when they are taken in the Federal court, for example, in Philadelphia with an individual judge calendar, with preventive detention and appropriate circumstances, and with mandatory sentences, that is something they do not like. If you have Federal enforcement on these drive-by shootings, and that becomes the word of the street, there is a very significant deterrent effect in my judgment.

Before coming to the U.S. Senate I had the opportunity to serve as district attorney of Philadelphia for two terms, 8 years, and before that an assistant district attorney. And my experience convinces me that Federal involvement on this kind of an offense can have a very, very substantial deterrent effect.

There are a number of cases. There was the case of young Megan Rayes, a 6-year-old Phoenix girl, who was shot as she slept in her bedroom from a random bullet on a drive-by shooting; Donald Lamarr Davis, a 17-year-old-boy, was shot and killed near his apartment in St. Petersburg, FL, while helping his family pick up trash; two Baltimore men were shot to death when occupants of a van fired with semiautomatic guns and a shotgun on a group of people. When a van carrying a driver and passengers with semiautomatic guns and a shotgun shot at a group of people near a North Baltimore carryout—and I shall not give the additional details, Mr. President, because they are set forth in a statement which I am about to have introduced.

The bill provides for the death penalty where a murder occurs in connection with the drug incident, and in the context of the bill it establishes a solid nexus for Federal jurisdiction even though this would ordinarily be considered a State crime.

The problems of law enforcement are so complicated today that we ought to look at specific incidents where Federal involvement could have a very profound effect. I suggest, Mr. President, that this is precisely such a circumstance.

Mr. President, today I am introducing a bill which addresses one of the most critical problems plaguing urban areas today and increasingly afflicting suburban and rural areas—drive-by shootings. This bill will make it a Federal crime to fire a weapon into a group of two or more persons with the intent to intimidate, harass, injure, or maim, in furtherance of, or to avoid detection of, a major drug offense. The bill provides a sentence of up to 25 years imprisonment for aggravated assault and of life imprisonment or the death penalty in the event of a homicide resulting from a drive-by shooting.

This bill is similar to H.R. 2902, the Drive-By Shooting Prevention Act of 1991, introduced in the House in the 102d Congress. That bill, however, failed to establish constitutional means by which Federal courts may impose the death penalty, making its death sentence provision meaningless. This bill includes provisions establishing constitutional procedures for imposition of the death penalty, as provided for in S. 247, the Death Penalty Act of 1993, which I introduced earlier this year. These provisions give a Federal court the authority to impose the death penalty on a defendant who has been found guilty of a drive-by shooting, if the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury. If these factors are met, then a jury can determine whether imposition of a sentence of death is justified, as long as the defendant is over the age of 18 years of age at the time of the offense.

I am introducing this legislation at a time when the occurrence of drive-by shootings is no longer a rare incident confined to urban communities. The surge of this heinous offense, which hit America's largest urban areas during the late 1980's has continued, plaguing cities such as Philadelphia and Pittsburgh in Pennsylvania and Baltimore, Dallas, Chicago, Los Angeles, Phoenix, San Francisco, and the District of Columbia. As reported in a December 29, 1991, Washington Post article, however, drive-by shootings are no longer confined to these urban centers, but have "spread deep into the heartland, striking cities and towns where random killings and drive-by shootings previously were unknown outside of the nightly news."

As noted, my own State has not been spared this awful reality. A recent letter sent to me from Joseph Seabrooke, a Pittsburgh real estate executive, written in the midst of a recent rash of drive-by shootings, complains about the drug dealing and attendant violence in Pittsburgh. The Pittsburgh Department of Public Safety informs me that the incidence of aggravated assault with a gun in Pittsburgh rose from virtually none in 1991, to 52 in 1992. According to law enforcement officials, there are currently two to three drive-by shootings every week in Allegheny County. Last week I visited an inner-city area of Pittsburgh at the corner of Lincoln and Lemington with the mayor and law enforcement officials to view for myself the effects that drive-by shootings can have on a neighborhood.

While most of these shootings are drug related, the victims of such offenses come from all walks of life, all neighborhoods, and are of all ages. The majority are innocent bystanders, unfortunate to be in the wrong place at the wrong time. For example, there is the case of Megan Rayes, a 6-year-old Phoenix girl shot in the head as she slept in her bedroom. She was hit from the spray of gunshots intended to intimidate the residents of the building. Other innocent victims include Donald Lamarr Davis, a 17-year-old boy who was shot and killed near his apartment in St. Petersburg, FL, while he was helping his family pick up trash; two Baltimore men who were shot to death when occupants of a black van fired with semiautomatic guns and a shotgun on a group of people near a North Baltimore carryout; and Marcia Williams, a mother of three, who was killed by a stray bullet as she drove home one evening in the District of Columbia.

All of the inhabitants of the areas where such shootings are prevalent who will no longer be able to receive basic services due to the widespread and understandable fear people have of going into these neighborhoods are also the victims of this numbing violence. No one should have to live in such terror. No one should have to be imprisoned in his home, afraid to walk the streets or go out in the evenings for fear of being shot. No one should feel, as do the individuals referred to in the letter by Joseph Seabrooke, forced to move from his or her neighborhood. And, no one should have to suffer the fate of a District of Columbia teenager who attended four funerals in 2 years—funerals of boyhood friends who were gunned down in the streets.

It is a fundamental responsibility of government to provide people with a safe community. We cannot allow the gun-toting hoodlums who commit these senseless acts of violence to control our neighborhoods. When cities and States cannot control this violence, the Federal Government must step in and assist them.

This bill will establish Federal penalties for those convicted in drive-by shootings. The news reports from across the Nation show that drive-by shootings are truly a national problem, which must be dealt with in a consistent manner nationally. This means providing concurrent jurisdiction to Federal authorities to play a more active role in these cases.

An increased Federal role brings several benefits. First, many State courts are simply too overwhelmed to handle such cases, so that these cases do not get the attention they deserve and the guilty are not treated as severely as they should be. A second reason for Federal involvement is that even when convicted and sent to prison on State charges, many criminals, due to the overcrowding of the State prison systems, are released before completing their sentences or are placed on probation. In either case, they are back on the streets well before they should be. Federal prisons, while overcrowded, have not been forced to release prisoners early, and Federal judges, with tough sentences established under the sentencing guidelines, hand out severe punishment when warranted. In addition, without Federal parole the defendant serves the sentence called for by law and is not released early.

A third reason for having the Federal Government get involved is that there is evidence that criminals are aware that they have a better chance under State systems of avoiding meaningful jail time for the reasons I have outlines. Once the Federal Government becomes involved in enforcement, however, and word of that involvement spreads to the perpetrators on the streets, deterrence will be increased. An additional reason for having Federal enforcement is that Federal law provides for preventive detention on a showing that there is a danger to the community if the defendant is released on bail.

In advocating Federal involvement, I am not arguing that the States should no longer involve themselves with the task of preventing this most violent crime. But, the States and local communities should not have to face this task alone. Where a problem is national in scope, as the drug problem underlying much of the violence is, the national Government must take an active role in addressing the problem.

Some of my colleagues may oppose this bill due to the provision allowing for the imposition of the death penalty for a homicide resulting from a drive-by shooting which occurs in conjunction with a major drug offense. Imposition of the death penalty is not an easy matter. There are many who have conscientious scruples against the death penalty. I continue to believe, however, that the death penalty is an important weapon in the war against violent crime, especially violence connected with drug dealing. In such cases, the death penalty can serve as a significant deterrent to acts of violence. I believe that it will be a deterrent in the case of the individual who considers engaging in a drive-by shooting. For these people, the possibility of death may well enter into their minds before engaging in this senseless crime, and may well make them think twice before firing a weapon into a group of people.

As my colleagues are aware, I have long been an advocate of a more active Federal role in street crime. My Armed Career Criminal Act, the first Federal legislation targeting violent recidivists, has been extremely effective against violent recidivists. Attorney General Barr believed it highly effective, as does the Attorney General-designee, Janet Reno, a career prosecutor, who informed me of her support for the Armed Career Criminal Act during her courtesy call with me. This bill will allow for such intervention in cases involving drive-by shootings, a crime which has taken over our Nation's streets and terrorized hundreds of individuals. I urge swift consideration and enactment of this legislation.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 488

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DRIVE-BY SHOOTING IN CONNECTION WITH MAJOR DRUG OFFENSE.**

(a) OFFENSE.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 36. Drive-by shooting**

"(a) DEFINITION.—In this section, 'major drug offense' means—

"(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

"(3) an offense involving large quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

"(b) OFFENSES AND PENALTIES.—

"(1) A person who, in furtherance of or to avoid detection of a major drug offense, with the intent to intimidate, harass, injure, or maim another person, fires a weapon into a group of 2 or more persons shall be imprisoned not more than 25 years, fined under this title, or both.

"(2) A person who, in furtherance of or to avoid detection of a major drug offense, with the intent to intimidate, harass, injure, or maim another person, fires a weapon into a group of 2 or more persons and thereby causes the death of any person shall—

"(A) if the killing is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both: or

"(B) if the killing is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

(b) DEATH PENALTY PROCEDURES.—

(1) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

**"CHAPTER 228—DEATH PENALTY PROCEDURES**

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.

**"§ 3591. Sentence of death**

"A defendant who has been found guilty of an offense under section 36, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury, shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

**"§ 3592. Factors to be considered in determining whether a sentence of death is justified**

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) and (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—(1) The defendant committed the offense against—

"(i) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(ii) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(iii) a foreign official described in section 1116(b)(3)(A), if the official is in the United States on official business; or

"(iv) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(I) while the public servant is engaged in the performance of the public servant's official duties;

"(II) because of the performance of the public servant's official duties; or

"(III) because of the public servant's status as a public servant.

"(B) For purposes of this paragraph—

"(i) the terms 'President-elect' and 'Vice President-elect' mean persons that are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with sections 1 and 2 of title 3, United States Code;

"(ii) the term 'Federal law enforcement officer' means a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense;

"(iii) the term 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and

"(iv) the term 'Federal judge' means a judicial officer of the United States (including a justice of the Supreme Court and a magistrate).

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

**"§ 3593. Special hearing to determine whether a sentence of death is justified**

"(a) NOTICE BY THE GOVERNMENT.—When the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(1) that the Government in the event of conviction will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors enumerated in section 3592 and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) of this section and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented concerning—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a)(2) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor and as to the appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and it is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and it is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) Return of a Finding Concerning a Sentence of Death.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (6), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least 1 aggravating factor and no mitigating factor or if it finds 1 or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision and should make such a recommendation as the information warrants.

"(f) Special Precaution To Ensure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

**"§ 3594. Imposition of a sentence of death**

"Upon the recommendation under section 3593(e), that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

**"§ 3595. Review of a sentence of death**

"(a) Appeal.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) Review.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) Decision and Disposition.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors,

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

**"§ 3596. Implementation of a sentence of death**

"(a) In General.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of that State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by that law.

"(b) Impaired Mental Capacity, Age, or Pregnancy.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what the person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts that would make the punishment unjust or unlawful or lacks the ability to convey such information to counsel or to the court.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) Employees May Decline To Participate.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

**"§ 3597. Use of State facilities**

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

**"§ 3598. Appointment of counsel**

"(a) Federal Capital Cases.—

"(1) Representation of indigent defendants.—Notwithstanding any other law, this subsection shall govern the appointment of counsel for a defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, when the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until 1 of the conditions specified in section 3599(b) has occurred.

"(2) Representation before finality of judgment.—A defendant within the scope of this subsection shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(3) Representation after finality of judgment.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of the notice, the district court shall proceed to make a determination whether the defendant is eligible under this subsection for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(A) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(B) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(C) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this paragraph shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(4) Standards for competence of counsel.—In relation to a defendant who is entitled to appointment of counsel under this subsection, at least 1 counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in Federal district court. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable counsel to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(5) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subsection, section 3006A shall apply to appointments under this subsection.

"(6) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. The limitation in the preceding sentence shall not preclude the appointment of different counsel at any stage of the proceedings.

"(b) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a State court or other State proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28 relating to a State capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by section 3006A.

**"§3599. Collateral attack on judgment imposing sentence of death**

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed and the judgment has become final under section 3598(a)(3), a motion in the case under section 2255 of title 28 shall be filed within 90 days after the issuance of the order relating to appointment of counsel under section 3598(a)(3). The court in which the motion is filed, for good cause, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, within the time specified in subsection (a) or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF THE DECISION ON REVIEW.—If 1 of the conditions specified in subsection (b) has occurred, no court shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.".

(c) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

**"228. Death penalty procedures ......... 3591".**

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By Mr. BAUCUS (for himself and Mr. BURNS):

S. 489. A bill entitled the "Gallatin Range Consolidation and Protection Act of 1993"; to the Committee on Energy and Natural Resources.

## GALLATIN RANGE CONSOLIDATION AND PROTECTION ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Gallatin Range Consolidation and Protection Act. This legislation consolidates checkerboard lands in Montana and is very similar to the land exchanges that were part of the Montana Wilderness Act which passed this body last Congress.

Two weeks ago, Congressman WILLIAMS of Montana introduced the same piece of legislation in the House of Representatives. Congressman WILLIAMS has been instrumental in bringing various groups together on these exchanges and shaping a proposal that is truly in the public interest.

This act represents perhaps the last opportunity for the Federal Government to acquire and protect some of the most beautiful and pristine land left near Yellowstone National Park. If the exchanges are not signed into law by June of this year, these lands will be posted off limits to public use, subdivided, and logged by the private company that now owns them.

However, this legislation is not about preventing the subdivision and logging of land in private hands; it is about recognizing that certain areas are best held in public ownership for the pleasure and enjoyment of all Americans.

At stake are approximately 71,000 acres in the greater Yellowstone ecosystem. As you drive along Highway 191 to Yellowstone National Park, the Gallatin Range is your constant companion. Home to elk, moose, bighorn sheep, wolverines, mountain lions, and the threatened grizzly bear, the State of Montana has long recognized the upper Gallatin as one of its most diverse and important wildlife areas.

Yet the Gallatin Range is a victim of this country's policy during the 19th century which transferred millions of acres into the hands of the railroads and created checkerboard ownership throughout the West. This act would fulfill a dream that Federal and State land managers as well as Montanans have had since 1925—to bring those lands back into the public domain.

I first became involved in the Gallatin-Porcupine exchanges back in 1982. At a crowded public meeting at Big Sky Ski Resort, I listened as countless Montanans expressed to me their fear of what would happen to these lands if they remained in private ownership.

Wildlife biologists voiced concern about the fragmentation of habitat; fisherman worried about the effect of logging on the blue ribbon Gallatin River; snowmobilers, cross-country skiers, and sportsmen worried about having public access restricted; and just about everybody in that meeting wondered how the eventual subdivision of these lands would irrevocably alter the beauty of the Gallatin Range.

After that meeting, the Forest Service set to work to resolve the ownership problem, and the first land exchange plans were completed in 1987. In 1988, the exchange passed Congress as part of the Montana wilderness bill, only to be vetoed by President Reagan. In 1992, the exchanges passed the Senate again during consideration of a Montana wilderness bill.

In short, the Gallatin land exchanges have had 10 years of close public scrutiny and comment. It has been part of seven congressional hearings and two field hearings since 1987. Similar versions of this exchange have passed the Senate twice in the last 5 years.

I am introducing this legislation today because the Gallatin Range is now faced with imminent development unless decisive action is taken. The lands are currently owned by Big Sky Lumber Co. Big Sky Lumber has been a most cooperative partner so far but they are faced with a June 1, 1993, deadline to deliver timber to another lumber company in the State. Given the terms of their contract with this company, Big Sky Lumber will have no choice but to begin harvesting on these lands if the exchanges are not completed with all speed. If Congress fails to act and this deadline passes the public will lose precious recreation opportunities and scarce public access.

I am committed to see that this does not happen and am hopeful that we can move quickly to bring these lands into public ownership. The local landowners support the exchanges, conservation organizations are in agreement, Montanans treasure this area and want to see these lands available for future enjoyment, and the Forest Service and National Park Service see the exchanges as a necessary measure.

Sound public policy overwhelmingly favors acquiring these lands. While the June 1, 1993, deadline poses a difficult hurdle, I am confident that my colleagues will see this legislation as providing a great treasure to all Americans that would help lead to passage of these exchanges.

Mr. President, I ask unanimous consent that my colleague, Senator BURNS, be added as a cosponsor to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

As testament to the overwhelming public support for the exchanges, I ask unanimous consent to have printed in the RECORD several letters of support by local and national conservation organizations.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MONTANA WILDERNESS ASSOCIATION,
*Helena, MT, March 1, 1993.*
Senator MAX BAUCUS,
*U.S. Senate.*

DEAR SENATOR BAUCUS: The Montana Wilderness Association wishes to express its wholehearted support for your introduction in the U.S. Senate of the Gallatin Range Consolidation Protection Act.

The Montana Wilderness Association is Montana's largest statewide wilderness advocacy organization, with over 2,300 members. More particular to the current topic, the organization was formed in 1958 by conservationists and sportsmen in the Bozeman area, many of whom were intent upon obtaining public ownership of the privately owned wildlands in the Gallatin Range, the same lands addressed by your current legislation.

As the largest unprotected roadless component of the greater Yellowstone ecosystem, the idea of preserving the natural wonders of the Gallatin Range enjoys broad public support of Montana conservationists. Sine 1977, over 40,000 acres of the range has been part of the 155,000-acre Gallatin Range Wilderness Study Area, but legislating wilderness for the area has been hampered by large private inholdings within the area.

As we understand it, your land-trade bill would obtain several roadless sections of land in the Gallatin Range currently owned by Mr. Tim Blixseth, who has indicated his willingness to open the land to subdivision and logging if a trade with the U.S. government cannot be legislated before June 1 of this year. Thus it is imperative that your legislation be moved quickly toward a successful end.

The Gallatin land-trade issue has been addressed in the Montana media and in congressional hearings for over a decade, and the trade has been included in previous Montana wilderness bills. It is now time to combine public support for the trade with the brief window of opportunity we now have to introduce and pass this legislation.

Thank you for your attentive work on this important subject. The Gallatin Range is one of the last great unprotected pieces of the American West. It deserves to be in public ownership, and your bill deserves prompt action by Congress.

Respectfully,

BOB DECKER,
*Executive Director.*

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GREATER YELLOWSTONE COALITION,
*Bozeman, MT, March 1, 1993.*
Hon. MAX BAUCUS,
*U.S. Senate, Washington, DC.*

DEAR MAX: The Greater Yellowstone Coalition strongly supports your introduction of the Gallatin Range Consolidation and Protection Act and urges you to do everything you can to secure its speedy passage.

Passage of this legislation will safeguard some of the finest wildlife habitat and wildlands on the North American Continent. The lands involved are crucial habitat for large elk herds, many grizzly bears, and thriving populations of bighorn sheep, moose and deer—plus pristine watersheds and productive fisheries the Federal Government has been trying to place into public ownership since 1925. These lands include the biological heart of the S.393 Hyalite-Porcupine-Buffalo Horn Wilderness Study Area (155,000 acres; established 16 years ago) which stretches from Hyalite Peak to Yellowstone National Park. These lands possess unparalleled hunting, fishing and other recreational opportunities. These world-class values will be destroyed if the land exchange bill does not pass.

We can't turn back the clock. We're running out of time and we've run out of options. The owner of the private land has given a June 1 deadline for winning approval of the land exchange. After that date, the stop-gap option agreements obtained by the Nature Conservancy will expire. We are convinced that without Congressional action, these lands will be roaded, logged and subdivided. In other words, the incredible wildlife and wildland values of the Porcupine, Gallatin Range, S. Cottonwood Canyon, and Taylor Fork areas will fall victim to an irreversible calamity. The wild heart of the Porcupine-Gallatin Range will be lost forever.

While we don't want to lose any roadless lands in our region, we feel that it is in the larger public interest to secure 70,000 acres of some of the finest wildlife habitat in the West, and let timber harvest proceed in 2,500 acres of roadless land in the North Bridger Range—which would be traded to the landowner, but are already planned for logging and roads, under the Gallatin Forest Plan.

Max, you know firsthand that the legislative struggle to secure these lands started over 10 years ago. You also are aware that support from Montanans for your legislation runs wide and deep. Local conservation groups lining up in support so far include: the Madison-Gallatin Alliance, Gallatin Wildlife Association, Concerned Citizens for Cottonwood, Citizens to Save the Gallatin Valley Face, and the Bozeman Viewshed Council. Many local government officials support your measure. The Forest Service and Montana Fish, Wildlife & Parks Dept. also strongly support it.

Finally, Max, you are completely aware of the fact that Congress has only 35 voting days left before June 1st. There is so much to gain if this bill succeeds—and way too much to lose, if it fails.

Our sincere thanks for working diligently on this,

BART KOEHLER,
*Associate Program Director.*

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THE WILDERNESS SOCIETY,
*Bozeman, MT, March 1, 1993.*
Senator MAX BAUCUS,
*U.S. Senate, Washington, DC.*

DEAR MAX: The Wilderness Society would like to thank you for support of the Gallatin land purchase/exchange package negotiated last year with Tim Blixseth. We urge you to introduce this critical legislation soon in the Senate.

Legislation to implement the Gallatin exchange/purchase package will resolve a century-old land problem on the Gallatin National Forest created by the checkerboard railroad land grants. Local citizens have worked for more than a decade on this effort.

Resolving the land patterns on the Gallatin Forest will be beneficial to sportsmen, wilderness advocates, motorized recreationists, taxpayers and those who make their living on the Forest.

Assuring the preservation of lands like the Porcupine and Taylor Fork drainages insures that the elk, moose and deer herds dependent on those lands will continue to be a hunting resource.

Removing the checkerboard pattern inside the Hyalite-Porcupine-Buffalo Horn WSA provides to Montanans the opportunity to debate future wilderness designations without having to worry about private inholdings.

Blocking up ownership of Buckhorn Ridge, Squaw Creek and Swan Creek provides snowmobilers with areas where they can continue their sport without fear of "No Trespassing" signs being erected.

Acting now will prevent checkerboard lands from being subdivided by consolidationg public and private ownership. This will benefit local taxpayers by preventing "leapfrog" development which is extremely costly.

Finally, this package will maintain the jobs dependent on the outfitting industry by blocking up checkerboard lands assuring that the wildlife dependent on them will still be available to the public.

The Forest Service has stated that this package will also benefit local timber workers because it will be able to better manage consolidated lands than scattered checkerboard lands. More coherent management will result in better-planned timber sales.

The benefits of this exchange will only be realized by prompt action in the Congress.

Options that the Nature Conservancy holds to purchase the Porcupine drainage from Tim Blixseth expired in June of this year. We were unsuccessful in our efforts to secure longer options because of commitments Mr. Blixseth has to Louisiana-Pacific which now owns the timber mill in Belgrade.

If we lose the options, it may well be that the other elements of the package—protection for the WSA, Taylor Fork and the remaining roaded lands of the Gallatin—will collapse like a house of cards.

If that happens we could be faced with logging and subdivision in Porcupine Creek and the Taylor Fork. In addition to losing the benefits outlined above, this could spell doom for a good part of Yellowstone's Northern Yellowstone elk herd which depends on these lands for wintering areas. It could also set back our efforts to recover the threatened grizzly bear since much of the lands involved in the purchase/exchange package are critical for the future of the great bear.

Max, we have put together a fragile but workable package. What we need now is for the Montana delegation to pull together and make sure this legislation passes. Southwest Montana's environment, jobs and quality of life hinge on the swift passage of the Gallatin land purchase/exchange package.

Thanks in advance for your crucial help. We look forward to working with you on this important legislation.

Sincerely,

MICHAEL D. SCOTT,
*Regional Director, Northern Region.*

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GREAT BEAR FOUNDATION,
*Missoula, MT, March 1, 1993.*

Hon. MAX BAUCUS,
*U.S. Senate, Washington, DC.*

DEAR MAX: The Great Bear Foundation (GBF) strongly endorses your introduction of the Gallatin Range Consolidation and Protection Act and urges you to move promptly to assure speedy passage.

This bill will safeguard some of the Yellowstone Ecosystem's most significant grizzly (brown) bear habitat. As well, it is also important habitat for the black bear.

While GBF is concerned about the potential for degradation of black bear habitat in the Bridgers, we would be even more troubled by the potential for increased excessive development in the Gallatin and Madison ranges, where the Big Sky area is already an enigma. Lets not allow another "Mol-Heron" to happen, and lets get the Porcupine-Taylors Fork country into public ownership while we can.

You may recall, that back in 1983 standing above Eldridge Creek on a site tour, I expressed to you the importance of the Taylors Fork to the grizzly (brown) bear. Well, if anything, the importance is even more critical now.

Thanks for your haste on this critical measure. Congratulations on your committee chairmanship.

Sincerely yours,

MATTHEW M. REID,
*Director.*

Mr. BURNS. Mr. President, I rise today in support of a bill my colleague from Montana, Senator BAUCUS, and I are introducing. This bill allows for a transfer and exchange of private and public lands in the Gallatin Range of Montana.

The checkerboard ownership of this range has caused land management problems in the past for both private property owners and the Forest Service. Over the years, the parties have worked to develop a plan to consolidate their respective lands.

In addition, provisions are included to provide the Secretary of Agriculture or a conservation entity—the Nature Conservancy—to acquire properties in the Porcupine, Taylor Fork, and Gallatin areas through purchase or exchange.

In the Porcupine and Taylor Fork areas, local snowmobilers raised concerns over the loss of access to trails they have used for years. The Nature Conservancy will hold these lands until the Forest Service can complete the process of buying the property. However, I have been informed that assurances have been made by the Nature Conservancy that these trails will remain open. Also, after the Forest Service obtains these lands, they will manage the area in accordance with historical uses. Therefore, unless Congress decides in the future to manage the area differently, it appears these trails will remain open.

In addition, the possibility exists that an amendment could be added to this bill that ensures jobs will not be lost in Livingston. Currently, the Forest Service is working out final details in a possible land trade evolving the Lost Creek area that will protect jobs at the Brand-S lumber mill and provide protection for wildlife habitat. This trade appears to be in the public interest, and I am hopeful that it might be considered as well in this bill.

In addition, I hope we will be able to consider a small land transfer in Lincoln County. This transfer of land is important to the county because special use permits will run out at the end of the year. Consideration of adding this transfer might be appropriate.

I would like to express my appreciation to all the parties involved. A great consensus has been reached. And Montana will benefit by this bill being signed into law.

I ask that a letter from the Nature Conservancy to the Forest Service be added to the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATURE CONSERVANCY
OF MONTANA,
*Helena, MT, March 1, 1993.*

BOB DENNEE,
*Lands Officer, Gallatin National Forest, Bozeman, MT.*

DEAR BOB: In a recent conversation, you mentioned that members of the Gallatin Valley Snowmobile Association and the Montana Trail Vehicle Riders Association are concerned about the future of snowmobile and trail bike use in the Porcupine and Taylor Fork areas, in the event that The Nature Conservancy comes into ownership of these lands. Specifically, I understand that the organizations would like us to respond to the following question:

"What is the policy of The Nature Conservancy on snowmobile and trail bike use of Porcupine and Taylor Fork lands that the Conservancy may acquire and temporarily hold for transfer to the Forest Service?"

The policy of the Conservancy on these lands will be to continue to permit historic recreational uses, including snowmobile and trail bike use, in a manner consistent with the Gallatin National Forest travel plan. This policy is in accord with current management of the Gallatin National Forest, as well as the provisions of Senate Bill 393 (the Montana Wilderness Study Act), which specifically allows for historic recreational uses to continue on the Porcupine and other lands under wilderness study.

The only caveat is that, should we learn that public recreational use of the land would expose The Nature Conservancy to significant liability risk, we must retain the right to review and, if necessary, adjust this policy to reduce such a risk. Based on my knowledge at this time, I do not anticipate that this will be a problem.

As you know, the Conservancy now holds contingent options to acquire about 19,000 acres in the Porcupine and Taylor Fork drainages from Big Sky Lumber. These options come into effect only if Congress enacts the Gallatin Land Exchange.

If the options do come into effect and the Forest Service is unable to act on the purchase in a timely manner, the Conservancy may acquire and hold the lands until the Forest Services has the necessary funds to complete the purchase.

We firmly believe that wildlife habitat, as well as the recreating public, will be best served by land ownership adjustments that ensure the Taylor Fork and Porcupine are not subject to the kind of intensive subdivision and development occurring elsewhere in the region. We have made a substantial investment of time and money to serve these public goals, and we are hopeful that the ongoing legislative process will result in the acquisition and protection of these crucial lands.

Please feel free to share this letter with any individuals or groups expressing interest in this issue.

Sincerely,

BRIAN KAHN,
*State Director.*

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By Mr. HATCH:

S. 490. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on the Judiciary.

REGULATORY FLEXIBILITY AMENDMENTS OF 1993

Mr. HATCH. Mr. President, small businesses in this country are struggling under mandates from Washington.

I know many small businessmen and women in Utah who would like someone in Washington to listen to their concerns. From high-technology manufacturing to computer software development, from the biomedical industry to the local mom and pop corner store, Utahns wonder how much regulation is enough before they are forced out of business. If Senators think I am being too dramatic, I hope they will continue to listen.

When I introduced this legislation in the last Congress, I mentioned an article in the Wall Street Journal by our former colleague, Senator George McGovern, in which he relates his own unhappy experiences with regulation and how regulation helped to close his Connecticut inn.

As Senator McGovern pointed out:

> One-size-fits-all rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive business, and local market economics.

Senator McGovern asks the key question: "Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often."

The purpose of the bill I am introducing today is to help make an examination of the impact of regulation on small entities by Federal agencies more meaningful.

According to the Annual Report of the Chief Counsel for Advocacy on Implementation of the Regulatory Flexibility Act, for 1991, the goals of the Regulatory Flexibility Act are to:

> (1) * * * increase federal agency awareness and understanding of the impact of regulations on small entities by requiring agencies to identify and explain those impacts;
>
> (2) * * * require that agencies communicate and explain their findings to the public, including notification beyond the traditional Federal Register notices;
>
> (3) * * * provide regulatory relief for small entities.

The Regulatory Flexibility Act provides a practical way to meet these goals. It requires that agencies prepare a regulatory flexibility analysis which, in its final form, should examine the following:

First, the need for the rule and objective of the rule;

Second, a summary of public comments on the proposed rule, the agency assessment of the issues raised by public comment, and a statement detailing whatever changes the agency made to detailing whatever changes the agency made to the rule as a result of public comment; and

Third, a listing of viable alternative to the rule which will achieve the stated objectives, yet at the same time minimize the economic impact of the new rule on small business and a reason why each alternative was rejected.

This analysis is to be published in the Federal Register and made available to the public so that small business people, local governments, and other concerned citizens can better understand the impact of regulations.

Mr. President, for 12 years we have had a mechanism in place to assess the impact of new rules on small businesses. Yet agencies have been able to circumvent congressional intent and, in essence, make the Regulatory Flexibility Act a hollow statement. Why?

Section 611 of the act states that the actions of agencies governed under this act "shall not be subject to judicial review." The Regulatory Flexibility Act allows agencies to certify that their rules do not have a significant impact on small business and, therefore, to avoid completing a regulatory flexibility analysis.

Because of section 611, we have a statute with no mechanism for enforcement. Under the act, the decisions of regulators concerning compliance with the act cannot be challenged in court; and, therefore, agencies do not satisfactorily comply. Removal of section 611 will force agencies to fully and accurately consider the impact of their rules on smaller business entities, local governments, and other small entities. Unless regulators understand that their consideration of rules under this act can be challenged, they may never fully comply with the Regulatory Flexibility Act.

Mr. President, this loophole in the law must be corrected. As we all realize, small business has been the engine for economic growth not only in my own State of Utah, but nationwide. If we wish to encourage expansion of small business and American entrepreneurship, then we must bring agencies into compliance with the Regulatory Flexibility Act of 1980. Further, under these amendments, agencies would be required to document both direct and indirect effects of their regulations.

Mr. President, I believe that the Regulatory Flexibility Act of 1980 has been ignored for far too long. Too many small businesses have foundered under regulatory policies that ignore the economic realities of small enterprises. These amendments will allow Americans to look at the proposed impact of regulation and to provide the kind of input Senator McGovern noted was necessary for determining where we set the bar to make sure it "is not too high to clear." These amendments will make sure that we start raising these questions more often.

Mr. President, I ask unanimous consent that Senator McGovern's article, the full text of the bill, and a bill summary be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 490

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Regulatory Flexibility Amendments Act of 1993".

**SEC. 2. JUDICIAL REVIEW.**

(a) IN GENERAL.—Section 611 of title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 6 of title 5, United States Code, is amended by striking the item relating to section 611.

**SEC. 3. CONSIDERATION OF DIRECT AND INDIRECT EFFECTS OF RULES.**

(A) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 610 the following new section:

**"§611. Consideration of direct and indirect effects of rules**

"In determining under this chapter whether or not a rule is likely to have a significant impact on a substantial number of small entities, an agency shall consider both the direct and indirect effects of the rule.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 6 of title 5, United States Code, is amended by inserting after the item relating to section 610 the following:

"611. Consideration of direct and indirect effects of rules.".

**SEC. 4. RULES OPPOSED BY SBA CHIEF COUNSEL FOR ADVOCACY.**

(a) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) STATEMENT OF OPPOSITION.—

"(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration

"(A) a copy of the proposed rule; and

"(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

"(ii) a determination by the agency that an initial regulatory flexibility analysis is not required under the proposed rule under section 603 and an explanation for the determination.

"(2) STATEMENT OF OPPOSITION.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of opposition to the proposed rule.

"(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of opposition to a proposed rule in accordance with paragraph (2), the agency shall publish the statement in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.".

(b) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code is amended by inserting "in accordance with section 612(d)" before the period at the end of the last sentence.

**SEC. 5. SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.**

It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

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SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title.

Sec. 2. Judicial Review. Section 2 would repeal section 611 of the Regulatory Flexibility Act (RFA) which prohibits judicial review of agency compliance with the RFA. Section 611 implicitly prohibits court challenge of an agency determination of the applicability of the RFA, and prohibits court review of any regulatory flexibility analysis prepared under the Act. In practice the prohibition on judicial challenges has allowed the agencies to ignore the spirit of the RFA. Removing the barrier to judicial challenge will force agencies to comply with the RFA.

Sec. 3. Consideration of Direct and Indirect Effects of Rules. Under current practice, it is not clear whether agencies must consider the indirect effects as well as the direct effects of their rules when they are preparing Regulatory Flexibility analyses. Section 3 would require agencies to consider the indirect effects as well as the direct effects of their rules on small businesses in their Regulatory Flexibility Analyses.

Sec. 4. Rules Opposed by SBA Chief Counsel for Advocacy. It is the intention of the authors of this legislation to strengthen agency compliance with the RFA. It is also the intention of the authors to require the agencies to work more closely with the SBA Chief Counsel, who is charged with monitoring RFA compliance, during the drafting of new rules.

Sec. 4 would amend Section 612 of the RFA to require that when an agency is drafting a new rule, the agency must provide the SBA Chief Counsel with an advance copy of the rule 30 days before publishing a general notice of proposed rulemaking in the Federal Register. (General Notices of Proposed Rulemaking are required under the APA, 5 U.S.C. 553(b). At that time the agency must also provide the SBA Chief Counsel with a draft of the initial regulatory flexibility analysis for the rule or, if the agency determines that a regulatory flexibility analysis will not be necessary, the agency must provide an explanation for that determination.

Following receipt of the above information, the SBA Chief Counsel may review the proposed rule and regulatory flexibility analysis. The Chief Counsel will have 15 days to transmit, in writing, to the agency, any opposition or comments on the proposed rule or regulatory flexibility analysis.

If the SBA Chief Counsel submits such a statement, the agency shall publish that statement, together with the response of the agency, in the Federal Register at the same time the general notice of proposed rulemaking for the rule is published.

Sec. 5. The RFA currently gives the Chief Counsel authority to file amicus briefs in litigation involving federal rules, which only allows him to express the views of the Chief Counsel with respect to the effect of the rule on small business. In the history of the RFA this has only been done once, in the 1986 case of Lehigh Valley Farms. At that time, the Justice Department indicated that this was unconstitutional because it would impair the ability of the Executive to fulfill his constitutional functions. The SBA Chief Counsel countered this argument with legal arguments of his own, The DOJ also argued that Executive Order 12146, section 1–402, prevents the Chief Counsel from filing such briefs. Section 1–402 of Executive Order 12146 requires that when such a legal dispute exists between two agency heads which serve at the President's discretion, such dispute shall be submitted to the Attorney General for resolution. The SBA Chief Counsel countered with case law supporting the principle that an Executive Order cannot supersede a statute, and therefore Executive Order 12146 cannot prohibit the SBA Chief Counsel from appearing as amicus curiae.

After a great deal of wrangling between the DOJ and the SBA Chief Counsel, the Chief Counsel eventually withdrew his amicus brief filed under Lehigh Valley Farms. To the best of our understanding, that office has never attempted to file another amicus brief.

The ability to appear as amicus curiae is important to the ability of the SBA Chief Counsel to represent the interests of small businesses in the rulemaking process. Furthermore, if this Act shall become law, with its provision to permit judicial review of agency compliance with the Regulatory Flexibility Act, the importance of the SBA Chief Counsel's ability to file amicus briefs will be magnified.

Section 5 of this Act is a "sense of the Congress" resolution reaffirming what the Congress has already passed into law, that the SBA Chief Counsel should be permitted to appear as amicus curiae in cases brought for the purpose of reviewing a rule. 5 U.S.C. 612(b).

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[From the Wall Street Journal, June 1, 1992]

### A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

"Wisdom too often never comes, and so one ought not to reject it merely because it comes late."—Justice Felix Frankfurter

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this first hand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against in expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy is the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

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By Mr. WELLSTONE (for himself, Mr. METZENBAUM, Mr. SIMON, and Mr. INOUYE):

S. 491. A bill to provide health care for every American and to control the cost of the health care system; to the Committee on Finance.

### THE AMERICAN HEALTH SECURITY ACT OF 1993

• Mr. WELLSTONE. Mr. President, with my colleagues in the Senate and the House who are cosponsoring this bill, and with the support of the growing number of community groups who endorse it, I am proud to introduce the American Health Security Act of 1993, a proposal for national health care reform.

The single-payer system I am proposing is simple. It is effective. It is equitable. It covers a comprehensive range of services for all Americans. It preserves free choice of health care providers. It is fairly, progressively financed. It saves money, while improving the quality of health care, and while putting life and death decisions back in the hands of providers and consumers, where they belong.

These are goals I know I share with President Clinton, and with most others who advocate health care reform.

When I introduced a version of this bill in 1992, as the Senate companion to the Russo bill, the crisis in our system was every bit as severe as it is today. Skyrocketing costs, 37 million uninsured, every American one layoff or one car accident away from medical catastrophe and personal bankruptcy.

In 1993, there are two important changes. The first is that we have lived through another year of steeply rising health care costs. We now know that we spent 14 percent of our gross domestic product on health care in 1992, up from 13 percent a scant year before. This is a galloping rate that cannot continue.

The tragic human implications are all around us. I had the sad experience yesterday of attending a hearing co-chaired by my good friends, HOWARD METZENBAUM and DON RIEGLE. I listened to the testimony of retirees who have lost their health benefits recently. Their employers blamed it on new accounting rules. The truth is, retiree health costs are just too expensive. Employers no longer want to pay the cost, and the retirees simply can not. What could I say to a man like Herman Fasching from Minneapolis, MN, who had continued working after a serious illness, but accepted a written offer from Unisys to retire early, because the company promised him lifetime health care benefits—benefits gone in a heartbeat. Not yet eligible for Medicare at age 59, suffering from cancer, his premiums will go up from zero to $2,400 in 1994, and $8,280 in 1996. "If my benefits are not restored," he told us, "I will soon be financially bankrupt." Our laws don't protect him. As a lawmaker, I can only try to do better.

The second change is that we now have a President who has recognized that this is the time to fix our badly crippled health care system.

The American Health Security Act of 1993 sets the standard for how to achieve the goals for our system that most Americans want.

It ensures access for affordable, high-quality health care to everyone—regardless of income, regardless of where they work, or whether they are working at the moment when they need health care, regardless of whether they have a preexisting condition.

The single payer system put the tourniquet where the bleeding is—on insurance companies, providers, and the drug and hospital equipment industries.

Under the bill, one payer in each state would pay for health care. This slashes paperwork and runaway administration costs, estimated by the Congressional Budget Office at 20 percent of our health care dollar. We would eliminate the blizzard of forms that have become nightmares for many seriously ill people trying to get reimbursement from their insurance companies.

A national health board would set standards for benefits and work with states to develop budgets. States would administer the program locally. States could spend only 3 percent of budget on administrative costs.

People would continue to get care from the same private providers they use now—hospitals, clinics, doctors, and nurses. Existing public services would continue to receive support.

The bill would put hospitals on a global budget. Doctors and other professionals would be paid negotiated fees. Nationally, health care expenses overall could increase only as much as the cost of living, such as the 2.5 percent raise working Americans got in 1992 if they were lucky, instead of the 13-percent raise the hospitals got.

There would be separate budgets for capital projects, thing like new buildings and expensive equipment. States could plan on a regional basis where and how to develop centers of excellence, and how to redistribute services based primarily on need, not on the potential for reimbursement.

Drug costs would be controlled. The board would set up professional boards, like those that now exist in many hospitals, to classify prescription drugs into categories. The board would then negotiate with drug companies to arrive at a price for drugs that are in the same category.

There must be profound changes in the health care delivery system if we are going to succeed in controlling costs. We have to let health care professionals get back to worrying about how best to treat patients, and remove the backward financial incentives we have given them to become more and more specialized and order more and more expensive treatments.

I question the assumption that only managed care systems with a limited choice of providers can achieve this goal. It's not a practical panacea. Some managed care plans have done this very well. Some have not saved money, some have taken their capitated fees and taken the phone off the hook, denying services to their Members. Many underserved rural and inner-city areas are lucky to find one health care provider, to say nothing of relying on a network of them.

This bill takes up the challenge of reorienting the system, while giving people the choice of whether or not they want to be locked in to managed care systems, or whether or not they want to choose their own doctor or their own nurse practitioner.

This bill would provide front-end coverage for primary and preventive services. It establishes goals for training more primary care doctors and mid-level practitioners, and would limit the number of specialty residencies. It would greatly expand the National Health Service Corps, which both helps defray the costs of professional education and directs professionals to primary care practices in underserved communities. It also addresses funding to train nonprofessionals like community outreach workers, who have been successful in lowering the teenage birth rate, a major area of neglect, expense and human tragedy under our current system, and who have been instrumental in expanding access to prenatal care and to immunizations

The States would develop innovative programs for paying providers and encouraging the organization of services in ways that would further control costs and improve the quality of care. There are incentives to reimburse primary care providers at a higher rate than specialists. States could encourage multidisciplinary practices, an essential feature of high quality systems like Minnesota's Mayo Clinic. They would be required to involve providers in finding practical ways to use outcomes research and practice guidelines, as they are developed, to focus the community on high standards of necessary care. They would be asked to explore expanding and integrating public health data in setting service and research goals for primary care, such as reducing the rate of preventable emergency room visits for controllable conditions like hypertension and diabetes.

Consumer-oriented managed care plans, called community health service organizations, would be available. They would compete for patients based on their ability to provide a range of high quality, integrated services, in a one-stop-shopping setting.

The comprehensive benefits to be provided under the bill include primary and preventive care, hospital and practitioner care, long-term care, prescription drugs, and mental health and substance abuse services. Care coordination, combined with utilization review provided under stringent quality standards, would help provide continuity of care for some services, while limiting unnecessary care. Medicare's volume performance standards would also apply.

The single-payer proposal is a proven way to control costs, eliminate administrative waste, and offer free choice of provider. It would put decisions about health care in the hands of consumers and providers, and of publicly accountable entities in the States where they live, instead of insurance company board rooms.

Those of us who want to see successful health care reform in this Congress must insist that it live up to the highest standards for health care reform, the standards set by the single-payer proposal.

It's hard to argue with the lobbying power of the $840 billion health care industry. But the American people will have a voice in determining the course of health care reform. They will not settle for solutions devised by those who now profit most from our inequitable and inefficient system.

Certainly it will take time to make changes of the magnitude that is required, and there will be unforeseen complications in any system we choose. But we do not have the time, and the American economy does not have the resilience, to tinker with programs destined to fail.

We can pass a reform proposal that works if we loosen the lobbyists' noose around the beltway, and listen to the providers and consumers who are ready and eager to support reasoned health care reform.

I ask that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 491

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "American Health Security Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTABLISHMENT OF A STATE-BASED AMERICAN HEALTH SECURITY PROGRAM; UNIVERSAL ENTITLEMENT; ENROLLMENT

Sec. 101. Establishment of a State-based American Health Security Program.
Sec. 102. Universal entitlement.
Sec. 103. Enrollment.
Sec. 104. Portability of benefits.
Sec. 105. Effective date of benefits.
Sec. 106. Relationship to existing Federal health programs.

TITLE II—COMPREHENSIVE BENEFITS, INCLUDING PREVENTIVE BENEFITS AND BENEFITS FOR LONG TERM CARE

Sec. 201. Comprehensive benefits.
Sec. 202. Definitions relating to services.
Sec. 203. Special rules for home and community-based long term care services.
Sec. 204. Exclusions and limitations.

TITLE III—PROVIDER PARTICIPATION

Sec. 301. Provider participation and standards.
Sec. 302. Qualifications for providers.
Sec. 303. Qualifications for comprehensive health service organizations.
Sec. 304. Limitation on certain physician referrals.

TITLE IV—ADMINISTRATION

Subtitle A—General Administrative Provisions

Sec. 401. American Health Security Standards Board.
Sec. 402. American Health Security Advisory Council.
Sec. 403. Professional, technical, and temporary advisory committees.
Sec. 404. American Health Security Quality Council.
Sec. 405. State health security programs.
Sec. 406. District health advisory councils.
Sec. 407. Complementary conduct of related health programs.

Subtitle B—Control Over Fraud and Abuse

Sec. 411. Application of Federal sanctions to all fraud and abuse under American Health Security Program.
Sec. 412. National health care fraud data base.
Sec. 413. Requirements for operation of State health care fraud and abuse control units.
Sec. 414. Assignment of unique provider and patient identifiers.

TITLE V—QUALITY ASSESSMENT

Sec. 501. Functions of Quality Council; development of practice guidelines and application to outliers.
Sec. 502. State quality review programs.
Sec. 503. Certification; utilization review; plans of care.
Sec. 504. Development of national electronic data base.

TITLE VI—HEALTH SECURITY BUDGET; PAYMENTS; COST CONTAINMENT MEASURES

Subtitle A—Budgeting and Payments to States

Sec. 601. American health security budget.
Sec. 602. Computation of individual and State capitation amounts.
Sec. 603. State health security budgets.
Sec. 604. Federal payments to States.
Sec. 605. Required approval process for capital expenditures.
Sec. 606. Account for health professional education expenditures.

Subtitle B—Payments by States to Providers

Sec. 611. Payments to hospitals and nursing facility services for operating expenses on the basis of approved global budgets.
Sec. 612. Payments for other facility-based services.
Sec. 613. Payments to health care practitioners based on prospective fee schedule.
Sec. 614. Payments to comprehensive health service organizations.
Sec. 615. Payments for community-based primary health facilities.
Sec. 616. Payments for prescription drugs.
Sec. 617. Payments for approved devices and equipment.
Sec. 618. Payments for other items and services.
Sec. 619. Role of commissions in establishing payment rates.
Sec. 620. Payment incentives for medically underserved areas.
Sec. 621. Waiver authority for alternative payment methodologies.

Subtitle C—Mandatory Assignment and Administrative Provisions

Sec. 631. Mandatory assignment.
Sec. 632. Procedures for reimbursement; appeals.

TITLE VII—PROMOTION OF PRIMARY HEALTH CARE; DEVELOPMENT OF HEALTH SERVICE CAPACITY; PROGRAMS TO ASSIST THE MEDICALLY UNDERSERVED

Subtitle A—Promotion and Expansion of Primary Care Professional Training

Sec. 701. Role of Board; establishment of primary care professional output goals.
Sec. 702. Establishment of Advisory Committee on Health Professional Education.
Sec. 703. Grants for health professions education, nurse education, and the national health service corps.

Subtitle B—Direct Health Care Delivery

Sec. 711. Setaside for public health block grants.
Sec. 712. Setaside for primary health care delivery.
Sec. 713. Primary care service expansion grants.

Subtitle C—Primary Care and Outcomes Research

Sec. 721. Set-aside for outcomes research.
Sec. 722. Office of Primary Care and Prevention Research.

TITLE VIII—FINANCING PROVISIONS; AMERICAN HEALTH SECURITY TRUST FUND

Sec. 800. Amendment of 1986 code; section 15 not to apply.

Subtitle A—AMERICAN HEALTH SECURITY TRUST FUND

Sec. 801. American Health Security Trust Fund.

Subtitle B—Increases in Corporate and Individual Income Tax Rates; Health Security Premium; and Surtax on Individuals With Incomes Over $1,000,000

Sec. 811. Increases in regular income tax rates.
Sec. 812. Increases in minimum tax rates.
Sec. 813. Health security premium.
Sec. 814. Surtax on individuals with incomes over $1,000,000.

Subtitle C—Employment Tax Changes

Sec. 821. Modifications of certain employment tax provisions.

Subtitle D—Other Revenue Increases Primarily Affecting Individuals

Sec. 831. Overall limitation on itemized deductions for high-income taxpayers made permanent.
Sec. 832. Phaseout of personal exemption of high-income taxpayers made permanent.
Sec. 833. Modifications to deductions for certain moving expenses.
Sec. 834. Top estate and gift tax rates made permanent.
Sec. 835. Elimination of deduction for club membership fees.
Sec. 836. Increase of Social Security benefits included in income.
Sec. 837. Long-term health care premium for the elderly.

Subtitle E—Other Revenue Increases Primarily Affecting Businesses

Sec. 841. Mark to market accounting method for securities dealers.
Sec. 842. Increase in recovery period for nonresidential real property.
Sec. 843. Taxation of income of controlled foreign corporations attributable to imported property.
Sec. 844. Repeal of deduction for intangible drilling and development costs.
Sec. 845. Repeal of percentage depletion for oil and gas wells.
Sec. 846. Repeal of application of like-kind exchange rules to real property.
Sec. 847. Amortization of portion of advertising expenses.

Subtitle F—Estimated Tax Provisions

Sec. 851. Individual estimated tax provisions.
Sec. 852. Corporate estimated tax provisions.

Subtitle G—Alternative Taxable Years

Sec. 861. Election of taxable year other than required taxable year.
Sec. 862. Required payments for entities electing not to have required taxable year.

Subtitle H—Deduction for Charitable Contribution of Appreciated Property Limited To Adjusted Basis

Sec. 871. Deduction for charitable contribution of appreciated property limited to adjusted basis.

Subtitle I—Minimum 5 Percent Rate of Tax on Interest Paid To Foreign Persons

Sec. 881 Minimum 5 percent rate of tax on interest paid to foreign persons.

## TITLE I—ESTABLISHMENT OF A STATE-BASED AMERICAN HEALTH SECURITY PROGRAM; UNIVERSAL ENTITLEMENT; ENROLLMENT

### SEC. 101. ESTABLISHMENT OF A STATE-BASED AMERICAN HEALTH SECURITY PROGRAM.

(a) IN GENERAL.—There is hereby established in the United States a State-based

American Health Security Program to be administered by the individual States in accordance with Federal standards specified in, or established under, this Act.

(b) STATE HEALTH SECURITY PROGRAMS.—In order for a State to be eligible to receive payment under section 604, a State must establish a State health security program in accordance with this Act.

(c) STATE DEFINED.—

(1) IN GENERAL.—In this Act, subject to paragraph (2), the term "State" means each of the fifty States and the District of Columbia.

(2) ELECTION.—If the Governor of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Northern Mariana Islands certifies to the President that the legislature of the Commonwealth or territory has enacted legislation desiring that the Commonwealth or territory be included as a State under the provisions of this Act, such Commonwealth or territory shall be included as a "State" under this Act beginning January 1 of the first year beginning ninety days after the President receives the notification.

### SEC. 102. UNIVERSAL ENTITLEMENT.

(a) IN GENERAL.—Every individual who is a resident of the United States and is a citizen or national of the United States or lawful resident alien (as defined in subsection (d) is entitled to benefits for health care services under this Act under the appropriate State health security program. In this section, the term "appropriate State health security program" means, with respect to an individual, the State health security program for the State in which the individual maintains a primary residence.

(b) TREATMENT OF CERTAIN NON-IMMIGRANTS.—

(1) IN GENERAL.—The American Health Security Standards Board (in this Act referred to as the "Board") may make eligible for benefits for health care services under the appropriate State health security program under this Act such classes of aliens admitted to the United States as nonimmigrants as the Board may provide.

(2) CONSIDERATION.—In providing for eligibility under paragraph (1), the Board shall consider reciprocity in health care services offered to United States citizens who are nonimmigrants in other foreign states, and such other factors as the Board determines to be appropriate.

(c) TREATMENT OF OTHER INDIVIDUALS.—

(1) BY BOARD.—The Board also may make eligible for benefits for health care services under the appropriate State health security program under this Act other individuals not described in subsection (a) or (b), and regulate the nature of the eligibility of such individuals, in order—

(A) to preserve the public health of communities,

(B) to compensate States for the additional health care financing burdens created by such individuals, and

(C) to prevent adverse financial and medical consequences of uncompensated care,

while inhibiting travel and immigration to the United States for the sole purpose of obtaining health care services.

(2) BY STATES.—Any State health security program may make individuals described in paragraph (1) eligible for benefits at the expense of the State.

(d) LAWFUL RESIDENT ALIEN DEFINED.—For purposes of this section, the term "lawful resident alien" means an alien lawfully admitted for permanent residence and any other alien lawfully residing permanently in the United States under color of law, including an alien with lawful temporary resident status under section 210, 210A, or 234A of the Immigration and Nationality Act (8 U.S.C. 1160, 1161, or 1255a).

### SEC. 103. ENROLLMENT.

(a) IN GENERAL.—Each State health security program shall provide a mechanism for the enrollment of individuals entitled or eligible for benefits under this Act. The mechanism shall—

(1) include a process for the automatic enrollment of individuals at the time of birth in the United States and at the time of immigration into the United States or other acquisition of lawful resident status in the United States,

(2) provide for the enrollment, as of January 1, 1995, of all individuals who are eligible to be enrolled as of such date, and

(3) include a process for the enrollment of individuals made eligible for health care services under subsections (b) and (c) of section 102.

(b) AVAILABILITY OF APPLICATIONS.—Each State health security program shall make applications for enrollment under the program available—

(1) at local offices of the Social Security Administration,

(2) at social services locations,

(3) at out-reach sites (such as provider and practitioner locations), and

(4) at other locations (including post offices and schools) accessible to a broad cross-section of individuals eligible to enroll.

(c) ISSUANCE OF HEALTH SECURITY CARDS.—In conjunction with an individual's enrollment for benefits under this Act, the State health security program shall provide for the issuance of a health security card which shall be used for purposes of identification and processing of claims for benefits under the program.

### SEC. 104. PORTABILITY OF BENEFITS.

(a) IN GENERAL.—To ensure continuous access to benefits for health care services covered under this Act, each State health security program—

(1) shall not impose any minimum period of residence in the State, or waiting period, in excess of three months before residents of the State are entitled to, or eligible for, such benefits under the program;

(2) shall provide continuation of payment for covered health care services to individuals who have terminated their residence in the State and established their residence in another State, for the duration of any waiting period imposed in the State of new residency for establishing entitlement to, or eligibility for, such services; and

(3) shall provide for the payment for health care services covered under this Act provided to individuals while temporarily absent from the State, for reasons other than to obtain the services, based on the following principles:

(A) Payment for such health care services is at the rate that is approved by the State health security program in the State in which the services are provided, unless the States concerned agree to apportion the cost between them in a different manner.

(B)(i) Except as provided in clause (ii), payment for such health care services provided outside the United States is made on the basis of the amount that would have been paid by the State health security program for similar services rendered in the State, with due regard, in the case of hospital services, to the size of the hospital, standards of service, and other relevant factors.

(ii) Payment for services described under clause (i) which are elective services shall be subject to prior consent of the agency that administers and operates the State health security program if such elective services are available on a substantially similar basis in the State.

(iii) For the purposes of this subparagraph, the term "elective services" means health care services covered under this Act other than services that are provided in an emergency or in any other circumstance in which medical care is required without delay.

(b) CROSS-BORDER ARRANGEMENTS.—A State health security program for a State may negotiate with such a program in an adjacent State a reciprocal arrangement for the coverage under such other program of health care services to enrollees residing in the border region.

### SEC. 105. EFFECTIVE DATE OF BENEFITS.

Benefits shall first be available under this Act for items and services furnished on or after January 1, 1995.

### SEC. 106. RELATIONSHIP TO EXISTING FEDERAL HEALTH PROGRAMS.

(a) MEDICARE AND MEDICAID.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraph (2)—

(A) no benefits shall be available under title XVIII of the Social Security Act for any item or service furnished after December 31, 1994,

(B) no individual is entitled to medical assistance under a State plan approved under title XIX of such Act for any item or service furnished after such date, and

(C) no payment shall be made to a State under section 1903(a) of such Act with respect to medical assistance for any item or service furnished after such date.

(2) TRANSITION.—In the case of inpatient hospital services and extended care services during a continuous period of stay which began before January 1, 1995, and which had not ended as of such date, for which benefits are provided under title XVIII, or under a State plan under title XIX, of the Social Security Act, the Secretary of Health and Human Services and each State plan, respectively, shall provide for continuation of benefits under such title or plan until the end of the period of stay.

(b) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—No benefits shall be made available under chapter 89 of title 5, United States Code, for any part of a coverage period occurring after December 31, 1994.

(c) CHAMPUS.—No benefits shall be made available under sections 1079 and 1086 of title 10, United States Code, for items or services furnished after December 31, 1994.

(d) TREATMENT OF BENEFITS FOR VETERANS AND NATIVE AMERICANS.—Nothing in this Act shall affect the eligibility of veterans for the medical benefits and services provided under title 38, United States Code, or of Indians for the medical benefits and services provided by or through the Indian Health Service.

## TITLE II—COMPREHENSIVE BENEFITS, INCLUDING PREVENTIVE BENEFITS AND BENEFITS FOR LONG TERM CARE

### SEC. 201. COMPREHENSIVE BENEFITS.

(a) IN GENERAL.—Subject to the succeeding provisions of this title, individuals enrolled for benefits under this Act are entitled to have payment made under a State health security program for the following items and services if medically necessary and appropriate for the maintenance of health or for the diagnosis, treatment, or rehabilitation of a health condition:

(1) HOSPITAL SERVICES.—Inpatient and outpatient hospital care, including 24-hour a day emergency services.

(2) Professional services.—Professional services of health care practitioners authorized to provide health care services under State law.

(3) Community-based primary health services.—Community-based primary health services (as defined in section 202(a)).

(4) Preventive services.—Preventive services (as defined in section 202(b)).

(5) Long-term and chronic care services.—

(A) Nursing facility services.

(B) Home health services.

(C) Home and community-based long term care services (as defined in section 202(c)) for individuals described in section 203(a).

(D) Hospice care.

(6) Prescription drugs, biologicals, insulin, medical foods.—

(A) Outpatient prescription drugs and biologicals, as specified by the Board consistent with section 616.

(B) Insulin.

(C) Medical foods (as defined in section 202(d)).

(7) Mental health services.—Mental health services (as defined in section 202(e)), subject to the requirements of section 204(b).

(8) Substance Abuse treatment services.—Substance abuse treatment services (as defined in section 202(f)), subject to the requirements of section 204(b).

(9) Diagnostic tests.—Diagnostic tests.

(10) Other items and services.—

(A) Outpatient therapy.—Outpatient physical therapy services, outpatient speech pathology services, and outpatient occupational therapy services in all settings.

(B) Durable medical equipment.—Durable medical equipment.

(C) Home dialysis.—Home dialysis supplies and equipment.

(D) Ambulance.—Emergency ambulance service.

(E) Prosthetic devices.—Prosthetic devices, including replacements of such devices.

(F) Additional items and services.—Such other medical or health care items or services as the Board may specify.

(b) No Cost-Sharing.—There are no deductibles, coinsurance, or copayments applicable to benefits provided under this title.

(c) Prohibition of Balance Billing.—As provided in section 631, no person may impose a charge for covered services for which benefits are provided under this Act.

(d) No Duplicate Health Insurance.—Each State health security program shall prohibit the sale of health insurance in the State if payment under the insurance duplicates payment for any items or services for which payment may be made under such a program.

(e) State Program May Provide Additional Benefits.—Nothing in this Act shall be construed as limiting the benefits that may be made available under a State health security program to residents of the State at the expense of the State.

(f) Employers May Provide Additional Benefits.—Nothing in this Act shall be construed as limiting the additional benefits that an employer may provide to employees or their dependents, or to former employees or their dependents.

### SEC. 202. DEFINITIONS RELATING TO SERVICES.

(a) Community-based Primary Health Services.—In this title, the term "community-based primary health services" means ambulatory health services furnished—

(1) by a rural health clinic;

(2) by a Federally-qualified health center, and which, for purposes of this Act, include services furnished by State and local health agencies;

(3) in a school-based setting;

(4) by public educational agencies and other providers of services to children entitled to assistance under the Individuals with Disabilities Education Act for services furnished pursuant to a written Individualized Family Services Plan or Individual Education Plan under such Act; and

(5) public and private non-profit entities receiving Federal assistance under the Public Health Service Act.

(b) Preventive Services.—

(1) In general.—In this title, the term "preventive services" means items and services—

(A) which—

(i) are specified in paragraph (2), or

(ii) the Board determines to be effective in the maintenance and promotion of health and minimizing the effect of illness, disease, or medical condition or to be effective in preventing further deterioration due to disability; and

(B) which are provided consistent with the periodicity schedule established under paragraph (3).

(2) Specified preventive services.—The services specified in this paragraph are as follows:

(A) Basic immunizations.

(B) Prenatal and well-baby care (for infants under one year of age).

(C) Well-child care (including periodic physical examinations, hearing and vision screening, and developmental screening and examinations) for individuals under 18 years of age.

(D) Periodic screening mammography, Pap smears, and colorectal examinations and examinations for prostate cancer.

(E) Routine dental examinations and prophylaxis.

(F) Physical examinations.

(G) Family planning services.

(H) Routine eye examinations, eyeglasses, and contact lenses.

(I) Hearing aids, but only upon a determination of a certified audiologist or physician that a hearing problem exists and is caused by a condition that can be corrected by use of a hearing aid.

(3) Schedule.—The Board shall establish, in consultation with experts in preventive medicine and public health and taking into consideration those preventive services recommended by the Preventive Services Task Force and published as the Guide to Clinical Preventive Services, a periodicity schedule for the coverage of preventive services under paragraph (1). Such schedule shall take into consideration the cost-effectiveness of appropriate preventive care and shall be revised not less frequently than once every 5 years, in consultation with experts in preventive medicine and public health.

(c) Home and Community-based Long Term Care Services.—In this title, the term "home and community-based long term care services" means services provided to an individual and to enable the individual to function independently (to the extent possible) and to remain in such individual's place of residence within the community and includes care coordination services (as defined in subsection (g)(1)).

(d) Medical Foods.—In this title, the term "medical foods" means foods which are formulated to be consumed or administered enterally under the supervision of a physician and which are intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.

(e) Mental Health Services.—In this title, the term "mental health services" means services related to the prevention, diagnosis, treatment, and rehabilitation of mental illness and promotion of mental health, including the following services:

(1) Crisis intervention.

(2) Outpatient mental health services.

(3) Partial hospitalization and day and evening treatment programs.

(4) Psychosocial rehabilitation services.

(5) Pharmacotherapeutic interventions.

(6) Other rehabilitation services, including halfway and three-quarter-way house care.

(7) Inpatient mental health services.

(8) Care coordination services (as defined in subsection (g)(1)).

(f) Substance Abuse Treatment Services.—In this title, the term "substance abuse treatment services" means services related to the prevention, diagnosis, treatment, and rehabilitation of of dependency on alcohol or controlled substances provided through a treatment program meeting State qualification standards and includes the following services:

(1) Crisis intervention, including assessment, diagnosis, and referral.

(2) Detoxification services, in ambulatory and inpatient settings.

(3) Outpatient services, including intensive day and evening programs, continuing care, and family services.

(4) Short-term residential services in a hospital or free-standing program.

(5) Long-term residential services, including therapeutic communities and halfway houses.

(6) Pharmacotherapeutic interventions.

(7) Care coordination services (as defined in subsection (g)(1)).

(g) Care Coordination Services.—

(1) Definition.—

(A) In general.—In this title, the term "care coordination services" means services provided by care coordinators (as defined in paragraph (2))—

(i) to individuals described in paragraph (3) for the coordination and monitoring of mental health services, substance abuse treatment services, and home and community-based long term care services, and

(ii) to individuals who require services to prevent secondary disabilities for the coordination and monitoring of home and community-based long term care services and preventive services,

to ensure appropriate, cost-effective utilization of such services in a comprehensive and continuous manner, and includes the services described in subparagraph (B).

(B) Services included.—The services described in this subparagraph are—

(i) transition management between inpatient facilities and community-based services, including assisting patients in identifying and gaining access to appropriate ancillary services; and

(ii) evaluating and recommending appropriate treatment services, in cooperation with patients and other providers and in conjunction with any quality review program or plan of care under title V.

(2) Care coordinator.—

(A) In general.—In this title, the term "care coordinator" means an individual or nonprofit or public agency or organization which the State health security program determines—

(i) is capable of performing directly, efficiently, and effectively the duties of a care coordinator described in paragraph (1), and

(ii) demonstrates capability in establishing and periodically reviewing and revising plans of care, and in arranging for and monitoring the provision and quality of services under any plan.

(B) INDEPENDENCE.—State health security programs shall establish safeguards to assure that care coordinators have no financial interest in treatment decisions or placements. Care coordination may not be provided through any structure or mechanism through which utilization review is performed.

(3) ELIGIBLE INDIVIDUALS.—An individual described in this paragraph is an individual—

(A) described in section 203 (relating to individuals qualifying for long term and chronic care services); or

(B) determined (in a manner specified by the Board)—

(i) to have a serious mental illness (as defined by the Board), or

(ii) to have a history of substance abuse displaying severe associated illness or previous treatment failure (as defined by the Board).

(h) NURSING FACILITY; NURSING FACILITY SERVICES.—Except as may be provided by the Board, the terms "nursing facility" and "nursing facility services" have the meanings given such terms in sections 1919(a) and 1905(f), respectively, of the Social Security Act.

(i) OTHER TERMS.—Except as may be provided by the Board, the definitions contained in section 1861 of the Social Security Act shall apply.

### SEC. 203. SPECIAL RULES FOR HOME AND COMMUNITY-BASED LONG TERM CARE SERVICES.

(a) QUALIFYING INDIVIDUALS.—For purposes of section 201(a)(5)(C), individuals described in this subsection are the following individuals:

(1) ADULTS.—Individuals 18 years of age or older determined (in a manner specified by the Board)—

(A) to be unable to perform, without the assistance of an individual, at least 2 of the following 5 activities of daily living (or who has a similar level of disability due to cognitive impairment)—

(i) bathing;

(ii) eating;

(iii) dressing;

(iv) toileting; and

(v) transferring in and out of a bed or in and out of a chair; or

(B) due to cognitive or mental impairments, requires supervision because the individual behaves in a manner that poses health or safety hazards to himself or herself or others.

(2) CHILDREN.—Individuals under 18 years of age determined (in a manner specified by the Board) to meet such alternative standard of disability for children as the Board develops.

(b) LIMIT ON SERVICES.—

(1) IN GENERAL.—No individual is entitled to receive benefits under a State health security program with respect to home and community-based long term care services in a period (specified by the Board) to the extent the amount of payments for such benefits exceeds 65 percent (or such alternative ratio as the Board establishes under paragraph (2)) of the average of amount of payment that would have been made under the program during the period if the individual were a resident of a nursing facility in the same area in which the services were provided.

(2) ALTERNATIVE RATIO.—The Board may establish for purposes of paragraph (1) an alternative ratio (of payments for home and community-based long term care services to payments for nursing facility services) as the Board determines to be more consistent with the goal of providing cost-effective long-term care in the most appropriate and least restrictive setting.

### SEC. 204. EXCLUSIONS AND LIMITATIONS.

(a) IN GENERAL.—Subject to section 201(e), benefits for service are not available under this Act unless the services meet the standards specified in section 201(a).

(b) MENTAL HEALTH SERVICES AND SUBSTANCE ABUSE TREATMENT SERVICES.—

(1) IN GENERAL.—Mental health services and substance abuse treatment services furnished for an individual in excess of a threshold specified in paragraph (2) are not covered services unless the services are determined under a utilization review program to meet the standards specified in section 201(a) and, with respect to inpatient or residential treatment services, to be provided in the least restrictive and most appropriate setting.

(2) UTILIZATION REVIEW THRESHOLD.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the thresholds specified in this paragraph are—

(i) 20 outpatient visits in a year, and

(ii) 15 days of inpatient services in a year.

(B) ALTERNATIVE NATIONAL THRESHOLDS.—The Board may specify alternative thresholds to those specified in subparagraph (A).

(C) ADDITIONAL STATE THRESHOLDS.—A State health security program may specify thresholds in addition to those established under the previous subparagraphs, which thresholds may be higher or lower than the number of outpatient visits or days of inpatient services otherwise specified.

(c) TREATMENT OF EXPERIMENTAL SERVICES.—In applying subsection (a), the Board shall make, after consultation with a technical advisory committee, national coverage determinations with respect to those services that are experimental in nature. Such determinations shall be made consistent with a process that provides for professional input and public comment.

(d) APPLICATION OF NATIONAL PRACTICE GUIDELINES.—In the case of services for which the Board has recognized national practice guidelines, the services are considered to meet the standards specified in section 201(a) only if they have been provided in accordance with such guidelines or in accordance with such exceptions process as may be established by the Board consistent with such guidelines.

(e) SPECIFIC LIMITATIONS.—

(1) LIMITATIONS ON EYEGLASSES, CONTACT LENSES, HEARING AIDS, AND DURABLE MEDICAL EQUIPMENT.—Subject to section 201(e), the Board may impose such limits relating to the costs and frequency of replacement of eyeglasses, contact lenses, hearing aids, and durable medical equipment to which individuals enrolled for benefits under this Act are entitled to have payment made under a State health security program as the Board deems appropriate.

(2) OVERLAP WITH PREVENTIVE SERVICES.—The coverage of services described in section 201(a) (other than paragraph (3)) which also are preventive services are required to be covered only to the extent that they are required to be covered as preventive services.

(3) MISCELLANEOUS EXCLUSIONS FROM COVERED SERVICES.—Covered services under this Act do not include the following:

(A) Surgery and other procedures (such as orthodontia) performed solely for cosmetic purposes (as defined in regulations) and hospital or other services incident thereto, unless—

(i) required to correct a congenital anomaly;

(ii) required to restore or correct a part of the body which has been altered as a result of accidental injury, disease, or surgery; or

(iii) otherwise determined to be medically necessary and appropriate under section 201(a).

(B) Personal comfort items or private rooms in inpatient facilities, unless determined to be medically necessary and appropriate under section 201(a).

(C) The services of a professional practitioner if they are furnished in a hospital or other facility which is not a participating provider.

(f) NURSING FACILITY SERVICES AND HOME HEALTH SERVICES.—Nursing facility services and home health services (other than post-hospital services, as defined by the Board) furnished to an individual who is not described in section 203(a) are not covered services unless the services are determined to meet the standards specified in section 201(a) and, with respect to nursing facility services, to be provided in the least restrictive and most appropriate setting.

(g) SERVICES INVOLVING UNAPPROVED CAPITAL EXPENDITURES.—Benefits are not available under this Act with respect to a service which involves the use of equipment, facility, or plant if the capital expenditure for the equipment, facility, or plant was subject to, but was not approved under, the process described in section 605.

## TITLE III—PROVIDER PARTICIPATION

### SEC. 301. PROVIDER PARTICIPATION AND STANDARDS.

(a) IN GENERAL.—An individual or other entity furnishing any covered service under a State health security program under this Act is not a qualified provider unless the individual or entity—

(1) is a qualified provider of the services under section 302;

(2) has filed with the State health security program a participation agreement described in subsection (b); and

(3) meets such other qualifications and conditions as are established by the Board or the State health security program under this Act.

(b) REQUIREMENTS IN PARTICIPATION AGREEMENT.—

(1) IN GENERAL.—A participation agreement described in this subsection between a State health security program and a provider shall provide at least for the following:

(A) Services to eligible persons will be furnished by the provider without discrimination on the ground of race, national origin, income, religion, age, sex or sexual orientation, disability, handicapping condition, or (subject to the professional qualifications of the provider) illness. Nothing in this subparagraph shall be construed as requiring the provision of a type or class of services which services are outside the scope of the provider's normal practice.

(B) No charge will be made for any covered services other than for payment authorized by this Act.

(C) The provider agrees to furnish such information as may be reasonably required by the Board or a State health security program, in accordance with uniform reporting standards established under section 401(g)(1), for—

(i) quality assurance and utilization review by professional peers and consumers;

(ii) the making of payments under this Act (including the examination of records as may be necessary for the verification of information on which payments are based);

(iii) statistical or other studies required for the implementation of this Act; and

(iv) such other purposes as the Board or State may specify.

(D) The provider agrees not to expend any amounts on capital expenditures (as defined in section 605(c)) relating to the provision of covered services unless the purchase of such items has been approved under section 605 and agrees not to bill the program for any services for which benefits are not available because of section 204(g).

(E) In the case of a provider that is not an individual, the provider agrees not to employ or use for the provision of health services any individual or other provider who or which has had a participation agreement under this subsection terminated for cause.

(F) In the case of a provider paid under a fee-for-service basis under section 613, the provider agrees to submit bills and any required supporting documentation relating to the provision of covered services within 30 days (or such shorter period as a State health security program may require) after the date of providing such services.

(2) TERMINATION OF PARTICIPATION AGREEMENTS.—

(A) IN GENERAL.—Participation agreements may be terminated, with appropriate notice—

(i) by the Board or a State health security program for failure to meet the requirements of this title, or

(ii) by a provider.

(B) TERMINATION PROCESS.—Providers shall be provided notice and a reasonable opportunity to correct deficiencies before the Board or a State health security program terminates an agreement unless a more immediate termination is required for public safety or similar reasons.

### SEC. 302. QUALIFICATIONS FOR PROVIDERS.

(a) IN GENERAL.—A health care provider is considered to be qualified to provide covered services if the provider is licensed or certified and meets—

(1) all the requirements of State law to provide such services,

(2) applicable requirements of Federal law to provide such services, and

(3) any applicable standards established under subsection (b).

(b) MINIMUM PROVIDER STANDARDS.—

(1) IN GENERAL.—The Board shall establish, evaluate, and update national minimum standards to assure the quality of services provided under this Act and to monitor efforts by State health security programs to assure the quality of such services. A State health security program may also establish additional minimum standards which providers must meet.

(2) NATIONAL MINIMUM STANDARDS.—The national minimum standards under paragraph (1) shall be established for institutional providers of services, individual health care practitioners, and comprehensive health service organizations. Except as the Board may specify in order to carry out this title, a hospital, nursing facility, or other institutional provider of services shall meet standards (including having in effect a utilization review plan) for such a facility under the medicare program under title XVIII of the Social Security Act. Such standards also may include, where appropriate, elements relating to—

(A) adequacy and quality of facilities;

(B) training and competence of personnel (including continuing education requirements);

(C) comprehensiveness of service;

(D) continuity of service;

(E) patient satisfaction (including waiting time and access to services); and

(F) performance standards (including organization, facilities, structure of services, efficiency of operation, and outcome in palliation, improvement of health, stabilization, cure, or rehabilitation).

(3) TRANSITION IN APPLICATION.—If the Board provides for additional requirements for providers under this subsection, any such additional requirement shall be implemented in a manner that provides for a reasonable period during which a previously qualified provider is permitted to meet such an additional requirement.

(4) EXCHANGE OF INFORMATION.—The Board shall provide for an exchange, at least annually, among State health security programs of information with respect to quality assurance and cost containment.

### SEC. 303. QUALIFICATIONS FOR COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS.

(a) IN GENERAL.—For purposes of this Act, a comprehensive health service organization (in this section referred to as a "CHSO") is a public or private organization which, in return for payment under section 613(a), undertakes to furnish, arrange for the provision of, or provide payment with respect to—

(1) a full range of health services (as identified by the Board), including at least hospital services and physicians services, and

(2) out-of-area coverage in the case of urgently needed services,

to an identified population which is living in or near a specified service area and which enrolls voluntarily in the organization.

(b) ENROLLMENT.—

(1) IN GENERAL.—All eligible persons living in or near the specified service area of a CHSO are eligible to enroll in the organization; except that the number of enrollees may be limited to avoid overtaxing the resources of the organization.

(2) MINIMUM ENROLLMENT PERIOD.—Subject to paragraph (3), the minimum period of enrollment with a CHSO shall be twelve months, unless the enrolled individual becomes ineligible to enroll with the organization.

(3) WITHDRAWAL FOR CAUSE.—Each CHSO shall permit an enrolled individual to disenroll from the organization for cause at any time.

(4) BROAD MARKETING.—Each CHSO must provide for the marketing of its services (including dissemination of marketing materials) to potential enrollees in a manner that is designed to enroll individuals representative of the different population groups and geographic areas included within its service area and meets such requirements as the Board or a State health security program may specify.

(c) REQUIREMENTS FOR CHSOs.—

(1) ACCESSIBLE SERVICES.—Each CHSO, to the maximum extent feasible, shall make all services readily and promptly accessible to enrollees who live in the specified service area.

(2) CONTINUITY OF CARE.—Each CHSO shall furnish services in such manner as to provide continuity of care and (when services are furnished by different providers) shall provide ready referral of patients to such services and at such times as may be medically appropriate.

(3) BOARD OF DIRECTORS.—In the case of a CHSO that is a private organization—

(A) CONSUMER REPRESENTATION.—At least one-third of the members of the CHSO's board of directors must be consumer members with no direct or indirect, personal or family financial relationship to the organization.

(B) PROVIDER REPRESENTATION.—The CHSO's board of directors must include at least one member who represents health care providers.

(4) PATIENT GRIEVANCE PROGRAM.—Each CHSO must have in effect a patient grievance program and must conduct regularly surveys of the satisfaction of members with services provided by or through the organization.

(5) HEALTH EDUCATION.—Each CHSO must encourage health education of its enrollees and the development and use of preventive health services, health promotion and wellness, self-care, and, if applicable, independent living arrangements.

(6) MEDICAL STANDARDS.—Each CHSO must provide that a committee or committees of health care practitioners associated with the organization will promulgate medical standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the quality of all health services (including drugs, education, and preventive services).

(7) USE OF ALLIED HEALTH PROFESSIONALS.—Each CHSO must, to the extent practicable and consistent with good medical practice, employ allied health personnel and paraprofessional persons in the furnishing of services.

(8) PREMIUMS.—Premiums or other charges by a CHSO for any services not paid for under this Act must be reasonable.

(9) UTILIZATION AND BONUS INFORMATION.—Each CHSO must—

(A) comply with the requirements of section 1876(i)(8) of the Social Security Act (relating to prohibiting physician incentive plans that provide specific inducements to reduce or limit medically necessary services), and

(B) make available to its membership utilization information and data regarding financial performance, including bonus or incentive payment arrangements to practitioners.

(10) PROVISION OF SERVICES TO ENROLLEES AT INSTITUTIONS OPERATING UNDER GLOBAL BUDGETS.—The organization shall arrange to reimburse for hospital services and other facility-based services (as identified by the Board) for services provided to members of the organization in accordance with the global operating budget of the hospital or nursing facility approved under section 611.

(11) LIMITATION ON CAPITAL EXPENDITURES.—The organization agrees—

(A) not to expend any amounts on capital expenditures (as defined in section 605(c)) relating to the provision of covered services unless the purchase of such items has been approved under section 605,

(B) that any amounts attributable to a reasonable rate of return on equity capital shall not be used for any capital expenditures, and

(C) agrees not to bill the program for any services for which benefits are not available because of section 204(g).

(12) ADDITIONAL REQUIREMENTS.—Each CHSO must meet—

(A) such requirements relating to minimum enrollment,

(B) such requirements relating to financial solvency,

(C) such requirements relating to quality and availability of care, and

(D) such other requirements,

as the Board or a State health security program may specify.

(d) Provision of Emergency Services to Nonenrollees.—A CHSO may furnish emergency services to persons who are not enrolled in the organization. Payment for such services, if they are covered services to eligible persons, shall be made to the organization unless the organization requests that it be made to the individual provider who furnished the services.

### SEC. 304. LIMITATION ON CERTAIN PHYSICIAN REFERRALS.

(a) Application to American Health Security Program.—Section 1877 of the Social Security Act, as amended by subsections (b) and (c), shall apply under this Act in the same manner as it applies under title XVIII of the Social Security Act; except that in applying such section under this Act any references in such section to the Secretary or title XVIII of the Social Security Act are deemed references to the Board and the American Health Security Program under this Act, respectively.

(b) Expansion of Prohibition to Certain Designated Services.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) by striking "clinical laboratory services" and "CLINICAL LABORATORY SERVICES" and inserting "designated health services" and "DESIGNATED HEALTH SERVICES", respectively, each place either appears in subsections (a)(1), (b)(2)(A)(ii)(I), (b)(4), (d)(1), (d)(2), and (d)(3);

(2) by adding at the end of such section the following new subsection:

"(l) Designated Health Services Defined.—In this section, the term 'designated health services' means—

"(1) clinical laboratory services;

"(2) physical therapy services;

"(3) radiology services, including magnetic resonance imaging, computerized axial tomography scans, and ultrasound services;

"(4) radiation therapy services;

"(5) the furnishing of durable medical equipment;

"(6) the furnishing of parenteral and enteral nutrition equipment and supplies;

"(7) the furnishing of outpatient prescription drugs;

"(8) ambulance services;

"(9) home infusion therapy services;

"(10) occupational therapy services;

"(11) inpatient and outpatient hospital services (including services furnished at a psychiatric or rehabilitation hospital); and

"(12) other services or technologies as defined by the American Health Security Standards Board.";

(3) in subsection (d)(2), by striking "laboratory" and by inserting "entity";

(4) in subsection (g)(1), by striking "clinical laboratory service" and by inserting "designated health service"; and

(5) in subsection (h)(7)(B, by striking "clinical laboratory service" and by inserting "designated health service".

(c) Conforming Amendments.—Such section is further amended—

(1) in subsection (a)(1)(A), by striking "for which payment otherwise may be made under this title" and by inserting "for which a charge is imposed";

(2) in subsection (a)(1)(B), by striking "under this title";

(3) by amending paragraph (1) of subsection (g) to read as follows:

"(1) Denial of payment.—No payment may be made under a State health security program for a designated health service for which a claim is presented in violation of subsection (a)(1)(B). No individual, third party payor, or other entity is liable for payment for designated health services for which a claim is presented in violation of such subsection."; and

(4) In subsection (g)(3), by striking "for which payment may not be made under paragraph (1)" and by inserting "for which such a claim may not be presented under subsection (a)(1)".

## TITLE IV—ADMINISTRATION

### Subtitle A—General Administrative Provisions

### SEC. 401. AMERICAN HEALTH SECURITY STANDARDS BOARD.

(a) Establishment.—There is hereby established an American Health Security Standards Board.

(b) Appointment and Terms of Members.—

(1) In general.—The Board shall be composed of—

(A) the Secretary of Health and Human Services, and

(B) 6 other individuals (described in paragraph (2)) appointed by the President with the advice and consent of the Senate.

The President shall first nominate individuals under subparagraph (B) on a timely basis so as to provide for the operation of the Board by not later than January 1, 1994.

(2) Selection of appointed members.—With respect to the individuals appointed under paragraph (1)(B):

(A) They shall be chosen on the basis of backgrounds in health policy, health economics, the healing professions, and the administration of health care institutions.

(B) They shall provide a balanced point of view with respect to the various health care interests and at least two of them shall represent the interests of individual consumers.

(C) Not more than three of them shall be from the same political party.

(3) Terms of appointed members.—Individuals appointed under paragraph (1)(B) shall serve for a term of 6 years, except that the terms of 5 of the individuals initially appointed shall be, as designated by the President at the time of their appointment, for 1, 2, 3, 4, and 5 years. During a term of membership on the Board, no member shall engage in any other business, vocation or employment.

(c) Vacancies.—

(1) In general.—The President shall fill any vacancy in the membership of the Board in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

(2) Vacancy appointments.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) Reappointment.—The President may reappoint an appointed member of the Board for a second term in the same manner as the original appointment. A member who has served for two consecutive 6-year terms shall not be eligible for reappointment until two years after the member has ceased to serve.

(4) Removal for cause.—Upon confirmation, members of the Board may not be removed except by the President for cause.

(d) Chair.—The President shall designate one of the members of the Board, other than the Secretary, to serve at the will of the President as Chair of the Board.

(e) Compensation.—Members of the Board (other than the Secretary) shall be entitled to compensation at a level equivalent to level II of the Executive Schedule, in accordance with section 5313 of title 5, United States Code.

(f) General Duties of the Board.—

(1) In general.—The Board shall develop policies, procedures, guidelines, and requirements to carry out this Act, including those related to—

(A) eligibility;

(B) enrollment;

(C) benefits;

(D) provider participation standards and qualifications, as defined in title III;

(E) national and State funding levels;

(F) methods for determining amounts of payments to providers of covered services, consistent with subtitle B of title VI;

(G) the determination of medical necessity and appropriateness (including the coverage of new technologies and the application of medical practice guidelines);

(H) quality assurance;

(I) assisting State health security programs with planning for capital expenditures and service delivery;

(J) planning for health professional education funding (as specified in title VII);

(K) allocating funds provided under title VII; and

(L) encouraging States to develop regional planning mechanisms (described in section 405(a)(3)).

(2) Regulations.—Regulations authorized by this Act shall be issued by the Board in accordance with the provisions of section 553 of title 5, United States Code.

(g) Uniform Reporting Standards; Annual Report; Studies.—

(1) Uniform reporting standards.—

(A) In general.—The Board shall establish uniform reporting requirements and standards to ensure an adequate national data base regarding health services practitioners, services and finances of State health security programs, approved plans, providers, and the costs of facilities and practitioners providing services. Such standards shall include, to the maximum extent feasible, health outcome measures.

(B) Reports.—The Board shall analyze regularly information reported to it, and to State health security programs pursuant to such requirements and standards.

(2) Annual report.—Beginning January 1, of the second year beginning after the date of the enactment of this Act, the Board shall annually report to Congress on the following:

(A) The status of implementation of the Act.

(B) Enrollment under this Act.

(C) Benefits under this Act.

(D) Expenditures and financing under this Act.

(E) Cost-containment measures and achievements under this Act.

(F) Quality assurance.

(G) The planning and approval process for determining capital expenditures under this Act, and the effects of decisions made under this provision.

(H) Health care utilization patterns, including any changes attributable to the program.

(I) Long-range plans and goals for the delivery of health services.

(J) Differences in the health status of the populations of the different States, including income and racial characteristics.

(K) Necessary changes in the education of health personnel.

(L) Plans for improving service to medically underserved populations.

(M) Transition problems as a result of implementation of this Act.

(N) Opportunities for improvements under this Act.

(3) STATISTICAL ANALYSES AND OTHER STUDIES.—The Board may, either directly or by contract—

(A) make statistical and other studies, on a nationwide, regional, state, or local basis, of any aspect of the operation of this Act, including studies of the effect of the Act upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(B) develop and test methods of providing through payment for services or otherwise, additional incentives for adherence by providers to standards of adequacy, access, and quality; methods of consumer and peer review and peer control of the utilization of drugs, of laboratory services, and of other services; and methods of consumer and peer review of the quality of services;

(C) develop and test, for use by the Board, records and information retrieval systems and budget systems for health services administration, and develop and test model systems for use by providers of services;

(D) develop and test, for use by providers of services, records and information retrieval systems useful in the furnishing of preventive or diagnostic services;

(E) develop, in collaboration with the pharmaceutical profession, and test, improved administrative practices or improved methods for the reimbursement of independent pharmacies for the cost of furnishing drugs as a covered service; and

(F) make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this Act.

(4) REPORT ON USE OF EXISTING FEDERAL HEALTH CARE FACILITIES.—Not later than one year after the date of the enactment of this Act, the Board shall recommend to the Congress one or more proposals for the treatment of health care facilities of the Federal Government.

(h) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—There is hereby established the position of Executive Director of the Board. The Director shall be appointed by the Board and shall serve as secretary to the Board and perform such duties in the administration of this title as the Board may assign.

(2) DELEGATION.—The Board is authorized to delegate to the Director or to any other officer or employee of the Board or, with the approval of the Secretary of Health and Human Services (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department of Health and Human Services, any of its functions or duties under this Act other than—

(A) the issuance of regulations; or

(B) the determination of the availability of funds and their allocation to implement this Act.

(3) COMPENSATION.—The Executive Director of the Board shall be entitled to compensation at a level equivalent to level III of the Executive Schedule, in accordance with section 5314 of title 5, United States Code.

(i) INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11(1) by inserting after "Corporation;" the following: "the Chair of the American Health Security Standards Board;";

(2) in section 11(2) by inserting after "Information Agency," the following: "the American Health Security Standards Board,"; and

(3) by inserting after section 8F the following:

**"§8G. Special provisions concerning American Health Security Standards Board**

"The Inspector General of the American Health Security Standards Board, in addition to the other authorities vested by this Act, shall have the same authority, with respect to the Board and the American Health Security Program under this Act, as the Inspector General for the Department of Health and Human Services has with respect to the Secretary of Health and Human Services and the medicare and medicaid programs, respectively.".

(j) STAFF.—The Board shall employ such staff as the Board may deem necessary.

(k) ACCESS TO INFORMATION.—The Secretary of Health and Human Services shall make available to the Board all information available from sources within the Department or from other sources, pertaining to the duties of the Board.

### SEC. 402. AMERICAN HEALTH SECURITY ADVISORY COUNCIL.

(a) IN GENERAL.—The Board shall provide for an American Health Security Advisory Council (in this section referred to as the "Council") to advise the Board on its activities.

(b) MEMBERSHIP.—The Council shall be composed of—

(1) the Chair of the Board, who shall serve as Chair of the Council, and

(2) twenty members, not otherwise in the employ of the United States, appointed by the Board without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

The appointed members shall include, in accordance with subsection (e), individuals who are representative of State health security programs, public health professionals, providers of health services, and of individuals (who shall constitute a majority of the Council) who are representative of consumers of such services, including a balanced representation of employers, unions, consumer organizations, and population groups with special health care needs.

(c) TERMS OF MEMBERS.—Each appointed member shall hold office for a term of four years, except that—

(1) any member appointed to fill a vacancy occurring during the term for which the member's predecessor was appointed shall be appointed for the remainder of that term; and

(2) the terms of the members first taking office shall expire, as designated by the Board at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year after the date of enactment of this Act.

(d) VACANCIES.—

(1) IN GENERAL.—The Board shall fill any vacancy in the membership of the Council in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(2) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) REAPPOINTMENT.—The Board may reappoint an appointed member of the Council for a second term in the same manner as the original appointment.

(e) QUALIFICATIONS.—

(1) PUBLIC HEALTH REPRESENTATIVES.—Members of the Council who are representative of State health security programs and public health professionals shall be individuals who have extensive experience in the financing and delivery of care under public health programs.

(2) PROVIDERS.—Members of the Council who are representative of providers of health care shall be individuals who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health practitioners.

(3) CONSUMERS.—Members who are representative of consumers of such care shall be individuals, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the consumption of such services.

(f) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Council—

(A) to advise the Board on matters of general policy in the administration of this Act, in the formulation of regulations, and in the performance of the Board's duties under section 401; and

(B) to study the operation of this Act and the utilization of health services under it, with a view to recommending any changes in the administration of the Act or in its provisions which may appear desirable.

(2) REPORT.—The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto, and the Board shall promptly transmit the report to the Congress, together with a report by the Board on any recommendations of the Council that have not been followed.

(g) STAFF.—The Council, its members, and any committees of the Council shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions.

(h) MEETINGS.—The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chair to call a meeting of the Council.

(i) COMPENSATION.—Members of the Council shall be reimbursed by the Board for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board in accordance with subchapter I of chapter 57 of title 5, United States Code.

(j) FACA NOT APPLICABLE.—The provisions of the Federal Advisory Committee Act shall not apply to the Council.

### SEC. 403. PROFESSIONAL, TECHNICAL, AND TEMPORARY ADVISORY COMMITTEES.

(a) IN GENERAL.—The Board shall appoint the standing advisory committees specified in subsections (b) through (g), and such other standing professional and technical committees in order to advise it in carrying out its duties under this Act.

(b) ADVISORY COMMITTEE ON BENEFITS.—

(1) IN GENERAL.—The Board shall appoint a standing Advisory Committee on Benefits to advise it with respect to the several classes of covered services under this Act.

(2) MEMBERSHIP.—The membership of the committee shall include individuals (in such number as the Board may determine) drawn from the health professions, from consumers of health services, from providers of health services (including non-medical licensed and non-licensed providers), or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnish-

ing and utilization of, and the evaluation of, a class of covered services designated by the Board, and with respect to the relationship of that class of services to other covered services. In appointing such individuals, the Board shall assure significant representation of consumers of health services and providers of health services.

(c) Advisory Committee on Cost Containment.—

(1) In general.—The Board shall appoint a standing Advisory Committee on Cost Containment to advise it with respect to the payments and cost containment measures contained in title VI of this Act.

(2) Membership.—The membership of the committee shall include individuals (in such number as the Board may determine) with national recognition for their expertise in health economics, health care financing, provider reimbursement, and related fields. In appointing individuals the Board shall assure significant representation of consumers of health services and providers of health services.

(d) Advisory Committee on Primary Care and the Medically Underserved.—

(1) In general.—The Board shall appoint a standing Advisory Committee on Primary Care and the Medically Underserved to advise it with respect to title VII of this Act, including with respect to the delivery of services and the education and training of health professionals, and to consider means of increasing the supply and expanding the scope of practice of mid-level professionals and the use of community health outreach workers and other non-professional health care workers.

(2) Membership.—The membership of the committee shall include individuals (in such number as the Board may determine) from the health professions and health services with expertise in—

(A) primary care services;

(B) the education and training of primary care practitioners;

(C) the special health needs of medically underserved populations;

(D) the training, educational, and financial incentives that would encourage health practitioners to serve in medically underserved areas;

(E) the delivery of health services through community-based and public facilities; and

(F) developing alternative models of delivering primary health services to medically underserved populations.

In appointing such individuals, the Board shall assure significant representation of consumers of health services and providers of health services.

(e) Advisory Committee on Mental Health and Substance Abuse Treatment Services.—

(1) In general.—The Board shall appoint a standing Advisory Committee on Mental Health and Substance Abuse Treatment Services to advise it with respect to the manner in which the benefits under this Act for mental health services and substance abuse treatment services should be modified to best meet the objectives of this Act.

(2) Membership.—The membership of the committee shall include individuals (in such number as the Board may determine) with expertise in health care economics, who are representative of the multi-disciplinary range of providers of such services, who are consumers of such services, and who represent advocacy groups representing consumers of such services.

(3) Responsibilities.—The committee shall—

(A) study changes in the utilization patterns and costs which accompany the provision of mental health services and substance abuse treatment services;

(B) study and make recommendations on any changes that may be advisable in the utilization review thresholds specified in section 204(b)(2)(A);

(C) make recommendations on ways to create a continuum of care and encourage the provision of care in the least restrictive appropriate setting;

(D) develop a standard set of practices for care coordination services, including—

(i) the range of care coordination services that should be offered for a specific target population,

(ii) the organizational structure in which care coordination services should be based,

(iii) the minimum training requirements for care coordinators, and

(iv) the standards for the clinical necessity of care coordination services,

and study (and make recommendations concerning) peer care coordination services; and

(E) report any initial recommendations to the Board by January 1, 1995.

(4) Role of Substance Abuse and Mental Health Services Administration.—The Board shall consult with the Administrator of the Substance Abuse and Mental Health Services Administration in the appointment of members to, and operation of, the committee.

(f) Advisory Committee on Prescription Drugs.—

(1) In general.—The Board shall appoint a standing Advisory Committee on Prescription Drugs to advise it with respect to the classification of prescription drugs and biologicals under section 616(a)(1) and other matters relating to the coverage of prescription drugs under this Act.

(2) Membership.—

(A) In general.—The membership of the committee shall include individuals (in such number as the Board may determine) with expertise in appropriate utilization of prescription and nonprescription drug and biological therapies and of the relative safety and efficacy of prescription drugs and biologicals.

(B) Areas of expertise.—A majority of the members of the committee shall be physicians. Members of the committee shall include at least a dentist, a nurse, and a pharmacist, and individuals with special knowledge or expertise in at least the following areas: geriatric, obstetric, pediatric, psychiatric, and neurological problems associated with drug therapies; clinical pharmacology; pharmacoepidemiology; and comparative clinical trials of drugs (including statisticians and biopharmaceutic specialists).

(C) Conflict of interest prohibition.—No individual who is an employee of a manufacturer of a drug or biological or who otherwise has a material financial interest directly or indirectly with respect to such a manufacturer, or who has an immediate family member (as defined by the Board) who is such an employee or has such an interest, shall serve as a member of the committee.

(3) Responsibilities.—The committee shall—

(A) continuously review scientific and medical information pertaining to the relative safety and efficacy, and the comparability, of prescription drugs and biologicals approved for marketing in the United States; and

(B) recommend drug use classifications and identify, within such a classification, drugs that are therapeutic alternates for a given indication and indications for which particular drugs are superior based on safety and efficacy.

The committee is not authorized to engage in drug price negotiations nor define acceptable costs for any product.

(4) Consumer input.—In conducting its activities, the committee shall solicit advice and comments from a panel of consumer advocates.

(g) Advisory Committee on Rehabilitation and Chronic Care Management.—

(1) In general.—The Board shall appoint a standing Advisory Committee on Rehabilitation and Chronic Care Management to advise the Board on ways to increase the effectiveness and efficiency of rehabilitation and chronic care management in the health care system.

(2) Membership.—The membership of the committee shall include rehabilitation professionals, consumers, and health policy professionals.

(h) Temporary Committees.—The Board is authorized to appoint such temporary professional and technical committees as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under this section or to supplement the advice of standing committees.

(i) Reporting.—Committees appointed under this section shall report from time to time (but not less often than biannually) to the Board, and copies of their reports shall be transmitted by the Board to the American Health Security Advisory Council and be made readily available to the public.

(j) Compensation.—All members of the committees established under this section shall be reimbursed by the Board for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board in accordance with subchapter I of chapter 57 of title 5, United States Code.

(k) Advice From Prospective Payment Assessment Commission, Practitioner Payment Review Commission, Etc.—For provisions relating to role of certain commissions in reviewing payment rates, see section 620.

### SEC. 404. AMERICAN HEALTH SECURITY QUALITY COUNCIL.

(a) Establishment.—There is hereby established an American Health Security Quality Council.

(b) Appointment and Terms of Members.—

(1) In general.—The Council shall be composed of 10 members appointed by the President. The President shall first appoint individuals on a timely basis so as to provide for the operation of the Council by not later than January 1, 1994.

(2) Selection of members.—Each member of the Council shall be a member of a health profession. Five members of the Council shall be physicians. Physician members of the Council shall be appointed to the Council on the basis of national reputations for clinical and academic excellence. In appointing individuals, the President shall assure significant representation of consumers of health services.

(3) Terms of members.—Individuals appointed to the Council shall serve for a term of 5 years, except that the terms of 4 of the individuals initially appointed shall be, as designated by the President at the time of their appointment, for 1, 2, 3, and 4 years.

(c) Vacancies.—

(1) In general.—The President shall fill any vacancy in the membership of the Council in the same manner as the original appointment. The vacancy shall not affect the

power of the remaining members to execute the duties of the Council.

(2) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) REAPPOINTMENT.—The President may reappoint a member of the Council for a second term in the same manner as the original appointment. A member who has served for two consecutive 5-year terms shall not be eligible for reappointment until two years after the member has ceased to serve.

(d) CHAIR.—The President shall designate one of the members of the Council to serve at the will of the President as Chair of the Council.

(e) COMPENSATION.—Members of the Council who are not employees of the Federal Government shall be entitled to compensation at a level equivalent to level III of the Executive Schedule, in accordance with section 5313 of title 5, United States Code.

(f) GENERAL DUTIES OF THE COUNCIL.—The Council is responsible for quality review activities under title V. The Council shall report to the Board annually on the conduct of activities under such title.

### SEC. 405. STATE HEALTH SECURITY PROGRAMS.

(a) SUBMISSION OF PLANS.—

(1) IN GENERAL.—Each State shall submit to the Board a plan for a State health security program for providing for health care services to the residents of the State in accordance with this Act.

(2) REGIONAL PROGRAMS.—A State may join with one or more neighboring States to submit to the Board a plan for a regional health security program instead of separate State health security programs.

(3) REGIONAL PLANNING MECHANISMS.—The Board shall provide incentives for States to develop regional planning mechanisms to promote the rational distribution of, adequate access to, and efficient use of, tertiary care facilities, equipment, and services.

(b) REVIEW AND APPROVAL OF PLANS.—

(1) IN GENERAL.—The Board shall review plans submitted under subsection (a) and determine whether such plans meet the requirements for approval. The Board shall not approve such a plan unless it finds that the plan (or State law) provides, consistent with the provisions of this Act, for the following:

(A) Payment for required health services for eligible individuals in the State in accordance with this Act.

(B) Establishment of a State Health Security Advisory Council, in accordance with subsection (d).

(C) Adequate administration, including the designation of a single State agency responsible for the administration (or supervision of the administration) of the program.

(D) The establishment of a State health security budget and establishment of an approval process for capital expenditures.

(E) Establishment of payment methodologies (consistent with subtitle B of title VI).

(F) Assurances that individuals have the freedom to choose practitioners and other health care providers for services covered under this Act.

(G) A procedure for carrying out long-term regional management and planning functions, including establishment of District Health Advisory Councils in accordance with section 406, with respect to the delivery and distribution of health care services that—

(i) ensures participation of consumers of health services and providers of health services,

(ii) takes into account the recommendations of District Health Advisory Councils under section 406, and

(iii) gives priority to the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the delivery of covered services and to the means for the speedy alleviation of these shortcomings, and

(iv) encourages the integration of preventive public health and primary care services, incorporating epidemiologic data and community-based clinical results.

(H) The licensure and regulation of all health providers and facilities to ensure compliance with Federal and State laws and to promote quality of care.

(I) Establishment of a quality review system in accordance with section 502.

(J) Establishment of an independent ombudsman for consumers to register complaints about the organization and administration of the State health security program and to help resolve complaints and disputes between consumers and providers.

(K) Publication of an annual report on the operation of the State health security program, which report shall include information on cost, progress toward achieving full enrollment, public access to health services, quality improvement, health outcomes, health professional training, and the needs of medically underserved populations.

(L) Provision of a fraud and abuse prevention and control unit that the Inspector General determines meets the requirements of section 413(a).

(M) Provision that—

(i) all claims or requests for payment for services shall be accompanied by the unique provider identifier assigned under section 414(a) to the provider and the unique patient identifier assigned to the individual under section 414(b);

(ii) no payment shall be made under the program for the provision of health care services by any provider unless the provider has furnished the program with the unique provider identifier assigned under section 414(a);

(iii) the plan shall use the unique patient identifier assigned under section 414(b) to an individual as the identifier of the individual in the processing of claims and other purposes (as specified by the Board); and

(iv) queries made under section 412(c)(2) shall be made using the unique provider identifier specified under section 414(a).

(N) Prohibit payment in cases of prohibited physician referrals under section 304.

(O) Effective January 1, 2000, provide for use of a uniform electronic data base in accordance with section 504(a).

(2) CONSEQUENCES OF FAILURE TO COMPLY.—If the Board finds that a State plan submitted under paragraph (1) does not meet the requirements for approval under this section or that a State health security program or specific portion of such program, the plan for which was previously approved, no longer meets such requirements, the Board shall provide notice to the State of such failure and that unless corrective action is taken within a period specified by the Board, the Board shall place the State health security program (or specific portions of such program) in receivership under the jurisdiction of the Board.

(c) STATE HEALTH SECURITY ADVISORY COUNCILS.—

(1) IN GENERAL.—For each State, the Governor shall provide for appointment of a State Health Security Advisory Council to advise and make recommendations to the Governor and State with respect to the implementation of the State health security program in the State.

(2) MEMBERSHIP.—Each State Health Security Advisory Council shall be composed of at least 11 individuals. The appointed members shall include individuals who are representative of the State health security program, public health professionals, providers of health services, and of individuals (who shall constitute a majority) who are representative of consumers of such services, including a balanced representation of employers, unions and consumer organizations.

(3) DUTIES.—

(A) IN GENERAL.—Each State Health Security Advisory Council shall review, and submit comments to the Governor concerning the implementation of the State health security program in the State.

(B) ASSISTANCE.—Each State Health Security Advisory Council shall provide assistance and technical support to community organizations and public and private non-profit agencies submitting applications for funding under appropriate State and Federal public health programs, with particular emphasis placed on assisting those applicants with broad consumer representation.

(d) STATE USE OF FISCAL AGENTS.—

(1) IN GENERAL.—Each State health security program, using competitive bidding procedures, may enter into such contracts with qualified entities, such as voluntary associations, as the State determines to be appropriate to process claims and to perform other related functions of fiscal agents under the State health security program.

(2) RESTRICTION.—Except as the Board may provide for good cause shown, in no case may more than one contract described in paragraph (1) be entered into under a State health security program.

### SEC. 406. DISTRICT HEALTH ADVISORY COUNCILS.

(a) IN GENERAL.—Subject to subsection (d), each State health security program shall establish district health advisory councils covering distinct geographic areas for the purposes of—

(1) advising and making recommendations to the State with respect to implementation of the program in the geographic area served by a council;

(2) receiving and investigating complaints by eligible persons and by providers of services concerning the administration of the program and of taking or recommending appropriate corrective action; and

(3) carrying out district management and planning functions with the State health security program, including—

(A) assessing the health needs of the district;

(B) assessing the quality, supply, and distribution of health resources, including acute care hospitals, specialized inpatient facilities, outpatient facilities, trained health care personnel, the availability of specialized medical equipment, and home and community-based health programs;

(C) assessing the need for services to medically underserved areas to achieve equitable access to care;

(D) advising on restructuring the health delivery system, including reductions in excess capacity, shifting from institutional to ambulatory care, and other means of achieving efficiencies;

(E) advising on funding for new and expanded programs, including capital expenditures;

(F) meeting at least biannually with representatives of the State health security program (i) to determine the goals and priorities for meeting health care needs and (ii) to plan for the efficient and effective use of health resources within the district; and

(G) establishing a strategy to implement such goals and priorities.

(b) MEMBERSHIP.—Each district health advisory council shall be composed of individuals, appointed by the Governor of the State, who include representatives of local public health programs, public health professionals, providers of health services, and of persons (who shall constitute a majority) who are representative of consumers of such services, including a balanced representation of employers, unions, and consumer organizations and population groups with special health needs. The Governor shall consult with the State Health Security Advisory Council and local officials in the appointment of district health advisory councils.

(c) GRANT ASSISTANCE.—Each district health advisory council shall provide assistance and technical support to community organizations and public and private non-profit agencies submitting applications for funding under appropriate State and Federal public health programs, with particular emphasis placed on assisting those applicants with broad consumer representation.

(d) USE OF STATE HEALTH SECURITY ADVISORY COUNCIL.—

(1) IN GENERAL.—Subject to paragraph (2), the Board may waive the requirement that a State establish district health advisory councils if the State demonstrates to the satisfaction of the Board that—

(A) the establishment of such councils in the State is unnecessary because of the State's size or population;

(B) the membership of the State Health Security Advisory Council established under section 405(d) is consistent with the requirements for membership of such a council under subsection (b); and

(C) such Council will perform the functions of a district health advisory council under subsections (a) and (c).

(2) PERFORMANCE OF COUNCIL FUNCTIONS.—If the Board waives requirements with respect to a State under paragraph (1), the State Health Security Advisory Council shall perform, with respect to the entire State, the functions of a district health advisory council under subsections (a) and (c).

### SEC. 407. COMPLEMENTARY CONDUCT OF RELATED HEALTH PROGRAMS.

In performing functions with respect to health personnel education and training, health research, environmental health, disability insurance, vocational rehabilitation, the regulation of food and drugs, and all other matters pertaining to health, the Secretary of Health and Human Services shall direct all activities of the Department of Health and Human Services toward contributions to the health of the people complementary to this Act.

## Subtitle B—Control Over Fraud and Abuse

### SEC. 411. APPLICATION OF FEDERAL SANCTIONS TO ALL FRAUD AND ABUSE UNDER AMERICAN HEALTH SECURITY PROGRAM.

The following sections of the Social Security Act shall apply to State health security programs in the same manner as they apply to State medical assistance plans under title XIX of such Act (except that in applying such provisions any reference to the Secretary is deemed a reference to the Board):

(1) Section 1128 (relating to exclusion of individuals and entities).

(2) Section 1128A (civil monetary penalties).

(3) Section 1128B (criminal penalties).

(4) Section 1124 (relating to disclosure of ownership and related information).

(5) Section 1126 (relating to disclosure of certain owners).

### SEC. 412. NATIONAL HEALTH CARE FRAUD DATA BASE.

(a) ESTABLISHMENT.—The American Health Security Standards Board, through the Inspector General, shall establish a national data base (in this section referred to as the "data base") containing information relating to health care fraud and abuse.

(b) DATA INCLUDED.—

(1) IN GENERAL.—The data base shall include such information as the Inspector General, in consultation with the Board, shall specify, and shall include at least the information described in paragraph (2).

(2) SPECIFIED INFORMATION.—The information specified in this paragraph is, with respect to providers of health care services, the identity of any provider—

(A) that has been convicted of a crime for which the provider may be excluded from participation under a health program (as defined in paragraph (3));

(B) whose license to provide health care has been revoked or suspended (as described in section 1128(b)(5) of the Social Security Act);

(C) that has been excluded or suspended from a health program under section 1128 of the Social Security Act or from any other Federal or State health care program;

(D) with respect to whom a civil money penalty has been imposed under this Act or the Social Security Act; or

(E) that otherwise is subject to exclusion from participation under a health program.

(3) HEALTH PROGRAM DEFINED.—In this section, the term "health program" means a State health security program and includes the medicare program (under title XVIII of the Social Security Act) and a State health care program (as defined in section 1128(h) of such Act).

(c) REPORTING REQUIREMENT.—

(1) REPORTING.—Each State health security program shall provide such information to the Inspector General as the Inspector General may require in order to carry out fraud and abuse control activities and for purposes of maintaining the data base.

(2) QUERYING.—In accordance with rules established by the Board (in consultation with the Inspector General), each State health security program shall query periodically (as specified by the Inspector General)—

(A) the data base to determine if providers of health services for which the program makes payment are not disqualified from providing such services, and

(B) the Secretary of Health and Human Services, concerning information obtained by the Secretary under part B of the Health Care Quality Improvement Act of 1986 relating to practitioners.

(3) COORDINATION WITH MALPRACTICE DATA BASE.—The Secretary of Health and Human Services shall provide for the coordination of the reporting and disclosure of information under this section with information under part B of the Health Care Quality Improvement Act of 1986.

(4) UNIFORM MANNER.—Information shall be reported under this subsection in a uniform manner (in accordance with standards of the Inspector General) that permits aggregation of reported information.

(5) ACCESS FOR AUDIT.—Each State health security program shall provide the Inspector General such access to information as may be required to verify the information reported under this subsection.

(6) PENALTY FOR FALSE INFORMATION.—Any person that submits false information required to be provided under this subsection or that denies access to information under paragraph (5) may be imprisoned for not more than 5 years, or fined, or both, in accordance with title 18, United States Code.

(7) CONFIDENTIALITY.—The Board shall establish rules that protect the confidentiality of the information in the data base.

### SEC. 413. REQUIREMENTS FOR OPERATION OF STATE HEALTH CARE FRAUD AND ABUSE CONTROL UNITS.

(a) REQUIREMENT.—In order to meet the requirement of section 405(b)(1)(L), each State health security program must establish and maintain a health care fraud and abuse control unit (in this section referred to as a "fraud unit") that meets requirements of this section and other requirements of the Board. Such a unit may be a State medicaid fraud control unit (described in section 1903(q) of the Social Security Act).

(b) STRUCTURE OF UNIT.—The fraud unit must—

(1) be a single identifiable entity of the State government;

(2) be separate and distinct from the State agency with principal responsibility for the administration of the State health security program; and

(3) meet 1 of the following requirements:.

(A) It must be a unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations.

(B) If it is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, approved by the Board, that (i) assure its referral of suspected criminal violations relating to the State health insurance plan to the appropriate authority or authorities in the States for prosecution, and (ii) assure its assistance of, and coordination with, such authority or authorities in such prosecutions.

(C) It must have a formal working relationship with the office of the State Attorney General and have formal procedures (including procedures for its referral of suspected criminal violations to such office) which are approved by the Board and which provide effective coordination of activities between the fraud unit and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to the State health insurance plan.

(c) FUNCTIONS.—The fraud unit must—

(1) have the function of conducting a statewide program for the investigation and prosecution of violations of all applicable State laws regarding any and all aspects of fraud in connection with any aspect of the provision of health care services and activities of providers of such services under the State health security program;

(2) have procedures for reviewing complaints of the abuse and neglect of patients of providers and facilities that receive payments under the State health security program, and, where appropriate, for acting upon such complaints under the criminal laws of the State or for referring them to other State agencies for action; and

(3) provide for the collection, or referral for collection to a single State agency, of overpayments that are made under the State health security program to providers and that are discovered by the fraud unit in carrying out its activities.

(d) RESOURCES.—The fraud unit must—

(1) employ such auditors, attorneys, investigators, and other necessary personnel,

(2) be organized in such a manner, and

(3) provide sufficient resources (as specified by the Board),

as is necessary to promote the effective and efficient conduct of the unit's activities.

(e) COOPERATIVE AGREEMENTS.—The fraud unit must have cooperative agreements (as specified by the Board) with—

(1) similar fraud units in other States,

(2) the Inspector General, and

(3) the Attorney General of the United States.

(f) REPORTS.—The fraud unit must submit to the Inspector General an application and annual reports containing such information as the Inspector General determines to be necessary to determine whether the unit meets the previous requirements of this section.

### SEC. 414. ASSIGNMENT OF UNIQUE PROVIDER AND PATIENT IDENTIFIERS.

(a) PROVIDER IDENTIFIERS.—

(1) IN GENERAL.—The Board shall provide for the assignment, to each individual or entity providing health care services under a State health security program, of a unique provider identifier.

(2) RESPONSE TO QUERIES.—Upon the request of a State health security program with respect to a provider, the Board shall provide the program with the unique provider identifier (if any) assigned to the provider under paragraph (1).

(b) PATIENT IDENTIFIERS.—The Board shall provide for the assignment, to each eligible individual, of a unique patient identifier. The identifier so assigned may be the Social Security account number of the individual.

(c) REQUIREMENT TO USE IDENTIFIERS.—Each State health security program is required under section 405(b)(1)(M) to use the unique identifiers assigned under this section.

## TITLE V—QUALITY ASSESSMENT

### SEC. 501. FUNCTIONS OF QUALITY COUNCIL; DEVELOPMENT OF PRACTICE GUIDELINES AND APPLICATION TO OUTLIERS.

(a) DEVELOPMENT OF PRACTICE GUIDELINES.—The American Health Security Quality Council (in this title referred to as the "Council")—

(1) shall collect data from outcomes research (whether conducted by the Federal Government or other entities), and

(2) on the basis of such data and existing clinical knowledge, shall develop practice guidelines.

Such guidelines may vary based upon the area in which the services are provided and the degree of training, specialization, or similar characteristics of providers.

(b) PROFILING OF PATTERNS OF PRACTICE; IDENTIFICATION OF OUTLIERS.—The Council shall adopt methodologies for profiling the patterns of practice of health care professionals and for identifying outliers (as defined in subsection (f)).

(c) CENTERS OF EXCELLENCE.—The Council shall develop guidelines for certain medical procedures designated by the Board to be performed only at tertiary care centers which can meet standards for frequency of procedure performance and intensity of support mechanisms that are consistent with the high probability of desired patient outcome. Reimbursement under this Act for such a designated procedure may only be provided if the procedure was performed at a center that meets such standards.

(d) REMEDIAL ACTIONS.—The Council shall develop standards for education and sanctions with respect to outliers so as to assure the quality of health care services provided under this Act.

(e) DISSEMINATION.—The Council shall disseminate to the State health security program—

(1) the guidelines developed under subsections (a) and (c),

(2) the methodologies adopted under subsection (b), and

(3) the standards developed under subsection (d),

for use by the States under section 502.

(f) OUTLIER DEFINED.—In this title, the term "outlier" means a health care practitioner whose pattern of practice, relative to applicable practice guidelines, suggests deficiencies in the quality of health care services being provided.

### SEC. 502. STATE QUALITY REVIEW PROGRAMS.

(a) REQUIREMENT.—In order to meet the requirement of section 405(b)(1)(I), each State health security program shall establish one or more qualified entities to conduct quality reviews of persons providing covered services under the program, in accordance with standards established under subsection (b)(1) (except as provided in subsection (b)(2)) and subsection (d).

(b) FEDERAL STANDARDS.—

(1) IN GENERAL.—The Board shall establish standards with respect to—

(A) the adoption of practice guidelines (developed under section 501(a)),

(B) the identification of outliers (consistent with methodologies adopted under section 501(b)),

(C) the development of remedial programs and monitoring for outliers, and

(D) the application of sanctions (consistent with the standards developed under section 501(d)).

(2) STATE DISCRETION.—A State may apply under subsection (a) standards other than those established under paragraph (1) so long as the State demonstrates to the satisfaction of the Council on an annual basis that the standards applied have been as efficacious in promoting and achieving quality of care as the application of the standards established under paragraph (1).

(c) QUALIFICATIONS.—

(1) IN GENERAL.—An entity is not qualified to conduct quality reviews under subsection (a) unless the entity—

(A) is administratively independent of the individual or board that administers the State health security program, and

(B) does not provide any financial incentive to reviewers to favor one pattern of practice over another.

(2) PROVIDER-SPECIFIC ENTITIES.—Subject to paragraph (1), a State may provide that an individual hospital (or other institutional provider) may serve as a qualified entity to conduct quality reviews under subsection (a).

### SEC. 503. CERTIFICATION; UTILIZATION REVIEW; PLANS OF CARE.

(a) CERTIFICATIONS.—State health security programs may require, as a condition of payment for institutional health care services and other services of the type described in such sections 1814(a) and 1835(a) of the Social Security Act, periodic professional certifications of the kind described in such sections.

(b) REQUIREMENTS AND STANDARDS FOR UTILIZATION REVIEW.—

(1) USE OF UTILIZATION REVIEW PERMITTED.—A State health security program may—

(A) establish a utilization review program (as defined in paragraph (4)), and

(B) deny coverage (and payment) for services to the extent the services are determined under such a utilization review program not to meet the coverage standards specified in section 201(a),

but only if the program meets the standards established by the Board under paragraph (2).

(2) STANDARDS FOR UTILIZATION REVIEW PROGRAMS.—

(A) IN GENERAL.—The Board shall provide, by regulation, for the establishment of Federal standards for utilization review programs conducted by State health security programs. Such standards shall be designed to assure the cost-effective and medically appropriate use of services consistent with coverage standards specified in section 201(a).

(B) TYPES OF STANDARDS.—Such standards shall be established, consistent with subparagraph (C), with respect to at least each of the following aspects of utilization review programs:

(i) The qualification of those who may perform utilization review activities.

(ii) The standards to be applied in performing utilization review.

(iii) The timeliness in which utilization review determinations (and appeals with respect to such determinations) are to be made.

(iv) An appeals (or alternative dispute resolution) process which provides a fair opportunity for individuals adversely affected by a utilization review determination (or their families or care coordinators) to have such a determination reviewed.

(v) Protection for the confidentiality of individually-identifiable information used in the process, consistent with Federal and State laws.

(C) STANDARDS.—The standards established under this paragraph shall include the following:

(i) The individuals making final determinations (and determining appeals) concerning the utilization of services provided by members of a health profession shall be members of the same profession (or in an associated field, as determined by the Board).

(ii) The utilization criteria to be applied shall be provided to patients, providers, and care coordinators upon request and a written explanation of the basis for any denial of payment based upon such a review shall be provided to the patient, provider, or care coordinator upon request.

(iii) Utilization review and appeals shall be conducted promptly in order not to disrupt a course of treatment and providers shall not deny necessary care while a review or appeal is pending.

(iv) The system may not provide a monetary incentive for those conducting utilization review activities to deny or reduce payment for services.

(v) The medical personnel performing reviews shall be accessible by telephone to the providers whose services they review.

(D) USE OF GUIDELINES.—Such standards shall be consistent with the provisions of section 204(d) (relating to application of national practice guidelines).

(3) NO REQUIREMENT FOR ROUTINE UTILIZATION REVIEW.—Nothing in this title shall be construed to require or authorize a State health security program to provide for utilization review as a routine practice in all cases.

(4) UTILIZATION REVIEW PROGRAM.—In this title, the term "utilization review program" means a system of reviewing the medical necessity and appropriateness (including the appropriateness of the setting) of patient services (which may include inpatient and outpatient services) using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, the profiling of practice patterns, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

(c) PLAN OF CARE REQUIREMENTS.—A State health security program may require, consistent with standards established by the Board, that payment for services exceeding specified levels or duration be provided only as consistent with a plan of care or treatment formulated by one or more providers of the services or other qualified professionals. Such a plan may include, consistent with subsection (b), utilization review at specified intervals as a further condition of payment for services.

### SEC. 504. DEVELOPMENT OF NATIONAL ELECTRONIC DATA BASE.

(a) Use by States.—In order to meet the requirement of this section, for purposes of section 405(b)(1)()), each State health security program shall develop and use a uniform electronic data base which uses the software designated under subsection (b) and which assures confidentiality under subsection (c), for all patient records in order to enable systematic quality review and outcomes analysis. Subject to subsection (c), data in such data base shall be made available, under rules established by the Board, in order to facilitate the portability of patient records and comparative outcomes research analysis.

(b) Uniform Software.—The Board shall designate the uniform software that shall be used by States in the operation of their electronic data bases, in order to facilitate the portability of patient records and comparative outcomes research analysis. The Board shall not grant any waiver of the requirement of the previous sentence.

(c) Confidentiality.—The Board shall establish standards that are designed to protect the privacy and otherwise shield the identity of the patients whose records are included in the data base. Under such standards, government agencies shall not have access to information in the data base that will identify individual patients except in cases of quality review procedures which require that individual patients be informed of necessary changes in their treatment.

## TITLE VI—HEALTH SECURITY BUDGET; PAYMENTS; COST CONTAINMENT MEASURES

### Subtitle A—Budgeting and Payments to States

### SEC. 601. AMERICAN HEALTH SECURITY BUDGET.

(a) American Health Security Budget.—

(1) In general.—By not later than September 1 before the beginning of each year (beginning with 1995), the Board shall establish an American health security budget, which—

(A) specifies the total expenditures (including expenditures for administrative costs) to be made by the Federal Government and the States for covered health care services under this Act, and

(B) allocates those expenditures among the States consistent with section 604.

Pursuant to subsection (b), such budget for a year shall not exceed the budget for the preceding year increased by the percentage increase in gross domestic product.

(2) Division of budget into components.—The American health security budget shall consist of 4 components:

(A) A component for capital expenditures.

(B) A component for health professional education expenditures.

(C) A component for administrative costs.

(D) A component (in this title referred to as the "operating component") for operating and other expenditures not described in subparagraphs (A) through (C) consisting of amounts not included in the other components.

(3) Allocation among components.—Taking into account the State health security budgets established and submitted under section 603, the Board shall allocate the American health security budget among the components in a manner that—

(A) assures that the capital expenditure component is sufficient to meet the need for covered health care services (consistent with the national health security spending growth limit); and

(B) assures that the health professional education expenditure component is sufficient to provide for the amount of health professional education expenditures sufficient to meet the need for covered health care services (consistent with the national health security spending growth limit under subsection (b)(2)).

(b) Basis for Total Expenditures.—

(1) In general.—The total expenditures specified in such budget shall be the sum of the capitation amounts computed under section 602(a) and the amount of Federal administrative expenditures needed to carry out this Act.

(2) National health security spending growth limit.—For purposes of this subtitle, the national health security spending growth limit described in this paragraph for a year is zero, or, if greater, the percentage increase in the gross domestic product (in current dollars) from the first quarter of the second previous year to the first quarter of the previous year.

(c) Definitions.—In this title:

(1) Capital expenditures.—The term "capital expenditures" means expenses for the purchase, lease, construction, or renovation of capital facilities and for equipment and includes return on equity capital.

(2) Health professional education expenditures.—The term "health professional education expenditures" means expenditures in hospitals and other health care facilities to cover operating and capital costs associated with teaching and related research activities.

### SEC. 602. COMPUTATION OF INDIVIDUAL AND STATE CAPITATION AMOUNTS.

(a) Capitation Amounts.—

(1) Individual capitation amounts.—In establishing the American health security budget under section 601(a) and in computing the national average per capita cost under subsection (b) for each year, the Board shall establish a method for computing the capitation amount for each eligible individual residing in each State. The capitation amount for an eligible individual in a State classified within a risk group (established under subsection (d)(2)) is the product of—

(A) a national average per capita cost for all covered health care services (computed under subsection (b)),

(B) the State adjustment factor (established under subsection (c)) for the State, and

(C) the risk adjustment factor (established under subsection (d)) for the risk group.

(2) State capitation amount.—

(A) In general.—For purposes of this title, the term "State capitation amount" means, for a State for a year, the sum of the capitation amounts computed under paragraph (1) for all the residents of the State in the year, as estimated by the Board before the beginning of the year involved.

(B) Use of statistical model.—The Board may provide for the computation of State capitation amounts based on statistical models that fairly reflect the elements that comprise the State capitation amount described in subparagraph (A).

(C) Population information.—The Bureau of the Census shall assist the Board in determining the number, place of residence, and risk group classification of eligible individuals.

(b) Computation of National Average Per Capita Cost.—

(1) For 1995.—For 1995, the national average per capita cost under this paragraph is equal to—

(A) the average per capita health care expenditures in the United States in 1993 (as estimated by the Board),

(B) increased to 1994 by the Board's estimate of the actual amount of such per capita expenditures during 1994, and

(C) updated to 1995 by the national health security spending growth limit specified in section 601(b)(2) for 1995.

(2) For succeeding years.—For each succeeding year, the national average per capita cost under this subsection is equal to the national average per capita cost computed under this subsection for the previous year increased by the national health security spending growth limit (specified in section 601(b)(2)) for the year involved.

(c) State Adjustment Factors.—

(1) In general.—Subject to the succeeding paragraphs of this subsection, the Board shall develop for each State a factor to adjust the national average per capita costs to reflect differences between the State and the United States in—

(A) average labor and nonlabor costs that are necessary to provide covered health services;

(B) any social, environmental, or geographic condition affecting health status or the need for health care services, to the extent such a condition is not taken into account in the establishment of risk groups under subsection (d);

(C) the geographic distribution of the State's population, particularly the proportion of the population residing in medically underserved areas, to the extent such a condition is not taken into account in the establishment of risk groups under subsection (d); and

(D) any other factor relating to operating costs required to assure equitable distribution of funds among the States.

(2) Modification of capital expenditure component.—With respect to the portion of the national budget allocated to capital expenditures, the Board shall modify the State adjustment factors so as to take into account—

(A) differences among States in obligations for capital expenditures entered into before the date of the enactment of this Act, and

(B) differences among States in their relative need for capital expenditures among the States and the availability of tertiary care centers and centers of excellence in neighboring States, taking into account the capital expenditures proposed in State health security budgets under section 603(a).

(3) Modification of health professional education component.—With respect to the portion of the American health security budget allocated to expenditures for health professional education, the Board shall modify the State adjustment factors so as to take into account—

(A) differences among States in health professional education programs in operation as of the date of the enactment of this Act, and

(B) differences among States in their relative need for expenditures for health professional education, taking into account the health professional education expenditures proposed in State health security budgets under section 603(a).

(4) Budget neutrality.—The State adjustment factors, as modified under paragraphs

(2) and (3), shall be applied under this subsection in a manner that results in neither an increase nor a decrease in the total amount of the Federal contributions to all State health security programs under subsection (b) as a result of the application of such factors.

(5) PHASE-IN.—In applying State adjustment factors under this subsection during the five-year period beginning with 1995, the Board shall phase-in, over such period, the use of factors described in paragraph (1) in a manner so that the adjustment factor for a State is based on a blend of such factors and a factor that reflects the relative actual average per capita costs of health services of the different States as of the time of enactment of this Act.

(6) PERIODIC ADJUSTMENT.—In establishing the national health security budget before the beginning of each year, the Board shall provide for appropriate adjustments in the State adjustment factors under this subsection.

(d) ADJUSTMENTS FOR RISK GROUP CLASSIFICATION.—

(1) IN GENERAL.—The Board shall develop an adjustment factor to the national average per capita costs computed under subsection (b) for individuals classified in each risk group (as designated under paragraph (2)) to reflect the difference between the average national average per capita costs and the national average per capita cost for individuals classified in the risk group.

(2) RISK GROUPS.—The Board shall designate a series of risk groups, determined by age, health indicators, and other factors that represent distinct patterns of health care services utilization and costs.

(3) PERIODIC ADJUSTMENT.—In establishing the national health security budget before the beginning of each year, the Board shall provide for appropriate adjustments in the risk adjustment factors under this subsection.

**SEC. 603. STATE HEALTH SECURITY BUDGETS.**

(a) ESTABLISHMENT AND SUBMISSION OF BUDGETS.—

(1) IN GENERAL.—Each State health security program shall establish and submit to the Board for each year a proposed and a final State health security budget, which specifies the following:

(A) The total expenditures (including expenditures for administrative costs) to be made under the program in the State for covered health care services under this Act, consistent with subsection (b), broken down as follows:

(i) By the 4 components (described in section 601(a)(2)), consistent with subsection (b).

(ii) Within the operating component—

(I) expenditures for operating costs of hospitals, nursing facilities, and other facility-based services in the State,

(II) expenditures for payment to comprehensive health service organizations,

(III) expenditures for payment of services provided by health care practitioners, and

(IV) expenditures for other covered items and services.

(B) The total revenues required to meet the State health security expenditures.

(2) PROPOSED BUDGET DEADLINE.—The proposed budget for a year shall be submitted under paragraph (1) not later than June 1 before the year.

(3) FINAL BUDGET.—The final budget for a year shall—

(A) be established and submitted under paragraph (1) not later than October 1 before the year, and

(B) take into account the amounts established under the national health security budget under section 601 for the year.

(4) ADJUSTMENT IN ALLOCATIONS PERMITTED.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the case of a final budget, a State may change the allocation of amounts among components.

(B) NOTICE.—No such change may be made unless the State has provided prior notice of the change to the Board.

(C) DENIAL.—Such a change may not be made if the Board, within such time period as the Board specifies, disapproves such change.

(b) EXPENDITURE LIMITS.—

(1) IN GENERAL.—The total expenditures specified in each State health security budget under subsection (a)(1) shall take into account Federal contributions made under section 604.

(2) LIMIT ON CLAIMS PROCESSING AND BILLING EXPENDITURES.—Each State health security budget shall provide that State administrative expenditures, including expenditures for claims processing and billing, shall not exceed 3 percent of the total expenditures under the State health security program, unless the Board determines, on a case-by-case basis, that additional administrative expenditures would improve health care quality and cost effectiveness.

(3) WORKER ASSISTANCE.—A State health security program may provide that, for budgets for years before 2000, up to 1 percent of the budget may be used for purposes of programs providing assistance to workers who are currently performing functions in the administration of the health insurance system and who may experience economic dislocation as a result of the implementation of the program.

**SEC. 604. FEDERAL PAYMENTS TO STATES.**

(a) IN GENERAL.—Each State with an approved State health security program is entitled to receive, from amounts in the American Health Security Trust Fund, on a monthly basis each year, of an amount equal to one-twelfth of the product of—

(1) the State capitation amount (computed under section 602(a)(2)) for the State for the year, and

(2) the Federal contribution percentage (established under subsection (b)).

(b) FEDERAL CONTRIBUTION PERCENTAGE.—The Board shall establish a formula for the establishment of a Federal contribution percentage for each State. Such formula shall take into consideration a State's per capita income and revenue capacity and such other relevant economic indicators as the Board determines to be appropriate. In addition, during the 5-year period beginning with 1995, the Board may provide for a transition adjustment to the formula in order to take into account current expenditures by the State (and local governments thereof) for health services covered under the State health security program. The weighted-average Federal contribution percentage for all States shall equal 86 percent and in no event shall such percentage be less than 81 percent nor more than 91 percent.

(c) USE OF PAYMENTS.—All payments made under this section may only be used to carry out the State health security program.

(d) EFFECT OF SPENDING EXCESS OR SURPLUS.—

(1) SPENDING EXCESS.—If a State exceeds its budget in a given year, the State shall continue to fund covered health services from its own revenues.

(2) SURPLUS.—If a State provides all covered health services for less than the budgeted amount for a year, it may retain its Federal payment for that year for uses consistent with this Act.

**SEC. 605. REQUIRED APPROVAL PROCESS FOR CAPITAL EXPENDITURES.**

(a) PROCESS.—

(1) IN GENERAL.—Consistent with standards established under subsection (b), each State health security program shall provide for a process for the approval of capital expenditures (as defined in subsection (c)) in order—

(A) to meet the need for covered health care services consistent with State budgets and the development of medical technology,

(B) to establish an efficient balance between the need for services and the delivery of services, and

(C) to expand the delivery of services in medically underserved areas.

(2) CONDITIONS FOR APPROVAL.—No expenditures (including operating costs, rent, depreciation, and interest) may be approved by a State health security program to the extent they are attributable to a capital expenditure which was subject to, but was not approved under, such process.

(3) EFFECTIVE DATE.—Such process need not apply to capital expenditures with respect to which a binding obligation was entered into before the date of the enactment of this Act.

(b) STANDARDS FOR CAPITAL APPROVAL PROCESS.—

(1) IN GENERAL.—The Board shall specify standards for the process, to be implemented under each State health security program, for the approval of capital expenditures.

(2) REQUIREMENTS.—Under such standards, such process—

(A) if there is a limit on capital expenditures, shall assure that such expenditures are distributed geographically within a State taking into account at least the factors described in paragraph (3);

(B) shall assure that health care providers and consumers are provided reasonable opportunities for involvement in the process;

(C) may provide for such special consideration as the Board specifies in the case of institutions of national repute or other institutions disproportionately serving interstate populations;

(D) may provide for the special consideration of religious and charitable organizations that have raised voluntary contributions for such capital expenditures;

(E) may provide for such priorities for comprehensive health service organizations as the Board specifies; and

(F) may provide for limits on the distribution among different types of facilities or capital projects as the Board may find necessary in order to prevent significant maldistributions while retaining the maximum flexibility of States to provide for covered health services in each State.

(3) FACTORS.—The factors to be taken into account under this paragraph in the distribution of capital expenditures are as follows:

(A) The population of the different geographic areas within the State, its dispersion, and the risk characteristics (measured by health indicators), based on the risk factors described in section 603(d).

(B) The capital needs of the different geographic areas of the State in order to ensure adequate access to general and specialty services and technologies and to ensure medical effectiveness.

(C) The need to correct for historical maldistribution in the allocation of health care capital that preceded the enactment of this Act.

(c) CAPITAL EXPENDITURES DEFINED.—

(1) In General.—In this Act, the term "capital expenditures" means expenses for the purchase, lease, construction, or renovation of capital facilities and for equipment valued at at least an amount (specified by the Board) or of a kind specified by the Board.

(2) Inclusion of Additional Expenditures.—A State health security program may require approval of capital expenditures not described in paragraph (1).

### SEC. 606. ACCOUNT FOR HEALTH PROFESSIONAL EDUCATION EXPENDITURES.

(a) Separate Account.—Each State health security program shall—

(1) include a separate account for health professional education expenditures, and

(2) specify the general manner, consistent with subsection (b), in which such expenditures are to be distributed among different types of institutions and the different areas of the State.

(b) Distribution Rules.—The distribution of funds to hospitals and other health care facilities from the account must conform to the following principles:

(1) The disbursement of funds must be consistent with achievement of the national and program goals (specified in section 801) within the State health security program and the distribution of funds from the account must be conditioned upon the receipt of such reports as the Board may require in order to monitor compliance with such goals.

(2) The distribution of funds from the account must take into account the potentially higher costs of placing health professional students in clinical education programs in health professional shortage areas.

## Subtitle B—Payments by States to Providers

### SEC. 611. PAYMENTS TO HOSPITALS AND NURSING FACILITY SERVICES FOR OPERATING EXPENSES ON THE BASIS OF APPROVED GLOBAL BUDGETS.

(a) Direct Payment Under Global Budget.—Payment for operating expenses for hospital services and nursing facility services under State health security programs shall be made directly to each hospital or nursing facility by each State health security program under an annual prospective global budget approved under the program. Such a budget shall include payment for outpatient care and non-facility-based care that is furnished by or through the facility. In the case of a hospital that is wholly owned (or controlled) by a comprehensive health service organization that is paid under section 614 on the basis of a global budget, the global budget of the organization shall include the budget for the hospital.

(b) Annual Negotiations; Budget Approval.—

(1) In General.—The prospective global budget for a hospital or nursing facility shall be developed through annual negotiations between the State health security program and the hospital or nursing facility and be based on a nationally uniform system of cost accounting established under standards of the Board.

(2) Considerations.—In developing a budget through negotiations, there shall be taken into account at least the following:

(A) With respect to inpatient hospital services, the number, and classification by diagnosis-related group, of discharges.

(B) A hospital's or nursing facility's past expenditures.

(C) Change in the consumer price index and other price indices.

(D) The cost of reasonable compensation to health care practitioners.

(E) The compensation level of the hospital's or nursing facility's workforce.

(F) The extent to which the hospital or nursing facility is providing health care services to meet the needs of residents in the area served by the hospital or nursing facility, including the hospital's or nursing facility's occupancy level.

(G) The hospital's or nursing facility's previous financial and clinical performance, based on utilization and outcomes data provided under this Act.

(H) The type of hospital or nursing facility, including whether the hospital or nursing facility is part of a clinical education program or serves a health professional education, research or other training purpose.

(I) Technological advances or changes.

(J) Costs of the hospital or nursing facility associated with meeting Federal and State regulations.

(K) The costs associated with necessary public outreach activities.

(L) In the case of a for-profit hospital or nursing facility, a reasonable rate of return on equity capital, independent of those operating expenses necessary to fulfill the objectives of this Act, reduced (consistent with subparagraph (M)) by any operating profit.

(M) Incentives to facilities that maintain costs below previous reasonable budgeted levels without reducing the care provided.

(N) With respect to hospitals or nursing facilities that provide mental health services and substance abuse treatment services, any additional costs involved in the treatment of dually diagnosed individuals.

The portion of such a budget that relates to expenditures for health professional education shall be consistent with the State health security budget for such expenditures.

(3) Approval Required of Capital Expenditures.—No expenditures may be approved as part of a budget of a hospital or nursing facility under this section to the extent they are attributable to an expenditure for a capital expenditure that was subject to, but was not approved under, the process described in section 605.

(4) Review by Advisory Councils.—A State shall not approve a budget of a hospital or nursing facility unless, prior to such approval, the State Health Security Advisory Council and the appropriate district health advisory council have had an opportunity to review and submit any comments concerning the budget.

(5) Provision of Required Information; Diagnosis-Related Group.—No budget for a hospital or nursing facility for a year may be approved unless the hospital or nursing facility has submitted on a timely basis to the State health security program such information as the program or the Board shall specify, including in the case of hospitals information on discharges classified by diagnosis-related group.

(c) Adjustments in Approved Budgets.—

(1) Adjustments to Global Budgets That Contract With Comprehensive Health Service Organizations.—Each State health security program shall develop an administrative mechanism for reducing operating funds to hospitals or nursing facilities in proportion to payments made to such hospitals or nursing facilities for services contracted for by a comprehensive health service organization.

(2) Amendments.—In accordance with standards established by the Board, an operating and capital budget approved under this section for a year may be amended before, during, or after the year if there is a substantial change in any of the factors relevant to budget approval.

(d) Donations Permissible.—The Board shall promulgate regulations permitting hospitals and nursing facilities to raise funds from private sources to pay for newly constructed facilities, major renovations, and equipment. The expenditure of such funds, whether for operating or capital expenditures, does not obligate the State health security program to provide for continued support for such expenditures unless included in an approved global budget and, in the case of capital expenditures, unless approved under the process described in section 605.

### SEC. 612. PAYMENTS FOR OTHER FACILITY-BASED SERVICES.

(a) In General.—Payments under a State health security program for home health services, hospice care, home and community-based long term care services, and facility-based outpatient services (other than those described in section 611) shall be based on—

(1) a global budget (described in section 611),

(2) a capitation amount (described in subsection (c)),

(3) a fee schedule under section 613, or

(4) an alternative prospective payment method that is approved by the State health security program.

Such payments shall not include payments for capital expenditures, except as provided in subsection (b).

(b) Consideration in Establishment of Capitation Amounts.—A capitation amount, fee schedule, or alternative prospective payment method established under subsection (a) for facility-based services shall—

(1) take into account the payment amounts established under section 613 for any related professional services, and

(2) be consistent with section 605(a)(2).

(c) Capitation Amount.—

(1) In General.—The capitation amount described in this subsection for an enrollee with a provider of services described in subsection (a), with respect to such services, shall be determined by the State health security program on the basis of the average amount of expenditures that is estimated would be made under the State health security program for such an enrollee, based on actuarial characteristics (as defined by the State health security program).

(2) Adjustment for Special Health Needs.—The State health security program shall adjust such average amounts to take into account the special health needs, including a disproportionate number of medically underserved individuals, of populations served by the provider.

(3) Adjustment for Services Not Provided.—The State health security program shall adjust such average amounts to take into account the cost of services covered by such enrollment that are not provided by the provider.

### SEC. 613. PAYMENTS TO HEALTH CARE PRACTITIONERS BASED ON PROSPECTIVE FEE SCHEDULE.

(a) Fee for Service.—

(1) In General.—Every independent health care practitioner is entitled to be paid, for the provision of covered health services under the State health security program, a fee for each billable covered service.

(2) Global Fee Payment Methodologies.—The Board shall establish models and encourage State health security programs to implement alternative payment methodologies that incorporate global fees for related services (such as all outpatient procedures for treatment of a condition) or for a basic group of services (such as primary care services) furnished to an individual over a period of time, in order to encourage continuity and efficiency in the provision of services. Such

methodologies shall be designed to ensure a high quality of care.

(3) BILLING DEADLINES; ELECTRONIC BILLING.—A State health security program may deny payment for any service of an independent health care practitioner for which it did not receive a bill and appropriate supporting documentation (which had been previously specified) within 30 days after the date the service was provided. Such a program may require that bills for services for which payment may be made under this section, or for any class of such services, be submitted electronically.

(4) DENIAL OF PAYMENT FOR CERTAIN SERVICES.—Payment shall not be made under a State health security program for any service attributable to a capital expenditure subject to approval under section 605 which has not been approved under that section. A practitioner may not impose a charge for a service for which payment is denied under the previous sentence.

(b) PAYMENT RATES BASED ON PROSPECTIVE FEE SCHEDULES.—

(1) IN GENERAL.—With respect to any payment method for a class of services of practitioners, the State health security program shall establish, on a prospective basis, a payment schedule. The State health security program shall establish such a schedule only after negotiations with organizations representing the practitioners involved. Such a fee schedule shall be designed to provide incentives for practitioners to choose primary care medicine, including general internal medicine and pediatrics, over medical specialization.

(2) FEE FOR SERVICE SCHEDULES BASED ON NATIONAL RELATIVE VALUE SCALE.—The amount under the fee schedule shall—

(A) be based on a relative value scale, developed by the State consistent with the standards established under section 1848 of the Social Security Act, as in effect on the day before the date of the enactment of this Act, including such updates and modifications as the Board may undertake;

(B) be based on conversion factors established by each State consistent with the State health security budget;

(C) provide for the application of volume performance standards, in accordance with standards established by the Board, based on class of service (specified under paragraph (3)) and geographic area (as specified under the State health security program); and

(D) provide, based on such class and area, for quarterly adjustments in present or future payment rates depending on whether expenditures are below or above such performance standards.

In applying volume performance standards under subparagraphs (C) and (D), State health security programs may provide for adjustment of rates on a practitioner-specific basis to reflect utilization patterns of individual practitioners and may publicly disclose such utilization patterns for individual practitioners (but only in a manner that does not identify individual patients).

(3) CLASS OF SERVICES.—In paragraph (2), each of the following shall be considered to be a separate class of services:

(A) Mental health services.

(B) Substance abuse treatment services.

(C) Dental services.

(D) Home and community-based long-term care services.

(E) Other practitioner services (or such classes of such services as a State may establish).

(c) BILLABLE COVERED SERVICE DEFINED.—In this section, the term "billable covered service" means a service covered under section 201 for which a practitioner is entitled to compensation by payment of a fee determined under this section.

### SEC. 614. PAYMENTS TO COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS.

(a) IN GENERAL.—Payment under a State health security program to a comprehensive health service organization to its enrollees shall be determined by the State—

(1) based on a global budget described in section 611, or

(2) subject to subsection (c), based on the basic capitation amount described in subsection (b) for each of its enrollees plus an amount equal to the amount of capital expenditures that have been approved under section 605.

In applying paragraph (1), any reference in section 611 to a hospital shall be deemed a reference to a comprehensive health service organization.

(b) BASIC CAPITATION AMOUNT.—

(1) IN GENERAL.—The basic capitation amount described in this subsection for an enrollee shall be determined by the State health security program on the basis of the average amount of expenditures (not including expenditures attributable to capital expenditures) that is estimated would be made under the State health security program for covered health care services for an enrollee, based on actuarial characteristics (as defined by the State health security program).

(2) ADJUSTMENT FOR SPECIAL HEALTH NEEDS.—The State health security program shall adjust such average amounts to take into account the special health needs, including a disproportionate number of medically underserved individuals, of populations served by the organization.

(3) ADJUSTMENT FOR SERVICES NOT PROVIDED.—The State health security program shall adjust such average amounts to take into account the cost of covered health care services that are not provided by the comprehensive health service organization under section 303(a).

(c) SPECIAL RULE FOR FOR-PROFIT ORGANIZATIONS.—In the case of a for-profit comprehensive health service organization, the total amount of capitation payments under subsection (a)(2) in a period shall be reduced by operating profit for the period less a reasonable rate of return on equity capital and less such amounts as the Board determines are attributable to operating efficiencies and not to any reduction of care provided.

### SEC. 615. PAYMENTS FOR COMMUNITY-BASED PRIMARY HEALTH FACILITIES.

(a) IN GENERAL.—In the case of community-based primary health facilities, subject to subsection (b), payments under a State health security program shall be based on—

(1) a global budget described in section 611,

(2) the basic primary care capitation amount described in subsection (c) for each individual enrolled with the provider of such services,

(3) a fee schedule under section 613, or

(4) an alternative prospective payment method that is approved by the State health security program.

(b) PAYMENT ADJUSTMENT.—Payments under subsection (a) may include, consistent with the budgets developed under this title—

(1) an additional amount, as set by the Board, to cover the costs incurred by a provider which serves persons not covered by this Act whose health care is essential to overall community health and the control of communicable disease, and for whom the cost of such care is otherwise uncompensated,

(2) an additional amount, as set by the Board, to cover the reasonable costs incurred by a provider that furnishes case management services (as defined in section 1915(g)(2) of the Social Security Act), transportation services, and translation services, and

(3) an additional amount, as set by the Board, to cover the costs incurred by a provider in conducting health professional education programs in connection with the provision of such services.

(c) BASIC PRIMARY CARE CAPITATION AMOUNT.—

(1) IN GENERAL.—The basic primary care capitation amount described in this subsection for an enrollee with a provider of community-based primary health services shall be determined by the State health security program on the basis of the average amount of expenditures that is estimated would be made under the State health security program for such an enrollee, based on actuarial characteristics (as defined by the State health security program).

(2) ADJUSTMENT FOR SPECIAL HEALTH NEEDS.—The State health security program shall adjust such average amounts to take into account the special health needs, including a disproportionate number of medically underserved individuals, of populations served by the provider.

(3) ADJUSTMENT FOR SERVICES NOT PROVIDED.—The State health security program shall adjust such average amounts to take into account the cost of community-based primary health services that are not provided by the provider.

(d) COMMUNITY-BASED PRIMARY HEALTH SERVICES DEFINED.—In this section, the term "community-based primary health services" has the meaning given such term in section 202(a).

### SEC. 616. PAYMENTS FOR PRESCRIPTION DRUGS.

(a) ESTABLISHMENT OF CLASSIFICATION.—

(1) IN GENERAL.—Based upon the recommendations of the Advisory Committee on Prescription Drugs under section 403(f), the Board shall establish classifications of prescription drugs and biologicals that the Board determines are necessary for the maintenance or restoration of health or of employability or self-management and eligible for coverage under this Act.

(2) EXCLUSIONS.—The Board may exclude reimbursement under this Act for ineffective, unsafe, or over-priced products where better alternatives are determined to be available.

(b) PRICES.—For each such classified prescription drug or biological covered under this Act, for insulin, and for medical foods, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this Act as the cost of a drug to a provider thereof. The Board may conduct negotiations, on behalf of State health security programs, with product manufacturers and distributors in determining the applicable product price or prices.

(c) CHARGES BY INDEPENDENT PHARMACIES.—Each State health security program shall provide for payment for a prescription drug or biological or insulin furnished by an independent pharmacy based on the drug's cost to the pharmacy (not in excess of the applicable product price established under subsection (b)) plus a dispensing fee. In accordance with standards established by the Board, each State health security program, after consultation with representatives of the pharmaceutical profession, shall establish schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of prescription drugs dispensed, differences in services provided, the need to maintain expenditures within the budgets established under this title, and other relevant factors.

### SEC. 617. PAYMENTS FOR APPROVED DEVICES AND EQUIPMENT.

(a) ESTABLISHMENT OF LIST.—The Board shall establish a list of approved durable medical equipment and therapeutic devices and equipment (including eyeglasses, hearing aids, and prosthetic appliances), that the Board determines are necessary for the maintenance or restoration of health or of employability or self-management and eligible for coverage under this Act.

(b) CONSIDERATIONS AND CONDITIONS.—In establishing the list under subsection (a), the Board shall take into consideration the efficacy, safety, and cost of each item contained on such list, and shall attach to any item such conditions as the Board determines appropriate with respect to the circumstances under which, or the frequency with which, the item may be prescribed.

(c) PRICES.—For each such listed item covered under this Act, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this Act as the cost of the item to a provider thereof. The Board may conduct negotiations, on behalf of State health security programs, with equipment and device manufacturers and distributors in determining the applicable product price or prices.

(d) EXCLUSIONS.—The Board may exclude from coverage under this Act ineffective, unsafe, or overpriced products where better alternatives are determined to be available.

### SEC. 618. PAYMENTS FOR OTHER ITEMS AND SERVICES.

In the case of payment for other covered health services, the amount of payment under a State health security program shall be established by the program—

(1) in accordance with payment methodologies which are specified by the Board after consultation with the American Health Security Advisory Council and the Board's standing Advisory Committee on Cost Containment, and

(2) consistent with the State health security budget.

### SEC. 619. ROLE OF COMMISSIONS IN ESTABLISHING PAYMENT RATES.

(a) ROLE OF THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION.—The Prospective Payment Assessment Commission, instead of conducting activities described in section 1886 of the Social Security Act, shall advise the Board concerning the approval of prospective global budgets for hospitals and nursing facilities under section 611 and shall annually prepare and submit to the Congress and the Board a report containing the recommendations of the Commission concerning the most appropriate manner in which the budget approval process should be modified to best meet the objectives of this title.

(b) ROLE OF THE PRACTITIONER PAYMENT REVIEW COMMISSION.—

(1) REDESIGNATION.—The Commission established under section 1845 of the Social Security Act is renamed the "Practitioner Payment Review Commission" (hereafter referred to in this subsection as the "Commission") and is continued for purposes of carrying out this subsection.

(2) ADDITIONAL MEMBERS.—The Director of the Congressional Office of Technology Assessment shall increase the membership of the Commission to such number as may be necessary to include the representation of nurses and other health care professionals whose services are paid for on the basis of a relative-value fee schedule established under section 613, and shall consult with the General Health Care Payment Review Commission and other appropriate provider organizations.

(3) ALTERNATIVE FUNCTIONS.—The Commission, instead of conducting activities of the type described in section 1845 of the Social Security Act, shall advise the Board concerning the fee schedules established under section 613 and shall annually prepare and submit to Congress and the Board a report containing recommendations concerning the manner in which payment schedules under subsection (b) of such section should be modified to best meet the objectives of this title.

(c) GENERAL HEALTH CARE PAYMENT REVIEW COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Director of the Congressional Office of Technology Assessment shall provide for the appointment of a General Health Care Payment Review Commission (hereafter referred to in this subsection as the "Commission"), to be composed of individuals with national recognition for their expertise in health care economics and related fields for items and services for which payment is made under section 616, 617, 618, or 620(a), representatives of providers and manufacturers of such items and services, and representatives of consumers of these items and services.

(B) APPOINTMENTS.—Members of the Commission shall first be appointed not later than January 1, 1994, for a term of 3 years, except that the Director may provide initially for such shorter terms as will insure that (on a continuing basis) the terms of no more than one-third of the number of members expire in any year. Appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(C) MEMBERSHIP.—Membership on the Commission shall include health care economists, representatives of providers and manufacturers of such items and services, and representatives of consumers of these items and services.

(2) FUNCTIONS.—The Commission shall advise the Board concerning the payment amounts established under sections 616, 617, 618, and 620(a) and shall annually prepare and submit to Congress and the Board a report containing recommendations on the manner in which such payment amounts should be modified to best meet the objectives of this title.

(d) LONG-TERM CARE PAYMENT REVIEW COMMISSION—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Director of the Congressional Office of Technology Assessment shall provide for the appointment of a Long-Term Care Payment Review Commission (hereafter referred to in this subsection as the "Commission") to be composed of individuals with national recognition for their expertise in health care economics and related fields for nursing facility services, home health services, hospice care, and home and community-based long-term care services.

(B) APPOINTMENTS.—Members of the Commission shall first be appointed not later than January 1, 1994, for a term of 3 years, except that the Director may provide initially for such shorter terms as will insure that (on a continuing basis) the terms of no more than one-third of the number of members expire in any year. Appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(C) MEMBERSHIP.—Members of the Commission shall include health care economists, representatives of providers and manufacturers of such services, and consumers of such services.

(2) FUNCTIONS.—The Commission shall advise the Board concerning the payment amounts for long-term care established under this subtitle and shall annually prepare and submit to Congress and the Board an annual report containing the recommendations of the Commission concerning the manner in which global budgets and payment methodologies should be modified to best meet the objectives of this title.

### SEC. 620. PAYMENT INCENTIVES FOR MEDICALLY UNDERSERVED AREAS.

(a) MODEL PAYMENT METHODOLOGIES.—In addition to the payment amounts otherwise provided in this title, the Board shall establish model payment methodologies and other incentives that promote the provision of covered health care services in medically underserved areas, particularly in rural and innercity underserved areas.

(b) CONSTRUCTION.—Nothing in this title shall be construed as limiting the authority of State health security programs to increase payment amounts or otherwise provide additional incentives, consistent with the State health security budget, to encourage the provision of medically necessary and appropriate services in underserved areas.

### SEC. 621. WAIVER AUTHORITY FOR ALTERNATIVE PAYMENT METHODOLOGIES.

(a) IN GENERAL.—Upon application of a State health security program as part of its plan under section 405(a), the Board may waive a required payment methodology under this subtitle as it may be necessary to allow alternative payment methodologies or to conduct experiments and demonstration projects, consistent with the State health security budget.

(b) CONDITIONS FOR APPROVAL.—The Board may not approve a request for such a waiver unless the Board determines that such payment methodology does not adversely affect the entitlement of individuals to coverage, the benefits covered under the program, the quality of services provided under the program, the ability of individuals to choose among qualified providers, the weighting of fee schedules to encourage an increase in the number of primary care practitioners, or the compliance of the program with the State health security budget under subtitle A.

(c) PERIODIC REPORTS.—The continued approval of such a waiver is conditioned upon the program submitting periodic reports to the Board showing the operation and effectiveness of the alternative methodology, in order for the Board to evaluate the appropriateness of the alternative methodology.

## Subtitle C—Mandatory Assignment and Administrative Provisions

### SEC. 631. MANDATORY ASSIGNMENT.

(a) NO BALANCE BILLING.—Payments for benefits under this Act shall constitute payment in full for such benefits and the entity furnishing an item or service for which payment is made under this Act shall accept such payment as payment in full for the item or service and may not accept any payment or impose any charge for any such item or service other than accepting payment from the State health security program in accordance with this Act.

(b) ENFORCEMENT.—If an entity knowingly and willfully bills for an item or service or accepts payment in violation of subsection (a), the Board may apply sanctions against the entity in the same manner as sanctions could have been imposed under section 1842(j)(2) of the Social Security Act for a violation of section 1842(j)(1) of such Act. Such sanctions are in addition to any sanctions that a State may impose under its State health security program.

### SEC. 632. PROCEDURES FOR REIMBURSEMENT; APPEALS.

(a) PROCEDURES FOR REIMBURSEMENT.—In accordance with standards issued by the Board, a State health security program shall establish a timely and administratively simple procedure to assure payment within 60 days of the date of submission of clean claims by providers under this Act.

(b) APPEALS PROCESS.—Each State health security program shall establish an appeals process to handle all grievances pertaining to payment to providers under this title.

## TITLE VII—PROMOTION OF PRIMARY HEALTH CARE; DEVELOPMENT OF HEALTH SERVICE CAPACITY; PROGRAMS TO ASSIST THE MEDICALLY UNDERSERVED

### Subtitle A—Promotion and Expansion of Primary Care Professional Training

### SEC. 701. ROLE OF BOARD; ESTABLISHMENT OF PRIMARY CARE PROFESSIONAL OUTPUT GOALS.

(a) IN GENERAL.—The Board is responsible for—

(1) coordinating health professional education policies and goals, in consultation with the Secretary of Health and Human Services (in this title referred to as the "Secretary"), to achieve the national goals specified in subsection (b);

(2) overseeing the health professional education expenditures of the State health security programs from the account established under section 602(c);

(3) developing and maintaining, in cooperation with the Secretary, a system to monitor the number and specialties of individuals through their health professional education, any postgraduate training, and professional practice; and

(4) developing, coordinating, and promoting other policies that expand the number of primary care practitioners.

(b) NATIONAL GOALS.—The national goals specified in this subsection are as follows:

(1) GRADUATE MEDICAL EDUCATION.—By not later than 5 years after the date of the enactment of this Act, at least 50 percent of the residents in medical residency education programs (as defined in subsection (e)(1)) are primary care residents (as defined in subsection (e)(2)).

(2) MIDLEVEL PRIMARY CARE PRACTITIONERS.—To assure an adequate supply of primary care pratitioners, there shall be a number, specified by the Board, of midlevel primary care practitioners (as defined in subsection (e)(3)) employed in the health care system as of January 1, 2000.

(c) METHOD FOR ATTAINMENT OF NATIONAL GOAL FOR GRADUATE MEDICAL EDUCATION; PROGRAM GOALS.—

(1) IN GENERAL.—The Board shall establish a method of applying the national goal in subsection (b)(1) to program goals for each medical residency education program or to medical residency education consortia.

(2) CONSIDERATION.—The program goals under paragraph (1) shall be based on the distribution of medical schools and other teaching facilities within each State health security program, and the number of positions for graduate medical education.

(3) MEDICAL RESIDENCY EDUCATION CONSORTIUM.—In this subsection, the term "medical residency education consortium" means a consortium of medical residency education programs in a contiguous geographic area (which may be an interstate area) if the consortium—

(A) includes at least one medical school with a teaching hospital and related teaching settings, and

(B) has an affiliation with qualified community-based primary health service providers described in section 202(a) and with at least one comprehensive health service organization established under section 303.

(4) ENFORCEMENT THROUGH STATE HEALTH SECURITY BUDGETS.—The Board shall develop a formula for reducing payments to State health security programs (that provide for payments to a medical residency education program) that failed to meet the goal for the program established under this subsection.

(d) METHOD FOR ATTAINMENT OF NATIONAL GOAL FOR MIDLEVEL PRIMARY CARE PRACTITIONERS.—To assist in attaining the national goal identified in subsection (b)(2), the Board shall—

(1) advise the Public Health Service on allocations of funding under titles VII and VIII of the Public Health Service Act, the National Health Service Corps, and other programs in order to increase the supply of midlevel primary care practitioners, and

(2) commission a study of the potential benefits and disadvantages of expanding the scope of practice authorized under State laws for any class of midlevel primary care practitioners.

(e) DEFINITIONS.—In this title:

(1) MEDICAL RESIDENCY EDUCATION PROGRAM.—The term "medical residency education program" means a program that provides education and training to graduates of medical schools in order to meet requirements for licensing and certification as a physician, and includes the medical school supervising the program and includes the hospital or other facility in which the program is operated.

(2) PRIMARY CARE RESIDENT.—The term "primary care resident" means (in accordance with criteria established by the Board) a resident being trained in a distinct program of family practice medicine, general practice, general internal medicine, or general pediatrics.

(3) MIDLEVEL PRIMARY CARE PRACTITIONER.—The term "midlevel primary care practitioner" means a clinical nurse practitioner, certified nurse midwife, physician assistant, or other non-physician practitioner, specified by the Board, as authorized to practice under State law.

### SEC. 702. ESTABLISHMENT OF ADVISORY COMMITTEE ON HEALTH PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Board shall provide for an Advisory Committee on Health Professional Education (in this section referred to as the "Committee") to advise the Board on its activities under section 701.

(b) MEMBERSHIP.—The Committee shall be composed of—

(1) the Chair of the Board, who shall serve as Chair of the Committee, and

(2) 12 members, not otherwise in the employ of the United States, appointed by the Board without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

The appointed members shall provide a balanced point of view with respect to health professional education, primary care disciplines, and health care policy and shall include individuals who are representative of medical schools, other health professional schools, residency programs, primary care practitioners, teaching hospitals, professional associations, public health organizations, State health security programs, and consumers.

(c) TERMS OF MEMBERS.—Each appointed member shall hold office for a term of five years, except that—

(1) any member appointed to fill a vacancy occurring during the term for which the member's predecessor was appointed shall be appointed for the remainder of that term; and

(2) the terms of the members first taking office shall expire, as designated by the Board at the time of appointment, two at the end of the second year, two at the end of the third year, two at the end of the fourth year, and three at the end of the fifth year after the date of enactment of this Act.

(d) VACANCIES.—

(1) IN GENERAL.—The Board shall fill any vacancy in the membership of the Committee in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

(2) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) REAPPOINTMENT.—The Board may reappoint an appointed member of the Committee for a second term in the same manner as the original appointment.

(e) DUTIES.—It shall be the duty of the Committee to advise the Board concerning graduate medical education policies under this title.

(f) STAFF.—The Committee, its members, and any committees of the Committee shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions.

(g) MEETINGS.—The Committee shall meet as frequently as the Board deems necessary, but not less than 4 times each year. Upon request by four or more members it shall be the duty of the Chair to call a meeting of the Committee.

(h) COMPENSATION.—Members of the Committee shall be reimbursed by the Board for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board in accordance with subchapter I of chapter 57 of title 5, United States Code.

(i) FACA NOT APPLICABLE.—The provisions of the Federal Advisory Committee Act shall not apply to the Committee.

### SEC. 703. GRANTS FOR HEALTH PROFESSIONS EDUCATION, NURSE EDUCATION, AND THE NATIONAL HEALTH SERVICE CORPS.

(a) TRANSFERS TO PUBLIC HEALTH SERVICE.—From the amounts provided under subsection (c), the Board shall make transfers from the American Health Security Trust Fund to the Public Health Service under subpart II of part D of title III, title VII, and title VIII of the Public Health Service Act for the support of the National Health Service Corps, health professions education, and nursing education, including education of clinical nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and physician assistants. Of the amounts so transferred in each year, not less than 50 percent shall be expended for the support of the National Health Service Corps.

(b) RANGE OF FUNDS.—The amount of transfers under subsection (a) for any fiscal year shall be an amount (specified by the Board each year) not less than 4/100 percent and not to exceed 6/100 percent of the amounts the Board estimates will be expended from the Trust Fund in the fiscal year.

(c) FUNDS SUPPLEMENTAL TO OTHER FUNDS.—The funds provided under this section with respect to provision of services are in addition to, and not in replacement of, funds made available under the provisions referred to in subsection (a) and shall be administered in accordance with the terms of such provisions. The Board shall make no transfer of funds under this section for any fiscal year for which the total appropriations for the programs authorized by such provisions are less than the total amount appropriated for such programs in fiscal year 1993.

### Subtitle B—Direct Health Care Delivery

#### SEC. 711. SETASIDE FOR PUBLIC HEALTH BLOCK GRANTS.

(a) TRANSFERS TO PUBLIC HEALTH SERVICE.—From the amounts provided under subsection (c), the Board shall make transfers from the American Health Security Trust Fund to the Public Health Service for the following purposes:

(1) For payments to States under the maternal and child health block grants under title V of the Social Security Act.

(2) Preventive health block grants under part A of title XIX of the Public Health Service Act.

(3) Grants to States for community mental health services under subpart I of part B of title XIX of the Public Health Service Act.

(4) Grants to States for prevention and treatment of substance abuse under subpart II of part B of title XIX of the Public Health Service Act.

(5) Grants for HIV health care services under parts A, B, and C of title XXVI of the Public Health Service Act.

(b) RANGE OF FUNDS.—The amount of transfers under subsection (a) for any fiscal year shall be an amount (specified by the Board each year) not less than 1/10 percent and not to exceed 14/100 percent of the amounts the Board estimates will be expended from the Trust Fund in the fiscal year.

(c) FUNDS SUPPLEMENTAL TO OTHER FUNDS.—The funds provided under this section with respect to provision of services are in addition to, and not in replacement of, funds made available under the programs referred to in subsection (a) and shall be administered in accordance with the terms of such programs. The Board shall make no transfer of funds under this section for any fiscal year for which the total appropriations for such programs are less than the total amount appropriated for such programs in fiscal year 1993.

#### SEC. 712. SETASIDE FOR PRIMARY HEALTH CARE DELIVERY.

(a) TRANSFERS TO PUBLIC HEALTH SERVICE.—From the amounts provided under subsection (c), the Board shall make transfers from the American Health Security Trust Fund to the Public Health Service for the program of primary care service expansion grants under subpart V of part D of title III of the Public Health Service Act (as added by section 713 of this Act).

(b) RANGE OF FUNDS.—The amount of transfers under subsection (a) for any fiscal year shall be an amount (specified by the Board each year) not less than 6/100 percent and not to exceed 1/10 percent of the amounts the Board estimates will be expended from the Trust Fund in the fiscal year.

(c) FUNDS SUPPLEMENTAL TO OTHER FUNDS.—The funds provided under this section with respect to provision of services are in addition to, and not in replacement of, funds made available under the sections 329, 330, 340, 340A, 1001, and 2655 of the Public Health Service Act. The Board shall make no transfer of funds under this section for any fiscal year for which the total appropriations for such sections are less than the total amount appropriated under such sections in fiscal year 1993.

#### SEC. 713. PRIMARY CARE SERVICE EXPANSION GRANTS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new subpart:

#### "Subpart V—Primary Care Expansion

#### "SEC. 340D. EXPANDING PRIMARY CARE DELIVERY CAPACITY IN URBAN AND RURAL AREAS.

"(a) GRANTS FOR PRIMARY CARE CENTERS.—From the amounts described in subsection (c), the American Health Security Standards Board shall make grants to public and nonprofit private entities for projects to plan, develop, and operate primary care centers which will serve medically underserved populations (as defined in section 330(b)(3)) in urban and rural areas and to deliver primary care services to such populations in such areas. The funds provided under such a grant may be used for the same purposes for which a grant may be made under subsection (c) or (d) of section 330.

"(b) PROCESS OF AWARDING GRANTS.—The provisions of subsection (e)(1) of section 330 shall apply to a grant under this section in the same manner as they apply to a grant under subsection (c) of such section. The provisions of subsection (g)(3) of such section shall apply to grants for projects to plan and develop primary care centers under this section in the same manner as they apply to grants under such section.

"(c) FUNDING AS SET-ASIDE FROM TRUST FUND.—Funding to carry out this section is provided from the American Health Security Trust Fund in accordance with section 712 of the American Health Security Act.

"(d) PRIMARY CARE CENTER DEFINED.—In this section, the term 'primary care center' means—

"(1) a migrant health center (as defined in section 329(a)(1)),

"(2) a community health center (as defined in section 330(a)),

"(3) an entity qualified to receive a grant under section 340, 340A, 1001, or 2655, or

"(4) a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act).".

### Subtitle C—Primary Care and Outcomes Research

#### SEC. 721. SET-ASIDE FOR OUTCOMES RESEARCH.

(a) GRANTS FOR OUTCOMES RESEARCH.—From the amounts provided under subsection (c), the Board shall make transfers from the Trust Fund to the Agency for Health Care Policy and Research under title IX of the Public Health Service Act for the purpose of carrying out activities under such title.

(b) RANGE OF FUNDS.—The amount of transfers under subsection (a) for any fiscal year shall be an amount (specified by the Board each year) not less than 1/100 percent and not to exceed 2/100 percent of the amounts the Board estimates will be expended from the Trust Fund in the fiscal year.

(c) FUNDS SUPPLEMENTAL TO OTHER FUNDS.—The funds provided under this section with respect to provision of services are in addition to, and not in replacement of, funds made available to the Agency for Health Care Policy and Research under section 926 of the Public Health Service Act. The Board shall make no transfer of funds under this section for any fiscal year for which the total appropriations under such section are less than the total amount appropriated under such section and title in fiscal year 1993.

(d) CONFORMING AMENDMENT.—Section 926(a) of the Public Health Service Act (42 U.S.C. 299c-5(a)) is amended by striking "$35,000,000" and all that follows through the end and inserting "for each fiscal year (beginning with fiscal year 1994) such sums as may be necessary.".

#### SEC. 722. OFFICE OF PRIMARY CARE AND PREVENTION RESEARCH.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

#### "PART F—RESEARCH ON PRIMARY CARE AND PREVENTION

#### "SEC. 486. OFFICE OF PRIMARY CARE AND PREVENTION RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Primary Care and Prevention Research (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on primary care and prevention that should be conducted or supported by the national research institutes, with particular emphasis on—

"(A) clinical patient care,

"(B) diagnostic effectiveness,

"(C) primary care education,

"(D) health and family planning services,

"(E) medical effectiveness outcomes of primary care procedures and interventions, including effects on populations within the community, district, State, or the United States, and

"(F) the use of multidisciplinary teams of health care practitioners;

"(2) identify multidisciplinary research related to primary care and prevention that should be so conducted;

"(3) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) and (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Primary Care and Prevention Research (in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on primary care and prevention, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research; and

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Primary Care and Prevention Research (in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of 14 individuals who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals whose clinical practice, research specialization, or professional expertise includes a significant focus on research on primary care and prevention.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) primary care and prevention, and

"(ii) research on primary care and prevention which requires a multidisciplinary approach;

"(B) report to the Director of the Office on such research; and

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)).

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) the extent of expenditures made for research on primary care and prevention by the agencies of the National Institutes of Health; and

"(ii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) PRIMARY CARE AND PREVENTION RESEARCH DEFINED.—For purposes of this part, the term 'primary care and prevention research' means research on improvement of the practice of family medicine, general internal medicine, and general pediatrics, and includes research relating to—

"(1) obstetrics and gynecology, dentistry, or mental health or substance abuse treatment when provided by a primary care physician or other primary care practitioner, and

"(2) primary care provided by multidisciplinary teams.

### "SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON PRIMARY CARE AND PREVENTION RESEARCH.

"(a) DATA SYSTEM.—The Director of NIH, in consultation with the Director of the Office, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding primary care and prevention research that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide, and encourage the use of, information on research and prevention activities of the national research institutes that relate to primary care and prevention research.

### "SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to primary care and prevention research, the Director of the Office shall, not later than one year after the date of the enactment of this part, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding two fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding two fiscal years; and

"(3) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Primary Care and Prevention Research, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects on primary care and prevention research that are identified under section 486(b).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Public Health Service Act (42 U.S.C. 284(a)) is amended by adding at the end the following new paragraph:

"(3) For the Office of Primary Care and Prevention Research, there are authorized to be appropriated $150,000,000 for fiscal year 1994, $180,000,000 for fiscal year 1995, and $216,000,000 for fiscal year 1996.".

(d) CONFORMING AMENDMENT.—Section 485(g) of the Public Health Service Act (42 U.S.C. 287c-2(g)) is amended by striking "section 486" and inserting "section 485A".

## TITLE VIII—FINANCING PROVISIONS; AMERICAN HEALTH SECURITY TRUST FUND

### SEC. 800. AMENDMENT OF 1986 CODE; SECTION 15 NOT TO APPLY.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) SECTION 15 NOT TO APPLY.—The amendments made by subtitle B shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

## Subtitle A—American Health Security Trust Fund

### SEC. 801. AMERICAN HEALTH SECURITY TRUST FUND.

(a) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the American Health Security Trust Fund (in this section referred to as the "Trust Fund"). The Trust Fund shall consist of such gifts and bequests as may be made and such amounts as may be deposited in, or appropriated to, such Trust Fund as provided in this Act.

(b) APPROPRIATIONS INTO TRUST FUND.—

(1) TAXES.—There are hereby appropriated to the Trust Fund for each fiscal year (beginning with fiscal year 1995), out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 percent of the aggregate increase in tax liabilities under the Internal Revenue Code of 1986 which is attributable to the application of the amendments made by this title. The amounts appropriated by the preceding sentence shall be transferred from time to time (but not less frequently than monthly) from the general fund in the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes paid to or deposited into the Treasury; and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts that should have been so transferred.

(2) CURRENT PROGRAM RECEIPTS.—Notwithstanding any other provision of law, there are hereby appropriated to the Trust Fund for each fiscal year (beginning with fiscal year 1995) the amounts that would otherwise have been appropriated to carry out the following programs (and any other Federal program identified by the Board, in consultation with the Secretary of the Treasury, as providing for payment for health services the payment of which may be made under this Act):

(A) The medicare program, under parts A and B of title XVIII of the Social Security Act (other than amounts attributable to any premiums under such parts).

(B) The medicaid program, under State plans approved under title XIX of such Act.

(C) The Federal employees health benefit program, under chapter 89 of title 5, United States Code.

(D) The CHAMPUS program, under chapter 55 of title 10, United States Code.

(c) INCORPORATION OF PROVISIONS.—The provisions of subsections (b) through (i) of section 1817 of the Social Security Act shall apply to the Trust Fund undur this Act in the same manner as they applied to the Federal Hospital Insurance Trust Fund under part A of title XVIII of such Act, except that the American Health Security Standards Board shall constitute the Board of Trustees of the Trust Fund.

(d) TRANSFER OF FUNDS.—Any amounts remaining in the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund after the settlement of claims for payments under title XVIII have been completed, shall be transferred into the American Health Security Trust Fund.

## Subtitle B—Increases in Corporate and Individual Income Tax Rates; Health Security Premium; Surtax on Individuals With Incomes Over $1,000,000

### SEC. 811. INCREASES IN REGULAR INCOME TAX RATES.

(a) INCREASE IN TOP CORPORATE INCOME TAX RATE.—Subparagraph (C) of section 1(b)(1) (relating to tax imposed on corporations) is amended by striking "34 percent" and inserting "38 percent".

(b) INCREASE IN INDIVIDUAL INCOME TAXES.—Section 1 (relating to tax imposed) as amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)), a tax determined in accordance with the following table:

| **"If taxable income is:** | **The tax is:** |
|---|---|
| Not over $38,000 .............. | 15% of taxable income. |
| Over $38,000 but not over $91,900. | $5,700, plus 31% of the excess over $38,000. |
| Over $91,900 but not over $200,000. | $22,409, plus 34% of the excess over $91,900. |
| Over $200,000 .................. | $59,163, plus 38% of the excess over $200,000. |

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

| **"If taxable income is:** | **The tax is:** |
|---|---|
| Not over $30,500 .............. | 15% of taxable income. |
| Over $30,500 but not over $78,750. | $4,575, plus 31 of the excess over $30,500. |
| Over $78,750 but not over $172,000. | $19,532.50, plus 34% of the excess over $78,750. |
| Over $172,000 .................. | $51,237.50, plus 38% of the excess over $172,000. |

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 770) a tax determined in accordance with the following table:

| **"If taxable income is:** | **The tax is:** |
|---|---|
| Not over $22,750 .............. | 15% of taxable income. |
| Over $22,750 but not over $55,150. | $3,412.50, plus 31% of the excess over $22,750. |
| Over $55,150 but not over $120,000. | $13,456.50, plus 34% of the excess over $55,150. |
| Over $120,000 .................. | $35,505, plus 38% of the excess over $120,000. |

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

| **"If taxable income is:** | **The tax is:** |
|---|---|
| Not over $19,000 .............. | 15% of taxable income. |
| Over $19,000 but not over $45,950. | $2,850, plus 31% of the excess over $19,000. |
| Over $45,950 but not over $100,000. | $11,204.50, plus 34% of the excess over $45,950. |
| Over $100,000 .................. | $29,581.50, plus 38% of the excess over $100,000. |

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

| **"If taxable income is:** | **The tax is:** |
|---|---|
| Not over $3,000 ................ | 15% of taxable income. |
| Over $3,000 but not over $5,000. | $450, plus 31% of the excess over $3,000. |
| Over $5,000 but not over $7,000. | $1,070, plus 34% of the excess over $5,000. |
| Over $7,000 ...................... | $1,750, plus 38% of the excess over $7,000." |

(c) CONFORMING AMENDMENTS.—

(1) Section 541 is amended by striking "28 percent" and inserting "38 percent".

(2)(A) Subsection (f) of section 1 is amended—

(i) by striking "1990" in paragraph (1) and inserting "1995", and

(ii) by striking "1989" in paragraph (3)(B) and inserting "1994".

(B) Subparagraph (B) of section 32(i)(1) is amended by striking "1989" and inserting "1994".

(C) Subparagraph (C) of section 41(e)(5) is amended by striking "1989" each place it appears and inserting "1994".

(D) Subparagraph (B) of section 63(c)(4) is amended by striking "1989" and inserting "1994".

(E) Subparagraph (B) of section 68(b)(2) is amended by striking "1989" and inserting "1994".

(F) Subparagraphs (A)(ii) and (B)(ii) of section 151(d)(4) are each amended by striking "1989" and inserting "1994".

(G) Clause (ii) of section 513(h)(2)(C) is amended by striking "1989" and inserting "1994".

(H) Subsection (a) of section 1201 is amended by striking "34 percent" each place it appears and inserting "38 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

### SEC. 812. INCREASES IN MINIMUM TAX RATES.

(a) IN GENERAL.—Subparagraph (A) of section 55(b)(1) (relating to tentative minimum tax) is amended by striking "20 percent (24 percent" and inserting "25 percent (28 percent".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 897(a) is amended by striking "21" in the heading of such paragraph and in subparagraph (A) and inserting "28".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

### SEC. 813. HEALTH SECURITY PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

### "PART VIII—HEALTH SECURITY PREMIUM

"Sec. 59B. Imposition of premium.

### "SEC. 59B. IMPOSITION OF PREMIUM.

"(a) GENERAL RULE.—In the case of an individual—

"(1) the amount of the tax imposed under section 1 for such taxable year shall be increased by 7.5 percent of the tax imposed under section 1 for such taxable year (determined without regard to this paragraph and section 59C), and

"(2) the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 7.5 percent of the amount of the tentative minimum tax for such taxable year (determined without regard to this paragraph and 59D).

"(b) SPECIAL RULES.—

"(1) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this section, the term 'individual' includes any estate or trust taxable under section 1.

"(2) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall be applied—

"(A) shall be applied after the application of section 1(h), but

"(B) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 is amended by adding at the end the following new item:

"Part VIII. Health security premium."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

### SEC. 814. SURTAX ON INDIVIDUALS WITH INCOMES OVER $1,000,000.

(a) GENERAL RULE.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

### "PART IX—SURTAX ON INDIVIDUALS WITH INCOMES OVER $1,000,000

"Sec. 59C. Surtax on section 1 tax.
"Sec. 59D. Surtax on minimum tax.
"Sec. 59E. Special rules.

### "SEC. 59C. SURTAX ON SECTION 1 TAX.

"In the case of an individual who has taxable income for the taxable year in excess of $1,000,000, the amount of the tax imposed under section 1 for such taxable year shall be increased by 10 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section and section 59B) as—

"(1) the amount by which the taxable income of such individual for such taxable year exceeds $1,000,000, bears to

"(2) the total amount of such individual's taxable income for such taxable year.

### "SEC. 59D. SURTAX ON MINIMUM TAX.

"In the case of an individual who has alternative minimum taxable income for the taxable year in excess of $1,000,000, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 2.8 percent of the amount by which the alternative minimum taxable income of such taxpayer for the taxable year exceeds $1,000,000.

### "SEC. 59E. SPECIAL RULES.

"(a) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(b) TREATMENT OF MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) filing a separate return for the taxable year, sections 59C and 59D shall be applied by substituting '$500,000' for '$1,000,000'.

"(c) COORDINATION WITH OTHER PROVISIONS.—The provisions of this part—

"(1) shall be applied after the application of sections 1(h) and 59B, but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 is amended by adding at the end the following new item:

"Part IX. Surtax on individuals with incomes over $1,000,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

## Subtitle C—Employment Tax Changes

### SEC. 821. MODIFICATIONS OF CERTAIN EMPLOYMENT TAX PROVISIONS.

(a) INCREASE IN EMPLOYER HOSPITAL INSURANCE TAX; REPEAL OF DOLLAR LIMITATION ON

AMOUNT OF WAGES SUBJECT TO EMPLOYEE AND EMPLOYER HOSPITAL INSURANCE TAXES.—

(1) EMPLOYEE TAX.—Subsection (b) of section 3101 is amended by striking "equal to" and all that follows and inserting "equal to 1.45 percent of the wages (as defined in section 3121(a) without regard to paragraph (1) thereof) received by him with respect to employment (as defined in section 3121(b))".

(2) EMPLOYER TAX.—Subsection (b) of section 3111 is amended by striking "equal to" and all that follows and inserting "equal to 7.9 percent of the wages (as defined in section 3121(a) without regard to paragraph (1) thereof) paid by him with respect to employment (as defined in section 3121(b))".

(3) SELF-EMPLOYMENT TAX.—Subsection (b) of section 1401 is amended by striking "a tax as follows:" and all that follows and inserting "a tax equal to 8.35 percent of the amount of the self-employment income (as defined in section 1402(b) without regard to paragraph (1) thereof) for such taxable year".

(4) RAILROAD RETIREMENT TAXES.—Subparagraph (A) of section 3231(e)(2) is amended by adding at the end thereof the following new clause:

"(iii) LIMITATION NOT TO APPLY TO TAXES EQUIVALENT TO HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) (as the case may be) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate of tax applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(b)."

(5) TECHNICAL AMENDMENTS.—

(A) Subsection (b) of section 1402 is amended by striking "the applicable contribution base (as determined under subsection (k))" and inserting "the contribution and benefit base (as determined under section 231 of the Social Security Act)".

(B) Section 1402 is amended by striking subsection (k).

(C) Paragraph (1) of section 3121(a) is amended—

(i) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(D) Section 3121 is amended by striking subsection (x).

(E) Clause (i) of section 3231(e)(2)(B) is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(F) Paragraph (3) of section 6413(c) is amended to read as follows:

"(3) SEPARATE APPLICATION FOR HOSPITAL INSURANCE TAXES.—Paragraphs (1) and (2) shall not apply to—

"(A) the tax imposed by section 3101(b) (or any amount equivalent to such tax), and

"(B) so much of the tax imposed by section 3201 as is determined at a rate not greater than the rate in effect under section 3101(b)."

(G) Sections 3122 and 3125 are each amended—

(i) by striking "section 3111" each place it appears and inserting "section 3111(a)", and

(ii) by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to 1994 and later calendar years.

(b) ADDITIONAL STATE AND LOCAL EMPLOYEES SUBJECT TO HOSPITAL INSURANCE TAX.—

(1) IN GENERAL.—Paragraph (2) of section 3121(u) is amended by striking subparagraphs (C) and (D).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 1994.

### Subtitle D—Other Revenue Increases Primarily Affecting Individuals

### SEC. 831. OVERALL LIMITATION ON ITEMIZED DEDUCTIONS FOR HIGH-INCOME TAXPAYERS MADE PERMANENT.

Subsection (f) of section 68 (relating to overall limitation on itemized deductions) is hereby repealed.

### SEC. 832. PHASEOUT OF PERSONAL EXEMPTION OF HIGH-INCOME TAXPAYERS MADE PERMANENT.

Section 151(d)(3) (relating to phaseout of personal exemption) is amended by striking subparagraph (E).

### SEC. 833. MODIFICATIONS TO DEDUCTIONS FOR CERTAIN MOVING EXPENSES.

(a) REPEAL OF DEDUCTION FOR QUALIFIED RESIDENCE SALE, ETC., EXPENSES.—

(1) IN GENERAL.—Paragraph (1) of section 217(b) (defining moving expenses) is amended by inserting "or" at the end of subparagraph (C), by striking ", or" at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

(2) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 217 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(B) Section 217 is amended by striking subsection (e).

(b) DEDUCTION DISALLOWED FOR MEAL EXPENSES.—Paragraph (1) of section 217(b) is amended—

(1) by striking "meals and lodging" in subparagraphs (B), (C) and (D) and inserting "lodging", and

(2) by adding at the end thereof the following new sentence:

"Such term shall not include any expenses for meals.".

(c) OVERALL LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 217(b)(2) (as redesignated by subsection (a)) is amended to read as follows:

"(A) DOLLAR LIMITS.—The aggregate amount allowable as a deduction under subsection (a) in connection with a commencement of work shall not exceed $5,000. The aggregate amount allowable as a deduction under subsection (a) in connection with a commencement of work which is attributable to expenses described in subparagraphs (C) or (D) of paragraph (1) shall not exceed $1,500."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 217(b)(2) (as so redesignated) is amended by striking the second sentence and inserting the following: "In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting '$750' for '$1,500', and by substituting '$2,500' for '$5,000'."

(B) Paragraph (1) of section 217(h) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) subsection (b)(2)(A) shall be applied by substituting '$4,500' for '$1,500', and

"(C) appropriate adjustments to the application of the last sentence of subsection (b)(2)(B) shall be made to take into account the provisions of subparagraph (B) of this paragraph."

(d) INCREASE IN MILEAGE REQUIREMENTS.—Paragraph (1) of section 217(c) is amended by striking "35 miles" each place it appears and inserting "60 miles".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

### SEC. 834. TOP ESTATE AND GIFT TAX RATES MADE PERMANENT.

(a) GENERAL RULE.—The table contained in paragraph (1) of section 2001(c) is amended by striking the last item and inserting the following new items:

| | |
|---|---|
| "Over $2,500,000 but not over $3,000,000. | $1,025,800, plus 53% of the excess over $2,500,000. |
| Over $3,000,000 ................ | $1,290,800, plus 55% of the excess over $3,000,000." |

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 2001 is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Paragraph (2) of section 2001(c), as redesignated by paragraph (1), is amended by striking "($18,340,000 in the case of decedents dying, and gifts made, after 1992)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of decedents dying, and gifts made, after December 31, 1994.

### SEC. 835. ELIMINATION OF DEDUCTION FOR CLUB MEMBERSHIP FEES.

(a) IN GENERAL.—Subsection (a) of section 274 (relating to disallowance of certain entertainment, etc., expenses) is amended by adding at the end thereof the following new paragraph:

"(3) DENIAL OF DEDUCTION FOR CLUB DUES.—Notwithstanding the preceding provisions of this subsection, no deduction shall be allowed under this chapter for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 1994.

### SEC. 836. INCREASE OF SOCIAL SECURITY BENEFITS INCLUDED IN INCOME.

(a) IN GENERAL.—Subsections (a) and (b) of section 86 are each amended by striking "one-half" each place it appears and inserting "85 percent".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

### SEC. 837. LONG-TERM HEALTH CARE PREMIUM FOR THE ELDERLY.

(a) IN GENERAL.—Except as provided in subsection (b), each individual who at any time in a month is 65 years of age or older and is eligible for benefits under title XXI of the Social Security Act in the month shall pay a long-term care/health care premium for the month of $65.

(b) EXCEPTION FOR LOW-INCOME ELDERLY.—The Secretary of Health and Human Services shall provide a process whereby individuals with an adjusted gross income which does not exceed $8,500 (or $10,700 in the case of joint adjusted gross income in the case of a married individual) are not liable for the premium imposed under paragraph (1).

(c) COLLECTION OF PREMIUM.—The premium imposed under this section shall be collected in the same manner (including deduction from Social Security checks) as the premium imposed under part B of title XVIII of the Social Security Act was collected under section 1840 of such Act as of the date of the enactment of this Act.

(d) DEPOSIT INTO NATIONAL HEALTH TRUST FUND.—Premiums collected under this section shall be transferred to and deposited into the National Health Trust Fund in the same manner as premiums collected under section 1840 of the Social Security Act were transferred and deposited into the Federal Supplementary Medical Insurance Trust Fund.

(e) COST-OF-LIVING ADJUSTMENT OF PREMIUM.—In the case of months beginning in any calendar year after 1996, the dollar amount contained in paragraph (1) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the month begins.

(f) APPLICATION OF SECTION.—This section shall apply to months beginning after December 31, 1994.

### Subtitle E—Other Revenue Increases Primarily Affecting Businesses

### SEC. 841. MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.

(a) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

**"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.**

"(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B)(i) any security described in subsection (c)(2)(C) which is acquired (including originated) by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and (ii) any obligation to acquire a security described in clause (i) if such obligation is entered into in the ordinary course of such trade or business and is not held for sale, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

To the extent provided in regulations, subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) IDENTIFICATION REQUIRED.—A security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), subsection (a) shall apply to any changes in value of the security occurring after the cessation.

"(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency; and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

Subparagraph (E) shall not include any contract to which section 1256(a) applies.

"(3) HEDGE.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH CERTAIN RULES.—The rules of sections 263(g), 263A, and 1256(a) shall not apply to securities to which subsection (a) applies, and section 1091 shall not apply (and section 1092 shall apply) to any loss recognized under subsection (a).

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in subsection (c)(2)(F) (without regard to clause (iii) thereof) at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(3) CHARACTER OF GAIN OR LOSS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or section 1236(b)—

"(i) IN GENERAL.—Any gain or loss with respect to a security under subsection (a)(2) shall be treated as ordinary income or loss.

"(ii) SPECIAL RULE FOR DISPOSITIONS.—If—

"(I) gain or loss is recognized with respect to a security before the close of the taxable year, and

"(II) subsection (a)(2) would have applied if the security were held as of the close of the taxable year,

such gain or loss shall be treated as ordinary income or loss.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any gain or loss which is allocable to a period during which—

"(i) the security is described in subsection (b)(1)(C) (without regard to subsection (b)(2)),

"(ii) the security is held by a person other than in connection with its activities as a dealer in securities, or

"(iii) the security is improperly identified (within the meaning of subparagraph (A) or (B) of paragraph (2)).

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking "section 1256" and inserting "section 475 or 1256", and

(B) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1994.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with the first taxable year ending on or after December 31, 1994.

### SEC. 842. INCREASE IN RECOVERY PERIOD FOR NONRESIDENTIAL REAL PROPERTY.

(a) GENERAL RULE.—Paragraph (1) of section 168(c) (relating to applicable recovery period) is amended by striking the item relating to nonresidential real property and inserting the following:

"Nonresidential real property ................................ 40 years.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to property placed in service by the taxpayer after December 31, 1994.

(2) EXCEPTION.—The amendments made by this section shall not apply to property placed in service by the taxpayer before January 1, 1996, if—

(A) the taxpayer or a qualified person entered into a binding written contract to purchase or construct such property before December 31, 1994, or

(B) the construction of such property was commenced by or for the taxpayer or a qualified person before December 31, 1994.

For purposes of this paragraph, the term "qualified person" means any person who transfers his rights in such a contract or such property to the taxpayer but only if the property is not placed in service by such person before such rights are transferred to the taxpayer.

### SEC. 843. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (h) and reduced as provided in subsection (b)(5))."

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end thereof the following new subsection:

"(h) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property,

"(B) the sale, exchange, or other disposition of imported property, or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States, or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use an intangible (as defined in section 936(b)(3)(B)) in the United States.

"(B) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(C) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(h))."

(3) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) is amended by striking "or (E)" and inserting "(E), or (H)".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended by inserting the following subclause after subclause (II) (and by redesignating the following subclauses accordingly):

"(III) imported property income,".

(2) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1994, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (C).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1994.

### SEC. 844. REPEAL OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Subsection (c) of section 263 (relating to capital expenditures) is hereby repealed.

(b) CONFORMING AMENDMENT.—Section 57 (relating to items of tax preference) is amended by striking subsections (a)(2) and (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after December 31, 1994, in taxable years ending after such date.

### SEC. 845. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 613 (relating to percentage depletion) is amended by striking "Except as provided in section 613A, in" and inserting "In".

(2) Paragraph (1) of section 57(a) is amended by striking the last sentence.

(3) The table of sections for part I of subchapter I of chapter 1 is amended by striking the item relating to section 613A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

### SEC. 846. REPEAL OF APPLICATION OF LIKE-KIND EXCHANGE RULES TO REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1031(a) (relating to exchange of property held for productive use or investment) is amended by striking "or" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(G) real property."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers after December 31, 1994.

### SEC. 847. AMORTIZATION OF PORTION OF ADVERTISING EXPENSES.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by inserting after section 263A the following new section:

### "SEC. 263B. CAPITALIZATION OF PORTION OF ADVERTISING EXPENSES.

"(a) 20 PERCENT OF ADVERTISING EXPENSES REQUIRED TO BE CAPITALIZED.—

"(1) DISALLOWANCE.—Expect as provided in paragraph (2), no deduction shall be allowed for 20 percent of the advertising expenses paid or incurred by the taxpayer during the taxable year.

"(2) AMORTIZATION OF DISALLOWED AMOUNT.—The amount not allowed as a deduction under paragraph (1) for any taxable year—

"(A) shall be treated as chargeable to capital account with respect to the trade or business (or activity described in section 212) in which incurred, and

"(B) shall be allowed as a deduction ratably over the 48-month period beginning with the 1st month of the following taxable year.

"(b) ADVERTISING EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'advertising expense' means any amount—

"(A) which (without regard to this section) is allowable as a deduction under section 162 or 212 for the taxable year in which paid or incurred, and

"(B) which is paid or incurred in connection with an attempt to encourage the purchase or sale, lease, or use of any product or service for the benefit of the taxpayer or a related person by means of any media.

"(2) AMOUNTS DEDUCTIBLE AS DEPRECIATION OR AMORTIZATION TREATED AS EXPENSES.—The amount allowable as a deduction under this chapter for the taxable year for depreciation or amortization shall be treated for purposes of this section as an expense paid or incurred during such year which is described in paragraph (1)."

(b) CLERICAL AMENDMENT.—The table of sections for such part IX is amended by inserting after the item relating to section 263A the following new item:

"Sec. 263B. Capitalization of portion of advertising expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1994, in taxable years ending after such date.

### Subtitle F—Estimated Tax Provisions

### SEC. 851. INDIVIDUAL ESTIMATED TAX PROVISIONS.

(a) GENERAL RULE.—Paragraph (1) of section 6654(d) (relating to amount of required installment) is amended—

(1) by striking "100 percent" in subparagraph (B)(ii) and inserting "120 percent", and

(2) by striking subparagraphs (C), (D), (E), and (F).

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 6654(i)(1) is amended by striking "and without regard to subparagraph (C) of subsection (d)(1)".

(2) Subparagraph (A) of section 6654(j)(3) is amended by striking "and subsection (d)(1)(C)(iii) shall not apply".

(3) Paragraph (4) of section 6654(l) is amended by striking "paragraphs (1)(C)(iv) and (2)(B)(i) of subsection (d)" and inserting "subsection (d)(2)(B)(i)".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1994.

### SEC. 852. CORPORATE ESTIMATED TAX PROVISIONS.

(a) INCREASE IN ESTIMATED TAX.—

(1) IN GENERAL.—Subsection (d) of section 6655 (relating to amount of required installments) is amended—

(A) by striking "91 percent" each place it appears in paragraph (1)(B)(i) and inserting "100 percent",

(B) by striking "91 PERCENT" in the heading of paragraph (2) and inserting "100 PERCENT", and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 6655(e)(2)(B) is amended by striking the table contained therein and inserting the following new table:

| **"In the case of the following required installments:** | **The applicable percentage is:** |
|---|---|
| 1st | 25 |
| 2nd | 50 |
| 3rd | 75 |
| 4th | 100." |

(B) Clause (i) of section 6655(e)(3)(A) is amended by striking "91 percent" and inserting "100 percent".

(b) MODIFICATION OF PERIODS FOR APPLYING ANNUALIZATION.—

(1) Clause (i) of section 6655(e)(2)(A) is amended—

(A) by striking "or for the first 5 months" in subclause (II),

(B) by striking "or for the first 8 months" in subclause (III), and

(C) by striking "or for the first 11 months" in subclause (IV).

(2) Paragraph (2) of section 6655(e) is amended by adding at the end thereof the following new subparagraph:

"(C) ELECTION FOR DIFFERENT ANNUALIZATION PERIODS.—

"(i) If the taxpayer makes an election under this clause—

"(I) subclause (II) of subparagraph (A)(i) shall be applied by substituting '4 months' for '3 months',

"(II) subclause (III) of subparagraph (A)(i) shall be applied by substituting '7 months' for '6 months', and

"(III) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '10 months' for '9 months'.

"(ii) If the taxpayer makes an election under this clause—

"(I) subclause (II) of subparagraph (A)(i) shall be applied by substituting '5 months' for '3 months',

"(II) subclause (III) of subparagraph (A)(i) shall be applied by substituting '8 months' for '6 months', and

"(III) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '11 months' for '9 months'.

"(iii) An election under clause (i) or (ii) shall apply to the taxable year for which made and such an election shall be effective only if made on or before the date required for the payment of the second required installment for such taxable year."

(3) The last sentence of section 6655(f)(3)(A) is amended by striking "and subsection (e)(2)(A)" and inserting "and, except in the case of an election under subsection (e)(2)(C), subsection (e)(2)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

### Subtitle G—Alternative Taxable Years

### SEC. 861. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED TAXABLE YEAR.

(a) LIMITATIONS ON TAXABLE YEARS WHICH MAY BE ELECTED.—Subsection (b) of section 444 (relating to limitations on taxable years which may be elected) is amended to read as follows:

"(b) TAXABLE YEAR MUST BE SAME AS REPORTING PERIOD.—If an entity has annual reports or statements—

"(1) which ascertain income, profit, or loss of the entity, and

"(2) which are—

"(A) provided to shareholders, partners, or other proprietors, or

"(B) used for credit purposes,

the entity may make an election under subsection (a) only if the taxable year elected covers the same period as such reports or statements."

(b) PERIOD OF ELECTION.—Section 444(d)(2) (relating to period of election) is amended to read as follows:

"(2) PERIOD OF ELECTION.—

"(A) IN GENERAL.—An election under subsection (a) shall remain in effect until the partnership, S corporation, or personal service corporation terminates the election and adopts the required taxable year.

"(B) CHANGE NOT TREATED AS TERMINATION.—For purposes of subparagraph (A), a change from a taxable year which is not a required taxable year to another such taxable year shall not be treated as a termination."

(c) EXCEPTION FOR TRUSTS.—Section 444(d)(3) (relating to tiered structures) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR CERTAIN STRUCTURES THAT INCLUDE TRUSTS.—An entity shall not be considered to be part of a tiered structure to which subparagraph (A) applies solely because a trust owning an interest in such entity is a trust all of the beneficiaries of which use a calendar year for their taxable year."

(d) REGULATIONS.—Subsection (g) of section 444 (relating to regulations) is amended to read as follows:

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations—

"(1) to prevent the avoidance of the provisions of this section through a change in entity or form of an entity,

"(2) to prevent the carryback to any preceding taxable year of a net operating loss (or similar item) arising in any short taxable year created pursuant to an election or termination of an election under this section, and

"(3) to provide for the termination of an election under subsection (a) if an entity does not continue to meet the requirements of subsection (b)."

### SEC. 862. REQUIRED PAYMENTS FOR ENTITIES ELECTING NOT TO HAVE REQUIRED TAXABLE YEAR.

(a) ADDITIONAL REQUIRED PAYMENT.—

(1) IN GENERAL.—Section 7519(b) (defining required payment) is amended to read as follows:

"(b) REQUIRED PAYMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'required payment' means, with respect to any applicable election year of a partnership or S corporation, an amount equal to the excess (if any) of—

"(A) the adjusted highest section 1 rate, multiplied by the net base year income of the entity, over

"(B) the net required payment balance.

For purposes of paragraph (1)(A), the term 'adjusted highest section 1 rate' means the highest rate of tax in effect under section 1 as of the close of the first required taxable year ending within such year, plus 2 percentage points.

"(2) ADDITIONAL PAYMENT FOR NEW APPLICABLE ELECTION YEARS.—

"(A) IN GENERAL.—In the case of a new applicable election year, the required payment shall include, in addition to any amount determined under paragraph (1), the amount determined under subparagraph (C).

"(B) NEW APPLICABLE ELECTION YEAR.—For purposes of this section, the term 'new applicable election year' means any applicable election year—

"(i) with respect to which the preceding taxable year was not an applicable election year, or

"(ii) which covers a different period than the preceding taxable year by reason of a change described in section 444(d)(2)(B).

If any year described in the preceding sentence is a short taxable year which does not include the last day of the required taxable year, the new applicable election year shall be the taxable year following the short taxable year.

"(C) ADDITIONAL AMOUNT.—For purposes of subparagraph (A), the amount determined under this subparagraph shall be—

"(i) in the case of a year described in subparagraph (B)(i), 75 percent of the required payment for the year, and

"(ii) in the case of a year described in subparagraph (B)(ii), 75 percent of the excess (if any) of—

"(I) the required payment for the year, over

"(II) the required payment for the year which would have been computed if the change described in subparagraph (B)(ii) had not occurred.

"(D) REQUIRED PAYMENT.—For purposes of this paragraph, the term 'required payment' means the payment required by this section (determined without regard to this paragraph)."

(2) DUE DATE.—Paragraph (2) of section 7519(f) (defining due date) is amended to read as follows:

"(2) DUE DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of any required payment for any applicable election year shall be paid on or before May 15 of the calendar year following the calendar year in which the applicable election year begins.

"(B) SPECIAL RULE WHERE NEW APPLICABLE ELECTION YEAR ADOPTED.—In the case of a new applicable election year, the portion of any required payment determined under subsection (b)(2) shall be paid on or before September 15 of the calendar year in which the applicable election year begins."

(3) PENALTIES.—

(A) IN GENERAL.—Section 7519(f)(4) (relating to penalties) is amended by adding at the end thereof the following new subparagraph:

"(D) FAILURE TO PAY ADDITIONAL AMOUNT.—In the case of any failure by any entity to pay on the date prescribed therefore the portion of any required payment described in subsection (b)(2) for any applicable election year—

"(i) subparagraph (A) shall not apply, but

"(ii) the entity shall, for purposes of this title, be treated as having terminated the election under section 444 for such year and changed to the required taxable year."

(B) CONFORMING AMENDMENT.—Section 7519(f)(4)(A) is amended by striking "In" and inserting "Except as provided in subparagraph (D), in".

(4) REFUNDS.—Section 7519(c)(2)(A) (relating to refund of payments) is amended to read as follows:

"(A) an election under section 444 is not in effect for any year but was in effect for the preceding year, or".

(5) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 7519(c) is amended—

(i) by striking "subsection (b)(2)" and inserting "subsection (b)(1)(B)", and

(ii) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(A)".

(B) Subsection (d) of section 7519 is amended by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) OTHER DEFINITIONS AND SPECIAL RULES.—

(1) REFUND.—Paragraph (3) of section 7519(c) (relating to date on which refund is payable) is amended in the matter preceding subparagraph (A) by striking "on the later of" and inserting "by the later of".

(2) DEFERRAL RATIO.—The last sentence of paragraph (1) of section 7519(d) is amended to read as follows: "Except as provided in regulations, the term 'deferral ratio' means the ratio which the number of months in the deferral period of the applicable election year bears to the number of months in the applicable election year."

(3) NET INCOME.—Paragraph (2) of section 7519(d) is amended by adding at the end the following new subparagraph:

"(D) EXCESS APPLICABLE PAYMENTS FOR BASE YEAR.—In the case of any new applicable election year, the net income for the base year shall be increased by the excess (if any) of—

"(i) the applicable payments taken into account in determining net income for the base year, over

"(ii) 120 percent of the average amount of applicable payments made during the first 3 taxable years preceding the base year."

(4) DEFERRAL PERIOD.—Paragraph (1) of section 7519(e) (defining deferral period) is amended to read as follows:

"(1) DEFERRAL PERIOD.—Except as provided in regulations, the term 'deferral period' means, with respect to any taxable year of the entity, the months between—

"(A) the beginning of such year, and

"(B) the close of the first required taxable year (as defined in section 444(e)) ending within such year."

(5) BASE YEAR.—

(A) IN GENERAL.—Paragraph (2)(A) of section 7519(e) (defining base year) is amended to read as follows:

"(A) BASE YEAR.—The term 'base year' means, with respect to any applicable election year, the first taxable year of 12 months (or 52–53 weeks) of the partnership or S corporation preceding such applicable election year."

(B) CONFORMING AMENDMENT.—Paragraph (2) of subsection (g) of section 7519 is amended to read as follows:

"(2) there is no base year described in subsection (e)(2)(A) or no preceding taxable year described in section 280H(c)(1)(A)(i)."

(c) INTEREST.—Section 7519(f)(3) (relating to interest) is amended to read as follows:

"(3) INTEREST.—For purposes of determining interest, any payment required by this section shall be treated as a tax, except that interest shall be allowed with respect to any refund of a payment under this section only for the period from the latest date specified in subsection (c)(3) for such refund to the actual date of payment of such refund."

### Subtitle H—Deduction for Charitable Contribution of Appreciated Property Limited To Adjusted Basis

### SEC. 871. DEDUCTION FOR CHARITABLE CONTRIBUTION OF APPRECIATED PROPERTY LIMITED TO ADJUSTED BASIS.

(a) IN GENERAL.—The first sentence of section 170(e) (relating to contributions of ordinary income and capital gain property) is amended to read as follows: "The amount of any charitable contribution of property otherwise taken into account under this section shall be reduced by the amount which would have been gained had the property been sold by the taxpayer at its fair market value (determined at the time of such contribution)."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 170 is amended by striking paragraphs (3), (4), and (5).

(2) Subsection (a) of section 57 is amended by striking paragraph (7).

(3) Subsection (c) of section 642 is amended by adding at the end thereof the following new paragraph:

"(7) LIMITATION ON DEDUCTION FOR CONTRIBUTION OF APPRECIATED PROPERTY.—

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions and gifts made after December 31, 1994.

### Subtitle I—Minimum 5 Percent Rate of Tax on Interest Paid To Foreign Persons

### SEC. 881. MINIMUM 5 PERCENT RATE OF TAX ON INTEREST PAID TO FOREIGN PERSONS.

(a) INDIVIDUALS.—

(1) Paragraph (1) of section 871(a) is amended by adding at the end thereof the following new sentence: "Notwithstanding any treaty obligation of the United States, the rate of tax imposed under paragraph (1)(A) or (1)(C) shall not be less than 5 percent."

(2)(A) Paragraph (1) of section 871(h) (relating to repeal of tax on interest of nonresident alien individuals received from certain portfolio debt investments) is amended by striking "no tax shall be imposed under paragraph (1)(A) or (1)(C) of subsection (a)." and inserting "the rate of tax imposed under paragraph (1)(A) or (1)(C) of subsection (a) shall be 5 percent. The preceding sentence shall apply notwithstanding any treaty obligation of the United States."

(B) Paragraph (2) of section 861(h) is amended by striking "which would be subject to tax under subsection (a) but for this subsection and" and inserting "subject to tax under subsection (a)".

(C) The heading of section 871(h) is amended by striking "REPEAL OF TAX" and inserting "5 PERCENT RATE OF TAX".

(b) CORPORATIONS.—

(1) Subsection (a) of section 881 is amended by adding at the end thereof the following new sentence: "Notwithstanding any treaty obligation of the United States, the rate of tax imposed under paragraph (1) or (2) shall not be less than 5 percent."

(2)(A) Paragraph (1) of section 881(c) (relating to repeal of tax on interest of foreign corporations received from certain portfolio debt investments) is amended by striking "no tax shall be imposed under paragraph (1) or (3) of subsection (a)." and inserting "the rate of tax imposed under paragraph (1) or (3) of subsection (a) shall be 5 percent. The preceding sentence shall apply notwithstanding any treaty obligation of the United States."

(B) Paragraph (2) of section 881(c) is amended by striking "which would be subject to tax under subsection (a) but for this subsection and" and inserting "subject to tax under subsection (a)".

(C) The heading of section 881(c) is amended by striking "REPEAL OF TAX" and inserting "5 PERCENT RATE OF TAX".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 1994, in taxable years ending after such date.

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By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 492. A bill to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

### BODIE PROTECTION ACT OF 1993

• Mrs. FEINSTEIN. Mr. President, on behalf of myself and Senator BOXER, I introduce for appropriate reference a bill to provide for the protection of the Bodie Bowl area of the State of California. This legislation is identical to H.R. 240 sponsored in the House by Congressman LEHMAN of California.

The historic Bodie gold mining district in Mono County, CA, is the largest and best preserved authentic ghost town in the Western United States. In recognition of its important natural, historic, and aesthetic resources, the town of Bodie was designated a national historic landmark in 1961 and a California State historic park in 1962. Bodie is also listed on the National Register of Historic Places and included on the Federal Historic American Buildings Survey. Nearly 200,000 persons visit Bodie each year to see this outdoor museum and savor a part of California's early history.

Today, however, the historic town of Bodie is threatened by new interest in gold mining on Federal lands surrounding Bodie State Park. In 1988 Galactic Resources, a Canadian mining company, began exploration just outside Bodie State Park on lands owned and managed by the Federal Bureau of Land Management [BLM]. The Bodie Bowl encompasses about 6,000 acres of BLM land, 450 acres of State historic park, and about 800 acres of patented land. The BLM estimates that 4,800 acres of the 6,000 acres of public land in the Bodie Bowl have mining claims, all of which are owned or controlled by Galactic Resources. Although the company filed for bankruptcy last month, the mining threat to Bodie is still very real. If the claims lapse, a number of speculators might re-stake the claims, greatly complicating efforts to protect the historical integrity, cultural values, and ghost town character of the national historic landmark and State historic park.

There is strong public support for protection of Bodie. The California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghost town character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas. The California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent. The California Department of Parks and Recreation and the California State Park Rangers Association have also called for Federal legislation to protect Bodie.

The legislation I am introducing today responds to these requests for action and provides the needed protection for the Federal lands in the Bodie Bowl. Under the bill approximately 6,000 acres of BLM land in the Bodie Bowl would no longer be open to mining activity, except for existing valid mining rights. In addition, the bill provides that existing mining claims could not be patented in the Bodie Bowl area. Finally, the bill requires that mining activities in the Bodie Bowl be conducted in an environmentally sound manner under regulations developed by the Secretary of the Interior in consultation with the Governor of California.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 492

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Bodie Protection Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals: mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic buildings, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as a priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 4(a).

(2) The term "mining" means any activity involving mineral prospecting, exploration, extraction, milling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

**SEC. 4. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.**

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this Act Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this Act, the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this Act. The Secretary shall make a determination with respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this Act.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After March 8, 1992, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statues (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After March 8, 1992, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before March 8, 1992; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

**SEC. 5. MINERAL ACTIVITIES.**

(a) IN GENERAL.—Mineral exploration, mining, beneficiation, and processing activities on unpatented mining claims within the Bodie Bowl shall be subject to such regulations prescribed by the Secretary, in consultation with the Governor of the State of California, as the Secretary deems necessary to ensure that such mineral activities are conducted—

(1) in accordance with the rules and regulations promulgated under Public Law 94-429 (16 U.S.C. 1901 et seq.) as they relate to plan of operations, reclamation requirements, and bonding; and

(2) in a manner that does not cause any adverse effect on the historic, cultural, recreational and natural resource values of the Bodie Bowl area.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this Act, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (a).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate the regulations referred to in this section within 90 days after the date of enactment of this Act. For the purposes of this Act, the Bureau of Land Management shall promulgate and administer the rules and regulations referred to in section 5(a).

**SEC. 6. STUDY.**

Beginning as soon as possible after the date of enactment of this Act, the Secretary of the Interior, through the Director of the National Park Service, shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.•

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By Mr. COHEN (for himself, Mr. BOND, Mr. CHAFEE, Mr. SIMPSON, Mr. COCHRAN, Mr. BINGAMAN, Mr. CRAIG, Mr. MACK, Mr. MCCAIN, Mr. GORTON, Mr. KEMPTHORNE, Mr. BURNS, Mr. DOMENICI, Mr. WARNER, Mr. STEVENS, Mr. BROWN, Mr. GREGG, and Mr. COATS):

S. 493. A bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other services.

### HOSPITAL COOPERATIVE AGREEMENT ACT

• Mr. COHEN. Mr. President, the U.S. health care system is the most innovative and most technologically advanced in the world. It is also the most expensive. Advances in medical technology have dramatically improved methods for diagnosing and treating disease, saving millions of lives, and dazzling health care professionals and consumers alike.

Unfortunately, however, this proliferation of expensive medical gadgetry and high technology machinery has also contributed to an equally dazzling explosion in health care expenditures. Total health care costs, which were earlier expected to top the trillion dollar mark by the turn of the century now appear likely to hit that level as early as next year, and the Institute of Medicine estimates that the use of new technologies and the overuse of existing technologies account for as much as 50 percent of our annual increase in health care costs.

More health care is not necessarily better health care, and we need to find a more efficient and cost-effective way to deliver these important but costly high technology services.

America's health care providers are currently engaged in what amounts to a high technology medical arms race. Every hospital in America wants to have the latest in high technology machinery and sophisticated hardware, and then must make sure that the equipment is in constant use in order to pay for it.

This high technology arms race has been a boon to Wall Street and the medical industrial complex that manufactures and supplies the equipment. However, it has done no favors for the consumer who must ultimately foot the bill for the services.

The legislation I am introducing today is intended to encourage hospitals to call a halt to the high technology arms race and work together to build down their medical arsenals.

Entitled the "Hospital Cooperative Agreement Act," the bill is intended to encourage hospitals to collaborate in order to develop more rational health care delivery systems built around the needs of the community, not the needs of the provider. It is also intended to demonstrate the extent to which cooperation between hospitals cannot only help to contain costs, but also increase access and improve the quality of health care available in the community.

The Hospital Cooperative Agreement Act authorizes the Secretary of Health and Human Services, working in consultation with the Administrator of the Agency for Health Care Policy and Research, to award 10 5-year demonstration grants to hospitals wishing to enter into cooperative agreements to share expensive medical equipment or services.

Such agreements have the potential not only to reduce health care costs by eliminating unnecessary duplication of high technology services or equipment, but also to enable smaller hospitals to share expensive equipment that couldn't be supported by one hospital alone—for instance a mobile CAT-scan or lithotriptor, which uses shock waves to dissolve kidney stones—thus increasing access to such services in rural areas. At least three of the demonstration grants authorized by my legislation are to be used to improve access or quality of care in rural areas.

The legislation also specifies that the grant funding may only be used to facilitate the cooperative agreements, not to purchase equipment. Finally, the bill provides an exemption from Federal antitrust law for each of the demonstrations so that hospitals will be able to enter freely into the cooperative agreements, as set out in the legislation.

Mr. President, hospitals across the country have begun to recognize that we simply cannot afford to sustain the 1980's era of cutthroat competition that promised a CAT-scan in every clinic and an MRI in every community hospital.

In my home State, the Maine Hospital Association has embarked upon a future directions project to determine how hospitals throughout the State can work together to share services and contain costs. In addition, last year the State legislature enacted legislation which established a public process for the review and approval of cooperative projects and which removed some of the barriers in antitrust law that have traditionally discouraged hospitals from pursuing cooperative agreements. As a result, the past 2 years have witnessed an increasing number of cooperative arrangements across the State. For example:

A new $1.25 million Coastal Cancer Treatment Center recently opened in Bath, ME. The new facility was developed by six midcoast hospitals and will serve patients from Freeport to Camden, ME. Previously, cancer patients living along the coast have had to travel many miles to Portland or Augusta—many as often as once or twice a week—to receive their chemotherapy or radiology treatments.

Patients are referred to the linear accelerator—a cancer treatment device that produces high-energy x rays to treat tumors with minimal damage to surrounding tissues—at Eastern Maine Medical Center [EMMC] in Bangor by 20 hospitals in northern and southern Maine. Because of the shortage of similar technology in Canada, the regional hospital in St. John, NB, also refers patients to Bangor for this service. In addition, EMMC also sends oncologists out to smaller hospitals in the area to handle the chemotherapy needs of patients. Cancer screening and other treatment needs are handled by the local physician and hospital, but the expensive, high-technology activity is handled by the regional referral center, thus making the system more cost efficient.

A lithotripter unit mounted on an 18-wheel tractor trailer operates out of two Maine sites—St. Joseph's Hospital in Bangor and Maine Medical Center in Portland—to serve patients from throughout the State. Up until 3 or 4 years ago, there were no lithotripters—which use shock waves to disintegrate kidney stones without invasive surgery—in Maine. Patients had to travel to New Hampshire or undergo more traditional surgical treatment, which is painful and requires weeks of recovery time. This shared arrangement allows patients from throughout the State to have reasonable access to technology their community hospitals simply could not afford.

A new neonatal transfer system using a specially equipped ambulance and trained crew now links community hospitals throughout southern Maine to the neonatal care unit at Maine Medical Center in Portland. Maine Medical Center [MMC] has entered into partnership with Medcu—the Portland city-owned ambulance company—to provide the service. MMC expects about 220 transfers each year, linking infants born prematurely in the region to the advanced care available at MMC and returning them to less intensive nurseries in their local hospitals when appropriate. The transfer service will also make about 30 trips to and from Boston with those patients who require even more highly specialized care.

Interest in these kinds of cooperative arrangements is not unique to Maine. Seven hospitals in Denver have formed a consortium to study the feasibility of collaborating on the provision of cardiology services for the region. Ten hospitals in Rhode Island have created a network to share the costs and services of four MRI units, and several hospitals in Montana have joined forces to develop a mobile lithotripsy network.

However, while there is growing support for such efforts, hospitals still face significant obstacles to successful collaboration. Cautious administrators are fearful of antitrust implications, and collaboration on even the simplest of projects requires months of negotiation and trust-building to overcome such problems as turf battles and bruised institutional egos.

Enactment of my bill will help encourage hospitals to engage in cooperative agreements by clearly demonstrating the potential that collaboration holds not only for containing health care costs, but also for increasing access and improving quality of care. It will also facilitate the development of models or prototypes, making it easier for hospitals wishing to enter into such agreements in the future.

Mr. President, I urge my colleagues to join Senators BOND, CHAFEE, SIMPSON, COCHRAN, BINGAMAN, CRAIG, MACK, MCCAIN, GORTON, KEMPTHORNE, and BURNS in cosponsoring the Hospital Cooperative Agreement Act, and ask unanimous consent to include the text of the legislation and a summary in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hospital Cooperative Agreement Act".

**SEC. 2. PURPOSE.**

It is the purpose of this Act to encourage cooperation between hospitals in order to contain costs and achieve a more efficient health care delivery system through the elimination of unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

**SEC. 3. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.**

Part D of title VI of the Public Health Service Act (42 U.S.C. 291k et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 647. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.**

"(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program under which the Secretary shall award not to exceed 10 grants to eligible applicants to facilitate collaboration among two or more hospitals with respect to the provision of expensive, capital-embodied medical technology or other highly resource-intensive services. Such program shall be designed to demonstrate the extent to which such agreements result in a reduction in costs, an increase in access to care, and improvements in the quality of care with respect to the hospitals involved.

"(b) ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall be a hospital and shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a statement that such hospital desires to negotiate and enter into a voluntary cooperative agreement with at least one other hospital operating in the State or region of the applicant hospital for the sharing of medical technology or services;

"(B) a description of the nature and scope of the activities contemplated under the cooperative agreement and any consideration that may pass under such agreement to any other hospital that may elect to become a party to the agreement; and

"(C) any other information determined appropriate by the Secretary.

"(2) DEVELOPMENT OF EVALUATION GUIDELINES.—The Administrator of the Agency for Health Care Policy and Research shall develop evaluation guidelines with respect to applications submitted under paragraph (1).

"(3) EVALUATIONS OF APPLICATIONS.—The Secretary, in consultation with the Administrator of the Agency for Health Care Policy and Research, shall evaluate applications submitted under paragraph (1). In determining which applications to approve for purposes of awarding grants under subsection (a), the Secretary shall consider whether the cooperative agreement described in each such application meets guidelines developed under paragraph (2) and is likely to result in—

"(A) the enhancement of the quality of hospital or hospital-related care;

"(B) the preservation of hospital facilities in geographical proximity to the communities traditionally served by such facilities;

"(C) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

"(D) improvements in the efficient utilization of hospital resources and capital equipment; or

"(E) the avoidance of duplication of hospital resources.

"(c) USE OF AMOUNTS.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under this section shall be used only to facilitate collaboration among hospitals and may not be used to purchase facilities or capital equipment. Such permissible uses may include reimbursements for the expenses associated with specialized personnel, administrative services, support services, and instructional programs.

"(2) CARE IN RURAL AREAS.—

"(A) IN GENERAL.—Not less than three of the grants awarded under subsection (a), shall be used to demonstrate the manner in which cooperative agreements of the type described in such subsection may be used to increase access to or quality of care in rural areas.

"(B) DEFINITION.—As used in subparagraph (A), the term 'rural areas' means those areas located outside of metropolitan statistical areas.

"(d) MEDICAL TECHNOLOGY AND SERVICES.—

"(1) IN GENERAL.—Cooperative agreements facilitated under this section shall provide for the sharing of medical or high technology equipment or services among the hospitals which are parties to such agreements.

"(2) MEDICAL TECHNOLOGY.—For purposes of this section, the term 'medical technology' shall include the drugs, devices, and medical and surgical procedures utilized in medical care, and the organizational and support systems within which such care is provided.

"(3) ELIGIBLE SERVICES.—With respect to services that may be shared under an agreement entered into under this section, such services shall—

"(A) either have high capital costs or extremely high annual operating costs; and

"(B) be services with respect to which there is a reasonable expectation that shared ownership will avoid a significant degree of the potential excess capacity of such services in the community or region to be served under such agreement.

Such services may include mobile clinic services.

"(e) TERM.—The demonstration program established under this section shall continue for a term of 5 years.

"(f) REPORT.—On the date that occurs 5 years after the establishment of the demonstration program under this section, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the potential for cooperative agreements of the type entered into under this section to—

"(1) contain health care costs;

"(2) increase the access of individuals to medical services; and

"(3) improve the quality of health care.

Such report shall also contain the recommendations of the Secretary with respect to future programs to facilitate cooperative agreements.

"(g) RELATION TO OTHER LAWS.—

"(1) IN GENERAL.—Notwithstanding any provision of the antitrust laws, it shall not be considered a violation of the antitrust laws for a hospital to enter into, and carry out activities under, a cooperative agreement in accordance with this section.

"(2) DEFINITION.—For purposes of this subsection, the term 'antitrust laws' means—

"(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, commonly known as the "Sherman Act" (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

"(B) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

"(C) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the "Clayton Act" (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

"(D) any State antitrust laws that would prohibit the activities described in paragraph (1).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1994 through 1998.".

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## SUMMARY OF HOSPITAL COOPERATIVE AGREEMENT ACT

### GOAL

The Hospital Cooperative Agreement Act is intended to encourage cooperation between hospitals in order to contain costs and achieve a more cost-effective health care delivery system by eliminating unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

### DESCRIPTION OF LEGISLATION

The legislation authorizes ten 5-year demonstration projects to develop prototypes for collaboration between two or more hospitals to provide expensive medical or high technology equipment. These projects should demonstrate the extent to which cooperative agreements between hospitals can: 1) reduce costs; 2) increase access; and 3) improve quality of care. At least three of the ten projects should be in rural areas.

The Agency for Health Care Policy and Research within the Department of Health and Human Services is to review the applications, select the grantees, and monitor the projects. In evaluating the applications, consideration will be given to whether one or more of the following benefits is likely to result from the cooperative agreement:

(1) the enhancement of the quality of hospital and/or hospital related care;

(2) the preservation of hospital services in geographical proximity to the communities traditionally served by the hospitals involved;

(3) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

(4) improvements in the efficient utilization of hospital resources and capital equipment;

(5) the provision of services that would not otherwise be available; or

(36) the avoidance of duplication of hospital resources.

Grant funds provided may only be used to facilitate collaboration between hospitals and may not be used to purchase facilities or capital equipment.

A waiver of federal antitrust law will be provided for the demonstration projects.

At the conclusion of the demonstration, the Agency for Health Care Policy and Research will report to Congress on the potential for such cooperative agreements to: 1) contain health costs; 2) increase access to services; and 3) improve quality of care. The Agency's report should also contain recommendations for further action.

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By Mr. DASCHLE (for himself and Mr. BROWN):

S. 494. A bill to amend the Internal Revenue Code of 1986 to provide changes in application of wagering taxes to charitable organizations; to the Committee on Finance.

## CHARITABLE ORGANIZATION WAGERING TAXES ACT OF 1993

• Mr. DASCHLE. Mr. President, I rise to introduce legislation to repeal two taxes that interfere with the charitable activities of nonprofits. I am joined by my respected colleague, Senator HANK BROWN, who introduced similar legislation when he was a Member of the House of Representatives.

Nonprofit organizations perform badly needed services that government is often ill-equipped to provide. Through use of local and private funds, these organizations mobilize volunteers to assist in providing temporary shelter to the homeless, soup kitchens, rape counseling, educational services, suicide hot-lines, transportation to the elderly and disabled, and much more.

The work of charitable organizations is essential to the national effort to grapple with many of these vital social needs. Congress has recognized this fact by exempting charitable groups from the Federal income tax. This policy has never been questioned.

Yet, two taxes tucked into the tax code are threatening the ability of certain nonprofits to raise funds and pursue their charitable goals. The first, found in section 4411, is an annual occupational tax of $50 imposed with respect to each volunteer who helps with activities like pull-tabs and jar raffles. The second, set forth in section 4401, is a wagering excise tax of .25 percent on the gross income raised from these activities.

For many charitable organizations, such as the Knights of Columbus, the Elks, and numerous veterans groups, wagering games are central to their fundraising activities. The occupational tax creates a strong incentive to limit the number of volunteers who help with fundraising activities. And the wagering excise tax directly reduces the amounts raised that would otherwise be used to support the organization's charitable goals.

While these taxes have been on the books for some time, they have not been collected by the Internal Revenue Service—until recently. In the past few years, the IRS has initiated regional audits to collect these taxes.

The legislation I am introducing today would repeal both the special occupational tax and the wagering excise tax. Except for the effective date, my bill is identical to legislation passed in the 102d Congress as part of H.R. 11 but vetoed by President Bush.

The proposal would limit the repeal of the wagering excise tax only to the extent the nonprofit demonstrates that funds raised by wagering games have been directed towards the organization's charitable goals. Thus, if funds from wagering games conducted by nonprofits inure to the benefit of the members of the organization, then they would still be subject to the wagering excise tax.

Mr. President, whatever rationale there may be for imposing the occupational and excise taxes on wagering in other contexts, they do not make sense as applied to nonprofits. For those who may be concerned that nonprofits are engaging in activities unrelated to their tax-exempt purposes, the nonprofits are already subject to the Unrelated Business Income Tax.

Nonprofits in a number of States already have faced substantial financial and administrative difficulties as a result of the retroactive enforcement of these taxes. We must take action now to prevent further interference with the legitimate fundraising activities of nonprofit organizations. I urge my colleagues to support this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 494

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CHANGES IN APPLICATION OF WAGERING TAXES TO CHARITABLE ORGANIZATIONS.**

(a) EXEMPTION FROM OCCUPATIONAL TAX FOR CHARITABLE ORGANIZATIONS.—Section 4411 of the Internal Revenue Code of 1986 (relating to occupational tax on wagering) is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION FOR CHARITABLE ORGANIZATIONS, ETC.—No tax shall be imposed by subsection (a) on—

"(1) any organization exempt from tax under section 501 or 521, and

"(2) any person who is engaged in receiving wagers only for or on behalf of such an organization,

if the only wagers accepted by such organization (and such person) are authorized under the law of the State in which accepted."

(b) EXCEPTION FROM WAGERING TAX FOR CHARITABLE ORGANIZATIONS.—Section 4402 of such Code (relating to exemptions from tax on wagers) is amended by inserting "(a) IN GENERAL.—" before "No tax" and by adding at the end thereof the following new subsection:

"(b) CHARITABLE ORGANIZATIONS, ETC.—

"(1) EXEMPTION WHERE CHARITABLE EXPENDITURES EXCEED WINNINGS.—If the amount of charitable expenditures of any organization described in section 4411(c) for any calendar quarter equals or exceeds the amount of wagering winnings of such organization for such quarter, no tax shall be imposed by this subchapter on wagers placed during such calendar quarter with such organization or with any person described in section 4411(c)(2) with respect to such organization.

"(2) REDUCTION OF TAX WHERE WINNINGS EXCEED CHARITABLE EXPENDITURES.—

"(A) IN GENERAL.—If paragraph (1) does not apply to an organization or person described in section 4411(c) for any calendar quarter, the tax imposed by this subchapter on wagers placed with such organization or person during such quarter shall be the applicable percentage of the tax which would (but for this paragraph) be imposed on such wages during such quarter.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for any calendar quarter is the excess of 100 percent over the percentage which the charitable expenditures of such organization for such quarter is of the wagering winnings of such organization for such quarter.

"(3) DEFINITIONS AND SPECIAL RULE.—For purposes of this subsection—

"(A) CHARITABLE EXPENDITURES.—The term 'charitable expenditures' means, for any calendar quarter, the sum of—

"(i) the amount paid by such organization during such quarter to accomplish 1 or more of the purposes described in section 170(c)(2)(B) or to acquire an asset used (or held for use) directly in carrying out 1 or more of such purposes, and

"(ii) the amount permanently set-aside by such organization during such quarter for 1 or more of such purposes.

"(B) WAGERING WINNINGS.—The term 'wagering winnings' means, with respect to any calendar quarter, the excess of the wagers which would (but for this subsection) be subject to tax under this subchapter and which are placed with the organization during such calendar quarter over the winnings paid on such wagers.

"(C) SPECIAL RULE.—Wagers received by any person for or on behalf of an organization shall be treated as received by such organization."

(c) EFFECTIVE DATES.—

(1) SUBSECTION(a).—The amendment made by subsection (a) shall apply to taxes imposed for periods beginning after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to wagers placed in calendar quarters beginning after the date of the enactment of this Act.•

By Mr. DODD (for himself, Mr. REID, Mrs. BOXER, and Mrs. MURRAY):

S. 495. A bill to establish a program to provide child care through public-private partnerships, and for other purposes; to the Committee on Labor and Human Resources.

### CHILD CARE PUBLIC-PRIVATE PARTNERSHIP ACT OF 1993

• Mr. DODD. Mr. President, it is increasingly apparent that in building a strong work force and a sound economy, we must address critical issues related to work and family. In the Family and Medical Leave Act, we recognized the need for workers to take leave to be with their children or other family members in items of crisis. There is another need important to both parents and their employers—more of a quiet crisis because it is present day in and day out—and that is the availability of quality child care. Today, I am introducing the Child Care Public-Private Partnership Act, which offers a creative approach to help meet this need.

No other work and family issue has the magnitude of American workers' child care needs. Today, two-thirds of women with children under age 18 are in the labor force—including more than 15 million women with children under the age of 6. An increasing number of households are headed by women, and more than half of all single mothers are in the work force. Most of these women work outside the home because they are trying to make ends meet for their families. Single parents often are the sole breadwinner.

Finding quality child care is a task about which parents all over America agonize. In my own State of Connecticut, more than 300,000 children need child care. Forty percent of children under age 3 need care outside the home. Added to that burden, parents must search for quality care that is also convenient and affordable. It is a source of frustration to parents everywhere. And parents are not alone in their frustration.

In 1990, Congress responded to the child care crisis with the landmark child care and development block grant. This program now provides significant funds to States to assist families with the costs of child care and to improve the quality of child care services. That block grant is a solid foundation upon which we must build further, given the tremendous need of working parents.

Mr. President, child care is not just a parental concern or a Government concern, it is also a business concern. Certainly, businesses are demonstrating a real and increasing recognition of the relationship of work and family and its effect on their own productivity. Companies now view corporate policies that address work and family issues as essential to attracting and keeping employees, to improving productivity and their competitiveness within the industry, and to competing successfully in a global economy. The legislation I am introducing today encourages businesses to become even more involved.

In the past few years, we have seen a growth in creative efforts by businesses to meet their workers's needs. For example, companies have provided onsite child care, revolving loan funds used to create, expand, and improve child care centers, and business-funded training to child care providers. My own State of Connecticut has been the site of many such innovations.

A year ago, I chaired a hearing of the Subcommittee on Children, Family, Drugs, and Alcoholism, on innovative partnerships between businesses and the public sector to address a variety of human service needs. I am encouraged by the power of such public-private partnerships to fashion community-based solutions working toward the common good. I believe we should create more opportunities for this approach to work. In particular, we ought to harness it to address the compelling issue of inadequate child care resources. For this reason, I am introducing the Child Care Public-Private Partnership Act.

This bill would authorize the Secretary of Health and Human Services to make grants to businesses for startup costs for child care services to their employees. Grants also could be made to nonprofit organizations to provide technical assistance to such businesses. Grantees must provide $2 for every $1 in Federal money, thus leveraging significant private sector contributions. The Federal Government would be providing $25 million annually in much-needed seed money to spur private investment—investment with clear payoffs for all concerned.

Child care services funded through this bill must be affordable and available to low- and moderate-income employees. These are the employees with the fewest options for child care and, accordingly, resources should be steered in their direction. In addition, the bill gives priority to businesses with fewer than 100 full-time employees, because small businesses often do not have the resources available to larger businesses.

Mr. President, this legislation is a small but important piece of the child care puzzle. I should add that today Representative NITA LOWEY is introducing a companion measure in the other body, and I appreciate her hard work on this issue. Public-private partnerships are a proven way to combine the strengths of Government with those of the private sector. Low- to moderate-income parents benefit by having more child care options. Government benefits by increased private contributions to ensure the well-being of children and a viable work force. Businesses benefit by being better able to offer competitive work and family programs which attract and keep good employees, and increase their productivity. In short, the child care public-private partnership is a small step that can make a big difference.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Care Public-Private Partnership Act of 1993".

### SEC. 2. ESTABLISHMENT OF BUSINESS INCENTIVE GRANT PROGRAM.

The Secretary shall establish a program to make grants to—

(1) businesses and consortia—

(A) to pay start-up costs incurred to provide child care services needed by the employees of such businesses; or

(B) to provide additional child care services needed by the employees of such businesses, other than services provided prior to the period for which the grant is made; and

(2) nonprofit business organizations to provide technical information and assistance to enable businesses to provide child care services.

### SEC. 3. ELIGIBILITY TO RECEIVE GRANTS.

To be eligible to receive a grant under section 2, a business, nonprofit business organization, or consortium shall submit an application to the Secretary in accordance with section 4.

### SEC. 4. APPLICATION.

In submitting an application referred to in section 3, a business, nonprofit business organization, or consortium shall submit the application at such time, in such form, and containing such information as the Secretary may require by rule, except that such application shall contain—

(1) an assurance that the applicant shall make available, with respect to the costs to be incurred by the applicant in carrying out the activities for which such grant is made, non-Federal contributions in an amount equal to not less than $2 for every $1 of Federal funds provided under the grant;

(2) an assurance that such applicant will expend such grant for the use specified in paragraph (1) or (2) of section 2, as the case may be;

(3) an assurance that such applicant will employ strategies to ensure that child care services provided by such applicant, or provided with the technical information and assistance made available by such applicant, are provided at affordable rates, and on an equitable basis, to low- and moderate-income employees;

(4) an assurance that such applicant—

(A) in the case of a business or consortium, will comply with all State and local licensing requirements applicable to such business or consortium concerning the provision of child care services; or

(B) in the case of a nonprofit business organization, will employ procedures to ensure that technical information and assistance provided under this Act by such business organization will be provided only to businesses that comply with the requirements described in subparagraph (A); and

(5) in the case of a business or consortium, an assurance that if the employees of such applicant do not require all the child care services for which such grant and the funds required by paragraph (1) are to be expended by such applicant, the excess of such child care services shall be made available to families in the community in which such applicant is located.

### SEC. 5. SELECTION OF GRANTEES.

For purposes of selecting applicants to receive grants under this Act, the Secretary shall give priority to businesses that have fewer than 100 full-time employees. To the extent practicable, the Secretary shall—

(1) make grants equitably under this Act to applicants located in all geographical regions of the United States; and

(2) give priority to applicants for grants under section 2(a).

### SEC. 6. DEFINITIONS.

As used in this Act:

(1) BUSINESS.—The term "business" means a person engaged in commerce whose primary activity is not providing child care services.

(2) CHILD CARE SERVICES.—The term "child care services" means care for a child that is—

(A) provided on the site at which a parent of such child is employed or at a site nearby in the community; and

(B) subsidized at least in part by the business that employs such parent.

(3) CONSORTIUM.—The term "consortium" means—

(A) two or more businesses acting jointly; or

(B) two or more businesses ad a non-profit private organization, acting jointly.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, $25,000,000 for each of the fiscal years 1994, 1995, 1996, and 1997.•

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By Mr. SIMON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 496. A bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes; to the Committee on the Judiciary.

### GUN DEALERS LICENSING REFORM ACT

• Mr. SIMON. Mr. President, today, Senators FEINSTEIN, LAUTENBERG, KENNEDY, and I introduce the Gun Dealer Licensing Reform Act. The purpose of this legislation is to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements.

Over the past 2 years, firearms have killed 60,000 Americans, more than the number of United States soldiers killed in the Vietnam war. A recent Atlantic Monthly article noted that: "Handguns terrorize more than they kill. Department of Justice statistics also show that every 24 hours handgun-wielding assailants rape 33 women, rob 575 people, and assault another 1,116." Unfortunately, my home State of Illinois is not immune from this gun violence. In 1992, in Chicago alone, the number of homicides was 938. In the first 11 months of 1992, there were 13,751 nonfatal shootings—an all-time record for Chicago. In contrast, a Chicago Tribune story noted that "Toronto, which like Chicago has 3 million people and tough handgun laws, notched only 17 firearm deaths in all of 1991."

Also disturbing is the fact that the Bureau of Alcohol, Tobacco and Firearms [ATF] estimates that there are potentially 200 million firearms in civilian hands—with nearly 4 million new firearms added each year.

Hard as it is to believe with all this violence, the number of licensed gun dealers in this country has increased dramatically since 1980 to a total of 276,000—an increase of 59 percent since 1980. There are 9,182 federally licensed firearm dealers in Illinois alone. These numbers mean that there is 1 firearm dealer for every 1,000 Americans, or 1 dealer for approximately every 290 firearm owners. The Violence Policy Center put it into perspective when they noted that there are more gun dealers in our country than there are gas stations.

Unfortunately, in contrast to the 59 percent increase in the number of gun dealers, the number of investigators assigned to inspect these dealers has decreased by 13 percent. Something is obviously wrong.

A few more statistics help to put this issue in sharp focus. In 1991 ATF issued 270 licenses a day, for a grand total of 91,000 new and renewed licenses that year. Only 37 of the 34,000 requests for new licenses that year were denied (Washington Post). Amazingly, fewer than 10 percent of dealer applicants undergo an actual inspection in the form of a personal interview or on-site visit.

Bureau spokesman Jack Killorin noted: "There is no question that illegal activity by [dealers] is a threat to the community. The volume of licenses has outstripped our ability to keep up." (Washington Post, December 12, 1992.)

Type I dealers—the basic Federal license needed to sell guns in the United States—fall into two categories: those who operate storefront businesses, called stocking dealers; and those who operate out of their homes, called kitchen-table dealers. ATF estimates that only about 20 percent of all federally licensed dealers are actually storefront operations. In addition, ATF estimates that a majority of these kitchen-table dealers acquire a license for the purpose of buying guns in bulk at special prices and in order to skirt State and local laws, such as waiting periods and other restrictions.

How much damage can one dealer do? At least 600 federally licensed dealers have been arrested on criminal charges in the last 5 years. A few examples:

"More than a dozen federally licensed dealers in Detroit alone have been charged with providing more than 2,000 firearms to criminals in the city." (Washington Post.)

"From February to June in 1990, Detroit kitchen-table dealer McClinton Thomas ordered hundreds of handguns. All of the guns were sold off the books, including 90 guns to a 'big-time dope dealer'" (Violence Policy Center.)

"Carroll Brown was a federally licensed dealer in Baltimore, who sold weapons from his home and car. Fewer than half of his gun sales were properly recorded and some were not recorded at all. When he did bother to write down names and addresses, they were often bogus. Of the approximately 300 weapons Brown sold, most have not been recovered, including more than 100 Brown is believed to have sold to a single buyer. At least 14 of the weapons he sold have turned up at Baltimore crime scenes." (Washington Post.)

Obviously, something must be done to ensure that gun licenses are not used for improper purposes.

The bill Senators FEINSTEIN, LAUTENBERG, KENNEDY, and I are introducing today takes a number of important steps in this direction.

Specifically the bill would:

Raise the license fee for gun dealers. This provision would raise the license fee for firearm dealers to $750. The current fees, $50 per year for pawnbrokers who deal in firearms and $10 per year for all other dealers, has remained unchanged since enactment of the Gun Control Act of 1968. The proposed new fees will help absorb the increasing costs of processing and investigating license applications and renewals. In addition, it will help to discourage individuals from obtaining a dealer's license merely to obtain personal firearms at wholesale prices or to skirt State and local laws.

Require dealers to certify that they are in compliance with State and local laws before receiving a new license. This provision, which Senator MOYNIHAN introduced earlier this year, would strengthen the licensing provisions of the Gun Control Act by requiring, as a prerequisite to the issuance of a new license, that the business to be conducted would not be prohibited by any State or local law applicable in the jurisdiction where the applicant's premises are located. For example, to receive a Federal firearm license, a dealer would need to be in compliance with local zoning laws. This provision would further one of the major congressional objectives of the act which is to coordinate Federal, State, and local laws into an effective system of firearm regulation and to provide support to State and local law enforcement officials.

Drop the 45-day requirement for action on firearm dealer license applications. Current law requires the Secretary of the Treasury to approve or deny applications for Federal firearms licenses within 45 days of receipt of such applications. Further, if action is not taken within such period, an applicant may seek mandamus to compel the Secretary to act. The 45-day period has proven to be unrealistic since the time needed to conduct a thorough background check of an applicant, and to determine whether the applicant meets all of the eligibility requirements for licensing routinely takes longer than 45 days. In order to ensure that licenses are only issued to qualified applicants, this bill would omit the 45-day review period requirement from the act.

Allow the Bureau of Alcohol, Tobacco and Firearms to investigate a dealer more than once a year, if necessary. Under existing law, a warrant is required to conduct more than one inspection of a Federal firearms licensee to ensure compliance with the recordkeeping provisions of the act during any 12-month period. This restriction against unannounced inspections enables unscrupulous licensees to conceal violations of the law and is too infrequent to ensure compliance with the act's restriction. It should be noted that prior to the amendment of the Gun Control Act in 1986, there was no limit on the number and types of warrantless inspections which could be conducted of firearms licensees, and such inspections had been upheld by the Supreme Court, *U.S.* v. *Biswell*, 406 U.S. 311 (1972). Furthermore, the Bureau, which also has jurisdiction over Federal alcohol regulations, has unlimited authority to inspect liquor wholesalers. The laws for gun dealers should be consistent with that standard.

Require dealers to report a shortage in a firearm shipment, or lost or stolen inventory to the Bureau. Under current law, ATF has the responsibility for enforcing 18 U.S.C. §922(j) which makes it unlawful to receive, conceal, store, or dispose of any stolen firearm. There is not, however, a requirement for licensees to report thefts of firearms to ATF. The bill to require theft reports will enable ATF to make more timely investigations of violations of the statute.

Require dealers to comply with the Bureau's firearm trace requests. The Bureau of Alcohol, Tobacco and Firearms has statutory access to licensee records by physical inspection. The Bureau may also require written reports of licensees upon request. However, effective gun tracing often necessitates that licensees submit information on firearm sales by phone. While most licensees cooperate with ATF's phone requests, some licensees have refused to respond to such requests. This bill would resolve the problem by requiring licensees to provide trace information by telephone.

Require common carriers, UPS for example, to obtain identification from individuals who receive a firearm shipment. Persons acquiring firearms for illegal purposes and for illegal firearms trafficking are known to receive shipments of firearms away from their place of residence. Taking delivery of firearms in this manner helps conceal the identity of the recipient. The proposed legislation would help resolve the problem by requiring carriers to identify persons who take delivery of firearms.

Require identification, fingerprints and photograph, for individuals applying for a license to sell machineguns. Current law requires individuals to whom National Firearms Act weapons, for example, machineguns, are transferred to be identified by photographs and fingerprints to ensure that the weapons may be lawfully received and possessed. Ironically, there is no similar requirement for individuals engaged in the firearms business of selling such weapons. This legislation would impose such a requirement on individuals doing business in these types of weapons prior to commencing such business.

Criminalize the sale of firearms or ammunition when there is reasonable cause to believe the weapon will be used in a crime of violence. Dealers must be held responsible for selling guns to individuals who are likely to commit crimes of violence. This bill would make it unlawful for a dealer to sell or otherwise dispose of a firearm if that dealer has reasonable cause to believe that the firearm will be used in such a crime.

We believe that these provisions will make an enormous difference in law enforcement's ability to control the use of weapons for illegitimate purposes. It is time for us to take back control of our streets, our playgrounds, our schools, and our homes from gun wielding criminals. The Gun Dealer Licensing Reform Act can help make that goal a reality. I urge my colleagues to carefully review this legislation and join us in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 496

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. IDENTIFICATION OF RECIPIENT OF FIREARM.**

Section 922(e) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) in paragraph (1), as designated by paragraph (1), by striking ", to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors,"; and

(3) by adding at the end the following new paragraph:

"(2) It shall be unlawful for a common or contract carrier knowingly to deliver in interstate or foreign commerce a firearm to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector unless the carrier or other person identifies the person to whom the firearm is delivered and makes and maintains a record of the identity of the person in such a manner as the Secretary may prescribe by regulation.".

**SEC. 2. SALE OF FIREARMS OR AMMUNITION HAVING REASONABLE CAUSE TO BELIEVE THAT IT WILL BE USED TO KILL A PERSON.**

Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection.

"(s) It shall be unlawful for a person to sell or otherwise dispose of a firearm or ammunition to another person if the person who sells or otherwise disposes of it has reasonable cause to believe that the person is acquiring the firearm or ammunition with the intent that it will be used by that person or any other person to commit a crime of violence (as defined in section 924(c)(3).".

### SEC. 3. LICENSE APPLICATION FEES FOR DEALERS IN FIREARMS.

Section 923(a)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "$25" and inserting "$750"; and

(2) in subparagraph (C) by striking "$10" and inserting "$750".

### SEC. 4. ACTION ON APPLICATION FOR LICENSE.

Section 923(d) of title 18, United States Code, is amended—

(1) by striking "(1)" after "(d)";

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(3) by striking paragraph (2).

### SEC. 5. COMPLIANCE WITH STATE AND LOCAL LAW AS CONDITION TO LICENSE.

Section 923(d) of title 18, United States Code, as amended by section 4, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraphs

"(6)(A) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

"(B) the applicant has complied with all requirements of State and local law applicable to the conduct of such a business.".

### SEC. 6. INSPECTIONS OF FIREARMS LICENSEES.

Section 923(g)(1) of title 18, United States Code, is amended—

(1) in subparagraph (B)(ii) by striking "not more than once during any twelve-month period";

(2) in subparagraph (C)(i) by striking "not more than once during any twelve-month period"; and

(3) in subparagraph (D) by striking "the annual inspection of records and inventory permitted under this paragraph" and inserting "an inspection under subparagraph (C)(i)".

### SEC. 7. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 24 hours after the theft or loss is discovered, to the Secretary and to appropriate local authorities.".

### SEC. 8. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 7, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of one or more firearms. The requested information shall be provided orally or in writing, as the Secretary may require.".

### SEC. 9. REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application.".•

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By Mr. SIMON:

S. 497. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records, to authorize the establishment of a DNA identification index, and for other purposes; to the Committee on the Judiciary.

## DNA IDENTIFICATION ACT OF 1993

• Mr. SIMON. Mr. President, I introduce legislation to encourage the use and databanking of forensic DNA fingerprints.

DNA is the basic genetic material that gives every individual in the world a distinct identity. DNA fingerprinting is a scientific test which can analyze blood, hair, saliva, semen, or skin left at the scene of a crime to determine if it matches samples provided by a defendant or suspect. These tests, when properly performed and analyzed are considered nearly foolproof. They are a powerful new crime-fighting tool that may conclusively implicate or exonerate an individual accused or suspected of a crime.

In 1989, I held the first ever congressional hearings on DNA tests. The testimony received at that hearing convinced me of the scientific soundness of these tests and their undeniable crime-fighting potential. DNA fingerprinting has been hailed as the most important technological breakthrough in law enforcement since the inception of conventional fingerprinting. I have strongly supported the FBI's efforts to advance the use of this technology in State and local crime laboratories.

DNA fingerprinting is beginning to have a significant impact on criminal prosecutions by enhancing the ability of U.S. attorneys and local prosecutors to obtain convictions. To date DNA test results have been accepted into evidence in criminal trials in most States.

But the Office of Technology Assessment, in an August 1990 report on forensic uses of DNA tests, concluded that standards are essential to the performance of high quality forensic DNA analysis. According to the report, "setting standards for forensic DNA analysis is the most urgent policy issue and needs to be resolved without further delay."

I agree. Standards will ensure that forensic DNA laboratories are performing high-quality work and will give guidance to the courts and others in judging the reliability of individual test results. It will also pave the way to creation of a DNA databank accessible to State and local criminal justice agencies nationwide—a vital step in assuring that this technology achieves its full crime-fighting potential.

During the 102d Congress, I cochaired with Congressman Don Edwards, a joint hearing of the Senate Subcommittee on the Constitution and the House Subcommittee on Civil and Constitutional Rights on the issue of forensic DNA tests and the need for standards. The legislation I rise to introduce is informed by testimony received in that hearing. The bill fosters the adoption of forensic DNA testing standards and encourages the proliferation of this important technology while addressing the legitimate privacy considerations involved with its use.

In furtherance of that goal, the DNA Identification Act of 1993 directs the Director of the FBI to appoint an advisory board on DNA quality assurance methods and, after taking its recommendations into account, to issue quality assurance standards including standards for proficiency testing of forensic labs and analysts.

Mr. President, I believe that working together, the law enforcement and scientific communities can ensure the integrity and increased acceptance of forensic DNA tests. The DNA Identification Act will further this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 497

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Identification Act of 1993".

### SEC. 2. DNA IDENTIFICATION.

(a) Funding To Improve the Quality and Availability of DNA Analyses for Law Enforcement Identification Purposes.—

(1) Drug control and system improvement grant program.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(A) by striking "and" at the end of paragraph (20);

(B) by striking the period at the end of paragraph (21) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(23) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) State applications.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 2(b) of the DNA Identification Act of 1993;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 2(b) of the DNA Identification Act of 1993.".

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 1994, 1995, 1996, 1997, and 1998 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

(b) QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—

(1) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) CONTENTS.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under subsection (b);

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b); and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) FAILURE TO MEET REQUIREMENTS.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) FEDERAL BUREAU OF INVESTIGATION.—

(1) PROFICIENCY TESTING REQUIREMENTS.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) PRIVACY PROTECTION STANDARDS.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998 to carry out subsections (b), (c), and (d).•

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By Mr. KOHL:

S. 498. A bill to amend section 365 of title 11, United States Code, relating to protection of assignees of executory contracts and unexpired leases approved by court order in cases reversed on appeal; to the Committee on the Judiciary.

### RELATING TO ASSIGNEES OF EXECUTORY CONTRACTS

Mr. KOHL. Mr. President, I rise today to introduce legislation addressing a bankruptcy problem threatening the value of real estate lease agreements. Following the 1990 third circuit court opinion in *In re Joshua Slocum, Ltd.*, (922 F.2d. 1081) it is unclear whether the sale of a real estate lease by a chapter 11 debtor/tenant is permanent or not. Amending the Bankruptcy Code as this bill does will eliminate lease purchasers' fears that their purchases might be revoked without notice, long after a bankruptcy court approves the initial sale, and after they have invested their time and money in reliance on that approval.

Under current law, a purchaser of a bankrupt tenant's lease may lose those purchased leasing rights without notice if someone other than the bankrupt tenant—for example, a landlord with an interest in a lease—subsequently tries to prevent the purchase. By amending the code to make sure that courts do not block sales of executory contracts and unexpired leases without first requiring proper notice, this bill protects the interests of a good faith lease purchaser.

In the case of *In re Slocum* the third circuit considered the finality of orders under section 365 lease assignments. There the court held that a landlord's appeal of a bankruptcy court's order authorizing a chapter 11 tenant's sale of a real estate lease was not moot, and that the sale could be reversed on appeal. This ruling came even though the sale of the lease was completed, and the purchaser took possession of the premises almost 2 years prior to the third circuit's opinion. In reaching its decision, the Slocum court refused to apply mootness principles specifically stated in sections 363(m) and 364(e), which would have protected the purchaser's interests.

Section 363(m) and 364(e) of the Bankruptcy Code require that a party appealing an authorized sale, lease of property, or issuing of trustee credit must first acquire a court order stopping the sale, lease, or issuing before mounting a court challenge to the validity of the underlying sale, lease, or issuing. Section 365, which addresses lease assignments, has no similar requirement for a party challenging the sale of a lease. Consequently, by requiring a party appealing a sale of a lease to first seek a court order blocking the sale, this measure provides notice to purchasers of section 365 leases.

Unless section 365 is amended, court decisions will continue to undermine the Bankruptcy Code's policies of favoring finality of judicial orders and fully informing purchasers of the status of their purchase, as found in sections 363 and 364. Furthermore, failure to act will thwart the code's policy of promoting lease sales to reduce the financial responsibilities of a bankrupt debtor. The uncertainty surrounding chapter 11 lease purchases existing after Slocum diminishes the value of section 365 leases and the desirability of purchasing such leases. Purchasers of these types of leases now fear losing their purchase rights long after a bankruptcy court approves the sale. This lowers the value of such leases, which then limits a debtor's financial resources, and thus reduces the dollars available to satisfy creditors.

Mr. President, it seems only fair that someone who buys a lease should know what they are getting. Given the Slocum decision and the language of section 365, that is not the case. Amending section 365, as this proposal does, ensures that innocent purchasers of unexpired leases know the status of their purchase, and can then act accordingly. I urge my colleagues to support this measure, and assist in its swift passage.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROTECTION OF ASSIGNEES OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES APPROVED BY COURT ORDER IN CASES REVERSED ON APPEAL.**

Section 365 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(p) If the assignment of an executory contract or unexpired lease under this section is approved by the court, the reversal or modification on appeal of the approval or of the assignment does not affect the validity of the assignment to an entity that obtained the assignment in good faith, whether or not the entity knew of the pendency of the appeal, unless the assignment was stayed pending appeal.".●

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By Mr. HATCH:

S.J. Res. 55. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week"; to the Committee on the Judiciary.

NATIONAL HOME CARE WEEK

Mr. HATCH. Mr. President, I rise today to introduce a resolution to designate the weeks of November 28, 1993, through December 4, 1993, and November 27, 1994, through December 3, 1994, as "National Home Care Week." This resolution serves several purposes. First, it acknowledges that home care allows a patient to retain a sense of dignity and independence and the ability to enjoy the familiar and comforting surroundings of his or her own home. Second, it recognizes that home care is an effective and economical alternative to unnecessary institutionalization. And, third, it commemorates the organizations and professionals who provide this vital health care service to millions of Americans.

Of the more than 12,000 home care agencies, some 6,100 are Medicare certified and employ 147,000 health care professionals. These, and all other home care professionals deserve to be recognized for the vital role they play in maintaining the health of our Nation.

This resolution is timely in light of our vigorous debate on health care reform and how to decrease expenditures while ensuring access. Home care can provide a partial solution to the problem of long-term care for seniors, chronically ill children, and disabled citizens in America. Indeed, home care is a proven alternative to unnecessary institutionalization and its resulting high costs.

This can be illustrated by the following: Aetna Life & Casualty has reported a $78,000 per-case saving from its individual care management program by using home care for victims of catastrophic accidents. Also, New Mexico's waiver program for people with AIDS estimates a savings of $1,000 a month for patients using home care rather than skilled nursing facility care. In addition, home care provides cost effective treatment of injuries and illnesses that, left untreated, often lead to more costly acute care and long-term institutionalization.

Home health care can also be the most humane and compassionate form of health care. Whether the individual is a child or an aging adult, home care allows that patient to receive care in his or her own home. According to a national poll conducted by Louis Harris & Associates, 78 percent of those polled preferred to receive care in their home instead of a nursing home.

There are countless families who could benefit from home care services. For example, there is a 14-year-old girl in Utah who, at 2½ years old, was a near-drowning victim and since that time has been semicomatose. After spending 9 years in an Air Force base hospital in California, and another 6 months at a semiacute long-term care facility in Utah, her mother brought her home in April 1992.

With the help of a home care nurse, the girl is now in her own home with those who love her. The results are heartwarming: The girl's mental condition and morale have shown great improvement; she now communicates using her eyes to signal "yes/no" to questions; she participates in family activities and travels in the family van and regularly attends church services; and, finally, her parents, who had been divorced, were recently remarried and the family was reunited.

Mr. President, this is but one example of the value of home care services. The quality of the lives of this young girl and her family have been improved, and, in addition, the financial burdens of institutionalization have been diminished. We should recognize the benefits of home care and encourage its use for this very purpose.

In closing, the exposure that this resolution gives to home care helps to heighten public awareness and acceptance of this humane and sensible alternative health care option. I urge my colleagues to cosponsor this joint resolution.

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By Mr. BIDEN (for himself and Mr. HATCH):

S.J. Res. 56. Joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week"; to the Committee on the Judiciary.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

● Mr. BIDEN. Mr. President, there are over one-half million people who serve our Nation as public safety dispatchers. These dispatchers respond to our telephone calls requesting emergency assistance from police, firefighting, and emergency medical services [EMS]. These men and women are the unsung heroes that protect our homes and families and ensure swift response to emergencies. Today, I rise to introduce a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Dispatchers Week."

Police, fire, and EMS communication officers rank among our most committed public servants—and rarely do they receive their due praise. Working behind the scenes, all hours of the day and night, these professionals form the vital link between citizens in need of assistance and emergency personnel. Undoubtedly, their expertise saves lives that might otherwise be lost in those critical minutes before emergency officers arrive on the scene.

Though we are all familiar with programs such as 911 emergency service, the individual behind the phone is seldom noticed. At some point, each American will probably be touched with an emergency and will depend on those men and women who operate the emergency response system. However, for far too long we have failed to show gratitude to public safety telecommunicators. This resolution honors the dedication and professionalism of these invaluable public servants.

Last year, by passing this same resolution, the Congress finally gave the public safety telecommunicators the recognition they so richly deserve. In fact, this measure was supported by a bipartisan coalition of 53 Senators and I hope we can achieve the same sweeping support again this year. Once again, we must show our sincere appreciation to the public safety telecommunicators for dedicating their careers to the protection of our lives.

I would also like to thank Congressman MARKEY for once again introducing this important resolution in the House of Representatives. I look forward to working with him to guarantee the passage of this legislation and I encourage all of my colleagues to cosponsor this important measure.•

## ADDITIONAL COSPONSORS

S. 15

At the request of Mr. ROTH, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 15, a bill to establish a Commission on Government Reform.

S. 20

At the request of Mr. ROTH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 67

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. AKAKA], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 88

At the request of Mr. LUGAR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 155

At the request of Mr. DASCHLE, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Montana [Mr. BURNS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 182

At the request of Mr. MCCONNELL, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 182, a bill to authorize Federal departments, agencies, and instrumentalities to retain revenues from the sale of materials collected for the purpose of recycling, and for other purposes.

S. 239

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 239, a bill to provide grants to States for the establishment of community works progress programs.

S. 266

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

S. 277

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 335

At the request of Mr. INOUYE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 335, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes.

S. 376

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 376, a bill to prohibit the transfer of 2 or more handguns to an individual in any 30-day period.

S. 382

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 382, a bill to extend the emergency unemployment compensation program, and for other purposes.

S. 384

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 402

At the request of Mr. DURENBERGER, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 402, a bill to amend the Social Security Act to increase the domestic service wage exclusion, and for other purposes.

S. 403

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from New Mexico

[Mr. BINGAMAN], the Senator from Wyoming [Mr. WALLOP], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 458

At the request of Mr. SMITH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 458, a bill to restore the Second Amendment Rights of all Americans.

### SENATE JOINT RESOLUTION 38

At the request of Mrs. KASSEBAUM, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 38, a joint resolution designating March 20, 1993, as "National Quilting Day"

### SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

### SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Nevada [Mr. REID], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week".

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

### SENATE RESOLUTION 64

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

### SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

### AMENDMENT NO. 66

At the request of Mr. PACKWOOD the names of the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of amendment No. 66 proposed to S. 382, a bill to extend the emergency unemployment compensation program, and for other purposes.

## SENATE CONCURRENT RESOLUTION 13—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO COMMEMORATE THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. PELL (for himself, Mr. FORD, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

### S. CON. RES. 13

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 18, through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held at noon on April 20, 1993, and at noon on April 6, 1994, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the rotunda of the United States Capitol is hereby authorized to be used on April 20, 1003 from 8 o'clock ante meridian until 3 o'clock post meridian and on April 6, 1994, from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

• Mr. PELL. Mr. President, today I submit a concurrent resolution to reserve the Capitol rotunda for a ceremony to commemorate the victims of the Holocaust.

Sunday, April 18, marks the start of this year's Days of Remembrance for the Victims of the Holocaust. For 8 days, thousands of survivors of the Holocaust will gather in Washington to honor the memory of the martyred Jews and non-Jews who were killed by the Nazis and to remember the suffering, the pain, and the lessons of the Holocaust. The concurrent resolution that I am introducing today authorizes the use of the Capitol rotunda on Tuesday, April 20, 1993, and Tuesday, April 6, 1994, for the national civic commemoration of the 1993 and 1994 Days of Remembrance.

The Holocaust stands out as one of the darkest periods in the history of mankind. Six million Jews were the victims of the Nazi's evil plan. The coldblooded and brutal extermination of those innocent people is a constant reminder of man's inhumanity to man and of his capacity to be cruel.

The Holocaust is also a painful reminder of the failure of the United States and other civilized nations to act in the face of evil. We allowed our cherished commitment to the principles of life, liberty, and equality for all human beings to falter. Even when the horror and extent of the German atrocities became evidence, our Government made little effort to stop the killings and rescue the victims of Nazi oppression from their tragic fate.

I believe, as Dante once wrote, that "He who sees, stands by and does nothing as evil is performed, is just as guilty as he who performs it." Can there be any doubt that the guilt is ours as well?

We must never repeat the crime of silence or forget our commitment to freedom and human dignity. We must be at the forefront of international efforts to bring perpetrators of genocide of justice. We took a step in that direction through the long-overdue ratification of the Genocide Convention. More recently, we reaffirmed our commitment to this principle when we created a safe haven to protect the Kurds in Iraq and when we established a war crimes tribunal to address the atrocities in Bosnia. However, out duty has not ended. We must continue our efforts to keep the memories and lessons of the Holocaust alive in order that history may never again repeat itself.●

## SENATE RESOLUTION 75—TO EXTEND THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. FORD (for Mr. MITCHELL for himself, Mr. DOLE, and Mr. PELL) submitted the following resolution; which was considered and agreed to:

### S. RES. 75

*Resolved,* That this resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Extension Resolution".

### FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS

SEC. 2. (a) In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program is hereby extended for five years.

(b) The Jacob K. Javits Foundation, Incorporated, New York, New York, shall select Senate Fellowship participants. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Jacob K. Javits Foundation, Incorporated.

### SENATE COMPONENT OF FELLOWSHIP PROGRAM

SEC. 3. (a) The Secretary of the Senate (hereinafter "Secretary") is authorized from funds made available under section 4, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the Fellowship Program.

(b) For any fiscal year no more than ten fellowship participants shall be so employed.

(c) The Secretary, after consultation with the Majority Leader and the Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

### FUNDS

SEC. 4. The funds necessary to compensate any such eligible participant shall be made available for five years to the Secretary and paid from the contingent fund of the Senate. For the succeeding five years of this program such funds shall not exceed $250,000 each year.

### PROGRAM EXTENSION

SEC. 5. This program shall terminate September 30, 1998. Three months prior to such expiration the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

## AMENDMENTS SUBMITTED

## EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM ACT

## DOMENICI AMENDMENT NO. 67

Mr. DOMENICI (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. GRAMM, and Mr. SPECTER) proposed an amendment to the bill (S. 382) to extend the emergency unemployment compensation program, and for other purposes, as follows:

At the appropriate place, add the following:

It is hereby the sense of the Senate that until the President of the United States has submitted the budget required by section 300 of the Congressional Budget Act of 1974, no concurrent resolution on the budget should be considered.

## MITCHELL (AND OTHERS) AMENDMENT NO. 68

Mr. MITCHELL (for himself, Mr. DOLE, Mr. BROWN, Mr. WELLSTONE, Mr. ROBB, Mr. DORGAN, Mr. DECONCINI, Mr. WOFFORD, Mr. CHAFEE, Mrs. BOXER, and Mr. BAUCUS) proposed an amendment to the bill (S. 382), supra, as follows:

At the end of the amendment add the following:

(A) Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost-of-living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(B) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

## BROWN (AND HELMS) AMENDMENT NO. 69

Mr. BROWN (for himself and Mr. HELMS) proposed an amendment to the bill (S. 382), supra, as follows:

At the end of the amendment add the following new section:

**SEC. . LIMITATION ON FEDERAL COST OF LIVING ADJUSTMENTS IN CALENDAR YEAR 1994.**

(a) FEDERAL EMPLOYEES.—

(1) IN GENERAL.—The rates of basic pay for each statutory pay system shall not be adjusted under section 5303 of title 5, United States Code, during calendar year 1994.

(2) CONFORMING AMENDMENT.—Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1481) is repealed.

(b) MEMBERS OF CONGRESS.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 (if not for the provisions of this subsection) shall not take effect.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 3, 1993, at 9:30 a.m., to hold a hearing on legislation pertaining to the financing of congressional election campaigns: S. 3, S. 7, S. 62, S. 87, S. 94, and Senate amendment No. 65. The following Members will testify: Senator MITCHELL, Senator BOREN, Senator DOMENICI, Senator NICKLES, Senator DECONCINI, Senator KERRY, Senator BIDEN, Senator BRADLEY, Senator PELL, Senator SIMON, Senator WELLSTONE, and Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Wednesday, March 3, 1993, in open session, to receive testimony on U.S. Government facilitation of private business investment in the former Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 3, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 3, 1993, at 1:30 p.m., for a hearing on Career Pathways.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## HONORING THE ORGANIZATION OF CHINESE-AMERICANS ON ITS 20TH ANNIVERSARY

• Mr. SIMON. Mr. President, later this week at a dinner at the National Press Club, the Organization of Chinese-Americans will celebrate its 20th anniversary. I rise today to commend OCA for two decades of service and representation of Chinese-Americans in my home State of Illinois and throughout the United States. Recently, OCA organized its first chapter in Hong Kong to go along with 41 chapters around the country.

Over the last 20 years, OCA has left an important mark on the work that we do here in the U.S. Senate affecting the lives of Chinese and other Asian-Americans. Chinese Americans, even though they have been in the United States since the early 1800's, have often been voiceless in public affairs. That is no surprise since, by law, they were barred from naturalization until after the start of World War II. Despite their noted accomplishments in architecture, medicine, engineering, and the arts, Chinese-Americans, in our Nation's history, have had the doors closed to them for many occupations. OCA and other organizations have worked to open those doors of opportunity through advocacy and through leadership development and training of Chinese-Americans.

The Organization of Chinese-Americans in concert with others took strong leadership against the anti-Asian violence that erupted in Detroit in 1982 with the beating death of Vincent Chin. Vincent Chin was mistaken for being Japanese by an unemployed auto worker who hit him fatally with a baseball bat. Since that time, OCA has worked closely on anti-Asian violence concerns and monitored numerous cases around the country, giving advice both to law enforcement officials and to local Asian communities.

OCA has also worked in coalition with other Asian-American advocacy organizations and representatives of Hispanic, African-American, women's and religious organizations on behalf of voting and civil rights, immigrant protection, and spreading Chinese culture.

Mr. President, I know my colleagues will join me in commending OCA and its founders whose mission 20 years ago says it best, "To Embrace the Hopes and Dreams of Chinese-Americans in the United States."•

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## DEFENSE CONVERSION AND SAVING THE DEFENSE INDUSTRIAL BASE

• Mr. McCAIN. Mr. President, there is no question that we need to pay careful attention to the overall health of our economy, and reducing the budget deficit. At the same time, we cannot afford to ignore the problem of preserving our industrial base, and making defense conversion effective.

The current Clinton program leaves these critical issues unaddressed, and make ambiguous spending proposals that could undermine both our security and our technological competitiveness. This does not address the critical tasks we face. There is no point in talking about economic stimulus, competitiveness, and technology and forgetting about defense industry—the area where we are the proven leader of the world.

### THE IMPORTANCE OF DEFENSE INDUSTRY TO OUR ECONOMY AND SECURITY

Defense industry still makes up roughly 5 percent of all the manufacturing jobs in the United States. It employs some 6 million Americans in defense-related jobs. In fact, Data Resources Inc. [DRI] estimated that some 3.4 million of these Americans worked in defense industry in 1989, the year that defense outlays peaked at some $304 billion.

Equally important, DRI estimates that defense related jobs have employed some 17 percent of all the engineers in the United States, 7 percent of all scientists, roughly 10 percent of all technicians, 8 percent of all computer workers, 9 percent of all craftsmen, and some 18 percent of all administrative support managers. It is impossible to talk about economic recovery, employment, competitiveness, or American technology without talking about the defense industrial base and defense conversion.

Such statistics become even more impressive when we look at the structure of American industry. We tend to forget that macro-economic models of our economy generally have no sensitivity to the complex sectoral details that actually determine our economic place in the world, and the future of our economy.

Defense employs over 20 percent of the workers in 15 critical industries. These include some obvious areas like military construction and the manufacture of guided missiles—where defense employs over 90 percent of the Nation's workers. They also include, however, more than 80 percent of the Nation's shipbuilders, 50 percent of all workers in electronics like radio and television systems, more than 45 percent of all aircraft and aircraft parts workers, more than 40 percent of all workers on scientific instruments, more than 30 percent of all aircraft engine workers, and more than 20 percent of all jobs relating to nonferrous forgings, key electrical parts, and industrial trucks and tractors.

We also know how important these industries and workers are to our national security. It was our lead in technology that forced the Soviet Union to give up its arms race, and helped lead to the break up of the Soviet Union and the Warsaw Pact. It was our lead in technology that won Desert Storm with an absolute minimum of casualties. It is our lead in technology that keeps the peace in the gulf today, that contains North Korea, and which confronts every aggressor with the fact America can project force throughout the world.

The United States can never afford to match a potential enemy who possess equal or superior weapons and technology. Unless our industrial base gives us the tools to dominate a crisis or conflict, and to sustain that dominance in combat, we will face casualties and risks that will paralyze our efforts to bring regional stability, preserve and restore peace, check aggression, and deter and contain military build-ups. The defense industrial base is the foundation on which American military power rests, and it is all too clear that democracy cannot be secure in the world without that power.

### THE NEED FOR EFFECTIVE PLANNING AND MANAGEMENT OF DEFENSE CONVERSION

No proposal to shape the future of the American economy, or the future of American security, can safely ignore these realities. The fact remains, however, that we seem to be acting in ignorance.

Although previous defense budgets and economic plans have indicated that 1.4 million defense jobs could be lost between 1991 and 1995, we still do not have a clear plan for defense conversion, we do not have clear points of contact to administer the defense conversion program that is part of the fiscal year 1993 Defense Authorization Act, and the Department of Defense has not successfully completed even one of the defense industrial base reports that has been required for over 3 years.

President Clinton's new budget proposals talk about conversion, but they raise far more issues than they resolve, and they risk wasting billions of dollars on the wrong efforts. They do not seem to be based on a clear analysis of the programs that already exist, and they may well involve wasteful spending on new activities that will lead to further cuts in defense jobs and defense industry.

Last year, we added nearly $1.7 billion in new defense conversion programs and funds to the fiscal year 1993 defense budget. These funds were added to some $7.1 billion worth of existing programs in the fiscal year 1992 and fiscal year 1993 budgets.

Many of these programs may prove to be highly productive, but most have been funded at the direct expense of our industrial base and jobs in defense industry. They are funded by reprogramming defense and other Federal dollars from proven requirements and high technology jobs into unproven and experimental efforts. Further, this mix of programs has been developed by different elements of the Congress and executive branch, and has often been legislated and funded with little overall planning, analysis, criteria for program awards, or measures of effectiveness.

President Clinton has now proposed to spend $17 billion more on technology and business reinvestment, and defense conversion programs during fiscal years 1994–1998. The source of many of these funds is uncertain, but much seems to come from cuts in defense. He also seems to have added some $2.3 billion in new conversion programs to the activities of the Department of Defense, requiring that same amount to be reprogrammed out of existing defense activities.

It is unclear how much of this total of $19.3 billion will be funded by further cuts in the defense industrial base, in defense jobs, and in defense spending but the total could be significant. There are also major gaps in the material the President has provided on his program that raise warning flags about its impact.

The Department of Defense, for example, has said that President Clinton's program will cut military strength to 1.4 million men, rather than the 1.6 million men called for in President Bush's program. This statement, however, only covers the period through fiscal year 1997, and ignores the fact that President Clinton plans to cut the defense budget by a further $39.2 billion in fiscal year 1998. This indicates future force levels below 1.2 million. It also indicates a much smaller defense industrial base than any U.S. experts have yet examined.

### THE NEED FOR EFFECTIVE PLANNING AND MANAGEMENT OF THE DEFENSE INDUSTRIAL BASE

We cannot afford the luxury of expensive new programs that are not based on careful planning. Far too many of our existing defense conversion efforts are faltering and lack central direction and coordination. Our efforts to preserve the defense industrial base are little more than rhetoric, lacking substance, an analytic foundation, and a clear policy. We are spending more effort on reforming defense procurement legislation than we are spending on ensuring that defense procurement can continue on a basis that will preserve our security.

I find this extremely disturbing. This is why I have written Secretary of Defense Les Aspin, asking him to investigate why we still do not have meaningful Department of Defense reporting on the defense industrial base, to appoint a single coordinator within the Department of Defense to manage defense conversion programs, and to produce the kind of plain English handbook that will allow communities, industries, States, and academic institutions to take advantage of the programs we already have.

It is also why I have written the Inspector General of the Department of Defense to ask him to investigate why the Department of Defense has failed to comply with the legislation requiring reporting on the defense industrial base.

### THE NEED FOR EFFECTIVE PLANNING AND MANAGEMENT OF THE DEFENSE INDUSTRIAL BASE

It is even more important, however, to have an adequate plan for the defense industrial base. This does not require that we give up reliance on private industry or market forces. It does require us to ensure that at least one group of industrial capabilities is preserved in the private sector in every sector that is critical to our national defense.

It requires us to develop new approaches to development and procurement in those areas of the defense industrial base where we cannot afford competition, areas like the construction of tanks and attack submarines. It requires us to ensure that defense industry remains profitable as it downsizes, and that we provide the proper incentives so that industry keeps critical research and development activities. It requires that we be able to actually produce combat equipment that is reliable, proven to have military effectiveness, and has been tested in large scale exercises.

We cannot rely on a mix of upgraded existing platforms and new exotic systems that are only brought to final development. We know from past experience that no amount of test and evaluation can get the "bugs" out of production and operation in the field. We know that technical capability is no substitute for field and exercise experience, and that extensive trials and training are required to translate technology into effective war fighting capability in combined arms and combined operations warfare.

President Clinton's State of the Union Address, his recent defense cuts, and his statements about economic policy make the need for such planning and management far more critical. We now have to cope with $126.7 billion in new cuts in budget authority during fiscal years 1994–98, and $11.8 billion in budget outlays.

Looking at work done by the Office of Technology Assessment and the Congressional Research Service, I see indications that President Clinton is placing us on a path that could lead to the loss of as many as 2.5 million defense-related jobs by the year 2000, many of which will come out of defense research, development, and procurement. I see indications that we may be talking about 40 percent cuts in our forces, rather than the 25 percent cuts called for by President Bush.

I see no plan, however, to either preserve the critical elements of our defense industrial base or to ensure that high technology jobs and industries convert successfully to civil or civil-military production. I see a great deal of rhetoric, but virtually no substance.

To understand the dangers of this situation, it is important to understand that in fiscal year 1985, we authorized $118 billion for defense procurement. In fiscal year 1993, we authorized $56 billion, only 47 percent of the total in fiscal year 1985. If we look at all of defense investment—including research and development, procurement, and construction—we authorized $178 billion in fiscal year 1985 and only $97 billion in fiscal year 1993, a cut of 46 percent.

Long before President Clinton's new economic proposals and defense budget cuts, we were on a path that promised to cut our defense industrial base by roughly 50 percent. We are now on a path which will impose new cuts of 20–25 percent, and where such cuts could exceed 30 percent if we do not fund defense industry by making additional force cuts of a kind which could threaten our security.

### DEALING WITH NEW KINDS OF DEFENSE CUTS

Some respond to these trends by arguing that we also made drastic cuts in our defense industrial base after World War II, Korea, and Vietnam. They argue that employment recovered and our industrial base survived. Such arguments, however, are oversimplistic and do not reflect current realities.

At the peak of World War II, some 40 percent of our GNP was spent on defense. At the peak of Korea we spent roughly 20 percent, and at the peak of Vietnam we spent nearly 10 percent. This ensured a vast amount of pent up civilian demand, and our technology base was very different. Military technology was far less sophisticated, and the defense industry's share of the economy remained relatively large.

In the last few years, however, we have seen defense shrink from 6.3 percent of the GNP at the peak of President Reagan's defense build-up to around 5.2 percent. It now may well be on the path to shrinking to below 3.5 percent. Unplanned and unstructured cuts cannot take place when defense shrinks to this small a portion of our economy without threatening vital defense capabilities, and it is far from clear that the civil economy can replace high technology defense jobs with anything like the level of technology and economic importance of the jobs that are lost.

We already are at the point where we do not know how to preserve our submarine industrial base efficiently. We are watching defense airframe manufacturers merge or become subcontractors at a time our civil aviation manufacturing industry faces a major downturn.

We have no tank in production, and have major shortfalls in many of the precision guided weapons that Desert Storm showed are critical to our military success, and are funding new ship construction at a rate so low it will only sustain a 200-ship Navy. President Clinton's new proposals threaten our entire defense industrial base with crisis, as well as the future of some of the highest technology industries and jobs in our economy.

### THE NEED FOR URGENT ACTION

I want to be fair. It may be that President Clinton and Secretary Aspin have a plan. It may be that our knowledge of this plan has been delayed because of their concentration on other issues. If so, however, we need to know those plans soon. We need to know that we are not trading highly skilled jobs and industrial capabilities that are critical to our security for programs that are little more than sophisticated welfare. We need to know what is planned to preserve each critical sector of the defense industrial base, and we need to see urgent and coherent action on defense conversion.

I hope that President Clinton will act immediately to make his views known on this issue, and that Secretary Aspin will provide a full and prompt response to my letter. Prompt and timely action are critical to every worker that now has a defense related job, to the economic future of Arizona and every other State, and to the security of our Nation.

Mr. President, I respectfully request that my letters to Secretary Aspin and to the Inspector General of the Department of Defense be entered into the RECORD at the conclusion of my remarks.

The material follows:

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U.S. SENATE,
*Washington, DC, February 9, 1993.*
Mr. DEREK J. VANDER SCHAAF,
*Deputy Inspector General, Department of Defense, Arlington, VA.*

DEAR MR. VANDER SCHAAF: I appreciate your office's past responsiveness and cooperation in assuring proper compliance with the statutory requirements for the Department of Defense. As the transition into the new Administration progresses, I look forward to working with you to resolve any issues that arise within the jurisdiction of the DoD.

With this letter I would like to register a complaint regarding the DoD's 1991 Defense

Industrial Base Report (hereinafter "DIB Report") submitted in November, 1991, and the Department's failure to submit a subsequent annual report as required by law. The report was required under Section 825 of the fiscal 1991 National Defense Authorization Act (hereinafter "the 1991 Act"). Under Title XLII, Chapter 148, of the 1993 National Defense Authorization Act (hereinafter "the 1993 Act"), the section of the 1991 Act mandating the report was replaced with a more stringent standard for future industrial base assessments due to the Department's failure to comply fully with the previous law.

The Department's actions with respect to the DIB Reports merit an immediate investigation by your office as to the reasons for failing to comply with Congressional mandates.

### I. MAJOR DEFICIENCIES WITH THE 1991 REPORT.

The 1991 Act and subsequent amendments require the DoD to submit a detailed and comprehensive report to Congress on our nation's defense industrial base which would enable the Department and Congressional leaders to make informed judgments about the ability of the defense industrial base to meet the national security needs of the U.S., and to make decisions regarding appropriate courses of action. Unfortunately the 1991 report wholly fails to meet these straight-forward requirements, and raises serious doubts about whether management possesses the data or the analytical tools to achieve its objectives. The report suffers from a least five major deficiencies.

A. The initial report is superficial and conclusory. The initial report does not comply with the legislative requirements. First, the report gives short shrift to complex subject matter and does not provide the detailed analysis contemplated by the 1991 Act and which is necessary for policy makers to be adequately informed about future courses of action. The main body of the report is a mere 39 pages in length, not counting an 8-page executive summary and 11-page financial appendix. Within those 39 pages, subjects of great importance and complexity are "analyzed" in a few pages. Trends within the $400 billion electronics industry, for example, are addressed in three pages; the "missiles and space" industry is disposed of in five paragraphs.

Second, the general tone of the report is descriptive, the quality of the descriptive content is unsatisfactory, and the judgments are conclusory rather than analytical. The text is replete with judgments that are not supported by data or explanation. For example, the report states (on page ES-3) that planned aircraft procurements will be "sufficient to sustain an adequate military aircraft industry," although the report contains no criteria for determining adequacy other than the circular definition, "adequate at the procurement levels for which funds are available" (page ES-2). In effect, the report says that planned levels of procurement will be adequate to support planned levels of procurement.

B. The initial report's focus is too narrow. The basic focus of the report is on the ability of prime contractors to satisfy projected levels of demand for major military systems. The report does not address the subtier contractors and suppliers that support the primes nor does it confront the possibility of a crisis requiring a surge in production of military items. With regard to subcontractors and suppliers, the report essentially dismisses the problem of subtier erosion by stating that "the large number and diversity" of defense firms "preclude this report from addressing the condition of the entire industrial base in detail" (page ES-1). Nine pages later, the report concedes that "planned budget cuts will have a significant impact on some subcontractors and vendors, particularly those which are small, more highly specialized, and heavily dependent on defense sales" (page 1-2). Despite that admission, no effort is made to determine what impact this will have on the industrial base.

The problem of surge capability also receives no attention. For instance, the report's discussion of combat vehicle production concludes that "the existing level of capacity will not be required in the 1990's," and argues that "layaway or mothballing portions of the base is more cost effective than retention of private facilities at low, less efficient rates of production" (page ES-5). Cost effective it may well be, but in a national emergency this strategy might cause serious problems. The report offers no analysis of how quickly the work force or supplier base necessary to manufacture combat vehicle could be reconstituted in a crisis.

C. The initial report does not provide key data. The report says in the second paragraph of its executive summary that "the flexibility, vitality, and responsiveness of the industrial base should not be underestimated" (ES-1). Regrettably, the authors seem to take the view that it should not be estimated at all; the report fails to provide a framework of data that would enable Congress to determine how resilient the industrial base actually is. For example, the report states that, in assessing defense companies' financial health, "DoD is primarily concerned with the capability and responsiveness of their defense-oriented segments" (page 3-2). However, it does not report segment data for most of the companies it examines, instead relying on corporate-level data that says little about the viability of key defense operations. The report is full of such omissions:

On page 3-20, it states that "the ability of military aircraft companies to adjust to budget reductions will depend increasingly on the health of the commercial transport market." The report says nothing about that market's future development, despite the ready availability of projections.

On page 3-6, it states "the helicopter sector will be able to support DoD's production needs, and continued participation by the four domestic producers in the DoD industrial base is expected." No data supporting this statement are provided.

On page 5-4, it states that "if the goals of the civil-military integration are achieved, a defense-unique industrial base would be necessary only in those areas where specialized defense capabilities are required." No estimate of how extensive or critical said areas are is provided.

These statements reflect more than mere superficiality. They suggest that DoD lacks the data to conduct credible analyses on important issues such as financial trends, subtier erosion, economic impacts, surge capability, and so on. The report thus seems to confirm the fear of critics that DoD is making major policy decisions without knowing their long-term consequences.

D. The initial report employs poor methodology. The 1991 Act mandating the DIB Report specified that the report should include an analysis of the financial ability of defense companies to meet future DoD needs for critical technologies and end-use items. As a result, much of the report is an attempt to determine the profitability of defense contractors and assess the impact of program terminations on their future capabilities. Unfortunately, lack of necessary data and analytical sophistication result in a methodologically primitive assessment that does not yield meaningful results.

The report's authors do not appear to be conversant with any of the recent literature on how to calculate and compare corporate profits. At the very least, such calculations should determine companies' returns on investment (assets and/or equity) and compare them with those of alternative investments. They should also evaluate the relative risk involved in defense activities as opposed to alternatives, and adjust profit comparisons to account for the impact of different risk levels on companies' cost of capital. None of this has been done in the report. Instead it offers misleading comparisons of revenues, earnings, and debt over a limited time period, for the most part using corporate-level data that thoroughly obscures the actual profitability of defense activities. Furthermore, it fails to compare the returns from defense activities with those available from alternative investments to determine whether companies have an incentive to remain in the defense business. The report's financial analysis is thus methodologically inadequate and does not yield useful results.

E. The initial report is not candid. The executive summary of the DIB Report asserts that defense agencies "are collating industrial base data and assessing the industrial impacts of their decisions so that critical capabilities are not lost during this period of downsizing." However, on October 10, 1991, one month before the report was issued, DoD director of procurement Eleanor Spector told a technical symposium in Washington that: The department will continue to award to the contractor who offers the best value for the procurement in question. Such decisions are already complex enough. We will not further complicate them by trying to factor in the consequences of the selection of a contractor for the overall structure of the industry.

The seeming contradiction between these two statements underscores yet another deficiency in the industrial base report. The tone of the report suggests that in addition to the many things about the industrial base that DoD managers do not know, there are some things they do not want to know—i.e. things that would require them to become involved in shoring up declining sectors of the economy. For example, the report's discussion of the shipbuilding industry contains (on page 3-15) the following nonsequitur:

> The loss of suppliers and vendors has led to a number of sole-source items, including large diesel engines. Other key components such as crankshafts and turbochargers for large diesel engines, now are available only from overseas. Despite these trends, an adequate industrial base is now in place to support DoD demands.

This passage in effect says the U.S. cannot build certain classes of ships without foreign support, but denies that poses serious consequences for the industrial base. The report is full of similarly questionable statements about the aircraft industry, the electronics industry, and various other sectors of the industrial base. The author seems intent on avoiding discussion of issues that would raise uncomfortable economic policy questions.

### II. THE DIB REPORTS HAVE NOT BEEN SUBMITTED ON A TIMELY BASIS.

The 1991 Act mandated that the report be submitted to Congress by March, 1991. The DoD did not submit the first report until November, 1991, thus violating the statutory requirements regarding timeliness for the report. Furthermore, the Act required that DoD provide DIB Reports on an annual basis. However, the Department has failed to submit any subsequent reports as required by law. Receipt of these reports on a timely basis is necessary in order for the Armed Services Committee and other Congressional Committees to perform their respective functions. Future delays in assessment and Congressional reporting requirements simply cannot be tolerated.

### III. RECOMMENDATIONS.

The 1991 DIB Report is wholly inadequate to enable legislators to assess the ability of the U.S. defense industrial base to meet the national security needs of the U.S. Its treatment of key issues is superficial, its analytical focus is too narrow, its data are incomplete, its methods are unsophisticated and its conclusions are unwarranted. This was communicated to the officials involved, and they responded by failing to provide the second annual report in any form. The Defense Department's senior mangers should have considered the concerns that led Congress to mandate the preparation of an annual industrial base assessment. They should have taken the following steps to improve the report's informational value and policy relevance for present and future reporting requirements:

A. Broader focus. DoD needs to develop a method for monitoring the health of key subtier contractors and suppliers. Until it extends its inquiry below the level of prime contractors, it will not be able to draw meaningful conclusions about surge capability, foreign dependence, trends in innovation and the like.

B. Better data. DoD needs to establish a program for routinely collecting segment data on major defense contractors and evaluating their returns according to standard financial measures. A suitable model for such an effort is set forth in General Accounting Office publication NSIAD-87-175, "A Proposal for a Program to Study the Profitability of Government Contractors."

C. Improved methodology. In the absence of a carefully conceived profit analysis such as that set out in the GAO publication, the Defense Department will not be able to offer definitive judgments on the adequacy of profit levels. However, even using existing public sources it is possible to collect much more segment data than the current report contains, and apply much more sophisticated measures of comparative profitability.

D. Greater objectivity. The 1991 DIB Report carefully avoids addressing problems that might require extensive government intervention in the economy. This is certainly understandable, but as long as DoD's inquiries on the industrial base are limited by its policy preferences, it will be impossible to fully understand the condition of the defense industrial base.

The latter problem suggests that responsibility for the annual industrial base report might be more usefully vested in an agency that is insulated from political currents. If DoD is to remain the responsible agent for preparing the report, it may be necessary for Congress to provide the Pentagon with a far more detailed road map of what it wants, to prevent a repetition of the 1991 deficiencies.

Although I understand that general analyses may sometimes be helpful, the Defense Department assessment and report on the industrial base is not the place for anything less than in-depth data and analytical presentations. I hope that you recognize the inadequacies of the DoD report, and agree that a lowest common denominator bureaucratic response to a clear legal requirement is an intolerable failure on the part of the DoD.

The Senate Armed Services Committee and other Congressional Committees needed the report as an essential element in formulating defense strategies and plans. Indeed, this paramount need was the impetus behind placing the reporting requirements in the 1991 Act. By not fulfilling the statutory requirements, the DOD denied the Senate Armed Services Committee, and other Congressional members, of the information necessary to properly perform its function. Worse, it denied the American people the kinds of authoritative reporting that this report was intended to provide. The DOD's difficulties with lack of data, wholly-inadequate analyses, and timeliness must be corrected.

I have enclosed several pages from the Congressional Record from Tuesday, March 3, 1992, in which I and others addressed the deficiencies of this report in greater detail. As this Record shows, my fellow members of the Senate Armed Services Committee and many others agree as to the seriousness of the DOD's failure to meet Congressional requirements.

As mentioned, the 1993 Act has imposed more stringent standards for periodic defense capability assessments, plans, and reports. However, since the inadequacies of the past report indicate problems well beyond that report, I would be grateful if you could investigate these issues, determine what steps have been taken to ensure that future reports will be issued on time and will meet all of the requirements of Congress, and let me know the result of such efforts as soon as possible.

Sincerely,

JOHN MCCAIN,
*U.S. Senator.*

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U.S. SENATE,
*Washington, DC, February 5, 1993.*

Hon. LES ASPIN,
*Secretary of Defense, The Pentagon, Washington, DC.*

DEAR SECRETARY ASPIN: I know that we both share a common interest in last year's legislation to aid defense conversion and preserve our industrial base. This represented a bipartisan effort by both Houses of Congress, and one in which we both played an active role.

I am concerned, however, that this legislation can only be effective if it is rapidly transformed into implementing regulations and if communities, industry, research centers and other potential users of the funds can obtain rapid and effective assistance in understanding how to compete for the programs we have authorized.

I believe that the Department of Defense needs to take three immediate steps to make this possible:

Appoint a single point of contact: We need an office like the Office of Economic Adjustment that will act as the single point of contact that will provide help and advice for all programs to aid defense conversion and the defense industrial base. It should be staffed by people who can provide plain English advice, and who are able to expedite grant applications throughout the Department and on an Interagency basis.

Provide a regularly updated plain English user handbook: We need a single comprehensive handbook for users written in language ordinary people and businessmen can understand that explains all programs, cites the funding available and precedents, and has names, addresses, and phone numbers that people outside Washington can access. Given the rapid changes taking place, this should be updated regularly—perhaps every two months during the coming year.

We need the annual report on the industrial base mandated by law. I will be writing you separately to request an investigation by the Inspector General of why the annual report on the industrial base that was legislated over three years ago has not been provided on a timely basis. As I am sure you and your staff already know, there has been one bureaucratic excuse and delay after another in spite of the fact that a long series of hearings and demands by defense industry for such data have confirmed the need for such a product. There is a vital need for some reliable overview of the problems faced by defense industry and incompetence and infighting within the Pentagon can no longer be tolerated.

I strongly suspect you are already working to implement at least some of these suggestions. I would be grateful, however, if you could let me know your thoughts and plans as soon as possible. I believe that the need for such steps should be the focus of all confirmation hearings dealing with senior procurement and R&D officials, and I would like to have a clear idea of the steps you contemplate before such hearings begin.

Sincerely,

JOHN MCCAIN,
*United States Senator.*•

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## INTERIM PROCEDURES FOR REQUESTS FOR REVIEW UNDER SECTION 308 OF THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

• Mr. BRYAN. Mr. President, the Senate Select Committee on Ethics herewith publishes in the CONGRESSIONAL RECORD its interim procedures for requests for review under section 308 of the Government Employee Rights Act of 1991.

The interim procedures follow:

### ETHICS COMMITTEE INTERIM PROCEDURES UNDER TITLE III OF PUBLIC LAW 102-166, THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

#### RULE 1. AUTHORITY

The Senate Select Committee on Ethics (the Committee) is authorized by section 308(a) of the Government Employee Rights Act of 1991 (the Act), Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088, to review hearing board decisions in employment discrimination cases filed with the Office of Senate Fair Employment Practices (the Office) under the Act, and by section 307(f) (2) and (3) of the Act to receive referrals for rulings on testimonial objections arising in connection with such cases, and to recommend to the Senate civil or criminal enforcement of hearing board subpoenas.

#### RULE 2. TIME

2.1 *Computation of Time.*

(a) *Counting days.* A day means calender day. In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than seven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period. Federal government holiday means New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

(b) *Added days for mail.* Whenever a party or the Office has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail through the United States Postal Service, 3 days shall be added to the prescribed period. This additional 3 days does not apply to the request for Committee review under Rule 3.

2.2 *Service and filing.* Except as otherwise provided in Rule 3.1, a document required under these rules to be submitted to or filed with the Committee or the Office, or served on a party or the Office within a specified time shall be deemed timely submitted, filed, or served if it is received by the Committee, the Office or the party, or if mailed, it is postmarked, on or before the last day of the applicable time period.

2.3 *Extension of time.* Upon written request of the Office or a party, the Committee may extend the time for taking action under these rules, except that the Committee may not extend the time for taking any action for which the Act specifies a time limit.

2.4 *Where to File.* Documents required to be filed with the Committee shall be filed at the offices of the Senate Select Committee on Ethics, Hart Senate Office Building, Room 220, Washington, D.C. 20510. Documents required to be filed with or served on the Office shall be filed or served at the Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510.

### RULE 3. REQUESTS FOR COMMITTEE REVIEW OF HEARING BOARD DECISION

3.1 *Requirements for Filing a Request for Review.*

(a) *Who May Request Review of a Hearing Board Decision.* An employee or the head of an employing office with respect to whom a hearing board decision was issued is a party entitled to request Committee review of that decision. The Office may also request review of a decision.

(b) *Request by a party.* Not later than 10 days after receipt of a decision of a hearing board, including any decision following a remand of the case as provided in Rule 4.2(c), a party may file with the Office a request that the Committee review the decision. A request for review shall specify the party requesting review, and shall designate the decision, or part thereof, for which review is requested. A request for review must be received in the Office not later than the 10th day after the date of receipt of the hearing board decision [a postmark on the 10th day will not satisfy this timeliness requirement.] Within 24 hours after receipt of a request for review, the Office shall transmit a copy of such request to the Committee and serve a copy on any other party.

(c) *Request by the Office.* The Office, at the discretion of its Director, on its own initiative and for good cause, may file with the Committee a request for review of a hearing board decision, including any decision following a remand of the case as provided in Rule 4.2(c), not later than 5 days after the time for the parties to file a request for review with the Office has expired. A request for review shall specify that the Office is requesting review, shall designate the decision, or part thereof, for which review is requested, and shall specify the circumstances which the Office asserts constitute good cause for the request. A request for review by the Office must be received in the Committee's office not later than the 5th day after the time for the parties to file a request for review with the Office has expired [a postmark on the 5th day will not satisfy this timeliness requirement.] Within 24 hours after filing a request for review with the Committee, the Office shall serve a copy of such request on all parties.

3.2 *Transmittal of Record.* As soon as possible, and in no event later than 10 days after receipt by the Office of a request for review or the Office's filing of a request for review with the Committee, the Office shall transmit to the Committee the full and complete record of the hearing board connected with the decision for which review has been requested. The Chief Clerk of the Committee shall promptly serve notice of the Committee's receipt of the record on all parties.

### RULE 4. PROCEDURES UPON RECEIPT OF A REQUEST FOR REVIEW OF A HEARING BOARD DECISION

4.1 *Briefs and Arguments.*

(a) *Petitioner brief.* A party who filed a request for review, or the Office if it requested review, may file a brief in support of its position. The brief shall be filed with the Committee and a copy served on any other party and the Office, if it requested review, within 10 days of the filing of the request for review with the Office, or the Committee if the Office requested review.

(b) *Respondent brief.* A party may file a brief in response to a petitioner's brief. Such respondent brief shall be filed with the Committee and a copy served on any other party and the Office, it the Office filed a request for review, within 15 days after service of the petitioner brief. If no petitioner brief is filed, such respondent brief shall be filed within 20 days of filing of the request for review. The Office may file a respondent brief only if it failed a request for review.

(c) *Reply brief.* Any reply brief shall be filed with the Committee and served on all parties and the Office if it requested review, within 5 days after service of the respondent brief to which it replies. No one may file a reply brief who did not file a petitioner brief.

(d) *Alternative briefing schedule.* With notice to all parties and the Office, if it requested review, the Committee may specify a different briefing schedule than that prescribed by subsections 4.1 (a), (b) and (c).

(e) *Additional briefs.* At its discretion, the Committee may direct or permit additional written briefs.

(f) *Requirements for briefs.* Briefs shall be on 8½ inch by 11 inch paper, one side only, and 15 copies shall be provided. No brief shall exceed 50 typewritten double spaced pages, excluding any table of contents, list of authorities, or attached copies of statutes, rules, or regulations. Footnotes shall not be used excessively to evade this limitation. All references to evidence or information in the record must be accompanied by notations indicating the page or pages where such evidence or information appears in the record.

(g) *Oral argument.* At the request of a party or the Office, the Committee may permit oral argument in exceptional circumstances. A request for oral argument must specify the circumstances which are asserted to be exceptional.

4.2 *Remand.*

(a) *Only one Remand.* There are two kinds of remand. The Committee may remand the record respecting a decision, or it may remand the case respecting a decision, but in no event can there be more than one remand with respect to a decision of a hearing board. If the Committee remands the record respecting a decision, there can be no further remand of any kind with respect to such decision. If the Committee remands the case respecting a decision, there can be no remand of any kind with respect to a hearing board decision issued following remand. A Committee decision remanding to the hearing board shall contain a written statement of the reasons for the Committee decision.

(b) *Remand of the Record.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the record of a decision to the hearing board for the purpose of supplementing the record. After the hearing board has supplemented the record as directed by the Committee, the hearing board shall transmit the record to the Office, and the Office shall immediately notify the parties of the hearing board's action and transmit the supplemented record to the Committee. The Committee retains jurisdiction over a request for review during remand of the record, and no new request for review is needed for further Committee consideration under section 308 of the Act. A record shall be deemed remanded to the hearing board until the day the Committee receives the supplemented record from the Office, and the Committee shall transmit a written final decision to the Office not later than 60 calendar days during which the Senate is in session after receipt of the record as supplemented on remand. The Committee may extend the 60-day period for 15 days during which the Senate is in session.

(c) *Remand of the Case.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the case to the hearing board for the purpose of further consideration. After further consideration, the hearing board shall issue a new written decision with respect to the matter as provided in section 307 of the Act. If the Committee remands the case to the hearing board, the Committee does not retain jurisdiction, and a new request for review, filed in accordance with Rule 3, will be necessary if a party or the Office seeks review of a decision issued following remand.

4.3 *Final Written Decision.* All final decisions shall include a statement of the reasons for the Committee's decision, together with dissenting views of Committee members, if any, and shall be transmitted to the Office not later than 60 calendar days during which the Senate is in session after filing of a request for review. The period for transmission to the Office of a final decision may be extended by the Committee for 15 calendar days during which the Senate is in session. A final written decision of the Committee with respect to a request for review may affirm, modify, or reverse the hearing board decision in whole or in part. The Committee may decide not to grant a request for review of a hearing board decision. The Committee will serve a copy of any final decision on all parties.

### RULE 5. HEARING BOARD REFERRAL OF TESTIMONIAL OBJECTIONS

5.1 *Procedure for Ruling on Testimonial Objections.* If any witness to a hearing board proceeding appearing by subpoena objects to a question and refuses to testify, or refuses to produce a document, a hearing board may refer the objection to the Committee for a ruling. Such referrals may be made by telephone or otherwise to the Chairman or Vice Chairman of the Committee who may rule on the objection or refer the matter to the Committee for decision. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman or Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee, or the Chairman or Vice Chairman, shall rule on objections as expeditiously as possible.

5.2 *Enforcement*. The Committee may make recommendations to the Senate, including recommendations for criminal or civil enforcement, with respect to the failure or refusal of any person to appear or produce documents in obedience to a subpoena or order of a hearing board, or for the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under section 307 of the Act. The Office shall be deemed a Senate committee for purposes of section 1365 of Title 28 of the United States Code.

### RULE 6. MEETINGS AND VOTING

6.1 *Quorum, Proxies, Recorded Votes*. A majority of the members of the Committee shall constitute a quorum for purposes of issuing a decision under section 308 of the Act, and for purposes of hearing oral argument if such argument is permitted. Proxy votes shall not be considered for the purpose of establishing a quorum, nor for purposes of decisions under section 308 (c) and (d) of the Act. Decisions of the Committee under section 308 (c) or (d) of the Act shall be by recorded vote.

6.2 *Meetings*. Meetings to consider matters before the Committee pursuant to the Act may be held at the call of the Chairman or Vice Chairman, if at least 48 hours notice is furnished to all Members. If all Members agree, a meeting may be held on less than 48 hours notice.

### RULE 7. CONFIDENTIALITY OF PROCEEDINGS

*Confidentiality*. The final written decision of the Committee shall be made public if the decision is in favor of a Senate employee who filed a complaint or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee may decide to release any other decision at its discretion. All testimony, records, or documents received by the Committee in the course of any review under these rules shall otherwise be deemed "Committee Sensitive Information" and subject to the "Non-Disclosure Policy and Agreement" as prescribed in Rule 9 of the Committee's Supplemental Rules of Procedure.

### RULE 8. AUTHORITY TO DISCIPLINE

*Official Misconduct*. None of the provisions of the Act or these rules limit the authority of the Committee under S. Res. 338, 88th Cong., 2d Sess. (1964), as amended, to otherwise review, investigate, and report to the Senate with respect to violations of the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate.●

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## TRIBUTE TO CHAD MEMMEL

● Mr. GORTON. Mr. President, today I would like to recognize a constituent of mine, Chad Memmel. Chad is one of eight students, nationwide, to receive the AAU/Mars/Milky Way High School All-American Award.

Chad is truly a remarkable individual and deserving of this prestigious award. Anyone who looks at all that he has achieved in his life will be amazed at his commitment, tenacity, and intellect. What is even more impressive, to this Senator, is the fact that Chad Memmel is not even 20 years old and only a senior in high school.

First and foremost, Chad's dedication to academics deserves much praise. In his class of 360 students at Bothell's Inglemoor High School, Chad ranks first and is diligently working to achieve his ultimate goal of becoming an astronaut. In addition, his participation in summer seminars at the U.S. Air Force Academy, Naval Academy, and West Point clearly demonstrates his willingness to make the most of his education.

Chad's talents are not limited solely to academics. A gifted saxophonist, Chad is a member of Inglemoor's concert and jazz bands. Realizing the value of community service, Chad is active in Eagle Scouts and his church youth group. He has spent two summers serving food and building houses for families in Tijuana, Mexico.

Serving as cocaptain of the cross-country team provides Chad with the opportunity to demonstrate his leadership skills, spirit of competition, and athletic ability. In addition, his work as a Ski Acres Ski School instructor and member of the Chief's soccer team show his ability to excel in a variety of athletic activities.

I take pride in knowing Washington State and our Nation will benefit from Chad's knowledge and talents. It is my belief he will continue to be an active member of his community and I wish him the best for an even more successful future.●

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## A TRIBUTE TO ASHLAND

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the city of Ashland in Boyd County.

Ashland is Kentucky's 10th largest city and is located in the northeastern corner of the State along the Ohio River. The city sits on a flat plain which evolves into rolling hillsides at the city limits.

Ashland was founded in 1854 and incorporated in 1876. The city quickly became a commercial hub, serving as the entry point for businessmen traveling through the eastern Kentucky mountains.

Ashland gained national prominence during this century when Paul Blazer, a local entrepreneur, formed Ashland Oil. Today, Ashland Oil is recognized as one of the Nation's largest independent petroleum companies. The company also serves as one of the major employers in the city.

Currently, Ashland's city administrators are diligently working to bring new industry to a town once dominated by steel and oil. Community leaders cite good schools, a sophisticated medical complex, and a relatively low cost of living as strong incentives to bring industry to the area.

I applaud Ashland's efforts to bring new industry and jobs to this thriving community, while maintaining strong relationships with existing corporations.

President, I ask that a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

[From the Courier-Journal, Jan. 18, 1993]

### ASHLAND

(By Richard Wilson)

Throughout much of its 139-year history this river town has been Eastern Kentucky's commercial hub and a place where the good times rolled.

A young Paul Blazer built Ashland Oil, one of the nation's largest independent petroleum companies, an effort that probably did more than anything to give Ashland national prominence. The sprawling Armco Steel works, while now downsizing like many other large manufacturers, gave the area an unprecedented shot in the arm in the early 1920s, when the company bought two local iron companies.

Earlier in the century, Ashland was a destination for timber shipped down the Big Sandy River from the Kentucky and West Virginia mountains, and railroads carried coal and timber from the region.

Labor and jobs were plentiful, and several generation of young people immediately walked into good-paying Ashland Oil or Armco jobs after high school. Those who went to college often returned and worked their way up the Ashland Oil executive ladder or became professionals. Paul Chellgren, Ashland's president and chief operating officer, is a hometown guy.

For decades, Ashland was also the entry point for businessmen headed into the mountains. The Ventura and Henry Clay hotels, both closed years ago, were usually full.

"There weren't any places to stay in most places in Eastern Kentucky back then," says G.B. Johnson, a retired banker who came to Ashland as a young lawyer in 1947.

The city's major growth came in the 1920s, when the population doubled from 14,729 to 29,074 residents. Population peaked in the mid-'60s at nearly 34,000 and has been dropping since. Opinions differ on when the "boom town" atmosphere began to recede and what the causes were. If there's a consensus, it is that the main cause was fluctuation in the world economy and intense competition in the oil, coal and iron industries.

Other factors include Ashland's demise as a railroad center and changing patterns in area highways. Interstate 64, several miles south of Ashland, replaced U.S. 60—a major route through the city—as the region's major east-west artery.

"One of the real things that hurt was the building of the Mountain Parkway, which carried away to Lexington a traditional customer base from the Big Sandy region," says George Wolfford, a reporter for the Ashland Daily Independent for nearly 35 years.

"The worst thing that happened to Ashland may turn out to be the best thing to happen to Ashland," says Mayor Rudy Dunnigan, a native who returned in 1977 to practice dentistry.

"We sat up here for over 100 years, and we had all the jobs we needed, the high-paying industrial jobs, with great benefits. It was a great place to work, but all of a sudden the steel industry ran into trouble, the oil industry ran into trouble, big business ran into trouble, and suddenly we've learned we're not insulated from the real world. We can't depend on these jobs anymore."

The giant Armco plant, which straddles the Boyd-Greenup County line, best represents the area's dwindling industrial base. In 1970 the company had 5,100 employees. Earlier this month the total was 2,738, about 1,000 fewer than a year ago.

Dunnigan and others acknowledge that new jobs, especially jobs to replace those lost at Armco and Ashland Oil, are the area's top priority. But they are also realistic enough to know that such success isn't likely anytime soon.

"We've got to start attracting things here to diversify our economy," Dunnigan said.

Dunnigan and others also contend that the city's once-vibrant downtown is slowly undergoing change after a slump that began years ago when Ashland Oil moved its headquarters to nearby Bellefonte and several downtown businesses, including Parsons Department Store, closed. The Ashland Town Center, one of two new area malls, opened three years ago, and renovation of the First American Bank building has provided upscale office space.

Some residents mark the beginning of the central city's turnaround to the 1980 approval of liquor-by-the-drink sales in downtown and the 1985 opening of a modern hotel, now the Ashland Plaza. Dunnigan also believes that city-owned property along the Ohio River can be developed to enhance Ashland's future.

"Downtown's never going to be like it was, with people just lined up coming up the streets," says merchant John P. Walters.

Others say several blocks along Winchester Avenue will continue changing from a regional retail center into an office and small-retail center.

Anyone looking for the old Ashland can still find vestiges of it a few blocks west of downtown, where large old homes stand along Lexington, Montgomery and Bath avenues. All three avenues run into the 47-acre Central Park, which includes walking and jogging trails.

Despite the city's economic woes, most residents interviewed say they are pleased with the town. "Quality of life" is a term used frequently. It appears to apply to the town's reasonable cost of living, good schools, an ever-growing sophisticated medical complex and a low crime rate.

While Ashland has no local university, residents can now earn a four-year college degree by combining work at the University of Kentucky's Ashland Community College and Morehead State University's junior- and senior-year offerings.

John Gatling, executive director of the Economic Development Corp., says these offerings, as well as those of area vocational schools and nearby Ohio colleges, give the city a well-trained work force that should be an incentive for new companies and businesses to locate in the area.

Ashland has one of Kentucky's largest concentrations of organized labor, which some say may impede the search for new industry. But David Welch, a lawyer and former mayor, says this "meshing" of blue-collar workers and white-collar managers has given the town "a certain amount of sophistication, but still a respect for the real world."

Welch was a leader in November's unsuccessful attempt to merge city-county government, a move he calls essential for growth.

While some residents bemoan a lack of cultural activities, they acknowledge that offerings are plentiful in nearby Huntington, W.Va., or Cincinnati, Lexington, Louisville and Columbus, Ohio.

But Ashland is not a cultural wasteland. While it has a few small museums and art galleries, its 1,300-seat Paramount Arts Center offers a variety of events, including a concert and symphony series. The 62-year-old building, originally a motion-picture showcase, was closed in 1971. But citizens, through a non-profit foundation, purchased the building for $400,000 and spent several years and $1.2 million to renovate it. The Paramount is now on the National Register of Historical Places, and more than 106,000 people attended performances there last year.

While volunteers formed the backbone of Paramount restoration, their labor and money have gone into a YMCA, a tennis center, the Kentucky Highlands Museum, which is seeking a permanent home, and two art galleries.

"People here are very generous with their time and their money," said Kathy Timmons, the Paramount's executive director.

Besides the Paramount, another landmark dear to the heart of local residents is the Blue Grass Grill, a 46-year-old drive-in restaurant where carhops still serve customers. Many adults who "cruised the Blue Grass" as youngsters and dined on its tasty hamburgers and hot dogs now return with children and grandchildren.

Rannie Cooper, who has owned the Blue Grass since 1971, began working there as a carhop in 1955.

"It's the only job I've ever had," he says.

Cooper said the restaurant has been a stopping point for years for Eastern Kentucky families who migrated north for jobs but periodically return to the mountains.

"There's a family from Dayton whose children we watched grow up. When their daughter enrolled at Kentucky Christian College (in nearby Grayson), the parents stopped to ask if she could call us if she had an emergency," he added.

Another commercial landmark is Star's Fashion World, a downtown clothing store that opened in 1931 and is the oldest continuing business under the same ownership in downtown Ashland. Bob Simons, the current president and son-in-law of founder Saul Kaplan, says its employees' personal touch is the key to the store's success.

"Our employees have personal rapport with practically everyone who walks in here," Simons says.

While Ashland may be shaking its complacency, it retains some traits that catch an outsider's attention. A businessman who moved here several years ago recalls that his wife once asked why many motorists open their car doors to check their tires at stoplights or stop signs.

Puzzled by the question, he did some checking and later told her what she mistook for tire-checking was a different ritual.

"They were spitting tobacco juice," he said.

Education: Ashland Independent Schools, 3,680 pupils; Boyd County Schools, 4,038; Fairview Independent, 757; Holy Family School, (K–8), 151; Rose Hill Christian School, (K–12), 322; Ashland Community College, 3,267; others include Ohio University's Ironton Campus, Shawnee State University in Portsmouth, Ohio and Marshall University in Huntington, W. Va. Vocational classes are available at the Ashland State Vocational-Technical School and the Boyd County Area Vocational Education Center.

Transportation: Highways—Interstate 64, U.S. 23 and U.S. 60 and Ky. 168 either go through or near Ashland. Rail—Amtrak provides passenger service and CSX Transportation provides main-line rail service. Bus—Greyhound, Truck—34 common carriers serve the city. Air—Ashland Regional Airport has a 5,600-foot paved runway. Nearest commercial service is at the Tri-State Airport, 14 miles southeast of Ashland near Huntington, W. Va. Water—Barge traffic is extensive on the Ohio and Big Sandy rivers.

Population (1990): Ashland 23,622; Boyd County, 51,150.

Per-capita income (1989): $15,442, or $1,619 above the state average.

Media: Newspaper—The Daily Independent, The Sunday Independent, Television—WTSF. Radio—WCMI-AM and FM (classic rock); WOKT–AM (religious).

Topography: Ashland is located along the Ohio River, where the terrain evolves from a flat plain to rolling hillsides.

### FAMOUS FACTS AND FIGURES

Ashland was first known as Poage Settlement for settlers of the Poage family of Virginia. The city was named in 1854 for the Lexington home of Henry Clay, and Incorporated in 1876. It is Kentucky's 10th largest city, dropping two places between the 1980 and 1990 censuses.

Boyd County, created in 1860 from parts of Carter, Greenup and Lawrence counties, is named for Linn Boyd, a Paducahan and former congressman who died in 1859 shortly after being elected lieutenant governor.

Famous citizens include Simeon Willis, the governor from 1943–47; Paul G. Blazer, founder of Ashland Oil; Harry King Lowman, a powerful Democratic member of the state House of Representatives from 1942–62 and two time House speaker; and Ben M. Williamson, a businessman who served a short stint in the U.S. Senate in the early 1930s. The city's two bridges across the Ohio River are named for Williamson and Willis.

The city's Winchester and Greenup avenues, both four lanes wide, make it one of the easiest Kentucky cities to get through. Martin Toby Hilton, the engineer who layed out the town, designed streets running parallel to the Ohio River to be 100 feet wide and those at right angles to be 80 feet.

During the 1920s, Ashland was one of the state's fastest growing cities. Its greatest growth occurred between 1920 and 1930 when population soared from 14,729 to 29,074.•

## DR. LIONEL BORDEAUX'S 20TH ANNIVERSARY AT SINTE GLESKA UNIVERSITY

• Mr. DASCHLE. Mr. President, today I want to express my heartfelt congratulations to Dr. Lionel Bordeaux on the occasion of his 20th anniversary as president of Sinte Gleska University on the Rosebud Sioux Reservation in South Dakota. I have had the privilege of working with Dr. Bordeaux through the years on his efforts to enhance the educational opportunities of Indian people. I am honored to be able to share my thoughts about this man, my friend, and Sinte Gleska University, with my esteemed colleagues in the U.S. Senate.

Dr. Bordeaux, as president of Sinte Gleska University since 1973, has served the people of Rosebud Reservation, and native Americans throughout the Nation. Lionel's life is inspiring in itself. It is a story of an emissary of a vision born over 100 years ago in the life of Chief Spotted Tail—for whom the university is named.

During the late 1800's, as western society continued its encroachment on Indian land and culture, Chief Spotted Tail spoke to his people about the importance of education. His vision of education was one of survival of a people and way of life that had endured for centuries. Then, almost 100 years later, a group of tribal citizens, led by Stanley Red Bird, began to revive Spotted Tails' vision. Their work and determination to bring new opportunities to their people, and prepare their people for the next battle for survival, established Sinte Gleska College. Those founding fathers of Sinte Gleska also had the insight to bring one of their own tribal members forward to carry this vision into the 21st century. That man was Lionel Bordeaux.

Under Lionel's leadership, Sinte Gleska University has been at the forefront of Indian controlled education. Sinte Gleska has established itself as the model for over 24 tribally controlled colleges throughout the United States. Lionel's personal vision for the institution has kept the founding fathers in high regard, and has kept Sinte Gleska dynamic, thriving, and innovative for these many years. His expertise is well known across the country and was evident when he cochaired last year's White House Conference on Indian Education.

As a primary avenue to development and prosperity for Indian people, Lionel's commitment to tribal colleges has instilled a new commitment on the part of the United States to provide the resources for carrying their mission forward. I am sad to report that Congress and the Federal Government have not always responded favorably, but, today, I emphasize my own continued commitment to adequate funding for tribal colleges when appropriations for fiscal year 1994 are under consideration. It is time Congress matches the response of Sinte Gleska University to tribal people.

The consistent response of the academic programs at Sinte Gleska University to the economic and social concerns of the Rosebud Reservation serves as a monument to self-determination and resolve. If knowledge is power, Sinte Gleska University, under Lionel's leadership, brings empowerment to the Sicangu Lakota or Rosebud Sioux.

Lionel speaks directly, forcefully, and openly on contemporary Indian issues, without regard to the short-term popularity of his views. His intellect, candor, and fortitude have brought him national recognition as a compassionate advocate for Indian people. His voice is heard with respect, in congressional hearing rooms, in foundation board rooms, in the tribal council chambers, and in community halls across Indian country. I look forward to continuing to work with my visionary friend, Lionel Bordeaux, to further the cause of enhanced educational opportunities for all native Americans.•

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## TRIBUTE TO C.M. NEWTON, OUTSTANDING KENTUCKY SPORTSMAN

• Mr. McCONNELL. I rise today to pay tribute to a gentleman all Kentuckians can be proud of, University of Kentucky athletic director C.M. Newton.

C.M. began his involvement with college athletics as a player under the legendary UK coach, Adolph Rupp. In the 1960's he was the head basketball coach for Transylvania University in Lexington, KY. Another legend called in 1968, Paul "Bear" Bryant asked C.M. to come to Alabama and head up the basketball program. He did so, and shortly after integrating the team, turned the tide into perennial winners.

C.M. left Alabama in 1980 to become associate commissioner of the Southeastern Conference. The chance arose to get back into college basketball in 1982 and he quickly jumped at the opportunity to take over the program at Vanderbilt University. In fact, Mr. President, C.M. thought he would stay at Vandy until retirement, but an opportunity arose that he was unable to pass up.

In 1989, the University of Kentucky called and C.M. returned to help lead it out of the abyss in which the basketball program found itself mired. His first accomplishment, as athletic director, was hiring Rick Pitino to head the basketball office. In the 4 years since these two gentlemen have been at the helm, the Kentucky team has come farther than even the most ardent fan dreamed possible. They brought fun back to a program that had been beaten down and ridiculed throughout the Nation. Mr. President, these days, as the Wildcats tear through their schedule and head for the NCAA tournament, there isn't anyone mocking the University of Kentucky.

Mr. President, it is more than wins and losses that define C.M.'s success. He has made an effort to always remember that the student athlete is the most important and central aspect of any college program. C.M. understands that because the athletic department is so visible, many people identify with the university through the teams; therefore, it is crucial that he runs a class organization as well as be successful.

His efforts have clearly paid off. As proof of the wide-ranging respect C.M. has earned, he was asked to help run USA basketball. Under his and others' direction, America was treated this past summer to the Dream Team at the Barcelona Olympics. Additionally, Indiana University coach Bobby Knight, no pushover by any means, has called C.M. the finest gentleman in all of college athletics. Just last weekend C.M. was inducted to the Alabama Sports Hall of Fame, and at Kentucky he has overseen a department which has had five of its varsity teams ranked among the Nation's elite this year.

Perhaps, C.M.'s own words best describe what he hopes to achieve at his current post, "A program that is a cut above. If the expectation is to be compliant to the letter of the rule, then you take it a cut above and become compliant to the spirit and intent of the rule as well as the letter." Mr. President, I know my colleagues join me in applauding these guidelines under any circumstances. He has accomplished all of this while keeping to his prime objective of maintaining a class program at the University of Kentucky, one that Kentuckians across the Commonwealth can take pride in.

Mr. President, I ask my colleagues to join me in honoring this outstanding example of class, hard work, and dedication to values. I also request that an article from the March edition of the Lane Report be included in the RECORD.

The article follows:

### COMPLIANT WITH THE SPIRIT AND INTENT OF THE RULE

(By Alan I. Kirschenbaum)

In retrospect, University of Kentucky Director of Athletics Charles Martin (C.M.) Newton "facetiously" says, after 34 years of coaching collegiate sports, one of the things he is most proud of is that he has never been fired. "I got out ahead of the posse in each instance," he laughs.

To survive in today's competitive and political world—whether it be in business or collegiate sports—like an old tree in the forest, one must weather the storms inherent to each season. But as a clear horizon meets the new day, what separates the men from the boys (or women from the girls) is one's ability to cautiously sift through the aftermath, go onto the next season and positively build, regardless.

Few would disagree that C.M. Newton's strength as a leader, his comprehension of the role that collegiate athletics plays within the university system, mixed with his sheer skill are what led to the rebuilding of a Kentucky basketball program, now in connection to be the nation's best, that was a short while ago restricted by NCAA sanctions.

While some might argue that success in the world of sports, either collegiate or professional, has much to do with luck, this consummate diplomat of the athletic world modestly attributes his success to simplistic "longevity."

But a long-lived career in any business usually indicates one who has probably done something right, consistently. Those who know Newton concur; his proliferation is a result of his persistence to not only be compliant with the letter of the rule, but compliant with the "spirit" and "intent" of the rule.

### MAKING DIFFICULT CAREER DECISIONS

Making the right career move is the dilemma for everyone in the business world. Newton, who has made some tough decisions during his successful career, feels that he is not "real good" at analyzing such decisions for other people. However, when recalling decisions that felt "right" to him throughout his 34-year career, of which 21 years were at the NCAA Division 1 level, he admits that some were not easy to make.

If he were to give advice, however, Newton recommends to always welcome challenge. For example, he said his move from Transylvania University to the University of Alabama after the 1968 season, was a difficult career choice. "Yet it was a logical and professional move from the college level to the Division 1 level. That is something that I did not want to sit on the back porch later in life and wonder what it would have been like to try. And we all face that in career decisions," he said.

While the move to Alabama was for upward mobility, others, Newton said, were difficult decisions based on personal principles and ethics. "Knowing when to leave a program is an important thing," he said.

Prompted by "things" that bothered him with the Alabama program, Newton chose to leave as its head basketball coach, and take on the job as associate commissioner of the Southeastern Conference (SEC) in 1980. Again, he recalls this move as a difficult one.

Newton pointed out that at Alabama, despite "doing so much winning," they could not sell out the arena without help from a visiting team like UK or Louisiana State University.

But what "bothered" Newton more, he said, were criticisms after Alabama had racially integrated its program. "During the big winning years (opinion was) we didn't have too many black players, but in a little bit of a down year, which was third in the conference incidentally, suddenly we had too many blacks. I thought we were passed that. Those kinds of things really started bothering me," he said.

After his service with the SEC, in what Newton believed was his last career move, he took on the head coach's spot with the Vanderbilt University basketball program in 1982.

After eight seasons at Vandy, he said, "There was no place that I was going to leave Vanderbilt for . . . I was going to coach there until retirement . . . It didn't make sense to go anywhere else."

But destiny and duty called, and Newton's next move from Vanderbilt to UK was a very tough decision.

In a sincerely justifying tone, Newton said that he firmly believes in his wife Evelyn's theory, which states: "You've got to leave when you're still in love." And in the "Kentucky situation," he recalled he was not only "convinced" that he was wanted, but "needed. Otherwise I would have never come back here," he said.

### HIS MOST IMPORTANT DECISION

Shortly after arriving at UK in 1989, Newton would choose who would be the next head coach for UK basketball after the departure of Eddie Sutton, amidst scandal and NCAA sanctions. This decision, he said without hesitation, would be the most important that he would make since the start of his career as UK's director of athletics.

"I really felt that if we got the right person, then we could rebuild and regain the stature of the program—with some hard work and a given time period—but if we got the wrong person, I really thought we might go the way of UCLA, where we may stumble and struggle through several coaches . . .," Newton said.

Why Rick Pitino? Newton replied: "First, I wanted somebody who I thought could really coach. He certainly filled that bill. I wanted somebody who wanted to be here, while understanding how difficult the job was going to be. He (Pitino) understood that it wasn't going to be any cupcake coming in here. It wasn't a typical Kentucky, talent-wise or otherwise. But then I wanted someone who could handle the visibility—from the media, the fans, the 'boosters.' I just felt Rick filled the bill on all of them. And what he has done is just phenomenal."

Newton continued, ". . . It's remarkable to me to see how Rick has put the fun back into Kentucky basketball, the competitiveness back and the sanity back in it."

The true spirit of collegiate athletics had gotten lost at UK, Newton said. "This thing had gotten out of kilter. I felt that as a visiting coach and as an alumnus of the university coaching against them, nobody (at UK) was having any fun with it. It had reached that level where the fans didn't really enjoy it, the players didn't enjoy it, the coaches didn't seem to enjoy it. It was just that 'Oh my God we're not gonna lose' attitude, instead of looking at it as a chance to compete," he commented.

Also, Newton believes that Rick Pitino brought back the fun because he loves the college game. But will Pitino stay in Kentucky? The director of athletics replied, "I don't know."

While some feel it is always a possibility that Pitino may go back to the NBA, Newton disagrees. "He had offers to go back to the Knicks or the Nets. If he doesn't go back to one of those, where is he going to go? He showed that he could coach and win in the professional game, but I don't think that he loved it the way he loves the college player, working with them and developing them . . . I think Rick will be here for a long run, but if he left yesterday he would have done this university a service that we could never repay him for."

### ON SUCCESSFUL COACHING

If you are going to be successful at anything, especially coaching, "You've got to win," Newton said. But there are other ingredients to success, he added. "You have got to give an honest day's work. I don't think anybody is going to have any respect for anybody who doesn't really lay it on the line for them. That's where the old ego comes in, particularly in coaching, where you become bigger than the game or the university and don't give the honest day's work and the recognition who you work for."

The people who Newton has seen fail in the collegiate athletics business, he said, are those who lose sight of who is most important in the program—the student athlete.

"The student athlete is really the heart of the program. Not the coach, not the game itself. That is why we are here and that is what it is all about. People who I see who are successful always have kept that in pretty good focus—whether you're talking about Rupp or Bryant, Bob Knight, Dean Smith."

Providing psychological support to the student athletes is a big part of successful coaching, too, Newton said. There is a lot more to coaching than keeping score and winning, he said. A coach will spend a great deal of time "motivating athletes not only academically, but to help them get their priorities straight." With the help of their staffs, both Bill Curry and Rick Pitino, do maximal jobs in this area, the UK director of athletics claims.

### CEO OF AN $18.4 MILLION COMPANY?

While he recognizes his role, as well as the role that athletics plays at UK, Newton does not consider himself the CEO of a company with an $18.4 million annual budget. "The only CEO we've got here is Dr. (Charles) Wethington as far as I'm concerned. I'm very clear as to where we fit in and as to what we are within this university," Newton said.

The athletics department, by definition, is a self-supporting auxiliary enterprise of UK, according to Newton. "In fact, $1.2 million of the $18.4 million budget goes directly to the university, and I'm happy and proud that we can do that," he said.

Taking part in Dr. Wethington's cabinet has served as "an eye opener" for Newton. "It really makes you realize the scope of the total budget of this university; the total programming and the services offered by the university and what we're (UK) all about. We're (athletics) just a speck over there."

Newton agrees, though, that his department is a rather "visible" speck to the general public. "Many people associate and identify a lot of the university through athletics. That is why we have to be a class organization and that is why we need to be successful," he said.

And they are successful. With the exception of the last few years, because of funds used for the building of the football field house and other projects, Newton said that the UK Athletics Department had been able to build up some cash reserves. Bottom line, he said, the athletics department, by the rules at UK, must break even.

Besides its two revenue producing sports (basketball and football), UK has several other nationally ranked sports that include women's basketball (#25), men's tennis (#12), women's tennis (#18), and women's gymnastics (#11). Newton said that UK Athletics has "tried very hard" to market and promote these sports in the hope that they will become revenue producing, but without success. He believes, however, "If we could ever get baseball moved to the summer and played at night, we could have another revenue producing sport, which means income exceeds expenditures."

For Newton, profit is not only measured by dollars and cash reserves. "Personally, these three years have been a very profitable experience for me from the standpoint of feeling satisfaction of getting the thing (basketball) back. We make that next jump with the football program."

### BUILDING THE FOOTBALL PROGRAM

Building a football team is a "whole different ballgame" than basketball, according to UK's director of athletics. "In basketball, you can bring in a Jamal Mashburn, and two or three other players, and if you can get the right players, the numbers are not the factor. Football is strictly a numbers factor," Newton said.

While the SEC is a tough basketball conference, "We happen to be in the toughest football conference. You look at the traditional (football) program in this league, they all have one thing in common—numbers of quality athletes. If Georgia loses a Garrison Hearst, you can bet that they have another running back. That's just the nature of it. Kentucky has not had that luxury. If we have two or three injuries, it knocks us out," he said.

Newton has told Bill Curry that it may take as many as five recruiting classes of Curry's own people and instituting Curry's system before Kentucky gets competitive in the SEC.

"Time becomes a critical part of football, because there is no quick way to do it . . . basketball is not easier, it's just quicker," Newton said. It is not easy to get a Jamal Mashburn during a sanctioned or probationary period, he said. "That was a great thing that Rick did. . . . With football it takes more time."

UK football is not on the schedule that Bill Curry wants, "He wanted to do it in two or three years," Newton said. "And we're certainly not on the schedule our fans want." Yet despite the criticism, the director of athletics feels that the program is on a good schedule. "And if we can get a break here or there and get up and win six or seven games next year, we will be over that hump," he said.

Also, despite the criticism, Newton said, "I would be very surprised if I am not accurate that 99 percent of the Kentucky fans are tickled to death to have Bill Curry as our football coach—from every standpoint . . . but that's not important."

What is most important, Newton added, "Is what Bill believes first, what Dr. Wethington believes and what I believe. We think that we are as about as solid as we can be. There is not anybody in this country that I would rather have coaching our football team than Bill Curry. He is a proven winner. He's going to do it right. We'll get there . . . I know there are disappointed people out there . . . but the most disappointed of them all is Bill."

### COLLEGIATE SPORTS: A SEMI-PRO LEAGUE?

While Newton understands how collegiate sports can be perceived as a semi-professional minor league for both basketball and football, he stressed that inter-collegiate athletics is less semi-professional now than it was years ago. For example, he said, "Years ago an athlete could move from school to school without discretion or any transfer rules."

But Newton admits that both inter-collegiate Division 1 football and basketball seem to serve as minor leagues because there are none for the National Football League or National Basketball Association. And he sees how the "logical train of thought" would lead to the conclusion that it should be. However, he stresses that "it is really not a semi-professional thing in my thinking."

What has more seriously entrenched the semi-professional train of thought is the entertainment force that Division 1 collegiate football and basketball has become. "With television, we went from a regional or institutional program to a national and international program at all universities at the Division 1 level. The good is that it has provided tremendous funding for the non-revenue (collegiate) sports," Newton said.

But what about the players who generate the revenue? Newton replied: "People talk to me all of the time and say, 'You have got these few basketball players who are making all that money for the university, you ought to give some of it back.' With this semi-pro thinking, they lose sight of the fact that at this program we deal with an $18.4 million budget to run 21 sports."

Newton said those who subscribe to paying collegiate athletes because they bring in revenue, lose focus of the broad-based program. The UK director of athletics emphasizes that these "few basketball players" are not being exploited. Funds generated from revenue producing sports are utilized for the university education and development of some 300 athletes at UK

### GOING PROFESSIONAL BEFORE GRADUATION

A collegiate athlete who makes the decision to turn professional before graduation is no different than any college student who decides to postpone or not complete their education because of a business opportunity, according to Newton.

Throughout the entire college world, many different types of students leave school and go into business for a variety of reasons, Newton pointed out. And in the case of stellar athletes like Shaquille O'Neal, former All-American center for LSU, who now plays for the Orlando Magic; or Jamal Mashburn, the All-American forward now at UK, but expected to go to the NBA next season, "I think it is perfectly legitimate," he said.

"College is not for everyone. College athletics are not for everyone. Yet it's that tremendous life experience that if you have the chance at you have got to seize and see where it goes from there," Newton said.

What concerns him most in the case of a student athlete going professional before graduation, is whether or not they have enough emotional maturity to handle the lifestyle. "That is the key," Newton said.

Regarding Mashburn, Newton added, "In talking with Rick (Pittino), he feels that he (Mashburn) does (have the emotional maturity). My guess is that in most cases of a person like that, they'll come back and finish school."

### ANOTHER GOAL

While Newton believes that the university has the responsibility to try and graduate every student who enrolls, he agrees that it is an "unrealistic expectation" to have for every student who enters UK, as well as those on athletic scholarships.

Despite it being unrealistic, Newton's ideal for all UK athletes is for each of them to maintain eligibility for competition, and to graduate. "I think that is a much more legitimate expectation for a student on an athletic scholarship than it is for a student who enrolls in the university," he emphatically said.

For example, student athletes are afforded the discipline of the program, other support services at the Cats Center, and eligibility rules that ensure satisfactory progress—all services that the "normal student" is not afforded, Newton pointed out. "We expect them to take the athletic-academic experience and become the best person they can become during this time. It is a unique experience."

Also separating them from the normal university student, student athletes have additional goals. At UK that is to "compete at an SEC and national level in a 21 sports broad-based program." Putting it in more simple terms, "Win, and we make no apologies for that," Newton added.

UK wants a program that wins while being totally compliant with NCAA and SEC rules, Newton said. The object, he said, is to have "a class program."

How does Newton define class? "A program that is a cut above. If the expectation is to be compliant to the letter of the rule, then you take it a cut above and become compliant to the spirit and intent of the rule as well as the letter."

He added that a "class" program has vision to go beyond graduation, and offers career planning and job placement. "That to me is what a college program is all about," Newton said.

"We want to win by putting the student athlete totally at the heart of the program. That concept of the student athlete is a very critical one to me and to all of us . . . With that comes some real responsibility and expectations," Newton added.

### THE FANS HAVE EXPECTATIONS, TOO

The fans have expectations of the student athletes that are sometimes unrealistic. And Newton feels that some of media's coverage of collegiate sports today is responsible, in part, for the overly serious attitude toward collegiate athletics today.

While any university wants the attention, the enthusiasm and the interest from the public, Newton said when the media reach toward "digging" at a player for some "perceived" or "accurate" assessment of bad playing, "I have a problem with that. You are still dealing with 18-, 19- and 20-year-olds," who are not professionals.

For example, Newton said the print media, which have become secondary to television today, no longer report just the facts of the game, but serve more as an investigative arm of the media with the need to be controversial. He added, "When you add to that this phenomenon which has developed of the radio call-in sports shows . . . all of a sudden you have got a lot of people who really, in many instances, don't know what the hell is going on in terms of really understanding the game, hosting these things . . . It almost seems they have to be controversial."

Newton feels that such reporting and radio call-in shows are phenomena that do not serve to "keep people's heads on straight about what college athletics is really all about."

He continued, "They miss the point that you are dealing with 18- and 20-year-olds that are not going to play well every night. And sure there are guys who make coaching mistakes. There are people who make business mistakes every day. That's part of athletics . . . But I kind of sense that at times everybody gets caught up in it."

### OTHER EFFECTS ON THE COMMUNITY—BUSINESS

While Newton cannot put a dollar figure on the effect UK basketball and football have on the local economy, he knows that both sports bring a lot of people into the Lexington area who spend their money here; people who otherwise may have never set foot on the UK campus.

Newton elaborates: "That is easy to document and easy to see. The thing that is not so easy to document or easy to see is the thing that makes the program unique—this program truly is the University of Kentucky—it truly reflects the whole state. For example, there are people who have never set foot on this campus from Eastern Kentucky, Western Kentucky and different parts of Kentucky who are not alumni of the university, but identify with this university through its athletics program in a very strong and meaningful way. They take great pride in it when the Cats win. . . . They're that grassroots guy or gal out there that if they ever have a son or daughter they hope he or she will come to the university. The uniqueness is that this is true throughout the whole Commonwealth."

Coach Adolph Rupp recognized this phenomenon, Newton said. "He taught me very early when I was a student here . . . you have got to realize that the University of Kentucky represents all of Kentucky, not just Lexington or our alums."

The UK Athletics Department, through the statewide identity and administration that sports can bring, helps the university in many ways, Newton said, noting "the subtle pressure it puts on the legislature to fund the university and the attention the university gets." He added, "As long as we don't become the tail wagging the dog, I think it does something positive for the university."

### COACHES AND ENDORSEMENTS

Despite the public's desire for a high-profile coach, it is natural, "and it goes with the territory," for some of the public to react negatively to a coach endorsing a product.

From a businessperson's standpoint, however, many people want to see these advertisements, "Otherwise they (businesspeople) wouldn't spend the money on the endorsements," Newton commented.

"You can't please everybody," Newton said. "What you better do is please yourself. Be honest with yourself and true to what you truly believe in." He emphasized that both Rick Pitino's and Bill Curry's code of ethics and character is "beyond reproach."

Newton continued: "It sounds almost trite . . . criticism hurts, everybody wants to be liked . . . but if you get involved with wearing your feelings on your sleeve, as visible as these jobs are, you are just going to constantly be fighting windmills, and that's a lose-lose. . . . For whatever reason, people are jealous, envious, they think that athletics is too big or whatever, they are going to take those kind of shots."

Newton turns down most endorsement opportunities, because "I'm responsible for the total program, not just to coach a basketball team or a football team." Also, it is his responsibility to help the coaches with endorsement opportunities. "I see that as a positive thing that we can do. . . . I don't need to be getting in the middle of that—trying to come up with endorsements for me and sorting it out." Besides, he added, "I've had my day, and the one or two I've done, I've done for very good reasons. I've taken a lot of criticism over them, I might add, even though from one I gave all of the money to the library and to the field house. But I was satisfied with myself in that regard."

### SUCCESS AND SURVIVING

According to Newton, in order to survive and achieve success in today's business of collegiate sports, one must be cognizant that athletics is only part of, not bigger than the university itself.

While he believes that athletics is an important part of the university structure: as a means to educate and develop the student athlete; to boost alumni and student pride, as well as the pride of grassroots folks in Kentucky; and serve as a source of revenue, Newton is abundantly clear that the UK Athletics Department "is not what the University of Kentucky is all about."

Newton emphasizes: "I've seen more coaches and administrators lose jobs and not survive because they forget that the purpose of a university is education, not athletics."

People fail in all walks of life for a variety of reasons, as well as in collegiate athletics, Newton has observed. And those who he has seen falter, are those who simply, "let their egos get in the way."

In any business, to succeed "you must have skill, both technical skills and people skills," Newton said. There are few professions or businesses "in which we are not in the people business," he pointed out.

"Our ability to succeed depends on our ability to work with people—whether we are talking about the student athlete, the faculty member on campus or the alumnus that is disgruntled. . . . But a lot of time we get so wrapped up in the game or the product that we forget that's what we are all about. You can't lose sight of that. . . . People are important. You have got to care about them. This is true in business, parenting, everything," Newton added, with emphasis.

To achieve success, Newton believes there are also the intangibles—that "we talk about, but we have trouble putting a handle on. . . . Whatever you call it, character, ethics, I don't know. . . . I don't think in such philosophical terms. You see a job to do and you do it, I don't know . . ."

Well, don't struggle too hard for the word C.M. Newton, just take a look at the man in the mirror—the word is class.

### BOBBY KNIGHT CALLS NEWTON THE FINEST GENTLEMAN IN ALL OF COLLEGE ATHLETICS

University of Kentucky Associate Athletics Director Gene DeFilippo said that many people disagree with some of the things that Indiana University Men's Basketball Coach Bobby Knight says and does. "But we are all in agreement with a statement that Bobby made recently when he said, 'C.M. Newton is the finest gentleman in all of college athletics.'"

Elaborating on what makes Newton "stand out," DeFilippo quotes Phil Cox, a Kentuckian, who played basketball for Vanderbilt under Newton. "Coach Newton always said the right thing at the right time."

DeFilippo, a former assistant football coach for Vanderbilt University, said that Newton is the kind of boss who defines one's job, keeps one informed and provides access. "He really gives you the freedom to go ahead and to grow. He helps you, coaches you and does all of the things that a good leader should do," he said. "Coach Newton has an unbelievable wisdom, particularly about life. He doesn't preach to you. He helps you and lets you think it's your idea. And there is real knack to that, one that I am beginning to acquire. Coach Newton always gives credit to people. His ego never gets in the way."

Newton's long-lived career, DeFilippo said, is a testament to his honesty, sincerity, hard-work ethic and "most importantly that he knows how to deal with people." In several intimate conversations, DeFilippo recalls Newton saying that wins and losses do not normally get a coach fired. "The way he treats people does. They only use the wins and losses as an excuse to fire you."

Through Newton, DeFilippo said, he has learned the right way to treat people; to be honest and sincere and follow the rules, "as well as carry out your life," not just to the letter of the rule, but to the spirit and intent of the rule.•

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## EXTENDING THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. FORD. Madam President, on behalf of the majority leader, Senator MITCHELL, Senator DOLE, and Senator PELL, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 75) to extend the "Jacob K. Javits Senate Fellowship Program."

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 75) was agreed to, as follows:

### S. RES. 75

*Resolved*, That this resolution may be cited as the "Jacob K. Javits Senate Fellowship Program Extension Resolution".

### FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS

SEC. 2. (a) In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program is hereby extended for five years.

(b) The Jacob K. Javits Foundation, Incorporated, New York, New York, shall select Senate Fellowship participants. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Jacob K. Javits Foundation, Incorporated.

### SENATE COMPONENT OF FELLOWSHIP PROGRAM

SEC. 3. (a) The Secretary of the Senate (hereinafter "Secretary") is authorized from funds made available under section 4, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed one year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the Fellowship Program.

(b) For any fiscal year no more than ten fellowship participants shall be so employed.

(c) The Secretary, after consultation with the majority leader and the minority leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

### FUNDS

SEC. 4. The funds necessary to compensate any such eligible participant shall be made available for five years to the Secretary and paid from the contingent fund of the Senate. For the succeeding five years of this program such funds shall not exceed $250,000 each year.

### PROGRAM EXTENSION

SEC. 5. This program shall terminate September 30, 1998. Three months prior to such expiration the Secretary shall submit a report evaluating the program to the majority leader and the Senate along with recommendations concerning the program's extension and continued funding level.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 8, S. 460, a bill to establish voter registration procedures.

Mr. WALLOP. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

## CLOTURE MOTION

Mr. FORD. I now move to proceed to calendar No. 8, S. 460 and send to the desk a cloture motion on the motion to proceed.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 460, the motor-voter bill.

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Pat Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

## VOTE SET FOR FRIDAY, MARCH 5 AT 9:40 A.M.

Mr. FORD. Madam President, I ask unanimous consent that the mandatory quorum as required under rule XXII be waived in relation to this cloture motion and that the vote occur at 9:40 a.m., Friday, March 5.

Mr. WALLOP. Madam President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TOMORROW

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Thursday, March 4; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for theiruse later in the day; that there be a period for morning business not to extend beyond 11:45 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators HATCH, FAIRCLOTH, PRESSLER, GORTON, and GRASSLEY recognized for up to 10 minutes each, and Senator LEAHY for up to 15 minutes; that at 11:45 a.m., the Senate resume debate on the motion to proceed to S. 460, the motor-voter bill

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

Thereupon, the Senate, at 6:34 p.m., recessed until Thursday, March 4, 1993, at 10:30 a.m.

# EXTENSIONS OF REMARKS

## LESSONS FROM THE REAGAN ERA

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. CRANE. Mr. Speaker, President Reagan served in office during the longest period of peacetime economic expansion in our Nation's history. Clearly, as we search for ways to stimulate today's economy, we should look to the factors that led to our economic success in the 1980's. After listening to President Clinton's State of the Union Address, in which he called for the biggest tax increase in our history, President Reagan wrote an editorial urging us to remember our experience in the 1980's when tax cuts resulted in an influx of investment in the private sector, job creation, and revenue to the U.S. Treasury. Historically, Congress spends $1.59 for every $1 in tax increases. Recognizing this fact, President Reagan's article, appropriately entitled "There They Go Again," correctly asserts that the deficit will only be reduced when Congress makes a serious commitment to end its days of runaway spending. I submit this editorial to my colleagues and urge them to heed President Reagan's warning about the impact of levying higher taxes on the American people.

THERE THEY GO AGAIN

(By Ronald Reagan)

LOS ANGELES.—Less than one month ago, our nation showed the world the strength of our democratic system with the peaceful transfer of Presidential power from one elected citizen to another and, incidentally, from one political party to another. While it is no secret that I would have preferred a different scenario that day, I have great respect for our constitutional system and would like to support our new President.

I had every intention of holding back any comments on the new Administration until it was well in place and its policies became clear. Unfortunately, the policies are already becoming alarmingly clear. With campaign promises dropping like autumn leaves, I can't refrain any longer.

"First, we're going to raise the taxes on the people that did well in the 1980's," the Clinton Administration says. Did I hear that right? I'm afraid so! Do they really believe that those who have worked hard and been successful should somehow be punished for it? Is success in the 1980's, or any time for that matter, supposed to be something we as Americans are to be embarrassed about?

I hate to confuse their economic thinking with a few facts, but if they were to look at the 1980's, they would find that America experienced its longest period of peacetime economic expansion in our history. They would find that America led the world out of a global economic recession and that our economy was the envy of virtually every other nation. They would see that we created nearly 19 million new jobs for Americans of all income levels. And it may shock the Clinton Administration to discover that most of the economic gains of the 1980's were made by low- and middle-income citizens, not the wealthiest Americans.

Earlier this week, President Clinton said, "I know we have learned the hard lessons of the 1980's." I didn't realize they were so hard to learn. The fundamental lesson of the 1980's was that when you cut taxes for everyone, people have the incentive to work harder and invest, to make a better life for themselves and their families.

If the new Administration doesn't want to look back as far as the 1980's, maybe it will at least look back at the summer of 1992. Candidate Bill Clinton was promising that, if elected, he would provide a tax cut for the middle class. Now, in less than one month of his Presidency, that promise of a tax cut has not only be broken but it has been reversed into a tax increase for middle-income workers.

During the campaign, Bill Clinton said he would tax only the very rich. Last week, he defined this category as those making $200,000 a year. On Monday, the definition came down to $100,000 and now the "very rich" seems to be anyone making $30,000 a year.

Somehow, as the Administration raises everyone's taxes, it wants us to take comfort in knowing that others are getting theirs raised even more. Unfortunately, that kind of "comfort" doesn't put food on the table of the hard-working middle class, buy new shoes for the kids or make it easier to pay the mortgage, let alone put some money aside for savings. The fact is, every dollar the politicians take back to Washington means less spending power for average Americans and more opportunity for the Federal bureaucracy to waste money.

We must also listen for the sound of the other shoe to drop: the Clintons' health program. This will almost certainly involve proposals for another round of taxes later this year, and you can bet those won't be levied on a handful of millionaires.

In the Middle Ages, it was believed that alchemists could turn base metals into gold. Now it appears that alchemists in President Clinton's Administration hope to turn a huge tax increase into economic growth. Alchemy didn't work then and it won't work now. Taxes have never succeeded in promoting economic growth. More often than not, they have led to greater economic downturns.

In his campaign, candidate Clinton described himself as a "new Democrat," implying that there would be no more tax-and-spend dogma, no social engineering, no class warfare pitting one group against another. This week, however, he has begun to sound like an "old Democrat." That's the kind who does not understand one simple fact: the problem is not that the people are taxed too little, the problem is that the Government spends too much.

Until President Clinton and the liberals in Congress accept that principle and act accordingly, I'm afraid we are headed for a repeat of the late 1970's. And that is something we can all live without.

No one can dispute that the enormous budget deficit is a major threat to the economic security of our country. But let us remember that deficits are caused by spending. By the very terms of our Constitution, only Congress has the power to spend.

For more than four decades, one party, the Democratic Party, has controlled the House of Representatives. The solution to the deficit problem is not to ask heavily taxed working Americans to "sacrifice" even more.

It's the big-spending liberals controlling the Congress who need to show some restraint and "sacrifice" a few of the pork-barrel measures they've been slipping past the taxpayers for far too long. Only when the Clinton Administration and Congress summon the will to put the brakes on Federal spending will they get the deficit under control.

While I'm flattered that President Clinton admits to taking a page out of my communications plan, I wish he'd use it to sell an economic program of growth and expansion, not the failed liberal policies of the past.

Just as positive signs of economic recovery are appearing, Mr. President, please don't blow it. Although it goes back well before the 1980's, may I offer you the advice of the 14th century Arab historian Ibn Khaldun, who said: "At the beginning of the empire, the tax rates were low and the revenues were high. At the end of the empire, the tax rates were high and the revenues were low."

And, no, I did not personally know Ibn Khaldun, although we may have had some friends in common!

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## CHRIS PATTEN'S COURAGEOUS AGENDA

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. PORTER. Mr. Speaker, while the United States' Government undertakes the transition from a Republican to a Democratic administration, halfway around the world the people of Hong Kong are preparing the best they can for a much more dramatic and potentially dangerous political transition.

In 1997, the Crown Colony of Hong Kong will revert to Chinese sovereignty after 99 years under British rule. Despite a 1984 agreement that guarantees the people of Hong Kong the continuation of their political, economic and social structures for at least 50 years under Chinese rule, the Chinese have already indicated that it is their intention to have a strong hand in Hong Kong's internal affairs even before 1997.

Fortunately, Hong Kong has a new governor, Chris Patten, who has courageously stepped forward to champion the cause of democracy in the colony. Governor Patten has introduced a constitutional package that would broaden the participation of the people of Hong Kong in the conduct of Hong Kong's affairs and better define the role of the legislative and executive branches. These reforms

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are consistent with the trend toward greater democracy in Hong Kong and fit within the parameters of the 1994 Joint Declaration.

Predictably, the Chinese vigorously oppose these democratic initiatives and have responded with threats, both veiled and blatant. They are concerned that the strengthening of democratic structures and the promotion of political pluralism in Hong Kong will result in a Hong Kong able to stand up for itself and promote its own economic and political interests after 1997.

The strong, vital Hong Kong envisioned by Governor Patten is clearly in the best interest of the United States. Hong Kong is the United States' 14th largest trading partner. United States entities have in excess of $7 billion invested in Hong Kong and 900 United States companies have offices in Hong Kong. The number of United States expatriates living in Hong Kong has almost doubled in the last decade and now stands at 23,000. More than 600,000 American tourists pass through Hong Kong every year.

In addition, Hong Kong has been an engine for economic change in Southern China which has loosened the control of the hard line Communists in Beijing over the region. I also foresee that Hong Kong can act as an important role model in promoting a new respect for human rights in China in the future.

Now, evidently, the British and Chinese are engaging in a dialog over the governor's proposals, which were scheduled to be debated by the legislative council in February. While open communications between China and Great Britain over issues affecting Hong Kong are positive, unless indicated a willingness to make concessions on Governor Patten's democracy proposal the proposal should be sent to the LegCo for consideration in the very near future.

Martin Lee, a member of the LegCo and champion of Hong Kong democracy, said it best when he asked during a recent radio interview in Hong Kong, "Have you ever seen the British winning anything by negotiations with the Chinese government?"

Governor Patten has chosen a bold course that should be pursued. It serves the best interest of the people of Hong Kong and coincides with America's interest in promoting democracy and free markets around the world. The governor's leadership—in conjunction with the ongoing leadership Martin Lee and his United Democrats and the work of thoughtful LegCo independents like Emily Lau—will leave Hong Kong on sounder, safer footing in 1997.

These efforts deserve the support of the U.S. Congress and the President and our friends and allies around the world.

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## NATIONAL SERVICE LEGISLATION

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which renews our Nation's call to civic service. In 1989, I first introduced legislation to provide for the establishment of a corporation to administer a national service program. In 1990, Congress passed the National and Community Service Act which set up a demonstration program for voluntary service. While we did not accomplish our original goal of a fully operating program, it was a good beginning. The time has come for us to do more.

National service goes to the heart of what it means to be an American. It is true our Nation faces a variety of economic and social ills. Yet, all too often we forget that we are still a fortunate nation. With the advantages and privileges of being Americans comes responsibility.

For this reason, I am today introducing legislation that calls for a voluntary national service program. This bill asks our young people and our seniors to dedicate themselves to a higher standard of excellence. It asks them to respond to this challenge of responsibility, to give back to this great country and to fulfill the promise that is America. As a Democrat, as an American, I believe in civic obligation. I believe in helping the less fortunate; I believe in helping each other. And I know there are more like me who believe this as well. We believe in hard work, and equal sacrifice for the common good. These values are key to our stature in the world, our survival, and our future.

There can be no doubt that there is a real need for voluntarism. As we begin the 1990's we face a budget crisis that severely limits the government's ability to respond to needs. National service asks all Americans, both young and old, to involve themselves in positive activities. By doing so, they help both their country and themselves.

We are entering a period in the United States when we will be called upon to provide services. These services, as we know, are costly, time consuming, and require extensive manpower. But we need day care, we need effective welfare programs, and we need to make health care available and affordable. We can pass progressive proposals that address these problems, but in order to finance them and provide the facilities and people to make them work, we need a pool of workers to draw from. National service gives us that pool.

Mr. Speaker, this bill allows our young people to perform service in a civilian service corps or the Armed Forces in return for financial allowances up to $10,000 to pursue higher education or to purchase a first home. It encourages our seniors to participate in community service as well. National service asks all Americans, young and old, to involve themselves in positive activities. By doing so, they can help themselves and they help this country. I ask my colleagues to join me in supporting this important legislation.

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## THE AMERICAN HEALTH SECURITY ACT

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. McDERMOTT. Mr. Speaker, today I introduce the American Health Security Act, and I want to emphasize the word, "American." For this bill embodies the characteristics of a truly American bill. It will give to all Americans the peace of mind—the security—to which all citizens should be entitled. It creates a system of health care delivered by physicians chosen by the patient. No one will have to leave their existing relationships with their doctors or hospitals or other providers. It is federally financed but administered at the State level, so the system is highly decentralized. And it provides new mechanisms to improve the quality of care every American receives.

The American Health Security Act provides universal health insurance coverage for all Americans as of January 1, 1995. It provides the coverage under a mechanism of global budgets to achieve controllable and measurable cost containment that will yield scorable savings over the next 5 years. Unlike other single-payor proposals of the past, it provides for almost exclusive State administration provided the States meet Federal standards for universal access, conformity to the Federal budget, minimum benefit packages, guarantee of free choice of provider, and quality assurance. This bill explicitly preserves free choice of provider by providing a mechanism for fee-for-service delivery to compete effectively with HMOs. It will not force Americans into HMO models.

The minimum benefit package is in fact extremely generous. It covers all inpatient and outpatient medical services without limits on duration or intensity except as delineated by outcomes research and practice guidelines based on quality standards. It provides for coverage of long-term care along with some dental services. Cosmetic procedures and other frills benefits such as private rooms and comfort items are not covered.

The extent of State discretion is substantial. The Federal budget is divided into quality assurance, administrative, operating, and medical education components. The system is financed 85 percent by the Federal Government and 15 percent by the States. That Federal pie is then apportioned among the States according to population, demography, and anticipated health status differences among the States. For example, States with large elderly populations can be expected to require a larger volume of higher intensity services. However, the States are free to determine how that money is allocated among types of providers and to negotiate those allocations according to the States individual needs, provided Federal standards are met. The ability of HMOs to operate and compete on a capitated basis is preserved.

The States must demonstrates the efficacy of their methodologies or Federal models will be imposed. However, States are not required to seek waivers in advance. While the Federal Government will not make separate allocations to States for capital and operating budgets, the States are free to allocate capital separately to assure adequate distribution of resources throughout the State and to develop their own mechanisms for doing so.

Chief among the sections of this bill is a separate title on quality assurance. The bill scraps the current system of random case-by-case reviews and attempts to end the interference between doctor and patient. It substitutes a system of profiling practice patterns to identify outliers on a systematic basis. Pre-certification of procedures and hospitalization is phased-out except for case management of catastrophic cases.

Practice guidelines and outcomes research are emphasized as the main quality and utilization control mechanisms which gives physicians latitude to deviate from cookbook medicine where required for individual cases without going through intermediaries. Only if practitioners consistently deviate are they subject to review to ascertain the basis for their pattern of practice. This system include mechanisms for education and sanctions including case-by-case monitoring when the review indicates serious quality problems with a specific provider.

States are free to organize their quality assurance programs as they wish provided they demonstrate the efficacy of such systems. In order to enable outcomes analysis and quality review, States are required to establish uniform data basis for patient records by the year 2000. This will be financed through a combination of direct grants and tax credits to private entities for the conversion. The rationale is that most private providers will be making this conversion anyway as a necessary management tool and this just expedites the process somewhat through tax credits while assuring uniformity. Effective outcomes research will be impossible without it.

The need for a 1:1 ratio of primary care physicians to specialists is explicitly set forth. Federal funding to graduate medical education is specifically tied to the medical institution achieving this ratio. Funding to the National Health Service is also provided to achieve this goal.

Special grants are provided to meet the needs of community health centers, both rural and urban, to enable outreach and other social support mechanisms. In addition, States have discretion to make special payment arrangements to such facilities to improve local access to care.

The financing package will be revised after review of the bill by CBO. Obviously, the goal of those revisions will be to minimize adverse impact on the economy and assure that most Americans pay less for their health care than they are currently. The goal is simplicity to make the cost of the health care system obvious and honest. The American people should know what they are paying for what they get.

In summary, Mr. Speaker, this bill will provide all the citizens with the health care they need at a price both they and the country can afford. It is clear that we cannot afford the price of doing nothing.

## THE AMERICAN HEALTH SECURITY ACT

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. CONYERS. Mr. Speaker, I am honored to join with my colleague JIM MCDERMOTT as the other principal House cosponsor of the American Health Security Act. I want to personally thank the other 52 original cosponsors of this legislation on the House side for joining with us in this historic effort.

I am especially proud that more than one-third of the original cosponsors of this bill are members of the Congressional Black Caucus. The caucus understands that the single-payer national health insurance system embodied in this legislation offers the best solution to the health care crisis, which disproportionately affects African-Americans, other minorities, and the poor. African-Americans have higher incidences of disease, we are uninsured more, we have more trouble affording the spiraling costs of care, and our infants are born undernourished more.

Germany enacted national health insurance in 1883. Britain in 1948. Japan in 1962. Canada in 1965. It is time for America to do the same in 1993.

This American Health Security Act preserves the strengths of our existing health care system, while adopting the most successful tried-and-true features from Canada, Japan, and Europe. Unlike other proposals, this plan is not an experiment.

It offers one-tier of health care. All Americans are covered under the same insurance policy and will receive the same high level of benefits and care no matter what their race, place of employment, illness, or income level.

It offers freedom of choice—the bedrock of our current health delivery system—built on our current network of public and private hospitals, private practice physicians, health maintenance organizations, and community clinics. No other health reform proposal can boast of the same freedom.

It will rein in spiraling costs—better than any other proposal. The Congressional Budget Office will back up this claim. In recent testimony before Congress the CBO Director said "the likelihood of success in controlling health costs increases with a single payment mechanism."

It reorients the health delivery system to promote primary care by reforming our medical education and medical research systems and shifting financial incentives. We must move beyond having specialists who can only treat diseases of the left toenail.

It pays for itself—and in fact will reduce the amount that most Americans now spend for health care. How is this possible?

The hallmark of this legislation is that the Government collects all of the insurance premiums and out-of-pocket costs that people and businesses currently pay and funnels that money through a single payer in each State. By using a single payer we will cut out about 10 percent of administrative costs—around $85 billion a year, reduce wasteful duplication of services, and control rising costs of providing care, which are choking our economy.

In the last Congress the General Accounting Office prepared a report at my request entitled "Canadian Health Insurance: Lessons for the United States." The principal finding of that report was that we could save about $67 billion—10 percent of that year's health care spending—through a single payer. Most insurance underwriting would cease, forms would be drastically reduced, hospitals would stop choking on paperwork, and doctors would practice more medicine rather than push more paper. The GAO also found that the savings from such a system would be more than enough to cover the 35 million Americans then without health insurance.

The American Health Security Act is a serious proposal with the broadest range of support of any reform plan. It is offered in a spirit of cooperation with the President. Our struggle is not with the President, who was propelled into the White House on a platform of overhauling the health system. Our struggle is with the special interests.

This plan is the consumers choice. It is not the choice of the insurance lobby, the drug industry, or other special interests that fuel the medical industrial complex—promoting a medical arms race that dwarfs in cost the cold war arms race.

The American Health Security Act is just what the doctor ordered—serious medicine for a terminally ill health system.

Mr. Speaker, I insert the following explanatory materials on this legislation in the RECORD:

### SUMMARY OF THE AMERICAN HEALTH SECURITY ACT OF 1993

This bill would establish a national American Health Security Program to provide affordable, comprehensive, high quality health care to all Americans. The state-based national Program would simplify and streamline the administration and financing of health care, and administrative costs would drop dramatically. Consumers could choose their own providers from the same broad array of health providers available in the current system, including private and public providers, and accountable managed care plans.

There would be no gaps in coverage and no barriers to care. The government would become the sole health insurer. Consumers would simply show their national health card to receive health care from the health provider of their choice. Everyone would be entitled to the same benefits, and these would not change when a person changed jobs or moved to a different state. No one would lose coverage because he or she got sick.

The bill would control costs while improving the quality and efficiency of our health care system. It encourages training in primary and preventive care for doctors and midlevel practitioners, teamwork through multidisciplinary practices, the use of outcomes research and practice guidelines, and the integration of existing public health services with community-based primary care. States can decide how to distribute high-tech care and specialty centers on a local regional basis, and to extend care into underserved rural and inner-city areas. Providers would compete based on quality of care.

Annual health care budgets could not increase faster than the growth of the Gross Domestic Product. Global institutional budgets, rate-setting for practitioners, and control of prescription drug prices, would further contain costs.

#### MAJOR PROVISIONS

Universal access to health care through a single program, administered by the states.

Comprehensive benefits, including primary and preventive care, hospital and practitioner care, treatment for mental illness and substance abuse, long-term care, and prescription drugs.

Freedom of choice so that everyone can choose his or her own physician or other source of care, including managed care plans.

Effective cost control through annual budgets, national fee schedules, and streamlined administration.

Progressive financing, so that health care is affordable for all.

Control over medical fraud and abuse.

Re-shaping the health care delivery system to emphasize primary care, and to expand services to medically underserved rural and inner city areas.

### BENEFITS AND ELIGIBILITY

Health insurance would be provided for all citizens and legal residents of the United States. Everyone would receive a health insurance card entitling him or her to benefits covered under the American Health Security Program. The National Board can also cover undocumented workers, or states can do so at their own expense.

The covered benefits include:

Primary and preventive services, including screening exams, well-child care, immunizations, and reproductive health care.

Pre-natal, post-natal and well-baby care.

Services of health care professionals who are authorized to provide such services under state law.

Inpatient and outpatient hospital care.

Diagnostic tests.

Prescription drugs and biologicals.

Nursing facility services.

Home care and community-based services for individuals unable to perform at least two activities of daily living (ADL's).

Hospice care.

Mental health and substance abuse services, subject to care coordination, and to regulated utilization review after 15 days of inpatient care and 20 outpatient visits a year.

Expanded services by community clinics and migrant health centers.

Other medical or health care items or services as the National Health Board determines to be appropriate.

Consumers would be free to choose their own health providers.

### WHAT IS NOT COVERED

Over-the-counter drugs (aspirin, cold medicine), surgery performed only for cosmetic purposes, physicals for purposes of litigation or obtaining life insurance would not be covered under the Plan.

### COST CONTAINMENT

The Program would contain costs in a variety of ways. It would reduce administrative waste, cap provider payments by global budgets and negotiated fees, continue consumer-oriented managed care plans, reshape the service delivery system to emphasize primary care, control prescription drug prices, set separate budgets for costly new equipment, and control fraud and abuse.

### NO COST SHARING

There would be no coinsurance, deductibles or copayments for acute and preventive benefits covered under the American Health Security Plan.

### HIGH QUALITY CARE

The bill would improve the quality and efficiency of the service delivery system.

It would promote and expand the use of outcomes research and practice guidelines, including research on primary and preventive care, and encourage the integration of public health principles and services to improve the community's health.

Within five years, 50% of doctors in training would have to be in primary care programs, compared to the current 20%, and an advisory council would set goals for training more midlevel practitioners and non-professionals such as outreach workers.

It would encourage training programs and practices that include multidisciplinary teams, an important feature of high quality group practices such as the Mayo Clinic. Accountable managed care systems, called Community Health Service Organizations (CHSO's), could compete based on the quality of their integrated services.

States could concentrate specialty care in centers of excellence to promote better outcomes while containing costs.

States would control health care fraud and abuse, assisted by a national data base.

### UNDERSERVED RURAL AND INNER CITY AREAS

The bill would double funding for community clinics and migrant health centers, and greatly increase funding through public health block grants for services such as maternal and child health care, and care for people with AIDS under the Ryan White Act.

It would also expand funding for the National Health Service Corps, which sends doctors and midlevel practitioners into underserved areas for two years, in exchange for help with educational expenses.

States could plan how to distribute services on a local or regional basis, to address current inequities.

### PAYMENTS TO PROVIDERS

Hospitals and nursing homes would be paid based on global budgets established annually through negotiations with the designated state agency and reviewed by state advisory boards.

Community Health Service Organizations (CHSO's) could offer comprehensive, integrated services for an annual, capitated rate.

Other facility-based services, including hospice care, outpatient services, and home, school-based and community-based services would be paid through one of the following options:

Annual operating budgets.

Fee schedules.

A capitation payment.

An alternative prospective payment method.

A professional board would classify prescription drugs into categories, as a basis for the Board to negotiate prices for similarly-classified drugs. The Board would establish price limits.

Health care professionals would be reimbursed according to fee schedules negotiated at the state level.

The payments from the states to providers would constitute the payment in full for covered benefits. No additional payments or charges would be permitted.

### ADMINISTRATION AND BUDGETS

The American Health Security Standards Board would implement guidelines for national benefits, and national and state budgets. The budget could not increase more than the annual percentage increase in the Gross Domestic Product.

Each state would administer the program at the state level.

The budget would act as an expenditure target, so that if the budget for a service were exceeded, the state and the Board could lower payments for that service the following year.

Each state and national budget would include an amount for total expenditures for operating expenses, health professional education, and administration.

The state health budgets would be determined based solely on the following factors:

The population of the state.

Reasonable differences in the prices for goods and services.

Any special social, environmental, or other condition affecting health status or the need for health care services.

The geographic distribution of the state's population, particularly the proportion of the population residing in rural or medically undeserved areas.

The state could enter into a contract with a fiscal intermediary to process claims. Only one contract would be allowed for each state.

Advisory boards representing both consumers and health care providers would advise on the implementation of the Program at the local, state and federal levels.

### FINANCING

All revenues collected for health care would be placed into an American Health Security Trust Fund and could only be used for health care expenses.

The Program would be financed by collecting at the federal level all funds currently spent on health care.

The national insurance program would be financed through a 7.9% payroll tax on employers, increasing the existing 1.45% Medicare payroll tax by 6.45%; an increase in corporate income tax from 34% to 38% for businesses with more than $75,000 in profits; increases in the personal income tax from 15%–28%–31% to 15%–30%–34%, with a top rate of 38% for families with incomes over $200,000, and a health premium equal to about .5% of income (or 7.5% of income taxes paid); reforms to close loopholes in the tax code; a long term care premium equal to the Medicare Part B premium plus $25 a month for the elderly above 120% of poverty; an increase in the amount of Social Security benefits included as taxable income from 50% to 85%; state and federal spending will remain the same as current health care payments, with increases limited to growth in the Gross Domestic Product.

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## THE AMERICAN HEALTH SECURITY ACT OF 1993

### QUESTIONS AND ANSWERS

*Why do we need a national health insurance program?*

Our health care system is in a state of crisis. This is a crisis of cost and a crisis of access.

Every person in the United States deserves access to affordable, high quality health care, regardless of employment status, income, age, or current or prior health status.

But increasingly, the high cost of health care has put this goal out of reach for more and more Americans. More than 37 million Americans have no health insurance at all. Millions more have too little insurance.

Yet the United States spends more on health care than any other nation, $838 billion in 1992, or over 14% of our Gross Domestic Product. Our system is inequitable and inefficient.

If we don't change our present course, health care spending will consume 17% of our gross domestic product by the year 2000, and 37% by 2030.

An American Health Security Program is the answer to our health care crisis.

*How will the American Health Security Program contain costs?*

The national system will simplify and streamline the administration and financing of health care. Everyone will be covered by the same system, instead of the confusing and inefficient patchwork of plans we have today.

Administrative costs will drop dramatically. With a single payer, a vast and redundant insurance bureaucracy can be eliminated. In fact, a report released by the General Accounting Office in June 1991 estimated that a single payer system could save 10% of our entire national health budget (which was $838 billion in 1992), all in administrative costs.

Health care providers will be paid through prospective payment—annual operating budgets, fee schedules and capitation payments. This encourages providers to become more efficient because they must stay within the predetermined rate.

Financial incentives that drive doctors to provide unnecessary procedures will be changed, to encourage more cost-efficient primary and preventive care. The Joint Economic Committee of Congress estimated that $125 billion (in 1987 dollars) in unnecessary tests and treatments can be eliminated without affecting quality of care. They determined that nationally about 25% of all hospital admissions and 50% of some procedures like Caesarian sections are both unnecessary and dangerous to the patient.

State health fraud and abuse control units will review complaints of abuse and neglect, and prosecute criminal violations of the law. A national fraud and abuse data base will be established.

### *Will we be able to choose our own doctors and other health care providers?*

Yes!

The American Health Security Program would be financed and administered by the federal and state governments. But they would not deliver health care.

Services would be delivered through the same sources we have today: private doctors and nurses, managed care plans, clinics, nursing homes, hospitals, home and community-based services.

Consumer choice of providers would be enhanced under the American Health Security Program, as everyone could afford to seek care.

### *How would this program improve the quality of care?*

The Program would use outcomes research and practice guidelines to help providers determine the best course of treatment. Research would examine the quality, effectiveness, and appropriateness of primary and specialty care. States would encourage multi-disciplinary practices, a key method of sharing information and opinions among providers, and the integration of public health principles and services to improve the community's health.

50% of doctors in training would have to be in primary care programs within five years. More midlevel practitioners would be trained, such as nurse practitioners, midwives and physician assistants as would nonprofessionals like community health outreach workers who have successfully helped reduce teen pregnancy rates and increase immunizations.

By training practitioners to focus on primary care, and providing financial incentives to avoid the 25% of hospital procedures that are unnecessary, costly and dangerous to patients' health, the Program will improve the quality of care while saving on costs.

Many believe the United States has overinvested and overused some technologies. In response to financial incentives from insurance plans that pay more for inpatient care, some hospitals competing for market share have installed equipment that stands idle much of the time or, even worse, is used without sufficient medical justification to generate reimbursement from insured patients.

The Program would encourage better standards of care and better use of high-tech and specialty care.

### *Would managed care plans continue?*

Yes, consumers would continue to be able to choose a managed care option. Community Health Service Organizations (CHSO's), accountable to a board including consumers, would provide a range of services for a capitated fee. They could compete based on the advantages of one-stop-shopping, and the enhanced quality of care that is possible within a group practice.

### *Why doesn't the program include cost-sharing?*

The bill eliminates most cost-sharing through co-payments and deductibles for two reasons. First, studies show that cost-sharing prevents low-income people, mainly children, from obtaining necessary care. To avoid this effect, cost-sharing could be varied depending on a person's income. However, the administrative costs of such a system would outweigh the funds collected through cost-sharing.

Second, cost-sharing is not needed to control costs. Employees in the U.S. have been paying substantially more out of pocket every year for health insurance, with no decline in the cost or utilization of services. Other industrialized countries do not rely heavily on cost-sharing, and yet they are more successful than the U.S. at controlling costs. Finally, physicians and other providers, and the skewed incentives of the health insurance system, are more influential in driving utilization decisions than are consumers anxious to follow "doctor's orders."

### *How would the program control the use of services outside of managed care plans?*

State and institutional budgets will reduce incentives in order unnecessary services. Volume performance standards, used by Medicare, would help control utilization by individual practitioners. By involving professionals in determining standards for appropriate care, utilization decisions can be based on patient needs, not simply on financial concerns.

### *How does this plan compare with managed competition?*

Unlike many managed competition proposals, the American Health Security Act would base eligibility for services on residency rather than place of employment. Also, it suggests many other proven service delivery strategies for controlling costs in addition to the use of managed care plans, many of which have not actually saved money. Managed care plans are also not practical in many rural and underserved areas. It calls on providers to compete based on quality, not on the price of their services, which under the current system has led to two-tier services. Finally, it removes insurance companies from making decisions about who may receive which health services, though they may still play a role in administration of state plans, and covering services not covered by the plan. It shares similar features with some managed competition proposals that would rely on global budgets, universal coverage, and competition among providers based on quality.

### *How would the program affect health care providers?*

A national health insurance program would streamline our health care system. Health care providers would be able to spend less time on billing and bureaucracy. That means more time for patient care.

Providers, not insurance companies, would make clinical decisions, in consultation with patients. They would be involved in decision-making and advisory committees at every level, including those that set standards for quality of care. The combination of budget measures and quality guidelines at the system level eliminate the need for second-guessing every treatment decision.

Our present health care system is filled with too much paperwork and too much bureaucracy. We now spend 25% of our health care dollar on billing and administration. Practicing medicine has become more and more of a hassle for our health care providers. The situation has become so bad that a recent Gallup poll showed almost 40% of physicians would not go to medical school if they had to do it all over again.

The Program would also expand the supply of nurse practitioners, nurse midwives, nurse anesthetists, physician assistants, and outreach workers. It would help relieve the burden of educational costs for doctors and midlevel practitioners would serve in an expanded National Health Service Corps.

### *What about workers who are displaced by the program?*

States could spend up to 1% of their budgets, for the first five years of the Program, on programs to assist administrative employees in the health insurance industry who may be displaced.

### *What serves are not covered?*

The Program covers benefits necessary and appropriate for the maintenance of health or for the diagnosis or treatment of disability or disease, and for rehabilitation after injury.

Services which are not traditionally covered medical services would not be covered. This includes over-the-counter drugs (aspirin, cold medicine), surgery performed only for cosmetic purposes, and physicals for the purposes of litigation or obtaining life insurance.

### *How would the program promote access to health care in rural and medically underserved areas?*

It doubles grants to existing programs such as public health services, community health centers and migrant health centers that were designed to expand access. It would help increase the number of practitioners in these areas by greater funding for the National Health Service Corps, which send practitioners into underserved areas for two years. In a more cost-efficient system, there would be more funds to link rural providers to other professionals via electronic networks, making rural practices more viable.

The bill would reverse current financial incentives by setting reimbursement rates that encourage providers to locate in underserved areas. In addition, the Board would be required to consider as a factor the geographic distribution of the state's population, particularly the proportion of the population residing in medically underserved rural or inner city areas, when setting state health care budgets and capital budgets.

### *How would the program help control the price of prescription drugs?*

The prices of prescription drugs are soaring out of control. In 1992, the Senate Select Committee on Aging found that prices for prescription drugs rose by a staggering 152% during the 1980's. This is three times the rate of general inflation, and almost 20% higher than medical inflation.

Not surprisingly, the drug industry enjoys an average annual profit of 15.5%—more than triple the profit margin for the average Fortune 500 company.

As the Senate report concluded, "Attempting to shame the drug manufacturing industry into being responsive to the needs of the American public is obviously not working." The industry's response to President Clinton's proposal to increase immunizations among children revealed an industry far more deeply immersed in concern with profits than with the public's health.

The Program would provide the tools to gain control over pharmaceutical prices. A professional committee, similar to those that now exist in many hospitals, would classify like drugs into categories. The national Board, as the primary purchaser of prescription drugs, would have enormous leverage in negotiating the prices of drugs with each category. The Board would also set maximum prices.

### *Would the system lead to rationing?*

Some people fear that a national health insurance program would lead to rationing of health care. The fact is that the United States spends more than enough now to care very well for every individual in the country. We spend 30% more than Canada, twice as much as Japan, almost three times as much as Great Britain. If we spend that money more wisely, every American can have access to needed services, from primary to highly specialized care.

In fact, the United States rations health care now in "irrational ways," according to the Journal of the American Medical Association. We ration health care by ability to pay, by health status, and by employment status. People who cannot afford health insurance, an increasing number, do not get the same health care as others. People who need health care the most because of serious illness often are refused health insurance because of their "pre-existing conditions." And people who are self-employed, like our farmers, or who work for or own small businesses or who are unemployed are often unable to get insurance.

An American Health Security Program would grant every citizen equal access to health care. Medical care would depend on a professional assessment of medical need rather than on insurance status. And the national health insurance program would give us the framework for reasoned planning and decision-making about how to invest and spend our health care dollars. We would be able to spend more dollars on care, and fewer dollars on administrative costs, helping to ensure that all Americans could have access to needed care.

### *What about the cost?*

Americans spend more out of pocket every year, for health plans that may change every year. Reimbursement forms are often a nightmare for the seriously ill. People in employment-based insurance plans pay more when government plans are cut, small plans pay more when large plans negotiate discounts with hospitals, and years of paying premiums are useless if a plan decides to cut benefits in the midst of a catastrophic illness.

This plan would put an end to the shame of shifting skyrocketing costs. Everyone would contribute fairly, through progressive financing, for an effective, efficient health care system that will always be there when it's needed, for all who need it.

The fact is, under the American Health Security Act the vast majority of Americans would pay far less than they do now, and they'd be paying for value and security.

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## SECTION-BY-SECTION SUMMARY OF THE AMERICAN HEALTH SECURITY ACT

Sec. 1. Short title: American Health Security Act of 1993.

### TITLE I: ESTABLISHMENT OF PROGRAM; UNIVERSAL ENTITLEMENT; ENROLLMENT

Sec. 101. State-Based American Health Security Program is established, to be administered by states. To receive federal health care funding, states must establish State Health Security Programs in accordance with this Act. Puerto Rico and U.S. territories may choose to be included.

Sec. 102. All U.S. citizens and lawfully admitted aliens are entitled to coverage. Others may be covered at the discretion of the Board, or under a State program, to protect public health or prevent adverse consequences of uncompensated care.

Sec. 103. States shall enroll all eligibles as of January 1, 1995, and provide for automatic enrollment at birth or immigration. Enrollment applications must be readily available, and each enrollee must be issued a health security card for identification and claims processing.

Sec. 104. Benefits are portable when enrollees move or travel between states. States must coordinate payments when enrollees receive out-of-state care.

Sec. 105. Benefits are first available for services furnished on January 1, 1995.

Sec. 106. The American Health Security Program supersedes Medicare, Medicaid, Federal Employee Health Benefits Program, and CHAMPUS. These superseded programs must pay for completion of services they covered before January 1, 1995. Nothing in this Act affects eligibility of veterans for V.A. health benefits, or of Indians for benefits and services of Indian Health Service.

### TITLE II: COMPREHENSIVE BENEFITS

Sec. 201. All eligible individuals are entitled to have payment made for inpatient and outpatient hospital services, professional services of state-authorized practitioners, community-based primary health services, preventive services, including those which maintain health status, nursing facility services, home health services, home and community-based long-term care services, hospice care, prescription drugs and biologicals, pediatric dental services, mental health services, chemical dependency treatment, diagnostic tests, outpatient therapy, durable medical equipment, home dialysis, emergency ambulance service, prosthetic devices, and other items and services specified by the Board (see section 401). No deductibles or copayments may be charged for acute care services and no provider may charge a patient for such covered services. No private insurance may duplicate Program benefits. States and employers may provide additional benefits at their own expense.

Sec. 202. Definitions of terms: community-based primary health services, preventive services (including periodicity schedule), home and community-based long-term care services, medical foods, mental health services, chemical dependency treatment, care coordination services, nursing facility, outliers.

Sec. 203. Home and community-based long-term care services are covered for persons unable to perform at least two of five activities of daily living without assistance. The cost of these services may not exceed 65 percent (or an alternative percentage determined by the Board) of the cost of nursing home care for an individual.

Sec. 204. The Board shall make national determinations on coverage of experimental services, with professional and public input. Where the Board has recognized practice guidelines, coverage is limited to services provided according to the guidelines or any established exception process. The Board may limit quantities of eyeglasses, hearing aids, and durable medical equipment that will be covered for any individual. The Program will not cover cosmetic procedures, personal comfort items, or services furnished in non-participating facilities. Mental health, chemical dependency treatment, nursing facility, and home health services must be subject to utilization review to determine appropriate duration and intensity of services.

Sec. 205. States may require providers to certify that covered services were provided according to Program requirements. Quality review programs must meet federal standards, as set forth in Title V including professional qualifications of reviewers, development of practice guidelines, mechanisms for identification of outliers in patterns of practice rather than case-by-case review provision of review criteria, promptness, independence of quality review entities from reimbursement entities, absence of monetary incentive to favor one pattern of practice over another, access to reviewers, appeals, and confidentiality. States may require plans of care for coverage of certain services.

### TITLE III: PROVIDER PARTICIPATION

Sec. 301. To receive payment, providers must agree not to discriminate or to charge patients for covered services, to furnish necessary information to the Board or a state program, not to employ other providers whose participation has been terminated for cause, and to submit bills promptly.

Sec. 302. Qualified providers are those meeting the requirements of state law to provide services, and additional standards the Board may specify. A reasonable transition period must be provided for any new standards. States must exchange information on quality assurance and cost containment.

Sec. 303. Comprehensive health service organizations are public or private organizations that furnish or arrange a full range of covered services in return for capitated payment. All those living in a CHSO service area are eligible to enroll voluntarily and may withdraw after 12 months, or sooner for cause. CHSOs must make covered services readily and promptly available, provide continuity of care, include consumer and provider representation on governing boards, have patient grievance programs, encourage health education and prevention, give health professionals control of care delivery, use allied health professionals, not provide monetary inducements to reduce necessary services, market their services broadly in their communities, and meet financial solvency requirements.

Sec. 304. Current Medicare prohibitions on physician self-referrals for clinical laboratory services are extended to other services and applied to the American Health Security Program.

### TITLE IV: ADMINISTRATION

#### *Subtitle A: General Provisions*

Sec. 401. The Program will be governed by the American Health Security Standards Board: six members appointed by the President, subject to Senate confirmation, for six-year terms, no more than three from one party, plus the Secretary of Health and Human Services. The Board will develop policies and procedures for enrollment, benefits, provider participation, national and state funding levels, quality assurance, and other functions. The Board will establish uniform reporting standards for health services and State Health Security programs, and publish an annual report. The Board may make statistical and other studies, test alternative payment methods, develop and test information and budget systems. The Board will appoint an executive director who may hire the staff necessary to administer the Program; the President will appoint an inspector general to promote program integrity.

Sec. 402. The American Health Security Advisory Council, consisting of 20 members appointed by the Board, will advise the Board. Membership will include providers, consumers, public health professionals, and representatives of State Health Security Programs. The Council will publish an annual report, including recommendations for legislation or program administration.

Sec. 403. Advisory Committees on Benefits, Cost-containment, Primary Care and the Medically Underserved, Mental Health and Substance Abuse Treatment and Prescription Drugs established to advise Board. Board may appoint other temporary advisory committees.

Sec. 404. The American Health Security Quality Council will develop national programs for outcome analysis and outlier identification as described in Title V. The Quality Council will consist of 10 members appointed by the President for 5 year terms. All members will be from the health professions, six of whom will be physicians. All members will be selected on the basis of national reputations for clinical and academic excellence. The functions of the Council include collection of data from outcomes research, development of practice guidelines, provision of methodology for outlier identification, and development of guidelines for education of or sanctions against outliers. The guidelines, methodologies, and information obtained by the Quality Council will be disseminated to the States for implementation subject to State discretion as provided in Title V.

Sec. 404. To receive funding, states must submit plans to the Board for their State Health Security Programs. Neighboring states may join in regional plans, and the Board will encourage states to develop regional planning mechanisms for more efficient allocation of tertiary care resources. State Health Security Programs must meet federal standards, including single-agency administration, a State health security budget, provider payment and quality review methodologies consistent with federal standards, freedom to choose providers, a consumer ombudsman, an annual report, and provisions to guard against fraud and abuse. State programs not meeting federal requirements may, after notice, be placed in receivership under the Board's justification. States may use fiscal agents, after competitive bidding, to process claims.

Sec. 405. The Secretary of Health and Human Services must direct all health-related activities of the Department toward contributions to health of the people complementary to this Act.

### *Subtitle B: Control Over Fraud and Abuse*

Sec. 411. The Board may exclude providers from participation, impose civil monetary penalties, and seek criminal prosecution for fraud or abuse, based on current Medicaid standards. Providers must disclose relevant information about their ownership interest in health facilities and services, based on current Medicaid standards.

Sec. 412. The Inspector General will establish a national data base, including the identity of any provider who has been convicted, had a license revoked, excluded or suspended from participation, or subjected to a civil penalty with respect to a State Health Security Program, Medicare, Medicaid, or other federally funded health program. States must provide relevant information for this purpose, and periodically inquire of the data base to determine provider qualifications to participate in State Health Security Programs.

Sec. 413. States will establish fraud and abuse control units, distinct from agencies administering State Health Security Programs, that meet current requirements for Medicaid fraud control units.

Sec. 414. The Board will provide for assignment of a unique identifier to each participating provider and to each individual eligible for services. These identifiers must be used for claims and payment.

## TITLE V: QUALITY ASSESSMENT

Sec. 501. The American Health Security Quality Council will collect data yielded from outcomes research and develop practice guidelines on the basis of such data together with existing clinical knowledge. In addition, the Quality Council will adopt methodologies for profiling of patterns of practice of health care professionals and for identifying outliers as defined in S. 202 whose pattern of practice suggests quality deficiencies. The Quality Council will develop standards for the development of centers of excellence for designated procedures and for education of and sanctions for outliers. The Quality Council will disseminate all quality guidelines and standards to the states for implementation.

Sec. 502. Each participating state must establish entities to conduct quality reviews of its health care delivery system which meets federal standards for adoption of practice guidelines, identification of outliers, and education for quality improvement or termination from participation. The quality review entity must be administratively independent of the State Health Security Board. Such review entities may be established on a hospital-by-hospital basis. The state may adopt alternative methodologies to those adopted by the Quality Council but must demonstrate that the efficacy of such review and education programs meets federal standards. No financial incentives can be provided to reviewers to favor pattern of practice over another.

Sec. 503. This Title supercedes all existing federal utilization review programs, including random case-by-case reviews and programs requiring pre-certification of medical procedures on a case-by-case basis. It is the explicit intention of this Title to replace random utilization control with a systematic review of patterns of practice that compromise the quality of care by January 1, 1998. Nothing in this section shall preclude case management of catastrophic cases where such management is necessary to achieve appropriate and beneficial comprehensive medical care.

## TITLE VI: NATIONAL HEALTH SECURITY BUDGET; PAYMENTS

### *Subtitle A: Budgeting and Payments to States*

Sec. 601. A national health security budget will be established annually, based on prior-year health expenditures plus growth in the [gross domestic product]. The national budget will be divided into quality assessment, professional education, administrative, and operating components.

Sec. 602. The Board will allocate funds in the national budget to the states, based on the national average per capita cost of covered services, adjusted for differences among the states in costs and the health status of populations. State adjustments will include relative needs for capital and training funds. These state adjustment factors must be applied in a budget-neutral manner, resulting in no change in total federal expenditures from the national per capita average. Statistical models may be used to estimate state capitation amounts.

Sec. 603. State Health Security Programs must submit proposed annual budgets to Board, broken into quality assessment, professional training, administrative and operating components, with the operating component broken into facility-based services, individual practitioner payments, payments to comprehensive health services organizations, and payments for other items and services. Health care facilities fund capital expenditures from their operating budgets, although states have the discretion to implement capital approval mechanisms. After the Board has allocated funds to the states, they must prepare budgets within those allocations. States may not spend more than three percent of their budgets on administrative costs, and may, in the first five years of the program, spend one percent on programs assisting workers currently performing administrative functions in the health insurance system who may be affected by the transition to a single-payer system.

Sec. 604. State Health Security Programs will receive federal funds equal to a weighted average 86 percent of their population-based share of the national budget, which the Board may adjust between 81 and 91 percent based on state economic conditions. Any additional expenditures of the State Health Security Program will be the state's responsibility.

Sec. 605. Each state must establish a separate budget account for health professional education expenditures, and distribute funds consistent with the goal of training more primary care providers and fewer specialists (see section 701).

### *Subtitle B: Payments by States to Providers*

Sec. 611. States will pay hospitals, nursing facilities, and other institutional services on the basis of annual budgets negotiated with facilities, within state budgets. Facility budgets must take into account discharges by diagnosis-related groups, prior expenditures, inflation, compensation, occupancy levels, past financial performance, any training functions, technological changes, and efficiency incentives. Facility budgets must be adjusted to reflect payments made by comprehensive health service organizations.

Sec. 612. States will pay individual practitioners on a fee-for-service basis, as negotiated between states and practitioner representatives. The Board will establish models for such payment and for global fee payment methodologies to encourage payment for combinations of services. Practitioners must bill state programs within 30 days of providing services, and states may require electronic billing. States will apply volume performance standards to separate classes of service and adjust fees quarterly when volumes exceed or fall below the standards, in order to stay within the state health care budget. Classes of services include mental health, chemical dependency treatment, dental services, home and community-based long-term care services, and other states may establish.

Sec. 613. States may pay comprehensive health service organizations based on annual budgets or on risk-adjusted capitation payments, reduced by the costs of covered services not provided by the CHSO.

Sec. 614. States may pay for community-based primary health services based on annual budgets or on fee schedules that take account of costs of serving non-covered patients, providing case management, transportation, or translation, and providing health professional training.

Sec. 615. The Board will establish a list of approved prescription drugs, based on the advice of its Advisory Committee on Prescription Drugs (see section 403), and will negotiate maximum prices with manufacturers. States will pay for drugs based on these maximum prices, and will pay separate dispensing fees to pharmacies.

Sec. 616. States will pay for medical devices and equipment based on maximum prices determined by the Board for approved items.

Sec. 617. States will pay for other items and services (not specified in preceding sections) based on methodologies to be adopted by the Board.

Sec. 618. The Board will establish model payment methodologies to promote the provision of services in medically underserved areas. States may adjust payment amounts within their health security budgets to encourage provision of appropriate services in underserved areas.

Sec. 619. States may utilize alternative payment methodologies, provided the State meets Federal requirements for maintaining universal coverage, weighting fee schedules to provide incentives to practitioners to choose primary care medicine, maintaining free choice of providers, meeting minimum benefit standards, and conforming to the Federal budget. States must submit reports to the American Health Security Board showing the operation and effectiveness of alternative methodologies to enable the Board to revise its own methodologies where appropriate.

### *Subtitle C: Mandatory Assignment and Administrative Provisions*

Sec. 620. Participating providers must accept payment from a State Health Security Program as full payment for covered services, and may not impose additional charges on patients. Providers violating this provision may be excluded from participation and subject to civil penalties.

Sec. 621. States will establish procedures for reimbursement to providers within 60 days of bill submission, and an appeals process to handle complaints relating to provider payments.

## TITLE VI: PROMOTION OF PRIMARY HEALTH CARE; DEVELOPMENT OF HEALTH SERVICE CAPACITY; PROGRAMS TO ASSIST MEDICALLY UNDERSERVED

### *Subtitle A: Promotion and Expansion of Primary Care Training*

Sec. 701. A national goal is established: at least 50 percent of graduate medical residencies will be in primary care (family practice, general internal medicine, general pediatrics) within five years of enactment. The Board will establish a method of applying this goal to program goals for each medical residency program or consortium of programs, and to reduce payments for residency programs failing to meet their goals.

Sec. 702. Advisory committee on Graduate Medical Education is established to advise Board on activities to achieve 50 percent primary care residency goal.

Sec. 703. The Board may annually transfer between 4/100 and 6/100 percent of American Health Security Trust Fund revenues to the Public Health Service, for existing programs supporting health professional education (Title VII, Public Health Service Act) and nursing education (Title VIII, Public Health Service Act), and for the National Health Service Corps. At least 50 percent of transferred funds must be expended for the National Health Service Corps. These funds are in addition to current appropriations.

### *Subtitle B: Direct Health Care Delivery*

Sec. 711. The Board may annually transfer between 1/10 and 14/100 percent and percent of Trust Fund revenues to the Public Health Service for existing grant programs: Maternal and Child Health Block Grant, Preventive Health Block Grant, Community Mental Health Block Grant, Substance Abuse Block Grant, and grants for HIV health services under Ryan White AIDS Care Act. These funds are in addition to current appropriations.

Sec. 712. The Board may annually transfer between 6/100 and 1/10 percent of Trust Fund revenues to the Public Health Service for grants to nonprofit community health centers and similar facilities under section 613. These funds are in addition to current appropriations for such facilities.

Sec. 713. A new program of grants to nonprofit community health centers, migrant health centers, and other federally qualified health centers is authorized. Grant funds may be used to plan, develop, and deliver primary care in underserved areas.

### *Subtitle C: Primary Care and Outcomes Research*

Sec. 721. The board may annually transfer between . . . percent and . . . percent of Trust Fund revenues to the Agency for Health Care Policy and Research for health outcomes research. These funds are in addition to current appropriations for such research.

Sec. 722. An Office of Primary Care and Prevention Research is created in the National Institutes of Health, to identify and coordinate research activities relating to primary care and prevention, including care provided by multidisciplinary teams. Appropriations are authorized.

### *Subtitle D: Development of National Electronic Data Base*

Sec. 731. Participating states shall develop a uniform electronic data base for all patient records to enable systematic quality review and outcomes analysis by the year 2000, and appropriations are authorized.

Sec. 732. The data bases in all states must operate on uniform software as designated by the Board to enable portability of patient records and comparative outcomes research analysis. No waivers of the uniform software requirement may be granted.

Sec. 733. The data base will be designed to protect the privacy and otherwise shield the identity of the patients whose records are entered in the data base. Government agencies shall not have access to the identities of the patient records involved, except where quality review procedures require that patients be informed of necessary changes in their treatment.

## TITLE VIII—FINANCING

Sec. 800. Amendment of 1986 Code; Section 15 not to Apply. Financing provisions are considered to be amendments to the IRS Code of 1986. Subtitle B financing amendments shall not be treated as a change in a rate of tax for purposes of section 15 of the IRS Code of 1986.

The effective date of the following revenue changes is December 31, 1994.

### *Subtitle A—American Health Security Trust Fund*

Sec. 801. American Health Security Trust Fund. The American Health Security Trust Fund is created to pay for services covered by this Act. The Trust Fund shall consist of revenues attributable to the amendments made by this title. Revenues that would have been appropriated beginning in fiscal year 1995 to carry out the Medicare and Medicaid programs, the Federal Employees Health Benefits Program, and CHAMPUS are appropriated to the Trust Fund.

### *Subtitle B—Increases in Corporate and Individual Income Tax Rates; Health Security Premium*

Sec. 811. Increases in Regular Income Tax Rates. The top corporate income tax rate is increased from 34 percent to 38 percent for corporations with taxable incomes over $75,000 per year. Individual income tax rates are increased to 31 percent from 28 percent, to 34 percent from 31 percent, and a new top rate of 38 percent is established for families with taxable income over $200,000 per year. The 15 percent rate remains the same.

Sec. 812. Increases in Minimum Tax Rates. The minimum tax rate is increased from 20 percent to 25 percent for corporations and from 24 percent to 28 percent for individuals.

Sec. 813. Health Security Premium. A health security premium equal to 7.5 percent of taxes paid is applied to the income taxes paid by each taxpayer.

Sec. 814. Millionaire's Surtax. A 10 percent surtax is applied to the income taxes paid by taxpayers with taxable income over $1 million.

### *Subtitle C—Employment Tax Changes*

Sec. 821. Modifications of Certain Employment Tax Provisions. The dollar limitation on the amount of wages subject to the Medicare Hospital Insurance (HI) tax is repealed. The employer portion of the HI tax is increased from the current 1.45 percent of wages to 7.9 percent. The HI self-employment tax is increased from 2.9 percent to 8.35 percent of income. Those state and local government employees who were previously exempt from the 1.45 percent HI tax are made subject to the tax.

### *Subtitle D—Other Revenue Increases Primarily Affecting Individuals*

Sec. 831. Overall Limitation on Itemized Deductions for High-Income Taxpayers Made Permanent. The current overall limitation is made permanent.

Sec. 832. Phaseout of Personal Exemption of High Income Taxpayers Made Permanent. The current phaseout is made permanent.

Sec. 833. Modifications to Deductions for Certain Moving Expenses. The deductibility of moving expenses is limited to $5,000, among other changes.

Sec. 834. Top Estate and Gift Tax Rates Made Permanent. Current estate and gift tax rates are made permanent.

Sec. 835. Elimination of Deduction for Club Membership Fees.

Sec. 836. Increase in Social Security Benefits Included in Income. The portion of Social Security benefits subject to taxation (for a single person with income over $25,000; and a couple with income over $32,000) is increased from 50 percent to 85 percent.

Sec. 837. Long-term Care Health Care Premium for the Elderly. All individuals 65 years of age or older eligible for benefits under this Act shall pay a monthly premium of $65 for long-term care health, which shall be adjusted annually according to the cost of living. Low-income elderly below 120 percent of the poverty level will not be liable for the premium.

### *Subtitle E—Other Revenue Increases Primarily Affecting Businesses*

Sec. 841. Mark to Market Accounting Method for Securities Dealers. Changes are made to rules applying to securities held by a securities dealer, including counting at fair market value any security which is inventory in the hands of a dealer, and in the case of securities not in the hands of the dealer, recognizing gain or loss if such security were sold at its fair market value on the last business day of the taxable year.

Sec. 842. Increase in Recovery Period for Nonresidential Property. The recovery period for nonresidential real property is extended to 40 years.

Sec. 843. Taxation of Income of Controlled Foreign Corporations Attributable to Imported Property. Income of U.S.-controlled foreign corporations derived in connection with manufacturing, producing, growing or extracting imported property, the sale or other disposition of imported property, or the lease or rental of imported property is subject to greater taxation.

Sec. 844. Repeal of Deduction for Intangible Drilling and Development Costs.

Sec. 845. Repeal of Percentage Depletion for Oil and Gas Wells.

Sec. 846. Repeal of Application of Like-Kind Exchange Rules to Real Property.

Sec. 847. Amortization of Portion of Advertising Expenses. 20 percent of advertising expenses are required to be amortized over four years.

*Subtitle F—Estimated Tax Provisions*

Sec. 851. Individual Estimated Tax Provisions. Current changes in computation and payment of estimated tax provisions is made permanent.

Sec. 852. Corporate Estimated Tax Provisions. Current changes in computation and payment of estimated tax provisions is made permanent.

*Subtitle G—Alternative Taxable Years*

Sec. 861. Election of Taxable Year Other than Required Taxable Year. The taxable year for an S corporation or partnership must be the same as an entity's reporting period if an entity has annual reports or statements which ascertain income profit or loss and are provided to shareholders or used for credit purposes.

Sec. 862. Required Payments for Entities Electing not To Have Required Taxable Year.

*Subtitle H—Deduction for Charitable Contribution of Appreciated Property Limited to Adjusted Basis*

Sec. 871. Deduction for Charitable Contribution of Appreciated Property Limited to Adjusted Basis. The amount of charitable property contributions shall be reduced by the amount that would have been gained had the taxpayer sold the property at its fair market value.

*Subtitle I—Minimum 5-Percent Rate of Tax on Interest Paid to Foreign Persons*

Sec. 881. Minimum 5-Percent Rate of Tax on Interest Paid to Foreign Persons. A 5 percent withholding tax is set on interest paid to foreigners, notwithstanding any treaty obligations of the U.S.

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## TRIBUTE TO ASA T. SPAULDING, SR.

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. TOWNS. Mr. Speaker, February was Black History Month. Although February has passed, the necessity to recognize the contributions of African-Americans has not. Acknowledging that black history transcends the confines of 1 month, I rise to recognize and pay tribute to the late Asa T. Spaulding, Sr. Mr. Spaulding is a noted pioneer who cleared the way for others to follow.

Mr. Spaulding was born July 22, 1902 in Columbus County, NC. He received degrees from New York University, B.S., 1930, University of Michigan, M.A., 1932, as well as honorary degrees from Shaw University, LL.D., North Carolina College, LL.D., Morgan State College, D.B.A., University of North Carolina, LL.D., and Duke University, LL.D.

He served as the fifth president of the North Carolina Mutual Life Insurance Co., one of the largest black-controlled insurance companies in the world. Mr. Spaulding worked at North Carolina Mutual for 36 years and served as the company's and the Nation's first black actuary. After retiring in 1968, Mr. Spaulding formed a consulting firm that advised a plethora of corporations across the country. Mr. Spaulding was appointed to the W.T. Grant Co., making him the first African-American to serve on the board of a major corporation in the United States.

His tireless efforts and commitment to racial uplift through economic enfranchisement were evident through his active involvement with numerous professional, philanthropic, and community organizations. He was a man who changed the way African-Americans were viewed in the business world and brought a level of proficiency that is still unequalled by many today.

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## A SALUTE TO I. JOHN REIMERS

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. GILLMOR. Mr. Speaker, I am pleased to take this opportunity to pay tribute to Mr. I. John Reimers, a friend who is retiring after years of distinguished service to the Ohio Chamber of Commerce, most recently as president and chief executive officer.

In an age when economic growth is the major goal of most of our legislative actions, it is appropriate to take a moment to salute Jack Reimers. He dedicated his career to promoting and understanding all that has made America the most prosperous economy in the world: entrepreneurship, job creation, and the competitive spirit.

Jack Reimers is known and respected throughout Ohio for his contributions to the legislative process and his keen grasp of how government policies affect the private sector. As he retires, he should be very proud of a career that has made a positive and lasting impact on the well-being of the State in which he lives.

Mr. Speaker, I ask my colleagues to join me in congratulating Jack Reimers for all of his good work over the years. I wish Jack and his family all the best in the years ahead.

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## ADVERTISING BY THE PHARMACEUTICAL MANUFACTURERS ASSOCIATION

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. STARK. Mr. Speaker, I noticed yesterday that the Pharmaceutical Manufacturers Association had taken out a full page advertisement in the Washington Post, in which the PMA quoted, "Those of us who work in this industry are committed to making sure that every American has access to quality health care at affordable prices."

Prescription drug manufacturers are under pressure from consumers and lawmakers to reduce rapidly increasing drug prices. This ad tried, I believe, to regain consumer confidence.

When I glanced at the Wall Street Journal a few minutes later, well, there was that ad again. And I found it in the New York Times, the Los Angeles Times, the USA Today, the Philadelphia Inquirer, the Boston Globe, the Dallas Morning News, the San Francisco Chronicle.

Mr. Speaker, for the sake of being brief, let me say that this advertisement ran yesterday in 37 newspapers, full-page, at a staggering cost of $869,159.22.

And how do you think the PMA financed this marketing scheme? With savings from the tooth fairy?

Mr. Speaker, millions of Americans are without health care coverage today. Millions of elderly can not afford to buy life-saving drugs because pharmaceutical prices are skyrocketing. Do you know what $869,159.22 can buy?

It is a year's supply of AZT for 300 AIDS patients, or a full cycle of taxol, which treats ovarian cancer, for 86 women. It can buy 400 dosages of TPA, which breaks up blood clots that cause heart attacks.

It is also 800 dosages of neupogen, which increases white blood cell counts for those undergoing chemotherapy.

The recent studies, bad publicity, and consumer disapproval would be enough for most industries to rethink their situation and respond to the needs of the consumers to which they cater. But, the PMA just does not get it.

This is a classic example of what is wrong with America's health care system. It is a system that tries to gloss over its image before creating real change to meet the health care needs of Americans.

I suggest that the PMA decrease the prices of pharmaceutical products at the local pharmacy, where consumers pay for drugs out-of-pocket, a total of $869,159.22 rather than hiding behind their marketing schemes. Cutting drug prices will do more for pharmaceutical manufacturers' public relations than all the advertisements in the world.

## HONORING DR. WILLIAM C. PRATTELLA

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. ENGEL. Mr. Speaker, we are at a time of adjustment in our Nation, where the status quo will no longer suffice and the challenge to change confronts us.

Twenty-one years ago, the same type of challenge greeted Dr. William C. Prattella when he was chosen Mount Vernon's superintendent of schools. Since that time, he has worked to improve the Mount Vernon school system using a unique combination of vision and innovation. Today, I join the entire Mount Vernon school system in celebrating Dr. Prattella's accomplishments.

Dr. Prattella once said that "the real meaning of education is caring, loving, sharing, appreciation and understanding." This statement is indicative of his devotion to the educational system. Dr. Prattella's constant drive to challenge individuals has helped them reach heights they could only have imagined without his leadership.

In these times, we need this spirit of change and innovation more than ever before. I am proud to say that in my district, we have a leader like Dr. William Prattella to stand as an example of positive change and innovation.

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## NEW JERSEY LEADS IN TECHNOLOGY

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. GALLO. Mr. Speaker, as the 21st century approaches, there is a great need for research and development of advanced telecommunications networks in the United States. This country must be competitive in the global marketplace and we will not be if we ignore the importance of research and development.

I would like to recognize the contributions of several northern New Jersey high-technology companies in that high-technology future.

The U.S. Defense Department's Defense Advanced Research Projects Agency [DARPA] has recently named two New Jersey firms to be active participants in two competitive research groups. Bellcore and AT&T will both play pivotal roles in creating the information highway of the future.

Bellcore's [Bell Communications Research] headquarters is in Livingston, NJ, with research laboratories in Morristown and Navesink, NJ. Their primary responsibilities will be to focus on research and development of network technologies and a multiwavelength telecommunications network. Under Bellcore's leadership, this alliance of six companies and two research institutions has set an ambitious goal: the development of prototypes of massive fiber optic communications networks in just 2 years.

In addition to Bellcore, another northern New Jersey company, Northern Telecom, with facilities in Morristown, will be a participating member of the research team as well.

A second consortium also includes: Massachusetts Institute of Technology, AT&T Bell Laboratories, and Digital Equipment Corp.

This alliance of these companies and organizations on this project will speed up the research and development process. The new system will be capable of transmitting up to 25 trillion bytes per second, compared with current capabilities in the range of 100 million bytes per second. This is an incredible technological advancement.

The High Performance Computing Act, enacted in Congress in 1991, will allocate $1 billion over 5 years for Federal research. The other members of this consortium are: Hewlett Packard Laboratories, Columbia University, Hughes Aircraft Co., Lawrence Livermore National Laboratories, Rockwell International Corp., and United Technologies Research Center.

Cooperation among these diverse private and public entities is imperative, because together, sharing information, technology, and resources, these all-American technology teams will create the communications system of the future. Together, they can do what could not be done individually, and America benefits.

Eventually, schools and households across the United States, will be connected to the network. Because everyone can be connected to this high-capacity fiber optic network, its development promises to decrease America's increasing information gridlock.

Mr. Speaker, I would like to congratulate all New Jersey participants, including AT&T, Bellcore, and Northern Telecom, along with their teams of dedicated scientists, for their leadership role in the research and development of high-capacity fiber optic networks.

I would also like to urge my colleagues to offer their congratulations as well.

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## INTRODUCTION OF THE NATIONAL AERONAUTICS RESEARCH AND COMPETITIVENESS ACT

### HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. LEWIS of Florida. Mr. Speaker, today DAVE MCCURDY and I are introducing the National Aeronautics Research and Competitiveness Act.

This bill calls for industry led joint programs between NASA, DOD, and the private sector in dual-use technologies which have both military and civilian applications. It does not require new budget authority.

Many people think NASA just means moonshots. But NASA's research has been instrumental in our $30 billion aerospace trade surplus. Combining NASA, DOD, and industry experience can ensure the superior status of all our aerospace sectors.

This bill develops a 5-year plan through which aeronautical research will be conducted. The fruits of this labor will be available to both the U.S. defense and civilian aerospace sectors.

Hundreds of thousands of aerospace jobs were a result of past research. This bill continues NASA research, while leaving it available for future defense needs—all in the context of our deficit.

I urge my colleagues to cosponsor the National Aeronautics Research and Competitiveness Act.

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## ARMORED CAR INDUSTRY RECIPROCITY ACT

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mrs. COLLINS of Illinois. Mr. Speaker, the Federal Government ships billions of dollars worth of currency, coins, food stamps, and precious metals across the country using armored car companies. For example, the American Bank Note Co. prints food stamps in Pennsylvania, which are shipped by armored car to 3,500 distribution points across the country. A typical vehicle carries about $75 million worth of food stamps.

The U.S. Mints in Philadelphia, Denver, and San Francisco ship coins across the country by armored car. A typical shipment might take the coin from Philadelphia to Florida, passing through Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. The return route could include a completely different set of States.

I was therefore surprised to learn that an armored car guard's license to carry a weapon in one State is not honored in other States. Under the current system, a guard would have to obtain a separate license in each State.

Unfortunately, obtaining multiple licenses is often impractical in many cases. In practice, what happens is that the crews simply drive through the States without proper licenses. When they are stopped by authorities, the crew can face criminal charges and the valuable in the car may be placed in jeopardy.

The problem occurs often. For example, an armored car company was moving $50 million in food stamps from Pennsylvania to upstate New York. When stopped at a weigh station, police asked to see the guard's and driver's weapons permits. When they produced New Jersey permits, the driver was arrested and placed in jail, while the guard was left unarmed with the truck containing the $50 million. The next day charges were dismissed.

In Louisiana, another armored car containing food stamps was stopped on a routine traffic check. The armed guards, who had licenses from Pennsylvania were arrested and taken to jail while the truck was left along the side of the road. The charges were later dismissed.

In Virginia, an armored car transporting currency from the Bureau of Engraving to North Carolina were stopped by the police and their weapons confiscated, leaving them to proceed with their multimillion cargo without weapons.

These problems do not relate solely to the transport of Federal currency and food stamps. Problems particularly arise for companies operating in metropolitan areas near State lines. For example, companies carry currency between Gary, IN and Chicago, IL, or between stores in the District of Columbia, Virginia, and Maryland. Small, independent companies are placed at a distinct disadvantage because of the cost of obtaining multiple licenses.

The simplest solution to the problem of interstate commerce for valuable property is to require States to provide reciprocity for out-of-State weapons permits, solely for the purposes of armored car crews engaged in interstate commerce.

The Armored Car Industry Reciprocity Act, which I am introducing today along with the ranking member of our subcommittee, Mr. STEARNS, provides such reciprocity, and is endorsed not only by the industry, but the users of armored cars, including the Federal Government. There have been expressions of support from the Bureau of Alcohol, Tobacco and Firearms, the Bureau of the Mint, the Bureau of Engraving and Printing, the Department of Agriculture, the Interstate Commerce Commission, the FBI, and the U.S. Marshals Service.

The bill is supported by the Fraternal Order of Police and the International Association of Chiefs of Police.

I want to stress that this is not an issue of gun control. The bill neither takes funds away from those armored car personnel with licenses nor puts them into the hands of those without licenses. The bill is strictly limited to the narrow situation of interstate travel by armored car crews.

For this reason, the bill has been reviewed both by the National Rifle Association and Handgun Control, and neither group raised any problems.

The bill establishes minimum State standards for the granting of weapons licenses to armored car crews in order to qualify for reciprocity. These minimum standards require criminal background checks and annual classroom and range training. While States are in no way required to adopt these minimum standards, and most States already have such requirements, the attraction of reciprocity will likely encourage armored car companies and the States to adopt such standards, if they do not already exist.

This is a short and common-sense bill that resolves a problem of interstate commerce. I introduced the same bill in the previous Congress. At the conclusion of the last Congress, an identical bill, introduced By Senator EXON, passed the Senate by unanimous consent. Unfortunately, the House had concluded its business, and unanimous-consent requests in the House were being blocked. Nonetheless, its passage in the Senate by unanimous consent is evidence of the broad support for this solution to a sticky problem.

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## TRIBUTE TO THE STUDENTS, TEACHERS, AND CHAPERONES OF P.S. 95 IN BROOKLYN, NY

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Ms. MOLINARI. Mr. Speaker, imagine the excitement and anticipation a 5-year-old child feels, as they get ready for a class trip. Along with their classmates, they are going to travel to the big city. The highlight of the trip, is to the top of the tallest building in New York—the World Trade Center.

This is what the kindergartners at P.S. 95 in my district had planned for Friday, February 26, 1993. The children left the school that morning giddy with excitement and ready for adventure. But the day of fun, instantly turned into a nightmare; for the children, their teachers, and their chaperones.

As the group was enjoying their trip, a terrorist bomb ripped apart the trade center's garage. Five people were killed, thousands were injured, and the city's tallest building was filled with black fumes and smoke, sending thousands into the street gasping for air.

Although many were able to escape, thousands more were trapped for several hours in stalled elevators, smoke-filled stairwells, and on the observation deck, 110 stories high; including the children, teachers, and chaperones from P.S. 95.

Anna Marie Tesoriero, one of the teachers, had just ushered 17 kindergartners into a crowded elevator, descending from the 107th floor. As the elevator made its way down, the children called off the numbers of each passing floor.

Suddenly, the lights went out, and the group was trapped somewhere between the 36th and 35th floors and they smelled smoke. Because of Anna Marie Tesoriero, the children remained calm. She had the children sing songs from their favorite cartoon shows, and took out rosary beads that glowed in the dark and led everyone on the elevator in a Hail Mary.

After 5 hours in the elevator, firefighters were able to chop a hole in the side of the elevator, and the elevator was guided down safely to the ground floor.

Meanwhile, at the time of the explosion, Rosemarie Russo was standing in line for the elevator with the children from her class after just finishing their tour of the observation deck.

The elevator never came, and smoke started coming out of the stairwell next to it. Then the entire 107th floor started filling up with smoke, and the group was escorted out to the roof where it would be safer.

Out on the observation deck, it was teacher Rosemarie Russo who kept the children calm. She had the children sing songs from their upcoming play "You're a Good Man Charlie Brown," and with the help of the chaperones, pointed out landmarks like the Statue of Liberty to the children through the falling snow. Mrs. Russo also had the children talk about what the helicopters were doing, and had them wave to them as they circled the tower.

Almost 200 people were stranded in the snow and the cold with the group from P.S. 95. Concerned for the children, these people talked with them, and offered spare clothing to keep them warm—an extra coat, gloves, and scarves. Their affection for the children attributed to keeping them calm.

Three hours later, police officers and firefighters arrived on the observation deck. The group was brought down to the 107th floor, and then eventually worked down the stairs to get out.

Throughout this entire ordeal, communication with terrified parents was orchestrated by principal James Filatro, back in Gravesend.

Mr. Speaker, the children, the teachers and the chaperones of P.S. 95, showed true courage and bravery during their harrowing ordeal. With the assistance of the chaperones, Rosemarie Russo and Anna Marie Tesoriero demonstrated grace under extraordinary circumstances and managed to ease the children's worries and kept them calm through this harrowing ordeal. It is a privilege for me to honor the kindergartners, their teachers, and chaperones from P.S. 95 in Brooklyn. Their courage is a source of inspiration and pride to our community.

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## INTERNATIONAL STUDENT AWARENESS WEEK

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. HANSEN. Mr. Speaker, as our society moves toward an increasingly global environment, it is of the utmost importance that our students learn about other countries. That is why I am introducing "International Student Awareness Week," March 21–27, 1993.

International student exchange programs provide students with an enriched and improved quality of life through firsthand experience of different cultures. These programs also broaden a student's understanding of our country and our community.

The movement toward world peace is fueled by understanding. This understanding comes by learning about and gaining an appreciation of other countries. Gaining this knowledge provides fertile training ground for future world leaders.

Many of you have students in your district who have benefited from this program and many who would like the opportunity. Therefore, I ask you to join with me in supporting International Student Awareness Week.

H.J. RES. —

To designate the week of March 21, 1993, through March 27, 1993, as "International Student Awareness Week".

Whereas international student exchange programs provide students with an enriched and improved quality of life through first-hand experience with different cultures;

Whereas international student exchange programs provide fertile training ground for future world leaders;

Whereas international student exchange programs make enormous strides toward world peace through understanding;

Whereas international student exchange programs enrich a student's understanding of the United States and its communities; and

Whereas the United States recognizes the need for an increased awareness of such valuable programs: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of March 21, 1993, through March 27, 1993, is designated as "International Student Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

## SYRACUSE BLITZ EARNS NORTH EAST CHAMPIONS TITLE

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. WALSH. Mr. Speaker, I rise today in recognition of outstanding individual and team performance.

Two boys' soccer teams from the 25th Congressional District have earned the title "North East Champions." The boys 12-and-under and the boys 14-and-under teams from the Syracuse Blitz will represent Syracuse and Onondaga County in the national championships in Atlanta, GA. Regardless of the outcome in those games, the teams have already won the hearts of their fellow central New Yorkers.

The Syracuse Blitz organization, under the leadership of Camille Habayeb, has earned the recognition of my colleagues. The league strives to provide alternatives which focus the youth of our community on healthy minds and bodies. Their efforts help to instill self-worth and a winning attitude in an era when these ideals are under stress. The organization, the teams, and the individuals involved are worthy of our praise and recognition.

With great pride, I would like to honor each player:

Under-12 boys: Anthony Habayeb, Michael Spadaro, Gregory Tait, Laurence Franks, Robert Hammer, Darek Popovich, Brian Pilger, Brian Tuttle, Brian Bome, Colby Sill, Ashtian Holmes, Jasin Lord, Matthew Loucy, Brenden Causgrove, and David Keegan.

Under-14 boys: Michael Kuznia, Aaron Landers, Michael Osborne, Michael Peplinski, Casey Orcutt, Michael Lorefice, Jeffrey Ascenzo, James Tanner, Timothy Songer, Joshua Reynolds, Brian McQueen, Matthew Woodcock, Mark Popovich, Sean Nevison, Michael McQuarters, Kevin Morel, and Christopher Moryl.

My praise and best wishes go with them.

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## SAVING AMERICAN COMMUNITIES

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. UPTON. Mr. Speaker, as a new Congress and President focus attention on a raft of national problems, it is tempting to believe that all of the programs that can make American life better are programs with mind-boggling price tags. Health care, transportation, and education seem to demand billions of dollars in public funds. As our new President is learning, the money to do all that we may want to do simply may not be available.

This is why I was particularly pleased to join my esteemed colleague from Virginia [Mr. BOUCHER] in introducing legislation that will protect the quality of life in thousands of American communities without the expenditure of a single Federal dollar. The Local Government Interstate Waste Control Act (H.R. 963) is based on the ideal that communities should have a role in decisions that affect them. It is designed to equip America's towns and townships, villages, cities, and counties with the legal tools to resist a tidal wave of trash and garbage that some interests would dump anywhere without concern. The trends and events that led to the creation of this legislation deserve reiteration.

First, the amount of municipal solid waste generated by Americans is increasing and now exceeds 20 million tons per year. During a period when our population increased by 16 percent, our total discards went up by 28 percent. We need to decrease this waste through recycling and source reduction; until we do however, we have to ensure that the waste we do generate does not bury the places where we live.

Second, landfills are becoming scarce. Those near major urban centers are at or close to their capacity. The incinerators and waste-to-energy facilities once viewed as easy solutions have simply not produced anticipated results. Ocean dumping is no longer an option.

Third, no one wants a landfill in his or her community, especially one that solves someone else's solid waste problems. The acronym "NIMBY," meaning "not in my backyard," has been coined to describe the understandable reluctance of local residents to suffer landfills, incinerators, and similar facilities in their neighborhoods and communities.

Fourth, with shrinking landfill capacity, many who dispose of solid waste are using distance itself as a solution. They are not the first to note that what is out of sight—or SITE—is often out of mind. When the citizens and political leaders in one locale lack the wisdom or will to make the hard decisions about landfills, incinerators and recycling, they simply use trucks and trains to make it someone else's problem.

As a result, millions of tons of municipal solid waste is now being shipped to America's hinterlands. Unfortunately what are hinterlands to New Yorkers and Chicagoans are home to millions of others.

Mr. Speaker, this festering problem was brought to a head last June by a decision of the U.S. Supreme Court. In that decision, the Court found that State and local efforts to control the inflow of out-of-State municipal solid waste were impermissible impediments to interstate commerce.

While the Constitution prohibits States from interfering in interstate commerce, it contains an exception: It permits States to do so with the permission of Congress. Our Founding Fathers knew then that situations might arise when such interference might serve an overriding public good. This is one such situation.

This bill allows interference in interstate commerce by empowering local officials to set reasonable terms and conditions on the import of waste from other States. Such empowerment is justified by the need for communities to protect their quality of life. It is thoroughly consistent with a generation of environmental legislation aimed at accomplishing the same end. It protects and insulates thousands of American communities from becoming dumping grounds and encourages those who would create these dumping grounds to resolve their local problems in their own back yards.

We do not dispute their need to deal with their disposal problems. We simply oppose their use of our homes, our neighborhoods, and our communities as easy solutions to difficult problems. Waste will continue to move among States and will continue to be disposed of in distant locales. This legislation simply means that the needs and desires of the people affected by such decisions will have to be considered and dealt with.

We do not seek new range wars pitting congested cities against lightly populated suburban and rural areas. We are one country. We simply want to heighten the role of local officials in decisions that dramatically affect their citizens and communities. Nothing could be more consistent with American traditions.

Mr. Speaker, similar legislation passed the Senate last summer by an overwhelming 89 to 2 vote and a virtually identical measure was cleared by the Committee on Energy and Commerce. Unfortunately, the House legislation got lost in the shuffle during the hectic last days of the 102d Congress.

I represent a district that is mostly rural and situated between several large urban areas. My State, with one of America's first statewide solid waste disposal plans, has shown tremendous foresight in addressing its solid waste problems. It is outrageous to require our citizens to pick up the slack for those who cannot or will not responsibly deal with their own solid waste problems. This legislation deals with solid waste but, more importantly, it deals with those places in the heart where millions of Americans live, work, and raise their children. They deserve our support; this legislation deserves our immediate attention.

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## TRIBUTE TO EVELYN B. KALIBALA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Ms. Evelyn B. Kalibala. Ms. Kalibala is an outstanding leader who is dedicated to serving humanity.

Ms. Kalibala is a native of New York City. She attended Erasmus Hall High School. Ms. Kalibala earned a bachelor of science degree, elementary education, from Fordham University in 1962 and a master of science degree, educational administration and supervision, from Fordham University in 1969.

Currently, Ms. Kalibala is working in the office of multicultural education. She is responsible for the development of the multicultural initiative for the New York City schools from the initial phrase including policy, budget, curriculum, and instruction.

Her background is both extensive and varied. She began her career in New York City as an elementary schoolteacher, and subsequently became a staff developer. Ms. Kalibala lived in Nairobi, Kenya, for 14 years, where she taught and counseled students on educational opportunities in the United States. Also, while abroad, Ms. Kalibala gave tirelessly of herself to help settle South African and Ethiopian refugees in Kenya. She is an dedicated educator who has brought cultural diversity to the city's curriculum.

## SUPPORT FOR H.R. 543

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. THOMAS of California. Mr. Speaker, I urge support of H.R. 543, a bill I have introduced to remove restrictions on the export of Alaskan North Slope [ANS] crude oil. Originally, restrictions were imposed to assure a secure supply of domestically produced oil and thereby reduce American dependence on foreign crude. In reality, however, the result has been just the opposite. The ban undermines the very market we hoped to strengthen and ensures our dependence on imports of foreign oil.

Currently, west coast oil producers are being irreparably harmed by this ill-advised policy. Alaska, which produces 1.6 million barrels of crude oil each day, exports nearly 80 percent of its oil to the west coast. California, which produces 950,000 barrels of its own, is then forced to absorb a majority of this Alaskan oil due to the high cost of shipping it to the gulf coast. The result is an artificially created crude oil glut on the west coast which depresses prices, stifles exploration, and raises unemployment in the oil production industry.

Experts in the energy production field will acknowledge that the ban on the export of Alaskan oil is harming our crude oil producers. Initially, this ban was enacted to ensure our future energy production safety. However, this plan failed to recognize how free markets function. As a result, it is our very security we are sacrificing, not saving. In the past year, U.S. oil imports reached 46 percent and it is estimated that the United States will import 50 percent of its oil within 2 years.

The effects of this market-distorting policy are readily apparent. Domestic oil production has reached its lowest level since 1960. Total imports in 1992 rose 2.9 percent and new oil and gas exploration reached the lowest level since World War II. With the current market constraints in place, exploring for future reserves becomes an investment many California producers cannot afford.

The Commerce Department's Bureau of Export Administration reported to Congress in November 1990 that there was an oversupply of heavy crude on the west coast and Alaska. The combination of Alaskan and Californian output is much larger than regional demand and reflected in the below-market-price of California and Alaskan crude oil. That situation has not diminished. Because of high risk and relatively low returns, producers have had little justification for investing in the upgraded distillation equipment, ensuring that we will be more dependent on imports for our light fuels such as gasoline and jet fuel.

There is an alternative. Alaskan crude could be sold at world market prices to Pacific rim countries, such as Japan. This policy would help to reduce our trade deficit with these nations, while at the same time stimulating our own economy at home, with increased profits and jobs. Lifting this ban could provide a market for the products that west coast refiners create. The increased oil demand in California would create employment for producers throughout the State, and at the same time provide relief to California's sagging economy.

The export ban has ravaged the west coast oil industry. Experience has shown that today's export restrictions have not increased our energy security. Instead, our reliance on foreign oil is increasing and our investment in oil production industry is decreasing. It is time to restore some fairness to the oil producers of this Nation by passing H.R. 543.

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## PAYING TRIBUTE TO OLD FORT UNITED METHODIST CHURCH

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. GILLMOR. Mr. Speaker, I am pleased to take this opportunity to pay tribute to the Old Fort United Methodist Church, which is celebrating its 100th anniversary.

I am proud to say that Old Fort, OH is my hometown. It is a community whose values of faith, family, neighborliness, hard work, and patriotism have stood the test of time. The Old Fort United Methodist Church stands as a proud monument to the community's enduring spirit.

Throughout this year, there will be regular celebrations of the church's centennial. And it is only appropriate that this take place. Because the people of the Old Fort United Methodist Church have created an institution of hope and decency, where worshipers can come together under the warmth of a common light. They should celebrate not only a distinguished past, but also a promising future.

I have often spoken to my colleagues here in the House about the strength of character that can be found in the cities and towns of northwest Ohio. It is for this reason that I take this time to salute Old Fort United Methodist Church on its 100th anniversary.

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## IN MEMORY OF HANS JONAS, PHILOSOPHER FOR THE AGES

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. STARK. Mr. Speaker, Hans Jonas—husband, father, teacher, and one of the great minds of the 20th century, passed away at his home in New Rochelle, NY, on Friday, February 5, 1993. He was 89 years old, but young in mind and spirit. He is one of the most influential philosophers and scholars of our time.

I would like to add my condolences to his family and to his many students who were inspired by his words and deeds over the years.

Seeing the horror that was to come, Hans Jonas left Germany in 1933, but spent a lifetime fighting the kind of intolerance and barbarism that allowed the rise of Hitler. He taught in Jerusalem, served in the British Army during World War II against the Nazis, returned to a teaching assignment in Jerusalem and served in the early Israeli military, before coming to the United States.

In his inquisitive and self-reflective work, Organisms, Medicine, and Metaphysics, Hans Jonas contemplated when life begins and when life ends. His life was a testament to the above questions. His instruction, writings, and lectures will forever be a part of the philosophical world.

Hans Jonas was born May 10, 1903 in Moenchengladbach, Germany. He studied at three universities for his undergraduate degree: the University of Freiberg, the University of Berlin and the University of Heidelberg. He received his Ph.D.—summa cum laude—from the University of Marburg in 1928 and went on to pursue his postdoctoral studies as the University of Heidelberg.

His tenure at over a dozen universities included Hebrew University, McGill University and Harvard University. He immigrated to the United States in 1955 and soon joined the graduate faculty of the New School for Social Research in Manhattan. From 1957 to 1963, he was the chairman of the Philosophy Department until 1976, at which time he retired as the Alvin Johnson professor of philosophy.

Hans Jonas won numerous awards and honors during his career, including the 1987 internationally acclaimed Peace Prize of the German Book Trade for his book, "The Imperative of Responsibility."

To quote one of his students, Paul Schuchman, who spoke on behalf of the graduate faculty at the New School for Social Research:

> If we were asked to sum up the dominant experience of all those who have studied with 'Hans Jonas'—an experience enjoyed again and again over many semesters—we would say very simply: he understands; he understands philosophy, and he understands how to communicate this knowledge so that its true essence is preserved.

Professor Jonas is survived by his wife, the former Eleanore Weiner whom he married in 1943; his son John F. of Washington and his two daughters, Ayalah Sorkin of Wayne, Pa. and Gabrielle Jonas of Manhattan.

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## HONORING RIVERDALE NEIGHBORHOOD HOUSE

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. ENGEL. Mr. Speaker, I rise today to recognize the 120th anniversary of Riverdale Neighborhood House, a vital force in the northwest Bronx.

Riverdale Neighborhood House was born in 1872 in the greenhouse at Greystone, then the country home of the Dodge family, where the young Grace Dodge created a lending library for neighborhood workers. Having soon outgrown the greenhouse, Riverdale residents united behind Grace Dodge and formed a library association and built the "Dear Little Old Library."

Since that time, the Riverdale Neighborhood House has grown in size and stature. Through 120 years of social action, the neighborhood house has enhanced the lives of community residents. From serving as local headquarters for the Red Cross during wartime to mounting the successful drive to build the area's first community swimming pool, the neighborhood house has been a focal point for activity in Riverdale.

Today, the mission of social activism continues in a way that adapts to the changing needs of the community. The programs feature day care services, after-school activities, a job bank for teenagers, summer camp, and senior citizen services such as telephone reassurance and senior companion programs.

I commend all the administrators and volunteers who have helped the Riverdale Neighborhood House grow and prosper. Over 120 years, so many lives have been touched in a positive way, and so many more will be helped in the years ahead.

## TRIBUTE TO RICHARD P. BUEGLER ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE PROTECTORS OF PINE OAK WOODS

### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Ms. MOLINARI. Mr. Speaker, on March 7, 1993, the Protectors of Pine Oak Woods will celebrate its 20th anniversary and pay a special tribute to its founder and president, Dick Buegler. The Protectors of Pine Oak Woods is Staten Island's own conservation organization, dedicated to preservation and protection of our country's open spaces, wetlands, and parks. Over the years, thousands of acres have been added to the Staten Island Park System because of the vigorous work of the Protectors. Staten Island would not be blessed with parks such as Clay Pit Ponds State Park Preserve, Blue Heron Park, Kingfisher Park, and the Green Belt if it were not for the Protectors' perseverance.

It is important to mention that the Protectors accomplish their goals with no office space or paid staff. Instead, their organization is comprised entirely of volunteers.

It is not an exaggeration to say that success of the Protectors of Pine Oak Woods would not have been possible without the hard work and selfless dedication of its founder and president, Dick Buegler. In this leadership capacity, he has been a tireless advocate of land conservation. In addition to his work with the Protectors, he is a biology teacher on Staten Island and is active in countless other community and educational endeavors.

Mr. Speaker, Staten Island is often the forgotten borough when New York City makes its decisions. Dick Buegler and the Protectors have made city hall stop and take notice of our communities' needs. I applaud Dick Buegler's commitment to land preservation and I thank the Protectors of Pine Oak Woods for everything they have done for Staten Island.

## INTRODUCTORY STATEMENT REGARDING TRADE AGREEMENTS COMPLIANCE ACT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. MATSUI. Mr. Speaker, today I rise to reintroduce legislation which will provide for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I urge my colleagues to consider cosponsoring this important legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision, section 306, if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up so that our industries, which are directly impacted by these trade agreements: First, have access to the review process; second, have the right to petition their government; and third, can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

My legislation seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement.

In conducting the review, the Trade Representative would be directed to take into account a number of factors including structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative would also be authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Lastly, under this legislation, the Trade Representative would continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: if our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting the 301 provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation which I am reintroducing completes the process Congress formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Quite simply, this legislation is designed to ensure that our trading partners do not take advantage of the United States. It does not redefine what foreign trade practices are unfair. It simply confirms the obvious: failure to comply with a trade agreement is not fair trading practice. The only way to ensure that the commitments in trade agreements, some of which are actually extensions of previously unfulfilled agreements, are fulfilled, is to raise the degree of oversight of the agreements. It is time the United States forcefully asserted its rights under trade agreements, and the Trade Agreements Compliance Act is designed to assist U.S. industry in this regard.

This proposal was favorably acted upon in the Ways and Means Committee and included in the omnibus trade bill that passed the House last year. In addition, the Trade Agreements Compliance Act was also included in H.R. 11, the second tax bill passed by the Congress and then vetoed by President Bush. Given this past action, I am extremely hopeful that this measure will be successfully enacted during this congressional session, and I encourage my colleagues to support me in this important initiative.

## CHANGE: AT WHAT COST? JOBS OR MANDATED BENEFITS

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. EMERSON. Mr. Speaker, over the past several months we have heard a lot of talk about change. We have heard that the voters want change, that the new administration wants change, and that supposedly the Congress wants change. When I go home to meet with folks in the Eighth District of Missouri, the issues they talk to me about, are jobs and the economy. I remember hearing, when President Clinton was on the campaign trail, both the slogans "jobs, jobs, jobs" and "the economy, stupid." Most of my colleagues in this body said practically the same thing during their election efforts.

So what is the first bill introduced in the new 103d Congress? An economic growth package? A tax cut proposal? A jobs bill? No. The majority leadership and the new administration—in response to nationwide public demand for more jobs and a growing economy—put the Family and Medical Leave Act on the top of their list as priority No. 1.

Please don't misunderstand me. I believe that parental leave and sick leave are wonderful employee benefits. I believe that employers should offer these benefits to their employees in all possible situations. It makes good business sense to accommodate the trying circumstances an employee may confront; also to give an employee time off in order to enjoy the blessings of parenthood. I don't believe, however, that the Federal Government needs to step in and mandate that employers give the employees the type of leave benefits we designate.

Is employee leave the No. 1 problem confronting the Nation? According to a 1991 Gallup Survey, 93 percent of small business owners already offer some form of family and medical leave to their employees, and 94 percent granted their last request for leave. So the figures don't seem to bear this out as a national catastrophe. I realize for that 6 or 7 percent, not being able to take leave may be very difficult. But I can't say whether or not this legislation would even include that 6 or 7 percent since only employers can exempt the highest paid 10 percent of their staff. I'm not sure that even people without such benefits would say that leave benefits is their No. 1 issue—above, having a job.

And here we come right down to it. H.R. 1 will cost jobs. It isn't a debate about whether it will or whether it won't, it's a debate over how many jobs and whose. The proponents of H.R. 1 concede that since the primary responsibility for child care still falls mainly to women, women will be the predominate ones using mandated leave. Whether we like it or not, this will make employers much less likely to hire both younger women of child bearing age, and women with children. As the father of four daughters, I don't want to legislate women into unemployment. And it's not just women who will lose jobs. Almost all employers surveyed said that if H.R. 1 passes, they will likely reduce the number of jobs for low-skilled workers. The last thing our Nation needs right now is a job-killing bill and H.R. 1 is just that.

So here we go again, revisiting the same issues. The Democratic leadership isn't open to change; again, they wouldn't allow a vote on a substitute for this bill. The new administration isn't fulfilling their fundamental campaign promise. They promised change and they promised to focus on the economy like a laser beam. Well, just last week, the economic figures were released and for the fourth quarter in a row, the economy grew. GDP was a promising 3.8 percent. At the same time, first time unemployment claims rose by 19,000. If the new administration is serious about growing the economy and putting people to work, they should pay attention to this dichotomy. Good economic growth and more unemployment. This says to me that while businesses are doing well, they are making the conscious choice not to expand their labor forces. Profits are going into capital and computerization. The logic is simple. Businesses expect more mandates from the new government such as family and medical leave, and they are making a bottom line decision that people are going to be too expensive. Mandates kill jobs and the only way for businesses to survive under such burdensome mandates is to cut labor costs. I hope the leadership and the new administration is listening. The electorate voted for change—this bill is the same tired solution. Family and medical leave is a wonderful idea and a great employee benefit, but I cannot support this legislation. The costs will be too great.

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## HAPPY BIRTHDAY TO ELIZABETH KLEBER

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. MENENDEZ. Mr. Speaker, on March 9, one of my constituents will celebrate a birthday. While all of us can identify friends and neighbors within our congressional districts whose celebrations we are called upon to mark, I daresay that this is one which deserves special notice.

On Tuesday, March 9, Mrs. Elizabeth Kleber will celebrate her 103d birthday. Born in New York in 1890, Mrs. Kleber was one of five children. Her family moved to Guttenberg when she was 15 years old, and she was married in 1909 at the Trinity Reformed Church in West New York to Henry Kleber. The couple raised four boys; and, after Mr. Kleber's death, Mrs. Kleber went to work in a knitting mill and continued working until she retired in 1965.

Elizabeth Kleber has witnessed America's industrial revolution, lived through the Great Depression, as well as our two World Wars. She was 85 before she took her first, and only, plane ride. The wealth of her first-hand knowledge of our country's history must surely be a treasure to her seven grandchildren and nine great grandchildren.

Elizabeth Kleber is believed to be the oldest living resident of Guttenberg. She still lives at her home and cares for herself. And on March 9 her community will honor her at a celebration. This birthday party is a testament to the life of one woman, complete with its trials and happiness. Mr. Speaker, I know that my colleagues will join me in extending our very best wishes to Mrs. Kleber and our hopes for many more days in which to gather happy memories.

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## THE JOBS PRESERVATION

## HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. ROEMER. Mr. Speaker, today I join my distinguished colleague, Representative PETE STARK, in introducing legislation that will bring equity and common sense to our Tax Code. Our bill, the jobs preservation of 1993, brings us one step closer to restoring equity and common sense to our tax laws by eliminating the automatic nature of the possessions tax credit in section 936 of the Internal Revenue Code.

The legislation we introduce today amends the Worker Adjustment and Retraining Notification [WARN] Act, which ensures that dislocated workers will receive 60 days notice before plant closings or temporary layoffs. Our bill requires that an employer who claims section 936 credits and intends to reduce employment levels in the mainland United States must provide notice to the Secretary of the Treasury. A copy of that notice must also be submitted to the employees of the company.

The legislation further requires that the Secretary of the Treasury determine that the operation at the facility in the possession will not have an adverse effect on the level of employment at a mainland plant before an employer is eligible to receive section 936 benefits. Under our proposal, notice of each request for section 936 status must be published in the Federal Register to ensure that the Secretary has adequate information on which to base his decision and the public has an opportunity to comment.

I believe that this gives the Secretary of the Treasury the opportunity to review and approve the applications of those companies that want to use the possessions tax credit for real economic growth, rather than exploit their ability to evade corporate income taxes and dislocate existing workers.

The Third Congressional District of Indiana, which I represent, has had a brief but devastating experience with the possessions tax credit which I believe clearly demonstrates the need for reform of section 936. Nearly 2 years ago, American Home Products, a manufacturer of pharmaceuticals, announced that it would close its Whitehall Laboratories facility in Elkhart, IN in order to relocate some of its production operations in Puerto Rico. This relocation has resulted in the loss of jobs for almost 800 Hoosiers and, needless to say, it has rendered a serious economic blow from which the working men and women of the Elkhart community are still trying to recover.

I realize that section 936 was enacted as a tool to promote economic development in United States possessions by providing a 100-percent credit against tax for income earned in Puerto Rico and other United States possessions. It has served a useful purpose in transforming Puerto Rico's economy during the 1950's and 1960's. However, there is now general agreement that the provision needs to be revised to more accurately reflect the changing economic times both in the possessions and in the mainland United States.

I firmly believe that our bill provides an equitable approach to achieving true economic growth in the possessions and in the U.S. mainland by removing the unconditional nature of section 936 benefits. While section 936 has served its purpose in some cases, I do not believe that the loss of mainland jobs should be used as a trade-off to foster growth in the U.S. possessions.

It is in our best interest to promote job creation in the possessions as well as the mainland United States. For this reason, I applaud President Clinton's proposal to cap section 936 incentives at 65 percent of wages paid to workers in the possessions. I believe that this proposal will not only protect jobs in the mainland United States, but may prompt real and viable job creation in the possessions.

In introducing this bill, we are not trying to destroy a Tax Code provision that has at times served a useful purpose. We are simply trying to recognize that competition between the States and U.S. possessions exists for limited jobs, and we want to level the playing field. With our country facing high unemployment, we should be looking for a solution together, instead of maintaining a lopsided tax system. We should respond to the needs of all Americans regardless of where they live by not giving automatic large Federal tax breaks to some when they are not available to everyone. When gainful and efficient operations are closed and workers are displaced, the human and economic costs to the affected communities last for years.

It is time to end the practice of giving unconditional Federal tax credits to companies who move their operations to the possessions without some accountability to workers whose jobs may be jeopardized by the application of section 936. I look forward to working with Representative STARK and my colleagues in the House to secure passage of this bill.

## OUR NATION'S CHALLENGE: A QUALITY EDUCATION FOR ALL

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. GOODLING. Mr. Speaker, as a nation, we must begin to demand quality for our children's education. For too long, the trend of lawmakers has been to focus simply on the question of access—rather than excellence—in education. As President Clinton pledges to increase access to Federal education programs, through increased funds for Head Start preschool programs and a $500 million supplemental appropriation for school districts to operate chapter 1 summer programs, educators and policymakers must seriously examine the quality of these programs.

Recently released reports written by longtime supporters of programs for at-risk youth indicate that these programs may not be as successful as once believed. In light of their warnings, we must candidly question the value of increasing spending on these programs before we have taken steps to ensure they are of the highest quality possible.

During this Congress, we have the opportunity to make changes to a number of Federal education programs. Our first challenge will be to insist on quality in the chapter 1 program, which constitutes the largest Federal investment in elementary and secondary education. Funded at $6.1 billion, the chapter 1 program assists approximately 95 percent of school districts and 70 percent of all elementary schools in providing extra instruction to over 5 million at-risk school children to help them acquire the skills they need to excel in school.

Like Head Start, the chapter 1 program has long been considered as sacred as motherhood and apple pie. However, it appears that while the program has had some success in increasing children's basic reading and math skills, it has not been successful in helping disadvantaged children acquire the high-level thinking skills they will need to compete for jobs in our global economy.

A report from the Department of Education's national assessment of chapter 1 underscores the need for our Nation's lawmakers to insist on the quality of, rather than simply the access to, all programs designed to serve disadvantaged youth. Despite wide-spread access to chapter 1, preliminary results indicate that during a 1-year period, not only did the program fail to increase student achievement in reading and math, but the test scores of participants in the chapter 1 program actually declined when compared with students overall in almost every subject area. Furthermore, the achievement gap between chapter 1 students and their peers only widened between the first and eighth grades. These disheartening results compel us as a nation to do better for our children.

Since 1965, the Federal Government has spent over $70 billion on local chapter 1 programs to provide extra help in key subject areas—designed to be over and above regular school instruction—to help at-risk students succeed in their classrooms. Yet, due to the outdated structure of the program and Federal, State, and local regulations that together encourage programs to focus on low-level skills and to teach chapter 1 students in isolation from their peers, chapter 1 instruction is often outmoded and counterproductive. Teacher surveys reveal that 70 percent of students served in chapter 1 are pulled out of their regular classrooms during the school day, missing important class work, to be provided supplemental instruction—averaging 10 extra minutes per day—that frequently focuses on rote drill and practice and is often provided by teachers and aides with fewer qualifications than the classroom teachers whose rooms students left.

Clearly, as a nation, we can do better for our children. To improve the chapter 1 program and the educational system as a whole, I propose three alternatives to conducting business as usual. First, we must demand that all students, including those from disadvantaged backgrounds, be held to the same high standards of achievement, and reflect the expectation in Federal programs that all children can learn to high levels. Second, we must yield to local educators the power to make the decisions necessary to ensure that all children in their communities achieve these high standards, by offering waivers from often burdensome Federal and State guidelines in exchange for superior outcomes. Last, we must insist that the educational needs of our children are not addressed in isolation from the needs of their families and communities. Following the model of the Even Start Family Literacy Program, law makers must encourage the coordination of multiple programs to serve the needs of children, and insist that parents are included as full partners in their children's education.

Mr. Speaker, as policymakers, we must seize this opportunity in reauthorizing the chapter 1 program to make the necessary changes to ensure that all of our children not only have access to an education, but are guaranteed a quality education.

As a nation, we owe it to our children to do better.

## IN TRIBUTE TO WILHELMINA HOLSTER

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mrs. ROUKEMA. Mr. Speaker, the successes of our communities and our country has always relied on the contributions of individuals who rise above and beyond the call of duty to make a difference in the lives of others. I pause today to join the citizens of Hawthorne, NJ as they pay tribute to one of the true heroes in their community.

President Bush once said that the future of our Nation is in the hands of the individual. And radiating out from him or her is the family, the community, the country, the State and the Nation. But in the end, it all depends on the individual to make a difference. Mrs. Wilhelmina Holster has made that difference in Hawthorne, NJ.

Wilhelmina Holster was born over 80 years ago to Mr. & Mrs. Peter J. Meyer. She was raised in the tight-knit ethnic neighborhoods of the industrial metropolis of Paterson, NJ. It is there, in the Paterson school system, that she and her four sisters and one brother were educated and it is there, in her neighborhood, that she learned the importance and responsibilities of community.

As a young woman, Wilhelmina and her husband, the late John Holster, chose to cross the Passaic River from Paterson and make their home in Hawthorne. For 58 years, she has given the people of Hawthorne her dedication and commitment. She has been a leader in the Hawthorne Unit of the Passaic County Republican Organization for 58 years, the Little Falls Chapter of the Eastern Star for 38 years, and the Jolly Seniors Group for 25 years.

She has been a Passaic County Committeewoman, an election board worker and one of the few women vice presidents of the Hawthorne Unit. For years, she has consistently provided support and advice to countless candidates, club members and grassroots volunteers.

Mr. Speaker, the United States of America were founded as a great experiment in the values of democracy. The very success and future of that experiment relies on the participation of each and every citizen. Wilhelmina Holster's commitment to the success of democracy has set the example for us all. On Friday, March 5, the Hawthorne community will honor her lifelong participation. I ask my colleagues to join in that recognition of Mrs. Holster.

## THE 20TH ANNUAL BELMAR ST. PATRICK'S DAY PARADE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. PALLONE. Mr. Speaker, this Sunday, March 7, 1993, will mark the 20th annual St. Patrick's Day Parade in Belmar, NJ. Although not quite of the magnitude of the parades in New York or Dublin—at least not yet—the Belmar parade has grown into New Jersey's major St. Patrick's Day celebration and one of the most important Irish-American events anywhere in the Nation. While the Belmar parade began rather modestly, under the sponsorship of the Jerry Lynch Social and Civic Club, in 1973, in recent years crowds of well over 100,000 people regularly turn out to jampack both sides of Belmar's mile-long Main Street.

This year, the grand marshal for the parade will be Mr. John "Larry" Kelly, a retired business executive who originally hails from Newark, NJ, but now resides in Belmar. Mrs. Marilyn Ann (Garbely) Maloney of Spring Lake, NJ, has been named deputy grand marshal. These two fine New Jerseyans, proud of their Irish heritage, have compiled a lifetime's worth of devoted service to their communities, are the latest in the long line of distinguished area residents who have served in these posts.

Mr. Kelly, who was formerly associated with the Royal Globe Insurance Co., in Newark and Thomas J. Lipton in Englewood Cliffs, NJ, has been prominent in Irish-American affairs for years. Following his honorable discharge from the Army, after serving as a field artillery instructor, Mr. Kelly graduated from Seton Hall University. He has been second vice president of the Jerry Lynch Social & Civic Club in Belmar for the past 12 years. For the past 10 years he has been a member of the New Jersey Irish Festival held annually at the Garden State Arts Center, and is a charter member and corresponding secretary of the Friendly Sons of the Shillelagh of the Jersey Shore.

Mrs. Maloney, a Newark native who grew up on Belleville, NJ, has long been identified with Irish—American affairs in the central New Jersey area. She is the widow of the late veteran Newark Fire Inspector John T. Maloney, Jr., and the daughter of Mary (Clark) Garbely of Spring Lake and the late Rudolph Garbely. Her husband served for 23 years in the Newark Fire Department until his death last year. She has for many years been a distinguished citizen and dedicated leader known throughout the entire community.

Mr. Speaker, the Belmar St. Patrick's Parade is always one of the most enjoyable and exciting events for the those of us who live on the Jersey shore, for the thousands of marchers and for the many visitors who come to our area from the New Jersey-New York metropolitan region, from other parts of the country and even from across the water in the Emerald Isle. I am proud and lucky to have the opportunity to be involved in this great event, and look forward to a wonderful afternoon.

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## LEGISLATION TO MAKE FUNDS FROM THE ASSET FORFEITURE FUND TO COMMUNITY BASED SOCIAL SERVICE AGENCIES

### HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. REYNOLDS. Mr. Speaker, today I am introducing legislation authorizing up to 25 percent of the funds in the Department of Justice's asset forfeiture fund be made available in the form of grants, to community-based social service agencies. I urge my colleagues support for this bill.

Had this legislation been in place in 1991, when the gross income of the fund totaled $658 million, $160 million would have gone to community-based organizations such as battered women's shelters, at-risk youth programs, and other community groups.

The war on drugs and crime is being fought by community-based social service agencies who offer a proactive service to the community. Their efforts save us untold millions of dollars through the direction and guidance they provide.

This legislation expands upon the experiences of 13 States, including Illinois, which have more limited provisions on their books. My legislation broadens the scope of recipient agencies to better address the full scope of the problem.

Let us help our front line troops in the war on crime and drugs and enact this legislation.

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## TRIBUTE TO PHILLIP M. SMITH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize the achievements of Dr. Phillip M. Smith, one of New York City's finest educators. Dr. Phillip M. Smith was born in a coal mining town in West Virginia. He attended primary, elementary, and secondary schools in West Virginia. He obtained a B.S. degree from West Virginia State College, a M.A. degree from City University of New York, and a Ph.D. degree from the University of Massachusetts at Amherst.

He has worked at the New York City Department of Welfare as a childrens' counselor, assistant principal then principal of Roosevelt High School. Presently, Dr. Smith serves as Roosevelt's district director of supporting services. A member of the Roosevelt Administrators Association, the National Association of Secondary School Principals, the National Association of Black School Educators, and a host of other organizations, Dr. Smith is truly dedicated to advancing the causes of education.

Listed in Who's Who in American Colleges and Universities; Who's Who Among Black Americans and recently selected to be in Who's Who in American Education. He is an active member of Kappa Alpha Psi Fraternity.

Dr. Smith is married to Gloria Corter Smith and has two sons; Phillip, Jr. and Jeffrey.

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## IN HONOR OF NATHAN DRUTMAN

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Ms. DELAURO. Mr. Speaker, few men or women have fulfilled the American Dream as Nathan Drutman has. Like many of my own family, and so many Americans before us, Nate came to America with nothing and worked hard to build a successful business, and raise a loving family. From a tiny village in the Ukraine to New Haven, CT, Nathan Drutman has touched many lives and earned the love and respect of his family, friends, and community over the last century. It is with great pleasure that I recognize this extraordinary man on his 100th birthday.

When Nate came to America from the tiny village of Pinchon, Ukraine over eight decades ago, he had a shirt on his back, but no socks between his feet and his shoes. He came for one reason: America offered opportunity for success for all people. In 1910, his boat landed on Ellis Island—before it was even called Ellis Island—and Nathan Drutman became an American.

Coming to New Haven, CT in 1911, Nate took a job as a carpenter that paid a dollar a day; he turned that job into a career as one of the best builders the city of New Haven has known. During his 50-year career, Nate built dozens of houses, and named many familiar streets in the city. His hard work and success have been an inspiration to the many lives he has touched in the 82 years he has lived in New Haven.

Nate also devoted himself to his family with even greater energy than he brought to his work. He married his first wife, Anna, in 1915. Over their 53 wonderful years together, they raised four children and had a very happy life until Anna passed away in 1965. Six years later, at the tender age of 79, Nate met and married Lillian, with whom he recently celebrated his 21st anniversary.

Nathan Drutman has watched his four children grow into successful adults with families; and their children have grown and had children of their own. He is loved by all of his 9 grandchildren and 11 great-grandchildren, for his wisdom and humor, and for all the love he has shared with them.

At 100 years old, Nate is as active a member of the community as the Westville neighborhood of New Haven has seen. From the Westville Synagogue to the stores in Westville Village, there are few who don't know Nathan Drutman; the mere mention of his name is sure to bring a smile and a story about Nate from almost anyone you would meet in the neighborhood.

We can all learn a great deal from Nate's life; through his own strengths and hard work, he has achieved the fulfillment of the American dream. It is with great pleasure that I congratulate him on the 100th anniversary of his birth and wish him as much success and happiness in the future.

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## CAMPAIGN FINANCE REFORM

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. KOPETSKI. Mr. Speaker, I rise to introduce important and necessary campaign finance reform legislation, H.R. 1185. This proposal is identical to my legislation, H.R. 2270, from the previous Congress. My continued support for campaign finance reform is the realization of a campaign pledge I made to my constituents.

Nothing testifies to the problem with our present system more than the incumbent reelection rate: 91 percent in 1992. Despite the record turnover in the House of Representatives, 91 percent of incumbents who sought re-election were re-elected. I know firsthand how difficult it is to defeat an incumbent. I was one of only 16 challengers to defeat an incumbent in 1990. And, I nearly did so in 1988. The experience of two campaigns provided me with a unique look into the campaign finance system. In 1988, few expected me to win; in 1990 most did. The difference in contributions from individuals and political action committees was significant and provides evidence that the system is set up for winners and not set up for a much needed, healthy debate of issues by candidates.

My legislation will limit political action committee [PAC] contributions to 40 percent of a candidate's budget and limit out-of-state individual contributions to 25 percent of individual contributions—or 15 percent of a campaign's overall budget. My campaign finance reform proposal also lowers the threshold for reporting the name and occupation of contributors from $200 to $50 and imposes earlier and more comprehensive reporting requirements upon independent expenditure campaigns. There is nothing like sunshine that brings honesty to campaigns. And better disclosure laws provide that sunshine.

I also firmly believe that campaign finance reform must provide advantages to challengers. And my proposal does this. For example, I propose to provide challengers with three third-class mailings to registered voter households at one-half the third-class bulk mail rate. Contributors to challengers would also receive up to a $50 tax credit for their contributions. It is my strong belief that the Congress must open up the system. These are a few of the steps necessary to restore public confidence in the Congress.

If the Congress succeeds in this effort; fewer incumbents will be reelected, voter participation in the electoral process will increase, and a greater debate of the issues will take place.

I commend President Clinton for his strong statements in support of campaign finance reform. I wholeheartedly believe campaign finance reform is an instrumental component of the change the President cites as the reason he was elected. I welcome the opportunity to work with the administration and appropriate congressional committees to advance needed campaign finance reform.

## THE 32D ANNIVERSARY OF THE PEACE CORPS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. HAMILTON. Mr. Speaker, I rise today to extend birthday greetings to the Peace Corps, which is 32 years young this week. On March 1, 1961, President Kennedy signed the Executive order which created the Peace Corps. In August 1961, the first volunteers departed for Ghana and Tanzania. The Peace Corps Act, however, was not signed into law until September 22, 1961, a fact which says a great deal about the balance between executive and congressional authority in those days.

The Peace Corps, like the rest of us, stays young in spirit by facing new challenges. During the past year, the first Peace Corps volunteers were sent to Republics of the former Soviet Union to assist people of those nations in the transformation of their economies. These volunteers join approximately 6,000 others serving in a total of 94 countries around the globe. They work in areas of education, agriculture, health, the environment, and small business. Peace Corps volunteers are not generally found in capital cities, and they are not usually heard speaking English. Peace Corps volunteers have distinguished themselves by living with the people with whom they work, speaking their language, and coming to understand their problems and points of view first hand.

Volunteer service abroad is only part of the Peace Corps mission. More than 135,000 volunteers have returned to the United States to share their experiences with their family, friends, and colleagues. In fact, six volunteers are currently serving in the U.S. Congress—Representatives TONY HALL, PAUL HENRY, THOMAS PETRI, CHRISTOPHER SHAYS, JAMES WALSH, and Senator CHRISTOPHER DODD, and this year a former volunteer was a candidate for President of the United States. These former volunteers, through both formal and informal programs, have contributed a great deal to our country in sharing their experiences and the knowledge they have gained about other cultures and countries.

It is appropriate that as we celebrate this anniversary of the Peace Corps and look to the challenges it faces in continuing its work around the world, we also look to our own country. The proposal for a national service program which President Clinton unveiled this week is an exciting challenge. This new program can learn from the experiences of the Peace Corps, which continues to find new opportunities to channel the American spirit of voluntarism.

## TRIBUTE TO JUANITA SANCHEZ

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. REED. Mr. Speaker, I rise today to pay tribute to the memory of Juanita Sanchez who died in October 1992 at the age of 39 after a tragic illness.

A leader in the Hispanic community of Rhode Island, Juanita was born in the Dominican Republic and lived in Providence for 25 years. A member of the Governor's Commission on Hispanic Affairs, she served as program coordinator for the Providence Ambulatory Health Care Foundation and was founder and chairwoman of the Rhode Island Latin American Caucus. In 1990, she was honored by the National Association of Social Workers as their "Social Worker of the Year".

She had a special gift for bringing people together and was recognized for her efforts to promote understanding and unity within the Hispanic community and among various other ethnic groups. Her contribution and commitment to inner-city residents and to the Hispanic community represents a proud legacy she has left behind.

Mr. Speaker, in recognizing her years of service, I ask my colleagues to join me in honoring Ms. Juanita Sanchez.

## HONORING JOHN AND RENE O'REILLY—KNIGHTS OF THE GAEL

### HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 3, 1993*

Mr. BILBRAY. Mr. Speaker, I would like to rise today in honor of two outstanding Las Vegans being honored for their contributions to the southern Nevada community.

On Wednesday, March 24, John and Rene O'Reilly will be honored for their exceptional participation and effort in the community of southern Nevada at the Bishop Gorman High School—Knights of the Gael.

Each year a worthy and dedicated couple is selected for this honor. I am indeed happy to recognize John and Rene O'Reilly this year as two individuals who exemplify the high standards set by the Bishop Gorman High School citizenry.

Mr. and Mrs. John O'Reilly have been married for more than 25 years and are the parents of four fine children; Molly, Bryan, Erin, and Tim. As a couple and as individuals, the O'Reilly's have time and again demonstrated their leadership and commitment that is such a tremendous part of the spirit that is Bishop Gorman High School. They have served actively on the board of regents, the parents club, and booster club, and have always found time to assist with myriad activities throughout their children's years as Gorman Gaels.

John O'Reilly is a prominent figure in the Nevada business and legal professions, having served as the chairman of the Nevada Gaming Commission for more than 4 years. He has also worked extensively with the chamber of commerce, the Southern Nevada Home Builders, the Nevada Development Association, and the Nevada Policy Committee. Mr. O'Reilly's commitment to Las Vegas does not end at the professional level. He also finds time to devote to such community organizations as the United Way, Catholic Community Services, the UNLV Foundation, and the Clark County Public Schools Foundation. As a former Air Force captain, John is also active in the U.S. Air Force Association.

Not to be outdone, Rene O'Reilly is also a dedicated and active member of the Las Vegas community. Rene spends time assisting with the Bishop Gorman Parent Teachers Association, and as a soccer mom and room mother. A very active member of her church, Rene also devotes time to serve as a lay minister, engaged encounter sponsor, and founder of the Youth Activity Fund at Our Lady of

Las Vegas Church. Over the past 16 years Mrs. O'Reilly has also become involved in other community organizations such as the Lied Discovery Museum, the Clark County Attorneys' Wives, We Can, Junior League, and New Horizons.

Mr. Speaker, I could but will not go on listing the outstanding accomplishments and examples of John and Rene's dedication to each other, their family, and their community. I ask instead that my colleagues join me today in congratulating these fine Nevadans on their high honor as Knights of the Gael.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 4, 1993, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MARCH 5

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 420, to amend section 207 of title 18, United States Code, to tighten the restrictions on former executive and legislative branch officials and employees, and S. 79, to restore public confidence in the performance and merits of elected officials and Federal employees.

SD-342

Joint Economic

To hold hearings on the employment-unemployment situation for February.

SD-628

10:30 a.m.

Veterans' Affairs

To hold oversight hearings on the present and future role of veterans' health care system.

SR-418

### MARCH 9

9:30 a.m.

Governmental Affairs

To hold hearings on the disposal of plutonium in Russia.

SD-342

### MARCH 10

9:30 a.m.

Labor and Human Resources

Subcommittee on Children, Family, Drugs and Alcoholism

To hold joint hearings with the House Select Committee on Children, Youth and Families on youth violence issues.

SH-216

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine competitiveness in the automobile industry.

SR-253

### MARCH 11

9:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold oversight hearings on the inner-city bus industry.

SR-253

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the energy needs of the People's Republic of China.

SD-366

Governmental Affairs

To hold hearings to examine methods for improving government organization and performance.

SD-342

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Transit Administration, and the General Accounting Office, focusing on transit needs.

SD-138

### MARCH 16

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.

SD-366

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine the purposes of foreign aid in the post-cold-war era.

SD-138

### MARCH 17

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.

SD-192

### MARCH 18

9:00 a.m.

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR-301

### MARCH 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-192

### MARCH 24

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD-116

### MARCH 30

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.

SD-138

### MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

### APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD-116

### APRIL 20

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD-138

### APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of Motor Carriers (FHWA), the Office of Research and Special Programs, and the Office of Inspector General, focusing on truck safety and hazardous materials.

SD-192

### APRIL 27

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD-342

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign aid transnational issues, focusing on population, environment, health, and narcotics.

SD–138

### MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic interests.

SD–138

### MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD–138

### MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD–138

### MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD–138

### MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD–138

### MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD–138

### JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD–138

## POSTPONEMENTS

### MARCH 9

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on reforming the Agency for International Development's structure and goals.

SD–192

2:30 p.m.

Energy and Natural Resources

To hold oversight hearings on the status and future direction of the Department of Energy's fusion program, focusing on the Department's activities relating to the International Thermonuclear Experimental Reactor (ITER) Program.

SD–366

# HOUSE OF REPRESENTATIVES—*Thursday, March 4, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know how important it is to use our abilities in ways that encourage the common good and how compelling it is that we are dedicated to our duties and accomplish our tasks with integrity and faithfulness. Yet, O gracious God, we know when we are honest with ourselves, we acknowledge that so much of what we think or do has come to us from the contributions of others and the support and love of family and friends, of teachers and colleagues. O God, make us specially appreciative of these gifts and give us hearts of thankfulness and praise for support that each of us has received. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from Ohio [Ms. PRYCE] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Ms. PRYCE of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## THE GUN VIOLENCE DESTROYING OUR NATION'S COMMUNITIES

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to perform a task which is as difficult as, I believe, it is necessary. As you know, the carnage that is occurring on our streets as a result of the easy availability of sophisticated firearms is a brutal fact of life which I am committed to ending. I have introduced H.R. 661, the Gun Violence Economic Equity Act, to make gun manufacturers, importers and dealers strictly liable for damages directly resulting from the illegal use of their products. I am pleased to be in the distinguished company of my colleagues from Illinois, Senator PAUL SIMON and Congressmen GUTIERREZ and REYNOLDS, as well as Mayor Daley of Chicago, my good friend MAJOR OWENS of New York and others who are committed to making 1993 the year we begin to end the slaughter.

Last year in Chicago, 927 men, women, and children were killed by guns. But numbers mean little. We may not be able to see the faces of the fallen, but we should, in this body, at least hear their names—this month—and every month, lest we forget the terrible responsibility we bear in the House and Senate as long as we fail to pass sound gun control legislation such as my bill, H.R. 661, or the Brady bill, which passed this House last year but died in the Senate. The following people were killed by firearms in Cook County, IL, just last month in January, 1993:

Charles Armstrong, Kenneth Allison, Mark Anderson, Ricardo Aldana, Matheo Allen, Willie Borges, Sonia Buponts, James Baber, Antwon Cox, Martino Dixon, Jessie Daniels, Raymond Dunklin, Perry Darty, Richard Ehlenfeldt, Lynn Ehlenfeldt, Joyce Foster, Frank Gorzelanny, Evelyn Gorzelanny, Michael Gastro, Jerry Gray, and Eugene Garfield.

Tyrone Harris, Alison Hearns, Lashannon Hines, Gabriel Joiner, Mike Jabra, Samuel Johnson, Malcom Kyles, Tom Mennes, Guadalupe Maldonado, Adam Morish, Lloyd Moore, Joel Mendoza, Marcus Nelson, Willie C. Nix, Walter Nawrocki, Antoine Ord, Clinton Parker, Kevin Page, Terry Pullian, James Richardson, and Tatiana Redmond.

Roscoe Robinson, Frank Rucker, Fabien Small, Rico Solis, William Stewart, Javier Torres, Jr., Robert Williams, and Steven Winn.

## THE CAMPAIGN TO STREAMLINE THE FEDERAL GOVERNMENT

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, yesterday, I joined several of my colleagues from the House and Senate at a White House press conference where President Clinton and Vice President GORE unveiled their new nationwide campaign to streamline the Federal Government.

The national performance review, as it is called, is supposed to carry through on the President's commitment to reinvent Government by improving Government services and cutting bureaucratic waste.

Mr. Speaker, this is what we Republicans have been talking about all along: Going as far as we can to cut Federal spending before we even think about asking the American people to contribute another dime of their hard-earned money to the Treasury.

While I share the administration's enthusiasm about this program, my biggest concern is that they are planning to do the review from the inside out. Why not take a lesson from the private sector and utilize objective advice from outside sources and business experts? It is naive to believe that the huge Federal bureaucracy will reform itself.

We want a leaner, trimmer bureaucracy, Mr. Speaker, but let us make sure we do not sacrifice objectivity along the way.

□ 1110

## MORE BOUNCE FOR THE BUCK

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, more bounce for the buck. More bounce for the buck. That is what we the American people and we the taxpayers will get as a result of a 6 months' intensive review of the Federal Government, called national performance review, ordered yesterday by President Clinton, to be chaired by our former colleague and friend, now Vice President ALBERT GORE.

What this is intended to do is to ferret out, in all of the nooks and crannies of Federal Government, evidences of waste, mismanagement, duplication, any evidence where money is not being used to its fullest extent and to its fullest efficiency.

The campaign is called reinventing Government. There will be a series of 800 numbers which taxpayers can call in order to give recommendations to this panel studying Government for the next 6 months. There will also be a post office drop at the White House called reinventing Government to which written comments can be sent.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I do hope that all of the taxpayers and all of the citizens of this land and, of course, the Third District of Kentucky, will take fullest advantage of this opportunity to make our taxpayers' dollars bounce as high as they can possibly bounce.

## OUT OF ORDER?

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, during this time on each of the past 2 days I have stood in this well and referred to letters and phone calls that I have received from people throughout the Third District of Georgia. I expressed their concerns, their fears, and their definition of the character of those of us who are involved in their Government.

On each of those 2 days the Chair questioned my remarks and referred them to the Parliamentarian. Mr. Speaker, I differ with that questioning.

Mr. Speaker, I will be out of order the day I do not express the views of those who have sent me here to represent them.

Mr. Speaker, I will be out of order the day I fail to carry through with the promises that I made when I asked those same people to send me here to represent them.

Mr. Speaker, I will be out of order when I listen to the bureaucrats inside this beltway instead of the people of the Third District of Georgia.

## IT'S THE JOBS, STUPID

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, it has become fashionable for my colleagues on the other side of the aisle to hold up these signs and try to tell everybody, "It's the spending, stupid."

Unfortunately, I forgot my sign today, but if I had it, I would hold it up and point it in their direction and say, "It's jobs, stupid."

I visited the Capitol Hill Club the other day to meet with some highway contractors. They were all in line behind the President's spending package with regard to economic stimulus in public works. They want more highways, they want more jobs, they want more road and bridge construction.

I talked to small businessmen; they are all in line because they think the tax credit makes sense, it helps them expand and hire more employees.

I talked to parents, and they are excited about summer jobs for their young people; 700,000 summer jobs seems like a good idea to them.

I talked with these same parents, and they are excited about permanent jobs, 500,000 permanent jobs for their kids when they get out of high school because they do not want the kids to come home and live with them.

So, Mr. Speaker, I have to say that the issue really is the jobs. My constituents are voting 2 to 1 in their calls to me in support of the President's plan. I think they understand, "It is the jobs, stupid."

## DAVIS-BACON ACT SHOULD BE REPEALED

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as a member of the freshman class I have accepted the President's challenge to come up with spending cuts. My constituents are telling me loud and clear—cut spending, don't raise our taxes again.

I propose that the Davis-Bacon Act be repealed. This act was first passed in 1931. Since then it has been used effectively to discriminate against small businesses and minority-owned businesses. These businesses are blocked from access to Federal contracts because they are unable to pay the high union wages mandated by the Department of Labor.

The wages paid on Federal projects should be set by competitive bids, not by Department of Labor bureaucrats. Davis-Bacon inflates Federal construction costs by more than $1 billion a year. The American taxpayer pays the bill for this rigging process. Repeal of this provision will empower minorities and small businesses, and it will save $5.7 billion over 5 years.

## OUR SURVIVAL DEPENDS ON REAL, HONEST ECONOMIC REFORM

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, 15 days ago, President Bill Clinton released his economic blueprint to an American people who are anxious for real, honest economic reform. And from living rooms to corporate board rooms, Americans are encouraged by the President's plan that trims the Federal deficit by $700 billion over 5 years, reforms Government, and keeps America competitive in an emerging global market.

Last week President Clinton gained the support of an array of business and labor leaders. Baxter International's Vernon Loucks acknowledged the need for all Americans to pull together when he said:

> There isn't going to be a future if we don't get these things solved.

And while many Americans want to see more spending cuts as part of the package, large majorities still approve of the President and his plan. Americans understand that we all share responsibility for reinvigorating our Nation.

Yesterday, President Clinton continued his drive to reinvent Government when he named Vice President GORE to lead a national performance review. This audit will examine the operations of every Government agency and service. It seeks public input, and in the end will achieve savings, eliminate duplication, and make Government more responsive to the public.

Perhaps the chairman of Coca-Cola put it best when he said:

> If [Clinton] succeeds, we all succeed. If he fails, we all fail.

## CONGRATULATIONS TO PRESIDENT CLINTON FOR HIS SPEECH AT AMERICAN UNIVERSITY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we have not had many compliments coming from this side of the aisle recently for President Clinton, and I do not know that there will be many forthcoming. But I believe we should extend congratulations to President Clinton for what I believe was an outstanding speech that he gave last Friday at American University. My concern, of course, was that it was slightly in conflict with some of the things that I heard him say in Seattle when he was addressing the employees of Boeing.

His speech at American University, if followed through, will, I believe, provide a great boost to the American economy and to the job creation which is so necessary here. His most protuberant line, I believe, was, "compete, not retreat," as we look at the challenge of international trade. I hope very much that this Congress will join in the pursuit of a good North American free trade agreement, and it is also my hope, Mr. Speaker, that following the lines as outlined by President Clinton, that we will move even further and it is my hope we will create a United States-Japan free-trade agreement.

## WIDESPREAD SUPPORT FOR PRESIDENT CLINTON'S ECONOMIC PLAN

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, contrary to the pontifications of some national talk show hosts, President Clinton's economic plan is gaining wide-spread support from business and industry leaders in this country and from the international financial community.

The CEO's of some of our largest companies, Ford Motor Co., Atlantic Richfield, American Airlines, just to name a few, realize we must take comprehensive action to put our fiscal house in order and revitalize our economy for the long term. They see the President's plan as the logical way to achieve those goals; through investment tax credits, research and development tax incentives, and small business tax incentives that will promote job growth. Through worker training programs that will give our workers the skills to win the high-tech, high-wage jobs of the new global economy. And through serious, long-term deficit reduction.

The President's plan lays the foundation for real, lasting recovery, a recovery rooted in a renewed partnership between business, government, and the American people. These leaders of corporate America who support the President are ready to seal that partnership, and to move beyond narrow interests for the benefit of the country as a whole, and for all of our people for the long run. That is a lead we would all be wise to follow.

□ 1120

## HEALTH CARE REFORM

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, an estimated 35 million Americans lack health insurance, the largest number of uninsured in 25 years. There are steps that we can take immediately to heal our failing health care system.

I believe that one of the most important steps that needs to be taken is to provide preventive services in all benefit packages. Prevention plays a crucial role in improving the health of our Nation. Benefits of prevention include rewards from averting human suffering by reducing the amount of illness and disability, and by preventing premature death. In most cases, preventive health measures can provide a cost-effective alternative to other belated health care approaches.

Therefore, I have introduced H.R. 36, the Comprehensive Preventive Health and Promotion Act of 1993, which provides coverage for periodic health exams, health screening, counseling, immunizations, and health promotion.

Accordingly, I urge all my colleagues who are interested in helping all Americans achieve healthier, more productive lives to cosponsor H.R. 36, our preventive health care measure.

## YOU ASKED FOR IT, YOU GOT IT, AMERICA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, you were tired of Government business as usual, so you elected a new Government. You were sick of Government waste and abuse, so here is a vehicle to clean it up.

Yesterday, President Clinton announced his plan to order a 6-month National Performance Review of the Federal Government. I am determined that this will not be a show study, as it has been in the past. Rather, this study will have concrete recommendations that will be acted upon immediately.

One hundred Federal managers will examine the basic assumptions of every program in Government. The questions that must be answered will be: Does the program work? Does it provide quality service? Does it encourage innovation and reward hard work?

The best component of this study will be its involvement of the American public—the very people that these programs affect, either directly or indirectly.

We have taken an oath to protect taxpayer money and ensure that every penny is well spent and safely invested. The establishment of this effort is the first big step to achieving this commitment.

This will be a partnership between the Congress, the administration, and the American public—only by working together will it work. America, you asked for it. Now let us make it work.

## ANOTHER ENTRY IN THE CLINTON DICTIONARY: "STREAMLINE"

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, yesterday we read in the paper that Vice President GORE has been appointed to head a task force on streamlining the bureaucracy. We have heard so much talk about streamlining the Government, but once again, very few details are provided. How are they going to streamline the Government? By adding another commission to the Federal bureaucracy to do another study to make more recommendations to Congress?

What will they call this new office? The office of the streamliner general? And who will work there? Staff will certainly be needed to assist the Vice President with his duties. How will the assistant streamliners be paid? Maybe they will be shifted from positions which were cut a few weeks ago? That would certainly nullify the President's earlier claims about reducing personnel. But, as we all know, the Vice President is into recycling—it looks like the administration is also into recycling Government staff.

So, Mr. Speaker, another entry in the Clinton dictionary evolves: "To streamline—the act of reducing staff by shifting them to another sector of the Government in order to study reasons why they were cut in the first place."

But, do not get me wrong. I wholeheartedly support cutting waste and fraud in the Federal Government. There are plenty of unnecessary programs and positions throughout the Federal bureaucracy. But I want to hear details of the President's cuts—not reports about new commissions.

## NUTRITIONAL COUNSELING—A MEANS OF IMPROVING AMERICA'S HEALTH CARE SYSTEM

(Mrs. BYRNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRNE. Mr. Speaker, in this era of belt tightening, there is growing recognition of home-based health care as the most appropriate and cost-effective method for patient treatment. This movement away from hospitalization depends in part on providing patients with information about good nutrition.

I rise to ask consideration of H.R. 1047, legislation I introduced last week, which will included nutritional counseling as a home health service under the Social Security Act.

A registered dietician working with a patient in homecare can improve prenatal care, prevent an acute diabetic attack, or lessen the ravages of osteoporosis.

This legislation offers us a means to cut costs in the short term, as well as in the long run. By moving H.R. 1047 forward, we will improve patients' quality of life and make better use of scarce health care dollars. Patients want to be in their own homes, where the cost of health care is far lower.

I urge my colleagues to consider joining me in support of this commonsense approach to improving America's health care system.

## ALMOST EVERY FEDERAL PROGRAM BENEFITS THE BUREAUCRATS RATHER THAN THE INTENDED BENEFICIARIES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, there are many people across the country today who are wondering if the Federal Government can do anything in an economical or efficient manner. Almost every Federal social program seems to benefit primarily the bureaucrats who work for it rather than the intended beneficiaries.

So much money is being wasted, Mr. Speaker, that the people are really getting fed up. The Government is taking so much money from the individuals and families of this Nation and giving back so little in return.

This point was really brought home in a recent column by Joseph Perkins of the San Diego Union Tribune. Mr. Perkins said the Census Bureau has calculated that it would take $5,515 per family to lift every poor family in this country above the poverty line. This adds up to $38.5 billion, less than one-fifth of the $225 billion that the Government at all levels actually spent on antipoverty programs without reaching that goal.

In other words, Mr. Speaker, the taxpayers would be better off if we did away with all the antipoverty programs and just gave direct grants to the poor. Only our overpaid, underworked army of Federal poverty bureaucrats would suffer.

I include the article by Mr. Perkins.

[From the Washington Times, Feb. 23, 1993]

### SUREST CURE FOR POVERTY

(By Joseph Perkins)

There are a few matters of public policy on which I find myself in agreement with Hillary Clinton. But we are of like mind on the issue of welfare reform.

In a recent Newsweek interview, the first lady sounded very much like a conservative as she pondered the problems of America's underclass. "The culture of poverty in this country has become institutionalized," said she, adding that "a different set of approaches" is needed to wean the poor from long-term welfare dependency.

It remains to be seen whether her thinking is reflected in the new administration's promised welfare reform package. From what has been heard so far from, among others, Health and Human Services Secretary Donna Shalala, the prospect does not appear especially good.

It stands to reason that, to deinstitutionalize the culture of poverty of which the first lady spoke, the existing welfare system needs to be completely overhauled. Yet, Miss Shalala is talking about adding new programs to the failing welfare system, at a minimum cost to taxpayers of $6 billion.

On the face, the proposed new programs seem benign: expanded education and training for welfare recipients, as well as child care allowances and transportation assistance. Yet, if the federal government spent an additional $100 billion on these new programs, there almost certainly would remain as many people on the welfare rolls.

That's because there is no correlation between how much money the government spends on welfare and how many people escape poverty. If there were such a link, poverty would have been wiped from the face of America a long time ago.

Since President Lyndon Johnson launched the vaunted War on Poverty more than a quarter-century ago, the United States has spent $3.5 trillion on welfare. That exceeds the full cost of World War II after adjusting for inflation.

What have American taxpayers seen for the average $50,000 per household they have contributed toward Johnson's alms race? A poverty rate that has been virtually unchanged over the last 25 years from 14.7 percent in 1966 to 14.2 percent in 1991.

The welfare establishment is hopeful that President Clinton will be persuaded to invest additional money on the poor. But America already is spending more than enough to eliminate poverty.

Indeed, the Census Bureau calculated last year that the amount of money required to lift America's 7 million poor families above the poverty line was $5,515 per family. That adds up to $38.5 billion, less than one-fifth the $225 billion that government at all levels actually spent on anti-poverty programs.

So, then, let us say President Clinton wanted to make good on his campaign pledge to end welfare as we know it. He simply could order his Treasury secretary to mail $5,600 checks to every poor family in the land. Taxpayers would end up saving roughly $185 billion a year.

Hillary Clinton is on the right track when she says behavior modification rather than additional welfare spending is the key to solving the poverty problem. The chronic poor remain so largely because they bend toward self-defeating behavior that impedes their upward mobility.

Robert Rector, who has written frequently about poverty in America, speaks of "behavioral poverty," a breakdown in the values of conduct that lead to the formation of healthy families, stable personalities and self-sufficiency.

Such behavioral poverty, says Mr. Rector, produces assorted pathologies: dependency and eroded work ethic, lack of educational aspiration and achievement, inability or unwillingness to control one's children, increased single parenthood and illegitimacy, criminal activity, and drug and alcohol abuse.

The question that should be uppermost in the minds of Clinton administration welfare reformers is how best to modify the behavior of the underclass. If the government somehow can change the chronic poor's behavior patterns, there will be fewer of them.

Where to start? The poverty data provide a clue. A family with two parents, both high school graduates, one or both working full time, has a better than 95 percent probability of being above the poverty line. That applies to whites, blacks, yellows and browns alike.

The upshot is that the welfare system must get away from handouts for food, shelter, carfare and the like. If the $226 billion a year the government spends on such welfare entitlements were used instead to provide poor women and men substantial incentives to get high school diplomas, get married and get to work, it would not be long before they lifted themselves from poverty.

## TIME FOR CONGRESS TO WAKE UP AND SMELL THE GUN SMOKE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1989, the Chinese Army, the Chinese Army, sold 2 million guns to America, and, while China has become the K-mart of guns, America has become the burial ground of the new world order. Meanwhile Congress continues to turn its back.

Let us face it, my colleagues. It is one thing for father and son to go hunting. It is another thing for the Sons of Sam to go into a gun shop and legally outfit an army with AK-47's, Uzis, and cannons.

I think it is time for Congress to wake up and smell the gun smoke all over America, and maybe we will get down to doing our jobs of setting policy, not receiving campaign contributions.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise our guests in the gallery that it is against the House rules to demonstrate or take part in activities on the House floor.

## HEALTH CARE FOR AMERICANS WHO LOSE THEIR JOBS

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, today I am introducing legislation that would allow employees to prepare for the day when they may find themselves without a job and with no means of paying for their health care needs.

Mr. Speaker, many people have health care coverage in the case of unemployment through COBRA regulations. However, how can we expect a person without a job to pay approximately $453 per month on health care coverage alone? Clearly this is a situation for which we must plan.

Mr. Speaker, my legislation would allow States to set up programs in which employees could contribute on a voluntary basis a premium in addition to their unemployment taxes which would be used to purchase a health care plan in the case of job loss. Reforming our health care system for the benefit of all Americans must certainly be a top priority. My bill would address one aspect of a much larger problem.

□ 1130

## SUPPORT VOICED FOR SINGLE-PAYER NATIONAL HEALTH CARE SYSTEM

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the health care system in America is disintegrating—with 80 million Americans either having no health insurance at all, or with only partial insurance.

And, yet, despite the fact that we are the only major industrialized country on Earth without universal, comprehensive health care we spend far, far more per capita on health care than anyone else.

Mr. Speaker, our system is not in need of Band-Aids or patch work or concepts such as managed competition. We are in need of a new system, which is why I am delighted to be cosponsoring, with 52 other Members of this House, H.R. 1200, a single-payer, national health care system which, finally, will guarantee comprehensive health care to every man, woman and child in this country without out-of-pocket expenses.

Mr. Speaker, it is only the single payer concept which can save us tens of billions of dollars a year by standing up to the waste and inefficiency in the insurance industry, the greed of the pharmaceutical companies and the excessive income that certain groups of doctors are earning.

The American people believe that health care must be a right of all citizens, and not just a privilege of the wealthy. Let us pass H.R. 1200—the Single Payer, Universal, Comprehensive Health Care Program.

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## FLEXIBLE STANDARDS AND DISCRETION NEEDED IN FEDERAL HEALTH CARE SYSTEM

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very recently the First Lady and the Second Lady came to a health care conference in our district at the Penn State Campus. With the opportunity I had to discuss the issues with them there, I asked them to consider in whatever final development there be of a health care plan the role of the States in the overencompassing kind of a health plan everyone is discussing. Each Governor should have the right to apply flexible standards and items of his own choosing in the total picture of the health care system.

Happily for me, attending also at that time to second my motion was Governor Casey of Pennsylvania, who said that in a recent meeting with the President himself, President Clinton acknowledged that any health care plan would involve flexible discretion on the part of the several Governors.

So we should be shying away from a one-payer national system such as some people are advocating because that robs the Governors and the States of that flexibility and discretion so required for a proper health care system.

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## RURAL AMERICA ASKS THAT ALL SHARE IN BUDGET SACRIFICE

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, most of the farmers, the ranchers and the rural residents I have talked to over the past few weeks support the thrust of the President's economic plan. They are willing to be part of a team effort to get this country back on track.

All they ask is that the mix of spending cuts and tax increases we vote on here in Congress be fair.

The trouble is I cannot explain to my rural south Texas constituents—and particularly the farmers and ranchers in my district—why the programs serving their needs are again on the chopping block, but not other programs.

I cannot explain why farmers and ranchers must sacrifice twice—first with budget cuts in farm programs, and then again with an energy tax, and other related taxes that hit agriculture and rural residents harder than almost any other sector of the economy.

Mr. Speaker, agricultural spending has been greatly reduced. Over the past 10 years we have voted on and approved agricultural spending cuts totaling $48 billion. Just 2 years ago, we cut farm price support spending alone by an estimated 20 percent.

What other entitlement, what other budget function, what other single program has taken this kind of hit?

We want to support the House budget resolution, but we want to see fairness in these budget cuts and tax increases. I urge the Budget Committee and the House to treat rural America fairly.

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## STATE CONTROL OF TVA AND APPALACHIAN REGIONAL COMMISSION COULD SAVE $1 BILLION

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, the President asked for suggestions for additional cuts in the Federal budget. I have two to suggest.

First, TVA, the Tennessee Valley Authority was started nearly 60 years ago to bring electric power to a poor and rural region of the country.

Second, the Appalachian Regional Commission, this commission was formed nearly 30 years ago to foster economic development in that region.

Both have outlived their original purposes, Mr. Speaker, and it is time to turn their functions back to the States.

This will save the Federal Government more than $1 billion over 5 years.

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## A TRIBUTE TO THE HONORABLE CLARENCE MILLER, FORMER OHIO CONGRESSMAN

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I have the pleasure today, to speak about a distinguished former Member of this body; Mr. Clarence Miller of Ohio. John Gardner has said that some people strengthen the society just by being the kind of people they are. Clarence Miller is such a man.

For 26 years Clarence Miller served this Congress, our Nation, and the people of southeastern Ohio with grace, decency, and honor.

Clarence Miller embodies the qualities which should characterize all of us who aspire to public office. Those who served with him on the House Appropriations Committee can attest to his kindness, hardwork, and determination to do the right thing.

Next week, I will join the chamber of commerce and hundreds of his former constituents to honor him in a special ceremony in Marietta, OH.

Mr. Speaker, Clarence Miller has set a high standard for public service. I have big shoes to fill.

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## SPENDING CUTS

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I rise today on behalf of the constituents of western New York. Before I ask my constituents in western New York, who are hard-working, middle-class families, to send even 1 more penny of taxes to Washington, I want to follow the President's charge to cut spending.

A lot of the new taxes that are being proposed would unduly target families in areas like Buffalo and Erie County, NY, that truly represent the middle-class Americans who work hard to strive for better lives in our country.

Mr. Speaker, just yesterday I received a letter from an autoworker in my district who got the message to me and all of us, I believe: "Cut spending first." The message was in the envelope, and everywhere where there is space the message is: "Cut spending first."

The President has asked for specific cuts, and I join my freshmen colleagues and many others in calling for more specific cuts, for example, in the Rural Electrification Administration, which at one time helped furnish electricity to rural areas. It had great intentions in 1935 when it began, but it has clearly outlived its purpose.

Mr. Speaker, this is one specific cut that could save $500 million over 5 years.

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## INTRODUCTION OF THE NATIONAL CHILD PROTECTION ACT OF 1993

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today, I am pleased to join with my colleagues, Representatives DON EDWARDS, BUD CRAMER, MICHAEL KOPETSKI, JIM RAMSTAD, BOB SMITH, and CHRIS SHAYS, in introducing the National Child Protection Act of 1993. This bill is designed to protect children from being abused and victimized when they are in child care or involved in youth activities outside their homes.

I want to thank the cosponsors of this legislation for their commitment to ensuring the safety of our Nation's most vulnerable children. I also want to thank the many groups that have responded so positively to this legislative initiative and have provided valuable input. A very special thanks is due to Ms. Oprah Winfrey who has dedicated her energy and talents to focusing the spotlight of public attention on the issue of child abuse.

This legislation will provide grants to States to improve their reporting to the national crime reporting system by providing data on convicted child abusers. States will be able to access the data base to complete background checks on potential and current child care providers and volunteers with youth service organizations. Having access to this data will prevent persons convicted of child abuse crimes from being hired in these settings. The bill authorizes $20 million in direct Federal assistance to help States to improve the reporting of their criminal justice records. The legislation includes specific timetables so that accurate, up-to-date information on child abuse convictions will be available on a national basis within 3 years. The bill contains safeguards to ensure that information provided is accurate, current, and includes only convictions of abuse.

Child care providers and youth-serving organizations will be able to conduct background checks on current or potential employees or volunteers by making application with the appropriate State agency. The cost of the background check will be borne by the employer or organization seeking the information.

This legislation enjoyed considerable support when it was introduced in the 102d Congress. I hope that my colleagues will join with us today in cosponsoring this initiative.

## A 7-PERCENT CUT IN PENTAGON BUDGET URGED

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, 2 weeks have passed since the President's State of the Union Address, and it is noteworthy that a majority of Americans and a majority in Congress support this plan.

Indeed, momentum is building to enact this package. Americans appear willing to accept making a larger contribution in Federal taxes, but they are demanding something in return. They are demanding we make real progress in cutting spending and reducing the deficit. That is the deal we are striking with the American public.

With this in mind, Mr. Speaker, I urge my colleagues to read an op-ed in today's New York Times written by two scholars from MIT.

These experts argue that by reducing the Pentagon's budget by 7 percent, we can achieve an additional $21 billion in spending cuts this year beyond what the President has already requested.

I strongly urge my colleagues on the House Budget Committee to consider these suggestions as they draw up a blueprint for spending cuts next year.

We must take the demands of the American public seriously. We must do everything we can to ensure that the deal we are making with the public is a deal we can keep.

□ 1140

## TIME FOR TRUTH IN TAXATION

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, Jay Leno recently said:

> We're lucky these days, it's easier to marry millionaires than it used to be. Because according to Bill Clinton, a millionaire is now anyone who earns more than $30,000 a year.

Mr. Speaker, that would be really funny, if it were not so true.

Candidate Clinton told us he was only going to raise taxes on millionaires. Then, President Clinton told us he was going to raise taxes on everyone who makes over $30,000.

Now, we find out that is not even the whole story.

In calculating who will bear the burden of the Clinton tax increases, the President is counting such things as home values, IRA's and Keogh plans, pension and life insurance savings, and employee fringe benefits as income.

When you factor that in, the President's new taxes will hit everyone making over $20,000 a year.

Mr. Speaker, counting these things as income is simply wrong, deceptive, and misleading to the American people. And, it could spell real trouble for those people who thought they would not be hit by the President's new taxes.

It is time for truth in taxation. The Congress should reject such gimmicks, and the American people should know what is really going on.

## SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, as my colleagues know, the Select Committee on Narcotics Abuse and Control which I am honored to chair was voted not to be reconstituted and is scheduled to wrap up its business by the end of this month. I hope that my colleagues might reconsider what we have done, because the move was at that time to try to cut back in our budget expenditures and to save money for the legislative budget by doing that. But it seems to me that one of the messages we are sending is that we have resolved the drug problem as we have seen it.

Mr. Speaker, if we are going to talk about the budget and the deficit, we should recognize that the drug and alcohol problem in the United States is costing us over $300 billion a year when you take into consideration lost revenue, lost productivity, and the fact that we cannot remain competitive unless we deal with this problem.

Mr. Speaker, I will return to this floor in asking Members to take a hard look as to whether we are saving money or whether we really want to go after the Select Committee on Narcotics Abuse and Control for budgetary reasons.

## CUTTING GOVERNMENT WASTE

(Mr. McKEON asked and was given permission to address the House for 1 minute.)

Mr. McKEON. Mr. Speaker, President Clinton has come to us asking for specific cuts to be included in his deficit reduction package. I come before you today offering one such cut. Each former Speaker of the House receives a sizable retirement gift at the expense of American taxpayers. That gift has cost us nearly $4 million in the last 22 years.

The office of the former Speaker was created in 1970 so that former Speakers of the House could wrap up business after leaving office. The sham is that it is up to the former Member to decide when their business is concluded. For example, former Speaker Carl Albert has been conducting his business since 1977, Tip O'Neill since 1987, and Jim Wright since 1989.

Last year the expenses of these three former Speakers cost the taxpayer $601,000. That averages to about $200,000 a piece for that year alone, over and above an already sizable personal retirement package.

If the Congress is serious about cutting waste, then perks like giving former Speakers of the House a shiny golden parachute must end. I want to support a serious deficit reduction package, comprised of spending cuts, not new taxes.

My recommendation is that the length of time former Speakers receive this benefit is limited to 1 year. I believe this is sufficient time to wrap up unfinished business on the taxpayers' dole.

## KEEP AMERICAN JOBS IN AMERICA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, if we really want to balance the budget, we have got to do it through jobs, not just taxes, and certainly not with taxes on unemployment compensation, on minimum wage jobs, and on retirement benefits. I am talking about the good jobs that are leaving this country, that are going into other countries of the world who are benefiting from our stupidity; the kind of jobs right now that allow us, our people, to be able to live in and support their community and support their families.

Mr. Speaker, we have got to do this by changing our trade laws. We have got to give America a break and renegotiate the North American Free-Trade Agreement. We have to equalize America's position in the world with these other countries, and penalize those countries who freeze American products out of their system.

Mr. Speaker, it is time America got tough on trade and it is time we brought our jobs back to America. If you want to balance the budget, that is the way to do it.

### HEALTHY ENVIRONMENT, HEALTHY ECONOMY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, conservation has become a leading word for many of us. Burdensome environmental regulations in the areas of energy production, industrial manufacturing, and product use has led to job losses, questionable schemes like clean air credits, and no apparent improvement to our environment.

Simply put, we provide regulations without providing the technology to implement them. The result has been a shrinking of the U.S. industrial base, loss of U.S. competitiveness abroad, and loss of jobs at home.

But healthy environment and healthy economy need not be mutually exclusive.

This week I introduced a bill to create a national environmental technologies agency. The purpose of this agency would be to facilitate the development of environmentally safe technologies by assisting the efforts of private industry, universities, nonprofit research centers, and government laboratories in these areas.

Environmental cleanup technology will be a $1.2 trillion business over the next 10 years. Healthy environment can mean healthy economy.

### LOWER INTEREST RATES BENEFIT AMERICA

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, while our Republican colleagues continue to criticize President Clinton's program for economic recovery in this Nation, we see that those individuals who are not involved in politics but are involved in the very tough and difficult decisions of managing other people's money are betting that the Clinton program will make a difference.

Once again today the New York Times reports that bond rates have fallen again to new lows. They have done that because the money managers of this country have determined that the Clinton package is real, that the numbers are real, and that it is an honest package that provides for real deficit reduction over the next 4 years.

Mr. Speaker, what does that mean to our constituents? That means that the American people will be able to go out and be more likely able to afford a home, to refinance their homes to lower their mortgage payments, to buy an automobile at a lower interest rate, and to finance their children's education at a lower interest rate. That is putting real money, real dollars, in the pockets of the American people because of the action that President Clinton took here when he came to this Congress and presented his economic recovery plan. We should stop criticizing it. We should support it and get it on the books, so we can continue to have the benefit flow to this Nation in lower interest rates, so American companies can refinance their debt, and make money available for investment in new jobs and manufacturing.

### ELIMINATE OUTRAGEOUS PERK

(Mr. INGLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS. Mr. Speaker, I rise to talk about what the Cleveland Plain Dealer has called a tradition that seems destined to become this year's outrageous perk, and that perk is the perk of allowing departing Members of this House to back up a moving van to their district office and clear it out, to take the furniture and go home with it.

Mr. Speaker, that is this year's outrageous perk. The people of this country, I believe, are looking for real deficit reduction, but they believe that deficit reduction can only start if it starts right here in this House.

I have not been here long, but I have noticed this: I do not see any belt tightening in the House of Representatives. I do not see any cutting back. We must start with deficit reduction right here in this House, and that means eliminating again what the Cleveland Plain Dealer calls "what is destined to become this year's outrageous perk."

### SIN TAXES WILL NOT RAISE REVENUES

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise to once again state my unequivocal support for the President's plan to reduce the deficit and stimulate the economy. The people of my district have made it clear that they support the President's plan as proposed in his February 17, State of the Union Address. We are concerned, however, about recent proposals to modify his plan with additional cuts and increased taxes on tobacco products, a crop that is not only important, but critical to the economy of my district and region. Recent media reports indicate that revenues from these taxes are on the decline. In New Jersey, the expected taxes on tobacco and alcohol have dropped some $65 million from 1993 to 1994. In New York, the revenues from tobacco will drop by $32 million in 1 year. If these trends continue, tax officials predict that cash-poor States and local governments will have to raise other taxes or cut back on services. If the purpose of additional sin taxes is to raise revenues, it will fail based on these revelations.

□ 1150

### H.R. 4, THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I would like to notify Members regarding the Rules Committee's plans for H.R. 4, the National Institutes of Health Revitalization Act of 1993.

The Energy and Commerce Committee ordered H.R. 4 reported yesterday by a vote of 34–18. The Rules Committee is planning to meet on H.R. 4 the week of March 8, 1993, to take testimony and grant a rule. It is expected that a request will be made for a structured rule which would permit the offering of only those floor amendments designated in the rule.

Any Member who is contemplating an amendment to H.R. 4 should submit 55 copies of the amendment, along with a brief explanation, to the Rules Committee in H–312 in the Capitol, no later than 12 noon on Monday, March 8, 1993.

It is my understanding that copies of the printed bill may not be available in the document room until after the filing deadline. Consequently, the Energy and Commerce Committee will make available, in their offices, copies of the bill for the use of Members preparing amendments.

Mr. Speaker, earlier today I sent a "Dear Colleague" letter to all offices detailing the steps Members need to take to protect the right to offer amendments. We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 4.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me, my good chairman, for whom I have great respect.

I just might point out that the NIH report is not going to be filed until sometime around noontime Tuesday, as I understand it. And the gentleman is not saying that it is necessary to have these amendments filed. It would not necessarily preclude other amendments. But he is suggesting Members do have them in.

In other words, the gentleman is not talking about a restrictive, closed rule or anything like that, at this point?

Mr. MOAKLEY. Mr. Speaker, at this point I am just asking Members to have the amendments filed in the RECORD.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman for enlightening the membership.

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## EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-26) on the resolution (H. Res. 115) providing for the consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed:

### H. RES. 115

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes, with the Senate amendment thereto, and to concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The motion shall be divided for a separate vote on concurring in section 7 of the Senate amendment, any rule of the House to the contrary notwithstanding.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is, Will the House now consider House Resolution 115?

The question was taken; and, two-thirds having voted in favor thereof, the House agreed to consider House Resolution 115.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 115 makes it in order to consider in the House—any rule to the contrary notwithstanding—a motion to take from the Speaker's table H.R. 920 with the Senate amendment, and to agree to the Senate amendment. The Senate substitute is the same as the House bill with the addition of a freeze on Members' pay for calendar year 1994 at this year's level.

The rule provides 1 hour of general debate. The rule also automatically divides the question, allowing a separate vote on the last section of the bill, elimination of cost of living adjustment for Members of Congress in 1994. Mr. Speaker, the division is in order any rule of the House to the contrary notwithstanding.

For Members' information, I am making available a CBO cost estimate and I include it in the RECORD at this point.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 4, 1993.*

Hon. JOHN JOSEPH MOAKLEY,
*Chairman, Committee on Rules, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 920, the Emergency Unemployment Compensation Amendments of 1993, as passed by the Senate on March 3, 1993.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 13101 of the Budget Enforcement Act of 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

C.G. NUCKOLS
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 920.

2. Bill title: The Emergency Unemployment Compensation Amendments of 1993.

3. Bill status: As passed by the Senate on March 3, 1993.

4. Bill purpose: To extend the Emergency Unemployment Compensation Act of 1991, and for other purposes.

FEDERAL GOVERNMENT COSTS

[By fiscal years, in millions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|---|
| DIRECT SPENDING | | | | | | |
| Emergency unemployment compensation: | | | | | | |
| Estimated budget authority | 3,210.0 | 2,340.0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 3,210.0 | 2,340.0 | 0 | 0 | 0 | 0 |
| Administrative expenses: [1] | | | | | | |
| Estimated budget authority | 110.0 | 0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 110.0 | 0 | 0 | 0 | 0 | 0 |
| Railroad unemployment: | | | | | | |
| Estimated budget authority | 2.5 | (2) | 0 | 0 | 0 | 0 |
| Estimated outlays | 2.5 | (2) | 0 | 0 | 0 | 0 |
| Elimination of cost-of-living adjustment for Members of Congress: | | | | | | |
| Estimated budget authority | 0 | −2.2 | −3.0 | −3.1 | −3.3 | −3.4 |
| Estimated outlays | 0 | −2.2 | −3.0 | −3.1 | −3.3 | −3.4 |
| Total direct spending: | | | | | | |
| Estimated budget authority | 3,322.5 | 2,337.8 | −3.0 | −3.1 | −3.3 | −3.4 |
| Estimated outlays | 3,322.5 | 2,337.8 | −3.0 | −3.1 | −3.3 | −3.4 |
| AMOUNTS AUTHORIZED FOR APPROPRIATION | | | | | | |
| Administrative expenses: | | | | | | |
| Estimated authorization level | 0 | 80.0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 0 | 80.0 | 0 | 0 | 0 | 0 |
| Profiling new claimants: | | | | | | |
| Estimated authorization level | 7.0 | 19.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Estimated outlays | 7.0 | 19.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Total discretionary spending: | | | | | | |
| Estimated authorization level | 7.0 | 99.0 | 7.0 | 5.0 | 5.0 | 5.0 |
| Estimated outlays | 7.0 | 99.0 | 7.0 | 5.0 | 5.0 | 5.0 |

[1] For fiscal year 1993, the administrative expenses would not need any further appropriation action because of language in the Labor-HHS 1993 appropriation bill. The Labor-HHS 1993 appropriation bill makes available an additional $30 million for every 100,000 increase in the average weekly insured unemployment above 3.54 million.

[2] Less than $500,000.

The costs of this bill fall within budget functions 600, 800 and 950. The spending effects of the bill are discussed below.

Direct spending: H.R. 920 would extend the current Extended Unemployment Compensation Act of 1991 through October 2, 1993. Recipients who file claims by October 2, 1993 could continue to collect emergency unemployment compensation benefits through January 15, 1994. Based on recent program spending, CBO estimates the additional benefit payments from this bill would be $3.2 billion in fiscal year 1993 and $2.3 billion in fiscal year 1994. CBO estimates the additional benefit payments through the Railroad Unemployment Insurance program would be $2.5 million in fiscal year 1993 and less than $500,000 in fiscal year 1994.

In addition, CBO estimates there would be additional administrative costs of $190 million to process the additional claims for Extended Unemployment Compensation. Only $110 million of the $190 million would be considered direct spending.

H.R. 920 would also eliminate the scheduled January 1994 cost-of-living increase in pay rates for Members of Congress. Cost-of-living adjustments would resume in January of 1995. Members' pay raises are permanently appropriated and therefore would be considered direct spending. The savings from this provision would be $2.2 million in fiscal year 1994 and $15 million over the 1994-1998 period.

Amounts authorized for appropriations: H.R. 920 would require the Secretary of Labor to establish a program to encourage all states to implement a system of profiling all new claimants. The profiling system would determine which claimants are most likely to exhaust regular unemployment compensation and therefore, to benefit from reemployment assistance. The bill requires the Secretary of Labor to provide technical assistance and advice to the states as they develop and implement these profiling data systems. Based on information from the Department of Labor (DOL), CBO estimates that a total of $20 million would be required over 3 years to develop and implement the automated data systems. In addition, DOL would operate a design center at the federal level. This center would help develop model systems for the states and serve as a resource center for state offices. We estimate a cost of $3 million in fiscal year 1993 and $5 million each year in fiscal years 1994 through 1998 for the operation of the design center.

6. Budget enforcement Act considerations: This section discusses how the bill would affect pay-as-you-go procedures and the discretionary spending limits under the Budget Enforcement Act of 1990 (BEA).

Pay-as-you-go: The BEA sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The pay-as-you-go effects of the bill are shown in the following table:

[By fiscal years, in millions of dollars]

| | 1993 | 1994 | 1995 |
|---|---|---|---|
| Outlays | 3,322.5 | 2,337.8 | −3.0 |
| Receipts | ([1]) | ([1]) | ([1]) |

[1] Not applicable.

Under section 13101 of the BEA, amounts provided in this bill that have been designated as emergency spending by the President and the Congress do not count against the pay-as-you-go restrictions of that section. In section 6 of this bill, the Congress designates as an emergency any direct spending provided pursuant to this bill. If the President also makes such an emergency designation, amounts pursuant to this bill will not be subject to the pay-as-you-go procedures.

Amounts authorized for appropriation: Under section 13101 of the BEA, amounts authorized to be appropriated that have been designated as emergency spending by the President and the Congress do not count against the spending limits under section 601 of the Congressional Budget Act of 1974. In section 6 of this bill, the Congress designates as an emergency any spending appropriated pursuant to this bill. If the President also makes an emergency designation, amounts appropriated pursuant to this bill will not be counted against the discretionary spending limits.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Cory Oltman and Leslie Griffin.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. Speaker, there are 16 million unemployed and underemployed Americans today. Emergency benefits expire on March 6. In 2 days, if we fail to adopt this resolution, millions of Americans will lose the right to file new claims. There is a time for talk and a time for action. Now is the time to act.

Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished chairman of the House Committee on Rules, for yielding time to me. He has ably explained the provisions of the rule.

Mr. Speaker, I support the rule. I am very happy, indeed, that the Committee on Rules allowed a separate vote on the elimination of cost-of-living adjustments for Members of Congress for 1994. That means, in effect, that the COLA's will not be allowed for Members of the Congress. There would be no increase for 1994.

I think that is good. I think we all must tighten our belts, and get down to the business of reducing our deficit. And a good place to start is right here in this House of Representatives as the other body did last evening.

The Senate passed the emergency unemployment compensation measure last evening without any change in the provisions of the House, other than adding the amendment which I have just discussed.

I do not think we are going to accomplish anything by extending this emergency resolution for unemployment compensation for people who are unemployed. It has been extended many times.

Just think, if we had taken those billions of dollars and put them into programs so that people could have had permanent jobs, I think it would have been self-sufficient. We do not make any progress by helping people unless we provide something for the future.

Twenty-six weeks comes in a hurry, and it will pass in a hurry. And then unless we provide permanent jobs, we will be back where we started from.

Mr. Speaker, I support this resolution, and I feel that it is time for the House to get down to business so that we can discuss the measure pending.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule. I support the bill, including the freeze. But again, while Congress continues to debate unemployment, America continues to lose jobs.

□ 1200

For the record, there are now more government workers in America—State, local, and Federal—than there are factory workers. Congress, more Government workers on the payroll of the taxpayer than there are factory workers being paid in the private sector, paying taxes, helping with this deficit. Think about that.

There is also one major theme, one tenet, one anchor of the Constitution that is the omnibus clause by which we govern ourselves: Life, liberty, and the pursuit of happiness.

I have a little simple question no one wants to listen to. How can there be life, liberty, and how can we pursue happiness in America without a job?

I am going to vote for the bill, but the American worker wants a paycheck. They do not want an unemployment compensation draft from the Government.

I am recommending again to this Congress that everybody's ideas on how to incentivize and move America forward be incorporated into this Committee on Ways and Means process, and I am one Member that is prepared to fight for that right. I hope others join in with me.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that House Resolution 111 be laid on the table. This has been agreed to with the minority side.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MATSUI. Mr. Speaker, pursuant to House Resolution 115, I move to take from the Speaker's table the bill (H.R. 920) "An act to extend the emergency unemployment compensation program, and for other purposes," with the Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Under the rule, the Senate amendment is considered as read.

The text of the Senate amendment is as follows:

Senate amendment: Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993".

**SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(b) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) Conforming Amendment.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

**SEC. 3. TREATMENT OF RAILROAD WORKERS.**

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993.

### SEC. 4. PROFILING OF NEW CLAIMANTS.

(a) GENERAL RULE.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3301–3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) TECHNICAL ASSISTANCE TO STATES.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the Secretary deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) FUNDING OF ACTIVITIES.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) REPORT TO CONGRESS.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) STATE.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act.

### SEC. 5. FINANCING PROVISIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in Department of Labor Appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

(b) USE OF ADVANCE ACCOUNT FUNDS.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102–394) are authorized to be used to make payments to the States to carry out the purposes of the amendment made by section 2 of this Act.

### SEC. 6. EMERGENCY DESIGNATION.

Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

### SEC. 7. ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994.

(a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

The SPEAKER pro tempore. Under the rule, the gentleman from California [Mr. MATSUI] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SANTORUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider the final consideration of the extension of the Emergency Unemployment Compensation Act, H.R. 920, which is the Senate-passed version itself. I might point out to the membership that the Senate passed the exact similar legislation that we passed last week. They include the extension of the unemployment benefits. The terms are exactly the same, plus the proper filing of the unemployed employees.

The only difference is the freeze on Members' pay at this particular time. We hope that the Members of this institution, the Members of this House, will support this legislation so we can send it on to the President.

As the gentleman from Massachusetts [Mr. MOAKLEY] spoke earlier, the unemployment extension benefits will expire on Saturday of this week. We have 48 hours in which to pass this legislation, so it is my hope that we can be very expeditious in this area and move on this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. SANTORUM. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 962

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SANTORUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come up here with very mixed emotions. As I said last week when we debated this bill, I wished we could have come here today with an unemployment compensation extension that was paid for. There was a considerable debate in the Senate. Unfortunately, there was more of a debate than there was here in the House, and they had the opportunity to at least discuss an amendment that would have extended the unemployment benefits and not added $5.7 billion onto the national debt, onto our children's future tax liability, and thereby hurting their economy, thereby hurting their opportunity to have the kind of opportunities that we have in America today.

Mr. Speaker, I am disappointed that the Senate did not allow Senator BROWN's amendment to go in, that that motion was tabled. It was very unfortunate. It was a very reasonable proposal, one which I wish, frankly, and I give the Senator his due, I wish I would have thought of myself. It was simply including as part of the spending cuts that President Clinton had suggested in his economic stimulus plan, and accelerating that one aspect of it, which was the freeze of cost-of-living adjustments, accelerate that one aspect of it to pay for the entire package. It would have paid for the entire package, to my understanding.

If what I have heard from the other side is accurate, that they are all for the President's stimulus package as a package, and that we have to look beyond the details, and we should just have to vote for this thing because this is the best thing for America, I do not see why we just cannot vote for one aspect of it before the rest. That would have been, I think, a real gesture in good conscience, a gesture that they are serious about passing the entire package and not just what we keep hearing, which is the tax increases and the spending increases, and then again, as we have in the past in this Chamber, deferring on any spending cuts.

We had the opportunity to pass a spending cut and a spending increase. We had the opportunity in the Senate to do it, and the Senate unfortunately did not take advantage of that opportunity. Here in the House we had the very same opportunity last week. We had an opportunity to send the bill back to committee. We had the opportunity to come up with a mechanism to pay for it.

Again, consistent with what I have been seeing in the 2 years that I have been here, we defer. We said:

> No, it is too important. We have to go ahead and raise the spending now. We have to consume this spending now, and we have to put off until tomorrow paying the bills

I found it very interesting to listen to President Clinton here a few weeks ago talk about good and bad spending. He talked about good spending. I sort of likened it to good and bad cholesterol. We all thought all excessive cholesterol was bad. That is not true. Not all excessive cholesterol is bad. There is good cholesterol and there is bad cholesterol.

We found out that not all excessive Government spending is bad. There is good excessive Government spending and there is bad excessive Government spending. The bad excessive Government spending is called consumption spending.

What is consumption spending? Those are basically direct Government benefits being paid out for today; not investment spending, which is spending on future projects like infrastructure, education, things for children, programs for children like vaccinations. That is investment spending.

President Clinton said that is good spending, that that is the kind of spending the Government does not do enough of. I agree with him. We do not do enough investment spending.

He said, "I am going to focus my economic stimulus package and my administration to stop," as he said, "don't stop looking out for tomorrow." If that is his intention, he should come to the Congress with the programs that match his intention. Stop singing the song if you are going to send different music to the Congress. That is not the music he sent here.

What he sent here, what the Secretary of Labor testified for and refused amendments for, was consumption spending: spending now, paying bills later.

That is not what the President said in his speech. That is not what is being sent to the Congress, and any attempt to come clean and pay for this proposal was shoved aside as, "Well, this just is bogging down the process."

This is not gridlock. This is not gridlock; this is called responsible action, paying for the benefits that we want to pay out today. I find this a very troubling moment to be here, to vote again against an unemployment extension which I very much, and as I said before, the past three I did vote for.

We have change in America. Congratulations, we voted for change. The last three extensions were paid for. We now have change. We are not going to pay for this one. As I said last week, I do not believe that is the change that the Ross Perot supporters and a vast number of Americans who voted for the current President were looking for.

We want responsible change. We want positive change. We do not want change for the sake of change to pay off more political debts. This is a bad way to start the economic stimulus package that President Clinton has sent here. This is the same kind of stuff we have been seeing for the past 2 years that I have been here, and it is the kind of stuff that makes Americans sick when they look at this institution.

I hope that over the next few weeks we will be able to get down to some serious business of changing government, changing America, and doing something positive to create economic growth, to streamline government and create more opportunities in America.

This is not a good start. This is a bad start, and I hope that it is something that we can do something about in the very near future.

Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am going to address the unemployment compensation bill now.

Mr. Speaker, if we look at the kinds of benefits, the kinds of opportunities that the Federal Government does provide for people, certainly unemployment compensation is one of those programs where the Government can appropriately help us and help the people to adjust to the dislocation caused by economic change and, in that sense, should be distinguished from other kinds of programs, regulatory and otherwise, in which the Government may actually hurt the economy and deprive us of the opportunity to create jobs for our people.

Mr. Speaker, I always thought it was extremely important to make that kind of distinction between those two kinds of programs, those which actually inhibit the people, inhibit the great, broad American middle class from providing for itself, and those which help the people tide over the dislocation which may be caused by economic change. It is extremely important for us not to stop the economy from changing. It is important for the Government not to so interfere with the processes of the free market that it cannot do what it needs to do to provide the flow of goods and services on which the economy depends.

It is also very important that we recognize the instances when we can intercede on people's behalf and when we can insulate them from the vicissitudes of economic change. I do not think anybody in this House argues about the importance of unemployment compensation as a program to our people or for the appropriate role of the Federal Government in participating with the States in providing for those kinds of benefits.

The problem with this bill, that I saw, was the fact that it may not be necessary for the Federal Government to take this kind of a role in this kind of a manner, at this time, in order to provide for the people.

Mr. Speaker, first of all, the legislation, which the Congress has passed in the last couple of years, allows the States, in cases of high unemployment, to extend benefits on their own behalf and to assume part of that financial partnership with the Federal Government in doing that. There is no reason in a time of high deficits for us to substitute Federal revenue for potential State revenue in these kinds of instances.

The second thing, Mr. Speaker, quite frankly, is that if we are going to provide benefits of this kind, as we should, we ought to undertake the effort to pay for them. There is an enormous amount of waste in the Federal budget. To argue otherwise is to defy reality. We spend $1.5 trillion a year. Five billion dollars, which is the cost of this bill, is less than 1 percent, or a little more than 1 percent, of that budget. To argue that we cannot find that 1 percent in that budget, in order to pay for these benefits which we are extending to people, is to suggest the Federal Government somehow operates more efficiently than the average family, or the average business, in a time of economic crisis. That is a proposition, Mr. Speaker, which I do not care to defend.

So this is an idea which is a good idea in its concept but which, in its execution, is flawed. What we ought to do, if we are going to pass this, Mr. Speaker, is, No. 1, we ought to find the cuts in other parts of the budget so that we can pay for this kind of a program, and we ought to take every opportunity we can to take advantage of the partnership with the States so that we do not have to rely entirely on Federal revenue in paying for these dollars.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I thank the gentleman, the subcommittee chair, for yielding me this time.

Mr. Speaker, this is an emergency situation that we are dealing with in our economy, and we have to keep in mind the benefits of the unemployment program.

Yes, it helps individuals, but it also helps their communities and the local economy as well. These are dollars that go from the unemployed worker to the grocery store to pay the grocery bill. It makes the car payment so you do not have defaults on car payments, and the repossessions that go up. That is why this system was designed in the 1930's as part of the recession recovery program back then. The economics are still sound today, however.

But what we have to recognize is that there are some changes in unemployment in our country, that this has been a different recession and a different recovery. The recovery is different this time than in previous recoveries, because this recovery is not generating the same number of jobs, in the same time, as previous recoveries have. And so there are more workers who are running out of unemployment benefits by thousands and thousands in number than ever before, and not only is the regular unemployment program being exhausted, so, too, are these individuals exhausting the extended benefits programs as well. There is a serious structural problem in the economy.

In this last election, Mr. Speaker, Americans did ask for change. They defeated, at one time, a very popular President, but they defeated him because they wanted change. They wanted to focus on Americans and the problems here at home.

We took an unemployment bill to this floor three times before we actually implemented one, and that is because the first time the President would not recognize that there was a dire emergency in this country and sign the emergency situation. The second time he vetoed the bill, and the third time we took it to the floor, the polls dropped and said that Americans are concerned about not the gulf, they are concerned about their jobs here at home. So we passed a decent extended benefits program.

Well, change is coming about through President Clinton's initiatives. This is part of it. It is not the whole package though.

There is an economic stimulus package that we are working through committee, as well, that will generate the jobs necessary to put these people back to work, but we cannot ignore the fact that people are hurting today.

If you are unemployed, your unemployment rate is 100 percent. It does not matter if you are in Oregon, or Iowa, or New York City. So we have to help these people, help their local communities, and this is the quickest, most efficient way and fastest way that we can do that.

I urge support of this resolution.

Mr. SANTORUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could ask the gentleman from Oregon, he made the statement that President Bush did not sign the first unemployment extension because he did not want to extend benefits and did not see the emergency.

Now, those are very sensitive words he used. He used the term emergency spending, and that is a term of art here, as the gentleman knows, emergency spending is, which is to waive the Budget Act so we can increase the deficit.

Mr. KOPETSKI. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Speaker, we did not waive the Budget Act. We paid for that. He signed it into law, but he would not——

Mr. SANTORUM. I reclaim my time.

Mr. KOPETSKI. Go ahead if you do not want to hear the facts.

Mr. SANTORUM. These are the facts. The first time the President vetoed the bill, the first unemployment extension, it was a nonfunded bill. It was not paid for. That is why he vetoed the bill, and the gentleman is right, he did not declare an emergency.

The second unemployment extension was funded, and he signed it. He did not veto any second unemployment extension. The third one he threatened veto when we passed something here in the House that never even passed in the Senate. We passed something in the House that was not funded, and the only time the President said he was not going to sign an emergency extension was when it was not funded. That is the point I was trying to make.

If you voted for change, you got it, because this President does not care if things are funded. This President just cares if, you know, to continue the same old saga which is, let us dole out more benefits and worry about later on whether we are going to pay for these things or not.

Mr. KOPETSKI. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Oregon.

Mr. KOPETSKI. I refer to the committee report where it shows that we did pass on August 17, 1991, and the President signed into law, but he did not declare the emergency as part of that because he did not want to recognize that there were unemployed people in America.

Mr. SANTORUM. Reclaiming my time, because by declaring an emergency, he would have added to the deficit, because we did not pass a bill that was funded. You can play all of these kinds of procedural tricks, but, I mean, the fact of the matter is, he did not approve and execute the bill, in other words, make it effective, because it would have added several billion dollars to the deficit, and that is the kind of change, and that is the kind of leadership, that I think we need in this country. We need someone, as Ross Perot came up here and said on Capitol Hill, and is running around this country getting throngs of people listening to his message, and I hope that maybe some people on this side of the aisle would listen to that message:

> We are sick and tired of the same old "let us go ahead and add to the deficit, let us go ahead and do the politically popular thing, and then let us pay for it later."

□ 1220

That is the kind of stuff that folks are tired of. That is exactly what we are doing today. There is nothing but that.

Now, I know that there was an amendment in the Senate. Senator MITCHELL, I am sure in very good faith, put forward an amendment to partially pay for this bill by freezing our cost of living. As a Member who does not take pay raises, you can freeze all the cost of living's you want for as long as I am here. But the fact of the matter is, the fact of the matter is this only comes up with $2 million this year.

Now, I will remind you that the bill costs $5.7 billion. Now, we came up with a $2 million funding mechanism. Now, that is a bit disingenuous. That to me is not really addressing the issue, which is, "Where is the beef?"

Where is the funding? Where is the money that we are going to come up with so that we do not continue to put burdens on our children, on your children, all of our children and grandchildren to come? That is not the kind of responsibility that I want to be a part of and that this Congress should be a part of.

I have all the compassion in the world for people who are unemployed, no matter what city they live in. But I have compassion for future generations, too. We seem to forget that here.

You know, as the President says, "Don't stop thinking about tomorrow." I think about tomorrow a lot. There are a lot of Members on this side who think about tomorrow. I would say, Mr. Speaker, if the President wants to continue to think about tomorrow, that he sends music to this Chamber which sings that tune. The music that he sent to this chamber about unemployment does not sing that tune, it sings "Happy days are here today." That is not what we came here to do. We came here to look out for the future of this country.

Mr. KOPETSKI. If the gentleman would yield, thank you, it sounds like the gentleman is all ready to sign up for the President's stimulus program. That is No. 1. I look forward to the gentleman's support on that program.

No. 2, the gentlemen talks about the same old saws, the same older leadership. The people of America turned out a President who refused to look at them today and the suffering they are having today. This is a package. Yes; we have to look at tomorrow, but, yes, we also have to consider the suffering that goes on in families today. These people are not just statistics. These are people who have children, they want to go to school, they want food on the table, they want to make the car payment, the mortgage payment. The gentleman is saying, "Don't worry about it, don't worry about them today."

Mr. SANTORUM. No; that is not correct.

Mr. KOPETSKI. We have to worry about them today.

Mr. SANTORUM. Mr. Speaker, reclaiming my time.

Mr. KOPETSKI. So that is why we ought to fund this bill——

The SPEAKER pro tempore (Mr. MAZZOLI). The time is controlled by the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. The gentleman mischaracterizes, again, my comments.

Mr. KOPETSKI. I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, regular order.

Mr. KOPETSKI. The gentleman is—

Mr. WALKER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SANTORUM] controls the time.

Mr. SANTORUM. Mr. Speaker, let me repeat for at least the dozen times I have said this today, and I will say it one more time, I am for extending unemployment benefits. I have the same compassion for these people today as the gentleman does. What I am saying is—and no one on this side of the aisle, no one—came to the well, no one came to the well and said we should not extend unemployment benefits; nobody. Every argument on this floor from this side of the aisle was that we should pay for any extension of benefits. That is the only argument that has been on the floor for the past 2 weeks.

Now, to continue to mischaracterize that, again, I understand it is a place for sound bites, but it does not address the issue. The issue is are we going to do the compassionate thing—and, I would suggest, the right thing—by extending unemployment benefits, or are we going to do it in a responsible manner? That is all that I—the point that I tried to make. I have consistently made that point.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. I thank the gentleman for yielding this time to me.

Mr. Speaker, in this piece of legislation that we are considering, we are freezing the cost-of-living adjustment for Members of Congress for 1994.

Now I want to remind all of my colleagues that in May of last year the people of America ratified the 27th Amendment. For those of you who may not remember the 27th Amendment, it says very simply that no law that varies the compensation for the services of Senators and Representatives can become effective without an intervening election. Pointed very straightforwardly, trying to reduce our pay in the manner in which we are doing it, by not accepting the COLA in 1994, is unconstitutional. It is unconstitutional to pass the amendment that was put on this in the Senate last night.

All of us were elected to this Chamber swearing to uphold the Constitution of the United States. Now, if we want to do the right thing, we should eliminate the 1989 Ethics in Government Act, that section of the law that granted COLA's ad infinitum, so that the Congress never again has to vote on a pay raise. We could do that. It would not be effective until 1995. But we could eliminate all of those. But instead of doing what is right and doing what makes sense long term by eliminating COLA's, we did the only year that under the Constitution that we cannot change, and that is the 1994 COLA increase.

So I would urge my colleagues that when you have to vote on this amendment, which we are going to have a separate vote on, the fact that we want to look like we are all doing the fighting for our constituents by avoiding the pay raise, under the Constitution, we are not allowed.

Mr. SANTORUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute. I would just like to say that this bill before us now is the same bill that was passed last week out of the House of Representatives by a rather substantial vote. The only addition is the pay freeze on this legislation.

Ms. PELOSI. Mr. Speaker, I rise in support of the legislation extending unemployment compensation. When we pass this legislation today we will be approving the first element of the President's economic plan.

This legislative victory demonstrates that when Congress and the White House work together we can bring fresh, innovative thinking to the rescue of America's unemployed.

Not only does this legislation extend benefits, it also contains a new provision for profiling.

Profiling programs use data collected from beneficiaries to determine whether individual workers are permanently displaced and therefore need retraining, counseling or other assistance to find new jobs. When Secretary of Labor Reich saw how the State pilot programs or profiling have worked, he included it in this legislation.

Mr. Speaker, because we are in a jobless recovery, todays legislation is necessary. However, it underscores the need for approval of the Presidents economic plan for long-term growth which puts people back to work.

I urge my colleagues to support this legislation and commend the committee for bringing this fresh approach to the floor.

Ms. E.B. JOHNSON, of Texas. Mr. Speaker, last month, in my State of Texas, unemployment rose an entire percentage point to nearly 8½ percent—and in some neighborhoods of my district the percentages are much worse. The reality behind the statistics is that over 727,000 Texans are without work—people and families, just like yours and mine, who are desperately trying to hold together until next week or next month when there might be a job at their factory, at their auto plant, or anywhere at all. And there are millions more across our Nation who tell similar stories of mass layoffs, plant closings, company bankruptcies, and financial ruin. Today, here in the House, we have voted to extend emergency unemployment compensation until October of this year. For the estimated 2 million workers who will benefit from this extension, this legislation is a godsend. They aren't asking for our pity or charity, just a helping hand until President Clinton's economic recovery brings back jobs to our cities and States.

Yes, this program is expensive—and for new Members like me it's very difficult to vote for programs with big price tags, when I came here to help cut nonessential Government spending. But emergency unemployment compensation extension is not like the pork barrel Government projects that we've vowed to eliminate—this bill is a targeted investment in unemployed American workers, linked with a new reemployment network to help people get back on their feet with another job. I thank my colleagues for voting to extend unemployment benefits, but also strongly urge them to quickly pass an economic stimulus package that will put people back to work so that this is the last time we extend emergency unemployment compensation.

Mr. GREENWOOD. Mr. Speaker, I am pleased to take this opportunity to express my strong, strenuous support for freezing congressional pay. Our national debt is currently over $4 trillion and the deficit for this year alone is expected to be over $330 billion. I believe it is absolutely unconscionable for Members of Congress to accept an automatic salary increase in the face of this outrageous deficit. Congress simply must take decisive action to seriously reduce Government spending in all areas of Government. A good first start would be for Members of Congress to set the example by freezing their own pay.

During my 12 years in the Pennsylvania State Legislature, I voted against every pay raise measure. Unfortunately, today, I am required to testify on an important matter in Federal court in Philadelphia and am unable to cast my vote in favor of the pay freeze measure. This suit, of which I am the chief plaintiff, seeks to overturn a decision by the Lieutenant Governor of Pennsylvania which, in effect, disenfranchises voters in Bucks County by delaying the special election for my former State Senate seat until July of this year. I cannot stand by and allow my constituents in Bucks County to be without a voice in the Pennsylvania State Senate for nearly 7 months. I must do all within my means to see that the Lieutenant Governor's decision is not allowed to stand.

Mr. BARRETT of Nebraska. Mr. Speaker, despite the good pay freeze amendment adopted by the Senate to H.R. 920, the emergency unemployment compensation extension, it remains overall a bad bill. It needlessly adds to the Federal budget deficit and, for that reason, I continue to oppose it.

When the Senate considered H.R. 920, it added an amendment that would prohibit Members of Congress from receiving a cost-of-living-adjustment [COLA] in 1994. I wholeheartedly support the amendment as the first step in reining in congressional spending and doing our part toward deficit reduction.

But for the 103d Congress, the extension of unemployment benefits in H.R. 920 is our first test of fiscal discipline, and by passing the bill we fail that test, while asking the American family to suffer the consequences of adding nearly $6 billion to the Federal budget deficit. The message from our constituents has been loud and clear—are we ever going to listen?

They are tired and frustrated with Congress' fiscal irresponsibility, and with H.R. 920 we are only giving them more of the same disgusting performance.

It is even more disappointing to know that we could have brought this bill to the floor and debated amendments that would have provided the means to pay for the extension of unemployment benefits. But those amendments were defeated on a party line vote in the Ways and Means Committee and weren't allowed by the Rules Committee to be offered on the House floor.

Obviously, the bulldozer is in high gear, but it's pushing a bill that is not needed. Granted, unemployment remains a problem in some States, but just last year we passed legislation allowing those States with problems to extend benefits without Federal action. With the economy in recovery, H.R. 920 is not needed and spends Federal dollars we simply can't afford.

I'm pleased that Congress is on record for freezing its pay for 1994, but that action was lost in the passage of H.R. 920 with its $6 billion price tag. We saved a few million to only fall billions more behind.

Mr. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 115, the previous question is ordered on the motion, and pursuant to House Resolution 115, the question on concurring in the Senate amendment will be divided.

The first question before the House is on concurring in sections 1 through 6 of the Senate amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 156, not voting 27, as follows:

[Roll No. 53]

YEAS—247

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Chapman
Clay
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Hoyer
Hughes
Jacobs
Johnson (CT)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—156

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Combest
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
English (OK)
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Montgomery
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Penny
Petri
Pickett
Pombo
Porter
Pryce (OH)
Quillen
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—27

Barcia
Bonior
Bryant
Carr
Clayton
Cox
Dingell
Fields (TX)
Ford (TN)
Geren
Greenwood
Gutierrez
Henry
Jefferson
Klein
McDade
Miller (CA)
Paxon
Rostenkowski
Roukema
Rush
Strickland
Swift
Tucker
Valentine
Wilson
Young (AK)

☐ 1247

So sections 1 through 6 of the Senate amendment to H.R. 920 were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will advise the Members that the question, having been divided, now before the House is on concurring in section 7 of the Senate amendment which, the Chair advises, deals with the cost-of-living adjustment.

The question, therefore, is on concurring in section 7 of the Senate amendment to H.R. 920.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SANTORUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 403, noes 0, answered "present" 3, not voting 24, as follows:

[Roll No. 54]

AYES—403

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit

Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

### NOES—0

### ANSWERED "PRESENT"—3

Boehner
Smith (IA)
Washington

### NOT VOTING—24

Barcia
Bonior
Bryant
Callahan
Clayton
Cox
Dingell
Everett
Fields (TX)
Ford (TN)
Geren
Greenwood
Henry
Jefferson
Maloney
McDade
Paxon
Rostenkowski
Roukema
Strickland
Tucker
Valentine
Wilson
Young (AK)

☐ 1304

So section 7 of the Senate amendment to H.R. 920 was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, the House of Representatives passed H.R. 920 which extended the emergency unemployment compensation program until October 2, 1993. A further provision in this bill froze the annual cost-of-living adjustment for fiscal year 1994. This legislation was a truly progressive step in light of the prevailing circumstances facing American lawmakers.

I regret that I was unable to record my vote for this bill due to unfortunate conditions. Because of a longstanding commitment, I was in North Carolina addressing a group of peanut growers and farm cooperatives. My scheduled travel plans would have allowed me to return in Washington with enough time to cast my vote on this matter. However, due to high winds and rain, my flight was delayed precipitating my late arrival in Washington, DC.

I want to emphasize to my constituents, my colleagues, and the American people that I deeply support this legislation. I voted on an earlier version which was submitted to the Senate and subsequently amended and returned to the House. In light of our current economic and fiscal dilemma, I believe that the extension of unemployment benefits is a sensible step to alleviate the misfortune of those who have found themselves displaced by hard economic times. In addition, I am pleased to see that Congress has taken a position of leadership by making a sensible decision to share the needed sacrifice through the freeze in the cost-of-living increases for congressional salaries.

As a new Member of Congress, I am proud to save the needs of both North Carolina's First District and the Nation. It is my sincere desire that Congress will continue to do those things which enhance the welfare and prosperity of this great Nation.

## PERSONAL EXPLANATION

Mr. STRICKLAND. Mr. Speaker, during rollcall votes Nos. 53 and 54 on H.R. 920 I was unavoidably detained. Had I been present I would have voted "aye."

## PERSONAL EXPLANATION

Mr. BARCIA. Mr. Speaker, during rollcall votes Nos. 53 and 54 on H.R. 920 I was unavoidably detained. Had I been present I would have voted "yes."

## PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote No. 53 on H.R. 920 I was unavoidably detained. Had I been present I would have voted "aye."

## PERSONAL EXPLANATION

Mr. CALLAHAN. Mr. Speaker, during the vote on rollcall No. 54, I was in the Senate in a meeting and missed the vote. Had I been here, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, during the vote on rollcall No. 54, I was in the Senate in a meeting and missed the vote. Had I been here, I would have voted "aye."

## PERSONAL EXPLANATION

Mr KLEIN. Mr. Speaker, today, during consideration of the legislation to extend unemployment compensation benefits, I inadvertently missed rollcall vote No. 53.

As a strong supporter of the legislation to provide additional unemployment benefits from March 6 to October 2, I would like the RECORD to show that I would have voted in favor of the legislation. It is critical that those unemployed workers who have exhausted their 26 weeks of regular unemployment benefits continue to be eligible to receive additional benefits based on the level of unemployment in their State. I strongly support this extension.

## PERSONAL EXPLANATION

Mr. DINGELL. Mr. Speaker, I unavoidably missed rollcall vote No. 54, the emergency unemployment benefits extension. Had I been present I would have voted "aye."

## LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Missouri [Mr. GEPHARDT], the majority leader, to enlighten the membership on the schedule for the remainder of the day and next week.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

There are no more votes today. Business has been completed. There will not be votes tomorrow.

On Monday, March 8, the House will meet at noon. There will not be legislative business. Tuesday, March 9, the House will meet at noon to consider a bill on suspension, H.R. 490, to convey certain lands to the Columbia Hospital for Women.

On Wednesday, March 10, and probably Thursday, March 11, we will be meeting at 2 on Wednesday and at 11 a.m. on Thursday to take up H.R. 4, which is the National Institutes of Health Revitalization Act, subject to a rule.

On Friday, the House will meet at 11. There will not be legislative business.

Mr. SOLOMON. Mr. Speaker, if I might just inquire of the majority leader, I see one suspension vote on Tuesday, but there is a likelihood that there could be votes on Tuesday.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct. There could be votes on that day, and Members should expect that.

We obviously also have activity going on in the many committees that will be necessary.

Mr. SOLOMON. Mr. Speaker, I thank the majority leader. The majority leader also mentioned that the NIH bill might be coming up on Wednesday.

I would point out that the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules, had announced that he would appreciate amendments being filed by a Monday noontime deadline. I would point out that the Committee on Energy and Commerce tells me that they probably will not have their report filed until Tuesday noon.

I would also hope that the membership is not bound to have amendments in before we have had the opportunity to read it, although we will make every effort to have amendments in by noon.

Mr. GEPHARDT. Mr. Speaker, I understand what the gentleman is saying. We will consult with the chairman. There may be an update on that decision.

Mr. SOLOMON. Mr. Speaker, I thank the majority leader.

## ADJOURNMENT TO MONDAY, MARCH 8, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## NRA OPPOSES BRADY BILL, SEEKS TO DISCREDIT ATTORNEY GENERAL NOMINEE RENO

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today's rollcall article about efforts by the NRA and others to discredit Attorney General nominee Janet Reno can only be described as stomach turning. It shows the despicable depths to which the NRA and others are willing to descend to try to stop the Brady bill and other gun control measures from becoming law.

The article reports that unsubstantiated rumors attempting to smear Ms. Reno have been passed to the Senate Judiciary Committee and to the press. Everyone agrees that there is no substantiation and no truth to these rumors but that does not stop the NRA from spreading them. Truth and the NRA have never been very close companions.

What everyone does know to be the truth is that Janet Reno supports the Brady bill. When Janet Reno becomes Attorney General she will be the first sitting Attorney General in history to support the Brady bill. And the NRA can't stand that. The NRA is so scared of a Justice Department in support of the Brady bill that it is willing to spread lies and innuendo in an effort to ruin the sterling reputation of the woman about to become the Nation's highest law enforcement officer.

Shame on them, Mr. Speaker. And shame on anyone else who stoops that low.

## RECOGNIZING HEROIC SACRIFICE OF BATF SPECIAL AGENTS IN WACO, TX

Mr. HOYER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 12) to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, TX.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. LIGHTFOOT. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Maryland [Mr. HOYER] for the purpose of explaining his request.

□ 1310

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Iowa [Mr. LIGHTFOOT] for yielding to me.

Mr. Speaker, this is a resolution that was passed by the Senate, a resolution that I have introduced, along with a number of other Members of this House on both sides of the aisle.

The Senate resolution mirrors the House resolution, which is to recognize the heroic sacrifice of the special agents of the Bureau of Alcohol, Tobacco and Firearms who recently lost their lives on the 28th in Waco, TX, in an effort to clear out the radical residents of that compound.

Mr. Speaker, I made the point the other day that keeping law and order is a dangerous endeavor at best. I pointed out, and the resolution points out, that over 184 agents of the Bureau of Alcohol, Tobacco and Firearms have lost their lives since the 1860's, when it was formed. This honor roll now includes the four agents killed in Texas on February 28.

Mr. Speaker, let me again intone their names, young men, dedicated to the proposition that law and order will be maintained in this, the freest Nation on the face of the Earth; they were fighters for democracy and freedom, and they lost their lives in the ongoing effort to maintain freedom, democracy, and justice in this Nation: Special Agent Steve Willis, of the Bureau's Houston post; Special Agent Robert J. Williams, of Little Rock, AR; and Special Agents Conway LeBleu and Todd McKeehan of New Orleans.

Mr. Speaker, this resolution passed by the Senate, and now I hope to be shortly passed by us, is but a very small token of the respect, of the admiration, and of the sorrow reflected by the Representatives of the American people who serve on this floor and the gratitude that each of us feels, and the awareness that each of us has that the contributions of these young men and of their colleagues are critical if free men and free women are to continue to enjoy the benefits of a free society.

Mr. Speaker, I thank my friend for yielding, and would suggest that perhaps he might yield to my distinguished colleague, the gentleman from Texas [Mr. EDWARDS], who represents the area of Waco.

Mr. LIGHTFOOT. Further reserving the right to object, Mr. Speaker, I am happy to yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, I consider it a privilege to be able to speak in support of this resolution, and want to commend the gentleman from Maryland [Mr. HOYER] for his leadership on this resolution. It is my belief that the greatness of America lies in the quite compassion and courage of average citizens, citizens who act unselfishly day in and day out in service to others, citizens who never expect to see their faces on television or their names in newspaper headlines.

Such is the case with agents of the Bureau of Alcohol, Tobacco and Firearms. Every day ATF agents all across America put their lives on the line for us. Without fanfare they take on drug dealers and illegal gunrunners, never knowing if their next raid will, in fact, be their last.

On Sunday, millions of Americans saw the unforgettable image of ATF agents being met with a lethal hail of bullets as they climbed the roof of John Howell's Mount Carmel compound in my district in Texas.

On Monday at a hospital nearby, I met seven of those ATF agents wounded in the raid. In their minds, they simply had done their duty. In my mind, they are modern-day heroes, not only those seven agents but the four who were killed and all ATF agents all across America who exhibit quite courage each and every day.

ATF agents, along with their selfless families, epitomize the very meaning of public service. Unlike our troops returning home from Desert Storm, they will not be welcomed home with parades and confetti. However, from this terrible tragedy in Texas, Mr. Speaker, Americans everywhere have gained a new appreciation for the job of ATF agents. We owe a deep debt of gratitude to all of those agents. It is your quite courage, it is your unselfish service, that have once again shown us the very best in America.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. LIGHTFOOT. Mr. Speaker, continuing my reservation of objection, I rise to join the chairman of our Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, the gentleman from Maryland [Mr. HOYER], in support for the resolution that is before us.

As I said in my remarks yesterday when this resolution was introduced, we here in Congress must make it our business to honor the work of law enforcement officials that are willing to make that ultimate sacrifice in the name of law and order. I think this resolution takes a step toward fulfilling that obligation by at least commemorating the efforts of the four Bureau of Alcohol, Tobacco, and Firearms agents who gave their lives in that standoff against the religious extremists in Waco, TX.

Also, our feelings go out to the people who live in Waco. Having lived just a few miles up the road from Waco a few years back, there are a lot of good people in Texas who I am sure are extremely disturbed by the happenings that are going on there.

In addition to that, in the last few days we find many have questioned the tactics employed by the BATF in this confrontation. We live in an age where events still unfolding are given supposedly a definitive instant analysis by the news and others. People who do not know the situation in Waco somehow feel they are qualified to offer an opinion on what should or should not have been done.

What the BATF must focus on now, and I think what we should all be supporting, is ending this tragedy without further bloodshed. We must not forget the agents who are in Waco ready to make the same sacrifice that Steve Willis, Robert J. Williams, Conway LeBleu, and Todd McKeehan and those other agents who have already been wounded there have made. Still many are there putting their lives on the line.

Through this measure we will show the loved ones of those agents who have been slain and wounded that we have not forgotten, that their contributions will not go unnoticed or without honor.

As a member of the subcommittee which oversees BATF, and as a former member of the law enforcement community, I am very proud of these men and their families.

This Congress and this Nation owes a tremendous debt of gratitude to all the members of BATF for what they do every day to make our streets and our communities safer. I do not think that most people realize that in BATF's mission they deal with the most dangerous of criminals. Many times we do not hear about their efforts, and that is because they do such a good job.

We owe very special thanks to the men and women involved in this operation currently underway in Waco. Again, I thank the chairman for his work on this valuable and needed resolution, and urge all my colleagues in the House to support the measure.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's statement, which I thought was one certainly that I agree with 100 percent, and thank him for his efforts.

Mr. Speaker, I also want to thank the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentlemen from Texas [Mr. ARCHER and Mr. PICKLE], and the gentleman from New York [Mr. HOUGHTON], of the full committee and the subcommittee of the Committee on Ways and Means, and the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH], the chairman and ranking member of the Committee on the Judiciary, who both had jurisdiction over this matter and who have let it go forward in such an expeditious manner, out of respect and honor for these brave agents.

The gentleman raised in his statement the observation that there is an inclination to second guess the actions of the ATF in this instance, or the actions of any individual organization, when loss of life or significant injury occurs as a result of an action.

It is tragic when, as a result of the carrying out of one's duties, loss of life occurs. As I pointed out earlier, 184 agents have, in fact, lost their lives since the 1860s. It is a short distance from this Chamber to Judiciary Square here in the District of Columbia, to a law enforcement memorial that has over, I believe, 12,000 names on it of law enforcement officials who, since the founding of our country, have lost their lives in the performance of their duties.

□ 1320

It is a stark and sad but incontrovertible fact that those in the Armed Forces and those in our domestic defense corps, as I refer to them, are at risk, and being at risk from time to time will pay the ultimate price. But it is important for us to remember this: The four agents who lost their lives were members of ATF's elite, special operations teams. These are the teams that take on the most hazardous jobs of apprehending armed and dangerous criminals.

Last year ATF's special operations teams went into action, Mr. Speaker, more than 230 times without the loss of life in the process of bringing to justice many vicious criminals. Also, last year, investigations by ATF's small force of 2,200 agents caused charges to be brought against more than 13,000 bombers, arsonist, gunrunners, dope dealers, and other dangerous offenders.

We have asked them to confront some of the most dangerous, irrational and unstable elements of our society. They are at risk and they pay the price. Let us always remember them, their families, and the organizations that they serve and the country that they love.

I thank the gentleman for continuing to yield.

Mr. LIGHTFOOT. I thank the gentleman and appreciate the additional information he added. I think he points out really how little most people comprehend what ATF is up against. And personally, it is very galling to me that someone, because they have a microphone on the airwaves, or a computer and writes to the newspapers, who were not there, who have never been trained, who know nothing about the operation, suddenly come forth with all of their own wonderful illumination of what happened, when in reality they know very, very little. And I think it is a disservice not only to those men but to our country as a whole that we get off into that kind of a debate not armed with the facts.

Mr. Speaker, the gentleman from Louisiana [Mr. LIVINGSTON], who lost one of the agents out of his district is on his way to the floor.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, while the gentleman from Louisiana is on his way, one of the ironies of this event is the subcommittee which I chair and the gentleman from Iowa [Mr. LIGHTFOOT] is the ranking minority member, also oversees the Secret Service, and one of the young men who lost their life is the son of an agent of the Secret Service of the United States. So this is a family that has committed itself to the defense of lives and liberty in this country, and that family continues to serve after paying such a very high price. The loss of a child, in my opinion, is almost incomprehensible for a parent. That agent was not there, but we send out as well our sympathy to him in particular as well as all of the other families. I hope the gentleman from Louisiana [Mr. LIVINGSTON], will arrive because to have in your district and to visit, as the gentleman from Texas [Mr. EDWARDS], did earlier this week the individuals, when you see the persons, and they are not statistics, it is not 400 or 500, it is an individual, a fellow citizen who has the courage and the commitment to participate in what is critical to maintaining a free society.

I see our colleague from Louisiana has arrived on the floor, and again I thank the gentleman for yielding.

Mr. LIGHTFOOT. Mr. Speaker, continuing my reservation of the right to object, I am glad to yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding and thank my colleagues for their indulgence, because I definitely wanted to be here on the floor to speak on behalf of this resolution and to make note of the fact that the Alcohol, Tobacco and Firearms Office, in which worked most of the wounded and killed was in my district, in the very same office building in which my own district office is located. These fine young people were doing their job, and in the course of that effort several of them have given their lives and others have been critically wounded.

In any event, if they survive or if they did not, their families are going to live with this tragedy throughout their entire lives. I just want to say my heart goes out to those who were killed or wounded, to all of their families from my wife, my family, my constituents, and all of southeast Louisiana in which their office was. Not all of these folks actually lived in southeast Louisiana. They were scattered around between Texas, Louisiana, Tennessee, and Mississippi. But they were all fine people who were dedicated to the job for which their agency was created, and that is trying to make the streets of our cities and our communities and our States as safe as can possibly be.

Unfortunately, they were soldiers who fell in battle, and we can only say that they deserve our greatest and warmest thanks and praise for their efforts. And we can offer at the same time our best hopes and wishes that this will not have to happen again.

I do not know that it would have made much difference in this instance, but coincidentally, 2 hours ago we had a press conference about a bill that I have introduced into this body, H.R. 93, which is intended to rid the streets of those habitual violent offenders who time and time again take advantage or intrude on the rights of their neighbors. That bill known as the LIFER bill, which is an acronym for life imprisonment for egregious recidivist, is a simple and straight forward criminal bill of sorts which says that if any single person is convicted of three violent felonies, the first two being in State or Federal jurisdiction, but if the third is in Federal jurisdiction he would have then been declared three strikes and you are out, and he would be sent to prison for the rest of his natural life. Any person who impinges on the rights of his neighbors violently, threatens his neighbors or threatens the use of force, or uses force against his neighbors three times really does not deserve our compassion and should go to prison forever.

In this case, unfortunately, this bill probably would not have had much of an effect because the perpetrators in this case, for the most part, as much as we know today, had not had previous convictions. So it would not have saved these men had those persons been convicted under this law and ultimately suffered the penalties.

But violence predominates now throughout America and it is one of our worst problems that confront the country. And we depend as a Nation and as a people upon the good efforts of our law enforcement officers.

I was a criminal prosecutor for 6 out of 9 years that I practiced law before I came to Congress. I felt that law enforcement was more worthy of my efforts than the private practice of law. I felt a sense of accomplishment, and I believed in what I was doing.

□ 1330

But in those 6 years, I came to become aware of the sacrifices that are made by law enforcement officers, local, State, and Federal, on a daily basis. They put their lives on the line every single day, and sometimes those sacrifices are called, and sometimes they are wounded and sometimes they are killed.

There is no easy explanation. There is no excuse for what happened here, and all we can do is hope that it will not happen again.

But we can tip our hats, and we can send our praise and our thanks to the families of these brave people who have given their lives to make this a safer country for all of us, and I do so at this time.

Mr. EDWARDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. Further reserving the right to object, Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. EDWARDS of Texas. Mr. Speaker, if I could just speak on behalf of all of the people of central Texas and the Waco area, I want to express to the gentleman and to the family of the slain agent from your district that we will forever share in their sorrow and never forget their service to our community.

It has been said that no man can have greater love than to give his life for a friend, and in this case, we had ATF agents putting their lives on the line virtually for strangers, and I think that is the kind of caring, unselfish sacrifice that has made this such a great and a good country.

I do want to express our deep sorrow to the families in your district and the friends of the slain agent, and, please, let them know on our behalf that in central Texas they shall never be forgotten.

Mr. LIVINGSTON. If the gentleman will yield further, I thank the gentleman for his comment. I know the families of these brave ATF officers thank him as well.

To complete the record, I have the names of the gentlemen who were slain: Conway LeBleu, age 30, left a wife and two children; Todd McKeehan, age 28, left a wife; Robert Williams left a wife. All three were killed. Ken King was shot in the chest and survived. He was shot with a .50-caliber machinegun. It went through his body armor, his body, and out through his body armor. He was shot several other times in other places, and, God willing, he will live to talk about the event. Bill Beauford is another one who was shot and may lose his leg as a result of this tragedy.

All of these people are just brave, brave folks, and I do not have the names of the other agents who were involved in the conflict. But I do not mean to exclude anybody simply by failure to mention their names. But I would say that anything said here, at least from this Member, and I am sure from all of the others in this House is from our hearts. Our sentiments go out to your families, and we thank you for your service.

Mr. LIGHTFOOT. Mr. Speaker, further reserving the right to object, I thank the members for their comments.

Yesterday in our committee hearing, our chairman very appropriately called for a moment of reflection at the start of the hearing, and I would just like to close by asking everyone, in whatever God they believe, to take a little time to thank these people.

Mr. SCHUMER. Mr. Speaker, I rise in support of the resolution honoring the slain ATF officers in Waco. Mr. Speaker, this time they all did not go home. Special agents Steve Willis, Robert J. Williams, Conway LeBleu, and Todd McKeehan gave the ultimate sacrifice. Fifteen of their partners were injured or wounded.

I saw, as we all did, the gunfire begin from within that compound. I saw what Secretary Bentsen called the incredible bravery of all the agents involved.

Mr. colleagues know that I would like to see that assault weapons and mail order machinegun parts and .50 caliber weapons of war are not available to criminals or zealots.

Until we do that we are going to have to rely on the incredible bravery of agents like Willis, Williams, LeBleu, and McKeehan. Men and women who as a daily business look for the places where dangerous persons have illegally stockpiled antipersonnel weapons and just go in and get them. Unless some factor goes wrong, some factor they maybe can't control. Then they do not go home.

Some people are shocked that law enforcement officers have died and are full of questions. Those of us who know what it is that ATF does are deeply saddened. Maybe we need to recognize that for all their work-a-day invulnerability, we are asking a bit much. Maybe we can give more to these fallen than our mourning and a place on a long wall at Judiciary Square. Maybe we can think about them a little harder, and pay attention to them a little more, and share in their knowledge that they are not invulnerable—only well-trained, experienced, committed and awesomely brave. Maybe we can alter the balance in favor of them, their counterparts and ourselves.

In Waco, TX, 4 special agents of the Bureau of Alcohol lie dead and 15 of their comrades wounded.

We cannot know exactly what happened, yet. But we do know that these agents were doing something that they and their brother and sister agents do every day. They were moving in on another group of individuals whose violent philosophy and awesome stockpile of weapons were a threat to others and themselves.

We must ask ourselves whether we reflect enough on the task these agents volunteer to perform for us. Another day, another armed gang rounded up. Do we think about them enough or talk about them enough? They tracked down over 13,000 violent career criminals, armed gangsters, bombers and arsonists last year and they bring them in and they convict them and they do not make a big deal of it.

Over 230 times last year ATF special response teams opened the way where armed offenders were holed up and it was likely that there would be shooting. They opened the way, did their job, and went home, all of them. What level of professionalism, training and personal commitment does that speak to?

Did we pay attention yesterday when ATF's Associate Director Dan Hartnett was asked why his agents would go into a location where zealots were known to have machine-guns and .50 caliber guns? His answer tells the story—he said that was precisely why they did go in.

I understand that we will have zealots; I do not understand why zealots have machineguns and bombs and .50 caliber weapons. Thank God that if we do, we have men and women in ATF who will go in for all of us.

Did we watch those agents who got caught in a deadly fire because at some point a vital element of surprise was lost? Their discipline and their control were remarkable. They did not blast away indiscriminately, that is not what they are trained to do. They established a perimeter, held it and some went out unarmed to aid their fallen partners. Fallen heros that we mourn and salute today.

Mr. PICKLE. Mr. Speaker, one of the most frustrating things about government service is that when hard-working public servants go above and beyond the call of duty, seldom are they recognized for it. It is generally only when there are problems of one kind or another that they are noticed.

As chairman of the Ways and Means Oversight Subcommittee, I am familiar with the ever-increasing responsibilities and activities of the Bureau to enforce Federal laws regulating alcohol, tobacco, explosives, and firearms. Its agents face danger on a daily basis.

Fortunately, these highly trained agents rarely suffer injury or loss of life, but, as the events of recent days have demonstrated, tragedy is still an ever-present part of the job.

The resolution before the House recognizes the heroic sacrifice of Bureau of Alcohol, Tobacco and Firearms Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, who were killed, as well as the 15 other agents wounded in Waco, TX, including Claire E. Rayburn of Austin. These agents remind us of the thousands of brave souls in law enforcement who put their lives on the line every day for our safety and protection.

Regrettably, the ordeal in my home State continues. Let us all hope and pray that there will be a peaceful resolution very soon.

Mr. LIGHTFOOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 12

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound;

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 12, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## ORDER OF BUSINESS

Mr. SOLOMON. Mr. Speaker, under a previous order of the House, the gentleman from Indiana [Mr. BURTON] today had reserved 60 minutes as the leadoff special order today. He has asked me to ask unanimous consent to act as a substitute in his place as a sponsor of legislation I wish to speak to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## USDA MEAT INSPECTOR CALLS INSPECTION PROCEDURES A HEALTH RISK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, at a hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness on February 18, Mr. William Lehman, a U.S. Department of Agriculture import meat inspector working on the United States-Canada border, warned that free trade with Canada has weakened inspection of imported meat and is likely to result in more food poisoning deaths in the future, like those that recently occurred in the Northwest.

In particular, he testified that he had been given instructions by Agriculture Department officials to give Australian meat that was transhipped through Canada, the same abbreviated inspection that Canadian meat receives, as a result of our free-trade agreement with Canada. He also made the subcommittee aware of a recent Agriculture Department rule change which now allows foreign countries to import ground meat into the United States and testified that grinding meat makes it almost impossible to detect bruises, abscesses, fecal contamination, or other conditions that otherwise would permit an import inspector to reject a shipment of imported meat.

Over the past 2 years, the subcommittee has held numerous hearings looking at the impact of trade agreements on the health and safety of the American public. At hearings 2 years ago, Mr. Lehman testified that the Department of Agriculture had implemented a streamlined program for the inspection of meat imported from Canada. Under this program two troubling policies are allowed. First, Canadian, not USDA inspectors, are allowed to determine which samples of meat are inspected, and second, only 1 of the 10 truckloads of Canadian meat even had to stop at our border.

Following the hearing 2 years ago, I requested a GAO investigation and sent letters to then Secretary of Agriculture Madigan. Last summer, he ordered the practices Mr. Lehman criticized to be stopped. Now only USDA inspectors are allowed to pull samples of Canadian meat for inspection, and the Canadian meatpackers are no longer told in advance which truckload will be inspected.

When children recently died in the Northwest and many more became seriously ill from meat contamination, I instructed the subcommittee staff to again speak with Mr. Lehman, and I was very disturbed to learn that the same individuals in the Department of Agriculture, who in the past advocated the flawed streamlined program, were once again using free trade as an excuse not to carefully inspect meat that ends up on American tables.

This time, the issue was not Canadian meat. Instead, in his testimony before our subcommittee on February 18, Mr. Lehman said that, "In the last six weeks, seven truckloads—averaging 40,000 pounds each—of boneless frozen beef slaughtered in Australia have entered the United States through Canada." Now this meat was still in its original packaging, marked product of Australia.

According to a bulletin sent by the Customs Service to its inspectors in the field and based on information obtained from the Department of Agriculture:

> Trade reports allege that extensive quantities, multiple boatloads of Australian beef is destined for Canada, where with little processing, it will be shipped into the United States * * *. Such trade would obviously circumvent the constraints of the U.S. Meat Import Act.

The Meat Import Act places a 4-cents-per-pound duty on Australian meat and subjects Australian meat to an annual quota. In addition, an opinion prepared for the subcommittee by the American Law Division of the Library of Congress says that the Meat Import Act would also require that Australian meat shipped through Canada be reinspected as Australian meat when it enters the United States.

Yet, Mr. Lehman testified that when he asked his Agriculture Department superiors how to treat this Australian meat, he was told, "to treat the meat as if it were Canadian and let it pass without inspection. That means that here was no product exam, no species test, nothing." Mr. Lehman then commented, "I don't even know if what was in those boxes was beef." The question is why is Australia sending its meat through Canada. Is it to avoid our duty on imported meat, to exceed its annual import quota to the United States, or to take advantage of the excessively lax meat inspection deal the United States has with Canada.

Perhaps the unfortunate illness and death from E. coli bacteria contained in the meat served by the Jack-in-the Box in Washington State could have been avoided had proper meat inspections been made of all meat.

Mr. Mark Manis, Director of the Agriculture Department's Import Division of Food Safety and Inspection Service, also testified at the hearing. Mr. Manis admitted to me that he made the decision that this Australian meat should be treated as Canadian meat, and directed that Mr. Lehman be so instructed. But, when I asked if he still agreed with that decision, he said that he did not; instead, he said he now recognizes that he made a mistake in instructing Mr. Lehman to give Australian meat shipped through Canada the same type of inspection that Canadian meat receives.

While it is certainly appreciated that Mr. Manis now recognizes the mistake he made, the unfortunate fact is that at least seven such shipments of Australian meat are known to have come through Canada, totaling about 300,000 pounds of meat. None of this meat was inspected in the manner Mr. Manis now says it should have been.

Mr. Manis also revealed that Australian meat suppliers are not now believed to have been the source of the contamination of the Jack-in-the-Box hamburgers. But, he said the company which is suspected of supplying contaminated meat to Von's, Jack-in-the-Box's processor, is known to have obtained its meat from nine different sources, one of which is Canadian.

In and of itself, increasing the number of inspections on the Canadian border will not protect the American consumer from bad Canadian meat or bad Australian meat, as long as those countries are permitted to export meat to the United States that is in a partially ground form. Grinding meat allows a foreign meat packer to disguise bad meat in such a way that its condition cannot be detected by an inspector.

The reality is that at this moment in time, the only form of inspection that we can perform is an inspection that relies on the ability of an inspector to detect contamination or other conditions that would render the meat unacceptable, by visually looking at it, touching it, feeling it, and smelling it. We do not yet have the ability to perform a timely bacterial test that would tell the inspector instantly whether the meat has bacterial contamination.

As a result, we have no choice, for the time being, but to rely on the experience and expertise of our meat inspectors both on the border and in domestic meat packing facilities. Permitting the importation of ground meat makes it virtually impossible for our inspectors to determine whether the condition of imported meat is suitable for the American public to consume.

I, therefore, strongly urge that the recent rule change on the importation of ground meat be reexamined. Until we have the capability of determining whether such meat is contaminated bacterially, we must not restrict our inspectors' ability to identify problems with imported meat that might produce bacterial contamination, like that which recently killed and harmed so many people in the Northwest.

In conclusion, I want to compliment Agriculture Secretary Espy for the steps he is taking to reevaluate all aspects of the meat inspection program. He recently met with whistleblowers who have made proposals for reforms in the Department. He also announced that funds would be included in the President's budget proposal to fill 160 of the 550 inspector positions left unmanned by the previous administrations.

Free trade must never be given a higher priority than our Government's clear and foremost responsibility to protect the health and safety of the American public. In the case of meat inspection, we know the severe limitations of our inspection program. Rather than reducing the need for inspection, free trade may actually create reasons to increase our country's inspection efforts.

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□ 1340

## CHANGE THE CONGRESS: ELIMINATE THE SELECT COMMITTEES

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from Wyoming

[Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to visit for just a few minutes; I want to talk about change.

Mr. Speaker, I want to talk about change in an institution that resists change, and I want to talk a little bit about a current opportunity we have to make some important changes.

Mr. Speaker, this is an era of congressional reform or an era in which congressional reform has great incentive, reform that can bring about efficiency, reform that can bring about procedural improvement, cost savings, and not affect the recognition or importance of the issues.

The public is measuring the results of congressional action. Through the thousands of voices in the last election, Congress heard, or should have heard, clearly that people want change in business as usual. They want: cut spending, be more accountable, and work for the people instead of preserving the status quo, the institutional feeling that has been associated with this Congress.

We need to do something about the dual jurisdiction of committees that causes great territorial disputes turf wrestling. We need to do something about the number of committees so that there is one for every member of the majority party. We need to do something about the limitation of opportunities to discuss issues on the floor that provide alternatives.

But when Congress has an opportunity to prove that the voices of change are heard, that we can change the status quo, there are many here, including the majority leadership in particular, that chooses instead to keep the select committees rather than cut the fat. They want to keep bodies that are redundant, exercise no particular legislative purpose in offering bills, and spend tons of bucks on travel.

The fact is this is not an argument or a discussion about the issues that these committees deal with. It is not a discussion about aging, not a discussion about hunger or drugs or children. Those issues clearly are vital and important to this body and will be carried on by standing committees.

The standing committees write the bills and initiate the measures that deal with aging, hunger, children, and drugs. The select committees are redundant.

Mr. Speaker, those who are new to Congress face a test. Many of us, or most of us, campaigned for the privilege of being here by running on a reform platform. All of us pledged to change Congress and we missed one chance to change it. We missed it in the first day we were here on the rules opportunity to limit the terms of committee chairmen. Those who promised change voted "no." I am surprised.

But we have another chance, and this is a very important chance. This is not a minor vote. It is a critical test of political will. Bit by bit Congress will change, but not if we allowed ourselves to be bent.

I have not been here long either, but I am sure freshmen have already noticed that Congress does not change easily and does a lot to justify itself to demonstrate self-preservation even in the face of logic.

The selects are an issue where some have tried to defy the logic of reform. Truthfully, there is no other alternative.

Cut the selects, and we can prove we are able to move on to other issues of reform, such as campaign reform, budget reform, procedural reform, and on and on.

Mr. Speaker, it is a simple issue. Already this body has voted to cut one select. Rather than face embarrassment, the issue is put back in the lobbies to see if some minds can be changed. But I suggest very sincerely and very respectfully that the voters are not going to change their minds. They want Congress to change and they want their representatives to buckle up and come to the strapping post and do what they promised to do.

Hand in hand with cutting the selects is the appropriations that should go straight to the Treasury and not be dispersed among the remaining committees. Here is an opportunity to have a bona fide, honest-to-goodness cut of spending, and that, my friends, is key.

Earnest attempts to change Congress is what this country needs. If you cannot commit to change Congress on the issue of doing away with selects, then those were hollow platforms that we all campaigned on.

## LINE-ITEM VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I was a businessman. I am a freshman Congressman. I came to Congress to reform the Congress.

During the 1992 campaign people were demanding change. President Bush was painted as the status quo, while candidates Clinton and Perot were the voices of change. And the voters wanted change. People were frustrated because they viewed the Government as an indifferent body, depleted of any concern for the average paying citizen.

President Clinton was elected on many promises to effect change. He said that, many, many times, time after time, that he was the agent of change. But the hunger for change seems to be diminishing. We can talk and talk until the last cow comes home about reform; but nothing will be done as long as we maintain the system that fosters the pork-barrel legislation.

To really begin to close the spending floodgate, we must empower the President with the line-item veto. All but seven States give their chief executive the power of the budgetary line-item veto. This is a power that any chief executive should have if spending is to be controlled. Costly and useless projects are often the rewards for the long-time members and loyal insiders, at the expense of the American taxpayer. A President should have the power to veto these projects from the budget to manage the cost of Government.

Often, the pork-barrel projects are amendments to worthy bills. The President has to veto a good bill in order to get rid of the bad amendment. This is ridiculous. This totally limits the executive power to control budget expenditure.

It is amusing, the talk blaming the President. The President does not spend tax dollars, this Congress does. The Congress is the only body that appropriates and spends our tax dollars, and this Congress right here is wholly responsible for the billions spent for irresponsible, pork-barrel project scams.

□ 1350

Now I ask my colleagues, how can a President be blamed for spending policies if he cannot control the spending?

I say to the American people: Let's take President Clinton at his word. During his campaign he supported the line-item veto, just as Presidents Reagan and Bush did. The difference now is the simple fact that a Democrat President has a Democrat Congress.

Mr. Speaker, will President Clinton act to influence the Democrats to vote to give him the line-item veto? Will he keep his campaign promises?

Congress is the only body that has the power to control spending. It is time for the American people to demand no less of our President. Let us work together to make sure he keeps the promise.

## CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1993–97

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1993 through 1997 and spending for fiscal year 1993. Spending levels for fiscal years 1994 through 1997 are not included because annual appropriations acts for those years have not been enacted.

This is the second report of the 103d Congress for fiscal year 1993. This report is based on the aggregate levels and committee allocations for fiscal years 1993 through 1997 as contained in House report 102–529, the conference report to accompany House Concurrent Resolution 287.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
*Washington, DC, March 3, 1993.*

Hon. THOMAS S. FOLEY,
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1993 through 1997 and spending estimates for fiscal year 1993, under H. Con. Res. 287, the Concurrent Resolution on the Budget for Fiscal Year 1993. Spending levels for fiscal years 1994 through 1997 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 287 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–529).

Sincerely,

MARTIN OLAV SABO,
*Chairman.*

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 287

REFLECTING COMPLETED ACTION AS OF MARCH 2, 1993

[On-budget amounts, in millions of dollars]

| | Fiscal year— | |
|---|---|---|
| | 1993 | 1993–97 |
| Appropriate level: | | |
| Budget authority | 1,246,400 | 6,669,200 |
| Outlays | 1,238,700 | 6,472,700 |
| Revenues | 845,300 | 4,812,900 |
| Current level: | | |
| Budget authority | 1,247,892 | (1) |
| Outlays | 1,241,794 | (1) |
| Revenues | 849,333 | 4,807,168 |
| Current level over (+) / under (−) appropriate level: | | |
| Budget authority | +1,492 | (1) |
| Outlays | +3,094 | (1) |
| Revenues | +4,033 | −5,732 |

[1] Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1993 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 287 to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1993, and 2) increases outlays for fiscal year 1993, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 287 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $4,033 million for fiscal year 1993, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 287. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1993 through 1997, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 287.

DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

| | 1993 | | | 1993–97 | | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | New entitlement authority | Budget authority | Outlays | New entitlement authority |
| HOUSE COMMITTEE | | | | | | |
| Agriculture: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 13,656 | 12,806 | 15,190 |
| Current level | 1 | 1 | 0 | 3 | 3 | 0 |
| Difference | 1 | 1 | 0 | −13,653 | −12,803 | −15,190 |
| Armed Services: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 26 | −41 | 26 | 313 | −330 | 311 |
| Difference | 26 | −41 | 26 | 313 | −330 | 311 |
| Banking, Finance and Urban Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −60 | −60 | 0 | −118 | −118 | 0 |
| Difference | −60 | −60 | 0 | −118 | −118 | 0 |
| District of Columbia: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Education and Labor: | | | | | | |
| Appropriate level | 0 | 0 | 1,472 | 0 | 0 | 21,564 |
| Current level | −128 | −148 | 1,347 | −132 | −177 | 21,384 |
| Difference | −128 | −148 | −125 | −132 | −177 | −180 |
| Energy and Commerce: | | | | | | |
| Appropriate level | 35 | 35 | 0 | 187 | 187 | 0 |
| Current level | −166 | −166 | −25 | −601 | −601 | −51 |
| Difference | −201 | −201 | −25 | −788 | −788 | −51 |
| Foreign Affairs: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Government Operations: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −8 | 37 | −8 | −20 | −20 | −20 |
| Difference | −8 | 37 | −8 | −20 | −20 | −20 |
| House Administration: | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

| | 1993 | | | 1993–97 | | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | New entitlement authority | Budget authority | Outlays | New entitlement authority |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| **Interior and Insular Affairs:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −38 | −38 | 0 | 2 | 2 | 0 |
| Difference | −38 | −38 | 0 | 2 | 2 | 0 |
| **Judiciary:** | | | | | | |
| Appropriate level | 251 | 251 | 251 | 251 | 139 | 251 |
| Current level | 210 | 210 | 260 | 244 | 244 | 300 |
| Difference | −41 | −41 | 9 | −7 | 105 | 49 |
| **Merchant Marine and Fisheries:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 4 | 4 | 0 | −366 | −366 | 0 |
| Difference | 4 | 4 | 0 | −366 | −366 | 0 |
| **Post Office and Civil Service:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| **Public Works and Transportation:** | | | | | | |
| Appropriate level | 2,000 | 22 | 0 | 10,595 | 22 | 0 |
| Current level | 2,050 | 28 | 0 | 2,050 | −44 | 0 |
| Difference | 50 | 6 | 0 | −8,546 | −66 | 0 |
| **Science, Space, and Technology:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| **Small Business:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| **Veterans' Affairs Transportation:** | | | | | | |
| Appropriate level | 0 | 0 | 339 | 0 | 0 | 6,566 |
| Current level | 170 | 170 | 341 | −76 | −76 | 2,239 |
| Difference | 170 | 170 | 2 | −76 | −76 | −4,327 |
| **Ways and Means Technology:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 352 | 352 | 1,213 |
| Current level | 3,590 | 3,590 | 3,475 | 5,719 | 5,719 | 5,564 |
| Difference | 3,590 | 3,590 | 3,475 | 5,367 | 5,367 | 4,351 |
| **Permanent Select Committee on Intelligence:** | | | | | | |
| Appropriate level | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1993

[In millions of dollars]

| | Revised 602(b) subdivisions | | Current level | | Difference | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Agriculture, Rural Development | 13,874 | 13,420 | 13,873 | 13,420 | −1 | 0 |
| Commerce, State, Judiciary | 22,852 | 21,923 | 22,477 | 21,923 | −375 | 0 |
| Defense | 255,560 | 266,963 | 253,618 | 264,699 | −1,942 | −2,264 |
| District of Columbia | 688 | 698 | 688 | 698 | 0 | 0 |
| Energy and Water Development | 22,080 | 21,409 | 22,080 | 21,409 | 0 | 0 |
| Foreign operations | 14,701 | 13,301 | 14,071 | 13,300 | −630 | −1 |
| Interior | 13,230 | 12,666 | 12,505 | 12,617 | −725 | −49 |
| Labor, Health and Human Services, and Education | 62,161 | 62,428 | 62,144 | 62,380 | −17 | −48 |
| Legislative | 2,328 | 2,297 | 2,275 | 2,274 | −53 | −23 |
| Military Construction | 8,389 | 9,370 | 8,389 | 9,365 | 0 | −5 |
| Transportation | 12,815 | 33,555 | 12,626 | 33,555 | −189 | 0 |
| Treasury-Postal Service | 11,278 | 12,003 | 11,283 | 12,003 | 5 | 0 |
| VA-HUD-Independent Agencies | 66,172 | 65,307 | 66,042 | 65,303 | −130 | −4 |
| Grand total | 506,128 | 535,340 | 502,071 | 532,946 | −4,057 | −2,394 |

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 3, 1993.*

HON. MARTIN O. SABO,
*Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H.Con.Res. 287). This report is tabulated as of close of business March 2, 1993. A summary of this tabulation follows:

[In millions of dollars]

| | House current level | Budget resolution (H. Con. Res. 287) | Current level +/− resolution |
|---|---|---|---|
| Budget authority | 1,247,892 | 1,246,400 | +1,492 |

[In millions of dollars]

| | House current level | Budget resolution (H. Con. Res. 287) | Current level +/− resolution |
|---|---|---|---|
| Budget authority | 1,247,892 | 1,246,400 | +1,492 |
| Outlays | 1,241,794 | 1,238,700 | +3,094 |
| Revenues: | | | |
| 1993 | 849,333 | 845,300 | +4,033 |
| 1993–97 | 4,807,168 | 4,812,900 | −5,732 |

Since my last report, dated February 3, 1993, there have been no changes that affect the current level of budget authority, outlays or revenues.

Sincerely,

ROBERT D. REISCHAUER,
*Director.*

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MARCH 2, 1993

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 849,333 |
| Permanents and other spending legislation | 764,101 | 737,205 | |
| Appropriation legislation | 732,061 | 743,943 | |
| Offsetting receipts | (240,524) | (240,524) | |
| Total previously enacted | 1,255,638 | 1,240,625 | 849,333 |
| ENACTED THIS SESSION | | | |
| Entitlements and Mandatories | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[1] | (7,746) | 1,170 | |
| Total current level[2] | 1,247,892 | 1,241,794 | 849,333 |
| Total budget resolution | 1,246,400 | 1,238,700 | 845,300 |
| Amount over budget resolution | 1,492 | 3,094 | 4,033 |

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical Correction to the Food Stamp Act (Public Law 102–265); Higher Education Amendments (Public Law 102–325); Prevent Annual Food Stamp Price Adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–510); Preventive Health Amendments (Public Law 102–531); Veterans' Benefits Act (Public Law 102–568); Veterans' Radiation Exposure Amendments (Public Law 102–578); and Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include $1,145 million in budget authority and $6,988 million in outlays in emergency funding.

Notes: Amounts in parenthesis are negative. Numbers may not add due to rounding.

## DOMESTIC ANTITERRORIST REWARD ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, concerning the New York Trade Center bombing, a wire service story earlier today reported that a smell of decaying flesh was coming out of the remaining debris being removed from the site indicating that more bodies may still be buried there, and that is the reason I rise today, to call attention to the Nation's problem that is deadly serious that has once again reared its head on American soil. It is terrorism.

Mr. Speaker, last Friday's bombing blast in New York City has reminded us that this threat is not something confined to Third World countries or to countries at war. It has reminded us of our own vulnerability and the great debt we all owe to the various security forces throughout this country at the Federal, the State, and local levels. It has reminded us that, yes, there are barbarians at the gate, barbarians whose cowardice, whose insidiousness, and disrespect for human life knows no bounds. Mr. Speaker, let this be a reminder of our need for vigilance.

That is why I point to this poster. Let this be a cold awakening to those who want to gut our defense budget, our intelligence budget, and our security structures in this country.

If there can be any silver lining in this tragedy, Mr. Speaker, which has claimed at least 5 innocent lives, wounded more than 1,000 people, and disrupted still thousands more lives, it would be if the Nation woke up and recognized this fact.

Despite the end of the cold war, the world remains an unstable and very dangerous place. In fact, there are reasons to believe that the terrorist threat is greater now than ever before and could even get worse in the future.

This is true for several reasons, Mr. Speaker. First, the collapse of the Soviet Union has shattered the links between that empire and the multitudinous terrorist groups that were aligned with it in opposition to the United States and the West. It has long been known, and has now been amply documented by the new, democratic Government of Russia, that the Soviet Union funded, trained, armed, and exercised great influence over an array of terrorist groups throughout the world.

While this was heinous, and contributed to many unspeakable acts and tragic revolutions, there were times when the Soviets, in the interests of good relations with the West, encouraged restraint on their clients.

They did not do it often, but they did it at times. Today, this restraint is gone, and the terrorist groups, though perhaps less well-funded, are operating independently. This makes their movements even harder to track.

Their hatred for the United States and the West continues unabated, and what is more, they are just as well armed as ever, perhaps even more so.

With the Chinese Government continuing to arm rogue elements around the world, and with Russian military personnel and defense workers trying to turn a quick buck, obtaining arms is no problem for these terrorist groups anywhere in the world, and, as the World Trade Center bombing tragically displayed, even crude, homemade devices can cause great damage.

Another development which may actually increase the threat of terrorism is European integration. We are talking about Europe 1992. While visa-free travel in Europe is no doubt a positive phenomenon on balance, it makes the life of the terrorist that much easier. Now, once in Europe, a terrorist can shift locations endlessly, skipping from one police jurisdiction to another, without ever going near a public official.

Mr. Speaker, a few years back, we took action to help our security agents track down suspected terrorists abroad who were suspected of terrorist acts against American citizens and their property overseas. I sponsored an amendment which eventually became law, which is cited by this poster, that created a bounty for terrorists who attacked U.S. citizens and U.S. interests abroad for up to $2 million. That is the law today. Now that American soil has again been violated by the plague, it is time to make this bounty apply to acts of terrorism here at home, as well.

That is why, Mr. Speaker, I have just today introduced a bill along with the gentleman from New York [Mr. GILMAN], the ranking Republican on the Committee on Foreign Affairs who I have had the privilege of serving with for many years, along with the gentlewoman from New York [Ms. MOLINARI], the gentleman from Florida [Mr. GOSS], and the gentleman from Indiana [Mr. BURTON]. We have introduced this bill called the Domestic Antiterrorist Reward Act of 1993 which would raise the bounty for acts of domestic terrorism, currently standing at $500,000, up to the same $2 million, the same amount currently available for bounties leading to the arrest and conviction of terrorists who attack American citizens overseas, and I say to the Members of Congress, let's show the victims of this outrageous act that we will not rest until the perpetrators are caught. Let's give our security agents, so unfairly maligned in some circles, a little assistance.

Just knowing that one of their own might turn them in for a $2 million bounty is in itself a deterrence against terrorism, a deterrence that could save the lives of American citizens right here in this country, as well as overseas.

So, Mr. Speaker, at this time I yield to my very good friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to thank my good friend and colleague from the State of New York, Mr. SOLOMON, for organizing today's special order on terrorism. In addition, I would like to commend the Congressman from New York [Mr. SOLOMON] for introducing legislation to boost the maximum reward for information on domestic terrorist incidents from $500,000 to $2 million. I am pleased to be an original cosponsor of that measure.

As many of our colleagues will recall, a few years ago, Congressman SOLOMON led the effort in the House to increase the reward for information on international terrorist incidents from $500,000 to $2 million. Our current effort is to bring the domestic reward into parity with the international reward.

Mr. Speaker, virtually every American household saw the dramatic television footage of the World Trade Center explosion on Friday of last week. Sadly, in my district, bordering New York City, the tragedy struck close to home and claimed the life of Robert Kirkpatrick, a carpenter and locksmith, whose neighbors described as generous to a fault. Robert, whose office was on the second level of the trade center's parking garage, was one of the five people killed in that incident. In addition, over 1,000 were injured as a result of the bomb blast.

Over the years, due to the extraordinary efforts of our Nation's law enforcement officials, Customs Service and intelligence agencies, the United States has been virtually free of terrorist incidents. However, as the World Trade Center bombing tragically demonstrates, we are certainly not free of this criminal scourge.

Several years ago, I introduced legislation calling on President Reagan to convene a summit meeting of world leaders to adopt a program against international terrorism. Today, with the collapse of the Soviet Union and our growing level of cooperation with the republics, there exists an opportunity to further curtail terrorist activity. For this reason, I will be introducing next week a comprehensive antiterrorism bill, and I invite the support of my colleagues.

Terrorism ranks as a primary concern for Americans, and demands the attention of our Government, which has a clear responsibility to provide for the safety of its citizens. However, we are all frustrated that our Government, a world superpower, with vast intelligence and military powers cannot always stop terrorists. Additionally, we must beware of treating terrorists as anything other than what they are: Criminals; for if we do, we are playing their game, which is to gain publicity.

It is vital that the United States continue to adhere to the principles of the Nixon terrorism committee which stated that terrorists should be prosecuted for criminally defined acts of terrorism. While there is a significant expense involved in extraditing and trying a terrorist, the result, a public trial which removes any grandeur from the terrorist, is likely to assist in curtailing the spread of terrorism.

Following the gulf war, the world was granted a reprive from terrorism. However, terrorism has not ceased, it has temporarily gone into remission. Many of the states that previously supported terrorism have only shelved their terrorist infrastructures for temporary storage.

I believe that there are several steps which that can be taken to strengthen our Nation's approach to terrorism. While democracies must preserve the ideals upon which they are founded, I believe that democracies can and should also have a strong response to terrorism. Our Nation, working with other nations, can severely curtail the freedoms under which terrorists have operated during the past decade.

My legislation seeks to strengthen the U.N position against terrorism, to utilize our vast economic resources and political pressure against states which support terrorism to strengthen bilateral and multilateral cooperation against terrorist organizations, focus on encouraging media restraint in reporting terrorist incidents, and to strive to alleviate the social and economic problems which contribute to the rise of terrorist activity.

The United States has had an official policy on terrorism since 1972, when President Nixon created the counterterrorism office following the massacre of the Israeli athletes at the Munich Olympics. However, over the past 20 years, it has became increasingly apparent that terrorism is a growth industry. Following the dramatic Iranian hostage ordeal of 1979, the Congress and the Executive branch cooperated to expand antiterrorist measures.

While not approaching the levels of terrorist incident in the mid-1980's, according to the U.S. State Department Patterns of Global Terrorism Report, international terrorist incidents increased by 22 percent in 1991. However, while the report clarifies that much of the 1991 increase was due to the gulf war, it is also apparent that terrorism remains a problem.

While no antiterrorism policy is 100 percent effective, there are several disturbing trends in terrorism that must be addressed. The first trend is the prevalence of state-sponsored terrorism. With the success of terrorism as a foreign policy tool demonstrated repeatedly over the past two decades, terrorism has attracted its devotees.

Second, the revelations of the post-Persian Gulf war regarding the extent of the Iraqi nuclear program, coupled with the open pursuit of nuclear weapons by Iran and North Korea, the specter of nuclear terrorism suddenly becomes very real.

The United States cannot ignore the possibility of nuclear terrorism or the real threat of continued state sponsorship of terrorist organizations. There are several important opportunities available to the United States that were not available 2 years ago. Most importantly, the collapse of the Soviet Union and the Western World's current level of cooperation with the Commonwealth of Independent States presents an opportunity to form a coalition of the major economic states of the world to work toward the eradication of state sponsored terrorism. Second, the success of the coalition's actions to avert terrorist incidents during the Persian Gulf conflict indicates an opportunity to further curtail international terrorism by focusing additional resources and international political will on the terrorism problem.

The current high-intensity controls over nuclear materials will likely ensure for the short term that nuclear materials will not fall into the hands of terrorist organizations. However, with the increasing use of nuclear power worldwide, as well as the instability of the former Soviet Union's vast arsenal of nuclear weapons, the world community cannot solely rely upon the International Atomic Energy Agency and the Non-Proliferation Treaty to prevent a determined terrorist organization from obtaining nuclear material.

Because of the time, material, and expertise needed to construct even a crude nuclear device, the international community should cooperate to develop a shared intelligence and military response to realistic nuclear terrorist threats. While this issue is one that all nations will not agree upon, the United States should begin working within the United Nations to expand the convention against terrorism to include nuclear terrorism.

With adequate intelligence, the United States can monitor, and to a certain extent, predict the actions of certain international terrorist organizations. Leading up to the tragic bombing of Pan Am flight 103 in December 1988, there were several warning clues that should have alerted authorities to the potential for a disastrous incident. Since that tragedy, airline security has improved, as has international cooperation on intelligence activities. However, there is still room for improvement.

State-sponsored terrorism represents a higher intensity level of terrorism which could potentially become a serious national security threat to the United States because state sponsorship of terrorism greatly expands resources for terrorists, the level of violence and the organizational effectiveness of state-sponsored terrorist organizations represents a direct threat to our democratic institutions. A state-sponsored terrorist organization has several significant advantages, including: access to intelligence; financial support; sophisticated munitions, most notoriously plastic explosives and difficult to detect munitions; and lastly, technical expertise.

State-sponsored terrorism dropped significantly during 1991, mainly because of factors related to the Persian Gulf war, but also due to the drastically changed global balance of power. The collapse of the Soviet Union and the cessation of its support for states sponsoring terrorist organizations worldwide, dealt a blow to organized terrorism, both in terms of financial support to terrorist supporting regimes such as North Korea and Cuba, as well as to terrorist organizations such as the Palestinian Liberation Organization [PLO].

Unlike the world situation a few years ago, today's global balance presents several opportunities to address state sponsored terrorism. Following the collapse of the Soviet Union, the United States and the Western nations have an opportunity to increase the pressure on states which support terrorism, including those states that frequently pay ransoms to terrorist supporting states. With a concerted effort to pressure the six terrorist supporting states economically and politically to abandon their terrorist organizations, the United States and its allies can effectively dismantle the elaborate support apparatus that has grown over the past decade.

A national strategy against terrorism must be a coherent, coordinated, multilevel approach to all the different aspects of terrorism. The current world political situation is such that a focused effort to end state-supported terrorism would have a reasonable chance of success.

With the collapse of the Soviet Union, and the end of the cold war struggle, the United States and the G–7 are situated to place enormous economic pressure on states which support terrorism. The current sanctions against Libya are an excellent example of a process that is sufficiently flexible.

The United States should also work with its allies to request media restraint in reporting terrorist incidents. The Chicago Sun Times and the Daily News are to be commended for their policies which include paraphrasing terrorist demands to avoid propaganda, banning the participation of reporters in negotiations, coordinating coverage through supervising editors in contact with police.

The United States also take the lead in increasing intelligence cooperation on terrorist activity, by focusing mainly on improving intelligence sharing among nations. The focus should also include improving intelligence and counterterrorism activities with business. While the number of attacks against businesses abroad has declined, American businesses remain an easy target for terrorism because of the necessary openness they must maintain in order to conduct business. On the other hand, U.S. Government facilities, following several tragic bombings during the 1980's have significantly improved their security by hardening the installations and increasing security. Because businesses with overseas interests have taken steps to improve their own counterterrorism activities, the Department of State as the lead agency for the protection of Americans abroad should take on the responsibility to coordinate with businesses overseas to coordinate counterterrorism activities. Additionally, because businesses will almost always pay ransom for abducted personnel, the terrorists have come to view business kidnapings as a prime source of funding. It would be worthwhile for the businesses to coordinate action with the U.S. Government in order to curtail future kidnaping through education and advance warnings.

Additionally, the causes of terrorism must not be overlooked. Terrorism is brought about in many cases because of serious human rights problems or economic difficulties. While efforts to promote democracy will not be a panacea to the causes of terrorism, it will strengthen international will to resist terrorism. Additionally, the current focus on peace talks in the Middle East represents an important step in bringing the parties to the conflict together to eliminate the rhetoric and hatred which has been the cause of nearly 50 percent of the terrorist incidents of the past two decades.

The Nixon committee also stated that the U.S. Government would seek the reduction or elimination of the causes of terrorism at home and abroad. In situations in which the underlying problems leading to terrorism represent legitimate concerns, the United States should work, along with the United Nations, to reduce or eliminate these threats.

U.S. policy toward terrorism has been focused and refined since its first inception in 1972, and currently represents a fairly coherent and effective strategy. However, because of the dramatic changes in the world balance of power over the past 5 years as well as the growing threat from state-sponsored and nuclear terrorism, the focus on counterterrorist activities must be strengthened and expanded.

□ 1400

Mr. Speaker, I again commend the gentleman from New York [Mr. SOLOMON] for bringing up this measure today, to increase the rewards for information concerning domestic violence that is brought about by terrorists against our own people here in the United States. I urge our colleagues to join in this effort to bring about the adoption of this legislation.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York, the ranking Republican on the Committee on Foreign Affairs, for being a sponsor of this major piece of legislation.

Mr. Speaker, I might also say I was just handed a notice that informs me that the White House is confirming that an arrest has been made concerning the Trade Center bombing. It is a person of foreign origin.

Mr. Speaker, let me just point out what the existing law does. I would take an opportunity just to read this poster. This poster appears all over the world in various countries where terrorist acts have been taken against American citizens.

This poster says:

> $2 million reward. The United States Government is authorized to make payment of up to $2 million for information aiding in the prevention of terrorist acts outside the United States against U.S. citizens or property, or for information leading to the arrest or conviction of any person who has committed a terrorist act against United States citizens or property. Any person with information is urged to contact the nearest United States embassy or consulate, or, if unable to do so, to write * * *.

And it gives an address here in this country.

Here is another poster that appears in every country throughout the world. It says, "There's a price we pay for terrorism, and there's a price we will pay to stop it."

It goes on and says:

> Three American hostages have not come back from Lebanon. Their agonizing captivity ended not in freedom, but in cold blooded execution at the hands of their captors. To bring these murderers to justice, the United States Government offers rewards of up to $2 million. The money is available under a program to obtain information that helps punish past terrorist acts or to prevent future ones. If you have any information * * *.

And it goes on to explain what one should do.

Mr. Speaker, this poster carries the picture of Col. William Higgins, the marine colonel murdered in 1991, Peter Kilburn, murdered in 1986, and William Buckley, whom we all remember, murdered in 1985.

Mr. Speaker, the point of our legislation today is to make this program, which is now available for acts of terrorism overseas, available for domestic acts of terrorism within the territory of the United States, such as the U.S. Trade Center building in New York that was just recently bombed. We hope to get this legislation enacted immediately. It will go a long way toward deterring acts of terrorism against American citizens in this country.

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## CONDITIONS IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the nations of the former Soviet Union have reached a critical moment in their respective histories. The euphoria, at least reflected in the Western press, the American press particularly, of the previous Soviet Union's 1991 so-called revolution has faded, and a harsh reality has taken hold. The crumbling Russian economy is hurting people and has nearly halted any progress toward stabilizing a more democratic government, even though there have been very substantial changes since 1989 involving the redrafting of the Constitution and the setting up of a full parliamentary or a congressional system very much patterned on ours, and on our committee system, incidentally.

□ 1410

It has been very little reported in our press. The environment of the former Soviet Union is becoming so unstable that those heroes of 1991, at least as reflected in our press, must fight for their political lives today. President Boris Yeltsin's popular rating has plummeted from 90 percent to about 30 percent in just about a year, compelling him to retract many of the reforms he was proposing that had so excited some of our intelligentsia in the West.

As the astute French observer of the last century, Alexis de Toqueville observed, the fates of the United States and Russia are intimately intertwined. They were the two superpowers, growing up together, while the rest of the world stagnated.

In his words, "Their starting point is different and their courses are not the same."

He writes, "Yet each of them seems marked out by the will of heaven to sway the destinies of half of the globe."

All through my public career, and even before, I have been a very concentrated and sustained student of the history of that part of the world with specific delineation of the parallel developments of the United States, and what we have commonly called, Russia. It is very similar, even in its developmental stages, from the joinder of these diffuse States and cultures.

One other aspect that never has really been conveyed to us, and through the years, after I did enter public office, and on the city council had occasion to meet some officials that had been given permission to travel in the United States, and I found that in the respective States, such as Armenia or Azerbaijan, that the citizens there had a choice of language.

The official language, for instance, in the State of Armenia, was Armenian, not Russian. The choice given a student, as one proud parent was telling me, whereby his son chose to go to an English language school. He could have gone to an Armenian language education school, or he could have gone to a French language school. He chose English and became an engineer. And that was impressive to me because, coming from an area in which we have up to now, thank goodness, and I have done everything in my power to make sure that it is a blending and not a confrontation or a conflict of cultures.

I saw the respect that I felt was missing in our part of the country, where back in the 1920's and before the war in the 1930's, in a well-intended effort to Americanize, steamroller tactics were used that I thought were very destructive, and which took the war and then subsequent developments, to reveal and bring out at certain points in the late 1960's and early 1970's, in a sort of dangerous way.

Fortunately, I think the record will show that I was able to contribute my might to creating a situation where we would have the blessing of extracting from the two very substantial cultures, the best from each, rather than confrontational areas, such as, unhappily, we see in our neighboring country to the north in Canada with the French-speaking Quebec Province and the continuing effort to separate and become an autonomous French-speaking state. Also in some parts of our country, in Florida, for instance, where you see a conflict, not a confluence, which was the theme that we chose when I initiated the legislation that led to the first world's fair, south of St. Louis, in my city of San Antonio, in 1968, known as Hemisphere.

And our theme was the confluence of civilizations.

In other words, what we have now in Russia is not connected, for instance, at least from reading our press, with the very dangerous potential conflagration that can spread to a real world situation in East Europe, or the middle East Europe, and the fact that we just do not have access to the information and knowledge we ought to have. And that has been true for many years, since the end of the hot shooting phase of World War II and the advent of the so-called cold war, which has resulted in what I call the cold war culture from which we are still suffering the affliction thereof and is hobbling, even in our assessment of what is happening, not only throughout the world but even now in our own country.

And the fact that we have had events, for instance, in 1990, in November, after the reform movements in Russia had gone very far and the movement toward autonomy had initiated, I saw nowhere in the American press, the report of the treaty that was entered into between the Soviet Union at the time still or the Russian leader, Gorbachev, and the German leader, the Minister Kohl. And that agreement provided for a grant of credit for a money investment from the German Republic at that time of about 87 billion deutsche marks or somewhere right underneath or below $50 billion.

Now, that was a substantial amount, but it was a treaty. And there were certain understandings. And one of them was that this aid was to help Russia in order that it could stabilize its transition from its withdrawal, not only from East Germany but from the areas now in contention in Europe. And also the stipulated agreement, that in turn, Germany would agree to not have more than a 300,000-man army, so that I notice a report that came out just a week or so ago, from Germany, in which Mr. Kohl was advancing the reduction and to about that amount or number of 300,000.

□ 1420

In the meanwhile, we do not read about the terrible, in fact, unbelievable, barbaric conflict that has turned loose in Middle Europe or Eastern Europe, and the potential for a real conflagration, and in a way, a spillover from our venture into the Persian Gulf so-called war.

It involves Turkey, because if the events continue, and they do not seem to have been deterred one bit, as they are, Turkey will not stand by. In fact, and again, I did not see it reported in the American press, but it entered into treaties with Bulgaria and Albania. Bulgaria and Turkey have had a history, and in fact, even in the area of the Yugoslavian, the previous Yugoslavian country or republic, Turkey at one time was the dominant force.

It was Russia that fought the Turks, lost many a soldier in the last century defending the so-called Slavs. There is an identification between that country. In fact, there is more fear now of Germany, than there has been of Russia, in countries including Poland and into the Slavic territories.

The reason goes back to the fact that we, of course, do not, and have not, too publicly admitted that had it not been for the defense of the Slavs that Hitler had ordered either be exterminated or those that could successfully be enslaved, be enslaved, and incidentally, let me say by way of parentheses that two of the most stalwart German generals who had that order from Hitler would not carry it out. They had more compassion than what we can say we showed in the Persian Gulf war, and for which we still must face the consequences.

We cannot go out and kill off over 200,000 human beings, whether they are Moslem Arabs or not, men, women, and children, 15-, 16-, 17-year-old conscripts who were fleeing, and while fleeing we massacred them; we cannot do that without some ultimate reaction, and what has happened is simply the revolt of Islam, not just in the Middle East but worldwide, from Pakistan through the areas of contention now, where Serbia, going into this territory known as Bosnia, where you have had all these groups, the Islamic, Muslim, as well as the Christian and others living in peace for generations, and suddenly we have this terrible, terrible, barbaric, one of the most barbaric incidents happening in the entire history of the 20th century, which surely has been the most bloody and the most retrogressive into barbarism in the history of mankind.

So we are emerging into the 21st century with this terrible handicap on us. Yet we must also realize that there have been only two nations of any major size that in the last 200, 300 years have not gone to war against each other. Those two are Russia and the United States.

De Toqueville's observation in the last century was very apt. Our acquisition, for example, of Alaska would never have been possible if there had not been, even in the days of the Tsars, the basic affinity or respect for the United States that seems to have permeated through history.

Now, though, we are going to see, in my opinion, we are seeing the prophesy of this very substantial Russian leader, Arbitov, who in 1988, in late 1988, was the man who was the leading minister or expert on the United States.

He told a group of Americans, academicians as well as officials, he said, "Let me tell you what is about to happen." They asked him, "What is this happening here? We are on the threshold of something that we sense is happening in the Soviet Union: glasnost, perestroika." He said, "Let me tell you what we are going to do. We are going to do you the biggest harm anybody could do. We are going to get rid of your worst enemy, and that is so-called international communism, or the so-called evil empire."

He said it so smilingly that, sure enough, that is what has happened. We still do not know how to react. We got so used, over these decades, to seeing Communists everywhere and forgetting history and going into ventures that, had we had the correct perspective of that part of the world, we would not have lost 55,000 Americans in Vietnam and we would not have lost near that amount or about the same amount in Korea, because all along we have visualized a monolithic, monolithic Communist power and forgotten history.

We were always persuaded soon after, after 1945, that the biggest menace would be Russia coming through Central Europe and through middle Germany. For what? It always seemed to me to be so fantastic and out of reality, and yet it caused, when I would speak out, people to look at me as if maybe perhaps I was suspect.

Nevertheless, that is where we are today. We are still not assessing. The reason I rise today is to point out how this, again, misperception has led to a costly venture for the taxpayers, in this case with the intention of helping the Soviet Union, or what is left of it, regain some stability.

The United States Government can indeed, certainly if the German Government has, help determine whether Russia and the other republics make positive change. In order to do that we have to do it intelligently, which we have not to date.

Our Government has employed numerous aid programs in its efforts to assist the nations or the republics of the former Soviet Union. The Bush administration took the wrong route, channeling foreign aid through the back door without careful consideration of the aid's purpose, and this in full view of what we had been talking about in the case of the same approach toward Iraq, and the fateful consequences to the taxpayer, and to the well-being and eventual policy of the United States.

Today I will show that that administration's political scheming allowed Russia to be granted aid for which it did not qualify, and that as a result the previous administration has placed the United States taxpayer squarely in harm's way.

The main programs that the Bush administration utilized to quietly aid the former Soviet Union were the Department of Agriculture's Commodity Credit Corporation, the same old boy involved in the BNL Bank out of Atlanta and Iraq, and a similar credit guarantee program at the Export-Import Bank. These programs were created to help creditworthy nations purchase products from American companies.

□ 1430

Because Russia was not creditworthy, the Bush administration had to politicize the process and bypass the controls designed to protect American interests, keep the aid flowing. Providing such assistance without careful consideration of its benefits and risk is of little use to anyone, including the former Soviet Union. The former Soviet States have not made payments on some of the United States guaranteed loans for more than 3 months now. Delinquencies at this point total over $400 million.

One bank, and remember what I have said all through, at the bottom of all of this is financing and banks, one bank has already made claim on a guarantee. When it is all said and done, the previous administration's disregard for the risks involved in credit guarantees may cost American taxpayers more than $4.5 billion, as we struggle with our own budget deficit. And that is all we hear today, day and night. This is an expense we can ill-afford.

A straightforward policy to aid Russia would have been more effective and beneficial to both sides, but to do that you would have to come out here, you would have to debate it, you would have to figure out if indeed an intelligent and a real, meaningful, action program was being carried out, and not one that would end up in not only defeating the purpose for which it was instituted, but disappointing the recipient as well as ourselves.

The current administration should learn from the mistakes of the past. I only hope they do.

Up to now I have written a letter to Secretary Espy after I reported the bank, a French bank, but also other American banks standing by, suing on the basis of some guarantees on interest, and some of this Agricultural Commodity Credit guaranteed loan. In the future we must of necessity and hopefully will debate our options for assisting Russia and other nations of the former Soviet Union. The Bush administration did not see fit to do so. Obviously it was confronted with the major problem. I am trying to understand. It was an election year. The pressure was great, the European countries, from throughout the world about what is the United States going to do to help. But the vast majority of United States assistance to the former Soviet Union has flowed from the Department of Agriculture.

USDA's Commodity Credit Corporation is authorized to develop and administer programs to expand U.S. agricultural export markets. During the early 1980's, the CCC devised the Credit Guarantees Program to accomplish this mission. The general sales manager of the 102 program, which is the technical name they give this, and it is often referred to as a GSM 102, and that is the way I will refer to it. The program targets countries that have potential for additional food purchases but require credit to make the purchases because they are short on cash. Instead of providing credit directly, the CCC guarantee operates to attract credit from the private sector to finance sales of U.S. agricultural commodities. The institution that provides the credit must be located within the United States. But last year we had one guarantee program, and incidentally, it was not sent to our Banking Committee, that changed that, and it is the first time in that guarantee program any sovereign nation has gotten into. But that is another matter.

The CCC will normally guarantee 98 percent of the principal plus a portion of the interest on the loan. All loans must be on terms of 3 years or less than 3 years. Prior to the beginning of each fiscal year, USDA, through its Commodities Division and Attache Service of the Foreign Agricultural Service enters into discussions with foreign countries interested in the GSM program. CCC then allocates the amounts of credit guarantees among selected countries, establishing specific country lines by commodity.

These proposed allocations are then presented for advice to an inner-agency group, the National Advisory Council on International Monetary and Financial Affairs. And if any of you have been following the remarks I have been making for 3 years with respect to this NAC, so-called, or Inter-Agency Council, then you will know why I am just generally referring to it now.

Food assistance to the former Soviet Union has been provided almost entirely through the GSM 102 program. I have provided this explanation of how the program is supposed to operate in order to describe the way in which the Bush administration manipulated and misused the program in the case of the former Soviet Union, almost identically as it did in the case of Iraq. The first example of the Bush administration's misuse of the program involves the National Advisory Council, or the NAC that I referred to. The NAC is composed of representatives from the Treasury Department, the Federal Reserve, the State Department, the Agency for International Development, the Commerce Department, the Export-Import Bank and the U.S. Trade Representative. The Department of Agriculture is not an official member of the NAC. USDA does participate when the NAC is making a decision on one of its programs.

Each agency brings its own expertise to the process. The NAC thoroughly reviews program proposals, openly debates the merits and the shortcomings of each one, let me say openly until I went into the matter, and then lo and behold they closed the doors, and we had a protest. But as far as I know, they never re-opened them again in the case of our efforts to get the information with respect to the Iraqi guarantees.

This group then votes its approval or disapproval. While the NAC's decision is technically not binding, USDA has never implemented a program that was voted down by the NAC. As we learned in the case of loan guarantees to Iraq, the Bush White House often did not want to hear what the NAC had to say. One reason was that many NAC members take seriously our Government's obligation to protect the taxpayers and even national security. I brought that out time and time again where the Federal Reserve representative at NAC was saying no, we advise against this. We had even the Export-Import expert on the creditworthiness of a nation saying no, this nation is not creditworthy. Iraq had defaulted with about five or six European countries, and yet we have the national defense, security, or Intelligence representative saying hey, this has dangerous implications for military use.

Despite all of that, NAC was pushed aside and those loans were processed anyway. So that we know that the Bush administration had gotten used to subverting the process by going around NAC. And since these members did not hesitate to speak out their views, that was a responsibility, and they felt uncomfortable.

There is another downside of the NAC process, and that is that members' views are recorded in great detail. The Bush White House was never anxious to make opposing views open, and the administration fought hard to prevent the Congress from obtaining the NAC documents which regarded the views of agencies which opposed Mr. Bush's policies of supporting Saddam Hussein with generous credit that Iraq was highly unlikely to repay. We reported that previously.

The case of Iraq offers an excellent example of why the White House has an interest in subverting the NAC process when the time came to make decisions on the Soviet Union. Throughout the 1980's several NAC agencies consistently opposed the huge levels of agricultural aid the Bush and Reagan administrations were sending to Iraq.

☐ 1440

Without their diligence, our foreign aid bill to Saddam Hussein would have been much higher than the $2 billion plus that we are currently now paying for. Those agencies knew that Iraq was not creditworthy, and they correctly believed that the American taxpayer would eventually be stuck paying, repaying, the loans, and that is why they went around them.

Before 1989, the opposition of some NAC members did not prove to be an insurmountable obstacle to the aid program for Saddam. We brought that out time and time again. We had the intervention of the Secretary of State, the Deputy Secretary of State, Eagleburger, even the National Security Council.

So when USDA proposed a $1 billion GSM program for Iraq for 1990, several NAC members then protested. We put all of that in the RECORD.

Then though the President signed the National Security Directive No. 26 which mandated that the policy was to help Iraq and, of course, that reduced the barriers; the Bush White House did not want to deal with the bureaucratic problems that were involved when it came to the GSM program for the U.S.S.R. They did not want open, honest debate. They did not want an accounting of the potential costs to the taxpayer of guaranteeing loans to a country that obviously could not repay. The White House also did not want to hear arguments that the program would do little good for the former Soviet Union.

The fact is that those nations are capable of producing more than enough food to feed their people. Most shortages in the former Soviet Union exist because of a breakdown in the distribution process. For example, Russia loses up to half of its milk production because they do not have simple milk chillers that we take for granted in America. They are not available. Fixing this problem should be simple. Yet the U.S. Government has done almost nothing to deal with it.

Many experts have argued that providing credit guarantees for food imports to those nations merely postpones well-known and badly needed reforms and prolongs the transition to self-sufficiency.

In any case, the Bush White House knew what it wanted and would not stand for interference with its wrongheaded plan. The solution was to simply run over the NAC. In an unprecedented move in December 1990, the White House completely avoided NAC's scrutiny and announced a $1 billion GSM program for the U.S.S.R.

Now, that does not involve the congressional process. The White House then chose to add insult to the NAC on top of the injury inflicted on the taxpayer. The $1 billion proposal was submitted for NAC consideration after the decision had already been made. Imagine how the NAC members felt sitting around their meeting table and discussing a proposal that was already a done deal.

If a NAC member believed that this program would be too costly for the taxpayer, a view that would have been very correct, what could that member do? Absolutely nothing. But that was what the White House wanted. No discussion; no dissent; no consideration for the taxpayers, it turned out. Asking the NAC for advice on a done deal was a transparent trick to make the decision appear to be prudent, the result of careful consideration.

But the decision was not prudent. Thus we are now paying for Mr. Bush's mistake in Iraq and will soon begin to pay for the same mistake in the former U.S.S.R.

While the offer of $1 billion may have seemed like a large allocation at the time, it was only a small beginning compared to what was on the horizon. Six months after the first announcement, the White House was up to its tricks again. This time the stakes were even higher.

In June 1991, the White House announced that the U.S.S.R. would receive another $1.5 billion in credit guarantees. The same backdoor scheme was used. The White House once again presented the NAC with no choice but to just rubberstamp it. By the middle of 1991 the U.S.S.R. creditworthiness had deteriorated so far that the Bush administration could not find banks to risk even the nearly 2 percent of the loan not covered by the guarantee. In other words, while the administration tripped over itself to put taxpayers out on a limb for 98 percent of each loan, banks knew that the loans were losers. It was too dangerous for them to climb onto that limb for only 2 percent of the risk. This should have been a clear signal that GSM was the wrong program and that the risk to the taxpayer had become totally unacceptable.

But the Bush administration never was very good at reading signals. What was their solution? They decided that the best course was to put the taxpayer at risk for the entire bill, 100 percent of the loan. But the banks still would not take the risk even with 100 percent of the principal and 4½ percent of the interest guaranteed by the taxpayer. The few percentage points of unguaranteed interest was just too much to chance for those banks. You can guess the Bush administration's solution: Heap more risk on the taxpayer. They simply guaranteed higher interest rates.

Thus, since September 1991 the taxpayer has been responsible for the entire principal and almost all of the interest associated with every sale in the program of the former Soviet Union.

The Bush administration continued this pattern for 2 years, issuing nearly half of all GSM guarantees to Russia and other former Soviet Republics. This was done despite the fact that Russia has the lowest credit rating of any GSM participant.

By November of last year the former Soviet Union had received over $5 billion in guarantees, and the administration was offering even more.

On November 30, however, the inevitable occurred. The USDA received its first notice that Russia was delinquent. There has not been 1 penny in payment since. Delinquencies now total more than $400 million, and there is no sign that repayment will resume any time soon.

Over the next few years, the nations of the former Soviet Union will owe over $4.5 billion. If these nations are unable to make the payments, the U.S. taxpayer will have to step in.

The burden that this program places on our Federal deficit is just one more mess that President Clinton will have to clean up, and I do not know what will be the recommendation other than generally the decision has been made to continue to help Russia somewhat. Now, whether it is going to be this way, I have not had a reply from my letter to the newly appointed Secretary of Agriculture, and, of course, he has just taken over, so we are patient.

I would like to note parenthetically that the fate of the GSM Program for the former Soviet Union may be symptomatic of broader problems with the GSM Program. A recent General Accounting Office study estimated that the cumulative cost of the program will be at least $6.5 billion, or 48 percent of USDA's exposure in the total of outstanding guarantees and accounts receivable. These costs are especially disturbing in light of the fact that the study was unable to find any empirical evidence that the program has even met its basic goal of increasing U.S. exports worldwide. That is, indeed, sad.

In 1990, after learning how the administration had abused the GSM Program for the benefit of Saddam Hussein, the Congress enacted, and Mr. Bush signed, new legislation which we propelled to reform the GSM Program and prevent similar disasters from occurring again. The Food, Agriculture, Conservation, and Trade Act of 1990 explicitly prohibits the Secretary of Agriculture from making credit guarantees available to any country that the Secretary determines cannot adequately service the debt associated with such a sale.

This provision was written to prevent precisely the situation we are now facing. This law also prohibits the use of credit guarantees for foreign aid, which is what we were constantly yelling about in the case of Iraq, or foreign policy purposes which was a disculpation given itself by the Bush administration and the Reagan administration. Nor can anyone doubt that the administration violated both of these provisions. Hardly so, even though the Congress passed the law and the President signed it.

It was obvious that it was being violated. Clearly the White House chose to overlook the law when it guaranteed $5 billion in loans to the former Soviet Union.

A 48-percent loss record hardly demonstrates prudence of even basic competence.

The former Soviet Union also participates in several programs operated by the Export-Import Bank. Now, we have jurisdiction of the Export-Import Bank in the Banking Committee.

Also, there are important differences; these programs are similar to the GSM Program in that they guarantee repayment of loans used to purchase U.S. exports.

□ 1450

The Eximbank is also authorized to issue direct loans for this purpose. Taxpayer's exposure due to Eximbank programs is small when compared to the GSM Program, but Exim is considering much larger transactions even now. Exim has also seen fit to continue lending to the Russian Government while that same Government refuses to meet its obligations to USDA.

Currently, all of Exim's exposure is in the form of sovereign risk, government. Sovereign risk means that repayment of the loan is the responsibility of the Russian Government, as opposed to a private Russian entity. Until last week, exposure in this category totaled only about $125 million. However, despite the fact that the Russian Government has not paid USDA in over 3 months, Exim authorized an unsecured direct loan to Russia last week for over $85 million, thus increasing the exposure level to over $210 million. I am sending a letter to the Acting Chairman of the Export-Import Bank on this matter today. I would like to know how the Bank can justify the issuance of more loans to a nation which is refusing to meet its obligations to a sister agency. This loan is questionable for another reason. By law, Eximbank cannot issue loans unless its Board of Directors determines that there is a reasonable assurance of repayment. That is the letter of the law. How can anyone believe that there is a reasonable assurance that Russia will repay the debt when it is so clearly demonstrating its inability to do so with CCC?

The Bank is considering other types of lending arrangements for Russia that would not involve sovereign risk. The most important of these is the Oil and Gas Framework Agreement, the terms of which are still being negotiated. If an accord is struck, Exim could provide $2 billion in loans and guarantees for Russia's oil and gas industry to purchase United States equipment and services. Repayments of these loans would be made by neither the Russian Government nor by Russia's oil and gas industry. Instead, the framework would require that the customers of Russia's oil and gas industry deposit payments directly into an offshore escrow account to which Eximbank would have first access.

We are trying to carefully monitor the progress of these negotiations and will do the best we know how. But I think that it is very tenuous.

The international lending decisions of every Government institution are profoundly influenced by another little-known interagency body, the interagency country risk assessment system, referred to as ICRAS. ICRAS influences lending decisions by determining the budgetary costs to an agency for each loan or loan guarantee the agency issues.

ICRAS is an outgrowth of the Federal Credit Reform Act of 1990, which mandated changes in the budgetary of Federal credit. Loans and guarantees issued by the Government are now assigned a subsidy cost. Subsidy costs depend on the risk level associated with the transaction. For example, a loan judged to have a high risk of nonrepayment will incur a high subsidy cost to the agency issuing the loan.

ICRAS was established to make the risk assessment process consistent across the Government. This group is chaired by the Office of Management and Budget and includes representatives from the Treasury Department, State Department, Department of Agriculture, Defense Security Assistance Agency, Export-Import Bank, Overseas Private Investment Corporation, Agency for International Development, and the Federal Reserve. ICRAS evaluates a nation's creditworthiness and assigns the nation to 1 of 11 risk categories.

When making lending decisions, agencies must remain within the constraints of the subsidy budget appropriated for each program. It is through this budget process that ICRAS wields its power. If ICRAS assigns a high-risk rating to a country, it becomes more difficult for each agency to provide that country with assistance and still remain within the subsidy budget. A high-risk assessment effects a nation's likelihood of receiving credit assistance in another way also. Some agencies are prohibited from issuing particular types of loans to nations that are above a certain risk level. In those cases, the subsidy cost does not matter. A high-risk rating can thus entirely eliminate a nation from consideration.

Although ICRAS was created to perform objective analysis, the committee has learned that in several important cases, the group has slanted the risk analyses for political reasons. On a number of occasions, the State Department delayed ICRAS meetings because it disagreed with the technical staff's assessment of Russia's creditworthiness. Obviously, the State Department believed that the assigned risk level was too high. As I explained, a risk level that is too high would eliminate Russia from participation in some programs. The rating might have forced the administration to admit the potential cost to the taxpayer of these proposals. The State Department's tactic was, as usual, to raise the discussion to the political level. There has even been an ICRAS meeting on Russia at the Assistant Secretary level. Does anyone think that it is an Assistant Secretary's job to objectively decide whether Russia is an acceptable or an unacceptable risk? Clearly, when the process reaches that level, the system has become infused with the political considerations it was intended to screen out to begin with. Economists at several Government agencies have informed the committee that the State Department succeeded at this game during while the Bush administration held power. Russia has consistently received credit ratings that it does not deserve.

Politicizing ICRAS made it easier for the Bush administration to assign a risk rating that would suit its purposes. A lower risk rating makes it easier for the agencies to issue Russia loans, but it brings great risk to the taxpayer.

I am mildly surprised that ICRAS members were even offered the opportunity to debate Russia's creditworthiness, given the way the White House abused the NAC process. The White House could have worked over ICRAS in a similar fashion by simply telling ICRAS what risk level the group must determine.

We can no longer operate assistance programs by distorting credit ratings for Russia or any other country, or issuing guarantees for loans that clearly will not be repaid. We can no longer make important decisions without deliberation. Backdoor aid does little good for Russia and no good for us. We must soberly examine what types of assistance Russia needs and what types of assistance we are able to provide.

I urge the current administration to reconsider the Bush administration's confused policies toward the former Soviet Union. Foreign aid should never be delivered through the backdoor. We should openly debate our options and be honest about the assistance and that cost to the taxpayer. Russia does need our help, and so do others, but we must provide the assistance openly, and we must understand the costs. There is no free lunch, it has often been said, as the GSM's mounting disaster so clearly shows. The only way to get a program that is effective and makes sense is to do it in the old-fashioned way. As President Truman said: "Tell us what needs to be done, and go about it." The Marshall plan was expensive, it was highly controversial—but it worked. The needs of Russia and other former Soviet States are great. But our response has to make sense, and should never again take the backdoor approach followed by the former administration, and which I hope this administration has resolved to avoid.

## VOLUNTARY RESTRAINT AGREEMENTS: FOREIGN STEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, this week the congressional steel caucus held its first hearing of the 103d Congress. Testimony was heard from the head of the Steel Workers Union and representatives of the American Iron and Steel Institute, the Specialty Steel Industry, the Steel Service Center Institute, the Steel Manufacturers Association, and the Committee on Pipe and Tube Imports.

The good news is that during the period of the voluntary restraint agreements [VRA's], the U.S. steel industry invested more than $35 billion in modernizing their plants and becoming the most productive steel producers in the world.

The bad news is that the dumping of foreign steel into this country in the late 1970's and early 1980's—before the VRA's were put on—so devastated the industry—that over the last decade—employment in steel production dropped from 500,000 to 180,000.

The notion that the steel industry needed protection from the dumping of subsidized foreign steel by the use of VRA's bitterly was fought by the proponents of free trade—the followers of Adam Smith. But, the proof of the pudding is in the eating, and the month that the VRA's ran out, rampunt dumping of foreign subsidized steel began again.

The preliminary determinations by the Department of Commerce—last month—that 21 foreign nations have systematically dumped steel into our markets should give all of us hope that the next step, before the International Trade Commission [ITC] to assess the amount of damage to our companies, will be equally positive and supportive of the industry.

It is about time that the law of the Congress, the intent of the most representative branch of Government, is recognized by the executive branch and, we hope, will be respected by the judicial branch when damages are assessed by the ITC.

As you are all aware, in the past, trade laws have not been allowed to proceed to conclusion for the steel industry. Settlements have been negotiated with foreign governments in actions which have been invariably detrimental to the domestic industry.

Already, the European Community once again seems to be moving in that direction with the announcement that the multilateral steel agreement meetings reconvened in Geneva, February 24–26. These are the negotiations on which the Europeans walked out, refusing to give up subsidies to their companies.

Now, they respond to the Commerce decision as though it was done purely to get them back to negotiating. Wrong. I am led to believe by all of my sources, that this time, the American steel industry will hold the course—win, lose, or draw on the ITC decision.

I applaud their position. It is a good sign, a heartening sign. I am impressed that the new Trade Representative, Mr. Kantor, has announced that the United States will retaliate against government procurement rules adopted by the EC that favor EC telecommunications and electrical equipment manufacturers.

The Washington Post reported February 2:

> The first of the sanctions which would take effect March 22 if the dispute is not resolved, would forbid a number of federal agencies from purchasing a limited range of European products.

It is past time that the United States break the old Marshall plan mindset that Europe and Japan, damaged by World War II, needed, and in some way, deserved special treatment by the rich, victorious United States. We not only encouraged this dependence, to keep them from slipping into the hands of the Communist, but, over the last 40 years, as those countries—Socialist all—accepted this privileged position, they began to reach for more. To the point, that now, any resistance on our part brings charges that we are starting trade wars.

While the Marshall plan proved to be a brilliant political tool against the spread of communism and was, certainly, an incredibly humane concept on the part of a victorious nation over the vanquished—the need for such treatment is long past.

To the contrary, among the industrial nations that we helped rebuild, we are the only ones suffering a trade deficit of monumental proportions, the only net debtor nation of the lot, and we have the largest domestic debt.

This burden has been borne disproportionately by the manufacturing base of this country. Over the years that steel has invested tens of billions of dollars in modernization, the greatest competitor for borrowing money has been the Treasury of the United States ever pushing up the interest rates.

And when those rates broke, on the back of a recession in a national election year, the steel industry and its customers had credit lines closed, sources of borrowing dried up in the face of the banks moving in to buy Treasury notes rather than lending money on the streets. So, the business expansion needed was nipped in the bud by the banks focusing on a guaranteed 3 to 4 percent spread between return on their T bill investments and an almost record low return on savings invested with them.

Under such financial restrictions, we can hope that—at least—our domestic steel producers will not have to continue to compete unfairly with nations which underwrite their industries' losses, their industries' compliance with environmental laws.

Steel has a good story to tell.

In the past few years the steel industry has accomplished miracles:

Since 1981, despite scarce, high capital in the country, the industry has raised and increased investment in steel by billions of dollars.

Production in raw steel, continuously cast, has gone from 21.6 million in 1981 to 66.6 million in 1990 with a smaller work force. I am proud that in manhours per ton of steel we are lower than Japan, Germany, the United Kingdom, and France.

Employment costs which includes percentage of operating cost, and hourly compensation are lower than the United Kingdom, Canada, Korea, Mexico, Brazil, and Taiwan according to World Steel Intelligence.

From 1979 to 1985, hourly output in factories increased 2.8 percent annually.

From 1985 to 1990 output in factories rose 3.5 percent.

Compensation for Americans as a whole, changed radically in 5 years. In 1985 it averaged $13.01 for production workers, but by 1990, France, Canada, Norway, and Germany were surpassing American pay levels.

Obviously what we have been talking about in modernization equates to fewer jobs. So, what we need is greater sales to translate these investments into profits and more jobs. For that reason, I believe it is important to watch the procurement actions of government. I know that under GATT pressure the U.S. Governors have decided to abolish buy America, but the recent actions by the EC to protect their own telecommunications industry may make the States rethink this position.

In 1990 there were 12,169 procurement actions which resulted in an award of $5.1 billion to foreign firms. Without reviewing each job it is difficult to tell about the price, but I can tell you one thing, most of the foreign firms probably were subsidized and, of equal importance, supported by their government in the bidding procedure. Something that does not happen with American business.

With the numbers of new unemployed—50,000 at Sears, 20,000 at Boeing, 2,000 at Kodak, 6,000 at United Technologies, plus the earlier layoffs at GM and IBM—the trade agreements now being negotiated—NAFTA and GATT—must be crafted very carefully to make sure that there is a reciprocity built in—for our industries—to balance the positive effect of the value added tax [VAT] on both European exports and imports. The VAT added to every import serves as an average 19 percent tariff—the VAT rebated to the manufacturer-exporter serves as an average 19 percent export bonus.

In mentioning the accomplishments of the steel industry, I want to point out that American manufacturers in general are doing a much more competent job than the media credits, as these figures testify. For whatever reasons, over this last decade, the popular image of U.S. industry presented on TV and in the movies has been of polluters, malevolent employers who deliberately expose employees to toxic substances—heartless big business—images reinforced by the explosion of investigative TV news shows that make their ratings exposing the rogue, the scoundrel.

Long gone is the image of the employer-benefactor, made popular by the celluloid Jimmy Stewarts, the Spencer Traceys, the Robert Youngs—front page reports on the real characters of the 1980's the Milkins, the Keatings, the Altmans of BCCI fame—employers who seemingly chose to benefit themselves rather than benefit their shareholders, their workers have changed the perception of the average American about American business.

We know—certainly I do—dealing with the Greater Baltimore business community that Milkin and Keating are stereotypical bad guys and Jimmy Stewart, stereotypical of the all-time favorite good guy, and in my long experience in my business community, I've never really dealt with either one of those extreme types.

However, if the movies are going to give us films such as Wall Street with its Milkin-type hero saying, "Greed is good," then, it is only fair that they season the public perception with a major movie on the struggle of a small company—the only industry left in a small town—to overcome the increased costs—estimated since 1989 to have grown by a whopping 34 percent—to implement the growing numbers of Government laws and regulations laid on American businesses.

I would hope they would put a human face on the countless numbers of men and women who have invested the work and savings of a lifetime in creating a business and jobs—some of them discovering 10 to 15 years into the effort—that their industry has slipped into the never-never land of the Superfund and that suddenly, a plant which was valued at $4 or $5 million is no longer an asset, but a liability.

That the formerly friendly bank now wants their homes as equity, that the business which they once thought to leave their children has now become a twilight industry, a vertible albatross.

I can tell you, Mr. Speaker, there's a lot of heroism left in this country, a lot of fortitude and just plain old American stick-to-it-ism out in the business community or we would have much greater unemployment than we have now.

And, we need to get that story out. We need to have the great numbers of Americans seeking jobs, or hoping for better jobs, young people counting on building careers in good, stable companies, unemployed defense workers and the increasing numbers being let out of the services, all of these people need to know the problems of American industry.

Steel has a good story to tell. I have spent my career in the Congress fighting for machine tools and fasteners, fighting for steel and foundries, fighting for buy America. I have pushed for a Marshall plan for America. Back in 1987 I introduced a resolution calling for a Government commission to study a Marshall plan for our own country.

No takers, then. But, I find it interesting that the Democrat leaders in announcing their budget plans for 1992, called for a Marshall plan for America. I understand that imitation is the sincerest form of flattery.

As the Congress moves more and more in its demand that companies stand in loco parentis to employees, overlaying all of the requirements of Socialist nations upon a capitalist system, without picking up the tab, as the real Socialists do, it is incumbent upon those of us who know the burdens and real costs of creating jobs to tell the people what the Government regulations are doing to their hopes of finding jobs.

In like manner, the new tax proposals should be studied for the impact on jobs creation over the next 4 years. In proposing an energy tax, heavy manufacturing will be hit the hardest—service sector jobs impacted the least. Steel, auto manufacturing, glass, foundries—every one struggling right now, just to stay afloat will be hit with higher costs some of which must be passed on in product cost—making them less competitive with foreign products—pushing inflation.

If the tax package is being sold to the country as favoring taking money away from the rich and redistributing it to the poor, in the proposed business taxes, it is just the opposite. Proposed tax credits for investment will pay off only to the companies who are making a profit. Wealthy corporations will pay more taxes, but they also are able to take advantage of the tax credit provisions.

But to a whole host of companies—the airlines, basic industries, construction—added energy taxes could push them over the edge and there are darned few profits for them to either reinvest or take a tax credit against.

For whatever reason, the proposals in this new tax package pits the interest of the have corporations against the have nots—and Goliath wins this one—successful small businesses pitted against the struggling startups—another strong win for Goliath—and agriculture is pitted against everyone else—not only because of program cuts, but because energy costs impact so much on the cost of not only what they do, but what they purchase.

If dividing and conquering works, this tax program should go through. But, it is so devisive of industry—so weighted against the most fragile of our industries and small businesses, including our farmers—that every day which passes with one more revelation of the true cost to the economy of one more of these taxes—makes the chance of its passage lessen.

Government does not create wealth. Government has never created a value-added job. Effective government can only support an atmosphere which allows value-added jobs and wealth to be created. Dividing and conquering may be good politics, but I question that it is good governance.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. BONIOR (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. GREENWOOD (at the request of Mr. MICHEL), for today, on account of official business.

Mr. PAXON (at the request of Mr. MICHEL), for today, on account of death in family.

Mr. DINGELL (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. GEREN of Texas (at the request of Mr. GEPHARDT), for today, on account of family business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. SABO, for 5 minutes, today.

Miss COLLINS of Michigan, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. SOLOMON, in two instances.

Mr. GOODLING.

Mr. SHAW.

Mr. DICKEY.

Mr. GILMAN, in two instances.

Mr. THOMAS of California.

Mr. WELDON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LIPINSKI.

Mr. MONTGOMERY.

Mr. BERMAN.

Mr. WILLIAMS.

Mr. MANN.

Mr. NADLER.

Mr. CLEMENT.

Mr. GLICKMAN.

Mr. BONIOR.

Mr. LAFALCE.

Mr. WAXMAN.

## ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

## ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.) under its previous order, the House adjourned until Monday, March 8, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

840. A letter from the Director, the Office of Management and Budget, transmitting revised supplemental appropriations language for the Social Security Administration's limitation on administrative expenses, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–54); to the Committee on Appropriations and ordered to be printed.

841. A letter from the National Council on Disability, transmitting the Council's special report entitled, "Study on the Financing of Assistive Technology Devices and Services for Individuals With Disabilities," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

842. A letter from the National Council on Disability, transmitting the Council's special report entitled, "Sharing the Risk and Ensuring Independence: A Disability Perspective on Access to Health Insurance and Health-Related Services," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

843. A letter from the National Council on Disability, transmitting the Council's special report entitled, "Serving the Nation's Students With Disabilities: Progress and Prospects," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

844. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting the Department's report entitled, "Assistance Related to International Terrorism Provided by the U.S. Government to Foreign Countries," pursuant to 22 U.S.C. 2349aa–7; to the Committee on Foreign Affairs.

845. A letter from the Board of Directors, Export-Import Bank of the United States, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

846. A letter from the Director, Regional Office, Department of Veterans Affairs, transmitting the Department's Regional Office activities covering the period October 1, 1992 through December 31, 1993; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H. Res. 115. A resolution providing for consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes (Rept. 103–26); Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. GUTIERREZ, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, and Mr. HINCHEY):

H.R. 1214. A bill to provide for the regulation of banks and savings associations by a single Federal independent regulatory commission, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDREWS of New Jersey:

H.R. 1215. A bill to amend title VII of the Civil Rights Act of 1964 to require a reasonable attorney's fee to be awarded to the Equal Employment Opportunity Commission as a prevailing party; to the Committee on Education and Labor.

H.R. 1216. A bill to amend the Internal Revenue Code of 1986 and the Housing and Community Development Act of 1987 to provide tax incentives for investments in enterprise zone businesses and domestic businesses; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

H.R. 1217. A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief for victims of the terrorist-caused airplane crash near Lockerbie, Scotland, in 1988; to the Committee on Ways and Means.

H.R. 1218. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of American-made products, and by accelerating transportation-related spending, and for other purposes; jointly, to the Committees on Ways and Means, Public Works and Transportation, Banking, Finance and Urban Affairs, Post Office and Civil Service, and Appropriations.

By Mr. ENGEL (for himself, Mr. HYDE, and Mr. SHAYS):

H.R. 1219. A bill to amend the Airport Noise and Capacity Act of 1990 to exempt noise and access restrictions on aircraft operations to and from metropolitan airports from Federal review and approval requirements under that act, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GEKAS:

H.R. 1220. A bill to provide the penalty of death for certain Federal crimes; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 1221. A bill to provide for the reduction of agricultural program debt and for donations of grain to the countries of the former Soviet Union in exchange for certain actions on their part; to the Committee on Foreign Affairs.

By Mr. GOODLING (for himself, Mr. SHAYS, Mr. SHUSTER, Mr. SANTORUM, Mr. GALLEGLY, Mr. FAWELL, and Mr. INHOFE):

H.R. 1222. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 1223. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Education and Labor.

By Ms. KAPTUR (for herself and Mr. HUGHES):

H.R. 1224. A bill to amend section 207 of title 18, United States Code, to further restrict Federal officers and employees from representing or advising foreign entities after leaving Government service; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 1225. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporation, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

H.R. 1226. A bill to provide for the establishment of a Professional Trade Service Corps, and for other purposes; jointly, to the Committees on Ways and Means, Post Office and Civil Service, and the Judiciary.

By Mr. LEACH:

H.R. 1227. A bill to establish the Federal Bank Agency, to abolish the positions of the Comptroller of the Currency and Director of the Office of Thrift Supervision, to consolidate and reform the regulation of insured depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVIN (for himself, Mr. LEWIS of Georgia, and Mr. CAMP):

H.R. 1228. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Ways and Means.

By Mr. LEWIS of Florida (for himself, Mr. MCCURDY, Mr. ROHRABACHER, Mr. ROYCE, Mr. BLUTE, Mr. CALVERT, and Mr. GRAMS):

H.R. 1229. A bill to provide for the establishment of a joint aviation research and development program between the Federal Aviation Administration and the Department of Defense, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Armed Services.

By Mr. MORAN:

H.R. 1230. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for expenses for advertising tobacco products or alcoholic beverages on television or radio, in newspapers or magazines, or on billboards; to the Committee on Ways and Means.

By Mr. MURPHY (for himself and Mr. FORD of Michigan):

H.R. 1231. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; to the Committee on Education and Labor.

By Ms. NORTON (for herself, Mr. FORD of Tennessee, and Mr. TOWNS):

H.R. 1232. A bill to direct the Secretary of Health and Human Services to waive the application to the District of Columbia Chartered Health Plan, Inc., of the requirement under title XIX of the Social Security Act that limits the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the Medicare or Medicaid Programs; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. POMEROY, Mr. WILLIAMS, Mr. ROSE, Ms. LONG, Mr. MINGE, Mr. KOPETSKI, Mr. LAROCCO, Mr. VOLKMER, Mr. CONDIT, and Mr. SARPALIUS):

H.R. 1233. A bill to improve monitoring of the domestic uses made of certain foreign commodities after importation, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 1234. A bill to provide that positions held by civilian technicians of the National Guard be made part of the competitive service; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. REGULA:

H.R. 1235. A bill to amend the Federal Election Campaign Act of 1971 to provide for voluntary expenditure limitations, to restrict the practice of "bundling" of contributions, to provide for tax credit and deduction for contributions to candidates for Congress, to require full disclosure of independent expenditures, to eliminate PAC contributions to individual candidates, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mr. REGULA (for himself, Mr. BORSKI, Mr. VISCLOSKY, Ms. KAPTUR, Mr. LIPINSKI, Mr. RIDGE, and Mr. BROWN of Ohio):

H.R. 1236. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. EDWARDS of California, Mr. CRAMER, Mr. KOPETSKI, Mr. RAMSTAD, Mr. SHAYS, and Mr. SMITH of Oregon):

H.R. 1237. A bill to establish procedures for national criminal background checks for child care providers; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. GEKAS):

H.R. 1238. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. CARDIN):

H.R. 1239. A bill to require the Secretary of the Treasury to establish a 6-month amnesty to encourage payment of back domestic service employment taxes; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1240. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to increase from $50 per quarter to $2,000 per year the threshold level at which cash remuneration payable to a domestic employee in any year becomes subject to Social Security employment taxes, to provide for annual adjustments in such threshold amount, and to annualize the payment of domestic service employment taxes; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Ms. MOLINARI, Mr. GOSS, and Mr. GILMAN):

H.R. 1241. A bill to amend title 18, United States Code, to provide for increased reward amounts in domestic terrorist cases; to the Committee on the Judiciary.

By Mr. THOMAS of California (for himself, Mr. MATSUI, Mr. SUNDQUIST, Mr. PACKARD, Mr. BUNNING, Mr. COX, Mr. JACOBS, Mr. MINETA, and Mr. HANCOCK):

H.R. 1242. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. BURTON of Indiana, Mr. PALLONE, Mr. GILMAN, and Mr. MURPHY):

H.R. 1243. A bill to prohibit any foreign person from acquiring, directly or indirectly, Allison Transmission, a division of General Motors Corp.; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Foreign Affairs.

By Mr. WISE:

H.R. 1244. A bill to establish a deficit reduction account and a Build America Account in the Treasury of the United States; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 1245. A bill to amend title 10, United States Code, to assist members of the Armed Forces who are discharged or released from active duty to obtain employment with law enforcement agencies and health care providers; to the Committee on Armed Services.

By Mr. SWETT:

H.J. Res. 132. Joint resolution recognizing the Desert Shield/Desert Storm Memorial Light at the Shrine of Our Lady of Grace in Columbia, NH, as a memorial of national significance; to the Committee on Post Office and Civil Service.

By Mr. CLEMENT:

H.J. Res. 133. Joint resolution to express the sense of the Congress that the President recognize the role rural communities play in the economy of the United States and express this recognition through appropriate emphasis on rural economic development when preparing the administration's economic proposals; to the Committee on Agriculture.

By Mr. GEKAS (for himself and Mr. SCHUMER):

H.J. Res. 134. Joint resolution designating April 25 through May 1, 1993, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself, Mr. Oberstar, Mr. Rahall, Mr. Shuster, Mr. Petri, Mr. de Lugo, Mr. Lipinski, Mr. Wise, Mr. DeFazio, Mr. Costello, Mr. Laughlin, Mr. Sangmeister, Mr. Swett, Ms. Norton, Mr. Blackwell, Mr. Coppersmith, Ms. Danner, Mr. Barcia, Mr. Filner, Mr. Clinger, Mr. Boehlert, Mr. Ewing, Mr. Hutchinson, Mr. Kim, Mr. Blute, and Mr. McKeon):

H.J. Res. 135. Joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. STOKES (for himself, Mr. Wynn, Ms. Meek, Miss Collins of Michigan, Mr. Scott, Mr. Tucker, Mr. Rangel, Mr. Rush, Mr. Jefferson, Mr. Franks of Connecticut, Mr. Lewis of Georgia, Ms. McKinney, Mr. Bishop, Mr. Watt, Mrs. Clayton, Ms. Waters, Mr. Conyers, Mr. Towns, Mr. Payne of New Jersey, Mr. Mfume, Mr. Flake, Mr. Dixon, Ms. Norton, Mr. Owens, Mr. Clyburn, Mr. Ford of Tennessee, Ms. E.B. Johnson, Mr. Blackwell, Mr. Hilliard, Mr. Dellums, Ms. Brown of Florida, Mr. Clay, Mrs. Collins of Illinois, Mr. Fields of Louisiana, Mr. Reynolds, and Mr. Washington):

H.J. Res. 136. Joint Resolution designating the month of April 1993 as "National African-American Health Awareness Month"; jointly, to the Committees on Post Office and Civil Service and Energy and Commerce.

By Ms. NORTON:

H. Con. Res. 59. Concurrent resolution expressing the sense of Congress that any health care reform program enacted by Congress should not discriminate in the treatment of services relating to mental illness and substance abuse; to the Committee on Energy and Commerce.

By Mr. MOAKLEY:

H. Res. 115. Resolution providing for consideration of the Senate amendment to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes; considered and agreed to.

By Mr. WELDON (for himself, Mr. Clinger, Mr. Torkildsen, Mr. Zimmer, and Mr. Shays):

H. Res. 116. Resolution to amend the Rules of the House of Representatives to require the Committee on Ways and Means to include in committee reports the identity, sponsor, and revenue cost of single-taxpayer relief provisions contained in reported bills; to the Committee on Rules.

By Mr. WISE:

H. Res. 117. Resolution limiting the official mail allowance for Members of the House for the second session of this Congress to 80 percent of that allowance for the first session, and for other purposes; to the Committee on House Administration.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Ms. Pelosi.

H.R. 64: Mr. Levy.

H.R. 65: Mr. Bilbray, Mr. Gejdenson, Mr. Clinger, Mr. Kennedy, and Mr. Levy.

H.R. 66: Mr. Zeliff.

H.R. 67: Mr. Kennedy.

H.R. 68: Mr. Lipinski.

H.R. 108: Mr. Lewis of Florida and Mr. Olver.

H.R. 127: Mr. Durbin, Mr. Skaggs, Mr. Walsh, Mr. Holden, Mrs. Bentley, Mr. Vento, Mr. Reed, Mr. Evans, Mr. Mazzoli, Mr. Neal of Massachusetts, Mr. Talent, Mr. Dellums, Mr. LaFalce, Mrs. Unsoeld, Mrs. Maloney, Mr. Swift, Mr. Price of North Carolina, Mr. Stokes, Mr. McCloskey, and Mr. Oberstar.

H.R. 140: Mr. Doolittle, Mr. Peterson of Minnesota, Mr. Swett, Mr. Cramer, Mr. Sarpalius, Mr. Taylor of Mississippi, and Mr. Ravenel.

H.R. 162: Mr. Andrews of Texas, Mr. Camp, Mr. Bilirakis, Mrs. Byrne, Mr. Clinger, Miss Collins of Michigan, Mr. Crapo, Mr. Evans, Mr. Fields of Texas, Mr. Gilman, Mr. Greenwood, Mr. Hobson, Mr. Knollenberg, Mr. Mollohan, Ms. Norton, Mr. Paxon, Mr. Pickett, Mr. Roth, Mr. Sanders, Mr. Sangmeister, Mr. Sensenbrenner, Mr. Stearns, Mr. Stupak, Mr. Volkmer, and Mr. Zimmer.

H.R. 163: Mr. Zimmer and Mr. Baker of California.

H.R. 166: Mr. Ramstad, Mr. Grams, and Ms. Dunn.

H.R. 303: Mr. Bilbray, Mr. Clinger, Mr. Cramer, Mr. Levy, and Mr. Richardson.

H.R. 325: Mr. Edwards of California, Mr. Myers of Indiana, Mr. Clinger, Mr. Neal of North Carolina, Mr. Wynn, Mr. Jefferson and Mr. Flake.

H.R. 326: Mr. Nadler, Ms. Meek, Mr. Wynn, Mr. Markey, Mr. Meehan, Mr. Kennedy, and Mr. Frost.

H.R. 388: Mr. Baker of California.

H.R. 417: Mr. Porter, Mr. Linder, and Mr. Paxon.

H.R. 419: Mr. Lantos.

H.R. 526: Mr. Bonior.

H.R. 549: Mr. Shays, Mr. Inglis, and Mr. Blute.

H.R. 635: Mr. King.

H.R. 658: Mr. Dingell.

H.R. 659: Mr. Dingell.

H.R. 667: Mr. Levy.

H.R. 672: Mr. Machtley, Mr. Torkildsen, Mr. Frank of Massachusetts, Mr. Lipinski, Mrs. Morella, Mr. Meehan, Mr. Evans, Mr. Traficant, and Mr. Schumer.

H.R. 679: Mr. McHugh, Mr. Burton of Indiana, Mr. Bartlett, Mr. Blute, Mr. Blackwell, Mr. Barrett of Wisconsin, Mr. Sensenbrenner, Mr. Sarpalius, Mr. Bishop, Mr. Wynn, Mrs. Meyers of Kansas, and Mr. Buyer.

H.R. 684: Mr. Bartlett.

H.R. 692: Mr. Hinchey, Mr. Stokes, Ms. Pelosi, Mrs. Schroeder, Mr. Wheat, Mr. Dixon, and Ms. Velazquez.

H.R. 749: Miss Collins of Michigan.

H.R. 796: Ms. Pelosi, Mr. Abercrombie, Mr. Fazio, Ms. Woolsey, Mr. Lehman, Mr. Waxman, Mr. Gutierrez, Mr. Andrews of Texas, Mrs. Kennelly, Ms. Byrne, Mr. Miller of California, Mrs. Schroeder, Mr. Washington, Mr. Yates, Mr. Kreidler, Mr. Edwards of California, Mrs. Johnson of Connecticut, Ms. Meek, and Mr. Rangel.

H.R. 818: Ms. Woolsey, Mrs. Collins of Illinois, Ms. Meek, and Mr. Romero-Barcelo.

H.R. 830: Mr. Wynn, Mr. Oxley, Mr. Bonilla, Ms. Dunn, Mr. Knollenberg, Mr. Neal of North Carolina, Mr. King, Mr. Sensenbrenner, Mr. Ridge, and Mr. Coble.

H.R. 882: Mr. McCrery and Mr. Wilson.

H.R. 894: Mr. Everett.

H.R. 918: Mr. Gene Green, Mr. Filner, Mr. Frost, Mr. Romero-Barcelo, Mr. Stokes, Mr. Foglietta, Ms. Norton, Mrs. Clayton, Ms. Meek, and Mr. Fields of Louisiana.

H.R. 940: Mr. Valentine, Mr. Watt, Mr. Blackwell, Ms. Meek, Ms. E. B. Johnson, Mr. Rangel, Mr. Kildee, and Mr. Underwood.

H.R. 967: Mr. LaRocco, Mr. Henry, Mr. Ravenel, Mr. Stump, Mr. Paxon, Mr. Swift, Mr. Barrett of Nebraska, Mr. Camp, Mr. Allard, Mr. Upton, and Mr. Gekas.

H.R. 1025: Mr. Leach, Mr. Engel, Mr. Gonzalez, Ms. Margolies-Mezvinsky, Mr. LaFalce, Ms. Brown of Florida, Mr. Moakley, Mr. Watt, Mr. Mann, Ms. Roybal-Allard, Mr. Wyden, Mr. Rush, Ms. Schenk, Ms. Woolsey, Mr. Levin, Mr. Kleczka, Ms. Harman, Mr. Menendez, Mr. Rangel, Ms. E. B. Johnson, Mr. Castle, and Mr. Clay.

H.R. 1026: Mr. Minge, Mr. McHugh, Mr. Everett, Mr. Buyer, Mr. Taylor of North Carolina, Mr. Crapo, Ms. Brown of Florida, Mr. Pombo, and Mr. Kim.

H.R. 1048: Mr. Minge.

H.R. 1067: Mr. Canady, Mr. Solomon, and Mr. Walsh.

H.R. 1090: Mr. Bishop.

H.R. 1098: Mr. Boehner.

H.R. 1142: Mr. Johnson of South Dakota, Ms. Danner, and Mr. McHugh.

H.R. 1152: Mr. Mazzoli, Mrs. Mink, Mr. Minge, Mr. Rangel, Mr. Coleman, and Mr. Mfume.

H.R. 1153: Mr. Gallegly, Mr. Beilenson, Mr. Lipinski, Mr. Rohrabacher, Mr. Coleman, and Mr. Levy.

H.R. 1161: Mr. Zimmer.

H.R. 1164: Mr. Franks of New Jersey and Mr. Washington.

H.J. Res. 10: Mr. Baker of California and Ms. Slaughter.

H.J. Res. 20: Mr. Brown of Ohio, Mr. Frank of Massachusetts, Mr. DeFazio, Mr. Mazzoli, Mr. Johnson of South Dakota, Mr. Minge, Mr. Boucher, Mr. Carr, Mr. Smith of New Jersey, Mr. Fingerhut, and Mr. Underwood.

H.J. Res. 22: Mr. Hutto and Mr. Walsh.

H.J. Res. 30: Mr. Inglis, Mr. Everett, and Mr. Fawell.

H.J. Res. 92: Mr. King, Mr. Frost, Mr. McNulty, Mr. Andrews of New Jersey, Mr. Murtha, Mr. Ravenel, Mr. Slattery, Mr. McDermott, Mr. McCloskey, Mr. Matsui, Mr. Montgomery, Mr. Doolittle, Mr. Dellums, Mr. Manton, Mr. Gonzalez, Mr. Faleomavaega, Ms. DeLauro, Mr. Parker, Mr. Coble, Mr. Traficant, Mr. McCollum, Mr. Levy, Mrs. Unsoeld, Mr. Waxman, Mr. Evans, Mr. Scott, Mr. Boucher, Mr. Spratt, Mr. Ackerman, Mr. Jacobs, and Mr. Martinez.

H.J. Res. 106: Mr. Barlow, Mr. Browder, Mr. Ewing, Mr. Frost, Mr. Gingrich, Mr. Hughes, Mr. Kasich, Mr. Murtha, Mr. Parker, Mr. Peterson of Minnesota, Mr. Rogers, Mr. Serrano, Mr. Smith of Texas, Mr. Stump, and Mr. Whitten.

H.J. Res. 118: Mr. Gordon, Mr. Hamilton, Mr. Jefferson, Mr. Kleczka, Mr. Mazzoli, Mr. Neal of Massachusetts, Mr. Waxman, Mr. Kasich, and Mr. Wolf.

H.J. Res. 119: Mr. Barcia, Mr. Levin, Mr. Chapman, Mr. Gordon, Mr. Manton, Mr. Montgomery, Mr. Neal of Massachusetts, Mr. Sarpalius, Mr. Kasich, Mr. McHugh, and Mr. Quinn.

H. Con. Res. 15: Mr. Minge and Mr. Beilenson.

H. Con. Res. 44: Mr. McDade.

H. Res. 43: Mr. Smith of New Jersey.

H. Res. 53: Mr. Cramer, Mr. Swett, Mr. Condit, and Ms. Fowler.

H. Res. 86: Mr. Ackerman, Mr. Beilenson, Mr. Blute, Mr. Cardin, Mr. Clay, Mr. Costello, Mr. DeFazio, Ms. Eshoo, Mr.

GALLEGLY, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. LANTOS, Mr. MCNULTY, Mr. MACHTLEY, Mr. MANTON, Mr. MARTINEZ, Mr. MORAN, Mr. REED, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SHAYS, Mr. STOKES, Mr. TRAFICANT, Mr. WAXMAN, Mr. WOLF, and Ms. WOOLSEY.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 962: Mr. ROGERS.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

16. The SPEAKER presented a petition of the University of Washington, Seattle, WA, relative to DOD policies regarding discrimination on the basis of sexual orientation; to the Committee on Armed Services.

# SENATE—*Thursday, March 4, 1993*

*(Legislative day of Wednesday, March 3, 1993)*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The word of the psalmist, "Behold, how good and how pleasant it is for brethren to dwell together in unity!" (Psalm 133:1) United we stand. Divided we fall.

Eternal God, Father of us all, help the Senate to live up to its symbol as a living model of the unity of the Nation. As the Senators consider issues basic to the health of the Nation, and as they make decisions which secure or threaten the future, may they demonstrate the unparalleled power they have. Save them from being a body in which the whole is less than the sum of its parts. Grant wisdom; dampen partisanship and an independent spirit.

Gracious Lord, struggling with weighty problems about which all have deep convictions and, in spite of constituent pressure, grant the Senate the gift of compromise which will resolve gridlock and open the door to resolution.

We pray in the name of Him who is Truth incarnate. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 4, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized to speak for 10 minutes.

## THE TAX IMPACT ON AGRICULTURE AND RURAL COMMUNITIES

Mr. GRASSLEY. Mr. President, I have spoken earlier on my general opposition to the proposed energy tax, the disproportionate impact it would have on the lower and middle class, and the disastrous effect it would have on the economy of the United States.

I will not belabor those points again today.

I rise instead, Mr. President, to address the impact that such a tax would have on agriculture—not only in my home State of Iowa, but also in the Nation as a whole.

Whether it be the row crop and livestock producers in Iowa, or the farmers raising any of the many food or fiber products across this great country, farmers are almost wholly dependent upon fuel. Be it gasoline, diesel, liquid petroleum, natural gas—fuel is the lifeblood that drives American agriculture. Farmers primarily depend on fuel to operate their machinery to plant, tend, and harvest their crops. But, Mr. President, these are only the direct costs.

Indirectly, they rely on fuel to have their seed, fertilizer, and other farm inputs delivered; they rely on fuel to haul their harvest and livestock to market; they rely on fertilizers, herbicides, and pesticides that are energy-intensive products; they rely on fuel derivatives like motor oils.

These direct and indirect costs are substantial. For every gallon of fuel used by the farmer, the farmer uses another gallon indirectly. Thus, under an energy tax, farmers would pay twice: once for the direct use of fuel, and again for the increased input costs.

By way of example, given a 25.7-cent-per-million Btu rate, and a 59.9-per-million Btu oil rate, gasoline prices would increase 7.5 cents a gallon, diesel fuel 8.3 cents, and liquid petroleum, 2.3 cents. The direct average cost for a typical 430-acre midwestern grain farm would be $800 a year. The indirect costs, another $800 a year, making a grand total of $1,600 per year for an average farm.

As a consumption tax, President Clinton's proposal would increase production expenses and lower net farm income. Under Clinton's plan, a farmer could expect a decrease of farm income from somewhere between 2 to 2.5 percent.

Mr. President, some businesses would grudgingly accept an energy tax, well aware that they can pass these costs onto the consumer.

To be sure, those businesses may suffer some, losing sales to higher costs—but on the whole, added costs will be passed along to the consumer. But the farmer has no similar luxury. Farmers, as we all know, are not price setters; they are price-takers. Are we to tell the farmer to just add a dime to the price of a bushel of corn or beans? Are we to tell them to just add a quarter to the price of beef or pork?

Weather, worldwide demand, politics—domestic and foreign—determine the price the farmer receives in the market. Added costs from a consumption tax would come off the farmers already precarious financial condition. Indeed, the farmer is in a double bind: he pays the higher costs that are passed on to him, but cannot likewise ask more for his product.

President Clinton has also proposed a user fee on barges navigating the Nation's inland waterways. For those unfamiliar with the marketing of grain, most American grain destined for export travels via barge to ports on the gulf, where it is then shipped to its foreign destination. The proposal would increase the tax on fuel used by barges from its current 19 cents a gallon to $1.19 a gallon.

Such a tax would add between 9 to 18 cents a bushel to the transportation costs of grain, depending on the distance to the deep water ports. Given the competitiveness of the world grain markets, very little, if any, of the increased costs could be passed on to foreign buyers; the added costs a shipper would have to bear would probably be passed back to the farmer.

Given that a State like Iowa exported approximately 400 million bushels of corn in 1991, the costs to Iowa—to the State in general and the farmer in particular—would be enormous. Under a conservative estimate, farmers producing for export would incur additional expenses of $18 per acre; that,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, would be the death knell for many Iowa producers.

Finally, Mr. President, since I last took the floor to speak on this issue, I have learned that a Member of the House of Representatives is proposing an environmental tax on fertilizers and pesticides to pay for, among other things, cleanup of the Boston Harbor and funding for city sewer systems. Such a tax would substantially raise the price of farm inputs that farmers depend on to raise their crops.

Indeed, it has been estimated that a 700-acre farm would pay an additional $6,000 a year through such a tax. And like the energy tax, the farmer would again pay twice—not only would they have to pay a tax on the use of farm inputs, but would would absorb about $250 million more in higher fertilizer prices, to cover wastewater traces imposed on wastewaters discharged by fertilizer plants.

And these taxes would not only be felt by the farmer. Many rural communities, already struggling to provide for an elderly population the barest of services through a dwindling tax base, would be cut adrift by such a tax. Six in ten Iowa jobs are related to agriculture; as goes agriculture in Iowa, so go many of its towns and communities.

Any adverse effect that these taxes would have on farming would certainly reverberate through our small communities, possibly with devastating effects. Moreover, off-farm jobs and schools, doctors, and other vital services, grocers and merchants are often located only over considerable distances. And thus a car remains the only lifeline many of the people have to the most basic services.

Mr. President, there is no disputing that Americans who use more gasoline than the national average would bear a disproportionate share of any fuel consumption tax. Iowa has a per capita gas consumption of over 500 gallons per year, while New York's consumption is only 268 gallons. Iowans would thus be saddled with a burden almost twice as great as a New Yorker's. Where is the fairness in that?

Already rural drivers are subsidizing big city mass transit. Now rural Americans are asked to carry an even higher unfair tax burden.

With a combined Btu, inland waterways, and environmental tax, the farmers would pay more than their fair share, sometimes paying both directly and indirectly under these proposals. First, farmers would pay higher gas prices on the farm. Second, farmers would absorb higher prices indirectly passed on by the Btu tax on energy-intensive farm inputs and transportation costs. Third, farmers would pay higher costs as consumers of electricity. Fourth, farmers would pay higher direct fertilizer prices under an environmental tax.

And, fifth, farmers would indirectly shoulder the costs passed back to them through barge user fees imposed on grain shipments on our inland waterways. I respectfully submit that farmers and ranchers are willing to pay their fair share of this Nation's burdens. But how many times does the farmer have to pay? Five different times, at any rate, is simply too much.

As the Washington Post recently noted, though agriculture comprises only 1.8 percent of domestic spending, it will shoulder 6.4 percent of the cuts recently proposed by President Clinton over the next 4 years. To many of us, that should be no surprise. Certainly, over the years, agriculture has been willing to shoulder more than its share of the burdens.

Since 1982, agriculture has been a prominent part of every deficit-reduction package. Farm program spending has been cut by 50 percent since 1986, while many areas of Federal spending have gone untouched. To emphasize, these three select tax proposals are just a small share of the taxes targeted to the agricultural sector.

Nonetheless, these taxes demonstrate the inequity in President Clinton's plan, and reinforce the notion that budget cuts need to be spread evenly. To emphasize, Mr. President, I am not suggesting that agriculture be exempt from all tax increases or budget cuts; I would just hope that other sectors of our country would be asked to make a contribution commensurate with the burdens now being placed on the shoulders of our farmers, ranchers and rural communities by President Clinton's proposal.

But let us not kid ourselves. President Clinton's package is not about taxes; it is not about lining the coffers of the Federal Government.

This is about spending, pure and simple. Taxes—whether it be the Btu tax, the waterway tax, or the environmental tax—would not be necessary if Congress' insatiable thirst to spend was quenched. When will an honest discourse begin? History has shown us time and time again that increasing taxes will not shave a penny off the Federal deficit. And until we examine and curtail the profligate ways of Congress, the American public will be saddled with a deficit that will never be reduced, and the American public will be continued to be sold a bill of goods as deceptive and as fraudulent as the goods sold by the snake oil salesman of old.

Farmers for too long have been at the mercy of events out of their control. If the spring floods do not get them, then the summer drought will. If a late winter does not keep them from planting, then the early snows will keep them from harvesting. Currently, farmers are trying to adjust to reduced farm price supports and a highly competitive world economy.

The stalled GATT talks and Russian credit situation also bode poorly for the agricultural sector. Some of these taxes would simply add another variable to the already iffy proposition the American farmer faces.

Mr. President, these taxes would saddle the farmer with another cost he could not bear, another cost he could not pass on.

I urge my colleagues to cast a hard, critical look at these proposals, and to fully consider the ramifications that such a tax would have on the farmers and ranchers, on the smaller communities in general, and on the most reliable source of safe and plentiful food the world has ever known.

I would ask unanimous consent that the article from the February 28, 1993, Washington Post be printed in the RECORD at this time. Mr. President, I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CLINTON CUTS WEIGHTED AGAINST FARMERS, LOBBYISTS SAY

(By William Claiborne)

Facing $8 billion in federal spending cuts and additional user fees over the next four years, farm-state lawmakers and agriculture lobbyists say they will learn to live with the broad outlines of President Clinton's deficit-reduction plan, although they believe they are shouldering an undue share of the proposed spending cuts.

The farm advocates are urging the administration to consider spreading the cuts more evenly in all areas of federal spending, including entitlements. They also plan to push for a closer examination of the impact of the proposed energy tax, which they say could add $600 million in operating costs to farmers, who rank fifth among all user categories in per capita consumption of energy.

"Most producers recognize the beneficial impact of deficit reduction on farmers as well as everybody else, and we are willing to do what needs to be done as long as others assume their fair share of the burden, too," said Grant Buntrock, director of the National Farmers Organization.

"When we think what could have happened," Buntrock said, "frankly we were relieved. But the fact is, proportionally we're taking the biggest cut of any part of the budget."

Clinton's proposal seeks to cut $3.8 billion from programs that protect and subsidize the incomes of major commodity producers, trim $2 billion from the $10 billion annual cost of farm subsidies, and save $1.03 billion over four years by reducing the amount of acreage eligible for crop subsidies for wheat, feed grains, rice and cotton.

Rep. Charles W. Stenholm (D-Tex.), a farmer and chairman of the House Agriculture subcommittee on livestock, dairy and poultry, estimated that although agriculture accounts for only 1.8 percent of domestic spending, it will shoulder 6.4 percent of the cuts over the next four years, ending up 10 percent below its current spending level.

However, he said, only $636 million of the $17.6 billion in the stimulus package and $1.5 billion of the $99 billion of new spending in the investment package are in the agriculture sector.

Farm lobbyists said that absorbing more than three times more cuts—in terms of percentage of budget—than any other domestic sector of the federal government would be more palatable were it not for the bitter memory of record commodity program cuts in 1989.

After reaching a high of $26 billion in 1987, following a debilitating drought, commodity program spending plunged to $14 billion two years later, putting farmers under financial strains from which many are still trying to recover, spokesmen for farm support groups said.

"Since 1982, agriculture has been a part of every deficit-reduction package. Agriculture has taken its fair share of cuts, while many other areas of federal spending have gone untouched," said Dean Kleckner, president of the American Farm Bureau Federation.

During a trip to his home state of Mississippi and to Louisiana and Texas to promote the Clinton economic plan, Agriculture Secretary Mike Espy repeatedly stressed that agriculture had escaped relatively unscathed from the spending cuts, largely because the administration did not want to weaken its negotiating position with the heavily subsidized European producers during the talks for a General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement.

Staff members on the key agriculture committees that will consider Clinton's farm proposals predicted that the administration's $8 billion target for spending cuts will survive relatively intact, but that the mix of program slashes and subsidy reductions will look different than it does now.

A pivotal figure in deciding what the cuts will look like is Rep. Richard J. Durbin (D-Ill.), who recently became head of the Appropriations subcommittee on rural development, agriculture and related agencies, which oversees more than $60 billion in crop subsidies, food programs and market regulations.

Durbin, who grew up in cities, is considered by some legislative analysts as likely to switch the subcommittee's focus from traditional subsidy and other farm income support issues to food stamp and nutrition programs for poor families, as well as environmental issues.

Among the most contentious cost-saving agriculture proposals that Congress will consider:

Increasing user fees for meat and poultry inspection, a proposal that has been made before and has failed in Congress. It would save $59 million.

Increasing from 15 percent to 25 percent the amount of so-called triple-base acreage on which a farmer will be unable to qualify for crop deficiency payments for certain commodities. The proposal would result in substantial losses of income for thousands of farmers. It would save more than $1 billion over five years.

The ACTING PRESIDENT pro tempore. The time of the Senator from Iowa has expired.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed for 1 minute as in morning business.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 499 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized to speak for up to 15 minutes.

## RESTRUCTURING RUSSIAN AID

Mr. LEAHY. Mr. President, from 1914 to 1918, we fought the "war to end all wars." Then, 15 years later, Germany was led by a psychotic dictator and in a few more years the world was engulfed in a second conflagration that cost the lives of tens of million human beings.

We fought the Second World War to achieve the four freedoms, one of which of course was the "freedom from fear."

Then for the next 40 years we lived under the specter of the most fearsome threat to humanity—nuclear war. The cold war cost the American taxpayers trillions of dollars and the lives of tens of thousands of U.S. service men and women from Korea to Vietnam.

But in 1989 we won the cold war.

The fundamental question that this Nation must face now is whether we will win the cold war but then lose the peace. We have learned from the lessons of World Wars I and II that winning the peace is just as important as winning the war.

Helping Russia to make the transition from communism to democracy confronts the West with the greatest foreign policy challenge since World War II. No one needs to be reminded that the Russians have thousands of nuclear weapons, making them the only country in the world that can totally destroy the United States.

For the sake of our children, and our children's children, we have to rise to the challenge before us. If we do not find a way to rise to the challenge before us. If we do not find a way to stabilize the Russian economy, American taxpayers are going to end up holding a $4 billion bag of Russian debt. The baggage is too heavy to carry. But we do need to help the Russians. Not only is it in the interests of world peace, it is in our interests.

Let me underscore this, Mr. President. We hold $4 billion in Russian debt. The U.S. Government cosigned those notes. If we do not help their economy we, the U.S. taxpayers, will end up paying for that debt. Does it not make a lot more sense to help them get their economy underway so they might pay the debt themselves and hot have us do it?

We also need to remember, from the perspective of world peace, the danger of political extremism rising out of instability and hopelessness. Failure to change our business as usual stance can only result in unwanted, undemocratic and possibly very dangerous consequences in Russia.

If we continue as we are, not only will the bill get bigger and bigger and the debt burden of the United States heavier and heavier, but the awesome stakes for world peace are going to be raised.

As heavy as the budgetary costs of Russian defaults are, we must not forget the cost of failing to build a lasting democracy in Russia.

If the Communists were still in power in a united Soviet Union, our defense budget next year alone would be $100 billion higher than even that requested by President Bush—$100 billion extra in just 1 year if we were still facing the Soviet Union.

Any effort to help the former Soviet Union make the transition to a functioning democracy will, of course, be costly, but make no mistake—if we fail, the costs to the United States budget will be far greater than the costs of default to the United States agricultural aid programs. The default on our programs and our loans would cost us $4 billion. But if Russia defaults on democracy and fall back into dictatorship, the cost could be an extra $100 billion a year in defense spending to us, to say nothing about the greater threat.

I welcome President Clinton's statement of his intent to increase our direct grant assistance to Russia by $300 million.

The gesture is a critical signal of the new administration's intentions, and a step I urged him to take. In fact, I urge the administration to raise our direct bilateral aid to the former Soviet Republics from the current $450 million to $1 billion, even if the way to pay for it is to slash United States security assistance to other parts of the world, and other parts of the foreign aid program.

A large portion of this aid can be targeted to help provide a social safety net through such programs as provision of foods, including dairy products and other value-added products, to the neediest populations.

We must ask ourselves, as we look at every other part of the world where we are giving foreign aid, whether we ought to cut back on that aid and shift the money to Russia where direct United States national interests are far greater.

We also have to understand that bilateral grant assistance by the United States to Russia and the other Republics is only a small part of the overall assistance effort needed. While extremely helpful, especially when targeted at key sectors of the population and the economy, direct grant assistance by itself can never be provided by the United States or anyone else on a scale large enough to meet Russia's needs.

Currently the Clinton administration is in the process of reviewing the Bush administration's foreign aid allocations for fiscal year 1993 and of deciding on its own fiscal 1994 foreign aid request.

In both of these efforts, I call on the administration, in consultation with Congress, to restructure our bilateral grant assistance program for the States of the former Soviet Union.

Today the situation among the donor countries and institutions is sort of like a group of people standing in a room and throwing darts at a dart board from all different directions. It would be much better if we join together and really target what we are doing. With the existing effort to help Russia and the CIS, we are trying to do too many things in too many places with too few resources. In fact, our current program is a laundry list of bureaucratic wish lists.

We are not making a difference that can be felt by all Russian people and if the difference cannot be felt by them, what difference does it make at all?

What have we accomplished? We are not giving the Russian people hope that things will get better under democracy and a free market, even though that is what we are trying to do and we need to do.

I urge the administration to decide on an overarching strategy of assistance, one that sets goals and targets our assistance in critical areas where it can make a tangible impact, not one that dribbles out a little in every single program that everybody in the State Department, Congress or elsewhere can think of.

We need a bold new grant assistance program focusing on these critical areas: Alleviation of the suffering of the poorest and most vulnerable sectors of the population; technical assistance in the essential institutions of a free market system especially banking, credit, and property rights modernization of sectors which offer the most immediate prospect for foreign exchange earnings on the part of Russia, particularly energy, agriculture, natural resources; and, as important as anything else, assistance in the building of a democratic society, including the functioning of legislatures and free media, free labor unions, and civic organizations.

As I said before, if we restructure our own bilateral grant assistance program, we would work closely with other major donors, including the European Community, the Europeans themselves, the Japanese, and the international financial institutions.

There has to be much stronger coordination of our efforts, and a more rational sharing of the burdens of assisting the Russians.

The piecemeal "go it alone" approach that the United States and some other donors are following is not working. With United States leadership the West must urgently develop bold and imaginative strategies to ease the way for Russia and the other States of the former Soviet Union to make an effective, peaceful transition to a market economy and lasting democracy.

We must give timely, effective help to those who want to cultivate democratic ideals and to increase cooperation with the West.

I strongly urge the administration to exercise aggressive leadership with the World Bank, the International Monetary Fund, the European Bank for Reconstruction and Development, Japan, and the Western Europeans.

We must devise an international strategy aimed to assist the Russians get through the present crisis and to build a stable democracy.

I understand that not even the United States and the allies together can provide Russia and the Commonwealth of Independent States with the level of assistance they need. But one thing I do know, time is running out. Up to now, we have been trying to give Russia backdoor foreign aid. We have used short-term Department of Agriculture Commodity Credit Corporation-guaranteed loans. We have used the Eximbank guarantees, and we have other types of disguised aid. But the Russians today already are in default on over $415 million of the CCC loans, as I predicted over a year ago they would be.

We have to break free from the hackneyed policies of the past. Let us accept the fact we are talking about foreign aid to Russia and the States of the former Soviet Union. The old rules do not apply, and the stakes are a lot different.

In reality, we are attempting to help a society recreate itself from ground zero. We cannot afford to treat Russia as a development problem. It is a unique situation. It needs innovative responses.

The major source of official debt to Russia from the United States is that debt guaranteed by our GSM-102 short-term export credit guarantee program.

Previously Russia agreed to accept the debt incurred by the former Soviet Union, as well as guaranteed debt which it obtained itself under the program.

I believe that the United States should participate in the multilateral process rather than unilaterally rescheduling the GSM-guaranteed debt.

Several questions must be addressed in the Paris Club debt rescheduling discussions.

First, should the debt of the former Soviet Union receive different treatment than debt incurred by Russia, the Ukraine, and the Commonwealth of Independent States?

Second, how should the debt be divided between Russia and the Ukraine?

Third, what types of new credit programs should be provided after a rescheduling to Russia and the Ukraine?

It is time to stop playing tricks, face up to the real costs and risks in helping Russia deal with its staggering financial problems. We need honesty in our foreign aid programs, and we do not have honesty in our foreign aid program with Russia today.

Department of Agriculture GSM programs are designed to be commercial programs, they are not supposed to be back door foreign aid. It is important to maintain the commercial nature of these programs, whether it is for Russia or the other 30 countries who participate in the program.

So I am saying today, Mr. President, we should not extend new guarantees or loans of a commercial nature to Russia at this time. We should stop right now. The Russians have been suspended from receiving new guarantees under the GSM Program because of their arrearages, and the suspension is not likely to change until they decide once again to meet their obligations to the United States of to a multilateral restructuring in the Paris Club.

We also need to maintain ties with Russia and the other Independent States because they are important trading partners for the United States. The exports of United States agricultural commodities to Russia are very important to our farmers. If the exports are reduced it will increase the costs of our domestic farm programs.

But, in order to strengthen ties we must establish a mutually beneficial aid policy and establish the foundations of a trade alliance.

Clearly, standard loans and guarantees on standard terms are not an effective way of dealing with the deep economic problems of Russia. It is not helping them and it certainly is not helping us and the U.S. taxpayers.

So I propose a two-stage approach to providing new assistance to Russia. The first stage of assistance would be short term. It would take effect immediately. Stage one would assist Russia through its current crisis, until the multilateral community is able to solve the larger question of debt restructuring.

The second style would provide a more balanced package of commercial, technical and humanitarian assistance to complement what the multilateral organizations some of the other bilateral donors have done. Here is how the plan would work:

In the first stage, the United States would provide increased food aid to the Republics and use concessional rather than commercial loans to Russia. To aid in this endeavor, I propose to remove the cap on transportation fees in the Food for Progress Program for Russia and the other Independent States during this year, and to suspend cargo preference requirements for these shipments. The Food for Progress Program can provide long-term credit on concessional terms. I urge the Department of Agriculture to target this program so it meets the short-term needs of the Russian people and that it receive commitments by the Russians to pay the arrearage of the GSM-102 debt in the near future.

During this time of budgetary restraint I propose that the cost for these Food for Progress shipments be paid for in part by excluding the former Soviet Union from new GSM guarantees during 1993.

In addition, I propose authorizing the use of existing export enhancement program to reduce costs for the former Soviet Union.

The export enhancement program largely benefits the export of grain.

If the Russian market is as important to the grain industry as they have indicated to me, they should be willing to bear the increased risk of the program which is needed to maintain that market.

I also believe that we should begin the debate on the type of assistance we could provide to Russia when the multilateral process has moved. This second act will provide a balance of commercial and assistance programs that reflect the ability of Russia to repay its debts.

I would also like to see this assistance tied to economic reforms. That means Russia must agree to perform and to accept conditionally on the assistance. The aid must be tightly linked to economic reforms.

A first step should be to establish separate revolving funds for intermediate term agriculture credits and guarantees for Russia and the Ukraine. The Secretary of Agriculture should have substantial flexibility to negotiate the longer terms of repayment in this commercial program, which should be operated through the Commodity Credit Corporation.

Initial funding for the program should be capped to limit the exposure to the U.S. taxpayers. In addition, Russia and the Ukraine should be allowed to draw on credits or guarantees at a level equal to repayments of any debt guaranteed by the Commodity Credit Corporation.

This will provide an incentive for Russia and the Ukraine to repay outstanding debts guaranteed by the Commodity Credit Corporation, or any amounts of GSM-guaranteed debt that is included in a Paris Club rescheduling.

A second step in this stage will be food aid that is targeted to achieve economic as well as humanitarian objectives.

United States agricultural commodities could be sold through the private sector in Russia and the proceeds used to match private funds from United States businesses that want to establish enterprises in Russia or as seed money for Russians that want to start up projects in agricultural distribution, processing, and marketing.

A third step will be enhanced barter transactions. The current financial problems in Russia are not the result of a lack of exports but an inability to retain the hard currency generated from their export sales. Barter sales make sense under these circumstances.

We also need to be more creative in our barter. Food delivered today in Russia could be bartered for delivery of oil, timber, or other resources to the United States in the future.

We might want to look at using GSM or OPIC programs to provide political risk insurance for U.S. companies interested in this type of barter for future delivery. USDA could also help establish a clearinghouse for companies interested in these type of deals.

Obviously devising a new global assistance strategy cannot all be done before the President meets President Yeltsin during the upcoming summit in April.

But I call on the administration to begin discussions immediately with Congress so President Clinton will be in a position to give President Yeltsin definite assurance of vigorous U.S. leadership. Our future, and theirs, depends on it.

Mr. President, a number of things that I suggested today are going to be controversial. When we start examining our aid levels to other countries in order to find money for more aid to Russia because we decide it is in America's security interests, we are going to hear from lobbyists for every single country now receiving foreign aid saying, "But don't touch ours." We cannot afford everything, Mr. President, and every single country receiving foreign aid today ought to be on notice that the United States must look first and foremost to its national security interests, and responding effectively to the crisis in Russia is in our national security interests. If we have to take money from other countries of lower priority to do it, that has to be carried out.

Limiting or removing cargo preference is also going to be controversial but, again, we have to ask what is in the best interest of the United States, and this step may well be in our best interests. There will be some farm lobbyists who will complain about what I propose on the export enhancement program but, again, we have to decide what is in the best interest of the United States of America and world peace. Those should be the fundamental questions. We ask ourselves as we consider how to respond to be situation in Russia.

We should not allow special interests from any group whatsoever to deter us from doing what is in the best interest of the United States of America, first and foremost. We have to determine what are the steps that will help bring about stability and democracy in Russia so that we do not have to protect our security interests in the future by adding another $100 billion to our defense budget. That is the real prospect we face if Russia becomes an undemocratic country with 20,000 nuclear warheads within its borders.

Mr. METZENBAUM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. METZENBAUM] is recognized for not to exceed 5 minutes.

Mr. METZENBAUM. Mr. President, I ask unanimous consent the Senator from Ohio be recognized for a period not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hearing no objection, the Senator from Ohio [Mr. METZENBAUM] is recognized for not to exceed 15 minutes.

Mr. METZENBAUM. I thank the Chair and I thank my colleagues on the floor.

(The remarks of Mr. METZENBAUM, Mr. GRAHAM, and Mr. MACK pertaining to the introduction of S. 500 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized under the previous order to speak for up to 10 minutes.

## PUBLIC SCHOOLS REDEFINITION ACT OF 1993

Mr. GORTON. Mr. President, I believe that parents, teachers, and local school administrators in Washington State know far more about educating children than government bureaucrats do. I also believe that school choice will not improve education unless parents and students have real choices. And finally, I am convinced that education reform cannot wait until next year. For these reasons I am proud to be an original cosponsor of S. 429, the Public Schools Redefinition Act of 1993. Yesterday Senators DURENBERGER and LIEBERMAN held a press conference introducing this important legislation and I am pleased to speak in favor of it today on the Senate floor.

Every year we hear reports that our public schools are not improving. Test scores remain low, dropout rates remain high, and new workers continue to lack many necessary skills. But, the innovative ideas necessary to erase this record and renew education in America are not waiting to be discovered—they already exist. In every community, parents, teachers, school administrators, and other community leaders know of specific ways to improve schools. The bureaucracy of the public school system, however, does not allow these ideas to be implemented effectively.

Attempts at public school reform often seem to come from the top down—tinkering with curriculum, altering teaching methods, and trying out new programs. Although these reforms are important, they are beholden to the current system and their results can be scarcely better than marginal. It is time to look at ways to reform schools from the bottom up. The Public Schools Redefinition Act of 1993, will do just that. This bill will allow parents, teachers, and members of the community—these local reformers who already know what needs to be done—to start their own chartered public schools.

This legislation will provide Federal grants for the planning, equipment purchases, and other startup costs associated with establishing a charter school. In States which already have established charter schools programs, those grants will contain a 5-percent limit on administrative costs. In other States, like Washington, qualifying charter schools may apply for grants directly.

These new charter schools must be outcomes-based schools. They will not be held accountable for the curriculum they teach, but for the performance of their students. Neither will they be subject to the heavy hand of excessive State and Federal regulations. They will be required to comply only with State and Federal regulations on health and safety. This freedom will give local education reformers the chance to put their ideas into practice. The beneficiaries, of course, will be our children.

Charter schools must also be public schools. They cannot charge tuition, teach religion, discriminate, or admit students on a selective basis. The Governor's Council on Education Reform and Funding in Washington State recently recommended that the State encourage choice among publicly funded schools. Charter schools, by providing more and different choices, will serve to expand public school choice both in Washington State and across America.

Mr. President, charter schools are not some wild concept in education reform. Excellent models already exist in both Minnesota and California, and at least a dozen other States are currently considering similar programs at the State level.

Education reform is too important an issue not to act on this year. Although, in an ideal world, I still believe that school choice should include both public schools and private schools, it is time for the Senate to focus on education reform on which we are more likely to agree. Charter schools are both politically viable and effective.

My good friends and colleagues Senators DURENBERGER and LIEBERMAN have expended a great deal of effort in bringing charter schools into the national limelight. I now join them in urging the Clinton administration to include charter schools in any education reform package it may propose.

Mr. President, local education reformers should have their innovative ideas stymied by school system bureaucracies no longer. No longer should parents and students lack real and significant school choices. And no longer should Congress wait until next year to enact meaningful education reform. Therefore I urge my colleagues to join with Senators DURENBERGER, LIEBERMAN, KERREY, and this Senator in support of the Public Schools Redefinition Act of 1993.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] is recognized under the order for not to exceed 10 minutes.

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## BUYERS BEWARE: THE AUTOMOBILE DAMAGE CONSUMER PROTECTION ACT OF 1993—S. 485

Mr. PRESSLER. Mr. President, yesterday I introduced the Automobile Damage Consumer Protection Act of 1993. This legislation addresses one of the most pressing issues currently facing American consumers: automobile title fraud. The time has come for Congress to penalize this crime and protect the consumer.

Every day, many Americans unknowingly buy new or used cars that are rebuilt junk or salvaged vehicles. If repaired improperly, the consumer faces the risks of accidental death or serious injury, as well as increased economic burdens for medical and automobile repair costs. Unintended loopholes in interstate titling procedures facilitate this salvage fraud. Also, there is currently no uniform national law requiring disclosure of major automobile damage when the title is transferred.

As a result, innocent consumers own vehicles with fraudulent titles—titles that have been cleaned up to falsely reflect damage history. This process is known as automobile title washing. Title washing costs consumers nearly $3 billion each year. The root of this problem is simple: Each State treats damaged vehicles differently.

For example, in 1988 my home State of South Dakota passed the most comprehensive automobile damage disclosure law in the Nation. It requires all car owners to report any damage in excess of $2,000 to the State department of motor vehicles. This law protects some but not all South Dakota consumers because it only applies to car sales within the State. The South Dakota law can't prevent interstate title washing. In other words, the main flaw in South Dakota's law is that it does not exist in every State.

With diverse State laws, car owners or sellers can transfer old titles interstate. The interstate transfer cleans them so the new titles no longer reflect previous damage. These clean titles will not list previous damage. Sadly, in these cases, what the consumers don't know could hurt them.

How can we solve this problem? One solution is a national damage disclosure requirement of all States. That is the centerpiece of the legislation I am introducing today, the Automobile Damage Consumer Protection Act.

Specifically, my legislation would mandate a disclosure statement on the title of a vehicle that has sustained damage of $1,000 or more. The concept is to reveal major damage at the point of title transfer. This requirement would apply to all vehicles built new 9 years ago or earlier, which coincides with the Federal Truth in Mileage Act.

Additionally, this bill would establish both civil and criminal penalties for those who willfully and knowingly violate the damage disclosure requirement. Since my legislation would require each transferred title to list major damage to the car, a national uniform title format is necessary. Therefore, my bill would grant the Secretary of Transportation the authority to establish regulations requiring uniformity on all new automobile titles.

Consumers deserve the right to know the damage history of used vehicles they plan to purchase. On this issue, several State governments have demonstrated unquestioned leadership and foresight. I particularly am proud that my home State of South Dakota is leading the charge against title washing or fraud. I commend the legislators in South Dakota for their leadership in enacting State damage disclosure law. I also wish to commend Art and Marie Nordstrom—automobile rebuilders from Garretson, SD. Art and Marie developed the initial damage disclosure idea in South Dakota and labored diligently for years to get it enacted into State law.

Art and Marie are an inspiration to all Americans—they have demonstrated that private citizens still can make a difference. Their law works in the State. Their law can work even better on a national scale. South Dakota has set a standard other States should follow.

Since I announced last week my intention to introduce the Automobile Damage Consumer Protection Act, I have received more than 200 letters from South Dakotans and other Americans who believe strongly in the advantages of this damage disclosure bill. According to Debra Hillmer, director of the South Dakota Department of Motor Vehicles:

> Since the intent of all salvage laws is to protect the consumer, our [South Dakota's] present method of disclosing damage is a very effective means of informing the public of a vehicle's condition. In addition, it is extremely easy to administer in that it does not require that the State make any type of determination as to the condition of the vehicle but still provides the consumer with vital information. If more States adopt this legislation, we may eliminate title washing while providing the consumer with relevant information about the vehicle.

According to one of the main sponsors of South Dakota's law, legislator John Timmer.

> I was one of the prime sponsors of this [damage disclosure] legislation some years ago. In my opinion, this has protected the South Dakota citizen from what certainly was a chaotic and dishonest method of selling previously damaged and rebuilt automobiles. This is a type of law that should be implemented nationally to help with the many problems that other States are having.

Today citizens cross States lines freely, and must have the same protection provided in all of America.

Debra and John are just two of the many, many citizens who sent letters of support regarding damage disclosure. They all agree that consumers should have the right to know the damage history of vehicles they plan to purchase. It is that simple. My bill would raise a red flag to consumers. It would let the buyer beware.

Additionally, since repaired or rebuilt vehicles often consist of stolen automobile parts, damage disclosure represents a tip for law enforcement. Under my legislation law enforcement members across the country stand a better chance to track stolen parts.

Automobile damage disclosure is a necessary consumer protection. I ask my colleagues to support this legislation. I have been a vocal advocate against all types of automobile fraud for years. I will continue my fight for the consumer in the years ahead.

Mr. President, I ask unanimous consent that the text of my bill, S. 485, several letters, an article from the New York Times, and two articles from Automotive Recycling be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 485

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Automobile Damage Consumer Protection Act of 1993".

**SEC. 2. MOTOR VEHICLE DAMAGE DISCLOSURE REQUIREMENTS.**

The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting at the end the following new title:

"TITLE VII—DAMAGE DISCLOSURE REQUIREMENTS

**"SEC. 701. DAMAGE DISCLOSURE STATEMENT.**

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue such regulations as may be necessary to require, prior to the transfer of title of a motor vehicle in any State, that the person transferring such vehicle disclose to the transferee, in writing, any damage to the motor vehicle, which occurred during the time such person owned the motor vehicle, if the cost to repair the motor vehicle to its predamaged condition exceeded, or will exceed, $1,000 at the time of the transfer of title. A copy of the damage disclosure statement shall be submitted by such person to the motor vehicle department of the State issuing the title.

"(b) SPECIFIC GUIDELINES.—In carrying out the provisions of subsection (a), the Secretary shall require, in addition to the damage disclosure statement required by subsection (a), that each certificate of title issued by a State on or after the date of enactment of this section include—

"(1) an area for a damage disclosure form, which shall be located on the back of each certificate of title;

"(2) a written statement, which shall be located on the front of each certificate of title, which shall disclose whether previous damage disclosure statements indicate that the motor vehicle has been damaged at one time such that the cost to repair the motor vehicle exceeded, or would have exceeded, $1,000;

"(3) a damage disclosure form, which will enable the person transferring the vehicle to disclose to the transferee any damage to the motor vehicle that must be disclosed under the provisions of subsection (a);

"(4) a diagram of a motor vehicle on which any damage to the motor vehicle that must be disclosed under the provisions of subsection (a) is to be indicated by circling the damaged area(s) on the diagram; and

"(5) a written statement indicating that damage disclosure is a requirement of Federal law.

"(c) UNIFORM CERTIFICATES OF TITLE.—Not later than 180 days after the date of enactment of this section, the Secretary shall prescribe by rule the form and content of all certificates of title.

**"SEC. 702. FAILURE TO REPAIR.**

"In carrying out the provisions of this title, the Secretary shall provide that the failure to repair a damaged motor vehicle to its predamaged condition, when the cost of such repairs would have exceeded $1,000, shall not exempt any person from the damage disclosure requirements of this title.

**"SEC. 703. RECORD-KEEPING REQUIREMENT.**

"In carrying out the provisions of this title, the Secretary shall require each State to establish and maintain records of all damage disclosure statements submitted to the State in accordance the provisions of section 701(a). The State shall include these statements in the title history of the motor vehicles indicated in such statements.

**"SEC. 704. CERTAIN VEHICLES EXEMPTED.**

"The regulations promulgated pursuant to section 701(a) shall not apply to any motor vehicle that—

"(1) is more than 9 model years old at the time of transfer of title; or

"(2) has a gross weight in excess of 16,000 pounds.

**"SEC. 705. CRIMINAL PENALTIES.**

"(a) IN GENERAL.—Any person who knowingly and willfully commits any act or causes to be done any act that violates any provision of this title or knowingly and willfully omits to do any act or causes to be omitted any act that is required by any such provision shall be guilty of a Class A misdemeanor, as defined in section 3559 of title 18, United States Code, and shall be punished in accordance with the provisions of that section.

"(b) REPEAT OFFENDERS.—In the case of as person's second or subsequent conviction under subsection (a), such person shall be guilty of a Class E felony, as defined in section 3559 of title 18, United States Code, and shall be punished in accordance with the provisions of that section.

**"SEC. 706. CIVIL PENALTIES.**

"(a) IN GENERAL.—Any person who violates any provision of this title shall be subject to a civil penalty of not more than $2,000 for each such violation. A violation of this title shall, for purposes of this section, constitute a separate violation with respect to each motor vehicle or device involved, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

"(b) PROCEEDINGS.—Any civil penalty under this section shall be assessed by the Secretary and collected in a civil action brought by the Attorney General on behalf of the United States. Before referral of civil penalty claims to the Attorney General, civil penalties may be compromised by the Secretary after affording the person charged with a violation of any section of this title an opportunity to present views and evidence in support thereof to establish that the alleged violation did not occur.

"(c) AMOUNT OF PENALTY.—In determining the amount of the civil penalty referred to in subsection (a), the Secretary shall consider—

"(1) with respect to the person found to have committed the violation—

"(A) the person's degree of culpability;

"(B) any history of prior offenses;

"(C) the person's ability to pay the penalty; and

"(D) the potential effect of the penalty on the person's ability to continue to do business;

"(2) with respect to the violation committed—

"(A) the nature of the violation;

"(B) the circumstances of the violation;

"(C) the extent of the violation; and

"(D) the gravity of the violation; and

"(3) such other matters as justice may require.

**"SEC. 707. DEFINITIONS.**

"(a) CERTIFICATE OF TITLE.—For the purposes of this title, the term 'certificate of title' means a document issued by a State evidencing ownership of a motor vehicle.

"(b) COST.—For the purposes of this title, the term 'cost' means the costs of all parts, frame work, paint and labor.

"(c) DAMAGE.—For the purposes of the damage disclosure statement required by section 701(a), the term 'damage' means damage to the motor vehicle caused by theft, fire, vandalism, collision, weather, submersion in water, or flood. This term does not include normal wear and tear, glass damage, mechanical repairs or electrical repairs that have not been caused by theft, fire, vandalism, collision, weather, submersion in water, or flood.

"(d) MOTOR VEHICLE.—For the purposes of this title, the term 'motor vehicle' means an automobile or a motor truck. This term does not include motorcycles or mopeds.

"(e) PERSON.—For the purposes of this title, the term 'person' includes any manufacturer, distributor, dealer, corporation, or other legal entity or individual.".

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GARRETSON, SD,
*March 1, 1993.*

DEAR SENATOR PRESSLER: We are so excited that the South Dakota Disclosure Awareness Law is being introduced on a national level. It is the answer to many struggling problems.

We had such a mess in South Dakota back in 85, 86, and 87. It took sometimes up to three months to get our titles back. It was hindering our business. It was only the auto recyclers that were having the trouble. Everybody else got their titles back in a couple of weeks.

Back then, we would apply for South Dakota titles and the State Department of Motor Vehicles office would analyze what type of title we should get—regular or salvage. Most of the people in the office had never been in an auto recycling yard in their life.

Art knew there had to be a better way. We kept hearing stories after stories of consumers getting "surprised" by finding out the new or used car they had just bought had been wrecked. Many many times a consumer would get a new car and were so excited, only to go to a quick lube for an oil change and the service man say, "Gee, you've already had an accident?" The consumers were devastated because they would find out the hard way that the car they had bought had been damaged and fixed and they had not been told. Art and I were thinking—there has to be a way to alert these consumers.

We milk Holsteins besides our auto salvage and you can bet when Art milks—that is the thinking time. He came up with the damage disclosure at title transfer time idea. We typed up a crude sheet and thought and thought about it.

In 1987, the Department of Motor Vehicles, in conjunction with the new car dealers, was going to introduce a HORRID titling bill. It was a title branding law that zeroed in on only insurance company titles. They thought that was the answer. It was not because it would miss many many situations when a title is handled, but not by an insurance company. Honestly, it would have put people out of business.

We, the auto recyclers, went to Pierre in numbers. We don't have great numbers here in South Dakota, but we had cooperation. We got the proposed bill defeated. We got the Legislators ear. I think they were intrigued with this bunch of sincere "mavericks" as they called us. They told us to come up with a better idea. Art and I looked at each other—we had the answer *The Damage Disclosure*.

At first, our own recycling people looked at it crosseyed. It was a NEW DIFFERENT idea, but then when they sincerely looked at it, it was great! It would work! We recyclers went forward and started explaining and got an attorney to help write the proposed law. After we explained it to the Department of Motor Vehicles many times, they realized it was sound. They were different things to work out, but it would work. It would not miss all the situations we had heard about. It was an avenue for theft vehicles for the highway patrol too.

Art and I spent many many hours on the road to Pierre and back. We couldn't stay like most lobbyists. We had to come back and take care of our small business and for us, our Holsteins.

It was passed in 1987, *it is working!* It is such a fair consumer law. The consumer has the right to know. It also gives the dealer taking a trade the right to know.

We are proud to have come up with an idea that could solve a problem all around the country.

We support you.

Sincerely,

ART AND MARIE NORDSTROM,
*Nordstrom's Auto Recycling.*

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SOUTH DAKOTA DEPARTMENT OF REVENUE,
*February 25, 1993.*

Senator LARRY PRESSLER,
*Washington, DC:*

With regard to your request for information on South Dakota's damage disclosure law, we offer the following.

South Dakota's damage disclosure law was implemented in 1988. Prior to its implementation, a salvage branding law was in effect which put our office in the position of determining whether or not a vehicle met the definition of salvage. One of the problems we experienced with our previous salvage law was the misconception of "total loss". An insurance company may total loss a vehicle for reasons other than damage to the vehicle. Because of this, it was very difficult to determine the actual damage to the vehicle and not having staff with expertise in automobile repair, we were at a real disadvantage. With our present damage disclosure law, total loss is not an issue.

Since the intent of all salvage laws is to protect the consumer, our present method of disclosing damage is a very effective means of informing the public of a vehicle's condition. In addition, it is extremely easy to administer in that it does not require that the state make any type of determination as to the condition of the vehicle but still provides the consumer with vital information.

If more states adopt this legislation, we may eliminate title washing while providing the consumer with relevant information about the vehicle.

Sincerely,

DEBRA A. HILLMER,
*Director, Division of Motor Vehicles.*

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SOUTH DAKOTA MOTOR VEHICLE
RECYCLERS ASSOCIATION,
*February 26, 1993.*

DEAR SENATOR LARRY PRESSLER: Thank you for your interest in consumer awareness legislation related to the repair and resale of damaged vehicles. I hope a law can be passed on the national level that will avoid the pitfalls that the various states have wrestled with for the past decade.

Branding titles of insurance company totals has been tried in many forms, in many places, but has always fallen short of a consumer awareness objective. They fail mainly because a very large percentage of severely damaged vehicle titles escape branding. These vehicles unavoidably fall through the cracks, as they weave their way through a bureaucratic maze of regulations striving to identify those so severely damaged that they should qualify for some designation to alert a potential buyer. Many severely damaged vehicles are repaired by insurance companies, and of course there is no permanent record of this available to the consumer.

The designation "totaled" can hinge upon something so inconsequential as who had the vehicle repaired. If the owner has the unit repaired, and then sells or trades it, the title avoids branding, while the vehicle may have undergone major surgery.

Title branding also fails to encompass such things as uninsured or self insured vehicles. Since the cracks and loop holes like this are numerous, title branding not only fails in its objective, but may actually give false assurances to purchasers.

There is consumer awareness legislation that is direct and comprehensive. It keeps the transaction between the buyer and seller, requiring the seller to disclose collision damage, in writing, as part of a normal title transfer. The state then keeps these records as part of the title history, available to the public.

The South Dakota Department of Motor Vehicles has done a commendable job of implementing this legislation on a state level. I respectfully submit that this would be a logical approach for national legislation.

Sincerely,

BUZZ NELSON,
*Board of Directors.*

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JOHN & HEN TIMMER,
*Sioux Falls, SD, February 25, 1993.*

DEAR LARRY: I have been informed by Art Nordstrom, that you are planning to introduce federal legislation along the line of the South Dakota Damage Disclosure Act. I was one of the prime sponsors of this Legislation some years ago. In my opinion this has protected the South Dakota Citizen from what certainly was a chaotic and dishonest method of selling previously damaged and rebuilt automobiles.

Although I do believe in State's Rights, this is a type of law that should be implemented nationally to help with the many problems that other states are having. Today citizens cross state lines freely, and must have the same protection provided in all of America.

Good Luck in the passage of this Bill!

Sincerely,

JOHN TIMMER.

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MITCHELL, SD,
*March 1, 1993.*

SENATOR PRESSLER: For my benefit, along with many others, a group of South Dakotans worked together to form a law known as the South Dakota Damage Disclosure Law. This law provides every consumer with the opportunity to see just where the car they are considering buying has been and what work, if any, has been done to it.

Without this law, many consumers like myself could be talked into buying a car that was not properly fixed, causing a more serious accident to occur than if the automobile had been properly fixed by the previous consumer. If the South Dakota Damage Disclosure Law can help protect *me* from injury and added expense, I believe that every consumer should be able to benefit from the work of this group. I would like to thank these people for thinking of me, as I'm sure many others who benefit from this law will do.

Thank you, Senator Pressler for taking the time to hear what South Dakotans have to say.

Respectfully yours,

KATHY EVERSON.

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A-1 AUTO SALVAGE,
*Rapid City, SD.*

SENATOR PRESSLER: It is our understanding you would like some letters stating that a National Damage Disclosure Statement like the State of South Dakota has would be in the national interest.

It has made our job dealing with vehicle titles simpler. As salvage vehicle dealers that sell parts we also sell rebuilders, we feel that a National Damage Disclosure statement would protect the public from the type of thing that "60 Minutes" showed on their Feb. 21st program. The people of South Dakota are already protected and we feel it would be in the best interest of the people of our nation to have uniform protection the Damage Disclosure would bring to all.

Respectfully,

EDWARD, BEVERLY, and TONY GRIFFITH.

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DAKOTA CLAIMS SERVICE.

DEAR MR. PRESSLER: We are insurance adjusters, and handle total loss settlements on automobiles. I feel it is important to have uniform title and damage disclosure laws in all States to protect the consumer.

Sincerely,

HERMAN PETERSEN,
*Manager.*

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WESTERN BANK,
*February 26, 1993.*

DEAR SENATOR PRESSLER: I want to encourage you in the proposal of the Federal Damage Disclosure Law.

In South Dakota, it is a good awareness law that helps those of us in the banking industry.

It helps us know what type of collateral we have securing our notes. We can look at the title of a vehicle and check the disclosure. Also if there is a question, we know we can receive the history from the Department of Motor Vehicles.

It seems to be a fair and honest law to let the buyer or seller know if there's been previous damage.

Sincerely,

EVAN INGEBRIGTSON,
*Vice President.*

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LONG PRAIRIE, MN,
*February 26, 1993.*

SENATOR PRESSLER: I am the Sales Manager at one of the midwests largest, repairable dealerships, located in Minnesota. I am in favor of a full disclosure on ANY and ALL vehicles that have sustained body damage, whether or not if the insurance company has fixed or adjusted out that vehicle.

I believe that you, me, your mother, a used auto dealer and new auto dealers have the right to know if any particular vehicle has sustained any body damage. Let's face it, roughly 60–80 percent of all vehicle will be damaged, we can't just throw them away, the collision repair industry will fix them. A true "Awareness" bill will cover all cases, not to discriminate against one segment of the industry.

Repairing and recycling damaged vehicles is common place. Full disclosure of all vehicles will allow the private consumer, new and used auto dealers to make an informed decision about the purchase of that vehicle.

Sincerely,

PHILIP B. STUEVE.

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VIRGINIA BEACH, VA,
*February 25, 1993*

DEAR SIR: This concerns car repair disclosures.

To increase the safety to consumers, it is recommended that all substantial damages and repairs done to all cars, regardless of circumstances, be disclosed.

If a car has been evaluated as "totaled" by insurance or other companies, it is considered that some of these cars can still be economically restored to a safe condition. But at the same time, cars involved in accidents but not "totaled" may undergo considerable repairs which would not necessarily restore the car to a safe condition.

For example, in 1983, my car, a 1980 Oldsmobile, was "rearended" by a truck but rather than being "totaled" as I had hoped, my insurance company had $4,500 of repairs made. While the repairs were expertly made, I could have had the car "cosmetically" repaired, pocketed the insurance money, immediately sold the car without revealing the extensive damage.

As another example, in 1979, I was a new and used car salesman in California. Despite their reputation, car salesmen are nevertheless excellent car evaluaters. It surprised me that seemingly respectable people would attempt to convince me that their trade-in car had never been in an accident. Yet the trained eye could spot evidence of extensive repairs due to an accident. If the trade-in was accepted (it usually was), it was expertly cleaned up (detailed) and resold but if it was not "pleasing to the eye", it was wholesaled to other dealers. The point is that a consumer might also detect the repairs but would not know the true extent of the damage or if the car had been safely repaired. And after all, the dealer's safety check was, "Do the lights, horn, brakes and muffler work and are there any cracks in the windshield?"

Disclosure of substantial damages of all cars will improve the safety of the consumer.

Sincerely,

MANUEL ROJO, Jr.

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LONG PRAIRIE, MN,
*February 26, 1993.*

SENATOR PRESSLER: We are the owners/operators of three repairable lots, two in Minnesota and one in South Dakota.

We are in favor of full disclosure on all vehicles that have received body damage. We would like to see a uniform title for all states that would have a damage disclosure and the history of the vehicle, like SD's title.

We believe a uniform, full disclosure is the only fair way for all parties concerned.

With a uniform, full disclosure title, the used car buyer, whether individual or dealer taking a vehicle in trade, would be fully informed about the vehicle.

Sincerely,

JAMES R. AND SHARON K. HENRY.

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FEBRUARY 27, 1993.

DEAR SENATOR PRESSLER: I would like to voice my support for your bill to adopt South Dakota's titling law as the nations standard.

I feel that all consumers have the right to know the history of the car they are buying. This purchase is the largest some will ever make and 2nd for most of the rest of us.

I do however have one suggestion related to this. That is rather than Salvage always appearing on a title I feel that when the vehicle repairs have been made and an inspection of the vehicle has been done by a certified shop then and only then I feel the title should be Branded Rebuilt. This way a consumer knows that the car has been properly repaired. I think we could go one step further in that we not allow a license to be issued to the car unless it is inspected and a Rebuilt is on the title.

I am involved with Graham's Salvage in Sioux Falls, SD and myself I own 2 rebuilt cars. One I drive and one my wife drives. I have had another that my daughter drove for several years until she got a new car. I feel that they are perfectly safe or I would never have trusted my family in them.

One other thing I would like to point out and that is States should be consistent as to what a salvage car is. By this I mean if you go to the Insurance auctions as I do you see cars listed as salvage that have no or little body damage. These maybe theft recovery's etc. To say this is a salvage car is sad as some people would never buy it just because it said that on the title. And as we all know we have limited resources in the world and should recycle as much as we can.

On the other hand at the auction I see cars that have no chance of being safely rebuilt sell for so much that the only reason is to buy the title and the VIN number. To eliminate this, these types of cars should be issued Junking Only certificates not titles.

Thank you for listening and please feel free to contact me if I can be of any help to you.

Sincerely,

MICHAEL A. COOPER.

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[From the New York Times, May 6, 1989]

### REBUILT CARS: STATES SEEK MORE DATA FOR BUYERS

(By Michael deCourcy Hinds)

Legislation that requires automobile dealers to tell customers when a "used" car is actually a body shop's assemblage of salvaged parts has been approved by about two dozen states and is being considered by others. The states are acting to cope with a boom in the unregulated market for rebuilt cars.

"Rebuilt cars are not necessarily bad, but it's the consumer's basic right to know what he's buying," said James Jacobson, a special assistant attorney general in Minnesota, which is expected to pass legislation soon.

The Minnesota law, which body shops do not oppose, would require an auto dealer to tell a buyer that a car had been rebuilt. The title document would carry the word "rebuilt" to protect those who might purchase the car directly from the owner later.

"It's a first step," said Mr. Jacobson. A legislative committee is to hold hearings on whether auto rebuilders should be licensed, whether rebuilt cars ought to be inspected for safety before they are sold and whether consumers should be informed of all major structural repairs," he said.

Rebuilders, which are specialized body shops, say that in states where consumers are informed about rebuilt cars, prices fall by 10 to 30 percent. As a result, as states pass disclosure laws, rebuilders move to those that do not require disclosure.

"We didn't have a problem three years ago," said Scott J. Lambert, a spokesman for the Minnesota Automobile Dealers Association. "Then Illinois, Iowa and South Dakota passed title-branding laws and our dealers began seeing flatbed truck after flatbed truck bringing in wrecks to be rebuilt."

#### EXPENSIVE PARTS

Sales of rebuilt cars appear to be increasing rapidly, state officials say, but there are no national or state sales figures and no national trade organization to speak for the auto rebuilding industry. One reason for the growth, operators of salvage yards say, is that used car parts have become so costly that insurance companies find it less expensive to settle accident claims by proclaiming that a car is a total loss, when actually it could be repaired.

For example, an insurance company would lose $4,000 if it paid a $4,000 claim on a vehicle valued at $10,000, but it would lose only $2,000 if it declared the car "totaled," paid the owner $10,000 and sold the car to a salvage dealer for $8,000. Rebuilders then buy the wrecks, combine them and recondition them.

Federal safety agencies do not have standards for cars built from salvaged parts. And Illinois is the only state with a mandatory safety-inspection program for rebuilt cars. "They're doing very well in the tests so far," said Ron Bauman, a spokesman for the Illinois Department of Transportation. About 60 parts of rebuilt cars are required to be inspected, he said. But welded scams, critical components of rebuilt cars, are not on the inspection list. Mr. Bauman could not explain why.

Other states are considering tighter regulations for rebuilders, but the main legislative thrust has been for disclosure on title documents. New Jersey has a disclosure law, but New York and Connecticut do not.

South Dakota passed the most comprehensive disclosure law in the country last year. It requires all car owners to report any damage in excess of $1,000 to the Department of Motor Vehicles. Prospective buyers can ask to see this report.

Disclosures may discourage some consumers, but not others. Last fall, Rodney S. Smith of Bloomington, Minn., paid a used car dealer $10,100 for a 1987 Ford Thunderbird, only to discover that it had been rebuilt and needed $3,000 in further repairs.

After the state attorney general interceded, the rebuilder, Competition Products in Anoka, Minn., refunded Mr. Smith's money: he then bought another Thunderbird. The rebuilder maintained that the car needed only $100 in repairs and was safe. Last month, it sold the car to Kirk Grupa of Elk River, Minn., for $9,600. Mr. Grupa said he knew the car's history, but was not deterred. "If I can't see any problem, then I'm not too concerned," he said.

### CLEAN INDUSTRY

Insurance companies favor disclosure laws. "We want to know what we're being asked to insure," said James A. Stahly, a spokesman for State Farm Insurance. The company does not charge a higher rate for rebuilt cars, he said, but it inspects them before issuing insurance.

Only a minority of shops do poor work, say rebuilders. "It's a clean industry," said Scott C. Anderson, executive director of the Minnesota Automobile Rebuilders Association, which was founded this year and has 343 members.

Rebuilders say disclosure laws should not be enacted on a state-by-state basis, but by the Federal Government.

"Then there would be no incentive to move cars all around the country," Mr. Anderson said. "If the market price for rebuilt cars went down everywhere, rebuilders would not be hurt; they would just pay less for salvage parts."

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[From Automotive Recycling, January–February 1993]

### LAST WORD

Auto theft is a lucrative "professional" business. Without stricter laws and tougher law enforcement, innocent citizens will continue to be harassed by violent auto thieves. Consumers and legitimate auto industry workers are sick and tired of paying the high price of criminal activity.

Last April, I sponsored the U.S. Senate version of H.R. 4542, the Anti-Car Theft Act. After discussions with national and South Dakota auto interest groups, I found that provisions in the original bill regarding parts marking would be economically burdensome to small auto salvage parts dealers. I concluded that the bill did not accomplish its aims and feared the parts-marking provisions actually would harm the legitimate business interests of auto dismantlers and parts salvagers.

Later, representatives Schumer and Dingell came to a compromise on the marking and labeling provisions in H.R. 4542. The new version of H.R. 4542 is a far better piece of legislation than was the original bill. However, I still had reservations when the bill came to the Senate. I discussed my concerns with the various auto industry interest groups who had opposed the bill earlier. They all assured me that this compromise was the best possible and each endorsed the bill.

I worked closely with automotive industry groups to ensure that the auto theft legislation did not impose unwarranted burdens on their businesses. Fortunately, certain protections in the recently-passed compromise measure were designed to protect legitimate auto operations.

First, the car theft bill creates an advisory committee to recommend procedures for auto parts "verification." This advisory committee is charged with determining and developing procedures for verifying parts as not reported stolen that will not harm auto dealers, parts manufacturers, parts recyclers and other auto industry segments. The inclusion of this advisory committee is an integral aspect of the bill. Persons representing various auto interest groups, along with the Secretary of Transportation and the Attorney General of the United States, will participate as members of the advisory committee.

Additionally, the bill clearly distinguishes criminal "chop shop" operations from the operations of legitimate automotive recycling businesses. The legitimate automotive recycling industry is protected. The bill properly defines and targets the criminals who operate illegal chop shops—not the small, primarily family-owned businesses which comprise the legitimate industry.

"Title washing" costs consumers $3 billion a year. In addition, consumers who unknowingly purchase rebuilt junk or savage vehicles face heightened risks of death or serious injury in accidents. "Salvage fraud" could be prevented if it were not so easy for criminals to "wash" brands off titles indicating that the vehicle had been declared junk or salvage. Loopholes in interstate titling procedures facilitate salvage fraud and car theft.

Legislation requiring auto dealers to tell customers when a "used" car is actually a body shop's assemblage of salvage parts has been approved by about two dozen states and is being considered by other states. My home state of South Dakota passed the most comprehensive disclosure law in the country last year. It requires all car owners to report any damage in excess of $2,000 to the Department of Motor Vehicles. Prospective buyers can ask to see this report.

Legislation to combat title washing needs to be nationally uniform if it is to get to the heart of the "chop shop" problem. Legitimate small businesses must no longer be penalized for the criminal activity of auto theft operations. During this session of Congress, we should not miss the opportunity to stop modern day highwaymen in their tracks.

Senator LARRY PRESSLER,
*Member of the Senate Commerce, Science, and Transportation Committee.*

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[From Automotive Recycling, January–February 1993]

### GOING AFTER AUTO RECYCLING 150 PERCENT

(By Peter Rolph)

While they operated a 400 acre dairy farm, Art had a habit of buying wrecked vehicles "out of necessity," as he says. He soon discovered he could fix them up and sell them at a profit. Before long people wanted to buy Art Nordstrom's rebuilders before he had even finished them.

Soon Art was buying so many vehicles he began farming out some of the work and still couldn't keep up with the demand. As Art built a reputation for quality rebuilt automobiles, he began advertising in trade publications which got the Nordstrom name known to people well beyond their hometown of Garretson and the nearby Sioux Falls metro area, and calls were coming from as far away as Minneapolis.

Not only did the Nordstroms sell rebuilt autos, but they also sold recycled parts. Eventually more and more callers began looking for recycled parts. As the focus of the business shifted, Art and Marie Nordstrom developed a reputation among private salvage contractors for paying a fair price for vehicles, and they've had a well-stocked inventory ever since. Private contractors have always approached them, and they have no problem obtaining about 130 vehicles on average each month. Not all are dismantled, as some still leave the facility as rebuilders.

Nordstrom's takes a cards-on-the-table approach to dealing with contractors. They essentially say, "Hey, we both have to make money on the vehicle, so let's agree on a fair price that lets us do that right now."

### GOLDEN RULES

Nordstrom's has always run on a couple of golden rules: treat customers with absolute respect and fairness and never stop looking for ways to improve the operation. This approach established two essential ingredients for transforming any business: a loyal customer base and a willingness to change. A third ingredient—seemingly boundless energy—seems to have been in place all along.

"We go after everything 150 percent," said Art in describing how Nordstrom's has gained its position in the local recycled parts market over the years. "We've based everything on the philosophy of treating customers as we would want to be treated."

"We enjoy helping people most of all," says Marie. "I know it sounds corny, but it's not to us."

Service is a big part of the business. Parts are priced with a certain amount of profit built in so that they can afford to spend extra time and energy taking care of customers. They seek out body shops and repair shops to do any work their customers may require. Heavy parts are guaranteed for 99 days and all others for 30 days. The repair/installation shop the Nordstroms just opened in Garretson "opened another outlet for us and also helps our customers because many shops don't sell recycled parts," says Art.

The facility underwent a major transition when Art and Marie's son, Shannon, returned five years ago from studying electronic communications in college. Shannon had decided he wanted to help his parents transform the business, and went to work at the parts counter and looked to fully computerize the facility.

Shannon had proved his expertise on the sales counter by winning an annual "counterman's contest" three years in a row, so he knew his inventory and knew what he was looking for in terms of an inventory system. Art, Marie, and Shannon all agreed that although their "in your head" inventory system worked well enough, it wasn't going to take them to the next level of auto recycling. When Shannon finally selected a computer system he was certain would fit their needs, he pointed out to one salesman who asked why his particular system wasn't purchased, "You had a Cadillac (computer system) and all we needed was a Cavalier." Shannon notes with some satisfaction that the very next year that company came out with a "Cavalier" inventory software package.

Of course, simply having a computer didn't propel Nordstrom's to new heights of success. As it is, not all of the vehicles and parts are part of the computer inventory. The system simply paved the way for Nordstrom's to expand their scope and analyze how they were doing business. Not that business was suffering before Shannon came back on board, but Art still credits his return with helping transform the operation.

### GETTING THE WORD OUT

In addition to the computerized inventory, Art, Marie and Shannon stress the importance of their advertising, which leaves virtually no stone unturned, as another key to their success. They started out by advertising rebuilt automobiles in a trade publication published by a local association and have never stopped exploring new advertising methods and approaches. From billboards to racetracks, to sponsoring a "smash for cash" event during the seventh inning stretch at the local minor league baseball park, Nordstrom's works at getting the word out. They work on their own radio spots for AM and FM radio, have billboards, and are heavily involved in their community of Garretson and nearby Sioux Falls.

Nordstrom's also does the "little things" like giving customers free satin team jackets after they purchase a certain amount. They've even sent a European customer back to the Ukraine with a Nordstrom's jacket.

Their aggressive advertising approach led to a live call-in radio show. Shannon hosts the show, a consumer-oriented, automotive call-in show that has helped capture a younger market. Art has contemplated television advertising for Nordstrom's, but they all want to make sure they can handle the demand. They are experiencing what Marie calls "one of those happy problems" where they are jumping just to satisfy the customers they have.

Art emphasizes managing the growth of his business. "If we can't handle the business, we can lose it just as fast as we get it," he says.

Growth in sales has reached the point where Shannon says, "Right now we're tearing down by demand. We have the opportunity to get bigger, but we want to make sure we can handle it."

Despite the current pace of recycling as many as 20 vehicles per week, the 16-person staff still has trouble keeping enough "fresh" parts on the shelves, so some of the parts actually bypass the inventory system. "If it's in the yard and we've got a title and we've got a customer, that car is fair game," says Marie.

The approach at Nordstrom's is to try and keep as much as they can on the vehicles rather than dismantling and inventorying unnecessary parts. Labor is not wasted, and by watching the core markets and scrap markets they can still turn unused or uninventoried parts into a profit.

### FROM FARM TO RECYCLING FACILITY

When Nordstrom's became a full-fledged auto recycling facility, they immediately took steps to create a unique, state-of-the-art operation. While Shannon was directly responsible for the computer inventory upgrade, his mother, Marie half-jokingly credits him with sparking a general upgrade of the facility itself. The facilities improvement process began when she saw Shannon, who was only a child at the time, trying to use an electric drill while standing in a puddle of water in one of the buildings.

The Nordstroms have always been dairy farmers, and many of the buildings they use in their operation are converted farm buildings which have been through various changes. One building, an 8,000 bushel grain bin, is now used as a circular door rack capable of holding up to 300 doors.

Many ideas for facilities improvement have come about through their involvement with ADRA. The Nordstroms agree that the Association helps keep their enthusiasm high, and they appreciate the sense of professionalism that ADRA has brought about for the industry. Because they operate in a state with a relatively small population of auto recyclers, conventions offer the Nordstroms an opportunity to exchange ideas and get a sense of what's happening in the industry.

### INDUSTRY AMBASSADORS

Art, Marie and Shannon are all ambassadors for the auto recycling industry. They cooperate with their competition and work by the ironclad rule of never speaking negatively about another auto recycler. "If somebody comes in bad-mouthing another yard," says Art, "we absolutely don't agree with them, because you can bet they'll bad-mouth your business some other time."

The family are also tireless industry advocates, involved with local associations and the political aspect of auto recycling, particularly with the issue of damage disclosure. In fact, South Dakota Senator Larry Pressler even called in to discuss the issue on Shannon's radio program.

When the issue of damage disclosure became a legislative matter in South Dakota, Art and Marie helped create a loose-knit organization of auto recyclers and body shops to help bring about legislation that was fair and effective, a law that would keep the dollar amount for damage disclosure low, eliminate loop-holes to prevent trade in stolen parts, and protect legitimate businesses, according to Art. Art and Marie became liaisons between lawmakers and businesses and were the driving force behind its passage. The bill passed overwhelmingly, and they are now focusing on getting a similar law enacted at the national level.

Art and Marie are so involved in the political process in South Dakota that they literally went to the state capitol and watched lawmakers open their mail to get a better understanding of how the industry works. They've become highly effective grass roots lobbyists while increasing the clout of the auto recycling industry within the legislature. Although it wasn't really an issue at the time, Art admits the whole process helped get the Nordstrom name out to the public.

### A "SPIC-AND-SPAN" APPROACH

To enhance their image even further, the Nordstroms stress cleanliness. Many of their retail customers bring their children, and because they want customers to feel like part of an extended family, they keep their facility neat and welcoming. They've even set aside a room for children equipped with toys and a television. When one woman came in wearing a business suit and remarked that there was nowhere for her to sit, the Nordstroms upgraded the waiting area.

Their retail customers are a varied lot, ranging from wives out picking up parts for husbands to farmers wanting to extend the life of a farm vehicle, to younger do-it-yourselfers.

Nordstrom's also attracts an ethnically diverse set of retail customers. "On some Saturday mornings," says Shannon, "it's like a miniature league of nations, and a lot of communicating gets done by sign language and passing notes back and forth."

Some customers will even come out on Saturday just to sit and watch everything that's going on, and the Nordstroms enjoy the fact that people feel that comfortable.

People, they all agree, are their favorite aspect of the business, and helping customers is what makes their facility more than just a paycheck for the Nordstrom family. Parts are priced flexibility because Nordstrom's is after what Art calls the "low economy market." Special exceptions are made for people who may not be able to afford a part but need to drive their car in order to get to work and earn a living. Parts have been sold on credit to people who are down on their luck.

The fact that the Nordstroms have a 400 acre dairy farm across the street speaks volumes about their long-standing emphasis on environmental quality. Everything in the yard is "drained and contained," and they are now participating in the ADRA Group Stormwater Permit program. When all the fallout from U.S. Environmental Protection Agency regulations began to affect the industry several years ago, Art says Nordstroms was "already ahead of the game because we've always been so very fussy about that."

So much about Nordstroms symbolizes an overall uniqueness and a sense of purpose. In virtually every aspect of the business, Art, Marie and Shannon have done something to distinguish themselves and make a positive statement on behalf of the entire industry. At Nordstrom's, it seems that nothing gets done unless it is done 150 percent right.

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## CLEAN DRINKING WATER

Mr. PRESSLER. Mr. President, I am working very hard on an appropriation for a water pipeline in my State. Legislation I sponsored authorizing the mid-Dakota rural water system was passed by Congress and signed into law last year. I shall be visiting with members of the Appropriations Committee and other appropriate committees regarding this.

In this day and age of fiscal cutbacks, only projects of the greatest public health can be brought forward. In this case, we have a situation in South Dakota and several other States where the ground water has become polluted, either from the use of chemicals or fertilizers or from natural occurring nitrates. This is a public health problem.

Nothing is more important to the health of the ranchers and farmers and people living in towns and cities, as well as visitors and tourists, than good, clean drinking water for human beings, as well as for livestock. Funding this project will achieve that.

Throughout the upper Midwest, it has become a public health issue. It is amazing, when the air is so clean, but it occurs. There are natural pollutants in the ground well water and there are also pollutants that come from the use of certain pesticides and chemicals.

The Missouri River has a great deal of potable water. I am working with my colleagues in our congressional delegation and from other States on other similar projects.

I am proud of the citizens of South Dakota who have come here to speak for it. I ask unanimous consent that a description of the project, my opening remarks on the bill, and a letter I sent to President Bush on the project be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### MID-DAKOTA RURAL WATER SYSTEM

The Mid-Dakota Rural Water System is a proposed rural domestic water system which will provide a dependable supply of high quality drinking water for rural, domestic, and municipal users throughout a twelve county area of central South Dakota. The project area would provide high quality Missouri River water to over 30,000 people in 24 communities and through 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water.

The System would deliver water through a series of underground pipelines throughout the project area from the Missouri River near the Oahe Dam. Over 2,700 miles of pipeline are currently designed for the System which would have the capacity to pump 7,530,000 gallons of water per day.

The 1992 State Legislature authorized construction of the Mid-Dakota project at a total project cost of $108.4 million with the state committing to provide $8.4 million in grants for construction. Federal authorization of the Mid-Dakota RWS is contained in H.R. 429, the Omnibus Reclamation Act of 1992. The final passage is pending, awaiting the action of a Congressional conference committee. H.R. 429 authorizes a $100 million federal project and provides an 85% federal grant and a 15% federal loan for planning and construction costs. The State grant of $8.4 million will cover the balance of the total project costs.

The federal authorizing language, in addition to the drinking water aspects, provides for a Wetland Trust to be administered by the South Dakota Game, Fish and Parks Foundation. This unique wetland enhancement component has great potential to improve existing wetlands and create new wetlands. The preservation and enhancement of wetlands is in the national interest of which the federal government will contribute 100 percent of the costs of the Wetland Trust. The federal government will contribute $2.7 million for the initial development of the wetland component and $7 million for the federal contribution to the Wetland Trust.

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[From the CONGRESSIONAL RECORD, 1992]

MID-DAKOTA RURAL WATER SYSTEM ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation with my colleague Senator DASCHLE to authorize the Mid-Dakota Rural Water System. This water pipeline system would bring clean drinking water to the citizens of South Dakota.

For many years we have attempted to use Missouri River water in a positive way for the citizens of our State. We are presenting this legislation with the support of Governor Mickelson's office, the electrical power community, and other local groups. Mid-Dakota would provide clean drinking water for a large area of eastern South Dakota. It is another step in our long struggle to get fair treatment for South Dakota.

The proposed Mid-Dakota Rural Water System would provide clean, safe drinking water to 29,000 people and 650,000 head of livestock in a 7,000 square mile, 12-county area in South Dakota. The proposed pipeline project is the only feasible means of providing the area with good quality water. Twenty-three towns within the Mid-Dakota area presently fail at least one EPA drinking water standard. If Congress is at all concerned about protecting human health and environmental protection, then we cannot overlook the tremendous good that would be provided by this proposed project. We have a responsibility to protect the health of the people we represent.

I remind my colleagues once again of the sacrifice South Dakota made for the construction of the four Missouri River mainstem dams in our State. In the 1940's, South Dakota agreed to sacrifice over 500,000 acres of farmland for the construction of these dams. The dams have provided hydroelectric power, flood control, and navigation for downstream States. In return for the sacrifices South Dakota made for the construction of the dams, the Federal Government made a commitment to South Dakota. That commitment was to support water development in the State. Since first coming to Congress, I have continually fought for the development of South Dakota water projects. We have had some success in the area of water development during that time with the construction of the WEB project and the rehabilitation of the Bell Fourche irrigation project, but the Federal commitment to South Dakota is far from being fulfilled. The authorization of the Mid-Dakota Rural Water System is an effort to obtain at least a partial fulfillment of the Federal commitment to South Dakota.

Mr. President, the future of South Dakota depends on responsible water development of Missouri River water resources. My goal is to see South Dakotans from border to border enjoy clean, safe drinking water. This proposed project has been planned carefully and great attention paid to the protection of the environment, as well as to the needs of the citizens in the project area.

Many people have put years of hard work into this much-needed water project. I especially commend Julie Apgar, the project manager, for her tireless efforts and selfless dedication to this project. She and countless other Mid-Dakota Rural Water System supporters deserve to enjoy the fruits of their labors. I urge my colleagues to support this important pipeline project.

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U.S. SENATE,
*Washington, DC, October 21, 1992.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: I am writing to urge you to sign into law H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1992. The bill contains several provisions that are vital to thousands of South Dakotans.

Two major South Dakota water projects are authorized by H.R. 429. The Mid-Dakota Rural Water System, when completed, will provide safe and clean drinking water to over 29,000 living in twelve counties in central South Dakota. Mr. President, this is most significant since many of these people currently obtain water from wells that fail at least one of the Environmental Protection Agency drinking water standards. The other project, the Lake Andes/Wagner/Marty II Irrigation Unit will help stabilize crop and forage production in south central South Dakota and help offset the effects of droughts which hurt South Dakota's farmers and ranchers.

H.R. 429 also calls for a feasibility study of the Rosebud Sioux Reservation becoming part of the Mni Wiconi Project Act of 1988. Other provisions include additional compensation to the Standing Rock Sioux Tribe for lost tribal lands, an interim water project on the Pine Ridge Indian Reservation and other important provisions regarding wildlife and biological diversity.

Mr. President, please sign H.R. 429 into law.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,205,665,223,473.57 as of the close of business on Tuesday, March 2.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,373.44—thanks to the big—spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## KRAKOW SYMPHONY ORCHESTRA

Mr. SIMON. Mr. President, the night before last, my wife and I went to the Kennedy Center after we had read that the Krakow Symphony Orchestra from Poland was going to be playing. I have had the privilege of visiting in Krakow. It is a great, old, grand city, a cultural center, a marvelous place, but a place that has had difficulties because of air pollution problems in Poland and from nearby Czechoslovakia, from steel mills. The average lifespan in the Krakow area is about 6 years less than the rest of Poland. Talk about the importance of air pollution. You can see it dramatically.

But in part for sentimental reasons, I went there expecting to hear a reasonably good orchestra. What I heard instead was a great orchestra. It was a magnificent concert. It is something of which the people of Poland ought to be proud, and the people in the Krakow area particularly ought to be very proud. The Polish National Alliance and the Polish-American Congress sponsored the tour here. I wish to express my personal appreciation to them because they have enriched my life in the process of what they have done.

Poland is moving ahead economically. I had the privilege of being the chief sponsor of the legislation to provide aid to Poland immediately after the change in that country, a change to democracy. I am pleased to see Poland moving ahead. There are some bumps along the road, no question about it. It is a difficult road. But to President Lech Walesa and the people of Poland, we wish them the best not only economically, not only politically, but we thank them for this cultural contribution. In a real sense, that orchestra was a symbol of the new Poland because of the quality of the presentation that we heard there the other night.

One other little thing that I thought was great. Poland is a country where, unfortunately, when the Nazis moved in you had the decimation of the Jewish population. And, like any other country, Poland was not immune from the problems of anti-Semitism. But I was pleased, if I may say this as a Lutheran, to be there to hear this orchestra. And I assume, like most Poles, they were overwhelmingly Roman Catholic. To have this young Jewish conductor from New York City as the conductor of the Krakow Symphony Orchestra was another example of reaching out to people.

That is what we have to do here in the United States, in the State of Washington, in the State of Illinois, in the State of Kentucky—everywhere in this country. We have to reach out to one another across racial boundaries, ethnic boundaries, and religious boundaries so we do not have the Bosnian kind of development.

Mr. President, I simply wanted to rise to express my appreciation again to the people of Krakow for this magnificent orchestra, the magnificent contribution they made to the culture of the United States through this tour that they have just completed, and my thanks to the Polish National Alliance and the Polish-American Congress for their sponsoring of this event.

## THIRTY-SECOND ANNIVERSARY OF THE PEACE CORPS

Mr. DODD. Mr. President, I rise today to call to my colleagues' attention the fact that this week the Peace Corps celebrated its 32d anniversary. I know that all of my colleagues join with me in recognizing this milestone and in wishing the Peace Corps a productive 33d year.

As many of my colleagues know, the Peace Corps has a special meaning to me as I was privileged to serve as a volunteer in the Dominican Republic during 1966–68. It is no exaggeration to say that my period of service was a seminal moment in my life.

In the past 32 years, over 130,000 Americans have chosen to serve their country by helping to improve the lives of the least fortunate in our global village. Peace Corps volunteers embody the highest concept of service. They live in the communities they serve, often under very difficult conditions, and receive only a subsistence allowance.

It is for that reason that President Clinton's call to national service has special resonance for members of the Peace Corps family. As the President develops his service plan, he would do well to look at the Peace Corps model. It is an international service program that works.

For several years now, I have had the pleasure of chairing the subcommittee with jurisdiction over the Peace Corps. In that role, I am very familiar with the wide array of programs that the Peace Corps has developed to meet its mission of promoting peace and friendship to countries around the globe.

Most of my colleagues are aware of the work Peace Corps volunteers have done in the education field as teachers and teacher trainers. With so large a percentage of the developing world under the age of 20, Peace Corps continues to devote considerable resources to this important work. But Peace Corps has also expanded well beyond the formal education sector.

Health care remains an overwhelming challenge for many countries, and the AIDS epidemic has only deepened the crisis. You will find Peace Corps volunteers working on projects in basic health and nutrition counseling, on oral rehydration programs designed to reduce infant mortality, and on developing an AIDS curriculum for use in schools.

Of special interest to many of us is the exciting work volunteers are doing in the environment field. The Peace Corps is one of the largest environmental work forces of any international development organization today. Volunteers are involved in a wide variety of activities including tree nursery development and management, watershed management and agro-forestry promotion projects. They also do work on projects which support the development of national parks and help slow the loss of biodiversity. Volunteers also make significant contributions to wildlife studies and wildlife management.

For most of the developing world, the agriculture sector remains the key to a healthy economy. You will find volunteers developing local sources of improved seed, improving pasture and range management, and helping farmers explore more efficient means of producing and marketing their crops.

There are great projects, but I can tell you the work is not easy. A volunteer needs patience, determination and commitment to build community support to see a project through. But the rewards usually outweigh the difficulties. That's why Peace Corps' slogan is "The Toughest Job You'll Ever Love."

I think it is interesting, Mr. President, that for all the attacks on our foreign aid programs, the one program that has consistently enjoyed strong bipartisan support in Congress and among the American people is the Peace Corps. I think there are a couple of reasons for this. One is the growing recognition that our domestic growth and prosperity is linked to the growth and development of the international economy. Another is the respect people have for volunteers who are willing to forego a decent salary and the luxuries of American life to help the neediest among us improve their lot in life. Peace Corps volunteers represent our most cost-effective development workers. And more than that, they represent the very best in American generosity and good will.

And so, the Peace Corps celebrates its 32d anniversary, I salute volunteers past and present for the contributions they have made in over 100 countries. A great deal of work remains to be done. I wish the Peace Corps continued growth and success as it carries out its mission to make this a more peaceful world for all of us.

## PROMISING DEVELOPMENTS IN SOUTH AFRICA

Mr. KENNEDY. Mr. President, the long years of struggle, sacrifice, and patient negotiation by Nelson Mandela and other thoughtful leaders in South Africa are at last bearing fruit. It is expected that sometime within the next year, the country will conduct its first ever one-person, one-vote elections.

This is a time of cautious optimism about South Africa's future. After decades of suffering under apartheid—of economic hardship, exile, imprisonment, and persecution—the long nightmare of black South Africans appears at last to be coming to an end, and the process of healing and reconciliation between the people of South Africa can begin.

But this is not a time to rest on the promising achievements thus far. We and our international partners must continue to support peaceful change and assist in the transition to a democratic government in which all South Africans have an equal voice.

The continuing negotiations over South Africa's future are certain to face difficult challenges from those who fear change, and who will attempt to derail political programs by creating suspicion and unrest between the peoples of South Africa.

Now more than ever, we must work with the future leaders of the new South Africa and lend our wholehearted support for the process of negotiation and elections over the year ahead. The National Democratic Institute and others are organizing to provide technical and financial assistance for the anticipated elections.

We must make certain that these and other efforts receive full funding and wholehearted support. The stakes are too high to allow this historic opportunity to pass without giving Nelson Mandela and other thoughtful leaders the means to bring peace, freedom and democracy to the people of South Africa.

Mr. President, I ask that a thoughtful analysis of recent developments in South Africa by Allister Sparks may be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 28, 1993]

### DEALING FOR DEMOCRACY IN SOUTH AFRICA

(By Allister Sparks)

JOHANNESBURG.—South Africa's seemingly unruly transition from apartheid is moving toward a far more orderly outcome than the bitter discord and waves of political violence would suggest.

Behind the surface squabbling, deals are being struck that within a year are likely to see South Africa being ruled by a five-party coalition government with Nelson Mandela as president.

That "government of national unity," as it is being called, will run the country for five years to give the deeply divided racial and political factions time for reconciliation. After that, there will be normal majority rule.

In terms of the agreements now being reached in a complex series of bilateral negotiations between the major political players—agreements that still must be ratified at an all-party convention—the coalition cabinet will contain representatives of all parties that get more than a minimum threshold of votes in the country's first one-person, one-vote election.

The number of ministers each party gets will be in proportion to the number of votes it polls, and the majority party will name the president.

The president will be required to consult all the parties in the coalition before exercising his executive powers, but on some key issues the multiparty cabinet will be able to take decisions with a two-thirds majority.

Where the threshold is set is obviously crucial to who gets in. President Frederick W. de Klerk's ruling National Party initially proposed a threshold of 15 percent, but has since reduced that to 10 percent. Mandela's African National Congress wants 5 percent, and this now seems likely to be accepted.

The difference offers some insight into the approaches of the two major players. The latest opinion polls indicate that at 10 percent or 15 percent, only the ANC and the National Party would qualify for cabinet membership.

At 5 percent, five parties would be the ANC, the National Party, the black extremist Pan-Africanist Congress, the white extremist Conservative Party and Chief Mangosuthu Buthelezi's Inkatha Freedom Party, in that order.

Given that the ANC is certain to emerge from the election as the strongest party, why should it want a broader-based coalition and the National Party a narrower one?

First, because the National Party would be stronger in a two-party coalition than a five-party one. The ANC is aware that while it may be able to win the election fairly comfortably, the National Party will still wield great influence over the predominantly white bureaucracy and the security forces, which served it during the years of apartheid. If it were the only other partner in a coalition cabinet, the National Party could use those powers more effectively, perhaps to paralyze ANC efforts to redress the racial inequalities developed under apartheid. A diluted cabinet would dilute that ability.

The ANC is also sensitive to accusations by its radical wing, now spearheaded by Mandela's estranged wife, Winnie, that its leaders are overly eager to bed down with the old apartheidists and enjoy the "silken sheets" of political power. A two-party coalition would seem to give substance to that charge.

The third and most compelling argument is that the more inclusive the coalition, the more authentic the "government of national unity." If the radicals of both left and right are included, the chances of destabilizing assaults on the transitional regime will be reduced. It is the power of this argument that I believe will carry the day for 5 percent.

What, then, is the likely composition of the "government of national unity?"

It depends, of course, on how people vote, and in this country where black people have never voted and where authoritarian employers and fearsome security laws have caused blacks to conceal their true political beliefs, opinion polls are notoriously unreliable. Still, they are all we have to go by in the precarious business of political speculation.

Mark Orkin, a polling analyst, offers prediction that he calls "an educated current guess allowing for likely differences in voter turnout." These differences are expected to weigh more heavily against blacks than whites, since blacks are unaccustomed to voting and thousands may never get the identity documents they will need to become voters.

On this basis Orkin predicts the ANC will get 60 percent of the vote in an electorate of about 20 million (total population 38 million), the National Party 17 percent, the PanAfricanists 8 percent, the Conservatives 6 percent, and Inkatha 5 percent.

That would mean that in a 22-member cabinet—the size of de Klerk's present cabinet—the ANC would get 14 ministers, the National Party four, the Pan-Africanists two, and the Conservatives and Inkatha one each.

The liberal Democratic Party, made famous by veteran anti-apartheid campaigner Helen Suzman, and 12 other political organizations that have participated in the constitutional negotiations until now are unlikely to win a place in the cabinet.

But the party could gain representation in the elected Constituent Assembly—which will draft the new constitution and also form an interim parliament while this is being done—where the threshold is likely to be 2.5 percent.

What is striking about Orkin's prediction is the low rating of Inkatha. Chief Buthelezi has gained widespread media recognition, particularly in the United States, with his claim to be "the leader of the Zulu people," who are South Africa's largest black tribe. This has led to his being regarded as a political figure on a par with Mandela and de Klerk.

Yet according to Orkin, the most reliable opinion surveys show Inkatha has about 25 percent support among the Zulus—significantly less than the ANC—and nothing measurable among other Africans.

If that is correct, it means Buthelezi is unlikely to emerge from the election even as a regional leader in the predominantly Zulu province of Natal. Projected nationally, it means Inkatha is likely to win about 3 percent of the total African vote and will have to depend on growing support among whites looking for a conservative counter to the ANC to make the 5 percent cut for a place in the coalition cabinet.

One major uncertainty is whether the radical parties of the left and right, the Pan-Africanists and the Conservatives, will participate in the election or boycott it. Their inclusion in the coalition cabinet would help stabilize South Africa through what is still going to be a difficult transition.

But what is clear is how important it is to hold the election soon, to establish who's who in this tangled scene, who's real and who's a pretender, before South Africa begins drafting a constitution on behalf of "we, the people."

That done, it can then accommodate as many as possible in a founding gesture of national reconciliation.

## THE TREATMENT OF THE BAHA'I FAITH BY IRAN

Mr. DODD. Mr. President, I rise today to say a few words about the treatment of the Baha'i community within Iran.

Mr. President, for the last 10 years I have joined with several colleagues in the Senate to bring attention to the desperate plight of the Baha'i community in Iran. I have been compelled to do so because of the clear evidence of widespread and systematic discrimination against the Baha'is.

For the 13 years since the Iranian revolution, Baha'is in Iran have consistently been persecuted, harassed, and discriminated against in all walks of life. Over 200 Baha'is have been killed, thousands have had property confiscated or been dismissed from their jobs, and an entire generation of Baha'is has been denied a chance at an education.

At least in some measure, it appears our efforts have been successful. Last year, 47 Members of this body consponsored Senate Congressional Resolution 43, which called on Iran to improve its treatment of the Baha'i community. That resolution, which passed the Senate unanimously last summer, helped compel the U.N. General Assembly to adopt a strongly worded resolution condemning Iran's persecution of the Baha'is.

This constant drumbeat of attention from around the world can only increase the pressure on Iran to resolve this issue. Indeed, in the past 5 years, the Iranians have clearly taken notice of the world community's reaction. The March 1992 execution of a prominent Baha'i was the first such execution in several years.

Unfortunately, Mr. President, it is also quite apparent that Iran still has a long way to go. Just how far was made abundently clear 2 weeks ago when a U.N. envoy for Iran released a secret document apparently signed by Iranian President Hashemi Rafsanjani.

The document, the text of which I will place in the RECORD, provides a detailed blueprint for "destroying the Baha'i community." It spells out in detail the manner in which Baha'is are to be denied access to schools, employment, and universities. Moreover, it calls for a plan to confront and destroy the cultural roots of the Baha'is outside of Iran.

This document only serves to confirm what the Baha'i community has known all along: that the Iranian regime seeks nothing less than the total elimination of the Baha'i religion. Such behavior can no longer be tolerated if we truly believe in the international rule of law.

Mr. President, the Baha'i community of Iran doesn't ask for much. It is not a political party or an armed insurgency. It doesn't ask for financial assistance or military support. It asks only for the clear and convincing voice of the world community in asking Iran to bring an end to its blatant discrimination.

This document demonstrates why that voice is needed today—and why we must continue to address this fundamental abuse of human rights in the weeks and months ahead.

I ask unanimous consent that the full text of the document be placed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[Translation from Persian; emphases added by translator]

In the Name of God!

THE ISLAMIC REPUBLIC OF IRAN; THE SUPREME REVOLUTIONARY CULTURAL COUNCIL

Number: 132// . . .
Date: 6/12/69 [25 February 1991].
Enclosure: None.

Confidential

[From] Dr. Seyyed Mohammad Golpaygani [Secretary of the Supreme Revolutionary Council]

[To] Head of the Office of Esteemed Leader [Khamenei]

Greetings!

After greetings, with reference to the letter #1/783 dated 10/10/69 [31 December 1990], *concerning the instructions of the Esteemed Leader which had been conveyed to the Respected President regarding the Baha'i question*, we inform you that, since the respected President and the Head of the Supreme Revolutionary Cultural Council had referred this question to this Council for consideration and study, it was placed on the council's agenda of session #128 on 16/11/69 [5 February 1991], and session #119 of 2/11/69 [22 January 1991]. In addition to the above, and further to the [results of the] discussions held in this regard in session #112 of 2/5/66 [24 July 1987] presided over by the Esteemed Leader (head and member of the Supreme Council), the recent views and directives given by the Esteemed Leader regarding the Baha'i question were conveyed to the Supreme Council. In consideration of the contents of the Constitution of the Islamic Republic of Iran, as well as the religious and civil laws and general policies of the country, these matters were carefully studied and decisions pronounced.

In arriving at the decisions and proposing reasonable ways to deal with the above question, due consideration was given to the wishes of the Esteemed Leadership of the Islamic Republic of Iran [Khamenei], namely, that "*in this regard a specific policy should be devised in such a way that everyone will understand what should or should not be done.*" *Consequently, the following proposals and recommendations resulted from these discussions.*

*The respected President of the Islamic Republic of Iran [Rafsanjani], as well as the Head of the Supreme Revolutionary Cultural Council, while approving these recommendations, instructed us to convey them to the Esteemed Leader [Khamenei] so that appropriate action may be taken according to his guidance.*

SUMMARY OF THE RESULTS OF THE DISCUSSIONS AND RECOMMENDATIONS

*A. General status of the Baha'is within the country's system*

1. They will not be expelled from the country without reason.
2. They will not be arrested, imprisoned, or penalized without reason.
3. *The Government's dealings with them must be in such a way that their progress and development are blocked.*

*B. Educational and cultural status*

1. *They can be enrolled in schools provided they have not identified themselves as Baha'is.*
2. Preferably, they should be enrolled in schools which have a strong and imposing religious ideology.
3. *They must be expelled from universities*, either in the admission process or during the course of their studies, *once it became known that they are Baha'is.*
4. Their political (espionage) activities must be dealt with according to appropriate Government laws and policies, and their religious and propaganda activities should be answered by giving them religious and cultural responses, as well as propaganda.
5. Propaganda institutions (such as the Islamic Propaganda Organization) must establish an independent section to deal with the propaganda and religious activities of the Baha'is.
6. *A plan must be devised to confront and destroy their cultural roots outside the country.*

*C. Legal and social status*

1. Permit them a modest livelihood as is available to the general population.
2. *To the extent that it does not encourage them to be Baha'is, it is permissible to provide* for them the means for ordinary living in accordance with the general rights given to every Iranian citizen, such as *ration booklets, passports, burial certificates, work permits, etc.*
3. *Deny them employment if they identify themselves as Baha'is.*
4. Deny them any position of influence, such as in the educational sector, etc.

Wishing you divine confirmations,

DR. SEYYED MOHAMMAD GOLPAYGANI,
*Secretary of the Supreme Revolutionary Cultural Council.*

*In the Name of God!*

*The decision of the Supreme Revolutionary Cultural Council seems sufficient. I thank you gentlemen for your attention and efforts.*

ALI KHAMENEI.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume debate on the motion to proceed to S. 460, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S. 460, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the motion to proceed to the consideration of S. 460.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Kentucky is recognized.

Will the Senator withhold until my public address system is working.

The senior Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, we are debating the motion to proceed to S. 460. That means that in order to even consider this legislation we must have a cloture vote. Cloture to proceed is good and bad. It depends on which ox is getting gored. I understand that. And the occupant of the chair has been a very strong supporter of protecting the rights of the minority, and I agree with him.

Hopefully, not my persuasive powers, but that of those who support this legislation will be persuasive and we can get cloture and proceed to the bill. Because I am convinced beyond a doubt in my personal opinion that this legislation will assure that the overwhelming majority of Americans will be able to participate in democracy. And they have every right to vote or not to vote, but we are giving them the opportunity and the privilege without jumping through hoops and going over barriers; not to have the responsibility placed upon the individual to go to the courthouse or go somewhere to register.

So we begin our consideration of the National Voter Registration Act of 1993, a bill which I have sponsored with the senior Senator from Oregon [Mr. HATFIELD], now for several years. The bill which we are considering today, S. 460, is an original bill which the Rules Committee reported favorably on February 18, 1993. This bill is essentially the same as H.R. 2, which passed the House of Representatives on February 4, 1993. It is also similar to S. 2, which Senator HATFIELD and I introduced on January 21, 1993, and which is cosponsored by 34 other Senators.

Mr. President, I would like to make one note here at the beginning of our consideration of S. 460. Due to a change in the interpretation of the criminal fine provisions this year by the Congressional Budget Office, there was concern that there might be a technical—and I underscore technical—budget problem with either H.R. 2 or S. 2. It should be noted that the fine provision in these bills is identical to that which has been cleared by CBO in similar Senate and House bills during the past two Congresses. Out of concern that Senate consideration of this most important measure not be sidetracked by a procedural technicality, the Rules Committee proceeded with an original bill, which revised the disposition of criminal penalties.

If there was one clear lesson from the 1992 elections, it was that the American people affirmatively stated that this is their Government. The people want to play an active role in all levels of our Government.

In just the first few weeks of this new Congress we have all experienced the power of the people, who have often voiced their concerns on issues before the Congress. Our phone lines and our mailrooms have been flooded by our constituents, who are genuinely excited about their—and I use this word—rediscovery—rediscovered role in Government. They are making their voices heard.

Supporters of this legislation are encouraged by voter turnout in the 1992 election increasing 4 points from the 51-percent participation rate in the 1988 election to 55 percent in 1992. But it does not mean that voter registration reform is no longer necessary. Rather, voter registration reform is still necessary and is long overdue. Despite the increased voter turnout in November, the fact remains that almost 70 million Americans are unable to participate in our electoral system because they are not registered to vote—70 million Americans.

President Clinton has said we need to reform America by reforming our politics. The motor-voter bill does just that. It reforms our political system by creating a system of registration that will reach every eligible citizen.

Let me say very clearly that supporters of this legislation recognize that no legislation can mandate a higher turnout. But legislation can help make that goal achievable. It can remove registration barriers to voting. We can make the system convenient and more readily available to all eligible voters.

Last year, in an article which appeared in the Brookings Review, scholar Ruy Teixeira wrote in an article entitled "Voter Turnout in America: Ten Myths"—that was the heading of his article. I will quote from his article.

> There are quite a few things we could do to increase voter turnout, some of which are virtually certain to work.

Among those things that are certain to work, he said:

> Simply making it easier to vote by reforming the personal registration system would probably result in increased levels of turnout. * * * My estimate is an increase of about 8 percentage points, which translates into adding about 15 million voters to the electorate—a substantial expansion of voter participation by any reasonable standard.

In fact, Mr. President, of the States with the highest participation where registration is required, Minnesota, Montana, and Vermont ranked the highest. These are States with a motor-voter program. In fact, in a recent CRS analysis of the 1992 election results, it was noted that these were the same States that ranked the highest in turnout in the 1988 Presidential election.

During Rules Committee consideration of this legislation in the last Congress, our present registration system was characterized by an election official as a test of the endurance of the people. That is wrong. Registration should not be an endurance test. It should be—and we can make sure that registering to vote is—a convenient and readily available process. We can ensure that once registered, a person need never register again, so long as he or she remains qualified to vote. We can put an end to unnecessary reregistration by voters who choose to be heard by not voting—by not voting.

Some, even Senators, abstain from voting on committees. And that speaks as loud as a yea or a nay. So they want to be heard by choosing not to vote. And then we penalize them under our present system for not voting.

By adopting this bill, we can assure that the purpose of the election process is not to test the fortitude and determination of the voter, but, rather, to discern the will of the majority. That characterization of the present process is not mine. It was made by a State election official during past committee hearings.

Let us look a minute at what this bill does. It establishes a national voter registration procedure for elections for Federal offices. States will be required to establish voter registration procedures. First, simultaneously with an application for a driver's license; second, by uniform mail application; and, third, by application in person, either at an appropriate registration office or at a Federal, State, or private sectoral location, the so-called agency-based registration.

The bill prohibits purging for nonvoting and requires that the name of a registered voter may only be removed from the list of eligible voters at the request of the voter, by reason of death, by change of residence, or for criminal conviction or mental incapacity, as provided by State law.

Mr. KERREY assumed the Chair.

Mr. FORD. Mr. President, further, the bill provides that any State program or activity to protect the integrity of the electoral process by ensuring an adequate and current voter registration roll must be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965. States must conduct a general program that makes a reasonable effort to remove the name of ineligible voters by reason of death or change of residence. The State must complete such a program at least 90 days before a Federal election.

No State may remove the name of a voter from the rolls due to a possible change of address unless the registrant confirms that change in writing or has failed to respond to a mail notice and has not appeared to vote in two Federal general elections following the date of the notice.

Mr. President, this bill is not the example of paternalistic Washington meddling with an activity that should be left to the States. It is a response, and I believe this is the way we should respond, to the pleas of a broad-base coalition that represents many facets of our population. A coalition of people and organizations who have long been active in voter registration activities at the local level.

Pure and simple, it has grassroots origins and grassroots support. And most importantly, it is made of concepts and programs that originated with our State and local election officials and which are working in many of our States right now. Some, such as the motor voter idea, was first proposed, then actively promoted, by State election officials. The bill is an example of Washington listening to and responding to State election officials and others actively involved in the ongoing task of registering voters and getting voters to the polls on election day.

The programs and concepts in this bill are not new or untried. They all have been used in a number of States. They have been proven to be effective and useful. Motor-voter registration, registering to vote simultaneously with an application for, or a renewal of, a driver's license is now in use in some form in 27 States and the District of Columbia. Registration by mail application has been around since 1941 and is now available in 27 States and the District.

Agency based registration is in use in 14 States and also the District of Columbia. It is certain, and this has been conceded by its opponents, that when this bill becomes law, it will increase the number of people on our voting rolls. Getting those eligible voters to vote on election day will be the job of the candidates, the parties and civic organizations. Their time, effort and money now spent on registration drives will be available to be devoted to get-out-of-the-vote activities. By increasing the number of eligible voters, this bill will make an increase in voter turnout possible, and I underscore possible.

Mr. President, let me put it another way that many of us, especially in Kentucky, can relate to. In a few short weeks, college basketball will be in the NCAA championship tournament. As the Final Four approaches, fans are going to become more interested and more enthusiastic about their team, but most of us will end up watching those games on TV because our name was not selected in the NCAA lottery for Final Four tickets. So we will not be there.

And it is like an election. You do not become interested in an election all year out; you become interested as election day approaches, as people begin the debate, as people begin to bring their message to the people. You find the candidate you want to work for and to vote for and, lo and behold, you are not registered because you did not go through the hoops and over the barriers to be registered. You are not there for the Final Four; you do not have tickets at the final games. Only those who were fortunate enough to get tickets early and apply for them early are the ones who are going to the game or, in this case, those who registered weeks before the election get to take part and vote on election day.

But unlike the NCAA ticket lottery, this bill does not leave to chance your ability to participate in the election. Rather, it will assure that everyone will have plenty of opportunities to register to vote. Opponents will say it does not take much to get registered. They say that if you are really interested in participating then "informed citizens" are going to find out about registration procedures. Mr. President, this is an elitist argument. The right to vote is a fundamental right of citizenship. Too many people are being denied that right because they have not successfully maneuvered the confusing maze of registration practices that continue to exist.

If the right to vote is fundamental, why is the burden to register placed upon the citizen? It should be the role of Government to see that every eligible citizen is offered the chance to register in the most convenient and accessible manner possible, and this is what the motor voter bill is all about.

The United States is the only industrialized democracy which has a passive registration system. It is time to create an active voter registration program. It is time to create a system that will reach out to almost every eligible citizen.

Mr. President, whenever I hear my colleagues talk about motor-voter who are opposed to this bill, they always raise the specter of fraud, fraud with a capital "F." Most of that concern has focused on the requirements for mail registration and, in particular, on the fact that the bill would not permit a State to require that a mail registration application be notarized or witnessed.

Mail registration is nothing new to the States. Twenty-seven States and the District of Columbia now have mail registration and only 10 require notarization or witnessing. Some of our most populated States provide for mail registration, including California, New York, Pennsylvania, Ohio, and only one, New Jersey, requires a witness.

A few years ago, the Congressional Research Service studied the experience of the 19 States that had mail registration at that time. Now there are 27. That study concluded that mail registration had not been accompanied by any increase in voter or registration fraud and that there are other effective ways to prevent fraud which were in use by those States.

That study showed that the two most frequently used means to prevent fraud were an attestation on the registration application form by the voter as to voter qualifications and penalties for their violation and a followup mailing to the applicant at the address stated on the application.

Both of these proven methods of preventing fraud are provided in this bill. They have been effective and, at the same time, do not impose unnecessary burdens and procedure on people conducting voter registration drives.

Mr. President, last year the State of Mississippi adopted mail registration. In its consideration of its legislation, the Secretary of State conducted a nationwide study of voter registration with an examination of the potential for registration fraud. The Mississippi Secretary of State concluded that he "could find no evidence of registration fraud. The U.S. Postal Service confirmed that it had virtually no instances of voter fraud."

Further, he indicated that mail registration and a well crafted motor-voter system is an effective and safe means of voter registration.

That is the conclusion of the Secretary of State of Mississippi after he made his own personal survey and installing this procedure in that State.

Mr. President, in addition to the requirements of an attestation clause and followup mailing, the bill includes other antifraud provisions. It makes voter and registration fraud a Federal crime. It permits each State to require that a person who registers by mail make a personal appearance to vote the first time such a person votes.

That was a suggestion made by the other side of the aisle which has been put in this bill and eliminated the concern of several of my Republican friends who had concern about the bill. But that satisfied them and it is now in the bill.

It requires that the States keep their voter rolls current and correct and requires that an applicant sign under penalty of perjury that he or she is eligible to vote—under the penalty of perjury that he or she is eligible to vote.

Probably the most significant antifraud provision of the bill, however, is the motor-voter registration procedure. By piggybacking the voter registration application process onto the system now used to license drivers, voting registrars can take advantage of the motor vehicle agency's procedure for licensing drivers. In most States, the motor vehicles department has the most stringent requirement for determining the identification of applicants. Evidence of date of birth and residence are required. Other identifying information, including a Social Security number, in many instances is included on the form. And each person is photographed and the picture is affixed to the license.

Now, Mr. President, what better or more stringent application and identification procedure could we have for voter registration purposes. About 85 percent of all persons of voting age have driver's licenses and will eventually be processed under such a procedure through new driver's license applications, renewals, and change of address notices.

In each instance, the information provided by the driver's licensing agency will be available if necessary to update and keep the voting rolls current and correct.

Mr. President, I think that after making a fair assessment of all the provisions of this bill, it is correct to conclude that this bill is a strong antifraud measure. It will result in more current and correct voter rolls and will provide the registrars ample means to assure that our elections are as free from election fraud as possible.

Critics now claim that in addition to fraud, noncitizens are going to be registered under the bill. If it is not one thing one day, it is another thing the next day.

The safeguards in this bill are just as effective in preventing noncitizens from registering to vote.

Nothing in this legislation changes the requirements of eligibility to vote. You must still meet every requirement of eligibility. In fact, this bill specifically states in three separate places that the application for registration must set forth all the requirements for eligibility including citizenship. The applicant signs this attestation under penalty of perjury.

Mr. President, every State requires citizenship as a requirement for eligibility to vote. This is not a change by this legislation.

Let me also point out that in States which have some of these registration programs like Texas, California, and New York, none have reported any instances of aliens registering to vote or voting. And so I think the results are telling.

Mr. President, the motor-voter bill is cost effective. We hear about all the cost it is going to put on the States, but the motor-voter bill is cost effective. Opponents of this legislation will claim that this bill is just another example of so-called unfunded Federal mandates. To illustrate their point, they will present a number of cost estimates.

Mr. President, we have a cost estimate for this bill also. As everyone knows the usual practice is to have a cost estimate prepared by the Congressional Budget Office, and CBO did a very thorough job of analyzing this bill by surveying States and local election officials. CBO has estimated that this bill will cost $20 million a year for the first 5 years. However, CBO has noted that there are several cost savings. For instance, CBO estimates that States will save between $7 million and $10 million in an election year in administrative costs because local election officials will not have to hire part-time staff to assist in registration applications received in the last few weeks before the election as under our present procedure.

In addition, because the main requirements of this legislation are mailings, the bill provides for election officials to use a reduced postal rate that could save the States up to $4 million annually in mailing costs.

Mr. President, the CBO estimate demonstrates that this bill is cost effective. But you do not have to accept CBO's estimate. Just look at the facts where States have adopted motor-voter. Take, for example, the District of Columbia, which has a motor-voter program similar to this bill. In hearings before the House Subcommittee on Elections this past January, the executive director of the D.C. Board of Elections and Ethics testified that "when voter registration costs are examined, motor-voter is by far the most effective method available." In Washington, DC, the cost for a motor-voter transaction is 18 cents including the cost of the registration form.

Now, the director made a comparison study of other forms of registration. Traditional registration drives cost an average of $1.10 per registration. Automatic household outreach mailings go as high as $2.31 per registration. In fact, the executive director testified that the costs for implementing motor-voter are grossly overstated. In the District of Columbia experience, the program was instituted without additional staffing or funding. Let me underscore that. It was instituted without additional staffing or funding for either the motor vehicles bureau or the elections office.

Mr. President, the National Voter Registration Act of 1993 will go a long way to make sure that voting rolls are kept current and accurate so that they can serve as vehicles to facilitate elections rather than obstacles to full participation by our citizens. It will assure that exercising the right to vote will be readily available to all qualified citizens and not a prize reserved for those who demonstrate the stamina and endurance to overcome obstacles to register.

Mr. President, the National Voter Registration Act of 1993 deserves the support of all Members who are concerned about the level of participation in democracy. If we want to be able to maintain the high level of turnout in the 1992 elections, we need to pass motor-voter to ensure that these people remain eligible to vote in future elections.

Mr. President, in passing the motor-voter bill, we can ensure that almost every eligible citizen will be registered to vote. No one will have to stay home on election day simply because they are not registered. Democracy is not a spectator sport. It requires the full participation of all citizens to make our Nation work better. The vitality of our Republic depends upon the strength of our participation. The National Voter Registration Act of 1993 strengthens democracy by making voter registration a convenient and accessible system to secure the basic right of citizenship. I urge all of my colleagues to support democracy by supporting this bill.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, while waiting for the opposition to this bill to proceed, I ask unanimous consent that I might speak for 4 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 501 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, here we are again on motor-voter. It keeps coming back sort of like a bad penny.

First let me say, Mr. President, in regard to the overall question of voter participation there is simply no correlation between the number of people who are in effect thrown onto the rolls and the number of people who choose to participate. Voter participation until 1992 had been consistently tracking down since around 1960.

An interesting thing began around 1960, which was that we went into a phase in this country of gradually making it easier to register and to vote. So as we move in the direction of making it more convenient and easier for people to participate to voter over the last 30 years, the one clear thing that happened was the turnout went down.

In 1992, we had an upturn. We will see whether it was an aberration or a trend back in the other direction, with a very dramatic 5-percent increase in turnout in the Presidential election this past November.

It is pretty clear, it has been demonstrated time and time again, that there is no correlation between registration and turnout. So why did people turn out in 1992 when they did not as much in 1988 or 1980 and so on? Clearly they were interested. The voters were activated. They were motivated, and paying attention. They were calling their radio talk show hosts. The candidates were appearing on everything from MTV to Larry King. It was a stimulated electorate.

From all indications the electorate is still stimulated. I know in my office I received—and I heard a lot of other Senators also had—higher volumes of calls this year than ever before on a variety of different issues. The electorate clearly is beginning to get more interested.

This Senator thinks that is a ripple. I am glad. It is terrific. I am glad of that. But I think the effort to browbeat people into participation simply does not produce the desired result. The studies are clear. That is about the only way that can make people participate. It is tried in some countries. In some countries they fine or penalize voters. It has a remarkable impact on turnout.

We have heard passionate speeches on the floor of the Senate about commending the turnout in other countries. I have heard people talk about the Soviet Union having a higher turnout in their presidential election than we did in 1988. Of course, they did. They had not had 1 in 1,000 years. It was a novelty. They were interested. The voters were activated and involved. Of course, they came out.

But clearly there is one thing that will bring the voters out, Mr. President, that is the penalties. I do not advocate that. But if we are looking for a correlation between registration and voting procedures and turnout, there is only one thing that will guarantee a higher turnout. That is penalizing voters.

Italy, Australia and Belgium had the highest turnout among Western democracies—Italy, Austria, and Belgium, the highest turnout among Western democracies. How did they get it? They punish nonvoters. But here in this country we have a right not to participate without fear of reprisal. I think that is a right we ought to respect.

The GAO has studied this issue and noted that "The imposition of relatively small fines or other penalties can have a major impact on voter turnout. Austria, Belgium, and Venezuela impose fines or other penalties for failure to vote."

Listen to this: In Italy the nonvoter is really treated as a pariah. He may have his name posted outside the town hall and his identity papers may be stamped "Did not vote for 5 years;" an outcast in the country.

> It is widely assumed that Italian nonvoters are subject to discrimination in employment and other benefits. Not surprisingly, Italy has the highest voter turnout among the industrialized democracies even though it ranks very low in political satisfaction and other attitudinal variables that facilitate voting.
>
> The average voter turnout is about 10 percent higher in countries with penalties for not voting. The causal relationship between penalties and voting is fairly well established. For example, when two nations change their laws on penalties for failure to vote, their turnouts change accordingly. In 1960 Costa Rica introduced penalties for failure to vote and voter turnout subsequently increased by 15 percent.

Fifteen percent in Costa Rica after they institute the penalties.

> In 1971, the Netherlands eliminated all penalties for not voting and participation fell by 16 percent. In Australia and New Zealand, failure to vote is a misdemeanor.

There is a great idea. We will make it into a petty crime if you do not vote. It has a remarkable impact on turnout.

Of interest to those who blame our campaign finance system and voter disgust for low turnout, GAO observed, "a popular explanation for our low and still declining"—this is written prior to 1992—"voter turnout is that unlike citizens of other democracies, Americans have become alienated from the political process."

This argument assumes that Americans increasingly believe that politicians cannot be trusted, that government is unresponsive, ineffectual, or even corrupt. Sometimes the alienation is attributed to historical events that have occurred since the midsixties, since the Vietnam war and the Watergate scandal. I suppose all of this is a plausible explanation. It is, however, not supported by cross national research on voting-related attitudes, not research based at all.

Interest in politics, attention to political affairs in the media, and individual political efficacy are consistently higher in the United States than the European democracies. Moreover, United States citizens are more likely than citizens of European democracies to engage in political activity, such as working with others in their communities to solve problems, attending political meetings or rallies, and working on behalf of a party or candidate.

So, Mr. President, if we want higher turnout, you are not going to get it by throwing millions of people on the rolls. There are simply no studies to support that. About all you can do—and I certainly do not want anybody to think I am advocating that—is either coercion or bribery. That is basically the way some other countries established high turnout. Even in those countries, there is no particular interest in politics. They may turn out, but they do not do anything else.

So, Mr. President, this measure, with all due respect to those who support that—and I respect them, and I know they believe it is a good idea for the country—this bill could best be described as a solution in search of a problem.

Registration is not difficult now. It is not difficult now. In looking down the States, there are 10 States that have agency-based registration now, based on State law. There are 27 States who have mail registration. And 27 States already have motor-voter, the measure we are talking about here.

There is nothing to keep any State in the United States today from going to motor-voter, if they thought it was a good idea. Why do we want to take away their discretion, Mr. President? It is not like they were making it tough to vote in the States that do not have motor-voter. It is remarkably easy to register in this day and age.

As a result of 30 years of easing of registration across the country, we have made it pretty darned easy for people to get on the rolls. I have taken a look at what the various States require.

In Alabama, for example, the registration books close 10 days before the election. In Alabama, all a citizen has to do is have some fleeting interest in the election going on, just some thought about it, during any of the 355 days of the year, and they can get registered. The opportunity is only closed off to them 10 days before the election in Alabama. In Alaska, they have mail-in registration; they have motor-voter already and a 30-day registration close period. In Arizona, they have mail-in, and they already have motor-voter, and a 29-day period before the election for the books to close. In Arkansas, it is only 20 days. In California, they have mail-in registration, and it is only 29 days. In Connecticut, they have mail-in, agency-based, motor-voter, 1 day before the primary and 21 days before the general election.

I may read the rest at some point during the discussion, but the basic point I want to make is that I do not find any State in America, not a single one, that has a registration period more lengthy than 30 days before the election.

One State, the State of North Dakota, has no registration at all, and that is an option, obviously. Any State can choose not to have registration at all. My colleague and I know that if we did that in eastern Kentucky, you would never have an honest election. But in North Dakota, obviously, they do not have a problem. I have been told they have never had a case of election fraud in North Dakota in the history of the State. Obviously, it is something they do not do in North Dakota. So it is not a problem for them.

Minnesota has election day registration and other forms of registration. Wisconsin has election day registration. But all of the rest of the States, in their wisdom, have felt that in order to protect the rights of the legitimate voter, there ought to be some registration procedure. But it is clearly not onerous, by any standard.

Any State that concludes, today, that it is a good idea to register voters through the issuance of driver's licenses can do it today. I assume, Mr. President, if the remaining States in the union become convinced over the next few years this is a good idea, they will do it.

But I must tell you, Mr. President—and I say this also to my colleagues—there is no evidence whatsoever that that is going to increase turnout; and that leads to the next issue, which is the question of unfunded mandates. We have a $4 trillion debt up here; we are broke. So it has become increasingly fashionable for us to require of others that which we are not willing to pay for ourselves.

There was an interesting article by David Broder in the Washington Post a few weeks ago, and I think most of us on both sides of the aisle would consider David Broder one of the most objective, fair-minded commentators of the American political scene these days. My suspicion is, from reading the article, that David Broder is essentially in sympathy with motor-voter, and probably thinks it is worthwhile legislation. I differ with him on that point, in terms of the Federal Government making the States do it. But he does raise, I think, a very interesting observation about our propensity around here to pass legislation which requires others to do something and not pay for it.

David Broder, in the Washington Post piece of February 14, in describing this bill, calls it the overhyped motor-voter bill. He says, it is "an example of the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name."

On down in the article, he points out, "they have failed to put their money where their month is. The bill imposes a welter of new duties on the States and offers them little help in paying for them."

He further points out, "Expanding the rolls of eligible citizens who are registered is no guarantee that the total number of voters will increase."

Mr. President, that is David Broder commenting principally about the issue of unfunded mandates.

I ask unanimous consent that that article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record as follows:

### Inflated Expectations

(By David S. Broder)

It is rare that Congress passes a good bill that also sends a bad message. The "motor-voter" bill that whipped through the House early this month and is slated for floor action soon in the Senate is such legislation.

For the most part, it is well-designed to accomplish the worthy purpose of increasing access to the voting booth for millions of American. But it is also an example of the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name.

The purpose of the legislation is to make voting registration easier by combining it with the procedure for obtaining or renewing your driver's license. The bill would also require states to offer postcard registration and mandate outreach to unregistered voters through many of the government offices people deal with every day.

It was approved by Congress but vetoed by President Bush, for not very compelling reasons, last year. An identical bill cleared the House by a healthy 259–160 margin on Feb. 4, and the Senate Rules Committee has slated a meeting for Thursday to send it on for floor debate.

Motor-voter has been tried in a small number of states, with results that so far fail to confirm the fears of widespread fraud that Bush and other Republicans assert is its crippling defect. By building on that state experience, its sponsors have done something that is altogether too rare in Washington. They allowed the design to be field-tested before taking it national.

But, unfortunately, they have done something else that is altogether too common in this capital. They have failed to put their money where their mouth is. The bill imposes a welter of new duties on the states, and it offers them little help in paying for them.

When the nation's governors were in town two weeks ago, President Clinton listened sympathetically to their pleas for a halt to Washington's habit of dumping unfunded mandates on the states. But so far, Clinton has urged Congress to send him the motor-voter bill and hasn't said "boo" about it being another unfunded mandate.

The only benefit the bill provides is about $5 million of postal subsidies for the verification forms states may use to check the validity of registrations. The estimates of what it will cost the states range from $25 million a year up to 10 times that amount. But no one disputes that computerization and manpower costs are going to put an additional burden on strained state budgets. And Congress, with it's usual cavalier attitude, is going to make the states pay.

The other characteristic thing Congress has done is to hype what the bill can be expected to accomplish. During the House debate, speaker after speaker talked as if the measure were a sure cure for the embarrassing gap in voter turnout between the United States and most other democracies.

Those who have studied election laws know better. As the House committee report recommending the bill says, "Expanding the rolls of eligible citizens who are registered is no guarantee that the total number of voters will increase, but it is one positive action Congress can take to give the greatest number of people an opportunity to participate."

Curtis Gans, the head of the Committee for the Study of the American Electorate, who is the authority on these matters, agrees. He points out that Colorado had a 13 percent increase in registration when it introduced motor-voter after the 1984 election, but only a one percent increase in turnout in 1988.

Turnout increased almost everywhere between 1988 and 1992, but the statistics are, in Gans's word, "ambivalent" on whether motor-voter states did any better than those without that registration system.

Still, there's little doubt a great many more people will be on the registration rolls after this becomes law. Currently, only about 65 percent of the voting-age population is registered to vote. But that will rise to more than 90 percent if this measure succeeds in registering every auto license holder. And additional hundreds of thousands will be enrolled by mail or by other government agencies.

The prospect of all these newcomers makes Republicans nervous—even though many of the new registrants are expected to be young people. In two of the last three presidential elections, most young people voted Republican. Some of the Republican rhetoric condemning the bill has been even more exaggerated than Democratic descriptions of its benefits. They have warned of a "monstrous bureaucracy" exposing "our electoral system to terrible abuses."

In the Senate, diehard Republicans are threatening a filibuster to delay or block the measure. Rather than go down in flames, Republicans could more usefully try to improve the bill's verification procedures, which are vaguer now than in earlier versions. They could also reasonably insist that a wide variety of state offices, serving many constituencies, be required to offer voter registration forms—not just the welfare and unemployment benefits offices mandated in the Democratic bill.

And, most important of all, the Republicans could pressure the Democrats to guarantee that the federal government will pick up its share of the costs of this bill instead of loading them onto the states.

Mr. McCONNELL. Mr. President, we ought to, if we are going to pass this legislation—particularly when I think of States like California, I have here in my hand an article about 6 months old, and it kind of sums up California's financial condition.

The headline says "California Strains To Pay Workers, Avert Bankruptcy." We all know that California has been described as in the midst of a depression, not recession. The State government was issuing IOU's last year and taking all kinds of draconian steps to cut back to size of the Government. They tried raising new taxes a couple years ago. That did not do any good. California is in a severe governmental crisis.

California is one of those States which in its wisdom has chosen not to go to motor-voter. They may do that someday, if we allow them to continue to have the option to make that decision themselves.

But this is an example of one of our States that is in severe crisis, financially. It was 6 months ago. It still is today. And yet we want to say to California we are going to take away your discretion to spend the millions of dollars that it will take you to implement motor-voter. We are going to say, "California you have got to spend $x$ million dollars going to this kind of registration system, and we are unconcerned about where you get the money from. You can raise taxes of the people of California. You can take it away from schoolchildren. We do not care where you get it. You do not have any choice. You have got to implement motor-voter."

Mr. President, if this were an issue that was in the forefront of our country, if this were an issue that was truly important to the survival of the Republic, maybe under those circumstances it would make sense for the Federal Government to say to California, "I do not care if you have to cut back on food stamp issuance to people in need, fund motor-voter and do it now." But, Mr. President, this mandate is in the name of increased voter participation where there is no evidence whatsoever that will increase voter participation. We are going to make States like California pick up the tab for this. This is not fair to the State, Mr. President.

It is simply not fair. And beyond that, let us assume California, Mr. President, decided we just cannot afford it. We are simply not going to do it. We are going to say "no" to this mandate. What options do they have under the bill before us?

Let us assume that the elected representatives of the State of California conclude in their wisdom, and I think this is a decision I would certainly applaud, that they do not want to cut back on child nutrition in order to fund motor-voter. Some would conclude that would be a rational political decision to make. What are their options? They have two under this bill, Mr. President. They can go to no registration at all like North Dakota, a small State in which most everybody knows everybody else. California is left with the option of no registration at all, a State sagging under the weight of illegal immigration, dealing with the questions of who is eligible for this, that, or the other as the Government sags behind the weight of all benefits it showers not only on its citizens but inadvertently on people not citizens at all. Or if it does not want to do no registration at all it can register on the actual day of the registration, same day registration.

Mr. President, surely this is one portion of the bill that we could on a bipartisan basis at some point in the debate agree ought to be corrected. It is simply not fair. It is simply not fair to say to a State if you cannot afford motor-voter you have no registration at all or same-day registration. And those are the only options under this legislation.

Mr. President, I would hope at some point—and I intend to talk to my friend from Kentucky about this as the debate moves along, probably off the floor—this is an area where it seems to me we ought to be able to craft some adjustment to deal with a burden I just simply think we should not impose on States, because, Mr. President, left to their devices only one State in America has no registration at all, only one, and there are fewer people in that State than in my hometown, and obviously they have decided on their own they sort of know everybody and you know it is not a problem. Clearly it has not been a problem. They never had a case of election day fraud. There are only two States that have same-day registration, there is clearly no consensus in America for no registration at all, or same-day registration.

If you could argue that there may be a growing consensus for motor-voter since 27 States have opted to go to it, and this Senator would continue to defend their right to do that if they want to, because under that set of circumstances they have presumably made the decision they want to do it and they can afford to pay for it.

But for us to say to them: "Here is your present. Here is your Christmas present; we are giving you three options. You can adopt a motor-voter system that may cost you in some big States millions of dollars; you can have no registration at all, thereby leaving you with the problem of respecting the integrity of your citizens who like to cast a vote and think it is not counted any more or less than anyone else, or same-day registration which is fraught with almost as many problems as no registration at all.

So I would hope that we might be able to on a bipartisan basis at some point correct this problem. I am sure that people on the other side would not argue that the bill is perfect in all respects and maybe there is some adjustment we can make, because it seems to me that is fundamentally unfair to the States.

Mr. President, that, in summary, is I think a litany of basic arguments against this legislation. I do want to commend my friend and colleague from Kentucky. Even though we differ on the merits of legislation I want to commend him for dogged determination for pursuing this both in our Rules Committee and on the floor, and I think he has done a very, very effective job and I would hope as we move along in the debate we might be able to consider some adjustments in this legislation—hopefully it is not every bit of it written in concrete—that might make it more acceptable should it at some point become law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I appreciate the compliments from my colleague. It seems as far as the major battles of registration, to register to vote, or campaign finance reform, trying to limit expenditures, it winds up that we are on opposite sides. He worries about east Kentucky and I worry about other places and what would happen there if certain things happen.

I just want to add I am not a lawyer and he is, but I will maybe refute the statement in defense of my bill. He talked about browbeating the people to vote. I do not agree this bill will browbeat people to vote. So I do not accept that description of this bill.

And then as to the right not to participate, if you are registered and you exercise a right not to participate, then you are not taken off the rolls under this bill. And under this bill if you decide not to register, just check the box and you do not have to register to vote. But if you are registered and you want to exercise your right not to vote, you are not eliminated from the rolls and have to go back through all the hoops and barriers again to get registered.

We hear talk about imposing a penalty or a fine or a misdemeanor to get people to vote. We are absolutely the opposite. We put the penalty to prevent people to register to vote. We make it tough on the front side, not the back side. We try to prevent people and make it hard for them to vote. Only those that have the ability to get there, and understand, vote. They call them the informed voter. We penalize up front, because we make it harder for people to go and register to vote.

Now, Mr. President, we are not Italy, we are not Belgium, we are not Costa Rica. We are the United States of America and we want to do it our way. We are the leaders. We do not have to look at others. We should do it our way. Italy has a fine and misdemeanor and puts the name on the courthouse door if you have not voted. We can go to open records. We can go see who has not voted, and who has not registered. We can do all that. But we are not Italy. We are no Belgium. We are not Australia. We are not Costa Rica, whoever it might be; we are the United States. No one can tell us today how many people were not registered who wanted to vote, how many people who were not registered who were eager to vote and did not, how many did we prevent. Could we have had 60 percent instead of 55, if we had this bill in place? Sure, it does not guarantee higher turnout, but it does guarantee the ability if they have the interest to go vote. We do not force them to, but we have it in place.

So I think it is important that we all agree.

Virginia had a registration program. They had 250,000 new registrants across the State. In the next election, their turnout was up 50,000.

Well, they did not vote 250,000 more, but they voted 50,000 more. Some said, well, that is not necessarily because they had this big registration drive. If they had not been registered, they would not have been able to vote. So you had at least 50,000 more voters the following election.

I thought pretty hard about who is controlling the State of California right now and the shape they are in, but I would not mention that.

Mr. McCONNELL. Willie Brown.

Mr. FORD. No, a former Senator.

But we have a Senator here now who is trying to correct it.

Anyhow, I have a letter from California, dated March 1. It is from the secretary of state. It reads:

> I am writing as California's Chief Election Officer. As you know, I am an early and enthusiastic supporter of the "National Voter Registration Act of 1993." The adoption of such a program is long overdue.

I will not read the whole letter into the RECORD, but I will offer it for the RECORD.

I continue:

> The adoption of H.R. 2 or S. 460 would go a long way toward reconnecting—

Pretty good language—

> Go a long way toward reconnecting citizens to their Government.

We have seen a little tinge of it in November 1992. We are beginning to feel more. But here is the secretary of state of California who says it will go a long way toward reconnecting the citizens to their Government.

Quoting from another paragraph:

> I understand that it has been alleged that adoption of the "motor voter" and other components of the bill would increase the likelihood that noncitizens are registered to vote. I would certainly be among the first to oppose any procedure that would have that impact. I firmly believe that only citizens should have the right to vote and that all appropriate steps should be taken to ensure that noncitizens are not intentionally or inadvertently registered.

So she supports the provisions of this bill as it relates to noncitizens.

And she further goes on:

> My office has reviewed H.R. 2 and S. 460 with attention to the issue of noncitizens registering to vote. After this review, we have concluded that these bills will make it less rather than more likely that noncitizens will be registered in California.

They even talk about their registration by mail system. And it goes on and on.

And so if you want to talk about California, here is the No. 1 chief elections officer supporting this bill.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF STATE,
*Sacramento, CA, March 1, 1993.*
Hon. WENDELL H. FORD,
*Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing as California's Chief Elections Officer. As you know, I am an early and enthusiastic supporter of the "National Voter Registration Act of 1993". The adoption of such a program is long overdue.

At the November 1992 Presidential Election, we estimate that there were some 20,863,687 citizens eligible to register and vote in California. Tragically, only 15,101,473 or 72.38% of the eligible citizens were actually registered to vote and even this figure overstates the case given a significant amount of "deadwood" in our files. The fact that over 5.7 million eligible Californians were not even registered to vote is an embarrassment. What is even more shameful is the fact that many of them would have voted had they been registered. Their inability to vote left them embittered and frustrated and denied the democratic process essential input from its citizens.

The adoption of H.R. 2 or S. 460 would go a long way toward reconnecting citizens to their government. California's successful experience with registration-by-mail, which I sponsored and implemented in 1976, indicates the importance of this method of registering voters. However, it is only a partial solution. Motor-voter and active agency-based registration are essential if we're going to get the job done. We estimate that motor-voter and agency-based registration would ultimately add over two million additional registrants to our files.

I understand that it has been alleged that adoption of the "motor voter" and other components of the bill would increase the likelihood that noncitizens are registered to vote. I would certainly be among the first to oppose any procedure that would have that impact. I firmly believe that only citizens should have the right to vote and that all appropriate steps should be taken to ensure that noncitizens are not intentionally or inadvertently registered.

My office has reviewed H.R. 2 and S. 460 with attention to the issue of noncitizens registering to vote. After this review, we have concluded that these bills will make it less rather, than more likely that noncitizens will be registered in California. Currently, with California's registration-by-mail system, we have been very vigilant in guarding against noncitizen registrations. We do not believe there is any problem in this regard. However, with the adoption of H.R. 2 or S. 460, the "motor voter" and "agency based" registration procedures will become the primary registration methods. "Motor voter" and "agency-based" registration provide additional opportunities to screen for applicant eligibility. With proper staff training and supervision and with appropriate form design, we believe that any risk of noncitizens being registered to vote in California will be reduced by the adoption of the "National Voter Registration Act of 1993."

I again wish to indicate my support for this important measure. Should you staff have questions in this regard, please contact my chief deputy, Tony Miller (fax 916-324-4573).

Sincerely,

MARCH FONG EU.

Mr. FORD. Mr. President, we just happen to have a letter that might be of interest to the Presiding Officer. It is from Margaret Jurgensen, the election commissioner from the State of Nebraska. And I will just quote a little bit of that:

> I serve as the Election Commissioner for the largest county in the State of Nebraska and strongly support Senate Bill 2. Election administrators are service providers, and centralization of the registration process at the courthouse is a convenience only to election officials, not our citizens. Even the conservative financial institutions have reached out to their customers to provide greater accessibility with off-site banking as witnessed by the advent of bank cash cards.
>
> The change represented in this Senate Bill 2 will enhance the democratic process. Motor-voter is another step towards removing artificial barriers to the voting process, similar to the removal of poll taxes.

Mr. President, I ask unanimous consent that the letter from the distinguished election commissioner from the State of Nebraska be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ELECTION COMMISSION,
*Omaha, NE, March 1, 1993.*
Senator WENDELL H. FORD,
*Chairman of the Senate Rules and Administration Committee, Washington DC.*

DEAR SENATOR FORD: I wish to express my gratitude to you for your diligent efforts for the establishment of the National Voter Registration Act.

I serve as the Election Commissioner for the largest county in the State of Nebraska and strongly support Senate Bill 2. Election administrators are service providers, and centralization of the registration process at the courthouse is a convenience only to election officials, not our citizens. Even the conservative financial institutions have reached out to their customers to provide greater accessibility with off-site banking as witnessed by the advent of bank cash cards.

The change represented in this Senate Bill 2 will enhance the democratic process. Motor-voter is another step towards removing artificial barriers to the voting process, similar to the removal of poll taxes. Local election officials need to examine the process for voter registration; and develop a means to reach out to the citizens with improved and accessible service, like all service industries, private or public. Douglas County, Nebraska's current process includes the agency-based, mail-in and motor-voter registration with the traditional courthouse registration setting and it is working successfully.

Thank you for your efforts. I'm looking forward to watching the coverage of President Clinton signing the bill into law.

Sincerely,

MARGARET A. JURGENSEN,
*Election Commissioner.*

Mr. FORD. We just had inserted in the RECORD David Broder's article on inflated expectations and the overhyped motor-voter bill.

Well, as usual we all pick out what sounds good for us and do not repeat what does not sound too good.

I am pleased that the whole article is in the RECORD, so now I will not have to do it. But I will pick out a couple of statements in addition to that.

It says, in a couple of paragraphs down:

"It was approved by Congress"—talking about the motor-voter bill of 1992—"It was approved by Congress, but vetoed by President Bush, for not very compelling reasons."

"Not very compelling reasons."

Now we have heard high praise for David Broder here. He is one of the finest writers, and out in the country he meets with people, he goes to precincts, he studies voting patterns, and all that. I like David Broder, and I agree.

But, I think that we ought not use David Broder for one way or the other.

Mr. MCCONNELL. Will the Senator yield?

Mr. FORD. I am glad to yield.

Mr. MCCONNELL. Will the Senator share my view that the Broder column was about—I conceded he liked the merits of the bill—but the Broder column was about paying for it?

Mr. FORD. I understand that.

Mr. MCCONNELL. Essentially, the crux of the article was if we are going to pass legislation, no matter how worthwhile it was and we thought it was that important for the States to accomplish, then we ought to send them the money to implement it.

Mr. FORD. We talked about CBO's estimate of $20 million, a savings of in excess of $10 million, when you get down to what it really costs out there and what it gives to the citizens. And if we flooded the States, they would have to pay for it, anyhow.

Right now we are giving them breaks on postage and other items that will help offset, in addition to the $10 million. So the basic cost is probably less.

Mr. MCCONNELL. If I could ask the Senator another question. If the cost is inconsequential, then why do not we pick up the tab?

Mr. FORD. I think it is something 27 States have already acquired. It is a grassroots effort and the one way you can have this uniformly is here.

I would say that at some point, under this legislation, the Senator ought to know very well that we cannot appropriate funds out of the Rules Committee. It has to come from the Appropriations Committee, and they will appropriate some time. So in this piece of legislation, we cannot pay for it. If you want to put an amendment on it, I do not think it would ride, but it might.

Mr. MCCONNELL. So the Senator from Kentucky would support an effort at this level of Government to pay for this mandate?

Mr. FORD. I am not sure I would. Under the circumstances, the estimate we have is that the cost is negligible. I think the States can very well pick it up. And we will provide some uniformity among the clerks where they register in January, February, March, and April, instead of having an avalanche of people standing in line trying to get registered and get frustrated and leave.

They like the uniformity. That is the reason we are getting support from California without any money in it. That is the reason we are getting support for it from Mississippi without any funding. That is the reason we are getting support from Nebraska without any funding.

So I do not see that you can lean on that weak reed here now and say that we have to pay for it, when these Secretaries of State are endorsing the bill and asking us to pass it.

Mr. McCONNELL. In the correspondence the Senator referred to, did any of the people who wrote indicate why, since the State has the option to go to motor-voter on its own, why none of these States have done it?

(Mrs. MURRAY assumed the chair.)

Mr. FORD. I do not believe they have, but I will look and see and be glad to find out.

Now, may I get back to my Broder statement?

David Broder, in his article, said: "By building on that State experience"—talking about motor-voter—"its sponsors have done something that is almost too rare in Washington." Listen to this now. "* * * its sponsors have done something that is almost too rare in Washington: They allowed the design to be field-tested before taking it national."

That is the reason the support is out there. We field tested this and it works.

At another spot in the Broder article it says, "the prospect of all these newcomers makes Republicans nervous." Think about that. All these newcomers on the rolls makes the Republicans nervous, even though many of the new registrants are expected to be young people. And in the last two Presidential elections, most young people voted Republican.

But I have heard it said right there—not by my colleague but others—that if this bill passes, we will never be in the majority again.

I ride down the street, I cannot tell whether that person is Democrat or Republican. I do not know what they are. I am not trying to set this up one way or the other. But some of the Republican rhetoric, it says in David Broder's column, condemning the bill, has been "even more exaggerated," "even more exaggerated than Democratic description of its benefits."

So, I am glad that David Broder's article is in the RECORD and we will be able to read it in total.

My colleague stated there is no correlation between registration and voter turnout. For most States it is a 1-to-1 correlation.

If the citizen is not registered, he cannot vote. That is it. The bill makes registration easier so the citizen can vote if he chooses to vote.

I do not know, and nobody can tell me, how many people on November 3, 1992, were eager to vote and did not go to the polls because he or she was not registered. That is a shame. We ought to make it as convenient as possible.

So the experience of States, now it has been tested, the lack of, probably, cost in this, and the statements of no fraud, the encouragement by secretaries of States—Washington's Secretary of State—the occupant of the chair at this date—makes eloquent statements. In fact, we had a discussion in the Rules Committee with my distinguished colleague. They had a pretty good discussion. I believe the Secretary of State of Washington won that.

But you begin to look at those who have the responsibility—they want it. And we are saying you cannot have it.

So the argument is if they want it, let the State pass it. This makes it uniform, and they see that. Everybody understands it. The costs, mandated costs, are for mailings, and we provide a reduced postal rate. There is nothing about computers in here. We do not recommend computers, or mandate computers.

Let us get away from the notion that we are browbeating people to vote, get away from the notion we ought to maybe penalize people, fine them for not going to the polls. Our penalty is before they register. They have to go over the barriers and through the hoops and everything to get registered. And we have our penalty to prevent them from registering rather than encourage them to vote.

So I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. My colleague knows I was not advocating going to fines and penalties. I was pointing out that is the only way you were guaranteed higher turnout, and I cited the countries that have chosen to do that as an example of something we certainly should not do. I do not advocate that in any way, shape, or form. As a matter of fact, it is this Senator from Kentucky who feels the people have a perfect right not to participate if they do not want to. And throwing huge numbers of people all into the rolls will not guarantee higher participation.

The California correspondence that was referred to—of course, California has the option. I see one of the Senators from California here now. California has the option to go to motor-voter today if they choose to. Presumably, that is a decision they could make at any moment if they felt it was the smart thing for them to do.

With regard to the unfunded mandate issue, which is really the crux of the argument, of those of us on this side, I would like to make reference to correspondence by the former Governor of Arkansas, of June 7, 1970. In referring to the issue of Federal mandates—that is, we decide for the States what is best for them and they get to pay for it—the Governor of Arkansas said:

> States do not have the luxury of operating a budget deficit. Every mandated dollar that we spend is a real dollar that has to be taken from another program. As Governors, we have to make very difficult choices in a wide array of health and human service initiatives. We have found ourselves cutting back on important educational initiatives, choosing charity hospitals, unable to fund increases in cash assistance levels, and slashing a variety of important State programs that provide health and support services to our low-income citizens.

That was a letter to the members of the House Energy and Commerce Committee, the National Governors Association, signed by among others, President Clinton.

Also I have a letter I would like to—that covers it. That is a direct quote from President Clinton.

Also, correspondence from the National Association of Counties which I will ask to have printed in a moment. But reading pertinent parts—this is from Larry Naake, the executive director of the National Association of Counties.

He states:

> Los Angeles County estimates the bill will cost the county an additional $5.5 million and the State of California estimates it will cost the state an additional $26 million.

It could be, as my friend and colleague from Kentucky mentioned, I do not question the accuracy of the letter—he read it—that there are some people in California who think this bill is a good idea. But it seems to me those in California charged with the fiscal integrity of the State, who had the option, right now, to make this decision, may be taking into account the cost of doing it.

This National Association of Counties official—again, I am not an expert on California. I visit there occasionally but I am just relating to my colleagues what apparently some people in California feel the cost of this mandate would be, $5.5 million to Los Angeles County, and $26 million statewide.

Then the NACo executive director goes on and makes the other argument, which affects everybody who does not have motor-voter, which is the question of unfunded Federal mandates on States and local governments.

So, Mr. President, I ask unanimous consent that letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF COUNTIES,
*Washington, DC, February 17, 1993.*

Hon. MITCH MCCONNELL,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCONNELL: On Thursday, February 18, the Senate Rules and Administration Committee is scheduled to mark up the National Voter Registration Act, H.R. 2. While we support the concept of removing barriers and expanding access to voter registration, we do have some concerns about the bill. Our primary concern is the bill will impose another unfunded mandate on state and local governments at a time when they are struggling to meet existing financial obligations. Los Angles County estimates the bill will cost the county an additional $5.5 million and the state of California estimates it will cost the state an additional $26 million. We strongly urge your support for an amendment that would authorize full federal funding to states and localities to carry out the new requirements.

As you well know, federal assistance to states and localities has declined drastically since 1981. During the same period, the number of unfunded federal mandates on state and local governments has increased significantly. Each time a new federal mandate is enacted, state and local officials are forced to make the tough decisions on raising taxes and cutting existing services to pay for the new mandate. Needless to say, these tough decisions have caused many of them their jobs.

As you consider, H.R. 2 and other mandates on state and local governments, we would merely urge you to ensure, at the very least, that full funding is provided to states and localities to implement new initiatives. Thank you for your consideration and please feel free to contact Larry Jones of my staff if you have any questions.

Sincerely,

LARRY E. NAAKE,
*Executive Director.*

Mr. McCONNELL. Also, we have heard from some Kentucky officials on this issue. I have a letter dated January 28, 1993, this year, from the Department of Employment Services in Kentucky. The letter says in pertinent part:

However, the Department for Employment Services is very concerned with the availability of funds necessary to ensure maximum participation by my department.

Further in the letter, Margaret Whittet says, "We have reviewed this legislation in detail and have concluded that it does not provide"—does not provide—"for additional funds to carry out these added responsibilities."

My question of my colleague—he is no longer on the floor but I am sure he will be returning. My colleague has argued I think, and I do not want to misrepresent his position, that the cost of this mandate is really quite minimal.

My thought is, if the cost is quite minimal, then why do we not pay for it? We are passing other legislation around here without paying for it. Yesterday, we extended unemployment compensation benefits, something I am in favor of. I voted for an amendment to pay for it rather than to charge it to our grandchildren. It seems to me somewhere in this $1.4 trillion budget we could find, if the cost is a pittance, the money to provide for this mandate.

Madam President, I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, my good friend from Kentucky raised the issue of California and cited some elected officials who did not believe it was a good idea to pass the motor-voter bill because of its cost. I think we really need to look at this issue squarely. We know that when you hold elections, it costs money. Does that mean that we should become a nondemocracy, a dictatorship because we would save money?

The fact is this is a government of, by, and for the people. We in the U.S. Senate should be working with our colleagues in the House and with the President of the United States to make sure that each and every American finds it very easy to register to vote.

One of the things that worried me very much during the last election was the fact that we did not have as large a turnout as we should have had. Even with all the hoopla surrounding the election and the fact we had more interest than ever before, we still had far too many people who were not even registered to vote.

I would like to read into the RECORD a letter from the Secretary of State from California, March Fong Eu, one of the most popular elected officials in California. We will see as we listen to these words why she thinks it is a good idea to pass this legislation.

She says:

I am writing as California's Chief Elections Officer. As you know, I am an early and enthusiastic supporter of the National Voter Registration Act of 1993. The adoption of such a program is long overdue.

At the November 1992 Presidential election, we estimate that there were some 20 million citizens eligible to register and vote in California. Tragically, only 72 percent of them were actually registered to vote.

She says:

The fact that over 5.7 million eligible Californians were not even registered to vote is an embarrassment. What is even more shameful is the fact that many of them would have voted had they been registered. Their inability to vote left them embittered and frustrated and denied the democratic process essential input from its citizens.

She said:

The adoption of H.R. 2 or S. 460 would go a long way toward reconnecting citizens to their Government.

She talks about California's successful experience with registration by mail. But she says it is only a partial solution. She says:

Motor-voter and active agency-based registration are essential if we are going to get the job done. We estimate that motor-voter and agency-based registration would ultimately add over 2 million additional registrants to our files.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF STATE,
*Sacramento, CA, March 1, 1993.*

Hon. WENDELL H. FORD,
*Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing as California's Chief Elections Officer. As you know, I am an early and enthusiastic and supporter of the "National Voter Registration Act of 1993". The adoption of such a program is long overdue.

At the November 1992 Presidential Election, we estimate that there were some 20,863,687 citizens eligible to register and vote in California. Tragically, only 15,101,473 or 72.38% of the eligible citizens were actually registered to vote and even this figure overstates the case given a significant amount of "deadwood" in our files. The fact that over 5.7 million eligible Californians were not even registered to vote is an embarrassment. What is even more shameful is the fact that many of them would have voted had they been registered. Their inability to vote left them embittered and frustrated and denied the democratic process essential input from its citizens.

The adoption of H.R. 2 or S. 460 would go a long way toward reconnecting citizens to their government. California's successful experience with registration-by-mail, which I sponsored and implemented in 1976, indicates the importance of this method of registering voters. However, it is only a partial solution. Motor-voter and active agency-based registration are essential if we're going to get the job done. We estimate that motor-voters and agency-based registration would ultimately add over two million additional registrants to our files.

I understand that it has been alleged that adoption of the "motor voter" and other components of the bill would increase the likelihood that noncitizens are registered to vote. I would certainly be among the first to oppose any procedure that would have that impact. I firmly believe that only citizens should have the right to vote and that all appropriate steps should be taken to ensure that noncitizens are not intentionally or inadvertently registered.

My office has reviewed H.R. 2 and S. 460 with attention to the issue of noncitizens registering to vote. After this review, we have concluded that these bills will make it less rather than more likely that noncitizens will be registered in California. Currently, with California's registration-by-mail system, we have been very vigilant in guarding against noncitizen registrations. We do not believe there is any problem in this regard. However, with the adoption of H.R. 2 or S. 460, the "motor voter" and "agency based" registration procedures will become the primary registration methods. "Motor voter" and "agency-based" registration provide additional opportunities to screen for applicant eligibility. With proper staff training and supervision and with appropriate form design, we believe that any risk of noncitizens being registered to vote in California will be reduced by the adoption of the "National Voter Registration Act of 1993."

I again wish to indicate my support for this important measure. Should you staff have questions in this regard, please contact my chief deputy, Tony Miller (fax 916-324-4573).

Sincerely,

MARCH FONG EU.

Mrs. BOXER. Madam President, I will just conclude by saying that, if there is one thing we need to be sure we do, it is expand our democracy. I do not know how these people are going to vote. Are they going to vote Republican? Democratic? Are they going to register Independent? That is not the point. We have to take politics out of this, Madam President. But what we need to make sure is that our young people get connected to the process, that people of all ages find it easy to register to vote. And then it is up to us by the quality and caliber of our candidates, by our stands on the issues, by doing the kinds of things that our President does so well, reaching out to voters to make sure they feel connected and they go to the polls. But let us not make it so hard for them to register; it is too difficult today. The example of California should not be used to dissuade my colleagues from voting for this bill. It should be used to encourage them because our secretary of state, who holds the solemn responsibility to make sure that the most people register to vote, has come out in favor of motor-voter. She is one of the most popular elected officials in the State, and has been elected a number of times. I commend this letter to all of my colleagues.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I will just say to my friend from California, the Congressional Budget Office estimate of cost to the States of implementing this is $100 million. Before Senator BOXER leaves the floor, I just want to ask her one question. Given the apparent cost of this to California—I really do not want to dabble in California politics here. I do not know what all is going on out there, other than I know you have had severe financial problems at the State level, and I have a letter from the National Association of Counties estimating it could cost California $26 million to adopt this system. I do not know whether that is accurate or not. My only question really of my friend from California is whether she would support an amendment that we pay for this mandate. Would that have some appeal?

Mrs. BOXER. Madam President, let me just say to my good friend and colleague, the Senator from Kentucky, that the letter from my secretary of state does not even request that. We understand that we could save a lot of money if we did not hold elections. Just say no more, it is too expensive.

The fact is I come from local government, as does my friend, and I do not like mandates, but what I want to say is this: This is about democracy. This is about voter registration, and we all have to share the burden at all levels of government. I believe that this legislation should stand on its merits. I also take issue with the estimates that my friend the Senator has put on the table from CBO.

There is some confusion as to cost. Again, I will say my very own secretary of state is silent on that issue and wants us to pass this legislation as it is. We have many ways that we can help local government and State government. But I think when we talk about ensuring that everyone participates in the process, that should stand alone. That is why I strongly support this legislation.

I yield to the Senator.

Mr. McCONNELL. Madam President, the secretary of state may have been silent on the issue of paying for it, but I have a letter from the Director of Employment and Development Department which is an agency of the California government that apparently has some concern about having to pay for it. The secretary of state obviously is for it, but I suspect the secretary of state in California does not have to deal with the issue of paying for it. Secretaries of state in most States are involved in registering people to vote and are typically enthusiastic about things that enhance their responsibilities that they do not have to pay for.

But I have a letter from a man named Thomas Nagle, who is director of the Employment and Development Department, an agency of the government of California, which presumably would have some concern about actually paying the tab.

Mr. Nagle says in part: "This unfunded requirement," referring to the motor-voter bill, "would create significant financial and administrative difficulties which would negatively impact the Employment Development Department's primary mission of serving California workers and employers."

He states the opposition of that department of California government to this bill. Obviously, some people in California are for it, some people in California are against it.

The only point I was trying to make in bringing up California is we all know California has had severe financial problems. It has been front page news not just in California but across the country. I brought it up in the context of whether or not we, at this level, a government that has the ability to go into debt unlike all State governments which must pay as you go, should be telling States like California this is the kind of system you are going to have and, by the way, you get to pay for it.

With regard to cost estimates, if the CBO estimate of $100 million cost to the States over 5 years is too high, great. The lesser the cost estimate, it seems to me, the stronger the argument that we ought to pay for it rather than just passing another unfunded mandate. I read the earlier letter from President Clinton when he was Governor as to his feeling about that.

I was just handed the CBO estimate. But even if the CBO estimate is wrong and it is too high, if it is lower, it seems to me that only strengthens the argument that we ought to pick up the tab rather than sending another unfunded mandate down to State governments.

Madam President, I yield the floor.

Mr. SIMON. Madam President, I am filling in very briefly for Senator FORD, who is handling this measure, but I thought I might just say a word or two about the motor-voter bill.

The whole theory of our form of government is based on participation. If we do not participate in creating the kind of government that we should have, then the whole theory breaks down.

What we have here is something that encourages participation. It is very basic. It seems to me it is so basic that we should not have to debate it, and we should be able to go ahead very quickly. It is a little bit like helping education and other things. We have to be informed. We have to participate. Anything that is going to help those things ultimately helps this Nation.

I recognize we are going to probably have a motion on cloture. The rumors I hear, and I do not know whether they are true—I assume my friends on the other side may have something to say about this—the rumors I hear are that we may not get 60 votes for cloture, at least the first time.

I hope some of my colleagues would reconsider on that and look at something that is very basic. We can differ on health care and we can differ on a lot of other things which I think are important and the Senator from Washington thinks are important. But participation in the process, we really should not disagree on that. That is fundamental. We ought to be there. We ought to be encouraging that.

Madam President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I ask unanimous consent that I may speak as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE FREE CONGRESS FOUNDATION

Mr. PRYOR. I want, for a moment or two this afternoon, to focus the attention of the Senate on an organization known as the Free Congress Foundation.

This organization is, in fact, a very prominent, conservative think tank. It prides itself in attacking, as its annual report says, "pork barrel spending, unethical personal conduct and the inability or refusal of Congress to respond to popular demands for accountable and frugal government."

Madam President, those are words taken from the annual report of the Free Congress Foundation. Mr. Paul M. Weyrich is the president of this foundation, as we can see from this very slick publication.

Those are noble goals expressed by the Free Congress Foundation and, normally, I say this is good government, and it is certainly good for organizations from all across the political spectrum to shine their spotlights on Capitol Hill with as much intensity as possible. However, I have recently become aware of a couple of matters regarding the Free Congress Foundation, which I think merit holding up to the light.

The first matter concerns pork barrel spending. The Free Congress Foundation publishes a periodical known as "Spotlight on Congress," which focuses on congressional spending practices, and as the foundation's annual report puts it, "spending menus heavily laden with pork." This is one of the publications put out by the Free Congress Foundation.

Imagine my surprise, then, when I learned that the Free Congress Foundation has received nearly a half million dollars in discretionary grants from the Federal Transportation Department over the last few years to print another publication, a magazine on electric railroads. Madam President, here is the "New Electric Railway Journal." This journal, a foundation product, Madam President, was printed and published at taxpayer expense.

On top of that, they receive an additional subsidy when they use their nonprofit mailing permit to mail these magazines to their subscribers at a greatly reduced postage rate.

There are magazines in the private sector today which compete with this particular magazine, the "New Electric Railway Journal," and these free market competitors do not receive a half million dollars in Federal subsidy, nor do they receive the benefit of a nonprofit mailing permit.

To make matters even worse, representatives of the Free Congress Foundation told my staff as recently as last week that the Federal grants they receive are first in effect laundered—laundered—through George Mason University because, as they put it, foundation bylaws prohibit them from receiving Federal funds.

Madam President, most of the foundations that I have any knowledge of are foundations that sometime give money to colleges and universities. It is very strange indeed that, in this instance, the college or university, George Mason University, is in fact giving money away to a foundation.

Mr question then is this: Is this not the very pork that this Free Congress Foundation has been complaining of? And if it is, where does the Free Congress Foundation get off by complaining about pork, when they themselves have had their hand in the money sack?

The second matter that concerns me, Madam President, has to do with recent allegations that just surfaced this morning. I would like to pay a special compliment to "Roll Call," the newspaper of Capitol Hill, dated Thursday, March 4, 1993, for a very good piece of investigative journalism and I would like to read this second paragraph in this article, Madam President. This is written by Glenn R. Simpson who is associated with "Roll Call," and let me, if I might, read the second paragraph:

> The allegations, which were raised with the committee by the Free Congress Foundation, are unsubstantiated and are being promoted by conservative activists in Florida whose credibility has been questioned, but the Judiciary Committee directed the FBI to investigate them.

These are allegations against Janet Reno. Janet Reno, as we know, Madam President, is the nominee to become our next Attorney General of the United States.

Madam President, The Free Congress Foundation which now appears to be gearing up to go after Ms. Reno is the same Free Congress Foundation which has had its hand in the till getting a half million dollars to publish their own railway journal, while they rail about what others get. It appears now that they are getting ready to step up the tempo and go after this particular nominee, Ms. Reno.

Madam President, the Free Congress Foundation has been certified as a 501(c)3 organization since 1977. What this means, simply, is that this organization has been granted an exemption from paying Federal taxes as long as it agrees to abide by certain conditions. One of those conditions is that there are very narrow restrictions on its lobbying activities.

Since that is the case, what is the Free Congress Foundation doing raising unsubstantiated allegations with the Senate Judiciary Committee concerning a Presidential nominee? Is this a violation of their 501(c)3 status?

Madam President, I hope to get some answers to these questions. I am now asking Transportation Secretary Pena to review the past discretionary grants that have been used to fund this "New Electric Railway Journal" and to determine whether or not this is a proper use of the funds we appropriate for transportation projects. I do not believe that it is proper.

I also hope that, Madam President, in the course of its regular reviews of 501(c)3 organizations, the Treasury Department will make sure that the Free Congress Foundation is not involved in activities which violate the conditions of its tax-exempt status.

Madam President, the Free Congress Foundation appears quite willing to take taxpayer dollars without being held to answer, as the foundation puts it, "to the popular demands for accountable and frugal government."

These matters are not just about pork; they are about hypocrisy. The next time the folks from the Free Congress Foundation want to talk about pork barrel spending or unethical conduct, they would be well advised to take their spotlight over to a mirror and take a look at themselves.

In closing, Madam President, when it comes to pork, I would simply remind the Free Congress Foundation of something of the old adage we all learned when we were young: "Don't talk with your mouth full."

Madam President, I thank the Chair for recognizing me. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I ask to speak as if in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMENDING ROBERT OAKLEY, UNITED STATES SPECIAL ENVOY TO SOMALIA

Mrs. KASSEBAUM. Madam President, yesterday Ambassador Robert Oakley completed his mission as United States Special Envoy to Somalia. I rise today to congratulate Ambassador Oakley for a job well done.

When the United States undertook the difficult and risky mission of sending military troops in Somalia, President Bush called on Ambassador Oakley, a former United States diplomat in Mogadishu, to lead the United States effort there.

Almost immediately, he went to Somalia to lay the groundwork for the United States troops. In advance of American forces, Oakley and his small team traveled courageously, to town after town, to prepare the way for U.S troops. He talked to relief organizations, met with the warlords, and discussed the operation with local Somali groups. No doubt the success of the U.S. military intervention—with very minimal casualties—is largely due to the efforts of Ambassador Oakley.

After the initial deployment phase, Ambassador Oakley has worked tirelessly to promote political dialog. He has spoken openly and firmly about the needs of the Somali people. He has consulted closely with local Somali institutions, such as the elders, intellectuals, and student groups.

Madam President, the United States operation in Somalia has clearly succeeded. The goal of the American-led operation was to open relief corridors, and now food gets to those in need. Malnutrition rates have dropped dramatically. Feeding centers are being turned into schools. A local police force has been created. Dramatic progress has been made.

Nevertheless, much remains to be done. In the coming months, the United Nations will undertake the difficult tasks of forging a political reconciliation and rehabilitating the country—while at the same time maintaining security. Even as the United Nations takes over, I strongly believe the United States must stay engaged in Somalia, fully supporting the U.N. operation.

Madam President, I strongly commend Ambassador Oakley. The United States was well-served in Somalia by a committed and outstanding diplomat. Under very difficult circumstance, he did a superb job.

I yield the floor.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion to proceed.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I join my colleague from Kentucky, Senator FORD, in urging my colleagues to support cloture on the motion to proceed to the National Voter Registration Act of 1993, commonly referred to as the motor-voter bill. It is the same bill which both Houses of the Congress passed last year, and its mission, which is simply stated—to increase voter participation—remains the same.

Just weeks ago, the House passed the bill once again, and it is now the Senate's responsibility, or opportunity, to send the National Voter Registration Act to the President for this signature.

The National Voter Registration Act is straightforward and fair. The bill simply broadens the means by which Americans may register to vote. Motor-voter provides individuals the option of registering to vote when applying for a driver's license, by mailing in a uniform application, or by registering in person by various Federal and State locations.

The bill comes before us at a time when people across the country are calling for electoral reforms. Hundreds of people in my home State of Oregon have urged me to support campaign finance reform when the Senate considers it this spring. I intend to do so. But overhauling our electoral system, we must first address the most fundamental feature of the voting process and that is registering, registering to vote.

Mr. President, I am well aware that I stand alone today as the only Republican sponsor of this measure. I do so because I believe that access to the electoral process is not a partisan issue.

For the life of me, I cannot understand why some sentiment prevails on my side of the aisle that somehow this is a measure that will benefit Democrats and not benefit Republicans. I would only indicate that our State of Oregon has had motor-voter registration.

I am a Republican. My colleague, Senator PACKWOOD, is a Republican. And we were elected by a State that has a very active inordinate margin, unfortunate margin favoring the Democratic Party. Nevertheless, we stand here today as two Republicans elected by a constituency that favors the Democrats. But at the same time, Mr. President, the Republicans of our State control the House of Representatives of the State legislature and they made a gain in this last election. In a landslide election for President Clinton, we made a gain in the State Senate from 20 Democrats and 10 Republicans to 14 Republicans and 16 Democrats. With the swing vote of one Democrat we will have a tie Senate, for all practical purposes.

What I am saying, simply, is that we have proven the case in our State that Republicans can be elected and are not put at a handicap because of motor-voter registration.

One of the strongest advocates of motor-voter registration is the Republican secretary of state of the State of Washington, Mr. Ralph Monroe, who came back here and testified before our Rules Committee in support of motor-voter.

I still feel that most elections are local and that the people of my State are most willing to consider the person not because he has, or she has, a D or an R behind their name, but their qualifications.

I am proud to say that the Democratic incumbent Congressman who was my opponent, or I was his opponent, for the U.S. Senate in 1966 was the honorary chairman of my reelection campaign in 1990.

I am proud to say that in my State one of the most distinguished Congresswomen to ever serve from the State of Oregon, Congresswoman Edith Green, was also the chairperson of my reelection campaign in 1984.

Whether our politics are a little different than other States, I do not know, except to say that the people make judgments on the candidates, on their positions, on the issues, and on their platforms, and the D and the R designation has lesser significance in my State.

And so this kind of a motor-voter registration is not going to favor one political party over another political party, from our experience.

I think, as public servants, we do want every person in America who is eligible to register and ultimately to vote. The largest single reason given in this country for not voting is not being registered. We cannot overlook this unfortunate reality.

Mr. President, voter registration should transcend State lines. As the key to our democracy, registering to vote is an opportunity for every citizen, a fundamental right. By the consideration of S. 460 today, we strengthen that message to all Americans, not just those who can overcome the patchwork of registration procedures in place in our States across the country.

The bill does address the inconsistency of voter registration practices in the United States as they affect the election of Federal officials. At the same time, the bill protects the rights of eligible voters by ensuring that only those who are eligible to vote will vote.

I urge my colleagues to, again, not view the first form of this bill that was introduced but the amended form in which we tightened it down to a very, very significant level of protection and the validity of each person's vote, so that we could certainly not expect to have any kind of fraud.

The purpose of the registration process is to protect the value and integrity of all the votes cast. That is our commitment. It is not to keep any element of society from exercising their right to vote; and the registration process is not to make people prove they have a right to vote.

Voter registration protects the integrity of our much valued right to participate in the process of democracy.

I know that people of my generation, and older people in general, certainly have points of reference of history, sometimes to our advantage and sometimes to our handicap.

I have to say that I was very much aware in my student years of the inability of many people in our country to vote; the inability because of such things as poll taxes, and other kinds of encumbrances that were placed before the people and their right to be a voter.

In those days, we used to say, how in the world could large segments of our country deny the citizens of their States the kind of simple participation in the election procedure as voting, and yet they did.

We sort of take it for granted today, that because we do not have those excessive encumbrances that were called poll taxes and other things, exercised particularly in the Southern States, that everybody now has the same privilege and the right in the process and the process is equal in all cases.

Mr. President, there is today the equivalent of those kinds of encumbrances that are placed upon the voters as to their ability to access the registration process. This bill attempts, again, to bring that to a level playing field across our country on a national basis.

I urge my colleagues to give careful consideration to this bill and to support cloture on the motion to proceed to S. 460.

I thank my colleague from Kentucky again for his excellent leadership on this bill. And, even though, as I say, I stand alone on this side of the aisle, I am proud to do so.

I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my distinguished friend from Oregon, a member of the Rules Committee, and one who has always attempted to support his constituents.

I appreciate the kind words he had to say about me. I, too, wish that some on his side would join us—and hopefully they will—in voting for cloture and in passing this legislaion.

I am convinced, also, as he is, that this is not a Democrat or Republican piece of legislation; that it is an American piece of legislation, one that will benefit all of our constituents and not put a penalty on registering but encourage them to come to register.

So I thank my friend, and look forward to working with him after we pass this legislation to be sure it is implemented in a proper way.

Mr. HATFIELD. I thank the Senator.

Mr. FORD. Mr. President, if no other Senator wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 504 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 505 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

Mr. President, let me inquire. May I speak now as if in morning business, or must I pose a special request for that?

The PRESIDING OFFICER. The Senator can speak without restriction at this time.

## THE HEALTH CARE CRISIS

Mr. RIEGLE. I thank the Chair.

Mr. President, I rise today to continue my effort to put an individual human face on the health care crisis that is confronting America. In Michigan, in a city named Wyandotte, there is a man named Brian Austin, who has learned first hand how high health care costs can be financially devastating. He wrote to me last December asking for help in his efforts to pay for an outstanding hospital bill. Before getting into history, let me say that Brian is one of a growing group of workers in this country who want to work full time but cannot find full-time work and therefore must settle for part-time work. One of the consequences that they often encounter is that part-time jobs almost never provide health care benefits.

Back in 1991, Brian, who was then 36 years old, was a part-time janitor with the Wyandotte school system. Because he worked part time, he was ineligible for health care benefits through the school system. Brian had looked into purchasing individual coverage back at that time, but he was unable to afford the premium cost of $125 a month out of his part-time earnings.

In December 1991, Brian became seriously ill with pneumonia and was admitted into Wyandotte General Hospital for 3 weeks. The cost of Brian's 3-week stay in the hospital totaled over $21,600, and, in addition to that, there were bills from his physician totaling just about $2,000.

Brian applied for Medicaid while he was in the hospital. As a single male who is not disabled, he did not meet the strict eligibility categories under Medicaid. Brian was determined to return to work as soon as possible and did so just 1 week after leaving the hospital. He has slowly been able to pay his physician charges, and he has now paid approximately $500 of the hospital bill, but that still means that he has $21,000 of the hospital bill that is still unpaid and outstanding.

The $21,000 unpaid hospital bill was eventually sent to a collection agency for payment. Brian, of course, is frustrated because he just does not have the money to pay the bill, and he therefore has to think seriously about filing for personal bankruptcy. Brian has been sending small payments of about $50 a month when he can afford to do so to the hospital, but the bill is so enormous that it seems impossible that he is going to be able to pay it off.

He has looked into working out a payment plan with the hospital, but the monthly payments required were $300 a month, which he just literally cannot afford. It is fair to say that the expense of Brian's hospital stay may change his life forever. His credit record has been damaged because of his inability to pay the hospital bill. If he does file for personal bankruptcy, he will face a future with a scarred financial record.

Brian is thankful to have his job and apartment, but he realizes that he will never really have or cannot really plausibly expect to have the $21,000 to pay off this outstanding hospital bill.

There is some good news in history. In August of last year Brian became a full-time employee with the Wyandotte schools and therefore became eligible for health insurance benefits through the school system. In addition to the premium costs that are paid in part by his employer, Brian pays an additional $125 premium per month and has a $50 deductible per year for major medical coverage through Blue Cross/Blue Shield of Michigan. Now that Brian is able to work full time he has more resources available to cover the cost of health insurance premiums but that does not help him with this problem that already has occurred with respect to the prior hospitalization and the outstanding hospital bills.

Brian is just one example of how unexpected illness can financially devastate an individual who does not have health care coverage. Frankly, anybody in this country at any given moment in his kind of situation without health insurance coverage—there are some 37 to 40 million people in that status—could have this happen to them at any hour of any day without warning.

Now Brian faces longlasting financial consequences because of his outstanding hospital bill. I think that he and every other American deserves to have access to affordable health care without having to resort to bankruptcy should an unexpected illness result in a hospital stay such as he had to deal with.

So, for my part, I am going to continue to do all I can to make sure that Brian and all Americans have access to high-quality, affordable health care.

I will conclude by saying that today at the policy luncheon meeting of the Democratic Senators we had present Judy Feder, Ira Magaziner, two of the staff people working at the direction of President Clinton and First Lady Hillary Rodham Clinton on the health care reform effort. We had a meeting that lasted probably an hour and a half talking about the various aspects of national health care reform, how to make health care accessible and affordable to everybody in the country.

So I can say in the context of talking about Brian here today that serious work is underway on that issue, literally this very day.

In addition, I was very encouraged by the fact that today the First Lady, Hillary Rodham Clinton, indicated that she will be coming to Michigan to participate in a health care forum on the 22d of this month, which will enable us to gather from around the State of Michigan the people directly involved in these health care issues, both people who have lacked insurance, families that have insurance but where it is too expensive to maintain, or, three, do not get the proper coverage that they need for their families, where health care providers, where businesses are being crushed under the load of health care costs, and labor organizations struggling as well will all have a chance to meet with the First Lady in her capacity of leading the effort on health care reform to share their views, provide their insights, give their suggestions, tell their stories, and have a chance to have direct input into this debate before the proposal is finally developed by the new administration.

My understanding is that the new administration is on target and on track to produce its overall health care reform proposal by the early days of the month of May of this year. And as I have heard the President speak about it, he has expressed an intention to move ahead promptly to get that package before the Congress and enacted this year.

In that regard, I will do everything I possibly can to help get that national health care reform package enacted. I have developed a plan here in the Senate along with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER, called HealthAmerica, which we have put on the table. That was the result of a series of hearings. I have held 35 hearings in Michigan and Washington on the health care problems over the last several years. I am open to a change in our system and to proposals that will be put forward by the President that would address this question of making sure health care is available to everyone and at costs people can actually afford to pay, based on their personal circumstances.

I appreciate the leadership that the President and First Lady are giving this issue. I think one of the reasons the people of the country voted for change last fall and elected a new President and a new executive branch team was to see this country move ahead on urgent issues like the need for national health care reform. And the fact that we are seeing an aggressive effort in that direction, and leadership from the very top of our Government, I think is a very hopeful and encouraging sign for America.

I think the American people have waited many decades for this kind of effort to be mounted, in terms of a fundamental overhaul in the area of health insurance reform. It is coming, and the sooner the better.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. McCONNELL. Mr. President, since earlier this afternoon, it has come to my attention that there was an additional letter. We were kicking around the California situation and the impact of the motor-voter unfunded mandate on California, which has had so many difficult financial problems. And Senator BOXER, the Senator from California, was quoting a California official who supported the bill. I had quoted some who opposed it. Presumably, those who opposed it were concerned about how to fund it, pay for it, given the fact that California has such devastating financial problems.

It has come to my attention since that time that we also received a letter on some of California's financial problems. So, presumably, this letter would even be more applicable in the wake of what happened in California. The letter from the secretary of state of California, March Fong Eu, dated March 29, 1991, to Senator STEVENS. That was just a couple of years ago. The letter contains suggested amendments to S. 240, which was the motor-voter bill in that Congress, which will facilitate implementation of the bill in California. These suggestions are endorsed by the California secretary of state and the Task Force on the National Voter Registration Act of 1991, and the legislative committee of the County Clerk's Association of California.

Briefly summarized, the California secretary of state said in the letter of March 29, 1991: The suggestions following the two primary categories are, one, money and, two, administration. Secretary of State March Fong Eu said at that time the bill "must"—underlined in her letter—be amended to include an appropriations official to pay for the programs mandated by the bill.

So my suspicion is that both sides could produce letters from various California authorities as to their views on this. The point that this Senator was making, and the reason he singled out California as an example of the kinds of problems this bill could cause, is that there are 30 million people in California. I am told that if California were a country, it would have the 10th largest economy in the world. It has had enormous financial problems, as we have all been made aware through the national news coverage that it has received.

There were at least some California officials who felt that in the wake of their financial situation—this particular letter from the secretary of state at that time predates some of the financial difficulties that California has had—if we were going to pass such a bill, maybe we ought to send along the money to pay for it, because California was operating during part of last year on IOU's. I cite that as an example, even though I know full well we can probably haul out California politicians on both sides of the argument.

Nevertheless, it is indisputable that California has serious financial problems to the point where it is issuing IOU's to pay its workers. And this is a bill that includes an unfunded mandate on States that do not currently have motor-voter, and California is one of them.

So I continue to believe that California is a good example of the kind of onerous mandate this could become. I repeat the suggestion that if in fact the costs of this bill are not very great, then we ought to pay for it. We can find a way to pay for what we think is important around here.

Sometimes we do not bother to pay for things at all. For example, yesterday, we passed an Unemployment Compensation Act, which I would love to have supported, except that it was charged to our grandchildren.

We are asked by the President to pass a stimulus package in the name of stimulating the economy. Yet, he is not suggesting that we pay for it. So I think this is a dangerous trend, Mr. President. I hope that at some point in the course of this debate, we might consider paying for this bill, if we are going to mandate it upon the States.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, let us just take the same individual that my colleague just quoted. The letter is 2 years old, from the same individual, secretary of state of California, March Fong Eu, if I pronounced that right, who writes "as an enthusiastic supporter of S. 460." That letter was put into the RECORD, and it is the same letter.

I suspect that the secretary of state, after having 2 years to study the legislation, looked at this bill and became an enthusiastic supporter. So I would not think that California—even though the secretary of state has not the authority of the Governor—would not want to increase the expenses of the office.

We have heard talk about costs. I have a letter from the secretary of state of Texas. "We are writing today to express our support for the National Voter Registration Act, and to summarize the progress we are making with our own motor-voter program.

> The Texas Motor Voter program was signed into law on August 26, 1991 and implementation began September 1, 1992.
>
> The state legislature made no appropriation and so the entire program was designed and implemented absent any new expenditures.
>
> Within the first 5 months of program operation, we estimate that 48,511 Texas citizens completed voter registration applications through our Motor Voter Program.
>
> We in Texas are proud to be in the forefront of the Motor Voter strategy. Texas was first with registration-by-mail which began in 1966.
>
> Again, we offer our full support for the National Voter Registration Act of 1993.

Signed John Hannah, Texas secretary of state, and Senator Rodney Ellis, the proposer of that legislation.

So, Mr. President, all these unfunded mandates begin I think to pale a little bit when you begin to look at the recent facts where Texas began theirs with no additional funding and it is going smoothly. The California secretary of state now says she is fully in support of motor-voter, and it just defies me why anyone would want to object to the process of making it easier for an individual to become a registered voter in this country.

We have made these speeches before. I think most people have heard them. We understand what the vote will be tomorrow, and then I think I know what the vote will be next Tuesday.

So, I understand why not too many of our colleagues are around here voicing their position as it relates to pros and cons.

I think Senator HATFIELD made an excellent speech in support of this legislation. He is one of the most senior Members on the other side of the aisle, and he cannot understand why his side is so vehemently opposed to this legislation.

Mr. President, we will continue to debate the issue, and I am very pleased now to turn over the management of the bill to the distinguished Senator from Minnesota [Mr. WELLSTONE].

Mr. SARBANES. I rise to indicate my strong support for the National Voter Registration Act of 1993, also known as the motor-voter bill.

In my view it is essential that we establish uniform national voter registration procedures to allow greater opportunities for all eligible citizens to participate in the electoral process. The decline in voter participation in national elections in recent decades is a significant cause for alarm. Only about half the voting age population went to the polls in the 1988 election. The turnout improved during the recent Presidential election, however voter participation remains low in this country compared to other advanced democratic countries. According to the Congressional Research Service, only 61 percent of those eligible to vote are registered; and the Bureau of the Census tells us that voter turnout of registered voters in Presidential elections typically exceeds 85 percent. Obviously, there are many reasons why people do not vote; but, as these figures indicate, the major reason citizens do not participate in elections is because they are not registered.

The bill before the Senate would address this problem by requiring States to allow citizens to register to vote in person, by mail, when applying for drivers licenses, or when they visit various Federal and State offices. This legislation is virtually identical to legislation that passed the Senate during the 102d Congress on May 20, 1992, by a vote of 61 to 38. Unfortunately, that bill was vetoed by then-President Bush; and the Senate was unable to override his veto. In contrast, this year, we are fortunate to have a new President who has indicated that he will sign the motor-voter bill. Legislation was introduced in the House and the Senate during the first week of the 103d Congress, and I am pleased that legislative action on this important measure is well underway. The House passed identical legislation on February 4, 1993, by a vote of 259 to 160. In the Senate, the Rules Committee has taken prompt action to report the bill; and we now have an opportunity to clear this measure for President Clinton's signature.

Some critics of this legislation have charged that by making voter registration easier, there may be increased opportunities for fraud. As a Senator from a State that has used mail registration for many years, I do not believe those criticisms are valid. All three methods for registration established by the legislation—by mail, as part of drivers license renewal, and when visiting Government agencies—are well tested and successful methods for registering voters. Twenty-seven States currently use some form of voter registration by mail, more than 20 States provide for registration as part of the drivers license renewal process, and over a dozen States have successfully established agency voter registration in schools, libraries, and other State agency locations. Experience in these States has shown that these methods work by providing greater opportunities for voter registration without significant risk of fraud. In addition, the bill includes important additional safeguards to prevent fraud. The mail registration form will include a mandatory statement of eligibility to vote, an attestation that the applicant meets each requirement of eligibility to vote, and the signature of the applicant under penalty of perjury. There are also provisions that would impose stiff penalties for fraud.

Concerns have also been raised about potential additional costs for State and local governments to implement this legislation. I would simply note that any increased costs for a State to comply with the uniform voter registration standards provided by this legislation would be relatively small, particularly in those States that have already taken steps to increase the opportunity for citizens to register to vote. In addition, the legislation provides relief to all States in the form of a postal rate reduction for State and local election officials which will save State and local governments over $4 million per year. There are also expected to be savings from the adoption of uniform registration forms in those States that have not yet adopted uniformity between jurisdictions and because voter registration is now likely to be spread out over the year as people renew drivers licenses. There will be less need to hire additional registrars to handle the higher volume of registration that typically occurs in some States before registration deadlines.

Throughout our history there have been barriers that have prevented significant segments of our population from actively participating in Government by voting. I am proud that we have removed those barriers by adopting constitutional amendments and statutes that now guarantee the right to vote. We have also removed many restrictive practices such as the poll tax, literacy tests, and other devices that have inhibited voting. I consider the legislation before us today another significant step in our effort to provide every opportunity for citizens to vote. A healthy democracy thrives on the active participation of the governed, and I urge my colleagues to vote for this bill.

Mr. BRADLEY. Mr. President, I rise as a cosponsor to support the National Voter Registration Act of 1993.

The political process holds the key to empowerment in this country. Voter registration and active participation remain the critical link. The history of American democracy is a history of broadening the vote: when the Constitution was adopted, the only Americans who had the vote were white males with property. In the 1830's, it was extended to white males without property and in the 1860's to black males. It was not until the 1920's that the franchise was extended to women. In 1965, the Voting Rights Act was passed to protect the right to vote which had been illegally withheld from blacks in the South for generations. In 1971, the right to vote was extended to those 18 years of age or older. This act, the latest attempt at strengthening our democracy, is in the tradition of those farsighted efforts.

Mr. President, we are a representative democary. But if only two-thirds of voting-age Americans are registered, who are we representing? If on any given election day, one-third of our voting-age population could not vote if they wanted to, how healthy is our democracy? If we truly are a government of the people and by the people, shouldn't we aim for 100-percent participation? As lawmakers, it is our duty to do what we can to strengthen our democracy.

Difficulties in voter registration abound, Mr. President. The board of elections in some municipalities select registration deputies and decide when and where registration sites will be located. This can limit access to a wide variety of people. Registrar deputization can be a broad-scale voting impediment. While some boards of election accept most volunteer deputies, others make the process a taxing one by requiring extensive training, swearins, and complicated applications. Depending on the board of election's criteria, this process can be highly subjective.

This country places a premium on mobility as a form of freedom and opportunity. A University of Michigan study shows that one-third of all adults have not lived in the same address for more than 2 years. When people move, voter registration is not placed on the top of their priority list. Often a citizen's name is purged or removed from a voter registration list if he or she has not voted within 4 years. Likewise, some States do not even have mail-in registration. College students whose home State is Florida, for example, cannot mail in their voter registration form. Should going away to college preclude the possibility of having a political voice or casting a vote?

Finally, there exist registration procedures and practices which prevent the poor from voting. Impediments such as opening registration sites only during regular work hours or making registration sites inaccessible by public transportation leave a large segment of our society without representation. Have we forgotten those who earn an hourly wage? Have we forgotten those who do not have access to a car?

The bill addresses some of the problems I just listed and establishes a clear, uniform registration process. Every citizens who renews or changes his address on a drivers license will also have the option of registering to vote. This registers and enfranchises 90 percent of our voting-age population.

This bill also provides for voter registration at other Government agencies, such as welfare, unemployment and vocational rehabilitation offices. For disabled citizens or low-income citizens who are less likely to hold driver's licenses, agency registration is an important vehicle for political empowerment. The bill also provides for mail-in registration which will allow students and other citizens unable to reach a registration site to vote.

The reason why registration is so important, Mr. President, is because people who are registered usually vote. Estimates from last year's election show that more than 85 percent of the registered voters went to the polls. However, despite the fact that this was the highest recorded turnout since 1972, only 55 percent of the American electorate voted. We can increase voter turnout when we increase registration.

Opponents of this base their arguments on three concerns: cost, fraud, and ineffectiveness. The previous administration made these arguments when it vetoed the bill last session.

The Congressional Budget Office has estimated the cost of implementing this legislation at $20 to $25 million nationwide for each of the first 5 years. This is a small sum when compared to the benefit derived from providing citizens with the most basic element of democracy, the ballots.

To address the cries of fraud, we must look and learn from experience. To date, 27 States and the District of Columbia conduct some form of motor-voter registration. Not one has experienced significant fraud. In addition, the bill contains tough antifraud protections which should discourage that activity.

State-enacted motor-voter has proven effective at registering voters, Mr. President, and a national program would be even more effective. Voter registration in motor-voter States increased five times the rate of voter registration in non-motor-voter States, and the States with the most convenient voter registration laws, Maine, Minnesota, Montana, and Wisconsin, recorded the highest voter turnouts in the last election. In my home State of New Jersey, motor-voter registration accounted for 60 percent of all new registrations last year.

Mr. President, it is our duty as lawmakers to respond expeditiously to a system which discourages voters from participating in the democratic process. Through the ballot, an active citizenry can voice change peacefully and not feel that the path of change requires violence. I agree with many of my colleagues that Americans must also be educated on the benefits of democracy. Perhaps if we made election day a national holiday or instituted universal, same-day registration, more Americans would come to appreciate and use the special power they have. But the National Voter Registration Act is a good step in that direction. It promotes empowerment, eliminates obstacles to registration and secures us all the basis for a sustainable democracy.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, is time controlled?

The PRESIDING OFFICER. It is not. The Senator from Washington is recognized.

## BUDGET OFFICE ESTIMATE

Mr. GORTON. Mr. President, late last evening the Congressional Budget Office delivered a brief, six-page analysis of President Clinton's budget proposals to the Budget Committee itself and to a number of other Members. A request for analysis of that budget had been made by Budget Committee members of both parties in both Houses and by a number of other Members.

The impact of that analysis can be described in no term less dramatic than devastating. The bottom line of the analysis from the congressional Budget Office is that there is $107 billion less in deficit reduction in President Clinton's plan than was announced by the President at the time of the submission of the budget as brief and vague and without detail as it is, $107 billion less.

Mr. President, that is for all practical purposes one-quarter of all of the deficit reduction which we were led to understand would result from the adoption of the budget. Equally significant is the fact that this is an analysis of the Congressional Budget Office, our Congressional Budget Office, the office, the single body which first has been most accurate with respect to its analyses of the budget in the past 5 years of any of the various analysts and the agency which the President himself said in the course of his State of the Union Address was the one he would abide by, the one that would come up with the correct figures.

So this $107 billion shortage in deficit reduction is not the proposal or the analysis of this Senator or of the Republican leader or indeed of any Member of the U.S. Senate but of the Congressional Budget Office.

Equally dramatic, Mr. President, is the proposition that the Congressional Budget Office has determined that for every one dollar in spending savings there is $4.81 in new taxes in the budget as proposed by the President. You will remember we began with a goal of $2 in spending reductions for every dollar in tax increases. That drifted down to $1 and then to 70 cents. I believe that the most recent figure used by my distinguished friend, the senior Senator from New Mexico, was $2.50 in tax increases for $1 in spending increases. He was criticized for being unduly pessimistic, and it turns out that he was overly optimistic, that the spending reductions are even smaller.

Mr. President, I note the presence on the floor of the distinguished Senator from New Mexico, the ranking Republican on the Senate Budget Committee, and I wonder if he would be willing to amplify on the remarks that I have made and to answer the question. First, would the Senator tell me whether or not I am correct. Do we not have a situation here in which budget deficit reduction is now shown by the Congressional Budget Office to be some $107 billion over a 5-year period less than was estimated by President Clinton?

Mr. DOMENICI. The Senator is absolutely correct. And I might state that a little unknown portion of the Congressional Budget Office's attempt to evaluate the administration's proposal thus far is a statement by the Congressional Budget Office that says this blueprint is preliminary, and that word is from their report, because the President will present a formal budget containing detailed and revised budget proposals and updated budget estimates in April. The April budget submission the Congressional Budget Office maintains and I quote "is likely to modify or clarify some of the administration's proposals."

The reason I tell the Senator he is absolutely correct is because I think we might begin to add he is absolutely correct today, because that is all the Congressional Budget Office can assure us of. What it will really be like in 2 or 3 weeks they do not know.

They say we will really know in April, and that raises a very interesting point. Yesterday, the Senator joined me in asking for what we thought was a very reasonable request, where is the budget if we are being asked to vote on a budget resolution? We were denied that after extraordinary efforts here. To even make that simple little request requires 60 votes to pass. But I think the Congressional Budget Office is beginning today to tell us let us get the budget. Then we will be able to tell you everything about it. But for today, and what they can do in evaluating what they have, which is a blueprint—that is their word not mine—is that the President's submission to us is very, very different according to the official referee and official scorekeeper. Official by whose count? I would call the President to be our official one. Is that not the Senator's recollection?

Mr. GORTON. That is the recollection of the Senator from Washington. But he wishes to go ahead as against the decisions which were made about the writing of the budget resolution in the Budget Committee and on the floor yesterday. We are now $107 billion short on deficit reduction. We have a Congressional Budget Office which it said cannot give a definitive analysis of the budget.

Mr. DOMENICI. The Senator is correct.

Mr. GORTON. Yet we are asked in the Budget Committee itself to try to write a budget resolution next week without, if this Senator is correct, having heard from a single witness other than witnesses from the administration on the impact of the budget on the United States. Is that correct?

Mr. DOMENICI. My recollection is that that is true.

I say to fellow Senators, frankly I am not really interested in delaying things, but I have been at this business of being part of writing budget resolutions since we first had one. I was not very far up the ladder when we first started. I was down at the end of the table with Chairman Muskie presiding, but budget resolutions are not trivial documents.

They are not binding in every respect but they are, contrary to what some people think, they are policy instruments. They kind of say, here is the policy changes and you put them into this blueprint.

And my friend is suggesting that yesterday was asked, could we have a budget before we have to produce the resolution. It is too bad that we did not know yesterday what we know today; is that not right

Mr. GORTON. One-hundred and seven billion dollars too bad.

Mr. DOMENICI. I think we could have told the Senate: Do not take my word for it that we do not know what we are doing because we do not have the finality of the best estimates around, take it from the Congressional Budget Office. That, we could have told you yesterday.

But now that brings me to the point of what are we going to know about this program, this plan, this vision next Tuesday when we are asked to produce the congressional budget for the next 5 years? What are we going to know about it?

It seems to me that we are not going to have a single economist testify before the committee—one that is favorable to the President, one that might be favorable to more conservative thinking, one who may be renowned and just be netural—we are not going to hear from any of them.

Mr. GORTON. We are not going to hear from any of them?

Mr. DOMENICI. Not any of them.

I will tell you why. We asked the chairman of the Budget Committee this morning—in an official letter from all Members on our side—could we have that here? The answer is, No. We are going to be asked to vote on a defense number.

Now we had a chance to speak with the President about this at our luncheon on the defense issue, so I am not just raising something here. Nobody knows what is in the $112 billion additional defense cut on top of President's $74 billion. Nobody knows. But we are going to have to vote on that. Is that the right level of defense?

Mr. GORTON. So there is no way for those who may have reservations about the Defense Department of these cuts to say, well, let us reduce those cuts by $20 billion in order to meet certain purposes, because we do not know what the purposes of the cuts are in the first place.

Mr. DOMENICI. That is a very good point.

It may very well be that those of us who think $112 billion sounds very, very large, huge down the track, and probably is going to cost lots and lots of jobs—my guess is 1.5 million civilian and military jobs in the next 4 or 5 years—I do not now if I can offer a better policy. I cannot say, take half of it, instead of all of the President's, because I do not know what the President's means, much less to know what changes I would have in mine mean.

So we probably cannot intelligently construct a defense budget at this point.

Mr. GORTON. As I understand the report of the Congressional Budget Office, there is another, it seems to this Senator, at least, fairly significant question which is out in the air.

I believe the Senator from New Mexico was critical of the original budget submission by the President because it seemed to ignore the Resolution Trust Corporation; that is, the savings of the moneys needed for bankrupt savings and loans, and in some of his remarks, he remarked about that.

Now is it not true that we have a difference of opinion as to whether that huge responsibility of the Federal Government is in the budget at all?

Mr. DOMENICI. Mr. President, from what I understand, yesterday, OMB Director Panetta, for the administration, said he did not think the Resolution Trust Corporation costs—you know there are annual costs in there, I say to my friend from Minnesota—he did not know whether they were in the budget or not.

See, we do not have a budget, so we ought not even be talking about "in the budget or not," but in the numbers or not. He did not think they were. That is a pretty big item, $15 billion, $20 billion or more per year. Today the Congressional Budget Office says they think they are in.

So I just wonder what numbers they are looking at. Since we do not have a budget, it is pretty hard to tell where the numbers are coming from.

Mr. GORTON. In any event, the material that has been submitted to us by the administration makes no reference to the Resolution Trust Corporation.

Mr. DOMENICI. Correct.

Let me go back to that defense one. The Senator asked me about economic evaluations. We have always had economists come and tell us the state of the economy. They came and told us the state of the budget, what we might do if we did better. We do not have any this year.

Frankly, to the extent that we had Cabinet members and the like, really nobody knew what these numbers meant when they came before us. Most of them said, "I don't know what the savings are because we have to wait for the budget." I think that happened on at least a couple of occasions.

We asked, in the same letter to our friend, the chairman of the Budget Committee, could we have a hearing—we will come any time of the day or night—on the Defense Department. Could you bring over somebody from the Defense Department? Maybe it cannot be the Secretary, but could you bring over somebody who would tell us what is going to happen to the U.S. defense and military, and all these wonderful men and women and their service, and the jobs in our various communities for procurement, so we can kind of get a feel for this?

The answer was rather summary and cursory: There will be no hearings. We will go to markup when we are ready next week.

So that is where we stand. I do think that the Congressional Budget Office is doing their very best with what they have, and they have said we will not really know until April.

I think we ought to urge the President to produce his budget as quickly as possible, perhaps sooner than April. And, as soon as that is done, we can ask the Congressional Budget Office to evaluate it and testify before the committee and then we will mark it up as rapidly as we can.

Mr. GORTON. There is one other feel to which I think the Senator from New Mexico has spoken earlier, which becomes, I understand, more precise in the Congressional Budget Office's analysis, and that is the fact, is it not, that the President's budget could not even be debated on the floor of the U.S. Senate in its original form without getting a waiver of the Budget Act, because it violates the 1990 budget agreement on the total amount of discretionary spending? Am I correct in that assumption?

And by how much does the President's budget, according to the Congressional Budget Office, violate present law, the law for spending cuts which was the price for the tax increases in 1990?

Mr. DOMENICI. The Senator again is absolutely right.

You see, in 1990, when we put a 5-year budget together, there were three or four things that were heralded by everyone as being very salutary, healthy, budget reduction, keep-the-spending-under-control items.

One was that we had agreed on all of the appropriated accounts, domestic and defense. We agreed that, to carry out the policy of that summit, there would be a fixed cap on expenditures in 1991, 1992, and 1993 for all three categories: Defense, foreign aid, and domestic.

For the last 2 years of those 5, 1994 and 1995, domestic would be pooled with defense and there would be one cap. But the catch is a dollar number.

Now, it turns out that the President's first set of numbers, sent to us in response to his vision statement that he presented to all of us and all our people the night of the State of the Union speech, the numbers that came from that would say that if you were to run out and produce the budget resolution to deliver that, it could have come to the floor of the Senate and, if it was introduced, any Senator could stand up and say, "I make a point of order that the budget resolution, as per the request of the President, is out of order, because it breaks those mandatory targets."

In one of those years, it is $9 billion over; in another of those years, it is $14 billion over.

What that means, I say to the Senator, is you have to cut $9 billion more than he proposed to get to the target and $14 billion more to get to the target, that is already the law of the land.

And, interestingly enough, those of us who put that summit agreement together, some of us stood by it, even though it got watered down, and said, it is better than nothing. We voted for taxes to match the spending, to match the spending cuts.

So, in a sense, the Senator from New Mexico has been heard to say, why do we need some more taxes to put up alongside of those cuts which we already agreed to and paid for? And, I would say, paid for rather royally with a large tax, a portion of the tax being that luxury tax, which was a tax on the rich, supposedly. It turned out very much to be a tax on jobs, because it turns out the rich did not get hurt with the luxury tax. Hundreds of people working in shipyards and in manufacturing boats and in maintenance shops are telling us we made a big mistake.

So we have paid rather dearly for those cuts. The Senator is absolutely correct.

Mr. GORTON. This Senator has only one more comment on which he would like the reflections of the Senator from New Mexico, and that is, perversely—particularly if we could have this budget before the Senate must debate a budget resolution—perversely, the plan of the President of the United States to come up with details early in April does give him an opportunity, it seems to this Senator, to make up for this $107 billion shortfall.

The President of the United States emphasized in the strongest possible fashion—and with the greatest public acceptance, it seems to this Senator—his desire to drastically reduce the deficit.

He now finds—and in this case, I do not think either this Senator or the Senator from New Mexico is casting blame or talking deception—but the President of the United States now finds he is $107 billion short of his own deficit reduction goals.

It is certainly the hope of this Senator—and I suspect it is of the Senator from New Mexico—that between now and the time of this budget submission, the President will find $107 billion in real cuts to match what he promised in the State of the Union Address.

My last comment—I hope I am correct in this—is that if he does so, that will much more than double the actual savings which the CBO has found to be in the budget as it exists at the present time.

Am I correct in that assumption?

Mr. DOMENICI. Will my colleague repeat the question?

Mr. GORTON. Mr. President, I just wanted my colleague to repeat whether or not he agrees with me. I am not saying we are casting blame on the President. But between now and the next month, he does have the opportunity to come up with $107 billion in real cuts, and he will have to do that just to stay in place, just to accomplish the goals he set out in his State of the Union Address.

Mr. DOMENICI. Mr. President, the President will have to do that if he wants to rely on the Congressional Budget Office to give his plan the credence it is entitled to, and that it deserves, and that he said it would have, because he said this is all per the Congressional Budget Office. It turns out, when they do their work, it is off by the amount the Senator has said.

While we are on that, I would like to make a point. None of this is intended to say that this was intentional misleading; not at all. It points out that estimating and trying to get things done without having the entire budget in place is very risky. If you are going to rely on the Congressional Budget Office, you had better let them look at a completed document so they can do their work in the excellent manner that they do it, most of the time.

On that score I would like, if my colleague has no objection, to put in the RECORD a copy of the letter sent to Senator SASSER, chairman, asking for at least two hearings, so our fellow Senators will know precisely what we asked for. It is nothing untoward. It is very forthright. Let us hear a defense expert; let us hear an economic evaluation.

Mr. GORTON. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
*Washington, DC, March 4, 1993.*

Hon. JIM SASSER,
*Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter is to request that you schedule two important Committee hearings before we proceed with the Fiscal Year 1994 Concurrent Budget Resolution.

The first hearing we request is an analysis of President Clinton's economic and budget plan. The Committee has historically received testimony from prominent economists on the President's economic and budget plan. Such a hearing has not occurred this year in the Committee. Further the first order of business in considering a budget resolution in the Senate, once reported, is four hours of debate on the economic goals and policies set forth in the resolution.

The importance the President has given to his plan's impact on the economy deserves a full and complete hearing before we proceed with the markup. We request two economists of national renown testify for the Republicans.

We further request that Secretary Aspin and General Powell appear before the Committee to review the President's defense budget plan. We realize that this hearing had been scheduled but due to the Secretary's health was unfortunately canceled. Again, because of the significant reduction in defense spending proposed in the President's plan, it is critical that the Committee have a full and complete hearing regarding its impact on our national security, economic dislocation and job loss.

We Republicans on the Committee will be prepared to participate in these hearings as soon as they can be scheduled.

Sincerely,

Pete V. Domenici, Slade Gorton, Judd Gregg, Don Nickles, Phil Gramm, Kit Bond, Hank Brown, and Chuck Grassley.

Mr. DOMENICI. Mr. President, I will not put the letter in this afternoon that we sent to the President because it should probably be done tomorrow. It is also being sent to Budget Director Panetta and Chairman SASSER, and I am absolutely sure those concerned with budgets of the United States will read the list of about 15 items that we have asked—with specificity—we have these before we mark up. I am certain those who understand our bona fide effort to be players and participants will know we need this kind of information.

Having said that, let me say to the Senate, nobody should be under any apprehension that the Republicans—who are going to participate; who have been meeting to try to understand and be participants by knowing precisely what this budget is about—are going to have many amendments. Every Senator has some version of what he thinks is not right in this budget. And I would say, in speaking to Democratic Senators, whether they offer the amendments or not, many of them say, "There are things in this budget I am not for." I have heard at least 15 say: "I am not for the Btu tax."

So we are no different than that. We are going to have Senators, to make their point, offer those kinds of amendments. But we are also going to offer—and we are working on—a series of major amendments to change the thrust of this recommendation of the President's, because we, too, want jobs and deficit reduction. We are going to change it in two major ways. And we can tell you right off there are very major policy changes.

One is, we do not think we need a net $360 billion in new taxes to get close to the President's deficit targets because we think we do not have to increase domestic spending by $178 billion, over a starting point which is the starting point of current law plus inflation, for every program after that. We do not think we should add $178 billion more to that. So there will be more cuts and less taxes—if any—in our policy proposals that will be presented as soon as we can put them together. And, clearly, if we are forced to mark up next week, we are very hopeful we will have them ready by then.

Everyone is working very hard. We are committed to being there. We are going to cancel as many things as we can to have good attendance. It is one of the interesting committees. There are no proxy votes in this committee. So for those who want that for the Senate, we already have it. You have to be there if you are going to propose something and have a vote. So we are going to be there.

My last comment is, our own intention in producing amendments, and policy changes by way of amendments, is because, in essence, we do not believe that we can get the deficit in the United States under control without getting the spending of the Federal Government under control. And we really do not believe that $54 billion net over the next 5 years in spending cuts—$55 billion is what we read the CBO report to say—we do not think that is nearly what the American people had in mind when they said: Let us sacrifice.

We think the taxes are the sacrifice. We do not think Government is sacrificing very much at all.

With that, we will put the other letters in the RECORD tomorrow. And hopefully, Senators who are interested in our concerns of doing the budget right—so we do not have another CBO estimate 4 weeks after it saying it is wrong, because they will have done it right—I hope some of them might join quietly and privately, if no other way, in asking whether or not we could have a little time, and the President could have a little time, to get his budget finished before we start our work on a budget resolution.

Mr. GORTON. Mr. President, I thank the Senator from New Mexico, my friend and colleague.

I agree with his remarks. I believe the people of the country owe him a great deal of gratitude for the clear and cogent way in which he can explain extremely complex circumstances.

We do want the deficit reduced. It is not good news for either Republicans or Democrats to find that a plan so carefully crafted by the President of the United States, is going to fall $107 billion short of meeting its own professed goals. We want to give the President the opportunity to meet those goals. We want to be able to support him in meeting those goals. We want to be able to make our own suggestions. And we want to be able to make those suggestions intelligently.

We find it frustratingly difficult to do that with the sophistication it ought to require in the absence of any kind of detailed budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington yields the floor.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know the Senator from New York wishes to speak, and I actually came down to manage the National Voter Registration Act of 1993.

I thought I might respond to my Republican colleagues. Although they are leaving now, the comments will be on the RECORD. If they are busy and have to go, that is fine.

I want to say I am at a bit of a disadvantage. I have not yet—being busy—seen the CBO report. When my Republican colleagues say, of course, they want to operate in a nonpartisan manner, I certainly hope that will be the case, because unless I am wrong, it is very difficult to analyze the difficult decisions we are going to have to make, and the economic mess that our country is in, without having some historical perspective.

I just came to the U.S. Senate in 1990. I did not serve during the decade of the 1980's, and I cite as an excellent resource on this the book America: What Went Wrong? We went from an annual deficit of $75 to $350 billion. We went from an overall debt of $1 to $4 trillion. So I imagine there is plenty of blame to pass around, including blame that could be directed at Senators and Representatives who were in office, along with several Presidents.

I just want to make the point that President Clinton inherits that mess and undoubtedly some very difficult decisions need to be made. But when I hear this emphasis on deficit reduction, deficit reduction, deficit reduction, when I know at the same time we had two Republican Presidents sweeping problems under the rug, over and over and over again, I just simply want to point out that the reason people in this country are supportive of President Clinton is that they understand that President Clinton has inherited a mess. He cannot turn everything around overnight, but he can begin to change the course of direction of the country.

I heard, I believe, the Senator from New Mexico [Mr. DOMENICI], whom I have great respect for—and I know people on the floor always say "he is a great friend," but I consider him to be a great friend—I just have to say when I hear the discussion about we do not want to raise taxes, once again, one of the things we did, starting with what was euphemistically called the Economic Recovery Act of 1981 because it certainly did not lead to economic recovery for this Nation, is we passed a very regressive bill which dramatically gave the tax breaks to people on the top with the wealth and the income. We have had a massive redistribution of wealth and income in the United States of America, all in the wrong direction.

I do not think that the vast majority of Minnesotans or the vast majority of people in this country are opposed to some principle of fairness when it comes to who pays the revenue for how we invest in our own country.

As a matter of fact, Mr. President, it is interesting, last week I was back home meeting with people to get their reactions to the budget proposal, and I met with a number of CEO's of some major companies in Minnesota and they said to me: "Paul, we make a very fine salary, and we have no objection to paying a higher marginal rate, as is done by high income and wealthy people in every other advanced economy. We know we have tough problems in our country, we know there is going to have to be sacrifice, and we are willing to pay our fair share."

So I have said it before and I am going to go back to this old Yiddish proverb, "You can't dance at two weddings at the same time." I cannot understand how my Republican colleagues can be all for reducing the deficit, but I assume they are not opposed to fully funding immunizations by 1997; I assume they are for funding Head Start and are for funding the Women, Infant and Children Program. How are we going to do all that?

The Senator from New Mexico says that the Republicans are going to have all sorts of alternatives with budget cuts—and I would like to just say to the Senator from New York, I will be done in just a moment. We are both emotive politicians, and I have a little bit to get off my chest.

The Senator from New Mexico also says there are going to be cuts. I can think of some massive programs that could be cut. A lot of people can think about that. But there may be different definitions of cuts. Let me just say to those Senators who intend to come to the floor with suggestions about cuts, I am a Senator from Minnesota and I am not going to see people talking about cuts that dramatically hurt and affect people in this country who cannot afford to have their belts tightened any further. There are a lot of massive energy subsidies that I think are given away to companies who pollute the environment. Maybe we ought to look at those cuts. Some of us have questions about the space station. Some of us have questions about super collider. There are lots of things on the table. But some of the Senators who talk the most about deficit reduction and cuts are always talking about cuts that affect people somewhere else.

So I will just go back to President Clinton's budget proposal. I think there is balance. I think there is fairness and, quite frankly, I think the President is right on the mark when, on the one hand, he talks about deficit reduction and, on the other hand, Mr. President, he understands we have an investment deficit, and we have to invest in our people, and we have to invest in our infrastructure, and we have to invest in our economy, otherwise decline begets decline begets decline.

We do not do well as a Nation with an official unemployment rate defined at 7.3 percent, never mind those people who are part-time workers, underemployed workers, those people who are discouraged workers and not counted as unemployed, and all those people who work 40 hours a week, 52 weeks a year and do not make decent wages and do not have decent fringe benefits.

I am just telling you if we do not invest in our own economy and our own people, and we do not dramatically reduce unemployment and have an economic investment so we have an economy that produces good jobs that people can count on, that pay decent wages and fringe benefits, then we are never going to bring the figures down. What are the figures? Every percent you bring unemployment down, I think you lessen $50 billion from the deficit.

I just hope in the discussion I just heard—both the Senators are gone; I was hoping they would stay but I know they had other appointments to go to—that they would understand that we cannot talk about right now and conveniently forget our recent history, and I am talking about a history of President Reagan. Remember supply-side economics? Remember that? Remember how we were going to slash the revenue base of this country and double the military budget, but we would give tax breaks to the wealthy and high income, they would invest in the economy, there would be higher levels of productivity, there would be more jobs, there would be more economic growth and the debt would come down. All of that was promised. I ask the people of the United States of America: Did that happen? That is why they elected President Clinton.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## DEATH PENALTY FOR ACTS OF TERRORISM

Mr. D'AMATO. Mr. President, I rise today to address the tragic bombing that struck the World Trade Center just this past week. And there are two tragedies that stand out in my mind. Just a short time ago, the authorities have indicated that at least one of the perpetrators has been identified. It would appear that it is a person who is a member of the Muslim Brotherhood which is the father organization of the terrorist group Hamas.

While there may not be some sort of grand conspiracy, I certainly cannot speak to that as it relates to this particular incident or all violent terrorist attacks. Certainly, the killing of five innocent people and the injuries and the pain and suffering that have resulted, is a tragedy of immense dimension. The idea of being able to hold people hostage or inculcate fear that there may be another incident, wherever, is something that is repulsive. The President of the United States in his visit to the region just recently indicated that this would be a tragedy if we were to permit our citizens to be held captive by fear, and he was right.

But, Mr. President, there is a second tragedy, a tragedy that those people who undertake these actions are caught, that justice is incomplete and indeed if it turns out that the person who has already been apprehended is tried and convicted, justice will not be complete. That person may be sentenced to a term in prison, may be sentenced to a life in prison. Ask the mothers and fathers and children and loved ones of the victims who died whether that is true justice.

Mr. President, we should have a death penalty for these kinds of savage acts and the fact of the matter is that there is no Federal death penalty for what took place on Friday.

Under the law, the most that that guilty party could face would be life imprisonment. Such tragedies must never be suffered again without recourse to full justice, and that is why I am introducing legislation which will provide for the death penalty for murders involving bombs or other explosives.

This bill tracks similar legislation which I introduced, which we passed and is now the law of the land providing for the death penalty for homicides which are ordered by drug kingpins. We finally recognized that if someone is so heinous that he or she would order the killing of a person, they should face the death penalty. If someone is so depraved that they will set off bombs, explosives, without regard to human life, then certainly a jury of his or her peers should have the ability under the proper circumstances to call for the death penalty.

Let me just touch on something, because I had no realization as to how almost commonplace bombing has become and the incredible rise in the incidents of bombing in this country.

I refer to the manual, the 1991 Bomb Summary, put out by the U.S. Department of Justice. In 1989, we had 1,208 incidents of bombing in this country—explosives and incendiary, 1,208. In 1991, if you look at the graph we see a leap straight up, more than a doubling in less than a 2-year period of time from 1,208 to 2,499, almost 2,500 bombings nationwide.

We have to let those people who would resort to this kind of terror tactic, whether it be domestic or international know that they will face the full measure and consequences of their actions. And if it results in the death and killing of people, there will be a death penalty.

Mr. President, if there is going to be any kind of crime bill that moves through here, it better have the death penalty for those who would use bombs and explosives and incendiaries, and that is why tomorrow I will be introducing legislation in the hope that I can, on a bipartisan basis, gain the support of as many Members as possible.

Let me, if I might, refer to page 21 of the manual that comes out from the Federal Bureau of Investigation. In my State of New York, in the last year the statistics were covered, which is 1991, we had in actual explosives, 71 bombs. In addition, there were 26 other attempts. In terms of incendiary devices, there were 12 others and two attempts. So that in the State of New York alone, when we talk about actual bombings and incendiary devices and attempts, we had well over 100.

The people of my State are entitled to the same protections as everyone else, which means that if you are going to use an explosive or a bomb and threaten lives and actually cause the deaths of innocent people, you should be prepared to pay with your own life.

Mr. President, it is with a feeling of relief that we have, apprehended someone who brought about this tragedy. I think we have to go further. That is why I am going to be introducing this legislation. I hope that before this session is complete we can adopt legislation which will give some meaningful protection and exact a full measure from those who, with no regard for the lives of others, would place people in harm's way, would jeopardize their lives, would actually take their lives, resulting in the kind of tragedy we have seen in New York becoming commonplace.

I am concerned that we have reached a new era in our lives where we do have radicals and radical groups with little regard for the safety of others and have now turned to this methodology of holding people captive. When one stops to think of the dramatic increase in a period of less than 24 months, a doubling nationwide of bombings taking place in this country, that should give one cause to reflect and say let us see to it that we do everything we can to not only apprehend and to discourage those who would undertake this activity, but to see to it that there is a proper punishment particularly as it relates to innocent lives being lost.

Mr. President, I thank my colleague from Minnesota for having been so gracious, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York yields the floor. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion to proceed.

Mr. DOLE. Mr. President, I understand the pending business is on the motion to proceed to the motor-voter bill.

The PRESIDING OFFICER. The Republican leader is correct.

Mr. DOLE. Mr. President, earlier this year, Congress passed a family leave bill that will cost businesses hundreds of millions of dollars.

Yesterday, the Senate passed an unemployment compensation bill raising the deficit by $5.8 billion but did not offer a single way to finance this new debt.

And now, we are debating so-called motor-voter legislation that says to the 50 States—reform your voter registration procedures, comply with our mandates, but do not come to us when it is time to pay the bill.

And if your State is broke and cannot comply with our requirements, then tough. That is not our problem. It is yours.

Mr. President, no one is against helping families with medical emergencies or assisting those Americans who are out of work or encouraging more people to participate in the democratic process.

That is not the point.

The point is that we are grownups, if we want the goodies, we are going to have to pay for them.

If we want an extension of unemployment benefits, then fine, let us find the money to fund it.

And if we want the States to adopt new voter registration procedures, we should be able to say that funding is available.

Last June, candidate Bill Clinton told the U.S. Conference of Mayors that "I am going to stop handing down mandates to you and regulating you to death."

These words were warmly received, and it is no wonder.

The mayors and county executives and State officials throughout America understand what it means when Washington calls.

It means added expense, added regulation, and added aggravation—so think twice before you pick up the phone.

Unfortunately, now that he has made it to the White House, President Clinton is singing a different tune.

We have had the family leave mandate.

We have had the $5.8 billion increase in the deficit—a mandate on our children and grandchildren who, ultimately, will pay the price for this act of fiscal irresponsibility.

And now we have the motor-voter mandate.

Tax. Spend. Mandate. That is the great new vision for change.

I ask my friends on the other side of the aisle, how would you like the States to pay for this legislation? Do you want them to cut their education budgets? How about their unemployment benefits? Child nutrition programs, perhaps? Or maybe we should tell them to raise their State taxes, and pass along the costs to the taxpayers?

No one is against increasing voter registration.

The more people who vote, the better for our democracy.

But the best way to get people to vote is to convince them that Congress is a credible institution, that we can conduct our affairs responsibly and without gimmicks.

Unfortunately, the motor-voter bill flunks the credibility test.

As columnist David Broder recently wrote:

> This legislation is the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name.

Mr. President, my colleagues on this side of the aisle will make other arguments against this bill—the potential for fraud, the possibility of coercion with agency-based registration, the very fragile linkage between voter registration and voter participation.

These problems are real. They are not imaginary.

But, Mr. President, my biggest concern is with Congress' credit-card mentality.

We seem to think we can come up with any idea, no matter how expensive, and just charge it—charge it to business, charge it to future generations, and with this bill, charge it to the States and localities.

Needless to say, many of our colleagues in State government feel that this legislation is unnecessary, fraught with the potential for fraud, and inordinately expensive.

Perhaps that is why the National Governors Association, the National Association of Counties, the National Association of Towns and Townships, and the National League of Cities have all registered their opposition.

I have also received numerous letters from State and local officials who have told me that this bill will interfere with their ongoing efforts to improve access to the ballot in their respective States.

For once, I urge my colleagues to listen to the people who will have to live with what we legislate.

Mr. President, I ask unanimous consent that letters by Governors Tommy Thompson of Wisconsin and Pete Wilson of California be inserted in the RECORD, and that a letter by Bill Graves, secretary of state for the State of Kansas, be printed in the RECORD as well.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF WISCONSIN,
*Madison, WI, February 3, 1993.*

Hon. ROBERT DOLE,
*Senate Hart Building, Washington, DC.*

DEAR SENATOR DOLE: I am writing to express my opposition to H.R. 2, the National Motor Voter Registration Act. I support efforts to improve voter registration, however, this legislation is not an effective means of achieving that goal.

In December of 1991, I vetoed a bill passed by the Wisconsin Legislature that would have established a registration system similar to that proposed in H.R. 2. The legislation was not a cost effective means of improving Wisconsin's voter registration program which is already among the best in the nation.

Although Wisconsin would receive an exemption from enacting provisions of the program because it is one of three states to permit same-day voter registration at the polling place, I must object to this attempt by Congress to pass another unfunded mandate on the states. The bill will require states to provide voter registration at driver's licensing centers and other public assistance offices and through the mail without providing the necessary funding.

Unfunded mandates are stealing resources from the states and stifling state initiative. The 101st Congress passed legislation imposing twenty two mandates costing states over $15 billion and several others were passed in the 102nd Congress that impose further burdens. I am opposed to H.R. 2 and I am hopeful that you will vote against this faulty bill.

Sincerely,

TOMMY G. THOMPSON,
*Governor.*

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STATE OF CALIFORNIA,
*February 11, 1993*

Hon. BOB DOLE,
*Republican Leader,*
*U.S. Senate, Washington, DC.*

DEAR SENATOR DOLE: I am writing to express my strong opposition to H.R. 2, the National Motor Voter Registration Act.

As I explained to you earlier during the National Governors' Association conference, H.R. 2 as currently drafted imposes yet another unfunded mandate on the people of California. While the bill requires states to provide voter registration at drivers' licensing stations, public assistance offices and through the mail, it does not provide any funds to assist the states in carrying out these activities.

California's fiscal crisis is well known. For the second straight year, we face an absolute decline in total state revenues at a time when our population grows by 600,000 people a year. To meet California's constitutional obligation for a balanced budget, we will be forced for the third straight year to make very difficult decisions. Unfortunately, H.R. 2 is blind to the fiscal climate in the states, and it allows the Congress to avoid making equally difficult decisions, by forcing the states to pick up the tab for what is claimed to be a national priority.

If the Congress identifies this as a national priority, then it must be prepared to provide the funds necessary to ensure full implementation. Absent federal funding, we must question the Congress's intent, especially given the fiscal circumstances in California and the other states.

We all share the goal of improved voter registration, Republicans and Democrats alike. This is not a partisan goal, but a promise of our democratic process. I look forward to working with you and the congressional leadership to halt this unfunded mandate.

Sincerely,

PETE WILSON,
*Governor.*

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STATE OF KANSAS,
*Topeka, KS, February 17, 1993.*

Hon. BOB DOLE,
*Hart Senate Office Building, Washington, DC.*

DEAR SENATOR DOLE: I urge you to continue your efforts to work for the defeat of H.R. 2. This bill places an unfair and unnecessary burden upon the people of Kansas. While this bill may be needed in other states, it is not needed in Kansas, which is already implementing its own motor voter program.

I have consistently maintained that Congress should reward states with existing motor voter programs. Instead, they have chosen to ignore Kansas' efforts to implement a program meeting the unique needs of our state and to punish states that showed the initiative to increase access to voting on their own.

My objections to H.R. 2 are as follows: It is but one more example of a callous federal government dumping an unfunded, unwanted mandate on state government. Columnist David Broder recently called it, "An example of the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name."

This legislation is a perfect example of why Bill Clinton finds common sense so uncommon in Washington. This bill might be good politics, but it surely is not good government, and I sincerely doubt that in this new era of "sacrifice" we want to squander resources so wastefully.

Estimates of what it will cost states to comply with the federal program range from $25 million a year up to ten times that amount. This is especially irresponsible considering the strain state budgets, including that of Kansas, are under. States are already having difficulty keeping their existing programs operating with scarce and dwindling resources.

Agency-based registration is an especially costly and unnecessary aspect of the measure. Through motor voter in Kansas we will boost our registration to more than 92 percent of the state's voting age population. This means that we will spend hundreds of thousands of dollars to reach less than eight percent of the voting age population through agency-based registration.

This is preposterous. It is especially preposterous considering that Kansas does not have a problem. In addition to motor-voter, Kansas has mail-in registration. We make an on-going, concerted effort to give people the opportunity to register.

The results in 1992 suggest that our efforts are successful. Kansans registered to vote and turned out on election day in record numbers. The final tally on registration showed 1,365,847 Kansans, or 75 percent of the voting age population, registered to vote. On election day, 1,160,826 Kansans, or 85 percent of those who were registered, voted. That represents 138,835 more Kansans than had ever voted before—a 14 percent increase over the previous record and 64 percent of the voting age population.

I realize that all American's should be given the opportunity to conveniently participate in our electoral process. However, to take a broad brush and paint all states into the same expensive corner is not good public policy.

Please continue your efforts to defeat this legislation. Should it become law, I hope Congress will back up its words with action and provide adequate funding.

Sincerely,

BILL GRAVES,
*Secretary of State.*

Mr. DOLE. Mr. President, the first thing we did this year was to pass a bill, a mandatory family leave bill which would cost businesses hundreds of millions of dollars. We reached out and told everybody with 50 or more employees in America: This is going to be your leave policy, and you can handle the costs and everything else. So we have already had one mandate. We already reached out and taxed, because it is a tax; it mandates tax on business.

Yesterday, we passed the unemployment compensation bill, which we should have done, except we did not pay for it, so we added $5.8 billion to the deficit. So we started off with an ominous tone, because we did not try to pay for it. We added it to the deficit.

Now, the third piece of legislation is another mandate, adding a couple hundred million dollars or more. Tell the States and counties: You pay for it.

I addressed the National Association of Counties last Sunday, and there were Republicans and Democrats there, and they were unanimous in saying: Do not send us more mandates, unless you send us the money.

We do not listen very well. We keep telling local and State government we are broke, the Federal Government is broke. We have a $4.3 trillion debt. So we will pass it on, and you pay for it. If you are an employer, you pay for it, if you are a county official, find the money from the taxpayers, or if you are a Governor, you have to find the money. This is Democrat and Republican; this is not partisan. "Do not send more mandates."

Now we have this great idea, this motor-voter legislation, that says to the 50 States, reform your voter registration procedures, comply with our mandates, but do not come to us when it is time to pay the bill. Pay for it yourself. So we have all these great ideas that we cannot afford to pay for. The Federal Government is broke. So we will just mandate that you pay for them. If your State is broke and cannot comply with our requirements, that is tough, that is not our problem. That is your problem. That is what we tell the Governors, Democrats and Republicans, whatever.

So it seems to me that we ought to stop this. I was going to quote David Broder, who is considered to be a fairly responsible journalist when it comes to politics and issues.

He said that: "This legislation is the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name." That did not come from some Republican. I do not know what his politics are, but I know he is a respected journalist, sort of the dean of political writers.

I will say it again: It is underfunded and overhyped. That is true. There is no money in it—just a lot of hype, always saying how good it is for everybody, and it does give us a bad name. It is the very thing that makes Ross Perot so successful when he comes to Congress and talks about irresponsibility when we keep passing the bills and telling somebody they have to pick up the cost and pay for it.

So my colleagues on this other side of the aisle will make other arguments against the bill—the potential for fraud, the possibility of coercion with agency-based registration, the very fragile linkage between voter registration and voter participation.

Mr. President, I think my biggest concern is the so-called credit card mentality. We seem to think we can come up with any idea, and we say it is good and somebody is for it, no matter how expensive; we can just charge it to business, and future generations, to the Governors, to the county commissioners, and to the mayors. I do not think it is necessary.

My State opposes this. We have a Democratic Governor. We figure it will cost maybe $800,000 a year in the State of Kansas. We do not have $800,000. We have pretty good voter registration laws now. We want people to participate.

Mr. WELLSTONE. If the Senator will yield for a moment, Mr. President, I am just managing the National Voter Registration Act at this time, and I wonder if the Senator from Kansas realizes—and I know he does—Kansas already has motor-voter. I am sure the Governor has mentioned that. I take it that it is working very well in Kansas, as it is in Minnesota and in many other States.

Mr. DOLE. But we do not need the Federal Government to come in on top of it. Give the States a chance. We are trying to register voters and be progressive, as county officials are.

Why does the Federal Government always assume it is our responsibility to tell the States and counties what they ought to do? I do not think this legislation is going to pass, so maybe it will not make any difference. If it should pass, then we are creating more problems for a lot of people in both parties, and a lot of taxpayers in both parties, who have no idea why we are doing this. I am not sure anybody here knows precisely why we are doing it, except that it might help Democrats who run for political office.

Mr. WELLSTONE. If the Republican leader will yield. I also have David Broder's piece here. I agree with the minority leader that he is a respected journalist.

I thought I might quote different sections of the article and maybe talk about the "why" of this legislation.

Mr. Broder, at one point, said: "By building on that State experience, its sponsors have done something that is altogether too rare in Washington: They allowed the design to be field-tested before taking it national."

So, in other words, we are building on some of the best of the State's efforts. Mr. Broder goes on to say, "The prospect of these newcomers makes Republicans nervous"—I think this is relevant—"even though many of the new registrants are expected to be young people. In two of the last three Presidential elections, most young people voted Republican. Some of the Republican rhetoric"—and this is what I wanted the minority leader to listen to—"condemning the bill has been even more exaggerated than Democratic descriptions of its benefits."

I think the point about what Kansas, Minnesota, and many other States have done—half of the States of the country—with motor-voter is that is a huge step forward. The problem is, if you look around the country, you find about 70 million people not registered to vote. If you look at the problem of nonregistration in this country, you find that in all too many States—let us talk about this as a basic civil rights issue—we impose enormous difficulties on people. You do not know whether it is 32 days, 26 days, or however many you have in order to register to vote. You might have to register 25 days or 32. You do not know where to register or how to register, all too often. Those people we impose difficulties on are the very people who are working, blue-collar workers, low and moderate income people.

There is a real economic bias. I would think, in trying to expand democracy, that we want to support this legislation. I say to the minority leader that is the "why" of this bill, and that is, in part, what Mr. Broder was trying to say. The cost of it, CBO says, is $20 million a year.

Please remember, States are already doing voter registration. We are not mandating States to do voter registration. CBO also says we can save somewhere over $10 billion a year in terms of making it more efficient through this program. So as I look back over the decade of the 1980's, I look at a lot of the irresponsible finances; and this strikes me as being a very, very, very small-cost item compared to the gain we make, which is finally that we do not discriminate against people. We reach out and make sure that citizens in our country have the right to register and vote. That is what the United States of America is about.

Mr. DOLE. Mr. President, I appreciate the comments from the Senator from Minnesota. We will be offering an amendment, if we ever get to the bill—and I hope we do not. If we do, we will have an amendment which says it does not go into effect until the Federal Government pays the cost, whether it is $20 million or $200 million or whatever the cost. Sooner or later, we are going to have to stop mandates. I noticed when President Clinton had the Governors down, he said, "we are going to stop the mandates, stop sending things out to you, unless we pay for them."

This is a good chance for the President to stand up and say: Stop. Unless we pay for this, we are not going to inflict it on the States and on the Federal Government.

Do not tell me when the Federal Government gets involved it is going to be more efficient. If you go out and try to prove that to someone in almost any State, I think you are getting a pretty good argument. When the Federal Government gets involved, watch out. It may never happen.

So that is one of the problems we are having right now. We hope that President Clinton's effort to streamline Government will have a chance, but this bill is certainly not needed. The States are doing it. If you already have it in your States why inflict it on other States? Other States are going to do what they need to do to get people to register.

We will have the debate and have the vote tomorrow morning at 9:30. I do not think cloture will be invoked. I hope it will not be invoked but we will be back again on Tuesday.

Mr. President, was leader time reserved?

The PRESIDING OFFICER. Leader time has been reserved.

Mr. DOLE. Mr. President, I ask unanimous consent to speak on some other subject and not interfere with the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE ECONOMY AND THE BUDGET

Mr. DOLE. Mr. President, since we are talking about how easy it is to spend money on programs when we do not have to pay for them which seems to be the thrust of what we are hearing this year—mandate more spending, add to the deficit.

Mr. President, this morning I had a chance to glance through the Congressional Budget Office's preliminary analysis of the Clinton economic plan.

It seems CBO has the same problem Republicans do. Let me quote from the CBO report:

> Because the [President's] April budget is likely to modify or clarify some of the administration's proposals, CBO's analysis must be viewed as preliminary.

Let me underscore the word "preliminary." Even though the CBO makes it clear that the Clinton plan is incomplete, we are still told that we have to vote on a budget resolution to implement the President's program before we get to see the President's budget and even the CBO is saying we cannot complete this, because we do not have all the figures, but we are supposed to pass a resolution in 2 or 3 weeks before we even see the President's budget.

If you take a quick look through this analysis, which I am submitting for the RECORD unless it has already been submitted earlier today, I would like to make a few remarks.

First of all, we should not forget the comments President Clinton himself made about using the independent Congressional Budget Office to calculate his plan. President Clinton also said:

> This budget plan * * * will by 1997 cut $140 billion in that year alone from the deficit.

Not according to this analysis by the Congressional Budget Office which was released last night. CBO now estimates that the Clinton plan will only reduce the deficit by $116 billion in fiscal year 1997. So we have gone from cutting the deficit in half in 4 years to cutting $116 billion from the deficit in 5 years.

Second, we have this vaunted "vision of change for America." We were told yesterday why we do not need a budget. It is because we have this little pamphlet; we have a pamphlet from the President. It is not a budget. It is good enough. Go ahead and vote on the pamphlet. It claimed that the President's plan would reduce the deficit by $473 billion by 1998. CBO's analysis now says the plan will generate 25 percent less deficit reduction—or only $355 billion—by 1998. So that is a fairly substantial difference as I look at it.

On top of all these new shortcomings, we still do not know all the details of the Clinton plan. Take, for example, the President's single largest cut—$112 billion in defense cuts on top of $75 billion already authorized and passed by Congress last year. We do not have the foggiest notion what the President plans to cut in defense. President Clinton did not say during our lunch on Tuesday where the defense cuts were going to come from, who was going to be affected, what weapons systems were going to go, what bases closed.

Then, the earned income tax credit which is supposed to offset the regressive Btu tax, the so-called energy tax—how is that going to be implemented? We do not know. I got a letter from Treasury saying we will tell you later; we do not have the details of the plan yet.

But we do know this. I think the more that we learn about the plan, the harder it becomes to justify the price tag.

Let me again, just in summary, point out the highlights. It is $360 billion in increased taxes, that is billion, $360 billion in new taxes over 5 years. We also have $178 billion in new spending. We have $68 billion in new tax breaks. We have $112 billion in defense cuts on top of $75 billion we already cut.

So it just seems to me that we have a right on this side of the aisle, and I think my colleagues on the other side would agree, to know what impact the President's budget may have on our States. There may be some things in that budget that might lead some of my colleagues to have some concern about the overall package. Whether you are for it or not, you ought to ask to see the budget. I mean, you do not go in and buy a new car with a blindfold on. You should not be asked to vote on a budget resolution until you see the budget.

I have been asked by the media from time to time—most of the media, of course, tends to support everything Clinton is for and the liberals are for—well, where is the Republican plan?

The last time I checked, we are not the Government. Republicans did not win the Presidential election last November. It is up to President Clinton to propose a plan. But I can tell my colleagues, and I can tell the media if they are interested, we will have a strategy, we will have a coordinated, coherent study and will have some amendments in the budget resolution in committee and on the floor, and if I can guess correctly, and I think I know pretty much what is happening on this side of the aisle, we may have our own Republican plan to offer a leadership amendment, either an amendment or a substitute.

So I would say to my friends on both sides of the aisle we are concerned about the deficit. We agree with President Clinton. The deficit is public enemy No. 1. It ought to be reduced. We ought to deal with it. We ought to get more jobs in the private sector. We want the economy to grow. And for all those reasons, we ought to deal with the deficit as quickly as we can, but I do not believe we are in such a hurry and such a rush that we need to do it before we get the budget document.

It has never been done before. You never vote on the budget resolution before you had the budget. I thought we did. I thought in 1981 President Reagan had done that. I said so on the Senate floor.

I later was corrected and came back and corrected my remarks, because it did not happen in 1981. We had an existing budget.

So I would hope that as we continue to try to obtain information from the administration on different parts of the budget, that we will keep in mind that it is $360 billion in increased taxes, and also keep in mind all those rich people. About 70 percent, as I recall, are small business men and women who are out there trying to make it. Maybe they make $250,000. Maybe they created some jobs. And their tax increase is not going to be from 31 to 36 percent. It is going to be from 31 to about 50 percent, because they are going to lose exemptions, they are going to lose deductions, they are going to pay a 2.9-Medicare tax, pay a 10-percent surtax, and it is based on economic income, and that is another definition. It has been around since 1984, but we were cutting taxes in the eighties, not raising taxes.

I just believe that the reason our phone calls are 4 to 1 against, some days 5 to 1 against, 6 to 1 against, up as high as 9 to 1 against from my State, because people are beginning to learn about the plan.

If you want more taxes, you are going to love this package. If you want to pay more taxes, you are going to love this package that President Clinton has sent to Congress.

I would hope that President Clinton was serious when he talked to us, and I think he was. We had a very good exchange at lunch on Tuesday. We appreciate and were honored very much to have the President come to our luncheon. If we are serious about deficit reduction, then we are serious about trying to be helpful. But I have the strange feeling that maybe Republican input is not really what is desired by my colleagues on the other side or by the administration.

They have the majority. They probably have the votes, and they like taxes. So we ought to just give them all the taxes they want, but we ought to focus on spending reductions where we can and insist that we reduce the deficit, and do it through spending cuts and not increased taxes.

I ask unanimous consent to print in the RECORD the preliminary CBO estimates.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

### PRELIMINARY CBO ESTIMATES OF THE ADMINISTRATION'S BUDGETARY PROPOSALS, MARCH 3, 1993

The Congressional Budget Office (CBO) has prepared a preliminary analysis of the Clinton Administration's budgetary proposals. This note and the attached tables summarize CBO's conclusions. A forthcoming CBO paper will provide further details and explanatory information.

CBO's analysis is based on the proposals and estimates described in the Administration document, A Vision of Change for America, which was released on February 17. In early April the President will present a formal budget containing detailed and revised budget proposals and updated budget estimates. Because the April budget is likely to modify or clarify some of the Administration's proposals, CBO's current analysis must be viewed as preliminary.

### CBO PROJECTIONS

CBO estimates that under current budgetary policies the federal deficit will total $301.6 billion in 1993, $286.7 billion in 1994, and $359.7 billion in 1998 (see Table 1). These baseline projections assume that discretionary spending is held to the limits established by the Budget Enforcement Act in 1994 and 1995 and grows at the same pace as inflation after 1995. CBO's current baseline budget projections incorporate minor revisions of those that CBO released in January in The Economic and Budget Outlook: Fiscal Years 1994–1998.

In CBO's estimation, the Administration's budgetary proposals would add $6.8 billion to the deficit in 1993 and would reduce the deficit every year thereafter. Compared with the CBO baseline, the Administration's plan would reduce the deficit by $18.6 billion in 1994, $27.4 billion in 1995, and $131.2 billion in 1998.

Although the Administration's policies would, on balance, reduce the deficit, its program includes many proposed spending increases and tax reductions. Most of these programmatic increases are labeled as stimulus or investment proposals in the Administration's February 17 document, but some are included in the category of "nondefense discretionary program savings." During the 1993–1998 period, the Administration plan provides a total of $355 billion in net deficit reduction from the CBO baseline, comprising $652 billion in gross reductions, partly offset by $297 billion in increases.

### DIFFERENCES BETWEEN CBO AND ADMINISTRATION ESTIMATES

CBO's estimate of the deficit is lower than the Administration's estimate in 1993, 1997, and 1998 but higher in 1994, 1995, and 1996 (see Table 2). These differences take into account differences in estimates of the budget baseline and the Administration's policy proposals. CBO's estimate of the baseline deficit is lower than that of the Administration in most years, but CBO also projects somewhat lower savings from the Administration's proposals. Because the Administration's budget estimates are based on CBO's economic assumptions, all of the differences between the Administration and CBO reflect different technical estimating methods.

CBO's baseline estimates differ from those of the Administration in two key respects. First, CBO projects higher tax collections after 1994 than the Administration. Differing interpretations of recent trends in corporate income tax collections explain more than half of this difference. Second, both the amount and timing of spending for deposit insurance remain in doubt. During the 1993–1998 period, CBO projects higher outlays for deposit insurance of $6 billion. CBO is more pessimistic than the Administration about the anticipated outlays for savings and loans but less gloomy about the prospects for the Bank Insurance Fund.

For discretionary spending proposals, CBO has generally accepted the Administration's estimates of the changes in budget authority, even where a proposal is not clearly specified, but has reestimated the resulting changes in outlays. For mandatory spending, CBO has used its own estimates of the specific policy changes proposed by the Administration. In three cases—reforming Federal Housing Administration insurance, reforming power marketing administrations, and changing debt management policies—the Administration has not yet outlined a specific proposal, and CBO's estimate therefore includes no savings for these items.

Differences in estimates of the Administration's policy proposals are concentrated in five areas. First, the Joint Committee on Taxation's estimates of the Administration's proposals, which are reflected in the accompanying tables, are about $5 billion a year less than the Administration's estimates. Different estimates of the proposed rate increases for high-income individuals and the compliance and enforcement efforts represent most of this amount.

Second, the Administration's estimates assume savings that grow to almost $5 billion in 1998 from changes in debt management policies. Because the Administration has not detailed its specific changes in debt management policies, CBO's estimate does not include budgetary savings from this source. Achieving savings of the magnitude assumed by the Administration would require eliminating most or all borrowing in long-term bonds and much borrowing in medium-term notes.

Third, CBO's estimates of the savings from the proposed reductions in provider reimbursement in the Medicare program are below those of the Administration's by amounts that approach $2 billion in 1998. This difference in estimates is largely accounted for by the Administration's inadvertent use of different economic assumptions in estimating the effects of these proposals.

Fourth, the Administration's estimates omit the effect of the proposed reductions in federal civilian and military pay on the level of Defense Department contributions to the federal employee retirement programs. Because the agency's contributions are a set percentage of payroll, a reduction in pay will also reduce the amount of the agency's contributions, which are recorded in the budget as undistributed offsetting receipts. By neglecting to include this reduction in receipts, the Administration underestimates the deficit by amounts growing to $2.0 billion by 1998.

Fifth, because CBO's estimate of the savings generated by the Administration's proposals are lower than those reported in a Vision of Change for America, CBO's estimate of the resulting reduction in the cost of servicing the federal debt is also lower. By 1998, this difference reaches $2.3 billion.

### ALTERNATIVE BASELINE CONCEPTS

The budgetary savings generated by the Administration's proposals can be measured using several alternative budget baselines (see Table 3). CBO's estimates use as their starting point the CBO baseline, which assumes compliance with the discretionary spending caps established by the Budget Enforcement Act. One alternative is the uncapped baseline, which assumes that discretionary spending in the 1994–1998 period grows at just the rate of inflation. The Administration's February 17 document employs a third baseline concept, in which nondefense discretionary spending keeps pace with inflation but defense discretionary spending is held to the levels proposed in the Bush Administration's January 1992 budget request (with various adjustments). If CBO employed the Administration's baseline concept, the estimated savings from the Administration's proposals would be greater by $9.4 billion in 1994, $17.4 billion in 1995, and $44.2 billion over the 1993–1998 period than those shown in Table 1.

TABLE 1.—CBO ESTIMATES OF THE ADMINISTRATION'S POLICY PROPOSALS

[By fiscal year, in billions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|---|
| CBO baseline deficit [1] | 301.6 | 286.7 | 284.4 | 290.0 | 321.7 | 359.7 |
| Deficit reductions: | | | | | | |
| Discretionary spending | 0 | −3.4 | −7.7 | −28.4 | −56.2 | −63.4 |
| Mandatory spending | 0 | −4.2 | −7.5 | −17.8 | −25.0 | −30.8 |
| Debt service | 0 | −1.6 | −5.2 | −11.1 | −20.4 | −32.2 |
| Subtotal, outlays | 0 | −9.1 | −20.5 | −57.2 | −101.6 | −126.4 |
| Revenues [2] | 0 | −45.8 | −52.4 | −68.1 | −84.8 | −86.0 |
| Subtotal, reductions | 0 | −55.0 | −72.8 | −125.3 | −186.4 | −212.4 |
| Deficit increases: | | | | | | |
| Discretionary spending | 3.3 | 13.0 | 22.6 | 31.8 | 39.4 | 44.5 |
| Mandatory spending | 3.3 | 3.8 | 5.9 | 7.0 | 7.1 | 7.3 |
| Debt service | .1 | 1.4 | 3.7 | 6.8 | 10.6 | 15.1 |
| Subtotal, outlays | 6.8 | 18.2 | 32.1 | 45.5 | 57.1 | 66.9 |
| Revenues [2] | 0 | 18.2 | 13.3 | 11.7 | 12.6 | 14.3 |
| Subtotal, increases | 6.8 | 36.3 | 45.4 | 57.2 | 69.6 | 81.2 |
| Total changes | 6.8 | −18.6 | −27.4 | −68.1 | −116.7 | −131.2 |
| President's budget as estimated by CBO | 308.3 | 268.1 | 257.0 | 222.0 | 204.9 | 228.5 |

[1] Assumes compliance with the discretionary spending limits in the Budget Enforcement Act through 1995; discretionary outlays are assumed to grow at the same pace as inflation after 1995.

[2] Increases in revenues are shown with a negative sign because they reduce the deficit. Estimates of the Administration's revenue proposals were prepared by the Joint Committee on Taxation.

Sources: Congressional Budget Office; Joint Committee on Taxation.

Note: The budget estimates reflect the proposals incorporated in the President's budgetary message of February 17. In early April the President will present a formal budget containing detailed and revised budget proposals and updated budget estimates.

### TABLE 2.—DIFFERENCES BETWEEN CBO AND ADMINISTRATION ESTIMATES OF THE ADMINISTRATION'S PROPOSED BUDGET

[By fiscal year, in billions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|---|
| Administration's estimate of the deficit | 331.4 | 262.4 | 241.6 | 205.3 | 206.4 | 241.4 |
| CBO reestimates of the administration's baseline: | | | | | | |
| Revenues[1] | 4.9 | (2) | −6.2 | −5.7 | −16.0 | −27.7 |
| Deposit insurance | −13.9 | −3.4 | 13.6 | 12.9 | −1.5 | −1.5 |
| Other outlays | −8.5 | −1.8 | −1.6 | −3.5 | −1.5 | (2) |
| Subtotal | −17.4 | −5.2 | 5.8 | 3.8 | −19.0 | −29.2 |
| CBO reestimates of the administration's proposal: | | | | | | |
| Revenues[1] | −3.6 | 8.8 | 4.3 | 5.7 | 6.6 | 5.7 |
| Debt management | 0.2 | 1.6 | 2.7 | 3.3 | 3.9 | 4.9 |
| Medicare | 0 | 0.6 | 0.9 | 0.4 | 1.3 | 1.8 |
| Pay offsets | 0 | 0.6 | 1.0 | 1.4 | 1.7 | 2.0 |
| Debt service | −0.2 | −0.1 | 0.4 | 0.9 | 1.6 | 2.3 |
| Other outlays | −2.0 | −0.7 | 0.2 | 1.3 | 2.5 | −0.5 |
| Subtotal | −5.6 | 10.9 | 9.5 | 12.9 | 17.5 | 16.2 |
| Total reestimates | −23.1 | 5.7 | 15.4 | 16.7 | −1.5 | −12.9 |
| President's budget as estimated by CBO | 308.3 | 268.1 | 257.0 | 222.0 | 204.9 | 228.5 |

[1] Increases in revenues are shown with a negative sign because they reduce the deficit. Estimates of the Administration's revenue proposal were prepared by the Joint Committee on Taxation.

[2] Less than $50 million.

Sources: Congressional Budget Office, Joint Committee on Taxation, and Office of Management and Budget.

Note: The budget estimates reflect the proposals incorporated in the President's budgetary message of February 17. In early April the President will present a formal budget containing detailed and revised budget proposals and updated budget estimates.

### TABLE 3.—CBO AND OMB ESTIMATES OF BASELINE DEFICITS

[By fiscal year, in billions of dollars]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|---|---|---|---|---|---|
| | | | CBO estimates | | | |
| Uncapped baseline deficit | 301.6 | 301.5 | 312.1 | 318.5 | 351.0 | 390.8 |
| Reductions: | | | | | | |
| Bush defense proposals[1] | 0.2 | −5.2 | −9.8 | −16.3 | −21.1 | −26.0 |
| Debt-service savings | (2) | −5.2 | −0.6 | −1.4 | −2.7 | −4.3 |
| Subtotal | 0.2 | −5.4 | −10.4 | −17.7 | −23.7 | −30.3 |
| Administration baseline deficit | 301.8 | 296.1 | 301.8 | 300.8 | 327.3 | 360.6 |
| Further reductions required to meet discretionary caps: | | | | | | |
| Discretionary spending | −0.2 | −9.2 | −16.4 | −8.9 | −3.2 | 1.7 |
| Debt-service savings | (2) | −0.3 | −1.0 | −1.9 | −2.4 | −2.6 |
| Subtotal | −0.2 | −9.4 | −17.4 | −10.7 | −5.6 | −0.9 |
| Capped baseline deficit[3] | 301.6 | 286.7 | 284.4 | 290.0 | 321.7 | 359.7 |
| | | | OMB estimates | | | |
| Uncapped baseline deficit | 319.2 | 306.7 | 306.0 | 313.6 | 368.8 | 418.6 |
| Reductions: | | | | | | |
| Bush defense proposals[1] | 0 | −5.3 | −9.5 | −15.2 | −20.0 | −24.8 |
| Debt-service savings | 0 | −0.2 | −0.6 | −1.4 | −2.6 | −4.1 |
| Subtotal | 0 | −5.4 | −10.1 | −16.6 | −22.5 | −28.9 |
| Administration baseline deficit | 319.2 | 301.3 | 295.9 | 297.0 | 346.3 | 389.7 |

[1] Includes adjustments to Bush request as estimated by the Clinton Administration.

[2] Less than $50 million.

[3] Assumes compliance with the discretionary spending limits in the budget Enforcement Act through 1995; discretionary outlays are assumed to grow at the same pace as inflation after 1995.

Sources: Congressional Budget Office; Office of Management and Budget.

Mr. DOLE. I yield the floor.

Mr. WELLSTONE. Mr. President, I certainly do not want to hold the minority leader here. I find myself managing the National Voter Registration Act but I am having to respond to some of the remarks of my colleagues. I just think that the only thing I wanted to respond to was the comment of if you love taxes you will love the President's plan.

It seems to me once again that unless we forget the history we saw the decade of the eighties which was spend and borrow, and I mean there was no honesty about raising revenue to do what we said we needed to do as a Nation.

I think the reason there has been a tremendous amount of support for President Clinton's budget proposal, albeit people find some features of it they disagree with, they do not think it is smoke and mirrors. They think he is stepping up to the plate and if in fact we want to bring the deficit down and in fact one more time we say we are concerned about health care and education and children and cleaning up the environment and jobs training and jobs, we are going to have to be very honest where the revenue is going to come from. We cannot simply go into more debt.

And so the President has been talking about spending cuts. He has been talking about some investments we have to make now.

I find very few Minnesotans who do not agree with the President that we ought to make sure the children are immunized. I find very few Minnesotans who do not agree with the President that we ought to get serious about job training and investment in our economy.

Finally, the President has talked about raising the marginal rate for those Americans on the upper income end; I might add, the upper, upper income end. And I find that in Minnesota, most of the people that I meet on that end of the income spectrum say, "We are willing to do that if it is part of shared sacrifice, if it is part of bringing the deficit down, if it is part of the investment we need to make, and if it is part of making this economy work for people."

So I just think that we get one view here from the minority leader, but I think it is decontextualized. I think it is, with all due respect, ahistorical. I think it does not go back to what the mess is that we are now trying to clean up.

Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 22, Peter B. Bowman, to be a member of the Defense Base Closure and Realignment Commission;

Calendar 23, Beverly Butcher Byron, to be a member of the Defense Base Closure and Realignment Commission;

Calendar 24, James A. Courter, to be a member of the Defense Base Closure and Realignment Commission;

Calendar 25, Rebecca Gernhardt Cox, to be a member of the Defense Base Closure and Realignment Commission;

Calendar 26, Hansford T. Johnson, to be a member of the Defense Base Closure and Realignment Commission;

Calendar 27, Arthur Levitt, Jr., to be a member of the Defense Base Closure and Realignment Commission;

Calendar 28, Harry C. McPherson, Jr., to be a member of the Defense Base Closure and Realignment Commission;

Calendar 29, Robert D. Stuart, Jr., to be a member of the Defense Base Closure and Realignment Commission; and

Calendar 30, James A. Courter, to be chairman of the Defense Base Closure and Realignment Commission.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Peter B. Bowman, of Maine, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Beverly Butcher Byron, of Maryland, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

James A. Courter, of New Jersey, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress. (Reappointment.)

Rebecca Gernhardt Cox, of the District of Columbia, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Hansford T. Johnson, of Texas, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Arthur Levitt, Jr., of New York, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress. (Reappointment.)

Harry C. McPherson, Jr., of Maryland, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress.

Robert D. Stuart, Jr., of Illinois, to be a member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 103d Congress. (Reappointment.)

James A. Courter, of New Jersey, to be Chairman of the Defense Base Closure and Realignment Commission. (Reappointment.)

## LEGISLATIVE SESSION

Under the previous order, the Senate will resume legislative session.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. White, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Governmental Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes.

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 12. A concurrent resolution to recognize the heroic sacrifice of the Special Agents of the Bureau of Alcohol, Tobacco and Firearms in Waco, Texas.

## MEASURES REFERRED

The following measure, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Governmental Affairs.

## ENROLLED BILL SIGNED

At 2:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 920. An act to extend the emergency unemployment compensation program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 499. A bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. MACK, Mr. GRAHAM, Mr. LEAHY, Mr. WARNER, Mr. BINGAMAN, Mr. LOTT, Mr. KERREY, and Mr. WELLSTONE):

S. 500. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Ms. MIKULSKI:

S. 501. A bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. Wofford):

S. 502. A bill to amend the Tariff Act of 1930 to improve the antidumping and countervailing duty provisions, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 503. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. Hatch, Mr. DeConcini, Mrs. Feinstein, and Ms. Moseley-Braun):

S. 504. A bill to amend section 924 of title 18, United States Code, to make it a Federal crime to steal a firearm or explosives in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself, Mr. Dole, and Mr. Lugar):

S. 505. A bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 506. A bill to continue until January 1, 1995, the suspension of duty on o-Benzl-p-chlorophenol; to the Committee on Finance.

S. 507. A bill to extend the existing temporary suspension of duty on fusilade; to the Committee on Finance.

S. 508. A bill to suspend temporarily the duty on 3- dimethylaminomethyleneiminiphenol hydrochloride; to the Committee on Finance.

S. 509. A bill to suspend temporarily the duty on N,N-dimethyl-N'-(3-((methylamino) carbonyl)oxy)phenyl)methanimidamide monohydrochloride; to the Committee on Finance.

S. 510. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

S. 511. A bill to suspend temporarily the duty on PCMX; to the Committee on Finance.

By Mr. KERRY:

S. 512. A bill to facilitate the providing of loan capital to small business concerns, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY:

S. 513. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use the resulting revenues to fund a trust fund for health care reform, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S.J. Res. 57. A joint resolution to designate June 4 of each year as "National Midway Recognition Day"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for Mr. Mack (for himself, Mrs. Feinstein, Mr. Helms, Mr. Graham, Mr. McCain, Mr. Dole, Mr. Lieberman, and Mr. Burns)):

S. Res. 76. A resolution urging the member nations of the United Nations Commission on Human Rights to support a resolution on human rights in Cuba; considered and agreed to.

By Ms. MOSELEY-BRAUN (for Mr. Mitchell (for himself and Mr. Dole)):

S. Res. 77. A resolution to authorize testimony and to authorize representation by the Senate Legal Counsel; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT:

S. 499. A bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony; to the Committee on the Judiciary.

### LIFE IMPRISONMENT FOR EGREGIOUS RECIDIVISTS ACT

Mr. LOTT. Mr. President, today, I am introducing legislation aimed at putting a dent in the Nation's violent crime problem. This bill is targeted at repeat offenders of violent felonies. I want to get these criminals off the streets for good.

This bill is very simple, very straightforward. It is called Life Imprisonment for Egregious Recidivists Act—or LIFER, for short.

LIFER would impose a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two previous violent felonies—Federal or State—on his or her record. Sometimes there is really no better solution than locking the door and throwing away the key.

All the available evidence suggests that getting the most hard-core violent criminals off the street would substantially reduce the incidence of violent crime. Statistics tell us that 6 percent of all violent offenders commit a full 70 percent of all violent crimes. And there is a 76-percent recidivism rate among those with three or more incarcerations.

Again, I am proud to introduce this bill in conjunction with Representative Bob Livingston in the House, and I also urge that all 50 States pass similar legislation affecting violent transgressors of State law.

The LIFER bill very simply is three strikes and you are out.

I urge my colleagues to look at this legislation.

By Mr. METZENBAUM (for himself, Mr. Mack, Mr. Graham, Mr. Leahy, Mr. Warner, Mr. Bingaman, Mr. Robb, Mr. Lott, Mr. Kerrey, and Mr. Wellstone):

S. 500. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

### PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1993

Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that would remove the blanket exemption from the antitrust laws that major league baseball currently enjoys.

This legislation—cosponsored by Senators Mack, Graham, Leahy, Warner, Wellstone, Bingaman, Robb, Lott, and Kerrey of Nebraska—is long overdue.

The game of baseball has been a national treasure for over a century. But baseball is also a big business that does not need special treatment under the antitrust laws. And baseball's owners certainly do not deserve the privilege of being exempt from laws which other businesses—including all other professional sports—must follow.

Baseball is a $1.5 billion a year business and many of its teams are owned by or affiliated with some of America's largest corporations. The business deals of baseball's barons do not just affect the price of a ticket or the cost of a hot dog at the stadium. They also affect things like the taxes paid by the public, the economic well-being of local communities, the size of a consumer's cable bill, and the educational and career choices of thousands of young men in this country. And yet these deals—even if they hurt consumers or harm competition—are completely exempt from scrutiny under our Nation's fair competition laws.

I believe it is time to change that—and that is why I am introducing this bill. This bill is not designed to punish the owners or threaten baseball. I believe that revoking baseball's antitrust exemption is in the best interest of the public, the fans, and the sport of baseball.

The antitrust exemption granted to baseball over 70 years ago by the Supreme Court was rooted in sentiment rather than logic. Justice Holmes, one of our Nation's most revered justices, writing for the Court in the 1922 Federal Baseball case, held that the antitrust laws did not apply because baseball could not be considered interstate commerce.

Today, few scholars are willing to defend Justice Holmes' opinion. Most legal experts share the view expressed by the former chief judge of the Second Circuit Court of Appeals, Henry Friendly, who stated that the Federal Baseball case "was not one of Mr. Justice Holmes' happiest days." The Supreme Court itself has questioned the Holmes ruling, calling it "an aberration" and "an anomaly," but it has refused to overturn the decision.

The Court, however, has suggested that Congress should act. In 1971, the last time this issue came before the Justices, the Court stated that "if there is any inconsistency or illogic in all this, it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by the Court."

The bottom line is this: As a legal matter, the basis for baseball's antitrust exemption is insupportable. The question is whether there is some overriding policy reason to continue to allow baseball to be totally exempt from the antitrust laws. At a hearing in December held by my antitrust subcommittee on this issue, former baseball Commissioner Fay Vincent stated that baseball's antitrust exemption should be retained only if "the owners can justify the privilege of the special status the exemption affords."

I agree with Mr. Vincent that baseball's owners must show that the exemption is in the public interest. And I have come to the conclusion that the owners have failed to meet that burden.

Baseball's owners are not acting like privileged stewards who use their special status under the law to protect the interests of the fans and preserve the vitality of our national pastime. Instead, they are acting more like selfish barons of a billion-dollar business which they believe belongs to them exclusively.

For example, the ouster of Fay Vincent was a clear signal that any baseball commissioner who placed the best interests of the sport ahead of the financial interests of the owners would be out of a job. Chicago White Sox owner Jerry Reinsdorf, one of the key participants in Vincent's ouster, stated that the job of the next baseball commissioner will be to "run the business for the owners, not the players or the umpires or the fans."

There the issue is summarized entirely. Baseball wants to be exempt from the laws. They want to be exempt from the edicts of their own commissioner.

The owners now tell us that they want a strong commissioner. Sure, because they hear that there may be some action in the Congress with respect to their antitrust exemption. But their actions speak louder than their words. Although they said they would move quickly to pick a new commissioner, they are nowhere close to picking a replacement for Fay Vincent. Although they said that by November 1 of last year they would redefine the duties and powers of the commissioner's office, they still have not met that deadline. So it is critical to watch what the owners do, and not what they say. As one sportswriter commented: "The reason the owners don't have a strong commissioner now—or any commissioner—is because they fired the last one because he was acting too strong."

Vincent's ouster was the latest in a series of events signaling that the direction and future of major league baseball are going to be dictated solely by the business interests of the owners. In recent years, a number of owners have threatened to leave their home cities and desert their loyal fans, unless the public subsidized the costs of new stadiums. The players—especially the minor league players—have been forced to accept restrictions on their mobility as a condition of employment. Fans in some cities cannot follow their teams closely unless they are willing to pay for expensive cable TV channels. And some baseball owners use accounting gimmicks and transfer-pricing schemes to understate their profits in order to increase their leverage in negotiations with the players, the cities and, ultimately, the fans.

Clearly, the baseball owners do not shrink from playing the kind of financial hardball you see in other businesses. That is why I believe the owners should be required to play by the same antitrust rules that apply to other businesses.

Baseball's owners will try to argue that removal of the exemption will throw the sport into chaos. Do not believe it. At the hearings held by the Antitrust Subcommittee, Fay Vincent testified that, "Baseball is not seriously dependent on the continuation of the antitrust exemption." He stated that, "The antitrust immunity baseball enjoys is not essential either to the economic health or the legal integrity of the game."

No other professional sport has a blanket exemption from the antitrust laws. For example, both pro football and pro basketball are subject to the antitrust laws. Each of those sports currently enjoys better labor relations and greater economic stability than baseball. The irony is that in both instances, improved stability and better labor relations came about as a result of antitrust lawsuits filed against the leagues by the players. The antitrust suits forced the leaders of football and basketball to restructure their labor relations and financial arrangements in a manner that worked to the benefit of the fans and the long-term interest of those sports.

That is a crucial point. The baseball owners are a legally-sanctioned cartel which cannot be held accountable for conduct which hurts consumers or harms competition. Giving the baseball owners free rein to decide what is in the best interests of the game is like giving the members of OPEC free rein to set world energy policy.

Unless there is some form of accountability, the interests of the cartel will always take precedence over the public interest.

I believe the time has come for the public to take back its national pastime. And the first step toward doing that is to put major league baseball on the same legal footing as other professional sports and other billion-dollar businesses. Subjecting baseball to the pro-competitive and pro-consumer tests of our antitrust laws will impose true accountability on baseball's owners.

Let me address the chief argument which baseball makes in support of the exemption. At the Antitrust Subcommittee hearing, Bud Selig, who is the owner of the Milwaukee Brewers and the chairman of baseball's executive council, testified that application of the antitrust laws would render baseball impotent to stop franchise relocations. In other words, baseball argues that the exemption promotes franchise stability, but that lifting it would prompt team owners to desert their loyal fans and move to greener pastures for bigger bucks and better stadium deals. This argument distorts both the facts and the law. It really is nothing but an overblown scare tactic.

Look at the facts. History does not suggest that baseball's antitrust exemption leads to greater franchise stability. Baseball's overall record on franchise migration is no better than the record compiled by the other three major sports—football, basketball, and hockey, all of which are subject to the antitrust laws. Many teams have moved during the 70 years in which the exemption has been in effect, and a number of other teams have threatened to move. Taxpayers in a number of cities have been forced to cough up millions of dollars in public subsidies in order to keep their team from moving.

The owners also have distorted the law by suggesting that the antitrust laws do not permit a sports league to impose reasonable restrictions on franchise relocations. They point to the fact that the Oakland Raiders brought a successful antitrust challenge against the NFL's effort to stop their movement to Los Angeles. But the baseball owners have misrepresented the Raiders case. The court which decided that case has made it clear that the antitrust laws do permit a sports league to impose reasonable restrictions on franchise relocation. Even Fay Vincent admitted that if the antitrust laws applied, the owners "could construct approval conditions and terms under which baseball could prevent migration [in a manner] that would be legally valid."

Moreover, the evidence suggests that baseball's antitrust exemption actually promotes franchise instability. A number of witnesses who testified before the Antitrust Subcommittee stated that the baseball owners deliberately maintain an artificial scarcity of franchises in order to maximize team revenues and maintain their leverage with the cities. A scarcity of franchises inflates the resale value of existing teams and increases each owner's share of baseball's national broadcasting revenue. It also enables owners to squeeze concessions and subsidies from their home cities by threatening relocation to another city which is eager for a franchise.

Fans in Tampa Bay, Washington, DC, Phoenix and other communities are eager to have the national pastime played in their city. But it is more profitable for the owners to threaten relocation to these cities than it is to expand and put new teams in those communities. As a result, fans in those cities are still without baseball—not because they are incapable of supporting a team but because the owners would rather use them as bargaining chips.

If baseball were subject to the antitrust laws, the owners would not be allowed to maintain an artificial scarcity of teams for anticompetitive or anticonsumer reasons. Lifting baseball's antitrust exemption should lead to greater franchise stability and put major league baseball in more cities. Instead of threatening to move existing teams to open cities, major league baseball will look to fill those markets with new teams.

The bottom line is this: removing baseball's antitrust exemption should encourage more expansion, improve relations with the players, discourage owners from putting most or all of their games on expensive pay TV channels, and spur better decisionmaking about the direction and future of the game.

Nevertheless, this will be an uphill battle. The owners will—as they always have—come before us and plead that baseball continues to deserve its special treatment under the law. There also will be threats—sometimes implicit, sometimes explicit—that changing baseball's antitrust status will mean that some legislators will see teams in their cities and States move to other areas.

I think it is time for Congress to wake up and recognize that baseball is a billion-dollar business that is no longer worthy of special treatment under the law. Indeed, Mr. President, it is becoming apparent that the financial interests of the owners and the best interests of the sport and the fans are often in conflict with one another.

The public wants more teams, but the owners want to hold down the number of franchises. The sport needs labor stability, but the owners seem intent on forcing a showdown with labor. The public wants to see more games on free TV, but the owners continue to move games to cable. The sport needs a strong commissioner, but the owners' actions indicate they want a weak commissioner.

Baseball's 28 owners can no longer be entrusted with sole stewardship of our national pastime. The time has come to impose a measure of accountability on the owners, by making them subject to the same rules as every other sport and every other business in America. The time has come to remove baseball's antitrust exemption.

Mr. President, I ask unanimous consent that the text of the bill and questions and answers be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Professional Baseball Antitrust Reform Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the business of organized professional baseball is in, or affects, interstate commerce; and

(2) the antitrust laws should be amended to reverse the result of the decisions of the Supreme Court of the United States in Federal Baseball Club v. National League, 259 U.S. 200 (1922), Toolson v. New York Yankees, Inc., 346 U.S.C. 356 (1953), and Flood v. Kuhn, U.S. 258 (1972), which exempted baseball from coverage under the antitrust laws.

**SEC. 3. APPLICATION OF ANTITRUST LAWS TO PROFESSIONAL BASEBALL.**

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following new section:

SEC. 27. Except as provided in Public Law 87–331 (15 U.S.C. 291 et seq.) (commonly known as the Sports Broadcasting Act of 1961), the antitrust laws shall apply to the business of organized professional baseball."

**SEC. 4. EFFECTIVE DATE.**

The provisions and amendments made by this Act shall take effect one year after the date of the enactment of this Act and—

(1) shall apply to conduct that occurs and any agreement in effect after such effective date; and

(2) shall not apply to conduct that occurred before such effective date.

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### QUESTIONS AND ANSWERS REGARDING MAJOR LEAGUE BASEBALL'S ANTITRUST EXEMPTION

1. What is the basis for Major League Baseball's blanket exemption from the antitrust laws?

The exemption was granted to baseball over 70 years ago, in the case of *Federal Baseball Club of Baltimore* v. *National League of Professional Baseball Clubs*. Justice Holmes, writing for the Court, held that the antitrust laws did not apply because the business of baseball could not be considered interstate commerce. Baseball clearly is interstate commerce, so the legal basis for the Holmes ruling is erroneous. The Court itself stated in 1971, in the case of *Flood* v. *Kuhn*, "Professional baseball is a business and it is engaged in interstate commerce."

2. If the legal basis for the exemption is faulty, why does it continue to be in place?

While the Supreme Court has called the *Federal Baseball* case "an aberration" and "an anomaly," it has refused to overturn the decision. The Court has justified its inaction by stating that baseball has relied on the precedent established in the 1922 decision. But the Court has strongly suggested that Congress should act. In 1957, 35 years after the *Federal Baseball* decision, the Court stated that

"Were we considering the question of baseball for the first time upon a clean slate we would have no doubts. But Federal Baseball held the business of baseball outside the scope of the [antitrust laws] * * *. We therefore conclude that the orderly way to eliminate this error, if there be any, is by legislation and not by Court decision."

The last time the Court considered this issue, in the 1971 case of *Flood* v. *Kuhn*, it stated that "if there is any inconsistency or illogic in all this, it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by the Court."

3. Has Congress ever acted to remove baseball's antitrust exemption?

In the last four decades, a number of bills aimed at overturning baseball's antitrust exemption have been introduced, but neither the full House nor the full Senate have ever acted on such a proposal.

In 1976, the House Select Committee on Professional Sports issued a report finding that "adequate justification does not exist for baseball's special exemption from the antitrust laws and its exemption should be removed."

4. Does any other professional sport enjoy a blanket exemption from the antitrust laws?

No. The Court has expressly declined to extend the exemption to other professional sports, such as football, basketball, and boxing. And the Court has stated that it is "unrealistic, inconsistent, and illogical" to treat baseball differently from other professional sports—which are subject to the antitrust laws.

5. Does baseball need the exemption?

Three months ago, former Baseball Commissioner Fay Vincent testified that "Baseball is not seriously dependent on the continuation of the antitrust exemption." The owners do not need the exemption to engage in joint agreements which are reasonable or which preserve or strengthen the sport without harming consumers or competition. That's why the other professional sports are able to function effectively, even though they do not enjoy a blanket exemption from the antitrust laws.

6. What is the relationship between the exemption and the authority of the Commissioner's office?

In recent years, Congress has tolerated baseball's privileged treatment under the antitrust laws in part because the Commissioner of baseball had independent authority to place the best interests of the sport ahead of the business interests of the owner, in instances in which those two interests might be in conflict. Former Commissioner Fay Vincent recognized that there had to be some kind of an internal check on the ability of the owners to abuse of their special privilege under the antitrust laws. Commissioner Vincent testified to the Antitrust Subcommittee that "Only a strong Commissioner acting in the interests of baseball, and therefore the public, can protect the institution from the selfish and myopic attitudes of owners."

Vincent's ouster suggests that the owners no longer want a strong Commissioner with independent authority to place the interests of the sports and the fans ahead of the financial interests of the owners. Chicago White Sox owner Jerry Reinsdorf, one of the key participants in Vincent's ouster, stated the job of the next baseball commissioner will be to "run the business for the owners, not the players or the umpires or the fans."

In short, the owners seem poised to abandon the notion that their special status under the law imposes upon them an obligation to put the public interest ahead of their financial interest. Fay Vincent testified that: "The existing antitrust exemption for Major League Baseball should be retained only so long as baseball can persuade [Congress] that it is a unique institution with special public interest obligations and not merely another business * * *. If the owners of baseball continue on their stated course of making baseball into their business and at the same time insist that the Commissioner is their CEO to be fired at will, I would no longer support the preservation of the exemption."

7. What does the exemption enable baseball to do?

In essence, the exemption allows the owners to engage in conduct which may be anti-competitive or anti-consumer without fear of antitrust exposure. For example, a number of witnesses at a hearing held by the Antitrust Subcommittee testified that the baseball owners have deliberately held down the number of franchises in order to reap monopoly profits and to maximize their bargaining leverage with the players and the cities. If the baseball owners were engaging in such conduct while subject to the antitrust laws, they would run the risk of an antitrust challenge.

The baseball owners also agree among themselves to divide markets and allocate territories for local television broadcasting. In some instances, these territorial allocations are exclusive. For example, the Red Sox have the exclusive right to show their games on local television stations in four New England States. In other instances, these territorial agreements limit the number of teams who can sell games to local stations in a particular state. For example, only the Houston Astros and the Texas Rangers can sell games to local TV channels in Texas and Louisiana. In essence, the baseball owners are agreeing among themselves to divide markets and limit output in an apparent effort to maximize their revenues from broadcasting. It is certainly a tremendous advantage for the owners to be able to engage in these kind of agreements without fear of antitrust exposure.

8. How does the exemption affect relations with the players?

Up until the mid-1970s, baseball needed the exemption in order to preserve the validity of the reserve clause. The reserve clause bound a player to the team which first signed him for the duration of his baseball career. In essence, the reserve clause was an agreement among the owners not to compete in the market for player services. Generally, such agreements would not pass muster under the antitrust laws.

While a portion of major league players (those with more than 6 years experience) can become free agents, the bulk of big leaguers still have no opportunity to offer their services in a free market. Because these restrictions on the mobility of major leaguers are now included in the current collective bargaining agreement with the players, they would not be subject to challenge under the antitrust laws.

However, the current labor agreement expires at the end of this year. If the owners and the players fail to reach an agreement, the owners could unilaterally impose restrictions on player mobility that would limit the competition for player services and thus probably run afoul of the antitrust laws. However, because of the exemption, the baseball players—unlike the football or basketball players—would have no ability to challenge the restrictions under the antitrust laws. Their only recourse against unreasonable restrictions on player mobility would be a strike. Thus, the antitrust exemption makes labor negotiations between the owners and the players more confrontational than they might be otherwise. That helps to explain why there has been a work stoppage (either a lockout or a strike) in baseball during every labor negotiation in the last five years.

The exemption also protects the severe restrictions on player mobility imposed upon minor leaguers. A player drafted out of high school can be bound to the same major league farm system for up to six years. So if a big league club is talent-rich at a particular minor league player's position, or if the player's development is being poorly handled by a particular club, that player still cannot move to another team's farm system. Removing the antitrust exemption should give minor league players a bit more freedom to move to farm systems that can best use their talent.

9. Why is lifting the exemption in the public interest?

Lifting the exemption will make the baseball owners more accountable to the public. Subjecting baseball to the antitrust laws means that the owners can be held accountable if they make joint decisions which hurt competition or harm consumers. That means the owners will have a legal obligation to take into account the impact of their business decisions on the players, the cities, and the fans.

Revoking baseball's antitrust exemption should help spur expansion and discourage the owners from using relocation threats in order to obtain taxpayer-financed subsidies from their home cities. A number of witnesses testified to the Antitrust Subcommittee that baseball's owners deliberately maintain an artificial scarcity of teams in order to maximize revenue and maximize their leverage with the cities. Fans in cities such as Tampa, Washington, D.C., and Phoenix, are without a big league club—not because they are incapable of supporting a team—but because it is in the collective financial interest of the owners to use those cities as bargaining chips in their negotiations with their home cities.

If baseball were subject to the antitrust laws, the owners would not be allowed to maintain an artificial scarcity of teams for anti-competitive or anti-consumer reasons. Lifting baseball's antitrust exemption should lead to greater franchise stability and put major league baseball in more cities. Instead of threatening to move existing teams to open cities, major league baseball will look to fill those markets with new teams.

In addition, lifting the exemption raises the possibility that a competing league may develop. Right now, no investor in his right mind would put up money to compete against an unregulated monopoly which has an antitrust exemption. And a competing league would need to draw from the pool of talent in the minor leagues, but the antitrust exemption prevents the minor league players from negotiating with a competing league. The possibility of competition should encourage further expansion, and spur better long-term decision-making by baseball's leadership.

Removing the exemption also should foster more stable labor relations. As noted above, the antitrust exemption exacerbates the tendency of the owners and players to be confrontational in labor negotiations. A work stoppage is more likely in baseball than in the other sports because the players have no opportunity to bring an antitrust challenge against the restrictions on their mobility imposed by the owners. The owners have no reason to fear an antitrust suit, so their incentive to compromise is diminished; meanwhile, a strike is the players' only option if the owners seek to unreasonably limit competition for player services.

By contrast, both football and basketball—which are subject to the antitrust laws—currently enjoy better labor relations and greater economic stability than baseball. The irony is that in both instances, improved stability and better labor relations came about as a result of antitrust lawsuits filed against the leagues by the players. The antitrust suits forced the leaders of football and basketball to restructure their labor relations and financial arrangements in a manner that worked to the benefit of the fans and the long-term interests of those sports.

Lifting the exemption also should discourage the owners from placing most or all of their games on expensive pay TV channels. As noted earlier, the baseball owners have agreed among themselves to divide markets and allocate territories for local broadcasting of games. The owners say these restrictions are in the fans' best interest, but the Consumer Federation of America has suggested that they may be hurting fans. For example, these territorial restrictions hike the value of local broadcast contracts, and thus give the edge to cable channels which, unlike broadcast stations, have a dual revenue stream (i.e., they get income from both advertisers and cable subscribers). In addition, these restrictions allow a team owner to move games to more expensive and less accessible cable TV channels without fear of competition. When George Steinbrenner sold all of the Yankee games to a cable TV channel in New York, he didn't have to worry that a free TV station might try to compete with him by putting together a package of American League games for the benefit of fans who don't have access to or can't afford cable.

If these territorial restrictions do in fact reduce the availability of games to a substantial segment of fans, or unreasonably increase the cost of viewing the games, they could be challenged under the antitrust laws. That means the owners would be much more careful about raising prices for fans by moving a substantial chunk of games onto expensive, pay cable channels.[1]

10. Would lifting the exemption cause a rash of franchise movements?

No. If baseball were subject to the antitrust laws, the owners could still place reasonable restrictions on franchise relocation.

Some observers point to the fact that the Oakland Raiders brought a successful antitrust challenge against the NFL's effort to stop their movement to Los Angeles. But it is wrong to suggest that the Raiders case means that a sports league is powerless to prevent franchise relocations.

The 9th Circuit Court of Appeals—which approved the Raiders' move—has stated that "Neither the jury's verdict in the Raiders case, nor the Court's affirmance of that verdict, held that a franchise movement rule, in and of itself, was invalid under the antitrust laws." The court went on to say that "a careful analysis of the Raiders case makes it clear that franchise movement restrictions are not invalid as a matter of law." Former Commissioner Fay Vincent testified at the Antitrust Subcommittee hearing that even if the antitrust laws applied, "it is likely that baseball in the area of franchise migration could construct approval conditions and terms under which baseball could prevent migration [in a manner] that would be legally valid." Indeed, sports leagues which are subject to the antitrust laws have been able to stop franchise relocations in the aftermath of the Raiders case: the NFL's Philadelphia Eagles were prevented from moving to Phoenix, and the NHL's St. Louis Blues were stopped from moving to Saskatoon, Saskatchewan.

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[1] The bill I am introducing does not overturn the 1961 Sports Broadcasting Act. That law provides the four major professional sports leagues with an antitrust exemption for the purpose of negotiating a national TV package with any of the free, over-the-air TV networks. But the 1961 Act does not apply to local TV contracts, and it was not intended to shield from antitrust scrutiny TV contracts—either national or local—with cable channels. It is the TV contracts with cable channels which are causing the most concern among fans. Removing baseball's blanket antitrust exemption will mean that those deals can be subject to antitrust review.

Mr. GRAHAM. Mr. President, I am pleased today to be an original cosponsor of the Professional Baseball Antitrust Reform Act of 1993, the legislation that our colleague, Senator METZENBAUM, has just introduced.

To give a little history, Mr. President, in 1922, in a case entitled Federal Baseball Club of Baltimore, Inc. versus National League of Professional Baseball Clubs, the Supreme Court ruled that major league baseball was not interstate commerce and therefore was exempt from the Sherman Antitrust Act. At that time, baseball was considered a game, not a business.

This court-created exemption was never put into law by Congress or expanded to other professional sports. The 1922 decision on baseball is part of the American psyche. It is just like apple pie. Baseball holds a unique public trust, and since the ruling, has been untouched by Federal antimonopoly laws.

Mr. President, the rationale for baseball's antitrust exemption is gone. In 1922, Justice Oliver Wendell Holmes said baseball games were "purely State affairs"—teams traveled to other States for games, but this was not enough to equal interstate commerce.

Fifty years later, however, the Supreme Court ruled that professional baseball is a business engaged in interstate commerce, but upheld the antitrust exemption.

Today, major league baseball is a vast, complex organization of multimillion dollar franchises, broadcast rights, and concession deals. If it talks, walks, and looks like interstate commerce, then it must be interstate commerce.

Professional baseball, the great American pastime, no longer deserves a place on the legal pedestal for the following reasons:

The arrogant and self-serving manner in which major league baseball has handled expansion and relocation disqualifies the owners from special exemption.

Many communities, Mr. President, can cite their own example—this community, the District of Columbia, Phoenix, and Buffalo, to mention three. I want to talk about the experience of the community that I know well: Tampa Bay.

Major league baseball has continued to shun, to tease, and to lead the Tampa Bay area to believe a major league baseball team is on the way. The baseball-hungry Tampa Bay area—probably the Nation's most attractive market without a team—played by the rules to get a franchise. Tampa Bay was jilted.

Owners of the San Francisco Giants, frustrated by setbacks, put the franchise up for sale. Baseball's commissioner sent signals that the Giants could be relocated.

Investors from the Tampa Bay area offered $115 million for the Giants. A California group offered $100 million, a group which was largely put together by the current owners of major league baseball. Major league baseball forced the owner of the Giant to reject the higher offer from Tampa Bay and accept the lower offer from the San Francisco group.

The San Francisco community has been asked on four occasions to build a new stadium to replace what, by all standards, is the least adequate major league baseball park in America. On four occasions, voters in the San Francisco Bay area have said, no, they would not support the building of a new stadium. San Francisco's attendance answer has dropped by 25 percent since 1989. Last year, it had the second lowest attendance per game in the National League.

In that context, the Tampa Bay community has sold more than 30,000 season tickets for their new team in a modern stadium. In spite of that, major league baseball rejected Tampa Bay's higher offer, using its antitrust exemption as the basis of doing so.

But the treatment of communities that are able and desirous of having major league franchises is not the only reason why the antitrust exemption has become an anachronism.

The poor handling of baseball commissioner Fay Vincent also disqualifies the owners from its antitrust exemption. I think it is significant that at the time Oliver Wendell Holmes was ruling that major league baseball was exempt from the antitrust exemption was also the time baseball was going through its greatest crisis—the Black Sox scandal of 1919. As a result of that scandal, major league baseball established a strong independent commissioner's office.

Mr. President, installed in that position, was probably the strongest commissioner any professional sport has had in the history of American athletics, Judge Kenesaw Mountain Landis. It was in that context of a strong independent commissioner who was representing the public interest that Oliver Wendell Holmes ruled that baseball was not subject to the normal rules of commerce.

Well, today, that commissioner's office has been largely eviscerated. The commissioner who most recently attempted to make strong decisions, Fay Vincent, was fired, because he was found to be not making decisions that were in the best interest of the owners, even though they were in the best interest of the sport of baseball.

In the meantime, the owners have continued to stall in the appointment of a new commissioner. I will submit for the RECORD a news item from today's New York Times about an even further delay in the appointment of a major league commissioner.

Third, Mr. President, the executive committee's handling of the Marge Schott incident is a glaring indication of the owner's inability to police themselves without a strong commission. One of the most respected sport columnists in America, Tom Boswell, in an article entitled "Crime and No Punishment," written for the Washington Post, February 4, 1993, thoughtfully reviewed this incident. According to Boswell, "She (Marge Schott) handed baseball a perfect chance to take a stand and make progress in one of its weakest areas." But the owners blew it.

As Boswell pointed out, "a real commissioner would have known it." But the owners were too arrogant to want a real commissioner. They are not interested in the best interests of baseball. They are interested in the best interests of themselves.

Mr. President, major league baseball has had at least three strikes. It has missed the ball. For these reasons, our legislation revisits the issue of the exemption. Our bill reverses the Supreme Court decision, and in doing so, the legislation which we are introducing today applies the Federal antitrust law to organized professional baseball.

It is interesting that Justice Holmes, in a law review article which preceded the baseball decision, speaking on the general principles of jurisprudence, articulated the best reason for our legislation when he said:

> It is revolting to have no better reason for a rule than it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have banished long since and the rule simply persists for blind imitation of the past.

That is what we have—blind imitation of the past in a sport which no longer needs or justifies the antitrust exemption.

Mr. President, I am pleased to join Senator METZENBAUM and others, including my colleague Senator MACK, in this legislation which will repeal this anachronism.

Mr. President, I ask unanimous consent to print in the RECORD an item from the New York Times of today and the article referred to in my statement from the Washington Post of February 4.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### CHOICE OF COMMISSIONER MOVES TO BACK BURNER

(By Murray Chass)

PHOENIX, March 3.—Six months to the day after they asked Fay Vincent to resign as commissioner, major league club owners gathered today amid a growing movement among them to delay the selection of a new commissioner until they have negotiated new labor and television contracts.

The owners did appear to be making progress on at least one front. At a joint session of all 28 owners Thursday, they were scheduled to discuss a proposal by Richard Ravitch, their chief labor executive, to share all of their financial information with one another.

If the owners approve the proposal, which they are expected to do, it would mark a significant step in Ravitch's effort to achieve a major revenue sharing agreement among the clubs. Ravitch has told the owners that the players union will never agree to the salary cap the owners want to implement if they don't increase the amount of revenue they share among themselves.

#### A LOW-KEY DEBATE

A timetable for the selection of a commissioner has not been a topic of discussion at any of the seven owners meetings in the last six months. The debate has been conducted on an informal, low-key basis because no owner wants to be on record as pushing for the status quo, the absence of a commissioner.

Bud Selig of the Milwaukee Brewers, the man acting in place of a commissioner, said today that "there are people who have different opinions" on the selection of a successor to Vincent, but he declined to elaborate.

"We have a search committee in place that is doing its work and will continue to move forward," he said. "The committee is meeting this evening."

Another club official, who spoke on the condition that he not be identified, explained the thinking of the owners who favor a delay. A commissioner, he said, could only impede the clubs' efforts to achieve the kind of labor agreement they want and also interfere with the work of the three-man owners committee negotiating new television contracts, which expire after this season.

"More and more owners are understanding this," the official said.

#### GETTING PRIORITIES STRAIGHT

Ravitch doesn't have a vote on the selection of a commissioner, but he has been quoted by owners as telling them that they have to determine their priorities. If their first priority is to gain the kind of labor agreement they think is necessary to the economic well-being of baseball, Ravitch has told the owners, they should move ahead on that front.

If the owners decide to wait on choosing a commissioner, they probably will further arouse the ire of members of Congress who have been threatening to take action against baseball's antitrust exemption. It was the owners' ouster of Vincent in September that caught the attention of some Congress members and prompted a hearing of a Senate committee into the exemption in December, and today an aide for Senator Howard M. Metzenbaum, Democrat of Ohio, said Metzenbaum will introduce legislation Thursday aimed at ending baseball's antitrust exemption.

The aide, Nancy Coffey, said that Metzenbaum's position was that "baseball should play by the same laws as all other American businesses, including the three other major professional sports leagues."

Metzenbaum is chairman of the Senate judiciary subcommittee on antitrust, monopolies and business rights.

On the revenue-sharing front, Ravitch met last week with chief financial officers of all teams in his move to convince owners of the necessity of sharing financial information. One person who attended the meeting said Ravitch told them that everything would have to be disclosed, including side deals and all related transactions, such as the agreement the Atlanta Braves have with WTBS, the cable channel that is owned by Ted Turner.

#### A NEW ECONOMIC RELATIONSHIP

Owners have always been reluctant to let one another know their financial picture. The only time they have shared such information was in 1985, when Peter Ueberroth, then the commissioner, induced them to do it as part of labor negotiations. As developments later showed, the opening of clubs' books led to the owners' three-year period of collusion against free agents.

At the owners' previous meeting, here on Feb. 17, they established, in a unanimous vote, "linkage" between revenue sharing on their part and a salary cap on the players' part. The owners saw the vote as a major step toward forging a new economic relationship with the players.

In another matter, the executive council met today and discussed the restructuring report, which defines the role of the commissioner. The owners, as a group, will not receive the report until the council passes it on, with or without recommendations.

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[From the Washington Post, Thursday, Feb. 4, 1993]

### CRIME AND NO PUNISHMENT

(By Thomas Boswell)

Baseball dropped the big one on Marge Schott yesterday. The sport's Executive Council fined her $25,000—or about five innings worth of beer sales in Riverfront Stadium—and told her that she'll have to watch games in the upper deck executive suites next season, not the lower deck owner's box.

That's it, folks. That's the big punishment. Marge has to take the elevator up an extra floor. She'll just have to sit in those awful air-conditioned suites with the closed-circuit TVs and the waiters. She won't be able to sit in the box seats and sweat with the common people.

This isn't even a slap on the wrist. It's a kiss on the back of Schott's hand from a spineless group of owners, led by invertebrate Bud Selig, because they were too gutless to stand up to Schott's high-powered lawyer.

Hopefully Mrs. Schott, the queen of gall, will never again say that she has been bullied and discriminated against by baseball's male owners. She couldn't have been treated more like a member of their white male club if she belched.

"I know Marge is laughing all the way to wherever it is she's going," said Atlanta Braves Senior Vice President Hank Aaron last night. "She won this one. I'm very much disappointed. * * * [This] just gives everybody else, the owners, the right to do and say what they want. Nobody is going to attack one of their own peers. It's a country club. It sends out a message that we're still living in a * * * world where blacks are treated no better than 20 or 30 years ago."

Yes, this is what you get in baseball for allegedly admitting to racial and ethnic remarks against blacks and Jews. That's what baseball—our all-American sport—does to owners who keep swastikas at home with the Christmas ornaments and who tell the New York Times that "Hitler was good in the beginning" but "went too far."

Baseball will tell you that Schott was fined and suspended from the game for a year. Try not to get nauseous, especially when your read Selig's hypocritical comments: "There should be no question that the type of language commonly used by Mrs. Schott is offensive and unacceptable. There is simply no place for this in major league baseball."

Anybody with good common sense will tell you the simple truth of this sleazy deal. Schott hired an expensive Washington lawyer, threw a 200-page volume of red herrings and counter charges at the Executive Council and threatened to sue if she didn't get off very, very lightly.

Selig and his fellow Fire Fay plotters have no feeling for the symbolic place of their game in American culture or for the need to defend the powers of the commissionership on issues of moral leadership. Schott's mouthpiece wouldn't even have had a fig leaf to protect him in court. Five years ago the Supreme Court ruled, in the (former UNLV basketball coach) Jerry Tarkanian case against the NCAA, that private organizations can generally discipline their members any way they see fit without due process. Schott signed the major league agreement. It says you act right or get kicked out of the club. Owners have been suspended or forced to sell their clubs for everything from gambling to tax evasion to giving illegal campaign contributions to merely tampering with another team's player.

Baseball just didn't have the stomach for a fight, even one it couldn't have lost even if Jerry Reinsdorf had been lead counsel. Too much aggravation. Sorry, we have to go back to making money. Short of saying, "We're sorry, Mrs. Schott, you were the wronged party" baseball couldn't have done less.

Executive Council Chairman Selig, a key player in ousting former commissioner Fay Vincent, surpassed himself for wishywashiness. He could have fined Schott $250,000; she adores money. She sometimes makes her players pay for balls they flip to fans. If you want to cause her small mind pain, reach in her purse. So Selig nicked her for 10 percent of the top fine. What do you have to do to get hit for six figures around here?

As for the "suspension," here's the truth.

It's not suspension.

It's nothing.

To Marge Schott, owning a baseball team means only two things: Making at least $10 million a year, and getting to come to the games with her St. Bernard so she can wander around like a big Schott and cheer.

Next year, Schott will make her $10 million. She doesn't know first base from third base. But she knows that anybody who works for her and spends her nickels excessively gets fired. From a financial point of view, suspension means nothing. Whoever runs the team knows that, unless he worships Marge's bottom line, he'll be fired the day she gets back. And when will she get back? She can apply for November 1 reinstatement. Hard time: 8 months. If she doesn't get caught wearing a white sheet, she has a heck of a shot.

The tiptopper on this shame is that she can come to every game. Her lawyer plea bargained that one for her. In other words, he scared the knickers off the old boys and they folded. No wonder Schott agreed to all the terms. She is "allowed to sit in the Reds executive suites, but not in the owner's field box." This is enormously important to her. She can show her face. She can play the local hero. She can wave and wish Schottzie luck on his rounds.

"Marge is very upset and very depressed that she has been singled out," said Bennett.

Poor Marge. She should call Al Campanis. In his generation, few men did more to help black and Latin players than he. He didn't use politically correct phrases. He didn't know the buzz words to avoid. He made a mistake on TV. But, on race, he lived right.

But he didn't own a team. He didn't have a fancy lawyer. He was just an employee. So he took the fall.

Now we know why Selig holed himself up for eight hours yesterday, repeatedly delaying the Schott decision. Every hour he'd send word, "Pretty soon."

Come out with your hands up, Bud.

We know you're in there. Come out peacefully and you won't get hurt. Poor Bud, he was just stalling probably so his copout would not make the national evening TV news. The minute Rather, Brokaw and Jennings were off the air, here came the announcement.

Marge Schott should have been fined $250,000 and suspended from baseball—really suspended—for two years. If her lawyer whined, he should have been told that Schott was lucky she wasn't being forced to sell her gold mine; after all, her scandal may have damaged baseball's reputation irreparably. If she'd wanted to fight—and she'd have been a national pariah if she had—it would have been an easy chance for baseball to reinforce its powers in the courts. She handed baseball a perfect chance to take a stand and make progress in one of its weakest areas.

A real commissioner would have known it. A real commissioner would have gone on every TV news show to trumpet his stand. "Marge Schott is the past. This is where baseball is going in the 21st century."

Yes, a strong commissioner.

There used to be one.

The PRESIDENT pro tempore. The junior Senator from Florida [Mr. MACK] is recognized for not to exceed 5 minutes.

Mr. MACK. Mr. President I thank Senator METZENBAUM for his leadership on the issue of revoking the antitrust status for major league baseball. The barons of baseball have treated the people of the Tampa Bay area with disdain, utterly disregarding their hopes and dreams for a future with a baseball team.

Senator METZENBAUM was keen to see the abuse of this special privilege and he acted quickly with a hearing in his subcommittee last fall. I was pleased to be a participant at the December hearing.

Those involved learned a great deal from the testimony presented. Three months later, the baseball owners have done nothing to mitigate the damage of their onerous actions which are shielded by the exemption they, and they alone, enjoy.

The Senator from Ohio [Mr. METZENBAUM] was correct to introduce this legislation and I am proud to be the lead cosponsor. Perhaps, now baseball will come to terms with the many crises it faces and come to know the central force which can save the sport—the free-market system.

The owners will sing their tired, old song and claim baseball acted to protect fans by upholding its policy of locking teams into their present homes when it refused the legitimate sale and movement of the Giants to the Tampa Bay area. Well, there are at least 1.2 million households in the Tampa-St. Petersburg metropolitan area filled with brokenhearted fans whose interests major league baseball did not protect.

In fact, major league baseball showed no respect for those fans at all. I deeply regret that baseball has turned its back on these deserving people. Millions of fans deserve to be a part of our national pastime, instead they have been unfairly left out.

They merely want the thrill of catching a foul ball, getting an autograph, hollering at the ump calling a play, but they can not. I am convinced this occurred because baseball alone has an antitrust exemption and that exemption had some bearing on the owners' curious behavior.

The antitrust exemption represents an artificial legal framework which the courts have set up around major league baseball to protect it. The exemption has made the owners' pursuit of their self-interest inconsistent with the basic interests of baseball fans. This is the opposite of what happens when free-market competition is allowed to work. Why will not the owners accept the system which has brought so much good to every other industry in this country?

Instead their system is a fraud—an emotionally wrenching fraud. The people of Tampa-St. Petersburg were used, demeaned, and insulted. Owners should be ashamed of what they did, but they are not. Since our hearing, the owners have done little to address any concerns Senators have expressed. Expansion, league finances, the Commissioner's office, a potential labor lockout and minor league disputes are all on the table, unaddressed, and unsolved.

Baseball's blundering of the location of a team in Tampa-St. Petersburg is inexcusable. On seven occasions in the last 8 years, Tampa-St. Petersburg has tried unsuccessfully to secure a team through expansion or by purchase. We always played by the rules. We made bona fide offers.

We had commitments, promises, and signed agreements, but still no team.

The good people of the Tampa Bay area built a stadium; 30,000 season tickets were sold. In the end, nothing.

And when the citizens in Florida tried to redress their grievances through the court system and subpoenaed National League President Bill White, we were told by the courts that the antitrust exemption put Mr. White out of the reach of our subpoena. In short, major league baseball is above the law.

Major league baseball has used us as a pawn. Owners hold St. Petersburg as if it were their market, not ours. Then they use it for leverage on the current, host cities, and fans to extract new stadiums, tax benefits, and the like. This is a game in which only baseball owners win, while everybody else loses. Enough is enough.

Since the courts refuse to act and major league baseball is committed to its present course, the exemption from the antitrust laws must be removed, the Congress must act.

I urge my colleagues to cosponsor the Metzenbaum-Mack legislation to relieve fans, players, and ultimately the owners from the undue burden the antitrust exemption has put on them.

A common question asked about the antitrust exemption is: Will removing it really solve the problems of major league baseball? I believe it will. And in the end there will be more players and more teams in more cities with more fans—it is the best thing for major league baseball.

Mr. President, I have a long family tradition in the game of baseball. I love the game. I believe this legislation will be a positive step toward bringing the public interest back into the decisionmaking process of major league baseball.

Mr. President, I ask unanimous consent to print the following article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 4, 1993]

### CHOICE OF COMMISSIONER MOVES TO BACK BURNER

(By Murray Chass)

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The owners did appear to be making progress on at least one front. At a joint session of all 28 owners Thursday, they were scheduled to discuss a proposal by Richard Ravitch, their chief labor executive, to share all of their financial information with one another.

If the owners approve the proposal, which they are expected to do, it would mark a significant step in Ravitch's effort to achieve a major revenue sharing agreement among the clubs. Ravitch has told the owners that the players union will never agree to the salary cap the owners want to implement if they don't increase the amount of revenue they share among themselves.

#### A LOW-KEY DEBATE

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"More and more owner are understanding this," the official said.

GETTING PRIORITIES STRAIGHT

Ravitch doesn't have a vote on the selection of a commissioner, but he has been quoted by owners as telling them that they have to determine their priorities. If their first priority is to gain the kind of labor agreement they think is necessary to the economic well-being of baseball, Ravitch has told the owners, they should move ahead on that front.

If the owners decide to wait on choosing a commissioner, they probably will further arouse the ire of members of Congress who have been threatening to take action against baseball's antitrust exemption. It was the owners' ouster of Vincent in September that caught the attention of some Congress members and prompted a hearing of a Senate committee in to the exemption in December, and today an aide for Senator Howard M. Metzenbaum, Democrat of Ohio, said Metzenbaum will introduce legislation Thursday aimed at ending baseball's antitrust exemption.

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In another matter, the executive council met today and discussed the restructuring report, which defines the role of the commissioner. The owners, as a group, will not receive the report until the council passes it on, with or without recommendtion.

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By Ms. MIKULSKI:

S. 501. A bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over; to the Committee on Finance.

INCOME TAX ROLLOVER ACT OF 1993

Ms. MIKULSKI. Mr. President, I rise today on behalf of hard-working employees in Maryland and across America. Their retirement savings are now in jeopardy because of a confusing new Government tax law. To remedy that I am introducing a bill to repeal that law and protect employees' pensions.

My bill will remove the 20 percent withholding tax that affects people who change jobs and want to transfer their pension funds. Anyone who takes possession of their own pension money, even for one day, now has to pay 20 percent to the Government immediately. Even if they put all of their money into a new pension plan or IRA, the Government still keeps 20 percent until tax time the following year.

But this law gets even more confusing. A deliveryman in Baltimore who gets a job with a new company in Towson might have $50,000 saved in his retirement plan. His new company will accept the entire amount in a rollover, and the deliveryman decides to take that money and write a check for all $50,000 to his new company plan.

That used to be fine. But now that deliveryman can only get $40,000 of his money, because the Government is witholding $10,000. So to put all $50,000 into the new plan, this deliveryman has to come up with $10,000 of his own savings because the Government is holding his money.

Lots of people who go to work at 7:30 every morning don't have $10,000 in their bank accounts. They are fighting to pay the orthodontist for their daughter's braces, and trying to meet the mortgage or the rent. They have car payments, insurance premiums, and grocery bills to pay.

So what does the Government do if this deliveryman can't come up with the $10,000 to put in the savings account? They make him pay taxes on that money and make him pay a 10 percent penalty because they say he took his money before he retired at age 60.

That's a bad and confusing law, and that's why I want to repeal it. We need to put Government back on the side of hardworking Americans. You shouldn't need an accountant and a pension actuary every time you change a job or make a decision. And you shouldn't be penalized thousands of dollars for trying to do the right thing.

I know that Congress was trying to help with this law, but they missed the mark. We need to help make pensions portable, so employees can take their pensions with them when they change jobs, and so they can trust that their savings will be protected for their retirement. But this new 20 percent tax doesn't do the job.

I'll keep up my fight to make sure that pensions are available to all Americans, and that those pensions are effective and portable and will be there when they retire. I urge my colleagues to join me and fight for the interests of all working Americans.

Let's repeal this punitive and unfair law and get down to the business of creating good jobs and a secure future for the people of Maryland and of the United States.

Mr. President, I ask unanimous consent that an article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 1993]

TAX LAW ON 401(K) ROLLOVERS CAN COST THE UNINFORMED A LOT

(By Jane Bryant Quinn)

To improve its money flow, Congress has passed a new tax collection law that will be unfair to a lot of people. It touches everyone who might withdraw money from an employer-sponsored, tax-deferred retirement plan.

Don't get me wrong; I'm all in favor of rules that will capture every dime that taxpayers owe.

But this law can entrap you, by creating a tax liability where none had to exist. Even worse, it raises money only from the ill-informed. The well-informed will know how to avoid it.

Rep. Jan Meyers (R-Kan.) has introduced a bill to repeal this unwise law. All fair-minded people should write to their senators and representatives, in support.

The new provision applies to most withdrawals from employee retirement plans, like 401(k)s. The easiest way to explain it is to give an example.

Assume that you have $20,000 in your 401(k) plan and leave your company for a new job. If you request that $20,000 in a personal check, as is often done, your company can now give you only $16,000. Exactly 20 percent—$4,000—must be withheld for income taxes.

But what income taxes? You won't owe a tax if—within 60 days—you roll your 401(k) distribution into an individual retirement account (IRA) or into your new employer's retirement plan.

In that case, you can get your $4,000 back, by claiming it as a refund on your tax return.

What does the government get from this deal? The temporary use of your money, interest free.

But the government has an ace up its sleeve. To avoid paying taxes, you have to roll over the entire 401(k) distribution—which in this example is $20,000.

Since your company gave you only $16,000, you have to find $4,000 somewhere else. If you can't raise the money (or didn't know you had to), that $4,000 will be treated as a taxable withdrawal.

So you'll owe a tax. On a $4,000 withdrawal, you'd owe $1,520 in the 28 percent bracket (counting the 10 percent penalty for funds withdrawn prior to age 59½). You'll also be liable for state and local income taxes.

Those who support the new tax withholding law point out that it's easy to avoid. All you have to do is tell your employer to transfer your 401(k) funds directly into an individual retirement account, or into the retirement plan of your new employer. In that case, no taxes will be withheld.

Unfortunately, not everyone will get the message. Some employees will err, and be caught in the tax trap.

Under the law, your employer has to give you a written explanation of your choices, at least 30 days before you take the money.

But my associate Amy Eskind took a look at some of the memos employers are putting out, and found a mixed bag.

Some are clear and direct, and will help people reach the right decision. Others can only be called opaque.

I saw one especially good idea, for Continental Corp. in New York City. Continental set up an interim IRA at Metropolitan Life. If an employee isn't sure where to transfer his or her money, it can be wired to Metropolitan; at a later date, those funds can be transferred somewhere else. Both of these transfers can escape tax withholding.

You can also set up your own interim IRA, ideally at a money market mutual fund or bank money market account. That keeps your money safe while you're thinking about where to invest it long term.

The 20 percent income tax withholding is not levied on withdrawals set up as lifetime annuities or on installment payments lasting 10 years or more.

But taxes will be withheld from "hardship" withdrawals, for things like medical payments or college funds.

When you cash any money out of the plan, you will owe income taxes and perhaps penalties for that year. So you might not mind the tax withholding.

But I worry about those who intend to roll over the money tax-deferred, and don't get the message on how to do it right.

Rep. Meyers's bill would restore the old rule: no mandatory tax withholding. Then, no unlucky soul would pay taxes by mistake.

By Mr. ROCKEFELLER (for himself and Mr. WOFFORD):

S. 502. A bill to amend the Tariff Act of 1930 to improve the antidumping and countervailing duty provisions, and for other purposes; to the Committee on Finance.

### TRADE LAW REFORM LEGISLATION

• Mr. ROCKEFELLER. Mr. President, one of the results of the last election, in my judgment, was a mandate from the people to restore America's manufacturing competitiveness. The people understand that our country's economic problems go beyond recession. They see our manufacturing base, and the jobs that go with it, quickly eroding. They see more and more products, like the VCR and the fax, invented here but made abroad. They see our technology lead being surrendered to our trading partners, and they see that what we are getting back are low-quality assembly jobs rather than high-quality, high wage manufacturing jobs. The people understand that losing our industrial base cripples our ability to stay ahead technologically. If we don't make anything, ultimately we won't invent anything either. And when that capacity goes, our status as a world leader will go with it.

These challenges must be met on a broad front. One or two pieces of rifle shot legislation will not do the job. A number of us in the Senate have responded by developing the Senate Democratic economic leadership strategy, a set of proposals designed to address America's competitiveness problems in research and development, technology commercialization, manufacturing extension, training and education, export promotion and trade. Last year, the strategy was embodied in 30 specific proposals, 23 of which were substantially enacted. This year the strategy will appear in the form of specific bills, the first of which was introduced on January 21: S. 4, the National Competitiveness Act of 1993. This bill deals with significant parts of the first three categories I mentioned—R&D, commercialization, and extension. I already commented on its proposals when the bill was introduced, so I will not repeat those comments at this time.

Today, Mr. President, I want to make clear that trade policy is also a component of competitiveness policy. President Clinton has made clear that he prefers to deal with trade problems proactively and preemptively; that is, by addressing the underlying domestic problems that cause them before they develop into major bilateral irritants. I support that policy and believe the economic leadership strategy will help to insure it is successful.

At the same time, however, our Nation will continue to face market access problems abroad and unfair trade practices here at home. We have created the section 301 process to address the former, and in 1988 added the so-called Super 301 process to push the President into using his authority more aggressively. Part of our economic leadership strategy, which I support, is renewal of Super 301, and I am continuing my cosponsorship of that legislation this year.

Successfully combating unfair trade practices demands effective antidumping and countervailing duty laws, and I am today reintroducing legislation to address a number of problems that have emerged in those laws over our past 13 years of experience with them. These problems do not affect only those industries, like steel, that always seem to get the most publicity. They also affect sectors like semiconductors and other electronics that are on the cutting edge of American technology competitiveness. Steel is, of course, important to West Virginia, but the many other sectors impacted by these laws are likewise important, both to my State's economy and to the country's economic health.

These laws are not new, they date back over 70 years, but they are virtually our only line of defense against unfair trade practices, and it is important that we keep them current. This bill is identical to the one I introduced last July 23, with two changes I will comment on shortly.

Last updated in 1979 following the Tokyo round of trade negotiations, these laws represent a GATT-consistent means of addressing two kinds of unfair trade practices that have become increasing problems in the global marketplace. The countervailing duty law is designed to offset government subsidies, and the antidumping law is designed to deal with dumping, which is defined as selling below one's home market price, a third market price, or the cost of production.

In both cases, the theory is that these practices, the former by governments and the latter by individual producers, distort the market system and thereby confer an unfair advantage. Because of that, the General Agreement on Tariffs and Trade has erected multilaterally agreed-upon codes intended to provide some discipline over these practices. U.S. law embodies those codes.

I should emphasize, Mr. President, that these laws are not designed to be either punitive or arbitrary. If an unfair practice is found, the penalty is a duty on the import in an amount calculated to offset the dumping or subsidy. In order to obtain such a duty, a domestic complainant must demonstrate both that the unfair practice is occurring and that the domestic industry has been injured by it. Over the life of these statutes there have been numerous cases where the subsidy or dumping is clearly established, but the International Trade Commission has determined that, even so, there has not been material injury.

While the laws are not punitive, we do want them to be effective. The United States is somewhat unusual in the world in its reliance on its legal system and relatively transparent procedures to deal with these problems. Most countries find other, less formal means, sometimes outright quotas or other import limits, sometimes informal arrangements that result in the voluntary limitation of imports after Government pressure. This is why American manufacturers are so concerned with the Uruguay round's Dunkel draft, which would require changes that would weaken United States law and would weaken discipline over these practices. Other countries can make these concessions because they don't rely on these laws. If we do the same, we have nothing else as a fall back.

Even without the Dunkel draft, however, the effectiveness of these laws is declining, largely because, over time, importers learn how to evade them or how to minimize the impact of the penalties. This is not a new problem. We have been plugging leaks in these dikes for years, passing amendments piecemeal as we encounter new types of violations. The proper approach at this point would be a complete overhaul, as we undertook in 1979, but realistically, that is most likely to occur after the conclusion of the Uruguay round, an event that is increasingly uncertain.

In the short run, however, there are a number of problems that have been identified that can easily be addressed without a comprehensive revision of the laws. Some of them have already been identified by others. The anticircumvention language in this bill, for example, is the same as that proposed by Congressman ROSTENKOWSKI, the chairman of the Ways and Means Committee, in his omnibus trade bill, H.R. 5100, which passed the House on July 8, 1992. Other provisions can hardly be called major changes in the law, but each of them is intended to address a serious problem of current procedure or legal interpretation that has arisen in recent years. A number of them relate to the experiences of West Virginia firms with the trade laws, particularly those in the steel industry. I would also note, however, that since most of these provisions would apply to cases begun after the date of enactment, they will not have an effect on pending cases, including those filed by the steel industry.

Since these provisions, not to mention current law, are complicated, they deserve some explanation in a way that I hope will be clear to both Senators and members of the public who read these remarks after they are printed. Accordingly, let me try to summarize each of the provisions in the bill and the problems they are trying to address.

### STANDARD FOR INITIATION

Current law mandates a fairly low standard for accepting antidumping or countervailing duty petitions. Over the years, however, the Commerce Department bureaucracy has effectively raised the standard to demand more information and evidence before accepting a petition. This has had the effect of increasing the expense of filing and deterring cases from being pursued.

Mr. President, congressional intent on this matter was expressed very clearly in 1979. We wanted a low standard for accepting petitions because we wanted every citizen to have access to this important administrative process. In some respects, the procedures we adopted in 1979 made winning a case somewhat more difficult—particularly in the case of a subsidy complaint, where we added an injury test, and Congress felt, therefore, it was very important that we give petitioners every opportunity to have their complaint fully and carefully considered.

The bill would address this problem by clarifying the statute to require that petitions contain "a short and plain statement of the elements necessary for the imposition of the duty * * * and adequate information to give notice of the factual basis for the petitioner's allegations." While current law is also an adequate expression of congressional intent, its meaning has been distorted over time by the Department, and it is appropriate to state again in statutory form our determination that the standard for accepting a petition be a low one.

### DETERMINATION OF MATERIAL INJURY—VOLUME OF IMPORTS

When the International Trade Commission votes on injury in a dumping or countervailing duty case, it considers whether the industry is injured at the time of the vote. That can lead to negative decisions in the numerous cases where the act of filing the petition had an impact on the quantity of imports. Importers often reduce their shipments during the period of investigation due to the market uncertainty the petition creates or in the hopes of securing a negative decision from the Commission by arguing the domestic industry could not be injured because imports have declined.

The bill addresses this problem by simply making clear that no negative inference can be drawn from a record of declining imports after the filing of a petition.

### PRICE COMPETITION

Normally, when considering a purchase, a consumer would compare the actual prices he would have to pay for competing goods. The Commission, however, sometimes compares an import's price at the port to the domestic product's factory price. This can lead to the conclusion that the import sells at a higher price than the domestic product, when from the actual consumer point of view the opposite might be true.

The bill would address these situations by directing the Commission to compare prices of goods as they are sold to the ultimate consumer. That should produce a more appropriate comparison.

### CUMULATION

As countries develop and the production/manufacturing process becomes increasingly decentralized, we have begun to encounter the phenomenon of similar imports from a wide variety of countries, many of them with only a small share of our market. Pursuing an unfair trade complaint against only the largest importers, however, is often helpful only in the short term, as those importers, once subject to dumping or countervailing duties, are quickly replaced by others who were not subject to the trade action.

American industry has responded to this problem first by filing cases against more than just the biggest importers and by encouraging the Commission to cumulate imports in its consideration of injury, that is, to determine whether all the imports collectively from the various countries subject to investigation were causing injury rather than whether the imports from each country were individually causing injury.

This provision of law, which first appeared in law in 1984 and was subsequently amended in 1988, has produced some unexpected problems in its administration, one of which relates to the circumstance of a complaint being filed against a new source of imports after a final affirmative determination has been made on the other sources of imports. At that point, the new imports cannot be cumulated with the old ones, because the latter are no longer subject to investigation. As a result, the law effectively encourages what might be called serial dumping—the repeated entry of new dumped imports from new sources after each old source is addressed through a trade complaint.

The bill addresses this problem through a look-back provision, which directs the Commission in the above circumstances to consider the injurious dumping over the previous 3 years as an important factor in determining the vulnerability of the industry to injury in the present case.

### NEGLIGIBILITY

A related problem in the administration of the cumulation provisions relates to the Commission's 1988 authority to exclude negligible imports from an investigation. Following an affirmative final determination on the remaining imports, those that were dropped on the grounds of negligibility can and probably will grow significantly and become a new dumping problem. Just as in the previous provision, these imports are hard to reach because they cannot be cumulated with the earlier imports.

The bill addresses this problem in a manner similar to the direct cumulation problem above. If a subsequent petition is filed within 3 years of an earlier affirmative determination, the Commission's normal investigative period, on imports that had been found negligible, the imports covered by the later petition will be deemed to be causing material injury if the Commission would have reached an affirmative decision on them had the pattern of their volume, price, import penetration, and other factors been of similar dimensions during the earlier period of investigation when the imports were found to be negligible.

### SUSPENSION AGREEMENTS

Current law gives the administering authority the option of suspending an investigation, along with any duties that might be imposed, in return for commitments by the importing parties, generally to cease the injurious activity. If the agreement is subsequently violated, the case would essentially pick up at the point it was suspended. Although the Government has quite properly entered into very few of these agreements over the years, concern has arisen that the way the law is structured it could be to the advantage of a foreign party to enter into such an agreement temporarily and then violate it at a point when economic conditions made the likely outcome of the case when it was resumed more favorable to them. In other words, someone who was dumping might agree to suspend such activity because he anticipated losing the case, but he might at some later point deliberately violate the agreement and resume dumping in the expectation that the domestic industry could no longer establish injury or dumping of the same magnitude.

The Commission commented on this possibility in its 1991 decision on "Sheet Piling From Canada:"

> * * * Congress has directed the Commission not to consider the effect of the suspension agreement when determining which merchandise is subject to investigation. 19 U.S.C. 1673c(j). Subsection (j), however, does not direct the Commission to ignore the impact of a suspension agreement on relevant economic indicators, such as changes in the volume or price of imports brought about by an agreement to eliminate LTFV sales. Such an interpretation would provide a benefit to importers who violate suspension agreements. Moreover, it would create an incentive for all importers to violate suspension agreements as soon as prices rise, imports drop, and the condition of the domestic industry improves.

The bill provides that, in an investigation that has been resumed because of such a violation, the Commission may not consider a decline in the volume of imports or an improvement in the condition of the domestic industry, both of which may occur as a result of a suspension agreement, to be indicators that the domestic industry is not injured. Similar language precluding the Commerce Department from considering changes in the foreign market value or the U.S. price of the good after the date of the suspension agreement is also included. This language is consistent with congressional intent and an appropriate clarification of an unanticipated problem when the 1979 changes were made.

### CONCENTRATION OF IMPORTS

In an investigation involving a regional industry, the Commission may find injury only "if there is a concentration of subsidized or dumped imports into" the region. The legislative history of this provision makes it clear that such concentration exists when the ratio of the dumped or subsidized imports to the consumption of the imports and the domestic product is clearly higher in the regional market than the rest of the United States. This is essentially a market share test, and the Commission initially applied it in a manner faithful to congressional intent, as in "Certain Steel Wire Nails From The Republic of Korea" (1980), and "Cut-To-Length Carbon Steel Plate From The Federal Republic of Germany" (1984).

More recently, however, the Commission has tended to ignore this standard and has begun to look simply at whether the region in question accounts for a large share of the imports. With an occasional exception, the Commission has generally found that standard satisfied when the region accounts for at least 80 percent of the imports, as in "Gray Portland Cement And Cement Clinker From Mexico" (1989). This standard is not what Congress intended, and it has in several cases resulted in finding no import concentration in situations where use of the propoer standard would likely have resulted in the opposite conclusion. Examples are "Gray Portland Cement And Cement Clinker From Japan" (1991), and "Dry Aluminum Sulfate From Sweden" (1989).

The amendment solves this problem simply by incorporating into the statute the language from the legislative history of the Trade Agreements Act of 1979, ensuring that the Commission in future investigations will apply the clearly higher standard Congress intended.

### DEFINITION OF SUBSIDY

Although the Tokyo round made some progrss in defining what a subsidy is, our experience since then has made clear that both the round's subsidies code and U.S. practice do not adequately reach some government subsidies that have a clear impact on an industry's ability to export. In particular, the Commerce Department currently does not apply countervailing duties against international development bank—the World Bank or its counterpart regional institutions—loans or loan guarantees, even if they are at concessionary rates or even if the loan would not have been available from commercial sources, in other words, when the recipient is not credit worthy.

The bill's response to that gap is very straightforward. It simply includes such loans in the statutory definition of a subsidy.

Simiarly, a problem has arisen with respect to loans or loan guarantees for the expansion of production or improvements in existing production when the effect of such loans is to increase production for export purposes. In such cases, the loan or loan guarantee is in reality an export subsidy, even though it may not be explained that way by the offending government.

In order to plug that gap, the bill defines as an export subsidy any loan by a government for expansion of production, or for improvements to existing production where one-third or more of the output can reasonably be expected to be exported.

### CIRCUMVENTION

One of the most difficult and complex problems this bill attempts to deal with is circumvention of dumping duties. This problem was not anticipated in 1979, but it should come as no surprise that over 14 years importers and foreign manufacturers have learned a great deal about our law, including its loopholes, and have discovered how to exploit those gaps to their advantage. The trend toward globalization of production has also contributed significantly toward the problem by making it easier for producers to move their production or assembly from place to place to stay ahead of a dumping duty orders.

At the most obvious leve, Mr. President, circumvention is fraud, which is already addressed in our law. If, for example, duties have been imposed on photo albums from Korea, and the same albums suddenly start appearing from another country, such as Singapore, falsely labeled as originating in the new country, then we have adequate statutory authority to address the problem although sufficient enforcement resources is always a problem in cases of this kind. It is not hard for a determined importer consistently to stay ahead of Customs enforcement authorities.

The more complicated situations, of course, are when the product in question is in some fashion transformed in the second country, thus permitting the argument that the import is no longer of the dumping country's origin. Often that also involves a Customs Service decision as to whether the product has been sufficiently altered or sufficient value has been added in the second country to transfer origin. Most complicated in this category is when assembly of a finished product is moved into the United States. In that case, the dumped end product is no longer being imported, but most or all of its component parts are, for assembly here. Since both U.S. law and GATT rules limit attaching dumping duties to the "like" product, the duties cannot simply and easily be transferred from the finished product to its parts.

Another related problem deals with what is known as diversionary dumping. It occurs when intermediate goods on which there is an outstanding dumping duty order are shipped to a third country and are there incorporated into a finished product which is subsequently imported into the United States. An example would be steel sheet or coil from Taiwan which has been found to be dumped in the United States and which is then shipped to Korea and made into pipe and tube, which is then imported into the United States. Current law does not address this problem, and the administration has regularly opposed any serious effort to deal with it.

The solution to the first problem, the case where final assembly is in the United States and the components are imported from countries other than that covered by the initial duty order, the bill would apply the existing order in cases where the same company was involved in the assembly in the United States and the parts came from historic suppliers. This is the same approach as that proposed by Congressman ROSTENKOWSKI, the chairman of the Ways and Means Committee, in H.R. 5100, the omnibus trade bill the House passed last year.

The problem of diversionary dumping is addressed with language that is a somewhat revised version of a proposal first made by several members of the Finance Committee in 1986 and 1987. A version of this provision was initially incorporated into the Senate markup vehicle for the 1988 trade bill but was ultimately removed due to opposition from the Reagan administration. A much more modest version was incorporated into the bill, but it is so limited it has not successfully dealt with the problem.

### MONITORING

Current law provides for Commerce Department monitoring of imports in the limited circumstance where more than one antidumping duty order on the same merchandise is already in effect. Despite numerous requests, there has never been a monitoring program initiated under this provision, which is unfortunate, since the act of monitoring can have a discouraging effect on dumped imports without forcing hard-pressed domestic industries to go to the expense of filing a formal complaint.

The bill would broaden somewhat Commerce's authority by permitting a monitoring request when there is only one other antidumping duty order outstanding. That would not reduce the Commerce Department's discretion but would at least expand the universe of situations where monitoring could occur.

### UPSTREAM SUBSIDIES

One of the post-1979 problems Congress attempted to address in the 1980's was that of upstream subsidies, a manufacturer's use of an input or component part that benefits from a subsidy. Accepting this concept, as we have done, leaves the Commerce Department with the technical problem of determining the value of the benefit of the subsidy to the manufacturer.

In the first case where this issue was raised, Certain Agricultural Tillage Tools from Brazil, Commerce established a hierarchy of price comparisons for determining such a value. In general, the methodology is to compare the price paid to the subsidized input supplier to: First, prices charged by unsubsidized producers of the inputs in the same country; second, prices paid for unsubsidized imports of the input for use by downstream producers; third, information on world market prices in cases of commodity products; and fourth, the best information available to calculate a benchmark price.

This construct, in my judgment, is an adequate elaboration of congressional intent, and it appears to have been successful in practice. Now, however, the Department has announced its intention to abandon this methodology and instead compare the price paid by the producer to a subsidized supplier in the country under investigation to F.O.B. prices of subsidized and unsubsidized foreign suppliers. This is an unwarranted and uncalled-for change in an otherwise acceptable practice. The amendment in my bill would prevent this change simply by putting into the statute the previous Commerce practice.

### NEW ITEMS

In addition to these provisions, which are identical to those in S. 3046 which I introduced last year, this bill contains two further changes.

First, upstream subsidies. The bill amends the provision dealing with subsidies provided by a customs union to include also those subsidies authorized by the customs union. This would permit subsidy investigations in those cases where products subsidized by one European Community country are further processed in another EC country. Since subsidy practices by EC member nations are supposed to be approved by the EC Commission or Council, they should be considered part of overall EC policy and therefore fair game for our trade laws.

Second, diversionary dumping. As introduced last year, the diversionary dumping provision raised the question as to whether it could be applied in situations where the dumped input is further processed in the same country where it was produced instead of being restricted to cases where the dumped input is sent to another country for further processing before it is imported into the United States. Since it was my intention that both situations be covered by the provision, I have made a minor change in wording to remove any ambiguity.•

By Mr. D'AMATO:

S. 503. A bill to amend the Immigration and Nationality Act to provide that members of Hamas—commonly known as the Islamic Resistance Movement—be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

### TERRORIST GROUP HAMAS BANNING ACT OF 1993

• Mr. D'AMATO. Mr. President, I rise today to offer a bill to amend section 212 of the Immigration and Naturalization Act, to add the terrorist group Hamas, to the alien exclusion list. Identical restrictions exist for members of the PLO and there is no reason why Hamas should not be included also. In the wake of widespread Hamas violence in Israel and their recently reported presence in the United States, it is vital that they be banned from the United States.

If a member of Hamas enters the United States and the authorities have reason to believe that the person is likely to engage in terrorism, support for terrorism such as transportation, communication, and fundraising, or soliciting for membership in the group, or simply proven to be a member of Hamas, in my legislation, the member can be denied a visa to enter or stay in the United States.

Within our midst, an expansive network is aiding Hamas in its terror and murder in Israel. Acting in the guise of simple fundraising, groups in northern Virginia, Dallas, Detroit, Chicago, Tucson, and in my State of New York, are channeling large amounts of money back to Hamas in Israel.

Moreover, the United States is reportedly home to at least a dozen Hamas leaders who hold clandestine titles within the Hamas organization. One Palestinian recently arrested in Israel while visiting from Chicago, actively worked on behalf of Hamas, bringing $650,000, raised in the United States, to hand over to Hamas officials there.

Additionally, on Wednesday, it was revealed that the State Department has just put a halt to its meetings held with Hamas in Jordan, Jerusalem, and Tel Aviv. This is outrageous. We do not meet with the PLO, and we should not meet with Hamas. Why were our diplomats meeting with these murderers?

Both groups commit murder and outrageous acts of terrorism. We exclude the PLO and we must exclude Hamas.

This radical Islamic fundamentalist group is based in the Gaza Strip but also operates in Judea and Samaria. Its covenant declares that Israel must be destroyed and that Islamic fundamentalism must be adopted and spread violently if necessary, by all Arab States. This coupled with its support by Iran, makes Hamas a deadly force and one we must stop.

If we fail to take action now, we may be very sorry later. Banning Hamas from the United States is a first step. I urge my colleagues to support this important legislation.

I ask unanimous consent that my remarks be printed in the RECORD following the text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 503

*Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled,*

**SECTION 1. TERRORIST ACTIVITIES.**

Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended by adding at the end "An alien who is a member, officer, official, representative, or spokesperson of Hamas (commonly known as the Islamic Resistance Movement) is considered, for purposes of this Act, to be engaged in a terrorist activity."•

By Mr. KOHL (for himself, Mr. HATCH, Mr. DECONCINI, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN):

S. 504. A bill to amend section 924 of title 18, United States Code, to make it a Federal crime to steal a firearm or explosives in interstate or foreign commerce; to the Committee on the Judiciary.

### FIREARMS THEFT ACT OF 1993

Mr. KOHL. Mr. President, I rise today—along with my distinguished colleagues, Senator HATCH, Senator DECONCINI, Senator MOSELEY-BRAUN, and Senator FEINSTEIN—to introduce legislation that is long overdue: the Firearms Theft Act of 1993. This bill creates Federal penalties of up to 10 years imprisonment and fines of up to $5,000 for anyone stealing firearms or explosive materials.

The violent crime rate in our Nation is rising at an alarming rate. Every day police face automatic gunfire on our city streets. Drive-by shootings by gang members have become commonplace. Every 19 seconds there is a violent crime committed in the United States. Mr. President, the Senate has no time to delay.

Sadly, no State or city is immune from this scourge. Last year, 146 murders were committed in my home city of Milwaukee. Of those, 104 were committed with firearms.

In both major metropolitan areas and small rural communities, the rates of murder, assault with a deadly weapon, and drug-related crimes are skyrocketing—and stolen firearms figure prominently in many of the most heinous crimes. In 1991, the Washington Post reported that over an 8-month period, 18 gunshops were robbed in the District of Columbia vicinity. Approximately 600 firearms were stolen. Some of these weapons were traced to Washington area crack houses just a few hours after they were stolen from a Maryland gunshop. At least one was used in the murder of a Washington man, and we can only imagine the atrocities committed with the others.

These are not isolated incidents. The Justice Department has informed the Judiciary Committee that approximately 20,000 stolen guns are reported each month. Combine this with the fact that five out of six criminals receive their guns from the black market, and we have the makings of a national crisis.

My bill will empower Federal law enforcement agencies to halt these acts of thievery and reduce the number of guns available on the streets. Like the gun-free school zones law I authored 2 years ago, this proposal provides an additional tool to the prosecutors' arsenal, so that they can convict the persistent offenders who profit from firearms violence in our communities.

Mr. President, I urge my colleagues to support this legislation, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. THEFT OF FIREARM OR EXPLOSIVE MATERIAL.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who steals a firearm that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title, imprisoned for not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) A person who steals explosive material that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title, imprisoned for not more than 10 years, or both.".

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By Mr. McCONNELL (for himself, Mr. DOLE, and Mr. LUGAR):

S. 505. A bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the Food Stamp Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### FOOD STAMP ANTI-FRAUD ACT OF 1993

Mr. McCONNELL. Mr. President, today, I am introducing legislation that will reduce the fraud and trafficking abuse that is occurring in our Nation's largest food assistance program, the Food Stamp Program. More than 25 million Americans receive food vouchers every month from this program which hands out over $20 billion in benefits a year. The amount of money lost to fraud, waste, and abuse is very difficult to determine; however, it is estimated to be in the millions of dollars. The bottom line is simple: Our Government cannot afford to lose the taxpayers' money to fraud and waste in the Food Stamp Program.

Every 1 percent of Food Stamp Program funds lost to fraud represents $200 million of taxpayer's money wasted. From trafficking food stamp coupons to trading the stamps for guns and drugs, the violations are deplorable and the transgressors must be brought to justice.

In a program as large as the Food Stamp Program, the Government must have the necessary tools to administer and enforce the rules of the program. The 1990 farm bill required the submission of identification numbers by the retailers and beefed up the penalties to assist USDA in targeting and punishing the violators. These measures have helped; however, the Department of Agriculture is still hampered by restrictions in their attempts to target and identify Food Stamp Program abusers.

My bill, the Food Stamp Anti-Fraud Act of 1993, will give the Food and Nutrition Service the tools it needs to identify violators and coordinate its efforts with other law enforcement agencies. Specifically, this legislation will expand the use of the application information and identification numbers provided by the retailer to FNS. Currently, the use of application information is restricted to persons directly involved in the Food Stamp Program and to state agencies that operate the Special Supplemental Food Program for Women, Infants, and Children [WIC]. Furthermore, the use of the Social Security and taxpayer ID numbers is limited to the maintenance of a list of those already sanctioned for or convicted of violating the Food Stamp Act.

The Department of Agriculture has been stifled by these restrictions in their efforts to eliminate fraud in the Food Stamp Program. My bill will expand USDA's investigative activities by allowing them to match and verify existing information on retailers in their efforts to establish evidence of violations of the Food Stamp Act by retail establishments. This legislation extends the use of the retailer's ID numbers so that law enforcement and investigative agencies, such as the FBI, the IRS, the Office of Inspector General [OIG], and the Financial Crimes Enforcement Network [FINCEN] can use the ID numbers to verify the identity of violators.

Let me give you an example of how this legislation will help the Department locate abusers. Someone could go into a retail food store with $50 in food stamps and ask the storekeeper of the food concern to pay $0.60 on the dollar for the coupons. If the storekeeper agreed to the exchange, the recipient could come out of the deal with $30 in hard cash, and the retailer would end up with an extra $20 after cashing the coupons in, all without food products ever exchanging hands. It is obvious there are two guilty parties here: the recipient and the retailer.

USDA has the rules and authority in place to initiate the investigation of such an incident; however, their ability to follow through and positively identify the retailer is stifled by existing restrictions. When the investigators need to confirm sales data, they must rely solely on the information reported by that retailer; they are not able to verify this data with the IRS or State taxing agencies. My legislation will give the Department the possibility of calling the taxing authorities to check the data for discrepancies and use ID numbers for identity confirmation.

Federal and State authorities already have the ability to verify information provided by recipients of welfare programs such as AFDC, Medicaid, supplemental security income, and the Unemployment Compensation Program by using the recipient's Social Security number. USDA also has this authority to verify the information provided by the recipients of food stamps. Yet the Government does not have the same ability to check the information provided by the retail establishments participating in the program. This legislation will make our laws consistent and allow USDA to verify information provided by the users of this program.

My bill also beefs up the penalties against both recipients and retailers if they are found to have traded food stamps for guns, drugs, ammunition, or explosives. The cap that is currently placed on the civil money penalties for retailers would be lifted, and a recipient would be permanently disqualified if they traded their food stamps for the aforementioned items. This is not an unreasonable punishment for these people who are found to so blatantly abuse this Government program.

I want to stress that the vast majority of participants in the Food Stamp Program, be it recipients or retailers, are not involved in illegal activities. Most of the participants are honest, trustworthy citizens, and the stories of food stamp fraud you hear do not occur every day, but they do happen. The Food Stamp Anti-Fraud Act does not change the rules of the game, it only changes the penalties for violators and gives the Department the necessary tools to enhance the integrity of the program.

This legislation does not change eligibility requirements for recipients or retailers. It will not affect the honest participants in the Food Stamp Program. It will help our Government find and eliminate fraud in our Nation's largest food assistance program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Stamp Anti-Fraud Act of 1993".

## TITLE I—RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

### SEC. 101. USE OF APPLICATION INFORMATION.

Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second and third sentences as subparagraphs (A) and (C), respectively, of paragraph (2); and

(3) in paragraph (2)—

(A) in subparagraph (A) (as so designated), by inserting before the period at the end the following: "or officers or employees of Federal or State law enforcement or investigative agencies for purposes of administering or enforcing the provisions of this Act or any other Federal or State law and the regulations issued under this Act or such law";

(B) by inserting after subparagraph (A) (as so designated) the following new subparagraph:

"(B) An officer or employee described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information obtained under the authority granted by this subsection shall be subject to section 1905 of title 18, United States Code."; and

(C) in subparagraph (C) (as so designated), by striking "Such purposes" and inserting "The purposes referred to in subparagraph (A)".

### SEC. 102. PENALTIES FOR TRAFFICKING IN FOOD STAMPS.

Section 12(b)(3)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2021(b)(3)(B)) is amended by striking "(except that the amount of civil money penalties imposed during a 2-year period may not exceed $40,000)".

### SEC. 103. PENALTIES FOR STORES FOR TRADING FIREARMS, AMMUNITION, EXPLOSIVES, OR CONTROLLED SUBSTANCES FOR FOOD STAMPS.

Section 12(b)(3)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2021(b)(3)(C)) is amended by striking "(except that the amount of civil money penalties imposed during a 2-year period may not exceed $40,000)".

### SEC. 104. USE OF TAXPAYER IDENTIFICATION NUMBERS.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Clause (iii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iii)) (as added by section 1735(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3791)) is amended—

(1) in the second sentence—

(A) by inserting after "Department of Agriculture" the following: ", or officer or employee of a Federal or State law enforcement or investigative agency,"; and

(B) by inserting before the period at the end the following: "or for the administration or enforcement of such Act or any other Federal or State law"; and

(2) in the third sentence, by inserting before the period at the end the following: "or officers and employees of Federal or State law enforcement or investigative agencies whose duties or responsibilities require access for the administration or enforcement of such Act or any other Federal or State law".

(b) EMPLOYER IDENTIFICATION NUMBERS.—Section 6109(f) of the Internal Revenue Code of 1986 (relating to access to employer identification numbers by the Secretary of Agriculture for purposes of the Food Stamp Act of 1977) is amended—

(1) in the second sentence of paragraph (1)—

(A) by inserting after "Secretary of Agriculture" the following: ", or an officer or employee of a Federal or State law enforcement or investigative agency,"; and

(B) by inserting before the period at the end the following: "or for the administration or enforcement of such Act or any other Federal or State law"; and

(2) in the first sentence of paragraph (2), by inserting before the period at the end the following: "or officers and employees of Federal or State law enforcement or investigative agencies whose duties or responsibilities require access for the administration or enforcement of such Act or any other Federal or State law".

## TITLE II—MISCELLANEOUS

### SEC. 201. PERMANENT DISQUALIFICATION OF RECIPIENTS FOR TRADING FIREARMS, AMMUNITION, EXPLOSIVES, OR CONTROLLED SUBSTANCES FOR FOOD STAMPS.

Section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended by striking clause (iii) and inserting the following new clause:

"(iii) permanently upon—

"(I) the third occasion of any such determination (except as provided in subclause (II)); or

"(II) the first occasion of a finding of the trading of firearms, ammunition, explosives, or controlled substances (as the term is defined in section 802 of title 21, United States Code) for coupons.".

### SEC. 202. USE OF PENALTIES COLLECTED FROM RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end the following new subsection:

"(g) Funds collected from claims against retail food stores or wholesale food concerns under section 12 shall—

"(1) be credited to the food stamp program appropriation account for the fiscal year in which the collection occurs, and remain available until expended; and

"(2) be used for investigation and enforcement activities under this Act relating to retail food stores and wholesale food concerns.".

## TITLE III—EFFECTIVE DATES

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall become effective and implemented not later than 120 days after the date of issuance of final regulations by the Secretary of Agriculture to carry out the amendments.

(b) EXCEPTIONS.—The amendments made by sections 102, 103, and 202 shall become effective on the date of enactment of this Act.

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By Mr. ROTH:

S. 506. A bill to continue until January 1, 1995, the suspension of duty on o-Benzl-p-chlorophenol; to the Committee on Finance.

S. 507. A bill to extend the existing temporary suspension of duty on fusilade; to the Committee on Finance.

S. 508. A bill to suspend temporarily the duty on 3-dimethylaminomethyleneiminiphenol hydrochloride; to the Committee on Finance.

S. 509. A bill to suspend temporarily the duty on N,N-dimethyl-N'-(3-((methylamino)carbonyl)oxy)phenyl) methanimidamide monohydrochloride; to the Committee on Finance.

S. 510. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

S. 511. A bill to suspend temporarily the duty on PCMX; to the Committee on Finance.

### COMPETITIVENESS ACT OF 1993

• Mr. ROTH. Mr. President, today I am introducing six miscellaneous duty suspension bills on behalf of three constituent companies in my home State of Delaware: Nipa Labs, Nor-Am Chemical, and Zeneca. It is my understanding that these bills are noncontroversial. I am introducing them because they will help lower overall costs of production for the companies involved, which will, in turn, bolster their competitiveness.•

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By Mr. KERRY:

S. 512. A bill to facilitate the providing of loan capital to small business concerns, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### THE SMALL BUSINESS CREDIT ACT OF 1993

Mr. KERRY. Mr. President, today, I am introducing a bill which is designed to respond to the credit crunch by creating a Government-chartered corporation to foster securitization of small business lending.

The bill is a companion bill to H.R. 660, introduced last month in the other body by Congressman JOHN J. LAFALCE, chairman of the House Small Business Committee. The bill is identical to that authored by Congressman LAFALCE.

I am doing this in an effort to place before the Senate as quickly as possible a plausible model for using Government credit-enhancement to stimulate small business lending as an engine for recovery.

The credit crunch is real and it is having an impact on our overall recovery. The United States has seen very substantial commercial and industrial lending contraction over the past 2 years, amounting to a net reduction of $70 billion nationally over the past 2 years, with the contraction extending to every region and being greatest in the West.

As Federal Reserve Chairman Alan Greenspan recently testified:

> Incentives to lend have been damped by market and regulatory pressures for depository institutions to increase capital rations, as well as by other factors raising their costs of intermediating credit, such as higher deposit insurance premiums, rising regulatory costs, and more stringent supervisory oversight. As a result, banking and thrift institutions have sought to limit balance-sheet growth or actually to shrink. * * * Historically, banking institutions have played a critical role in financing small and medium-sized businesses—firms that in the past have been a key source of growth in the economy. Some of the factors leading to the relative shrinkage of our banking industry, by limiting the availability of credit to smaller firms, have restrained aggregate demand and thus have significantly hindered the economic expansion.

Thus, as Chairman Greenspan acknowledged, there is a credit crunch, and small businesses which ought to be getting credit, are unable to obtain it not because they are suddenly risky borrowers, but because the banks are limiting credit.

What we are seeing at the regional level in New England is a sequence of contraction in which intensified capital requirements have been put into place at the same time that banks are experiencing losses due to the recession and the real estate collapse. While some of the decrease in lending is due to reduced demand, we have numerous accounts of small businesses losing their ability to maintain commercial and industrial revolving lines of credit. These often have been drawn down as a consequence of a collateral crunch resulting from the lowered value of the underlying real estate securing the lending, together with the desire of many of the banks to increase their capital rations by reducing their outstanding business lending generally.

The collateral crunch caused by deflated real estate and the imposition of tighter lending rules by both regulators and bankers has resulted in widespread complaints across my State that credit is still unavailable.

Among the examples I have encountered personally are the metal fabricator I visited in the act of giving back business to Duke University because he could not finance it, and abandoning plans to rehire workers in the process; the president of a leading environmental technology firm who returned from a Mexican trade mission with Gov. William Weld only to find that his bank had cut his line of credit despite increased orders; and the ex-banker who moved his electronic instruments manufacturing from Taiwan to Massachusetts only to find his bank capping his credit line because he is growing too fast to stay within applicable loan ratios. These unfortunately are not isolated cases, but representative of a pervasive problem.

Last year was the first time in history that U.S. banks held more assets in Government securities than in loans to businesses. For several reasons—including the new risk-based capital standards and the steep yield curves of long-term Treasuries by comparison to the cost of deposits—banks have found it very attractive to invest deposits in Treasury bonds. As a result, deposits are not being invested in the level of commercial and industrial lending necessary to achieve full economic recovery.

Every loan not made means less capital available to help small businesses invest in equipment and hire more workers, or to enable a consumer to buy a new car. Most economists see increased lending as a key to stimulating the sluggish economy.

In response to a question I asked during her confirmation hearing last month, Laura Tyson, the new Chairman of President Clinton's Council of Economic Advisors, stated that she believed that credit enhancement for small business lending through a mechanism that facilitated securitization was an option that needed to be considered very seriously to respond to credit constriction.

The legislation I am introducing today would do just that, establishing an entity to be called the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises, or Velda Sue.

Under the terms of the bill, Velda Sue would be designed to replicate the success achieved by Fannie Mae and Freddie Mac in packaging mortgages for the secondary market, and applying it to the area of small business lending. Through packaging and securitizing small business loans, Velda Sue would make capital more available to small businesses for investments in plants and equipment. Typically, this capital would come from institutional investors who are not in a position today to lend directly to small businesses, but who may well be interested in buying small-business loans in the form of securities at attractive interest rates in a package.

Velda Sue would be similar in many respects to Fannie Mae, Freddie Mac, and Sallie Mae in its function and its mechanisms, and would be a Government-sponsored enterprise that is not backed by the full faith and credit of the United States, but instead, has enhanced credit by being able to draw on a limited line of Government credit.

The Federal Government would sponsor Velda Sue with initial loans of up to $300 million, after Velda Sue had raised $30 million in private funds. These U.S. Government loans would be repaid to the Treasury by Velda Sue in 15 years or less, with interest. Once established, Velda Sue would function with no cost to the Treasury. In addition, Velda Sue would under certain circumstances have the ability to call on the Treasury for additional short-term purchases of its obligations up to $1.5 billion, as a means of creating credit enhancement through the limited backing of the Treasury. In turn, the Treasury would according to mutually agreed upon terms sell these obligations back to Velda Sue, plus interest, with no net cost to the Government.

In the near term, Velda Sue could have a substantial impact in combatting the credit crunch on small business lending, by creating a secondary market for such loans accessible to pension funds and insurance companies and other major institutional investors, making long-term capital available to finance purchases of plants and equipment.

Banks would continue to originate the small business loans eligible for securitization by Velda Sue, as would S&L's, commercial finance companies, insurance companies, small business lending companies, and other loan origination businesses. In order to meet Velda Sue's underwriting standards, each loan would have to be secured by a nonsubordinated mortgage, and be made to an enterprise which qualifies as a small business under the Small Business Act—one that does not have a net worth in excess of $18 million or an average net income in excess of $6 million. Velda Sue would not securitize the entire loan, only 80 percent, leaving the other 20 percent with the originating institution, ensuring that the originator shares in any risk of default.

Velda Sue would be self-financing, with its operations paid through fees imposed on originators and poolers, with the Secretary of the Treasury given regulatory responsibility over its activities, and a board of directors consisting of a mix of private citizens appointed by shareholders and Government appointees.

I want to emphasize that the way this legislation is structured, any funds that come from the Government are repaid with interest, and the taxpayers wind up being on the hook for not a single penny.

Some of the specific mechanisms and details of the plan I am introducing today, which was developed by Congressman LAFALCE, may change during the course of the legislative process. I recognize that Senator D'AMATO has another approach to foster securitization through deregulation, which does not rely on a GSE. We need to take a careful look at both approaches.

What is clear is that early action is needed to create a vibrant secondary market in small business industrial mortgages. Given the credit crunch and the restructuring of the banking industry that is taking place in the midst of that crunch, Velda Sue is an idea whose time has come, and an entity which could make a significant difference in assisting small business success and job growth in the United States in years to come.

I look forward to working with the chairman of the Senate Committee on Small Business, Senator BUMPERS, and the chairman of the Senate Committee on Banking, Senator RIEGLE, to set dates for hearings on this concept within the near future.

I ask unanimous consent that a fact sheet on Velda Sue, and the full text of the Small Business Credit Availability Act of 1993 appear in full at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 512

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Small Business Credit Availability Act of 1993".

### SEC. 2. CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) secondary mortgage markets have successfully increased the availability and affordability of long-term residential mortgages through government sponsored enterprises;

(2) many smaller, innovative businesses could grow more rapidly, create more jobs, and increase United States competitiveness in world markets if additional long-term capital were available to finance purchases of new plant and equipment;

(3) institutional investors are a major source of long-term capital for the United States economy, but such investors are not well equipped to make large numbers of direct loans to individual business firms;

(4) commercial banks specialize in short-term business lending and have the facilities and specialized expertise to evaluate loan applications and to originate and service the large number of relatively small loans required by smaller innovative businesses; and

(5) a secondary market for industrial mortgages would link the loan production ability of commercial lenders with the long-term investment horizons of pension funds and insurance companies, thereby increasing the efficiency of United States capital markets and the amount of long-term capital that is available to finance purchases of plant and equipment by smaller innovative businesses.

### SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this Act—

(1) to establish a corporation chartered by the Federal Government as a government sponsored enterprise whose function would be to purchase or guarantee loans and facilitate their packaging into pools for sale to institutional investors;

(2) to authorize the certification of loan poolers by the corporation;

(3) to provide for a secondary marketing arrangement for small business loans that meet the underwriting standards of the Corporation—

(A) to increase the availability of long-term credit to small businesses at stable interest rates;

(B) to provide greater liquidity and lending capacity in extending credit to small businesses; and

(C) to provide an arrangement for new lending to facilitate capital market investments in providing long-term small business funding, including funds at fixed rates of interest; and

(4) to enhance the ability of small businesses to obtain financing by improving the distribution of mortgage financing, particularly from institutional investors.

### SEC. 4. DEFINITIONS.

For the purpose of this Act:

(1) BOARD.—The term "Board" means—

(A) the interim board of directors established in section 6(a), or

(B) the permanent board of directors established in section 6(b),

as the case may be.

(2) CERTIFIED POOLER.—The term "certified pooler" means a secondary marketing loan pooler that is certified under section 9 of this Act.

(3) CORPORATION.—The term "Corporation" means the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises (Velda Sue) established in section 5 of this Act.

(4) GUARANTEE.—The term "guarantee" means the guarantee of timely payment of the principal and interest on qualified loans or securities representing interests in, or obligations backed by, pools of such qualified loans in accordance with this Act.

(5) INTERIM BOARD.—The term "interim board" means the interim board of directors established in section 6(a) of this Act.

(6) ORIGINATOR.—The term "originator" means any institution, bank, insurance company, business and industrial development company, savings and loan association, commercial finance company, trust company, credit union, small business lending company or development company licensed by the Small Business Administration to participate in financing programs under the Small Business Act or the Small Business Investment Act of 1958, or other entity that originates and services loans.

(7) PERMANENT BOARD.—The term "permanent board" means the permanent board of directors established in section 6(b) of this Act.

(8) QUALIFIED LOAN.—The term "qualified loan" means an extension of credit which—

(A) is secured by a fee-simple or lease hold mortgage with status as a first lien on real estate located in the United States or which is secured by an unsubordinated lien on any other type of property or equipment as the Board deems appropriate;

(B) is used to finance the acquisition, rehabilitation, renovation, modernization, refurbishing, or improvement of land, facilities, buildings or equipment used for productive business activities conducted in the United States;

(C) is an obligation of a person, corporation, or partnership that has training or business experience that, under criteria established by the Corporation, is sufficient to ensure a reasonable likelihood that the loan will be repaid according to its terms; and

(D) is an obligation of a small business concern.

(9) SMALL BUSINESS CONCERN.—The term "Small Business Concern" means a concern which is independently owned and operated and which is not dominant in its field of operations and which, together with its affiliates—

(A) qualifies for loans under section 7(a) of the Small Business Act under standards promulgated by the Small Business Administration, or

(B) does not have net worth in excess of $18,000,000 and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $6,000,000 (average net income to be computed without benefit of any carryover loss).

(10) STATE.—The term "State" has the meaning given such term in section 3 of the Small Business Act.

### SEC. 5. VENTURE ENHANCEMENT AND LOAN DEVELOPMENT ADMINISTRATION FOR SMALLER UNDERCAPITALIZED ENTERPRISES.

(a) ESTABLISHMENT.—There is hereby established a corporation to be known as the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises, which shall be a federally chartered instrumentality of the United States.

(b) DUTIES.—The Corporation shall—

(1) in consultation with originators, develop uniform underwriting, security appraisal, and repayment standards for qualified loans;

(2) determine the eligibility of certified poolers to contract with the Corporation for the provision of guarantees for specific mortgage pools; and

(3) provide guarantees for the timely repayment of principal and interest on qualified loans and securities representing interest in, or obligations backed by, pools of qualified loans.

### SEC. 6. BOARD OF DIRECTORS.

(a) INTERIM BOARD.—

(1) NUMBER AND APPOINTMENT.—Until the permanent board of directors established in subsection (b) first meets with a quorum of its members present, the Corporation shall be under the management of an interim board of directors composed of seven members appointed by the President within ninety days after the effective date of this Act as follows:

(A) three members appointed from among persons who are representatives of banks, other financial institutions or entities, and insurance companies,

(B) two members appointed from among persons who are representative of small business, one of whom shall be an owner or operator of a small business,

(C) two members appointed from among persons who represent the interests of the general public and who are not serving, and have not served, as a director or officer of any financial institution or entity.

(2) POLITICAL AFFILIATION.—Not more than four members of the interim board shall be of the same political party.

(3) VACANCY.—A vacancy in the interim board shall be filled in the manner in which the original appointment was made.

(4) TERMS.—The members of the interim board shall be appointed for the life of such board.

(5) QUORUM.—Four members of the interim board shall constitute a quorum.

(6) CHAIRPERSON.—The President shall designate one of the members of the interim board as the chairperson of the interim board.

(7) MEETINGS.—The interim board shall meet at the call of the chairperson or a majority of its members.

(8) VOTING COMMON STOCK.—

(A) INITIAL OFFERING.—Upon the appointment of sufficient members of the interim board to convene a meeting with a quorum present, the interim board shall arrange for an initial offering of common stock and shall take whatever other actions are necessary to proceed with the operations of the Corporation.

(B) PURCHASES.—The voting common stock shall be offered to originators and to certified poolers.

(9) TERMINATION.—The interim board shall terminate when the permanent board of directors established in subsection (b) first meets with a quorum present.

(b) PERMANENT BOARD.—

(1) ESTABLISHMENT.—Immediately after the date that at least $30,000,000 of common stock of the Corporation has been purchased and fully paid for, the Corporation shall arrange for the election and appointment of a permanent board of directors. After the termination of the interim board of directors, the Corporation shall be under the management of the permanent board.

(2) COMPOSITION.—The permanent board shall consist of nine members, of which—

(A) five members shall be elected by holders of common stock of the Corporation; and

(B) four members shall be appointed by the President, by and with the advice and consent of the Senate; of the members so appointed,—

(i) none shall be, or have been, an owner, officer or director of any financial institution or financial entity;

(ii) all shall be representatives of the general public;

(iii) not more than two shall be members of the same political party; and

(iv) at least one shall be experienced in operating a small business and shall be a representative of small business.

(3) PRESIDENTIAL APPOINTEES.—The President shall appoint the members of the permanent board referred to in paragraph (2)(B) not later than 60 days after the stock sale referred to in paragraph (1).

(4) VACANCY.—

(A) ELECTED MEMBERS.—Subject to paragraph (6), a vacancy among the members elected to the permanent board in the manner described in paragraph (2)(A) shall be filled by the permanent board from among persons eligible for election to the position for which the vacancy exists.

(B) APPOINTED MEMBERS.—A vacancy among the members appointed to the permanent board under paragraph (2)(B) shall be filled in the manner in which the original appointment was made.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any member of the permanent board who was elected to the permanent board from among persons who are representatives of originators ceases to be such a representative, or

(B) any member who was appointed by the President becomes an owner, officer or director of any financial institution or entity,

such member may continue as a member for not longer than a forty five-day period beginning on the date such member ceases to be such a representative.

(6) TERMS.—

(A) APPOINTED MEMBERS.—The members appointed by the President shall serve until their successors have been appointed and have qualified. The terms of such members shall be staggered as follows: one shall serve an initial term of one year, one an initial term of two years, one an initial term of three years, and one an initial term of four years. All subsequent appointments shall be for a term of four years except that any vacancy shall be filled for the unexpired term of the vacancy. Such members shall be removed only for cause.

(B) ELECTED MEMBERS.—The members elected under paragraph (2)(A) shall each be elected annually for a term ending on the date of the next annual meeting of the common stockholders of the Corporation and shall serve until their successors are elected and qualified.

(C) VACANCY APPOINTMENT.—Any member elected or appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be elected or appointed, as the case may be, only for the remainder of such term.

(D) SERVICE AFTER EXPIRATION OF TERM.—A number may serve after the expiration of the term of the member until the successor of the member has taken office.

(7) QUORUM.—Five members of the permanent board shall constitute a quorum.

(8) NO ADDITIONAL PAY FOR FEDERAL OFFICERS OR EMPLOYEES.—Members of the permanent board who are full time officers or employees of the United States shall receive no additional pay by reason of service on the permanent board.

(9) CHAIRPERSON.—The President shall designate one of the members of the permanent board who are appointed by the President as the chairperson of the permanent board.

(10) MEETINGS.—The permanent board shall meet at the call of the chairperson or a majority of its members.

(c) OFFICERS AND STAFF.—The Board may appoint, employ, fix the pay of, and provide other allowances and benefits for such officers and employees of the Corporation as the Board determines to be appropriate.

### SEC. 7. POWERS AND DUTIES OF CORPORATION AND BOARD.

(a) AUTHORITY.—After the Board has been duly constituted, subject to the other provisions of this Act and other commitments and requirements established pursuant to law, the Corporation may guarantee, on such terms and conditions as it determines, qualified loans or securities issued on the security of, or in participation in, pooled interests in qualified loans, or it may issue securities based on the security of, or in participation in, pooled interests in qualified loans as provided in section 10.

(b) OBLIGATIONS.—

(1) The aggregate amount of obligations of the Corporation and obligations and securities guaranteed by the Corporation outstanding at any one time shall not exceed thirty times the sum of its capital, capital surplus, general surplus, reserves, and undistributed earnings, expressly excluding subordinated obligations, unless, based on amounts needed to assure reasonable safety and soundness of the Corporation and with due consideration of the need for the Corporation to facilitate the extension of long term credit to small businesses, the Secretary of the Treasury establishes a higher or lower ratio.

(2) All obligations issued by the Corporation or guaranteed by the Corporation shall be approved by a majority vote of the Board of Directors and shall be issued at such times and contain such terms and conditions as the Corporation shall determine, with approval of the Secretary of the Treasury. The Secretary shall not approve the issuance of any obligations or guarantees if he determines that the issuance would impair the financial safety or soundness of the Corporation. In no event shall the Corporation issue obligations or guarantees if the amount of its net realized earnings deficit exceeds or thereby would exceed the sum of its capital, capital surplus, general surplus, reserves and undistributed earnings.

(c) DUTIES OF THE BOARD.—The Board shall—

(A) determine the general policies that shall govern the operations of the Corporation;

(B) select, appoint, and determine the compensation of qualified persons to fill such offices as may be provided for in the bylaws of the Corporation; and

(C) assign to such persons such executive functions, powers, and duties as may be prescribed by the bylaws of the Corporation or by the Board.

(d) POWERS OF THE CORPORATION.—The Corporation shall be a body corporate and shall have the following powers:

(1) To operate under the direction of its Board.

(2) To issue stock in the manner provided in section 8.

(3) To adopt, alter, and use a corporate seal, which shall be judicially noted.

(4) To provide for a president, one or more vice presidents, secretary, treasurer, and such other officers, employees, and agents, as may be necessary, define their duties and compensation levels, all without regard to title 5, United States Code, and require surety bonds or make other provisions against losses occasioned by acts of the persons.

(5) To provide guarantees and issue obligations in the manner provided under section 10.

(6) To have succession until dissolved by a law enacted by the Congress.

(7) To prescribe bylaws, through the Board, not inconsistent with law, that shall provide for—

(A) the classes of the stock of the Corporation; and

(B) the manner in which—

(i) the stock shall be issued, transferred, and retired;

(ii) the officers, employees, and agents of the Corporation are selected;

(iii) the property of the Corporation is acquired, held, and transferred;

(iv) the commitments are made and other financial assistance of the Corporation is provided;

(v) the general business of the Corporation is conducted; and

(vi) the privileges granted by law to the Corporation are exercised and enjoyed;

(8) To prescribe such standards as may be necessary to carry out this Act.

(9) To enter into contracts and make payments with respect to the contracts.

(10) To prescribe and impose fees and charges for services by and guarantees of the Corporation as provided in section 12;

(11) To settle, adjust, and compromise, and with or without consideration or benefit to the Corporation, to release or waive in whole or in part, in advance or otherwise, any claim, demand or right of, by, or against the Corporation.

(12) To sue and be sued in its corporate capacity and to complain and defend in any action brought by or against the Corporation in any State or Federal court of competent jurisdiction.

(13) To make and perform contracts, agreements, and commitments.

(14) To acquire, hold, lease, mortgage or dispose of, at public or private sale, real and personal property, purchase or sell any securities and obligations, and otherwise exercise all the usual incidents or ownership of property necessary and convenient to the business of the Corporation.

(15) To exercise such other incidental powers as are necessary to carry out the powers, duties, and functions of the Corporation in accordance with this Act.

(e) FEDERAL RESERVE BANK AS DEPOSITORIES AND FISCAL AGENTS.—Notwithstanding any other provision of law, any depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), shall be authorized to make payments to the Corporation of the capital contributions referred to in this Act, to receive stock of the Corporation evidencing such capital contributions, and to dispose of such stock, subject to the provisions of this Act. It may also act as a depository for, or as a fiscal agent or custodian of, the Corporation.

### SEC. 8. STOCK ISSUANCE.

(a) VOTING COMMON STOCK.—

(1) ISSUE.—The Corporation shall issue voting common stock having such par value as may be fixed by the Board from time to time. Each share of voting common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors.

(2) AUTHORITY OF BOARD TO ESTABLISH TERMS AND PROCEDURES.—The Board shall adopt such terms, conditions, and procedures with regard to the issue of stock under this section as may be necessary, including the establishment of a maximum amount limitation on the number of shares of voting common stock that may be outstanding at any time.

(3) TRANSFERABILITY.—Subject to such limitations as the Board may impose, any share of any class of voting common stock issued under this section shall be transferable, except that, as to the Corporation, such shares shall be transferable only on the books of the Corporation.

(b) REQUIRED CAPITAL CONTRIBUTIONS.—

(1) IN GENERAL.—The Corporation may require each originator and each certified pooler to make, or commit to make, such nonrefundable capital contributions to the Corporation as are reasonable and necessary to meet the administrative expenses of the Corporation and to contribute to the financial safety and soundness of the Corporation.

(2) STOCK ISSUED AS CONSIDERATION FOR CONTRIBUTION.—The Corporation, from time to time, shall issue to each originator or certified pooler voting common stock evidencing any capital contributions made pursuant to this subsection.

(c) DIVIDENDS.—

(1) IN GENERAL.—Such dividends as may be declared by the Board, in its discretion, shall be paid by the Corporation to the holders of the voting common stock of the Corporation pro rata based on the total number of shares.

(2) RESERVE REQUIREMENTS.—No dividend may be declared or paid by the Board under this section unless the Board determines that adequate provision has been made for reserves.

(3) DIVIDENDS PROHIBITED WHILE OBLIGATIONS ARE OUTSTANDING.—No dividend may be declared or paid by the Board under this section while any obligation issued by the Corporation to the Secretary of the Treasury under section 15 remains outstanding.

(d) NONVOTING COMMON STOCK.—The Corporation is authorized to issue nonvoting common stock having such par value as may be determined by the Board from time to time. Such nonvoting common stock shall be freely transferable, except that, as to the Corporation, such stock shall be transferable only on the books of the Corporation. Such dividends as may be declared by the Board, in the discretion of the Board, to the holders of voting common stock shall also be declared by the Corporation to the holders of the nonvoting common stock of the Corporation, subject to paragraphs (2) and (3) of subsection (c).

(e) PREFERRED STOCK.—

(1) AUTHORITY OF BOARD.—The Corporation is authorized to issue nonvoting preferred stock having such par value as may be fixed by the Board from time to time. Such preferred stock issued shall be freely transferable, except that, as to the Corporation, such stock shall be transferred only on the books of the Corporation.

(2) RIGHTS OF PREFERRED STOCK.—Subject to paragraphs (2) and (3) of subsection (c), the holders of the preferred stock shall be entitled to such rate of cumulative dividends, and such holders shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

(3) PREFERENCE ON TERMINATION OF BUSINESS.—In the event of any liquidation, dissolution, or winding up of the business of the Corporation, the holders of the preferred shares of stock shall be paid in full at the par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

### SEC. 9. CERTIFICATION OF LOAN POOLERS.

(a) ELIGIBILITY STANDARDS.—

(1) ESTABLISHMENT REQUIRED.—Within one hundred and eighty days after the date on which the permanent board first meets with a quorum present, the Corporation shall issue standards for the certification of loan poolers, including eligibility standards in accordance with paragraph (2).

(2) MINIMUM REQUIREMENTS.—To be eligible to be certified under the standards referred to in paragraph (1), a loan pooler shall—

(A) meet or exceed capital standards established by the Board;

(B) have as one of his purposes, the sale or resale of securities representing interests in, or obligations backed by, pools of qualified loans that have been guaranteed by the Corporation;

(C) demonstrate managerial ability with respect to loan underwriting, servicing, and marketing that is acceptable to the Corporation;

(D) adopt appropriate loan underwriting, appraisal, and servicing standards and procedures that meet or exceed the standards established by the Board;

(E) for purposes of enabling the Corporation to examine the pooler, agree to allow officers or employees of the Corporation to have access to all books, accounts, financial records, reports, files, and all other papers, things, or property, of any type whatsoever, belonging to or used by such pooler that are necessary to facilitate an examination of his operations in connection with securities, and the pools of qualified loans that back securities, for which the Corporation has provided guarantees; and

(F) adopt appropriate minimum standards and procedures relating to loan administration and disclosure to borrowers concerning the terms and rights applicable to loans for which a guarantee is provided, in conformity with uniform standards established by the Corporation.

(b) CERTIFICATION BY CORPORATION.—Within one hundred and twenty days after receiving an application for certification under this section, the Corporation shall certify the pooler if the applicant meets the standards established by the Corporation under subsection (a).

(c) MAXIMUM TIME PERIOD FOR CERTIFICATION.—Any certification by the Corporation shall be effective for a period determined by the Corporation, but not to exceed five years.

(d) REVOCATION.—

(1) IN GENERAL.—After notice and an opportunity for a hearing, the Corporation may revoke the certification of a pooler if the Corporation determines that such pooler no longer meets the standards referred to in subsection (a).

(2) EFFECT OF REVOCATION.—Revocation of a certification shall not affect any pool guarantee that has been issued by the Corporation.

### SEC. 10. GUARANTEES AND OTHER OBLIGATIONS.

(a) GUARANTEE AUTHORIZED.—

(1) IN GENERAL.—Subject to the requirements of this section and on such other terms and conditions as the Corporation shall consider appropriate, the Corporation shall guarantee the timely payment of not to exceed 80 per centum of principal and interest on qualified loans and 100 per centum of the securities issued by a certified pooler that represent the guaranteed portion of interests in, or obligations backed by, any pool of qualified loans held by such certified pooler.

(2) DEFAULT.—If the issuer is unable to make any payment of principal or interest on any qualified loan, or security for which a guarantee has been provided by the Corporation under paragraph (1), subject to the provisions of subsection (b) the Corporation shall make such payment as and when due in cash, and on such payment shall be subrogated fully to the rights satisfied by such payment.

(3) POWER OF CORPORATION.—Notwithstanding any other provision of law, the Corporation is empowered, in connection with any guarantee under this subsection, whether before or after any default, to provide by contract with the issuer for the extinguishment, on default by the issuer, of any redemption, equitable, legal, or other right, title, or interest of the issuer in any mortgage or mortgages constituting the security for the loan or pool against which the guaranteed securities are issued. In the event of default and pursuant to the terms of the contract, the mortgages that constitute such security or pool shall, proportionate to the current ownership interests in the amount of the loans originally retained by the originators, become the absolute property of the Corpora-

tion subject only to the unsatisfied rights of the holders of the securities.

(b) STANDARDS REQUIRING DIVERSIFIED POOLS.—

(1) IN GENERAL.—To reduce the risks incurred by the Corporation in providing guarantees under this section and to further the purposes of this Act, the Board shall establish standards governing the composition of each pool (in connection with which such guarantees are provided) over the period during which the commitment to provide guarantees is effective.

(2) MINIMUM CRITERIA FOR LOAN POOLS.—The standards established by the Board pursuant to paragraph (1) for pools of qualified loans shall, at a minimum—

(A) require that any pool of loans, if feasible based upon the size of the pool—

(i) include security interests that are distributed geographically; and

(ii) vary in terms of amounts of principal;

(B) prohibit the inclusion in any such pool of—

(i) any loan the principal amount of which exceeds 5 per centum of the aggregate amount of principal of all loans in such pool; and

(ii) two or more loans to related borrowers; and

(C) require that each pool consist of not less than twenty loans.

(c) OTHER RESPONSIBILITIES OF AND LIMITATIONS ON POOLERS.—As a condition for providing any guarantees under this section for securities issued by a certified pooler that represent interests in, or obligations backed by, any pool of qualified loans, the Corporation shall require such pooler to agree to comply with the following requirements:

(1) DEFAULT RESOLUTION.—The pooler shall act in accordance with the standards of a prudent institutional lender to resolve defaults.

(2) SUBROGATION OF UNITED STATES AND CORPORATION TO INTERESTS OF POOLER.—The proceeds of any collateral, judgments, settlements, or guarantees received by the pooler with respect to any loan in such pool shall be applied, after payment of costs of collection—

(A) first, to reduce the amount of any principal outstanding on any obligation of the Corporation that was purchased by the Secretary of the Treasury under section 15 to the extent the proceeds of such obligation were used to pay claims for guarantees in connection with such securities; and

(B) second, to reimburse the Corporation for any such guarantee payments.

(3) SERVICING.—The originator of any loan in such pool shall be permitted, at his option, to retain the right to service the loan.

(4) COMPLIANCE WITH DIVERSIFIED POOL STANDARDS.—The pooler shall comply with the standards adopted by the Board under subsection (b) in establishing and maintaining the pool.

(5) MINORITY PARTICIPATION IN PUBLIC OFFERINGS.—The pooler shall take such steps as may be necessary to ensure that minority owned or controlled investment banking firms, underwriters, and bond counsels throughout the United States have an opportunity to participate to a significant degree in any public offering of securities.

(d) ADDITIONAL AUTHORITY OF THE BOARD.—To ensure the liquidity of securities for which guarantees have been provided under this section, the Board shall adopt appropriate standards regarding—

(1) the characteristics of any pool of qualified loans serving as collateral for such securities;

(2) registration requirements (if any) with respect to such securities; and

(3) transfer requirements.

(e) In addition to the guarantees authorized herein, the Corporation may purchase 80 per centum of the principal amount of qualified loans. If it makes such purchases, it shall promptly issue an equivalent amount of securities which are based on the security of, or in participation in, pooled interests in the purchased portion of the qualified loans.

### SEC. 11. STANDARDS FOR QUALIFIED LOANS.

(a) STANDARDS.—Not later than one hundred and eighty days after the appointment and election of the Board, the Corporation, in consultation with originators, shall establish uniform underwriting, security appraisal, and repayment standards for qualified loans. In establishing standards for qualified loans, the Corporation shall limit eligibility, so far as practicable, to loans that are deemed by the Board to be of such quality so as to meet, substantially and generally, the purchase standards imposed by private institutional investors.

(b) MINIMUM CRITERIA.—To further the purpose of this Act to provide a new source of long-term fixed rate financing to assist small businesses, the standards established by the Board pursuant to subsection (a) shall, at a minimum—

(1) set the maximum principal amount of any loan which the Corporation will purchase or guarantee;

(2) limit the maximum term of the loan to thirty years in the case of land or facilities or to ten years in the case of equipment, but in no event longer than the useful life of the property;

(3) require that the principal amount of the loan will be fully amortized over the life of the loan;

(4) provide that no loan shall have a loan-to-value ratio in excess of 90 per centum;

(5) require each borrower to demonstrate sufficient cashflow to adequately service the loan;

(6) contain sufficient documentation standards; and

(7) contain adequate standards to protect the integrity of the appraisal process with respect to any loan.

(c) CONGRESSIONAL REVIEW.—No standard prescribed under this section shall take effect before the later of—

(1) the end of a period consisting of thirty legislative days and beginning on the date such standards are submitted to the Congress; or

(2) the end of a period consisting of ninety calendar days and beginning on such date the standards are submitted.

(e) NONDISCRIMINATION REQUIREMENT.—The standards established under subsection (a) shall not discriminate against small originators or small mortgage loans that are at least $50,000.

### SEC. 12. FUNDING FOR GUARANTEE RESERVES OF CORPORATION.

(a) GUARANTEE FEES.—

(1) LOAN FEE.—At the time a guarantee is issued for a qualified loan by the Corporation or at the time the Corporation purchases a loan pursuant to section 10(e), the Corporation shall assess the originator a fee of not more than 2 per centum of the initial principal amount of the loan.

(2) POOLER FEE.—At the time a guarantee is issued for securities issued by a qualified pooler, the Corporation shall assess such pooler an additional fee of not more than one-half of 1 per centum of the principal amount of the loans then constituting the pool if the originator has already paid the fee for guarantee of a qualified loan as provided in paragraph (1). If the pool includes any loan on which the originator has not paid a guarantee fee, the Corporation shall assess the pooler a fee of not more than 2½ per centum of the principal amount of any such loan.

(3) DETERMINATION OF AMOUNT.—The Corporation shall establish such fees based on the amount of risk incurred by the Corporation in providing the financial assistance or guarantees with respect to which such fee is assessed, as determined by the Corporation. Fees assessed under paragraphs (1) or (2) shall be established on an actuarially sound basis, but not to exceed the per centums specified.

(b) ANNUAL REVIEW BY GAO.—The Comptroller General of the United States shall annually review, and submit to the Congress a report regarding, the actuarial soundness and reasonableness of the fees established and amounts collected by the Corporation under this subsection.

(c) CORPORATION RESERVE AGAINST GUARANTEE LOSSES REQUIRED.—

(1) IN GENERAL.—So much of the fees assessed under this section as the Board determines to be necessary shall be set aside by the Corporation in a segregated account as a reserve against losses arising out of the guarantee activities of the Corporation.

(2) EXHAUSTION OF RESERVE REQUIRED.—The Corporation may not issue obligations to the Secretary of the Treasury under section 15 in order to meet the obligations of the Corporation with respect to any guarantees or securities issued provided under this Act until the reserve established under paragraph (1) has been exhausted.

(d) FEES TO COVER ADMINISTRATIVE COSTS AUTHORIZED.—The Corporation may impose charges or fees in reasonable amounts in connection with the administration of its activities under this Act to recover its costs for performing such administration.

### SEC. 13. SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.

(a) REGULATION.—

(1) AUTHORITY.—The Secretary of the Treasury (hereinafter in this section referred to as the Secretary) is authorized and directed to examine the financial condition of the Corporation and its activities. The Secretary shall have general regulatory power over the Corporation to insure that the purposes of this Act are accomplished, especially with respect to the Corporation's safety and soundness and the safe and sound performance of the Corporation's powers, functions and duties.

(2) CONSIDERATIONS.—In exercising its authority pursuant to this section, the Secretary shall consider—

(A) the purposes for which the Corporation was created;

(B) the practices appropriate to the conduct of secondary markets in loans; and

(C) the reduced levels of risk associated with appropriately structured secondary market transactions.

(b) EXAMINATIONS AND AUDITS.—

(1) IN GENERAL.—The financial transactions of the Corporation shall be examined by examiners of the Secretary in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Secretary.

(2) FREQUENCY.—The examinations shall occur at such times as the Secretary may determine, but in no event less than once each year.

(3) ACCESS.—The examiners shall—

(A) have access to all books, accounts, financial records, reports, rules, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit; and

(B) be afforded full access for verifying transactions with certified poolers and other entities with whom the Corporation conducts transactions.

(c) ANNUAL REPORT OF CONDITION.—The Corporation shall make and publish an annual report of condition as prescribed by the Secretary. Each report shall contain financial statements prepared in accordance with generally accepted accounting principles and contain such additional information as the Secretary may by regulation prescribe. The financial statements of the Corporation shall be audited by an independent public accountant. If the Secretary, in his discretion, determines that it would contribute to the financial safety and soundness of the Corporation and would not impose an undue expense or administrative burden on it, he may also require the Corporation to include in the report additional financial statements prepared on a market-value basis, including the Corporation's market-value net worth.

(d) ASSESSMENTS TO COVER COSTS.—The Secretary shall assess the Corporation for the cost to the Secretary of any regulatory activities conducted under this section, including the cost of any examination.

### SEC. 14. SECURITIES.

(a) FEDERAL LAWS.—

(1) APPLICABILITY OF CERTAIN FEDERAL SECURITIES LAWS.—For purposes of section 3(a)(2) of the Securities Act of 1933, no security issued by the Corporation nor qualified loan nor security representing an interest in a pool of qualified loans for which guarantees have been provided by the Corporation shall be deemed to be a security issued or guaranteed by a person controlled or supervised by, or acting as an instrumentality of, the Government of the United States. No such security shall be deemed to be a "government security" for purposes of the Securities Exchange Act of 1934 or for purposes of the Investment Company Act of 1940.

(2) NO FULL FAITH AND CREDIT OF THE UNITED STATES.—Each loan or security for which credit enhancement has been provided by the Corporation and each security issued by the Corporation shall clearly indicate that it is not an obligation of, and is not guaranteed as to principal or interest by the United States, or any other agency or instrumentality of the United States (other than the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises).

(b) STATE SECURITIES LAWS.—

(1) GENERAL EXEMPTION.—Any security issued by the Corporation and any qualified loan, security or obligation that has been provided a guarantee by the Corporation shall be exempt from any law of any State with respect to or requiring registration or qualification of securities or real estate to the same extent as any obligation issued by, or guaranteed as to principal and interest by, the United States or any other agency or instrumentality of the United States.

(2) STATE OVERRIDE.—The provisions of paragraph (1) shall not be applicable to any State that, during the 5-year period beginning on the effective date of this Act, enacts a law that—

(A) specifically refers to this subsection; and

(B) expressly provides that paragraph (1) shall not apply to the State.

(c) AUTHORIZED INVESTMENTS.—

(1) IN GENERAL.—Securities issued by the Corporation and qualified loans, or securities representing an interest in, or obligations backed by, pools of qualified loans with respect to which the Corporation has provided a guarantee shall be authorized investments of any person, trust corporation, partnership, association, business trust, or business entity created pursuant to or existing under the laws of the United States or any State to the same extent that the person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality of the United States. Such loans, securities or obligations may be accepted as security for all fiduciary, trust, and public funds, the investment or deposits of which shall be under the authority and control of the United States or any State or any officers of either.

(2) STATE LIMITATIONS ON PURCHASE, HOLDING, OR INVESTMENT.—If State law limits the purchase, holding, or investment in obligations issued by the United States by the person, trust, corporation, partnership, association, business trust, or business entity, then qualified loans, or securities or obligations of a certified pooler on which the Corporation has provided a guarantee shall be considered to be obligations issued by the United States for purposes of the limitation.

(3) NONAPPLICABILITY OF PROVISIONS.—

(A) SUBSEQUENT STATE LAW.—Paragraphs (1) and (2) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity, or class thereof, in any State that, prior to the expiration of the five year period beginning on the date of the enactment of this Act, enacts a law that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in the qualified loans or securities by any person, trust, corporation, partnership, association, business trust, or business entity, or class thereof, than is provided in paragraphs (1) and (2).

(B) EFFECT OF SUBSEQUENT STATE LAW.—The enactment by any State of a law of the type described in subparagraph (A) shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior to the effective date of the law and shall not require the sale or other disposition of any loans or securities acquired prior to the effective date of the law.

(d) STATE USURY LAWS SUPERSEDED.—Any provision of the constitution or law of any State which expressly limits the rate or amount of interest, discount points, finance charges, or other charges that may be charged, taken, received, or reserved by the Corporation, originators or certified poolers shall not apply to any qualified loan made by an originator or to security issued by the Corporation or a certified pooler in accordance with this Act.

### SEC. 15. AUTHORITY TO ISSUE OBLIGATIONS TO COVER LOSSES OF CORPORATION.

(a) SALE OF OBLIGATIONS TO TREASURY.—

(1) IN GENERAL.—Subject to the limitations contained in section 12(c) and the requirement of paragraph (2), the Corporation may issue obligations to the Secretary of the Treasury, the proceeds of which may be used by the Corporation solely for the purpose of fulfilling the obligations of the Corporation under any security issued by the Corporation or guarantee provided by the Corporation under this Act.

(2) CERTIFICATION.—The Secretary of the Treasury may purchase obligations of the Corporation under paragraph (1) only if the Corporation certifies to the Secretary that—

(A) the requirements of section 12(c) have been fulfilled; and

(B) the proceeds of the sale of such obligations are needed to fulfill the obligations of the Corporation under any guarantee provided by or security issued by the Corporation under this Act.

(b) LIMITATION OF AMOUNT OF OUTSTANDING OBLIGATIONS.—The aggregate amount of obligations issued by the Corporation under subsection (a)(1) which may be held by the Secretary of the Treasury at any time (as determined by the Secretary) shall not exceed $1,500,000,000.

(c) TERMS OF OBLIGATION.—

(1) INTEREST.—Each obligation purchased by the Secretary of the Treasury shall bear interest at a rate determined by the Secretary, taking into consideration the average rate on outstanding marketable obligations of the United States as of the last day of the last calendar month ending before the date of the purchase of such obligation.

(2) REDEMPTION.—The Secretary of the Treasury shall require that such obligations be repurchased by the Corporation within a reasonable time.

(d) COORDINATION WITH TITLE 31, UNITED STATES CODE.—

(1) AUTHORITY TO USE PROCEEDS FROM SALE OF TREASURY SECURITIES.—For the purpose of purchasing obligations of the Corporation, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale by the Secretary of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include such purchases.

(2) TREATMENT OF TRANSACTIONS.—All purchases and sales by the Secretary of the Treasury of obligations issued by the Corporation under this section shall be treated as public debt transactions of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Treasury $1,500,000,000, without fiscal year limitation, to carry out the purposes of this Act.

### SEC. 16. FEDERAL JURISDICTION.

(a) Notwithstanding section 1349 of title 28, United States Code, or any other provision of law:

(1) The Corporation shall be considered an agency under sections 1345 and 1442 of such title.

(2) All civil actions to which the Corporation is a party shall be deemed to arise under the laws of the United States and, to the extent applicable, shall be deemed to be governed by Federal common law. The district courts of the United States shall have original jurisdiction of all such actions, without regard to the amount of value.

(3) Any civil or other action, case, or controversy in a court of a State or any court, other than a district court of the United States, to which the Corporation is a party may at any time before trial be removed by the Corporation, without the giving of any bond or security—

(A) to the district court of the United States for the district and division embracing the place where the same is pending; or

(B) if there is no such district court, to the district court of the United States for the district in which the principal office of the Corporation is located;

by following any procedure for removal for causes in effect at the time of such removal.

(4) No attachment or execution shall be issued against the Corporation or any of the

property of the Corporation before final judgment in any Federal, State, or other court.

(b) NATURE OF CORPORATION.—The Corporation shall, for the purposes of section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355), be deemed to be an agency of the United States. The obligations of the Corporation shall be deemed to be obligations of the United States for purposes of section 3124 of title 31, United States Code. For the purpose of section 101(41) of title 11, United States Code, the Corporation shall be deemed to be an agency of the United States; however, for the purpose of section 101(35) of title 11, United States Code, the Corporation shall not be deemed to be a governmental unit, but instead shall be deemed to be a corporation.

(c) FRAUD BY CORPORATE OFFICER.—Section 1006 of title 18, United States Code, is amended by inserting before "or any Small Business Investment Company," the following: "or the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises,".

(d) BANKING AUTHORITY.—The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by inserting after "Student Loan Marketing Association," the following "or obligations or other instruments or securities of the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises,".

**SEC. 17. GAO AUDIT OF CORPORATION.**

(a) AUDITS AUTHORIZED.—Notwithstanding any other provision of law and under such regulations as the Comptroller General may prescribe, the Comptroller General shall perform a financial audit of the Corporation on whatever basis the Comptroller General determines to be necessary.

(b) COOPERATION OF CORPORATION REQUIRED.—The Corporation shall—

(1) make available to the Comptroller General for audit all records and property of, or used or managed by, the Corporation which may be necessary for the audit; and

(2) provide the Comptroller General with facilities for verifying transactions with the balances of securities held by any depositary, fiscal agent, or custodian.

**SEC. 18. FEDERAL FUNDING.**

(a) INTERIM TEMPORARY ADVANCES.—After the Corporation has sold the minimum amount of common stock as provided in section 10(b)(1), the Secretary of the Treasury shall purchase obligations of the Corporation in such sums, and at such times, as the Corporation may request, but not to exceed $300,000,000. The proceeds shall be deemed to be capital of the Corporation for purposes of section 7(b)(1).

(1) TERM AND INTEREST.—The obligations shall be repayable over a term of ten years commencing fifteen years after the date of the purchase by the Secretary. Repayments shall be amortized and the obligations shall bear interest at a rate determined by the Secretary, taking into consideration the current average market yield on outstanding marketable obligations of the United States with fifteen years maturities, adjusted to the nearest one-eighth of 1 per centum. During the first five years of each obligation, interest payments shall be limited annually not to exceed the retained earnings of the corporation after all other expenses except such interest payments have been made.

(2) PREPAYMENTS.—The Corporation may pre-pay the obligations at any time without the payment of any type of prepayment penalty.

(b) WARRANTS.—Upon the purchase of obligations pursuant to subsection (a), the Corporation shall issue warrants to the Secretary of the Treasury for the purchase of non-voting common stock in the Corporation. If the warrants are exercised by the Secretary, the stock so acquired shall be non-voting as long as it is held by the Secretary. The warrants shall be freely transferable and if exercised by any person in any capacity other than as an employee or officer of the Federal government, stock so acquired shall be with full voting rights.

(1) AMOUNT.—The exercise price of the warrants shall be the average price at which voting common stock of the Corporation, was sold during the year preceding issuance of the warrants, plus 10 per centum. The Secretary shall receive warrants in such amounts as will enable the Secretary to purchase one dollar in common stock for each ten dollars of obligations purchased under subsection (a).

(2) DURATION.—The warrants shall be exercisable at any time by the Secretary for a period of 15 years from the date of issuance.

(c) AUTHORIZATION.—In addition to the amounts authorized in section 15(e), there are authorized to be appropriated to the Secretary of Treasury, $300,000,000 without fiscal year limitation, to carry out the provisions of this section.

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### FACT SHEET ON VELDA SUE

The "Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises" ("VELDA SUE").

#### WHAT IS VELDA SUE?

Velda Sue, the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises, would seek to replicate the success of Fannie Mae and Freddie Mac in packaging mortgages for the secondary market, and applying it to the area of small business lending.

Through packaging and securitizing small business loans, Velda Sue would assist smaller businesses in obtaining credit by making it possible for institutional investors, such as pension funds, to purchase small business industrial mortgages in the same manner they can today purchase residential mortgages through Fannie Mae and Freddie Mac.

#### HOW WOULD VELDA SUE WORK?

Velda Sue would be a publicly traded, government-sponsored enterprise, established with seed money from private venture capital and with a U.S. government loan, that would be repaid, with interest.

In its start-up phase, Velda Sue would work with experts from the securities rating agencies such as Standard and Poor and Moody's to develop a set of standards for packaging groups of small business loans at the level of 80 percent of the total loan that is granted by a bank or other lending institution, secured by real estate. These loans would be for a fixed term, such as seven years, and provide a competitive rate of interest. Like the securities sold by Fannie Mae and Freddie Mac, the interest rates would be somewhat higher than U.S. Treasuries, but lower than the rates for lower-grade or "junk" bonds. The Velda Sue securities would then be traded on public exchanges, and whose value would rise and fall with overall interest rates, in tandem with other securities of similar terms.

Banks would continue to originate the small business loans eligible for securitization by Velda Sue, as would S&Ls, commercial finance companies, insurance companies, small business lending companies, and other loan origination businesses. In order to meet Velda Sue's underwriting standards, each loan would have to be secured by a non-subordinated mortgage, and be made to an enterprise which qualifies as a small business under the Small Business Act—one that does not have a net worth in excess of $18 million or an average net income in excess of $6 million. Velda Sue would not securitize the entire loan, only 80 percent, leaving the other 20 percent with the originating institution, insuring that the originator shares in any risk of default.

Velda Sue would be self-financing, with its operations paid through fees imposed on originators and poolers, with the Secretary of the Treasury given regulatory responsibility over its activities, and a board of directors consisting of a mix of private citizens appointed by share-holders and government appointees.

#### WHO WOULD BENEFIT FROM VELDA SUE?

Velda Sue would benefit three different classes at once: small business borrowers, lenders, and investors.

Credit-worthy small business borrowers would now have sources of capital available even if banks in their region are curtailing lending in response to regulatory pressures.

Banks who do not want to be penalized by regulators under risk-based capital standards for having too little capital, can lend to a small business, sell off 80 percent of the loan, and have just one-fifth of the loan applied against their capital. The result would be that each bank would be in a position to make up to five times as many small business loans.

Investors would have be able to purchase small business industrial mortgages at an attractive interest rate and a favorable price, at very little risk.

#### WHY IS VELDA SUE NECESSARY?

The credit crunch is real, and it is having an impact on our overall recovery. The United States has seen very substantial contractions in commercial and industrial lending over the past two years, amounting to a net reduction of $70 billion nationally over the past two years, with the contraction extending to every region.

As Federal Reserve chairman Alan Greenspan recently testified, "incentives to lend have been dampened by market and regulatory pressures for depository institutions to increase capital ratios, as well as by other factors raising their costs of intermediating credit, such as higher deposit insurance premiums, rising regulatory costs, and more stringent supervisory oversight. As a result, banking and thrift institutions have sought to limit balance-sheet growth or actually to shrink. * * * Historically, banking institutions have played a critical role in financing small and medium-sized businesses—firms that in the past have been a key source of growth in the economy. Some of the factors leading to the relative shrinkage of our banking industry, by limiting the availability of credit to smaller firms, have restrained aggregate demand and thus have significantly hindered the economic expansion."

What this has meant, in practical terms, is that banks who are trying to respond to regulatory pressure are not lending—even to credit-worthy businesses. Instead, encouraged by regulations that force them to count loans against capital, they are purchasing risk-free government securities that they do not have to count against their capital.

Every loan not made means less capital available to help small businesses invest in equipment and hire more workers, or to enable a consumer to buy a new car. Most economists see increased lending as a key to stimulating the sluggish economy.

Velda Sue would combat the credit crunch on small business lending, by creating a secondary market for such loans accessible to pension funds and insurance companies and other major institutional investors, making long-term capital available to finance purchases of plants and equipment.

### WHY CAN'T THE PRIVATE SECTOR SECURITIZE SMALL BUSINESS LOANS WITHOUT VELDA SUE?

Just as Fannie Mae and Freddie Mac created the securities markets for residential mortgages, a GSE like Velda Sue is necessary to create the securities market for commercial and industrial small business loans. In the absence of a GSE, there is no one in a position to standardize loan packages and to absorb some of the risk through credit enhancement, thereby making the securities marketable.

Some people contend that the reason there is no market for small business industrial mortgage loan securities today is that small business lending is not easily standardized. This argument was once used to suggest that residential mortgages could not be packaged and securitized, either. In fact, a GSE can create a new market.

### DOES VELDA SUE REQUIRE THE FULL-FAITH AND CREDIT OF THE UNITED STATES?

Absolutely not. Velda Sue would be similar in many respects to Fannie Mae, Freddie Mac, and Sallie Mae in its function and its mechanisms, and would be a government-sponsored enterprise that is not backed by the full faith and credit of the United States, but instead, has enhanced credit by being able to draw on a limited line of government credit.

Unlike FDIC insurance, a GSE does not promise to the purchasers of the securities that there would be a government bailout if something went wrong. To the contrary, every security issued by Velda Sue would be required to state on its face that it was not guaranteed by the federal government.

### WHAT WOULD VELDA SUE COST?

Once operational, Velda Sue should cost the taxpayers nothing. Initially, however, some federal funds would be loaned to Velda Sue as seed money, which would then be repaid by Velda Sue out of its operational revenues.

Under the terms of the Velda Sue proposed legislation, the federal government would sponsor Velda Sue with initially loans of funds by the government of up to $300 million, after Velda Sue had raised $30 million in private funds. These U.S. government loans would be repaid to the Treasury by Velda Sue in fifteen years or less, with interest. Thus over the long term, Velda Sue would function with no cost to the Treasury. In addition, Velda Sue would under certain circumstances have the ability to call on the Treasury for additional short-term purchases of its obligations up to $1.5 billion, as a means of creating credit-enhancement through the limited backing of the Treasury. In turn, the Treasury would according to mutually agreed upon terms sell these obligations back to Velda Sue, plus interest, with no net cost to the government.

Thus, Velda Sue is designed so that that the taxpayers overall will not have to pay a single penny for its existance.

### WHAT IS VELDA SUE'S LEGISLATIVE HISTORY?

Velda Sue was originally conceptualized by Congressman John La Falce, chairman of the House Small Business Committee, who has introduced the legislation a number of times since 1980. During that period, the Velda Sue concept has undergone a number of enhancements, and has been endorsed by numerous groups representing small business, including the Chamber of Commerce.

Most recently, Velda Sue was introduced as H.R. 660.

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By Mr. BRADLEY:

S. 513. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use the resulting revenues to fund a trust fund for health care reform, and for other purposes; to the Committee on Finance.

### HEALTH IMPROVEMENT ACT OF 1993

• Mr. BRADLEY. Mr. President, I rise today to introduce legislation that takes a bold step toward reducing the devastating health and financial effects of tobacco use in this country. My distinguished colleague in the House, Congressman MIKE ANDREWS, today is introducing companion legislation.

Mr. President, 2 years ago I rose before this Chamber to talk about the destructive effects of tobacco use and to introduce legislation that would begin to redress these effects. Since that time close to 1 million more people have died from tobacco-related illnesses. The time to stop this travesty is now, and to do that I am introducing legislation that will raise the Federal excise tax on tobacco fourfold.

Nearly 30 years after the 1964 Surgeon General's report sounded the health alarm for smoking, one-fourth of the Nation's adults remain addicted to cigarettes. Smoking now kills an estimated 435,000 Americans every year—more than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS combined. Furthermore, environmental tobacco smoke—smoke from other people's cigarettes—causes tens of thousands of additional deaths.

If these statistics were not staggering enough, each year a growing number of teenagers start smoking, even though selling cigarettes to minors is illegal. This is also the only group in the country where smoking is on the rise. The efforts that have been waged by public health officials against youth smoking have been dwarfed by the billions spent by the industry on advertising aimed at children and teenagers. The addiction of children to tobacco, and consequently the long-term effects, is a moral disgrace.

A spokesman for the Tobacco Institute, a lobbying group for the tobacco industry, was quoted as saying with regard to smoking:

> This is a day and age when we ultimately have to recognize that adults are going to indulge in the legal pleasures that others don't approve of.

My response to the industry is: This legal pleasure kills more than one out of three long-term users when used as intended. This legal pleasure has been determined to be a major cause of heart disease, lung cancer, emphysema, chronic bronchitis, low-birthweight babies, strokes, and a variety of other diseases. This legal pleasure is as addictive as cocaine or heroin. They are right that I don't approve of the effects of this legal pleasure, and for good reason.

Furthermore, this legal pleasure contributes substantially to health care costs every year. One of the most effective things we can do to control health care costs is to end smoking. I view tobacco taxes as compensation for the health care cost burden we are forced to bear, thanks to smoking. This tax should be thought of as a downpayment on health care reform—a very important goal considering all of the health problems that are caused by smoking.

People call this a sin tax. Mr. President, the sin is a government that allows 400,000 people to die every year without doing what they can about it. The sin is a government that sits back while billions of dollars are spent on health care to address problems caused by tobacco. We cannot ignore this toll any longer.

Mr. President, the Government should speak with one voice on this problem, and that voice should unequivocally say: "Tobacco use will harm you." We will not subsidize the seller; we will not underwrite the smoker; we will support efforts to stop; and we will dedicate our resources to preventing Americans from ever starting.

I ask unanimous consent that the text of the bill and a bill summary follow my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 513

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tobacco Consumption Reduction and Health Improvement Act of 1993".

**SEC. 2. INCREASE IN TAXES ON TOBACCO PRODUCTS.**

(a) IN GENERAL.—

(1) CIGARS.—Subsection (a) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigars) is amended—

(A) by striking "$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 and 1992)" in paragraph (1) and inserting "$4.6875 per thousand"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 50 percent of the price for which sold but not more than $120 per thousand."

(2) CIGARETTES.—Subsection (b) of section 5701 of such Code (relating to rate of tax on cigarettes) is amended—

(A) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 and 1992)" in paragraph (1) and inserting "$50 per thousand"; and

(B) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 and 1992)" in paragraph (2) and inserting "$105 per thousand".

(3) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code (relating to rate of tax on cigarette papers) is amended by striking "0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)" and inserting "3.12 cents".

(4) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code (relating to rate of tax on cigarette tubes) is amended by striking "1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)" and inserting "6.25 cents".

(5) SNUFF.—Paragraph (1) of section 5701(e) of such Code (relating to rate of tax on smokeless tobacco) is amended by striking "36 cents (30 cents on snuff removed during 1991 or 1992)" and inserting "$1.50".

(6) CHEWING TOBACCO.—Paragraph (2) of section 5701(e) of such Code is amended by striking "12 cents (10 cents on chewing tobacco removed during 1991 or 1992)" and inserting "50 cents".

(7) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code (relating to rate of tax on pipe tobacco) is amended by striking "67.5 cents (56.25 cents on chewing tobacco removed during 1991 or 1992)" and inserting "$2.8125".

(b) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco manufactured in or imported into the United States which is removed before January 1, 1994, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $3.5625 per thousand.

(B) LARGE CIGARS.—On cigars, weighing more than 3 pounds per thousand, a tax equal to 37.25 percent of the price for which sold, but not more than $90 per thousand.

(C) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $38 per thousand.

(D) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $79.80 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(E) CIGARETTE PAPERS.—On cigarette papers, 2.37 cents for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(F) CIGARETTE TUBES.—On cigarette tubes, 4.75 cents for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(G) SNUFF.—On snuff, $1.14 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(H) CHEWING TOBACCO.—On chewing tobacco, 38 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(I) PIPE TOBACCO.—On pipe tobacco, $2.1375 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco on January 1, 1994, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 15, 1994, in the same manner as the tax imposed under such section is payable with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed on January 1, 1994.

(3) CIGARS, CIGARETTES, CIGARETTE PAPER, CIGARETTE TUBES, SNUFF, CHEWING TOBACCO, AND PIPE TOBACCO.—For purposes of this subsection, the terms "cigar", "cigarette", "cigarette paper", "cigarette tubes", "snuff", "chewing tobacco", and "pipe tobacco" shall have the meaning given to such terms by subsections (a), (b), (e), and (g), paragraphs (2) and (3) of subsection (n), and subsection (o) of section 5702 of the Internal Revenue Code of 1986, respectively.

(4) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco in retail stocks held on January 1, 1994, at the place where intended to be sold at retail.

(5) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(ii) which are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone, and

(B) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(ii) are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco shall, for purposes of paragraph (1), be treated as being held on January 1, 1994, for sale.

(c) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

**"SEC. 9512. HEALTH REFORM TRUST FUND.**

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Reform Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to the net increase in revenues received in the Treasury attributable to the amendments made to section 5701 by section 2(a) and the provisions contained in section 2(b) of the Tobacco Consumption Reduction and Health Reform Act of 1993, as estimated by the Secretary.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—

"(1) UNINSURED PERSONS.—Eighty percent of the amounts in the Trust Fund shall be available in each fiscal year, as provided by appropriation Acts, to the Secretary for the provision of medical care and medical insurance to persons without medical insurance.

"(2) OTHER.—Twenty percent of the amounts in the Health Reform Trust Fund shall be available in each fiscal year, as provided by appropriation Acts, to the Secretary to—

"(A) develop and implement health education programs;

"(B) develop and implement smoking cessation programs; and

"(C) distribute to each State that was required by State law to decrease State taxes on the sale of tobacco products (as defined in section 5702(c)) as a result of the increase in the Federal excise tax on such products provided for in section 2(a) of the Tobacco Consumption Reduction and Health Reform Act of 1993."

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9512. Health Reform Trust Fund."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed after December 31, 1993.

BILL SUMMARY—TOBACCO CONSUMPTION REDUCTION AND HEALTH IMPROVEMENT ACT OF 1993

This bill provides for an increase of the Federal excise tax on tobacco products. It raises the excise tax four-fold on cigarettes, from 24 cents to $1.00 per pack. The real level of taxation for cigarettes has eroded over the time since the excise tax was first introduced in 1951. The excise tax for all other tobacco products will also be increased four-fold. The reasons for this increase are clear. First, it allows us to use the most potent weapon we have at our disposal to discourage smoking—raising the price of tobacco. This will allow us to specifically direct our attention to a vulnerable and price sensitive group—children and teenagers. It is also smart tax policy—it taxes what we want to discourage so we can cut taxes on the things we want to encourage. Second, the Office of Technology Assessment has estimated the cost to society of cigarette smoking at over $65 billion annually. It is more than fair to ask smokers to shoulder some of these costs.●

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By Mr. INOUYE:

S.J. Res. 57. A joint resolution to designate June 4 of each year as "National Midway Recognition Day"; to the Committee on the Judiciary.

NATIONAL MIDWAY RECOGNITION DAY

● Mr. INOUYE. Mr. President, over 50 years have gone by since our U.S. Naval forces, against overwhelming odds, achieved the most decisive battle in naval history at the Battle of Midway. The Battle of Midway was clearly the turning point against the then-dominant Japanese forces in the Pacific. My bill recognizes the heroic achievements of our gallant naval forces by designating June 4 of each year as National Midway Recognition Day.●

## ADDITIONAL COSPONSORS

### S. 3

At the request of Mr. BOREN, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 3, a bill entitled the "Congressional Spending Limit and Election Reform Act of 1993."

### S. 6

At the request of Mr. BURNS, his name was added as a cosponsor of S. 6, a bill to prevent and punish sexual violence and domestic violence, to assist and protect the victims of such crimes, to assist state and local effects, and for other purposes.

### S. 30

At the request of Mr. MCCAIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

### S. 87

At the request of Mr. KERRY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 87, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

### S. 91

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

### S. 176

At the request of Mr. COATS, his name was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

### S. 177

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. BROWN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

### S. 257

At the request of Mr. BUMPERS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

### S. 382

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 382, a bill to extend the emergency unemployment compensation program, and for other purposes.

### S. 384

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

At the request of Mr. COCHRAN, his name was withdrawn as a cosponsor of S. 384, supra.

### S. 403

At the request of Mr. BREAUX, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects.

### S. 470

At the request of Mrs. BOXER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

### SENATE JOINT RESOLUTION 30

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week."

### SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

### SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

### SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

## SENATE RESOLUTION 76—URGING THE MEMBER NATIONS OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO SUPPORT A RESOLUTION ON HUMAN RIGHTS IN CUBA

Mr. BURNS (for Mr. MACK for himself, Mrs. FEINSTEIN, Mr. HELMS, Mr. GRAHAM, Mr. MCCAIN, Mr. DOLE, Mr. LIEBERMAN and Mr. BURNS) submitted the following resolution; which was considered and agreed to:

### S. RES. 76

Whereas the United States has an obligation to promote and protect human rights and fundamental freedoms stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights;

Whereas the United States committed in the Cuban Democrary Act of 1992, to "continue vigorously to oppose human rights violations in the Castro regime";

Whereas Resolution 61 (1992) of the United Nations Commission on Human Rights provided for the appointment of a Special Rapporteur "to review and report on the situation of human rights in Cuba and to maintain direct contact with the government and citizens of Cuba";

Whereas the Cuban government refused to permit the Special Rapporteur to visit Cuba and formally expressed its decision not to "implement so much as a single comma" of Resolution 61;

Whereas, despite the obstructionist actions of the Cuban government, the Special Rapporteur submitted a report describing the systematic abuse of human rights and concluding that the Cuban government "tends to resort to the use of repressive means to silence any expression of discontent or independent opinion, no matter how small";

Whereas the Cuban government increased repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, December 10, 1992;

Whereas on December 18, 1992, the United Nations General Assembly passed Resolution 47/139 which "regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms" and expressed "deep concern at arbitrary arrests, beatings, imprisonment harassment, and governmentally organized mob attacks on human rights defenders and others who are engaged in the peaceful exercise of their rights"; and

Whereas the United States is cosponsoring a resolution on Cuba in the 1993 session of the United Nations Commission on Human Rights which commends and endorses the report of the Special Rapporteur, extends his mandate for one year, and calls upon the Cuban government to carry out the recommendations of the Special Rapporteur to "bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards . . . and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the member nations of the United Nations Commission on Human Rights should cosponsor and vote for the resolution reappointing the Special Rapporteur on Cuba and calling on the Cuban government to abide by internationally recognized standards on human rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the member nations of the United Nations Commission on Human Rights.

## SENATE RESOLUTION 77—TO AUTHORIZE TESTIMONY AND TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Ms. MOSELEY-BRAUN (for Mr. MITCHELL for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the defendants in Kofoed v. Swanson-Nunn Electric Company, et al., No. 9209-06644, pending in the Circuit Court of the State of Oregon for Multnomah County, seek the deposition testimony of Suzanne Beede, a Senate employee on the staff of Senator Hatfield;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

*Resolved*, That Suzanne Beede is authorized to testify in Kofoed v. Swanson-Nunn Electric Company, et al., No. 9209-06644 (Or. Cir. Ct.), except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Suzanne Beede in connection with the testimony authorized by section 1 of this resolution.

## NOTICES OF HEARINGS

### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on "Corruption In Professional Boxing (part II)".

This hearing will take place on Wednesday, March 10, 1993, at 9:30 a.m., and Wednesday, March 17, 1993, at 10 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee's minority staff at 224-9157.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, March 23, 1993, beginning at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on radio and television broadcast use fees on public lands. In particular, the hearing will focus on the recently released report of the Radio and Television Broadcast Use Fee Advisory Committee. The committee was established by the Secretaries of Agriculture and the Interior pursuant to the conference report for the fiscal year 1993 Interior and Related Agencies Appropriations Act, and charged with advising the Secretaries on setting fair market rental fees for broadcast uses on Federal lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that 3 days of hearings have been scheduled before the Committee on Energy and Natural Resources.

The purpose of these hearings is to receive testimony on S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993.

The hearings will take place on March 18, 23, and 24, 1993 at 9:30 a.m. each day in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON SMALL BUSINESS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, March 4, 1993, at 9:30 a.m. The Committee will hold a full committee hearing to examine the issue of credit availability for small businesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SECURITIES

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, March 4, 1993, at 10 a.m. to conduct a hearing on legislative proposals to facilitate small business access to capital.

The PRESIDING OFFICER. Without objection is so ordered.

### SUBCOMMITTEE ON CONSUMER

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Consumer Subcommittee on the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 4, 1993, at 9:30 a.m. on auto repair fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 4, 1993 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection it is so ordered.

## ADDITIONAL STATEMENTS

## THE CASE AGAINST DISCRIMINATION

• Mr. DORGAN. Mr. President, I recently received a letter from Wayne

McKirdy, a constituent of mine from Valley City, ND. The first three paragraphs of his letter I think express some important thoughts about a debate we have been having this past month and I wanted to share his thoughts with my colleagues.

The letter from Wayne stated more simply and eloquently and more persuasively the case against discrimination than all of the professional writings by the top speech writers that I have seen. Here is what Wayne had to say:

DEAR SENATOR DORGAN: I am not a Black, but I know some terrific Americans who are. I'm glad we've come as far as we have in giving them the rights of American citizenship. When I was in the Army I really enjoyed watching the 522nd, a segregated Bn, in their marching, etc. I'm not sure they "gained" a year later, when the Army decided Blacks and Whites could soldier together, but I know we whites who were in the Army did.

I'm not a woman. But I know some terrific Americans who are. I'm glad we've come as far as we have in giving them the rights of American citizenship. The military has found out they're OK, contrary to what many thought some years ago, would happen.

I'm not Homosexual. Nor can I say I appreciate that lifestyle. But I know some terrific Americans who are. And I suspect I've probably worked with many more than I know. And the military has worked unknowingly with many good Americans who are, without knowing it. The only difference in these three discriminations, is that you can know at a glance who is a Black or a Woman. And you may never know who is Homosexual because most of them do not flaunt it or misuse it in public.•

## MANAGED COMPETITION IN ACTION

• Mr. DURENBERGER. Mr. President, we will not succeed in containing health care costs until all the players in the system—employers and consumers as well as providers and the Government—take their responsibilities seriously.

A group of Minnesota employers is leading the way. The Business Health Care Action Group is a coalition of 14 major businesses who have banded together to increase their market power.

Together, they purchase about 6 percent of the health care in their local insurance market. That is a sizable chunk of business—and it enables these employers to drive a good bargain on cost and quality.

Mr. President, this is managed competition at work. I urge my colleagues to read the important article from the Wall Street Journal on the efforts of these employers. I ask that it be included in the RECORD at the conclusion of my remarks.

The article follows:

[From the Wall Street Journal, Feb. 26, 1993]

### STRONG MEDICINE: EMPLOYERS' ATTACK ON HEALTH COSTS SPURS CHANGE IN MINNESOTA

(By Ron Winslow)

MINNEAPOLIS.—Managed competition is radically transforming health care in Minnesota. And the tumultuous changes in this state may foreshadow what lies ahead for the nation if the Clinton administration fulfills its hopes of overhauling medical services nationwide.

In the face of aggressive new demands from a coalition of major employers, the health-care community here, in a blitz of mergers and alliances, is hustling to recast its jumble of independent doctors and hospitals into streamlined networks that compete much as Ford battles Toyota: on price, service and quality.

Two large health-maintenance organizations merged early last year and then joined forces with the renowned Mayo Clinic to sell high-quality, low cost care to area employers and their workers. Soon afterward, two big hospitals in Minneapolis and St. Paul countered with a merger of their own, and two children's hospitals began exploring an alliance.

Meantime, hospitals are gobbling up primary-care clinics and building new partnerships with doctors. Small family and specialty practices are scrambling to produce data showing they are cost-effective. And big health plans, such as Minnesota's Blue Cross and Blue Shield, are sifting burgeoning computer databases to track the performance of practitioners from pediatricians to neurosurgeons.

In short, practically every hospital and thousands of doctors in the Twin Cities are participating in ventures to vie for patients on the basis of not only cost but quality. "Providers are realizing that in order to compete, they must be accountable," says Allan Chernov, vice president for medical affairs at Medica, one of the big HMOs here. "That means joining initiatives that measure how they perform and stack up."

The drive to overhaul health care at both the national and local levels is provoked by costs that are busting federal and state budgets, hobbling companies and still leaving 35 million Americans uninsured. But introducing competition that might truly hold down costs has been exasperatingly difficult in the health-care field. What has broken the logjam and spurred competition here in the Twin Cities is the Business Health Care Action Group, a determined coalition of 14 major employers, including Dayton Hudson Corp., Honeywell Inc. and Ceridian Corp. Combined, they annually purchase some $200 million of health care—about 6% of the local market.

The coalition's strategy differs in details and lacks the regulatory apparatus anticipated under federal proposals, but its goal is the same: to use purchasing power not to win discounts but to change the way medicine is practiced. Under managed competition, large purchasing groups similar to business coalitions would buy care from competing health plans that, in theory at least, would thrive only by delivering a high-quality, low-cost product.

To get such a product, the Twin Cities firms put their employee health care up for bid and selected a single organization that, among other things, is committed to documenting and improving its doctors' performance while encouraging preventive medicine.

#### BASIC CHANGES NEEDED

"We can negotiate all the contracts and discounts we want," says Fred Hamacher, vice president for compensation and benefits at Dayton Hudson, "but we aren't going to make any headway containing costs until we change the system in which care is delivered."

But change is painful. Some doctors complain wryly that Minnesota is on the "bleeding edge" of medical reform.

Curtis Keller works in a 35-doctor family practice that has contracts with three health plans in Minneapolis, and although he supports quality initiatives, he is also troubled by challenges to longstanding conventions. "My training 25 years ago was to be comprehensive and thorough and not miss anything," Dr. Keller says. "Now people are saying, 'Do what's cost-effective.' The new approach is going to miss some things."

In any event, many highly trained specialists are likely to miss some income: A major aim of the coalition is to cut back on the care delivered by expensive cardiologists, orthopedists and other specialists and rely heavily on primary-care doctors.

Employees face change, too, even though more than two-thirds of Twin Cities workers are already enrolled in prepaid HMOs and are accustomed to cost-saving strategies such as limits on the choice of doctors. Many will have to change their doctors.

They also will be expected to attend seminars on how to be better patients. Doctors complain that some patients undermine cost-effective medical practice by demanding, for instance, costly and unnecessary imaging tests for routine complaints, while assuming insurance picks up most of the tab. "It's a two-way street," Mr. Hamacher says. "We have to make sure our people have reasonable expectations from the health-care system."

To persuade employees to sign up for the new health plan, companies are using videos attesting to the quality of care in the new organization as well as the promise of much-lower out-of-pocket costs. Coalition officials say 35,000 employees and dependents have already joined the plan, which was launched in some of the companies in the past two months. The total signed up by next Jan. 1 is expected to reach 90,000, some 70% of the 125,000 who are eligible.

The Twin Cities revolution emerged two years ago in the wake of a legislative battle. State lawmakers had proposed a new payroll tax to finance health coverage for Minnesota's 400,000 uninsured residents. Many business leaders were incensed. "It was a plan to finance access to a broken system," says John M. Burns, Honeywell's vice president for health management. Unless the uninsured got care in a system that minimized unnecessary procedures, their health bills would drain the state treasury, the executives complained. Dr. Burns helped lead a business-backed effort to draft an alternative bill, but legislators derided it as "poor medicine for poor people," something employers wouldn't foist on their workers.

#### COMPARING NOTES

During coffee breaks in legislative strategy sessions, a handful of corporate-benefits officials swapped tales of frustration over their soaring health costs. Although costs here were nearly 20% below the national average, they were rising at 12% to 15% a year—four times the inflation rate. And these companies had used "every cost-containment trick in the book," says Mr. Hamacher, including negotiated discounts on bills and strict reviews of physicians' decisions. They concluded that more tinkering with the system would be futile and that the approach they were urging on legislators was exactly what they wanted for their employees.

Benefits officials formed the coalition in the fall of 1991 and immediately charted their new course. Instead of seeking discounts, they would demand that providers demonstrate a commitment to quality; cost savings, they assumed, would follow. They resolved not to impose rules on doctors but to purchase care only from an organization that developed and followed its own practice standards and worked to improve overall performance.

"There are a lot of insurers out there putting guidelines in three-ring binders and mailing them out to providers with a contract," says Steve Wetzell, executive director of the Business Health Care Action Group. "We don't think that's going to change the practice of medicine. Doctors aren't going to follow a three-ring binder that someone else produced."

And in an unusual step, the 14 employers agreed to adopt one standard benefits plan to reduce paperwork headaches for doctors. "When purchasers and providers work together to define the product and develop quality standards, that's when you can really start reforming the system," Mr. Wetzell says.

### FINDING A SUPPLIER

Early last year, the coalition invited more than 150 doctors and hospital and health-plan administrators to meetings to explain the new ideas. In response, about 20 health-care organizations bid for the contract, but only two came close to meeting the coalition's requirements.

One was Minnesota Blue Cross and Blue Shield, which argued that it is successfully using six years of accumulated data on physician and hospital performance to encourage cost-effective care. But coalition members viewed the big insurer as a third party setting the rules, and they rejected the bid.

Instead, it chose GroupCare Inc., a consortium formed from the marriage of two local HMOs—Group Health Inc. and MedCenters Inc.—which then teamed up with the Mayo Clinic in nearby Rochester, Minn. Park Nicollet Medical Center, a 300-doctor group in Minneapolis, is the main physician group in the consortium.

The employer coalition liked GroupCare because most of its doctors are salaried and thus not paid according to the number of procedures they do. In addition, Group Health, Park Nicollet and Mayo had already developed practice guidelines for more than 50 medical conditions. On this score, Mr. Wetzell says, "there wasn't anybody else who could touch them."

Park Nicollet's new approach to detecting breast cancer is a case in point. A woman typically waits up to two anxious weeks after a suspicious mammogram to learn whether she has a malignancy. But at Park Nicollet, a team of surgeons, radiologists and primary-care doctors devised a way to reduce the time to as little as a few hours—with the help of a new computer-guided machine that enables a radiologist instead of a surgeon to perform the biopsy. That eliminates the time it takes to schedule a surgery appointment, as well as the surgeon's fee.

After conducting a 100-patient study that showed the machine was as reliable as a traditional surgical biopsy, the team incorporated the device as part of the clinic's standard of care. Park Nicollet says the new approach trims costs by about one-third and improves quality as well. "Women have a lot fewer sleepless nights," says James L. Reinertsen, former president of Park Nicollet.

With the doctors on salary, eliminating the surgical biopsy doesn't upset the surgeons. In most other settings, surgeons are paid a fee for each service and would probably resist a new approach that reduced their income, Dr. Reinertsen says.

To develop similar guidelines for dozens of medical conditions, the GroupCare consortium created a $7 million research institute. Committees representing doctors and employers will soon consider, for instance, another Park Nicollet policy that eliminates nearly all costly X-rays and physical therapy for back-pain patients in the first six weeks of treatment. In reviewing the medical literature, doctors found that 90% of back-pain cases resolve themselves within six weeks, with exercise, heat and ice treatments and aspirin.

Also on the institute's agenda is a new way of identifying blocked coronary arteries. The group's Mayo Clinic partner is conducting studies to determine whether a $500 high-speed X-ray scanner detects blockages as well as a $5,000 procedure called the coronary angiogram.

The institute is developing new quality measures that track not only doctors' death rates for heart-bypass surgery but also whether GroupCare meets preventive-medicine targets such as childhood immunizations and mammography screenings. Dr. Reinertsen, chairman of the new institute, says the best measure of a health organization's quality is not, for instance, the number of its bypass patients who survive but its success at preventing the need for surgery at all.

"The coalition is creating new standards and a new reward system," says George Halvorson, GroupCare's chief executive. "It's changing the way health care is delivered in this community."

The inability of most health-care providers working outside an organized structure to meet those standards is the major force behind the flurry of mergers and quality programs. "Our challenge is to give up some individual autonomy to provide the kind of disciplined product that GroupCare provides," says Gordon Sprenger, chief executive of HealthSpan, a new organization born of the merger of two big Twin Cities hospitals.

At Abbott Northwestern Hospital, HealthSpan's flagship institution, doctors and administrators are setting up a physician-hospital organization that will offer health services for a bundled fee, instead of the customary itemized hospital bills and separate doctor fees—and will eat any cost exceeding that price. To select participants, a committee evaluated the economic performance of about 165 doctors who admit patients to the hospital, and it excluded a dozen who regularly ran up costs significantly above hospital and national averages. "They aren't bad doctors, just expensive doctors," says Richard Sturgeon, who heads the new group.

Quality officials at Medica, the HMO, also are hard at work. They determined that it could save more than $500,000 a year by performing all tonsillectomies in outpatient clinics rather than hospitals without affecting patient outcomes. Doctors agreed that outpatient tonsillectomies would become standard practice.

Even Robert Burmaster, who works in a five-doctor family practice, is being affected by the changes. He now heads a recently formed 500-doctor association that is trying, among other goals, to get all its doctors to use standard computer software to help gather data on patient satisfaction, costs of procedures and other performance measures. "My own private practice alone can't provide this information in terms that payers want," Dr. Burmaster says.

Whether the changes in the Twin Cities will improve quality and contain costs isn't known. The coalition's three-year contract with GroupCare, for instance, aims for now to reduce cost growth to the overall inflation rate—a goal that even some supporters say is too modest to truly change medical practice. Some critics worry that the mergers will inhibit rather than enhance competition.

But two other employer coalitions here are launching similar purchasing efforts, and a broad state law passed last year aims to provide coverage for the uninsured by requiring that they get care from organized networks of doctors and hospitals.

Proponents of managed competition believe that as similar demands are made in communities around the U.S., the realignment of medical practice under way in Minnesota will spread. "If managed competition is the model the federal government adopts," says Richard Tompkins, chief of regional planning at the Mayo Clinic, "pressure for developing total-care systems to compete with each other is going to build and build."●

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## GOLDEN JUBILEE OF THE WESTCHESTER JEWISH COMMUNITY SERVICES

● Mr. MOYNIHAN. Mr. President, the golden jubilee of the Westchester Jewish Community Services will be celebrated at a gala dinner dance on Saturday evening, April 3, 1993. For 50 productive years this nonsectarian social service agency has been providing invaluable assistance to thousands of residents of New York State's Westchester County. The service's 24 centers in 14 communities provide high-quality mental health, developmental disability, health care, and counseling services with fees on a sliding scale. No one is ever refused service because of an inability to pay.

This remarkable agency is funded by a broad base of individuals, corporations, and State and local governmental agencies, as well as by the UJA-Federation and United Way. This support helps provide an ever changing array of social services including enriched housing programs for the frail elderly; group homes for developmentally disabled adults; home health services; training for home care workers; caregiver support groups; nine family mental health clinics; Geriatric Outreach Services; AIDS mental health counseling; bereaved children's and parent's support groups; child sexual abuse treatment programs; cognition therapy for children with learning disabilities; immigrant resettlement programs; counseling services; suicide bereavement groups, and numerous other innovative and valued programs.

I am sure the Members of the Senate join me in saluting this outstanding agency and congratulating the lay leadership and professional staff of the Westchester Jewish Community Services on this most significant milestone.●

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## COMMUNIST CHINA AND THE GATT

● Mr. HELMS. Mr. President, according to yesterday's Wall Street Journal, Assistant U.S. Trade Representative Douglas Newkirk is returning empty-handed from his talks with the Communist Chinese regarding their desire to join the General Agreement on Tariffs and Trade, known as the GATT. Mr. Newkirk should be commended for this and I have today done so in a letter to him.

For more than a decade I have received a steady stream of complaints from American firms about improper business practices by the Communist Chinese—slave labor, theft of intellectual property, mislabeling of textiles, discrimination in government contracting, and so forth. These complaints are undiminished even after the Communist Chinese sign specific agreements pleading to stop such practices. We are now at the point that our Government has identified a Communist Chinese Government official in the textile cases.

Mr. President, the easiest thing for Mr. Newkirk to have done would have been to sign an agreement on GATT accedence by the Communist Chinese. Had he done so, Mr. Newkirk would have been hailed as an accomplished negotiator in some quarters. He declined to cave into the Chinese because he preferred to remain faithful to his primary role at USTR, one in which he is to safeguard the integrity of the GATT. He knows that Communist China, unlike the Republic of China on Taiwan, is a long way away from having a GATT-compatible trading system. The only way Communist China could fit into the GATT system is by means of a political decision to ignore economic realities.

So, Mr. Newkirk did the honorable thing. He said, "No," he said it loudly, and he walked away from the table. That decision is entirely to his credit and I applaud him.

Mr. President, I ask that two articles from today's Wall Street Journal and the Financial Times of London be printed in the RECORD at the conclusion of my remarks.

The articles follow:

[From the Wall Street Journal, Mar. 3, 1993]

### CHINA'S ENTRY INTO GATT IS STALLED BY THORNY "SOCIALIST MARKET ECONOMY"

(By James McGregor)

BEIJING.—U.S. officials said talks aimed at bringing China into the General Agreement on Tariffs and Trade are stalled because Beijing refuses to address a basic question: Just what is a "socialist market economy"?

Chief U.S. negotiator W. Douglas Newkirk said that for this reason his two days of talks with Chinese officials went so badly that the process could take years—despite China's pronouncements about joint GATT within months.

"I am going to be retired in seven years, and I am not sure I am going to be able to wrap it up at the current pace," said Mr. Newkirk, an assistant U.S. trade representative.

The talks were the first formal discussions about China's GATT bid since negotiators left that country in June 1989, two days before soldiers slaughtered demonstrators in Beijing. The process was sidelined until February 1992, when Chinese officials and a working group in Geneva exchanged written questions and answers.

This working group, led by the U.S., is assigned to help China draft a "protocol of accession" that would allow it to become a GATT signatory. The GATT agreements, signed by 105 countries and territories, promote free trade by reducing tariffs and ending nontariff barriers.

Mr. Newkirk said that during the Beijing negotiations, which ended yesterday, China actually retreated from pledges it made in 1989. He said the framework for China's protocol included five main points: a unified national trade policy, transparent trading rules, elimination of nontariff barriers, commitment to a market economy, and a system to safeguard GATT signatories from a surge of Chinese exports to their countries.

#### A LABEL WITHOUT A DEFINITION

Mr. Newkirk and chief Chinese negotiator Tong Zhiguang, a vice minister of the Ministry of Foreign Economic Relations and Trade, now refuses to accept the last two categories. He said China insists that because it has reduced tariffs, reformed many state-set prices and expanded its private sector since 1989, its economy is already close enough to GATT standards to do without such clauses.

Before the talks began, Mr. Tong was quoted in official newspapers as saying: "China is capable of shouldering the obligations set by GATT as China has moved significantly to embrace a market-oriented economy in the past years.

Last year, China changed the label it applies to its hybrid economy system to a "socialist market economy" from a "socialist commodity economy." But its Communist leaders have yet to define what that means, probably because it raises ideological questions about whether China's orientation will be capitalist or socialist. The GATT protocol would force Beijing to promise specific actions aimed at making itself a market economy.

"We are trying to write a protocol that works around the problem of not having a market price system," said Mr. Newkirk. "That is fundamentally the problem." Under a market price system, the open market sets prices, not the state.

It isn't clear if China's stance reflects a change of policy, a negotiating ploy or political indecision. Since signing a wide-ranging trade agreement with the U.S. in October, the country has made impassioned arguments about why it is important to quickly join GATT.

In two weeks, China's rubber-stamp National People's Congress begins a two-week session at which "socialist market economy" is supposed to be written into the constitution. Analysts say China's GATT negotiators may not have the political backing for any major commitments until that session ends.

The prospect of joining GATT is already disrupting China's economy. Government foreign-exchange markets now offer at least a 50% premium on exchanges of U.S. currency over the official rate of 5.8 yuan to the dollar. Although China denies them, rumors abound that a devaluation is imminent, allegedly because GATT will force China to make the yuan convertible.

#### TIGHTLY HOLDING ONTO DOLLARS

As a result, foreign businesses who are owed dollars by Chinese companies are coming up empty-handed. "Everybody wants to hold onto dollars, and many customers are refusing to pay us unless we will accept renminbi," says the manager of a foreign equipment-leasing company.

At the same time, some Chinese companies and consumers are putting off big purchases in the hope that GATT will reduce import tariffs and quickly slash prices for both local and imported goods. Beijing Jeep Co., a Chrysler Corp. joint venture, has always had a waiting list for the Cherokee vehicles it assembles in China from imported and local parts, until now. Last month, we sold less than five days of our factory's output," a company official said.

GATT signatories want China to agree to a "safeguard system" that will allow them to enact emergency quotas and tariffs should they face a sudden onslaught of Chinese goods. They want this provision, which would be unique in GATT, because they fear that China's lingering socialism and economic clout will combine to subsidize exports unfairly.

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[From the Financial Times of London, Mar. 3, 1993]

### UNITED STATES "IN NO HURRY" OVER CHINA TALKS

(By Tony Walker in Beijing)

China and the US made some progress this week in talks on terms for China's entry to the General Agreement on Tariffs and Trade, but accord remains a "long way off," according to the chief US negotiator.

Mr. Douglas Newkirk, assistant US trade representative for Gatt, said after two days of talks that China had stepped back from previous understandings on entry terms for the world's fair trade regime.

Among these sticking points is China's apparent unwillingness to accept a safeguards system to prevent such developments as sudden surges in exports that might swamp the domestic markets of Gatt signatories. China is also lukewarm about committing itself to a full market economy as an eventual goal.

Mr. Newkirk said that before formal negotiations were suspended in 1989—talks were frozen in protest at the army crackdown on pro-democracy activists—China had agreed to both the safeguards and market economy provisions. Discussions this week also focused on US demands that China commit itself to a single national trade regime, full transparency in the publication of its trading regulations and the gradual elimination of non-tariff barriers.

Western officials say that China has made significant progress in liberalising trade policies, but much more needs to be done to improve market access for foreign business. They see the Gatt negotiations as a useful device to push the Chinese to go further.

Mr. Newkirk said the US was "not in any hurry" to conclude an agreement. "We're prepared to go as fast or as slow as they're prepared to go," he declared. The US made it clear that that unconditional Most Favoured Nation status for China was non-negotiable. The US government is obliged by Congress to review China's human rights record each year before granting MFN.

The US official's predictions of slow progress towards Gatt accession for China are likely to disappoint and frustrate Chinese officials who had been predicting an early agreement.●

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## TRIBUTE TO JOANNE VANZANDT

● Mr. D'AMATO. Mr. President, I rise today to honor Joanne VanZandt.

VanZandt, a former legislator from Monroe County, NY, has been named Citizen of the Year in Pittsford, NY. VanZandt has worked tirelessly to help the citizens of Monroe County for 20 years and is most deserving of this award.

She has always fought for the community. Her efforts to install bike trails along the Erie Canal in Pittsford led to improved recreational facilities for all citizens. As a result, Mrs. VanZandt was the first woman named to the town's newly formed Parks and Recreation Advisory Committee in 1973. Her career has spanned over 20 years, and in 1985 she was the first woman to be elected to a leadership post in the legislature.

Mrs. VanZandt has also given much of her time as a volunteer for the Landmark Society of Western New York. She fought to restore the county legislative chambers. She also persuaded the county to purchase the Lehigh Valley Railroad right-of-way for recreational use and possible public transportation routes.

Joanne VanZandt is married to Dr. Theodore VanZandt; they have four children and two grandchildren. She has given much of her life to improve that of others. Joanne VanZandt has been an inspiration for many, including myself. I salute her.•

## PAPERWORK REDUCTION

• Mr. GLENN. Mr. President, I rise today to speak on the subject of paperwork reduction. The Federal Government is not doing enough to reduce the regulatory and paperwork burdens it piles on the American people. Individuals, businesses, educational institutions, nonprofit organizations, State and local governments, and more—all are paying a price in time and money responding to reams of Government redtape.

The Paperwork Reduction Act of 1980 was an attempt to ease this burden on Americans, but the law has not been terribly successful. The Paperwork Reduction Act now needs to be reauthorized, but also, it needs to be strengthened—both to improve its basic paperwork clearance process, and to more generally improve the Government's management of its information. We all know that you cannot cut paperwork if Government agencies do not know what they are collecting, why they are collecting it, and what they are going to do with the information once it is collected.

To reinvigorate this important law, I will soon introduce legislation to reauthorize the Act. In the coming weeks, I look forward to working with the new administration and with my good friends Senator NUNN and Senator BUMPERS, who themselves have just introduced legislation also to reauthorize the act. I am hopeful that we can soon have the act reauthorized and its office, OMB's Office of Information and Regulatory Affairs, operating on a more stable and effective basis.

The matter I bring to my colleagues' attention today concerns a paperwork reduction issue that must be resolved before we can satisfactorily reauthorize the Paperwork Reduction Act. This matter focuses on the extent to which the act covers information disclosure as well as information collection requirements. As some of my colleagues know, this seemingly narrow and very technical issue is critical to the scope of the act and public confidence in its efficient, fair, and effective implementation.

The issue became important in the aftermath of a 1990 Supreme Court ruling, Dole versus United Steelworkers. I asked the General Accounting Office, in the wake of that decision, to evaluate agency paperwork reduction efforts. Today, I am releasing that report, which I believe reinforces the need to address the information disclosure and collection issues and to reauthorize the act.

Dole examined OMB's use of the paperwork clearance process established by the Paperwork Reduction Act to review the OSHA Hazard Communication Standard, which requires employers to inform employees of dangerous chemicals in the workplace. In this case, OMB actually used paperwork clearance to reject portions of the regulation it had already cleared through regulatory review. The Supreme Court ruled that the standard's disclosure requirements do not involve the collection of information for use by the agency and as such are not an information collection request to be reviewed by OMB under the act.

While I understand the distinction made by the Court in saying that the Paperwork Reduction Act deals with paperwork collected for the Federal Government's own use—which is certainly consistent with the act's purpose of improving Federal agency Information Resources Management [IRM]—I also believe that as far as the American public is concerned, paperwork is still paperwork regardless of whose file cabinet the forms end up in.

For this reason, I believe it is very important to look closely at the impact of Dole. We must determine how that decision is actually affecting the effort to reduce Government paperwork burdens on the American public. This is the reason I requested the GAO study and it is the reason the Committee on Governmental Affairs will look at the matter closely in its current effort to reauthorize the Paperwork Reduction Act.

As my colleagues know, attention to this matter was deflected in the last Congress by the controversy surrounding OMB's role in regulatory review, which is so closely related to paperwork clearance. While I have always supported OMB's role, the ideological transformation of regulatory review by the last two administrations—culminating in the activities of the Council on Competitiveness—proved that power wielded secretly and selectively, and for benefit of the few over the many, does not support the public interest or the nature of our democratic spirit.

With the advent of a new administration, I am hopeful that a new, more open approach, can be found for handling regulatory review. This should help clear the air for returning to the task of reauthorizing the Paperwork Reduction Act.

GAO's findings, therefore, come at an opportune time. The report reemphasizes the precise nature of the issue we must resolve if we are to move forward with reauthorization. In the absence of OMB guidance on compliance with Dole, agencies have responded in an uncoordinated fashion. For the Department of Health and Human Services and the Environmental Protection Agency this has meant virtually no change—HHS and EPA continue to send virtually all the paperwork proposals they sent to OMB before Dole. The Department of Labor and the Federal Trade Commission, on the other hand, are sending many fewer proposals to OMB for clearance. There seem to be two reasons for the Labor and FTC practices. While the FTC's pure disclosure requirements are, perhaps more than with any other agency, squarely within the ruling of Dole, Labor appears to be using an expansive reading of the decision to support not sending proposals to OMB.

While GAO's findings suggest that Dole's impact is nearly half of what OMB staff initially projected, a decline of 89 million burden hours, instead of 175 million, and while we can wish that OMB had issued guidance that might have brought uniformity to agency practices, the inconsistency among the agencies that GAO points out is troubling and unnecessary.

It is my intention for the Committee on Governmental Affairs, which I chair, to examine this issue as we work to reauthorize the paperwork reduction, and if need be, through further legislation to provide uniform treatment of information disclosure and collection requirements. I encourage the support of my colleagues in this important effort as we seek to reduce the intrusion of Government into the lives and businesses of our citizens.•

## HUMANITARIAN AIRDROPS IN BOSNIA

• Mr. DURENBERGER. Mr. President, I rise to express some thoughts and concerns about the administration's new policy of airdropping humanitarian relief supplies over eastern

Bosnia. Let me state at the outset that I believe we should provide, in a manner that does not unnecessarily endanger our aircrews and planes, whatever relief supplies we reasonably can. The human tragedy in Bosnia cries out for action, but as I have stated many times in the past, we must not permit emotions to cloud our good judgment.

It is my understanding from a variety of military sources that the airdrop missions, as currently being undertaken, do not entail high risks for our people. That's encouraging, but we should also take heed to the warning from our distinguished colleagues Senators NUNN and WARNER, that no military mission is without real risks.

While minimizing risks to our service personnel, conducting the airdrops from such high altitudes also minimizes their effectiveness. As we've all learned from the first several days of the operation, very few supplies appear to be reaching their intended targets. That's unfortunate, but not at all surprising.

The almost unavoidable reality of inaccurate airdrops from high altitude raises several concerns, not the least of which is whether the airdrops will have any meaningful impact on relieving the humanitarian needs of the eastern Bosnian people. That is, after all, the ostensible reason for undertaking the effort in the first place.

If the drops are not going to meet the intended need, why are we risking aircrews and planes? If there is another purpose—political symbolism, perhaps—is it appropriate that we risk our personnel just to make a political point, and one of questionable value at that? And should the American people not be fully informed of our objectives if they are different than otherwise stated?

Even if the airdrops succeed in delivering a sizable quantity of supplies, they will never make more than a modest dent in the overwhelming needs in that region. Yes, it is important to provide whatever assistance we can at an acceptable risk level, but we must not believe that these airdrops will achieve much more than getting us through the next week. At best, they are a temporary Band-Aid. They are not intended to and don't address the more fundamental problems in the conflict.

Mr. President, my greatest concern regarding the administration's policy is that it doesn't appear that there has been much thought given to our next steps, to what we would do, for example, in the event that the missions don't go as planned.

What will the President do if one of our planes gets shot at or shot down? Does he send in the jets to fire back? Does he cease the operation? Does he take the planes to an even higher altitude, from which they are even more ineffective? Will his response differ if we determine that it was the Moslems, hoping to draw us more deeply into their war, who shot at our planes, and not the Serbs?

How will the President respond if a stray pallet ends up killing a sleeping family when it inadvertently lands on their home? Will he suspend the operation? Or perhaps order the planes to fly at lower altitudes so they can drop more accurately, even though they would be more vulnerable?

What will the President's response be once it becomes obvious that the airdrops are not having a perceptible impact on relieving the humanitarian crisis? Will he increase the number of sorties? Fly them at lower, more accurate, yet more dangerous, altitudes?

Mr. President, my greatest concern is that we appear to be on a path of creeping incrementalism. If this approach doesn't succeed, we'll up the ante. After all, it's American prestige on the line now. Some might say, we can't just walk away if we don't succeed. We'll lose face, prestige. Can't let that happen. So we'll try a little something more, and if that doesn't work, some more again.

Before you know it, this country has slid into a much greater intervention in a conflict that we can't resolve and from which we can't extract ourselves at an acceptable cost.

This sounds like a familiar scenario to this Senator. The administration and the American people must think long and hard about embarking on a path from which there's no turning back. I don't have all the answers to these questions, Mr. President, but I believe it is essential that we ask and answer them presently, before we go much further with this particular policy.•

## AN INTELLECTUAL TOUR DE FORCE

• Mr. MOYNIHAN. Mr. President, at the end of 1992 our distinguished former colleague from the House and former mayor of New York Ed Koch delivered an outstanding lecture on foreign affairs at New York University. Bringing to bear his considerable wisdom and trenchant wit, Mayor Koch has offered a panoramic overview of the challenges of the post-cold war world. I know that my colleagues will find it of great interest and I ask that the text of the lecture be printed in full in the RECORD at this point.

The text follows:

### REMARKS BY EDWARD I. KOCH, NEW YORK UNIVERSITY, DECEMBER 18, 1992

### NEW GLOBAL ECONOMIC AND POLITICAL CHALLENGES—ISOLATION OR WORLD LEADERSHIP

This is my third and final lecture for the semester and it is on the subject of foreign policy. Some may raise their eyebrows in askance at the suggestion that I would have views on foreign affairs. First, let me say that every mayor of New York City has his own foreign policy independent of the foreign policy of the United States. It comes with the territory. The mayors of other large cities have the same syndrome, particularly those with large immigrant populations.

So here in New York City Jews are very much concerned about the security of the State of Israel and Middle East Peace talks whenever they are occurring. The Irish are incensed at the British repression and occupation of the six northern provinces called Ulster. Blacks have an understandable passion for wanting to bring the racist apartheid Government of the Republic of South Africa to its knees. And, closer to home, Puerto Ricans are interested in the economy of Puerto Rico and its ultimate form of government: commonwealth, independence, statehood.

I have left out, because of time contraints, 150 other groups, e.g. Armenians re: resurrecting Armenia so as to include those parts now found in the former Soviet Union, Turkey and the other adjacent countries. Let me assure you there are sufficient Kurds in New York City to make the mayor aware of every nuance of what is occurring on the borders of Turkey, Iraq and Iran, as there are Hungarians who resent the treatment by Romania of its ethnic Hungarians in Transylvania, formerly part of Hungary, now part of Romania.

In addition to having been mayor to such a diverse population, I served in the Congress for nine years and a good part of that time was spent on the Foreign Operations Subcommittee of Appropriations. My committee was responsible for allocating billions of dollars to foreign countries in different forms. And I took my share of congressional inspection trips around the world.

Now back to substance. Let me start with the Middle East and in particular Israel and the confrontation of Arab states surrounding it. President Bush and Secretary of State Baker, notwithstanding my disagreements with them on the Middle East as well as in other areas or policy—domestic and foreign—should be given enormous credit for having brought Syria and Saudi Arabia to the peace table. Once they had agreed it became impossible for Lebanon and Jordan to stay away and, of course, Egypt already has a peace with Israel, cold as it may be.

The progress to date, limited as it is, would not have happened had Prime Minister Shamir remained in office. He was impossibly inflexible. I remember being with him in his office in Israel in 1990. I urged him to use language which would show greater flexibility and at least utter the phrases, "land for peace" and "territorial compromise." His response, "You'll say it your way, and I'll say it my way," and his way meant that over his dead body would there be territorial compromise.

Prime Minister Rabin will not sacrifice the security of the State of Israel. But he is willing to negotiate. And, if the Arabs understand that this is an opportunity to make a deal with a flexible yet security conscious prime minister, we may well see, using a shopworn phrase with some negative connotation: Peace in our time in the Middle East.

Because peace in our time with that connotation is not acceptable, it is clear the Israelis will not withdraw, nor should they withdraw, from the Golan Heights in their entirety or from every part of the West Bank. They will insist on testing peace for an extended period of time before they relinquish the entire Golan Heights. I think that can be done—without compromising Israel's security—through a sovereignty and lease swap with the lease to run for 99 years. The Israelis will never remove all settlements from the West Bank, but I believe they would be willing to divide the West Bank so as to protect their flank from the Mediterranean Sea to the Jordan River.

The latest expulsion of 400 Palestinians has caused a furor and will continue to do. But what else could Israel do? As Prime Minister Rabin himself said on Israel television, "What was the alternative? The death sentence? House demolitions? Or putting these inciters at a distance? We didn't hurt anyone. We didn't kill anyone. We didn't damage anyone's property. I saw this as a means to physically limit them."

If Israel didn't expel them and put down the increasing terror which now includes guns and which in the last weeks has resulted in the killing of four Israeli soldiers and one Israeli police officer, then the alternative would be to shoot more of the Arab terrorists on sight when they take to rock throwing and otherwise menace Israeli military and civilians.

When Israel used plastic bullets, it was condemned. When the Los Angeles police used plastic bullets this week to put down a small, but burgeoning riot of black citizens—family and friends of the three black men accused of beating white truck driver, Reginald Denny, who were seeking apparently to create a new riot—no one was critical nor should they be.

The Israeli Supreme Court, which has an impeccable reputation for fairness worldwide, has ruled that these and prior expulsions are legal and do not violate Geneva Convention protocols. And those expelled may return in two years. While I opposed indiscriminate expulsions in the past, in this case I see no alternative. If Prime Minister Rabin took no action in the face of escalating terrorism, he would have lost the support of many Israelis. Vigilantism would have increased with assaults on innocent Arabs by angry Jews who would think their government is not capable of defending them. That is intolerable.

Moving further east past Jordan, we come upon the old battleground of Mesopotamia. If you really are interested in those battles all you have to do is go to the Metropolitan Museum to see the exhibit entitled "The Royal City of Susa." It takes you through the ancient wars leading up to the more recent wars between Iraq and Iran and ultimately Iraq and the United Nations.

Our president had his finest hour and his worst hour coming out of that final battle, dubbed the mother of all wars by Saddam Hussein. We defeated the mother but allowed him effectively to grasp victory from the jaws of defeat. That was done when President Bush kowtowed to the needs of another ally, Saudi Arabia. Saudi Arabia subsequently decided it made an error in urging that Saddam Hussein be allowed to stay in power and has since been pressing the U.S. to finish him off. Regrettably, easier said than done because Saddam is now more like a wounded tiger in a wooded area just waiting for the hunter to enter.

A brief comment on American foreign policy in that area. You may recall that most Democrats in the Senate refused to support a military strike against Saddam Hussein to their discredit. Only one Democrat north of the Mason Dixon Line, Senator Joe Lieberman of Connecticut, voted to support President Bush's resolution authorizing the military strike known as Desert Storm. What will unfold under the new Clinton administration will be the facts leading up to the war with Saddam Hussein. More will come out about his having been strengthened by U.S. loans and technology which allowed him to assemble the fourth largest army in the world with chemical and biological capability and nuclear capability anticipated in perhaps less than a year at the time. If President Bush had been re-elected, we might very well have seen impeachment proceedings of high level administration officials in his second term. Now we will see him only embarrassed.

We are now confronted with Iran, expansionist and fundamentalist in outlook, and therefore a threat to other states in the area. Iran, with over 55 million people, has a far greater war machine potential than Iraq which has a population of 18 million. We have to be in a position to make sure that Iran does not do successfully what Iraq sought to do unsuccessfully: Seize control of 70% of the world's oil resources.

Shifting now to the Soviet Union. We have made a terrible mistake but it is not too late to undo the error. We have decided to only minimally assist Russia and the other major states of the former Soviet Union. It is amazing to me that with the enormous economic pressures on Russia, Ukraine and other states resulting from the end of Communism, there has not yet been any major effort of hard-liners—since the aborted one against Gorbachev—to seize control particularly of Russia, Ukraine and Belorussia. There is enormous unemployment, inflation, lack of markets to sell goods and lack of money to buy goods from abroad, and yet so far there have been no major riots. Why? I don't know and they may yet come. There is obviously enormous tension between Yeltsin and the huge majority of hard-line Communists who are still members of the parliament.

What will come will be a greater and militarized Germany, now the single largest economy and most effective military operation in Europe, reaching out, as it has for centuries, towards the east, towards Russia. In the old days it was the dream of lebensraum, and today it will be trade and availability of raw materials.

Why we would allow that to happen instead of seeking our own economic and trade union with Russia and the other former Soviet States is beyond me. We will have the largest economic union in the world now that President Bush has signed the trade agreements between the U.S., Mexico and Canada—subject, of course, to Senate ratification. Why shouldn't we consider including in that union Russia and the other former Soviet States? We even have a common border with Russia in Alaska. In the meanwhile, the danger exists that Russian technology, in exchange for desperately sought dollars, will be exported to countries that may use that technology for war against their neighbors, e.g. Iran, North Korea.

Now in this short trip around the world in less than 80 days, let's turn to Japan. Japan remains, or for historical reasons is perceived as, a threat to the nations of the Pacific rim. That threat has been enhanced by virtue of the fact that Japanese Armed Forces are now being exported. Yes, under U.N. flag in Cambodia, but nevertheless exported. And undoubtedly nations heretofore occupied by Japan during WWII are worried and will seek to build their own defense capabilities, in particular, China, the largest country in the world with over a billion people and a government of octogenarians. When I was in Peking ten years ago they literally believed that they would have to live underground because of an expected, future Russian nuclear attack. They built an entire city under Peking which they allowed Members of Congress to see. And they expected, because of sheer numbers, to survive a nuclear world war III.

What should our position be towards the Chinese Government which is now the largest Communist government in the world, but which is still seeking to move albeit slowly in the direction of some kind of market economy yet engages in Communist repression of its citizenry? Can we hope to persuade them rationally that they are worse off having put down the Tiananmen Square rebellion with force than is Russia which resisted the efforts of hard-liners to destroy the democratic movement and is now in economic chaos? So, while it is important that we apply as much pressure diplomatically as we can, encouraging the Chinese to move in the direction of greater freedom for its citizens, on reflection I think President Bush was right to resist those, myself included, who demanded everything up to and including a diplomatic break unless the restrictions of freedom were removed. That is not to say the Chinese Government should have a free hand and pay no price for continuing its repression, but it is to say we should not end our ties and influence on them by a total diplomatic or economic break. We are not in a position to physically threaten them nor should we.

Moving right along, we are now in Vietnam. I read a statement in the New York Times which infuriated me because it gave information that, had it been known 20 years ago, would have saved countless American POW families heartbreak. If they had known of the information then they could have come to accept that their loved ones were dead and not continued to believe the rumors that the U.S. had intentionally left American soldiers behind when leaving Saigon on helicopters while Vietnamese were still climbing the embassy walls in an effort to escape.

On December 4th, the New York Times reported that Ross Perot's Vice Presidential candidate, Admiral James Stockdale, "Said today that he is convinced that no American prisoners of war were left behind in North Vietnam when the United States pulled out its ground force in 1973." Mr. Stockdale, a former naval aviator who was the highest-ranking American held by the Vietnamese at the Hoa Lo prison in Hanoi, told a Senate committee that American prisoners had set up an elaborate system to account for inmates in all prisons throughout North Vietnam. When North Vietnam released 591 prisoners as part of the Paris peace accords, he said, "all those who had been identified by the other prisoners were let go. 'I have no evidence of anybody that was left intentionally or is alive,' he said." Of course this statement does not cover Laos or Cambodia.

Nevertheless my question is: How can Admiral Stockdale explain and how can Ross Perot explain the failure to provide that vital information early on? The main obstacle to our opening diplomatic relations with Vietnam has been their alleged refusal to provide necessary information to account for POWs and MIAs. Based on the statement of Admiral Stockdale we apparently did receive a proper accounting for MIAs and POWs in Vietnam itself. And of course Senator John Kerry and his committee who were recently in Vietnam have extolled the cooperation being given by the Vietnamese Government in our search for survivors and in identifying the dead. If our Government, beginning with

Nixon up to and including Bush, had the Stockdale information available and didn't disclose it, they should be held up to contempt by the public for the unnecessary pain they caused and there doesn't seem to be a responsible reason for them to have done it.

Now moving across the Pacific to Africa. On the African continent, all but one of the countries are administered totally by blacks or Arabs and most are in terrible shape economically. Indeed, some in chaos. The Organization of African States does not seem capable of dealing with the problems that you see everywhere, whether it be civil war and religious murders in the Sudan, and to a lesser extent in Egypt, or the civil war in Liberia, with which we have a special relationship; and that only refers to the revolutions and riots and military coups without even addressing the economic woes.

If Europe could build an economic union and we are building a North American economic union, is it unreasonable that measures should now be started to build an economic union between all the African States? They are rich in resources and people, but regrettably the tradition of democratic government has not taken hold in many of the former colonies although it has in some. We should embark upon a plan to assist them in moving in that direction. I will discuss Somalia at the end of this lecture along with the former Yugoslavia.

So now we are headed home. It is remarkable that almost 90 percent of South American and Central American countries, once largely despotic, governed under military juntas or dictatorships, have now turned to democratic governments to their great credit.

There still remains one Communist state in the Western Hemisphere—Cuba. I believe it is in our interest to have diplomatic relationships with every country in the world currently and that includes Cuba. Castro may live another year or another 25 years but he is in his last act. His country is devastated. In preparation for his demise and the government that will follow, we should have a presence in Cuba which can only be done by establishing diplomatic relations and trade. I hope we do it under the new Clinton administration.

So now let's close the ring and deal with the two most important foreign interventions that currently face us. One, we are already in the soup and that, of course, is Somalia. I believe we took much too long to intervene there and the estimates are that every day of delay meant a thousand deaths from malnutrition and the estimates of those deaths range from 200,000 to 300,000. Worse, perhaps a million more men, women and children died from starvation because those who could send a military force to open the lines of communication and make the roads passable for the delivery of food did not act, including the U.S., until recently.

The U.N. declined and the U.S. waited far too long to take appropriate measures, along with the Organization of African States as well as the Arab States across the Red Sea who should have taken action to help their fellow Muslims. They all failed to do the right thing. Only now has the U.S., under great pressure from the American public, acted. President Bush, having nothing else to occupy him between now and January 20 as a lame duck and with no election to be faced and therefore no fear of the fatal consequences which every use of military force entails, has finally moved to do that which should have been done before. He has moved, not expeditiously, but nevertheless he has taken action for which he should be applauded. To President-Elect Clinton's credit he favored American intervention much earlier on.

No one knows whether this will be another near bloodless Operation Desert Storm for us. But whether it is or it isn't there are things that have to be done even though risks are involved. I say risks because we cannot intervene in every country in the world where starvation is occurring or civil war or other mayhem. Certainly we are not able to nor should we intervene in the civil wars occurring in those republics formerly part of the Soviet Union. Nor should we intervene in the civil wars occurring in India and Sri Lanka or Cypress (the last, Cypress, has had no bloodshed for many, many years). We should leave Somalia as soon as possible, perhaps as early as January 1993, as soon as the Marines have assured delivery of food. We should not take on the job of disarming Somalia or removing minefields. Leave that to a U.N. force to follow.

So as not to forget one of the most outrageous civil wars let me mention the Sudan where, according to the New York Times, upwards of 500,000 black Sudanese, mostly Christian with some Animists, were driven into the desert by their fellow black Sudanese Muslims. Many were offered the option of converting or being expelled into the desert where they will suffer and die. Somewhat similar to the option offered the Jews of Spain in 1492, Except there the option was to leave the country which most did. They were well received by the Muslims and others in the Eastern Mediterranean as well as North Africa with Turkey being a major hospitable sanctuary.

It is simply not possible for the U.S. to intervene everywhere there is a conflict and therefore two questions have to be asked and examined. One, what is the gravity of that which is happening and secondly, can we take an action that is responsible with respect to potential casualties and cost to us that will effectively deal with the problem: In other words, is it doable? In Somalia the answer by most opinions is a definite yes. The second and more thorny pending decision relates to the former Republic of Yugoslavia where there is an age old religious war going on involving Serbia which is Eastern Orthodox, Croatia which is Roman Catholic and Bosnia which is largely Muslim.

The evidence gathered by the media and the U.N. to date establishes to the satisfaction of most people and those voting at the U.N. that war crimes and bestial atrocities have been committed in that area overwhelmingly by the Serbians against the Bosnia Muslims. Yet we have drawn a cordon sanitaire around Serbia and Bosnia depriving Bosnia of access to arms while allowing Serbia to draw on the armaments held in large supply and fully available from the former Yugoslav National Army.

It is unbelievable that former Secretary of State Cyrus Vance would testify at the U.N. against a resolution to at the very least allow Bosnia to buy arms to defend itself. The world now knows that a new phrase has taken hold in the unholy spirit of the old Nazi phrase of "Judenrein." The new and more encompassing expression with the same implication is the Serbian reference to "ethnic cleansing." For the U.S. and any other civilized country to stand by and allow the Serbians on a massive scale to engage in murder, rape, torture and expulsion in pursuit of ethnic cleansing is incomprehensible.

We are seeing exactly what we saw when the Nazis started their ethnic cleansing beginning in the 30's with expulsions and ending in the 40's with the final solution involving concentration camps and crematoria. Would we again stand by were that to happen again? Is it so far-fetched that it might indeed happen again in Germany, when we see the attacks on Jews, Gypsies and foreigners occurring with physical assaults and murders albeit still small in number by comparison with the Nazi era?

There are those I am sure at the U.N. who will say that any internal matter no matter how bestial is not within the jurisdiction of the U.N., but others would say "never again": That war crimes and savagery reaching certain levels will not be free from U.N. intervention.

We have already seen that intervention in Iraq to protect the Kurds and the Shiites. And little legal objection has been raised with respect to protecting the Bosnian Muslims. The major objection has been that it is not doable. Yet, former Secretary of State George Schultz, the Iron Lady, now known as Lady Thatcher, and former President of the United States Ronald Reagan, along with others, but regrettably not the leaders of the European countries and the Bush administration, have said we must intervene and surely we must.

Since we have provided the personnel protecting the NATO countries as well as our Army protecting the world's access to its oil supply in Saudi Arabia and Kuwait, and particularly since we expended billions and disrupted the personal lives of millions of our American soldiers to protect Europe after WWII and safeguarded it for nearly 50 years from Soviet domination, it is not too much to ask that NATO troops be used to save a country that for all practical purposes is in the heart of Europe. Yes, we should provide our Air Force to bomb the Serbian positions if they will not lift their siege of Sarajevo and other Bosnian cities, but the NATO countries should provide the forces on the ground.

President-elect Bill Clinton, who has had no experience as a Governor in dealing with foreign affairs, will be sorely tested in his first few days in office because in all probability the issue of the slaughter of the Muslims in Bosnia will not go away nor regrettably be addressed in the final weeks of the Bush administration. I hope that our new President meets the test. Going into Bosnia to support its population and prevent these horrific atrocities from continuing is not only a moral obligation, but it is doable and the United States and the NATO countries should do it. Thank you.●

## THE BUFFALO SOLDIERS

● Mr. D'AMATO. Mr. President, I rise today to honor a fine group of citizens, the Buffalo Soldiers. The 10th Black Cavalry Regiment is so nicknamed because its soldiers earned their formidable and fearsome fighting reputation near the railroad construction camps of the Kansas frontier in 1867. The uncommon valor of the troopers of the 10th, combined with the cultural perceptions of the Plains Indians, produced a legend. These black-faced white men fought like cornered buffalo and suffered wound after wound, without dying like the buffalo, and had a thick and shaggy mane of hair like the buffalo.

Through their 23 years of service in the Indian Wars from 1867 to 1890, the

Buffalo Soldiers, just as the Indians believed and feared, were never beaten. The 10th Cavalry served on the Mexican border in World War I, in North Africa during World War II, and in Vietnam.

February is Black History Month, so it is only fitting that we remember the black veterans who contributed so much to this history. A shining example of this is our present Chairman of the Joint Chiefs of Staff, Gen. Colin Powell. Black soldiers have played a major role, from the Revolutionary War to Somalia.

The first Americans realized a century ago what took our Congress until 1948 to verify—that the black man was easily the equal of the white man in war, as well as peace. On February 26, 1993, at the Rockland County Courthouse, in New York, the first Buffalo Soldiers Awards will be presented. Honorees for this first annual award will be Hezekiah Easter, World War II veteran and former county legislator; William Bullock, Korean war veteran and former prisoner of war; and William Nelson, Vietnam veteran and county judge. After serving their country, these men went on to serve their communities. These are men who personify duty, commitment, dedication, and patriotism.

I salute them.●

## AMERICA'S SUBMARINE INDUSTRIAL BASE

● Mr. CHAFEE. Mr. President, my distinguished colleague from New York, Senator D'AMATO, recently has been addressing the issue of the nuclear submarine industrial base and the uncertain future which faces nuclear submarine construction. I am very pleased to note that my colleague is concerned about this issue and has devoted considerable time and energy to devise a proposed solution which addresses the future of this capability. I am also pleased that he has concluded that the only way to maintain a nuclear submarine construction capability is to continue the construction of nuclear submarines.

It is true, as Senator D'AMATO points out in his most recent statement on this issue, that in March 1992, Adm. Bruce DeMars, the Navy Director of Nuclear Propulsion, submitted a report to then-Assistant Secretary of the Navy Gerald Cann entitled "Preservation of the U.S. Nuclear Submarine Capability." It is also true, as Senator D'AMATO states, that in his report Admiral DeMars advocated the reopening of the Improved SSN688 construction line.

It is also true, however, that in November of last year, Admiral DeMars submitted to Mr. Cann a supplement to his report of March 1992. In this November supplement Admiral DeMars states:

> With the restoration of the SSN22 by Congress in the spring, the gap in submarine orders will now be seven years * * * from FY91 to a planned FY98 authorization for *Centurion*. As explained in the attached, it makes most sense to bridge this gap by continuing to build *Seawolf* submarines—starting with SSN23 in FY94. This would provide much needed work to the submarine integration and testing portion of the submarine industrial base.

Mr. President, it is obvious that Admiral DeMars reevaluated his recommendation last year in light of the congressional mandate to continue construction of the *Seawolf*-class submarine and now is in total agreement with the congressional direction. The supplement report is brief and states very concisely the current position of Admiral DeMars.

Senator D'AMATO also challenges industry and the Navy to develop capable and more affordable platforms for the future. The current alternatives being considered as part of the *Centurion* cost and operational effect analysis [COEA] will address these issues.

The *Centurion*, which will be flexible from a design perspective, can serve as a baseline for upgrades. This is consistent with Secretary of Defense Les Aspin's prototyping and rollover-plus philosophy during periods of limited production.

The present limited production environment encourages the cost-effective development and validation of new technologies without the associated pressures of large-scale production. Development of totally new concepts such as *Centurion*, coupled with low rates of production, ensures that design and construction capabilities are maintained, and also limits the impact on production of any problems encountered.

I am confident that the U.S. Navy and industry can meet the challenge this opportunity provides, and I join my colleague, Senator D'AMATO, in welcoming input from the Navy on these ideas. I look forward to working with him this year as we address the issues facing the vital nuclear submarine industrial base.●

## CONTAINING ETHNIC CONFLICT

● Mr. SIMON. Mr. President, recently, Charles William Maynes, editor of Foreign Policy, had a significant article titled, "Containing Ethnic Conflict."

We have not solved the ethnic problem in our country, and there is, at least, some evidence that it is not diminishing. We have not reached out with understanding to one another as much as we should have. The bill I introduced and became law, which calls for FBI monitoring of hate crimes in this country, has resulted in the first report from the FBI. We will know from future reports whether racial, ethnic, and other forms of hate crimes are rising or diminishing. Anecdotally, the suggestion is that they are rising. The Anti-Defamation League of the B'nai B'rith indicates that anti-Semitism has risen from where it was a few years ago, but in the last year declined slightly.

But there is no question that ethnic conflict and our failure to reach out and understand one another is a major problem in a suddenly destabilized world.

All the news is not bad. For example, in his article, Bill Maynes refers to Mozambique being "on the verge of collapse because of civil war." Actually, since his article was written, the news from Mozambique has been basically positive, and I am hopeful.

The news from Bosnia and many other points in the world is not good. He quotes John Stuart Mill as saying democracy is "next to impossible" in a country with a multiethnic population. Obviously, the United States is an example of a democracy that has worked—albeit with flaws—and has a multiethnic population, and the same can be said of other countries, including our neighbor to the north, Canada.

He quotes political scientist, Eric Nordlinger, as suggesting that minorities be given some proportional division of key offices and makes one other important point: "The history of ethnic conflicts suggests that they may be reduced if the stronger group is willing to make the major concessions." He cites Switzerland as an example where the Protestant majority defeated the Catholics in the civil war of 1847, and then made generous offers to the Catholics, and within a year, you had a healing process that took place. Nigeria's civil war of a few years back did not result in as deep a division permanently to that country, as many feared, because of some generosity shown there, though the more recent religious conflicts in the north of Nigeria have been discouraging.

In addition to the suggestions made by Bill Maynes in his article, I would add the suggestions that the United Nations should call an international conference on ethnic division that encourages people of various ethnic, racial, and religious backgrounds to reach out to one another, to understand one another better. We can use the pulpit of the United Nations to soften the harshness of divisions.

Let me add, Bill Maynes is not the only one to write about this problem. Our colleague, Senator PAT MOYNIHAN, has written a book titled, "Pandaemonium." I have not read the book yet, and I understand what pandemonium is, but I am not sure what pandaemonium is. I assume it is some kind of a plural of pandemonium.

I shall read his book and find out what he says. I am sure it is enlightening, as other Moynihan books have always been.

I ask to insert the Maynes article into the RECORD at this point.

The article follows:

## CONTAINING ETHNIC CONFLICT

(By Charles William Maynes)

Although the world may worry about a post-Cold War America turning inward, the rhetoric of the last presidential campaign followed by the December 1992 U.S. decision to intervene in Somalia suggests that America is poised for a new burst of foreign policy activism. The victor, Bill Clinton, in his April 1, 1992, speech before the Foreign Policy Association, had called for America "to lead a global alliance for democracy as united and steadfast as the global alliance that defeated communism." The loser, George Bush, had called in his campaign for a new world order, "in which nations settle disputes through cooperation, not confrontation; where the strong protect the weak; where people are governed by the rule of law and not the tyranny of despots; where people are free to choose their own leaders and form of government; and where they can travel and enjoy the fruits of their own labor free from oppression."

Both candidates saw the Persian Gulf war as a harbinger of the post-Cold War world and both supported the intervention in Somalia as a another example of post-Cold War internationalism. For Bush, the Gulf war was the "first example of the emerging new world order." In the April 1 speech, Clinton contended that "the role of the United Nations during the Gulf war was a vivid illustration of what is possible in a new era." By mid January 1993, as the change in power drew near, the United States was edging toward intervention in the bloody struggle among Croats, Muslims, and Serbs in the former Yugoslavia. Meanwhile, many pundits and commentators were going further. They were calling for a new approach to international relations, one that would urge humanitarian intervention through collective military action in dealing with ethnic disputes, that would bestow a much larger role on the United Nations, and that would sanction the use of force, if necessary, to defend or impose international norms of legality or political order.

A critical test for the new administration, then, will be how it deals with the pressure for a new approach to crises that resemble those in Bosnia-Herzegovina or Somalia. There are several key questions that need to be answered: To what degree can collective security work in dealing with ethnic disputes? Are there other tools available? Is the American approach to ethnic disputes valid for other countries?

The Clinton administration is not likely to find the answers to those questions very satisfactory. Collective security probably will not work in most cases. The other tools are politically difficult to use. And the American approach to ethnic conflict is, on the whole, wrongheaded and needs to be changed.

Undoubtedly, the growing interest in humanitarian intervention and collective security can be explained in different ways. Endorsement of either or both provides the country's foreign policy elite with a new rationale for its continued relevance in high policy circles now that the Cold War has ended. It also protects political figures from the damaging label of "isolationist." Finally, so long as U.N. members continue to follow the U.S. lead, there is, at least temporarily, no conflict between those who support traditional American unilateralism and those who press for new forms of American multilateralism: The United States calls the tune while the rest of the world dances.

The difficulty for the Clinton administration will be that the number of places that are in need of some form of collective security or forcible intervention is growing. Since the Gulf war, all the trends have been in the wrong direction. Rather than the strong protecting the weak, the news has been of cowards firing mortar shells into hospitals and breadlines in Sarajevo. Instead of people freely enjoying the fruits of their own labor and the rule of law, intolerance and ethnic hatred seem to be spreading across the face of Europe. Not only are the recently liberated peoples of Central and Eastern Europe using their new freedom to act on old hatreds, but ugly racial prejudices are disrupting the most politically stable states of Europe. Right-wing thugs have firebombed innocent foreigners in Germany and a former French prime minister has publicly sympathized with compatriots who object to the presence and smell of France's Arab migrant population.

Indeed, animosity among ethnic groups is beginning to rival the spread of nuclear weapons as the most serious threat to peace that the world faces. No doubt the stakes are high. The conflict between Armenia and Azerbaijan may have had little immediate impact on relations among the great powers, but much larger consequences could flow from the tensions rising between the Russian Republic and the Baltic states. If Russia were to move militarily to protect its co-nationals in Estonia or Latvia, where they are now being mistreated, a cold peace would develop between Moscow and its Western partners. Many of the hopes for a new, more cooperative world would dim.

Larger issues are also involved in the ethnic tension developing in the Serbian province of Kosovo and in newly independent Macedonia, both of which have large Albanian populations. Albania has already announced that it will act in the event of a conflict between the Albanian majority in Kosovo (of more than 90 per cent) and Serbia. Greece and Turkey might then be drawn in. NATO would be shaken. The conflict could spread further.

In Africa the geopolitical stakes may be lower, but the level of human misery is greater. A vicious cycle of tribal rivalries and governmental collapse has made all talk of a new world order or a crusade for democracy seem a cruel hoax to most Africans.

Somalia is not the only country in trouble; its neighbors are not in much better shape. In Sudan the central authorities from the north, who are Muslim, have attempted to impose sharia, or Muslim law, on the south, whose Christian and Animist populations insist on autonomy. The civil war is being fought with such cruelty that tens of thousands of children have lost their parents and now roam the Sudanese countryside searching for food and shelter. Most will perish.

Mozambique is on the verge of collapse because of civil war. Ethiopia teeters. On the other side of Africa, from Angola to Liberia, the news is of ethnic conflict, mass misery, and dissolving authority. And the list grows.

Afghanistan is a cauldron of ethnic and religious hatred. There is little foreign interest in the future of Afghans whose fate was a Western preoccupation as long as the Cold War raged. And in Haiti, a corrupt military protects a mostly mulatto elite by terrorizing a helpless majority of poor blacks.

In short, the balance sheet for the new world order does not look very reassuring. The world appears to be at the beginning, not of a new order, but of a new nightmare.

### USING THE U.N.

Since ethnic conflicts are already so well developed and only likely to get worse, many believe the source of the problem is the world's failure to substitute a new world order based on collective security for the outdated Cold War order that rested on East-West hostility fueled by Soviet and American arms. The old antagonism is gone now that Russia threatens primarily itself and Moscow and Washington no longer see one another as enemies. Why not implement the United Nations Charter as its drafters intended and construct a system of global collective security to deal with the new threats?

In response to that call, Secretary-General Boutros Boutros-Ghali in his June 1992 Agenda for Peace proposed an ambitious series of steps, including the creation of a small standing U.N. force. France and Russia have endorsed the creation of such a force, probably in the belief that they will have a larger voice in peacekeeping if it is directed through the U.N. than if it is organized on an ad hoc basis by Washington. The U.S. government under Bush reserved judgment on the secretary-general's proposal, but in his campaign speeches Clinton suggested the value of a U.N. rapid deployment force, which "could be used for purposes beyond traditional peacekeeping, such as standing guard at the borders of countries threatened by aggression; preventing more violence against civilian populations; providing humanitarian relief; and combating terrorism." (Despite the multiple tasks, he argued that it would "not be a large standing army but rather a small force that could be called up from units of national armed forces and earmarked and trained in advance.")

The demand for a reinvigorated U.N. peacekeeping effort is understandable given the many crises that are erupting around the world. But unless care is taken, U.N. or other peacekeeping forces could be involved in extremely dangerous situations, in which they might be unable to accomplish the goals that reformers have in mind. Most recent commentary fails to recognize, for example, that the U.N. system, though drawn up in the universal language of collective security where the common enemy appears to be aggression from any source, did in effect identify the likely opponents. They were the enemy states, Germany and Japan, covered in Articles 53 and 107 of the Charter. Discussions at the time the Charter was drafted make clear the general concern of member states over a resurgent Germany or Japan. In other words, a system providing a veto to the five victorious powers could work as long as they had a common enemy, and in 1945 they believed they did.

Is it possible to develop a similar consensus that instability per se is the enemy? It seems unlikely. Washington and Moscow have probably gone as far as possible in their cooperation in the former Yugoslavia, for example. A formal decision to target Serbia militarily would probably break the consensus. The Russian government is under attack from right-wing nationalists for abandoning its traditional ally, Serbia. Certainly, unless the veto could be set aside, the world body would be incapable of doing anything more than offer good offices in the event of a conflict between Russia and one of its neighbors. But even in more distant parts of the world, it is unrealistic to expect that the five countries with a veto on the Security Council, particularly China and Russia, will always be able to agree. From the beginning, therefore, in order to avoid unreasonable expectations, those in favor of U.N. reform must be realistic in their claims. It is highly unlikely that the Persian Gulf war will really turn out to be a model for the future.

Another common mistake in discussions of U.N. reform involves a confusion of peacekeeping with peace observing. In the past, U.N. troops were called peacekeepers when they were really peace observers. They were deployed only upon the agreement of the parties in conflict. They were lightly armed and were able to defend themselves only against isolated attacks, not against a major assault by a professional army. When one of the parties benefiting from a peacekeeping agreement decided to abrogate its terms, the U.N. forces were helpless. In 1967, Egypt demanded that the U.N. troops separating Israel from Egypt be withdrawn. Eventually, the U.N. had no alternative but to withdraw them. (The secretary-general should have procrastinated in the hope that the Egyptians would come to their senses, or that outside states would bring pressure to bear on Cairo to change its position, but that is another story.)

When the Israelis told the U.N. troops separating Israel and the Palestine Liberation Organization in southern Lebanon to get out of the way in 1982, again the U.N. had no alternative but to bend to Israeli wishes and look on as the Israelis invaded Lebanon. Neither in 1967 nor in 1982 was the U.N. in a military position to resist an army as large as Egypt's or Israel's. The peacekeepers could only stay as long as both wished them to stay.

Sometimes additional confusion develops because there is talk of using a U.N. peacekeeping force as a tripwire. But except in unusual circumstances U.N. peacekeeping troops cannot be equated with, say, the U.S. forces in West Berlin during the Cold War, which did serve a tripwire function. In the case of the American troops in Berlin, Moscow knew that if they were attacked, there was a significant probability that military hostilities with the United States would ensue. In the case of U.N. troops in the Sinai or southern Lebanon, Cairo and Jerusalem knew that if U.N. troops attempted to bar the way and therefore were attacked, there was a very low probability of a U.N. military response. The patron of each side could be expected to use the veto.

The United States, in the hubris of the Reagan administration, forgot the fundamental nature of peacekeeping. It deployed U.S. Marines in Lebanon without understanding that it was essential for their safety that the United States not take sides in the Lebanese civil war. The Reagan administration decided to back the Christians and soon found its troops under attack by the Muslims and finally driven from Lebanon after the disastrous bombing of the marine barracks in Beirut.

Much of the confusion about peacekeeping has developed because of the unusual circumstances in which U.N. peacekeepers have found themselves in both Lebanon and Bosnia-Herzegovina. In both operations the U.N. deployments have enjoyed the formal approval of the concerned governments. But for the first time since the Congo operation in the early 1960s—a crisis that nearly destroyed the U.N.—the world body has found its troops regularly attacked by forces that are not under the control of central governments. Iran, Israel, or Syria may influence the various militias in Lebanon, but no outside force can control them completely. And certainly the government of Lebanon cannot. In such circumstances, whether U.N. troops can continue to perform their traditional functions depends on the extent of the challenge. If isolated attacks grow to where a large segment of the local population opposes the U.N. presence, its options are complete withdrawal or the invasion of the country with a force sufficient to compel compliance with U.N. mandates. The latter course of action is unacceptable to the international community because of the bloodshed and expense involved.

In Bosnia the situation is even more complicated. If Serbia is in adequate control of those forces violating the various U.N.-negotiated ceasefires, then the appropriate response is to persuade Serbia to end the defiance of U.N. mandates either by reaching an understanding with Belgrade or, if necessary, by compelling Belgrade through military force. But if the militias are assisted rather than controlled by Serbia, then the U.N.'s options depend on the extent of the local challenge to the U.N. forces. If that challenge moves beyond isolated attacks to the point of civil war, then the U.N. must either withdraw from Bosnia-Herzegovina or prepare for the occupation of the country by a force large enough to suppress presumably fierce Serbian resistance. Because that task could involve hundreds of thousands of troops, the great powers have been understandably reluctant to act. Suggestions that air power alone could settle the issue seem specious. Serbs greatly outnumber the Muslims in the former Yugoslavia and the Serbs are better armed. Air attacks on the Serbs are likely to lead to even greater Serbian pressure on the Muslims, who now receive outside supplies only at the sufferance of the Serbs. The West would then be faced with the need to come to the rescue of the Muslims with military operations on the ground.

The best course for the international community therefore is a final effort to reach an agreement by negotiation. If that fails, then the United Nations should respect the demand of the authorities in Sarajevo that they be given the tools to defend themselves. With outside help and even air support, they still would be unlikely to win the war but they might limit the size of a new greater Serbia enough to carve out a place for the Muslim minority to retain their own state. No one should doubt, however, that such a solution would bring even more killing and ethnic cleansing.

It is important to understand the root of the problem in Bosnia-Herzegovina or Somalia. It is not ineptitude on the part of the U.N. or the European Community or the United States, though all three have made serious mistakes in those crises. The fundamental issue was underscored in a 1992 Brookings Institution study of cooperative security, which stated that, "as the bloodshed in Yugoslavia and Somalia reveals, the international community does not have the security mechanism that would be required to control serious civil violence. The available apparatus of diplomatic mediation backed by the imposition of economic sanctions or even by threatened military intervention requires a corresponding political structure to have any constructive effect."

But to create such a structure would require what might be called the World War II solution: the total defeat of the sanctioned country, the imposition of a new political order there, and a lengthy occupation until the international community was sure that new and more acceptable institutions had taken root. A World War II solution is what the world seems to be edging toward in Somalia because the cost to the international community seems manageable. But even there the great powers hesitate to make the commitment required: The United States has been reluctant to take action to disarm the country and wants to leave it early, several of the other governments participating in the occupation have indicated that they will withdraw their troops when the U.S. troops leave, and the U.N. is hesitant to confront the need to establish some form of medium-term trusteeship over Somalia until normal life can be restored.

But suppose that the international community were to take all those steps in Somalia. The problems of all the other U.N. members that are suffering from civil unrest would remain. Already African governments are suggesting U.N. or U.S. intervention in other ethnic conflicts on their continent. Clearly the U.N. cannot intervene in every ethnic conflict around the globe. The world must find other ways to address the problems of tribalism and group conflict before the hatred and mistrust are such that only outside military intervention is likely to succeed, yet is unavailable.

### DIVIDED SOCIETIES

In searching for those other tools, the world must recognize that, in regions like the former Yugoslavia or parts of the former Soviet Union, it is facing the kind of crisis for which it has never had a satisfactory answer. In this century, when two or more populations have been reluctant to live with one another in a single state, the options open to the international community have turned out to be either unconscionable or unpalatable; ethnic cleansing, repression, partition, or power sharing. Of the four, ethnic cleansing ironically appears the most politically effective, albeit the most morally reprehensible. Despite the human costs, Poland and the Czech Republic are more stable today because they were permitted to eject their German minorities. So are Greece and Turkey after they carried out massive exchanges of populations in the 1920s. But at the personal and community level such exchanges are exceedingly cruel and they were only tolerated because the wars they followed had set new standards of cruelty. The world today will rightly be much less tolerant of a state demanding the right to ethnic purity.

Repression had been another answer to ethnic conflict. It was the communist answer throughout Eastern Europe and in the Soviet Union itself. It is the Syrian answer in Lebanon today. It is an answer that provides a temporary solution today but prepares the way for a political explosion tomorrow. Those repressed only await the day when they can rise up. The world tolerates Syrian repression in Lebanon today only because it seems somewhat more benign than the ethnic and religious anarchy that roiled Lebanese politics from the mid 1970s on. It is a miserable solution to an intractable problem.

Partition along with some form of ethnic cleansing was the world's solution in Palestine and South Asia. The difficulty with partition is that the line cannot be drawn with any exactitude. Significant minorities will be left behind. New ones will be exposed or develop. Partition has been impossible in Bosnia-Herzegovina because the Croatian, Muslim, and Serbian populations have been so mixed.

Power sharing is the most humane approach to the problem of ethnic conflict, but that is not to deny its unusual political difficulty. As John Stuart Mill pronounced in Representative Government, democracy is "next to impossible" in a country with a multi-ethnic population. The authorities in ethnically divided Bosnia-Herzegovina at first sought a unified state. The Serbs feared they would be permanently outvoted. Now, under the pressure of a civil war, all sides are discussing power sharing with U.N. mediator Cyrus Vance and European Community representative David Owen. Power sharing in Zimbabwe took place only after years of civil war. It fell apart in Lebanon because demographic changes called into question the legitimacy of the power-sharing formula.

For power sharing to work in some of the ethnic conflicts that now trouble world peace, however, much more needs to be known about how different societies have attempted to resolve their ethnic conflicts. A 1972 study of conflict resolution in divided states by political scientist Eric Nordlinger did identify several key principles: agreed outcomes, proportionality, mutual vetoes, and "purposive depoliticization." Thus, conflicts are often reduced when party leaders make pre- or post-election deals (agreed outcomes) that accord the defeated parties a place at the table. Societies as different as Austria and Malaysia have reduced bitter ethnic or religious conflicts through a political process of negotiated outcomes. Regardless of election results, the numerically weaker party knew it would still have a voice in national politics.

Many ethnically or politically divided states have tamped down conflict by a proportional division of key offices. Examples of such states include Belgium or pre-1975 Lebanon. Each ethnic group was assured a certain number of key positions.

Frightened minorities may also be reassured by a system of mutual vetoes. Both Austria and Belgium have sought civil peace through such a system. No decision can be made without all key parties agreeing. "Purposive depoliticization" involves an agreement among all parties that certain subjects are outside politics—for example, religion. States that have followed that path include Belgium, Lebanon, and the Netherlands.

The final principle Nordlinger identifies is perhaps the most difficult of all and is rarely practiced. The history of ethnic conflicts suggests that they may be reduced if the stronger group is willing to make the major concessions, in Switzerland, for example, even though the Protestant majority won the civil war in 1847, it made major concessions to the defeated Catholics, who were offered equal representation even though some of their districts were smaller. The gesture was so successful that within a year the defeated cantons had declared that they "would offer their services to the Bund and fight in its army at the slightest sign of a threat to Switzerland from the outside."

Perhaps one reason the United States held together as a democracy after the Civil War is that Abraham Lincoln asked for "malice toward none" and "charity for all." The South, though crushed, regained from the victorious North equal representation in Congress. Indeed, through the seniority system in Congress, the South acquired disproportionate power in the federal government. More recently, white Americans, though a majority, under the pressure of the civil rights movement, accepted limitations on majority rights in the form of affirmative action and other racially directed policies. While those limitations have been extremely controversial, they have not been rejected because the national goal is civic peace. Now, through oddly shaped, gerrymandered districts, the American political system, in the interests of racial harmony, is going so far as to effectively guarantee more seats in Congress for African and Hispanic Americans.

Ironically, studies of ethnic conflict suggest that some of the remedies that Americans assume can address the problem are, in fact, not effective.[1] For example, Americans tend to focus on individual rights rather than on group rights. That is a feature of what might be called Anglo-American democracy. But many European democracies practice what is known as "consociational democracy," which offers greater accommodation to group rights and more protection to those who feel vulnerable in a "winner take all" system of democracy. European practice seems much more appropriate for the ethnically or religiously driven conflicts that are now troubling the world.

Americans are big believers in federalism. But specialists in ethnic conflict are wary of federal solutions because they tend to promote secession or partition and even greater intolerance toward the minority groups that are left behind.

Finally, a recent feature of American diplomacy in several administrations has been a strong belief in the need to negotiate from strength. That position, more appropriate for a Cold War struggle, is then applied to other conflicts where it is asserted that no one should win at the negotiation table what has not already been won on the battlefield or through the ballot box. But deeply rooted ethnic, religious, or ideological struggles are not resolved that way. Not understanding that concept, Americans are puzzled when an election in Angola does not end the conflict or when the victorious party in Nicaragua deems it necessary to reach out to the defeated Sandinistas.

The international community needs to know more about what works and what does not in the handling of ethnic or religious conflict. The U.N. Security Council should commission a study of successful attempts to resolve such conflicts and hold a meeting at the foreign minister level to discuss the results. Leaders in the international community need to understand past successes better so that they may deal more effectively with the crises of today.

### PROVISIONS FOR PEACE

Armed with better knowledge, what additional steps might the world community take? First, the international community needs to dramatically improve the U.N.'s ability to practice preventive diplomacy so ethnic or religious tensions can be addressed before they erupt into violence. Member states have long denied the secretary-general the eyes and ears that would enhance this organization's ability to intervene early and effectively in crises that threaten international peace and security. He has no ambassadors or embassies. He has been discouraged from deploying fact finders to investigate crises. He has not been permitted to take advantage of new breakthroughs in satellite intelligence, although at one point INTELSAT did offer to reserve three channels on its satellites for the U.N.

To provide the U.N. the eyes and ears needed, the intelligence agencies of the great powers, searching for a new mission with the end of the Cold War, could provide weekly briefings of the secretary-general or senior U.N. officials. (There is much criticism of the U.N. for not alerting the world in time to the disaster in Somalia. But where were the intelligence agencies of the major powers?) The secretary-general could be authorized to buy time regularly on the French satellite surveillance service, SPOT, that is now available commercially. Moreover, since 1986 the French have proposed a U.N. satellite for gathering information and monitoring developments around the globe. That would be a more useful but a more expensive option.

There are, of course, provisions in the Charter that, if used, would enhance the world's ability to practice preventive diplomacy. Article 99 permits the secretary-general to bring to the council's attention any situation he deems a threat to peace. But he must know enough about the situation to be sure of his ground. He could draw on Article 99 to dispatch fact-finding missions on his own authority, as Dag Hammarskjöld did—to America's dismay—when he visited China in January 1955; but even if it should be used more often, Article 99 must be used sparingly. Its regular use without the support of the Security Council could deprive the secretary-general of his authority. Rather, the great powers should exploit Article 34 of the Charter, which states that the Security Council "may investigate any dispute or any situation which might lead to international friction or give rise to a dispute." That provision should be used to create anticipatory fact-finding and mediation efforts in crisis spots from the Baltic states to the Horn of Africa.

Second, the international community must begin to redefine the obligations of nation-states so that minority rights receive greater protection. Moral approval must go to the civil state, which seeks to provide a decent life for all of its citizens, rather than to the ethnic state, which provides a home for a dominant nationality. Prince Bernhard von Bulow, the former German chancellor, wrote in 1914 that "in the struggle between nationalities one nation is the hammer, the other the anvil, one is the victor and one is the vanquished." That was the logic employed by Adolf Hitler in asserting the rights of German nationalism over all others.

Today's German state is light-years away from the kind of Germany envisaged by either of those leaders, but it still continues a troubling tradition that makes it extremely difficult for non-Germans who have lived for decades in Germany to receive German citizenship. The law effectively brands all foreigners in Germany as not belonging there and so encourages ethnic violence. Japan is another state that has similarly tough citizenship laws. Moral approval for such an approach to citizenship must be withdrawn.

In promoting the civil state, the U.N. could look to the League of Nations in the treatment of minorities. The peace treaties of 1919 required states such as Czechoslovakia, Greece, Poland, and Romania to assure full protection to all inhabitants without distinctions of birth and nationality, language, race, or religion. Meanwhile, the league worked out a procedure for the settlement of minority disputes. True, those treaties were flawed. They were too vague. The most powerful states, such as Germany, did not accept comparable obligations toward their minorities. There were no sanctions for those who ignored their provisions. But the treaties represented the first attempt in history to provide international legal protection to minority populations.

Unfortunately, instead of building on those treaties after World War II, U.N. members gave far less attention to the issue of minority rights. The Soviet Union, with its many minorities, did not want a strong U.N. interest in their fate. And the United States had its own concerns because of its large African-American minority, many of whom were then denied the right to vote. The U.N. human rights machinery remained more concerned with individual rights than with minority rights.

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[1] See Arend Lijphart, Democracy in Plural Societies (New Haven: Yale University Press, 1977) and Eric A. Nordlinger, Conflict Regulation in Divided Societies (Cambridge: Harvard Center for International Affairs, 1972).

That attitude is changing. At the 1992 General Assembly, U.N. members adopted a resolution on minority rights that stated that persons belonging to such minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language. However, much more needs to be done. U.N. members should take advantage of the proposed June 1993 meeting in Vienna of the World Conference on Human Rights to begin to develop the concept of the civil state over the ethnic state. An effort should be made to codify strong obligations that all member states would accept with respect to minorities.

Today, the Third World fears that the developed countries will use human rights to resurrect neo-colonialism. The fears are so great that the Vienna meeting is in danger. To combat those fears, the major states, including the United States, should make it clear that all states, including the great states, will accept the same responsibilities with respect to minorities. At the Vienna meeting, the United States should press for the creation of working groups that could publicly monitor the record of all states in that sensitive area. The U.N. Security Council should also develop sanctions to be applied against states that violate their international obligations—denial of access to international capital markets and international financial institutions or suspension of their membership in international institutions.

Realistically, world opinion alone cannot prevent a large state from mistreating its minorities if it is determined to do so. But criticism, ostracism, and sanctions can affect decision making. And most states are not in a position to defy the international community totally. As horrible as the events in the former Yugoslavia have been, it is instructive that in the face of vigorous international criticism, which was late to develop, the Serbs opened several concentration camps to inspections by the U.N. and the Red Cross and began releasing many of the prisoners. Part of the tragedy of the former Yugoslavia rests in the fact that, because the U.N. has no independent intelligence capability and the great powers do not share their intelligence with it, the appalling conditions in the camps were not news until so many had perished.

Third, in order to reduce Third World fears of great power intervention in their internal affairs, part of any international effort to ensure minority rights must be a strengthening of regional organizations. Many developing countries are reluctant to see the Security Council, dominated by five permanent members, of which four are former colonial powers, as the chief enforcement instrument of intervention to maintain international peace and security and to protect minority rights. Indeed, although they deserve membership, making Germany and Japan permanent members of the Security Council will only compound the problem.

There is, in fact, a growing body of evidence to suggest that regional organizations can play a constructive role in sorting out seemingly intractable disputes. The Contradora Group of Latin American states was able to influence the outcome of the civil wars in Central America in a constructive direction, and West African states were able to intervene in Liberia during a cruel civil war, even if difficulties remain. The Association of Southeast Asian Nations (ASEAN) played a substantial role in facilitating the U.N. peace process that led to the signing of the settlement plan for Cambodia.

It will be objected that the world cannot depend on regional organizations to show the necessary courage. Last July, for example, the ASEAN countries remained silent on human rights abuses in Burma while the United States was urging the region to take a stronger position. The Organization for African Unity remained silent about Ugandan dictator Idi Amin until he had finally lost power. The Arab League has examined Israel's human rights record with a microscope while turning a blind eye toward much worse abuses in the Arab world.

The way to change that reality is to again exploit the U.N. Charter. It provides that regional organizations cannot undertake enforcement action without the authorization of the Security Council. That provision of the Charter could be used to develop over time a greater degree of accountability on the part of regional organizations. To date, the Security Council has not made relationships with regional groups a priority.

The Security Council's credibility would be enhanced if its composition were changed. But a Charter amendment to grant permanent seats to countries like Germany and Japan is likely to take time. Meanwhile, the council has the right to create suborgans. For the purpose of peacekeeping missions, the council should create a subcommission for the direction and financing of peacekeeping operations on which Germany and Japan would be regular members. In addition, before the U.N. authorized a factfinding or mediation or peacekeeping operation in a particular region of the world, key states from the region should become members of the subcommittees.

Finally, the world community should never rule out the use of force in principle. Often, when debating the use of force, the U.N. seems paralyzed by the prospect of a double standard: How can it intervene in one country when it refuses to do so in another? But the impossibility of intervening everywhere should not bar the U.N. from acting anywhere. The international community must accept the inevitability of what might be called opportunistic idealism. Thus, one would not have wanted to prevent the dispatch of troops to Somalia simply because the international community was unwilling or unable to take similar actions in other parts of the world. But it is important to understand that the world community will rarely use force to control ethnic and religious conflicts. The international community has neither the will nor the capacity to intervene militarily in such situations. It needs other tools.

The development of such tools need not stand in the way of moving toward the bolder visions outlined by Bush and Clinton in the campaign. The U.N. could, for example, create a standing force composed of volunteers who would be willing to undertake dangerous operations under the U.N. flag. To prepare for the occasional emergency in which a much larger force might be needed, U.N. members, including the United States, could earmark national forces for peacekeeping tasks. Those forces could be trained to respond quickly, within a few days, to a U.N. request with which the host government was in agreement. Earmarked forces might train together, and governments providing troops could be invited to join a Security Council subcommittee that would oversee the training and preparation of the forces. But all should understand that the permanent U.N. force will be far too small to intervene in the many ethnic conflicts from which the world now suffers, and member states may be reluctant to offer earmarked troops for an enforcement action.

Some, especially those sensitive to current U.S. financial difficulties, might ask why the world should organize a U.N. force that would be used infrequently and would be so clearly unequal to the larger task. The answer lies in a belief that a U.N. effort to enhance minority rights legally and U.N. tools diplomatically and militarily would represent a global commitment to act that is now missing even on those occasions where multinational military involvement is both possible and likely to be effective. Help in Somalia, for example, might have been provided much earlier if U.N. members had already accepted the legal and financial commitments involved in the creation of new legal instruments, new institutional structures, and new military forces. Instead of procrastinating and then insisting that the U.N. effort be voluntary in order to save money—the initial U.S. position—major powers might have been more inclined to use instruments already in place and paid for.

In the end, of course, the primary need is not for more conflict, even under a U.N. flag. The need is for more diplomacy—early, persistent, and effective. If the world gains that kind of diplomacy, no one can guarantee that violence will never erupt again as it has in Bosnia or Somalia. But the number of such conflicts can be reduced, the lives of millions improved, and U.N. members brought closer to their Charter obligations. It would not be a new world order, but it would also not be an ignoble goal for a new and activist administration.

## DEPARTMENT OF ENERGY NATIONAL COMPETITIVENESS TECHNOLOGY PARTNERSHIP ACT OF 1993—S. 473

• Mr. **WALLOP.** Mr. President, the Department of Energy National Competitiveness Technology Partnership Act of 1993 that I am cosponsoring is grounded in the notion that there are incomparable scientific and technological capabilities within the national treasures we know as the Department of Energy's laboratories. More importantly, the bill recognizes that the laboratories can and should play a significant role in enhancing the growth of the Nation's industries and spawning new technologies and products that will add to our energy security and increase our competitive position in the international community.

These laboratories have a wealth of scientific expertise that was built on our need to develop a strong national defense complex. Now that recent changes in the world have reduced our need to develop weapons, it is time to focus on the future missions for these facilities that house our most sophisticated research and development programs. Who can argue against channeling the resources of the laboratories into partnerships that will operate to the mutual benefit of the Government and the private sector? Since the early forties, we have invested a significant amount of taxpayer dollars in our defense programs. We can reap a huge bonus from that investment by using the expertise developed over the years for military purposes to increase our economic competitiveness.

The laboratories have developed research and development capabilities in virtually every scientific and technological area. Through these partnerships, they will be capable of making significant contributions to commercializing technologies in such diverse areas as manufacturing, ceramics and other materials, supercomputing, and human health. We are encouraging such activities at the labs by guiding the Secretary and the laboratory directors toward these alliances with the private sector. These partnerships are the best mechanism for exploring opportunities to utilize for civilian purposes the infrastructure heretofore developed and used primarily for military requirements.

While I strongly endorse this concept there are many questions left to be answered about the implementation of this technology transfer mission. Maintaining proper oversight of the program without discouraging participation by industry is a key concern for me. Similarly in light of our budget problems, I am concerned that we redirect existing programs to achieve the goals of this legislation as opposed to creating new programs that will require additional funding.

A related issue is the expansion of the bureaucracy within the Department by the addition of an undersecretary and assistant secretaries. The legislation I cosponsored last year also contained this provision; however, the Energy Committee was repeatedly assured by the Bush administration that the new positions would result in a more effective organization of the Department given the new focus for the laboratories created by the bill. Presumably this, as well as the other issues about which I have expressed reservation, will be thoroughly explored and satisfactorily resolved in our committee hearings on this legislation.

I want to commend my colleagues, Senators JOHNSTON, DOMENICI, and BINGAMAN for their tireless efforts in crafting legislation that will not only maintain our premier scientific and technological facilities for future defense needs but will promote their use for the advancement of our economic competitiveness. Senator DOMENICI has been pursuing this goal for over a decade. I am pleased to be able to cosponsor with him the product of that endeavor.•

## DANFORTH: COURAGE, CHARACTER, CONVICTION

• Mr. SIMON. Mr. President, one of the finest Members of this body is our colleague from Missouri, Senator JACK DANFORTH.

He and I have not always agreed on things, but there has never been any question about his motivation. Nor has there been any question about his ability.

He has stood, time and again, for things important to the future of this Nation and has done it when it did not help him politically in the State of Missouri.

Leadership is not doing what is popular but what the Nation needs, and JACK DANFORTH has provided that kind of leadership.

I was pleased to pick up the St. Louis Post-Dispatch the other day and read a tribute to him by his former colleague and our former colleague, Tom Eagleton.

Tom Eagleton summarizes the Danforth record as well as anyone can.

I ask to insert the Tom Eagleton column into the RECORD at this point.

The article follows:

[From the St. Louis Post-Dispatch, Feb. 7, 1993]

### DANFORTH: COURAGE, CHARACTER, CONVICTION

(By Thomas Eagleton)

The Founding Fathers never envisioned governmental service as a permanent career. The system would function best, as they saw it, if citizens would devote some years of their lives to public service and then return to whence they came and use their government experience for the greater local good. The Founding Fathers would be very pleased with Sen. Jack Danforth—in how he performed in public life and in his approach to the governmental decision-making process.

Danforth, the politician, was a three "Cs" man: courage, character and conviction.

Courage: This trait was apparent from the outset in issues such as the Panama Canal Treaty and the sale of F-15s to Saudi Arabia. Danforth entered the Senate as Jimmy Carter became president. In political terms, he owed nothing to Jimmy Carter. Yet, on two of the most politically incendiary Senate votes of the Carter years, Danforth supported Carter—because he thought Carter was right.

On the Panama Canal Treaty, the political right and the veterans groups were on the war path. "We stole it fair and square," said one Republican senator. "It's ours. We built it. We paid for it. We'll keep it," was the battle cry. Never mind that the Joint Chiefs of Staff said it could not be defended against sabotage. Despite the political risks, the freshman Sen. Danforth voted for the treaty because he believed it was prudent public policy.

The F-15 sale to Saudi Arabia was another profile-in-courage vote. The position of the pro-Israel lobby was that Saudi Arabia faced no threat from any of its Arab neighbors, neither Iran nor Iraq. Arabs do not attack Arabs, it was argued. Thus, selling F-15s to Saudi Arabia served no purpose other than to pose a threat to the Jewish state.

Saudi Arabia, we now know, faced serious challenges from its Arab neighbors—and still does. Danforth knew it in the '70s and cast a gutsy vote.

Character: In the summer of 1990, the Senate was considering President George Bush's proposal to amend the Bill of Rights so as to prohibit flag burning. In the 200 years since it was enacted, the Bill of Rights had never been amended. Danforth pointed out that flag burning was, to him, a repugnant act, but that it clearly was a form of political expression. He said, "We want our Constitution, not just a piece of it. We want all of it. And we want our Bill of Rights. We want our First Amendment." The now-senior senator from Missouri concluded his speech with a warning to Bush, "No election, no pocket of votes here or there, no percentage points in the polls justifies even the slightest nick in the Bill of Rights."

Conviction: Danforth took seriously that the Republicans were the party of Abraham Lincoln. He worried that his party had, over the years, drifted away from the historic concern about civil rights. Danforth worked to form a group of Republican senators who could cooperate with a like-minded group of Democrats to get rid of the poisonous, racially charged quota controversy. Danforth was determined that his party not play the quota card in the 1992 election. Bush kept his pledge to Danforth and signed Danforth's civil rights bill in November 1991.

Quite a career. Yes, indeed, the Founding Fathers would be very pleased with Jack Danforth.•

## EXTENDED UNEMPLOYMENT INSURANCE BENEFITS

• Mr. MATHEWS. Mr. President, I rise to acknowledge my support for S. 382, a bill to extend benefits under the Emergency Unemployment Compensation [EUC] Program. If the passage of this legislation had been prohibited, the EUC Program that has been in place since November 1991 would have expired this coming Saturday, March 6, leaving between 250,000 to 300,000 Americans per month with no unemployment insurance as their regular benefits were exhausted. I am therefore pleased that the Congress has been able to act so quickly and decisively to address this situation. The bill will be on the President's desk for his signature by today or tomorrow, so that there will be no disruption in benefits to those who have been out of work the longest during this recession.

While the Clinton administration and Congress pursue action to stimulate and strengthen the economy, this legislation will provide the assistance necessary to get the long-term unemployed and their families through a few more months of joblessness while they seek employment. Until the unemployment rate falls, these benefits will help pay the mortgage and the doctor bills; they will help put food on the table and gasoline in the car. In Tennessee alone, 66,000 people are collecting unemployment insurance benefits each week, with 20,000 receiving EUC payments. And while our unemployment rate—6.6 percent as of January—is lower than the national average, it is still far too high. With the passage of S. 382, each week 1,500 Tennessee residents who would have exhausted their unemployment insurance benefits will now continue to have a source of income. These are people who have been looking but unable to find work for at least the past 26 weeks. We must ensure that these out-of-work Americans—the biggest victims of a decade of voodoo economics—have the helping hand they need until the economy stabilizes.

Some may argue that there is no reason to extend unemployment insurance because the economy is finally beginning to recover. Of course all of us are extremely pleased that the economic engine seems to be chugging along more forcefully in recent months, but it must be pointed out that the economic recovery has not yet had a marked effect on the employment rate. While many of the leading economic indicators are improving, the unemployment rate of 7.1 percent today is actually higher than during the depths of the recession, when unemployment stood at 6.7 percent. In past recessions, an increase in employment usually led the economic recovery. We now have a situation of unprecedented unemployment in the aftermath of a recession. Because our unemployment rate remains so high, we had no choice but to pass this legislation. Without S. 382, 45,000 Tennessee residents would have been cut off from receiving benefits between now and October, when the EUC Program will expire. To ensure the continuance of our economic recovery, and to keep these families stable, we had to ensure that these 45,000 Tennesseans—and the millions like them around the country—maintained some measure of purchasing power.

Make no mistake in thinking that the Emergency Unemployment Compensation Program is a solution to our economic woes. It is not: EUC is only a short-term measure to help relieve a very serious problem. Let us now move as quickly as we can with an economic recovery plan that will provide long-term solutions. We must invest wisely in our future, in a way that provides job growth, improves our infrastructure, and utilizes our human capital. At the same time, it is imperative that we tackle our mammoth deficit, which threatens any long-term recovery.•

## TRIBUTE TO THE COMMUNITY BANKERS ASSOCIATION OF THE STATE OF NEW YORK

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to an organization that has dedicated itself to helping the people of New York State in recognition of its centennial anniversary. The Community Bankers Association of New York State represents 135 community and savings banks with assets of $145 billion, employing 35,000 people at 1,400 locations statewide.

Mr. President, the savings and community banks of New York have played an invaluable role in meeting the local housing, consumer business, and educational needs of New York's communities for almost two centuries. These community oriented institutions have provided $82 billion in housing for almost 5 million people; $3.7 billion in consumer loans to more than 800,000 people; and 140,000 student loans to enable young people, our most valuable resource, to receive an education. New York's community banks also provide our citizens with $20 billion in low-cost, consumer-oriented life insurance.

Mr. President, I commend the Community Bankers Association of New York State for their service to their State and the contributions of their members to the well-being of our citizens.•

## URGING THE UNITED NATIONS TO SUPPORT A RESOLUTION ON HUMAN RIGHTS IN CUBA

Mr. BURNS. Mr. President, I send a resolution to the desk on behalf of Mr. MACK, for himself, Mrs. FEINSTEIN, Mr. HELMS, Mr. GRAHAM, Mr. MCCAIN, Mr. DOLE, Mr. LIEBERMAN and Mr. BURNS, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 76) urging the member nations of the United Nations Commission on Human Rights to support a resolution on human rights in Cuba.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, on March 9 the U.N. Commission on Human Rights in Geneva will consider a resolution drafted and cosponsored by the United States on Cuba. The main purpose of the U.N. resolution is to extend the mandate of Special Rapporteur on Cuba appointed by the Commission last year.

Mr. President, today I rise to introduce a Senate resolution that would urge the member nations of the U.N. Commission on Human Rights to support this United States-drafted resolution on human rights in Cuba.

Last year, the U.S.-drafted resolution establishing a Special Rapporteur passed by a margin of 23 to 8 with 21 abstentions. The Castro government responded by refusing to comply with "one single comma" of the resolution, and by cracking down on human rights monitors on December 10, 1992, U.N. Human Rights Day.

This year the United States delegation hopes to increase support in the Commission for investigating human rights in Cuba, thereby increasing the pressure on Cuba to allow the Special Rapporteur to fulfill his mandate. It is critical for the cause of human rights in Cuba and for the effectiveness of the U.N. Human Rights Commission that the pressure on Cuba be increased in this session of the Commission.

The Senate resolution I am introducing cites the dismal record of Cuban noncompliance with U.N. resolutions concerning Cuba. The Castro regime has ignored the U.N. Special Representative, has ignored the U.N. Special Rapporteur, has ignored the U.N. General Assembly, and has ignored repeated calls to abide by the most fundamental human rights.

Mr. President, there is no one I know who is more courageous and selfless than the human rights activists who risk their lives and freedoms almost daily to challenge Castro's tyrannical regime. The report of the U.N. Special Rapporteur states flatly that the Cuban Government, "tends to resort to the use of repressive means to silence any expression of discontent or independent opinion, no matter how small."

That says it in a nutshell, Mr. President—"no matter how small." Castro's tyranny is total. Yet we can and must stand in solidarity with the brave Cuban people yearning to breathe free. A strong vote in the U.N. Human Rights Commission for human rights in Cuba will give heart to these brave people and say to them: we have not forgotten you, we stand with you.

The U.S. Senate should pass this resolution to send the message to Fidel Castro that the world will not ignore his repression of human rights and his flouting of the U.N. Human Rights Commission. I urge passage of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 76

Whereas the United States has an obligation to promote and protect human rights and fundamental freedoms stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights;

Whereas the United States committed in the Cuban Democracy Act of 1992, to "continue vigorously to oppose human rights violations in the Castro regime";

Whereas Resolution 61 (1992) of the United Nations Commission on Human Rights provided for the appointment of a Special Rapporteur "to review and report on the situation of human rights in Cuba and to maintain direct contact with the government and citizens of Cuba";

Whereas the Cuban government refused to permit the Special Rapporteur to visit Cuba and formally expressed its decision not to "implement so much as a single comma" of Resolution 61;

Whereas, despite the obstructionist actions of the Cuban government, the Special Rapporteur submitted a report describing the systematic abuse of human rights and concluding that the Cuban government "tends to resort to the use of repressive means to silence any expression of discontent or independent opinion, no matter how small";

Whereas the Cuban government increased repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, December 10, 1992;

Whereas on December 18, 1992, the United Nations General Assembly passed Resolution 47/139 which "regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms" and expressed "deep concern at arbitrary arrests, beatings, imprisonment harassment, and governmentally organized mob attacks on human rights defenders and others who are engaged in the peaceful exercise of their rights"; and

Whereas the United States is cosponsoring a resolution on Cuba in the 1993 session of the United Nations Commission on Human Rights which commends and endorses the report of the Special Rapporteur, extends his mandate for one year, and calls upon the Cuban government to carry out the recommendations of the Special Rapporteur to "bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards . . . and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the member nations of the United Nations Commission on Human Rights should cosponsor and vote for the resolution reappointing the Special Rapporteur on Cuba and calling on the Cuban government to abide by internationally recognized standards on human rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the member nations of the United Nations Commission on Human Rights.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe:

The Senator from New York [Mr. D'AMATO];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Pennsylvania [Mr. SPECTER]; and

The Senator from Florida [Mr. MACK].

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Arizona [Mr. McCAIN], from the Committee on Armed Services, and the Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from New York [Mr. D'AMATO], from the Committee on Appropriations, and the Senator from South Dakota [Mr. PRESSLER], at Large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Montana [Mr. BURNS], from the Committee on Appropriations, and the Senator from Mississippi [Mr. LOTT], at Large.

Mr. WELLSTONE. Mr. President, I was going to suggest the absence of a quorum, but I see the Senator from Oklahoma is here.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE PRESIDENT'S ECONOMIC PACKAGE

Mr. NICKLES. Mr. President, last night the Congressional Budget Office issued an analysis of the President's economic package and what its economic impact would be on the deficit. I have compiled a fact sheet to show my colleagues so they will see what its impact is each year starting in 1993, all the way through 1998.

Mr. President, I am going to insert this in the RECORD, but first I would like to tell my colleagues what the impact is.

One, President Clinton's deficit reduction goal falls $107 billion short of his stated goal.

I will just mention a couple of these items. CBO says new taxes equal $337 billion between 1993 and 1998. These are cumulative figures. New taxes are $337 billion, and tax cuts are $70 billion, so net new taxes are $267 billion. They have not supplied us a list to show what all the new taxes are. Some of us want to make sure they are including the Social Security tax increase on senior citizens. I do not know if CBO counted that or not. President Clinton said in his State of the Union Address that he wanted to rely on the Congressional Budget Office. He said we are going to have truth in budgeting. So the figures I am giving are not just from the Republican Policy Committee or DON NICKLES, they are from CBO. Hopefully, we will get the details of the CBO statement so we can show everybody exactly where these figures come from.

But the analysis says that between 1993 and 1998, net new taxes equal $267 billion.

The report also says discretionary spending cuts equal $159 billion; and $112 billion of that $159 billion is in defense. So that means there are $47 billion in nondefense spending cuts.

CBO also says that there are discretionary spending increases of $155 billion. So in nondefense, you have $47 billion in spending cuts and $155 billion in spending increases. Including defense, net discretionary spending cuts are $5 billion. Entitlement cuts, according to CBO, equal $85 billion and new entitlement spending $34 billion for net entitlement spending cuts over this 5-year period of $51 billion.

So if you add all the spending cuts together—defense, nondefense, and entitlements—the total amount of all spending cuts, according to CBO, over the 5 years is $55 billion. I might mention, these are compared to CBO baselines, and that is confusing for a lot of people, but that is what the Congressional Budget Office has projected spending would be over the next 5 years.

I think it is important now to notice the difference in the ratio. The Congressional Budget Office says over the next 5 years net new taxes will equal $267 billion and it says the net amount of spending cuts over the next 5 years is $55 billion. For those who have not figured it out, that means there is $4.85 for very dollar in spending cuts, almost five times as much in tax increases as in spending cuts.

I think that is a vitally important point for people to realize. I hope that figure sinks in. We are talking about almost $5 of tax increases for every dollar of spending cuts, and this comes from the Congressional Budget Office.

I cannot help but think that many of my colleagues are under the impression, that we are cutting spending just about as much as we are raising taxes. As a matter of fact, some newspapers are still reporting this is a balanced deal. That is not the case. That is not the truth. Those are not the facts.

The facts, according to the Congressional Budget Office, are that we are going to raise taxes $267 billion in the next 5 years and we are going to cut spending $55 billion, a 4.85-to-1 ratio. That is not balanced. That is more than just being heavy on the tax side. That is lopsided on the tax side. I might mention, I notice the Presiding Officer and I compliment him because he is one of the few Members in this body who comes from the private sector as I have.

That massive new tax increase is going to put a lot of people out of work. I will just touch on one, the energy tax.

Some of my colleagues say, I know the Senator from Oklahoma is concerned about energy. He is from an energy-producing State. But I am concerned about this tax's ramifications throughout the economy. The energy tax alone, it is said, is going to raise $71 billion but President Clinton's budget says we are going to offset that with $42 billion of spending increases through low-income energy assistance, through earned income tax credits, through increased food stamps. He is going to spend an additional $42 billion to cushion the impact of a $71 billion increase in energy taxes.

But I wonder how that offset will affect a company like American Airlines. American Airlines is the largest private employer in the State of Oklahoma. American Airlines, unfortunately, last year lost $985 million. The net impact of the tax increases on energy alone is estimated by them to range from $200 some million to $300 some million. They cannot afford that. They cannot pass it on. If they could pass it on, they would have passed it on this year and they would not have lost all the money.

So my concern is that we are going to be putting a lot of people out of work. Some people have estimated the energy tax provision alone will cost 700,000 jobs. I do not know how many jobs it is going to cost.

Mr. BURNS. Will the Senator from Oklahoma yield on that point?

Mr. NICKLES. I will be happy to yield.

Mr. BURNS. If we lost as many jobs as have been lost in the energy area to explore and to lift oil and gas in the last, let us say, 8 years, there would be a national outcry because this whole infrastructure to produce oil and gas in our own country has completely moved offshore and now they take another hit. I just wonder if the American people are aware of how devastated this industry has been since 1984 and 1985.

Mr. NICKLES. I appreciate my friend's comments and question because there is no doubt that most people are not aware of the fact that there are over 400,000 people who have lost their jobs in the energy sector just in the last 8 to 10 years. And this energy tax, I might tell my friend and colleague from Montana, is going to put a lot more people out of work. But I will also say that the majority of the 700,000 that many people are projecting will be out of work is not from the energy industry. Many will be from the energy industry, but many more will be in airlines, many more will be in steel, many more will be in automobiles, many more will be in agriculture, many more will be in any industry that is significantly dependent on energy.

I might mention, too, to my colleague that it is going to have an inflationary impact of significance. I had a manufacturing plant, and if our energy costs went up we tried to pass them on. And if we were profitable, we would pass them on.

But I might also mention in our industry today, we are not profitable. We cannot pass them on. We would if we could, but we cannot. And the net result is that this could further push many ailing industries over the cliff.

I see this package being very lopsided in the form of tax increases versus spending cuts, almost a 5-to-1 ratio of tax increases versus spending cuts. It is going to put a lot of people out of work. I do not think we want to do that. I think we need to look at the facts. This is not a balanced program that President Clinton has proposed. This is not a program with deficit reduction of $500 billion over the next 5 years of half tax increases and half spending cuts. The Congressional Budget Office says it is not $500 billion in deficit reduction. It is $322 billion. And of the $322 billion, $267 billion of it is tax increases and $55 billion of it is spending cuts.

Now, they go on to add that they would expect we would have debt service savings of $33 billion. And so for the total deficit reduction, it would be $355 billion over the 5 years compared to $462 billion as claimed by President Clinton and so there is a net overstatement in deficit reduction of $107 billion.

Mr. President, I have that report which I will include in the RECORD. I also want to include in the RECORD a year-by-year assessment of President Clinton's plan and how it is scored by CBO. I might mention that this will show on a year-by-year basis by the end of the 5 years, yes, they overstate the deficit reduction by $107 billion. It also shows the new taxes that are proposed as scored by CBO. They show zero in 1993, and I find that interesting because I have heard Treasury Secretary Bentsen and others saying that some of the tax increases will be retroactive back to January 1 of this year. I guess the money will not be collected until 1994 and that is probably the reason why it is scored zero in 1993. But actually it is a tax increase for 1993. I think most of my colleagues are aware of that.

But CBO does estimate that in 1994 we will have net new taxes, new taxes minus the tax cuts of $28 billion. They estimate net new taxes in 1995 of $39 billion; 1996, $56 billion; 1997, $72 billion; and 1998, $72 billion. That is a total of $267 billion.

On the spending cuts, if you look at the so-called net discretionary spending cuts, after all those 5 years, it says, well, we are going to have total discretionary spending cuts of $159, but it says we are going to have spending increases of $155, so we will only have $5 billion of net discretionary spending cuts. And that includes the defense cuts.

But I might show you where they fall. The first year we do not have a net spending cut. In 1993, we have a $3 billion spending increase. In 1994, we do not have a spending cut. We have a $10 billion spending increase. In 1995, we do not have a spending cut. We have a net increase in spending of $15 billion. In 1996, we do not have a spending cut. We have a spending increase of $3 billion.

Mr. President, we do not have a spending cut until 1997, and then we have a spending cut of $17 billion, and in 1998 a spending cut of $19 billion.

I might mention to my colleagues that in the 1990 budget package, all the spending cuts were stacked towards the last 2 years, and is it not interesting to note that all the spending cuts in the President's package are stacked toward the last 2 years?

It also just so happens that the Clinton administration, when they made their proposal, wanted to eliminate the spending caps of the 1990 budget package for 1994 and 1995. In other words, the only real cuts that were called for in the 1990 package he wants to lift, he wants to take off the caps; he wants to increase spending—$44 billion of his loss of revenue, or his loss in deficit reduction compared to CBO is his changing or lifting of the caps.

It is interesting to note that in the first 4 years of this package he actually increases domestic spending and then in the last 2 years he actually cuts spending.

On the entitlement side, President Clinton proposed increasing spending in 1993 by $3 billion, the year we are in. I might mention that this does not include the unemployment compensation package that we passed yesterday that increased entitlement spending $3.2 billion in 1993 and $2.3 billion in 1994. CBO did not score that. We are spending money faster than CBO can calculate even though they are supposed to be on top of it.

In 1994, they show no net entitlement cuts; in 1995, $2 billion in net entitlement savings; in 1996, $11 billion in net entitlement savings; in 1997, $18 billion in net entitlement savings; and in 1998, $24 billion in net entitlement savings.

Again you might notice, Mr. President, that all the spending cuts on entitlements are really saved for the last 3 years of the package. In other words, no pain for 1993, 1994, and 1995. As a matter of fact, we are going to spend more money in those years. But we will start making cuts 3 years hence.

So net spending cuts, if you add all this together, equal $55 billion.

Now, I might remind my colleagues, too, of that $55 billion in spending cuts, we cut spending in defense by $112 billion. I will project right now that this Congress will not allow that to happen. I doubt that we will even cut this much in our budget resolution, but we surely will not do that 2 or 3 years from now because I think that is grossly irresponsible and we will not be able to maintain a quality military force.

But if we were cutting defense $112 billion, it is kind of interesting to see over the next 5 years the total net spending cuts are $55 billion. If you take defense out, you will find out we are really spending more money in entitlements and other nondefense programs by a significant amount.

Mr. President, I am going to ask unanimous consent to have inserted into the RECORD both of these charts. I hope that all my colleagues will look at these charts. These charts clearly show two things: One, the Congressional Budget Office does not agree with President Clinton. The Congressional Budget Office says that his budget package falls short $107 billion of his stated deficit reduction objectives.

The Congressional Budget Office also shows that under his plan, according to the Congressional Budget Office, the way they score it, $4.85 in taxes are raised for every dollar in spending reduction.

I find that to be grossly irresponsible. I find that to be totally unacceptable, and we need to change the plan. I hope my colleagues will look at this. I hope my colleagues will consider it, and I sure hope and pray we will change it and change it dramatically before we see a budget pass this Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the CBO report on the Clinton deficit reduction plan dated March 3, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*CBO on the Clinton Plan: $4.85 in taxes for every $1.00 in spending cuts*[1]

| | *1993 to 1998* |
|---|---|
| New taxes | 337 |
| Tax cuts | (70) |
| Net new taxes | 267 |
| Discretionary spending cuts[2] | 159 |
| Discretionary spending increases | (155) |
| Net discretionary spending cuts[2] | 5 |
| Entitlement spending cuts | 85 |
| Entitlement spending increases | (34) |
| Net entitlement spending cuts | 51 |
| Net all spending cuts[2] | 55 |
| Total, new taxes & spending cuts | 322 |
| Debt service savings | 33 |
| Total deficit reduction | 355 |
| Claimed by Clinton plan | 462 |
| Amount of Clinton plan overstatement | 107 |

[1] $267 billion in new taxes/$55 billion in spending cuts=$4.85.

[2] Includes $112 billion in cuts to discretionary defense spending. Dollars in billions, compared to the CBO current law baseline. Items which increase the deficit are listed in (parentheses).

Source: CBO Report released on March 3, 1993.

CBO ON THE CLINTON PLAN: $4.85 IN TAXES FOR EVERY $1 IN SPENDING CUTS[1]

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | Total |
|---|---|---|---|---|---|---|---|
| New taxes | 0 | 46 | 52 | 68 | 85 | 86 | 337 |
| Tax cuts | 0 | (18) | (13) | (12) | (13) | (14) | (70) |
| Net new taxes | 0 | 28 | 39 | 56 | 72 | 72 | 267 |
| Disretionary spending cuts[2] | 0 | 3 | 8 | 28 | 56 | 63 | 159 |
| Discretionary spending increases | (3) | (13) | (23) | (32) | (39) | (45) | (155) |
| Net discretionary spending cuts[2] | (3) | (10) | (15) | (3) | 17 | 19 | 5 |
| Entitlement spending cuts | 0 | 4 | 8 | 18 | 25 | 31 | 85 |
| Entitlement spending increases | (3) | (4) | (6) | (7) | (7) | (7) | (34) |
| Net entitlement spending cuts | (3) | 0 | 2 | 11 | 18 | 24 | 51 |
| Net all spending cuts[2] | (7) | (9) | (13) | 7 | 35 | 42 | 55 |
| Total, new taxes and spending cuts | (7) | 18 | 26 | 64 | 107 | 114 | 322 |
| Debt services savings | (0) | 0 | 2 | 4 | 10 | 17 | 33 |
| Total deficit reduction | (7) | 19 | 27 | 68 | 117 | 131 | 355 |
| Claimed by Clinton plan | (12) | 40 | 55 | 89 | 141 | 149 | 462 |
| Amount of Clinton plan overstatement | (5) | 22 | 28 | 21 | 24 | 18 | 107 |

[1] $267 billion in Net New Taxes/$55 billion in net all spending cuts=$4.85.

[2] Includes $112 billion in cuts to discretionary defense spending. Dollars in billions, compared to the CBO current law baseline. Items which increase the deficit are listed in (parenthesis).

Source: CBO Report released on March 3, 1993.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Montana.

## THE SEXUAL ASSAULT PREVENTION ACT OF 1993

Mr. BURNS. Mr. President, I rise today to add my name as a cosponsor to S. 6, the Sexual Assault Prevention Act of 1993. This bill takes a strong stance on the prevention and punishment of sexual violence. It seeks to assist and protect the victims of these horrible crimes and gives power to States and localities to help as well.

Mr. President, this is not a subject on which I usually speak, and I will not profess to be an expert in this area. God willing, my family will never have to face the types of terrors this bill addresses. But for many, this bill may be a lifesaver. And I mean that literally.

We need to be tough on the criminals and protective of the victims. In the best of all worlds, we should be able to prevent the crime from taking place to begin with. Barring that possibility, we should, at the very least, put the victims' rights first and make certain the perpetrator does not have the chance to repeat the crime.

This bill, Mr. President, goes a long way in seeking protection for those victims of these horrible crimes, and gives powers to the States and localities to help them, as well.

Violence is a serious issue, and unfortunately, in the case of sexual violence and domestic violence, women are usually the targets. We all have a mother, some of us have a wife, and some of us have sisters and daughters. I would hope, that in a year that has been labeled "Year of the Woman," we would do everything possible to see that our loved ones are protected from the nightmare of sexual violence.

We need to get tough on crime, and I believe strongly that this is something we can do now, without having to wait for a comprehensive crime package.

I am honored to add my name as cosponsor to S. 6.

I yield the floor.

## AUTHORIZING TESTIMONY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Ms. MOSELEY-BRAUN. Mr. President, on behalf of the majority leader and the Republican leader, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 77) to authorize testimony and to authorize representation by the Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in *Kofoed* v. *Swanson-Nunn Electric Company, et al.*, No. 9209–06644, an employment discrimination case pending in the Oregon Circuit Court for Multnomah County, the defendants seek the deposition testimony of a member of Senator HATFIELD's staff, concerning casework performed for the plaintiff. This resolution would authorize the employee's testimony in this case, except concerning matters for which a privilege should be asserted, and would authorize the Senate Legal Counsel to represent the employee in connection with that testimony.

The PRESIDING OFFICER. If there is no objection, the resolution and the preamble are agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 77

Whereas, the defendants in Kofoed v. Swanson-Nunn Electric Company, et al., No. 9209–06644, pending in the Circuit Court of the State of Oregon for Multnomah County, seek the deposition testimony of Suzanne Beede, a Senate employee on the staff of Senator Hatfield;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

*Resolved*, That Suzanne Beede is authorized to testify in Kofoed v. Swanson-Nunn Electric Company, et al., No. 9209—06644 (Or. Cir. Ct.), except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Suzanne Beede in connection with the testimony authorized by section 1 of this resolution.

Ms. MOSELEY-BRAUN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion to proceed.

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 460.

## CLOTURE MOTION

Ms. MOSELEY-BRAUN. Mr. President, on behalf of the majority leader, I send to the desk a cloture motion on the motion to proceed to S. 460, the motor-voter bill.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard M. Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

## LIVE QUORUM WAIVED ON CLOTURE MOTION

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the mandatory live quorum as required under rule XXII be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the Senator from Tennessee be recognized to address the Senate, and that at the conclusion of his remarks, the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHEWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion to proceed.

Mr. MATHEWS. Madam President, I rise today in support of S. 460, the National Voter Registration Act of 1993, dubbed as the motor-voter bill.

I also come to the floor to express my concern that early in the 103d Congress we are seeing the gridlock which was so much a topic in the recent Presidential election.

We are all aware that this legislation passed the House and Senate in the 102d Congress, but was vetoed by then-President Bush.

Although the Senate was not able to override Mr. Bush's veto, the plurality of that vote, 62 to 38, shows the bipartisan support which this bill has.

I would like to note that Senator FORD is joined by Senator HATFIELD as a primary sponsor of this legislation, legislation which lists Democrats and Republicans alike as cosponsors.

Yet, last night an objection was raised to consideration of the bill which has forced my colleague from Kentucky to file a cloture motion, further delaying consideration of the bill.

I certainly respect the rights of Senators to object to consideration of a bill, but this legislation has been debated for quite some time now, and our colleagues in the House passed identical legislation 1 month ago.

Madam President, concerns have been raised over the costs of this bill as well as the potential for increased voter fraud.

When I first reviewed the legislation I had similar concerns. I immediately contacted the State election commission in Tennessee to get their opinion of the bill and its potential impacts on my State. Madam President, no one is pretending that this bill does not carry some additional burdens for the States.

However, I believe the long-run benefits may outweigh those initial burdens.

Officials in the secretary of state's office in Tennessee were concerned initially about added costs. But after reviewing the registration processes they agreed that the greater part of increased expenses were needed regardless of this legislation and would certainly make the proposed registration procedures more efficient.

In the long run, Madam President, this efficiency will help in reducing costs.

Other arguments related to voter fraud are valid concerns.

However, I feel that State officials—working in conjunction with the Federal Election Commission in implementing this legislation—will establish appropriate safeguards to prevent voter fraud, safeguards similar to those which are already proving themselves to be effective in many States.

Madam President, these concerns aside—and they are valid concerns, ones I know we can address—my apprehension today relates to the posture taken by many in this body that this bill should not go forward; that States do not want this bill; that this is a bad bill on its face.

I would say to these individuals that those arguments echo the debates of those who opposed the 15th amendment to the Constitution preventing discrimination based on race, color or previous servitude; the debates of those who opposed the 19th amendment preventing discrimination based on sex; the debates of those who opposed the 24th amendment preventing discrimination based on ability to pay taxes; and the debates of those who opposed the 26th amendment granting the right to vote to all eligible citizens upon reaching the age of 18.

Like those amendments, this legislation is about expanding our democracy and increasing participation of U.S. citizens in the voting process.

Instead of discrimination based on age, class, sex, or race, we are seeking to eliminate the final barriers which make it difficult for many Americans to access voter registration processes.

The legislation is about allowing the voice of all Americans to be heard: not of rich or poor, black or white, southern or northern, and I would emphasize not of Republican or Democrat, but of all American citizens.

Madam President, I voted with the majority of my colleagues on the Senate Rules Committee to report this bill to the floor.

As we often hear, this is not a perfect bill, that is one reason the Federal Election Commission is charged with working with the States to establish registration procedures.

I may still support amendments which will improve the legislation, but currently the Senate cannot move to amendments because some in this body would hold up the action of the Senate by seeking to kill this bill.

We know that President Clinton supports this bill and will sign it when it comes to his desk.

I urge that this delaying process be ended once cloture is invoked, and I feel certain that it will be.

Those who have concerns about the bill should offer amendments and let the Senate act on those amendments individually.

When I came to this body just 2 months ago, I was impressed immediately by the relationship which exists between Senators—even though those Senators might differ greatly on issues.

I hope that we can move forward to debate those differences, not limit action on the floor.

I commend the floor manager, Senator FORD, for moving this bill to the floor quickly.

I now encourage my fellow Senators to invoke cloture so that we can consider this legislation, which will be a benefit to all Americans.

Madam President, I yield the floor.

## ORDERS FOR TOMORROW

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Friday, March 5; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be a period for morning business, not to extend beyond 9:20 a.m., with Senators permitted to speak therein for up to 5 minutes each; that immediately following the Chair's announcement, Senator NUNN be recognized to speak for up to 30 minutes; that at 9:20 a.m., the Senate resume debate on the motion to proceed to S. 460, with the time between 9:20 and 9:40 a.m. equally divided and controlled between Senators FORD and MCCONNELL; that at 9:40 a.m., as agreed to in a preceding agreement, the Senate vote, without any intervening action or debate, on the motion to invoke cloture on the motion to proceed to the consideration of S. 460.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 8:45 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:45 a.m., Friday, March 5.

Thereupon, the Senate, at 5:12 p.m., recessed until Friday, March 5, 1993, at 8:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 4, 1993:

### THE JUDICIARY

RUSSELL F. CANAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RONALD P. WERTHEIM, RETIRED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 1993:

### DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

PETER B. BOWMAN, OF MAINE, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

BEVERLY BUTCHER BYRON, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

JAMES A. COURTER, OF NEW JERSEY, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

REBECCA GERNHARDT COX, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

HANSFORD T. JOHNSON, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

HARRY C. MCPHERSON, JR., OF MARYLAND, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

ROBERT D. STUART, JR., OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 103RD CONGRESS.

JAMES A. COURTER, OF NEW JERSEY, TO BE CHAIRMAN OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF TAX LEGISLATION

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. LEVIN. Mr. Speaker, today I am introducing with Representative JOHN LEWIS and Representative DAVE CAMP a bill to amend section 842(b) of the Internal Revenue Code which affects the taxation of foreign companies carrying on insurance businesses within the United States. This legislation is intended to correct certain technical problems and inequities in the current section 842(b).

Section 842(b) was added to the Internal Revenue Code as part of the Omnibus Budget Reconciliation Act of 1987 to address a concern that foreign insurance companies were able to minimize the amount of net investment income subject to U.S. taxation. Section 842(b) sets out rules for calculations of "required U.S. assets" and "minimum effectively connected net investment income." Under section 842(b), the net investment income of a foreign insurance company that is effectively connected with the conduct of an insurance business in the United States may not be less than the required U.S. assets of the company multiplied by the domestic investment yield applicable to the company for the taxable year. "Required U.S. assets" is the product of the foreign insurance company's U.S. insurance liabilities and the domestic asset-liability percentage. Once this minimum amount of effectively connected net investment income is calculated, the insurance company pays tax under the regime set out in subchapter L of the Internal Revenue Code, but using the greater of this minimum amount or the company's actual amount of effectively connected net investment income as the amount of its net investment income.

The amending legislation does not change the fundamental concept set out in the 1987 amendments but simply corrects certain technical problems and inequities. Current section 872(b) is inconsistent with our international obligations. The amending legislation modifies current section 842(b) in three mechanical ways.

The first two problems with current section 842(b) are due to the fact that Treasury has been using 2-year-old financial statement data from the annual statements of the domestic insurance companies—the so-called NAIC annual statements—as the representative domestic company data to determine the domestic assets-liability percentage and domestic investment yield. The domestic asset-liability percentage and the domestic investment yield are then used by the foreign insurance companies to calculate their minimum effectively connected net investment income. The amending legislation requires that Treasury use domestic company tax return data, to the extent possible, from the same taxable year as the year for which the section 842(b) calculations are being done. Since foreign insurance companies are taxed on the basis of the domestic asset-liability percentage and the domestic investment yield calculated under section 842(b), it seems only fair and reasonable that the domestic ratios be calculated using the statement data. Furthermore, the use of domestic insurance company tax return data changes the calculation of the minimum amount of effectively connected net investment income so that it is based upon amounts of net investment income on which domestic companies have been taxed.

The third problem with current section 842(b) is that it does not take into consideration year-to-year investment yield fluctuations which are due to normal trading practice differences. The amending legislation provides for a carryover account to account for ordinary year-to-year differences in portfolio trading practices from company to company.

The use of 2-year-old data from domestic insurance companies to calculate the domestic asset-liability percentage and the domestic investment yield creates a serious distortion in calculating the appropriate tax liability for foreign insurance companies. The 2-year lag has created a particularly serious problem given the effective date of section 842(b). The first taxable year for which section 842(b) is applicable is 1988. Thus, 1986 investment yields will be used under existing section 842(b) to calculate the minimum which will be compared with the foreign insurance company's 1988 actual effectively connected net investment income. Investment yields for 1986 were much higher than the investment yields earned by both domestic and foreign companies in 1988. The 1986 domestic investment yield, as calculated by Treasury, was 10 percent. The comparable domestic investment yield for 1988 is 8.8 percent, a difference of 120 basis points. This problem can reoccur from year to year as yields fluctuate.

A second problem with current section 842(b) involves the source of the data being used by Treasury to calculate the domestic asset-liability percentage and the domestic investment yield. In both Notice 89–96 and Notice 90–13, Treasury stated that it utilized NAIC annual statement data to determine both the domestic asset-liability percentage and the domestic investment yield. Tax return net investment income can vary significantly from NAIC annual statement net investment income. Congress recognized this point in section 56(f)(1) which provides that, for taxable year 1987, 1988, and 1989, a corporation must increase its alternative minimum taxable income by 50 percent of the difference between financial statement income, as adjusted, and alternative minimum taxable income by 50 percent of the difference between financial statement income, as adjusted, and alternative minimum taxable income computed without regard to section 56(f)(1). Using NAIC annual statement data for section 842(b) purposes has the effect of taxing foreign life insurance companies based upon the financial statement net investment income of domestic life insurance companies even though there is no assurance that the domestic life insurance companies have been or will be actually subject to tax on that amount of net investment income.

Perhaps the most significant difference between NAIC annual statement data and tax return data is in the calculation of net capital gains and losses. For NAIC annual statement purposes, gains and losses are calculated using NAIC asset values, not actual tax costs. NAIC asset values are subject to write-downs and write-ups, with conservative guidelines mandated for use in the preparation of the NAIC annual statement dictating more write-downs than write-ups. This results in a book value which is generally less than tax cost and therefore NAIC annual statement capital gains greater than capital gains on a tax basis. Such overstatements inflate the domestic investment yield. This inflation of domestic investment yield is inappropriate since the U.S. insurance companies are not being taxed on the gains calculated in this manner.

A third problem with section 842(b) which is addressed by this legislation involves the whipsaw effect of section 842(b)'s year-by-year comparison of the required minimum amount of effectively connected investment income and the company's actual net investment income.

Under current law section 842(b), in any taxable year, a foreign insurance company is subject to tax on the greater of first, its actual effectively connected net investment income and second, its minimum effectively connected net investment income, with the minimum being calculated using domestic company financial statement data from 2 years previous to the current year. This greater-of approach will result in the foreign insurance company being subject to tax on net investment income greater than either it or a representative domestic insurance company earns over any measured period of time.

For example, if foreign company investment yields over time are identical to domestic company investment yields during the same period but differ on a year-by-year basis, under current section 842(b), because of the greater-of approach of section 842(b), exacerbated by the 2-year lag and data collection problems, the foreign company will be subject to tax on a greater cumulative yield over the period than either it or the representative domestic companies earned during that period. A small difference in investment yield can create large distortions in the calculated minimum under section 842(b). This distortive impact can create a U.S. tax liability for a foreign insurance company that exceeds its U.S. net income.

A carryover account is needed even though the amending legislation eliminates the use of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2-year-old data. The carryover account is needed to account for year-by-year differences in trading practices, year-to-year investment performance, portfolio mix, and the timing of realization of capital gains and losses between a foreign insurance company and the representative domestic insurance company which can result in significant year-by-year differences between the domestic and foreign yields, even where the yields are identical on a cumulative basis over time.

The use of a carryover account is necessary to ensure that trading differences and timing issues do not result in a foreign insurance company being subject to income tax on a cumulative amount of net investment income that exceeds both what the foreign insurance company and the representative domestic insurance company actually earned over the period of time. The carryover account would keep track, on a yearly basis, of the cumulative difference between actual effectively connected net investment income and minimum effectively connected net investment income. The intent of the carryover account is to ensure that a foreign insurance company will be subject to tax on the greater of its cumulative actual effectively connected net investment income and the cumulative minimum effectively connected net investment income. The greater-of concept is measured on a cumulative basis, not an annual basis.

While current section 842(d)(2) provides that Treasury shall issue regulations that provide for adjustments in future years where actual effectively connected net investment income in a year exceeds minimum effectively connected net investment income for that year, no regulations have been issued on this point. The amending legislation clarifies that adjustments would be made so that the foreign company will be subject to tax over the cumulative period on the greater of what it actually earns over the same period. If, due to poor investment performance, the foreign company earns less then the company would be subject to tax on the cumulative minimum. If the foreign company earns more than the cumulative required minimum over the period, the foreign company would be subject to tax on its cumulative actual.

Finally, in addition to the problems laid out above, current section 842(b) violates the nondiscrimination articles found in many of our income tax treaties in that section 842(b) taxes a foreign insurance company less favorably than domestic insurance companies are taxed because, under the current section 842(b), foreign insurance companies are not taxed based upon their own investment results but instead are taxed based upon the investment results of their competitors with such results being calculated using 2-year-old financial statement data. The modifications described above are intended to make section 842(b) work in a manner that is fairer than the current section 842(b).

I have requested a revenue estimate from the Joint Committee on Taxation for this legislation and am awaiting a response. In these times of fiscal austerity, the revenue consequences of any proposal, even one firmly grounded in good tax policy as I believe this one is, may constrain the Congress in addressing a problem in the Tax Code. However, I strongly feel that revenue costs alone should not prevent us from seeking to implement our Tax Code fairly. Finally, it should be noted that during markup of the 1990 reconciliation bill, a proposal similar to this one, was included in a list of 28 tax proposals the Joint Committee on Taxation determined were good tax policy and were relatively noncontroversial. For all these reasons, I urge the House to give serious consideration to these important reforms.

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# SUPPORT THE CREATION OF A NATIONAL RESOURCE CENTER FOR GRANDPARENTS

## HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. HUGHES. Mr. Speaker, as the acting chairman of the House Select Committee on Aging, I rise today to introduce a bill which will create a National Resource Center for Grandparents. This bill, to amend the Older Americans Act of 1965 would create a central clearinghouse of information for millions of grandparents around our Nation, who are taking on the enormous challenges and responsibilities of caring for their grandchildren, or who are working to maintain lasting relationships with their grandchildren. My interest in this issue comes from a constituent of mine, Max Chasens from Margate, NJ. It was his testimony before the Subcommittee on Human Services of the Select Committee on Aging in 1982 that provided the initial leadership in what has become a nationwide initiative. This bill, introduced late in the 102d Congress by former Representative Thomas J. Downey, chairman of the Subcommittee on Human Services, has received great support from not only grandparents but also many organizations who work to advance intergenerational relationships and programs around the country, in particular Generations United, a coalition of over 100 national organizations on intergenerational issues and programs.

In addition, the bill has been endorsed by the National Coalition for Grandparents, a coalition formed by hundreds of grandparents support groups around the United States.

One might ask why we need a resource center for grandparents. After all, society has existed forever without one. What could be more natural than being a grandparent? I remember as a boy that my earliest recollections were of my grandfather. He was like another father to me. He was a member of our household until I left to get married. I could not have imagined life without his presence and his love. He was always there for me, but I was one of the fortunate. I had my parents and my grandfather at my side.

Unfortunately, times have changed and we are seeing a dramatic increase in the number of grandparents who are raising their grandchildren because the parents of those children cannot or will not. For whatever the reason, be it a dependency on drugs or alcohol, death, divorce, incarceration, grandparents are readily stepping in to fill the void that exist for their grandchildren.

Grandparents often require outside help to deal with the challenges of the nineties. The National Resource Center for Grandparents would provide that extra assistance. Often grandparents who are raising their grandchildren are unaware that there are others who are experiencing similar joys, challenges and frustrations.

Sometimes grandparents need a hand in handling a specific problem or situation in their own community that affects their grandchild.

The National Resource Center, which would be established by grant or contract, would provide a toll free number to increase access to the information and assistance available from the center. This assistance would be provided by professionals and volunteers, some of whom would be grandparents themselves, and would consist of referral, financial or legal information regarding the raising of and their relationship with their grandchildren. In addition, the center would be required to collect and make available information regarding the many programs, projects and activities developed by public and private organizations relating to matters involving grandparent/grandchild relationships, including information on State laws on visitation and custody and what public assistance might be available to grandparents.

More than 3 million children in our country currently live with their grandparents or other older relatives, and in at least a third of these homes, the grandparent is the sole or primary caregiver. This is not a new phenomenon, but the changing structure of the family in our society has brought it to the forefront. The extra support provided to these grandparents by the Resource Center is the very least we can do to preserve our Nation's families.

The Select Committee on Aging's Subcommittee on Human Services has had a long history of involvement with the rights of grandparents. Although Congress has no general authority of family law matters, it has been responsible for bringing national attention to the problems grandparents experience in seeking visitation. Over the last 13 years, several hearings have been held that have dramatically illustrated the needs of grandparents and grandchildren. I remember a comment Mr. Chasens made when he testified about the enormous expenses he and his wife had incurred and the number of years they had spent in court trying to gain the right to see their granddaughter. He said "it is slow torture not being able to see a grandchild."

We have come a long way since that early hearing, and while all States do now have statutes addressing visitation, many are not uniform. The Select Committee on Aging still receives many calls and letters from grandparents daily who have spent years trying to see their grandchildren, so we know that this problem still exists.

It is very important to note that in all situations involving grandchildren, or children in general, the best interest of the child is the foremost priority in any given situation.

The creation of the Grandparent Resource Center does not in any way seek to drive a wedge between existing family units, but rather to strengthen those that are in danger of becoming unhinged. Its sole purpose is to provide basic useful information to grandparents who request it.

I urge my colleagues to join me in cosponsoring this legislation which will provide grandparents with basic survival tools as they strive to guide and provide for their grandchildrens' best interest.

## TRIBUTE TO KATIA ZAHARIN BARRETT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Katia Zaharin Barrett, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Barrett began a career as a firefighter at the age of 31, after years of operating a successful consulting business. She is the first member of her family to attend college and is listed in Who's Who Among American Women. She is a graduate of San Mateo City Leadership Program, a softball player, and a musician who plays in a community band and in her church.

Mr. Speaker, Katia Zaharin Barrett is truly an outstanding citizen. I am privileged that she is part of my community and proud to enter these words of congratulations into the RECORD.

## HOUSE CONCURRENT RESOLUTION FOR INCLUSION OF NONDISCRIMINATORY LANGUAGE IN HEALTH CARE REFORM LEGISLATION

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. NORTON. Mr. Speaker, no one doubts the importance of enacting health care reform in this session of Congress. Our goal, however, is not only to enact the most comprehensive reform in our history but to introduce fairness and access where it is now absent. Mental health and substance abuse extract needless tragedy and costs that cannot be left out of reform that meets these standards.

Therefore, today I offer a House concurrent resolution which draws attention to the serious plight of those who suffer from mental illness and substance abuse. A year ago, I hosted the first annual congressional mental health forum. This resolution is a direct result of the findings of that forum. The goals of the forum, which were fully met, were to: identify inequities in our current mental health care system; examine the impact of those inequities on victims of mental illness and substance abuse and on the health care system, and make recommendations to end public and private sector discrimination against the mentally ill.

This resolution is offered to help ensure that the 19 percent of adult Americans suffering from some form of mental illness will not be forgotten in health care reform; that the 12 percent of Americans under the age of 18, suffering from mental illness, will not be forgotten in health care reform, and that the homeless who suffer from mental illness will not be forgotten in health care reform. This resolution also seeks to help reduce health care costs by encouraging treatment of mental illness and substance abuse before they extract the greatest costs, those incurred in hospitalization and those measured both in dollars and in human talent.

## THE PUBLIC DOES NOT SUPPORT THE CLINTON PLAN

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SOLOMON. Mr. Speaker, in the near future we will all be asked to vote on President Clinton's economic program. And contrary to recent reports in the unbiased Washington Post, support for Clinton's plan is three miles wide and only an inch deep.

A poll by Public Opinion Strategies conducted last week shows that only 15 percent of the public strongly supports the Clinton plan and 25 percent of the public needed to know more about the plan. We can safely assume they will not like what they learn. Fourteen percent generally oppose the plan and 12 percent strongly oppose the Clinton plan.

Additionally, when specifics are mentioned, the public is even less supportive. For example, a CNN poll shows that the proposed energy tax is opposed by a margin of 61 to 38 percent.

Clearly, the public opposes a massive new energy tax. There are not enough votes in either House to pass it, and what are the Clinton deficit numbers going to look like without it?

Interestingly, a majority of the public believes that the Clinton plan would reduce Government spending and a large percentage will be angry if their taxes go up.

What is going to be the reaction of the 47 percent of the public who believe that the President's plan is going to cut Federal Government spending when they find out the truth?

Already 28 percent of the public say they would be angry if their taxes go up. When the American people fully understand how much it is going to cost them, while doing very little to reduce the deficit, these numbers are going to become much, much worse.

## MONMOUTH-OCEAN JEWISH WAR VETERANS PAY TRIBUTE TO COUNTY PROSECUTORS KAYE AND CARLUCCIO

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. PALLONE. Mr. Speaker, on Sunday, March 7, 1993, in Red Bank, NJ, the Monmouth-Ocean County Council of the Jewish War Veterans of the United States of America will hold its annual Wyatt Earp Law Enforcement Day breakfast to honor their local law enforcement men of the year: Dan Carluccio, Ocean County, NJ, prosecutor, and John Kaye, Monmouth County prosecutor. Sunday morning's event is being held to honor these two fine public officials, the chief law enforcement officers of their respective counties, for their law and order efforts to eliminate bigotry and anti-Jewish activity. The annual event also honors the memory of two legendary Jewish law men, marshal Wyatt Earp and former New York City police chief Jacob Hays.

John Kaye has served as Monmouth County prosecutor since 1983, after more than 10 years in private practice. His office employs 47 lawyers, 66 investigators, 26 agents, and 98 clerical support and other assorted professionals. He chairs the Child Abuse and Drunk Driving task forces, and sits on some 10 boards and commissions, including the Human Relations Commission, the county board of Drug Abuse and Alcoholism Services Board, and the board of directors of the Monmouth County Police Academy. He chaired the New Jersey Commission on Missing Persons in 1988–89. Mr. Kaye has also distinguished himself on the national level, as the assistant treasurer and member of the board of directors of the National District Attorneys Association. He served many years as the New Jersey delegate to the association's board of directors. He has been involved in preparing training courses for the prosecution of environmental crimes throughout the country.

Dan Carluccio was appointed Ocean County prosecutor last year. After more than 25 years of private practice in the Ocean County area, Mr. Carluccio joined the staff of Governor Jim Florio in 1990 as a liaison to more than 40 independent New Jersey and bi-State agencies. He later served as general counsel to the Casino Control Commission. Prior to becoming an appointed official, Mr. Carluccio served as a trial attorney. He also served 7 years as deputy public defender in Ocean County, as well as Dover Township municipal prosecutor and as an officer, trustee, and president of the Ocean County Bar Association.

Mr. Speaker, I can personally attest to the professionalism, integrity, fairness, and commitment to public service of these two fine men. I join with my friends at the Monmouth-Ocean Council of the Jewish War Veterans in paying tribute to these two dedicated law enforcement officials.

## A TRIBUTE TO REV. DR. DONALD G. CAPP

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. VISCLOSKY. Mr. Speaker, it is with great honor that I rise today to recognize Rev. Dr. Donald G. Capp for his extensive contributions to the First Congressional District of Indiana.

Rev. Dr. Donald G. Capp founded the Crisis Center, Inc., of Gary, IN, in 1973 as an extension of Rap Line, a volunteer crisis hotline. He retired as executive director of the Crisis Center, Inc., on January 1, 1993, and will be replaced by his wife, Ms. Shirley Caylor. Throughout his tenure, he implemented ingenious programs and astute concepts for the Crisis Center, Inc. The center has been instrumental in providing professional services to children, youth, and families in northwest Indiana. Among the benefits provided by the center are drug and alcohol counseling, a 20-bed shelter for runaway and homeless teens, an outreach program to assist teens in crisis, and "Teen Court", an innovative juvenile delinquency prevention program whereby teens act as officers of the court to determine the sentences for their peers.

Donald Capp also served as president of the Indiana Youth Services Association for 6 years. During that time, a State office for the network of 23 youth service agencies was established. He is currently president of the Lake County Coordinating Alliance, president of the Regional Governor's Commission for a Drug Free Indiana and vice president of the Indiana Conference on Social Concerns. Dr. Capp also served on the Indiana Social Service Block Grant Advisory Committee from 1985 to 1992, as well as committees on the homeless for the Indiana-Kentucky Conference, the United Church of Christ, the Indiana Youth Institute planning process, and the Indiana Human Service Initiative planning process.

Dr. Capp received the "Citizen of the Year" award through the Indiana Chapter of the National Association of Social Workers in 1988. He was also the recipient of the prestigious "Sagamore of the Wabash" award from Governor Evan Bayh of Indiana in 1990 for his outstanding service to youth in Indiana.

Donald G. Capp has a doctor of ministry from McCormack Seminary, University of Chicago, with a major in counseling and a minor in organizational development. He was ordained as a Presbyterian clergyman and he has served as pastor in churches in New Jersey, Michigan, and Indiana for both the Presbyterian Church and the United Church of Christ.

I sincerely commend the Rev. Dr. Donald G. Capp for his extensive efforts and contributions to the First Congressional District of Indiana. It is my distinct honor to wish Donald a most rewarding retirement and continued success in his future endeavors.

## TRIBUTE TO KATHLEEN RAND REED

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Kathleen Rand Reed, an outstanding individual who I represent from California's 14th Congressional District. Next week she is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Reed is the first chair of the African-American Donor Task Force, an organization whose goal is to develop education models and vehicles for an increase of organ donors within the African-American community. She is president of Necronomics, a company specializing in the sociocultural and ethnic aspects of organ and tissue donation and procurement. She has produced a three-part radio series called Culture in Health, and has served the Federal Government as a grant proposal reviewer for health policy. She is an honoree of the National Association of Negro Business and Professional Women, and her biography is included in Who's Who Among Black Americans, Who's Who of American Women, and Emerging Leaders in America.

Mr. Speaker, Kathleen Rand Reed is truly an outstanding citizen of the 14th Congressional District. I am privileged to represent her and proud to enter these words of congratulations into the RECORD.

## LEGISLATION REGARDING THE TAX CODE

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. WELDON. Mr. Speaker, every time Congress alters our Nation's tax laws, it creates special tax transition rules. These rules, which are a necessary part of the legislative process, are sometimes misused to give tax breaks to influential friends and large corporations. Although it is intended to correct technical or grammatical problems in the Tax Code, the transition rules also can hide private provisions. For example, it has been estimated that approximately $10 billion of tax breaks were stuffed into the 1986 Tax Reform Act.

The problem is not that the Committee on Ways and Means can insert these provisions, but it is the manner in which they do it. Some transition rules are needed to help correct general inequities that affect thousands of taxpayers. Some, however, are designed to benefit only the friends or campaign contributors of Members of Congress. The process holds no one accountable.

In this era of huge Federal budget deficits, the American public has a right to know who benefits from these personalized tax breaks. My legislation would simply require the Committee on Ways and Means to identify the sponsor, beneficiary, and the projected revenue loss of these targeted provisions. It does not prohibit transition rules.

As we begin to consider President Clinton's economic plan, it is imperative that we take the important steps to safeguard the Tax Code from special interests. I believe that the current system is grossly unfair to those who pay their fair share of taxes each year. Is it fair that we pay more just so that well connected individuals or corporations can pay less? I do not think so. I am confident that my bill will help to solve this serious problem.

## TROOPS PERFORMANCE IN SOMALIA DESERVES RECOGNITION

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SOLOMON. Mr. Speaker, I would like to urge my colleagues to cosponsor my legislation, House Concurrent Resolution 26, the bipartisan initiative to recognize the outstanding efforts of the United States troops in Somalia.

This resolution simply commends the United States military forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

The U.S. military has contributed immeasurably to Operation Rescue Home. Over 20,000 American service men and women have been deployed. Their families were alone for the holidays. They have faced real hardships, come under enemy fire and lost lives. Their service has honored all Americans and has significantly lowered the death rates due to starvation in Somalia.

Please join the following members in cosponsoring House Concurrent Resolution 26: Representatives DREIER, BENTLEY, DUNCAN, MCDADE, SHAYS, ROHRABACHER, PAYNE of New Jersey, ACKERMAN, HASTERT, STEARNS, STUMP, BATEMAN, WALSH, WELDON, DORNAN, RANGLE, FRANK of Massachusetts, LANCASTER, WAXMAN, MONTGOMERY, MCKEON, MCHUGH, FAWELL, BEREUTER, ZELIFF, FROST, HANCOCK, BAKER of Louisiana, TORKILDSEN, UPTON, KOLBE, LIPINSKI, LLOYD, KOPETSKI, SPRATT, BACHUS of Alabama, GREEN, HINCHEY, WILSON, BARTLETT, EMERSON, SPENCE, BEILENSON, BROWN of Florida, VUCANOVICH, LEWIS of Florida, SERRANO, CLINGER, DELAURO, SCOTT, GILMAN, COLLINS of Michigan, MORELLA, KING, SKEEN, SISISKY, and BALLENGER.

## THE DEBT FOR DEMOCRACY ACT OF 1993

### HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. GLICKMAN. Mr. Speaker, the most important foreign policy challenge facing us today is securing the peace of the cold war. It will take energy, commitment, and innovation on our part to make sure that the historic reforms underway in Russia and the other States of the former Soviet Union [FSU] continue.

One of the first tasks in meeting this challenge is ensuring that the governments in the independent states can feed their people and that they have the resources to invest in the reform process. Right now those objectives are in peril. The legislation I am proposing today, the Debt for Democracy Act of 1993, will help get the reforms back on track.

Its mechanism is simple: The legislation gives the President the authority to write down the debt the states of the former Soviet Union owe the United States for food purchases in exchange for steps those governments take to dismantle their militaries and to encourage additional progress on the road to the development of market-oriented economies.

In addition to immediate steps to get the flow of United States food to Russia resumed, this legislation will give the administration the ability to construct a long-term strategy to solidify the liberalization process. Besides the enormous foreign policy issues at stake and the overwhelming need for the United States to meet this challenge, this legislation will ensure, on the same long-term basis, that American farmers continue to have access to this critically important market.

Problems in the former Soviet Union abound. They are threatening its transformation to a free and market-oriented society. Ethnic rivalries and political reactionaries continue to undermine President Yeltsin's grip on power. Hyperinflation-fueled discontent is disrupting conversion to a market economy. And, making matters worse, its heavy debt burden siphons all available hard currency away from much needed purchases, such as food. News reports and reports from our own Government sources reveal that, for hard currency, military arms are being sold to some of the world's most troublesome quarters.

The Agriculture Department's export guarantee loan program, the GSM-102 Program, has been the single most important source of U.S. aid to the FSU. It has made up approximately one-fourth of the $24 billion Western assistance package promised to Yeltsin, making it possible for him to meet subsistence needs of a population beleaguered by convulsive changes.

However, Russia and Ukraine, which are responsible for their respective debts as well as jointly responsible for debt incurred by the former Soviet Union, are already $500 million behind on payments under the GSM 102-Program. By the end of the year, both will owe nearly $3 billion. The stress this debt places on an already collapsing economy is draining Yeltsin's ability to invest in liberalization and much needed food imports. In fact, because his country has defaulted on virtually every loan, governments are unwilling to extend Yeltsin more credit, hindering him from importing large quantities of food.

Chronic food shortages could prove deadly to this fragile democratization process. For this reason, the Clinton administration needs to work quickly to refinance the delinquent debt and reinstate Russia to USDA's export programs. The existing loans under the GSM-102 Program, which are short-term loans made through private banks with Government guarantees, could be converted to USDA's other export loan program which allows repayment in as long as 10 years. Or the debt could be converted to direct government-to-government loans, allowing USDA to customize financing terms according to Russia's ability to repay.

But rescheduling is only a partial answer. At some point, Washington may have to face the fact that some of the debt may never be collected. If so, the Clinton administration and Congress need to ensure the United States gets some return for the amount it writes down. This legislation, the Debt for Democracy Act of 1993 creates a program patterned after the Latin American debt write downs whereby those governments swapped debt to the West in return for such things as programs to abate environmental degradation.

In the case of the former Soviet Union, however, this bill will allow the United States to trade food debt for agreements to dismantle nuclear weapons and military facilities. Russia and any other republic of the former Soviet Union owing the United States money could enter into either separate or joint agreements to destroy a specified number of missiles or curtail arms shipments, in return for debt forgiveness. In addition, in return for dismantling arms, my bill will allow the United States to donate grain for the dismantling of nuclear arms and facilities.

The Debt for Democracy Act of 1993 will also allow debt to be swapped in ways to stimulate Russia's movement toward a market economy. United States companies could be offered equity in joint ventures with Russian or other republics' enterprises through plans in which the amount of debt forgiven would represent the investment the company might otherwise be required to make. In turn, the U.S. company would assume repayment responsibility for the credit.

The most troubling unknown for the United States and possibly the world is what is happening to all of their nuclear arms and capabilities and into whose hands are they falling. This country fought the cold war to safeguard against communism and nuclear attack. While the threat of communism has greatly diminished, if not vanished, the threat of nuclear attack whether against our country or another, is still a real concern. A concern likely to grow exponentially if we are not sure who exactly has access to the second largest nuclear arsenal in the world.

Once again, this country can benefit economically from utilizing food aid and the technical and business expertise of United States industry in helping the states of the former Soviet Union, notably Russia, get a handle on its food needs, as well as its attempts to dismantle or secure its arsenal. Also, the agreements signed under this program could aid in the transformation of a military factory to one for domestic needs, such as making baby food, clothes, or washing machines.

The Bush administration largely ignored the grain credit crisis during its last months in office, segregating it into a farm-issue-only compartment. Export stopped. Grain markets sagged. Now the Congressional Budget Office estimates that unless Moscow resumes buying from the United States, domestic farm expenditures will increase as much as $1 billion. But those costs, and the costs of rescheduling or writing down the debt, will be minuscule compared to the potential costs if the United States loses the peace of its cold war victory because the reform process in the former Soviet Union reverses course.

In the end, this is not simply an agricultural problem, though farmers, who need this market, have an immense stake in solving it. The Russian question and its grain debt are the most significant foreign policy problems facing us today. Solving the problems posed by the dissolution of the Soviet Union means ensuring that we, in Congress and in the administration, will have the resources to focus, like a laser beam, on the United States economy.

I strongly urge my colleagues to support this legislation, an explanation of which will follow this statement. It will give the Clinton administration one more tool to use in helping the former Soviet Union meet its domestic needs and maintaining peace throughout the world.

### SECTION-BY-SECTION EXPLANATION OF THE DEBT FOR DEMOCRACY ACT OF 1993

#### SECTION 1.—SHORT TITLE

Section 1 provides that the bill may be cited as the "Debt for Democracy Act of 1993."

#### SECTION 2.—PRESIDENTIAL AUTHORITY

Section 2 gives the President the authority to reduce the amount of debt an independent state of the former Soviet Union has incurred under any program under the authority to the Secretary of Agriculture or Commodity Credit Corporation.

To be eligible for a reduction in the debt, the state must enter into an agreement with the United States as provided for in section 3.

Additionally, section 2 gives the President authority to donate grain to a qualifying state that has entered into an agreement to reduce its debt.

#### SECTION 3.—AGREEMENTS

Section 3 sets out the two types of agreements under which qualifying states may have their debt reduced:

1. The state would agree to dismantle nuclear weapons or other military-related objects and facilities within the state.
2. The state would agree to give a US business entity an equity interest in a state-owned enterprise. The interest would be equal to the amount of debt reduced which the business would agree to repay.

#### SECTION 4.—IMPLEMENTATION

Section 4 provides that in order to protect the interests of the US, the President is authorized to provide technical assistance to a state that is party to a debt reduction agreement to monitor and assist in the implementation of the agreement.

Section 4 also gives the President the authority to renegotiate or cancel an agreement if it is not implemented properly.

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## TRIBUTE TO SISTER MARY EMMANUEL, S.N.D.

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Sister Mary Emmanuel, S.N.D., who is being honored as the 1993 Woman of the Year by Notre Dame High School in San Jose.

Sister Mary Emmanuel has been principal of Notre Dame High School for 14 years, and has supervised the education of more than 2,000 women. She has fostered an excellent academic climate at the school, and has expanded campus property and facilities.

Sister Mary Emmanuel is a model of a strong, independent, and capable professional woman for the students she serves. Her interest in her students and her community extends beyond the academic, and she exhibits her caring and love in many acts of kindness.

Mr. Speaker, Sister Mary Emmanuel is truly an outstanding citizen. I am proud to enter these words of congratulations into the RECORD.

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## INTRODUCTION OF THE REGULATORY CONSOLIDATION ACT OF 1993

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. GONZALEZ. Mr. Speaker, today I introduce the Regulatory Consolidation Act of

1993, H.R. 1214. This act consolidates all the Federal bank and thrift regulatory functions into a single, independent commission.

Mr. Speaker, the current Federal regulatory structure for banks and thrifts is horribly scattered and disjointed. National banks are regulated by the Office of the Comptroller of the Currency. Savings associations are regulated by the Office of Thrift Supervision. The Federal Reserve regulates bank holding companies, foreign banks, and State banks that are members of the Federal Reserve System and, at the same time, is charged with carrying out the Nation's monetary policy. The Federal Deposit Insurance Corporation regulates State banks that are not members of the Federal Reserve System and insures all banks and savings associations.

You should not be surprised to learn that the current patchwork system was not created as part of any cohesive regulatory plan. The OCC was created to help finance the Civil War, the Federal Reserve was established 60 years later as the Nation's central bank to administer monetary policy, the FDIC was established still later as an insurer—not a regulator, and the predecessor of the OTS was created to provide long-term, low cost funds to thrifts.

This disjointed and haphazard approach to Federal regulation has proven to be duplicative, inefficient, and expensive. The Comptroller General recently presented the Banking Committee with a highly critical review of the bank and thrift examination process, testifying that, "[E]xamination weaknesses are symptomatic of a regulatory structure that is not as effective and efficient as it should be in overseeing our depository institutions." The General Accounting Office report highlighted the inconsistencies in the quality and comprehensiveness of examinations among the regulatory agencies.

The savings and loan debacle illustrates the cost to the taxpayers of our current regulatory system. The banks and savings associations also pay for this duplicative and inefficient system. A bank holding company with national bank, State bank, and savings association subsidiaries undergoes OCC, Federal Reserve, OTS, and State examinations annually. Even Comptroller Bowsher, no fan of loosening regulation, noted that, "[O]ne of the things that drives these bankers nuts is the inconsistency and the arbitrariness that they see from the different banking agencies that come in to look at them." This legislation remedies the uncoordinated regulatory burden and its attendant costs imposed upon our insured depository institutions.

The Regulatory Consolidation Act of 1993 creates a Federal Banking Commission. All regulatory functions of the OCC, OTS, FDIC, and Federal Reserve are transferred to the Commission. The Federal Reserve is free to focus solely on monetary policy and the FDIC administers the Federal deposit insurance funds. The OCC and OTS are abolished. The current system of regulation and insurance of credit unions remains unchanged.

Some argue that the Federal Reserve needs to retain some regulatory functions. A plan floated by the last administration would have large bank holding companies with the Federal Reserve; others propose having the Fed continue to regulate foreign banks. I believe that the Federal Reserve should concentrate on monetary policy only and will explore, through hearings, whether any bank or bank holding company regulatory powers are needed to carry out its monetary policy mission.

The new Commission will consist of seven members; the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Directors of the FDIC, and four public members, one of which would be the Chairman, appointed by the President with the advice and consent of the Senate. At least one Presidentially appointed commissioner must have had at least 2 years experience representing consumer or community interests on banking services, credit needs or housing and consumer financial protection.

I believe this arrangement strikes the appropriate balance between independence and executive branch control of bank regulation. Independence is vital—attempts by previous administrations to politicize regulation in order to promote their economic policy contributed greatly to the savings and loan crisis and a near tragic laxity in bank and thrift examination and supervision.

On the other hand, the executive branch has a strong interest in promoting a healthy and viable banking industry. Critical aspects of any administration's economic policy depend to a great degree on a safe and sound banking industry. Placing the Secretary of the Treasury on the Commission will provide the administration with an avenue to express its views. The institutionalized relationship between the independent regulator and the Treasury Department of the sort envisioned in my legislation is superior to the current system where the Treasury Department is charged with running the OCC and the OTS and influences the Federal Reserve and the FDIC through back room winks and nods.

The Regulatory Consolidation Act establishes a consumer division within the Commission to supervise and enforce consumer protection laws, including the Community Reinvestment Act. The consumer division recognizes that consumer protections, including availability of banking services and credit, are as important as safety and soundness. Insured depository institutions are required to meet the convenience and needs of the community they serve. The consumer division is designed to monitor institutions' performance under that test.

I am heartened by the number of my Banking Committee colleagues that have joined me as original cosponsors of the Regulatory Consolidation Act of 1993—Mr. VENTO, Mr. FRANK, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. GUTIERREZ, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, and Mr. HINCHEY. I wrote to President Clinton in late January urging him to support regulatory consolidation and pledging to work with his administration towards that goal. I am pleased to report that the initial response of the administration is a positive one. President Clinton's report, "A Vision of Change for America" states that, "The Federal Government is more complex than it needs to be. Often, many different agencies deal with the same issue, and individuals, businesses, communities, and States find it impossible to have their problems addressed. Departments and agencies are already consolidating and simplifying their operations, and the administration will seek to rationalize and streamline functions Government-wide."

The massive job of regulating an increasingly complex financial community requires the full-time effort of an independent and thoroughly coordinated commission. Otherwise, we are setting the Nation up for another costly regulatory failure that may make the savings and loan disaster look like a walk in the park, and in the meanwhile, loading needless and excessive burdens on the banking system.

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## WHY ASK WHY?

## HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. BLILEY. Mr. Speaker, I would like to have the following editorial printed in today's RECORD.

[From the Richmond Times-Dispatch, Mar. 4, 1993]

### WHY ASK WHY?

"Why ask why?" asks the beer commercial. On the other hand, "Why not?" Why not ask a sober politician why he wants to cut the deficit?

Balanced budgets may be a moral good, but few politicians since the late Harry Byrd, Sr., and the late Robert Taft have made balanced budgets a way of life. Although in rare instances a balanced budget is an end in itself, in most it appears a means to something else. Only the naive would doubt that today's debate regarding deficit spending involves issues transcending the equalization of income and outgo.

The political reasons for seeking deficit reduction reduce to two:

(1) To limit the scope of government period;

(2) To allow government to grow.

Those who emphasize spending cuts seek the former; those who emphasize tax hikes the latter.

Regarding (1): Critics of Big Government see the deficit as a consequence of an arrogant leviathan grown too powerful for the Republic's good. Insufficient taxes do not create deficits; unrestrained spending does. When the government spends more, it controls more. More governmental control translates into less personal freedom. As leaders from the real Jefferson to Lincoln understood, there is no greater threat to liberty than to take from a man the earnings made from the sweat of his brow. Deficit "reduction" stressing tax hikes departs from an honorable tradition.

Regarding (2): Deficit reduction and making Big Government bigger are not incompatible. The deficit inhibits the creation of new spending programs and the expansion of existing ones. Even the looniest tax-and-spender suspects the government can borrow only so much. And he knows the citizenry will not tolerate an ever wider deficit. Thus he seeks deficit reduction as a means ultimately to expand the size of government—to give the state more power over the individual, to take from some to give to others. He may be willing to sacrifice a small program (the tea-tasters board) or a small practice (certain limousines) as political cover for overall governmental growth. But the goal remains always in sight.

To his credit, Ross Perot sought deficit reduction not as a means but as an end. Can the same be said of the current economic plan? Why ask why? Because "why" may be the most important question of all.

## RICHARD A. WANNEMACHER, JR., TIRELESS ADVOCATE FOR NEW YORK'S VETERANS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SOLOMON. Mr. Speaker, our Nation's veterans have always had a special place in my heart, and I'd like to give you one of the reasons why.

His name is Richard A. Wannemacher, Jr., a resident of Clifton Park, NY. He is a national service officer and commander of the Department of New York, Disabled Veterans of America [DAV]. All veterans in New York owe him a debt of gratitude.

Dick Wannemacher enlisted in the U.S. Navy in 1967. On July 10, 1969, he was severely wounded by a satchel charge in Saigon, Republic of South Vietnam. His wounds required disability retirement on December 1 of that year.

Back in civilian life, Dick joined DAV and enrolled in the VA's Vocational Rehabilitation Program in Buffalo. He earned an associate's degree in business administration at Erie Community College, a bachelor's degree in environmental conservation studies at Buffalo State College, and 17 credits toward an M.B.A. at Canisius College.

Even while in college, Dick was active in veterans affairs. He held every office in the Cheektowaga, NY, DAV, and became the first Vietnam veteran to serve as commander in the western New York Council of DAV. He joined that group's national service office in Buffalo in 1978.

In 1980, he was transferred to the Albany service office as a supervisor. The next year, he was appointed special projects director for the department of New York, and in 1982, legislative chairman.

Dick's reputation as a tireless advocate for veterans resulted in his being appointed to the Governor's Advisory on Veterans Affairs, Advocate for the Disabled and Accessibility to Polling Places. Dick has been instrumental in directing scholarship, service training, and employment problems for veterans. He also oversees the DAV's Emergency and Disaster Relief Programs in the Capital District. He is a long-time member of the New York State Joint Council of Veterans Organizations and serves on the boards of directors of the DAV National Service Foundation, as well as Vet Care, a local nonprofit organization. Other memberships include the American Legion, Veterans of Foreign Wars, and the Military Order of Purple Heart. Dick has still found time to accumulate more than 1,750 volunteer hours at the Samuel S. Stratton VA Medical Center, where he serves on the dean's committee.

His civilian awards include a New York State Conspicuous Service Medal, 1978 Outstanding New York Veteran of the Year, and a 1978 Presidential Award for Outstanding Achievement of Vietnam Veterans. His military awards include the Purple Heart, Vietnam Campaign Medal with Bronze Star, and Vietnam Service Medal.

Dick is married to the former Cindy Bickel. Their two children, Jeffrey, 21, and Laura, 19, are both students at Buffalo State College.

So you can see, Mr. Speaker, what an asset Dick has been to the veterans community in the State of New York. He will be honored at a special ceremony March 20. I would ask all members to join me today in paying our own tribute to Richard A. Wannemacher, Jr., a great American who has served his country well as a veteran and on behalf of veterans.

## TRIBUTE TO SHARON GRAHAM NIEDERHAUS

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Sharon Graham Niederhaus, an outstanding individual who I am privileged to represent from California's 14th Congressional District. Next week she is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Niederhaus, as director of Partnerships in Education, has developed over 100 K–12 Adopt-a-School business/education partnerships through the San Mateo County office of education. She organized and coordinated a Latina mentor program, and chaired the Palo Alto Junior League's corporate partnerships task force. She assisted the volunteer center of San Mateo County in developing its corporate partnership program.

Mr. Speaker, Sharon Graham Niederhaus is truly an outstanding citizen of the 14th Congressional District. I am privileged to represent her and proud to enter these words of congratulations into the RECORD.

## SHABBAT ZACHOR

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. HUGHES. Mr. Speaker, according to Jewish tradition March 6 is named Shabbat Zachor which means the Saturday of Remembrance. In recent years this day has been dedicated to reflecting upon the Jewish people of Syria.

Historically, people of the Jewish faith in Syria have suffered unequal treatment and have been the victims of restrictive policies. These people have been denied the right to travel freely. When travel was permitted, only one member of a family could travel at a time, in order to guarantee a person's return. Moreover, many Jewish people in Syria were required to post a bond before they could travel.

During the Middle East peace talks last April Syrian President Assad agreed to lift some of the restrictions, and allow Jewish people to travel abroad. By October, however, less than 800 of the 2,000 applicants had been approved to travel abroad. Since October, the numbers have decreased to alarmingly low levels, and I fear that some restrictions have been reinstated since the disruption of the Middle East peace talks.

President Assad offered a commitment to lift the suspension of exit visas when he met with Secretary of State Christopher in February. I applaud his pledge and urge him to carry it out swiftly for the right to travel is essential to a free society.

## RECOGNITION OF THE FOURTH ANNUAL CONFERENCE ON HISPANIC ISSUES

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to recognize the Fourth Annual Conference on Hispanic Issues, which was presented by the Northwest Indiana Hispanic Coordinating Council on Saturday, November 7, 1992.

The theme for last year's conference reflected upon 500 years of Hispanic presence, with an emphasis on family violence, substance abuse, educational achievement, gangs, drop-outs, vocational education, work training, and literacy.

Special guests at this event included Father Michael L. Pfleger, pastor at St. Sabina Parish in Chicago, IL and Ms. Socorro M. Roman, who spoke on the topic of the Year of the Woman.

Ms. Roman has gone to extraordinary lengths to promote community involvement and achievement among women, as well as the Hispanic population of northwest Indiana. Her accomplishments include membership in organizations such as the American Nurses Association, the Illinois Transcultural Society, the National Coalition of Hispanic Health and Human Services Organization and the National Association of Hispanic Nurses, of which she is the northwest Indiana chapter founder and president.

The Northwest Indiana Hispanic Coordinating Council is composed of leaders from over 40 different Hispanic organizations. Its goal is to improve the standard of life of residents of northwest Indiana and I commend this effort. Council president, Mr. Benjamin T. Luna has exhibited an exemplary role in promoting fraternal and cultural activity among Hispanics.

It is with great pleasure that I commend each and every individual who participated in this event. They serve as outstanding role models not only to the Hispanic community, but also to the community as a whole. Their dedication toward improving the quality of life for residents in northwest Indiana is acknowledged and sincerely appreciated.

## MONMOUTH COUNTY PRIVATE INDUSTRY COUNCIL HONORS LEADERS WHO HAVE FOSTERED ECONOMIC AND SOCIAL GROWTH

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. PALLONE. Mr. Speaker, on Saturday, March 6, 1993, the Monmouth County, NJ, Private Industry Council [PIC] will honor individuals from the fields of education, labor, and business who have made significant contributions to the social and economic growth of Monmouth County. The occasion is the Monmouth County PIC's second annual scholarship dinner dance in Aberdeen, NJ. The honorees—Dr. Webster Trammell, Jr., vice president for planning and development at Brookdale Community College, Mr. James Gratton, business manager and treasurer of Local 400 of the International Brotherhood of Electrical Workers, and Ms. Jacqueline R. Cioffi, administrator of Meridian Medical Centre—have all done more than their share to further the development of our county.

The list of associations, memberships past and present in community and professional organizations, citations, and honors for Dr. Webster Trammell is a long one. In addition to his post at Brookdale, Monmouth County's community college, Dr. Trammell has been involved in such worthy and important causes as the Monmouth County Board of Alcohol and Drug Abuse Services, the Monmouth County United Way, the Monmouth County Project Self-Sufficiency, the Greater Asbury Park Chamber of Commerce, the REACH Advisory Committee, and Monmouth Medical Center. He has also distinguished himself as a scholar and researcher on a variety of local and national issues.

Jim Gratton has lived in Monmouth County his whole life. He has been the business agent and business manager of Local 400 of the IBEW since 1968, and the president of the Monmouth-Ocean County Building Trades since 1973. He has been the president of the Service Trades Council, with its approximately 3,000 members, is a member of the executive board of the New Jersey State Building Trades and the Monmouth-Ocean Central Labor Council, and is an officer of the New Jersey State Electrical Works Association.

Jacqueline Cioffi is the owner and administrator of Meridian Medical Centre, formerly Oakhurst Medical Center, and Meridian Rehabilitation and Sports Medicine Centre in Eatonwide, NJ. She also serves as president of the Freehold Township Women's Club, vice president of the Eatontown Chamber of Commerce, vice president of the Eatontown Industrial Park Association, treasurer of the Monmouth County Employer Legislative Committee, and is a member of the Western Monmouth Chamber of Commerce and the Monmouth/Ocean Development Council. She was nominated for Woman Entrepreneur of the Year by Inc. magazine and Merrill Lynch in 1991.

Mr. Speaker, it is an honor and a privilege to join the Monmouth County Private Industry Council in paying tribute to these three fine citizens who have done so much to advance the economy and the quality of life in Monmouth County. I also wish to pay tribute to the PIC, created through the Job Training Partnership Act, which has made great strides in creating jobs and opening up opportunities for all of the people of New Jersey.

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## TRIBUTE TO JUDY BLOOM

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Judy Bloom, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Bloom has served San Mateo County residents for 23 years. She is a founding member of the Advisory Council on Women, and chaired the feminization of poverty hearings in 1984. She has been active with Women's American Organization for Rehabilitation Through Training, and was a cofounder of the north peninsula section of the Jewish Community Relations Council and vice chair of the North Peninsula Jewish Community Federation 1990 campaign. Ms. Bloom was a director of the League of Women Voters for 16 years and has served on numerous education and child care task forces.

Since 1986 Ms. Bloom has been administrative assistant to Assemblywoman Jackie Speier. She was the first president and is still a board member of the Professional Business Women's Conference, Inc. In 1991, she was honored by the California Commission on the Status of Women, and is a recipient of San Mateo-Burlingame Soroptimists Women-Helping-Women Award.

Mr. Speaker, Judy Bloom is truly an outstanding citizen. I am privileged to be her friend and proud to enter these words of congratulations into the RECORD.

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## A TRIBUTE TO SYRIAN JEWRY

### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in remembrance and prayer for the Jewish community of Syria. It is on this day that Syrian Jews all over the world pray for the safety and liberty of their unfortunate brothers and sisters prohibited from travel by the Syrian Government.

The Universal Declaration of Human Rights states in part, that all people have the right to leave any country, including their own, and return to their own country. Historically, Syrian Jews have been denied their basic human rights and civil liberties. Those who have been permitted to travel for health reasons or business have had to leave family members and monetary deposits to ensure their return. Additionally, Jewish involvement in political activity has been restricted, and Syrian Jews have been arrested, held without trial, and tortured.

In April 1992 the Syrian Government finally began allowing Jews to leave Syria. However, few permits have been granted since October 1992. The remaining 1,400 Jews in Syria continue to be denied the right to emigrate. We must not forget those who still await permission to leave Syria.

This day of commemoration, the Shabbat Zachor was first initiated in 1975 in Canada to memorialize the murder of four young Jewish women caught in their escape from Syria. Their deaths will be observed March 6, 1993, as the Sabbath day when Jewish communities recognize the oppressive treatment inflicted on their fellow brethren in Syria and the rescue of Jews from genocidal edicts.

Congregations throughout the world, including Congregation Beth Israel in my Fifth District of Wisconsin, have been asked to offer prayers for the remaining 1,400 Jews in Syria.

Again, I applaud the determination and tenacity of the Syrian Jewry.

Today, we—the leaders of the free world—are obligated to remember this ethnic community. We must continue to monitor the situation in Syria and press for greater protection for the rights of minorities. Those are the principles our country stands for—at home and abroad.

Mr. Speaker, I ask my colleagues, and fellow Americans to join me in observing the Sabbath of the remembrance and prayer for the Jewish community of Syria.

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## TRIBUTE TO THE LITHUANIAN-AMERICAN COUNCIL OF LAKE COUNTY, IN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. VISCLOSKY. Mr. Speaker, it is with exceptional honor that I rise today in recognition of the Lithuanian-American Council of Lake County, IN and their commemorative program honoring the 75th anniversary of the Proclamation of Independence for Lithuania.

The Lithuanian-American Council consists of fraternal, religious, and cultural organizations throughout Lake County, IN. They have held annual commemorative programs to honor the proclamation since 1943. Mr. Albert G. Vinick was the dedicated organizer of this council in 1943, when the first commemorative program was held. His untimely death on December 3, 1989, precluded him from participating in the celebration when Lithuania formally declared its independence from the Soviet Union on March 11, 1991 and was later granted full diplomatic recognition by the United States and the United Nations.

I would like to salute Mr. Kazys Ciurinskas as the only remaining charter member of the council, as well as the following Lithuanian-American Council board members and directors for their dedication and earnest efforts throughout the years: Vincent J. Gumulauskis, Pete D. Auksel, Casimir Balt, Birute Vilutis, Walter Ruzga, Rev. Ignatius Urbonas, Aleksas Degutis, Alex Navardauskas, Dan Pauls, Frank Petrites, Brone Tampauskas, and Izidorius Tavaras.

Lithuanian-Americans maintain a strong and vital presence in northwest Indiana and it is a very special pleasure to acknowledge the council, as well as this most deserving celebration of independence.

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## CNN: 61 TO 38 PERCENT OF AMERICANS OPPOSE NEW ENERGY TAX—AVERAGE FAMILY OF FOUR WILL PAY AN EXTRA $500 A YEAR

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SOLOMON. Mr. Speaker, today I would again ask my colleagues to join me in cosponsoring legislation, House Resolution 50, in opposition to the proposed new energy tax.

Most Americans still do not understand the Clinton economic plan but they do understand and strongly oppose the proposed energy tax. This tax will fall squarely on the middle class.

As expected, President Clinton has not been truthful about the cost of this massive new energy tax on the average family. This tax will increase the cost of all goods and services by over $320 a year. When this is added to the higher price of gasoline and home energy expenditures, the average family of four will pay an extra $500 a year.

The proposed Btu tax will have a very negative effect on large and small businesses, jobs and consumers. The election year is only 10 months away, just enough time for the voters to understand that you voted for a plan that would increase the amount voters pay for heat, electricity, and gasoline and yet would only make a small dent in the deficit. Please join in cosponsoring House Resolution 50, in opposition to the proposed new energy tax.

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## TRIBUTE TO PHYLLIS CANGEMI

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Phyllis Cangemi, an outstanding individual who I am privileged to represent from California's 14th Congressional District. Next week she is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Cangemi is the founder and executive director of Whole Access, a nonprofit organization dedicated to providing outdoor recreation and education opportunities to people with disabilities. Ms. Cangemi has shared her knowledge at conferences all over the world, and has served on the California State Parks Accessibility Task Force.

Ms. Cangemi has been honored by the California Department of Rehabilitation and the Point Reyes National Seashore, and has received the J.C. Penney Golden Rule Award. Ms. Cangemi and her organization have been featured in several magazines, and Ms. Cangemi has published articles on access.

Mr. Speaker, Phyllis Cangemi is truly an outstanding citizen of the 14th Congressional District. I am privileged to represent her and proud to enter these words of congratulations into the RECORD.

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## LEGISLATION TO GRANT A MEDICAID WAIVER TO D.C. CHARTERED HEALTH PLAN

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. NORTON. Mr. Speaker, I am pleased to introduce a bill to direct the Secretary of Health and Human Services to waive for 3 years the 75/25 requirement, described in section 1903(m)(2)(A)(ii) of the Social Security Act, as applied to D.C. Chartered Health Plan, Inc. This legislation is vital to the District of Columbia because it will allow D.C. Chartered Health Plan, a high quality health maintenance organization, to continue providing health care services to low-income residents of the District for whom there is no other care of comparable quality, especially at the cost.

D.C. Chartered Health Plan is a private, managed-care organization that has been in existence since 1986. Chartered's emphasis on preventive health care for its low-income patients has resulted in a decrease in the number of unnecessary emergency room visits and in overall improved health among its enrollees. Chartered's long-term commitment to quality health care for low-income people is further demonstrated by its work in providing free services, such as vaccinations and blood pressure checks, in some of the neediest Washington neighborhoods.

Under current law Federal Medicaid funds are available only to match State expenditures under risk-based contracts with HMO's and other prepaid plans if at least 25 percent of the enrollees in the plan are not Medicaid or Medicare recipients, the 75/25 requirement. Between 1988 and 1991, D.C. Chartered operated under an initial 3-year waiver of the 75/25 requirement as provided by law and had a comprehensive risk contract with the District of Columbia. During this time period Chartered saved the District at least $3 million it otherwise would have spent with the traditional Medicaid Program.

As a relatively newly established HMO, Chartered has not yet been able to meet the 75/25 requirement because of the problems presented in competing in the commercial market against large, long established plans. Chartered's initial waiver expired over 1 year ago. Since expiration of the waiver, the District of Columbia Medicaid Program has maintained a cost contract with D.C. Chartered, with the hope that Chartered's waiver would be extended and thereby allow the District to renew its risk contract with Chartered. The cost contract poses particular problems because Chartered has significantly expanded coverage and access to Medicaid enrollees by seeking better primary care access to physicians and by providing outpatient coverage and transportation assistance, even where it would not ordinarily be provided by D.C. Medicaid. Under a risk contract Chartered was able to afford these benefits by assuring early intervention and avoiding unnecessary and expensive institutional care. However, the terms of Federal requirements for a cost contract are not flexible in allowing or recognizing many costs that Chartered has found necessary in order to operate an effective prepaid program.

D.C. Chartered is the only prepaid organization participating in the D.C. Medicaid Program. Many of the valuable health services Chartered provides are above and beyond what is required by the Medicaid Program. Further, under the terms of Chartered's participation in the D.C. Medicaid Program, Chartered is subject to annual quality assurance audits, the results of which have been consistently outstanding. Unless Chartered is granted an extension of the waiver as this bill provides, its services may no longer be as widely available in the District, thereby leaving a huge void in the health care options for the neediest of District of Columbia residents. Further, the District government could not replace Chartered's services at the same level of cost and quality. In these fiscally tight, cost-conscious times, D.C. Chartered stands as a glimmer of hope. I urge my colleagues to support this bill when it comes to the floor.

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## RURAL ECONOMIC DEVELOPMENT RESOLUTION

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. CLEMENT. Mr. Speaker, 2 weeks ago President Clinton presented to Congress an extensive and bold economic stimulus agenda for America. An agenda that is designed to encourage job and economic growth through investment in our Nation's infrastructure and other fiscal initiatives.

Today I am introducing the "Rural Economic Investment and Revitalization Resolution." The point of my resolution is simple. Rural America deserves recognition from both Congress and the President during the consideration of economic stimulus proposals.

Mr. Speaker, rural communities across America provide a vital role in the economic health and well-being of the United States. Twenty-one percent of the total U.S. employment is located in rural areas. Employment in these areas however, increased by only 12 percent between the years of 1979–89 while employment in metro areas increased by nearly 21 percent during this time.

Now, I encourage the job and economic growth of metro areas, but these statistics simply highlight the inequalities rural areas experience in economic development initiatives. These inequities were the major cause for nearly half of all rural counties in America to lose population in the mid-1980's.

Rural areas provide a strong traditional heritage which has continued to be vital to the American spirit. The United States Census Bureau defines 97.5 percent of the land area in America as "rural." This, combined with the fact that 24 percent of all Americans reside in rural areas, stresses the point that economic investment in rural development is investment in America.

The types of incentives which are required for improved economic growth in rural areas are infrastructure improvement, small business assistance and educational enhancement programs; all of which encourage economic revitalization.

Mr. Speaker, if America were a body then rural areas would surely be considered its heart. Congress and the President cannot afford to miss the opportunity to commit ourselves to rural America. To neglect rural America is to neglect the heart of America. We simply cannot afford not to invest in rural America. The importance of these areas in the revitalization of the American economy is unlimited. I strongly urge my colleagues in Congress to support this resolution.

## THE FIRST-TIME HOMEBUYER AFFORDABILITY ACT OF 1993

### HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. ORTON. Mr. Speaker, last Thursday I introduced the First-time Homebuyer Affordability Act of 1993 on behalf of myself and many other colleagues. The purpose of this bill is to increase homeownership opportunities for families and individuals struggling to buy their first home.

If enacted, this provision would allow the direct use of IRA funds—without tax or penalty—to make a down payment for a first-time home purchase. It would also allow a parent to use IRA funds for a loan or downpayment assistance to a son or daughter buying their first house.

Two weeks ago, President Clinton introduced his comprehensive economic plan. In the introduction to this plan, the President articulated a vision of fundamental change—"to invest in people, to reward hard work and restore fairness, and to recognize our families and communities as the cornerstones of America's strength."

One of the best ways to promote families and communities in our country is to raise our level of homeownership. The First-time Homebuyer Affordability Act of 1993 would do precisely that by addressing the fundamental problem young people face in buying their first home—accumulating the necessary cash to meet downpayment requirements. It does so by dynamically accessing the $650 billion pool of funds currently found in IRA accounts.

Congress has already recognized the potential of opening up IRA funds for home purchase. Last year, we twice passed comprehensive tax bills containing a waiver of the 10 percent penalty for premature withdrawal of IRA funds for a first-time home purchase. Accessing IRA funds for this purpose only makes sense. After all, what better long-term savings and investment vehicle is there than the purchase of a single family home. For probably the majority of retirees, equity in a home is the single greatest asset. Therefore, I expect that as we debate and act on a comprehensive tax bill in the next few months, a penalty waiver will come under serious consideration.

Before we enact a penalty waiver, though, I would simply ask every Member of this body to consider in its place the approach found in the bill we are introducing today. I confidently believe that anyone who takes the time to analyze these two approaches will inevitably support the concept of home purchase investment within an IRA as a superior method of accessing IRA funds for this purpose.

To see why this is so, it is important to keep in mind a little-discussed disadvantage of the penalty waiver approach. Although penalty waiver proponents tout the advantage of avoiding the 10 percent withdrawal penalty, the IRA participant would still be required to pay income taxes on the amount withdrawn. This could be up to 31 percent in Federal taxes, plus State taxes, on the amount withdrawn—a cost of $3,100 in Federal taxes alone on a $10,000 withdrawal. In contrast, under our legislation, this enormous tax disincentive would be eliminated entirely, as funds for first-time home purchase would be used as an investment within the IRA account.

The mechanics of this proposal are quite simple. The owner of an IRA account directs his or her custodian to use IRA funds for one of the eligible housing options. When the house is sold, funds are restored to the account through repayment of the loan or the equity investment. These funds are then available for reinvestment, still tax-deferred, within the IRA account.

In the case of an individual using his or her own IRA funds for home purchase, the IRA account would in effect be engaging in an equity sharing arrangement with the account owner. When the house is sold, the IRA account is replenished, including the IRA's appropriate share of profit earned through a higher resale price.

In the case of parental assistance, a parent could use some or all of the funds in his or her IRA account to make a loan to a son or daughter to assist in making a downpayment. Periodically, interest payments on this loan would be made into the IRA account. When the house is sold, the principal is returned to the IRA account—available, still tax-deferred, for re-investment. In fact, this parental assistance provision is the most dynamic part of this legislation—an option not available under a penalty waiver.

Finally, a parent could assist a child with downpayment assistance through an equity sharing arrangement. The mechanics are similar to an individual using his or her own IRA account under an equity sharing arrangement.

The question naturally arises why this legislation is even necessary. After all, an individual is allowed to invest IRA funds in a mutual fund consisting of GNMA securities—which is simply a pool of mortgages of single family homes for thousands of other people. Remarkably, though, that same individual cannot invest in his or her own home or in a mortgage of a child's home. Technically, these are known as prohibited transactions. This is unfair and ultimately antifamily.

I do not believe this particular prohibition is consistent with the historical reason for establishing prohibited transactions. The first rationale for prohibited transactions is the prevention of self-dealing. This arose primarily as a result of corporate pension fund trustees' abuse of pension funds for personal aggrandizement. When IRA's were instituted, many of the pension restrictions—including prohibitions against personal use and family transactions—were applied to IRA provisions. Since our bill provides for a narrow exemption for a laudable purpose, there is no risk of self-dealing.

The second rationale for prohibited transactions is the desire to limit IRA use to prudent investments. Congress has specifically prohibited uses which are considered speculative—for example, most collectibles. At the same time, Congress has specifically permitted uses for solid, proven investments. Investment in a single family home more properly falls into the latter category.

In short, the prohibition against IRA investment or loan for first-time home purchase is simply not warranted. The First-time Homebuyer Affordability Act of 1993 would remove that prohibition.

The advantages of this approach over the penalty waiver are numerous. Use of funds within an IRA account results in significant tax savings, in comparison to a penalty waiver. With that tax savings, the individual also has significantly more funds available for investment in a home. Finally, since the funds are not withdrawn from the IRA account, interest and earnings on the home investment continue to be tax-deferred during the period they are invested in the home and after funds are restored to the account.

There are also advantages to our economy. Adequate national savings is critical as a source of capital for productivity improvements and modernization so that American companies can compete internationally. IRA's provide an important source of such long-term capital. Homeownership investment within an IRA account prevents the leakage from the savings and retirement system that is in fact promoted under a penalty waiver and withdrawal. This preservation of retirement accounts will be increasingly important as Social Security resources become strained into the next century. Finally, increased homeownership through accessing the $650 billion IRA pool will stimulate the housing industry and the national economy.

This issue will undoubtedly come before us in Congress in the next few months. We can say we are doing something to help promote housing in this country by passing a penalty waiver for a third time. Or, we can actually do something by enacting a truly effective proposal. I believe the choice is an easy one.

## TRIBUTE TO MARIE HERMENIA MINOR DAVIS

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Marie Hermenia Davis, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Davis has been active in the struggle for civil rights since the age of 12 when she was ousted from a movie theater for refusing to sit in the area designated for "colored people." She served on a President's Commission on Civil Rights, and coordinated a San Mateo County/NAACP/Bay Area Urban League program to raise scholastic achievement levels.

Ms. Davis is a soprano and has performed for numerous organizations. She received the San Mateo County Family Service Agency's Family of the Year honor in 1991.

Mr. Speaker, Marie Hermenia Minor Davis is truly an outstanding citizen. I am privileged to be a part of her community and proud to enter these words of congratulations into the RECORD.

## ENDORSE CLINTON INDUSTRIAL PROGRAM: A BIG STEP FORWARD

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. LAFALCE. Mr. Speaker, on February 22, President Bill Clinton announced a turnaround in U.S. strategy toward the support and development of U.S. industry. By presenting to the American people a well-conceived program for technology, the President recognizes that the very future and well being—indeed the economic security—of the United States depends on how well this country is able not only to research and develop new technologies but to process and commercialize these technologies. In no small measure, President Clinton's Program, "Technology for America's Economic Growth, A New Direction to Build Economic Strength," is music to my ears. He is playing my song, a medley in fact that began 10 years ago when then-Governor Clinton appeared before the subcommittee that I chaired, economic stabilization, to plea for greater Federal, State, and local cooperation to explore and define a broad industrial policy, and how the States might become involved in formulating and implementing such a policy. Other witnesses who appeared with Governor Clinton in June 1983 in that series of hearings on industrial policy were no less than Robert Reich and Laura D'Andrea Tyson—all now architects and players in President Clinton's new technology directions. At that time, we all were singing from the same song book. Then years ago I said, "America's predominant economic position in the world is in jeopardy, and the consequences of continued decline in our industrial competitiveness will mean a permanently dislocated work force and reduced standard of living for most Americans." I also noted that "the last decade has sent an unmistakable message. It is now time—in fact, past time—to respond. If we sit back and do little but rely on truisms that ignore the current realities of global competition, then foreign industries and workers will continue to enjoy a critical advantage." During these intervening 10 years, the United States has lost precious time, opportunity, and resources in the competitiveness race. The result has been a sapping of U.S. economic strength and leadership. But we are not down for the count. We are fighting back. President Clinton's announced technology program will provide one of the means for the United States to excel in the years ahead.

Let me comment specifically on one particular aspect of his program, and that is the section affecting small business. Too often small business is lauded as the backbone of the American economy, the central nervous system of new business formation and job creation. And too often small business is then ignored when it comes to policies and programs that actually support its efforts. President Clinton's technology program specifically recognizes small businesses and their needs. He has pledged to send legislation to Congress designed to provide incentives for "those who make high-risk, long-term venture capital investments in startups and other small enterprises." He also proposes to expand the existing network of State and Federal manufacturing extension centers that will provide assistance to a larger number of small businesses in their efforts to upgrade technologies and training systems.

In his strategy to turn around competitiveness and this country's approach to technology, the President has gone beyond the need to ensure the best in basic research. We have learned that this country cannot and will not prosper if we focus only on being the best researchers and inventors. We have witnessed time and again U.S. inventions—the video cassette recorder being most prominent—that have been swooped up by other countries and commercialized with great success. So while we cannot, and will not, abandon U.S. commitment to basic research, we must increase our attention to process technology and commercialization of our discoveries and innovations.

President Clinton spoke often during his campaign about regaining U.S. competitiveness in global markets. he has now acted on this pledge, and the United States will indeed be on the road to enhanced competitiveness with adoption of his proposals. His proposals, among others, to build clean cars and a superhighway information system are strategies that will do more than enhance the U.S. commercially competitive position. Such a focus on technology will support a cleaner environment; it will improve work efficiencies and bring new horizons to education. These spillover effects to an improved policy approach to technology will affect and improve the lives of all Americans, not just the companies that promote and sell the technology products.

For those concerned about starting down the path of that much maligned term industrial policy, such fears are misplaced. We are not in the game of picking winners and losers; we are in the game of economic survival and strength. We cannot be strong selling potato chips while others are selling HDTV's. When the U.S. Congress decided to contribute a small amount of funds to help support the private-sector initiative, Sematech, it chose to ensure that the U.S. semiconductor industry and related semiconductor equipment industry survive and thrive. We now know that Sematech has made an incredible breakthrough on the next generation of semiconductors—ahead of the Japanese. Sematech has succeeded, and President Clinton has recognized this success by continuing funding for Sematech and using this consortium as a model for Federal consortia funded to advance other critical technologies.

President Clinton's announced policy of ensuring that U.S. technology is in the forefront of innovation and commercialization is the commonsense approach to the Federal Government's role as the guardian of this country's future. This policy states the Government's intention to be vigilant about where we are heading as a nation and how our economic future will be shaped. I heartily applaud President Clinton's initiative and look forward to working with the administration in implementing a technology policy that is so critical to the strength of the United States.

## JAMES MAYER AND ROBERT J. MORAN RECEIVE FREEDOMS FOUNDATION GEORGE WASHINGTON HONOR MEDAL

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. MONTGOMERY. Mr. Speaker, on February 16, in a ceremony at Walter Reed Army Medical Center here in Washington, two very special Vietnam veterans—James Mayer and Robert J. Moran—received prestigious recognition from Freedoms Foundation for their Red Cross volunteer work which greatly assisted disabled veterans upon their return from Operations Desert Shield and Desert Storm in the Persian Gulf.

I have known Jim and Bob for a number of years, and I can relay to my colleagues with great certainty that more inspiring and generous individuals would be extremely difficult to find. Jim and Bob, both double-leg amputees, both employees of the Department of Veterans Affairs [VA] Voluntary Service, took it upon themselves to befriend, counsel, and assist our service personnel who were hospitalized at Walter Reed both during and well after the Persian Gulf war. Their efforts included frequent bedside visits and outings for Walter Reed patients, many of whom were coping with the loss of limbs. With the help of their wives, Debbie Mayer and Judy Moran, they even opened their own homes to these patients for overnight stays, meals, picnics, and recreational activities, all in an effort to help them summon the courage to cope with the challenges of their disabilities.

One of the honorees, Bob Moran, explained to Cable News Network [CNN] why they did it:

> "Just to relate to [the patients] on a one to one basis of somebody that's been through it that life really does go on and that, if you're a person that can deal with it, cope with it, understand, learn and grow from it, there's an awful lot out there that you can enjoy * * *. I'm not knocking people for having praise for the able-bodied, but my point is to not let any of these guys fall through the cracks."

Jim Mayer and Bob Moran responded to the needs of returning Persian Gulf veterans by helping establish the "Friendship Therapy Support Group" under the auspices of the Red Cross. They provided invaluable counseling services and served as role models for newly disabled servicemen and their family members. As the program in their honor stated: "They demonstrated rare commitment and deep sensitivity in giving tirelessly to others." Several of the more than 70 former patients Jim and Bob helped, returned to Washington to see them honored by the Freedoms Foundation, their families, friends, and colleagues.

The Freedoms Foundation is an institution devoted exclusively to fostering an understanding of, and commitment to, the freedoms enjoyed by our citizenry. Since its founding in 1949, the Freedoms Foundation has worked to prevent erosion of the ideals and principles upon which our country was founded. Through its National Awards Program, the foundation recognizes individuals, organizations, and schools who through word or deed help to bring about a better understanding and appreciation of our Nation, suggest solutions to basic problems and contribute to responsible citizenship. The Foundation's National Awards Program's top award, in the category of individual achievement, is the George Washington Honor Medal, which was presented to Jim Mayer and Bob Moran for their efforts.

The following are excerpts from remarks about these two remarkable individuals from the February 16 award ceremony:

> Chaplain (LTC) Ross B. Jackson: "Most gracious God, we give you thanks with our whole hearts for the gift of this nation, for the freedoms for which at our best we stand, and on this day especially for these two men, whose selfless example, whose strength and whose courage has been a source of help and inspiration to all of us. We thank you for the opportunity to honor them and to recall in so doing, those things, those qualities, those characters which make us great."
>
> Major General Ronald R. Blanck, Commanding General, Walter Reed Army Medical Center: "This certainly is a special occasion as we honor two absolutely super individuals. * * * We all share a common concern for those who serve and for those who sacrifice. Service and caring really is what it's all about. Walter Reed volunteers, like the Red Cross, make life better by giving of themselves."
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> Excerpt from CNN tape: "After the Storm:" "The wounded [at Walter Reed] have not been forgotten by the forgotten. Two Vietnam veterans have helped them heal using a double dose of laughter and the wisdom from hard-earned experience—Jim Mayer and Bob Moran proved there can be a joyous life, even after tragedy. Both are double amputees from the war in Vietnam. Because of their deep understanding of what faces these soldiers, they volunteered to help them * * *. They are humorists, role models and listening posts for the Persian Gulf warriors."
>
> Of the wounded, CNN reported: "They are all glad to be alive, but they don't want to be rejected because their bodies have changed. They want to be respected as soldiers who did their duty. And they want to serve as reminders that war is ugly, the price steep."
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> James W. Holsinger, Jr., M.D., Under Secretary for Health, Department of Veterans Affairs: "I am exceptionally proud of both Jim Mayer and Bob Moran. They are prime examples of the 210,000 Americans that serve in the Veterans Health Administration across this great land of ours."
>
> Letter from Hon. Constance Morella, Maryland Representative: "* * * As volunteers, you play a special and crucial role in our country. You inspire us with your energy, move us with your example and inspire us with your enthusiasm for service to others. The veterans and citizens are infinitely richer by your commitment, and we are all deeply grateful * * *."
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> Robert Miller, president, Freedoms Foundation: "Today is a very proud day for Freedoms Foundation * * * to be able to present our top award to two very extraordinary individuals."
>
> [Reading from the citation]: "During the past, Messrs. Mayer and Moran have distinguished themselves in exemplary service to the rehabilitation of war-injured veterans. As a result of impending hostilities in the Persian Gulf, they took the initiative and established a Friendship Therapy Support Group to assist returning disabled veterans and their family members. By mobilizing other veterans, their own wives and friends, in an innovative volunteer effort, they provided extraordinary relief and comfort to the veterans of Desert Shield and Desert Storm. By drawing on the experience as disabled veterans of the Vietnam War, they played a key role in the physical and psychological rehabilitation of veterans of America's most recent war. On behalf of the board of directors of Freedoms Foundation, it is my great privilege to present this award to you two great American citizens."
>
> Chaplain (Col) Sanford L. Dresin: "Eternal and loving God, bless James Mayer and Robert Moran, for they have reminded us of our potential, fueled by the divine spark that kindles our humanity * * *. May our loving and merciful God never challenge us the way he did Jim and Bob and those who they have helped. But should it occur, may we rise to the challenge as they did."

Mr. Speaker, I know my colleagues will join with me in applauding Jim Mayer and Bob Moran for their sacrifices in uniform and for their continuing distinguished service to America and support for their fellow veterans. I am very proud to know these two gentlemen. Their deeds let our disabled veterans, who perhaps could not take part in the national parades and other public acclaim for the able-bodied, know that they too are remembered and appreciated.

As Jim Mayer points out:

> Right after Bob and I were wounded, our Army hospitalization separated us from our families. We also didn't have any clue then that there was a light at the end of the tunnel. Our volunteer group tried to fill both those voids for the wounded vets at Walter Reed.

Let us take what these two veterans and their fellow volunteers have done and assure that, in the event there is yet another generation of wounded and disabled veterans, the void is indeed filled and they receive the same type of respect and compassion from their Government and their fellow Americans that Jim Mayer and Bob Moran willingly and industriously provided on their own, with the help of some like-minded volunteers in the Red Cross. What these two amazing individuals have done and continue to do is an eloquent reminder of the patriotism and action upon which our country was founded. They exemplify what is good about America.

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## TRIBUTE TO SHELLEY KESSLER

## HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Shelley Kessler, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Kessler has worked in nontraditional careers and has been an advocate for women in the labor movement. She helped develop and is a board member of "We Do The Work", a national television program with positive portrayals of working people. She is president of the Western Workers Labor Heritage Festival and helped organize congressional hearings on job safety and workplace injustice. She participated in early organizing for the Airport Childcare Program and received a special award from the Independent Federation of Flight Attendants for her support during a national flight attendants' strike. She is now assistant executive officer of the San Mateo County Central Labor Council.

Mr. Speaker, Shelley Kessler is truly an outstanding citizen. I am privileged to be her friend and proud to have this opportunity to enter these words of congratulations into the RECORD.

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## TRIBUTE TO MR. CURTIS O. PATRICK

## HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Curtis O. Patrick, a man who dedicated his life to public service in Antrim County which is located in Michigan's First Congressional District, which I represent.

Mr. Patrick passed away on July 26, 1991 and is being honored by his friends and family on March 6 of this year. This is an honor that is long overdue as the State of Michigan, especially the county of Antrim, has long reaped the benefits of his tireless dedication.

First and foremost, Mr. Patrick was a good Democrat. He was active in the party all of his life. He served on the Antrim County Board of Commissioners for 15 years. During his time on the commission, he was both a commissioner and chairman of the board. Throughout his tenure, his integrity and honesty was never above reproach. He was always respectful and respected by others.

It is important to note, though, that he was not just active in party politics. He was equally passionate about the larger issues facing his State and Nation. When Mr. Patrick was called to service in World War II, he went willingly and served with distinction. He later became a member and post commander of the George Puckett American Legion Post No. 264 in Mancelona. Mr. Patrick was also a member of the Mancelona Post of the Veterans of Foreign Wars.

He continued his community service through his involvement with the Antrim County Senior

Citizen Center in Mancelona as well as the Commission on Aging. In this capacity, he passed on his caring and dedication to those in the community less fortunate than himself.

And Mr. Patrick was truly fortunate. He is survived by his wife Irene, his 9 children, 18 grandchildren, and a host of great-grandchildren. The State of Michigan, and particularly Antrim County and the city of Mancelona will long remember his service. Mr. Speaker, the House of Representatives, where the citizens of the United States are served, is a fitting forum to pay tribute to a man who gave much of his life to the people of his community. I rise today to thank Mr. Patrick for his years of service, and to let his family know that our thoughts are continually with them.

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## YUGOSLAVIA: A HUMAN RIGHTS NIGHTMARE

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. PORTER. Mr. Speaker, we are all repulsed at the savagery and injustice which has taken place during the conflict in Bosnia this past year. Heinous and despicable forms of human rights abuses have been committed by warring factions who have shown complete disregard for the human dignity of the civilian victims of this war and have repeatedly and grievously contravened the Geneva Convention. Sadly, the litany of horrors devastating the lives of all those caught in this tragic situation grows longer every day.

Crimes against humanity, such as the murders of civilian men, women and children, rape, mass executions, torture and the forced expulsion of civilians from their communities in the name of "ethnic cleansing," are an affront to the human race. The international community has a responsibility to bring the alleged culprits in this conflict to trial if we are to make it clear that unspeakable atrocities are illegal and deplorable. While no party is blameless for human rights violations in this conflict, most of the evidence gathered by international observers indicates that the Bosnian Serb militias and their supporters in Belgrade have been chiefly responsible for the violence and turmoil. The rump government of Yugoslavia will remain isolated and excluded from the family of civilized nations so long as their political leaders endorse and support what can only be described as calculated cruelty against their former countrymen.

All reports of human rights violations are appalling, regardless of the gender of the victim. However, the stories which have emerged about the sheer scale and nature of the abuses committed against women, particularly Muslim women in Bosnia, during the conflict are offensive in the extreme. Human rights organizations have documented examples of the systematic brutality against women and children in Bosnia, including gang rape, the incarceration of women and girls impregnated by rape, the forcing of women into brothels, and murder of rape victims and of children in front of their parents. What most women in this country or any other civilized country would consider to be their worst nightmare has become a daily reality for thousands of women in the Balkan conflict. This is clearly outrageous and must stop. Because of these almost unprecedented war crimes, I have cosponsored a resolution in the House introduced by Rep. MOLINARI which expresses the Congress' strong opposition to rape and forced pregnancy and which urges the U.N. to explicitly list these forms of torture as war crimes within its charter. I am hopeful that this resolution will be adopted by the House soon.

For the past 10 years, I have served as Co-Chairman of the Congressional Human Rights Caucus, a bipartisan organization comprised of 220 members. The Congressional Human Rights Caucus is motivated by belief that the violation of the human rights of one individual is a threat to the rights of us all. In this regard, we all have an obligation to speak out and condemn all parties responsible for committing human rights abuses and to remind all governments that their first obligation is to protect the human rights of their citizens. If we remain silent in the face of human misery and suffering in Bosnia, then we have truly failed to learn the lessons of the Holocaust 50 years ago or of the genocide in Cambodia two decades ago. Although we have made progress since these dark moments in human history, the tales of atrocities coming out of Bosnia demonstrate that we must continue to strive to find better and more effective ways to promote respect for human rights throughout the world.

In closing, I would like to inform my colleagues that in honor of International Women's Day, the Commission for Women's Equality of the American Jewish Congress along with other organizations in the area will be holding a vigil on March 8th in Chicago to protest human rights abuses committed against women in the former Yugoslavia. I congratulate and commend the organizers of this event for speaking out against the systematic and widespread rape of women and girls in the conflict of Bosnia and for demonstrating their solidarity with these innocent victims.

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## POLKA WEEKENDERS CELEBRATE 25TH ANNIVERSARY

### HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mrs. BENTLEY. Mr. Speaker, and my fellow colleagues, I would like to take this time to commemorate the Polka Weekenders, Inc. on their 25th anniversary. The club was founded on March 9, 1968, and during the last 25 years it has been a large part of Baltimore's Polish-American community.

The Polka Weekenders boast a membership between four and five hundred individuals who are dedicated to promoting Polish culture throughout the country. The group entertains at Polish festivals and thrills everyone with their wonderful dancing. The Polka Weekenders have performed for audiences in all 50 States, as well as in Poland and Mexico. In addition, the Polka Weekenders always are happy to teach their dances to anyone.

Baltimore is a town rich with ethnic traditions and festivals. Every summer I look forward to seeing many of my Polish friends at the festival. Not only is the food at the festival superb, I never miss the chance to see the very talented dancers. The Polka Weekenders amaze me with their skill and agility, and I relish the chance to join them for a step or two.

In addition to providing much of the entertainment, the group members are involved in making the festival such a success. They work as volunteers in the many booths at the festival. The blend of Polish dancing, Polish crafts, and Polish food help to draw huge crowds from all over the State of Maryland.

In its 25 year history, the Polka Weekenders also have done much charitable work in the community. This year, the organization plans to donate its time and money to the Kennedy Krieger Institute in Baltimore. Any organization which provides entertainment combined with benevolent work deserves special recognition.

The Polka Weekenders attempt to pass on to other Americans and their younger generations a love of Polish tradition and culture. It is so important for all of us Americans to preserve and promote our ethnic heritage.

Mr. Speaker, my fellow colleagues, it is with the utmost respect and admiration that I commend the Polka Weekenders on the group's 25th anniversary. May God bless them in the years to come.

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## TRIBUTE TO LOTTIE KIRK

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Lottie Kirk, an outstanding individual who I am privileged to represent from California's 14th Congressional District. Next week she is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Lottie Kirk has been an outstanding role model for the women of her family. She has maintained contact with more than 100 family members, and has helped them to appreciate their heritage as African-Americans. She has helped members of her family during their difficult times, and has helped them to feel pride in themselves. She has provided shelter for those in need, and has helped to build healthy family relationships.

Mr. Speaker, Lottie Kirk is truly an outstanding citizen of the 14th Congressional District. I am privileged to represent her and proud to enter these words of congratulations into the RECORD.

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## TRIBUTE TO PLANNED PARENTHOOD

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. HARMAN. Mr. Speaker, I rise today both as a Member of Congress and as a mother of four wonderful children to publicly applaud the work of the Planned Parenthood Federation of America. Planned Parenthood provides high-quality family planning services and education programs to millions of Americans. Since its beginning 75 years ago, despite adversities ranging from funding cuts to physical harassment, Planned Parenthood has never swayed from its mission. It continues to provide some of the best family planning services and education programs in the Nation.

In my district, there is a group of volunteers called the South Bay Friends of Planned Parenthood. These dedicated women and men donate thousands of volunteer hours and support the local organization in a million ways. Because of their pro-choice activities, my constituents have had their meetings picketed by Operation Rescue and have been the targets of personal attacks.

Planned Parenthood will soon be opening a new clinic in the south bay. The majority of the community is welcoming the clinic and I have pledged my unwavering support. I firmly believe that every woman has the right to make her own decisions about what is right for her and her family.

My first act as a Member of Congress was to cosponsor the Freedom of Choice Act, which codifies the language of Roe versus Wade into law and once and for all guarantees the right to choose. As this legislation moves through Congress, it will face considerable opposition in the form of harmful amendments, but I will fight for its passage.

In addition to the issue of legality, however, the problem of access to services must be addressed. The right to choose does not exist for many rural, young, or poor women in this country. In addition, more technical training is needed, and more insurance coverage must be available as a necessary part of full reproductive care.

We have also neglected contraceptive research in this country for more than a decade. Until the approval of Norplant this year, American women had not been offered a single new birth control method since the introduction of the pill in the early 1970's. Women in other countries have many more choices than American women. A decade ago, more than a dozen pharmaceutical companies engaged in intensive research and development of new birth control methods, now there is only one.

There are other problems. In Los Angeles County, two out of every three eligible women do not have access to subsidized family planning services they need. There is no State or national standard for sex education programs in our schools. Many students desperately need information and guidance, and have nowhere to turn. I cosponsored H.R. 670, legislation to increase the funding for the title X program—the only Federal program that supports family planning programs for low-income women and men. If we really want to reduce the number of abortions, we must begin by supporting prevention.

Planned Parenthood understands this. Nonabortion related services—contraception, sexually transmitted disease testing, parental care, and other vital programs—comprise more than 90 percent of its total services. Planned Parenthood provides very effective teen pregnancy prevention programs and full option counseling for women facing an unplanned pregnancy.

We have only to look at other countries for examples of what works and what doesn't. In Romania in the 1980's, both contraceptives and abortion were outlawed. During that time, Romania had an abortion rate 17 times higher than that of The Netherlands. The Netherlands has the world's lowest abortion rate because it has comprehensive community and school health education programs and easily accessible family planning services.

The new Planned Parenthood clinic in my district will go a long way toward dealing with these problems. Operation Rescue will send protesters, but the wonderful volunteers in the South Bay Friends of Planned Parenthood will also be there, escorting patients and making sure they get the care they need.

Abortion can be a divisive issue. We must remember to concentrate on the real solution: prevention. Ideally, all choices should be available and safe, and every woman should have the necessary knowledge to make the right choices for themselves and their families. With the help of the dedicated staff and volunteers of Planned Parenthood, we can make that dream a reality.

## INTRODUCTION OF LEGISLATION REGARDING DRUGS AND FIREARMS

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. GOODLING. Mr. Speaker, I am introducing legislation which would change Federal law to impose stiffer penalties on individuals convicted of lesser drug offenses while possessing firearms. I am pleased my bill has the endorsement of the Pennsylvania State Chiefs of Police and the National Association of Chiefs of Police.

Under current Federal law, a person convicted of a felony crime involving drugs and firearms faces increased criminal penalties and is also prohibited from legally owning a firearm. This is not the case, however for individuals convicted of less serious drug offenses.

My legislation is simple: It expands current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug-trafficking. Any person found guilty of a drug crime not currently classified as a felony, including simple possession of a controlled substance, and who possesses a firearm at the time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. For second or subsequent offenses, jail time and fines are mandated.

Furthermore, the guilty party will be prohibited from owning a firearm for 5 years. Exceptions to this rule can be made, however, depending upon the circumstances surrounding each individual's case. Present law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition if they can prove "that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest".

Certainly the time has come for serious efforts to convince people who use drugs that the cost of engaging in this activity is prohibitive. If my bill becomes law, individuals owning firearms for legitimate purposes—hunting, target-shooting, collecting, or personal protection—and who also engage in the use of illicit drugs, will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms following any drug conviction.

This legislation will not affect a law-abiding citizen's right to own a firearm. It will, however, increase the price of drug use for people who choose to continue this illegal and self-destructive activity. We all know that the drug problem is expensive to society as a whole; let's try to transfer more of the costs to those who use and abuse controlled substances.

## JOSEPH A. EDGAR SCHOOL WINS NINTH AWARD OF EXCELLENCE

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. HOCHBRUECKNER. Mr. Speaker, it is a great pleasure to rise today to honor the Joseph A. Edgar Intermediate School of Rocky Point, NY for achieving its ninth award of excellence.

The children, teachers, parents, and staff of the Joseph A. Edgar Intermediate School are proud that their school serves as a shining example for New York State, as their school is the only one in the State to receive this award. I should also point out that there were only a handful of schools in the United States to receive the award of excellence. For the Joseph A. Edgar School to win this award in 9 consecutive years is truly a remarkable accomplishment.

The Joseph A. Edgar Intermediate School has maintained for the past 15 years a consistent 97 percent achievement level, and an even higher level in its State competence tests and schoolwide achievement tests. Some of the school's other accomplishments include: the 1991–92 National Drug Free Schools Award, an award for achievement with disadvantaged children, the New York State Teacher of Excellence Award in English, Reading, Science, and Elementary Guidance, and a Federal department model of excellence award in reading. This is in addition to being named one of the top 10 elementary schools in New York State.

Mr. Speaker, it is an honor to recognize the students and staff at the Joseph A. Edgar Intermediate School for their ninth award of excellence. They are a role model for students throughout Long Island, NY, and the United States. They should be very proud of their tremendous accomplishments.

## TRIBUTE TO IRENE CHENG: YOUNG WOMAN OF EXCELLENCE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Irene Cheng, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Irene Cheng is an honor student at Mills High School and a National Merit Scholarship semifinalist. She is a writer, poet, violinist, and public speaker in both Mandarin and English. She serves her community as a peer counselor, a volunteer at a local hospital, a tutor and as president of the Interact Club, a service organization sponsored by the Rotary Club. She was chosen from 210 applicants for the position of student member of the California State Board of Education.

Mr. Speaker, Irene Cheng is truly an outstanding citizen and a model for her peers. I am privileged to be a part of her community and proud to enter these words of congratulations into the RECORD.

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## AMERICAN HERO MARINE PFC DOMINGO ARROYO, JR.

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. PAYNE of New Jersey. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring a true American hero, Marine PFC Domingo Arroyo, Jr. of Elizabeth, NJ, who sacrificed his life in the service of others as the first casualty of Operation Restore Hope in Somalia.

Private Arroyo was a young man full of determination, patriotism, and hope for the future. He entered military service to better himself and to make a contribution to his country. He was proud to be part of the humanitarian relief effort in Somalia, delivering food to starving people. Earlier, he had served in Operation Desert Storm.

Private Arroyo, a native of Puerto Rico, was known in his community as a fine young man who cared deeply about his family and who made friends easily. He will be greatly missed by all who knew him and will be forever remembered as a hero who gave his life for the highest purpose.

Mr. Speaker, I know my colleagues will join me in expressing heartfelt sympathy to Private Arroyo's mother, Mrs. Ramona Ortiz; to his father, Domingo, Sr.; to his brother, Hector, and his brother Ramon, who is serving in the Navy. Let us pause to honor the memory of Private Arroyo. Our thoughts and prayers are with the family of this brave young man, and we hope that they will find comfort during this difficult time in knowing that his memory will live on and his sacrifice will not be forgotten.

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## TRIBUTE TO CULVER CITY

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. DIXON. Mr. Speaker, I rise with great pride to pay special tribute to Culver City, which recently received the distinguished Calling on America 1991–92 Award from the National Organization on Disability [NOD]. Culver City, which is located in my congressional district, received NOD's top award of $2,500 for a community with a population of less than 50,000.

The award was accepted by Ms. Patricia A. Hadley on behalf of Culver City, a member of the National Recreation and Park Association's [NRPA] Board of Trustees. Ms. Hadley was in Washington, DC for NRPA's midyear forum to construct its national issues agenda.

The Culver City disability program was judged by a panel of private citizens as being a broad-based initiative that educated the public about disability issues. In particular, the panel commended Culver City for publishing and distributing to all residents a quarterly newsletter about disability; sponsoring of a wheelchair basketball game during school hours against the varsity high school team; installing and audible crossing signal and providing funds for accessible picnic tables; improving accessibility to education, and providing funds for a job training program at a local junior college and $80,000 in community block grant funds for two group homes. Culver City's comprehensive program excelled beyond the legal requirements of the Americans with Disabilities Act by reaching out and providing equal access for the disabled in transportation, recreation, education, and housing.

NOD was founded in 1982 with the intent of promoting full participation of America's more than 40 million men, women, and children with disabilities in all aspects of community life. It is the belief of the National Organization on Disability that the best way to achieve full participation of people with disabilities throughout our communities is through local planning and action. As a result, NOD established its Community Partnership Program—a network of nearly 3,000 towns, cities, counties, and military installations nationwide that work to increase acceptance and full participation of persons with disabilities in all aspects of life. Culver City has been recognized as one such community.

Mr. Speaker, please join me in acknowledging and applauding the contributions of Culver City in developing outstanding local disability programs which fervently seek to expand the participation of people with disabilities in all walks of community life.

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## IRANIAN DENIAL OF BAHA'I FREEDOMS

### HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. FOLEY. Mr. Speaker, it was with considerable apprehension that I recently learned of a secret campaign by the Iranian Government to deny certain basic freedoms to those who profess the Baha'i faith. The policy in question is set forth in a confidential document promulgated by Iran's Supreme Revolutionary Council at the direction of Iranian President Rafsanjani and Iran's supreme religious leader, Ayatollah Khomeini, and obtained by the United Nations Special Representative for Iran, Reynaldo Galindo Pohl. On its face, it directs that the progress and development of Iranian Baha'i be blocked, that Baha'i be expelled from or denied admission to Iranian universities if they identify themselves as Baha'i, that they be denied employment for the same offense, and that a plan be devised to confront and destroy their cultural roots outside the country.

This is a chilling directive. It belies earlier indications of some diminishment in Iranian hostility toward the Baha'i. Worse, it manifestly demonstrates a deliberate, callous plan to deny members of the Baha'i faith basic freedoms and the means to earn a livelihood.

Mr. Speaker, it is the obligation of all nations that respect basic human rights to condemn any effort to implement this cruel policy. It is further the duty of those of us who enjoy the complete freedom to exercise basic human rights, and most particularly the right to speak out against injustice, to constantly remind the rest of the world of intolerance and inequity whenever they rear their ugly heads. Finally, we must continue to monitor and document the behavior of those who would deny human rights to the innocent and unprotected.

Mr. Speaker, I note with approval and support the efforts of members of the Baha'i to publicize this deeply troubling document. Today, in fact, the Baha'i community in the United States will hold a meeting here in the Capitol to brief Members and the press concerning the repression that could flow from the implementation of the secret Iranian Government policy directed against their coreligionist in Iran. We must use the power of our condemnation, and that of the rest of the world, to ensure that such a policy is halted forever.

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## TRIBUTE TO MONICA JIMENEZ: YOUNG WOMAN OF EXCELLENCE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Monica Jimenez, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Jimenez is a 15-year-old high school honor student. She serves her community through volunteer efforts at a retirement home and at a program for underprivileged children. She is cochair of the youth board at the volunteer center and has recruited other student volunteers. She also cochaired a county conference on youth and volunteer service. She is a member of her schools' swim team and drama club.

Mr. Speaker, Monica Jimenez is truly an outstanding citizen and a model for her peers. I am privileged to be a part of her community and proud to enter these words of congratulations into the RECORD.

## BOROUGH OF SWARTHMORE, PA CELEBRATES ITS CENTENNIAL ANNIVERSARY

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. WELDON. Mr. Speaker, I rise today to offer a special congratulations to a community in my district. This year, the Borough of Swarthmore, Delaware County, PA celebrates the occasion of their centennial anniversary. This month marks the beginning of what will be a year-long celebration for the proud residents of this historic community.

The history of Swarthmore actually dates back further than the formal foundation of the borough to 1864, when Swarthmore College was founded as a coeducational Quaker College on property located in Springfield Township. This brought about the formation of the Village of Swarthmore. Eventually, the villagers petitioned Springfield Township and became a duly incorporated borough in 1893.

Today, Swarthmore Borough enjoys national prominence as the home of what is arguably the finest liberal arts college in the Nation. However, those who live in Swarthmore and elsewhere in Delaware County, know this small borough for its scenic beauty, its historic business district, and its hometown atmosphere.

Throughout its history, Swarthmore Borough has been blessed with residents who take great pride in being active members of their community. Examples range from the early days of the borough when the Country Weeks Picnic Association treated poor women and children from Philadelphia to a day in the country, to the formation of cooperative efforts with the college such as: "Associates of the Scott Horticultural Foundation" and "Friends of the College Libraries."

Throughout the years, Swarthmore's community organizations have been known to be on the leading edge of societal change. One of the earliest organizations in the borough was the Women's Suffrage League which promoted women's right to vote from 1890 through 1920 when that right was officially recognized. Following that, the League of Women Voters was formed to educate women about the political process. Today the league is a mainstay in our political process at all levels of government across the country.

Swarthmore has steadily grown from a village of 900 people to a borough of more than 6,000 residents today. It has grown from a borough with a few active community organizations to one with better than 60 organizations including the Lions and Rotary clubs, a village business and professional association, and various groups for children and senior citizens.

On March 8, 1993, the borough will re-enact its first borough council meeting. At that meeting, the residents will surely be able to sense the spirit of energy and enthusiasm the borough's first fathers must have felt when Swarthmore began. As evidenced by the continued success of the borough, its people, its businesses, and its college, that spirit is alive and well today.

In closing Mr. Speaker, it gives me great pleasure to join with the people of Swarthmore in celebrating not only their 100th anniversary as a borough, but also the undying community spirit and neighborhood involvement of the residents that makes Swarthmore one of the finest places in the country in which to live, work, and raise a family.

## DESERT SHIELD/DESERT STORM MEMORIAL LIGHT IN COLUMBIA, NH

### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SWETT. Mr. Speaker, I want to call my colleagues' attention to House Joint Resolution 132, a resolution which I have introduced calling for recognition of the Desert Shield/Desert Storm Memorial Light at the Shrine of Our Lady of Grace in Columbia, NH. This resolution will provide for congressional recognition for the Memorial Light which the people of Coos County and the towns of Colebrook and Columbia have erected to honor those who were killed in the line of duty during the Persian Gulf war.

The Shrine of Our Lady of Grace in Columbia is of great significance to the veterans of Coos County. It is the site of traditional gatherings on occasions such as Veterans Day and Memorial Day for the communities of Berlin, Colebrook, Columbia, Dixville, Pittsburg, and Stewartstown. In 1990, veterans and others in each community worked hard to erect the memorial light and are now seeking to have it dedicated as a memorial of national significance for those who died in the defense of freedom in Operation Desert Shield and Operation Desert Storm.

Mr. Speaker, I urge my colleagues to support this resolution so that the efforts of the people of Coos County to dedicate their memorial to those who made the supreme sacrifice in the Persian Gulf war can receive national recognition.

## RESPONDING TO CONCERNS OF MR. GEORGE BREAZEAL

### HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. DICKEY. Mr. Speaker, I recently received a letter from a concerned constituent, George Breazeal of El Dorado, Arkansas. He expressed his outrage over the fact that former Members can buy their office furniture and equipment without disclosing the costs to the taxpayer—this requiring freshman Members to purchase new items needlessly at the taxpayer's expense.

Mr. Speaker, my constituents want Congress to set an example—they are giving me their ideas because they know that the process of deficit reduction must begin right here in this House.

Therefore today I voice my strong support of H.R. 1026, a bill to repeal the first section of Public Law 93–462 to limit departing Members' purchases of office equipment and office furnishings from their district offices. Mr. Speaker, I ask my colleagues to join with me in this bipartisan effort to secure passage of this legislation.

## TRIBUTE TO ERIN LEYDIG: YOUNG WOMAN OF EXCELLENCE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Erin Leydig, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Leydig is first in her class at Hillsdale High School, a class officer, and a member of the swim and track teams. She was her school's delegate to California Girl's State and was accepted to the accelerated high school student program at U.C. Berkeley. She serves as a volunteer for her church group and has traveled with the group to build houses in Mexico. She has participated in the Close Up Program in Washington, DC. She has run a kid's camp for the last two summers, and is in her 10th year of studying the piano.

Mr. Speaker, Erin Leydig is truly an outstanding citizen and a model for her peers. I am privileged to be a part of her community and proud to enter these words of congratulations into the RECORD.

## A TRIBUTE TO NEWTON I. STEERS, JR.

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to a former Member of this House, the late Newton I. Steers, Jr., a towering figure in Maryland politics for more than a quarter-century, who died February 11, at his home in Bethesda, MD.

Newt Steers was known by many in this House who served with him in the 95th Congress. He was in the great Montgomery County Republican tradition of former Senator Charles Mathias and Newt's predecessor, Gilbert Gude.

Newt was a tireless advocate of community service who viewed his work in Government as a mission, not as a stepping stone to enhance his own standing. During his term in the House, he demonstrated by his many accomplishments his zeal—and his encyclopedic interests. Far ahead of his time, Newt crafted battered spouse legislation that included demonstration grants to set up shelters for women. A strong supporter of Israel, he pioneered legislation to speed up the naturalization process for Soviet Jews. He pushed hard to preserve the pay and benefits of Federal employees. He was a firm voice for tax reform. And he was an active member of the Banking, Finance and Urban Affairs, and the District of Columbia Committees.

Born in New Jersey, Newt graduated from Yale University and worked for DuPont before serving in World War II in the Army Air Services, which sent him to England, France, Belgium, and Germany. After the war, he earned a degree from Yale Law School and worked in private industry before taking a position in 1951, with the Atomic Energy Commission. Later, he helped form the Atomic Development Mutual Fund, which was highly successful. Ten years later, he launched his career in politics when he became involved in the legislative reapportionment movement in Montgomery County.

He served as a State senator for 6 years, Maryland's insurance commissioner for 2 years, and Maryland Republican chairman from 1964 to 1966. In 1982, he was the Republican nominee for Lieutenant Governor.

Newton Steers set a high standard for public service, and he made a lasting mark on political life in Maryland. I am proud to pay tribute to our former colleague and my Republican predecessor in this House from the Eighth Congressional District of Maryland.

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## THE 50TH ANNIVERSARY OF THE CINCINNATI HUMAN RELATIONS COMMISSION

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. MANN. Mr. Speaker, it is with great pride that I rise today to commemorate the 50th anniversary of the Cincinnati Human Relations Commission [CHRC]. The commission has been one of the front runners in the effort toward improving race relations in the city of Cincinnati. By working with local government, business, service, community, and religious organizations, the Human Relations Commission has promoted a better atmosphere for understanding between the races.

The commission advises city council on strategies to reduce tensions and disorder between groups throughout the Greater Cincinnati area. Through the exchange of dialog and ideas, the commission has greatly improved the quality of life of the citizens of Cincinnati.

The primary mission of the CHRC is the decrease of human relations conflicts. Issues faced by the commission are not unique to the city of Cincinnati. The problems of homelessness, drugs, youth violence, crime, and unemployment which we confront on a daily basis are found in every major city stretching from coast to coast. We are privileged to have an organization such as the CHRC to help the community and the local government to work together to tackle the difficult issues of our time.

I am proud to be able to honor the 50 years of dedication which the Cincinnati Human Relations Commission has given to the people of the city of Cincinnati.

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## IN MEMORY OF DR. WILLIAM L. GEE

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Dr. William Gee, founding president of the board of directors of On Lok Senior Health Services and a pioneer in the field of care for the elderly, who passed away on January 19, 1993.

At the age of 6, Dr. Gee arrived in San Francisco from Canton, China. After distinguished service in World War II, he received his undergraduate degree at U.C. Berkeley and his postgraduate degree at the U.C.S.F School of Dentistry. He began and ended his practice in Chinatown, devoting a significant part of it to treating the indigent as a public health dentist.

In 1968, Dr. Gee was appointed by Mayor Joseph Alioto to the North Beach District Council, a group designed to explore and attend to the needs of members of the Chinatown-North Beach community. Soon after, he helped to found North East Medical Services, a low-cost clinic for the benefit of low-income and immigrant members of the Chinatown-North Beach community.

In 1973, Dr. Gee's leadership was instrumental in the founding of On Lok Senior Health Services, which was conceived and designed so that medical and social needs for seniors could be met under one roof. Dr. Gee was named founding chairman and president of the board of On Lok Senior Services, a position he held for 15 years until his retirement in 1987. His belief in the potential of On Lok enabled him to secure support and funding from Federal, State and private sources.

On Lok has become a national model for the program of all-inclusive care for the elderly, and is being replicated in programs across the United States. Even after his retirement, Dr. Gee traveled the country, assisting nonprofit organizations in setting up programs like this. Planners have come to the city from throughout the world to study the innovative and effective ways On Lok cares for the elderly.

Dr. Gee's passion for assisting those in need was well known in the community. When asked about his philosophy regarding volunteering, Dr. Gee offered this response, "We aren't born into this world alone. If we don't help each other, who's going to do it? I was taught that you do your share without looking over your shoulder to see if others are doing theirs. The encouraging thing is that usually they are."

Mr. Speaker, the San Francisco community will gather on Thursday, March 4 to remember and celebrate the life and good works of Dr. Gee. Our Nation has benefited from his vision, his wisdom, and his leadership, and his contributions shall not be forgotten.

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## TRIBUTE TO CHARLA ROLLAND

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Charla Rolland, an outstanding individual who I am proud to represent from California's 14th Congressional District. Next week she is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Charla Rolland is a school superintendent in San Mateo County. To promote equality of education, she has established two important programs: Outreach confidentially provides help with finances, transportation, translation, and child care for families in her school community, and the Casa Program which pairs adult mentors with students identified as being at risk. As a member of the Child Advocates Council, she is an advocate for two teen-age girls.

Mr. Speaker, Charla Rolland is truly an outstanding citizen of the 14th Congressional District. I am privileged to represent her and proud to enter these words of congratulations into the RECORD.

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## HONORING THE SELECTION OF PAUL W. ROBINSON AS THE VILLAGE OF DELTA'S CITIZEN OF THE YEAR

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. KAPTUR. Mr. Speaker, it is my distinct pleasure to join with the Delta Chamber of Commerce in congratulating Paul W. Robinson for his selection as the Village of Delta's Citizen of the Year.

Mr. Robinson has served his community admirably for close to a half-century. In 1949 he was elected the youngest mayor in Delta's history at the age of 31. He went on to serve two terms as mayor and for many years later was active on the Delta Board of Public Affairs and the Delta School Board.

Mr. Robinson's service to his community did not stop him from pursuing several other livelihoods. During his tenure as mayor, Mr. Robinson also had time to run a milk route, a paper route, farmed and started a career as an auctioneer and real estate salesman. The commitment and energy he brought to his community and his work are legendary among the citizens of Delta.

Paul Robinson, still more active than many men half his age, continues his work as an auctioneer and donates his talents to the Delta Rotary Club, Swanton Rotary Club, Swanton Athletic Boosters, Delta Assembly of God and the United Methodist Church of Delta for their annual auctions. Mr. Robinson also donates his talents as an auctioneer for area fundraisers to help his neighbors in need.

On March 13 when the citizens bestow this very deserved honor on Paul Robinson, they will be paying tribute to a man who embodies what is best about small town America. His love of his family and his community are well known to all of those who have been touched by his energy and enthusiasm throughout the years. It is an evening that is sure to be remembered by Paul Robinson, his family and the citizens of Delta for years to come.

I join with my colleagues in the U.S. Congress in congratulating Paul Robinson on this honor and for his many years of service to Delta, OH, and our Nation.

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## SHABBAT ZACHOR—REMEMBERING SYRIAN JEWRY

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. WAXMAN. Mr. Speaker, this weekend the international Jewish community will be observing Shabbat Zachor, the Sabbath of Remembrance. Jews throughout the world use this day to remember four young Jewish women from Damascus who in 1974 were caught trying to flee Syria. These women—three sisters and their cousin—were raped and brutally murdered by the Syrian police, who left their bodies in the Jewish quarter of Damascus as an example to anyone else who would try to escape. As we recall the tragic murders of 1974, we must also focus on the Jews who continue to suffer under an oppressive Syrian regime.

For over 40 years the Jewish community in Syria has lived in constant fear, experiencing Government-sanctioned harassment and discrimination and being deprived of basic rights as citizens. Until recently, Jews were not permitted to leave Syria without posting a cash bond and leaving some family members behind to ensure their return. On April 27, 1992, after years of pressure from Congress and the executive branch, the Syrian Government lifted its restriction on travel. In the months that followed, more than half of the 4,000 Jews living in Syria were allowed to leave.

Since late October of last year, the floodgates of Syria have slammed shut. Over the last 5 months, only a small number of the community have been granted exit permits for travel, and the majority of the 1,400 Jews remaining in Syria are waiting to leave. These individuals are being held hostage by their Government, used as pawns in a political chess match with the United States.

As Syria and the United States prepare to return to the Middle East peace table, the plight of the Syrian Jews must not be forgotten. The United States must continue to apply pressure on the Syrian Government until every Jew who wishes to leave the country is allowed to do so. The persecution of this tiny community has gone on for far too long. As Jews and others worldwide remember the past, let us not forget the work that remains to be finished.

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## CLINTON DIDN'T TELL THE TRUTH HIS ECONOMIC PLAN IS WRITTEN IN RED INK

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SOLOMON. Mr. Speaker, I recommend that all of my colleagues carefully review the article I am inserting into the CONGRESSIONAL RECORD today which accurately outlines the serious problems with the Clinton economic plan. The title of the article pretty much says it all "Experts: Plan Written in Red Ink."

In 10 months, the Members of this body face another election year and will be held accountable for voting for a plan that means more pain than gain for taxpayers. The Clinton plan is nothing short of a revolutionary rise in taxes masquerading as an attack on the deficit.

The one message I intend to deliver to the American public is that this plan is written in ink. It is the largest tax increase in history, it greatly increases Government spending and it does little to decrease the deficit. To quote the below article, "But even the economists who praise Clinton's efforts also say he has done little to cut the deficit."

EXPERTS: PLAN WRITTEN IN RED INK

(By J. Craig Crawford)

WASHINGTON.—At first, President Clinton's economic plan seemed so simple: raise taxes, cut spending and stem the tide of federal red ink.

But many economists have found something different in Clinton's 145-page blueprint called "A Vision of Change for America."

They see a plan for bigger government that seeks $2 in tax increases for every $1 in spending cuts over the next five years, while barely touching the red ink.

Veteran Capitol Hill economist Allen Schick sees a revolutionary rise in taxes—$385 billion over five years—masquerading as an attack on the deficit, that yearly shortfall between what the government takes in and what it spends.

"The president is using the cover of the deficit to impose higher taxes to increase government spending," the University of Maryland professor said.

What's this? The deficit could be a mask for higher taxes and bigger government? Not so, say the president's defenders.

"We won't vote for any tax increases on the wealthy or anybody else unless there are assured cuts in spending," said Rep. Sander Levin, D-Mich, a member of the powerful House Ways and Means Committee.

And some economists give Clinton's plan high marks for at least being more straightforward than Presidents Reagan or Bush.

"It is much more honest," said Stanley Collender, director of federal budget policy for Price Waterhouse.

But even the economists who praise Clinton's efforts also say he has done little to cut the deficit.

"At least he stepped up to the plate," said Urban Institute economist Eugene Steuerle. "But when it comes to deficit reduction he's barely out of the batter's box."

Despite proposing the biggest tax increase in history, Clinton's five-year plan winds up making only a dent in the deficit.

If Congress gives Clinton everything he has asked for, the 1998 deficit would be $241 billion—only an 8-percent drop from next year's estimated $262 billion deficit.

What's going on here? All this sacrifice from taxpayers for an 8-percent dent in yearly overspending?

"He's eaten up the tax increases and spending cuts with more spending," economist Schick said. "In the end, you just get more spending."

Here's how it works:

The president promised more than $300 billion in spending cuts over the next five years. But that included what the White House expects to save by raising taxes on benefits such as Social Security, and increasing Medicare premiums and fees for federal services.

A study by the nonpartisan Congressional Research Service concluded that Clinton's real spending cuts over the next five years are closer to $200 billion.

But subtract from that what Clinton would add in spending—more than $200 billion in new federal "investments" over the next five years. He plans huge increases for highways, mass transit, health care and job-training.

So, if the spending cuts and spending increases cancel each other out, what happens to the $385 billion generated by Clinton's tax hikes between now and 1998?

Some of it takes a small bite out of each year's expected deficit. But most of Clinton's new taxes are devoured by his business tax breaks and the rising cost of Medicare and other entitlements.

SCARING THE TAXPAYERS

Here's what's happening: Washington has accumulated so much debt that frightened taxpayers could be persuaded to pay more to reduce it, even though their money might actually be used to make government—and the debt—bigger than ever.

It's happened before. In 1990, President Bush and Congress agreed to the nation's biggest tax increase so far on the promise that it would cut red ink.

Instead, the debt grew another $1 trillion as federal spending soared.

The president is not shy about his belief in bigger government. Much bigger. As big as they have in Europe, the model he usually cites whenever talking about health care reform, workplace changes, or federal investment in industry.

Europeans pay more for government, but they also get more: inexpensive doctors and hospitals, widespread mass transit and low cost college tuition.

The Paris-based Organization for Economic Cooperation and Development, a European think tank, released a study in December that blamed a "tax deficit" on troubled U.S. efforts to compete against nations with higher taxes that subsidize industry.

Clinton supporters now cite the study as proof that Americans are undertaxed, sending less than a third of their income to Washington. But add state and local taxes, and the average American pays at least 37 cents of every dollar earned.

"Investment" is the buzz word in Clinton's rhetoric that describes how he would have the federal government train workers and subsidize favored industries as the Europeans do.

Last week's White House policy paper on technology noted that federal spending on favored companies—known as industrial policy—is "notably weak" compared to Europe and Japan.

RAISING TAXES

Even if Clinton's tax increases make government bigger—instead of significantly cutting red ink—could most Americans at least be assured that their taxes won't rise much?

Again, the president's numbers are tricky.

Clinton told Congress he would "make sure that no cost is imposed on families with incomes under $30,000."

That sounded all right to those who make less than that. But it turns out that Clinton's definition of family income is not the familiar statistic on your Form 1040 tax return: adjusted gross income.

Instead, the president's estimate of his tax proposal's effect was based on what is called "economic income." That includes your taxable earnings in addition to so-called unreported income, such as tax-exempt interest, employer-provided fringe benefits, children's wages and the potential rent on a house you own (even if you don't rent it to anyone).

Don't worry, they aren't going to tax your house. The White House just used the rental value of a home, and other possible sources of income, as a way of inflating the minimum worth of families that would be hit by planned tax increases.

Add all that to the mix and the Clinton administration grudgingly acknowledges that the proposed tax increases start hitting husbands and wives who jointly earn $20,000 in taxable income.

George Bush must be grinding his teeth. Last Oct. 1 his losing reelection campaign ran a television advertisement calculating that Clinton would pay for more government by raising taxes on every family earning more than $36,600 a year.

Now it turns out that Bush underestimated the number of Americans who would face a Clinton tax increase.

Clinton now claims that he was forced to change his tax plans in December after unexpectedly learning that he would inherit a $346 billion deficit in 1993.

But last July he told Business Week that he expected deficits approaching $400 billion. (And he was surely aware that in August the Congressional Budget Office predicted a $350 billion deficit for the current budget year.)

Clinton responded angrily to Bush's campaign prediction of higher taxes on middle-income families.

"It is blatantly false," Clinton said in October. "It is a disgrace to the American people that the president of the United States would make a claim that is so baseless, that it is so without foundation, so shameless in its attempt to get support under false pretenses."

WHERE IT GOES

Where does President Clinton's new money go? Here's the breakdown of Clinton's 1994–98 "investment" increases (in billions):

| | |
|---|---|
| Transportation (highways and mass transit) | 12.5 |
| Environment (wastewater-treatment projects) | 12.4 |
| Technology | 17.3 |
| Unemployment compensation | 2.4 |
| Education and jobs | 52.3 |
| Health care | 36.0 |
| Housing | 68.9 |
| Other | 15.4 |
| Total | 217.2 |

Source: Congressional Research Service

*Who pays under Clinton's tax changes?*

| Income group: | |
|---|---|
| Under–$10,000 | $–12 |
| $10,000–20,000 | 0 |
| 20,000–30,000 | +24 |
| 30,000–50,000 | +190 |
| 50,000–75,000 | +430 |
| 75,000–100,000 | +590 |
| 100,000–200,000 | +980 |
| 200,000 or more | +16,000 |

*Taking in more: All Tax Increases Under Clinton's Plan*

Proposal 1994–98 total:

| | In billions |
|---|---|
| Raise upper income rates | $124.5 |
| Remove cap on Medicare wage base | 29.2 |
| Medicare premium increase | 11.6 |
| Increase corporate rates | 30.2 |
| Impose energy tax | 71.4 |
| Collect unpaid taxes on service industry workers | 6.2 |
| Disallow unreasonable claims | 1.9 |
| Restrict deduction for business meals and entertainment to 50 percent | 16.1 |
| Reduce pension compensation cap | 3.6 |
| Disallow deductions for meals and real-estate expenses | 1.7 |
| Extend 2.5 cent per gallon gas tax | 7.8 |
| Extend estate tax rates | 2.7 |
| Deny deduction for club dues | 1.2 |
| Deny lobbying deductions | 0.9 |
| Alter international tax provisions | 8.7 |
| Increase fees for Harbor maintenance; SEC registration and other federal services | 20.2 |
| Tax 85 percent of Social Security benefits for upper income recipients | 29.0 |
| Other miscellaneous provisions | 17.6 |
| Total | 384.5 |

Source: Office of Management and Budget

## THE SMALL PROPERTY AND CASUALTY INSURANCE COMPANY EQUITY ACT OF 1993

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. THOMAS of California. Mr. Speaker, I am pleased today to be introducing the Small Property and Casualty Insurance Company Equity Act of 1993 in order to correct an obvious inequity that exists between the tax treatment of small property and casualty insurance companies and the current tax treatment of small life insurance companies. This important legislation, in modified form, was twice passed by the U.S. House of Representatives during 1992, once as part of H.R. 5674, and once as part of H.R. 11, the "Revenue Act of 1992".

Small property and casualty insurance companies play an essential function in the insurance industry by enhancing the level of competition within the industry and providing coverage in areas where other companies often fear to tread. However, small property and casualty companies are more at risk than are the large, diversified companies to the vagaries of nature—massive earthquakes, damaging hurricanes, and ravaging floods, such as those suffered in recent years by California and our Southeastern States. Small property and casualty insurance companies are also subject to surplus requirements that limit the amount of premiums they can write, thus making it difficult for such companies to grow.

Instead of imposing an impediment to the existence of small property and casualty companies, the tax law should at least provide a level playing field for such companies in relation to small life insurance companies.

Life insurance companies have the benefit of actuarial tables to aid in the prediction of losses, which makes the life insurance business inherently less risky than the property and casualty business. Small life insurance companies—those with total assets of less than $500 million—are entitled to the small life insurance company deduction under section 806 of the Internal Revenue Code, a provision which has been available to them since 1984.

The legislation I am introducing today will put small property and casualty insurance companies and small life insurance companies on an equal footing for tax purposes. Under the bill, the small company deduction now applicable to life insurance companies would be made available to property and casualty companies of similar size. Thus, a small property and casualty company with assets of less than $500 million would be entitled to exclude from its insurance company income 60 percent of the first $3 million of insurance company income earned each year. The special deduction would be decreased by 15 percent for every insurance dollar earned in excess of $3 million. Thus, the small company deduction would phase out once insurance income reached $15 million for the year.

The same limitations that currently apply to small life insurance companies, for purposes of determining their assets and their insurance income, would apply to the deduction allowable to small property and casualty companies.

I strongly encourage my colleagues to cosponsor this important legislation and to work for its prompt enactment so that small property and casualty companies and small life insurance companies will be subject to equal tax treatment.

## PLIGHT OF SYRIAN JEWS CANNOT BE IGNORED

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. NADLER. Mr. Speaker, this week Jews across America will observe the Sabbath of Remembrance, commemorating centuries of discrimination and resolving to fight anti-Semitism at home and abroad. Next week, Jews across the world will celebrate Purim, recalling the triumph of the Jewish people over oppression and genocide. If history holds any lesson, it is that in the face of aggression, we must never remain silent. I rise today to fulfill this obligation. Mr. Speaker, on the eve of the Sabbath of Remembrance, I wish to call attention to the continuing plight of the 1,400 Jews of Syria, the vast majority of whom are trapped there against their will.

Last April, Syrian President Assad yielded to international pressure and allowed over half of Syria's 4,000 Jews to escape the Government-sanctioned discrimination and harassment they face every day in their country. While advocates of human rights applauded this historic action, we were dismayed when, in October 1992, the Syrian Government abruptly reversed itself and shut the door on Jewish travel.

Mr. Speaker, the continuing plight of Syrian Jews is simply unacceptable. Families remain divided and communities torn apart. I call on President Assad to resume immediately the granting of passports and exit permits to the over 1,000 Jews still trapped in Syria.

I wish to applaud Secretary Christopher's personal intervention with President Assad in this matter. The plight of 1,400 Syrian Jews cannot be ignored. During this week of remembrance, we in Congress must not forget them.

## TRIBUTE TO JAMES STANKEVITZ

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding educator from the Third Congressional District of Illinois. James Stankevitz was selected as one of the recipients of the 1992 Presidential Award for Excellence in Science and Mathematics Teaching. This is an accomplishment worthy of special recognition.

The Presidential Award which is administered by the National Science Foundation is designed to recognize and reward outstanding teachers who serve as models for their colleagues in the vital area of science and mathematics. I commend James on his enthusiasm and dedication as a high school science teacher.

I am sure my colleagues will join me in expressing congratulations to James for his outstanding achievement in teaching.

## THE FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 20, the Federal Employees Political Activities Act of 1993.

Federal employment should not mean second-class citizenship. Our 3 million postal and Federal civilian workers must be allowed to fully participate in our country's democratic process by revising the abstrusive Hatch Act that hinders these citizens' rights.

I have long supported reform of the Hatch Act, which unnecessarily discourages Federal employees from exercising their constitutional right to partake in the political process of our Nation. Since its implementation in 1939, there have been over 3,000 separate regulatory rulings in an attempt to interpret and enforce the Hatch Act. The bill before us today establishes a solid, workable structure for protecting Federal employees from political coercion while ensuring their rights as citizens.

While H.R. 20 would permit voluntary participation by Federal employees in political activities during their off hours, it sets up specific guidelines to ensure that this privilege is not abused. The bill clarifies provisions to deter the use of Federal positions and information available to Federal employees for political purposes, and even strengthens prohibitions against political pressuring of Federal employees by their superiors.

As a cosponsor of H.R. 20, I truly believe this legislation offers a balance between concerns about political coercion in the workplace with the right of individuals to participate freely in the political process.

I have great respect for the valued service rendered to our country by Federal employees and I believe we must vigorously work to untie the political restraint that the Hatch Act places on these workers. Our Federal employees should no longer be afraid to exercise their basic rights as citizens of the United States of America. I urge my colleagues to join me in support of this bill.

## LEGISLATION REGARDING SOCIAL SECURITY TAXES ON DOMESTIC EMPLOYEES

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. SHAW. Mr. Speaker, today I am introducing two bills that suggest several very basic and common sense changes that will make paying Social Security taxes on domestic employees less of a burden, and therefore more likely to occur.

My first bill proposes three simple changes: It would raise the threshold for paying Social Security taxes on domestic employees from the current $50 per quarter to $2,000 per year, index this threshold to account for inflation, and require paperwork and payments to be filed once a year instead of every 3 months. Individuals with regular domestic employees, such as a nanny or live-in housekeeper, would still need to pay taxes. Even for those reaching the higher threshold, however, filing would be less of a burden, making this tax more likely to be paid.

My second bill recognizes that, for a number of reasons, current law in this regard has been widely ignored. I certainly do not condone Americans who do not pay the proper taxes. However, it became clear from public discussion surrounding the nomination of Zoe Baird to be Attorney General that many Americans simply were not aware of this tax liability. Others ignored paying because of the paperwork burden and the ridiculously low threshold, recognizing that this law was apparently rarely if ever enforced.

These are not excuses for not paying, but they are reasons for us to consider raising the threshold, as the House Ways and Means Social Security and Human Resources Subcommittees has done today. Most Americans realize, rightly I think, that paying their neighbor's son $10 per week through the summer to mow their lawn does not make them a small business owner. Our laws should reflect this simply fact, but unfortunately they don't currently.

My second bill therefore proposes extending a 6-month amnesty from penalty and interest payments for individuals who come forward and pay taxes they may owe on past domestic employees. Also, this bill requires the Secretary of the Treasury to transmit information about the employee and any earnings to the Secretary of Health and Human Services, so that the employee's wages can be credited toward future Social Security benefits. Domestic employees would get credited for the wages they earned, and their employers would be able to pay taxes they may have only recently found out they owe without additional penalty.

Mr. Speaker, Americans should obey the law, but unreasonable laws invite abuse. My bills will make observing this tax simpler and less burdensome for many Americans, which will also make them more likely to pay the taxes they owe.

## SUPPORT DAVIS-BACON REFORM

### HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. MURPHY. Mr. Speaker, today I am introducing legislation to reform the Davis-Bacon Act. For over 50 years, this important law has protected the U.S. Government and American workers from unscrupulous contracting practices. It assures that taxpayers can expect competent craftsmen on federally funded or assisted construction projects and at the same time guarantees a decent standard of living for workers in one of our last important blue collar industries.

I believe it is time for us to reaffirm our commitment to the principle of providing a level playing field for Federal contractors. Our constituents have a right to expect competitive contracts, quality construction, and competent craftsmanship when their tax dollars are invested in construction projects as well as the expectation that such projects will pay fair wages.

The Davis-Bacon Act mandates that all federally funded or assisted construction projects pay locally prevailing wages corresponding to the various types of trades or skills involved. The purpose of this act is to prevent Federal construction procurement from undermining living standards and local economies impacted by the presence of U.S. Government projects. The Davis-Bacon Act requires contractors to pay locally prevailing wages thereby eliminating any incentive to bring in low paid, unskilled workers from other areas. Consequently, local laborers and craftsmen have at least an even chance to compete for work on projects where Federal money or other assistance is involved.

My bill is the result of more than 4 years of effort to promote meaningful and timely reforms of the Davis-Bacon Act. Those individuals or groups who seek repeal of this law will no doubt be disappointed. Those who in good conscience advocate reform will, I believe, find a well-reasoned and balanced package of major concessions and adjustments as well as other improvements to the Davis-Bacon Act.

The bill I am introducing today is an extensive reform. Briefly, the bill modernizes the application of the act, simplifies Federal construction procurement with a true small contract exemption, improves administration and enforcement of the act, and ensures continued prevailing wage protection for construction workers.

I encourage my colleagues in the House to pass true Davis-Bacon reform legislation. It is time for Congress to take a firm stand on the issue and resolve this matter once and for all. This bill represents the most comprehensive effort to make the Davis-Bacon Act reflect the realities of construction work in the 1990's. We cannot let another opportunity pass us by.

## TRIBUTE TO LISA WOLFKLAIN

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Ms. ESHOO. Mr. Speaker, I rise today to honor Lisa Wolfklain, an outstanding individual who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Ms. Wolfklain has served with the San Mateo County Battered Women's Services since 1981. She has been president of the governing board and was instrumental in making the organization into a vital community resource. She has developed a new organizational structure, established a community office, employed high quality professional staff, and obtained a $50,000 grant from the California Office of Criminal Justice Planning.

Ms. Wolfklain has applied her passion for justice to the business world where she has developed a human resources program that has grown from 5 to 180 employees in 5 years. Her accomplishments in the field of health care have been written of in several newspapers.

Mr. Speaker, Lisa Wolfklain is truly an outstanding citizen. I am privileged to be part of her community and proud to enter these words of congratulations into the RECORD.

## IN COSPONSORSHIP OF THE FREEDOM OF CHOICE ACT, H.R. 25

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. WILLIAMS. Mr. Speaker, last week I added my name to the list of cosponsors of the Freedom of Choice Act. I do so because I believe the decision reached in the Supreme Court case Roe versus Wade in January 1973, is a sound one.

I would, however, like to make it very clear that I support this legislation because it continues the precedent set in Roe versus Wade, including the provision that permits States to regulate abortion after fetal viability. During the third trimester, the Supreme Court makes an exception to the States' authority when the preservation of the life or health of the mother, as determined by appropriate medical judgment, is at stake. States also have the authority to regulate abortion at the end of the first trimester to promote the health of the mother.

In signing this bill, it is my understanding the legislation preserves current State authority.

## TRIBUTE TO KIMBERLY WILMS FRIEDMAN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 4, 1993*

Mr. BERMAN. Mr. Speaker, it is an honor to pay tribute to Kimberly Wilms Friedman, who has spent so much of her time working with Alzheimer's patients at Granada Hills Community Hospital and the Bernardi Center. She has dedicated her professional life to helping ease the pain and suffering caused by a cruel disease that remains incurable. Her work is an inspiration to us all.

At Granada Hills Community Hospital, Kimberly is the director of the Center for Alzheimer's Resource and Evaluation. The center provides a full range of services, including outpatient diagnosis, clinical drug trial information, education programs, and support groups for caregivers. Not surprisingly, Kimberly is regarded as an expert in the care and treatment of the disease.

The Bernardi Center is indeed fortunate to have had Kimberly as an advisor to its own Alzheimer's program. Her support and knowledge have helped the program continue to function effectively.

Kimberly is also affiliated with several groups that have been created to deal with the psychological and physical toll the disease extracts both from its victims and their families. She is vice president for patient and family services of the Los Angeles chapter of the Alzheimer's Association, a member of the board of directors of the Los Angeles chapter of the Alzheimer's Association and a cochair of the chapter's support group committee. Outside of this particular area of expertise, she is a member of the American Society on Aging and a cofounder and member of the steering committee of the San Fernando Valley Aging Network.

We all hope that someday a cure will be found for Alzheimer's, which is a leading killer of senior citizens. In the meantime Kimberly Wilms Friedman is doing all she can and more to bring comfort to those with the disease, as well as their loved ones. For this she deserves our gratitude and praise.

# SENATE—*Friday, March 5, 1993*

*(Legislative day of Wednesday, March 3, 1993)*

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable J. JAMES EXON, a Senator from the State of Nebraska.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious Father in Heaven, this morning we pray for our families. The psalmist writes, "God setteth the solitary in families * * *." (Psalm 68:6) In every culture, the family is the basic unit of the social order. As goes the family, so goes society. In this day of the dysfunctional family, infuse leadership with a strong sense of obligation to their families.

So often, Lord, the family is hostage to the Senate schedule. Spouses and children far too often suffer the absence of the one in leadership. The destiny of children is determined by the family, and this is preeminently true when outside interests take priority to family concerns. Grant, dear Father, that the Senators will find time for family this weekend. May it be a time for healing and reconciliation.

We pray in His name who is Incarnate Love. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 5, 1993.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. JAMES EXON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. EXON thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:20 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair is pleased to recognize the Senator from Georgia [Mr. NUNN] to speak for up to 30 minutes.

The Senator from Georgia.

## THE CLINTON ADMINISTRATION DEFENSE BUDGET

Mr. NUNN. Mr. President, I thank the Chair. I am particularly pleased this morning that the Chair is occupied by the Senator from Nebraska who is a key member of the Senate Armed Services Committee and a key member of the Senate Budget Committee, because the subject I will address this morning, Mr. President, relates to the defense budget and its overall role in deficit reduction.

Mr. President, I have tremendous regard for the C-SPAN audience, having communicated with many of them over a period of time and, with that high regard, I want to start off this morning by issuing what I would call a parental guide bulletin. This speech is going to be dry, boring, and uninteresting. It is going to be important, very important, but it is going to be boring.

So to all those who may be listening, it may be time to switch your dial to "Mr. Rogers' Neighborhood" or some other program. But this is an important subject. It is enormously important, and I think it has to be addressed.

Mr. President, 2 weeks ago President Clinton delivered his economic address to a joint session of the Congress and to the American public. I have commended the President for his courage in sending us a budget that, for the first time in years, honestly faces up to the threat we face in this country with the massive budget deficits that lie before us. I believe Americans share the President's conviction that a fair sharing of sacrifice is an acceptable price to pay to bring these deficits under control. President Clinton is willing to be candid with the American people, and we all have to play a responsible role in developing a comprehensive solution to our collective budgetary problems.

### NATIONAL DEFENSE PORTION OF THE BUDGET REQUEST

The defense budget, based on changes in the world, has been and will continue to play a big role in deficit reduction, at least for the next several years. Unfortunately, there continue to be those who seem to believe that the defense budget can bear all of the budget cuts, and that we can get the deficit under control if only we would cut the cold war defense budget.

I am astounded when I hear people talk as if the defense budget has not been cut, because they obviously do not know the facts. The Defense Department is in the midst of a massive build down. The defense budget has been cut steadily since 1985. Back in the summer of 1990, as the Warsaw Pact was collapsing, Congress and the Bush administration entered into a long series of discussions on future levels of defense spending. The defense budget was cut sharply at that time, and since then, it has been cut even more during the Bush administration.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a chart showing the 5-year reductions from the defense budget since the budget summit agreement in 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1993–97 5-YR DEFENSE SPENDING REDUCTIONS FROM BUDGET SUMMIT BASELINE

[Budget authority in billions of dollars]

| | Total | 5-yr fiscal year 1993–97 reduction from baseline |
|---|---|---|
| Pre-budget summit baseline (last cold war baseline) July, 1990 | $1,810 | |
| Budget summit agreement | 1,485 | −325 |
| Bush budget proposals | 1,425 | −386 |
| Clinton 1994 budget proposal | 1,301 | −509 |

Mr. NUNN. Mr. President, for the 5-year period fiscal year 1993 through fiscal year 1997, the defense budget was being cut by $386 billion by the Bush administration. President Clinton's budget proposals would cut it an additional $123 billion. We need to have this in mind as the starting point and the context for our analysis. The defense budget is being cut sharply. Those who claim that Defense has not been substantially reduced since the end of the cold war are flat out wrong.

### DEFENSE IS ONLY PART OF BUDGET CARRYING ITS FAIR SHARE OF BUDGET SUMMIT CUTS

Mr. President, I believe that defense must contribute its fair share to deficit reduction, consistent with the threats that we now face in the world. No doubt these threats are diminished. But for the last several years, defense has been the only part of the budget where we have achieved any significant deficit reduction.

The budget summit agreement in 1990 was supposed to produce $500 billion in deficit reductions by 1995. But the recession was deeper and held on much longer than we thought. We not only failed to reduce the deficit by $500 billion, but the deficit is expected to actually increase by $500 billion during this period. Most of that is attributable to the recession.

Despite this, the defense budget was cut just as planned at the summit. All the defense cuts were made as planned, but the rest of the savings have not materialized.

The discretionary part of the budget—because it includes both defense and nondefense spending—has delivered its fair share of the savings. None of the other categories of the budget summit—entitlements, interest payments or revenues, all of which were affected when the recession hung on longer, have met their share of the savings required by the budget summit. It is clear, Mr. President, that the discretionary category is meeting its share only because defense spending has been cut more than originally planned. The discretionary category includes defense and nondefense programs. This category has met the budget summit plan because defense has met its plan.

### CLINTON ADMINISTRATION PROPOSALS FOR DEFENSE REDUCTIONS

Mr. President, the public needs to understand that this is the starting point as we evaluate the administration's proposals for additional reductions in the defense budget. I believe that the Defense Department is certainly carrying its fair share of the sacrifice toward putting our fiscal house in order.

Last year Governor Clinton proposed to cut $60 billion from President Bush's budget plans for 1993 through 1997. The Clinton administration's budget proposal this year calls for cuts of $122.6 billion over this same period. How does this budget proposal relate to the President's plans outlined last year?

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a table showing the reductions to the Bush baseline and the various elements that make up that reduction.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Reduction from Bush baseline to Clinton 1994 budget proposal*

| | *5 year 1993–1997* |
|---|---|
| Total Reduction | −122.6 |
| Clinton program reductions | −60.0 |
| FY93 Congressional reduction | −7.4 |
| DOD share of government-wide pay freeze | −18.0 |
| Offset for Bush program underfunding | −10.0 |
| Adjustments to Bush budget baseline | −27.0 |

(Mr. FEINGOLD assumed the chair.)

Mr. NUNN. The table shows that there are five major elements of this overall reduction of $122.6 billion. I am going to take a few minutes this morning to discuss each of them.

### PRESIDENT CLINTON'S PLAN

The first and largest reduction is the President's plan to cut out $60 billion as outlined in the Presidential campaign last year. Again, I remind everyone that this $60 billion cut is in addition to the $50 billion President Bush proposed to eliminate. All this is cumulative. What is the impact of an additional $60 billion cut from a $1.4 trillion 5-year plan?

As was the case with previous administrations at this stage of the process, we do not know now which programs are being cut to achieve this $60 billion cut. All we have is a total funding number. The President had proposed earlier to eliminate 200,000 military personnel in addition to the Bush reductions. Some people may believe that this will save $60 billion, but this cut saves only about one-fourth of the $60 billion. So we have to go further. Which weapon systems will be stretched out or terminated? What will be the resulting force structure? We simply cannot answer these questions at this point.

Mr. President, the answer to these important questions will not come until later this year, because DOD at this stage is deferring any review of the details beyond a narrow treatment of adjustments to fiscal year 1994.

We really will not know all the elements of this $60 billion, even when we receive the budget amendment, because the budget amendment will deal only with 1994. We will not receive this amendment until later this year.

So we will have to decide on defense numbers that entail very large cuts without knowing the elements of those cuts and without knowing how we are going to make those cuts.

I am sometimes puzzled when some of us—not very many—but when some of us propose entitlement cuts, and opponents say, "Wait a minute. What programs are you going to cut? Give us the details of those cuts. How can we vote on this amendment if we don't know which programs will be cut?"

Well, that is precisely how we will vote on defense. We will make big, big cuts in the defense budget without knowing the elements being cut. The next time we have an entitlement debate and I hear my colleagues say, "How can we cut or put a cap on entitlements without knowing what programs are being cut?", well, the answer is, we do it all the time in the defense budget and it does not seem to bother anybody.

### FISCAL YEAR 1993 REDUCTIONS

The second item on this chart concerns cuts that Congress made last year to the defense budget. Congress understood that additional defense cuts were coming no matter who won the election. We scrubbed the budget. We cut out a total of $7.4 billion below the Bush baseline for fiscal year 1993. We thought last year that this $7.4 billion cut was to be part of the $60 billion reduction proposed for the 5-year period.

As a matter of fact, some of us struggled hard to make that cut, because we thought that would contribute to the $60 billion cut that Governor Clinton proposed during the campaign.

The administration is not counting this fiscal year 1993 reduction of $7.4 billion against the $60 billion campaign pledge, so this brings the cuts from $60 to $67 billion.

### DOD SHARE OF THE GOVERNMENTWIDE PAY FREEZE

Mr. President, the third item in the list of cuts is the DOD share of the governmentwide pay freeze recommended by the President in his speech last week. The administration recommends freezing Federal pay in 1994, and then cutting 1 percentage point off the recommended pay adjustments after 1994.

I want to point out to my colleagues that nearly 7 out of every 10 Government employees works for DOD, either as a civilian or in uniform. The Office of Management and Budget calculates that the total savings from the pay freeze saves $26 billion, Governmentwide, and $18 billion of the total is in the Defense Department.

Mr. President, of this $18 billion, part comes from freezing pay in 1994 and part comes from adjusting pay raises downward by 1 percent each succeeding year. The OMB budget currently assumes that pay will increase by 3 percent in 1995, 2.7 percent in 1996, and 2.6 percent in 1997. But that is before you subtract the annual 1-percent reduction proposed in the budget.

The result of these two things—the new lower pay assumptions and the freeze and minus-1-percent adjustment—means that in 1994 there is no pay raise, in 1995 there is a 2-percent pay raise, in 1996 a 1.7-percent pay raise and in 1997 there is a 1.6-percent pay raise.

Mr. President, I know that the administration does not consider this to be a defense cut. It is a pay freeze on all Government workers, irrespective of place of employment. I understand the logic. But it is important to note that the DOD budget has already been cut by $18 billion, under the assumption that Congress will support this pay freeze. This brings the total 5-year Clinton cuts to $85 billion.

### OFFSET FOR SHORTFALLS IN BUSH BUDGET

Mr. President, the fourth area of reductions to the Bush baseline is something for which the Clinton administration deserves a lot of credit. Few people know that one of the things that the Bush administration did in its last defense budget was assume that management efficiencies would result in savings of $70 billion. DOD was also assuming that base closures would save $6 billion over this period. I support management changes. We need them in the Defense Department. I hope very much that they produce the $70 billion in savings and that the base closures save $6 billion. My experience, however, tells me these savings, when they occur, will be realized over a longer period than the next 3 or 4 years.

But no one at DOD could assure us then or now that they are indeed going to achieve those savings. We have heard from a lot of people, including GAO, who say that they doubt that those savings will be fully realized and could reach only half the goal. That remains to be seen. Everyone should work hard to achieve these savings. In addition there are some costs—such as environmental clean up costs—that GAO and others point out are not fully included in the budget. Obviously, if you can't achieve the savings, you have to cut defense programs or personnel to make up for the shortfall.

Secretary Aspin has recognized this problem and has appointed a bipartisan, objective panel to examine the books to find out if the management savings and base closure savings are real. This panel headed by Phil Odeen will also determine whether other costs—such as environmental clean up costs—have been fully budgeted. I think that this panel is a good idea.

The administration has assumed that DOD may not get $70 billion in savings assumed by President Bush and will only get $60 billion instead. The administration has said that they will cut an additional $10 billion to make up for that shortfall. This seems to me to be a prudent step, though I fear the shortfall will be substantially larger. This $10 billion adjustment brings the total 5-year Clinton cuts to $95 billion.

### ADJUSTMENTS TO THE BUSH BASELINE

The fifth item that accounts for the $122.6 billion in cuts is a $27 billion adjustment to the Bush budget baseline. Mr. President, 1 year has elapsed since the time President Bush submitted his 5-year plan and President Clinton prepared his. The recession has hung on longer than President Bush predicted. Interest rates and inflation rates are lower. In short, the economic assumptions in the Bush budget, which the administration used as its defense baseline, are out of date and need to be revised. Because of the lower interest and inflation rates, the Bush baseline can be reduced and, in theory, we will be able to buy the same program for less money.

I ask unanimous consent to have printed in the RECORD at this point a chart summarizing the inflation rate and pay rate assumptions that were in the original Bush baseline and are in the current Clinton budget documents under the revised Bush baseline.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF PAY AND INFLATION ASSUMPTIONS BETWEEN BUSH BASELINE AND CLINTON BUDGET

[Percent increase over previous year]

| | Fiscal year— | | | |
|---|---|---|---|---|
| | 1994 | 1995 | 1996 | 1997 |
| Pay raise: | | | | |
| Original Bush baseline | 4.7 | 4.5 | 3.5 | 3.5 |
| Revised Bush baseline | 2.2 | 3.0 | 2.7 | 2.6 |
| Clinton revisions | −1.5 | −0.5 | −0.8 | −0.9 |
| Inflation rate: | | | | |
| Original Bush baseline | 3.3 | 3.3 | 3.2 | 3.2 |
| Revised Bush baseline | 2.4 | 2.3 | 2.3 | 2.2 |
| Clinton revisions | −0.9 | −1.0 | −0.9 | −1.0 |

Mr. NUNN. Mr. President, by updating the budget assumptions to reflect the economic conditions that exist now, compared to what OMB was forecasting last year, a total of $41.8 billion from 1994 through 1997 was removed from the defense budget. OMB decided to use nearly $15 billion of that to pay for some increasing cost estimated in DOD, including the shortfall in management savings I discussed above. This left a net reduction in the defense budget of nearly $27 billion.

Mr. President, in theory this is an economic adjustment that does not cut anything real if the lower inflation numbers are accurate. It only assumes that things will not cost as much in the future as we thought last year they would cost. Unfortunately, we have a sad history when it comes to forecasting inflation.

I do not believe that this is phony budgeting. Both OMB and the Congressional Budget Office are forecasting roughly the same number. I hope that inflation bottoms out at 2.4 percent and stays there for the next 5 years. But I must put down a marker that I am skeptical.

Both OMB and CBO are making these projections as we are emerging from a 3-year-long recession. Of course inflation looks low right now. And with today's perspective, it looks like it will stay low forever. But in truth, both OMB and CBO forecast only 2 years into the future and then assume that identical conditions will prevail for the next 3 years. Only the first 2 years is a forecast—the other years are projections. This is standard practice in long-term forecasting, but those of us voting on the budget resolution and the defense number need to know the implication of this assumption. We have to recognize that there will be a serious impact if inflation is higher for the 5 years than now projected.

Accuracy in budgeting for inflation does not matter as much for any other part of the Federal Government as much as it does for defense. Let me give you an example. When DOD buys a weapon system it uses the so-called full funding principle. If the Navy were to buy an aircraft carrier today, it has to include in the budget this year the entire cost of the carrier, even though it will be built gradually over the next 7 years. That means the Navy has to budget today for the inflation it expects will occur over the next 7 years. By contrast, if the estimate of the year-by-year costs of domestic programs like child immunization or Head Start—both very important programs—is wrong, we can update the budget for them in subsequent years if inflation assumptions change.

If OMB and CBO make a mistake and underestimate inflation, the Navy will not have enough money to complete the aircraft carrier project. It will have to request more money to complete the carrier, and that will look like a cost overrun down the line, which is frequently reported in the media. This is just one example, but it applies to all DOD programs that run for more than 1 year. This problem affects DOD more than any other department, because DOD buys capital equipment, unlike most other agencies of the Government.

Mr. President, I should point out that the administration's own budget already demonstrates an inflation problem for the Defense Department. The OMB document called "Vision of Change for America" which accompanied the President's State of the Union speech contains a table showing the economic effect of adopting the President's budget. That table shows that inflation will be somewhat higher than the budgeting baseline if the President's program is adopted as proposed. But the Defense Department is allowed to budget only the lower inflation level, not the level that OMB believes will occur if their policies are adopted. This difference amounts to over $16 billion from 1994 through 1997. If the economy performs like OMB thinks it will—and not as DOD is allowed to budget for—DOD is already facing a $16 billion shortfall that will have to be made up by cutting defense programs. I am not calling this $16 billion a cut at this stage. But if OMB is correct it will clearly be a cut over these 5 years unless the administration revises its inflation number and adds this back to defense.

To recap, the Clinton administration cut out a total of $27 billion from changed assumptions for pay and inflation, and that brings the total to $122.6 billion.

### EFFECT OF NEW ENERGY TAX ON THE DEFENSE BUDGET

Mr. President, these are the items that make up the cuts in the defense budget proposed by the administration. But there are two additional items that could produce even deeper cuts in defense that are not included in the total $122.6 billion.

As all of my colleagues know, the administration is proposing a new energy tax based on the energy content of the fuel, or the so-called Btu content. The Defense Department is the single largest consumer of energy in the Federal Government—petroleum products, natural gas, and electricity. Anything that increases the price of energy directly and immediately affects the cost of defense operations.

Defense Department officials are still trying to determine the impact of the administration's proposed Btu tax on the defense budget. DOD is currently exempt from many of the Federal excise taxes on petroleum products, so I hope that the administration will carefully examine the possibility of exempting DOD from the Btu tax, but that may be difficult depending on how the tax is structured.

According to DOD officials, there is no allowance in the administration's current defense budget to pay the increased costs of the Btu tax. Under the administration's current proposal, the tax would be phased in beginning July 1, 1994, so the impact on DOD in fiscal year 1994 would be minimal. However, the full costs of this Btu tax on DOD would be substantial in the outyears, possibly as much as $700 million per year when fully phased in. I am not adding this potentially large number to the administration cuts at this time, but they would be in addition to the $122.6 billion outlined above.

If the administration decides not to exempt DOD from their proposed energy tax, there will be additional cuts in defense programs and personnel unless the administration increases future defense budget levels to accommodate this increased cost.

### BUDGET SUBMISSION EXCEEDS DISCRETIONARY SPENDING CAPS

Mr. President, the final item I want to discuss is a problem of outlays in the overall budget proposal. As my colleagues know, the budget summit back in 1990 established spending ceilings on various categories in the Federal budget. The so-called discretionary category includes defense spending.

The problem is that the administration's proposed budget exceeds the allowable spending ceiling on discretionary spending for fiscal year 1994. I have been assured by the administration that they are aware of this. I am informed that this may be a $3 to $4 billion problem in fiscal year 1994. I have been assured by the administration that defense spending is not the cause of the problem and that the administration does not believe the Defense Department should have to pay to fix it. I know there are people in Congress who will try to take the easy way out and lay that problem at the Pentagon's doorstep. I would strongly oppose imposing yet additional cuts on the 1994 defense budget because the proposed nondefense discretionary spending plans exceed the allowable spending ceilings.

If the defense budget had to pay for this entire fix in 1994 in outlays, a total of $9 to $10 billion in budget authority would have to be cut. That is double the amount that the Defense Department is trying to cut out for 1994. So this is something I hope the Budget Committee will address and take into account in a fair and objective way.

### KEY QUESTIONS THAT NEED TO BE ADDRESSED

Mr. President, let me wrap up my comments today first with an observation and then with a number of key questions that I believe must be addressed.

The Defense Department in the past few years has carried more than its share of sacrifice for lowering the deficit. Indeed, the Defense Department seems to be the only part of the Federal Government that has carried its fair share. Yet I hear calls from some on Capitol Hill who say defense should be cut deeper, in spite of the fact that the defense cuts proposed by the administration make up 85 percent of all of the net spending outlay reductions in the budget proposal.

Mr. President, there are a number of questions that I believe we all have to consider in making our judgments on the budget resolution.

### FIRST QUESTION: PAY FREEZE

First, the defense budget is being cut $18 billion to pay for the pay freeze proposal. I understand the administration's position that they do not consider this a defense cut but a Governmentwide pay freeze. However, I seriously question whether Congress will freeze military and civilian pay in 1994 and then pay half the rate of inflation for the following 4 years at the same time that all military retirees, retired civil servants and all Social Security recipients receive full cost of living adjustments each and every year. In other words, we will be treating the retired community on a different basis than active duty military personnel out in the field every day. We will have to look at this issue very carefully. To me, the question is this: Since the pay freeze proposal was not intended to cut defense, if Congress rejects or amends the freeze, should not the defense budget be increased rather than force DOD to cut more programs or fire more people?

Mr. President, I have had several detailed conversations with senior people in the administration. They assure me that if Congress rejects the Governmentwide pay freeze proposal, the defense budget should be increased. If Congress decides to exempt DOD alone or the military alone, however, the administration believes that DOD should cut other programs to pay for the pay raise. I hope that the Budget Committee keeps this clearly in mind when it starts to mark up a budget resolution. All committees of jurisdiction should keep this in mind when deciding on Government pay, including military pay.

### SECOND QUESTION: MANAGEMENT SAVINGS

Second, the administration has been responsible in assuming that not all the management savings forecast by the Bush administration will be realized. But if the savings fall far short of the goal—or if other savings do not materialize on schedule, such as the base closure savings—will the administration and Congress stop and reevaluate the situation or will defense programs be cut even further?

Mr. President, again, I have been assured by the administration that DOD will not be penalized if it turns out—as I suspect it will—that the Clinton administration has inherited erroneous or phony savings estimates from the Bush administration. I have been assured that the Clinton administration is committed to increase the overall defense budget rather than make DOD absorb large additional assumed phony savings that they inherited from the Bush administration.

### THIRD QUESTION: INFLATION ESTIMATES

Third, I am concerned about the low inflation estimates in the budget. I hope inflation is licked and we do not have a problem. But even OMB's own calculations show they do not believe inflation will be as low as we are putting in the budget. Since the administration mechanically lowered the defense budget because of lower inflation estimates, it is my hope and expectation that the administration will mechanically increase Defense spending in future years if inflation proves to be higher than projected in this year's budget.

I have been assured that the administration will not permit higher inflation in the future to damage our defense capability. Of course, this will be a Governmentwide problem if inflation turns out to run higher than OMB currently assumes. But the administration understands the exceptional problem it presents to the Defense Department.

It is very important that my colleagues in Congress have an appreciation for this problem and share a commitment to insuring Defense is not punished by underestimating inflation. This is an item which I hope and expect the Budget Committee to clarify.

### FOURTH QUESTION: BTU ENERGY TAX

Fourth, what is the administration's plan for accommodating the Btu tax in the Defense Department? Can the impact of the Btu tax be credited to the $60 billion program cuts outlined by the administration, or will it be added to those cuts?

In this area the administration is aware of the problem and is continuing to evaluate it. The Department of Defense must assume responsibility for insuring that the administration is aware of the special problems and requirements of the Defense Department as the details of the Btu tax are being developed. It is my hope and expectation either that Defense would be exempted from the tax, or that the 5-year defense budget will be increased to avoid further defense cuts to pay this tax.

### FIFTH QUESTION: EXCEEDING THE DISCRETIONARY SPENDING CAPS

Fifth, as I have pointed out the administration's budget submission in the discretionary accounts exceeds the caps set in law. The question is this: How does the administration plan to get under the discretionary spending cap for fiscal year 1994?

Again, I have been assured, Mr. President, that the administration knows that defense is not the cause of the problem, and the solution should not involve additional cuts in the Defense Department. I hope and expect my colleagues on the Budget Committee to work with OMB to insure that defense spending is not cut for this reason, when Defense has had absolutely nothing to do with this problem.

In summary, Mr. President, I have the following concerns and questions on the defense budget:

First, I am concerned that DOD not be penalized if the Clinton administration inherits phony assumed savings from its predecessor administration. I have been assured by the Clinton administration that if the savings shortfall in the Bush funding for defense exceeds $10 billion, which is the hedge that is in this budget, the defense budget will be fully protected. I have been assured of that.

Second, I am concerned that if the Congress rejects the call for a pay freeze on Government employees, including military active duty, in whole or in part during the next 5 years, the Defense Department would have to make compensating programmatic reductions. I have been assured by the Clinton administration that if the pay freeze is rejected or amended on a Governmentwide basis, the defense budget will be fully protected.

Third, I am concerned that some will try to cut the defense budget in fiscal year 1994 because the administration's budget exceeds the allowable budget caps for discretionary spending. I have been assured by the administration that defense did not cause this problem and the administration is opposed to defense cuts solving the problem.

Fourth, I am concerned that a mechanical downward adjustment to the defense budget because of lower inflation may not be reversed if we subsequently determine inflation rates exceed the budget assumptions. I hope and expect that the administration and the Congress will mechanically adjust the defense budget upward if inflation rates exceed the current budget assumptions.

Fifth, I am concerned that the Defense Department will be forced to absorb the Btu tax in addition to the $60 billion program cuts it will be making. I hope and expect the administration and the Congress either to exempt DOD from the Btu tax, or to increase the defense budget to offset the effect of this tax.

Mr. President, next week the Budget Committee will begin to mark up a budget resolution for fiscal year 1994. I have one additional concern I must outline. I have noticed a consistent pattern in Congress. Congress agrees to a spending level in a budget resolution, but each successive step in the legislative process whittles away at that number in the DOD budget. Congress agrees on a spending level for defense, but that level erodes through successive steps in the process. Some is diverted in the allocation process and other funds are diverted within the Defense appropriation process by earmarking funds to go to nondefense programs. I strongly believe that the final defense number in the budget resolution must be not only a ceiling but also a floor, and I will be fighting for that.

Mr. President, President Clinton, Vice President GORE, Secretary Aspin, and Director Panetta and their staffs have worked diligently on the overall budget. I appreciate the considerable attention they have given to these defense budget questions I have raised. I look forward to continuing to work with the administration and with the Budget Committees to reduce the deficit while maintaining the essential military strength we must have to protect our Nation's security.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, I have listened very carefully to the remarks of the Senator from Georgia, the chairman of the Armed Services Committee. Once again, Senator NUNN has demonstrated his unusual insight.

Mr. FORD. Mr. President, will the Senator from Nebraska tell me how long he is going to take because he is now into the time for the managers of the bill.

Mr. EXON. I will simply advise that I understood we were in morning business. Is that not accurate? I understood we could speak for 5 minutes in morning business until a certain hour. Will the Chair please clarify the position of the Senate?

The PRESIDING OFFICER. The regular order is that we are to proceed to the consideration of the motor-voter legislation.

Mr. FORD. I will be more than willing to allow the Senator to have some time. I just want to know how much because I have some speakers who want to speak before 9:40, which is the time for the vote.

Mr. EXON. I was planning on 8 minutes. If that is not possible——

Mr. FORD. Mr. President, will the Senator try to limit it to 5 so I can allow other speakers? That will only give me 5 minutes for some other speakers. We are taking up too much time now.

Mr. EXON. Whatever is the wish of the Whip I will certainly agree with. Mr. President, will he be good enough to spare me 5 minutes?

Mr. FORD. Mr. President, I certainly will.

## DEFENSE SPENDING PROPOSED BY THE CLINTON ADMINISTRATION

Mr. EXON. Mr. President, I have listened carefully to the remarks of Senator NUNN, chairman of the Armed Services Committee. Once again, he has demonstrated his usual insightful understanding of the workings of the Defense Department and the possible implications of precipitous cuts in spending. Senator NUNN is second to no one in this body in his commitment to a strong defense. His objective, thorough approach to the drawdown in military spending, and I will remind all, once again, that drawdown is now is its eighth consecutive year, has ensured that our Armed Forces remain ready and capable of meeting any challenge to our security interests. The Senate and the Nation as a whole owe a great deal to the chairman for his exemplary work. I do not always agree completely with my great friend and close colleague from Georgia but I have always found him worth listening to. President Clinton is to be congratulated for what I believe is honest budgeting. It is a new experience for us.

But when President Clinton and Secretary Aspin announced the proposed defense budget for the upcoming fiscal year and set forth funding targets for future years through 1998, the Senate was presented with a dilemma. The absence of a detailed specific budget to support the 1994 request of $264 billion makes it impossible for the Senate to pass a budget resolution with an appreciation of where cuts are being proposed and not proposed. By placing the budget resolution cart before the budget horse, the Senate is forced to respond like a horse with blinders: do not look around, just charge ahead, straight ahead. Though we understand the personnel and programmatic specifics of the previous Bush baseline budget from which reductions are being proposed, the only information as to where cuts are to be made and why has come from press speculation and reported Pentagon leaks. As a result, the President has asked us to make a leap of faith.

With the markup of the budget resolution looming in the near future, the question each Senator must answer is how much can be taken out of the Bush baseline budget for 1994 and beyond without cutting into the muscle of our Armed Forces? And more importantly, what are the outyear implications of these cuts? Pink slips to our dedicated service personnel? I think not, and I hope not. I think such action would not be supported by the Senate.

As a member of both the Budget and Armed Services Committees, I understand the complementary role each plays along with the Appropriations Committee in formulating the defense budget.

Last year when President Bush proposed a very generous Pentagon spending plan for 1993, and then threw down the gauntlet of not a penny less, I undertook to show that such bravado was a charade. I presented to the Budget Committee a detailed line-item by line-item analysis of the proposed 1993 defense budget that concluded that an additional $8.8 billion in savings could be found without taking an additional penny out of the military personnel account of cutting the 30 most expensive weapons programs.

Rather, by simply freezing a large number of minority procurement procedures and projects and research and development growth items in 1992 spending levels, freezing, not cutting mind you, nearly $9 billion in cuts could be found, although this is a modest proposal. Although it only failed by one vote in the Budget Committee and five votes on the floor, the facts are that the final defense numbers passed by the Congress and signed by the President was only $2 billion above that level. I advocated early in the spring that we could do this and it came to pass. This proves I maintain that my proposed reductions were attainable and were entirely reasonable despite President Bush's unrealistic not a penny less threat.

This year, however, such an analysis is not possible due to the lack of budgetary specifics. Only time will tell whether the Armed Services and the Appropriations Committees, once more details become available, will be able to reach a consensus. But the Budget Committee and the full Senate will not have the luxury of time. We are being asked to make a leap of faith without any specifics.

When the Clinton administration inherited the Bush budget, it correctly concluded that we can and must spend less, but how much less? And in what program? National defense must always be reviewed in specifics to properly weigh the impact of our final decision. I am concerned that the Clinton administration has gone too far too quickly. During the campaign, President Clinton pledged defense cuts of $60 billion below the Bush baseline from 1994 through 1997. Though these are far-reaching, I might have bought that.

Now President Clinton to his credit has recognized that the Bush administration underfunded the outyear by at least $10 billion in expected savings from smoke and mirrors, acquisition streamlining and procurement.

So the plot and the pot of money thickens or thins depending on how each Senator approaches his or her decision and perspective.

Mr. President, are the cuts draconian or ill-advised? It all depends upon one's view in the particular programs contained in the defense budget and whether the details of the Clinton plan, when finally revealed, will show cuts that are workable or misguided. Senator NUNN has hoisted the storm warning flag. Let us heed it. Proceed with caution.

I thank the Chair.

I yield the floor.

## TYPHOID VACCINES AND LES ASPIN'S RECENT ILLNESS

Mr. MACK. Mr. President, I noted that the illness which recently landed Secretary of Defense Les Aspin in the hospital appears to have been brought on after he was inoculated for typhoid. While I am delighted that Les appears to have come through his ordeal with flying colors, I fear that the difficulties which he faced could, perhaps, have been avoided had the Department of Defense and the Senate Armed Services Committee only gone forward with the proposal I made last year to have the Pentagon shift to a new oral typhoid vaccine, which has none of the side effects which apparently affected him.

A company in my State, Berna Products, has developed this typhoid vaccine, which can be taken in capsule form. This new oral vaccine eliminates most of the side effects associated with the old parenteral vaccine, while providing both speedier effectiveness and longer protection. Moreover, DOD itself contributed over $1 million in research funding for the vaccine's development. Despite the obvious merits of the new vaccine and the cooperation between Berna and DOD, problems have continued to inhibit the Armed Forces' purchasing the new vaccine in bulk.

In fact, the Armed Forces Epidemiology Board recommended phasing-in the new vaccine in 1991, and the Army Surgeon General's Office has issued instructions for units to start using it. Even so, while DOD has already approved an agreement which allows individual bases to purchase the vaccine directly from Berna, so far, no action has been taken by the Pentagon to make the new oral vaccine the worldwide standard.

I can see no good reason that the oral vaccine should not become the standard for all our men and women in uniform, as well as other DOD personnel in need of immunization. Even though this new vaccine has minimal side effects and no one can say with absolute certainty whether it would have prevented Secretary Aspin's present difficulties, his case demands that we ask the question.

Again, I am extremely pleased with Les' speedy recovery, and now hope that some good can come from his experience, by forcing a vaccine change which will benefit Defense Department people all around the world.

## WHAT WILL HISTORY SAY?

Mr. WELLSTONE. It may be that others have spoken on the floor on this question, which I think is a compelling question of our times. But, if not, I would like to do so.

First, I ask unanimous consent that two op-ed pieces—one by Anthony Lewis that appeared in the New York Times, titled "On Bended Knee?", the other that appeared in the Washington Post today by Stephen S. Rosenfeld, "Mercy Flights, Merciless Results," be printed in the RECORD in their entirety.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 5, 1993]

### MERCY FLIGHTS, MERCILESS RESULTS

(By Stephen S. Rosenfeld)

To Bill Clinton's first round of humanitarian airdrops, intended to relieve distress and boost peace, Bosnia's Serbs responded by stealing what they could of the supplies and, reportedly, massacring, intended beneficiaries by the hundreds in Muslim villages. Eyewitnesses describe the survivors as "crying for help and begging to be taken out alive."

To which some in the West now respond by averting their gaze and advising the United States to lean harder on the "intractable" Muslims to accept a United Nations peace plan that Muslims regard as sealing a national disaster. Didn't after all, Washington undertake to do just that when it recruited Russia to join it in consummating the U.N. plan?

In fact, the Muslims could not face a crueler choice. They can fight on as best they can in the hope that changing military or political odds will give them a better bargain at the peace table. Or they can cut their staggering losses and preserve what they can of their sundered national life behind the wall of a U.N. plan guaranteed, as this one is supposed to be, by American participation in a peace-keeping force.

It is clear that some Muslims will try to fight on. But it is also clear that overwhelming pressure to make a deal is being generated by the lethal combination of Serb power and international—Muslim as well as Western—abandonment.

Many Americans, of course, take these developments as vindication of their earlier cautions about the United States sinking into a Bosnia quagmire. But what nags at me is the fear that Washington is giving a green light to conduct the sort of unchecked and relatively cost-free ethnic cleansing that could become the global political AIDS of the 1990s.

The proposed international peace-keeping force that the United States would join in Bosnia is being touted in some quarters as the redeeming end of this unhappy cycle, as a problem-solving model applicable elsewhere. But it looks to me more like an international blessing for an act of aggression at once savage and potentially contagious in an ethnically riven post-Cold War world.

Bosnia is turning out to make a dubious foreign policy start for the Clinton administration. Yes, this crisis was dumped boiling and hissing on a new president, but he is responsible for his own showing, and it is disappointing so far.

Clinton, showing a feeble grasp on history, bet on a certain Serb moderation and readiness for compromise. But the Serbs have shown a fierce paranoia and arrogance. They are working single-mindedly to build a greater Serbia housing all of the old Yugoslavia's Serbs, continuing military operations and spitting in Washington's face.

The president gambled by bringing Russia into negotiations. The early results indicate that the Serbs are being as contemptuous of their traditional friends in Moscow as of their new political adversaries in Washington. The provisional verdict must be that Russian entry has made it harder not easier to negotiate the U.N. plan, let alone to improve it from a Muslim viewpoint.

Meanwhile, Clinton, having ruled out more vigorous forms of aid, launched a relief mission that itself has become an instrument of the ethnic cleansing it was meant to prevent. Muslims venturing out from cover to haul in far-flung pallets are having their throats cut by Serb soldiers. This for an operation inexplicably hailed in Washington, by Defense Secretary Les Aspin, as a "great success." The United States, advertising its hesitancy at every step, simply was unprepared for the unhesitant Serbs, who seemed determined to demonstrate that for every foreign effort to preserve life in Bosnia, they would deal out death.

In this way has the United States muddied what is the leading new foreign policy question posed by the Bosnia crisis—how to bring force effectively to bear in a humanitarian and political intervention in a sovereign state. Not everyone was prepared for an arduous test, but the Clinton attempt to find an answer on the cheap is being confounded.

The Serbs took a good case—the failure of the breakaway republics, including Bosnia, to offer a proper political place to their Serb minorities—and turned it into a mockery by the military operations and human rights violations that go on to this day. The U.N. peace plan makes an effort to deal with both considerations—Serb rights, Serb misconduct—but the Serbs extend the misconduct, and the United Nations merely pronounces itself "appalled." Why does it not beef up its Bosnian forces and save lives?

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[From the New York Times, Mar. 5, 1993]

### ON BENDED KNEE?

(By Anthony Lewis)

BOSTON.—How far will Bill Clinton bend his knee to the murderous thugs who lead Serbian aggression in Bosnia? How far can they push him without a response that preserves American honor?

Those questions have to be asked after the first disastrous application of the new Clinton policy toward the conflict in Bosnia. Consider what the President did to defer to Serbian sensibilities—and what he got back.

Instead of more vigorous action to stop Serbian aggression, as he promised during the campaign, Mr. Clinton made a purely humanitarian move: to airdrop food and medicine to besieged civilians in eastern Bosnia.

To avoid offending the aggressors, the President said relief supplies would go to all parties—to the attacking Serbs as well as their victims.

Lest the U.S. cargo planes carrying out the operation provoke Serbian antiaircraft gunners, the planes were kept over 10,000 feet. And they were not accompanied by fighters, as they were in the highly successful low-level airdrops to Kurds in northern Iraq.

To that deferential policy, the Serbian aggressors replied with these among other actions:

When starving Muslims in the Cerska area came out of their villages to collect the few relief bundles that had fallen anywhere near them, Serbs shelled them.

Serbian forces used the airdrops as a cover for a major offensive against the Cerska enclave. They overran it and, according to reports from the area, killed hundreds of civilians. A United Nations official called it a "massacre."

Dr Radovan Karadzic, self-styled President of the Serbs in Bosnia, issued an "open letter to the American people" from the United Nations in New York. In it he denounced the airdrops, saying that land relief routes were "perfectly adequate"—though his forces have continually blocked them. He said:

"The tragic and deplorable terrorist incident at the World Trade Center is fresh testimony to the extraordinary volatility and immediate dangers of direct foreign involvement."

There cannot have been many threats as brazen as Dr. Karadzic's. He as good as warned the United States to stop even humanitarian help to his victims or face Serbian terrorist attacks in this country. (Yesterday he "retracted" the threat, blaming a poor translation of his letter. That was as honest as most of his statements.)

Dr. Karadzic was at the U.N. for negotiations on the Vance-Owen plan for a political settlement in Bosnia. But his statement, and the depravities carried out at his orders, showed how the supposed peace process has been used by the aggressors.

The Cerska area overrun by Serbian forces is assigned by the Vance-Owen plan to a canton with a Muslim majority. Indeed, it is a crucial part of the plan, designed by Lord Owen and Cyrus Vance to prevent Bosnian Serbs from linking up to Serbia itself, to the east, in a Greater Serbia.

But while the negotiations have gone on, the Serbs have eaten away at the territory, carrying out "ethnic cleansing" to remove Muslims by terror and murder. Can anyone believe they will quietly leave the Cerska area if and when the peace plan is accepted?

The United Nations looked pathetic in this week's tragic events. The Security Council condemned the Serbs, but they know the strong words will only be words.

President Clinton's honor is really at stake. The Serbs took him for a weakling. Seeing the deferential terms of his airdrop policy, they read it as conveying anything but resolution. They treated it—treated Bill Clinton and the United States—with contempt.

The truth is that Dr. Karadzic and his colleagues understand only one thing: force. If the aim is to stop the Bosnian tragedy, the United States should be dropping bombs on his forces and his headquarters instead of appeasing him. If that is not the aim, it would be more honest to admit our impotence.

It is a question of political will. I have not been an admirer of Margaret Thatcher or Ronald Reagan, but I know beyond any doubt that Radovan Karadzic would not have got away with his lies and aggression if they were in office. Instead we have had John Major, who makes Neville Chamberlain look like a man of steel, and the immobile George Bush.

And President Clinton? Where will he be counted when the reckoning of Bosnia is made?

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Mr. WELLSTONE. Madam President, Tony Lewis said:

When starving Muslims in the Cerska area came out of their villages to collect the few relief bundles that had fallen anywhere near them, Serbs shelled them.

Serbian forces used the airdrops as a cover for a major offensive against the Cerska enclave. They overran it, and according to reports from the area, killed hundreds of civilians. A United Nations official called it a "massacre."

We have in Minnesota a torture center. It is probably very well known around the country. I wish there was no need for it. And we have men and women who came from other countries who come to this center so they can try to recover and rebuild their lives from the torture that they have experienced.

I met with a woman who is a psychiatrist who just came back from Serbia. She spent time with women who have been raped in the rape camps.

I do not know quite what to say on the floor of the U.S. Senate today—I once read from a book called "The Abandonment of the Jews"—except to say this. I speak first as a U.S. Senator from Minnesota. I speak second of all as an American Jew.

I sometimes wonder whether or not we have learned anything in the world in the last 40 years. I think there comes a time when silence is betrayal, and I think we have had too much silence in the U.S. Congress over this issue.

I told my wife, Sheila, the other day: I do not want to be self-righteous about it. I have been part of that silence.

A long time ago, I called for some kind of military action, arguing that between doing nothing and protracted ground warfare there surely were other military options. But yet and still, I really worry that historians are going to write about me and others, and that what they are going to say is: They were too busy; they had campaign reform to work on, health care reform to work on, budgets to work on.

How can we turn our gaze away from what is happening? Ethnic cleansing, rape camps, the systematic slaughter of people? I just do not feel like we have spoken up. I think the standard that historians are going to use to measure us is who spoke up and who did not.

I hope that committees in the U.S. Senate will start hearings, and I hope that here on the floor of the Senate and the floor of the House of Representatives, Representatives and Senators will come to the floor and speak about what it is they believe should be done. I must tell you, I am not proud. I am not proud of the European countries, and I am not proud right now of our very timid response.

I think we have turned our gaze away from a slaughter, from a slaughter of people, from ethnic cleansing, from the murder of people, from the rape camps. I do not think we can be silent any longer. I do not believe we can turn our backs on this any longer. And I believe there has to be some kind of strong international response.

Madam President, I hope next week I will have more to say, more to say in specifics. But, like many Senators, I am going home this weekend, back to Minnesota. And I just did not want to leave this week without saying something about this.

## THE ECONOMY

Mr. NICKLES. Mr. President, all of our colleagues, I think, are concerned about the economy and what is happening in the economy. We did have some good news today: Unemployment rates have dropped from 7.1 percent to 7 percent. That is good news. We have an additional 380,000 new jobs which were created last month. I think that is very positive. We are glad to hear that news.

I might mention that at this rate, the current economy will exceed in just 2 months the goal of creating 500,000 jobs over the next 2 years under President Clinton's so-called stimulus package. I might also mention his package was going to cost taxpayers in excess of $55,000 per job. I urge President Clinton to not promote, not push, the so-called stimulus package that will only increase the deficit.

I might also add that we do have some figures that I hope my colleagues and the American people will pay some attention to, concerning President Clinton's economic package. The Congressional Budget Office yesterday came out with figures that said that, in analyzing his proposal, President Clinton's package would raise taxes $267 billion over the next 5 years. It also said he would have net spending cuts of $55 billion over the next 5 years.

I will say that ratio is not proportionate. It means we would raise taxes $4.85 for every $1 of spending reduction. It do not think that is rational. I do not think it is sound. I do think it is very detrimental to the economy.

President Clinton's package of tax increases would put people out of work. I want to talk specifically about the energy tax proposal in President Clinton's recommendation to Congress. He calls his package an economic plan. I would call it an unemployment plan. He is going to put people out of work. Let us talk about it.

He has recommended a Btu tax. We invited President Clinton and Vice President GORE to join us for lunch. They both graciously accepted, and I appreciate that. A question came up about the so-called energy tax. It is a Btu tax; in other words, it is applied to all forms of energy. The tax is kind of confusing. Most people in America do not know what a Btu is. They do not know how that is going to impact them. They do know, though, their energy costs are going to go up.

The figures that have been used, I might mention, have been a little bit misleading. President Clinton, in his State of the Union Address said his tax would only cost about $17 a month. That is equal to $204 a year. That is what President Clinton said in his State of the Union Address. The Office of Management and Budget said it will cost $320 a year for a family of four. Private sources tell me it is going to be much closer to $475 a year for a family of four. I happen to agree with the higher amounts. I will explain that during this discourse.

Under the President's budget proposal, he said he is going to raise $71 billion. That is actually $71 billion in net Federal revenues. The impact of the tax, for people who do not follow it closely, and I will also say these figures came from the administration, on gasoline is going to increase gasoline at least 7.5 cents to 8 cents a gallon. For residential natural gas, you are going to have an increase of about 4 percent. For residential electric bills, you are going to have an increase of at least 3 percent. And for home heating oil, you are going to have an increase of about 8.3 cents a gallon, or about 8 percent.

So everyone in America who has home heating oil, is buying gasoline or buying diesel fuel, or pays an electric bill should know they are going to have energy cost increases of 3, 4, maybe 8 percent or more. So it is going to cost consumers a lot of money.

How much money does this energy tax raise? OMB says it is going to raise $71 billion. I might mention that is a net figure because OMB knows that corporations, when they pay these energy tax bills, get to deduct that from their income taxes. And so the IRS really has to raise a lot more money than $71 billion. Treasury actually estimates that they are going to raise $95 billion in gross energy taxes. This number is from Treasury, $95 billion collected so they can net $71 billion. Madam President, $95 billion over a 5-year period of time may not sound like too much money to those of us who are working in Congress. We spend a lot of money pretty quick and it is "only" $95 billion that we are raising taxes.

I might point out how much money this tax collects, what the impact is on low-income people. It is kind of an interesting comparison. The personal income tax paid by the bottom 50 percent of all taxpayers is $125 billion. So this proposed energy tax increase almost equals the income tax that is paid by the bottom half of all taxpayers in the United States. This energy tax is a massive tax increase—a massive tax increase—and it is a tax increase that is going to adversely impact the economy in many, many different ways in every single industry. I will just give a couple of examples.

What will be the impact of this tax increase? It is going to cost jobs. It is going to put people out of work. I have asked some industries to give me some facts and some figures and I will use first, Madam President, as an example in my State, our largest employer also happens to be a significant employer in the State of Washington, which is American Airlines. I know the airline industry in the State of Washington is struggling right now.

The airline industry estimates that the direct fuel cost increases from the energy tax would cost $2.8 billion a year. Airplanes just cannot fly without consuming fuel. It takes aviation fuel that comes out of oil. The energy tax on aviation fuel would range anywhere from 8 cents per gallon on up. American Airlines, just to mention one company, happens to be the largest private employer in my State of Oklahoma. They happen to be the largest carrier in the United States. I asked them how much would this tax cost? They said it would cost them anywhere from $160 million per year to $320 million a year, depending on what the allocation of the tax by the refineries would be on aviation fuel. It will be at least 8 cents a gallon. It could be more.

Let us take that $160 million a year figure. Let us be conservative. Can American Airlines just pass it on so we are going to be paying higher prices for our tickets? Maybe they can, but I doubt it. Last year, American Airlines, unfortunately, lost $985 million. It was a terrible year. We have heard their President, Robert Crandall, say they are having a reduction, they are letting people go, they are reducing the number of flights. This energy tax increase is going to accelerate that reduction. It is going to cost jobs. Those are good jobs, high paying jobs. We are putting people out of work and no one can say this tax increase is not going to put people out of work.

So the tax increase for a company that lost almost a billion dollars is going to be probably a couple hundred million dollars or more per year. That is going to put a lot of people out of work. They employ thousands of people in my State. I do not want those people losing a job because of an ill-conceived energy tax proposed by the Clinton administration.

This energy tax will hurt agriculture, a vital industry in Oklahoma and in the States of most of my colleagues. The Farm Bureau estimates the Btu tax on a typical 430-acre Midwest grain farm would cost $800 per year. That is only counting direct cost increases for gasoline, diesel fuel, and propane. Fertilizer costs are going to go way up, too. So will pesticides and the cost of machinery. And you just go on and on and on.

General Motors happens to be another big employer in my State. Last year their car and truck division lost $4.5 billion and they reduced their employment last year in these 2 divisions by 27,000 jobs. GM estimates their direct cost for energy use would be $68 million a year and they would incur significant increases in their indirect costs because they would have to pay higher prices for steel, glass and other parts. GM estimates the energy tax will increase their direct and indirect costs a total of $270 million to $340 million per year. Keep in mind again that General Motors lost money in its car and truck division, and yet we are going to mandate higher prices for them to pay. Are we not paying enough for automobiles now? Are we just going to increase our difficulties in competing with overseas competitors? That is exactly what this tax is going to do, and this tax, again, is going to cost jobs in this industry.

In the steel industry, the large domestic integrated steel manufacturers estimate the Btu tax will cost them approximately $400 million per year. And again you might say, that is fine, they are just going to pass it on. Wait a minute, they all lost money last year.

I ran a manufacturing plant in Oklahoma and we lost money last year. I will tell you, if we were having a good year and our energy costs go up, we are going to make a rate of return on that. We are going to increase our prices and pass it on, if we can. My point is, we have major industries that are significantly negatively impacted by this energy tax that cannot pass it on. That means they are going to lose jobs. You may even push them over the cliff. You may force them out of business and permanently lose a significant number of jobs. It may be the straw that will break the camel's back. I hope that does not happen.

I will tell you it is going to happen. There are economic consequences to what we do in Congress regardless of what some people may pretend is not the case. You can put too much of a burden in many sectors, and I am afraid that is exactly what this energy tax is going to do. I happen to think that a $475 cost on a family of four is too much. Maybe we can afford it in Congress, maybe other people can in Washington, DC, but there are a lot of people out in rural Washington, or in rural Oregon, or maybe living in the suburbs who cannot afford a 3-percent increase in their electric bill or a 4-percent increase in their natural gas bill, or an 8 cent increase in their gasoline and home heating oil.

I might mention, too, that President Clinton campaigned and said he was not going to raise gasoline taxes, yet this energy tax proposal is going to raise gasoline taxes 8 cents a gallon. I think we should hold people accountable for what they say in campaigns. They should be consistent. Frankly, they are not.

Madam President, let me just touch on a couple of other things.

The overall economic impact.

Treasury has stated that they will raise in gross revenue $95 billion so they can net out $71 billion. We had testimony before the Energy Committee last week, and it showed that there are a lot of negative economic consequences. As a matter of fact, the National Association of Manufacturers estimated that the job loss because of the energy tax, when fully implemented, will be over 600,000. This could be a conservative estimate. For example, the American Petroleum Institute estimates the loss of jobs at 700,000.

I do not know who is right, but I do know that the job loss is going to be in the hundreds of thousands, when you calculate the destructive effects this tax will have on the economy; when you calculate the fact that the Department of Defense is going to have to pay more now for its petroleum; when you calculate the fact that we are going to inflate a lot of goods and services in this economy. Congress is going to have to pay more money for COLA's for senior citizens because we are going to create inflation because of this energy tax. I mentioned those industries that can pass it on will pass it on. And how do they pass it on? They increase prices. When you have this kind of magnitude, a gross revenue estimate of $95 billion per year, you are going to have a lot of prices going up to pay that.

So when you have a lot of prices going up, you are going to have inflation going up. That means the Consumer Price Index will rise and so will COLA's for veterans pensions and Social Security pensions. So our Federal outlays will also go up. Our outlays will go up to pay unemployment compensation for hundreds of thousands of people who lose their jobs.

None of that was computed by Treasury. Treasury forgot to consider the dynamic impact of what this will do to the economy. This energy tax will slow down the economy. Ask any economist. If you had that significant of a price increase—$3.47 per barrel of oil—I might tell my colleagues, when you have that kind of price increase throughout the economy, it is going to cost jobs. No economist can say it would not cost jobs. It is in the hundreds of thousands of jobs.

When you figure the increases in unemployment compensation, when you figure the fact we have to increase outlays to the Department of Defense and increase outlays to cover the COLA's and so on, actually it turns out the Government does not net $71 billion from this tax. We have had economists at the National Association of Manufacturers estimate that the net amount of revenue going to the Federal Government is only $38 billion. This is in spite of the fact that the gross amount is $95 billion. And their analysis makes sense.

Let us look at it. If you own a corporation and your electric bill or your gasoline bill goes up and you write that off, you get a deduction for it. And your expenses go up, your income taxes go down. That makes sense. Economists know an energy tax is going to have a negative impact so Treasury will make the gross amount. Actually, what goes into the Federal Government in the end is much less, significantly less.

So my comment is that this is a very heavy tax, a very punitive tax, a very regressive tax that is only going to net the Government maybe about $38 billion, or about half of what the Treasury estimators were saying. They are going to have to raise more money than they anticipate or they are going to end up with a whole lot less than $71 billion. But with this energy tax proposal, Treasury will end up raising in net dollars maybe only $38 billion or $40 billion.

But wait a minute. The energy tax is a regressive tax. To cushion its impact, the administration increased spending in a lot of areas. The administration increased spending for the low-income energy assistance program by $2.9 billion; they increased food stamps by $12 billion, and they increased the earned income tax credit by $26.8 billion. That is a total increase in spending of $42 billion to cushion the impact of a very regressive energy tax.

So, in other words, we have a tax and spend program. We are going to raise taxes on everybody, on manufacturers, we are going to put people out of work in steel, airlines, farming, autos, and the chemical industry. We are going to put a lot of those people out of work, and we are going to raise the tax burden of consumers not only on the energy they buy, but on everything they buy from food to appliances. You name it, we are going to raise their taxes.

Then President Clinton's proposal is to cushion the impact. Well, let us cushion it. We are going to have a big increase in food stamps, we are going to have an increase in low-income energy assistance, and, even better than that, we are going to have a massive increase in the earned income tax credit. We are going to write checks to people who have low-paying jobs to make sure we balance this energy tax out.

In other words, we are going to raise a lot of taxes on everybody and inflate the economy, and turn around with the other hand and give out the money, $42 billion.

Wait a minute. I thought this was a deficit reduction exercise. You might remember we only raised a net of $38 billion. You take the $38 billion that we raised and you put it on the $42 billion, and this is a money-losing program. The Government is going to lose $4 billion by this so-called exercise.

I think it is an exercise in futility. I think it is an exercise not in deficit reduction; it is an exercise in increasing unemployment. I heard so many times people say during the campaign it is "the economy, stupid." "We have to really emphasize the economy. We do not really care about the peripheral issues that garnered so much attention from the media. It is really on the economy."

Again, I would just like to tell my colleagues that the economy is important. We need to watch the economy, and we need to make sure we do not do anything that has an adverse impact on the economy. This income tax proposal will cost jobs. It will cost hundreds of thousands of jobs. It will cost jobs in the airline industry in Washington State, Madam President.

Madam President, we want to create jobs. We want to increase employment. I would like to reemphasize the fact that in February we increased jobs by 380,000.

The economy is growing.

In the last quarter, which ended in December, the gross domestic product grew at 4.8 percent, the highest it has been in years. The quarter before it was 3.4 percent. The economy is really starting to move. It is doing well, I will tell my colleagues.

I urge us not to pass such a punitive tax that will put people out of work. Let us allow this economy to grow. Let us build a positive economic base. If we pass an economic package that has almost $5 in tax increases for every dollar in spending cuts, we are not going to help the economy; we are going to suffocate the economy. We are going to stifle any possibility for significant economic expansion. We will probably repeat the mistake that was made in 1990 and really aggravate a depressed economy.

Right now we have a growing economy—until Congress tries to fix it. We do not need the stimulus program, we do not need $16 billion in new spending to try to pump it up in government make-work jobs that will cost $55,000 per job. We do not need to make those kinds of foolish mistakes. I urge my colleagues to look at the facts, to look at the details in these programs that are proposed by President Clinton and then let us make a judicious decision.

Madam President, I think it is totally inappropriate for the Budget Committees to be marking up a budget next week. I hope that that is not the case. I hope we do not make that mistake. We do not have the budget, I might tell my friend and colleague from Oregon. We do not have the details yet in defense. We do not have the numbers. We have an outline. We have a document that is 100 pages but it does not really give the details. We need to have the figures.

I also will tell my colleagues who say, "Where is the Republican alternative?" We would like to see the President's budget. I will tell you that we will have significant amendments, if not a complete alternative, and it will be significantly different than the President's budget, different in two areas. It will be different because we will spend a lot less money, a lot less money, and it will be different because we will eliminate these very expensive taxes that will hurt the economy. We want a budget that we can afford. We want a budget that will bring the deficit down and not a budget that will only increase spending and increase taxes.

Madam President, I yield the floor.

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## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,197,837,887,209.44 as of the close of business on Wednesday, March 3.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending, but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,342.97, thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

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## LOU GEHRIG'S DISEASE

Mr. PELL. Mr. President, amyotrophic lateral sclerosis [ALS], also known as Lou Gehrig's disease, is a particularly devastating disease. Its most recent victim in the Senate was our colleague Jack Javits.

At this time, there is no known cure for this nerve disorder, which ultimately leads to paralysis and death. There is also no known treatment, though clinical trials are underway on a new drug that may hold promise for ALS patients and their families.

Research is ongoing at the NIH and its National Institute of Neurological Disorders and Stroke, and in laboratories across the Nation. I am much encouraged by a report in yesterday's Washington Post, which indicates that researchers have "identified a gene defect that occurs in some cases" of ALS. This is an important development for a disease that has mystified scientists for so many years.

A particularly sensitive article on this subject was written by a gallant Rhode Island columnist and friend of mine for the Providence Journal, Brian Dickinson. I believe this piece would be of interest to all of us and I ask unanimous consent that it be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SLEUTHS GAIN IN SEEKING HELP FOR DAMAGED NERVES

(By Brian Dickinson)

I find myself embarked on a trip that I would rather not have undertaken. It is a trip to the frontiers of medicine, a search for ways to understand the causes—and the possible therapies—for that mysterious family of diseases that attack people where they move and think: in the nervous system.

This is a large family of disorders, including as it does Alzheimer's disease, multiple sclerosis, Parkinson's disease and any number of other ailments, most of them distinguished by nasty habit and effect. They tend to be unpredictable, irreversible and (so far) largely immune to treatment.

But medical science is stepping up its fight against these neurological wreckers, and experts say these efforts show exciting promise. Specialists in several of the fastest-moving medical fields, especially genetics, biotechnology and immunology, report notable gains in understanding them.

No one is proclaiming cures or "magic bullets" for any of the nerve diseases just yet. Given the complexity of the nervous system, and the exacting challenges of discovering exactly how a nerve cell can go wrong, anything resembling actual cures may be a long way off. Yet research has been galvanized by the possibilities of dramatic advances, and this may encourage the millions afflicted with a nerve disorder.

Exploring the mysteries of nerve science is a far cry from the current affairs that form this writer's usual diet. But my interest in this side of medicine was excited a couple of months ago when doctors diagnosed me as having a nerve disease called amyotrophic lateral sclerosis (or ALS), widely known as Lou Gehrig's disease, after the famous New York Yankee slugger of the 1930s, whose career the disease ended tragically and early.

The diagnosis stunned me, for I knew just enough about ALS to be scared. The disease, which afflicts perhaps 30,000 Americans, attacks nerve cells (neurons) in the brain and spinal cord, causing muscles to weaken and waste away. The cause of the disease remains unknown. Historically, it has been defined as degenerative, incurable and inevitably fatal.

In my own case, to date, the right leg has weakened and I limp rather emphatically, walking with the aid of a cane to ward off the occasional risk of falls. There is almost no pain, however, and on most days I drive myself to work.

So much for setting the scene. What has given rise to considerable hope is news that ALS researchers are moving fast on several new drugs, drugs that in tests have shown promise in slowing or even halting the degeneration of those nerve cells, known as motor neurons, that control muscle movement.

It was last December, just after my own ALS was confirmed, that I began to learn of the remarkable gains that research is recording in this field. The story is an increasingly dramatic one, with implications of potential help for people afflicted with several different nerve diseases.

Two years ago, a team of neurologists reported finding the gene believed to cause the inherited strain of ALS. In other laboratory tests, mice with the animal form of ALS showed better mobility after treatment with an experimental drug. Still other researchers have discovered that ALS patients lack a crucial brain molecule that helps soak up a powerful chemical called glutamate; when it accumulates to excessive levels between brain cells, motor neurons are believed to weaken and die.

Such minutiae, normally of only passing concern to the healthy, becomes of intense interest to one who finds himself ailing. When doctors told me in December that I might be able to take part in a nationwide study of a promising new ALS drug, I was greatly cheered. This test, involving about 700 ALS patients nationally, is being sponsored by a well-regarded biotechnology company, Regeneron Pharmaceuticals of Tarrytown, N.Y. Like a competitor, Synergen Inc., of Boulder, Colo., Regeneron has synthesized a large protein molecule with the mind-bending name of "ciliary neutrotrophic factor," or CNTF. If the Food and Drug Administration approves testing this drug, as is shortly expected, I and my fellow guinea pigs will be receiving an injected dose every other day for the next nine months, perhaps longer.

What makes CNTF so fascinating is that it is just one of many substances, known as factors, that promote cell growth. If nerve growth factors can be introduced into the body of an ALS patient, the reasoning goes, they may show success in combating the worst effects of the disease. Similarly, some researchers suggest that other nerve diseases, such as Alzheimer's, may some day respond to nerve-factor treatment.

I suppose I should be a bit spooked to contemplate taking shots full of fat protein molecules (and to foresee doing this every other day for months on end, at that). But I am not at all alarmed by the prospect. If anything, I find myself encouraged, challenged and even excited, in an odd way, to be taking part in a clinical trial of a new drug for ALS. Doctors tell me that the Regeneron drug is by far the most promising product yet devised for controlling the effects of ALS.

We shall test the accuracy of this prediction. But one thing already is sure in my mind: At a time when President Clinton is assailing the drug industry for excessive profits, it is encouraging to remember that drug companies are putting immense efforts into seeking products that could bring about life-saving breakthroughs. There are those of us who cannot help but admire their efforts.

## TRIBUTE TO ROBERT J. WILLIAMS

Mr. BUMPERS. Mr. President, I rise today to pay tribute to Robert J. Williams, one of the Federal agents recently killed near Waco, TX.

Robert J. Williams was one of five Little Rock, AR-based Bureau of Alcohol, Tobacco and Firearms agents assigned to the raid on the cult leader's compound last week in Texas.

This young man, gunned down 1 day shy of his 27th birthday, is indicative of the type of dedicated public servant that we find in Government service.

Noted by his superiors as always "more than willing to fall out of bed at 2 a.m. and give a hand if you needed assistance," Robert J. Williams joined BATF in 1988 when he was assigned to Little Rock.

He prepared himself for a career in law enforcement by completing a degree in criminology at Florida State University. Though he spent most of his life in Mississippi, he shared his talents with the people of Arkansas and our region.

I join scores across Arkansas and this Nation in offering condolences to his wife, Cindy, and his other family members.

Robert J. Williams was a dedicated public servant. He considered public service a high calling and he gave his life in the service of his fellow man. It is incumbent upon all of us to work to eliminate the climate where situations, such as the one that he encountered, exist in our society today.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 460, with the time between now and 9:40 a.m. to be equally divided and controlled between the Senator from Kentucky [Mr. FORD] and the Senator from Kentucky [Mr. MCCONNELL].

Mr. FORD. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, my friend, the junior Senator from Kentucky, referred to the motor-voter bill as a "bad penny which keeps coming back." Mr. President, I want to respond with a line from a Yeats poem: "Ah, penny, brown penny, brown penny, we cannot begin it too soon."

Mr. President, when I think of the needs of our country, and the need for the people to take back politics, the need to make self-government a reality, the need for participation by the people in dealing with the problems of the people, I think we cannot begin it too soon.

When I think of the message of the last election which was that the people want to reclaim politics in this country from the vested interests and from the auction block, when I think of the meaning of America, which is self-government in the fullest sense, I say we cannot begin it too soon.

Mr. President, this bill is an important first step in the direction of the political reform the people are calling for. They are talking to us in town meetings, and by telephone and by messages to an extent I have never seen before in my lifetime. But the first way for the people to talk, to speak the truth to people in power is by the power of the ballot. There are all kinds of obstacles to that ballot. We saw them in Pennsylvania and we took action to try to open voter registration in employment offices, welfare offices, and public buildings, and we removed some of those barriers. But this bill goes much further and dramatically removes the barriers to America becoming what America should be.

So when I think of how we have promoted democracy around the world, promoting democracy today, we should be promoting democracy around the world, when I think of that, and I look at this bill and what it would do to bring that principle back home to America, the fundamental principle of democracy, I say as to this penny that has come back, "brown penny, brown penny, we cannot begin it too soon."

I yield the floor.

The PRESIDING OFFICER. Who yields time? The time will be deducted equally from both sides.

Mr. FORD. Mr. President, my colleague is not here to use his time. I do not know what the parliamentary procedure will be. I think I may have 45 seconds left.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. FORD. Mr. President, we have made and heard all of the arguments, pro and con on this piece of legislation. We have heard the argument that it would not benefit, we would force people to vote. The point is that they are eligible and they are registered and they can vote.

Second, we have heard a lot about fraud. That fraud statement has been refuted time and time again by those who participate at the grassroots level. We have heard about the increased cost. That has been refuted particularly by the large State of Texas where they instituted the motor-voter, did not increase the appropriations, and have already since they just started I think the first of the year registered almost an additional 50,000 people who are eligible to vote.

We hear that it may help one party or the other. There are 27 States that have some sort of motor-voter and 17 of those States are represented by Republicans.

So I do not understand why the Republican side of the aisle is so vehemently opposed to allow—as the secretary of state of California said, let the people reconnect with their government.

So I can give you all these States and how many Republican Senators represent each State and all of those. But the arguments I think are valid in favor of this legislation this morning. We probably will not be able to get cloture, but we will be very close. I think the handwriting will be on the wall.

The Republicans are saying for some reason if you are not registered to vote, too bad, it was your fault, Mr. Citizen. It was your fault, it is not ours, Mr. Citizen.

The issue is not cost. It is not unfunded mandates. It is not fraud. It is whether Government should make the voter registration system simple, more convenient and more accessible to the citizenry.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky controls the time between now and 9:40.

Mr. McCONNELL. Mr. President, we are going to be debating this for some days ahead. As I said yesterday, this is essentially a solution in search of a problem. It is remarkably easy to register to vote in every State in the United States today. The fundamental question is whether we want to follow President Clinton's advice and try to move away from unfunded mandates requiring States to do things they cannot afford and providing them with the marvelous opportunity of particularly picking up the tab for it. That is what this bill is all about. I am confident that we will still be discussing it next week, and I will be happy to yield back whatever few moments I have remaining.

The PRESIDING OFFICER. The hour of 9:40 a.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard M. Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

### VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that the debate on the motion to proceed to S. 460, the National Voter Registration Act of 1993, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Texas [Mr. KRUEGER], the Senator from Vermont [Mr. LEAHY], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Idaho [Mr. CRAIG], the Senator from New Hampshire [Mr. GREGG], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] and the Senator from South Carolina [Mr. THURMOND] would vote "nay."

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 36, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Shelby
Simon
Wellstone
Wofford

NAYS—36

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Specter
Stevens
Warner

NOT VOTING—12

Bennett
Breaux
Craig
Gregg
Johnston
Krueger
Leahy
Packwood
Rockefeller
Sasser
Thurmond
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Madam President, I regret the action that the Senate has just taken on this bill. I think that it is time that we realize that the way we now organize voter registration in this country denies access to the ballot to 40 percent of the voting-age population. It is pretty difficult to hold your head high and lead the world as a democracy when 40 percent of your voting-age population could not vote if they wanted to vote.

They cannot vote, Madam President, because obstacles are placed in the path of them registering to vote. I believe that it is a real test of both parties, it is a real test of our democracy generally, to remove these obstacles.

If there is a history in this country that we can all be proud of—and there are many aspects of our history that we can be proud of—certainly the history of broadening of access to the ballot is one of them.

On the day in which we cast a vote to deny such a simple reform as motor-voter, it is important to reflect upon the fact that when the Constitution was written the only people who could vote were white males with property. It was not until the 1830's that white males without property could vote.

It was not until the 1860's that black males could vote.

It was not until 1920 that women of whatever color could vote.

It was not until the 1960's that some of the obstacles to the participation of people of color were removed in the voting process.

And it was not until the 1970's people over the age of 18 were allowed to vote.

I think it is important that we keep that tradition in mind and put that tradition in the context of triumph for liberal democracy worldwide when we reflect on what we have done today.

Over the last decade, billions of people have thrown off the yoke of nondemocratic regimes in favor of democratic government.

As the apex of this worldwide triumph, it is very difficult for us to claim world leadership if, while these events are taking place, we, in the Senate, are voting not even to expand the right to participate slightly.

Madam President, I hope that my friends on the other side of the aisle understand that their party is a party that has a deep tradition and a moral responsibility on two issues—a tradition that flows from the origins of the Republican Party from the time of Abraham Lincoln. If our colleagues on the other side of the aisle want to continue to claim the tradition of Lincoln, they cannot do so at the same time they are denying people the right to participate in the process.

It is self-evident what this vote means. It means that the party of Lincoln does not want to give access to the process to those who now do not yet have it.

And who are the 40 percent of the voting-age population that now could not vote if they wanted to vote? They are disproportionately poor, minority, and young. We get laws that reflect our voting population. It is an illusion to believe that we are going to be able to meet the challenges of the 21st century without meeting the challenges of that part of our population that is disproportionately poor, young, and minority. Therefore, the only answer is to make the franchise more available to people to encourage them to participate so that the decisions that are made in the Congress reflect the full makeup of our country and to just 60 percent of the voting-age population.

The number of Latino-Americans in the last decade has increased 50 percent; the number of Asian-Americans in the last decade doubled. We have an increasingly diverse society. We also have a society where there is an increasing gap between the wealthy and the poor. We play with fire if at the same time these demographic and income statistics stare us in the face, we continue to say: No, we are not even going to open up this process a sliver, we are not even going to open up this process so that when you go in and get a drivers license, you will be able to register to vote. Or when you go into a public building to get Social Security or welfare, you will be able to register to vote there.

There are some places in this country where, if you want to vote, you have to go to the clerk's office between 10 and 2 in the afternoon. That is great unless you work. If you and your wife work, how are you going to get to the clerk's office?

Let there be no mistake. The other side of the aisle, by casting this vote, is endangering their ability to claim the tradition of Lincoln. I do not think that is good for this democracy. I think everybody should participate; let the people vote. But do not short circuit the process at the beginning by saying we are going to put obstacles in the process of registration so that some will not be able to exercise their rights as Americans.

I regret the decision the Senate took today. I hope there will be some Members on the other side of the aisle who will see beyond the immediate partisanship of this issue—and it is a blatant kind of partnership, there is no question about that—who will see beyond this partisanship to the larger question which is the future of our democracy and the future of our leadership in the world. If they see that, they will change their vote on this issue.

We are always talking about China, how repressive China is. Or we are always talking about this country or that country that does not have democracy. We are not authoritarian. But placing obstacles in the path of voter registration is a way to accomplish relatively similar results.

People always say, in America only 60 percent were registered to vote. So a very high percent of those registered do vote.

I personally believe it is our moral obligation to widen the franchise, to take a historic step in broadening the pageant of participation in our democracy. And it is beyond me, why the other side cannot come along. We have had this vote early in the first couple weeks of the new term with a new administration. I hope we might revisit this issue, and that there are people on the other side of the aisle who will look a little longer term and change their votes, so we can make this modest reform.

Again, this is really not fully what we should be doing. We should be doing much more. This is a very modest reform.

Madam President, I did rise simply to share those thoughts with the Senate on a day when I think the Senate could have been better. I hope my colleagues on the other side of the aisle recognize their place in history with this vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 517, S. 518, S. 519, and S. 520 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## CHINESE ASSAULT WEAPONS

Mr. BUMPERS. Madam President, I perhaps should not say this, but Senator KASSEBAUM, Senator PRYOR, and I were talking this morning about offering an amendment at the earliest possible time to stop what can only be considered as one of the most bizarre things going on in the country that was revealed to me yesterday for the first time, and that is the Chinese exporting 2 million assault weapons for retail sale in the United States every year.

We thought, a couple of years ago, that we had stopped the importation of assault weapons in this country. If I am not mistaken, George Bush issued an executive order to do it because the pressure was mounting. And the pressure in this country is mounting daily about the gun culture of this Nation.

Yesterday morning, I picked up the paper and read this feature story in the Washington Post that the Chinese are exporting mostly their version of the AK-47, 2 million a year, into this country.

How can a nation consider itself civilized and stand idly by and watch this sort of thing happen?

Last year, a majority of the Members of this body voted to ban the sale of nine military assault weapons. I was one of those who voted for that. And until this moment, nothing has been done. The House would not go along with it. The President would not sign the bill. You cannot even get a Brady bill passed.

The Pakistani who did the killing out at the CIA slipped through the cracks of the Maryland gun law and was able to buy that AK-47. I forget exactly what the little glitch in the law was there about that, but I think it was this. I think that the waiting period of 3 days in Maryland to buy a weapon did not apply to assault weapons; it only applied to handguns. Now, here is a weapon that is 10 times more lethal than any handgun, and it was not included in the waiting period under Maryland law. So he just walks in and buys it and goes out to the CIA and starts shooting.

Have you noticed that all of these mass murders almost invariably involve those assault weapons? That compound in Waco, TX, I am going to be interested to see how many of these military assault weapons they find when they go in there.

Madam President, I have always said, and I really believe this, the American people are entitled to be wrong occasionally. We were wrong in the South because we defended slavery. We were wrong in the South because we defended segregation. The Nation is wrong, it was wrong in the 1980's to believe you could cut taxes exponentially, triple defense spending, and balance the budget. Sheer lunacy. So we have a right to be wrong occasionally. But I can tell you, you give the American people good information, and they will come to a good conclusion.

Harry Truman—I have told this story on the Senate floor a half dozen times—told me one time, he said: "Senator, put your faith in the people." That was a thing I admired about Bill Clinton's State of the Union Address. He did not try to finesse it. He did not try to say we are going to balance the budget with rhetoric. He said we are going to raise your taxes, we are going to cut spending, and we are going to alienate an awful lot of people. To suggest we can get out of the mess we are in and make everybody happy at the same time would be the height of hypocrisy. And the thing about the speech was that he said I am trusting you to be told the unpleasant truth—we are in a heap of trouble.

My God, I have waited for 12 years to hear that speech. So when people start saying, "I just hate that plan; it is going to raise my taxes," this, that, and the other, I say, well, at least give him credit for something that politicians cannot find it in their hearts to do anymore—trust the people with the truth. One of the reasons almost instantly the polls showed people favored the Clinton plan was because they knew that no politicians tell them things like that unless it is absolutely essential that they do it. No politicians want to bring unpleasant truths to their constituents.

Harry Truman said, "Son, you will go a long way if you trust the people; just tell them the truth as best you can and they will handle it."

So Bill Clinton did that. And I am saying, not only in this case can we say to the American people it is not pleasant; you do not like Congress and you may like us even less when we get through, but our duty is not only to protect and defend the Constitution of the United States, it is to save the United States.

So we have solemn duties around here. We have solemn duties socially as well as economically. To allow 2 million assault weapons to come into the United States from China every year is absolutely unacceptable, Madam President.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, what is the parliamentary situation? Do I need consent to give a speech as if in morning business?

The PRESIDING OFFICER. The Senator may proceed, without objection.

Mr. DOMENICI. I thank the Chair.

I say to my friend Senator BUMPERS, from Arkansas, if what he has said about assault weapons from China is true—I do not doubt it—let me assure him he will get a lot of support, he and others that he spoke of, in trying to see that does not continue. I thank him for bringing it to our attention today. As I said, a lot of these things get by without people knowing about it. We wake up and find out what we tried to do did not happen. I, too, thought they were banned, whether they were from China or anywhere. So I compliment him on that part of the statement. I do not know that I agree with all of the rest.

But I will share a notion with him before I go to my remarks. I am aware that the Senator is offering and has offered in the past proposals that would cut existing programs or eliminate them, such as the superconductor super collider, such as the space station. I assume today the Senator is talking about even more than that.

I urge that the Senator give consideration to doing what will be needed to see that those kinds of savings that the Senator is trying to accomplish actually save the taxpayers of America the dollars he claims we are going to cut. The Senator from Arkansas might quickly say it is obvious if we cut the space station we save money. To my friend, I say it is not so obvious. In fact, it will not happen unless, as part of that, he finds a way to support an enforceable cap on domestic spending, or he will save in one place and spend it all in another place. You cannot help it, because Congress will spend right up to the existing caps allowed. So you think you are saving but you are not unless you reduce the threshold of allowable discretionaries.

I do not want to take a lot of time on it. This is not said by way of criticism. This is merely an observation of one who has been at it for a long time. I believe I shared that with the Senator privately the last time he made a very serious speech on that subject. I did not do it on the floor. I think I did it as we walked down the hall. I truly believe that we have to find a way, if he were taking it out of domestic programs, a way to save and, when we take it out, we do not spend it someplace else.

Having said that, I want to speak to another subject.

Mr. BUMPERS. Will the Senator yield for a personal remark?

Mr. DOMENICI. Indeed.

Mr. BUMPERS. I think I understand what the Senator is saying. Let me ask this question: For example, President Clinton, as the Senator knows, has considerable spending increases in his program.

Mr. DOMENICI. Correct.

Mr. BUMPERS. Let me take one, WIC. I am very familiar with that because I am chairman of the Agriculture Subcommittee on Appropriations, and we have jurisdiction over WIC and food stamps. Interestingly enough, about 57 percent of our budget has nothing to do with agriculture. But here is my point.

If I can save money—first of all, let us assume that the Senator and I agree that the WIC program needs increased funding. We are only serving 55 percent of the women in the country who need assistance. Let us assume we need the $300 million or maybe $500 million increase in childhood immunization. Let us assume there are other programs that are meritorious that nobody would quarrel with.

Is it not, No. 1, reasonable to expect us to increase funding in those programs and, No. 2, is it not reasonable to say why are we building this solid rocket motor which NASA does not need and does not want and we could save over $300 million next year and fund those programs we are talking about? Why is that not a legitimate argument?

Mr. DOMENICI. It is a legitimate argument. What I am saying is, if you have a cap—let me just pick a number—on total discretionary spending that is $256 billion. What I am saying is that while you take out $500 million and increase WIC or one of the other programs, the rest of the appropriations process will fill in the gaps and go right back up to that $256 billion. That happens all the time. When we think we are cutting the deficit, it gets filled in right up to that cap.

That is the subject that I raise with the Senator today. I am not suggesting that we do that with the exact 1-for-1 perfection. I am suggesting it is very similar to what is happening in the President's budget. What I am discussing is happening there because the President has found that we should spend more money than we are spending. He has said we have to spend more on domestic programs than we are now spending. And he then provides for cuts. But the problem is that the spending exceeds the cuts.

So, if you are interested in the deficit, you do not affect the deficit. In fact, I can tell you CBO's numbers as of yesterday say that we are only going to cut expenditures on the total appropriations side, including defense, over the next 5 years $55 billion. We have heard all kinds of big numbers. We heard we are cutting defense $112 billion. We heard we are cutting 150 programs on the domestic side. But the problem is that we are now spending more than we cut. We are even spending a huge portion of the defense cuts for more domestic programs. The Congressional Budget Office now says that there are net spending cuts of $55 billion and net new taxes of $267 billion.

I am not suggesting that there is any misrepresentation. I am not suggesting that the President is not asking that we pay a lot more taxes and sacrifice, because he is. I compliment him on focusing on the deficit. I compliment him 1 million percent for doing that, focusing on the deficit. But I think it bears telling the public that most of the deficit reduction—in fact, $4.80 of all the deficit reduction is taxes and $1 is net spending reductions.

So even in that budget we are seeing a cut in a program and fill it in with another one. We have to find a way to decide whether we want to do that because that is a pretty different situation than most people understand.

I do not believe the distinguished Senator from Arkansas, knowing what he knows about waste in Government and programs, which he feels to his soul should not continue, and he offers to cut them—some of it not very popular, I will agree, and some not popular with his friends here. But I do not believe that the Senator from Arkansas would say that Government is being asked to sacrifice when Government has been growing, growing, growing, when we only ask that Government take a $55 billion hit and the taxpayers take a $267 billion hit by way of new taxes. I think he would say let us cut some more on that $55 billion side. In fact, I think that is what the Senator is saying.

Mr. BUMPERS. I need to say let us cut some more or not spend so much or both.

Mr. DOMENICI. Exactly.

Mr. BUMPERS. But the question I want to ask: Is that a CBO report that just came out?

Mr. DOMENICI. Yes, yesterday.

Mr. BUMPERS. I intend to get that because that is a very alarming set of figures the Senator has just given. I am just like him. I do not intend to tell the taxpayers of Arkansas that they are expected to pick up $4.80 for taxes for every dollar we cut in spending. It was originally dollar for dollar.

Mr. DOMENICI. Yes, indeed. We understand they have put on the tax side what they believe are taxes. So let us—for starters, there is a $30 billion new tax being imposed on senior citizens in going to the new level of 85 percent when they are earning over $25,000. You see in the President's proposal, that was counted as a spending cut. But CBO does not count it as a spending cut.

Mr. BUMPERS. How would you count that as a spending cut?

Mr. DOMENICI. It is a long story. I am not going to say there is no rationality for it. But what I am saying is the public thinks it is a tax increase. CBO, Congressional Budget Office, the neutral scorekeeper, the referee, put it in the tax increase side. That is not the whole reason for this big ratio of 4.8–1. But I just give one example.

Mr. BUMPERS. First of all, I want to thank the Senator for yielding to me and engaging in this little colloquy. But let me say that I intend to go to my office right now and get that CBO report and look it over. We will continue this discussion either on the floor or in private later.

Mr. DOMENICI. I might say to my friend, the Congressional Budget Office was asked to do this by four committees, leadership of the Appropriations Committee, upon which you and I both serve, the leadership of the Budget Committee, and I am the ranking member, and our counterparts in the House, sent a letter to Dr. Bob Reischauer saying: would you run Congressional Budget Office numbers on the President's package, as we now know it? Of course, they did tell us—so you will know—and they said: we cannot tell you the total effects, because we do not have a budget. But they did these, how much taxes, how much real reduction in expenditures, and I think that is what they have concluded.

Mr. BUMPERS. If I may make a final comment, and I think you will agree with me on this. The thing that makes that doubly troubling, when you talk about putting a cap on domestic discretionary spending, the Senator has dealt with—he has been chairman of the Budget Committee and ranking member since 1986, so he is well versed in these things. But I remember our chairman of the Appropriations Committee, Senator BYRD, last year and the year before, made much of the fact that over the preceding 10 years prior to 1992, that defense spending over that 10-year period had gone up something like 125 percent; entitlements, which includes Social Security, and I do not think it is fair to social security recipients to call it entitlements——

Mr. DOMENICI. What was that?

Mr. BUMPERS. Social Security spending in that same period had began—entitlements had gone up well over 100 percent. Foreign aid, which shocks everybody, has actually gone down a half a point. When you go to your town hall meetings, everybody is saying: why can you not stop all that giveaway spending to foreigners? If that were the big problem——

Mr. DOMENICI. In the scheme of things, it is about $20 billion out of a $1.7 trillion budget, and steady.

Mr. BUMPERS. I understand it was closer to $15 billion, but maybe you are right. In any event, the fourth category of spending, domestic discretionary spending, had stayed static, counting inflation. I think it had declined three-fourths of 1 percent maybe during that same period of time.

What is domestic discretionary spending? That is what we spend on ourselves for health care, education, and highways to make ourselves a great nation. That is the area of spending that got slighted more than any other in the 1980's. It did not get increases.

Mr. DOMENICI. It is not health care, though, Senator.

Mr. BUMPERS. Take that one out.

Mr. DOMENICI. Entitlements are mandatories.

Mr. BUMPERS. That is the thing that shot entitlements off the map. You and I both understand that. I am talking about things like education, student loans, and highways.

Mr. DOMENICI. The National Institutes of Health.

Mr. BUMPERS. Absolutely, immunization is not an entitlement. That is part of the program. It is in that area we should have been spending money to make ourselves a better people, more educated, productive, and more crime-free people. We slighted ourselves there. I thank the Senator for the time.

Mr. DOMENICI. I thank the Senator for his observations.

To fill in that gap, Madam President, that is one of the disturbing aspects of the fiscal policy plan that we are going to vote on. Senator BUMPERS just made the case that it is the entitlement programs, led by health care costs, that have really created this burgeoning deficit. And I must say that if you look at the President's budget and fiscal plan, this new tax that you are going to ask your taxpayers to pay, be it the wealthy, the medium wealthy, or everybody, on the Btu tax, all of that tax is being applied to a deficit with the idea of getting it under control.

I must tell you that the only significant real cuts are on the discretionary appropriations side of the budget, between defense and domestic; that is it. And a lot of the defense is being used for more domestic. The point of it is that we are not going to have the deficit anywhere close to being under control after we put all of this new tax on.

I know the President has a problem with this, because he has said so during his campaign, and every time I heard it, as a Republican, I lauded him for knowing facts. He said that unless we control health care costs, we cannot get the deficit under control. I was thrilled that somebody that could talk to all Americans regularly, instead of small groups like I do, was able to come to that conclusion and say it. But the problem is we are putting on all this new tax, and we have not yet addressed the real enemy in terms of costs. So it concerns me as to where we are really going.

I want to get back to the subject that brought me to the floor. Amidst all of the talk about new programs, all of the talk about stimulating the American economy, let me report here on the floor what the Department of Commerce of the United States has found with reference to the American economy and jobs. The gross domestic product growth in the fourth quarter is bearing fruit. The unemployment rate fell again. It is now 7 percent in February, and 365,000 jobs were created, the biggest 1-month increase since 1989—365,000 new jobs, added to 106,000 in January. If my arithmetic is right, January and February, the American economy responded and produced as many new jobs—that is almost 500,000—as the President's proposals to spend Federal money creating jobs and to give businesses tax breaks to create jobs. For he says, "do that for America, and it will create 500,000 jobs."

Well, it is not cheap. The American taxpayer will pay $16 to $18 billion, if the plan works, to create Government-type jobs and spend Government money to create jobs. To state the numbers precisely, 365,000 jobs were created in February. That is almost four-fifths of the jobs that the President says we should create with Government action.

Let me go through the optimistic numbers one more time and suggest that the American economy, while not producing as many jobs as we would like, is the most vibrant economy in the free industrial world today. We are adding more jobs than Germany ever thought of, or than Japan is even thinking of; they are worried about a recession, both of them. England is in recession; they are not creating new jobs. The American economy created 365,000 new jobs in February. The unemployment rate has fallen seven-tenths of a percent in 8 months.

It is now 7 percent back to the level in 1992. So I submit that there is no need to spend more of our taxpayers' money to increase the deficit by $16 to $18 billion in new expenditures, and I hope that everybody understands when they are asking us to reduce the deficit of the United States that we ought to think carefully about whether we ought to spend $16 to $18 billion on new programs that are supposed to create jobs to help the economy, new tax breaks for business which is supposed to help them create jobs.

I believe the best thing we could do is stay on a solid path of cutting the expenditures of the Federal Government over time, do not raise the tax burden on business while this recovery is beginning to reach full bloom and have its steam pushing ahead. Do not put $360 billion in new taxes on business and the American people. If anything, it is this Senator's genuine heartfelt opinion that to put those taxes on American business and the American people will do more harm to this recovery which is taking place than the good that will be done by spending additional money for stimulus and cutting the budget in a very small way which I have just told the Senate is about $55 billion in reduction over the next 5 years, not very much when compared with $360 billion in new taxes.

So, I come to the floor hoping that once again we will move a little slower with this budget resolution, if the reason to take it up next week is so we can follow it up immediately with a spending package, which I gather is now the real reason to move expeditiously, soon as we pass a budget resolution we are going to turn right around and add $16 billion to $18 billion to the taxpayer's burden by spending that amount of money all in the name of getting the economy going.

I thank the Chair, and thank the Senate for the time, and I yield the floor.

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## BUSH RECOVERY STEAMS AHEAD

Mr. DOLE. Mr. President, there was more good news on the economic front today with the announcement from the Labor Department that the economy produced 365,000 new jobs in February, the biggest monthly increase in 4 years.

Those numbers mean that the Nation's unemployment rate dropped from 7.1 percent to an even 7 percent, and those numbers also mean that the Bush recovery is steaming ahead. Let me repeat that—the Bush recovery is steaming ahead. Inflation is down. Interest rates are down. Jobs are up. Consumer confidence is up. Home sales are surging in many areas, all thanks to the Bush recovery.

In fact, U.S. economic growth was the best of any major industrial nation in 1992, with fourth-quarter growth last year a robust 4.8 percent.

So, the Bush recovery goes on, and it's just the latest reason why we don't need a $16 billion spending stimulus for an economy that is already recovery—the Bush recovery.

### DEMOCRAT LIP SERVICE ON THE DEFICIT

Earlier this week, my colleagues on the other side of the aisle flunked the first deficit test of the 1993 season. By voting unanimously against Republican efforts to finance a $5.8 billion extension of unemployment benefits with cuts in other programs, the Democrats showed us their true priorities. Forget the deficit, Government programs must get that urgently needed funding boost today.

Spending cuts? We can talk about those tomorrow.

Round 2 began yesterday with the motor-voter bill. This time, instead of sending the bill to our children with higher deficits, we are talking about passing the buck to the States with an expensive new unfunded mandate. What a novel idea. The Federal Government already has a $4 trillion debt, so let us create a new Federal program, and make the States pay for it.

### STRONG-ARM TACTICS

The next major issue on the Senate Calendar will be the budget resolution to implement the President's program.

This one has an unprecedented twist. The administration and the Democrat leadership in Congress do not want us to confuse the American people with the facts. Instead, we are told that we must vote before we get to see the President's budget.

Then, once we set the budget resolution out of the way, we are told that we will vote on $16 billion for so-called stimulus spending. This political stimulus is paid for by waving a magic wand, shouting emergency and increasing our record deficit by another $16 billion.

Mr. President, look at what is going on here. It is time for the American people to wake up, grab Uncle Sam's charge card, and cut it into little pieces. And don't give it back. And do not sign on to any new taxes, until Congress antes up with real spending cuts.

Let me add that when it comes to the budget, Republicans are ready, willing, and able to fulfill our part of the bargain. Give us an opportunity to find out what it is we are being told to vote on, and you can expect Republicans to be at the front of the line with real spending cuts in hand.

### ANOTHER LOOK AT THE PRESIDENT'S PROGRAM

Yesterday morning, I had a chance to glance through the Congressional Budget Office's preliminary analysis of the Clinton economic plan. Last night, I took a little longer, and I learned a little more.

It seems CBO has the same problem with the Clinton plan that the Republicans do. The report says:

> Because the [President's] April budget is likely to modify or clarify some of the administration's proposals, CBO's analysis must be viewed as preliminary.

Let me underscore CBO's use of the word "preliminary." Not even the distinguished chairman of the Senate Armed Services Committee, Senator SAM NUNN, can explain the single largest spending cut in the Clinton economic plan—$112 billion in new defense cuts—in any detail. And those cuts are in addition to $75 billion in cuts that Congress approved last year. What weapons systems are we eliminating? How many bases do we plan to close and where are they? These are important questions.

And I do not think that the distinguished chairman of the Finance Committee, Senator MOYNIHAN, can tell us how the earned income tax credit will be implemented. This is the proposal that the administration claims will offset the regressivity of their energy tax. How does it work?

### THE CLINTON NUMBERS DO NOT ADD UP

Even with the limited information that is available. The preliminary CBO analysis makes one point very clear—the numbers in the Clinton plan do not add up.

We should not forget that President Clinton himself urged us to use the independent Congressional Budget Office to evaluate his plan. President Clinton also said:

> This budget plan * * * will by 1997 cut $140 billion in that year alone from the deficit.

Not according to this new analysis. CBO says that the Clinton plan overestimates the amount of revenue brought in by its new tax proposals while exaggerating the savings in its spending cuts. As a result, the Clinton plan will only reduce the deficit by $116 billion in fiscal year 1997. So, the campaign promise to cut the deficit in half in 4 years has now been watered down to cutting $116 billion from the deficit in 5 years.

The vaunted "vision of change for America" claimed that the President's plan would reduce the deficit by $473 billion by 1998. CBO's analysis now says the plan will generate 25 percent less deficit reduction—only $355 billion—by 1998. So I suppose we should start calling the Clinton plan "deficit reduction lite."

But the third, and perhaps most important, point this new CBO analysis raises is this: By 1998 the Clinton plan raises a net $267 billion in taxes and cuts spending by just over $55 billion. That is almost $5 in new taxes—$4.82 to be exact—for every dollar of spending cuts. Take away all the new tax breaks in the Clinton plan, and the ratio of tax hikes to spending cuts jumps to more than 6 to 1.

### CONCLUSION

There are a lot of things we still do not know about President Clinton's economic plan. But we do know this: The more we learn about the Clinton plan, the harder it becomes to justify its price tag—$360 billion in higher taxes.

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## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion to proceed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Madam President, are we in morning business or on the bill?

The PRESIDING OFFICER. The Senate is on the motion to proceed to the national voter registration bill.

Mr. GRASSLEY. Madam President, I want to speak on the motor-voter bill, and I will take about 7 or 8 minutes for the benefit of the Senator from Minnesota who is waiting to speak, I am sure.

Madam President, this bill, S. 460, the National Voter Registration Act, I think is another prime example of the unwillingness of Congress to halt the waste of taxpayers' dollars. In this instance, this is not the waste of Federal dollars. This is a forced duplication by Federal mandate upon present State voter registration procedures. And it will have the result of forcing upon the States the expenditure of State and local money for voter registration which the States do not have any more than we at the Federal Government have.

Maybe even worse is that we at the Federal level by passing this legislation, if it does pass, and I hope it does not pass, will be creating a Federal mandate and then not even following through with Federal money to help States administer the program. It would be one thing to pass a mandate, regardless of how bad it might be as a matter of public policy, if we were going to have the Federal money to pay for it. But it is quite another thing to pass good or bad public policy at the Federal level and then just leave it to the States and local communities to have to find money in their already tight budgets to carry out a Federal mandate.

I know in Iowa, the State and local budgets are so tight, that even our Local League of Municipalities and our Iowa County Officers Association are putting extreme pressure on the State legislature not to pass unfinanced State mandates on to local governments to fulfill, because our State government has imposed a freeze on municipal and county budgets for the next 3 years, due to rapidly rising costs. The first thing we have to consider is whether this is a proper thing for us to be doing at the Federal level; and second, if it is a proper thing, is it right for us to expect already strained State and local budgets to pay for something that we are willing to pass as a matter of public policy but we are not willing to pay for. You understand why we are not paying for this, because we cannot afford any more new programs when we have a $350 billion deficit.

The Congressional Budget Office estimates that during fiscal year 1994 through 1998, this legislation will cost taxpayers $18 million at the Federal level and $105 million at the State level.

That, of course, I believe is a low estimate, because already we have had 10 States that have estimated the cost of this bill to be $88 million for their 10 States. I have heard from just one Iowa State government agency that informs me that it will cost $366,000 per year. That translates into $1.8 million from fiscal year 1994 through 1998 for just one agency in just one State, my own State of Iowa.

I know that there is a keen and sincere interest on the part of the proponents of this legislation that we must do much more to get individuals to vote. Registration is a necessary part of that process because we need more voter turnout, which in turn is obviously going to strengthen the infrastructure of our democratic system.

But this past November, voter turnout records improved dramatically. More people voted than ever before in the last 32 years, so why does Congress want to force taxpayers to spend more hard-earned money to increase voter participation?

What then is really driving the support for this bill?

Madam President, an Omaha World Herald editorial from September 29, 1992, commented on this. And in the process of commenting on this they complimented me for being the only Iowa or Nebraska Senator who voted against the override of the motor-voter veto. The editorial raised several key issues that I think my colleagues should consider.

Voter registration has traditionally been a State issue. Some of us think that it should stay a State issue. More than 30 States already offer vast opportunities to register to vote, such as registering by mail, or at various State agencies.

Iowa is one of the States that has numerous opportunities for registration. Examples are: at our driver's license renewal offices, at many State government offices, at our universities, through the mail, including registration forms provided in the tax returns, and in telephone directories, and various other ways too numerous for me to mention.

According to the Congressional Research Service report entitled "Voter Turnout in the Presidential Election of 1992: The States," dated January 26, 1993, voter turnout in the 1992 election increased by 5.2 percentage points to a 55.3-percent level over the same figure in 1988.

Maine ranked highest with 71.98 percent turnout. Hawaii ranked lowest with 41.94 percent turnout. Fully 31 States had more than 55 percent of registered voters voting in this election for a national average.

I ask unanimous consent that the CRS chart labeled table 1 be printed in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1).

In light of State efforts to register people to vote and the record breaking turnout in the November elections, why do we need the motor-voter bill?

Granted, apart from this past election, voter turnout has been lower in recent elections; however, should this be attributed to the difficulty of registering to vote as proponents of the bill suggest? With extensive availability of voter registration in 30 States, perhaps the lower turnout in recent years should be attributed to other things.

Could it be attributed to the growing disgust that our constituents have with the political system?

Could it be that our constituents are tired of their Federal leaders living above the law? They see Congressmen passing laws that apply to everyone but themselves.

Or maybe it is the salary hikes and perks galore that political leaders receive while the deficit is selling the future of our children.

If we want to see higher voter turnout, perhaps we need to work toward greater accountability for Government officials.

If the election of 1992 told us anything, it was that Americans are tired of the same old way of doing things. They want change and they want that change to come at the leadership level that we in the Senate and the President are examples of. I recently received a letter from the Iowa Department of Employment Services on the cost of this legislation. I will quote from the letter:

> The voter registration bill, called the motor-voter bill, would require us to provide assistance in completing voter registration forms, accept and forward those forms to the proper authorities, or require the individual to certify that they decline to register each time they file a claim for unemployment benefits, which is biweekly in Iowa.

The legislation will give unemployed individuals the impression their political affiliation or unwillingness to register to vote might affect their eligibility for benefits. Requiring people to certify that they decline to register each time they file a claim appears coercive. Any hint one's eligibility for benefits is tied to one's political affiliation or participation in the political process could irreparably damage the unemployment compensation program.

Also, no funds are provided to administer the costs associated with registering. In Iowa alone we anticipate an additional cost of $366,000 at a minimum each year. Since our funding for employment service programs has been cut 18 percent over the last 8 years and none of our Federal grant moneys can legally be spent for this purpose, you can understand our reluctance to take on new responsibilities without the financial resources.

Mr. President, as a followup to this letter, I contacted the department of employment services to verify the facts in this letter. The $366,000 cost estimated is for the department of employment services alone.

This estimate is based on spending approximately 4 minutes per individual, biweekly, in the 67 unemployment offices in the State. It is ironic that the very week we pass legislation to give extended unemployment to people, we are considering a bill that will make it more difficult on the very agency trying to assist those individuals.

This $366,000 does not include the cost to other departments administering Federal assistance programs. Run the numbers for other Federal programs which would be affected by this bill and you obviously get even higher costs yet.

There is the WIC Program, which sees approximately 30,000 adults each month. Then there are the vocational rehabilitation offices. The States are not precluded from using other methods but they are required to provide at least the methods established in the bill. If we started adding the numbers for each of these programs, the expense becomes even greater. And, as we view it against the budget conditions of our States and our local governments, it seems to me to be astronomical.

Madam President, I simply do not believe that we can justify the costs when we consider the active and improved involvement of our States in registering people to vote; and also when connected with the increased turnout, as evidenced by this 55.3 percentage points increase in the turnout in the last Presidential election from that of the 1988 election.

I simply cannot justify these costs and I feel that this is an unnecessary Federal mandate.

Madam President, thank you, and I yield the floor.

EXHIBIT 1

TABLE 1.—TURNOUT AS THE PERCENTAGE OF PERSONS OF VOTING AGE WHO VOTED FOR PRESIDENT IN 1992

| | Voting age population | Clinton | Bush | Perot | Other | Total Presidential vote | Turnout (percent VAP) | Rank |
|---|---|---|---|---|---|---|---|---|
| State: | | | | | | | | |
| Alabama | 3,056,000 | 690,080 | 804,283 | 183,109 | 10,588 | 1,688,060 | 55.24 | 29 |
| Alaska | 395,000 | 78,294 | 102,000 | 73,481 | 4,731 | 258,506 | 65.44 | 9 |
| Arizona | 2,749,000 | 543,050 | 572,086 | 353,741 | 18,098 | 1,486,975 | 54.09 | 33 |
| Arkansas | 1,768,000 | 505,823 | 337,324 | 99,132 | 8,374 | 950,653 | 53.77 | 34 |
| California | 22,668,000 | 5,121,325 | 3,630,575 | 2,296,006 | 83,816 | 11,131,722 | 49.11 | 48 |
| Colorado | 2,501,000 | 629,681 | 562,850 | 366,010 | 10,639 | 1,569,180 | 62.74 | 17 |
| Connecticut | 2,535,000 | 682,318 | 578,313 | 348,771 | 6,930 | 1,616,332 | 63.76 | 13 |
| Delaware | 525,000 | 126,054 | 102,313 | 59,213 | 2,155 | 289,735 | 55.19 | 31 |
| District of Columbia | 459,000 | 192,619 | 20,698 | 9,681 | 4,574 | 227,572 | 49.58 | 46 |
| Florida | 10,586,000 | 2,071,651 | 2,171,781 | 1,052,481 | 15,306 | 5,311,219 | 50.17 | 43 |
| Georgia | 4,950,000 | 1,008,966 | 995,252 | 309,657 | 7,250 | 2,321,125 | 46.89 | 49 |
| Hawaii | 889,000 | 179,310 | 136,822 | 53,003 | 3,707 | 372,842 | 41.94 | 51 |
| Idaho | 740,000 | 137,013 | 202,645 | 130,395 | 12,089 | 482,142 | 65.15 | 11 |
| Illinois | 8,568,000 | 2,453,350 | 1,734,096 | 840,515 | 22,196 | 5,050,157 | 58.94 | 26 |
| Indiana | 4,176,000 | 848,420 | 989,375 | 455,934 | 12,142 | 2,305,871 | 55.22 | 30 |
| Iowa | 2,075,000 | 586,353 | 504,891 | 253,468 | 9,895 | 1,354,607 | 65.28 | 10 |
| Kansas | 1,836,000 | 390,434 | 449,951 | 312,358 | 4,493 | 1,157,236 | 63.03 | 16 |
| Kentucky | 2,779,000 | 665,104 | 617,178 | 203,944 | 6,674 | 1,492,900 | 53.72 | 35 |
| Louisiana | 2,992,000 | 815,971 | 733,386 | 211,478 | 29,182 | 1,790,017 | 59.83 | 24 |
| Maine | 944,000 | 263,420 | 206,504 | 206,820 | 2,755 | 679,499 | 71.98 | 1 |
| Maryland | 3,719,000 | 988,571 | 707,094 | 281,414 | 7,967 | 1,985,046 | 53.38 | 36 |
| Massachusetts | 4,607,000 | 1,318,639 | 805,039 | 630,731 | 19,255 | 2,773,664 | 60.21 | 22 |
| Michigan | 6,923,000 | 1,871,182 | 1,554,940 | 824,813 | 23,738 | 4,274,673 | 61.75 | 20 |
| Minnesota | 3,278,000 | 1,020,997 | 747,841 | 562,506 | 16,603 | 2,347,947 | 71.63 | 2 |
| Mississippi | 1,861,000 | 400,258 | 487,793 | 85,626 | 8,116 | 981,793 | 52.76 | 38 |
| Missouri | 3,858,000 | 1,053,873 | 811,159 | 518,741 | 7,792 | 2,391,565 | 61.99 | 19 |
| Montana | 586,000 | 154,507 | 144,207 | 107,225 | 4,672 | 410,611 | 70.07 | 3 |
| Nebraska | 1,167,000 | 216,864 | 343,678 | 174,104 | 2,900 | 737,546 | 63.20 | 14 |
| Nevada | 1,013,000 | 189,148 | 175,828 | 132,580 | 8,762 | 506,318 | 49.98 | 45 |
| New Hampshire | 852,000 | 209,040 | 202,484 | 121,337 | 5,082 | 537,943 | 63.14 | 15 |
| New Jersey | 5,943,000 | 1,436,206 | 1,356,865 | 521,829 | 28,694 | 3,343,594 | 56.26 | 28 |
| New Mexico | 1,104,000 | 261,617 | 212,824 | 91,895 | 3,650 | 569,986 | 51.63 | 41 |
| New York | 13,609,000 | 3,444,450 | 2,346,649 | 1,090,721 | 197,612 | 7,079,432 | 52.02 | 40 |
| North Carolina | 5,217,000 | 1,114,042 | 1,134,661 | 357,864 | 5,283 | 2,611,850 | 50.06 | 44 |
| North Dakota | 458,000 | 99,168 | 136,244 | 71,084 | 1,637 | 308,133 | 67.28 | 6 |
| Ohio | 8,146,000 | 1,984,919 | 1,894,248 | 1,036,403 | 24,289 | 4,939,859 | 60.64 | 21 |
| Oklahoma | 2,328,000 | 473,066 | 592,929 | 319,878 | 4,486 | 1,390,359 | 59.73 | 25 |
| Oregon | 2,226,000 | 621,314 | 475,757 | 354,091 | 9,916 | 1,461,078 | 65.64 | 8 |
| Pennsylvania | 9,129,000 | 2,239,164 | 1,791,841 | 902,667 | 26,138 | 4,959,810 | 54.33 | 32 |
| Rhode Island | 776,000 | 213,299 | 131,601 | 105,045 | 3,420 | 453,365 | 58.42 | 27 |
| South Carolina | 2,672,000 | 479,514 | 577,507 | 119,257 | 6,634 | 1,182,912 | 44.27 | 50 |
| South Dakota | 502,000 | 124,888 | 136,718 | 73,295 | 1,353 | 336,254 | 66.98 | 7 |
| Tennessee | 3,783,000 | 933,521 | 841,300 | 199,968 | 7,849 | 1,982,638 | 52.41 | 39 |
| Texas | 12,524,000 | 2,281,815 | 2,496,071 | 1,354,781 | 21,351 | 6,154,018 | 49.14 | 47 |
| Utah | 1,142,000 | 183,429 | 322,632 | 203,400 | 34,538 | 743,999 | 65.15 | 12 |
| Vermont | 429,000 | 133,592 | 88,122 | 65,991 | 1,996 | 289,701 | 67.53 | 5 |
| Virginia | 4,842,000 | 1,038,650 | 1,150,517 | 348,639 | 20,859 | 2,558,665 | 52.84 | 37 |
| Washington | 3,818,000 | 993,037 | 731,234 | 541,780 | 22,179 | 2,288,230 | 59.93 | 23 |
| West Virginia | 1,350,000 | 331,001 | 241,974 | 108,829 | 1,873 | 683,677 | 50.64 | 42 |
| Wisconsin | 3,669,000 | 1,041,066 | 930,855 | 544,479 | 14,714 | 2,531,114 | 68.99 | 4 |
| Wyoming | 322,000 | 68,160 | 79,347 | 51,263 | 1,836 | 200,606 | 62.30 | 18 |
| Total | 189,044,000 | 44,908,233 | 39,102,282 | 19,721,433 | 820,788 | 104,552,736 | 55.31 | |

Source: For the vote for President, Federal Election Commission. 55.9 Percent Turnout in 1992 Presidential Election, Highest Since 1968. Press release, Federal Election Commission, January 14, 1993. For the voting age population for November 1992, U.S. Dept. of Commerce. Bureau of the Census. Projections of the Voting-Age Population, for States: November 1992. Current Population Reports, Series P-25, No. 1085, April 1992. p. 5–10.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Madam President, first of all, let me say I always take seriously the comments of Senator GRASSLEY from Iowa: First, because he is a good populist and cares about regular people, and second, because he has been a real watchdog when it comes to Government waste.

When I was a teacher in Minnesota, I always appreciated the role he played, especially in relation to some of the waste in Pentagon contracting.

But, Madam President, I have to disagree with him on a number of different counts.

Let me first of all start out by asking unanimous consent that a letter from Elaine Baxter, secretary of state from Iowa, sent to the Honorable WENDELL FORD, dated March 3, 1993, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF IOWA,
*Des Moines, March 3, 1993.*
Hon. WENDELL FORD,
*Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing in support of the National Voter Registration Act of 1993 (known as the motor-voter bill). As Secretary of State, it has been my goal to make voter registration available to every eligible Iowan. As you know, we already have many of the features of this legislation in Iowa.

One feature of the National Voter Registration Act is voter registration as part of driver's license application. Since 1987, Iowans have had the opportunity to register to vote while applying for a driver's license. Local officials do not keep a record of how many citizens register to vote at a driver's license station, but it is fair to say that many thousands of Iowans have the opportunity to register while getting a driver's license each year.

Another feature of the proposed federal law is registration by mail. Iowa first allowed registration by mail in 1974. Since that time the process has been streamlined and simplified. Now, Iowa's mail registration requirements are similar to those in the National Voter Registration Act. More than 80% of voter registration in Iowa occurs on postcard forms.

The proposed federal law also includes "agency registration", the availability to register to vote at other government departments, such as, libraries, schools, fishing/hunting license bureaus, job services, and social services offices. This legislation passed and the service has been available in Iowa since 1987.

I heartily endorse the National Voter Registration Act, because these measures have allowed thousands of Iowa voters to participate in the process. Making it easier to register has not resulted in complaints of fraudulent registrations or illegal voting as some people feared.

By opening up the registration process, more citizens will be able to take part in government. Groups all across the political spectrum have called for increased involvement in, and greater access to, the political system.

Last year marked the reversal of several decades of declining participation in the electoral process. There were a number of factors motivating more people to vote, but convenient voter registration laws, like those passed in Iowa in the last few years, certainly made it easier for people to participate in the election.

I have written to the Iowa Congressional delegation and asked them to take into account how well these measures have worked in Iowa when considering the National Voter Registration Act of 1993. I wish you the best of luck in passing this bill that will encourage and enable more citizens to take part in their government.

Sincerely,
ELAINE BAXTER,
*Secretary of State.*

Mr. WELLSTONE. I will not read the whole letter, but just a couple of relevant sections. It reads:

> DEAR SENATOR FORD: I am writing in support of the National Voter Registration Act of 1993 (known as the motor-voter bill). As Secretary of State, it has been my goal to make voter registration available to every eligible Iowan. As you know, we already have many of the features of this legislation in Iowa.
>
> One feature of the National Voter Registration Act is voter registration as part of driver's license application.

Then she goes on to describe the way this works. And I will just read the concluding part:

> I heartily endorse the National Voter Registration Act, because these measures have allowed thousands of Iowa voters to participate in the process. Making it easier to register has not resulted in complaints of fraudulent registrations or illegal voting as some people feared.

They go on to talk about the importance of opening up this registration process.

> I have written to the Iowa Congressional delegation and asked them to take into account how well these measures have worked in Iowa when considering the National Voter Registration Act of 1993. I wish you the best of luck in passing this bill that will encourage and enable more citizens to take part in their government.

Mr. GRASSLEY. Will the Senator yield for a friendly comment?

Mr. WELLSTONE. If it is a friendly comment, I will yield.

Mr. GRASSLEY. I think that the hard work and progress that our secretary of state has made in Iowa and also the 29 other States that have done a very good job of voter registration are evidence that there is great progress being made in the States. It may be slower than you think it should move but it is probably within the financial capability of the States. Thus we do not need to pass this motor-voter bill.

Now, I want to compliment our secretary of state. Some of these ideas, like putting registration in the phone books and in the tax forms, have been her ideas and she has been a leader in this area.

But I think it substantiates the point I made in my statement that States are doing well out there without Federal interference.

Mr. WELLSTONE. There are two points I want to make. One is that this piece of legislation builds on models in Iowa and Minnesota.

This is the way it looks, Madam President. Combined with the driver's license form, you have the voter registration card. It is right there. It can be done as part of the infrastructure as a public service. It is done in a scrupulously nonpartisan way.

These are not additional costs, added onto what States already do. States are involved in the voter registration work. My point, however—to respond to the question of the Senator from Iowa about what do we need nationally—is that when the Senator talked about CRS figures, the 55-percent turnout, that is of the voting-age population. Among those citizens that register, it is an 85-percent turnout; 85 percent of those citizens who were registered turn out to vote.

Thus, the obstacle that we should be concerned about in a democracy, I say to the Senator from Iowa, is the one of being able to register to vote.

Iowa does an excellent job. Minnesota has motor-voter, agency-based registration, and we have same-day registration. Not surprisingly, we are at the very top in terms of turnout, as is Maine, as is Wisconsin, as is North Dakota, that does not even require registration at all.

But, I say to my colleague from Iowa, this is the problem. There are about 70 million people in this country—70 million people—who were not registered to vote. And if you ask the question why, I would suggest that what we do not want to do is blame the victim and say: Well, they suffer from exotic diseases like apathy and alienation. So if they do not want to register to vote, what is the problem?

This is the problem: In many States you cannot even register by postcard; you have to go figure out where to register to vote. If it is a rural county—and no other Senator in this U.S. Senate knows more about rural America than Senator GRASSLEY—all too often it is only one location. You have to drive a long distance—not open noontime, and not open weekends—difficult for working people to do.

Even in those States where you can register by postcard, they are not readily available; they are not readily available in public places. So you do not know quite how to even figure out how to get them.

If you combine those two features with one other feature, which is you have Byzantine rules and regulations so that ordinary citizens do not know whether you have to register 32 days before or 22 days before or 17 days before, we have a system right now which depresses voting participation.

The governments are involved one way or the other. Either State governments are involved or the Federal Government is involved in such a way as we discourage voter registration, we depress participation, and by the way, not with neutral effect, but imposing undue hardships on working people and low- and moderate-income people—or we play an affirmative role in making sure, as we should in a democracy, that every citizen is able to register and vote.

It is a civil rights issue. That is why we introduced this bill in the U.S. Senate; that is why I think we will vote cloture; and that is why I think we will pass this legislation.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 525 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New Jersey is recognized.

## BOMBING OF THE WORLD TRADE CENTER

Mr. LAUTENBERG. Mr. President, like all Americans, I was enormously encouraged with the news last night that Federal, State, and local law enforcement officials had moved so quickly, so professionally, to apprehend the suspect in the bombing of the World Trade Center.

The breathtaking pace with the arrest of this individual is a testament to their skill and courage, and it reinforces what we know about our law enforcement people—that they are, in fact, the best in the world. I am confident that should they find that others were involved in this terrible deed, they will move just as swiftly to identify and apprehend them.

Mr. President, the judicial process has begun in relation to this case, and this suspect, as with all suspects, is due his day in court. However, I am disturbed at credible reports that the individual charged with participating in this crime, Mohammed Saloma, a resident of Jersey City, NJ, is believed to be connected with violent Moslem fundamentalist groups that advocate the violent overthrow of the governments of Egypt, Israel, and other Middle Eastern nations.

These reports must serve as a clarion call for the concerted effort, in conjunction with other nations, to investigate, to identify, and to root out groups who, under the banner of Islam, perpetrate violence throughout the world and operate as enemies of peace and stability. Clearly, the majority of Moslems in the United States reject this cult of terrorists. One's religion is no mark of one's politics. The Moslems of this Nation certainly do not support violence against fellow Americans and others.

Mr. President, this brutal bombing against innocent American civilians, on U.S. territory, makes one thing crystal clear: If the long arm of Middle East terrorist groups can strike at Americans hard at work on the hundredth floor of the World Trade Center in Manhattan, then no American is safe.

I served as a commissioner on the Port Authority of New York and New Jersey. We had offices on the 67th floor. This was a building that harbored life. There was all kinds of activity at the center, and people from all over the world work there. It is the core of the world's financial and monetary systems. It seems impossible that someone could violate the tranquility, the business, the activity there in such a horrible way.

Nevertheless, this building, built like a fortress—and I visited the site—was torn apart, in some ways like a paper bag. Floors of steel and concrete were just demolished. Cars were flipped over on their roof, as if they were on a spit, because there was no room to turn. It is a miracle that not more than the five already identified were killed. One of them was from New Jersey. They were from all parts of the region. It was a devastating act, and just to see the damage sent a chill up and down one's spine.

It's a reminder that an ocean, no matter how vast, and that separates us from the Middle East, does not necessarily protect us against violence. If terrorism can rip our financial center apart, bring this premier city to its knees, then it can bite, wound and kill Americans anywhere.

Mr. President, in light of this arrest, and the evidence suggesting a possible link between the suspect and a violent Islamic movement, it is doubly important for Federal criminal authorities to step up the investigation of violent Islamic fundamentalist groups in the United States. We need to ensure that fundraising operations that exist in this country of this and other Islamic fundamentalist groups like Hamas are not supporting terrorist activities. We need to ensure that command and control operations of terrorist groups and groups like Hamas are not being exercised in this country.

Mr. President, terrorists cannot exist in a vacuum. They need money, supplies, and safe houses in which to hide, and to train people to perpetrate their heinous crimes. To stop terrorism in its tracks and to protect American lives, we have to cut off their sources, resources, their funding and ruthlessly root out those who support and bankroll terrorist operations from our own shores. I recently wrote to Secretary of State Christopher, commending the State Department's decision to include Hamas, a violent terrorist organization dedicated to the overthrow of Israel in its annual report on terrorist organizations.

I ask unanimous consent that the letter I sent, and a letter signed by many of my colleagues be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, February 26, 1993.*

Hon. WARREN CHRISTOPHER,
*Secretary of State, Department of State, Washington, DC.*

DEAR SECRETARY CHRISTOPHER: Enclosed is a letter I have circulated in the Senate expressing support for your reported decision to include the activities of Hamas in the State Department's annual report on terrorist organizations.

The letter also urges the State Department to include the activities of other violent Islamic fundamentalist organizations in the Middle East and recommends that the report address a number of specific issues.

I hope the State Department's report will respond to the issues we have addressed in this letter. I look forward to working with you in the future on this and other issues of mutual interest.

Sincerely,

FRANK R. LAUTENBERG.

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U.S. SENATE,
*Washington, DC, February 25, 1993.*

Hon. WARREN CHRISTOPHER,
*Secretary of State, Department of State, Washington, DC.*

DEAR SECRETARY CHRISTOPHER: We are writing to express our support for your reported decision to include the activities of Hamas in the State Department's annual report on terrorist organizations. We also believe the State Department report should include the activities of other extremist Islamic fundamentalist groups, also supported by Iran, which use violent tactics and have increased in strength in the Middle East in the last year.

It is important to obtain a better understanding of Hamas, which opposes the Middle East peace process, and other violent Islamic fundamentalist groups, which are destabilizing forces in the region. When the report is issued in April we believe it should address a number of important issues.

First, in light of recent news reports that fund-raising for Hamas may be taking place in the United States, we believe the report should include a thorough review of the organization's activities and operations—including fund-raising—in the United States. Such review should be carried out by the appropriate domestic law enforcement agencies.

Second, we believe the report should include information on the level of financial assistance and other support Hamas and other violent Islamic fundamentalist organizations receive from foreign governments, particularly Iran.

Third, we believe the report should include information on the level of assistance and support provided to Hamas and other violent Islamic fundamentalist organizations by non-governmental organizations and individuals in foreign countries, such as Jordan, Iran, Syria, Saudi Arabia, and Sudan.

Fourth, we believe the report should include an analysis of the location of the command and control of Hamas and other violent fundamentalist Islamic organizations, and an overview of military and training operations both inside Israel and elsewhere in the Middle East.

Finally, we would appreciate receiving supplementary reports on Hamas and other violent Islamic fundamentalist organizations. It is important for the Congress and the public to have a fuller understanding of these newly emerging groups which support violence and terrorism.

The militant Islamic Hamas, which supports violent tactics, is a dangerously destabilizing force in the Middle East. It is clear that this group rejects the peace process and supports violence. The Hamas covenant reads "* * * There is no solution to the Palestinian problem except by Jihad. The initiatives, proposals, and International Conferences are but a waste of time, an exercise in futility."

Additionally, the group is irrevocably opposed to Israel's existence. Numerous Israelis have been brutally killed by Hamas terrorists and the group claims responsibility for the recent kidnapping and murder of Moshe Toledano, a civilian border patrolman. When Hamas recently took responsibility for the brutal killing of two Israeli soldiers, Hamas issued a statement saying "* * * Hamas and its armed wing 'Izz-al-din al-Qassam will continue to wage a merciless war until the total liberation of all the land of Palestine."

Israel is not the only country that is threatened by the increasing support from militant Islamic fundamentalist groups similar to Hamas which use terrorist tactics. Violent fundamentalist Islamic organizations are a destabilizing force throughout the Middle East. In the last year, these groups have grown in strength in the region, particularly in Egypt, Algeria, and Tunisia. Like Hamas, these groups are supported by Iran, are committed to overthrowing governments across the region, and raise the specter of destabilization in the region.

We believe that including Hamas and similar Islamic fundamentalist groups that use violent tactics in the annual report on terrorist organizations is a useful step which will provide a greater understanding of the problems these groups pose in the Middle East. Ultimately, other governments and their citizens must be discouraged from providing financial support for organizations which foster terrorist activities. We encourage you to work toward that end. The United States and the international community must be vigilant in efforts to rid the world of terrorism.

We look forward to working with you on this vital matter, and appreciate your attention to this request.

Sincerely,

Chuck Grassley, Edward M. Kennedy, Jay Rockefeller, Conrad Burns, Alfonse D'Amato, Larry Pressler, Slade Gorton, Arlen Specter, Phil Gramm,

Frank R. Lautenberg, Chris Dodd, Paul Simon, Herb Kohl, Patty Murray, Russ Feingold, Dale Bumpers, Daniel Inouye, Tom Harkin.

Connie Mack, Bob Smith, Malcolm Wallop, Dan Coats, Don Nickles, Bob Packwood, Jesse Helms, Orrin Hatch, Ernest Hollings, Kent Conrad, Dennis DeConcini, Barbara Mikulski, Daniel Akaka, Daniel Moynihan, Richard Bryan, Harry Reid, Claiborne Pell, Carl Levin, Paul Sarbanes, Donald W. Riegle.

Carol Moseley-Braun, Joseph Lieberman, John C. Danforth, Dirk Kempthorne, Larry E. Craig, Chuck Robb, Richard Shelby, Harris Wofford, Kit Bond, J. Bennett Johnston,

Barbara Boxer, Howard M. Metzenbaum, Dianne Feinstein, Hank Brown, Mitch McConnell, John McCain, Bob Kerrey, Dick Lugar, Bill Bradley.

Mr. LAUTENBERG. The World Trade Center bombing indicates that our Government must go further. To that end, I urge the State Department in my letter to investigate the activities and sources of funding of other extremist Islamic fundamentalist groups which use violent tactics and which threaten America and our allies, Israel, and other Middle Eastern governments. The group that, according to the press reports and investigators, may be connected with the World Trade Center bombing, appears to fall into that category. Hamas and other violent groups of that ilk support violence as a means of achieving their goals. They are also completely opposed to the peace process and are committed to wiping Israel off of the face of the Earth.

They are committed to establishing Islamic fundamentalist groups throughout the Middle East.

I had occasion to see a Hamas charter recently. I recently appeared on a CNN program with Larry King about Hamas. The image that is portrayed in the press of the Hamas people who are in Lebanon is of a group of innocents suddenly swept from their homes, deported, and held in confinement without food or medicine. But when the individual representing Hamas was asked by Larry King whether or not the sections of the Hamas charter that commits Hamas to kill every Jew, that commits Hamas to make Palestine an Islamic fundamentalist state were true, he would not say no.

Those kinds of violent groups have no place anywhere in the world. But particularly they ought not to be encouraged or able to support terrorist activities in this, our country.

Violent Islamic fundamentalist organizations are committed to overthrowing governments and establishing Islamic fundamentalist governments throughout the Middle East region. Whether it is Algeria, Tunisia, or Egypt, it does not matter; they want to overthrow those governments. They do not want the democratic process to be working. As such, Hamas and other violent groups are a dangerous, destabilizing force in the Middle East and could become a potent force of terrorism here in America, as we have seen.

In the last year, violent Islamic fundamentalist groups have grown in strength in the region, particularly in the countries that I named before: Egypt, Tunisia, and Algeria. Israelis have been brutally killed by Hamas terrorists. And like Hamas, these affiliated groups are supported by Iran and are committed to overthrowing governments across the region. And now it appears that they want to strike us here at home.

Mr. President, we cannot afford to wait until violent Islamic fundamentalist organizations or compatriot organizations strike again in the United States or in Egypt or in Israel, or anywhere else in the world. And strike again they will, unless we stop them. We have to cut them off at the knees, starve them from funding, and clean them out of our land.

If you read today's Washington Post, you saw comments by President Mubarak of Egypt. They will not tolerate in Egypt this kind of violent activity.

If these people are indeed operating and fundraising here to support violence, we have to stop it as quickly as we can.

I call on the Justice Department and the State Department to redouble their efforts in this area, and to work with peace-loving nations around the world to similarly deal with this threat.

Mr. President, I have here a copy of a book, "Patterns on Global Terrorism." It is issued each year. And one of the things that we asked for is to make sure that Hamas and other violent fundamentalist groups are included in this list.

I ask unanimous consent that the cover page of this publication be printed in the RECORD to confirm a point of reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[United States Department of State, April 1992]

PATTERNS OF GLOBAL TERRORISM: 1991

Mr. LAUTENBERG. Mr. President, it is very obvious that there was a great deal of satisfaction in the detection and the arrest of the suspect who may have committed or been partially responsible, for this crime. And as I said, everyone is entitled to his day in court. This individual is as well. That a suspect is charged so quickly is again a testament to the quality of the work of the law enforcement groups involved.

Our heart goes out to those who lost family members and friends. It goes out to those who were frightened beyond imagination in elevators, 50-some stories in the air. Our heart goes out to the youngsters and their teachers who were jammed in the elevator, in darkness, for hours. The children were brave, and they summoned up courage because their teachers helped inspire them to do so.

But there are many people who are still afraid.

So, Mr. President, while again we are delighted and pleased with the response of law enforcement, the fact is that we must do everything we can in this free Nation of ours to stamp out these terrorists, to cut off their funding, and to eliminate their ability to perpetrate violence.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I want to thank the Chair for recognizing me. I ask unanimous consent that I may be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE IMPORTATION OF GUNS

Mr. PRYOR. Mr. President, I rise today to express my deep concern over a present policy that I believe should be carefully reviewed. I am speaking today about our policy that allows the massive importation of weapons and guns into our country.

My renewed interest in this issue was sparked only yesterday while I was sitting at home reading the Washington Post. In fact, in the middle of the front page I noticed a picture of an AK-47, semiautomatic rifle, next to the headline that read "Chinese Army Now Major U.S. Arms Merchants."

Mr. President, I ask unanimous consent that this article may be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, quite frankly, I was so shocked I had to read this article for the second and the third time to make certain that I was correctly interpreting what was on the page. The article reported that the United States imported almost 2 million guns from the Chinese military between 1989 and 1991, and how in 1992 the amount of weapons imported from China will surpass the 1991 level.

I was also shocked by this very irresponsible trend, and how it developed from our politics of today. We have allowed millions of deadly weapons to arrive in this country strictly for the benefit of the Chinese military. Now, how did we allow this to take place?

In the past, the United States did not allow the Chinese to sell such items into our country. But, in 1987, President Reagan decided that it was OK to allow China to ship its guns and weapons into the United States. Capitalizing on this initiative, the Chinese military quickly became the largest supplier of arms to the United States of America.

At the same time those Chinese weapons were being shipped into our country, we as a country were also shipping our weapons over to China, thus allowing the Chinese military to benefit from our technology and military accomplishments.

When the Tiananmen Square massacre occurred, we finally decided it was time to review such policies with China. And in 1989 President Bush mandated the State Department to stop selling arms to China. However, at this time he did not stop us purchasing arms from China.

So what happened? We allowed China to ship millions of weapons and a great number of munitions into the United States.

Aside from the fact that I question why we allow China this luxury, given its continued refusal to recognize internal calls for the spread of democracy, I question the moral justification of allowing the Chinese military to reap the benefits of a United States policy that lets them flood our streets today with millions of Chinese weapons.

Needless to say, these same weapons that arrive on the boats from China are continuously linked to so many senseless murders that plague our cities today. Most recently, we are currently witnessing the hostile standoff in Waco, TX, between the Treasury Department's Alcohol, Tobacco and Firearms office, and the heavily armed members of the fanatical Branch Davidian cult.

I should point out also, Mr. President, that it is this very bureau, the Alcohol, Tobacco and Firearms Bureau, that is charged with regulating the flow of deadly arms that enter the United States of America. This bureau, in accordance with our loose policies on arms importation is the office that approves the delivery of millions of Chinese weapons into the United States.

I became alarmed when I heard reports that the cult members in Waco, TX, are armed with, among other dangerous weapons, many imported AK-47 semiautomatic rifles.

What does surprise me most is that no one has made the connection that the AK-47 is the same rifle that the Chinese military has been delivering to the United States by the millions since 1989. Since the Chinese are the No. 1 supplier of the AK-47 to the United States, it is very possible that inside this cult compound in Waco, TX, there are a number of Chinese-made, AK-47 rifles that are being pointed straight at our own Treasury Department ATF agents.

Is that not ironic, that due to the past administration's policies the ATF agents today, in Waco, TX, are facing the same deadly weapons that were approved by the ATF office in Washington, DC? I should say that I do not fault the ATF Bureau for this problem. Unfortunately they have simply been following the policies that were put in place by past administrations.

I might add that one of the four young ATF agents who was killed in Waco was a 26-year-old citizen, Robert J. Williams, of Little Rock, AR.

Over the past 12 years I have been very outspoken about the dangers of sending U.S. weapons overseas. In fact, in 1990 my Governmental Affairs subcommittee held a hearing about export licensing, and how easy it was to become an exporter of arms to any country in the world today, based on loose State Department arms controls policies. My criticisms were based on the fact that once these weapons leave our borders, it is totally impossible to guarantee that they will not fall into the wrong hands.

My concerns were justified during the Persian Gulf war, when our Allied forces often found themselves battling against the same weapons that we had exported to our "friends" overseas.

Also, our past concerns were targeted at loose policies on the exportation of U.S. arms. Let me say, Mr. President, that when it comes to arms trade, it definitely cuts both ways. We were forced to fight against our own exported weapons in Desert Storm and currently our ATF agents are engaged with cult members who are wielding imported foreign-made arms that were approved by our own ATF office in Washington.

I believe that we should be much more careful and responsible when determining how many of these weapons, or any at all, enter the streets of the American cities or anywhere else in our country.

I am disturbed that in this case, the Chinese military has prospered from the United States policy that allows them to flood our cities with deadly firearms. I am also disturbed that the lives of young ATF agents were possibly taken by the same foreign-made weapons that our loose arms trade policies allowed in this country.

Mr. President, earlier today I had the privilege of discussing my frustration on this issue with my colleague from Kansas, Senator KASSEBAUM, my colleague from Arkansas, Senator BUMPERS, and other Members of this body. I became very concerned, as I know they did, to find that our policy was so loose. We discussed the chance of having some hearings or perhaps ultimately some legislation to deal with this issue at hand. I think that it will be very important for all of us, whether we are Democrats or Republicans, to shed more light on the problems that we see today in this massive arms trade that ultimately is flooding America with these weapons that are only for one purpose and that is killing people.

After reading the Post article yesterday, I sent a short note to Secretary of State Christopher and to Treasury Secretary Bentsen asking for a review of this irresponsible policy. I strongly believe, Mr. President, that it is unthinkable for us to allow the Chinese military to benefit from freely supplying our streets and cities with millions of deadly arms and weapons. I believe that we should now carefully review this and other arms trade policies.

I thank the Chair for recognizing me. I see my colleague from the State of Kansas on the floor who may want to add her own comments.

EXHIBIT 1

### CHINESE ARMY NOW MAJOR U.S. ARMS MERCHANTS

(By John Pomfret)

The Chinese armed forces exported close to 2 million guns to the United States from 1989 through 1991 and set up or bought a number of companies here in an effort to earn hard currency and obtain American technology for military use, according to U.S. officials and documents.

Acting aggressively on a 1987 White House decision to allow Chinese arms imports, Beijing's army already has become the largest foreign supplier of small arms to the American market, according to documents supplied by the Treasury Department's Bureau of Alcohol, Tobacco and Firearms.

The move into the United States is indicative of the growing power and confidence of the Chinese military, which over decades has evolved from a guerrilla army into a well-equipped military of 3 million, say specialists here.

Between 1989 and 1991, according to statistics obtained from the Treasury's arms bureau through a Freedom of Information Act request, 1.92 million Chinese weapons and thousands of tons of ammunition were brought into the United States. While complete 1992 statistics on imported Chinese weapons are not yet available, they appear to surpass 1991, a record year, U.S. Customs Service sources added.

One of the Chinese-made guns, an AK-47 semiautomatic manufactured by a huge defense firm, China North Industries, or Norinco, was used by a gunman to kill two people and wound three others in front of CIA headquarters on Jan. 25. "Chinese guns are flooding the market," said a high-ranking official of the Treasury's arms bureau. "They're the K mart of weapons manufacturers."

In the United States, businesses owned by the People's Liberation Army, as China's armed forces collectively are known, import pig iron, basketballs, bicycles, car jacks, barbells, silk jackets and negligees from factories in China. Additional companies are seeking to buy American businesses, especially those specializing in high technology.

In a move that has concerned some U.S. military officials, one firm linked to the military, China National Aero-Technology Import-Export Corp., established a small airplane parts manufacturing company near Seattle after its attempt to buy a similar but larger firm was stopped by the Bush administration because of security concerns in 1989.

FBI agents and private investigators say companies owned by China's army—which are active in at least seven states—are believed to be contributing the bulk of their profits here to China's military modernization drive.

The drive, which aims to turn China into Asia's premier power in the next century, was begun by China's senior leader Deng Xiaoping in the 1980s. It recently received a boost when a leading advocate of a stronger military, Gen. Liu Huaqing, took over the important Central Military Commission, similar to the Joint Chiefs of Staff in the United States.

FBI agents and American businessmen with knowledge of the companies say profits are also being used by corrupt officers to pad bank accounts abroad, a common occurrence in China. Other earnings appear earmarked to strengthen China's internal security apparatus, which, following the massive prodemocracy demonstrations of 1989, is also working to upgrade its forces.

A firm with ties to China's main internal strike force, for example, has been operating near Detroit since March 1989. In 1991, it reported annual sales of $4.5 million, mostly in Chinese weapons and ammunition, according to financial records. Sales last year appeared to be up.

According to documents provided by a source in the Customs Service, the firm, CJA Equipment Import and Export Co., imported 788 tons of ammunition and more than 20,000 guns in the first eight months of 1992.

Chief among the guns was the SKS semiautomatic rifle, a popular collector's item in the United States. During the Vietnam War, China shipped vast numbers of the SKS to North Vietnam.

The CJA firm does the bulk of its business with China Jing An Co., which, according to a U.S. Defense Intelligence Agency report, is owned and controlled by the People's Armed Police, China's main anti-riot force.

CJA's president, Sui Chan, said his company did much business with China Jing An Co. but was not owned by it. He declined to answer further questions. "We are an independent business," he said.

"The main reason the Chinese go into business in the United States is to make dollars," said T. Van Magers, a specialist on China and assistant section chief of the FBI's Intelligence Division. "That money can be used for any number of things—buying restricted technology, importing Mercedes-Benzes or running operations abroad."

The move by Chinese military firms into the United States-which started in the mid-1980s—has occurred with little or no public debate in this country. The United States began allowing China to sell weapons here in 1987 in what officials have described as primarily a business decision.

At the time, American firms were selling weapons and weapons-related technology to China, and the Chinese demand for access to the U.S. market was seen as fair reciprocity. After the 1989 crackdown on pro-democracy demonstrators in China, the Bush administration stopped U.S. weapons sales to China, although it continued to allow Chinese military firms to operate and to sell their weapons in the United States.

"Foreigners have rights to set up companies in this country as long as they function according to U.S. law," a State Department official said. "There is not an overriding foreign policy interest here."

However, some analysts argue that the United States should consider whether it wants to be in the position of aiding China's military modernization.

"The Chinese military is pretty much doing anything it can to make money so they can get the dollars back to China, so they can buy things primarily that the United States won't sell them," said Wendy Frieman, a specialist on the Chinese military for a Virginia-based think tank, Science Application International Corp. "Opening businesses in the United States gives the defense firms a window into the United States."

While not currently considered a threat to American interests, China is flexing its muscles in Asia. Within the last year, for example, Beijing has rekindled a war of words with Vietnam and other countries bordering the South China Sea over the disputed ownership of the Spratly Islands chain, believed to be rich in offshore oil. And recent reports say China is seeking either to build or purchase an aircraft carrier.

June Dreyer, a professor of political science at the University of Miami who often writes on the Chinese military, said she also has concerns about the firms being used to collect intelligence or obtain restricted technology here.

"I do think that there is an intelligence facet to this business," she said. "The more offices these companies open up, the more difficult it will be to control."

In early 1989, one firm tied to the military, China National Aero-Technology Import and Export Corp., or CATIC, bought an American aerospace company, Mamco. But in July of that year, President Bush forced CATIC to divest. Mamco, near Seattle, supplied tail and wing assemblies to Boeing, the principal American aerospace firm. At the time, the White House said CATIC's "continued control of Mamco might threaten to impair national security."

However, several months later, CATIC established a smaller company in Seattle called Queen Tech USA, which also supplies airplane parts to Boeing, according to Zhang Bishu, Queen Tech's president.

Zhang, who confirmed that the company is owned by CATIC, said it currently produces in China airplane parts—including vertical fins and cargo doors—for Boeing planes and plans to start production in the United States "soon." The firm is also seeking to invest in the United States, preferably in the high-technology field, he said.

"We learned our lesson from Mamco," Zhang said. "Next time we will do it better."

According to a Defense Intelligence Agency report, China's defense industry is divided into two parts: "the uniformed services of the People's Liberation Army under direction of the Military Commission, and the defense-related industrial ministries under direction of the State Council"—China's cabinet.

Firms like China North Industries, which in the 1980s had tank and artillery manufacturing plants in Iraq, and CATIC belong to the former category, while China Jing An and another firm also active in the United States, Polytechnologies Inc., belong to the latter.

Linking the two categories is a powerful organization called the Commission on Science, Technology and Industry for National Defense. Its director is Deng Nan, the daughter of Deng Xiaoping.

Among the Chinese defense firms in the United States, Norinco appears to have the largest operation, which includes at least two wings—one based in New Jersey and the other in California. Norinco's glossy 1993 export catalogue hawks tanks and rocket-propelled grenades and boasts about the firm's American connection.

"China is the inventor of powder and rocket with long history of ordnance production and application," it reads, somewhat ungrammatically. "Norinco has founded a lot of overseas joint ventures or cooperative companies as well as exclusively invested enterprises through direct investment in such countries and regions as USA, FRG [Germany], UAE [United Arab Emirates], Singapore and Hong Kong, etc."

Zhang Xiaochuen, the vice president of the New Jersey-based NIC International, a Norinco-owned firm with offices in New York and Seattle, said his firm sells "basketballs, truck springs, silk jackets, cotton textiles and wants to do lots more trading."

"When we get enough money, maybe we'll invest," he said. "We'll probably go high-tech. That is a very good market in China."

J.L. Chan, a vice president with China Sports, a California-based firm, said his company also is related to Norinco and does a good business in small-weapons sales, once exporting "several thousand" sporting rifles to a "Latin American country" several years ago. He declined to supply further details.

"We recently began shipping Norinco motorcycles to Mexico," he said. "It's a good business."

U.S. Customs documents show that in the first nine months of 1992, China Sports imported 874 tons of ammunition and about 15,000 guns, including handguns and SKS semiautomatic rifles.

Another firm, PolyUSA, is based in Atlanta and, according to law enforcement agents, is closely associated with Polytechnologies Inc., a wing of the armed forces, General Political Department. The parent company has been implicated in the sale of Silkworm missiles to Iran in the 1980s and is run by He Ping, Deng's son-in-law. The Bureau of Alcohol, Tobacco and Firearms' statistics show that PolyUSA imported more weapons into the United States from 1989 to 1991 than any other single Chinese-owned firm: 361,354.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I will just rise to join in the comments of the Senator from Arkansas [Mr. PRYOR] who I believe has spoken eloquently to the problems that we addressed earlier on the floor and have found we share a great concern.

When I saw the story in the Washington Post, my first thought was I believed that type of assault weapon had been banned under an Executive order of President Bush because AK-47's were of an assault-type weapon that was on that list. The difference is there are derivatives now, and unless it is classified as assault, it cannot be banned for import. This was because of derivatives designated for sporting purposes.

The sporting purposes, I will argue, Mr. President, are becoming a real tragedy in this country and many of our larger urban centers are beginning to look Third World on the streets when you can see teenagers with assault weapons.

I certainly agree that forcing a ban on the import of assault weapons is not going to stop crime, and we are awash with these weapons now. But I clearly believe, Mr. President, we must find a way to make the letter of the law match the intent of the law.

I look forward to working with Senator PRYOR, Senator BUMPERS, and others who are interested in trying to address this and perhaps one of the best ways, Mr. President, I suggest to the Senator from Arkansas, would be some hearings so that we can understand exactly how these derivatives are designated, what is the process now in determining what is allowed and what is not allowed in our import policy.

I yield the floor, Mr. President.

Mr. PRYOR. Mr. President, I want to sincerely thank my good friend from Kansas, Senator KASSEBAUM, for her eloquent statement on this issue. I would like to say something else; that in 1990, I would like my colleagues to know our subcommittee in the Governmental Affairs Committee held a hearing—I think I alluded to it—on just how easy it is to become an arms exporter in our country simply by sending the State Department about 10 bucks or so. Before you know it, you are a licensed arms exporter.

It was so incredible to hear the testimony of the ease with which people become exporters. It was so incredible that I did not believe it and I do not think anyone else believed it.

I am now in a sincere state of disbelief about the importing business of these tremendous numbers of Chinese weapons that are flooding the cities and the rural area of our country and are endangering the lives of innocent people daily.

Most of these weapons are made overseas and they are being imported into our country, huge profits are being made and danger is created each day. It is a totally irresponsible policy.

I look forward to working with the Senator from Kansas and my colleague from Arkansas and any and all of our colleagues who share our concern that we must do something about this matter. It is something that we must address now and we cannot wait any longer.

## CLOTURE MOTION

Mr. PRYOR. Mr. President, I send to the desk a cloture motion on the motion to proceed to S. 460, the motor-voter bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 460, the motor-voter bill.

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Pat Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

## CALL OF THE ROLL

Mr. PRYOR. Mr. President, I ask unanimous consent that the mandatory live quorum, as required under rule XXII, be waived with respect to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

## DEPARTMENT OF DEFENSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination, reported today by the Committee on Armed Services and that the Senate proceed to its immediate consideration: William J. Perry, to be Deputy Secretary of Defense.

Mr. President, I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

William J. Perry, to be Deputy Secretary of Defense.

### NOMINATION OF WILLIAM J. PERRY

Mr. WARNER. Mr. President, if I may add a word, I have had the privilege of knowing Dr. Perry for many, many years. Chairman NUNN and Senator THURMOND of the Senate Armed Services Committee along with other members of that Committee had a very thorough hearing with this nominee this week, at which time all aspects of his career were probed carefully.

It was the determination of the committee that he is eminently qualified for this post, particularly of those of us who, as I say, had the opportunity to work with him through a variety of positions, both in Government and in the private sector as well as several foundations. He has done a lot of work, for example, for the Aspen Institute, specifically on defense, through the years. And at this time I would like to say that the President as well as Secretary Aspin are to be commended for this outstanding choice. He is a man of impeccable character, a man with extensive background, and he will be a great working partner for the Secretary of Defense, the Chairman of the Joint Chiefs, the members of the Joint Chiefs and, of course, a close and valued adviser to the President of the United States.

Again, those of us who have known him are confident that he will work closely with the Congress.

I mentioned on the floor exactly a week ago today, with the distinguished majority leader present, my concern about consultation between the President, the Secretary of Defense, now the Deputy Secretary, Dr. Perry, and others with the Congress at times when it is in the interest of the United States to commit the men and women of the Armed Forces into situations where there is risk. It is not a question of the War Powers Act; that is separate, as my distinguished colleague from Arkansas knows.

And at lunch this week, President Clinton, when he met with Republican Senators, in his opening remarks said very straightforwardly that he was going to pursue carefully the consultation process that his predecessors; namely, Presidents Bush and Reagan, had established with the Congress. He saw great value in it. He specifically said that perhaps we could have had more consultation in connection with the airdrop and other aspects of the regrettable situation in Bosnia.

So I am very confident of the future of the Department of Defense now being in sound hands with a very experienced Secretary, Secretary Aspin, and now with the Deputy Secretary of Defense, Dr. Perry. And they have other, Mr. President, I might mention, very well-qualified individuals coming along for confirmation such that I think the future total team of the Department of Defense will be experienced and I hope will do a splendid job.

I will have further remarks on the budget.

I commend to all Senators the speech given by the distinguished chairman of the Armed Services Committee earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, if I might just briefly respond to my good friend, the Senator from Virginia [Mr. WARNER], with whom I came to the Senate and have had the privilege of serving with for some 14 years—I do not know where those 14 years have gone—it has been a privilege serving with him. And also I deem it a special honor to have served with him because of his knowledge of the military and military matters and military affairs, not only of our country but across the world. His breadth of knowledge is undisputed and his respect for our military and the respect the military has for him is certainly undisputed also. His accolades to Dr. Perry, I am sure, mean that much more because of what we know of the Senator's knowledge of this man and the role that he must play in this very tough position he is assuming.

Dr. Perry is someone, by the way, I do not know as well as the Senator from Virginia, but I know of his reputation for being one who is a strong proponent of military conversion and defense conversion that now we must really study and get ready for as we down size our Military Establishment and move into the private sector of the economy. I think Dr. Perry is going to be a driving force there. And once again, this should be an effort that is joined in by Republicans and Democrats alike. I look forward to working with the Senator from Virginia as I am sure do all of my colleagues on this side of the aisle.

Mr. WARNER. Mr. President, I thank my good friend and colleague. Indeed, we have enjoyed a friendship and working partnership on many issues in these 14 years, but I would be remiss if I did not say that this body listens very carefully when the Senator from Arkansas addresses the defense issues particularly as they relate to how we achieve greater cost savings in the management area of the Department of Defense. The two of us have had some differences on this issue through the years, but the Senator's approaches have been well thought out and, in large measure, constructive. I anticipate in the coming year he will have more suggestions in this area.

Mr. PRYOR. Mr. President, I want to thank my friend from Virginia for those kind remarks.

Mr. President, through the Chair I will propound a question to my friend, if I might. He made reference to our President coming to the Republican meeting on the Hill. That meeting got a great degree of publicity and notoriety.

My question is, if I may propound it through the Chair to my friend from Virginia, did the Senator make the comments he made reference to after or before he had eaten that Big Mac that the Republicans purchased for him.

Mr. WARNER. Mr. President, he in a very careful manner consumed the Big Mac in its entirety even though it was well chilled, not intentionally well chilled, and a bit flabby. The reason I know that is I took the one right under his. I thought about it through the balance of the afternoon for a variety of reasons; it revisited me on several occasions.

Mr. PRYOR. Yes, I heard, Mr. President, that this Big Mac was one of the soggier Big Mac's——

Mr. WARNER. That is right.

Mr. PRYOR. That has ever been consumed. I know he was running a little late and the Big Mac was a little soggy, but I know he appreciated it.

Mr. WARNER. It was a memorable luncheon for us, Mr. President. My colleagues expressed great appreciation that the President came up and sat down and listened. The impression I got is that this President listens in a very sincere manner. He responded very straightforwardly to a number of questions including one from this Senator.

I joined, as the Senator knows, the Senator's senior colleague, Mr. BUMPERS, in recommending the super collider and space station be revisited with the thought that either of those programs might be substantially reduced as they may no longer be in the interest of our country given the budget constraints we have today. But the President listened very carefully, and in his responses he carefully stated those areas in which he had to do some more homework and needed to learn more. Those are the sort of very constructive impressions that I and others received from this luncheon.

I think it is the first time a President has come to the Capitol this early in any administration to visit with, should we say, the opposition party, for the purposes of sharing in a very friendly, straightforward manner our views.

Mr. PRYOR. Mr. President, I thank the Senator for the comments he made.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

### MEASURE PLACED ON THE CALENDAR

The following measure, previously received from the House of Representatives, was read the first and second times and placed on the calendar:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-621. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the comparison of fiscal year 1992 budget estimates and actual results; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

EC-622. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Capitated Payment Formulas for Public Housing"; to the Committee on Banking, Housing and Urban Affairs.

EC-623. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Republic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-624. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Republic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-625. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, notice of findings on the States and units of local government which use hotels and motels to house homeless families; to the Committee on Banking, Housing and Urban Affairs.

EC-626. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Emerging Resident Management Corporations in Public Housing"; to the Committee on Banking, Housing and Urban Affairs.

EC-627. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking, Housing and Urban Affairs.

EC-628. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Rural Rental Rehabilitation Program Demonstration"; to the Committee on Banking, Housing and Urban Affairs.

EC-629. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on the Visiting Committee on Advanced Technology: National Institute of Standards and Technology for calendar year 1992; to the Committee on Commerce, Science and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

William J. Perry, of California, to be Deputy Secretary of Defense (Ex. Rept. No. 103-2).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. COHEN, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. CONRAD, Mr. BOREN, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. MITCHELL):

S. 514. A bill to amend title XVIII of the Social Security Act to improve procedures under part B of the Medicare Program relating to extra-billing limits, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. MITCHELL):

S. 515. A bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. SASSER, Mr. COHEN, Mr. GRASSLEY, Mr. CONRAD, Mr. DURENBERGER, Mr. LEAHY, and Mr. MCCAIN):

S. 516. A bill to amend title XVIII of the Social Security Act to improve procedures under part B of the Medicare Program relating to durable medical equipment, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. SASSER):

S. 517. A bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative; to the Committee on Armed Services.

S. 518. A bill to reduce the deficit by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1994; to the Committee on Appropriations.

S. 519. A bill to reduce Federal budget deficits by prohibiting further funding of the Trident II Ballistic Missile Program; to the Committee on Appropriations.

By Mr. BUMPERS (for himself and Mr. COHEN):

S. 520. A bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program; to the Committee on Appropriations.

By Mr. MCCAIN (for himself, Mr. INOUYE, and Mr. CAMPBELL):

S. 521. A bill to assist the development of tribal judicial systems, and for other purposes; to the Committee on Indian Affairs.

By Mr. WOFFORD:

S. 522. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to political subdivisions of States for environmental testing and characterization in enterprise zones, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WOFFORD (for himself and Mr. SPECTER):

S. 523. A bill to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S. 524. A bill to designate the Pittsburgh Aviary in Pittsburgh, PA, as the National Aviary in Pittsburgh; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 525. A bill to establish the Educational Flexibility Act; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself and Mr. ROBB):

S. 526. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. DECONCINI, Mr. DOMENICI, Mr. SMITH, Mr. MCCONNELL, and Mr. MURKOWSKI):

S. 527. A bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device; to the Committee on the Judiciary.

By Mr. RIEGLE:

S.J. Res. 58. A joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. COHEN, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. CONRAD, Mr. BOREN, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. MITCHELL):

S. 514. A bill to amend title XVIII of the Social Security Act to improve procedures under part B of the Medicare Program relating to extrabilling limits, and for other purposes; to the Committee on Finance.

### MEDICARE BENEFICIARY PROTECTION ACT

Mr. PRYOR. Mr. President, I am pleased to be joined by Senators COHEN, RIEGLE, ROCKEFELLER, CONRAD, BOREN, GRASSLEY, and DURENBERGER in introducing today the Medicare Beneficiary Protection Act of 1993. This bill was included in H.R. 11, which was later vetoed by President Bush.

This legislation will enable the Health Care Financing Administration [HCFA] to enforce the Omnibus Reconciliation Act of 1989 provisions commonly known as Medicare physician payment reform. So-called balance billing limits were designed to protect Medicare beneficiaries from excessive out-of-pocket costs for physician services. These limits became effective on January 1, 1991.

Today, we find that despite our efforts, untold numbers of older Americans are still being subjected to physician overcharges. For many of these people, who live on fixed incomes, the overcharges present a great financial hardship—a burden the Congress believed had been lifted.

Physician payment reform placed new limits on the amount that physicians can bill their patients over and above what Medicare pays. We are introducing this legislation today because Medicare beneficiaries are still being overcharged. Both doctors and patients are often unaware of these billing limitations, and as a result, thousands of Medicare patients pay more than the law requires. In fact, in the last 6 months of 1992, over 500,000 beneficiaries were charged over the legal limits.

In August 1992, HCFA stepped up their efforts to monitor Medicare claims for physician overcharges. The results are alarming. From a sample of claims from August to December, over 1 million individual procedures contained overcharges. These overcharges averaged 56 percent over what is allowed by law.

As we heard last year at a Senate Aging Committee hearing, when beneficiaries realize they have been overcharged, they have had to struggle to obtain information. At the Aging Committee hearing, Stanley Lipson of Bayside, NY, testified about his experience with a doctor's overcharge of more than $1,000. He told the committee that trying to get useful assistance from Medicare turned out to be a wild goose chase.

Recently, HCFA has increased their monitoring and enforcement of the balance billing limits. Although HCFA's efforts are a step in the right direction, we want to ensure that these limits provide the protection that Congress intended. For this reason, we are introducing this legislation today.

Our bill strengthens the law by requiring specific monitoring and enforcement efforts by HCFA, and by clarifying that beneficiaries are not liable for overcharges. Our bill would also give beneficiaries increased access to HCFA by creating a beneficiary advisory council to HCFA, much like the existing physician advisory council. Our legislation closely follows the Physician Payment Review Commission's recommendation that Congress make improvements in the law to ensure that limits on balance billing achieve the goal Congress intended.

Mr. President, since our Aging Committee hearing, we have received calls from Medicare beneficiaries from all over the country who are due refunds. At the same time, many organizations representing Medicare beneficiaries have offered their support for this bill, including the American Association of Retired Persons; Families United for Senior Action; the National Council of Senior Citizens; the National Committee to Preserve Social Security and Medicare; Arkansas Seniors Organized for Progress; and, the National Association of Retired Federal Employees. I also appreciate the efforts of the senior Senator from Michigan, Mr. RIEGLE, for his longstanding leadership and hard work on this issue.

I urge the rest of our colleagues to join us as cosponsors. I am hopeful that we can work quickly to enact this legislation that ensures the Medicare beneficiary protections, which have been the law of the land for almost 3 years, will finally be fairly and adequately enforced.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 514

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REFERENCES TO SOCIAL SECURITY ACT.**

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

**SEC. 2. EXTRA-BILLING.**

(a) APPLICATION OF EXTRA-BILLING LIMITS.—Paragraph (1) of section 1848(g) (42 U.S.C. 1395w-4(g)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES.—

"(A) NO BILLING IN EXCESS OF LIMITING CHARGES.—A nonparticipating physician who does not accept payment on an assignment-related basis for physicians' services furnished with respect to an individual enrolled under this part may not bill or collect an actual charge in excess of the limiting charge described in paragraph (2) for such services.

"(B) NO LIABILITY FOR EXCESS CHARGES.—No person is liable for payment of any amounts billed in excess of the amount permitted under subparagraph (A).

"(C) REFUND OF EXCESS CHARGES.—If a physician bills or collects an amount that exceeds by at least one dollar the applicable limiting charge for a service furnished to an individual enrolled under this part, the physician shall on a timely basis—

"(i) refund the full amount collected in excess of the limiting charge,

"(ii) if there is an outstanding balance owed to the physician for other items and services and furnished to the individual, reduce this balance by the amount of the excess charge and refund any amount in excess of the outstanding balance, or

"(iii) if the physician has not yet collected such excess charges, reduce the actual charge billed for the service to the amount permitted under subparagraph (A).

"(D) TIMELINESS OF REFUND.—

"(i) IN GENERAL.—A refund (or reduction) under subparagraph (C) is considered to be made on a timely basis if the full refund (or notice to the individual of reduced outstanding balance or reduced charge, as applicable) is made within 30 days after a carrier notifies the physician that the limiting charge has been exceeded.

"(ii) RESPONSE TO CARRIER'S DETERMINATION.—In the case of a physician who, within 30 days after the carrier notifies the physician that the limiting charge has been exceeded, submits to the carrier documentation supporting application of a different limiting charge to the service furnished, a refund (or reduction) under subparagraph (C) is considered to be made on a timely basis if the full refund (or notice to the individual of reduced outstanding balance or reduced charge, as applicable) is made within 15 days after the carrier notifies the physician following review of such documentation that the limiting charge has been exceeded.

"(E) SANCTIONS.—If a physician—

"(i) knowingly and willfully bills for services in violation of subparagraph (A),

"(ii) collects for services in violation of subparagraph (A) on a repeated basis, or

"(iii) fails to comply with subparagraph (C),

the Secretary may apply sanctions against the physician in accordance with section 1842(j)(2) and apply paragraph (4) of section 1842(j) in the same manner as such paragraph applies to such section.".

(b) DETERMINATIONS BY CARRIERS REGARDING APPLICABLE LIMITING CHARGES FOR PHYSICIAN SERVICES.—Section 1842(b)(3) (42 U.S.C. 1395u(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H); and

(3) by inserting after subparagraph (H), the following new subparagraph:

"(I) will, for claims that are not paid on an assignment-related basis—

"(i) determine, prior to making payment, whether the amount billed for physicians' services furnished with respect to an individual enrolled under this part exceeds the limiting charge applicable under section 1848(g)(2);

"(ii) notify the physician, supplier, or other person within 30 days of any determination that the amount billed exceeds by at least one dollar the limiting charge applicable under section 1848(g)(2) and provide an opportunity for the physician supplier or other person to respond;

"(iii) notify the physician, supplier, or other person, within 30 days of the receipt of a response, of the carrier's determination with respect to such response regarding whether the limiting charge applicable under section 1848(g)(2) has been exceeded; and

"(iv) include limiting charge information in the explanation of medicare benefits that is sent to an individual enrolled under this part after the submission of an unassigned claim on an individual's behalf which exceeds the limiting charge by at least one dollar; and".

(c) MONITORING OF CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6) (42 U.S.C. 1395w-4(g)(6)) is amended in subparagraph (B), by striking "report to the Congress" and inserting "report to the Congress regarding the charges described in subparagraph (A)(i), including the extent to which actual charges exceed limiting charges, the number and types of services involved, and the average amount of excess charges".

(e) ESTABLISHMENT OF MEDICARE BENEFICIARY ADVISORY COUNCIL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1889 the following new section:

**"SEC. 1890. MEDICARE BENEFICIARY ADVISORY COUNCIL.**

"(a) APPOINTMENT OF MEMBERS.—The Secretary shall appoint, based on nominations submitted by organizations representing elderly and disabled populations, a Medicare Beneficiary Advisory Council (hereafter in this section referred to as the 'Council') to be composed of 15 individuals who are entitled to benefits under part A or who are enrolled under part B.

"(b) MEETINGS.—The Council shall meet once during each calendar quarter to discuss proposed regulations, carrier manual instructions, and any other issues with a direct or indirect impact on delivery, cost, quality, or expansion of medicare services. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of such proposed changes.

"(c) REIMBURSEMENT OF EXPENSES.—Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under this title.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to services furnished on or after January 1, 1994.

(2) COUNCIL.—The amendment made by subsection (e) shall take effect on the date of the enactment of this Act.

Mr. MITCHELL. Mr. President, I rise in support of the Medicare Beneficiary Payment Protection Act of 1993. This legislation augments previous congressional efforts to protect Medicare beneficiaries from provider overcharges. I was an original cosponsor of this legislation in the last Congress, and, once again, I join Senator PRYOR today as an original cosponsor of this important legislation.

Physician payment reform in OBRA 1989, set limits on the amount a physician could charge a Medicare beneficiary above the allowed amount. The Medicare Beneficiary Payment Protection Act of 1993 takes the necessary additional steps to ensure physician adherence to these limitations.

Designed to provide technical clarification to current law, the Medicare Beneficiary Payment Protection Act of 1993 requires specific monitoring and enforcement efforts by the Health Care Financing Administration. This legislation also requires HCFA to disburse information on charge limits to beneficiaries as well as to physicians.

Finally, this bill establishes a Medicare beneficiary advisory committee, similar to the current physician advisory council, which will allow Medicare beneficiaries greater access to the Health Care Financing Administration.

I support this legislation, Mr. President, because it furthers our effort to protect Medicare beneficiaries, particularly low-income beneficiaries, from fraudulent billing and financial abuse.

Medicare beneficiaries, many of whom have difficulty meeting basic health care costs, have been overbilled and held liable for the overcharges. This legislation will help end the practice of fraudulent billing and protect Medicare recipients from excessive out-of-pocket expenditures. Under this law, when billing limits are exceeded, physicians are required to provide the Medicare beneficiary with a refund. Carriers would have the authority to enforce this provision.

The Health Care Financing Administration did take steps to clarify the role of carriers in enforcing the charge limits established in OBRA 1989. I am encouraged by HCFA's actions, however, I do not believe it is enough.

On April 3, 1992, I, along with several of my colleagues: Senators ROCKEFELLER, RIEGLE, DURENBERGER, and GRAHAM, sent a letter to the Health Care Financing Administration requesting that all of the beneficiary protections of OBRA 1989 be fully implemented.

My colleagues and I clarified in this letter that it was Congress' intent that no beneficiary be held liable for any amount in excess of the limit. We explained that it was fully intended, that, in the event that balance billing limits were exceeded, physicians would be required to provide the Medicare beneficiary with a refund. Carriers, through HCFA, would have the authority to enforce this provision.

We further stated that we believed that only through monitoring and enforcing and limiting charges for each claim submitted, that full compliance of the law can be achieved.

The legislation provides the technical clarification to the current law to ensure that these concerns are addressed. The "Medicare Beneficiary Payment Protection Act of 1993" ensures the full implementation of the physician payment reform act as it was intended by Congress.

I urge my colleagues to support this important legislation.

Mr. COHEN. Mr. President, I am pleased to join with my colleague, Senator PRYOR, in introducing the Medicare Beneficiary Payment Protection Act of 1993. The legislation we are reintroducing today was approved by Congress last October, but unfortunately was attached to the urban aid bill, which the President failed to sign. Prompt passage of this bill will help ensure that Medicare beneficiaries are given the protection they have been promised, by law, against excessive medical bills.

In 1989, Congress enacted legislation to limit the amount doctors could charge Medicare patients over, and above, the Medicare-approved amount. Generally referred to as the "limiting charge," this cap was intended to protect Medicare beneficiaries from excessive, out-of-pocket medical expenses.

However, the limiting charge is like a seat belt: it offers protection, but only if it is used.

Last year, the Senate Special Committee on Aging held a hearing which revealed that many doctors are still charging their Medicare patients far more—at times even thousands of dollars more—than the billing limits allow. Many of these overcharges are the result of honest billing errors. Others may be intentional. In either case, however, the Medicare patient is far too often struck with a very big bill that Congress did not intend him or her to pay.

Testimony presented at the hearing disclosed that the Health Care Financing Administration had been extremely lax about enforcing the new limits on physician charges. With the exception of one small paragraph in the Medicare Handbook—which is sent only to new enrollees, not to all beneficiaries—HFCA had done nothing to notify Medicare beneficiaries about the new limits on physician fees.

Even worse, not only had HCFA failed to inform Medicare beneficiaries about the new limiting charge, it had also routinely provided information to thousands of beneficiaries that was both erroneous and misleading.

Thousands of "Explanation of Medicare Benefits" forms, which are routinely mailed to Medicare beneficiaries after they have seen a physician, were sent out telling beneficiaries that they owed more—in some cases thousands of dollars more—than they were required by law to pay.

One witness at the hearing, Mr. Burton Lee of Sag Harbor, NY, testified that he had received a notice from Medicare stating that he owed his physician the full difference between the amounts the doctor billed—$4,863—and the amount Medicare paid—$1,527. When he questioned the charge, Medicare actually advised him to pay the full amount billed—more than $2,500 more than he was required to pay by law.

That's a tremendous difference—a potentially catastrophic difference—for the Medicare beneficiary who is ill, who is living on a fixed income, and who has likely been socked with a multitude of out-of-pocket medical expenses, such as prescription drugs.

If Medicare's elaborate computer system is unable to calculate, and state correctly, what the beneficiary actually owes, how can we possibly expect an elderly Medicare patient, who probably has never even heard of a limiting charge, to catch, much less rectify, this kind of error?

Too often, older people will not challenge the information on a doctor's bill—they will simply feel compelled to pay and deprive themselves of other necessities.

Because of the congressional interest and press attention generated by the Aging Committee's hearing, HCFA has finally taken some positive steps to correct the information it is providing Medicare beneficiaries and to improve its enforcement efforts. However, last year's hearing clearly demonstrated the need for further clarification of the law to better enforce the limiting charges, and to ensure that beneficiaries are refunded any money that they may have overpaid in a timely manner.

The legislation Senator PRYOR and I are introducing today will do just that.

Among other provisions, the Medicare Beneficiary Protection Act clarifies that beneficiaries should not be held liable for charges in excess of the billing limits. It also requires physicians to make refunds to beneficiaries for charges that exceed the billing limits.

In addition, the legislation requires Medicare to examine each unassigned claim for limiting charge compliance prior to payment, and to notify physicians when the limiting charge has been exceeded. Finally, the legislation requires that information about the limiting charge be included in the Explanation of Medicare Benefits form sent to the beneficiary.

Enactment of these provisions will ensure that the promise of protection against excessive medical bills that Medicare beneficiaries were given with the enactment of the limiting charge in 1989 is fulfilled, and I urge my colleagues to join me in supporting this legislation.

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By Mr. PRYOR (for himself and Mr. MITCHELL):

S. 515. A bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare; to the Committee on Finance.

MEDICARE LEGISLATION

Mr. PRYOR. Mr. President, 2 years ago, the National Association for Home Care informed me about a problem in claims auditing that some Medicare home health care providers have encountered that could potentially cause a number of agencies to shut their doors. In 1991, I was joined by the majority leader in introducing legislation (S. 1838) to alleviate this situation. Unfortunately, the problem remains, and I am again joined by Senator MITCHELL in reintroducing this legislation.

There are Medicare fiscal intermediaries who, when they audit a home health agency, look at only a sample of the agency's claims. The problem arises when the results of that very limited audit are then extrapolated and applied to all of the agency's claims. As a result, any errors in the sample are exponentially multiplied, often with serious consequences for the home health agency.

These so-called sampling techniques are not specifically authorized by current law. Rather, the law refers to individual coverage determinations, based on the principle that each patient under the Medicare home health benefit presents unique health care needs. HCFA, unfortunately, has chosen to ignore this principle through the use of its sampling audits. Consequently, some agencies have been driven out of business.

In the past few years, a number of home health providers in my home State of Arkansas have written to express their concern about this policy. A home health nurse in Little Rock told me that a sampling audit could devastate her agency. Ultimately, sampling audits affect Medicare beneficiaries' access to needed services—services to which they are entitled. Because Arkansas has one of the highest proportions of elderly citizens of all the 50 States, access to Medicare services is among one of my most important concerns. This bill would help to ensure that this is protected.

The legislation that Senator MITCHELL and I are introducing would bar HCFA from doing sampling audits except under strictly defined circumstances. I urge my colleagues to join us in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 515

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION ON USE OF CLAIM SAMPLING TO DENY CLAIMS OR RECOVER OVERPAYMENTS UNDER MEDICARE.**

(A) LIMITATION ON USE OF CLAIM SAMPLING.—Section 1869(a) of the Social Security Act (42 U.S.C. 1395ff(a)) is amended—

(1) by striking "(a) The determination" and inserting "(a)(1) Subject to paragraph (2), the determination"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Except for purposes of assessing civil money penalties for fraud under section 1128A(a)—

"(A) the determination with respect to a claim for benefits under part A or part B shall be based solely on the individuals' entitlement to such benefits; and

"(B) the Secretary may not make any determination with respect to any claim for benefits described in paragraph (1) by applying information obtained through a process of claim sampling to such claim.".

(b) CONFORMING AMENDMENTS.—(1) Section 1862(f) of such Act (42 U.S.C. 1395y(f)) is amended by striking "otherwise" and inserting "otherwise that meets the requirements of section 1869(a)(2)".

(2) Section 1869(b)(1) of such Act (42 U.S.C. 1395ff(b)(1)) is amended by striking "subsection (a)" and inserting "subsection (a)(1)".

**SEC. 2. EFFECTIVE DATE.**

The amendments made by section 1 shall apply to determinations on claims for benefits under title XVIII of the Social Security Act issued on or after the date of enactment of this Act.

Mr. MITCHELL. Mr. President, I rise today to join my distinguished colleague, Senator PRYOR, the chairman of the Senate Special Committee on Aging, to introduce legislation which would provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare. Senator PRYOR and I introduced this bill during the 102d Congress. Unfortunately, no action was taken and the problem continues to pose a serious threat to the availability of Medicare home health benefits.

HCFA's use of claims sampling can result in Medicare claims being retroactively denied and repayment demanded without an individual review by the Medicare intermediary. The Health Care Financing Administration has used the practice of claims sampling to audit Medicare payments to providers, including home health agencies.

There have been instances in which some Medicare intermediaries have looked at only a small sample of a home health agency claims during a postpayment audit. This questionable sample is then extrapolated and applied to all of the agency's claims.

Mr. Chairman, HCFA's claim sampling auditing technique is just an attempt to deny payment for Medicare benefits, in particular, home health benefits, to which Medicare beneficiaries are entitled under law.

Sampling audits ultimately affect Medicare beneficiary access to needed services. The bill we are introducing today will ensure Medicare beneficiary rights are protected.

As a member of the Senate Finance Committee, I have long been concerned about attempts to unfairly deny reimbursement for the Medicare home health benefit. In 1987, I joined with Senator BRADLEY to introduce the Medicare Home Health Services Improvement Act of 1987. That legislation included a number of provisions intended to ensure that Medicare beneficiaries were not denied reimbursement for home health benefits to which they were entitled. At that time, the denial rate for home health benefits under Medicare had reached 30 percent in my home State of Maine—the highest rate of denials in the Nation.

The legislation Senator PRYOR and I are introducing today is similar to the legislation we introduced in the last Congress. Our bill would prohibit the use of claim sampling to deny claims or recover overpayments under Medicare except in cases where fraud has been determined.

As a result, any errors in the sample are exponentially multiplied, often with serious consequences for the agency and Medicare beneficiaries.

Appeals have shown that fiscal intermediaries can make serious mistakes—mistakes which are compounded by the sampling practice. The consequences become even more serious when the intermediaries collect the alleged overpayment before the home care agency can appeal. The appeals process is an inadequate protection against erroneous denials because it can take several years to resolve a single claim denial.

In the meantime, a home health agency is expected to reimburse the Medicare carrier for those claims which have been denied. This claim sampling practice can bankrupt home health agencies, limiting access for Medicare patients to their home health entitlements. Hospitals and nursing homes are justifiably fearful of the implications of this practice for them.

These sampling techniques are not specifically authorized by current law. The current law refers to individual coverage determinations based on the principle that each patient under Medicare presents unique health care needs. Sampling is in direct conflict with that principle.

In cases of proven Medicare fraud, claim sampling may be used for the purpose of assessing civil monetary penalties.

According to the Maine Home Care Alliance, the threat of claim sampling is "like a guillotine with a frayed rope over our necks." Small rural home health agencies and the beneficiaries they serve are at special risk of bankrupting limited available service. Sufficient safeguards for quality care are in place. Claim sampling adds nothing to consumer or payer protection, and the risks of limiting service are not justified.

It is important that elderly and disabled Medicare beneficiaries receive the benefits to which they are entitled. The Medicare home health benefit, in particular, can mean the difference between no care and quality home care.

The legislation Senator PRYOR and I are introducing today is intended to protect access to important health care benefits under the Medicare Program. I urge my colleagues to support this important effort.

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By Mr. PRYOR (for himself, Mr. SASSER, Mr. COHEN, Mr. GRASSLEY, Mr. CONRAD, Mr. DURENBERGER, Mr. LEAHY, and Mr. MCCAIN):

S. 516. A bill to amend title XVIII of the Social Security Act to improve procedures under part B of the Medicare Program relating to durable medical equipment, and for other purposes; to the Committee on Finance.

### DME LEGISLATION

Mr. PRYOR. Mr. President, I am pleased to join my colleagues, the chairman of the Budget Committee, Senator SASSER, and the ranking member of the Aging Committee, Senator COHEN in introducing the Durable Medical Equipment Fraud and Abuse Prevention Act of 1993. This bill will deter the incidence of abusive practices by "bad apple" equipment suppliers by establishing more rational administrative and payment policy. We are joined today by Senators GRASSLEY, CONRAD, DURENBERGER, LEAHY, and MCCAIN.

The bill we are introducing today, which was included in H.R. 11 and vetoed by President Bush, will save the Medicare Program well over $200 million. This money could be used to reduce the ever growing budget deficit or perhaps to aid struggling rural hospitals.

Mr. President, for years Congress has heard about fraudulent, abusive, and extremely costly practices of the fly-by-night scam artists operating in the medical equipment industry. At a time when Congress is struggling to contain health care costs and find ways to improve access to health care, we are all looking for ways to curb such practices.

Senators SASSER and COHEN have played important leadership roles on this issue, and I am pleased to have worked with them on this greatly needed legislation. This bill draws largely from the provisions of S. 1736, the Medicare Durable Medical Equipment Payment Improvement Act of 1991, introduced by Senator SASSER, and S. 1988, the Quality in Medical Equipment and Supplies Act of 1991, introduced by Senator COHEN. I would like to take this opportunity to recognize their ongoing efforts and commitment to address the fraud and abuse within this segment of Medicare.

Last year, at hearings held both by the Aging and Budget Committees, we have learned how procedures governing the administration of durable medical equipment payment are far too lax. With Medicare spending going through the roof, failure to address known scams and administrative problems is inexcusable. Although the great majority of suppliers are honest, a small number of unscrupulous suppliers continue to gouge Medicare out of enormous amounts of money. Medical equipment suppliers in my home State of Arkansas have urged me to take quick action to prohibit those unscrupulous suppliers from continuing to bilk the system.

The bill we introduce today represents a good working relationship with the medical equipment and supplies industry. I am hopeful that this good relationship will continue. Also, I am appreciative of the cooperation and consultation we have received from the Health Care Financing Administration.

I am pleased to see that the President's fiscal year 1994 budget proposal incorporates much of our bill. I also recognize that the administration has proposed additional savings in Medicare's durable medical equipment program. I look forward to working together with the administration on this and other proposals.

Mr. President, this proposal represents an attempt to develop a fair response to the varying recommendations of medical equipment suppliers, the Health Care Financing Administration, and other experts. In this effort, our goal has always been to strike the appropriate balance between the need for prevention of fraudulent practices and the need for laws flexible enough to allow the honest suppliers to remain in business.

Mr. President, I urge the rest of our colleagues to join us as cosponsors and in ensuring that these proposals are enacted into law. I request unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REFERENCES TO SOCIAL SECURITY ACT.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

#### SEC. 2. DURABLE MEDICAL EQUIPMENT.

(a) DEFINITION OF MEDICAL EQUIPMENT AND SUPPLIES.—

(1) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"MEDICAL EQUIPMENT AND SUPPLIES

"(oo) The term 'medical equipment and supplies" means—

"(1) durable medical equipment (as defined in section 1861(n));

"(2) prosthetic devices (as described in section 1861(s)(8));

"(3) orthotics and prosthetics (as described in section 1861(s)(9));

"(4) home dialysis supplies and equipment (as described in section 1861(s)(2)(F));

"(5) surgical dressings and other devices (as described in section 1861(s)(5));

"(6) immunosuppressive drugs (as described in section 1861(s)(2)(J)); and

"(7) such other items as the Secretary may determine.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after January 1, 1994.

(b) DEVELOPMENT AND APPLICATION OF NATIONAL STANDARDS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR ISSUANCE AND RENEWAL OF SUPPLIER NUMBERS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—

"(1) PAYMENT.—No payment may be made under this part after July 1, 1994, for items furnished by a supplier of medical equipment and supplies (as defined in section 1861(oo)) unless such supplier meets the national standards specified by the Secretary and possesses a valid supplier number.

"(2) REVISED STANDARDS.—

"(A) IN GENERAL.—The Secretary shall, by no later than January 1, 1996, in consultation with representatives of suppliers of medical equipment and supplies, carriers, and consumers, revise the national standards for suppliers of medical equipment and supplies to include the requirements listed in subparagraph (B).

"(B) STANDARDS DESCRIBED.—The requirements listed in this subparagraph are that suppliers of medical equipment and supplies shall—

"(i) comply with all applicable State and Federal licensure and regulatory requirements;

"(ii) maintain a physical facility on an appropriate site;

"(iii) have proof of appropriate liability insurance; and

"(iv) meet such other requirements as the Secretary may specify.

"(C) APPLICABILITY OF REVISED STANDARDS.—Beginning after December 31, 1995, each supplier of medical equipment and supplies applying for a supplier number or renewing such supplier's supplier number shall meet the revised standards described in this paragraph.".

(c) CERTIFICATES OF MEDICAL NECESSITY.—

(1) IN GENERAL.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (b), is amended—

(A) in subsection (a), by striking paragraph (16), and

(B) by adding at the end the following new subsection:

"(j) CERTIFICATES OF MEDICAL NECESSITY.—

"(1) STANDARDIZED CERTIFICATES.—Not later than July 1, 1994, the Secretary shall, in consultation with carriers under this part, develop one or more standardized certificates of medical necessity (as defined in paragraph (3)) for medical equipment and supplies (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)). If a certificate of medical necessity is required by the Secretary, such standardized certificates shall—

"(A) be completed by each physician who prescribes such medical equipment and supplies for any beneficiary under this part, and

"(B) be transmitted to the supplier and then to the carrier processing the claim for payment for such medical equipment and supplies under this part.

"(2) PROHIBITION AGAINST DISTRIBUTION BY SUPPLIERS OF CERTIFICATES OF MEDICAL NECESSITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a supplier of medical equipment and supplies described in paragraph (1) may not distribute to physicians or to individuals entitled to benefits under this part for commercial purposes any completed or partially completed certificates of medical necessity.

"(B) EXCEPTION FOR CERTAIN BILLING INFORMATION.—Subparagraph (A) shall not apply with respect to a certificate of medical necessity to the extent that such certificate contains only information completed by the supplier of medical equipment and supplies identifying such supplier and the beneficiary to whom such medical equipment and supplies are furnished, a description of such medical equipment and supplies, any product code identifying such medical equipment and supplies, and any other administrative information identified by the Secretary. In the event a supplier provides a certificate of medical necessity containing information permitted under this subparagraph, such certificate shall also contain the supplier's charge and the fee schedule amount for the medical equipment or supplies being furnished prior to distribution of such certificate to the physician.

"(C) PENALTY.—Any supplier of medical equipment and supplies who knowingly and willfully distributes a certificate of medical necessity in violation of subparagraph (A) is subject to a civil money penalty in an amount not to exceed $1,000 for each such certificate of medical necessity so distributed. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to civil money penalties under this subparagraph in the same manner as they apply to a penalty or proceeding under section 1128A(a).

"(3) DEFINITION.—For purposes of this subsection, the term 'certificate of medical necessity' means a form or other document containing information required by the Secretary to be submitted to show that a covered item is reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to certificates of medical necessity on or after January 1, 1994.

(d) COVERAGE AND REVIEW CRITERIA FOR CERTAIN MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(k) COVERAGE AND REVIEW CRITERIA.—

"(1) DEVELOPMENT AND ESTABLISHMENT.—Not later than July 1, 1994, the Secretary, in consultation with representatives of suppliers of medical equipment and supplies (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)), individuals enrolled under this part, and appropriate medical specialty societies, shall develop and establish uniform national coverage and utilization review criteria for 200 items of medical equipment and supplies (as so defined) selected in accordance with the standards described in paragraph (2). The Secretary shall publish the criteria as part of the instructions provided to fiscal intermediaries and carriers under this part and no further publication, including publication in the Federal Register, shall be required.

"(2) STANDARDS FOR SELECTING ITEMS SUBJECT TO CRITERIA.—The Secretary may select an item for coverage under the criteria developed and established under paragraph (1) if the Secretary finds that—

"(A) the item is frequently purchased or rented by beneficiaries;

"(B) the item is frequently subject to a determination that such item is not medically necessary; or

"(C) the coverage or utilization criteria applied to the item (as of the date of the enactment of this subsection) is not consistent among carriers.

"(3) ANNUAL REVIEW AND EXPANSION OF ITEMS SUBJECT TO CRITERIA.—The Secretary shall annually review the coverage and utilization of items of medical equipment and supplies to determine whether items not included among the items selected under paragraph (1) should be made subject to uniform national coverage and utilization review criteria, and, if appropriate, shall develop and apply such criteria to such additional items.

"(4) REPORT ON EFFECT OF UNIFORM CRITERIA ON UTILIZATION OF ITEMS.—Not later than January 1, 1995, the Secretary shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate analyzing the impact of the uniform criteria established under paragraph (1) on the utilization of items of medical equipment and supplies by individuals enrolled under this part.".

(e) PROHIBITION AGAINST MULTIPLE SUPPLIER NUMBERS.—

(1) IN GENERAL.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(l) PROHIBITION AGAINST MULTIPLE SUPPLIER NUMBERS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—The Secretary may not issue more than one supplier number to any supplier of medical equipment and supplies (as defined in section 1861(oo)) unless the issuance of more than one number is appropriate to identify subsidiary or regional entities under the supplier's ownership or control.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after July 1, 1994.

(f) DEFINITION OF INDUCEMENTS AS KICKBACKS CLARIFIED.—

(1) IN GENERAL.—Section 1128B(b)(3)(B) (42 U.S.C. 1320a-7b(b)(3)(B)) is amended by inserting before the semicolon "(except that in the case of a contract supply arrangement between a skilled nursing facility and a supplier of medical supplies and equipment (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)), such employment shall not be considered bona fide to the extent that it includes tasks of a clerical and cataloging nature in transmitting to suppliers assignment rights of individuals eligible for benefits under part B of title XVIII, or performance of warehousing or stock inventory functions)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to services furnished on or after January 1, 1994.

(g) LIMITATION ON BENEFICIARY LIABILITY.—

(1) IN GENERAL.—Section 1879 (42 U.S.C. 1395pp) is amended by adding at the end the following new subsection:

"(h) If a supplier of medical equipment and supplies (as defined in section 1861(oo))—

"(1) furnishes an item or service to a beneficiary for which no payment may be made by reason of section 1834(i);

"(2) furnishes an item or service to a beneficiary for which payment is denied in advance under section 1834(a)(15);

"(3) is excluded from participation under this title; or

"(4) furnishes an item or service to a beneficiary for which payment is denied under section 1862(a)(1);

any expenses incurred for items and services furnished to an individual by such a supplier on an unassigned basis shall be the responsibility of such supplier. The individual shall have no financial responsibility for such expenses and the supplier shall refund on a timely basis to the individual (and shall be liable to the individual for) any amounts collected from the individual for such items or services, unless the supplier informs the individual in advance that payment under this part will not be made for the item or services and the individual agrees to pay for the item or service.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items or services furnished on or after July 1, 1994.

(h) TREATMENT OF NEBULIZERS AND ASPIRATORS AS MISCELLANEOUS ITEMS OF DURABLE MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 1834(a)(3)(A) (42 U.S.C. 1395m(a)(3)(A)) is amended by striking "ventilators, aspirators, IPPB machines, and nebulizers" and inserting "ventilators and IPPB machines".

(2) PAYMENT FOR SUPPLIES RELATING TO NEBULIZERS AND ASPIRATORS.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting "; and", and by inserting after clause (vi) the following new clause:

"(vii) In the case of supplies to be used in conjunction with a nebulizer or aspirator for which payment is made under this paragraph, payment shall be in accordance with paragraph (2) of this subsection.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items furnished on or after January 1, 1994.

(i) PAYMENT FOR OSTOMY SUPPLIES, TRACHEOSTOMY SUPPLIES, UROLOGICALS, SURGICAL DRESSINGS, AND OTHER MEDICAL SUPPLIES.—

(1) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR CERTAIN ITEMS.—Payment for ostomy supplies, tracheostomy supplies, urologicals, surgical dressings, and other medical supplies shall be made in accordance with subparagraphs (B) and (C) of section 1834(a)(2) (except that in the case of surgical dressings, the national limited payment amount shall be computed based on local payment amounts using average reasonable charges for the six-month period ending June 30, 1993, increased by the covered item update for 1994).".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall apply with respect to items furnished on or after January 1, 1994.

(B) SURGICAL DRESSINGS AND OTHER MEDICAL SUPPLIES.—The amendment made by paragraph (1) with respect to surgical dressings and other medical supplies shall apply to items supplied on or after July 1, 1994.

(j) FREEZE IN REASONABLE CHARGES FOR PARENTERAL AND ENTERAL NUTRIENTS, SUPPLIES, AND EQUIPMENT DURING 1994.—In determining the amount of payment under part B of title XVIII of the Social Security Act during 1994, the charges determined to be reasonable with respect to parenteral and enteral nutrients, supplies, and equipment may not exceed the charges determined to be reasonable with respect to such nutrients, supplies, and equipment during 1993.

(k) STUDIES.—

(1) SUPPLIES AND SERVICES IN NURSING FACILITIES.—The Comptroller General of the United States shall conduct a study and report to the Congress no later than January 1, 1995, on the types, volume, and utilization of services and supplies furnished under contract or under arrangement with suppliers to individuals eligible for benefits under title XVIII of the Social Security Act residing in skilled nursing facilities and nursing facilities.

(2) DESCRIPTIONS RELATING TO CERTAIN CODES.—The Comptroller General of the United States shall conduct a study beginning no earlier than July 1, 1994, and report to the Congress no later than January 1, 1995, on—

(A) whether changes made by the Department of Health and Human Services to the descriptions relating to the codes for medical equipment and supplies (as defined in section 1861(oo) of the Social Security Act other than paragraphs (4), (6), and (7))—

(i) accurately reflect the items being furnished under such codes, and

(ii) are sufficiently explicit to distinguish between items of varying quality and price, and

(B) recommendations for additional changes that would improve the descriptions relating to the codes for such items.

Mr. MITCHELL. Mr. President, I rise in support of the Durable Medical Equipment Fraud and Abuse Prevention Act. I was a cosponsor of a similar bill also sponsored by Senator PRYOR during the 102d Congress. This legislation is intended to deter abusive practices in supplying durable medical equipment. Further, it will establish more rational administrative and payment policy for durable medical equipment.

This bill addresses fraud and abuse problems with a focus on improving access to quality medical equipment and services.

For many years Congress has had complaints about fraudulent, abusive, and excessively costly practices within some elements of the durable medical equipment industry. Last year, Senator PRYOR introduced a similar bill that merged and strengthened provisions to protect individuals who rely on durable medical equipment for acute care, chronic illness, disability, or rehabilitation.

This legislation was developed in consultation with the Health Care Financing Administration. It is expected to save over $100 million over 5 years. Much of these savings are expected to result from the establishment of a uniform national durable medical equipment schedule. In the past, these supplies were inappropriately and variably charged.

As we work to reform the Nation's health care system we must strive to protect the quality of health care, while eliminating unnecessary services and reducing excessive payment. Fraud, abuse, and unnecessary charges must be eliminated. This bill addresses all these issues as they pertain to the durable medical equipment industry.

This bill will eliminate fraud and abuse in the durable medical equipment industry with uniform national standards for suppliers of equipment.

This bill will further limit confusing, inconsistent, and arbitrary differences in payment and coverage for over 100 commonly used medical supplies. The Health Care Financing Administration will have our full legislative backing to develop and establish uniform national coverage and utilization review criteria for these items.

The legislation will also assure that Congress receives reports on the impact of these criteria on the appropriate use of and quality of these medical supplies in nursing homes and other settings.

Mr. President, this is not just a quality issue. It is a vital beneficiary-access issue as well. The proposed legislation will simplify and speed up the administrative burdens on physicians that may limit beneficiary access to vital equipment. To protect consumers and payers, physicians will retain appropriate roles in determining medical necessity and eliminating unnecessary costs to the system.

This legislation further limits beneficiary liability for payments not covered or authorized as medically necessary.

The Durable Medical Equipment Fraud and Abuse Prevention Act fulfills the intent of Congress to eliminate fraud, abuse, and unnecessary costs associated with durable medical equipment. It strengthens our intent to improve access to quality durable medical equipment for all. I urge my colleagues to join in supporting this important legislation.

Mr. COHEN. Mr. President, I am pleased to join with Senator PRYOR in introducing this measure to protect the Medicare program from fraud and abuse by unscrupulous medical equipment suppliers who provide inferior equipment to Medicare beneficiaries and then bill Medicare at grossly inflated prices.

These reforms are critical if we are to ensure that scarce Medicare dollars are not wasted on overpriced or useless medical equipment. This legislation, which is projected to save Medicare over $200 million over the next 5 years, was approved by both the House and the Senate last year. However, it was attached to the urban aid bill which was vetoed, and I am hopeful that we can move quickly to pass it this year.

While the overwhelming majority of the Nation's 160,000 suppliers of durable medical equipment [DME]—wheelchairs, hospital beds, home oxygen equipment, and so forth—are dedicated and honest professionals, the rapid growth and sheer size of the program have made it particularly vulnerable to fraud and abuse.

The legislative reforms we are introducing today are the result of over a year's worth of investigations and hearings conducted by both the Senate Special Committee on Aging and the Senate Budget Committee into the practices of unethical suppliers who have taken advantage of weaknesses in the system to bleed millions of dollars from the Medicare program.

In April 1991, the minority staff of the Aging Committee completed a year-long investigation which revealed the unsavory practices of fly-by-night telemarketing operations that made thousands of calls to unsuspecting Medicare beneficiaries urging them to accept what was described as "free medical equipment"—equipment that was rarely needed, generally of inferior quality, of little or no therapeutic value, and which even could prove dangerous.

These telemarketers learned to manipulate the Medicare system by shopping around for the States paying the highest reimbursement rates for equipment and supplies. They then used aggressive, high-pressure tactics targeted to the most vulnerable Medicare beneficiaries to sell their over-priced wares. The telemarketers did not stop, even if the beneficiary refused the item. They would simply send the item and bill Medicare anyway, at times even forging a doctor's signature on the authorization.

The examples of abuse are staggering:

A plain piece of beige foam cost a DME supplier about $23, and was then billed to Medicare for more than $240 as a "flotation pad for a wheelchair."

A simple heating pad that could be purchased through the Sears catalog for about $23 was purchased by a DME telemarketer for $9.68, and then billed to Medicare for $67. That is three times the Sears price and six times the original purchase price.

Finally, a bed-sized flimsy piece of pink foam was billed to Medicare as a "dry flotation mattress" to prevent bed sores. This item, which obviously was completely ineffective, was purchased by a supplier for about $28 and then billed to Medicare for more than $1,100. That represents a profit of more than 3,800 percent.

The Aging Committee investigation and subsequent hearings revealed that it is far too easy for unethical medical equipment suppliers to gain access to the Medicare program. Equipment suppliers are not required to be certified or licensed to do business with Medicare. In fact, until very recently, they have not had to meet any kind of professional or business standards whatsoever.

The current system for giving out provider numbers—the billing numbers which enable suppliers to do business with Medicare—is far too lax. Medicare asks few questions about the suppliers applying for the numbers and then does little to check up on them once the numbers have been issued.

This laxity is tremendously costly to Medicare. Billing numbers are rarely canceled, even when the supplier has been excluded from the Medicare program for past fraudulent activities. Suppliers can also obtain multiple billing numbers, enabling them to overbill, doublebill, or avoid being detected for fraud.

The current system simply invites abuse. It is like the Government issuing a lifetime gold card with an unlimited balance and no annual service fee to suppliers without first running a credit check. And, from what our investigation revealed, many suppliers "don't leave home without it" and use their cards freely to bilk the taxpayers and defraud the elderly.

As a result of our investigation, several administrative actions have been taken by the Health Care Financing Administration to tighten the system to protect it against abuse. While these new regulations are a step in the right direction, Medicare remains vulnerable, and there is much more that we must do to strengthen the system.

The legislation we are reintroducing today will not only combat fraud and abuse, but it will also establish more rational payment and administrative policies for durable medical equipment.

It will require suppliers to meet strict standards and disclosure requirements in order to obtain and renew provider numbers, so that fraudulent or inferior suppliers can be kept out of the system and detected more easily. The legislation also prohibits Medicare from issuing more than one billing number to a supplier, unless more than one is necessary to identify subsidiary or regional entities under the supplier's ownership or control.

The bill also provides for more uniform national coverage and utilization review requirements, so that Medicare carriers—the Government contractors that pay and process claims—are all following the same rules for determining when an item is medically necessary, and therefore reimbursable by Medicare. This should end the practice of carrier shopping through which some suppliers seek out the carriers with the least stringent requirements.

The Omnibus Budget Reconciliation Act of 1990 prohibited suppliers from distributing completed or partially completed certificates of medical necessity [CMN's] to physicians or Medicare beneficiaries. Both suppliers and physicians have complained that physicians do not always have the product information necessary to complete the form, and that the forms are too long and time consuming to complete, which decreases beneficiary access to needed equipment and supplies.

This legislation modifies the current prohibition by permitting suppliers to complete the administrative parts of the form, such as names, addresses, and product codes. Suppliers completing this information must also include the price to make certain that the physician is aware of the item's cost. The physician would still be required to complete all information related to medical necessity.

Mr. President, the reforms we are proposing today are critical to protect Medicare from abuse and to ensure that scarce Medicare dollars are spent wisely, and I urge my colleagues to support us in this effort.

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By Mr. BUMPERS (for himself and Mr. SASSER):

S. 517. A bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative; to the Committee on Armed Services.

S. 518. A bill to reduce the deficit by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1994; to the Committee on Appropriations.

S. 519. A bill to reduce Federal budget deficits by prohibiting further funding of the Trident II Ballistic Missile Program; to the Committee on Appropriations.

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By Mr. BUMPERS (for himself and Mr. COHEN):

S. 520. A bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program; to the Committee on Appropriations.

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## DEFICIT REDUCTION LEGISLATION

Mr. BUMPERS. Madam President, today I am introducing four bills to cut wasteful spending to reduce the deficit. Together these four bills will result in savings of $4.7 billion in 1994. But when you calculate the outyears of the programs which I would curtail, plus interest over the next 5 years, it runs into tens and tens of billions of dollars.

We should always bear in mind around here that when you cut something you are not just cutting that amount, you are also cutting interest on that amount forever. And that is the big item.

At a time when the budget deficit has this country in crisis, we simply cannot continue to fund these large-scale defense and scientific projects for which there is no economic justification or economic payback.

There are six Federal programs that really stand out as candidates for termination or reduced spending. Senator WARNER, Senator COHEN, Senator SASSER, Senator BRYAN, and I last week introduced two bills to terminate the space station and the super collider. I know that even the President is tired of hearing people say why can we not cut the space station and super collider? The simple answer is we can.

Let me digress at this point, Madam President, to say that my respect for and friendship with the Senator from Virginia [Mr. WARNER] has always been total. But it went up just a bit last week when I saw the political heat he is taking for his position on the space station.

As he announced on the floor that Thursday afternoon when we introduced the bill—he said there were jobs in his State and those people, if this bill passed, would lose those jobs. And it was a very difficult thing for him to do.

You simply do not see and hear that kind of courage on the Senate floor very often.

Yesterday morning I read a feature story in the Metro Section of the Post, where he is, indeed, catching a tremendous amount of flak for his position. My admiration for him has increased exponentially.

But, besides the space station and the super collider, which as I say we have already introduced, there are these other four. This is not an exclusive list, it just happens to be what I am introducing today. But these four are the advanced solid rocket motor which NASA is scheduled to get at a cost of $3 billion and which it does not need or even want. We have already spent or at least appropriated a little over $1 billion originally intended to give the space shuttle a payload of an additional 12,000 pounds. Goldin, head of NASA, used to say they did not want it.

But to continue with the development of this rocket motor at this staggering cost for virtually nothing because the rocket motors they use right now have been improved so much, the new ASRM is not going to be worth its $3 billion cost.

So I am saying it is time to stop that one. I will have much more to say later on, Madam President, on each one of these.

Second, the Trident II missile. Last year, after Senator SASSER and I stood on the floor day after day trying to cut all of these things—SDI, space station, super collider and getting our brains beat out on each vote—we finally got down to the Trident II missile, which the Navy calls the D-5. We really have almost enough D-5 missiles right now to comply with the START II Treaty. Reverse the way I said that to say that we have enough warheads on Trident II's right now to fully cover all of our

Trident submarines under the START II Treaty. I do not know yet what the Navy is going to do.

The Trident submarine, Madam President, is equipped with 24 missiles and each missile has 8 warheads, 192 warheads per submarine. The truth of the matter is we all know that one submarine firing 192 warheads could bring about an apocalypse on this planet, but that is another subject.

My point is, under the START Treaty, we are going to be allowed multiple warhead missiles on submarines. But I can tell you that if we stop production of the Trident II right now, we will have 295 and the Navy wants us to spend up to $16 billion over the next 12 years to buy 484 more.

The 1994 defense budget that was submitted by the Bush administration finally began to see the light on this. They planned to cut off production in 1997 at 443 missiles. They agreed with the arguments I made last year that we did not need to backfit the first eight Trident subs with the D–5 missiles. Those submarines carry what we call the Trident I missile. There is not any point going back just to keep this assembly line open and retrofitting those submarines. We are talking about billions, Madam President.

To go back to where I started a moment ago about the efforts of Senator SASSER and myself last year to curb these programs, when we finally got down to the last amendment we had to offer, I knew the die was cast. If you have the chairman of the Armed Services Committee and the chairman of the Defense Appropriations Subcommittee both opposing you, you do not have to be a brain surgeon to know what the vote is going to be.

So rather than get another 35 votes, which is about what we were getting on all these, I agreed to the suggestion of my good friend from Hawaii, Senator INOUYE, to satisfy myself with a study of the issue as to just how many D–5 missiles we do need for the Trident submarine. That study is due May 1. The Navy, I can tell you now, I have not seen the report and have not talked to anybody, but the Navy will come in here with a report which says many of the things that I said in the debate last year and that they are, indeed, willing now to look at it again in light of the START II Treaty and so on because it has now been signed.

But I can tell you that what they are going to do, is they are going to come in here and say let us put 24 missiles on each submarine but we will only put 4 warheads on each missile—anything, not for strategic planning but to keep the production line open. This is an expensive program, Madam President. We are not talking about beanbags when you talk about these D–5 missiles. They are $30 million each.

But 443 missiles is still too much. If we take our START reductions by removing missiles from submarines, rather than warheads from missiles, we'll need 120 fewer missiles. And if we reduce the flight test rate of the Trident II by just one test per year—from six to five, and the Air Force tests Minuteman III and MX at three per year—we'll save 20 missiles. And if we phase out one Trident submarine just 1 year earlier than planned, then 295 Trident II missiles is more than enough. Two hundred and ninety-five is how many we will have based on last year's buy—so we don't need any more. We'll save at least $4 billion, and maybe as much as $15 billion.

So that is the second bill I am introducing today and let me hasten to say that my good friend and colleague from Maine, Mr. COHEN, is my chief cosponsor on the ASRM, the advance solid rocket motor; Senator SASSER is my chief cosponsor on the other three. But that brings me down to SDI.

Last year, in debating this thing, Senator SASSER and I discussed at length what we wanted to do on SDI. We finally agreed to try to cut $1 billion. The President was asking for $5.4 billion. The Armed Services Committee came out of committee with $4.3 billion. We said let us try to cut $1 billion and make it $3.3 billion. I did not want to do that. I wanted to go to $2 billion. The reason I wanted to go to $2 billion is the reason this bill today cuts it to $2 billion. I did not just pick $2 billion out of the thin air. One of the greatest military leaders this country ever had, a good friend and I respect highly, Admiral Crowe, said $2 billion is more than enough. Here is the guy who was the chief military officer of the United States for 4 years under Ronald Reagan. I do not consider him a flaming liberal or a dove, but he knows, every sensible person knows, that we have squandered $35 billion on this program.

So this amendment would cut SDI next year to $2 billion. If we had all the money in the world, it is fine with me, I think theater missile defense is a major part of that program now and I think it is relevant. But the point I have argued for 5 years about this program is we spend all these hundreds of billions of dollars developing a missile defense and some guy who is about half-illiterate plants a half a ton of dynamite at the bottom of the World Trade Center and if he had a nuclear device it would have been the same thing only greater destruction.

SDI will not protect the United States against bombers, will not protect us against cruise missiles or anything less than goes into the stratosphere and it certainly is not going to protect us against terrorists like the guy in New York. I am not condemning, I do not know whether he is guilty or not. I am an old trial lawyer and I do not condemn people until I hear the evidence. I saw a man got out of prison in Alabama last week who had been there for 6 years condemned to death. He was as innocent as a newly ordained nun. So we ought to withhold judgment sometimes. I am not talking about the bombing case, this is gratuitous information; it does not cost anything extra.

But my point is to continue spending money on SDI when we know that we are still so vulnerable and spend it at the levels we have been spending it is just short of insanity.

The Clinton administration has announced, or at least it has been reported in the press they are going to ask for $3.8 billion, which is what we wound up with last year. Incidentally, Senator SASSER and I did not bomb out totally last year. We asked for a billion dollar cut and when the motion was made to table our amendment, everybody was shocked, we prevailed 49 to 43. But then the arm twisting started. We went into the August recess. By the time we came back, some people had seen the light and we lost by two votes, and so we compromised on a $500 million cut.

Finally, Madam President, on the intelligence budget, everybody reads in the paper every day how much we spend on intelligence everywhere but we are not supposed to utter that figure on the floor of the Senate. You can read it in the New York Times and the Washington Post but you cannot say it on the Senate floor. You get a little admonishment if you do. But I will tell you one thing, it is billions and billions and billions. I will tell you something else, 70 percent of it until recently went to spy on the Soviet Union, which does not exist anymore.

I can tell you that if you watch CNN, you can get all the information that the intelligence community used to tell us up in S–407 in those cloak-and-dagger meetings. CNN will give it to you free. I guarantee you that half the intelligence we get for all of this money is being provided as free by CNN or by aspiring reporters.

I am asking for a 4-percent cut in the intelligence budget. Senator DECONCINI, who chairs the Intelligence Committee this year, I have not talked to him about it, my guess is that they will come up with some kind of a cut. I am not really very happy with what I am asking intelligence to be cut. I do not think 4 percent is nearly enough, but that is what I am going to start out with because that is what the Congressional Budget Office has said would probably be a correct figure.

I can tell you one thing, the intelligence community will not suffer, our information will not suffer if we save $1.26 billion there.

So, Madam President, the President is not going to get all the cuts he has asked for. Nobody here is naive enough to believe that he will. He may not even get half of them. I do not know what the percentage is, but we now know that CBO says his figures are off.

I see the Senator from New Mexico. He thinks they are further off than CBO's. I do not know who is right about it, but I know one thing, I do not care who is right and who is wrong. Reaching some kind of a total cut is a laudable goal, but to set that as the goal and still allow wasteful spending to lie on the table untouched is unacceptable to me. The Republicans say they want to exceed his spending cuts. Here are some of my Republican colleagues now this year joining me in these cuts. I think there will be other Republicans joining this year for the first time in these cuts. I am hoping that in light of the new, totally new, political aura of this country that people will really do some soul searching that they have not done before about the condition of our country, where we are going to cut, how much we are going to cut and try to salvage something for our future.

I ask unanimous consent that immediately following my remarks, the four bills I am introducing be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 517

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) Federal budget deficits have grown to such an extent as to pose a serious short-term, medium-term, and long-term threat to the health of the United States economy.

(2) The gross cost of interest payments on the public debt of the United States now exceeds defense expenditures in the Federal budget and is one of the fastest growing components in the Federal budget.

(3) The American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and over-all fiscal stewardship.

(4) Programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination.

(5) The end of the Cold War allows the United States safely to reduce expenditures for defense programs and related programs that had as their original or primary focus the military threat posed by the Soviet Union.

(6) The President is requesting $3,800,000,000 for the Strategic Defense Initiative for fiscal year 1994.

(7) A reduction of $1,800,000,000 below that amount would preserve a realistic program for strategic defense of the United States.

**SEC 2. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1994.**

Not more than $2,000,000,000 may be authorized to be appropriated for fiscal year 1994 for the Strategic Defense Initiative.

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### S. 518

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Deficit Reduction Through Intelligence Programs Reduction Act of 1993".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Federal budget deficit has grown to such an extent that it poses a serious short, medium, and long-term threat to the health of the United States economy;

(2) gross interest costs now exceed defense expenditures in the Federal budget and are one of the fastest growing components in the Federal budget;

(3) the American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and over-all fiscal stewardship;

(4) programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination;

(5) the end of the Cold War allows the United States to safely make cuts in intelligence programs that had as their chief focus the military threat posed by the Soviet Union; and

(6) a reduction of $1,260,000,000 in intelligence programs would leave adequate funds for intelligence protection in this post-Cold War era.

**SEC. 3. REDUCTION OF THE DEFICIT.**

Funds appropriated to carry out the activities of the intelligence community for fiscal year 1994 may not exceed an amount equal to the amount appropriated to carry out such activities for fiscal year 1993, minus $1,260,000,000.

**SEC. 4. DEFINITION.**

For purposes of this Act, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947.

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### S. 519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) Federal budget deficits have grown to such an extent as to pose a serious short-term, medium-term, and long-term threat to the health of the United States economy.

(2) The gross cost of interest payments on the public debt of the United States now exceeds defense expenditures in the Federal budget and is one of the fastest growing components in the Federal budget.

(3) The American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and overall fiscal stewardship.

(4) Programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination.

(5) Terminating the Trident II ballistic missile program would save $1,300,000,000 in fiscal year 1994 and as much as $15,000,000,000 during the 15 fiscal years following fiscal year 1993.

**SEC. 2. PROHIBITION ON FURTHER FUNDING OF THE TRIDENT II MISSILE PROGRAM.**

(a) PROHIBITION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated on or after the date of the enactment of this Act to or for the use of the Department of Defense may not be obligated or expended for the Trident II ballistic missile program.

(b) LIMITED EXCEPTION FOR TERMINATION COSTS.—Subsection (a) does not apply to expenditures, not in excess of $90,000,000, solely for termination of the Trident II ballistic missile program.

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### S. 520

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Deficit Reduction Through Advanced Solid Rocket Motor Termination Act of 1993".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the Federal budget deficit has grown to such an extent that it poses a serious short-, medium-, and long-term threat to the health of the United States economy;

(2) the gross interest costs on the National debt now exceed defense expenditures in the Federal budget and are one of the fastest-growing components in the Federal budget;

(3) the American people are demanding serious and fundamental changes in the Federal Government's management of spending priorities and overall fiscal stewardship;

(4) Federal Government programs that are not absolutely necessary to the health and well-being of the American people must be closely scrutinized for possible funding reduction or elimination;

(5) the Advanced Solid Rocket Motor (hereafter in this Act referred to as the "ASRM") program has not been sought by the National Aeronautics and Space Administration (hereafter in this Act referred to as "NASA");

(6) the National Research Council and the Aerospace Safety Advisory Panel have concluded that the ASRM program involves high technical and programmatic risks and should be reconsidered;

(7) the cost estimates of the ASRM program have doubled in the past 5 years, and the program has fallen more than 4 years behind schedule; and

(8) termination of the ASRM program could save the Federal Government several billion dollars.

**SEC. 3. TERMINATION OF THE ADVANCED SOLID ROCKET MOTOR PROGRAM.**

(a) PROHIBITION.—Effective 90 days after the date of enactment of this section, no appropriated funds shall be available for use on the ASRM program.

(b) EXCEPTION.—Notwithstanding the provisions of subsection (a), not to exceed $50,000,000 of such funds referred to in subsection (c) may be used in terminating the ASRM program.

(c) UNEXPENDED FUNDS.—Any funds appropriated for use on the ASRM program that remain unobligated and unexpended 90 days after the date of enactment of this section shall be credited to the general revenues of the United States Treasury.

By Mr. McCAIN (for himself, Mr. INOUYE, and Mr. CAMPBELL):

S. 521. A bill to assist the development of tribal judicial systems, and for other purposes; to the Committee on Indian Affairs.

### THE INDIAN TRIBAL JUSTICE ACT

• Mr. McCAIN. Mr. President, today I am introducing the Indian Tribal Justice Act for the purpose of promoting a constructive dialog on providing tribal courts with additional Federal assistance. I am pleased that the distinguished chairman of the Indian Affairs Committee, Senator Inouye, and Senator Campbell have joined with me as cosponsors of this bill.

The Indian Tribal Justice Act provides for the establishment of the Office of Tribal Justice Support in the Bureau of Indian Affairs to perform the functions of the branch of judicial services and to carry out the purposes of the act. The office would have the resources and authority to assist tribes in the development of all aspects of tribal justice systems, either directly, or through grants and contracts. The office would also serve as a clearinghouse for information on tribal judicial systems and conduct an annual survey of the resource needs of tribal justice systems. Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary of the Interior would be authorized to enter into grants or contracts with Indian tribes to provide for the development and continuing operation of tribal justice systems.

Many tribes have expressed an interest in forming tribal judicial conferences to perform all or part of the functions of the branch of judicial services. The Indian Tribal Justice Act would authorize the Secretary of the Interior to treat such conferences as tribal organizations and to enter into grants or contracts with them pursuant to the Indian Self-Determination and Education Assistance Act.

Mr. President, it has now been more than 5 years since I first met with a group of tribal court judges at Arizona State University to hear about the needs of tribal judicial systems. During that meeting, I became convinced of the necessity for legislation aimed at strengthening tribal justice systems. In the intervening years the Select Committee on Indian Affairs has held several hearings on the resource needs of tribal courts. In the last Congress both the House and the Senate passed different versions of comprehensive legislation intended to assist tribal courts. The administration opposed both bills. Indian tribes were divided in their support for the two bills. Unfortunately we were unable to reconcile the bills prior to adjournment.

The bill I am introducing today attempts to find some common ground between the bills which were passed last year. In this regard, I suspect that this bill will leave just about everyone somewhat unsatisfied. However, I believe that it is very important that we continue to try to enact legislation to strengthen tribal courts. I hope that this bill will serve to focus the discussion by all interested parties and that we can move promptly to enactment this year. If we can reach agreement early in this session of the Congress, then all interested parties will be able to turn their attention to the real task at hand—acquiring the financial resources necessary to begin to improve tribal justice systems in the 1994 fiscal year.

I ask unanimous consent that the Indian Tribal Justice Act be printed in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 521

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—GENERAL PROVISIONS

### SEC. 101. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Act".

### SEC. 102. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(3) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(4) tribal justice systems are essential to self-government and integral to the fulfillment of the Federal Government's policy of self-determination;

(5) tribal justice systems are inadequately funded and the lack of adequate funding impairs their ability to administer justice effectively; and

(6) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

### SEC. 103. DEFINITIONS.

For purposes of this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under the authority of the United States or the inherent authority of the native entity and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 4(c) of the Indian Self-Determination and Education Assistance Act.

(8) The term "tribal justice system" means the entire judicial branch of an Indian tribe, including but not limited to traditional methods and forums for dispute resolution, lower courts, appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record, and the employees thereof.

## TITLE II—TRIBAL JUSTICE SYSTEMS

### SEC. 201. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) Establishment.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems.

(b) Transfer of Existing Functions and Personnel.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) Functions.—Except as otherwise provided in title III, in addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training to Indian tribes and tribal organizations upon request.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination between tribal justice systems, the Federal judiciary, and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(d) Assistance to Tribes.—(1) The Office shall provide training and technical assistance to any Indian tribe or tribal organization upon request. Technical assistance and training which may be provided by the Office shall include, but is not limited to, assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes and tribal organizations.

(e) Information Clearinghouse on Tribal Justice Systems.—The Office shall establish an information clearinghouse (which shall include an electronic data base) on tribal justice systems, including, but not limited to, information on tribal judicial personnel, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such action as may be necessary to ensure the confidentiality of personnel records, case records, and other matters involving the privacy of individuals.

### SEC. 202. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions on each reservation, including, but not limited to—

(1) the reservation size and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the case loads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development of the survey, including updates thereof, of conditions of tribal justice systems. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey, or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

### SEC. 203. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with Indian tribes and tribal organizations, for the development, enhancement, and continuing operation of tribal justice systems on Indian reservations.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library or computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) multidisciplinary investigations of child abuse; and

(E) tribal traditional justice systems or traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall develop appropriate case load and staffing criteria for tribal justice systems that take into account unique reservation conditions. In the development of these criteria, the Secretary shall consult with Indian tribes and tribal organizations and shall refer to comparable relevant criteria developed by the Judicial Conference of the United States, the National Center for State Courts, and the American Bar Association.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the case load and staffing criteria developed under this paragraph;

(B) the reservation size and population to be served;

(C) the volume and complexity of the case loads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing the formula for base support funding for tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

## TITLE III—TRIBAL JUDICIAL CONFERENCES

### SEC. 301. ESTABLISHMENT; FUNDING.

(a) ESTABLISHMENT.—In any case in which two or more governing bodies of Indian tribes establish a regional or national judicial conference, such conference shall be considered a tribal organization and eligible to contract for funds under this title, if each member tribe served by the conference has adopted a tribal resolution which authorizes the tribal judicial conference to receive and administer funds under this title. At the written request of any tribal judicial conference, a contract entered into pursuant to this title shall authorize the conference to receive funds and perform any or all of the duties of the Bureau and the Office under sections 201 and 202 of this Act on behalf of the members of such conference.

(b) CONTRACT AUTHORITY.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with a tribal judicial conference for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference.

(c) FUNDING.—The Secretary is authorized to provide funding to tribal judicial conferences pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for administrative expenses incurred by such conferences.

## TITLE IV—AUTHORIZATIONS

### SEC. 401. TRIBAL JUSTICE SYSTEMS.

(a) OFFICE.—There are authorized to be appropriated to carry out the provisions of sections 201, 202, and 301(a) of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS AND JUDICIAL CONFERENCES.—There are authorized to be appropriated to carry out the provisions of section 203 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) ADMINISTRATIVE EXPENSES FOR OFFICE.—There are authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.—There are authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) SURVEY.—For carrying out the survey under section 202, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000.

(f) NO OFFSET.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against funds otherwise made available for or in connection with tribal justice systems.

(g) ALLOCATION OF FUNDS.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments, and tribal judicial conferences, the Secretary shall take such action as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable, and is proportionate to base support funding under section 203 received by the Bureau, Office, tribal governments, and tribal government members comprising a judicial conference.

## TITLE V—DISCLAIMERS

### SEC. 501. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way traditional dispute resolution forum;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal court systems of such governments.

### SEC. 502. INDIAN PRIORITY SYSTEM.

Nothing in this Act shall affect the eligibility of a tribal government to receive funding through the Indian priority system of the Bureau for support of the tribe's court system.•

• Mr. INOUYE. Mr. President, I am pleased today to join with my distinguished colleague from Arizona, JOHN MCCAIN, vice chairman of the Committee on Indian Affairs, in introducing a bill to provide for the enhancement of Indian tribal judicial systems.

I commend the vice chairman for his leadership in this area. This issue has proven to be an extremely difficult matter on which to secure a consensus. For 5 years now, the Committees on Indian Affairs in the House and Senate have worked with tribal government leaders and tribal judges in an effort to identify how best to increase Federal resources to tribal court systems and to assure greater tribal involvement in the formulation of Federal policy that affects tribal judicial systems and the programs that are designed to support the operations of tribal courts.

We all acknowledge that tribal courts are essential to the exercise of governmental sovereignty by Indian tribal governments through tribal laws, as well as in carrying out duties and functions imposed by Federal law and statutes. In 1968, the Congress enacted the Indian Civil Rights Act, granting to citizens who come before tribal courts similar guarantees as those provided in the Bill of Rights to citizens who come before State and Federal courts. In addition, the Congress has enacted statutes like the Indian Child Welfare Act, the Indian Housing Program, and many environmental statutes that impose responsibilities on tribal courts. Sadly, however, I must advise my colleagues that we have been derelict in our duty to provide funds to support the tribal courts in the exercise of these added duties and responsibilities.

Mr. President, in the last session of the Congress, we came very close to enacting a bill that would provide needed support to tribal court systems for salaries, for training, for automatic data processing equipment, for facilities improvement and repair, for improved detention and parole systems, and for the development of tribal law and order codes and codes of judicial conduct and responsibility. While it is unfortunate that because of time constraints and administration opposition, the House and Senate were unable to reach agreement on a measure in the 102d Congress, I believe that the groundwork has been laid for our expeditious action to support the needs of tribal courts.

I am pleased to serve as an original cosponsor of this important legislation and look forward to working with Vice Chairman McCain, other members of the Committee on Indian Affairs, and our colleagues in the Senate and House, to fashion a measure that will meet the significant need for tribal court resources in Indian country. It is my hope that we can enact a measure in sufficient time to assure that the 1994 appropriations acts will begin to provide adequate resources for tribal judicial systems.•

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By Mr. WOFFORD:

S. 522. A bill to authorize the Administrator of the Environmental Protection Agency to award grants to political subdivisions of States for environmental testing and characterization in enterprise zones, and for other purposes; to the Committee on Environment and Public Works.

### ENTERPRISE ZONE ENVIRONMENTAL RESTORATION ACT OF 1993

• Mr. WOFFORD. Mr. President, today I am introducing the Enterprise Zone Environment Restoration Act of 1993 in order to ease the development of enterprise zones through quicker characterization of potential environmental problems. As the Nation needs to develop enterprise zones so that economic opportunities become available to Americans who need them now, potential environmental obstacles can impede a community's economic revitalization.

This legislation enables municipalities and other government entities to receive Environmental Protection Agency funding for environmental testing and characterization of property that they own in an enterprise zone. The Enterprise Zone Environmental Enhancement Act of 1993 authorizes the Environmental Protection Agency Administrator, in consultation with the Secretary of Housing and Urban Development, to establish a grant program to provide funds to municipalities and other government entities. These public entities, from big city governments to community development corporations, can then determine what environmental problems exist on their enterprise zone sites and then address those problems in a rational, logical manner.

These problems exist in Pennsylvania and can impede economic growth. From smaller communities in the Monongahela Valley through middle sized cities like York to large ones like Philadelphia environmental characterization is needed before economic development can begin.

Environmental testing and characterization need to take place at the beginning of the process before further development can increase the costs of remediation. Enterprise zones can be located in areas where industrial and commercial activities have occurred for many years, if not centuries. These areas created past prosperity but also absorbed wastes from basic industry and manufacturing firms. The environmental legacy at such sites can present serious problems to enterprise zone development.

I believe that giving municipalities and other public entities the ability to find potential environmental obstacles on their property is an important step in community redevelopment.

Mr. President, I ask unanimous consent that the bill and letters of support from York Mayor William Althaus, Philadelphia Mayor Ed Rendell, and Pittsburgh Mayor Sophie Masloff be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Enterprise Zone Environmental Restoration Act of 1993".

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Impacted site.—The term "impacted site" means—

(A) an area that has been designated as an enterprise zone pursuant to section 701 of the Housing and Community Development Act of 1987 (42 U.S.C. 11501); or

(B) an area that receives a similar designation under any other Federal law.

(3) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

**SEC. 2. GRANT PROGRAM.**

(a) In General.—The Administrator, in consultation with the Secretary, shall establish a grant program to award grants for environmental testing and characterization on land owned by municipalities or other political subdivisions of States that the Administrator determines to be appropriate. Subject to the availability of funds, the Administrator shall award a grant to any municipality (or other political subdivision of a State that the Administrator determines to be appropriate) that submits an approved application concerning environmental testing and characterization for an impacted site.

(b) Administration of Grant Program.—The Administrator, in consultation with the Secretary, shall promulgate such regulations as are necessary to carry out the grant program established under subsection (a). In promulgating the regulations, the Administrator shall—

(1) determine which activities constitute environmental testing and characterization;

(2) establish a procedure for the submission and approval of an application for a grant; and

(3) establish criteria for approving a grant application, including, to the extent known, consideration of—

(A) the potential environmental and human health risks posed by the area to be characterized;

(B) the availability of other sources of funding to perform the environmental testing and characterization in the absence of funding from a grant under this Act;

(C) the economic benefits that would flow from the development of the area;

(D) the minimization of any economic benefit to parties liable for response actions at the area; and

(E) other factors that the Administrator determines to be appropriate.

(c) State Grant Program.—The Administrator may, in consultation with the Secretary, authorize the Governor of a State to carry out a State grant program to award grants to carry out the purposes of this Act. The Administrator may promulgate such regulations as may be necessary to carry out this subsection.

(d) Repayment.—

(1) In general.—

(A) Payment.—Subject to subparagraph (B), the recipient of a grant under this section must, as a condition to receiving a grant award under this section, enter into an agreement with the Administrator that states that the recipient of the grant shall pay to the Administrator the net proceeds resulting from any transfer, lease, development, or conveyance of all or part of the area that is the subject of the grant.

(B) TOTAL PAYMENT.—The total amount of payments made by a grant recipient under this subsection shall not exceed an amount equal to the sum of—

(i) the amount of the grant; and

(ii) any accrued interest (as determined pursuant to paragraph (2)).

(2) INTEREST.—The interest payable under this section shall accrue at the same rate as is specified for interest earned pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)).

(3) SCHEDULE FOR PAYMENT.—A payment required under paragraph (1) from the net proceeds of any transfer, lease, development, or conveyance shall be paid not later than 30 days after the recipient of the grant receives the net proceeds.

(e) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than December 31, 1994, the Administrator, in consultation with the Secretary, shall conduct an evaluation of the grant program under this section. The evaluation shall be based on information available at the time of the evaluation. The Administrator shall require that, as a condition to receiving a grant under this section, each grant recipient must submit data indicating the actual cost, benefits, sources, and use of all funds associated with the environmental testing and characterization of the area that is the subject of the grant award.

(2) REPORT.—On completion of the evaluation referred to in paragraph (1), but not later than December 31, 1994, the Administrator shall submit a report to Congress that describes the findings and recommendations of the Administrator.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the purposes of this Act.

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THE CITY OF YORK, PA,
*February 2, 1993.*

Hon. HARRIS WOFFORD,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR WOFFORD: Thank you very much for sharing the bill entitled, "Enterprise Zone Environmental Restoration Act of 1993" with me. My staff and I have reviewed this bill and commend you for your interest in introducing it.

As you know, many cities like York have potential development sites that were at one time occupied by manufacturing plants. Many of these sites have environmental problems. Passage of this bill would allow us to examine potential sites with the grant assistance offered. We probably would not otherwise be able to afford the environmental studies.

Environmental problems are very frequently obstacles to economic development and growth in all eastern cities. I am sure this is equally true throughout the United States where there are abandoned manufacturing buildings.

Please be assured of my support of this bill and let me know if there is anything I can do to aid in its passage.

Sincerely,
WILLIAM J. ALTHAUS,
*Mayor.*

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CITY OF PHILADELPHIA, PA,
*February 4, 1993.*

Senator HARRIS WOFFORD,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR WOFFORD: The City of Philadelphia strongly supports legislation authorizing the Environmental Protection Agency (EPA) to award grants for environmental testing in Enterprise Zones.

A crucial component in the successful revitalization of many of our City's neighborhoods is the ability to assemble real estate for business development. A Bill like the one you have proposed will enable the City of Philadelphia to ensure that sites identified for projects don't have unexpected hazards and costs. This type of EPA resource is particularly important in assessing the condition of older industrial locations.

We look forward to the enactment of this new initiative.

If you need any further support or assistance from our office related to this or other economic development issues, please don't hesitate to contact us.

Sincerely,
EDWARD G. RENDELL,
*Mayor.*

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CITY OF PITTSBURGH, PA,
*February 2, 1993.*

Hon. HARRIS WOFFORD,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR WOFFORD: I am writing in support of your proposed Enterprise Zone Environmental Restoration Act of 1993. Such a law would help to ease the burden on local government as it attempts to address environmental quality questions surrounding the reuse of many potential urban development sites.

As you know, the anticipation of environmental clean-up problems on many potential urban development sites have sometimes made it difficult for state and local governments to pursue economic development strategies successfully with respect to those sites. Private developers have tended to shy away from some of the older, urban sites that may have had multiple industrial uses over the years. Some development experts have said that there must be public sector involvement in the environmental restoration of those potential development sites if they are ever going to be developed by private sector investors.

I applaud the leadership that you have shown on this issue. Please feel free to contact Dave Farley of my staff at (412) 255-6774 if there is any further information or assistance that the City of Pittsburgh can provide.

Sincerely,
SOPHIE MASLOFF,
*Mayor.*•

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By Mr. WOFFORD (for himself and Mr. SPECTER):

S. 523. A bill to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

FORT NECESSITY ACT OF 1993

• Mr. WOFFORD. Mr. President, I am introducing legislation to expand the Fort Necessity National Battlefield, the site of the 1754 attack by French forces against outnumbered British and Virginia soldiers at Fort Necessity. The July 3, 1754, attack on the fort, then on the western frontier of the English colonies and now in Fayette County, PA, marked the first battle of the French and Indian War. The Virginians were under the command of a 22-year-old colonel, George Washington, who had ordered the fort built in anticipation of the French attack.

Several weeks earlier on May 27, 1754, Washington surprised a small French force in a short skirmish some 7 miles from the future Fort Necessity site. The site is now know as Jumonville Glen, named after French commander Joseph Coulon de Villiers, Sieur de Jumonville. That skirmish on the colonial frontier began, in Francis Parkman's words, "the war that set the world on fire." Control for North America would spread in a war that ranged over two continents and lasted until 1763 when the Treaty of Paris gave Great Britain control of the former French colonies.

After Washington's 1754 defeat at Fort Necessity, British and Colonial forces under General Edward Braddock attempted to take Fort Duquesne from the French a year later. Braddock, too, met defeat and his forces retreated to Dunbar's camp at the site of Jumonville Glen, where they destroyed or buried large quantities of supplies.

The legislation I am introducing today with Senator SPECTER expands the boundaries of Fort Necessity National Battlefield to include the area where the British and Colonial forces buried their supplies in 1755. The site offers rich opportunities for archaeological inquiry into the operations of the British and Colonial forces during the French and Indian War. The potential resources at the Dunbar's campsite can enrich and educate us on early American history and the role of the French and Indian War in the development of the frontier. Similar legislation providing for archaeological study passed the House during the last Congress. By protecting the Nation's past through legislation like this we can learn lessons that will enlighten now and in the future.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BOUNDARIES OF FORT NECESSITY NATIONAL BATTLEFIELD.**

(a) JUMONVILLE GLEN UNIT.—

(1) MODIFICATION OF BATTLEFIELD BOUNDARIES.—The boundaries of the Fort Necessity National Battlefield, Pennsylvania (referred to in this Act as the "Battlefield"), are modified to include the area that comprises approximately 190 acres and is generally depicted on the map entitled "Boundary Expansion; Jumonville Glen Unit, Fort Necessity National Battlefield", numbered DSC-336-20043A, and dated July 1991.

(2) PUBLIC INSPECTION OF MAP.—The map referred to in paragraph (1) shall be on file and

available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(3) MODIFICATION OF UNIT BOUNDARIES.—

(A) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may modify the boundaries of the Jumonville Glen Unit of the Battlefield as depicted on the map referred to in paragraph (1) to exclude lands (not to exceed 2 acres) on which are located principal structures actively used by the owner of the structures as of July 1, 1991.

(B) REVISION OF MAP.—Following a modification in accordance with subparagraph (A), the Secretary shall prepare and make available for public inspection in accordance with paragraph (2) a revised map of the Jumonville Glen Unit.

(b) DUNBAR'S CAMP AREA.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall—

(A) conduct such investigations of archaeological sites in the vicinity of the Jumonville Glen Unit of the Battlefield as are necessary to more precisely locate and identify Dunbar's Camp; and

(B) submit a report containing the results of the investigations to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FURTHER BOUNDARY MODIFICATIONS.—The Secretary may modify the boundaries of the Jumonville Glen Unit of the Battlefield to include such additional lands (not to exceed 30 acres) as are necessary to preserve and interpret the historic resources associated with Dunbar's Camp.

**SEC. 2. ACQUISITION OF LANDS.**

The Secretary of the Interior may acquire lands or interests in lands within the boundaries of the Battlefield by donation, purchase with donated or appropriated funds, or exchange.

**SEC. 3. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall administer the Battlefield in accordance with the laws generally applicable to units of the national park system, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) PRESERVATION AND INTERPRETATION OF HISTORIC RESOURCES.—In administering the Battlefield, the Secretary shall take such action as is necessary to preserve and interpret the historic resources associated with—

(1) the social and military history of the European and Native American contests for North America;

(2) the social, political, and economic history of the westward expansion of the American frontier; and

(3) the social, political, and economic history of the early National Period of the United States.

**SEC. 4. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—In accordance with subsection (b), the Secretary shall enter into cooperative agreements with those landowners in Fayette County, Pennsylvania, whose activities on their properties could have harmful effects on the Battlefield, the resources within the Battlefield, and the enjoyment of visitors to the Battlefield.

(b) ASSISTANCE.—A cooperative agreement shall be entered into pursuant to subsection (a) in order to prevent the harmful effects described in subsection (a) through technical assistance, land use agreements, or such other means as are agreed upon by the Secretary and the landowner.

(c) EXPENDITURE OF FUNDS.—The Secretary, acting through the Director of the National Park Service, may expend Federal funds to carry out cooperative agreements entered into pursuant to subsection (a).

**SEC. 5. TECHNICAL CORRECTION.**

The Act entitled "An Act to provide for the commemoration of the Battle of Fort Necessity, Pennsylvania", approved March 4, 1931 (46 Stat. 1522), is amended by striking "1757" and inserting "1754".•

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By Mr. WOFFORD:

S. 524. A bill to designate the Pittsburgh Aviary in Pittsburgh, PA, as the National Aviary in Pittsburgh; to the Committee on Energy and Natural Resources.

### PITTSBURGH NATIONAL AVIARY ACT

• Mr. WOFFORD. Mr. President, today I am introducing legislation to designate the Pittsburgh Aviary as the National Aviary in Pittsburgh.

The Pittsburgh Aviary opened in 1952 and is the only freestanding, indoor aviary in the United States that is not associated with a zoo. The aviary is home to nearly 450 birds, including species from every continent except Antarctica. The collection is housed in 11 climate controlled indoor exhibits and 8 outdoor ones, which are readily accessible to the public. Each year nearly 100,000 visitors come to the Pittsburgh Aviary. In fact, attendance during the fall of 1991 grew by 23 percent.

In addition to being home to one of the world's great collections of birds, the aviary is an invaluable research center. It is one of the premier bird breeding centers in the United States and the preservation of endangered species is among its prime missions.

Mr. President, by designating the Pittsburgh Aviary the National Aviary in Pittsburgh, the resources of this world-class facility will become more accessible to the public. The designation in this legislation requires no expenditure of Federal funds and it follows the precedents set for the National Zoo in Washington, DC, and the National Aquarium in Baltimore, MD. I urge my colleagues to support this legislation.

I ask unanimous consent that a copy of the legislation be printed in RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 524

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Pittsburgh Aviary in Pittsburgh, Pennsylvania is hereby designated as the "National Aviary in Pittsburgh".

**SEC. 2. LEGAL REFERENCES.**

Any reference in any law, regulation, document, record, map, or other paper of the United States to the Pittsburgh Aviary in Pittsburgh, Pennsylvania is deemed to be a reference to the "National Aviary in Pittsburgh".•

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By Mr. HATFIELD:

S. 525. A bill to establish the Educational Flexibility Act; to the Committee on Labor and Human Resources.

### EDUCATIONAL FLEXIBILITY ACT

Mr. HATFIELD. Mr. President, a letter recently came across my desk from the superintendent of schools in a small Oregon town. He succinctly expressed the thoughts of the many principals and superintendents who have written to me over the years regarding Federal regulation when he said:

> We in public education ask for greater latitude in using federal funds to meet student needs. Categorical grants, for example, impose rigidity beyond belief. The idea that educational problems can be addressed by isolating bits and pieces of educational programs is folly.

Mr. President, I couldn't agree more. Today I am introducing the Educational Flexibility Act, which I call ed-flex, to address this problem. My bill will encourage local schools to more effectively utilize Federal dollars by placing greater control in the hands of schools and teachers.

My goal is to allow the many States which have already initiated a flexible approach to their own regulations to do so now with Federal regulation as well. In exchange, the participating school districts will be required to demonstrate that the affected Federal programs are at least as effective as before deregulation and, hopefully, far more so.

Examples of harmful regulations abound, but I will recount just three:

Right now schools do not use equipment—such as computers—that have been purchased for a Chapter 1 Program, for any non-Chapter 1 after-school activity. That means that an adult literacy night-school class, held in the same classroom, can't use the computer, or the reading program. Certainly, flexibility at the Federal level can eliminate this regulatory straightjacket in which local schools find themselves.

Another example under Chapter 1 involves teacher aides. Federal regulations require that Chapter 1 aides may perform noninstructional duties, such as supervising recess, if the regular teacher aides do so. However, in small schools with no regular education aides, Chapter 1 aides are not permitted to perform such duties; thus Chapter 1 teachers are used instead. Ed-flex would enable Chapter 1 aides to free up the time of teachers so that their time in school is focused on teaching.

It is unacceptable that Federal legislation intended to help children who most need quality instruction and acceptance by their peers, should end up victimizing them.

But this, in fact, happens. School districts, to assure that categorical funds keep within narrow boundaries, have resorted to pullout programs that stigmatize and isolate students socially. This is not good education, and certainly not good economics.

These are just a few from literally thousands of examples nationwide. The time has come to step away from this dehumanizing rigidity.

Schools and teachers need the authority to apply their knowledge and experience to teach their very best and be accountable for the results. If they can demonstrate a plan to improve education by loosening regulations, they should be encouraged to do so.

For the Secretary of Education it is a step long overdue.

Statutory waiver authority was granted to the Secretary of Housing and Urban Development way back in 1937 when I was 15 years old.

The Secretary of Health and Human Services has waiver authority for child support programs and Medicaid.

Demonstration projects may be granted regulatory waivers by the Secretary of Agriculture.

Is it unreasonable that the agency that deals with a child's mind, the most individual of God's creations, be allowed the room to make human judgments?

This legislation will not, as some have feared, allow the diversion of funds away from those categories of students who are in need of help. By requiring evidence of real student progress, it will more directly address the needs of these students.

Red tape has become so routine that school district personnel frequently think that all regulation is Federal. In fact, the majority comes from State and local levels, and they, too, need flexibility. That is why this bill demands that participating States show at least 2 years of previous experience and commitment to regulatory reform. This legislation can leverage the whole system by tying Federal flexibility to similar efforts in the States.

We talk a lot about the States as the laboratories from which the Federal Government can learn. As a former Governor, I strongly believe States routinely set the example by which the Federal Government should govern. My legislation enhances an experiment well under way, which is yielding positive results. It is time for the Federal Government to look outside the beltway and see which of our statutes and regulations stand in the way of effective education.

South Carolina grants waivers as a reward for schools with demonstrated success records, and is now broadening the pool to include all schools.

Minnesota has exempted exemplary schools from State mandates.

New Mexico's State Board of Education can waive regulations for innovative programs. Colorado, Florida, Illinois, Maryland, Mississippi, North Dakota, the list goes on.

My own State of Oregon has been a pioneer in this effort for 6 years. As part of its 21st Century School Program, Oregon allows any school with the approval of its district school board to request waivers. The State Board of Education has authority to waive all State statutes, rules, local policies and agreements relating to educational practices, with the exception of those that affect health, safety, or constitutional rights under State or Federal law. Oregonians have been leaders in calling for a Federal complement to their efforts.

Flexibility in education is not a new idea to the U.S. Senate. A year ago this body voted 95 to 0 to support a demonstration project in educational flexibility as an amendment to S. 2, the Neighborhood Schools Improvement Act. As the sponsor of this amendment, I appreciated this overwhelming bipartisan support from my colleagues. With endorsements from the National Governor's Association, the National Conference of State Legislatures, the U.S. Chamber of Commerce and others, the bill seemed poised for enactment and implementation. It was not to be.

Simultaneous to the progress of S. 2, I was making headway on other fronts. The Senate Appropriations Committee included language regarding ed-flex in H.R. 5620, the supplemental appropriations bill providing relief to parts of the country devastated by recent disasters. Specific provisions were included in that act to allow the Secretary of Education to waive Federal regulations in a variety of education programs in those areas substantially affected by Hurricane Andrew, Hurricane Iniki, and Typhoon Omar. While these provisions are limited in application, I believe they will provide significant relief to school officials working to rebuild their educational institutions.

Furthermore, in the fiscal year 1993 Labor, HHS, Education appropriations bill, the Senate Appropriations Committee included report language indicating our support for authorization efforts to enact ed-flex. The committee directed the Secretary of Education to report on State initiatives in this area before the fiscal year 1994 appropriations hearings.

In October, S. 2 emerged from conference with the heart taken out of ed-flex.

Restricted to a small number of Chapter 1 schools, the ed-flex concept ceased to be a model for general deregulation, and became instead a very limited opportunity for the schools of our neediest children, for all intents and purposes, leaving out our secondary schools. The bill failed to reach a final vote.

Now, 6 months later, the climate has changed. The House is already considering a broad waiver authority in H.R. 1097. Secretary Riley has repeatedly voiced support for local flexibility and will soon forward an education reform package which includes broad flexibility.

I regret that we are not now learning from the results of a national demonstration, but that opportunity has passed. Now we have a new opportunity, a chance to use the experience of States and to encourage other States to seek a deregulatory path.

I'd like to take just a moment, Mr. President, to commend the leadership of former Secretary of Education, Lamar Alexander. Secretary Alexander, along with the Superintendent of Public Instruction in Oregon, Norma Paulus, led the fight with me for ed-flex last year. Secretary Alexander believed in and placed a high priority on supporting deregulation efforts in schools across the country. That is why President Bush included flexibility as a key component of his proposed America 2000 Excellence in Education Act. I would like to insert in the RECORD the Bush administration's report on education flexibility recently received by the Senate Appropriations Committee.

I began my statement with a quote from an Oregon superintendent. Appropriately, his district centers on the city of Independence. Independence has always been a powerful idea in this country, and that's what we're talking about here. Independence, but not license.

With this legislation the Federal Government will still set up the target and supply the bow, but in a break from the past, it will recognize the individuality of the archers. We'll get more holes in the bull'seye if we hand the bow to the people who know how to shoot.

Mr. President, I ask unanimous consent that the text of my bill and the report be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 525

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Educational Flexibility Act".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) historically, Federal education programs have addressed the Nation's most pressing educational problems by providing categorical assistance with detailed requirements relating to the use of funds;

(2) while the approach described in paragraph (1) has proven generally successful, some program requirements may inadvertently impede educational achievement;

(3) the Nation's schools are being asked to deal effectively with increasingly diverse educational needs that current program structures may not be flexible enough to address; and

(4) in an era when educational change and reform must prevail, it is more important than ever to provide programs that—

(A) result in improved educational outcomes for all students;

(B) promote the coordination of education and related services that benefit children and their families;

(C) respond flexibly to the needs of a diverse student population;

(D) stop the proliferation of unnecessary Federal, State, and local regulation; and

(E) place less emphasis on measuring resources and reviewing procedures and more emphasis on achieving program results.

(b) PURPOSE.—It is the purpose of this Act to establish a national program which—

(1) promotes educational reform that leads to improved educational outcomes for participants in affected programs;

(2) holds accountable the schools and other recipients of Federal funds for achieving specific educational goals in exchange for increased flexibility in the use of their resources; and

(3) enables school and program administrators, teachers, parents, local educational agencies, and community groups to work together to develop effective education programs that meet the needs of all participants, particularly those who are disadvantaged.

### SEC. 3. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

Subpart 1 of part C of the General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended by adding after section 421A the following new section:

### "SEC. 421B. FLEXIBILITY AND ACCOUNTABILITY IN EDUCATION AND RELATED SERVICES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—(A) The Secretary, in accordance with this section, shall assist elementary and secondary schools and other service providers to improve the achievement of all students and other participants, but particularly disadvantaged individuals, by authorizing waivers for States to enable such States to conduct projects to improve the performance of schools and programs by increasing their flexibility in the use of their resources while holding them accountable for achieving educational gains.

"(B)(i) In support of these projects, the Secretary is authorized to waive any statutory or regulatory requirement (except as provided in subsection (e)) applicable to a program described in clause (ii) that the Secretary determines may impede the ability of a school or other service provider to meet the special needs of such students and other individuals in the most effective manner possible. The head of any other Federal agency is similarly authorized to waive such requirements (except as provided in subsection (e)) applicable to an elementary, secondary, or youth vocational training program described in clause (ii) and administered by such agency if the head of such agency and the Secretary agree that such a waiver would promote the purpose of this section.

"(ii) The Secretary shall only waive a statutory or regulatory requirement applicable to a program under—

"(I) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

"(II) chapter 2 of title I of the Elementary and Secondary Education Act of 1965;

"(III) the Dwight D. Eisenhower Mathematics and Science Education Act;

"(IV) the Follow Through Act;

"(V) subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act;

"(VI) the Carl D. Perkins Vocational and Applied Technology Education Act, except part H of title III and funds allocated by States under section 232 of such Act;

"(VII) the Jacob K. Javits Gifted and Talented Students Education Act of 1988;

"(VIII) the Drug-Free Schools and Communities Act of 1986; and

"(IX) the Alcohol and Drug Abuse Education Act.

"(2) PROJECT DURATION.—Projects assisted under this section, and any waivers associated with such projects, shall last not longer than 3 years, except that the Secretary may extend a project and any associated waivers for an additional 2 years if the Secretary determines that the project is making substantial progress in meeting its goals.

"(3) TERMINATION.—The Secretary shall terminate a project and its associated waivers if the Secretary, at any time, determines it is not making acceptable progress toward meeting its goals. The head of any other Federal agency who has granted waivers under this section shall determine whether to extend or terminate those waivers, but the Secretary shall have exclusive authority to extend or terminate the project.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—(A) The Secretary shall only assist a project under this section in a State which has demonstrated to the satisfaction of the Secretary that the State has implemented a comprehensive regulatory reform plan at least 2 years prior to the date on which the State transmits approved applications pursuant to subsection (c)(2).

"(B) For the purposes of this section, the term 'comprehensive regulatory reform plan' means a plan developed by a State that offers local educational agencies within such State waivers of certain State statutory and regulatory requirements while holding such local educational agencies accountable for improved performance of students affected by such waivers.

"(2) GRADE AND PROGRAM REQUIREMENT.—To the extent possible, each grade and academic program in a participating school shall participate in a project assisted under this section.

"(c) APPLICATIONS.—

"(1) LOCAL.—A local educational agency desiring to participate in a project assisted under this section shall submit an application to the State educational agency for approval.

"(2) APPROVAL AND TRANSMISSION TO SECRETARY.—The State educational agency shall transmit approved applications described in paragraph (1) to the Secretary.

"(3) CONTENTS.—Each application transmitted pursuant to paragraph (2) shall include a plan which meets the purposes of the Educational Flexibility Act and—

"(A) describes the purposes and overall expected outcomes of the project;

"(B) indicates the Federal programs and requirements of such programs which will be waived and how such waivers will improve or maintain educational achievement among all students affected by such programs and requirements;

"(C) indicates which State and local requirements will be waived;

"(D) describes specific, measurable, educational goals for each school or other site in the project and for each school year of the project, including—

"(i) goals for improving the achievement of all participants, including disadvantaged individuals, with respect to achievement in basic and advanced skills;

"(ii) goals that reflect the broad purposes of each program for which a waiver is sought; and

"(iii) an explanation of how the applicant will measure progress in meeting the goals set for each school or site in the project and for disadvantaged individuals participating in the project; and

"(E) identifies the elementary or secondary schools to be included in the project and describes the student population at each such school, including—

"(i) current data regarding the achievement of disadvantaged students as well as other students; and

"(ii) the number of students who—

"(I) are of limited-English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(II) are children with disabilities, as such term is defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(III) are currently or formerly migratory;

"(IV) are educationally deprived, as determined by eligibility for assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

"(V) are eligible for a free or reduced price school lunch.

"(d) APPROVAL OF PROJECTS.—

"(1) IN GENERAL.—The Secretary shall approve an application from a State that the Secretary determines shows substantial promise of achieving the purposes of the Educational Flexibility Act after considering—

"(A) the comprehensiveness of the project, including the types of students, schools, programs, and activities to be included;

"(B) the extent to which the provisions for which waivers are sought impede educational improvement;

"(C) the State and local requirements that will be waived for the project;

"(D) the significance and feasibility of the proposed project's goals for each participating school or site; and

"(E) the quality of the plan for ensuring accountability for the proposed plan's activities and goals.

"(2) CONSULTATION.—The Secretary shall consult with the heads of other appropriate Federal agencies, if any, in determining whether to approve a project. Each such agency head shall notify the Secretary of any waivers granted by such agency head as part of such project.

"(3) DISTRIBUTION OF PROJECTS.—The Secretary shall ensure that, to the extent feasible, projects assisted under this section are geographically distributed, and equitably distributed among urban, suburban, and rural areas, as well as large and small schools.

"(e) ALLOCATION OF FEDERAL FUNDS; RESTRICTION ON WAIVERS.—

"(1) ALLOCATION OF FEDERAL FUNDS.—Federal funds under any program that are used to support a project under this section shall be allocated to local educational agencies and other recipients within the local educational agency in accordance with the statutory and regulatory requirements that govern the operation of that program, except that, for the purpose of such a project, the Secretary (or the head of any other Federal agency) may extend the duration of, and provide continuation funding to, a project chosen on a competitive basis that a participating agency is conducting.

"(2) RESTRICTION ON WAIVERS.—Neither the Secretary nor the head of any other Federal agency shall waive under this section any statutory or regulatory requirement in awarding a grant after the date of enactment of the Educational Flexibility Act to a service provider within the local educational agency or other applicant participating in a project under this section.

"(3) SPECIAL RULE.—Neither the Secretary nor, where applicable, the head of any other Federal agency shall waive under this section any statutory or regulatory requirement—

"(A) under section 438 and 439 of the General Education Provisions Act;

"(B) under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title II of the Americans with Disabilities Act;

"(C) under the Individuals with Disabilities Education Act; or

"(D) relating to—

"(i) maintenance of effort;

"(ii) comparability; or

"(iii) the equitable participation of students attending private schools.

"(f) REPORTS AND EVALUATIONS.—

"(1) PROJECT REPORTS.—Each project assisted under this section shall submit, not later than 90 days after the end of each fiscal year of the project, an annual report to the Secretary that—

"(A) summarizes the principal activities of the project;

"(B) contains school-by-school and other data, as described in the project plan, that show the extent to which the project is meeting its overall goals, including its goals for improving the achievement of all participants, particularly disadvantaged individuals, with respect to achievement in basic and advanced skills, and is meeting the goals for each school or other site;

"(C) describes the impact of the project on disadvantaged children in schools, if any, that are not participating in the project;

"(D) describes the effectiveness of efforts to coordinate programs and services for children and their families as appropriate; and

"(E) provides information or comparable data regarding the achievement levels demonstrated by children or students served pursuant to programs described in clause (ii) of subsection (a)(1)(B) during the preceding 3 fiscal years compared with the achievement levels demonstrated by children or students served under this section.

"(2) SECRETARY'S REPORT.—Beginning in fiscal year 1995 and every 2 years thereafter, the Secretary shall submit a report to the Congress that summarizes and analyzes the project reports required by paragraph (1).

"(3) EVALUATION REPORTS.—Within 7 years of the date of enactment of the Educational Flexibility Act, and at such interim points as the Secretary deems appropriate, the Secretary shall provide to the Congress an independent evaluation of the projects assisted under this section, as well as an evaluation of the program assisted under this section by the Department of Education and other affected Federal agencies. Such reports may include recommendations for amendments to program statutes that are based on the experience of projects that successfully raise educational achievement by eliminating or modifying statutory or regulatory provisions that impede educational improvement.

"(g) DEFINITION.—For the purpose of this section, the term 'disadvantaged students' includes students of limited English proficiency, children with disabilities, students who are currently or formerly migratory, and students who are educationally deprived.

"(h) BUDGET NEUTRALITY.—The authority provided by this section shall not be exercised in a manner that, for any fiscal year, increases total obligations or outlays of discretionary appropriations for programs subject to such authority, or that increases total obligations or outlays of funding for all direct-spending programs subject to such authority over those that would have occurred absent such authority.".

### EDUCATION FLEXIBILITY

Flexibility for teachers and principles has been one of the defining ideas of AMERICA 2000, the Bush Administration's strategy for reaching the National Education Goals. The Department of Education fully supports State deregulation efforts, but has found that Federal requirements, both statutory and regulatory, must also be addressed. Accordingly, the Department has undertaken a number of projects to provide flexibility to State and local educational agencies and institutions of higher education.

Department staff have met with officials from urban school districts and State educational agencies to discuss Federal barriers to school reform and to identify opportunities for flexibility under current statutes and regulations. We have met with superintendents from Philadelphia, Minneapolis, St. Paul, and a number of urban districts in Texas and Ohio. Some of the requirements identified by these districts as overly burdensome or impeding change were also cited in a survey conducted by the National Governors' Association after the 1989 Education Summit. The Department has been able to provide some flexibility and burden relief through regulations and administrative guidance. However, many of the requirements drawing complaints are statutory, and the Secretary does not currently have authority to waive statutory requirements. These requirements would have to be addressed legislatively—for example, through the upcoming reauthorization of elementary and secondary education programs or through a general waiver authority for the Secretary.

At our meetings, State and local officials have also discussed State requirements that schools find to be unnecessarily burdensome. Remedies to these problems are being pursued at the State level.

In a number of recent regulatory publications, the Department has provided opportunities for flexibility and burden reduction. For example, the Department published a "flexibility manual" for Chapter 1, our largest elementary and secondary program. This manual is intended to inform teachers and school leaders about the flexibility they already have in this program, and encourage them to use that flexibility in innovative ways. The manual addresses such areas as assessing needs and selecting students, maximizing the use of Chapter 1 equipment, and assigning and training staff involved in Chapter 1.

In August 1992, the Department published final regulations implementing the Carl D. Perkins Vocational and Applied Technology Education Act. Those regulations afford local educational agencies flexibility in, for example, meeting the evaluation and reporting requirements. In addition, in August 1992, the Department published a repeal of the "particular cost requirement" contained in the supplement-not-supplant provisions in Part B of the Individuals with Disabilities Education Act. This change provides special education officials with more flexibility in spending Federal funds.

In August 1992, the Department published amended regulations for Chapter 1 to allow non-Chapter 1 students to participate in the program on an incidental basis so long as the Chapter 1 program is not harmed. This change has numerous benefits, including addressing the problem of constant removal of Chapter 1 students from the regular classroom. It is now possible, for example, for a Chapter 1 teacher, if that teacher believes it is the best instructional approach for teaching a concept to the Chapter 1 students, to include non-Chapter 1 students in the program.

We continue to hear from States and school districts that financial audits and record-keeping requirements are the most burdensome and unnecessarily restrictive Federal requirements. Last April, the Secretary issued guidelines giving schools some flexibility in requirements for keeping time distribution records for "split-time" personnel paid by Federal funds. The guidelines have been very well received, but greater flexibility in this area could still be provided. The Department is currently amending regulations that address the issue of whether the Secretary, in seeking recoveries for violations found through the audit process, should take into account any benefit to the grant or cooperative agreement that resulted from the activity to which an alleged violation relates. The Department is also considering whether the Secretary may take into account costs that could have been charged to the Federal grant or cooperative agreement in question but in fact were not. We believe that greater flexibility in these areas could reduce litigation or promote its early resolution in record-keeping and other cases and in audit recoveries where there has been no harm to the Federal interest.

Another important area of concern is data collection—an activity that is currently being scrutinized by a Department task force. The purpose of the task force is to minimize the Federal education paperwork burden and to maximize the usefulness and cost-effectiveness of the information collected, maintained, and disseminated by the Department.

On several recent occasions, the Secretary exercised his authority under the Education Department General Administrative Regulations (EDGAR) to grant exceptions to those regulations. For example, the Secretary granted an exception for grantees and subgrantees under Chapters 1 and 2 to the prohibition in OMB Circular A-87 against charging interest on lease-purchase agreements to Federal grants. The Secretary also granted an exception for local educational agencies in Kentucky under Chapter 1 to the real property requirements in EDGAR.

Selected institutions of higher education can participate in the Department's Institutional Quality Control Project (IQCP) if the Secretary determines that they are ready to move beyond Federal requirements and make a commitment to quality improvement in the delivery of student financial assistance. In particular, the IQCP exempts institutions from certain regulations governing the verification of information submitted by students in connection with the calculation of their expected family contributions for the Pell Grant, campus-based, and Stafford Loan programs.

The Higher Education Amendments of 1992 clarified and broadened the Department's authority in this area. Under the new law, selected institutions that volunteer to participate in innovative management initiatives may be exempted from any requirements in Title IV of the Higher Education Act if those requirements would bias experimental results.

Also under this newly amended Higher Education Act, lenders, servicers, and guarantees agencies participating in the Guaranteed Student Loan programs may be designated as "exceptional performers" by the Secretary. Such a designation will exempt these participants from certain regulatory collections requirements so long as the participants maintain an exceptional performance rating.

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By Mr. BRADLEY (for himself and Mr. ROBB):

S. 526. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

### ITEM-VETO LEGISLATION

• Mr. BRADLEY. Mr. President, our new President has promised to set our Nation on a new path to lasting prosperity and security. President Clinton has laid out a plan for substantial deficit reduction, along with selective investment in education, job training, and infrastructure to improve our economic prospects. He must have the tools he needs to keep his promises. To lead, President Clinton should need nothing more than the will to change.

To make sure that nothing stands in the way of the President's promises, today I am introducing the Tax Expenditure and Legislative Appropriations Act of 1993. This legislation will give the President the authority to veto line items in appropriations and tax bills. I am very pleased that Senator ROBB joins me as an original cosponsor.

To change our Nation, I have changed my mind. Many times since I first ran for the Senate, I have studied the proposals for a line-item veto, thought through the arguments and each time I came to the conclusion that it would tilt the balance of power farther toward the President than the delicate balance embodied in our Constitution. But I have also watched for 12 years as the deficit quintupled, shameless pork-barrel projects persisted in appropriations and tax bills, and our Presidents again and again denied responsibility for the decisions that led to these devastating trends. Things have to change.

Although it remains true that the line-item veto would give the President more power than our Founders probably envisioned, there is also truth in the conclusion of the National Economic Commission in 1989 that "the balance of power on budget issues has swung too far from the Executive toward the Legislative branch." There is no tool to precisely calibrate this balance of power, but if we have to swing a little too far in one direction or another, at this critical moment, we should lean toward giving the President all the power he says he needs. We have a right to expect wise leadership from the President. We have a right to expect that the president will use this power for the good of all.

Let me also be clear that I agree with the more recent economic commission chaired by my colleagues Senators NUNN and DOMENICI that a line-item veto is not in itself deficit reduction. But if the President is willing to use it, it is the appropriate tool to cut a certain kind of wasteful spending—the pork-barrel projects that tend to appear in appropriations and tax bills. Presidential leadership can eliminate these projects when Congress, for institutional reasons, usually cannot. Individual Senators and Representatives, who must represent their own local interests, find it difficult to challenge their colleagues on behalf of the general interest. Pork-barrel spending on appropriations and taxes is only one of the types of spending that drive up the deficit, not the only type, and not the largest. But until we control these expenditures for the few, we cannot ask for shared sacrifice from the many who benefit from entitlements, or the many who pay taxes.

I expect to be asked why I am introducing my own bill, rather than signing on as a cosponsor to 1 of the 26 existing bills, resolutions, or constitutional amendments to give the President line-item veto or enhanced recision authority on appropriations. The answer stems from my experience, as a member of the Finance Committee, with tax legislation. These bills provide special exceptions from taxes for special interest that total about $375 billion a year, more than the entire Federal deficit.

We need to be honest about the fact that as many instances of outrageous, unnecessary, special-interest pork-barrel as are buried in appropriations bills can be found in tax bills, although often camouflaged in coded jargon that makes it impossible to figure out who benefits. For every $250,000 for a water tower in Joplin, MO, earmarked in an appropriations bill, there is a $32 million special depreciation schedule for rental tuxedos, buried in a tax bill. For every $900,000 appropriated for a revolving business loan fund in Elkhart, IN, there is a $6 million special exemption from fuel excise taxes for crop-dusters. And some tax expenditures even cancel out spending for the common good: We spend millions of dollars to clean up lead, asbestos, and uranium, three of the most potent poisons on our planet, but in the Tax Code, there's a $12 million subsidy to produce these minerals.

In singling out these pork-barrel projects, I do not mean to pass judgment on their merits. Every small businessperson could benefit from a revolving loan fund. Aviators benefit from the lowest excise tax on fuel. But these provisions instead single out narrow subclasses to benefit—businesses that happen to be located in Elkhart, IN, or people who own crop-dusters. Everyone else pays. A line-item veto would allow the President to weigh these narrow expenditures against our shared goal of cutting spending and lower taxes for all. And if Congress concludes that these expenditures still have merit, Congress will have the power to override the veto.

If the President had the power to excise special interest spending, but only in appropriations, we would simply find the special interest lobbyists who work appropriations turning themselves into tax lobbyists, pushing for the same spending in the Tax Code. Spending is spending whether it comes in the form of a Government check, or in the form of a special exception from the tax rates that apply to everyone else. Tax spending does not, as some pretend, simply allow people to keep more of what they have earned. It gives them a special exception from the rules that oblige everyone to share in the responsibility of our national defense and protecting the young, the aged, and the infirm. The only way to let everyone keep more of what they have earned is to minimize these tax expenditures along with appropriated spending and the burden of the national debt so that we can bring down tax rates fairly, for everyone.

For the next President to keep his promise to cut the deficit, he will need the power to block unnecessary spending for narrow local interests. For the next President to hold the line on taxes, or even better, provide some meaningful tax relief for the vast majority of families who need help, he will need the power to block spending through the Tax Code for narrow interests. And if the next President is to keep his promise to make new investments in education, job training, and infrastructure, he will need the power to distinguish between wasteful, narrow spending generated by congressional special interests and productive investment that will benefit the general interest.

The bill I will introduce will be modeled on a bill my colleague Senator HOLLINGS has introduced in several Congresses. I want to thank and commend Senator HOLLINGS for working so hard to develop a workable line-item veto strategy, one that goes beyond political demagoguery to the real question of how to limit spending. My bill will require that each line item in any appropriations bill and any bill affecting revenues to enrolled as a separate bill after it is passed by Congress, so that the President can sign the full bill or single out individual items to sign and veto. It differs from other bills in that it avoids obvious constitutional obstacles and in that it applies to spending through the Tax Code as well as appropriated spending.

The bill would remain in effect for just 2 years. That period should constitute a real test of the idea. First, it will provide enough time for the Federal courts to address any questions about whether this approach is constitutionally sound, or if a constitutional amendment is necessary. Only courts can answer this question, which is in dispute among legal scholars. Second, we should have a formal process to determine whether the line-item veto works as intended: Did it contribute to significant deficit reduction? Did the President use it judiciously to cut special-interest spending, or, as some worry, did he use it to blackmail Members of Congress into supporting his own special interest expenditures? Did it alter the balance of power over spending, either restoring the balance or shifting it too far in the other direction?

The American people have no more patience for finger-pointing or excuses. We can no longer tolerate a deficit that saps our economic strength which politicians in Washington insist that its someone else who really has the power to spend or cut spending. The President must have no excuses for failing to lead.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 526

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TAX EXPENDITURE AND LEGISLATIVE APPROPRIATIONS LINE ITEM VETO ACT OF 1993.**

The Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—TAX EXPENDITURE AND LEGISLATIVE APPROPRIATIONS LINE ITEM VETO ACT OF 1993.

"LEGISLATIVE APPROPRIATIONS AND TAX EXPENDITURE LINE ITEM VETO SEPARATE ENROLLMENT AUTHORITY

"SEC. 1101. (a) SEPARATE ENROLLMENT.—

"(1) Notwithstanding any other provision of law, when—

"(A) any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations; or

"(B) any revenue bill containing a tax expenditure provision,

passes both Houses of the Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of appropriation or tax expenditure provision of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

"(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

"(A) shall be enrolled without substantive revision;

"(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this title); and

"(C) shall bear the designation of the measure of which it was an item of appropriation or tax expenditure provision prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

"(b) PREPARATION AND PRESENTMENT.—A bill or joint resolution enrolled pursuant to subsection (a)(1) with respect to an item of appropriation or tax expenditure provision shall be deemed to be a bill under clauses 2 and 3 of section 7 of article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

"(c) DEFINITIONS.—For purposes of this title—

"(1) the term 'item of appropriation' means any numbered section and any unnumbered paragraph of—

"(A) any general or special appropriation bill; and

"(B) any bill or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'tax expenditure provision' means a division of a bill that amends current law or is free standing and that is scored by the Joint Committee on Taxation as losing revenue over the 5-year period after the provision takes effect.".

**SEC. 2. EFFECTIVE PERIOD.**

The amendment made by section 1 shall apply to bills and joint resolutions agreed to by the Congress during the 103d Congress.

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BILL SUMMARY

The Tax Expenditure and Legislative Appropriations Act of 1993 introduced by Senators Bradley and Robb would give the President the authority to veto line items in appropriations bills *and* to veto tax expenditures in revenue bills. Expanding upon a bill introduced by Senator Hollings, it would be a statutory, separate enrollment line-item veto with a 2-year sunset provision.

The bill would require that each item in an appropriations bill be enrolled as a separate bill for presentment to the President. This would be achieved by having the enrolling clerk break the bill down into its component parts and send each provision to the President. In addition, the bill would require that each item in a revenue bill that was scored as a net revenue decrease, e.g. each tax expenditure, be enrolled as a separate bill. As a result, all appropriations items and tax expenditures would be subject to the Presidential veto and the override provisions of the Constitution would apply. This would effectively give the President the authority to block individual appropriations items or tax expenditures, subject to the 2/3 override of both houses of Congress.

The bill would sunset in two years. As a result, it would constitute a legitimate test of the workability of the line-item at the federal level. It would also allow the federal courts enough time to address any questions as to the constitutionality of the approach.●

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By Mr. D'AMATO (for himself, Mr. DOLE, Mr. DECONCINI, Mr. DOMENICI, Mr. SMITH, Mr. MCCONNELL, and Mr. MURKOWSKI):

S. 527. A bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device; to the Committee on the Judiciary.

BOMBING HOMICIDE DEATH PENALTY ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Bombing Homicide Death Penalty Act, as I indicated yesterday that I would be doing.

The cosponsors are Senators DOLE, DECONCINI, DOMENICI, SMITH, MCCONNELL, and MURKOWSKI.

Mr. President, we are certainly all relieved and thankful that an arrest has been made in the World Trade Center bombing. But we cannot let the success blind us to the systemic problem that lies at the heart of this tragedy. We must reform the immigration control system to prevent tragedies like this from happening again.

Let me spell out to you what we see taking place. Now our reports indicate that there was a nest of radical fundamentalist terrorists who have been working out of the New York metropolitan area. We have known about these terrorists for quite a while now. It is long overdue that we take action to root them out. We are talking about tens of thousands of people who come into this country illegally. We are talking about thousands of people each and every month who come through the ports of New York in a ruse. It is incredible, and we allow it to take place.

The previous administration did little, if anything, to address the problem. I hope that maybe this terrible tragedy at the port of New York, the World Trade Center, will wake us up, because if it is happening in New York where we have an estimated 17,000 of these illegals coming in, and if you look at the graph—and we have not attained the political sophistication some of my colleagues have, because they have wonderful charts and graphs—this graph, small as it might be, indicates from 1989 how the number has gone from 5,000 illegal admissibles coming in, to over 17,000 estimated for this year, just at JFK.

I will, in a while, explain some of the methodologies and how they use them. It is a relatively simple matter to correct. We have to have the courage to pass legislation that will give the immigration service the right and ability to put them on the plane and send them right back, as opposed to paroling them into our streets.

Let me tell you, some of the people we are talking about are drug dealers; criminals who come with previous records; people who come and bring into this country an assortment of problems, like social disease, and what not; killers; people who take jobs while they are so-called waiting for the disposition of their cases, many of whom never turn up again to have their cases heard. We have to put a stop to this.

Almost all of those involved in this terrorist organization have entered this country illegally, and they should be deported. They should be allowed to reapply for admission into this country, and at that time we should carefully examine each case on an individual basis.

The arrest of Mohammed Salameh is the most recent example of the increased presence of a substantial terrorist element here in the United States. What makes this case so frustrating is that it could very well have been avoided if only our system of immigration controls had not failed us. Salameh entered into the United States on a business visa and stayed beyond the expiration of his visa. His spiritual mentor, Sheik Omar Abdul Rahman, entered the country on false pretenses, lying about being a polygamist and other crimes. Rahman is currently being investigated for his connection to a murder of an Egyptian immigrant in Brooklyn, the killing of Rabbi Meir Kahane, and the death of a man in Cleveland. Additionally, the recent CIA killings were allegedly carried out by Mir Amal Kansi, a Pakistani national who, like Salameh and Rahman, entered the country illegally.

The one common denominator in all these cases, and what is particularly alarming to this Senator, is that all three men came into the United States through the JFK airport in New York and they came in a manner that leaves a lot to be desired. They should have been precluded entry or should have been sent back after a period of time.

A preliminary examination of the system as it operates at JFK yielded shocking revelations of the overwhelming problems our immigration control system faces.

In 1992 there were some 15,000 excludable aliens who attempted to enter JFK. Of this number almost 1,000, or 6.3 percent, asked for political asylum. All but 428 had either fraudulent documents or no documents at all.

So, Mr. President, once you ask for political asylum you are in, notwithstanding that you have fraudulent documents, notwithstanding what your background was, notwithstanding that you never had any intention of coming in legally, notwithstanding that you do not comport to the law. As long as you get your feet on this soil and you say "asylum, I claim political asylum," you are entitled to a hearing.

That is how killers, murderers, terrorists, drug dealers come in. Now, look, how long do we have to wait? How long must America endure the indignities? And, by the way, as long as they report for their first hearing they are then given a card, an employment card; they can then go and work legally. Incredible. We can have drug dealers who can come in and get these cards and go to whatever operation so they can be shielded and use this as a means for cover. We have people who have no intent to contribute anything, who are not and do not meet the tests of true political asylum coming in.

Mr. President, the facts are simple, and this law needs to be dealt with. The law that states that whoever requests asylum must be given a hearing regardless of the circumstances, and that is the law today, and for those entering without documents, or phony documents, the reward is not only admission to the United States but also authorization to hold employment as long as they can manage to clog the court dockets and the usual case takes 18 months to complete. Some of these people with their attorneys have been going on 3 years, 4 years, and 5 years. With work authorization, the alien can obtain a Social Security card, a driver's license, and that is all that is needed to apply for welfare benefits, purchase guns, and even vote.

This is why we need to address the following three deficiencies in our immigration control system immediately:

We must establish a corps of specially trained immigration officers, INS agents, to hear cases of asylum right at the airports for those who are coming directly from the country from which they are claiming persecution. All other undocumented aliens or those with false documents should be returned to the country from which they came, not the country that they are claiming asylum from. Let them go back to where they boarded the aircraft and apply for refugee status at the American consulate there or ask for asylum from that country.

Let me, if I might take the time, to explain to you the differential. If someone is supposedly claiming coming from a country that he or she is fleeing from directly and says, "I cannot go back there because they will persecute me, they will kill me, they will take my life," then you have the INS agent right there to listen to the validity of that claim, to hold that hearing and to determine whether or not he or she should go back. And if they make a determination that they do not meet the test, then they send them back.

If they come from a third country, which most of them do—for example, a person who may be fleeing in desperate situation in any one of a number of areas—whether it be from Somalia, whether it be from Yugoslavia, whether it be from, let us say, Haiti, and they come in via a third country, Venezuela, for example, or France, or England, then in that case that person who comes here and claims for the first time political asylum on our shores should be sent back immediately, because they do not face any threat of persecution. We are not sending them back to the country where their lives may be in danger. So you distinguish between the two.

You have to make that clear. You do not just discharge that person, because now it is a game. Everybody who would want to come to this country says, "political asylum: I claim political asylum." Many of them are never to be seen again once they are discharged into this country. Some who are even smarter report for the first court hearing where they say, "I am here to make a claim for political asylum," then they can go out and get a driver's license, a Social Security number, a key to employment, and then disappear never to be heard from. All of them know that they have at least 18 months to work just before they each have to do that. This is what we have to deal with.

Mr. President, why do I bring this up on a Friday afternoon? I bring it up because it is imperative that we begin to educate the American people and this Congress as to what must be done to deal with this explosive situation.

I am informed that in New York City there are only 132 special INS agents. This is totally inadequate, totally inadequate. I am informed that the detention center at JFK has a maximum capacity of 100 beds and has 12 to 15 vacancies for 1,800 new excludables who come in every month. That is ridiculous. If we have to take some of the military space that we have, then let us do it, some of the former bases or bases we are going to close down, let us do it, and let us let people know if they are going to try to come in through the loopholes, we are going to hold them. You will not like it here. You better ask for political asylum in a true sense and be a victim, as opposed to attempting to victimize the people of this country.

Inspectors at JFK have the inadmissible-alien profile. Let me share with you for a moment the profile of those people beating the system. Most are smuggled in by a circuitous route by a worldwide organization so they know exactly how to do this and conduct this scam. Most travel to a third country with refugee processing. None has applied at those locations. It is apparent when they arrive undocumented or with fraudulent documents. The majority are coached to be prima facie eligible for political asylum. They are employment eligible, creating an unjust situation. Those who break the rules are rewarded with a U.S. job.

Most asylum claims prove to be unfounded or never pursued. In January the Newark asylum office scheduled 544 cases. Of those, 42 percent did not even show up. Almost all are released pending a hearing due to a lack of detention space. They are potential security threats. These inadmissibles receive again a Government-issued employment card based on an oral declaration. Imagine, with an oral declaration you get a Government employment card and identity card which is unverifiable and, therefore, criminals can be concealed. They can come in and claim a whole new identity. On the basis of what they claim, they get this employment card.

So, Mr. President, while we are all relieved and thankful there has been an arrest made in this World Trade Center bombing, we have an awful lot more to do.

Mr. President, I hope that we can all come together to deal with this problem.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 527

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Bombing Homicide Death Penalty Act".

**SEC. 2. DEATH PENALTY AUTHORIZATIONS AND PROCEDURES.**

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) CAUSING DEATH THROUGH THE USE OF A BOMB OR OTHER DESTRUCTIVE DEVICE.—

"(1) PENALTY.—

"(A) IN GENERAL.—Subject to subparagraph (B), a person who intentionally or with reckless disregard for human life causes the death of a person through the use of a bomb or other destructive device shall be sentenced to life imprisonment without release or to death if, after consideration of the factors listed in paragraph (2) in the course of a hearing held pursuant to paragraph (3), it is determined that imposition of a sentence of death is justified.

"(B) ____.—No person may be sentenced to the death penalty who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any exists:

"(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, although not so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist—

"(i) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(ii) PREVIOUS CONVICTIONS OF VIOLENT OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction or attempted infliction of serious bodily injury or death upon another person.

"(iii) PREVIOUS CONVICTIONS OF DRUG OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(iv) PREVIOUS CONVICTIONS OF VIOLENT DRUG OFFENSES.—The defendant has previously been convicted of a Federal or State offense, punishable by a term of imprisonment of more than 1 year, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person, and has previously been convicted of a Federal or State offense, committed on a different occasion and punishable by a term of imprisonment of more than 1 year, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(v) SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of 5 or more years of imprisonment was authorized by statute.

"(vi) PREVIOUS CONVICTION OF A VIOLENT FELONY INVOLVING A FIREARM.—The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year involving the use or attempted use of a firearm to threaten, intimidate, assault or injure a person.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—When the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) stating that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors listed in paragraph (2)(B) and any other aggravating factor not listed in paragraph (2)(B) that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented concerning—

"(i) any matter relating to any mitigating factor listed in paragraph (2)(A) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2)(B) for which notice has been provided under paragraph (3)(A) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and the attorney for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2)(B) found to exist and any other aggravating factor for which notice has been provided under paragraph (3)(B) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor listed in paragraph (2)(B) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(B) is found to exist, the jury, or if there is no jury, the court, shall consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least 1 aggravating factor and no mitigating factor or if it finds 1 or more aggravating factors that outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence shall be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this subsection may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(III) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

the court shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this subsection.

"(6) IMPLEMENTATION OF SENTENCE OF DEATH.—

"(A) PROCEDURE.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of that State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) LIMITATION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(C) PARTICIPATION BY EMPLOYEES.—No employee of any State department of corrections or the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this subsection if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned person and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in a amount approved by the Attorney General.

"(8) APPOINTMENT OF COUNSEL.—

"(A) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other law, this paragraph shall govern the appointment of counsel for any defendant against whom a sentence of death is sought or on whom a sentence of death has been imposed for an offense described in paragraph (1) when the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until 1 of the conditions specified in paragraph (9)(B) has occurred.

"(B) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this paragraph shall have counsel appointed for trial representation as provided in section 3005. At least 1 counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(C) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such a notice, the district court shall proceed to make a determination whether the defendant is eligible under this paragraph for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(i) appointing 1 or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(ii) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(iii) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this paragraph shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(D) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subsection, at least 1 counsel appointed for trial representation shall have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least 1 counsel so appointed shall have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(E) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this paragraph, section 3006A shall apply to appointments under this paragraph.

"(F) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. The limitation stated in the preceding sentence shall not preclude the appointment of different counsel at any stage of the proceedings.

"(9) COLLATERAL ATTACK ON JUDGMENT IMPOSING SENTENCE OF DEATH.—

"(A) TIME FOR MAKING SECTION 2255 MOTION.—In any case in which a sentence of death has been imposed for an offense against the United States and the judgment has become final under section 3598(a)(3), a motion in the case under section 2255 of title 28 shall be filed within 90 days after the issuance of the order relating to appointment of counsel under section 3598(a)(3). The court in which the motion is filed for good cause may extend the time for filing for a period not exceeding 60 days. A motion under this subparagraph shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(B) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(i) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subparagraph (A) or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(ii) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(I) the time for filing a petition for certiorari has expired and no petition has been filed;

"(II) a timely petition of certiorari was filed and the Supreme Court denied the petition; or

"(III) a timely petition for certiorari was filed and upon consideration of the case,

the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(iii) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28.

"(C) FINALITY OF THE DECISION ON REVIEW.—If 1 of the conditions specified in subparagraph (B) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(i) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(ii) the failure to raise the claim is—

"(I) the result of governmental action in violation of the Constitution or laws of the United States;

"(II) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(III) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(iii) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(10) JURISDICTION.—There is Federal jurisdiction over an offense under this subsection if—

"(A) the conduct of the offender occurred in the course of an offense against the United States; or

"(B) a destructive device or part thereof involved in the offense has moved at any time in interstate or foreign commerce.".

By Mr. RIEGLE:

S.J. Res. 58. A joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week"; to the Committee on the Judiciary.

### NATIONAL CORRECTIONAL OFFICERS WEEK

• Mr. RIEGLE. Mr. President, I introduce a joint resolution honoring our correctional officers. I have offered similar joint resolutions in the past because I believe it is right and important that we honor these valuable public servants.

Correctional officers play a critical role in protecting public safety, but largely because their work takes place out of public view, correctional officers have not received the recognition they deserve. Correctional officers work in highly stressful situations. They must ensure order and promote an environment in which offenders can rehabilitate themselves and begin to build productive lives.

The explosive growth in the prison population in just the past 5 years has increased the challenges for correctional officers. Since 1987, the number of people in jails or prisons have increased by almost 50 percent. Along with this increase in the prison population, there has been an increase in the need for correctional officers. Today, there are more than 280,000 correctional officers. It is to the credit of these men and women that the level of professionalism has kept pace with the enormous challenges they face.

I urge my colleagues to support this joint resolution to bring correctional officers more of the recognition they have so rightly earned.•

## ADDITIONAL COSPONSORS

### S. 45

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 45, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes.

### S. 70

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

### S. 105

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 105, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding.

### S. 243

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 243, a bill to amend title XVIII of the Social Security Act to extend the provision relating to medicare-dependent, small rural hospitals, and for other purposes.

### S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

### S. 415

At the request of Mr. BOREN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 415, a bill to require the Attorney General to establish 10 military-style boot camp prisons.

### S. 427

At the request of Mr. MITCHELL, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

### SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON VETERANS' AFFAIRS

Mr. PRYOR. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the present and future role of Department of Veterans Affairs health care system in American health care. The hearing will be held on March 5, 1993, at 10:30 a.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON OVERSIGHT AND GOVERNMENT MANAGEMENT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Government Management of the Governmental Affairs Committee be authorized to meet on Friday, March 5, at 9:30 a.m. for a hearing on S. 420, the Ethics in Government Reform Act and S. 79, the Responsible Government Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### DISCRIMINATION AGAINST SYRIAN JEWS

• Mr. LAUTENBERG. Mr. President, I rise today to speak out on behalf of the 1,400 Syrian Jews not permitted to emigrate from Syria. March 6, 1993, has been designated as the Shabbat Remembrance Day for Syrian Jewry, and people around the world have been asked to show solidarity with oppressed Jews in Syria. I join in this cause.

In April 1992, the Syrian Government began allowing Jews to leave the country. This decision was well received in both the Congress and the Bush administration, and 2,500 of the 4,000 Syrian Jews arrived in the United States. However, since October 1992, very few exit permits have been granted. Despite reassurances from the Syrian Government that the travel policy for Jews has not changed, only a small number of individuals have been permitted to leave in the past months.

The conditions in Syria for those who remain have not improved either. The Syrian secret police—Mukhabarat—engage in around-the-clock surveillance of the Jewish quarter and keep a file on every Jewish person. The Mukhabarat monitors all contacts between Jews and foreigners. They also read Jews' mail and wiretap their phone conversations.

In Syria, there are no secondary schools for Jewish education. The elementary schools are supervised by Moslem headmasters, and instruction in Hebrew, oral or written, is absolutely prohibited. Mr. President, the Jews in Syria don't want to live in this environment and must be permitted to travel.

On December 9, I sent a letter to Ambassador Walid Al-Moualem expressing my concern over the change in policy and calling upon his government to resume issuing the visas and travel documents without delay. There have been no visible changes since that date.

During Secretary Christopher's recent trip to the Middle East, President Assad and Foreign Minister Sharra assured him that Syria is committed to the policy announced last April. Despite these statements, very few passes are being issued and families are being separated in the process. This is clearly not in line with the policy announced by Syria last year.

Mr. President, free emigration must be extended to all Jews living in Syria, and the Syrian Government must provide permission for the reunification of divided families. There can be no negotiating on this issue. I join with all those concerned about the plight of Syrian Jews to urge the Syrian Government to end this policy of discrimination and oppression.•

### A TRIBUTE TO ANNE R. JOSEPH

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Anne R. Joseph, a Kentucky resident who was recently honored with the Food Research and Action Center's Raymond M. Wheeler Award for Distinguished Service in Fighting Hunger in America.

Ms. Joseph has dedicated her life to the battle against hunger in Kentucky. During the 1970's, she organized the Kentucky Task Force on Hunger which was founded to alienate hunger and poverty in Kentucky. In 1977 she assisted in preparing the Food Stamp Act which made the Food Stamp Program accessible to needy Americans.

Ms. Joseph's fight against hunger continued in the 1980's. During this decade, she organized the Kentucky Action for Human Needs, an organization dedicated to minimizing budget cuts in Kentucky. She also formed the Kentucky Welfare Reform Coalition, which influenced Kentucky legislators to pass welfare reform measures. Ms. Joseph takes her work to a grassroots level, educating many communities and building local support for her antihunger, antipoverty campaign.

Today, Ms. Joseph serves as the director of the Kentucky Task Force on Hunger. In this position, she has tirelessly served the people of Kentucky as she tries to end hunger in the State and in the country. Beyond this job, she serves on the Welfare Reform Task Force of Kentucky, Kentucky Tomorrow, People's Committee, Kentucky Advisory on the Homeless, and the Kentucky Association of Older People. Most importantly, she is considered a trusted friend and adviser in the march against hunger.

Mr. President, I honor Ms. Joseph for her dedication to making Kentucky and the United States a better place to live. I join the Food Research and Action Center in recognizing her for her many outstanding contributions to our Nation. Her loyalty and hope for the future truly are an inspiration to all Americans.•

### PROTECTING MEDICARE BENEFICIARIES

• Mr. RIEGLE. Mr. President, today I rise in support of S. 514, the Medicare Beneficiary Protection Act of 1993 with Senators PRYOR and COHEN. This legislation will provide the needed statutory changes to ensure that Medicare beneficiaries received the financial protection from balanced billing that Congress intended. I commend the chairman of the Aging Committee, Senator PRYOR, for his continuing efforts to fix this problem.

Several years ago, Congress enacted changes to the Medicare Program intended to protect senior and disabled citizens from excess charges by limiting the fees a physician may charge a Medicare beneficiary above the amount received from Medicare. The practice of charging above the Medicare approved amount is called balanced billing. I have been working to stop the practice of overcharging and to ensure that Medicare beneficiaries are refunded their money. Last Congress, I initiated a letter signed by Senators DURENBERGER, ROCKEFELLER, MITCHELL, and GRAHAM to the Acting Administrator of the Health Care Financing Administration asking that this important provision be enforced and that refunds be made to Medicare beneficiaries.

Balanced billing is the term used when a doctor charges more than the Medicare-approved amount and bills this amount to the beneficiary. Providers who are Medicare participating physicians agree not to balance bill at all, however, not all providers choose to participate.

The additional costs of balanced billing are a financial burden to Medicare beneficiaries. Out-of-pocket balanced billing costs, Medicare part B insurance premiums, 20 percent copays for Medicare services and the yearly deductible plus any other medical need that is not covered by Medicare such as eyeglasses and prescription drugs all add up to make health care increasingly unaffordable for many beneficiaries.

Congress passed legislation, as part of the physician payment reform package of the Omnibus Budget Reconciliation Act of 1989, to protect Medicare beneficiaries from excess Medicare charges. The legislation established limits on the amount physicians could charge above the Medicare approved amount. In 1992, the limit was 120 percent of the approved Medicare charge and has been lowered to 115 percent for 1993. Despite these limits, there have been numerous reports of physicians charging above the set limits. This excessive charging must stop.

In the past, Medicare beneficiaries who have been billed in excess of these limits have had little recourse. The Health Care Financing Administration does not have a formal process of notifying physicians or beneficiaries of overcharges. In many cases both beneficiaries and physicians are unaware of the overcharges.

The Health Care Financing Administration currently monitors compliance through use of back sampling of the previous 6-month claims. This compliance monitoring method identifies the problem only when the harm has already been done and only for that sample of claims. Since the Health Care Financing Administration does not have the statutory authority to require physicians to refund Medicare beneficiaries who have been charged in excess of the limits, beneficiaries are left on their own to recoup for overcharged services.

Mr. President, the Medicare Beneficiary Payment Protection Act of 1993 would address these problems. This legislation directs the Secretary of the Department of Health and Human Services to review each non-Medicare participating physician claim prior to payment. This proactive measure will prevent beneficiaries from being overcharged. This legislation will also grant the Health Care Financing Administration the authority to require physicians to repay excess charges and will establish formal procedures by which providers and beneficiaries are notified of overcharging. The Medicare Beneficiary Payment Protection Act will also establish a beneficiary advisory committee to the Health Care Financing Administration to give beneficiaries formal access to the Health Care Financing Administration.

Mr. President, beneficiary protections, including limits on balanced billing, are essential to the quality of care in the Medicare Program. This legislation will provide the Health Care Financing Administration with the tools necessary to implement the intent of Congress. I look forward to working with the Members of this distinguished Chamber and the administration to enact this worthy piece of legislation.•

## A TRIBUTE TO HANCOCK COUNTY

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Hancock County in northwestern Kentucky.

Hancock County is a small area located about 100 miles west of Louisville on the Kentucky-Indiana border. The county is home to two towns, Hawesville and Lewisport, which are nestled among rolling hills that extend to the flat bottoms of the Ohio River.

Hancock County was created in 1829 and named for John Hancock, a signer of the Declaration of Independence. The founding fathers of Hancock County laid the plans for the county under the theory that a man on horseback should be able to ride between his courthouse and home within a day.

Hancock County ushered in the industrial age in the 1960's. City officials lured several aluminum factories to the area by offering $50 million in industrial revenue bonds, as well as an override of property taxes during the first years of operation. Although the bond issue raised eyebrows and drew national attention to Hancock County, local residents persevered and today benefit from a prosperous manufacturing community.

I applaud Hancock County's courage to take great risks to ensure stable employment and a bright future for residents.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be submitted in today's RECORD.

The article follows:

### HAWESVILLE

(By Cynthia Crossley)

On a cold, rainy New Year's Day in 1948, two men boarded a ferry boat for a duel in the middle of the Ohio River.

On one side was Roscoe Downs, editor of the Hawesville-based Hancock Clarion. On the other, Lee Huber, editor of the Cannelton (Ind.) News. Dozens of spectators sailed with them.

"That ferry could hold 18 cars, and it was packed with people," said Donn Wimmer, publisher of the Hancock newspaper, who was there. "It was a big publicity stunt."

Once and for all they would settle their running dispute over which community owned bragging rights to the title, "Sorghum Capital of the World." If Downs lost, it could mean trouble for the annual Hancock County Sorghum Festival, not to mention a sticky situation for the sorghum cooperative that shipped more than 500,000 gallons a year to grocery stores.

But the five judges issued a creative "decision" that sidestepped the issue: Hancock County had the best sorghum south of the Mason-Dixon line, and Indiana's Perry County had the best north of the Mason-Dixon line.

(They probably meant north and south of the Ohio River. The Mason-Dixon line runs along the Pennsylvania-Maryland border.)

Like many communities, Hawesville and Hancock County have gone through different eras. Before its sorghum era, there was a coal-mining era, until the coal played out. The town's location on the Ohio River made it a steamboat center, until the railroads took over.

Now Hancock County is enjoying an industrial era, although none of the industries are within Hawesville.

But, adds Robertson, most people in town think in terms of Hancock County, and, therefore, what's good for Hancock County is good for Hawesville.

Hancock's industrial age was ushered in by Lewisport, which is not hamstrung by topography. in 1962, officials announced that Lewisport, population 750, would issue $50 million in industrial revenue bonds to build a rolling mill for California-based Harvey Aluminum. Harvey would lease the building for 25 years, and its rent would cover principal and interest on the bonds. Harvey would not have to pay property taxes during the leasing period.

The Courier-Journal, in a Nov. 11, 1962, story headlined "Lewisport's Bonds Raise Eyebrows," bluntly asked, "How in the world, people want to know, can a town with a population of 750 stick its neck out that far?"

"My Lord, it was on the first page of the Wall Street Journal at the time," said Sam Pell, who was Lewisport's mayor and is now city manager. "It was the largest bond issue in the country."

Hancock County soon followed with a similar build-to-lease deal that landed National-Southwire Aluminum Co. Both facilities—the Harvey plant, now owned by Commonwealth Aluminum, and the plant known simply as NSA—are now on the county's property tax rolls.

"We have a total population of 7,864, and we have over 3,000 industrial jobs here," boasted Hancock County Judge-Executive Danny Bolling.

Indeed, Hancock County has thrived since the 1980s, when most of the factories arrived. The school district levied a 3 percent utility tax that brings in as much as $1 million of the system's $7 million budget.

"When KERA (the education reform act) came out, they had the basic state funding, and then Tier I and Tier II, which doesn't get any state matching funds. * * * And we were already way into Tier II funding," said Tom Skiratko, Hancock's interim superintendent. "The utility tax and presence of industry in our community has put Hancock County at the top or near the top of the list in many, many categories."

Under superintendent Vickie Basham, now with the state Department of Education, the 1,600-student school system published a slick, 12-page booklet showing students working at rows of computers and with a robotic arm.

Hancock County High School fields golf, tennis, track, football and baseball teams for boys, and girls' softball team and boys' and girls' basketball teams. It has an assessment lab to test the best ways individual students learn.

In 1978, county officials moved out of the courthouse and into a more spacious, three-story building set on a rise that gives some offices a panoramic view of the town and the Ohio River and the bridge to Indiana.

The old courthouse, saved from destruction by former judge-executive Jim Fallin's tie-breaking vote, as remodeled and refurbished. It now boasts a modern courtroom that includes a video system, allowing jurors to view exhibits on individual monitors. It also houses paintings of county landmarks by well-known Kentucky artists.

West of Hawesville lies the county-owned, 340-acre Vastwood Park, purchased in 1975. It includes a 19-acre lake complete with a small sand beach, a bathhouse and showers. The park also has hiking trails, a playground, picnic sites, tennis courts, basketball courts, baseball and softball fields and a carryout pizza restaurant, the Galaxy.

But the industries aren't a panacea. Unemployment in Hancock County in recent years has hovered between 8 percent and 9 percent before the 1991 closing of a fifth aluminum plant. Alumax, pushed the rate up to as high as 12 percent.

And there is disagreement over whether the industries have hired enough Hancock residents.

That may be the result of two efforts.

One, Hancock Fiscal Court recently adopted the attitude with industry that "we'll start helping you when you start helping us," Newton said.

Second, the county has joined with the school system and local industry to create a training program called "Tech Prep." The award-winning project teaches students 10 courses, ranging from introduction to computer technology to work ethics, that would make local graduates more attractive to local industries.

However, the industries recently started to challenge the utility tax rate that helps support the schools. If they succeed, said Skiratko, Hancock schools may lose a significant chunk of income.

There is also concern that Hancock County is becoming just a place that people drive through. Carol Boling, a Lewisport attorney, says she can look out her office windows each weekday and see a mini rush hour along U.S. 60.

All those people are taking their paychecks home to other counties, Boling says. She can list business after business that has opened, struggled and failed in Hancock County. A dress shop, an arts-and-craft store, Drug stores. Restaurants. Movie theaters. Others note there's not even a fast-food restaurant willing to stake a claim in Hancock County.

Road improvements made the problem worse, some say. When U.S. 60 was improved to a straighter, safer two-and four-lane road, a trip to Owensboro's shopping malls became an easy 20-minute drive. Then the toll was removed from the bridge linking Hawesville with Cannelton and Tell City in Indiana, and some Hancock shoppers started making the trip over there.

"The best thing that could happen to Hancock County would be to dynamite two bridges," said Newton, referring to a U.S. 60 bridge at the Daviess County border and the Ohio River bridge at Hawesville.

On the other hand, Newton acknowledges that the same road improvements might help Hancock in the future. Already under construction is an improved U.S. 60 for the eastern half of the county. The result will be a straighter, safer "super two lane" highway, improving access that could help lure industry to Hancock County.

No one, however, pines for a lot of growth. Just enough, perhaps, to give Wimmer a little more grist for his newspaper.

"We're a pretty typical small town—quiet, low crime rate," Wimmer said. "Sometimes it's pretty hard to get a newspaper out. We have to rake and scrape the news."

Education: Hancock County schools (1,600 students). Brescia, Kentucky Wesleyan and Owensboro Community colleges are approximately 26 miles west in Owensboro. The University of Evansville and the University of Southern Indiana are approximately 55 miles northwest in Evansville.

Transportation: Air—Hancock Field's 5,000-foot paved runway is three miles north of Hawesville. Nearest passenger service is 25 miles away at Owensboro-Daviess County Airport, or 68 miles away at Evansville (Ind.) Regional Airport. Rail—CSX Transportation, Water—the Ohio River; Owensboro's Riverport Authority is 25 miles downstream. Trucks—23 lines serve Hancock County.

Topography: Hancock County's rolling hills provide scenic views of Indian and the Ohio River near Hawesville, then give way to flat river bottoms near Lewisport.

### FAMOUS FACTS AND FIGURES

In the 1800's, Hancock County produced "The Ideal Fireplace Fuel"—clean-burning coal known as cannel coal. It was easy to light and burned with a steady flame—like a candle or "cannel." It became so popular that British businessmen came to Kentucky to mine the coal. But by 1900 Hancock's cannel coal industry was dead, killed by small deposits, the Civil War and the discovery of oil in Pennsylvania. Local lore says Queen Victoria burned the coal in hanging baskets at Buckingham Palace. The site of the old mine is still known as Victoria Crossroads.

Hancock County, named for John Hancock, a signer of the Declaration of Independence, was created in 1829 on the theory that a man on horseback should be able to ride between his courthouse and home within a day. Some natives say the county was "pinched off" from Breckinridge, Daviess and Ohio counties, and they call the southeastern-most corner "Pincheco." If you're down there and ask directions to Pincheco, the answer is always, "It's just over the next hill."

Hancock County has produced some famous river racers. In 1870, Capt. John Cannon won a famous race with a steamboat he built and owned, the Robert E. Lee. His boat raced the Natchez, captained by a fellow Kentuckian, Capt. Thomas Leathers, between New Orleans and St. Louis. The Robert E. Lee beat the Natchez by three hours and 20 minutes. Between 1962 and 1968, Bill Starett, Sr. won national hydroplane championships with his hydroplane, the Miss Crazy Thing, before becoming the pilot of the Miss Budweiser. Starett, who lived in Owensboro most of his life, died in December.

Local histories say Abraham Lincoln argued his first law case in Hancock County, in 1827. At the time he was working in Spencer County, Ind., for operators of an Ohio River ferry. One day, while his employers were at lunch, two salesmen asked Lincoln to take them in a flatboat to the middle of the river to catch a steamboat. He did, and received a dollar for his work. His employers brought Lincoln before Samuel Pats, a justice of the peace, on charges that Lincoln had infringed on their franchise. Lincoln argued that he had not taken anyone "over" or "across" the river but merely to the middle. That was not a violation, he argued, because in Kentucky law, as in pregnancy, there was no such thing as a partial occurrence. Pats agreed, and Lincoln won his first case.

Local historians Jack and Millie Foster joke that the county's museum, located in the old train station, is unique because it has a living exhibit. The town's checkers club consists of a group of retired gentlemen who convene daily to play checkers or cards.•

## NATIONAL INFORMATION INFRASTRUCTURE AND FINANCIAL SERVICES

• Mr. RIEGLE. Mr. President, on March 2, Senator JOHNSTON, the chairman of the Energy and Natural Resources Committee, and a number of colleagues, introduced S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993. Section 5 of that legislation deals with the national information infrastructure development program, as created in the High-Performance Computing Act of 1991—which was developed and championed by our former colleague Vice President AL GORE. I am pleased to say that Senator JOHNSTON's legislation contains a suggestion of mine to include the area of financial services in the list of the authorized research project with respect to high-performance computing and high-speed data networking technologies.

As chairman of the Senate Banking Committee, I am well aware of the important role of computer and information technology in the financial services industry. Financial services is one of the largest users of computer and telecommunications products and services.

All aspects of financial services have been touched by the explosion in information technology. From computerized recordkeeping of accounts to networks to connect ATM's to a bank's centralized computer, banks and bank customers rely on modern information technology. Retail establishments and credit card users rely on a sophisticated telecommunications network to verify transactions and reduce fraud. International financial transactions speed across the boundaries of geography at a rate unimagined a decade ago. Throughout the financial services industry, information technologies have been used to provide expanded services and increase productivity.

Yet, this is an industry under severe international competitive pressures. If the U.S. financial services industry is to remain competitive in the new global economy, it must make even more productive use of the emerging information technologies.

This is where the national information infrastructure development program and especially our national laboratories comes in. The national labs are an important technological resource that we must tap into. S. 473 greatly strengthens the ability of our national labs to engage in joint industry/government research programs. The inclusion of financial services, specifically data security and data-base management issues, to the list of types of projects authorized will greatly facilitate action on these important research questions.

I would like to thank Senator JOHNSTON and his staff at the Energy Committee for their attention to this matter. I am convinced that working in an industry/government partnership, the national labs and the financial services industry can harness the power of the emerging high-performance computing and high-speed data networking technologies to improve the performance and competitiveness of our economy.•

## ARMS CONTROL NEEDED NOW MORE THAN EVER

• Mr. BUMPERS. Mr. President, today I want to say a few words about one of the most important agencies in our Government: The U.S. Arms Control and Disarmament Agency [ACDA].

Establishment of ACDA was one of the highest achievements of President John F. Kennedy. He created it to make a dangerous world less dangerous; to control, reduce, and eliminate the spread and existence of weapons of mass destruction.

Today, the world is at least as dangerous as it was then, though for different reasons. Technology has made the design and construction of mass destruction weapons more easily available to more people. International terrorism runs rampant on an unprecedented scale. And the massive nuclear power of the former Soviet Union is now in the hands of not one but several countries, all of them under severe economic and political stress.

Mr. President, if ACDA did not exist, we would be here today trying to invent it.

Arms control is like neurosurgery. It is no place for beginners. It is one of the most complicated things you can imagine.

ACDA is the only body in this Government that stands up as an independent voice for arms control.

There are those who say ACDA should be disbanded, merged into the State Department. I believe they are wrong. Let me explain why.

The purpose of the State Department is to help create and maintain good relations with foreign governments. That is fine; that is their job and they do it well. But sometimes this clashes with the need to control weapons of mass destruction.

Here's an example: When the Non-Proliferation Treaty was proposed in the Kennedy administration, the State Department opposed it because it might offend some of our allies who might want their own nuclear weapons. ACDA said no, the fewer nations with nukes the better. ACDA prevailed, and has been vindicated by history. If there had been no ACDA, today we would see the nuclear weapons club many times larger than it is.

Here is another example: When it became clear that Pakistan was going for nuclear weapons, the State Department said, we do not want to offend the Pakistani Government, so let us find ways around the Pressler amendment, let us find ways to keep giving them aid anyway. ACDA said no, the law says Pakistani nukes and United States aid do not mix. ACDA prevailed, and was again vindicated by history.

Here is a third example: When the Reagan administration tried to violate the ABM Treaty by distorting what it said, the general counsel of ACDA was the only one with the guts to say no, you cannot do that; you cannot violate a treaty just because you do not like it. This became the position taken by Congress—and again, history has proven ACDA right.

This kind of situation is going to come up again. President Clinton is going to be dealing with START, the chemical weapons convention, and the nonproliferation review. He is going to begin negotiations toward a comprehensive nuclear test ban. He is going to have the most difficult high-technology export control decisions to make.

In all of these, the State Department will be tempted to give first priority to smooth Government-to-Government relations. The Commerce Department is going to give first priority to profitable exports. As I said, that is fine. That is what we pay them to do.

But there has to be some other voice at the table to stand up and say, "Mr. President, if you do that, you'll risk putting country X closer to nuclear weapons capability, and here's why. We think that's a bad idea, and here's why."

President Clinton may or may not give priority to arms control in any particular case. But he needs to hear all sides so he can make an informed choice. With ACDA at the table, he will hear the case for arms control. Without ACDA, he will not. No State Department Deputy Assistant Secretary is going to tell the President the Secretary of State is mistaken.

I have heard the claim that we can save money by folding ACDA into State. That is nonsense. ACDA's experts are not duplicated in any other agency and we will have to keep them. All that will do is take the same people put a different label on them. But they will be part of a larger, less efficient, less dedicated organizational structure. We will be paying at least as much and getting a lot less.

Mr. President, ACDA needs rejuvenation and revitalization. During the Reagan administration, it was undermined by those who just did not think arms control was a good idea. But now that undermining is gone, and those who did it are gone. Our job is to continue the work begun by President Kennedy. It is not to finish the work of those whom the American people rejected in November.

As a member of the Senate Appropriations Committee, I do not like spending money. But the $46 million we spend on ACDA this year will come back to us many times over in the form of weapons not proliferated, weapons limited, weapons destroyed. We are talking about an annual budget less than one-tenth the cost of one B-2 bomber. That is good value.

The State Department inspector general has recommended that ACDA be revitalized. So has a very detailed report by the Stimson Center. I agree.

I urge the White House to begin ACDA revitalization on the most expedited basis. The first step is to appoint a director with the status and access needed for the very difficult challenges that lie ahead. If congressional action is needed in support of ACDA revitalization, I stand ready to offer my full cooperation.

In closing, Mr. President, ACDA is one of our best tools for making these perilous times less perilous. We need it as never before, and I for one intend to support it.•

## COSPONSORSHIP OF S. 391

• Mr. DURENBERGER. Mr. President, I rise today to cosponsor legislation introduced by my friend and colleague from Arizona, Senator McCain. S. 391, the Indian Tribal Government Unemployment Compensation Act Amendments of 1993, would begin the process of correcting a serious oversight in the way the Unemployment Tax Code treats Indian tribal governments throughout the United States. I am cosponsoring this legislation with the understanding that the Joint Tax Committee will find the bill to be revenue neutral.

Mr. President, the Federal Unemployment Tax Act [FUTA] involves a joint Federal-State taxation system that levies two taxes on most employers: a 0.8 percent Federal unemployment tax and a State unemployment tax ranging from near zero percent to more than 9.0 percent. Since its enactment in 1935, FUTA has treated Federal, State, and local government employers differently from private commercial business employers. It exempts all foreign, Federal, State, and local government employers from the 0.8 percent Federal FUTA tax and allows them to pay lower State unemployment taxes. The same is true of tax-exempt charitable organizations. All other private sector employers pay both the Federal and State FUTA tax rates. The FUTA statute, however, does not expressly include tribal government employers within the definition of governmental employers, even though tribal governments are sovereign governmental entities under the law.

In recent years, tribal governments have been subject to differing interpretations over whether and how they are covered under FUTA. As one might expect, Mr. President, this has led to some confusion among tribal governments about what they are required to pay. In some cases, tribes have not paid, assuming that they were exempt and subsequently have been investigated and harassed by the Internal Revenue Service [IRS].

This is currently the situation in Minnesota, where one of the latest tribal governments to get caught in the middle of these conflicting interpretations is the Red Lake Band of Chippewa Indians. The Red Lake tribal government is the main employer on its reservation in northern Minnesota. For years it has operated under the assumption that it is treated under FUTA as a sovereign governmental entity that is exempt from all unemployment taxes.

As a result, most of its employer subdivisions opted out of the State programs and therefore did not contribute, and those former tribal government employees who are otherwise eligible have correctly been denied benefits by the State because they worked for an exempt employer. Last year, the IRS made it clear that it intends to levy a large assessment against the Red Lake tribal government for unpaid unemployment taxes.

Mr. President, particularly troubling about this situation is the fact that under FUTA's unique enforcement mechanisms, none of the assessed funds collected would return to former employees in the form of benefits, nor to the State of Minnesota. Instead, FUTA requires the funds to go into the U.S. Treasury.

The bill I am cosponsoring today would address the problem for Red Lake as well as resolve this matter nationwide for every tribal government. It merely clarifies the law with respect to treatment of tribal governments.

This past spring, the State of Minnesota amended its State unemployment compensation law to treat tribal government employers the same way it treats State and local governmental employers. The State conditioned its changes upon similar actions being made in Federal FUTA law by Congress. This State action is persuasive evidence that some State governments are interested in working with tribal governments and the Congress to solve this problem.

Mr. President, I am proud of the leading role that both the Red Lake Band of Chippewa Indians and the State of Minnesota have played in this State-level effort and commend them for their efforts. I am also proud to be a cosponsor of this important companion legislation.•

## LEBANESE-AMERICAN HERITAGE CLUB OF DEARBORN, MI

• Mr. RIEGLE. Mr. President, the State of Michigan is home to the largest Arabic-speaking population outside of the Middle East. Numbering well over 400,000, this group of individuals has contributed positively and profoundly to the development of communities in Michigan.

One of the first Arabic-speaking immigrant groups to reach the shores of America traces its ancestry to the country of Lebanon. Enriching the State of Michigan in numerous ways, Lebanese-Americans have been involved in society at all levels. They have contributed not only in their traditional community-oriented role but also in the fields of education, political life, and economic development. In addition, they have remained a dynamic people and add in an innovative manner to the development of this Nation's multicultural mosaic.

A mainstay of the Lebanese legacy in Michigan was established in November 1982. Founded by Mr. Ali K. Jawad, the Lebanese-American Heritage Club emerged first as a sports organization and later as a very productive and influential community group. Already celebrating its 11th year of existence, the LAHC has provided various programs for Lebanese youth, including educational scholarships, public speakers, and an overall positive example to direct youth into professional and productive careers.

The LAHC has also effectively promoted cultural awareness in and around the city of Dearborn, where the club was founded. Programs for its own members, as well as citizens of the general community, have espoused the sharing of cultural history and values. Today, a communications and media department allows the LAHC to extend this important message even further.

As a means of strengthening and uniting their community in the United States, members of the LAHC take time to honor their homeland. One of the main events designed to commemorate the Lebanese heritage is the yearly communication of Lebanon's Independence Day, November 22, 1943. Although this day in 1993 will represent a moment to celebrate Lebanon's half century as an independent state, it also will represent a moment to acknowledge present-day challenges and to commit ourselves to helping Lebanon eliminate the presence of foreign military forces.

Today, as Lebanon finally begins to take the first hesitant steps toward restoring its sovereignty, political independence, and territorial integrity, members of the LAHC stand with the citizens of Lebanon as they struggle for freedom and democracy in their homeland. It remains their most profound wish that Lebanon will once again be a beacon of light shining through the often turbulent region in which it is located—once again a place known as the Switzerland of the Middle East.

Last November, on the occasion of its 10th anniversary, the Lebanese-American Heritage Club reaffirmed the goals of its founders. With emphasis on community and unity, the organization is determined to set forth on new missions with new purpose. Nevertheless, as the Lebanese-American Heritage Club revitalizes itself and its activities, its members always keep sight of their Lebanese heritage. As stated by Khalil Gibran and quoted on the motto of the LAHC publication:

> Be proud of being an American, but also be proud that your fathers and mothers came from a land upon which God laid His precious hand and raised His messengers.•

## MEASURE PLACED ON CALENDAR

Mr. PRYOR. Mr. President, I ask unanimous consent that H.R. 904, a bill relating to the National Commission to Ensure a Strong Competitive Airline Industry just received from the House be now placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. PRYOR. Mr. President, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of statements and legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. PRYOR. Mr. President, I now ask unanimous consent that Senator WARNER and Senator D'AMATO be recognized to address the Senate, and that at the conclusion of their remarks the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, it is a pleasure for me to appear with my good friend to wrap up this session today.

## THE BUDGET

Mr. WARNER. Mr. President, as I mentioned in my earlier remarks, the Senate was privileged today to receive the remarks of our distinguished chairman of the Senate Armed Services Committee, the Senator from Georgia [Mr. NUNN].

He specifically dealt with his analysis of that body of facts that is available today regarding the future budgets of the Department of Defense. I say "that body of fact." Understandably, the President and the Secretary of Defense, and now the Deputy, just confirmed by the Senate, Dr. Perry, are considering at this very moment the dollar line for the future budgets; and within that dollar line, the impact on the several military departments and other entities within the Department of Defense as a whole.

I commend that speech by Senator NUNN to all Members and, indeed, all others who have an interest in the future of the Department of Defense and, most specifically, the future of our Nation's defense.

I had the opportunity to talk about the several elements of this speech with the distinguished chairman earlier this week. I wish to associate myself with the remarks in his speech.

I should be giving a similar speech myself on Monday in Virginia. I would urge other Senators to address their respective States at the earliest opportunity because the magnitude of the cuts that are likely to be brought on the Department of Defense, in the judgment of the chairman and myself, are going to be far greater than those projected by anyone to date—far greater.

If you look closely at the facts in Chairman NUNN'S speech, which were coordinated with my staff, most notably, Colonel Brownlee, the projected reductions are far greater than any of us anticipated earlier.

But within the budgets for the fiscal years 1993–97, we will first face the reductions as committed to the Nation by President Clinton during his campaign of $60 billion; then a fiscal 1993 congressional reduction by this body and the House of $7.4 billion; a Department of Defense share of a proposed Governmentwide pay freeze of $18 billion; an offset for underfunded programs—I underline "underfunded".

Because projected savings from management streamlining and cover up to base closure proposed by the Bush administration may not be realized, the defense budget may have up to $10 billion of the projected savings that is not achieved.

President Bush, with a clear conscience at the time he made it, made his best projections. But as we look at them today, they will fall short of the recoupments that he had projected.

In addition, as a result of adjusting economic inflation factors, the defense budget would be reduced by another $42 billion. Because $15 billion is to be added back to pay for some funding shortfalls, the net reduction to the defense budget due to economic adjustment would be $27 billon.

Added to that, Mr. President, there are other costs should various sections of what we now refer to as President Clinton's economic package be accepted by the Congress.

There is a fuel tax, which is likely to have an impact on the Department of Defense, since the Department of Defense is one of the largest—if not the largest—consumer of fuel in the United States. There may be some offsets for it. But these are the types of moving budget items that have to be focused upon by the Secretary of Defense and the members of the Office of Management and Budget as they grind out the details of the final Department of Defense budget.

I am concerned, and the speech by Senator NUNN this morning sent a shot across the bow of all those working on the budget—a friendly shot, not fired in anger, but a friendly shot, a constructive shot, indicating that our analysis of such facts as we have in our possession today could well portend cuts of a greater severity than those anticipated by any of us.

I mentioned earlier here today we were privileged, the Republicans, to have the U.S. President come to have lunch with us, albeit a Big Mac, but also we discussed a wide range of issues including defense. Senator COATS propounded questions; I propounded questions relating to defense.

I thought the President took them in very carefully. He listened carefully about those concerns that we have about the welfare of the men and women of the Armed Forces, about the need to maintain a strong military here in the United States, and to equip them in a manner second to none in the whole world. The President listened, and listened very carefully. He had few remarks in reply, specifically on defense. But those that he did make with regard to defense conveyed to me the impression that President Clinton is going to look very responsibly at these problems outlined earlier today by Senator NUNN, and to an extent by myself here in these brief remarks.

Mr. President, the reason that I have raised this issue of the possible larger magnitude of defense cuts than had been anticipated by many of us heretofore—was one of the reasons that I joined with the senior Senator from Arkansas [Mr. BUMPERS]; the Senator from Maine [Mr. COHEN]; the Senator from Tennessee [Mr. SASSER]; and others, to propose a week ago that President Clinton reconsider the projected expenditures by this country for the space station and the super collider.

There is an enormous amount of money within these two programs. Having yesterday met with the head of the GAO, Mr. Bowsher, and his principal deputy for national security programs, I am writing today to ask that the GAO perform an analysis of both of those programs to determine exactly the benefits that are likely to flow to our national defense and our national security if they are completed.

My initial analysis of such facts, as I have indicated, is that there is very little benefit that would be derived from either of these programs that would directly enhance our national security.

If we are to experience such cuts of the magnitude as outlined by Chairman NUNN this morning, then we must look at every means possible to make additional cuts in the budget so that the projected cuts in defense do not, in a manner that would be unacceptable to this Senator and I am sure many others, impact our defense and weaken it.

So that is added reason. I hope that I get the reply from the GAO in time, and I think I shall. It will be made available, of course, to the Congress as a whole so that when this issue comes up, as raised by the Senator from Arkansas, myself, and others, about these two programs, there will be an outside analysis of the benefits that could or could not flow from these programs to defense, so that we can prioritize our Nation's needs in terms of defense and science, and decide where the cuts should fall.

Mr. President, undoubtedly this country is now the superpower in the area of security, be it in the former State of Yugoslavia, in Somalia, or any other of a dozen places in the world. We are looked at for the security that we can provide for ourselves and for our allies and for others. We will remain that. That is the desire of every American citizen, to have this country remain strong.

Mr. President, I question whether we can remain the superpower in physics and technology, and the motivation behind the super collider is to keep America out in front.

Yes, I would like to stay out in front. But I do not know that we can be the superpower. Yes, I would like to stay out in front of space research. But I do not know that we can be the superpower above all others in space.

I am more concerned that we be a superpower here at home to take care of the basic needs of every American citizen, the basic needs to get through each day of life. That is where we have to be a superpower. So I opt for superpower No. 1, in terms of our national security and defense, and since we can't be a superpower in all 4 areas I have mentioned, I believe we should be a superpower to our own citizens to provide for their basic needs. I think we may have to yield, perhaps, to others, if they so desire, other nations to attain superpower status in a narrow area of physics research, and in a space program which is questionable in terms of the dollars that will be involved, and questionable in terms of the value of this country.

Mr. President, I will be addressing in Virginia on Monday our State's Commission on Defense Conversion. That is a subject that the Armed Services Committee has been dealing with now for better than a year. Senator BINGAMAN has been a leader on that issue, together with others. This commission in Virginia has done a very valuable series of hearings across our State in Tidewater, in northern Virginia, down in our Ninth District, Radford, and in Richmond. Their purpose is to alert our industry as to the projected levels of government spending—as well as the projected level of cuts and how these industries can still hopefully maintain a posture in defense, but at the same time, if necessary, convert to nondefense work.

I commend Governor Wilder and members of the commission and indeed the head of our State's economic development, the Secretary of Economic Development, Ms. Cathleen Magennis, for the work they have done thus far. I will have the opportunity to speak with them, as has Senator ROBB, on Monday. I mention that because this commission is due to be disestablished in March, and I am going to ask the Governor to reconsider and keep our State commission viable and in business. I believe the Commission should remain operative until such time as this budget situation as outlined by Chairman NUNN, and others, is clearer, until the President and the Secretary of Defense have advised the Congress on the full range of cuts, so that I and other members of the Virginia congressional delegation, working with the Governor and this commission, have a better understanding of the full impact on our State of Virginia.

We are proud in Virginia that our State has been in the very forefront of those States contributing to our national defense, since the inception of this Nation in 1776. We have been ranked—and we say with great humility and pride—consistently among the top four in terms of overall defense spending in any of the several fiscal years. We are consistently ranked high in numbers of military retirees, DOD civilians and active duty personnel. So we have had a long association, the State of Virginia, with defense. But now these cuts, as outlined by Chairman NUNN and others this morning, could have a very severe impact on our State, and I think it is imperative that the Governor maintain this commission in being, until such time as we have a better understanding of the specifics of the cuts and how they will impact on the Commonwealth of Virginia.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. I thank the Chair.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 527 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ORDER OF PROCEDURE

Mr. D'AMATO. Mr. President, notwithstanding the previous order, I ask unanimous consent that the Senator from Texas [Mr. GRAMM] be recognized for 5 minutes and that immediately following the remarks of the Senator from Texas the Senate recess under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Texas for 5 minutes.

## THE BUDGET PROCESS

Mr. GRAMM. Mr. President, I thank the Chair for its indulgence and for giving me an opportunity to come over and speak today.

Yesterday, the Congressional Budget Office released its analysis of the President's budget and this analysis, it seems to me, is very important as we look toward beginning the budget process next week.

First of all, I think it is important to remember that President Clinton established the Congressional Budget Office as the judge and juror in determining what real budgeting in America was all about.

In fact, I recall vividly, as I am sure my colleagues and the American people recall, that it was in the State of the Union address, that the President said that the Congressional Budget Office would decide what was honest budgeting.

At that point, there was sort of a laughter on the Republican side of the aisles, as the distinguished Presiding Officer will remember, and the President said, "Well, you can laugh, my fellow Republicans, but I will point out that the Congressional Budget Office was normally more conservative in what was going to happen, and closer to right than previous Presidents have been."

Well, Mr. President, having established the Congressional Budget Office as the judge and jury, yesterday they handed down their verdict. And their verdict was a pretty harsh verdict, as far as the Clinton budget was concerned.

The Congressional Budget Office determined that the Clinton economic program was $107 billion short, over a 5-year period, of the level of deficit reduction which the President had committed to. That is roughly a one-fifth margin of error in terms of deficit overruns in the President's budget.

But it goes beyond just missing the target. There are several other findings that I think are very important.

First of all, you will recall that in the campaign the President said we are going to get $3 of savings for every $1 of taxes. And then, in the confirmation process, OMB Director Leon Panetta and Senator Bentsen said we are going to get $2 of savings for every $1 of taxes. And in the State of the Union Address, the President said we are going to get $1 of savings for every $1 of taxes. I was already getting worried.

Well, yesterday the Congressional Budget Office—the judge and jury, established by President Clinton, to determine what was honest in budgeting in America—concluded that the President's budget plan raises taxes by $4.80 for every $1 of spending cuts.

The Congressional Budget Office also found that defense is cut $2.04 for every $1 net cut in spending. Because what is happening is, in the President's budget, we have a massive increase in taxes, we have a dramatic cut in defense, but we have a very substantial increase in nondefense spending.

Mr. President, basically, I oppose the President's budget not because we do not need a budget. We do need a budget. I oppose it for two reasons:

First of all, the only reason to adopt his budget is to reduce the deficit to create more jobs. The problem with the budget is the deficit never goes down dramatically and by the fifth year of the budget it is rising and within 10 years the budget is $400 billion bigger than it is today.

Second, since we are cutting defense to the bone, since we are raising marginal tax rates to over 40 percent, 10 years from now, when the deficit is $400 billion, there is not going to be any defense to cut and taxes will already be at a confiscatory level.

At that point, what are we going to do? Well, what we are going to have to do at that point is, we are going to have to have a crash emergency program to reorder Government. It would be much easier to cure this disease if we started the treatment now by controlling spending.

I oppose the President's budget because it will not create jobs. You cannot raise taxes and raise spending and raise the deficit and put more Americans to work.

I thank the Chair for his indulgence.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

## APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas [Mr. GRAMM] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 103d Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Alaska [Mr. STEVENS] as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 103d Congress.

## ORDERS FOR TUESDAY, MARCH 9, 1993

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Tuesday, March 9; that following the prayer, the Journal of proceedings be deemed approved to date; and following the time for the two leaders, there be a period of morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each; that at 11 a.m., the Senate resume consideration of the motion to proceed to S. 460, with the time between 11 a.m. and 12 noon equally divided and controlled between Senators FORD and MCCONNELL; that at 12 noon the Senate vote without any intervening action or debate on the motion to invoke cloture on the motion to proceed to the consideration of S. 460; that upon the conclusion of that vote, the Senate then stand in recess until 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

## RECESS UNTIL 10:30 A.M., TUESDAY, MARCH 9, 1993

The PRESIDING OFFICER. Pursuant to the previous order, the Senate stands in recess until 10:30 a.m., Tuesday, March 9, 1993.

Thereupon, the Senate, at 1:32 p.m., recessed until Tuesday, March 9, 1993, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 5, 1993:

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

TERRENCE R. DUVERNAY, SR., OF GEORGIA, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALFRED A. DELLIBOVI, RESIGNED.

## CONFIRMATION

Executive nomination confirmed by the Senate March 5, 1993:

### DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE THE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Monday, March 8, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
*March 8, 1993.*

I hereby designate the Honorable G.V. "SONNY" MONTGOMERY to act as Speaker pro tempore today.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have spoken to us through the generations and Your word has sustained us and pointed the way, so we pray this day that Your blessing will be with us and all Your people and give strength to those who are weak, peace to those who are troubled, serenity and confidence and integrity to every person. May we sense in all we do the calling for a vocation of service to the people of this land, so that in all things, we may do justice, love, mercy, and ever walk humbly with You. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky [Mr. MAZZOLI] please lead the House in the Pledge of Allegiance?

Mr. MAZZOLI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## THE CLINTON STIMULUS PROGRAM IS NECESSARY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there is general agreement that in order for us in Congress and for the President to keep faith with the American people and to carry out the pledges made in this Chamber on February 17, we must have a somewhat different sequence of events dealing with the budget and with the economic plan than originally planned.

We will take up, possibly next week, the proposed budget for fiscal 1994, which has in it the President's proposed budget cuts and maybe more such cuts. Then that would be followed later by the so-called stimulus program and further still by the tax program and by the investment program.

Lest, however, we be lulled into thinking there is no need to adopt the stimulus program—which is spending on infrastructure, the needed roads and bridges and highways in our country—last week I had the pleasure of visiting in my office with Mayor Jerry Abramson, mayor of the city of Louisville, and County Judge/Executive David Armstrong, the county judge/executive of Jefferson County, KY, my two good friends, who made sure to inform me of the need not to overlook the stimulus program. We have in Jefferson County over $50 million in programs in community development, in transportation, which are ready to go and which will put our unemployed back to work.

So, again, even though the unemployment has, happily, dropped and it looks like some of the improvement in our economic scene is taking place, we still need to devote time, energy, and money to this stimulus program set forth by President Clinton.

□ 1210

## CATTLEMEN IN WYOMING HIT HARD BY PRESIDENT CLINTON'S PLAN

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, there has been a great deal of discussion in recent months about taxes and how all of us will be impacted by the proposals of the President's tax plan, particularly middle-class taxpayers. I think we usually think of middle-class taxpayers as those people who live in the suburbs, perhaps ride a bus to work. I want to talk about a different kind.

I just was home this week and met with cattlemen's associations, both in the Bridger Valley, and in the upper Green River Valley and Pinedale, WY, and they have put together what they think they understand from the President's proposal, and it looks like proposed new taxes to a western cattleman will cost as much as $11 per head under the proposal that has been out now. Increased energy, environmental, and grass taxes—grass taxes—contained in the budget package outlined by the President on February 17.

Energy tax: Agriculture uses about 1½ trillion Btu's of energy every year. A current proposal for 7 gallons of gas, 7 gallons, 7 cents a gallon on gas, would amount to about 5½ bucks a year per cow for this cowboy out in Wyoming. Environmental taxes have to do primarily with the feed that is grown that is fed to these cattle. They reckon that would come to a dollar and a half to bring these cattle to the market. The grass tax which is being proposed to be increased by a total of $78 million to western grazers would come to about $4 a year per head. That is not counting inspection fees or an increase in income tax. This comes to an amount of about $11 a head per year for cattlemen in Wyoming.

Mr. Speaker, a family cattleman might have around 500 head of mother cows. This turns out to be about $5,000 a year for a middle-income taxpayer.

So much for relief for the middle-income taxpayer.

## COMMODITY FLOW SURVEY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, one of my constituents from back home sent me a report today. It is called the commodity flow survey, and it is sent out by the Department of Commerce, and it says in here that my participation in this particular thing is mandated by law. It says, yes, the survey is mandatory under the authority of title 13. This survey will be conducted again every year, four times a year, until 1997, and this poor individual has to take this 23-page report and fill it out. There are also 16 pages of instructions as to how to fill it out, and let me read to my colleagues some of the stuff that is in here. These are instructions at the top of the page:

> SAMPLE SELECTION INSTRUCTIONS
>
> 4. Note the "Take every" number in column (3) next to the "X" you marked in column (2). Beginning with the first shipment

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in the file for the period, count the shipments until you reach the "Take every" number. Select that shipment as the first one to report on in Item F.

Continuing with the next shipment, begin counting from 1 until you reach the "Take every" number again. Select that shipment. Continue this process until you reach the end of the file.

Example: If 176 is entered in 1, mark (X) the third row of the table. The "Take every" number is 5. Begin counting with the first shipment in the file and select the 5th shipment to report in Item F. Now beginning with the 6th shipment, count off 5 more, and select the 10th shipment. Resume counting with the 11th and select the 15th, 20th shipment, etc, until you reach the end of the file. You will have selected 35 shipments to report on in Item F.

Now, my colleagues, the purpose of this is stated in this particular folder here. This is a commodity flow survey that will produce measures of the movement of goods between the States and the major transportation regions within the United States. It requests information on individual shipments in weight, commodity and so forth.

Is there any reason that anybody can think of why we cannot compete in the world today when our Federal Government passes a law that says—I do not know how many of these poor fools have to fill this thing out—but all over the United States this particular report is going to have to be filled out again, and again, and again by business people for absolutely no purpose.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MCDERMOTT) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
*March 8, 1993.*

Hon. THOMAS S. FOLEY,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, March 5, 1993 at 2:45 p.m. and said to contain a message from the President whereby he transmits the 1993 Trade Policy Agenda and the 1992 Annual Report on the Trade Agreements Program.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
*Clerk, House of Representatives.*

## ANNUAL REPORTS ON THE TRADE POLICY AGENDA AND ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection referred to the Committee on Ways and Means:

*To the Congress of the United States:*

In accordance with Section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I am pleased to submit herewith the 1993 Trade Policy Agenda and 1992 Annual Report on the Trade Agreements Program.

In recent days, I have emphasized the central role that international trade must play in promoting the economic growth of our country. The attached agenda outlines the tasks that lie before us in the area of trade.

The breadth of the agenda highlights the scope of the challenge we confront, but also the great potential for creating new jobs for Americans. From manufacturing to services, from entertainment products to agriculture, opportunities for U.S. exports exist around the globe.

In tandem with the Congress, I will work to ensure that all Americans with a competitive product have the opportunity to tap the global marketplace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1993.*

## RULES OF PROCEDURE FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR THE 103D CONGRESS

(Mr. STARK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STARK. Mr. Speaker, as chairman of the Committee on the District of Columbia, I am submitting for the RECORD a copy of the committee rules for the 103d Congress, as follows:

### RULES GOVERNING PROCEDURES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

### A. IN GENERAL

1. (a) The rules of the House are the rules of this committee and each subcommittee so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee and subcommittees.

(b) The procedures applicable in the House as in the Committee of the Whole apply to this committee, except that a measure considered in committee must be read (by section) for amendment; a motion to limit debate under the 5-minute rule in committee must therefore be confined to the portion of the bill then pending, and the previous question may only be moved on the measure in committee if the entire measure has been read, or considered as read, for amendment.

(c) There shall be a motion for the previous question, which, being ordered by a majority of members voting, if a quorum be present, shall have the effect to cut off all debate and bring the committee to a direct vote upon the immediate question or questions on which it has been asked and ordered.

(d) Upon the offering of any amendment by a member, the committee clerk shall promptly transmit a copy to the official reporter and copies to each committee member in attendance.

2. Each subcommittee is a part of this committee, and is subject to the authority and direction of the committee and to its rules insofar as applicable. The rules of the committee shall be the rules of its subcommittees.

3. No major investigation by a subcommittee shall be initiated without approval of the Chair of the committee or the majority of the full committee.

4. Any committee member, when recognized by the Chair, may address the committee on any bill, motion, or other matter under consideration before the committee. The Chair may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available. Any House Member not a member of the committee may testify as a witness at any hearing of the committee or a subcommittee, or may submit a statement for the official record.

### B. REGULAR MEETING DAYS

1. The full committee shall have its regular meetings on the first Tuesday in each calendar month at 10 a.m. When the House is in recess, the regular monthly meeting of the committee may be dispensed with at the discretion of the Chair upon notice of such action to all members of the committee.

2. The committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of the committee business, on all regular meeting days fixed by the committee.

3. Subcommittee Chairs shall set meeting and hearing dates after consultation with the Chair and other subcommittee Chairs with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

### C. ADDITIONAL AND SPECIAL MEETINGS

1. The Chair may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to the call of the Chair.

2. If at least three members of the committee desire that a special meeting of the committee be called by the Chair, those members may file in the offices of the committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chair of the filing of the request. If, within 3 calendar days after the filing of the request, the Chair does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered, at the special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

### D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIR

If the Chair of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

### E. COMMITTEE RECORDS AND ROLLCALLS

1. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full committee upon the request of any committee member.

2. Records of hearings before the committee shall not be available to the public for quotation of any member until after such member has had an opportunity to examine and approve such hearing records.

3. All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair of the committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

4. The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the rules of the House, except that the committee authorizes use of any record to which clause 3(b)(4) would otherwise apply after such record has been in existence for 5 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

### F. PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

### G. OPEN MEETINGS AND HEARINGS

1. Each meeting for the transaction of business, including the markup of legislation, of the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *Provided, however*, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

2. Each hearing conducted by the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives; notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present (but not less than two members voting in the affirmative):

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade or incriminate any person; or

(B) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person; *Provided, however*, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

### H. QUORUM

1. The number of members to constitute a quorum for the purpose of taking testimony and receiving evidence in full committee or subcommittee is two.

2. One-third of the committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the committee or subcommittee shall constitute a quorum for the purposes of reporting a measure and closing a meeting to the public.

### I. CALLING AND INTERROGATING WITNESSES

1. Whenever any hearing is conducted by the committee or a subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the Chair of the committee or subcommittee by a majority of the minority party members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

2. The committee and subcommittees shall apply the 5-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee or subcommittee who so desires has had an opportunity to question each witness.

3. Committee members may question witnesses only when they have been recognized by the Chair for that purpose.

4. All questions put to the witnesses before the committee shall be pertinent to the bill or other subject matter before the committee for consideration.

5. Insofar as is practicable, each witness who is to appear must file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

### J. INVESTIGATIVE HEARING PROCEDURES

1. The Chair of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

2. A copy of the committee rules and this clause shall be made available to each witness.

3. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

4. The Chair of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full committee may cite the offender to the House for contempt.

5. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, or incriminate any person.

In either case the committee or subcommittee shall—

(a) afford such person an opportunity voluntarily to appear as a witness; and

(b) receive and dispose of requests from such person to subpoena additional witnesses.

6. Except as provided in subparagraph (5), the Chair shall receive and the committee shall dispose of requests to subpoena additional witnesses.

7. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

8. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

9. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

### K. REPORTING BILLS AND RESOLUTIONS

1. No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

On the question of ordering a bill reported whenever a recorded vote is ordered or the yeas and nays are ordered the Chair may, in his discretion, postpone further proceedings on each such question to a designated time or place in the schedule on that day.

2. Any committee member at a meeting of the full committee or any member of the subcommittee involved may make a point of order that a quorum is not present.

3. (A) Each committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, including number of yeas and nays, a 5-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Congressional Budget and Impoundment Control Act of 1974, administration or departmental position (if

any), and changes in existing law, in addition to such other provisions as the Chair deems necessary.

(B) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

(2) Shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(a) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(b) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

4. (A) It shall be the duty of the Chair of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of the committee on any measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chair of the committee notice of the filing of that request.

### L. POWER TO SIT AND ACT; SUBPOENA POWER

1. For the purpose of carrying out any of its function and duties under these rules, the committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chair of the committee, or any member designated by the Chair, may administer oaths to any witness.

2. (A) A subpoena may be issued by the committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, and authorized subpoenas shall be signed by the Chair of the full committee or by any member designated by the committee. When authorizing subpoenas, the committee may delegate to the committee Chair the responsibility of deciding what materials are to be listed in the subpoena and the names of the individuals or officials to be subpoenaed.

(B) Compliance with any subpoena issued by a committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

### M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, the committee or subcommittee may permit, by majority vote of the committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

1. If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

2. No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

3. The allocation among the television media of the positions of the number of television cameras permitted by the committee or subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

4. Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

5. Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

6. Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

7. Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

8. Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee Chair for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

9. Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

10. Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

11. Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

12. Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

13. Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

### N. COMMITTEE STAFFS

1. Subcommittee staffs: From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions of the House:

(A) The Chair of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chair.

(B) The ranking minority party member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(C) The staff members appointed pursuant to the provisions of subparagraphs (A) and (B) shall be compensated at a rate determined by the subcommittee Chair not to exceed (a) 75 per centum of the maximum established in 2(C) of this rule or (b) the rate paid the staff member appointed pursuant to 1(A) of this rule.

(D) No member shall appoint more than one person pursuant to 1(A) and 1(B) of this rule.

(E) The staff positions made available to the subcommittee Chair and ranking minority party members pursuant to 1(A) and 1(B) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House unless such staff positions are made available pursuant to a primary or additional expense resolution.

2. Committee staffs:

(A)(1) Subject to subparagraph 2(A)(2) of this rule and paragraph 2(D) of this rule, the committee may appoint, by majority vote of the committee, not more than 18 professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chair and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by 2(A)(1) of this rule. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the mi-

nority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of the committee—

(a) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(b) shall not engage in any work other than committee business; and

(c) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of the committee may be terminated by majority vote of the committee.

(B)(1) The clerical staff of the full committee shall consist of not more than 12 clerks, to be attached to the office of the Chair, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to 2(B)(2) and 2(D) of this rule, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by 2(B) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the Chair and the ranking minority party member on matters related to committee work.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by 2(B)(1) of this rule. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under 2(A)(2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full committee may be terminated by majority vote of the committee.

(C) Each employee on the professional staff, and each employee on the clerical staff, of the committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chair, which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(D) If a request for the appointment of a minority professional staff member under paragraph (A), or a minority clerical staff member under paragraph (B), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (A) or paragraph (B), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(E) Each staff member appointed pursuant to a request by minority party members under paragraph (A) or (B), and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(F) Paragraphs (A) and (B) shall not be construed to authorize the appointment of additional professional or clerical staff members of the committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (A)(1) or paragraph (B)(1) as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(G) Notwithstanding paragraphs (A)(2) and (B)(2), the committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the majority party and a majority of the members of the minority party.

### O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEES

1. All the legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee. If a joint resolution of disapproval of a council act is introduced in the House during the first 15 legislative days of a layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the joint resolution is introduced during the last 15 days of congressional layover, that matter shall be kept at the full committee level with such comments from the subcommittee as they may wish to give.

2. The Chair may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first) or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

3. Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chair may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

### P. SUBCOMMITTEES

1. The full committee shall determine an appropriate ratio of majority to minority members for each subcommittee and shall establish the number of subcommittees, shall fix the jurisdiction of each subcommittee, and shall determine the size of each subcommittee.

2. Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full committee.

3. Each member shall be given an equal number of subcommittee assignments insofar as practicable.

4. Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

5. Any member of the full committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he or she is a member of such subcommittee.

6. Party representation on each subcommittee, including ex officio members, shall be not less favorable to the majority party than the ratio for the full committee.

### Q. GENERAL OVERSIGHT RESPONSIBILITIES

The committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of the respective jurisdiction, to assist in carrying out the full committee's responsibilities under Rule X, cl. 2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

### R. ADDITIONAL FUNCTIONS

1. The committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House of Representatives.

2. The committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for

which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

### S. POINTS OF ORDER

No point of order against the hearings or business procedures of the committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full committee.

### T. NOTICE OF MEETINGS AND AGENDA

1. The committee and each subcommittee shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under the subparagraph shall be promptly published in the Daily Digest and given to the House Information Systems.

2. The agenda for all committee meetings, setting out all items of business to be considered, including a copy of any measure or a summary of any measure and of any subcommittee amendments, shall be furnished each committee member by delivery to his or her office at least 2 full calendar days (excluding Saturday, Sunday and legal holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the committee.

3. No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chair or by a majority of those voting, a quorum being present; *Provided, that* any member (other than the Chair) making the motion for consideration under this rule has given 2 days' notice in writing to all members of the committee.

### U. AMENDING COMMITTEE RULES

The committee rules may not be amended unless the member proposing the amendment gives 2 days' notice (excluding Saturday, Sunday and legal holidays) in writing of the text of the proposed change to all members.

### V. OTHER PROCEDURES AND REGULATIONS

The Chair of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal business.

Mr. HASTINGS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, on March 9.

Mr. NADLER, for 60 minutes, on March 10.

(The following Members (at the request of Mr. DICKEY) to revise and extend their remarks and include extraneous material:)

Mr. POMBO, for 60 minutes, on March 10.

Mr. BEREUTER, for 5 minutes, on March 9 and March 10.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DICKEY) and to include extraneous matter:)

Mr. KYL.

Mr. CALLAHAN in two instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. LIPINSKI.

## ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 9, 1993, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

847. A letter from the Director, Congressional Budget Office, transmitting three summary tables and accompanying explanation of CBO's preliminary analysis of the administration's policy proposals of February 17, 1993, as described in "A Vision of Change for America"; to the Committee on the Budget.

848. A letter from the Secretary of Education, transmitting a notice of Final Funding Priorities for the Rehabilitation Research and Training Centers—Rehabilitation and Pediatric Trauma, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

849. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the first quarter of fiscal year 1993, October 1, 1992 to December 31, 1992; to the Committee on Foreign Affairs.

850. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Brazil (Transmittal No. DTC-8-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

851. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Israel (Transmittal No. DTC-2-93), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

852. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-13-93), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on Foreign Affairs.

853. A letter from the General Counsel, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian language texts of the START Treaty implementing agreements negotiated by the Joint Compliance and Inspection Commission during its third and fourth sessions; to the Committee on Foreign Affairs.

854. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in January 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

855. A letter from the Archivist of the United States, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

856. A letter from the Appraisal Subcommittee, Chairman, Federal Financial Institutions Examination Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

857. A letter from the Acting Chairman, National Endowment for the Humanities, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

858. A letter from the Administrator, NASA, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

859. A letter from the Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's notice on leasing systems for the Central Gulf of Mexico, Sale 142, scheduled to be held in March 1993, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

860. A letter from the Secretary of the Interior, transmitting the 1992 annual report for the Office of Surface Mining Reclamation and Enforcement [OSM], pursuant to 30 U.S.C. 1211(f), 1267(g), 1295; to the Committee on Natural Resources.

861. A letter from the President, Boy Scouts of America, transmitting the Boy Scouts of America 1992 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

862. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1992 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

863. A letter from the Acting Administrator, Federal Aviation Administration,

transmitting a report on the review of rules and regulations pertaining to flights of aircraft over units of National Park System, pursuant to 16 U.S.C. 1a–1 note; jointly, to the Committees on Public Works and Transportation and Natural Resources.

864. A letter from the Chairperson, National Council on Disability, transmitting a report on the effect on wilderness designations and wilderness land management practices have on ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System, pursuant to Public Law 101–336, section 507(b) (104 Stat. 373); jointly, to the Committees on Natural Resources, Agriculture, and Merchant Marine and Fisheries.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Texas (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. SYNAR, and Mr. HUFFINGTON):

H.R. 1246. A bill to amend the Internal Revenue Code of 1986 to increase excise taxes on cigarettes and other tobacco and tobacco-related products and to use the increased revenues to expand Medicaid eligibility and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Agriculture.

By Mr. KYL:

H.R. 1247. A bill to prohibit furnishing of additional loans or credit guarantees by the United States to any foreign country which is in default or arrears in the payment of principal or interest on any loan made to the country by the United States or for which the United States has been obligated to make payments under a credit guarantee; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, and Foreign Affairs.

By Mr. LANTOS (for himself and Mr. BEREUTER):

H. Res. 118. Resolution to condemn the release by the Government of Malta of convicted terrorist Mohammed Ali Rezaq; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

50. By the SPEAKER: Memorial of the Legislature of the State of New Hampshire, relative to Federal banking laws and regulations; to the Committee on Banking, Finance and Urban Affairs.

51. Also, memorial of the House of Representatives of the State of New Hampshire, relative to cable television operators; to the Committee on Energy and Commerce.

52. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to Social Security COLA's; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. DICKEY.

H.R. 136: Mr. STUMP.

H.R. 139: Mr. GUNDERSON, Mr. WILSON, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. MINGE, and Mr. ARMEY.

H.R. 300: Mr. WYDEN, Mr. STUPAK, and Mr. STRICKLAND.

H.R. 349: Mr. KLINK and Mr. EVERETT.

H.R. 359: Mr. LAFALCE, Mr. FROST, Mr. FALEOMAVAEGA, and Mrs. MINK.

H.R. 723: Mrs. FOWLER, Mr. ARCHER, and Mr. MACHTLEY.

H.R. 725: Mr. KILDEE.

H.R. 726: Miss COLLINS of Michigan, Mr. KILDEE, Mr. OWENS, and Mr. STRICKLAND.

H.R. 823: Mr. OLVER and Mr. MAZZOLI.

H.R. 916: Mr. DE LUGO, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Mr. MARTINEZ, Ms. PELOSI, and Mr. STRICKLAND.

H.R. 921: Mr. NADLER, Mr. TOWNS, Mrs. UNSOELD, Mrs. MINK, and Mr. DURBIN.

H.R. 924: Mr. PRICE of North Carolina and Mr. BROWN of California.

H.R. 1012: Mr. CLEMENT, Mr. KOPETSKI, and Mrs. MEEK.

H.R. 1149: Mr. CLYBURN.

H.R. 1222: Mr. FIELDS of Texas.

H.J. Res. 131: Mr. LEVY, Mr. HUNTER, Mr. UNDERWOOD, Mr. KLINK, Mr. HUTTO, Mr. KANJORSKI, Mr. MARTINEZ, Mr. GEKAS, and Mr. LANCASTER.

H. Con. Res. 21: Mr. PETE GEREN of Texas.

H. Con. Res. 36: Mr. GUTIERREZ.

H. Res. 14: Mr. WALSH, Mr. DEFAZIO, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. SAXTON, Mr. BARTLETT, Mr. SCHUMER, Miss COLLINS of Michigan, and Mr. MACHTLEY.

H. Res. 40: Mr. CARDIN, Mr. HOUGHTON, Mr. SKAGGS, Ms. MCKINNEY, Mr. WYNN, and Mr. DELLUMS.

H. Res. 41: Mr. GOODLATTE.

# EXTENSIONS OF REMARKS

## VFW OUTLINES CONCERNS, PRIORITIES TO CONGRESS

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. MONTGOMERY. Mr. Speaker, on March 2, the commander in chief of the Veterans of Foreign Wars, Mr. John M. "Jack" Carney, appeared before the Joint House and Senate Veterans' Affairs Committees to deliver the organization's concerns and priorities. Commander Carney, a Navy veteran of the Korean war, presented a very straightforward assessment of the state of veterans' benefits and services.

As Commander Carney pointed out, veterans' programs have not contributed to our country's economic woes and certainly should not bear an undue burden in helping to reduce the budget deficit. I am particularly proud of VFW and other veterans' groups who, in addition to the sacrifices they have already made in uniform, are offering to pitch in to help resolve our economic problems, as long as they are treated as fairly as all other beneficiaries of Federal programs. Mr. Speaker, you can't be more reasonable than that.

I am pleased to share with my colleagues the full text of Commander Carney's statement:

STATEMENT OF JOHN M. CARNEY, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Messrs. Chairmen and members of the committees: It is with great pleasure that I appear before you this morning to address this joint meeting of the House and Senate Veterans' Affairs Committees. With me today in this hall are the leaders of the Veterans of Foreign Wars. These outstanding individuals are the elected national and state officers of the VFW, representing the grass roots membership of an organization comprised of a truly representative cross section of American men and women. I am pleased and honored that these great Americans and true patriots are here with me today.

I am pleased that I can say to you this morning that the Veterans of Foreign Wars of the United States continues as a dynamic and vibrant organization. Combined with our great Ladies Auxiliary, the VFW represents a force of patriotic men and women nearly 3 million strong. We believe that our 37 years of continuous growth attest to the fact that overseas veterans recognize the importance of joining a veterans organization that stands up and speaks out for them, their families and their country. We are particularly proud that large numbers of younger veterans, such as those who served in Panama and the Persian Gulf, are joining the Veterans of Foreign Wars. We believe these younger veterans recognize that the VFW is an organization that is willing and able to take a strong and effective stand on issues of importance to America and her veterans.

Messrs. Chairmen, for many years the VFW has enjoyed a close professional relationship with the House and Senate Veterans' Affairs Committees. We look forward to continuing to work with you, Chairman Montgomery, and we welcome Senator Rockefeller to the chair of the Senate Veterans' Affairs Committee. While we will not always agree, there should be no question that we are in total agreement that veterans are the most deserving segment of our population and that their well-being is our foremost goal. I can assure you that the VFW, through our outstanding Washington Office, will work with you and your respective staffs in achieving our common goals.

In September of each year, the newly elected leadership of the VFW meets in Washington, D.C., for the purpose of reviewing the resolutions passed by the VFW membership at our national convention. At that time, VFW leaders also discuss and formulate legislative priorities for the coming year. Today, it is my pleasure to present to you those issues we deem to be of the highest priority and urge your immediate attention.

Messrs. Chairmen, today, we are witnessing the dawn of a new administration. All Americans are hopeful that our newly-elected President will be successful in keeping pledges made during the campaign to improve our economy, create jobs for our people and build a strong fiscal foundation upon which we can grow and prosper. To accomplish his goals President Clinton now calls upon our population to sacrifice. We acknowledge the need for fiscal restraint and reform; however, we hasten to point out to members of the committees that the hundreds of veterans gathered in this room today, the hundreds that are standing in the halls outside this room, and the tens of thousands of combat veterans who make up the VFW throughout this nation—true patriots whose contributions cannot be challenged—have already offered up their fair share of sacrifice. These individuals answered their country's call to arms and now simply call upon you to preserve and protect their hard-earned benefits and entitlements.

THE BUDGET

The Clinton Administration has yet to submit a federal budget for FY '94; however, we foresee the shape and substance of this year's budget to be heavily influenced by the turbulent dynamics of this nation's economic and political environment. We fear that in keeping with recent history, this Administration will also submit a budget that calls for VA to do more with less.

I now ask the members of Congress who will ultimately vote on whether to adopt or reject portions of the Administration's FY '94 budget request, to please pay particular attention to safeguarding VA benefits and entitlements programs which are now endangered by the budget cutter's axe. Bear in mind, veterans benefits represent the smallest federal entitlement program and have grown at an annual rate from 1985 to 1991 of only 2.4 percent. This is less than the rate of inflation. Compare this, for example, with Medicaid which has had a 15-percent growth rate over the same period and grew at the astonishing rate of 31.5 percent between 1991 and 1992. The unfairness of subjecting VA to the same stringent budgetary measures as those entitlements which have ballooned beyond all control and reason is apparent. Nonetheless, we fear this is exactly the situation veterans are going to face.

Veterans health care has been particularly hard hit over the past years. Less than 2 percent of the total amount the Federal government will spend on health care this year will go to VA health care. A representative sampling of VA medical centers by the authors of the Independent Budget revealed budget shortfalls ranging from $1 million to $5 million during FY 1992, and similar shortages are expected for the current year. While almost all respondents in the Independent Budget survey professed an increasing ability to adjust to budget shortfalls, accommodation methods begin with the delay of plant maintenance and equipment replacement, then to the reduction of staff and finally outright rationing of medical care. We cannot convey strongly enough to the Congress and the Administration the unfairness of subjecting veterans health care to the same cuts which may be imposed on certain other federal programs. Veterans have not only been doing their part in keeping spending under control; but, adjusted for inflation, have in fact tolerated a decline in their programs' expenditures. Veterans are not the cause of this nation's deficit. Nonetheless, we will do our fair share in reducing the deficit, but I emphasize—fair!

SEPARATE APPROPRIATIONS SUBCOMMITTEE

Messrs. Chairmen, in a related issue, the VFW strongly advocates establishing in both the Senate and House separate appropriations subcommittees exclusive to the Department of Veterans Affairs. More and more we are witnessing raids on precious VA dollars to fund non-veterans programs. Veterans should not be forced to compete within one appropriations subcommittee with other agencies for the dwindling pool of Federal dollars. Additionally, with a budget in excess of $30 billion, over 253,000 employees, and the free-world's largest integrated health-care system, it only stands to reason that funding issues for this large and complex Cabinet department would be best addressed by exclusive appropriations subcommittees.

ELIGIBILITY REFORM

Messrs. Chairmen, at the very heart of our legislative agenda is the VFW's commitment to ensure that any veteran wishing to be treated in a VA medical facility is not denied that care. Last year, the House Veterans' Affairs Committee took the first step in realizing this end by holding a hearing on reforming the Department of Veterans Affairs' eligibility standards. We are committed to the basic premise that every veteran should have mandated access to a full continuum of health care, to include preventive, outpatient and inpatient, long-term and nursing home care. We wish to see a cost-effective combination of services administered by VA that would constitute a wide-ranging social-economic safety net for veterans.

Messrs. Chairmen, we are deeply concerned that as the debate over eligibility reform continues, proposals have surfaced to allow non-veterans to be treated in VA medical centers. It is the VFW's strongly held con-

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

**Matter set in** this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

viction that the opening of our VA health-care system to the non-veteran population should not even be considered until VA provides access to all this nation's veterans. Simply stated, we call on VA to put its health-care delivery house in order—provide all veterans access to the VA system—before declaring there is room to treat non-veterans. Once this is accomplished, and only then, will we consider allowing non-veterans access to the VA health care system.

It is a fact that through the years certain non-veterans have been receiving care at VA facilities. For example, cases considered unusual by medical schools affiliated with the VA are, on occasion, admitted to VA treatment facilities as part of research and continuing medical-educational studies. Additionally, the VA shares certain costly high-tech medical equipment with the general health-care community. This is in keeping with a policy that allows VA patients to benefit by similar arrangements and receive care in private facilities when such is not available within VA.

The VFW has known about and acceded to these arrangements through the years in recognition of the fact that they are often borne of necessity and that the veteran community benefits by them since they enhance the VA health-care system. However, the VFW has always adamantly maintained that the VA health-care system remain dedicated to this nation's veterans and that its mission not be altered in order to serve the non-veteran community.

### MILITARY RETIRED PAY/VA COMPENSATION OFFSET

Messrs. Chairmen, the VFW continues its strong support for legislation that would eliminate the present dollar-for-dollar offset of military retired pay when the retiree is also in receipt of VA disability compensation. We would like to commend Congressman Michael Bilirakis, Ranking Minority Member of the VA Subcommittee on Compensation and Pension, and from my home state of Florida, for again championing this cause by introducing legislation that will correct this inequity. Even though military retirement pay for longevity and VA disability compensation are separate and distinct, one continues to be offset by the other. It is unconscionable to require several hundred thousand disabled military retirees to literally finance their own disability compensation out of their earned retired pay.

### COLA

Messrs. Chairmen, the VFW continues to support full cost-of-living adjustments for all VA compensation recipients and military retirees. Many of those in receipt of VA benefits, including military retirees, live on limited or fixed incomes, much of which continues to be eroded by inflation. Recently, the suggestion has been raised to freeze all cost-of-living adjustments in order to help reduce this nation's deficit. We oppose any such freeze; however, unless it affects the recipients of all Federal programs, to include Social Security. The national debt must not be reduced solely at the expense of our nation's veterans.

### NATIONAL CEMETERY

The VFW actively supports legislation that would provide an open national cemetery in every state. Because a great number of national cemeteries are closed, the survivors of eligible veterans are forced to either seek the veteran's interment far from home or through other sources—generally at greater expense. We believe that providing an open national cemetery in every state is the responsibility of the Federal Government inasmuch as veterans were inducted into military service by that government. Bear in mind, a burial with distinction by a grateful nation is the singular benefit afforded all veterans.

### VETERANS EMPLOYMENT

Messrs. Chairmen, when we last appeared before this Joint Committee, we expressed deep concern over the softening federal commitment toward providing maximum employment and training opportunities for veterans. While there is still cause for concern, we are doubly pleased with the efforts of this Joint Committee in spearheading the enactment of legislation that restored eligibility for the Veterans' Readjustment Authority (VRA) program for certain veterans of the Vietnam Era.

As a result of the latest changes, non-disabled and non-theatre veterans from the Vietnam Era are now able to resume competing with other veterans for a non-competitive appointment through the VRA program when starting their careers with a federal civilian agency. We feel that this is as it should be.

We continue to be alarmed, however, over the broader issue of "veterans preference" and how it is no longer being properly observed by many federal agencies' hiring officials when filling vacancies.

Our mail from veterans complaining of this situation continues to grow, and I am sure all of you are experiencing the same situation. These veterans—many of whom participated in Desert Storm and have often been involuntarily discharged due to the drawdown—are complaining that while they have sufficient skills and abilities for the mostly entry-level jobs for which they are applying, they are nonetheless not being hired despite their veterans preference status.

Nearly three years ago, several members of the House requested the General Accounting Office (GAO) to determine whether the U.S. Office of Personnel Management (OPM) and other agencies are giving veterans preferred consideration for jobs as provided for by the "Veterans' Preference Act of 1944." Congress additionally requested to know why veterans are not being hired even when receiving veterans points. The GAO Report released last March after an 18-months study, found that the most serious breaches occur after the veteran applicant is in the system.

Of the more than 1,100 randomly selected certificates of eligible candidates reviewed and of the over 1,800 federal job applications submitted by persons on those certificates it was found that only 21 percent of the available veterans who were ranked first on the certificates were hired. We recognize of course that present law and regulations permit hiring officials to consider a variety of candidate sources when filling vacancies. For instance, instead of selecting the top candidate on a certificate—who may be a veteran—a manager may select an internal candidate applying for promotion or select someone outside the agency through the Outstanding Scholar program.

While individuals hired through these other sources may include veterans, these sources do not generally provide veterans with special preference. Although GAO found that certificates were often returned when non-veterans, as well as when veterans, were the top-ranked candidate, those certificates with a veteran at the top were more likely to be returned without selection.

However, the fact that only 21 percent of the available veterans who were ranked first on OPM and executive agencies certificates were hired is unacceptable. This fact suggest that when given the choice, hiring officials, a majority of the time, would rather fill a vacancy from another source or not fill the vacancy at all.

This is clearly not what this body had in mind when the Veterans Preference Act was first enacted, and we urge that this Joint Committee give early attention to correcting this problem during the current session.

### DEFENSE READINESS

Another issue which I will address at this time is the administration's proposal to lift the ban on homosexuals serving in the Armed Service. While this matter falls under the immediate jurisdiction of the Armed Services Committees, it also holds potentially serious consequences for the Department of Veterans Affairs. It is for this reason, coupled with the VFW's ongoing advocacy on behalf of a strong and effective national defense, that I address this matter here today. As articulated in current VFW Resolution No. 416, "Oppose Homosexual Acceptance in the Military," this organization is deeply concerned over the impact any such change of policy would have on our Armed Forces. We unequivocally oppose the efforts of those who would force the military services to accept or retain homosexuals in the military.

This issue is a very serious matter, and our military leaders are gravely and, in our view, appropriately concerned about the harmful impact such a change would have on our Armed Forces and this nation's common defense at this critical juncture in history. It is our hope that President Clinton will listen to the informed counsel of the Chairman of the Joint Chiefs of Staff as well as other military leaders on this issue. It is our belief that if the President does heed their advice, the conclusion will be inescapable that the ban should remain in place.

The last thing I will address here today with respect to this issue is the potential impact that any such change would have for the Department of Veterans Affairs. One problem which immediately presents itself is the determination of whether or not a same sex partner may be defined as a legal spouse for the purposes of VA benefit determinations, such as Death Indemnity Compensation. This matter is far from being resolved in the civilian sector and we do not wish to see VA being forced into the situation of having to somehow resolve this labyrinthine legal issue. We would also point out that the sudden infusion of an openly homosexual population into the military poses grave challenges to the resources and wherewithal of the VA health-care system. The VFW is anxiously awaiting, and intends to closely monitor, the congressional hearings which are to be conducted later this month when the VA will address the issue of what effects lifting the ban on homosexuals in the military will pose for the Department of Veterans Affairs.

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## A LOST GENERATION'S OPEN LETTER TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

### HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. CALLAHAN. Mr. Speaker, I have been asked by my constituent, Millie Hobbs, to share with my colleagues a letter expressing her concerns and those of several others.

The open letter comments on many issues facing Americans today. Ms. Hobbs and those who also signed the open letter believed its inclusion in the CONGRESSIONAL RECORD was a good way to have their voices heard and I urge my colleagues to review their presentation.

### A LOST GENERATION'S OPEN LETTER TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

It is with a great sense of apprehension and dread for the future of our country that I write to you—for I realize more than ever before that I am a member of America's lost generation.

When I use the phrase "lost generation" I refer to those of us in America who belong to an era in which we were taught by our parents to pattern our lives on the values espoused in the "Good Book"—the Bible. We live our lives making daily choices between right and wrong—again, based on the Christian concept.

What is happening in America? Is everything we were taught to believe by our parents and grandparents null and void today?

Who in the three branches of our government represents our beliefs today? None, it seems. We have a liberal majority Congress, a liberal Supreme Court, and now a liberal President and Cabinet who support life styles and issues that we were taught were wrong—softness on the use of drugs, the condoning of homosexuality, over-indulgence in pre-marital sex, the random killing of unborn children, filthy language and pornography on every corner of every town, and even a liberal-biased media running uncontrolled telling half-truths and unsubstantiated tales without recourse for those maligned by the powerful "poisoned pen". All these things make me ask, "Has Congress and Washington, D.C., become the Sodom and Gomorrah of today?"

How has the docile acceptance of these graphic changes in America's society come upon us with such fervor and devastation? What has happened to the safeguards set up by our forefathers who believed "in God we trust".

This erosion of our beliefs has left many such as I in a state of deep disillusionment to which there seems to be no end in sight—and no hopeful solution.

With no voice whatsoever in our defense, Americans today are heavily overtaxed. Still, her elected leaders seem to have no remorse for the plight of the Middle Class in this matter. Our congressional employees continue to consider more ways to tax "the hands that feed the country." Even now our Congress and our newly elected over-aggressive President are planning on more taxes—on energy, retirement, social security—perhaps even the air we breath. If their plans succeed, most retiring Americans will never live to spend the payments they made to their social security retirement plan. I suppose that is the general idea, right?

However, at the same time while middle Americans struggle to provide the bare necessities of life for their families, our elected elite drive around in limos, live in mansions, wear the most expensive clothes, dine in the very best restaurants, travel extensively, home and abroad, and manage occasionally to vote themselves an annual raise equal in one lump sum to more than most Americans make in a year. This leads to my next questions, "When taxes finally kill off the 'middle class' who is going to pay for the lifestyles of our rich and famous employees in Washington, D.C.?" "Will the head of the beast be allowed to totally consume the body so that both will eventually perish?"

Nowhere in any business of which I know is it permissible for the employer (the people) to allow the employees (Congress) to decide their own raises, make all the rules, and tell the boss what he can or cannot do with his own enterprise. This system is unreliable and will fail sooner or later. The employer becomes too weak and the employee too powerful—the one who pays the bills will become bankrupt and the employee will have destroyed the very system that sustained him because he took too much for himself—giving nothing back to the system.

Any protests, such as this one, voiced against these practices are ignored by most of Congress or other leaders as to having no valid substance that should be considered. Our leaders seem to believe that those of us who hold such beliefs are uneducated, bigoted, hillbilly "rednecks" who are out of step with the "new progressive times." We highly resent such attitudes which are discriminatory. Such elitest thinking promotes further and deeper divisions of sectionalism of thought in our country. This is not good for America! We feel alienated from our own society. The real bigots are those who have the audacity to label others as bigots just because some do not feel the same way they do about issues. Is individualism in America dead? Whatever is wrong with having diverse opinions on issues? I believe it is healthy. Otherwise, are we all to become clones of one another in one giant melting pot? I hope not.

When I look at America today I see evolving a feudal system similar to the one hundreds of years ago in Europe. A system that is divided between an emerging group of non-taxed royalty, lords, and ladies, and a peasantry of poor and middle class taxpayers. The rich and powerful and the poor feeding off the blood, sweat, and tears of the overtaxed middle class. This is the same type system from which our forefathers fled to America to escape. A system of the Wasteful Wealthy elite and the Helpless Hopeless middle class. Will history repeat itself?

We, as Americans, do not want a King. We do not want a Queen! We do not want a Royal Court! We do not want royal decrees (executive orders) that have no valid representation of the masses but are only an edict from a "chosen" few who have the ear of the Royal Court and the King.

Our petition to Congress and our President is, "Do not try and force us, the forgotten generation, to live at opposite ends of the major issues with those we have hired to represent us." Our voices cry out in unison—will you hear? Our pain and unhappiness is real—Do you care?

A Madalyn Murray O'Hair of atheism can catch the ears of Congress for hours on end. A Millie Hobbs of Christianity will be heard by no one but will instead be labeled a Bible-belt redneck and bigot! Atheists in America today are touted, listened to, written up in history books and given the unlimited floor of Congress. Christians in America today are belittled, have deaf ears turned to them, are labeled fanatics, are given no credence whatsoever, and are persecuted daily by our country's leadership and the liberal media. America is definitely back in the Dark Ages where God and religion is concerned! How has this happened?

Contrary to the beliefs of some, just because we have conservative beliefs—God, country, motherhood, and "apple pie"—does not mean we are ignorant, redneck, and out of tune with these times. Believe it or not, we have some high I.Q.'s between our country ears. And all Americans do not need law degrees or any other kind, for that matter, to be able to comprehend truth from lies or right from wrong! And while we do believe in the rights of minorities, we do not want to see the rights of the majority usurped in the process. What common sense does this make? The Minority ruling the Majority? This is Democracy? If so, I, for one, don't like it! And I'm not afraid or ashamed to say so! As an American, I am entitled to my own individual beliefs and opinions, whether anyone else agrees with them or not. I have no intention of being force-fed and coerced—by those in control of the President's Office or the American Congress—to accept as my own beliefs concepts which I believe with all my heart and soul are wrong. I am not alone.

In the matter of accusations of "bigotry" being used on the hour and by the hour by Congress and the media as a "feel guilty" conscience tool for whipping down any objections one might have for special treatment of one minority group or another over the standard treatment of the majority, this tactic has been beaten into the ground and is now beginning to reap the reverse results desired.

Most Americans will acquire a normal respect for all persons because of their individual contributions to society, and their personal character, not because of an "accident of birth" or atrocities perpetrated against someone. This would be a sympathy respect without merit. The real truth is, if any person wants respect from others, he or she must earn it first on his or her own merits not because of skin color, (white, yellow, or black) sex, age, or wrongs of the past. Many individuals of different minorities have already proven this in the past—George Washington Carver, and Amelia Earhart, to name two. They did not wait on a perfected society to act. After all, who among us is wise enough to pass fair judgement? Just who receives the punishment? How long is the sentence?

There are many other issues pertaining to living in America today that I would like to address that greatly disturb me. However, I feel that what I have already written here will never be read or considered by those to whom it is being sent. I would like to think that I am still a part of an American democracy and that someone will hear my voice, but I long ago gave up that fantasy. This American has finally "stopped dreaming" and can now honestly smell the future winds that blow across this country from the direction of Washington, D.C.—"you either go along with the liberals or get lost." So, I, like many others, Am lost in America today.

In closing, I would like to again remind the members of our Congress and our new President to recall the study of past world histories, especially the Greek and Roman empires. Before the failure of these once great empires, moral decadence preceded their governments' fall.

We, of the lost generation of whom I have spoken in this letter, feel that America today is in the throngs of great moral decay. Will it become fatal to her ultimate survival? Only time and the actions of those who are her citizens, those who rule her, and those who love her will tell.

## INTERNATIONAL WOMEN'S DAY

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. MARKEY. Mr. Speaker, today, March 8, marks the observance of International Women's Day. In an effort to highlight this, I call attention to the first World Conference on Human Rights in 25 years which will be held in Vienna in June of this year. Although a final agenda has not yet been determined for the conference, there appears to be insufficient attention being given to the human rights abuses suffered by women specifically as a result of their gender.

If there was any doubt left in the minds of the world community that special forms of torture and mistreatment are created especially for women, that uncertainty must be eradicated by now through the horrible examples being given to us in Bosnia. As Nihada Kadic of the Croation women's group Tresnjevka said, "raping a woman is a message from man to man, warrior to warrior." Estimates of women who have suffered this abuse are reaching 50,000, according to Bosnian Ministry for Interior Affairs.

But crimes of rape and other violations against women are not limited to times of war. All over the world, women are used as a medium to send threats to a brother, husband, or father for his political activity. There has been little outcry by the international community. It was not until 1991 that the U.S. Department of State recognized rape as a form of torture in its human rights reports.

On July 17, 1980, the United States signed the International Convention on the Elimination of All Forms of Discrimination Against Women [Women's Convention]. This treaty provides an international standard for the treatment of women and an institutional mechanism to promote this standard. The signing of an international human rights treaty signals intent to ratify. During his administration, President Carter took the next step by submitting the treaty to the Senate Foreign Relations Committee. But sadly, no further action has since been taken.

Ratification of this Convention is significant to the United States. Despite the fact that much of U.S. law is already in compliance with the treaty, ratification is proof that U.S. commitment to human rights is sound and not limited to just within our own borders. Participation by the United States would lend significant weight to the treaty's enforcement. The United States played a major role in drafting the treaty. Now, it should stand by its commitment by ratifying it.

In the 102d Congress, the House of Representatives overwhelmingly passed House Resolution 115, calling on the President and the Senate to act on ratification of the Women's Convention without any further delay. That sentiment has not changed with the new Congress or the new administration.

It is time for the world community and the United States to recognize and defend the individual rights of women. On International Women's Day, I challenge leaders of all nations to adhere to the international human rights agreements to which they are already committed, and if they have not already done so, to take the appropriate steps to ratify and enforce the provisions of the Women's Convention.

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## EAGLE SCOUT HONORED

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Third Congressional District of Illinois who has completed a major goal in his scouting career. John Gelsomino of Riverside, IL, will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. During his years of Scouting, John has been very active. As a Cub Scout, he earned all ranks up and through Arrow of Light as well as the Cub Scout religious award for Catholic Scouts—Parvuli Dei. As a Boy Scout, John worked diligently on his ranks from Tenderfoot through Life Scout in 3 years. His Eagle Scout project was completed during the month of August 1992, and was then dedicated in October 1992. To date, he has earned 22 merit badges and is presently working toward his first palm. John has actively assisted every Eagle Scout project for members of Troop No. 92 since joining, and now serves as senior patrol leader of the troop working closely with the younger scouts on their advancement projects.

In addition to his service at school, church and scouts, John has volunteered many hours of service to the village of Riverside Department of Recreation and the Riverside Chamber of Commerce. This proven commitment to his community is exceptional and serves as an example for others to follow.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring John Gelsomino for attaining the highest honor in Scouting—the rank of Eagle. Let us wish him the very best in all of his endeavors.

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## LET'S USE TOBACCO TAXES TO PAY FOR HEALTH CARE REFORM

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. ANDREWS of Texas. Mr. Speaker, today, I am introducing the Tobacco Health Tax Act. This bill will raise the cigarette excise tax to $1 per pack as a way to finance health care reform. It will raise $10 to $12 billion annually. This money would be earmarked for access to health care starting with pregnant women and children.

The Members of Congress who support this legislation represent a wide range of proposals for reforming our health care system—from managed competition to single payer. I am proud to have Congressmen PETE STARK, SANDER LEVIN, and JIM MCDERMOTT of the Ways and Means Health Subcommittee as original cosponsors. We may not agree on the best way to reform the health care system, but we agree on the best way to help pay for it: a tax on cigarettes.

The $1 tobacco tax will provide health care for over 5 million Americans. When we couple tobacco taxes with other sources, we can afford to provide universal coverage.

We know that illnesses related to cigarette smoking are responsible for approximately $24 billion of the Nation's health care bill, but the current tax on tobacco generates only $14.5 billion in revenue.

The $1 tax is just a down payment on recovering the cost of smoking—smoking costs our country $40 billion in lost productivity. We rank at the bottom among developed nations for tobacco tax rates—we should get the tobacco tax to at least $2 per pack in the near future.

A tobacco tax stops children from smoking and saves lives. Studies show that a dollar tobacco tax will save nearly 1 million lives over time and prevent more deaths than illicit drugs have caused throughout U.S. history.

Polls show strong support for tobacco taxes especially when they are tied to health care reform. It is unusual in polling for taxes to enjoy the support of 75 to 80 percent of the American public as do tobacco taxes.

The Senate companion to this legislation is sponsored by Senator BILL BRADLEY. His leadership on this issue has been outstanding.

I urge your support for this legislation.

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## NATIONAL SAFE PLACE WEEK

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. MAZZOLI. Mr. Speaker, in October of this year, 10 years will have passed since the YMCA Center for Youth Alternatives, located in my hometown of Louisville, Kentucky, established an innovative program designed to assist youth and families in crisis situations.

This novel outreach program, which is very appropriately named Project Safe Place, combines the services of youth service agencies, the business community, and a network of committed volunteers. A youth in trouble may enter a business or public location displaying the Project Safe Place logo and be assured of a secure place to wait until transportation to a youth shelter is provided.

Since its inception in 1983, 100 cities have begun Project Safe Place programs and more than 11,000 young people have been served. Moreover, intervention at the early stages of a crisis, which Project Safe Place provides, permits an opportunity for lasting problem resolution.

To commemorate the 10th anniversary of Project Safe Place, I am today introducing legislation which would designate the first week of October, 1993 as "National Safe Place Week." I invite all our colleagues to join me in recognizing this program which has been cited by both President Reagan and the National League of Cities by cosponsoring this measure. Let us signal our support for those who ensure a safe place for our Nation's children.

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## INTRODUCTION OF THE TAXPAYER PROTECTION ACT

### HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. KYL. Mr. Speaker, today, I am introducing the Taxpayer Protection Act which will prohibit agencies of the Government from extending credit or providing loans to foreign countries which are already in arrears or in default to other U.S. Government agencies.

Last year, Russia announced it could not repay the $80 billion of debt payments that it owes Western creditors, some $18 billion of which is due this year. Instead, Moscow announced it would pay no more than $2.5 billion to all of its creditors, just a fraction of what is actually due. Already Russia is $400 million in arrears to the U.S. Department of Agriculture's Commodity Credit Corporation. And, Secretary of Agriculture Mike Espy acknowledged that Russia's defaults could reach $1 billion by May. Yet, the U.S. Export-Import Bank is planning to provide Russia with additional loans—maybe as much as $5 billion. The Exim Bank is proceeding with the loans even though there is no evidence that Russia will be able to settle its account with CCC in the near future. In fact, the administration knows that Russia cannot repay all the debt it owes.

Instead of repaying debt, Russian capital is being stashed in overseas banks. So while the West loaned Russia $17 billion last year, according to the Journal of Commerce, Russia sent $10 billion abroad. One Journal analyst questioned "* * * whether the West is wasting much of the money it's spending helping the economy," and another stated, "It seems useless to put additional money into that economy."

U.S. banks would not be permitted to make a home loan or commercial loan to such an uncreditworthy borrower. What's good for loans to Americans should be good for loans to Russia or other countries; bad credit, no loan. As Americans are now being asked to sacrifice because of our public debt, I believe Congress has a responsibility to ensure American taxpayers are protected by ensuring that foreign loans/credit guarantees are made to creditworthy recipients only.

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## SPEECH BY REAR ADM. J. LLOYD ABBOT, JR.

### HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. CALLAHAN. Mr. Speaker, I have been asked by one of my constituents to share a document with my colleagues.

The speech was delivered to the Alabama Department, Military Order of the Purple Heart, on February 6, 1993, by Rear Adm. J. Lloyd Abbot, Jr., USN, retired. Admiral Abbot presented his views on the issue of homosexuals serving in the military based on his many years of experience and service in the Armed Forces.

Admiral Abbot's opinion on military issues is well respected in my district, and I urge my colleagues to take time to review his presentation.

#### SPEECH BY REAR ADM. J. LLOYD ABBOT, JR., USN, RETIRED

On June 16th, 1935, I raised my right hand and swore an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and to serve at the pleasure of the President. In other words, ten days short of my seventeenth birthday, I made a commitment for life. I've never been sorry or even had any second thoughts. Thirty-nine years after I took that oath the President's pleasure waned a bit, so I left active duty, but in retirement I've considered my obligation under the oath to be just as binding as it's always been.

During my lifetime, United States Armed Forces have faced quite a number of major crises. Among them are: World War I, World War II, The Korean War, The Viet Nam War, The Cold War, and The Gulf War, to name a few. During these same years the Armed Forces also have had to face big setbacks in funding, and in support by the government and the people. During the Great Depression, in the early thirties, there was a flat, across-the-board, 15% cut in pay and allowances. Incidentally, that cut applied to everybody on the federal payroll, including the President and members of Congress. It was accepted by all, with a minimum of grousing, because all understood the seriousness of the government's financial situation, and everybody's pay was cut. No exceptions. One wonders if we will ever have the guts to do anything like that again. During all these years, in Wartime and Peacetime, Depression and Prosperity, Popular Support and Cold Shoulder, Feast and Famine, the Armed Forces managed somehow to maintain their esprit de corps, their morale, and most important, their combat capability.

Today, February 6, 1993, I say to the Alabama Department of the Military Order of the Purple Heart that the Armed Forces of the United States face a greater crisis than any which they've faced since the nation was founded in 1776! Am I talking about runaway budget deficits? No. Am I talking about the prospect of cutting back the size of United States Military Forces to a dangerously low point? No. Am I talking about the unbelievable multi-trillion-dollar National Debt? No. Am I talking about Somalia as a Tar Baby? No. Am I talking about the tinder boxes in Iraq, in the Balkans, and various other hot spots around the world? No, because as serious as all these things are, with the quality of the leadership we have in place, and the quality of our soldiers, sailors, and airmen, and most important of all, their healthy morale and esprit de corps, none of these things prevent our residual forces from having excellent Combat Capability. This is one audience where I don't have to point out that the sole reason for existence of Military Forces is Combat Capability.

So what is this great crisis staring our Armed Forces in the face? It comes in two parts. Part one is the possibility that the Ban on admitting acknowledged homosexuals into the Military Forces of the United States may be lifted, and that it may then be impossible to discharge a person from the service solely by virtue of being an acknowledged homosexual. Part two is that the recently elected President of the United States not only is in favor of removing the ban, he's given that removal overwhelming priority at the beginning of his term of office! Even more ominous is that he apparently made up his mind to take this action without first consulting the top Uniformed Leadership of the nation. The Joint Chiefs of Staff had a meeting with him last week, but they had to ask for the meeting, he didn't send for them.

Let's look into a little more detail about acknowledged homosexuals in Military Service. Here's a piece of "Show and Tell." It's a little paperback book titled "Military Necessity and Homosexuality" by Colonel Ronald D. Ray, U.S. Marine Corps Reserve. It has a 1993 Copyright, so it's hot off the press. I judge it to be one of the most scholarly and authoritative books ever written on homosexuality in general, and homosexuals in the military in particular. The bibliography runs to 9½ pages. There are 79 book references, 38 Scientific Studies or Reports cited, 78 references to Periodicals and Newspapers, 51 Cases, Statutes, and Law Reviews, and 26 Miscellaneous References. In a word: Colonel Ray has done our homework for us! As an aside, let me say here that I don't offer this book to you as the Homosexual Gospel according to Colonel Ray. I say it's an assembly by him of material from the most authoritative sources in the country.

Now you don't have the time, and I don't have the inclination, to do a book review for you this morning. But let me share with you some parts of the book that hit me right between the eyes. In the first place, he goes into the nitty gritty of homosexual practices in graphic detail. Believe me, I was, and am, appalled. I've always had the idea that I'm a reasonably well-informed individual, and that I've realized what goes on among homosexuals, but I didn't know the half of it! It's shocking.

He also lays out military arguments for maintaining the ban on homosexuals in the Military. These range from the Unnecessary Additional Medical Risk due to AIDS, and other transmitted diseases and medical problems; to Morale and Cohesion; the Leadership Dilemma; Public Confidence; Recruiting and Retention; and finally the important questions of Character and Moral Stability. That's a very short and quick summary of what's really the guts of this question, namely: What will be the effect on readiness of a large infusion of homosexuals? Yesterday afternoon I got a haircut, and in the process discussed the above factors with my barber. He said, "Admiral, you left out maybe the most important one." I said what's that? and he said: "Pride." He said: "When I was a sailor I was proud of the men in my division and on my ship. I was proud of my Navy, and proud of my country. If you put homosexuals aboard ship, sailors are going to start being ashamed of their shipmates, and they're going to vote with their feet as soon as their enlistment expires. You can talk all you want to about training and indoctrination, but you can train and indoctrinate until you're blue in the face, and you're never going to make sailors proud of being shipmates with homosexuals."

But to find out about the devastating effect on Combat Effectiveness, from admitting acknowledged homosexuals into the military, you don't need to go to any book, all you have to do is talk to people who've had to deal with the presence of the occasional surfacing homosexual in their own experience. I'm one of those people, and I dare say there are more in this audience. Suffice it to say that the only factor which has prevented heavy inroads into morale, esprit de corps, and combat effectiveness, has been the ability heretofore given to Unit Commanders to immediately purge such surfacing homosexuals from the system.

Some of the arguments put forward by the Homosexual Movement for removing the ban don't hold water. One of these arguments is that banning homosexuals is a violation of their Constitutional Rights, and that they must be treated exactly as other minority groups in their quest for non-discrimination. As Senator Sam Nunn said so eloquently Wednesday morning on television, the Military Services are not a democracy. When a person is sworn in to the service, he or she surrenders a significant number of Constitutional Rights. A lady named Jean Yarborough said it much better than I can, and I quote:

"The military simply must not and need not adhere to the same rules as civilian employment. Although the military defends the principles of democratic society, it cannot fully embody them. Its end is victory, not equity; its virtue is courage, not justice; its structure is authoritarian, not pluralistic."

That part of the Homosexual Movement's argument which says they're just like women and blacks, as far as minority group status is concerned, is especially flawed. Women and blacks are entitled to non-discrimination as people, whereas homosexuals must continue to be banned because of their sexual practices. There's something very normal and natural about being a women or being a black. There's something very abnormal and unnatural about being a homosexual.

Another flawed part of the Homosexual Movement's argument is their claim that 10% of the U.S. population is made up of homosexuals. If one rounds off the U.S. population at 250 million, that would yield 25 million homosexuals. I don't believe that, do you? There are many studies in existence, both at home and abroad, all of which put the percentage of homosexuals at only a small fraction of 10%. But the fact of the matter is that there has been no broad-based universally accepted study which establishes authoritatively a percentage of "practicing homosexuals." I use the term "practicing homosexuals" because some studies count anyone who has had at least one homosexual experience, whereas other studies have shown that only a small percentage of those who have had only one homosexual experience eventually become practicing homosexuals. Suffice it to say that it's the "practicing homosexuals" who are generating all the heat about "Gay Rights," and their percentage of the population is most likely somewhere between 1% and 2%. If one takes his study sample of 6,000 males from certain blocks in San Francisco, the homosexual percentage will approach 100%. If, instead, the study sample of 6,000 males is taken aboard a United States carrier in the Persian Gulf, the homosexual percentage will approach 0%. Thank Goodness for that!

Now I turn to the question of how I resolve my firmly held conviction in this matter with the teachings of my church. This past Sunday our Curate directed us to turn to the page in the Prayer Book called the "Baptismal Covenant." He repeated some of the Covenants, and the congregation responded. The last Covenant is "Will you strive for justice and peace among all people, and respect the dignity of every human being?" Along with the rest of the congregation I replied "I will, with God's help." So what it is: I respect the dignity of every homosexual as a human being, but I reject his sexual practices.

Finally, how do I resolve the possible conflict between my oath of office, and the words in this speech, which are contrary to the desires of my Commander in Chief? The answer is that, if the President is determined to shoot the nation in the foot, I must put the long glass to my blind eye and do what I can to stop him!

Ladies and Gentlemen, I thank you for your attention this morning, and hope you're motivated to do something about the crisis. Here's what you can do: (1) Get yourself informed. (2) Enter the Debate. (3) Then communicate with all your elected officials, including the President!

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# THE HIGH COST OF CAPITAL PUNISHMENT

## HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 8, 1993*

Mr. CLAY. Mr. Speaker, I have gone on record many times as adamantly opposed to capital punishment because I believe it is a sadistic and uncivil form of punishment that does not accomplish the purported objective of crime deterrence. However, a more portentious argument is that an innocent person could be sentenced to death, as was almost the case in Alabama.

I would like to share the following article from the March 3, 1993, edition of the New York Times with my colleagues who support capital punishment and who do not feel that the possibility of sentencing an innocent person is reason enough to ban capital punishment in the United States.

### BLACK MAN FREED AFTER YEARS ON DEATH ROW IN ALABAMA

(By Peter Applebome)

BAY MINETTE, AL, March 2.—Walter McMillian walked out of a courtroom here today a free man after prosecutors conceded that he had spent six years awaiting execution on Alabama's Death Row because of perjured testimony and evidence withheld from his lawyers.

Whether he was also put there for being a black man who violated the racial and sexual taboos of the small-town South is only one of the issues swirling around a case that has evoked not only distinctly Southern but also far broader questions of race and justice.

Almost everything about Mr. McMillian's conviction in 1987 for the shooting death of an 18-year-old white female store clerk now seems extraordinary. From the start, the case was enveloped in a volatile mixture of race and sex stemming from Mr. McMillian's involvement with a white woman. Mr. McMillian, who is 46 years old, was locked up on Death Row even before he was tried. The state built a case on suspect testimony and withheld crucial evidence that called that testimony into question.

#### LESSONS TO LEARN

In the end, it was a decision by the trial judge, Robert E. Lee Key Jr., to treat Mr. McMillian as harshly as possible, that allowed Mr. McMillian to win his freedom. If the jury's sentence of life in prison without parole had been left in place, Mr. McMillian might have been another forgotten black inmate in an Alabama prison. But Judge Key overruled the jury and condemned Mr. McMillian to die in the electric chair. Because of the death sentence, Mr. McMillian's case was vigorously appealed, and the truth came to light.

"I think everybody needs to understand what happened because what happened today could happen tomorrow if we don't learn some lessons from this," said his lawyer, Bryan Stevenson. "It was too easy for one person to come into court and frame a man for a murder he didn't commit. It was too easy for the state to convict someone for that crime and then have him sentenced to death. And it was too hard in light of the evidence of his innocence to show this court that he should never have been here in the first place."

Mr. McMillian's case, which was given national attention last fall on the CBS News program "60 Minutes," played out in Monroeville, Ala., best known as the home of the Harper Lee, whose "To Kill a Mockingbird," told a painful story of race and justice in the small-town Jim Crow South.

To many of his defenders, Mr. McMillian's conviction for the killing seemed like an updated version of the book, in which a black man was accused of raping a white woman.

There were no immediate suspects after Ronda Morrison was murdered on the morning of Nov. 1, 1986, in a dry cleaning store. Eight months later the police, arrested Ralph Myers, a 30-year-old with a long criminal record, in connection with another killing in nearby Escambia County. After a week of grilling by police, Mr. Myers accused Mr. McMillian, a pulpwood worker, as Ms. Morrison's killer.

Mr. McMillian was arrested, and in an extraordinary move, was immediately sent to Alabama's Death Row, in Holman State Prison, Atmore, which is usually reserved for convicted murderers awaiting execution.

Mr. McMillian was convicted after a one-and-a-half-day trial on the testimony of three witnesses.

#### TESTIMONY AT TRIAL

Mr. Myers testified that Mr. McMillian asked him for a ride to the cleaning store. There, Mr. Myers said, he witnessed the murder. Another criminal suspect testified that he saw Mr. McMillian's "low rider" truck near the cleaner's and a third man implicated Mr. McMillian.

Mr. McMillian's lawyer called a dozen witnesses, who all testified he was at home the day of the murder taking part in a fish fry. But despite that testimony and the lack of physical evidence, he was found guilty.

Judge Key, citing the "vicious and brutal killing of a young lady in the first full flower of adulthood" changed the life sentence to death, as allowed under Alabama law.

Mr. McMillian, who had two jobs and no criminal record other than a misdemeanor charge stemming from a barroom fight, did not have a history of violence, but he was well known in town. Mr. McMillian, who is married with three children from his current marriage and has nine children altogether, was dating a white woman named Karen Kelly. And one of his sons had married a white woman.

#### ROOTS OF SUSPICION

Both Mr. McMillian and his lawyer at the original trial, J. L. Chestnut, contended that Mr. McMillian's relationships alone had made him a suspect.

"The only reason I'm here is because I had been messing around with a white lady and my son married a white lady," he said last week in a prison interview.

Whatever the reason, inquiries by Mr. Stevenson and by Alabama Bureau of Investigation agents have since discredited every element of the prosecution's case. All three prosecution witnesses have recanted their testimony.

Mr. Myers has said that law officers prodded him into accusing Mr. McMillian. What's more, Mr. Stevenson's investigation turned up Mr. Myers's first response to police inquiries about Mr. McMillian, in which he said he had had no knowledge of Mr. McMillian's involvement in the crime. Mr. Stevenson also turned up statements from the time of the trial in which four doctors at a forensic hospital said Mr. Myers told them he was being pressured by law officers to lie about Mr. McMillian.

None of that material was turned over to the defense at the time, as required. Finally, the lawyer found that Mr. McMillian's truck was not turned into the low rider identified by his accusers until well after the murder.

After turning down four appeals, the Alabama Court of Criminal Appeals threw out Mr. McMillian's conviction last week 5 to 0, leading to today's hearing.

The current Monroe County District Attorney, Tommy Chapman, who did not prosecute the original case, joined the defense in seeking to have the charges dismissed. But he contended there was no deliberate effort to frame Mr. McMillian.

"It just mushroomed into a horrible mistake," he said in an interview last week. "I don't want to call it that. A horrible incident."

He contended that Mr. McMillian's release proved the system worked. Neither he nor Circuit Court Judge Pamela W. Baschab offered any apology or comment on the case at the 10-minute hearing this morning.

But Mr. Stevenson said the case, coming at a time that the Supreme Court is increasingly cutting off avenues for Federal appeals, was a reminder how flawed the justice system could be. Since the case was resolved in the state courts, Mr. McMillian's case was not affected by recent decisions limiting appellants' access to the Federal courts.

Mr. Stevenson, who handles death row cases for the Alabama Capital Representation Resource Center in Montgomery, said only the death sentence allowed Mr. McMillian to receive adequate representation. And this case was unusual because the state's case proved not flimsy, but nonexistent, he said.

### INNOCENCE IS CLEAR

"The fortunate thing about Mr. McMillian's case is his innocence was demonstrable," he said. "It's clear he had nothing to do with this crime. There are other folks in prison who don't have the money or the resources or the good fortune to have folks come in and help them."

He said he would examine possible legal action on Mr. McMillian's behalf.

Mr. McMillian, who appeared in court this morning in a dark three-piece suit instead of the prison whites he has worn for six years, listened impassively as the charges were thrown out, then smiled and hugged his lawyers, Mr. Stevenson and Bernard Harcourt, before being greeted by throngs of family members and well wishers who overflowed the courtroom and waited in the halls. Outside they unfurled a makeshift banner, using his nickname, that read, "Welcome Home Johnnie D. God Never Fails."

Mr. McMillian said he had always expected this day to come, but when asked if the decision today restored his faith in the judicial system he said: "No. Not, at all."

Mr. Stevenson added: "We told the court when we were here a year ago that truth crushed to earth shall rise again. It doesn't necessarily mean we believe in the judicial system."

## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.**

**Meetings scheduled for Tuesday, March 9, 1993, may be found in the Daily Digest of today's RECORD.**

## MEETINGS SCHEDULED

### MARCH 10

9:00 a.m.

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings to review the implementation of section 507 of the Clean Air Act and approaches to delivering compliance and technical assistance to small businesses.
SD-406

9:30 a.m.

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine corruption in the professional boxing industry.
SD-342

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold joint hearings with the House Select Committee on Children, Youth and Families on youth violence issues.
SH-216

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to review Federal Reserve presidents' views on monetary policy and economic conditions.
SD-538

Commerce, Science, and Transportation
To hold hearings to examine competitiveness in the U.S. automobile industry.
SR-253

2:30 p.m.

Armed Services
To hold hearings to review the report of the Department of Defense's Defense Systems Management College Advisory Panel on streamlining and codifying the acquisition laws.
SR-222

### MARCH 11

9:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the intercity bus industry.
SR-253

9:30 a.m.

Energy and Natural Resources
To hold hearings to examine the energy needs of the People's Republic of China.
SD-366

Governmental Affairs
To hold hearings to examine methods for improving government organization and performance.
SD-342

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Transit Administration, and the General Accounting Office, focusing on transit needs.
SD-138

Foreign Relations
To hold hearings on the Treaty on Open Skies, with 12 Annexes (Treaty Doc. 102-37).
SD-430

Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S-5, Capitol

### MARCH 16

9:30 a.m.

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.
SD-366

Environment and Public Works
To hold hearings on environmental aspects of the North American Free Trade Agreement.
SD-406

### MARCH 17

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine corruption in the professional boxing industry.
SD-342

### MARCH 18

9:00 a.m.

Rules and Administration
Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.
SR-301

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD-366

### MARCH 19

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine the purposes of foreign aid in the post-cold war era.
SD-192

### MARCH 22

9:30 a.m.
Environment and Public Works
Toxic Substances, Research and Development Subcommittee
To hold hearings to examine the environmental impact of accelerated research and development in the renewable energy sector.
SD-406

### MARCH 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD-366

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on radio and television broadcast use fees on public lands, focusing on a report of the Radio and Television Broadcast Use Fee Advisory Committee.
SD-366

### MARCH 24

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD-366

### MARCH 30

9:30 a.m.
Energy and Natural Resources
To hold hearings on the science of global climate change.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-G50

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.
SD-138

### MARCH 31

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non Commissioned Officers Association. 44345 Cannon Building

### APRIL 1

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.
SD-116

### APRIL 20

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.
SD-138

### APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

### APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

### MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

### MAY 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

### MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

### MAY 13

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

### MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

### MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

### MAY 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

### JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

## POSTPONEMENTS

### MARCH 9

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on reforming the Agency for International Development's structure and goals.
SD-192

2:30 p.m.
Energy and Natural Resources
To hold oversight hearings on the status and future direction of the Department of Energy's fusion program, focusing on the Department's activities relating to the International Thermonuclear Experimental Reactor (ITER) Program.
SD-366

# SENATE—*Tuesday, March 9, 1993*

*(Legislative day of Wednesday, March 3, 1993)*

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate in its prayer of the God of our fathers will be Richard C. Halverson, Jr., the son of the Chaplain of the Senate.

Mr. Halverson, please.

## PRAYER

The Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

As we go to prayer this morning, let us take a moment of silence to remember Leslie Finn, who died suddenly and unexpectedly yesterday after being diagnosed with cancer over Christmas. Not only is she a great loss to Senator DODD, but to all of us, for she has been a mentor and great help in the Senate over the years.

Almighty God, today we beseech Thee for the salvation of our Nation. For salvation comes from Thee. Though we find much good in our land, we also know of much evil. Even our best economic solutions will not keep the ship of state from sinking without change from our growing spiritual deficit. And social progress alone is not enough to save us from moral decay.

In times like these, we humbly bring before You the prayer of Abraham for the deliverance of his city: "Lord, * * * wilt thou also destroy the righteous with the wicked? Peradventure there be fifty righteous within the city: wilt thou also destroy and not spare the place for the fifty righteous that are therein?" And You said, "If I find * * * fifty righteous within the city, then I will spare all the place for their sakes."

And Abraham answered, "Behold now, I have taken upon me to speak unto the Lord, which am but dust and ashes: Peradventure there shall lack five of the fifty righteous: wilt thou destroy all the city for lack of five?" And You said, "If I find there forty and five, I will not destroy it."

And Abraham spoke yet again, "Peradventure there shall be forty found there." And You said, "I will not do it for forty's sake." And Abraham said, "Oh let not the Lord be angry, and I will speak: Peradventure there shall thirty be found there. And You said, "I will not do it, if I find thirty there." And Abraham said, "Behold now, I have taken upon me to speak unto the Lord: Peradventure there shall be twenty found there." And You said, "I will not destroy it for twenty's sake." And Abraham said, "Oh let not the Lord be angry, and I will speak yet but this once: Peradventure ten shall be found there," And You said, "I will not destroy it for ten's sake." (Genesis 18:23–32)

Gracious Lord, God of Abraham, we pray that You will raise up in this land not just ten but tens of thousands who are righteous in Thy sight. We pray for spiritual renewal not only political reform. And we dare make this request by faith, because we are children of Abraham in whom You have blessed all nations on Earth. Through the seed of Jacob, Abraham is the father of the Jew. Through the generations of Ishmael, Abraham is the father of the Moslem. And through the lineage of Jesus, Abraham is the father of the Christian. It is in His name—the name of Jesus—that we humbly make this prayer. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

## LESLIE FINN

Mr. MITCHELL. Mr. President, we are all deeply saddened and moved by the news of the death of Leslie Finn, referred to this morning by our distinguished Chaplain. All of us who knew her knew Leslie to be an outstanding, able, active person. I met her many years ago. We both shared the experience of having worked for former Senator Muskie, and in recent years Leslie served with great distinction and energy on the staff of our colleague, Senator DODD.

In behalf of every Member of the Senate and particularly those who knew and were so fond of Leslie, I thank Reverend Halverson for his reference to her in his morning prayer. And I extend the deep regrets of every Member of the Senate to the family of Leslie Finn. We have lost a truly fine person and an outstanding public servant.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order there will be a period for morning business until 11 a.m., at which time the Senate will resume consideration of the motion to proceed to the National Voter Registration Act.

At noon, under the previous order, there will be a second vote on the motion to invoke cloture or to terminate debate on the motion to proceed. I hope very much that the Senate today will vote to invoke cloture, to permit us to begin consideration of this bill.

I think what we are experiencing now is something that very few Americans can comprehend. It is something which I addressed in my testimony to the Commission on the Reorganization of Congress last week. Under the Senate's rules, it takes 60 votes even to begin consideration of a bill. We have not had the first word of discussion on the bill itself. We have not had the first amendment on the bill. We have only been discussing whether or not to even begin consideration of the bill. And, yet, we are now in what is the third day of consideration of the motion to proceed to the bill. I hope we can do that. The rights of Senators are well protected when we get to the bill itself, and I think this is an example of what I hope will be the changes that are necessary to enable the Senate to do its business in a way that does not change the basic character of the institution nor abridge the rights of any Senator.

Mr. President, following the vote on cloture, I will have another announcement to make about the Senate schedule. It will depend, of course, in part upon the results of that vote. And I hope in the meantime to consult with the distinguished Republican leader, my colleague, as I always do on such scheduling matters.

Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The PRESIDENT pro tempore. The majority leader is correct.

## RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I now reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection the time of the two leaders under the standing order will be reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with

Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Minnesota [Mr. WELLSTONE] is recognized for not to exceed 5 minutes.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of Senate Joint Resolution 59 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized for not to exceed 5 minutes.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized for not to exceed 5 minutes.

## NO MANDATE FOR CLINTON ECONOMIC POLICY

Mr. GRAMM. Mr. President, in the last few weeks, as we have debated the Clinton economic program, I have tried to go back and put myself in the position of those who, in a similar debate in 1981, were opposed to the dramatic changes that they were seeing in Government policy. I have been struck, Mr. President, by how unparallel that comparison is.

I would like to talk very briefly this morning about the difference between the dramatic change in public policy implemented in 1981 and the dramatic change in public policy that is contemplated today and which will be voted on this month in the Congress.

Mr. President, in 1980, Ronald Reagan ran for President, saying all over the country to anyone who would listen that if he was elected President he would cut domestic spending, build up defense, and cut taxes to stimulate the economy. Anybody who was not hiding under a rock in 1980 knew exactly what Ronald Reagan would do if he was elected. Not only was he elected, but he was elected by an overwhelming mandate. He came to Washington, and in 1981, in a bipartisan coalition in the House and basically Republican votes in the Senate, the President implemented his policy.

There are those who say to me today, "Why don't we give our new President the same chance we gave Ronald Reagan?" Well, let me tell you the difference. Bill Clinton has no mandate to implement the budget policy that will be considered by the Senate Budget Committee today. Bill Clinton was elected President not on a platform to raise middle-class taxes but on a platform to cut middle-class taxes. Bill Clinton was elected President not to increase domestic spending but to cut domestic spending; not to implement the old Government of the past by expanding the size and power and cost of the Federal Government but to reinvent the Federal Government.

The basic paradox of the debate, Mr. President, is that we are now debating a program that has no mandate. No one in America voted for a candidate for President who said I will raise taxes on middle-class Americans. No one in America voted for a candidate who said that, over the next 5 years, I will increase domestic spending by $833 billion. No one in America voted for a candidate who said, over the next 5 years, I will have a policy whereby revenues rise by $1.262 trillion. No one in America voted for a candidate who said I will cut defense over the next 5 years by $152 billion.

In fact, Mr. President, by an incredible paradox in an incredible set of circumstances, we are now debating a policy that not one of the three major candidates for President campaigned on, that not one voter in America voted for, and yet we are on the verge of debating and voting on a policy that will raise taxes on every working family in America, that will increase domestic spending in unprecedented proportions, that will slash defense twice as much as the candidate for office, who wants to cut defense, promised, and yet, in implementing this policy, by an incredible twist of fate, we are implementing a policy which no one voted for, which has no constituency, and which is at great variance with everything that each of us hears from back home.

I thank the Chair for its indulgence.

## A TRIBUTE TO RAYMOND BRADBURY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Raymond Bradbury, an outstanding Kentuckian who recently retired after more than four decades in the coal mining business.

It would be difficult to overestimate the importance of the coal industry to the economic health of Kentucky. Kentucky produces about 160 million tons of coal per year. That production supports 115,000 jobs and is responsible for $760 million in tax revenues to the State each year. Much of the coal mined in Kentucky is exported, contributing to our Nation's balance of payments.

It would be equally difficult to overestimate the importance of Raymond Bradbury to the coal industry.

Raymond began his mining career at the young age of 18. His dedication and commitment to hard work was soon noticed, and he became known throughout the coalfields of Kentucky as a dedicated, honest, and respected worker.

In 1969, Raymond established Martin County Coal Corp. in Martin County, KY. Over the next 24 years, Raymond built the company into one of the premier coal operations in Kentucky. The company now employs 599 people and operates four underground minesites. This year, Martin County Coal expects to produce 3.7 million tons of coal. The company ships product to markets in Virginia, North Carolina, Florida, Pennsylvania, Ohio, and Indiana, and exports coal to overseas markets.

In an industry which has been characterized by technological change, Raymond Bradbury has been a leader. He and Martin County Coal have been involved in the development of several new and innovative mining techniques. Under Raymond's direction, Martin County Coal began to use diesel-powered equipment, and all new employees at the mine were challenged with a 90-day training program. These and many other practices originated by Raymond and Martin County Coal have been adopted by mining operations around the country.

Today, I honor Raymond Bradbury for his honesty, integrity, and dedication to one of Kentucky's premier industries. Martin County Coal will surely miss him, but will continue to benefit from the imprint he left on its operations. I wish Raymond and his family health, happiness, and good fortune in the future.

Mr. President, I request that my statement and an accompanying article from the Martin County Mountain Citizen be submitted in today's CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### BRADBURY RETIRES FROM MCC

(By Michael Sisco)

COLDWATER.—After more than four decades in the coal mining business, more than 23 of those years at the helm of Martin County Coal, Raymond Bradbury announced last week that he is retiring.

"It's time to move on," he said. "It's time to turn it over to the younger guys."

The younger guys should take some notes.

Bradbury, the son of English immigrants who moved to the U.S. in 1928, has seen much and is more than willing to share what he knows. His father, who worked in the mines as a first aid instructor and equipment demonstrator (at an annual salary of $2,400), gave a young Raymond the opportunity to find out for himself if he wanted to pursue a career in the mining business (Bradbury had considered practicing medicine).

So, during the summer of his 18th year, while most other teenagers were having a fun summer, Bradbury began work on the night shift, loading coal by hand. Surprisingly enough, he liked it, and quickly made a name for himself as an honest, dedicated worker, someone who commanded respect.

In 1969, A.T. Massey offered Bradbury the opportunity to establish a fledgling mine to be called Martin County Coal. Bradbury accepted Massey's offer, and in two short years, MCC had hired its first 40 employees and began their first underground operation. The young mine excavated more than 572,000 tons of coal the first year, and by January 1972, the company had opened its first surface operation, and began running coal on schedule. By March 1, MCC loaded its first train of coal.

Under Bradbury's direction, MCC grew large enough to employ 599 people ("regrettably, we never were able to hire the 600th person," Bradbury said), operating four underground mine sites, furnishing Duke Power Company (MCC's primary customer) with over 2,000,000 tons of coal annually. Bradbury saw to it that MCC was a pioneer in the mining industry, using diesel-powered equipment underground (a system that was quickly adopted around the country), and ensuring that every employee went through a 90-day apprenticeship training program.

Bradbury's legacy with MCC was not without some sadness. He experienced first-hand the waning of the "coal boom" and the layoffs of 1983 and 1988.

"Even though we're in this business to make a profit, any time you have to reduce personnel, especially in an operation like ours, where you know each employee personally, it hurts," he said.

Bradbury's retirement seems to have come at a time of rebirth for MCC, as the company will soon break the 3 billion ton mark. As with any company that has operated with one person at the forefront, MCC reflects aspects of Bradbury's personality.

"Integrity, honesty, organization, and a team concept. I hope that I have had some influence in the development of these attributes," Bradbury said.

Bradbury stresses that even though he will no longer be a part of the MCC team, people have no reason to fear the company's destiny.

"I'm leaving this in the very capable hands of Larry Jones," he said.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,211,535,077,254.48 as of the close of business on Friday, March 5.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display or irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,396.29—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself

## FORMER U.S. SENATE PAGE (1977) EDITOR OF AWARD-WINNING PAPER

Mr. HELMS. Mr. President, having been in the Senate for awhile, I have seen a great many young people come and go—particularly the young men and women who have served as Senate pages. I still hear from former Senate pages who were here when I came to the Senate in January 1973.

They are now married with families of their own. They are successful in business, or one of the professions. Some are schoolteachers. All are good citizens—as I knew they would be when they were among us, going to the Page School at 6:15 a.m., then coming to the Senate Chamber to perform their duties often until late hours at night.

It has been thus every year. These are remarkable and impressive young Americans—every year's group is excellent, and this year's Senate pages are especially impressive.

Mr. President, as I have indicated, I try to keep track of as many of these young people as possible when they have finished their time as Senate pages. For example, back in 1977, a young fellow named Bart Adams came up from North Carolina to serve as a Senate page. Dot Helms and I have known Bart's parents for nearly 50 years, so my special interest in Bart is perhaps understandable.

Bart enjoyed being a part of the Senate; he took pains to learn as much as possible about the Senate as an institution. He read books on the history of the Senate. More than once, it has occurred to me that Bart Adams might one day return to Washington as U.S. Senator Bart Adams.

And he may. Already it stands him in good stead that he served a summer as an intern with the Heritage Foundation, for today he is a young man who understands the miracle of America; he is aware of the spiritual motivation of the Founding Fathers who knew that there was a Creator guiding their decisions and actions.

Let me hasten to my point: Today, Bart Adams is editor of a fine newspaper in his hometown of Dunn, NC. It is an award-winning daily newspaper that has been recognized by the North Carolina Press Association for its excellence and professionalism.

A few weeks ago, the Dunn Daily Record was recognized for its public service—the most prestigious category of competition. And while the Dunn Daily Record is nowhere near the size of the daily newspapers in Charlotte and Greensboro, there the Daily Record was, right there with the two much larger newspapers in terms of recognition by the N.C. Press Association.

A year ago, Mr. President, the Daily Record won the NCPA's first place for investigative reporting. But the recognition this year was even more significant and meaningful.

Entries were judged by Robert Kieckhefer and members of his staff at the Chicago Bureau of United Press International. In designating the Daily Record as a winner, Mr. Kieckhefer said:

> There is truly some outstanding work in this entry. And it is clear from the copy that this newspaper (The Dunn Daily Record) is enthusiastically pursuing its mission to clean up local government. We love enthusiasm. * * * These people proved they know how.

So, Mr. President, former Senate page Bart Adams has shown that he has the stuff to provide strong, effective leadership. His excellent, but fairly small, staff is top-flight—Lisa Farmer, for one example, who is managing editor of the Daily Record.

Watching all of this with understandable pride, of course, are Bart's parents, Hoover and Mellicent Adams. They just happen to be the folks who founded the Dunn Daily Record back in the 1950s. A lot of their friends feared at the time that they could not make it—but with sacrifice and hard work they did. And today, the Dunn Daily Record is the pride of its community.

Hoover and Mel Adams modestly disclaim credit for the success of the newspaper they founded. But, Mr. President, those of us who know the true story will testify that because their newspaper was founded on honest and courageous principles, it is today a tremendous success. Hoover and Mel Adams were the folks who decided what those principles would be.

Which speaks well for them, and for their son, Bart.

## INDEPENDENT COUNSEL STATUTE

Mr. DOLE. Mr. President, later this year, Congress will decide whether or not to reauthorize the Independent Counsel Act.

Judge Robert Bork has recently written a compelling article for Commentary magazine that outlines the history of the act and its potential for abuse. He specifically points out how an independent counsel like Lawrence Walsh, accountable to no one and unrestrained by budget concerns, is capable of irreparably damaging the good reputations of hard-working public servants and their families. As Judge Bork writes:

> The independent counsel is set up with an unlimited budget to investigate one person or a small group of persons. The job, moreover, offers a chance to become a national figure, but only if scalps are taken. The independent-counsel statute, therefore, has built into it the certainty of pain and injustice to many innocent people.

Judge Bork also points out that Walsh's public accusation that former President George Bush was engaged in a cover-up and that he was the subject of an investigation would be highly inappropriate, and perhaps punishable under the code of professional ethics, if made by a regular prosecutor.

I urge my colleagues to read Judge Bork's article when the Senate begins its consideration of the Independent Counsel Act's reauthorization.

Mr. President, I ask unanimous consent that the full text of the article be inserted into the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### AGAINST THE INDEPENDENT COUNSEL

(By Robert H. Bork)[1]

For almost fifteen years America has experimented with a second and separate system of criminal-law enforcement. The Ethics in Government Act of 1978 created court-appointed independent counsels, placed outside the control of the President and the Attorney General, to investigate and, where possible, prosecute certain high-ranking executive-branch officials. Members of Congress and the judiciary were exempted. The statutory authorization for the Office of Independent Counsel expired this past December, but as a result of the pardons George Bush extended on Christmas Eve to six former officials involved in the Iran-contra affair, the chances that Congress and President Bill Clinton will revive the law seem to have increased. They should first study the record, which has been abominable.

The conventional wisdom, echoed on almost all editorial pages, holds that an independent counsel is essential because the Department of Justice cannot be trusted to prosecute miscreants in the executive branch. The conventional wisdom is wrong. The real effect and, to a large extent, the purpose of a special-prosecutor law has little to do with the Department of Justice cover-ups.

"If the institution of the American presidency has grown enfeebled over the past two decades," Suzanne Garment of the American Enterprise Institute writes,

"It is not only because of battles with its opponents over policies or institutional prerogatives. Its adversaries have also waged a crucial and more or less continuous attack on the underlying moral legitimacy of the office, its occupants, and the President's allies in the executive branch."

A spearhead in the assault on the moral legitimacy, and hence the effectiveness, of the presidency has been the independent-counsel statute. The statute has helped tilt the balance between the executive and legislative branches and has, as a result of the prosecutorial incentives it created, produced savage injustices to individuals. All of this is to cure a problem that does not exist.

Two instances routinely cited as showing the need for an independent prosecutor are the Department of Justice's handling of the cases of Spiro Agnew and Richard Nixon. If those two examples do not withstand scrutiny, the argument for a new statute collapses, because there could hardly be greater tests of the Department's capacity than its handling of the wrongdoing of a President and a Vice President. As Solicitor General at the time, I participated in both matters and claim some knowledge of what took place.

In the summer of 1973, George Beall, the United States Attorney for Maryland, discovered that Spiro Agnew had taken bribes when Governor of Maryland and had continued to receive payments while Vice President. Beall informed Attorney General Elliot Richardson. There can be few more startling and unhappy messages for an Attorney General to receive, but Richardson informed President Nixon, had a grand jury investigate Agnew, and ultimately indicted him. After Agnew's attorneys and I exchanged briefs on the constitutionality of indicting him before he was removed from office by conviction on impeachment, he plea-bargained, confessed his guilt, and resigned the vice presidency.

Though the Department of Justice thus demonstrated that it could remove an incumbent Vice President, some critics apparently believe that Agnew was treated too leniently, that he should have been sent to prison. That option, however, was not available. The Watergate investigation was closing in on Richard Nixon, and Richardson thought it would be devastating to the nation if the President were defending an impeachment trial while the Vice President was a criminal defendant. Agnew used that as a bargaining chip and the deal was struck to be rid of him so that a new Vice President could be in office if Nixon should be impeached. That seemed to me then, and seems to me now, the only responsible course for Richardson to have taken.

The prime exhibit in the argument of those who want an independent counsel, however, is Watergate and what came to be called the Saturday Night Massacre. In fact, those episodes have been thoroughly misunderstood.

The initial investigation of the break-in at the Watergate complex was conducted by Earl Silbert and his colleagues in the Office of the U.S. Attorney for the District of Columbia. The facts unearthed caused Silbert to order research on the constitutionality of indicting the President before he was removed from office by conviction on impeachment. He also issued a wide-ranging subpoena for White House documents. Silbert and his colleagues were ready to make the case against Nixon and his aides, but Elliot Richardson had just been nominated by Nixon for the post of Attorney General, and the Senate Judiciary Committee conditioned confirmation on Richardson's agreement to appoint a special prosecutor. Richardson chose his old law-school professor, Archibald Cox. Silbert gave Cox about 90 typewritten pages outlining the conspiracy and the evidence. More work remained to be done, but the essential outline of the case was there. Watergate would have played out about the way it did had the U.S. Attorney's Office been allowed to continue.

Though there was no need for a special prosecutor to deal with Watergate, it was politically inevitable that one would be named. But there might not have been a further demand for a special prosecutor removed from all executive-branch control had it not been for the Saturday Night Massacre (that is, Nixon's firing of Cox, together with the resignations it triggered). For almost 200 years, the public and Congress had been satisfied with what Terry Eastland of the Ethics and Public Policy Center calls the "politics of ethics."[2] The instruments of that politics included investigation and prosecution by the Department of Justice or by special prosecutors brought in for single occasions; congressional investigation; impeachment; clamor in the press; and, most effective, public reaction that determined the political future of those involved in wrongdoing.

The Cox firing changed all that. Although Cox was a man of integrity and ability, Richardson made a mistake in naming him special prosecutor. Nixon was immediately convinced that the investigation would be partisan because Cox was a long-time ally of Nixon's despised and feared political enemy, Senator Edward Kennedy. To compound matters, Cox made the politically maladroit move of taking the oath of office with the Kennedy family in attendance. The newspaper accounts and photographs of that event magnified White House paranoia.

Actually, Cox's behavior as special prosecutor did not warrant distrust. Any prosecutor, on learning of the existence of the tapes Nixon had secretly made, was bound to seek them, by subpoena if necessary. Cox did just that, and panic rolled over the White House. Richardson and the President's top defense lawyers attended a meeting in the office of Alexander Haig, Nixon's chief of staff, to decide what to do about the subpoena. The answer was in two parts. The first was to offer the "Stennis compromise." Senator John Stennis would listen to the subpoenaed tapes and produce a transcript from which national-security matters were deleted. The second part was to give Cox an order to seek no further tapes.

It is surprising that no one at the meeting realized this was a prescription for disaster. It should have been obvious that Cox could not accept either the compromise or the order. To do so would have been to betray his responsibilities. It should also have been clear that Richardson, given his commitment to the Senate Judiciary Committee, could not fire Cox for refusing the order. Apparently neither of these things was thought through, and once the order was given, the Saturday Night Massacre became inevitable.

Cox predictably refused and explained his decision on national television. Though

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[1] Robert H. Bork is John M. Olin Scholar in Legal Studies at the American Enterprise Institute and the author of "The Tempting of America: The Political Seduction of the Law."

[2] "Ethics, Politics, and the Independent Counsel: Executive Power, Executive Vice 1789-1989," National Legal Center for the Public Interest (1989). This is the best scholarly analysis I know of concerning the great deficiencies of the independent-counsel system.

Cox's decision was correct. Nixon now had to fire him: no President can afford to be faced down in public by a subordinate member of the executive branch. Richardson and the Deputy Attorney General would not carry out the firing and departed. I was the third and last in the line of succession established by Department regulations, and I discharged Cox. Had I not done so, the President would have named an Acting Attorney General from outside the Department who would have discharged Cox and perhaps his entire staff. That would have caused mass resignations in the Department of Justice. As it was, I explained the situation to the top officers of the Department and no one resigned.

Whatever the motivation behind the order to Cox, his firing had nothing to do with any attempt to stop the investigation. No one at the White House suggested that I interfere with the investigation in any way. When I met with Nixon after signing the letter removing Cox from office, the President understood that the investigation would continue and said only that he wanted "a prosecution, not a persecution." Cox's deputies and staff remained in place and, as they noted in their final report, did not miss a day's work.

It is partly my fault that the "firestorm," and hence the demand for a court-appointed prosecutor, followed. When I left the White House that night, I should have held a press conference to explain that only Cox was going and his staff would continue as before. That would have countered the impression that a coup was being attempted. I was new to Washington, however, and a press conference never crossed my mind, nor did anyone suggest the idea. That mistake aside, however, the Department of Justice had nothing to apologize for in its handling of Watergate or the Saturday Night Massacre.

In the Nixon and Agnew cases, no one at the main Department of Justice or in the United States Attorneys' Offices was tempted to ignore the evidence in order to protect the President or the Vice President. It may be objected that the nation cannot rely upon always having persons of integrity in those positions. But anyone familiar with institutions such as the Department of Justice or a U.S. Attorney's Office will realize that there are other safeguards.

Let us suppose that in the Nixon or the Agnew affair either or both the U.S. Attorney and the Attorney General had been men of less exacting ethical standards. They would have found it impossible to suppress the evidence. High-ranking law-enforcement officials do not go about detecting crime on their own. Evidence is brought to them by others. The facts are known to lower-level prosecutors, FBI agents, often to a grand jury. These are people of professional integrity who also possess keen instincts of self-preservation. They will not be associated with a cover-up, and cannot afford to be. Nor need they have the courage to go public. They have connections with Congress, the press, and public-interest organizations. If an Attorney General had tried to protect Nixon or Agnew, that fact would have been leaked at once. The more spectacular a case is, the higher it reaches into the executive branch, the less willing is anybody to be connected in any way with a cover-up or even the suspicion of one.

Richard Nixon's presidency was doomed from the moment the investigation started, and it really did not matter whether the U.S. Attorney's Office, Cox, or his successor, Leon Jaworski, was in charge. The Watergate investigation could not have been avoided, and once started, it could not have been stopped. There is simply no danger that any criminal violation by a high-ranking official in the executive branch will be hidden by the Department of Justice. Though the fact has been overwhelmed by the mythology of Watergate and the Saturday Night Massacre, there is no case in our history in which the Department failed in its duty to prosecute executive-branch wrongdoing.[3]

That is one reason I testified to both the Senate and House Judiciary Committees in 1973, very shortly after the firing of Cox, that a mechanism for obtaining court-appointed special prosecutors was unnecessary as well as unconstitutional, and that I would therefore recommend to the President that he veto any bill seeking to establish such an office.

No bill was passed, and we escaped the predictable horrors of the institution, until Jimmy Carter became President and supported such a measure. Carter's Attorney General, Griffin Bell, understood the evil of the scheme but loyally backed his President. Since Carter left office, Bell, freed of his commitment, has consistently argued against the legislation.

The independent-counsel statute went through several versions but all versions displayed the features that make the law a recipe for irresponsibility, injustice, and the deformation of the constitutional balance between the legislative and executive branches.

In the Office of the Independent Counsel, Congress created, for the first time in our history, a federal prosecutor who is not really responsible to anyone. Under this statute, when the Attorney General receives allegations of criminal behavior by a high-ranking executive-branch official he must make an inquiry, but he is now deprived of most means of investigation. Unless, thus handicapped by the statute, he can determine that there are no reasonable grounds to believe that further investigation is warranted, he must ask the court to appoint an independent counsel. If a designated number of members of the Judiciary Committee of either House requests an independent counsel, the Attorney General must either agree or submit a report to Congress explaining his negative decision. In short, despite the Constitution's commitment of law enforcement to the President, he and his Attorney General are effectively stripped of that function in cases covered by the statute.

To make matters worse, when an independent counsel finishes his assignment, he must file a report with the court "setting forth fully and completely" a description of his work, the disposition of all cases brought, and his reasons for not prosecuting any matter. The court may then release the report, or such portions of it as it deems appropriate. No regular prosecutor would make public his reasons for not indicting, but the release of the special counsel's report can result in considerable embarrassment to the persons involved.

It is hardly surprising that such a statute is subject to abuse and that lawyers of great distinction have thought it unconstitutional. Thus, in the case of *Morrison* v. *Olson*, former Attorneys General Edward Levi, Griffin Bell, and William French Smith, who served, respectively, under Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan, submitted a brief amicus curiae asking the Supreme Court to invalidate the law. It is a great pity that the Court did not follow their recommendation.

*Morrison* v. *Olson* was a classic use of the independent-counsel statute to weaken the presidency by punishing an executive-branch official for carrying out his duties. A committee of the House demanded files of cases the Department of Justice and the Environmental Protection Agency were investigating or prosecuting. No law-enforcement officer could properly reveal that information. On the advice of the Department of Justice, President Reagan refused disclosure. The committee, enraged at this display of responsibility, asked the House Judiciary Committee to investigate the role of the Department in advising the President.

The Judiciary Committee subpoenaed all the memoranda prepared by Justice in advising the President and called Theodore Olson, the Assistant Attorney General responsible for giving legal advice to the Attorney General and the President. Some materials had been produced and a file search was continuing. Olson said he did not recall whether certain documents existed. Later they were found and produced to the committee.

Still, the committee was angered by Olson's forthright defense of the President's law-enforcement powers. On one occasion, the committee demanded any handwritten notes the Department's lawyers might have made in preparing their advice. Olson replied that he was sure the committee could arrange an exchange of those notes for the handwritten notes of the committee's staffers. One member rose, slammed the file down, and said that was the most outrageous remark he had ever heard.

The hearings were so inconsequential that they were not even published. But over two years later, the committee delivered a 3,100-page report accusing Olson of making false statements to Congress when—to cite one instance—he said he could not recall documents that were later produced. Alexia Morrison was appointed independent counsel and Olson's travails began.

Within six months, in seeking unsuccessfully to expand her jurisdiction to others, Morrison stated that, standing alone, Olson's testimony probably did not violate any criminal statute. Nevertheless, she took almost three years before she announced that there was no case against him.

In the course of these proceedings, Olson challenged a subpoena on the grounds that the independent-counsel statute was unconstitutional. He lost, but in upholding the constitutionality of the law, the Supreme Court created a number of constitutional anomalies that the Founders certainly never contemplated.

One of the most serious is to involve Congress in law enforcement directed at the executive branch. The Constitution protects members of Congress from executive-branch prosecution through the Speech and Debate Clause which makes them legally immune for anything said or written in the course of their duties. No such constitutional protection was thought necessary for the executive branch because it was given control of prosecutions. But now the Court has allowed prosecutions of the executive branch that are effectively initiated by Congress. That is not quite a bill of attainder, but it is a lot closer than the Constitution, properly interpreted, allows. The unfortunate outcome of *Morrison* v. *Olson* leaves the executive branch largely defenseless against this sort of assault. The power to pardon is one of the few shields the President has left.

Though Chief Justice Rehnquist's *Morrison* opinion was unpersuasive, only Justice

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[3] Charges are being made that an exception to this rule is the BNL case. As yet, however, these charges are unproven.

Scalia dissented, so it is clear that hopes for the law's permanent demise rest not with the Court but with the wisdom and good will of Congress. Given the use Congress has made of the law in the past, the prospect is bleak.

In addition to everything else that is wrong with it, the institution of the independent counsel damages lives and reputations in ways that few regular prosecutors ever could or would. The human as well as the institutional costs are described rivetingly by Elliott Abrams in "Undue Process: A Story of How Political Differences Are Turned Into Crimes."[4]

When he left the State Department in 1989 after serving there in a variety of positions since 1981, Abrams intended to write a book, but this is not the one he planned. Abram's last job at State was Assistant Secretary for Inter-American Affairs. Among his many duties was carrying out Ronald Reagan's policy of keeping the Nicaraguan contras a viable force against the Sandinistas. That involved him in two wars:

"A guerrilla war in Central America, and an almost equally violent political war about Central America between the Reagan administration and the Democratic-controlled Congress."

In the fall of 1986, the Iran-contra affair exploded and Abrams was called to testify before Congress, the Tower Commission, and a grand jury about the nature of U.S. support for the contras. An independent counsel, Lawrence Walsh, had also been appointed to investigate Iran-contra. He and his staff interviewed Abrams endlessly and took him before the grand jury three times. In early 1988, he was told that the Office of the Independent Counsel believed his statements, and he heard no more about the matter.

Until 1991. Taking into account everything else we now know about that Office, it seems too much of a coincidence that the prosecutors' interest in Abrams should have reawakened right after they lost the case against their most famous target, Oliver North, and when all indications were that they would also lose their other most important case—the one against John Poindexter. After all, they had no information about Abrams they had not had three-and-one-half years earlier.

The supposition that Walsh and his staff went after Abrams because they badly needed trophies to justify their existence is strengthened by the absurdity of the misdemeanor charges they leveled against him. The first was that he knew North had been encouraging a private supply network to support the contras when he, Abrams, had testified to the Senate Foreign Relations Committee that the United States government was not involved with that network. But there was never any secret about the fact of encouragement. Abrams thought he was talking about illegal operational involvement.

The second charge was that when asked by a House committee whether any foreign government was helping the contras, Abrams had said none was, although he knew that funds not yet delivered had been promised by the Sultan of Brunei (who had asked for, and received, pledges of absolute secrecy from our government). Subsequently he made the same denial to a Senate committee, but ten days later, feeling that the denial, while literally true, might have been a bit too close to the line, he went back and informed the Senate committee. The independent counsel charged him with withholding evidence from the House committee.

The answers Abrams gave were not prepared in advance; they were spontaneous responses to hostile questioning. Five years later, equally hostile prosecutors scrutinized every nuance, like lawyers examining a stock prospectus, to see if something, anything, could be said to have been withheld. They had picked their man and had only to imagine a crime. Indeed, a former member of Walsh's team, Jeffrey Toobin, wrote a book disclosing the team's eagerness to prosecute Abrams and their disappointment that they had not found sufficient evidence. Walsh rejoined: "He [Toobin] missed his target. He was supposed to get Abrams. We hit the target after he left."

If the charges were based on prosecutorial hair-splitting, why did Abrams plead guilty to these two misdemeanor counts? There was the prospect of another two years of agony for himself, his wife, and his children and of an estimated $1 million in legal fees that would have drained his and his relatives' savings and left him in debt. But the greatest pressure was the threat that the independent counsel would file an indictment charging multiple felonies in the expectation that the jury would compromise by acquitting him of most but convicting him of one or two. That would mean time in prison as well as disbarment as an attorney.

Abrams was right to fear that outcome. Judge Learned Hand once said that above almost all things, he would dread having his fate in the hands of a jury. The misdemeanor pleas allowed Abrams and his family to resume their lives. It was an eminently sensible decision. Walsh's office offered Clair George, a high CIA officer, the misdemeanor route. George rejected it, was then indicted on seven felony counts, and ultimately convicted of two of them. Later, Walsh's office offered former Secretary of Defense Caspar Weinberger the chance to plead guilty to a misdemeanor with no jail time, in return, according to Weinberger, for implicating Ronald Reagan. Weinberger rejected the offer and Walsh indicted him on five felony charges.

Of course, it is clear that Walsh and his staff wanted bigger game than Elliott Abrams. They repeatedly tried to get him to implicate an aide to George Bush, "trying [to] start something up that would end in impeaching the President." They were also eager to get former Secretary of State George Shultz. Walsh has now made it clear that his office is still trying to get Bush.

Weinberger's case was awaiting trial when Bush pardoned him, as well as George, Abrams, and three other former officials involved in Iran-contra. Angered at the escape of his prey, Walsh accused Bush of a "cover-up" and stated that the lame-duck President was a "subject" of investigation. These are remarks that would be highly inappropriate, and perhaps punishable under the code of professional ethics, if made by a regular prosecutor. They are no less so when flung out by an independent counsel.

Walsh's fury is not hard to understand. For, having set out to uncover a conspiracy, and to prosecute for real crimes, his office has ended up—after spending six years and $35 million—with a record that ranges from poor to disastrous, prosecuting people for not being sufficiently forth-coming. If they could add a former President or Secretary of State to their game bag, they seem to feel, at least something might be retrieved.

In the process, Walsh's prosecutorial team has behaved in ways more morally questionable than did their victims. Walsh's chief deputy, Craig Gillen, in writing to the probation officer who was preparing a recommendation to the judge who would sentence Abrams, both withheld information and made an allegation the prosecutors knew to be false. Not only did the letter give the impression that Abrams had initiated the idea of soliciting third countries for contra support—ignoring that President Reagan had made that decision and that Secretary Shultz had authorized every action taken; Gillen also said that Abrams went to London under an assumed name to meet the Sultan of Brunei's representative, when the prosecutors had numerous documents that showed he had traveled under his own name. As meticulous as Gillen and the others had been in analyzing every detail to "get" Abrams, it passes belief that this letter, designed to influence the sentence, could have been the result of an oversight.

The lessons of Elliott Abrams' book are several. Some independent counsels have performed their tasks admirably. But the incentives the statute creates ensure that others will bring prosecutions that no regular prosecutor would bring, and that never should be brought. The independent counsel is set up with an unlimited budget to investigate one person or a small group of persons. The job, moreover, offers the chance to become a national figure, but only if scalps are taken. The independent-counsel statute, therefore, has built into it the certainty of pain and injustice to many innocent people. Abrams and his family are only one example.

The main problem, however, is that the independent counsel is accountable to no one. Four days before the 1992 presidential election, Walsh filed a second indictment of former Secretary of Defense Caspar Weinberger, which included a note suggesting that George Bush knew more about Iran-contra than he had admitted. The judge dismissed the new count as barred by the statute of limitations. The point of the charge was that Weinberger had kept notes he did not disclose and so it was wholly unnecessary to include that particular note. Moreover, the prosecutors can count as well as the judge, and their theory of why the new count was timely was implausible, so they must have known when they filed the indictment that the charge would likely be dismissed. Any regular prosecutor, accountable to a superior, would undoubtedly be called on the carpet, and probably discharged, for what looks remarkably like a partisan attempt to influence the outcome of a presidential election. So far as is known, no action is being taken against Walsh.

The independent-counsel law, however, has achieved its main objective: undermining the legitimacy and efficiency of the executive branch. Abrams, for example, advises officials of that branch to take no notes. Years later, you may not remember what certain phrases in your notes meant, but the independent counsel will be able to suggest sinister implications. Caspar Weinberger would probably give the same advice. Officials will undoubtedly be less energetic in asserting the President's interests and powers before Congress, even when they would be absolutely correct to do so. One wonders how resolute the next Theodore Olson will be.

Except for George Bush's pardons, Presidents themselves have been loath to stand up to the independent-counsel system. Abrams felt he was abandoned by Ronald Reagan and his administration. The State Department's lawyers may assist an official in an investigation of his official conduct until it is clear that he is targeted for indictment, but, at Walsh's insistence, those lawyers were ordered not to assist Abrams in connection with the independent counsel's inquiries even while Abrams was an Assistant Secretary and not targeted. It is not surprising that he speaks contemptuously of "Reagan-administration officials who had gone on to their glory and had left me and a few others out there on the beach to take the incoming fire." It has been observed before that the Reagan administration demanded loyalty up but did not practice loyalty down. The question is not merely one of loyalty to subordinates and behaving honorably oneself; by cutting the lifelines to people like Abrams, the Reagan administration made it likely that future Presidents will get less loyalty up and more subordinates whose primary concern is their own skins.

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[4] Free Press, 243 pp., $22.95.

The subtitle of Abrams' book alleges that political differences were turned into crimes. It is difficult to disagree. The charges against him were for statements of a kind that had never before been made criminal. Abrams' real offense was battling for Reagan's policies against a Congress that kept changing its attitudes but often favored the Sandinistas over the contras. Worse, he was intelligent, tough, and self-confident—qualities which, though they annoy some Congressmen, are not usually regarded as criminal. As the Abrams, Olson, and Weinberger cases show, in operation the independent-counsel statute has criminalized political differences, but the only "criminals" it has turned up have been, as Congress intended, in the executive branch. If the law is reenacted, that will not be because Congress has not understood what it has seen; it will be because Congress likes what it has seen.

## MIX 'N' MATCH SOLUTIONS TO CRISIS RESPONSE

Mr. NUNN. Mr. President, I rise today to bring to the attention of the Senate an article that appeared in the January issue of the Armed Forces Journal entitled "Mix 'n' Match Solutions to Crisis Response." This excellent article by John G. Roos describes the increasingly important role being played by the U.S. European Command [EUCOM] in the management of crises around the world.

The changing role of EUCOM from a headquarters dedicated to the cold war confrontation in Europe to a more flexible and dynamic headquarters dedicated to a wide range of missions from peacekeeping to force projection is a model for other military commands to follow. I believe that EUCOM has demonstrated that it is dedicated to the kind of joint operations that are essential in the complex national security environment that has developed in the wake of the cold war.

We are all proud of the Americans who are stationed in EUCOM. From their commander to the young recruits on their first tour of duty, these men and women are protecting America's interests in a world that is, in many aspects, more complex than the cold war that emerged after World War II. I recommend this excellent article and ask consent that it be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MIX 'N' MATCH SOLUTIONS TO CRISIS RESPONSE

(By John G. Roos)

Long before the Pentagon received the 4 December go-ahead to send a 28,000-member joint-Service task force to famine-ravaged Somalia, military planners in the US and Europe were fine tuning details for Operation Restore Hope, the latest in a recent string of humanitarian and peacekeeping missions. The fact that nearly 1,800 US Marines—the lead element of an 18,000-man Marine contingent taking part in the operation—were 35 miles off the coast of the northeast African nation when the order was received reflects weeks of intense planning for the venture and draws on years of experience in similar humanitarian and crisis management undertakings.

The initial Marine landing in the predawn hours of 9 December in Somalia was followed the next day by the arrival of lead elements of the 16,000-strong 1st Marine Expeditionary Force from Camp Pendleton, CA, and the first of about 10,000 soldiers from the US Army's 10th Mountain Division, Fort Drum, NY. For its part, by 15 December the US Air Force had flown 120 transport missions into Mogadishu, ferrying the US-based troops and the 2,800 tons of supplies needed to get the operation under way. Some international military support was also quick to materialize, most notably Foreign Legionnaires from France.

All US military personnel assigned to the multi-Service US force operating in and around Somalia are under the command of Marine Lt. Gen. Robert Johnston, Commanding General, I MEF (1st Marine Expeditionary Force). As commander of JTF Restore Hope, Johnston reports to US Central Command, MacDill AFB, Fl. Somalia, along with a few other nations in the Horn of Africa (essentially those bordering the Arabian Sea), falls within CENTCOM's area of regional responsibility.

This latest appointment of a senior, on-site military officer to head a multi-Service operation draws upon experience gained during Operations Desert Shield/Storm and in subsequent humanitarian and relief endeavors in Eastern Europe, Southwest Asia, and other African countries. Johnston's appointment to head the Marine-heavy contingent is the first time a Marine Corps officer has led a four-Service joint task force (JTF)—two or more Services operating under the command of a single commander—bringing to the Corps the JTF leadership experience and prestige already enjoyed by senior officers in the other Services. This point is not insignificant. After a gestation period of nearly a decade, a fundamental shift in military thinking has finally taken hold: in the post-Cold War world, the JTF has become the hallmark of US military operations.

US military officials have long paid lip service to the utility of joint military operations, but the idea was repeatedly short circuited by inter-Service rivalries. It took nothing less than the disappearance of the Warsaw Pact threat, in combination with a series of crises in Africa, northern Iraq, and the former Soviet Union, to get leaders wearing different US uniforms genuinely interested in the unique capabilities each Service could lay on a planning table. The JTF concept is now embedded in the military planning process, not least among US forces in Europe. US European Command (USEUCOM) has recently responded to more JTF contingencies than any other unified command.

#### NEW MISSIONS FOR USEUCOM

Even as the greatly diminished prospect of a war in Central Europe sent US military leaders there on a quest for a new raison d'être, a series of unique challenges landed on their doorstep. With each tasking order from Washington, USEUCOM became ever more deeply immersed in a petri dish for JTF experiments, ultimately becoming the US' principal repository for joint-Service expertise. The lessons learned during USEUCOM experiences were drawn on, and merged with, those of Pentagon Joint Staff and USCENTCOM planners in orchestrating Operation Restore Hope.

About 900 USEUCOM personnel have a direct hand in supporting operations in Somalia. The European Command sent Black Hawk air ambulance and medium transport helicopters, heavy Chinook transport helicopters, and an Army aviation maintenance company-size unit to assist in Operation Restore Hope. Other assistance from US Europe-based forces includes about 200 members of a Navy Seabee engineer maintenance battalion and an air refueling operation being run out of Spain.

#### USEUCOM'S "PROVIDES"

USEUCOM made its initial foray into the JTF arena in April 1990 with Operation Sharp Edge, a noncombatant evaluation mission in Liberia. JTF Proven Force followed during Operations Desert Shield/Storm, when USEUCOM threatened Iraq with a second front Turkey. Subsequent missions included: Combined Task Force Provide Comfort (carried out in conjunction with allied forces) to protect Kurdish refugees; Operation Provide Hope, bringing humanitarian assistance to the republics of the former Soviet Union; a noncombatant evacuation from Sierra Leone; Provide Promise, supporting UN operations in Bosnia-Herzegovina; Provide Transition, facilitating free elections in Angola; and (in support of US Central Command) Operation Provide Relief—the precursor of the greatly expanded Operation Restore Hope now under way in Somalia.

Recognizing the perishable nature of military experience, particularly the inevitable loss of firsthand knowledge due to rotations, USEUCOM officials began institutionalizing the JTF planning process. Drawing upon experiences gained during far-flung contingencies, the command first issued a series of executive lessons learned and after-action reports. These were followed by the introduction of scheduled (once a year) JTF symposia for senior USEUCOM leaders from all Services; twice-yearly JTF staff-designee orientations; command post exercises (one each year); JTF field training exercises (twice a year); and computerized JTF "gaming" exercises (one a year).

The frequency of the planning and exercise schedule means JTF considerations remain at the top of senior leaders' agendas. In November, for example, about 60 officers from all Services converged on USEUCOM headquarters for a "Joint Warrior" seminar. Last month the command conducted "African Eagle '93," during which a Navy officer, with a Marine Corps deputy worked through details of a mission to a North African nation. This month, a Marine Corps major general, assisted by a Reserve Component brigadier general from one of the other Services, will put a 60-member staff through the latest JTF planning exercise.

Senior officers and staff members participating in these exercises are those most likely to be called upon to deploy during JTF contingencies. The very real possibility that they might have to draw upon the experiences acquired during the training sessions "really pumps their blood," a senior USEUCOM JTF planner told AFJI. Because

USEUCOM and the other unified commands are literally writing the book about how JTF's should be run, he said, exercise participants are quick to devour the growing body of JTF experience now captured in a series of classified and unclassified training publications printed by the command. One of the unclassified documents, an 80-page "JTF Help List," lists functional area deployment considerations ranging from a cautionary note about the appropriateness of indirect fire illumination during peacekeeping operations to making sure that disbursing officers in the forward area have enough cash on hand to support local contracting requirements.

FORCE FLEXIBILITY

Army Lt. Gen. Robert D. Chelberg, USEUCOM Chief of Staff, is one of the principals charged with fashioning the future composition of the US military presence in Europe. Insights gathered from force reduction deliberations, coupled with his unique perspective of past multi-Service operations, make him a strong supporter of the JTF concept. With the disappearance of the Warsaw Pact, he said, his focus is on retaining force flexibility—balancing the demands of anticipated near-term missions against the most likely long-term threats. The 82 countries now in USEUCOM's area of operational responsibility, and the one-million US citizens in Europe on any given day, give him abundant reason to ponder potential JTF requirements. Training, and the right force mix, he says, are keys to managing the challenge. "Right after [the first phase of] Operation Provide Comfort we really needed to try to capture the experiences gained by a number of people, so we ran our first task force symposium," Chelberg told AFJI. "We then started to put together a capability of having exercises and symposiums with our components so we could continue to learn from these experiences." An obvious practical advantage accrues during extended mission: "We're now on our sixth commander in Provide Comfort," he said. That open-ended commitment to protecting Kurdish refugees parallels one of the principal concerns lingering over Operation Restore Hope in Somalia.

"One of the things that you always have to bear in mind," Chelberg said, "is, How do you terminate the mission? What's the end state? How do we get out of it? When we pulled the ground forces out of northern Iraq on the 15th of July, the military wanted to pull out of that whole operation right then. We had done what we were supposed to do, in providing humanitarian relief assistance, but we're still enforcing the 'no-fly' zone above the 36th parallel and we're still involved in contracting supplies needed in northern Iraq." The US Congress recently authorized the expenditure of $43-million for materiel needed by the Kurds, such as machinery that bends sheets of tin into roofing strips. "I suspect that we'll be building some prefab tin buildings shortly in northern Iraq," he said.

Chelberg feels that "as far as this theater is concerned, for probably the next five to 10 years, the wave of the future will be putting together task forces that will be able to respond to crisis management or humanitarian missions." That prediction, he emphasized, is based on the assumption that there will not be "any tremendous change in intentions on the part of the Russians or other republics that were part of the former Soviet Union, or any major eruption in the Middle East."

As an example of the rapidity and unpredictability with which crisis management requirements surface, Chelberg recalled a recent weekend during which USEUCOM carried out two noncombatant evacuation missions—one in Dushanbe (formerly Stalinabad), Tajikistan, and the other in Monrovia, Liberia. (In mid-December, street fighting was taking place in Dushanbe.) The flexibility needed to respond to such far-flung events, he said, calls for mobile, light, fast-reacting conventional forces, sometimes complemented by special operations assets and specialized communications gear.

Even when standard military radio equipment measures up to one Service's operational requirements, Chelberg told AFJI, communications interoperability among US forces in JTFs remains a problem. "It isn't all compatible today. We're trying to get the Services, on a day-to-day basis, to procure items that will interface and to have hardware and software that works together." But the problem of communications interoperability (along with several other equipment issues) can't be solved simply by putting aside a set of equipment for JTF use because of the ad hoc nature of each mission. "You could have a situation where the predominance of forces will be naval, and we're going to have a naval JTF commander," he said. "Another situation might dictate that the predominance of forces be air. Again, if most of a mission will be ground-related, you'll have an Army commander. Other commands can have standing JTFs, but ours can't."

"BIGGEST GROWTH INDUSTRY"

Finding ways for JTFs to work around the communications conundrum and the related problems of collecting and sharing intelligence data are high on the list of interoperability priorities for the USEUCOM staff. At the command's Stuttgart headquarters, R. Adm. David E. Frost, USEUCOM J-3 (Operations Officer), told *AFJI* that "there are a lot of interoperability issues" under consideration by USEUCOM. "Most of them have to do either with communications or things that are directly related to communications, like intelligence. But we're working out those procedural issues very quickly."

Frost said that JTF flied training exercises—sometimes involving thousands of forces—are the best way to familiarize principals with the capabilities and limitations of various Services' intelligence-gathering and communications equipment. "FTXs are expensive, but they're important," he said. "Only during FTXs can you actually put in the field and exercise the joint intelligence architecture so we can make, for example, an imagery transfer from an image that's taken by an F–14 from a carrier and get it into the hands of the ground component commander. You've got to put that kind of mechanism in the field and try it out. You've also got to put the joint communications architecture in the field and try that out every now and then."

When USEUCOM forms a JTF staff, whether for an FTX, command post exercise (CPX), or an actual mission, each involved Service gets an equal share of spaces on the staff. Some positions on all JTF staffs are filled by officers from USEUCOM headquarters, which brings a degree of familiarity and continuity to operations. Early on, the lead component had been expected to fill just more than half of all staff positions, but that was found burdensome for the lead Service and a hindrance to interoperability. Now, Frost said, the composition of JTF staffs is driven by mission demands. "There are two things you have to form," he said. "There's the immediate staff for the commander, and there's the architecture for his subordinate commands. We have big debates over this, and there's no single answer."

Generally, he told *AFJI*, the designated commander plays a key role in selecting particular persons to serve on the command staff and also is instrumental in selecting forces which comprise the JTF. But, he said, "We also have debates over what's inside a joint task force, what the structure should look like. For example, should you just have an Army component, a Navy component, an Air Force component, and so forth? That's one way to do it. Or should we have sub-JTFs, like we had in Provide Comfort? In Provide Comfort we had a JTF Alfa and a JTF Bravo. Alfa was basically a Marine Corps-Army combination; JTF Bravo was primarily special operations. There are different ways to organize these things. There's also the issue of the commander's immediate staff. Generally, that's going to be along [standard joint-staff lines], but issues such as whether the JFAC [Joint Forward Air Controller] should automatically fall under the air component commander or be a separate function, slightly aside from that [officer's direct control] is the type of issue that gets played out in training."

Frost acknowledged that equipment shortages exist but doesn't consider them the most significant limiting factors in organizing JTFs. "There are a lot of equipment-related issues, but I think that a more important dimension is more training and capturing the wonderful experience we're getting in the 'real world' of JTFs that we're constantly doing out here. In other words, institutionalizing those lessons. I can see a day, 10 or 15 years from now, for example, when this is fully institutionalized, and the scheduling procedures for naval air are identical to those for Army Apache helicopters, Air Force Tactical Air, and Marine Air. So when they come together for joint operations, it's just seamless. Right now, we still have to make adjustments for Service procedures, and that's what we're working our way through now. We're learning lessons so fast, that this is the biggest growth industry in the military today. We're trying hard to capture that experience for our own sake, and then will advertise what we've learned in the wider world of the US military and, probably, even allied militaries."

USEUCOM's most ambitious FTX took place last summer and involved a large special operations contingent operating under the command of V.Adm. William Owens, former Commander, U.S. Sixth Fleet, and Commander, Naval Striking and Support Forces, Southern Europe. "He ran the exercise from his flagship, the carrier Saratoga, and we fielded a full JTF headquarters aboard the carrier—essentially displacing the existing staff. We put a JTF staff of about 100 aboard the carrier and forces all over the field for them to actually control," Frost said. "It was one of the biggest JTF FTXs we've done, and we learned the most from it. He left part of his headquarters ashore, for a lot of good reasons. One was simply space and communications limitations aboard the carrier, another was because some aspects of the operation were better served by having some of his staff ashore. One obvious example was the Joint Visitors' Bureau: In any operation, it's important that you have a first-class JVB and public affairs operation." One of the fundamental lessons the military has learned, he said, is that comprehensive media coverage has changed the way the Services approach operations.

THE TECHNOLOGICAL LEAP

V.Adm. Owens is now the Navy's deputy chief of naval operations for resources, warfare requirements, and assessment. Reflecting on his experiences during joint and combined operations while in Europe, Owens told *AFJI* that the Navy—to a greater degree than the other U.S. Services—operates alongside forces from allied nations. "In Sixth Fleet we thought a lot about communications, both in terms of intra-U.S. comms issues—how we communicate between Navy ships, first of all, and then between Navy ships and Air Force aircraft. You think about it in terms of how to communicate with very important surveillance aircraft in the area, be they P-3s or EP-3s, or Air Force RC-135s, or AWACS. We also thought a lot about how to communicate with forces from other countries, if you're out there as part of a NATO task force, or if the WEU [Western European Union] is out there as a task force and you want to communicate with them. The navies," he said, "have always been blessed with having the mandate to be out operating or exercising together."

Traditionally, the U.S. Navy has relied on either line-of-sight UHF communications or HF voice/teletype transmissions, which, in some cases, can provide over-the-horizon capability. Some exceptions occur, particularly when dealing with allies. U.S. ships communicate with British vessels (and those of the French, to a lesser degree) via satellite links. But recent leaps in fielded U.S. communications systems—high-data-rate, antijam transmissions—threaten to create a technology gap which would leave some allied navies out of the loop. "We're very aware of this, and somewhat concerned that we make sure we maintain that interoperability," Owens said. "We don't want to make a quick jump and end up being out there by ourselves."

Dramatic changes in technology are also affecting the ability of U.S. forces to communicate with each other, particularly when Navy battle groups are part of the JTF equation. "Essentially, every battle group that has left Norfolk [VA] or San Diego [CA] over the past two or three years to head to a forward deployment has been better equipped, from a communications stand-point, than the previous one," Owens said. "The comms suite on a deploying carrier is much more capable than its predecessor was on a carrier that deployed only six months before."

When Owens commanded the JTF FTX from aboard the carrier *Saratoga*, he recalled, "It was very interesting for me, because it was my last exercise in the Mediterranean. We had worked a lot on joint operations—how you get it together with the Army and Air Force and how you develop the ability to be mobile, high-tech, and quick. In that exercise, we had about 20,000-plus people involved, from the Army, Air Force, Marines, and Navy. There were a lot of Air Force planes involved. The air platforms, all of them—the shore-based ones and the carrier-based air wing—were all controlled by a two-star Air Force general, from the carrier. He ran an ATO [air tasking order] from the carrier—the entire air picture and the entire air plan—for about 200 aircraft. At the same time, we had an Army two-star general who was on board the carrier as the commander of the ground forces. He was in charge not only of the large number of Army troops, but also had some Army helicopters flying off the aircraft carrier. He was also in charge of the Marines—about 2,500 of them—in amphibious ships that were in an area about 400 miles away."

Owens had a joint staff of about 40 on the Saratoga. "It was really a remarkable demonstration, I thought, of how the four Services can operate together. We had an exercise one evening where we had four different objectives, one at sea and three ashore, where we used all four Services in a coordinated operation to assault three areas, plus the sea-based target, within 30 seconds of each other. And this was done several hundred miles apart. We feel those carriers are out there not just for the navy. They are a capital investment in American defense and, therefore, are there for an Army-led JTF or an Air Force-led JTF."

During this FTX, Owens said, "A lot of portable communications gear was brought aboard the Saratoga. What surprised me was that you could do it, and you would be able to work it so there was not too much electromagnetic interference. Also, there was a communications upgrade on that carrier that gave it SHF capability and high-data-rate comms."

Owens sees unique JTF potential for the Navy's new, 41,000-ton LHDs. "It's a big ship. It's capable of controlling a limited landing force ashore, and it has a very good capability for handling up to about 20 Harrier aircraft, as well as a lot of Cobras and a lot of other helicopters. The capability of that ship to be in support of a ground campaign and to be a command ship should be there." Although it's not quite there today.

In the final analysis, Owens said, the Navy is well equipped for its anticipated role in future JTFs. "With the commitment to the communications upgrades—they're not all there in the data quantity that we really need—and the data links for the surveillance assets, I think we're in pretty good shape to be the enabling force for JTFs. We need to have our aircraft carriers directly linked to the marines and Army ashore, and practice that mission of close air support and battlefield interdiction."

"PROVEN FORCE"

Joint and combined task forces, like the crises that bring them into being, are creatures of fluctuating dynamics. For example, in the case of CTF Provide Comfort, the operations initial objective called for airdropping relief supplies to Kurdish refugees in northern Iraq. That phase of the operation saw Air Force Lt. Gen. James L. Jamerson, Vice CinC, USAFE (who was a major general at the time), in charge of the joint-Service effort. The operation then shifted focus to food distribution and resettlement activities on the ground, with the concomitant appointment of then Lt. Gen. John M. Shalikashivili (now CinC, US European Command and Supreme Allied Commander Europe, or SACEUR) as JTF commander. After completion of the ground phase of the operation, the mission again shifted—this time to enforcing the "no-fly" zone which still blankets the resettlement area—and Jamerson again took charge.

But several months before Operation Provide Comfort—as allied coalition forces were staging in Saudi Arabia to force Iraq's Army from Kuwait—the concept for another JTF took hold at USAFE.

The idea for what would eventually become JTF Proven Force first surfaced in August 1990, when a group of officers said, "Well, we could go down there and do a short-term sort of 'hit a lick' from Turkey into Iraq and help our guys," Jamerson told *AFTJI*. For three months, as the concept developed, "it went from a very small, one- or two—day operation originally envisioned" only for the Air Force into a potential JTF mission with special operations forces. This idea was merged with related efforts by USEUCOM and Special Operations Command involving combat search and rescue missions. "We merged those two ideas and, finally, in November we said, "Why don't we talk about a JTF if we ever do this? We got great support from the USEUCOM folks. If I appear to be overly enthusiastic about 'joint' and USEUCOM, it's because my experience with them has been extremely positive."

After the plan was developed, General John Alvin, former SACEUR, offered the idea to USCENTCOM, which was responsible for orchestrating all aspects of Desert Shield/Storm. In January 1991, JTF Proven Force was formed.

"Admittedly, the JTF was heavily Air Force, but we brought the Navy into it just in case they ever needed [its help]. But the Navy was committed so far down south that we didn't feel there was too much we really could do for them. There was, however, a lot of Army-Air Force play. Our vision was that our special ops guys would not just do combat search and rescue—that there would be other missions open to them. And we always approached it with that in mind." As it turned out, Jamerson said, the special operations role in Desert Storm ended up primarily a search and rescue operation, but the task force was prepared to take on other combat missions. At the same time, the Navy launched cruise missile attacks from the Mediterranean in support of the JTF.

Concurrent with operational planning, discussions with Turkish authorities took place to obtain permission for the JTF to operate from Incirlik Air Base. "When the Turkish decision was made [on the first day of Desert Storm] that we could, in fact, go across the border and participate, the JTF operated out of Incirlik with an Air Force component—a composite wing, with everything there except the bombers, which operated from other bases in Europe—an Army component, from the 10th Special Forces Group, which operated with the Air Force's 39th Special Operations Wing, plus a Patriot antiair unit from the Army and much smaller involvement from the Navy and Marine Corps."

Since the purpose of this particular JTF was to support the campaign against Iraq, Prove Force was designed to continue until the broader war-fighting effort terminated, Jamerson said. As it turned out, part of USAFE's contribution to JTF Proven Force metamorphosed into the ongoing second phase of JTF Provide Comfort, keeping Iraqi aircraft out of airspace over the Kurds. That job began 24 July 1991 with 129 aircraft; 77 aircraft and 1,862 personnel continue that mission today.

Jamerson was quick to counter comments from those who suggest that the US' recent relief missions throughout the world seem to be altering the military's short-term focus from war-fighting to humanitarian pursuits. "Most of us who were involved in Provide Comfort, who see the potential demands from Yugoslavia, and who consider the worldwide challenges in these type missions realize that the humanitarian conditions that got you there are so volatile that there's a security element involved in all of them. I worry that people may forget that. We remind people not to look upon us only that way, because we have to keep our combat skills honed. If you don't, you could fail at the humanitarian job."

Reflecting on tomorrow's likely increased demands for joint and coalition operations, Jamerson says US forces in Europe are up to the challenge. "If there's still a worry about how well the Services can conduct joint operations, from my perspective, over here, it's not warranted."

### REGIONAL RESPONSE FORCE

Lt. Gen. Jerry R. Rutherford, commanding general of the Army's V Corps, in Frankfurt, commands USEUCOM's sole remaining Army corps in Europe. Its former counterpart, the VII Corps, disbanded last April. Rutherford was quick to point out that, V Corps units' involvement in JTFs notwithstanding, the defense of NATO's Central Region remains the Corps' primary mission. Today, however, when he considers what's going on within some of the former Warsaw Pact nations he sees "what everybody sees in the papers every day—a lot of instability. We now have, in the Corps, besides the mission of deterrence and defense of the Central Region, the mission of providing the stability that's needed over here. We're now also a regional response force. That is, I could be given a mission to take part of this Corps out of [Germany] to react to events in another region. As a good example of the regional response concept, we just deployed Task Force 212 MASH [Mobile Army Surgical Hospital], a 60-bed MASH, to Croatia to support UN forces. That is the type of expansion we're starting to do now, and shows how we look at the capabilities of the forward deployed force that's here."

Even as NATO's military lineup shifts from a line of national corps facing east to a series of multinational organizations, Rutherford said, his focus has expanded to include out-of-area deployments. A few years ago, he said, "We never talked about deploying out of here. The Corps didn't have to have load plans for ships. We now have them, and have to consider how we'd use the rail system that flows out of this country. These deployment aspects are the biggest change," he said, from how V Corps planners used to spend their time.

Rutherford says that while there can be no single solution for deciding how best to terminate US involvement in various humanitarian and peacekeeping missions, "the US has to decide when we go into them what the end state will be, and determine that before the forces are projected. That, of course, is done by our civilian government. We, the military, implement it." Still, he said, the military is giving far more consideration to this issue than previously, and even "gave thought to conflict termination" during the recent REFORGER '92 (Return of Forces to Germany) series. "Once the battle is over, there's thought being put into what this is going to look like in the end state. Do we restore the border? Do we get into handling the refugee situation? Are we going to put the government back on its feet?"

When Desert Storm ended, Rutherford took command of the 3rd Armored Division in Southwest Asia, along with the job of protecting refugees along the Iraq-Kuwait border. "Dealing with the refugees, and handling this with the people from the State Department, and turning the buffer zone over to the United Nations," hadn't been given enough prior consideration. "Therefore, we've taken on that a lot more now, from a military aspect, asking: 'What do you do when this thing's all over?" From the end of the conflict to the time the division left the area, he said, its medical personnel treated more than 25,000 refugees and the troops had distributed over one-million meals.

Rutherford says that these types of considerations will receive increasing play during future military exercises in Europe, as will deployability issues. The most striking example of the shift in emphasis will be seen next May during US Army Europe's annual REFORGER exercise, which will be combined with NATO's Dragon Hammer in Italy. The combined activity will find V Corps troops in Livorno exercising via computer simulation on terrain in Italy's Po Valey, near Milan—the first time REFORGER has been conducted outside the Central Region. No less significantly, it also will mark the first time in the 24-year history of REFORGER that the commander-in-chief of US Army forces in Europe will not direct the "fight." Once the V Corps soldiers arrive in Italy, their marching orders will come from NATO's Allied Forces Southern Command, headed by US Admiral Mike Boorda.

### SPREADING JTF GOSPEL

"We do a lot of Joint Task Force training," Boorda told AFJI. "All of our US exercises of any magnitude, in Europe, include a JTF. The JTF commander is generally the officer whose Service has the preponderance of forces in the exercise, or he's the person who can exercise the best command and control, depending on where the activity will take place."

To keep the commander constantly apprised of far-flung developments, Boorda said, "We work very hard to get the right intelligence flow to wherever the task force commander is going to be, and on down to his forces. Specific operations require different kinds of intelligence," he said, which argues against a standard intelligence architecture to handle the demands of diverse JTFs. "I think we're doing pretty well, to be quite honest. In the exercises we have run—some of which I can't talk about—we have been able to get the intelligence we need. And we learned a lot from Desert Shield and Desert Storm. Because of that, for example, in the Navy we have beefed up the ability of the carrier to accept that type of information. We also have teams that come aboard with the JTF commander to process information and make it available to him and his components. We've learned the lessons, and we are now upgrading the capability, when it's a Navy JTF commander at sea, of his platform to accept and process that information."

Boorda sees "wonderful capabilities" in the Navy's new LHDs for future JTFs. "They are command and control platforms par excellence," he said. "Again [as in the case of carriers], we are now upgrading them, based upon lessons learned. This is a communications intensive business, and the communications are of all types."

DOD's present approach to JTFs—relying on forward-deployed forces for the bulk of the JTF, with augmentations as necessary, from the US—is the most effective way to respond to contingencies, Boorda says. "I don't see that changing and, personally, I don't think it should change. The reason, I believe, why we have unified CinCs in each theater is so they can focus on their theater and know that theater better than anyone else. They can work with the allies in that theater, in the event that we do a combined operation in some alliance, like NATO, or in a coalition. The CinC better knows the participants; he knows their personalities: he has worked with them on a day-to-day basis. So he is the one who ought to put together the team. He doesn't want to do that on an ad hoc basis—it's the kind of thing that we practice all the time."

When AFJI spoke with Boorda last month, a multinational naval force from his command had just begun enforcing a UN-ordered blockade against Serbia and Montenegro, vestiges of the former Yugoslavia. NATO's six-vessel Standing Naval Force, Mediterranean, which includes one US warship, has been patrolling the Adriatic for several months—first monitoring an embargo and, since November, enforcing the blockade.

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## THE 100TH ANNIVERSARY OF MILLSBORO, DE

Mr. BIDEN. Mr. President, today in my State, the community and town of Millsboro is celebrating its 100th anniversary.

I use both terms, because Millsborough, the historic designation, was, in fact, a community long before it was officially a town. As the name implies, its first landowners ran gristmills and sawmills, powered by the flow of the Indian River and its family of creeks, and the arrival of supplies for those early enterprises dates back to 1644.

The history of the Millsboro Mill itself dates to 1792, when an act of the legislature granted Elisha Dickerson permission to construct a dam at the headwaters of the river, on whose north shore he built a gristmill. Through a succession of owners and products, and through rebuildings necessitated by the all-too-common mill fires of the last century, the Millsboro Mill remained an active business enterprise until 1951.

In that year, the mill was closed and converted into private living quarters. Those apartments are in use today, a testament both to the town's growth and economic change and to the foundation of proud and courageous history on which the success of 1993's Millsboro has been built.

Other names grace that history of pioneering and persevering spirit—Burton's Mill, Kollock's Doe Bridge, Frame's, Head of the River, and Swan Creek. Names like Waples, Wright, Jones, Rickards, Donovan, Houston, Lingo, Prettyman, Godfrey, and Williams—names in some cases carried on by current residents, and remembered and honored by many more.

On March 9, 1893, the Delaware General Assembly enacted the official incorporation of the town of Millsboro. A century later, it stands as one of the increasingly rare smalltown successes of America—a close knit community rich in tradition but thoroughly modern in the vitality of its economic life.

Millsboro's current mayor, the Honorable Thelma Monroe, credits the farsightedness of citizens past and present for the town's enduring security and success. The people of Millsboro are the true, living legacy of those first landowners—those men and women who looked at the river and creeks, at the urgent needs of their own and other fledgling communities, and saw only opportunity; who rebuilt what was knocked or burned down and who modernized what was out of date; who applied the combined powers of nature and of determined human effort not only to found a town, but to fire a spirit.

Beyond all the tangible achievements and strengths I could name in doing tribute to Millsboro, what I would like to honor most is that spirit. That's not something I and other citizens of my State know from history books; it's something we've seen and experienced and felt in Millsboro—a great Delaware town, a great American community.

All Delawareans join me in congratulating the mayor, town council, and citizens of Millsboro on this centennial, and in the hope, and confidence, expressed by Mayor Monroe that—from a foundation of proud history, guided by devoted citizen leaders, and driven by its great spirit—the town of Millsboro, DE, "can progress as much in the next century as it has in the century past."

## TRIBUTE TO JARRAD DOUGLASS

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in recognizing the heroism of a young man from my home State and the community that united to honor him.

On March 11, 1992, John Douglass and his two children, Jarrad and Lynzie, returned from a day of chores to their home in Centralia, MO. Upon their return Mr. Douglass noticed a strange vehicle parked in the driveway. As he and his daughter approached the doorway to their home, Mr. Douglass was confronted and fatally wounded from the blast of a shotgun.

As the confrontation occurred, 9-year-old Jarrad Douglass remained behind in his father's truck. Despite the danger, Jarrad ran some 200 yards to his neighbor's house where he immediately contacted the proper emergency personnel. The alleged gunman and his companion quickly fled as they witnessed Jarrad's brave escape.

The law enforcement personnel that responded to the call contend that Jarrad's quick and heroic action saved his young sister's life and led to the immediate apprehension of the two alleged gunmen.

On February 11, 1993, in a heartwarming ceremony and banquet, the community of Centralia united to recognize Jarrad's bravery and show their support for the Douglass family. I had the distinct honor of presenting this brave 9-year-old with the Boy Scout's highest award for bravery, the Medal of Honor with crossed palms. This rarely awarded medal is reserved for Scouts who demonstrate both unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at extreme risk to self.

Most of us will never be tested in a way that young Jarrad was tested and will never know how we would react in a crisis like the one he and his family faced. But Jarrad reacted exactly as Scouting had prepared him. He remained calm, summoned help quickly, and was the key in getting professional, emergency personnel to the scene quickly.

Mr. President, Jarrad Douglass is a true hero, and I am honored to have the opportunity to recognize his heroism. I am also proud of my fellow Audrain Countians who have united to help Jarrad and his family through this difficult time. This community is a fine example of the kind of spirit that makes Missouri such a special place in which to live.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business has expired.

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 460, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to consideration of S. 460 to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDENT pro tempore. The time between now and 12 o'clock noon will be equally divided and controlled between the senior Senator from Kentucky [Mr. FORD] and the junior Senator from Kentucky [Mr. MCCONNELL].

The Chair, in its capacity as a Senator from the State of West Virginia, notes the absence of a quorum, and, without objection, the time consumed in the quorum call will be equally charged against the two sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. FORD. Madam President, my colleagues on the other side of the aisle have repeatedly emphasized the cost of this legislation to State and local governments, but no one has addressed the cost that the current system of registration has on the average citizen. Perhaps this is the more important issue.

My colleagues on the other side of the aisle have read letters from State and local officials opposed to this legislation for a number of reasons. I find it disturbing when you read that some Government officials are opposed to this bill because it means that they have to do more work. But what is more disturbing to me, Madam President, is the failure of anyone to address the personal burden that citizens face in registering to vote.

The current system in place in a number of States imposes a number of barriers for citizens. In some States registration is only conducted in the registrar's office, which is not open on weekends or is closed during the lunch hour. These offices are not conveniently located. That places the additional burden of traveling to a registrar's office.

And what happens when a citizen moves from one jurisdiction to another? That citizen has to reregister.

This bill would simplify the whole process for a citizen. In one trip, the citizen can update his address on his driver's license, at the same time register to vote in the new jurisdiction.

Madam President, this bill will simplify the process for the citizen. The citizen only needs to make one trip to apply to register to vote and to obtain a driver's license. Motor-voter is that simple.

Let me demonstrate using the D.C. motor-voter form. It is not a complicated program. It is working in some form now in 28 States and the District of Columbia. It is working well, as a convenient and accessible system for the citizen, and I underscore citizen, as well as a cost-efficient means for State and local governments.

This is the form for the District of Columbia as it relates to a driver's license. Two-thirds of the form is the information for the driver's license. That is it. The bottom third is for your registration number order. And you check where you want to register, Democratic Party, Republican Party, D.C. Statehood Party, no party, or as an independent, or other party, and you write that in.

And it says, "Please note" that in order to vote in a primary election in the District of Columbia you must be registered with either the Democratic, Republican or D.C. Statehood Party. It is right there. Very quick. Section one that you are supposed to read says: "I swear or affirm that I am a U.S. citizen." That is No. 1. We have heard concerns about that, but that is in red. It is outlined, it has a big asterisk by it. "I live in the District of Columbia at the address above," on your driver's license. "I will be at least 18 years old on or before the next election. I am not in jail on a felony conviction. I have not been judged mentally incompetent. I do not claim the right to vote anywhere outside of the District of Columbia."

And you sign that and you swear to that. And we are making it tougher.

Madam President, that sheet then is just torn off for the driver's license. The other one goes to the registrar's office, and you are through. It is a simple procedure for our citizens to follow.

So I think it is important. My colleagues on the other side of the aisle will argue this bill imposes burdensome costs on the State. Madam President, this bill will increase the roll of registered voters, and that means there will be additional costs associated with the administration of a larger roll. But how much additional cost? How many more employees?

The State of Texas has now entered into the motor voter. They appropriated no additional funds and already they are near 50,000 new registered voters in the State of Texas. That does not mean we are going to have 50,000 more people vote, but 50,000 more people are eligible to vote. And if they want to vote they do not have to worry about getting to the registrar's office 30 days before the election or 25 days before the election, and create all that confusion.

Then you have to hustle to get them into the precincts and that sort of thing. Under the motor voter you do it by your birthday—you get your driver's license by your birthday—and you do it systematically. So it is very convenient, according to my clerks. This will be not costly at all.

But the price for democracy I think is being sure that people are registered to vote. I do not think we can put a price tag on democracy.

Madam President, this view is not one I hold alone. In fact, the secretary of state of California is beginning to be bounced back and forth like a pingpong ball here because she wrote a letter of concern in 1991. Then this past week she wrote another letter in support of this bill. Now she is writing another letter, trying to confirm that and to offset some of the statements that have been made. But throughout the debate we have heard some conflicting views about her position. Let me share with my colleagues a letter dated March 4, that is just last week, 1993.

"I understand there has been an effort to use the concerns I expressed in my letter to you dated March 13, 1991 regarding S. 250"—that was the bill at the time—"as arguments against S. 460. This is nonsense."

That is what she says, "This is nonsense."

That is what she says, "This is nonsense. That letter reflected a compromise view at the time of a task force of election officials in California. The task force expressed support for S. 250"—they supported it in 1991—"but expressed some concerns. Those concerns have largely been addressed," she says, "in S. 460, and interpretive materials related to it."

Further in the letter: "There is, to be sure, the issue of funding. There will be costs associated with implementing S. 460; however, I believe that through proper implementation, they can be minimized. Much of the cost, actually, is driven by the fact that more people will be registered and voting. And that, I submit, is simply the cost of democracy."

"It would be a travesty," she writes, "to oppose this bill on the grounds that we should not pay the relatively modest price of providing for the exercise of the people's right to vote. The fact is, in the context of the overall cost of conducting elections, the cost is modest indeed."

Madam President, I ask unanimous consent that a copy of the letter of the secretary of state of the State of California be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF STATE,
*Sacramento, CA, March 4, 1993.*

Hon. WENDELL H. FORD,
*Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR FORD: I am writing to reiterate my continuing support for S. 460 and the programs embodied in this legislation to facilitate exercise of the franchise by all citizens. I have always supported registration by mail, "motor voter" and agency-based registration as workable, effective programs to increase voter participation.

I understand that there has been an effort to use the concerns I expressed in my letter to you dated March 13, 1991 regarding S. 250 as arguments against S. 460. This is nonsense. That letter reflected a compromise view at the time of a task force of elections officials in California. The task force expressed support for S. 250 but expressed concerns. Those concerns have largely been addressed in S. 460 and interpretive materials related to it.

There is, to be sure, the issue of funding. There will be costs associated with implementing S. 460; however, I believe that through proper implementation, they can be minimized. Much of the cost, actually, is driven by the fact that more people will be registered and voting and that, I submit, is simply the cost of democracy. It would be a travesty to oppose this bill on the grounds that we should not pay the relatively modest price of providing for the exercise of the people's right to vote. The fact is, in the context of the overall cost of conducting elections, the cost is modest indeed.

I have always supported efforts to facilitate the right of citizens to vote. That is why I support S. 460.

If your staff has questions regarding this matter, please have them contact my chief deputy, Tony Miller, at 916-445-6371.

Sincerely,

MARCH FONG EU.

Mr. FORD. Madam President, those who are arguing that the Federal Government should pick up the tab for all these new voters is a troubling argument because it suggests that people are more concerned with administrative convenience than the principles of full participation in our democracy.

Motor voter comes down on the side of citizens. As the secretary of state of California said in her letter, the motor-voter bill reconnects citizens to their Government. The issue is not whether the register books close 30 days before the election. The issue is not cost, it is not unfunded mandates, it is not fraud because all these things have been refuted by those at the grassroots who deal with it everyday. The issue before us is this: Should Government take an active role to facilitate full voter participation by creating an active voter registration system?

If you answer that question yes, then you should vote to invoke cloture. The opponents of this measure believe that it is the citizens' responsibility to learn the registration process and take whatever steps are necessary. The opponents prefer the system that is passive and leaves it to chance that a citizen will be registered on election day.

Madam President, it is time to end this debate on the motion to proceed. It is time to move to the bill, and I urge my colleagues on both sides of the aisle to support democracy by invoking cloture on the motion to proceed.

I reserve the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I have enjoyed debating this issue with my colleague from Kentucky over the last couple of years, and in response to a few of the observations that he made, it seems to me that if all of these State officials who are cited as being enthusiastically in support of this measure are so enthusiastic, they would go on and do it now. There is nothing to prevent any State in the United States from adopting a motor-voter-type system now. Many have already. And if there is no cost involved and no substantial argument against it, I would assume there would be a rush across America to adopt this particular means of registering voters now in the absence of any Federal unfunded mandate.

It seems to me still, Madam President, that if the amount of money is largely of no consequence, and we are talking about something that is relatively inexpensive, then why not pay for it? I quoted former Gov. Bill Clinton last week in making the argument that it is time the Federal Government got away from the practice of passing legislation making somebody else pick up the tab. So if my friend and colleague from Kentucky is correct that there is minimal cost involved with this legislation, and we still take the view that we must go on and cram it down the throats of those States who do not currently have this particular system, then certainly we ought to pay for it.

I frequently call this bill a solution in search of a problem, and the reason for that is there is clearly no indication that turnout will go up once a motor-voter bill is adopted. That has not happened in the States that have done it already. We know what increases turnout. What increases turnout is interest in the election on the part of the citizens, and we saw that, commendably, in 1992 with a dramatic

5-percent increase in turnout. American citizens have begun to get more interested in politics again. I think we all applaud that and we are getting more phone calls in our offices. The electorate seems to be more active, more interested and more involved than it has been in a number of years, and it did not take automatic motor-voter registration to begin to create a wider interest on the part of our citizens in the process.

There is only one thing that will increase turnout in the absence of an interested electorate, and that is something I certainly do not advocate, I know my colleague from Kentucky does not advocate, and I do not think anybody in America advocates, and that is penalizing or fining people for not voting.

I cited last week studies that have been done by the General Accounting Office and others indicating that only in countries in Europe and in Latin America where they have gone to a system of fining people for not participating or, in the case of Italy, embarrassing people by posting their names get increased turnout. That is not something we want to do in this country. Nobody is advocating that. Certainly not I. So this bill, frankly, will have no impact whatsoever except to force some States who have chosen not to do it on their own to adopt one particular form of registration of voters.

As we know, for the last 30 years registration has become easier and easier and easier. I am all for that. I think that is a good idea. The same thing that has happened during that period, with the exception of 1992, is that the turnout has gone down, down, down. There is no correlation of throwing everybody on the books, which essentially is what this legislation will do, and increased participation.

The question you have to ask is why, why bother, why do it since it will not increase turnout which is the only conceivable rationale, it seems to me, for passing this legislation?

So, Madam President, it seems to me the argument is simple: Any State that thinks this is a desirable way to register votes can do it today. Over half have done it already on their own without any prompting from us. Or in the alternative, we can make them do it, which is what this bill seeks to do. If we are going to make them do it, we ought to pay for it. If my friend and colleague is correct that the cost is minimal, that is an even stronger argument for us paying for it. We certainly are able to find money in the budget for a variety of different things that we want to do. If we think this is important, then we simply ought to pay for it.

My friend was citing the District of Columbia in a number of different respects. It is I think important to note, however, it is my understanding at least—and I could stand corrected on this—it is my understanding that in the District, you are not automatically registered. You must take some affirmative step in order to become registered when you are applying for your driver's license. Under the bill before us, you are automatically registered unless you say please do not register me. The D.C. Elections Board official testified before the Rules Committee and indicated he felt their particular approach was better which requires some affirmative action on the part of the applicant of a driver's license to register. The underlying bill before us does just the opposite.

So, Madam President, I hope cloture will not be invoked on the motion to proceed. I think this is a solution in search of a problem.

I yield the floor and reserve whatever time I may have remaining.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Madam President, I am sure that my colleague will be glad when 12:20 comes and we will at least have another cloture vote behind us.

This is a grassroots effort. We sit around here sometimes and concoct programs that sound good and may be good for a while and we impose that on our citizens. But here is something that started at the grassroots level. It started and moved up here. It is something that people out there seem to want.

It is amazing to me that this grassroots effort is not being viewed as a citizen request of this body. Seventy million Americans were denied the right to vote in the last election, even though we had some increase. No one has ever advocated that this piece of legislation would increase turnout, but no one can stand here this afternoon and tell me how many people were out there in November 1992 who wanted to vote who were not registered. How many would have voted had this bill been in place? The outcome may have been different. That is the way America works. That is the way democracy works. If Texas now has almost 50,000 new registrants in the very short couple of months it has been in business, how many people now are able to vote? Fifty thousand more so far. That does not mean they can. But they have a ticket to the final game if they are registered to vote, and that is what democracy is all about.

Let us think about the citizen—make one trip, be registered to vote. Let us make it uniform across the country. Everybody understands it. It really makes democracy work a lot better, in my opinion.

When there is minimal cost, and we can make it uniform across the country, it is a grassroots effort for us to do something about this—associations and civic organizations that are for this are two pages long, single spaced—I think with that effort, there will be an amazing turnout the next time because some people who want to vote will have the right to vote, and those who do not want to vote are not going to be purged off the rolls. So you exercise a right not to vote here, and in this form you exercise a right not to register. All you do is check the box. That is the end of it.

The very idea of fining an American for not voting does not make, to me, a great deal of sense. I just do not think that will ever happen.

You talk about Italy and other countries. This is the United States of America. We support democracy in the best way we can. Now we are called on to help the citizen promote democracy, and we hear a lot about costs—it is the costs. How much of a cost is it to the citizen? How much of a cost is it to the country when the citizen is denied the right to exercise something of which this country is very proud, the right to vote and choose?

We just viewed something of which the rest of the world is jealous. They do not understand. That was the orderly transition of Government on January 20, 1993. Millions and millions from offshore watched that.

We are special. I want to continue to keep this country special, and as long as citizens participate we will be special. When we lose it, that is when we start losing our ability to lead the rest of the world.

I reserve the remainder of my time, Madam President, if I have any.

The PRESIDING OFFICER. The Senator's time has expired.

The junior Senator from Kentucky has 7 minutes.

Mr. McCONNELL. Madam President, there is very little new to add because this is not a complicated bill. My friend from Kentucky raises again the issue of fining. I cited this only as an example. In all the studies, the only thing that will increase turnout is penalties or fines. I certainly do not advocate that.

I have said in debate on this issue before in previous years that I think voters in this country have a perfect right not to participate if they do not want to. So far be it from me to advocate that. I cite that only to make the point that that is clearly the only way you increase turnout, and presumably there would be no basis for this bill, none whatsoever, unless we thought it was going to increase turnout. There has been no indication of increased turnout in States that have gone to motor-voter, none whatever, and there will not be any increased turnout after passing motor-voter.

As I said repeatedly, it is a solution in search of a problem. It is relatively easy to vote in every State in the Nation. I would concede to my friend from Kentucky I think there is a reasonable chance more and more States would go to motor-voter. That has certainly been the trend in recent years. I think they ought to have the option to do that or not to do it, as they see fit.

Madam President, we are about 5 minutes from the vote. I will simply yield the floor, and I think if no further action is taken the vote will simply occur at 12. Or should we enter a quorum call?

The PRESIDING OFFICER. Under the previous order, the vote will occur at 12 o'clock.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, as a cosponsor of S. 460, the National Voter Registration Act of 1993, I urge my colleagues to support this bill by voting in favor of cloture. The need to implement uniformed voting procedures is not a new issue for this Chamber. Last May, we adopted S. 250, a bill championed by our distinguished colleagues, Senator WENDELL FORD and Senator MARK HATFIELD. The House followed suit and passed a companion bill in June. Only 2 days shy of the Fourth of July, President Bush vetoed the measure. Unfortunately, we were unable to override the President's veto.

In the 103d Congress, the House has already acted on a companion bill and is waiting for the Senate to complete action on our measure. No one in the Senate disputes the power of the ballot. In fact, the 1992 elections proved that Americans are determined to be personally involved in the political process at all levels of government.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they vote. But when approximately 40 percent of all eligible voters are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals now must contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures would, I believe, be the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Critics of this measure contend that the provisions of S. 460 would increase the risk of voter fraud and place an unfair financial burden on the States. I disagree with these assumptions. The Congressional Budget Office [CBO] estimates that the total direct cost of S. 460 to all 50 States would be $20 million. However, CBO has concluded that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7 to $10 million savings is an approximate $4 million annually saved in postage costs, because S. 460 would reduce the postal rate for all mailings required by the bill. Further savings could be realized by using the Postal Service's national change of address program and other computerized savings. I wish to point out that this measure neither requires nor necessitates the computerization of the voter registration process. In fact, the District of Columbia quite successfully operates a motor-voter registration program without computerization.

Opponents also argue that the measure would increase the possibility of voter fraud. States with mail registration programs have found little or no fraud, according to a congressional research survey study. Moreover, S. 460 contains provisions to prevent and reduce fraud and gives the States the option to guard against fraud by requiring mail registrants to vote in person the first time.

Mr. President, last year I was pleased to cosponsor S. 2236, which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure, which became Public Law 102-344 on August 26, 1992, reconfirmed Congress' commitment to enfranchising all eligible Americans.

I strongly believe that any barrier which prevents American citizens from exercising their right to vote must be eliminated. The National Voter Registration Act of 1993 would be another step toward improving voter registration processes and increasing effective registration mechanisms. S. 460 would make voter registration more accessible, less burdensome, and more uniform throughout the Nation. We should support every effort to assist our citizens in participating in government. I urge all Members to support S. 460.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard M. Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

## CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 460, the National Voter Registration Act, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—38

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:21 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

## NATIONAL VOTER REGISTRATION ACT OF 1993

### MOTION TO PROCEED

The PRESIDING OFFICER. The pending business is the motion to proceed to S. 460, under cloture.

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded and that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

## TECHNOLOGY, WORKPLACE PRACTICES, AND FEDERAL POLICY

Mr. WOFFORD. Mr. President, almost 2 weeks ago President Clinton announced a new Federal role to advance our Nation's technological advantage and international economic competitiveness. The President's vision is bold. After a decade when we have seen our competitors in Europe and the Far East move ahead in the technology race—and take American jobs in the process—it is time for a change in course.

Since World War II, the Federal Government has been a leading force in promoting the development of our Nation's technology. We have invested in basic research and scientific and technical education.

The Defense Department, NASA, and other agencies have generated commercial research and development. These investments paid huge dividends for American workers and American companies.

But while we were focused on the goals of winning the cold war and exploring space, our international economic competitors placed a priority on investing public resources in commercially oriented research and development. In the United States, we never made the economic competitiveness of American firms and workers a public priority. The commercial benefits of Federal policy were always indirect, and often unspoken.

This lack of direct, acknowledged, planned involvement in economic competitiveness reflects an ambivalence about the role between Government and private commercial enterprise.

There is reason to be skeptical. But the world economy is changing rapidly. We can no longer afford to have the Government sit on the sidelines while our international economic competitors are playing for keeps.

President Clinton recognized that the times demand a change and a new clarity in Federal policy. He is urging us to adopt policies that will stimulate commercial innovation to increase our international economic competitiveness and create jobs.

Let me be clear. The Federal Government should not displace the decisions of the marketplace. Private enterprise is the primary creator of jobs and economic growth. But at the same time, Federal policy can and must invest in the jobs and technologies that will help America compete and win in global economic competition.

President Clinton's vision builds upon the work of the States. The States have for many years understood the need for public involvement to promote economic vitality. For example, my own State of Pennsylvania has taken the lead through its industrial resource centers and Ben Franklin technology partnerships to help small- and medium-size firms to innovate and be more competitive.

The President's proposal also builds upon the work of several of my Senate colleagues, most notably Senator HOLLINGS, Senator BINGAMAN, Senator ROCKEFELLER, and Senator NUNN. They deserve a great deal of credit for identifying and clarifying the Government's role in improving our Nation's competitiveness.

I take the floor today not only to express my strong support for President Clinton's technology initiative and my willingness to work to make it law. I also come to the floor today to emphasize a vital part of the President's proposal that we must not ignore.

President Clinton's proposal is not only about creating more high-technological machines. It aims to improve the competitiveness of America's manufacturing industries and its workers.

Technology alone will not accomplish that goal. What I discovered as our State's secretary of Labor and Industry is that we must pay far more attention to the human dimension of work—the way we organize the workplace; how we manage people; how they become self-managed people. Effective workplace organization is essential to commercial success. A classic example is Henry Ford and the success of the Ford Motor Co. Henry Ford did not invent the car. He brought the mass production process to car manufacturing and it was this process that made American auto manufacturers the world leaders for decades.

But the mass production system is being replaced by high performance work practices. These practices of organizing work have been pioneered by Japanese and German firms and are a key to their economic success, too often at our expense.

There is an irony. One of the great leaders of pioneering in the form of new worker participation, labor/management cooperation, high performance and quality work was imparted by General MacArthur to Japan after World War II to introduce those practices in Japan which we had begun during World War II but dropped thereafter while Japan moved ahead.

How we integrate technology and workplace practice now is the key to a manufacturing firm's success and to progress in our economy. For example, at a traditional low-technology General Motors plant, it once took 34 hours to produce a car with an average of 1.16 defects per car. After spending $650 million on high technology, GM still needed almost 34 hours to produce a car with 1.37 defects per car. Clearly, new technology alone did not make for a better car or more productive workers.

In contrast, a GM-Toyota joint venture in California made only a moderate investment in new technology but fundamentally changed their management practices and production systems. As a result, it took only 60 percent as much time to produce a car and one with much lower defect rates.

American firms have begun implementing high performance work practices. As Pennsylvania's secretary of Labor and Industry, I worked to encourage labor/management cooperation as a way to improve productivity and ensure economic success and create jobs. I once toured a new Plexiglas production facility in Bucks County developed by a joint venture between Rohm & Haas and a Japanese company. Technically, the facility was not especially advanced. What mattered is that it was operated by a self-managed work group. They worked as teams to perform all of the functions of the facility.

To teach this workplace organization, Rohm & Haas sent its workers to Japan, an expense which many small and medium firms cannot afford. After they came back, within a few months they were producing at a higher rate of productivity the same operation as their Japanese competitors.

The Federal Government already encourages high performance work practices through the Malcolm Baldrige Award. Competition for the Baldrige Award which is modeled after the Deming Award in Japan, after the man General MacArthur brought there, has already helped improve thousands of enterprises across the country by defining workplace standards and setting quality goals. In Pennsylvania, we created an office of labor-management cooperation to help Pennsylvania earn a reputation as a State that was pioneering in new high performance work force arrangements based on labor/management participation and cooperation.

So as we consider legislation that will make long-term investments in our economy, we cannot forget the essential human element. Firms of all sizes need encouragement and help in improving their workplace practices, not to just add new machines but to create high performance organizations with skilled workers in well-paying jobs. We must make sure that any legislation, first, enables the Federal Government to gather and promote the best workplace practices; second, coordinates Government technology and training assistance; and, third, measures the success of Federal technology policies in human terms putting people first, including job creation and worker productivity.

President Clinton's understanding that workplace practices and technology policy are virtually related represents a real breakthrough. It is a vision that cannot be enacted by one congressional committee or implemented by one Government department or agency. We, in Government, have to commit ourselves to our own total quality management when it comes to promoting American competitiveness.

That is why I am pleased to join my colleague from Massachusetts, Senator KERRY, a member of the Commerce Committee, in this effort. Just as it will take cooperation between workers and management to improve our Nation's economy, it will take greater cooperation among the various agencies of Government as well. We can only move forward in creating jobs and long-term economic growth by working together, by breaking down traditional boundaries between bureaucracies, and by understanding that the key to our competitiveness is not in some abstract idea of high technology but in the real people who make it work.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

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## TECHNOLOGY POLICY AND HUMAN CAPITAL

Mr. KERRY. Mr. President, I am delighted to join my colleague from Pennsylvania in trying to focus our attention and our effort on the broad problem of technology—not just as it relates to machines, but as it relates to the critical human component, as well. I congratulate my colleague, the Senator from Pennsylvania, for being a leader in this area and for his commitment within the Labor Committee to focus attention on it. I join him in this effort in the Commerce Committee.

There has been a great deal of rhetoric in the country over the last few years about the Nation's competitiveness but frankly very little of the rhetoric has been matched with action by the Congress or elsewhere. And I and others have analyzed the data on the workplace, we find reasons which dramatically underscore the need for immediate strong responses to this national predicament. Real wages have fallen since 1980. That means that people are actually earning less in America for their labors than they were in 1980. At a time when we are all talking about how we want our country to be a country of high-wage jobs creating high value-added products. The share of jobs in this country that are low-wage jobs is actually increasing. So there is a direct contradiction. We are becoming a nation of hamburger flippers rather than a nation of manufacturers.

If this trend continues, our children's generation will be the first generation of Americans not to have a better standard of living than their parents and, in fact, their standard of living will actually be lower than that of their parents. To take no action to address this issue in the budgeting process over the next weeks would be unconscionable.

So this is the crisis that we face. And this is the crisis that the President is trying to address in his plan to increase investment in America.

One of the most important parts of this plan, particularly for my State of Massachusetts, but for other States across the country, too, is the technology initiative. Many of the proposals contained in this initiative mirror those on which Senator HOLLINGS, the chairman of the Commerce Committee, has worked tirelessly over the last several years and which are included in S. 4, the National Competitiveness Act of 1993, of which I am pleased to be a cosponsor.

In Massachusetts we think of ourselves as the potential laboratory for the high-skilled economy of the future. We have so many leading research universities, laboratories and other institutions—from the Massachusetts Institute of Technology to the Draper and Lincoln Labs, to the high-technology highway of Route 495, to the University of Massachusetts—which have a long history the process of developing new ideas and then taking them from the laboratory out into the marketplace. In part as a result of these institutions, we have more than our share of technologically innovative companies in Massachusetts. All of these, regrettably, are watching while manufacturing employment in our State has declined by 23 percent, since 1980—in large part because of the competition from low-wage countries.

Our companies have learned from this that in order to be competitive they cannot continue to do the same thing that companies in Third World countries can do as well as they can, but instead they have to turn the State's intellectual resources to their competitive advantage. So to us, Mr. President, the vision of the high-skilled economy is not a theory. We are practicing it today, and we understand it is our future.

But in order to achieve that goal, we in Massachusetts and across the Nation, need to attack the problem of investment in technology in its broadest sense. We cannot focus on machines and forget about the people who run the machines. If we do, we run the risk of promoting a trickle-down technology policy instead of the broad policy laid out in the President's initiative and in S. 4.

In Europe, in Japan, in parts of Southeast Asia, companies have learned to reorganize their factory work to manufacture with greater flexibility and with higher quality than was possible using the old mass production techniques known as the Taylor model of organization.

Under the Taylor model, which was first designed in the early 1900's, a complex assembly of parts is broken down into rote tasks which required very little skill to perform.

The Taylor method has been replaced in high-wage countries around the world with what is now sometimes called high-performance work organizations. This new model gives authority to skilled workers so that they can perform a wide variety of tasks, and therefore allows greater flexibility in the production process. Workers are asked to make decisions on the spot so that they can fix quality problems rather than waiting for an engineer or for a quality inspector. That saves time. That gives them flexibility. It gives workers greater involvement, and the result is a better product.

In Foxboro, MA, the Foxboro Co.'s Pocasset plant has been cited as one of the 10 best plants in America by Industry Week. At a time when many major corporations have simply given up trying to achieve profitability and quality in the production of electronic components, Foxboro has empowered its employees to form multidisciplinary teams which continually reevaluate every aspect of production and they push the plant to meet higher standards of quality and production. The plant has, therefore, remained competitive because it won the participation and the commitment of every employee in quality management.

This company has learned the lesson of the high-performance work organization revolution. The rest of us in this country need to learn it and to give U.S. companies access to the technologies they need to join in this revolution.

That is one of the things President Clinton is trying to accomplish in the technology initiative, and we in the Senate should not lose sight of this fact.

A recent Harvard Business School study shows that United States companies tend in general to underinvest compared to their German and Japanese competitors. But even when they do invest, they tend to overinvest in physical capital—new machines—and underinvest in human capital—their workers. Our Japanese and German competitors are more willing to view their human capital investments as central to the manufacturing strategies.

I look forward to working with my colleague, the Senator from Pennsylvania, and with others as we proceed in the effort to try to give this country a policy that is going to make us compete, at the same time as we raise the standard of living of the workers of this Nation.

As Senator HOLLINGS knows, a primary goal of any technology policy is ultimately the creation of high-wage jobs, and this mission must be an essential part of our technology program in the future.

President Clinton's technology paper states that "it is essential that priorities in research, regulatory, and other policies designed to encourage innovation and investment in the economy reflect the need to create high-performance workplaces—workplaces which offer all workers skilled, rewarding jobs with opportunities for growth." Making this a reality will be difficult at best.

We must remind ourselves continually that, as the President and Senator HOLLINGS know, a primary goal of any technology policy is ultimately the creation of high-wage jobs and that this mission must be a central part of technology programs as they are designed and implemented.

President Clinton has put forward a plan which will address the economic crisis in America. As a member of the Commerce Committee, I am very pleased to join with Senator WOFFORD of the Labor Committee, to illustrate that we in Congress are willing to work together as we are willing to work with the executive branch to get the job done.

Mr. FORD. Mr. President, did the Senator from Pennsylvania wish to make a statement?

Mr. WOFFORD. Will the Senator yield for one question?

Mr. FORD. I am glad to yield.

Mr. WOFFORD. I ask the Senator from Massachusetts, who has been looking at this for a long time and giving leadership in it, if the points he just made and we put forward do not also need to be put just as strongly to our own Government operations and have great relevance to the performance review that the President has commissioned our former colleague, the Vice President, to lead in the months ahead?

Mr. KERRY. Indeed. The Senator raises a very important point.

We have heard a lot of talk about reinventing Government. I do think, as I look at some of the agencies and at some of our own efforts, there is enormous room in our own process for us to review how the very principles we have talked about apply. But clearly, across the board, whether it is in Government enterprise or in the private sector, we are at a critical point in this country's history. The issue of how Americans are going to work and how we are going to give them the skills with which not to have one job in a lifetime but potentially seven jobs—we are told the average American worker may have seven different jobs in a lifetime in the near future.

Mr. WOFFORD. If the Senator from Pennsylvania could give some lessons in that.

Mr. KERRY. If we keep going the way we are going, we will all give lessons in that. But I would suggest that the Senator's point is very well taken and Government can indeed apply the same principles as we proceed with the Vice President's effort.

Mr. FORD. Mr. President, I want to join the "you are never too old to learn," and apply that with a broad brush.

### UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, so our colleagues will understand the agreement with the other side, on behalf of the majority leader, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 460, the motor-voter registration bill at 11 a.m. tomorrow, Wednesday, March 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each. If there is any additional time, there is no question but that we can get it extended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

## BASE CLOSURES IN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I rise today to address an issue of great importance to the State of California—the 1993 round of domestic military base closures.

The New York Times reported last Sunday that the Department of Defense may recommend the closing of at least 10 military installations in California during the 1993 base closure and realignment process. If true, California would again bear the brunt of base closures. As this map illustrates, potential base closures in California include:

McClellan Air Force Base; Mare Island Naval Shipyard; Oakland Naval Supply Center; Treasure Island Naval Station; Alameda Naval Air Station; Oakland Naval Hospital; The Presidio of Monterey and the Defense Language Institute located there; Long Beach Naval Shipyard; El Toro Marine Air Station; and March Air Force Base.

If this list is accurate, and I truly hope it is not:

More than 77,000 military and civilian personnel would be lost in California alone. That's one-third of all the bases that could be closed and more than one-third of all the personnel reductions that could take place nationwide.

The total direct and indirect job loss from these closures would be nearly 230,000.

The amount of $6.4 billion in annual economic activity would leave the State.

The working men and women—and the communities that have formed around these bases—stand the most to lose.

If McClellan Air Force Base closes, for example, the economy of the Sacramento area could be seriously damaged. Already, the Sacramento Army Depot and Mather Air Force Base have been slated for closure. Sacramento's unemployment rate could double, and in some areas of the county, the projected unemployment rate could soar to 44 percent. This would surely adversely impact the economy of the entire region.

If Long Beach Naval Shipyard were to close, nearly 15,000 jobs would be lost. In the last round of base closing, Long Beach lost its naval station and, with it, over 10,000 jobs.

El Toro Marine Corps Air Station, in Orange County, generates $1 billion a year in economic activity in an area of the country that is already suffering from the monumental effects of defense downsizing. Nearby Tustin Marine Corps Air Station has already been slated for closure. If El Toro also closed, the area's economy could be shattered.

The possible closure of March Air Force Base is of particular concern to me. Since 1988, two gigantic bases have already been closed in surrounding communities of the inland empire—Norton and George Air Force Bases. The area's unemployment rate is already in double digits. Not only is March Air Force Base responsible for over 30,000 jobs and $1.5 billion in economic activity, but the large military retiree community in the region depends on March Air Force Base for many important services. After the closure of Norton and George, the area is even more dependent on March Air Force Base for its economic survival.

What really troubles me, though, is the complete naval withdrawal from the San Francisco Bay Area. All five naval facilities in the bay area would shut down, punishing the entire region's economy and throwing tens of thousands of people out of work. The largest number of jobs lost would be due to Alameda Naval Station, with 19,500 direct job losses, and 31,000 indirect. The San Francisco Bay Area has been a home to the Navy for over a century, and the community has depended on the Navy for a large amount of its economic activity.

Mr. President, as you may know, California has already been hit hard as a result of previous base closures in 1988 and 1991. To date, 17 bases in California have been slated for closure, resulting in the reduction of 67,000 military and civilian personnel. That is over 60 percent of all net base closure personnel reductions throughout the Nation since 1988. Let me repeat that: 60 percent of all net base closure personnel since 1988 have occurred in California. This chart graphically illustrates the hard hit California has already taken from previous base closures as compared to the rest of the country.

Mr. President, base closures cannot only shatter an entire region's economy, but also have devastating effects on individuals—men, women, and children who depend on these bases for their economic survival. Let me take just a moment to convey some of the thoughts and feelings of some of the thousands of people who will be the most affected by these base closures.

A young boy in Napa, CA, wrote to me saying:

> If [the shipyard] closes my dad will lose his job and we'll have to move back to Seattle or New York. My mother is in a wheelchair and moving isn't very good for her. Also, if it shuts down, hundreds of people will lose their jobs and California's economy will get even worse. Please do what you can.

Another letter comes from a mother who enclosed a picture of her two young children. She says:

> I am a single parent trying to make ends meet. Working at Mare Island has given me that opportunity. I've served four years in the Navy and ten years for the DOD as a civilian employee. Please think about the families and their futures when these bases are closed. We are not nameless, faceless people, but fathers and mothers and children who need your help.

Still, another person wrote to me and said:

> We already have so many people out of work now. What are these people to do?

I could go on and on.

Mr. President, I understand that our country's military needs to reflect the realities of the post-cold-war world. But, closing 10 military bases in a State where the economy is still fragile and 1.5 million people are unemployed, just doesn't make sense.

California is still in the depths of a recession. As this next graph points out, California has one of the Nation's highest unemployment rates at 9.8 percent. That's almost 3 points higher than the national average. As I stated, 1.5 million people who live in California are unemployed. That's 17 percent of the entire country's unemployed individuals and more than the population of 13 different States.

California is a large defense State. Defense downsizing and base closures have already contributed to the lingering recession. More than 250,000 jobs have been lost in California due to defense downsizing in just the last 2 years. If these base closures go into effect, this figure could rise to 650,000 by 1998. The loss of another 230,000 base closure-related jobs would cause the State's unemployment rate to soar to well over 10 percent. This all-out blow to California as a result of these base closures just does not make sense when the State's economy is so frail.

Some people say that defense conversion is the answer. Well, conversion can be a good start, but what does the worker at the Mare Island or Long Beach naval shipyards do? Before these bases are closed, defense conversion programs with proven track records must be in place and there must be specific plans on how to convert these bases to civilian use quickly and efficiently.

President Clinton's economic stimulus and deficit reduction plan offers a roadmap for our Nation's recovery—and it will help my State recover from the current economic recession caused in part by the previous base closures. But, after talking with Gov. Pete Wilson and other concerned California leaders, I am convinced that if these 10 bases are, in fact, closed in this round it would negate any benefit that California would gain from President Clinton's plan.

I am one who believes, when you have high unemployment, the Government should not go out of its way to put more people out of work. California's current economic conditions and the cumulative economic impact from previous base closures must be taken into consideration before Secretary of Defense Aspin announces his final base closure recommendations on Friday. I will join Senators HOLLINGS, BOXER, DODD, LAUTENBERG, THURMOND and, I hope, other colleagues tomorrow to introduce a resolution that will ask the Base Closure and Realignment Commission to place more emphasis on the economic impact of a base closing on a community. In California, if the economic impact is not weighed heavily, and the current plan moves forward, 230,000 jobs and billions of dollars in economic activity would be lost—the economy could be shattered.

As President Clinton accurately said recently, the country cannot fully recover from this recession if California does not. As yesterday's Los Angeles Times editorial so clearly pointed out, as California goes, so goes the Nation. If these base closures move forward as reported, without specific and immediate conversion efforts, California—and quite possibly the entire Nation—will only slump deeper into recession.

Mr. President, I ask unanimous consent that the text of the New York Times article, yesterday's Los Angeles Times editorial, and a list of sources for the base-closing map be entered into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 7, 1993]

### ASPIN IS PREPARING LIST FOR NEW SET OF BASE CLOSINGS

(By Eric Schmitt)

WASHINGTON, March 5.—The Clinton Administration is about to propose a sweeping new round of military base closings that seeks to reflect declining troop levels and changing military missions, senior Pentagon officials say.

Under orders from Defense Secretary Les Aspin, the armed services recommended in the last 10 days that at least 30 major installations be closed and as many as 150 other depots and smaller sites nationwide be consolidated or reduced, military officials said.

In the New York metropolitan area, the Staten Island Navy Home Port, the New London submarine base in Connecticut and McGuire Air Force Base in New Jersey are also expected to be shut or reduced in size. But local officials are lobbying hard to get Mr. Aspin to reverse the military recommendations.

#### CALIFORNIA MAY BE HIT

California, where 17 installations are already being closed, will be hit particularly hard in this round, Pentagon officials said. Among the bases there proposed for closing are the Alameda Naval Air Station, home to 18,000 sailors and relatives; and several other Navy installations in the San Francisco Bay area. While that would cost the state a large number of jobs at a time of substantial unemployment, it would still leave it with many active bases.

Mr. Aspin and Gen. Colin L. Powell, the Chairman of the Joint Chiefs of Staff, as well as other senior Pentagon officials, are reviewing the recommendations and may make changes before the Defense Secretary makes his final list public in an announcement expected to take place on Friday. The proposals will then be given to a Presidential commission that was set up to review such closing plans, giving Congress political cover for the decisions.

The closings will eliminate thousands of military and civilian jobs and are virtually certain to stir intense opposition among lawmakers whose districts or states are affected.

#### SIGN OF THE TIMES

Among the other major installations the military seeks to close or scale back are Homestead Air Force Base in Florida, Charleston Navy Shipyard in South Carolina, K. I. Sawyer Air Force Base in Michigan, March Air Force Base in California, Orlando Naval Training Center in Florida and Fort McClellan in Alabama.

The military's proposals are a sign of the times. With fewer airplanes, the Air Force is cutting bomber and fighter bases, saying they can no longer justify the cost to run them. The Army lost several large bases in two earlier rounds of cuts and will probably be spared major reductions this time.

The Navy is recommending that one-third of its installations, or about 130 of them, be closed largely because many of the bases the Navy offered to close last time were rejected by the commission for faulty justification. With its existing installations built to accommodate a 600-ship cold war fleet, the Navy is now heading toward a total of 320 ships and submarines and must slash its overhead.

The Navy's strategy is to create "megaports" in Norfolk, Va., and San Diego, at the expense of closing clusters of installations in Orlando, Charleston and the San Francisco Bay area.

### MANY REVIEW STEPS

"The driving force for the Navy is the $26 billion annual operating costs for maintaining the infrastructure," said a former senior Navy official who is familiar with the base-closing process.

Under the law governing the procedure for closing or reducing bases, Mr. Aspin will submit his list by March 15 to an eight-member Presidential commission headed by former Representative James A. Courter, Republican of New Jersey. The commission will have until July 1 to accept or alter the Administration's recommendations. Its decision will then go to President Clinton, who will have until Sept. 1 to accept or reject them. If he approves them, the recommendations go to Congress.

In its last round in 1991, the commission closed 34 bases and reduced or consolidated 48 other sites, decisions that were expected to save $1.5 billion a year after 1997. The Pentagon operates 481 installations around the country. The military has closed scores of bases overseas in the last five years, but those do not need commission approval.

Two years ago, the Defense Secretary at the time, Dick Cheney, accepted the recommendations from the Air Force, Navy and Army secretaries with no alterations except to separate projects of the Army Corps of Engineers for independent consideration.

Mr. Cheney's strategy was intended to force lawmakers to share the pain of making military reductions and avoid deeper cuts in troops and new weapons. But with the end of the cold war and plummeting Pentagon budgets, Mr. Aspin and his aides are looking at closing or reducing more bases or even increasing some to deal with necessary services.

Unlike Mr. Cheney, though, Mr. Aspin is tinkering with the military's proposals. "There's a lot more fluidity this time," said one senior Defense Department official involved in the review. "There's more flux in the process this time. Bases could be swapped back and forth from the 'closed' category and the 'realigned' category."

Opposition from lawmakers and local communities is predictably fierce, particularly in potentially hard-hit areas like Charleston, Orlando and the San Francisco Bay area.

Dan Leonard, the chief of staff for Representative Susan Molinari, Republican of Staten Island, said she was not aware that closing the home port was being considered. Emphasizing that any such list was very preliminary, he said, "the home port is very important for Staten Island and for New York. Noting that Mayor David N. Dinkins has once opposed the home port, he added, "Even the Mayor of New York now supports home port."

Frank Coleman, a spokesman for Senator Alfonse M. D'Amato, Republican of New York, said that in the last round the home port was on the list to be closed and that supporters succeeded in having it taken off. He said Mr. D'Amato would not shrink from another fight and added, "As he has in the past, he will fight tooth and nail to retain the base."

In Charleston, the proposed closing or consolidation of the shipyard, naval station, supply center, depot, hospital and submarine and mine warfare training locations could mean a loss of more than 41,000 jobs with an annual payroll of $1.1 billion, said Senator Ernest F. Hollings, Democrat of South Carolina.

### STRESSING ECONOMIC CONCERNS

Mr. Hollings and Senator Dianne Feinstein, Democrat of California, plan to offer a Senate resolution in the next few days to place grater emphasis on the economic impact to communities when determining which bases to close.

"You don't want to gut the economy of states doing this," Senator Feinstein said in a telephone interview. "Making additional base closings without any meaningful economic conversion program in place is foolish."

All five military installations in the Oakland district of Representative Ronald Dellums, the California Democrat who succeeded Mr. Aspin as head of the House Armed Services Committee are proposed for reduction or closing, military planners said. Mr. Dellums has been a leading supporter in Congress for deep military budget cuts, but the lawmaker now fears the Navy may spend more money at other bases to accommodate the displaced Bay area service members.

In evaluating base closings, the commission considers, in order of priority, military requirements, the installation's physical condition, ability to accommodate future growth, operating cost, potential savings from closing, economic impact on communities and environmental impact.

Other communities, bloodied from past fights with the base commission, are gearing up special groups of business leaders, lawmakers and civil officials to fight the Pentagon's picks.

While closing bases promises long-term savings, it actually costs the Pentagon hundreds of millions of dollars for short-term environmental cleanup and other termination costs.

The Army, for example, estimates that bases identified for closing this year will result in a total savings of about $270 million a year, beginning in 2000. A senior Army official said the total projected cost of closing the bases is $650 million from 1994 to 1999.

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[From the Los Angeles Times, Mar. 8, 1993]

### AS CALIFORNIA GOES, SO GOES AMERICA

Can a decent U.S. economic recovery occur without an accompanying snapback in the California economy? That's the big question for the Clinton Administration as it comes out of the macroeconomic clouds and gets down to earth in producing a detailed budget. California could be a problem—a big one—for the President.

The fact is that his plan could very well misfire unless California receives special attention. The Clinton approach now reflects broad-gauged national economic data and trends that suggest the economy in general may be on the mend. Maybe. But California—whose economy accounts for nearly 13% of the U.S. gross domestic product, an economy equivalent to the world's eighth-largest—is struggling mightily, and so far ineffectively, to join the national recovery. Little relief is in sight.

California's problem is caused in particular by the restructuring and downsizing of major industries, especially the defense business, hard hit by federal cutbacks. On today's Commentary page, UC Berkeley professor Stephen S. Cohen points out that California has taken a disproportionate hit in the economic slump. The state, all by itself, accounted for 38% of total U.S. job losses between June, 1990, and December, 1992. All by themselves, the five counties of the L.A. metropolitan area accounted for a chilling 27% of U.S. job losses.

Job shrinkage appears to be continuing. The latest unemployment figures show that California's unemployment rate rose while the national rate dipped. Even more troubling was that the unemployment rate for L.A. County rose to 11.2%, the highest level since July. The last time the county's jobless rate was higher was a decade ago. These figures should grab the attention of the Administration. California's problems, unaddressed, could kill any national recovery. State Treasurer Kathleen Brown, commenting on her meeting last week with President Clinton, said he vowed that he would be responsive to California's needs.

Clinton also indicated he would incorporate in his budget plan Gov. Pete Wilson's request for $1.5 billion in reimbursement for health and education services to immigrants. But he did not specify an amount. "He seemed to be concerned about how critical California is to the recovery of the national economy," Brown reports. Good. But in Clinton's national economic plan, California could well get lost in the budget allocations. The Administration should pay special attention to the state's agonies.

The California congressional delegation came together last week, for only the second time in recent years, to meet with Brown. More than ever, the delegation needs to work together to ensure that California gets its fair share of Clinton's investments in infrastructure programs (the subject of a series of Times editorials, Part 3 of which appears on this page today); in high technology; in the inner cities (especially South Los Angeles); in retraining programs for out-of-work defense workers; in mass transportation.

Despite its large size, California does not now get its fair share from Washington. The paradox is that the fortunes of the U.S. economy ride to a great extent on California's fate. Without special attention, a continued poor showing in the California economy could take the sizzle out of the Clinton economic plan. We state this point as emphatically as we know how, not simply because we are Californians but also because we are Americans: If this state continues to lag behind the national "recovery," there won't be any national recovery.

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### IMPACT OF POTENTIAL BASE CLOSURES ON CALIFORNIA

#### MCCLELLAN AIR FORCE BASE

Direct personnel reduction: 15,000.
Indirect job loss: 22,000.
Economic impact: $1.5 billion annually.
Source: McClellan Air Force Base Community Data Sacramento City and County Base Realignment Committee.

#### MARE ISLAND NAVAL SHIPYARD

Direct personnel reduction: 6,500.
Indirect job loss: 37,000.
Economic impact: $550 million annually.
Source: SED Corporation/City of Vallejo report.

#### OAKLAND NAVAL SUPPLY CENTER

Direct personnel reduction: 3,800.

Indirect job loss: 6,000.
Economic impact: $41.5 million annually.
Source: Alameda County Economic Development Advisory Board.

### TREASURE ISLAND NAVAL STATION

Direct personnel reduction: 2,700.
Indirect job loss: 4,300.
Economic impact: $120 million annually.
Source: Public Affairs Office, Treasure Island Naval Station.

### ALAMEDA NAVAL AIR STATION

Direct personnel reduction: 19,500.
Indirect job loss: 31,200.
Economic impact: $726 million annually.
Source: Alameda County Economic Development Advisory Board.

### OAK KNOLL HOSPITAL

Direct personnel reduction: 664.
Indirect job loss: 1,060.
Economic impact: N/A.
Source: The California Institute for Federal Policy Research.

### PRESIDIO OF MONTEREY (DEFENSE LANGUAGE INSTITUTE)

Direct personnel reduction: 5,300.
Indirect job loss: 8,500.
Economic impact: $550 million annually.
Source: California Governor's Office of Planning and Research.

### LONG BEACH NAVAL SHIPYARD

Direct personnel reduction: 4,100.
Indirect job loss: 10,000.
Economic impact: $350 million annually.
Source: Long Beach Shipyard Labor Coalition.

### EL TORO MARINE AIR STATION

Direct personnel reduction: 8,000.
Indirect job loss: 12,800.
Economic impact: $1 billion annually.
Source: City of Lake Forest & Public Affairs Office, El Toro Marine Air Station.

### MARCH AIR FORCE BASE

Direct personnel reduction: 12,000.
Indirect job loss: 19,200.
Economic impact: $1.6 billion.
Source: California Governor's Office of Planning and Research & Public Affairs Office, March Air Force Base.

### TOTALS

Direct personnel reduction: 77,500.
Indirect job loss: 152,000.
Job loss: 229,500.
Economic impact: $6.4 billion annually.
Potential Calif. unemployment: over 10%.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

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## CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, last week the Rules Committee of the U.S. Senate held a series of hearings on campaign finance reform. It is clear, from those hearings and from the leadership here in the Congress and from statements of President Clinton, that we must and we will move forward with some kind of campaign finance reform package this year.

I want to speak just a moment today about several ideas I presented to the Rules Committee and which I intend to introduce here in the Congress during this week. These proposals will amend current campaign finance laws and will add to the proposals now being offered by various Members of the Senate.

If you go to any group in this country and ask them, in a town meeting or in a hometown cafe, what is wrong with our political system and what is wrong with campaign financing, what they will tell you in most cases is: Campaigns cost too much. The costs of political campaigns have skyrocketed in this country. And most Americans say: Let us do something about these skyrocketing costs. Let us put a lid on them by imposing some sort of campaign spending limit for U.S. House and Senate races.

For my part, I think the political system is not well served in this country by campaigns that last too long, campaigns that are not very interesting, and campaigns that spend too much money on all of the wrong things. I much prefer that we have a system like the British or Canadians, where campaigns last only 30 to 45 days. These campaigns are spirited. The dust flies, and when the bell rings, they all vote. The dust settles, and it is all over.

In this country we have a tortured trail in House, Senate, and Presidential races which last for years, complete with fundraising and ad nauseam television commercials. I want to see all of this change. We can, it seems to me, address the question of money in campaigns and the amount of spending in U.S. House and Senate races.

Last year, when I ran for the Senate, I proposed to my opponent that we run the most unique campaign in this country. I proposed at the start of our race, that neither of us have any television, radio, or newspaper advertising of any kind in our political race. I said, instead, let us do this: Let us pool our money, and we will, for 1 hour a week—on statewide primetime television—debate for the 8 weeks leading up to election day. We will come without reserve notes and without aids. We will show up and have a moderator, and for 8 weeks on primetime, statewide, live television, we will talk about what we stand for, what we want to fight for, and what we believe this country's future should be.

Well, it did not quite work out that way. My opponent was not interested in that. So instead we had a traditional campaign. But the traditional campaigns are not the right way to do things.

So how do we change all this by fundamentally changing the way campaigns are run in this country's political system: by limiting expenditures.

The Supreme Court has said the Constitution will not allow us to limit expenditures, because if you happen to have $100 million in your bank account and you decide you want to run for the U.S. Senate or House, and you want to spend $25 million of it, this is free speech. In the Buckley decision, the Supreme Court held that the government cannot do anything to inhibit free speech, including limiting the expenditure of $25 million by candidate X or Y to support his or her candidacy for the House or Senate. The Court has said we are not able to impose spending limits.

To get around that, various Members of the House and Senate propose legislation attempting to persuade candidates to meet voluntary spending limits. They include certain inducements, or carrots, to persuade candidates to abide by voluntary limits. That might work. It is certainly better than not having some kind of spending limits. Having voluntary limits is better than having no limits.

I propose a slightly different approach. In addition to establishing voluntary spending limits, I suggest that those candidates who decide they want to be big shots and go above the spending limits, pay 80 percent tax on every dollar they spend above the voluntary limit. If for example, we decide a House race should cost no more than $400,000, or a Senate race not more than $1 million, and somebody says: "That is not something I want to abide by; I have $100 million, and I am going to darn well spend as much as I want in my campaign," my proposal would make it awfully expensive for that person to spend that. Because if he or she does not abide by the voluntary limits, we are going to tax every dollar spent above the limit, the proceeds of which would go into the fund for campaign finance reform. This would be a powerful way to induce people to accept campaign spending limits.

Second, it would be an excellent way to raise money for those who decided to abide by the limits, rather than for those who involve themselves in reckless campaign spending far above the limits.

I am hoping that the Senate will consider this approach, as an adjunct to what is already being discussed with respect to voluntary campaign finance limits. This is an approach that makes sense to me. Some say, 80 percent is too high a tax to impose on those who exceed spending limits in campaigns. A tax of 75 and 50 percent have also been suggested. Nonetheless, I think it is something we ought to consider. Anything we can do to persuade people to limit campaign spending in races for the U.S. House and Senate will improve politics in this country.

There are two other points, Mr. President, that I made before the Rules Committee. One I am going to introduce in legislation and the other I am determining if it can be worked into a draft bill. The second part is television advertising. Let us assume we limit campaign spending effectively through a voluntary limit and have a high tax on those that exceed it. You effectively limit campaign spending. We have done something meaningful for the political system, which improves politics in this country; but one of the things that denigrates our politics, in my judgment, is that we sell politics just like we sell bubble gum. We sell politics like we sell cosmetics with tiny 30-second ads that have to compete with all of the best admakers in the country for cosmetic products and other consumer products that people look at all day and all night on television sets. These are 30-second explosions that go off in all of our minds. For example, they teach kids that you spell relief R-O-L-A-I-D-S. If you ask a high school class, they will tell you. Why do we carry that baggage around? Not because it is important that we know about post nasal drip or heartburn. Rather, we know that the 30-second explosions called television commercials are a powerful influence on this country.

Those who advertise on behalf of politicians understand this. We all understand that we have developed discussion in our political system through 30-second advertisements. It does not make any sense. It is not thoughtful or interesting. It is not useful and it does not contribute to the political debate. I propose, Mr. President—and this, of course, is a proposal which is not embraced by a lot of folks, that we decide—by the rate structure in television, which we can mandate without inhibiting free speech—that we are going to price political television commercials to be enormously expensive for 30-second ads, but inordinately inexpensive for 5-minute ads. Further, I propose that we persuade people to advertise at least 5 minutes in length and that the candidate appear in 75 percent of the ad.

That would require somebody to be halfway thoughtful, would not it? You would avoid staged, glitzy, exciting commercials. You would encourage talking about politics, public policy, government, and the future.

I think we ought to consider how to reform this powerful instrument called television and how it is used in the conduct of political debate.

Should we stifle debate? Heavens, no. We cannot do that anyway. But should we try to find ways to persuade more thoughtful approaches to debate? I think we should and I think there are more thoughtful ways for us to present our views on television than a 30-second ad.

The third area in campaign reform, Mr. President, deals with the respect we give our political system.

It is interesting to me that if anyone in this room, anyone in this town, decides, "I am going to invent a new deodorant and I am going to advertise my deodorant on television tonight"; that if the advertisement willfully lied about the product, the Federal Trade Commission will require the advertisement be withdrawn. You simply cannot lie about soap, deodorant, cosmetic products, or automobiles. You simply cannot willfully distort the truth about consumer goods in a television advertisement.

But, Mr. President, if your political opponent, or the political opponent of anyone else in American politics, decides to willfully lie about your record, about a vote that you cast, you will not get the Federal Trade Commission to force that ad to be withdrawn, you will not persuade the television station to withdraw the ad, and you will not persuade your opponent to withdraw the ad, despite the fact that the opponent might say you voted "yes" when in fact you voted "no" on any given question.

There is no requirement in the political system that we adhere to the same basic standard of honesty that is required in advertising consumer products.

Do we so disrespect the political system that we are not requiring the same standard of honesty in politics as we do with respect to the advertisement of consumer products?

There ought to be, Mr. President, in my judgment, the resurrection or the reconstitution of some sort of a fair campaign practices committee which works to ascertain what are the facts and if a political commercial is truthful. And if it is indeed a willful misrepresentation, it will not continue.

Those are the three points that I made to the Rules Committee of the Senate last week.

First, that we try to impose campaign finance limits. If we limit campaign spending, we will have accomplished something good for American politics. How do we do that? Voluntary spending limits, coupled with a tax on those big shots that want to spend a lot more; a heavy tax that says, if you want to spend a lot more, you are going to pay a heavy price for it. That would work, Mr. President.

Second, I would like to see us try to reconstitute the way political dialog and advertising moves in this country. Thirty-second ads are not healthy for political debate. We should not prohibit them but, what we ought to try is to find ways to induce 5-minute advertisements in which the candidate is on 75 percent of the time. And we can do that by the way we price advertisements on television stations for the purposes of political advertising.

And, third, let us evaluate whether we can impose the same basic standard of honesty in our political system, as we do for all consumer products.

I am not suggesting that we involve ourselves in the question of judgment or in the question of honest policy disputes. There is no discussion about that. But when there is an assertion of fact that is actually a distortion, then it seems to me there needs to be some public protection. Someone, somewhere, somehow there needs to be intervention so that we respect the political system as much as we respect consumers' rights in other areas. In our political system, their needs to be room for this kind of judgment by people who look at the facts with respect to political debate.

Now, having said all that and having presented it to the Rules Committee, Mr. President, I intend to offer a couple of pieces of legislation in the coming weeks and hope to graft some of it, particularly the first portion which I have discussed, to the campaign finance bill or campaign reform program that will likely move through the Senate this year.

We need, it seems to me, to ask the American people to take a new look at our political system and understand that it is not full of easy answers by wise people who easily discern the answers. This is tough business. Public policy is a difficult area and we need the support of the people of this country to move ahead and fix the things that are wrong.

And, yes, there are things dreadfully wrong in our country, but we can only make the tough choices to move America ahead if we have the support of the American people. We can only, in my judgment, have the support of the American people if we reform this insidious thing called campaigns in America—reform its financing and its conduct so that it does become a truly honest debate about public policy and an honest discussion about this country's future.

If we get to that point—and we can and we should very soon—the American people will once again respect the political system, as I hope they should and would.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent to continue as in morning business. Perhaps that is the order of the Senate.

The PRESIDING OFFICER. The Senator may proceed in morning business for up to 10 minutes.

## ABUSE OF OUR ASYLUM LAWS

Mr. SIMPSON. Mr. President, I do want to commend my colleague from New York, Senator D'AMATO, on his remarks last Friday about the problems of our country in facing this abuse of our immigration and asylum policies. We are facing serious problems because of that. He is entirely correct in his description of the wholesale abuse of our asylum laws, which is most obvious at

JFK International Airport in New York.

More than 30,000 persons at that airport have presented themselves without documents, or with fraudulent documents, and claimed asylum in the year 1992.

Yet all of these people—and please hear this—had passports and other travel documents when they checked in at various airports around the world before boarding the plane which brought them to JFK in New York.

Smugglers sometimes gather up fraudulent passports and travel papers. This is done before the persons leave the plane. Some asylum claimants tear up their papers, some have been known to eat them, some have been known to flush them down the toilet on the planes, and some use still other means of getting rid of their documents so that when they land, the immigration officials cannot deny them entry to the United States of America. And some simply present fraudulent documents. That is absurd, and that is going on.

And then we wonder who is in our midst; who is out near the CIA; who is bombing the World Trade Center; who is in the compound in Waco, TX.

Why, come, let us all realize what we do to ourselves. Our asylum processing system has become so overloaded that the asylum hearings are set for more than a year in advance. We do not have enough detention space to hold them until their hearings, so they are released. These people are simply released. They land at JFK with no documents, speaking nothing but the one word, "asylum," and are then given access to our systems. We cannot hold them. We give them a hearing date. And then they come into our society.

They then have access to our systems of support, and they are given the authority to work while waiting for their hearings. That is exactly why they come here. Most of them do not come here for terrorist activities. They come here for the precious right to work. That is what is happening in America.

In many cases, this is all that they seek, all that they ever sought—not really asylum, because asylum means that you are like a refugee, and a refugee is a person fleeing persecution or having a well-founded fear of persecution based on race, religion, national origin, membership in a political or social organization, fearing for yourself. So these people come to seek not asylum, but the ability to work in the United States. Many—if not most—of them never show up for their hearings; they simply disappear into American society. And that is what is happening today in New York, JFK, this country.

I introduced, in the last Congress, legislation which would provide for the expeditious handling—it was called a summary proceeding—of these types of cases at our international airports and seaports. A person presenting himself or herself without documents, or with fraudulent documents, who then claims asylum, would be given an immediate hearing. Under my legislation, they would be given a hearing that instant by specially trained immigration officers at the port of entry. An alien who could not establish a credible claim of asylum would be excluded from admission to the United States. Those with a credible claim of asylum would be given a full asylum hearing at a later date.

Senator D'AMATO, my friend from New York, cosponsored that legislation. The Senate did not act on that legislation in the last Congress, and I will be introducing that legislation again in this Congress. I urge my colleagues to consider it carefully.

Consider the remarks, too, of the junior Senator from New York and realize that support of the legislation might be appropriate.

I, too, have been alarmed that the recent tragic events at the CIA facility in Langley, VA, and the World Trade Center in New York have reportedly—I say reportedly—involved persons here in illegal status. I have fought long and hard in this body for the control of illegal immigration in the midst of an entire extraordinary array of opposition having to do with issues definitely crafted in the use of emotion, fear, guilt, or racism—throw in a little bigotry, too—and we have been through all that.

Do not let anyone detour you from the real issue. It is not about racism, or ethnic groups, or anything of that nature. It is about a singular thing that a country ought to be about, and that first duty of a sovereign nation is to control its borders. You do not go anywhere in the world but that you have a passport and that you are in a sense in the system: Where is this person? Where are you going? You have a visa. When will you return? When you check into your hotel, the passport is presented; perhaps at the theater, perhaps at the restaurant. That is the way it is throughout the world. Not here. And we are beginning to pay the price.

So I have fought long and hard on control of illegal immigration. The alleged activities of the particular illegal aliens that caught our attention in these last days and weeks, is one symbolic and true illustration of harm to this country from uncontrolled illegal immigration. In these particular instances, according to the reports, fraudulent documents were used. The only way we are ever going to solve the problem of illegal immigration, without militarizing our borders, which some worriers have suggested to me—including some other bizarre approaches which are best described as redneck and absurd, including one remarkable fellow who presented me with a remarkable diagram called a cactus curtain, which certainly was a grotesque little sketch—is to find some sort of a more secure verification system. We must have some means of determining who is who in our immigration system, who is legal and who is not.

I have often proposed that we should perhaps consider the use of a more secure Social Security card. This is not some national ID that we suggest. This is not some return to Nazi Germany that we suggest. It is not something that has to do with tattoos, as some suggest. It is simply about control of our borders, which every other nation on Earth does. I envision the revised Social Security card, or document, which would not be carried on the person, would not be used for law enforcement, would not be used in any capacity in the United States, but would be presented only at the time of employment—new-hire employment. It would be presented not just by people who look foreign, but also by bald, emaciated Anglos like your local correspondent.

That is the way it has to work. It has to be for all of us, but only for new-hire employment—all of us, whether we look foreign or not.

I do not see that as inhumane. I do not see it as racist. I do not see it as an assault on ethnicity. I do not see it as an assault on the Statue of Liberty, because the memorable words of Emma Lazarus on the Statue of Liberty do not say, "Send us everybody you've got, legally or illegally." That is not what it says.

So perhaps these things in recent days will sober us to our task, stimulate us to what is out there that we must do, because the current widespread use of fraudulent documentation not only has adverse effects on our immigration system, but the use of fraudulent identification allows people to purchase firearms, to access the health-care system, which is breaking America at the tune of $800 billion a year, and other welfare and support systems, and even allows these people the precious right to vote.

That is where we are. It is wake-up time again. I have introduced legislation in the past to address this problem, and will be introducing legislation again, in this Congress to reduce the use of fraudulent identity in this country. I urge my colleagues to support these efforts and I thank the Chair.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of my colleague from Wyoming as it relates to his expression of concern over illegal immigration, illegal entry into this country. Let me also say how much I have recognized and appreciated his leadership on this very important issue for over a decade while I was in the House. A piece of legislation that became landmark legislation, certainly, with his name on it, passed this Congress and became law in an effort to control our borders and to identify, as best we could, that kind of movement.

So I certainly appreciate his clarity in this issue today. A nation, as he said, that has lost control of its borders, has lost control of its destiny.

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## CLINTON BUDGET PACKAGE

Mr. CRAIG. Mr. President, I come to the floor this afternoon, in morning business, to discuss with my colleagues the events of the last several weeks that have frustrated me a great deal, and I think now are beginning to frustrate a good many Americans, a good many Americans of good will.

I say that because repeatedly, since the November election, my citizens of Idaho, and I think the electorate across the Nation, has said to those of us here in Washington, we want you, as our elected representatives, to work in a bipartisan way with this new administration. And your job is to deal with the economy, the Federal deficit, the spending problem, and the greatest plague that is on our economic house, the overspending of our Federal Government.

So I began 1993 in that spirit, mindful of the commonsense perspective that Americans outside the beltway always have about these kinds of Federal financial matters. In doing so, I extended a hand of partnership to the new administration, with the goal in mind of whittling down the Federal deficit and working toward a balanced budget, because if there is any one single message coming from my State of Idaho, it was in my opinion that message.

So in that sense of hope, I looked forward to the President's recent economic message and his budget proposal, not only to this Congress, but certainly to the Nation. He spoke of shared sacrifice, of investment in our future, of smaller Government, reenergizing the private sector, and of talking of real wealth or job creation.

I listened very closely. And in the course of the last several weeks since that time we have looked at different news accounts explaining the President's budget package.

I must tell you that I share now with a good many of my citizens from Idaho and across the country a growing level of disappointment. A news establishment in this country that I think received the budget message sympathetically, caring as we all care, that a clear message get out and that the citizens of our country effectively respond, wanted the message to go forth that this was a budget that really was going to produce the results it was intended to.

Now we notice that, in those news accounts, we are hearing about performance compromises with promise compromises. It has become a budget analyzed in which it is clearly higher taxes, bigger Government, and no real commitment to deficit reduction, or no real commitment of the kind that I think the American people are now ready and willing to withstand.

Our President promised $500 billion in deficit reduction over 5 years, evenly divided between spending cuts and tax increases. And for a conservative like myself, I said you bet, Mr. President, on the spending cuts, and I will take a hard look at the tax increases, but I will look at them. I will take a serious hard look at them because the people of my State want me to do so.

Well, according to preliminary analysis, the plan issued by the President's budget included more than $300 billion in net new taxes, fees and other revenues, compared with less than $100 billion in net spending cuts. That was last week, or should I say that was the week before.

At the end of last week, all of a sudden there has been a new reanalysis of this budget or budget proposal. It was not $3 of tax increases for $1 of tax or spending cuts.

Now CBO has said it had changed significantly, that it was maybe more like four dollars and eighty-five cents' worth of new taxes for one dollars' worth of spending cuts.

Under the President's plan, the Federal deficit by 1998 was going to be even larger than projected.

So this morning in the newspaper we saw an effort as of yesterday by House Democrats to come forth with a whole new package of spending cuts, not to dramatically reduce spending, but to only bring it back down to what the President had proposed in his budget message of a couple of weeks ago.

I guess my question is, can you not get your act together? Is it not possible that we can come up with real figures and real numbers that we here in Congress can agree on? But more importantly, that the American people can begin to see and calculate as real and understandable predictable, determinable, all of those kinds of things? What is going to happen?

Well, the promise of a middle-class tax cut is gone. We know that. Many of us did not expect it would come, really. In fact, we are now down to looking at revenue that would be generated from taxes that would go to incomes as low as $20,000. The shared sacrifice talked about herald a new plan that, frankly, for Idaho and rural Western States, cuts the pockets right off the suit of many of our clothes, whether it is the suit of a white-collar businessman of whether it is the blue jeans of working rancher, cowboy, or laborer in the State of Idaho.

The net impact of the kind of economic program proposed by this President has severe impact—I mean very real severe impact—on my State of Idaho.

As close as we can calculate, and I must say the target keeps moving, the economic plan proposed would now take an estimated $700 million in new taxes out of any State on an annualized basis.

It does not sound like a lot of money until you put it in perspective. We are talking about a State of 1.3 million people. We are talking about a State whose entire government put only $600 million a year in education, kindergarten through college graduation. We are talking about a very small State. Yet, we are talking about a tax that is now nearly the size of the entire State budget on an annualized basis.

That is real impact. I do not care how you cut it. It is going to take jobs out of Idaho, it is going to put farmers and ranchers out of business, it is going to put men and women who are today working, on the street looking for a new job because the business they worked for failed under this kind of burden.

Is that deficit reduction? Well, if it were, maybe, just maybe, Idahoans could swallow extremely hard and take the hit. If the Federal Government was really downsizing, if by 1998 Government was significantly smaller, as projected by us here in the Senate and in our Nation's Capital, maybe Idahoans could take that hit.

But nothing could be farther from the truth. In all that we see today, it is more than likely that Government will be substantially larger by 1998 than it is today, and a fair share of the money to finance that growing larger Government will have come from the State of Idaho.

Under current policy, not new policy, under current policy if Congress adopts no new efforts by this administration, spending will increase by $54 billion next year, and by an accumulated $1.032 trillion over a 5-year period.

Where is that coming from? That is coming from the budget agreement of 1990. What our President is proposing is on top of that agreement. He is talking about additional moneys annually above $54 billion in new revenue that will be generated this coming year.

Those are not my figures. Those are the figures of the Congressional Budget Office. Those are the figures that the President of the United States said he would agree on so that we can all be talking about the same figures, from the same set of figures.

Similarly, revenues already projected under current policies to go up by $72 billion next year and a cumulative $1.043 trillion over 5 years. These increases compare with projected spending in 1993 of $1.4 trillion in total budget with a revenue of $1.1 trillion.

Well, Mr. President, over the last 30 years spending has gone up by more than $1.50 for every $1 of taxes raised. We know that. I think it is a generally accepted fact by all who watch Congress and by those of us who serve this Government.

Since the 1990 budget agreement, spending has gone up more than $1.80 for every dollar of revenue increase. Now, by last week's CBO figures, we are looking at four dollars and eighty-five cents' worth of spending increases for every dollar of revenue. Excuse me, let me reverse that. It is about $4.80 of new taxes for every dollar of spending cuts. It is this kind of calculation that leads me to the statement that, in my 13 years in Congress, both in the other body and here in the Senate, and in all of the years that I have been a student of government, I have never seen an effort to transfer wealth in this country any greater than the one that is currently being proposed by this President. It is, without question, the largest, most sweeping change in the economy of this country and the way we see business done, and it is proposed to be the way out of the very dark tunnel that many of us feel we are currently in.

Mr. President, first of all, I do not believe that kind of transfer of wealth is necessary. I really do believe there are a good many of us who are willing to bite the very tough bullet of spending cuts, as the American people want us to, and get on with the business of reducing the overall size of government as it relates to a percentage of the GDP of this country, and allow the productive sector of our society to accumulate wealth—I am talking about working men and women, as I am talking about the most wealthy.

Last week, a Senator from Colorado, HANK BROWN, proposed a package of spending cuts. I can agree with many of them. We are not without ideas. There are hundreds of ideas on how to control this government, if we only had the will to do it. The President has called on those who would criticize him to come up with a plan. Well, I can tell you, Mr. President, there are a good many plans out there. I am submitting, for the RECORD today, a package of page after page of spending cuts provided by the Citizens Against Government Waste. They are not new ideas. They are hundreds of ideas that would reduce the Federal spending, in a 6-year period, by almost $800 billion. Do I agree with all of them? No. Would the Presiding Officer agree with all of them? Probably, he would not. But I will tell you that most of these ideas were rejected out of hand by the President and his budgeteers when they sat down to put the economic package together that has been presented to the American people. And how they erred was to suggest that we simply crank up the tax machine, generate new taxes, and largely ignore spending cuts.

Well, I have just presented 539 different spending cuts that ought to be looked at in a serious way by this Congress and by this Senate, if we are truly going to bring down our deficit and reduce the overall size of our Government. That remains the critical responsibility of this Congress.

Mr. President, I pledge my support to working with you, if your effort is sincere, in reducing the deficit, not by massive tax increases that would truly destroy, or significantly damage, the economy of my State and begin to destroy the small businesses that are the generator of the employment base of a State like Idaho and many Western States, because currently the economic package that you put together strikes directly at the heart.

Let me give you, in closing, a couple of brief examples. My State is made up of farmers, ranchers, miners, loggers, and men and women who work for them, along with hundreds of small businesses that employ 15 or 20 people. That is the nature of Idaho. It is a rural Western State, acclaimed for its beauty and as a spot that a lot of people like to come and recreate. Every aspect of our economic program, Mr. President, every portion of our tax package, strikes at that very base, for the recreationalist coming to recreate, in higher transportation cost; the farmer or rancher, who will pay higher water costs, higher grazing fees, and higher energy costs. As a farmer or rancher, small business, or an individual instead of a corporation, higher personal income tax.

In my State, we manufacture or refine a lot of raw materials into product to be used to generate wealth in this country. One simple product is phosphate fertilizers. It does not sound like a significant item but, without it, many of our friends would go hungry around the world, because we would have little or no food to export, because it is the very basis of what causes our agriculture to be so productive.

Mr. President, your economic package raises the cost of phosphate fertilizer by $44 per acre, per farmer, in this country. That is hundreds of millions of dollars a year of additional costs in farming alone. That does not include the fuel you put in the tractor, or the tax you will have to pay as an individual small business person, farmer or rancher, finally.

Mr. President, take another close look at your tax package. Take another close look at your spending program, and then get serious about spending cuts, whether it is the 539 I present today, or whether it is the hundreds of others that HANK BROWN from Colorado presents, we really have to get serious about it. The American people and the good will they have extended you will last only so long, because when pencil hits the paper and we all begin to figure, as many of us have been doing for the last 2 weeks, and the figures grow very clear that this is not deficit reduction, but it is a massive new spending increase that will not only increase the overall size of government, but at the end of your first 4 years, Mr. President, it will demand significantly higher taxes simply to hold the deficit near $300 billion. Then I think the American people will once again ask: Mr. President and Members of the Congress, where were you in 1992 when we asked you so very clearly to reduce spending, control the deficit and bring our Government under the control the American people want to see?

I think that is our challenge, Mr. President. Clearly, your economic package has not addressed it. Work with us in the Congress to bring about a package that will do so.

I ask unanimous consent that a table that was included in a Washington Times article regarding Senator BROWN's plan be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

A comparison of President Clinton's economic plan and a proposal by Senator Hank Brown, Colorado Republican.

DEFICIT–REDUCTION PLANS

[In billions of dollars, compared with Congressional Budget Office uncapped baseline for fiscal 1994–98]

| | Clinton plan | Brown plan |
|---|---|---|
| Total new taxes | $360 | 0 |
| Tax cuts | −67 | 0 |
| Net new taxes | 293 | 0 |
| Defense cuts | 112 | 94 |
| Mandatory spending cuts | 78 | 338 |
| Discretionary spending cuts | 71 | 147 |
| Spending increases | −178 | 0 |
| Net spending cuts | 83 | 579 |
| New user fees | 25 | 6 |
| Debt-service savings | 62 | 94 |
| Total deficit reduction | 463 | 679 |

Mr. CRAIG. Mr. President, I ask unanimous consent that the "Waste Dividend" list of spending reduction options be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| | I. CONGRESSIONAL BUDGET OFFICE | | |
| | A. Reducing the deficit: Spending and Revenue Options, February 1992 | | |
| (1) DEF 21 | Streamline the National Defense Stockpile | $150 | $750 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (2) DEF 23 | Delay development and production of new weapons for one year | 250 | 170 |
| (3) DEF 25 | Cancel the National Aerospace plane | 100 | 510 |
| (4) DEF 30 | Deny unemployment compensation to service members who voluntarily leave military service | 240 | 1,200 |
| (5) DEF 33 | Reduce drills for noncombat reserve units | 120 | 660 |
| (6) DEF 34 | Employ private-sector methods to reduce per capita use of hospital services by dependents of active-duty personnel to rates more characteristic of the civilian sector. | 365 | 2,300 |
| (7) DEF 35 | Increase charges for direct military health care services to curb excessive use | 210 | 1,240 |
| (8) DEF 38 | Adopt short, unaccompanied tours for Europe | 260 | 1,970 |
| (9) DEF 39 | Reduce operating tempo and unit training costs | 720 | 4,390 |
| (10) DEF 41 | Continue partial civilian hiring freeze through 1997 | 300 | 8,850 |
| (11) DEF 46 | Reduce Export-Import Bank credits | 30 | 620 |
| (12) DOM 01 | Cancel the Earth Observing System | 100 | 890 |
| (13) DOM 02 | Reduce the overhead rate on federally-sponsored university research by capping the administrative portion at 20 percent of modified direct costs and indirect costs at 15 percent. | 330 | 3,400 |
| (14) DOM 03 | Cancel the National Aeronautics and Space Administration (NASA) development program for the Advanced Solid Rocket Motor | 250 | 2,200 |
| (15) DOM 04 | Cancel the Super Conducting Supercollider | 200 | 2,200 |
| (16) DOM 06 | Cancel the Space Station | 1,050 | 9,700 |
| (17) DOM 07 | Eliminate further funding for the Clean Coal Technology program | 0 | 270 |
| (18) DOM 08 | Reduce crude oil acquisitions for the Strategic Petroleum Reserves | 70 | 820 |
| (19) DOM 09 | Eliminate below-cost timber sales from national forests | 20 | 230 |
| (20) DOM 10 | Eliminate Environmental Protection Agency (EPA) wastewater construction grants | 90 | 5,900 |
| (21) DOM 16 | Streamline operation of Agricultural Stabilization and Conservation Service (ASCS) and Soil Conservation Service (SCS) field offices | 25 | 450 |
| (22) DOM 17 | End all Small Business Administration (SBA) direct loans and loan guarantees | 450 | 3,000 |
| (23) DOM 19 | Stop expansion of the Rural Rental Housing (Sec. 515) program and increase developers' interest rates to 5 percent | 40 | 1,520 |
| (24) DOM 20 | Reduce by half new lending for Farmers Home Administration (FmHA) Section 502 Home Loan Program and increase borrower payments to 30 percent of income. | 380 | 2,800 |
| (25) DOM 22 | Eliminate trade promotion activities of International Trade Administration (ITA) | 110 | 860 |
| (26) DOM 23 | Eliminate federal operating assistance funding for mass transit and reduce the federal share of mass transit capital projects to 50 percent | 530 | 5,900 |
| (27) DOM 24 | Eliminate airport grants-in-aid | 300 | 6,550 |
| (28) DOM 25 | Close the Interstate Commerce Commission | 20 | 125 |
| (29) DOM 27 | End funding for the Economic Development Administration | 50 | 930 |
| (30) DOM 28 | Transfer the functions of the Appalachian Regional Commission to the states | 10 | 540 |
| (31) DOM 30 | Transfer Tennessee Valley Authority economic development activities to the states and eliminate commercial research programs | 40 | 600 |
| (32) DOM 31 | Eliminate Consumer and Homemaking Education Program | 5 | 150 |
| (33) DOM 32 | Eliminate education programs that have largely achieved their purposes (e.g., Public Library Construction, Follow Through, Law-Related Education, Law School Clinical Experience). | 5 | 150 |
| (34) DOM 39 | Consolidate social service programs and reduce funding 5 percent | 0 | 1,050 |
| (35) DOM 41 | Reduce National Institutes of Health research funding by 10 percent overall, aiming in particular to cut overhead costs by 50 percent | 370 | 4,000 |
| (36) DOM 43 | Freeze current number of housing assistance commitments | 70 | 3,450 |
| (37) DOM 44 | Replace new public housing construction with vouchers | 0 | 870 |
| (38) DOM 46 | Eliminate from the Department of Housing and Urban Development (HUD) budget earmarked pork-barrel projects that serve only local interests | 0 | 430 |
| (39) DOM 48 | Scale back by 40 percent Low-Income Home Energy Assistance Program (LIHEAP) subsidies | 730 | 4,100 |
| (40) DOM 49 | Close or convert inefficient or underused Veterans Administration (VA) facilities | 65 | 1,100 |
| (41) DOM 50 | Require VA to allocate resources using a prospective payment system, while increasing VA authority to allocate resources | 0 | 2,050 |
| (42) ENT 02 | Require the Department of Energy (DOE) to raise rates for federal hydroelectric power to speed debt repayment by regional Power Marketing Administration (PMAs). | 0 | 970 |
| (43) ENT 04 | Change revenue-sharing formula from a gross- to a net-receipt basis for commercial activities on federal lands | 190 | 1,050 |
| (44) ENT 06 | Lower target prices for subsidized crops by 3 percent annually | 440 | 13,250 |
| (45) ENT 10 | Restrict eligibility for benefits from price support programs and reduce the payment limitation | 130 | 1,300 |
| (46) ENT 11 | Eliminate the price support for wool and mohair | 0 | 760 |
| (47) ENT 12 | Eliminate the Honey Program | 20 | 35 |
| (48) ENT 14 | Eliminate the Export Enhancement subsidy program | 310 | 2,950 |
| (49) ENT 15 | Eliminate the Market Promotion Program that subsidizes foreign advertising for U.S. agribusinesses | 100 | 900 |
| (50) ENT 17 | Reduce costs for the dairy price support program by requiring producer contributions | 140 | 1,150 |
| (51) ENT 16 | End the Federal Crop Insurance Program and replace with standing authority for disaster assistance | 270 | 2,850 |
| (52) ENT 18 | Auction Licenses to use the radio spectrum | 1,700 | 3,500 |
| (53) ENT 23 | Recover, through user fees, the full Army Corps of Engineers' costs of operating and maintaining inland waterway systems | 350 | 1,900 |
| (54) ENT 24 | Eliminate Stafford Loan interest subsidies after students leave school; accrue interest during the after-school grace period; and reduce lenders' subsidies by 1 percentage point. | 370 | 3,000 |
| (55) ENT 25 | Require post-secondary institutions to pay a sliding annual fee related to the percentage of defaults on Stafford loans | 140 | 800 |
| (56) ENT 28 | Limit to 10 percent per annum the growth of administrative costs in the Foster Care program | 65 | 1,300 |
| (57) ENT 29 | Tighten Medicaid's estate recovery processes and rules for long term care | 75 | 1,350 |
| (58) ENT 30 | Combine funding to states for the administrative costs of Aid to Families with Dependent Children (AFDC), Medicaid, and Food Stamps into a single indexed grant. | 500 | 6,150 |
| (59) ENT 32 | Reform Federal Employee Health Benefits Program by adopting a prospective payment system | 0 | 1,700 |
| (60) ENT 35 | Reduce Medicare's direct payments for medical education | 160 | 930 |
| (61) ENT 38 | Freeze Medicare's prospective payment system rates for one year | 1,600 | 11,600 |
| (62) ENT 39 | Continue Medicare's transition to prospective rates for facility costs in hospital outpatient departments | 180 | 3,550 |
| (63) ENT 40 | Charge a fee for Supplementary Medical Insurance (SMI) claims that are not billed electronically | 230 | 980 |
| (64) ENT 45 | Increase Medicare's deductible for physicians' services from $100 to $150 and index for inflation | 900 | 11,850 |
| (65) ENT 46 | Reimpose the 20 percent coinsurance for clinical laboratory services under Medicare Part B that was dropped in 1984 | 600 | 5,650 |
| (66) ENT 51 | Bring federal employee retirement benefits in line with private sector practices | 890 | 14,150 |
| (67) ENT 52 | End Trade Adjustment Assistance | 220 | 1,050 |
| (68) ENT 53 | Increase targeting of child nutrition programs to end subsidies to middle-income families | 340 | 4,300 |
| (69) ENT 65 | Raise the loan fee for housing loans guaranteed by the Department of Veterans Affairs | 260 | 1,400 |
| (70) ENT 66 | Extend through 1997 provisions of the 1990 Omnibus Budget Reconciliation Act (OBRA–90) that: (1) authorize the IRS to help verify incomes reported by veterans, (2) authorize the VA to recover costs from third-party insurers, and (3) impose a $2 copayment for pharmaceuticals provided by the VA to veterans with low-rated disabilities. | 70 | 1,490 |
| | Total CBO 1992 savings | 18,305 | 190,760 |
| | B. Reducing the Deficit: Spending and Revenue Options, February 1990 | | |
| (71) NDD 11 | Charge fees to cover the direct costs of visitor and recreational services on National Park Service land | 150 | 800 |
| (72) NDD 11 | Increase the diligence requirement from $100 to $1,000 for hardrock mining claims to reflect inflationary price increases since 1872 | 0 | 300 |
| (73) NDD 23 | Establish the FAA as a private corporation | 2,950 | 21,550 |
| (74) NDD 26 | Recover 100 percent of Coast Guard services provided to commercial and pleasure boats | 710 | 3,800 |
| (75) NDD 27 | Limit federal highway spending to the amount brought in by motor vehicle fuel taxes | 320 | 8,550 |
| (76) NDD 30 | Eliminate untargeted portion of vocational education funding | 50 | 1,600 |
| (77) NDD 46 | Modify the Davis-Bacon Act by allowing unrestricted use of helpers and raising the contract threshold | 190 | 2,500 |
| (78) NDD 47 | Modify the Service Contract Act by eliminating the successor provision and raising the threshold | 130 | 750 |
| | Total CBO 1990 savings | 4,500 | 39,850 |
| | Total CBO savings | 22,805 | 230,610 |
| | II. BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1993 OFFICE OF MANAGEMENT AND BUDGET | | |
| | A. Mandatory outlay proposals | | |
| (79) USDA | Reduce Commodity Credit Corporation (CCC) subsidies to those with off-farm income over $100,000 | 65 | 665 |
| (80) USDA | Establish user fees for Agriculture Marketing Service | 7 | 47 |
| (81) USDA | Eliminate Morrill-Nelson funds | 3 | 15 |
| (82) COMM | Extend Patent and Trademark Office user fee surcharges | 0 | 214 |
| (83) ED | Extend current law eliminating statute of limitations on collecting defaulted student loans | 266 | 266 |
| (84) DOE | Realize pay-as-you-go effect of Alaska Power Administration asset sale | 0 | 42 |
| (85) HHS | Improve child support enforcement system | 134 | 814 |
| (86) HHS | Place Medicare hospital update on calendar year basis | 630 | 5,380 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (87) HHS | Limit federal subsidy to 25 percent of Medicare's Supplementary Medical Insurance (SMI) program costs for high income persons ($100K single/$125K couple). | 313 | 3,040 |
| (88) HHS | Recover Supplementary Security Income (SSI) overpayments by withholding other Social Security payments | 34 | 129 |
| (89) IRS | Apply to all taxpayers the 45-day processing rule | 310 | 1,819 |
| (90) VA | Home loans: Consider government losses on resale when deciding whether to purchase foreclosed property or pay lenders the guaranteed claim, and require veterans who are second and subsequent users a 2.5 percent fee and 10 percent downpayment. | 660 | 1,163 |
| (91) VA | Extend sunset on authority to recover costs from health insurers of veterans for non-service connected conditions | 161 | 1,020 |
| (92) VA | Provide eligibility for vocational rehabilitation to veterans rated 30 percent disabled or greater, and restore 9:1 service members' benefit/contribution ratio for contributions to the GI bill. | 43 | 267 |
| (93) USDA | Accelarate repayments for Farm Credit System Financial Assistance Corporation bailout | 212 | 212 |
| (94) OPM | Civil Service Retirement: Permanently extend elimination of the lump-sum option | 0 | 5,070 |
| (95) OPM | Apply Medicare Part B payment limits to all Federal Employee Health Benefit Program (FEHBP) enrolless age 65 and older, not just FEHBP/Medicare dual enrollees. | 85 | 380 |
| (96) TREAS | Authorize interstate banking and branching; allow banks to offer diversified financial services; reduce taxpayer exposure by limiting deposit insurance for individuals to two $100,000 insured accounts per institute; establish risk-based premiums set by the market; and measure costs of deposit insurance as they accrue, rather than when the institutions are closed. | 1,800 | 15,500 |
| (97) PBGC | Increase company sponsor contributions to the Pension Benefit Guarantee Corporation (PBGC); freeze the guarantee for plans that remain underfunded; amend bankruptcy laws to improve PBGC recoveries; and adept measures to show the budgetary costs of pension guarantees as they accrue. | 2,500 | 13,100 |
| | B. Domestic Discretionary Program Terminations | | |
| (98) CCE | Tourism Disaster Grants | 2 | [1]2 |
| (99) HHS | Mental Health Protection and Advocacy | 2 | 2 |
| (100) HHS | State Formula Planning Grants for Dependent Care | 3 | 3 |
| (101) HHS | Mental Health Clinical Training | 10 | 10 |
| (102) HHS | Demonstration Emergency Medical Services | 4 | 4 |
| (103) HUD | Flexible Subsidy Fund | 54 | 54 |
| (104) INT | Rural Abandoned Mine Program | 1 | 1 |
| (105) INT | Bureau of Indian Affairs Business Development Grants | 5 | 5 |
| (106) INT | Bureau of Mines Mineral Institutes | 4 | 4 |
| (107) INT | National Park Service Urban Park Grants | 9 | 9 |
| (108) INT | Navajo Rehabilitation Trust Fund | 4 | 4 |
| (109) INT | Bureau of Indian Affairs Direct Loans | 3 | 3 |
| (110) DOL | Bureau of Labor Statistics Mass Layoff | 6 | 6 |
| (111) DOL | Mine Safety and Health Administration State Grants | 6 | 6 |
| (112) DOL | Bureau of Labor Management Relations Cooperative Program | 2 | 2 |
| (113) DOL | National Veterans Training Institute | 2 | 2 |
| (114) EPA | Asbestos Abatement Loans and Grants | 22 | 22 |
| (115) EPA | Miscellaneous Low-Priority Projects | 3 | 3 |
| (116) EPA | Non-competitively-selected water projects | 3 | 3 |
| (117) NASA | Comet Rendezvous/Asteroid Flyby | 5 | 5 |
| (118) SBA | Tree Planting | 16 | 16 |
| (119) MISC | District of Columbia Special Projects | 17 | 17 |
| (120) MISC | State Justice Institute | 1 | 1 |
| (121) MISC | Commission on Bicentennial of the U.S. Constitution | 2 | 2 |
| | C. Major Reductions in Domestic Discretionary Programs | | |
| (122) USDA | Watershed/River Basin Program | 86 | [1]86 |
| (123) CCE | Decennial Census | 56 | 56 |
| (124) DOE | Fossil Research and Development | 49 | 49 |
| (125) DOE | Conservation Grants | 22 | 22 |
| (126) INT | National Park Service/Fish Wildlife Service Construction | 155 | 155 |
| (127) INT | Bureau of Reclamation Construction | 252 | 252 |
| (128) DOJ | Juvenile Justice Grants | 20 | 20 |
| (129) DOJ | Cooperative Agreement Program | 5 | 5 |
| (130) DOJ | Regional Information Sharing System | 19 | 19 |
| (131) DOL | Various Job Training Partnership Act Programs | 7 | 7 |
| (132) TREAS | Customs Service: Operations and Maintenance Air and Marine Program | 4 | 4 |
| (133) EPA | Non-Point Source Grants | 14 | 14 |
| | Total OMB savings | 8,098 | 50,014 |
| | III. CURRENT WASTE-CUTTING LEGISLATION | | |
| (134) HR 327 | Make ineligible for Pell Grant program institutions with high default rates | 446 | 2,230 |
| (135) HR 504 | Prohibit witness fees to be paid to persons in prison | 10 | 100 |
| (136) HR 643 | Garnish wages of federal employees who are delinquent in paying debts to the federal government | 300 | 300 |
| (137) HR 1245 | Implement a U.S. one dollar coin | 73 | 365 |
| (138) HR 1704 | Negotiate with foreign countries to provide for incarceration in those countries of illegal aliens imprisoned in the U.S. for federal offenses | 272 | 1,360 |
| (139) HR 2452 | Provide additional energy conservation measures at federal agencies | −100 | 1,900 |
| (140) HR 2643 | Spending Priority Reform Act: Eliminate pork-barrel items in FY 1992 appropriation bills | 1069 | 1,069 |
| (141) HR 2876 | Abolish the Presidential Election Campaign Fund | 45 | 225 |
| (142) HR 2890 | Establish limits on the prices of drugs procured by the Department of Veterans Affairs | 60 | 300 |
| (143) HR 3137 | Amend McCarran-Ferguson Act and Employee Retirement Income Security Act to make Medicaid payer of last resort | 1,000 | 5,000 |
| (144) HR 3441 | Prohibit direct federal financial benefits and unemployment benefits for illegal aliens | 5,400 | 27,000 |
| (145) HR 4600 | Eliminate the tobacco price-support program | 133 | 665 |
| (146) S 99 | Reduce pay for members of Congress and Executive officers | 25 | 125 |
| (147) S 171 | Implement federal employees optional early retirement | 620 | 3,100 |
| (148) S 2057 | Reorganize Department of Defense acquisition | 170 | 4,740 |
| | Total legislative proposals | 9,523 | 48,479 |
| | IV. THE OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, COST-SAVER HANDBOOK—1992 | | |
| | A. Health Care Financing Administration | | |
| (149) HCFA/A–1 | Require Medicare coverage of all state and local government employees or make Medicare the secondary payer | 1,235 | 8,098 |
| (150) HCFA/A–2 | Extend the Medicare second-payer provision for end stage renal disease patients covered under an employer group health plan | 429 | 2,648 |
| (151) HCFA/A–3 | Require insurance companies, underwriters, and third-party administrators to periodically submit employer group health plan (EPGH) data to HCFA to improve identification and recovery of secondary payer claims. | 900 | 4,500 |
| (152) HCFA/A–4 | Recover Medicare's share of pension asset reversions from the 83 hospitals that terminated their pension plans between October 1, 1983 and December 31, 1988. | 92 | 92 |
| (153) HCFA/A–5 | Recover Medicare's share of pension asset reversions that materialized when two national hospital chains terminated their pension plans | 27.6 | 27.6 |
| (154) HCFA/A–7 | Discontinue use of a separate carrier to process Medicare claim for Railroad Retirement beneficiaries | 9.1 | 45.5 |
| (155) HCFA/A–9 | Improve implementation of the Medicare secondary payer provisions of Omnibus Budget Reconciliation Acts of 1989 and 1990 | 2.2 | 2.2 |
| (156) HCFA/A–10 | Review selected Part B Medicare secondary payer activities at Blue Shield of Florida to recover mistaken payments and prevent future improper payments | 18.8 | 18.8 |
| (157) HCFA/A–11 | Review Aetna Life Insurance Company's compliance with the Working Aged provisions of Medicare's secondary payer program | 13.6 | 13.6 |
| (158) HCFA/A–12 | Prevent Medicare program losses due to unidentified primary insurers | 637 | 637 |
| (159) HCFA/A–13 | Raise the threshold for impartial review of disputed Medicare claims from $100 to $225, to adjust for inflation | 4 | 20 |
| (160) HCFA/A–14 | Require Medicare contractors to coordinate their health insurance data with Medicare files to identify secondary payers | 143.7 | 718.5 |
| (161) HCFA/B–3 | Apply a late enrollment surcharge to the premiums of buy-in-enrollees comparable to the surcharge applied to the premiums of other Part B beneficiaries. | 7.5 | 40 |
| (162) HCFA/B–4 | Halt Medicaid payments for less-than-effective drugs, as required by Title XIX of the Social Security Act | 16 | 16 |
| (163) HCFA/B–5 | Compare reimbursement prices for multiple-source prescription drugs in the United States and Canada to ensure that drugs are properly priced on HCFA's "upper limit" drugs list. | 2.2 | 11 |
| (164) HCFA/C–1 | Reduce Medicare indirect medical education payments to teaching hospitals to the level supported by HCFA's historical data | 1,390 | 6,900 |
| (165) HCFA/C–2 | Terminate Medicare disproportionate share adjustments | 800 | 4,000 |
| (166) HCFA/C–3 | Modify HCFA's payment policy for Medicare bad debts so hospitals have more incentive to collect unpaid deductible and coinsurance amounts | 400 | 2,000 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (167) HCFA/C–5 | Limit Medicare reimbursements for 1-day hospital admissions not requiring an overnight stay | 210 | 1,050 |
| (168) HCFA/C–6 | Review admissions of 1-3-day hospital stays for specific diagnosis-related groups (DRGs) to reduce unnecessary admissions | 183 | 915 |
| (169) HCFA/C–7 | Deny Medicare reimbursement for substandard medical care | 110 | 550 |
| (170) HCFA/D–1 | Develop and apply quality-of-care criteria for bypass surgery providers and adopt private-sector cost-cutting practices | 192 | 960 |
| (171) HCFA/D–2 | Reduce Medicare outpatient services payments in line with payments for the same services performed in an ambulatory service center | 90 | 645 |
| (172) HCFA/E–1 | Expand the Limitation on Medicare reimbursements for physician overhead expenses to cover inpatient hospital services, and incorporate a high volume criterion into the definition of "routinely performed" services. | 176.9 | 884.5 |
| (173) HCFA/E–2 | Change Medicare payment schedules for clinical laboratory tests to reflect what physicians are paying laboratories | 426 | 2,130 |
| (174) HCFA/E–3 | Establish Medicare and Medicaid prepayment edit screens to limit manipulation and abuse of reimbursement billing codes | 12.9 | 12.9 |
| (175) HCFA/E–4 | Incorporate the reimbursement for laboratory services into the charge for physician office visits | 1,100 | 12,000 |
| (176) HCFA/E–5 | Revise reimbursement rates for low-cost ultrasound tests | 4 | 20 |
| (177) HCFA/E–6 | Discourage medical suppliers from "shopping" among carriers to locate the one with the highest reimbursement rates by requiring suppliers to submit bills to a carrier in the patient's locale. | 22 | 110 |
| (178) HCFA/E–7 | Reduce Medicare payments for monitored anesthesia care by strengthening guidelines and adopting private-sector payment standards | 28 | 140 |
| (179) HCFA/E–8 | Reduce payments for unnecessary and poor-quality cataract surgeries and associated tests | 51.3 | 256.5 |
| (180) HCFA/E–9 | Reduce payments for unnecessary and poor-quality upper GI endoscopies and colonoscopies | 54.8 | 274 |
| (181) HCFA/G–1 | Exclude Medicare coverage of conventional eye wear for beneficiaries with an intraocular lens (IOL) implant since conventional eyeglasses are not a generally-covered benefit. | 72 | 360 |
| (182) HCFA/G–2 | Reduce payments for intraocular lenses to $150 to bring Medicare payments in line with international market prices | 100 | 500 |
| (183) HCFA/I–1 | Recover Medicare payments made for beneficiaries eligible for other government health insurance | 50 | 50 |
| | B. Public Health Service | | |
| (184) PHS/A–1 | Eliminate or reduce direct health care services in areas where they duplicate other services or where utilization rates do not establish need for such services. | 5.6 | 28 |
| (185) PHS/A–2 | Evaluate cost-effectiveness of contracting-out inpatient care at low utilization Indian Health Service hospitals | .2 | 1 |
| (186) PHS/C–2 | Recover grants awarded for the construction of Community Mental Health Centers from grantees not providing essential and below-cost or free services | 7 | 7 |
| | C. Social Security Administration | | |
| (187) SSA/A–1 | Establish a consistent eligibility date for all age-based Title II payments | 40 | 890 |
| (188) SSA/A–2 | Extend the mandatory tip-reporting requirements to include other businesses where tipping is common practice | 134 | 720 |
| (189) SSA/B–1 | Repay loans early on 3 SSA buildings to save on interest payments | 48 | 48 |
| (190) SSA/B–2 | Do not pay states for the cost of medical appointments broken by applicants for disability payments | 1.5 | 7.5 |
| (191) SSA/B–3 | Modify the Title II earnings enforcement operation to include late-posted earnings reports, suspended reinstatements, and earnings adjustments and corrections to ensure that the annual earnings test is accurate. | 10 | 50 |
| (192) SSA/B–4 | Initiate an automated marriage data exchange with the states | 5.5 | 27.5 |
| (193) SSA/B–5 | Acquire commercial zip code software | 5 | 25 |
| (194) SSA/B–6 | Revise current Treasury procedures to require large employers to deposit income and FICA taxes one banking day after the disbursement of wages | 10,127 | 15,501 |
| (195) SSA/B–7 | The SSA should use third-class bulk mailing instead of first-class postage rates | 2.5 | 12.5 |
| (196) SSA/B–8 | Determine the administrative costs for the attorney fee payment process and assess attorneys the applicable user fee in accordance with OMB Circular A–25. | 5 | 25 |
| (197) SSA/B–9 | Expedite current SSA negotiations to expand information-exchange agreements with state governments to prevent overpayments for workers' compensation. | 81.9 | 128.7 |
| (198) SSA/B–10 | Develop the Beneficiary and Earnings Data Exchange System (BENDEX) into a mechanism that can regularly be used during the application process for AFDC, Medicaid, and Food Stamp programs by expanding the electronic hook-up between state agencies and the SSA central office. | 18.9 | 94.5 |
| (199) SSA/C–1 | Grant audit granted to beneficiaries with significant subsequent earnings | 9 | 45 |
| (200) SSA/C–2 | Use SSA's automated systems to identify retroactive alien taxes due and develop procedures to facilitate collection | 7.7 | 7.7 |
| (201) SSA/C–3 | Determine the Social Security Numbers (SSNs) of overpaid former auxiliary beneficiaries for whom SSNs are unknown, and institute recovery if current benefits are being paid or offset these debts in future income tax refunds. | 32.1 | 42.5 |
| (202) SSA/C–6 | Improve recovery of payments made by checks with unauthorized endorsements | 10.5 | 10.5 |
| (203) SSA/C–7 | Improve procedures for recovering incorrect Title II Social Security payments | 7.7 | 7.7 |
| (204) SSA/D–1 | Pursue cross-program adjustment to collect outstanding debts owed by former Supplemental Security income (SSI) recipients who are current Retirement and Survivors Disability Insurance (RSDI) beneficiaries. | 43.3 | 156.5 |
| (205) SSA/D–2 | Require nursing homes to report to SSA admissions of SSI recipients within one day to prevent overpayments | 22 | 110 |
| (206) SSA/E–1 | Issue original SSNs for non-citizens based on an electronic transfer of data collected by the Immigration and Naturalization Service (INS) | 8.2 | 41 |
| | D. Administration for Children and Families | | |
| (207) ACF/A–1 | Modify Federal Medical Assistance percentage used for the AFDC, Foster Care, and Adoption Assistance Programs | 1,100 | 5,700 |
| (208) ACF/A–2 | Improve Connecticut's overpayment processing systems to monitor and control the recovery of AFDC program overpayments | 5.3 | 5.3 |
| (209) ACF/B–1 | Identify absent parents in the federal work force to improve collections for child support | 330.6 | 517 |
| (210) ACF/B–3 | As a condition of receiving federal matching funds for foster care under Title IV–E, require states to assure that foster care agencies refer appropriate cases to IV–D child support agencies. | 11 | 55 |
| (211) ACF/D–4 | Review Foster Care Maintenance Payments made by the Philadelphia County Department of Human Services | 6.8 | 6.8 |
| (212) ACF/D–5 | Department of Human Services in the District of Columbia should make certain procedural improvements, and refund to the Federal Government about $2.8 million and coordinate with the Department of Health and Human Services (HHS) operating division to return $4.8 million in expenses improperly billed to the federal government. | 7.3 | 7.3 |
| (213) ACF/F–1 | Revise current Emergency Assistance regulations to limit benefits for one period of 30 consecutive days or less in 12 consecutive months | 22 | 110 |
| (214) ACF/F–2 | Eliminate ineligible claims for cash and medical assistance under the Refugee Resettlement Program | 1.9 | 1.9 |
| (215) ACF/F–3 | Disallow New Jersey's overstated public assistance administration costs | 2 | 2 |
| (216) ACF/F–5 | Finalize Administration for Children and Families (ACF) corrective action plan to institute necessary policies and duties relating to the administration of grant programs. | 2.3 | 2.3 |
| (217) ACF/F–6 | Amend the Low Income Home Energy Assistance Program (LIHEAP) to eliminate duplication of home energy assistance through other federal and state programs. | 14.4 | 14.4 |
| | E. General Departmental Management | | |
| (218) GDM/A–1 | Revise Circular A–87 to disallow interest charges on unfunded actuarial liabilities of government pension plans | 1,300 | 6,500 |
| (219) GDM/A–2 | Disallow state sales tax charged to federal programs | 54 | 270 |
| (220) GDM/A–3 | States should: refund the federal share of excess reserves in self-insurance funds; avoid future excesses; and account for self-insurance funds in future statewide cost allocation plans. | 19.5 | 19.5 |
| (221) GDM/B–1 | Accelerate federal grantees' deposits of payroll taxes | 463.4 | 877 |
| (222) GDM/C–1 | Recover federal interest when multipurpose senior centers are no longer used for program purposes | 23 | 115 |
| | Total HHS IG savings | 23,006.7 | 82,836.8 |
| | V. UNIMPLEMENTED GRACE COMMISSION RECOMMENDATIONS | | |
| (223) ADP 01 | Create Office of Federal Information Resources Management; develop government-wide information technology policy | NA | NA |
| (224) ADP 07 | Improve ADP personnel recruitment and management | NA | NA |
| (225) ADP 17B | Accelerate IRS acquisition of latest ADP technologies | NA | NA |
| (226) ADP 18 | Adopt all other ADP recommendations | 2,500.1 | 10,369.1 |
| (227) Army 02 | Reestablish the tour length for first-term enlistees in long tours at 18 months | 48.0 | 160.9 |
| (228) Army 03 | Explore options to make 2-year unaccompanied and 5-year accompanied tours of duty more attractive | 68.4 | 226.4 |
| (229) Army 04 | Reduce permanent change of station (PCS) moves authorized for advanced officer training | 19.5 | 64.5 |
| (230) Army 05 | Consider options for minimum PCS moves in design of regimented manning system | 40 | 132.4 |
| (231) Army 06 | Study options for modifying "up or out" system | 117 | 387.3 |
| (232) Army 09 | Cancel the Learning Resource Center program | 10.2 | 33.7 |
| (233) Asset 03C | Establish revolving accounts for import duty collections | 378.4 | 457.8 |
| (234) Asset 03D | Use Federal Tax Deposit system; enhance collection of receipts | 517 | 626 |
| (235) Asset 05 | Expedite disposal of Commodity Credit Corporation (CCC) inventory through humanitarian foreign assistance (PL 480) and food stamps | 467 | 565 |
| (236) Asset 06 | Establish direct deposit/electronic funds transfer incentives | 284 | 344 |
| (237) Asset 08 | Charge agencies for interest expenses | NA | NA |
| (238) Asset 17 | Establish termination dates for direct loan programs when legislation is implemented | NA | NA |
| (239) Asset 22 | Eliminate Federal Housing Administration's involvement in new unsubsidized mortgage insurance 203(b), except for current obligations | NA | NA |
| (240) Bank 06 | Shift Export-Import (Ex-Im) Bank export credit activities to private sector | NA | 6 |
| (241) Bank 07 | Review Ex-Im interest rate fluctuations | NA | NA |
| (242) Bank 15 | Eliminate Railroad Retirement Board (RRB) field offices | 7.9 | 26.2 |
| (243) Bank 17 | Restructure RRB management organization | 1 | 3.3 |
| (244) Bank 19 | Charge user fees for Federal Home Loan Bank Board (FHLBB) borrowings | NA | 296.7 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (245) Bank 20 | Reorganize FHLBB district banks | 6 | 20 |
| (246) Bank 24 | Dissolve liquidity facility | 1 | 5 |
| (247) Bank 27 | Reorganize banking regulatory agencies | 17.4 | 57.6 |
| (248) Bank 28 | Streamline federal regulatory examination process | 7.3 | 24.3 |
| (249) Bank 29 | Transfer Federal Reserve System (FRS) regulatory functions to the Office of the Comptroller of the Currency (OCC) | 2.2 | 7.2 |
| (250) Bank 31 | Merge ADP facilities for OCC and Federal Deposit Insurance Corporation (FDIC) | 1 | 3.3 |
| (251) Bank 38 | Tax the farm credit system | 195.8 | 648.1 |
| (252) CCE 02A | Close 15 unneeded Coast Guard stations | 31 | 102.6 |
| (253) CCE 02B | Repealing mandate requiring operation of the Cardinal train | 2.2 | 7.3 |
| (254) CCE 03A | Consolidate the Office of Bureau of Indian Affairs | 16 | 53 |
| (255) CCE 05A | Close 20 underutilized Black Lung offices | .1 | .3 |
| (256) CCE 05B | Reduce personnel in Veterans Employment Service (DOL) | 1 | 3.3 |
| (257) CCE 06A | Close 63 unneeded and obsolete weather stations | 3.8 | 12.6 |
| (258) CCE 08B | Close 27 offices of Food Safety Inspection Service and a training center | 2.5 | 8.2 |
| (259) CCE 07 | Eliminate unrequested Customs inspectors | 5.6 | 16.6 |
| (260) CCE 11 | Repeal mandated personnel levels of EPA | 34.5 | 114.2 |
| (261) CCE 13B | Bring wages of GPO employees in line with federal government counterparts | 19 | 62.9 |
| (262) CCE 16 | Repeal minimum personnel ceilings in appropriate agencies | NA | NA |
| (263) Comm 01 | Restructure International Trade Administration (ITA) and reduce staff by 800 | 10 | 68.3 |
| (264) Comm 07 | Reduce Patent and Trademark Office hiring goals |  | 9.4 |
| (265) Comm 10 | NOAA: Stop converting raw LANDSAT data; sell "right" to price data | 103 | 298 |
| (266) Const 02 | Revise Council on Environmental Quality (CEQ) regulations for Environmental Impact Statements (EIS) | 10 | 33.1 |
| (267) Const 05 | Eliminate unreasonable mitigation outlays | 300 | 993 |
| (268) Const 06 | Modify treatment of wetlands | 7.5 | 24.9 |
| (269) Const 08 | Eliminate duplicative historic preservation regulations | 40 | 132.4 |
| (270) Const 09 | Repeal section 4(f) of the Department of Transportation Act, which requires consultation with the Secretaries of the Departments of Interior, Housing and Urban Development, and Agriculture before the Federal Highway Administration (FHWA) can approve the use of publicly owned land for highway construction. | 7.6 | 25.2 |
| (271) Const 10 | Revise floodplain requirements | 5.6 | 13.6 |
| (272) Const 11 | Amend Safe Drinking Water Act | .5 | 1.6 |
| (273) Const 13 | Use innovative methods to mitigate highway noise | 260.6 | 703.3 |
| (274) Const 14 | Change dredged material disposal policies | 424 | 574.2 |
| (275) Const 15 | Amend section 404 of the Clean Water Act to eliminate duplication and delays in the issuance of construction permits for federal and federal-aid projects. | 34.4 | 113.8 |
| (276) Const 16 | Amend Wild and Scenic Rivers Act to negate actions that would significantly impact rivers already designated as part of the National Wild and Scenic Rivers system. | .6 | 2 |
| (277) Const 22 | Encourage privatization of wastewater treatment facilities | NA | NA |
| (278) CPSC 01A | Eliminate overlapping administrator responsibility | .4 | 2.3 |
| (279) CPSC 03B | Require the Consumer Product Safety Commission to establish its own data processing capability | .5 | .5 |
| (280) DOE 06 | Improve grant funds management and close-outs | NA | NA |
| (281) DOE 07B | Exempt Strategic Petroleum Reserve (SPR) oil from Cargo Preference Act requirements | 37.5 | 213.4 |
| (282) DOE 18 | Use defense industrial security program vs. more expensive current procedures | 15 | 49.6 |
| (283) DOE 20F | Cease regulation of oil pipeline rates | 4 | 13.2 |
| (284) DOT 04A | Consolidate regions; reduce Urban Mass Transit Administration (UMTA) and National Highway Traffic Safety Administration (NHTSA) staffs | 8.1 | 27 |
| (285) DOT 04C | Reduce personnel and training staff | .5 | 1.8 |
| (286) DOT 08 | Consolidate Federal Highway Administration (FHWA) with UMTA | 19.2 | 71.2 |
| (287) DOT 09B | Develop cost-tracking and requirements management procedures | NA | NA |
| (288) DOT 10B | Develop broad-based R&D system safety assessment with user fees | 1 | 16 |
| (289) DOT 11 | Consolidate Land Modal Administration safety functions | 2.8 | 14.9 |
| (290) DOT 14 | Review the uniform tire quality grading system | 1 | 3.3 |
| (291) DOT 22A | Charge tuition for a significant percentage of U.S. Merchant Marine Academy (USMMA) students | 5.7 | 19.4 |
| (292) ED 01 | Merge the National Direct Student Loan Program (NDSL) and the Federally Insured Student Loan Program (FISL) into the Guaranteed Student Loan Program (GSL). | 319 | 1,185.9 |
| (293) EPA 03 | Consolidate EPA categorical state grants | 2 | 21.6 |
| (294) EPA 04D | Discontinue National Pollutant Discharge Elimination System (NPDES) grants to unqualified states | 4.7 | 15.6 |
| (295) EPA 06 | Close and merge 8 regional laboratories | 21.1 | 21.5 |
| (296) EPA 08 | Close Ada, Oklahoma research lab; close Gross Isle, Michigan field station | 3.9 | 6.9 |
| (297) EX 06 | Introduce competition in the Section 8(a) program | 253.8 | 838.2 |
| (298) EX 07 | Improve foreign currency purchase program | 146 | 438.1 |
| (299) EX 08 | Eliminate cargo preference | 118.3 | 391.6 |
| (300) EX 09 | Eliminate paying federal employee full salary and reserve duty pay | 100 | 331 |
| (301) EX 11 | Pay military trainees with government travellers checks instead of cash | .2 | 1.4 |
| (302) FEMA 02 | Increase insurance policy base, eliminate disaster assistance grants for insurables | 22.6 | 276 |
| (303) FEMA 03 | Phase out the U.S. Fire Administration (USFA) | 3.1 | 10.3 |
| (304) FEMA 04 | Improve strategic stockpile management | NA | NA |
| (305) FF 01 | Establish uniform federal feeding program | NA | NA |
| (306) FF 06 | Compendium of selected federal feeding issues | 3,540 | 11,369.6 |
| (307) FMFG 01 | Include off-budget entities to reflect the true level of federal obligations and activities | NA | NA |
| (308) FMS 01 | Establish a separate Office of Federal Management within the Executive Office of the President | NA | NA |
| (309) FMS 05 | Improve planning and budgeting for capital expenditures and assets | NA | NA |
| (310) FRS 01B | Increase federal military retirement age | 1,500 | 4,525 |
| (311) FRS 03B | Combine military and civil service disability retirement programs | NA | NA |
| (312) FRS 04B | Revise military benefit formulas in line with private sector | NA | 32.3 |
| (313) FRS 08B | Improve investment policy of Military Retirement System (MRS) | NA | NA |
| (314) FRS 09B | Change MRS from defined benefits to defined contributions | NA | NA |
| (315) FSP 01 | Improve targeting of means-tested benefits by requiring federal agencies to issue a form, similar to a W-2 form, showing the subsidy payment for each beneficiary, with a copy going to the IRS. | 5,000 | 23,100 |
| (316) HCFA 07 | Change the Health Care Financing Administration (HCFA) from a regulatory administrative agency to a Health Care Financing Commission to reduce regulatory burdens and promote competition. | NA | NA |
| (317) HOSP 01 | Freeze construction for underused hospitals | 43.9 | 131.7 |
| (318) HOSP 08 | Phase out medical supply depots and reduce DOD supply levels to $100 m | 141.2 | 477.3 |
| (319) HOSP 10 | Improve DOD procedures for recovering cost of medical care from third parties | 20.7 | 68.5 |
| (320) HOSP 12B | VA: Use fiscal intermediaries | 341 | 1,131.1 |
| (321) HUD 06 | Sell HUD-owned mortgages | 33 | 109.2 |
| (322) HUD 09 | Implement cost-benefit analysis and monitor lump sum accounts | NA | NA |
| (323) INS 09 | Limit growth of federal mortgage insurance | NA | NA |
| (324) INS 10 | Phase out Federal Housing Administration (FHA) mutual mortgage fund | 2.6 | 22.7 |
| (325) INT 01A | Implement asset management program to increase land sales for General Fund | NA | 1,046 |
| (326) INT 2A | Improve management of public rangelands | 81.5 | 184 |
| (327) INT 05A | Improve concessioneer competition | .4 | 11.9 |
| (328) INT 08 | Reduce regional administration cost in Fish and Wildlife Service through block grants | NA | 9.6 |
| (329) JUST 04 | Increase use of paralegals | 1.4 | 13.4 |
| (330) JUST 07 | Collect excess profits in Federal Prison Industries | 9.5 | 40.8 |
| (331) JUST 10 | Establish a government-wide IG coordinator office | NA | NA |
| (332) LABOR 01B | Establish criteria to identify questionable disability claims | 31 | 95 |
| (333) LABOR 05 | Consolidate 6 regional offices into 3 | 7.5 | 28.8 |
| (334) LABOR 06B | Centralize ADP management and procurement | NA | 2 |
| (335) LABOR 11 | Restructure procurement and contracting activities | .2 | .6 |
| (336) LAND 03 | Establish retention period for federal records | 8 | 54.6 |
| (337) LISAB 02B | Revise Energy and Emergency Assistance | 156.8 | 290.3 |
| (338) LISAB 03 | Merge Federal weatherization activities | NA | NA |
| (339) LISAB 07 | Modify Supplemental Income Security program to target benefits according to standard living expense needs, not to available cash income | 241 | 797.7 |
| (340) NAVY 11A | Make type commanders responsible for aviation maintenance | NA | 120 |
| (341) NAVY 16 | Improve career management by more efficient rotation | NA | 25 |
| (342) OSHRC 01 | Consolidate Occupational Safety and Health Review Commission (OSHRC) and Federal Mine Safety and Health Review Commission (MSHRC) | .8 | 3.1 |
| (343) OSHRC 02 | Reduce OSHRC paper flow and case processing time | .2 | 1.1 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (344) OSHRC 03 | Increase productivity of Administrative Law Judges (ALJ) | .2 | 1.1 |
| (345) OSD 01 | Procure DOD petroleum products by competitive bid | 155 | 513 |
| (346) OSD 09 | Realign or close all redundant or unneeded military bases | 400 | 2,732 |
| (347) OSD 10 | Centralize traffic management functions | 38 | 84.2 |
| (348) OSD 11 | Procure ocean container transportation separately from inland services | 7.5 | 24.8 |
| (349) OSD 13 | Integrate cargo data interchange system into DOD program | 5 | 5 |
| (350) OSD 15 | Modernize weapons acquisition process | NA | NA |
| (351) OSD 16 | Consolidate OSD contract administration functions | 90 | 297.9 |
| (352) OSD 18 | Eliminate complex regulatory requirements associated with recovery of independent research and development expenses | 100 | 331 |
| (353) OSD 25 | Integrate military retirement pay with Social Security benefits | 40.1 | 273.9 |
| (354) OSD 27 | Defer the commencement of retirement pay until all accumulated leave has been used | 27 | 125.6 |
| (355) OSD 28 | Restrict use of CHAMPUS by beneficiaries who reside in catchment areas | 355.7 | 1,177.3 |
| (356) OSD 29 | Consolidate management of DOD health care resources under Defense Health Agency | 285 | 943.3 |
| (357) OSD 31 | Discontinue Uniformed Services University of the Health Sciences (USUHS) because it cannot be justified as a cost-effective source of physicians for the military. | 34.6 | 114.6 |
| (358) OSD 34 | Restrict Selective Reenlistment Bonus Program payments | 189 | 625.6 |
| (359) OSD 35 | Aviation career incentive pay initiatives | 78.9 | 261.2 |
| (360) OSD 36 | Establish a public audit committee | NA | NA |
| (361) PERS 02B | Limit HMOs; Limit enrollment in emp assn plans; vary premiums by area | NA | NA |
| (362) PERS 6B | Expand the General Schedule to more than 15 basic pay levels | NA | NA |
| (363) PERS 11B | Modify reductions-in-force (RIF) procedures to facilitate competition among clerical personnel across organizational components and within commuting areas. | NA | NA |
| (364) PERS 18B | Obtain private-sector expertise to develop federal workforce planning framework | NA | NA |
| (365) PHS 05 | Consolidate federal toxicology testing programs | 40.5 | 168.7 |
| (366) PHS 08A | Close National Institutes of Health (NIH) Rocky Mountain Laboratory | 2.9 | 14.1 |
| (367) PPAV 02 | Establish agency user fees for publications | 80 | 264.8 |
| (368) PRIVAT 03 | Expand National Space Transportation System (NSTS) legislation to allow private sector investment in space shuttles | 460 | 1,522.6 |
| (369) PRIVAT 05 | Facilitate privatization/contracting out of DOD commissaries | 923.6 | 2,447.2 |
| (370) PROC 02A | Reduce burden of socio-economic programs on procurement process | NA | 635.5 |
| (371) PROC 05 | Improve priority setting among weapons acquisition programs | NA | NA |
| (372) PROC 12 | Improve techniques for taking physical inventory | NA | NA |
| (373) PROC 14 | Separate policy and service functions of General Services Administration (GSA), and direct all government | NA | NA |
| (374) PROC 15 | Streamline and contract out Federal Supply Service review | 10 | 74 |
| (375) PROC 16 | Consolidate DOD contract administration | 10 | 185 |
| (376) PROC 20 | Increase centralization | −.1 | 312 |
| (377) PROP 10 | Moratorium on military housing construction in US urban areas | 66 | 209.4 |
| (378) PROP 03B | Give agencies incentives to cooperate fully with the surplus properly disposal program | NA | NA |
| (379) PROP 05A | Revise A–76 guidelines | NA | 67.5 |
| (380) PROP 08E | Adopt local fire safety standards for GSA leasing whenever possible | NA | 21 |
| (381) PROP 09 | Revive "prospectus" requirements in advance of GSA property action | 20 | 66.2 |
| (382) SBA 03B | Discontinue Small Business Administration (SBA) farm loans and transfer farm portfolio to Farmers Home Administration (FmHA) | NA | NA |
| (383) SBA 04 | Discontinue disaster loans for insurable flood-related losses | 9 | 32.5 |
| (384) SBA 12A | Combine regional offices; close selected branch offices | .5 | 3 |
| (385) SBA 12B | Review efficiency of SBA geographic service area assignments | NA | NA |
| (386) SSA 07 | Consolidate SSA offices | 86.6 | 286.7 |
| (387) SSA 10A | Simplify and streamline review procedures |  | 16.9 |
| (388) SSA 10B | Implement streamlined appeals process | 1,101.9 | 3,647.3 |
| (389) STATE 05B | Develop refugee loan collection tracking data base | NA | NA |
| (390) STATE 09 | Eliminate cargo preference requirement for AID-sponsored shipments | 35.8 | 118.5 |
| (391) STATE 02 | Modify criteria of Foreign Service disability and retirement | 36.3 | 114.1 |
| (392) STATE 06C | Move to AID biennial budgeting | NA | 6 |
| (393) TREAS 03 | Decentralize appellate tax court board | 88.7 | 645.6 |
| (394) TREAS 06 | Enhance taxpayer service | NA | NA |
| (395) TREAS 08 | Reform border management; consolidate inspection functions | .6 | 13.5 |
| (396) TREAS 09 | Reorganize the Bureau of Alcohol, Tobacco, and Firearms (BATF) to transfer responsibility for criminal enforcement to the Secret Service | 16.4 | 56.5 |
| (397) TREAS 17 | Produce $1 notes at a lower cost through offset printing |  | 3.9 |
| (398) TREAS 19 | Establish a satellite production facility | NA | NA |
| (399) TREAS 20 | Enhance Bureau of the Mint organizational control by consolidating its Washington, D.C. headquarters operation with the Philadelphia mint | 3.6 | 12.8 |
| (400) TVA 02 | Reduce costs of TVA's financing program | 3.3 | 22.2 |
| (401) TVA 04 | Revise senior management pay plan | NA | NA |
| (402) USAF 01 | Improve management reporting and control | 350 | 1,158.5 |
| (403) USAF 03 | Consolidate program and budgeting reviews | 2.4 | 7.9 |
| (404) USAF 06 | Eliminate year-end ceilings | 29 | 96 |
| (405) USAF 07 | Alter severance pay plan | 5.3 | 17.5 |
| (406) USAF 12 | Contract travel by Military Airlift Command | 6 | 19.9 |
| (407) USDA 01 | Promote loan graduation for each new FmHA loan booked | 141 | 767.9 |
| (408) USDA 03 | Shift from direct FmHA lending to 75% private loan guarantee | 135.3 | 548 |
| (409) USDA 05 | Eliminate FmHA duplication with SBA | 296.2 | 913 |
| (410) USDA 09 | Update Food Stamp program annually to reflect changes in participant population nutrition requirements | 1,039 | 3,439.1 |
| (411) USDA 10 | Modify economies-of-scale adjustment factors to reflect actual differences in purchasing cost based on family size | 252.3 | 835.1 |
| (412) USDA 11 | Eliminate $10 minimum monthly benefit in the Food Stamp Program | 41.8 | 138.3 |
| (413) USDA 14 | Include benefits received from the School Breakfast, Child Care Food, and the Summer Food Services Programs as unearned income when determining eligibility for the Food Stamp program. | 162 | 536.2 |
| (414) USDA 16 | Reduce poultry slaughter inspection | 93 | 307.8 |
| (415) USDA 18 | Eliminate USDA/FDA/States triplication of dairy plant inspection | 1.6 | 5.3 |
| (416) USDA 19 | Replace prior approval of meat and poultry labels with a system similar to the Food and Drug Administration's method of ensuring proper marking and labeling of foods under the Food, Drug, and Cosmetic Act. | 1.2 | 4 |
| (417) USDA 22 | Eliminate donations to other agencies | 404.4 | 1,204.8 |
| (418) USDA 24 | Phase out Foreign Agricultural Service cooperation funding | 6.1 | 24.5 |
| (419) USDA 31 | Reduce use of US nationals as secretaries overseas | .4 | 1.4 |
| (420) USDA 32 | Reorganize Foreign Agricultural Affairs Division | NA | NA |
| (421) USDA 39 | Consolidate Soil Conservation Service (SCS) administration staff | 2.4 | 15.6 |
| (422) USDA 51 | Create National Board of Agriculture to develop national goals and missions for federally-funded agricultural research | 76 | 251.5 |
| (423) USDA 53 | Transfer human nutrition research programs to HHS | 15 | 95 |
| (424) USDA 54 | Eliminate funding for 20 low-priority Cooperative State Research Service programs | 10.7 | 35.4 |
| (425) USDA 58 | Reduce USDA headquarters staff and regulation | 340 | 432.4 |
| (426) USPS 01 | Allow U.S. Postal Service (USPS) to sell obligations to the public market | 1 | 6.8 |
| (427) USPS 02 | Allow purchase of Treasury obligations | 51 | 168.8 |
| (428) USPS 05 | Allow USPS to negotiate check-processing costs | 18.1 | 60.1 |
| (429) USPS 17 | Replace rural post offices with alternative services | 39.8 | 272 |
| (430) USPS 18 | Reduce to 5 the number of delivery days | NA | NA |
| (431) USPS 19 | Establish central procurement authority | NA | NA |
| (432) USPS 20 | Improve capital equipment procurement process | 20 | 66.2 |
| (433) USPS 26 | Allow OMB to review the Postal Rate Commission (PRC) budget | NA | NA |
| (434) USPS 27 | Review rate setting procedures | NA | NA |
| (435) USPS 30 | Eliminate submission of dual filing by grievants | 18.4 | 61 |
| (436) USPS 32 | Develop human resource forecasting model | NA | NA |
| (437) USPS 37 | Study employee absence practices | NA | NA |
| (438) USPS 38 | Study whether USPS would be better treated as a private organization for the purpose of Equal Employment Opportunity Commission (EEOC) hearings | 76.6 | 253.6 |
| (439) USER 09 | Recover publication costs of the Soil Conservation Service | 8.3 | 27.4 |
| (440) USER 10 | Recover full cost for foreign military sales | 100 | 331 |
| (441) USER 11 | Update the fee schedule of the Agricultural Marketing Service | 8.9 | 29.4 |
| (442) USER 17 | Recover the cost of responding to FOIA requests | 70 | 231.7 |
| (443) USER 21 | Establish management information systems and maintain current pricing in Federal Highway Administration | 600 | 1,896 |
| (444) VA 04 | Eliminate property acquisition at foreclosure sales on guaranteed loans | 68 | 225.1 |
| (445) VA 06 | Recover administrative costs of insurance program from premiums/dividends | 25.6 | 84.7 |

### CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | | Recommendation | 1-yr | 5-yr |
|---|---|---|---|---|
| | | Total Grace Commission recommendations | 27,578.8 | 98,528.1 |
| | | VI. THE HERITAGE FOUNDATION | | |
| | | A. A Prosperity Plan for America: To Strengthen Family Finances, Revive the Economy and Balance the Budget, Fiscal 1993 | | |
| (446) | (271) | Phase out Rural Electrification Administration direct loans; phase out all REA loan activity to non-rural areas, raise interest rates on REA guaranteed loans to the Treasury bill rate; and sell REA loans to the private sector. | 500 | 3,000 |
| (447) | (301) | End all new Bureau of Reclamation water projects and investigations of future projects. Shift O&M of existing projects to the private sector. Eliminate federal water subsidies. | 1,300 | 7,440 |
| (448) | (302) | Place a three year moratorium on new Department of Interior and National Forest Service Land acquisitions | 340 | 1,500 |
| (449) | (302) | Eliminate the Conservation Reserve Farm Subsidy Program | 1,600 | 9,200 |
| (450) | (306) | Eliminate National Coastal Zone Management Grants and the Sea Grant College program | 55 | 345 |
| (451) | (306) | Sell the National Helium Reserves to a joint venture comprised of current employees and other private investors | 120 | 700 |
| (452) | (306) | Impose user fees for special weather services | 50 | 250 |
| (453) | (306) | Privatize the National Oceanic and Atmosphere Administration (NOAA) research fleet | 100 | 500 |
| (454) | (306) | Eliminate funding for NOAA programs that are either state or local concerns or that benefit only small, specific groups | 164 | 500 |
| (455) | (352) | Eliminate the Agricultural Credit Insurance Fund (ACIF) farm loans since they duplicate other federal assistance programs | 600 | 3,300 |
| (456) | (352) | Merge the Agrucultural Research Service, the Cooperative State Research Service, and the Extension Service, then reduce total funding by 50 percent | 700 | 3,950 |
| (457) | (371) | Reduce Federal Housing Administration (FHA) program losses through improved underwriting, monitoring, and enforcement efforts to increase recoveries from corrupt HUD contractors. | 564 | 4,780 |
| (458) | (371) | Tighten standards on new FmHA single family loans, and speed collections on delinquent loans | 100 | 1,500 |
| (459) | (371) | Phase out over 5 years the Government National Mortgage Association (GNMA); let the private sector assume insurance needs | 100 | 2,000 |
| (460) | (371) | Improve FHA Title I debt collection | 350 | 1,000 |
| (461) | (401) | Terminate all highway "Demonstration Projects" | 550 | 5,200 |
| (462) | (401) | End federal subsidies to AMTRAK | 450 | 2,660 |
| (463) | (402) | Eliminate the Essential Air Service Subsidy Program | 25 | 180 |
| (464) | (403) | Eliminate Operating Differential Subsidies and the Ocean Freight Differential subsidy program | 300 | 1,500 |
| (465) | (452) | Transfer all activities within the Rural Development Insurance Fund to the states. Use a portion of the savings to fund increased federal enterprise zone tax abatement. | 530 | 3,000 |
| (466) | (502) | Eliminate federal funding for the College Work Study Program and redirect 50 percent of the savings to Pell Grant | 400 | 2,200 |
| (467) | (503) | Cut funding by 50 percent for the National Endowment for the Arts and the National Endowment for the Humanities, and require non-federal matching funds. | 160 | 930 |
| (468) | (503) | Discontinue federal funding for the Corporation for Public Broadcasting | 300 | 1,600 |
| (469) | (506) | Phase out ACTION as a tax-supported program over the next five years | 40 | 660 |
| (470) | (553) | Eliminate Public Health Service subsidy programs for health professions education except for those targeted to minority and economically disadvantaged students. | 180 | 970 |
| (471) | (570) | Increase Medicare safeguard funding (net savings) | 1,110 | 5,400 |
| (472) | (604) | Switch to a Random Digit Dialing System in calculating fair market rents for the Section 8 rental assistance program | 1,450 | 7,250 |
| (473) | (604) | Tighten occupancy standards under the Performance Funding System for federal operating subsidies to local public housing authorities | 65 | 325 |
| (474) | (604) | Replace a portion of Section 202 funds for construction for the elderly and handicapped and replace with vouchers | 100 | 800 |
| (475) | (604) | Convert $300 million of Section 221(d)(3) and Section 236 prepayments (under the Low-Income Housing Preservation Act) into portable vouchers for tenants. | 320 | 2,000 |
| (476) | (604) | Eliminate the Utility Adjustment Payment program which duplicates other federal assistance | 150 | 850 |
| (477) | (604) | Require competitive bidding in all Comprehensive Improvement Assistance Programs (CIAP) procurements and tighten standards | 300 | 2,050 |
| (478) | (605) | Require states to reimburse the federal government for all overpayment errors caused by state administrators in the Food Stamp program | 1,000 | 5,600 |
| (479) | (752) | Reduce by 50 percent funding for Legal Services Corporation by eliminating all programs that do not provide direct legal assistance to the poor | 170 | 900 |
| (480) | (800) | Cut by half Congressional staff, eliminate the "franking" privilege, and privatize the Government Printing Office | 325 | 2,000 |
| (481) | (999) | Increase productivity in civilian non-defense agencies while holding the total increase of personnel costs at the inflation rate. Allow greater flexibility for managers. | 2,200 | 11,900 |
| (482) | (999) | Lower by 15 percent the travel budgets of non-postal civilian agencies, then cap future growth at the inflation rate | 380 | 2,000 |
| (483) | (274) | Replace appropriated funds for filing the Strategic Petroleum Reserves with the profits from selling the Naval Petroleum Reserves to the private sector | 400 | 2,000 |
| (484) | (451) | End funding for Community Development Block Grant | 100 | 10,800 |
| (485) | (501) | Eliminate Impact Aid | 800 | 4,300 |
| (486) | (502) | Eliminate Supplemental Education Opportunity Grant program which duplicates benefits provided by the Pell Grant program | 550 | 3,100 |
| (487) | (502) | Discontinue federal funding of the Perkins Loan Program, which can easily sustain itself through its own revolving funds | 200 | 1,000 |
| (488) | (506) | Reduce by 50 percent funding for Social Services Block Grants | 1,400 | 7,000 |
| (489) | (550) | Limit the housing allowance for AFDC families who live in subsidized public housing | 500 | 3,000 |
| (490) | (604) | Eliminate new Section 202 construction | 200 | 1,600 |
| (491) | (604) | Eliminate the funding for Section 8 rental housing vouchers on dwellings not meeting HUD's housing quality standards | 100 | 500 |
| (492) | (605) | Require all able-bodied Food Stamp recipients to engage in a workfare or job search effort for at least 25 hours per week | 80 | 500 |
| (493) | (754) | Shift Justice Assistance Programs to the states | 575 | 3,200 |
| (494) | (999) | Lower by 10 percent per annum the projected growth rate of non-postal civilian agency overhead costs—excluding employee travel | 11,600 | 64,600 |
| | | Total "prosperity plan" savings | 33,653 | 201,504 |
| | | B. Slashing The Deficit, Fiscal 1990 | | |
| (495) | (000) | Require reinsurance on federal loan guarantees | 3,000 | 15,000 |
| (496) | (000) | Merge Departments of Interior and Energy | 2,000 | 10,000 |
| (497) | (000) | Merge HUD and HHS | 2,000 | 10,000 |
| (498) | (050) | Rescind defense pork | 6,000 | 30,000 |
| (599) | (051) | Restructure incentives in defense procurement system | 4,000 | 20,000 |
| (500) | (151) | Eliminate "Food for Peace" funding except for temporary food shipments in emergencies like earthquakes, droughts and famines | 1,000 | 5,000 |
| (501) | (151) | Cut Agency for International Development (A.I.D.) funding by 20 percent, and channel assistance as much as possible through local, private financial institutions. | 380* | 1,900 |
| (502) | (271) | Sell U.S. Uranium Enrichment facilities to the private sector through a public stock offering, modeled after the federal government's 1987 sale of Conrail | 1,180 | 5,900 |
| (503) | (271) | Require private sector cost sharing for all federal energy research and development expenditures with commercial applications | 1,600 | 8,000 |
| (504) | (302) | End moratoriums on exploration and leasing of the Outer Continental Shelf | 800 | 4,000 |
| (505) | (302) | Allow oil exploration and drilling on selected areas of the Arctic National Wildlife Refuge coastal plane under strict environmental safeguards | 1,000 | 5,000 |
| (506) | (302) | Transfer to western states portions of land now managed by the Bureau of Land Management | 200 | 1,000 |
| (507) | (302) | Privatize grazing allotments on federal lands by issuing 50-year leases to current owners | 40 | 200 |
| (508) | (302) | Sell federal lands lacking environmental significance in urbanized areas through competitive auctions | 1,700 | 8,500 |
| (509) | (302) | Sell federally-owned coal in the Powder River Basin that lies under privately-owned surface land | 2,000 | 10,000 |
| (510) | (304) | Auction EPA pollution permits and allow firms to trade pollution credits to other industries located in the same state or urban area | 100 | 500 |
| (511) | (304) | Use independent, certified, private environmental auditors to monitor industry compliance with federal environmental standards | 60 | 300 |
| (512) | (306) | Close the Bureau of Mines and merge its data-gathering activities with other research agencies within the Department of Interior | [2]140 | 700 |
| (513) | (351) | Abolish cotton price supports and loan programs | 2,540 | 12,700 |
| (514) | (753) | Begin to privatize administration of "special need" prison facilities for juveniles, women, protective custody prisoners, mental patients, and illegal immigrants, and explore alternative sentencing. | 100 | 500 |
| | | Total "slashing the deficit" savings | 29,840 | 149,200 |
| | | Total Heritage Foundation savings | 63,493 | 350,740 |
| | | VII. FAT CITY: HOW WASHINGTON WASTES YOUR TAXES | | |
| (515) | 12 | Eliminate U.S. travel Service | [3]18.7 | 93.6 |
| (516) | 15 | Eliminate Women's Bureau | 2.5 | 12.5 |
| (517) | 20 | Eliminate Federal Information Center | [3]11.2 | 56.2 |
| (518) | 27 | Eliminate Consumer Information Center | [3]5.6 | 28.1 |
| (519) | 29–30 | Privatize House and Senate Gymnasium | .2 | 1.1 |
| (520) | 32 | Eliminate Economic Research Service | [3]58.3 | 291.7 |
| (521) | 33 | Privatize Alaska Railroad | [3]3.5 | 17.4 |
| (522) | 43 | Restrict the use of chauffered limosines | 4.8 | 24 |
| (523) | 45 | Eliminate government lobbyists used to lobby other government officials | 24 | 120 |
| (524) | 53 | Eliminate Minority Business Development Agency | [3]48.5 | 243.6 |
| (525) | 55 | Private Institute of Museum Services | [3]27.7 | 138.8 |

CITIZENS AGAINST GOVERNMENT WASTE—HOW TO GIVE TAXPAYERS A WASTE DIVIDEND—Continued

[Savings in millions of dollars]

| Issue No. | Recommendation | 1-yr | 5-yr |
|---|---|---|---|
| (526) 59 | Restrict and review the use of permanent government consultants | 1,000 | 5,000 |
| (527) 61 | Eliminate Japan-U.S. Friendship Commission | [3]1.7 | 8.5 |
| (528) 65 | Cut back unnecessary government advertising | 30 | 150 |
| (529) 68 | Eliminate Office of Consumer Affairs | [3]2.1 | 10.5 |
| (530) 71 | Eliminate Advisory Commission on Intergovernmental Relations | [3]1.4 | 7 |
| (531) 73 | Close the International Development Association | [3]88.3 | 441.7 |
| (532) 85 | Eliminate the Foreign Claims Settlement Commission | [3].9 | 4.5 |
| (533) 86 | End Educational and Cultural Exchange Grants | [3]197.1 | 985.6 |
| (534) 87 | CloseAmerican Battle Monuments Commission | [3]18.3 | 91.7 |
| (535) 91 | Shut down Franklin Delano Roosevelt Memorial Commission | [3].1 | .2 |
| (536) 92 | Close Commission of Fine Arts | [3].8 | 3.9 |
| (537) 97 | Close Maritime Administration | [3]518.8 | 2,594.3 |
|  | Total savings identified | 2,064.5 | 10,324.9 |
|  | VIII. OTHER PRO-TAXPAYER PROPOSALS: |  |  |
| (538) (1) | Grant the President enhanced rescission/Line Item Veto authority | 10,000 | 50,000 |
| (539) (2) | Enact pro-growth tax policies such as the Economic Growth and Family Freedom Act | 8,000 | 255,000 |
|  | Total savings | 18,000 | 305,000 |
|  | Total waste tax | [4]166,569 | [4]921,532.8 |

[1] 5-yr domestic discretionary savings are conservatively estimated to be identical to 1-year savings.

[2] These estimates have been updated to reflect more recent budget data.

[3] These estimates have been updated using the budget of the U.S. Government, fiscal year 1993. Total savings over 5 years were estimated by multiplying 1-year savings by 5.

[4] Savings generated by pro-growth tax cuts have not been included in the total waste tax estimate.

Source: "Line Item Veto: Estimating Potential Saving," GAO, January 1992 (AFMD–92–72). CBO estimates that if pro-growth tax policies had been implemented last year, and the rate of economic growth increased by just 1 percent, the Federal deficit could have been reduced by the following amounts: $8,000,000,000 in 1992, $26,000,000,000 in 1993, $48,000,000,000 in 1994, $72,000,000,000 in 1995, $101,000,000,000 in 1996, and $133,000,000,000 in 1997.

Mr. CRAIG. I yield the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER and Mr. ROBB pertaining to the introduction of S. 535 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

## INADMISSIBLE ALIENS

Mr. D'AMATO. Mr. President, last week I rose to address a tragedy that the entire world, our Nation, and certainly the people in the State of New York saw so graphically, and that is the bombing at the World Trade Center.

Mr. President, they used to say that all roads led to Rome. Now, for inadmissible aliens all flights leave for JFK.

While the United States of America is the most open and free country on Earth, and it needs to be, we should ensure that, we should not become the safe haven for terrorists, for criminal aliens, for drug dealers, and for those who look to beat the system.

Indeed, Mr. President, our seaways and airports have become open gates to anyone who can board a boat or plane and travel here, and I say anyone. And they have learned to beat the system.

This graph tells the story, Mr. President. In 1989, we had 600 inadmissible aliens come to the JFK port by air; in 1990 about the same. In 1991 we begin to see a change and move up to some 800, that is 800 a month. We then see almost doubling of that to 1,500 between the year 1991 and 1992. That is 1,500 inadmissible aliens.

This year it is estimated that we will do close to 1,800 inadmissible coming in on a monthly basis. Now we look to Lady Liberty and she says. "Give me your tired, your poor, your humbled masses yearning to breathe free." This message is one that we want to continue.

The United States must remain the home to those immigrants yearning to breathe free, but it must not become a home to terrorists who yearn to kill Americans.

The formal process, the requests for admission, visas, and other applications, in fact the entire system of immigration control, Mr. President, has broken down. And we have to fix it. No one can say that there is anything good that has taken place as a result of the tragedy at the World Trade Center, the loss of lives, the deaths of people, the loss to those families.

Let me just share with you some figures. And they are outdated. They are worse today.

There are more than some 50,000 cases pending in New York alone as it relates to the deportable aliens. In 1990–91, we handled approximately 1,000 of those cases. We will handle this year 700 to 800. And so here is this huge number, 50,000-plus.

Let me refer to information from the U.S. Department of Justice, Office of Legislative Affairs last year.

Senator SIMPSON and I will push forward for legislation, comprehensive legislation, that does something to address these problems. And these problems are mind-boggling and staggering and people have a right to be outraged.

We are not saying erect a wall. We are not saying that people who meet the legal criteria should not be permitted in. But we are saying that drug dealers, that criminals, that people who do not meet the legal tests and requirements should not be permitted simply to thwart the law, throw it aside, and come in. We are aiding and abetting as a result of the system that we have today.

According to the Justice Department, last year at New York's John F. Kennedy Airport, for example, during the last 6 months of 1991, out of the 3,100 aliens who were paroled into the community—3,100 were paroled in that 6-month period of time—1,855 never appeared for their appointments. They came in. They yelled, "I want political asylum," and automatically that gave them a pass into this country.

Our detention facilities are woefully inadequate. And if you have 1,800 people or 1,700 to 1,800 coming in a month—and they know it; they know that the chances are about that high of being held. You are not going to be held. You are going to be paroled into the community.

I gave you one statistic, and it varies from month to month, but 1,855 out of 3,100 for the last six months of 1991 never even showed up. Of the others who show up, some of them are even more sophisticated and in some cases pose a greater threat and danger to this community. They come back and say, yes, they want to pursue their claim of being here for political purposes because they would face the risks of death or danger were they to be deported or sent back to their country of origin.

And I will tell you what takes place. Those people who have no documents now, they get the ability to work, they get a green card, they get a Social Security card, they can apply for a driver's license, and off to the races they go.

At that point, a good percentage of those who already started the process never come back again. Again, the more sophisticated know that they have at least 18 months until their case comes up for some kind of determination and that, indeed, the decision that will be made after their case is heard after the 18 months in some cases will take years beyond that period of time.

The fact is that I want to ensure that those aliens who came with fraudulent documents or no documents at all are returned to their original place, and let them come back with the proper documents. Those persons seeking refuge or new lives or even just a better opportunity will not be turned away. We do not keep out those who want to come here to the land of opportunity. We want to encourage the arrival of fresh ideas, sharp minds, strong hands, and new dreams.

To put it simply, we must require that people go through the proper procedures to enter our country legally. It is not wrong to say "Come," but come legally.

And somehow we are afraid to say, unless you meet reasonable requirements and that if you come with a phony passport or no passport or no proof of your claim, that we are going to turn you back.

And these decisions, as it relates to those people who seek political asylum, in most cases, should be heard not here but in the consulate offices abroad, so that we do not have this huge cost placed on an overtaxed Immigration and Naturalization Service.

That brings me to something else. We have got to get the judges in INS involved more fully. They have to start to work and earn their pay. They should not be prima donnas who are afraid to go to the State prisons.

And let me mention another thing. We have criminal aliens convicted of all kinds of crimes. They serve 5 years, 6 years, 8 years, 10 years for rape, murder, sale of drugs.

We need more INS officers who are given the ability to make some of these determinations.

Imagine an alien who is a rapist, a murderer. He is convicted and spends time in prison. It is not too tough to be able to say, No. 1, that you came in here and violated the laws of this land and you can and should be deported. It does not take a genius.

We have to put more people on to rule on asylum.

If I were to show you what we have in New York State in our prisons in terms of the murderers who come here who are not citizens of this country, it is mind boggling; people for murder, manslaughter, rape, robbery, drugs, burglary, weapons assault, thousands.

I dare say a good percentage of them will be discharged right back into society, instead of being deported.

Now it does not make sense to have Immigration and Naturalization officers running around doing the easy work. Do you know what easy work is?

And here is where again, maybe I will get people a little bit annoyed. But, too bad. I do not care.

Go raid a so-called sweat shop. Raid a place where you have maybe 100, 200 foreign-born people in there working on the sewing machines. Pick them all up. Deport them. Maybe 20, 30, 40 percent of them do not have all their papers in order.

Those are not the people who present a real danger or threat. I am not making any excuses for them for not having filed their papers and documentation.

What kind of a system is it that goes after them and fails to deal with the criminal illegal aliens?

I am not advocating that we turn our backs on sweat shops. I am not saying we should not care and see to it that the people work under good and decent conditions.

But I am saying our priorities are wrong when we do not assign enough people to the task of seeing to it that the killers and murderers and drug dealers and terrorists are not either kept out of this country or when they are caught that after they serve their terms are not sent the heck out of here. And I am saying that I think it is really a crime when we have a whole network who knows how to beat the system and comes in.

Then there are the hospital and other costs. Ask any major urban municipal hospital administrator about the incredible burdens placed upon them in terms of health care, et cetera, Medicaid, Medicare, et cetera, as it relates to those illegal aliens. And there is a chain and a network in some of those hospitals where people who came in and claim all kind of political sanctuary and then they go right to a municipal hospital and have a costly medical procedure that costs tens of thousands of dollars. And when they get done with that procedure, they go right back to the nation that they may have come from. We have hundreds of people coming into New York annually, just for those purposes—to get medical care. While we are attempting to find out how to reduce the burden to our overtaxed consumers we have a situation in this country—and if it exists in New York it exists in every other major area—where you have an underground network that facilitates the flow of people who come in here, who claim they lose their papers, who are paroled out, who then during this process spend a few days, get their card which will enable them to then get medical benefits, get their green card. And the hospital is forced to give them the most expensive medical treatment available. They are now entitled to all of the constitutional protections that any U.S. citizen is entitled to.

That is beating the system. That is wrong. It should not be.

We have to do something to change this outrage, to turn this around, to make it a commonsense policy that has a heart and does not turn itself away from those great precepts upon which this country was founded and which Lady Liberty still extols.

We are really, as a result of current procedures, encouraging people to break the law. We are suggesting to them that it is more expedient to use the kinds of methodologies of entering this country that the undocumented use, those who belong to even organized criminal groups who come in regularly via this methodology.

I think we have to change that and change that now. I intend to work with Senator SIMPSON in putting forth our legislation, which I believe goes a long way toward curing many of these deficiencies.

Mr. President, I yield the floor.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on March 5 and March 8, 1993, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on March 5 and March 8, 1993, are shown in today's RECORD at the end of the Senate proceedings.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States withdrawing sundry nominations.

(The withdrawals received today are printed at the end of the Senate proceedings.)

## REPORT ON TRADE AGREEMENTS—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance:

*To the Congress of the United States:*

In accordance with Section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I am pleased to submit herewith the 1993 Trade Policy Agenda and 1992 Annual Report on the Trade Agreements Program.

In recent days, I have emphasized the central role that international trade must play in promoting the economic growth of our country. The attached agenda outlines the tasks that lie before us in the area of trade.

The breadth of the agenda highlights the scope of the challenge we confront, but also the great potential for creating new jobs for Americans. From manufacturing to services, from entertainment products to agriculture, opportunities for U.S. exports exist around the globe.

In tandem with the Congress, I will work to ensure that all Americans with a competitive product have the opportunity to tap the global marketplace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1993.*

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–630. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a draft of proposed legislation entitled "The Omnibus Nuclear Power Safety and Security Enhancement Act of 1993"; to the Committee on Environment and Public Works.

EC–631. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, an annual report and recommendations; to the Committee on Finance.

EC–632. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the taxation of Social Security and Railroad Retirement Benefits in calendar year 1990; to the Committee on Finance.

EC–633. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on trade between the United States and China, the former Soviet Union, Central and Eastern Europe, the Baltic Nations, and other selected countries for the period from July through September 1992; to the Committee on Finance.

EC–634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–5 adopted by the Council on February 2, 1993; to the Committee on Governmental Affairs.

EC–635. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reports and Testimony: January 1993"; to the Committee on Governmental Affairs.

EC–636. A communication from the Assistant Inspector General (Auditing), Department of Veterans Affairs, transmitting, pursuant to law, a report entitled "Review of VA's Implementation of the Anti-Influencing Requirements of Public Law 101–121"; to the Committee on Governmental Affairs.

## SPECIAL REPORT

The following report of the committee was submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Special report entitled "History, Jurisdiction, and A Summary of Activities of the Committee on Energy and Natural Resources During the 102d Congress" (Rept. No. 103–8).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Peter Tarnoff, of New York, to be Under Secretary of State for Political Affairs.

Lloyd Bentsen, of Texas, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; and United States Governor of the European Bank for Reconstruction and Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 528. A bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself and Mr. LEAHY):

S. 529. A bill to amend the Food Stamp Act of 1977 to provide that narcotics addicts or alcoholics, and their children, who live under the supervision of a private nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions and shall be considered individual households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. DANFORTH, Mr. HOLLINGS, Mr. BOND, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. HEFLIN, Mr. HELMS, Mr. KOHL, Mr. LAUTENBERG, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, and Mr. WOFFORD):

S. 530. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment; to the Committee on Finance.

By Mr. DURENBERGER:

S. 531. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax exemption from $600,000 to $1,000,000; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BUMPERS):

S. 532. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

By Mr. GLENN:

S. 533. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER (for himself, Mr. DASCHLE, Mr. PRESSLER, Mr. BURNS, Mr. DORGAN, Mr. CONRAD, Mr. GRASSLEY, Mr. KEMPTHORNE, and Mr. GORTON):

S. 534. A bill to amend the Federal Crop Insurance Act to modify the provisions governing yield averages, to provide late planting coverage and prevented planting coverage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER (for himself, Mr. ROBB, Mr. SASSER, Mr. MOYNIHAN, and Mr. GLENN):

S. 535. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. SIMON:

S. 536. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 537. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 538. A bill to amend title XIX of the Social Security Act to establish federal standards for long-term care insurance policies, and for other purposes; to the Committee on Finance.

By Mr. FORD:

S. 539. A bill to amend the Petroleum Marketing Practices Act to require any change proposed at the time of renewal of a franchise agreement for the sale of motor fuel to be fair and reasonable, to ensure fairness and balance in the application of such Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE (for himself, Mr. KOHL, and Mr. SARBANES):

S.J. Res. 59. A joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BYRD:

S.J. Res. 60. A bill to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. MCCAIN, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. LOTT, and Mr. SMITH):

S. Con. Res. 14. A concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 528. A bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana; to the Committee on Energy and Natural Resources.

### THE LINCOLN COUNTY, MT, PUBLIC LAND TRANSFER ACT OF 1993

Mr. BURNS. Mr. President, I rise today to introduce the Lincoln County, MT, Public Land Transfer Act of 1993. This transfer of land is long overdue.

This bill will provide for the Forest Service to transfer ownership of a small amount of land to Lincoln County in the northwest corner of my State. The lands involved are administered by the Forest Service and are located in or adjacent to the city of Libby and a remote site in the Yaak area. However, special use permits which are currently granted by the Forest Service to the county will soon expire. So these lands have to be transferred in ownership.

This transfer has been on the table for years. It is important because it will enable the county to continue to use this land and acquire small tracks of additional land for its every-day routine.

As a former county commissioner I can understand the problems faced by the people in this area. Over 72 percent of Lincoln County is owned by the Federal Government. And this ownership often hampers local governments' ability to manage for the daily needs of its residents. In addition, the intermingled ownership of the land has caused problems for the Forest Service.

This bill will aid Lincoln County by transferring only 340 acres. The areas include a landfill, airport, a cemetery, and the Libby Junior High School.

Mr. President, this is a small amount of land that means so much to the folks in Lincoln County. I would like to thank the local county commissioners for their help in resolving this matter. I urge the Senate to move quickly in resolving this problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 528

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "Lincoln County, Montana, Public Lands Transfer Act of 1993".

**SEC. 2. TRANSFER OF PUBLIC LANDS.**

The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall transfer in accordance with this Act approximately 340 acres of public lands generally depicted in Section 3 of this Act within 90 days of this Act becoming law.

**SEC. 3. LAND TRANSFER TO LINCOLN COUNTY, MONTANA.**

(a) TRANSFER.—The Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, the following acres of the United States to Lincoln County, Montana;

(1) Approximately 99.5 acres of public lands described as SW¼ SW¼, N½ SE¼ SW¼, SW¼ SE¼ SW¼, NW¼ SE¼ SW¼ of Section 35, T31N, R31W, PMM, commonly referred to as the old Libby Airport across State Highway 37 from the Libby Ranger Station, and SE¼ SE¼ of Section 34, except that portion lying north and west of the centerline of State Highway 37,

(2) Approximately 11 acres of public lands located in the Section 11, T36N, R27W, PMM, being that portion of Tracts 1 and 2 of Plat Number 500, Lincoln County Records, currently being occupied by the Lincoln County improvements. Said tract is subject to prior conveyance recorded in Microfilm Book 122, Page 903, Lincoln County Records,

(3) Approximately 2 acres of such lands which is a portion of the NE¼ SW¼ of Section 23, T37N, R31W, commonly referred to as the Boyd Cemetery,

(4) Timber and mineral rights at the New Libby Airport located in Sections 7 and 8, Twp, R30W, PMM,

(5) Approximately 30 acres of such lands, T30N, R31W, PMM of Section 9; NE¼ NW¼ NW¼, N½ NE¼ NW¼, comprising a portion of the campus of the Libby Junior High School,

(6) Approximately 27.68 acres which is described as Tract A100–1 on Certificate of Survey #1511,

(7) Approximately 40 acres which are currently leased from the Forest Service contained in T31N, R31W, Section 28, NE¼ NE¼; approximately 20 acres of T31N, R31W, Section 21, S½ SE¼ SE¼; approximately 25 acres of T31N, R31W, Section 27, W½ NW¼ NW¼ and N½ NW¼ SW¼ NW¼; approximately 85 acres of T31N, R31W, Section 28, E½ NE¼ NW¼ and NW¼ NE¼ and N½ NE¼ SE¼ NW¼ and N½ N½ SW¼ NE¼ and N½ NW¼ SE¼ NE¼ and N½ NE¼ SE¼ NE¼.

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By Mr. DECONCINI (for himself and Mr. LEAHY):

S. 529. A bill to amend the Food Stamp Act of 1977 to provide that narcotics addicts or alcoholics, and their children, who live under the supervision of a private, nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions and shall be considered individual households, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### FOOD STAMP ACT OF 1977 AMENDMENT ACT OF 1993

• Mr. DECONCINI. Mr. President, Senator LEAHY and I are introducing legislation today which would amend the Food Stamp Act of 1977 to allow eligible children who accompany a parent into residential substance abuse treatment to participate in the Food Stamp Program. Under current law, narcotic addicts or alcoholics who are eligible for the Food Stamp Program can use food stamps for their meals while they are in residential treatment, while otherwise eligible family members who may accompany that individual into treatment are prohibited from doing so. Once these family members enter a treatment facility, current law dictates they can no longer receive food stamps for the duration of their stay. Depending upon the treatment facility, these individuals are expected to pay for their meals or they are forced to depend upon the largess of the facility. Such a policy is a deterrent to participation in a treatment approach which has proved successful in keeping families together and in breaking the cycle of addiction from one generation to another.

Because most of these children will have been receiving food stamps before moving to the treatment center, our bill would not significantly increase the spending for the Food Stamp Program. The Congressional Budget Office has estimated that our legislation would cost the Treasury less than $1 million next year, and less than $5 million over 5 years.

The potential cost savings, however, are significant. Mr. President, I do not have to remind anyone in this body of the devastating effect drugs are having on families in America today. The Institute on Medicine, using data from the National Institute on Drug Abuse's Household Survey, has estimated that each year between 350,000 and 625,000 infants are exposed to one or more illegal drugs in utero. Special care for cocaine-exposed babies adds more than $500 million a year nationally to the costs of normal labor, delivery and newborn care. The $500 million covers hospital costs for cocaine-exposed infants only, and does not include the money we spend each year on foster care for these children nor does it include the special care some of these children require in order to be prepared and ready for school.

Given the magnitude of these costs, effective treatment programs for mothers who abuse drugs, including alcohol, could yield significant savings within their first year of operation. Nevertheless, despite recommendations of researchers over the past two decades, women and children have been the lowest priority in terms of delivered drug treatment services. It has been estimated, for example, that 280,000 pregnant women in this country need drug treatment, but only 1 in 10 receives any help—1989 survey by the National Association of State Alcohol and Drug Abuse Directors. And according to the

National Council on Alcoholism, women account for only 20 percent of those in treatment for alcoholism.

Only recently have we witnessed a new national effort to provide treatment resources for this long-neglected vulnerable population. Toward this end, an increasing number of treatment centers are permitting substance-abusing women to bring their children with them into residential treatment. This approach removes one of the major barriers to recovery for low-income mothers, particularly single mothers, who all too often are forced to choose between the treatment they need and the children they love. It's a choice with the cards stacked against families. Mothers who do opt for treatment are often forced to leave their children behind, in some cases placing them in an already overburdened foster care system.

Moreover, studies indicate that mothers whose children reside with them during treatment for substance abuse consistently stay in treatment longer than women separated from their children, thereby increasing their chances of recovery. Amity, Inc., which offers long-term residential treatment in my hometown of Tucson, AZ, is a case in point.

Prior to August 1981, the Amity program had been traditionally male dominated. Changes were initiated that August, and a specialized women's program was put in place. As space permitted, women were allowed to bring their children into treatment with them. Mr. President, the results are impressive. Women whose children resided with them during drug treatment at Amity stayed in treatment longer than women separated from their children—506 days versus 182 days, on average.

We see similar results at Odyssey House in New York City. Seventy percent of the adult population there are parents. Sixty-eight percent are second or third generation substance-abusers. Mothers who are allowed to bring their children into treatment with them stay at Odyssey House twice as long as those without children.

Operation PAR is a comprehensive substance abuse treatment organization in the Tampa Bay area of Florida. It takes a family approach to treating addiction.

Operation PAR has data which support the notion of a high early dropout rate among women in residential treatment facilities which do not address women's issues. In these facilities, 23 percent of the men left treatment within the first 60 days. In contrast, 63 percent of the women left within this same time frame. And the reason most women gave for leaving treatment? They needed to go home to take care of their children.

To repeat: We have in place a food stamp policy which is a blatant deterrent to family participation in residential treatment programs that have been proven effective in treating addiction. Mr. President, we have a precedent for changing such a policy. In 1980, Congress amended the Food Stamp Act to allow eligible women and children residing in shelters for battered women to use food stamps for their meals. I see little difference between this category of individuals and the families of substance abusers in residential treatment centers as far as their need for food stamps is concerned.

Mr. President, I ask my colleagues to support this legislation. This change in our food stamp policy will help preserve families, provide for protection of children and increase the opportunity for successful recovery from addiction. I ask unanimous consent that the text of our legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 529

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF CHILDREN OF NARCOTICS ADDICTS OR ALCOHOLICS PARTICIPATING IN DRUG OR ALCOHOLIC TREATMENT PROGRAMS.**

(a) IN GENERAL.—The last sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by inserting after "narcotics addicts or alcoholics" the following: ", together with their children,".

(b) CONFORMING AMENDMENT.—Section 3(g)(5) of such Act (7 U.S.C. 2012(g)(5)) is amended by inserting after "or alcoholics" the following: ", and their children,".●

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By Mr. MITCHELL (for himself, Mr. COHEN, Mr. DANFORTH, Mr. HOLLINGS, Mr. BOND, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. HEFLIN, Mr. HELMS, Mr. KOHL, Mr. LAUTENBERG, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, and Mr. WOFFORD):

S. 530. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment; to the Committee on Finance.

### REMOVING DUTY-FREE TREATMENT FROM FOOTWEAR IMPORTED FROM THE CARIBBEAN

Mr. MITCHELL. Mr. President, I am introducing legislation today that would correct a provision in the Caribbean Basin Economic Recovery Expansion Act of 1990. This bill has 16 cosponsors, including Senator COHEN, Senator DANFORTH, Senator HOLLINGS, Senator BOND, Senator FAIRCLOTH, Senator FEINGOLD, Senator HEFLIN, Senator HELMS, Senator KOHL, Senator LAUTENBERG, Senator PRYOR, Senator ROCKEFELLER, Senator SHELBY, Senator SIMON, Senator SPECTER, and Senator WOFFORD.

Under section 222 of that legislation, footwear and leather products imported from Caribbean nations enjoy duty-free status if these products are made from U.S. materials or components. This 1990 provision has caused—and will continue to cause still more factory closings and unemployment in this country. As a result, this provision will finally destroy what remains of the American footwear industry.

The Caribbean Basin Initiative was originally enacted to provide limited and specific trade benefits to Caribbean nations, but this legislation had exceptions necessary to protect import-sensitive American industries. Footwear and other leather-related products were exempted from duty-free treatment. As the 1983 House report stated:

> [G]rowth of some of these products has been substantial from certain Caribbean countries in the past two years and is likely to increase further in a very short period of time with the incentive of unlimited duty free access to the U.S. market. Second, these industries, which has already been heavily impacted by increased imports, would not survive if faced with duty-free import competition from the Caribbean Basin. The relatively few jobs remaining in these industries should not be sacrificed, as they are located primarily in small towns or countries with very little manufacturing, high unemployment, and little likelihood of alternative employment opportunities in the foreseeable future.

When new Caribbean Basin Initiative legislation was considered in 1990, the Senate went on record to support the continued protection of the American footwear industry from imported Caribbean footwear. The Senator from Oregon offered a floor amendment to reduce by 50 percent the tariffs on certain footwear imported from Caribbean nations. The Senate soundly defeated that amendment by a vote of 63 to 33.

This expressed intent did not survive conference committee action. When the conferees reconciled the bills, they included a provision that permitted duty-free imports of Caribbean products made with materials from the United States. Textile, apparel, and petroleum products were exempted from this provision. But footwear and the other leather-related products were not.

This provision was supposed to increase employment both in Caribbean nations and the United States. By encouraging Caribbean manufacturing facilities to use American-made component parts, this provision would help provide jobs in the American supplier industries. If this were the case, then it failed. This provision allows the manufacturing of component parts to occur in Caribbean nations. American workers who cut leather products and footwear components in supplier industries have lost out to workers in Caribbean nations.

To be sure, this 1990 amendment has provided generous benefits to Caribbean nations. But these benefits have an enormous cost: Fewer American jobs and increased unemployment in an already battered industry.

As a result of this legislative error, imported footwear from the Caribbean has started to flood into the United States market. Caribbean imports increased from 2.5 million pairs in 1990 to 3.1 million pairs in 1991, a 24-percent increase.

But this is only the beginning. In 1992, imported footwear from the Caribbean increased to 6.6 million pairs, a 111-percent increase over 1991. Imports of rubber footwear skyrocketed 357 percent.

Maine companies are now confronted with the agonizing decision to move their plants to the Caribbean. Footwear imported from the Caribbean is now being priced at 20 to 25 percent below the domestic market price. Since Maine footwear companies cannot compete with these prices, they are investigating the opportunities to move their facilities to the Dominican Republic, Honduras, Jamaica, or Costa Rica. The cost advantages of operating in the Caribbean Basin leave these companies few alternatives.

The purpose of this amendment is to correct an error that was made 2 years ago, an error that has cost—and will continue to cost American jobs. I ask unanimous consent that a copy of this legislation be included in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 530

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TREATMENT OF FOOTWEAR AND LEATHER-RELATED PRODUCTS.

(a) IN GENERAL.—U.S. Note 2 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) in paragraph (b), by inserting "footwear, leather-related products," after "apparel article,";

(2) by striking the flush sentence following subparagraph (ii); and

(3) by adding at the end thereof the following new paragraph:

"(c) As used in this note—

"(i) the term 'beneficiary country' means a country listed in general note 3(c)(v)(A); and

"(ii) the term 'leather-related products' means articles of handbags, luggage, flat goods, work gloves, and leather wearing apparel described in section 213(h)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(h)(1)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1992.

Mr. COHEN. Mr. President, I am pleased to introduce this legislation with my good friend and colleague from Maine, Senator MITCHELL, and others. This bill is remedial insofar as it merely seeks to correct what I believe the Senate had already intended when it considered the Caribbean Basin Economic Recovery Expansion Act [CBERA] of 1990. This legislation restores footwear to the list of products exempt from section 222 of the CBERA which provides for duty-free treatment of products assembled in the Caribbean from United States components.

Under the Senate-passed version of the CBERA, section 222 included footwear in the list of exempt products, along with textiles and apparel. Unfortunately, this provision was not included in the final version of the legislation. Amending section 222 to include footwear in its list of exemptions would be consistent with the Senate's rejection of an amendment to the CBERA which would have reduced tariffs for shoes imported from the Caribbean by 50 percent. The Senate made clear by that vote that its desire to extend certain preferential treatment to Caribbean-made imports did not extend to import-sensitive footwear products.

The CBERA was enacted in 1983 to provide incentives for expanding the economies of the Caribbean countries through a system of duty-free preferences. With good reason, however, these preferences did not apply to many import-sensitive commodities, including certain footwear. The rationale in 1983 was that the footwear industry in the United States has been decimated over the past 20 years by import penetration and that to sacrifice what was left of the rubber footwear industry in the name of foreign assistance would be irresponsible. The facts supporting that rationale are all the more true today. In 1989, 74 percent of the rubber footwear sold in the United States was imported. The effect on my State has been tremendous. Since 1980, over 7,000 Maine footwear workers have lost their jobs and over 30 plants have shut their doors.

Restoring footwear to the list of import-sensitive products is critical. I urge my colleagues to support this legislation which restores the status quo of the CBERA with respect to footwear.

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### By Mr. DURENBERGER:

S. 531. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax exemption from $600,000 to $1 million; to the Committee on Finance.

### ESTATE TAX EXEMPTION VALUATION ACT OF 1993

• Mr. DURENBERGER. Mr. President, I rise today to introduce a bill which will raise the estate and gift tax exemption from the current level of $600,000 to a new threshold of $1 million. This change would facilitate the transfer of a family farm or small business from generation to generation.

In 1992, the average age of a farmer was 53. Many of America's farmers are in marginal financial stability and are deeply concerned about their ability to pass on their operation to their sons and daughters. With farmland valued at $1,000 per acre, an average farm can quickly add up a value of $600,000 when buildings, machinery, and livestock are added into the equation.

The American dream of working hard to build a successful farm or small business of your own is a reality for many families in America. There are few pursuits in life that are more desirable than to achieve this dream, and then pass it on to your children.

Currently, however, the tax system threatens this dream. Capping the intergenerational tax-exempt transfer of assets at $600,000 threatens the ability of families to transfer the farm or small business. If a family has to liquidate the property simply to pay the taxes assessed on it, we have destroyed all that the family has worked to achieve. The current figure is simply not a realistic value of today's farms and small businesses.

It is within our power to help the families of this country. We can begin by supporting those who have given their lives to developing and maintaining a successful business or farm, by helping them to transfer their farms and businesses to their sons and daughters who can continue to pursue the American dream.

Together we can help maintain the ideals that the people in Minnesota live every day: the importance of faith, family, hard work, and neighbors helping neighbors. The family-owned and run businesses and farms have so much to offer this country, today, I offer a bill to solidify the incentive to continue these operations, without the fear that one will not be able to pass them down through the family.•

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### By Mr. DOMENICI (for himself and Mr. BUMPERS):

S. 532. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

### CHILD SUPPORT TAX EQUITY ACT

• Mr. DOMENICI. Mr. President, I rise today to speak about two very important pieces of legislation, one which I will introduce with my good friend from Arkansas, Senator BUMPERS, and the second which was introduced by Senator BUMPERS last week and for which I am pleased to have been an original cosponsor.

It is unquestioned that families are the bedrock upon which our society is based. They provide the strong guidance that children need to withstand the messages from media, advertisers, and the entertainment industry that are directly or implicitly glamorizing alcohol, greed, violence, sexism, and drugs. Families also provide security that will allow children to grow in an environment of unsafe streets and troubled schools. Unfortunately, numerous reports have been released in the past year that articulate the difficulties families are facing just trying to survive from day to day.

It is often the norm in families with two parents for both to work. This creates difficulties with scheduling conflicts, providing adequate day care, having someone at home when the children are not in school, and simply having time for your children at the end of the day. These are only a sampling of the problems confronted by what many people view as the ideal nuclear family. These problems are only exacerbated in the growing number of single-parent families.

Fifty percent of the marriages in our country end in divorce. As a result, 1 out of every 4 children is raised by a single parent. How does a single parent possibly find the time to work and earn a decent wage, provide some type of day care, attend functions that their children are participating in, and provide the general guidance and support that children need? Unfortunately, many cannot and many single-parent families face bleak futures.

Approximately 30 percent of female-headed households live in poverty. What makes this statistic even worse is the fact that much of the hardship faced by single parents could be prevented by the provision of adequate child support by the absent parent.

Nearly three-quarters of all mothers who have custody of their children and are entitled to child support either lack child support orders or do not receive full payment under such orders. Enforcement of child support is difficult because many cases cross State lines and it is unclear which States' laws have precedent and, whether one State should abide by another State's laws.

Today, we are introducing a bill that should help to eliminate some of this confusion, the Child Support and Custody Jurisdiction Act. For the past two Congresses I have introduced this small, but important bill, that would help clarify provisions of the Parental Kidnapping Prevention Act [PKPA] regarding jurisdiction in child custody modification cases.

This year, based upon recommendations put forth by the Interstate Commission on Child Support Enforcement, I added a provision to my bill that is very similar to the custody provision, but deals with full faith and credit of child support orders.

There is a slight defect in the Parental Kidnapping Prevention Act that permits some jurisdictional competition on child custody modifications. The statute currently reads, that it is possible for a second State to modify another State's child custody decree by determining that the first State no longer has jurisdiction under its State law. This defect contributes to the kind of forum shopping that PKPA was intended to prevent.

Forum shopping encourages a parent unhappy with one court's decision, to move the children to another State hoping to get a more favorable decree. Unfortunately, this creates confusion between the States regarding jurisdiction. More importantly it creates confusion among the children of a family who are seeking some sense of normalcy after a divorce. My bill will eliminate this confusion by clarifying that a State making an original custody decree retains jurisdiction as long as that State remains the residence of the child or of either parent named in the decree.

As I previously stated, enforcement of child support is difficult because it is unclear which State retains jurisdiction in many cases. I understand that much of the confusion is a result of parents moving to another State. It seems to me that we should eliminate any needless suffering and uncertainty for the children because of jurisdictional uncertainties. It is critical for the well-being of our Nation's children that States recognize each other's child support orders until another State no longer has jurisdiction. Therefore, this bill clarifies that States will afford the necessary full faith and credit to each other regarding child support orders.

I realize that clarification to current law does not guarantee that numerous absent parents will begin to assume responsibility and provide for their children. So, I joined Senator BUMPERS in introducing the Child Support Tax Equity Act.

The Child Support Tax Equity Act allows for two very important provisions. First, it allows parents, principally mothers, who are not paid child support owed to them to take a bad debt deduction for the amount of child support that is not paid. This deduction is allowed for taxpayers who do not itemize their deductions and is allowable only if the parent's adjusted gross income does not exceed $50,000 annually. This action clearly focuses attention on lower income parents who are struggling to provide a suitable environment to raise their children. Second, this bill requires parents, principally fathers, to pay tax on the amount of any child support payments they do not make, thereby preventing a windfall for fathers who fail to pay child support.

I am very pleased to cosponsor this legislation because it accomplishes two very important objectives. Primarily, it helps children of families where no child support payments are made and it penalizes the parents who are failing in their obligation to support their children.

Many of you may recall that this bill passed the Senate last year. I look forward to working toward its passage again this year.

Mr. President, these two bills are important measures that will provide safeguards, and financial support; thus, more stable environments for our children. I will be the first to admit that much more needs to be accomplished, but I believe that both of these bills are excellent steps forward.•

By Mr. GLENN:

S. 533. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

## HAZARDOUS WASTE COMMUNITY INFORMATION STATEMENT ACT

• Mr. GLENN. Mr. President, I rise today to introduce the Hazardous Waste Community Information Statement Act. This bill is an expanded version of S. 2781 which I introduced last year. I am pleased to have Senators ROCKEFELLER and SPECTER as original cosponsors of this legislation.

The Hazardous Waste Community Information Statement Act will expand the very limited public information requirements that currently exist in the Resource Conservation and Recovery Act [RCRA]. Access to information about the economic and environmental impact of hazardous waste facilities is critically needed prior to siting a hazardous waste disposal facility.

Mr. President, the bill establishes a process to allow citizens to review important information process for siting a hazardous waste facility. The public information statement would be prepared by an independent contractor selected jointly by the community and the permit applicant. The cost of the study would be borne by the permit applicant. The bill requires that the statement be made available to the public no later than 1 year after the selection of the independent contractor.

The community impact statement must include findings on the economic and social impact of the facility, the effect on employment and recreation, the effect on emergency services and transportation, and the types of wastes that will be entering the facility. In addition, the statement would describe the demographic qualities of the proposed host community and the permit applicant's compliance record.

The purpose of the legislation is to provide information and to examine potential impacts—it is not intended to either hinder or promote construction of facilities. The availability of sound and objective information is crucial for citizens in a community being considered for a hazardous waste facility. It is clearly in the public interest to undertake a full examination of the effects of a hazardous waste facility prior to issuance of a permit for that facility.

Mr. President, hazardous waste disposal is one of the most significant problems facing State and local governments. I believe that we must aggressively pursue waste reduction at the source and recycling as the most environmentally sound ways to handle hazardous waste. Not only does waste reduction provide health and environmental benefits, but it can also provide cost savings nationally by decreasing the amount spent on waste management.

The hazardous waste community information statement will provide citizens with a mechanism for learning about facilities proposed for their neighborhood. This knowledge is a basic right. I urge my colleagues to join in supporting this legislation. Congressmen CLINGER, SYNAR, and HOBSON have introduced this bill in the House of Representatives, and we will work together for its enactment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 533

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMUNITY INFORMATION STATEMENT.**

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

**"SEC. 3024. COMMUNITY INFORMATION STATEMENT.**

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to require the preparation of a community information statement as part of the permitting processes under this subtitle for any new offsite hazardous waste treatment or disposal facility.

"(2) PUBLIC REVIEW.—Each statement shall be made available for public review. The final statement for any facility shall be available for public review before the earlier of—

"(A) 60 days before a public hearing is conducted by the permitting authority regarding the proposed issuance of the permit; or

"(B) the date that is 1 year after the date on which an independent contractor is selected under subsection (b).

"(3) USE OF STATEMENT.—The permitting authority shall take the community information statement into account in making any final decision regarding the issuance of a permit and in establishing any conditions to be imposed in the permit. The statement shall be a part of the record on which the permitting decision is based.

"(b) SELECTION OF INDEPENDENT CONTRACTOR TO PREPARE STATEMENT.—

"(1) JOINT SELECTION.—The community information statement required under this section shall be prepared by an independent contractor selected jointly, after consultation with concerned citizens, by the applicant for the permit and the chief elected official of the affected host community.

"(2) NONAGREEMENT OF CONTRACTOR.—If the applicant and chief elected official do not agree on the selection of an independent contractor within 30 days after the date on which the application for a permit under this section is filed, the permitting authority shall select the independent contractor to prepare the statement required under this section.

"(c) COSTS.—The permitting authority shall impose and collect a fee on the submission of each application for a permit for which a statement under this section is required. The fee shall cover the reasonable costs of preparing the community information statement.

"(d) REQUIREMENTS.—A community information statement meets the requirements of this section if the statement identifies and describes each of the following:

"(1) The effects of the facility on the host community, including the effects on the local economy and employment, housing, public safety, emergency preparedness, transportation systems, and recreational amenities and tourism in the area.

"(2) The types of wastes expected to enter the facility, the types of releases expected from the facility, and any human health impacts associated with the wastes and the releases.

"(3) The options or alternatives for mitigating any impacts on the affected community.

"(4) The demographic characteristics of the affected host community according to race, ethnic background, and income.

"(5) The presence in the affected host community of any—

"(A) existing solid waste treatment, storage, or disposal facility; or

"(B) site in which a release of hazardous substances (within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) has occurred and the extent to which the site has been remediated.

"(6) Permit the record of the compliance of the applicant with State and Federal environmental regulations and laws, and the record of the compliance by any firm engaged to operate the facility or any firm that controls or is affiliated with the applicant, including any serious violations of the regulations.

"(e) JUDICIAL REVIEW OF STATEMENT.—A community information statement prepared in connection with any facility shall not be subject to judicial review in any proceeding other than a proceeding brought to challenge the issuance of a permit for a facility. In any permitting proceeding respecting a facility, the permitting authority shall take the statement into account. In any proceeding, the statement shall be treated as satisfying the requirements of this section unless the statement contains a material misstatement or omission that affected the decision of the permitting authority.

"(f) DEFINITIONS.—As used in this section—

"(1) AFFECTED HOST COMMUNITY.—The term 'affected host community' means the county, municipality, town, or township, or other general purpose unit of local government that has primary jurisdiction over the use of the land on which a facility is located or proposed to be located.

"(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a person who has no financial or other potential conflict of interest in the outcome of a proceeding to determine whether or not a permit should be issued for a new offsite facility for the treatment, storage, or disposal of hazardous waste.

"(3) NEW OFFSITE HAZARDOUS WASTE TREATMENT OR DISPOSAL FACILITY.—The term 'new offsite hazardous waste treatment or disposal facility' means a hazardous waste treatment or disposal facility that—

"(A) accepts for treatment or disposal hazardous waste that is not generated at the site of the treatment or disposal; and

"(B) for which a permit is issued by a State agency under this subtitle after the date of promulgation of regulations under this section. The term shall not include any facility existing on the date of promulgation of regulations under this section, but shall include an expansion of such an existing facility if a new permit is required after such date for the expansion and if the expansion, together with all other expansions constructed after such date (or after the preparation of the last statement under this section with respect to the facility, whichever is later) increases the capacity of the facility by more than 50 percent.".

(b) TABLE OF CONTENTS.—The table of contents of such Act (42 U.S.C. prec. 6901) is amended by adding at the end of the item relating to subtitle C the following new item:

"Sec. 3024. Community information statement.".•

By Mr. DURENBERGER (for himself, Mr. DASCHLE, Mr. PRESSLER, Mr. BURNS, Mr. DORGAN, Mr. GRASSLEY, Mr. KEMPTHORNE, and Mr. GORTON):

S. 534. A bill to amend the Federal Crop Insurance Act to modify the provisions governing yield averages, to provide late planting coverage and prevented planting coverage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### FEDERAL CROP INSURANCE FAIRNESS ACT

• Mr. DURENBERGER. Mr. President, I rise today to introduce the Federal Crop Insurance Fairness Act. This bill will go a long way in making necessary improvements to the Federal Crop Insurance Program.

The FCIC Fairness Act will make the program more fair for farmers, by giving them adequate coverage for their actual crop yields. It will also help taxpayers by increasing participation in Federal crop insurance and reducing the reliance that American agriculture has on ad hoc disaster assistance.

The best thing about this bill is that it was created by the real crop insurance experts—the farmers themselves. In the spring of 1991, Minnesota farmers suffered under heavy rains which either damaged their eventual yield or prevented them from planting altogether. A year ago, Minnesota corngrowers traveled to Washington and told me how Federal crop insurance failed to deliver when they finally needed to collect.

These farmers realized—too late—that the Federal Crop Insurance Program was unable to offer them adequate coverage. The reason for this is that farmers who are new to FCIC programs often have to supplement their actual production history with as many as 9 transitional yields, or regional averages, to fulfill the 10 year FCIC production requirement. For many farmers, their yield coverage is lowered by these regional averages. It was clear to these Minnesota farmers last fall, and it is clear to them now, that we need a new formula for determining yield coverage.

I have worked with these farmers to come up with a fair yield average formula. That's what this bill is all about.

The FCIC Fairness Act reforms the yield coverage provisions in order to more clearly reflect a farmer's actual production. This is done by limiting the use of transitional yield data to no more than 4 years.

Farmers currently have to provide 10 years of production history to be insured by FCIC. Since most farmers do not have 10 years of actual yield data when they enter the crop insurance program, they are forced to supplement their actual yield data with as many as 9 years of transitional yield data. Transitional yields work against the farmer by lowering his coverage, and work against FCIC by discouraging farmer participation in the program. The current system also works against the American taxpayers by forcing costly ad hoc disaster assistance during times of regional drought or heavy rains.

Inadequate coverage is the most glaring problem with FCIC. Indeed, it is the reason why this program has never lived up to its expectations. It has never given farmers a fair and viable alternative to ad hoc disaster payments.

This bill gives farmers the confidence that relying on Federal crop insurance will be better for them than taking a risk with disaster assistance.

The FCIC Fairness Act requires farmers to provide no more than 4 years of transitional yield data if they cannot provide 4 or more years of actual production history. A farmer will build upon his production history until he has 4 years of actual production data. Once a farmer reaches 4 years of actual production data, he will just continue to build on that until he has 10 years of actual data. This will ensure that farmers get adequate coverage.

Furthermore, it provides for a minimum yield coverage floor which will protect farmers from having a string of disasters lower their coverage to an artificially low level. This way, if a farmer has 1 year of good actual production and 3 years of zero production, he can still purchase adequate coverage.

The FCIC Fairness Act also improves late planting coverage by extending the late planting period 5 to 25 days after the final planting date. It changes the reduction in coverage from 10 percent every 5 days to 1 percent per day for the first 10 days to 2 percent per day for the remaining 15 days.

And, this bill increases prevented planting coverage by 15 percent, guaranteeing farmers fully 50 percent of the coverage for their crop if natural disasters prohibit them from planting.

Under the FCIC Fairness Act, both late planting coverage and prevented planting coverage will be included as part of the basic FCIC policy. This will protect farmers who in the past have been unaware that they needed to request these options from their agent—and have lost their coverage as a result.

Mr. President, the Federal Crop Insurance Fairness Act is a good bill. It is a bill by farmers for farmers. These changes will make the program more farmer-friendly and, through increased participation, will finally put the Federal Crop Insurance Corporation on sound footing.

By creating a fair system of crop insurance, we will bring more farmers into the program. With more participation, the cost to the Government will go down.

Right now, the taxpayers are getting hit with expensive farm disaster bills almost every year. Surely there's a more reasonable way to go about providing crop insurance?

The administration would like to offer coverage based only on countywide yields. I think that would be the wrong way to go. Basing coverage solely on countywide yields would give farmers more coverage than they have now—and that would translate into fewer policies than we have now.

The administration's proposal might appear as a savings in the budget, but that's an illusion—because, as we all know, the disaster payments are off-budget. If the Federal Crop Insurance Corporation is not reformed to offer better coverage—and fairer coverage—to farmers, then the Government will be right back in the business of off-budget disaster payments.

That is not savings, Mr. President. That's blue smoke and mirrors. And the time for blue smoke and mirrors has long passed.

I am proud to say that this bill is supported by the National Association of Wheat Growers, American Soybean Association, National Corn Growers Association, National Barley Growers Association, American Oat Association, Minnesota Corn Growers Association, Minnesota Soybean Association, Minnesota Association of Wheat Growers, and Minnesota Barley Growers Association.

I urge my colleagues to join me and these concerned groups of Americans in support of this legislation.●

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By Mr. WARNER (for himself, Mr. ROBB, Mr. SASSER, Mr. MOYNIHAN, and Mr. GLENN):

S. 535. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

### NATIONAL AIR AND SPACE MUSEUM EXTENSION ACT OF 1993

Mr. WARNER. Mr. President, I rise to introduce a bill providing for the construction of an air and space annex at Dulles, VA. I am joined in this effort by my distinguished friend and colleague, the junior Senator from Virginia [Mr. ROBB]. The bill is introduced on behalf of myself, by Senator ROBB, Senator SASSER, Senator MOYNIHAN, and Senator GLENN.

This legislation would authorize the Board of Regents of the Smithsonian Institution, on which I am privileged to serve with my two colleagues, Senator SASSER and Senator MOYNIHAN. This bill would authorize that Board of Regents to commence the planning and design of an extension of the National Air and Space Museum at the Washington Dulles International Airport.

I believe we are all aware that legislation to expand the National Air and Space Museum at Washington Dulles International Airport has four times been favorably reported out of the Senate Committee on Rules and Administration and passed by the U.S. Senate. The Board of Regents of the Smithsonian has voted at least six times in favor of siting the extension at Dulles.

I hope once and for all that issue of siting has now been resolved. I think there has been a friendly debate in this Chamber and not so friendly perhaps in the House of Representatives, but here we have been able to reconcile our differences through the years, and this body was solidly on record of the advisability of putting that facility at Dulles.

This legislation is the result of many years of hard work by former Senator Jake Garn, who served on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. Senator Goldwater and many Senators who have departed this body have worked on this legislation through the years. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum Plan to expand at Washington Dulles International Airport. Since then, the Board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, Charles Robb, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft to be found anywhere in the whole world. However, due to the limited exhibition space in the Mall Building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367–80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B–29 *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The limited storage space and poor conditions at the Smithsonian Garber Facility in Suitland, MD, endangers artifacts currently in the Air and Space Museum collections and curtails its ability to accept other artifacts.

Irreplaceable aircraft—a priceless part of our national heritage—are deteriorating because Congress cannot make a decision on the sighting of this museum extension. This can no longer be tolerated.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia, and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes:

$3 million interest-free loan for planning and design work;

State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension;

A commitment to provide the required site improvements at a total cost of $26 million;

$6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions;

A pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro Station and the museum site by the year 2000;

A willingness to initiate metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and

Plans for the construction of the Barnsfield Road Interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with existing airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

It is important for the Senate to be aware of the General Accounting Office's [GAO] involvement in the proposed extension. In February and March 1991, the Smithsonian met with officials from GAO to resolve several concerns which GAO staff had expressed with the scope of the proposed extension and the Smithsonian's site selection process.

In addition to the site characteristics mentioned previously, the Smithsonian reemphasized the importance of locating the extension on the Washington metropolitan area rather that splitting the collection between the Mall location and a remote location. Such a split could not provide a comprehensive and balanced view of the history, technology, and social aspects of air and space flight. Smithsonian officials realized in the 1960's that an extension of the building in the Mall would be necessary and since that time the proposed expansion has always been viewed as an extension of the Museum on the Mall, not as a separate museum.

The Smithsonian also verified the significant cost differential in constructing and operating an extension at Dulles versus a remote location.

After much discussion and study the GAO concluded in a March 20, 1991, letter to House Interior Appropriations Subcommittee Chairman YATES that "we now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian."

In addition, in May 1991, the Board of Regents concurred to the GAO's recommendation and agreed to reduce the scope of the extension limiting it to meeting the Museum's most immediate needs to protect, preserve, and restore the collection and provide public access to significant portions of the collection. This reduced the overall project cost to $162,000,000—half the originally estimated cost.

Mr. President, it is time for self-interested parties to accept the conclusions of the Board of Regents, the Senate Committee on Rules and Administration, the U.S. Senate, and the GAO that Washington Dulles International Airport is the most practical, convenient, and cost-effective location for the extension of the Air and Space Museum.

I call on every Member of the Senate to support this bill which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we witnessed in the operation of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first hand the magnitude and significance of man's technological achievements.

The Mall building is now visited by a record number of individuals visiting Washington every year, and that is one of the principal bases for putting it at Dulles; so that they can couple their visit, here on the Mall, with a visit at a not too distant location at Dulles, VA. The record of the people visiting the Air and Space Museum on the Mall, I think, is only exceeded by those visiting in total numbers, the White House and perhaps the Vietnam Veterans Memorial.

Mr. President, I am joined in this effort by my distinguished colleague. I welcome the participation on this by my friend and colleague, Senator ROBB, who has, since 1983, been in the very forefront of trying to bring to the Dulles area the adjunct space facility authorized by this legislation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I rise today as an original cosponsor of legislation to authorize the design of an extension of the National Air and Space Museum at Dulles International Airport and I commend my friend and colleague, the distinguished senior Senator, Senator WARNER, for introducing it today and for his leadership on this issue over a long period of time.

Mr. President, as my distinguished senior colleague has already noted, the Commonwealth of Virginia and I have been avid supporters of the Air and Space Museum extension at Dulles since the Smithsonian first broached the idea in 1983, during my term as Governor, and as noted as well, my distinguished successors in that office, Jerry Baliles and Doug Wilder, have maintained the Commonwealth's commitment to the project.

The Dulles extension of the Museum is a much needed addition to the Smithsonian's facilities.

The wonders that are housed in the Museum on the Mall are only a fraction of the dreams that can be housed in the Extension.

From the Enola Gay to the SR–71 to the Shuttle Enterprise, there are simply too many remarkable items that are currently inaccessible to us because the museum on the Mall can't possibly accommodate all of them.

The Smithsonian's Board of Regents has repeatedly affirmed its selection of Dulles as the appropriate site for an Air and Space Museum Extension.

Dulles has been chosen, both because its location will allow tourists easy access from the main museum on the Mall, and because the Dulles site is the most economical option available to the Federal Government.

Unfortunately, attempts have been made over the years to tamper with the Regent's decision to site the Annex at Dulles.

The most recent attempt to do so came last year in the form of H.R. 3281, a bill to reopen the site selection process for the Extension.

I am pleased that the House overwhelmingly rejected that effort on September 30, 1992, by a vote of 317 to 106.

Mr. President, this body has on four occasions, as my distinguished senior colleague noted, approved legislation reaffirming the sound decision of the Smithsonian's Board of Regents to locate the much-needed annex to the Air and Space Museum at Dulles Airport.

It is my hope that we have, once and for all, put to rest the attempts to reopen what should be a settled question, and I simply close by urging my colleagues to enact this legislation as quickly as possible.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. Effective October 1, 1993, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $8,000,000 to carry out the purposes of this Act.

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By Mr. SIMON:

S. 536. A bill to extend the effective period of a production incentive certificate; to the Committee on Finance.

### EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE

• Mr. SIMON. Mr. President, today I am introducing a simple bill to assist a small Illinois company which was severely damaged during Hurricane Hugo. The Hampden Watch Co. sustained damage from the hurricane preventing them from using a certificate exempting them from duties on certain watch parts. The certificate is a production incentive designed to help American businesses with operations in the U.S. Virgin Islands.

Hampden's contributions to the development of the U.S. Virgin Islands since its establishment there is a record to be noted and appreciated both by the insular and Federal governments. According to Hampden, they account for 10 percent of the watch industry employment in the U.S. Virgin Islands.

According to the International Trade Administration [ITA], which implements the program, the Hampden Watch Co. was issued a production incentive certificate for 1989. Because of damage sustained from the Hurricane Hugo, the Hampden Watch Co. failed to use the certificate. Its value is approximately $130,000. While this is a small amount, it is vital to this small Illinois company. The funds have already been budgeted by the ITA to be used by Hampden. The hurricane simply prevented Hampden from using the certificate.

The ITA has the authority to issue these certificates and has been very helpful in this matter. Unfortunately, the ITA has not been granted the administrative discretion to extend the expiration date in the case of a natural disaster.

This bill simply allows Hampden to receive the duty exemption that was granted to them as both the Government and the company intended. The bill would do this on a one time only basis. I think we have a good case for extending the expiration date in these special circumstances.

Mr. President, this is an important bill. I urge its adoption by the Senate.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 536

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF PRODUCTION INCENTIVE CERTIFICATE.**

The production incentive certificate, number PIC–EV–89, issued jointly by the Secretary of Commerce and the Secretary of the Interior to the Hampden Watch Company, Inc., pursuant to paragraph (h)(i)(B) of Additional U.S. Note 5 to Chapter 91 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (formerly paragraph (h)(i)(II) of headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States), shall be deemed to have been reissued on November 1, 1993, in the amount of its balance remaining on that date, and shall expire on October 31, 1994.•

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By Mr. MURKOWSKI:

S. 537. A bill for the relief of Tania Gil Compton; to the Committee on the Judiciary.

### RELIEF OF TANIA GIL COMPTON

• Mr. MURKOWSKI. Mr. President, I rise today to offer a bill to provide for the relief of Tania Gil Compton in order for her to gain U.S. citizenship.

Tania Marcela Gil, born May 28, 1975, was adopted by Ben and Carol Compton on March 23, 1992, in Cali, Colombia. Her younger siblings were adopted by the Comptons in 1989. Whether by mistake or other unknown reasons, Tania was not placed for adoption with her siblings in 1989. The parents did not know about Tania until some time after her siblings learned English.

The Comptons decided to adopt Tania to keep the family together. Although they started the paperwork for adoption prior to Tania's 16th birthday, the finalization did not occur until after she had already turned 16. Since the adoption process took so long, she is legally ineligible for citizenship through adoption.

However, in order to keep the family together and to provide a stable, loving home for Tania, with the help of the INS, I was able to help her obtain humanitarian parole for her to come to the United States. This however, does not allow Tania permanent status to reside in the United States. Two years after the parole is issued they must petition for additional time and if this is not granted, Tania would have to return to Colombia where she has no home, no family.

Tania should be allowed to become a United States citizen so that she may enjoy the citizenship her brother and sisters have without the concern of one day having to return to Colombia. this bill would legally classify Tania as a child in order for her to be allowed to apply for U.S. citizenship. Tania has fallen through the cracks and she deserves the assistance this private relief bill provides.•

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By Mr. PRYOR: (for himself, Mr. REIGLE, Mr. DURENBERGER, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. COHEN, Mr. GLENN, Mr. BRYAN, Mr. LEAHY, Mr. CONRAD, Mr. GRAHAM, and Mr. SHELBY):

S. 538. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies, and for other purposes; to the Committee on Finance.

### LONG-TERM CARE INSURANCE CONSUMER PROTECTION ACT OF 1993

• Mr. PRYOR. Mr. President, I am pleased to be joined by Senators RIEGLE, DURENBERGER, ROCKEFELLER, MCCAIN, COHEN, GLENN, BRYAN, LEAHY, CONRAD, GRAHAM, SHELBY, and others in introducing today the Long-Term Insurance Consumer Protection Act of 1993. This legislation will provide basic Federal consumer protections for long-term care insurance.

I would like to take this opportunity to applaud the ongoing efforts and commitment of my colleagues who are joining me today in introducing this bill. All have played leadership roles on the issue of health insurance for older Americans and I am glad to be working with them.

During the Pepper Commission's struggle to find solutions to our long-term care problem I became interested in the possibilities that private long-term care insurance may hold. Recognizing that, for the foreseeable future, the public sector will not be able to comprehensively meet every long-term care need of our Nation, the Commission recommended the promotion and regulation of private long-term care insurance.

What this country really needs is a comprehensive system of affordable long-term care, including home and community-based care and nursing care. As the administration develops a health care reform proposal, I am hopeful that long-term care will have a prominent place in the debate. And to the extent the proposal relies on the private market, I would expect to see the inclusion of basic consumer protections for private long-term care insurance.

In recent years, the growth in the sales of these policies has been rapid. The number of policies sold, and the number of companies selling these policies, has doubled in less than 3 years. Long-term care insurance policies have improved over the past few years, and continue to evolve. Despite the gains that have been made, room for improvement remains. Many policies contain overly restrictive limitations on benefits and do not meet basic standards recommended by the NAIC [National Association of Insurance Commissioners].

There is also room for improvement in the regulation of this insurance. The NAIC has made progress in the development of the model standards. However, recent reports from the HHS inspector general and the General Accounting Office [GAO] indicate that many States do not have important consumer protections in place.

The GAO found that most policies contain definitions that potentially limit access to beneficiaries. Such definitions can eliminate coverage for policyholders who would otherwise qualify for benefits. Also, the GAO noted that consumers risk unpredictable premium increases that make it difficult for them to retain their policies. The inspector general found that 33 States do not provide minimum consumer protections. The fact that States are adopting these standards in varying degrees and a lack of support from the industry for these standards is troublesome.

Already at risk because of inadequate regulation of this market and the fear associated with long-term care, consumers confront difficult choices in the purchase of this type of insurance. It is clear that consumers face even more complexities in understanding long-term care insurance policies than they do in understanding Medigap policies.

As chairman of the Aging Committee, I want to ensure that abuses that have plagued the Medigap market are not repeated in the long-term care market. Unfortunately, we are already hearing about problems that we cannot let go unaddressed.

Mr. President, as with any legislation being introduced, this bill is but the first step in the legislative process. We have attempted to craft what we believe represents a fair response to the varying recommendations of consumers and their advocates, the National Association of Insurance Commissioners, the insurance industry and the insurance agents.

In this effort, our goal has always been to strike the appropriate balance between the need for consumer protection with the need to assure affordability. With that in mind, each of these interested parties will have the opportunity to analyze and respond to this legislation. I look forward to their comments and suggestions on how we can strengthen this legislation and assure these important consumer protections.

The Long-Term Care Insurance Consumer Protection Act of 1993 is supported by the American Association of Retired Persons, the National Committee to Preserve Social Security and Medicare, Families United for Senior Action, and Consumers Union. I urge my colleagues to join us by cosponsoring this bill.

Mr. President, I ask that the text of the bill and a summary of its provisions be printed in the RECORD.

The material follows:

## S. 538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Insurance Consumer Protection Act of 1993".

### SEC. 2. ESTABLISHMENT OF FEDERAL STANDARDS FOR LONG-TERM CARE INSURANCE POLICIES.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end the following new section:

"LONG-TERM CARE INSURANCE STANDARDS

"SEC. 1931. (a) IMPLEMENTATION OF POLICY STANDARDS.—

"(1) IN GENERAL.—

"(A) NEW ISSUES.—No long-term care insurance policy (as defined in subsection (i)) may be issued, sold, or offered for sale in a State on or after the date specified in paragraph (4) unless—

"(i) the Secretary determines that the State has established a regulatory program that—

"(I) provides for the application and enforcement of the standards established under paragraph (3), and

"(II) complies with the requirements of paragraph (5),

by the date specified in paragraph (4), and the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(ii) if the State has not established such a program, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary establishes) as meeting the standards established under paragraph (3).

For purposes of this paragraph, the advertising or soliciting with respect to a policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(B) REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review regulatory programs described in subparagraph (A)(i) to determine if they continue to provide for the application and enforcement of the standards established under paragraph (3).

"(2) SANCTIONS.—Any person who issues or renews a policy, on or after the date specified in paragraph (4), in violation of paragraph (1), is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(3) PROMULGATION OF STANDARDS.—

"(A) IN GENERAL.—If, within 12 months after the date of the enactment of this section, the National Association of Insurance Commissioners (in this section referred to as the 'NAIC') promulgates model standards that incorporate the requirements of subsections (d) through (h), such standards shall apply under paragraph (1).

"(B) DEFAULT.—If the NAIC does not promulgate the model standards under subparagraph (A) by the deadline established in that paragraph, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of subsections (d) through (h) and such standards shall be applied under paragraph (1).

"(C) CONSULTATION.—In establishing standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of long-term care insurance policies, consumer groups, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(D) LIMITED PREEMPTION.—The standards established under this paragraph preempt provisions of State law which conflict with such standards, but nothing in this section shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(4) DEADLINE FOR APPLICATION OF STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is—

"(i) the date the State adopts the standards established under paragraph (3), or

"(ii) 1 year after the date such standards are first established,

whichever is earlier.

"(B) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(i) requiring State legislation (other than legislation appropriating funds) in order for the standards established under paragraph (3) to be applied, but

"(ii) having a legislature which is not scheduled to meet in 1994 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(5) ADDITIONAL REQUIREMENTS FOR APPROVAL OF STATE REGULATORY PROGRAMS.—For purposes of paragraph (1)(A)(i)(II), the requirements of this paragraph for a State regulatory program are as follows:

"(A) CONSUMER ACCESS TO COMPLIANCE INFORMATION.—

"(i) IN GENERAL.—The program must provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(ii) CONFIDENTIALITY.—The access provided under clause (i) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(B) ACCESS TO OTHER INFORMATION.—The program must provide for consumer access to information reported under subsection (c)(4).

"(C) PROCESS FOR APPROVAL OF PREMIUMS.—The program must provide for a process for approving or disapproving proposed premium increases with respect to long-term care insurance policies and must establish a policy for the holding of public hearings prior to approval of such a premium increase. No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which supports the increase and which contains such information as may be required under the standards under paragraph (3).

"(b) REGULATION OF SALES PRACTICES.—

"(1) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(A) IN GENERAL.—Each individual who is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(B) PROHIBITED PRACTICES.—An individual is considered to have violated subparagraph (A) if the individual engages in any of the following practices:

"(i) TWISTING.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any health care insurance policy or insurers for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(ii) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(iii) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(2) COMPLETION OF MEDICAL HISTORIES PROHIBITED.—A person who is selling or offering for sale a long-term care insurance policy may not complete the medical history portion of an application.

"(3) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES.—A person may not knowingly sell or issue a long-term care insurance policy to an individual who is eligible for medical assistance (other than only as a qualified medicare beneficiary) under this title.

"(4) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE SERVICE BENEFIT POLICIES.—A person may not sell or issue a service-benefit long-term care insurance policy—

"(A) knowing that the policy provides for coverage that duplicates coverage already provided in another service-benefit long-term care insurance policy (unless the policy is intended to replace such other policy), or

"(B) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage (i) does not duplicate other coverage in effect under a service-benefit long-term care insurance policy or (ii) will replace another service-benefit long-term care insurance policy.

In this paragraph, the term 'service-benefit long-term care insurance policy' means a long-term care insurance policy which provides for benefits based on the amount and type of services furnished, rather than on the amount of expenses incurred.

"(5) PROVISION OF OUTLINE OF COVERAGE.—No person may sell or offer for sale a long-term care insurance policy without providing to the purchaser or potential purchaser (or representative) an outline of coverage that complies with the standards established under subsection (a)(3).

"(6) CIVIL MONEY PENALTY.—Any person who sells, offers for sale, or issues a long-term care insurance policy in violation of this subsection is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(c) ADDITIONAL RESPONSIBILITIES OF ISSUERS.—

"(1) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is denied or an applicant returns a policy or certificate within 30 days of the date of its issuance pursuant to subsection (h), the issuer shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(2) MAILING OF POLICY.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is approved, the issuer shall transmit to the applicant the policy (or certificate) of insurance not later than 30 days after the date of the approval.

"(3) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder or certificate-holder (or representative)—

"(A) provide a written explanation of the reasons for the denial, and

"(B) make available all information directly relating to such denial.

"(4) REPORTING OF INFORMATION.—The issuer of a long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting—

"(A) the long-term care insurance policies of the issuer that are in force,

"(B) the most recent premiums for such policies and the premiums imposed for such policies during the previous 5-year period,

"(C) the lapse rates, replacement rates, and rescission rates for policies (by agent), and

"(D) the claims denied (as a percentage of claims submitted) for such policies.

Information under this paragraph shall be reported in a format specified in the standards established under subsection (a)(3) to carry out this subsection. For purposes of subparagraph (C), there shall not be included as a lapse of policy such a lapse due to the death of the policyholder. For purposes of subparagraph (D), there shall not be included as a denied claim a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(5) ACCESS TO INFORMATION.—Each such issuer shall provide the Secretary and the Commissioner or superintendent of insurance of each State in which the policy is sold such information as the Secretary, Commissioner, or superintendent, may request.

"(6) PROVISION OF OUTLINE OF COVERAGE FOR RENEWALS.—Each issuer of a long-term care insurance policy shall provide, at the time of renewal of such a policy, an outline of coverage that meets the applicable standards established pursuant to this section.

"(7) MEDICAL ASSESSMENTS FOR THE ELDERLY.—Before issuing a long-term care insurance policy to an applicant who is 75 years of age or older, if the policy is not guaranteed issue the issuer shall obtain one of the following:

"(A) A report of a physical examination.

"(B) An assessment of functional capacity.

"(C) Copies of medical records.

"(8) CIVIL MONEY PENALTY.—Any issuer of a long-term care insurance policy who—

"(A) fails to make a refund in accordance with paragraph (1),

"(B) fails to transmit a policy in accordance with paragraph (2),

"(C) fails to provide, make available, or report information in accordance with paragraph (3), (4), or (5),

"(D) fails to provide an outline of coverage in violation of paragraph (6), or

"(E) issues a policy without obtaining certain information in violation of paragraph (7),

is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(d) REQUIREMENTS RELATING TO RENEWABILITY.—

"(1) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium or material misrepresentation.

"(2) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(A) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this paragraph.

"(B) BASIS FOR CONTINUATION.—For purposes of subparagraph (A), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facility, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

"(C) BASIS FOR CONVERSION.—For purposes of subparagraph (A), a policy provides a basis for conversion of coverage if the policy entitles each individual—

"(i) whose coverage under the group policy would otherwise be terminated for any reason, and

"(ii) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination,

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being terminated, without evidence of insurability.

"(D) TREATMENT OF SUBSTANTIAL EQUIVALENCE.—In determining under this paragraph whether benefits are substantially equivalent, there shall be taken into consideration the differences between managed care and non-managed care plans.

"(E) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

"(e) BENEFIT STANDARDS.—

"(1) USE OF STANDARD DEFINITIONS AND TERMINOLOGY AND UNIFORM FORMAT.—

"(A) IN GENERAL.—Each long-term care insurance policy shall, pursuant to standards established under subsection (a)(3)—

"(i) use uniform language and definitions, and

"(ii) use a uniform format for presenting the outline of coverage under such a policy.

"(B) CERTAIN VARIATION IN LANGUAGE PERMITTED.—Such standards may permit the use of non-uniform language, but only to the extent required to take into account differences among States in the licensing of nursing facilities and other providers of long-term care.

"(2) DISCLOSURE.—

"(A) OUTLINE OF COVERAGE.—The outline of coverage for each long-term care insurance policy shall include at least the following:

"(i) A description of the principal benefits and coverage under the policy.

"(ii) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(iii) A statement of the terms under which the policy (or certificate) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(iv) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master policy) contains the contractual provisions that govern.

"(v) A statement of the value of the policy (determined in accordance with standard established to carry out this subparagraph).

"(vii) A description of the terms, specified in subsection (h), under which a policy or certificate may be returned and premium refunded.

"(viii) Information on national average costs for nursing facility and home health care and information (in graphic form) on the relationship of the benefits provided under the policy to such national average costs.

"(ix) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to paragraph (8).

"(x) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(B) CERTIFICATES.—A certificate issued pursuant to a group long-term care insurance policy shall include—

"(i) a description of the principal benefits and coverage provided in the policy;

"(ii) a statement of the principal exclusions, reductions, and limitations contained in the policy; and

"(iii) a statement that the group master policy determines governing contractual provisions.

"(C) LONG-TERM CARE AS PART OF LIFE INSURANCE.—In the case of a long-term care insurance policy issued as a part of or a rider on a life insurance policy, at the time of policy delivery there shall be provided a policy summary that includes—

"(i) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(ii) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits (if any) for each covered person; and

"(iii) any exclusions, reductions, and limitations on benefits of long-term care.

"(3) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(A) IN GENERAL.—A long-term care insurance policy may not condition or limit eligibility—

"(i) for benefits for a type of services to the need for or receipt of any other services,

"(ii) for any noninstitutional benefit on the medical necessity for such benefit,

"(iii) for benefits furnished by licensed providers on compliance with conditions which are in addition to those required for licensure under State law, or

"(iv) for custodial care (if covered under the policy) only (I) to care provided in facilities which provide a higher level of care or (II) to care provided in facilities which provide for 24-hour or other nursing care not required in order to be licensed by the State.

"(B) HOME HEALTH CARE SERVICES.—If a long-term care insurance policy provides benefits for home health care services, the policy—

"(i) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(ii) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(iii) may not limit such benefits to services provided by agencies or providers certified under title XVIII; and

"(iv) must provide benefits for personal care services (including home health aide and homemaker services), home health services, and respite care in an individual's home.

"(C) NURSING FACILITY SERVICES.—If a long-term care insurance policy provides benefits for nursing facility services, the policy must provide such benefits with respect to all nursing facilities that are licensed in the State.

"(D) MINIMUM PERIOD OF COVERAGE.—Each long-term care insurance policy shall provide benefits over a period of at least 12 consecutive months.

"(4) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(5) LIMITATION ON USE OF PREEXISTING CONDITION LIMITS.—

"(A) INITIAL ISSUANCE.—

"(i) IN GENERAL.—Subject to clause (ii), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(ii) 6-MONTH LIMIT.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(B) REPLACEMENT POLICIES.—If a long-term care insurance policy replaces another long-term care insurance policy, the issuer of the replacing policy shall waive any time periods applicable to preexisting conditions, waiting period, elimination periods and probationary periods in the new policy for similar benefits to the extent such time was spent under the original policy.

"(6) USE OF FUNCTIONAL ASSESSMENT.—

"(A) IN GENERAL.—Each long-term care insurance policy—

"(i) shall determine eligibility for, and level of, benefits (other than for nursing facility services) available under the policy based on a professional assessment of the policyholder's functional ability, and

"(ii) shall specify the level (or levels) of functional impairment required under such an assessment to obtain benefits other than for nursing facility services) under the policy.

"(B) APPEALS PROCESS.—Each long-term care insurance policy shall provide for an appeals process, meeting standards established under this subsection, for individuals who dispute the results of an assessment conducted under this paragraph.

"(7) INFLATION PROTECTION.—

"(A) OPTIONAL RIDER AT TIME OF INITIAL ISSUANCE.—Each long-term care insurance policy shall permit the policyholder, at the time of initial sale, an option of providing for inflation protection described in subparagraph (B).

"(B) INFLATION PROTECTION DESCRIBED.—The inflation protection described in this subparagraph provides, at the time of each annual renewal of a policy, for an increase of a specified percentage (but not less than 5 percent) in the dollar payment levels and the maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. In applying this subparagraph, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of $1 (in the case of dollar payment levels) or $100 (in the case of the maximum payment limit).

"(8) SPECIFICATION OF LIMITS ON PREMIUM INCREASES.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made in any between one policy year and the subsequent policy year.

"(f) NONFORFEITURE.—

"(1) IN GENERAL.—Each long-term care insurance policy shall provide that if the policy lapses after the policy has been in effect for a minimum period (specified under the standards under subsection (a)(3)), the policy will provide without payment of any additional premiums benefits equal to—

"(A) a percentage (specified under such standards) of the benefits otherwise available at term, or

"(B) such other type of benefits as such standards may provide.

"(2) ESTABLISHMENT OF STANDARDS.—The standards under subsection (a)(3)—

"(A) may not provide more than 2 additional types of benefits under paragraph (1)(B), and

"(B) may provide that the percentage or amount of benefits under paragraph (1) must increase based upon the period of time in which the policy was in effect.

"(g) Limit of Period of Contestability.—The issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the issuance of the policy.

"(h) Right To Return (Free Look).—Each applicant for a long-term care insurance policy shall have the right to return the policy (or certificate) within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy or certificate, the applicant is not satisfied for any reason.

"(i) Long-Term Care Insurance Policy Defined.—

"(1) In general.—In this section, except as otherwise provided in this subsection, the term 'long-term care insurance policy' means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance.

"(2) Policies excluded.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include any medicare supplemental policy (as defined in section 1882(g)) and any insurance which is offered primarily to provide—

"(A) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage,

"(B) disability income or related asset-protection coverage,

"(C) accident-only coverage,

"(D) specified disease or specified accident coverage, or

"(E) limited benefit health coverage.

"(3) Treatment of certain life insurance policies.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include life insurance policies—

"(A) which accelerate the death benefit specifically for—

"(i) one or more of the qualifying events of terminal illness,

"(ii) medical conditions requiring extraordinary medical intervention, or

"(iii) permanent institutional confinement;

"(B) which provide the option of a lump-sum payment for those benefits; and

"(C) in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care.

"(4) Inclusion of policies marketed as long-term care insurance.—The term 'long-term care insurance policy' also means any product which is advertised, marketed, or offered as long-term care insurance.".

(b) Report on Assessment Methods for Functional Ability.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the different methods that may be used to conduct assessments of functional ability described in section 1931(e)(6)(A) of the Social Security Act and the relative effectiveness of each of such methods.

(c) Report on Solvency Protection.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on standards that may be applied to assure the solvency of insurers with respect to long-term care insurance policies.

(d) Study of Standard Measure of Value for Long-Term Care Insurance Policies.—The Secretary of Health and Human Services shall provide for a study to develop a standard measure of value for long-term care insurance policies. Within 2 years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on such study.

## SEC. 3. INCREASE IN FUNDING FOR LONG-TERM CARE INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE.

The subsection (f) of section 4360 of the Omnibus Budget Reconciliation Act of 1990 relating to authorization of appropriations for grants is amended by inserting before the period at the end the following: "and an additional $20,000,000 for each of fiscal years 1994, 1995, and 1996, to fund such grant programs for the purpose of providing information, counseling, and assistance relating to the procurement of adequate and appropriate long-term care insurance".

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## Summary of S. 538: Long-Term Care Insurance Consumer Protection Act

### 1. CONSUMER ACCESS TO INFORMATION

Requires states to make available to consumers information regarding:

Complaints received with respect to long-term care insurance polices

The number of policies sold by company

The most recent premiums for each policy sold in the state

The lapse and replacement rates for policies

The number of policy rescissions

The claims denied as a percentage of claims submitted (excluding claims denied because the policyholder has not met deductibles or waiting periods)

Why Needed: Most states do not maintain separate files on long-term care insurance complaints, making it virtually impossible for consumers to get good, objective information about the reputation and quality of a particular company or agent. Consumers have the right to know basic information about long-term care insurance before they spend their hard-earned dollars.

### 2. INFLATION PROTECTION

Requires all policies to offer an inflation protection feature that provides for an increase of a specified percentage not less than 5 percent in the policy's dollar payment levels and maximum payment limit. The increases are to be compounded annually.

Why Needed: Consumers should have the option to purchase inflation protection and should be informed as to how benefits are eroded without this type of protection. However, to assure consumer flexibility and affordability, this legislation does not require all policies to have inflation protection. Assuming a conservative inflation estimate of 5 percent per year, without inflation protection a long-term care insurance policy benefit is eroded by 50 percent in just 10 years. Seniors pour thousands of dollars per year into these policies only to find that their benefits have been whittled away, just when they need protection the most.

### 3. NONFORFEITURE BENEFITS

Requires each policy to contain a nonforfeiture benefit which conforms to one of the 3 nonforfeiture models developed by the National Association of Insurance Commissioners (NAIC). At least one of the models identified by the NAIC must be a reduced paid-up model whereby policyholders would be guaranteed a specified percentage of benefits after a certain vesting period. Similar to a whole life policy or a home mortgage, a nonforfeiture benefit for long-term care insurance would assure that a policyholder did not have to forfeit vested equity in a policy should the policy lapse.

Why Needed: Because long-term care policies are typically held for 10 or 20 years before their benefits are used, the possibility of a policy lapsing during this period is significant. For example, assuming a conservative lapse rate of 10 percent per year, only 7 percent of policies purchased at age 65 are still in force at age 85, when they are most likely to need the coverage.

When a long-term care insurance policy lapses, the policyholder forfeits a significant amount of equity which has been built up to pre-fund future needs. Individuals often pay into long-term care insurance policies for 10, 15, 20 years or more only to find that a premium increase suddenly makes the policy unaffordable. When this happens, policyholders surrender years of equity and are left with no long-term care protection whatsoever.

### 4. MARKETING ABUSES

a. Explicitly prohibits "churning" whereby an individual is pressured into switching policies in order for the agent to capture a new sales commission.

Why Needed: When an individual drops an old policy to buy a new policy, they will be forced to meet new preexisting condition waiting periods, during which time they will not be covered by insurance.

b. Explicitly prohibits high pressure sales tactics.

Why Needed: Using threats, or capitalizing on the fear of financial catastrophe associated with going into a nursing home should not be tolerated, particularly with the frail elderly.

c. Prohibits agents from filling in the medical history portion of an application.

Why Needed: There is evidence of problems with agents who fill in medical history questions incorrectly. If an agent incorrectly answers these questions on behalf of an applicant, and applicant would likely face the possibility of having claims denied at a later date on the basis that the applicant misrepresented his/her health status at the time of application.

d. Prohibits sale of a long-term care insurance policy to an individual who is eligible for Medicaid. An exception is made for qualified Medicare beneficiaries (QMBs).

Why Needed: Medicaid beneficiaries, by definition, already received comprehensive coverage for long-term care services without cost-sharing requirements.

### 5. OUTLINE OF COVERAGE

Requires the NAIC to develop insurers to provide a standardized outline of coverage which states:

The principal benefits and exclusions under the policy

Graphic information on national average nursing home and home health care costs and their relationship to benefits provided under the policy

Graphic information on the effects of inflation on benefits provided under the policy over at least a 20 year period

A statement that the premiums for the policy will not increase more than a specified percentage during any given calendar year (the percentage specified will be developed by the insurer and may not be exceeded)

Why Needed: Currently, many insurance companies have devised their own outline of coverage which is very different in format and content than other companies, making it very difficult for individuals to compare policy provisions. In addition, consumers generally do not receive any information about how the benefits under the policy compare to average costs of such benefits, or how much the policy can be expected to be worth over time. The requirement to disclose maximum annual premium increases under the policy will bring predictability and accountability.

### 6. GUARANTEED RENEWABILITY

Requires all policies to be guaranteed renewable. Policies could only be cancelled for nonpayment of premium or material misrepresentation.

Why Needed: Some states still allow insurers to cancel long-term care insurance policies because the health of the policyholder has deteriorated. Guaranteed renewability prevents insurers from suddenly dropping coverage for policyholders who are no longer considered "profitable".

### 7. STANDARD DEFINITIONS AND TERMINOLOGY

Requests the NAIC to develop, within 12 months of enactment, standard definitions and terminology for benefits used in long-term care insurance policies.

Why Needed: Today, frivolous variations in policy definitions leave consumers confused and highly susceptible to high pressure sales pitches which try to convince them that their coverage is substandard. Consumers have the right to know that "home health care", for example, means the same thing in every policy so that they can make true comparisons based upon benefit levels and price.

### 8. PRIOR INSTITUTIONALIZATION

Prohibits the imposition of prior hospitalization requirements on the receipt of benefits. Also prohibits the use of prior institutionalization (i.e., a nursing home stay) requirements on the receipt on non-institutional (i.e., home and community care) benefits.

Why Needed: Despite the fact that the NAIC model act contains a prohibition on the use of prior institutionalization, several states have not adopted this provision and several insurers (large and small) still sell policies that restrict eligibility for benefits upon a stay in the hospital (usually 3 days) or a prior stay in a skilled nursing facility. A prior hospitalization requirement effectively excludes two-thirds of the policyholders from receiving nursing home benefits.

### 9. HOME HEALTH CARE

Prohibits limiting such benefits to services provided to RNs or LPNs or to Medicare-certified agencies and facilities. Prohibits exclusion of personal care services, such as home health aide and respite care. Requires use of a functional assessment tool for home care eligibility. Provide policyholders with an explicit right to appeal denials for home care eligibility.

Why Needed: Restricting home health care services to specific providers or Medicare-certified facilities severely limits the options of the policyholders. Often, policyholders do not need skilled nursing care; rather, they need assistance with the activities of daily living, things such as bathing, walking, feeding, toileting, and eating. In addition, Medicare-certified facilities are the exception, not the rule, and they often have long waiting lists. Policyholders should have the right to use their benefits at any license nursing or home health facility in the state.

### 11. TIMELY PROVISION OF INFORMATION

Requires:

a. insurers to refund premiums to policyholders within 30 days of an application denial or return under the free look period.

b. insurers to transmit the policyholder, within 30 days of a policy application approval, a copy of the actual policy or certificate.

c. insurers to give written notice, within 60 days of a claim denial, the reasons for such denial. Insurers must also make available to policyholders all information directly relating to such denial.

d. insurers to obtain, prior to the issuance of a policy, a physical exam report, a functional capacity assessment, or medical records for all applicants age 75 or older.

Why Needed: Policyholders have the right to know why their claims were denied in a timely manner and to have timely refund of premiums when appropriate. There have been documented instances where insurers delay timely information or refunds in order to buy time or discourage the policyholder from getting payment. Many policyholders are frail elderly individuals who cannot afford to fight the insurance company, or wait months for payment. Because nursing home stays are very expensive, delay in receiving claims payments can quickly result in bankruptcy for the individual and increased government costs through Medicaid.

### 12. COUNSELING

Provides a $20 million authorization for states to establish long-term care insurance counseling programs.

Why Needed: Counseling programs now exist in several states and have proven to be a valuable and cost effective resource for consumers seeking to get objective information about policies.●

● Mr. RIEGLE. Mr. President, today I rise in support of S. 538, the Long-Term Care Insurance Consumer Protection Act. This bill provides minimum standards for private, long-term care insurance to protect individuals who want to purchase policies consistent with their individual needs and resources. I commend the chairman of the Aging Committee, Senator PRYOR, for his continuing leadership in this area.

### THE CURRENT COMPLICATED MARKET

The long-term care insurance market today, in Michigan and across the country, is confusing and the potential for abuse is high, particularly because information that consumers need to purchase policies is not readily available. It's not easy to make comparisons in benefits and price among different policies. Materials explaining benefits use different terminology and formats that add to confusion. Seniors and other purchasers must sort through a maze of limitations, waivers, and charges. Under these circumstances, it is no wonder some buy policies that do not meet their needs or adequately protect them against the high costs of long-term care. People too often make decisions out of fear and spend large sums but get little or no return.

Several studies by the U.S. General Accounting Office and inspector general underscore the need for action. Among other things, these studies outline abuses in sales practices such as pressuring people to switch to policies that require them to meet new requirements before receiving benefits. In some cases, purchasers are provided little or no information about policies that they are considering. Objective information about the quality and coverage of a particular policy is needed in a timely fashion.

Many policies are also limited in their coverage and can be very expensive. Some policies can be canceled with little notice. Others have institutionalization requirements before benefits can be collected and have limited choices concerning the type of care one can receive. In some cases, policies appear to be designed so an individual is not likely to receive benefits. We have even heard stories of where one of the most vulnerable groups—low-income seniors—have been pressured to buy policies, even though they are eligible for comprehensive benefits under Medicaid. These are problems similar to those prevalent in the Medigap insurance market which prompted Congress to enact reforms. We must act here as well.

Nationally, more than 31.2 million people are age 65 and over and 35.9 million citizens are disabled. In Michigan, more than 1.1 million people are age 65 and over and 1.5 million persons have physical or mental disability. Seniors and the disabled community are at high risk for meeting long-term health care. These demographics should be a force for change. Future increases in the number of patients requiring these services underscore the need for a sound and efficient system.

### MICHIGAN CASE

Mr. President, I want to tell the story about the case of a Michigan couple that illustrates the need for the Long-Term Care Insurance Consumer Protection Act.

An insurance agent visited the home of an elderly Michigan couple and, without examining the couples' current health insurance policies, advised the couple that they should purchase long-term care and Medicare supplemental coverage. The couple informed the agent they already had four Medigap insurance policies, one long-term care and two home health care policies but the agent said their insurance was inadequate and persuaded the couple to purchase long-term nursing home insurance. The couple gave the agent a check for $5,800.11 and $11 in cash. The agent cashed the check and bought two Medicare supplemental policies and two life insurance policies. The elderly bought, on the advice of the insurance agent who did not review their existing coverage, expensive duplicative coverage.

The long-term care insurance market is new and growing, making it even more important that we act now. The legislation we reintroduce today will continue the debate on this very important issue. People who can afford long-term care policies need basic protections so that policies are appropriate and affordable.

THE LONG-TERM CARE INSURANCE CONSUMER PROTECTION ACT

Mr. President, this bill uses a model similar to that used to enact important reforms to the Medigap supplemental insurance market several years ago. Specifically, the legislation provides a mechanism for developing national standards for long-term care policies. The model standards will be developed through the State insurance commissioners with input from consumer groups, Medicare beneficiaries, insurers, and others. These national standards include protections regarding sales practices, access to information, and policy coverage issues. The bill also expands current enforcement capacity and authority as well as provides grants to States for counseling.

In the past, I have been concerned about unnecessarily imposing financial penalties on insurers selling non-approved policies in States that do not adopt the model simplification regulation. But in this case, recent studies show that States have not adopted the existing model regulation developed by the State Insurance Commission on a voluntary basis. The voluntary, State-by-State approach to regulation is resulting in drastic differences in consumer protection and minimum standards in many States. While my home State of Michigan has been active in passing State laws intended to protect citizens in this area, all States have not. Some uniformity is needed so citizens are informed about their choices and afforded basic protections.

In introducing the Long-Term Care Insurance Consumer Protection Act of 1993 today, we welcome comments and suggestions about this bill. The existing model regulation developed by the National Association of Insurance Commissioners was used in designing the legislation. But there are other issues to be considered such as how to ensure enforcement, simplification methods, and the need for more information on long-term care options.

This bill is supported by Consumers Union, Families U.S.A., the American Association of Retired Persons, and the National Committee to Preserve Social Security and Medicare. As I have in the past, I also intend to work closely with the National Association of Insurance Commissioners as well as the Michigan Insurance Bureau. I know insurers are concerned that this is a new market where products are constantly changing and improving. But we need some minimum standards. And in fact, this bill would still allow such innovation in the current market to occur. We will continue to work closely with all interested individuals and groups as we refine and improve the bill.

Choosing a long-term care policy is an important decision and it can also be a complicated one. I believe this proposal puts into place a mechanism for significantly reducing the potential for abusive sales practices in the long-term care market and making sure that reasonably priced and high quality insurance products are sold.

The Long-Term Care Insurance Consumer Protection Act is an important first step in addressing our Nation's long-term care health care needs, but further action is needed. We need a comprehensive strategy for providing long-term care services which incorporates the roles of both the public and private sector such as the one proposed last year in the Long-Term Care Family Protection Act. This strategy should allow individuals flexibility to best meet their own needs by building on the existing support they get from their families and communities. I will continue to work in Congress to ensure access to high quality long-term care services for all Americans.

Mr. President, I want to commend Senators PRYOR and DASCHLE for their leadership in this area. I look forward to working with them to enact this important legislation for our Nation's senior citizens and disabled persons. I urge my colleagues in the Senate to join us in cosponsoring the Long-Term Care Insurance Consumer Protection Act to ensure affordable high-quality long-term care for Americans.•

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By Mr. FORD:

S. 539. A bill to amend the Petroleum Marketing Practices Act to require any change proposed at the time of renewal of a franchise agreement for the sale of motor fuel to be fair and reasonable, to ensure fairness and balance in the application of such act, and for other purposes; to the Committee on Energy and Natural Resources.

PETROLEUM MARKETING REFORM ACT

Mr. FORD. Mr. President, today I am introducing the Petroleum Marketing Reform Act. Last Congress, there were two proposals to reform the Petroleum Marketing Practices Act. S. 672, introduced in 1991, represented a first attempt at drafting meaningful reform of this statute, which is designed to balance bargaining power between franchisers, which are often large oil companies, and franchisees, which are often small, independent gas station owners. Over the course of about 18 months, a compromise was negotiated between petroleum markets, service station dealers, jobbers, and other affected parties in the petroleum marketing industry. This compromise was reflected in S. 2656, introduced in 1992. Senator KRUEGER and I reintroduced this compromise bill again this year in the form of S. 338. The Senate Energy Committee has already held hearings on this measure this year.

The bill I am introducing today represents the precompromise version of this legislation. My purpose for introducing it today is to preserve my options and offer a contrast to S. 338, the Petroleum Marketing Practices Act amendments. S. 338 would be law today if it were not for the efforts of a single, large oil company which seeks to derail any efforts at PMPA reform. This single, large oil company is seeking greater protection from the Federal Government in the form of an expanded Federal preemption clause—much greater Federal protection than provided under the preemption clause of S. 338. An identical bill—S. 2656 from the last Congress—passed both the House and Senate Energy Committees last year. Only parliamentary maneuvering at the behest of this single, large oil company prevented this bill from becoming law.

This same oil company now seeks support to prevent S. 338 from passing the Energy Committee, or in the alternative, to find a sponsor to offer amendments which gut the Federal preemption provisions of S. 338 by creating huge exceptions. In other words, we are seeing more of the same games as we saw last Congress.

These attempts to gut S. 338 are completely unacceptable to me. I have attempted to obtain consensus in moving this bill forward. I will continue to do so. But if it becomes clear that this is no longer possible, it may be best for me to seek other means of passing the compromise reflected in S. 338. It may also be best for me to go back to the PMPA proposal which existed before the compromise, and to seek parliamentary advantage in offering this original bill in a manner which allows for an up or down vote on the floor of the Senate.

Therefore, I am introducing this earlier version of PMPA reform to provide adequate notice to my colleagues. I am hopeful that it will advance the debate on PMPA reform and, at a minimum, help preserve my options and the options of those seeking real PMPA reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Petroleum Marketing Reform Act of 1993".

**SEC. 2. DEFINITION OF FRANCHISE.**

Section 101(1)(B) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(1)(B)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) any contract between the parties described in clauses (i), (ii), (iii), and (iv) of subparagraph (A) that is economically necessary to the operation of the franchise; and".

### SEC. 3. GROUNDS FOR NONRENEWAL IN CERTAIN CASE.

Section 102(b)(3)(A) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(3)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) the changes or additions are fair and reasonable.".

### SEC. 4. NEGOTIATION OF UNDERLYING LEASE.

Section 102(c) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) loss of the right of the franchisor to grant possession of the leased marketing premises through expiration of an underlying lease, if—

"(A) the franchise was notified in writing, prior to the commencement of the term of the then existing franchise—

"(i) of the duration of the underlying lease; and

"(ii) of the fact that the underlying lease might expire and not be renewed during the term of the franchise (in the case of termination) or at the end of the term (in the case of nonrenewal); and

"(B) in any case in which the franchisor has an option to renew the underlying lease or purchase the premises, the franchisor—

"(i) provides, not later than 90 days before the date on which the option expires, the franchisee with the name, address, and telephone number of the owner or lessor of the premises; and

"(ii) agrees not to use this paragraph as a ground for nonrenewal or termination during any term during which the franchise is able to retain possession of the premises as a result of any agreement entered into with the owner or lessor of the premises;".

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By Mr. WELLSTONE (for himself, Mr. KOHL, and Mr. SARBANES):

S.J. Res. 59. A joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

### ENERGY LEGISLATION

Mr. WELLSTONE. Mr. President, I rise to express my opposition to unfair and unjustified energy price hikes which are being imposed upon American consumers. I am not speaking about the President's proposed energy use tax, a proposal which has been made in the full light of public scrutiny. I am speaking about a much more hidden price increase being imposed upon natural gas consumers in my State and in many other States by the Federal Energy Regulatory Commission.

Last year, the Federal Energy Regulatory Commission issued Order No. 636. Through this order, FERC sought to go beyond congressional legislation deregulating the natural gas industry and completely reorder the way gas is bought and sold in the interstate market. A critical part of the order transforms pipelines, which had traditionally bought and sold gas, into common carriers shipping gas owned by others. Under this new scheme, consumers will be charged separately for the cost of transportation and the price of the natural gas itself. But FERC's order has its costs. Old take-or-pay contracts have to be bought out with the buyout costs passed on to the consumers, Mr. President, to the tune probably of billions of dollars.

In addition, fixed costs, which used to be recovered from users of natural gas based on the amount of gas used, will now be paid up front by consumers regardless of how much or how little gas they consume.

Mr. President, setting aside the pros and cons of FERC's desire to restructure the gas industry, how the order allocates economic costs raises serious questions of regional fairness; and the billions of dollars the order is expected to cost consumers will impose severe economic hardships.

All of my colleagues from natural gas-consuming States, particularly cold weather States, should be aware that this FERC order will increase the natural gas bills of their homeowners and small businesses. While consumers in Minnesota and other gas-consuming States will pay the costs—and the costs are expected to be significant—businesses in Texas, Louisiana, Oklahoma, and a few other States will reap the benefits, and the benefits are estimated to be in the billions of dollars.

Meanwhile, consumers in these and other producing States will be largely insulated from price increases because they purchase gas from within their own State, not from the interstate market which FERC is restricting.

Is this fair? Why should Minnesota and other consuming States pay for FERC's restricting of the natural gas industry? But you might ask, will these new regulations really cost consumers?

A recent article from the Washington Post indicates that consumers in this area, the Washington-Baltimore area, can expect to see their utility bills increase by as much as $500 million because of FERC's new regulations. A $500 million increase in natural gas bills for Maryland, Virginia, and the District of Columbia means that the average household will see a $100 per year increase in their natural gas bill.

In the State of Wisconsin, which like Minnesota has a much colder climate than Washington, DC, some utility executives have estimated that consumers may see their bills increase by as much as 50 percent, which could mean several hundred dollars a year in higher gas bills for consumers. If the Post article is correct, FERC's order will cost Washington-Baltimore area natural gas consumers five times as much as the President's proposal.

When you look at its total economic cost, FERC's new regulations could spell extreme economic hardship for small businesses, schools and hospitals, and farmers in my State. It would be reasonable to assume that the Federal Energy Regulatory Commission, being composed of good public servants, carefully examined these issues and took steps to address them.

Last year, I was under the impression that FERC was simply trying to avoid criticism by refusing to make public its analysis of regional, economic, and consumer impacts. But now I understand that FERC quite literally had nothing to hide. When Citizen Action appealed FERC's decision to withhold its economic analysis under the Freedom of Information Act, FERC admitted that it never did look at the regional or consumer impacts of its own order. And if that is not enough, FERC is now expediting action on proposed rate increases presuming that immediate price increases, less than 10 percent, are not significant, and that those over 10 percent will be mitigated by requiring them to be phased in.

It is obvious to me, Mr. President, that the Commission is badly biased and fails to see its order from the perspective of those who are going to have to pay these bills.

FERC's promoting expanded natural gas use may have environmental benefits and may help economically depressed communities of the producing States. Maybe we need to expand natural gas use and maybe we need more economic assistance for all of the economically depressed regions in our country, but this regulatory price hike is not the way to address these problems. It is unfair to the consumers and it is unfair to the economies of the consuming States.

So, today, along with my colleagues from Wisconsin and Maryland, Senators KOHL and SARBANES, I want to introduce a joint resolution to direct the Federal Energy Regulatory Commission to stop its proceedings under this new order. The resolution would direct FERC to withhold action until 60 days after the ongoing General Accounting Office study of the economic impacts on this order is submitted to Congress. I do not think it is too much for FERC to wait for a GAO study to carefully look at the economic impact.

Further, I introduce this resolution to register my most strenuous objections to FERC's insensitivity to consumers and to call upon the new administration to take action to change this situation. In the coming months, the Senate will have the opportunity to advise and consent on the President's nomination for at least three FERC Commissioners, a majority of the five-member Commission. It is my intention to sue all of the avenues available to me as a Member of the U.S. Senate to ensure that the views and concerns of consumers and consuming States—and I am sure I will be joined by Senator METZENBAUM as well in this effort—are fairly represented on the Commission.

Mr. President, I ask unanimous consent that the full text of the resolution being introduced today, a Washington Post article dated February 25, 1993, and the "Dear Colleague" letter distributed by myself and Senator KOHL be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 59

Whereas Congress has declared that a purpose of the Department of Energy is to promote the continued good health of the Nation's small business firms, public utility districts, municipal utilities, and private cooperatives;

Whereas residential and commercial consumers, hospitals, schools, and others that have been identified by Congress as high-priority users of natural gas depend on an affordable and reliable supply of natural gas;

Whereas the Federal Energy Regulatory Commission on April 8, 1992, adopted new regulations in Order No. 636;

Whereas Order No. 636 forces significant changes in the structure of the various components of the natural gas industry that will significantly increase the cost of natural gas and have other adverse effects on residential, commercial, and other high-priority users;

Whereas Order No. 636 will make residential, commercial, and other high-priority users pay all fixed costs of the national pipeline system, instead of only their reasonable share;

Whereas residential consumers will not be benefited by the cost increases, but will be forced by the order to pay all transition costs created by the industry restructuring;

Whereas the Federal Energy Regulatory Commission has failed to conduct an analysis of the economic impact of Order No. 636 on the various classes of natural gas end-users (including residential and small business users), which economic impact includes higher fixed costs, higher wellhead costs, and new transition costs;

Whereas the Federal Energy Regulatory Commission has not conducted an analysis of the economic impact of Order No. 636 on the various geographic regions of the country, and is moving with undue haste to implement Order No. 636; and

Whereas the General Accounting Office has undertaken to conduct a study of the economic impact of Order No. 636 on residential, small commercial, and other high-priority end users, as well as on large industrial customers, and to analyze the economic impact of the order on the various geographic regions of the country and on different types of local gas utilities: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas.

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[From the Washington Post, Feb. 25, 1993].

### PIPELINE'S WOES COULD BOOST LOCAL GAS RATES

(By Thomas W. Lippman)

Natural gas consumers in the Washington-Baltimore area and nearby states are facing a bill of $500 million or more to cover a pipeline company's cost of complying with a 1992 federal order restructuring the natural gas industry.

A rate hike for local gas customers—which could cost the average household a total of $100—appears inevitable, according to utility executives. They fear the cost could be much more if federal regulators allow the pipeline to pass on to consumers a large portion of the debts that have driven it into bankruptcy court.

The timing and amount of the increase depends on the outcome of legal battles between the pipeline company, Columbia Gas Transmission Corp., and utilities, including Washington Gas Light Co., which serves the Washington metropolitan area.

The utilities say their customers will have to pay as much as $500 million to cover Columbia's "transition costs" for complying with Federal Energy Regulatory Commission (FERC) Order 636. That order takes pipeline companies out of the business of buying and selling natural gas, and converts them into shippers for others.

In addition, Columbia, which has been in bankruptcy proceedings since 1991, is trying to pass on to the utilities some of the burden of covering Columbia's debts to its creditors. Those debts total $11.3 billion, according to the creditors' calculations.

Washington Gas, Baltimore Gas and Electric Co. and other local gas companies from the Eastern Shore to Dayton, Ohio, have joined forces to fight Columbia's effort to pass on its bankruptcy costs.

The utilities and consumer groups contend that FERC, in two previous cases, already allowed the pipeline to bill the utilities for some of the same debts now before the bankruptcy court. But FERC has rejected appeals by the utilities to declare that none of the debt will be added to the transition costs, according to lawyers in the case.

"We are talking about billions of dollars," said Stanley W. Balis, a Washington lawyer who represents Richmond and Charlottesville, which run their own retail gas companies. "Our view is that Columbia is not entitled to recover any of the costs [of settling with its bankruptcy creditors] because they predate Order 636."

"Let's say the total is $1 billion or something bizarre like that," said Washington Gas President Jeremiah K. Hughitt. "For customers in Washington, you are looking at $100 [in added bills] for every $1 billion" awarded to Columbia by FERC.

In position papers circulated by the utilities, the assumption is that the total cost will be about $1.1 billion. Columbia says it does not know how much it will seek to pass on.

"We have never given an estimate of how much we would seek to recover in the 636 proceeding," Columbia Gas spokesman David Dodrill said from the company's office in Charleston, W. Va. "We are not seeking to recover $11.3 billion; that is a number that is going to change drastically in the claims estimation process."

Adding to the complexity of the case, FERC itself is beset by uncertainty because four of its five members are lame ducks. Two have announced their intention to resign, and the terms of two others have expired.

Unlike the oil industry, in which the same company often controls the product from wellhead to retail pump, the natural gas industry has traditionally been composed of three segments: producers, who drill and operate the wells; pipeline companies, which buy the gas from producers and transport it around the country; and local companies such as Washington Gas, which buy from producers and sell to homeowners and businesses.

For many reasons, FERC decided last year to restructure the industry. Among other things, Order 636 essentially ended the pipelines' role as buyers and sellers, converting them into shippers of gas bought and sold by others. Each interstate pipeline company was directed to submit a compliance plan, including a projection of its costs for such things as canceling its now-invalid purchase contracts.

FERC set a Nov. 1, 1993, deadline to approve all compliance plans. But Columbia's case is unique because it is in Chapter 11 bankruptcy proceedings. It filed for bankruptcy in 1991 because it was unable to escape from long-term contracts with producers in which it was paying as much as $6.70 per 1,000 cubic feet of gas selling at retail for $1.30.

Columbia's customers, which also include Delmarva Power and Light Co. and Frederick Gas Co., serve about 8 million retail customers in the District and 15 states.

How much each household or business would pay will depend on how much of Columbia's creditors' claims the bankruptcy court validates, and on what percentage of that amount FERC lets Columbia pass through. State regulators generally permit local utilities to pass such cost increases along to retail customers because the utilities' rates of return—a measure of profitability—are guaranteed.

In an order denying the utilities' request to postpone considering Columbia's 636 compliance proceeding, FERC said, "Columbia's bankruptcy creates uncertainty for its customers. On the other hand, indefinite suspension of the restructuring proceedings would not provide certainty either."

A FERC official said, "We are very cognizant of consumers' concerns."

Hughitt said Washington Gas did not have the option of walking away from Columbia and using some other pipeline to supply its gas. "Almost 80 percent of the gas that serves this metropolitan area comes through the Columbia system. It's vital to our operation," he said.

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U.S. SENATE,
*Washington, DC, March 2, 1993.*

DEAR COLLEAGUE: Last year, the Federal Energy Regulatory Commission (FERC) issued Order No. 636 which consumer and public interest groups charged would cost homeowners and small businesses billions of dollars.

Now, as FERC begins implementing this Order, we are beginning to see its impact on consumers unfold. As the attached article from the Washington Post indicates, Washington-Baltimore area consumers can expect to see their utility bills increase by as much as $500 million to pay for the costs of complying with FERC's Order. Some utility executives in colder-weather states have stated that this Order will lead to a 50 percent increase in natural gas bills for their residential consumers.

FERC Order No. 636 seeks to restructure completely the way natural gas is sold and transported. Substantial "transition" costs will be incurred along the way. According to Citizen Action, the National Association of State Utility Consumer Advocates, the Consumer Federation of America, and the National Council of Senior Citizens, the results of the restructuring will be "anti-consumer, anti-competitive and will drain billions of dollars out of local economies."

Last year, Citizen Action sought to obtain FERC's internal economic analysis of the Order through the Freedom of Information Act (FOIA). At first, it appeared FERC simply wanted to hide potentially damaging information when it denied the FOIA request. Now, on appeal, FERC has disclosed that it did conduct an analysis of the Order's economic impact on end-users.

Despite the clear potential for severe economic impacts, FERC is moving forward with unseemly haste to implement the Order. At the request of former FERC Chairman Allday, FERC has suspended action on at least fifteen docketed cases and given restructuring of the natural gas pipeline industry under Order No. 636 "priority over all other matters pending before the Commission and [has decided] to proceed with all due haste."

At the request of several members of Congress, GAO currently is conducting a study of the economic impact of Order No. 636 on residential, small commercial, and other high priority end-users. GAO also has been asked to analyze the economic impact of Order No. 636 on different geographic regions of the country, and on different types of local gas utilities.

This independent analysis by GAO is essential not just because FERC has failed to provide its own credible analysis, but also because of the potential extraordinary economic impact of this Order on gas consumers. Compared to the recently much discussed impacts of an energy use tax, consumers in cold weather states are likely to see much higher price increases as a result of FERC Order No. 636!

We intend to introduce the attached Senate Joint Resolution urging FERC to refrain from further implementing the Order until Congress has had 60 days to review the GAO's conclusions.

You can express your concern about FERC's action by joining as a cosponsor of this resolution. If you would like to join as an original cosponsor, please have your staff contact Alan Schoem or Karl Gawell of Senator Wellstone's staff at 4-5641 by March 8.

Sincerely,

PAUL DAVID WELLSTONE.
HERB KOHL.

## ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 7

At the request of Mr. MCCONNELL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 9

At the request of Mr. MCCAIN, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 9, a bill to grant the power to the President to reduce budget authority.

S. 11

At the request of Mr. BIDEN, the names of the Senator from Tennessee [Mr. MATHEWS], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 91

At the request of Mr. THURMOND, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 103

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 208

At the request of Mr. BUMPERS, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 277

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 289

At the request of Mr. REID, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 322

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 322, a bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes.

S. 349

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 349, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 366

At the request of Mr. EXON, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

S. 368

At the request of Mr. BUMPERS, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

### S. 409

At the request of Mr. GLENN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 409, a bill to extend the terms of various patents, and for other purposes.

### S. 412

At the request of Mr. EXON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

### S. 416

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

### S. 424

At the request of Mr. DODD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

### S. 438

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 438, a bill to amend the Internal Revenue Code of 1986 to remove certain high-speed rail facility bonds from the State volume cap.

### S. 452

At the request of Mr. CONRAD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

### S. 462

At the request of Mr. BUMPERS, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 462, a bill to prohibit the expenditure of appropriated funds on the United States International Space Station Freedom program.

### S. 463

At the request of Mr. BUMPERS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

### S. 465

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 465, a bill to amend the International Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

### S. 473

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes.

### S. 479

At the request of Mr. DODD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

### S. 481

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

### S. 482

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

### S. 487

At the request of Mr. MITCHELL, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

### S. 493

At the request of Mr. COHEN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

### S. 503

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

### S. 517

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 517, a bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative.

### S. 518

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 518, a bill to reduce the deficit by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1994.

### S. 519

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II ballistic missile program.

### S. 520

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

### S. 527

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 527, a bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device.

### SENATE JOINT RESOLUTION 22

At the request of Mr. SPECTER, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 22, a joint resolution designating

March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

### SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

### SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

### SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

### SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

### SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

### SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. GLENN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Washington [Mrs. MURRAY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], the Senator from Texas [Mr. KRUEGER], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

## SENATE CONCURRENT RESOLUTION 14—RELATIVE TO THE 46TH CONGRESS OF THE INTERALLIED CONFEDERATION OF RESERVE OFFICERS

Mr. THURMOND (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. MCCAIN, Mr. COCHRAN, Mr. WARNER, Mr. SPECTER, Mr. LOTT, and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

### S. CON. RES. 14

Welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers (CIOR), commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

Whereas the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLVI Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

Whereas the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of the XLVI Congress of that organization: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress of the United States—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of the CIOR; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR in carrying out its activities and programs during that period.

Mr. THURMOND. Mr. President, I rise to introduce a concurrent resolution welcoming the 46th Congress of the Interallied Confederation of Reserve Officers [CIOR] and commending the Department of Defense and the Reserve Officers Association for hosting this notable gathering. I am joined in this resolution by the distinguished minority leader, Senator DOLE, and Senators HOLLINGS, MCCAIN, COCHRAN, WARNER, SPECTER, LOTT, and SMITH.

Mr. President, the CIOR represents over 800,000 Reserve officers from the 12 nations of the North Atlantic Alliance. Since its inception in 1948, the confederation has supported NATO defense doctrine and the strategy that has led to startling changes in Eastern Europe. The CIOR has a permanent representative to the NATO Military Committee and a CIOR office exists on the international military staff.

Mr. President, to meet future crisis, the Atlantic Alliance, the most successful defense alliance in history, will rely heavily on the ability to mobilize reserves to supplement the active duty forces which are being rapidly downsized. The CIOR supports a strong reserve structure and seeks to strengthen the Atlantic Alliance by promoting contacts and training exchanges among Reserve officers of NATO nations.

To foster an exchange of ideas and promote the goals of the organization, the CIOR holds an annual congress, alternating the venue among member countries. The 46th Congress, which is the third held in the United States, will take place in Washington, DC, during the first week of August. It will be held under the able leadership of Maj. Gen. Evan Hultman, the executive director of the Reserve Officers Association of the United States, who is serving as the president of the CIOR for 1992–94.

Success is also assured because of the men who serve as honorary chairmen for the 1993 Congress: Gen. Andrew J. Goodpaster, Gen. Alexander Haig, Gen. Bernard Rogers, and Gen. John Galvin.

Mr. President, in requesting the 1993 Congress be held in the United States President Reagan wrote: "I am certain that our government will make every effort to see that the CIOR's Congress in the United States will be most productive and rewarding."

Mr. President, our concurrent resolution is intended to support the President's announcement. I urge its early consideration and ask my colleagues to join me in welcoming the Interallied Confederation of Reserve Officers to the United States on the occasion of the 46th Congress.

## AMENDMENTS SUBMITTED

## NATIONAL VOTER REGISTRATION LEGISLATION

### JEFFORDS AMENDMENTS NOS. 70–72

(Ordered to lie on the table.)

Mr. JEFFORDS submitted three amendments intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

#### AMENDMENT NO. 70

On page 29, strike line 19 and insert the following:

"on the date that is the earlier of—

"(A) the date on which there has been adopted and placed in effect amendment to the constitution of the State to permit compliance with this Act; and

"(B) the date that is 120 days after the date by which, under the constitution of the

State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect such an amendment; and".

### AMENDMENT NO. 71

On page 4, between lines 17 and 18 add the following:

(3) A State that—

(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State was registered to vote in the most recent Federal election at any time; and

(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8.

### AMENDMENT NO. 72

On page 4, line 10, strike "either or both" and insert "1 or more".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 9, 1993, at 2:30 p.m., in executive session, to act on certain pending military nominations, discuss and finalize plans for hearings on gays in the military, and discuss other committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 9, 1993, at 10 a.m. to hold a hearing on the administration's trade policy goals and priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 9 at 12:15 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Government Affairs Committee be authorized to meet on Tuesday, March 9, at 10 a.m. for a hearing on the subject: disposing of plutonium in Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. MATHEWS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 9, 1993, to hold a hearing on the nomination of Janet Reno to be U.S. Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## IRAN'S SECRET BLUEPRINT TO DESTROY THE BAHA'I COMMUNITY

• Mr. LIEBERMAN. Mr. President, we have recently received profoundly distressing news about the Baha'i community of Iran.

A secret Iranian Government document which recently came to light provides chilling evidence of Iran's calculated plan to destroy this peaceful religious community.

This disturbing news came to my attention in a report from an old friend and my former neighbor in Connecticut, Firuz Kazemzadeh, who is one of the elected members of the governing council of the American Baha'i community. Dr. Kazemzadeh recently retired after more than 30 years on the faculty of Yale University, where he was a distinguished professor of history.

He has testified many times before congressional committees concerned with Iran's human rights abuses, and he is widely recognized for his insights into the situation in Iran and the plight of this persecuted religious community—the largest religious minority group in Iran.

The secret Iranian document is brief, but its meaning is clear. It is a deliberate plan, written and approved by the highest level officials of the Iranian Government, to destroy the Baha'is.

The Iranian blueprint is labeled "confidential," but it was revealed in a recent United Nations report.

No matter that the Baha'is are natives of Iran. No matter that they are a law-abiding community, in keeping with their religious beliefs which require them to obey the civil law of whatever country in which they reside.

The official Iranian plan states that the Iranian Government's dealings with the Bahai's "must be in such a way that their progress and development are blocked."

The plan goes on to describe in detail the ways in which Bahai's are to be blocked. They must be expelled from schools or universities "once it becomes known that they are Bahai's. They are to be denied employment "if they identify themselves as Bahai's," and they should be denied "any position of influence, such as in the educational sector."

Moreover, the plan states, "to the extent that it does not encourage them to be Bahai's, it is permissible" for Bahai's to have ration booklets, passports, burial certificates, and work permits.

In one particularly ominous provision, the secret blueprint calls for a plan "to confront and destroy their cultural roots outside the country." According to Dr. Kazemzadeh, this refers to Iran's actions to counteract efforts in support of Iranian Bahai's by the American Bahai community, as well as the German, Canadian and Brazilian Bahai's.

As a recent editorial in the New York Times points out, "it is of some solace that this code was kept secret, an implicit tribute to the norms of tolerance that Iran flouts."

And we might take heart from the fact that the secret blueprint does not call for the outright physical annihilation of the Bahai's—although it clearly leaves open the possibility for additional arrests and executions.

More than 200 Bahai's have been executed and thousands imprisoned on account of their religion, since the Islamic regime took power in 1979.

Arrests and executions are not the only way to destroy a vulnerable minority group, however. The detailed instructions contained in Iran's secret blueprint may call for less violent and less dramatic actions, but they are just as sure a prescription for the destruction of a peaceful, law-abiding community.

In a few weeks we will dedicate a new museum in Washington, the Holocaust Memorial Museum. Although most of its displays will emphasize the horrors of the Nazis' efforts to destroy the Jewish communities of Europe, the purpose of this museum goes beyond the need to keep alive the memory of the tragedies of the past.

Indeed, the message of the Holocaust Museum is to read the lessons of the 1930's and 1940's as a caution against other attempts by tyrannical governments which seek to destroy a vulnerable ethnic or religious minority group.

Since 1982, Congress has adopted five concurrent resolutions of support for the religious rights of Bahai's. I was an active cosponsor of the most recent appeal, the Bahai community emancipation resolution, adopted in July 1992.

We must renew our efforts to signal our support for the Bahai's, and to emphasize that the Senate condemns Iran's continuing persecution of this peaceful religious minority. And we must make clear to the President and to the American public which values religious liberty, that Iran's religious persecution of Bahai's is an important factor to be considered in the development of any relationships between our Government and the Government of Iran.•

## A TRIBUTE TO FLORENCE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the city of Florence in Boone County.

Florence is a rapidly growing city located in the northernmost tip of Kentucky, just south of Cincinnati. Florence lies among Boone County's hilly terrain and is bordered on the north and west by the Ohio River.

Nearly two centuries ago, a small, sleepy town called Crossroads occupied the land Florence rests on today. This early name was a good indicator of what the future held for the northern Kentucky community. Today, Florence is home to the Cincinnati-Northern Kentucky Airport which served over 11 million passengers last year, and provides nonstop service to several European capitals, as well as most United States cities. Florence is also intersected by Interstate 75, which brings approximately 65,000 cars a day through the city.

Visitors to Florence are immediately welcomed by a red and white striped water tower which simply announces to guests: "Florence Y'all." These two words signify to visitors that perhaps Florence is more of a hometown, spend-the-afternoon-with-you place, rather than a piece of a thriving metropolis' puzzle.

Florence is gaining notoriety as the home of Turfway Park, a thoroughbred racetrack which hosts the annual Jim Beam Stakes. The Jim Beam Stakes has produced the winner in four of the past nine triple crown races. Recently, the Jim Beam purse was increased to $600,000. Promoters now bill the stakes as the richest triple crown prep race.

Because of the proximity to Cincinnati, Florence has become a regional manufacturing and trade center. More than 8,000 jobs are provided through manufacturing, and nearly 12,000 jobs exist in wholesale and retail trade. By the end of the 1980's, more than $25 million a year was being invested in new commercial and residential construction.

I applaud the city of Florence and the strong economic base being built in the community. Florence truly is an outstanding Kentucky city.

Mr. President, I ask that an article from the Louisville Courier-Journal be submitted in today's RECORD.

The article follows:

### FLORENCE

(By Beverly Bartlett)

A mile away on Mall Road, all of Northern Kentucky, it seems, is going shopping.

They do so at the rate of about 75,000 people a week at the Florence Mall, the largest establishment of its kind in Northern Kentucky, perhaps the largest in the state. But it's only one part of the retail trade along Mall Road, where discount stores and electronics shops and clothing stores have sprouted since the late 1970s.

Before Christmas each year, the crowds at the Florence Mall edge upward to about 200,000 people a week, meaning the mall's 5,500 parking places are in hot demand.

But on Main Street in downtown Florence, the sidewalks are empty, time passes slowly and a parking place is nothing special. Pull up to the curb and claim your spot.

A word of caution, however: Do yourself a favor and park on the side of the street on which you have business. Crossing Main Street is no simple task.

Just ask Janet and Jewell Scott, who recently waited several minutes to pull out of a drugstore parking lot and onto Main Street.

Janet Scott shook her head as her husband finally eased into the roadway during a short break in traffic. "This," she said, "is why we don't like it busy." Main Street, Florence, is not really busy. The three barbershops that line these few blocks seem to be doing no more than a passing trade. The music shop looks empty. There aren't any lines, for the moment at least, in the drugstore.

But the traffic! The steady stream of cars gives you a peek into modern day Florence, a place where the mayor sums up growth's price to a community in one word.

"Traffic," she says.

It is in this sense, if in few others, that Main Street is still representative of the community. In a city where the daytime population is four to five times greater than the number of people who actually live there, it seems somehow fitting that on Main Street—which is also U.S. 25—people pass through, but don't stop.

Florence also is a place that people pass through.

They pass through the Cincinnati-Northern Kentucky Airport, which borders the city to the north and served more than 11 million passengers last year much to the dismay of some silence-loving Florence residents who live under the flight patterns.

And they pass through via Interstate 75, by a rate of about 85,000 cars a day, according to some Transportation Cabinet estimates.

It is because of the interstate traffic, mostly, that Florence is known. You do not travel through Florence via I-75 and not notice you've entered the place. A red and white striped water tower announces the city to you, using two simple, friendly and somehow boastful words:

Florence Y'all.

It is an almost jarring sight, here in the shadow of a major metropolitan area, in one of the most modern cities in the state. It suggests a slow-paced, spend-the-afternoon-with-you sort of friendliness in a place marked more by the type of impersonal politeness used by telephone salespeople.

This is, after all, a place where retail trade has grown to the point that people commute to town to buy things from people who have commuted to town to sell them. These are no longer hometown transactions.

And some longtime residents mourn the change. Charles R. Callen, who has been police chief in Florence since 1976 and lived there nearly all of his life, said he makes a conscious effort to frequent longtime local businesses like Florence Hardware, avoiding the temptations of the chain home-improvement centers that have moved in.

"You can go there and buy things and maybe pay a little less for them," he says, "But to me you can't forget the little guy who was here when no one else was and you needed him."

But he concedes that most people don't think that way. A lot of newcomers prefer Bob Evans or Perkins to Stringtown Restaurant, which operates in a Main Street building that dates back to 1909.

Some of today's Stringtown customers hung out at the place when it was just a bus stop with snacks, says cashier Jackie Gadd, who did that very thing as a 13-year-old in 1947.

Today the employees still know most customers by name, she said.

But "even here, that's dying," she said. "We're seeing a lot of new faces. People will call and say, 'I've heard about you, but where are you?"

It is just another way that the smalltown feeling recedes. Years ago, "you could go to the neighbors and just open the door and walk in," Callen said. "Now I don't even know my neighbors, some of them, let alone opening the door and walking in."

The booming airport and the construction of the interstate helped bring change to the small community, known nearly two centuries ago as Crossroads. By the 1980s, Florence was a regional manufacturing and trade center, and toward the end of the decade, new commercial and residential construction poured into the town at a rate of $25 million a year.

But still, Callen doesn't get too melodramatic about the changes that growth has brought to his city. It makes for more crime, he says, but mostly just shoplifting and people breaking into cars.

Callen, like many in Florence, has accepted the changes, which were brought more by circumstance than courting, more by location than longing.

"The city itself didn't have any real desire to grow or not," said Mayor Evelyn Kalb. "There were outside forces that generated the growth. . . . I can't say I regret the growth. It's been good."

The good side includes the fact that the city is now able to afford a library.

And Ted. J. Bushelmann, a native who is the airport spokesman, has gladly accepted a longer commute time. Traffic has slowly increased the time it takes him to drive from home to work from nine minutes to 14 minutes.

"But now what I've got in between is five nice restaurants and a nice hotel," he says, "so if someone comes in from out of town and I don't want them to stay with me I have some place to put them."

And he can pick up a good meal on his way home.

The "y'all" sign came with the growth, though the car and airplane traffic, the lighted restaurant signs and hotels all seem to contradict the message.

The water tower was built to serve the mall and was to serve as a mall promotion, proclaiming simply "Florence Mall."

But shortly after painting the water tower, city officials learned that sign regulations wouldn't allow them to advertise the privately-owned mall.

So the word "mall" had to go. But painting over it would have been expensive. Then Mayor C.W. "Hop" Ewing opted to only paint over the two sides of the M and add an apostrophe.

The city has chosen to retain the message each time it has repainted the water tower.

"God gave us that name," says a slightly bemused Jim Collins, the city's vice mayor and the county administrator, "so let's do something with it."

The city has not embraced the airport quite so wholeheartedly. It is one of the largest employers in the area. Fifty companies employ about 8,500 workers. But it's also the loudest distraction for the city, a problem that has worsened in the two years since the airport—which is a major regional hub for Delta Air Lines—started a $1 billion expansion and renovation program.

"You go out in the yard and you have to stop talking," said William Conrad, whose neighborhood is among those affected by the noise. "It's terrible."

It's terrible enough, in fact, that Boone County Judge-Executive Kenneth Lucas, who also serves on the airport board, estimates that over the next several years "hundreds of millions of dollars" will have to be spent to alleviate the problem through such methods as soundproofing or buying homes.

The airport board is awaiting approval from the Federal Aviation Administration for a "passenger facility charge," which would be added to all tickets and generate $15 million a year for noise abatement.

The airline passengers will not notice the soundproofing going on below, probably not notice the extra dollar or so added to their ticket price and a lot of them may remain oblivious that the airport known popularly as Cincinnati is in Kentucky.

They pass over and do not know.

They are like Robin Sapp, who lives near Newport and who shops often at the Florence Mall.

Ask her about the community of Florence.

"We shop here a lot," she says, "but we don't know anything about it other than right here around the mall and some eating places."

Is there a downtown Florence, a residential section, an old building?

Sheepishly, she smiles.

"I just asked my husband the other day if there was."

Population (1990): Boone County, 57,589; Florence, 18,824.

Per capita income (1989): Boone County, $16,607, or $2,784 over the state average.

Jobs (1991): Manufacturing, 8,268; wholesales/retail, 11,815; services, 6,450; state/local government, 2,649 contract construction, 1,034.

Big employees (1991): Delta Air Lines, 2,800; St. Luke Hospital, 1,720; DHL Airways, 750; Equitable Bag Co. Inc., 590; Mazak Corp., 565.

Transportation: Air—Cincinnati-Northern Kentucky International Airport borders the city, it is served by major commercial airlines and is a hub for Delta, which provides non-stop service to London, Paris and Frankfurt, Germany, besides domestic flights, Highways—Interstates 75 and 71 bisect the county, Rail—CSX Transportation and Norfolk Southern serve the area. Water—Barge service on the Ohio River.

Education: Boone County Public Schools, 10,670. Nine colleges and universities, including Northern Kentucky University are located in the Cincinnati-Northern Kentucky area.

Media: Boone County Recorder and Dixie News, both weeklies.

Topography: Boone County's hilly terrain is bordered on the north and west by the Ohio River.

FAMOUS FACTS AND FIGURES

Boone County has been immortalized in popular culture. At the turn of the century, novelist John Uri Lloyd, according to local historian Bill Conrad, "laced his novels together with the history of Boone County." Lloyd spent part of his youth in the area and called Florence "Stringtown on the Pike," a reference to the way the town was strung along the pike that today is U.S. 25. About 20 years ago, country-music star Kenny Price wrote and recorded "The Sheriff of Boone County," making then-Sheriff Melvin Collins a sort of mini-celebrity.

Burlington, the Boone County seat, seems to be 150 miles from fast-paced Florence. The huge county building dwarfs the town and sits only a couple of blocks from farms. But Florence seems even farther from Rabbit Hash, a picturesque community that draws tourists because of its colorful name. A general store has operated along the Ohio River in Rabbit Hash since 1831. Today, it offers crafts for tourists as well as groceries for residents.

Mary Draper Ingles, often called the "first white woman to enter Kentucky," was brought by Indians to Big Bone Lick from her home in Virginia. The Indians had taken Ingles, two of her sons and her sister-in-law prisoner. The Ingleses were separated after being captured in July 1755. Only Ingles was brought to what is now Boone County, where the Indians produced salt. Ingles and another women escaped and slowly worked their way homeward, braving the weather and near-starvation. Ingles returned home to her husband by the end of November, about 40 days after she escaped. One of her sons died in captivity. The other was returned to the family in 1768.

The Jim Beam Stakes at Turfway Park has produced the winner in four of the past nine Triple Crown races. The purse recently was increased to $600,000, and the race is now billed as the "richest" Triple Crown prep race.●

## THE 32D ANNIVERSARY OF THE PEACE CORPS

● Mr. COVERDELL. Mr. President, March 1, 1993, marked the 32d anniversary of the Peace Corps of the United States. During that period the Peace Corps has sent over 135,000 American citizens to serve as volunteers in over 100 countries throughout the world. These volunteers have contributed to building friendships between citizens of the United States and those of foreign countries and have worked under often difficult conditions to advance the development of host country economies. The Peace Corps has been broadly recognized throughout the world for its many achievements, and its supporters represent a broad bipartisan profile of the American citizenry. The Peace Corps has been honored by heads of state and other international leaders and during the course of its 32 years has actually worked with and taught many of these leaders during their youth.

There is no question that the Peace Corps has carried the best of the American spirit and generosity around the globe. The men and women who have served in the Peace Corps have also brought back to the United States a wealth of knowledge about foreign cultures and an appreciation for the complexities and values of these cultures. Returned Peace Corps volunteers have moved into positions of influence and importance throughout the private and public sectors and continue to provide insightful contributions to our country in the area of world affairs.

During my own tenure as Director of Peace Corps, I had the privilege and pleasure of sending volunteers to the newly democratic countries of Eastern Europe and to establish the Worldwide Schools Program, a program designed to link, during their service, Peace Corps volunteers with school systems back in the United States.

The U.S. Senate can rightfully be proud of 32 years of distinguished service of the Peace Corps, and I would like to add my own declaration of pride and support for the agency's many achievements throughout its history.●

## REREFERRAL OF BILL—S. 284

Mr. MATHEWS. Mr. President, I ask unanimous consent that S. 284, a bill to amend the Food Stamp Act of 1977, be discharged from the consideration of the Committee on Indian Affairs and referred to the Committee on Agriculture, Nutrition, and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT—S. 491

Mr. MATHEWS. Mr. President, I ask unanimous consent that a star print be made of S. 491, the American Health Security Act of 1993, to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHEWS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHEWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TOMORROW

Mr. MATHEWS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, March 10; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day, and that there be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senators HEFLIN, GRAMM, PRYOR, and BOXER for up to 10 minutes each; and Senator FEINSTEIN for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 103d Congress.

## RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MATHEWS. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 4:27 p.m., recessed until Wednesday, March 10, 1993, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Secretary of the Senate March 5, 1993, under authority of the order of the Senate of January 5, 1993:

### DEPARTMENT OF STATE

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE JOHN F.W. ROGERS, RESIGNED.

LYNN E. DAVIS, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR INTERNATIONAL SECURITY AFFAIRS, VICE FRANK G. WISNER, RESIGNED.

TIMOTHY E. WIRTH, OF COLORADO, TO BE COUNSELOR OF THE DEPARTMENT OF STATE, VICE ROBERT B. ZOELLICK, RESIGNED.

Executive nominations received by the Secretary of the Senate March 8, 1993, under authority of the order of the Senate of January 5, 1993:

### OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS, VICE CONSTANCE BERRY NEWMAN, RESIGNED.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JEAN NOLAN, MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MARY SHANNON BRUNETTE.

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DANIEL B. CONABLE, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WARREN J. CHILD, OF MARYLAND
FRANKLIN D. LEE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MELVIN W. SEARLS, JR., OF COLORADO

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FREDERIC GAYLOR, OF VIRGINIA
MICHAEL J. HAND, OF VIRGINIA
THEODORE, J. VILLINSKI, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ROBERT BEMIS, OF MASSACHUSETTS
BRIAN E. CARLSON, OF VIRGINIA
DON REED HAMILTON, OF OKLAHOMA
MYRON L. HOFFMANN, OF MARYLAND
ANNE M. SIGMUND, OF KANSAS
DAVID M. WILSON, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES J. CALLAHAN, OF MARYLAND
ROBERT J. CALLAHAN, OF ILLINOIS
SUSAN ANN CLYDE, OF VIRGINIA
JEREMY F. CURTIN, OF PENNSYLVANIA
MARK E. DILLEN, OF CALIFORNIA
LOUIS P. FALINO, JR., OF PENNSYLVANIA
CHRISTIAN FILOSTRAT, OF NEW YORK
RICHARD D. GONG, OF FLORIDA
ROBERT B. HALL, OF CALIFORNIA
FRANK L. JENISTA, OF FLORIDA
LINDA JEWELL, OF ARKANSAS
SAMIR M. KOUTTAB, OF VIRGINIA
GREGORY LAGANA, OF CALIFORNIA
CORNELIUS C. WALSH, OF VIRGINIA
WILLIAM J. WEINHOLD, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICE OF CLASS 1, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF COMMERCE

WILLIAM M. TAPPE, OF NEW YORK

### U.S. INFORMATION AGENCY

AGOTA M. KUPERMAN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 2, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

KENNETH A. COHEN, OF FLORIDA

### DEPARTMENT OF COMMERCE

TAPAN BANJERJEE, OF MAINE
RAJENDRA DHEER, OF MARYLAND
GARY GALLAGHER, OF OKLAHOMA
SANDRA T. GAMO, OF THE DISTRICT OF COLUMBIA
GERT LINDENAU, OF WISCONSIN
DAR J. PRIBYL, OF OKLAHOMA
CAROL ROSS, OF FLORIDA
LOUIS E. SANZ DE SANTAMARIA, II, OF TEXAS

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS 3, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

ALAN ROGER TOUSIGNANT, OF MASSACHUSETTS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 3, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

DANA SUZANNE BAKER, OF NEW YORK
SUSAN KLING, OF ILLINOIS
DAVID J. KOSTELANCIK, OF ILLINOIS
GARACE A. REYNARD OF TEXAS
LAWRENCE G. RICHTER, OF CALIFORNIA
CARL R. SIEBENTRITT, OF VIRGINIA
HOYT BRAIN YEE, OF CALIFORNIA

### DEPARTMENT OF AGRICULTURE

MICHAEL FAY, OF NORTH DAKOTA
STEPHEN HAMMOND OF VIRGINIA
ROBERT MACKE, OF THE DISTRICT OF COLUMBIA
BOBBY G. RICHEY, JR., OF THE DISTRICT OF COLUMBIA
SCOTT SINDELAR, OF MARYLAND
LEWIS STOCKARD, OF MARYLAND
RONALD VERDONK, OF VIRGINIA

### DEPARTMENT OF COMMERCE

MERRITT T. COOKE, OF PENNYVLVANIA
GAIL STANFORD DEL ROSAL, OF MICHIGAN
DAVID W. FULTON, OF VIRGINIA
RICHARD S. KANTER, OF HAWAII
JULIE SNYDER, OF LOUISIANA
KAREN WARE, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 4, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

DAVID JONATHAN BAME, OF VIRGINIA
COLOMBIA DE LOS ANGE BARROSSE, OF VIRGINIA
JOHN T. BERNLOHR, OF CALIFORNIA
JAMES ALBERT BOUGHNER, OF CALIFORNIA
ROBERT WEST BOYNTON, OF CONNECTICUT
PAUL ALLEN BROWN, OF TEXAS
ROBERT WALTER CARLSON, OF NEW JERSEY
WILLIAM BRENT CHRISTENSEN, OF OREGON
JOHN ALLEN CUSHING, OF WASHINGTON
THOMAS FREDERICK DAUGHTON, OF NEW YORK
JOHN WINTHROP DAYTON, III, OF TEXAS
ISABELLA DEBARROSO DETWILER, OF CALIFORNIA
JOHN WALTER DINKELMAN, OF WYOMING
ROBERT WILLIAM FORDEN, OF CALIFORNIA
ROBERT PATRICK FRAZIER, OF TEXAS
JEROME DOUGLAS GAINES, OF TEXAS
DAVID R. GALINDO, OF CALIFORNIA
THOMAS G. GALLO, OF NEW JERSEY
ANN K. GANZER, OF WISCONSIN
JUDITH GRACE, OF COLORADO
GLENN GRIFFIN, OF TEXAS
KATHLEEN DANA HANSON, OF FLORIDA
JENNIFER CONN HASKELL, OF OREGON
FELIX HERNANDEZ, JR., OF CALIFORNIA
DANIEL HOLTZMAN, OF NEW YORK
MAKILA JAMES, OF NEW YORK
LAURENCE KENT JONES, OF CALIFORNIA
ROBERT R. KIENE, OF OREGON
DEBORAH E. KLEPP, OF NEW YORK
STEPHEN L. KONTOS, OF NEW YORK
MICHELLE A. LABONTE, OF MASSACHUSETTS
CHRISTINE LEE, OF THE DISTRICT OF COLUMBIA
WM. THAD MCARTHUR, JR., OF WASHINGTON
DAVID TAFT MORRIS, OF THE DISTRICT OF COLUMBIA
ELEANOR J. NAGY, OF OHIO
DANIEL E. NEHER, OF MARYLAND
BRIAN ANDREW NICHOLS, OF RHODE ISLAND
JOSEPH S. PENNINGTON, OF FLORIDA
LISA J. PETERSON, OF NEW YORK
ANN ELIZABETH PFORZHEIMER, OF NEW YORK
H. DEAN PITTMAN, OF MISSISSIPPI
JOHN MARK POMMERSHEIM, OF NEW YORK
MARK JUSTIN POWELL, OF OHIO
MONIQUE VALERIE QUESADA, OF FLORIDA
PATRICIA SHEEHAN QUINN, OF CALIFORNIA
TIMOTHY GERARD RYAN, OF NEW JERSEY
DAVID J. SAVASTUK, OF VIRGINIA
ALFRED SCHANDLBAUER, OF TEXAS
ADAM MATTHEW SHUB, OF NEW YORK
GEORGE NEIL SIBLEY, OF CONNECTICUT
ROBERT JOEL SILVERMAN, OF NEVADA
WILLIAM ARTHUR SLAVEN, OF NEW JERSEY
PAMELA NAKAHATA SMITH, OF VIRGINIA
SARAH ANN SOLBERG, OF CALIFORNIA
KATHRYN ANN SOLON, OF NEW MEXICO
A. JAMES STRUDWICK, OF WISCONSIN
DAPHNE MICHELLE TITUS, OF CALIFORNIA
KURT WALTER TONG, OF CALIFORNIA
CAROL TRIMBLE, OF ILLINOIS
THOMAS A. UNDERWOOD, OF THE DISTRICT OF COLUMBIA
PETER MARK VAN BUREN, OF WASHINGTON
R. STEVEN VOIEN, OF CALIFORNIA
JANET STEPHENS WHITESIDE, OF VIRGINIA
DONNA KATHRYN WOODWARD, OF NEW YORK
CHRISTOPHER FRANCIS WURZEL, OF CALIFORNIA

### DEPARTMENT OF COMMERCE

ALICE A. DAVENPORT, OF MARYLAND
MARIA B. GALINDO, OF MARYLAND
JONATHAN MARKS, OF CONNECTICUT
PATRICK O. SANTILLO, OF NEW YORK

### U.S. INFORMATION AGENCY

ISAAC D. RUSSELL, OF MASSACHUSETTS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE U.S. INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL WESLEY ADAMS, OF VIRGINIA
STEFANIE AMADEO, OF NEW JERSEY
WILLIAM ANDREW ANDERSON, OF VIRGINIA
ROBERT M. ANTHONY, OF OKLAHOMA
STEPHEN J. ARTNER, OF VIRGINIA
ANNE M. ARVISH, OF MONTANA
JAN A. BARKER, OF VIRGINIA
DAVID J. BARTH, OF VIRGINIA
JOHN FIELD BATES, OF VIRGINIA
DOUGLAS COVELL BAGLEY, OF WISCONSIN
JONATHAN JAY BEIGHLE, OF WASHINGTON
JOHN R. BELL, OF VIRGINIA
SUSAN TEBEAU BELL, OF SOUTH CAROLINA
WILLIAM DAVID BENT, OF THE DISTRICT OF COLUMBIA
RANDY W. BERRY, OF COLORADO
EVAN S. BETZER, OF VIRGINIA
PAUL W. BLANKENSHIP, OF TEXAS
ROBERT M. BLUM, OF MARYLAND
JUAN M. BRACETE, OF FLORIDA
SUSAN RIDLEY BRADEN, OF MARYLAND
SUSAN ALLEN BRADLEY, OF VIRGINIA
REBECCA T. BROWN, OF THE DISTRICT OF COLUMBIA
MARILYN JOAN BRUNO, OF NEW YORK
BRENT DOUGLAS BRYSON, OF VIRGINIA
RENEE GOODRICH BRYSON, OF VIRGINIA
MARK C. BUGAY, OF VIRGINIA
PAUL M. CANTRELL, OF ARIZONA
RICHARD CHELUNE, OF CONNECTICUT
FRANCES CHISHOLM, OF NEW HAMPSHIRE
NANCY COHEN, OF THE DISTRICT OF COLUMBIA
CHARLES GARY COLE, OF CALIFORNIA
RANDALL KRIS COLEMAN, OF VIRGINIA
MARIE CHRISTINE DAMOUR, OF VIRGINIA
MONELLE DAUGHERTY, OF VIRGINIA
NATHANIEL PABODY DEAN, OF MASSACHUSETTS
LESLIE STEPHEN DEGRAFFENRIED, OF TEXAS
WILLIAM P. DIAMOND, OF MARYLAND
SUSAN N. DINGEE, OF FLORIDA
SHAWN DORMAN, OF NORTH CAROLINA
DAVID ADAMS DUCKENFIELD, OF THE DISTRICT OF COLUMBIA
KIM M. DUFFY, OF THE DISTRICT OF COLUMBIA
WILLIAM G. DUGGLEBY, OF MARYLAND
CHRISTOPHER G. DUNNETT, OF FLORIDA
ROBIN LISA DUNNIGAN, OF CALIFORNIA
LEVON A. ELDEMIR, OF CALIFORNIA
JILL MARIE ESPOSITO, OF CONNECTICUT

ROBERT N. FARQUHAR, JR., OF VIRGINIA
THOMAS R. FAVRET, OF PENNSYLVANIA
KATHLEEN FELMEY, OF VIRGINIA
DAVID JOSEPH FIRESTEIN, OF TEXAS
LAWRNECE C. FITZMORRIS, OF VIRGINIA
DAVID M. FRIEDMAN, OF VIRGINIA
GEORGE H. FROWICK, OF CALIFORNIA
MICHAEL EDWARD GARROTE, OF PENNSYLVANIA
J. ROBERT GARVERICK, OF OHIO
ANNA S. GHONIM, OF VIRGINIA
JOANNE GILLES, OF NEW YORK
BENJAMIN GIMENO, OF VIRGINIA
ANTHONY RICHARD GIOVANNIELLO, OF CALIFORNIA
JOSEPH B. GRIFFITH, OF VIRGINIA
WILLIAM LEWIS GRIFFITH, OF NEW YORK
ALEXANDER JAMES GROSSMAN, OF TEXAS
DEBORAH ZAMORA GROUT, OF NEW MEXICO
HELEN HAMILTON HAHN, OF FLORIDA
RUTH MARY HALL, OF RHODE ISLAND
SCOTT I. HAMILTON, OF ILLINOIS
HOLLY S. HANKE, OF VIRGINIA
JOHN A. HARRIS, OF UTAH
EDWARD N. HARRISON, OF THE DISTRICT OF COLUMBIA
PATRICK M. HASLACH, OF OREGON
DAVID C. HERMANN, OF MASSACHUSETTS
JOHN R. HIGI, OF NORTH CAROLINA
ANDREW S. HILLMAN, OF NEW YORK
GERARD THOMAS HODEL, OF NEW YORK
DIRK J. HOFSCHIRE, OF NEBRASKA
ERIK ANDERS HOLM-OLSEN, OF NEW JERSEY
RAYMOND ERIC HOTZ, OF KENTUCKY
FRANCIS HOWARD HUGHES, M.D., OF VIRGINIA
DAVID W. HUNTER, OF THE DISTRICT OF COLUMBIA
TIFFANY ANN JACKSON-ZUNKER, OF CALIFORNIA
DONALD EMIL JACOBSON, OF CALIFORNIA
KAREN R. JENKINS, OF VIRGINIA
DONALD NORMAN JENSEN, OF VIRGINIA
MARK SCOTT JOHNSEN, OF CALIFORNIA
MARK COOLIDGE JOHNSON, OF NEW YORK
KAREN A. JONES, OF VIRGINIA
KENNETH H. KEEFE, OF FLORIDA
GERALDINE F. KEENER, OF CALIFORNIA
JOHN DODGE KILGORE, OF ILLINOIS
BEN S. KIM, OF MARYLAND
DANIEL C. KING, OF MARYLAND
DANIEL CHARLES KIRYELEJZA, OF VIRGINIA
CHRISTOPHER A. LANDBERG, OF THE DISTRICT OF COLUMBIA
CYNTHIA Z. LAO, OF VIRGINIA
MARK H. LUNARDI, OF PENNSYLVANIA
JEANNE M. MALONEY, OF TENNESSEE
JAMES EMMET MALSTER, OF MAINE
DEENA FATHI MANSOUR, OF THE DISTRICT OF COLUMBIA
MICHAEL J. MARUT, OF THE DISTRICT OF COLUMBIA
PAUL O. MAYER, OF KANSAS
SCOTT D. MCDONALD, OF VIRGINIA
CRAIG W. MCGARRAH, III, OF VIRGINIA
KATHLEEN I. MCGRATH, OF THE DISTRICT OF COLUMBIA
JENNIFER ALLYN MCINTYRE, OF MARYLAND
PAMELA J. MCLAUGHLIN, OF VIRGINIA
BRAD MCLEMORE, OF TEXAS
ELISABETH MILLARD, OF MARYLAND
DONALD LEROY MOORD, OF FLORIDA
KAREN MORRISSEY, OF VIRGINIA
MANISH NANDY, OF THE DISTRICT OF COLUMBIA
GEORGE P. NEWMAN, OF NEW YORK
GRANT F. NEWSHAM, OF VIRGINIA
EDWARD WADE O'CONNOR, OF PENNSYLVANIA
DERRICK MEYER OLSEN, OF VIRGINIA
TIMOTHY JAMES O'NEIL, OF VIRGINIA
MATTHEW A. PALMER, OF MASSACHUSETTS
SOOKY WYNNE PARK, OF MARYLAND
BETH ANN PAYNE, OF VIRGINIA
SARAH S. PENHUNE, OF MASSACHUSETTS
JOHN DAVID PETERSON, OF OREGON
SARAH H. PHELPS, OF MARYLAND
THOMAS JOSEPH NICHOLAS PIERCE, OF CONNECTICUT
LISA MARIE PRITCHARD, OF MINNESOTA
MARK STEPHEN PROKOP, OF CONNECTICUT
PATRICK ROBERT QUIGLEY, OF VIRGINIA
VANGALA SHIVA RAM, OF NEW YORK
CHARLES RANDOLPH, IV, OF CONNECTICUT
LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA
KATHLEEN M. REDGATE, OF VIRGINIA
WALTER SCOTT REID, III, OF VIRGINIA
GRETCHEN L. ROY, OF MARYLAND
ROBERTO J. SARTORI, OF OREGON
GARY S. SCHNEIDER, OF MARYLAND
KORY R. SELLERS, OF VIRGINIA
CYNTHIA CORGIN SHARPE, OF TEXAS
LESLIANNE SHEDD, OF WASHINGTON
KATHLEEN SUSAN SHEEHAN, OF THE DISTRICT OF COLUMBIA
DANA COHN SHELL, OF CALIFORNIA
JONATHAN L. A. SHRIER, OF MARYLAND
CATHERINE ANN SHUMANN, OF VIRGINIA
PAUL M. SIMON, OF FLORIDA
PHILIP JOHN SKOTTE, OF NEW YORK
JAMES A. SLUTNAM, OF VIRGINIA
WILLARD TENNEY SMITH, OF TEXAS
MARK A. STANDIFORD, OF VIRGINIA
GREGORY WILLIAM SULLIVAN, OF VIRGINIA
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KENNETH A. THOMAS, OF OREGON
JENNIFER ANN THOMPSON, OF PENNSYLVANIA
JOSEPH F. TILGHMAN, JR., OF CONNECTICUT
TERRENCE LEIGH TOOLEY, OF VIRGINIA
DONNA R. VANDENBROUCKE, OF VIRGINIA
REGINA F. VENTRE, OF VIRGINIA
BETTY WALSH, OF THE DISTRICT OF COLUMBIA
SELIN H. WARNELL, OF VIRGINIA
JAMES M. WEBB, OF VIRGINIA
IVAN WEINSTEIN, OF NEW JERSEY
C. PAUL WILLEBEEK-LEMAIR, OF VIRGINIA
ROBERT FORREST WINCHESTER, OF CALIFORNIA
JEAN M. WIRTENSON, OF VIRGINIA
HARLOD GREIG WOODLEY, OF VIRGINIA
ALEXANDER S. WYSOCKI, OF NEW YORK
CLARENCE CARL YUILL, OF VIRGINIA
ELAINE A. ZENOBLE, OF VIRGINIA
JANET L. ZERRUSEN, OF VIRGINIA

COUNSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

EDWARD WILLIAM CANNON, OF FLORIDA
BERNARDINO A. GONZALEZ, OF MARYLAND

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

EDWARD OLIVER, JR., OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE APRIL 7, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS ON MINISTER-COUNSELOR:

JAMES F. CREAGAN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE APRIL 7, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES CURTIS STRUBLE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 6, 1991:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN R. BACA, OF TEXAS
DANIEL L. DOLAN, OF PENNSYLVANIA

## WITHDRAWALS

Executive message transmitted by the President to the Senate on March 9, 1993, withdrawing from further Senate consideration the following nominations:

### COPYRIGHT ROYALTY TRIBUNAL

THE FOLLOWING NAMED PERSONS TO BE COMMISSIONERS OF THE COPYRIGHT TRIBUNAL FOR TERMS OF 7 YEARS, WHICH WERE SENT TO THE SENATE ON JANUARY 5, 1993:

EDWARD J. DAMICH, OF VIRGINIA.
BRUCE D. GOODMAN, OF PENNSYLVANIA.

# HOUSE OF REPRESENTATIVES—*Tuesday, March 9, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In thankfulness and gratitude we express our appreciation for the opportunity to work in this place and to serve the people of this land. We pray, O God, that we will have enthusiasm for our tasks, vision to lead along the path of justice, strength and integrity for our responsibilities, wisdom to walk the paths of truth, and the perseverance to accomplish those good deeds that lift the spirits of people everywhere and express the unity that we all share. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. DUNN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Ms. DUNN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Pursuant to rule I, the vote on the Speaker's approval of the Journal will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Washington [Ms. DUNN] please come forward and lead the House in the Pledge of Allegiance?

Ms. DUNN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## BILL CLINTON'S ECONOMIC PACKAGE WILL CREATE JOBS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, interest rates have have been falling and that is a good sign that an energized recovery may be around the corner.

But lower interest rates and a slight ease in the unemployment rate are no substitutes for job creation.

This recession will not be a real recovery until the economy is fueled by many, many high-octane jobs.

At this stage in the last seven recessions, the economy has typically recovered 237 percent of the jobs lost. In the current recession, we have recovered only 29 percent of the jobs lost.

President Clinton's economic package contains a balanced mixture of spending cuts, sacrifice and investment to create more jobs and to reduce the deficit.

With the support of the Congress and every citizen, the Clinton blueprint to restore the economy will succeed.

The Clinton plan asks the American people to link hands and to stride into the future. If we fail we will have surrendered to the status quo and the blame game of the past.

Every investment of the President's plan is offset—dollar by dollar—through spending cuts in existing programs.

Mr. Speaker, the investments in the Clinton economic plan will strengthen our economy through job creation.

## PUNISHING DISSENT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, an article in the New York Times yesterday shed considerable light on the Clinton administration's view of democratic debate.

Apparently, a Democratic Member of the other body raised important questions about the President's package while consulting with Vice President AL GORE.

He said the President's proposal was "high on taxes and low on cuts," precisely the opinion of many Members of both parties.

And what was the response of the Clinton administration: They decided to move a project from Alabama, the Senator's home State, to Texas, as a sign of disapproval with the idea of principled dissent.

Is that the way to proceed with an economic package? Punish all dissent, and reward only those who keep quiet? Is that the message that we want to send to our children about the virtues of democracy?

I do not think so. I urge the President to listen more and punish less those who have problems with his package.

□ 1210

## KEEP CUTTING, MR. PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, according to the Washington Post today, President Bill Clinton has agreed to cut spending by $55 billion more than he originally intended.

I commend the President for moving in the right direction.

Still, let us not be fooled into thinking that the President's package has enough spending cuts.

In fact, these further cuts only barely make up for the shortfall discovered by CBO last week. In that analysis, CBO concluded that the President's plan would achieve $60 billion less in spending cuts than the President originally said.

And these cuts do not offset President Clinton's plan to spend more on unnecessary investment.

Mr. Speaker, President Clinton needs to understand this simple fact. We need to cut spending so that we can make progress on the deficit, not to allow us to spend more on something else.

Keep cutting, Mr. President, and stop spending. Only then will we balance our budget.

## DEFICIT REDUCTION IS KEY TO FUTURE ECONOMIC GROWTH

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, I believe, as do most Americans, that our efforts to reduce our massive Federal Budget deficit is the key to future economic growth for our Nation and meaningful job creation for our people.

So, it is surprising that the response to the President's economic plan by the American people is very positive.

Importantly, the international reaction to the President's plan is also very positive.

Recently, Secretary of the Treasury Lloyd Bentsen met with other finance ministers of the G–7 nations.

In the past, out of control deficits led other G–7 nations to doubt the ability and the resolve of the United States to be a player in the effort to stimulate and sustain global economic growth.

Now that the United States has demonstrated the will to reform its own fiscal practices policies, we speak with renewed authority on the international economy.

Our ability to participate as meaningful partners in these global economic discussions will help fuel greater economic growth and opportunity here in America and around the world.

## OPEN RULE ASKED ON SPENDING CUTS

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, only 2 short years ago, we, as freshmen Members, cast one of our first votes after 2½ full days of emotional and soul-searching debate to commit U.S. troops in the Persian Gulf.

The Members were divided, emotions were taut, there was sincere conviction on both sides.

I was proud of the House that day. It was representative government at its finest. All the Members were heard. Fair play prevailed. Each Member stood up for his or her principles.

No point of view was muzzled. The majority prevailed. But the minority had their say.

Today, we face a different kind of war. Our country is in danger from within. America's economic future is in jeopardy. A courageous new President is committed to change and has called for action. President Clinton has asked the Members of this House to propose specific ways to cut our bloated budget.

The problem is that the leadership of the President's party will not give us an open rule to propose those spending cuts that their President has asked us for.

Mr. Speaker, the decisions on how to fight this economic war deserves the same kind of fair play and decency that you showed 2 years ago.

In the name of our children and our grandchildren, give us an open rule to propose spending cuts. America's economic future depends once again on courageous, nonpartisan leadership. Give us an open rule on spending cuts. Let there be votes so that the people can see who is for cutting spending.

The Speaker has a responsibility to be fair and allow the democratic process in the people's House to take place so that this economic war can be won for America.

## PRESIDENT'S PLAN IS ONE OF VISION AND COURAGE

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, the gridlockers are at it again—preaching the status quo over change. They have labeled President Clinton's plan as more unnecessary spending and they could not be more wrong.

Bill Clinton's plan is one of vision and courage. It is a plan the American people can support as real change and real investment in our Nation.

And for those who still feel we can continue down the same old path of do-nothing, wait-and-see economics, I offer them these undeniable facts:

The unemployment rate in February was higher than it was at the bottom of the recession.

There are more unemployed people today, after 23 months of a heartless recovery, than at the worst point of every other postwar recession but one.

Mr. Speaker, the unemployment rate in my home State of West Virginia is over 10 percent. My constituents cry out for action. They desperately need the economic stimulus package which will create jobs right away. They desperately need the long-term investment in Head Start, vo-tech education, and our small businesses that will help them to prosper in the future.

So instead of do-nothing, gridlock partisan politics, let us invest in America again. Let us start creating the jobs that will mark our entrance into the global marketplace. Let us make the United States the economic envy of the world.

It takes only the courage to change and the willingness to invest in the America of tomorrow.

## INTRODUCTION OF AMENDMENT TO REDUCE NONSTATUTORY COMMITTEE SPENDING BY 25 PERCENT

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, 3 weeks ago, President Clinton spoke with great passion and eloquence of the need for the United States to put its fiscal house in order and of his vision for this country. Quite frankly, I disagree on his views of broad new taxes for the families of America. And quite frankly, I believe that the public is having increased concerns regarding taxes that will reach deeply into the pocket of every—and I repeat every—middle-class family in America.

But Mr. Speaker, today, I wish to speak of the area of spending cuts where there is total agreement.

Thus, Mr. Speaker, tomorrow, on behalf of myself and my freshman Republican colleagues, I will introduce a modest amendment before the Accounts Subcommittee, that will reduce nonstatutory Committee spending by 25 percent. This amendment will cut one-quarter from last years total authorization for the standing committees and will make allowances for the many committees that have a history of lean budgeting and fairly allocating resources.

Mr. Speaker, the American public has indeed signalled a willingness to sacrifice. But I believe their definition of sacrifice is for their elected officials to first cut spending. I hope every Member will contact the membership of the Accounts Subcommittee and tell them that the need to put America's fiscal house in order must begin right here, in America's House of the people.

It is quite simple, with regard to spending cuts, Congress must lead the way.

## JOB RECOVERY IS PRESIDENT'S FIRST PRIORITY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, President Clinton has presented a package of economic stimulus proposals aimed at putting people back to work. It makes needed and long overdue public investments, and is paid for—dollar for dollar—by more than 150 specific cuts in other domestic programs.

Unfortunately, those who—last year—urged us to do nothing while the recession roared, now argue that we should ignore the alarmingly low rate at which new jobs are being created by the technical recovery now underway.

The fact is, a recovery is not really a recovery until we recover jobs lost during a recession.

By that measure the current technical recovery is hardly a recovery at all. For example, February's unemployment levels were actually higher than unemployment levels recorded in March 1991—at the very bottom of the recession.

Last year, the American people voted for change. One of the fundamental changes they voted for was a robust economy which creates jobs; and a recognition of the fact that the Federal Government has an important role to play in helping to bring that about.

Like millions of other Americans, job recovery is the President's first priority.

I urge my colleagues to make it their priority as well, and to join the effort to put Americans back to work.

## HEALTH EXAMS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, according to a 1989 survey conducted by the

Health Insurance Association of America, only 34 percent of conventional health insurance companies cover annual adult physical exams. The percentages for physicals increase to 42 percent in the PPO programs, and 95 percent for HMO's.

Periodic health exams are extremely important for the whole population in order to detect possible diseases or other health problems. For women over 50 years old, screening with mammography and physical examination has been associated with a reduction of at least 30 percent in mortality from breast cancer. In addition, almost all of the nearly 5,000 deaths annually from cervical cancer could be prevented through early detection and treatment. Moreover, an estimated 45 percent of heart disease deaths could be prevented or, at the least, postponed through improved hypertension control.

My bill, H.R. 36, the Comprehensive Preventive Health and Promotion Act of 1993, will provide coverage for periodic health exams under private health insurance plans, and for any health benefit programs of the Federal Government.

Mr. Speaker, I urge my colleagues to take a close look at H.R. 36, the Preventive Health Care Act and join me in my effort to produce a healthier nation.

□ 1220

## MAYORS BACK CLINTON

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today to bring my colleagues' attention to the support expressed for the President's economic plan by William Althaus, the president of the U.S. Conference of Mayors. Mayor Althaus, the Republican mayor of York, PA, has said, and I quote, "the people of this country are entitled to see this program enacted in its entirety."

Mr. Speaker, this endorsement only highlights the absurdity of the continued blind opposition to the plan from our Republican colleagues, who publicly demand more spending cuts, but actually propose none which would meet with acceptance even from their own party. Hot air about spending cuts is not enough. A billion dollar cut isn't worth a dime unless it passes Congress, and frankly, what I have heard from the other side of the aisle simply does not make the grade.

Mr. Speaker, I submit that Mayor Althaus' endorsement is one we might have expected from congressional Republicans, too, were they free of the influence of the Republican leadership—which makes it party policy to oppose the President's plan, not because this is not a good plan, but because this is not their plan.

Mayor Althaus' message to House Republicans is simple and to the point:

> I would urge the Republicans not to pick apart and characterize it as "politics as usual." I think an instantaneous negative reaction is more "politics as usual" in the light of this bold a proposal.

Mr. Speaker, I couldn't agree more.

## MESSAGE TO BILL CLINTON: DON'T USE SOCIAL SECURITY FOR YOUR SPENDTHRIFT HABITS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, here is the front page of last Saturday's Appleton Post Crescent. It states that the President's Budget Director wants to go after Social Security, tax Social Security, and cut Social Security benefits. The Democrats, the article states, are going after the people on Social Security.

Mr. Speaker, 41 million Americans depend on Social Security. These are benefits they have paid for. Today 134 million workers are paying into the Social Security fund to earn their future benefits. But now, Mr. Speaker, the Clinton White House wants to raid Social Security to cover up the budget mess.

The American people know the truth. Social Security has nothing to do with the deficit. It is unfair to make the elderly and disabled Americans pay the bill that the big spenders in Congress are running up, $1 billion of debt each and every day.

Mr. Speaker, $1 billion a day of debt each and every day; that is the legacy of the Democrat Party to the future of our country.

It is wrong for the White House to take money out of people's Social Security accounts. That is just like stealing from the pension fund or from a bank account.

Some of us vote day in and day out in this House for a balanced budget. Our message to Bill Clinton is:

"Don't use Social Security for your spendthrift habits. Keep your hands off of Social Security."

We have an obligation to our senior citizens to be fair, just, and honest with them. They, our senior citizens, have put their trust and confidence in us. We cannot betray that trust and confidence. Let us all vow to protect Social Security.

## INTRODUCTION OF LEGISLATION TO ENSURE INTEGRITY OF U.S. TRADE NEGOTIATORS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, America must do all it can to ensure the integrity of our U.S. trade negotiators, and we must rid U.S. campaign practices of foreign influence. Thus, Mr. Speaker, I have introduced three bills to achieve these goals: to clean up foreign trade lobbying in our Nation's Capital and to create a professional trade service corps.

The Ethics in Foreign Lobbying Act, a bill I first introduced in the 102d Congress with our former colleague, Frank Guarini, will establish a clearinghouse and require a disclosure of foreign lobbying efforts, as well as ban contributions to U.S. campaigns from foreign-controlled corporations and trade associations.

The second bill, the Foreign Agents Compulsory Ethics in Trade Act, will close the revolving door of U.S. Government officials leaving high-level trade positions, and going to work for the other side, and then lobbying our Government.

The third bill, Mr. Speaker, creates a professional trade service corps, an elite body of trade negotiators to solve the problem of short tenure and revolving door service among current U.S. trade negotiators.

Please join me in cosponsoring these bills. The American people deserve no less.

## CLEAN WATER ACT RESEARCH AMENDMENTS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, recently I introduced the Clean Water Act research amendments. It is necessary to reevaluate our national approach to water quality problems. The Federal Water Pollution Control Act has taken steps to ensure swimmable and fishable waters for our residents. Pollution in lakes, streams, and rivers, however, persists in all areas of the country.

The Clean Water Act needs updated science to support its regulatory and monitoring efforts. This scientific base is the goal of the bill I have introduced. We also need to reorient our water research programs to tackle such problems as nonpoint source pollution, ground water, and contaminated sediments, and wetlands restoration.

The Clean Water Act research amendments will also set up through the U.S. EPA a technology development and demonstration grant program to test, identify and demonstrate innovative wastewater treatment and water conservation technologies.

Mr. Speaker, I know that the Clean Water Act amendments will assist in improving such waterways as the Chesapeake Bay, as well as the Great Lakes, the Gulf of Mexico, and Long Island Sound. I ask my colleagues to join me in improving the research portions of the Clean Water Act and to consponsor H.R. 1116.

## PRESCRIPTION FOR ECONOMIC RECOVERY AND DEFICIT REDUCTION

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, the economic health of this country is being battered on two fronts.

First, like a virus we just cannot shake, we continue to be sapped by the effect of the recession. While economic indicators show us on the rebound, millions of unemployed workers across the country can testify the economy is still quite sick and needs help.

Second, we are plagued with the chronic affliction of too much debt. This condition is bad and getting worse by a magnitude approaching $1 billion a day. Like severe obesity, our burgeoning deficit threatens our future and saps vitality from our present economic strength.

The toughest part of our present dilemma is that both conditions require attention. You cannot achieve steady, sustainable recovery without bringing down the deficit.

On the other hand you cannot make meaningful deficit reduction if the economy suffers a relapse and slides back into a recession with another round of layoffs, job loss, and business failures.

Mr. Speaker, that is why the economic prescription advanced by the President addresses both goals: economic recovery and deficit reduction. As we evaluate the package we must keep in mind a central fact: You cannot have one without the other.

## SAVE BILLIONS, REPEAL DAVIS-BACON

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we can cut more than $1 billion per year from the Federal budget without raising taxes or affecting a single program. At the same time, we can increase opportunities for young people and give American families more for their tax dollar.

Do such win-win situations really exist?

Yes, if Congress is willing to repeal a law that was passed for all the wrong reasons more than 60 years ago, the Davis-Bacon Act.

The Davis-Bacon Act was passed in the 1930's to prevent some Americans from competing for work on Federal construction projects. It required the Federal Government to pay artifically high wages to all workers while, at the same time, preventing unskilled laborers from working on these projects.

For the last 60 years, taxpayers have paid billions more than necessary for many construction tasks where unskilled laborers could have contributed. These laborers, often minorities, usually poor, and always needing an opportunity, have been shut out by the very Government which is supposed to protect them.

As we look for ways to bring our Nation's budget into balance, let's bring repeal of the Davis-Bacon Act to the floor of the House for debate so that Americans can hear the facts about this costly and unfair anachronism.

□ 1230

## AN AMERICAN BUDGET

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Madam Speaker, there is a pride building across America. People of all ages, Republicans, Democrats, liberals, and conservatives are thankful that at last we are putting our Nation on the road to financial health.

This budget that is an American budget. We are going to give our children and our grandchildren that to which they are entitled, a country that is strong, a country that is proud, a country that has its finances in order.

## FBI AND BATF AGENTS COMMENDED FOR THEIR WORK AT THE WORLD TRADE CENTER

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Madam Speaker, as a former special agent of the Federal Bureau of Investigation, I take great pride in the astute investigative work being conducted by agents of the FBI and the Bureau of Alcohol, Tobacco and Firearms into the February 26 bombing of the World Trade Center.

It is often months or even years before investigations of this nature begin to yield firm conclusions. However, thanks to advanced forensic skills and quality detective work, Federal agents made their first arrest within 1 week of the bombing.

While there is still much work to do in investigating this cowardly and despicable act, I take this opportunity to commend the investigators involved for their expertise and professionalism.

As an aside, I note that this incident points up the importance of the Federal death penalty for terrorist acts, and I recommend that the Justice Department seriously consider its application in this case.

Madam Speaker, based on the extent of the bomb damage at the World Trade Center, it is a miracle that only five people lost their lives. Americans have a right to feel outraged and to expect their Government to respond accordingly.

## PRESIDENT CLINTON'S ECONOMIC PLAN

(Mr. KLINK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KLINK. Madam Speaker, in parts of my district the official unemployment rate is above 12 percent. The real unemployment rate is nearly twice that much in certain pockets. Nationwide, our job creation has not kept pace with the rest of the economic recovery. In fact, in an historical sense this recovery is not providing nearly as many jobs as recoveries from past recessions did.

The Clinton economic package will provide jobs for our constituents. The Clinton plan invests in our Nation's infrastructure, which will create jobs now and increase our productivity and our competitiveness in the future.

The President wants to invest in industrial conversion for communities and families devastated by defense cutbacks so that workers will continue to have good jobs and communities can thrive again. President Clinton wants to put 100,000 more police officers on the street. That means more jobs and less crime. Over 5 years the Clinton package will create 8 million new jobs.

Madam Speaker, we need those jobs.

## CLINTON PLAN FOCUSES ON SPENDING INCREASES AND HIGHER TAXES

(Mr. EWING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, while selling his economic recovery plan to the American people, President Clinton has linked his support to patriotism. His supporters have accused the Republicans of being responsible for gridlock even though the Democrats control both the executive branch and both Houses of the legislature.

But questions should be raised about the economic package that President Clinton has proposed. How can we afford it, with increases in spending by hundreds of billions of dollars?

The best stimulant package that we could give this country is to leave the billions of dollars in new taxes with the American people.

Ross Perot has correctly said on CBS this morning "We are getting major new social programs every day, all of which are magnificent in concept, but when you are broke, you can't go to Europe" and I would add: And paid for by new taxes.

That is why we must first cut spending before we even think of funding another program or raising taxes. The best way to invest in our children's future is to cut the deficit.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-27) on the resolution (H. Res. 119) providing for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## A BLUEPRINT FOR CHANGE AND A GROWING ECONOMY

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Madam Speaker, after 12 long years, finally, a blueprint for change in America has finally arrived from the White House. President Clinton's budget emphasizes what our country's most important resource, the American people, have been lacking for so many years. For the next 5 years discretionary spending is frozen at the 1993 level. It will allow us to reorder our priorities and begin investing in America's future. The President's investments begin with the most precious segment of our population: our children. Full funding for Head Start, a total of $8 billion over 4 years to serve nearly 1.4 million eligible disadvantaged children; $2.6 billion over 4 years for full funding of WIC. The new administration is dedicated to creating a national service program, to help young people pay for a college education, while serving their communities. The President is also committed to increasing jobs in a growing economy: 500,000 jobs by the end of this year. Assistance for dislocated workers, one-stop career shopping, summer youth jobs and training, and a 50-percent expansion of the Job Corps program by the year 2001. Finally Madam Speaker, we have a President who is responding to the needs of his Nation.

## IN SUPPORT OF THE NOMINATION OF JANET RENO AS ATTORNEY GENERAL OF THE UNITED STATES

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Madam Speaker, I rise today in support of the nomination for Attorney General of my friend and constituent, Janet Reno.

I had the privilege of working as an assistant State attorney with Miss Reno some years ago, and I always considered it an honor to be able to serve my community as one of her prosecutors.

Janet Reno has, for many years, enjoyed the support and admiration of those who know her best, the people of south Florida.

She has been overwhelmingly reelected, time and time again, as Dade County's prosecutor, not only because of the effectiveness of her work, but also because of her calling to public service, her sensitivity toward all the people she has served—especially the victims of crime—her extraordinary accessibility, and above all, her integrity.

We in south Florida know that America will be well served by the first woman to become Attorney General of the United States, and we are proud of Miami's own, Janet Reno.

## WE ARE SERIOUS ABOUT DEFICIT REDUCTION

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Madam Speaker, I rise to commend President Clinton and the House Budget Committee on their resolve—which I share—to make real cuts in the Federal budget deficit. Last night's action by our Budget Committee to cut an additional $63 billion in spending over the next 5 years makes clear that we are serious about putting the Nation's economic house in order. The President has signed off on most of those added cuts and shows that he is willing to go the extra mile to meet the deficit reduction challenge.

Blue smoke and mirrors budget plans are history. Gridlock is a thing of the past. The American people have made clear that they are ready for a Government that tells them the truth and faces up to the budgetary mess which has grown year after year for the last decade. Today, we have a President and a Congress working together to place our economy on sound footing.

Last night's action is just one more clear indication that the American people will at long last see results.

## ACHEY-BREAKY PROMISES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, it is no secret that President Clinton is an accomplished musician. We have all seen him play his saxophone at one time or another, and a number of us got to see him appear on a national network. I sense that he might also be a budding country and western singer. Actually if he were, his No. 1 hit would be "Achey-Breaky Promises."

He would sing of his sad habit of breaking promises to middle-income Americans. He would wax poetic on his need to raise taxes on those making only $20,000 a year. And he would croon mournfully about his energy tax, which will cost the average American about $500 a year.

President Clinton would also lament, in this ballad, about his inability to change from an old Democrat, into a new Democrat, despite his campaign promises.

Madam Speaker, after the Clinton administration finally gives us the bad news on their plans to increase both taxes and spending, I suggest that working Americans come up with their own country anthem.

It would be a song about the tough times caused by Clintonomics. It would be called "My Achey-Breaky Wallet."

□ 1240

## OLD GLORY CONDOMS ALLOWED TO UNFURL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Madam Speaker, the Old Glory Condom Corp. appealed a prior decision that banned their red, white, and blue condoms. Now, Old Glory contended that the use of their red, white, and blue condoms was in fact a patriotic act. And, guess what? The U.S. Trademark Office of Appeals agreed with that.

Here is what the panel said. The name Old Glory and its logo of a flag shaped like and unfurled condom is neither scandalous nor offensive nor unconstitutional.

No wonder the American people are losing confidence in our Government. What is next, the Congressional Medal for Benedict Arnold? When our Government starts treating the flag like an Old Glory condom, something should be done.

## COMMITTEE FUNDING CUTS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Madam Speaker, the first action of the reform coalition in Congress was to end the select committees. We changed the committee system with this reform. But it cannot and should not be used as an excuse to ignore the overstaffing and overfunding of other committees.

Now that the sun is setting on the select committees, we are hearing whispers that we should leave the other committees alone, and even permit the

5 percent increase in funding that the Budget Committee has proposed. This is unacceptable.

At this point, we just have not cut enough—the current proposal is a spending increase pretending to be a spending cut. If we stop reform at the select committees, we will be like the dieter who bought himself a pint of gourmet ice cream, and was pleased by his own restraint because he did not buy a quart. We have got to cut all the fat, not just a little bit.

The American people are being asked to do more with less. Congress can do the same. When people write and call to tell me, cut spending first, I hear the message. The time has come to cut committee budgets by 25 percent this year and 50 percent over 5 years.

## THE PEOPLE OF GUAM SAY CONSOLIDATE NAS AGANA AND ANDERSEN AIR FORCE BASE

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Madam Speaker, we have heard a lot lately about the need to trim Federal budgets. Military cuts are prominently recommended. However, when it comes to specific base closures, we often hear NIMBY [not in my backyard]. I am here to say PIMBY [please in my backyard].

The people of Guam support a rational consolidation of two bases, located a mere 7 miles apart. Naval Air Station Agana could move its operations to Andersen Air Force Base, which recently closed its B-52 wing. The Navy agrees, such a move is plausible. So does GAO. And, most importantly, so do the people of Guam.

Those of us who live on Guam recognize the benefits of consolidation. It would allow our international airport to expand, strengthening our local economy and creating more private sector jobs. And it would mean the eventual return of land to the people of Guam, something all of us have prayed for.

The New York Times reported that the Navy has placed NAS Agana on its preliminary list. I urge Secretary of Defense Les Aspin to include the air station on his list of recommended bases. I will personally petition the Base Realignment and Closure Commission to consolidate NAS Agana and Andersen Air Force Base. And I implore the Congress to see that here, on the island of Guam, we are not resisting a base closure. We welcome it.

## ABOLISH DAVIS-BACON

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Madam Speaker, as we look for ways to control the burgeoning budget deficit and reinvigorate the American economy, we should look first at the pointless regulations and costs Congress imposes. One of the worst examples of such congressional malpractice is the continued existence of the archaic Davis-Bacon Act of 1931. By mandating a prevailing wage for laborers employed in public construction projects, Davis-Bacon dramatically increases the costs of Federal construction projects. In a 1979 report to Congress, the General Accounting Office recommended that the act be repealed, noting that the continued existence of the law was unnecessary, impractical, and inflationary, resulting in unnecessary construction and administrative costs of several hundred million dollars annually. The Congressional Budget Office projects that repeal of Davis-Bacon would generate Federal budget savings totaling $5.3 billion over 5 years. Before we ask taxpayers to once again pay higher taxes to reduce the deficit, we should cut spending and abolish this nonsensical law.

## NATIONAL ARBOR DAY

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Madam Speaker, last week, it was my great pleasure to reintroduce legislation that has a rich legacy in this great body and throughout our glorious Nation. House Joint Resolution 127 will designate April 30, the last Friday in that month, National Arbor Day, continuing a 121-year tradition of planting trees and honoring our Nation's vital forest resources.

From California's giant sequoias to the proud hemlocks of my own New Jersey, to the cherry blossoms whose gorgeous blooms grace this Capital each spring, America's trees are crucial to the global ecosystem and serve every single American no matter where they live.

Trees provide us shade from the summer swelter and a break from the winter's brutal wind. They help secure our coastlines, yield watershed protection, and create a natural habitat for scores of wildlife. They give us oxygen, lumber, fuel, and other valuable materials, and add beauty to this expansive Nation.

We have already deliberated many highly contentious matters in this young session and that is why I am pleased to bring forward a bill that everyone can embrace. I urge my colleagues to cosponsor National Arbor Day.

## SOCIAL SECURITY IS NOT AN ENTITLEMENT PROGRAM

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Madam Speaker, President Clinton's economic plan unfairly targets seniors with higher taxes on their Social Security benefits.

Let me read a portion of a letter from a senior couple in my hometown of Danville, CA:

> I am retired, a pensioner, and my wife and I are on a fixed income and drawing Social Security. My annual income is over $32,000. President Clinton's proposal to increase the proportion of Social Security payments which is taxable from 50 to 85 percent would increase my income tax by $1,800.
>
> If I were still working and not drawing Social Security, I would pay no additional income taxes under the President's proposal.
>
> This is discriminatory toward retirees living on a fixed income * * * it is not compatible with the concept of a fair and equal contribution.

What this new tax and spend Democrat administration is telling future generations is don't save, don't invest. If you do we will tax you to death. And when the health plan comes out, higher inheritance taxes will appear.

Social Security is not a welfare program. It is a supplemental retirement system which employees and their employers pay into all of their lives.

Social Security benefits should not be means tested and should not be taxed.

## WATER PRIORITIES IN CALIFORNIA

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN. Madam Speaker, I cannot help but express my amazement at the discomfort felt by many of my fellow Californians at the notion that the military bases in their districts are going to be closed, causing loss of income, increased unemployment, and economic uncertainty.

Just last year many of these same Members voted to take the Federal irrigation water that has nourished thousands of farms in the San Joaquin Valley, employed tens of thousands of people, and created a multibillion dollar economy, and give it instead to fish. Today in central California, we face a continuing manmade drought. Over 17 percent of our people are unemployed.

□ 1250

Thousands of acres of formerly fertile ground are being idled. The banks are refusing to make loans because of the uncertainty over water restrictions. Only welfare is booming, and the chain reaction, my colleagues, will hit local supermarkets soon.

Let me console my fellow Californians in this difficult hour. Maybe we can take some of these abandoned military bases and convert them to fish hatcheries and wildlife habitat so the unemployed can hunt and fish in natural surroundings.

## THE FEBRUARY JOB FIGURES AND THE CLINTON STIMULUS PLAN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, as a member of the Joint Economic Committee, I was heartened on Friday by the new unemployment figures, which showed the largest monthly job gain in 4 years. This good employment news comes on the heels of 3.2 percent growth in the gross domestic product over the last 4 quarters, a real business investment increase of 12 percent and real housing growth of 15 percent.

New business startups rose 14 percent last year. For all of 1992, venture capital financing rose to $2.5 billion, which was double the previous year.

Clearly, these figures indicate that our Nation is poised for real healthy economic recovery and more substantial job growth.

Mr. Speaker, it is clear that we do not need to add to our already suffocating deficit with another $30 billion in deficit spending.

Above all, President Clinton's proposal to levy the biggest tax increase in the history of the country is the wrong medicine for a recovering but still vulnerable economy.

It would be a mistake to extract $328 billion from the revenue stream and give it to more government.

## THE BEHAVIOR OF TEENS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am coming here not to talk about new legislation, but I am writing letters today to the Nation's Governors to try and use some of the powers we gave them in 1988.

I chair the Select Committee on Children, Youth, and Families, and we have been very concerned about the risky behavior of teens, looking into the interlock of teen pregnancy and teen violence. The statistics only get worse.

Today I am asking the Governors to please look at the powers we gave them in 1988, to consider whether or not they would give AFDC payments to people under age, if they do not have an adult in the home.

I think this is a very important communication to teens, that we do not think they are ready to be parents yet. And they need some adult in the home to be helping them, as they make those important decisions.

There is no State in the Union that would allow a teen to adopt a baby. Yet we see them having babies right and left.

This is certainly not going to help either the baby or our future if we do not try to get this under control. So I hope our Governors look at the power we gave them and we see whether or not that works in sending a strong message that we want them to stay in school and be emotionally prepared to be parents before they become parents.

## LISTEN TO BETTY EASINGWOOD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in San Angelo, TX, there is a great restaurant called Zentner's Daughter. It is now managed by Mr. Zentner's daughter herself, Betty Easingwood, and her husband, Richard.

Not long ago, the owners met to discuss the restaurant's financial situation. Betty says she realized their slim margin of profit would be eaten away by President Clinton's proposed taxes.

Betty objected so strongly to President Clinton's new taxes that she sacrificed advertising her luncheon and dinner specials. Instead of putting "Catfish Special $4.50" on the restaurant's large outdoor sign, Betty decided to put up another message in large black letters. The sign now reads, "Congress Cut Spending Before New Taxes."

She knew intuitively and as a result of real business experience that the Government spends too much and then expects middle-income folks to pay for it in taxes. She is right.

Recently, Ross Perot pointed out that only one person on President Clinton's White House team had ever created a job or built a business. It is unfortunate that the President's own advisers do not know first-hand what it means to run a business.

President Clinton would do better to listen to people like Betty Easingwood, who work hard, meet a payroll, and know we do not need new taxes to pay for more new spending.

## THE FEDERAL COURT DECISION ON DELEGATE VOTING

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, yesterday a Federal court vindicated the decision of this House to empower delegates to vote in the Committee of the Whole. Still, some of my good friends and colleagues on the other side of the aisle would deny me and others like me. These colleagues are partisan first; Americans who stand for democracy last.

In effect, they say that since the court has said that the Committee of the Whole is important, delegates should be excluded. Never mind that House rules provide for a revote in the few cases where delegates alone are the margin of victory or defeat. Not to worry that my residents pay more per capita in Federal income taxes to the Federal Treasury than those of almost all of my colleagues. Forget democracy in the People's House.

History will not forget attempts to deny democracy. Neither, fortunately, did the court yesterday.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 490

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to take my name off the bill that we are going to discuss today, H.R. 490. I did not know the Columbia Hospital for Women did abortions.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

## DISTRICT OF COLUMBIA STATEHOOD

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I would like to address myself to the distinguished gentlewoman from the District of Columbia [Ms. NORTON], one of the most beautiful cities in the world and more good, hard-working citizens here than all the other island delegate areas put together.

We just have not fully debated this issue or thought it through.

I would like to ask the gentlewoman the following: Are you going to set up a unicameral legislature like Nebraska, or will you have State senators for the State of Columbia and State representatives with all the offices and staff that go with that? Will you have an attorney general and all the constitutional offices that all the States have? Will you have a supreme court of the State of Columbia with seven justices or nine, like California, and where will all the office buildings come from that? And then when you realize you do not have the money to have a house of representatives and a State senate and a State supreme court and all these constitutional officers, will you set up toll booths on all the beltway entrances into the city and the bridges across the Potomac and charge us to come in here and do work? Of course, we Congress people will be exempted, but the average tourist and the average worker will be charged to pay for all of this.

Let us debate statehood for the District of Columbia reasonably and debate it in depth.

## THE 10TH ANNIVERSARY OF HOUSE PASSAGE OF SOCIAL SECURITY AMENDMENTS OF 1983

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I remind my colleagues that in 1983 the Congress was faced with one of the most difficult and important issues that it has ever had to deal with—restoring the financial solvency of the Social Security system. In the spring of 1983 the Social Security trust funds were nearly insolvent, the system was on the verge of collapse, and the headlines were filled with predictions of disaster for our Nation's senior citizens. These predictions proved wrong, because on this day, March 9, 1983, the House rose to this challenge and passed historic legislation, the Social Security Amendments of 1983.

No one can argue with the success of these amendments. Today the Social Security trust funds are strong and growing stronger. Indeed the Social Security system is in as financially strong a position as it has ever been. Retirees are secure in their benefits and workers and employers are not facing the threat of ever-increasing FICA payroll taxes. Because of the leadership of the House on this day 10 years ago, the Social Security system continues to be the most successful social insurance program in our Nation's history.

In looking back on this historic legislation, I am struck by three keys to its success. First, the legislation was comprehensive. As they would say today, it represented fair shared sacrifice. It was combination of benefit spending cuts and tax increases, and it took a little hide and hair from everybody. Second, it was developed as a result of close cooperation between the administration and the Congress. Finally, the legislation was adopted with bipartisan support.

I believe that the approach Congress used in restoring the solvency of the Social Security system is a model which should be applied as we face the broader budget problems that confront the Federal Government today. It worked in the case of Social Security. And, at the time when we are facing so many difficult economic decisions, we should be thankful that we no longer face the specter of a collapsing national retirement system.

## TRANSLATING COMMITMENT TO ACTION

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the struggle of a handful of men desperately seeking attention from the Federal Government they served nearly 50 years ago has reached a turning point. This week, a Veterans' Affairs Subcommittee is holding long-awaited hearings on the issue of the Navy's secret chemical warfare testing program involving toxic mustard and lewisite gases during World War II. This is hopefully a giant step in the right direction of properly acknowledging the service of these veterans who put their trust and their bodies into the hands of their Government and were grossly abused and eventually ignored as a result. Mr. Speaker, we have come an awfully long way from one lonely congressman urging attention to this matter to a commitment from the President of the United States that Government is going to right this terrible wrong at last. It is my sincere hope that, for a change, the bureaucracy can be speeded up in time to make a meaningful difference in these people's lives. Let us be sure to turn commitment into action for these forgotten heroes.

□ 1300

## TRULY PUTTING AMERICA BACK TO WORK

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, the arguments from the other side of the aisle that strong economic recovery will come without our assistance truly defies logic. Now, while some of my colleagues on the other side of the aisle continue to clamor for the invisible hand to work its economic magic, more residents in all congressional districts across the Nation continue to wonder whether the jobs and wages they have today will be there tomorrow if we do not soon administer President Clinton's well-balanced economic stimulus package.

There are very hopeful signs that the economy may be starting to improve, and the President's solid plan provides a foundation for the continuation of this new growth. Yet, without this much needed stimulus, the jobs erosion we have experienced over the past 12 years will continue. When President Clinton took office on January 20, 6½ million Americans could not find fulltime work. Mr. Speaker, try telling these struggling Americans that such problems will simply take care of themselves.

We must give this economy the strong boost, outlined by President Clinton, that it needs so that idle and underemployed American workers can reap the long-term benefits it produces. As President Clinton so aptly stated in his address to Congress a few weeks ago, "there's no recovery worth its salt that doesn't put the American people back to work." Frankly, Mr. Speaker, without President Clinton's economic stimulus package, there is little chance for real recovery, and, without the bold measure he has outlined, the recovery that might accidentally occur will not only not be worth its salt, but it will also not be sustained.

## BALANCE THE BUDGET

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, over the past several weeks, I have received hundreds of phone calls, letters, and postcards telling me to cut spending first. I agree completely. Overspending by Congress is a crisis because it is lowering our standard of living, reducing good jobs and the prospect for a good future.

As a member of the House Budget Committee, I have chaired one of seven working groups reviewing Government spending. I have studied over 200 specific proposals to reduce spending and have reviewed proposals to establish percentage spending reductions for most of all Government spending programs through a required annual sequester over 3 years.

The so-called entitlement programs must all be cut. It is sensible, even reasonable that we increase Social Security retirement age 1 month per year over the next 36 years. Also, individuals that have gotten back everything they have contributed to FICA plus a reasonable compounded interest rate should not receive payments in years they make more than $100,000.

Some of the experienced Members of Congress have suggested that it would be impossible to balance the budget and actually have the Federal Government spend no more than it receives in revenues. I suggest that this country's deficit spending is now at a crisis state and we must make dramatic spending cuts if we are to have strong economic recovery and leave to future generations any chance for prosperity.

Specifically, some of the spending cuts I have proposed in addition to percentage reductions include reducing mass transit subsidies, eliminating subsidies for public housing that is vacant, eliminating low-priority Department of Transportation projects, cutting in half funding for the arts and humanities, reducing fraud—such as by verifying tenant incomes with IRS data when computing Federal housing subsidies—and reductions in defense civilian costs.

The defense reductions that I support are slightly more than President Bush proposed but only about one-half what President Clinton has recommended.

In addition, I am pushing for a pay freeze on all Federal employees, including Congressmen, and cuts in welfare.

These are just a few of the cuts I have supported in the discussions of a budget substitute package.

Throughout this process of reviewing the entire Federal budget, I have had to weigh the priorities of existing programs. It is true that many programs have value. The value of these programs is not as important as the value of having a secure future.

One of the Nation's highest priorities must be to increase savings by having the Federal Government stop borrowing so much money to pay for today's consumption. Increasing taxes will also reduce savings and, according to experts, actually result in job loss. Taxes collected are dollars unavailable for private enterprise and innovation.

The people, through private enterprise, know best how to spend their money. Our goal over the next 5 years is to eliminate deficit spending without tax increases and then we should actually begin paying back the debt.

## THE STIMULUS PACKAGE IS CRUCIAL TO TRUE ECONOMIC RECOVERY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have had the pleasure of visiting just today with several members of the Louisville Board of Aldermen, and I had the pleasure last week of visiting in my office with the mayor of our city, Mayor Abramson, and county judge executive of our community, David Armstrong.

The message has been the same, Mr. Speaker. That is, while the economic numbers are improving—the rate of unemployment is declining somewhat, and the indices seem to be pointing toward economic recovery—economic recovery is not at hand, and therefore the President's proposal on economic stimulus is very important.

We cannot be distracted or deterred from the goal, which is to put Americans and Louisvillians and Kentuckians back to work.

The President's stimulus package, which will be taken up in this body next week, will have that salutary effect of putting our people back to work. I therefore would ask my colleagues to support the stimulus program. It will help us to do what we were sent here to do, to take care of the people's business.

## CONGRESS NEEDS TO SPEND THE PEOPLE'S MONEY WISELY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, in the next few weeks we will be asked to consider the part of the President's plan he calls a stimulus package. But exactly what is in this stimulus package that the President claims will create new jobs?

Let us look at his program. Only one-fourth of his plan calls for infrastructure investment with most of the rest made up of a laundry list of pet projects that will only increase the deficit: $200 million for AIDS prevention; $81 million for National Weather Service equipment; $23 million for unspecified green programs; $28 million to the government of the District of Columbia to help them balance their budget; $2 billion to forgive student loans; and $423 million for homeless programs.

Mr. Speaker, how does this create any new, real jobs? Who does this spending stimulate except maybe the liberal faculty at Harvard or Berkeley? If we are to grow the economy and reduce the deficit, we need to spend the people's money wisely. There is no economic stimulus here; it is just more of the same—tax and spend.

## DEMOCRATS ACCOUNTABLE IF ECONOMIC PROGRAM BACKFIRES

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I have just arrived back from California, and there are a lot of people out there hopping mad. They were told that there would be tax increases but it would just be taxing the other guy. They were told that it was going to be taxing the rich, and when they to some degree or another in California did go to President Clinton during the last election, they thought they were buying the program that President Clinton had suggested when he was running for election. Now, surprise, surprise, they realize they are going to be taxed, and the Social Security recipients earning $25,000 a year are going to be taxed.

I do not believe that President Clinton was playing straight with us during the election. That is how he became President. I do not believe that the economic stimulus package that is being presented will stimulate the economy.

However, President Clinton will be held accountable, as will the Democrat Party, because the Democrat Party now controls both Houses of Congress and the Presidency. If the economy gets worse and if this country is taxed into a recession, the Democrats will be held accountable.

## STIMULUS PACKAGE WILL REQUIRE $400 BILLION IN NEW TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I listened to some of my Democrat friends today say that we would be blind opponents of change, that we were opposed to this blueprint for change, that we were opposed to investing in America.

Let me just say to my friends in this Chamber, my Democrat friends, the American people will not be hoodwinked for very long. President Clinton's economic stimulus package and tax increases amount to almost $400 billion in new taxes and fees, $400 billion. That is more than double the largest tax increase in U.S. history. The last one we had in 1990, for which we spent $2.70 for every $1 in new taxes, that last tax increase put us into an economic recession, and this tax increase is going to more than double that.

If we take $400 billion out of the collective pockets of America, we are going to cause real economic problems. The airline industry, with the Btu taxes, tells me that many are going to go bankrupt because they are going to have to pay 15 cents more per gallon for jet fuel, and that is just one example.

Let us reevaluate what we are doing. Let us cut spending first before we even talk about tax increases.

## URGING EACH CONGRESSIONAL COMMITTEE TO REDUCE ITS COSTS

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, I rise to urge my colleagues to focus the spotlight of deficit reduction on the operations of this House. Specifically, Mr. Speaker, the House should reduce funding for standing committees.

President Clinton and the Congress are asking the American people to make some great sacrifices in the name of fiscal responsibility. Yet, this commitment to sacrifice is nowhere to be seen in the new funding requests by the committees of the House. This is not good government, nor is it fair to the American people.

At a time when families, businesses and States throughout this country are eliminating wasteful spending and reprioritizing expenditures to balance their budgets—in Congress, it's business as usual. My message is simple: With our current budget deficit, every committee should be seeking to reduce its costs, not secure an increase in 1993.

I applaud those committees that have proposed a cut in their funding or are at least holding the line at last year's level. I cannot in good conscience support the increases many committees are seeking. It is a perfect example of do as I say, not as I do government.

The Republican Members of the freshman class have proposed that House committees reduce their funding by 25 percent. I ask that the Committee on House Administration give this proposal serious consideration. At the very least, the majority should propose its own reduction plan. Elimination of the select committees is a start, but it is certainly not the only cost saving action needed this year. The standing committees must begin a streamlining process as well. Business as usual by Congress in funding its own operations will only increase the cynicism and doubt of the American people over this body's ability to address the serious problems facing our Nation.

Mr. Speaker, the House Administration Committee can score a victory for good government tomorrow. I urge them to do so.

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□ 1310

## CONVEYANCE OF LAND TO COLUMBIA HOSPITAL FOR WOMEN

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill [H.R. 490] to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center, as amended.

The Clerk read as follows:

### H.R. 490

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF LAND.**

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 4, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") shall convey, for $12,800,000 to be paid in accordance with the terms set forth in subsection (d)(2) and other consideration required by this Act, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum; hereinafter in this Act referred to as "Columbia Hospital"), located in Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for the construction by Columbia Hospital of a facility to house the National Women's Health Resource Center (hereinafter in this Act referred to as the "Resource Center"), as described in the Certificate of Need issued for the Resource Center in conformance with District of Columbia law and in effect on the date of conveyance.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (Public Law 82-423). Such property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date which is 1 year after the date of receipt by the Administrator of written notification from Columbia Hospital that the hospital needs such property for use as a site to provide housing for the Resource Center.

(2) DEADLINE FOR SUBMISSION OF NOTIFICATION.—A written notification of need from Columbia Hospital shall not be effective for purposes of subsection (a) and paragraph (1) unless the notification is received by the Administrator before the date which is 1 year after the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the $12,800,000 purchase price in full by not later than the date of conveyance under subsection (c).

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this Act shall be by quitclaim deed.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payment under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

**SEC. 2. LIMITATION ON CONVEYANCE.**

No part of any land conveyed under section 1 may be used, during the 30-year period beginning on the date of conveyance under section 1(c)(1), for any purpose other than to provide a site for a facility to house the Resource Center and any necessary related appurtenances to that facility.

**SEC. 3. SATELLITE HEALTH CENTERS.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of the conveyance under section 1, Columbia Hospital, after consultation with the District of Columbia Commission of Public Health and the District of Columbia State Health Planning and Development Agency, shall establish, maintain, and operate 3 satellite health centers.

(2) PERSONS TO BE SERVED.—One of the satellite health centers shall provide comprehensive health and counseling services exclusively for teenage women and their children. The other 2 satellite health centers shall provide comprehensive health and counseling services for women (including teenage women) and their children.

(3) LOCATION.—The satellite health centers shall be located in areas of the District of Columbia in which the District of Columbia Department of Public Health has determined that the need for comprehensive health and counseling service provided by the centers is the greatest. In locating such centers, special consideration shall be given to the areas of the District with the highest rates of infant death and births by teenagers.

(b) COMPREHENSIVE HEALTH AND COUNSELING SERVICES.—In subsection (a), comprehensive health and counseling services include—

(1) examination of women;

(2) medical treatment and counseling of women, including prenatal and postnatal services;

(3) treatment and counseling of substance abusers and those who are at risk of substance abuse;

(4) health promotion and disease prevention services;

(5) physician and hospital referral services; and

(6) extended and flexible hours of service.

(c) REQUIRED CONSIDERATION.—The establishment, operation, and maintenance of satellite health centers by Columbia Hospital in accordance with this section shall be part of the consideration required by this Act for the conveyance under section 1.

**SEC. 4. REVERSIONARY INTEREST.**

(a) IN GENERAL.—The property conveyed under section 1 shall revert to the United States—

(1) on the date which is 4 years after the date of such conveyance if Columbia Hospital is not operating the Resource Center on such property; and

(2) on any date in the 30-year period beginning on the date of such conveyance, on which the property is used for a purpose other than that referred to in section 2.

(b) REPAYMENT.—If property reverts to the United States under subsection (a), the Administrator shall pay to Columbia Hospital, from amounts otherwise appropriated from the fund established by section 210(f) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 490(f)), an amount equal to all sums received by the United States as payments for the conveyance under section 1, without interest on such amount.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

**SEC. 5. DAMAGES.**

(a) DAMAGES.—Subject to subsection (b), for each year in the 26-year period beginning on the date which is 4 years after the date of conveyance under section 1(c)(1), in which Columbia Hospital does not operate 3 satellite health centers in accordance with section 3 for a period of more than 60 days, the Columbia Hospital shall be liable to the United States for damages in an amount equal to $200,000, except that this subsection shall not apply after the date of any reversion of property under section 4.

(b) LIMITATION IN DAMAGES.—The maximum amount of damages for which Columbia

Hospital may be liable under this section shall be $3,000,000.

(c) ADJUSTMENTS FOR INFLATION.—The amount of damages specified in subsection (a) and the maximum amount of damages specified in subsection (b) shall be adjusted biennially to reflect changes in the consumer price index that have occurred since the date of the enactment of this Act.

(d) ASSESSMENT AND WAIVER.—For any failure by Columbia Hospital to operate a satellite health center in accordance with section 3, the Administrator may—

(1) seek to recover damages under this section; or

(2) waive all or any part of damages recoverable under this section for that failure, if the Administrator—

(A) determines the failure is caused by exceptional circumstances; and

(B) submits a statement to the District of Columbia Commission of Public Health and the Congress, that sets forth the reasons for the determination.

(e) CONVEYANCE DOCUMENTS.—The Administrator shall include in the documents for any conveyance under this Act appropriate provisions to—

(1) ensure that payment of damages under this section is a contractual obligation of Columbia Hospital; and

(2) require the Administrator to provide to Columbia Hospital notice and an opportunity to respond before the Administrator seeks to recover such damages.

**SEC. 6. REPORTS.**

During the 5-year period beginning one year after the date of the conveyance under section 1, Columbia Hospital shall submit to the Administrator, the appropriate committees of the Congress, and the Comptroller General of the United States annual reports on the establishment, maintenance, and operation of the Resource Center and the satellite health centers.

**SEC. 7. MEMBER INSTITUTES.**

The Resource Center should—

(1) include among its outreach activities the establishment of formal linkages with no less than 6 universities or health centers throughout the Nation, to be known as "member institutes" in furtherance of the purposes of the Resource Center; and

(2) provide national notice of the opportunity such entities have to participate in programs and activities of the Resource Center.

The SPEAKER pro tempore (Mr. BISHOP). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. H.R. 490, as amended, authorizes GSA to sell land to the Columbia Hospital for Women that is adjacent to the Hospital. The hospital will pay $12.8 million for the land, and construct a facility to house its national women's health resource center.

The bill contains strong provisions to protect the Government interest in the land; and very importantly, there is no cost to the Federal Government. The resource center, with its educational, research, and outreach activities will make a significant contribution to improving the quality of health care for all American women.

The bill also provides that the hospital will establish three satellite health centers in the District of Columbia. These health centers will be located in the areas of the District where the need for health care for women and their children is most critical.

The amendment to the bill, which I proposed, clarifies and strengthens the resource center's national outreach program, whereby the resource center will work with universities and health centers across the country to extend the benefits and information of this excellent resource center to women across the Nation. Mr. Speaker, this legislation was approved by the House on September 29, 1992, but not enacted. Since Congress began consideration of this bill over 46,000 women have died of breast cancer and approximately one-half million women have died of cardiovascular disease. I support H.R. 490 as amended, and urge expeditious action on this very sound, important legislation.

Mr. Speaker, I include for the RECORD a statement of administration policy on this bill, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration supports enactment of H.R. 490, which would provide for increased attention to health issues of specific concern to women.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 490, a bill to convey a parcel of Government-owned land located at 2400 M Street, NW., Washington, DC, to Columbia Hospital for Women. Columbia Hospital will pay the General Services Administration [GSA] $12.8 million for this land at the time of conveyance. This land will be used to construct the National Women's Health Resource Center.

Mr. Speaker, for 6 years, Congress has considered legislation to transfer this parcel of land to Columbia Hospital. Original proposals in 1987 called for a no-cost transfer to the Hospital. GSA and this committee resisted this effort. Two years later, legislation was reintroduced which called for $5 million to be paid by Columbia Hospital. This figure was raised to $10 million to be paid in installments, then raised to $12 million, again to be paid in installments.

H.R. 490 represents a unique opportunity for the Federal Government to earn money, rather than spend money. This bill will earn $12.8 million on the sale of this land and will send a positive message to women that we are concerned with women's health issues.

H.R. 490 reflects the years of negotiations on the price of this land, as well as the safeguards contained in the bill. Columbia Hospital is obligated to develop the National Women's Health Resource Center within 4 years of conveyance of the land. Otherwise, the land reverts to GSA. This land may only be used for the resource center for the next 30 years. If the property is used for any other purpose, it shall revert to GSA.

The resource center should create an outreach effort to no fewer than six universities and resource centers nationwide, to be known as member institutions to further the purpose of the resource center.

Mr. Speaker, I believe it is time to move forward on this legislation. Land values are declining, and while it is not a policy of GSA to sell land not excess to its needs, this represents a unique circumstance for Congress to assist in the development of an important resource center directed to women's health issues. I urge enactment.

Finally, I wish to thank the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], who has shown spirited leadership in moving this bill forward in a bipartisan manner. It has been a pleasure working with you in moving this bill. I also wish to thank the full committee leadership, our chairman, Mr. MINETA, and our ranking minority member, Mr. SHUSTER. They quickly established themselves as able legislators, as evidenced by the quick action on this bill.

Mr. Speaker, I urge enactment of H.R. 490.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], our handworking chairman of the full Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding me this time.

The Columbia Hospital for Women is an impressive institution. Historically, it has served both the District of Columbia and the Nation by offering excellent medical care to women and by pioneering in research and clinical services that have provided models for improved care for women throughout the country.

Columbia's premiere efforts include: the first area institution to offer mammography; the area's first hospital-based infertility clinic; the first prenatal clinic in the city; and the first hospital in the United States to utilize ultrasound in diagnosing women.

Within the Columbia Hospital, the National Women's Health Resources Center originated as a concept in the 1980's to meet the need for expanded health education resources for women in the District and the Nation. The center integrates clinical research, educational programs, and informational services. It focuses on identifying health problems of women that need further research and on creating greater access to the results of the research that has been done on women's health issues.

The resource center is the only national institution dedicated exclusively to the improvement of women's health. In addition, the resource center disseminates information on important women's health care issues such as breast cancer and domestic violence.

Today, more than ever before, our Nation is facing a health care crisis, and as women's social roles and environments have changed, so have their health needs. Increasing numbers of women are living under the dual roles of managing a home and a career. Nearly half of them are single parents. Women are living longer and with a greater sense of independence. With this changing lifestyle, women need not only medical care and advice, but sociological and psychological counsel to help lead healthy and productive lives at any age.

Mr. Speaker, I believe the land transfer provided by H.R. 490 will produce a very significant public benefit because it will help make it possible for the hospital and resource center to achieve even greater contributions to the health care of women.

Furthermore, the bill not only accomplishes these important purposes, it does so without cost to the Federal Government. The bill authorizes a land transfer, for which the hospital would compensate the Federal Government $12.8 million, thereby reducing the Federal deficit by that amount.

Mr. Speaker, I want to commend Chairmen CONYERS, STARK, and COLLINS for their invaluable efforts on making this a successful piece of legislation. I also want to give special recognition to subcommittee chair JIM TRAFICANT for his leadership in making this a truly national program, and to BUD SHUSTER and JOHN DUNCAN for their cooperation in moving this bill expeditiously.

Mr. Speaker, I urge passage of H.R. 490.

□ 1320

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to the very distinguished ranking member of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I rise in strong support of this legislation. Usually we come to this Chamber to pass legislation to spend the taxpayers' money. But today we are here to receive the taxpayers' money. Not only the $12.8 million that the Federal Government will receive for the sale of this land, but also it is important to emphasize that the alternative to selling this land, I am told, is to continue to house Government bureaucrats in that facility at a cost of $63 million.

So, really, the swing here for the taxpayers of America is a $75.8 million positive financial swing.

Beyond the dollars, however, it is very important to note that this is a worthy purpose, one that focuses on women's health care, and also it is very important to note, I believe, that the Federal Government will not be required to pay for either the building or operating of this facility.

So, this is good for the Government, good for health, good particularly for women's health, and I strongly urge support of this legislation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the very capable gentlewoman from the District of Columbia [Ms. NORTON], who deserves a lot of credit on this bill.

Ms. NORTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in very strong support of H.R. 490. I want to especially express my most sincere thanks to committee chair, NORMAN MINETA, subcommittee chair, JAMES TRAFICANT, and the ranking member, JOHN DUNCAN, for their considerable effort and swift action to bring this project to fruition.

Thanks to their bipartisanship and objectivity, this was the first bill to come before the full committee and is the first to be reported to the floor this session.

Mr. Speaker, for over two decades Columbia Hospital for Women and the District of Columbia have sought passage of legislation which would authorize the sale and conveyance of Federal land to the hospital for the construction of a building to house the first National Women's Health Resource Center in our country's history. In an almost novel request to this body, the hospital proposes to perform this public service without the help of 1 penny of taxpayers' funds. At this time when Congress is challenged to address the beleaguered condition of our health care system, I cannot imagine that my colleagues will fail to appreciate the value of H.R. 490.

The focus and benefits of H.R. 490 are both significant and national. The Columbia Hospital for Women is a preeminent institution, renowned for its long record of high-quality health care delivery to meet the unique health needs of women and infants. As a result of this land conveyance, the resource center will build on Columbia Hospital's distinguished 127-year history to provide critically important women's health education programs, clinic research, and information services to health care consumers and professionals nationwide. As the Congress has acknowledged, the health needs of women have long been neglected in the absence of a national health care focus like that which will be offered by the resource center.

This bill is a national response to women's health concerns. The resource center will be collaborating with universities throughout the country. As member institutes universities will assist the center in developing its research agenda and defining educational goals responsive to the needs of both consumers and health care professionals throughout the nation. In addition, because the center will be located here in the Nation's Capital, H.R. 490 brings special benefits to metropolitan area residents in particular. In addition to the price to be paid for the land itself, H.R. 490 requires as part of the quid pro quo that the hospital establish and operate three satellite health centers in the District of Columbia in exchange for the conveyance of the land. This exchange will contribute to increasing the survival of newborns at a time when our country's infant mortality rate is shamefully high compared to that of other developed countries, nowhere higher than in the District of Columbia. The accessibility of adequate prenatal care will help to reduce the rate of infant mortality and to increase the overall health of the women receiving care. Thus, not only will the Nation benefit from H.R. 490, but the District of Columbia will benefit from satellite centers which will serve low-income women most in need of comprehensive health care.

Most impressively, there is no cost to American taxpayers. Columbia Hospital is not asking the Federal Government for 1 Federal cent. Columbia Hospital will finance this acquisition with 100-percent private funding. Mr. Speaker, rarely does Congress have the pleasure of considering a bill for construction of a facility, much less one as vital as this one, that does not also sport a price tag for the taxpayers.

The fact is that Congress is directly responsible for raising the cost of this facility because of several years' delay in approving this bill. At a time when the President urges every citizen to make a contribution toward the well-being of our Nation, I urge my colleagues to allow Columbia Hospital's to offer its own gift—a national resource center for research and education to improve the health of women and children in our country.

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to my good friend, the distinguished ranking member of the Committee on the District of Columbia, the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, H.R. 490 directs the General Services Administration to sell 1.2 acres of Federal property in northwest District of Columbia to the Columbia Hospital for Women for $12.8 million, payable in full at the time of the conveyance. While the terms of this sale have been improved over several years of disagreement, it is still a poor management decision and poor public policy.

Despite the hospital's extensive lobbying effort to market this as a unique national resource, the National Women's Health Center is plainly just another business deal. There is no competition for the subsidy Columbia will receive. Columbia Hospital has been trying to obtain this Federal property for 30 years in order to expand its clinical services. Certainly there is nothing wrong with an organization's desire to expand its business opportunities. However, I strongly object to the sacrifice of the substantial Federal interest in this property.

Columbia's claim that its National Women's Health Resource Center will be a unique public service of national importance is questionable for several reasons. First, the clinical services being provided are not new to this area nor unique to the Nation. There are numerous facilities in the Washington, DC area which provide the very same diagnostic and treatment services offered by Columbia. Nearly three-quarters of the resources of this project will be devoted to these clinical services.

Similarly, there are numerous agencies and institutions which promote public awareness and patient education regarding women's health. While Columbia's efforts maybe valuable, they certainly are not unique. The difference is that other institutions must go through the competitive process for Federal support but Columbia does not.

Columbia Hospital does not, by its own admission, possess any particular expertise in conducting medical research. There are a host of institutions in this area which have proven track records in women's health research, but Columbia is not among them.

Finally, it is uncertain whether this sale would be in the public interest. This is not surplus land. GSA has plans to improve this property and build a site that would help consolidate State Department employees. The failure to relocate the Federal employees as GSA has recommended will cost the taxpayers more than $30 million. GAO has reported that billions of dollars could be saved if the Federal Government owned office space rather than leased it. As Federal policy, this sale is a step in the wrong direction.

I strongly question whether this is an appropriate use of the land held in the public trust and, therefore, must oppose H.R. 490.

□ 1330

Mr. TRAFICANT. Mr. Speaker, before I yield time to our next speaker, I, too, want to commend the gentleman from Pennsylvania [Mr. SHUSTER], an outstanding graduate of the University of Pittsburgh, for his leadership on our committee and welcome him here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK], chairman of the Committee on the District of Columbia.

Mr. STARK. Mr. Speaker, I would like to speak on behalf of H.R. 490, as amended.

We have heard it described well by my colleague, the gentlewoman from the District of Columbia [Ms. NORTON]. We have heard the gentleman from Ohio [Mr. TRAFICANT], the distinguished chairman of the subcommittee, explain to us the Federal interest in this.

We have heard our colleague, the gentleman from California [Mr. MINETA] outline for us much of the benefits.

The District of Columbia Committee has passed this legislation in the 100th, the 101st, and the 102d Congress, and I hope we can pass it one last time with your forbearance and proceed.

Let me not review the need for medical care for women and children in the District of Columbia, or whether or not Columbia Hospital is a preeminent research or health care institution. I am not qualified to make that judgment for you; but I think I am qualified to spot a fairly decent business deal.

For those of you, who read as I do every day, the number of pieces of property that the Resolution Trust Corporation has for sale and think that getting $12,800,000, which is a couple million dollars over appraisal, is not a singularly good business deal for the U.S. Government, guess again.

It is a dilapidated 100,000-square-foot building that the GSA says will have to be torn down.

The State Department in testimony before our committee indicated they will not consolidate anything. They are still spread all over town and there are plenty of office locations that are ready to be used with far more modern facilities than the existing building that is there.

It is a corner out of a block, surrounded on two sides by streets and on two sides by hospital property. It could not, with the height limits, be a commercial building under any circumstances.

Second, there are no bids. It is a wonderful thing to think that we might build Disney Land East. We might do a whole host of things with it, but the fact is that right now it is virtually not being used, and here is a private charitable nonprofit corporation that wants to give the Federal Government $12,800,000, and I stand here and if somebody wants to walk up and add another couple million dollars, we will go back to the committee and see if we cannot get you a little more, I say to the chairman, the gentleman from Ohio [Mr. TRAFICANT], but I think that getting $12,800,000 and providing free community health care centers for women and children who might not otherwise have any medical care, it is belaboring the point to decide whether it is the best medical care or just more good medical care.

We have a win-win situation. We win $12 million, almost $13 million and change, where there are no other bidders. We provide some additional facilities to an institution which has provided excellent medical care in the District of Columbia.

Mr. Speaker, I would urge that we support this bill at this time.

Mr. Speaker, the purpose of H.R. 490, as amended, is to authorize the Columbia Hospital for Women to purchase 1.2 acres of adjacent Federal land for the construction of a building to house the National Women's Health Resource Center. The nonprofit, federally chartered Columbia Hospital for Women has agreed to pay $12.8 million for the land. The center will be a national women's health resource center to collect information, conduct investigations and research, and to disseminate information on women's health.

The full Committee on the District of Columbia voted in the 102d Congress to report a bill, H.R. 3703, a bill similar to H.R. 490, and filed House Report 102–912, part I, last Congress in support of passage of that measure. The bill passed by unanimous voice vote. Although there was consistent opposition to the bill by the committee's minority members, the ranking minority member said during floor debate:

> But I can assure my colleagues that the work of the House District of Columbia Committee and the House Public Works Committee has improved the terms in favor of the Federal government * * * some of our initial objections have been satisfied. All of the improvements made in H.R. 3703 result in a better deal for the American taxpayer.

Bills similar to H.R. 490 have been favorably reported by the House District of Columbia Committee in the 100th, 101st, and 102d Congresses. H.R. 490 was referred to three House committees. I want to thank the Chair of the House Public Works Committee, Chairman MINETA, and the subcommittee Chair, Mr. TRAFICANT, for bringing this bill with only minor amendments forward in such a timely manner.

I, on behalf of the House District of Columbia Committee, have written the Speaker to indicate that the committee has completed its consideration of H.R. 490 and supports its conclusion on today's Suspension Calendar by a unanimous vote.

Again, this legislation and the National Women's Health Resource Center is a significant national public health benefit that the Congress should seek to support and promote.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], one of our finest freshman Members.

Ms. DUNN. Mr. Speaker, let me extend my appreciation to the gentleman for yielding me this time.

Mr. Speaker, I wish to give my full support to H.R. 490 which will authorize the sale of undeveloped land to Columbia Women's Hospital for the establishment of a national woman's health resource center.

This center will serve as a clearinghouse for information on women's health issues. It will link groundbreaking research being done at universities across the country to identify the unmet health concerns of women. This will provide a meaningful opportunity for health professionals, consumers and public officials to enhance national awareness of women's health issues, ranging from the treatment and prevention of breast cancer, to the assistance of victims of domestic violence.

Mr. Speaker, as women constitute a greater portion of the labor force, there is heightened interest in the health issues that confront them. The sale of this land, for the development of such a center, should thus be seen as a sound economic decision that does not add a single penny to the national debt.

Mr. Speaker, I urge my colleagues to support H.R. 490 as a step forward in women's health research.

Mr. TRAFICANT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Illinois [Mrs. COLLINS], the former chair of the Subcommittee on Government Activities and Transportation of the Committee on Government Operations, and I thank her for all her efforts on behalf of this legislation.

Mr. Speaker, I wonder if the gentleman from Tennessee would yield the gentlewoman some additional time.

Mr. DUNCAN. Mr. Speaker, I yield an additional 3½ minutes of my time to the gentlewoman from Illinois [Mrs. COLLINS].

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. COLLINS] be allowed to control the 7 minutes allotted to her.

The SPEAKER (Mr. BISHOP). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Illinois [Mrs. COLLINS] is recognized for a total of 7 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the chairman and the ranking member of the Committee on Public Works and Transportation for being so generous with their time.

I rise in full support of this legislation and do so on behalf of the Government Operations Committee and to act as floor manager of the Government Operations Committee.

Mr. Speaker, I rise in support of H.R. 490, which will enable the Government to sell certain GSA-controlled land in the District of Columbia to the Columbia Hospital for Women. The land, located next to the hospital, would become the site of a facility to house the National Women's Health Resource Center, an affiliate of the hospital. Funding and construction of the resource center would come from the hospital.

The resource center is unique among health organizations in this country because it presents a comprehensive combination of services related to women's health needs that include research, clinical, informational, and educational functions on national and local levels.

This legislation originated in the 100th Congress in the Government Operations Committee and has enjoyed active House consideration in each succeeding Congress. During the 100th and the 101st Congress, I chaired the Government Operations Committee subcommittee responsible for the then-pending bills. On the basis of our thorough investigations and hearings, I became convinced of the special need for such a center, of the potential of the resource center to make a major contribution toward filling that need, and of the hospital's capacity to carry out funding and development as well as to assist with the center's mission.

Our subcommittee had to decide if the dollar value of the land to GSA would be matched by the consideration flowing from the hospital; namely, a large cash payment to GSA's Federal buildings fund plus the significant intangible public benefits both from the resource center and from three satellite health centers in underserved areas of the District of Columbia to be established and operated by Columbia Hospital. It was the subcommittee's unanimous conclusion that combined benefits of the proposal would greatly exceed the costs.

I want to explain women's need for such a resource center by restating some well-known facts: Women have different physiologies and lifestyles from men. We live significantly longer. We are more likely to contract chronic, disabling diseases which require hospitalization. We suffer with the problems of unplanned pregnancy. We are more likely to be hospitalized from a large number of diseases and medical conditions from which men are free.

Furthermore, our social and economic roles are both different and changing. We have always been more likely than men to be living in poverty. Nearly half of women today are single parents. Notwithstanding all these facts and more, the health care system has been slow to recognize and deal with known basic differences between men and women. The process demands speeding up. The proposed resource center would help provide and guide such acceleration.

Mr. Speaker, the provisions of H.R. 490, have been carefully crafted. Their language has evolved through a period of more than 5 years. The present form has come about as a result of close cooperation and consultation among the three committees of jurisdiction: The Committees on Government Operations, the District of Columbia, and Public Works and Transportation. I commend the work of their present and past chairmen as well as that of the chairs of the concerned subcommittees for having supported this evolution. I would particularly recognize the gentleman from Ohio [Mr. TRAFICANT], whose subcommittee of the Public Works and Transportation Committee has done major work this Congress in bringing the bill before us today. Let me also recognize the work of one who is absent, our former colleague from Illinois, Gus Savage, who as chairman of the Public Buildings and Ground Subcommittee helped to bring about House passage of last year's bill, H.R. 3703.

Perhaps I can be forgiven some pride in the fact that H.R. 490 reflects the basic terms which my subcommittee in the 101st Congress worked out with the hospital and the other committee then concerned, the Committee of the District of Columbia under the chairmanship of RON DELLUMS. These terms were a purchase price of $12 million to be paid the Government and the hospital's agreement to add to its community services the establishment and operation of three satellite health centers for mothers and teenagers in medically underserved communities of the District of Columbia.

H.R. 490 will increase the hospital's cash payment to the Federal buildings fund of $12.8 million. It will preserve the commitment for the three satellite health centers and it contains mechanisms to assure that the purposes of the bill will be achieved. To this end, options of property reversion and monetary penalties are provided for.

Mr. Speaker, The Federal Property and Administrative Services Act expresses the policy of Congress that Federal surplus real property may be donated to serve public health purposes. The land affected by our bill is, of course, not surplus property, even though for many years it has been greatly underutilized. The small structure now on the lot is old and dilapidated. Renovation is not feasible. Only lately has GSA taken steps to plan for a new and larger Federal building there. It seems to have required the imminence of our legislation to prod GSA into belated action. This is my point: If the Congress by general law has sanctioned the cost-free transfer of valuable surplus land to a public health organization, then it is consistent with such a policy to sell this underutilized GSA land to a major public health entity for $12.8 million and in addition realize the extraordinary public health benefits this project offers.

To sum up, Mr. Speaker, I know of few bills that have been so thoroughly studied and so carefully drafted as has H.R. 490. I have followed this legislation closely for four Congresses and I am convinced that H.R. 490 offers to the Congress an unprecedented opportunity to serve the special health needs of women and children, nationally and locally, not only without Federal outlays but with receipt of a cash payment that reasonably relates to the current estimated value of the property. I urge my colleagues to follow last year's example of a unanimous House and again approve this legislation.

□ 1340

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to close simply by saying this:

There are very few Members of this body who have opposed more spending bills than I have. I yield to no one in my concern for the national debt. It has been my greatest legislative priority to try to do something about our horrible national debt and these horrendous deficits we have been having year after year.

But this is not a spending bill. This is a bill to receive money for the Federal Government. This $12.8 million price that has been placed on this property is a very fair price according to the most recent assessment and according to the most recent appraisal. In fact, it is $2.8 million approximately above both the assessment and the most recent appraisal.

This is a fair bill for the taxpayers. It is a good bill. I urge its support.

Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. TUCKER], Compton's former mayor.

Mr. TUCKER. Mr. Speaker, I thank my distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], for yielding this time to me.

Mr. Speaker, I am just very happy to join in with my colleagues on this bill in which I believe both sides of the aisle have come together and said that we are doing something, not only for the women of America, but for the American public and health care. I am happy to applaud the work of so many who have preceded before me. I am proud to be a member of the Subcommittee on Public Buildings and Grounds, and I am proud of the work Chairman TRAFICANT and done, proud of this cosponsorship by the chairman of the full Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA]. I most certainly appreciate the comments and the support from the gentlewoman from the District of Columbia [Ms. NORTON] and others, the gentleman from California [Mr. STARK], the gentleman from California [Mr. DELLUMS] who have carried this legislation for many years, and I am glad to see that it has finally come to fruition and that we can finally get his land conveyed.

This is not only a question of conveyance which will not add a cost to the deficit, but it is actually a great demonstration of investment as our President has talked about, Mr. Speaker. We are investing today for the health care needs of women all across this country and particularly women who are underserved, and, Mr. Speaker, I think that this is the best example that we can give to the 103d Congress and to the American public as to how we can get off the dime, get off the gridlock and really see the health care needs of women and minorities in this country served.

So, Mr. Speaker, I applaud the effort by this subcommittee and by all of those on both sides of the aisle who have brought to the floor and made this a reality.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing want to thank the gentleman from Tennessee [Mr. DUNCAN]. His constructive leadership has helped us to bring this bill forth.

I want to commend everyone who worked on this bill over previous Congresses, and also thank all of the staff on both sides of the aisle.

I think this is a tremendous bill. Eighty-six percent of all health research money spent in America today is spent and invested on diseases of men. This is an indictment. This bill is a step in the right direction. I am very proud of all those who have participated.

Mr. EMERSON. Mr. Speaker, the issue before us passed through the appropriate subcommittee and the full committee on Public Works and Transportation. I was generally supportive of this land transfer in those committees. However, issues are raised by other committees who share jurisdiction over this subject that were not considered in Public Works, and frankly these concerns cause me concern about bringing this bill up under this procedure. It needs further work.

Mr. HOYER. Mr. Speaker, today I rise in support of H.R. 490, the Columbia Hospital for Women land purchase. This is an important bill which has already passed by the House last fall. Unfortunately, the bill never became law.

H.R. 490 authorizes a land transfer from the General Services Administration to the Columbia Hospital for Women, and mandates that the land be used solely for expanding the National Women's Health Resource Center. Under the bill's provisions, the Columbia Hospital for Women to pay $12.8 million for the property. The bill should also require the hospital to operate three satellite health care centers in the District of Columbia for women and children most in need of those services.

At a time when the Government is increasingly criticized for neglecting women's health care, I believe today's legislation offers an opportunity for our Government to demonstrate its commitment to women's health care needs.

Reports regarding the failure to include appropriate numbers of women as subjects in clinical trials, as well as the disturbingly high rate of gynecologic-obstetric surgeries are indicative of the need to better address women's reproductive health issues. Over 675,000 women underwent surgical removal of their uterus last year.

We need more research like that conducted at the National Women's Health Resource Center. Over 12,400 women die each year of ovarian cancer; 44,000 women died from breast cancer in 1990. I believe statistics like this illustrate better than anything, the great need for the services provided by the center.

Last year, I introduced the Women's Reproductive Health and Medicine Act to infuse women's health research with more money and I believe this bill moves us in that direction. Moreover, the center's strong effort to marry cutting edge research with the provision of services and information is critically important. Our efforts to expand health research would be futile if we did not also work to get that information out of the lab and into the hands of doctors and patients.

I am pleased to again support this important bill and I urge my colleagues to lend their support too.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 490, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 69, not voting 22, as follows:

[Roll No. 55]

YEAS—339

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski

Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

### NAYS—69

Allard
Armey
Baker (LA)
Ballenger
Bartlett
Bateman
Bentley
Bilirakis
Bliley
Burton
Buyer
Callahan
Coble
Combest
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Emerson
Fawell
Gekas
Goodling
Goss
Grams
Hancock
Hansen
Herger
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Lewis (CA)
Lewis (FL)
Linder
Livingston
McCandless
McMillan
Meyers
Mica
Moorhead
Myers
Oxley
Packard
Petri
Rohrabacher
Roth
Royce
Schiff
Sensenbrenner
Smith (NJ)
Smith (OR)
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Upton
Vucanovich
Walker
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOT VOTING—22

Barton
Condit
Cox
Cunningham
DeFazio
Dellums
Dickey
Edwards (TX)
Fields (TX)
Ford (TN)
Gejdenson
Gibbons
Hastings
Henry
Hinchey
Maloney
Margolies-Mezvinsky
McDade
Owens
Sanders
Scott
Sharp
Watt

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Dellums and Mrs. Maloney for, with Mr. Cunningham against.

Mr. FAWELL changed his vote from "yea" to "nay."

Mr. SMITH of Michigan and Mr. THORNTON changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, due to a meeting with constituents off the Hill, I missed the vote on H.R. 490, a bill to convey certain land to the Columbia Hospital for Women. Had I voted, I would have supported my colleagues in voting to authorize the sale of land to the hospital.

## THE JOURNAL

The SPEAKER pro tempore (Mr. BISHOP). The pending business is the question of the Chair's approval of the Journal.

### RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 153, not voting 21, as follows:

[Roll No. 56]

### AYES—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

### NOES—153

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer

Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Barton
Condit
Cox
Cunningham
DeFazio
Dellums
Fields (TX)
Ford (TN)
Gibbons
Harman
Hastings
Henry
Hilliard
Hutchinson
Maloney
McDade
McDermott
Meek
Sanders
Scott
Watt

☐ 1429

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. EDWARDS of Texas. Mr. Speaker, during rollcall vote No. 55 on H.R. 490, I was on the floor inserting my card in the machine. I thought I had voted "aye," but my vote was not recorded. I had certainly every intention of voting in favor of H.R. 490 and thought I had done so.

## PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, I was unavoidably detained and missed the vote on H.R. 490. Had I been here I would have voted "yea" on that particular bill.

## PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, because of an emergency landing by my plane on my way to Washington, I unavoidably missed rollcall vote 55 on conveyance of land to the Columbia Women's Hospital, and rollcall vote 56. Had I been present, I would have voted "aye."

## HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. on tomorrow.

The SPEAKER pro tempore (Mr. BISHOP). Is there objection to the request of the gentleman from Maryland?

There was no objection.

## THE PRESIDENT'S CHALLENGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, President Clinton said he was serious about deficit reduction, and he presented a serious plan. President Clinton said there would be more spending cuts, and the Democratic Congress has responded with a resounding "yes," close to $60 billion more.

President Clinton said that we should vote first on spending cuts, and that is going to happen. President Clinton said he is serious about health care reform, and he will present his plan to Congress in early May.

The President also said he was serious about doing something about the deficit crunch and the credit crunch, and he will announce his plans tomorrow.

President Clinton said he was serious about defense conversion, and he will announce his plans on Thursday.

President Clinton, Mr. Speaker, is providing leadership. We should get behind him. The American people are behind him. I know that is uncomfortable for some, but the record shows the American people are behind him, and we should do the same.

Mr. Speaker, we have a choice—positive, responsible change, or more of the same. The President understands it, the American people understand it, and now we must prove that we understand it by passing the President's package of deficit reduction and investment in the future.

The President has challenged us and the American people. He has presented a comprehensive plan that combines serious deficit reduction with a much-needed stimulus package. That plan, combined with additional spending cuts that we will offer, will result in one thing—jobs.

We must show the American people that gridlock is dead and that we can move from the status quo. We must pass this plan. Polls show that the American people overwhelmingly support the President and understand that every American must pull their fair share.

Mr. Speaker, this plan offers the best shot we have at creating jobs and moving the economy in the right direction. We must stand together and pass it.

## THE LONG BEACH NAVAL SHIPYARD: A SUCCESS STORY FOR MINORITIES

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORN. Mr. Speaker, recently I had the opportunity to visit the Long Beach Naval Shipyard on the occasion of its 50th anniversary. For 50 years, the Long Beach Naval Shipyard has been a vital institution, not only for the Navy, not only for the city of Long Beach, but also for the entire Ventura, Los Angeles, Orange, San Bernadino, and Riverside area. For $1, the land upon which the shipyard sits was given to the Navy.

For five decades, this symbiotic relationship between the community and the shipyard has grown and thrived. Needless to say, the shipyard has always served this country's national defense needs, and stands ready to do so well into the future. I would like to use this moment to highlight the one all-important aspect behind the shipyard's reputation as the most efficient, cost-effective shipyard in the Navy: its employees.

Today, minority employees are over 50 percent of its work force of the Long Beach Naval Shipyard. A wide diversity of ethnic backgrounds are represented by these productive working men and women. While we as a nation still struggle with ethnic and racial tensions, the Long Beach Naval Shipyard represents a model of integration and advancement for people of color. For the African-American community in my district, the shipyard has represented a stepping stone into a future of good, high-paying, high-skilled employment when other such opportunities did not exist.

Mr. Speaker, I commend to your attention the following article written by a very able reporter, Mr. Bill Hillburg of the Long Beach Press-Telegram. As Mr. Hillburg observes:

> Given the huge impact on the African-American community, current and former shipyard employees fear that their hard-won gains may be lost amid the so-called peace dividend. "We African-Americans feel a sense of security at the shipyard and we've done a good job for the Navy and the country," said [J.B.] Larkins. "We don't deserve to be on the new list of proposed base closings (due to be released by the Pentagon on March 15)." Roosevelt Langston summed up the potential impact of a shutdown. "Losing the shipyard would be very bad for the Long Beach area as a whole," he said. "But for black communities in Long Beach and Compton it would be an economic disaster."

The story that follows tells of the hard-fought success of such leaders in the shipyard as J.B. Larkins and David Grayson, and of the men and women who went before them. It also illustrates what a devastating impact the closure of the Long Beach Naval Shipyard would have on the minority community throughout the South Bay. As we move into a new round of military base closures, this is an article that should not be missed.

[From the Long Beach Press-Telegram, Feb. 28, 1993]

### THE STEP UP

(By Bill Hillburg)

LONG BEACH.—In 1940, most of Long Beach's African-Americans were employed as domestic servants, janitors or bootblacks. That same year, the city sold 105 acres of land on Terminal Island to the Navy for $1.

Three years later, the empty strand known as Brighton Beach had been transformed into the Long Beach Naval Shipyard. And the fortunes of the city's African-Americans had taken a permanent turn for the better.

Over the past 50 years, the Long Beach Naval Shipyard has evolved into the economic hub of the area's African-American community. From the day it opened in February 1943, the yard offered employment, security and advancement opportunities to African-American men and women.

Today, African-American workers account for 27 percent of the yard's 4,200 workers (an estimated 60 percent of all yard workers are members of minority groups). They range from apprentices launching their careers to key management personnel.

The Navy began employing African-Americans in its shipyards before World War II. Among those pioneering workers were retirees Luther Evans and Percy Daggs, both of Long Beach. Evans began his career in 1939 at the Charleston (S.C.) Naval Shipyard. Daggs, a St. Louis native, was hired in 1941 at the Pearl Harbor Naval Shipyard in Hawaii.

Both Daggs and Evans were working at Pearl Harbor on Dec. 7, 1941, when the Japanese attacked. They earned Navy commendations for their performance under fire and later worked to repair the shattered ships of the Pacific Fleet.

"I realized all of my opportunities with the Navy," said Daggs, who came to work at the Long Beach yard in 1944. "I was able to give my wife and five children a good life in Long Beach."

"I had a good career and success in Long Beach," said Evans, who came to the yard in 1949. He now shares his good fortune by doing volunteer work at the California Recreation Center and the Long Beach Senior Center.

During the war years, the yard hired thousands of African-Americans who had flocked to Long Beach from Texas, Arkansas, Oklahoma, Louisiana and other southern states. A willingness to work hard was the only criteria for employment.

The shipyard ran 'round the clock from 1943 to 1945 as 16,000 employees labored to repair ships that had been shattered at Pearl Harbor, Midway, the Coral Sea and other battles. African-American workers—who made up more than a quarter of that work force—helped to set performance records, including a one-month span during which 15 damaged ships were refitted.

After the war, the shipyard began giving hiring preference to veterans. The African-American vets who sought employment at the yard wanted more than just a job. They wanted careers.

During the war years, most African-American shipyard workers had been employed as laborers, janitors or in other menial tasks. After the war, black vets began pressing for skilled work and membership in labor unions.

Compton resident Roosevelt Langston recalled the reception he got at the shipyard in 1946. "I was among the many unwanted," he said. "And, like other blacks, the yard tried to steer me into a menial job."

Langston had served 38 months in the Pacific in the Army's all-black 76th Coast Artillery and had been trained in communications and electronics. He was offered a job pushing a broom.

It took Langston two years to fight his way into an apprentice program as a pipe coverer and insulator. But getting into his trade's union, Local 20 of the Heat, Frost and Asbestos Workers, proved impossible.

While the federal government offered a degree of job security to African-American workers, their working conditions still lagged behind those of white unionized workers. And the need for union representation became even clearer to African-American workers in 1949, when the shipyard was deactivated by the Navy (it remained closed until early 1951).

"When we closed down, most white workers got placed in private industry jobs by their unions," said Langston. "We had to stick with the Navy or be unemployed. I had to go clear up to the China Lake Naval Weapons Depot for another Navy job."

Langston's union and other yard units placed a number of hurdles in the way of prospective African-American members. Local 20, for example, required new members to pay a $300 initiation fee and to be sponsored by three members in good standing.

"When you found sponsors, they had to appear in person at the union meeting held to consider new applicants (such sessions were only held twice a year). If your sponsors didn't show up, which was often the case, you didn't get in."

While the vast majority of the shipyard's union units were integrated without incident, Local 20 refused to budge. In 1962, when it was finally ordered by the Navy to begin accepting African-Americans as members, the unit's leadership opted instead to stop representing yard employees.

"Advancement was always a slow process," said Compton resident Bernard Flemons, an Army veteran from Oklahoma who began working at the yard as a welder in June, 1945. "But, all in all, the yard offered tremendous opportunity for blacks. It offered a vast variety of jobs and chances for advancement."

By the time he retired in 1971, Flemons had advanced to a supervisor's job in supply.

J.B. Larkins, a veteran of the Air Force's Strategic Air Command, took a pass when he was steered into a laborer's job in 1956. He came back to the yard on his own terms in 1959 when he was finally offered the shipfitter's job he had applied for.

"We still have to fight for our rights," said Larkins. "But, compared to the private industry, the shipyard has always offered us unsurpassed opportunity."

Langston ultimately advanced during his career, attaining a management position in personnel. In the early 1960s, he also helped to found the Brotherhood Congress, an organization that paved the way for more African-American advancement.

"Management was frustrating us one by one, so we decided to organize," said Langston. "We also decided to go to the top."

Congress members began airing their concerns in monthly meetings with the yard's Navy commanders. In turn, those Naval officers began taking interest in employees' problems and ordered reviews and reforms. By 1971, the shipyard had established an Equal Opportunity Advisory Council. Today, that labor-management panel handles most employment issues at the yard.

The shipyard's importance to the African-American community didn't end with the World War II generation. Larkins, who today leads the Long Beach Naval Shipyard Employees Association, stresses that young African-Americans are still being offered opportunities at the yard.

The yard's outreach began in the early 1970's, when young African-Americans were recruited for summer work programs.

David Grayson of Long Beach signed on as a "summer aide" in 1971, after his graduation from Dorsey High School in Los Angeles.

"I liked the work and it got me interested in electronics," he said. "I stayed with the yard, working swing shifts, while I went to UCLA. The yard allowed me to support myself during college and I earned my electrical engineering degree in 1975."

Grayson was made a supervisor in 1980 and this year was promoted to general foreman of the shipyard's electricians.

"We don't have that summer youth program anymore," noted Grayson. "It was cut during the Reagan years. I hope President Clinton will bring it back so that other young people get the same chance that I enjoyed."

Isaac Burr, a Los Angeles Jefferson High grad who was hired on as an apprentice shipfitter in 1965, can also attest to the yard's opportunities. "This place gave me a chance, and I was able to make the most of it." said Burr. Today, he is the shipyard's project superintendent and its highest-ranking African-American employee.

Wanda Heard of Compton, a personnel specialist, said the shipyard remains committed to outreach in the African-American community. She noted that, over the years, officials and workers have participated in the Watts Summer Festival and a number of job fairs. African-American employees also stage an annual Black Heritage Dinner.

The Long Beach Naval Shipyard is also a co-sponsor of the new Compton Regional Job Training Center, a $6 million facility that opened Tuesday.

Given its huge impact on the African-American community, current and former shipyard employees fear that their hardwon gains may be lost amid the so-called "peace dividend."

"We African-Americans feel a sense of security at the shipyard and we've done a good job for the Navy and the country," said Larkins. "We don't deserve to be on the new list of proposed base closings (due to be released by the Pentagon on March 15)."

Roosevelt Langston summed up the potential impact of a shutdown. "Losing the shipyard would be very bad for the Long Beach area as a whole," he said "But for black communities in Long Beach and Compton it would be an economic disaster."

## NORTH AMERICAN FREE-TRADE AGREEMENT: FOOD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, at a hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness on February 18, concerns were raised that the North American Free-Trade Agreement will lead to an increase in the importation of fruits and vegetables from Mexico. Mexico's standards restricting the use of pesticides on food are different than ours, in some cases considerably weaker.

Two concerns were raised. First, the Mexican Government has no enforcement mechanism to ensure that Mexican growers comply with even the standards it has established. These standards are based on those set by the International Food Organization, and permit trace levels of DDT and other substances which are not permitted in our country.

Second, our Government does not have a sufficient number of inspectors at the United States-Mexico border nor the testing capability to ensure that fruits and vegetables coming into the United States comply with our country's pesticide standards. Testing procedures used by the Food and Drug Administration are able to detect only about half of possible pesticides used.

As a result, witnesses said the reality is that Mexican growers are able to use whatever pesticides they want on produce grown in that country. According to the General Accounting Office which was also represented at our hearing, the pesticide violation rate for Mexican fruits and vegetables is more than twice as high as for United States grown produce.

Furthermore, Mexico is known to have approved uses for 58 different pesticides on food that we have not approved. In addition Mexico permits 17 pesticides to be used on food that the United States has no approved use for at all.

Six of these seventeen pesticides are used on produce Mexico exports to the United States. Mexico claims that 10 of the pesticides for which there tolerances are different than our own are critical to its agricultural industry.

The North American Free-Trade Agreement [NAFTA] sets up a dispute settlement procedure which Mexico could use to challenge our stricter pesticide standards as being trade barriers. I am concerned because under the NAFTA procedures, the United States would have only one representative on a trinational panel to make a determination on a possible Mexican challenge.

A witness representing the Florida Fruit and Vegetable Association testified that pesticide differences constitute an unfair playing field that has more than just health consequences for the United States. It has job consequences. He estimated that NAFTA could cost the State of Florida alone 50,000 jobs in its agricultural sector.

Finally, if Australian meat can enter the United States as Canadian meat simply because it is transhipped through Canada, there is certainly reason to be concerned about the transhipment of fruits and vegetables from Central and South American countries through Mexico. Given the inadequacy of Mexico's pesticide enforcement capability, this concern is considerably heightened.

We then have to ask ourselves, as we did 2 years ago, should free trade mean that we restrict our Government's efforts and responsibility for protecting the health and safety of American citizens? The answer to this question must be, a resounding "no."

Free trade must be accompanied by sufficient guarantees that health and safety standards our country has established are not compromised. Until those guarantees are firmly put in place, the benefits of free trade must be postponed.

□ 1440

## REDUCE DEFICIT SPENDING BY INCREASING TAXES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I make my comments today to express my concern about the proposal to increase taxes as a way to reduce deficit spending.

I think it is, first, important that we ask ourselves: Why is reducing the deficit, why is it important that we reduce our overspending for the U.S. Government?

The fact is that our savings in this country are some of the lowest in the world. If you look at the Asian rim countries where Japan is saving 20 cents out of every dollar they earn, if you look at Korea, which saves about 35 cents out of every dollar they earn, guess what we in the United States save out of every dollar we earn: about 2 percent. That means that we have less money available not only to borrow for a college education or to buy a new car or a new home, but maybe, most importantly, it means that money is less available for business to invest in the new machinery and new equipment and the new technology that can increase our efficiency.

The United States now trails the rest of the industrialized world in terms of our rate of increase in productivity. Also, we trail the rest of the G-7 countries, the industrialized world, in terms of our investment in new machinery and new equipment and technology per worker. Now, that means that we are becoming less productive as compared to those other countries.

The capital, the savings that we have in this country is now being sucked up by a Federal Government whose spending is out of control. We have developed a credit card mentality where we are willing to borrow from future generations, from our kids and our grandkids, in order to satisfy the consumption spending that allows what many Congressmen, many politicians, think gets them reelected to office.

I say we cannot increase taxes, which are a form of savings, to pay for reduced spending at the Federal level which are also a negative form of savings, because it defeats part of the goals and part of the purpose of reducing the deficit, and that purpose is to make more money available for individuals to spend their money, their hard-earned money, I would add, the way they prefer, to have more money and capital available for business improvement and expansion so that we can have the economic recovery, so that we can regain the job growth that we have had in the past, and so that we can have a strong future for our kids and grandkids.

## DISCOVERY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD], is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, on Saturday, March 6, Guam celebrated Discovery Day. Ferdinand Magellan, Spain's famous explorer, landed on Guam on March 6, 1521, with a starving crew suffering from scurvy.

The Chamorros, the indigenous people of Guam, welcomed Magellan and his crew's arrival. The Chamorros replenished Magellan's water supply. The Chamorros stocked Magellan's ships with fresh fruits and other foods and the Chamorros extended great hospitality to Spain's explorer, who later became memorialized as the first European to circumnavigate the Earth.

During the 1500's the Chamorros were known for their expert craftsmanship in building canoes. Consequently, the Chamorros were curious about Magellan's skiffs.

Historians are not clear what caused the ensuing event, but somehow Magellan's crew believed that the Chamorros were stealing their skiff. More than likely, the Chamorro people were simply expecting reciprocity for the hospitality they extended to the intruders on the shores of Guam.

Magellan landed a crew to allegedly punish the people, and the crew burned between 40 to 50 houses, destroyed several Chamorro boats and killed 7 Chamorro men. And then they left.

It seems ironic that Guam would celebrate a day which actually led to death and destruction on the island, and it seems ironic that Guam would celebrate a day alleging its discovery, when in fact, Guam was not a desolate island; it was a populated island, with organized societal structures with a full and robust civilization.

The commemoration of Magellan's visit is now ironically merged with the celebration of Guam's native culture. Last week and this week, Guam is celebrating Chamorro Week during which schools, businesses, and community organizations take the time to reflect upon the meaning, the spirit, and the survival of the Chamorro people. As one of the originators of the celebration in Guam schools, I take great pride in acknowledging the spirit of self-renewal and self-discovery which Guam is currently undergoing.

I also must take note of the historical disaster which befell the Chamorro people of Guam as a result of contact with the Europeans. In the century after Magellan, Spanish missionaries decided to settle the Mariana Islands. As a result of this decision, war and disease reduced the native population by an estimated 90 percent. Miraculously, the people survived so that their descendants, I among them, can proudly say "we survived."

A great Chamorro leader of the 17th century saw the meaning of colonialism and the physical, as well as mental, consequences of domination. Hurau is commemorated in history as having made a speech to his warriors. I want his speech to be inserted in the RECORD so that his generation of Chamorros can be remembered for their heroism, and so that future generations of Chamorros will be reminded of this heroism, and so that all Americans will become knowledgeable of the history and trials of a great people.

### HURAU SPEECH TO HIS WARRIORS

The Europeans would have done better to remain in their own country. We have no need of their help to live happily. Satisfied with what our islands furnish us, we desire nothing else. The knowledge which they have given us has only increased our needs and stimulated our desires. They find it evil that we do not dress. If that were necessary, nature would have provided. They treat us as gross people and regard us as barbarians. But do we have to believe them? Under the pretext of instructing us they are corrupting us. They take away from us the primitive simplicity in which we live. They dare to take away our liberty which should be dearer to us than life itself. They try to persuade us that we will be happier and some of us have been blinded into believing their words. But can we have such sentiments if we reflect that we have been covered with misery and maladies ever since these foreigners have come to disturb our peace? Before they arrived on the island we did not know insects. Did we know rats, flies, mosquitoes and all the other little animals which constantly torment us? These are the beautiful presents they have made to us. And what have their floating machines brought us? Formerly we did not have rheumatism and inflamations. If we had sicknesses we had remedies for them. But they have brought us their diseases but do not teach us the remedies. Is it necessary that our cupidity and evil desires make us want to have iron and other bagatelles which only render is unhappy? The Spaniards reproach us because of our poverty, ignorance and lack of industry. But if we are poor, as they claim, then what do they search for here? If they didn't have need of us, they would not expose themselves to so many perils and make such great efforts to establish themselves in our midst. For what purpose do they teach us except to make us adopt their customs and subject ourselves to their laws and lose the precious liberty left to us by our ancestors? In a word they try to make us unhappy in the hope of an ephemereal happiness which can be enjoyed only after death.

They treat our history as fables and fictions. Haven't we the same right concerning that which they teach us as incontestable truths? They abuse our simplicity and good faith. All their skill is directed towards tricking us; all their knowledge tends only to make us unhappy. If we are ignorant and blind, as they would have us believe, it is because we have learned their evil plans too late and have allowed them to settle here. Let us not lose courage in the presence of our misfortune. They are only a handful. We can easily defeat them. Even though we don't have their deadly weapons which spread destruction all over, we can overcome them by our number. We are stronger than we think and we can quickly free ourselves from these foreigners and regain our former freedom.

I take the opportunity to bring this historical background to the House in order to provide the basis of understanding for a very important piece of legislation, which will be introduced this month, the Commonwealth bill for Guam.

After four centuries of colonial rule, Spanish, American, and Japanese, the people of Guam are entering a new world of self-discovery.

Discovery by others is not nearly as important as discovery of one's self.

Definition by others is meaningless if you cannot initially define yourself.

Determination of your future pales in significance to self-determination.

Guam, in full partnership with the United States, and in strong desire to remain an integral part of the United States, is now undergoing a process of self-discovery, self-definition, and self-determination.

This process will eventually wind its way through this body and call upon each and everyone of us to, not only treat with respect the experiences of the people of Guam, but to fully apply the best principles of democracy and fair play which makes America the great Nation that she is.

In the coming weeks, I will explain in greater detail the Guam proposal for Commonwealth, their proposal for partnership, the proposal for justice, democracy, and fair play for a unique, but important, part of the American family.

In conclusion, I must believe that Guam celebrates Discovery Day to recognize our rich culture, to understand our true history, which will enable us to understand how we are perceived, to articulate our true history so that we, along with the United States, in this New World order era, can redefine, yet maintain, our strong relationship, yet allow Guam to have a greater voice in how Guam is governed.

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## TRANSPORTATION OF PRODUCE ACT EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan [Miss COLLINS] is recognized for 5 minutes.

Miss COLLINS of Michigan. Mr. Speaker, I rise to provide a complete explanation of the legislation I introduced this afternoon, the Transportation of Produce [TOP] Act. I introduced this bill for several reasons: to feed undernourished and hungry Americans without undermining the objectives of USDA farm surplus removal programs, to create badly needed jobs, and to open a dialog on an underutilized budget account under the administrative control of the U.S. Department of Agriculture.

My initial interest in this bill arose when I discovered that there are fresh market produce commodities which are often destroyed or not harvested because the produce does not meet the minimum size, grade, or other specifications required under various Government-sanctioned marketing orders. These orders are developed and approved by grower committees to effectuate orderly marketing of specified fresh fruits, vegetables, and other horticultural crops grown in certain regions of the country. Although marketing orders help growers make a profit on their commodity, and are intended to achieve other beneficial objectives, they can also lead to the waste of some of our agricultural bounty. For example, last year under the California tree fruit agreement, it was estimated that 5 million pounds of peaches and nectarines did not meet market order size standards. The market order prohibited the selling of this fruit on the fresh markets, even though the fruit was perfect in every way except for its size.

Some of this fruit was in fact used—for example, the marketing order permits it to be processed into dried or canned goods at plants—for which growers are paid a much lower price than they would be for fruit bound for the fresh market. Often, these growers find it more economical to simply leave it on the trees, or on the ground. Since there are Federal marketing orders for 43 commodities such as potatoes, onions, and table grapes, try to imagine the amounts of produce that are going to waste. This is truly shameful as each month more than 20 million Americans rely on food banks and soup kitchens.

Growers are permitted under the orders to donate this excess fruit to local food distribution sites such as food banks, soup kitchens, and homeless shelters, and some do. There are currently no restrictions on growers for donating food, nor should there ever be a need for such restrictions. Growers decide on the marketing order, and growers decide who will receive their excess commodity. Under my bill, none of these factors will change. My bill will simply ensure that food which growers wish to donate, but are unable to because they lack the funds, workers, transportation, or other resources, can have their produce harvested, collected, and delivered to a food distribution site, using section 32 money, which is explained below.

Under my bill, the Department of Agriculture would be required to expend for TOP at least 25 percent of the so-called section 32 contingency fund [CF]. This CF is a discretionary pot of USDA-controlled money for making emergency purchases of surplus commodities during the course of the fiscal year. USDA can carry over up to $300 million from one fiscal year to the next in unused section 32 moneys, and much of this ends up in the CF.

As an example, here is how the contingency fund was determined—and how much of it was spent for emergency surplus purchases—for fiscal year 1991: at the start of the year, the entire section 32 account had about $5.453 billion at its disposal; this represented the equivalent of 30 percent of prior-year customs receipts, plus more than $300 million in unobligated or recovered funds from the prior year.

Of this $5.453 billion, $71 million was transferred to the Commerce Department for fisheries-related activities—Federal law requires this transfer, which is based on 30 percent of the revenue earned from fish product imports. Another $14 million went to USDA's Agricultural Marketing Service for administrative expenses associated with its direct food purchasing services and its oversight of Federal marketing orders. Another $351 million was set aside for direct commodity purchases mandated by the National School Lunch Act. Finally, about $4.7 billion was transferred directly to the cash account of the child nutrition programs run by USDA's Food and Nutrition Service. That left approximately $316 million for USDA to spend during the course of the fiscal year for emergency surplus commodity purchases. It actually spent about $54 million for such emergency purchases, leaving an unobligated CF at the end of fiscal 1991 of $262 million.

My research shows that over the past 11 years, an unobligated, carryover, balance averaging $186 million existed at the start of each fiscal year. This is in effect, the so-called section 32 CF. Out of this total, an average of only about $55 million was expended for emergency buys over the course of the years. This still left $130 million for other buys. Twenty-five percent of this total, the amount my bill would require USDA to spend, would have averaged about $32 million annually for the TOP Program. This would still have left an average of nearly $100 million in the section 32 contingency fund at years' end.

I understand that there will be some hesitancy on the part of the Department of Agriculture, and on the part of the subcommittee on Rural Development, Agriculture and Related Agencies under the Appropriations Committee to utilize this fund. The fund has always been jealously guarded by agricultural commodity groups who have come to rely on it for emergency surplus purchases over the course of a given year. I understand their hesitancy, but in the name of fiscal responsibility, in the name of jobs, and in the name of millions of undernourished and hungry Americans, this Congress must use all resources available to the Nation. The section 32 contingency fund is an emergency fund. I believe that 30 million hungry Americans can be called a national emergency, and I believe that the matter in which the proposed allocations would be used is consistent with the purpose of the contingency fund. It will benefit the agricultural producers because it will be encouraging the domestic consumption of farm products by diverting surpluses from normal channels and expanding that use by low-income groups—an explicit purpose of the section 32 authorizing legislation. I believe Congress should mandate the use of this fund for the purposes of this act.

There has been discussion about eliminating the marketing order system. However, I do not believe that Congress will be able to reach a consensus on ending marketing orders. The reason for this is that marketing orders are agreed to be growers of any particular commodity. The selection of the specifications of the marketing order must in general be agreed upon by two-thirds of growers of a commodity. By decreasing the amount of produce introduced into the primary market, the cost of the produce is increased which increases profits for growers. For this reason, I do not oppose marketing orders, I only oppose the waste of an abundant and nutritious food source.

Mr. Speaker, I believe that my bill is good policy, with low implementation and administrative costs. Precedent exists for the types of contracts which would be established by the Secretaries of Agriculture and Transportation, and for nonprofit and other private sector participation.

In closing, this plan is very simple. It will prevent the waste of tons of unused produce, it will create many jobs in the transportation industry, and it will feed numerous undernourished and hungry Americans. The Federal Government will only act as a facilitator, with a minimum of interaction with the day-to-day operations of the Transport of Produce [TOP] Program. The benefits of this act far outweigh any gain in protecting the sanctity of the contingency fund, and I urge my colleagues to consider this as they judge the value inherent in this bill.

As the numbers published following this statement in the contingency fund analysis demonstrate, the lowest amount in the CF surplus (in 1985) was approximately $37 million. Twenty-five percent of this amount is about $9 million. In 1985, that would have meant an estimated $9 million would have been spent to feed Americans and put them to work. Even after spending these funds, over $27 million would have remained at year's end in the contingency fund. In 1992, $159 million remained in the CF, after all surplus farm purchases were made. That would have meant that nearly $40 million would have been spent to feed the hungry and create jobs. In 1992, nearly $120 million still would have remained in the contingency fund at year's end.

Allowing this money to sit, unused, in this contingency fund is simply abominable. We have food going to waste while there are mouths to feed, and while there is a dire need to create jobs. We have the resources to accomplish this goal. My bill takes all of these factors into account. I urge my colleagues to support this legislation.

USDA CONTINGENCY FUND [CF] SURPLUS—1983–93

[In thousands of dollars]

| | CF[1] | CF— | | 25 percent of CF surplus | CF funds remaining |
|---|---|---|---|---|---|
| | | Spent[2] | Surplus | | |
| Year: | | | | | |
| 1983 | $281,701 | $75,437 | $206,264 | $51,566 | $154,698 |
| 1984 | 185,355 | 99,191 | 86,169 | 21,692.25 | 64,476.75 |
| 1985 | 95,218 | 58,111 | 37,107 | 9,276.75 | 27,830.25 |
| 1986 | 178,830 | 44,122 | 134,708 | 33,677 | 101,031 |
| 1987 | 158,931 | 12,054 | 146,877 | 36,719.25 | 110,157.75 |
| 1988 | 221,589 | 98,325 | 123,264 | 30,816 | 92,448 |
| 1989 | 116,868 | 7,359 | 109,509 | 27,377 | 82,132 |
| 1990 | 132,717 | 26,474 | 106,243 | 26,560.75 | 79,682.25 |
| 1991 | 294,168 | 54,284 | 239,884 | 59,971 | 179,913 |
| 1992 | 262,430 | 102,928 | 159,502 | 39,875.5 | 119,626.5 |
| 1993 (estimate) | 120,787 | 24,100 | 96,687 | 24,171.75 | 72,515.25 |
| Average | 186,235.8 | 54,762.30 | 131,474 | 32,882.1 | 98,591.88 |

[1] Represents unobligated sec. 32 balance at start of year.

[2] Represents funds spent for emergency surplus removal.

Definition: Sec. 32 funding is a permanent appropriation, equivalent to 30 percent of U.S. customs receipts, authorized under sec. 32 of the act of August 24, 1935 (Public Law 74–320). The CF portion of sec. 32 is determined annually based upon funds remaining after USDA determines its other allocations for sec. 32 dollars. By law, up to $300,000,000 of the prior year's unexpended funds can be carried over to the next year, and used for the CF.

Findings: The average annual USDA sec. 32 unobligated balance (in effect, the CF) for the past 11 years is approximately $186,000,000. The average amount spent annually over the past 10 years from the CF for emergency farm surplus removals and other purposes is approximately $55,000,000. The average amount in the annual CF "surplus" is $131,000,000. The average amount that would be spent on the TOP Program annually would be approximately $32,000,000. This would still leave an annual average of nearly $100,000,000 in the emergency contingency fund, after the TOP Program is funded.

□ 1450

## PROTECTIVE SAFER MEDICAL DEVICES

The SPEAKER pro tempore (Mr. KLINK). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, neither you nor I know the incredible horror affiliated with an accidental needlestick. Melissa Campbell of San Francisco, however, did know firsthand. Five and a half years ago, while working as a nurse in the AIDS unit of a hospital, she gave a patient an injection, crossed her hands while removing the needle and jabbed herself. Melissa Campbell died in November 1992 from AIDS.

It is essential that health care workers like Melissa Campbell be protected. Her suffering could have been prevented with the use of protective medical devices in the workplace. Representative RANGEL and I are today reintroducing a bill designed to provide a safer workplace for health care personnel.

This bill would put the most valuable protective tool into the hands of frontline health care workers and health care administrators—information. This bill requires the Commissioner of the Food and Drug Administration to devise safety performance standards and to annually update these standards with attention to how the devices currently on the market measure up. It is expected that the Commissioner would look to experts in the field when developing these performance standards. This information will support the work of union representatives, hospital administrators, and others who have the goal of incorporating the safest technologies available.

The bill will also use the Tax Code to make it economical for health facilities to use safer needle devices. The tax provision will not take effect until 1997 so as to give manufacturers, marketers, and health care facilities time to develop the most reliable, low-cost, mass-produced safe needles possible. Using the Tax Code to place a temporary excise tax on unsafe needles bought by health care providers will ensure that there is a future mass market for safer needles, and this mass market will in turn result in manufacturing economies of scale that should greatly reduce the price of safer needles. Individual purchasers, such as insulin-using diabetics, would not pay any extra.

### THE PROBLEM

Health care workers have long been aware of the risk of on-the-job exposure to infectious diseases. However, with AIDS, hepatitis B, and drug-resistant tuberculosis increasing, the workplace can be deadly without proper safeguards. For these caregivers, a split second prick from a hypodermic needle can mean a year of unmeasurable fear while they wait to see if they become infected with a disease which may end in chronic debilitation or death.

The protection of health care workers from the hazard of needlesticks has been tragically neglected. Today alone, more than 2,100 health care workers will have sustained preventable needlesticks, and 44 of them will plunge needlessly into crisis and uncertainty as they begin their wait for HIV or hepatitis test results.

Current estimates are that 800,000 accidental needlesticks occur each year. Over 50 percent of these are caused by unnecessary needles, that is, needles used to access intravenous equipment. In a recent report, a University of California at San Francisco professor disclosed that 22 percent of medical students and 15 percent of dental students were accidentally exposed to blood last year. Approximately 15 percent of all nurses receive accidental needlesticks each year and in one hospital 8 percent of all employees sustain a needle injury in 1 year.

### ACCIDENTS CAN BE REDUCED

Experts estimate that half of needlestick injuries could be eliminated with the use of improved devices which minimize exposure to contaminated needles. Many new products have been introduced into the market that attempt to make devices with needles safer. Self-sheathing hypodermic needles and catheter connections are available but are not yet in widespread use due to a higher price for safer devices as compared to conventional needles.

In a study conducted by the New York State Department of Health in 1991, after implementation of devices using safer technologies, the number of sharps-related injuries decreased 30.8 percent and IV-related injuries decreased 75 to 93 percent. Data gathered by Dr. Hanine Jagger, and others, at the University of Virginia suggest that "88 percent of needlesticks could potentially be eliminated by product redesign or substitution."

### THE COST DIFFERENTIAL

Many health care facilities have not adopted this equipment due to the cost involved. As an example, for a hospital to transition to a needleless IV system can cost as much as $10,000 for each 100 beds. Currently, IV systems with safety devices can cost as much as 2.5 to 6.5 times the current market rate for devices without safety features.

What may not be apparent to health care facility administrators is that the cost of one needlestick resulting in HIV infection exceeds the average cost of converting one hospital to a needleless system. For example, the estimated average cost of treating just 1 person with AIDS is $102,000 while the cost of converting an average 300-bed hospital to a safer device is only $31,000. As product designs improve, and as incorporation of these technologies becomes more widespread, the savings to life and ledger will increase as well.

As to non-IV system needle devices, which are often referred to as "sharps," much progress can also be made. Presently, the annual cost of producing one safer "sharp" device is approximately 90 cents per needle. However, with mass production, manufacturers estimate the production costs of this safer needle device to drop to just 14 cents. This bill will encourage just such low-cost production.

Regardless of the cost differential, this is a safety step which should be taken. As K. Seifert, director of sales, BioPlexus, Inc., stated in his testimony before the Subcommittee on Regulation, Business Opportunities, and Energy, on February 7, 1992, "In any other high risk occupation, no one would be asked to justify the cost of safety goggles compared to losing an eye. The risk from a needlestick is not to sight but to life."

### CONCLUSION

Mr. Speaker, this is a tax bill, but I expect—I hope—it will never raise a dime. Its purpose is to signal to the marketplace that a change is needed to save lives by eliminating unsafe devices in an area where we know how to do better. Passing this bill in 1993 could ensure that by the beginning of 1997, health care professionals would be free from the fear of contracting deadly diseases through accidental needlesticks.

### H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by inserting after subchapter D the following new subchapter:

"Subchapter E—Certain Medical Items

"Sec. 4491. Imposition of tax.
"Sec. 4492. Definitions and special rules.

**"SEC. 4491. IMPOSITION OF TAX.**

"(a) GENERAL RULE.—There is hereby imposed on the taxable sale of any taxable medical item a tax of 10 cents per item.

"(b) TERMINATION.—No tax shall be imposed by this section on any sale after December 31, 1999.

**"SEC. 4492. DEFINITIONS AND SPECIAL RULES.**

"(a) TAXABLE MEDICAL ITEM.—For purposes of this subchapter—

"(1) IN GENERAL.—The term "taxable medical item' means any item—

"(A) which is—

"(i) a syringe, or

"(ii) an item which is designed to be part of an intravenous system and to which a standard prescribed under paragraph (2) applies,

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing, and

"(C) which does not meet the applicable standard prescribed under paragraph (2).

"(2) ANTINEEDLESTICK PREVENTION STANDARDS.—Not later than the date 1 year after the date of the enactment of this section, the Commissioner of the Food and Drug Administration shall prescribe safety performance standards for syringes, and such components of intravenous systems as such Commissioner deems appropriate, for purposes of preventing accidental needlestick injuries to health care providers. Not less frequently than annually, such Commissioner shall review such standards and make such revisions as such Commissioner may deem appropriate. Before prescribing any such standards or making any revisions of such standards, such Commissioner shall consult with appropriate private sector experts.

"(3) EXEMPTIONS.—The Commissioner of the Food and Drug Administration may by regulation provide for such exemptions from the tax imposed by section 4491 as such Commissioner may deem appropriate.

"(b) TAXABLE SALE.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'taxable sale' means any sale of a taxable medical item to a health care provider for use in the United States in providing health care services, but only if such sale is the first sale to such a provider for such use after manufacture, production, or importation.

"(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity (including a governmental entity) which provides services covered under the insurance program established by title XVIII of the Social Security Act and which has a provider number issued pursuant to such program.

"(c) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(2) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to the tax imposed by section 4491."

(b) The table of subchapters for chapter 36 of such Code is amended by inserting after the item relating to subchapter D the following new item:

"Subchapter E. Certain medical items."

(c) The amendments made by this section shall apply to sales after December 31, 1996.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. CUNNINGHAM (at the request of Mr. MICHEL) for today, on account of family illness.

Mr. MCDADE (at the request of Mr. MICHEL) for today and the balance of the week on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. DICKEY) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at the request of Miss COLLINS of Michigan) to revise and extend their remarks and include extraneous material:)

Miss COLLINS of Michigan, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. UNDERWOOD, for 15 minutes each day, on March 10, 11, and 12.

Mr. CONYERS, for 60 minutes each day, on March 9, 10, 11, 12, 15, 16, 17, 23, 24, 25, 26, 29, 30, and 31.

Mr. SKELTON, for 60 minutes, on March 12.

Mr. POSHARD, for 60 minutes each day, on March 16 and 17.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DICKEY) and to include extraneous matter:)

Mr. SCHAEFER.

Mrs. MORELLA.

Mr. GILMAN.

Ms. SNOWE.

(The following Members (at the request of Miss COLLINS of Michigan) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. KREIDLER.

Mr. STARK in three instances.

Mr. MAZZOLI.

Mrs. SCHROEDER.

Mr. TOWNS.

Mr. LEVIN.

Mr. KLECZKA.

Mr. SANDERS.

Mr. GLICKMAN.

Mrs. MALONEY.

Mr. MATSUI in two instances.

## ADJOURNMENT

Mr. HORN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 10, 1993, at 1 o'clock p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

865. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

866. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled, "Omnibus Nuclear Power Safety and Security Enhancement Act of 1993"; jointly, to the Committees on Energy and Commerce, Natural Resources, and the Judiciary.

867. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, Fiscal Year 1992, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 119. Resolution providing for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes (Rept. 103–27). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; with an amendment (Rept. 103–28). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 1248. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. BARTLETT (for himself, Mr. ARMEY, Mr. BLUTE, Mr. BONILLA, Mr. BUYER, Mr. COX, Mr. DIAZ-BALART, Mr. DORNAN, Mr. EMERSON, Mr. EVERETT, Mr. GILCHREST, Mr. GINGRICH, Mr. GREENWOOD, Mr. HOKE, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. MCKEON, Mrs. MORELLA, Mr. POMBO, Mr. QUINN, Mr. HASTINGS, and Mrs. MALONEY):

H.R. 1249. A bill to permit Members of the House of Representatives to use their unspent official allowances for college scholarships for residents of their congressional districts and for reduction of the national debt; to the Committee on House Administration.

By Mr. TAYLOR of Mississippi (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, Mr. BATEMAN, and Mr. TAUZIN):

H.R. 1250. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BARTLETT (for himself, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BALLENGER, Mr. BLILEY, Mr. BLUTE, Mr. CANADY, Mr. CASTLE, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EMERSON, Mr. EVERETT, Mrs. FOWLER, Mr. GILCHREST, Mr. GINGRICH, Mr. GOODLATTE, Mr. GRAMS, Mr. GREENWOOD, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. ISTOOK, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MANZULLO, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MCMILLAN, Mr. MICA, Ms. MOLINARI, Mr. POMBO, Ms. PRYCE of Ohio, Mr. QUINN, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SHAYS, Mr. SMITH of Michigan, Mr. SPENCE, Mr. THOMAS of California, Mr. TORKILDSEN, Mr. WELDON, Mr. BROWN of Ohio, Ms. ENGLISH of Arizona, Mr. GENE GREEN, Mr. HASTINGS, Mr. MINGE, and Mr. PENNY):

H.R. 1251. A bill to permit Members of the House of Representatives to use their unspent official allowances for reduction of the national debt; to the Committee on House Administration.

By Mr. BUNNING:

H.R. 1252. A bill to repeal title X of the Congressional Budget and Impoundment Control Act of 1974; jointly, to the Committees on Government Operations and Rules.

H.R. 1253. A bill to give the President line-item veto rescission authority over appropriation bills; jointly, to the Committees on Government Operations and Rules.

By Miss COLLINS of Michigan (for herself, Mr. STOKES, Mr. HASTINGS, Ms.

Norton, Mrs. Maloney, Mr. Blackwell, Mr. Wheat, Mr. Conyers, Mrs. Collins of Illinois, Ms. Waters, and Mr. Clyburn):

H.R. 1254. A bill to encourage and assist producers, processors, and other handlers of agricultural commodities to donate edible, but unmarketable, agricultural commodities to food banks, soup kitchens, and homeless shelters, to the Committee on Agriculture.

By Mr. STARK (for himself, Mr. Levin, Mr. McDermott, and Mr. Cardin):

H.R. 1255. A bill to amend title XI of the Social Security Act to extend the penalties for fraud and abuse assessed against providers under the medicare program and State health care programs to providers under all health care plans, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FRANKS of Connecticut:

H.R. 1256. A bill to amend the Internal Revenue Code of 1986 to require State unemployment insurance laws to establish a system under which workers may purchase insurance to cover the costs of health insurance during periods of unemployment; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. Gonzalez):

H.R. 1257. A bill to reconstitute the Federal Insurance Administration as an independent agency within the executive branch, provide for minimum standards applicable to foreign insurers and reinsurers providing insurance in the United States, make liquidity assistance available to well-capitalized insurance companies, and provide for public access to information regarding the availability of insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KLECZKA:

H.R. 1258. A bill to amend the Trust Indenture Act of 1939 to require that indentures prohibit corporate acquisitions or reorganizations unless the successor corporation assumes the responsibility to make payments under the indenture; to the Committee on Energy and Commerce.

By Mr. LANTOS:

H.R. 1259. A bill to provide for the economic conversion and diversification of industries in the defense industrial base of the United States that are adversely affected by significant reductions in spending for national defense; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, Small Business, Foreign Affairs, and Public Works and Transportation.

By Mr. LEWIS of Florida (for himself, Mr. Rohrabacher, Mr. Royce, Mr. Blute, Mr. Calvert, Mr. Bartlett, and Mr. Grams):

H.R. 1260. A bill to provide for the establishment of a joint aeronautical research and development program between the National Aeronautics and Space Administration and the Department of Defense, and for other purposes; jointly, to the Committees on Armed Services and Science, Space, and Technology.

By Mr. MACHTLEY:

H.R. 1261. A bill to prohibit any type of class III gaming on Indian lands within a State except for the type of class III gaming specifically allowed by that State; to the Committee on Natural Resources.

By Mr. MANTON (for himself and Mr. Ackerman):

H.R. 1262. A bill to require explosive materials to contain taggants which enable law enforcement authorities to trace the source of the explosive material, whether before or after detonation; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 1263. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to determine whether individuals entitled to benefits under the Medicare Program meet the requirements for status as qualified Medicare beneficiaries under the Medicaid Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. MINK:

H.R. 1264. A bill to amend section 203 of the National Housing Act to reduce the minimum downpayment required for a mortgage on a 1- to 4-family residence located in Alaska, Guam, Hawaii, or the Virgin Islands to be eligible for mortgage insurance under such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PORTER:

H.R. 1265. A bill to provide for special immigrant status for certain aliens working as journalists in Hong Kong; to the Committee on the Judiciary.

By Mr. RAVENEL:

H.R. 1266. A bill to provide permanent duty-free treatment for certain menthol feedstocks; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 1267. A bill to grant state status to Indian tribes for purposes of enforcement of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself and Ms. English of Arizona):

H.R. 1268. A bill to assist the development of tribal judicial systems, and for other purposes; to the Committee on Natural Resources.

By Ms. SNOWE:

H.R. 1269. A bill to establish a comprehensive recovery program for communities, businesses, and workers adversely affected by the closure or realignment of military installations; jointly, to the Committees on Armed Services, Energy and Commerce, Ways and Means, Government Operations, Education and Labor, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. ZIMMER:

H.R. 1270. A bill to amend title 11 of the United States Code to make non-dischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such acts; and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. Tanner, Mr. Clement, Mr. Gejdenson, Mr. McCloskey, Mr. Peterson of Minnesota, Mr. Studds, Mr. Fingerhut, and Ms. Kaptur):

H.J. Res. 137. Joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the General Accounting Office's study of the economic impacts of the order on residential, commercial, and other end-users of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.J. Res. 138. Joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD (for herself and Mr. Fish):

H.J. Res. 139. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.J. Res. 140. Joint resolution designating the first week of October 1993 as "National Safe Place Week"; to the Committee on Post Office and Civil Service.

By Mr. McDERMOTT:

H.J. Res. 141. Joint resolution declaring October as Filipino American History Month; to the Committee on Post Office and Civil Service.

By Mr. SAXTON (for himself, Mr. Ravenel, Mr. Lazio, and Mr. Hyde):

H.J. Res. 142. Joint resolution designating the month of August as "National Lighthouse Month"; to the Committee on Post Office and Civil Service.

By Mr. BILIRAKIS (for himself, Mr Rahall, Mr. Zimmer, Mr. Johnson of South Dakota, Mr. King, Mr. Emerson, Mr. McCandless, Mr. Lightfoot, and Mr. Doolittle):

H. Res. 120. Resolution expressing the sense of the House of Representatives against the enactment of any reduction or delay in cost-of-living adjustments for beneficiaries under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself and Mr. Emerson):

H. Res. 121. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Mr. KING:

H. Res. 122. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: Memorial of the House of Representatives of the State of South Carolina, relative to base closure; to the Committee on Armed Services.

54. Also, memorial of the Senate of the State of West Virginia, relative to desecration of the flag; to the Committee on the Judiciary.

55. Also, memorial of the General Assembly of the State of South Carolina, relative to organ and tissue donation programs; to the Committee on Post Office and Civil Service.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BILBRAY introducted a bill (H.R. 1271) for the relief of Peter J. Montagnoli; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Miss COLLINS of Michigan, Mr. BACCHUS of Florida, Mr. FILNER, Mr. SKAGGS, Mrs. UNSOELD, Mr. SCHAEFER, Mr. LANTOS, Mr. HAMBURG, Mr. FINGERHUT, and Mr. JOHNSTON of Florida.

H.R. 26: Mr. CARDIN, Mr. GREENWOOD, Mr. LANTOS, Mr. NADLER, and Mr. RUSH.

H.R. 28: Mr. BILIRAKIS.

H.R. 94: Mr. SANDERS, Mr. RAMSTAD, and Mr. HYDE.

H.R. 97: Mr. FRANK of Massachusetts, Mr. YATES, Mrs. SCHROEDER, Mr. FILNER, Mr. JEFFERSON, Mr. FALEOMAVAEGA, Mr. FROST, and Mr. EVANS.

H.R. 109: Mr. LAZIO and Mr. TORRICELLI.

H.R. 118: Mr. RICHARDSON.

H.R. 138: Mr. HANSEN, Mr. SKEEN, Mr. BONILLA, and Mr. ARMEY.

H.R. 159: Mr. COLLINS of Georgia, Mr. MANZULLO, Ms. MOLINARI, and Ms. ROS-LEHTINEN.

H.R. 170: Mr. BAKER of Louisiana and Mr. GALLEGLY.

H.R. 171: Mr. BREWSTER, Mr. LIVINGSTON, and Mr. BOEHNER.

H.R. 224: Mr. FOGLIETTA, Mr. LANTOS, Mr. ENGEL, Mr. HAMBURG, Mr. SWIFT, Mr. JEFFERSON, and Ms. DANNER.

H.R. 266: Mr. SCOTT, Mr. KOPETSKI, Miss COLLINS of Michigan, and Mr. STRICKLAND.

H.R. 322: Mr. MURPHY, Mr. DEFAZIO, Mr. GORDON, Mr. PORTER, Mr. BARLOW, and Mr. MCCLOSKEY.

H.R. 356: Mr. JACOBS.

H.R. 424: Mr. OBERSTAR and Mr. HOLDEN.

H.R. 467: Mr. TOWNS, Mrs. MINK, Mr. BERMAN, Mr. OLVER, Mr. MCHALE, Ms. MOLINARI, and Mr. WASHINGTON.

H.R. 470: Ms. BYRNE.

H.R. 471: Ms. BYRNE.

H.R. 509: Mr. BOEHNER.

H.R. 513: Mr. MCKEON, Mr. STRICKLAND, Mr. FIELDS of Texas, Mr. MICA, Mr. VALENTINE, and Mr. GILLMOR.

H.R. 522: Mr. RANGEL, Mrs. E.B. JOHNSON, Mr. CLAY, Mr. RUSH, and Mr. EVANS.

H.R. 556: Mr. KLEIN.

H.R. 571: Mr. TOWNS.

H.R. 578: Mr. GLICKMAN and Ms. MEEK.

H.R. 658: Mr. CARR.

H.R. 749: Mr. KOLBE and Mr. REED.

H.R. 772: Mr. PARKER, Mrs. FOWLER, and Mr. MACHTLEY.

H.R. 773: Mr. THOMAS of Wyoming, Mrs. MEEK, Mr. WYNN, Mrs. BENTLEY, Mr. SANGMEISTER, Mr. KYL, Mr. PARKER, Mr. GOSS, Mr. ZIMMER, Mr. GUNDERSON, Mr. SMITH of New Jersey, Mr. LAZIO, Mr. ARMEY, and Ms. MOLINARI.

H.R. 786: Mrs. MALONEY.

H.R. 790: Mr. MINGE, Mr. JACOBS, Mr. HAMBURG, and Mrs. MORELLA.

H.R. 794: Mr. GILCHREST, Mr. GILMAN, Mr. TRAFICANT, Mr. RIDGE, Mr. WALSH, and Mr. PICKLE.

H.R. 801: Mr. GILMAN.

H.R. 830: Mr. DREIER.

H.R. 857: Mr. ARMEY.

H.R. 874: Ms. BYRNE.

H.R. 882: Mr. KYL.

H.R. 887: Mr. STEARNS.

H.R. 929: Ms. SNOWE, Mr. MINGE, Mr. BUNNING, and Mr. HANCOCK.

H.R. 947: Mr. CHAPMAN, Mr. COLLINS of Georgia, and Mr. ROMERO-BARCELÓ.

H.R. 963: Mr. MCCLOSKEY and Mr. BLILEY.

H.R. 999: Mr. REED, Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. SANTORUM, Mr. JACOBS, Mr. CRANE, Mr. BAKER of Louisiana, Mr. BEREUTER, Mr. ROHRABACHER, Mr. FAWELL, Mr. THOMAS of Wyoming, and Mr. VENTO.

H.R. 1009: Mr. WASHINGTON, Mr. JACOBS, and Mr. PARKER.

H.R. 1026: Mr. GREENWOOD, Mr. SMITH of New Jersey, Mr. DICKEY, Mr. ARMEY, Mr. BALLENGER, Mr. BAKER of California, and Mr. KINGSTON.

H.R. 1032: Mr. RIDGE.

H.R. 1035: Mr. LAZIO and Mr. LEVY.

H.R. 1036: Mr. KILDEE, Mr. ENGEL, Mr. ANDREWS of New Jersey, Mrs. MINK, and Mr. STRICKLAND.

H.R. 1051: Mr. CLYBURN.

H.R. 1112: Mr. MORAN and Mr. LAFALCE.

H.R. 1131: Mr. ALLARD, Mr. MCMILLAN, Mr. LEVY, Mr. GOODLATTE, and Mr. MACHTLEY.

H.R. 1132: Mr. TORRICELLI.

H.R. 1141: Mr. MANTON.

H.R. 1157: Mr. SCHUMER, Mr. KING, Mr. GILMAN, and Mr. ACKERMAN.

H.R. 1172: Mr. LANTOS, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. MARTINEZ, Mr. CONYERS, and Mr. DARDEN.

H.R. 1174: Mr. DE LUGO and Mr. PETERSON of Minnesota.

H.R. 1191: Mr. SOLOMON and Mr. HERGER.

H.J. Res. 10: Mr. LAZIO, Mr. ROHRABACHER, Mr. MOLLOHAN, and Mr. KNOLLENBERG.

H.J. Res. 22: Mr. ARMEY and Mr. SMITH of New Jersey.

H.J. Res. 78: Mr. ARCHER, Mr. BLUTE, Mr. COBLE, Mr. COLEMAN, Mr. EMERSON, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. GEKAS, Mr. HEFNER, Mr. HENRY, Mr. HOBSON, Mr. HOYER, Mr. HUTTO, Mr. INHOFE, Mr. KING, Mr. LANCASTER, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MURPHY, Ms. NORTON, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. QUILLEN, Mr. SANDERS, Mr. SAWYER, Mr. SMITH of Iowa, Mr. TRAFICANT, Mr. VALENTINE, Mr. WAXMAN, and Mr. YOUNG of Florida.

H.J. Res. 90: Mr. PALLONE, Mr. SABO, and Mr. WALSH.

H.J. Res. 111: Mr. TOWNS, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. FROST, and Mr. HANSEN.

H.J. Res. 129: Mr. SOLOMON and Mr. HERGER.

H.J. Res. 135: Mr. BRYANT, Mr. CLYBURN, Mr. PARKER, Mr. LEVY, and Miss COLLINS of Michigan.

H. Con. Res. 6: Mr. YOUNG of Florida, Mr. ISTOOK, Mr. MACHTLEY, Ms. DUNN, Mr. MINGE, Mr. NEAL of North Carolina, Mrs. FOWLER, Mr. PAXON, Mr. BUYER, Mr. GOODLATTE, and Mr. TANNER.

H. Con. Res. 15: Mr. TORRICELLI, Mr. MCHALE, and Mr. CLYBURN.

H. Con. Res. 18: Mr. ARMEY, Mr. GOODLATTE, and Mr. KYL.

H. Con. Res. 20: Ms. MEEK, Ms. NORTON, Ms. E.B. JOHNSON of Texas, Mr. RANGEL, Mr. GUNDERSON, Mrs. MINK, Mr. RUSH, and Mr. EVANS.

H. Con. Res. 37: Mr. STARK, Mr. EVANS, Mrs. KENNELLY, Mr. MCDERMOTT, Mr. LAROCCO, Mr. MAZZOLI, Mr. FINGERHUT, Mr. WILLIAMS, Mr. BEILENSON, Mr. KREIDLER, Mr. POSHARD, Mr. EDWARDS of California, Mr. LEHMAN, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. SKAGGS, Ms. WOOLSEY, Ms. MALONEY, Mr. WAXMAN, Mr. ENGEL, Mr. HAMBURG, Ms. PELOSI, Mr. COLEMAN, Mr. MINGE, Mr. FROST, Mr. TORRES, Mr. REED, Mr. FILNER, Mr. MEEHAN, Mr. KANJORSKI, Mr. SAWYER, Mr. TORRICELLI, Mr. WALSH, Mrs. UNSOELD, Mr. BERMAN, Mrs. MORELLA, and Mr. POMEROY.

H. Con. Res. 45: Mrs. KENNELLY, Mr. MACHTLEY, Ms. MALONEY, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. DEUTSCH, Mr. CRAMER, Ms. BROWN of Florida, Mr. MCNULTY, Mr. ACKERMAN, Mr. WOLF, Mr. COSTELLO, Mr. JACOBS, Mrs. UNSOELD, Mr. SARPALIUS, Mr. MCHUGH, Mr. MARKEY, Mr. GUNDERSON, Mr. GREENWOOD, Mr. SOLOMON, Mr. MCHALE, Mr. MOLLOHAN, Mr. LEWIS of California, Mr. RUSH, Mrs. SCHROEDER, Mr. HOCHBRUECKNER, Mr. FINGERHUT, Mr. BLUTE, Ms. DUNN, Mr. WYDEN, Mr. ROYCE, Mrs. BYRNE, Mr. HALL of Ohio, Mr. CLINGER, Mr. MILLER of California, Mr. COLEMAN, Mr. HINCHEY, Mrs. JOHNSON of Connecticut, Mr. PORTER, Mr. KYL, Mr. DEFAZIO, Mr. KLEIN, Mr. POMEROY, Mr. SHAYS, Mr. WASHINGTON, Mr. SANGMEISTER, Mr. EVANS, and Mr. LEACH.

H. Res. 35: Mr. PASTOR, Mr. ENGEL, Ms. DELAURO, Mr. MURPHY, Mr. ROYCE, Mr. MCNULTY, Mr. LEVY, and Mr. WASHINGTON.

H. Res. 50: Mr. BAKER of Callifornia.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 490: Mr. DORNAN.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 4

By Mr. SOLOMON:

—Insert after section 2003 of the bill the following section:

**SEC. 2004. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.**

(a) ADMISSION.—Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(A)(1)(A)(i)).

(b) REPORT REQUIRED.—The President shall submit a report by September 1, 1993, containing—

(1) An assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care programs, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to HIV;

(4) the cost implications of refugees entering or likely to enter the United States, who carry the HIV virus;

(5) a comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the cost attributable to the entry of aliens suffering from other health conditions.

(c) HIV TESTING.—Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993.

(d) WAIVER AUTHORITY.—Subsection (e) may be waived by the Attorney General, in consultation with the Secretary of Health and Human Services for non-immigrants who, except for the provisions of this Act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of—

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Health and Human Services to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

### House Resolution 119

By Mr. SOLOMON:

—Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendment made in order by this resolution, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and the amendment shall be considered as having been read. It shall be in order to consider the amendment printed in the Congressional Record of March 9, 1993, by, and if offered by, Representative Solomon of New York, or a designee, said amendment shall not be subject to amendment but shall be debatable for not more than exceed 30 minutes to be equally divided and controlled by Representative Solomon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

# EXTENSIONS OF REMARKS

## WHY IT ISN'T MANAGED COMPETITION

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. STARK. Mr. Speaker, the advocates of managed competition are often asked how do we know if their theories will work? Do we dare entrust the Nation's entire health care policy to this untested scheme? In recent months, they have frequently replied by pointing to the recent success of the 800,000-plus California Public Employees Retirement System [CalPERS] as an example of managed competition that currently exists and works.

Following is a letter from the head of CalPERS asking that this stop.

> CalPERS' health program was not modeled after "managed competition" as defined by the authors of the term.

The letter is particularly important for noting that CalPERS wants nothing to do with taxing the health benefits of workers and retirees—a key to the managed competition model. They are also very distrustful of unquestioned reliance on HMO's:

> While we also deal with HMO's, at the same time we are troubled by the fact that some of them are corporations, driven by the need for profits to satisfy shareholders, and by the knowledge that excessive profits in a capitated setting can be obtained through underutilization.

The most interesting point, perhaps, is toward the end, where the letter warns that if we adopt managed competition and set up a national board and a system of health insurance purchasing cooperatives, we better not let the foxes into the chicken coop—that we need to keep the providers off these boards and make sure that the boards are run by and for the consumer and the patient:

> In the event HIPCs become a part of the health care scene, each person on these boards should meet similar fiduciary standards of conduct—with breaches subject to criminal penalties—that the CalPERS Board is obligated to meet.

Mr. Speaker, when you look at the Jackson Hole group and the people who are supporting the theory of managed competition, you see that they are the big insurance, pharmaceutical, and for-profit hospital companies. The same ones who have created the current crisis. They would volunteer for frontal lobotomies before they would accept a managed competition plan that met CalPERS definition of consumer interest—and I would suggest that if we want to go down the road of managed competition that we adopt CalPERS idea and make this a consumer-run operation.

The full text of the letter follows:

CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM,
*Sacramento, CA, March 4, 1993.*
Hon. PETE STARK,
*U.S. House of Representatives, Washington, DC.*

DEAR PETE: Over the past few months, the health care reform debate has begun to focus on so-called "managed competition," and the California Public Employees' Retirement System (CalPERS) health program is being cited as a model. Although we are proud of our innovation, cost efficiency and success, CalPERS' health program was not modeled after "managed competition" as defined by the authors of the term.

As you know, I am President of the CalPERS Board, and in that capacity, I want to thank you for your support of the active and retired public workers of California who are members of CalPERS. In 1991, when our independence was threatened, you championed our cause in the Congress with hearings, meetings in California, comments to the press and remarks in The Congressional Record. Our Board and members are deeply grateful for your interest, and we therefore want to set the record straight on how our health system works and our role in any health reform program that is being developed in Washington.

Our health program provides coverage for 887,000 public employees (and their family members) of nearly 800 government entities—75 percent of which have fewer than 100 employees, with some having only 2 or 3 workers. The program involves 19 Health Maintenance Organizations (HMOs) as well as a self-funded fee-for-service plan using Preferred Provider Organizations (PPOs) for members in areas not served by capitated arrangements and for those who choose to be served through this more traditional method.

Under "managed competition," employers would join in Health Insurance Purchasing Cooperatives (HIPCs) to negotiate with HMOs and other group practices charging capitation payments for a standard benefits package. Because of the similarities to our multiple employer cooperative, our use of HMOs, and our uniform benefits package, some consider us a prototype of "managed competition." Frankly, however, we were engaged in group purchasing with HMOs long before the terms "managed competition" and its companion "health insurance purchasing cooperative" were ever coined.

Furthermore, our program differs from "managed competition" in a number of important ways. For example, the advocates of "managed competition" believe that an essential component of the program is the taxation of employer-provided health benefits. We strongly disagree. We see a health benefits tax as not only a Federal preemption of the labor-management bargaining process, but also as a stalking horse for taxation of pension contributions and plan earnings.

"Managed competition" advocates would build an entire system around HMOs. While we also deal with HMOs, at the same time we are troubled by the fact that some of them are corporations, driven by the need for profits to satisfy shareholders, and by the knowledge that excessive profits in a capitated setting can be obtained through underutilization. Furthermore, we are curious as to the reasons for the anomalous situation in which a large non-profit staff model HMO has charges and year-to-year increases greater than the publicly traded HMOs.

We use HMOs because we are in California, where HMOs have a long history of use by our citizens. We recognize that California may be unique in this regard, and many areas of the nation do not have in place large HMO networks nor do the citizens feel comfortable using them.

As for our cooperative feature, CalPERS has worked with a large number of employers and their employees for pension plan purposes. Furthermore, for years health benefits have been provided through a CalPERS program. Thus, when the unending, annual increases in health care prices reached a breaking point, we were already positioned to react.

Those ever-burgeoning price increases reduced the standard of living for all workers—cutting into their paychecks and raising the amount of money they must pay for their health care directly. For retirees—many on fixed incomes—the impact has been especially severe and cruel. Our Board felt strongly that we had to take a forceful stand in behalf of our members to curtail these price increases and get our costs under control.

Last year, we negotiated a 6.1 percent rise in overall programs costs, but this year we decided to do better. A complex series of alternative plans containing more than 1,100 variations in benefits was converted into a uniform benefits package. This made it simple for consumers to see what they were getting for their money, enabling them to compare apples to apples and shop for their provider on a level playing field based solely upon price, quality and access. In addition, the Board directed its negotiating team to obtain a zero percent increase in costs.

Earlier this month, we announced that for health plan contracts effective August 1, 1993, there would be an average 1.4 percent increase in premiums. In the aggregate, the 19 HMOs providing health care to 80 percent of our members actually reduced their premiums by 0.4 percent, while our self-funded fee-for-service program, covering 20 percent of our members, rose only 7.9 percent—half the rate of increase for such programs nationwide.

In accomplishing this goal, we were not reading from some managed competition "guidebook." We said that we were tired of paying more each year and we assumed that efficiencies and economies could be obtained from the providers. Nor did we set a "global budget," as some health reform advocates propose. The State of California and its subdivisions were out of money and the employers just could not afford to pay more. Some public employees had to take cuts in pay and shoulder more of the health cost burden. We told the staff negotiators that we could not pay any more for health benefits in the coming fiscal year than we are paying in the current year.

As a result of aggressive negotiations and the implementation of a uniform benefits

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

package, some plans actually broadened benefits and decreased co-pay charges while other plans increased co-pays. In no case was there a reduction in benefits. While modest co-pay increases affected 40 percent of the members, these same members received an average $15 reduction in their monthly premiums. The remaining 60 percent of the members actually had benefits broadened and/or co-pay reductions. As you can see, it would be a very big mistake to characterize the savings we achieved as a cost shift to members.

The change to a single, uniform systemwide benefits package is only a one-time phenomenon. Now, we can really get to work. We will be able to test just how much fat there is in the system next year when we intend to negotiate further savings. In essence, we will continue to extract more price concessions from providers. some would suggest that further cost containment will be achieved by reducing eligibility and/or benefits. It would be yet another big mistake to assume that the CalPERS Board would allow this to happen.

Our Board is committed to continuing to provide affordable, comprehensive, quality health care to its active and retired members into the next century. Our board is comprised of elected representatives of employee organizations and retirees as well as employer representatives. We are accountable to the members of our program, and like your own constituents, we hear from them. Quite simply, we have no interest whatsoever in shrinking eligibility and reducing benefits and calling such actions "savings."

We are cognizant that our firm policy to obtain continuing price concessions from providers could result in pricing shifts to other purchasers. This is an area that needs to be monitored. As for our own program, we have developed—and we will continue to enhance and apply—quality and utilization review systems to monitor the performance of our plans. One of the purposes of these systems is to ensure that the price concessions we obtain are not offset by reductions in quality.

The health care economy is perverse in that the supply of providers creates the demand. As you know, I am an economist. I am aware of the studies that show that health care costs in the HMO-intense areas such as San Francisco Bay and Minneapolis rise at the same rate as in areas where fee-for-service dominates. A nation of HIPCs could, in theory, unleash marketplace forces to bring real demand into equilibrium with supply, reducing prices in capitated and fee-for-service settings.

Of one issue, however, I am certain. I do not believe we could have achieved the savings we have if providers and insurers (including HMOs, PPOs and indemnity companies) were represented on our Board. Our Board, comprised of representatives of employers and employees, made common sense, financial, non-medical decisions, free from the potentially intimidating influence of providers. Although we have medical and academic advisors, in the end, our board of consumers—employee and retiree representatives and employers—made the decisions.

It is my view that the Medicare and Medicaid programs were co-opted at their outset in the 1960s when the fiscal intermediary and agent functions were given over to the agents of the provider communities. You have worked hard to loosen their hold on Medicare, in particular. I further believe that efforts at health planning were doomed in the 1970s when providers took their seats on the consumer side of the tables at health systems agencies.

In the world in which you operate, it will be difficult to keep the foxes out of the chicken coop. I fear that when all of the political deals are made and all of the constituencies are satisfied, health care reform will be doomed unless health care providers and insurers are seated together on only one side—not both sides—of the bargaining table.

The reason why our Board took its responsibilities with regard to these health care price negotiations so seriously is that we are fiduciaries. In the event HIPCs become a part of the health care scene, each person on these boards should meet similar fiduciary standards of conduct—with breaches subject to criminal penalties—that the CalPERS Board is obligated to meet.

CalPERS is certainly pleased and honored that both the Clinton Administration and Congressional health leaders have recognized our achievements in holding down costs while providing quality health services to our beneficiaries, and we are very willing to share with them our methods and experience. We intend to respond to requests for information about our health program, but such responses should not be interpreted as an endorsement of one approach over another.

In that regard, we trust that we will not be further swept along with this debate as a result of the General Accounting Office audit of so-called HIPC models. Your Health Subcommittee directed that CalPERS be included within the scope of that audit. Although we hope that the information developed by the audit of CalPERS will make a positive contribution to the health reform debate, we want to make clear that we did not solicit inclusion in the audit nor do we consider our participation an endorsement of "managed competition" or any other health reform concept.

CalPERS has a full plate of responsibilities and problems here at home, and we hope that you will help ensure that we are not pulled into a debate that will distract us from our purpose of providing for the health and retirement benefits of close to one million Californians.

As always, thank you for your consideration and assistance. In late March, the Board will be in Washington, and we will be certain to call for an appointment so we can discuss with you in person our program and philosophy on health care delivery to our members. It will be good to see you again.

Sincerely,

William Dale Crist,
*President, Board of Administration.*

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# INTRODUCTORY STATEMENT REGARDING TRADE AGREEMENTS COMPLIANCE ACT

## HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MATSUI. Mr. Speaker, today I rise to reintroduce legislation which will provide for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I urge my colleagues to consider cosponsoring this important legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision, section 306, if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up so that our industries, which are directly impacted by these trade agreements; first, have access to the review process, second, have the right to petition their government, and third, can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

My legislation seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement.

In conducting the review, the Trade Representative would be directed to take into account a number of factors including structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative would also be authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Lastly, under this legislation, the Trade Representative would continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: if our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting the 301 provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation which I am reintroducing completes the process Congress formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Quite simply, this legislation is designed to ensure that our trading partners do not take advantage of the United States. It does not redefine what foreign trade practices are unfair. It simply confirms the obvious: failure to comply with a trade agreement is not fair trading practice. The only way to ensure that the commitments in trade agreements, some of which are actually extensions of previously unfulfilled agreements, are fulfilled, is to raise the degree of oversight of the agreements. It is time the United States forcefully asserted its rights under trade agreements, and the Trade Agreements Compliance Act is designed to assist U.S. industry in this regard.

This proposal was favorably acted upon in the Ways and Means Committee and included in the Omnibus Trade bill that passed the House last year. In addition, the Trade Agreements Compliance Act was also included in H.R. 11, the second tax bill passed by the Congress and then vetoed by President Bush. Given this past action, I am extremely hopeful that this measure will be successfully enacted during this congressional session, and I encourage my colleagues to support me in this important initiative.

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## FREEDOM FOR SYRIAN JEWRY

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. SCHUMER. Mr. Speaker, I rise today to advise my colleagues that this past Saturday Jews around the country observed Shabbat Zachor, a Sabbath of Remembrance for four Jewish women who were brutally murdered while seeking to flee from Syria in 1974. I urge my colleagues to take this opportunity to reflect on the plight of the 1,400 Jews who today continue to live a fearful existence in Syria, held hostage by the brutal dictator Hafez Assad and forbidden to travel. Over the years, Syrian Jews have been arrested, held without trial, and tortured.

In April, 1992, after years of pressure from Congress and the executive branch, the Syrian Government began allowing Jews to leave the country. Twenty-seven hundred visas were issued and 2,500 people arrived in the United States. However, since October 1992, very few exit permits have been granted. Despite Syrian Government protestations that the travel policy for Jews has not changed, only a small number of individuals have been permitted to leave in the past months. Today, Assad continues to hold 1,400 Syrian Jews prisoner in his country.

Secretary Christopher raised the issue of freedom for Syrian Jews when he met with Hafez Assad just 2 weeks ago. Despite Assad's promise to the Secretary, the situation has not changed and Syrian Jews continue to suffer.

Let us think of this Shabbat Zachor as the year that Americans resolved to seek freedom for Syrian Jews, as we have for so many people around the globe.

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## PUNITIVE PSYCHIATRY IN SOCIALIST CUBA

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mrs. MORELLA. Mr. Speaker, I have been among those in Congress who have worked to bring greater attention to the abuse of human rights in Cuba. Dr. Armando Lago, a Cuban-American constituent who has written about the Castro regime's use of psychological torture, recently brought to my attention an article on the subject which appeared in, of all places, the Moscow News. I have excerpted parts of the article; I believe that Members will find it of interest:

PUNITIVE PSYCHIATRY IN SOCIALIST CUBA

(By Vladimir Orlov)

For the first time ever, Russian delegate at the UN voted for a resolution condemning human rights violations in Cuba. The UN Human Rights Commission in Geneva has censored the Castro regime for its suppressions of political opponents. The communist newspaper "Granma" describes Russia's move as "a base and treacherous betrayal".

JOSÉ

Cuba has travelled in just thirty years the road travelled by the Soviet Union in more than seventy. In the lifetime of just one generation, Cuba has graduated from "revolutionary justice" to "revolutionary legality", from destruction of "class enemies" to "political re-education" and to diagnoses like "indifference to socialism".

Cuban state security has taken control of psychiatric diagnoses. Hospitals are controlled by security men, the interior and public health ministries. Under Cuban law, any person held by security bodies can be subjected to psychiatric examination.

Investigators openly threaten to place in a psychiatric hospital both normal persons and those with psychiatric ailments if they are dissidents.

Victims. Leonardo Hidalgo Pupo, 20, Addressing thousands of fans attending a boxing match, he shouted: "Down with Fidel Castro! Let's end the dictatorship of Fidel Castro!" He was seized, dragged away from the ring, beaten up and arrested. According to some sources, he suffered from a brain tumour. After a brief spell at the Villa Marista security service headquarters he was taken to the Carbó-Serviá psychiatric hospital and diagnosed as a "paranoid schizophrenic".

Most victims of the regime are kept at the Carbó-Serviá which is controlled by the Havana Psychiatric Hospital (Mazorra is its former name). Carbó-Serviá and Mazorra have come to be words Cubans, especially young ones, used to remind anyone who talks too much of the potential danger.

The Carbó-Serviá is an old gloomy building, an eyesore among the smart modern structures. Each crumbling room inside has 90 folding beds arranged in rows. Next to the rooms is a canteen with cement floor and benches. Mental patients are employed as orderlies, who often beat up and rape normal patients. Two dissidents were murdered by mental cases.

Victims. Carlos Braulio Adames Barcindez of Santiago de Cuba was taken to the Gustavo Machin psychiatric hospital for his anti-Castro graffiti and subjected to three sessions of electric shock therapy without anesthetic.

Luis Alberto Pita Santos, 43. A former teacher of Marxism-Leninism, he became opposed to the regime. Took part in the Cuban Human Rights Commission and was arrested on charges of "running a secret printing shop". Diagnosed as "psychiatrically disturbed" he spent at least 26 days at the Carbó-Serviá.

The victim is secured to the floor wet with the vomit, urination and excrements of the previous victims. Next he is put in cold water for better conductivity with the electrodes affixed to the head and genitals. The current is switched on till the victim stops thrashing about and loses consciousness.

There is evidence that at least seventeen dissidents were administered large doses of psychotropic drugs forcibly. Those who resisted were beaten up to a state where they were no longer able to resist. Some drugs are added to food, and the only way to preserve your brain from slow destruction is to go on hunger strike.

Victim. Samuel Martinez Lara, certified psychiatrist, 40. Received a degree from the University of California, Berkeley, in 1976 and returned to Cuba. In 1982, Cuban special services demanded that he reveal details about one of his patients. He refused, and was arrested on charges of spying for the CIA since he studied in the U.S. His wife and son were also arrested "for planning to illegally leave Cuba" under Article 247 of Cuban Criminal Code.

While in prison, the psychiatrist met Cuban human rights activists Ricardo Bofil and Elizardo Sánchez. Then he was released, rearrested, threatened with being "dumped in a psychiatric hospital and warned that he would be tortured there.

Samuel joined the Human Rights Party and in an interview with the American CBS TV refer to Castro's Cuba as "the most criminal and repressive regime on the continent". He staged a demonstration outside the Soviet Embassy in Havana. Soon after, a crowd of "angry working people guided by revolutionary intuition" burst into the apartment where human rights activists were holding a secret meeting, staged a crackdown and handed them over to the police.

He was tried for crimes against state security and certified as a "mental case". He was finally ordered to leave Cuba last June and now lives in Miami.

Cuban-type "therapy" of dissidents is importantly different from the Soviet one in that it doesn't bother much about diagnoses. As few as eleven political patients were officially recognized mental cases. One of them is Julio Vento Roberes was diagnosed thus; "He imagines himself a protector of human rights". The other dissident has written in his case history: "Indifferent to socialism".

Whereas the Soviet psychiatry was a camouflage and sometimes very clever, that made it possible for the regime to conceal the real number of political prisoners and even to achieve a more "liberal" image, Fidel needs no camouflage. Political psychiatry there is simply a different version of torture.

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## ESPRIT AT CORE OF HARD-BIT APPLE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. RANGEL. Mr. Speaker, I commend the following article to the attention of my colleagues. It articulates poignantly the valor, bravery, and decency displayed by the emergency service personnel and the occupants of the World Trade Center during the explosion 2 weeks ago.

### ESPRIT AT CORE OF HARD-BIT APPLE

Let's leave aside for the moment the crushing problems caused by large-scale Manhattan terrorism, the bomb at the World Trade Center: the five dead, the thousand injured, the shattered nerves and lives, the cleanup to come.

We don't know exactly what happened. All we know is that once it did, everyone behaved magnificently. Once again, New Yorkers are exposed: They are nice people.

Why were New Yorkers able to cope, to evacuate the twin towers without panic and hysteria, without the trampling of rock concert and soccer stadium catastrophes? New Yorkers are so accustomed to adversity, congestion and impossible conditions that they were equal to an unparalleled disaster.

Every day in their gritty lives, they are so elbowed, jostled, crammed, that it is almost second nature to them. Add in clouds of acrid black smoke, jammed, unlit stairwells—these are differences of detail, not kind. Everyone, from Gov. Mario Cuomo to the kindergartners trapped in an elevator between the 36th and 35th floors behaved like troupers. One group of 14 children who took seven hours to come down, went andante cantabile, singing, "I love you, you love me."

We all have a new standard to live by. We must ask ourselves, could we struggle down 100 floors in the pitch dark, being suffocated by smoke, not knowing what the next step would bring, with no one in charge and no guiding voice to tell us what to do? Probably not. New Yorkers looked after their own. A pregnant woman was passed down the steps; a paraplegic was carried by a relay of colleagues; a woman in a wheelchair was picked up and handed down. The brokers and lawyers came through, along with the police officers, firefighters, mechanics and engineers. As New Yorkers, they had always expected the worst.

New York's big secret is that New Yorkers are nice to each other. they don't think a great deal of out-of-towners. It is the contempt of the Marine for the Sunday soldier. Only New Yorkers can keep the pace, stand the gaff, push ahead. They have little to say to foreigners, because when you come right down to it, what do they know? Foreigners can't cope with the crazies, the line-jumpers, the subway crush.

But watch them among themselves, and you will see kindness, solicitude, even tenderness. Observe the tired worker easing into a seat at a counter where he eats every night. The waitress who has just barked at three pallid foreigners for one reason or another, or maybe because she just felt like it, will approach the toiler and lean over, all sympathy: "Tough day?" or "Mother better?" And, "We have apple tonight, I saved you a piece."

The edge is for the others, the people who come to town and don't walk fast enough or talk fast enough to be any good to anybody. New Yorkers walk around with a chip on the shoulder, exuding "survival of the fittest" sternness. Except, as a bomb blast proved, they don't mean it. One lawyer went back to his office to rescue a colleague in a wheelchair.

Politeness campaigns are periodically launched in New York by embarrassed officialdom. They don't often work because your real New Yorker equates polite with weak. Taking time to say "good morning," "excuse me," or "thank you" will slow you down, could mean you'd lose your place on the side walk, backing up pedestrian traffic for 50 blocks. You could lose your train, bus, taxi.

Cuomo understands his city. He made a speech that was pure New York, bristling with defiance. The terrorist or terrorists, whoever they may be, chose the wrong city for their date with terror. Did they think they could slow down New York, empty its skyscrapers? No way. The governor has offices in the World Trade Center, can't wait to get back in them. Do the maniacs think that bombs will frighten the city out of existence? "Don't bother," says the governor with the approved brusqueness.

When San Francisco had its earthquake in 1989, there were tales of rescue and kindness and sacrifice. Nobody was surprised; this is the land of the street pantomime, the astrological sign, the self-esteem commissions.

But New York? This explosion of kindness, this automatic heroism? Yes, it happened. Nothing New York can do about it. We have their number now. Maybe, bombs and all, we won't be so afraid to go there again.

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## TRIBUTE TO RON SCHMIDT

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. KOPETSKI. Mr. Speaker, last fall shortly after the November election, Oregon lost a hero, Oregon lost a dear friend and Oregon lost a piece of herself. Oregon lost Ron Schmidt, age 56, to a lengthy battle with cancer. Oregon lost someone who built a better Oregon. For 30 years Ron Schmidt worked to make Oregon a better place to live. And he did.

One local columnist wrote of Ron Schmidt,

> He taught me what it takes to be an Oregonian. It has something to do with being willing to take risks, with caring, with being decent, with being a maverick, with being forgiving, with never, ever, being afraid. But—mostly—it has to do with recognizing that being an Oregonian is a responsibility, not a right. It has to do with cherishing this place, with revering its special magic.

Oregon Senator MARK HATFIELD, in one of many tributes to Schmidt, stated, "He was a builder, always looking for ways to make his community better."

Ron Schmidt was quoted, "I have had a love affair with Oregon all my life." Shortly before his death, Schmidt said, "There is a feeling here in Oregon that is different from any other place. There is a feeling of caring, of innovation, willing to try things. There is an honesty in this State."

Schmidt served under Gov. Tom McCall, clearly one of our greatest Governors, for 8 years beginning in 1966. As an administrative assistant press aide and finally Governor McCall's executive assistant, Ron Schmidt was known as the idea man. During the McCall administration, Schmidt played vital roles in adopting a variety of legislation. In 1967, the McCall administration supported the Willamette greenways bill. This legislation set aside money to preserve the natural beauty along the Willamette River and helped cities and counties acquire rights to new riverside park properties. Today, 26 years later, the Willamette River waterfront in Portland is one of Oregon's greatest and most beautiful attractions. Thousands of Oregonians, and visitors to Oregon, use the waterfront each and every day.

The McCall administration also passed the Nation's first bottle bill in 1971. Known as the Oregon Beverage Container Act, this legislation defined Oregon as a leader in environmental awareness. The House of Representatives is once again considering bottle bill legislation; some 22 years after Oregon passed this legislation.

In 1975, Ron went on to found Oregon's most influential and successful public relations firm, Pihas, Schmidt and Westerdahl. Known as the State's top spin doctor, Schmidt attracted some of the biggest firms in Oregon. Schmidt's firm also worked on over 20 statewide ballot measures and incredibly lost only two campaigns. Ron Schmidt helped persuade Oregonians to support the Oregon lottery, to build the Oregon Convention Center and to oppose a variety of property tax limitations measures.

Ron's last public pitch epitomizes his commitment to and love for Oregon. Schmidt spoke on several occasions against the controversial ballot measure 9. This oppressive ballot measure would have limited the rights of homosexuals and lesbians in our State. Schmidt told one group that his one last wish was to live to see measure 9 defeated. On election night, Schmidt was informed of ballot measure 9's resounding defeat and he scribbled the words, "It will bring Oregon together again."

Mr. Speaker, Ron Schmidt's legacy and contribution to Oregon will be felt for generations to come. Future generations may not know his name, but they will live within his vision of Oregon. Truly, Ron Schmidt was one of Oregon's greatest empire builders.

Mr. Speaker, I offer this tribute to my friend, Ron Schmidt, and add my condolences to his partner, friend, and spouse, Ede Schmidt.

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## GRANT STATE STATUS TO INDIAN TRIBES FOR ENFORCEMENT OF SOLID WASTE DISPOSAL ACT

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. RICHARDSON. Mr. Speaker, today I am introducing a bill which amends the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to treat Indian tribes as States for purposes of enforcing the provisions of the Solid Waste Disposal Act. The Congress has approved similar amendments to the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act. This bill is the next logical step to provide for the consistent treatment of Indian tribes as sovereign governments. This bill will provide Indian tribes with the assistance to establish regulatory programs on the reservation to address issues related to solid waste.

Over the many years that States have received assistance from the EPA, States have developed comprehensive environmental protection programs and have developed the regulatory capacity to directly administer federally delegated programs under the Safe Drinking Water Act, the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act. Over this same period of time, Indian tribes were not eligible to receive assistance from the EPA to develop environmental protection programs and to build tribal environmental regulatory capacities. The provisions of this bill will allow Indian tribes the same opportunities that are available to the States to build program capacity and fully develop tribal environmental protection programs under the authority of the Solid Waste Disposal Act. The bill will enable Indian tribes to effectively plan and develop a reservation specific approach to environmental protection in the same manner the State environmental programs have been encouraged to develop and plan.

This bill provides that the Administrator may treat an Indian tribe as a State if the Indian tribe has a governmental body carrying out substantial governmental powers; and the regulatory authority to be exercised by the tribe pertains to land and resources held by the tribe, held by the United States in trust for the tribe, held by an individual tribal member if is subject to a trust restriction, or is otherwise in Indian country; and the Administrator determines that the Indian tribe is reasonably capable of carrying out the duties required under the act and any applicable regulations. The bill allows Indian tribes to enter into cooperative agreements with States to jointly plan and administer the requirements of the act subject to the approval of the Administrator. Finally, the bill authorizes the Administrator to undertake an inventory of hazardous waste sites and open dumps located within Indian country. The Administrator is authorized to assist Indian tribes to upgrade open dumps to comply with the Solid Waste Disposal Act.

Mr. Speaker, it is time that we extend to Indian tribes the same opportunities to develop environmental protection programs to address all aspects of environmental quality. The Environmental Protection Agency must provide consistent treatment to Indian tribes across all environmental media areas. This legislation will provide Indian tribes with the tools necessary to plan and develop sound environmental policies and programs. I look forward to working with my colleagues on the Energy and Commerce Committee on this important measure and urge my colleagues to support this bill.

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## NATIONAL HEALTH CARE ANTI-FRAUD ACT OF 1993

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. STARK. Mr. Speaker, today I am pleased to join with my colleague Mr. LEVIN in introducing H.R. 1255, the National Health Care Anti-Fraud Act of 1993. This bill establishes an effective national program to control fraud, waste, and abuse in our health care system.

Few issues affect the American people as profoundly as the exploding costs of health care. Health care costs have escalated to more than $900 billion this year. President Clinton has focused national attention on the problem of controlling the rising costs of health care.

According to recent polls, most Americans believe that health care costs are skyrocketing because of waste, corruption, and profiteering. According to the U.S. General Accounting Office [GAO], as much as 10 percent of health care costs, or $90 billion, is lost each year to health care fraud and abuse.

In 1992, the General Accounting Office reviewed public and private efforts to control one fraudulent scheme known as the rolling labs scheme. The rolling labs scheme involved the performance of enormous numbers of unnecessary tests and the submission of falsified claims in order to receive payments. In 1986, as a result of an extensive investigation by the inspector general, the rolling labs ceased treating Medicare and Medicaid beneficiaries. However, these rolling labs continued operating and billing the private insurers until July 1991. Over a 10-year period, the rolling labs scheme resulted in $1 billion of fraudulent claims to public and private insurers.

Most fraudulent activities involve both Government programs and private payers. Few States have as comprehensive health care fraud laws as the Medicare and Medicaid programs. The bill would establish a national health care fraud and abuse program, coordinated by the Office of the Inspector General [IG] of the Department of Health and Human Services. With 16 years of successful investigations in Medicare and Medicaid fraud, the IG has the most experience of any Federal agency in investigating health care fraud. The IG has been innovative and active in this field by providing training to other law enforcement agencies and by being a founding member of the National Health Care Anti-Fraud Association.

The bill would extend Medicare and Medicaid's proven enforcement remedies of civil monetary penalties and criminal penalties to private payers. The policies are proven and represent 25 years of experience in fighting fraud and abuse under Medicare.

Though the Federal Government does a better job than the private sector in rooting out fraud and stopping abusive practices, they could do more. For example, the IG was successful in securing nearly $7 billion in savings to the Medicare Program through enforcement of existing Medicare anti-fraud and abuse statutes. Unfortunately, the IG has to spend money to make money and that is not happening. In 1992, the IG's budget was reduced by $6 million.

The National Health Care Anti-Fraud Act of 1993 includes and builds upon recent recommendations of the administration's task force to combat health care fraud and abuse. Under H.R. 1255, civil monetary penalty amounts would be increased to no more than $10,000 per item or service and damage amounts would be increased to no more than triple the amount claimed. A new administrative civil monetary penalty for kickback violations also would be established.

The bill also includes provisions restricting durable medical equipment suppliers from making unsolicited telephone contacts with beneficiaries. These provisions were included in H.R. 3837, which passed the House on August 3, 1992.

I believe that the time has come for action on this issue. Over the past 3 years, this subcommittee has held four hearings on issues relating to fraud and abuse. As my colleagues know, ample evidence exists to show that fraudulent activity is costing all of us money. I would like to thank the members of this subcommittee, particularly Mr. LEVIN, for their contributions.

By enacting the National Health Care Anti-Fraud Act of 1993 we can stop unscrupulous providers and realize significant savings.

A summary of the bill follows:

### SUMMARY OF THE NATIONAL HEALTH CARE ANTI-FRAUD AND ABUSE ACT OF 1993

#### 1. ALL-PAYER FRAUD AND ABUSE PROGRAM

The Secretary of Health and Human Services would establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health care programs. The Secretary would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery of and payment for health care. The administration of the national program would include the coordination of the Medicare and Medicaid fraud and abuse programs.

#### 2. COORDINATION WITH LAW ENFORCEMENT AGENCIES AND THIRD PARTY INSURERS

The Secretary would be required to consult with and arrange for the sharing of data with the Attorney General, State law enforcement agencies, State Medicaid fraud and abuse units, State agencies responsible for the licensing and certification of health care providers and third party insurers.

#### 3. REGULATIONS REGARDING ALL-PAYER FRAUD AND ABUSE PROGRAM

The Secretary shall establish standards to carry out the program.

(a) Information standards.—All qualified health insurance plans, providers and others would be required to cooperate with the national fraud control program and to provide such information necessary for the investigation of fraud and abuse. The Secretary would establish procedures to assure the confidentiality of the information required by the national fraud and abuse program and the privacy of individuals receiving health care services. A qualified immunity would be provided to persons providing information to the Secretary under the national health care fraud and abuse program.

(b) Disclosure of ownership information.—In applying for unique provider numbers, providers would be required to disclose information that the Secretary deems appropriate, including information relating to the ownership of a health care entity.

(c) Standards related to issuance of provider identification codes.—The Secretary would be required to develop standards relating to the issuance of provider identification codes.

#### 4. AUTHORIZATION OF APPROPRIATIONS FOR INVESTIGATIONS AND OTHER PERSONNEL

The fraud and abuse staff within the Office of the Inspector General of the Department of HHS would be increased to administer the national health care fraud control program. The bill provides authorizations of $300 million in 1995, $350 million in FY 1996, $400 million in FY 1997, and $450 million in FY 1998.

#### 5. ENSURING ACCESS TO DOCUMENTATION

The Inspector General of the Department of Health and Human Services is authorized access to documentation in accordance with the Inspector General Act of 1978. Any individual or entity who fails to comply with a request of the Office of the Inspector General of the Department of HHS for records, documents and other information necessary to carry out activities under the all-payer fraud and abuse control program may be excluded from participating in Medicare and State health care programs.

### 6. ESTABLISHMENT OF ANTI-FRAUD AND ABUSE TRUST FUND

The bill provides that a portion of the civil money penalties, fines and damages assessed would be deposited in a trust fund. The assets of the fund would be used, in addition to such appropriated amounts, to meet the operating costs of the national health care fraud control program.

### 7. APPLICATION OF CIVIL MONETARY PENALTIES TO ALL PAYERS

The provisions under the Medicare and Medicaid programs which provide for civil monetary penalties for specified fraud and abuse violations would apply to similar violations for all payers in the national health care system.

The violations would include billing for services not provided, submitting fraudulent claims for payment, hospitals giving financial incentives to physicians to reduce or limit care provided to hospital inpatients, and other violations currently included under the Medicare program.

Violations specifically tailored to the Medicare and Medicaid programs would not, however, constitute violations under the all-payer fraud and abuse control program. Such violations include overcharging under an assignment agreement and physician or supplier participation agreement, charging more than limiting charge or actual charge restrictions, and giving false or misleading information concerning hospital services which could reasonably be expected to influence a decision concerning when to discharge a patient.

### 8. APPLICATION OF CRIMINAL PENALTIES TO ALL PAYERS

The provisions under the Medicare and Medicaid program which provide for criminal penalties for specified fraud and abuse violations would apply to similar violations for all payers in the national health care system. The violations would include willful submission of false information or claims, acceptance of kickbacks, bribes or rebates in return for referral for services, and other violations currently included under the Medicare program.

For providers who violate specified fraud and abuse provisions, penalties would include fines, treble damages and imprisonment. The Secretary would also identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section.

Violations specifically tailored to the Medicare and Medicaid programs would not, however, constitute violations under the all-payer fraud and abuse control program. Such violations include knowingly making a false statement concerning qualifications of an institute in order that the institute qualifies for Medicare, knowingly charging for services under Medicaid in excess of rates established by the State, and knowingly and repeatedly violating the terms of assignment agreements under Medicare.

### 9. AMENDMENTS TO ALL-PAYER FRAUD AND ABUSE PROVISIONS

The following revisions would apply to both the Medicare and Medicaid program and the all-payer fraud and abuse program.

(c) Civil monetary penalties.—The bill would clarify that claiming a higher code for purposes of reimbursement is prohibited and subject to civil monetary penalties. An intermediate civil monetary penalty would be established for anti-kickback violations. The current civil monetary penalty would be increased to no more than $10,000 for each item and service, and the assessment would be increased to three times the amount claimed for such items or services.

(b) Private right of enforcement.—An individual who has suffered damages as a result of a violation of the civil monetary penalty section of the Medicare and Medicaid statute would be permitted to bring an action in the U.S. District Court, if after expiration of a 60-day period the Secretary does not notify the individual that the Secretary intends to pursue a civil monetary penalty. If after one year, the Secretary has not proceeded with reasonable due diligence in investigating the matter, the individual may proceed with an action.

If the Secretary proceeds with the action, the individual may receive an amount the Secretary decides is appropriate restitution. If the Secretary does not proceed with an action, 10% of the proceeds of the action or settlement of a claim would be deposited in the anti-fraud and abuse trust fund.

(c) Criminal penalties.—The current employer-employee statutory exception would be clarified to prohibit payments to employees based on value and volume of referrals to the employer.

The United States may bring an action in an appropriate District Court of the United States, as currently provided under the civil monetary penalties section, to enjoin activity which makes a person subject to a criminal penalty and enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a criminal penalty.

### 10. AMENDMENTS TO MEDICARE FRAUD AND ABUSE PROGRAM

The following revisions would only apply to the Medicare and Medicaid programs and would not constitute violations under the all-payer fraud and abuse program.

(a) Mandatory exclusion.—The Secretary currently has authority to exclude individuals and entities from Medicare and Medicaid based on convictions of program-related crimes and convictions relating to patient abuse. The bill would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substance.

(b) Permissive exclusion.—The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals with controlled interest in sanctioned entities.

The bill also would establish minimum periods of exclusion for certain violations already specified in the Medicare and Medicaid statute.

(c) *Civil monetary penalties.*—The bill would clarify that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties. In addition, providing items or services at less than the fair market value and retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

(d) *Quality of care sanctions.*—The bill would establish civil monetary penalties, of not more than $10,000, for each case in which the practitioner or person failed to substantially comply with the corrective action plan of the Peer Review Organization. In addition, the requirement that the provider be shown to be "unwilling or unable" to meet obligations agreed to by the provider before the Secretary may exclude the individual from participating in Medicare would be deleted.

### 11. RESTRICTION OF TELEMARKETING OF DURABLE MEDICAL EQUIPMENT TO MEDICARE BENEFICIARIES

Supplies would be prohibited from making unsolicited telephone contacts with beneficiaries, unless the beneficiary gives permission to the supplier, or the supplier has furnished the beneficiary with a Medicare covered item within the preceding 15 months. No payment would be made for any items furnished in violation of these provisions.

The Secretary is required to exclude from programs under the Social Security Act suppliers who knowingly make prohibited telephone contacts to such an extent that the supplier's conduct establishes a pattern of contacts in violation of the prohibition. The supplier must refund any amounts collected on a timely basis to patients or be subject to certain sanctions.

### 12. HMO INTERMEDIATE SANCTIONS UNDER MEDICARE

The Secretary would also be able to impose civil money penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

### 13. EDUCATION OF MEDICARE BENEFICIARIES ABOUT THE EXISTENCE OF FRAUD AND ABUSE

The Secretary would notify individuals at the time of enrollment under Medicare and periodically thereafter through mailings regarding the existence of health care fraud and abuse. In addition, the Secretary would establish a mechanism for individuals to report health care fraud and abuse.

### 14. PUBLICATION OF SANCTIONS AGAINST PROVIDERS

The Secretary would be required to publish on a quarterly basis in the Federal Register a report of all final adverse actions against health care practitioners under the all-payer fraud and abuse program, including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

### 15. STUDY ON ELECTRONIC FORMAT PROCESS

The Secretary shall conduct a study regarding the process of providing information, in an electronic format, on ownership information required under the ownership referral provisions.

### 16. ADMINISTRATIVE PROVISIONS

(a) Uniform claims.—All claims submitted by providers would be in a uniform claims format.

(b) Unique Provider Identification Code.—Each provider would be required to submit claims using a unique provider identification code.

(c) Common coding.—Coding of procedures and diagnoses would follow uniform formats.

### 17. EFFECTIVE DATE

The amendments would apply on or after January 1, 1995.

## CONGRESSIONAL SALUTE TO THE NEWEST HONOREES INDUCTED INTO THE NATIONAL FOOTBALL FOUNDATION AND COLLEGE HALL OF FAME

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to 10 Sacramento high school students who have been selected as this year's National Football Foundation Sacramento Valley Chapter's Scholar Athletes of the Year. Also being recognized are four adult honorees for their contributions to the community.

Tonight, at a ceremony in Sacramento, the following student athletes will be recognized for their academic, football, and community service achievements: John Chavez, Oakmont High School; Sheldon Cooney, Jesuit High School; Dan Gieck, Roseville High School; Marshall McCauley, Nevada Union High School; Chad Overhauser, Rio Americano High School; Robert Tucker, Grant Union High School; Darren Cline, Davis High School; Jon DeVille, Oak Ridge High School; Brian Jones, Del Campo High School; Kevin McKechnie, Chirstian Brothers High School; and Richard Rubiales, Lincoln High School. The adult honorees who are to be congratulated for their achievements in their own distinguished football careers and their continued service to the community are: John Ralston; Jim Rattie; Ken O'Brien, Jr.; and Bob Vukajlovich.

Mr. Speaker, I commend the 1993 National Football and College Hall of Fame Honorees and request my colleagues to join me in saluting these outstanding individuals.

## STUDENTS AND TEACHERS CAUGHT IN TWIN TOWERS EXPLOSION

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. SCHUMER. Mr. Speaker, what began as a class trip to one of New York's most famous tourist attractions last week took a traumatic turn of events when the students and their teachers were caught in the Twin Towers for hours due to the devastating explosion that paralyzed lower Manhattan.

I would like to take this opportunity to commend these brave teachers and paraprofessionals, from Brooklyn and Queens public schools 91, 95, and 191, for their courage and leadership:

Rose Bradley, P.S. 95.
Dorothy Byrd, P.S. 95.
Angela Damato, P.S. 91.
India Fishon, P.S. 95.
Diane Freedman, P.S. 95.
Fred Gelfard, P.S. 91.
Marguerite Giordano, P.S. 95.
Shirley Jahre, P.S. 95.
Lisa Perri, P.S. 95.
Rosemarie Russo, P.S. 95.
Bernadette Samuels, P.S. 191
Carol Susi, P.S. 191.
Anna Marie Tesoriero, P.S. 95.
Lydia Traveso, P.S. 95.

The students are fortunate to have such devoted and caring teachers, who did everything they could to lead these children safely out of the building during the crisis. It is reassuring to know that our children are in such goods hands.

## SUFFERING IN ARMENIA

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mrs. MORELLA. Mr. Speaker, I rise today to draw the attention of my colleagues to the terrible suffering which the Armenian people are enduring because of Azerbaijan's blockade of their nation.

The situation in Armenia is rapidly deteriorating and requires our immediate attention. House Resolution 86, which was recently introduced by Congressman BONIOR, provides a framework for constructive United States involvement in the search for a lasting and equitable resolution to the crisis in the caucasus. This sense-of-the-House resolution can help offset the immediate effects of the blockade and, hopefully, bring an end to the war which has devastated this region.

I encourage my colleagues to support House Resolution 86. This resolution condemns the blockade of Armenia and Nagorno-Karabagh by Azerbaijan, while simultaneously requesting that the United States continue to provide immediate humanitarian assistance to offset the severe shortages in Armenia caused by the blockade.

The House has previously passed similar legislation, particularly the Freedom Support Act, which restricted United States aid to Azerbaijan until it ceased its blockade and other forms of aggression against Armenia and Nagorno-Karabagh. Azerbaijan, unfortunately, has failed to cease its blockade and continues to attack Armenia and Nagorno-Karabagh. As a result, we have witnessed an alarming increase in the death rate in Armenia, primarily among infants and the elderly. Recent reports from Armenia inform us that the country is largely without heating fuel, electricity, food, and other winter supplies desperately needed to survive through the nation's cold, harsh winter.

We must make it clearly understood to Azerbaijan that the United States will not tolerate deliberate attempts to economically incapacitate a nation as a means of achieving political goals. If such aggressive policies by Azerbaijan are allowed to continue unchallenged, the threat to regional stability will continue to grow. This would greatly damage our long-term interest in the maintenance of peace along the southern tier of the former Soviet Union.

I would like to commend my respected colleague, Mr. BONIOR, for introducing this important and timely legislation. This resolution outlines several important elements of a policy designed to eventually establish stability and order in this region. I urge my colleagues to join me as a cosponsor of House Resolution 86.

## BASE CLOSURE RECOVERY BILL

### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Ms. SNOWE. Mr. Speaker, I rise today to reintroduce comprehensive legislation to assist the people of communities that face severe economic hardship as a result of military base closures.

In just a few days, the Department of Defense will release its list of recommended base closures for the 1993 round of the base closure process. When that list comes out, thousands of people across the country, and numerous Members of Congress, will feel as I felt when the people of Maine learned 2 years ago that Loring Air Force Base had been recommended for closure.

For over four decades the people of Aroostook County in my district gave unwavering and loyal support to Loring Air Force Base. As the scheduled date of the base's closing draws near, the county is faced with the loss of nearly 20 percent of its employment, 14 percent of its income, and 17 percent of its population. The loss of Loring will be devastating.

Is that any way to reward the people who have given so much to our Nation's security? Definitely not. It is certainly no way to reward the hard working people of Maine, or in dozens of other communities across this Nation that will be hit, and hit hard, by military base closings in the coming years.

By reintroducing this legislation, the Comprehensive Base Closure Reform and Recovery Act, I am signaling my continued commitment to help these people and their communities. This legislation deals with all aspects of community recovery: economic, environmental, housing, etc. This bill will permit the Federal Government to live up to its responsibility to the communities that have so faithfully supported our Armed Forces over the decades.

The Comprehensive Base Closure Reform and Recovery Act addresses environmental cleanup; it provides employers with tax incentives to hire former military base employees; and it includes economic adjustment and conversion assistance for the local communities.

The major provisions of this bill would:

Require that before a military base is officially closed, or its operations substantially reduced, at least 75 percent of the environmental cleanup required under Federal law be completed. Also, it stipulates that not later than 2 years after a military base is closed, or its operations substantially reduced, all environmental cleanup efforts shall be completed.

Grant employers who hire people whose jobs have been terminated as a result of a base closure or realignment eligibility for the Targeted Jobs Tax Credit [TJTC]. The TJTC allows employers to take a 40-percent credit on the first $6,000 in wages that the newly hired employee receives.

Require that if the principal home of a military employee living near a closed military base is sold for less than fair market value, and the employee successfully participates in the U.S. Army Corps of Engineers' Housing Assistance Program [HAP], any amount of money received to help compensate for the loss in the home's value will not be treated as income, subject to Federal income taxes.

In addition, the Housing Assistance Program portion of the bill has been expanded to cover employees of school districts, due to the high percentage of students in these districts who are military and/or civilian Federal employee dependents.

This legislation directs the Economic Development Administration [EDA] to ensure that Federal funds are reserved for communities identified by the administration as the most substantially and seriously affected by the closure of military installations. To accommodate this mandate, this bill increases the EDA's current funding authorization level from $80 million in fiscal year 1993 to $200 million in each of fiscal years 1994 through 1996.

Direct the Secretary of Defense to create a program to guarantee up to $10,000 worth of loans, per individual, tc civilian employees of the Department of Defense at, or in connection with, a military base scheduled to be closed or realigned. The bill provides the Defense Secretary with the needed authority to develop and administer this program.

Directs the Secretary of Defense to convey to eligible State or local governments all right, title, and interest of the United States in any military installation scheduled to be closed pursuant to the base closure law, CERCLA-Superfund, and the Solid Waste Disposal Act. Under this section of the legislation, property at military installations will be turned over to State/local governments in the following order of priority: a political subdivision designated by State law to receive the conveyance of such property rights; the State; then to one or more political subdivisions which would best serve the interests of the residents of the local region, providing that these subdivisions accept the conveyance. Pending such conveyance, the Secretary of Defense is required tc maintain the real property and personal property to prevent its deterioration.

Directs the Federal Government when entering into contracts with private businesses for the closure of a military base, to give preference to business located in the general vicinity of the closed military base. The bill's language specifically mentions environmental restoration and mitigation as an area where local small business should get preference in getting Federal contracts.

In drafting this bill, I have worked to include a wide range of concerns that have been brought to my attention, as a result of the experiences of northern Aroostook County that is confronting the prospect of Loring's closure in 1994. I welcome the input of any and all concerned Mainers, and other interested parties, as this measure works its way through the legislative process.

I strongly urge all of my colleagues in the House to demonstrate their support for efforts to help local communities survive the impact of a closed military base by cosponsoring the Comprehensive Base Closure Reform and Recovery Act.

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## TRIBUTE TO DON CARLOS HINES

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Ms. ESHOO. Mr. Speaker, with deepest regrets, I must advise you and my colleagues in Congress of the death last week of Dr. Don Carlos Hines. Dr. Hines, a Phi Beta Kappa graduate of Stanford University and a graduate of the Stanford Medical School, had a distinguished career as a doctor, drug researcher, and lecturer. Moreover, Don Carlos was a dedicated family man and a dear friend to many. He was a first cousin to our colleague, DON EDWARDS.

Don Carlos was a man of varied interests. After obtaining his medical degree, he practiced internal medicine in Palo Alto, during which he also taught at Stanford Medical School. In 1939, he accepted a medical research position at Eli Lilly & Co. in Indianapolis, where he managed clinical drug investigations, edited a text on pharmacology and therapeutics, and participated in production of several films on pharmacy. After 27 years with Eli Lilly, he returned to California to become a lecturer in medicine and pharmacology at the University of California Medical Center in San Francisco. During his 5 years there he also took on the computerization of the center's pharmaceutical records.

Don Carlos was also a founding member of Friends of the Stanford String Quartet and served on its board of directors until 1991. In addition, he was a talented golfer, an outdoorsman, and a world traveler.

Mr. Speaker, we have lost more than a notable medical professional and lecturer in Don Carlos Hines. We have lost a dear friend, someone whose charm, warmth, decency, and selflessness touched the lives of many. He will be missed dearly by his family and many friends, and I send condolences to his widow, Anne, and his family.

[From the Mercury News, Feb. 28, 1993]

DON HINES, 89, OF PALO ALTO, DOCTOR, DRUG RESEARCHER, LECTURER

Don Carlos Hines was a man of varied interests who was able to make careers in two related fields, both of them technically demanding.

Dr. Hines, 89, a physician and pharmacologist and a Palo Alto resident the past six years, died Feb. 15 of congestive heart failure at Stanford University Medical Center.

Dr. Hines was a Phi Beta Kappa graduate of Stanford University in 1927 and obtained his medical degree there as well. He and his wife, Anne, built their first home on the university campus in 1934.

He practiced internal medicine for several years in Palo Alto, during which he also taught at the Stanford medical school. In 1939, he accepted a medical research position at Eli Lilly and Co. in Indianapolis.

During his 27 years with the firm, Dr. Hines managed clinical drug investigations, edited a text on pharmacology and therapeutics and participated in production of several films on pharmacy. He retired in 1967 as director of medical special services.

Dr. Hines, who was born in San Jose, then returned to California and became a lecturer in medicine and pharmacology at the University of California Medical Center in San Francisco. During his five years there, he also took on the computerization of the center's pharmaceutical records.

Dr. Hines and his wife built a house at Sea Ranch on the Sonoma County coast, where he was president of the homeowners association during the early 1970s, when the development had difficulties with the new California Coastal Commission over public access requirements.

Dr. Hines was a founding member of Friends of the Stanford String Quartet and served on its board of directors until 1991. Another of his interests was Yosemite National Park, with which he became acquainted when he worked as a waiter at Camp Curry during summers of his college years.

During their 59 years of marriage, the Hineses traveled extensively throughout the world, including the Arctic, Antarctica and a three-week pack trip in the Sierra for their honeymoon.

Dr. Hines and his father, Dr. A. Don Carlos Hines, a San Jose physician for 47 years, were winners of the first father-son California golf championship in 1922 on the Del Monte course near Carmel.

"He was interested in everything, and he was an extremely thorough person," said his daughter, Judy Kramer of Palo Alto.

"When you traveled with him, he could tell you about the geological history of the area, about its people, what lay the other side of the hill. . . . He was a wonderful teacher, and that's what people remember about him."

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## THOUGHT FOR THE DAY

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mrs. SCHROEDER. Mr. Speaker, every day schoolteacher's jobs become more difficult in America. The economy and failing families push more duties on teachers and give them less to work with. The Select Committee on Children, Youth, and Families has tried to point this out in hearings but the following poem written by a young, energetic, idealistic teacher in my district says it all:

Everyday to the student who cries I say, tell me, I'll fix it.
Everyday to the student who fails to say, I know you can do it.
Everyday to the student who hits I say, you are loved.
Everyday to the student who succeeds I say, you did it.
Everyday to the student who risks I say, you've just begun.
Everyday to the student who doubts I say, you are important.
Everyday to the student who screams I say, I won't leave you.
Everyday to the student who laughs I say, you are appreciated.
Everyday to the student who hides I say, I'll keep looking.
Everyday to the student who helps I say, you are needed.
How do I say do without, wait your turn, there's none left, no more time, no more help?
How do I say you're too costly?
How can we make their needs match our bottom line?—by Diana Golden

## THE NATIONAL HEALTH CARE ANTI-FRAUD AND ABUSE ACT OF 1993

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. LEVIN. Mr. Speaker, it is my pleasure today to join with Mr. STARK in introducing a comprehensive piece of legislation to combat one of the greatest travesties in our country today—health care fraud, abuse, and waste. Our bill, the National Health Care Anti-Fraud and Abuse Act of 1993, will establish a seamless system for detecting, deterring, and prosecuting health care fraud and abuse. It will also make it easier for upstanding health care professionals to provide needed care. A section-by-section summary of the bill follows my statement.

I have long been involved in this issue. As you may remember, several years ago it was reported that some cataract surgeons in the Detroit area were abusing the Medicare program and receiving over $1 million each per year. We had a hearing on these provisions, and it was clear that inappropriate surgery was not proper health care. It was more like robbery of the taxpayers.

The Congress has heard of other instances of abuse and outright fraud from a variety of health care providers. These have included charging millions of dollars for laboratory tests which were never performed, or charging Medicare higher rates for the same lab tests than it does private insurance. In some cases Medicare has been charged many times the retail price of medical supplies, such as $200 for a foam mattress that wholesales for $29. Just last month a constituent sent me a hospital bill which included a $6 charge for simply being handed one pill. Recently, I myself was subject to an outrageous charge for medication—$90 for a prescription when an over-the-counter medicine was just as effective. There is clearly something very wrong with the way health care—the business of health care—is practiced in this country.

These are not new issues. The Ways and Means Health Subcommittee has held annual hearings on this issue, and the General Accounting Office [GAO] and others have issued numerous reports describing the problems and identifying specific solutions. In putting together this legislation we have also consulted with many groups including the GAO, the HHS's Office of Inspector General, the Department of Justice, and many private organizations about the best methods for attacking this problem.

Many popular publications and media sources have issued articles and reports about health care waste and fraud. Several of these have included advice to individuals about preventing fraud and waste. Individuals do have a vital role to play, but it must be accompanied by effective, coordinated efforts by the Federal, State, and private sources to protect the public from fraudulent and abusive practices.

It is estimated that of the over $800 billion we spent last year for health care in this country, up to 10 percent was wasted on fraudulent or unnecessary care. It appears that the abuses are getting more sophisticated, more organized, and more costly each year. That is why we need a coordinated national effort to match the sophistication of those who are violating the system. Our legislation provides just such an enhanced role for the inspector general's office in coordinating public and private efforts to prevent and prosecute fraud and abuse. Our legislation provides additional resources for the inspector general's office to reverse the relative stagnation in funding, which has occurred over the last decade.

In some cases the problems are with health care providers who are stretching or breaking the rules of the system by falsely billing or providing unnecessary care. If this were a children's game, and rules were merely being stretched, it might be OK. However, we are talking about the health, lives, and economic security of 260 million Americans.

Health care providers hold a public trust. It should be clearly noted that providers includes all types of health care workers, from physicians, to nurses, to ambulance companies, to clinical labs. I believe the trust embodied in the traditional patient-doctor relationship should extend to all health care providers. The trust people place in health providers is no less sacred than the public trust of elected officials—both are entrusted with the welfare of the people, and both are entrusted with billions of tax dollars. In addition, nobody should think that merely padding bills robs only the insurance company and not the individual. In fact, these acts of fraud hurt individuals through higher copayments, premiums, and taxes.

I have asked myself, "Is there any reason why health care providers should be held to any less of a standard?" I think not. That is why along with the comprehensive national all-payer antifraud and abuse bill, which we are introducing today, I am also joining Mr. STARK in cosponsoring H.R. 345, the Comprehensive Physician Ownership and Referral Act of 1993.

These two pieces of legislation together will help ensure that health care dollars are used honestly instead of lining the pockets of already wealthy health care entrepreneurs.

Yesterday the Ways and Means Health Subcommittee held a hearing on issues related to all-payer fraud and abuse. I look forward to soliciting additional ideas from the witnesses, and others, in order to further strengthen our efforts to assure the American taxpayers that their money and tax dollars are being spent on health care, not greed.

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## MICROSOFT ANTITRUST ACTION

### HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. KREIDLER. Mr. Speaker, I am inserting into the RECORD an important article from the March 8, 1993, edition of the Washington Post regarding an antitrust action being taken against Microsoft by the FTC. The products created by Microsoft are crucial, not only to the economy of the State of Washington, but to the United States in the markets of the world. However, some competitors have argued that Microsoft violated antitrust laws in order to gain an advantage in the computer marketplace. The FTC began investigating the matter 2 years ago, but, in all this time, has been unable to reach a consensus on the allegations. The author of this article suggests that Microsoft's success has been due to its hard work and careful product development, rather than unfair marketplace advantages. Indeed, Microsoft has played a significant role in bringing the United States to a position of a dominance in the world computer marketplace. It would be unfortunate if any FTC actions, taken in relation to this case, resulted in a loss of the innovative and important work done by Microsoft.

#### AN UNWARRANTED ANTITRUST CASE AGAINST MICROSOFT

(By T.R. Reid)

Something fascinating happened a few weeks back when I wrote a rave review in this space of Borland's great new spreadsheet program, "Quattro Pro for Windows." Readers started sending letters and faxes arguing that Microsoft Excel is better.

The comparative merit of spreadsheet programs is something PC buffs can and will argue about forever. I still think I'm right about Q-Pro, though readers made some forceful points. The fascinating thing about this reaction, however, is that anybody bothered to write at all. Excel wasn't even mentioned in the column. But users like the Microsoft Corp. product so much they wanted to argue its merits.

That tells you an awful lot about Microsoft, doesn't it? Here's a company that gets to know its customers so well and develops its products so carefully that people are moved to send unsolicited fan mail about Microsoft software to computer columnists. It's that kind of dedication and skill that has made Microsoft's MS–DOS and Windows the operating environments on nearly all of the personal computers in the world.

Microsoft's success in operating environments, in turn, has been a key reason for other U.S. companies' domination of the global PC hardware and software markets. That's what makes it depressing to report that the U.S. government still is evidently pursuing an investigation of Microsoft on antitrust grounds.

When this case was last discussed, it was noted that the Federal Trade Commission staff was reportedly talking to Microsoft's competitors, including WordPerfect, Lotus, Borland and other topnotch software companies that have watched in despair as Microsoft produced good programs at prices low enough to win a big chunk of the market.

One of the complaints often heard is that Microsoft has an unfair advantage because it makes and sells operating environments, like DOS and Windows, as well as the application programs that run in these environments. This may well be an advantage, but it's one that Microsoft earned. Any company could have written a program like Windows, but Microsoft was the one that actually committed the huge investment and the thousands of person-years required to do the job. It doesn't seem right for the government to punish a company for hard work.

Last month, according to numerous leaks reported in the trade press, the FTC commissioners met for their crucial vote on the case—and couldn't decide whether to act.

The key vote was reportedly 2-to-2 on a motion pushed by the FTC staff to issue an injunction against some Microsoft sales practices.

You might think, with no resolution after more than two years of digging, that the FTC would let sleeping dogs lie. But the regulators must not have enough to keep them busy, so the case against Microsoft will drag on.

This tends to bring to mind the government's long and ill-fated antitrust pursuit of International Business Machines Corp. back in the 1970s. This cost the taxpayers—not to mention IBM—millions of dollars, all based on the theory that IBM was too dominant for others to compete against. This belief was already doubtful, with competitors popping up in new computer lines, when the government ignominiously dropped the case after 13 fruitless years.

Today, of course, with IBM on the run in so many product lines, it's a sad joke to think of the company as too dominant.

Microsoft right now is a terrific company—smart, hard-working, adamantly refusing to sit back on its laurels. But Microsoft is no more impregnable than Big Blue was. You already can see the beginnings of tough competition for the next generation of PCs: the new RISC microprocessor chips various companies are producing that won't necessarily use MS-DOS; the competing "environments" under development like IBM's OS/2, the "Pink" system from the Apple Computer Inc.-IBM joint venture, Taligent and NextStep, the brainchild of PC industry visionary Steve Jobs.

This competition, in turn, will force Microsoft to make needed improvements in Windows, which is still slow and surprisingly clunky in daily use. The threat of competition will be a better corrective for whatever ails Microsoft than any remedy bureaucrats might come up with.

President Clinton is looking for 100,000 government jobs to eliminate. He might profitably start in the section of the FTC where a lot of people are spending their days on an unnecessary potential legal fight against a company that has made itself, by dint of hard work, a key asset for the United States in the markets of the world.

## PAYING THE POPULATION PIPER

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Ms. WOOLSEY. Mr. Speaker, last week Werner Fornos, president of the Population Institute, testified before the House Foreign Operations Subcommittee on International Population and Family Planning Priorities. I found his testimony both prudent and compelling, and a week after Mr. Fornos testified, the lead editorial in the San Francisco Examiner expressed strong support for his recommendations. I recommend to my colleagues the following editorial:

PAYING THE POPULATION PIPER

One of the most important changes President Clinton can make in U.S. foreign policy is relatively inexpensive and redeems a campaign pledge. He should immediately restore full funding to the United Nations Population Fund.

To repair this broken promise America made a quarter-century ago would cost about $100 million a year, less than 1 percent of our annual foreign aid budget.

The U.S. contribution to the U.N. fund was cut off by the Reagan administration in 1985 because some U.N. family planning funds were spent on abortion services. U.S. funding, which amounted to $46 million that year, was never restored. The Bush administration killed a $15 million appropriation last summer.

The U.N. Population Fund is the world's largest multinational provider of family planning assistance to developing countries, birthplace for 92 million of the 100 million people added to the world each year. More than 100 countries support the fund, and the United States was the biggest contributor from the fund's founding in 1967 until 1985. The world's population is 5.5 billion. If current trends continue, that number could double by the year 2050, and ultimately grow to 14 billion—or more.

Nothing is more intertwined in improving the human condition than limiting population. President Clinton has said that "the protection of the environment—as well as the daunting challenges of development, human rights, refugees and world health—are all related to the vital issue of population growth . . . The Earth's resources and delicate ecosystems are straining under this unsustainable burden."

The United States, Clinton said, can "lead the quest for sustainable development by supporting efforts to stem global population growth."

Family planning has worked. During the last 20 years, the number of women of childbearing age in the developing world using birth control increased from 9 percent to 50 percent, according to World Health Organization figures cited by Werner Fornos, president of the Population Institute, in testimony to Congress last week. And during those two decades, the average number of births per woman dropped from 6.1 children to 3.9.

Still, half the world's 910,000 daily conceptions are unplanned, Fornos said. Much education remains to be done.

Clinton has reversed other Reagan-Bush policies based on politics, including "ungaging" federal family planning clinics. He should do it again on population funding.

The United States has reneged on doing its share to help for eight years. It's time we lived up to our worldwide commitment.

## TRIBUTE TO MARTIN C. FAGA

### HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. GLICKMAN. Mr. Speaker, on March 5, 1993, Martin Faga completed 30 years of outstanding Government service when his resignation as Assistant Secretary of the Air Force for Space, and Director, National Reconnaissance Office [NRO] took effect.

Unless you served on the Intelligence Committee, or perhaps the Appropriations Subcommittee on Defense, you may not have known Marty Faga. For the past 3½ years, Marty led the NRO, an organization whose very existence had been, until a short time ago, highly classified. As head of the NRO, Marty was responsible for ensuring that the United States has the technological capacity to produce and maintain the spaceborne and airborne assets needed to acquire intelligence anywhere around the world. That intelligence is used to support such activities as the monitoring of arms control agreements, indications and warning, and the planning and conduct of military operations.

While Director of the NRO, Marty also served as the Assistant Secretary of the Air Force for Space, a position in which he was responsible for the supervision of Air Force space matters, with primary emphasis on policy, strategy, and planning. In addition to advising the Secretary of the Air Force and the Air Force Chief of Staff on space policies, plans, and programs, he coordinated relations between the Air Force and the other services, NASA, and the executive departments responsible for commercial space activities.

The members and staff of the Intelligence Committee took great pride in Marty's accomplishments in these positions because he was one of our own. Marty served on the staff from 1977 when the committee was established until he left for the executive branch in 1989. His expertise was in the program and budget area and, in addition to mastering the details of literally hundreds of intelligence activities, he directed the program and budget authorization staff for 5 years. His work on the committee was unfailingly thorough, and his recommendations always objective. Marty's judgment was respected and trusted by those who served on the committee. I can think of no higher compliment to pay anyone who works on a congressional staff.

Mr. Speaker, the Congress and the Nation have benefited significantly from Marty Faga's service. On behalf of the committee, I want to wish him continued success as he directs his talents and energies toward new challenges.

## THE FEDERAL GOVERNMENT SPENDS MILLIONS ON PARTIES AND COCKTAILS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. STARK. Mr. Speaker, less than a month ago President Clinton gave his State of the Union address. In it he aptly expressed the need to reduce the deficit with both spending cuts and tax increases.

Since the speech, I have received countless letters of support for the President's plan from my constituents. However, many have also expressed their concern that before the Federal Government raises taxes, we should eliminate wasteful spending.

In looking through the Federal budget for 1993, I have found a sizable amount of Federal spending which could be cut with no pain to the taxpayer.

This is the $8,775,775 we spent in 1993 for official receptions and parties.

These funds usually appear throughout the budget as, "official reception and representational expenses."

I am including in the RECORD a chart of the agencies which receive these funds so that my colleagues can better examine how this money is being spent. I think you will find that this is spending we can no longer afford.

President Clinton has already proposed cutting back on the Federal lobbying deduction and many businesses have reduced their entertainment and expense accounts in order to remain competitive. Congress should do no less.

I urge my colleagues to join me to make sure that these Federal cocktails are not included in the 1994 budget.

The table of Official Reception & Representational Funds in Fiscal Year 1993 Appropriations follows:

*Official Reception & Representational Funds in FY1993 Appropriations*

| | |
|---|---|
| Federal dollars spent on all representational and reception funds | $8,775,775 |
| Federal dollars spent on reception and representational funds overseas | 1,987,000 |
| Commerce, Justice, State, Judiciary, and Related Agencies: | |
| Department of Justice | 45,000 |
| Parole Commission | 1,000 |
| U.S. Attorneys | 8,000 |
| U.S. Marshals | 6,000 |
| FBI | 45,000 |
| Drug Enforcement Agency | 45,000 |
| Immigration & Naturalization Service | 5,000 |
| Federal Prison System | 6,000 |
| Equal Employment Opp. Comm. | 2,500 |
| Fed. Communications Commission | 4,000 |
| Federal Maritime Commission | 2,000 |
| Federal Trade Commission | 2,000 |
| Securities and Exchange Commission | 3,000 |
| State Justice Institute | 2,500 |
| Department of Commerce (official entertainment) | 3,000 |
| International Trade Administration (official representation expenses abroad) | 327,000 |
| Export Administration (official representation expenses abroad) | 25,000 |
| U.S. Travel & Tourism Administration (official representation expenses abroad) | 15,000 |
| Judiciary: | |
| Supreme Court | 10,000 |
| Administrative Office of U.S. Courts | 7,500 |
| Federal Judicial Center | 1,000 |
| U.S. Sentencing Commission | 1,000 |
| Office of U.S. Trade Representative | 98,000 |
| Small Business Administration | 3,500 |
| Department of State (representation allowances) | 4,900,000 |
| Diplomatic emergencies (representation expenses not included in total) | 1,000,000 |
| International Conferences and Contingencies (representation expenses not included in total) | 200,000 |
| Arms Control and Disarmerment | 100,000 |
| Board for International Broadcasting | 52,000 |
| International Trade Commission | 2,500 |
| USIA—domestic (entertainment and official receptions) | 25,000 |
| USIA—abroad (representation expenses) | 1,285,000 |
| Total | 7,032,500 |
| Legislative Branch Appropriations: | |
| Senate Majority Leader (representation allowances) | 15,000 |
| Senate Minority Leader (representation allowances) | 15,000 |
| Secretary of Senate (expense allowances) | 3,000 |
| Senate Sergeant at Arms (expense allowances) | 3,000 |
| Majority Secretary of State (expense allowances) | 3,000 |
| Minority Secretary of Senate (expense allowances) | 3,000 |
| Speaker of the House (official expenses) | 25,000 |
| House Majority Leader (official expenses) | 10,000 |
| House Minority Leader (official expenses) | 10,000 |
| House Majority Whip (official expenses) | 5,000 |
| House Minority Whip (official expenses) | 5,000 |
| Committee on House Administration (interparliamentary receptions and gratuities to heirs of House employees) | 632,000 |
| House Clerk | 1,000 |
| House Sergeant at Arms | 500 |
| Office Technology Assessment | 3,500 |
| Congressional Budget Office | 2,500 |
| Architect of the Capitol | 1,000 |
| Library of Congress—incentive awards | 5,000 |
| Library of Congress—Overseas Field Office | 12,000 |
| Government Printing Office | 2,500 |
| General Accounting Office.. | 7,000 |
| Total | 764,000 |
| Department of the Treasury: | |
| Dept. of the Treasury | 25,000 |
| Dept. of the Treasury—international | 73,000 |
| Federal Crimes Enforcement Network | 4,000 |
| Fed. Law Enforcement Training Center | 7,000 |
| Bureau of Alcohol, Tobacco, and Firearms | 10,000 |
| U.S. Customs Service | 20,000 |
| Internal Revenue Service | 25,000 |
| Secret Service | 12,500 |
| White House Office (official entertainment) | 20,000 |
| Official Residence of the Vice President | 90,000 |
| Administrative Conference of the U.S. | 1,000 |
| Federal Elections Commission | 5,000 |
| General Services Administration | 5,000 |
| Office of Government Ethics | 1,500 |
| Office of Personnel Management | 2,500 |
| | 301,500 |
| Total | |
| Foreign Operations: | |
| Export-Import Bank: Board of Directors | 20,000 |
| Agency for International Development: | |
| (entertainment expenses) | 5,000 |
| (representation allowances abroad) | 95,000 |
| Foreign Military Financing Program: | |
| (entertainment) | 2,000 |
| (representation allowances) | 50,000 |
| International Military Education and Training | 50,000 |
| Inter-American Foundation | 2,000 |
| Peace Corps | 4,000 |
| Trade and Development Program | 2,000 |
| Total | 230,000 |
| Agriculture, Rural Development, FDA, and Related Agencies: | |
| Office of the Secretary | 8,000 |
| Office of Dept. Secretary. | 3,000 |
| Fed. Crop Insurance Corp. | 700 |
| Ag. Conservation Prog. (for displays and exhibits at State, interstate, and international fairs within the U.S. not included in total) | 15,000 |
| Foreign Agricultural Service | 125,000 |
| Office of International Cooperation | 3,000 |
| Commodity Futures Trading Commission | 700 |
| Farm Credit Administration | 1,500 |
| Total | 141,900 |
| VA, HUD, and Independent Agencies: | |
| Dept. of Veterans Affairs | 25,000 |
| Department of Housing and Urban Development | 7,000 |
| Independent agencies: | |
| Consumer Product Safety Commission | 500 |
| Cemeterial Expenses, Army | 1,000 |
| Environmental Protection Agency | 6,000 |
| Executive Office of the President: | |
| Council on Environmental Quality | 875 |
| National Space Council | 1,000 |
| Office of Science and Technology Policy | 2,500 |
| Federal Emergency Management Agency | 2,500 |
| Federal Aeronautics and Space Administration | 35,000 |

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| U.S. Antarctic Research Activities | 2,500 |
| National Science Foundation | 6,000 |
| Selective Service System | 1,000 |
| Total | 90,875 |
| Departments of Labor, Education, Health and Human Services, and Related Agencies: | |
| Dept. of Health and Human Services | 37,000 |
| Dept. of Education | 7,500 |
| Dept. of Labor | 7,500 |
| Fed. Mediation and Conciliation Service | 2,500 |
| National Mediation Board | 2,500 |
| Total (Note: "no funds made available to the Corporation of Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for government officials or employees") | 57,000 |
| Department of Transportation and Related Agencies: | |
| Dept. of Transportation | 40,000 |
| National Transportation Safety Board | 1,000 |
| Interstate Commerce Commission | 1,500 |
| Panama Canal Commission—Board | 11,000 |
| Panama Canal Commission—Secretary | 5,000 |
| Panama Canal Commission—Administration | 30,000 |
| Total | 88,500 |
| Energy and Water: | |
| Army Corps of Engineers, Chief Engineers | 5,000 |
| Department of Energy | 35,000 |
| Bonneville Power Administration Fund | 3,000 |
| Western Area Power Administration | 1,500 |
| Federal Energy Regulatory Commission | 3,000 |
| Total | 47,500 |
| District of Columbia: | |
| Mayor | 2,500 |
| Chairman of City Council | 2,500 |
| City Administrator | 2,500 |
| Chief Judge, D.C. Court of Appeals | 1,500 |
| Chief Judge, Superior Court | 1,500 |
| Executive Officer of D.C. Courts | 1,500 |
| Total | 12,000 |
| Dept. of Interior and Related Agencies: | |
| Office of the Secretary | 7,500 |
| Dept. of Defense: | |
| Court of Military Appeals (representation expenses) | 2,500 |
| Military Construction | 0 |

Except where noted, the amounts listed are for "official reception and representation expenses."

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## ISSUES ON AGING

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. RANGEL. Mr. Speaker, I commend to the attention of my colleagues the comments and insights of Harvey Finkelstein, president/CEO of the Jewish Home and Hospital for Aged, in New York. Mr. Finkelstein offers some constructive suggestions for the financing of long-term health care. I am certain that his ideas will surface again in our continuing dialog on health care reform in the coming months.

ISSUES ON AGING—AN OPEN LETTER TO THE PRESIDENT AND TO CONGRESS

DEAR MR. PRESIDENT AND LADIES AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES SENATE: The heat and rhetoric of the national elections are behind us and the people have spoken. The challenges facing the Administration and Congress are great. The electorate has made it abundantly clear that healthcare is one of this nation's most pressing issues. And, nowhere is the need more pressing than among the elderly. There are 31 million Americans over age 65, and the numbers will increase dramatically in the years to come.

Two things have been happening simultaneously: The number of people needing longterm care is increasing rapidly, and the costs for such care are growing dramatically.

To avoid a crisis it is urgent to explore new alternatives in addressing longterm care needs. It is equally important to create fresh approaches in providing the funding for that care.

In recent years, a number of proposals have been made to change the way government pays for longterm care. These range from simple tinkering with existing systems, to creating radically new structures.

Based on long years of hands-on experience and the realities of the world of longterm healthcare, I offer these suggestions.

Let's start with Medicare. Most seniors learn too late that Medicare doesn't cover most of the costs of nursing home care. Medicare and Medicaid should be integrated to provide comprehensive services at home, in outpatient programs and in the nursing home. This integration would result in impressive savings and would serve all persons in need.

I also urge you to eliminate the discriminating practices against Alzheimer's patients who are currently not covered under Medicare. More funding is needed to conduct vital research in finding the cause, the cure and the prevention of this fatal disease, which afflict 4 million Americans—creating despair and imposing intolerable financial burdens on the millions of family members of these victims.

Touching on another matter, the supply of doctors trained in geriatric medicine is woefully inadequate to meet the needs of today's seniors. All nursing facilities should be encouraged to affiliate with medical schools or teaching hospitals, similar to the Jewish Home's affiliation with the Mount Sinai School of Medicine.

The training of medical students and graduate physicians is necessary to provide the medical expertise and leadership for tomorrow's nursing homes and hospitals and geriatric outpatient programs.

Here are some other promising concepts for consideration:

Tax changes—deductions and tax credits to encourage families to care for an impaired parent or relative.

Establishing tax-deferred Individual Health Insurance accounts—similar to existing IRAs.

Deregulation—to remove the extraordinary burden of paperwork on nursing home staff. This would free the staff to provide more "hands-on" care.

Creating conditions to help employers include certain long-term care benefits as part of their employee fringe benefits.

New or revised laws to encourage such innovations as home equity conversions or so-called reverse annuity mortgages to provide the cash needed to pay for services.

As America ages, we must find the way to provide and finance high quality care, both in the community and in our longterm care facilities. No older person should be forgotten or abandoned by our society.

Respectfully,

HARVEY FINKELSTEIN,
*President/CEO,*
*The Jewish Home and Hospital for Aged.*

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THE JEWISH HOME &
HOSPITAL FOR AGED,
*New York, NY, February 8, 1993.*

Hon. JOHN SHEINER,
*Office of Congressman Charles Rangel,*
*Washington, DC.*

DEAR MR. SHEINER: Emile Milme suggested that I write to you.

I am enclosing a tear sheet from our magazine, Vim & Vigor, as well as the magazine itself. The Congressman is on the mailing list.

We believe that the open letter from our chief executive officer gets right to the heart of one of our most pressing healthcare issues.

We know, of course, of Congressman Rangel's outstanding position on healthcare issues, and ask that he do us the honor of reading Mr. Finkelstein's comments into the Congressional Record.

Thank you for your consideration.

With all best wishes.

Sincerely,

ED SILVERMAN,
*Deputy Director, External Affairs.*

## VIEWS AND ESTIMATES OF PRESIDENT CLINTON'S DEFENSE BUDGET PLAN

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. SPENCE. Mr. Speaker, in an effort to keep my colleagues apprised of important defense issues, I would like to insert the following letter that I sent to Chairman SABO, of the House Budget Committee, on my views and estimates of President Clinton's fiscal year 1994–98 defense budget plan.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, March 5, 1993.*

Hon. MARTIN OLAV SABO,
*Chairman, Budget Committee, Washington, DC.*

DEAR MR. CHAIRMAN: Consistent with the Budget Act and your letter of February 18, 1993, I am providing to you and your colleagues on the House Budget Committee my "views and estimates" of President Clinton's fiscal year 1994–1998 defense plan.

I am, however, concerned with the accelerated schedule that the Budget Committee appears to be operating under. In your letter, you attribute the hurried schedule to "concern about the economy", yet last week the Commerce Department reported that the economy grew at a rate of 4.8% during the last three months of 1992, the best quarterly performance in five years. This performance means that the economy's 4.1% rate of growth during the second half of the last year was almost twice that of the first half of the year. As such, I am not convinced that the economic situation justifies considering a budget resolution before the President has even submitted his budget request.

In so much as President Clinton's February 17, 1993, presentation "A Vision for Change in America" provides few details beyond top-line spending figures, only general observations are possible. However, in order to put the President's five-year plan to cut the defense budget by $127 billion in budget authority (BA) and $112 billion in outlays into proper context, it is imperative to first understand the impact that eight consecutive years (FY 1986–93) of real decline in defense spending has already had on the U.S. military.

To date, since the Reagan-Bush defense build-down began in FY 1986, defense budget authority has declined by 27% in real terms. Had President Bush's FY 1994–97 defense plan been implemented, the real decline in defense spending would have amounted to 32%. Based on preliminary data, real decline in defense spending from FY 1986–97 under President Clinton's proposal could approximate 45%. Under either of the Bush or Clinton plans, by FY 1997 defense spending as a percentage of GDP will be at its lowest level since before World War II.

While President Clinton promises that his stimulus package will create 500,000 jobs over the next two years, DoD has put 530,000 active duty, reserve, and civilian personnel out of work since 1988. Last year alone, DOD cut 178,000 active duty personnel. When you consider dependents, the number of individuals impacted by these cuts easily doubles or triples. To put these personnel figures in a comparative context, the financial markets shook following General Motors' December 1991 announcement that it would lay-off 75,000 personnel over a four-year period.

Estimates of private sector defense-related lay-offs (direct only) resulting from the Reagan-Bush build-down of the last six years approaches 1 million. These industry figures reflect, at least in part, the fact that funding for the procurement of weapons systems has declined by 57% since 1985. For example, Secretary Cheney alone proposed termination of 129 weapon systems.

During the last four years, Base Closure Commissions have recommended the closure or realignment of 172 domestic bases, almost 10% of DOD's domestic base infrastructure. We anticipate significant additional closures of domestic bases this year and in 1995. Overseas, in the last three years DoD has announced it will end or reduce operations at 661 installations, representing approximately 40% of its overseas base infrastructure. Since 1990, the U.S. military endstrength in Europe has been cut by almost 50%, from 314,000 to approximately 171,000. It seems a foregone conclusion that U.S. troop strength in Europe will continue to drop to 100,000 or less under President Clinton. In the Pacific, the U.S. is already implementing a 25% troop reduction by 1995.

Despite the build-down, U.S. military forces have been continuously called upon to serve around the world as well as here at home in an expanding number of combat, crisis-response, humanitarian relief and domestic disaster relief missions. The post Cold War world is not necessarily a peaceful one. As former CIA Director Bob Gates has testified, "History is not over. It simply has been frozen and is now thawing with a vengeance."

Since the Reagan-Bush build-down began, U.S. forces have been employed in: resolving the Achille Lauro hijacking, the Gulf of Sidra several times, Operation El Dorado Canyon over Libya, Operation Blast Furnace in Bolivia, Operation Earnest Will escorting oil tankers in the Persian Gulf, the attempted coup in the Philippines, Operation Just Cause in Panama, Operation Desert Shield/Storm in the Persian Gulf and Operation Southern Watch in southern Iraq. During the same time period, U.S. forces have also conducted multi-faceted counter-narcotics operations. More recently, U.S. military forces have been called on to evacuate U.S. citizens and friendly foreign nationals from Somalia, Liberia and Zaire. Finally, U.S. forces have also been deployed as part of a United Nations peacekeeping force in the Sinai for over a decade.

In providing humanitarian relief, U.S. military forces have been involved in northern Iraq, Bangladesh, the former Soviet Union, the Philippines, Haiti/Cuba, America Samoa, Somalia and Bosnia during just the last three years. Here at home, U.S. troops assisted with disaster relief following the San Francisco earthquake, the Exxon Valdez oil spill in Alaska, the Los Angeles riots, Hurricane Hugo, Hurricane Andrew, Hurricane Iniki and Typhoon Omar. Moreover, DoD annually provides personnel and equipment to help fight forest fires throughout the United States.

It was in this context of DoD's expanding missions and declining budgets that Candidate Clinton announced in 1992 his proposal to cut defense $60 billion (BA) more than President Bush by FY 1997. At the time Candidate Clinton made this proposal, President Bush had already proposed a $50 billion budget authority and $41 billion outlay reduction in his six-year (FY 1992–97) defense plan.

Therefore, President Clinton's February 17, 1993, proposal to cut defense budget authority by $127 billion and outlays by $112 billion shocked me. In less than one year, President Clinton had more than doubled Candidate Clinton's proposal. Unlike Candidate Clinton, President Clinton also included an outlay cut of $112 billion, the impact of which could be staggering. Moreover, because the "Bush adjusted baseline" is $35 billion (BA) and $8 billion (O) below the FY 1994–98 Bush defense plan (submitted in January 1993), the actual cuts are even deeper.

I am concerned about level of military capability U.S. forces will be left with under President Clinton's proposal. It has been widely acknowledged by the media and pundits alike that President Clinton has been hoping to downsize the military consistent with then-Chairman, now Secretary of Defense, Aspin's so-called force structure "Option C". Although Chairman Aspin never formally presented his force structure options to the Armed Services Committee for deliberation, he did brief them to the Budget Committee early last year.

You will recall that beyond the so-called "Defense Foundation" of nuclear deterrence, U.S. territorial defense, reduced overseas presence, special operations forces, force modernization (including lift), a robust industrial base and protection of readiness, Option C was to provide U.S. forces sufficient size and capability to simultaneously conduct a Desert Storm-like operation, an air campaign in defense of South Korea, and a Panama-sized contingency, all the while maintaining a large enough rotation base of forces to allow for long-term deployments. At the time, Secretary Aspin estimated that his Option C capability could be provided for approximately $48 billion (BA) less than proposed by President Bush for FY 1993–97. This was tantamount to a doubling of the $50 billion (BA) cuts President Bush had already incorporated into his FY 1992–97 defense plan. The FY 1997 top-line defense spending figure associated with Option C was $270 billion (BA—in current year dollars).

President Clinton's five year, $127 billion (BA) cut, or four year $88 billion (BA) cut, is *two to three times deeper than cuts envisioned under Option C.* President Clinton's FY 1997 top-line defense spending figure is $249 billion (BA—current year dollars), not $270 billion. In fact, the Clinton $249 billion FY 1997 defense top-line spending figure is more in line with another of Secretary Aspin's force structure options—the less capable Option B.

Relative to Option C, U.S. forces under Option B would be capable of conducting two, not three, of the contingency operations discussed above and would not be robust enough to provide a rotation base to allow for long-term overseas deployments in time of conflict. As for specific forces relative to Option C, Option B provided: one less active Army division, four less Army National Guard divisions, two fewer active Air Force wings, two fewer Air National Guard wings, and 50 fewer Navy ships, including four fewer aircraft carriers. It would appear that President Clinton's Option C rhetoric may be masking a much smaller, far less capable Option B force structure. Of course, since none of us has seen the details of President Clinton's FY 1994–98 defense plan, definitive conclusions remain elusive.

Even lacking the specific details of the Clinton budget, the magnitude of the President's proposed cuts, the extremely high outlay cut relative to the budget authority cut, and the short time frame (FY 1994–98) within which these cuts will be implemented allows me to make several general observations.

The only way I can envision achieving the level of proposed outlay savings is to dramatically cut the fast-spending accounts within the DoD budget—i.e., personnel and/or operations and maintenance/readiness. If the cuts are focused on the personnel accounts, it is not clear that the President will be able to keep his promise of maintaining an active duty force of 1.4 million (down from the Bush Base Force of 1.6 million). In light of the increasing variety of costly early-out incentive programs, the traditional level of savings associated with personnel cuts will be reduced—i.e., paying people to get out costs money. Heavy reliance on personnel cuts to meet an outlay target may therefore require even deeper endstrength reductions than initially envisioned. How much deeper reserve component and civilian personnel would have to be cut is unclear at this time.

Whether or not we can avoid "breaking" the all-volunteer force if we subject it to the cutbacks under consideration remains to be seen. President Clinton's suggestion that military personnel accept a pay freeze in FY 1994 and be given cost of living adjustments below the rate of inflation in the outyears will not help.

If President Clinton is committed to his five year budget plan and an active duty force of not less than 1.4 million, all other accounts in the defense budget will inevitably face large reductions. Single *accounts* could be subjected to cuts larger than the $7 billion (BA) the Congress reduced the *entire* DoD budget request in FY 1993. Potentially debilitating cuts in the readiness accounts could threaten a return to the "hollow military" of the 1970's, while cuts in the force modernization accounts—accounts that have already been dramatically scaled-back under President Bush—could threaten the technological "edge" that President Clinton has vowed to maintain. At a minimum, such cuts will mean ever growing numbers of unemployed defense workers and, over the long-term, a loss of critical defense engineering and manufacturing skills that no "conversion" program can preserve.

Mr. Chairman, there are no easy ways to cut defense after the last eight years of down-sizing. For the most part, the "fat" has long since disappeared and we are now cutting into the "muscle" of our military forces—people and readiness.

Accordingly, I am unable to support President Clinton's FY 1994–98 defense plan. On the heels of the significant down-sizing and restructuring our military has already gone through under President Reagan and Bush, President Clinton's five year plan cuts too deeply and too rapidly.

Sincerely,

FLOYD D. SPENCE,
*Ranking Republican,*
*Committee on Armed Services.*

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## THE INDIAN TRIBAL JUSTICE ACT

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Indian Tribal Justice Act. This legislation provides for the amelioration of tribal justice systems and the improvement of tribal courts. One of the fundamental maxims of Indian law is that Indian tribes retain any and all sovereignty that is not specifically divested by the Congress. One fundamental exercise of sovereignty is the ability of tribes to administer justice on tribal lands. In 1968, the Congress ensured that tribal justice systems would operate into perpetuity by passing the Indian Civil Rights Act. In the 102d Congress, we affirmed the right of tribes to exercise jurisdiction over all Indians by enacting Public Law 102–137 which the President signed on October 28, 1991.

The funding requested by the Bureau of Indian Affairs for the operation of tribal courts is perennially inadequate. These funds must support the personnel and administrative costs for the operation of 133 tribal courts and 22 courts of Indian offenses. The operation of a tribal judicial system includes the need for probation services, child counselors, and the development of legal research capacities. The Bureau of Indian Affairs has continued to propose reductions in the face of increasing numbers of tribal court cases as well as the increasing numbers of tribal courts. Finally, the funding made available to Indian tribes for their judicial systems is not based on need but rather the funds are based on historic funding levels.

After much deliberation over the last few years, a consensus has developed among tribes on two matters concerning tribal courts. First, tribal justice systems are underfunded. Second, many tribes seek to form some sort of tribally chartered judicial conference. The bill provides for these two concerns.

First, it provides for the elevation of tribal courts to an office in the BIA. The Office of Tribal Justice shall be responsible for providing funds for the development, enhancement, and continuing operation of tribal judicial systems, for providing training and technical assistance to tribal judicial systems and to conduct research and study the operation of tribal judicial systems. The office shall be responsible for the provision of training and technical assistance to any Indian tribe upon request. The office shall establish an information clearinghouse on tribal judicial systems which shall include information on tribal court personnel, funding, tribal codes, and court decisions.

The office is authorized to make a survey of the conditions of tribal judicial systems to determine resources needed to provide for expeditious and effective administration of justice. This survey will be conducted with the active participation of Indian tribes. Indian tribes shall review and make recommendations regarding the findings of the survey prior to final publication of the survey. The office shall report its findings to the Secretary and the Congress.

The Indian Tribal Justice Act provides for base support funding to tribal judicial systems based on objective criteria. It would also require the office with the participation of Indian tribes to develop a funding formula which considers funding needs based on objective criteria.

Second, it allows tribally charted judicial conferences to contract for funding with the Bureau of Indian Affairs under the Indian Self Determination Act. This bold new concept allows tribes, on a voluntary basis, to form judicial conferences based on their own sovereignty. Once tribes form conferences, the conference becomes eligible to contract for all BIA funding for tribal courts that normally flows to individual tribes. I stress that this is voluntary and tribes choosing not to join a conference may either continue to receive services directly from the BIA or enter into their own 638 contract with the Bureau.

The Indian Tribal Justice Act authorizes $7 million to be appropriated for fiscal years 1994 through 2000 for the programs administered by the Office of Tribal Justice. It authorizes $50 million for fiscal years 1994 through 2000 to provide base support funding to tribal judicial systems for fiscal years 1994 through 2000. The bill provides $500,000 for fiscal years 1994 through 2000 for the administrative expenses of the Office of Tribal Justice. Finally, it provides $500,000 for fiscal years 1994 through 2000 for the administrative expenses of tribal judicial conferences.

Mr. Speaker, tribes clearly have the right and authority to operate justice systems. The United States clearly has the trust responsibility to ensure that these tribal justice systems are properly funded and provided with the proper technical assistance. The tribes have shown for years that they are capable of operating successful court systems on shoestring budgets. Now, it is of paramount importance that these courts receive the funding levels equal to the great task with which they are charged—the dispensation of fair and equal justice for Indian country.

The Subcommittee on Native American Affairs of the Committee on Natural Resources will be holding hearings on this important measure. I urge my colleagues to support this bill.

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## TRIBUTE TO MR. JAMES MICHAEL KEHOE

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. James Michael Kehoe of Menominee, MI. Mr. Kehoe is one of the last true New Deal Democrats.

James Kehoe was born on March 5, 1898, in Menominee. He attended Menominee High School through the 10th grade. In 1915, at age 17, James took a job at the Richardson Shoe factory; a job that paid 7 cents an hour. From 1916 until 1930, he was a cashier for the Carpenter Cook Co.

Like so many people, however, his life changed with the onslaught of the Great Depression, and the compassion of the Roosevelt administration. In 1933, charged by President Roosevelt's aggressive programs under the New Deal, James began the U.S. Employment Service Office for Menominee County. Later he took over the County Welfare Administration and the WPA.

He entered the U.S. Army in 1942 to defend his country against the aggression in Europe and served with distinction until his honorable discharge.

From the time of his discharge until 1970, James worked for several different companies in northern Michigan, usually as office manager. Amazingly enough, he always balanced his work in private enterprise with his fascination and dedication in the arena of public service.

In 1932, he was elected alderman of the seventh ward in Menominee County. He served two terms in this post. Following this, he served as chief supervisor on the County Board of Supervisors until 1948. In 1948, James was elected mayor of Menominee. He was reelected to his second term in 1950 and served until 1954. From 1953 until 1972, he served on the Selective Service Board. All in all, Jim ran for public office 14 times posting a record of 7 and 7; a record which I dare say would make many of my colleagues jealous.

Today, I wish join his wife Jeanette, his three sons, and his nine grandchildren on congratulating Jim on a fine career, and to thank him for his dedication to Menominee, MI, a place which will forever bear his mark.

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## NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MARKEY. Mr. Speaker, today I am pleased to introduce House Joint Resolution 138, to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week." This resolution will honor the thousands of public safety officers and employees whose job it is to coordinate, dispatch, and facilitate the execution of law enforcement and emergency response activities in all of our districts.

Every day, Americans place over one million calls to the 911 services. Public safety telecommunicators swiftly and efficiently direct the appropriate law enforcement, medical, rescue, and firefighting teams so that emergency services can respond promptly. The daily regimen of these public safety officers is filled with life-or-death crisis situations to which they must respond calmly, confidently, and with the utmost precision. An untold number of Americans owe their lives to the heroic efforts of these safety officers, yet public safety telecommunicators are virtually anonymous, working behind the scenes with little public recognition for the tremendous value of their service.

Last year, Congress showed its appreciation for public safety telecommunicators by passing and enacting House Joint Resolution 284, which designated the second week of April as "National Public Safety Telecommunicators Week." This resolution not only heightens the public awareness of the lifesaving communications services provided by public safety telecommunicators, it also recognizes the leadership of the Associated Public-Safety Communications Officers [APCO] in ensuring the continued quality of these services. With a national membership of 9,000 public safety telecommunicators, APCO is a unified voice for the public safety community in advising Federal, State, and local government agencies on ways to improve emergency response. The Subcommittee on Telecommunications and Finance, which I chair, has benefited from APCO's input on a number of important issues, which range from spectrum allocation for emerging telecommunications technologies to telephone privacy.

Moreover, as we progress further into the information age, advanced communications technologies will increase the capabilities of public safety telecommunicators. The emergency telecommunications systems of the future will incorporate new technologies such as digital mapping, solar-powered cellular public rescue phones, and "E-911", all of which will enable dispatchers to respond to emergency calls with greater speed and precision. Judging by their past performance, APCO and public safety telecommunicators will soon be on the cutting edge in employing these new technologies and services in order to save lives.

Mr. Speaker, I want to express my enduring appreciation and gratitude to the thousands of men and women whose efforts have long gone without the appropriate public recognition. I urge my colleagues to join me in cosponsoring this legislation.

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## TRIBUTE TO B. DOYLE MITCHELL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. TOWNS. Mr. Speaker, Today I rise to salute B. Doyle Mitchell, one of the leaders of the Nation's banking community.

Mr. Mitchell was the chairman and president of the Industrial Bank of Washington, the second largest minority owned bank in the country. Mr. Mitchell succeeded his father as Industrial's president in 1954 and as chairman in 1955. He was successful in increasing the bank's assets from $7 million to its value of nearly $200 million today. Under his reins, the bank was named the financial institution of the year by Black Enterprise magazine last year. Industrial Bank continues today as the Nation's oldest African American-owned bank.

Under Mr. Mitchell's direction, Industrial Bank continued its practice of focusing on small consumer loans, rather than commercial lending. Mr. Mitchell said the practice reflected the bank's historic commitment to individual black consumers in a city with a large African-American middle class.

Though he was a soft-spoken man Mr. Mitchell was a leader in many local and national organizations. In 1982 he became the first black president of the D.C. Bankers Association. He was also treasurer of the National Business League and a director of Metropolitan Washington, the Washington chapter of the American Red Cross, Insurance Agency Inc., the D.C. Chamber of Commerce, the Dolphin and Evans Title Insurance Co. and Georgetown University. He was a member of the Rotary Club of Washington, the Pigskin Club, Phi Beta Sigma Fraternity, the NAACP and the Lincoln Temple United Church of God of Christ.

B. Doyle Mitchell was a lifelong resident of Washington. He graduated from Dunbar High School and Howard University before attending the Wharton School of Finance at the University of Pennsylvania. He served in the Army during World War II and retired as a colonel in the Army Reserve in 1973.

Mr. Mitchell was a role model for all young people. He strove to make a difference in this world by bringing economic strength and business growth to communities which are traditionally underserved by the financial industry. He will be greatly missed.

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## TRIBUTE TO DAN BURDETTE MOORE, M.D.

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Dan Burdette Moore, M.D., who is retiring from his position as physician-in-chief of the Kaiser Permanente Medical Center in South Sacramento. He has held this leadership position since the medical center opened in 1984.

Dr. Moore's leadership at Kaiser Permanente Medical Center in South Sacramento has led to its growth from one outpatient clinic building to a full medical campus including three outpatient medical office buildings, a full hospital with state-of-the-art operating suites, a stand-alone inpatient psychiatric hospital, and a soon-to-be completed labor and delivery center.

Dr. Moore's outstanding career clearly demonstrates his dedication to the field of medicine and those he serves. He has held faculty appointments with Washington University School of Medicine as a full time instructor and associate professor of surgery; the University of Alabama as an associate professor of surgery; and the University of California, Davis, where he has held several posts.

Prior to his tenure as physician-in-chief at South Sacramento, Dr. Moore held key positions at Kaiser's Sacramento Medical Center, including director of surgical residency program, assistant chief of surgery, and assistant physician-in-chief.

Dr. Moore is a member of the American College of Surgeons, Phi Beta Pi Medical Fraternity, International Transplantation Society, editorial board of the journal Transplantation, Sacramento Surgical Society Board of Directors, Sacramento County Medical Society, California Medical Association, and the Western Surgical Association.

I know Dr. Moore's colleagues at Kaiser Permanente in South Sacramento will miss his presence as both a leader and a friend. I am sure they join me in wishing him happiness in his retirement which will allow him to spend many hours indulging in his favorite pastime of fishing on the Sacramento and American Rivers.

Mr. Speaker, it is with great pleasure that I rise to recognize Dr. Dan Burdette Moore for his achievements. I ask that my colleagues join me in wishing him happiness in his retirement.

## RECOGNIZING THE PEACE CORPS' ACCOMPLISHMENTS

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. GILMAN. Mr. Speaker, the Peace Corps, an institution that has made quite a difference in the world, recently marked its 32d anniversary.

At a time when we are all searching for ways to cut the Federal budget, we must remember that there are at least a few programs—such as the Peace Corps—that are meaningful, worthwhile, and cost effective.

For 32 years, the Peace Corps has done much to ease human suffering, assist international development, and promote U.S. interests abroad. In recent years, the Peace Corps has risen to meet the challenges of a rapidly changing world, as Peace Corps volunteers have arrived in new democracies across the globe, including the former Soviet Union. In its 32-year history, more than 135,000 volunteers have served in over 100 countries worldwide.

Both as a symbol of American goodwill and as a vehicle for real change throughout the world, the Peace Corps has contributed a great deal to U.S. foreign policy. Accordingly, I invite my colleagues to join with me in congratulating this venerable organization on its 32d birthday.

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## IN RECOGNITION OF A TRUE AMERICAN PIONEER

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. SCHAEFER. Mr. Speaker, I rise today to recognize and bring to the attention of the House the achievements of a distinguished constituent from Colorado, Capt. Elrey Borge Jeppesen. This week, Captain Jeppesen is being presented the Coors American Ingenuity Award during festivities hosted by the National Association of Manufacturers.

Captain Jeppesen's contributions to aviation began in the early 1920's as his passion for flying took him from barnstorming to becoming one of the Nation's first airmail pilots. With a pilot's license signed by Orville Wright, Captain Jepp's vision for safe, efficient navigation system evolved from notes he recorded in a little black book as he flew his airmail route in an open cockpit biplane. In those early days of aviation, pilots had little to rely on in the way of navigation aids except for their own skills and courage and an occasional phone call to local farmers to see what the weather was like up ahead. Jeppesen began sketching landing sites and noting obstacles and landmarks along his routes. From these hand-drawn notes came today's well-known Jepp charts which are used by the majority of the world's airlines and professional pilots.

Jeppesen's foresight and tenacity created a standard for worldwide air navigation that has been unequaled for almost 6 decades. Jepp charts, as they are known to the pilots who rely on them, quietly touch the lives of millions each day, as passengers and cargo are routed through busy airport terminals around the world, and as the pilots of lifesaving air rescue and air ambulance flights trust their Jepps to take them and their fragile cargo to a safe haven. In the cold mist of a Rocky Mountain winter almost 60 years ago, a lone airmail pilot with a vision helped change the course of aviation's future.

Captain Jepp's accomplishments reflect the components necessary in the advancement of American competitiveness in the world economy. Colorado-based Jeppesen Sanderson, the company that began as a little black book full of hand-drawn sketches and diagrams, now operates from facilities in Germany, England, and Australia, as well as across the United States. A liaison office here in Washington functions as Jeppesen's link with the Federal Aviation Administration, and a field office in Omaha provides flight planning support to the U.S. Air Force transport fleet. Today, the company is the world's largest provider of flight information services and has, over the past several years, expanded its operations to include a multitude of flight information and pilot training support services.

Captain Jeppesen has received numerous awards from his aviation family, and was most recently honored by having the main passenger terminal building at the new Denver International Airport named for him. The terminal building will house a bronze statue of Captain Jepp, which embodies the pioneering spirit of his early days in aviation, along with a museum tracing the history of air navigation and air safety, both of which were significantly influenced by Captain Jeppesen.

In closing, I would also like to take a moment to recognize the Coors Co. for their efforts in identifying and honoring great Americans such as Captain Jepp. The Coors award was created to honor individuals like Elrey Jeppesen who have forever changed the face of business. It is my great pleasure to bring the occasion of Captain Jeppesen's honor to the attention of my colleagues here in the House.

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## NATIONAL SERVICE: A GOOD IDEA THAT MUST BE CAREFULLY STRUCTURED

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MONTGOMERY. Mr. Speaker, I support the concept of national service, and I applaud President Clinton for advocating this notion. I sincerely believe that each of us has a responsibility to do what we can to improve our community, our State, our country, and our world. As the President stated in his remarks regarding national service, at Rutgers University last week, "* * * each of us has an obligation to service."

I also believe that benefits—particularly GI bill benefits—earned by those who volunteer to serve in our Nation's military—thereby subjecting themselves to the rigors, hazards, and discipline which are unique to military service—must be more generous than those earned by individuals who perform civilian duties under a national service program.

Military service is the essence of national service. What greater sacrifice can a citizen make than to put himself, or herself, in harm's way in order to preserve and defend the liberties all of us so deeply value? This potential for ultimate sacrifice should be rewarded accordingly.

A more pragmatic concern I have relates to the ability of the Armed Forces to recruit the smart, committed men and women they need to effectively maintain our national security.

Disturbing statistics show that the services are having difficulty maintaining the recruiting successes of recent years. Because of the widely publicized downsizing of the military and reductions in the services' advertising budgets, young people and the public at large think the Armed Forces are not hiring.

Consequently, in order to meet their quotas recruiters are being forced to accept applicants who score in the lowest acceptable level of the Armed Forces aptitude test.

If the benefits offered for performance of civilian duties under a national service plan are competitive with those offered for active duty in the Armed Forces, most young people will choose to help out in the nearby day care center rather than undergo the unique stresses and challenges of military life. The recruitment problems now being experienced by the Armed Forces would then be greatly escalated and could lead to the turbulence in the services that was so prevalent in the late 1970's and early 1980's.

Those who are working on President Clinton's National Service Program must keep these important issues in mind as they make final decisions regarding the structure of this program.

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## HAPPY BIRTHDAY TO CHARLIE GIBSON

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. MICHEL. Mr. Speaker, today is a landmark day for an individual with whom many of us in this House share a great friendship and fond memories.

Charlie Gibson, the host of "Good Morning America," is 50 today.

He's come a long way from those days of youth when he peered longingly at the gates to Wrigley Field hoping for an autograph of Ernie Banks and dreaming, just dreaming of the day he might play in the big leagues.

Charlie's path in life went in a different direction. He came to Washington more than a dozen years ago as a budding correspondent for ABC News. The years he spent on the Hill were good years for him and us. He was and remains today, one of the best, most professional and most objective, probing reporters to ever cover this House. He asked more questions and delved more deeply into the intricacies of the legislative process than many of his peers. It was a pleasure to talk with him and work with him. He was motivated by the highest standards of the journalistic profession and practiced his trade with openness, honesty, integrity, sound judgment, and a real feel for the interaction of politics and public policy.

Charlie's greater celebrity status as the highly successful host of "Good Morning America" has not undone those human and professional qualities which have endeared him to millions of Americans.

I hope you will all join in wishing Charlie a very happy birthday and continued success.

## PROTECTING THE PUBLIC FROM TOXIC CARPETS: THE EPA MUST ACT

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. SANDERS. Mr. Speaker, in March 1985, Linda Sands installed 130 yards of carpeting in her family's Montpelier, VT, home. Within hours, her house was penetrated by strong chemical fumes and her family's health problems began: Headaches, dizziness, burning throats, double vision.

After 3 weeks of chasing down the carpet installers, the Vermont Health Department, a private physician, and finally a private laboratory, Sands had the carpet removed and left her home for 6 weeks while her house was being cleaned. She thought that her problems were over. She was wrong. To this day, 7 years later, she and her five children are chronically ill from the carpeting installed that chilly March 7 years ago.

Sands told her story in October 1992, at a Senate subcommittee hearing which I asked Senator JOSEPH LIEBERMAN, chairman of the Senate Consumer and Environmental Affairs Subcommittee to convene. I made the request after being contacted by Dr. Rosalind Anderson of Anderson Laboratories in Dedham, MA. Dr. Anderson has devised a way to test carpet samples to see if they are emitting fumes that might be hazardous to human health. The test exposes mice to air that has been drawn over carpet samples.

While it is important to remember that not all carpeting gives off hazardous chemicals, Dr. Anderson's results are extremely disturbing. When she tested Linda Sands' carpeting, for example, all four of the test mice exposed to air blown over the carpets died within hours—even though the carpet sample was 7 years old. Carpeting from the Montpelier High School in Vermont, and the Vermont State Agriculture Building, also tested toxic.

In fact, of the 100 suspect carpet samples submitted to Dr. Anderson since we brought this issue to the public, virtually every one has produced ill health symptoms in the test mice—ranging from tremors to death. Of the many random samples that Dr. Anderson has purchased, about 25 percent have tested dangerous to human health, an indication that as much as one-fourth of all carpeting on the market may be hazardous.

To make matters worse, this problem seems to occur in a wide variety of brands and styles of commercial carpeting with some batches of the same line worse that others. Some scientists think that the problem stems from the process during which carpet fibers are adhered to their latex backing. It is not manufacturer-specific.

By establishing a causal link between illness and commercial carpeting, Dr. Anderson provides a powerful incentive for Government to protect the public health. In 1988, the EPA removed more than 20,000 square feet of new carpeting from its own Washington headquarters after hundreds of workers suffered health problems, some becoming permanently disabled from the toxic carpet. When replacing the carpet, the EPA set toxicity requirements, deciding, not to purchase carpet containing a specific chemical—4–PC. While acting immediately to protect its employees, only recently has the EPA taken action to warn and protect the general public.

Likewise, the Consumer Products Safety Commission refused to hear a petition to place warning labels on new carpets from the attorneys general of 26 States whose constituents echoed the complaints of Sands, experiencing a wide range of ill health effects from their carpeting. Since we publicized this issue, and stories were broadcast on the CBS "Evening News," and CBS "Street Stories," hundreds of people have contacted Dr. Anderson, CBS, and our office.

What can be done?

Dr. Anderson's test methodology has been approved by researchers at Consumers Union, and her test results have been replicated by Dr. Yves Alarie at the University of Pittsburgh, and by the carpet industry itself. In a recent meeting at my office, representatives of three divisions of the EPA acknowledged the importance of this issue and promised to move forward as quickly as possible to finish replicating Dr. Anderson's tests by June 1993. So far, all the tests—including those so far released by the EPA—have confirmed the results obtained by Dr. Anderson. If the final results of the EPA tests reaffirm the other results, it is my belief that the EPA is compelled under the Toxic Substance Control Act to force carpet manufacturers to change the production process to eliminate the health hazards now associated with certain carpets.

The EPA must also demand that the Carpet and Rug Institute, the lobbying arm of the carpet industry, suspend its so-called green tag program. Under that program, the industry tests one sample per year of a carpet line and gives it a green tag if it meets emission requirements, even though future batches may contain greater chemical emissions. This labeling program is grossly misleading because it gives consumers the false impression that the carpet they are buying has been tested and proves safe, when in most cases it has not. We are also asking the EPA to immediately suspend distribution of its deceptive brochure, "Indoor Air Quality and New Carpet—What You Should Know," and publish a new brochure which provides consumers with the most up-to-date findings in this area.

We are also pushing the EPA to work with other Government agencies such as the National Institute of Occupational Safety and Health to coordinate whatever resources and services are required to ensure that workers producing carpets are protected from potential health hazards. Representative MIKE SYNAR, chairman of the House Government Operations Committee Subcommittee on Environment, Energy and Natural Resources, and I hope to convene a hearing this spring, in order to ascertain what progress is being made by the EPA and the industry in addressing this serious public health concern.

The bad news is, that for too many years, the Consumer Product Safety Commission and EPA have failed to respond to consumer concerns regarding potential health hazards associated with carpets. The good news is that the EPA is now responding and replicating the important laboratory work done by Dr. Rosalind Anderson. A number of us in Congress will demand that EPA sticks to its schedule and acts vigorously to protect the public health.

## HOUSE JOINT RESOLUTION 137

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. COOPER. Mr. Speaker, I rise today to introduce a resolution to protect the natural gas consumers in my district. My resolution, House Joint Resolution 137, calls on the Federal Energy Regulatory Commission [FERC] to halt further implementation of Order No. 636 until the GAO report that Chairman Dingell and I asked for is completed.

Last April, FERC issued new regulations in Order No. 636 that required major changes in services provided by regulated interstate pipelines throughout the Nation. Though it was designed to increase the efficiency of the natural gas industry, I am worried that Order No. 636 might simply make gas cost more. The utility bills of residential and commercial consumers may well rise by several billion dollars a year. More importantly, this regulation could harm the reliability of natural gas service to residential customers and other high-priority end users, including hospitals and schools.

The regulations adopted by FERC in Order No. 636 force substantial changes in the structure of the various components of the natural gas industry. Meanwhile, FERC has not provided Congress with an analysis of the economic impact of Order No. 636 on the various classes of natural gas and users. That's because FERC has not conducted such analysis. On February 18, 1993, the FERC Acting Chair Elizabeth Moler confirmed that the Commission had used only limited economic analysis in drafting Order No. 636.

FERC is forcing one of the most important regulatory changes in the history of the gas industry without any hard evidence of the impact on the residential gas consumers it is sworn to protect. I am simply not willing to let my constituents' gas bills rise without some study being done of what they eventually may pay.

Last year, House Energy and Commerce Chairman JOHN DINGELL, Energy and Power Subcommittee Chairman PHIL SHARP, Representative THOMAS BLILEY, and I asked the General Accounting Office to conduct a study of Order No. 636's economic impacts. The GAO study will be complete in May 1993. Since FERC never bothered to do this analysis themselves, I think it is only prudent that FERC not be permitted to allow final implementation of Order No. 636 until the GAO report is complete.

I am introducing House Joint Resolution 137 to protect my constituents. Senator PAUL WELLSTONE shares my concerns and is introducing a similar resolution in the Senate today. I applaud his efforts and would like to thank him for his leadership on this role.

I urge my colleagues to support this resolution and keep environmentally sound, domestically produced natural gas both affordable and reliable.

## HONORING SOUTHERN CALIFORNIA BUSINESSMAN WILLIAM J. GRIFFIN

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. DORNAN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. William J. Griffin, of Griffin Hardware, on the occasion of his election to the presidency of the National Retail Hardware Association [NRHA].

Following in the tradition of his father, who opened Griffin Hardware back in 1953, Bill Griffin is the successful owner and operator of two family-run hardware stores in southern California. With the help of his wife, Sharon, and daughters, Shannon, Kelly, and Stacey, Bill has consistently provided quality products and services to the many customers that have sought his business over the years.

Knowing that NRHA's primary purpose is to assist hardware retailers with necessary services, programs, and information while representing their interests at all levels of government, I believe Bill Griffin will do an outstanding job as the newly elected president of NRHA. He has shown true dedication to the prosperity of the retail hardware industry, and has indeed became one of southern California's most able and respected leaders in the small business community.

I am confident that Bill's knowledge and expertise of the industry will help retail hardware businesses across the Nation become more viable and prosperous enterprises, and I would like to congratulate him on the occasion of his election to president of the NRHA.

## LEGISLATION TO AMEND THE NATIONAL HOUSING ACT TO REDUCE THE MINIMUM DOWNPAYMENT REQUIRED FOR A MORTGAGE IN DESIGNATED HIGH-COST AREAS

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mrs. MINK. Mr. Speaker, today I am introducing a bill that will propose to amend section 203 of the National Housing Act to reduce the minimum downpayment required for a mortgage on a 1- to 4-family residence located in Alaska, Guam, Hawaii, and the Virgin Islands to be eligible for mortgage insurance under this act.

The National Housing Act was amended last year to increase the downpayment requirement to 10 percent on the amount of a mortgage loan in excess of $125,000. This amendment unfairly excludes many potential home buyers from obtaining affordable housing in Alaska, Guam, Hawaii, and the Virgin Islands—markets with inflated real estate prices.

Currently, the maximum mortgage amount under the act for a one bedroom unit is 95 percent of the median of housing price in the area or 75 percent of the Freddie Mac limit.

Mr. Speaker, the most expensive housing market in the Nation is Honolulu, HI. In 1992, the average cost of a home was $349,700. In 1991, the average cost of a home in Honolulu was $338,700. In comparison, at the end of 1991, the average price of houses in the 32 markets studied by the Federal Housing Finance Board was $150,300.

In high-cost markets such as Alaska, Guam, Hawaii, and the Virgin Islands, a reduction of 5 percent in the downpayment on the amount in excess of $125,000 means the difference between obtaining an affordable housing unit or being caught in the oppressive rental market and unable to purchase a home.

The act currently requires a downpayment of 3 percent on the first $25,000; 5 percent on the amount between $25,000 and $125,000; and 10 percent on amounts above $125,000. This bill proposes to treat Alaska, Guam, Hawaii, and the Virgin Islands in a fair and reasonable manner, maintaining the 5 percent downpayment level for that portion of the mortgage loan in excess of $125,000. Last year's amendments to the National Housing Act, Public Law 102–550, failed to provide Alaska, Guam, Hawaii, and the Virgin Islands an exemption from the increase to 10 percent, but still required higher levels of insurance coverage only for Alaska, Guam, Hawaii, and the Virgin islands.

Mr. Speaker, the bill I am introducing today is not seeking favored status for Alaska, Guam, Hawaii, and the Virgin Islands, but rather is seeking equitable treatment and equal status under the National Housing Act.

In this spirit of fairness, I urge my colleagues to support this bill.

## RECOGNITION OF INTERNATIONAL WOMEN'S DAY

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. KOPETSKI. Mr. Speaker, yesterday was International Women's Day. This occasion gives every Member of Congress an opportunity to question human rights for women in this country and around the world. Women, predominantly in the developing world, continue to endure the cruelest human rights abuses, often under the guise of cultural norms.

In August of 1991, I had the opportunity through my work on the Judiciary Committee's Subcommittee on International Law, Immigration and Refugees to visit several refugee camps in Asia and the Middle East. In northern Thailand, I observed rampant prostitution, perhaps the cruelest human rights abuse, that was very much a part of this region's culture and economy. I attached a letter I received recently from a friend currently working in Thailand. This letter describes this situation in great detail: It is perhap's, the saddest, most tragic letter I have ever received. I have deleted names or replaced names with initials where appropriate and ask that the letter be printed in the RECORD at this point. As world citizens we have much to do in the area of human rights for women. Our national policies should reflect the concerns and goals we have identified as world citizens.

BANGKOK, THAILAND
*December 31, 1992.*

DEAR MIKE: Thank you very much for your November 5 letter and congratulations on your re-election.

A lot has happened since I last wrote you. K and I have not yet visited my mother in Annapolis or we would most definitely have given you a call. Unfortunately, K left me about four months ago, our parting was a friendly one. She had not contacted me until yesterday when she called to say she was leaving on the ten o'clock flight to Japan. She has entered into a two year contract to go there and work as a prostitute. This is something her family had been asking her to do since before she met me, one of the many strains on our relationship.

It's a long story, but the basic problem was that K was unable to break away from the same social problems and stigma that led to some of the more unfortunate scenes you witnessed during your visit.

Like her childhood girlfriends, K was expected to be a prostitute from an early age and she accepted this. She was sold at age 14 to a brothel in Bangkok, had a few very bad experiences, and wanted desperately to change her situation by the time she met me three years later. This is rare, most three year veterans tend to accept their lot, not K—she was too smart and too rebellious, which is why we fell in love. During the two years we were together she tried but just couldn't adopt a new life, it was too foreign for her. She needed more support than just me, it takes personal discipline for anybody to change themselves. K wanted it, but personal discipline is not the kind of thing you can get from a spouse. K needed family support or some sort of support structure that she could identify with.

If you had had a little more time with us I'm sure K would have told you her story. After your visit we talked quite a bit about you and what I thought you could do to effect a change for Thai women. She acted incredulous but I know she was impressed with the vision of what good works could be brought about by a caring American politician. When she called yesterday, I asked her what to write to you and what she thought you could do for Thai women. She said, "Tell Kopetski I am happy to know him" and "Only the King or maybe the new government can really do something to help us."

The only positive thing about all of this is that, in the two years that K and I were together she learned a great deal from the people (like you) that she came into contact with. This had a positive effect on her level of expectations in life, she will plan something different for her future children. Assuming of course, that she survives into retirement (mid to late 20s) with out contacting HIV/AIDS. I'm hopeful that she is smart enough to do so and Japan has an excellent health record in that regard.

As much as K learned she taught, to me and her American friends. She took us on an emotional tour of a world that few Americans can ever imagine and gave a face to the thousands of women locked in her social position. I love and miss her.

She promised to keep in touch from Japan and asked that I forward the addresses of our mutual friends once she has an address there.

This hasn't been an easy letter to write, I've been at it since early December, K's call was the final impetus. As hard as it is to recount this painful experience it is a hell of a lot easier than it was for K to get on that flight to Japan last night.

The solution lies, as K said, among the highest of the land. Accountability is what makes a leader react. If high level Thai leaders feel accountable they will act. They have to be seen by the world community and their own people, speaking out against the widespread practice of slavery that is thriving in this country. Only then will they feel that their "face" is on the line and that they are accountable. It has to become a big issue, tied in with U.S. assistance. Why does the U.S. government provide aid to a country whose police force is actively involved in slavery? The numbers are outrageous and there are NGOs in Thailand who can identify brothels being operated under the auspices of entire police forces, just like the ones K and I showed you.

Well, I want to get this off before the end of the year. Please give my best regards to.

Sincerely,

____ ____.

Mr. Speaker, I also attach for the record an excellent column written by Ellen Goodman that appeared in The Washington Post over the weekend. I particulary want to associate myself with the following paragraph, "We have to restructure a foreign policy that focuses on the environment, on population, on the world economy. We can only do that if women's rights and roles in everything from education to reproduction are part of the picture." I wholeheartedly agree and recommend Ellen Goodman's column to my colleagues.

[From the Washington Post, 1992]

### WOMEN ACTIVISTS IN A HUNDRED COUNTRIES

(By Ellen Goodman)

Boston—These are times when Americans have to slip a new set of lenses into an old pair of frames.

The political prescription that we wore for so long produced a kind of Cold-War myopia. For almost 50 years, we pictured the world in terms of East and West, the Soviet Union and America. It was virtually all we could see.

Now we are looking out again. The people and the problems that were once just outside our peripheral vision have come into clear view.

Ideed on Monday, the International Women's Day will mark a "see-change" in our understanding of the harsh realities of women's lives. It comes at time when women's rights are finally being included in the panorama of human rights.

The starkest example of this change has come with the reports by victims and witnesses from Bosnia. Rape was once regarded as an inevitable byproduct of war, if not an actual perk for warriors. But this year it is a war crime, slated to be a centerpiece of any tribunal called for by the United Nations.

In France, the genital mutilation of two immigrant girls from Gambia—a ritual clitoridectomy—would have once been dismissed as a religious or family affair. This winter, the mother who ordered the mutilation was sentenced to jail.

In Korea, women kidnapped and held captive as "comfort women" for Japanese soldiers had been silenced by shame since World War II. This year, they spoke out about sexual slavery.

In Canada, a Saudi woman sought political asylum on the grounds that she was in grave danger back home because of her views on the status of women. Now, after refusing and then allowing her permission to stay, the Canadian government is considering granting refugee status for the victims of gender discrimination.

From Kuwait, too, the world learned of more protests by Philippine maids held captive at their jobs. From India came the story of a 13-year old girl saved by a flight attendant after she had been sold into marriage by her parents to an elderly Middle Eastern buyer. And from the United Nations came the news that the Conference on Human Rights meeting in Vienna this June will include—for the first time—a substantial agenda of women's rights issues, from voting to violence.

It is not a coincidence that these stories have flashed into our line of moral vision now. It's the work of women in the international human rights community who have stripped off their organizations' old blinders. It's the work of women activists in a hundred countries where abuse once took place in the shadows.

The remarkable thing is that for so long a time, diplomats and foreign ministers dismissed the mistreatment of women as a private, not a public matter. As Dorothy Thomas, the head of women's rights for Human Rights Watch describes it, "Violence against women has been misconceived as a private thing, an incidental thing, an unfortunate thing and a cultural thing. Any thing but a human rights thing."

Indeed the range of laws and customs that enforce second-class status by sex were often defended as part of a country's tradition or religion. We tiptoed around these issues, talking discreetly in hushed diplomatic tones about cultural relativism.

Now, as Thomas says, "the women activists in these countries are saving themselves, 'there's a big difference between recognizing we come from different cultures and falsely using culture to justify a violation of human rights.'" It's the abusers, she says, who use the cultural defense.

The world long ago stopped excusing slavery. Anyone who tried to defend apartheid on the grounds of cultural relativism today would be laughed off the international stage. We are beginning to change attitudes toward women's status as well.

So, on this International Women's Day, the world's eyes will be open to violence as far abroad as Bosnia. Women's rights are being seen, literally seen, as human rights.

In our country we are sorting out priorities and policies for the post-Cold War world.

We have to restructure a foreign policy that focuses on the environment, on population, on the world economy. We can only do that if women's rights and roles in everything from education to reproduction are part of the picture.

This new vision of the world demands a very wide-angle lens.

Whether it's peace and reconciliation in the Central American nations of El Salvador, Guatemala, and Nicaragua, the Balkan conflict, Haiti, the newly independent states or the United States of America, women's human rights are fundamental to a healthy, prosperous and just society. I ask my colleagues to remember and recognize this every day here on the floor of the House of Representatives.

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## INTRODUCTION OF TRUST INDENTURE REFORM ACT OF 1993

## HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 9, 1993*

Mr. KLECZKA. Mr. Speaker, today I rise to introduce the Trust Indenture Reform Act of 1993, a bill that would strengthen protections for investors in publicly offered securities by updating the current law's provisions on successor liability to address new types of mergers.

The need for this amendment to the 1939 trust indenture law grew out of case in Wisconsin that involves two Milwaukee corporation. Many of my constituents have been adversely affected by this situation, some of them losing more than half the value of their original investment in Farm House bonds, and the remainder persevering in a class action lawsuit in the hope that they can recoup the full value of their investment.

How did this unfortunate situation come to pass? In 1979 and 1987 the Farm House Foods Corp., a holding company, offered $21 million in debentures. Many of my constituents bought these high-yield, low-grade bonds because they seemed to be a good investment. However, shortly after the public offering, Farm House transacted a convoluted series of share exchanges and stock sales with its subsidiary, Diana Corp. This flip-flop transaction in effect made Diana the new parent company. In reality, this transaction was a de facto merger of Farm House and Diana. Shortly afterwards, in 1989, Farm House declared bankruptcy and defaulted on payment of the bonds.

In merger cases, the successor corporation—Diana in this case—usually continues paying for the bonds and other debts of the issuer—Farm House in this case. However, because the transactions were share exchanges, Diana argues that it does not have to honor the Farm House bonds. The company bases this claim on the fact that the text of the 1939 trust indenture law does not explicitly cover share exchanges or equivalent transactions.

Enough is enough. The bald attempt by Diana to defraud Farm House bondholders has caused a great deal of pain, loss, and financial hardship for investors who had faith in the marketplace. The substance of Diana and Farm House's actions was a merger, even if the label under which it was carried out does not explicitly say so. Accordingly, the Trust Indenture Reform Act of 1993 closes this loophole in the 1939 law by inserting language that covers these types of transactions, and explicitly requires successor liability in share exchange transactions or other sorts of transactions that have an equivalent effect. Following my statement is a letter of support for this legislation from the Commission of Securities for the State of Wisconsin.

I strongly believe this legislation is needed to discourage other companies that may in the future seek to follow Diana's fraudulent example. Such a scenario is not as farfetched as it may seem because the amazing growth in the value of Diana stock recently has been spotlighted in the Wall Street Journal, USA Today, as well as the Milwaukee Journal, and Milwaukee Sentinel. In 1992, the value of the company's stock rose 181 percent. In fact, during the first 5 months of the Clinton administration, a time of uncertainty and loss for some stocks, the closing price of Diana stock rose from $7.875 for $173.9. While the company is raking in profits the bondholders are still awaiting payment.

The legislation I have introduced today sends a clear message that such money-making schemes will not be tolerated. The public's interest must be protected to maintain confidence in capital markets and promote a healthy economy. Without enactment of this bill, I strongly fear that other companies will mimic Diana.

For these reasons, I urge my colleagues on both sides of the aisle to support the Trust Indenture Act of 1993. This consumer protection measure deserves to become public law this year. Thank you.

STATE OF WISCONSIN,
OFFICE OF THE COMMISSIONER OF
SECURITIES,
*March 5, 1993.*

Hon. GERALD KLECZKA,
*U.S. House of Representatives,*
*Rayburn House Office Building, Washington, DC.*

Re congressional legislation to amend the Trust Indenture Act of 1939 to expand protections for public bondholders.

DEAR REPRESENTATIVE KLECZKA: This Office strongly supports the legislation you are introducing to amend the Trust Indenture Act of 1939 to expand that Act's protections for the benefit of public purchasers of bonds.

As you know, among the purposes of a trust indenture covering bonds sold to investors in public offerings is the providing of basic rights to, and protection for, bondholders when the corporate issuer of the bonds engages in certain transactions that affect the corporate issuer's ability to pay principal or interest on the bonds.

In particular, the so-called "successor liability for payment" provisions that are found in section 801 and 802 of the American Bar Foundation's Model Debenture Indenture Provisions seek to require "successors" resulting from either mergers with, or the sale of substantially all the assets of, an issuer of bonds, to assume payment responsibility on the bonds. However, as you are aware, the ABF Model provisions not only are outdated (having been created in 1967), but they also may be modified or even deleted from the trust indenture actually issued in any particular public offering of bonds. Wisconsin public bondholders have been adversely effected in at least one recent instance by the inadequacies of the successor liability provisions in the particular trust indentures covering the bonds involved.

We strongly support your legislation because it would provide three major benefits to investors in publicly-registered bond offerings under the federal securities laws:

(1) The trust indentures for such offerings would have successor liability provisions which would be updated, complete and flexible to assure that a "successor" to a corporate issuer of debt securities resulting from a merger or a sale of substantially all the assets or resulting from any other transaction having substantially equivalent effect assumes payment responsibility on the bonds.

(2) Because the specific language of such "successor liability for payment" sections would be mandated (as a result of your legislation) under the Federal Trust Indenture Act of 1939, issuers could not avoid its impact by making deletions or additions.

(3) The U.S. Securities and Exchange Commission, as the governmental agency administering the Trust Indenture Act of 1939, would have its present oversight responsibilities under the Act expanded to cover "successor" situations where regulatory action might be warranted on behalf of public bondholders.

In summary, this Office supports the legislation as being in the public interest and necessary for the benefit of public bondholders to remedy deficiencies in current law relating to trust indentures.

Sincerely,

WESLEY L. RINGO,
*Commissioner of Securities.*

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H.R. 1258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds that—

(1) interstate public offerings of debt securities by corporations and other entities that are registered under Federal securities laws are required to be covered by a trust indenture meeting the requirements of the Trust Indenture Act of 1939 ("1939 Act");

(2) a trust indenture is a contractual agreement between the issuer of the debt securities and a financial institution as trustee for the benefit and protection of public debtholders;

(3) a trust indenture under the 1939 Act sets forth certain responsibilities and rights of the issuer and the trustee, including the obligation of the issuer to make payment of interest and principal on the debt securities to debtholders, and it sets forth events of default which can trigger actions by the trustee on behalf of the debtholders to have the default cured or to otherwise obtain payment for debtholders;

(4) the 1939 Act does not, however, contain provisions that would require a successor corporation to the issuer resulting from a merger, consolidation, sale of substantially all of its assets, share exchange or other transaction having substantially equivalent effect, to assume payment responsibility for the predecessor/issuer's debt securities;

(5) sample trust indenture provisions set forth in sections 801 and 802 of the American Bar Foundation's Model Debenture Indenture Provisions ("ABF Model Indenture", approved and adopted in 1967) for registered public offerings of debt securities attempt to deal with the "successor responsibility for payment" situation, but fail to specifically cover "share exchanges" (which are types of corporate reorganization transactions developed subsequent to 1967) or "equivalent effect" transactions;

(6) issuers of debt securities are not currently required to include in their trust indentures any section dealing with the "successor liability for payment" situation, inasmuch as inclusion of the ABF Model Indenture provisions on that subject, in whole or in part, is voluntary by the issuer;

(7) certain issuers of debt securities to the public in registered offerings have engaged in share exchange transactions (that are substantially equivalent to mergers), with successor corporations, where such issuers have sought to avoid successor payment responsibility on the debt securities on the premise that the language of their trust indenture provisions regarding successor payment responsibility does not specifically cover share exchanges nor state that such sections would be applicable to any other transactions having effects substantially equivalent to a merger, combination, or sale of substantially all the issuer's assets; and

(8) it is appropriate and necessary for the protection of public purchasers of debt securities in publicly registered offerings under the Federal securities laws that trust indentures relating to such debt securities be required under the 1939 Act to have successor payment responsibility provisions, and that such provisions be drafted with language that is both complete and flexible in order to assure that a successor to an issuer of debt securities resulting from a merger or equivalent transaction cannot avoid payment responsibility that would disastrously injure public debtholders.

**SEC. 2. AMENDMENT TO THE TRUST INDENTURE ACT OF 1939.**

The Trust Indenture Act of 1939 is amended by adding after section 328 (15 U.S.C. 77bbbb) the following new section:

"MERGER, CONSOLIDATION, CONVEYANCE, OR TRANSFER.

"SEC. 329. (a) CONDITIONS ON TRANSACTION.—An issuer of any security subject to this title shall not consolidate with or merge into any other corporation or convey or transfer its properties and assets substantially as an entirety to any person, or engage in any equity or share exchange transaction with any other person or with the security holders of any other person which results in a reduction of the assets available to the issuer, or engage in any other transaction having a substantially equivalent effect, unless—

"(1) the corporation formed by such consolidation or into which the issuer is merged or the person which acquires by conveyance or transfer the properties and assets of the issuer substantially as an entirety, or the person which acquires the shares of the issuer or whose equity holders acquire such shares, in a transaction which results in a reduction of the assets available to the issuer, shall be a corporation organized and existing under the laws of the United States of America or any State or the District of Columbia, and shall expressly assume, by an indenture supplemental hereto, executed and delivered to the trustee, in form satisfactory to the trustee, the due and punctual payment of the principal of (and premium, if any) and interest on all the securities and the performance of every covenant of the indenture on the part of the issuer to be performed or observed;

"(2) immediately after giving effect to such transition, no event of default, and no event which, after notice or lapse of time, or both, would become an event of default, shall have happened and be continuing; and

"(3) the issuer has delivered to the trustee an officers' certificate and an opinion of counsel each stating that such consolidation, merger, conveyance, transfer, equity or share exchange transaction, or transaction having a substantially equivalent effect, and such supplemental indenture comply with this article and that all conditions precedent herein provided for relating to such transaction have been complied with.

"(b) RIGHTS AND OBLIGATIONS UNDER INDENTURE OF SUCCESSOR CORPORATION.—Upon any consolidation or merger, or any conveyance or transfer of the properties and assets of the issuer substantially as an entirely, or equity or share exchange transaction described in subsection (9), or any transaction having a substantially equivalent effect, in accordance with subsection (9), the person subject to subsection (a)(1) shall succeed to, and be substituted for, and may exercise every right and power of, the issuer under the indenture with the same effect as if such successor corporation had been named as the issuer: *Provided, however*, That no such consolidation, merger, conveyance, transfer, or equity or share exchange or other transaction shall have the effect of releasing the issuer, or any successor corporation which shall have become a successor by operation of this section from its liability as obligor and maker on any of the securities.".